

# City Council Meeting Notice & Agenda

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Wednesday, August 26, 2015  
City Council Chamber  
8401 West Monroe Street  
Peoria, AZ 85345

## Special Meeting

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 for the purpose of discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding: **(a)** negotiations with the Peoria Police Officers Association regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body pursuant to A.R.S. § 38-431.03.A.5; **(b)** negotiations for the purchase of real property located in the vicinity of 83rd Avenue and Peoria Avenue pursuant to A.R.S. §38-431.03.A.7; and **(c)** negotiations the potential sale of land and Lease Agreement with Arizona Broadway Theatre pursuant to A.R.S. §38-431.03.A.7.

### Adjournment

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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

2. An Executive Session for the purpose of discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding: **(a)** negotiations with the Peoria Police Officers Association regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body pursuant to A.R.S. § 38-431.03.A.5; **(b)** negotiations for the purchase of real property located in the vicinity of 83rd Avenue and Peoria Avenue pursuant to A.R.S. §38-431.03.A.7; and **(c)** negotiations for the potential sale of land and Lease Agreement with Arizona Broadway Theatre pursuant to A.R.S. §38-431.03.A.7.

#### 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**

**Roll Call**

**Final Call To Submit Speaker Request Forms**

## Regular Agenda

### New Business

3. **R - Appointments, Council Youth Liaison and Council Youth Liaison Alternate**

Discussion and possible action to approve the recommendation from the Council Boards and Commissions Subcommittee pertaining to the following appointments and adopt the Resolutions as presented:

- Adopt **RES. 2015-80** appointing Kendra Boden as the Council Youth Liaison;
- Adopt **RES. 2015-81** appointing Christopher Camacho as the Council Youth Liaison Alternate.

**SWEARING IN BY PRESIDING MUNICIPAL JUDGE GEORGE ANAGNOST AND SEATING OF NEW COUNCIL YOUTH LIAISON KENDRA BODEN AND COUNCIL YOUTH LIAISON ALTERNATE CHRISTOPHER CAMACHO.**

**RECESS** (Approximately 5 minutes)

**RECONVENE**

**Roll Call**

## Presentation

4. 2015 Special Olympics World Games
5. Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the July 7, 2015 City Council meeting:
  - Franklin Schiller to the Industrial Development Authority;
  - Richard Cobb to the Judicial Selection Advisory Board;
  - Michael Kwederis to the Personnel Board;
  - Gregory Jones to the Public Defender Contract Review Committee; and
  - Sam Owen to the Youth Advisory Board.

## Consent Agenda

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

## Consent

### 6. C - Disposition of Absence

Discussion and possible action to approve the absence of Councilmember Vicki Hunt from the Study Session and Regular City Council Meeting held on July 7, 2015.

### 7. C - Minutes

Discussion and possible action to approve the following minutes:

- June 2, 2015 Meeting Minutes
- June 4, 2015 Special Meeting Minutes
- June 16, 2015 Meeting Minutes
- July 7, 2015 Meeting Minutes

8. **C - Appointments, Boards and Commissions**

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

- Adopt **RES. 2015-86** appointing Scott Grainger as a regular member to the Building Board of Appeals;
- Adopt **RES. 2015-87** appointing Diane Alfonso as a regular member to the Citizens Commission on Salaries for Elected Officials;
- Adopt **RES. 2015-88** appointing Charles Bruen as a regular member to the Library Board;
- Adopt **RES. 2015-89** appointing Diane Alfonso as an alternate member to the Personnel Board; and
- Adopt **RES. 2015-90** appointing Sarah Wenrich as a regular member to the Youth Advisory Board.

9. **C - Grant, Attorney General's Office of Victim Services, Victims' Rights Program**

Discussion and possible action to: (a) accept \$10,097 from the Arizona Attorney General's Office of Victim Services for Peoria's participation in the Fiscal Year 2016 Victims' Rights Program; and (b) approve a budget adjustment in the amount of \$10,097 from the Proposed Grants Contingency account to the Victims' Rights Program Grant account.

10. **C - Intergovernmental Agreement, Peoria Unified School District, Sunrise Mountain High School Drywell Construction**

Discussion and possible action to approve an Intergovernmental Agreement with Peoria Unified School District to construct drywells at Sunrise Mountain High School utilizing funds from the Fiscal Year 2016 Capital Improvement Program Sunrise Mountain High School Basin Modifications account in the amount of \$64,600.

11. **C - Intergovernmental Agreement, Peoria Unified School District, Facility Use and Development Processing**

Discussion and possible action to authorize the City Manager to execute an Intergovernmental Agreement with Peoria Unified School District for general use of School Facilities and Development Processing.

12. **C - Intergovernmental Agreement Amendment, Regional Public Transportation Authority, Americans with Disabilities Act Paratransit Service**

Discussion and possible action to amend an Intergovernmental Agreement with the Regional Public Transportation Authority for reimbursement of allowable costs for transporting American with Disabilities Act riders through the Dial-a-Ride program.

13. **C - Intergovernmental Agreement, Tohono O'odham Nation, Northern Avenue Construction Improvements**

Discussion and possible action to adopt **RES. 2015-91** approving the Intergovernmental Agreement with the Tohono O'odham Nation for construction of improvements along Northern Avenue.

14. **C - Job Order Contract, J. Banicki Construction, Country Meadows Pavement Resurfacing**

Discussion and possible action to: (a) award a Job Order Contract in the amount of \$1,553,600 to J. Banicki Construction, Inc. to resurface the pavement in a portion of Country Meadows between 103rd Avenue and 107th Avenue and between Northern Avenue and Olive Avenue; and (b) authorize the use of Fiscal Year 2016 Capital Improvement Program funds in the amount of \$1,553,600.

15. **C - Land Use Agreement, Salt River Project**

Discussion and possible action to authorize the execution of a Land Use License Agreement with the Salt River Project (SRP) relating to the joint use of certain SRP well sites by the City of Peoria.

16. **C - Third Amendment to the Vistancia Community Facilities District Development, Financing Participation, and Intergovernmental Agreement**

Discussion and possible action to adopt **RES. 2015-92** approving the form and authorizing the execution and delivery of a Third Amendment to the Vistancia Community Facilities District Development, Financing Participation, and Intergovernmental Agreement and declaring an emergency.

17. **C - Amended and Restated Development Agreement, Vistancia Land Holdings**

Discussion and possible action to authorize the City Manager to approve the Amended and Restated First Amendment to the 2012 Amended and Restated Vistancia Development Agreement with Vistancia Land Holdings, LLC and other parties.

18. **C - Budget Amendment, Pioneer Community Park Projects, 83rd Avenue and Olive Avenue**

Discussion and possible action to: (a) approve a budget amendment in the amount of \$72,600 from the CIP Capital Project Contingency account to the Pioneer Community Park Concrete Replacement Project, CIP Capital Project Other Improvements account and \$70,000 from the CIP Capital Project Contingency account to the Neighborhood Drainage Program Project, CIP Capital Project Other Improvements account; and (b) authorize its expenditure for concrete replacement and drainage modifications at Pioneer Community Park, located on 83rd Avenue south of Olive Avenue.

19. **C - Budget Amendment, Fire-Medical Department, Battalion Chief Response Vehicle Replacement**

Discussion and possible action to approve a budget amendment and use of reserves in the amount of \$60,600 from the Fleet Reserve Fund Contingency account to the Fleet Reserve Fund, Trucks and Vans account for the purchase of one Ford F-350 Crew Cab 4x4 truck to replace the South Peoria Battalion vehicle.

20. **C - Budget Amendment, Sonoran Preservation Program, Quality of Life Initiatives**

Discussion and possible action to approve a budget amendment in the amount of \$45,000 from the Non-Departmental Budget Salaries and Wages account to the Professional Services account to assist with hiring of consulting services for city-wide initiatives.

21. **C - Investment Report, Quarter Ending June 30, 2015**

Discussion and possible action to review and accept the Investment Report as presented.

22. **C - P83 Building Reuse Program, Revitalization of P83 District**

Discussion and possible action to adopt the City of Peoria P83 Building Reuse Program to assist in the revitalization of the P83 District.

23. **C – Minor General Plan Amendment, Land Use Map, Vistancia Parcels A-5 and D-1 through D-4, Vistancia Boulevard and Lone Mountain Road, El Mirage Road and Lone Mountain Road**

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2015-93** approving an amendment to the General Plan Land Use Map for approximately 108 acres located within the Vistancia Master Planned Community by re-designating Parcel A-5 within Village A from Community Commercial to Medium-Density Residential (5-8 du/ac); and portions of Parcels D1 through D-4 from Mixed-Use/Regional Commercial and Higher-Density Residential (15+ du/ac) to Low-Density Residential (2-5 du/ac).

24. **C - Rezoning, Vistancia Parcels A-5 and D-1 through D-4, Vistancia Boulevard and Lone Mountain Road, and El Mirage Road and Lone Mountain Road**

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2015-18** rezoning approximately 108 acres of land within Village A and D of the Vistancia Master Planned Community from the existing Planned Community District to the proposed Planned Community District.

25. **C - Rezoning, Paradise RV Resort, 111th Avenue and Union Hills Drive**

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2015-19** rezoning approximately 75.53 acres located at the northeast corner of 111th Avenue and Union Hills Drive from RMH-3, Travel Trailer Park, to the Paradise RV Resort Planned Area Development (PAD) (Z15-0003).

26. **C - Correction, Church of Joy Annexation/Deannexation**

Discussion and possible action to adopt **ORD. 2015-13A** and **ORD. 2015-14A** correcting the legal descriptions and maps for Ordinance 2015-13 (ANX14-0001) and Ordinance 2015-14 (ANX14-0002) to allow the annexation and deannexation to proceed to hearing by the Maricopa County Board of Supervisors.

27. **C - Right-of-Way, 75th Avenue and Jomax Road**

Discussion and possible action to adopt **RES. 2015-94** authorizing the acceptance of right-of-way located along the 75th Avenue alignment north of Jomax Road associated with the Aloravita development.

28. **C - Deeds and Easements, Various Locations**

Discussion and possible action to adopt **RES. 2015-95** accepting Deeds and Easements for various Real Property interests acquired by the City.

29. **C - Final Plat, Trilogy West Phase 2 – Parcel C43, Upcountry Way West of Vistancia Boulevard**

Discussion and possible action to approve the Final Plat of Trilogy West Phase 2 – Parcel C43, located at Upcountry Way west of Vistancia Boulevard, subject to stipulations.

30. **C - Replat, Desert Harbor Parcel 18, 91st Avenue and Thunderbird Road**

Discussion and possible action to approve the Replat of Desert Harbor Parcel 18, located at 91st Avenue and Thunderbird Road, subject to stipulations.

31. **C - Replat, Units 90 and 91 of Building 8 of Olive Avenue Business Park Condominium, Olive Avenue and Loop 101**

Discussion and possible action to approve the Replat of Units 90 and 91 of Building 8 of Olive Avenue Business Park Condominium, located at Olive Avenue and Loop 101, subject to stipulations.

32. **C - Replat, Trilogy West Phase 1 - Parcel C42 - Tract B, Upcountry Way West of Vistancia Boulevard**

Discussion and possible action to approve the Replat of Trilogy West Phase 1 - Parcel C42 - Tract B, located at Upcountry Way west of Vistancia Boulevard, subject to stipulations.

33. **C - Replat, Cactus Heights Industrial Park Replat 2, 91st Avenue and Cactus Road**

Discussion and possible action to approve the Replat of Cactus Heights Industrial Park Replat 2, located at 91st Avenue and Cactus Road, subject to stipulations.

## Regular Agenda

### New Business

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

**PUBLIC HEARING:** RE: (a) A New Restaurant Liquor License (Series 12) for Peoria Artisan Brewery, located at 10144 West Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120; (b) A New Domestic Microbrewery Liquor License (Series 03) for Peoria Artisan Brewery, located at 10144 West Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120; (c) A New Restaurant Liquor License (Series 12) for Char Pizzeria Napoletana, located at 25101 West Lake Pleasant Parkway Suite #1320, Frank P. Mangieri, Applicant, LL#20012982; (d) A New Restaurant Liquor License (Series 12) for Twisted Italian, located at 9940 West Happy Valley Road Suite #1080, Brian R. Bojanowski, Applicant, LL#20013282; (e) A New Wine and Beer (Series 10) Liquor License for Ammi's Food Mart, located at 8271 West Thunderbird Road, Farhad Hyder, Applicant, LL#20012782; (f) A New Wine and Beer (Series 10) Liquor License for Peoria Valero #1637, located at 8322 West Olive Avenue, Baker Alloush, Applicant, LL#20013283; (g) A New In-state Craft Distiller (Series 18) Liquor License for Lucidi Distilling Co., located at 8307 West Washington Street, Christopher Q. Lucidi, Applicant, LL#20012962; and (h) A Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #1533, located at 7975 West Peoria Avenue, Clare H. Abel, Applicant, LL#10009913.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

**COUNCIL ACTION:** Discussion and possible action to recommend approval to the State Liquor Board for: (a) A New Restaurant Liquor License (Series 12) for Peoria Artisan Brewery, located at 10144 West Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120; (b) A New Domestic Microbrewery Liquor License (Series 03) for Peoria Artisan Brewery, located at 10144 West Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120; (c) A New Restaurant Liquor License (Series 12) for Char Pizzeria Napoletana, located at 25101 West Lake Pleasant Parkway Suite #1320, Frank P. Mangieri, Applicant, LL#20012982; (d) A New Restaurant Liquor License (Series 12) for Twisted Italian, located at 9940 West Happy Valley Road Suite #1080, Brian R. Bojanowski, Applicant, LL#20013282; (e) A New Wine and Beer (Series 10) Liquor License for Ammi's Food Mart, located at 8271 West Thunderbird Road, Farhad Hyder, Applicant, LL#20012782; (f) A New Wine and Beer (Series 10) Liquor License for Peoria Valero #1637, located at 8322 West Olive Avenue, Baker Alloush, Applicant, LL#20013283; (g) A New In-state Craft Distiller (Series 18) Liquor License for Lucidi Distilling Co., located at 8307 West Washington Street, Christopher Q. Lucidi, Applicant, LL#20012962; and (h) A Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #1533, located at 7975 West Peoria Avenue, Clare H. Abel, Applicant, LL#10009913.

35. **R - PUBLIC HEARING - Proposed Fiscal Year 2016 Water Rates and Various Administrative Fees**

**PUBLIC HEARING:** RE: Proposed Fiscal Year 2016 water rates and various administrative fees as part of the New River Utility Company acquisition.

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

**COUNCIL ACTION:** Discussion and possible action to adopt **RES. 2015-96** establishing the water rates and various administrative fees applicable to potential future customers served by the New River Utility Company, and making the new rates and fees effective October 1, 2015.

36. **R - PUBLIC HEARING – Minor General Plan Amendment, Three Olive Park, 103rd Avenue and Olive Avenue**

**PUBLIC HEARING:** RE: Minor General Plan Amendment, Three Olive Park, 103rd Avenue and Olive Avenue.

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. 2015-97** approving an amendment to the General Plan Land Use Map by re-designating the site encompassing approximately 40 acres of land located at the southeast corner of 103rd Avenue and Olive Avenue from Medium-High Density Residential (8-15 du/ac) to Medium Density Residential (5-8 du/ac).

37. **R - PUBLIC HEARING - Rezoning, Three Olive Park, 103rd Avenue and Olive Avenue**

**PUBLIC HEARING:** RE: Three Olive Park Rezone, 103rd Avenue and Olive Avenue.

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

**COUNCIL ACTION:** Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2015-20**, rezoning approximately 40 acres of land located at the southeast corner of 103rd Avenue and Olive Avenue from Multi-Family Residential (RM-1) and Intermediate Commercial (C-2) to Three Olive Park Planned Area Development (PAD) (Case Z14-0011).

38. **R - Agreement, Haydon Building Corp, Police Patrol Services Building and Offsite Improvements, Lake Pleasant Parkway and Pinnacle Peak Road**

Discussion and possible action to approve a professional services agreement with Haydon Building Corp in the amount of \$1,475,303 for design and preconstruction services for a new police patrol services building and related offsite improvements, located at Lake Pleasant Parkway, south of Pinnacle Peak Road.

**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**

39. **Council Calendar**

40. **Reports**

- A. Homeowners Association Interactive Map Available Publicly
- B. 2016 Fine Art Grant Recipients
- C. American Public Works Association Arizona Chapter - 2015 Public Works Project of the Year Award

**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.

41. **C - Disposition of Absence**

Discussion and possible action to approve the absence of Board Member Vicki Hunt from the Special Meeting held on July 7, 2015.

42. **C - Minutes**

Discussion and possible action to approve the July 7, 2015 Special Meeting minutes.

43. **C - Investment Report, Quarter Ending June 30, 2015**

Discussion and possible action to review and accept the Investment Report as presented.

### 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**

Agenda Item: 3R

**Date Prepared: August 17, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager  
**FROM:** Rhonda Geriminsky, CMC, City Clerk  
**THROUGH:** Susan Daluddung, Deputy City Manager  
**SUBJECT:** Council Youth Liaison and Council Youth Liaison Alternate Appointments

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**Purpose:**

This is a request for City Council to appoint Council Youth Liaison Alternate as recommended by the Council Subcommittee on Policy and Appointments as follows:

New Appointment

<b>Council Youth Liaison Position</b>	<b>Name</b>	<b>Term Expiration</b>
Council Youth Liaison	Kendra Boden	5/2016
Council Youth Liaison Alternate	Christopher Camacho	5/2016

**Background/Summary:**

Pursuant to Council Policy 1-14 the Council Subcommittee on Policy and Appointments makes appointment recommendations to Council for Council Youth Liaison and Council Youth Liaison Alternate positions.

**Previous Actions:**

On June 18, 2013, the Council adopted Ordinance 2013-12 which provides for appointment of Youth Ex-Officio members to Council. These positions are generally referred to as Council Youth Liaisons. Council also adopted Council Policy 1-14 *Youth Advisory Board Council Liaison Program* which outlines the purpose, eligibility, selection, and guiding principles of the program. This policy charges the Council Subcommittee on Policy and Appointments with making appointment recommendations to Council for these positions.

On August 11, 2015, the Council Subcommittee on Policy and Appointments interviewed and made an appointment recommendation for the Council Youth Liaison and Council Youth Liaison Alternate positions.

On August 17, 2015 a memorandum was submitted to Mayor and Council, outlining the appointment recommendation from the August 11, 2015 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

**Options:**

- A.** Appoint the recommended Council Youth Liaison and Council Youth Liaison Alternate.
- B:** Continue recruitment effort to fill the Council Youth Liaison and Council Youth Liaison Alternate position.

**Staff's Recommendation:**

This is a request for City Council to discuss and approve the recommendation from the Council Subcommittee on Policy and Appointments pertaining to the Council Youth Liaison and Council Youth Liaison Alternate and adopt the Resolutions as presented:

Adopt RES. 2015-80 appointing Kendra Boden, as the Council Youth Liaison with a term to expire May 2016.

Adopt RES. 2015-81 appointing Christopher Camacho, as the Council Youth Liaison Alternate with a term to expire May 2016.

**Fiscal Analysis:**

Charges for printing additional Council meeting packets will be charged to the City Clerk's Office Copy Services Account 1000-0150-520036.

**Narrative:**

If appointed, the new Council Youth Liaison and Council Youth Liaison Alternate will attend the August 26, 2015 City Council meeting to participate in a Swearing-in Ceremony and official seating.

**Exhibit(s):**

- Exhibit 1: Resolution No. 2015-80
- Exhibit 2: Resolution No. 2015-81

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

RESOLUTION 2015-80

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING KENDRA BODEN AS COUNCIL YOUTH LIAISON AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, KENDRA BODEN desires to be appointed as Council Youth Liaison.

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of KENDRA BODEN, as the Council Youth Liaison.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that KENDRA BODEN, is appointed as a Council Youth Liaison.

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

Kendra Boden

May 2016

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 26<sup>th</sup> day of August, 2015.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2015-80  
Page 2 of 2

Approved as to Form:

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-81

A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF PEORIA, MARICOPA COUNTY,  
ARIZONA, APPOINTING CHRISTOPHER CAMACHO  
AS COUNCIL YOUTH LIAISON ALTERNATE AND  
ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Christopher Camacho desires to be appointed as Council Youth Liaison Alternate.

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Christopher Camacho, as the Council Youth Liaison Alternate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Christopher Camacho, is appointed as a Council Youth Liaison Alternate.

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

Christopher Camacho                      May 2016

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 26<sup>th</sup> day of August, 2015.

CITY OF PEORIA, an Arizona municipal  
corporation

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2015-81  
Page 2 of 2

Approved as to Form:

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Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 4

**Date Prepared: August 10, 2015**

**Council Meeting Date: August 26, 2014**

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**TO:** Carl Swenson, City Manager  
**FROM:** John R. Sefton Jr., Community Services Director  
**THROUGH:** Jeff Tyne, Deputy City Manager  
**SUBJECT:** 2015 Special Olympics World Games

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**Summary:**

This year, July 25 to August 2, over 6,500 athletes with intellectual disabilities from 165 countries came together in Los Angeles to compete in the 2015 Special Olympics World Games. This world-wide sporting event takes place every four years and highlights the athletic abilities, teamwork, leadership and camaraderie of these special athletes. Through 21 different Olympic-style tournaments, these exceptional teams compete for the Gold, Silver and Bronze.

Five Special Olympics athletes and two coaches from Peoria's Adaptive Recreation Special Olympics program were selected to be on the Special Olympics USA Softball Arizona Team. These athletes proudly represented the USA, Arizona and the City of Peoria.

Peoria athlete, Vanessa Robles, was also a featured athlete on an ESPN special that aired prior to the Special Olympics World Games Opening Ceremonies.

Congratulations to Team USA – Arizona Softball Team who's determination, dedication and drive proved strong enough to bring home the Gold Medal!

**Special Olympics Mission Statement**

The mission of Special Olympics is to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the community.

**Contact name and Number:** John R. Sefton, Jr., 623-773-7135

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 5

Date Prepared July 9, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager  
**FROM:** Rhonda Geriminsky, CMC, City Clerk  
**THROUGH:** Susan Daluddung, Deputy City Manager  
**SUBJECT:** Board and Commission Appointments Presentation

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**Purpose:**

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

Appointments

Name	Board/Commission
Franklin Schiller	Industrial Development Authority
Richard Cobb	Judicial Selection Advisory Board
Michael Kwederis	Personnel Board
Gregory Jones	Public Defender Contract Review Committee
Sam Owen	Youth Advisory Board

**Background/Summary:**

Newly appointed board and commission members are invited to attend a Regular City Council meeting to personally accept *Certificates of Appointment* from the Mayor and City Council.

**Previous Actions:**

On June 9, 2015, the Council Subcommittee on Policy and Appointments recommended appointments for various boards and commissions.

On June 22, 2015, a memorandum was submitted to Mayor and Council, outlining the recommended appointments from the June 9, 2015 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

On July 7, 2015, City Council adopted Resolutions making the following new board/commission appointments:

Resolution No.	Member Name	Board/Commission	Member Status	Term Expiration
2015-72	Franklin Schiller	Industrial Development	Regular	June 2019

		Authority		
2015-73	Richard Cobb	Judicial Selection Advisory Board	Regular	June 2019
2015-74	Michael Kwederis	Personnel Board	Regular	December 2016 (partial term)
2015-75	Gregory Jones	Public Defender Contract Review Committee	Regular	June 2018 (partial term)
2015-76	Sam Owen	Youth Advisory Board	Regular	June 2017

**Options:**

This is a presentation item only.

**Staff's Recommendation:**

That the Mayor and City Council present *Certificates of Appointment* to newly appointed board/commission members who were appointed by Resolution at the July 7, 2015 City Council meeting.

**Fiscal Analysis:**

There is no fiscal impact regarding this item.

**Narrative:**

The newly appointed board/commission members have been invited to attend the August 26, 2015 City Council meeting to receive *Certificates of Appointment*.

**Exhibit(s):** There are no exhibits.

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

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
June 2, 2015

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

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

**Council Youth Liaisons:** Ian Mullane and Michael Helt.

**Members Absent:** None.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Andy Granger, Development and Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Brent Mattingly, Finance and Budget Director and Scott Whyte, Economic Development Services Director.

**Audience:** Approximately two members of the public were present.

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

## **CONSENT AGENDA**

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

Motion was made by Councilmember Hunt, seconded by Vice Mayor Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

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

Authorized the holding of an Executive Session for discussion and consultation with designated representatives of the public body to consider its position and instruct its representatives regarding negotiations for: (a) the potential sale of land and the Lease Agreement with Arizona Broadway Theater pursuant to A.R.S. § 38-431.03.A.7.; and (b) the purchase, sale or lease of real property located in the vicinity of Loop 101 and Peoria Avenue pursuant to A.R.S. § 38-431.03.A.7.

**ADJOURNMENT:**

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

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 6:11 p.m.

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

**Council Youth Liaisons:** Ian Mullane and Michael Helt.

**Members Absent:** None.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Rhonda Geriminsky, City Clerk; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately five members of the public were present.

## **STUDY SESSION AGENDA**

### **Subject(s) for Discussion Only**

#### 2. Digital and Static Billboards Near Bell Road and the Loop 101

Carl Swenson, City Manager, provided the history on the land near Bell Road and the Loop 101 regarding the attempts to place billboards on the land that negatively impacts Peoria residents.

Chris Jacques, Community Development Director, provided a status update regarding Becker Boards' request to place billboards on the land in question.

Mr. Jacques presented regarding:

- Glendale Palm Canyon site
- Becker Boards first proposal to the Glendale City Council
- Peoria's opposition points to Becker Boards first proposal to the Glendale City Council
- Becker Boards second proposal currently pending before the Glendale City Council

Discussion ensued regarding:

- Glendale City Council's feelings regarding the current proposal
- Revenue generation for the City of Glendale
- Restriction on advertisements on the billboards
- Glendale's Planning and Zoning Commission appeal process
- Number of proposals Becker Boards can submit after a denial
- Resolution in opposition of billboards

It was the consensus of Council to have a Resolution drafted demonstrating Peoria's opposition.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:27 p.m.

**EXECUTIVE SESSION AGENDA**

3. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion and consultation with designated representatives of the public body to consider its position and instruct its representatives regarding negotiations for: (a) the potential sale of land and the Lease Agreement with Arizona Broadway Theater pursuant to A.R.S. § 38-431.03.A.7.; and (b) the purchase, sale or lease of real property located in the vicinity of Loop 101 and Peoria Avenue pursuant to A.R.S. § 38-431.03.A.7.

**Clerk's Note:** In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

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

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

**Council Youth Liaisons:** Ian Mullane and Michael Helt.

**Members Absent:** None.

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

**Audience:** Approximately 20 members of the public were present.

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

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

Mayor Carlat announced that Agenda Item 6C was being removed from the agenda for discussion and possible action at a future City Council meeting.

Mayor Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Hunt, seconded by Vice Mayor Edwards, to approve the Consent Agenda with the exception of Agenda Item 6C. Upon vote, the motion carried unanimously 7 to 0.

4. **C - Disposition of Absence**

Approved the absence of Council Youth Liaison Ian Mullane and Council Youth Liaison Michael Helt from the City Council Meetings held on May 19, 2015.

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

Approved the recommendations from the Council Boards and Commissions Subcommittee pertaining to the following appointments and reappointments, and adopt the Resolutions as presented:

- Adopted **RES. 2015-56** appointing Ronald Friedman and reappointing Tisha Tulle-Webber as regular members to the Judicial Selection Advisory Board,
- Adopted **RES. 2015-57** reappointing James Abraham and Michael Evans as regular members to the Library Board,
- Adopted **RES. 2015-58** appointing Gloria Migal as a regular member to the Personnel Board,
- Adopted **RES. 2015-59** appointing Cassidy Gatrost, Caitlin King, Hailey Lekan, Wuxin Zeng, Destini Mohn, and Judith Patrick as regular members to the Youth Advisory Board.

6. **C - Code Amendment, Policy and Administration Procedures**

**Clerk’s Note: Agenda Item 6C was removed from the Consent Agenda for future action.**

Discussion and possible action to adopt **ORD. 2015-11** amending Section 2-163 of Chapter 2 of the Peoria City Code, 1992 Edition, with changes to the Administrative Procedures review process was removed from the agenda for discussion and action at a future Council meeting.

7. **C - Council Policy Amendment, CP 1-1, Teamwork and Cooperation**

Adopted an amendment to Council Policy CP 1-1, Teamwork and Cooperation.

8. **C - Council Policy Amendment, CP 1-2, Council Meeting Procedures**

Adopted an amendment to Council Policy CP 1-2, Council Meeting Procedures.

9. **C - Council Policy Amendment, CP 1-4, Requesting Use of Staff Time for Research Requests or Reports**

Adopted an amendment to Council Policy CP 1-4, Requesting Use of Staff Time for Research Requests or Reports.

10. **C - Council Policy Amendment, CP 1-5, Appointment to Boards and Commissions**

Adopted an amendment to Council Policy CP 1-5, Appointment to Boards and Commissions.

11. **C - Council Policy Amendment, CP 2-2, City Council District Funds**

Adopted an amendment to Council Policy CP 2-2, City Council District Funds.

12. **C - Council Policy Amendment, CP 2-3, Procurement Card Program**

Adopted an amendment to Council Policy CP 2-3, Procurement Card Program.

13. **C - Council Policy Amendment, CP 2-4, Special Allowance Programs**

Adopted an amendment to Council Policy CP 2-4, Special Allowance Programs.

14. **C - Council Policy Amendment, CP 3-4, Naming of Parks, Recreation Facilities and Special Areas**

Adopted an amendment to Council Policy CP 3-4, Naming of Parks, Recreation Facilities and Special Areas.

15. **C - Council Policy, Council Purchase of Food Guidelines**

Adopted Council Purchase of Food Guidelines.

16. **C - Intergovernmental Agreement, Arizona State University, Beneficial Uses of Green Organic Waste Study**

(a) Approved an intergovernmental agreement with Arizona State University to participate in a Valley-wide study of green organic waste and identify opportunities for regional solutions to collection, processing and transportation of such material; and

(b) Approved a budget amendment in the amount of \$16,000 from the Residential Solid Waste Fund Solid Waste Admin Advertising account to the Residential Solid Waste Fund Solid Waste Admin Other Professional Services account.

17. **C - Declare Surplus Property, Pleasant Valley Lift Station**

Adopted **RES. 2015-60** declaring the Pleasant Valley Lift Station, located on the east side of 99th Avenue north of Jomax Road, as surplus per the Council adopted Disposal of Surplus Land Policy and allow staff to dispose of it based on that policy.

18. **C - Maintenance Improvement District No. 1176, Tierra Del Rio Parcel 20B, 99th Avenue and Jomax Road**

Approved the Petition for Formation and adopted **RES. 2015-41** intention and ordering the formation of proposed Maintenance Improvement District No. 1176, Tierra Del Rio parcel 20B, located at 99th Avenue and Jomax Road; and adopted **RES. 2015-42** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

19. **C - Maintenance Improvement District No. 1157, Tierra Del Rio 21B, 99th Avenue and Jomax Road**

Approved the Petition for Formation and adopted **RES. 2015-45** intention and ordering the formation of proposed Maintenance Improvement District No. 1157, Tierra Del Rio 21B, located at 99th Avenue and Jomax Road; and adopted **RES. 2015-46** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

20. **C - Maintenance Improvement District No. 1113, The Meadows Parcel 12B, Lake Pleasant Parkway and Williams Road**

Approved the Petition for Formation and adopted **RES. 2015-49** intention and ordering the formation of proposed Maintenance Improvement District No. 1113, The Meadows Parcel 12B, located at Lake Pleasant Parkway and Williams Road; and adopted **RES. 2015-50** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

21. **C - Street Light Improvement District No. 1103, Tierra Del Rio Parcel 20B, 99th Avenue and Jomax Road**

Approved the Petition for Formation and adopted **RES. 2015-43** intention and ordering the formation of proposed Street Light Improvement District No. 1103, Tierra Del Rio Parcel 20B, located at 99th Avenue and Jomax Road; and adopted **RES. 2015-44** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

22. **C - Street Light Improvement District No. 1090, Tierra Del Rio Parcel 21B, 99th Avenue and Jomax Road**

Approved the Petition for Formation and adopted **RES. 2015-47** intention and ordering the formation of proposed Street Light Improvement District No. 1090, Tierra Del Rio 21B, 99th Avenue and Jomax Road; and adopted **RES. 2015-48** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

23. **C - Street Light Improvement District No. 1056, The Meadows Parcel 12B, Lake Pleasant Parkway and Williams Road**

Approved the Petition for Formation and adopted **RES. 2015-51** intention and ordering the formation of proposed Street Light Improvement District No.1056, The Meadows – Parcel 12B, located at Lake Pleasant Parkway and Williams Road; and adopted **RES. 2015-52** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

## **REGULAR AGENDA**

### **New Business:**

24a. **R - Appointments and Reappointments, Boards and Commissions**

Vice Mayor Edwards recused himself from the discussion and vote on Regular Agenda Item 24a due to a conflict of interest.

Carl Swenson, City Manager, presented an overview of the request to appoint Kaitlyn Edwards to the Youth Advisory Board.

Motion was made by Councilmember Patena, seconded by Councilmember Finn, to approve the recommendation from the Council Boards and Commissions Subcommittee pertaining to the following appointment, and adopt the Resolution as presented:

- Adopt **RES. 2015-64** appointing Kaitlyn Edwards as a regular member to the Youth Advisory Board.

Upon vote, the motion carried unanimously 6 to 0.

24. **R - Public Hearing - Liquor Licenses, Various Locations**

### **Staff Report:**

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

- (a) A New Restaurant Liquor License (Series 12) for The Heights, located at 20783 North 83rd Avenue Suite 112, Andrea Lewkowitz, Applicant, LL#20012644; and
- (b) A New Wine and Beer (Series 10) Liquor License for Carioca Shell #91, located at 9060 West Northern Avenue, Howard E. Magee, Applicant, LL#20012570.

Mr. Mattingly advised that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval and one comment was received from the public pertaining to the Liquor License Application for The Heights.

**Public Hearing:**

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

- (a) A New Restaurant Liquor License (Series 12) for The Heights, located at 20783 North 83rd Avenue Suite 112, Andrea Lewkowitz, Applicant, LL#20012644; and
- (b) A New Wine and Beer (Series 10) Liquor License for Carioca Shell #91, located at 9060 West Northern Avenue, Howard E. Magee, Applicant, LL#20012570.

Andrea Lewkowitz advised the Council that the owner of The Heights was in attendance to address any questions.

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

**Council Action:**

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

- (a) A New Restaurant Liquor License (Series 12) for The Heights, located at 20783 North 83rd Avenue Suite 112, Andrea Lewkowitz, Applicant, LL#20012644; and
- (b) A New Wine and Beer (Series 10) Liquor License for Carioca Shell #91, located at 9060 West Northern Avenue, Howard E. Magee, Applicant, LL#20012570.

Upon vote, the motion carried unanimously 7 to 0.

25. **R - Public Hearing - Off-Track Wagering License Renewal, Turf Paradise, located at 6750 West Peoria Avenue**

**Staff Report:**

Brent Mattingly, Finance and Budget Director, reported that all fees were paid and staff recommends approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Turf Paradise to telecast at Gallagher's of Peoria, located at 6750 West Peoria Avenue.

**Public Hearing:**

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on an Off-Track Wagering License Renewal for Turf Paradise to telecast at Gallagher's of Peoria, located at 6750 West Peoria Avenue.

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

Motion was made by Councilmember Finn, seconded by Vice Mayor Edwards to recommend approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Turf Paradise to telecast at Gallagher's of Peoria, located at 6750 West Peoria Avenue.

Upon vote, the motion carried unanimously 7 to 0.

**26. R - Adoption of Tentative Budget for Fiscal Year 2016**

Katie Gregory, Deputy Finance and Budget Director, outlined the proposed Tentative Annual Budget for Fiscal Year 2016. Information included:

- Council direction on budget development
- Fiscal Year 2016 Budget approach
- Operating Budget
- Capital Budget
- Budget history
- Proposed total tentative budget categories
- Summary of the Fiscal Year 2016 Budget
- Budget adoption schedule

Motion was made by Councilmember Patena, seconded by Vice Mayor Edwards, to adopt **RES. 2015-63** approving the Tentative Annual Budget in the amount of \$511,000,000 for Fiscal Year 2016.

Upon vote, the motion carried unanimously 7 to 0.

**27. R - Capital Improvement Program, Fiscal Years 2016-2025**

Katie Gregory, Deputy Finance and Budget Director, outlined the Capital Improvement Program for Fiscal Years 2016 through 2025. Information included:

- Key considerations in the Capital Improvement Program development
- Significant Capital projects
- 10-year funding sources
- 10-year planned uses
- History of adopted 10-year Capital Improvement Program
- Capital Improvement Program schedule

Motion was made by Councilmember Hunt, seconded by Councilmember Finn, to adopt **RES. 2015-61** approving the Fiscal Years 2016-2025 Capital Improvement Program.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

**28. R - Sonoran Preservation Program (Open Space)**

Chris Jacques, Planning and Community Development Director, presented an overview of the request to establish the Sonoran Preservation Program intended to identify areas that merit conservation and identify feasible strategies to fulfill the community's vision.

Mr. Jacques outlined the following:

- Key elements
- Identification model focused on protection, connection and preservation of resources
- Focus areas of interest
- Key program recommendations
  - Expand the City's planning area
  - Management opportunities with the Bureau of Land Management, Maricopa County and the State Land Department
  - Refine development standards to more effectively address cultural resources, scenic areas, edge treatments and wildlife corridors
  - Build support and expand partnerships
  - Identify funding resources and opportunities

Mr. Jacques concluded the presentation with a review of the progress to date and the next steps to implement the program.

Ian Dowdy, Sun Corridor Legacy Program Director for the Sonoran Institute, commended the staff and Council for the City's endeavors to protect its critical assets.

Robert Hall, a Peoria resident, addressed the Council in support of the program.

Sonia Perillo, Executive Director of the Desert Foothills Land Trust, addressed the Council in support of the program and the opportunities it provides to leave a permanent legacy for the community.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Binsbacher, to adopt **RES. 2015-62** establishing the Sonoran Preservation Program as the City's guiding document and implementation framework for the identification, prioritization and assemblage of areas of special interest into a meaningful network of connected open spaces for a variety of users.

Upon vote, the motion carried unanimously 7 to 0.

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

None.

### **Reports from City Manager:**

- A. Carl Swenson, City Manager, informed Council that their agenda packet contains information related to Development and Permitting Activity.
- B. Bill Mattingly, Public Works Director, recognized Rosie Lopez for placing first in the rear loader category at the Solid Waste Association of North America Road-E-O event on April 18, 2015.

C. Mr. Swenson informed Council that their agenda packet contains information on County Island Fire-Medical Subscriptions.

**Reports from City Council:**

Council Youth Liaison Helt extended his appreciation to the teachers at Liberty High School for making his freshman year a success.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone congratulated Council Youth Liaison Mullane for his acceptance to Harvard University.

Councilmember Hunt extended her best wishes to Battalion Chief Mike Moore and Fire Captain Rob Brewster who were involved in a vehicular accident while on duty. Councilmember Hunt reported on the various City of Peoria activities she attended.

Councilmember Finn thanked everyone who contributed to rebuilding a house for Tiara del Rio and Beau Zimbardo who lost their home in an explosion in October 2013.

Council Youth Liaison Mullane reported on his experience of working with the Council and learning the functions of the City.

Councilmember Binsbacher reported on the various City of Peoria activities she attended.

Vice Mayor Edwards announced that the Glendale Planning Commission will be conducting a meeting at the Glendale City Hall beginning at 6:00 p.m. on June 4, 2015 regarding digital billboards. Vice Mayor Edwards encouraged constituents to voice their opposition to the billboards being proposed at the exit of the Loop 101 and Bell Road.

**Reports from the Mayor:**

None.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:00 p.m.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 2<sup>nd</sup> day of June, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26<sup>th</sup> day of August, 2015.

(Seal)

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Rhonda Geriminsky, City Clerk

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
IRONWOOD CONFERENCE ROOM  
June 4, 2015

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

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

**Members Absent:** Councilmember Carlo Leone

**Other Municipal Officials Present:** Rhonda Geriminsky, City Clerk.

**Facilitator:** John Shannon

**Audience:** No members of the public were present.

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

## **CONSENT AGENDA**

Motion was made by Councilmember Patena, seconded by Councilmember Hunt, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 to 0.

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

Authorized the holding of an Executive Session for the purpose of discussion or consideration of assignment, appointment, promotion, or salary of a public officer or appointee pertaining to the evaluation process and performance reviews of the City Manager pursuant to A.R.S. § 38-431.03.A.1.

**ADJOURNMENT:**

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

## **EXECUTIVE SESSION AGENDA**

2. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion or consideration of assignment, appointment, promotion, or salary of a public officer or appointee pertaining to the evaluation process and performance reviews of the City Manager pursuant to A.R.S. § 38-431.03.A.1.

**Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.**

---

Cathy Carlat, Mayor

ATTEST:

---

Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 4<sup>th</sup> day of June, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26<sup>th</sup> day of August, 2015.

(Seal)

---

Rhonda Geriminsky, City Clerk

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
June 16, 2015

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

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

**Members Absent:** None.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Linda Blas, Deputy City Clerk; Bo Larsen, Public Information Director; and Bill Mattingly, Public Works Director.

**Audience:** No members of the public were present.

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

## **CONSENT AGENDA**

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

Motion was made by Councilmember Patena, seconded by Vice Mayor Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

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

Authorized the holding of an Executive Session for the purpose of discussion with legal counsel of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding Westbrook Village Golf Club irrigation water service pursuant to A.R.S.§ 38-431.03.A.3.

**ADJOURNMENT:**

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

## EXECUTIVE SESSION AGENDA

2. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion with legal counsel of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding Westbrook Village Golf Club irrigation water service pursuant to A.R.S. § 38-431.03.A.3.

**Clerk's Note:** In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 6:12 p.m.

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

**Members Absent:** None.

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

**Audience:** Approximately 25 members of the public were present.

## STUDY SESSION AGENDA

### **Subject for Discussion Only**

3. 2015 Peoria Leadership Institute Roundtable Discussion with Mayor and Council  
Mayor Carlat introduced the Council and each Councilmember provided opening remarks.

Council requested feedback on the Peoria Leadership Institute (PLI) and entertained questions from the PLI graduates.

Discussion ensued regarding:

- Caliber of City staff
- Economic development
- Mid-decade census
- Councilmember involvement in the PLI
- Police Department presentation

## City Council Meeting Minutes

June 16, 2015

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- Emergency management and the City's preparedness level
- Peoria's bond rating
- Peoria's school district
- Capital Improvement Plan
- Communicating to the public about the PLI class
- Board and Commission vacancies

### **ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:44 p.m.

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

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

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

**Council Youth Liaisons:** Ian Mullane and Michael Helt.

**Members Absent:** None.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; George Anagnost, Presiding Municipal Judge; Julie Ayers, Human Resources Director; Andy Granger, Development and Engineering Director; Katie Gregory, Deputy Finance and Budget Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately 50 members of the public were present.

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

**Presentation:**

4. Outgoing Youth Council Liaisons Ian Mullane and Michael Helt

Mayor Carlat and Vice Mayor Edwards presented plaques to outgoing Council Youth Liaisons Ian Mullane and Michael Helt in recognition of their service to the City.

5. Mayor Carlat and Councilmember Patena presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the June 2, 2015 City Council meeting:

- Ronald Friedman to the Judicial Selection Advisory Board; and
- Cassidy Gatrost, Caitlin King, Hailey Lekan, Destini Mohn, and Judith Patrick to the Youth Advisory Board

**Clerk's Note: Wuxin Zeng and Kaitlyn Edwards were not present to receive their certificates.**

6. Certificates of Completion for 2015 Peoria Leadership Institute Graduates

Mayor Carlat and Vice Mayor Edwards presented certificates to the graduates of the 2015 Peoria Leadership Institute.

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

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

Councilmember Leone requested that Agenda Item 16C be removed for separate discussion.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Patena, to approve the Consent Agenda with the exception of Agenda Item 16C. Upon vote, the motion carried unanimously 7 to 0.

7. **C - Minutes**

Approved the following minutes:

- April 21, 2015 Meeting Minutes
- May 5, 2015 Meeting Minutes
- May 18, 2015 Special Meeting Minutes

8. **C - Code Amendment, Policy and Administration Procedures**

Adopted **ORD. 2015-11** amending Section 2-163 of Chapter 2 of the Peoria City Code (1992 Edition) with changes to the Administrative Procedures review process.

9. **C - Code Amendment, Chapter 14, Moving Truck and Trailer Rental**

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2015-12** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-9, modifying regulations for Moving Truck, Trailer and Equipment Rental (TA15-0001).

10. **C - Grant, Arizona Criminal Justice Commission, Crime Victim Assistance Program**

- (a) Accepted \$29,550 from the Arizona Criminal Justice Commission for Peoria's participation in the Fiscal Year 2016 Crime Victim Assistance Program; and
- (b) Approved a budget amendment in the amount of \$29,550 from the Proposed Grants Contingency account to the Arizona Criminal Justice Commission Grant account.

11. **C - Intergovernmental Agreement, Peoria Unified School District, School Resource Officers**

Authorized the City Manager to execute an Intergovernmental Agreement with the Peoria Unified School District to assign four Peoria Police Officers to the campuses of Peoria, Sunrise Mountain, Centennial and Liberty High Schools as School Resource Officers.

12. **C - Intergovernmental Agreement, Arizona Department of Revenue, Tax and License Administrative Functions**

Adopted **RES. 2015-65** authorizing an Intergovernmental Agreement with the State of Arizona Department of Revenue for tax and license administrative functions beginning July 1, 2015.

13. **C - Contract Amendment, Maxwell Technologies, Economic Development**

Authorized the City Manager to execute the Second Amendment to the Economic Development Agreement with Maxwell Technologies.

14. **C - Contract Amendment, Presiding Municipal Judge**

Approved an amendment to the contract with the Presiding Municipal Judge for Municipal Judge Services.

15. **C - Contract Amendment, City Attorney**

Approved an amendment to the Terms and Conditions of Employment Agreement with the City Attorney.

16. **C - Contract Amendment, City Manager**

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

At the request of Councilmember Leone, Agenda Item 16C was pulled from the Consent Agenda for a separate vote.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Edwards, to approve an amendment to the Terms and Conditions of Employment Agreement with the City Manager.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

17. **C - Land Acquisition, Peoria Avenue and Loop 101**

- (a) Adopted **RES. 2015-66** authorizing the acquisition of property located at the southwest corner of Peoria Avenue and Loop 101; and
- (b) Approved the use of reserves and a budget adjustment in the amount of \$1,448,500 from the Half-Cent Sales Tax Fund to the Land Assembly Opportunity Fund project in the Half-Cent Sales Tax Fund.

18. **C - Fiscal Year 2016 Insurance Package**

Awarded the Fiscal Year 2016 insurance package as recommended by the City's insurance broker, Willis of Arizona, Public Entity Services with the Self-Insured Retention to maintain the \$1,000,000 per occurrence, and maintain the aggregate limit of all claims at \$4,000,000.

19. **C - Repurposing of Funds for Economic Development Activities**

- (a) Authorized the repurposing of an existing \$109,000 in one-time operational funds in order to supplement new economic development activities; and
- (b) Approved a budget adjustment in the amount of \$26,700 from the Community Promotions account to the Other Professional Services account.

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

Adopted **RES. 2015-67** accepting Deeds and Easements for various Real Property interests acquired by the City.

21. **C - Condominium Replat, 1500 Riverwalk Professional Center North, 77th Avenue and Deer Valley Road**

Approved the Condominium Replat of 1500 Riverwalk Professional Center North, located at 77th Avenue south of Deer Valley Road, subject to stipulations.

## REGULAR AGENDA

### **New Business:**

22. **R - PUBLIC HEARING - Liquor License, Good China, Located at 9180 West Union Hills Drive.**

### **Staff Report:**

Katie Gregory, Deputy Finance and Budget Director, reported on staff's recommendation to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Good China, located at 9180 West Union Hills Drive, Julie Z. Situ, Applicant, LL#20012812.

Ms. Gregory advised that the property was posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval and no comments were received from the public.

### **Public Hearing:**

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a New Restaurant Liquor License (Series 12) for Good China, located at 9180 West Union Hills Drive, Julie Z. Situ, Applicant, LL#20012812.

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

### **Council Action:**

Motion was made by Councilmember Patena, seconded by Councilmember Finn, to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Good China, located at 9180 West Union Hills Drive, Julie Z. Situ, Applicant, LL#20012812.

Upon vote, the motion carried unanimously 7 to 0.

23. **R - PUBLIC HEARING - Truth in Taxation, Primary Property Tax Levy Fiscal Year 2016**

### **Staff Report:**

Barry Houg, Budget Manager, presented a report on Truth in Taxation requirements and explained that final adoption of the property tax levy is scheduled for July 7, 2015.

**Public Hearing:**

Mayor Carlat opened the Public Hearing and asked if anyone would like to comment on the request to adopt **RES. 2015-69** by a roll call vote approving their intent to increase the total primary tax levy as required by State Statutes on Truth in Taxation.

There being no comments from those present to address this item, Mayor Carlat declared the Public Hearing closed.

**Council Action:**

Motion was made by Vice Mayor Edwards, seconded by Councilmember Patena, to adopt **RES. 2015-69** by a roll call vote to increase the total primary tax levy as required by State Statutes on Truth in Taxation.

Upon roll call vote, the motion was carried unanimously 7 to 0.

24. **R - PUBLIC HEARING - Fiscal Year 2016 Final Budget Adoption**

**Staff Report:**

Katie Gregory, Deputy Finance and Budget Director, reviewed the budget adoption process and schedule. Ms. Gregory outlined the components of the Operating Budget and the Capital Budget. Ms. Gregory provided a historical review of the City's budget over the past ten years. Ms. Gregory reported that the tentative budget adopted by Council on June 2, 2015 set the maximum appropriation at \$511 million for Fiscal Year 2015.

**Public Hearing:**

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to adopt **RES. 2015-70** approving the Final Annual Budget for Fiscal Year 2016.

Councilmember Leone voiced his objection to the increased water rates and widening of Northern Avenue included in the Fiscal Year 2016 Budget.

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

**Council Action:**

Motion was made by Councilmember Hunt, seconded by Councilmember Finn, to adopt **RES. 2015-70** approving the Final Annual Budget in the amount of \$511,000,000 for Fiscal Year 2016.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

25. **R - PUBLIC HEARING - Fiscal Year 2016 Property Tax Levy**

**Staff Report:**

Katie Gregory, Deputy Finance and Budget Director, presented a comparison of the City's property tax rate relative to neighboring jurisdictions.

Ms. Gregory advised the recommended property tax levy for Fiscal Year 2016 remains at \$1.44 per \$100 of assessed valuation and is based on a primary property tax rate of \$.19 and a secondary tax rate of \$1.25.

Ms. Gregory noted the proposed rate is expected to generate approximately \$16.9 million in Fiscal Year 2016.

**Public Hearing:**

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the City of Peoria property tax levy for Fiscal Year 2016.

There being no comments from those present to address this item, Mayor Carlat declared the Public Hearing closed.

**Council Action:** No Council action required.

26. **R - Resolution, Palm Canyon Planned Area Development (PAD) Amendment (Becker Boards)**

Chris Jacques, Planning and Community Development Director, provided background on a proposal to place digital billboards within the Palm Canyon Planned Area Development site, located at the Loop 101 and Bell Road in the City of Glendale, and the residential concerns regarding the proposal.

Mr. Jacques advised that the Glendale Planning Commission has unanimously recommended denial of the proposal, and final action by the Glendale City Council is scheduled for June 23, 2015.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to adopt **RES. 2015-71** opposing the Becker Boards proposal seeking a PAD Amendment (zoning change) on the Palm Canyon site in Glendale to enable the erection of two digital billboards.

Upon vote, the motion carried unanimously 7 to 0.

27. **R - Partial Amendment, Lake Pleasant Heights Development Agreement**

**Clerk's Note: Agenda Items 27R and 28R were presented together.**

Chris Jacques, Planning and Community Development Director, provided an overview of the request to approve a Partial Amendment to the Lake Pleasant Heights Development Agreement and the Lone Mountain Waterline Joint Development Agreement to construct a 36-inch waterline across the Agua Fria River.

Bill Mattingly, Public Works Director, outlined the agreements and presented information regarding:

- Purpose of the project
- Project scope
- Public/private partnerships
- Proportional cost share estimates

Motion was made by Councilmember Binsbacher, seconded by Vice Mayor Edwards, to approve the Partial Amendment to the Lake Pleasant Heights Development Agreement, which outlines the financial participation of IOTA Purple in completing the Lone Mountain 36-inch waterline.

Upon vote, the motion carried unanimously 7 to 0.

28. **R - Joint Development Agreement, Lone Mountain Water Distribution Project**

Motion was made by Councilmember Binsbacher, seconded by Councilmember Hunt, to approve the Lone Mountain Waterline Joint Development Agreement, a public/private partnership which outlines the City's and the developer's participation in the design and construction of the Lone Mountain 36-inch waterline.

Upon vote, the motion carried unanimously 7 to 0.

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

James Deibler, an Arizona State University West student, addressed Council in support of small businesses in downtown Peoria. Mr. Deibler voiced his opinion in favor of the West Valley Resort and Casino in order to bring prosperity to the region.

Connie Hupperts addressed Council to advocate for an anti-discrimination law based on sexual orientation.

**Reports from City Manager:**

29. **Council Calendar**

30. **Reports**

A. Economic Development Services Department Sales, Marketing, and Business Retention and Expansion 2014-2015 Report

Scott Whyte, Economic Development Services Director, summarized the department's sales, marketing and business retention and expansion activities.

B. Annual All-American July 4th Festival

John Sefton, Community Services Director, provided information on the All-American July 4<sup>th</sup> Festival to be held at the Peoria Sports Complex on Saturday, July 4, 2015 beginning at 5:00 p.m.

C. National Park and Recreation Month

John Sefton, Community Services Director, gave a brief presentation on National Park and Recreation Month in celebration of the importance of parks and recreation in the economic and environmental well-being of communities.

**Reports from City Council:**

Council Youth Liaison Helt thanked the Council for the experience provided to him as a Council Youth Liaison.

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

Councilmember Hunt extended her appreciation to the residents who attended the informational sessions regarding the Community Gardens Program. Councilmember Hunt invited Acacia District residents to a community meeting to be held on June 24, 2015 at Fire Station 191, located at 8066 West Peoria Avenue.

Councilmember Finn offered his best wishes to Council Youth Liaisons Mullane and Helt. Councilmember Finn thanked the Council for approving the Intergovernmental Agreement with the Peoria Unified School District for the School Resource Officers Program.

Council Youth Liaison Mullane thanked the Council and City staff for the opportunity to serve as a Council Youth Liaison.

Councilmember Binsbacher recognized Council Youth Liaisons Mullane and Helt for representing the youth in Peoria. Councilmember Binsbacher thanked the 2015 Peoria Leadership Institute graduates for their commitment to increase their knowledge of City government.

Councilmember Patena thanked Council Youth Liaisons Mullane and Helt for their service to the Council and the City of Peoria.

**Reports from the Mayor:**

Mayor Carlat offered her congratulations to Council Youth Liaisons Mullane and Helt. Mayor Carlat thanked Mr. Mullane and Mr. Helt for representing the youth of the community.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:30 p.m.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 16<sup>th</sup> day of June, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26<sup>th</sup> day of August, 2015.

(Seal)

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Rhonda Geriminsky, City Clerk

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
July 7, 2015

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

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

**Members Absent:** None.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; and Bobby Ruiz, Fire Chief.

**Audience:** No members of the public were present.

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

## **CONSENT AGENDA**

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

Motion was made by Councilmember Hunt, seconded by Vice Mayor Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

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

Authorized the holding of an Executive Session for the purpose of discussion and consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located in the vicinity of Happy Valley Parkway and 91st Avenue pursuant to A.R.S. § 38-431.03.A.7.

**ADJOURNMENT:**

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

## EXECUTIVE SESSION AGENDA

2. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located in the vicinity of Happy Valley Parkway and 91st Avenue pursuant to A.R.S. § 38-431.03.A.7.

**Clerk's Note:** In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:49 p.m.

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

**Members Absent:** Councilmember Vicki Hunt.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Julie Ayers, Human Resources Director; Andy Granger, Development and Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately five members of the public were present.

## STUDY SESSION AGENDA

### **Subject for Discussion Only**

3. Emergency Management Center Overview

Carl Swenson, City Manager, introduced the City of Peoria Emergency Preparedness Plan.

Bobby Ruiz, Fire Chief, introduced Rick Pickard, Deputy Fire Chief; Glenn Jones, Emergency Preparedness Coordinator; Bill Mattingly, Public Works Director; Roy Minter, Police Chief; and Bo Larsen, Public Information Director.

## City Council Meeting Minutes

July 7, 2015

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Chief Pickard presented regarding the City's Emergency Operations Plan (EOP) including:

- Event specific sub-plans
- Emergency Operations Center (EOC)
- Activation of the EOC

Discussion ensued regarding:

- EOC locations and backup locations
- How and when to activate the EOC
- Partial/limited EOC use
  - Stand-by mode
  - Partial/limited activation
  - Full Activation
- Activation types and incidents

Mr. Larsen presented regarding the role of the Public Information Office during an emergency.

Discussion ensued regarding:

- Communication during an emergency
- Responsibilities during an emergency
  - City Manager
  - Mayor
  - City Councilmembers
  - EOC personnel

Mr. Mattingly outlined the use of the EOP/EOC during a storm incident. Steps included:

- Prepare
- Respond
- Recover
- Mitigate

Chief Minter outlined the use of the EOP/EOC during threats of terrorism, including:

- Review and disseminate intelligence information
- Training
  - Critical incident
  - Active shooter
- Response
- Special Events

Chief Ruiz outlined medical training received by the Peoria Fire Department.

Discussion ensued regarding mobile field force training.

Chief Pickard presented regarding participating in functional exercises in order to maintain proficiency during an emergency.

Discussion ensued regarding decision-making during an emergency.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:42 p.m.

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

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

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

**Members Absent:** Councilmember Vicki Hunt.

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

**Audience:** Approximately 50 members of the public were present.

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

**Presentation:**

4. Recognition of Diamond Club Captains Serving for 20 Seasons

Mayor Carlat presented plaques to Rex Bowen, Con Gallagher and Sis Harris in recognition of their volunteer service as captains of the Peoria Diamond Club during the past 20 years.

**Clerk's Note: Chuck Strange accepted plaques on behalf of Rex Bowen and Con Gallagher.**

5. Proclamation Recognizing the Heroism of Alyce Hope Jenkins

Mayor Carlat read aloud a Proclamation declaring July 7, 2015 as Alyce Hope Jenkins True Heroism Day.

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

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

Vice Mayor Edwards requested that Agenda Item 17C be removed for separate discussion.

Motion was made by Councilmember Patena, seconded by Vice Mayor Edwards, to approve the Consent Agenda with the exception of Agenda Item 17C. Upon vote, the motion carried unanimously 6 to 0.

6. **C - Minutes**

Approved the May 19, 2015 City Council Meeting minutes.

7. **C - Appointments and Reappointments, Boards and Commissions**

Approved the recommendations from the Council Boards and Commissions Subcommittee pertaining to the following appointments and reappointments, and adopt the Resolutions as presented:

- Adopted **RES. 2015-72** appointing Franklin Schiller as a regular member to a term to expire in June 2019, to the Industrial Development Authority,
- Adopted **RES. 2015-73** appointing Richard Cobb as a regular member to a term to expire June 2019, to the Judicial Selection Advisory Board,
- Adopted **RES. 2015-74** appointing Michael Kwederis, as a regular member, to a partial term to expire June 2016, to the Personnel Board,
- Adopted **RES. 2015-75** appointing Gregory Jones as a regular member, to a partial term to expire in June 2018, to the Public Defender Contract Review Committee,
- Adopted **RES. 2015-76** appointing Gabrielle Acosta and Sam Owen as regular members, to terms to expire in June 2017; and reappointing Holden Jacobs as a regular member to a term to expire in June 2017, to the Youth Advisory Board.

8. **C - Intergovernmental Agreement, Arizona Department of Transportation, Safety Data Mart Connectivity**

Authorized the City Manager to execute the Data Access/Exchange Agreement with the Arizona Department of Transportation to establish a new term for Safety Data Mart connectivity.

9. **C - Contract, MGC Contractors, Inc., Butler Reclaimed System Expansion – Phase II**

Approved a contract not to exceed \$1,167,273 with MGC Contractors, Inc. to construct the second phase of the Butler Reclaimed System Expansion project, as approved in the Fiscal Year 2016 Budget.

10. **C - Contract, R K Sanders, Inc., Deer Valley Road; 109th Avenue to Lake Pleasant Parkway Construction Project**

(a) Approved a contract not to exceed \$1,170,422 with R K Sanders, Inc. for the construction of the Deer Valley Road; 109th Avenue to Lake Pleasant Parkway project; and

(b) Approved a 20 percent project contingency to cover possible contract amendments related to unforeseen conditions or owner requested changes, as approved in the Fiscal Year 2016 Budget.

11. **C - Contract, Zenon Environmental Corporation, Butler Drive WRF Membrane Replacement Project**

Approved a contract with Zenon Environmental Corporation, for a fixed price of \$2,998,800 to provide wastewater treatment membrane modules for the Butler Drive Water Reclamation Facility, as approved in the Fiscal Year 2016 Budget.

12. **C - Contract Renewal, Greater Phoenix Economic Council**

(a) Authorized the City Manager to renew the service contract with the Greater Phoenix Economic Council for economic development activities in Fiscal Year 2016; and

(b) Approved the use of funds in the amount of \$72,041 from the Half-Cent Fund City Participation Outside Programs account.

13. **C - Contract Extension, Emergency Transportation Services, Professional Medical Transport Incorporated**

Approved a six-month contract extension for Emergency Transportation Services with Professional Medical Transport Incorporated expiring February 18, 2016.

14. **C - Lease Agreement Amendment, Theater Works**

Approved the Third Amendment to the Improved Property Lease Agreement with Theater Works.

15. **C - Settlement Agreement and Release, Adrian v. City of Peoria**

Approved a settlement agreement and release in regards to a pending litigation case, Adrian v. City of Peoria.

16. **C - Budget Amendment, Real Property Land Acquisition Litigation Costs**

- (a) Approved the one-time use of Transportation Sales Tax Fund reserves; and
- (b) Approved a budget amendment in the amount of \$50,000 from the Transportation Sales Tax Contingency Fund account to the Transportation Sales Tax Fund Land Acquisition account to cover litigation costs in connection with a real property acquisition and litigation regarding a roadway easement at 94th Avenue and Thunderbird Road.

17. **C - Notice of Intention, Water Rates**

**Clerk's Note: This item was heard separately after Regular Agenda Item 30R.**

At the request of Vice Mayor Edwards, Agenda Item 17C was pulled from the Consent Agenda for separate discussion.

Bill Mattingly, Public Works Director, provided an overview of the request to adopt a Notice of Intention to establish City water rates as part of the City's potential acquisition of the New River Utility Company.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to:

- (a) Adopt a Notice of Intention to establish City water rates as part of the City's potential acquisition of the stock of the New River Water Company; and
- (b) Establish August 26, 2015 as the date for a public hearing on the proposed rates.

Upon vote, the motion carried unanimously 6 to 0.

18. **C - Annexation, Church of Joy, 75th Avenue and Loop 101**

Adopted **ORD. 2015-13** approving the annexation of two parcels of land totaling approximately 2.19 acres, located west of the southwest corner of the New River and Rose Garden Lane alignment and west of the southwest corner of the New River and Ross Avenue alignment. (ANX14-0001).

19. **C - De-Annexation, Church of Joy, 75th Avenue and Loop 101**

Adopted **ORD. 2015-14** approving the de-annexation of three parcels of land totaling approximately 6.49 acres, located east of the southeast corner of the New River and Beaubien Drive alignment and east of the southeast corner of the New River and Clara Lane alignment (ANX14-002).

20. **C - Right-of-Way Acquisition, 79th Avenue and Thunderbird Road**

Adopted **RES. 2015-77** authorizing the acquisition of right of way located on the southeast corner of 79th Avenue and Thunderbird Road.

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

Adopted **RES. 2015-78** accepting Deeds and Easements for various Real Property interests acquired by the City.

22. **C - Master Final Plat, Trilogy West Phase 2, Vistancia Boulevard and Lone Mountain Road**

Approved the Master Final Plat of Trilogy West Phase 2, located at Vistancia Boulevard and Lone Mountain Road, subject to stipulations.

23. **C - Final Plat, Sunset Ranch II - Parcel J, 99th Avenue and Pinnacle Peak Road**

Approved the Final Plat of Sunset Ranch II - Parcel J, located at 99th Avenue and Pinnacle Peak Road, subject to stipulations.

24. **C - Replat, Plaza Del Rio Phase 3 Amended, Plaza Del Rio Boulevard and Pershing Avenue**

Approved the Replat of Plaza Del Rio Phase 3 Amended, located at Plaza Del Rio Boulevard and Pershing Avenue, subject to stipulations.

25. **C - Replat, Lots 40, 41, 42, and Tract G of Tierra Del Rio Parcel 20A, 99th Avenue and Jomax Road**

Approved the Replat of Lots 40, 41, 42, and Tract G of Tierra Del Rio Parcel 20A, located northwest of 99th Avenue and Jomax Road, subject to stipulations.

## **REGULAR AGENDA**

### **New Business:**

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

#### **Staff Report:**

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

- (a) A New Wine and Beer (Series 10) Liquor License for Corner Mart, located at 8268 West Deer Valley Road, Avtar S. Gahlla, Applicant, LL#20012598; and
- (b) A New Wine and Beer (Series 10) Liquor License for Corner Mart, located at 7473 West Thunderbird Road, Gulshan S. Bajwa, Applicant, LL#20012665.

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

**Public Hearing:**

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

- (a) A New Wine and Beer (Series 10) Liquor License for Corner Mart, located at 8268 West Deer Valley Road, Avtar S. Gahlla, Applicant, LL#20012598; and
- (b) A New Wine and Beer (Series 10) Liquor License for Corner Mart, located at 7473 West Thunderbird Road, Gulshan S. Bajwa, Applicant, LL#20012665.

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

**Council Action:**

Motion was made by Councilmember Finn, seconded by Councilmember Binsbacher, to recommend approval to the State Liquor Board for:

- (a) A New Wine and Beer (Series 10) Liquor License for Corner Mart, located at 8268 West Deer Valley Road, Avtar S. Gahlla, Applicant, LL#20012598; and
- (b) A New Wine and Beer (Series 10) Liquor License for Corner Mart, located at 7473 West Thunderbird Road, Gulshan S. Bajwa, Applicant, LL#20012665.

Upon vote, the motion carried unanimously 6 to 0.

27. **R - Fiscal Year 2016 Property Tax Levy**

Barry Houg, Budget Manager, reviewed the proposed Primary and Secondary Property Tax Levies for Fiscal Year 2016. The recommendation is for the City's overall property tax rate to remain at \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to remain at \$.19 per \$100 of assessed valuation, with the secondary tax rate at \$1.25 per \$100 of assessed valuation.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to adopt **RES. 2015-79** and **ORD. 2015-15** approving the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2016 and declaring an emergency.

Upon vote, the motion carried unanimously 6 to 0.

28. **R - Fiscal Year 2016 Street Light and Maintenance Improvement District Levies**

Barry Houg, Budget Manager, presented regarding proposed tax revenues for Street Light and Maintenance Improvement Districts within the City.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to adopt **ORD. 2015-16** and **ORD. 2015-17** approving the Street Light and Maintenance Improvement District Levies for Fiscal Year 2016 and declaring an emergency.

Upon vote, the motion carried unanimously 6 to 0.

29. **R - Economic Development Activities Agreement, Huntington University**

Susan Daluddung, Deputy City Manager, provided an overview of the proposed Economic Development Activities Agreement with Huntington University for development of a branch campus to be located within the Arrowhead Innovation Campus located at 8700 West Kelton Lane.

Information included:

- Degree programs to be offered
- Performance thresholds
- City financial incentives

Mayor Carlat acknowledged that Art Othon submitted a speaker Request Form indicating he did not wish to speak but was in favor of the Economic Development Activities Agreement.

Motion was made by Councilmember Patena, seconded by Vice Mayor Edwards, to:

- (a) Authorize the City Manager to approve an Economic Development Activities Agreement with Huntington University for the development of a university branch campus in Peoria;
- (b) Approve the use of General Fund Reserves and;
- (c) Approve a budget adjustment in the amount of \$900,000 from the Half-Cent Sales Tax Fund contingency to the Half-Cent Sales Tax Fund Economic Development Programs account.

Upon vote, the motion carried unanimously 6 to 0.

30. **R - Agreement, New River Utility Company**

Mike Weber, Deputy Utilities Director, provided background on the proposed acquisition of the New River Utility Company.

Information included:

- Public outreach and civic engagement
- Due diligence review of the facilities and system assessment
- Valuation of the New River Utility Company
- Negotiation of a purchase price
- Physical boundaries of the utility company
- Assets to be conveyed to the City
- Next steps

At the request of Council, Mr. Weber confirmed that the price to purchase the New River Utility Company would not impact the utility rates of existing City of Peoria customers.

Bill Mattingly, Public Works Director, noted that monthly utility bills for residents of the New River Utility district would increase once the City's current rate structure is applied. Mr. Mattingly further clarified that the yearly cost for City services to the New River Utility customers would be lower since they would no longer be subject to Central Arizona Groundwater Replenishment District tax fees.

In response to questions from Council, Mr. Mattingly reported that the purchase would be funded by a loan from the Water Infrastructure Finance Authority; and the debt would be paid from the revenue generated from the customers within the New River Utility Company district.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Binsbacher, to purchase the New River Utility Company for an amount equal to \$10,000,000.

Upon vote, the motion carried unanimously 6 to 0.

31. **R - Budget Amendment, Two New Full-Time Building Inspector I Positions**

Robert Goodhue, Deputy Economic Development Services Director, presented regarding the request for two new full-time Building Inspector positions to maximize improvements in customer service.

Information included:

- Residential permit activity
- Rollover inspections
- Cost recovery

Discussion ensued regarding:

- Service levels
- Increased inspection demands
- Rollover inspections

Motion was made by Councilmember Binsbacher, seconded by Councilmember Patena, to:

- (a) Approve two new full-time Building Inspector I positions to help address the increasing demand for services in the area of residential construction; and
- (b) Approve a budget amendment in the amount of \$226,084 to fund these positions and their associated equipment.

Upon vote, the motion carried unanimously 6 to 0.

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

James Deibler, an Arizona State University West student, addressed Council in support of investing in more businesses in Peoria in order for the economy to recover from the recession. Mr. Deibler voiced his opinion in favor of a job fair to be hosted by the City.

### **Reports from City Manager:**

32. **Council Calendar**

33. **Reports**

- A. Julie Ayers, Human Resources Director, provided an update on the mid-decade census project.

Information included:

- Census facts
- Internal project team members
- Recruiting and community outreach
- Important dates

- B. Julie Ayers, Human Resources Director, reported that the City of Peoria was the recipient of an award from the Healthy Arizona Worksite program for its leadership and commitment to the health of its employees.

- C. Andy Granger, Development and Engineering Director, announced that the City of Peoria was the recipient of the Honorable John R. Sticht Award for Excellence in Disabilities Accessibility from the State Bar of Arizona in recognition of the City's efforts to provide courtrooms and facilities accessible to administrative law judges, employees and citizens with disabilities.

- D. Roy Minter, Police Chief, reported that the Crisis Negotiations Team placed first in the Arizona Tactical Officers Association Negotiations Competition on May 15, 2015.

Carl Swenson, City Manager, reported on his visit to the Trine University campus in Indiana.

### **Reports from City Council:**

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

Councilmember Finn thanked the Police Department for hosting the "Coffee with a Cop" events, allowing the community to interact with officers and discuss local issues.

Councilmember Binsbacher reported on training provided by the Fire Department to the employees of Dillon's Restaurant at Lake Pleasant. Councilmember Binsbacher commended the Community Services Department and the Police Department for their roles in the City's Fourth of July events. Councilmember Binsbacher recognized Rex Bowen for his volunteer service as a Diamond Club captain during the past 20 years.

Councilmember Patena reported on the various City of Peoria activities he attended. Councilmember Patena offered his condolences to the family of zoning and land use planning attorney, Mike Curley.

Vice Mayor Edwards commended the Glendale City Council for denying a zoning request that would allow electronic billboards to be placed at the exit of the Loop 101 and Bell Road.

**Reports from the Mayor:**

Mayor Carlat reminded the public that the Peoria City Council will be on summer break until August 26, 2015.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:16 p.m.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 7<sup>th</sup> day of July, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26<sup>th</sup> day of August, 2015.

(Seal)

---

Rhonda Geriminsky, City Clerk

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 8C

**Date Prepared: August 17, 2015**

**Council Meeting Date:  
August 26, 2015**

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**TO:** Carl Swenson, City Manager  
**FROM:** Rhonda Geriminsky, CMC, City Clerk  
**THROUGH:** Susan Daluddung, Deputy City Manager  
**SUBJECT:** Board and Commission Appointments

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**Purpose:**

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

Appointments

<b>Board/Commission</b>	<b>Name</b>	<b>Term Expiration</b>
Building Board of Appeals	Scott Grainger	June 2019
Citizens Commission on Salaries for Elected Officials	Diane Alfonso	December 2016 (partial term)
Library Board	Charles Bruen	June 2016 (partial term)
Personnel Board	Diane Alfonso	June 2018 (partial term)
Youth Advisory Board	Sarah Wenrich	June 2017

**Background/Summary:**

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

**Previous Actions:**

On August 11, 2015, the Council Boards and Commissions Subcommittee recommended appointments/reappointments to various boards and commissions.

On August 12, 2015, a memorandum was submitted to Mayor and Council, outlining the appointment recommendations from the August 11, 2015 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

**Options:**

**A.** Appoint/reappoint recommended board and commission members.

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

**Staff's Recommendation:**

This is a request for City Council to discuss and approve the recommendations from the Council Boards and Commissions Subcommittee pertaining to the following appointments/reappointments and adopt the Resolutions as presented:

Adopt RES. 2015-86 appointing Scott Grainger as a regular member to a term to expire in June 2019, to the Building Board of Appeals, and

Adopt RES. 2015-87 appointing Diane Alfonso as a regular member to a partial term to expire December 2016, to the Citizens Commission on Salaries for Elected Officials, and

Adopt RES. 2015-88 appointing Charles Bruen, as a regular member, to a partial term to expire June 2016, to the Library Board, and

Adopt RES. 2015-89 appointing Diane Alfonso as an alternate member, to a partial term to expire in June 2018, to the Personnel Board, and

Adopt RES. 2015-90 appointing Sarah Wenrich as a regular member, to a term to expire in June 2017, to the Youth Advisory Board.

**Fiscal Analysis:**

There is no fiscal impact regarding this item.

**Narrative:**

If appointed, the newly appointed board and commission members will be invited to attend the September 8, 2015 City Council meeting to accept Certificates of Appointment.

**Exhibit(s):**

- Exhibit 1: Resolution No. 2015-86
- Exhibit 2: Resolution No. 2015-87
- Exhibit 3: Resolution No. 2015-88
- Exhibit 4: Resolution No. 2015-89
- Exhibit 5: Resolution No. 2015-90

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

RESOLUTION 2015-86

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING SCOTT GRAINGER TO THE BUILDING BOARD OF APPEALS AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there exists one vacant regular position on the Building Board of Appeals; and

WHEREAS Scott Grainger desires to be a member of and appointed to the Building Board of Appeals; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Scott Grainger as a regular member to the City of Peoria Building Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Scott Grainger is appointed as a regular member to the City of Peoria Building Board of Appeals.

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

Scott Grainger

June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 26th day of August, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

RESOLUTION 2015-87

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING DIANE ALFONSO TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED OFFICIALS AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there exists one vacant regular position on the Citizens Commission on Salaries for Elected Officials; and

WHEREAS Diane Alfonso desires to be a member of and appointed to the Citizens Commission on Salaries for Elected Officials; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Diane Alfonso as a regular member to the City of Peoria Citizens Commission on Salaries for Elected Officials.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Diane Alfonso is appointed as a regular member to the City of Peoria Citizens Commission on Salaries for Elected Officials.

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

Diane Alfonso

December 2016 (partial term)

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 26th day of August, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

RESOLUTION 2015-88

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING CHARLES BRUEN TO THE LIBRARY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there exists one vacant regular position on the Library Board; and

WHEREAS Charles Bruen desires to be a member of and appointed to the Library Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Charles Bruen as a regular member to the City of Peoria Library Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Charles Bruen is appointed as a regular member to the City of Peoria Library Board.

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

Charles Bruen

June 2016 (partial term)

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 26th day of August, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

RESOLUTION 2015-89

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING DIANE ALFONSO TO THE PERSONNEL BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there exists one vacant alternate position on the Personnel Board; and

WHEREAS Diane Alfonso desires to be a member of and appointed to the Personnel Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Diane Alfonso as an alternate member to the City of Peoria Personnel Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Diane Alfonso is appointed as an alternate member to the City of Peoria Personnel Board.

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

Diane Alfonso

June 2018 (partial term)

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 26th day of August, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

RESOLUTION 2015-90

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING SARAH WENRICH TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there exists one vacant regular position on the Youth Advisory Board; and

WHEREAS Sarah Wenrich desires to be a member of and appointed to the Youth Advisory Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Sarah Wenrich as a regular member to the City of Peoria Youth Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Sarah Wenrich is appointed as a regular member to the City of Peoria Youth Advisory Board.

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

Sarah Wenrich

June 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 26th day of August, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: August 3, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

**THROUGH:** Jeff Tyne, Deputy City Manager

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

**SUBJECT:** Authorization to accept \$10,097 from the Arizona Attorney General's Office of Victim Services Victims' Rights Program (VRP)

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**Purpose:**

This is a request for the City Council to accept \$10,097 from the Arizona Attorney General's Office of Victim Services for Peoria's participation in the FY16 Victims' Rights Program (VRP).

**Background/Summary:**

The Peoria Police Department desires to continue participation in the Arizona Attorney General's Office of Victim Services Victims' Rights Program (VRP) that provides notification services to victims of crime and funds personnel to staff the Victim Assistance Program. The Peoria Police Department has been awarded \$10,097 in grant funding. This award would provide funding for personnel to deliver direct services to victims of crime.

By combining this grant with funds awarded through the Arizona Criminal Justice Commission (ACJC) and the Arizona Department of Public Safety (DPS) Victims of Crime Act (VOCA), the Department will be able to fund personnel expenses related to providing crisis intervention, support, and referrals to crime victims. This advocacy is made available to victims from the time a crime occurs until the case is closed or submitted for prosecution.

With continued participation in the Victims' Rights Program, the Peoria Police Department will be able to continue addressing the emotional and informational needs of victims of crime.

**Previous Actions:**

This is the ninth year that the Attorney General's Office has awarded funds to the Peoria Police Department for participation in the Victims' Rights Program.

**Options:**

A. Accept the awarded grant and continue to participate in the Arizona Attorney General's Office of Victim Services Victims' Rights Program (VRP) and request a budget adjustment of \$10,097 from the Proposed Grants Contingency account to the Victims' Rights Program (VRP) Grant account.

B. Do not accept the awarded grant and suggest alternate funding sources for the Victim Assistance Program.

**Staff's Recommendation:**

Accept \$10,097 from the Arizona Attorney General's Office of Victim Services for Peoria's participation in the Victims' Rights Program (VRP) and request a budget adjustment of \$10,097 from the Proposed Grants Contingency account to the Victims' Rights Program (VRP) Grant account. This would provide funding for operational expenses and a fixed term position with benefits to provide services to victims of crime.

**Fiscal Analysis:**

Request a budget adjustment of \$10,097 from the Proposed Grants Contingency account (7990-7990-570000) to the Victims' Rights Program (VRP) Grant account (7450-7700-510000).

**Narrative:**

Once approved by City Council, the grant will be accepted and executed as needed.

**Exhibit 1:** Award letter from the Office of the Arizona Attorney General announcing FY16 funding.

**Contact Name and Number:** Heather Cammarata, x7069



**State of Arizona**  
**Office of the Attorney General**  
**FY 2016 Victims' Rights Program (VRP)**  
**AWARD AGREEMENT**  
**A.G. #: 2016-050**

RECIPIENT

<i>Name:</i>	Peoria Police Department
<i>Contact:</i>	Heather Cammarata
<i>Address:</i>	8351 W. Cinnabar Ave, Peoria, AZ. 85345
<i>Award Amount:</i>	\$10,097.00
<i>Purpose:</i>	To support the direct costs of implementing victims' rights laws pursuant to those provisions of Arizona Revised Statutes Title 13, Chapter 40 and Title 8, Chapter 3, Article 7 impacting Non-County Law Enforcement (No Custodial) as an entity type.

Monies having been deposited and received by the Attorney General pursuant to Arizona Revised Statutes § 41-2401, § 8-418 and legislative appropriations, this AGREEMENT is made under the authority of the Attorney General pursuant to Arizona Revised Statutes § 41-191.08 -- Victims' Rights Fund.

This AGREEMENT is made this first day of July 2015, by and between the Arizona Attorney General, and the AGENCY, the "Contractor", to commence on July 1, 2015 and terminate June 30, 2016. The Attorney General, having been satisfied as to the qualifications of Contractor, agrees to pay Contractor the above shown AWARD subject to Contractor's agreement as follows:

I. The Contractor agrees:

- A. Award funds will not be used to supplant state, local and federal funds that would otherwise be available to provide services to victims of crime as mandated by A.R.S. Title 13, Chapter 40 and Title 8, Chapter 3, Article 7
- B. Award funds will be used only for allowable costs that can be proven necessary and essential to effect the direct provision or performance of those statutorily mandated victims' rights duties (services), as described in the *Victims' Rights Program Guidelines - Section IV Allowable and Non-Allowable Costs*, and as specified in Contractor's approved \$10,097.00 award budget as follows:
  - Personnel: \$8,866.00 ERE/Benefits: \$1,231.00
  - Title: Victim Advocate Percent: 34%
  - Consulting: \$0.00
  - Operating: \$0.00
  - Equipment: \$0.00
- C. To complete and submit, on or before August 14, 2016, an annual report to the Attorney General as prescribed in A.R.S. § 41-191.08(F).
- D. To comply with FY 2016 Victims' Rights Program Guidelines, as well as the applicable provisions of A.R.S. Title 13, Chapter 40 and A.R.S. Title 8, Chapter 3, Article 7.
- E. To allow (a) representative(s) of the Attorney General to complete program and financial audits as the Attorney General believes necessary to ensure Contractor compliance with this agreement and with State law.
- F. To retain all records relating to the agreement, and performance under the agreement, for a period of five years after the completion of the project, and to allow inspection and audit of all such documents at reasonable times, pursuant to A.R.S. §§ 35-214 and 35-315.
- G. To comply with all applicable nondiscrimination requirements of A.R.S. § 41-1463, Arizona State Executive Order 2009-09, and all other applicable state and federal civil rights laws.
- H. In accordance with A.R.S. § 41-4401, Contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants it compliance with AAC Section A.R.S. § 23-214, Subsection A.
- I. To retain ownership interest in all equipment acquired with VRP funds (or in the proceeds resulting from the sale of such equipment) provided that: (1) the equipment purchase was not in violation of the VRP Award Agreement; and (2) the useful life of the equipment in question has not elapsed.

II. It is further agreed between the parties as follows:

- A. To use arbitration in the event of disputes to the extent required by A.R.S. § 12-1518.
- B. Except as provided in paragraph C below, if the Attorney General finds that the Contractor has not complied with the requirements of this agreement, the Contractor will receive a notice which identifies the area(s) of non-compliance and the appropriate corrective action to be taken. If the Contractor does not respond within thirty calendar days to this notice, or does not provide sufficient information concerning the steps which are being taken to correct the problem, the Attorney General may terminate the contract and require the return of all funds which are found to have been spent in violation of this agreement.
- C. The parties agree to meet and confer in good faith to resolve disputes before commencing formal proceedings of any nature.
- D. The Attorney General may reduce or discontinue funding to the Contractor in subsequent fiscal years, at the Attorney General's discretion, for the Contractor's failure to complete and submit, on or before August 14, 2016, the report that is required pursuant to A.R.S. § 41-191.08(F) or for other reasons such as available funding.
- E. Every payment obligation of the Attorney General under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the Attorney General at the end of the period for which funds are available. No liability shall accrue to the Attorney General in the event this provision is exercised, and the Attorney General shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
- F. Any and all award funds not expended by June 30, 2016, will be returned to the Attorney General.
- G. This agreement is subject to cancellation pursuant to A.R.S. § 38-511.

IN WITNESS WHEREOF, the parties have made and executed this AGREEMENT on the day and year first above written.

**FOR THE ATTORNEY GENERAL:** \_\_\_\_\_  
 Jerry Connolly, Procurement Manager

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

**FOR THE CONTRACTOR:** \_\_\_\_\_  
 \_\_\_\_\_  
 Authorized Signature

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

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

**ATTEST:** \_\_\_\_\_  
 \_\_\_\_\_  
 Clerk of the Governing Board (if applicable)

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

**APPROVED AS TO FORM:** \_\_\_\_\_  
 \_\_\_\_\_  
 Legal Counsel (if applicable)

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

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 10C

**Date Prepared:** August 3, 2015

**Council Meeting Date:** August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** William Mattingly, Public Works – Utilities Director

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT:** Intergovernmental Agreement between the City of Peoria and Peoria Unified School District to Construct Drywells at Sunrise Mountain High School

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**Purpose:**

Discussion and possible action to approve an Intergovernmental Agreement (IGA) between the City of Peoria and Peoria Unified School District to Construct Drywells at Sunrise Mountain High School utilizing funds from FY 2016 Capital Improvement Program (CIP) EN00478 Sunrise Mtn High School Basin Modifications in the amount of \$64,600.

**Background/Summary:**

Sunrise Mountain High School has a large stormwater retention basin which is commonly used as a multi-purpose playing field. This stormwater basin receives storm runoff from the high school campus as well as neighboring streets. Peoria Unified School District (PUSD) acquired the property, including the stormwater basin, with the intent to incorporate this area into the larger high school grounds and to make beneficial use of the property as playing fields. As intended, the basin becomes inundated with storm runoff after a rainfall event. City Ordinance and Maricopa County Flood Control standards require that basins drain within thirty-six (36) hours after a rainfall. The subject basin does not meet this requirement and has experienced standing water for several weeks after rainfall events. This creates a variety of public nuisances including mosquitoes and odors.

Since there is a mutual benefit for PUSD and the City to work together to address the drainage concerns with the multi-purpose fields; the City and PUSD intend for this IGA to address the cost sharing for the design and construction/ installation of two drywells in the basin located at Sunrise Mountain High School. The estimated cost of the work is equal to \$64,600. Peoria and PUSD will share equally in the cost (\$32,300 each). This IGA clarifies, documents, and acknowledges that PUSD agrees to reimburse the City for fifty percent (50%) of the costs related to the design and construction/installation of the two drywells.

Peoria will be the lead agency on the design and construction of the two drywells and PUSD will reimburse the City of Peoria for 50% of the costs after completion. After completion, PUSD will

be solely responsible for all ongoing maintenance of the drywells, as well as continued maintenance for their basin.

**Previous Actions:**

There are no previous actions related to this item.

**Options:**

- A:** Council could act to approve an Intergovernmental Agreement between the City of Peoria and Peoria Unified School District to Construct Drywells at Sunrise Mountain High School utilizing funds from FY 2016 CIP EN00478 in the amount of \$64,600.
- B:** Council could decline to approve an Intergovernmental Agreement between the City of Peoria and Peoria Unified School District to Construct Drywells at Sunrise Mountain High School utilizing FY 2016 CIP funding.

**Staff's Recommendation:**

Staff recommends that the Mayor and City Council approve an Intergovernmental Agreement between the City of Peoria and Peoria Unified School District to Construct Drywells at Sunrise Mountain High School utilizing funds from FY 2016 CIP EN00478 in the amount of \$64,600.

**Fiscal Analysis:**

This IGA will utilize the FY 2016 CIP EN00478 Sunrise Mtn High School Basin Modifications funding (4251-4251-543004-CIPDR-NA-EN00478) in the amount of \$64,600. PUSD will reimburse the City of Peoria for 50% of the costs after the drywells are completed.

**Exhibits:**

**Exhibit 1:** Intergovernmental Agreement

**Exhibit A:** Map of Field

**Exhibit B:** Drainage System Detail

**Exhibit C:** Cost Estimate

**Exhibit D:** Reimbursement Summary

**Contact Name and Number:**

William Mattingly, Public Works – Utilities Director, 623-773-5151

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE CITY OF PEORIA  
AND  
PEORIA UNIFIED SCHOOL DISTRICT**

THIS INTERGOVERNMENTAL AGREEMENT (“IGA” or “Agreement”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the CITY OF PEORIA, an Arizona municipal corporation (“City”) and PEORIA UNIFIED SCHOOL DISTRICT, a political subdivision of the State of Arizona, (“PUSD”). PUSD and the City are collectively referred to as “Parties,” and independently as “Party,” PUSD and CITY.

RECITALS

1. Arizona Revised Statute, § 11-951, *et seq.*, provides that public agencies may enter into intergovernmental agreements for services or jointly exercise any powers common to them for joint or cooperative action.

2. Recognizing that the multi-purpose fields at Sunrise Mountain High School function as a storm water retention basin, which has experienced standing water in the basin for several weeks after rainfall events. City Ordinance and Maricopa County Flood Control standards require that basins drain within thirty-six (36) hours after a rainfall event.

3. Since there is a mutual benefit for PUSD and the City to work together to address the drainage concerns with the multi-purpose fields on the southwest side of the Sunrise Mountain High School Campus.

4. The City and PUSD intend for this IGA to address the cost sharing for the design and construction/installation of two drywells located at Sunrise Mountain High School. The Parties desire to enter into this IGA to clarify, document, and acknowledge that PUSD agrees to reimburse the City for fifty percent (50%) of the costs related to the design and construction/installation of the two drywells (“Project”).

5. The Parties are authorized, pursuant to A.R.S. § 11-952 *et seq.* and the City’s Charters to enter into this IGA.

PURPOSE

The purpose of this IGA is for PUSD and the City to work together via exercising their common powers to solve the drainage issues related to the multi-purpose playing fields. PUSD and the City agree to share equally fifty percent (50%) of the cost to install two drywells in the basin at Sunrise Mountain High School.

TERMS

THEREFORE, PUSD and the City the Parties to this Agreement, in consideration of the mutual covenants and stipulations set forth herein, agree between the respective governmental entities, as follows:

1. Incorporation of Exhibits. The following documents are referred to in this Agreement and are attached hereto and made a part of this Agreement by this reference:

<u>Exhibit</u>	<u>Description</u>
A	Map of the Multi-Purpose Fields on the Southwest Side of the Sunrise Mountain High School Campus
B	Design Documents for the Design, and Installation/Construction of the Two Drywells
C	Scope of Work Cost Estimate with Construction Notes
D	Reimbursement Summary Associated with the Fifty Percent (50%) Reimbursement to the City for the Design and Installation of the Two Drywells

2. Reimbursement of Fifty Percent (50%). PUSD agrees to reimburse the City for fifty percent (50%) of the costs of the design and construction/installation of the two drywells. The total Project is projected to cost approximately sixty four thousand five hundred eighty-five dollars and ninety six cent (\$64,585.96) as shown on Exhibit "C." PUSD and the City's fifty percent (50%) contribute for the Project is approximately thirty two thousand two hundred ninety-two dollars and ninety eight cent (\$32,292.98).

3. Design and Construction/Installation of Drywells and Incidental Improvement Work. This Agreement however relates only to the design and installation/construction of the two drywells on the multi-purpose fields on the southwest side of the Sunrise Mountain High School Campus.

For the purpose of this IGA the term drywell means generally a shaft or chamber constructed in the ground in order to aid drainage.

Installation of drywells requires the use of large equipment, which may have to be driven on and over the multi-purpose fields. If such occurs, the contractor shall restore the fields to pre-construction condition.

4. Responsibilities. In connection with the design and construction/installation of the two drywells and incidental improvement work the Parties agree as follows.

4.1 The City agrees, the City will:

- a. Act as the lead agency in the design and construction/installation of the two drywells. The City will hire a contractor to complete the Project. The City will manage the contractor and the Project.
- b. Be reimbursed by PUSD for fifty percent (50%) of the costs associated with the design and construction/installation of the

two drywells upon completion of the project and receipt of the City's invoice.

4.2 PUSD agrees, PUSD will:

- a. Within ten (10) calendar days of receipt of the invoice from the City, upon completion of construction, PUSD will reimburse the City for fifty percent (50%) of the design and construction/installation costs related to the two drywells installed on the multi-purpose fields on the southwest side of the Sunrise Mountain High School Campus as depicted in Exhibit "A."
- b. At no cost to the City grant the City and its contractor's unimpeded access to the multi-purpose fields located on the southwest side of the Sunrise Mountain High School Campus to complete the Project.
- c. Be solely responsible for all ongoing maintenance of the drywells after installation.

4.3 The Parties do not currently contemplate joint acquisition of property pursuant to this Agreement. If, however, property is acquired, upon termination of this Agreement, any such property shall be retained by the party that purchased or provided it. If property is jointly acquired by the Parties, it shall be distributed equally upon termination.

5. Duration. This IGA shall remain in full force and effect until completion of the Project and the City is reimbursed by PUSD's for their fifty percent (50%) share of the costs.

### FINANCING

PUSD and the City agree to share equally, fifty percent (50%) of the cost of this Project. The City will incur the initial costs for the design and construction/installation of the two drywells. PUSD will reimburse the City within ten (10) calendar days of receipt of the invoice from the City, for their fifty percent (50%) share of the design and construction/installation costs and incidental improvements related to the two drywells.

### MISCELLANEOUS PROVISIONS

1. Effective Date. This IGA shall become effective upon filing with the Secretary of State on the date provided in this IGA pursuant to Arizona Revised Statute, § 11-952, as amended.

2. Cancellation. This IGA shall be subject to Arizona Revised Statute, § 38-511 and may be cancelled in accordance with Arizona Revised Statute, § 38-511.

3. Inspection and Audit. The provisions of Arizona Revised Statute, § 35-214 are applicable to this IGA.

4. Indemnification. The Parties (i.e., PUSD and the City) hereby agree that to the extent permitted by law, each Party will indemnify and hold harmless the other Party, including any of Party's departments, agencies, officers, employees, elected officials or agents, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance by the indemnifying Party of any of the provisions of this IGA. Each Party hereby indemnifies the other against all liability, losses and damages of any nature for or on account of any injuries or death of persons or damages to or destruction of property arising out of or in any way connected with the performance or nonperformance of this IGA, except such injury or damage as shall have been occasioned by the gross negligence of the other Party. The damages which are the subject of this indemnity shall include but are not limited to the damages incurred by any Party, their departments, agencies, officers, employees, elected officials or agents and shall include in the event of an action, court costs, expenses for litigation and reasonable attorney's fees.

5. Notices. All notices, consents, approvals, demands and other communications provided for herein or given in connection with this IGA shall be validly given, made, delivered or served if in writing and delivered personally or sent by registered or certified United States Postal Service, postage prepaid to the other Party at the address below:

Notices to PUSD:

Peoria Unified School District  
Attn:  
Chief Financial Officer  
6330 West Thunderbird Road  
Peoria, Arizona 85306  
Facsimile (623) 486-6009  
Telephone (623) 486-6000

Notices to the City:

City of Peoria  
Public Works/Utilities Department  
Attn: Bill Mattingly  
8401 W. Monroe Street  
Peoria, Arizona 85345  
Facsimile (623) 773-7291  
Telephone (623) 773-7286

Notices shall be deemed effective upon delivery, if delivered personally or by overnight courier, or if transmitted by facsimile; or twenty-four (24) hours after deposit in the U.S. Mail, if by mail.

6. Severability. If any provision of this IGA is declared void or unenforceable, the provisions shall be severed from this Agreement, the remainder of the Agreement shall otherwise remain in full force and effect, provided that the overall intent of the Parties is not materially vitiated by such severability.

7. Governing Law. This Agreement is entered into in Arizona and shall be construed and interpreted under the laws of the State of Arizona.

8. Creation of a Duty. This IGA shall be strictly constructed against the creation of a duty or responsibility unless the intention to do so is clearly and unambiguously set forth herein. This IGA shall not be construed to imply authority to perform any tasks, or accept any responsibility, not expressly set forth herein.

9. Written Determination. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of the State of Arizona to enter into this IGA and that the IGA is in proper form.

10. Changes. This IGA shall not be modified or extended except by written instrument adopted in accordance with the requirements for adopting a new IGA.

11. Default, Remedies. If any Party to this IGA breaches any provision of the Agreement, the non-defaulting party shall be entitled to all remedies available at both law and in equity including specific performance.

12. Incorporation of Documents. All documents referred to in this IGA are hereby incorporated by reference into the IGA.

13. Entire Agreement. This IGA constitutes the entire agreement between the Parties related to reimbursement costs to the City for fifty percent (50%) of the costs related to the design and construction/installation of the two drywells. All prior and contemporaneous agreements, representations and understandings of the Parties, oral and written, other than specifically incorporated herein by reference, are superceded by this IGA.

14. Headings. The description headings of the paragraphs of this IGA are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions of this IGA.

15. Counterparts. This IGA may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute the same instrument.

16. Attorneys' Fees and Costs. If legal action by either Party is brought because of a breach of this IGA or to enforce a provision of this IGA, the prevailing Party is entitled to reasonable attorneys' fees and court costs.

17. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof and no waiver by the Parties of the breach of any provision of this IGA shall be construed as a waiver of any preceding or succeeding breach of the same or any other provision of this IGA.

18. Pursuant to Arizona Revised Statute, § 11-952, as amended, attached to this IGA are copies of appropriate action by ordinance, resolution or otherwise authorizing the respective Parties to enter into this IGA.

[SIGNATURES APPEAR ON THE NEXT PAGE]

**IN WITNESS WHEREOF**, the Parties hereto have executed this IGA the day and year first written above.

**PEORIA UNIFIED SCHOOL DISTRICT, CITY OF PEORIA**, an Arizona municipal a political subdivision of the State of corporation  
Arizona

By: \_\_\_\_\_  
[Insert Title Date]

By: \_\_\_\_\_  
Cathy Carlat, Mayor Date

ATTEST:

ATTEST:

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

By: \_\_\_\_\_  
Rhonda Geriminsky, City Clerk Date

**INTERGOVERNMENTAL AGREEMENT DETERMINATION**

This Intergovernmental Agreement between the City of Peoria, Arizona, and Peoria Unified School District entitled Intergovernmental Agreement has been reviewed pursuant to A.R.S § 11-952 by the undersigned attorney who is the legal counsel for Peoria Unified School District, and who has determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the State of Arizona to Peoria Unified School District.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PEORIA UNIFIED SCHOOL DISTRICT ATTORNEY**

\_\_\_\_\_

**INTERGOVERNMENTAL AGREEMENT DETERMINATION**

This Intergovernmental Agreement between the City of Peoria, Arizona, and Peoria Unified School District entitled Intergovernmental Agreement has been reviewed pursuant to A.R.S. § 11-952 by the undersigned City Attorney who is the legal counsel for the City of Peoria, Arizona, and who has determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the State of Arizona to the City of Peoria.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

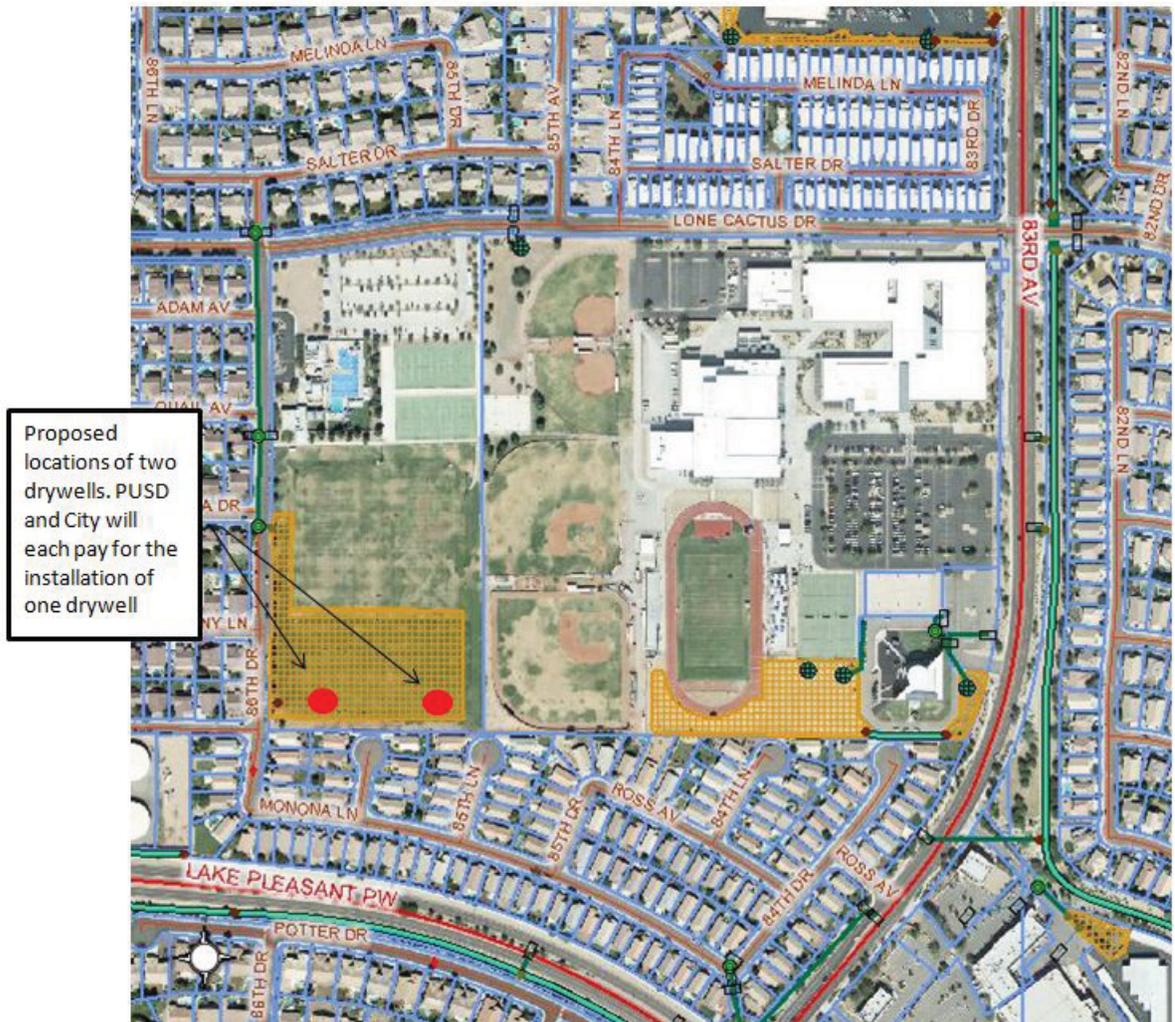
**OFFICE OF THE CITY ATTORNEY**

\_\_\_\_\_  
Stephen M. Kemp, Esq.  
8401 West Monroe Street  
Peoria, AZ 85345

# EXHIBITS

## EXHIBIT "A"

### Map of the Multi-purpose Fields at Sunrise Mountain High School



**EXHIBIT "B"****MAXWELL® IV DRAINAGE SYSTEM DETAIL AND SPECIFICATIONS****ITEM NUMBERS**

1. Manhole Cone - Modified Flat Bottom.
2. Moisture Membrane - 6 Mil. Plastic. Applies only when native material is used for backfill. Place membrane securely against eccentric cone and hole sidewall.
3. Bolted Ring & Grate - Diameter as shown. Clean cast iron with wording "Storm Water Only" in raised letters. Bolted in 2 locations and secured to cone with mortar. Rim elevation  $\pm 0.02'$  of plans.
4. Graded Basin or Paving (by Others).
5. Compacted Base Material - 1-Sack Slurry except in landscaped installations with no pipe connections.
6. PureFlo® Debris Shield - Rolled 16 ga. steel X 24" length with vented anti-siphon and Internal .265" Max. SWO flattened expanded steel screen X 12" length. Fusion bonded epoxy coated.
7. Pre-cast Liner - 4000 PSI concrete 48" ID. X 54" OD. Center in hole and align sections to maximize bearing surface.
8. Min. 6'  $\emptyset$  Drilled Shaft.
9. Support Bracket - Formed 12 Ga. steel. Fusion bonded epoxy coated.
10. Overflow Pipe - Sch. 40 PVC mated to drainage pipe at base seal.
11. Drainage Pipe - ADS highway grade with TRI-A coupler. Suspend pipe during backfill operations to prevent buckling or breakage. Diameter as noted.
12. Base Seal - Geotextile or concrete slurry.
13. Rock - Washed, sized between 3/8" and 1-1/2" to best complement soil conditions.
14. FloFast® Drainage Screen - Sch. 40 PVC 0.120" slotted well screen with 32 slots per row/ft. Diameter varies 120" overall length with TRI-B coupler.
15. Min. 4'  $\emptyset$  Shaft - Drilled to maintain permeability of drainage soils.
16. Fabric Seal - U.V. resistant geotextile - to be removed by customer at project completion.
17. Absorbent - Hydrophobic Petrochemical Sponge. Min. to 128 oz. capacity.
18. Freeboard Depth Varies with inlet pipe elevation. Increase settling chamber depth as needed to maintain all inlet pipe elevations above overflow pipe inlet.
19. Optional Inlet Pipe (Maximum 4", by Others). Extend moisture membrane and compacted base material or 1 sack slurry backfill below pipe invert.

The referenced drawing and specifications are available on CAD either through our office or web site. This detail is copyrighted (2004) but may be used as is in construction plans without further release. For information on product application, individual project specifications or site evaluation, contact our Design Staff for no-charge assistance in any phase of your planning.

**CALCULATING MAXWELL IV REQUIREMENTS**

The type of property, soil permeability, rainfall intensity and local drainage ordinances determine the number and design of MaxWell Systems. For general applications draining retained stormwater, use one standard **MaxWell IV** per the instructions below for up to 3 acres of landscaped contributory area, and up to 1 acre of paved surface. For larger paved surfaces, subdivision drainage, nuisance water drainage, connecting pipes larger than 4"  $\emptyset$  from catch basins or underground storage, or other demanding applications, refer to our **MaxWell® Plus** System. For industrial drainage, including gasoline service stations, our **Envibro® System** may be recommended. For additional considerations, please refer to "Design Suggestions For Retention And Drainage Systems" or consult our Design Staff.

**COMPLETING THE MAXWELL IV DRAWING**

To apply the **MaxWell IV** drawing to your specific project, simply fill in the blue boxes per instructions below. For assistance, please consult our Design Staff.

**ESTIMATED TOTAL DEPTH**

The Estimated Total Depth is the approximate depth required to achieve 10 continuous feet of penetration into permeable soils. Torrent utilizes specialized "crowd" equipped drill rigs to penetrate difficult, cemented soils and to reach permeable materials at depths up to **180 feet**. Our extensive database of drilling logs and soils information is available for use as a reference. Please contact our Design Staff for site-specific information on your project.

**SETTLING CHAMBER DEPTH**

On MaxWell IV Systems of over 30 feet overall depth and up to 0.25cfs design rate, the **standard** Settling Chamber Depth is **18 feet**. For systems exposed to greater contributory area than noted above, extreme service conditions, or that require higher design rates, chamber depths up to 25 feet are recommended.

**OVERFLOW HEIGHT**

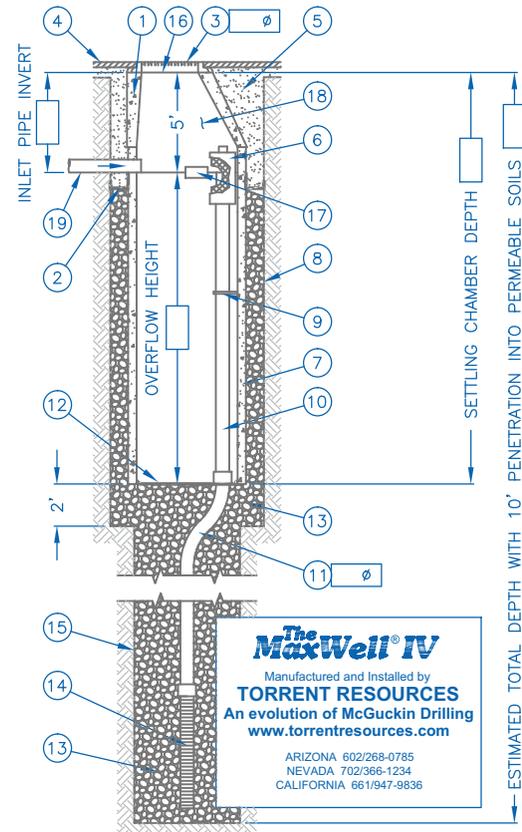
The Overflow Height and Settling Chamber Depth determine the effectiveness of the settling process. The higher the overflow pipe, the deeper the chamber, the greater the settling capacity. For normal drainage applications, an overflow height of **13 feet** is used with the standard settling chamber depth of **18 feet**. Sites with higher design rates than noted above, heavy debris loading or unusual service conditions require greater settling capacities

**TORRENT RESOURCES INCORPORATED**

1509 East Elwood Street, Phoenix Arizona 85040-1391  
phone 602-268-0785 fax 602-268-0820  
Nevada 702-366-1234

AZ Lic. ROC070465 A, ROC047067 B-4; ADWR 363  
CA Lic. 528080 A, C-42, HAZ - NV Lic. 0035350 A - NM Lic. 90504 GF04

1/12



AZ Lic. ROC070465 A, ROC047067 B-4, ADWR 363  
CA Lic. 528080, C-42, HAZ  
NV Lic. 0035350 A - NM Lic. 90504 GF04  
U.S. Patent No. 4,923,330 - <sup>TM</sup> Trademark 1974, 1990, 2004

**DRAINAGE PIPE**

This dimension also applies to the **PureFlo®** Debris Shield, the **FloFast®** Drainage Screen, and fittings. The size selected is based upon system design rates, soil conditions, and the need for adequate venting. Choices are 6", 8", or 12" diameter. Refer to "Design Suggestions for Retention and Drainage Systems" for recommendations on which size best matches your application.

**BOLTED RING & GRATE**

Standard models are quality cast iron and available to fit 24"  $\emptyset$  or 30"  $\emptyset$  manhole openings. All units are bolted in two locations with wording "Storm Water Only" in raised letters. For other surface treatments, please refer to "Design Suggestions for Retention and Drainage Systems."

**INLET PIPE INVERT**

Pipes up to 4" in diameter from catch basins, underground storage, etc. may be connected into the settling chamber. Inverts deeper than 5 feet will require additional settling chamber depth to maintain effective overflow height.

**TORRENT RESOURCES (CA) INCORPORATED**

phone 661-947-9836  
CA Lic. 886759 A, C-42

www.TorrentResources.com

An evolution of McGuckin Drilling

88 *The watermark for drainage solutions.®*

**TORRENT**  
RESOURCES

# EXHIBIT "C"

## SCOPE OF WORK COST ESTIMATE

Sunrise Mountain High School Basin Drywells  
 Willow District  
 Related Projects: None

7/8/2015

COST ESTIMATE

	Rate	
Construction		\$ 49,440.00
Contracts with Utilities		
		\$ 49,440.00
Sales Tax	0.05915	\$ 2,924.38
Construction Taxed Subtotal		\$ 52,364.38
Construction Contingency	0%	\$ -
<b>Construction Loaded</b>		<b>\$ 52,364.38</b>

Study/Engineering		
Contingency	0%	\$ -
Subtotal		\$ -
Design	0%	\$ -
Contingency	12%	
Pre-Con Svcs		
Subtotal		\$ -
Right-of-Way		\$ -
Contingency	3%	\$ -
Subtotal		\$ -
Construction Management	0%	\$ -
Internal Funds	0%	\$ -
Contingency	0%	\$ -
Materials Testing (0.5%-1%)(Perc test)	3%	\$ 1,570.93
Community Involvement (0.5%-2%)	5%	\$ 2,618.22
One year Landscape Maintenance		
Permits (1% - 5%)	5%	\$ 2,618.22
Subtotal		\$ 6,807.37
Incidentals Loaded Subtotal		\$ 6,807.37
Project Contingency	3%	\$ 1,775.15

Project Total					\$ 60,946.90
Chargebacks	Hrs/day	Days	Total Hrs	Rate	
Design					
PM Project hours	0	0	0	\$90	\$ -
Design in house	0	0	0	\$90	\$ -
Estimator	0	0	0	\$45	\$ -
Land Acquisition	0	0	0	\$60	\$ -
Total					\$ -
Construction					
CM Project hours	0	0	0	\$90	\$ -
Inspection	0	0	0	\$60	\$ -
Total					\$ -
Chargebacks - design				0%	\$ -
Chargebacks - construction				5%	\$ 3,047.34
Arts				1%	\$ 591.72
Total Project Cost					\$ 64,585.96
Cost share (50%/50%)					\$ 32,292.98

## EXHIBIT "D"

### REIMBURSEMENT SUMMARY

PUSD and the City agree to share equally, fifty percent (50%) of the cost of this Project. The City will incur the initial costs for the design and construction/installation of the two drywells. PUSD will reimburse the City within ten (10) calendar days of receipt of the invoice from the City, for their fifty percent (50%) share of the design and construction/installation costs and incidental improvements related to the two drywells

PUSD agrees to reimburse the City for fifty percent (50%) of the costs of the design and construction/installation of the two drywells. The total Project is projected to cost approximately sixty four thousand five hundred eighty-five dollars and ninety six cent (\$64,585.96) as shown on Exhibit "C." PUSD and the City's fifty percent (50%) contribute for the Project is approximately thirty two thousand two hundred ninety-two dollars and ninety eight cent (\$32,292.98).

In connection with the design and construction/installation of the two drywells and incidental improvement work the Parties agree as follows.

The City agrees, the City will:

- a. Act as the lead agency in the design and construction/installation of the two drywells. The City will hire a contractor to complete the Project. The City will manage the contractor and the Project.
- b. Be reimbursed by PUSD for fifty percent (50%) of the costs associated with the design and construction/installation of the two drywells upon completion of the project and receipt of the City's invoice.

PUSD agrees, PUSD will:

- a. Within ten (10) calendar days of receipt of the invoice from the City, upon completion of construction, PUSD will reimburse the City for fifty percent (50%) of the design and construction/installation costs related to the two drywells installed on the multi-purpose fields on the southwest side of the Sunrise Mountain High School Campus as depicted in Exhibit "A."
- b. At no cost to the City grant the City and its contractor's unimpeded access to the multi-purpose fields located on the southwest side of the Sunrise Mountain High School Campus to complete the Project.
- c. Be solely responsible for all ongoing maintenance of the drywells after installation.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 11C

**Date Prepared:** August 5, 2015

**Council Meeting Date:** August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** John R. Sefton Jr., Community Services Director

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT: IGA for Facility Use and Development Processing with PUSD**

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**Purpose:**

This is a request for City Council to authorize the City Manager to execute the Intergovernmental Agreement for Facility Use and Development Processing between the City of Peoria and the Peoria Unified School District.

**Summary:**

The City has enjoyed a longstanding and beneficial relationship with the Peoria Unified School District (PUSD). This Intergovernmental Agreement (IGA) for general use of School Facilities and Development Processing continues this relationship. The City benefits from the use of school facilities and PUSD benefits from the waiving of certain fees associated with development.

On June 9<sup>th</sup>, 2015, the PUSD Governing Board approved this IGA.

**Previous Actions:**

This IGA is an adaptation and continuation of the IGA Regarding Development Processing and General Cooperation dated July 8<sup>th</sup>, 2008.

**Options:**

A. Authorize the City Manager to execute the IGA for Facility Use and Development Processing between the City of Peoria and the Peoria Unified School District.

B. Choose not to execute this IGA for Facility Use and Development Processing between the City of Peoria and the Peoria Unified School District.

**Staff's Recommendation:**

Staff recommends that the City Council approve and direct the City Manager to sign the IGA for General Use with PUSD.

**Fiscal Analysis:**

This IGA now requires the City to pay all fees associated with facility use during non-operating hours and on non-operating days. Payments to PUSD for these usage times will be addressed through the budget process and recreation program cost-recovery and fees protocols.

**Exhibit 1:** Agreement

**Contact Name and Number:** John Sefton, 623-773-7135

INTERGOVERNMENTAL AGREEMENT FOR  
FACILITY USE AND DEVELOPMENT PROCESSING  
BETWEEN PEORIA UNIFIED SCHOOL DISTRICT NO. 11  
AND CITY OF PEORIA

I. PARTIES

This Agreement is entered into on this \_\_\_\_\_ of \_\_\_\_\_ 2015, pursuant to A.R.S. §11-951, et seq., between the following entities for the joint exercise of their powers:

PEORIA UNIFIED SCHOOL DISTRICT NO. 11,  
a political subdivision of the State of Arizona  
(hereinafter, “the District”)

and

CITY OF PEORIA,  
an Arizona municipal corporation  
(hereinafter, “the City”)

(individually, “a Party” and collectively, “the Parties”).

II. STATUTORY AUTHORITY

The Parties to this Agreement are empowered to carry on activities included in this Agreement pursuant to:

A.R.S. § 11-951 et seq. A.R.S. § 11-952, A.R.S. §  
15-342 (13), A.R.S. § 15-364, A.R.S. § 34-461 and PEORIA CITY  
CHARTER, ARTICLE I, Sec. 3

III. RECITALS

- A. WHEREAS the Parties hereto entered into various Intergovernmental Agreements over time addressing many areas of joint cooperation.
- B. WHEREAS, the City and District serve citizens and further the public interest by permitting common use of their facilities, personnel, equipment and services in order to minimize expense to their common citizens, improve service delivery, and provide enhanced resources to the community for the benefit of their common citizens.

- C. WHEREAS, the City and District may enter into agreements for the construction, development, cooperative maintenance, operation and use of fields, parks, swimming pools, structures and other recreational facilities (collectively referred to herein as the "Facilities") on property owned or operated by each other.
- D. WHEREAS, it is the desire of the City to allow the District to use certain Facilities at no charge, excepting Out of Pocket Costs, and it is the desire of the District to allow the City to use certain Facilities at no charge, excepting Out of Pocket Costs, to benefit the community and its citizens generally.
- E. WHEREAS, it is the desire of the City to provide development review, inspection, and permitting services to the District at no charge, excepting Out of Pocket Costs and Mandatory Charges, for new and existing facilities in exchange for the use of District Facilities as described herein.
- F. WHEREAS, the City and the District intend for this Agreement to cover the Facilities identified in Addendums, which the parties agree may be amended from time to time as necessary.

#### IV. DEFINITIONS

- A. "Mandatory Charge" means a City impact fee or charge not prohibited by A.R.S. § 9-500.18 as amended and which the City by City Charter statute, contract, bond indenture, or code is required to charge the District.
  - 1. In consideration of District providing community facilities, fields and structures to City at no charge, excepting Out of Pocket Costs, for use in City's programs, the City shall charge District only the following Mandatory Charges:
    - a. Wastewater Expansion Fee.
    - b. Water Expansion Fee.
    - c. To the extent permitted by state law, any development/inspection fee that the City charges that is pursuant to an intergovernmental agreement between the City and a third political subdivision or party. Currently, these would include repayment zone fees for wastewater, which must be charged as an intergovernmental agreement with the Arizona Wastewater Management Revolving Fund, now the Arizona Water Infrastructure Financing Authority.
  - 2. The Mandatory Charges do not include any of the following charges:
    - a. Building Permit Fees.
    - b. Plan Review Fees.

- c. Any subsequently enacted Impact Fees, other than those pertaining to Utilities and/or Streets and applicable to all Schools Funded under the State Students First Plan.
  - d. Grading/Drainage Inspection Fees.
  - e. Off-site Improvement Fees.
  - f. Conditional Use Permit Application Fees.
  - g. Site Plan Application Fees.
3. The Mandatory Charges may be modified by City from time to time upon written notice to the District in the manner required for the amendment of Development Fees by City pursuant to A.R.S. § 9-463.05. Such modified fees shall not be applicable to any project on file with the City on the date that the new fees become effective in the manner provided by A.R.S. § 9-463.05. For purposes of this provision, "Project" means a development application submitted by District to City proposing to construct a new school or District facility or to remodel an existing school or District facility.

**B.** "Out of Pocket Costs" shall include those direct costs incurred by the City or District, over and above normal operating costs, resulting from performance under this Agreement. Examples of such costs would include without limitation:

- 1. The cost to the District for custodial time, outside their regularly scheduled hours, related directly to services provided for the City's needs.
- 2. The cost to the City for contracting out expedited services related to District construction projects.
- 3. The cost of fuel, maintenance and capital depreciation for District buses used by the City based on adopted schedules of the District.
- 4. The cost of utilities as established by the District Governing Board's approved utility rate for use of all property that does not occur during the identified normal operating hours.
- 5. The cost to the District or City for staff time related directly to services provided for the other party.  
The cost of repair or refurbishment to a Facility resulting from damages caused by the other party.

**V. COVENANTS**

**A.** City's Obligations. The City recognizes that prompt inspections assist the District in performing its constitutionally and statutorily mandated duties. The City agrees to:

- 1. Provide all building, mechanical, electrical, plumbing, and Americans with Disabilities Act-related inspections, review and permitting services to District at no charge, excepting Out of Pocket Costs and Mandatory Charges, to enable District to comply with the provisions of A.R.S. § 34-

461. The Parties acknowledge that manufactured school buildings are not subject to City building code review.

2. Provide administrative site plan and land use review services to District at no charge, excepting Out of Pocket Costs and Mandatory Charges, to enable District to comply with the provisions of City's general plan, zoning ordinance and related land use ordinances, including landscaping and onsite parking requirements. The City, in providing such review, shall recognize the District's obligations under the Constitution of the State of Arizona to provide education to all children within its boundaries and shall not apply its zoning ordinance, site plan requirements and related land use ordinances in such a manner that would interfere with District's responsibility to meet its constitutional mandate. The District is not required to obtain City approval for the location of District schools and other facilities or the size, configuration, or shape of District buildings.
3. Provide administrative plan review and engineering review services to District for fire and offsite improvements consisting of streets, drainage, and traffic control at no charge, excepting Out of Pocket Costs and Mandatory Charges, to comply with the provisions of City's development codes and infrastructure guidelines. Such plan review and engineering review services shall be promptly expedited to the extent permitted by City resources.
4. Provide administrative Utility Plans Review services to District at no charge, excepting Out of Pocket Costs and Mandatory Charges, to enable the District to comply with Chapter 25 of the Peoria City Code. City services shall consist of reviewing District's connections from its meter to City's utility lines, the construction of all offsite utility lines required to provide utility services consisting of Water and Wastewater to District schools and facilities, and the District's use of the City Reclaimed Water Distribution System where it is available for landscaping purposes.
5. Charge the District no fees or assessments related to building development or development impact.
6. City shall pay District all Out of Pocket Costs incurred by District in the performance of this Agreement which are properly billed by District to City.
7. City shall permit District to use at no charge, excepting Out of Pocket Costs, City Buildings and Facilities for District-wide functions as determined by City, subject to City Council's adopted policies and use guidelines and in accordance with the terms of specific permits and agreements between City and District for the use of the buildings and

facilities. District recognizes that City may limit use of buildings and facilities due to committed bookings, commitments or contracts.

8. City shall be solely responsible for all repair and maintenance of City Facilities. City and District agree that the decisions on maintenance and repair of City Facilities are non-delegable decisions of the City. However, District shall be responsible for the costs of any repairs that are necessary due to its use of City Facilities. City agrees that it will give the District written notice and an opportunity to inspect and object to any damage(s) it alleges were caused by District before the repair(s) are made.

B. District's Obligations. The District agrees to:

1. To the extent required by state law, District shall comply with the provisions of City's general plan and ensure that its construction meets minimum code standards, engineering and plan review codes, infrastructure guidelines, utility codes and development rules.
2. District shall pay Mandatory Charges imposed by the City for performance of the services under the City Obligations section of this Agreement. In exchange for the City's waiver of all other charges imposed by the City for all related and expansion fees under the City Obligations section of this Agreement, the District shall waive facility rent for City use of District facilities pursuant to a schedule formulated annually. In all cases the District's use of its facilities takes precedence.
3. Excepting Out of Pocket Costs, District shall permit City to use at no charge District's Buildings and Facilities as determined by District, subject to District policies and use guidelines and in accordance with the terms of specific permits and agreements between City and District for the use of the buildings and facilities. City recognizes that District may limit use of sites due to school overcrowding, need, or function.
  - a. This permission specifically shall include certain outdoor District facilities, including tracks and athletic fields. If City uses a District outdoor facility pursuant to this Agreement, City shall provide adequate staffing, maintenance, and repair to ensure that such facility is in similar or better condition when City's use is completed, minus ordinary wear and tear resulting from such use.
  - b. District shall be solely responsible for all repair and maintenance of District Facilities. District and City agree that the decisions on maintenance and repair of District Facilities are non-delegable decisions of the District. However, City shall be responsible for the costs of any repairs that are

necessary due to its use of District Facilities. District agrees that it will give the City written notice and an opportunity to inspect and object to any damage(s) it alleges were caused by the City before the repair occurs.

- c. District shall provide its school buses to City for City use at mutually agreeable times. When City uses District buses, City shall employ bus drivers employed by District. District shall be solely responsible for all background checks and determining the bus driver's suitability to work with minors. City shall have the authority, in consultation with District Administration, to determine which bus driver(s) to provide City service and such bus driver(s) shall be under City control. Accordingly, City shall be liable and shall indemnify and hold District harmless for all damages and injuries caused by a driver that is employed by the City, unless caused in whole or in part by the gross negligence or willful misconduct of District or as set forth above, within the sole responsibility of District. City shall pay the District for gas, bus maintenance, and any Out of Pocket Costs incurred by District while the City uses the buses. The cost will be determined by the District CFO and can change regularly as gas prices fluctuate.

4. Priority of Use of School Facilities: The District and City agree to work cooperatively to reserve school facilities. Both Parties agree that District use of school facilities shall have first priority. Second priority in the use of school facilities will be all City programs that are approved by the District.
5. The City of Peoria Community Services Department will reserve with each school with District approval, community facilities, fields and structures. Reservations will be made in June for the school year and in January for the summer.

## VI. FINANCING AND BUDGET

The parties agree that costs and expenses incurred under this Agreement shall be allocated as detailed herein. To the extent a cost or expense is not addressed in this Agreement, it shall be borne by the party incurring such cost or expense. The parties further agree that a joint budget is not currently necessary and that they will work together cooperatively to develop a joint budget should one become necessary.

## VII. NOTICES

Notices required or permitted hereunder shall be given in writing and personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, or by a nationally recognized overnight courier service (Federal Express,

UPS, DHL) or by mutually acknowledged facsimile transmission addressed as follows:

To District: Dr. Denton Santarelli  
Superintendent  
PEORIA UNIFIED SCHOOL DISTRICT NO. 11  
6330 West Thunderbird Road  
Glendale, Arizona 85306

To City: Carl Swenson, City Manager  
CITY OF PEORIA  
8401 West Monroe, Room 300  
Peoria, Arizona 85345

With a Copy To: OFFICE OF THE CITY ATTORNEY  
8401 West Monroe, Room 340  
Peoria, Arizona 85345

Or at any other address designated by District or City in writing.

#### VIII. TIME OF ESSENCE

Time is hereby declared to be of the essence for the performance of all conditions and obligations under this Agreement.

#### IX. TERM, TERMINATION, AND DISPOSITION OF PROPERTY

- A. This Agreement shall become effective following execution by a duly authorized representative of both parties.
- B. On or before the anniversary date of this Agreement, the District Superintendent or his designee and the City Manager or his designee shall meet and confer in good faith on the operation of the Agreement and suggest changes, if necessary, for consideration by governing bodies of District and City.
- C. The term of this Agreement shall commence on the date of this Agreement and continue for five (5) years.
- D. Either Party may terminate this Agreement for any reason following written notice to the other Party of intent to terminate delivered not less than (90) days prior to the intended date of termination.
- E. The Parties do not contemplate joint acquisition of any property pursuant to this Agreement. Unless otherwise provided by this Agreement, upon termination of this Agreement, any equipment or property shall be retained by the party that purchased or provided it. If property is jointly acquired by the parties pursuant to this Agreement, it shall be distributed equally upon termination.

X. INSURANCE AND INDEMNIFICATION

- A. Each Party shall secure and maintain during the term of this Agreement statutory worker's compensation and employer's liability insurance, commercial general liability and automobile liability insurance, including contractual liability, with limits of at least \$1,000,000. Each Party shall retain the option of discharging this obligation by means of funded self-insurance. Should coverage be provided on a claims-made basis, the reporting period for claims shall be written so that it can be extended for two years. Contractors retained to provide work or service required by the Agreement will maintain Professional Liability Insurance covering acts, errors, mistakes, and omissions arising out of the work or service performed by the Contractor or any person employed by the Contractor, with limits of no less than \$1,000,000 per claim.
- B. The District shall secure and maintain property insurance coverage protecting its personal property against all risk of physical damage loss for their full replacement cost. The City shall obtain similar coverage for the personal property it maintains in District's Facilities. Unless one of the Party's personal property is damaged by the actions of the other Party or its agents or invitees, the District and the City agree to rely on their property insurance coverage for all other personal property damages.
- C. All carriers shall be approved and shall be in good standing with the Arizona Department of Insurance and possess an A- or better A.M. Best rating. Prior to the commencement of this Agreement, the City and the District shall provide certificates of insurance evidencing coverage provisions. Each Party's coverage shall be endorsed to provide at least thirty (30) days of notification of cancellation or material change in coverage.
- D. City shall indemnify, provide a defense, and hold the District, including its officers, employees and volunteers, harmless, to the extent permitted by law, from and against any and all claims, demands, suits, actions, proceedings and expenses of any kind or nature, for damages to property or injuries to or death of any person or persons, including employees or agents of the District, and including, but not by way of limitation, worker's compensation claims, resulting from or arising out of the negligent or wrongful acts, errors or omissions of City, its employees or subcontractors.
- E. District shall indemnify, provide a defense, and hold the City, including its officers, employees and volunteers, harmless, to the extent permitted by law, from and against any and all claims, demands, suits, actions, proceedings and expenses of any kind or nature, for damages to property or injuries to or death of a person or persons, including employees or agents of City, including, but not by way of limitation, worker's compensation claims, resulting from or arising out of the negligent or wrongful acts, errors or omissions of District, its employees or subcontractors.

F. The amount and type of insurance coverage set forth herein will in no way be construed as limiting the scope of the indemnity in Paragraphs D and E.

#### XI. CANCELLATION, CONFLICT OF INTEREST

To the extent applicable by provisions of law, the Parties hereto acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. §38-511, the provisions of which are incorporated herein. In the event the work under this Agreement is terminated in whole or in part, the Party causing the Agreement to be canceled shall reimburse the other party for its costs and expenses specified in such regulation. Both Parties will furnish all necessary reports of activities completed or in progress through the date of termination.

#### XII. GOVERNING LAW

A. This Agreement shall be construed in accordance with the laws of the State of Arizona.

B. During the performance of this Agreement, City and District agree to comply with all applicable state and federal laws, rules, regulations and executive orders governing equal employment opportunity, nondiscrimination and affirmative action.

#### XIII. REMEDY

Both Parties agree to utilize good faith efforts to informally resolve disputes arising out of this Agreement. In the event of delays, exceptions or problems arising from this Agreement, the City Manager and the District Superintendent shall be immediately involved as the initial appellate authorities. In the event the City Manager and District Superintendent cannot agree on a remedy for the problem, they shall mutually agree upon a third individual, fully acceptable to the City and the District, to serve as a mediator on behalf of the Parties. Within fifteen (15) days, the mediator shall provide a written report to both parties with a proposed recommendation to resolve the matter. The Parties shall have fifteen (15) days to notify the other that they accept or reject the mediator's recommendations. If either Party rejects the mediator's recommendations, they may exercise legal rights and remedies under the law of the State of Arizona that shall be applicable to this Agreement.

#### XIV. AMENDMENTS

Amendments to this Agreement shall be in writing, signed by all Parties to the Agreement. Formal amendments shall not be needed to notify parties of address changes, changes in position titles, etc. Such information may be provided via correspondence between the Parties.

#### XV. NONDISCRIMINATION

During the performance of this Agreement, the City and the School District agree to comply with all applicable state and federal laws, rules, regulations and executive orders governing equal employment opportunity and nondiscrimination.

XV. IMMIGRATION

To the extent required by Arizona law, each party agrees to adhere to A.R.S Section 41-4401 and A.R.S. Section 23-214(A).

XVI. PURCHASING; ACQUISITION

The City and the School District shall comply with all applicable laws in purchasing property required to be provided by the Parties to this Agreement.

XVII. NON-APPROPRIATIONS

The City and the School District recognize that performance by either Party hereunder may be dependent upon the appropriation of funds to or by that Party. Should either Party fail to be appropriated or to appropriate the necessary funds, that Party may, upon thirty (30) calendar days written notice to the other Party, cancel this Agreement without further duty or obligation. Each party agrees to provide written notice to the other within fifteen (15) calendar days after the unavailability of such funds or appropriation comes to the Party's attention.

XVIII. SUPERSEDE PRIOR AGREEMENTS

This Agreement shall supersede any previous Intergovernmental Agreements entered into between the Parties pertaining to the subjects addressed herein.

XIX. MISCELLANEOUS PROVISIONS

- A. Assignability. This Agreement is non-assignable in whole or in part by either Party hereto without the written consent of all the Parties.
- B. Authority of Signatory. Each individual executing this Agreement warrants that they are duly authorized to execute and deliver this Agreement.
- C. Choice of Forum. Any suit or action arising under this Agreement shall be commenced in the Superior Court of the State of Arizona in and for the County of Maricopa, Arizona.
- D. Entire Agreement. This written Agreement and attachments hereto, if any, constitutes the entire Agreement between the Parties with respect to the subject matter hereto. It may not be released, discharged, changed or modified, except by a written amendment executed by a duly authorized representative of each of the Parties, or except as expressly provided otherwise in this Agreement.

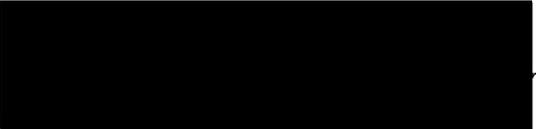
- E. Execution in Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- F. General Compliance with Laws. All Parties are required to comply with all applicable federal and state laws and local ordinances and regulations.
- G. Headings. The headings for each paragraph of this Agreement are for convenience and reference purposes only and in no way define, limit or describe the scope or intent of said paragraph or of this Agreement nor in any way affect this Agreement.
- H. Incorporation of Documents. All documents referred to in this Agreement are hereby incorporated by reference into the Agreement.
- I. Preparation of Agreement. This Agreement has been negotiated and prepared by the combined efforts of the Parties and is not to be construed against any Party.
- J. Retention of Records. Pursuant to law, the Parties shall keep and maintain accurate books of records and account in accordance with generally accepted accounting principles of liabilities and obligations incurred under this Agreement and all paper, files, accounts, reports and all other material relating to work under this Agreement and shall make all such materials available at any reasonable time during the term of this Agreement and for five (5) years from the date of termination for audit, inspection and copying upon any Party's request.
- K. Severability. The provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any provision shall not affect the validity or enforceability of the other provisions hereof.
- L. Waiver. Waiver, or the failure of any Party at any time to require performance by the other of any provision herein, shall in no way affect the Party's subsequent rights and obligations under that provision. Waiver by either Party of a breach of any provision herein shall not be taken or held to be a waiver of any succeeding breach of such provision or waiver of such provision itself.

IN WITNESS WHEREOF, the parties enter into this Agreement the date and year first specified above.

CITY OF PEORIA

PEORIA UNIFIED SCHOOL DISTRICT

By: \_\_\_\_\_  
Its: City Manager

By:   
Its: Superintendent

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

INTERGOVERNMENTAL AGREEMENT DETERMINATION

This Agreement has been reviewed by the Office of the City Attorney as legal counsel for the City of Peoria, that has determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the State of Arizona to the City of Peoria.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

OFFICE OF THE CITY ATTORNEY

Stephen M. Kemp, Esq.  
8401 West Monroe  
Peoria, Arizona 85345

INTERGOVERNMENTAL AGREEMENT DETERMINATION

This Agreement has been reviewed by Cantelme & Brown, P.L.C. as legal counsel for the Peoria Unified School District No. 11, who have determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the State of Arizona to the Peoria Unified School District No. 11.

DATED this 28<sup>th</sup> day of May 2015

PEORIA UNIFIED SCHOOL DISTRICT  
NO. 11  
ADDENDUM A  
SHARED JOINT FACILITIES – COURT LIGHTING SYSTEM

A. Locations.

The intent of this Agreement is to cover the existing basketball court lighting systems at Sundance Elementary, Ira Murphy Elementary, Oasis Elementary, Desert Harbor Elementary, Frontier Elementary, Lake Pleasant Elementary School and all future court lighting systems as agreed upon by the City and the School District.

B. City's Obligations.

1. The City shall maintain, service and operate the basketball court lighting system at its sole expense and pay all maintenance, service and operating costs.
2. The City shall have the exclusive right to operate the basketball court lighting system and basketball courts from June 1 through August 1 of each year during normal park hours as defined in Peoria City Code § 18-63(a).
3. The City shall have the right to operate the basketball court lighting system and basketball courts from August 2 through May 31 each year from school closing -10:30 PM, Monday-Friday and 6:00 a.m.-10:30 p.m., Saturday-Sunday. However, the City's right to operate the basketball court lighting system shall be subject to the provisions set forth in Section (C)(3) of this Agreement.
4. During the time that the City is operating the basketball court lighting system and basketball court, the City shall have the right, in its sole discretion, to assess admission fees and shall be permitted to retain all such admission fees.
5. The City agrees to provide Community Services park staff to lock up the park/school access gate each day after 10:30 p.m.
6. Out of Pocket costs, as defined under Section IV(B) will apply during the City's hours of operation.

C. District's Obligations.

1. The District shall be responsible for maintaining the basketball courts including all repair costs.
2. The District shall have the exclusive right to operate the basketball court lighting system and basketball court on Monday-Friday from August 2-May 31 each year during school hours.
3. Notwithstanding Section (B)(3) of this Agreement, the District shall have the first right to operate the basketball court lighting system and basketball court (the "First

Right") from August 2-May 31 during the hours of 3:30 p.m.-10:30 p.m. for any school related activities. However, in order to exercise this First Right, the District shall give the City written notice ten (10) business days prior to the date on which the District wishes to exercise the First Right. The written notice shall be delivered to the City's Community Services Director and shall provide notice of the date(s) and time(s) on which the District wishes to exercise the First Right for its school related activities.

4. In addition, the City and District may mutually agree, by written agreement, to grant the District additional dates and times for which the District may have the exclusive right to operate the basketball court lighting system and basketball court for school related activities.

5. Out of Pocket costs, as defined under Section IV(B) will apply during the District's hours of operation.

ADDENDUM B  
SHARED JOINT FACILITIES – BALL FIELD LIGHTING

A. Locations.

The intent of this Agreement is to cover the existing ball field lighting systems at Cheyenne Elementary, Coyote Hills Elementary, Sunrise Mountain High School, Sunset Heights Elementary, and future ball field lighting systems as agreed upon by the City and the School District.

B. Prioritization. Both Parties must agree on the user groups for ball field lighting of shared joint facilities. In that regard the following is the priority order of scheduling:

1. District school use (i.e. functions covered by District liability insurance).
2. City use (i.e. functions covered by City liability insurance).
3. Other groups per the Districts discretion.

C. City's Obligations.

1. City shall maintain, service and operate the ball field lighting system at its expense and pay all maintenance, service, and operating costs.

2. Elementary Schools - City shall have the exclusive right to operate the ball field lighting system from June 1 through August 1 of each year. Further, when such scheduling does not conflict with school activities, the City shall have right to operate the ball field lighting system from August 2 through May 31 each year.

3. Sunrise High School – The large field shall be split in half with the dividing line running north to south and designated into the east field and west field. City shall have the right to operate the ball field lighting system and use the west field weekdays from 5:30pm – 10pm and the east and west fields all day on weekends from September – December. January – May the City shall have the right to operate the ball field lighting system and the east and west fields weekdays from 5:30pm – 10pm and weekends all day. For the months of June – August the City of Peoria will retain exclusive use of the east and west fields on Monday, Wednesday, Thursday, and Friday evenings (5:30pm to 10pm) for City programs. During the time that the City is operating the ball field lighting system, the City shall have the right to charge whatever admission fees it desires and shall be permitted to retain all such admission fees. Light fees will be charged to user groups, excluding the District who rent the facility.

4. That during the times that the City is, pursuant to this Agreement, operating such lighting system, the City agrees to carry public liability and property damage insurance issued by an entity in good standing with the Department of Insurance sufficient, and naming the District as an insured, to fully protect itself and the District.

5. City further agrees to hold the District harmless of any liability of any nature in connection with the operation of the lighting system during such hours, and will fully represent and defend the parties in any lawsuit arising out of these activities.

6. City shall program the lights through a City software system, based on the District submitted schedule and District approved rentals.

7. City shall provide to District a field usage schedule for review and approval by the District at the beginning of each calendar year. The schedule will be effective for the fiscal year.

8. Out of costs, as defined under Section IV(B) will apply during the City's hours of operation.

D. District's Obligations.

1. The District shall be responsible for maintaining the ball fields, including, without limitation, all watering, fertilizing and mowing of the ball fields.

2. The District in conjunction with the City shall establish field capacity limitations for all sports to be played, and practice sites to be designated on the ball fields.

3. The District in conjunction with the City shall approve the type of sports fields to be created and designated locations on the ball field area.

4. The City's Facility Lighting Request form must be filled out at least 2 weeks in advance of scheduled use and should be accompanied by a District-approved Facility Use Agreement.

5. Out of Pocket costs, as defined under Section IV(B) will apply during the District's hours of operation.

ADDENDUM C  
DESERT HARBOR ELEMENTARY SCHOOL SHARED JOINT USE WITH CALIBRISA  
PARK

A. District's Obligations.

1. The District shall allow City and citizen access and use of the east parking lot of the Desert Harbor Elementary School ("School") for park usage ("Facility") on a space available basis.

2. The District shall allow use of the School's open space and recreational facilities when School is not in session and/or not in conflict with school scheduled functions and events.

3. The District shall pay any utility costs solely associated with the habitat area of the Facility ("Habitat"); provide adequate security, provide appropriate maintenance and schedule use/operation of the Habitat area.

B. City's Obligations.

1. The City shall allow School use of south end of the property for operation of a wildlife habitat area for school educational training and enjoyment.

2. Use. The Facility and its ancillary facilities shall include the park, wildlife habitat, basketball courts, and east parking lot shall be open for use to District students, faculty and administrators and members of the general public, in accordance with the policies and procedures contained in this Agreement and such additional policies and procedures as may be developed pursuant to authority granted in this Agreement.

3. Operational Standards. Standards for the operation of the Facility shall be generally consistent with the standards established for the operation of other City parks. To the extent that the Facility is open to the general public, standards for the operation of the Facility during those times should be consistent with those adopted by City and District, including hours of operation and park rules and regulations.

4. Hours of Operation. The hours of operation of the Facility shall be in accordance with the hours of operation for City parks and school facilities. The Parties agree that initially the hours will be as defined in Peoria City Code § 18-63(a).

a. School: The east parking lot will be open to the public from school closing to 10:30 p.m. during school days and from 6:00 a.m. to 10:30 p.m. on weekends and during the period of June 1 to August 1 annually. Scheduled school district events take precedent for use.

b. Wildlife Habitat: This facility will be under the control of the District for scheduling, operation, management, and maintenance throughout the year.

C. Definitions. Unless otherwise required by the context or expressly provided in this Agreement, the following terms shall have the meanings to them as indicated herein:

1. "Ancillary facilities" means the habitat, basketball courts, east parking lot, and any facilities provided for use in conjunction with the park.

2. "Facility" means the joint use park facility.

D. Staffing. The Parties will be responsible for providing adequate and agreed upon staffing for the facility sufficient to perform their respective obligations under this Agreement.

E. Maintenance. The District shall be responsible for maintaining the wildlife habitat area and paying all utility costs solely associated with this area; providing adequate security and appropriate maintenance during construction and use of habitat area; schedule use and operation of the wildlife habitat area; and pay the entire cost associated with fencing the school site to allow public use of the basketball courts.

F. Ownership of Property and Materials. The City shall retain ownership of all land included in the park and wildlife habitat areas. Each of the parties shall own any and all personal property it either purchases or pays for pursuant to the terms of this Agreement. All such personal property shall be used in the performance of this Agreement. Upon the expiration of the term of this Agreement, or upon termination as provided in section VIII, each of the Parties shall be entitled to the exclusive possession and control of the personal property and may use or dispose of it as it sees fit.

G. Management, Operations and Procedures.

1. The school district designee shall coordinate operation, use, scheduling, and maintenance of the wildlife habitat area.

2. District personnel shall be responsible for the day-to-day operations of the habitat area. To the extent practicable, the wildlife habitat area shall be operated in accordance with the policies and procedures in effect in other parks operated by the City.

3. District's elementary school principal or designee shall be responsible for responding to complaints of the public pertaining to the operation of the wildlife habitat area, including responding to complaints concerning the physical premises, security and student behavior.

4. In addition to the general policies of the District that are made applicable to the joint park facility, the principal or designee may make such rules and regulations as are necessary for the safe, efficient and effective operation of the wildlife habitat area. These rules and regulations will take into account the City's established park hours and rules/regulations. A copy of rules and regulations, or any changes, will be forwarded to the City's Community Services Director or designee for review prior to enacting said rules or changes.

5. The School principal or designee shall make applicable to the students those rules and regulations as are deemed necessary to insure that students use the park and wildlife habitat in an appropriate manner.

H. Consultation. The Parties shall consult on matters of mutual interest and concern. Either party may submit such matters to the other for review. Subject to the provisions of this Agreement, City's Community Services Director or designee and the Support Services Administrator or designee, shall have mutual authority to determine issues concerning the operation of the joint park/wildlife habitat facility. Unresolved issues will be reviewed by the City Manager and District Superintendent.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 12C

**Date Prepared: August 3, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

**FROM:** William Mattingly, Public Works – Utilities Director

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT:** Intergovernmental Agreement (IGA) Contract # 151-75-2016 for ADA PARATRANSIT SERVICE AGREEMENT between the City of Peoria and the Regional Public Transportation Authority (RPTA)

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**Purpose:**

Discussion and possible action to approve an Intergovernmental Agreement (IGA) Amendment Contract # 151-75-2016 for *ADA PARATRANSIT SERVICE AGREEMENT* between the City of Peoria and the Regional Public Transportation Authority (RPTA).

**Background/Summary:**

The City Of Peoria Transit Division currently provides American with Disabilities Act (ADA), Paratransit Service through the Dial-a-Ride program. This agreement outlines the reimbursement of allowable costs by RPTA to Peoria for transporting ADA certified riders as well as delineating the amount that Peoria will pay RPTA to provide taxi cab services. The agreement is valid through June 30, 2016. The last amendment to this agreement was approved by City Council on November 25, 2014.

The amendment modifies schedules “C”, “E”, “F” and “H” and identifies the amount of the annual funding from RPTA. Consistent with RPTA’s budget process, these schedules will be updated annually.

### **Schedule “C”**,

For the period of time July 1, 2015 through June 30, 2016, the City of Peoria will pay RPTA an amount not to exceed \$200,000 to compliment existing Dial-A-Ride service with taxi cab service contracted through RPTA. This hybrid delivery model is in the best interest of the City and the citizens who utilize the service. The City will also be applying grant funds totaling \$40,700 from the New Freedom federal grant towards the operation of this service. Last fiscal year that ended on June 30, 2015, the city provided just over 7,500 taxi cab rides to Peoria residents.

### **Schedule “E”**

For the period July 1, 2015 to June 30, 2016 the maximum amount of Public Transportation Funds (PTF) available for the City of Peoria to reimburse city expenses is \$222,100.00. The PTF will pay actual costs for ADA trips and other requests for paratransit service made by ADA certified riders up to the maximum amount. Total reimbursements to the City will not exceed the actual costs associated with usage of the service. Any remaining ADA PTF funds not used may be requested by Peoria for other ADA certified rider eligible expenses, and certified by the City’s chief financial officer or designee.

**Schedule “F”**, provides certified ADA passengers an opportunity to receive at no cost to them a Platinum Pass that will allow them to ride fixed route service and light rail free of charge. It is estimated that Peoria will incur an expense of \$2,000.00 in FY 2015-16 for residents to receive and use the Platinum Pass program. In the event that Peoria does not spend the full amount, remaining funding may be applied to other ADA programs approved by RPTA, including but not limited to, funding of dial-a-ride and other alternative transportation programs for ADA certified users within Peoria.

**Schedule “H”** refers to the capital acquisition of two paratransit dial a ride buses that will replace two buses in the current fleet. Peoria’s public transportation funds (PTF) will cover \$24,595 (15%) of the total cost of the buses. The remainder is coming from federal grants.

**Options:**

**A:** Council Could Act to approve this IGA Contract # 151-75-2016 for ADA PARATRANSIT SERVICE between the City of Peoria and the RPTA. This includes service provided by other providers, ADA Transportation funds and the acquisition of two paratransit buses to replace two buses in the City fleet.

**B:** Council could decline to approve the IGA Contract # 151-75-2015 and continue providing existing service and not apply for eligible reimbursement for service provided to existing residents. Do not approve for service to be provided by other service provider or the use of PTF for the acquisition of two paratransit buses.

**Staff's Recommendation:**

Staff recommends approval of this ADA Paratransit Service Agreement between the City of Peoria and RPTA.

**Fiscal Analysis:**

Funding for this request is currently reflected in Transit's Fiscal Year 2016 budget.

**Exhibit(s):**

**Exhibit 1:** ADA Paratransit Service Agreement Contract #151-34-2016

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

**TRANSIT SERVICES AMENDMENT**  
**BETWEEN**  
**THE CITY OF PEORIA AND**  
**THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY**  
**CONTRACT # 151-75-2016**

THIS AMENDMENT dated this 1st day of July, 2015, amends the following items of the Transit Service Agreement Contract # 151-75-2015 entered into between the City of Peoria and the Regional Public Transportation Authority, dated the 1st day of July 2013 as amended July 1, 2014.

The following Sections of the Agreement dated July 1, 2013 are hereby amended to include:

**SECTION 2. SCOPE OF AGREEMENT**

During the term of this agreement RPTA shall provide the following services:

Various Capital Projects (Schedule H) Proposed Capital Projects including Fleet Acquisition of fixed route buses. The party responsible for the required local matching funds to FTA grant funds will be defined in Schedule H prior to any vehicle acquisitions

**SECTION 3. RPTA'S OBLIGATIONS:**

- 3.1 With respect to the services provided hereunder, RPTA, shall:
- n. Reimburse PTF funds to MEMBER as approved in the Transit Life Cycle Program and in RPTA's annual budget for the capital projects described in Schedule H.

**SECTION 4. CITY'S OBLIGATIONS:**

- 4.1 With respect to the services provided hereunder, Member shall:
- h. Be responsible for the acquisition and/or construction of the projects described in Schedule H attached hereto and by this reference

incorporated herein.

- i. Submit to RPTA a request for reimbursement on RPTA's Reimbursement Request Form (Attachment A to this Agreement) for the PTF contribution expended on the projects.
- j. Either through its own funds or through other funding sources be responsible for all project costs above the allocated amounts set forth in Schedule H unless a change in the TLCP is requested and approved.
- k. As the procuring entity, be responsible for all aspects of the Capital Projects described herein.

### **SECTION 31. INCORPORATION OF EXHIBITS**

For each year during the term of this Agreement and in coordination with RPTA's adopted fiscal year budget process, Schedules hereto shall be revised and incorporated into this Agreement and made a part hereof as though fully set forth herein.

Schedule "H"            Capital Projects

The following Schedules amend those Schedules of the agreement entered into July 1, 2014.

The attached Schedule C amends Schedule C entered into July 1, 2014.

The attached Schedule E amends Schedule E entered into July 1, 2014.

The attached Schedule F amends Schedule F entered into July 1, 2014.

The following Schedule is added to the agreement entered into July 1, 2013, as amended:

The attached Schedule H

All other terms of the Parties Transit Services Agreement dated July 1, 2013 remain unchanged and in full force and effect.

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

**REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)**

Stephen R. Banta, Chief Executive Officer

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

APPROVED AS TO FORM:

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

Michael J. Ladino, General Counsel

**City of Peoria**

Cathy Carlat, Mayor,

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

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

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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

Stephen M Kemp, Member Attorney

**SCHEDULE “C” –NORTHWEST VALLEY DIAL A RIDE SERVICES AND  
FINANCIAL INFORMATION**

I. Sources of Project Operating Budget:

**FY 2015-2016**

For the period of time July 1, 2015 through June 30, 2016, the City of Peoria will pay RPTA an estimated amount of **\$200,000.00** for provision of Northwest Valley Dial-a-Ride Services (NWVDAR). Payments will be made monthly based on total revenue miles traveled by CITY residents, boarding fees and other costs, less fare revenue. The cost per revenue mile charged to the CITY boarding fees and other costs are established by the contract between the RPTA and the service provider. CITY shall pay RPTA in twelve (12) monthly installments of **\$16,666.67** and shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA.

Expenses for NWVDAR Services under this Agreement are allocated to jurisdictions that are part of the NWVDAR System (Member Jurisdictions) based upon the number of vehicle revenue miles (VRM) projected to be provided to the Member Jurisdiction’s passengers based on residency status. VRM shall be allocated based upon the actual number of miles utilized in the following manner: If a passenger is a resident of a Member Jurisdiction, the expense for the passenger’s transportation (within the NWVDAR system) shall be charged to the Member Jurisdiction for which the passenger is a resident regardless of where the trip originated or terminated. If a passenger is a non-resident of the Member Jurisdictions, the expense for the passenger’s transportation (within the NWVDAR system) shall be allocated to the jurisdiction based on the (VRM) in each Member Jurisdiction; and the non-resident passenger will be transported to the closest transfer location in the City of Phoenix when leaving the NWVDAR Service Area.

## **SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE DIAL A RIDE SERVICE SPECIFICATIONS**

The goal of Northwest Valley Dial-a-Ride (NWVDAR) is to enhance the mobility of seniors (age 65 and above) and qualified people with disabilities living in participating jurisdictions. NWVDAR provides service in the cities of Surprise and El Mirage, in the Town of Youngtown and in in unincorporated areas of Maricopa County. The NWVDAR contractor also coordinates transportation between the NWVDAR service area and adjacent Dial-a-Ride providers serving Peoria, Glendale, Phoenix and the Southwest Valley.

The program is intended to meet the requirements of the federal Americans with Disabilities Act as well as specific requirements established by participating jurisdictions. The following is a description of the service:

### **1. Service Description**

NWVDAR is a reservation-based shared-ride paratransit system with a 45-minute on time window for Non-ADA service at least 95 percent of the time and with a 30 minute on time window for ADA service at least 95 percent of the time. NWVDAR service is provided by a contractor who accepts calls from NWVDAR customers, who verifies eligibility for the trip being requested, who schedules the trip and who provides all trips with a fleet comprised of taxicabs, sedans, vans, and other vehicles, including lift and ramp equipped vans and minivans intended to meet the needs of customers traveling with mobility devices. This fleet is sized to meet all demand for NWVDAR service.

### **2. Program Eligibility**

ADA service provided by NWVDAR is available for any ADA eligible individual as determined by Valley Metro. Non-ADA service provided by NWVDAR is available for individuals who are 65 and above, for qualified people with disabilities and for other individuals as determined by the participating jurisdictions.

**SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICE  
SPECIFICATIONS Cont.**

3. Restrictions/Priorities:

Priority is given to ADA trips. Other trips are provided based on budgetary limits established by each jurisdiction. There are no restrictions on trip purpose.

4. Fares:

ADA fares on NWVDAR are adopted by the RPTA. Non-ADA fares are established by each jurisdiction. In the future, non-ADA fares may be amended at any time with the approval of the jurisdiction and the RPTA Board of Directors.

Each jurisdiction will pay for the miles traveled within their jurisdictions by NWVDAR passengers who are not residents of a participating NWVDAR jurisdiction.

5. Days and Hours of Service

ADA service is available within  $\frac{3}{4}$  of a mile of any Valley Metro local bus route when the route is operating. Non-ADA service days and hours vary by jurisdiction. In El Mirage, Youngtown and Maricopa County, service is available on non-holiday weekdays between the hours of 7:00 AM and 5:00 PM and on Saturdays between the hours of 7:00 AM and 5:00 PM for essential medical purposes only. In Surprise, service is available on non-holiday weekdays and Saturdays between the hours of 5:00 AM and 8:00 PM. Days and hours of operation may be amended at any time based on mutual agreement of all parties to this agreement.

**SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICE  
SPECIFICATIONS Cont.**

6. Service area:

ADA service is available within  $\frac{3}{4}$  miles of any bus route. Each jurisdiction has defined the non-ADA service area for its own residents. Residents of El Mirage, Maricopa County and Youngtown may travel anywhere within the NWVDAR service area. Residents of Surprise may travel within the city limits of Surprise or to medical appointments or work beyond the boundaries of Surprise with approval of Valley Metro. Each jurisdiction’s service area may be amended at any time upon the mutual agreement of the parties to this agreement.

7. Transfers

Transfers between NWVDAR and the Dial-a-Ride systems operating in Peoria, Glendale, Phoenix and the Southwest Valley will be made for individuals who are ADA eligible and who are making ADA eligible trips. When a NWVDAR rider wishes to take an ADA trip that will involve one or more transfers, NWVDAR’s contractor will schedule the NWVDAR portion of the trip from the customer’s origin address to the most appropriate transfer site, based on the customer’s final destination and with an overall goal of minimizing the required travel time and number of required transfers. NWVDAR is also responsible for scheduling all subsequent legs of the customer’s trip. All trip segments should be scheduled in such a way that the rider is never scheduled to wait for more than 30 minutes at any one transfer site. NWVDAR is also responsible for collecting the rider’s fare and for notifying the next Dial-a-Ride provider, once the customer is on route

**SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICE  
SPECIFICATIONS Cont.**

8. Complaints

Valley Metro will accept all comments, complaints and commendations regarding NWVDAR service. Customers, caregivers and other interested parties may file a comment, complaint or commendation about NWVDAR service by contacting Valley Metro’s Customer Service Center by phone at (602) 253-5000, by email at [csr@valleymetro.org](mailto:csr@valleymetro.org), or via Valley Metro’s website, <http://www.valleymetro.org>. Valley Metro staff will direct the comment to the most appropriate party (e.g. the NWVDAR provider or Valley Metro staff who oversees the service) and will document any findings made or actions taken by either provider or Valley Metro staff as a result to the comment, complaint or commendation.

9. Payment to Provider:

The NWVDAR contractor will be paid a boarding fee for each trip and for each revenue mile or group trip operated, less the fares to be collected. The contractor will also be paid or assessed additional amounts based on the contractor achieving or failing to achieve levels of performance set forth in the contract.

Each jurisdiction will pay all boarding fees, per-mile charges and group charges less fares received by the provider for trips taken by its residents. All costs associated with incentives and all savings associated with penalties will be apportioned to each jurisdiction based on its pro rata share of service. All costs and revenues associated with trips taken by individuals who are not residents of NWVDAR jurisdictions will be apportioned to each jurisdiction based on the actual number of miles traveled by these visitors within each jurisdiction.

**SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICE  
SPECIFICATIONS Cont.**

10. Contract Administration

RPTA shall serve as Contract Administrator. RPTA Shall:

- Provide detailed operational and financial performance data to each jurisdiction on an at-least quarterly basis
- Process, review, validate, and pay contractor invoices
- Accept, monitor and resolve customer complaints
- Procure, oversee and manage the NWVDAR contractor and ensure compliance with all applicable federal, state and local laws and ordinances
- Administer federal, regional, and local project funds and apportion all program revenues and expenses to each jurisdiction as described herein
- Provide public information regarding NWVDAR service
- Assist jurisdictions to implement strategies to maximize the safety, quality, effectiveness, efficiency and cohesiveness of NWVDAR service

**SCHEDULE “C” – PEORIA DIAL A RIDE SERVICE COST ESTIMATE**

<b>City of Peoria</b>	
<b>Northwest Dial-aRide</b>	
<b>Fiscal Year 2015-2016</b>	
<b>Sources:</b>	
Payments from Agency	\$200,000
Public Transportation Fund - ADA	\$0
New Freedom Federal Grant	\$40,700
Passenger Fares	\$21,151
<b>Total Sources</b>	<b>\$261,851</b>
<b>Uses:</b>	
Payments to Contractor	\$244,500
Administrative and Agency Overhead	\$17,351
<b>Total Uses</b>	<b>\$261,851</b>

**SCHEDULE “E” – AMERICANS WITH DISABILITIES ACT (ACT) – PUBLIC  
TRANSPORTATION FUNDS (PTF) AVAILABILITY**

For the period July 1, 2015 to June 30, 2016 the maximum amount of Public Transportation Funds (PTF) available for the City of Peoria is **\$222,100.00**. The PTF will pay actual costs for ADA trips and other requests for Paratransit service made by ADA certified Riders up to the maximum amount. A final reconciliation at fiscal year-end will be performed and adjustments, if necessary, will be made using actual ADA eligible costs.

Any remaining ADA PTF funds not used up to the maximum reimbursements may be requested by City for other ADA certified rider eligible expenses, and certified by the City’s chief financial officer or designee. RPTA will reimburse City within thirty (30) business days based upon availability of funds. City may request that reimbursements be made electronically. Wire transfers must be pre-arranged through the RPTA Finance Department.

Maximum amount:   **\$222,100.00**

## **SCHEDULE “F” – ADA PLATINUM PASS PROGRAM**

Member does hereby agree to participate in the Valley Metro ADA Platinum Pass Program specified in this Schedule F. The Platinum Pass Program allows ADA certified customers to travel on fixed-route services at no cost to the customer. The PTF funds 100 percent of the fare due (reduced fare for local service; full fare for express service) and will be allocated as a regional service without allocation to the Member or sub-regional JE. Participation in the ADA Platinum Pass Program is voluntary by Member and may be cancelled by Member by providing a ninety (90) calendar day written notice to RPTA. This program is designed to encourage ADA certified individuals to use fixed-route service for a trip whenever possible, in lieu of a traditional paratransit trip. This program provides cost avoidance for both the participating city and the customer. Each eligible ADA certified passenger that opts to participate will receive a reduced fare ADA Platinum Pass to be used at rail fare vending machines and at bus fare boxes for the payment of fare, as defined by the Valley Metro RPTA Board approved fare policy in effect.

Current fare information can be found here:

[http://www.valleymetro.org/paying\\_your\\_fare/fare\\_options/](http://www.valleymetro.org/paying_your_fare/fare_options/).

**SCHEDULE “H” – CAPITAL PROJECTS**

Project	Description	Quantity	Estimated Cost	PTF Share
Fleet Acquisition	Paratransit Buses	2	\$163,960	\$24,595

## ATTACHMENT "A" – PTF EXPENSE REIMBURSEMENT REQUEST

### Regional Public Transportation Authority

### PTF Expenditure Reimbursement Request

The information provided will be used by the Regional Public Transportation Authority (RPTA) to monitor designated lead agency cash flow to ensure compliance with ARS 48-5103. No further monies may be paid out under this program unless this report is completed and filed as required.

RECIPIENT ORGANIZATION NAME AND ADDRESS	PROJECT AGREEMENT NUMBER	REQUEST NO.
	REPORTING PERIOD (Dates)	
	FROM:	TO:

	TOTAL	PTF SHARE
TOTAL ELIGIBLE COSTS	\$ -	\$ -
TOTAL PREVIOUS PAYMENTS	\$ -	\$ -
CURRENT PAYMENT REQUESTED	\$ -	\$ <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px; vertical-align: middle;"></span>
REMAINING FUNDING	\$ -	\$ -

**REQUIRED SIGNATURE**

**This document must be signed by the recipient's Chief Financial Officer or their designated representative.**

**CERTIFICATION**

I certify the financial expenditures submitted for reimbursement with this report, including supporting documentation, are eligible and allowable expenditures consistent with the project goals and requirements, have not been previously requested, and that payment is due. I also certify that all matching requirements have been met and sufficient documentation exists in our files and are available upon request or in the event of an audit.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REQUEST SUBMITTED
TYPED OR PRINTED NAME AND TITLE	TELEPHONE

***Instructions***

1. Keep a copy of everything submitted.
2. All project records, including financial records, must be maintained for 3 years beyond project completion.

Date request received:	<i>For RPTA use only</i>
	Life cycle compliance review (signature/date)
Approved for funds availability	10
	Date of funds transfer

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 13C

**Date Prepared: August 11, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, P. E., Development and Engineering Director

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

**SUBJECT:** Resolution No. 2015-91, Intergovernmental Agreement, Tohono O'odham Nation, Northern Avenue construction improvements.

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**Purpose:**

This is a request for City Council to adopt Resolution No. 2015-91 to approve the Intergovernmental Agreement with the Tohono O'odham Nation [Nation] for construction of improvements along Northern Avenue.

**Background/Summary:**

The Nation owns approximately 135 acres of real property located in unincorporated Maricopa County southwest of the intersection of Northern and 91<sup>st</sup> Avenues, and is constructing a mixed-use destination project. In association with the project, certain traffic controls, hardscape, landscape, paving, signage, striping, and lighting will all be constructed or installed along the frontage of the Nation's property along Northern Avenue. Specifically, the improvements include a deceleration lane, the south leg of the 93rd Avenue and Northern Avenue intersection, which functions as the main entrance to the project, an acceleration lane, paving, curb, gutter, sidewalk, handicap ramps, pedestrian islands, street lights, traffic signal modifications, striping, signage and landscape/irrigation system.

The construction of the Nation's improvements will extend beyond the City's jurisdiction, through the City of Glendale's 10' strip annexation and into Maricopa County jurisdiction. The City currently maintains the existing Northern Avenue improvements and it makes sense that the City maintains the Nation's improvements up to the south right-of-way line of Northern Avenue. The City and the Nation are required to enter into this IGA to establish responsibilities of each agency, which are summarized below.

**Nation Responsibilities**

- Construct improvements in accordance with Maricopa Association of Government's ("MAG") Uniform Standard Specifications and Details for Public Works Construction, the

City of Peoria Infrastructure Design Guidelines, and City of Peoria Supplement to MAG Uniform Standards.

- Maintain the following items; all landscaping, irrigation system, hardscape improvements, including sidewalk, handicap ramps and pedestrian islands, non-City owned utilities and striping and signage at the main access.
- All costs associated with the maintenance of the landscaping and hardscape improvements.
- Grant to the City, without cost, the right to enter the Nation's property for maintenance of street lights and traffic control devices.
- Reimburse the City for annual street light operation and maintenance costs.
- Financially participate in the future upgrades required at the intersection of 91<sup>st</sup> and Northern Avenues.
- Financially participate in the future bus pullout and shelter improvements.

### **City Responsibilities**

- Maintain the following items north of the Northern Avenue south right-of-way line: pavement, curbs, gutters, striping and signage.
- Maintenance and operation of street lights and traffic control devices, including traffic signal equipment, street signs and pavement markings.
- Invoice the Nation annually for the street light operation and maintenance costs.

### **Previous Actions:**

No previous actions

### **Options:**

- A:** Approve the IGA with the Nation for identification of construction and maintenance responsibilities.
- B:** Deny approval of the IGA with the Nation for identification for construction and maintenance responsibilities.

### **Staff's Recommendation:**

Staff recommends approval of the IGA between the City and the Nation for identification of construction and maintenance of Northern Avenue improvements.

**Fiscal Analysis:**

Assuming maintenance responsibilities of certain Northern Avenue improvements will cost the City approximately \$3,300/year.

**Narrative:**

The agreement will have to be renewed every ten years to ensure maintenance responsibilities and the necessary rights to enter Nation property is affirmed.

**Exhibit 1:** Vicinity Map

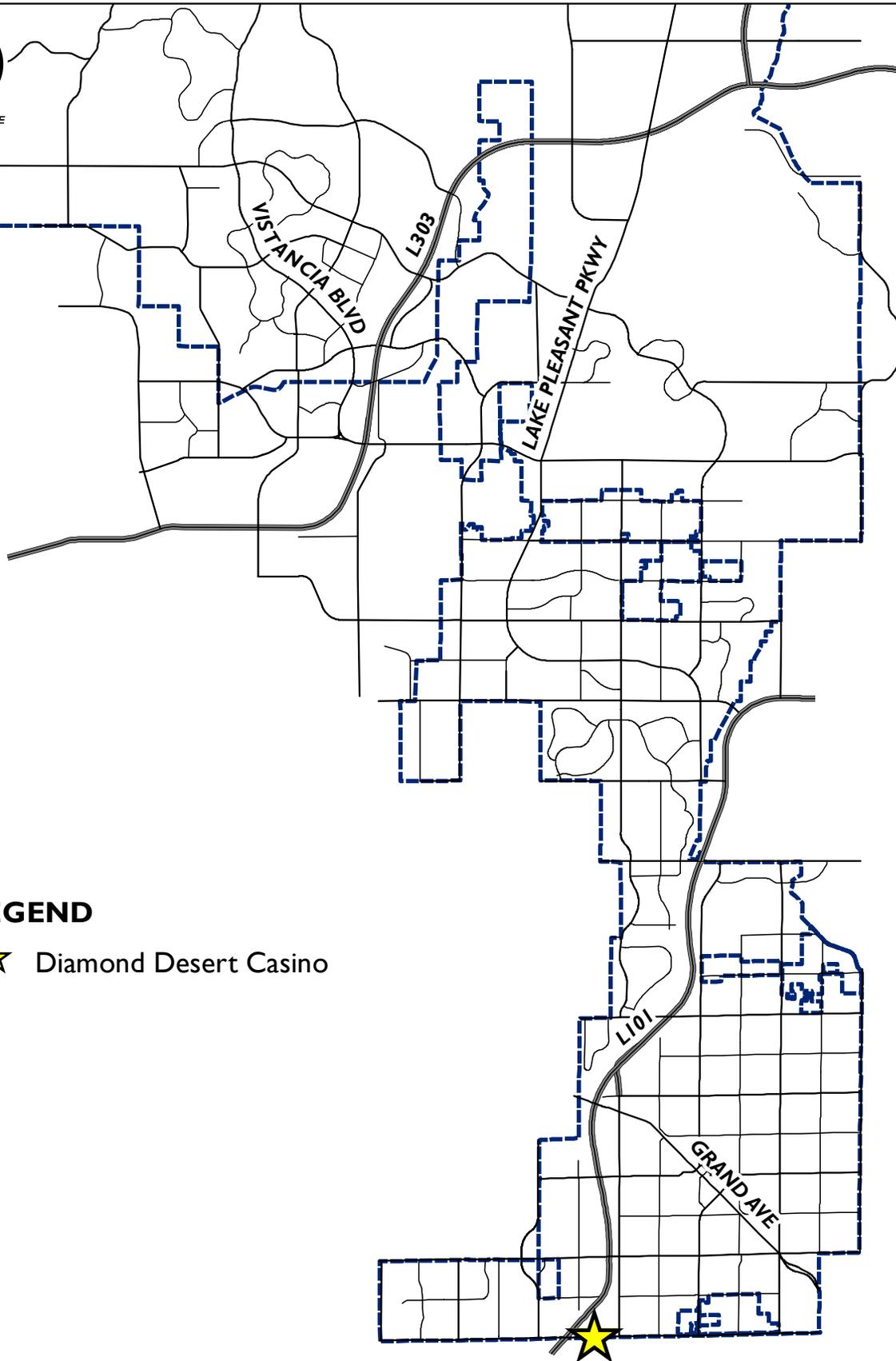
**Exhibit 2:** Intergovernmental Agreement

**Exhibit 3:** Resolution

**Contact Name and Number:** Andy Granger, Development and Engineering Director, X7215



NOT TO SCALE



**LEGEND**

★ Diamond Desert Casino

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
PEORIA  
AND  
TOHONO O’ODHAM NATION**

The CITY OF PEORIA (“City”), an Arizona Charter City organized under the Constitution of the State of Arizona and the TOHONO O’ODHAM NATION (“Nation”), a federally recognized Indian tribe, enter into this Intergovernmental Agreement (“IGA”) this \_\_\_\_ day of August \_\_\_\_\_, 2015, in order to ensure the efficient provision of important public services within the boundaries of the CITY and the NATION.

**RECITALS**

- A. The City is authorized pursuant to A.R.S. § 11-951 et seq. and Article I, Section 3 (15) of the Peoria City Charter to enter into this Agreement.
- B. The Nation is authorized pursuant to the Constitution of the Tohono O’odham Nation, Article VI, Section 1(f) to enter into this Agreement.
- C. The Nation owns approximately 135 acres of real property located in unincorporated Maricopa County southwest of the intersection of Northern and 91<sup>st</sup> Avenues. This property is comprised of assessor parcel numbers 142-56-018K, 142-56-018L, 142-56-018M, and 142-56-018N, herein identified as the Property, as set forth in Exhibit A.
- D. The Nation is constructing a mixed-use destination project (hereinafter “Project”) on Nation’s Property.
- E. In association with the Project, certain traffic controls, hardscape, landscape, paving, signage, striping, and lighting will all be constructed or installed along the frontage of Nation’s Property, adjacent to current Northern Avenue. The City of Peoria, has annexed the first 40 feet of the Right of Way for Northern Avenue South of the section

line. The City of Glendale has annexed 10 feet of Right of Way immediately South of Peoria., The improvements referenced in this Agreement will be located in both cities. It is the City's understanding that the Nation has obtained or will obtain approval from the City of Glendale, for any improvements located in Glendale. The improvements referenced herein refer to plans currently submitted or approved by the City.

THEREFORE, the City and the Nation enter into this IGA for valuable consideration as follows:

1. The Nation agrees to construct all improvements in accordance with the Maricopa Association of Government's ("MAG") Uniform Standard Specifications and Details for Public Works Construction, the City of Peoria Infrastructure Design Guidelines, and City of Peoria Supplement to MAG Uniform Standards, except as to those improvements physically within the City of Glendale, which shall be constructed in accordance with adopted Glendale standards.

2. The Nation and the City agree that part of the improvements shall permit the future construction of a bus pullout for future service by Valley Metro to the property. The Nation agrees to financially participate in the construction of the bus pullout with the Nation and City each responsible for one half of the cost, subject to any financial participation by third parties.

3. The Nation agrees to maintain all landscaping and hardscapes shown in the approved plans attached as ExhibitB, together with any obligations set forth in this Agreement. The Nation shall be responsible for all costs associated with the maintenance of the landscaping and hardscapes as described in this paragraph.

4. The Nation hereby grants to City, without cost, the right to enter the Nation's Property for maintenance of LED street lights complete with appurtenances, as more fully described in Exhibit C, and maintenance of traffic control devices and switches, as more fully described in

Exhibit D, with notice provided to the Nation. Maintenance and operation of street lights shall be billed by the City and paid by the Nation on an annual basis.

5. The City agrees to regularly maintain traffic control devices to City Standards to ensure the safety of the City and the Nation's patrons at no cost to the Nation. The City agrees to maintain proper and perpetual maintenance of Northern Avenue fronting the Nation's Property for as long as it is under the City's control. Proper maintenance shall include maintenance of curbs, and asphalt for Northern Avenue. Maintenance by the Nation of improvements at the main entrance shall include pavement, sidewalks, sidewalks ramps, pedestrian islands and striping and signage. To the extent that any other Public Service Corporation organized under the laws of the State of Arizona or Telecommunications provider organized under the laws of the State of Arizona has easements in or adjacent to Northern Avenue, such maintenance of those easements shall be the responsibility of that Public Service Corporation or Telecommunications provider.

6. The parties understand that in the future there will be additional upgrades required at the intersection of 91<sup>st</sup> and Northern Avenues. The Nation agrees to financially participate in the intersection improvements for their proportionate share of increased traffic volume associated with the Nation's development, at such time that the intersection is improved by either the City of Peoria or Maricopa County Department of Transportation. as part of the Northern Parkway project. The proportionate share shall be determined based on periodic traffic counts before and after the opening of the Project and subsequent phases of the Project. An independent traffic consultant shall determine the proportionate share if the Nation and City cannot agree on the appropriate share. The parties acknowledge that there may be other upgrades on Northern

Avenue from State Route 101 to 91<sup>st</sup> Avenue, the parties agree to meet and discuss in good faith such upgrades and financial participation by the City, the Nation and third parties, if any.

7. This Agreement shall be for a period of ten years from the date of signature and may be renewed upon the agreement of the parties.

8. The recitals are incorporated by reference.

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

If to Peoria: City of Peoria  
8401 West Monroe Street  
Peoria, Arizona 85345  
Attn: City Manager

If to Nation: Tohono O'odham Nation  
P.O. Box 837  
Sells, Arizona 85634  
Attn: Chairperson

10. Conflict of Interest. This Agreement is subject to cancellation by Peoria pursuant to the provisions of Section 38-511, Arizona Revised Statutes, which provides, in general, that a contract may be canceled within three years after its execution if any person significantly involved in initiating, negotiating, securing, drafting or creating a contract on behalf of Peoria becomes an employee or agent of, or consultant to, the other party to the contract. Peoria warrants that it has no knowledge at the time of entry into the Agreement of any basis for cancellation under this Paragraph

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

of the indemnifying party relating to this Agreement. Each party acknowledges that this duty to indemnify shall constitute a waiver of their sovereign immunity for purposes of Indemnification.

12. Entire Agreement. This Agreement sets forth the entire agreement between the parties with respect to the subject matter hereof. Any amendment or modification of this Agreement shall be in writing and shall be effective when executed by a duly authorized representative of both parties hereto.

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

14. Successors and Assigns. This Agreement shall be binding upon and inure to benefit of the successors and assigns of the parties. However, neither party may assign its rights or obligations under this Agreement without the prior written consent of the other party.

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

IN WITNESS WHEREOF, the parties have caused this Agreement to be entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF PEORIA

By: \_\_\_\_\_  
Cathy Carlat, Mayor

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

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

TOHONO O'ODHAM NATION

By: \_\_\_\_\_  
Edward Manuel, Chairman

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

INTERGOVERNMENTAL AGREEMENT DETERMINATION

This Agreement has been reviewed by the Office of the City Attorney as legal counsel for the City of Peoria, who has determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the State of Arizona to the City of Peoria.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2015\_.

OFFICE OF THE CITY ATTORNEY

Stephen M. Kemp, Esq.

INTERGOVERNMENTAL AGREEMENT DETERMINATION

This Agreement has been reviewed by the Office of the Attorney General as legal counsel for the Tohono O'odham Nation, who has determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the Nation and the State of Arizona to Tohono O'odham Nation.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

OFFICE OF THE ATTORNEY GENERAL

Johnathan J. Jantzen, Attorney General

RESOLUTION NO. 2015-91

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE TOHONO O'ODHAM NATION AND THE CITY OF PEORIA FOR THE NORTHERN AVENUE IMPROVEMENTS

WHEREAS, the City of Peoria Mayor and City Council are authorized by Title 9, Chapter 2, Article 4, Section 9-276 (1) to lay out and establish or otherwise improve streets, alleys, avenues, sidewalks, etc. and by Title 11, Chapter 7, Section 11-951 *et seq.* to enter into intergovernmental agreements with other governing bodies for services or joint exercise of powers; and

WHEREAS, the City desires to enter into an Intergovernmental Agreement with the Tohono O'odham Nation for the Northern Avenue Improvements;

WHEREAS, by the City entering into the Intergovernmental Agreement with the Tohono O'odham Nation, the public interest will best be served.

THEREFORE, it is resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona approves and adopts this Resolution to enter into an Intergovernmental Agreement with the Tohono O'odham Nation for the Northern Avenue Improvements.

Resolution No. 2015-91  
August 11, 2015  
Page 2 of 2 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Maricopa County, Arizona, this 26th day of August 2015.

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 14C

**Date Prepared:** August 4, 2015

**Council Meeting Date:** August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** William Mattingly, Public Works – Utilities Director

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT:** Award of a Job Order Contract to J. Banicki Construction, Inc. to resurface the pavement in a portion of Country Meadows.

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**Purpose:**

Discussion and possible action to award a job order contract to J. Banicki Construction, Inc., to resurface the pavement in a portion of Country Meadows between 103rd Avenue and 107th Avenue and between Northern Avenue and Olive Avenue for an amount equal to \$1,553,600.74.

**Background/Summary:**

The Public Works – Utilities Department has an on-going pavement maintenance program which is designed to maximize and extend the useful life of the City's roadways. This program is based on inspecting, evaluating and rating all roadways and assigning a rating score to each. The department has identified the area between 103rd Avenue and 107th Avenue and between Northern Avenue and Olive Avenue (known as Country Meadows) for resurfacing in fiscal year 2016 through the ongoing Capital improvement program for residential street reconstruction and rehabilitation. These roadways were originally constructed between 1975 and 1977 and have received various treatments throughout the years to extend their useful life. The proposed project will resurface the existing roadways with rubberized asphalt and will include advance surface preparation, repair and surface milling. This mill and overlay will eliminate existing pavement defects, and provide a smoother riding surface, reduce ongoing maintenance costs and increase the pavement lifecycle.

The project will be limited to the interior residential roadways only and will not include the perimeter arterial roadways (103<sup>rd</sup> Avenue, 107<sup>th</sup> Avenue, Northern Avenue and Olive Avenue). It is anticipated work will begin in September 2015 and be completed in February 2016.

Staff proposes to use J. Banicki Construction, Inc., through a Job Order Contract (JOC) to complete this project.

**Previous Actions:**

Existing curb ramps and sidewalks in the community have been, or are currently being replaced to comply with the latest requirements of the Americans with Disabilities Act.

**Options:**

- A:** Council could act to award a Job Order Contract (JOC) in the amount of \$1,553,600.74 to J. Banicki Construction, Inc., to resurface the pavement in a portion of Country Meadows between 103rd Avenue and 107th Avenue and between Northern Avenue and Olive Avenue and authorize the use of FY 2016 CIP Funds (PW13000) in the same amount.
  
- B:** Council could decline to approve the award of the Job Order Contract (JOC) to J. Banicki Construction, Inc.

**Staff's Recommendation:**

Staff recommends approval to award this Job Order Contract to J. Banicki Construction, Inc., to resurface the pavement in a portion of Country Meadows between 103rd Avenue and 107th Avenue and between Northern Avenue and Olive Avenue for an amount equal to \$1,553,600.74.

Staff also recommends that City Council authorize the use of FY 2016 CIP Funds in the amount of \$1,553,600.74 from CIP PW13000 to pay for the work.

**Fiscal Analysis:**

If the City Council authorizes the use of FY 2016 CIP Project Funds, all payments to the contractor will be made from account:  
7010-7075-543001-CIPST-NA-PW13000 Street Reconstruction and Rehab Program in the amount of \$1,553,600.74.

**Exhibit(s):**

**Exhibit 1:** Vicinity Map

**Exhibit 2:** Quote for Country Meadows Unit 3

**Exhibit 3:** Quote for Country Meadows Unit 4

Council Communication

Page **3** of **3**

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

OLIVE AV

105TH LN

PUGET AV

104TH LN

104TH AV

GOLDEN LN

106TH AV

LAWRENCE LN

105TH DR

105TH AV

LAWRENCE LN

ALICE AV

RUTH AV

106TH LN

DIANA AV

ORCHID LN

SELDON LN

BUTLER DR

ECHO LN

107TH AV

106TH DR

106TH AV

LAURIE LN

105TH LN

104TH DR

103RD AV

GRISWOLD RD

105TH AV

GRISWOLD RD

ROYAL PALM RD

103RD DR

HARMONT DR

104TH DR

106TH AV

105TH LN

105TH DR

104TH DR

104TH AV

LOMA LN

NORTHERN AV

Vicinity Map



Phone: (480) 921-8016

Fax: (480) 921-9456

**J Banicki Construction, Inc.**  
**Job Order Contract P11-0006 - Pavement**

Date: 7/2/15

**City of Peoria**  
Job Order Contract P11 - 0006 - Pavement

Item No.	Description	Quantity	Unit	Unit Cost	Amount
<b>Country Meadows Unit 3 Overlay</b>					
<b><u>Street Projects FY2016</u></b>					
<b>General Items</b>					
10	Mobilization - J. Banicki Construction	1	LS	\$3,500.00	\$3,500.00
20	Mobilization - Subcontractors	1	LS	\$2,500.00	\$2,500.00
30	AZPDES Compliance / SWPPP / NOI	1	LS	\$5,850.00	\$5,850.00
40	ALLOWANCE: Community Relations Support	1	AL	\$8,500.00	\$8,500.00
50	Traffic Control	1	AL	\$27,000.00	\$27,000.00
60	Survey, Layout & As-Build	1	LS	\$15,000.00	\$15,000.00
70	Owners Contingency	1	AL	\$75,000.00	\$75,000.00
<b>Subtotal General Items</b>					<b>\$137,350.00</b>
<b>Work Items</b>					
80	Edge Mill Existing Asphalt	50,015	LF	\$1.70	\$85,025.50
90	Fill Cracks on Existing Asphalt	90,974	SY	\$0.60	\$54,584.40
100	Remove Full Depth Asphalt	1,320	SY	\$4.62	\$6,098.40
110	Asphalt Replacement for Full Depth Removal C3/4, 3"	1,320	SY	\$23.00	\$30,360.00
120	"No Track" Tack	38	TN	\$760.00	\$28,880.00
130	Asphalt Rubber Asphalt Concrete (ARAC), 1"	90,974	SY	\$5.50	\$500,357.00
140	Pavement Marking, Butler Drive at 107th Ave.	1	LS	\$2,300.00	\$2,300.00
150	Adjust Manhole	90	EA	\$510.00	\$45,900.00
160	Adjust Water Valve	12	EA	\$500.00	\$6,000.00
170	Survey Monument, MAG Type B	75	EA	\$322.00	\$24,150.00
180	Replace Fire Hydrant Marker	50	EA	\$16.00	\$800.00
<b>Subtotal Work Items</b>					<b>\$784,455.30</b>
<b>Total Direct Cost</b>					<b>\$921,805.30</b>

<b>Summary</b>
----------------

**Total Direct Cost**

**\$921,805.30**

	Subcontractors	\$302,711.00		
	Labor	\$33,870.00		
<b>Direct cost</b>	Labor Burden @ 35%	\$11,854.50		
<b>breakout</b>	Construction Equipment	\$25,589.00		
	Construction Material	\$452,018.00		
	General Costs	\$95,762.80		
			<b>Subtotal</b>	<b>\$921,805.30</b>

**Indirect Cost**

	Overhead & Profit		0.085	\$78,353.45
			<b>Subtotal</b>	<b>\$78,353.45</b>

**Total      \$1,000,158.75**

	Insurance		1.000%	\$10,785.13
	Bond		1.000%	\$10,785.13
	Sales Tax		5.265%	\$56,783.69
			<b>Total</b>	<b>\$1,078,512.70</b>



Phone: (480) 921-8016

Fax: (480) 921-9456

**J Banicki Construction, Inc.  
Job Order Contract P11-0006 - Pavement**

Date: 6/29/15

**City of Peoria  
Job Order Contract P11 - 0006 - Pavement**

Item No.	Description	Quantity	Unit	Unit Cost	Amount
<b>Country Meadows Unit 4 Overlay</b>					
<b><u>Street Projects FY2016</u></b>					
<b>General Items</b>					
10	Mobilization - J. Banicki Construction	1	LS	\$3,000.00	\$3,000.00
20	Mobilization - Subcontractors	1	LS	\$1,100.00	\$1,100.00
30	AZPDES Compliance / SWPPP / NOI	1	LS	\$3,000.00	\$3,000.00
40	ALLOWANCE: Community Relations Support	1	AL	\$3,275.00	\$3,275.00
50	Traffic Control	1	AL	\$13,660.00	\$13,660.00
60	Survey, Layout & As-Build	1	LS	\$10,920.00	\$10,920.00
70	Owners Contingency	1	AL	\$25,000.00	\$25,000.00
	<b>Subtotal General Items</b>				<b>\$59,955.00</b>
<b>Work Items</b>					
80	Edge Mill Existing Asphalt	22,696	LF	\$1.70	\$38,583.20
90	Fill Cracks on Existing Asphalt	37,786	SY	\$0.60	\$22,671.60
100	Remove Full Depth Asphalt	915	SY	\$4.62	\$4,227.30
110	Asphalt Replacement for Full Depth Removal C3/4, 3"	915	SY	\$23.00	\$21,045.00
120	"No Track" Tack	16	TN	\$630.00	\$10,080.00
130	Asphalt Rubber Asphalt Concrete (ARAC), 1"	37,786	SY	\$5.50	\$207,823.00
140	Adjust Manhole	50	EA	\$510.00	\$25,500.00
150	Adjust Water Valve	5	EA	\$500.00	\$2,500.00
160	Survey Monument, MAG Type B	39	EA	\$322.00	\$12,558.00
170	Replace Fire Hydrant Marker	25	EA	\$16.00	\$400.00
	<b>Subtotal Work Items</b>				<b>\$345,388.10</b>
	<b>Total Direct Cost</b>				<b>\$405,343.10</b>

**Summary**

**Total Direct Cost**

**\$405,343.10**

<b>Direct cost breakout</b>	Subcontractors	\$121,256.40		
	Labor	\$28,618.00		
	Labor Burden @ 35%	\$10,016.30		
	Construction Equipment	\$26,973.35		
	Construction Material	\$175,247.00		
	General Costs	\$43,232.05		
			<b>Subtotal</b>	<b>\$405,343.10</b>

**Indirect Cost**

Overhead & Profit			0.09	\$36,480.88
			<b>Subtotal</b>	<b>\$36,480.88</b>
			<b>Total</b>	<b>\$441,823.98</b>

Insurance			1.000%	\$4,750.88
Bond			1.000%	\$4,750.88
Sales Tax			5.265%	\$23,762.30
			<b>Total</b>	<b>\$475,088.04</b>

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 15C

**Date Prepared:** August 3, 2015

**Council Meeting Date:** August 26, 2015

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**TO:** Carl Swenson, City Manager  
**FROM:** William Mattingly, Public Works/Utilities Director  
**THROUGH:** Jeff Tyne, Deputy City Manager  
**SUBJECT:** Land Use License Agreement with Salt River Project

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**Purpose:**

Discussion and possible action to authorize the City to execute a Land Use License Agreement with the Salt River Project (SRP) relating to the joint use of certain SRP well sites by the City of Peoria.

**Background/Summary:**

The City of Peoria has a long-term Water Delivery and Use Agreement with SRP for the joint use of five separate SRP-owned wells. This arrangement is mutually beneficial to both parties based on shared costs for operation and maintenance. However, the Water Delivery and Use Agreement does not include a provision that specifically addresses municipal access or use of SRP or United States property.

The attached Land Use License Agreement defines the rights of both parties to access the well sites and defines the conditions of use to be consistent with current Federal rules and regulations including prohibitions against pollution and the protection of antiquities and cultural artifacts. Salt River Project has developed a standard form of agreement which is used for other cities which use SRP wells. The City of Peoria Attorney's office has reviewed and approved the form of this License Agreement.

No costs are associated with this Land Use Agreement.

**Previous Actions:**

The City of Peoria and SRP previously entered into the following agreements:

1. Water Delivery and Use Agreement (LCON 10894) dated December 20, 1994. The term of that agreement is through December 31, 2101.

2. Design and Construction Agreement date July 8, 2010 for the Cortez Well (ADWR No. 55-219594).
3. Water Transportation Agreement, dated August 20, 1991.
4. Credit Recovery Program Letter Agreement (LCON 10894), dated October 4, 2001.
5. 71st Avenue and Canal Well Equipment License, dated May 1, 2009.

**Options:**

- A:** Council could act to approve the Land Use License Agreement with the Salt River Project relating to the joint use of certain SRP well sites by the City of Peoria.
- B:** Council could decline to approve the Land Use License Agreement with the Salt River Project relating to the joint use of certain SRP well sites by the City of Peoria.

**Staff's Recommendation:**

Staff recommends approval of the Land Use Agreement.

**Fiscal Analysis:**

No costs are associated with this Land Use Agreement.

**Exhibits:**

**Exhibit 1:** Land Use Agreement and associated exhibits

**Contact Name and Number:** Michael D. Weber, Deputy Utilities Director 623-773-7181

**WHEN RECORDED MAIL TO:**

**SALT RIVER PROJECT**

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

**Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).**

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**LAND USE LICENSE**

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Maricopa County

R/W No. Agt.  
W\_\_\_\_C\_\_\_\_

For the consideration of One (\$1.00) Dollar and other valuable considerations, **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, Licensor, hereby grants to the **CITY OF PEORIA, an Arizona municipal corporation**, Licensee, a non-assignable, non-possessory, and non-exclusive Land Use License (“License”) to enter upon and use the real property described in Section 4, which is all situated in the County of Maricopa, State of Arizona (“Licensed Property”).

1. Licensee is permitted to use the Licensed Property for ingress thereto and egress therefrom and for the installation, operation, maintenance, and/or removal of Licensee-owned equipment and materials which include, but are not limited to, water treatment equipment and chemicals, discharge piping, electrical cabinets and infrastructure, control equipment, and pump valves and meters, for the purpose of connecting the Licensee’s water distribution system to the Licensor’s wellsite. This License supersedes and replaces all previous licenses between the parties for the Licensed Property entered into solely for the purpose set forth in this Section 1.

2. Rights of the United States.

2.1 This License is subject to the paramount rights of the United States of America (“United States”) in and to the Licensed Property, to all applicable federal, state, and local laws and regulations, Executive Orders, and federal Reclamation laws, regulations, policies, directives, and standards, and to all relevant agreements

existing and to be made between and among the United States, the Salt River Valley Water Users' Association ("Association") and Licensor regarding the management, care, operation and maintenance of the Salt River Reclamation Project, of which the Licensed Property is a part. Association is the agent for Licensor.

- 2.2 In accordance with United States Bureau of Reclamation Directives and Standards, LND 08-01, Section 11(N), the United States reserves the right of its officers, agents, and employees at all times to have unrestricted access and ingress to, passage over, and egress from all of said lands, to make investigations of all kinds, dig test pits and drill test holes, to survey for and construct reclamation and irrigation works and other structures incident to Federal Reclamation Projects, or for any purpose whatsoever. The United States will make every reasonable effort to keep damages to a minimum.
3. This License is also subject to, and governed by, that certain agreement between Association and Licensee captioned as the Water Delivery and Use Agreement ("WDUA") executed on the 14<sup>th</sup> day of December, 1994. In the event of any conflict between this License and the WDUA, the WDUA shall control. This License is also subject to all prior use, activities, and operating agreements between the parties related to the Licensed Property not entered into solely for the purpose set forth in Section 1 and to those specific agreements listed on Exhibit A of this License. The Authorized Representatives, as appointed in accordance with the WDUA, may add or delete specific agreements listed on Exhibit A.
4. The Licensed Property, which may be one or more individual parcels, is listed on Exhibit B. The Authorized Representatives may agree to add or delete parcels, or amend descriptions of parcels, listed on Exhibit B.
5. This License is a "use authorization" as that term is used in the Code of Federal Regulations, Title 43, Part 429, and Licensor affirms it is authorized to issue a use authorization in accordance with 43 C.F.R. § 429.5.
6. This License shall be subject to the following additional conditions:
  - 6.1 Licensor shall retain the right to make any use of the Licensed Property not inconsistent with Licensee's use, including but not limited to the right to construct, reconstruct, operate and maintain its existing and future, pump, mechanical, electrical and telecommunication facilities within the Licensed Property.
  - 6.2 In accordance with 43 C.F.R. § 429.28(a)(2), the United States, acting through Reclamation, Department of the Interior, reserves rights to construct, operate, and

maintain public works now or hereafter authorized by the Congress without liability for termination of the License or other damage to Licensee's activities or facilities.

- 6.3 Use of the Licensed Property, including, but not limited to, the installation, operation, relocation, or removal of equipment or the maintenance and inspection of Licensee's equipment located on the Licensed Property, shall be consistent with and subject to the terms and conditions of the WDUA.
- 6.4 Licensee's and Licensor's use of herbicides and other regulated substances, and Licensor's use of pesticides, on the Licensed Property shall comply with all applicable federal, state, and local requirements.
- 6.5 Licensee shall not use or permit the use of any pesticides on Licensed Property.
- 6.6 Prior to undertaking excavation work on the Licensed Property, Licensee shall satisfy the applicable notification requirements of A.R.S. § 40-360.22.
- 6.7 Licensor and Licensee shall comply with applicable OSHA and worker safety requirements when performing their respective activities on the Licensed Property.
- 6.8 Licensee shall immediately provide an oral notification to Reclamation's authorized official and/or Licensor of the discovery of any and all antiquities or other objects of archaeological, cultural, historic, or scientific interest on the Licensed Property. The Licensee shall follow up with a written report of its finding(s) to Reclamation's authorized official and Licensor within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts discovered as a result of activities under this License. Licensee shall immediately cease the activity in the area of discovery, make a reasonable effort to protect such discovery, and wait for written approval from Reclamation's authorized official and Licensor before resuming the activity. Protective and mitigative measures specified by Reclamation's authorized official and Licensor shall be the responsibility of Licensee.
- 6.9 Licensee agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care, operation, maintenance, supervision, examination, inspection, or other activities of Licensee.

- 6.10 Either party may terminate this License without cause upon not less than 360 days written notice, and this License is fully revocable at the discretion of the United States. The term of this License shall be twenty-five years from the date of execution and may be renewed upon the written agreement of the parties..
- 6.11 Upon the expiration, termination, or revocation of this License, Licensee shall remove all structures, equipment, or other improvements made by it from the Licensed Property at no cost to the United States or Licensor. Upon failure to remove any such improvements within one hundred and twenty (120) days of the expiration, termination, or revocation, any remaining improvements shall, at the option of the United States or Licensor, be removed or become the property of the United States or Licensor. Licensee shall pay all expenses of the United States or Licensor, or their assigns, related to the removal of such improvements. Should, however, the United States or Licensor determine that there is a project or public need for specific structures and/or equipment to remain in place, Licensee shall be compensated the market value of such improvements as determined by an appraisal prepared by the United States Secretary of the Interior.
7. Hazardous Materials
- 7.1 Licensee may not allow contamination or pollution of Federal lands, waters or facilities for which Licensee has the responsibility for care, operation, and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants. Under this Section 7, Licensor and the United States, and their officers, employees, and agents, shall not be considered for any purpose to be third parties or Licensee's employees or agents.
- 7.2 Licensee shall comply with all applicable federal, state, and local laws and regulations, and Reclamation policies and directives and standards, existing or hereafter enacted or promulgated, concerning any hazardous material that Licensee uses, produces, transports, stores, or disposes of on or in Federal lands, waters or facilities.
- 7.3 "Hazardous material" means any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

- 7.4 Upon discovery of any event which may or does result in contamination or pollution of federal lands, waters or facilities, Licensee shall initiate any necessary emergency measures to protect health, safety and the environment and shall report such discovery and full details of the actions taken to Licensor. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the time of discovery if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment. Nothing in this Subsection 7.4 shall be construed to impose any duty or obligation on Licensee except to initiate necessary emergency measures to protect health, safety and the environment and to report such discovery and full details of the actions taken to Licensor.
- 7.5 Violation of Subsections 7.1 through 7.3 require immediate corrective action by Licensee and shall make Licensee liable for the cost of full and complete remediation and/or restoration of any federal resources or facilities that are adversely affected as a result of the violation.
- 7.6 Licensee agrees to include the provisions contained in Subsection 7.1 through 7.5 of this Section in any subcontract or third party contract it may enter into pursuant to this License; provided, nothing in this Section shall be construed so as to contradict or supersede any of the terms, conditions, or responsibilities related to Hazardous Materials as set forth in any of the agreements listed on Exhibit A.
- 7.7 Licensor shall ensure that Reclamation provides information necessary for Licensee, using reasonable diligence, to comply with the provisions of this Section.
8. Each provision of this License shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this License shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the License as a whole.
9. No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon, pursuant to 41 U.S.C. § 22.
10. Any activity deemed to be illegal on the Licensed Property will be cause for immediate termination of this License.

IN WITNESS WHEREOF, the parties hereto have executed this License this \_\_\_\_ day  
of \_\_\_\_\_, 2015.

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**LICENSEE:**

**CITY OF PEORIA**

By \_\_\_\_\_

**Cathy Carlat, Mayor**

**ATTEST:**

\_\_\_\_\_

**Rhonda Geriminsky, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_

**Steve Kemp, City Attorney**

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

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_, as \_\_\_\_\_, \_\_\_\_\_, on behalf of such corporation.

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

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

## **Exhibit A**

## **Exhibit A**

Item 1 - Water Delivery and Use Agreement (LCON 10894) dated December 20, 1994.

Item 2 – Water Transportation Agreement, dated August 20, 1991.

Item 3 – Design and Construction Agreement (LCON06610), dated July 8, 2010.

Item 4 – Credit Recovery Program Letter Agreement (LCON 10894), dated October 4, 2001.

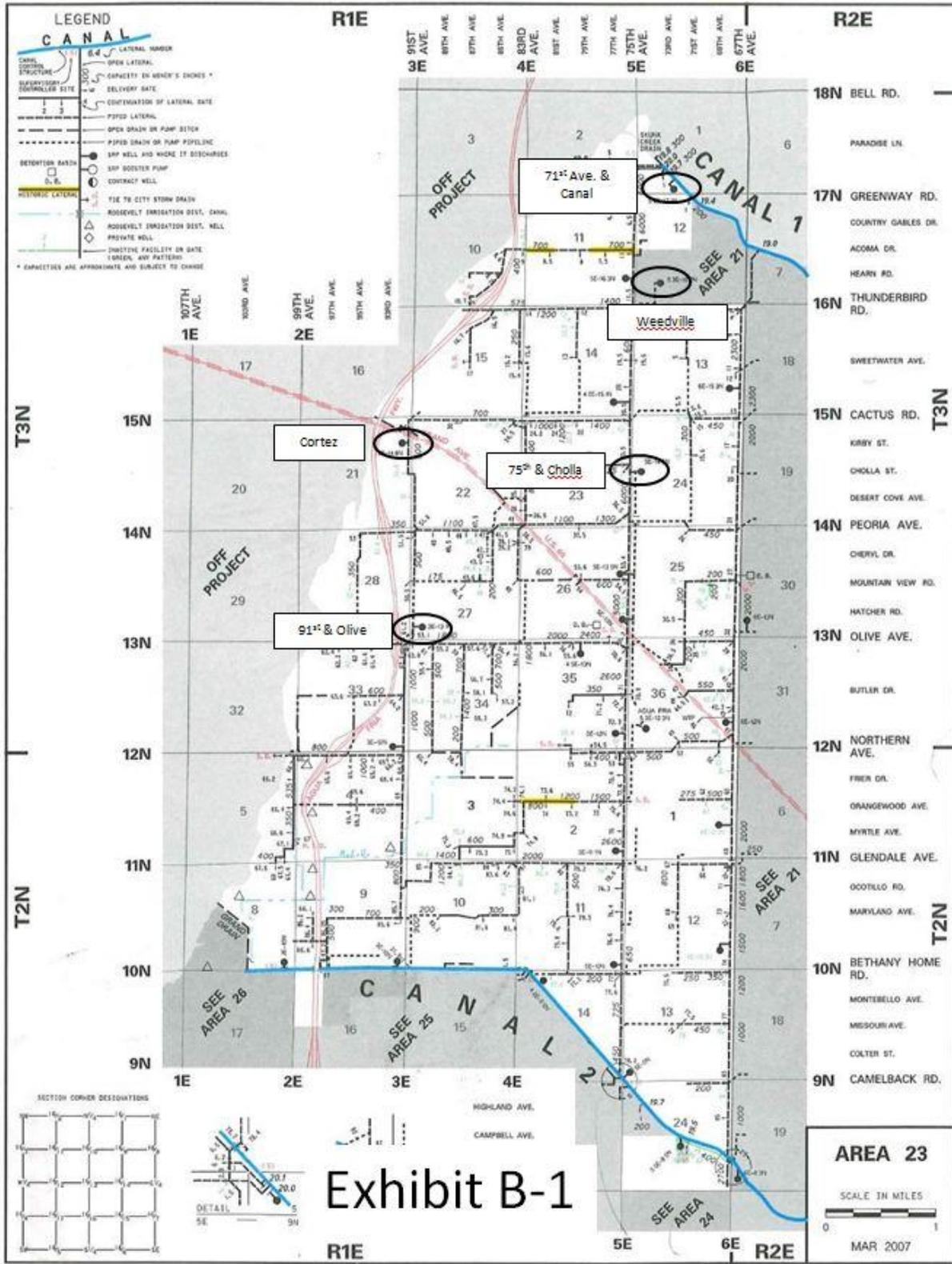
Item 5 – 71<sup>st</sup> Avenue and Canal Well Equipment License, dated May 1, 2009.

## **Exhibit B**

## **Exhibit B**

“**Licensed Property**,” as used in this License, is limited to the real property within the fenced, well-enclosure area around each of following wells, which wells are located on the map marked Exhibit B-1:

- Weedville Well, ADWR Well Registration #55-618620, SRP Coordinates 5.3E-16.2N. Site address: 14017 N. 73<sup>rd</sup> Ave.
- 71<sup>st</sup> Ave. & Canal Well, ADWR Well Registration #55-565168, SRP Coordinates 5.4E-17.1N. Site address: 15787 N. 72<sup>nd</sup> Ave.
- 75<sup>th</sup> Ave. & Cholla St. Well, ADWR Well Registration #55-608413, SRP Coordinates 5.0E-14.5N. Site address: 11397 N. 75<sup>th</sup> Ave.
- 91<sup>st</sup> Ave. & Olive Ave. Well, ADWR Well Registration #565555, SRP Coordinates 3.0E-13.1N. Site address: 9183 N. 91<sup>st</sup> Ave.
- Cortez Well, ADWR Well Registration #55-219594, SRP Coordinates 2.9E-14.8N. Site address: 9200 W. Mobile Ave.



# Exhibit B-1

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 16C

Date Prepared: August 4, 2015

District Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** Brent Mattingly, CFO

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT:** Resolution Approving the Third Amendment to the Vistancia Community Facilities District Development, Financing Participation and Intergovernmental Agreement

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**Purpose:**

This is a request for the City Council to adopt Resolution No. 2015-92 approving the Third Amendment to the Vistancia Community Facilities District Development, Financing Participation, and Intergovernmental Agreement related to the Vistancia Community Facilities District refinancing bond sale.

**Summary:**

Earlier in August 2015 the Vistancia Community Facilities District (VCFD) refinancing bond sales transaction took place in accordance with the VCFD Board's prior approval on July 7, 2015. One of the several legal documents was a Third Amendment to the District Development, Financing Participation and Intergovernmental Agreement. At the time of the bond sale transaction, legal counsel recognized that the City of Peoria, as a party to the Agreement, should obtain City Council approval via adoption of a Resolution. Since the bond sale transaction has already occurred, staff is requesting Council approval subsequent to the actual transaction.

Amended District Development, Financing Participation and Intergovernmental Agreement

In association with the refinancing of the District debt, the Amended District Development, Financing Participation and Intergovernmental Agreement addresses the following topics:

- Amortization of the Refunding Bonds through 2026 - the same final maturity as the Outstanding Bonds.
- Execution of development parties of a Standby Contribution Agreement whereby each party promises to make any necessary cash contributions to meet the anticipated shortfalls in debt service payments for the Refunding Bonds at a tax rate of \$2.10.
- Inclusion of a highly rated bank Letter of Credit of approximately \$3.75 million as collateral to help ensure full payment under the Standby Contribution Agreement.
- Inclusion of a Financial Guarantee Bond of approximately \$3.75 million as collateral to help ensure full payment under the Standby Contribution Agreement.

- Release of a Standby Contribution Agreement and Letter of Credit after the assessed values and tax levy are stabilized at the \$2.10 tax rate.
- Projects to be funded with the Unspent Proceeds include the Westland Reservoir & Booster Station Facility, the Section 36 Offsite Sewer, the Loan Mountain Waterline project, the Vistancia Boulevard Sewer Lift Station, and several other projects.
- Indemnification of District's actions and liability provided by the developer and Shea Homes Limited Partnership, LLC.

**Background:**

In 2002 the City Council formed the VCFD. The VCFD is a separate legal entity, distinct from the City of Peoria legal entity.

**Options:**

- A:** Adopt Resolution No. 2015-92 approving the Third Amendment to the District Development, Financing Participation and Intergovernmental Agreement.
- B:** Do not adopt Resolution No. 2015-92 approving the Third Amendment to the District Development, Financing Participation and Intergovernmental Agreement.

**Staff Recommendation:**

Staff recommends that the City Council adopt Resolution No. 2015-92 approving the Third Amendment to the District Development, Financing Participation and Intergovernmental Agreement.

**Fiscal Analysis:**

There are no direct financial implications to the City from adoption of this Resolution.

**Attachment:** Resolution No. 2015-92 and Third Amendment to District Development, Financing Participation and Intergovernmental Agreement.

**Contact Name and Number:** Brent Mattingly, District Treasurer, 623-773-7134

RESOLUTION NO. 2015-92

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, A MUNICIPAL CORPORATION OF ARIZONA, THIRD AMENDMENT TO APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DISTRICT DEVELOPMENT, FINANCING PARTICIPATION AND INTERGOVERNMENTAL AGREEMENT (VISTANCIA COMMUNITY FACILITIES DISTRICT) AND DECLARING AN EMERGENCY

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

1. Findings.

a. On September 18, 2002, there was presented to the governing body of the City of Peoria, Arizona, an incorporated municipality of the State of Arizona (hereinafter called the "Municipality"), a Petition for Adoption of a Resolution Declaring Formation of Vistancia Community Facilities District, dated September 18, 2002 (hereinafter referred to as the "Petition"), signed by the entity which, on the date thereof, was the owner of all real property as shown on the assessment roll for State and county taxes for Maricopa County, Arizona (hereinafter referred to as, the "Petitioner"), in Vistancia Community Facilities District (herein after called the "District"), the formation of which, among other things, was prayed for by the Petitioner in the Petition, pursuant to Title 48, Chapter 4, Article 6, Arizona Revised Statutes (hereinafter referred to as the "Act").

b. Pursuant to the Act and Section 9-500.05, Arizona Revised Statutes, in connection with the formation of the District, the Municipality, the District, the Petitioner (being Shea Sunbelt Pleasant Point, LLC), Sunbelt Pleasant Point Investors, L.L.C. (hereinafter called "Sunbelt") and J.F. Shea Company, Inc. (hereinafter called "Shea") entered into a District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District), dated as of October 1, 2002, as amended by a First Amendment to District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District), dated as of April 1, 2005 (hereinafter referred to as the "First Amendment"), and a Second Amendment to District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District), dated as of December 1, 2006 (hereinafter referred to as the "Second Amendment" and, as so amended, hereinafter referred to as the "Development Agreement"), by and among the Municipality, the District, the Petitioner, Sunbelt and Shea, to specify, among other things, conditions, terms, restrictions and requirements for "public infrastructure" (as such term is defined in the Act); the financing of public infrastructure and subsequent reimbursements or repayments over time and, with respect to the advance of moneys for public infrastructure and the repayment of such advances and to obtain credit enhancement for, and process disbursement and investment of proceeds of, general obligation bonds of the District to be thereafter issued.

c. Pursuant to the Act and Title 11, Chapter 7, Article 3, Arizona Revised Statutes, in connection with the formation of the District, the District and the Municipality entered into an "intergovernmental agreement" with one another for joint or cooperative action for services and to jointly exercise any powers common to them and for the purposes of the planning, design, inspection, ownership, control, maintenance, operation or repair of public infrastructure.

d. The Petition was granted, and, by Resolution 02-210, adopted on October 15, 2002 (the "2002 Resolution"), by the Mayor and Council of the Municipality, the District was formed as a district pursuant to the terms and provisions of, and with the powers and authority established by, the Act, subject to the restrictions and modifications set forth in the Petition, and as the Petition was signed by the owner of all the property in the District and there were not within fifty (50) days preceding the first anticipated election of the District, residents on such property, requirements of posting, publication, mailing, notices, hearing and election otherwise required by the Act with respect to formation of the District were found to be unnecessary.

e. The Development Agreement (in the form prior to the First Amendment and the Second Amendment) was approved by the 2002 Resolution.

f. Section 10.5 of the Development Agreement provides that the Development Agreement cannot be altered or otherwise amended except pursuant to an instrument in writing signed by each of the parties thereto; provided, however, that such an amendment shall be effective against the Municipality only if such amendment only amends Section 7.1, 8.3 or 9.3 of the Development Agreement as it relates to the Municipality.

g. The Mayor and Council of the Municipality have determined to enter into a Third Amendment to the Development Agreement, to be dated as of the first day of the month of the dated date of the bonds issued to refund the Bonds as described therein (hereinafter referred to as the "Development Agreement Amendment"), to provide for certain amendments to the Development Agreement with respect to Section 8.3 of the Development Agreement.

h. There have been placed on file with the City Clerk of the Municipality and presented to the Mayor and Council of the Municipality, in connection with the amendment of the Development Agreement, the proposed form of the Development Agreement.

2. Authorization and Approval of Development Agreement Amendment. The Development Agreement Amendment is hereby approved in substantially the form submitted herewith, with such changes, additions, deletions, insertions and omissions, if any, as the Mayor of the Municipality, with the advice of the Chief Financial Officer of the Municipality and the City Attorney of the Municipality, shall authorize, the execution and delivery of the Development Agreement Amendment to be conclusive evidence of the propriety of such document and the authority of the persons or persons executing the same. The Mayor of the Municipality, with the advice of the Chief Financial Officer of the Municipality and the City Attorney of the Municipality, is hereby authorized and directed to execute, and the City Clerk of the Municipality to attest and deliver, the Development Agreement Amendment on behalf of the Municipality.

3. No Liability of or for the Municipality. Neither the Municipality nor the State of Arizona or any political subdivision of either (other than the District) shall be directly, indirectly or morally liable or obligated for the costs of the public infrastructure contemplated by the Development Agreement nor for the payment or repayment of any indebtedness, liability, cost, expense or obligation of the District, and neither the credit nor the taxing power of the Municipality, the State of Arizona or any political subdivision of either (other than the District) shall be pledged therefor.

4. Effect of Resolution. a. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this Resolution.

b. All resolutions or parts thereof inconsistent herewith are hereby waived to the extent only of such inconsistency.

c. The 2002 Resolution is hereby ratified and confirmed in all respects from its date to the date hereof.

5. Emergency Clause. The immediate operation of the provisions of this Resolution is necessary to the orderly development of property within the Municipality and the resulting preservation of the public peace, health and safety, an EMERGENCY is hereby declared to exist. This Resolution shall be in full force and effect from and after its passage, adoption and approval by us, as required by law, and is hereby exempted from the referendum provision of the constitution and laws of the State of Arizona pursuant to Section 19-142(B), Arizona Revised Statutes, as amended, and the City Charter and Code of the Municipality.

PASSED by the Mayor and Council of the City of Peoria, Arizona, this  
26th day of August, 2015.

.....  
Mayor, City of Peoria, Arizona

ATTEST:

.....  
City Clerk, City of Peoria,  
Arizona

APPROVED AS TO FORM:

.....  
City Attorney, City of Peoria,  
Arizona

REVIEWED BY:

.....  
City Manager, City of Peoria,  
Arizona

331518404.1-8/4/15

DRAFT  
11/15/12  
04/29/15  
05/05/15  
06/22/15  
07/09/15  
07/27/15  
08/04/15

When recorded, return to:

Michael Cafiso, Esq.  
Greenberg Traurig, LLP  
2375 East Camelback Road, Suite 700  
Phoenix, Arizona 85016

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THIRD AMENDMENT  
TO  
DISTRICT DEVELOPMENT, FINANCING PARTICIPATION AND  
INTERGOVERNMENTAL AGREEMENT  
(VISTANCIA COMMUNITY FACILITIES DISTRICT)

THIS THIRD AMENDMENT, dated as of September 1, 2015 (hereinafter referred to as this "*Amendment*"), TO THE DISTRICT DEVELOPMENT, FINANCING PARTICIPATION AND INTERGOVERNMENTAL AGREEMENT (VISTANCIA COMMUNITY FACILITIES DISTRICT), dated as of October 1, 2002, as amended by the First Amendment to District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District), dated as of April 1, 2005, and the Second Amendment to District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District), dated as of December 1, 2006, by and among the City of Peoria, Arizona, a municipal corporation duly incorporated and validly existing pursuant to the laws of the State of Arizona (hereinafter referred to as the "*Municipality*"), and Vistancia Community Facilities District, a

community facilities district formed by the City of Peoria, Arizona, and duly organized and validly existing, pursuant to the laws of the State of Arizona (hereinafter referred to as the "*District*"); Vistancia Land Holdings, LLC, a limited liability company duly organized and validly existing pursuant to the laws of the State of Delaware, on behalf of itself and Vistancia North, LLC, Vistancia Village H, LLC, Vistancia Clementine, LLC, Vistancia Mystic, LLC, Vistancia South, LLC, Vistancia 150 Commercial, LLC and Vistancia 580 Commercial, LLC (hereinafter referred to as "*Vistancia Holdings*"); Shea Homes Limited Partnership, a limited partnership duly organized and validly existing pursuant to the laws of the State of California (hereinafter referred to as "*Shea Homes*") and SLF III - Vistancia, LLC, a limited liability company duly organized and validly existing pursuant to the laws of the State of Texas (hereinafter referred to as "*Stratford*");

W I T N E S S E T H:

WHEREAS, pursuant to Title 48, Chapter 4, Article 6, Arizona Revised Statutes (hereinafter referred to as the "*Act*"), and Section 9-500.05, Arizona Revised Statutes, the City of Peoria, Arizona, a municipality duly incorporated and validly existing pursuant to the laws of the State of Arizona (hereinafter referred to as the "*Municipality*"), the District and certain entities which at various times have had an interest in real property within the boundaries of the District entered into a District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District, dated as of October 1, 2002, as amended by a

First Amendment to District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District), dated as of April 1, 2005, and a Second Amendment to District Development, Financing Participation and Intergovernmental Agreement (Vistancia Community Facilities District), dated as of December 1, 2006 (hereinafter, as so amended, referred to as the "Agreement"), as a "development agreement" to specify, among other things, conditions, terms, restrictions and requirements for "public infrastructure" (as such term is defined in the Act) and the financing of public infrastructure and subsequent reimbursements or repayments over time; and

WHEREAS, with regard to the real property described in the Exhibit hereto (hereinafter referred to as the "Property") which makes up the real property included within the District, the Municipality, the District and certain of such entities specified some of such matters in the Agreement, particularly matters relating to the construction or acquisition of certain public infrastructure by the District, the acceptance thereof by the Municipality and the reimbursement or repayment of certain of such entities with respect thereto, all pursuant to the Act, such public infrastructure being necessary for the Property to be developed prior to the time at which the District can itself pay for the construction or acquisition thereof; and

WHEREAS, the Agreement, including as amended by this Amendment, as a "development agreement" is consistent with the "general plan" of the Municipality, as defined in Section 9-461, Arizona

Revised Statutes, as amended, applicable to the Property on the date the Agreement and on the date this Amendment was and is, respectively, executed;

NOW, THEREFORE, in the joint and mutual exercise of their powers, in consideration of the above premises and of the mutual covenants herein contained and for other valuable consideration, and subject to the conditions set forth herein, the parties hereto agree that:

Section 1. Prospectively from [Closing Date], 2015, Shea, Sunbelt and Vistancia (as those entities are identified in the Agreement) shall be released from and shall no longer be bound by the Agreement. Shea Homes, Vistancia Holdings and Stratford shall be bound by the terms of the Agreement from and after the date hereof, jointly and severally, whenever, pursuant to the Agreement, Shea, Sunbelt and Vistancia would have been are so bound. All notices, certificates or other communications under the Agreement (including in the Exhibits thereto) shall be sufficiently given and shall be deemed to have been received 48 hours after deposit in the United States mail in registered or certified form with postage fully prepaid addressed to Shea Homes at 8800 North Gainey Center Drive, Suite 370, Scottsdale, Arizona 85258 and to Vistancia Holdings and Stratford at Stratford Land, 5949 Sherry Lane, Sterling Plaza - Suite 1750, Dallas, Texas 75225, Attention: Peter Field, with a copy to Hudnall P.C., 5949 Sherry Lane, Sterling Plaza - Suite 1750, Dallas, Texas 75225, Attention: Matthew N. Hudnall, Esq. Any of the foregoing, by notice

given hereunder, may designate different addresses to which subsequent notices, certificates or other communications will be sent.

Section 2. (a) The definition of "Bonds" in Article I of the Agreement is amended to include the following immediately after the word "Agreement" therein: "and, for purposes of the definitions of "District Expenses", "Initial Deductible Period", Sections 6.3, 8.1, 9.1, 10.2 and, after giving affect to any amendment hereto, 8.3 and 10.11, the bonds issued to refund the Bonds."

(b) (i) The following is added as a new Article to the Agreement immediately following ARTICLE III:

ARTICLE IIIA

Section 3A.1. (a) Projects not constructed pursuant to Article II or III and described in this Article ("Joint Projects") shall be undertaken by the Municipality and Vistancia Holdings (or a related entity including, but not limited to, a Landowner LLC (as hereinafter defined)) pursuant to a joint development or similar agreement entered into by the Municipality and Vistancia Holdings (or such related entity) (which joint development or other agreement may include other third parties as parties thereto) (hereinafter referred to as a "Joint Development Agreement") in a fashion which allows for development of the Property to proceed in accordance with the terms of, and the timing provided by, the Land Development Agreement. (Underlying ownership of the Joint Projects or necessary interests therein shall be determined to the satisfaction

of the District Treasurer and documented to the satisfaction of District Counsel.) As used herein, "Landowner LLC" means an entity related to Vistancia Holdings that owns land within the Property (it being acknowledged that the Landowner LLCs currently consist of Vistancia North, LLC; Vistancia South, LLC; Vistancia 150 Commercial, LLC; Vistancia 580 Commercial, LLC; Vistancia Village H, LLC; Vistancia Clementine, LLC; and Vistancia Mystic, LLC).

(b) (i) The construction of the Joint Projects shall be bid pursuant to the provisions of Title 34, Chapter 2, Article 1, Arizona Revised Statutes. (Compliance with such requirements with respect to a Joint Project shall be evidenced by a Certificate of the Engineers.)

(ii) The District shall not bear any risks, liabilities, obligations or responsibilities under any construction contract for, or risk of loss of or damage to, any Joint Project (or any part thereof) occurring prior to the time of acquisition of such Joint Project (or part thereof) pursuant to Article IV.

(iii) An indication of final payment and contract closeout shall be provided to the District Treasurer before any acquisition pursuant to Article IV. If any liens are placed on any portion of a Joint Project or if litigation ensues with respect to a Joint Project, the District shall not acquire the Joint Project or any

portion thereof until such liens are removed or such litigation is resolved.

(iv) The Segment Price for a Joint Project shall be determined based upon the proportionate share of cost allocated to Vistancia Holdings (or its related entity that executes the Joint Development Agreement) pursuant to the terms of such Joint Development Agreement.

(v) The prior conveyance or dedication of easements, rights-of-way or public infrastructure shall not affect or proscribe rights to construct public infrastructure thereon or to be paid or reimbursed for such construction or such conveyance or dedication upon acquisition by the District.

; (ii) the following is added after existing numbered sentence 5 to Exhibit "D" of the Agreement in connection therewith:

*[For Joint Projects]*

1. The Segment Price (as such term and all of the other initially capitalized terms in this Certificate are defined in the Agreement) as publicly bid and including the cost of approved change orders for the Segment indicated above is \$.....

2. The requirements for public bidding for such Segment as required by the Agreement (including, particularly but not by way of limitation, Title 34, Chapter 2, Article 1, Arizona Revised Statutes) were complied with for such Segment.

3. All construction plans, specifications, contract documents, and supporting engineering data for the construction or installation of such Segment have been filed with the Municipality.

4. Good and sufficient performance and payment bonds were obtained in connection with the construction contract for such Segment.

and (iii) the paragraph and footnotes after "[Insert description of Acquisition Project/Segment]" in Exhibit "D" of the Agreement are deleted in their entirety and replaced with the following in connection therewith:

together with any and all benefits, including warranties and performance and payment bonds[, under the Project Construction Contract (as such term is defined in such Development Agreement) or relating thereto]\*\*, all of which are or shall be located within utility or other public easements dedicated or to be dedicated by plat or otherwise free and clear of any and all liens, easements, restrictions, conditions, or encumbrances affecting the same [, such subsequent dedications not affecting the promise of the District to hereafter pay the amounts described in such Development Agreement\*], but subject to all taxes and other assessments, reservations in patents, and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, leases, and liabilities or other matters as set forth on Exhibit I hereto.

---

\* Insert with respect to any acquisition financed pursuant to Section 4.1(a) hereof.

\*\* Delete with respect to Joint Projects.

(c) (i) Section 6.3 of the Agreement is deleted in its entirety and replaced with the following:

Other than (1) this Agreement, (2) the Bonds, (3) any refundings bonds issued pursuant to the Act so long as the related refunding results in a present value debt service savings, net of costs associated with such refunding bonds, of at least three percent (3%) and (4) any obligations necessary in connection with any of foregoing, the District shall not incur, or otherwise become obligated with respect to, any other obligations.

and **(ii)** the following is added as a new section of the Agreement immediately following Section 6.3:

Section 6.4. Pursuant to Policy Guidelines and Application Procedures for the Establishment of Community Facilities Districts (as adopted on May 6, 2014), of the Municipality and the Act, assessment bonds and revenue bonds may also be issued in addition to the Bonds. Pursuant to Article 5, Section 5.3 of such Guidelines and Procedures, the general obligation bond authorization for the District shall expire on November 12, 2027, to the extent the District can agree pursuant to applicable law.

**(d)** Section 8.3(b) of the Agreement is deleted in its entirety and replaced with the following:

(b) During the Initial Deductible Period, Shea Homes, Vistancia Holdings and Stratford shall be liable and obligated, jointly and severally, to pay, upon written demand of the District Chief Financial Officer, and restore, and shall pay and restore, an amount equal to

\$250,000 to provide for a portion of the deductible contribution equal to such amount and attributable to any incident or incidents arising from the District being such an additional insured. Such amount shall be held in a separate trust fund by the Municipality under conditions customary for the safekeeping of like amounts and applied as provided herein and shall not be reimbursed to Shea Homes, Vistancia Holdings and Stratford from the proceeds of the sale of the Bonds or any other funds of the District or the Municipality; provided, however that the District shall cause investment earnings on such amount to be paid as realized by the Municipality on each January and July 1 to the indenture trustees appointed with respect to each series of the Bonds, *pro rata* based on the principal amount of the Bonds secured by the applicable indenture remaining outstanding, and shall cause such trustees to deposit such amounts to the debt service fund for the applicable series of the Bonds pursuant to the requirements of the applicable indenture. During the Initial Deductible Period, Shea Homes, Vistancia Holdings and Stratford shall be liable and obligated to pay, and shall pay, to the Municipality an amount equal to the amount necessary to establish or restore an amount equal to \$250,000 if the Municipality, in its sole and absolute discretion, applies any of such amount to such an incident or incidents. After the Initial Deductible Period, the total amount of the deductible

contribution attributable to any such incident or incidents shall become a District Expense.

(e) Section 9.3 of the Agreement is deleted in its entirety.

(f) Section 10.11 is deleted in its entirety and replaced with the following:

The term of the Agreement shall be as of the date of the execution and delivery of the Agreement by each of the parties thereto and shall expire upon the earlier of the agreement of the District, the Municipality, Shea Homes, Vistancia Holdings and Stratford to the termination of the Agreement, October 1, 2052, and the date on which all of the Bonds (as such term is defined in the Agreement) are paid in full or defeased to the fullest extent possible pursuant to the Act.

Section 3. Exhibit "B" to the Agreement is hereby replaced for all purposes with the Public Infrastructure defined by the Feasibility Report Amending and Restating in Applicable Parts Feasibility Reports for the Issuance of All Vistancia Community Facilities District (Peoria, Arizona) General Obligation Bonds.

Section 4. The provisions of the Agreement are otherwise hereby ratified and confirmed in all respects, in particular the indemnification provided by Article VIII thereof being effective in all respects as it relates to this Amendment.

Section 5. This Amendment shall be binding upon and shall inure to the benefit of the parties to this Amendment and their

respective legal representatives, successors and assigns; provided, however, that none of the parties hereto shall be entitled to assign its right hereunder or under any document contemplated hereby without the prior written consent of the other parties to this Amendment, which consent shall not be unreasonably withheld.

Section 6. Each party hereto shall, promptly upon the request of any other, have acknowledged and delivered to the other any and all further instruments and assurances reasonably requested or appropriate to evidence or give effect to the provisions of this Amendment.

Section 7. This Amendment sets forth the entire understanding of the parties as to the matters set forth herein as of the date this Amendment is executed and cannot be altered or otherwise amended except pursuant to an instrument in writing signed by each of the parties hereto. This Amendment is intended to reflect the mutual intent of the parties with respect to the subject matter hereof, and no rule of strict construction shall be applied against any party.

Section 8. This Amendment shall be governed by and interpreted in accordance with the laws of the State of Arizona.

Section 9. The waiver by any party hereto of any right granted to it under this Amendment shall not be deemed to be a waiver of any other right granted in this Amendment nor shall the same be deemed to be a waiver of a subsequent right obtained by reason of the continuation of any matter previously waived under or by this Amendment.

Section 10. This Amendment may be executed in any number of counterparts, each of which, when executed and delivered, shall be deemed to be an original, but all of which taken together shall constitute one of the same instrument.

Section 11. (a) Pursuant to Section 38-511, Arizona Revised Statutes, the District may, within three years after its execution, cancel this Amendment, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Amendment on behalf of the District is, at any time while this Amendment is in effect, an employee or agent of Shea Homes, Vistancia Holdings or Stratford in any capacity or a consultant to any other party of this Amendment with respect to the subject matter of this Amendment and may recoup any fee or commission paid or due any person significantly involved in initiating, negotiating, securing, drafting or creating this Amendment on behalf of the District from Shea Homes, Vistancia Holdings or Stratford arising as the result of this Amendment. Shea Homes, Vistancia Holdings or Stratford have not taken and shall not take any action which would cause any person described in the preceding sentence to be or become an employee or agent of Shea Homes, Vistancia Holdings or Stratford in any capacity or a consultant to any party to this Amendment with respect to the subject matter of this Amendment.

(b) To the extent applicable under Section 41-4401, Arizona Revised Statutes, Shea Homes, Vistancia Holdings and Stratford shall comply with all federal immigration laws and regulations that relate to their employees and their compliance with the "e-verify"

requirements under Section 23-214(A), Arizona Revised Statutes. The breach by any of them of the foregoing shall be deemed a material breach of this Amendment and may result in termination as this Amendment relates to the offender. The District retains the legal right to randomly inspect the papers and records of Shea Homes, Vistancia Holdings and Stratford to ensure that they are complying with the above-mentioned warranty. Shea Homes, Vistancia Holdings and Stratford shall keep such papers and records open for random inspection during normal business hours by the District. Shea Homes, Vistancia Holdings and Stratford shall cooperate with the random inspections by the District including granting the District entry rights onto their property to perform such random inspections and waiving their respective rights to keep such papers and records confidential. In connection with such inspections, the District shall keep such papers and records confidential, except to the extent that disclosure may be required pursuant to applicable law.

Section 13. (a) If any provision of this Amendment shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision thereof.

(b) No later than ten (10) days after this Amendment is executed and delivered by each of the parties hereto, Vistancia Holdings shall on behalf of the District record a copy of this Amendment with the County Recorder of Maricopa County, Arizona.

(c) Unless otherwise expressly provided, the agreements contained herein shall be deemed to be material and continuing, shall not be merged and shall survive any conveyance or transfer provided herein.

\* \* \*

IN WITNESS WHEREOF, the officers of the District have duly affixed their signatures and attestations, and the officers of Vistancia Holdings, Sunbelt, Shea Homes and Stratford their signatures, all as of the day and year first written above.

CITY OF PEORIA, ARIZONA

By.....  
Cathy Carlat, Mayor

ATTEST:

.....  
Rhonda Geriminsky, City Clerk

VISTANCIA COMMUNITY FACILITIES  
DISTRICT

By.....  
Brent Mattingly, District Chief  
Financial Officer

ATTEST:

.....  
Rhonda Geriminsky, District  
Clerk

SHEA HOMES LIMITED PARTNERSHIP, a  
California limited partnership

By: J.F. Shea, Co., a Delaware limited  
partnership, its General Partner

By: JFS Management, L.P., a Delaware  
limited partnership, its General  
Partner

By: J.F. Shea Construction  
Management, Inc., a  
California corporation, its  
General Partner

By.....  
Printed Name:.....  
Title:.....

By.....  
Printed Name:.....  
Title:.....

VISTANCIA LAND HOLDINGS, LLC, a Delaware limited liability company

By: SLF III - Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund, III, L.P., an Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By .....  
Printed Name: .....  
Title: .....

SLF III - VISTANCIA, LLC, a Texas limited liability company

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By .....  
Printed Name: .....  
Title: .....

Notice required by A.R.S. Section 41-313: The foregoing notarial certificate(s) relate(s) to the Third Amendment To District Development, Financing Participation and Intergovernmental Agreement, dated September 1, 2015, executed by Vistancia Community Facilities District, an Arizona community facilities district (the "Notarized Document"). The Notarized Document contains a total of \_\_\_\_\_ pages.

STATE OF ARIZONA            )  
                                  ) ss  
COUNTY OF MARICOPA        )

The foregoing instrument was acknowledged before me this  
..... day of ....., 2015, by Cathy Carlat, as Mayor of  
the City of Peoria, Arizona, a municipal corporation.

.....  
Notary Public

My commission expires:  
.....

STATE OF ARIZONA            )  
                                  ) ss  
COUNTY OF MARICOPA        )

The foregoing instrument was acknowledged before me this  
..... day of ....., 2015, by Brent Mattingly, as District  
Chief Financial Officer of Vistancia Community Facilities District, an  
Arizona community facilities district.

.....  
Notary Public

My commission expires:  
.....

STATE OF ARIZONA            )  
                                  ) ss  
COUNTY OF MARICOPA        )

On this day, personally appeared before me .....  
....., as ....., and .....  
....., as ..... of J.F. Shea  
Construction Management, Inc., a California corporation, the General  
Partner in JFS Management, L.P., a Delaware limited partnership, the  
General Partner in J.F. Shea, LP, a Delaware limited partnership, the  
General Partner in Shea Homes Limited Partnership, a California  
limited partnership, who are known to me to be the persona whose names  
are above subscribed, and after being first duly sworn, acknowledged  
upon her/his oath that she/he executed the foregoing for the purposes  
therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official  
seal on ....., 2015.

.....  
Notary Public

My commission expires:  
.....

STATE OF ARIZONA            )  
                                  ) ss  
COUNTY OF MARICOPA        )

On this day, personally appeared before me .....  
....., as ..... of  
Stratford Fund III GP, LLC, a Texas limited liability company, the  
General Partner in Stratford Land Fund III, L.P., a Delaware limited  
partnership, the sole and managing member in SLF III - Vistancia, LLC,  
a Texas limited liability company, the sole and managing member in  
Vistancia Land Holdings, LLC, a Delaware limited liability company,  
who is known to me to be the person whose name is above subscribed,  
and after being first duly sworn, acknowledged upon her/his oath that  
she/he executed the foregoing for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official  
seal on ....., 2015.

.....  
Notary Public

My commission expires:  
.....

STATE OF ARIZONA            )  
                                  ) ss  
COUNTY OF MARICOPA        )

On this day, personally appeared before me .....  
....., as ..... of Stratford Fund  
III GP, LLC, a Texas limited liability company, the General Partner in  
Stratford Land Fund III, L.P., a Delaware limited partnership, the  
sole and managing member in SLF III - Vistancia, LLC, a Texas limited  
liability company, who is known to me to be the person whose name is  
above subscribed, and after being first duly sworn, acknowledged upon  
her/his oath that she/he executed the foregoing for the purposes  
therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official  
seal on ....., 2015.

.....  
Notary Public

My commission expires:

.....

ATTACHMENTS:

EXHIBIT -- Legal Description Of Property To Be Included In The  
District

EXHIBIT

**LEGAL DESCRIPTION OF PROPERTY  
INCLUDED IN THE DISTRICT**

**Area A1:**

Those portions of Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

Sections 23, 24, 25, 26, and 35;

Together with those portions of Township 5 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

Lots 1, 2, 3, and 4 of Section 30.

**EXCEPTING THEREFROM :**

**Parcel A1:**

The Northwest quarter of the Southwest quarter of Section 23; Lots 1 and 2 of Section 24, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona;

The Northwest quarter of the Southwest quarter of Section 26; and Lot 1 of Section 35, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona.

Any portion of the Beardsley Canal, situated within Lot 4 of Section 35, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona

**Parcel A2:**

The Southwest quarter of the Southwest quarter of the Southwest quarter, Section 3, Township 5 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A3:**

The Southwest quarter; the Southwest quarter of the Southwest quarter of the Southeast quarter; the West half of the Southeast quarter of the Southwest quarter of the Southeast quarter; the East half of the Southwest Quarter of the Southeast quarter of the Southeast quarter; and the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 4, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A4:**

The East half of the Southeast quarter of Section 5, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A6:**

The North half of the Northeast quarter; the Southeast quarter; the Southwest quarter of Section 8, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A7:**

All of Section 9, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A8:**

All of Section 10, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A9:**

All of Section 11, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A10:**

Lots 1-10 Inclusive; the Northwest quarter of the Northeast quarter; the North Half of the Northwest quarter; the Northeast quarter of the Southwest quarter; and the South half of the Southwest quarter of Section 14, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A11:**

Lots 1-10 inclusive; the North half of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Northwest quarter; and the North half of the Southwest quarter of Section 15, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**Parcel A12:**

The North half of the North half; and the Southwest quarter of the Northwest quarter of Section 22, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**EXCEPTING THEREFROM:**

Any portion of the Central Arizona Project Canal situated within Sections 14 and 15, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona:

Said Descriptions for parcels A1 through A12 contains **6940.0824 acres**, more or less.

The basis of bearing for the subject parcel is N 89°55'32"W for a line between GDACS Control Station 1ICI to Control Station 1IAI.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 17C

Date Prepared: July 21, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** Scott Whyte, Economic Development Services Director

**SUBJECT:** Amended and Restated First Amendment to Amended and Restated Vistancia Development Agreement

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**Purpose:**

This is a request for the City Council to authorize the City Manager to approve the Amended and Restated *First Amendment* to the 2012 Amended and Restated Vistancia Development Agreement (ARDA) with Vistancia Land Holdings, LLC (VLH) and other parties.

**Background/Summary:**

In 2012, the City Council approved a Major Amendment to the Vistancia entitlement (PCD zoning) in conjunction with an Amended and Restated Development Agreement. This agreement was modified to align with adjustments to the development program. Some of the highlights included:

- Reduction to the original density to a maximum of 10,500 residential units (nearly a 40% reduction in residential density);
- Eliminate certain road improvements. This amendment recognized Loop 303 as a major transportation corridor that was not contemplated in the original traffic impact analysis. Not having Loop 303 recognized in the original traffic analysis required additional road improvements for the developer that are not currently needed due to the existence of Loop 303; and
- Road and water infrastructure improvements were re-aligned to respond to a substantially reduced development program including a 40% reduction in allowable units..

The ARDA also established an economic development partnership between the city and VLH through a provision to make the Commercial Core land shovel ready for build-to-suit development opportunities, including: (1) a city allocation of \$6.7 million to build El Mirage Road from its current terminus to Lone Mountain Parkway; (2) VLH to construct all access roads from El Mirage Road, an off-site sewer line (referred to as the Section 36 sewer line), as well as utility and infrastructure extensions from El Mirage Road to each end user's designated property line; and (3) VLH to donate up to 50 acres of buildable land in the Vistancia Commercial Core in furtherance of targeted economic development initiatives.

The First Amendment to Amended and Restated Development Agreement entered into in March 2014 (March 2014 Amendment), addressed the timing of infrastructure improvements, including the construction of El Mirage Road from its current terminus to Lone Mountain Parkway, extension of the Lone Mountain water line to Lake Pleasant Parkway, and construction of the Section 36 sewer line. The March 2014 Amendment more clearly defined what a targeted end user is for the purpose of joint economic development between Vistancia Land Holdings, LLC and the city. All of the clarifications contained in the March 2014 Amendment sought to position the Vistancia Commercial Core as a true “shovel ready” site, complete with infrastructure improvements to accommodate economic growth, as well as incentives provided by VLH in the form of donated land for a mutually beneficial targeted end-user recruitment.

This Amended and Restated First Amendment to Amended and Restated Development Agreement for Vistancia is to clarify : (1) the parties responsible for certain development and construction activities and obligations; (2) the party responsible for the donation of 50 acres of land; and, (3) to modify the construction schedule attached to the March 2014 Amendment. The parties are requesting to amend and restate, and supersede and replace, the March 2014 Amendment in its entirety, and to enter into a new amendment of the Agreement. In summary, this requested Amendment will:

- Change the party responsible for the donation of land obligation from “Company” to 580 Commercial
- Change the parties responsible for equally funding certain pre-development costs and services in a total amount not to exceed \$340,000 or \$170,000 each, to the City and Vistancia South
- Change the name of “Company” listed throughout the Development Agreement to Vistancia South – they are responsible for the following:
  - Reimburse the City for funds expended in the event a targeted end user has not been identified within a specified time
  - Construction of the Lone Mountain Waterline
  - Construction of the Section 36 Sewer Line
  - Construction of the El Mirage Infrastructure Project

#### **Previous Actions:**

The original Vistancia Development Agreement was approved by the City Council in 2001 in conjunction with the approval of the Vistancia South PCD (formerly *Lakeland Village*) and the Vistancia North PCD (formerly *White Peak Ranch*). Both PCDs have been through subsequent amendments and were combined in 2012 into one PCD (“Vistancia Planned Community District”). It was this amendment wherein the most notable change occurred when the overall

allowable unit count was adjusted downward from a maximum of 17,335 residential units to 10,500.

On November 1, 2011 staff presented a comprehensive amendment to the original Vistancia Development Agreement during a Council study session and the Amended and Restated Development Agreement was approved at the May 1, 2012 City Council meeting. A First Amendment to Amended and Restate Development Agreement was approved at the February 4, 2014 City Council meeting. The First Amendment addressed the “shovel readiness” condition of infrastructure in the Vistancia Commercial Core to accommodate new economic development opportunities; clarified targeted industry end-user attraction that VLH and the city seek to attract to the Commercial Core; clarified the timing of completion for certain other infrastructure improvements, namely the Section 36 sewer line and Lone Mountain water line; and clarified other provisions contained in the ARDA approved by the City Council in May 2012. The parties waited to complete this First Amendment until after the finalization of the related Joint Development Agreement for the Lone Mountain Water Distribution Project, which the City Council approved on June 16, 2015.

**Options:**

**A:** Authorize the City Manager to approve this Amended and Restated First Amendment to the Amended and Restated Development Agreement; or

**B:** Reject this Amendment.

**Staff’s Recommendation:**

Authorize the City Manager to sign the Amended and Restated First Amendment to Amended and Restated Vistancia Development Agreement.

**Fiscal Analysis:**

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

**Exhibit 1:** Amended and Restated First Amendment to Amended and Restated Development Agreement for Vistancia in Peoria, Arizona

**Contact:** Scott Whyte, Economic Development Services Director, x7738

WHEN RECORDED RETURN TO:

City of Peoria  
City Clerk's Office  
8401 W. Monroe Street  
Peoria, Arizona 85345

**AMENDED AND RESTATED FIRST AMENDMENT TO  
AMENDED AND RESTATED DEVELOPMENT AGREEMENT  
FOR VISTANCIA IN PEORIA, ARIZONA**

This Amended and Restated First Amendment to Amended and Restated Development Agreement ("**Amendment**") is entered into as of the \_\_\_ day of \_\_\_\_\_, 2015 ("**Effective Date**"), by and between the CITY OF PEORIA, ARIZONA, an Arizona municipal corporation ("**City**"), and VISTANCIA LAND HOLDINGS, LLC, a Delaware limited liability company ("**Company**"), who is under common control with Vistancia North, LLC, a Delaware limited liability company ("**Vistancia North**"), Vistancia South, LLC, a Delaware limited liability company ("**Vistancia South**"), Vistancia 150 Commercial, LLC, a Delaware limited liability company ("**150 Commercial**"), Vistancia 580 Commercial, LLC, a Delaware limited liability company ("**580 Commercial**"), Vistancia Village H, LLC, a Delaware limited liability company, Vistancia Mystic, LLC, a Delaware limited liability company, and Vistancia Clementine, LLC, a Delaware limited liability company respectively (collectively, "**Owners**"), as successors to VISTANCIA, L.L.C., a Delaware limited liability company (formerly known as Shea Sunbelt Pleasant Point, L.L.C., a Delaware limited liability company). The City and Company may be referred to herein individually as a "**Party**" or collectively as the "**Parties**."

**RECITALS**

A. A.R.S. § 9-500.05 authorizes the City to enter into a development agreement with a landowner or any other person having an interest in real property located in the City or outside its incorporated area.

B. The Parties previously entered into that certain Amended and Restated Development Agreement for Vistancia in Peoria, Arizona, dated May 1, 2012, and recorded on May 9, 2012, in Instrument No. 2012-0395094, official records of Maricopa County, Arizona (the "**Agreement**"). Thereafter, the Agreement was amended pursuant to that certain First Amendment to Amended and Restated Development Agreement for Vistancia in Peoria, Arizona, dated March 5, 2014, and recorded on March 5, 2014, in Instrument No. 2014-0142708, official records of Maricopa County, Arizona (the "**March 2014 Amendment**"). The March 2014 Amendment mistakenly obligated the Company and 580 Commercial as the parties responsible for certain development and construction activities and obligations described therein, which was incorrect because they are a passive holding company that does not own property (in the case of the Company) and a passive long-term investment company (in the case of 580 Commercial) and because, in both cases, they lack the wherewithal to perform development and construction obligations and activities. In addition, the March 2014 Amendment mistakenly obligated the Company as the party responsible for the donation of certain land and for the granting of a deed of trust on certain land, which was in incorrect because the land in question was not owned by

the Company at the time the March 2014 Amendment was executed. The parties also wish to clarify certain provisions of the March 2014 Amendment, and to modify the construction schedules attached as **Exhibits A-2, B-2 and C-2** to the March 2014 Amendment. As a result, the Parties now desire to amend and restate, and supersede and replace, the March 2014 Amendment in its entirety, and to enter into a new amendment of the Agreement as set forth in this Amendment.

C. Section 18.2 of the Agreement provides for the appropriation and funding allocation by the City of \$6,700,000 to be used for the development of backbone infrastructure which the Parties agree is necessary and useful to open the Vistancia Commercial Core to significant economic development opportunities, including the extension of El Mirage Road from its current terminus at the Safeway Center to Lone Mountain Parkway along with other infrastructure necessary to enable the full development of the Vistancia Commercial Core. However, the Agreement provides that this funding allocation may be expended by the City only after, among other things, identification of a targeted end user for the Company's land donation under Section 18.1 of the Agreement (which donation obligation is being assigned by the Company to 580 Commercial as hereinafter provided in this Amendment) and such targeted end user's project being "shovel ready."

D. The Parties have determined that strict adherence to the foregoing requirements of the Agreement may result in lost opportunities in attracting one or more targeted end users to the Vistancia Commercial Core, and that proceeding now with the design and construction of the extension of El Mirage Road from its current terminus at the Safeway Center to Lone Mountain Parkway, which extension will consist of all infrastructure normally associated with the development of a roadway, as more particularly described in **Exhibit A-1** attached hereto and incorporated herein (the improvements comprising such extension of El Mirage Road, as described in **Exhibit A-1**, being hereinafter referred to as the "**El Mirage Infrastructure Project**"), and the expenditure of City funds in connection with the El Mirage Infrastructure Project as hereinafter provided, will substantially enhance the possibility of attracting one or more targeted end users to the Vistancia Commercial Core. As a condition to expending its funds in connection with the El Mirage Infrastructure Project prior to identification of a targeted end user, the City has required, and Vistancia South has agreed, that Vistancia South will reimburse the City for the funds so expended in the event that a targeted end user has not been identified within a specified time or in the event that Vistancia South fails to perform its obligations hereunder regarding construction of the Lone Mountain Waterline and/or the Section 36 Sewer Line (each as hereinafter defined), all as hereinafter provided.

E. For purposes of clarity in moving forward, the Parties also desire to confirm their understanding regarding the meaning of the term "targeted end user" as used in Section 18 of the Agreement.

F. Section 15 of the Agreement references a Water Appendix (attached as Exhibit C to the Agreement) that addresses, among other things, the extension of the Lone Mountain Waterline (as defined in the Water Appendix). As used herein, the term "**Lone Mountain Waterline**" shall have the same meaning as is set forth in the Water Appendix. Pursuant to Sections II.B.4 and II.C.1.a of the Water Appendix, the Company has agreed to contribute all funds necessary to construct the Lone Mountain Waterline as described therein (which obligation is being assigned by the Company to Vistancia South as hereinafter provided in this Amendment), but no construction deadlines are currently established within the Water Appendix. As a condition to expending funds pursuant to Section 18.2 of the Agreement prior to identification of a targeted end user, the City requires, and Vistancia South has agreed, that Vistancia South shall not only

pay for, but shall also construct the Lone Mountain Waterline pursuant to established timeframes for its development and ultimate construction, all as hereinafter provided.

G. Section 18.1.1 of the Agreement references an off-site sewer line that shall be constructed by the Company (which obligation is being assigned by the Company to Vistancia South as hereinafter provided in this Amendment). The Parties desire to confirm their understanding of the location of and timing for the design and build-out of the sewer line to be provided by Vistancia South pursuant to said Section 18.1.1, which sewer line is essential to the development of the Vistancia Commercial Core and the City's infusion of capital in conformity with Section 18.2 of the Agreement.

H. Therefore, the Parties now desire to enter into this Amendment to facilitate the implementation of the Agreement and to amend the Agreement, all as hereinafter provided. In all other respects, the Amended and Restated Development Agreement entered into by the Parties on May 1, 2012, remains unchanged.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements set forth herein, the Parties hereto state, confirm and agree as follows:

### **AGREEMENT**

1. Recitals: Supersedes March 2014 Amendment. The foregoing Recitals are agreed to be true and correct and are incorporated herein by this reference. This Amendment amends, restates, supersedes and replaces the March 2014 Amendment in its entirety, it being agreed that as of the Effective Date of this Amendment (i) the March 2014 Amendment shall terminate and shall be of no further force or effect, (ii) all Parties to the March 2014 Amendment shall be released from their covenants, agreements, liabilities and obligations set forth in the March 2014 Amendment, and (iii) this Amendment shall set forth and define the covenants, agreements, liabilities and obligations of the Parties with respect to the matters set forth herein.

2. Targeted End User. The Parties agree that the term "targeted end user," as used in Section 18 of the Agreement, shall mean a long-term end user of the type described in **subsection (a)** below (the "**Type of Use Requirement**") that will generate significant commercial, office, and/or industrial employment within the Vistancia Commercial Core and/or the City, and/or will significantly further economic development within the Vistancia Commercial Core and/or the City as set forth in **subsection (b)** below (the "**Quality of Investment Requirement**").

(a) The Type of Use Requirement will be satisfied with respect to a particular user if the user is either (i) from an industry identified in the City's Economic Development Incentive and Investment Policy ("**EDIIP**") i.e., manufacturing, corporate or divisional headquarters, 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, and/or higher education, or (ii) is otherwise acceptable to the City. Unless otherwise agreed by the Parties, the Type of Use Requirement will not be satisfied with respect to a retail end user.

(b) The Quality of Investment Requirement will be satisfied with respect to a particular user if both (i) the capital investment (including, but not limited to, both horizontal and vertical improvements, equipment and furnishings) to be made by the user with respect to all or any portion of the 50 acres of land to be donated by 580 Commercial

pursuant to Section 18.1.2 of the Agreement and **Section 6(a)** of this Amendment (hereinafter referred to as the "donated land") is at least \$20 million dollars, and (ii) the user is reasonably anticipated to add at least 100 jobs within three years after commencement of its use (it being understood, however, that the Company and the Owners do not guarantee that such level of job creation will occur, as it is dependent on economic and other conditions outside their respective control) that will ultimately include professional and management positions having an average annual salary range of \$50,000 or more. If both of the standards set forth in this **subsection (b)** are not met with respect to a particular user, the City will have final authority over the decision whether or not the Quality of Investment Requirement is satisfied with respect to that user, and the City's determination is not limited to the capital infusion or job creation conditions set forth in this paragraph.

Notwithstanding any contrary provision hereof, a particular user will qualify as a "targeted end user" only if it satisfies both the Type of Use Requirement and the Quality of Investment Requirement as set forth above. The City and Vistancia South agree to work together to attract targeted end users for the donated land. In order to attract a "targeted end user" the City and Vistancia South further agree to equally fund certain pre-development costs and services in a total amount not to exceed Three Hundred Forty Thousand Dollars (\$340,000) or One Hundred Seventy Thousand Dollars (\$170,000) each. The funds may be used, as needed, for services relating to planning, architectural issues, site development, public relations, marketing, engineering, finance and other necessary services upon the mutual agreement of the City and Vistancia South, which agreement shall not unreasonably be withheld.

Once the above-described requirements for a targeted end user are met, the land donation requirement pursuant to Section 18.1.2 of the Agreement and **Section 6(a)** of this Amendment shall be immediately due and owing, and 580 Commercial shall transfer the land identified in **Exhibit D** of this Amendment to the City, in fee, free and clear of any liens and encumbrances within sixty (60) days following notice from the City that the targeted end user requirement is met. Fulfilling the targeted end user requirement does not impact the obligation of Vistancia South to pay for and construct the Section 36 Sewer Line (including the obligation to satisfy the schedule set forth in **Exhibit B-2**, subject to the provisions of **Section 7**), and fulfilling the targeted end user requirement does not impact the obligation of Vistancia South to pay for and construct the Lone Mountain Waterline (including the obligation to satisfy the schedule set forth in **Exhibit C-2**, but subject to the provisions of **Section 7**). It is expressly agreed that the failure to timely construct either the Section 36 Sewer Line or the Lone Mountain Water Line as set forth in this Amendment may cause irreparable harm to the City in an amount that cannot be adequately compensated by the payment of damages and the City retains its right to elect any and all remedies available to it to secure Vistancia South's timely performance of its obligation to construct the Lone Mountain Waterline and/or to secure Vistancia South's timely performance of its obligation to construct the Section 36 Sewer Line, including but not limited to the remedy of specific performance.

3. Sewer Line Extension. The Parties acknowledge that the attraction of a targeted end user is conditioned upon the timely construction and extension of the sewer line that is to be constructed by Vistancia South pursuant to Section 18.1.1 of the Agreement. The parties hereby agree that the sewer line to be constructed by Vistancia South pursuant to Section 18.1.1 of the Agreement shall be the so-called "State land Section 36 sewer line," with respect to which it is hereby agreed as follows:

(a) Such sewer line shall be constructed in substantial conformity with the alignment identified on attached **Exhibit B-1** and shall consist of those improvements described in **Exhibit B-1** (the "**Section 36 Sewer Line**").

(b) The Section 36 Sewer Line shall be constructed by Vistancia South, who is one of the Owners (as defined in the Agreement), as part of the necessary infrastructure to be built as part of the El Mirage Infrastructure Project. Construction of the Section 36 Sewer Line shall be timed so that it (i) coincides with the construction of the El Mirage Road improvements to be built pursuant to the El Mirage Infrastructure Project, and (ii) is completed in accordance with the schedule for construction identified in attached **Exhibit B-2**.

(c) The Company hereby assigns to Vistancia South its obligations under Section 18.1.1 of the Agreement as they relate to the improvements comprising the Section 36 Sewer Line, and Vistancia South hereby assumes such obligations and agrees to comply with the provisions of Title 34, Arizona Revised Statutes as amended, to the extent applicable, with Vistancia South being the sole obligor responsible for compliance with the applicable public bid legal requirements. The City hereby approves the foregoing assignment subject to Vistancia South's compliance with the conditions/requirements stated herein, and the City agrees that, in accordance with Section 22 of the Agreement, the Company is released from the obligations under Section 18.1.1 of the Agreement as they relate to the improvements comprising the Section 36 Sewer Line. The provisions of Sections 17.2 and 17.3 of the Agreement shall apply with respect to the acquisition of necessary rights-of-way and easements for the Section 36 Sewer Line.

(d) Pursuant to the City's infrastructure standards, the minimum size for the Section 36 Sewer Line is a 15-inch diameter line. The City may require oversizing of the Section 36 Sewer Line (i.e., sizing greater than what is required to serve the Property subject to the Agreement) and if oversizing is required, the City shall contribute only those funds necessary to increase the sewer line size beyond the 15-inch diameter minimum requirement. The incremental cost between the minimum standard (or what is needed to serve the Property, whichever standard is greater) and the cost of the oversizing, will be the City's responsibility. The City may charge and collect fees from other persons, parties or entities seeking to utilize such oversizing. If oversizing is required, the City shall be responsible for the direct payment of the cost of any City-required oversizing of the Section 36 Sewer Line as described herein and in the Water Appendix to the Agreement, it being agreed that neither the Company nor any Owner shall be required to pay such cost and then seek reimbursement thereof from the City unless the Company or an Owner acquires additional property that may be served by the oversizing of the Section 36 Sewer Line, in which event the Company (or such Owner, as applicable) will pay its incremental share of the cost of any such oversizing. In addition, the cost of any such oversizing shall not apply toward (and shall be in addition to) the City's \$6,700,000 commitment under Section 18.2 of the Agreement.

(e) The City's \$6,700,000 commitment under Section 18.2 of the Agreement shall not apply toward the cost of the Section 36 Sewer Line (it being agreed that such funds shall apply only to the cost of the El Mirage Infrastructure Project, as provided in **Section 5** below).

4. Lone Mountain Waterline. The Parties acknowledge that the attraction of a targeted end user is conditioned upon the timely construction of the Lone Mountain Waterline. To further

facilitate implementation of the Agreement and as a condition to the City's obligation to pay for backbone infrastructure in accordance with Section 18.2 of the Agreement, it is agreed as follows with respect to the Lone Mountain Waterline:

(a) Vistancia South agrees to construct the Lone Mountain Waterline, which shall consist of those improvements described in **Exhibit C-1** attached hereto. Such construction shall occur in accordance with the terms set forth herein. The Company hereby assigns to Vistancia South its obligation to construct the Lone Mountain Waterline in accordance with the Water Appendix attached to the Agreement, and Vistancia South hereby assumes such obligation. The City hereby approves the foregoing assignment subject to Vistancia South's compliance with the conditions/requirements stated herein, and the City agrees that, in accordance with Section 22 of the Agreement, the Company is released from the obligation to construct the Lone Mountain Waterline.

(b) Promptly after execution of this Amendment by the Parties, Vistancia South will design the Lone Mountain Waterline to the point of identifying properties whose acquisition is necessary for construction of the waterline. In connection with these efforts, Vistancia South will use its diligent efforts to adhere to Vistancia South's schedule for identifying the path of the Lone Mountain Waterline as contained in **Exhibit C-2** attached hereto and incorporated by reference.

(c) Vistancia South agrees to complete final design of the Lone Mountain Waterline, and to create legal descriptions for all right-of-way necessary for construction of the Lone Mountain Waterline, on or before the deadline therefore specified in the schedule attached hereto as **Exhibit C-2**.

(d) Thereafter, Vistancia South will acquire all real property necessary for construction of the Lone Mountain Waterline and associated improvements (see Agreement at Exhibit C). If necessary right-of-way from private property owners cannot be secured within a commercially reasonable time period, then the City will exercise its power of condemnation to the full extent permitted by law to acquire such right-of-way. In the event the City exercises its power of condemnation pursuant to this subsection, the costs of such condemnation, including but not limited to reasonable attorneys' fees, will be part of the cost of the Lone Mountain Waterline to be paid for by Vistancia South pursuant to the Water Appendix attached to the Agreement.

(e) Construction of the Lone Mountain Waterline and associated improvements shall occur in accordance with the schedule attached hereto as **Exhibit C-2**, and such construction shall be completed on or before the date required in the schedule attached hereto as **Exhibit C-2**. The City will cooperate as requested by Vistancia South with applications for necessary right-of-way and as described above, but this in no way relieves Vistancia South of the obligation to construct the Lone Mountain Waterline in accordance with the Water Appendix attached to the Agreement. The parties agree that in addition to any other remedies specified herein or in the Agreement, that the City may elect the remedy of specific performance with regard to Vistancia South's obligation to construct the Lone Mountain Waterline.

(f) The City may require oversizing of the Lone Mountain Waterline (i.e., sizing greater than sixteen inches (16")). The City shall contribute only those funds necessary to increase the water line size beyond the 16-inch diameter minimum requirement. The incremental cost between what is needed to serve the Property (as described and set forth

in the Agreement and in the Water Appendix to the Agreement) and the cost of the oversizing, will be the City's responsibility. The City may charge and collect fees from other persons, parties or entities seeking to utilize such oversizing. The City shall be responsible for the direct payment of the cost of any City-required oversizing of the Lone Mountain Waterline, it being agreed that neither the Company nor any Owner shall be required to pay such cost and then seek reimbursement thereof from the City, unless the Company or an Owner acquires additional property that may be served by the oversizing of the Lone Mountain Waterline, in which event the Company (or such Owner, as applicable) will pay its incremental share of the cost of any such oversizing. In addition, the cost of any such oversizing shall not apply toward (and shall be in addition to) the City's \$6,700,000 commitment under Section 18.2 of the Agreement.

(g) The City's \$6,700,000 commitment under Section 18.2 of the Agreement shall not apply toward the cost of the Lone Mountain Waterline (it being agreed that such funds shall apply only to the cost of the El Mirage Infrastructure Project, as provided in **Section 5** below).

5. El Mirage Infrastructure Project. The Parties acknowledge that the attraction of a targeted end user is conditioned upon the timely construction and completion of the El Mirage Infrastructure Project. The Parties agree to proceed immediately with the design and construction of the Infrastructure Project, in accordance with the following terms:

(a) Vistancia South. Vistancia South shall design and construct the El Mirage Infrastructure Project. The Company hereby assigns to Vistancia South its obligations under Section 18.1.1 of the Agreement as they relate to the improvements comprising the El Mirage Infrastructure Project, and Vistancia South hereby assumes such obligations and agrees to comply with the provisions of Title 34, Arizona Revised Statutes as amended, to the extent applicable, with Vistancia South being the sole obligor responsible for compliance with the applicable public bid legal requirements. The City hereby approves the foregoing assignment subject to Vistancia South's compliance with the conditions/requirements stated herein, and the City agrees that, in accordance with Section 22 of the Agreement, the Company is released from the obligations under Section 18.1.1 of the Agreement relating to the El Mirage Infrastructure Project.

(b) Preparation of Plans and Specifications.

(i) Selection of Design Engineers. Vistancia South shall proceed immediately with the design of the improvements comprising the El Mirage Infrastructure Project. Design engineers shall be selected by Vistancia South, subject to City approval, and pursuant to direct selection, if applicable, as authorized pursuant to Title 34, Arizona Revised Statutes as amended, and all other applicable law, rules and/or regulations that relate to the procurement of goods or services by a public entity. All plans and specifications for the El Mirage Infrastructure Project shall be subject to the City's review and approval pursuant to usual City practices and/or procedures.

(ii) Reimbursement of Design Cost. Vistancia South shall deliver to the City true and correct copies of all invoices, applications for payment, or other reasonable supporting evidence of all costs paid to design engineers in connection with the preparation of final City-approved plans and specifications for the El Mirage Infrastructure Project (the amounts so documented being hereinafter

collectively referred to as the "**Design Costs**"). The City shall be given full authority to review and approve the plans and specifications for all planned infrastructure and to issue final approval. In no event shall the total funding for direct select design costs exceed the sum of Four Hundred Thousand Dollars (\$400,000). The City shall reimburse Vistancia South for the Design Costs ten (10) business days after the date on which the City has approved the final plans and specifications for the El Mirage Infrastructure Project.

(c) Construction of the Infrastructure Project.

(i) Public Bidding. The construction of the El Mirage Infrastructure Project shall be bid pursuant to the provisions of Title 34, Arizona Revised Statutes, as amended, and in accordance with the requirements for construction projects of the City similar to the El Mirage Infrastructure Project as specified in the Procurement Code of the City of Peoria, Arizona (Section 2-301 *et seq.* of the Peoria Code) and any procurement guidelines promulgated in connection therewith (all of the foregoing being hereinafter collectively referred to as the "**Public Bid Requirements**"). Construction contracts and material supply contracts for the El Mirage Infrastructure Project shall be entered into by Vistancia South with the bidders selected in accordance with the Public Bid Requirements, and the form of each such construction contract and material supply contract shall be subject to the City's approval (each such construction contract or material supply contract approved by the City being hereinafter referred to as a "**Construction Contract**"). Any modification to a Construction Contract, including but not limited to any change order issued thereunder, shall be subject to the City's approval and any applicable Public Bid Requirements (any such modification or change order approved by the City being hereinafter referred to as a "**Change Order**").

(ii) Payment of Construction Costs. Vistancia South acknowledges that payment/reimbursement for construction costs is conditioned upon compliance with public procurement requirements and procedures as set forth in Title 34 of the Arizona Revised Statutes, as well as the Procurement Code of the City of Peoria, Arizona (Sec. 2-301 *et seq.* of the Peoria City Code). Vistancia South shall oversee the construction of the El Mirage Infrastructure Project, and shall pay amounts due under the Construction Contracts (and any Change Order(s)) as and when due. Amounts paid by Vistancia South pursuant to the Construction Contracts (and any Change Order(s)) are hereinafter referred to as the "**Construction Cost**". The City shall reimburse Vistancia South for the Construction Costs in accordance with the following:

(A) Funds shall be paid by the City from time to time pursuant to Draw Requests (as hereinafter defined) submitted by Vistancia South for Construction Cost paid in connection with the El Mirage Infrastructure Project, subject to and in accordance with the procedures set forth in this **Section 5(c)(ii)** Draw Requests shall be submitted by Vistancia South no more frequently than monthly during the course of construction of the El Mirage Infrastructure Project. As used herein, the term "**Draw Request**" shall mean a written request for payment on account of the City's commitment under Section 18.2 of the Agreement, which is submitted by

Vistancia South to the City hereunder, which request is accompanied by or contains all of the following information and/or materials:

(1) The total Construction Cost amount paid by Vistancia South in connection with the El Mirage Infrastructure Project that was not included in Draw Requests previously delivered hereunder;

(2) The total Construction Cost amount paid to date by Vistancia South in connection with the El Mirage Infrastructure Project (exclusive of the amount sought to be paid pursuant to the current Draw Request);

(3) The identity of each contractor or material supplier paid pursuant to the current Draw Request (each, a "**Payee**"), and a breakdown of the total Construction Cost amount in item (1) above among the various Payees identified in such Draw Request;

(4) Copies of invoices, receipts, demands for payment, or other reasonable supporting evidence of all Construction Cost amounts included in the Draw Request; and

(5) Copies of unconditional lien waivers, in the prescribed statutory form, executed by all Payees for Construction Cost amounts included in the current Draw Request.

(B) Each Draw Request shall be delivered to Andy Granger, or his successor as City Engineer (the "**City's Authorized Agent**"). The City's Authorized Agent shall have full authority on behalf of the City to review and approve or disapprove any Draw Request delivered by Vistancia South hereunder.

(C) The City's Authorized Agent shall have twenty (20) calendar days after it receives any such Draw Request to review the Draw Request and any work covered by the Draw Request, to object to all or any portion of the Draw Request, and to issue payment on such Draw Request as hereinafter provided. If the City's Authorized Agent objects to a Draw Request, or any portion thereof, the City's Authorized Agent shall notify Vistancia South in writing of its objection within twenty (20) calendar days after it received such Draw Request, which objection shall specify the nature of its objection and whether it is objecting to the payment of all or only a part of the amount sought to be paid pursuant to the Draw Request. If the City's Authorized Agent approves (or is deemed to have approved) a Draw Request, then the City shall within thirty (30) calendar days after it received such Draw Request issue payment thereon by check issued to Vistancia South for the total amount of the Draw Request approved or deemed approved. If the City's Authorized Agent objects (prior to expiration of the twenty (20) calendar day period for doing so) to only a portion of a Draw Request, then the City shall (i) within 30 days after the City receives such Draw Request, issue payment on the undisputed portion of such Draw Request by check issued to Vistancia South, and (B) hold

any disputed amount until Vistancia South and the City's Authorized Agent mutually agree as to the payment of the disputed amount or until there is resolution pursuant to the order of a court or arbitrator of competent jurisdiction. If the City's Authorized Agent fails to act on a Draw Request within twenty (20) calendar days after it is received (i.e., he neither approves nor disapproves the request), then such request shall be deemed approved.

(D) The Construction Contracts executed in connection with the El Mirage Infrastructure Project shall provide for retainage as required under A.R.S. § 34-221, and there shall be no additional retainage in connection with Draw Request amounts payable by the City hereunder.

(iii) Amounts paid by the City pursuant to **Section 5(c)(ii)** above shall apply toward the City's \$6,700,000 commitment under Section 18.2 of the Agreement. In no event shall the aggregate total amount payable by the City pursuant to **Sections 5(b)(ii) and 5(c)(ii)** of this Amendment exceed the sum of \$6,700,000 unless otherwise approved by the City (including, but not limited to, pursuant to any Change Order approved by the City and/or as the result of City-required oversizing).

(iv) The City shall be responsible for the direct payment of the cost of any City-required oversizing of improvements included in the El Mirage Infrastructure Project (i.e., sizing greater than what is required to serve the Vistancia Commercial Core) The incremental cost between what is needed to serve the Vistancia Commercial Core and the required oversizing will be the responsibility of the City. The City may charge and collect fees from other persons, parties or entities seeking to utilize such oversizing, it being agreed that neither Vistancia South, any other Owner, nor the Company shall be required to pay such cost and then seek reimbursement thereof from the City pursuant to **Section 5(c)(ii)**, unless the Company or an Owner acquires additional property that may be served by the oversizing of the Lone Mountain Waterline, in which event the Company (or such Owner, as applicable) will pay its incremental share of the cost of any such oversizing. In addition, the cost of any such oversizing shall not apply toward (and shall be in addition to) the City's \$6,700,000 commitment under Section 18.2 of the Agreement.

(v) All design and all construction of the El Mirage Infrastructure Project shall be complete on or before the deadline set forth in the schedule attached hereto as **Exhibit A-2**.

(vi) Funds paid by the City hereunder in connection with its \$6,700,000 commitment under Section 18.2 of the Agreement shall not apply toward any costs associated with the Section 36 Sewer Line or the Lone Mountain Waterline, it being agreed that such funds shall apply only toward the cost of the El Mirage Infrastructure Project as set forth in this **Section 5**.

6. **Reimbursement of Construction Cost Paid by City.**

(a) The Company hereby assigns to 580 Commercial its obligations under Section 18.1.2 of the Agreement, and 580 Commercial hereby assumes such obligations

and agrees to comply with the provisions of said Section 18.1.2. The City hereby approves the foregoing assignment subject to 580 Commercial's compliance with the conditions/requirements stated herein, and the City agrees that, in accordance with Section 22 of the Agreement, the Company is released from the obligations under Section 18.1.2 of the Agreement.

(b) In the event that (a) 580 Commercial has not satisfied its donation obligations under Section 18.1.2 of the Agreement and **Section 6(a)** of this Amendment with respect to up to fifty (50) acres of buildable land located in the Vistancia Commercial Core on or before the Deadline Date (as hereinafter defined), or (b) Vistancia South has not completed construction of the Section 36 Sewer Line when required pursuant to **Section 3** above, or (c) Vistancia South has not completed construction of the Lone Mountain Waterline when required pursuant to **Section 4** above, then Vistancia South shall pay to the City, on or before thirty (30) days after the Deadline Date, an amount equal to the aggregate total of (i) all Design Costs actually paid by the City pursuant to **Section 5(b)(ii)** above, together with interest accrued thereon at a rate of two percent (2%) per annum from the date of the City's expenditure until the date of repayment to the City, plus (ii) all Construction Costs actually paid by the City pursuant to **Section 5(c)(ii)** above, together with interest accrued thereon at a rate of two percent (2%) per annum from the date of the City's expenditure until the date of repayment to the City (collectively, the "**Payment Obligation**"). To secure the Payment Obligation, Vistancia South has caused a Deed of Trust to be executed in favor of the City for certain unencumbered real property legally described in **Exhibit D** attached hereto, which exhibit is incorporated by reference. Such Deed of Trust was recorded in the official records of Maricopa County, Arizona, on July 16, 2014, in Instrument No. 2014-0465321. At the time the Deed of Trust was recorded, it was mistakenly believed that all of the land described in **Exhibit D** attached hereto (which is also the land described in Exhibit A to the Deed of Trust) was owned by 580 Commercial; thereafter, it was learned that a portion of such land is owned by Vistancia South. To correct this error Vistancia South shall cause an instrument in form acceptable to the City (the "**Ratification**") to be executed and recorded, pursuant to which Vistancia South shall ratify and join in the Deed of Trust with respect to such land owned by Vistancia South, so that the Deed of Trust encumbers all land described in Exhibit A to the Deed of Trust that is owned by Vistancia South. The term "Deed of Trust" as used herein shall mean the original Deed of Trust, as ratified by Vistancia South pursuant to such Ratification. The Deed of Trust secures the payment by Vistancia South of amounts owed with respect to the Payment Obligation under this section. 580 Commercial and Vistancia South (each as to the portion of the Deed of Trust property owned by it) agrees the real property subject to the Deed of Trust shall be free of any and all liens, encumbrances and/or prior claims of any kind or nature. For purposes of the Deed of Trust, the Parties agree that this Amendment shall evidence the Payment Obligation secured by the Deed of Trust, and execution of a promissory note shall not be required (and the term "Payment Obligation" as used in the Deed of Trust shall mean the Payment Obligation as defined and described in this Amendment). If the Payment Obligation is not fully satisfied when due pursuant to the terms set forth above (or prior to expiration of the additional 30-day period described in the remaining provisions of this sentence), the City may direct the Trustee to proceed with foreclosure or trustee's sale pursuant to the Deed of Trust without delay at any time after thirty (30) days following the Deadline Date (as defined in **subsection (c)** below) or, in lieu of such foreclosure or trustee's sale the City may elect to proceed against Vistancia South for payment of the debt arising from the Payment Obligation.

(c) 580 Commercial's agreement to provide reasonable security for the Payment Obligation as set forth in **subsection (a)** above in no way alters or amends the donation requirements set forth in Section 18.1.2 of the Agreement. It is specifically understood by the parties that should the City's payment obligation(s) pursuant to Section 18.2 of the Agreement not be fully met as a result of the action(s) or inaction(s) of Vistancia South, that the donation requirement set forth in Section 18.1.2 of the Agreement shall nevertheless remain in full force and effect; provided, however, that (i) in the event of foreclosure or trustee's sale under the Deed of Trust, 580 Commercial shall have no further obligations under Section 18.1.2 of the Agreement and the land acquired by the City pursuant to such foreclosure or trustee's sale shall fully satisfy such obligations and the Payment Obligation, and (ii) if Vistancia South fully satisfies the debt arising from the Payment Obligation and "targeted end users" have not been obtained by the Deadline Date for the entire fifty (50) acres to be donated pursuant to Section 18.1.2 of the Agreement, then 580 Commercial shall have no further obligations under Section 18.1.2 of the Agreement and the funds received by the City in satisfaction of the Payment Obligation shall fully satisfy such obligations. Nothing herein shall prevent the City from seeking specific performance of Vistancia South's obligation to build the El Mirage Infrastructure and/or the Section 36 Sewer Line, and/or Vistancia South's obligation to build the Lone Mountain Waterline, in each case as those improvements are defined herein and in the Agreement, and the donation of land required by Section 18.1.2 of the Agreement will not be affected by an action for specific performance to enforce Vistancia South's obligations to construct same.

(d) As used herein, the term "**Deadline Date**" shall mean the date that is five (5) years after the date on which this Amendment is fully executed. The Deadline Date is subject to one (1) extension of three (3) years in length upon mutual agreement of the City Manager, on the one hand, and 580 Commercial and Vistancia South, on the other hand, if such Parties determine that market conditions have impeded the ability to obtain suitable "targeted end users" for up to fifty (50) acres of buildable land located in the Vistancia Commercial Core on or before the original Deadline Date. In the event of such extension, the term "Deadline Date" as used herein shall mean the original Deadline Date, as so extended.

(e) **Exhibit D** attached hereto (and the legal description of the property encumbered by the Deed of Trust described herein) may be subject to modification from time to time at 580 Commercial's request and subject to approval of the City Council to describe other real property within Vistancia that is acceptable to the City Council, it being agreed that such other real property must be at least 50 acres in size and of value comparable to the then-existing property described in **Exhibit D** and the Deed of Trust. All references in this Amendment to **Exhibit D** shall mean **Exhibit D** as amended from time to time pursuant to this provision.

(f) The City shall cause the property encumbered by the Deed of Trust to be released and reconveyed from the Deed of Trust upon the first to occur of (i) donation of the property encumbered by the Deed of Trust in accordance with Section 18.1.2 of the Agreement (provided, however, that if less than the entire fifty (50) acres is involved in a particular donation, then the Deed of Trust shall be released only with respect to the portion then being donated and shall remain in effect as to the balance of the property encumbered by the Deed of Trust), or (ii) full payment to the City of the debt arising from the Payment Obligation and occurrence of the Deadline Date without "targeted end users"

having been obtained for the entire fifty (50) acres to be donated pursuant to Section 18.1.2 of the Agreement.

7. Force Majeure. Any deadline for performance by Vistancia South pursuant to **Sections 3, 4, and/or 5(c)** of this Amendment shall be extended by a time equal to any period that progress in such performance is delayed due to any cause beyond the control of Vistancia South through the exercise of reasonable diligence, financial inability being hereby excluded (a "**Force Majeure Event**"); provided, however, that as a condition to claiming an extension due to a Force Majeure Event, Vistancia South shall be required to deliver written notice to the City of the occurrence of such Force Majeure Event, which notice must be delivered on or before ten (10) business days after the date on which the Vistancia South first learned of the existence of such Force Majeure Event. In no event, shall a Force Majeure Event delay performance longer than one hundred twenty (120) days for any one occurrence.

8. Effect of Amendment; Estoppel. All other terms and conditions of the Agreement remain in full force and effect except as amended hereby. The terms of this Amendment shall control in the event of any conflict or inconsistency between the terms of this Amendment and the terms of the Agreement. The Company and each Owner agrees that, as of the date of this Amendment, it has received the equal protection of the laws, has received due process of all of its claims and requests, and has not suffered from a compensable regulatory taking (as those terms and their related claims are defined by Arizona state and federal constitutional jurisprudence). No Party has breached the Agreement or has any litigable claim against any other Party as of the Effective Date of this Amendment. This Amendment's duration is coterminous with the Agreement's.

9. Time Is of the Essence. The parties agree that time is of the essence in this Agreement and every term or performance hereunder.

10. Recordation. The City will record this Amendment in the Maricopa County Recorder's Office within ten (10) days after the last party signs.

[NO FURTHER TEXT ON THIS PAGE – SIGNATURES FOLLOW]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the day and year first above written.

**"CITY"**

CITY OF PEORIA, ARIZONA,  
a municipal corporation

By: \_\_\_\_\_  
Cathy Carlat, Mayor

Attest:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to form:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**"COMPANY"**

VISTANCIA LAND HOLDINGS, LLC, a  
Delaware limited liability company

By: SLF III – Vistancia, LLC, a Texas limited  
liability company, its sole and managing  
member

By: Stratford Land Fund III, L.P., a Delaware  
limited partnership, its sole and  
managing member

By: Stratford Fund III GP, LLC, a  
Texas limited liability company,  
its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas         )

The foregoing instrument was acknowledged before me, the undersigned Notary Public,  
this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the  
\_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the  
General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and  
managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and  
managing member of Vistancia Land Holdings, LLC, a Delaware limited liability company, for and  
on behalf thereof.

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

My commission expires:

Acknowledgement & Consent

The undersigned Owners hereby (i) consent to this Amendment; (ii) acknowledge that this Amendment shall bind the Property (as defined in the Agreement), (ii) authorize and consent to the recordation of this Amendment for the sole purpose of binding the interests of the Owners in and to the Property. In addition, by their execution below, 580 Commercial and Vistancia South (each as defined above) hereby agree to and shall be bound by all of their respective obligations and agreements as set forth in this Amendment.

VISTANCIA NORTH, LLC, a Delaware limited liability company

By: SLF III – VPMM, LLC, a Texas limited liability company, its managing member

By: SLF III – Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas         )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and managing member of SLF III – VPMM, LLC, a Texas limited liability company, the managing member of Vistancia North, LLC, a Delaware limited liability company, for and on behalf thereof.

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

My commission expires:

VISTANCIA SOUTH, LLC, a Delaware limited liability company

By: SLF III – VPMM, LLC, a Texas limited liability company, its managing member

By: SLF III – Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas            )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and managing member of SLF III – VPMM, LLC, a Texas limited liability company, the managing member of Vistancia South, LLC, a Delaware limited liability company, for and on behalf thereof.

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

My commission expires:

VISTANCIA 150 COMMERCIAL, LLC, a Delaware limited liability company

By: SLF III – VPMM, LLC, a Texas limited liability company, its managing member

By: SLF III – Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas            )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and managing member of SLF III – VPMM, LLC, a Texas limited liability company, the managing member of Vistancia 150 Commercial, LLC, a Delaware limited liability company, for and on behalf thereof.

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

My commission expires:

VISTANCIA 580 COMMERCIAL, LLC, a Delaware limited liability company

By: SLF III – VPMM, LLC, a Texas limited liability company, its managing member

By: SLF III – Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas            )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and managing member of SLF III – VPMM, LLC, a Texas limited liability company, the managing member of Vistancia 580 Commercial, LLC, a Delaware limited liability company, for and on behalf thereof.

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

My commission expires:

VISTANCIA VILLAGE H, LLC, a Delaware limited liability company

By: SLF III – VPMM, LLC, a Texas limited liability company, its managing member

By: SLF III – Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas            )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and managing member of SLF III – VPMM, LLC, a Texas limited liability company, the managing member of Vistancia Village H, LLC, a Delaware limited liability company, for and on behalf thereof.

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

My commission expires:

VISTANCIA CLEMENTINE, LLC, a Delaware limited liability company

By: SLF III – VPMM, LLC, a Texas limited liability company, its managing member

By: SLF III – Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas            )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and managing member of SLF III – VPMM, LLC, a Texas limited liability company, the managing member of Vistancia Clementine, LLC, a Delaware limited liability company, for and on behalf thereof.

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

My commission expires:

VISTANCIA MYSTIC, LLC, a Delaware limited liability company

By: SLF III – VPMM, LLC, a Texas limited liability company, its managing member

By: SLF III – Vistancia, LLC, a Texas limited liability company, its sole and managing member

By: Stratford Land Fund III, L.P., a Delaware limited partnership, its sole and managing member

By: Stratford Fund III GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS            )  
  ) ss.  
County of Dallas            )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of Stratford Fund III GP, LLC, a Texas limited liability company, the General Partner in Stratford Land Fund III, L.P., a Delaware limited partnership, the sole and managing member of SLF III – Vistancia, LLC, a Texas limited liability company, the sole and managing member of SLF III – VPMM, LLC, a Texas limited liability company, the managing member of Vistancia Mystic, LLC, a Delaware limited liability company, for and on behalf thereof.

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

My commission expires:

## **EXHIBIT A-1**

### Description of El Mirage Infrastructure Project Improvements

- A. Construction of El Mirage Road Phase 4.1 in Vistancia, from the current terminus south of the Twin Buttes Wash to Lone Mountain Road, approximately 4,750 linear feet. The roadway will include one (1) travel lane and a bike lane in each direction. The Roadway Improvements include:
- B. Procurement of all required construction permits, dust control permits and SWPPP permits (NOI from AZDEQ).
- C. Provide all required construction surveying and material testing and special inspection required for the completion of the improvements listed herein.
- D. Grading of the roadway in accordance with the Approved Improvement Plans and standards of the City. All grading must meet the soils report moisture and compaction requirements for the roadway and be certified as such by a soils engineer and/or qualified geotechnical engineer.
- E. Installation of an operational public sanitary sewer collection system in accordance with the Approved Improvement Plans and standards of the City.
- F. Installation of an operational public water distribution system in accordance with the Approved Improvement Plans and standards of the City.
- G. Installation of an operational public reclaimed water distribution system in accordance with the Approved Improvement Plans and standards of the City.
- H. Installation of all storm drainage, and retention and detention facilities, including the box culvert at the Twin Buttes Wash per the Approved Improvement Plans and City standards.
- I. Installation of all concrete curbs, gutters, sidewalks, trails, ramps, bus bays and paved streets in accordance with the Approved Improvement Plans and City standards.
- J. Installation of all street lights and street signs in accordance with the Approved Improvement Plans and City standards.
- K. Installation of all electric, telephone, gas, and CATV conduit in Public Utility Easements to service the roadway and for future extension to the adjacent property per the plans provided and approved by APS, Cox Communications (as to both telephone and cable TV), Zona Communications, and Southwest Gas. Vistancia will enter into all contracts/line extension agreements with utility providers for the roadway and pay all advances or deposits required by such utility providers. Vistancia will be entitled to any and all refunds provided by such utility providers under such contracts and agreements.
- L. Installation of all Traffic Signal Interconnect (TSI) conduit and pull boxes in accordance with the Approved Improvement Plans and City standards.
- M. Installation of all roadway and tract landscaping in accordance with the Approved Improvement Plans and City standards.

**EXHIBIT A-2**

Construction Schedule for El Mirage Infrastructure Project

[see 1 page attachment]



### Construction Schedule for El Mirage Infrastructure Project

ID	Task Name	Duration	Start	Finish	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June				
1	<b>El Mirage Road Design Completion</b>	<b>320 days</b>	<b>Mon 2/24/14</b>	<b>Tue 5/26/15</b>	[Gantt bar spanning from Feb 24, 2014 to May 26, 2015]																					
2	Bidding	25 days	Mon 2/24/14	Fri 3/28/14	[Gantt bar from Feb 24, 2014 to Mar 28, 2014]																					
3	Contracting	10 days	Mon 3/31/14	Fri 4/11/14	[Gantt bar from Mar 31, 2014 to Apr 11, 2014]																					
4	Pull Permits	1 day	Thu 4/24/14	Thu 4/24/14	[Gantt bar at Apr 24, 2014]																					
5	<b>Construction</b>	<b>276 days</b>	<b>Fri 4/25/14</b>	<b>Tue 5/26/15</b>	[Gantt bar spanning from Apr 25, 2014 to May 26, 2015]																					
6	SWPPP Installation	5 days	Fri 4/25/14	Thu 5/1/14	[Gantt bar from Apr 25, 2014 to May 1, 2014]																					
7	Native Plant Salvage	20 days	Fri 4/25/14	Thu 5/22/14	[Gantt bar from Apr 25, 2014 to May 22, 2014]																					
8	Grading	30 days	Fri 5/2/14	Fri 6/13/14	[Gantt bar from May 2, 2014 to Jun 13, 2014]																					
9	Utility Plugs Under Box Culvert	6 days	Mon 6/16/14	Mon 6/23/14	[Gantt bar from Jun 16, 2014 to Jun 23, 2014]																					
10	Sanitary Sewer	20 days	Tue 6/24/14	Tue 7/22/14	[Gantt bar from Jun 24, 2014 to Jul 22, 2014]																					
14	Box Culvert (5 barrel)	80 days	Tue 6/24/14	Wed 10/15/14	[Gantt bar from Jun 24, 2014 to Oct 15, 2014]																					
11	Non-Potable Water	7 days	Wed 7/23/14	Thu 7/31/14	[Gantt bar from Jul 23, 2014 to Jul 31, 2014]																					
12	Potable Water	18 days	Fri 8/1/14	Tue 8/26/14	[Gantt bar from Aug 1, 2014 to Aug 26, 2014]																					
13	Storm Drain	10 days	Wed 8/27/14	Wed 9/10/14	[Gantt bar from Aug 27, 2014 to Sep 10, 2014]																					
15	Dry Utilities - Trenching & APS Install	15 days	Thu 9/11/14	Wed 10/1/14	[Gantt bar from Sep 11, 2014 to Oct 1, 2014]																					
16	Dry Utilities - Cox/Zona Installations	4 days	Thu 10/2/14	Tue 10/7/14	[Gantt bar from Oct 2, 2014 to Oct 7, 2014]																					
17	Dry Utilities - Southwest Gas Installation	60 days	Wed 10/8/14	Wed 12/31/14	[Gantt bar from Oct 8, 2014 to Dec 31, 2014]																					
24	Rip Rap Installation	10 days	Thu 10/16/14	Wed 10/29/14	[Gantt bar from Oct 16, 2014 to Oct 29, 2014]																					
18	Dry Utilities - Trench Backfill	5 days	Fri 1/2/15	Thu 1/8/15	[Gantt bar from Jan 2, 2015 to Jan 8, 2015]																					
21	Waterline Testing & Tie-ins	6 days	Fri 1/9/15	Fri 1/16/15	[Gantt bar from Jan 9, 2015 to Jan 16, 2015]																					
22	Grade Restoration / Landscape Shaping	15 days	Fri 1/9/15	Thu 1/29/15	[Gantt bar from Jan 9, 2015 to Jan 29, 2015]																					
23	Irrigation Sleeves	3 days	Fri 1/30/15	Tue 2/3/15	[Gantt bar from Jan 30, 2015 to Feb 3, 2015]																					
25	Concrete Curb	10 days	Wed 2/4/15	Wed 2/18/15	[Gantt bar from Feb 4, 2015 to Feb 18, 2015]																					
31	Landscaping	65 days	Wed 2/4/15	Wed 5/6/15	[Gantt bar from Feb 4, 2015 to May 6, 2015]																					
26	Concrete Tie-ins & Sidewalk	18 days	Thu 2/19/15	Mon 3/16/15	[Gantt bar from Feb 19, 2015 to Mar 16, 2015]																					
27	Paving	18 days	Tue 3/17/15	Thu 4/9/15	[Gantt bar from Mar 17, 2015 to Apr 9, 2015]																					
28	Utility Adjustments	2 days	Fri 4/10/15	Mon 4/13/15	[Gantt bar from Apr 10, 2015 to Apr 13, 2015]																					
30	Streetlight Installation	5 days	Fri 4/10/15	Thu 4/16/15	[Gantt bar from Apr 10, 2015 to Apr 16, 2015]																					
29	Signage & Striping	3 days	Tue 4/14/15	Thu 4/16/15	[Gantt bar from Apr 14, 2015 to Apr 16, 2015]																					
19	APS Wire Pull / Terminations	5 days	Mon 4/20/15	Fri 4/24/15	[Gantt bar from Apr 20, 2015 to Apr 24, 2015]																					
32	Final Acceptance Walk	1 day	Wed 4/22/15	Wed 4/22/15	[Gantt bar at Apr 22, 2015]																					
33	Punch List	7 days	Thu 4/23/15	Fri 5/1/15	[Gantt bar from Apr 23, 2015 to May 1, 2015]																					
20	APS Energized	0 days	Fri 4/24/15	Fri 4/24/15	[Gantt bar at Apr 24, 2015]																					
34	As-built Submittal & City Review	10 days	Tue 4/28/15	Mon 5/11/15	[Gantt bar from Apr 28, 2015 to May 11, 2015]																					
35	<b>Road Open to the Public</b>	<b>1 day</b>	<b>Fri 5/1/15</b>	<b>Fri 5/1/15</b>	[Gantt bar at May 1, 2015]																					
36	FLOA Process by the City	10 days	Tue 5/12/15	Tue 5/26/15	[Gantt bar from May 12, 2015 to May 26, 2015]																					
37	<b>FLOA Issued</b>	<b>0 days</b>	<b>Tue 5/26/15</b>	<b>Tue 5/26/15</b>	[Gantt bar at May 26, 2015]																					
38	1-Year Warranty Period	256 days	Wed 5/27/15	Wed 5/25/16	[Gantt bar from May 27, 2015 to May 25, 2016]																					

Project: Exhibit A-2 Construction S  
Date: Wed 4/29/15

Task	Summary	External Milestone	Inactive Summary	Manual Summary Rollup	Finish-only
Split	Project Summary	Inactive Task	Manual Task	Manual Summary	Deadline
Milestone	External Tasks	Inactive Milestone	Duration-only	Start-only	Progress

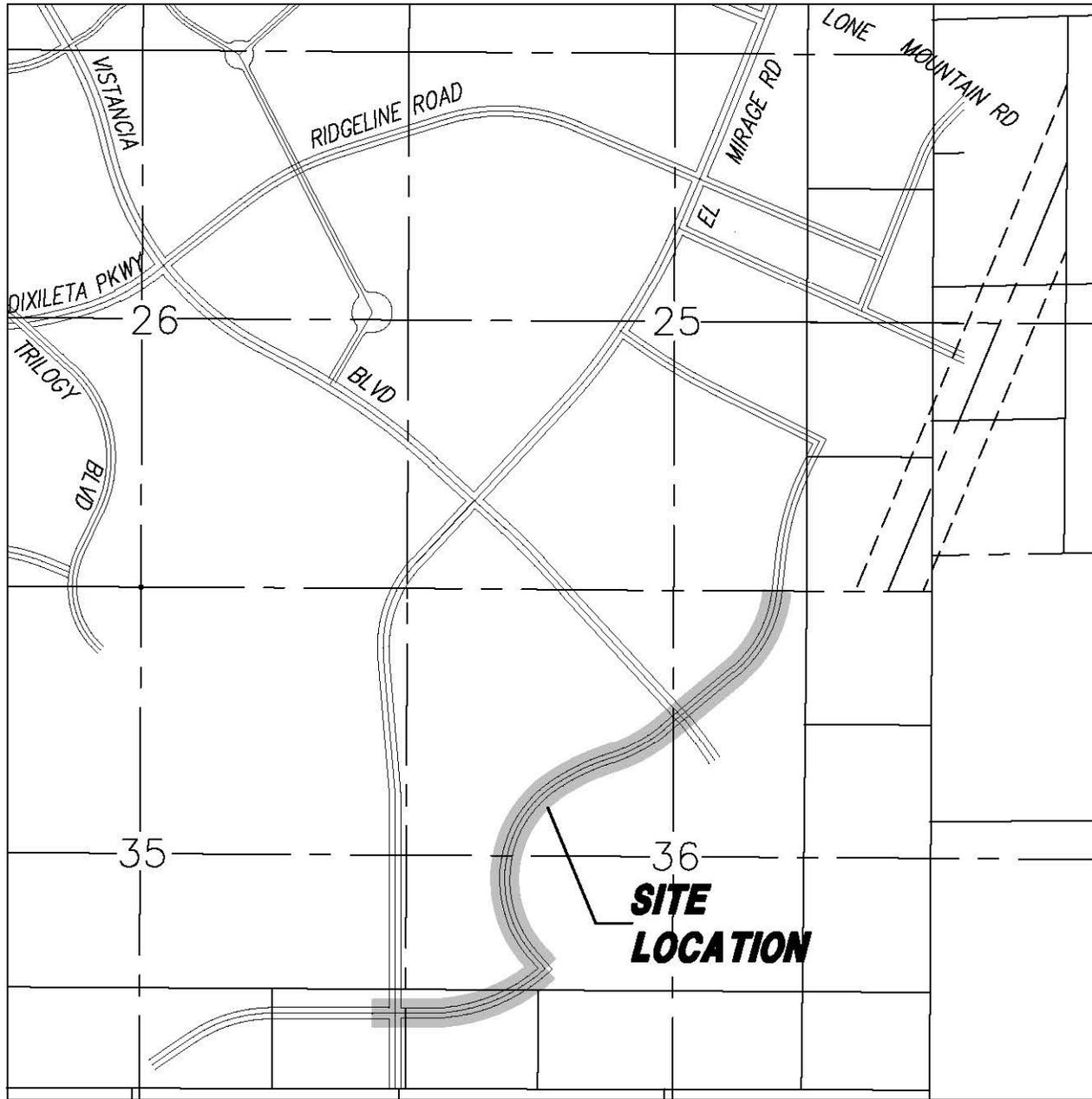
Page 1

**EXHIBIT B-1**  
Section 36 Sewer Line Alignment  
Description of Section 36 Sewer Line Improvements

Construction of a 30-inch diameter trunk sewer line starting at a connection to the existing sewer system in the intersection of El Mirage Road and Jomax Road and extending through Section 36 to the southern property line in Vistancia Village D, approximately 7,012 linear feet. The location/alignment of such sewer line is shown in the drawing attached hereto

The improvements include:

- A. Procurement of all required construction permits, dust control permits and SWPPP permits (NOI from AZDEQ).
- B. Provide all required construction surveying and material testing and special inspection required for the completion of the improvements listed herein.
- C. Salvage all native plant and cacti material within the project limits of disturbance in accordance with all local and state standards.
- D. Installation of an operational public sanitary sewer collection system in accordance with the Approved Improvement Plans and standards of the City.
- E. Installation of all storm drainage facilities and box culverts per the Approved Improvement Plans and City standards.



**VICINITY MAP**  
N.T.S.



Proj. No. 11154	Date 4/9/13
Sht: 1 of 1	
Proj. Mangr. BRS	Proj. Eng. BRS



**HUBBARD  
ENGINEERING**  
www.hubbardengineering.com  
1840 S. Stapley Dr., Ste. 137 - Mesa, AZ 85204  
Ph: 480.892.3313

**EXHIBIT B-2**

Construction Schedule for Section 36 Sewer Line

[see 1 page attachment]



## Construction Schedule for Section 36 Offsite Sewer Line

ID	Task Name	Duration	Start	Finish	May	June	July	August	September	October	November	December	January	February	March	April	May	June
1	<b>Section 36 Sewer</b>	<b>237 days</b>	<b>Thu 6/26/14</b>	<b>Mon 6/1/15</b>	[Gantt bar spanning from June to May]													
2	Bidding	30 days	Thu 6/26/14	Thu 8/7/14	[Gantt bar in July]													
3	Contracting	15 days	Fri 8/8/14	Thu 8/28/14	[Gantt bar in August]													
4	Pull Permits	1 day	Tue 10/14/14	Tue 10/14/14	[Gantt bar in October]													
5	<b>Construction</b>	<b>160 days</b>	<b>Wed 10/15/14</b>	<b>Mon 6/1/15</b>	[Gantt bar spanning from October to May]													
6	SWPPP Installation	10 days	Wed 10/15/14	Tue 10/28/14	[Gantt bar in October]													
7	Native Plant Salvage	20 days	Wed 10/15/14	Wed 11/12/14	[Gantt bar in October]													
8	Sanitary Sewer	120 days	Thu 11/13/14	Fri 5/1/15	[Gantt bar spanning from November to May]													
10	Box Culverts	60 days	Thu 11/13/14	Thu 2/5/15	[Gantt bar spanning from November to January]													
9	Storm Drain & Headwalls	25 days	Fri 1/2/15	Thu 2/5/15	[Gantt bar in January]													
11	Final Acceptance Walk	1 day	Mon 5/11/15	Mon 5/11/15	[Gantt bar in May]													
12	As-built Submittal & City Review	10 days	Mon 5/4/15	Fri 5/15/15	[Gantt bar in May]													
13	FLOA Process by the City	10 days	Mon 5/18/15	Mon 6/1/15	[Gantt bar in May]													
14	<b>FLOA Issued / Sewer in Service</b>	<b>0 days</b>	<b>Mon 6/1/15</b>	<b>Mon 6/1/15</b>	[Milestone diamond at 6/1/15]													
15	1-Year Warranty Period	256 days	Tue 6/2/15	Tue 5/31/16	[Gantt bar spanning from June to May of next year]													

Project: Exhibit B-2 Construction S Date: Wed 4/29/15	Task Split Milestone Summary	Project Summary External Tasks External Milestone Inactive Task	Inactive Milestone Inactive Summary Manual Task Duration-only	External Tasks Manual Task Finish-only	Manual Summary Rollup Manual Summary Start-only Finish-only	Deadline Progress 
Page 1						

## **EXHIBIT C-1**

### Description of Lone Mountain Waterline Improvements

Construction of a 16-inch diameter water transmission line within the future Lone Mountain Road alignment from the Loop 303 Freeway to Lake Pleasant Parkway, approximately 11,675 linear feet. The improvements include:

- A. Procurement of all required construction permits, dust control permits and SWPPP permits (NOI from AZDEQ).
- B. Provide all required construction surveying and material testing and special inspection required for the completion of the improvements listed herein.
- C. Salvage all native plant and cacti material within the project limits of disturbance in accordance with all local and state standards.
- D. Installation of an operational public water transmission line in accordance with the Approved Improvement Plans and standards of the City.

**EXHIBIT C-2**

Construction Schedule for Lone Mountain Waterline  
(including Schedule for Identification of Right-of Way Needs – Lone Mountain Waterline)

[see 1 page attachment]

The attached Schedule is subject to the following: Vistancia South, as Lead Developer, the City, and certain other parties have entered into (or will enter into) that certain "Joint Development Agreement Lone Mountain Water Distribution Project" (the "**Lone Mountain Waterline JDA**"), pursuant to which the Lone Mountain Waterline will be constructed and the costs thereof will be funded by the parties to the Lone Mountain Waterline JDA. The attached Schedule is also the construction schedule attached as an exhibit to the Lone Mountain Waterline JDA. In the event that the construction schedule attached as an exhibit to the Lone Mountain Waterline JDA is modified (subject to all necessary consents of the parties to the Lone Mountain Waterline JDA, including the City, as required by the terms of the Lone Mountain Waterline JDA), the attached Schedule shall be deemed modified to conform to the modified construction schedule under the Lone Mountain Waterline JDA, without any further action of any party to this Amendment being required.



### Construction Schedule for Lone Mountain Waterline

ID	Task Name	Duration	Start	Finish	2015				2016							
					Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	
1	Lone Mountain Waterline	596 days	Tue 7/1/14	Fri 10/28/16	[Gantt bar spanning from Qtr 2 2015 to Qtr 4 2016]											
2	JDA Finalization	212 days	Tue 7/1/14	Wed 4/29/15	[Gantt bar from Qtr 2 2015 to Qtr 1 2015]											
3	Design Services	293 days	Tue 11/11/14	Thu 12/31/15	[Gantt bar from Qtr 4 2015 to Qtr 4 2015]											
4	Coordination w/ Land Owners for Easement Acquisition	293 days	Tue 11/11/14	Thu 12/31/15	[Gantt bar from Qtr 4 2015 to Qtr 4 2015]											
5	Preparation of Construction Plans	40 days	Fri 6/19/15	Thu 8/13/15	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
6	1st Submittal (City)	0 days	Thu 8/13/15	Thu 8/13/15	[Milestone diamond at 8/13/15]											
7	City Plan Review	18 days	Fri 8/14/15	Wed 9/9/15	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
8	Address City Comments	20 days	Thu 9/10/15	Wed 10/7/15	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
9	2nd Submittal (City & MCESD)	0 days	Wed 10/7/15	Wed 10/7/15	[Milestone diamond at 10/7/15]											
10	City Plan Review	18 days	Thu 10/8/15	Mon 11/2/15	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
11	Address City Comments	15 days	Tue 11/3/15	Tue 11/24/15	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
12	Final Submittal (City)	0 days	Tue 11/24/15	Tue 11/24/15	[Milestone diamond at 11/24/15]											
13	City Plan Review	18 days	Wed 11/25/15	Fri 12/18/15	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
15	Public Bid Process/Contracting	30 days	Mon 11/30/15	Mon 1/11/16	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
14	Plan Approval	0 days	Fri 12/18/15	Fri 12/18/15	[Milestone diamond at 12/18/15]											
16	Notice to JDA Owners/Funding Complete	10 days	Tue 1/12/16	Mon 1/25/16	[Gantt bar from Qtr 2 2015 to Qtr 2 2015]											
17	Easements Acquired	0 days	Thu 12/31/15	Thu 12/31/15	[Milestone diamond at 12/31/15]											
18	Construction Notice to Proceed	0 days	Mon 1/25/16	Mon 1/25/16	[Milestone diamond at 1/25/16]											
19	Waterline Construction	195 days	Tue 1/26/16	Fri 10/28/16	[Gantt bar from Qtr 1 2016 to Qtr 4 2016]											

Project: LMR Waterline JDA Schedule 4.17.15 Date: Fri 4/17/15	Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
	Split		External Tasks		Inactive Summary		Manual Summary		Progress	
	Milestone		External Milestone		Manual Task		Start-only			
	Summary		Inactive Task		Duration-only		Finish-only			

**EXHIBIT D**

Description of Real Property Subject to Deed of Trust

[see 3 page attachment]

**PARCEL DESCRIPTION**  
**Vistancia**  
**University/Student Housing**

A parcel of land lying within Section 25, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the north quarter corner of said section, a 2 ½-inch General Land Office (G.L.O.) brass cap stamped ¼ S24 S25 1922, from which the northeast corner of said section, a 2 ½-inch G.L.O. brass cap stamped T5N R1W R1E S24 S25, bears South 89°40'20" East (basis of bearing), a distance of 2566.59 feet;

**THENCE** along the north-south mid-section line, South 00°08'33" West, a distance of 3132.84 feet, to a point of intersection with a non-tangent curve, and the **POINT OF BEGINNING**;

**THENCE** southeasterly along said curve, having a radius of 11274.39 feet, concave northeasterly, whose radius bears North 30°24'09" East, through a central angle of 06°10'49", a distance of 1216.12 feet, to a point of intersection with a non-tangent line;

**THENCE** South 11°17'15" West, a distance of 334.45 feet, to the beginning of a curve;

**THENCE** southerly along said curve, having a radius of 1881.00 feet, concave westerly, through a central angle of 07°24'09", a distance of 243.02 feet, to the curve's end;

**THENCE** South 18°41'24" West, a distance of 70.78 feet, to a point of intersection with a non-tangent curve;

**THENCE** westerly along said curve, having a radius of 330.00 feet, concave southerly, whose radius bears South 12°48'18" West, through a central angle of 13°12'51", a distance of 76.11 feet, to the curve's end;

**THENCE** South 89°35'26" West, a distance of 1450.86 feet, to the beginning of a curve;

**THENCE** northwesterly along said curve, having a radius of 400.00 feet, concave northeasterly, through a central angle of 58°29'07", a distance of 408.30 feet, to the curve's end;

**THENCE** North 31°55'27" West, a distance of 372.13 feet, to the beginning of a curve;

**THENCE** northwesterly along said curve, having a radius of 300.00 feet, concave southwesterly, through a central angle of 14°56'10", a distance of 78.20 feet, to the curve's end;

**THENCE** North 46°51'36" West, a distance of 45.16 feet to the east line of Tract B as shown on the Map of Dedication (M.O.D.) of El Mirage Road, Ridgeline Road and Westward Skies Drive, recorded in Book 719 of Maps, page 34, Maricopa County Records (M.C.R.);

**THENCE** along said east line, North 43°08'24" East, a distance of 307.09 feet, to the beginning of a curve;

**THENCE** northeasterly along said curve, having a radius of 5099.00 feet, concave northwesterly, through a central angle of 08°33'59", a distance of 762.35 feet, to the curve's end;

**THENCE** North 34°34'25" East, a distance of 98.75 feet, to a point of intersection with a non-tangent curve;

**Parcel Description**  
**Vistancia**  
**University/Student Housing**

December 20, 2013  
WP# 134081  
Page 2 of 3  
See Exhibit "A"

**THENCE** leaving said east line, southeasterly along said curve, having a radius of 8308.20 feet, concave northeasterly, whose radius bears North  $34^{\circ}49'28''$  East, through a central angle of  $02^{\circ}39'12''$ , a distance of 384.76 feet, to a point of intersection with a non-tangent curve;

**THENCE** southeasterly along said curve, having a radius of 11274.39 feet, concave northeasterly, whose radius bears North  $31^{\circ}18'55''$  East, through a central angle of  $00^{\circ}54'45''$ , a distance of 179.58 feet, to the **POINT OF BEGINNING**.

Containing 50.0043 acres, or 2,178,186 square feet of land, more or less.

Subject to existing rights-of-way and easements.

This parcel description is based on the Map of Dedication of El Mirage Road, Ridgeline Road, & Westward Skies Drive, recorded in Book 719, page 34, M.C.R. and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of July, 2013. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2013 Parcel Descriptions\134081 Vistancia University Student Housing L04 12-20-13.docx



EXPIRES 03-31-14

NORTH 1/4 COR SEC. 25, T.5N., R.1W.  
FD. 2-1/2" G.L.O. BRASS CAP STAMPED  
1/4 S24 S25 1922  
POINT OF COMMENCEMENT

NE COR SEC. 25, T.5N., R.1W.  
FD. 2-1/2" G.L.O.  
BRASS CAP STAMPED  
T5N R1W R1E S24 S25

S89°40'20"E 2566.59'

VISTANCIA 580 COMMERCIAL LLC  
APN 503-99-942D  
DOC. NO. 09-0812805, M.C.R.

VISTANCIA SOUTH LLC  
APN 503-99-942B  
DOC NO. 09-1058259, M.C.R.

S0°08'33"W  
3132.84'

POINT OF BEGINNING

PROPOSED WESTWARD SKIES  
DRIVE ALIGNMENT

VISTANCIA SOUTH LLC  
APN 503-99-942C  
DOC NO.  
09-1058259, M.C.R.

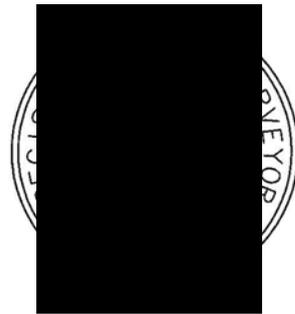
VISTANCIA SOUTH LLC  
APN 503-99-942A  
DOC NO.  
09-1058259, M.C.R.

EL MIRAGE ROAD

EX. 160' R/W  
TRACT B PER  
BOOK 719,  
PAGE 34, M.C.R.

### WOOD/PATEL

2051 West Northern  
Phoenix, AZ 85021  
Phone: (602) 335-8500  
Fax: (602) 335-8580  
PHOENIX • MESA • TUCSON



EXPIRES 03-31-14



### EXHIBIT "A"

VISTANCIA  
12/20/13  
134081  
PAGE 3 OF 3  
NOT TO SCALE  
N: \\Vistancia\2013\134081\Survey\Legal\4081L04  
UNIVERSITY/STUDENT HOUSING

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 18C

**Date Prepared: August 10, 2015**

**Council Meeting Date: August 26, 2015**

---

**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Budget Transfer, Pioneer Community Park Projects, 83<sup>rd</sup> Avenue south of Olive Avenue (CIP Projects CS00186 and EN00458).

---

**Purpose:**

This is a request for the City Council to a) authorize a budget transfer of \$142,600 and b) authorize its expenditure for concrete replacement and drainage modifications at Pioneer Community Park, located on 83<sup>rd</sup> Avenue South of Olive Avenue.

**Background/Summary:**

In September 2013, the City of Peoria completed the construction of Pioneer Community Park and celebrated its opening with the Fiesta Peoria event. Upon completion the project returned approximately \$1.24M of unspent funds. In the two years since the opening of the park, tens of thousands have enjoyed the park's 80 acres of sports fields and recreational amenities. Over the two year operations of the park, staff has noted cracking of the concrete walkways and slow drainage of certain retention basins.

The park was constructed over agricultural land that contains soils with high clay content and swell potential. Geotechnical investigations guided the design of concrete walkway and plaza hardscapes. Despite efforts to pre-empt concrete cracking through design and installation best practices, certain park areas exhibit excessive cracking, requiring removal and replacement. This same soil swell potential in combination with a dense turf root system is also slowing the percolation of retained waters after high rainfall events.

The amount of \$76,300 is funded in FY2016 under CIP project CS00186 – Pioneer Community Park Concrete Replacement. The funded value was estimated based on concrete replacement quantities which were incurred by the project's design builder just prior to the park's completion. The inventory of concrete to be replaced is now estimated at over \$140,000, necessitating additional funding. Competitive bidding of the concrete to qualified subcontractors was undertaken by the design builder, Haydon Building Corp, to ensure that the repairs and replacements were cost competitive. The City will engage Haydon Building Corp to

make the repairs via an amendment to the Community Park #2 Design Build Agreement LCON02412.

During the winters of 2014 and 2015, the City experienced several successive short duration, high rainfall events. Park operations staff noted that turf park retention basins were not draining fully within the prescribed 72 hour window. Staff has worked to design subsurface drainage systems to mitigate the nuisance waters. A FY2015 carryover amount of \$60,000 is available in FY2016 under CIP project EN00458 – Neighborhood Drainage Program. The magnitude of drainage improvements is now estimated at \$130,000, necessitating additional funding. The City will engage Valley Rain Construction to make the drainage improvements utilizing the City’s Park Construction Job Order Agreement. Valley Rain Construction was also a subcontractor to Haydon Building Corp during the park’s construction and installed the park’s turf and irrigation systems.

If the additional funding is approved, all concrete and drainage improvements will be undertaken starting in September and are anticipated to last 2 to 3 months.

**Previous Actions:**

There are no previous actions pertaining to this request for additional funding.

**Future Actions:**

There are no future Council actions anticipated.

**Options:**

- A:** Authorize a budget transfer of \$142,600 and authorize its expenditure for concrete replacement and drainage modifications at Pioneer Community Park, located on 83<sup>rd</sup> Avenue South of Olive Avenue.
- B:** Do not approve the request for additional funding. Staff will prioritize the improvements against the available approved funds and will monitor the outcomes. Additional capital funding may be requested in a future fiscal year.

**Staff’s Recommendation:**

Staff recommends that the City Council authorize a budget transfer of \$142,600 and that the Council authorize its expenditure for concrete replacement and drainage modifications at Pioneer Community Park, located on 83<sup>rd</sup> Avenue South of Olive Avenue.

**Fiscal Analysis:**

Funding is available for a budget transfer in the amount of \$72,600 from the CIP Capital Project Contingency Account 4550-4550-570000 to the Pioneer Community Park Concrete Replacement Project, CIP Capital Project Fund Other Improvements Account 4550-4550-541003-CIPPK-CS00186.

Funding is also available for a budget transfer in the amount of \$70,000 from the CIP Capital Project Fund Contingency Account 4550-4550-570000 to the Neighborhood Drainage Program Project, CIP Capital Project Fund Other Improvements Account 4550-4550-541003-CIPPK-EN00458.

The total combined funding amount of \$142,600 is available from savings realized in other capital projects, which were returned to fund balance at the end of the FY2015 fiscal year.

**Narrative:**

This Agreement has been reviewed by the Engineering Department, Finance Department, and Materials Management Division.

**Exhibits:**

Exhibit 1: Location Map

Exhibit 2: Vicinity Map

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



NOT TO SCALE

OLIVE AVE

83RD AVE

79TH AVE

Community Park #2

BUTLER DR



City of Peoria  
Community Park #2  
83rd Avenue; South of Olive Avenue  
Location Map

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



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

### LEGEND



Community Park #2  
83rd Avenue; South of Olive Avenue

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



## VICINITY MAP

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 19C

**Date Prepared: August 10, 2015**

**Council Meeting Date: August 26, 2015**

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**TO: Carl Swenson, City Manager**

**FROM: Bobby Ruiz, Fire Chief**

**THROUGH: Jeff Tyne, Deputy City Manager**

**SUBJECT: Battalion Chief Response Vehicle Replacement**

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**Purpose:**

Staff is seeking approval from Council for a budget amendment and use of reserves in the amount of \$60,600 to replace the Battalion Chief Response Vehicle #1441 that was recently totaled in a traffic accident.

**Background/Summary:**

Vehicle #1441 was scheduled to be replaced in Fiscal Year 2017; however, it was recently totaled in a traffic accident. Risk Management and Finance recommended that the best course is to amend the budget to replace this vehicle one year early using funds collected for this purpose in the Vehicle Replacement Fund. Any cost recovery from the owner's insurance will be applied toward the replacement cost of the vehicle. The replacement vehicle will be a Ford F-350 Crew Cab 4x4 truck with an estimated base cost of \$45,000 plus \$15,600 for equipment and make-ready.

**Previous Actions:**

No previous actions have been taken.

**Options:**

**A:** Approve a budget amendment and use of reserves in the amount of \$60,600 for the purchase of a Ford F-350 Crew Cab 4x4 truck for the South Battalion to replace the Battalion Chief Response Vehicle #1441 one year early due to a total loss from a traffic accident.

**B:** Do not replace the vehicle until Fiscal Year 2017 when it was due for replacement.

**Staff's Recommendation:**

Staff recommends that Council authorize the use of reserves and a budget amendment in the amount of \$60,600 from the Fleet Reserve Fund Contingency account 3100-3500-570000 to the Fleet Reserve Fund Trucks and Vans account 3100-3500-542502 for the purchase of a Ford F-350 Crew Cab 4x4 truck for the South Battalion to replace the totaled Battalion Chief Response Vehicle #1441.

**Fiscal Analysis:**

The Fleet Reserve Fund has been collecting money for the future replacement of this vehicle over its useful life and has adequate fund balance reserves to cover this vehicle purchase. This action provides the spending authority needed to use these funds for the purpose of replacing the totaled vehicle.

**Contact Name and Number:**

**Bobby Ruiz, Fire Chief**

**Ext. 7380**

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 20C

Date Prepared: August 10, 2015

Council Meeting Date: August 26, 2015

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**TO: Mayor and Council**

**FROM: Jeff Tyne, Deputy City Manager**

**SUBJECT: Budget Amendment-Sonoran Preservation Program, Quality of Life Initiatives**

---

**Purpose:**

For Council to authorize a budget amendment of existing funds, from the Non-Departmental Budget Salaries and Wages account to the Professional Services Account, to support the implementation and coordination of an Open Space initiative.

**Background/Summary:**

In March of 2015, the City Council developed their policy goals for the next 24-month period. Among the key priorities were commitments toward open space preservation, preserving and expanding the quality of life, and enhancing existing services. To that end, the FY 2016 budget included one-time funding to help coordinate a public effort to evaluate opportunities and solutions to achieve these policy goals.

In the original budget, funding was set aside for a temporary, fixed term benefitted position to help coordinate these city initiatives. Such funding was anticipated for the next couple of years to assist with the coordination of the program. Given the specialized nature of the activity, and the interest in expediting the discussion, City staff recommends using a portion of this year's funding to make obtain professional consulting to assist with the assessment of projects and public processes.

**Options:**

**A:** City Council can approve a budget amendment from the Non-Departmental Budget Salaries and Wages, account (1000-0300-5100) to the Professional Services Account (1000-0300-520099) in the amount of \$45,000 to assist with hiring of consulting services for city-wide initiatives.

**B:** City Council can leave existing funding in the current accounts, and direct staff to continue seeking a Fixed-Term Benefitted position for coordination efforts on city-wide initiatives.

**Staff's Recommendation:**

City staff recommends that the City Council approve a budget amendment from the Non-Departmental Budget Salaries and Wages, account (1000-0300-5100) to the Professional

Services Account (1000-0300-520099) in the amount of \$45,000 to assist with hiring of consulting services for city-wide initiatives.

**Fiscal Analysis:**

There is no expected fiscal impact as a result of this action.

**Contact Name and Number:** Jeff Tyne – 623-773-7114.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 21C

**Date Prepared:** August 3, 2015

**Council Meeting Date:** August 26, 2015

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**TO:** Carl Swenson, City Manager  
**FROM:** Sonia Andrews, Financial Manager  
**THROUGH:** Brent D. Mattingly, Chief Financial Officer  
**SUBJECT:** Investment Report for the Quarter Ended June 30, 2015

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**Purpose:**

This is a request for City Council to review and accept the Investment Report for the Quarter Ended June 30, 2015.

**Background/Summary:**

Effective cash management includes investment of available or idle funds. The City of Peoria invests all available funds, taking into consideration anticipated cash flow requirements and the safety and risk of investments. Investments are made in accordance with the City's Investment Policy and Arizona Revised Statutes Title 35-321 through 35-329. The primary objective of the City's investments, in order of priority, is:

1. Safety – *Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the portfolio.*
2. Liquidity - *The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.*
3. Yield – *The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's very strict risk constraints.*

Public funds may only be invested in authorized and suitable investments such as US Treasury Obligations, US Agency Obligations, Certificates of Deposits, Commercial Paper rated A-1/P-1, Corporate Notes rated AA or better, Money Market Funds and the Arizona State Investment Pool. Investment in stocks, mutual funds, hedge funds, real estate, foreign investments or other risky or alternative investments are strictly prohibited.

The Investment Policy imposes a 3 year maximum weighted average maturity on the overall investment portfolio with specific maximum maturities for each type of investment.

The City utilizes FirstSouthwest, an investment advisory firm, to provide advice and assist with managing its investments. All securities are held by a third party custodian in the City's name.

Quarterly investment reports are provided to City Council to report the investment portfolio holdings, maturity distribution, investment performance and compliance with the Investment Policy.

**Previous Actions:**

There are no previous actions for this item.

**Options:**

Council may select the following options:

- A:** Accept the Quarterly Investment Report as presented
- B:** Not accept the Quarterly Investment Report and request additional information from staff

**Staff's Recommendation:**

Discussion and action to review and accept the Investment Report as presented.

**Fiscal Analysis:**

This item has no financial implications.

**Narrative:**

For the quarter ended 6/30/15, the City's investments were in compliance with the Investment Policy. Book value of investments at 6/30/15 was \$268,412,244 and investment income for the quarter (4/1/15 to 6/30/15) totaled \$316,168.

The portfolio's weighted average maturity was 345 days and weighted average yield to maturity was 0.490% for the quarter ended 6/30/15.

The attached Investment Report prepared by FirstSouthwest includes the following detail information on the City's investments:

**Contents of Investment Report**

1. Snapshot of investment portfolio
2. Benchmark comparisons
3. Investment policy compliance and investment income
4. National economic trends

**Exhibit(s):**

Quarterly Investment Report

**Contact:**

Sonia Andrews, Finance Manager x5206



## Investment Portfolio Summary

City of Peoria



For the Quarter Ended

June 30, 2015

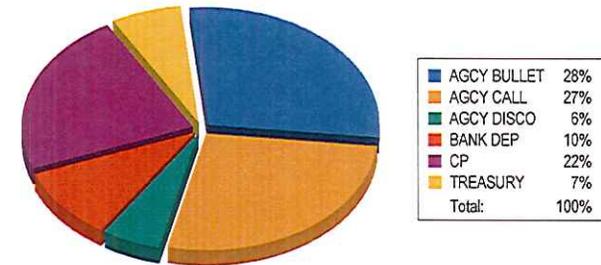
**Account Summary**

**Allocation by Security Type**

Beginning Values as of 03/31/15

Ending Values as of 06/30/15

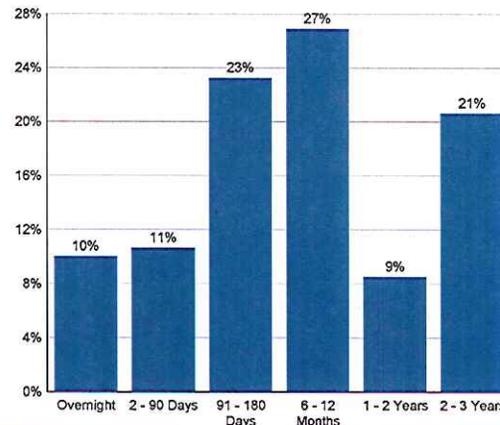
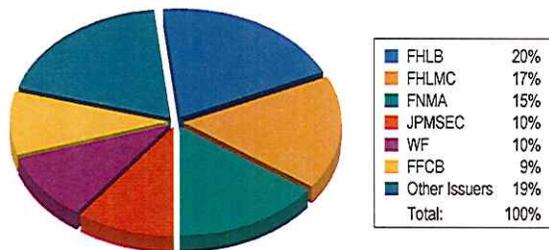
Par Value	293,787,037.33	268,279,704.99
Market Value	294,149,898.52	268,433,047.28
Book Value	294,042,524.39	268,412,244.18
Unrealized Gain / Loss	107,374.13	20,803.10
<b>Market Value %</b>	<b>100.04%</b>	<b>100.01%</b>
Weighted Avg. YTW	0.407%	0.470%
Weighted Avg. YTM	0.439%	0.490%



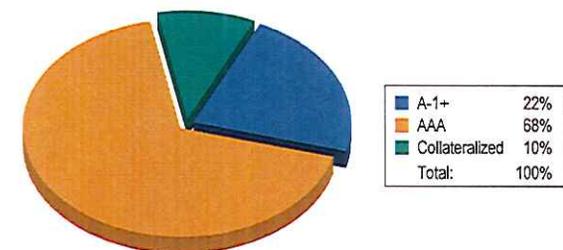
**Allocation by Issuer**

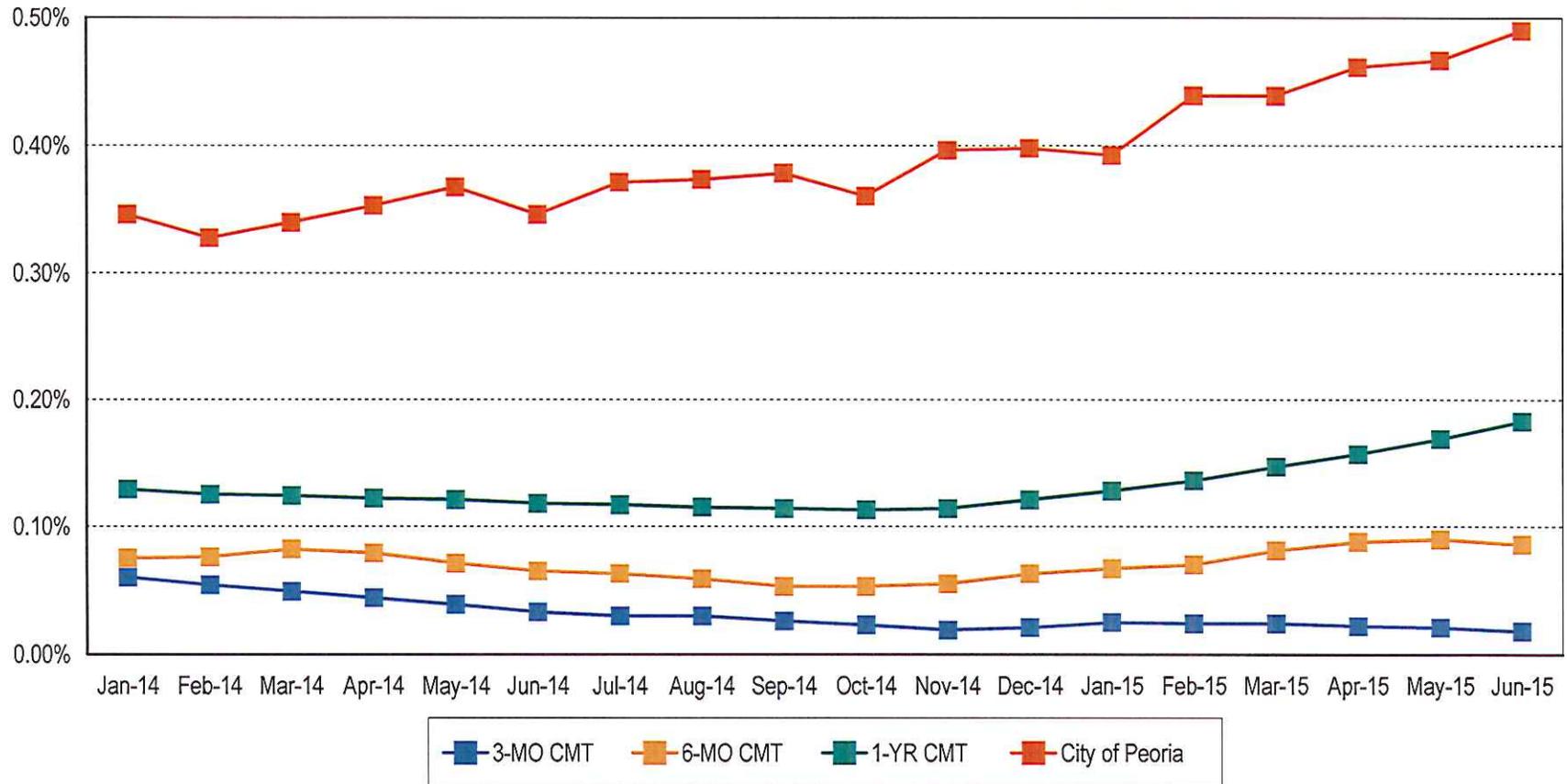
**Maturity Distribution %**

**Credit Quality**



Weighted Average Days to Maturity: 344





**Note 1:** CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMT's are the daily averages for the previous 12-months.

<b>Investment Type Allocation:</b>	<b>Book Value</b>	<b>Percent</b>	<b>Policy Maximum</b>	<b>Pass / Fail?</b>
Money Market Funds	26,930,133.56	10.0%	35.00%	Pass
Agencies	163,488,036.69	60.9%	80.00%	Pass
Commercial Paper	59,881,745.70	22.3%	35.00%	Pass
U.S. Treasury	18,112,328.23	6.7%	80.00%	Pass
	<b>268,412,244.18</b>	<b>100.00%</b>		

<b>Maturity Breakdown:</b>	<b>Book Value</b>	<b>Percent</b>	<b>Policy Maximum</b>	<b>Pass / Fail?</b>
Less Than 90 Days	55,548,215.47	20.7%	No Limit	
90 to 180 Days	62,406,740.61	23.3%	No Limit	
181 to 365 Days	72,169,783.94	26.9%	No Limit	
1 to 2 Years	22,877,356.93	8.5%	No Limit	
2 to 3 Years	55,410,147.23	20.6%	No Limit	
More Than 3 Years	-	0.0%	20.00%	Pass
	<b>268,412,244.18</b>	<b>100.00%</b>		

<b>Issuer Allocation:</b>	<b>Book Value</b>	<b>Percent</b>	<b>Policy Maximum</b>	<b>Pass / Fail?</b>
Fannie Mae	39,773,920.82	14.8%	40.00%	Pass
Freddie Mac	45,744,153.66	17.0%	40.00%	Pass
FHLB	52,983,353.01	19.7%	40.00%	Pass
Federal Farm Credit	24,986,609.20	9.3%	40.00%	Pass
U.S. Treasury	18,112,328.23	6.7%	80.00%	Pass
Wells Fargo & Co	-	0.0%	10.00%	Pass
J.P.Morgan Sec	26,952,038.84	10.0%	10.00%	Pass
Wells Fargo MM	26,930,133.56	10.0%	35.00%	Pass
Toyota Mtr Cr	24,932,429.10	9.3%	10.00%	Pass
GE Capital Corp	7,997,277.76	3.0%	10.00%	Pass
	<b>268,412,244.18</b>	<b>100.00%</b>		

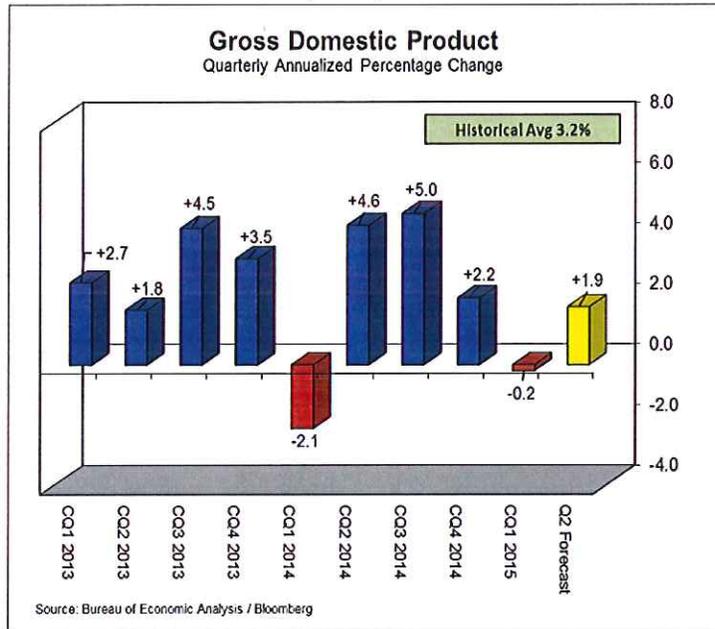
<b>Other Policy Tests:</b>	<b>Pass / Fail?</b>
Policy requires at least 35% of portfolio to mature in less than one year. Current Portfolio Maturing in Less Than One Year = <b>70.8%</b>	Pass
Policy sets a maximum weighted average maturity of 3 years (1095 days). Current Portfolio Weighted Average Maturity = <b>345</b>	Pass

<b>Investment Income for the Period From 04/1/2015 through 06/30/2015:</b>	
Interest Income	316,168.47
Realized Gains/Losses	-
<b>Net Investment Income</b>	<b>316,168.47</b>

## National Economic Trends

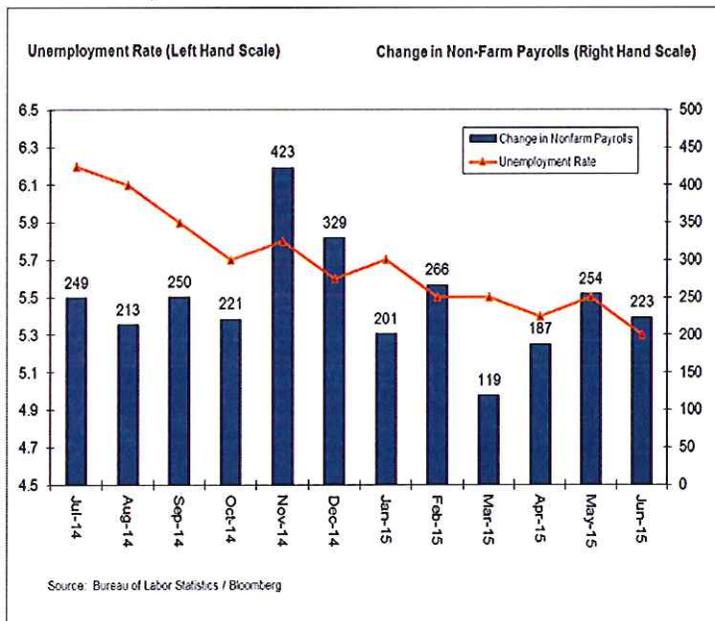
Period ending June 30, 2015

### Gross Domestic Product (GDP)



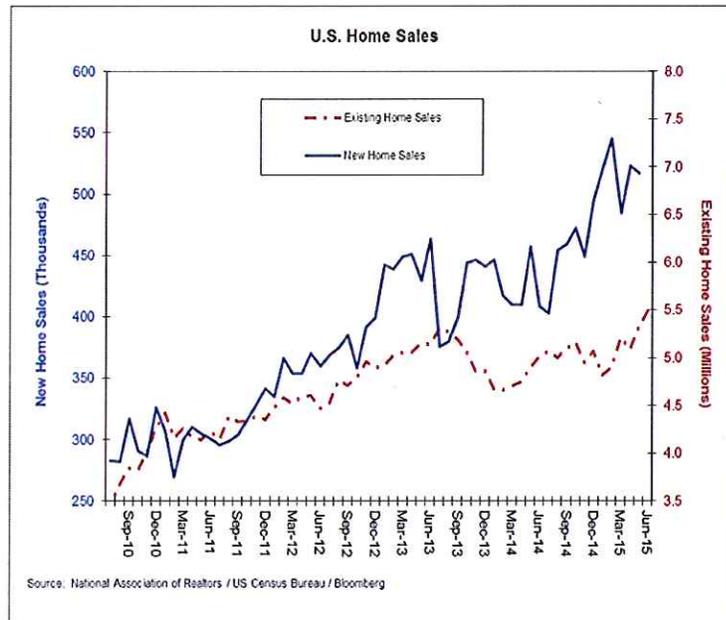
The economic recovery following the worst recession in seven decades *is now entering its seventh year*. Economic growth as measured by GDP, averaged +3.2% annually since WWII ended, but has yet to reach +2.5% in any year of the current recovery cycle. In 2014, the U.S. economy grew at a +2.4% pace, but the Fed's expected plan to hike short term interest rates as soon as June was pushed back yet again as the U.S. economy took another dip in the first quarter. The Q1 2015 revised GDP growth rate was -0.2%, an improvement from the previously reported -0.7%, but not quite enough for the U.S. to sidestep the third quarterly contraction since the recovery began. *By contrast, there was never more than a single contraction in any of the 10 previous recovery cycles dating back to WWII*. Second quarter GDP is currently expected be around +2.0%.

### Nonfarm Payrolls



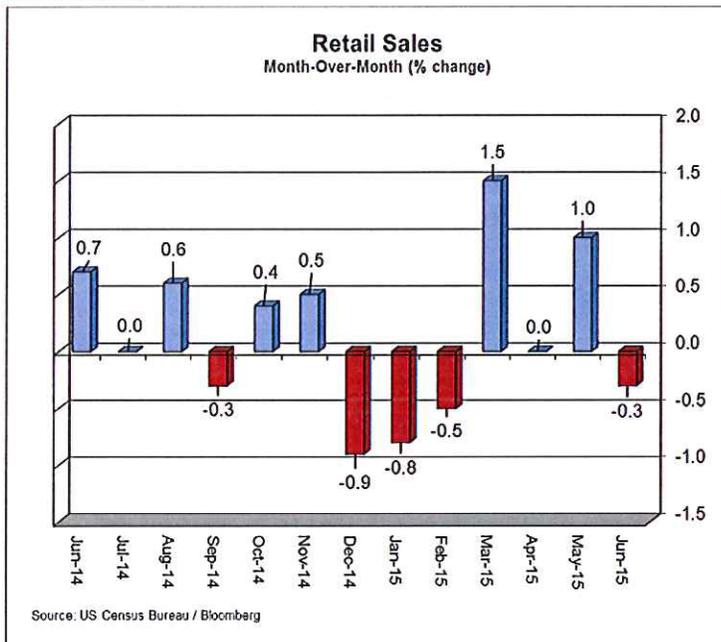
Nonfarm payrolls increased by a slightly less than expected +223k in June, and averaged +221k for the second quarter. This was an improvement from the +195k first quarter average, but well below +260k monthly average in 2014. Despite the slowdown, job creation has now been positive for 57 straight months, a new post-WWII record. The unemployment rate fell from 5.5% to 5.3%, the lowest level since before the 2008 financial crisis. However, the reason for the June drop was another puzzling decline in the size of the labor force which shrunk by 432k workers, pulling the participation rate down to a 37-year low of 62.6%. Average hourly earnings also disappointed as June wages were unchanged from May. As a result, year-over-year earnings growth declined from +2.3% to +2.0%.

## Housing



Existing home sales took another step forward in June, climbing by +3.2% to a 7-year high of 5.49 million annualized units. Lean inventories and brisk sales pushed the available supply down from 5.1 to 5 months, average days on the market down to just 34 and the average sales price up to a new record \$236,500. On the other hand, *new home* sales retreated a bit in June, but with new homes making up less than 10% of the overall sales market, there's no point in focusing too much on month-to-month volatility. With annualized new homes sales at 482k, the volume remains well below the historical high of 1.4 million units recorded during the height of the housing bubble back in 2005. However, the outlook is bright. Housing starts rose +9.8% in June to an annualized pace of 1,174k units, boosting the 3-month average to a new cycle high.

## Retail Sales



Consumer spending has been unusually volatile in recent months. Retail sales were flat in April and up a solid +1.0% in May, before unexpectedly falling -0.3% in June. Higher auto sales helped boost the May numbers, while lower sales of autos and building materials pulled the overall number back down in June. Even though retail sales are an important economic indicator, investors didn't seem to care too much about the negative June reading. The thought here is that the March, April and May numbers were relatively strong, so June might have been a bit of a giveback. Annualized auto sales reached a 17.7 million unit pace in May, *the highest level since July 2005*, before falling back to 17.1 in June. The Conference Board's measure of consumer confidence plunged from 99.8 to 90.9 in June as global uncertainties dampened expectations.

The paper was prepared by FirstSouthwest Asset Management, is intended for educational and informational purposes only and does not constitute legal or investment advice, nor is it an offer or a solicitation of an offer to buy or sell any investment or other specific product. Information provided in this paper was obtained from sources that are believed to be reliable; however, it is not guaranteed to be correct, complete, or current, and is not intended to imply or establish standards of care applicable to any attorney or advisor in any particular circumstances. The statements within constitute the views of FirstSouthwest Asset Management as of the date of the report and may differ from the views of other divisions/departments of First Southwest Company. In addition, the views are subject to change without notice. This paper represents historical information only and is not an indication of future performance.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 22C

Date Prepared: July 21, 2015

Council Meeting Date: August 26, 2015

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**TO: Carl Swenson, City Manager**

**FROM: Scott Whyte, Economic Development Services Director**

**SUBJECT: Adoption of the City of Peoria P83 Building Reuse Program**

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**Purpose:**

This is a request for the City Council to adopt the City of Peoria P83 Building Reuse Program to assist in the revitalization of the P83 District.

**Background/Summary:**

The City's Economic Development Implementation Strategy (EDIS) was adopted to serve as a road map to achieving the City's stated economic development goals of business retention, business attraction, workforce development, redevelopment, and real estate development opportunities. One strategy identified in the EDIS was the creation and implementation of an economic development incentive and investment program to set forth the type of assistance the City may offer to qualified projects that enhance the City's economic development strategy. As such, the Economic Development Incentive and Investment Policy (EDIIP) was adopted to create defined criteria for businesses to evaluate and understand the type of investment that would qualify for City assistance as part of relocating or expanding within the City.

In furtherance of the City's economic development objectives, the City of Peoria has identified the P83 District as an EDIS Investment Zone, and developed a P83 District Building Reuse Program ("Program") encompassing the target area depicted on the map Exhibit 3 (Target Area). The purpose of the Program is to encourage a more diverse use of existing vacant buildings in the District to include professional office, entertainment, and retail uses as an alternative to continuing to add restaurant users that have a historical failure rate in the District.

**Program Overview:**

- The Program will provide up to 50% city matching funds to eligible property owners for eligible improvements associated with properties located in the Target Area (see exhibit 3)
- City assistance to be in the form of a reimbursable grant
- Upon property owner compliance with a Program agreement, the grant balance shall be forgiven by ten (10) percent per year over a ten (10) year grant period
- Should the owner not comply with the terms of the agreement, following city notification of non-compliance and owners failure to cure the item(s) of non-compliance, the then outstanding grant balance shall be immediately due and payable to the city

- A person, corporation, association or other legal entity holding fee simple title to commercial real property located within the P83 Building Reuse Program's Target Area are eligible to apply for assistance under the Program. This Program is not eligible to tenants of commercial property, unless written consent of the property owner(s) has been obtained.
- Eligible improvements under the Program are limited to interior tenant improvements for buildings with a minimum of 5,000 square feet in size appropriate for use by an office, retail, entertainment, or other compelling user. Priority will be given to commercial users fitting one of the following industry types: advanced business services, healthcare, or software development.

**Previous Actions:**

There has been no previous Council action.

**Options:**

- A: Adopt the P83 Building Reuse Program
- B: Do not adopt the P83 Building Reuse Program

**Staff's Recommendation:**

Authorize the City Council to adopt the City of Peoria P83 Building Reuse Program.

**Fiscal Analysis:**

There is no fiscal impact as a result of adopting the P83 Building Reuse Program. Projects deemed eligible for participation in the Program will be approved by the City Council on a case-by-case basis, with project funding determined at the time an agreement is forwarded to Council for action.

**Exhibit(s):**

- Exhibit 1: P83 Building Reuse Program Guidelines
- Exhibit 2: P83 Building Reuse Program Application
- Exhibit 3: P83 Building Reuse Program Target Area Map

**Contact Name and Number :** Scott Whyte, Director, Economic Development Services X7738

# City of Peoria P83 District Building Reuse Program

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The City's Economic Development Implementation Strategy (EDIS) was adopted to serve as a road map to achieving the City's stated economic development goals of business retention, business attraction, workforce development, redevelopment, and real estate development opportunities. One strategy identified in the EDIS was the creation and implementation of an economic development incentive and investment program to set forth the type of assistance the City may offer to qualified projects that enhance the City's economic development strategy. As such, the Economic Development Incentive and Investment Policy (EDIIP) was adopted to create defined criteria for businesses to evaluate and understand the type of investment that would qualify for City assistance as part of relocating or expanding within the City. Each project requesting city assistance must meet the EDIIP minimum qualification criteria, which can be found in the EDIIP Guidelines (attached), as well as complete an EDIIP application form.

In furtherance of the City's economic development objectives, the City of Peoria has identified the P83 District as an EDIS Investment Zone, and developed a P83 District Building Reuse Program ("Program") encompassing the target area depicted on the map below (Target Area). The purpose of the Program is to encourage a more diverse use of existing vacant buildings in the District to include professional office, entertainment and retail tenants as an alternative to continuing to add restaurant users that have a historical failure rate in the District.

The District offers a unique opportunity in the City for business attraction, specifically advanced business services, healthcare, and software development users, as those types of users often require up to 20,000 square feet of space within an area offering restaurant, convenience retail and entertainment options within walking distance or a short drive time from a business location. The P83 District offers such amenities, as well as buildings in the 10,000 – 30,000 square feet range that could feasibly accommodate such tenants that would provide additional daytime population to benefit the District overall. Therefore, an opportunity exists for a collaboration among key property owners, commercial brokers and the City to offer a strategy to accelerate the re-use of key buildings in the Target Area for such industry users.

An issue to overcome is the potentially extensive amount of tenant improvement costs associated with converting existing restaurant oriented building interiors into commercial office, retail, or entertainment appropriate spaces. The Program is designed to address this issue, and that of minimizing the timeframe of tenant improvement building plan review and permitting, to allow needed improvements to occur expeditiously.

ECONOMIC DEVELOPMENT SERVICES

# Peoria AZ SMART

- aggressive strategy
- innovative economy
- endless opportunity

## P83 Building Re-Use Program

City of Peoria Economic Development Services • 623.773.7735 • [www.peoriaed.com](http://www.peoriaed.com)

The City's goal is to use the Program as a tool to revitalize the P83 District and reinvigorate private investment in targeted properties. These revitalization efforts will help to eliminate empty restaurant buildings and convert them into professional office, retail and entertainment uses, promote commercial reinvestment activities, increase the daytime foot traffic in this important area of the City, and enhance the overall quality of life for Peoria residents.

The Program will provide up to 50% matching funds, on a reimbursement basis, to eligible private property owners for eligible improvements associated with properties located in the Target Area. City assistance will be in the form of a reimbursable grant. Should the owner not comply with the terms of the resulting agreement including a promissory note and deed of trust, following city notification of non-compliance and owner's failure to cure the item(s) of non-compliance, the then outstanding grant balance shall be immediately due and payable to the city. Upon compliance with the Program agreement, the grant balance shall be forgiven by ten (10) percent per year over a 10-year grant period.

### **Eligible Applicants**

A person, corporation, association, or other private legal entity holding fee simple title to commercial real property located within the Program's Target Areas are eligible to apply for assistance under the Program. This program is not eligible to tenants or those with a ground lease for the premises, unless written consent of the property owner(s) has been obtained.

### **Eligible Activities/Improvements**

Eligible improvements under the Program are limited to interior tenant improvements for buildings with a minimum of 5,000 square feet in size appropriate for use by an office, retail, entertainment or other compelling user. Priority will be given to commercial users fitting one of the following industry types: advanced business services, healthcare, or software development (Targeted Industries).

### **Eligibility for Program Participation**

A security interest in the real property will be required to protect the City's investment in the building reuse, as contained in the City Council approved agreement, promissory note and deed of trust. The resulting agreement, subject to city council approval, will include a note for the amounts owed for non-compliance under the agreement and deed of trust. As a general requirement, existing liens together with the City grant may not exceed 125% of the property value.

A person, corporation, association or other private legal entity holding fee simple title to any commercial real property that is located in the Target Area may apply for Program

benefits. Tenants must obtain the written consent of their landlord in order to participate in the Program. The Building Reuse Program Application may be made directly by the property owner or an agent authorized in writing to act on behalf of the property owner. If the real property is under joint ownership, the application must be made on behalf or with the authorization of all owners of the real estate.

City participation for an eligible activity, up to 50% of approved costs, is based on a reimbursement to the property owner upon acceptable performance, including all needed City permits and passing all building, fire and other City inspections for eligible work.

### **Commencement and Deadlines for Work**

No construction or rehabilitation activity under the Program eligible to receive 50% cost reimbursement to the property owner from the City that is included in the approved project scope of work will commence, **nor will costs be incurred**, prior to the date the City informs the applicant in writing that all program documents are signed and finalized and the Building Reuse Program Agreement has been approved by the City Council (see contractual requirements below).

### **Other Program Requirements**

Once an application for the Building Reuse Program is approved in writing by the City, the property owner is required to execute and/or provide the following documents:

- A. **Building Reuse Agreement.** This City Council approved document sets forth the terms and conditions for participation in the Program. Some of the key terms include scope of work, funding amount, owner maintenance requirements, and security interest in the property provided to the City.
- B. **Title Report and Appraisal.** The property owner must obtain and submit with his or her application a title report for his or her property identifying any interest that may affect the City's enforcement of the Agreement. Applicants also may be required to supply additional information relating to liens and encumbrances on the property in order to be approved. The property owner must also provide a separate title report after recording of the Building Reuse Agreement to evidence the City's position on the chain of title. A current title report **and appraisal** is required as part of the application for assistance.
- C. **Consent Agreement.** The property owner must obtain duly acknowledged consent agreements from all lien holders or other persons or entities with an interest in the subject real property, including commercial buildings and related structures thereon, consenting to the grant of the City's security interest in the property. To expedite this process, the applicant must submit the contact party name and loan number for each lien holder and is encouraged to seek consent in principle as early in the application process as possible.
- D. **Insurance Certificate.** The property owner must provide a certificate of property and liability insurance that certifies the subject real property, including without limitation the building or structures thereon, is insured for amounts acceptable to

the City from an insurer acceptable to the City. A copy of the insurance certificate will be an attachment in the final contract documents. The City shall be an additional named party on the insurance certificate.

- E. **Letter of Property Maintenance Standards.** Since the appearance of the Target Area is important in attracting Targeted Industries as part of this building reuse strategy, each application for assistance must contain a letter from the appropriate property management company indicating that the property under consideration currently meets all maintenance standards. The property should be free of debris, weeds, overgrown landscaping, any items illegally stored or dumped on the property, graffiti, trash accumulation, etc. The building shall be up to investment standards as a condition to city investment.

DRAFT

# Application for Participation in the City of Peoria's P83 Building Reuse Program

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This form must be completed and submitted to the Economic Development Services Department (EDS), to the attention of Dina Green, by owners of eligible properties located in the established Program Target Area (see attached Target Areas Map) who desire to participate in the City of Peoria's P83 Building Reuse Program. A person, corporation, association or other private legal entity holding fee simple title to any commercial real property that is located in the eligible Program Target Area may apply for Program benefits. Tenants must obtain the consent of their landlords in writing in order to participate in the Program (please attach the written consent of the property owner(s) if a tenant submission). Also, please attach a current title report evidencing the condition of title to the property as of the date of Program application and property appraisal. The application may be made directly by the property owner or by an agent authorized in writing to act on behalf of the property owner(s). If the real property is under joint ownership, the application must be submitted on behalf of or with the authorization of all of the owners of the real property.

Date \_\_\_\_\_

Property Address \_\_\_\_\_

Property Tax Assessor Parcel Number \_\_\_\_\_

1. Property Owner Name \_\_\_\_\_

Legal name of entity to which Agreement entered into with City

\_\_\_\_\_

2. Property Owner Mailing Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/Town                      State                      Zip

3. Owner Phone Number \_\_\_\_\_

4. Owner Email \_\_\_\_\_ Fax # \_\_\_\_\_

5. What business(es) occupies the property(ies) included in this request?

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6. What type of business is it? \_\_\_\_\_

7. What year was the property improved and building(s) built? (Estimate if not sure)

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8. Please attach a copy of your current property insurance policy evidencing sufficient insurance coverage for the property to which an improvement is being requested. The property owner must provide a certificate of property and liability insurance that certifies the subject real property, including without limitation the building or structures thereon, is insured for amounts acceptable to the City from an insurer acceptable to the City. A copy of the insurance certificate will be an attachment in the final contract documents. The City shall be an additional named party on the insurance.

9. Please attach a detailed narrative of the proposed project for which City assistance is requested (City matching funds provided are only in the form of reimbursement up to 50% of eligible costs for eligible improvements, as determined by the City). The narrative should fully describe:

- A project overview and scope of work
- Nature of proposed improvements
- A summary table showing all improvements proposed and costs separating the property owner's funded improvements and City eligible improvements with a total cost for the project
- A project improvement sources and uses table showing all available property owner's funds for their 50% share of the costs and the use of those funds, as well as the requested City 50% share of the costs and the use of those funds
- Include images of the proposed interior tenant improvements that will assist the City in understanding the full scope and benefit of the project
- What type of business is intended for occupancy in the improved building?
- Is it a Targeted Industry (advanced business services, health care or software development)? Please describe the business prospect.

10. Total number of new FTE jobs brought to Peoria AZ \_\_\_\_\_ Year 1 \_\_\_\_\_ Year 3

11. Average salaries of new jobs \_\_\_\_\_ Year 1 \_\_\_\_\_ Year 3

12. Total number of existing jobs (if expansion) \_\_\_\_\_ Year 1 \_\_\_\_\_ Year 3

13. Average salaries of existing jobs \_\_\_\_\_

14. Total payroll of all jobs \_\_\_\_\_ Year 1 \_\_\_\_\_ Year 3
15. Average education levels of new jobs (circle one):  
 2-Year Post Secondary          4-Year Bachelors          Graduate Degrees
16. Percentage of health care benefits paid by employer for all jobs
17. Total real and personal property for tax purposes \_\_\_\_\_
18. Anticipated direct sales tax generated at 1% of taxable sales \_\_\_\_\_
19. Other revenues (est. annual): Occupancy taxes \_\_\_\_\_ Utility revenues \_\_\_\_\_
20. City infrastructure construction required \_\_\_\_\_
21. Total capital expenditures from the property owner for the project \_\_\_\_\_
22. Please attach: (1) a current title report for the property; (2) a current property appraisal; and (3) a current letter from the controlling property management company indicating that the subject property meets acceptable property maintenance standards.

By signing this application the undersigned acknowledges and agrees that the City of Peoria, in its sole and absolute discretion, will determine Program eligibility and the nature of participation the City will provide towards a revitalization project in its entirety, and work with the Property Owner on all design concepts insofar as those concepts are structurally sound, and are reasonable.

By signing this application the Property Owner(s) acknowledges receiving a copy of the Program Guidelines. The applicant must execute the P83 Building Reuse Agreement, subject to City Council approval, as a condition to participating in the Program. Property owner(s) acknowledge and agree to obtain all required city approvals, including design and use approvals, as well as building permits, as needed, from the city, as well as all permits for construction, demolition, or other covered activities requiring a permit of the city.

Reimbursement under this Program is subject to the property owner(s) submitting a request for reimbursement package to the city, containing the items below, following the execution of an agreement:

- Copies of city permits obtained for the scope of work contained in the agreement
- Proof of passing city building, fire and other inspections for the work items reimbursement is being requested
- Exhibits showing the work items completed pursuant to the approved scope of work contained in the agreement
- Evidence that the property owner has paid the cost of the work for which reimbursement is being requested

The information contained in this statement is true and accurate. (Incorrect or misleading information may disqualify the project.)

\_\_\_\_\_ Date \_\_\_\_\_  
Property Owner (required)

Received by City of Peoria \_\_\_\_\_ Date \_\_\_\_\_

**To Be Completed by City Staff:**

Date Application Received: \_\_\_\_\_

Date Application Deemed Complete: \_\_\_\_\_

Date Application Deemed Eligible Under the Program: \_\_\_\_\_

Signature of Eligibility Officer: \_\_\_\_\_

Signature of EDS Director: \_\_\_\_\_

ECONOMIC DEVELOPMENT SERVICES

# Peoria AZ SMART

- aggressive strategy
- innovative economy
- endless opportunity

## P83 Building Re-Use Program



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 23C

**Date Prepared: August 7, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Case GPA15-0002 – Vistancia Parcel A-5, and D1 through D4  
Minor General Plan Amendment

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**Purpose:**

This is a request for City Council to adopt a Resolution amending the General Plan Land Use Map for approximately 108 acres of land within Village A and D of the 7,100-acre Vistancia Master Planned Community. This case accompanies a proposed amendment to the Vistancia PCD Zoning (Case Z01-10A.14). Collectively, the requests do not increase the maximum number of units approved for Vistancia.

*The City has not received any written correspondence or phone calls in opposition to this case. On June 18, 2015, the Planning & Zoning Commission unanimously recommended approval of this request. There were no speakers present.*

**Background/Summary:**

The Vistancia master planned community encompasses approximately 7,100 acres within northern Peoria. Desired land uses for the project are identified within the Peoria General Plan, and on a portion of the community, those land uses are further refined by the Loop 303 Specific Area Plan. For this request, the applicant is seeking to modify the land use category designations on certain parcels that are solely regulated by the General Plan. More specifically, the two proposed modifications to General Plan are:

- Parcel A-5 within Village A would be amended from the Community Commercial land use designation to Medium Density Residential (5-8 du/ac). Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road.

- Portions of Parcels D1 through D-4 would be reclassified from Mixed Use/Regional Commercial and Higher Density Residential (15+ du/ac) to the Low Density Residential (2-5 du/ac) land use category. Parcels D1 through D4 of Village D are located at the northeast corner of El Mirage Road and Lone Mountain Road.

The individual parcels are shown in relation to their respective village area within Exhibit 1, and Table 1 summarizing the request in more detail follows. This request does not increase the maximum number of approved dwelling units for the overall Vistancia master planned community. Rather, the proposed changes in land use seek to increase the amount of residential land use while decreasing the overall intensity in the areas being modified from the existing higher density residential and commercial classifications.

**Table 1: Summary of Land Use Designation Modifications**

The request is divided into five parcels within Villages A and D, and more specifically described in the table below:

Parcel	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation
A-5	Community Commercial (CC)	Medium Density Residential (MDR) (5.0-8.0 du/ac, target 6.0 du/ac)
D-1	Medium Density Residential (5.0-8.0 du/ac, target 6.0 du/ac)	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)
D-2	High Density Residential (HDR) (15+ du/ac)	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)
D-3	Mixed Use (MU)/ Regional Commercial (RC)	D-3a: Mixed Use (MU) – <i>No Change</i>
		D-3b: Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)
D-4	Mixed Use (MU)/ Regional Commercial (RC)	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)

*Note:* Parcel D-3 is being separated into two sub parcels labeled D-3a and D-3b. The applicant is proposing that Parcel D-3a retain the existing Mixed Use land use designation, while D-3b will be reclassified as low density residential.

Land Use Transition and Compatibility

*Parcel A-5* currently does not allow for single family residential uses. Based on existing and projected densities for Vistancia, the commercial demand is being met by the existing commercial uses at the corner of Vistancia Boulevard and El Mirage Road. Another commercial site is also being maintained at the northeast corner of Lone Mountain Road and El Mirage Road, which will continue to serve homebound traffic coming from Loop 303 and Lone Mountain Road.

This proposal decreases the intensity of proposed land uses adjacent to existing residential area, and more particularly is anticipated to match the residential densities immediately adjacent to the east. The applicant indicates they anticipate a positive effect on adjacent property values by providing the same land use as neighboring areas, while simultaneously reducing anticipated noise and traffic impacts on surrounding residential communities that would be typically associated with commercial uses.

Additional parks, trails and open spaces will be provided in the proposed residential areas to serve the new residences. The resulting additional housing is expected to add demand to the surrounding commercial and employment areas while decreasing the amount of lesser quality commercial and employment areas. The applicant has provided an Economic and Fiscal Impact Analysis prepared by Elliott D. Pollack & Company (Exhibit E) which describes how the proposed residential units are viable for development today, and will increase available workforce, retail demand, and taxable residential units within the City.

*Parcels D1 through D4* are isolated from the main Mixed Use core to the south of Lone Mountain Road. Based on the current densities being developed within Vistancia and the isolated location of this portion of Village D, regional commercial tenants would be difficult to attract and retain at this location. Instead, Village D retains its strong commercial corner on El Mirage Road and Lone Mountain Road and the additional residential uses would support the more viable commercial locations.

The proposal for Parcels D1 though D4 provides low density residential uses along state trust land to the north and east, which serves as a better transition between surrounding desert to the anticipated high intensity Mixed Use/Regional Commercial inner neighborhood core. Decreasing the intensity of the uses within Village D also creates a better transition to the Blackstone gated residential neighborhood to the west and the state land to the north and east. It's anticipated that the remaining commercial area on Parcel D-3a will become more viable and likely to develop sooner as the residential homes fill-in around it.

It is staff's assessment that the proposed amendment creates a logical transition between existing and anticipated land uses and the associated rezoning application provides for an appropriate transition in residential density, considering the surrounding land uses and street circulation.

#### 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.

The meeting was held for this request on May 13, 2015 at the Mountain Vista Club – Clubhouse Building within Vistancia. There was a strong turnout of residents and the meeting was also attended by City staff. The applicant presented the details of the proposed project and met with attendees to discuss individual comments/questions regarding the plans.

Staff received one email in opposition to the proposal, which was subsequently withdrawn shortly before the Planning and Zoning Commission meeting was held, but after the Commission report was printed (Exhibit 3).

#### Peoria Unified School District (PUSD)

This amendment does not increase the number of residential dwelling units, and does not alter the location or types of schools proposed within the Vistancia master planned community. The applicant communicated the proposed changes to the land use plan to PUSD for their review and comment. Staff has received a letter of continuing support for the development and this application.

#### **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 June 18, 2015 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request with a **5-0** vote.

A public hearing was held at the same meeting for a related Rezone application (Z01-10A.14) for the Vistancia PCD Amendment. The Planning & Zoning Commission also unanimously recommended approval of this request with a **5-0** vote. There were no speakers present on either case.

#### **Options:**

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

#### **Staff Recommendation:**

Staff recommends the City Council concur with the Planning & Zoning Commission's June 18, 2015 unanimous recommendation (5-0) to approve Case GPA 15-0002.

**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:** June 18, 2015 Planning and Zoning Commission Staff Report

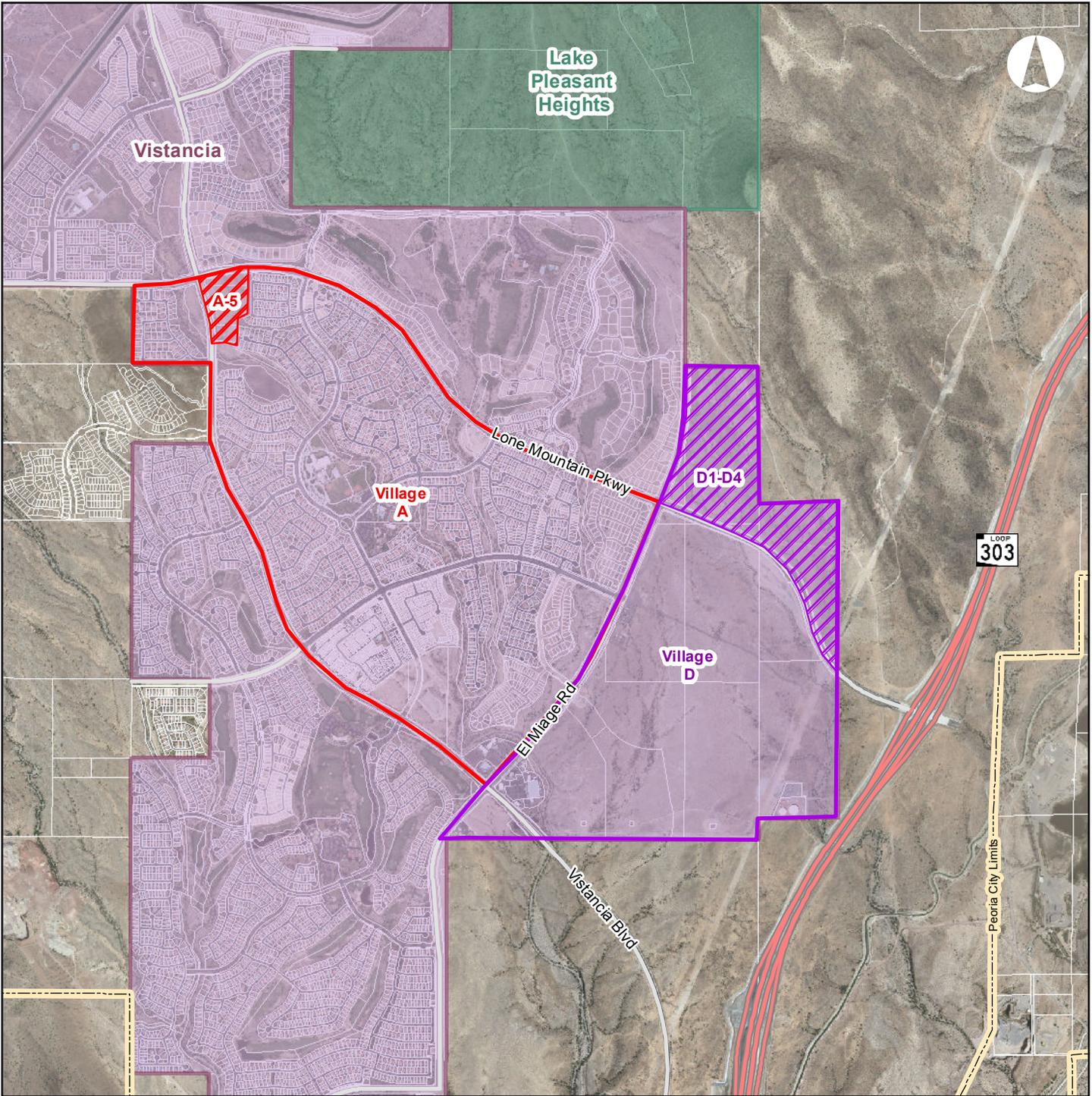
\*Exhibit E (Applicant's) Project Narrative is provided within Case Z01-10A.14

**Exhibit 3:** Withdrawal of Opposition

**Exhibit 4:** Draft Resolution

**Contact Name and Number:** Lorie Dever, Senior Planner x5168

# Vicinity Map



Not to Scale

## GPA15-0002 Vistancia A-5, D-1, D-2, D-3 and D-4

- Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC
- Request:** A Minor Amendment to the City of Peoria General Plan for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.
- Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



# Exhibit 1





# MINOR GENERAL PLAN AMENDMENT

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## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** GPA 15-0002

**DATE:** June 18, 2015

**AGENDA ITEM:** 8R

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**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

**Request:** A Minor Amendment to the City of Peoria General Plan for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Proposed Development** There are two proposed modifications to General Plan:

1. Parcel A-5 within Village A would be amended from the Community Commercial land use designation to Medium Density Residential (5-8 du/ac).
2. Portions of Parcels D1 through D-4 would be reclassified from Mixed Use/Regional Commercial and Higher Density Residential (15+ du/ac) to the Low Density Residential (2-5 du/ac) land use category.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road.

Parcels D1 through D4 of Village D are located at the northeast corner of El Mirage Road and Lone Mountain Road.

**Project Acreage** Approximately 108 acres

**Support / Opposition:** As of the date of this printing, staff has received one email in opposition to this case.

**Recommendation:** Recommend **approval** of case GPA 15-0002 to the City Council

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## **AREA CONTEXT**

The Vistancia master planned community encompasses approximately 7,100 acres within northern Peoria (see Exhibit A). Desired land uses for the project are identified within the Peoria General Plan, and a portion of the community those land uses are further refined by the Loop 303 Specific Area Plan. For this request, the subject parcels are solely regulated by the General Plan, as identified in Tables 1 & 2 below.

Additionally, Vistancia is zoned Planned Community District (PCD). The Proposed Land Use Plan within the approved PCD further specifies the intended land uses within each village. The Vistancia underlying zoning categories are denoted with a “V” preceding the underlying zoning district name.

**Table 1 – Parcel A-5: Existing Land Use, Future Land Use, Current Zoning (Exhibits B & C)**

	<b>LAND USE</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>
<b>Subject Property</b>	Vacant	<b>Community Commercial (CC)</b>	<b>Community Commercial (V-CC)</b>
North	Vacant	Low Density Residential (LDR) (2.0-5.0 du/ac, target 3 du/ac)	General Agricultural (AG)
South	Vacant	Open Space/Park (OS/P) then Low Density Residential (LDR) (2.0-5.0 du/ac, target 3 du/ac)	Open Space/Park (V-OS/P) then Residential/Low (V-LD) (2.0-5.0 du/ac)
East	Vacant	Residential/Medium High (8.0-15.0+ du/ac) and Residential/Medium (5.0-8.0 du/ac)	Residential/Medium (V-MD) (5.0-8.0 du/ac) and Residential/Low (V-LD) (2.0-5.0 du/ac)
West	Vacant	Open Space/Park then Residential/Low (2.0-5.0 du/ac)	Open Space/Park (V-OS/P) then Residential/Low (V-LD) (2.0-5.0 du/ac)

**Table 2 – Parcel D1 - D4: Existing Land Use, Future Land Use, Current Zoning (Exhibits B & C)**

	<b>LAND USE</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>
<b>Subject Property</b>	Vacant	<b>D-1: Medium Density Residential (5.0-8.0 du/ac, target 6.0 du/ac)</b>	<b>D1: Residential/Medium (V-MD) (5.0-8.0 du/ac)</b>
		<b>D-2: High Density Residential (HDR) (15+ du/ac)</b>	<b>D-2: Residential/ High (V-MH) (15+ du/ac)</b>
		<b>D-3: Mixed Use (MU)/ Regional Commercial (RC)</b>	<b>D-3: Mixed Use (V-MU) (8.0-15+ du/ac)</b>
		<b>D-4: Mixed Use (MU) / Regional Commercial (RC)</b>	<b>D-4: Mixed Use (V-MU) (8.0-15+ du/ac)</b>
North	Vacant, Arizona State Trust Land	Estate Density Residential (EDR) (0-2 du/ac, target 1.0 du/ac)	General Agricultural (AG)
South	Vacant, Vistancia Village D	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac) and Community Commercial (CC)	Mixed Use (V-MU)
East	Vacant, Arizona State Trust Land	Estate Density Residential (EDR) (0-2 du/ac, target 1.0 du/ac) and Open Space/Park (OS/P)	General Agricultural (AG) and Open Space/Park (V-OS/P)
West	Vacant, Vistancia Village B	Community Commercial (CC), Open Space/Park (OS/P) and Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)	Low Density Residential (LD) (2-5 du/ac, target 3 du/ac)

## **PROJECT DESCRIPTION**

1. The applicant is requesting a minor amendment to the Peoria General Plan Land Use Map for approximately 108.0 acres of land, which is less than 2% of the entire Vistancia development. (Exhibit A)
2. The request is divided into five parcels within Villages A and D, and more specifically described in the table below: (Exhibit D)

<b>Parcel</b>	<b>Existing General Plan Land Use Designation</b>	<b>Proposed General Plan Land Use Designation</b>
A-5	Community Commercial (CC)	Medium Density Residential (MDR) (5.0-8.0 du/ac, target 6.0 du/ac)
D-1	Medium Density Residential (5.0-8.0 du/ac, target 6.0 du/ac)	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)
D-2	High Density Residential (HDR) (15+ du/ac)	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)
D-3	Mixed Use (MU)/ Regional Commercial (RC)	D-3a: Mixed Use (MU) – <i>No Change</i>
		D-3b: Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)
D-4	Mixed Use (MU)/ Regional Commercial (RC)	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)

3. Parcel D-3 is being separated into two sub parcels labeled D-3a and D-3b. The applicant is proposing that Parcel D-3a retain the existing Mixed Use land use designation, while D-3b will be reclassified as low density residential.
4. This request does not increase the maximum number of approved dwelling units for the overall Vistancia master planned community. Rather, the proposed changes in land use seek to increase the amount of residential land use while decreasing the overall intensity from the existing higher density residential and commercial classifications.
5. Likewise, the proposed changes do not increase the number of projected dwelling units or the gross leasable commercial area for each development unit by more than 10%. (Exhibit D – Project Narrative)
6. This request for a minor amendment to the General Plan is accompanied by a corresponding rezoning request to align the Proposed Land Use Plan within the Vistancia PCD to this proposal. (Refer to Case Z10-10A.14)

## **LAND USE BACKGROUND**

7. The land comprising the Vistancia master planned community was originally part of two separate cases and case histories. In 2012, the applicant requested and received approval by City Council to consolidate the Vistancia North PCD (Planned Community District zoning) and the Vistancia South PCD into a single PCD with accompanying adjustments to the overall project density, specified development standards and zoning stipulations. For context, staff has provided a brief timeline of events outlining the entitlement process for what is now Vistancia.

*Note: Vistancia South was formerly known as Lakeland Village, and Vistancia North was formerly known as White Peak Ranch.*

### *Summary Timeline of Annexation and Zoning*

- 1997** White Peak Ranch (Vistancia North) property annexed into the City of Peoria and provided with initial zoning of SR-43 (Suburban Ranch).
- 1998** Lakeland Village (Vistancia South) receives entitlement as a Development Master Plan (DMP) in Maricopa County.
- 2000** City of Peoria approves a General Plan Amendment amending the Land Use Map to reflect the Lakeland Village and White Peak Ranch developments in advance of the annexation of Lakeland Village and zoning of White Peak Ranch.
- 2001** City of Peoria adopts a single Annexation & Development Agreement with Shea/Sunbelt Holdings for Lakeland Village and White Peak Ranch to protect 'vested' development rights obtained in Maricopa County (Lakeland Village) and to protect new development rights and responsibilities for White Peak Ranch. The Development Agreement solidified infrastructure requirements, obligations and timing, some of which are still based on the total residential unit count.

City of Peoria annexes Lakeland Village (*Ordinance 01-158*).

City of Peoria establishes Planned Community District (PCD) zoning for Lakeland Village (County DMP zoning converted to City PCD zoning), and DMP stipulations are modified, namely relating to development review processing (*Ordinances 01-159 and 01-160*).

City of Peoria adopts PCD zoning for White Peak Ranch (*Ordinance 01-161*).

- 2004** Lakeland Village PCD recognized as Vistancia South PCD.
- 2006** City approves Major PCD Amendment to White Peak Ranch (thereafter 'Vistancia North') and reduces dwelling units from 7,978 units to 6,288.

**2012** City approves request to consolidate Vistancia North and Vistancia South. More specifically, the major PCD amendment made the following adjustments to the entitlement and development standards:

- Overall reduction in the maximum residential unit count from 15,644 to 10,500 to align with Master Water and Sewer Reports; and
- Modified maximum height standard in the ‘commercial core’ (Village D) located east of El Mirage Road with stepback provisions; and
- Tailored modifications to the Hillside and Desert Lands Conservation Overlay (DLCO) standards to be more responsive to topographic conditions; and
- Consolidation of the relevant zoning stipulations from each PCD including modification to the transportation requirements recognizing a smaller entitlement and facilities in the area (e.g. Loop 303) that weren’t contemplated as part of the original entitlement.

**2014** City approves minor amendment to the Vistancia PCD to allow themed flags within the community to assist with wayfinding and theming.

## **SURROUNDING AREA**

8. Parcel A-5 is within Village A and is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. To the west and north of the site are open spaces and residential uses. Immediately to the south is open space being preserved for drainage and trails. To the east and southeast, the General Plan and Proposed Land Use Plan contemplate residential uses.
9. Parcels D1 through D4 are within Village D and located to the east of El Mirage Road and north of Lone Mountain Road. To the west of the parcels are residential uses within the Blackstone village. The property to the south of Parcels D1 through 4 is undeveloped and contemplated for Mixed Use. Parcels D1 through D4 are the eastern limits of the Vistancia property. To the north and east boundaries are state trust land and preserved open space for drainage and a powerline corridor. (See Exhibit D)

## **DISCUSSION AND ANALYSIS**

### *Minor General Plan Amendment Evaluative Criteria*

10. 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 and Proposed General Plan Land Use Designations*

11. The existing and proposed General Plan land use designations for the subject parcels are listed below:

<b>Parcel</b>	<b>Existing Land Use Designation</b>	<b>Proposed Land Use Designation</b>	<b>Proposed Area</b>
A-5	Community Commercial (CC)	Medium Density Residential (MDR)	14.2 AC
D-1	Medium Density Residential	Low Density Residential (LDR)	26.9 AC
D-2	High Density Residential(HDR)	Low Density Residential (LDR)	23.0 AC
D-3	Mixed Use (MU)/ Regional Commercial (RC)	D-3a: Mixed Use (MU)	14.5 AC
		D-3b: Low Density Residential (LDR)	20.4 AC
D-4	Mixed Use (MU)/ Regional Commercial (RC)	Low Density Residential (LDR)	22.4 AC

*Land Use Transition and Compatibility*

Parcel A-5

12. Parcel A-5 does not allow for single family residential uses. Based on existing and projected densities for Vistancia, the commercial demand is being met by the existing commercial uses at the corner of Vistancia Boulevard and El Mirage Road. Another commercial site is also being maintained at the northeast corner of Lone Mountain Road and El Mirage Road, which will continue to serve homebound traffic coming from Loop 303 and Lone Mountain Road.

13. This proposal decreases the intensity of proposed land uses adjacent to existing residential area, and more particularly is anticipated to match the residential densities immediately adjacent to the east.
14. The applicant indicates they anticipate a positive effect on adjacent property values by providing the same land use as neighboring areas, while simultaneously reducing anticipated noise and traffic impacts on surrounding residential communities that would be typically associated with commercial uses.
15. Additional parks, trails and open spaces will be provided in the proposed residential areas to serve the new residences. The resulting additional housing is expected to add demand to the surrounding commercial and employment areas while decreasing the amount of lesser quality commercial and employment areas.
16. The applicant has provided an Economic and Fiscal Impact Analysis prepared by Elliott D. Pollack & Company (Exhibit E) which describes how the proposed residential units are viable for development today, and will increase available workforce, retail demand, and taxable residential units within the City.

Parcel D1 – D4

17. Parcels D1 through D4 are isolated from the main Mixed Use core to the south. Based on the current densities being developed within Vistancia and the isolated location of this portion of Village D, regional commercial tenants would be difficult to attract and retain at this location. Instead, Village D retains its strong commercial corner on El Mirage Road and Lone Mountain Road and the additional residential uses would support the more viable commercial locations.
18. The proposal for Parcels D1 through D4 provides low density residential uses along state trust land to the north and east, which serves as a better transition between surrounding desert to the anticipated highly developed Mixed Use/Regional Commercial inner neighborhood core. Decreasing the intensity of the uses within Village D also creates a better transition to the Blackstone development to the west and the state land to the north and east.
19. It's anticipated that the remaining commercial area on Parcel D-3a will become more viable and likely to develop sooner as the residential homes fill-in around it.
20. It is staff's assessment that the proposed amendment creates a logical transition between existing and anticipated land uses and the associated rezoning application provides for an appropriate transition in residential density, considering the surrounding land uses and street circulation.

*Relevant General Plan Policies and Objectives*

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

Objective 1.D: Foster commercial, industrial and business park employment centers that are compatible with Peoria's economic needs.

Objective 1.O: Support well-designed high quality multifamily residential development in appropriate areas which maintain compatibility between adjacent developments.

Objective 1.P: Support appropriate commercial, business park, industrial, and mixed-use employment centers within large-scale master planned areas.

*Policy 1.P.1:* Encourage adequate and proximate commercial and employment opportunities within large scale development plans.

Objective 1.Q: Consider periodic amendments to the General Plan Land Use Map to ensure relevancy.

*Policy 1.Q.2:* Periodically re-evaluate land-use designations to ensure consistency and coordination between the land use and transportation elements.

*Peoria Unified School District (PUSD)*

22. This amendment does not increase the number of residential dwelling units, and does not alter the location or types of schools proposed within the Vistancia master planned community.

23. The applicant has communicated the proposed changes to the land use plan to PUSD for their review and comment.

24. Staff has received a letter of continuing support for the development and this application, which is provided within Exhibit F.

*Public Participation Plan - Neighborhood Meeting*

25. 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. (Exhibit G)

26. 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. The meeting was held for this request on May 13, 2015 at the Mountain Vista Club – Clubhouse Building within Vistancia.
27. There was a strong turnout of residents and was attended by City staff. The applicant presented the details of the proposed project and met with attendees to discuss individual comments/questions regarding the plans (Exhibit G).

#### *Public Noticing*

28. 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*

29. At the time of this writing, Staff has received one email in opposition to the proposal.

## **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:

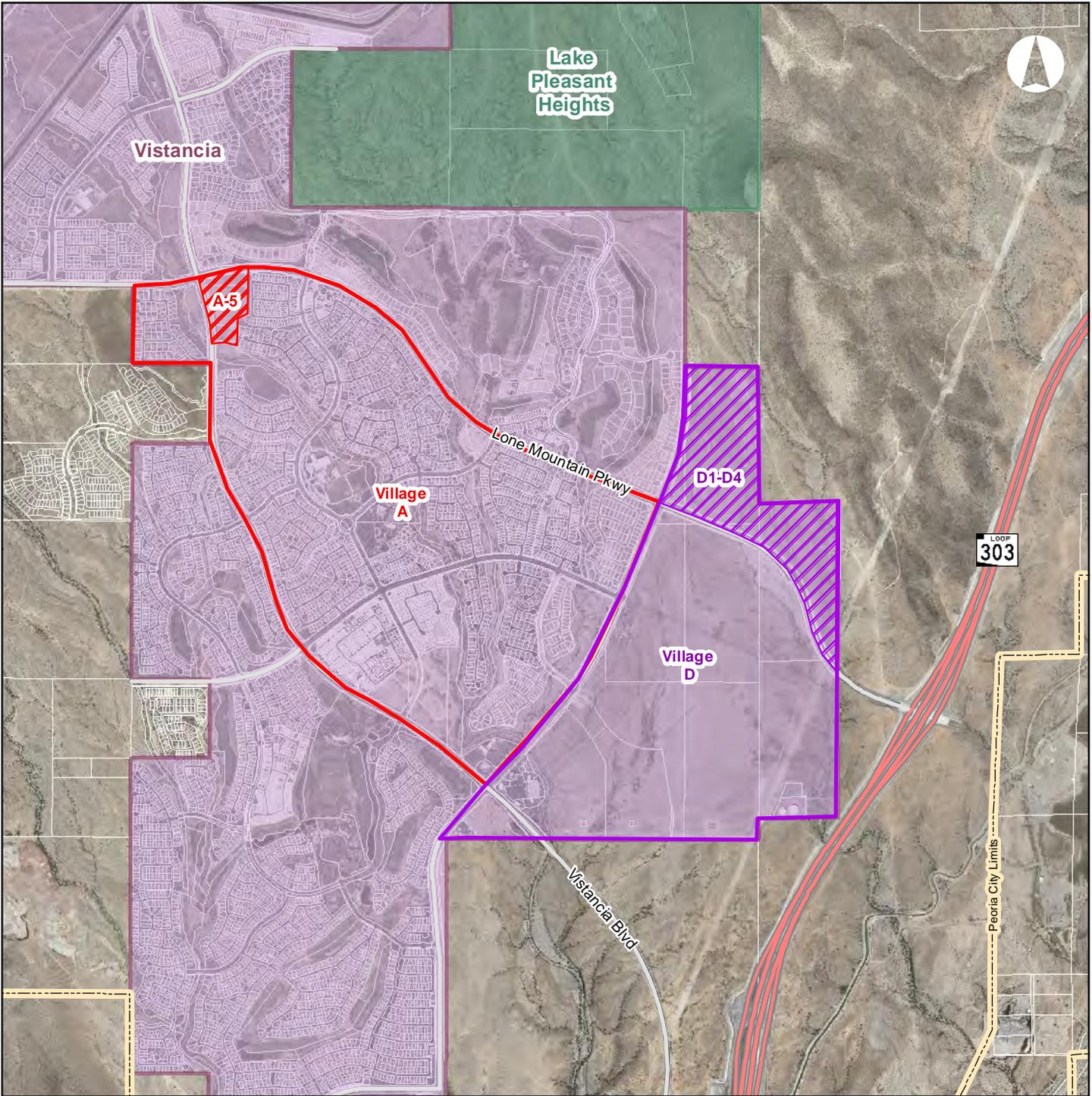
**Recommend approval of Case GPA15-0002 to the City Council.**

**Attachments**

- Exhibit A: Vicinity Map
- Exhibit B: Existing and Proposed General Plan Map – Parcel A-5
- Exhibit C: Existing and Proposed General Plan Map – Parcel D1-4
- Exhibit D: Existing Zoning Map
- Exhibit E: Project Narrative
- Exhibit F: Justification Economic & Fiscal Impact Analysis  
(Elliott D. Pollack Company)
- Exhibit G: Letter from PUSD
- Exhibit H: Citizen Participation Report with Citizen Correspondence
- Exhibit I: Letter/Email of Opposition

Prepared by: Lorie Dever  
Senior Planner

# Vicinity Map



Not to Scale

## GPA15-0002 Vistancia A-5, D-1, D-2, D-3 and D-4

**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

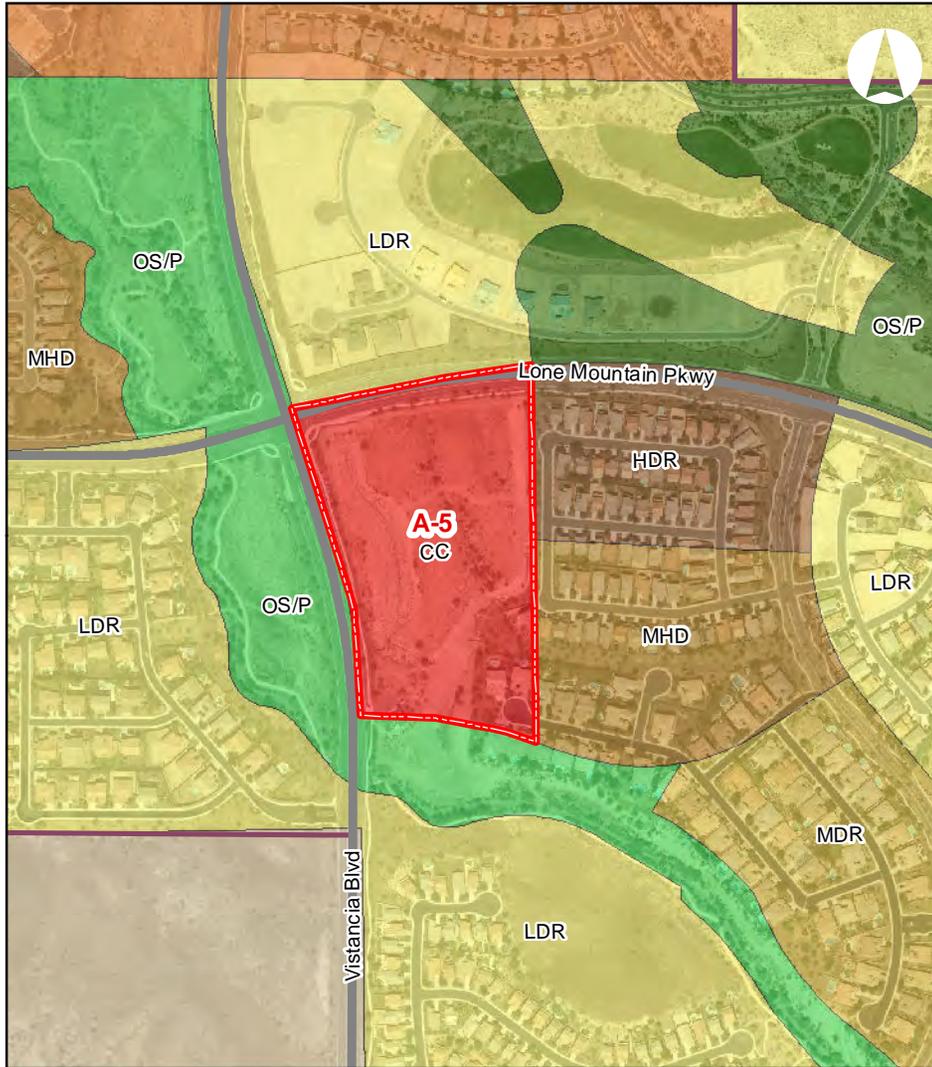
**Request:** A Minor Amendment to the City of Peoria General Plan for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.

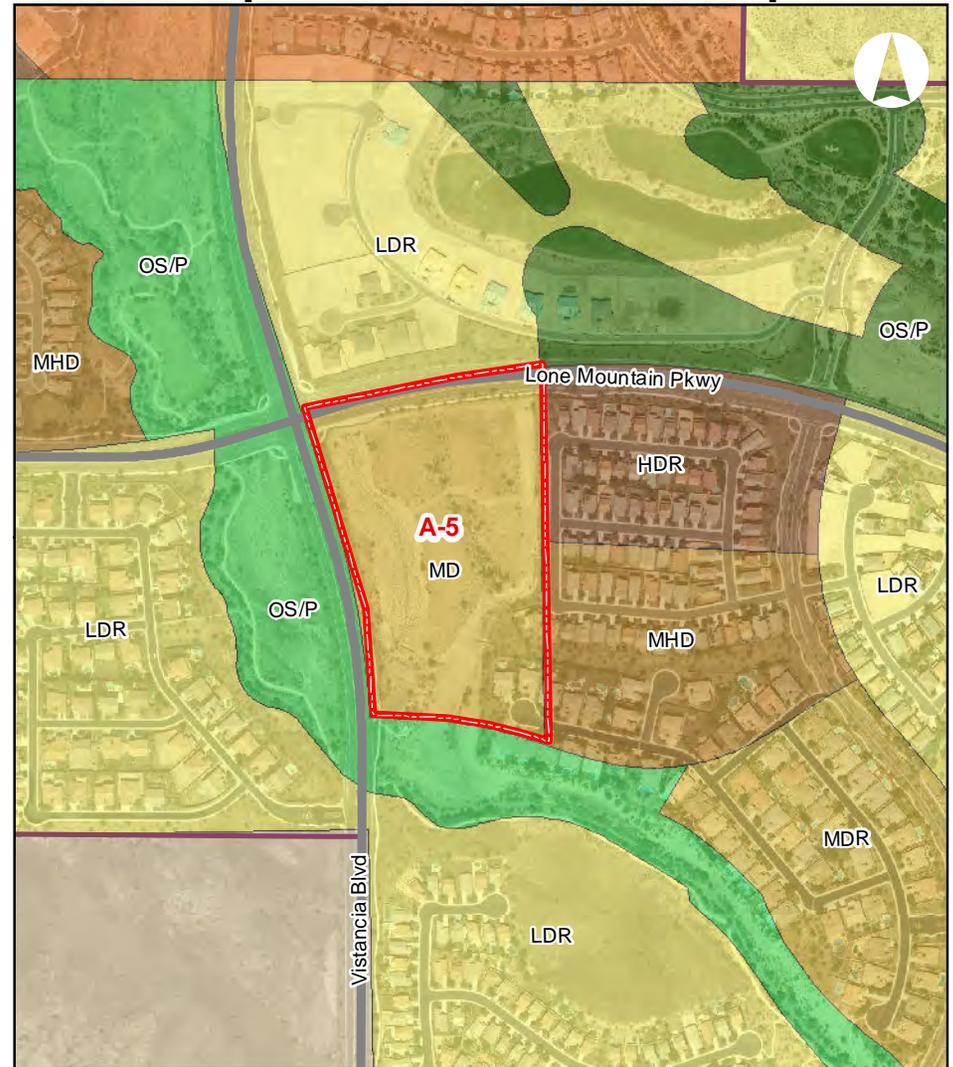


## Exhibit A

## Existing General Plan Map



## Proposed General Plan Map



## GPA15-0002 Vistancia A-5, D-1, D-2, D-3 and D-4

Not to Scale

**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

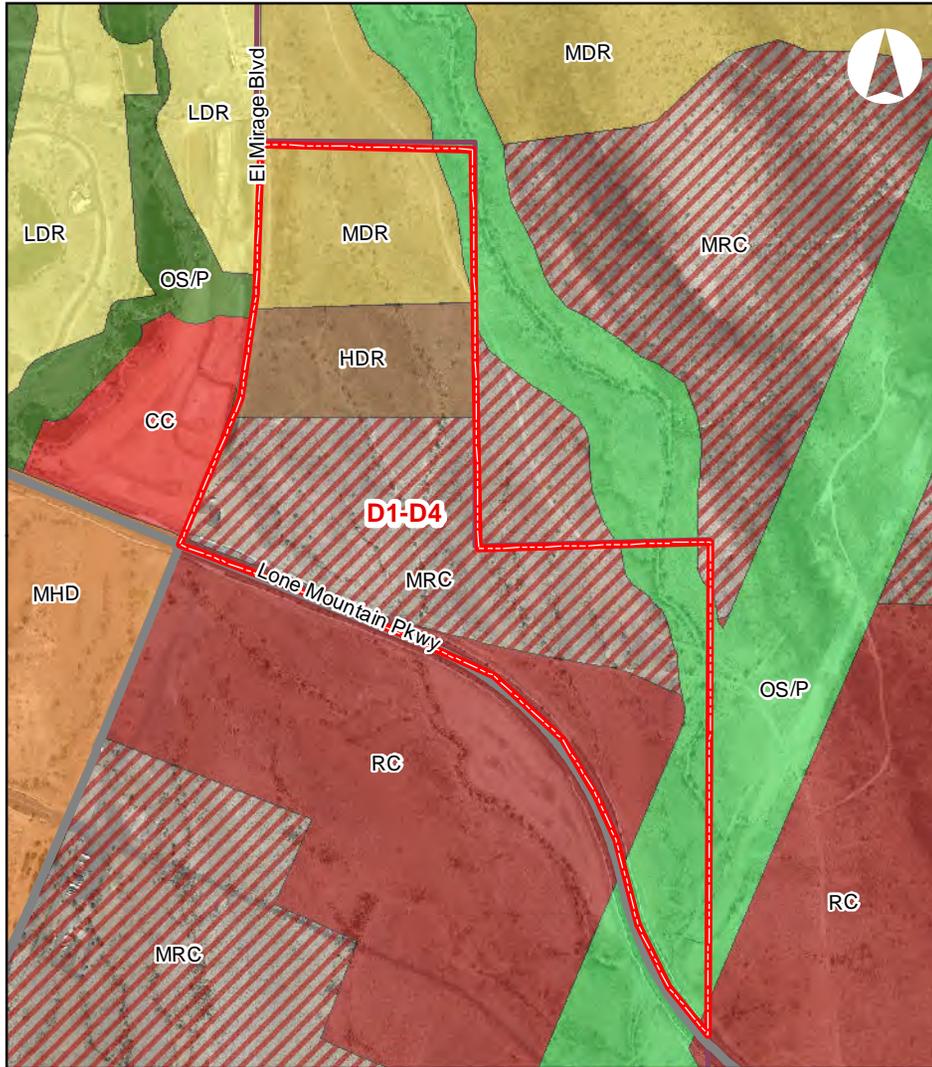
**Request:** A Minor Amendment to the City of Peoria General Plan for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.

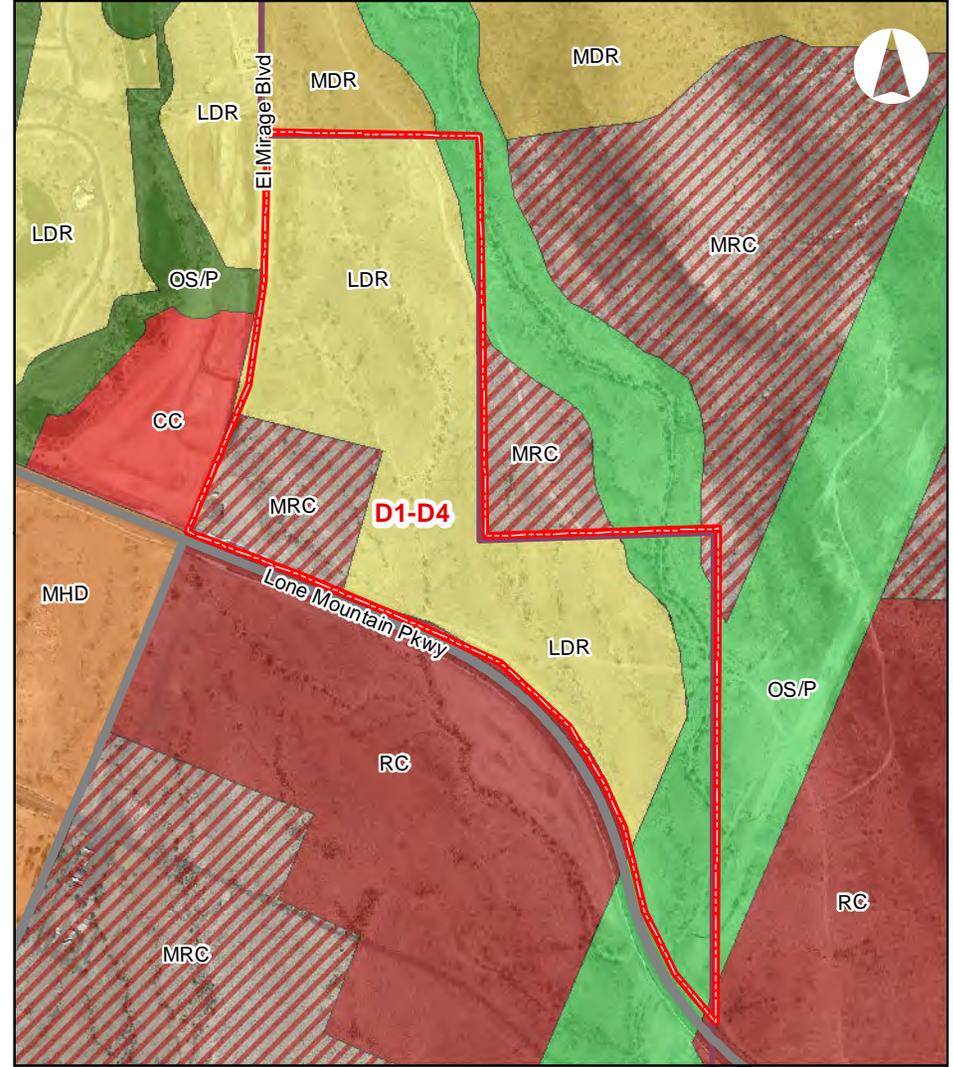


# Exhibit B

## Existing General Plan Map



## Proposed General Plan Map



## GPA15-0002 Vistancia A-5, D-1, D-2, D-3 and D-4

Not to Scale

**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

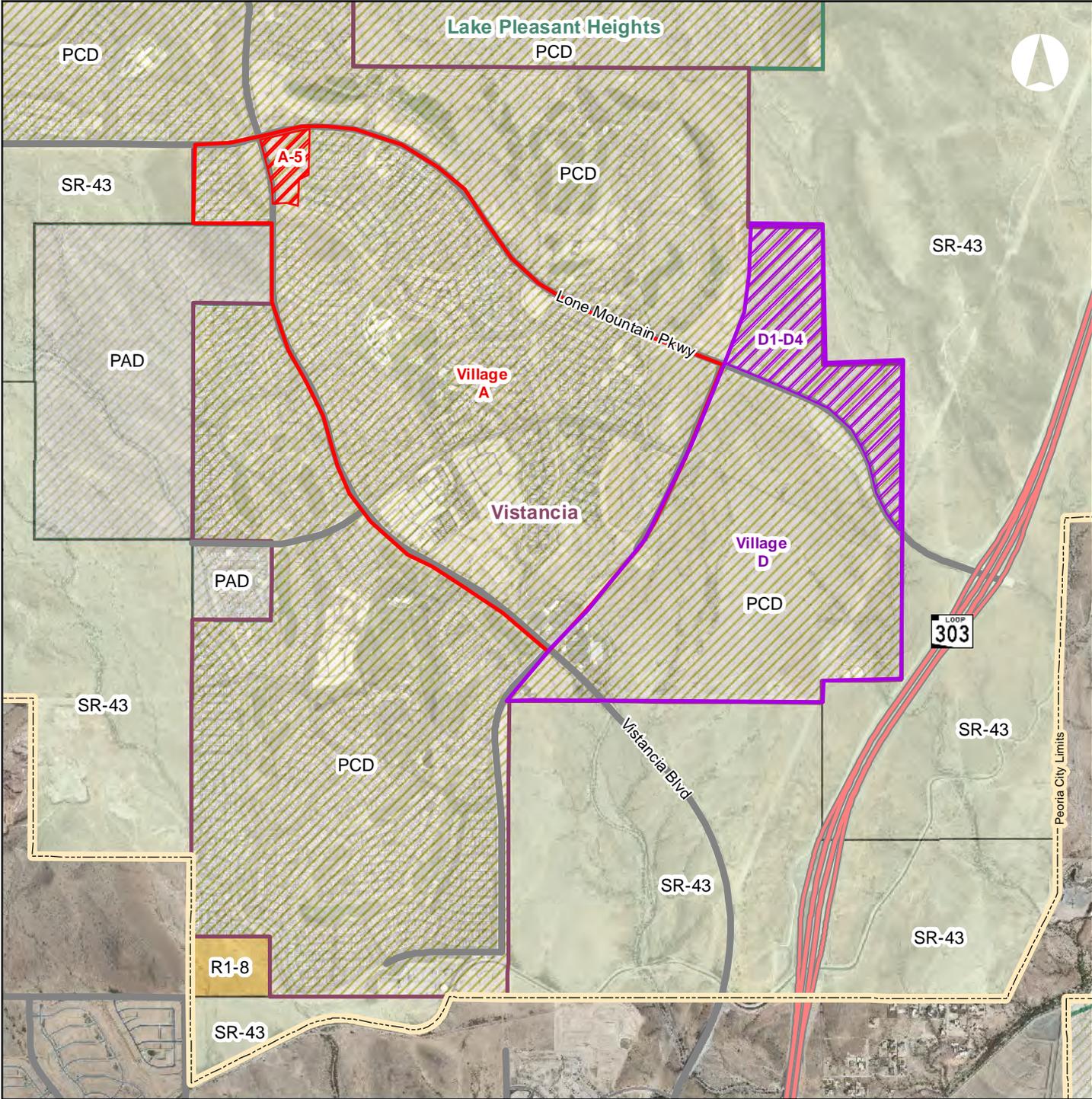
**Request:** A Minor Amendment to the City of Peoria General Plan for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



**Exhibit C**

# Existing Zoning Map



Not to Scale

## GPA15-0002 Vistancia A-5, D-1, D-2, D-3 and D-4

- Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC
- Request:** A Minor Amendment to the City of Peoria General Plan for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.
- Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



**Exhibit D**



For Project Narrative  
(See Z01-10A.14)

**Exhibit F**  
**Justification Economic &**  
**Fiscal Impact Analysis**

# Economic & Fiscal Impact of Proposed Vistancia Parcels A-5, D1-D4 Single Family Residential Development Peoria, Arizona



Prepared for:  
Vistancia Land Holdings, LLC

February 2015

Prepared by:



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



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## **Executive Summary**

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This report examined the commercial viability of parcels located at the southeast corner of Lone Mountain Road and Vistancia Boulevard and the northeast corner of Lone Mountain Road and the El Mirage Road alignment. In addition, the impacts of residential development on these sites in terms of job creation and tax revenue for the City of Peoria were analyzed. The following are the key findings of this report.

- 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 flexibility in the Vistancia Land Use Plan could result in no net loss of commercial square footage at build-out. Any reduction in commercial land at the proposed sites could be shifted to other commercial sites within the master plan at slightly higher density if market demand warranted it. Additional homes would strengthen that demand.
- The Lake Pleasant Parkway and Happy Valley Road intersection has proven to be a superior retail destination. Over 583,900 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 sites are not located near the Lake Pleasant corridor and are located away from Loop 303 frontage.
- The proposed residential construction would generate a total of 671 jobs during the construction period. Total wages are estimated at \$40.4 million during the construction phase with total economic activity of over \$128.3 million.
- The City of Peoria would receive \$1.6 million in tax revenues generated by the construction of the residential project. This includes over \$1.5 million generated



by the City's 1.8% prime contracting sales tax rate and an additional \$61,900 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 \$667,600. The bulk of impact will be realized due to the increase in population for the City. Sales taxes from resident spending and utilities as well as new home property taxes are expected as well.
  
- Overall, the City is forecasted to collect over \$5.2 million in revenues over ten years generated by the construction and subsequent years of resident impacts.



## **1.0 Introduction**

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### **1.1 Purpose of Study**

Elliott D. Pollack and Company was retained to analyze the market area at the southeast corner of Lone Mountain Road and Vistancia Boulevard and the northeast corner of Lone Mountain Road and the El Mirage Road alignment. These parcels have a variety of existing land use designations ranging from commercial to medium and high density residential to mixed use. The sites were analyzed in terms of current, planned, and available commercial and employment development.

In addition, our firm performed an economic and fiscal impact analysis of proposed single family residential developments. The rezoning request includes a proposed 35-home single family development at the corner of Vistancia Boulevard and Lone Mountain Road and an additional 323 single family detached homes at the corner of Lone Mountain Road and El Mirage Road. Expected housing development is for lot sizes ranging from 48 feet wide up to 70 feet wide.

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 Vistancia Land Holdings, 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 recovering from 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 11.5% through the fourth quarter of 2014. Over 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. Only 191,218 square feet of retail is currently under construction, with activity in all but the regional mall and specialty retail sectors. While this is a significant increase from a year ago, it is still well below historical averages.

Cassidy Turley estimates the retail vacancy rate for the Northwest Valley market area through the fourth quarter of 2014 at 13.6%, well above the Greater Phoenix vacancy rate but 0.9% lower than the same time last year. 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 also at 15.5%. These two categories of retail centers account for nearly 81% of all vacant retail space in the Northwest Valley market area. The northwest valley did end up with the largest amount of absorption in 2014, with just over 596,200 square feet.

2014 Q4 Retail Vacancy Rates Northwest Valley and Greater Phoenix						
		Total	%	YTD Net	Under	Average
Northwest Valley	Inventory	Vacant	Vacant	Absorption	Construction	Asking Rate
Neighborhood	18,483,802	2,862,624	15.5%	399,211	-	\$12.81
Power	5,156,577	176,606	3.4%	113,635	-	\$25.68
Regional	2,712,064	483,905	17.8%	87,713	-	-
Specialty/Theme	757,417	112,979	14.9%	(20,895)	-	\$19.25
Strip	2,439,295	378,591	15.5%	16,578	9,613	\$13.25
<b>TOTAL</b>	<b>29,549,155</b>	<b>4,014,705</b>	<b>13.6%</b>	<b>596,242</b>	<b>9,613</b>	<b>\$13.14</b>
Greater Phoenix						
Neighborhood	88,858,363	12,195,366	13.7%	1,372,596	98,688	\$13.44
Power	30,481,619	1,634,803	5.4%	214,912	60,972	\$23.37
Regional	15,491,041	1,054,342	6.8%	(19,166)	-	\$38.34
Specialty/Theme	2,111,788	208,366	9.9%	(2,266)	-	\$23.44
Strip	13,419,210	2,180,419	16.2%	121,486	31,558	\$13.20
<b>TOTAL</b>	<b>150,362,021</b>	<b>17,273,296</b>	<b>11.5%</b>	<b>1,687,562</b>	<b>191,218</b>	<b>\$13.99</b>

Source: Cassidy Turley



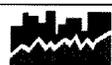
Bricks and mortar retailing has been significantly affected over the past decade by several trends. Internet sales have had a major effect on store sales and the trend is expected to continue in the future. Retailers in electronics products and books have been especially hard hit. The rise of big box 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 Bashas'. The entrance of natural foods grocers such as Whole Foods has also cut into the traditional grocery store business.

Greater Phoenix is still 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 two to three 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 19.1% according to Cassidy Turley. This is the first time since 2008 that vacancy has been recorded under 20%. While this is down from peak vacancy experienced in 2010, it is still nowhere near a stabilized occupancy rate. However, additional development is now becoming more feasible. Most projects completed in recent and in the current upcoming year are build-to-suit buildings. Indeed, most of the projects announced for 2014 (State Farm, Go Daddy, Garmin, etc.) are build-to-suit as well. 2014 recorded completions of 898,000 square feet, the highest since 2010. Most of this occurred in the southeast valley, however. Expected completions for 2015 are much higher at 2.8 million square feet which is the



most development in the pipeline since 2008. Again, the Southeast Valley is leading the region in development.

Cassidy Turley estimates the office vacancy rate for the Northwest Valley market area in the fourth quarter of 2014 at 30.5%, much higher 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.

<b>Office Market Outlook - 2014 Q4</b>							
<b>Northwest Valley and Greater Phoenix</b>							
<b>Northwest Valley</b>							
<b>Class</b>	<b>Bldgs</b>	<b>Inventory</b>	<b>Total Vacant</b>	<b>% Vacant</b>	<b>Net Absorption</b>	<b>Under Construction</b>	<b>Average Asking Rate</b>
<b>TOTAL</b>	<b>23</b>	<b>1,475,242</b>	<b>450,552</b>	<b>30.5%</b>	<b>3,243</b>	<b>-</b>	<b>\$20.48</b>
<b>Greater Phoenix</b>							
Class A	236	36,469,081	6,080,218	16.7%	1,400,319	2,376,559	\$25.29
Class B	730	51,246,815	10,444,165	20.4%	766,235	480,030	\$20.23
Class C	195	7,891,070	1,736,127	22.0%	234,233	-	\$15.90
<b>TOTAL</b>	<b>1,161</b>	<b>95,606,966</b>	<b>18,260,510</b>	<b>19.1%</b>	<b>2,400,787</b>	<b>2,856,589</b>	<b>\$20.72</b>

Source: Cassidy Turley

### 2.3 Existing Development and Available Land

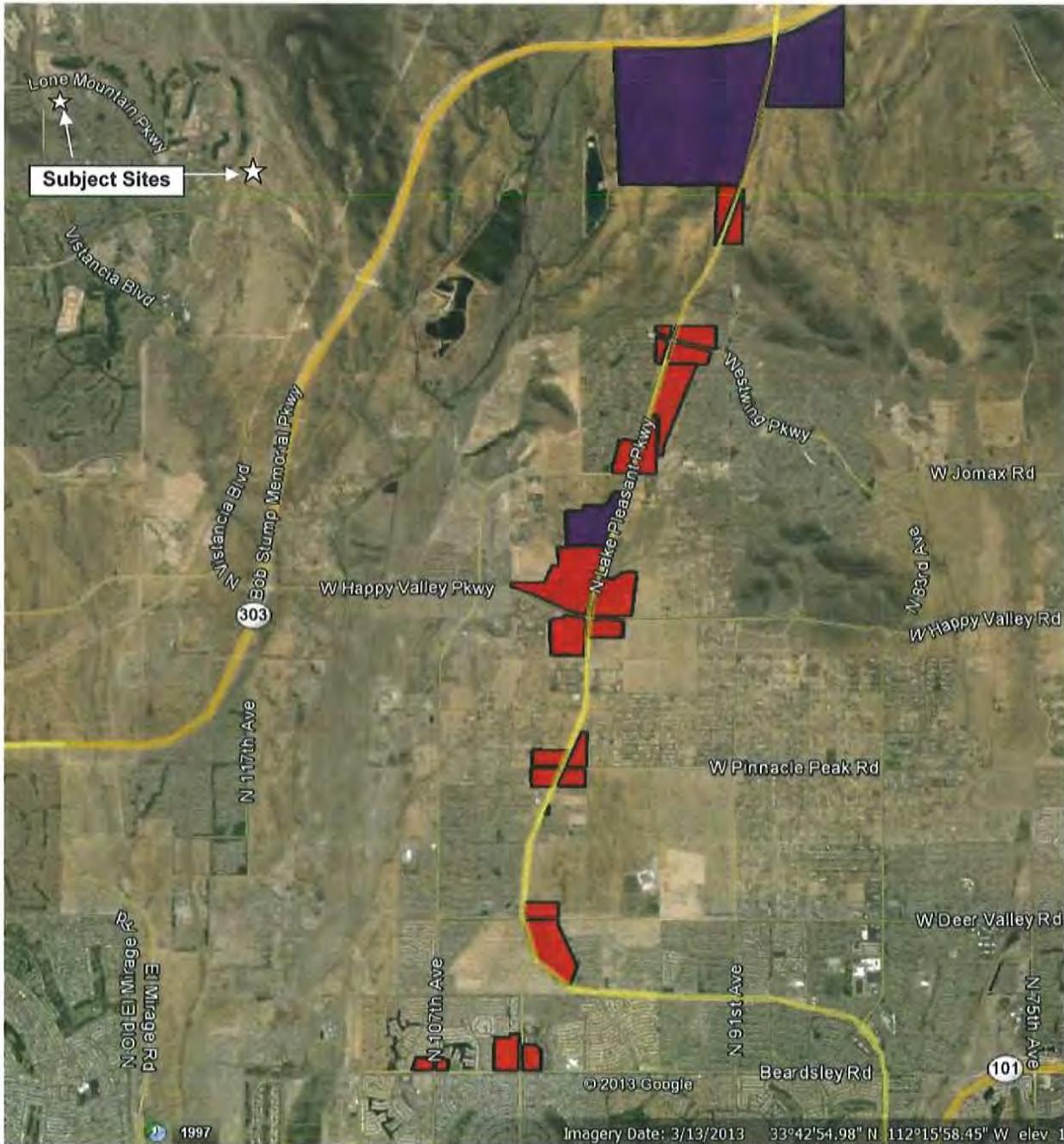
Two study areas were analyzed in terms of commercial and employment land that is currently zoned. This was done to assess the availability of land for future development and to compare it to the subject sites from a competitive standpoint. The first study area is the Lake Pleasant Parkway Corridor. This 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 Road intersection. The second study area includes the Loop 303 Corridor which has great long term potential, especially as the region grows in population. This area contains the subject site parcels.

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.**

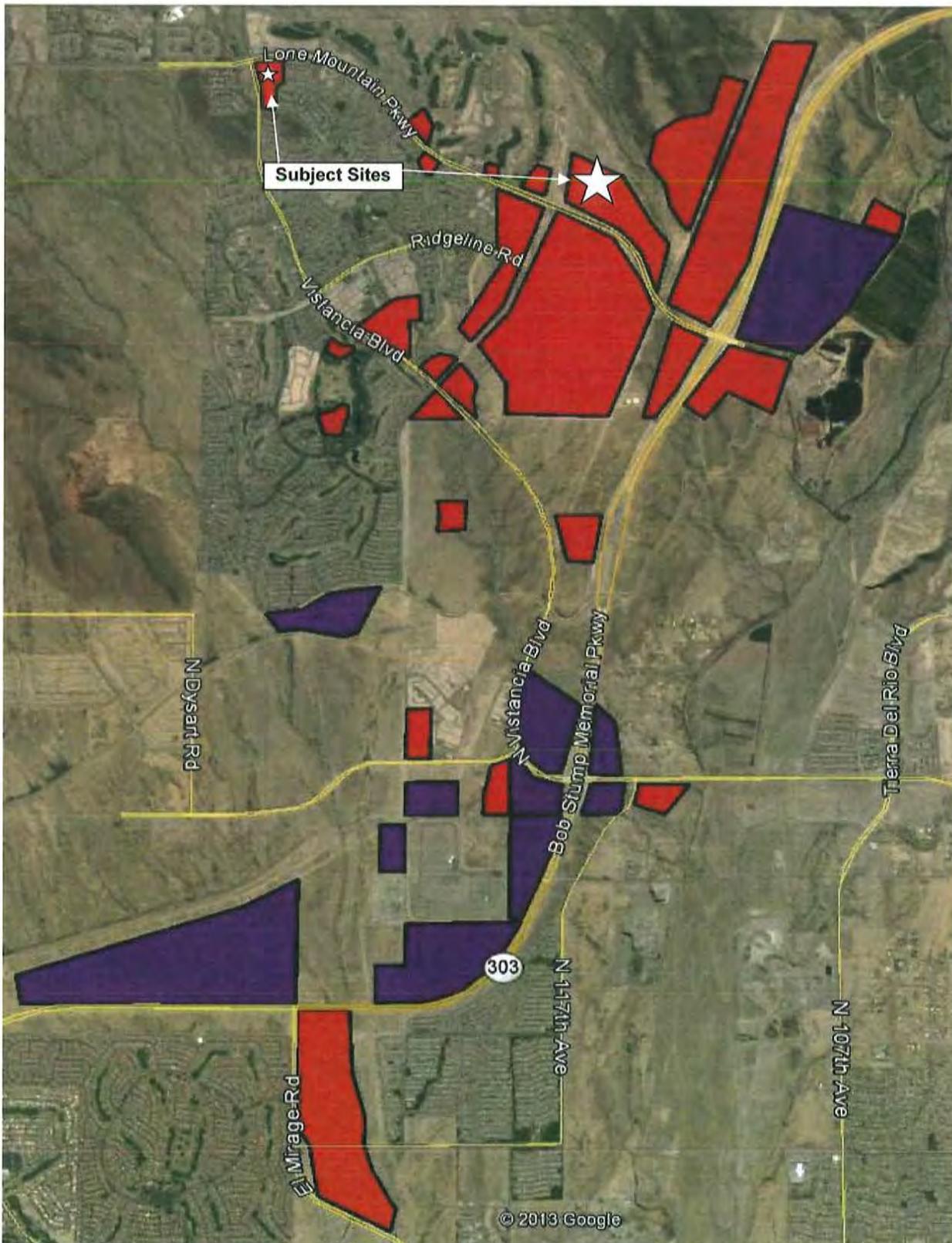


The second region of commercial and employment land along the Loop 303 corridor is displayed on the following map. As discussed previously, this region has very strong long term prospects but will likely not experience significant development in the short term. More attractive sites along the Lake Pleasant corridor are likely to develop first.

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.





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 (no buildings constructed) and a significant amount of shop space available in three other buildings, though spaces are filling up well in those buildings. **Approximately 40,000 square feet.**
- Phase II (planned future phase) conceptually 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 two pads and three shop spaces available. **63,100 square feet available.**

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

- There is one major, five pads, and six shop spaces available. **55,182 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. **47,566 square feet available.**

Denaro Corporate Center (West of Northwest corner of Lake Pleasant & Happy Valley)

- Class A Professional Office/Medical Office park. **12,438 square feet available.**

Lake Pleasant Professional/Medical Plaza (West of Northwest corner of Lake Pleasant & Happy Valley Road)

- Two story medical and professional office building, construction ready with building plans complete. **25,000 square feet available.**

All totaled, there currently exists over **583,900 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 Conclusions**

In our opinion, the two parcels comprising the subject sites at the southeast corner of Lone Mountain Road and Vistancia Boulevard and the northeast corner of Lone Mountain Road and the El Mirage Road alignment are more viable for residential development compared to 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.

- 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 Lake Pleasant Parkway and Happy Valley Road intersection has proven to be a superior retail destination. Over 583,900 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 sites are not located near the Lake Pleasant corridor and are located away from Loop 303 frontage.
- The flexibility in the Vistancia Land Use Plan could result in no net loss of commercial square footage at build-out. Any reduction in commercial land at the proposed sites could be shifted to other commercial sites within the master plan at slightly higher density if market demand warranted it. Additional homes would strengthen that demand.

With the 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 sites consist of five parcels. The first, known as A-5, is located on the southeast corner of Lone Mountain Road and Vistancia Boulevard. The current zoning for this parcel is Community Commercial. The remaining four parcels are located at the northeast corner of Lone Mountain Road and the El Mirage Road alignment. These parcels have a variety of existing land use designations ranging from medium to high density residential as well as mixed use.

The rezoning request includes a proposed 35-home single family development at the corner of Vistancia Boulevard and Lone Mountain Road and an additional 323 single family detached homes at the corner of Lone Mountain Road and El Mirage Road. Expected housing development is for lot sizes ranging from 48 feet wide up to 70 feet wide. The following map illustrates the proposed site plans.

**Vistancia Rezoning Proposed Site Plans**





### 3.2 Assumptions

The assumptions used to estimate the economic and fiscal impacts of the construction and ongoing fiscal impacts of the proposed residential projects are outlined below. The project plans for an average density of 2.8 units per acre. Housing is expected to range



in size from approximately 2,800 square feet up to 4,000 square feet. Sales prices of these new homes are projected to start at a range of \$300,000 to \$430,000. Based on these sales values, qualifying household incomes of these homes would be approximately \$75,000 to \$107,000 though actual incomes could be higher.

<b>Project Assumptions Vistancia Rezoning Proposal</b>	
Acres	126.5
<b>Total Units</b>	<b>358</b>
<b>48 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>84</b>
Average unit size	2,800
Average sales price per unit	\$300,000
Average household income	\$75,000
<b>53 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>85</b>
Average unit size	3,100
Average sales price per unit	\$350,000
Average household income	\$87,000
<b>60 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>79</b>
Average unit size	3,300
Average sales price per unit	\$370,000
Average household income	\$92,000
<b>70 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>75</b>
Average unit size	4,000
Average sales price per unit	\$430,000
Average household income	\$107,000
<b>60 ft. Lots (Vistancia &amp; Lone Mtn.)</b>	<b>35</b>
Average unit size	3,300
Average sales price per unit	\$350,000
Average household income	\$87,000
Average dwelling units per acre	2.8
Total sales value	\$128,680,000
Person per household	2.7
Per capita State shared revenues	\$342
Source: Vistancia Land Holdings, LLC; 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 2015 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 2015 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 construction 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

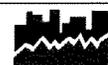
Each city in Arizona receives a portion of State revenues from four different sources - State sales tax (see description above), State income tax, vehicle license tax and highway user tax. The formulas for allocating these revenues are primarily based on population. Counties also share in the revenue 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 5.0).

### 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, though build-out of these subdivisions is expected to take place over the next 5 years.

The total estimated hard cost of construction of the proposed 358 homes will generate 285 direct construction jobs earning nearly \$20.1 million in wages over the life of the construction period. An additional 386 indirect and induced jobs will be created from the ripple effects throughout the economy for a total of 671 jobs created during the construction period. Total wages are estimated at \$40.4 million during the construction process with total economic activity of over \$128.3 million.

<b>Economic Impact of Construction</b> <b>Vistancia Rezoning Proposal</b> <b>Greater Phoenix</b> (2015 Dollars)			
Impact Type	Person Years of Employment	Wages	Economic Output
Direct	285	\$20,085,000	\$76,307,000
Indirect	194	\$10,877,000	\$26,306,000
Induced	192	\$9,484,000	\$25,733,000
<b>Total</b>	<b>671</b>	<b>\$40,446,000</b>	<b>\$128,346,000</b>
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 358 homes. 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 nearly \$1.6 million in tax revenues generated by the construction of the residential projects. This includes just over \$1.5 million generated by the City's 1.8% prime contracting sales tax rate and an additional \$61,900 from the construction employees projected to live and spend their incomes within City limits. Though not included in these calculations, the City of Peoria will also receive a significant amount of revenue from building permit and impact fees which help offset the cost of new development.

<b>Fiscal Impact of Construction Vistancia Rezoning Proposal City of Peoria (2015 Dollars)</b>					
	<b>Primary Revenues</b>	<b>Secondary Revenues</b>			
<b>Impact Type</b>	Speculative Builders Sales Tax	Employee Spending Sales Tax	Resident Property Tax	State Shared Revenues	<b>Total Revenues</b>
Direct	\$1,505,600	\$15,400	\$8,500	\$4,300	<b>\$1,533,800</b>
Indirect	N/A	\$9,300	\$5,800	\$2,200	<b>\$17,300</b>
Induced	N/A	\$8,600	\$5,800	\$2,000	<b>\$16,400</b>
<b>Total Revenues</b>	<b>\$1,505,600</b>	<b>\$33,300</b>	<b>\$20,100</b>	<b>\$8,500</b>	<b>\$1,567,500</b>

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, residences are at full capacity, and population has been officially counted by a decennial census.

Primary revenue sources would total \$667,600 annually at build-out. Nearly half of the impact will be realized due to the increase in population for the City as Peoria receives a per capita share of tax dollars collected at the state level. New residents from this project would be counted in the 2020 Census and added to official population figures. Sales taxes from both resident spending in the amount of \$141,100 and utility usage estimated at \$53,500 annually are expected as well. Finally, annual City of Peoria property taxes will be collected on each new residence for a total of \$151,900. The following table details these annual revenue sources by category.

<b>Annual Fiscal Impact at Buildout</b> <b>Vistancia Rezoning Proposal</b> <b>City of Peoria</b> (2015 Dollars)				
Resident Spending Sales Tax	Utility Sales Tax	State Shared Revenues	Property Tax	Total Annual Revenues
\$141,100	\$53,500	\$321,100	\$151,900	<b>\$667,600</b>
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**

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

Homes on these sites are expected to begin delivering product and closings starting in 2016. The sales and construction of the 358 homes is projected to take five years, reaching build-out in 2020. During construction, the City of Peoria will collect \$1.51 million from primary revenue sources (construction sales taxes) and \$61,900 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, occupied, and population has been officially added to the City's population total, the City of Peoria will collect \$667,600 each year from state shared revenues as well as resident spending sales taxes, utility usage sales taxes, and property taxes. Overall, the City of Peoria is forecasted to collect over \$5.2 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  
Vistancia Rezoning Proposal  
(2015 Dollars)**

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
<b>Home Sales</b>	<b>60</b>	<b>70</b>	<b>75</b>	<b>75</b>	<b>78</b>	-	-	-	-	-	<b>358</b>
<b>Primary Revenues</b>											
Speculative Builders Tax	\$252,335	\$294,391	\$315,419	\$315,419	\$328,036	--	--	--	--	--	\$1,505,600
Sales Tax	--	\$23,600	\$51,200	\$80,800	\$110,400	\$141,100	\$141,100	\$141,100	\$141,100	\$141,100	\$971,500
Property Tax	--	\$25,500	\$55,200	\$87,000	\$118,800	\$151,900	\$151,900	\$151,900	\$151,900	\$151,900	\$1,046,000
Utility Sales Tax	--	\$9,000	\$19,400	\$30,600	\$41,800	\$53,500	\$53,500	\$53,500	\$53,500	\$53,500	\$368,300
State shared Revenues	--	--	--	--	--	--	\$321,100	\$321,100	\$321,100	\$321,100	\$1,284,400
<b>Secondary Revenues</b>											
Employee Sales Tax	\$5,581	\$6,511	\$6,976	\$6,976	\$7,255	--	--	--	--	--	\$33,300
Residential Property Tax	\$3,369	\$3,930	\$4,211	\$4,211	\$4,379	--	--	--	--	--	\$20,100
State Shared Revenues	\$1,425	\$1,662	\$1,781	\$1,781	\$1,852	--	--	--	--	--	\$8,500
<b>Total Impact<sup>1/</sup></b>	<b>\$262,709</b>	<b>\$364,594</b>	<b>\$454,187</b>	<b>\$526,787</b>	<b>\$612,522</b>	<b>\$346,500</b>	<b>\$667,600</b>	<b>\$667,600</b>	<b>\$667,600</b>	<b>\$667,600</b>	<b>\$5,237,700</b>

<sup>1/</sup> 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







PEORIA

UNIFIED SCHOOL DISTRICT NO. II

Department of Research and Planning

May 11, 2015

City Council,  
City of Peoria  
8401 W. Monroe St.  
Peoria, AZ 85345

RE: The Meadows (Z01-10A.14)

Dear Planning Staff,

This letter is intended to express our support and communication with Vistancia Land Holdings's, LLC, concerning Vistancia Planned Community District (Z01-10A.14). We would like to express the district's continuing support for this development.

Representatives of Vistancia and staff at the Peoria Unified School District have worked diligently in recent months to execute a Developer Assistance Agreement and establish shared understanding. At this time, Vistancia Land Holdings, LLC has signed the agreement and the item was approved by our Governing Board, April of 2011 with amendments in September of the same year. Vistancia has expressed their commitment to our Developer Assistance Agreement and their support to the students who will be living in Vistancia parcels and the greater school district. With this promise of collaboration, the district offers continuing support for Vistancia Land Holdings's LLC, progression through the rezoning, platting, amending, and construction process.

We commend the Developer's commitment to public education and for assisting us in providing an outstanding education to students in the Peoria Unified School District. Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Padric R. Hall,  
Department of Research and Planning

Cc: Kenneth Hicks, Chief Financial Officer



## Citizen Participation Plan for Vistancia

**Date:** March 12<sup>th</sup>, 2015

**Purpose:** The purpose of this Citizen Participation Plan is to inform citizens, property owners, neighborhood associations, agencies, schools and businesses in the vicinity of the site of an application for an amendment to the PCD of the Vistancia development located west of Loop 303 on Lone Mountain Parkway. The purpose of this proposal is to request the approval of a major amendment to the PCD, as well as the minor General Plan amendment for 14.2 acres of Village A and 92.7 acres of Village D in the Vistancia development. This plan will ensure that those affected by this application will have an adequate opportunity to learn about and comment on the proposal.

**Contact:**

Chris Jones  
50 N. McClintock Dr., Suite 1  
Chandler AZ, 85226  
(480) 699 7956; (480) 699 7986 (FAX)  
Email: [chris.jones@andersonbaron.com](mailto:chris.jones@andersonbaron.com)

**Pre-application meeting:** The pre-application meeting with the City of Peoria planning staff was held on January 7<sup>th</sup>, 2015.

**Action Plan:** In order to provide effective citizen participation in conjunction with this application, the following actions will be taken to provide opportunities to understand and address any real or perceived impacts on their development that members of the community may have.

1. A contact list will be developed for citizens and agencies in the area including:
  - Homeowners associations and registered neighborhoods as provided by the city.
  - Interested neighbors focused on 1,320 feet from the site but may include more.
  - Peoria Unified School District No. 11 in writing.
2. All persons listed on this contact list will receive a letter describing the project, project schedule, and a site plan.
3. Presentations will be made to groups of citizens or neighborhood associations upon request.
4. A neighborhood meeting will be held and notes will be taken.
5. If problems or concerns arise, one or more neighborhood meetings will be scheduled as needed.

All items such as comments, petitions, and distributed materials will be copied to the city of Peoria.

**Schedule:**

Pre-Application meeting – January 7, 2015  
Application Submittal – March 3, 2015  
Neighborhood meeting notifications distributed – May 3, 2015  
First neighborhood meeting – May 13, 2015  
Site posting – Fifteen days before board hearing  
Submittal of Citizen Participation Report and neighborhood meeting materials– Ten days before board hearing  
Planning and Zoning Board Hearing – To be determined  
City Council hearing – To be determined

May 14, 2015

Lorie Dever  
Planner

**City of Peoria Planning and Community Development Department**

9875 North 85<sup>th</sup> Avenue  
Peoria, AZ 85345

**RE: Vistancia Village 'A' and 'D' PCD Major Amendment/Minor General Plan Amendment  
Neighborhood Meeting Minutes - #Z01-10A.14**

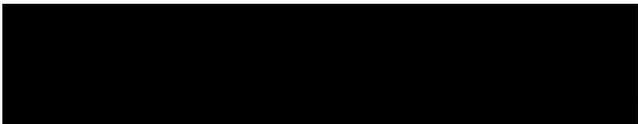
Dear Lorie,

On May 13<sup>th</sup> at 6:00 pm, Vistancia Land Holdings held a Neighborhood Meeting as a part of the PCD and General Plan Amendment process for the Major PCD Amendment and Minor General Plan Amendment application for the Vistancia project. 35 residents were in attendance and signed in. The following minutes summarize the Questions and Answers discussed at this meeting:

- What will the new school demands be with the addition of residential to the area?
  - The neighbors were informed that even though the residential acreage is increasing, the total number of residential units entitled for the Vistancia area is not changing from the current cap of 10,500 dwelling units; therefore, there will not be an increased demand on the schools.
  - They were also informed that the School district has been made aware of the amendment and has written a letter of support for the proposal.
- Will the residential neighborhood planned for parcel A-5 have direct access to the neighborhood to the east?
  - The neighbors were informed that the parcel has not been designed as of yet, but based upon the significant drainage structure that is existing between the two parcels it is not expected or likely that an eastern connection will exist.
- Will the residential neighborhood planned for parcel A-5 have direct access to the Lone Mountain or Vistancia Boulevard?
  - The neighbors were informed that the parcel has not been designed as of yet, so this has yet to be determined.
- What will the density of the parcels be?
  - The neighbors were informed that the parcel has not been designed as of yet to give the actual density of the parcels. The density ranges are defined by the land use designation of the PCD, but due to the amount of open space that will be provided the densities are expected to be lower than the defined maximums. The PCD also defines the sizes of lots allowed which will ultimately dictate the type of homes and therefore the potential density of the parcels based on the site constraints.
- Will there be any parks in the parcels?

- The neighbors were informed that parcel A-5 will not have a park due to the small size of the parcel and the proximity of open spaces and trails. The residential parcels in Village D will have some small programmed open spaces.
- What is going in the commercial site that is D-3a...will there be a gas station?
  - The neighbors were informed that there is not a design for, nor is there a user yet for the site.
- When will development of the rest of Village 'D' occur?
  - The neighbors were informed that there is not a design for, nor is there a user yet for the area; however, El Mirage Road was just completed and opened to the public recently. This allows for the area to be more desirable for development as it is now considered "shovel ready".
- Other questions were asked about the future development of the properties north of the CAP that were not pertinent to the current application.
- Most all of the residence were in favor of the proposed changes and having residential instead of commercial as neighbors. There were no residence that were vocal about being opposed to the amendment as proposed.

Attached to this document is the sign in sheet from the meeting with the names and addresses of all of the attendees. If you have any questions or require any additional information please let us know.



Christopher G. Jones, RLA  
Senior Project Manager

Attachment: Sign In Sheet

# VISTANCIA NEIGHBORHOOD MEETING SIGN-IN:

NAME:

ADDRESS:

PHONE:

EMAIL:

Bridget Binsbacher

DAVID NUTTER

BOB + NANCY WENDEL

Tom + Lynda Reithmann

CAROL LOSKER

JP & Cherilyn Cook

DARNELL ALLEN

Ann Carpenter

JACK FLETCHER

Ray ROBERTS

DORA'S PRIZZI

Tom GETTINGS

Nancy Golden

Michael Monoyis

# VISTANCIA NEIGHBORHOOD MEETING SIGN-IN:

NAME:

ADDRESS:

PHONE:

EMAIL:

Laurie Benton

Nelson Benton

Kris Hanson

Candace Hitchcock

Wayne Hitchcock

Walter Skip Zahlmann

Marilyn Jaster

Betty & Don Haubold

Mickey & Gary Bach

Lonie Dever - City of Peoria

623-773-5168 lonie.dever@peoriaag.gov

TOM/CONNIE KOSTELNIK

Ashley Batterson

MARUS ZAVILLA



**From:** [Irene Charlez](#)  
**To:** [Chris Jacques](#); [Lorie Dever](#)  
**Cc:** [Bridget Binsbacher](#)  
**Subject:** Vistancia Rezoning-Holtan  
**Date:** Wednesday, May 13, 2015 2:07:11 PM

---

**From:** Brian Holtan [mailto: [REDACTED]]  
**Sent:** Tuesday, May 12, 2015 2:05 PM  
**To:** Irene Charlez  
**Subject:** Re: [MESQUITE-DISTRICT-UPDATE] Notice of Neighborhood Meeting

Thank you I appreciate your help.

On Tue, May 12, 2015 at 2:01 PM, Irene Charlez <[Irene.Charlez@peoriaaz.gov](mailto:Irene.Charlez@peoriaaz.gov)> wrote:  
Brian,  
I will forward your comment to the project coordinator.

**Irene Charlez**  
Council Assistant  
City of Peoria  
[623-773-7785](tel:623-773-7785)

---

**From:** Brian Holtan [mailto: [REDACTED]]  
**Sent:** Tuesday, May 12, 2015 12:03 PM

**To:** Irene Charlez  
**Subject:** Re: [MESQUITE-DISTRICT-UPDATE] Notice of Neighborhood Meeting

My preference would be to deny the proposed changes.

Brian Holtan, M.D., F.A.C.C.



**Lorie Dever**

---

**From:** Brian Holtan [REDACTED]  
**Sent:** Monday, June 15, 2015 2:29 PM  
**To:** Lorie Dever  
**Subject:** Vistancia zoning changes along Lone Mtn and near El Mirage Rd

Ms. Dever,

I have been given more information about the proposed zoning changes and their impact on the neighborhood as well as planned uses of near by property.

I would like to withdraw my opposition to the proposed zoning changes.

Thank you for all your past assistance and withdrawal of my opposition.

Brian

--

**Brian Holtan**

**CONFIDENTIALITY NOTICE:** This email message, including any attachments, is for the sole use of intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, or disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

RESOLUTION NO. 2015-93

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

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

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

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held a public hearing regarding amendment number GPA15-0002, on June 18, 2015; and

WHEREAS, after such public hearing and consideration of GPA15-0002, the Peoria Planning and Zoning Commission recommended adoption of GPA15-0002 on June 18, 2015, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA15-0002 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of August 26, 2015; and

WHEREAS, after due and proper consideration of such GPA15-0002, the Mayor and Council of the City of Peoria, Arizona have found that GPA15-0002 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 GPA15-0002, amending the Land Use Map of the Peoria General Plan, for the area described in Table 1 and shown in Exhibits A1-A3.

**Table 1**

<b>Parcel</b>	<b>Existing General Plan Land Use</b>	<b>Proposed General Plan Land Use</b>
A-5	Community Commercial (CC)	Residential/Medium (MDR) 5.0-8.0 du/ac
D-1	Residential/Medium (MDR) 5.0-8.0 du/ac	Residential/Low (LDR) 2.0-5.0 du/ac
D-2	Residential/High (HDR) 15+ du/ac	Residential/Low (LDR) 2.0-5.0 du/ac
D-3	Mixed Use / Regional Commercial (MRC)	D-3a: Regional Commercial (RC)
		D-3b: Residential/Low (LDR) 2.0-5.0 du/ac
D-4	Mixed Use / Regional Commercial (MRC)	Residential/Low (LDR) 2.0-5.0 du/ac

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 26<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Cathy Carlat, Mayor

Date Signed \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**EXHIBIT A1**  
**LEGAL DESCRIPTION**

## **Vistancia Property Legal Description**

---

LEGAL DESCRIPTION FOR VISTANCIA SOUTH

**PARCEL NO. 1:**

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA

**PARCEL NO. 2:**

THE WEST HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA

**PARCEL NO. 3:**

THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA

**PARCEL NO. 4:**

THE EAST HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

**PARCEL NO. 5:**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

**PARCEL NO. 6:**

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

**PARCEL NO. 7:**

THE NORTH 1/3RD OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 8:

THE NORTH 1/3RD OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 9:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 10:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 11:

THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 12:

THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 44:

LOTS 3 AND 4 OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

PARCEL NO. 45A:

LOTS 3 AND 4 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

PARCEL NO. 45B:

LOTS 1 AND 2 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA;

PARCEL NO. 46:

LOTS 1, 2, 3, AND 4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

PARCEL NO 47A:

THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 47B:

THE WEST HALF; AND THE WEST HALF OF THE EAST HALF OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTHWEST QUARTER OF SAID SECTION 24;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 48A:

THE WEST HALF; AND THE WEST HALF OF THE EAST HALF OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 71.68 FEET OF THE NORTHWEST QUARTER OF SAID SECTION; AND  
EXCEPT THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 48B:

THE EAST 71.68 FEET OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

AND

THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT LOTS 1 & 2 OF SAID SECTION 25;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 49:

THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 50:

THE NORTHEAST QUARTER; THE NORTH HALF OF THE SOUTHEAST QUARTER; LOT 4; AND THE EAST HALF OF LOT 3 OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 51A:

THE NORTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF; AND THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SECTION 23, TOWNSHIP 5 NORTH,

RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL 51B:

THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THEREFROM ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THE NORTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF; AND THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 23;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 52:

THE EAST HALF OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION; AND

EXCEPT THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; AND

EXCEPT THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; AND

EXCEPT THE NORTH 1/3RD OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; AND

EXCEPT THE NORTH 1/3RD OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 53:

THE EAST HALF OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 54:

THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 55:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 56:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 57:

LOT 2 AND THE WEST HALF OF LOT 3 OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 58:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

LEGAL DESCRIPTION FOR VISTANCIA NORTH

PARCEL 1:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 3, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 2:

THE SOUTHWEST QUARTER; THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 3:

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 4:

THE NORTH HALF OF THE NORTHEAST QUARTER; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 5:

THE NORTH HALF OF THE NORTHEAST QUARTER; THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 6:

ALL OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 7:

ALL OF SECTION 10, TOWNSHIP 5 NORTH RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 8:

ALL OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 9:

LOTS 1 - 10 INCLUSIVE; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THE NORTH HALF OF THE NORTHWEST QUARTER; THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 10:

LOTS 1 - 10 INCLUSIVE; THE NORTH HALF OF THE NORTHEAST QUARTER; THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THE NORTHWEST QUARTER; AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

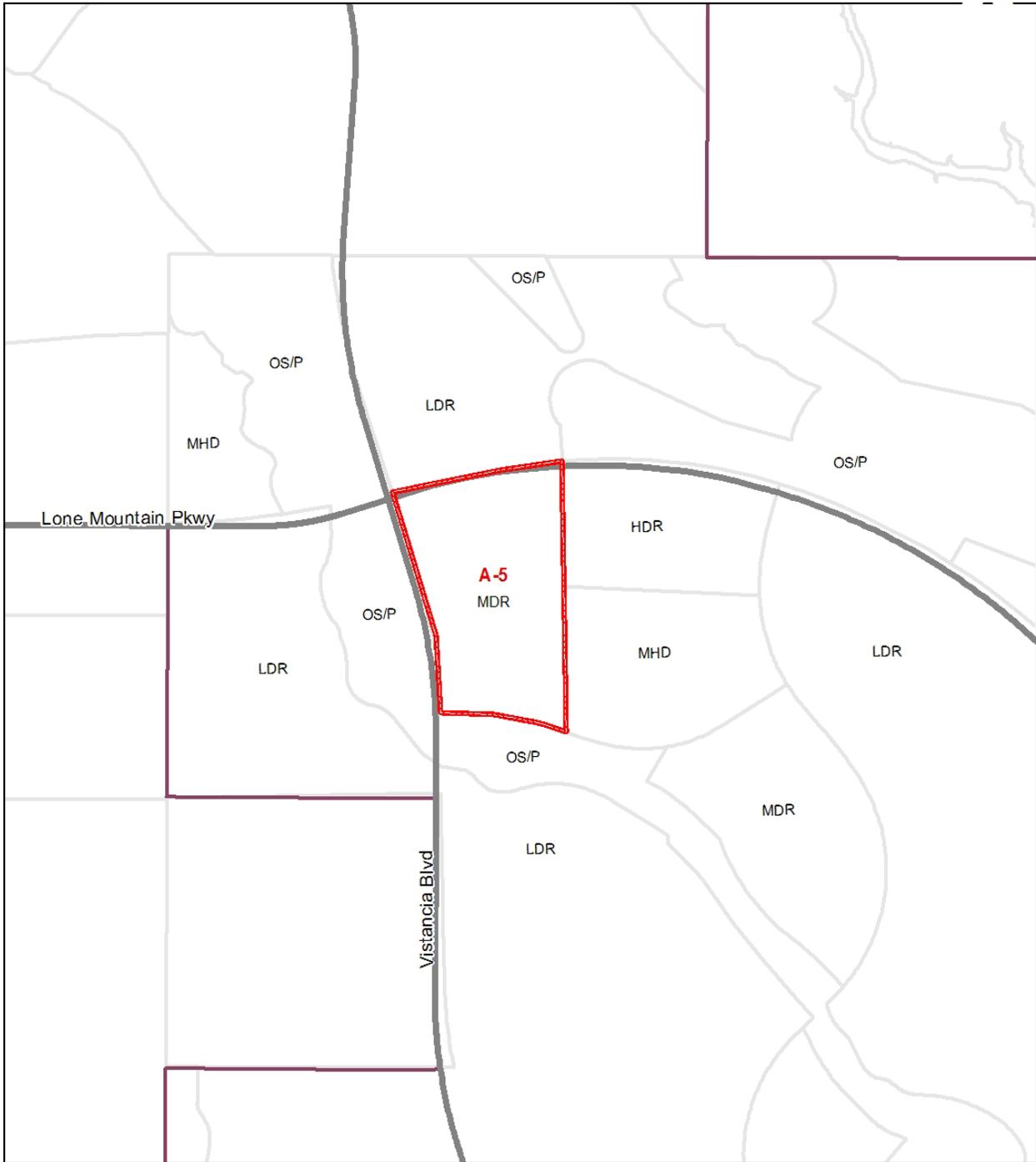
PARCEL 11:

THE NORTH HALF OF THE NORTH HALF; AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

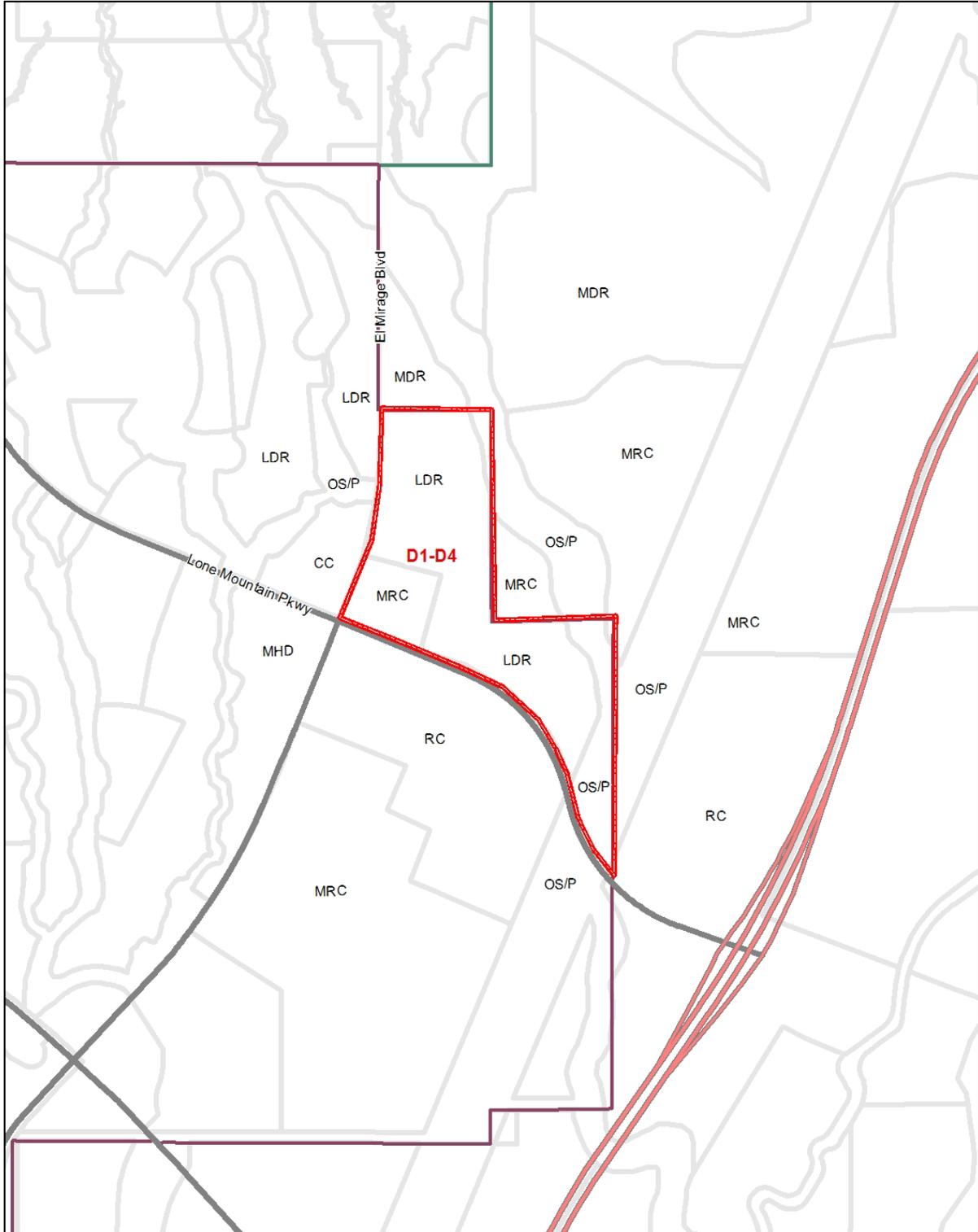
PARCEL 12:

THE SOUTHWEST QUARTER; THE NORTH HALF OF THE SOUTHEAST QUARTER; THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

# EXHIBIT A2



# EXHIBIT A3



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 24C

**Date Prepared: August 7, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Case Z01-10A.14 – Vistancia Parcel A-5, and D1 through D4 Rezone

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**Purpose:**

This is a request for City Council to adopt an Ordinance amending the Vistancia Planned Community District (PCD) zoning for approximately 108 acres of land within Village A and D of the 7,100-acre Vistancia master planned community. This case accompanies a proposed Minor General Plan Amendment to Vistancia (Case GPA15-0002). Collectively, the requests do not increase the maximum of units approved for Vistancia.

*The City has not received any written correspondence or phone calls in opposition to this case. On June 18, 2015, the Planning & Zoning Commission unanimously recommended approval of this request. There were no speakers present.*

**Background/Summary:**

The land comprising the Vistancia master planned community was originally part of two separate cases and case histories. In 2012, the applicant requested and received approval by City Council to consolidate the Vistancia North PCD and the Vistancia South PCD into a single PCD with accompanying adjustments to the overall project density, specified development standards and zoning stipulations under case Z01-10A.11.

Vistancia is separated into eight villages, each with its own distinct character. Desired land uses within Vistancia, and more particularly for each village are further defined by the *Proposed Land Use Plan* within the approved Vistancia PCD. The Vistancia PCD is designed so that it designates land use categories that will support a range of zoning categories, much like a General Plan Land Use designation. The underlying zoning districts further define the applicable development standards for the parcel, and are determined at the time of preliminary plat or site plan, whichever is applicable.

The applicant is requesting a major amendment to the Vistancia PCD, which alters approximately 108.0 acres of land, or less than 2% of the entire Vistancia development (Exhibit

1). The request is limited in scope to Villages A and D, and more specifically divided into five parcels described in Table 1. Individual parcels are shown in relation to their respective village area within Exhibit 1.

The modification to the existing PCD land use in these areas is based upon surplus commercial land uses in and around Village A and D, as well as the demand for additional residential development in the area. This request does not increase the maximum number of approved dwelling units for the overall Vistancia master planned community. Rather, the proposed changes in land use seek to increase the amount of residential land use while decreasing the overall intensity from the existing higher density residential and commercial classifications.

**Table 1: Summary of Vistancia PCD Land Use Designation Modifications**

The Vistancia underlying zoning categories are denoted with a “V” preceding the underlying zoning district name.

Parcel	Existing PCD Land Use Designation	Proposed PCD Land Use Designation
A-5	Community Commercial (V-CC)	Residential/Medium (V-MD) (5.0-8.0 du/ac)
D-1	Residential/Medium (V-MD) (5.0-8.0 du/ac)	Residential/Low (V-LD) (2-5 du/ac)
D-2	Residential/High (V-HD) (15+ du/ac)	Residential/Low (V-LD) (2-5 du/ac)
D-3*	Mixed Use (MU) (8.0-15.0+ du/ac)	D-3a: Mixed Use (V-MU) (8.0-15.0+ du/ac) – <i>No Change</i>
		D-3b: Residential/Low (V-LD) (2-5 du/ac)
D-4	Mixed Use (MU) (8.0-15.0+ du/ac)	Residential/Low (V-LD) (2-5 du/ac)

*\*Note:* Parcel D-3 is being separated into two sub parcels labeled D-3a and D-3b. The applicant is proposing that Parcel D-3a retain the existing Mixed Use land use designation, while D-3b will be reclassified as low density residential.

**Land Use Transition and Compatibility**

As Vistancia progresses through the development process, the actual number of dwelling units built within any of the given residential parcels has been lower than originally anticipated. This trend is anticipated to continue forward for some time. Accordingly, the subsequent demand for future retail is markedly less than what was previously programmed within the existing land use plan. The applicant indicates that based on the unit counts for Village A and D, and a household population of 2.71 (per 2013 US Census data), the demand for retail would only equate to 48.0 acres of retail.

Approximately 14.5 acres of Parcel D-3 is being retained as Mixed Use. Additionally, remaining commercial and retail parcels within Vistancia would easily accommodate the anticipated retail demand within the Village A and D area. More particularly, Parcels A-24, C-36, D-9 and D-10 equal 50.2 acres and a large core of Mixed Use is contemplated south of Lone Mountain Road, direction across from D-3 and D-4.

It is staff's belief that the Vistancia PCD's existing residential land use designations for the areas in question are not representative of the actual densities appropriate for this area, as the existing numbers of residences are noticeably below the original projected numbers. Modifying the land uses within the PCD to more closely relate to the existing densities, but still allowing flexibility in determining final product design allows the community to better respond to the existing and future market demand.

Parcel A-5 is adjacent to existing residential neighborhoods and its developability is limited by natural wash corridors. Modifying the underlying zoning to residential allows Parcel A-5 to develop in a similar manner as the adjacent parcels, while better responding to existing natural constraints. It is anticipated that the selected residential product will be similar in character and style as the adjoining neighborhoods, easily blending in within the existing community. Additionally, eliminating commercial/retail at this location would reduce the noise, traffic and overall impact to existing residential neighborhoods.

Similar to Parcel A-5, modifications to the land uses within Parcel D1 though D-4 are anticipated to provide a better transition to both the surrounding community, in particular the Blackstone gated residential neighborhood, as well as the State Land property to the east and north.

The maximum number of residential dwelling units within Vistancia is 10,500, and remains unchanged by this proposal. The proposed changes result in an increase in amount of residential land area within Vistancia, but do not increase the maximum number of units.

#### 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.

The meeting was held for this request on May 13, 2015 at the Mountain Vista Club – Clubhouse Building within Vistancia. There was a strong turnout of residents and the meeting was attended by City staff. The applicant presented the details of the proposed project and met with attendees to discuss individual comments/questions regarding the plans.

Staff received one email in opposition to the proposal, which was subsequently withdrawn shortly before the Planning and Zoning Commission meeting was held, but after the Commission report was printed (Exhibit 3).

Peoria Unified School District (PUSD)

This amendment does not increase the number of residential dwelling units, and does not alter the location or types of schools proposed within the Vistancia master planned community. The applicant communicated the proposed changes to the land use plan to PUSD for their review and comment. Staff has received a letter of continuing support for the development and this application.

**Previous Actions:**

This amendment has been subject to the City’s rezoning process. A public hearing was held for this item at the June 18, 2015 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request with a **5-0** vote.

A public hearing was held at the same meeting for a related General Plan application (GPA15-0002) for the Vistancia PCD Amendment. The Commission also unanimously recommended approval of this request with a **5-0** vote. There were no speakers present on either case.

**Options:**

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

**Staff Recommendation:**

Staff recommends the City Council concur with the Planning & Zoning Commission’s June 18, 2015 unanimous recommendation (5-0) to approve Case Z01-10A.14.

**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:** June 18, 2015 Planning and Zoning Commission Staff Report with Exhibits

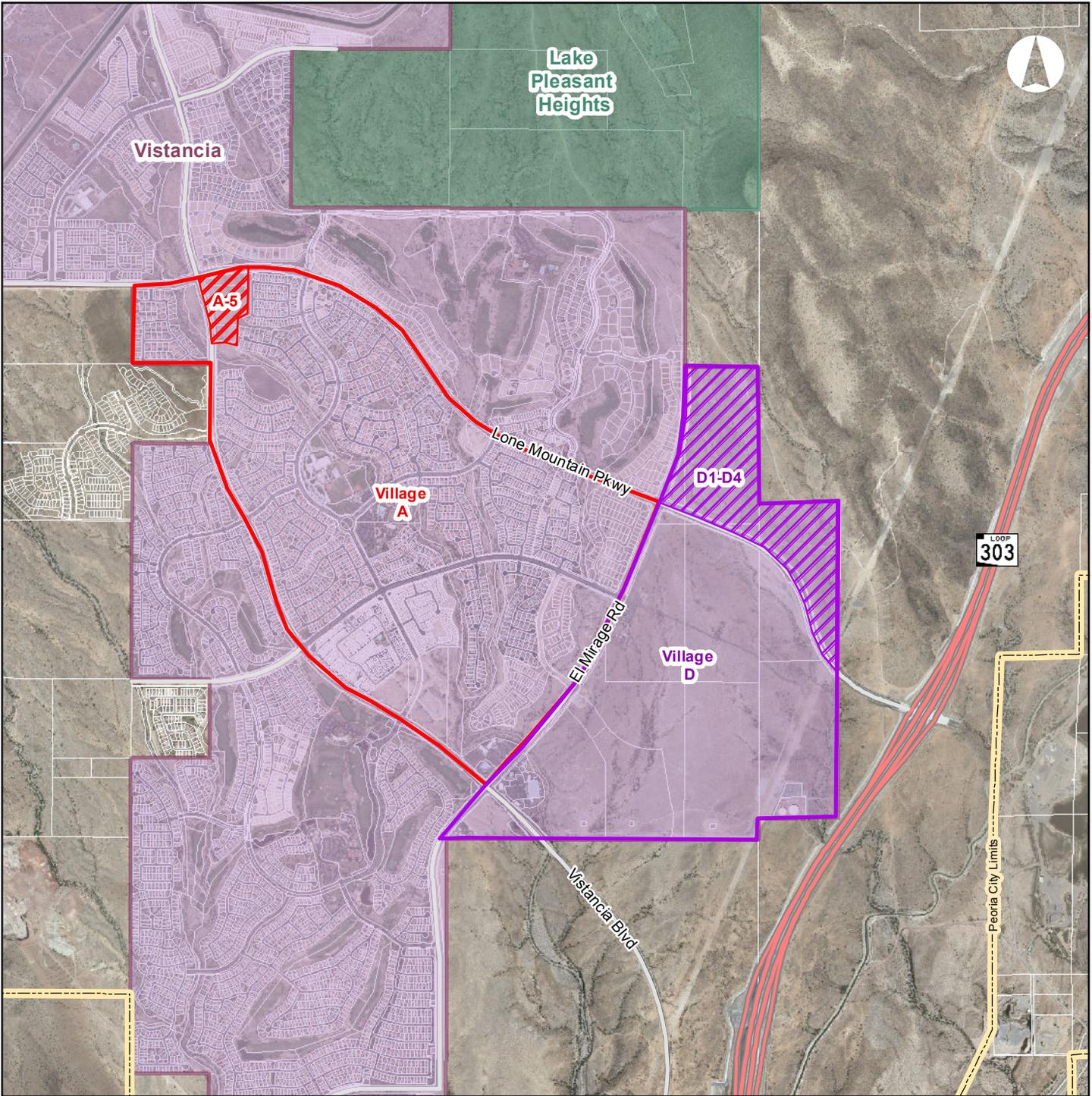
**Exhibit 3:** Withdrawal of Opposition

**Exhibit 4:** Draft Ordinance

**Contact Name and Number:** Lorie Dever, Senior Planner x5168



# Vicinity Map



Not to Scale

## Z01-10A.14 Vistancia A-5, D-1, D-2, D-3 and D-4

**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

**Request:** A Major Amendment to the Vistancia Planned Community District (PCD) for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



# Exhibit 1

**Exhibit 2**  
**June 18, 2015**  
**Planning and Zoning Commission**  
**Staff Report with Exhibits**



# REZONING - PCD AMENDMENT

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## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** Z 01-10A.14  
**DATE:** June 18, 2015  
**AGENDA ITEM:** 9R

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**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

**Request:** A major amendment to the Vistancia Planned Community District (PCD) for approximately 108 acres of land within Village A and D of the Vistancia master planned community.

**Proposed Development:** Reduction of surplus commercially zoned land and reallocation of residential development within Village A and D of the Vistancia master planned community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road.  
  
Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.

**Project Acreage:** Approximately 108 acres

**Support / Opposition:** As of the date of this printing, staff has received one email in opposition (attached).

**Recommendation:** Recommend **approval of case Z01-10A.14**, with stipulations to the City Council.

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### AREA CONTEXT

1. The Vistancia master planned community encompasses approximately 7,100 acres within northern Peoria (see Exhibit A). Desired land uses for the project are identified within the Peoria General Plan, and in a portion of the community those land uses are further refined by the Loop 303 Specific Area Plan. For this request, the subject parcels are solely regulated by the General Plan, as identified in Tables 1 & 2 below.
2. Additionally, Vistancia is zoned Planned Community District (PCD). The Proposed Land Use Plan within the approved PCD further specifies the intended land uses within each village. The Vistancia underlying zoning categories are denoted with a "V" preceding the underlying zoning district name.

**Table 1 – Parcel A-5: Existing Land Use, Future Land Use, Current Zoning (Exhibits B)**

	<b>LAND USE</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>
<b>Subject Property</b>	Vacant	Community Commercial (CC)	Community Commercial (V-CC)
North	Vacant	Low Density Residential (LDR) (2.0-5.0 du/ac, target 3 du/ac)	General Agricultural (AG)
South	Vacant	Open Space/Park (OS/P) then Low Density Residential (LDR) (2.0-5.0 du/ac, target 3 du/ac)	Open Space/Park (V-OS/P) then Residential/Low (V-LD) (2.0-5.0 du/ac)
East	Vacant	Residential/Medium High (8.0-15.0+ du/ac) and Residential/Medium (5.0-8.0 du/ac)	Residential/Medium (V-MD) (5.0-8.0 du/ac) and Residential/Low (V-LD) (2.0-5.0 du/ac)
West	Vacant	Open Space/Park then Residential/Low (2.0-5.0 du/ac)	Open Space/Park (V-OS/P) then Residential/Low (V-LD) (2.0-5.0 du/ac)

**Table 2 – Parcel D1 - D4: Existing Land Use, Future Land Use, Current Zoning (Exhibits B)**

	<b>LAND USE</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>
<b>Subject Property</b>	Vacant	<b>D-1: Medium Density Residential</b> (5.0-8.0 du/ac, target 6.0 du/ac) <b>D-2: High Density Residential</b> (HDR) (15+ du/ac) <b>D-3: Mixed Use (MU)/</b> <b>Regional Commercial (RC)</b> <b>D-4: Mixed Use (MU) /</b> <b>Regional Commercial (RC)</b>	<b>D1: Residential/Medium (V-MD)</b> (5.0-8.0 du/ac) <b>D-2: Residential/ High (V-MH)</b> (15+ du/ac) <b>D-3: Mixed Use (V-MU)</b> (8.0-15+ du/ac) <b>D-4: Mixed Use (V-MU)</b> (8.0-15+ du/ac)
North	Vacant, Arizona State Trust Land	Estate Density Residential (EDR) (0-2 du/ac, target 1.0 du/ac)	General Agricultural (AG)
South	Vacant, Vistancia Village D	Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac) and Community Commercial (CC)	Mixed Use (V-MU)
East	Vacant, Arizona State Trust Land	Estate Density Residential (EDR) (0-2 du/ac, target 1.0 du/ac) and Open Space/Park (OS/P)	General Agricultural (AG) and Open Space/Park (V-OS/P)
West	Vacant, Vistancia Village B	Community Commercial (CC), Open Space/Park (OS/P) and Low Density Residential (LDR) (2-5 du/ac, target 3 du/ac)	Low Density Residential (LD) (2-5 du/ac, target 3 du/ac)

## **PROJECT HISTORY**

3. The land comprising the Vistancia master planned community was originally part of two separate cases and case histories. In 2012, the applicant requested and received approval by City Council to consolidate the Vistancia North PCD (Planned Community District zoning) and the Vistancia South PCD into a single PCD with accompanying adjustments to the overall project density, specified development standards and zoning stipulations. Refer to GPA15-0002 staff report for a brief timeline of events outlining the entitlement process for Vistancia.

## **PROJECT REQUEST**

4. The applicant is requesting a major amendment to the Vistancia Planned Community Development (PCD) for approximately 108.0 acres of land, which is less than 2% of the entire Vistancia development. (Exhibit A)
5. The request is divided into five parcels within Villages A and D, and more specifically described in the table below: (Exhibit C and D)

<b>Parcel</b>	<b>Existing PCD Land Use Designation</b>	<b>Proposed PCD Land Use Designation</b>
A-5	Community Commercial (V-CC)	Residential/Medium (V-MD) (5.0-8.0 du/ac)
D-1	Residential/Medium (V-MD) (5.0-8.0 du/ac)	Residential/Low (V-LD) (2-5 du/ac)
D-2	Residential/High (V-HD) (15+ du/ac)	Residential/Low (V-LD) (2-5 du/ac)
D-3	Mixed Use (MU) (8.0-15.0+ du/ac)	D-3a: Mixed Use (MU) (8.0-15.0+ du/ac) – <i>No Change</i>
		D-3b: Residential/Low (V-LD) (2-5 du/ac)
D-4	Mixed Use (MU) (8.0-15.0+ du/ac)	Residential/Low (V-LD) (2-5 du/ac)

6. The modification to the existing PCD land use in these areas is based upon surplus commercial land uses in and around Village A and D, as well as the demand for additional residential development in the area. The Vistancia PCD is designed so that it designated land use categories that will support a range of PCD zoning categories, much like a General Plan Land Use designation. The specific PCD zoning category (e.g. VRD-8) is approved at the time of Preliminary Plat or Site Plan approval.

## **DISCUSSION AND ANALYSIS**

### *Reallocation of Residential Units*

7. As Vistancia progresses through the development process, the actual number of dwelling units built within any of the given residential parcels has been lower than originally anticipated. This trend is anticipated to continue forward for some time. Accordingly, the subsequent demand for future retail is markedly less than what was previously programmed within the existing land use plan.
8. The applicant indicates in the project narrative that based on the unit counts for Village A and D, and a household population of 2.71 (per 2013 US Census data),

the demand for retail would only equate to 48.0 acres of retail (Exhibit E). The narrative includes a number of exhibits that would be updated in the Vistancia PCD Standards and Guidelines report should this amendment be approved by City Council.

9. Approximately 14.5 acres of Parcel D-3 is being retained as Mixed Use. Additionally, remaining commercial and retail parcels within Vistancia would easily accommodate the anticipated retail demand. More particularly, Parcels A-24, C-36, D-9 and D-10 equal 50.2 acres and a large core of Mixed Use is contemplated south of Lone Mountain Road, direction across from D-3 and D-4.
10. Parcels D1 through D-4 are isolated, to some extent, from the rest of the Village D, and the additional amount of non-residential area in Parcel A-5 could not be supported. Instead, the required acreage of retail uses is more than met with the Mixed Use and retail land uses remaining in Village A, Village C, and additional parcels in Village D.
11. Two additional commercial sites will be developed north of the Central Arizona Project (CAP) Canal, which will provide goods and services to those areas.
12. It is staff's belief that the Vistancia PCD's existing residential land use designations for the areas in question are not representative of the actual densities appropriate for this area, as the existing numbers of residences are noticeably below the original projected numbers. Modifying the land uses to more closely relate to the existing densities, but still allowing flexibility in determining final product design allows the community to better respond to the existing and future market demand.
13. Parcel A-5 is adjacent to existing residential neighborhoods and its developability is impacted by natural wash corridors. Modifying the underlying zoning to residential allows Parcel A-5 to develop in a similar manner as the adjacent parcels, while better responding to existing natural constraints.
14. It is anticipated that the selected residential product will be similar in character and style as the adjoining neighborhoods, easily blending in within the existing community. Additionally, eliminating commercial/retail at this location would reduce the noise, traffic and overall impact to existing residential neighborhoods.
15. Similar to Parcel A-5, modifications to the land uses within Parcel D1 through D-4 are anticipated to provide a better transition to both the surrounding community, in particular the Blackstone development, as well as the State Land property to the east and north.
16. The maximum number of residential dwelling units within Vistancia is 10,500, and remains unchanged by this proposal. Instead, the proposed changes increase

the amount of residential land area within Vistancia, but do not increase the maximum number of units.

*Height Restrictions*

17. Each PCD land use category has a variety of underlying zoning districts associated with it. The underlying zoning districts further define the applicable development standards for the parcel, and are determined at the time of preliminary plat or site plan, whichever is applicable.
18. One or more of the underlying zoning districts that would be allowed under proposed PCD land use would allow residences up to three stories in height.
19. The applicant has indicated the maximum number of stories on any of the subject parcels would be two stories.

*Peoria Unified School District (PUSD)*

20. This amendment does not increase the number of residential dwelling units, and does not alter the location or types of schools proposed within the Vistancia master planned community.
21. The applicant has communicated the proposed changes to the land use plan to PUSD for their review and comment.
22. Staff has received a letter of continuing support for the development and this application, which is provided within Exhibit G.

*Public Participation Plan - Neighborhood Meeting*

23. 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. (Exhibit H)
24. 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. The meeting was held for this request on May 13, 2015 at the Mountain Vista Club – Clubhouse Building within Vistancia.
25. There was a strong turnout of residents at this meeting, which was also attended by City staff. The applicant presented the details of the proposed project and met with attendees to discuss individual comments/questions regarding the plans (Exhibit H).

*Public Noticing*

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

*Support / Opposition*

27. At the time of this writing, Staff has received one email in opposition to the proposal. (Exhibit I)

## **FINDINGS AND RECOMMENDATION**

1. Based on the following findings:

- This request is consistent with the General Plan and the Loop 303 Specific Area Plan; and
- This request advances the intent of the Planned Community District and alleviates unnecessary administrative burdens on staff and the applicant.
- This request results in the continuation of a well-designed, well-appointed master planned community with a blend of meaningful open space, recreation, and commercial uses with opportunities for a diverse mix of housing.
- This request does not represent a significant deviation from the approved land use plan or accepted Vistancia community character.
- The applicant has provided an executed Proposition 207 waiver.

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

### **Recommend to the City Council approval of Z 01-10-A.14 subject to the following conditions:**

1. The Development shall comply with the following:
  - a. The previous conditions of approval of Z01-10A.11 continue to apply, except as modified herein; and
  - b. Vistancia Planned Community District (Vistancia PCD) Development Plan & Standards Report, dated May 18, 2015, except as modified herein.
2. The applicant shall provide an updated copy of the Vistancia PCD Standards and Guidelines report incorporated the updated exhibits within 30 days after City Council approval.
3. The total number of dwelling units for the Vistancia Planned Community shall not exceed the maximum units permitted within each development village and 10,500 units for the project as a whole as outlined in Table C.1. The number of dwelling units shall be tracked by the Developer during the review of each subdivision and/or site plan. The Developer shall provide an updated copy of Table C.1 prior to approval of each Preliminary Plat and Site Plan application.
4. Building height within Parcels A-5, D-1, D-2, D-3b, and D-4 shall be limited to two (2) stories in height.

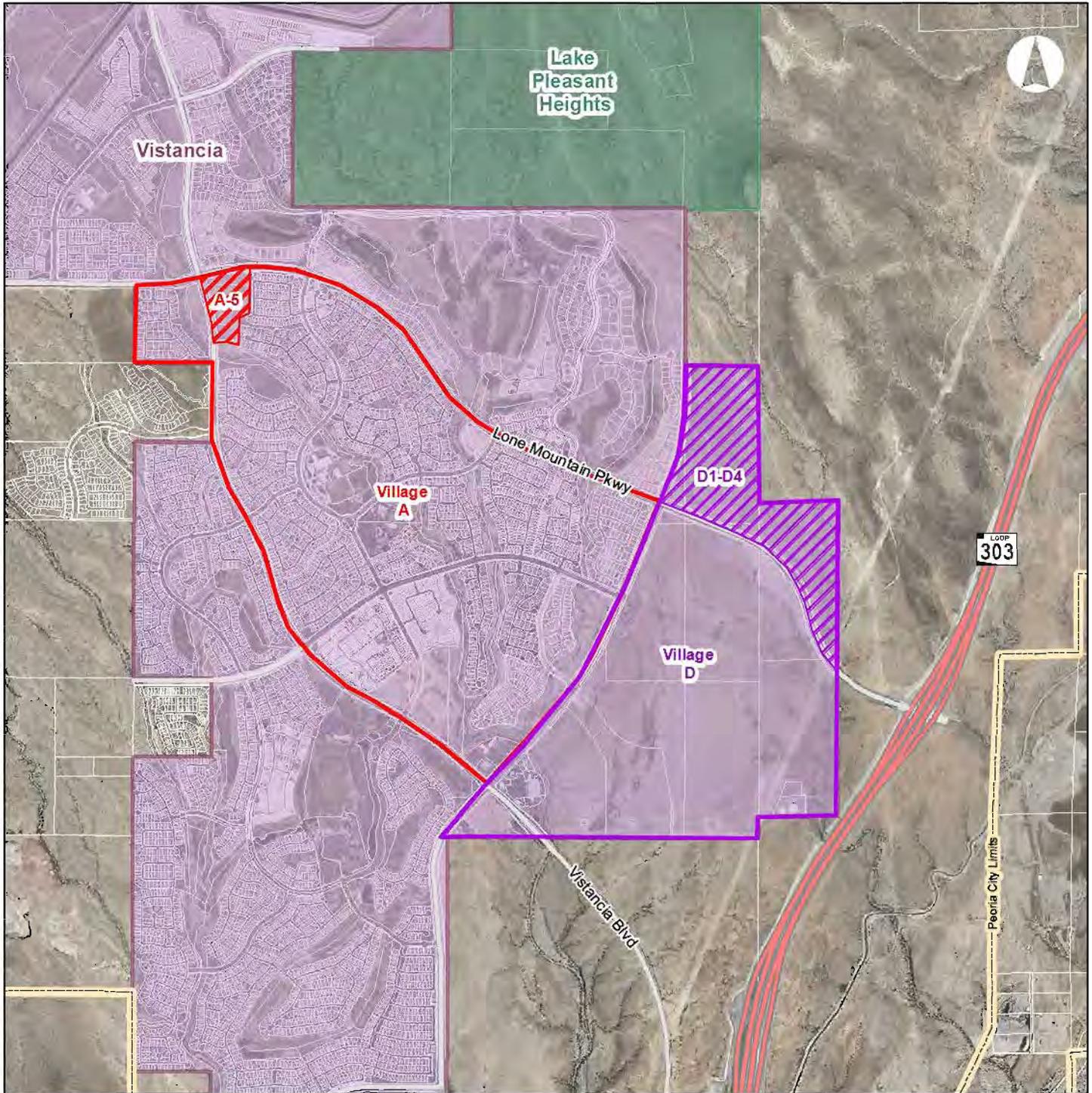
5. Per the latest Master Drainage Report, all non single-family residential parcels must provide retention for the 100year, 2 hr event. This includes parcels A5, D3b, and D4, as they were originally zoned for commercial and mixed use. These parcels will be required to provide retention for the 100 year, 2 hr event, unless otherwise approved by the City Engineer.

## **ATTACHMENTS**

Exhibit A	Vicinity Map
Exhibit B	Existing Zoning Map
Exhibit C	Proposed Land Use – Parcel A-5
Exhibit D	Proposed Land Use – Parcel D1 through D-4
Exhibit E	Project Narrative
Exhibit F	Justification Economic & Fiscal Impact Analysis (Elliott D. Pollack Company)
Exhibit G	Letter from PUSD
Exhibit H	Citizen Participation Report with Citizen Correspondence
Exhibit I	Letter/Email of Opposition

Prepared by: Lorie Dever  
Senior Planner

# Vicinity Map



Not to Scale

## Z01-10A.14 Vistancia A-5, D-1, D-2, D-3 and D-4

**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

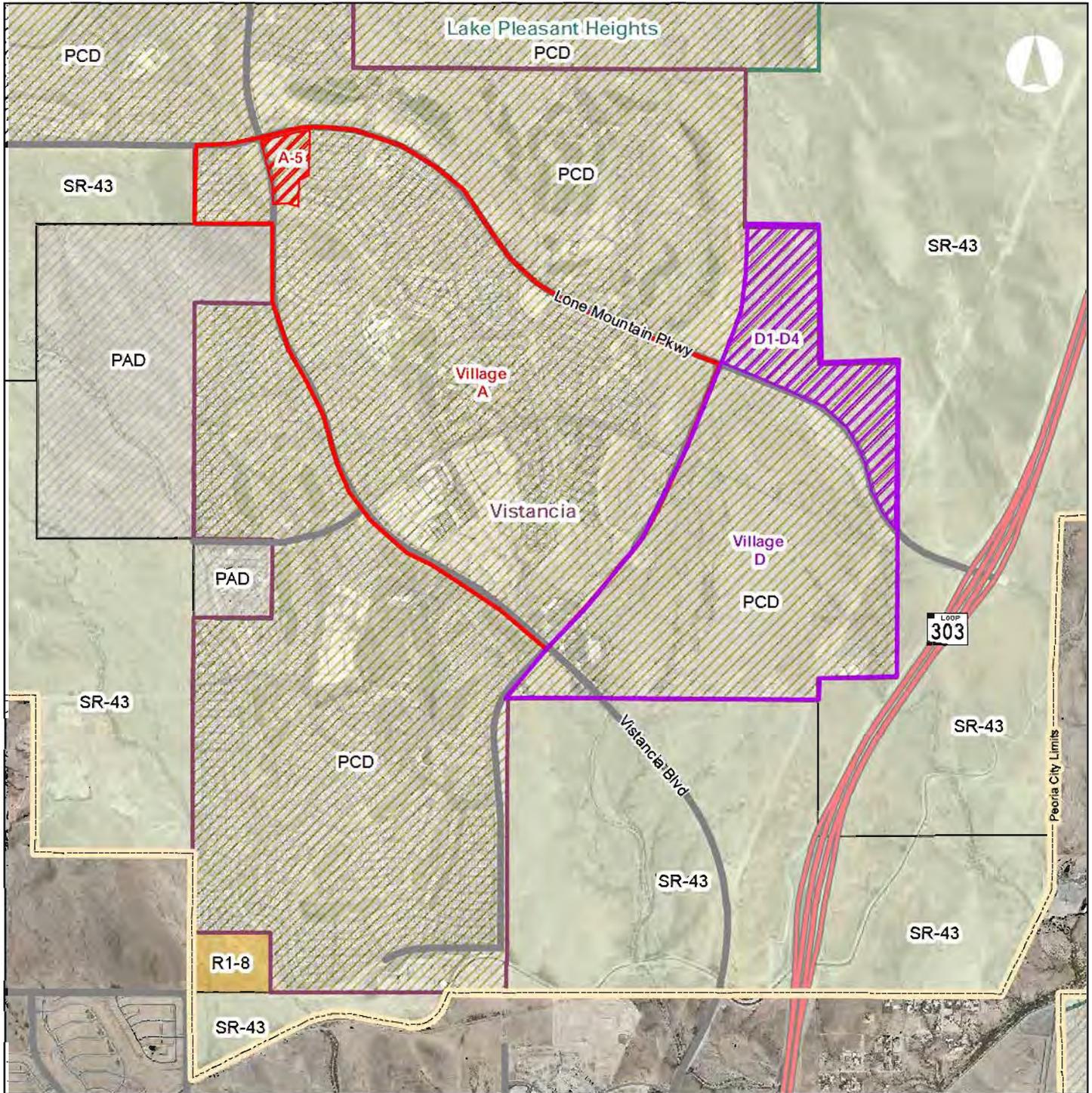
**Request:** A Major Amendment to the Vistancia Planned Community District (PCD) for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



## Exhibit A

# Existing Zoning Map



Not to Scale

## Z01-10A.14 Vistancia A-5, D-1, D-2, D-3 and D-4

**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

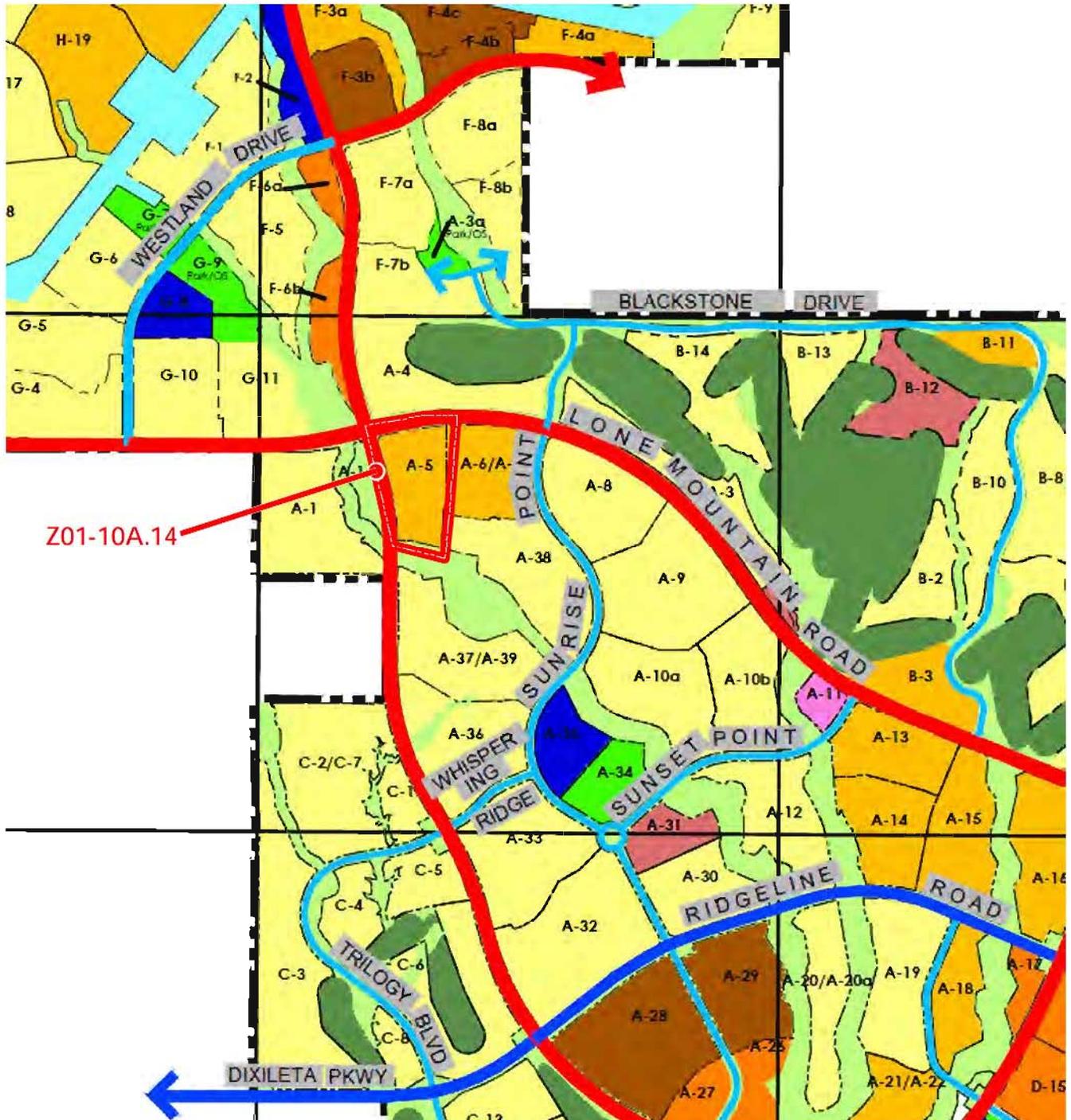
**Request:** A Major Amendment to the Vistancia Planned Community District (PCD) for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



### Exhibit B

# Proposed Land Use Plan - Parcel A-5



Not to Scale

## Z01-10A.14 Vistancia A-5, D-1, D-2, D-3 and D-4

**Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC

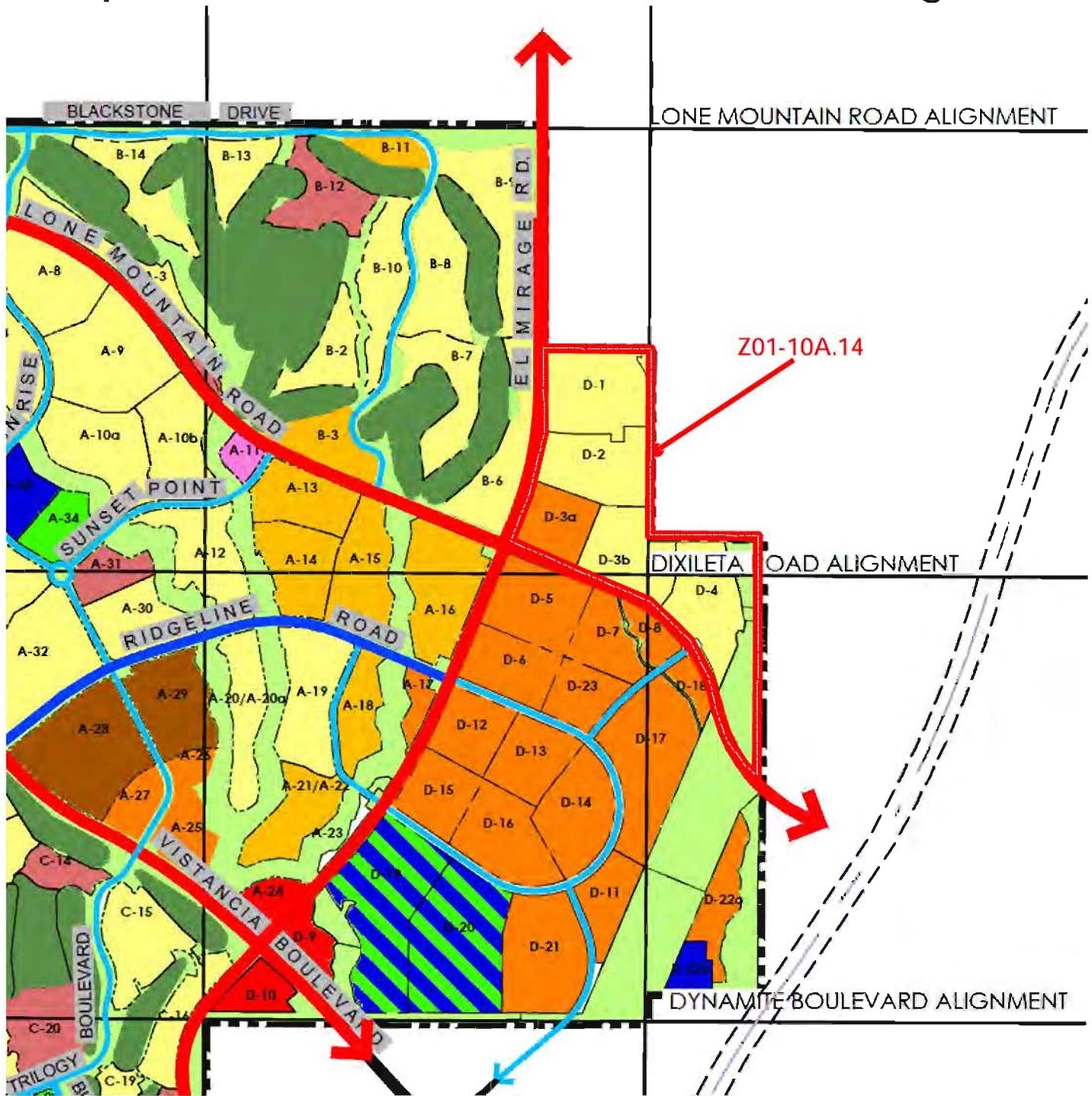
**Request:** A Major Amendment to the Vistancia Planned Community District (PCD) for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.

**Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



Exhibit C

# Proposed Land Use Plan - Parcel D1 through D4



Not to Scale

## Z01-10A.14 Vistancia A-5, D-1, D-2, D-3 and D-4

- Applicant:** Land Resources on behalf of Vistancia Land Holdings LLC
- Request:** A Major Amendment to the Vistancia Planned Community District (PCD) for approximately 108.0 acres of land within Village A and D of the Vistancia Master Planned Community.
- Location:** Parcel A-5 of Village A is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road. Parcels D1 through D4 of Village D is located at the northeast corner of El Mirage Road and Lone Mountain Road.



Exhibit D



# **Vistancia Planned Community District**

*City of Peoria Zoning Case #Z01-10A.14*

May 2015

Minor General Plan Amendment

&

Major Planned Community District Amendment

Z01-10A.14

Vistancia Land Holdings, LLC  
28620 N EL Mirage Rd, Suite 102  
Peoria, Arizona 85383  
Tel/ 623-455-4970  
Fax/ 623-518-2019

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# Introduction

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## Site

Vistancia is a master planned community of over 7,100 acres, located in the northern region of Peoria, southwest of Lake Pleasant. The property is generally bounded by the Cloud Road alignment on the north, the Jomax Road alignment on the south, the 113th Avenue alignment on the east and the 163rd Avenue alignment on the west. The Vistancia Planned Community District Land Use Master Plan demonstrates conformance with the policy statements, transportation and public facilities elements of the Peoria General Plan and Loop 303 Specific Area Plan. (See Exhibit A: Vicinity Map/Aerial)

Existing vehicular ingress and egress to Vistancia has been constructed to the south via Vistancia Boulevard (which becomes Happy Valley Road) and to the east via Lone Mountain Road, both providing immediate access to the existing Loop 303. The development program and phasing plan of Vistancia allows a mutually beneficial partnership with the City of Peoria for the development of additional offsite roadway improvements to El Mirage Road (northwest of Loop 303). At build-out, it is anticipated that there will be three offsite roadway connections to the existing region, including 10 lanes of roadway capacity. Also unique to Vistancia is its proximity to Loop 303. Originally not considered a part of the calculations for offsite improvement requirements, the highway is located within one-quarter mile of the community at its closest point and will provide access via five interchanges. Lone Mountain Road, Vistancia Boulevard, El Mirage Road, Westland Road, and Jomax Road represent major throughways for the community and are designed as major arterial roadways. Ridgeline Road (Dixileta Parkway), Twin Buttes, and Vistancia Boulevard north of Twin Buttes represent the minor arterial roadways and will provide for construction of four lanes with landscaped medians.

## Request

The purpose of the request is to amend the General Plan Map/Loop 303 Specific Area Plan Land Use Map and amend the Planned Community District (PCD) for approximately 108 acres or less than 2% of the Vistancia development. This area is divided among five parcels that reside in Villages A and D: parcel A-5 of Village A, and parcels D-1, D-2, D-3b, and D-4 of Village D (See Exhibit B: Amendment Area). The density transfer that will occur as a result of this amendment will not change the entitled residential unit count of 10,500, or four million commercial building square feet.

Parcel A-5 of Village A is approximately 14.2 acres and is located at the south east corner of Lone Mountain Road and Vistancia Boulevard. Currently this parcel has a General Plan land use of "Community Commercial" (CC) and a PCD land use designation of Community Commercial (V-CC). As a part of this request, we are proposing to change the General Plan land use designation to "Residential/Medium 5.0 – 8.0 du/ac" (MD) and the PCD land use designation to "Residential/Medium 5.0 – 8.0 du/ac" (V-MD).

Parcels D-1, D-2, D-3, and D-4 of Village D is the area within the Vistancia PCD that is east of El Mirage Road and north of Loan Mountain Road and represents approximately 107.2 acres that currently carry designations from Mixed Use to Medium Density Residential. Modifications to the existing PCD land uses of this area encompass only 92.7 acres of the 107.2 acres.

The following table summarizes the proposed change in land use classification for all of the parcels mentioned above:

Parcel	Existing General Plan Land Use	Proposed General Plan Land Use	Existing PCD Land Use	Proposed PCD Land Use
A-5	Community Commercial	Residential/Medium 5.0-8.0 du/ac	Community Commercial	Residential/Medium 5.0-8.0 du/ac
D-1	Residential/Medium 5.0-8.0 du/ac	Residential/Low 2.0-5.0 du/ac	Residential/Medium 5.0-8.0 du/ac	Residential/Low 2.0-5.0 du/ac
D-2	Residential/High 15+ du/ac	Residential/Low 2.0-5.0 du/ac	Residential/High 15+ du/ac	Residential/Low 2.0-5.0 du/ac
D-3	Mixed Use/Regional Commercial	D-3a: Regional Commercial	Mixed Use 8.0-15.0+ du/ac	D-3a: Mixed Use 8.0-15.0+ du/ac
		D-3b: Residential/Low 2.0-5.0 du/ac		D-3b: Residential/Low 2.0-5.0 du/ac
D-4	Mixed Use/Regional Commercial	Residential/Low 2.0-5.0 du/ac	Mixed Use 8.0-15.0+ du/ac	Residential/Low 2.0-5.0 du/ac

These changes to the Vistancia PCD constitute a major amendment per the direction of the Planning Manager. However, these proposed changes do not; (1) change the overall PC District Boundary, (2) increase the total number of approved dwelling units or gross leasable area, (3) increase the number of approved projected dwelling units or gross leasable area for an individual development unit by 10% or more, (4) negatively impact or burden public facilities or infrastructure, (5) negatively impact or burden circulation adjacent to the PC District, or (6) substantively alter the components of the PC District.

The changes to the General Plan/Loop 303 Specific Area Plan constitute a minor amendment per the Major Amendment Criteria set forth in Table 14.2 – Major General Plan Amendments of the City of Peoria 2011 General Plan.

Number	Major Amendment Criteria	Status
1.	<p>A change in residential land use designation exceeding 80 acres AND:</p> <ul style="list-style-type: none"> <li>• Two-step change in residential land use category OR</li> <li>• Change to a non-residential or mixed-use land use designation except Park/Open Space and Public/Quasi Public.</li> <li>• Park/Open Space land use designation changes to land use designations other than Residential 0-2 dwelling units per acre or Public/Quasi-Public land use designations.</li> <li>• Changes to Specific Area Plans or other Area Plans that increase the total number of dwelling units or non-residential intensity (GFA or FAR) by more than 10%.</li> </ul>	Approximately 40.1 acres of residential land is being changed.
2.	A change in non-residential or mixed-use land use designation exceeding 80 acres.	Approximately 64.6 acres of non-residential/MU is being changed.

3.	Any material alteration, deletion or change to the functional classification of any roadway identified on the Circulation Plan, except that amendments to the Circulation Plan resulting from an amended Specific Area Plan shall be deemed a minor amendment to the General Plan.	No proposed changes.
4.	Any proposal that in aggregate includes changes in land use designations exceeding 320 acres.	Approximately 106.9 acres of land is being changed.
5.	Planning Area Boundary changes.	No proposed changes.
6.	Text changes to the General Plan that conflict with or alter the intent of any goal, objective or policy as determined by the Community Development Director or designee.	No proposed changes.

## Existing Conditions

### Entitlements

Parcel A-5 of Village A, and parcels D-1, D-2, D-3b, and D-4 of Village D reside in the existing Vistancia Planned Community District within the City of Peoria, last amended October 2014. Parcel A-5 of Village A is approximately 14.2 acres and has a General Plan land use of "Community Commercial" (CC) and a PCD land use designation of Community Commercial (V-CC). Parcels D-1, D-2, D-3, and D-4 of Village D represents approximately 107.2 acres and exhibits the following General Plan land uses and PCD land use designations: (See Exhibit C: Existing Conditions Map, and Exhibit D: Existing General Plan)

Parcel	Existing General Plan Land Use	Existing PCD Land Use
D-1	Residential/Medium 5.0-8.0 du/ac	Residential/Medium 5.0-8.0 du/ac
D-2	Residential/High 15+ du/ac	Residential/High 15+ du/ac
D-3	Mixed Use/Regional Commercial	Mixed Use 8.0-15.0+ du/ac
D-4	Mixed Use/Regional Commercial	Mixed Use 8.0-15.0+ du/ac

### Relationship to Surrounding properties

Parcel A-5 of Village A is approximately 14.2 acres and is located at the southeast corner of Vistancia Boulevard and Lone Mountain Road surrounded by the Vistancia development. To the west and north of the property, across Vistancia Boulevard and Lone Mountain Road, are open spaces and residential uses V-LD (Residential/Low 2.0-5.0 du/ac). Immediately to the south is open space that is being preserved for drainage and trails. To the east, along the southern quarter of the parcel is a residential use of V-LD

(Residential/Low 2.0-5.0 du/ac), with the remaining property to the east also being residential with a use of V-MD (Residential/Medium 5.0-8.0 du/ac).

Parcels D-1, D-2, D-3, and D-4 of Village D is the area within the Vistancia PCD that is east of El Mirage Road and north of Lone Mountain Road and represents approximately 107.2 acres. This area is isolated from the rest of Village D due to the major arterial street of Lone Mountain Road. To the west of the parcels D-1 through D-3, across El Mirage Road, are residential uses V-LD (Residential/Low 2.0-5.0 du/ac) within the Blackstone village. To the south of parcels D-3 and D-4, across Lone Mountain Road, are Mixed Use parcels. The north and east boundaries of this area are at the limits of the Vistancia development and are adjacent to state land trust property and preserved open spaces for drainage and power line corridor.

## **Existing Constraints**

Parcel A-5 of Village A is bounded by Lone Mountain Road to the north and Vistancia Boulevard to the West. Preserved open space for drainage is located along the southern boundary of Parcel A-5.

Village D has few constraints as it is almost entirely undeveloped. El Mirage Road is planned to border the west side of Parcels D-1, D-2, D-3a, while Lone Mountain Road currently exists along the south side of Parcels D-3a, D-3b and D-4, dividing the parcels from the remainder of Village D. State trust land and/or open space generally encompasses the east and north portions of parcels D-1, D-2, D-3b, and D-4. Open space for drainage carves out a small piece of parcel D-1 in the northeast corner. A power line corridor and open space for drainage in the southeast corner form the east boundary of parcel D-4.

## **Existing Services**

### **Water**

Water services to parcel A-5 will be provided by an existing 24" line in Vistancia Boulevard and/or the existing 16" line in Lone Mountain Road. Water services to parcels D-3a, D-3b, and D-4 will be provided by the existing 24" line in Lone Mountain Road, which may also tie in through parcel D-1 and D-2 to a planned 24" line in El Mirage Road.

### **Sanitary Sewer**

Parcel A-5 shall sewer out of the southwestern corner into an existing 18" line in Vistancia Boulevard. Parcels D-3a, D-3b, and D-4 will either sewer through each other in that order, or flow directly into an existing 8" line in Lone Mountain Road. Parcels D-1 and D-2 will either flow into a 21" line planned in El Mirage Road, or flow through some combination of parcels D-3a, D-3b, and D-4 to the previously mentioned 8" line in Lone Mountain Road.

### **Roadways**

Parcels D-1, D-2, and D-3a all front along the El Mirage Road alignment. Parcels D-3a, D-3b, and D-4 all front along the Lone Mountain Road alignment. Final layout and design will determine the exact location(s) of the small collector roads providing access to the residential parcels (D-1, D-2, D-3b, and D-4), which are also likely to have shared connectivity within each other. Parcel D-3a will be accessed directly from the existing Lone Mountain and the planned El Mirage Roads.

# General Plan Minor Amendment

## Description and Justification

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

Parcel A-5 of Village A is approximately 14.2 acres and is located at the south east corner of Lone Mountain Road and Vistancia Boulevard. Currently this parcel has a General Plan land use of “Community Commercial” (CC) and a PCD land use designation of Community Commercial (V-CC). As a part of this request, we are proposing to change the General Plan land use designation to “Residential/Medium 5.0 – 8.0 du/ac” (MD) and the PCD land use designation to “Residential/Medium 5.0 – 8.0 du/ac” (V-MD). (See Exhibit E: Proposed General Plan/Loop 303 Specific Area Plan)

Modifications to the General Plan/Loop 303 Specific Area Plan within Village D include the change in land use classification of three parcels within Village D (Parcel D1, D2, D4) from Mixed Use/Regional Commercial, Residential High, and Residential Medium, to Low Density Residential. In addition to these changes, Parcel D3 splits into two separate parcels (Parcels D3a and D3b) each with different land use classifications; 14.5 acres of Mixed Use / Regional Commercial (Parcel D3a) to be maintained at the intersection of two major arterial connections (El Mirage Road and Lone Mountain Road), and 20.4 acres of Low Residential Development (Parcel D3b) to correspond with surrounding residential parcels that are being revised within this minor amendment. All parcel boundaries for Parcels D1-D4 have been modified to become more balanced for future development while all road alignments remain unaltered.

These proposed changes in land use increase the amount of residential land while decreasing overall intensity from the existing higher density residential and commercial classifications. This area of Village D is isolated from the main core of the Village by the major arterial Lone Mountain Road. This now internalizes future commercial and mixed use parcels between Lone Mountain Road and Vistancia Boulevard while maintaining a strong commercial corner on El Mirage Road and Lone Mountain Road. This also provides low density residential along state trust land boundaries that can act as a transition between surrounding desert landscape and the highly developed Regional Commercial/Mixed Use inner neighborhood core.

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

Parcel	Existing General Plan Land Use	Area	Proposed General Plan Land Use	Proposed Area
A-5	Community Commercial	14.2 Ac.	Residential/ Medium 5.0-8.0 du/ac	14.2 Ac.
D-1	Residential/Medium 5.0-8.0 du/ac	18.9 Ac.	Residential/Low 2.0-5.0 du/ac	26.9 Ac.
D-2	Residential/High 15+ du/ac	21.2 Ac.	Residential/Low 2.0-5.0 du/ac	23.0 Ac.
D-3	Mixed Uses/Regional Commercial	37.7 Ac.	D-3a: Mixed Use	14.5 Ac.
			D-3b: Residential/Low 2.0-5.0 du/ac	20.4 Ac.
D-4	Mixed Uses/Regional Commercial	27.2 Ac.	Residential/Low 2.0-5.0 du/ac	22.4 Ac.

Land Use	Existing General Plan Area	Proposed General Plan Area	Change
Residential/Low 2.0-5.0 du/ac	0 Ac.	92.7 Ac.	+92.7 Ac.
Residential/Medium 5.0-8.0 du/ac	18.9 Ac.	14.2 Ac.	- 4.7 Ac.
Residential/High 15+ du/ac	21.2Ac.	0 Ac.	- 21.2 Ac.
Community Commercial	14.2 Ac.	0 Ac.	- 14.2 Ac.
Mixed Uses/Regional Commercial	64.9 Ac.	14.5 Ac.	- 50.4 Ac.

Note: due to more accurate survey information the gross area has increased slightly.

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

Parcel A-5 is currently Community Commercial and does not allow for the development of single family residential uses. Based on current densities that are being developed within Vistancia, and the location of existing commercial uses and future uses, there is not a need for the additional commercial at this location. Currently the commercial demand is more than being met by the existing commercial uses at the corner of Vistancia Boulevard and El Mirage Road. North of the CAP Canal there are two additional commercial sites to service those areas. Additionally, a commercial site is being maintained at the northeast corner of Lone Mountain Road and El Mirage Road, which will better serve traffic returning home from work via the Loop 303 and Lone Mountain Road.

The Parcels within Village D that are located north of Lone Mountain Road are currently Mixed Use/Regional Commercial, Residential/High, and Residential Medium. The commercial use designations does not allow for the development of single family residential uses and the existing residential designations do not represent the actual densities that will be developed for the area. Based on the current densities that are being developed within Vistancia, and the isolated nature of this portion of Village D, the amount of regional commercial is not warranted. With the reduction in commercial uses, the higher density residential uses are no longer necessary to serve as a transition from the commercial uses. The proposed less intense uses will serve as a much better transition to both the Blackstone development to the west and to the State Land property to the east and north.

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

Parcel A-5 of Village A is bounded by residential uses on the north and east sides with open spaces and residential uses to the west and south sides. With this proposal the intensity of the use will be decreased from Community Commercial to Residential Medium, matching the use immediately adjacent to the east and being more compatible with the other surrounding uses. This will positively affect the property values by providing a neighbor of the same use and reducing noise and traffic in the immediate area.

The Parcels within Village D are also proposing to decrease the intensity of the uses which creates a better transition to the Blackstone development to the west and the state land properties to the north and east. With the reduction of the overall amount of commercial, the remaining commercial on Parcel D-3a becomes more viable for development and will be more likely to develop sooner. Finally, additional and more immediate residential development will add to the economic base of the area and help to create the additional workforce and retail demands to spur the development of the remaining commercial core.

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

This amendment compliments the surrounding area by providing similar uses and intensity of development to that of the surrounding areas. The parcels within Village D also provide additional open space amenities and trails creating walkable neighborhoods that match those of the existing neighborhoods within the Vistancia development.

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

This amendment will provided residential units that are viable for development today, adding taxable residential units, increased workforce, and increased retail demand within the City of Peoria. As detailed in the Economic and Fiscal Impact analysis prepared by Elliott D. Pollack & Company, dated February 2015, the proposed residential construction would generate at total of 671 jobs during the construction period and the City is forecast to collect over \$5.2 million in revenues over ten years generated by the construction and subsequent years of resident impacts.

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

This amendment is providing additional housing with parks, trails and open spaces to service these additional residences. This additional housing will also add demand to the surrounding commercial and employment areas while decreasing the amount of vacant commercial and employment inventory.

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

This amendment is decreasing the intensity of development by changing commercial land to residential for both Parcel A-5 and Village D, and by reducing the density of the single family residential in Village D. These changes are reducing the intensity of the development and result in decreased demands on the water, wastewater, and street systems relative the currently approved master plans.

As detailed in the attached Vistancia Water Balance memo from Wilson Engineers dated February 26, 2015, updated land planning between the finalization of the Amended and Restated Vistancia Development Agreement in 2012 and the approval of the Utility Master Plan in 2013, caused an increase in the projected water and wastewater demands of the community. As part of this current update, those projected demands are reduced below the master plan levels, but are still slightly higher than those referenced in the Development Agreement. There is no need to revise any infrastructure

sizing to accommodate the currently proposed changes (as demands are lower than the Master Plan). The project's water balance and treated water demands will be evaluated in the future as more of the planned uses are formalized and the project nears completion.

As is outlined in the attached Trip Generation Comparison memo by Southwest Traffic Engineering, LLC, dated March 2, 2015, these proposed modifications greatly reduce trip counts and overall demand on the existing and proposed transportation infrastructure.

- 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.**

This amendment does not increase the number of residential dwelling units; therefore, it does not affect the ability of the school district to service the community.

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

**Objective 1.D:**

*Foster commercial, industrial and business park employment centers that are compatible with Peoria's economic needs.*

**Policy 1.D.1:**

*Maintain and market an employment zone profile listing that includes a summary of parcels, location, existing zoning, infrastructure, and site characteristics.*

With this amendment the core employment center of more than 360 acres located within the Loop 303 Specific Area Plan, is left intact as a major employment center for the City of Peoria.

**Objective 1.P:**

*Support appropriate commercial, business park, industrial, and mixed-use employment centers within large-scale master planned areas.*

**Policy 1.P.1:**

*Encourage adequate and proximate commercial and employment opportunities within large scale development master plans.*

With this amendment the core employment center of more than 360 acres located within the Loop 303 Specific Area Plan, is left intact as a major employment center for the City of Peoria. Excess commercial that is separated from the main core employment area by the Lone Mountain Road arterial is proposed to be developed as residential to support the employment center and other commercial sites that are distributed throughout the Vistancia development or this region of the City.

**Objective 1.Q:**

*Consider periodic amendments to the General Plan Land Use Map to ensure relevancy.*

**Policy 1.Q.1:**

Evaluate and adopt General Plan text and map amendments on an annual basis.

In response to changing market demands, single family housing is needed that will serve as housing for the future employment to be located in Village D

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

This amendment changes excess commercial to residential uses that will support the remaining commercial parcels that are located throughout the Vistancia development and the employment core that is located in Village D. This increases the land values and demand of the remaining commercial and employment through the removal of excess supply and providing a demand that is commensurate with the commercial that is remaining.

**Planned Community Development Amendment**

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**Land Use**

The purpose of the request is to amend the Planned Community District (PCD) for approximately 107 acres or less than 2% of the Vistancia development. This area is divided among five parcels that reside in Villages A and D: parcel A-5 of Village A, and parcels D-1, D-2, D-3b, and D-4 of Village D. (See Exhibit B: Amendment Area)

Parcel A-5 of Village A is approximately 14.2 acres and is located at the south east corner of Lone Mountain Road and Vistancia Boulevard. Currently this parcel has a PCD land use designation of Community Commercial (V-CC). As a part of this request, we are proposing to change the PCD land use designation to “Residential/Medium 5.0 – 8.0 du/ac” (V-MD). (See Exhibit F: Land Use Plan)

Parcels D-1, D-2, D-3, and D-4 of Village D make up the area within the Vistancia PCD that is east of El Mirage Road and north of Loan Mountain Road and represents approximately 107.2 acres. Modifications to the existing PCD land uses of this area encompass only 92.7 acres and include the following change in land use classification:

Parcel	Existing PCD Land Use	Proposed PCD Land Use
D-1	Residential/Medium 5.0-8.0 du/ac	Residential/Low 2.0-5.0 du/ac
D-2	Residential/High 15+ du/ac	Residential/Low 2.0-5.0 du/ac
D-3	Mixed Use 8.0-15.0+ du/ac	D-3a: Mixed Use 8.0-15.0+ du/ac (unchanged)
		D-3b: Residential/Low 2.0-5.0 du/ac
D-4	Mixed Use 8.0-15.0+ du/ac	Residential/Low 2.0-5.0 du/ac

The modification to the existing PCD land use in these areas is based upon the surplus of commercial land uses in and around Village A and D, as well as the demand for additional residential development in the area. The current development density trends within Vistancia as well as the locations of existing commercial uses and future uses show there is not a need for additional commercial at Parcel A-5. According to Tischler Bise and the Chesapeake Group, future retail demand is estimated to be approximately 29 square feet per capita, which is higher than the current national average of 23 square feet. Based on the unit counts for Villages A through D, and a household population of 2.71 (according to the 2013 U.S. Census data for Peoria, Arizona), that demand would require approximately 48.0 acres of retail. This area is more than met with the 50.2 acres that is being provided through parcels A-24, C-36, D-9, and D-10 in addition to the Mixed Use parcel D-3a. North of the CAP Canal there are two additional commercial sites to service those areas.

The Parcels within Village D that are located north of Lone Mountain Road are currently Mixed Use, Residential/High, and Residential Medium. The existing residential land uses are not representative of the actual densities appropriate for this area. Based on the current densities that are being developed within Vistancia, as well as the isolated nature of this portion of Village D, the amount of non-residential uses is not justified. Consequently, the reduction in commercial land uses decreases the need for a higher density residential use to serve as a transitioning land use. The less intense land use will provide a better transition to, both the Blackstone development to the west and to the State Land property to the east and north.

The proposed changes increase the amount of residential area within Vistancia, but do not increase the maximum number of entitled units of 10,500. This is a result of several factors that include actual dwelling units that have been platted/built that were less than previous projections, the reduction of intensity for parcels D-1 and D-2, the removal of units for the area that is D-3a, and additional adjustments based on updated projections throughout the Vistancia community. (See Exhibit M: PCD Update: Table C-1 Master Land Use Plan and Zoning Data)

## **Services**

### **Water**

Water services to parcel A-5 will be provided by an existing 24" line in Vistancia Boulevard and/or the existing 16" line in Lone Mountain Road. Water services to parcels D-3a, D-3b, and D-4 will be provided by the existing 24" line in Lone Mountain Road, which may also tie in through parcel D-1 and D-2 to a planned 24" line in El Mirage Road.

### **Sanitary Sewer**

Parcel A-5 shall sewer out of the southwestern corner into an existing 18" line in Vistancia Boulevard. Parcels D-3a, D-3b, and D-4 will either sewer through each other in that order, or flow directly into an existing 8" line in Lone Mountain Road. Parcels D-1 and D-2 will either flow into a 21" line planned in El Mirage Road, or flow through some combination of parcels D-3a, D-3b, and D-4 to the previously mentioned 8" line in Lone Mountain Road.

### **Roadways**

Parcels D-1, D-2, and D-3a all front along the El Mirage Road alignment. Parcels D-3a, D-3b, and D-4 all front along the Lone Mountain Road alignment. Final layout and design will determine the exact location(s) of the small collector roads providing access to the residential parcels (D-1, D-2, D-3b, and D-4), which are

also likely to have shared connectivity within each other. Parcel D-3a will be accessed directly from the existing Lone Mountain and the planned El Mirage Roads.

## **Economics**

As noted in the Economic and Fiscal Impact analysis prepared by Elliott D. Pollack & Company, dated February 2015, the sites being amended are more viable for residential development compared to a retail or employment site today or in the future. The residential uses that are being proposed have an immediate market demand, creating value for both the community and the City. Overall, the City is forecast to collect over \$5.2 million in revenues over ten years generated by the construction and subsequent years of resident impacts. Due to flexibility in the entitlements, these benefits do not result in a net loss of commercial development; rather, the entitled square footage may shift to other parcels within the master plan at a slightly higher density if the market demand warrants it in the future.

## **Development Agreement**

This amendment is decreasing the intensity of development by changing commercial land to residential for both Parcel A-5 and Village D, and by reducing the density of the single family residential in Village D. These changes are reducing the intensity of the development and result in decreased demands on the water, wastewater, and street systems relative the currently approved master plans.

### **Economic Development Cooperation**

As outlined in Section 18 of the Amended and Restated Development Agreement, the developer and City have agreed to cooperate to promote the Development of the Vistancia Commercial Core. This amendment is consistent with that agreement in that the Commercial Core (east of El Mirage Road and south of Lone Mountain Road) remains fully intact, there is no net decrease in the entitled commercial square footage, and additional residential development provides further demand for commercial services.

### **Water & Wastewater Capacity**

As detailed in the attached Vistancia Water Balance memo from Wilson Engineers dated February 26, 2015, updated land planning between the finalization of the Amended and Restated Vistancia Development Agreement in 2012 and the approval of the Utility Master Plan in 2013, caused an increase in the projected water and wastewater demands of the community. As part of this current update, those projected demands are reduced below the master plan levels, but are still slightly higher than those referenced in the Development Agreement. There is no need to revise any infrastructure sizing to accommodate the currently proposed changes (as demands are lower than the Master Plan). The project's water balance and treated water demands will be evaluated in the future as more of the planned uses are formalized and the project nears completion.

### **Traffic**

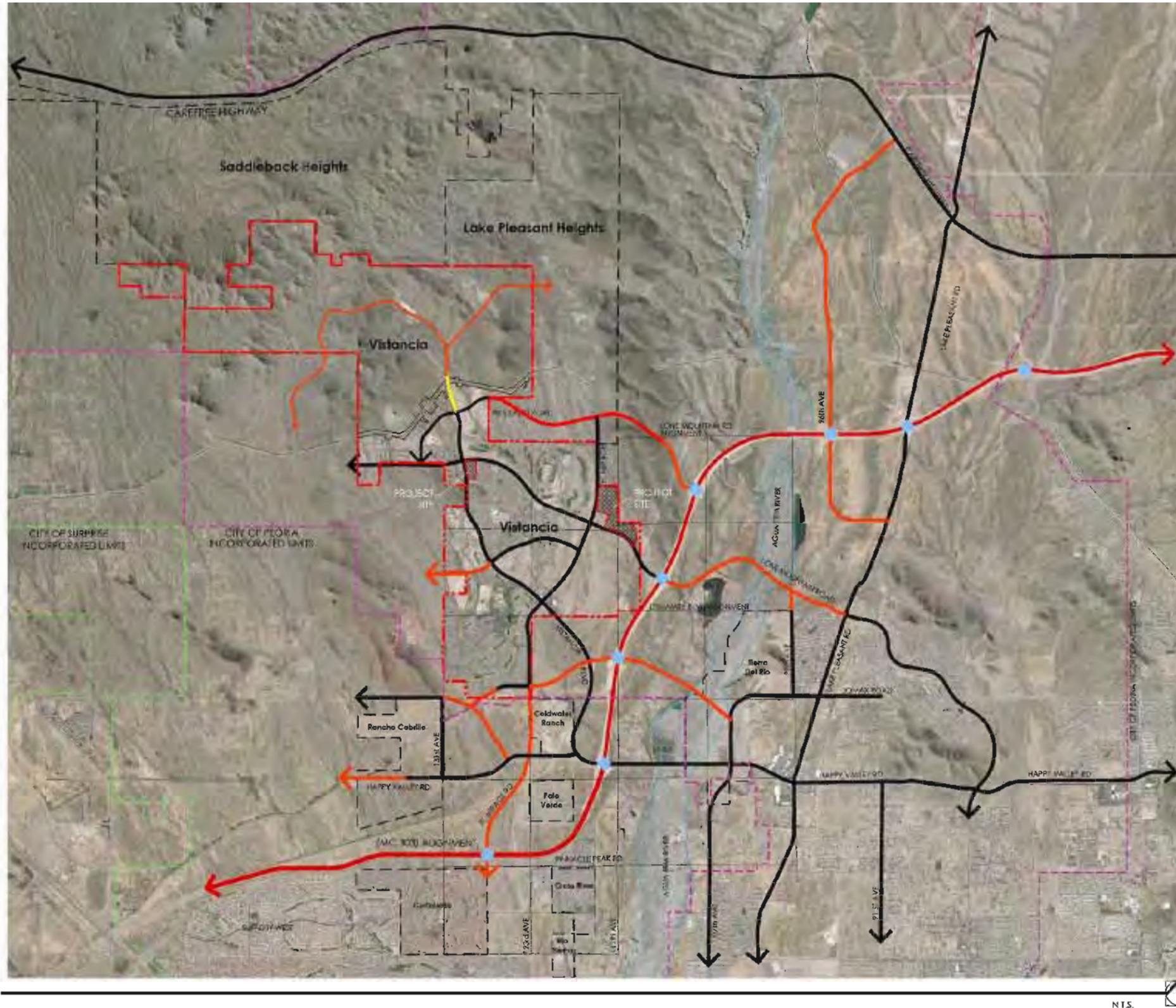
As is outlined in the attached Trip Generation Comparison memo by Southwest Traffic Engineering, LLC, dated March 2, 2015, these proposed modifications greatly reduce trip counts and overall demand on the existing and proposed transportation infrastructure.

## **Conclusion**

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The proposed amendments bring an added value the Vistancia development and the City of Peoria. Through the reduction of commercial and mixed use areas and addition of residential uses, there are now less intense transitioning land uses. This makes for sound land use planning principals and provides better neighbors for maintaining residential land values for the residents of Vistancia. These amendments also respond to the current and future commercial demands based on the actual densities that are being developed throughout the Vistancia development, while keeping within the approved unit count cap of 10,500 and still allowing for the potential construction of the entitled 4 million square feet of commercial development. This amendment creates value by accelerating the use of undeveloped land. In addition to creating jobs and tax revenues within the City of Peoria, excess commercial inventory will be removed from the market while additional residences will be constructed to fuel the demand for the remaining commercial property.

EXHIBIT A: VICINITY MAP/AERIAL



**VISTANCIA**  
Planned Community District  
Vicinity Map / Aerial

LEGEND

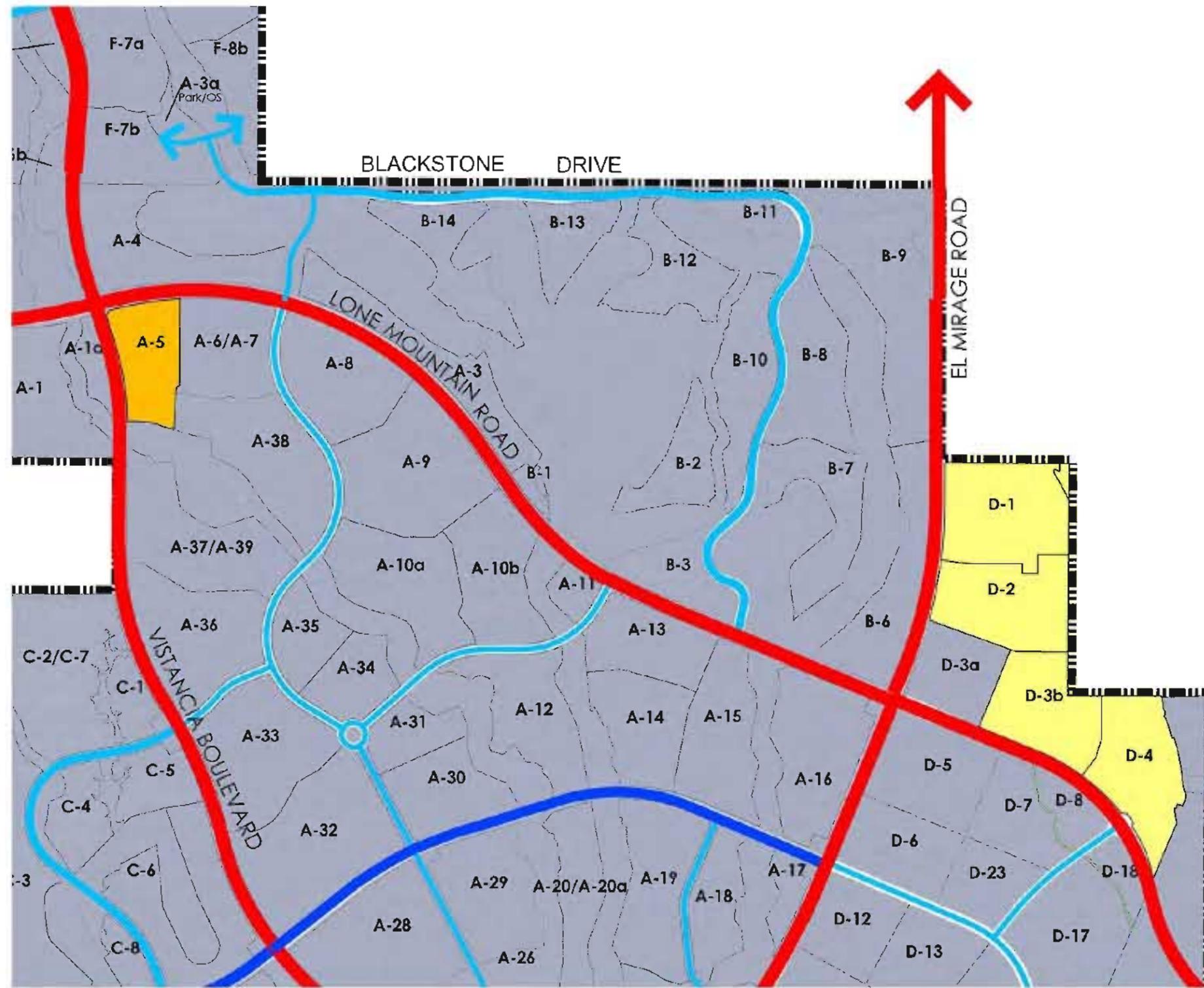
- Agua Fria River
- Existing Loop 303
- Loop 303 Interchange/Access
- Existing Roads
- \*Proposed Roads
- Roads Currently Under Construction

\* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.

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NTS.

EXHIBIT B: AMENDMET AREA



LAND USES

V-RE	Residential/Estate 0-2.0 du/ac (VRD-16 or less-dense districts, VRA-4, VRA-3, VRA-2)
V-LD	Residential/Low 2.0-5.0 du/ac (VRD-5 or less-dense district, VRA-4, VRA-3, VRA-2)
V-MD	Residential/Medium 5.0-8.0 du/ac (VRA-3 or less-dense districts)
V-MH	Residential/Medium High 8.0 - 15.0 du/ac (VRD-6, VRD-4, VRA-4, VRD-3, VRA-3)
V-HD	Residential/High 15.0+ du/ac (VRA-4, VRD-3, VRA-3, VRA-2)
V-MU	Mixed Use (V-MU)
V-SU	Special Use (V-SU)
V-NC	Neighborhood Commercial (V-NC)
V-CC	Community Commercial (V-CC)
V-QS/P	Open Space/Park
V-G	Golf Course
V-P/QP	Public/Quasi-Public
V-W	Water (C.A.P.)

	Major Arterial
	Minor Arterial
	Minor Collector

\* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.

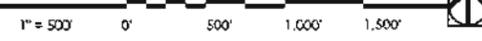
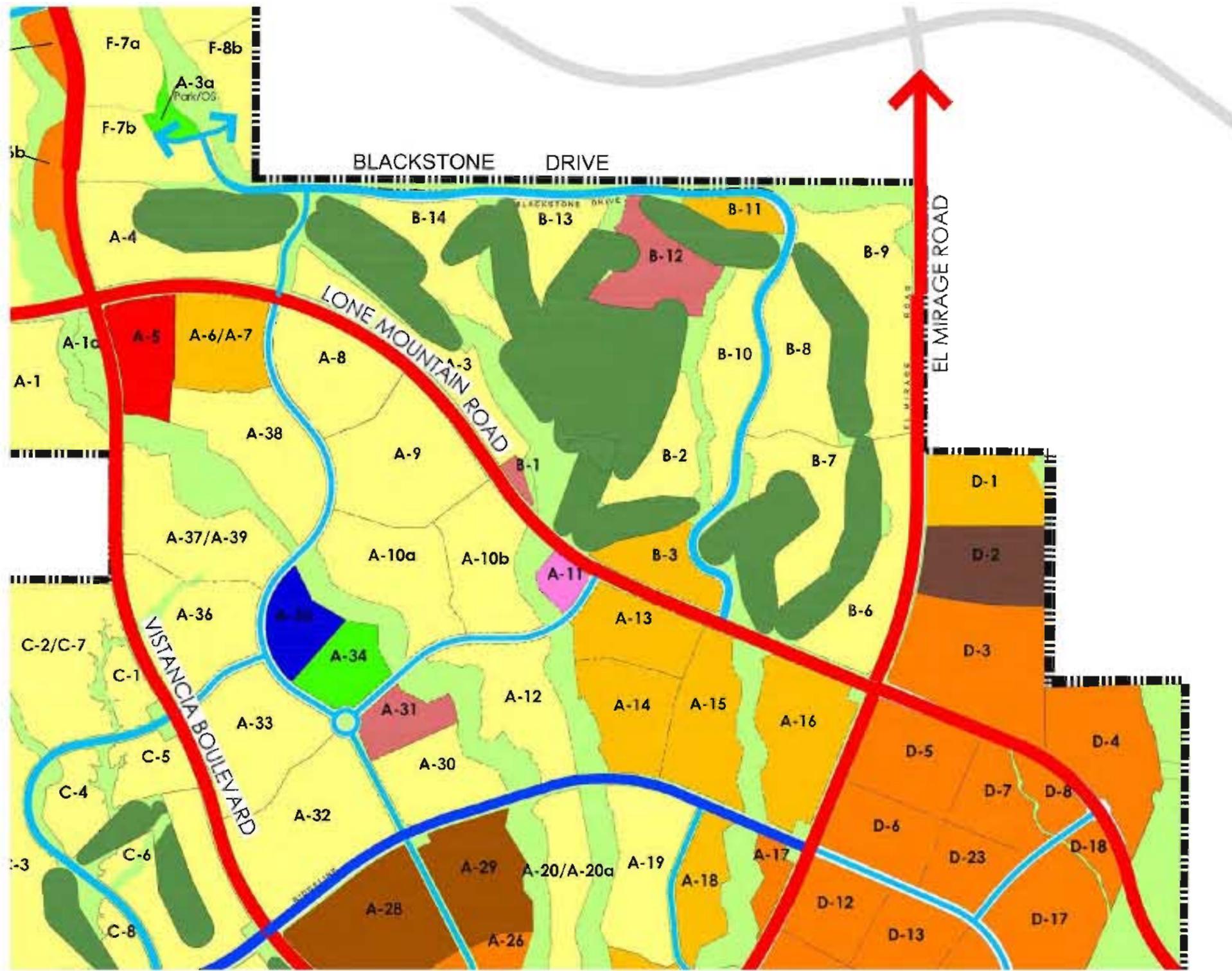


EXHIBIT C: EXISTING CONDITIONS MAP



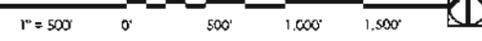
LAND USES

V-RE	Residential/Estate 0-2.0 du/ac (VRD-40, VRD-35, VRD-30, VRD-24)
V-LD	Residential/Low 2.0-5.0 du/ac (VRD-18, VRD-12, VRD-10, VRD-8, VRD-7, VRD-6)
V-MD	Residential/Medium 5.0-8.0 du/ac (VRD-4, VRA-4, VRD-3, VRA-3)
V-MH	Residential/Medium High 8.0 - 15.0 du/ac (VRD-3, VRA-3)
V-HD	Residential/High 15.0+ du/ac (VRA-4, VRD-3, VRA-3, VRA-2)
V-MU	Mixed Use (V-MU)
V-SU	Special Use (V-SU)
V-NC	Neighborhood Commercial (V-NC)
V-CC	Community Commercial (V-CC)
V-QS/P	Open Space/Park
V-G	Golf Course
V-P/QP	Public/Quasi-Public
V-W	Water (C.A.P.)

	Major Arterial
	Minor Arterial
	Minor Collector

\* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.



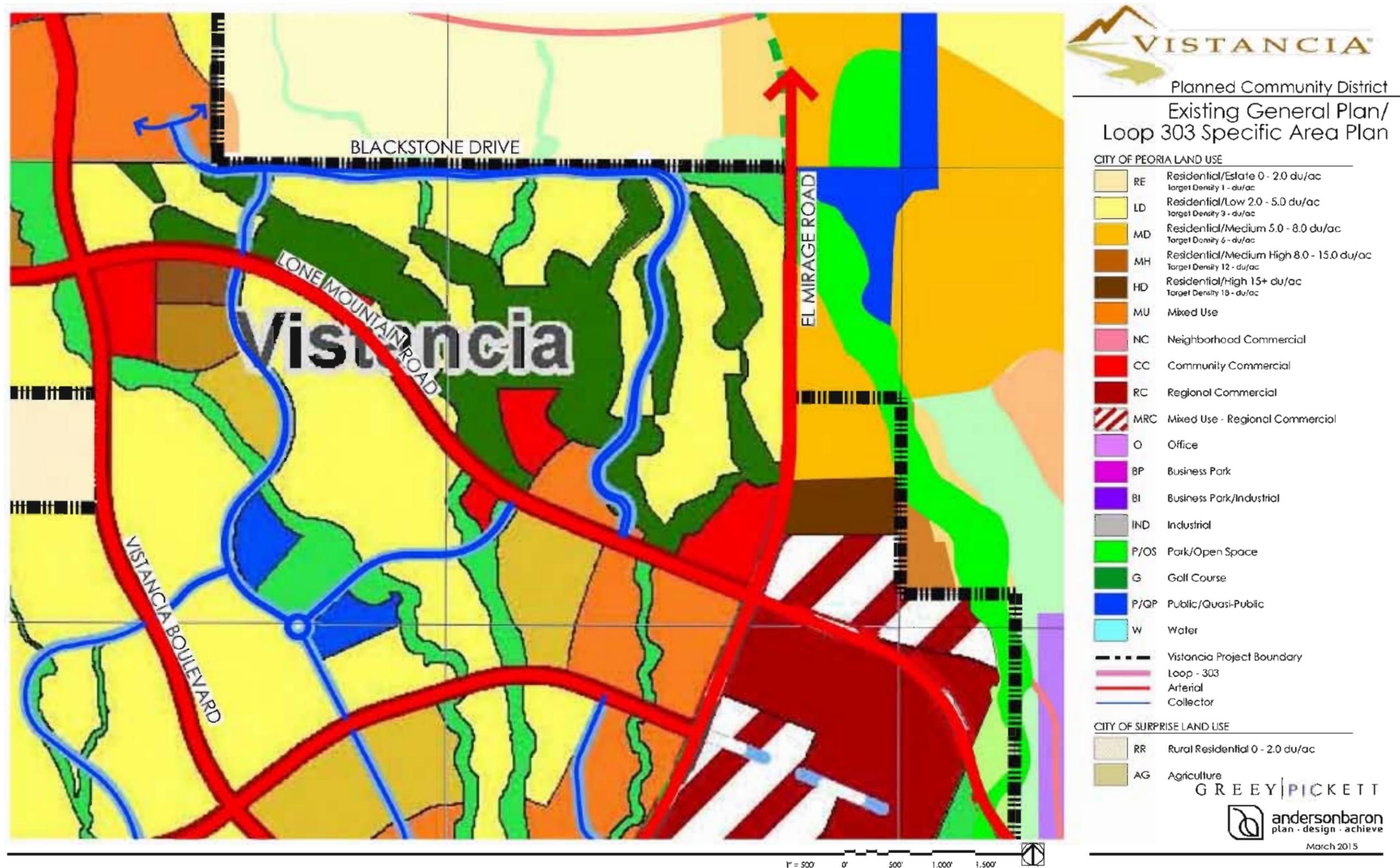


EXHIBIT E: PROPOSED GENERAL PLAN/LOOP 303 SPECIFIC AREA PLAN



**VISTANCIA**  
Planned Community District  
Proposed General Plan

**CITY OF PEORIA LAND USE**

RE	Residential/Estate 0 - 2.0 du/ac Target Density 1 - du/ac
LD	Residential/Low 2.0 - 5.0 du/ac Target Density 3 - du/ac
MD	Residential/Medium 5.0 - 8.0 du/ac Target Density 6 - du/ac
MH	Residential/Medium High 8.0 - 15.0 du/ac Target Density 12 - du/ac
HD	Residential/High 15+ du/ac Target Density 18 - du/ac
MU	Mixed Use
NC	Neighborhood Commercial
CC	Community Commercial
RC	Regional Commercial
MRC	Mixed Use - Regional Commercial
O	Office
BP	Business Park
BI	Business Park/Industrial
IND	Industrial
P/OS	Park/Open Space
G	Golf Course
P/QP	Public/Quasi-Public
W	Water
- - -	Vistancia Project Boundary
— (red)	Loop - 303
— (orange)	Arterial
— (blue)	Collector

**CITY OF SURPRISE LAND USE**

RR	Rural Residential 0 - 2.0 du/ac
AG	Agriculture

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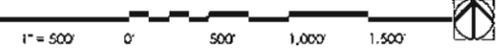
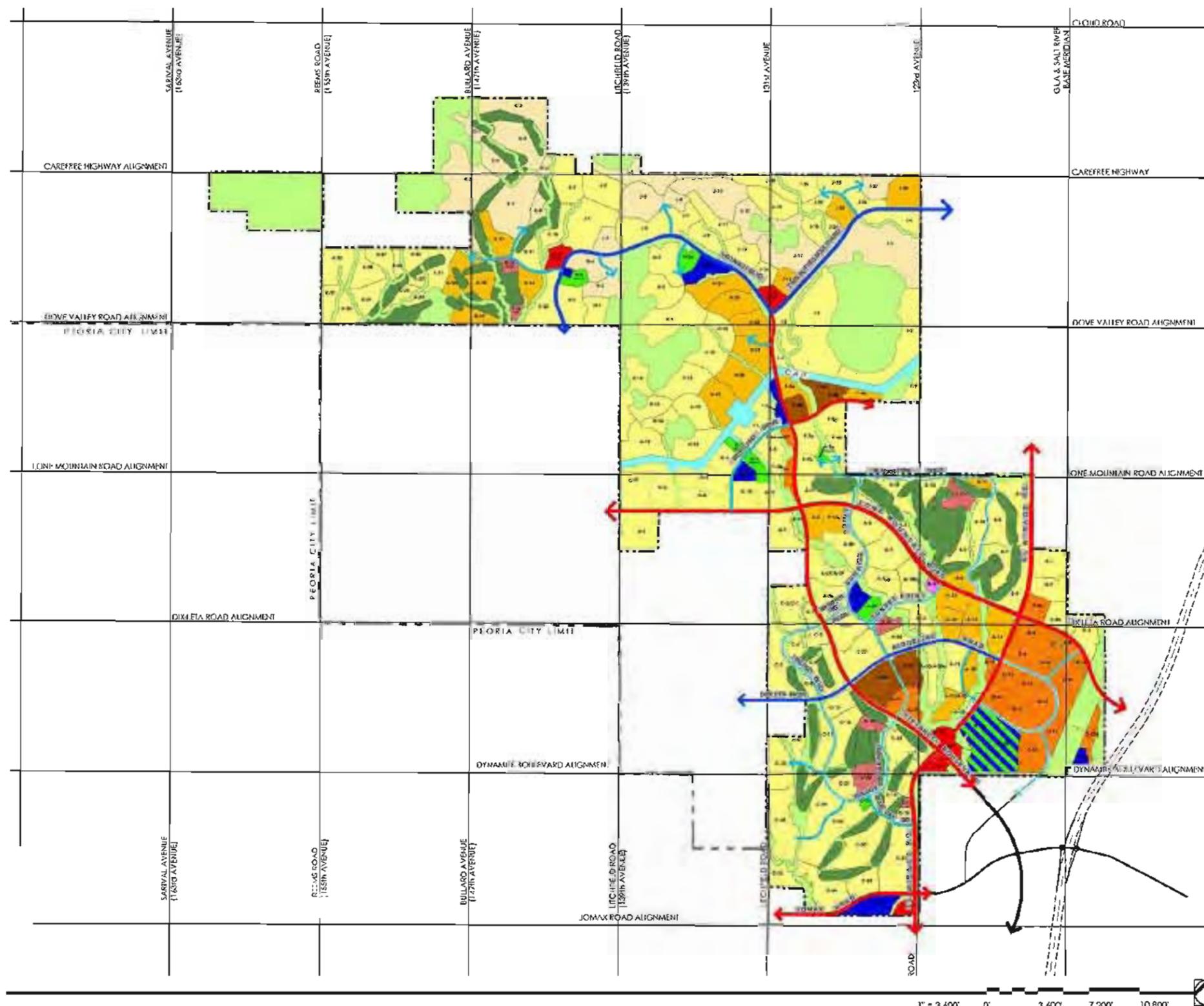


EXHIBIT F: PROPOSED LAND USE PLAN



**LAND USES**

V-RE	Residential/Estate 0-2.0 du/ac (VRD-16 or less-dense districts, VRA-4, VRA-3, VRA-2)
V-LD	Residential/Low 2.0-5.0 du/ac (VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2)
V-MD	Residential/Medium 5.0-8.0 du/ac (VRA-3 or less-dense districts)
V-MH	Residential/Medium High 8.0 - 15.0 du/ac (VRD-3, VRD-4, VRA-4, VRD-3, VRA-3)
V-HD	Residential/High 15.0+ du/ac (VRA-4, VRD-3, VRA-3, VRA-2)
V-MU	Mixed Use (V-MU)
V-SU	Special Use (V-SU)
V-NC	Neighborhood Commercial (V-NC)
V-CC	Community Commercial (V-CC)
V-OS/P	Open Space/Park
V-G	Golf Course
V-P/QP	Public/Quasi-Public
V-W	Water (C.A.P.)

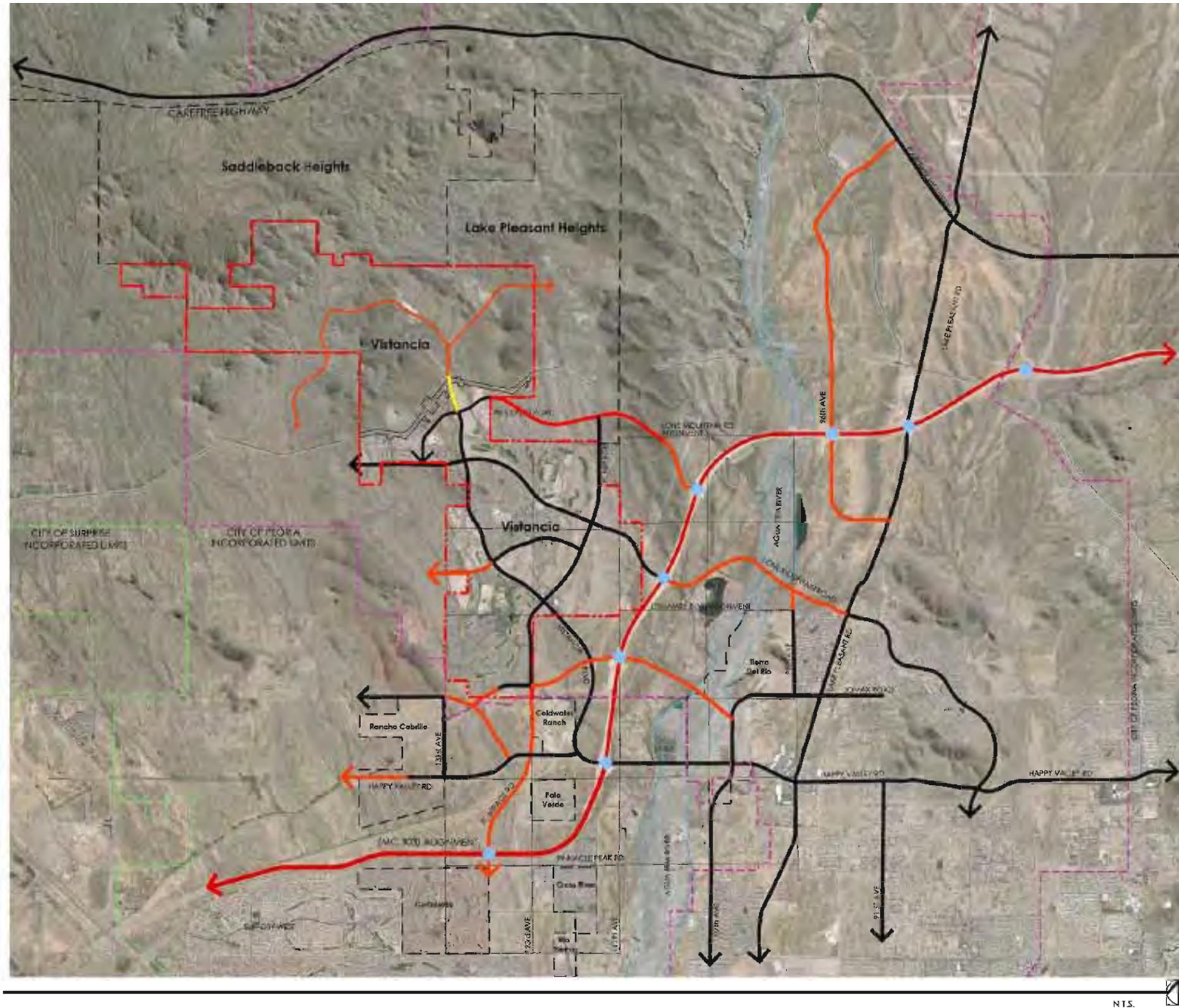
  

	Major Arterial
	Minor Arterial
	Minor Collector

\* Routing at Village K Golf is Conceptual.  
 \* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.



EXHIBIT G: PCD UPDATE: FIGURE A-1 AREA VICINITY/REGIONAL LOCATION MAP



**VISTANCIA**  
 Planned Community District  
 Vicinity Map / Aerial

LEGEND

- Agua Fria River
- Existing Loop 303
- Loop 303 Interchange/Access
- Existing Roads
- \*Proposed Roads
- Roads Currently Under Construction

\* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.

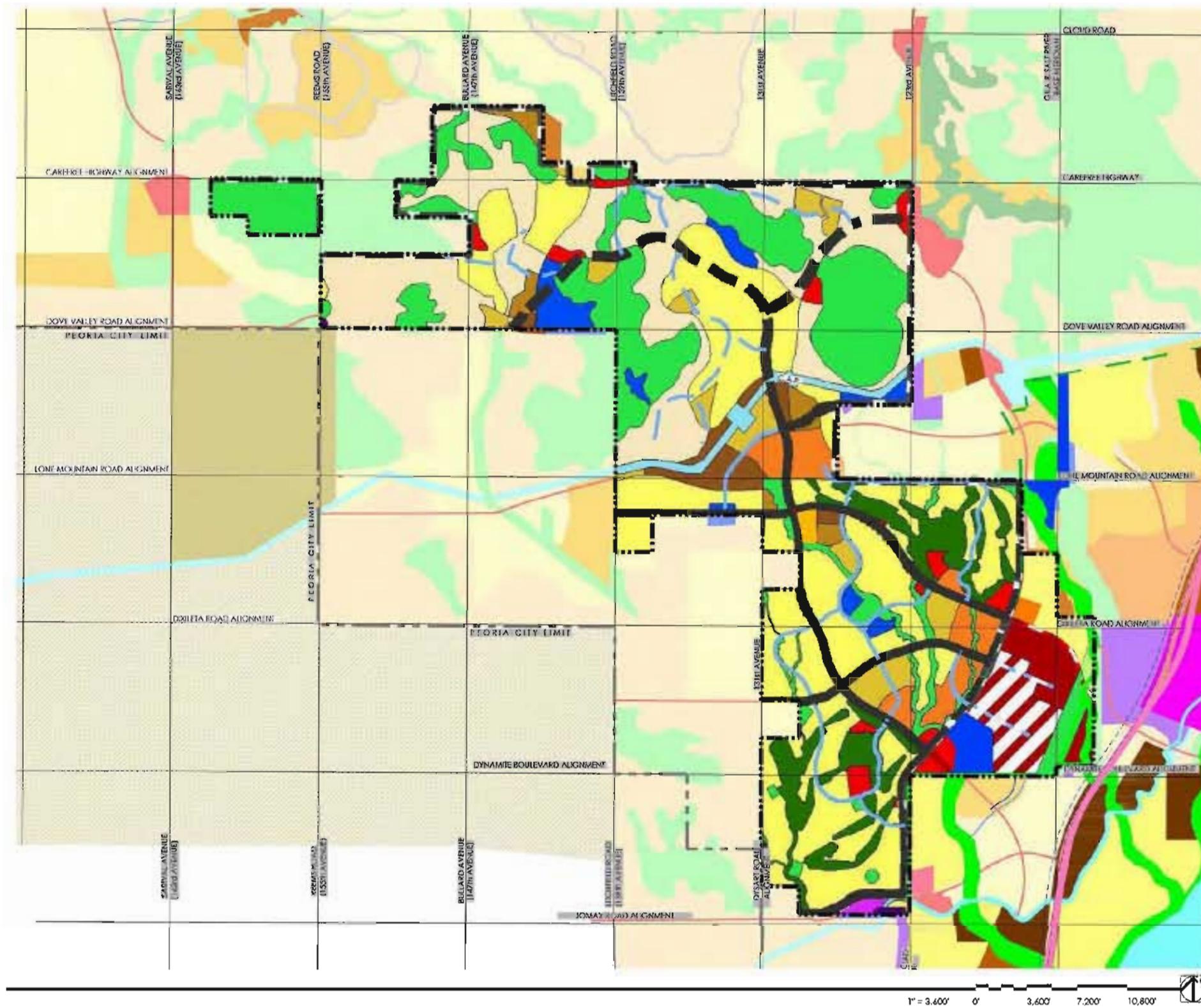
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Figure A-1

EXHIBIT H: PCD UPDATE: FIGURE A-3 CITY OF PEORIA MUNICIPAL GENERAL PLAN



**VISTANCIA**  
Planned Community District  
City of Peoria  
Municipal General Plan

**CITY OF PEORIA LAND USE**

RE	Residential/Estate 0 - 2.0 du/ac Target Density 1 - du/ac
LD	Residential/Low 2.0 - 5.0 du/ac Target Density 3 - du/ac
MD	Residential/Medium 5.0 - 8.0 du/ac Target Density 6 - du/ac
MH	Residential/Medium High 8.0 - 15.0 du/ac Target Density 12 - du/ac
HD	Residential/High 15+ du/ac Target Density 18 - du/ac
MU	Mixed Use
NC	Neighborhood Commercial
CC	Community Commercial
RC	Regional Commercial
MRC	Mixed Use - Regional Commercial
O	Office
BP	Business Park
BI	Business Park/Industrial
IND	Industrial
P/OS	Park/Open Space
G	Golf Course
P/QP	Public/Quasi-Public
W	Water
- - -	Vistancia Project Boundary
—	Loop - 303
—	Arterial
—	Collector

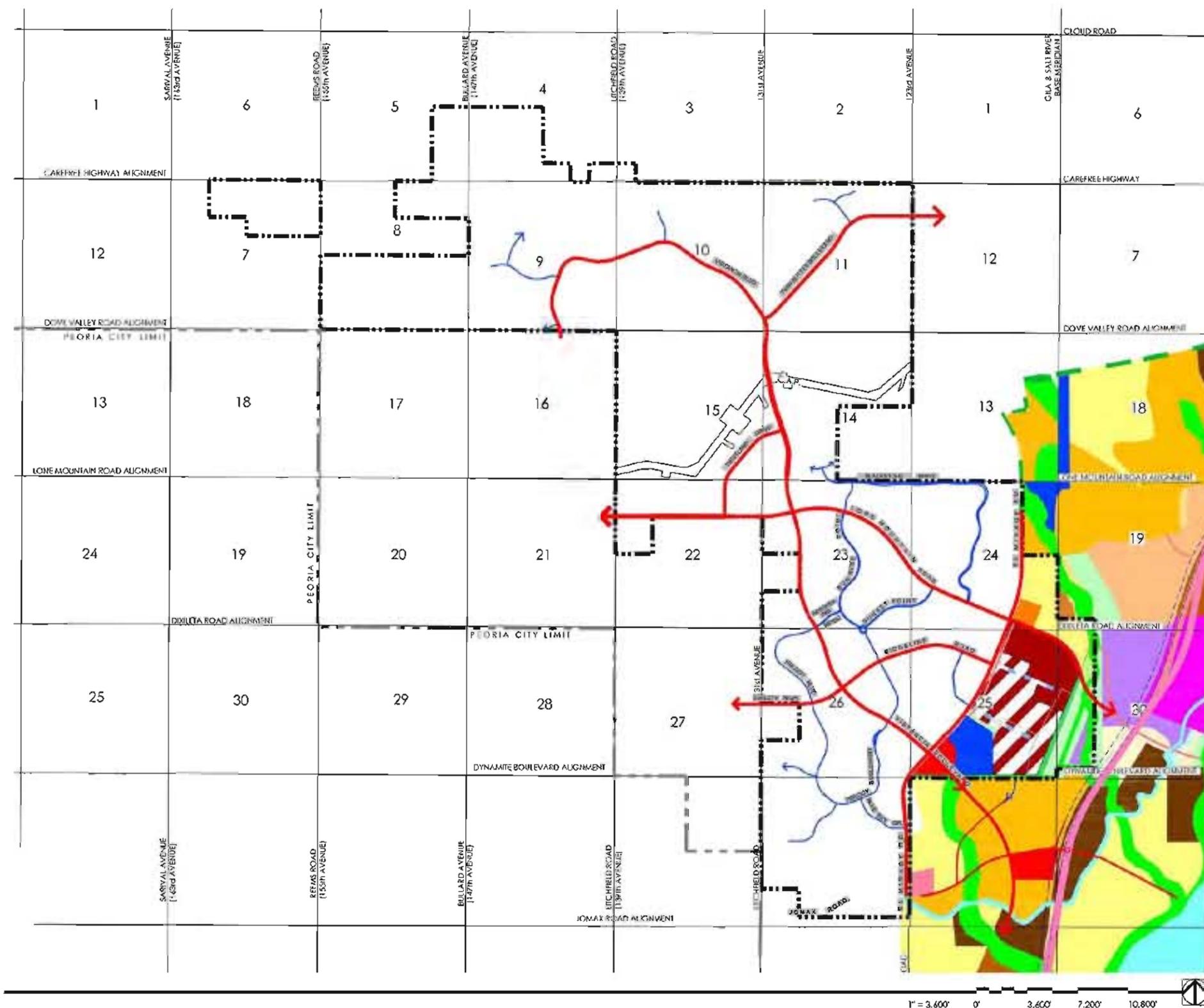
**CITY OF SURPRISE LAND USE**

RR	Rural Residential 0 - 2.0 du/ac
AG	Agriculture

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Figure A-3

EXHIBIT I: PCD UPDATE: FIGURE A-4 CITY OF PEORIA LOOP 303 SPECIFIC AREA PLAN



**VISTANCIA**  
Planned Community District  
City of Peoria  
Loop 303 Specific Area Plan

**CITY OF PEORIA LAND USE**

- RE Residential/Estale 0 - 2.0 du/ac  
Target Density 1 - du/ac
- LD Residential/Low 2.0 - 5.0 du/ac  
Target Density 3 - du/ac
- MD Residential/Medium 5.0 - 8.0 du/ac  
Target Density 6 - du/ac
- MH Residential/Medium High 8.0 - 15.0 du/ac  
Target Density 12 - du/ac
- HD Residential/High 15+ du/ac  
Target Density 18 - du/ac
- MU Mixed Use
- NC Neighborhood Commercial
- CC Community Commercial
- RC Regional Commercial
- MRC Mixed Use - Regional Commercial
- O Office
- BP Business Park
- BI Business Park/Industrial
- IND Industrial
- P/OS Park/Open Space
- G Golf Course
- P/QP Public/Quasi-Public
- W Water
- Vistancia Project Boundary
- Loop - 303
- Arterial
- Collector

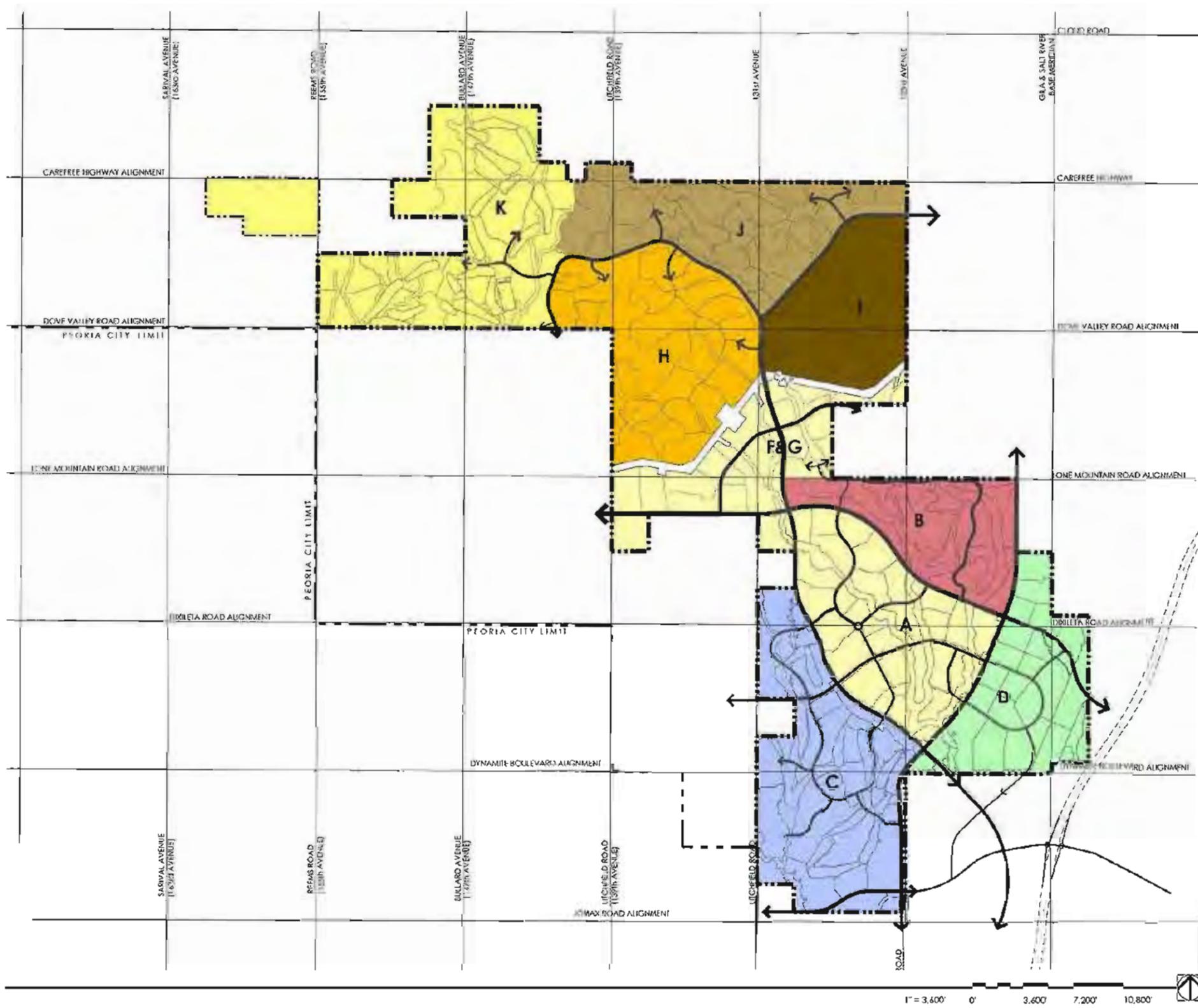
**CITY OF SURPRISE LAND USE**

- RR Rural Residential 0 - 2.0 du/ac
- AG Agriculture

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Figure A-4

EXHIBIT J: PCD UPDATE: FIGURE C-1 DEVELOPMENT UNITS/VILLAGE PLAN



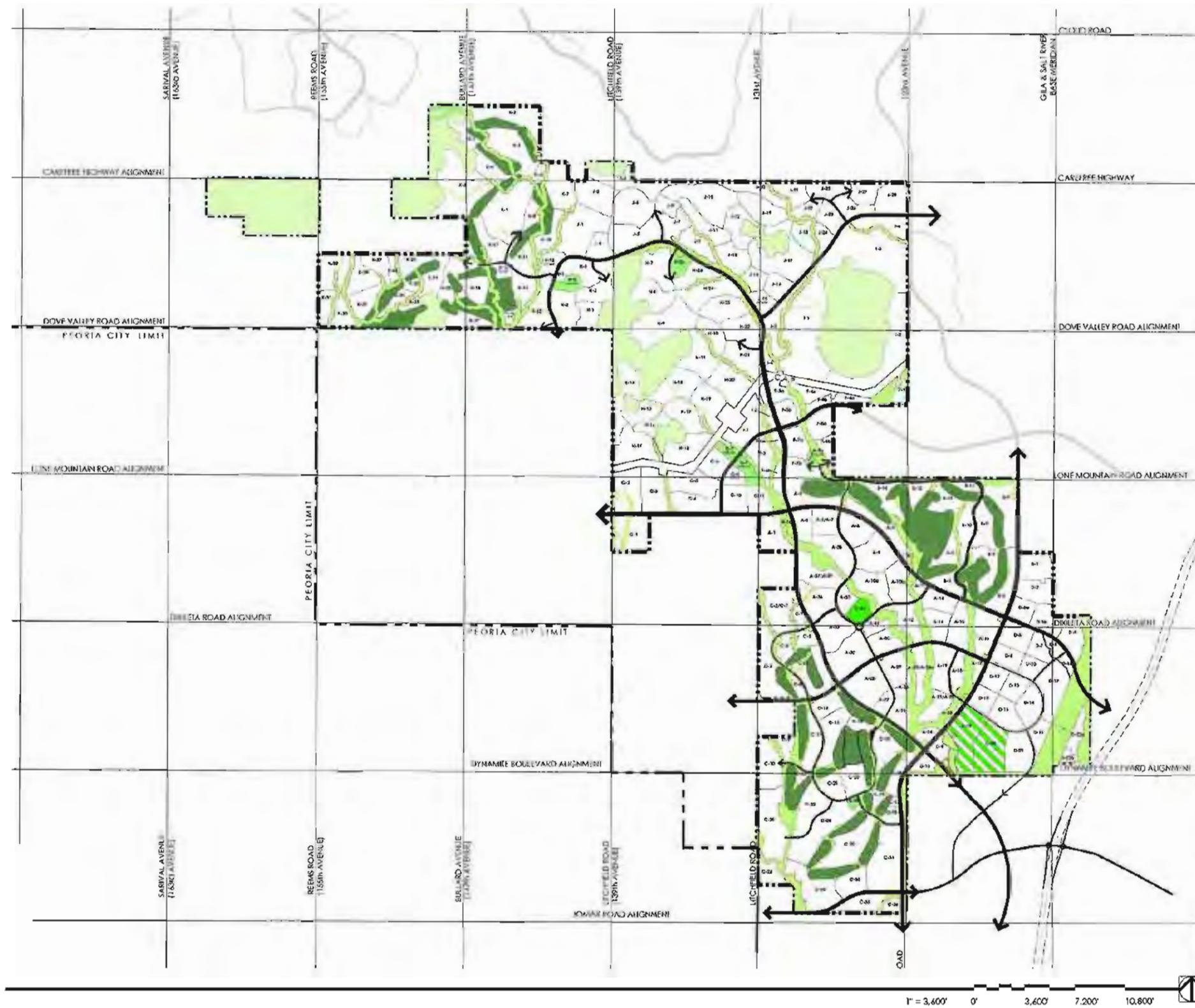
- VILLAGES
- Village A, F & G - Mountain Vista
  - Village B - Blackstone
  - Village C - Trilogy
  - Village D - Urban Village
  - Village H
  - Village I
  - Village J
  - Village K

NOTES:  
 \* Villages are based on planned development units of the PCD document. Boundaries are shown schematic for graphic clarity.  
 \*\* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.



Figure C-1 27

EXHIBIT K: PCD UPDATE: FIGURE C-2 ANTICIPATED WILDLIFE CORRIDORS PLAN



**VISTANCIA**  
 Planned Community District  
 Anticipated Wildlife  
 Corridors Plan

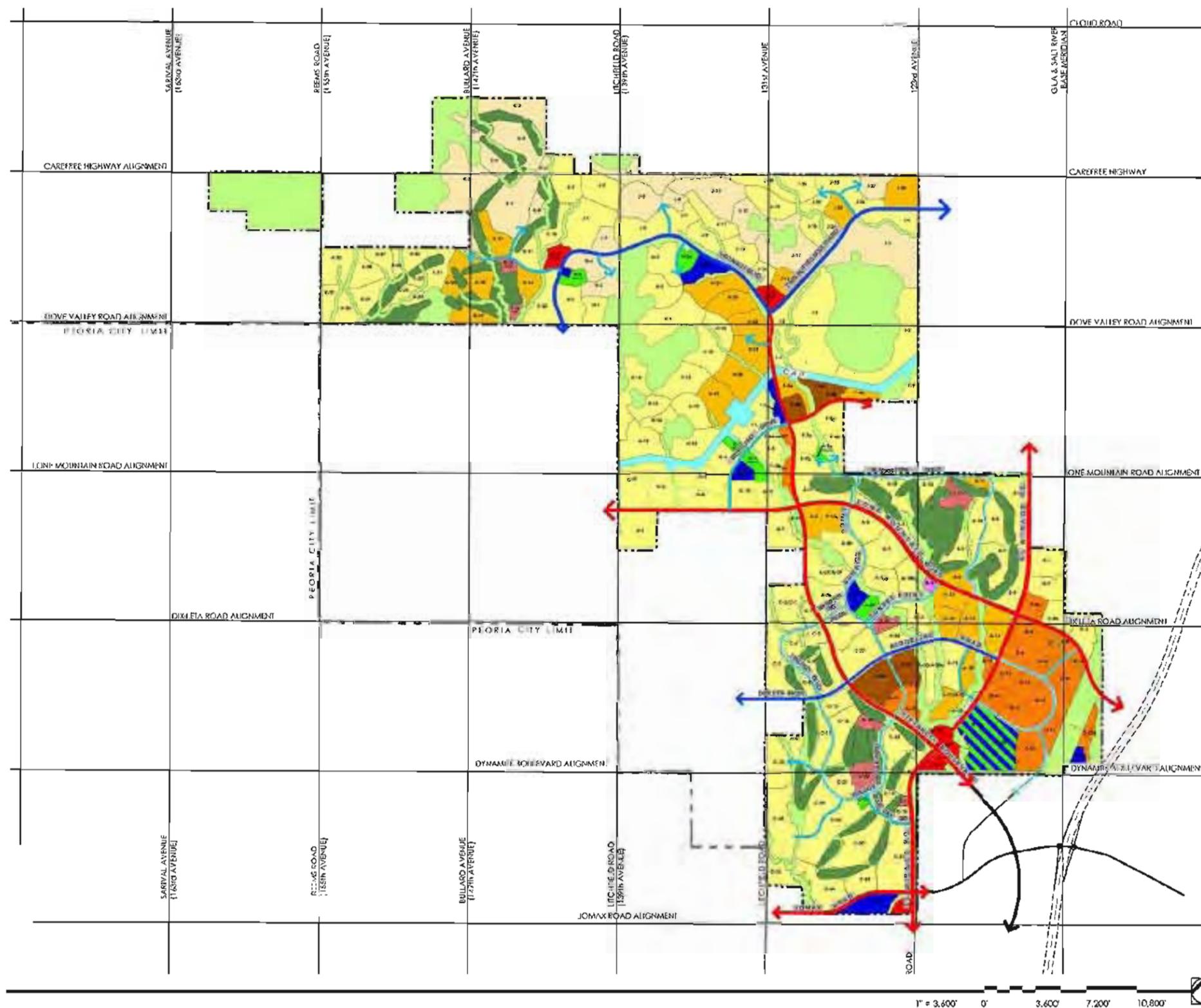
- FACILITIES & USE**
- Open Space / Park
  - Golf Open Space
  - Major Wash & Habitat Corridors (404 Jurisdictional Waters)

**NOTES:**  
 \*Open space location and acreage is subject to further refinement.  
 \*\* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.

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Figure C-2 29

EXHIBIT L: PCD UPDATE: FIGURE C-3 LAND USE MASTER PLAN



**LAND USES**

V-RE	Residential/Estate 0-2.0 du/ac (VRD-16 or less-dense districts, VRA-4, VRA-3, VRA-2)
V-LD	Residential/Low 2.0-5.0 du/ac (VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2)
V-MD	Residential/Medium 5.0-8.0 du/ac (VRA-3 or less-dense districts)
V-MH	Residential/Medium High 8.0 - 15.0 du/ac (VRD-3, VRD-4, VRA-4, VRD-3, VRA-3)
V-HD	Residential/High 15.0+ du/ac (VRA-4, VRD-3, VRA-3, VRA-2)
V-MU	Mixed Use (V-MU)
V-SU	Special Use (V-SU)
V-NC	Neighborhood Commercial (V-NC)
V-CC	Community Commercial (V-CC)
V-OS/P	Open Space/Park
V-G	Golf Course
V-P/QP	Public/Quasi-Public
V-W	Water (C.A.P.)

	Major Arterial
	Minor Arterial
	Minor Collector

\* Routing at Village K Golf is Conceptual.  
 \* Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.



Figure C-3 31

EXHIBIT M: PCD UPDATE: TABLE C-1 MASTER LAND USE PLAN AND ZONING DATA

Vistancia PCD Land Use

Table C1 Land Use Master Plan and Zoning Data Updated 1/15/13

Parcel Description		Land Use Density Range			Residential Dwelling Unit Allowance				Zoning Classification / District		Parcel Status
Parcel Number	Land Use Designation	Approx. Gross Acres	Min.	Max.	Minimum (Baseline) Dwelling Units	Maximum (Ceiling) Dwelling Units	Projected Dwelling Units	Actual Dwelling Units	Zoning (s)		
<b>Village A</b>											
A-1	V-LD	31.0	2.0	5.0	62	155		55	VRD-10 (5)	Platted and Built	
A-1a	V-PIOS	8.8	-	-	-	-	-	-		Dedicated as Open Space	
A-5	V-MD	14.2	5.0	8	71	114	35	-	VRA-3 or less-dense districts		
A-6 / A-7	V-MD	28.5	5.0	8.0	143	220		75	VRD-6	Platted and Built	
A-8	V-LD	28.3	2.0	5.0	56	147		81	VRD-6 (5)	Platted and Built	
A-9	V-LD	35.4	2.0	5.0	71	177		97	VRD-6 (5)	Platted and Built	
A-10a	V-LD	29.9	2.0	5.0	60	150		68	VRD-8 (5)	Platted and Built	
A-10b	V-LD	25.6	2.0	5.0	51	128		65	VRD-8 (5)	Platted and Built	
A-11	V-NC	3.5	-	-	-	-	-	-	V-NC		
A-12	V-LD	32.1	2.0	5.0	64	161		71	VRD-8 (5)	Platted and Built	
A-13	V-MD	18.0	5.0	8.0	90	144		85	VRD-8 (5)	Platted and Built	
A-14	V-MD	22.2	5.0	8.0	111	178		92	VRD-8 (5)	Platted and Built	
A-15	V-MD	27.1	5.0	8.0	136	217		99	VRD-8	Platted and Built	
A-16	V-MD	31.5	5.0	8.0	158	252		85	VRD-7	Platted and Built	
A-17	V-MU	5.7	8.0	15.0+	34	85		-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2		
A-18	V-MD	12.8	5.0	8.0	64	102		34	VRD-7	Platted and Built	
A-19	V-LD	28.4	2.0	5.0	56	147		56	VRD-8 (5)	Platted and Built	
A-20A-20a	V-LD	31.3	2.0	5.0	63	157		51	VRD-8 (5)	Platted and Built	
A-21A-22	V-MD	18.6	5.0	8.0	94	150		80	VRD-8	Platted and Built	
A-23	V-PIOS	4.8	-	-	-	-	-	-		Dedicated as Open Space	
A-24	V-CC	7.9	-	-	-	-	-	-	V-NC	Partially Built	
A-25	V-MU	13.1	8.0	15.0+	79	197	60		V-MU / VRA-4, VRD-3, VRA-3, VRA-2		
A-26	V-MU	4.6	8.0	15.0+	28	69	20		V-MU / VRA-4, VRD-3, VRA-3, VRA-2		
A-27	V-MU	8.1	8.0	15.0+	48	122	50		V-MU / VRA-4, VRD-3, VRA-3, VRA-2		
A-28	V-MH	43.7	8.0	15.0	350	656		340	VRA-3	Platted and Built	
A-29	V-MH	26.5	8.0	15.0	212	396		158	VRA-3	Platted and Built	
A-30	V-LD	21.5	2.0	5.0	43	105		47	VRD-8 (5)	Platted and Built	
A-31	V-SU - Rec	13.8	-	-	-	-		-	All Districts	Built - Amenity Center	
A-32	V-LD	43.8	2.0	5.0	88	219		136	VRD-7 (5)	Platted and Built	
A-33	V-LD	33.5	2.0	5.0	67	168		122	VRD-8 (5)	Platted and Built	
A-34	V-PIOS	11.8	-	-	-	-		-		Built - Public Park	
A-35	V-PIOP	10.9	-	-	-	-		-		Built Elementary School	
A-36	V-LD	32.2	2.0	5.0	64	161		88	VRD-7 (5)	Platted and Built	
A-37/A-39	V-LD	44.8	2.0	5.0	90	224		108	VRD-6 (5)	Platted and Built	
A-38	V-LD	19.6	2.0	5.0	39	98		60	VRD-6	Platted and Built	
<b>Village A Total</b>	<b>Totals</b>	<b>775.5</b>			<b>2,495</b>	<b>5,107</b>	<b>155</b>	<b>2,154</b>			
The combined Projected and Actual DU's within Village A shall be 2319 units with an allowable unit count range of 2319 - 5107											

**Vistancia PCD Land Use**  
Table C1 Land Use Master Plan and Zoning Data  
Updated 1/16/13

Parcel Description				Residential Dwelling Unit Allowance				Zoning Classification / District		Parcel Status
Parcel Number	Land Use Designation	Approx. Gross Area	Land Use Density Range Min. Max.	Minimum (Baseline) Dwelling Units	Maximum (Ceiling) Dwelling Units	Projected Dwelling Units	Actual Dwelling Units	Zoning (3)		
<b>Village B</b>										
A-3	V-LD	44.9	2.0 5.0	90	225		52	VRD-5 or less-dense districts	Platted and Built	
A-3a	V-PROS (Private)	3.5	- -	-	-	-	-		Built Private Park	
A-4	V-LD	24.8	2.0 5.0	50	124		33	VRD-18	Platted and Built	
B-1	V-SU - Maint	5.5	- -	-	-	-	-	All Districts	Built Maintenance Facility	
B-2	V-LD	39.2	2.0 5.0	118	296		19	VRD-10	Platted and Built	
B-3	V-MD	21.8	5.0 8.0	109	174		64	VRA-3	Platted and Built	
B-6	V-LD	37.8	2.0 5.0	76	189		52	VRD-10	Platted and Built	
B-7	V-LD	58.0	2.0 5.0	116	290		21	VRD-18	Platted and Built	
B-8	V-LD	29.5	2.0 5.0	59	148		22	VRD-10	Platted and Built	
B-9	V-LD	52.3	2.0 5.0	105	262	81	-	VRD-5 or less-dense districts		
B-10	V-LD	28.1	2.0 5.0	56	141		34	VRD-10	Platted and Built	
B-11	V-MD	15.5	5.0 8.0	76	124	46	-	VRA-3 or less-dense districts		
B-12	V-SU - Club	34.7	- -	-	-	-	-	All Districts	Built Clubhouse / Amenity	
B-13	V-LD	35.8	2.0 5.0	65	169	19	-	VRD-5 or less-dense districts		
B-14	V-LD	81.8	2.0 5.0	124	309	59	-	VRD-5 or less-dense districts		
F-7a	V-LD	18.2	2.0 5.0	36	91		52	WPD-10	Platted and Built	
F-7b	V-LD	17.4	2.0 5.0	35	87		50	WPD-10	Platted and Built	
F-8a	V-LD	19.9	2.0 5.0	40	99		45	WPD-10	Platted and Built	
F-8b	V-LD	11.4	2.0 5.0	23	57		22	WPD-10	Platted and Built	
<b>Village B Total</b>	<b>Totals</b>	<b>578.1</b>		<b>1,181</b>	<b>2,784</b>	<b>188</b>	<b>466</b>			
<b>The combined Projected and Actual DU's within Village B shall be 651 units with an allowable unit count range of 1181 - 2784</b>										
<b>Village C</b>										
C-1	V-LD	7.6	2.0 5.0	15	38		19	VRD-5 / VRD-6	Platted and Built	
C-2/C-7	V-LD	39.6	2.0 5.0	79	198		132	VRD-6	Platted and Built	
C-3	V-LD	48.4	2.0 5.0	97	242		120	VRD-6	Platted and Built	
C-4	V-LD	12.5	2.0 5.0	25	63		39	VRD-6	Platted and Built	
C-5	V-LD	32.0	2.0 5.0	64	160		85	VRD-6	Platted and Built	
C-6	V-LD	20.2	2.0 5.0	40	101		45	VRD-6	Platted and Built	
C-8	V-LD	10.3	2.0 5.0	21	52		22	VRD-6	Platted and Built	
C-9	V-LD	28.3	2.0 5.0	51	127		41	VRD-6	Platted and Built	
C-10	V-LD	48.1	2.0 5.0	92	231		138	VRD-6	Platted and Built	
C-11	V-LD	32.5	2.0 5.0	65	162		62	VRD-6	Platted and Built	
C-12	V-LD	33.8	2.0 5.0	68	169		100	VRD-6	Platted and Built	
C-13	V-LD	29.5	2.0 5.0	59	148		91	VRD-6	Platted and Built	
C-14	V-SU - Club	16.7	- -	-	-	-	-	V-CC	Built Amenity Center	
C-15	V-LD	37.3	2.0 5.0	75	187		81	VRD-6	Platted and Built	
C-16	V-LD	32.6	2.0 5.0	65	163		48	VRD-6	Platted and Built	
C-17	V-SU - Maint	3.3	- -	-	-	-	-	All Districts	Built Maintenance Facility	
C-18	V-LD	9.8	2.0 5.0	20	49		26	VRD-6	Platted and Built	
C-19	V-LD	15.8	2.0 5.0	32	79		20	VRD-6	Platted and Built	
C-20	V-SU - Rec	29.4	- -	-	-	-	-	All Districts	Built Amenity Center	
C-21	V-LD	19.2	2.0 5.0	38	96		52	VRD-6	Platted and Built	
C-22	V-LD	38.5	2.0 5.0	77	192		118	VRD-6	Platted and Built	
C-23	V-LD	6.7	2.0 5.0	13	34		13	VRD-6	Platted and Built	
C-25	V-LD	55.7	2.0 5.0	111	279		154	VRD-6	Platted and Built	
C-26	V-LD	18.4	2.0 5.0	37	92		53	VRD-6	Platted and Built	
C-28	V-LD	80.2	2.0 5.0	160	401		222	VRD-5	Platted and Built	
C-29	V-PROS - Park	3.6	- -	-	-	-	-		Built Private Park	
C-30	V-LD	67.8	2.0 5.0	136	340		176	VRD-6	Platted and Built	
C-31	V-LD	59.2	2.0 5.0	118	296		208	VRD-6	Platted and Built	
C-33	V-LD	21.8	2.0 5.0	44	109		75	VRD-6	Platted and Built	
C-34	V-LD	43.3	2.0 5.0	87	217		135	VRD-6	Platted and Built	
C-35	V-PROP - WTP	23.3	- -	-	-	-	-	V-PROP	Built WTP	
C-38	V-CC	8.5	- -	-	-	-	-	V-CC		
<b>Village C Total</b>	<b>Totals</b>	<b>920.9</b>		<b>1,688</b>	<b>4,221</b>	<b>0</b>	<b>2,286</b>			
<b>The combined Actual DU's within Village C is 2,287.</b>										

Vistancia PCD Land Use

Table C1 Land Use Master Plan and Zoning Data  
Updated 1/18/13

Parcel Description		Residential Dwelling Unit Allowance				Zoning Classification / District		Parcel Status		
Parcel Number	Land Use Designation	Approx. Gross Acres	Land Use Density Range		Minimum (Baseline) Dwelling Units	Maximum (Ceiling) Dwelling Units	Projected Dwelling Units	Actual Dwelling Units	Zoning (3)	
			Min	Max						
<b>Village D</b>										
D-1	V-LD	28.9	2.0	5.0	54	135	75	-	VRD-5 or less-dense districts	
D-2	V-LB	23.0	2.0	3.0	46	115	79	-	VRD-5 or less-dense districts	
D-3a	V-MU	14.5	15.0	15.0+	216	216	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-3b	V-LD	20.4	2.0	3.0	41	102	84	-	VRD-5 or less-dense districts	
D-4	V-LD	22.4	2.0	3.0	45	112	85	-	VRD-5 or less-dense districts	
D-5	V-MU	21.0	15.0	15.0+	329	329	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-6	V-MU	17.0	15.0	15.0+	255	255	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-7	V-MU	14.1	15.0	15.0+	212	212	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-8	V-MU	6.4	15.0	15.0+	96	96	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-9	V-CC	8.9	-	-	-	-	-	-	V-CC	Built Commercial
D-10	V-CC	8.7	-	-	-	-	-	-	V-CC	
D-11	V-MU	12.4	15.0	15.0+	186	186	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-12	V-MU	15.1	15.0	15.0+	227	227	20	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-13	V-MU	16.5	15.0	15.0+	248	248	30	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-14	V-MU	22.1	15.0	15.0+	332	332	40	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-15	V-MU	15.1	15.0	15.0+	227	227	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-16	V-MU	22.3	15.0	15.0+	335	335	50	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-17	V-MU	34.8	15.0	15.0+	522	522	137	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-18	V-MU	4.8	15.0	15.0+	69	69	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-19	V-POS/H.S.	41.0	-	-	-	-	-	-	V-MU (Underlying Zoning)	
D-20	V-POS/H.S.	40.0	-	-	-	-	-	-	V-MU (Underlying Zoning)	
D-21	V-MU	29.2	15.0	15.0+	438	438	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-22a	V-MU	13.2	15.0	15.0+	198	198	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
D-22b	V-PIQP	5.7	-	-	-	-	-	-	V-PIQP	Built Utility Campus
D-23	V-MU	12.0	15.0	15.0+	180	180	-	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
<b>Village D Total</b>	<b>Totals</b>	<b>469.2</b>			<b>4,283</b>	<b>4,532</b>	<b>600</b>			
<b>The combined Projected and Actual DU's within Village D shall be 600 units with an allowable unit count range of 600 - 4532</b>										
<b>Village F</b>										
F-1	V-LD	20.8	2.0	5.0	61	153	-	105	VRD-5 & VRD-7	Platted and Built
F-2	V-PIQP	8.5	-	-	-	-	-	-	V-PIQP	Built Water Campus
F-3a	V-MD	12.8	5.0	8.0	64	102	-	49	VRD-5	Platted and Built
F-3b	V-MH	13.3	8.0	15.0	106	198	-	34	VRD-5	Platted and Built
F-4a	V-MD	9.9	5.0	8.0	49	79	-	58	VRD-5	Platted and Built
F-4b	V-MH	6.5	8.0	15.0	52	97	-	22	VRD-5	Platted and Built
F-4c	V-MH	13.3	8.0	15.0	107	200	-	31	VRD-5	Platted and Built
F-5	V-LD	21.4	2.0	3.0	43	107	-	74	VRD-7	Platted and Built
F-6a	V-MU	4.8	8.0	15.0+	38	72	25	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
F-6b	V-MU	3.3	8.0	15.0+	26	50	20	-	V-MU / VRA-4, VRD-3, VRA-3, VRA-2	
F-9	V-LD	8.6	2.0	3.0	17	43	-	-	VRD-5 or less-dense districts	
<b>Village F Total</b>	<b>Totals</b>	<b>132.9</b>			<b>564</b>	<b>1,102</b>	<b>65</b>	<b>371</b>		
<b>The combined Projected and Actual DU's within Village F shall be 436 units with an allowable unit count range of 436 - 1102</b>										

**Vistancia PCD Land Use**

Table C1 Land Use Master Plan and Zoning Data  
Updated 1/16/13

Parcel Description		Residential Dwelling Unit Allowance				Zoning Classification / District		Parcel Status		
Parcel Number	Land Use Designation	Approx. Gross Acres	Land Use Density Range		Minimum (Baseline) Dwelling Units	Maximum (Ceiling) Dwelling Units	Projected Dwelling Units	Actual Dwelling Units	Zoning (3)	
			Min	Max						
<b>Village G</b>										
G-1	V-LD	38.6	2.0	5.0	77	193		130	VRD-5	Platted and Built
G-2	V-LD	36.5	2.0	5.0	73	183		101	VRD-6	Platted and Built
G-3	V-LD	32.8	2.0	5.0	66	164		141	VRD-4	Platted and Built
G-4	V-LD	26.2	2.0	5.0	52	131		72	VRD-6	Platted and Built
G-5	V-LD	31.6	2.0	5.0	63	158		76	WPD-6	Platted and Built
G-8	V-LD	18.2	2.0	5.0	36	91		53	WPD-6	Platted and Built
G-7	V-PCDS (Private)	8.9	-	-	-	-	-	0		Ball Amenity Center
G-8	V-PQP	16.1	-	-	-	-	-	0		Ball Public K-12 School
G-9	V-PIOS (Public)	4.2	-	-	-	-	-	0		Ball Public Park
G-10	V-LD	20.6	2.0	5.0	41	103		84	WPD-6	Platted and Built
G-11	V-LD	9.9	2.0	5.0	20	50		51	WPD-6	Platted and Built
<b>Village G Total</b>	<b>Totals</b>	<b>241.5</b>			<b>428</b>	<b>1,072</b>	<b>0</b>	<b>708</b>		
<b>The combined Actual DU's within Village G is 708 units</b>										
<b>Village H</b>										
H-1	V-LD	17.0	2.0	5	34	85		10	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-2	V-LD	26.4	2.0	5	53	132		53	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-3	V-RE	29.8	0.5	2	15	60		10	VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-4	V-PIOS	9.8	-	-	-	-		-		
H-5	V-PQP	2.1	-	-	-	-		-		
H-6	V-RE	20.9	0.5	2.0	19	41		42	VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-7	V-LD	30.0	2.0	5.0	60	150		20	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-8	V-LD	28.6	2.0	5.0	57	143		45	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-9	V-LD	54.5	2.0	5.0	109	273		60	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-10	V-LD	18.1	2.0	5.0	36	91		0	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-11	V-LD	31.0	2.0	5.0	62	155		46	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-12	V-LD	33.7	2.0	5.0	67	168		29	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-13	V-LD	16.5	2.0	5.0	37	93		8	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-14	V-LD	34.7	2.0	5.0	69	173		18	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-15	V-LD	34.8	2.0	5.0	70	174		81	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-16	V-LD	14.1	2.0	5.0	28	70		-	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-17	V-LD	25.8	2.0	5.0	52	129		52	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-18	V-LD	29.0	2.0	5.0	58	145		69	VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
H-19	V-MD	31.1	5.0	8.0	156	249		97	VRA-3 or less-dense districts	
H-20	V-MD	33.0	5.0	8.0	165	264		83	VRA-3 or less-dense districts	
H-21	V-MD	26.4	5.0	8.0	132	211		60	VRA-3 or less-dense districts	
H-22	V-MD	27.7	5.0	8.0	139	222		73	VRA-3 or less-dense districts	
H-23	V-MD	28.2	5.0	8.0	141	226		82	VRA-3 or less-dense districts	
H-24	V-MD	31.9	5.0	8.0	159	255		88	VRA-3 or less-dense districts	
H-25	V-PQP	18.6	-	-	-	-		-	V-LD (Underlying Zoning)	
H-26	V-PIOS	10.5	-	-	-	-		-		
<b>Village H Total</b>	<b>Totals</b>	<b>685.8</b>			<b>1,709</b>	<b>3,668</b>	<b>1,046</b>	<b>0</b>		
<b>The Projected DU's within Village H is 1046 units with an allowable unit count range of 1046 - 3508</b>										

**Vistancia PCD Land Use**

Table C1 Land Use Master Plan and Zoning Data  
Updated 1/16/13

Parcel Description		Residential Dwelling Unit Allowance						Zoning Classification / District		Parcel Status
Parcel Number	Land Use Designation	Approx. Gross Acres	Land Use Density Range		Minimum (Baseline) Dwelling Units	Maximum (Ceiling) Dwelling Units	Projected Dwelling Units	Actual Dwelling Units	Zoning (3)	
			Min	Max						
<b>Village I</b>										
I-1	V-LD	102.5	2.0	5.0	205	512	180		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
I-2	V-LD	99.2	2.0	5.0	132	331	160		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
I-3	V-RE	95.6	0.5	2.0	48	191	44		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
I-4	V-LD	23.3	2.0	5.0	47	116	52		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
I-5	V-LD	21.5	2.0	5.0	43	108	50		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
I-6	V-LD	8.8	2.0	5.0	13	30			VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
<b>Village I Total</b>	<b>Totals</b>	<b>315.8</b>			<b>488</b>	<b>1,268</b>	<b>496</b>	<b>0</b>		
The Projected DU's within Village I is 496 units with an allowable unit count range of 488 - 1268										
<b>Village J</b>										
J-1	V-LD	51.2	2.0	5.0	102	256	105		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-2	V-LD	32.3	2.0	5.0	65	161	70		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-3	V-RE	29.8	0.5	2.0	15	59	13		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-4	V-RE	14.2	0.5	2.0	7	28	7		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-5	V-LD	35.5	2.0	5.0	71	178	17		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-6	V-RE	38.0	0.5	2.0	19	76	3		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-7	V-LD	19.4	2.0	5.0	39	87	57		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-8	V-RE	10.8	0.5	2.0	5	22	8		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-9	V-LD	18.6	2.0	5.0	37	93	16		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-10	V-RE	53.7	0.5	2.0	27	107	16		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-11	V-LD	24.4	2.0	5.0	49	122	50		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-12	V-RE	25.2	0.5	2.0	13	50	11		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-13	V-LD	23.0	2.0	5.0	46	115	56		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-14	V-LD	12.9	2.0	5.0	26	64	30		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-15	V-CC	11.7	-	-	-	-	-		V-CC	
J-16	V-MD	15.4	5.0	8.0	77	123	43		VRA-3 or less-dense districts	
J-17	V-RE	56.1	0.5	2.0	28	112	27		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-18	V-LD	15.2	2.0	5.0	30	78	30		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-19	V-LD	29.9	2.0	5.0	60	149	75		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-20	V-LD	20.1	2.0	5.0	40	101	45		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-21	V-LD	19.0	2.0	5.0	38	95	42		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-22	V-LD	11.7	2.0	5.0	23	58	25		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-23	V-MD	16.8	5.0	8.0	83	133	50		VRA-3 or less-dense districts	
J-24	V-LD	11.0	2.0	5.0	22	55	26		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-25	V-LD	18.8	2.0	5.0	38	94	41		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-26	V-LD	16.6	2.0	5.0	33	83	39		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-27	V-RE	17.6	0.5	2.0	9	35	9		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
J-28	V-MD	27.8	5.0	8.0	139	223	83		VRA-3 or less-dense districts	
<b>Village J Total</b>	<b>Totals</b>	<b>676.3</b>			<b>1,141</b>	<b>2,767</b>	<b>1,002</b>	<b>0</b>		
The Projected DU's within Village J is 1002 units with an allowable unit count range of 1002 - 2767										

**Vistancia PCD Land Use**

Table C1 Land Use Master Plan and Zoning Data  
Updated 1/16/13

Parcel Description		Residential Dwelling Unit Allowance						Zoning Classification / District		Parcel Status
Parcel Number	Land Use Designation	Approx. Gross Acres	Land Use Density Range		Minimum (Baseline) Dwelling Units	Maximum (Ceiling) Dwelling Units	Projected Dwelling Units	Actual Dwelling Units	Zoning (3)	
			Min	Max						
<b>Village K</b>										
K-1	V-RE	12.5	0.5	2.0	6	25	7		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-2	V-RE	36.0	0.5	2.0	19	76	80		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-3	V-RE	39.0	0.5	2.0	20	78	16		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-4	V-RE	16.8	0.5	2.0	8	34	9		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-5	V-RE	72.7	0.5	2.0	36	145	33		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-6	V-RE	5.4	0.5	2.0	3	11	3		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-7	V-LD	31.7	2.0	5.0	63	159	74		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-8	V-RE	10.3	0.5	2.0	5	21	20		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-9	V-RE	59.6	0.5	2.0	30	119	26		VRD-18 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-10	V-LD	15.8	2.0	5.0	32	79	37		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-11	V-LD	17.1	2.0	5.0	34	86	55		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-12	V-CC	10.8	-	-	-	-	-		V-CC	
K-13	V-LD	29.4	2.0	5.0	59	147	80		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-14	V-MD	17.5	5.0	8.0	88	140	63		VRD-6, VRD-5, VRD-4, VRA-4, VRD-3	
K-15	V-SU	4.7	-	-	-	-	16		V-SU	
K-16	V-SU	6.6	-	-	-	-	-		Y-SU	
K-17	V-MD	21.1	5.0	8.0	106	165	10		VRA-3 or less-dense districts	
K-18	V-MD	17.9	5.0	8.0	89	143	6		VRA-3 or less-dense districts	
K-19	V-MD	13.3	5.0	8.0	67	107	30		VRA-3 or less-dense districts	
K-20	V-MD	23.6	5.0	8.0	118	189	10		VRA-3 or less-dense districts	
K-21	V-LD	18.2	2.0	5.0	36	91	35		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-22	V-LD	5.5	2.0	5.0	11	28	15		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-23	V-LD	5.0	2.0	5.0	10	25	18		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-24	V-LD	9.2	2.0	5.0	18	46	40		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-25	V-LD	15.8	2.0	5.0	32	79	33		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-26	V-LD	6.4	2.0	5.0	13	32	6		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-27	V-LD	15.7	2.0	5.0	31	79	14		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-28	V-LD	21.6	2.0	5.0	44	109	47		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-29	V-LD	20.4	2.0	5.0	41	102	48		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-30	V-LD	15.1	2.0	5.0	30	75	35		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-31	V-LD	14.4	2.0	5.0	29	72	34		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
K-32	V-LD	29.7	2.0	5.0	59	149	56		VRD-5 or less-dense districts, VRA-4, VRA-3, VRA-2	
<b>Village K Total</b>	<b>Totals</b>	<b>641.1</b>			<b>1,137</b>	<b>2,612</b>	<b>966</b>	<b>0</b>		
<b>The Projected DU's within Village K is 956 units with an allowable unit count range of 956 - 2612</b>										
<b>Vistancia</b>										
<b>Total</b>		<b>642.2</b>					<b>4,516</b>	<b>5,986</b>		

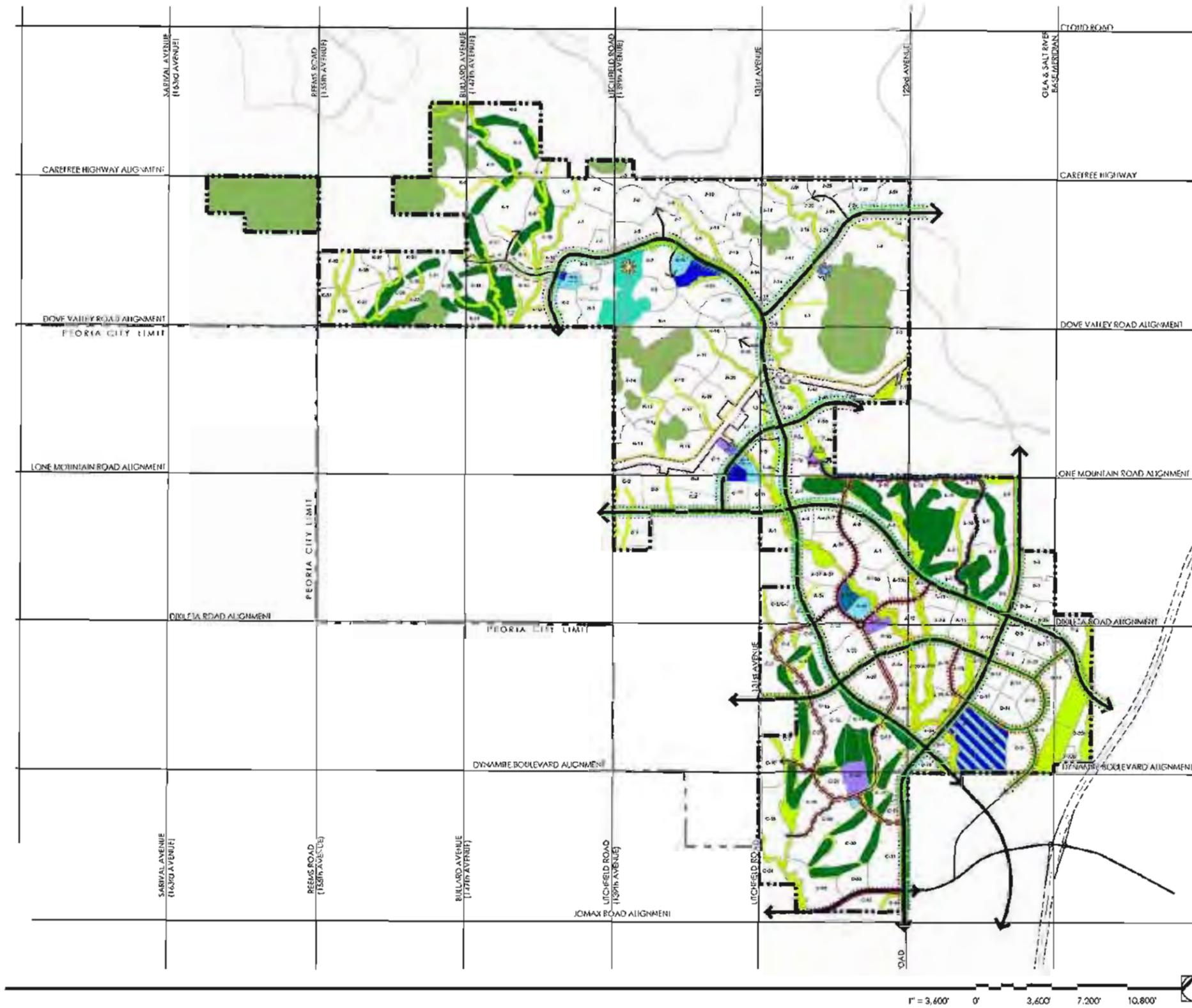
### Vistancia PCD Land Use

Table C1: Land Use Master Plan and Zoning Data  
Updated 1/16/13

Parcel Description				Residential Dwelling Unit Allowance				Zoning Classification / District	Parcel Status
Parcel Number	Land Use Designation	Approx. Gross Acres	Land Use Density Range Min Max	Minimum (Baseline) Dwelling Units	Maximum (Ceiling) Dwelling Units	Projected Dwelling Units	Actual Dwelling Units	Zoning (3)	

<p><b>NOTES</b></p> <p>(1) The maximum number of units per phase will be adjusted as the project progresses. The total number of units shall not exceed 10,500. To allow for density flexibility between parcels, parcels may be constructed below max.</p> <p>(2) Flexible zoning districts apply for all residential parcels as indicated in the proposed zoning column. The precise zoning district for each parcel will be determined at the time of preliminary plat.</p> <p>(3) To encourage cluster development and minimize land disturbance, attached products will be allowed north of the CAP in V-LD and V-RE Land Use Designations. Where Vistancia LLC no longer owns an adjacent parcel that has been platted as single family residential, a minimum buffer of 100' (roadway, landscape, open space, etc.) shall be provided as a transition between the proposed attached structures and adjacent detached lot boundaries.</p> <p>(4) Projected unit counts have been provided within the appropriate column to indicate current anticipated development projections. Final unit counts may vary. Parcel unit counts shall not exceed allowable unit counts prescribed within their applicable zoning designation.</p> <p>(5) In the event of a conflict between Table C.1 and any approved Final Plat, it should be noted that the Final Plat shall supersede Table C.1 for parcel zoning identification. Table D.1 shall supersede the development standards shown on any approved final plat for development standards within the parcel. Should a Final Plat show a zoning district other than a Vistancia or White Peak Ranch district, the approved Preliminary Plat for the parcel shall determine the zoning and table D.1 shall determine the development standards. In situations where a zoning district other than a Vistancia or White Peak Ranch district appears on a Final Plat, the City may require a Final Plat Amendment for new development within that parcel.</p>
---

EXHIBIT N: PCD UPDATE: FIGURE C-4 PARKS/OPEN SPACE AND TRAILS MASTER PLAN



**VISTANCIA**  
Planned Community District  
Parks / Open Space and  
Trails Master Plan

OPEN SPACE TYPES	Acres
Community Open Space	577.7
Designated Open Space (DOS)	900.0
Golf Open Space	519.6
*Community Park (Preserve / Trailhead)	*61.3
****Community Park	41.0
Neighborhood Park	36.3
Private Park / Recreation Center	57.2
Public/Quasi Public (School)	47.7
<b>**Total Acres</b>	<b>+/-2,179.5 Ac.</b>

**FACILITIES & USES**

- 8' Wide Concrete Sidewalk
- 6' Wide Concrete Sidewalk, Public
- 6' Wide Decomposed Granite Trail
- 5' Sidewalk (Private)
- 5' Sidewalk (Public)
- Bike Lanes (Public)
- Bike Lanes (Private)
- \*\*Public Multi-Use Trail
- \*\*Regional Public Equestrian Trail
- Grade Separated Pedestrian Crossing
- \*\*\*\*Private Trail

\*Preserve / Trailhead acreage is included in the Designated Open Space category; therefore, it is not counted twice for the overall total acreage.  
 \*\*Trail corridor dedicated at Final Plat. Improvements to be completed by others and is not the responsibility of Master Developer or Homebuilders.  
 \*\*\*Open space location and acreage is subject to further refinement but will not vary by more than 10%.  
 \*\*\*\*Additional private trails may be located in villages north of the C.A.P.  
 \*\*\*\*\*Approximately half of the designated area is to contain the Community Park. Orientation to be determined subject to future planning.

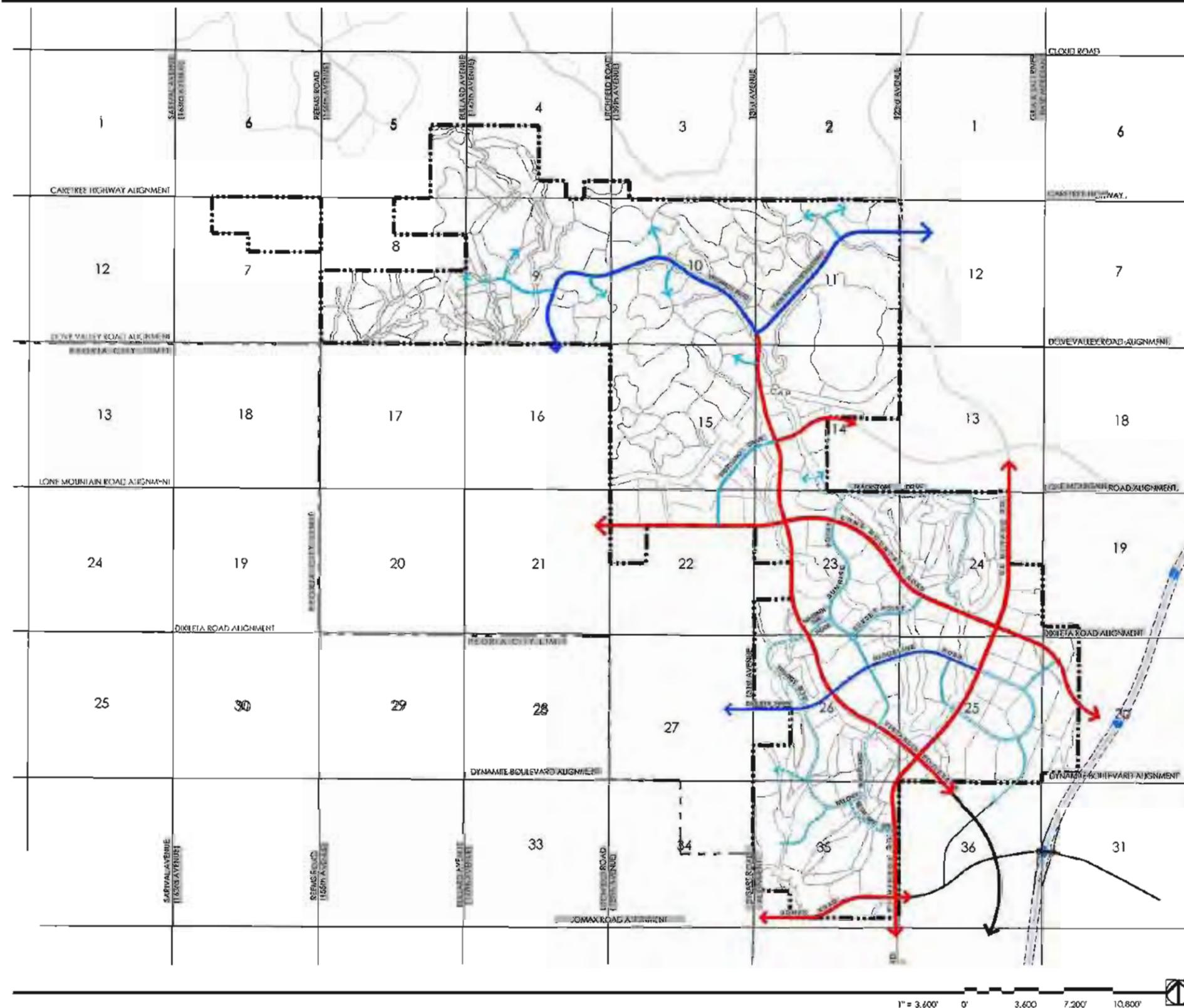
**Programmed Trail Heads**  
 200 sq ft (200 sq ft) (12 spaces)  
 100 sq ft (100 sq ft) (6 spaces)  
 50 sq ft (50 sq ft) (3 spaces)  
 25 sq ft (25 sq ft) (1 space)  
 12.5 sq ft (12.5 sq ft) (0.5 spaces)

**Expanded Programmed Trail Head**  
 400 sq ft (400 sq ft) (24 spaces)  
 200 sq ft (200 sq ft) (12 spaces)  
 100 sq ft (100 sq ft) (6 spaces)  
 50 sq ft (50 sq ft) (3 spaces)  
 25 sq ft (25 sq ft) (1 space)  
 12.5 sq ft (12.5 sq ft) (0.5 spaces)

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Figure C-4

EXHIBIT O: PCD UPDATE: FIGURE C-7 ROADWAY MASTER PLAN



Planned Community District  
Roadway Master Plan

FUNCTIONAL CLASSIFICATION

- 4 Lane - Major Arterial (Public)
- 4 Lane - Minor Arterial (Public)
- 2 Lane - Minor Collector (Public)
- 2 Lane - Minor Collector (Private)
- Off Site/Adjacent Property Roadways
- ◆ Loop 303 Interchange/Access

NOTES:

\*The classification of roadways may change from a minor arterial to a major arterial based on annual Traffic Impact Analysis Updates  
 \*\*Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.

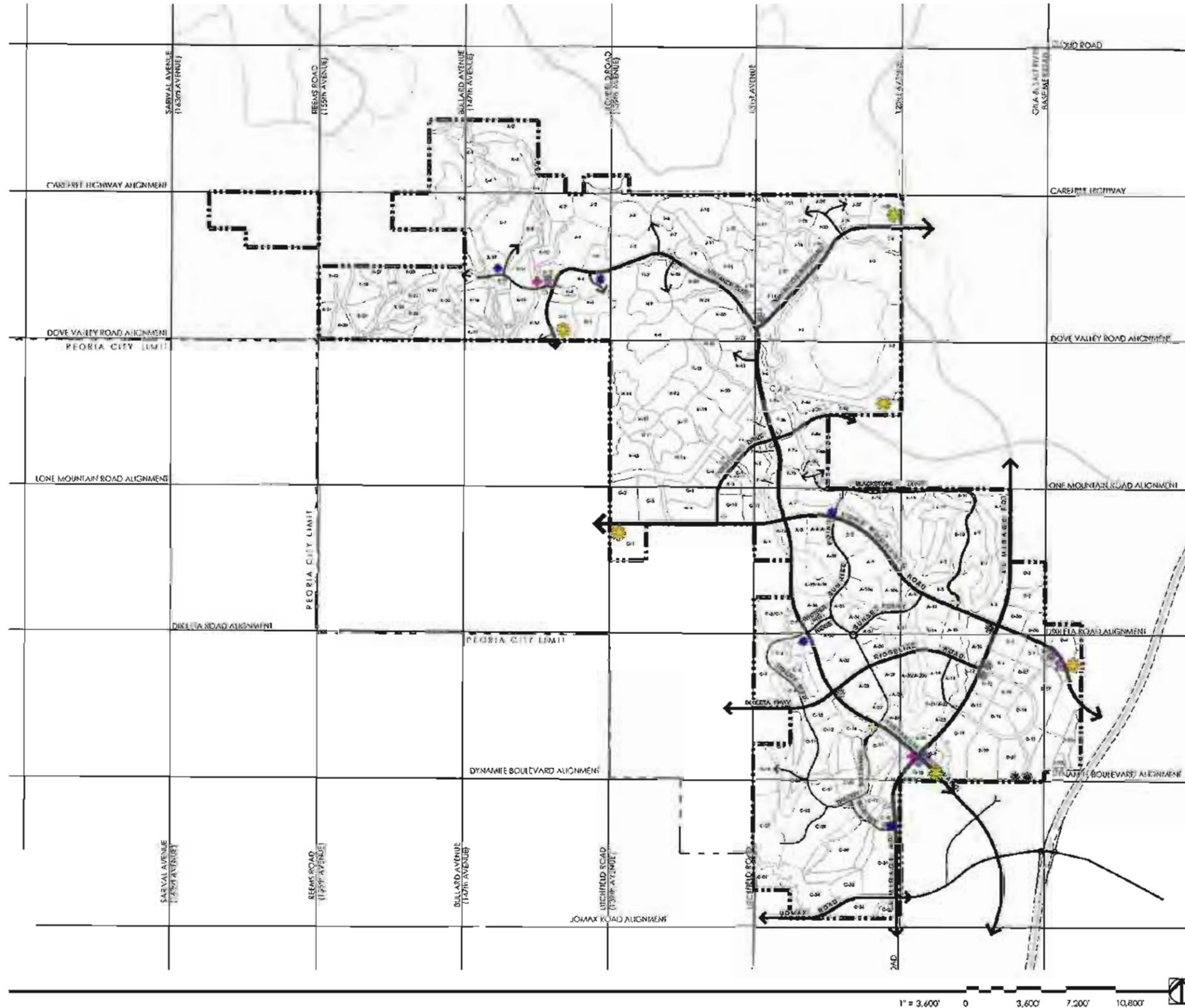
GREY PICKETT



March 2015

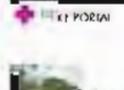
Figure C-7

EXHIBIT P: PCD UPDATE: FIGURE C-9 MONUMENT OPTIONS




Planned Community District  
Monument Options Plan

LEGEND

- 
  - Major monument to indicate entrance into community with Vistancia signage
  - Significant landscape feature (i.e., water feature)
  - Common veneer consistent with parcel & site walls throughout
  - Native planting indicative of the community
  - Vertical elements
- 
  - Low wall (3'-4' tall) with finish to match Vistancia community themes or parcel architecture
  - Sign walls (5'-6' tall) with finish materials to match community theme or parcel architecture
  - Planting hierarchy for proper signage background & content
  - Vertical & visual breaks in walls (i.e., stone pilaster)
- 
  - Terraced walls (3'-4' tall) with surfaces to match village theme
  - Planting to frame view of golf course
  - Signage to match Vistancia theme sign plans
- 
  - Rambing stone-faced walls (2'-5' tall)
  - Materials consistent with main entry & neighborhoods
  - Landscape berming and enhanced planting consistent with adjacent roadways
  - Optional signage by developer but consistent with community monumentation signage
- 
  - Monument to indicate portal into village
  - Enhanced planting consistent with adjacent roadways
  - Walls (single or terraced) to 10' height with finish to match village theme & architecture
- 
  - Colored entry to village with pedestrian and vehicular access
  - 16' tall gates with 28' tall columns, proportional surfaces and materials to reflect the theme of the village & architectural finishes
- 
  - 6' tall battered monument wall to 20' length
  - Frontier stone veneer, or other approved material, to match Vistancia community theme
  - Vistancia concrete 'wing' cap
  - Signage to match Vistancia sign specifications
  - Typical at every parcel entry

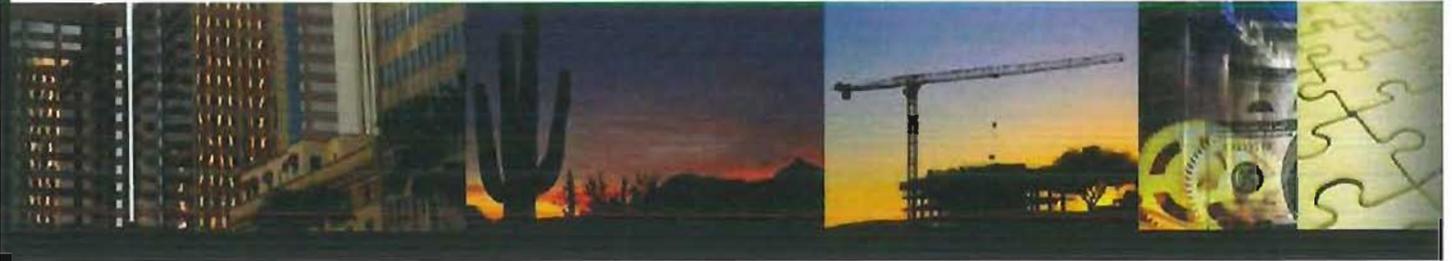
NOTES:  
 \*Locations and designs of monuments & signs are conceptual and subject to change at final design.  
 \*\*Future roadway alignments, parcel boundaries, and village entries are subject to change based on detailed land planning and engineering constraints.

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**Exhibit F**  
**Justification Economic &**  
**Fiscal Impact Analysis**

# Economic & Fiscal Impact of Proposed Vistancia Parcels A-5, D1-D4 Single Family Residential Development Peoria, Arizona



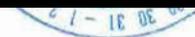
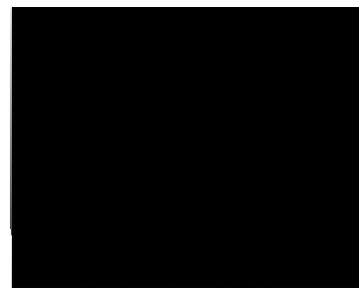
Prepared for:  
Vistancia Land Holdings, LLC

February 2015

Prepared by:



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



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## **Executive Summary**

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This report examined the commercial viability of parcels located at the southeast corner of Lone Mountain Road and Vistancia Boulevard and the northeast corner of Lone Mountain Road and the El Mirage Road alignment. In addition, the impacts of residential development on these sites in terms of job creation and tax revenue for the City of Peoria were analyzed. The following are the key findings of this report.

- 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 flexibility in the Vistancia Land Use Plan could result in no net loss of commercial square footage at build-out. Any reduction in commercial land at the proposed sites could be shifted to other commercial sites within the master plan at slightly higher density if market demand warranted it. Additional homes would strengthen that demand.
- The Lake Pleasant Parkway and Happy Valley Road intersection has proven to be a superior retail destination. Over 583,900 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 sites are not located near the Lake Pleasant corridor and are located away from Loop 303 frontage.
- The proposed residential construction would generate a total of 671 jobs during the construction period. Total wages are estimated at \$40.4 million during the construction phase with total economic activity of over \$128.3 million.
- The City of Peoria would receive \$1.6 million in tax revenues generated by the construction of the residential project. This includes over \$1.5 million generated



by the City's 1.8% prime contracting sales tax rate and an additional \$61,900 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 \$667,600. The bulk of impact will be realized due to the increase in population for the City. Sales taxes from resident spending and utilities as well as new home property taxes are expected as well.
  
- Overall, the City is forecasted to collect over \$5.2 million in revenues over ten years generated by the construction and subsequent years of resident impacts.



## **1.0 Introduction**

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### **1.1 Purpose of Study**

Elliott D. Pollack and Company was retained to analyze the market area at the southeast corner of Lone Mountain Road and Vistancia Boulevard and the northeast corner of Lone Mountain Road and the El Mirage Road alignment. These parcels have a variety of existing land use designations ranging from commercial to medium and high density residential to mixed use. The sites were analyzed in terms of current, planned, and available commercial and employment development.

In addition, our firm performed an economic and fiscal impact analysis of proposed single family residential developments. The rezoning request includes a proposed 35-home single family development at the corner of Vistancia Boulevard and Lone Mountain Road and an additional 323 single family detached homes at the corner of Lone Mountain Road and El Mirage Road. Expected housing development is for lot sizes ranging from 48 feet wide up to 70 feet wide.

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 Vistancia Land Holdings, 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 recovering from 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 11.5% through the fourth quarter of 2014. Over 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. Only 191,218 square feet of retail is currently under construction, with activity in all but the regional mall and specialty retail sectors. While this is a significant increase from a year ago, it is still well below historical averages.

Cassidy Turley estimates the retail vacancy rate for the Northwest Valley market area through the fourth quarter of 2014 at 13.6%, well above the Greater Phoenix vacancy rate but 0.9% lower than the same time last year. 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 also at 15.5%. These two categories of retail centers account for nearly 81% of all vacant retail space in the Northwest Valley market area. The northwest valley did end up with the largest amount of absorption in 2014, with just over 596,200 square feet.

2014 Q4 Retail Vacancy Rates Northwest Valley and Greater Phoenix						
		Total	%	YTD Net	Under	Average
Northwest Valley	Inventory	Vacant	Vacant	Absorption	Construction	Asking Rate
Neighborhood	18,483,802	2,862,624	15.5%	399,211	-	\$12.81
Power	5,156,577	176,606	3.4%	113,635	-	\$25.68
Regional	2,712,064	483,905	17.8%	87,713	-	-
Specialty/Theme	757,417	112,979	14.9%	(20,895)	-	\$19.25
Strip	2,439,295	378,591	15.5%	16,578	9,613	\$13.25
<b>TOTAL</b>	<b>29,549,155</b>	<b>4,014,705</b>	<b>13.6%</b>	<b>596,242</b>	<b>9,613</b>	<b>\$13.14</b>
Greater Phoenix						
Neighborhood	88,858,363	12,195,366	13.7%	1,372,596	98,688	\$13.44
Power	30,481,619	1,634,803	5.4%	214,912	60,972	\$23.37
Regional	15,491,041	1,054,342	6.8%	(19,166)	-	\$38.34
Specialty/Theme	2,111,788	208,366	9.9%	(2,266)	-	\$23.44
Strip	13,419,210	2,180,419	16.2%	121,486	31,558	\$13.20
<b>TOTAL</b>	<b>150,362,021</b>	<b>17,273,296</b>	<b>11.5%</b>	<b>1,687,562</b>	<b>191,218</b>	<b>\$13.99</b>

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 Bashas'. The entrance of natural foods grocers such as Whole Foods has also cut into the traditional grocery store business.

Greater Phoenix is still 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 two to three 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 19.1% according to Cassidy Turley. This is the first time since 2008 that vacancy has been recorded under 20%. While this is down from peak vacancy experienced in 2010, it is still nowhere near a stabilized occupancy rate. However, additional development is now becoming more feasible. Most projects completed in recent and in the current upcoming year are build-to-suit buildings. Indeed, most of the projects announced for 2014 (State Farm, Go Daddy, Garmin, etc.) are build-to-suit as well. 2014 recorded completions of 898,000 square feet, the highest since 2010. Most of this occurred in the southeast valley, however. Expected completions for 2015 are much higher at 2.8 million square feet which is the



most development in the pipeline since 2008. Again, the Southeast Valley is leading the region in development.

Cassidy Turley estimates the office vacancy rate for the Northwest Valley market area in the fourth quarter of 2014 at 30.5%, much higher 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.

<b>Office Market Outlook - 2014 Q4</b>							
<b>Northwest Valley and Greater Phoenix</b>							
<b>Northwest Valley</b>							
<b>Class</b>	<b>Bldgs</b>	<b>Inventory</b>	<b>Total Vacant</b>	<b>% Vacant</b>	<b>Net Absorption</b>	<b>Under Construction</b>	<b>Average Asking Rate</b>
<b>TOTAL</b>	<b>23</b>	<b>1,475,242</b>	<b>450,552</b>	<b>30.5%</b>	<b>3,243</b>	<b>-</b>	<b>\$20.48</b>
<b>Greater Phoenix</b>							
Class A	236	36,469,081	6,080,218	16.7%	1,400,319	2,376,559	\$25.29
Class B	730	51,246,815	10,444,165	20.4%	766,235	480,030	\$20.23
Class C	195	7,891,070	1,736,127	22.0%	234,233	-	\$15.90
<b>TOTAL</b>	<b>1,161</b>	<b>95,606,966</b>	<b>18,260,510</b>	<b>19.1%</b>	<b>2,400,787</b>	<b>2,856,589</b>	<b>\$20.72</b>

Source: Cassidy Turley

### 2.3 Existing Development and Available Land

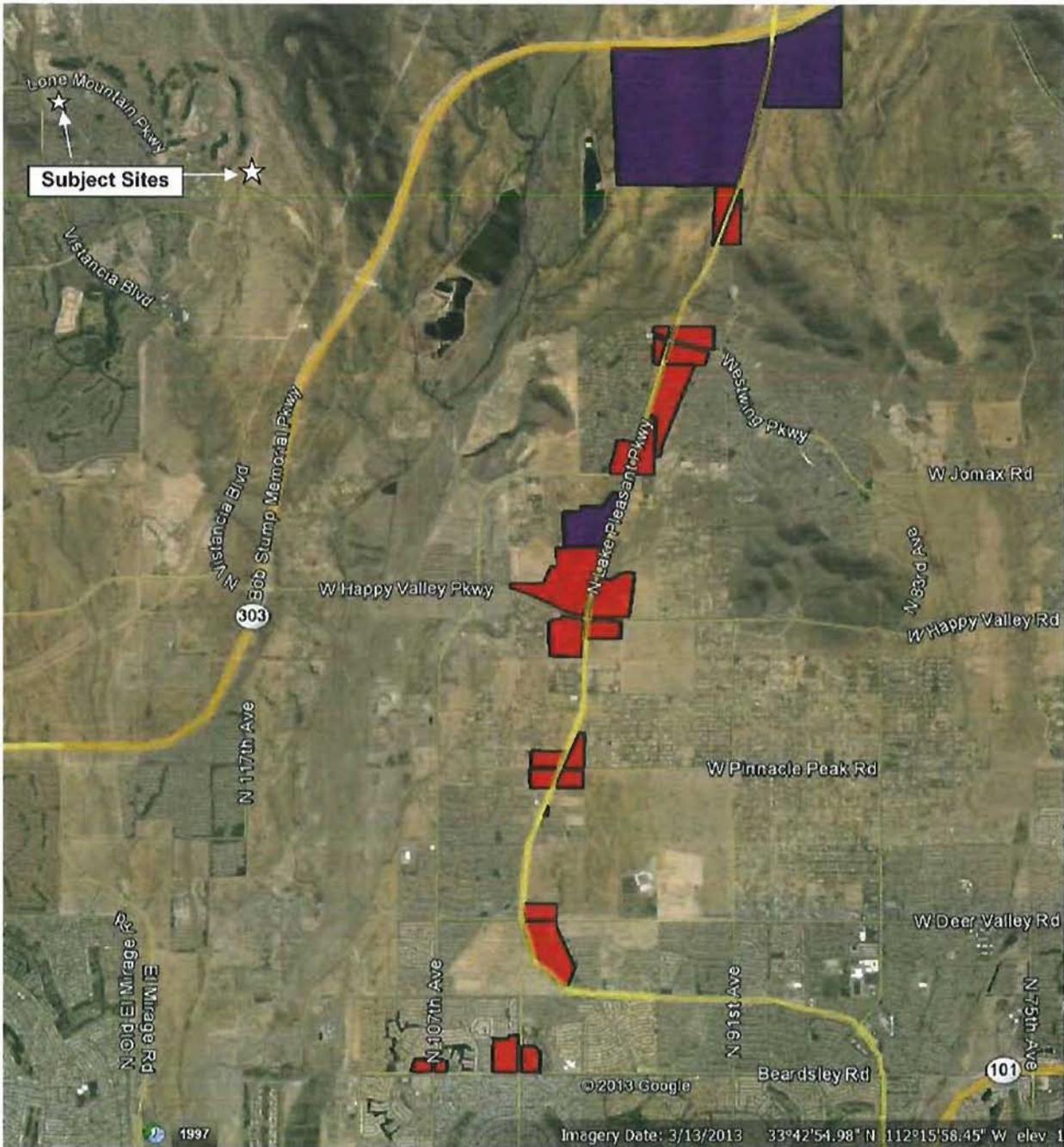
Two study areas were analyzed in terms of commercial and employment land that is currently zoned. This was done to assess the availability of land for future development and to compare it to the subject sites from a competitive standpoint. The first study area is the Lake Pleasant Parkway Corridor. This 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 Road intersection. The second study area includes the Loop 303 Corridor which has great long term potential, especially as the region grows in population. This area contains the subject site parcels.

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.**

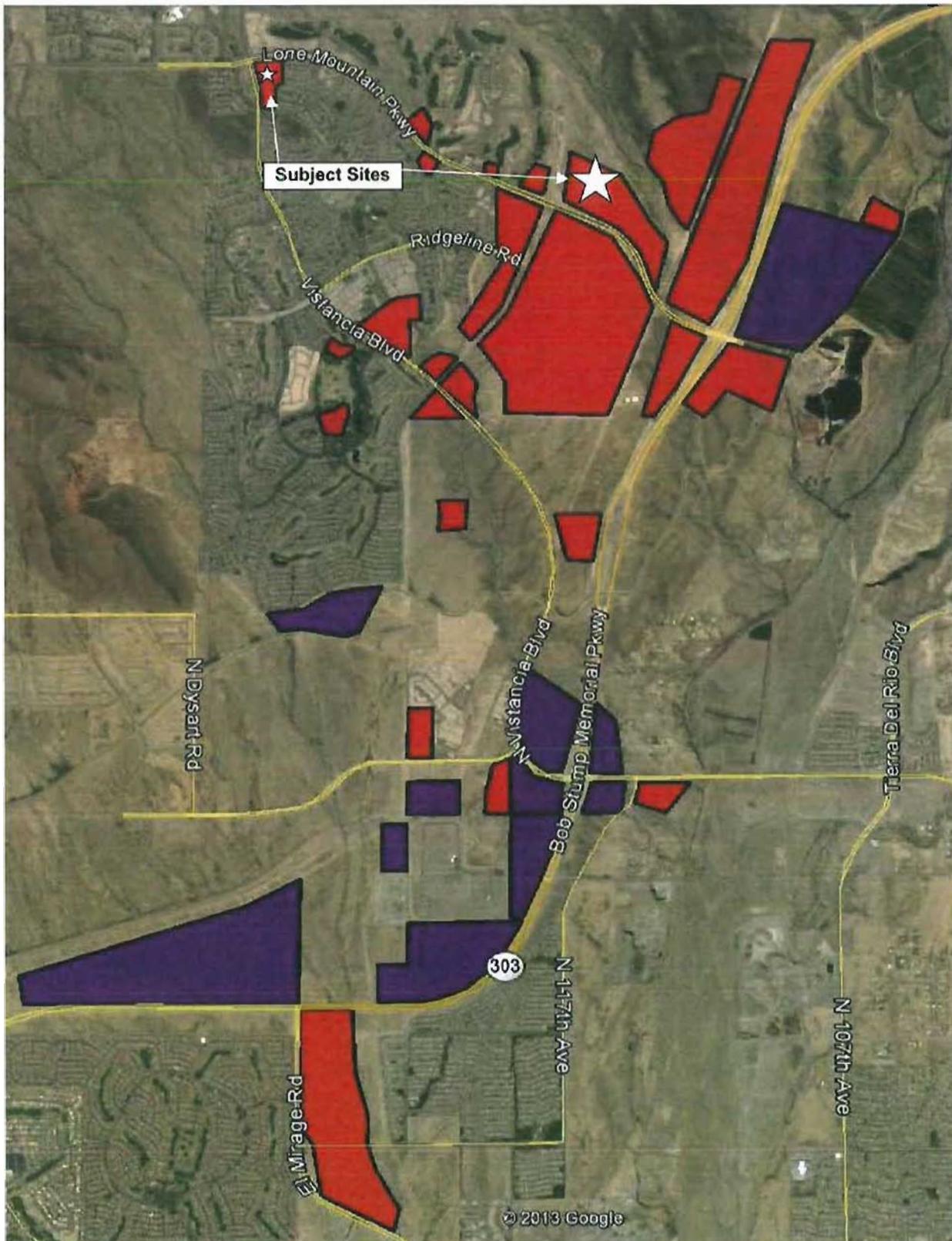


The second region of commercial and employment land along the Loop 303 corridor is displayed on the following map. As discussed previously, this region has very strong long term prospects but will likely not experience significant development in the short term. More attractive sites along the Lake Pleasant corridor are likely to develop first.

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.



### 2.3.1 Lake Pleasant Parkway and Happy Valley Road

While much of the undeveloped land is in the northern part of this region, there is also a significant amount of available land in currently existing power centers. Undeveloped parcels surrounding the Happy Valley Road and Lake Pleasant Parkway intersection 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. This is also considered the most desirable area for future development in this region.

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 (no buildings constructed) and a significant amount of shop space available in three other buildings, though spaces are filling up well in those buildings. **Approximately 40,000 square feet.**
- Phase II (planned future phase) conceptually 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 two pads and three shop spaces available. **63,100 square feet available.**

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

- There is one major, five pads, and six shop spaces available. **55,182 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. **47,566 square feet available.**

Denaro Corporate Center (West of Northwest corner of Lake Pleasant & Happy Valley)

- Class A Professional Office/Medical Office park. **12,438 square feet available.**

Lake Pleasant Professional/Medical Plaza (West of Northwest corner of Lake Pleasant & Happy Valley Road)

- Two story medical and professional office building, construction ready with building plans complete. **25,000 square feet available.**

All totaled, there currently exists over **583,900 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 Conclusions**

In our opinion, the two parcels comprising the subject sites at the southeast corner of Lone Mountain Road and Vistancia Boulevard and the northeast corner of Lone Mountain Road and the El Mirage Road alignment are more viable for residential development compared to 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.

- 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 Lake Pleasant Parkway and Happy Valley Road intersection has proven to be a superior retail destination. Over 583,900 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 sites are not located near the Lake Pleasant corridor and are located away from Loop 303 frontage.
- The flexibility in the Vistancia Land Use Plan could result in no net loss of commercial square footage at build-out. Any reduction in commercial land at the proposed sites could be shifted to other commercial sites within the master plan at slightly higher density if market demand warranted it. Additional homes would strengthen that demand.

With the 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 sites consist of five parcels. The first, known as A-5, is located on the southeast corner of Lone Mountain Road and Vistancia Boulevard. The current zoning for this parcel is Community Commercial. The remaining four parcels are located at the northeast corner of Lone Mountain Road and the El Mirage Road alignment. These parcels have a variety of existing land use designations ranging from medium to high density residential as well as mixed use.

The rezoning request includes a proposed 35-home single family development at the corner of Vistancia Boulevard and Lone Mountain Road and an additional 323 single family detached homes at the corner of Lone Mountain Road and El Mirage Road. Expected housing development is for lot sizes ranging from 48 feet wide up to 70 feet wide. The following map illustrates the proposed site plans.

**Vistancia Rezoning Proposed Site Plans**





### 3.2 Assumptions

The assumptions used to estimate the economic and fiscal impacts of the construction and ongoing fiscal impacts of the proposed residential projects are outlined below. The project plans for an average density of 2.8 units per acre. Housing is expected to range



in size from approximately 2,800 square feet up to 4,000 square feet. Sales prices of these new homes are projected to start at a range of \$300,000 to \$430,000. Based on these sales values, qualifying household incomes of these homes would be approximately \$75,000 to \$107,000 though actual incomes could be higher.

<b>Project Assumptions Vistancia Rezoning Proposal</b>	
Acres	126.5
<b>Total Units</b>	<b>358</b>
<b>48 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>84</b>
Average unit size	2,800
Average sales price per unit	\$300,000
Average household income	\$75,000
<b>53 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>85</b>
Average unit size	3,100
Average sales price per unit	\$350,000
Average household income	\$87,000
<b>60 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>79</b>
Average unit size	3,300
Average sales price per unit	\$370,000
Average household income	\$92,000
<b>70 ft. Lots (El Mirage &amp; Lone Mtn.)</b>	<b>75</b>
Average unit size	4,000
Average sales price per unit	\$430,000
Average household income	\$107,000
<b>60 ft. Lots (Vistancia &amp; Lone Mtn.)</b>	<b>35</b>
Average unit size	3,300
Average sales price per unit	\$350,000
Average household income	\$87,000
Average dwelling units per acre	2.8
Total sales value	\$128,680,000
Person per household	2.7
Per capita State shared revenues	\$342
<small>Source: Vistancia Land Holdings, LLC; ARMLS; Belfiore Real Estate Consulting; AZ Department of Revenue; Elliott D. Pollack &amp; Co.</small>	



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 2015 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 2015 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 construction 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 5.0).

### 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, though build-out of these subdivisions is expected to take place over the next 5 years.

The total estimated hard cost of construction of the proposed 358 homes will generate 285 direct construction jobs earning nearly \$20.1 million in wages over the life of the construction period. An additional 386 indirect and induced jobs will be created from the ripple effects throughout the economy for a total of 671 jobs created during the construction period. Total wages are estimated at \$40.4 million during the construction process with total economic activity of over \$128.3 million.

<b>Economic Impact of Construction</b> <b>Vistancia Rezoning Proposal</b> <b>Greater Phoenix</b> (2015 Dollars)			
Impact Type	Person Years of Employment	Wages	Economic Output
Direct	285	\$20,085,000	\$76,307,000
Indirect	194	\$10,877,000	\$26,306,000
Induced	192	\$9,484,000	\$25,733,000
<b>Total</b>	<b>671</b>	<b>\$40,446,000</b>	<b>\$128,346,000</b>
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 358 homes. 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 nearly \$1.6 million in tax revenues generated by the construction of the residential projects. This includes just over \$1.5 million generated by the City's 1.8% prime contracting sales tax rate and an additional \$61,900 from the construction employees projected to live and spend their incomes within City limits. Though not included in these calculations, the City of Peoria will also receive a significant amount of revenue from building permit and impact fees which help offset the cost of new development.

<b>Fiscal Impact of Construction                      Vistancia Rezoning Proposal                      City of Peoria                      (2015 Dollars)</b>					
	Primary Revenues	Secondary Revenues			
Impact Type	Speculative Builders Sales Tax	Employee Spending Sales Tax	Resident Property Tax	State Shared Revenues	Total Revenues
Direct	\$1,505,600	\$15,400	\$8,500	\$4,300	\$1,533,800
Indirect	N/A	\$9,300	\$5,800	\$2,200	\$17,300
Induced	N/A	\$8,600	\$5,800	\$2,000	\$16,400
<b>Total Revenues</b>	<b>\$1,505,600</b>	<b>\$33,300</b>	<b>\$20,100</b>	<b>\$8,500</b>	<b>\$1,567,500</b>

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, residences are at full capacity, and population has been officially counted by a decennial census.

Primary revenue sources would total \$667,600 annually at build-out. Nearly half of the impact will be realized due to the increase in population for the City as Peoria receives a per capita share of tax dollars collected at the state level. New residents from this project would be counted in the 2020 Census and added to official population figures. Sales taxes from both resident spending in the amount of \$141,100 and utility usage estimated at \$53,500 annually are expected as well. Finally, annual City of Peoria property taxes will be collected on each new residence for a total of \$151,900. The following table details these annual revenue sources by category.

<b>Annual Fiscal Impact at Buildout</b> <b>Vistancia Rezoning Proposal</b> <b>City of Peoria</b> (2015 Dollars)				
Resident Spending Sales Tax	Utility Sales Tax	State Shared Revenues	Property Tax	Total Annual Revenues
\$141,100	\$53,500	\$321,100	\$151,900	<b>\$667,600</b>
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

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

Homes on these sites are expected to begin delivering product and closings starting in 2016. The sales and construction of the 358 homes is projected to take five years, reaching build-out in 2020. During construction, the City of Peoria will collect \$1.51 million from primary revenue sources (construction sales taxes) and \$61,900 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, occupied, and population has been officially added to the City's population total, the City of Peoria will collect \$667,600 each year from state shared revenues as well as resident spending sales taxes, utility usage sales taxes, and property taxes. Overall, the City of Peoria is forecasted to collect over \$5.2 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  
Vistancia Rezoning Proposal  
(2015 Dollars)**

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
<b>Home Sales</b>	60	70	75	75	78	-	-	-	-	-	358
<b>Primary Revenues</b>											
Speculative Builders Tax	\$252,335	\$294,391	\$315,419	\$315,419	\$328,036	-	-	-	-	-	\$1,505,600
Sales Tax	-	\$23,600	\$51,200	\$80,800	\$110,400	\$141,100	\$141,100	\$141,100	\$141,100	\$141,100	\$971,500
Property Tax	-	\$25,500	\$55,200	\$87,000	\$118,800	\$151,900	\$151,900	\$151,900	\$151,900	\$151,900	\$1,046,000
Utility Sales Tax	-	\$9,000	\$19,400	\$30,600	\$41,800	\$53,500	\$53,500	\$53,500	\$53,500	\$53,500	\$368,300
State shared Revenues	-	-	-	-	-	-	\$321,100	\$321,100	\$321,100	\$321,100	\$1,284,400
<b>Secondary Revenues</b>											
Employee Sales Tax	\$5,581	\$6,511	\$6,976	\$6,976	\$7,255	-	-	-	-	-	\$33,300
Residential Property Tax	\$3,369	\$3,930	\$4,211	\$4,211	\$4,379	-	-	-	-	-	\$20,100
State Shared Revenues	\$1,425	\$1,662	\$1,781	\$1,781	\$1,852	-	-	-	-	-	\$8,500
<b>Total Impact<sup>1/</sup></b>	<b>\$262,709</b>	<b>\$364,594</b>	<b>\$454,187</b>	<b>\$526,787</b>	<b>\$612,522</b>	<b>\$346,500</b>	<b>\$667,600</b>	<b>\$667,600</b>	<b>\$667,600</b>	<b>\$667,600</b>	<b>\$5,237,700</b>

<sup>1/</sup> 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







PEORIA  
UNIFIED SCHOOL DISTRICT NO. 11

Department of Research and Planning

May 11, 2015

City Council,  
City of Peoria  
8401 W. Monroe St.  
Peoria, AZ 85345

RE: The Meadows (Z01-10A.14)

Dear Planning Staff,

This letter is intended to express our support and communication with Vistancia Land Holdings's, LLC, concerning Vistancia Planned Community District (Z01-10A.14). We would like to express the district's continuing support for this development.

Representatives of Vistancia and staff at the Peoria Unified School District have worked diligently in recent months to execute a Developer Assistance Agreement and establish shared understanding. At this time, Vistancia Land Holdings, LLC has signed the agreement and the item was approved by our Governing Board, April of 2011 with amendments in September of the same year. Vistancia has expressed their commitment to our Developer Assistance Agreement and their support to the students who will be living in Vistancia parcels and the greater school district. With this promise of collaboration, the district offers continuing support for Vistancia Land Holdings's LLC, progression through the rezoning, platting, amending, and construction process.

We commend the Developer's commitment to public education and for assisting us in providing an outstanding education to students in the Peoria Unified School District. Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Padric R. Hall,  
Department of Research and Planning

Cc: Kenneth Hicks, Chief Financial Officer



## Citizen Participation Plan for Vistancia

**Date:** March 12<sup>th</sup>, 2015

**Purpose:** The purpose of this Citizen Participation Plan is to inform citizens, property owners, neighborhood associations, agencies, schools and businesses in the vicinity of the site of an application for an amendment to the PCD of the Vistancia development located west of Loop 303 on Lone Mountain Parkway. The purpose of this proposal is to request the approval of a major amendment to the PCD, as well as the minor General Plan amendment for 14.2 acres of Village A and 92.7 acres of Village D in the Vistancia development. This plan will ensure that those affected by this application will have an adequate opportunity to learn about and comment on the proposal.

**Contact:**

Chris Jones  
50 N. McClintock Dr., Suite 1  
Chandler AZ, 85226  
(480) 699 7956; (480) 699 7986 (FAX)  
Email: [chris.jones@andersonbaron.com](mailto:chris.jones@andersonbaron.com)

**Pre-application meeting:** The pre-application meeting with the City of Peoria planning staff was held on January 7<sup>th</sup>, 2015.

**Action Plan:** In order to provide effective citizen participation in conjunction with this application, the following actions will be taken to provide opportunities to understand and address any real or perceived impacts on their development that members of the community may have.

1. A contact list will be developed for citizens and agencies in the area including:
  - Homeowners associations and registered neighborhoods as provided by the city.
  - Interested neighbors focused on 1,320 feet from the site but may include more.
  - Peoria Unified School District No. 11 in writing.
2. All persons listed on this contact list will receive a letter describing the project, project schedule, and a site plan.
3. Presentations will be made to groups of citizens or neighborhood associations upon request.
4. A neighborhood meeting will be held and notes will be taken.
5. If problems or concerns arise, one or more neighborhood meetings will be scheduled as needed.

All items such as comments, petitions, and distributed materials will be copied to the city of Peoria.

**Schedule:**

Pre-Application meeting – January 7, 2015  
Application Submittal – March 3, 2015  
Neighborhood meeting notifications distributed – May 3, 2015  
First neighborhood meeting – May 13, 2015  
Site posting – Fifteen days before board hearing  
Submittal of Citizen Participation Report and neighborhood meeting materials– Ten days before board hearing  
Planning and Zoning Board Hearing – To be determined  
City Council hearing – To be determined

May 14, 2015

Lorie Dever  
Planner

City of Peoria Planning and Community Development Department  
9875 North 85<sup>th</sup> Avenue  
Peoria, AZ 85345

**RE: Vistancia Village 'A' and 'D' PCD Major Amendment/Minor General Plan Amendment  
Neighborhood Meeting Minutes - #Z01-10A.14**

Dear Lorie,

On May 13<sup>th</sup> at 6:00 pm, Vistancia Land Holdings held a Neighborhood Meeting as a part of the PCD and General Plan Amendment process for the Major PCD Amendment and Minor General Plan Amendment application for the Vistancia project. 35 residents were in attendance and signed in. The following minutes summarize the Questions and Answers discussed at this meeting:

- What will the new school demands be with the addition of residential to the area?
  - The neighbors were informed that even though the residential acreage is increasing, the total number of residential units entitled for the Vistancia area is not changing from the current cap of 10,500 dwelling units; therefore, there will not be an increased demand on the schools.
  - They were also informed that the School district has been made aware of the amendment and has written a letter of support for the proposal.
- Will the residential neighborhood planned for parcel A-5 have direct access to the neighborhood to the east?
  - The neighbors were informed that the parcel has not been designed as of yet, but based upon the significant drainage structure that is existing between the two parcels it is not expected or likely that an eastern connection will exist.
- Will the residential neighborhood planned for parcel A-5 have direct access to the Lone Mountain or Vistancia Boulevard?
  - The neighbors were informed that the parcel has not been designed as of yet, so this has yet to be determined.
- What will the density of the parcels be?
  - The neighbors were informed that the parcel has not been designed as of yet to give the actual density of the parcels. The density ranges are defined by the land use designation of the PCD, but due to the amount of open space that will be provided the densities are expected to be lower than the defined maximums. The PCD also defines the sizes of lots allowed which will ultimately dictate the type of homes and therefore the potential density of the parcels based on the site constraints.
- Will there be any parks in the parcels?

- The neighbors were informed that parcel A-5 will not have a park due to the small size of the parcel and the proximity of open spaces and trails. The residential parcels in Village D will have some small programmed open spaces.
- What is going in the commercial site that is D-3a...will there be a gas station?
  - The neighbors were informed that there is not a design for, nor is there a user yet for the site.
- When will development of the rest of Village 'D' occur?
  - The neighbors were informed that there is not a design for, nor is there a user yet for the area; however, El Mirage Road was just completed and opened to the public recently. This allows for the area to be more desirable for development as it is now considered "shovel ready".
- Other questions were asked about the future development of the properties north of the CAP that were not pertinent to the current application.
- Most all of the residence were in favor of the proposed changes and having residential instead of commercial as neighbors. There were no residence that were vocal about being opposed to the amendment as proposed.

Attached to this document is the sign in sheet from the meeting with the names and addresses of all of the attendees. If you have any questions or require any additional information please let us know.

Sincerely,

A large black rectangular redaction box covers the signature area.

Christopher G. Jones, RLA  
Senior Project Manager

Attachment: Sign In Sheet

# VISTANCIA NEIGHBORHOOD MEETING SIGN-IN:

NAME:

ADDRESS:

PHONE:

EMAIL:

Bridget Binsbacher

DAVID NUTTER

BOB + NANCY WENDEL

Tom + Lynda Reithmann

CAROL ROSKER

JP & Cherilyn Cook

DARNELL ALLEN

Ann Carpenter

JACK FLETCHER

Roy ROBERTS

DORA'S PRIZZI

Tom GETTINGS

Nancy Golden

Michael Monoyios

# VISTANCIA NEIGHBORHOOD MEETING SIGN-IN:

NAME:

ADDRESS:

PHONE:

EMAIL:

Laurie Benton

Nelson Benton

Kris Hanson

Candace Hitchcock

Wayne Hitchcock

Walter Skip Zahlmann

Marilyn Jaster

Betsy + Don Haubold

Mickey & Gary Bach

Lonie Dever - City of Peoria

623-773-5168 lonie.dever@peoriaaz.gov

TOM/CONNIE KOSTELNIC

Ashley Batterson

MARLE ZAVICCA



**From:** [Irene Charlez](#)  
**To:** [Chris Jacques](#); [Lorie Dever](#)  
**Cc:** [Bridget Binsbacher](#)  
**Subject:** Vistancia Rezoning-Holtan  
**Date:** Wednesday, May 13, 2015 2:07:11 PM

---

**From:** Brian Holtan [mailto: ]  
**Sent:** Tuesday, May 12, 2015 2:05 PM  
**To:** Irene Charlez  
**Subject:** Re: [MESQUITE-DISTRICT-UPDATE] Notice of Neighborhood Meeting

Thank you I appreciate your help.

On Tue, May 12, 2015 at 2:01 PM, Irene Charlez <[Irene.Charlez@peoriaaz.gov](mailto:Irene.Charlez@peoriaaz.gov)> wrote:  
Brian,  
I will forward your comment to the project coordinator.

**Irene Charlez**  
Council Assistant  
City of Peoria  
[623-773-7785](tel:623-773-7785)

---

**From:** Brian Holtan [mailto: ]  
**Sent:** Tuesday, May 12, 2015 12:03 PM

**To:** Irene Charlez  
**Subject:** Re: [MESQUITE-DISTRICT-UPDATE] Notice of Neighborhood Meeting

My preference would be to deny the proposed changes.

Brian Holtan, M.D., F.A.C.C.



**Lorie Dever**

---

**From:** Brian Holtan [REDACTED]  
**Sent:** Monday, June 15, 2015 2:29 PM  
**To:** Lorie Dever  
**Subject:** Vistancia zoning changes along Lone Mtn and near El Mirage Rd

Ms. Dever,

I have been given more information about the proposed zoning changes and their impact on the neighborhood as well as planned uses of near by property.

I would like to withdraw my opposition to the proposed zoning changes.

Thank you for all your past assistance and withdrawal of my opposition.

Brian

--

**Brian Holtan**

**CONFIDENTIALITY NOTICE:** This email message, including any attachments, is for the sole use of intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, or disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



ORDINANCE NO. 2015-18

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM PLANNED COMMUNITY DEVELOPMENT (PCD) TO PLANNED COMMUNITY DEVELOPMENT (PCD) FOR A DEVELOPMENT KNOWN AS VISTANCIA; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on June 18, 2015 in zoning case Z01-10A.14 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 known as Vistancia as described below from a Planned Community District (PCD) zoning district to a Planned Community District (PCD) zoning district as provided in Section 14-33 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on May 29, 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 Table 1, and Exhibits A, B1 and B2 to this Ordinance, is hereby conditionally rezoned from Planned Community District (PCD) zoning district to a Planned Community District (PCD) zoning district.

Table 1

Parcel	Existing PCD Land Use Designation	Proposed PCD Land Use Designation
A-5	Community Commercial (V-CC)	Residential/Medium (V-MD) (5.0-8.0 du/ac)
D-1	Residential/Medium (V-MD) (5.0-8.0 du/ac)	Residential/Low (V-LD) (2-5 du/ac)
D-2	Residential/High (V-HD) (15+ du/ac)	Residential/Low (V-LD) (2-5 du/ac)
D-3	Mixed Use (MU) (8.0-15.0+ du/ac)	D-3a: Mixed Use (V-MU) (8.0-15.0+ du/ac) – <i>No Change</i>
		D-3b: Residential/Low (V-LD) (2-5 du/ac)
D-4	Mixed Use (MU) (8.0-15.0+ du/ac)	Residential/Low (V-LD) (2-5 du/ac)

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The Development shall comply with the following:
  - a. The previous conditions of approval of Z01-10A.13 continue to apply, except as modified herein; and
  - b. Vistancia Planned Community District (Vistancia PCD) Development Plan & Standards Report, dated May 18, 2015, except as modified herein.
2. The applicant shall provide an updated copy of the Vistancia PCD Standards and Guidelines report incorporated the updated exhibits within 30 days after City Council approval.
3. The total number of dwelling units for the Vistancia Planned Community shall not exceed the maximum units permitted within each development village and 10,500 units for the project as a whole as outlined in Table C.1. The number of dwelling units shall be tracked by the Developer during the review of each subdivision and/or site plan. The Developer shall provide an updated copy of Table C.1 prior to approval of each Preliminary Plat and Site Plan application.
4. Building height within Parcels A-5, and D-1, D-2, D-3b, and through D-4 shall be limited to two (2) stories in height.
5. Per the latest Master Drainage Report, all non single-family residential parcels must provide retention for the 100year, 2 hr event. This includes parcels A5, D3b, and D4, as they were originally zoned for commercial and mixed use. These parcels will be required to provide retention for the 100 year, 2 hr event, unless otherwise approved by the City Engineer.

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 26<sup>th</sup> day of August, 2015.

---

Cathy Carlat, Mayor

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Date Signed

ATTEST:

---

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Stephen M. Kemp, City Attorney

Published in: Peoria Times  
Publication Date: September 4, 2015  
Effective Date:

**EXHIBIT A**  
**Legal Description**

## **Vistancia Property Legal Description**

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### **LEGAL DESCRIPTION FOR VISTANCIA SOUTH**

PARCEL NO. 1:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA

PARCEL NO. 2:

THE WEST HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA

PARCEL NO. 3:

THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA

PARCEL NO. 4:

THE EAST HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 5:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 6:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 7:

THE NORTH 1/3RD OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 8:

THE NORTH 1/3RD OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 9:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 10:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 11:

THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 12:

THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 44:

LOTS 3 AND 4 OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

PARCEL NO. 45A:

LOTS 3 AND 4 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

PARCEL NO. 45B:

LOTS 1 AND 2 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA;

PARCEL NO. 46:

LOTS 1, 2, 3, AND 4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

PARCEL NO 47A:

THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE

GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 47B:

THE WEST HALF; AND THE WEST HALF OF THE EAST HALF OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTHWEST QUARTER OF SAID SECTION 24;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 48A:

THE WEST HALF; AND THE WEST HALF OF THE EAST HALF OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 71.68 FEET OF THE NORTHWEST QUARTER OF SAID SECTION; AND  
EXCEPT THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 48B:

THE EAST 71.68 FEET OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

AND

THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT LOTS 1 & 2 OF SAID SECTION 25;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 49:

THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 50:

THE NORTHEAST QUARTER; THE NORTH HALF OF THE SOUTHEAST QUARTER; LOT 4; AND THE EAST HALF OF LOT 3 OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 51A:

THE NORTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF; AND THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SECTION 23, TOWNSHIP 5 NORTH,

RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL 51B:

THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THEREFROM ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THE NORTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF; AND THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 23;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 52:

THE EAST HALF OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION; AND

EXCEPT THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; AND

EXCEPT THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; AND

EXCEPT THE NORTH 1/3RD OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; AND

EXCEPT THE NORTH 1/3RD OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 53:

THE EAST HALF OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 54:

THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 55:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 56:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 57:

LOT 2 AND THE WEST HALF OF LOT 3 OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 58:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

**LEGAL DESCRIPTION FOR VISTANCIA NORTH**

PARCEL 1:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 3, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 2:

THE SOUTHWEST QUARTER; THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 3:

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 4:

THE NORTH HALF OF THE NORTHEAST QUARTER; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 5:

THE NORTH HALF OF THE NORTHEAST QUARTER; THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE EAST

HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 6:

ALL OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 7:

ALL OF SECTION 10, TOWNSHIP 5 NORTH RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 8:

ALL OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 9:

LOTS 1 - 10 INCLUSIVE; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THE NORTH HALF OF THE NORTHWEST QUARTER; THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY. ARIZONA.

PARCEL 10:

LOTS 1 - 10 INCLUSIVE; THE NORTH HALF OF THE NORTHEAST QUARTER; THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THE NORTHWEST QUARTER; AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

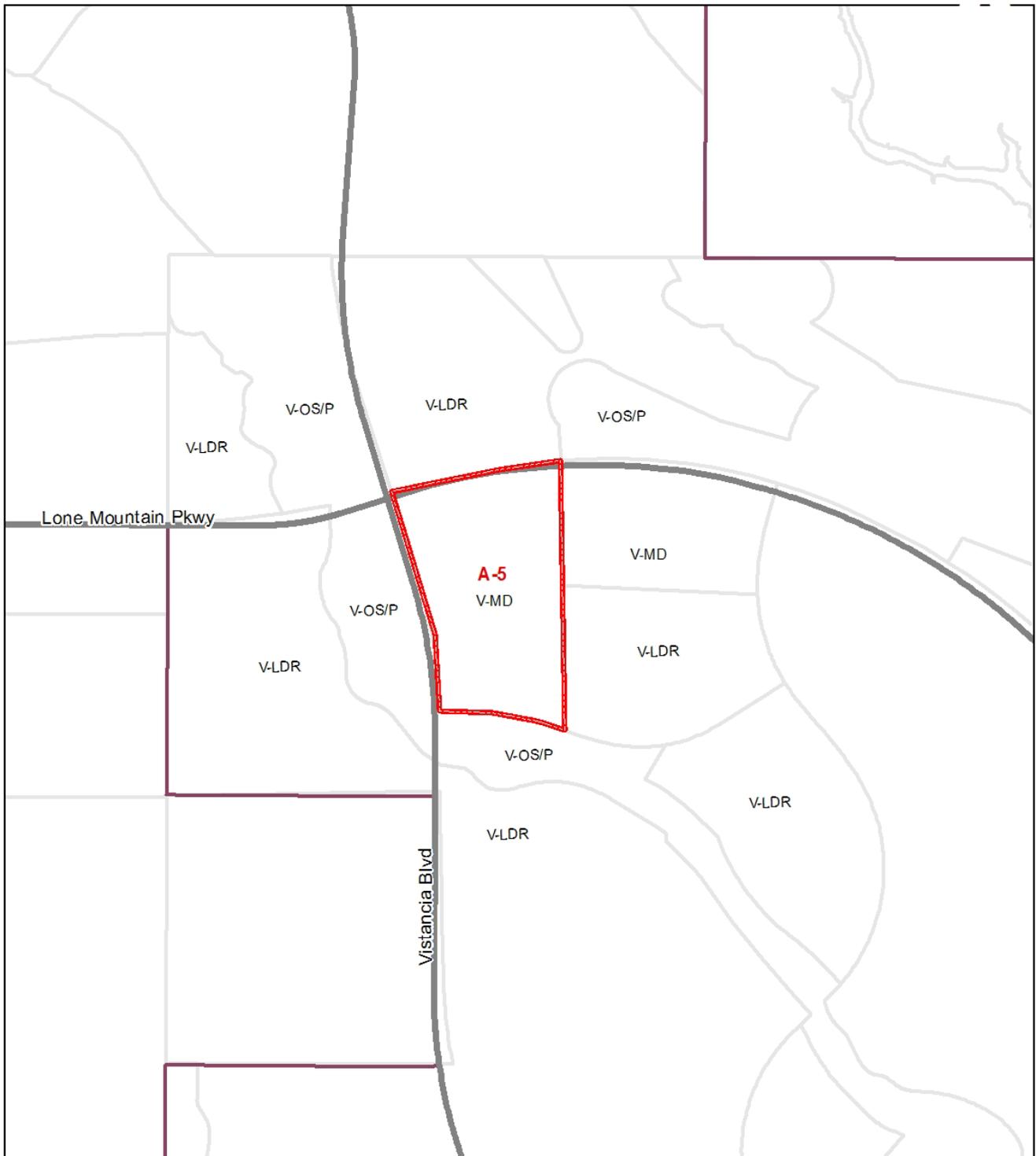
PARCEL 11:

THE NORTH HALF OF THE NORTH HALF; AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

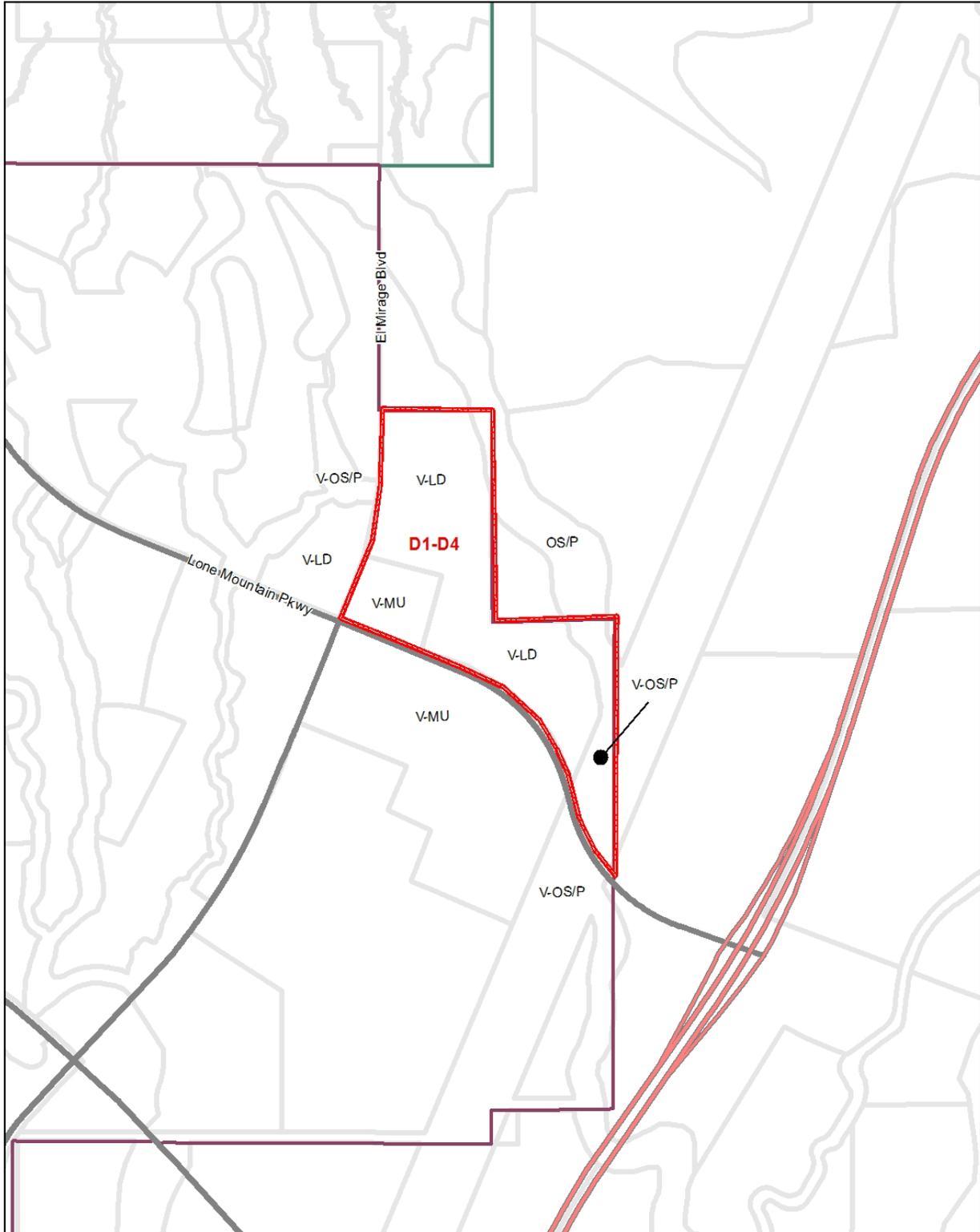
PARCEL 12:

THE SOUTHWEST QUARTER; THE NORTH HALF OF THE SOUTHEAST QUARTER; THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

### EXHIBIT B1



### EXHIBIT B2



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 25C

**Date Prepared: August 6, 2015**

**Council Meeting Date: August 26, 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 Z15-0003 – Paradise RV Resort

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**Purpose:**

This is a request for City Council to adopt an Ordinance Rezoning approximately 75.53 acres from RMH-3, Travel Trailer Park to the Paradise RV Resort Planned Area Development (PAD) that would support the existing Paradise RV Resort development.

*The City has not received any written correspondence or phone calls in opposition to this case. On July 17, 2015, the Planning & Zoning Commission unanimously recommended approval of this request. There were no speakers present.*

**Background/Summary:**

The project site is the 75.5 gross acre Paradise RV Resort, located at the northeast corner of 111<sup>th</sup> Avenue and Union Hills Drive. The property has served as an RV and park model residential community for over 30 years and contains 949 residential lots, as well as community amenities, including a clubhouse and recreational facilities, and administrative offices.

In 1977, the Mayor and City Council adopted *Ordinance 77-48*, annexing this site and land to the north into the City of Peoria. The property was rezoned from Multi-Family Residential (RM-1) to Travel Trailer Park (RMH-3) in 1983 by *Ordinance 83-32*.

The applicant is requesting to rezone the property from the current RMH-3, "Travel Trailer Resort" to a Planned Area Development (PAD) that would support the existing resort.

A PAD is an alternative from the standard zoning district (e.g. O-1, C-1) wherein standards can be tailored to respond to site or topographical conditions, contextual circumstances in the area and/or otherwise promote a creative and efficient approach to land development (such as a tailored list of permitted uses). No further development is currently proposed on the site. The proposed PAD zoning would allow the existing RV resort to remain in place, while permitting larger park model homes, consistent with today's industry standards, within the community. The PAD will also clarify development standards relating to additions and accessory buildings.

### General Plan Discussion

The underlying land use designation for the the subject property is Medium High Density Residential (8-15 du/ac, target 12 du/ac). The existing development of 949 residential lots on 75.53 acres is consistent with the Medium-High Density Residential land use designation (12.5 du/ac). No increase in residential lots, and therefore no increase in density, will occur with the proposed zoning change. The proposed zoning remains consistent and most compatible with the Medium High Density Residential Land Use designation.

As a requirement of the Rezoning application processes, the applicant conducted a neighborhood meeting. The applicant notified all property owners within 1,320 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on April 30<sup>th</sup> 2015 at the Paradise RV Resort Ballroom from 9:30-11:00am. The meeting time and location were planned to meet the needs of neighbors in the surrounding age-restricted communities and provided the opportunity for them to visit the Paradise RV Resort to see the existing development firsthand. Approximately 30-40 individuals attended the meeting, primarily identifying themselves as residents of Paradise RV Resort. A number of questions were voiced, including how this proposal would impact existing residents' property tax rates and if this would change the allowance/permitting for existing homes and home additions. The proposal would not affect either situation. No opposition was voiced in regards to the proposed change.

It is staff's assessment that the proposed PAD will enhance the existing development form of the Paradise RV Resort neighborhood by responding to modern expectations and industry standards for RV park model homes. Modern park model homes have increased in size and amenities since the 1979 ordinance that codified the existing RMH-3 Zoning District development standards. In addition, residents expect to have similar accessory structures as might be found in single family residential districts and mobile home parks such as detached storage sheds.

### **Previous Actions:**

This amendment has been subject to the City's rezoning process. A public hearing was held for this item at the July 17, 2015 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request. Further consideration and review has prompted staff to recommend several additional stipulations intended to clarify limitations on new home placement due to factors such as existing easements.

### **Options:**

- A:** Approve as recommended by Staff and the Planning & Zoning Commission; or
- B:** Approve with modifications; or

- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

**Staff's Recommendation:**

Staff recommends the City Council concur with the Planning & Zoning Commission's July 17, 2015 unanimous recommendation (5-0) to approve Case Z15-0003, subject to the following stipulations:

1. The development shall conform in all material respects to "Paradise RV Resort" Planned Area Development Standards and Guidelines Report, (case Z15-0003) dated 4/1/15.
2. The minimum allowable width for private streets within this property is 24 feet.
3. No structures, including pop-outs of park model homes shall be located within any utility easements.
4. The property owner and park model/RV homeowner shall be jointly responsible for ensuring that no structures are placed within easements.
5. All new buildings and structures shall conform to applicable Building and Fire Codes. This may include structure separation requirements that exceed minimum Zoning setback requirements.
6. The developer shall provide an ALTA and Title Report for the property.

**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, park model homes meeting the new development standards may apply for Building Permit approval of setbacks.

**Exhibit(s):**

**Exhibit 1:** Vicinity Map

**Exhibit 2:** July 17, 2015 Planning and Zoning Commission Staff Report with Exhibits

**Exhibit 3:** Draft Ordinance

**Exhibit 4:** Paradise RV Resort PAD Standards & Guidelines Report

**Contact Name and Number:** Melissa Sigmund, AICP, Principal Planner, x7603

# Z15-0003 General Plan Land Use Map



## Z15-0003 Paradise RV Resort Rezoning

Applicant: Rodney Q. Jarvis, on behalf of MHC Paradise RV Resort, LLC.

Request: Rezone approximately 75.53 acres from Travel Trailer Park (RMH-3) to a Planned Area Development (PAD) for to allow the existing RV park to admit larger park model units into the community.

Location: West of the northwest corner of 107th Ave. & Union Hills Dr.



Not to Scale



EXHIBIT 2  
Paradise RV Rezoning  
July 17, 2015 Planning and Zoning Commission  
Staff Report with Exhibits



# REZONING

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** Z 15-0003

**DATE:** July 17, 2015

**AGENDA ITEM:** 3R

**Applicant:** Rodney Q. Jarvis on behalf of MHC Paradise Resort, LLC.

**Request:** Rezone existing mobile home resort from RMH-3, "Travel Trailer Park" to a Planned Area Development (PAD).

**Proposed Development:** The existing Paradise RV Resort development would remain on the property.

**Location:** The site is located at the northeast corner of 111th Avenue & Union Hills Drive.

**Site Acreage:** 75.53 gross acres

**Support / Opposition:** At the time of printing, no written support or opposition has been received.

**Recommendation:** Recommend **approval** of Case Z15-0003, with stipulations, to the City Council.

### AREA CONTEXT

*Table 1: Existing Land Use, General Plan Land Use Designation, Current Zoning. (Exhibits A, B & C)*

	1. LAND USE	GENERAL PLAN	ZONING
<b>Subject Site</b>	Paradise RV Resort	Medium High Density Residential (8-15 du/ac, target 12 du/ac)	RMH-3, Travel Trailer Park
North	Lake Pleasant Mobile Home Estates and Ventana Lakes Adult Community	Medium High Density Residential and Low Density Residential (2-5 du/ac, target 3 du/ac)	RMH-2, Mobile Home Park and RM-1, Multi-Family
South	Union Hills Dr., then Sun City	Maricopa County Medium Density Residential	Maricopa County R1-6
East	Elks Lodge, RV Storage, and Lake Pleasant Mobile Home Estates	Medium High Density Residential (8-15 du/ac, target 12 du/ac)	C-2, Intermediate Commercial and RMH-2, Mobile Home Park
West	City of Peoria vacant land, Beardsley Water Reclamation Facility recharge basins	Low Density Residential (2-5 du/ac, target 3 du/ac)	SR-43, Suburban Ranch

#### *Land Use Background*

1. In 1977, the Mayor and City Council adopted *Ordinance 77-48*, annexing this site and land to the north into the City of Peoria. The property was rezoned from Multi-Family Residential (RM-1) to Travel Trailer Park (RMH-3) in 1983 by *Ordinance 83-32*.

#### *Project Site*

2. The project site is the 75.5 gross acre Paradise RV Resort, located at the northeast corner of 111<sup>th</sup> Avenue and Union Hills Drive. The property has served as an RV and park model residential community for over 30 years and contains 949 residential lots, as well as community amenities, including a clubhouse and recreational facilities, and administrative offices.

## **PROJECT DESCRIPTION**

#### *Project Details*

3. The applicant is requesting to rezone the property from the current RMH-3, "Travel Trailer Resort" to a Planned Area Development (PAD) that would support the existing resort, while accommodating larger park model homes. A PAD is an alternative from the standard zoning district (e.g. O-1, C-1) wherein standards can be tailored to respond to site or topographical conditions, contextual circumstances in the area and/or otherwise promote a creative and efficient approach to land development (such as a tailored list of permitted uses).
4. No further development is currently proposed on the site. The proposed PAD zoning would allow the existing RV resort to remain in place, while permitting larger park model homes, consistent with today's industry standards, within the community. The layout of the existing community is illustrated in the Existing Development Plan (Exhibit D).
5. The allowable uses for the proposed PAD are consistent with the existing RMH-3 Zoning District. The proposed PAD will modernize the development standards for the property and allow residents greater clarity and certainty regarding the regulations that govern any improvements or additions they may wish to make to their homes.

#### *Access*

6. Primary access to the site will remain from Union Hills Drive.

## **DISCUSSION AND ANALYSIS**

### *Conformance with the Peoria General Plan*

7. The underlying land use designation for the the subject property is Medium High Density Residential (8-15 du/ac, target 12 du/ac). The existing development of 949 residential lots on 75.53 acres is consistent with the Medium-High Density Residential land use designation (12.5 du/ac). No increase in residential lots, and therefore no increase in density, will occur with the proposed zoning change. The proposed zoning remains consistent and most compatible with the Medium High Density Residential Land Use designation.
  
8. There are existing retail and service businesses within the project's vicinity that would continue to serve area residents. Given that the number of residential lots will remain the same and that the majority of lots are currently occupied, this amendment is not expected to alter residential demand for neighborhood facilities and other amenities.

### *Paradise RV Resort PAD Development Standards (Exhibit E)*

9. The PAD development standards as proposed are similar to those of the RMH-3 Zoning District. The maximum size of park model homes permitted has been increased and updated standards are provided for setbacks and accessory uses/structures.

**Table 2: Proposed Development Standards**

	RMH-3	P.A.D.
Maximum Size of Park Model	264 SQ. FT.	No maximum
Perimeter Space Setbacks for Park Model and accessory uses/structures	Front – 4' (private street) Side – 8' (4' to private street) Back – 8'	Front – 4' (private street) Side – 3' (4' to private street) Back – 6'
Interior Space Setbacks for Park Model and accessory uses/structures	Front – 8' (private street) Side – 8' Back – 8'	Front – 4' (private street) Side – 3' Back – 6'
Space Size	Minimum 1200 SQ. FT.	Minimum 1200 SQ. FT.
Space Width	Minimum 25'	Minimum 25'
Distance Between Park Models	Minimum 15'	Minimum 10'
Width of Private Streets	Minimum 24'	Minimum 24'

### *Land Use Compatibility*

10. It is staff's assessment that the proposed PAD will enhance the existing development form of the Paradise RV Resort neighborhood by responding to modern expectations and industry standards for RV park model homes. Modern park model homes have increased in size and amenities since the 1979 ordinance that codified the existing RMH-3 Zoning District development standards. In addition, residents expect to have similar accessory structures as might be found in single family residential districts and mobile home parks such as detached storage sheds.

### *City Review*

11. This request has been reviewed and commented on through the City's standard rezoning application review process. Recommended conditions of approval have been provided as described in the *Conditions of Approval* portion this report.

### *Citizen Participation / Neighborhood Engagement*

12. As a requirement of the Rezoning application processes, the applicant conducted a neighborhood meeting. The applicant notified all property owners within 1,320 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on April 30<sup>th</sup> 2015 at the Paradise RV Resort Ballroom from 9:30-11:00am. The meeting time and location were planned to meet the needs of neighbors in the surrounding age-restricted communities and provided the opportunity for them to visit the Paradise RV Resort to see the existing development firsthand. Approximately 30-40 individuals attended the meeting, primarily identifying themselves as residents of Paradise RV Resort. A number of questions were voiced, including how this proposal would impact existing residents' property tax rates and if this would change the allowance/permitting for existing homes and home additions. The proposal would not affect either situation. No opposition was voiced in regards to the proposed change.

### *Public Notification*

13. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division.

### *Proposition 207*

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

## **FINDINGS AND RECOMMENDATION**

15. Based on the following findings:

- The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan; and
- The proposal is consistent with the intent of the Medium Density Residential land use designation of the general plan; and
- The PAD encourages a modernized development form customized to fit the particular characteristics of this property and the surrounding area, that is responsive to industry standards and residents' expectations for RV developments.

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

Recommend to the City Council **approval** of Case Z15-0003 subject to the following conditions:

1. The development shall conform in all material respects to "Paradise RV Resort" Planned Area Development Standards and Guidelines Report, (case Z15-0003) dated 4/1/15.
2. The minimum allowable width for private streets within this property is 24 feet.
3. Park model homes shall not be located within any utility easements.
4. All new buildings and structures shall conform to applicable Building and Fire Codes. This may include structure separation requirements that exceed minimum Zoning setback requirements.

Attachments:

Exhibit A	Vicinity Map
Exhibit B	Existing Zoning Map
Exhibit C	General Plan Land Use Map
Exhibit D	Existing Development Plan
Exhibit E	Paradise RV Resort PAD Standards and Guidelines Report

Prepared by: Melissa Sigmund, AICP, LEED Green Associate  
Principal Planner

# Z15-0003 Vicinity Map



## Z15-0003 Paradise RV Resort Rezoning

Applicant: Rodney Q. Jarvis, on behalf of MHC Paradise RV Resort, LLC.

Request: Rezone approximately 75.53 acres from Travel Trailer Park (RMH-3) to a Planned Area Development (PAD) for to allow the existing RV park to admit larger park model units into the community.

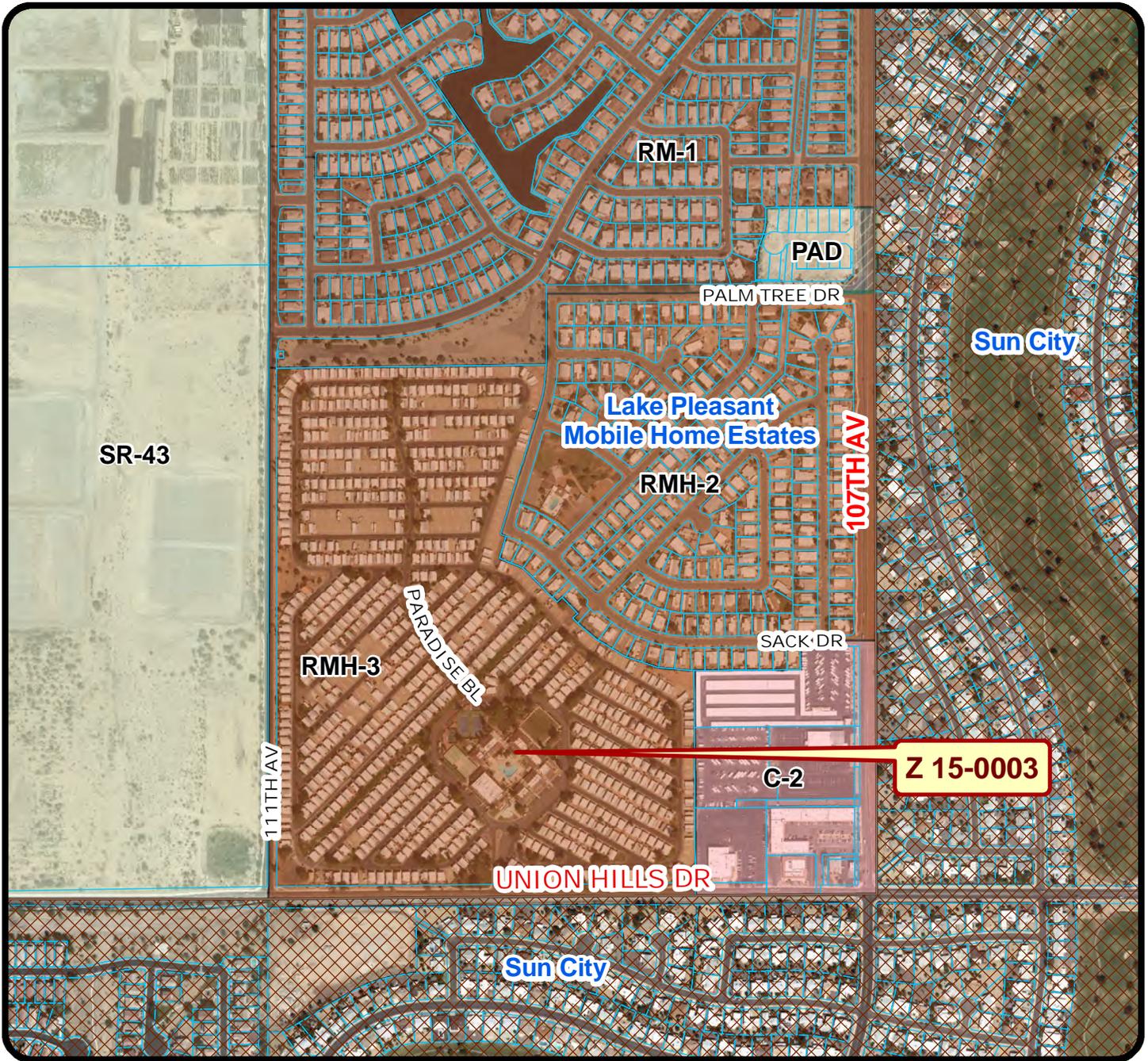
Location: West of the northwest corner of 107th Ave. & Union Hills Dr.



Not to Scale

**EXHIBIT A**

# Z15-0003 Existing Zoning Map



## Z15-0003 Paradise RV Resort Rezoning

Applicant: Rodney Q. Jarvis, on behalf of MHC Paradise RV Resort, LLC.

Request: Rezone approximately 75.53 acres from Travel Trailer Park (RMH-3) to a Planned Area Development (PAD) for to allow the existing RV park to admit larger park model units into the community.

Location: West of the northwest corner of 107th Ave. & Union Hills Dr.



Not to Scale

**EXHIBIT B**

# Z15-0003 General Plan Land Use Map



## Z15-0003 Paradise RV Resort Rezoning

Applicant: Rodney Q. Jarvis, on behalf of MHC Paradise RV Resort, LLC.

Request: Rezone approximately 75.53 acres from Travel Trailer Park (RMH-3) to a Planned Area Development (PAD) for to allow the existing RV park to admit larger park model units into the community.

Location: West of the northwest corner of 107th Ave. & Union Hills Dr.



Not to Scale

**EXHIBIT C**

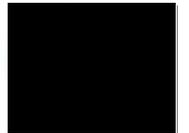
EXISTING DEVELOPMENT PLAN

EXHIBIT D



LEGEND  
 LOT AS SHOWN BY  
 PLAN (SEE NOTES)

- NOTES:
- 1) THE PURPOSE OF THIS MAP IS FOR MARKETING PURPOSES ONLY.
  - 2) THE BACKGROUND IMAGERY SHOWN HEREON WAS OBTAINED FROM GOOGLE PRO ON 2-20-2018 AND IS DATED 2-7-2014.
  - 3) LOTS, ROADS AND COMMON AREAS SHOWN HERE ON ARE BASED ON THAT DRAWINGS SET PREPARED BY ENGINEERING A. D. SURVEYING OF ARIZONA, INC. TITLED PARADISE RESORT TRAVEL TRAILER PARK, DATED 10-17-1994.



NO.	DATE	REVISIONS	BY	CHK	DATE

DRAWN:	KJWK	PROJECT NO.:	
ENGINEER:	JAD	SCALE:	AS NOTED
CHECKED:	JAD	APPROVED:	
DATE:	2-20-2015		

**LOWHAM WALSH LLC**  
 Engineering & Environmental Services  
 205 SOUTH 3RD STREET  
 LANDER, WY 82520  
 307-335-8466

**CLIENT:**  
 EQUITY LIFESTYLE PROPERTIES  
 8700 UNIVERSITY DRIVE  
 MESA, ARIZONA 85207

**PROJECT:**  
 PARADISE RESORT TRAVEL  
 TRAILER PARK

PARADISE RESORT TRAVEL  
 TRAILER PARK

SHEET NO:  
 1  
 1

**PARADISE RV RESORT  
Planned Area Development (P.A.D.)**

**STANDARDS AND GUIDELINE REPORT**

**I. INTRODUCTION.**

Paradise RV Resort (the “Resort”) is a 75.53 acre property, located on the north side of Union Hills Drive, west and north of the Sun City border. The Resort has been in place for over 30 years, maintaining its use as an RV/Park Model residential facility all of that time. The Resort contains 949 sites (“Lots”) for RV/Park Model occupancy, as well as extensive recreational/clubhouse amenities, and administrative offices. A restaurant is located in the Resort, as one of the amenities, as an accessory use, catering to Resort tenants and occasionally to customers from off-site.

The P.A.D. rezone will accommodate change to allow the larger park models already at the Resort, and the larger park models now available on the market. No changes to the Resort uses, tenancies, amenities, or layout will take place.

**II. CONSISTENCY WITH GENERAL PLAN.**

The Resort is designated for Residential/Medium High use by the Peoria General Plan (see attached Exhibits “A” and “B”), with a range of 8.0 to 15.0 dwelling units per acre. The Resort contains 949 spaces, spread over 75.53 acres, for a density in the 11-12 du/acre range, well within the Residential/Medium High range. This density of 949 spaces on 75.53 acres will not change. Moreover, this is clearly a residential use, with accessory amenities, all common to a residential planned community. The residential community use will not change. Thus, compatibility with the Peoria General Plan will continue, uninterrupted.

**III. GENERAL INFORMATION/EXISTING CONDITIONS.**

Paradise RV Resort is fully developed (See Exhibit “C” attached hereto). Exhibit “C” is an aerial view of the Resort, depicting the existing 949 spaces and accessory amenities. Pages 1-16, following Exhibit “C”, numbered in red, as plotted on Exhibit “C”, depict existing conditions at street level. (In orienting the view of the photos, refer to the red, circled number, at the top orientation of each photo, and match that with the numbers, in red, on Exhibit “C”). Nearly all of the existing park model units exceed the RMH-3 limit of 264 square feet. It is this condition which necessitates the P.A.D.

**IV. SURROUNDING LAND USES/CONDITIONS.**

The zoning of adjacent properties is depicted on Exhibit “C”, with RM-1 to the north, and a large 4.5 acre retention/open space area as a buffer, RMH-2 to the east, C-2, developed as storage and other commercial uses, to the east on the southern end, R1-6 homes across Union Hills Drive to the south, and SR-43, City-owned vacant land, to the west.

**V. DEVELOPMENT PLAN.**

No change to existing development. See Aerial with existing development plan super-imposed.

**VI. PRELIMINARY DEVELOPMENT PLAN – LAND USE SUMMARY; PHASING; LANDSCAPE PLAN; INFRASTRUCTURE.**

The development plan and landscape plan have already been implemented and are depicted on the aerial view set forth on Exhibit “C”, and in the photographs, numbered 1-16, attached to Exhibit “C”. Utilities are existing.

There is no phasing plan, as all improvements are already in place.

**VII. DEVELOPMENT STANDARDS AND USES.**

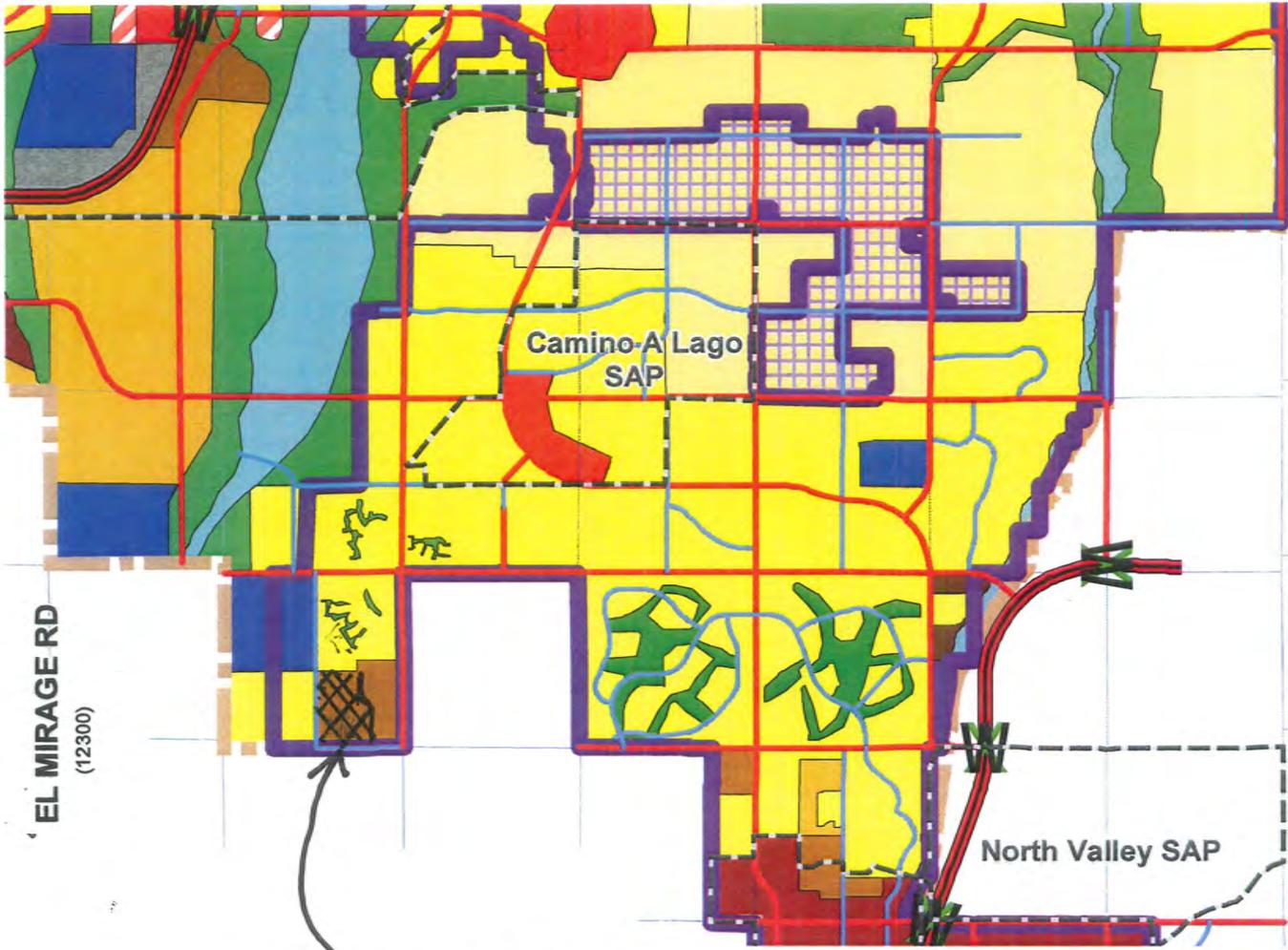
All development standards and uses shall be as permitted as hereinafter set forth:

1. “Travel Trailer” is interpreted to mean an RV or a park model. Park models may be of any size which will fit within the setbacks required for any “Travel Trailer Space,” as referred to in RMH-3. The provisions of 14-8.1-5.B. are expressly amended hereby.
2. Any accessory use and/or structure customarily incidental to a permitted principal use shall be permitted, including detached storage rooms/sheds.
3. The development standards for the Resort shall be governed by the RMH-3 development standards, except as amended below:

	RMH-3	P.A.D.
Maximum Size of Park Model	264 SQ. FT.	No maximum
Perimeter Space Setbacks of Park Model and accessory uses/structures	Front – 4’ (private street) Side – 8’ (4’ to private street) Back – 8’	Front – 4’ (private street) Side – 3’ (4’ to private street) Back – 6’
Interior Space Setbacks of Park Model and accessory uses/structures	Front – 8’ (private street) Side – 8’ Back – 8’	Front – 4’ (private street) Side – 3’ Back – 6’
Space Size	Minimum 1200 SQ. FT.	Minimum 1200 SQ. FT.
Space Width	Minimum 25’	Minimum 25’
Distance Between Park Models	Minimum 15’	Minimum 10’
Width of Private Streets	Minimum 24’	Minimum 24’

Also reference Exhibit “D” attached hereto; illustrating typical lot layout

Depictions of large park models produced in the current market are attached as Exhibit “E” hereto.



HAPPY VALLEY RD  
(25000)

PINNACLE PEAK RD  
(23400)

DEER VALLEY RD  
(21800)

BEARDSLEY RD  
(20200)

UNION HILLS DR  
(18600)

DEL I DR

Camino-A Lago  
SAP

North Valley SAP

EL MIRAGE RD  
(12300)

SUBJECT SITE

EXHIBIT "A"

# Legend

## Land Use

- Mixed Use
- Residential/Estate (0-2.0 du/ac), Target density - 1 du/ac
- Residential/Low (2.0-5.0 du/ac), Target density - 3 du/ac
- Residential/Medium (5.0-8.0 du/ac), Target density - 6 du/ac
- Residential/Medium High (8.0-15.0 du/ac), Target - 12 du/ac**
- Residential/High (15.0+ du/ac), Target density - 18 du/ac
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Business Park/Industrial
- Industrial
- Park/Open Space
- Golf Course
- Public/Quasi-Public
- Water

DESIGNATION OF  
SUBJECT SITE

## Boundaries

- City Limit
- County Island
- Planning Area Boundary
- SAP: Specific Area Plan
- Aviation Study Area
- Lake Pleasant Regional Park
- Maricopa-Yavapai County Line
- PLSS Section Lines

## Circulation Plan

- Freeway
- Proposed Freeway or Connector
- Arterial
- Collector

## Interchanges

- Full Diamond

## Loop 303 Corridor Land Use

EXHIBIT "B"

**III. GENERAL INFORMATION/EXISTING CONDITIONS.**

Paradise RV Resort is fully developed (See Exhibit "C" attached hereto). Exhibit "C" is an aerial view of the Resort, depicting the existing 949 spaces and accessory amenities. Pages 1-16, following Exhibit "C", numbered in red, as plotted on Exhibit "C", depict existing conditions at street level. (In orienting the view of the photos, refer to the red, circled number, at the top orientation of each photo, and match that with the numbers, in red, on Exhibit "C"). Nearly all of the existing park model units exceed the RMH-3 limit of 264 square feet. It is this condition which necessitates the P.A.D.

EXHIBIT 116

200-35-525

↑  
N  
SR-43  
CITY-OWNED  
VACANT  
LAND



#10 #9

#6 #7

#11-16

#5 #67

#1 #2

#3 #4

RM-1

200-35-533

200-35-531

200-35-1800

200-37-5527

200-35-5551

200-35-534

2



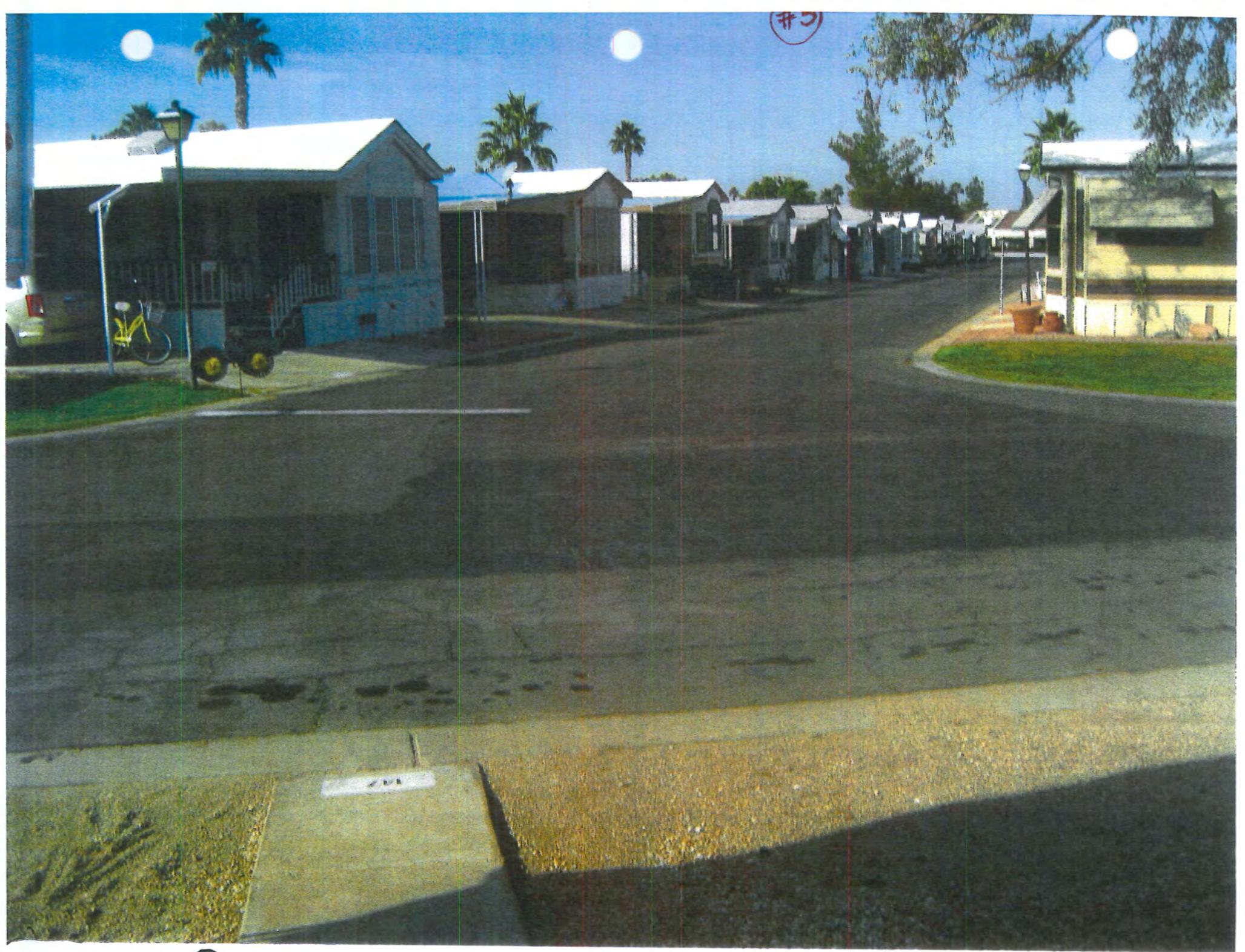
#2



#5







#61



(#7)



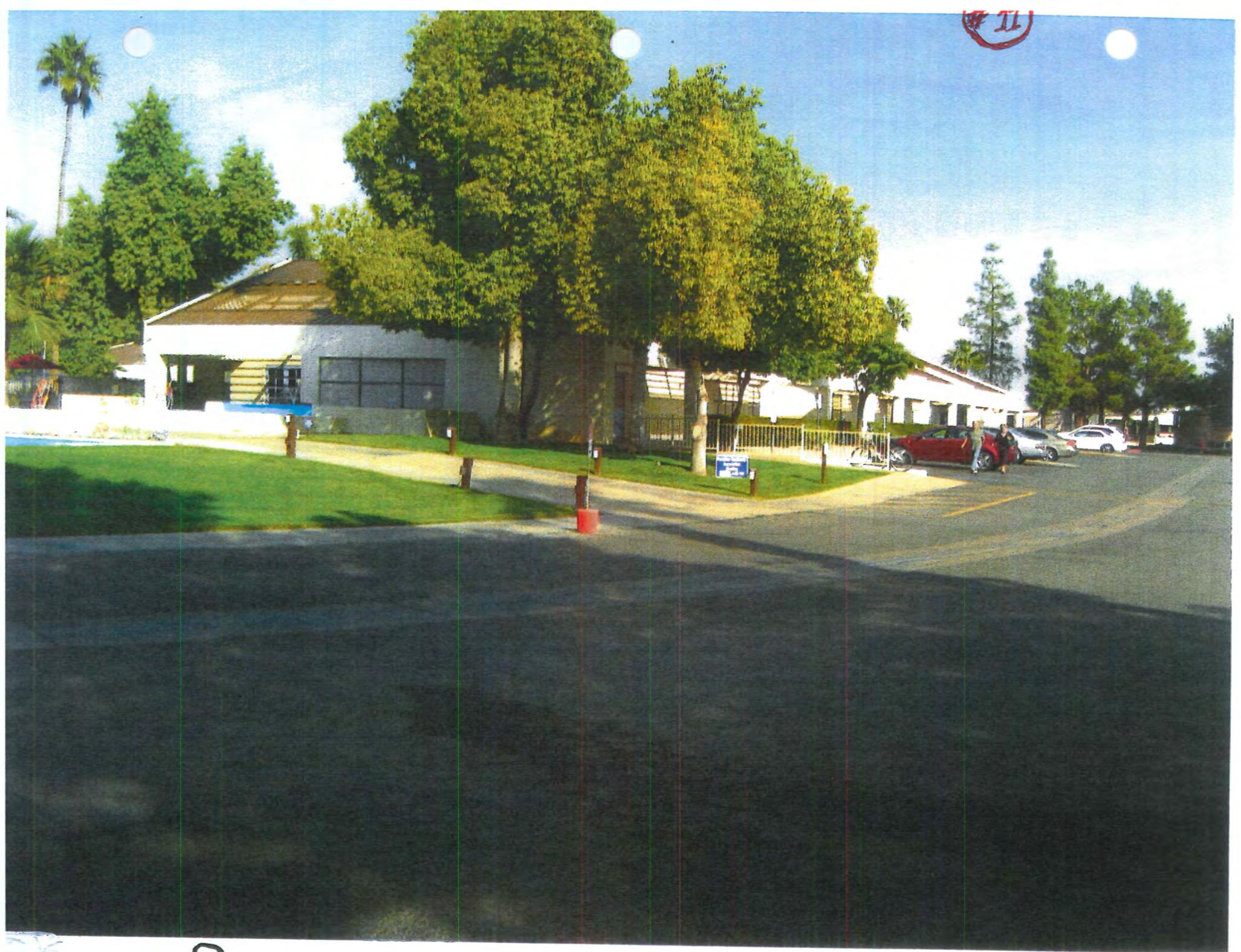




#10



C



#12





#14

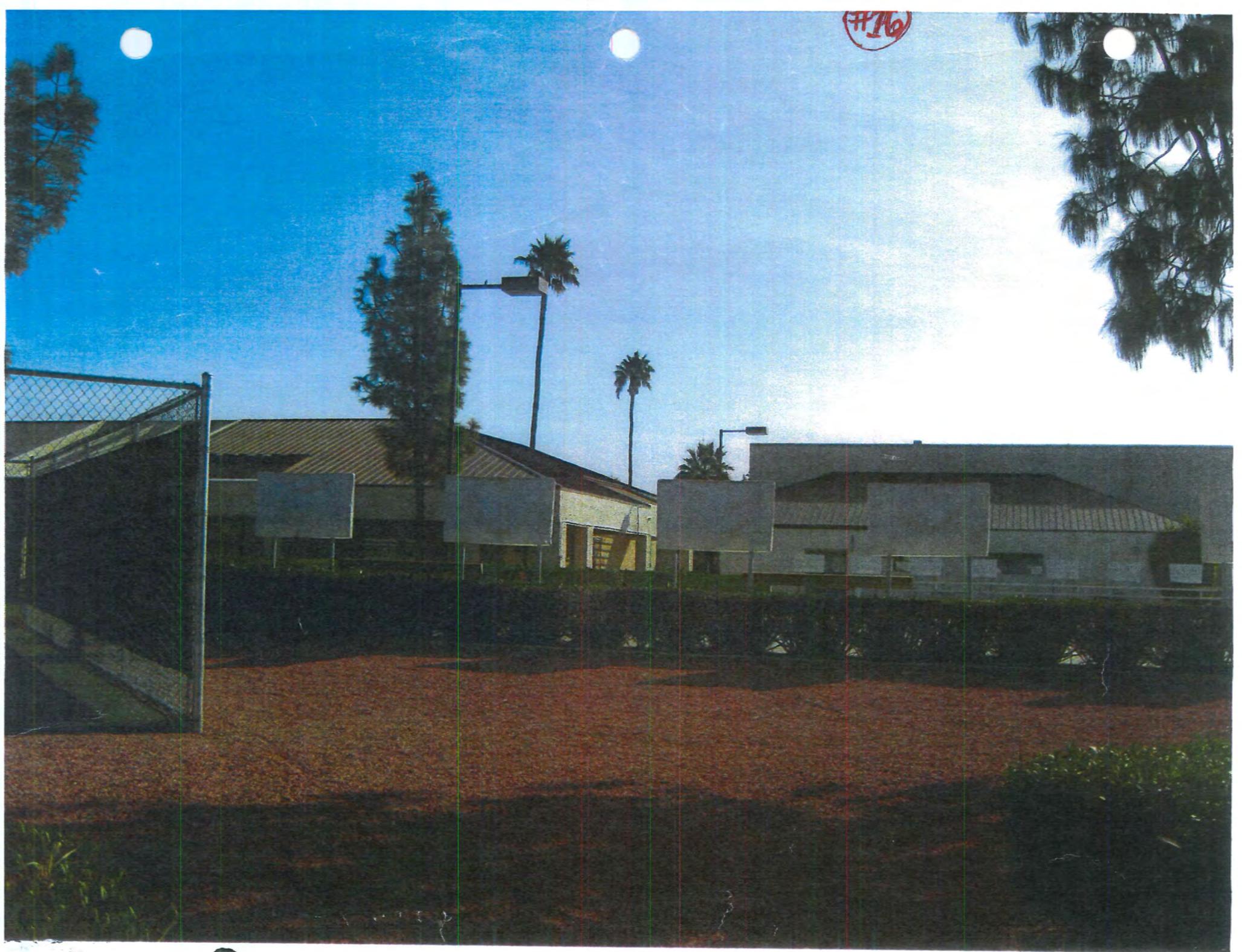
STOP

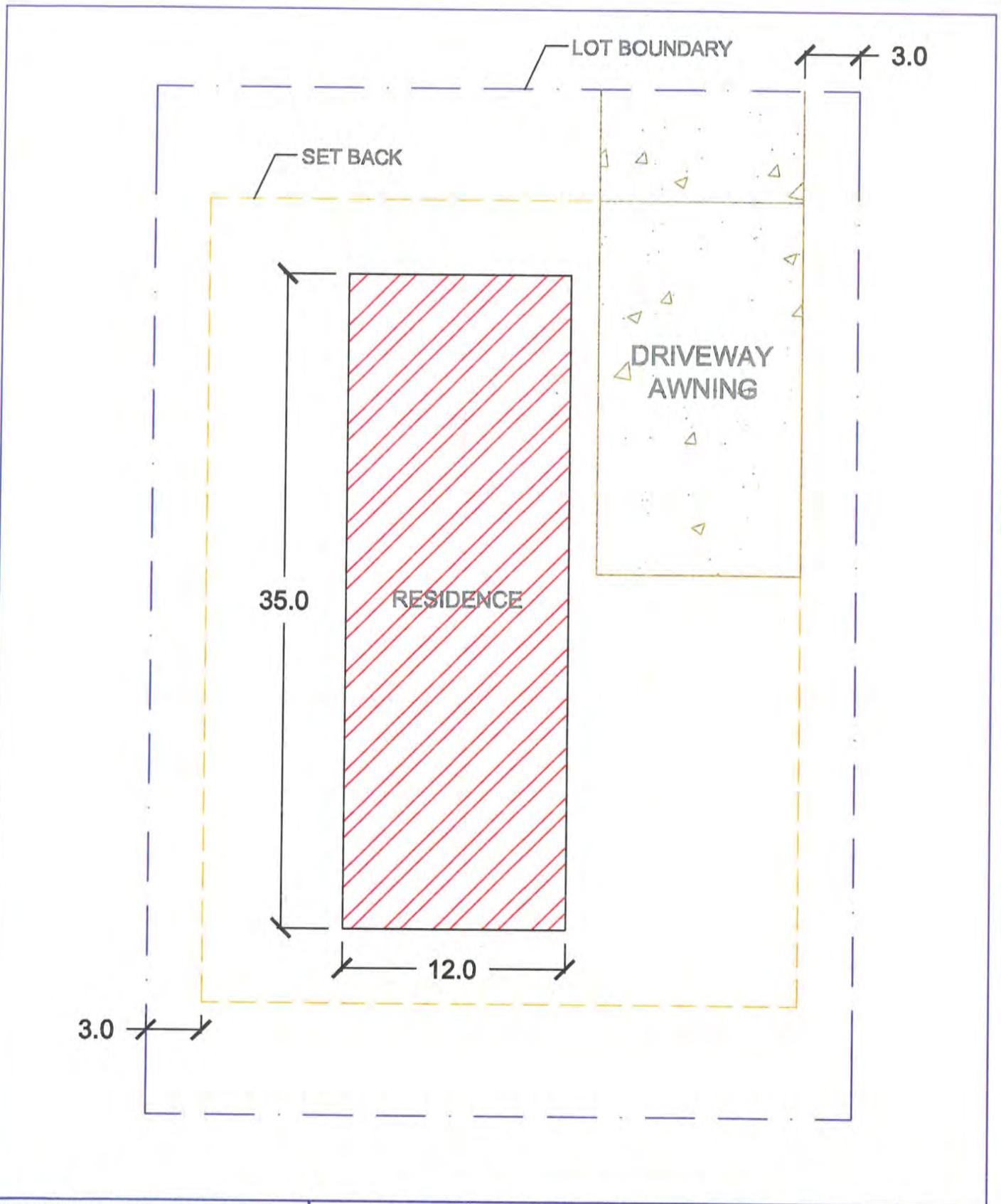




13

2





AGENCY: SUN CITY, ARIZONA  
 DRAWN BY: jad  
 DESIGNED BY: jad  
 CHECKED BY: swb

PARADISE RV RESORT  
 TYPICAL LAYOUT PROPOSED LOT

FIGURE  
 2  
 15.03.24

EXHIBIT "D"

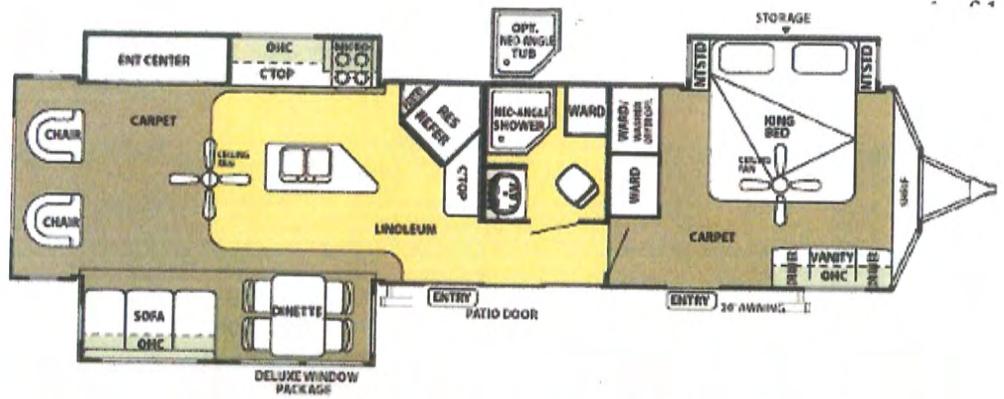


EXHIBIT "E"



PARADISE RV RESORT  
CITIZEN PARTICIPATION PLAN

A neighborhood meeting shall be scheduled at the site, to which the Peoria City Council representative for the Willow District will also be invited. With address lists provided by City Staff, we will invite all property owners within ¼ mile and all HOA representatives within 1 mile of Paradise RV Resort (the "Resort") to attend an open house-style meeting at which we will provide information regarding the application, answer questions, and receive input. We will keep an attendance list of those who visit our open house, and note all questions, comments and input received and answers given.

We have already held a meeting with the Tenants' Board of the Resort on February 10, 2015. We explained the intent of the proposed P.A.D. request and the process it would involve. The entire Board was supportive of the P.A.D., to allow park models larger than 264 sq. ft. to be installed at the Resort. All tenants and the Tenant Board members will also be invited to the neighborhood meeting; notice will be provided through the Resort's website and bulletin boards, and directly to the Tenant's Board members.

The applicant will make contact directly with the Peoria Unified School District.

ORDINANCE NO. 2015-19

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM THE RMH-3, TRAVEL TRAILER PARK ZONING DISTRICT TO THE PARADISE RV RESORT PLANNED AREA DEVELOPMENT (PAD) AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on July 17, 2015 in zoning case Z15-0003 in the manner prescribed by law for the purpose of considering an amendment to the district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of land as described below from the RMH-3 Travel Trailer Park Zoning District, to the Paradise RV Resort Planned Area Development (PAD) as provided in Section 14-33 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on June 26, 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 rezoned from the RMH-3 Travel Trailer Park Zoning District to the Paradise RV Resort Planned Area Development (PAD) (Z15-0003).

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall conform in all material respects to "Paradise RV Resort" Planned Area Development Standards and Guidelines Report, (case Z15-0003) dated 4/1/15.
2. The minimum allowable width for private streets within this property is 24 feet.
3. No structures, including pop-outs of park model homes shall be located within any utility easements.
4. The property owner and park model/RV homeowner shall be jointly responsible for ensuring that no structures are placed within easements.

5. All new buildings and structures shall conform to applicable Building and Fire Codes. This may include structure separation requirements that exceed minimum Zoning setback requirements.
6. The developer shall provide an ALTA and Title Report for the property.

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 26<sup>th</sup> day of August, 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 Dates: September 4, 2015  
Effective Date:

**EXHIBIT A**

LOTS 1-950, INCLUSIVE AND TRACTS A, B, C, AND D, OF PARADISE RESORT TRAVEL TRAILER PARK, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 274 OF MAPS, PAGE 2 AND CERTIFICATE OF CORRECTIONS RECORDED AS 96-0784152 OF OFFICIAL RECORDS AND 96-0784153 OF OFFICIAL RECORDS;

EXCEPT AN UNDIVIDED ONE-HALF INTEREEST OF ALL OIL, GAS, AND MINERAL RIGHTS AS RESERVED IN DOCKET 3465, PAGE 162.



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 26C

**Date Prepared: August 12, 2015**

**Council Meeting Date: August 26, 2015**

---

**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** **CORRECTION** ANX14-0001/ANX14-0002 Church of Joy  
Annexation and De-annexation

---

**Purpose:**

This is a request for City Council to correct Ordinance 2014-0013 and Ordinance 2014-0014, which approved the annexation (2.69 acres) and de-annexation (6.49 acres) respectively of property on and around the Church of Joy campus located north of Beardsley Road and the Loop 101 freeway in the New River corridor.

**Background/Summary:**

Two minor typographical errors were found in the legal descriptions and exhibits for the Ordinances adopted by Mayor and City Council at the July 7, 2015 City Council Meeting in conjunction with ANX14-0001 and ANX14-0002. The attached ordinances correct these errors and will allow the Maricopa Board of Supervisors to proceed with hearing and approval of the annexation and de-annexation previously approved by Mayor and Council of Peoria.

**Exhibit(s):**

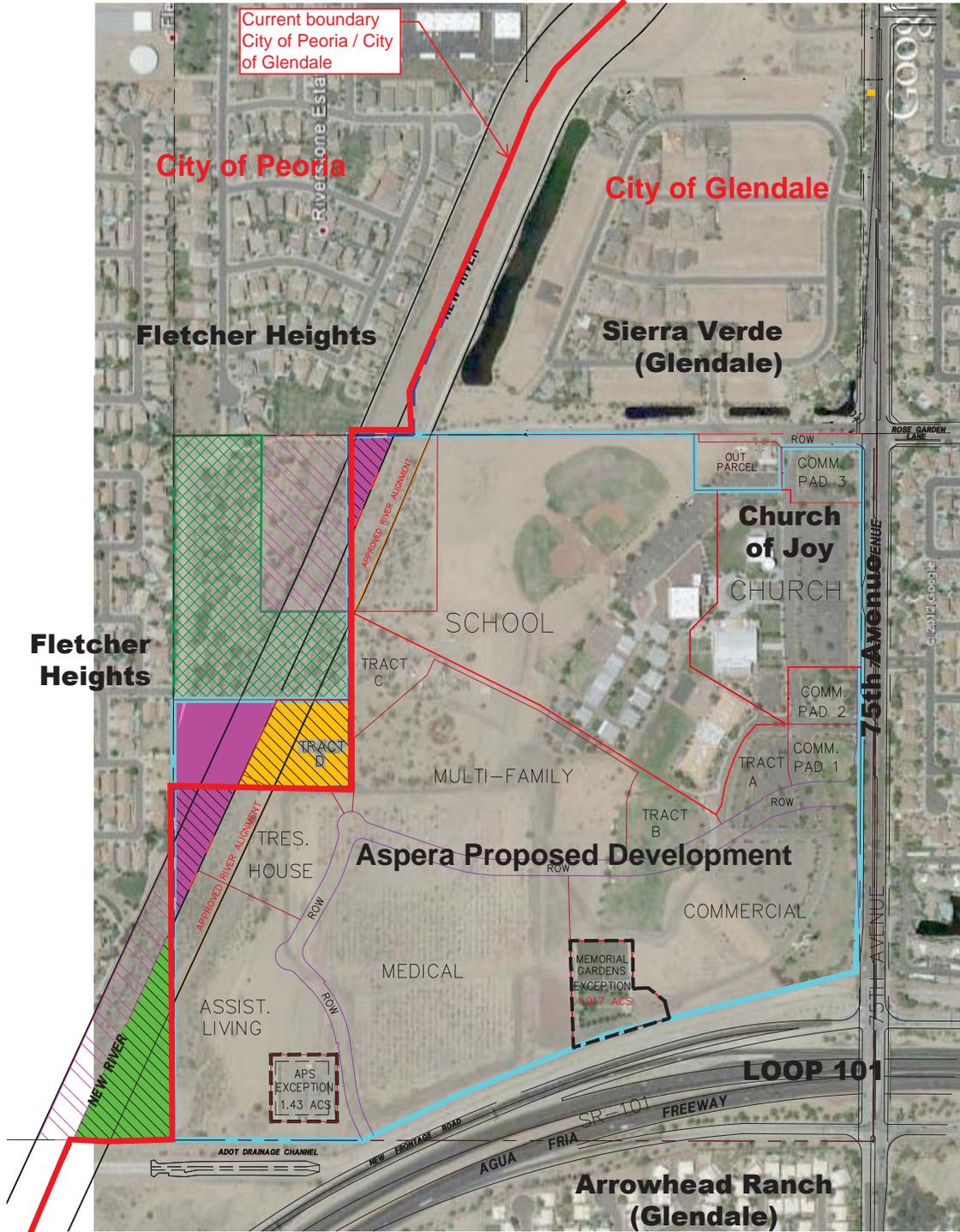
**Exhibit 1:** Context Map

**Exhibit 2:** Corrected Ordinance 2014-0013

**Exhibit 3:** Corrected Ordinance 2014-0014

**Contact Name and Number:** Melissa Sigmund, Principal Planner, x 7603

# Context Map



- |  |                                     |  |                                 |
|--|-------------------------------------|--|---------------------------------|
|  | EXISTING PROPERTY LINE              |  | JOY TRANSFER TO PEORIA          |
|  | EXISTING CITY LIMITS                |  | PEORIA TRANSFER TO JOY          |
|  | C/L OF RIVER (ULTIMATE CITY LIMITS) |  | ANNEX/DEANNEX AREAS             |
|  | DEVELOPMENT EXCEPTION               |  | GLENDALE DEANNEX / PEORIA ANNEX |
|  | PEORIA OWNED (NOT A PART)           |  | PEORIA DEANNEX / GLENDALE ANNEX |
|  | BLM OWNED (NOT A PART)              |  |                                 |

JCYC0000-0006  
 JOB NO.:  
 1 OF 1  
 SHEET

## JOY CAMPUS PARCELS ANNEX./TRANS. EXHIBIT GLENDALE, ARIZONA

**DAVID EVANS  
 AND ASSOCIATES INC.**  
 4600 East Washington Street  
 Phoenix Arizona 85034  
 Phone: 602.678.5151

DRAWN BY: BHO  
 CHECKED BY:  
 DATE: 10/23/2013

ORDINANCE NO. 2015-13A

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA, MARICOPA COUNTY, STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF A.R.S. §9-471.02, BY ANNEXING THERETO CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 2.19 ACRES OF LAND, GENERALLY LOCATED WEST OF THE NEW RIVER AND NORTH OF THE BEARDLSEY ROAD CONNECTOR, CONTINGENT UPON DEANNEXATION OF SAID PROPERTY BY THE CITY OF GLENDALE, ARIZONA, PURSUANT TO THE PROVISIONS OF A.R.S. §9-471.02.

WHEREAS, A.R.S. §9-471.02 provides a method for deannexation of land from one municipality and the annexation of such land to another municipality; and

WHEREAS, it is the desire of the City of Peoria to annex certain territory now within the corporate limits of the City of Glendale (see Exhibit A) ; and

WHEREAS, the territory proposed to be annexed to the City of Peoria is contiguous to the corporate limits of the City of Peoria; and

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

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

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

See Exhibit "A" to this Ordinance, Legal Descriptions & Map

SECTION 2. That said annexation is contingent upon the fulfillment of the conditions set forth in A.R.S. §9-471.02.

SECTION 3. That the City Clerk is hereby directed to certify a copy of this Ordinance and file the same with the Maricopa County Board of Supervisors requesting a hearing date as set forth in A.R.S. §9-471.02(D).

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 26<sup>th</sup> day of August, 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(s): September 4, 2015  
Effective Date: \_\_\_\_\_

## Exhibit A

### Legal Descriptions

LEGAL DESCRIPTION  
PARCEL 1  
PEORIA ANNEX 1

A portion of the southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at a brass cap in a handhole found at the the east quarter corner of said Section 23, from which an iron rod found at the center corner of said Section 23 bears South 89°49'57" West, 2652.94 feet;

thence along the north line of the southeast quarter of said Section 23, South 89°49'57" West, 1814.34 feet to the POINT OF BEGINNING;

thence South 23°04'54" West, 425.86 feet to a point of curvature having a radius of 5,000.00 feet;

thence 23.98 feet along the arc of said curve, concave northwest, through a central angle of 00°16'29" to a point on the east line of the west half of the northeast quarter of the northwest quarter of the southeast quarter of said section 23;

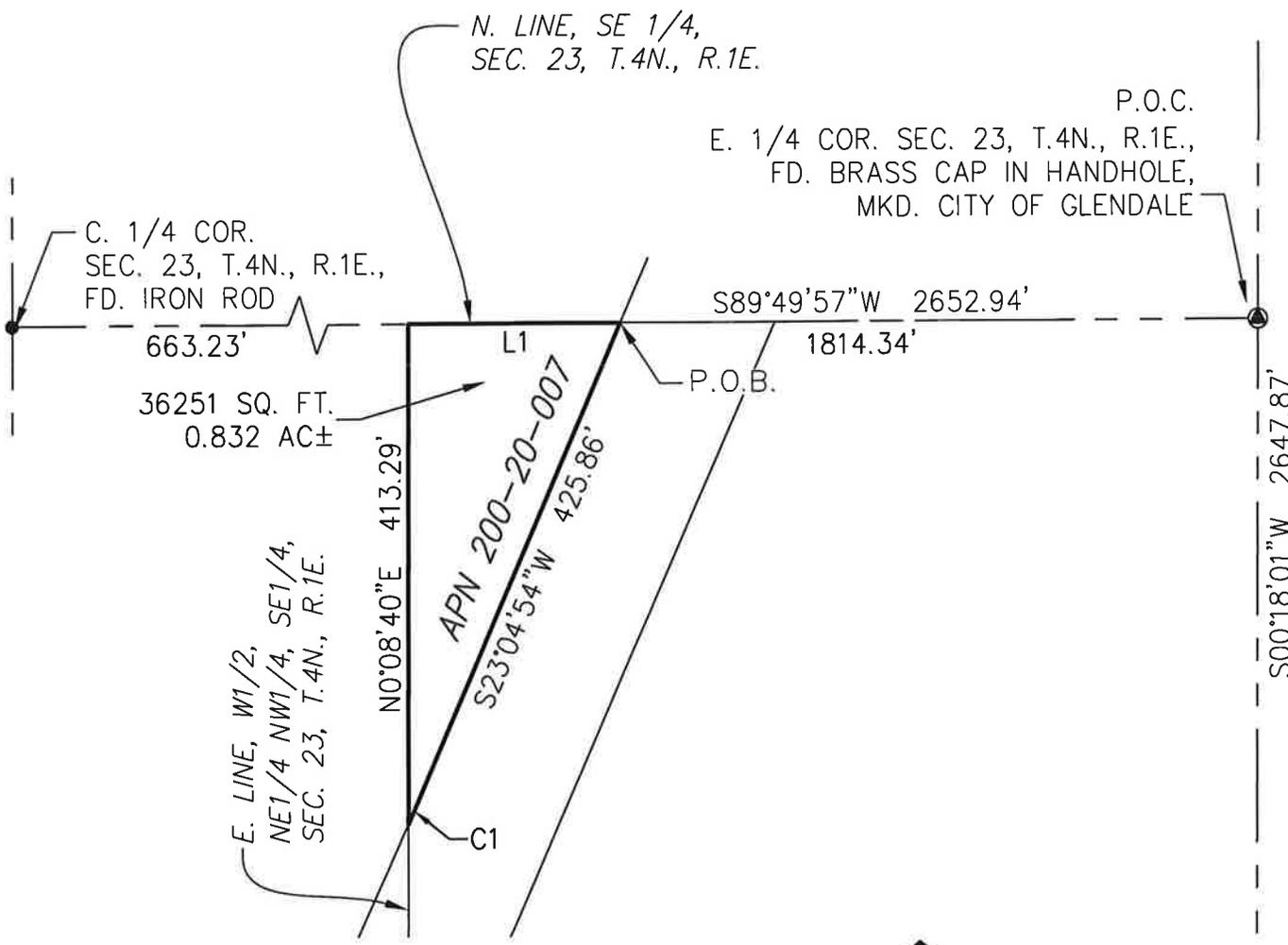
thence, along said east line, North 00°08'40" East, 413.29 feet to the north line of the southeast quarter of said Section 23;

thence, along said north line, North 89°49'57" East, 175.37 feet to the POINT OF BEGINNING.

Said parcel containing 36,251 square feet or 0.832 acres, more or less.

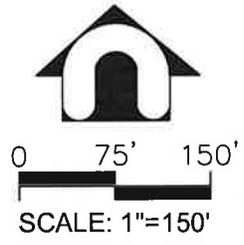


Expires 06/30/2015



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°49'57"E	175.37'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	5000.00'	23.98'	0°16'29"



75TH AVE

S.E. COR. SEC. 23, T.4N., R.1E.,  
FD. ALUM. CAP IN HANDHOLE  
MKD. A.D.O.T.

DATE: 4/2014

SCALE:  
1"=150'

SHEET  
1 OF 1

**PEORIA ANNEX 1**



**DAVID EVANS  
AND ASSOCIATES INC.**

4600 East Washington Street, Suite 430  
Phoenix Arizona 85034  
Phone: 602.678.5151

LEGAL DESCRIPTION  
PARCEL 2  
PEORIA ANNEX 2

A portion of the southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at a brass cap found at the south quarter corner of said Section 23 from which an iron rod found at the center corner of said Section 23 bears North 00°05'31" East, 2635.43 feet;

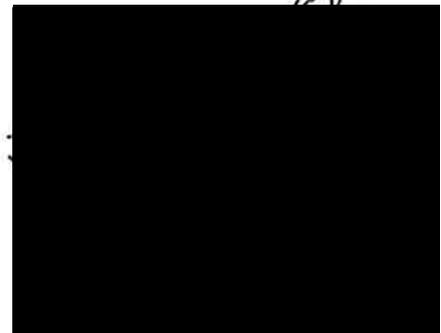
thence, along the west line of the southeast quarter of said Section 23, North 00°05'31" East, 817.64 feet to the POINT OF BEGINNING;

thence, continuing along said west line, North 00°05'31" East, 500.07 feet to a nail with washer marked, "Springer RLS 34399" found at the northwest corner of the southwest quarter of the southeast quarter of said Section 23;

thence, along the north line of the southwest quarter of the southeast quarter of said Section 23, North 89°57'59" East, 237.04 feet;

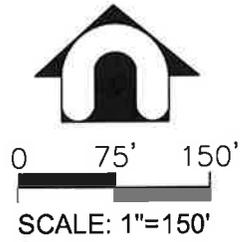
thence South 25°25'49" West, 553.88 feet to the POINT OF BEGINNING.

Said parcel containing 59,269 square feet or 1.361 acres, more or less.



Expires 06/30/2012

C. 1/4 COR.  
SEC. 23, T.4N., R.1E.,  
FD. IRON ROD



N. LINE, S 1/2, SW 1/4, NW 1/4,  
SE 1/4, SEC. 23, T.4N., R.1E.,

NW COR., SW 1/4, SE 1/4, T.4N., R.1E.  
FD. NAIL W/ WASHER  
MKD. "SPRINGER RLS 34399"

1317.71'

N00°05'31"E 2635.43'

W. LINE, SE 1/4, SEC. 23, T.4N., R.1E.

500.07'

L1  
59269 SQ. FT.  
1.361 AC±

S25°25'49"W 553.88'

N. LINE, SW 1/4,  
SE 1/4, SEC. 23,  
T.4N., R.1E.,

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°57'59"E	237.04'

P.O.B.

817.64'

P.O.C.  
S. 1/4 COR.  
SEC. 23, T.4N., R.1E.,  
FD. BRASS CAP

S.E. COR. SEC. 23, T.4N., R.1E.,  
FD. ALUM. CAP IN HANDHOLE  
MKD. A.D.O.T.

N89°53'57"W 2643.29'

DATE: 4/2014

SCALE:  
1"=150'

SHEET  
1 OF 1

PEORIA ANNEX 2



**DAVID EVANS  
AND ASSOCIATES INC.**

4600 East Washington Street, Suite 430  
Phoenix Arizona 85034  
Phone: 602.678.5151

ORDINANCE NO. 2015-14A

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, DEANNEXING CERTAIN REAL PROPERTY, CONSISTING OF APPROXIMATELY 6.49 ACRES OF LAND, GENERALLY LOCATED EAST OF THE NEW RIVER AND NORTH OF THE BEARDSLEY ROAD CONNECTOR, FROM THE CITY OF PEORIA, MARICOPA COUNTY, STATE OF ARIZONA, CONTINGENT UPON ANNEXATION OF SAID PROPERTY BY THE CITY OF GLENDALE, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF A.R.S. §9-471.02.

WHEREAS, A.R.S. §9-471.02 provides a method for deannexation of land from one municipality and the annexation of such land to another municipality; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona are desirous of deannexing certain territory from the City of Peoria so that the territory may be annexed by the City of Glendale (see Exhibit A).

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

SECTION 1. That the following described territory be, and the same hereby is, deannexed from the City of Peoria, contingent upon annexation of said property by the City of Glendale, and that the present corporate limits be retracted and decreased to exclude the following described territory, to wit:

See Exhibit "A" to this Ordinance, Legal Descriptions & Map

SECTION 2. That said deannexation is contingent upon fulfillment of the conditions set forth in A.R.S. §9-471.02.

SECTION 3. That the City Clerk is hereby directed to certify a copy of this Ordinance and file the same with the Maricopa County Board of Supervisors requesting a hearing date as set forth in A.R.S. §9-471.02(D).

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria,  
Arizona this 26<sup>TH</sup> day of August, 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(s): September 4, 2015  
Effective Date: \_\_\_\_\_

## Exhibit A

### Legal Descriptions

LEGAL DESCRIPTION  
PEORIA DEANNEX 1

A portion of the southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at a brass cap found at the south quarter corner of said Section 23 from which an iron rod found at the center corner of said Section 23 bears North 00°05'31" East, 2635.43 feet;

thence, along the west line of the southeast quarter of said Section 23, North 00°05'31" East, 1317.71 feet to a nail with washer marked, "Springer RLS 34399" found at the northwest corner of the southwest quarter of the southeast quarter of said Section 23;

thence, along the north line of the southwest quarter of the southeast quarter of said Section 23, North 89°57'59" East, 237.04 feet to the POINT OF BEGINNING;

thence North 25°25'49" East, 365.13 feet to the north line of the south half of the southwest quarter of the northwest quarter of the southeast quarter of said Section 23;

thence, along said north line, North 89°55'58" East, 269.03 feet to the east line of the south half of the southwest quarter of the northwest quarter of the southeast quarter of said Section 23;

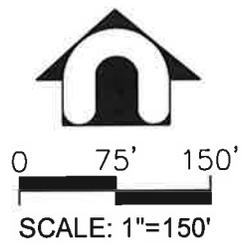
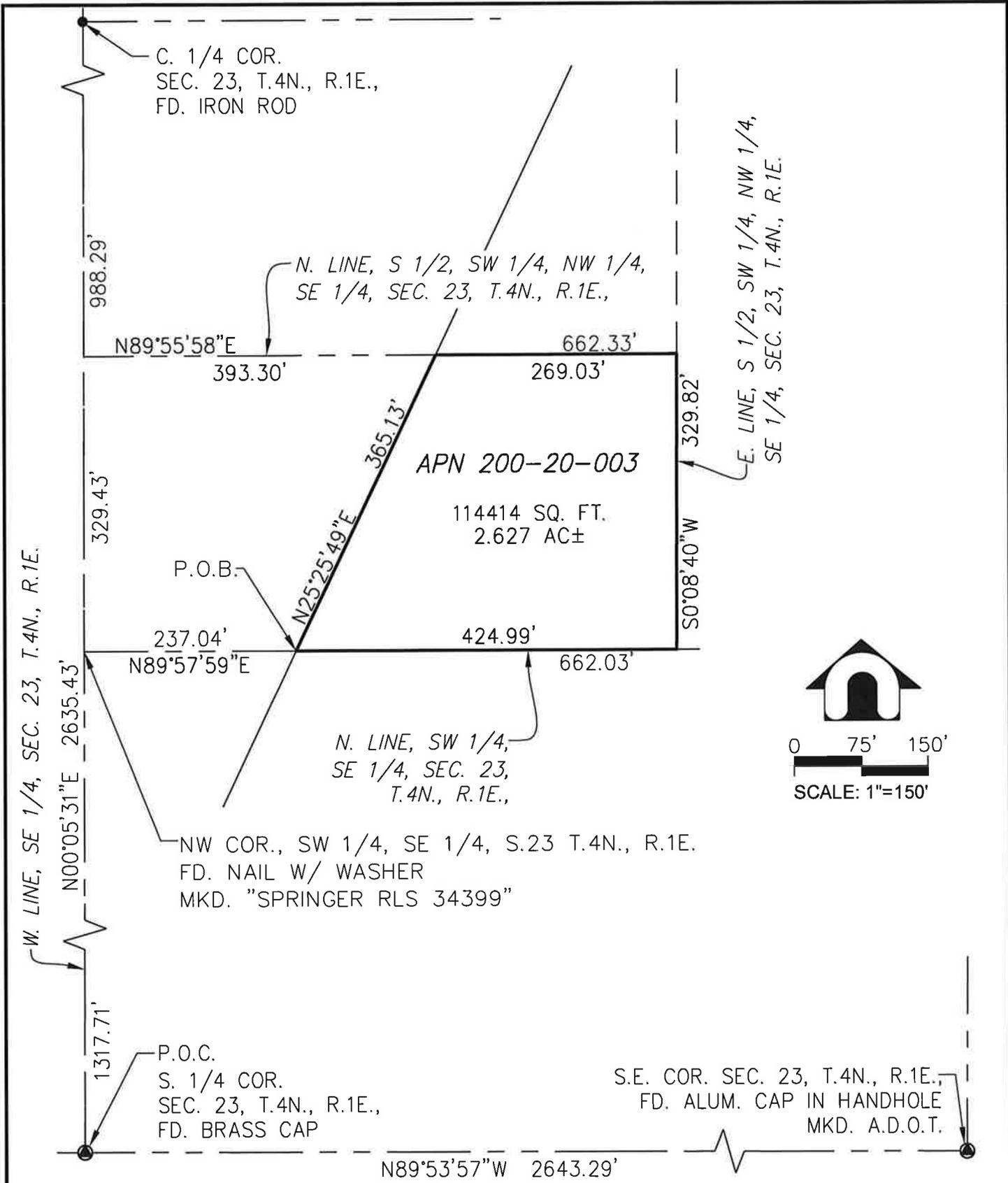
thence, along said east line, South 00°08'40" West, 329.82 feet to the north line of the southwest quarter of the southeast quarter of said Section 23;

thence, along said north line, South 89°57'59" West, 424.99 feet to the POINT OF BEGINNING.

Said parcel containing 114,414 square feet or 2.627 acres, more or less.



Expires 06/30/2015



DATE: 4/2014

SCALE:  
1"=150'

SHEET  
1 OF 1

**PEORIA DEANNEX 1**



**DAVID EVANS  
AND ASSOCIATES INC.**

4600 East Washington Street, Suite 430  
Phoenix Arizona 85034  
Phone: 602.678.5151

LEGAL DESCRIPTION

PEORIA DEANNEX 2

A portion of the southwest quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

BEGINNING at a brass cap found at the south quarter corner of said Section 23 from which a brass cap in handhole found at the southwest corner of said Section 23 bears North  $89^{\circ}54'22''$  West, 2643.47 feet;

thence, along the south line of the southwest quarter of said Section 23, North  $89^{\circ}54'22''$  West, 417.59 feet;

thence North  $27^{\circ}32'27''$  East, 654.69 feet to a point of curvature having a radius of 5,000.00 feet;

thence 184.18 feet along the arc of said curve concave northwest, through a central angle of  $02^{\circ}06'38''$ ;

thence North  $25^{\circ}25'49''$  East, 79.30 feet to the east line of the southwest quarter of said Section 23;

thence, along said east line, South  $00^{\circ}05'31''$  West, 817.64 feet to the POINT OF BEGINNING.

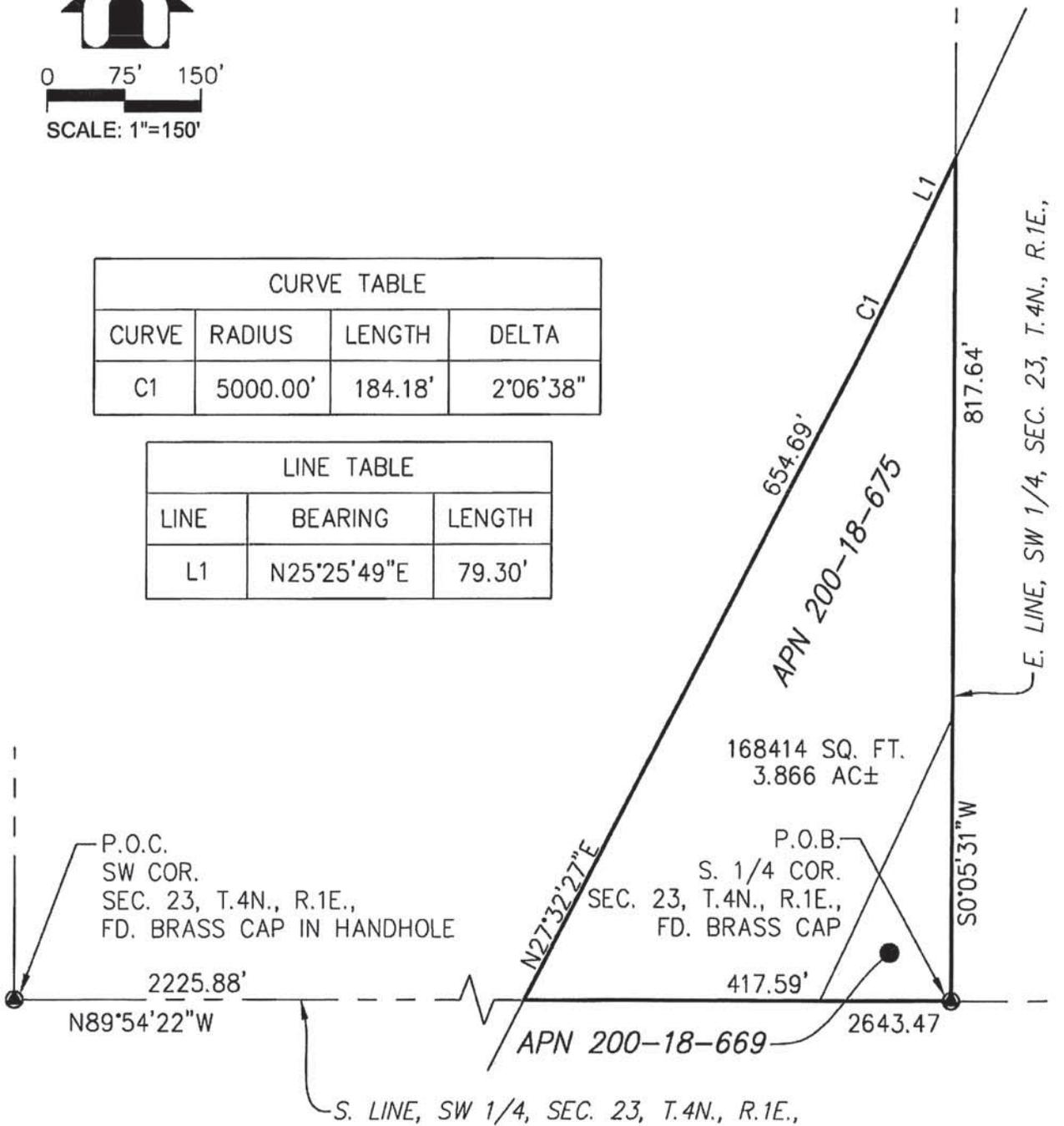
Said parcel containing 168,414 square feet or 3.866 acres, more or less.



0 75' 150'  
SCALE: 1"=150'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	5000.00'	184.18'	2°06'38"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N25°25'49"E	79.30'



DATE: 4/2014

SCALE:  
1"=150'

SHEET  
1 OF 1

Peoria Deannex 2



**DAVID EVANS  
AND ASSOCIATES INC.**

4600 East Washington Street, Suite 430

Phoenix Arizona 85034

Phone: 602.678.5454

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 27C

**Date Prepared:** August 6, 2015

**Council Meeting Date:** August 26, 2015

---

**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Right of Way, 75<sup>th</sup> Ave north of Jomax Rd related to the Aloravita Development

---

**Purpose:**

This is a request for City Council to discuss the adoption of a Resolution authorizing the acceptance of right of way located along the 75<sup>th</sup> Avenue alignment north of Jomax Road associated with the Aloravita development.

**Background/Summary:**

Development of a portion of the Aloravita community, located north of the Jomax Road east of the 75<sup>th</sup> Avenue alignment, will require the construction of 75<sup>th</sup> Avenue along the western portion of the development. Right of way from the parcel owned by the Flood Control District is needed in order for the improvements to be constructed by the developer.

**Previous Actions:**

There has been no previous formal Council action on this item.

**Options:**

- A:** Approve the adoption of a Resolution authorizing the acquisition of right of way to allow for the construction of roadway improvements.
- B:** Deny adoption of the Resolution authorizing the acquisition of right of way which will result in delays for the Aloravita development.

**Staff's Recommendation:**

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

**Fiscal Analysis:**

Aloravita I, LLC. will be responsible for all costs associated with the right of way acquisition.

**Narrative:**

Acceptance of the right of way will allow for the 75<sup>th</sup> Avenue improvements north of Jomax Road to be constructed by the Aloravita development. The acceptance of the Resolution by City Council will also bring the right of way into our system.

**Exhibit(s):**

**Exhibit 1:** Vicinity Map

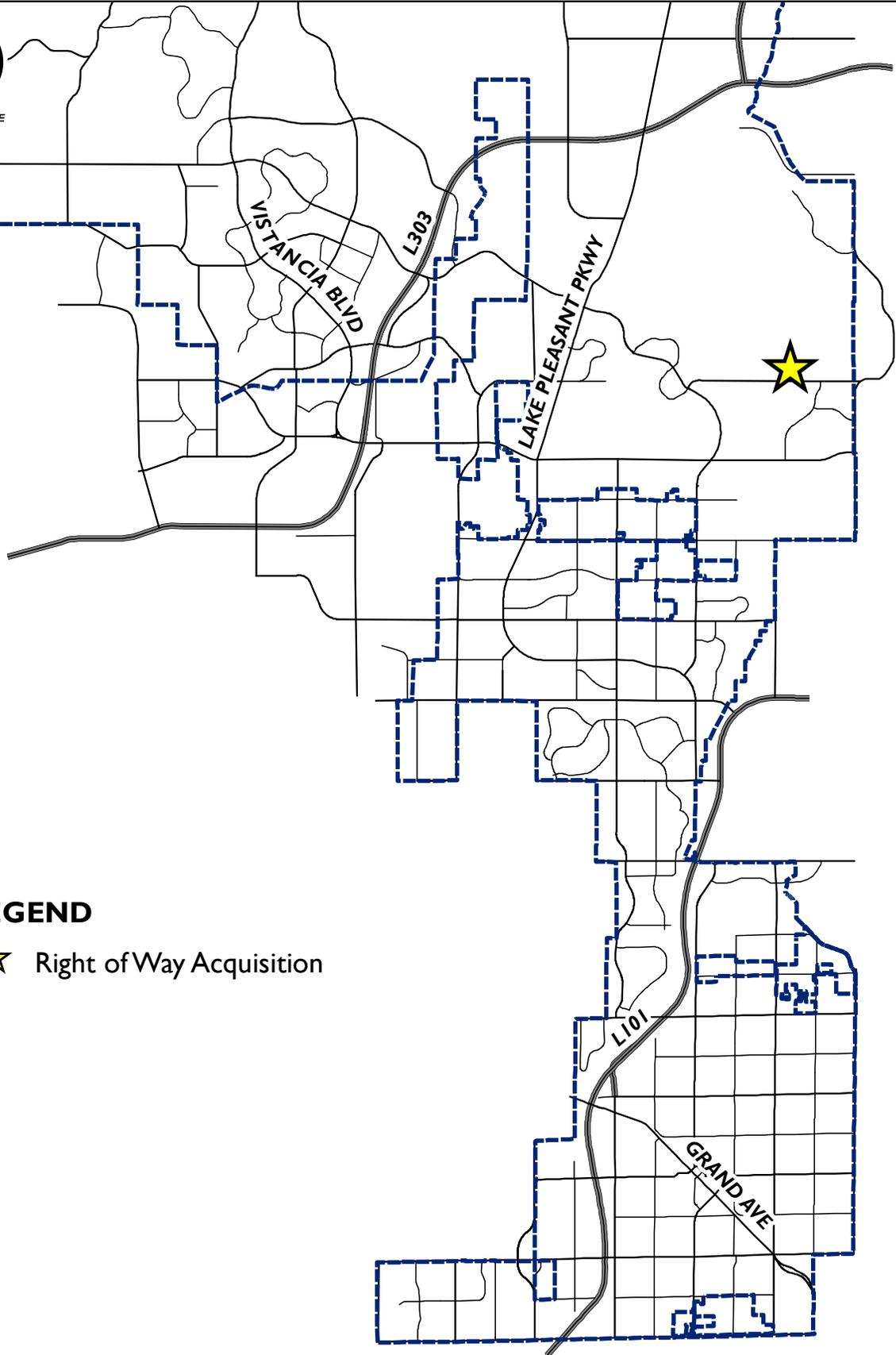
**Exhibit 2:** Location Map

**Exhibit 3:** Resolution

**Contact Name and Number:** Angela Manuel, Real Property Coordinator, (623) 773-7728



NOT TO SCALE



**LEGEND**

★ Right of Way Acquisition

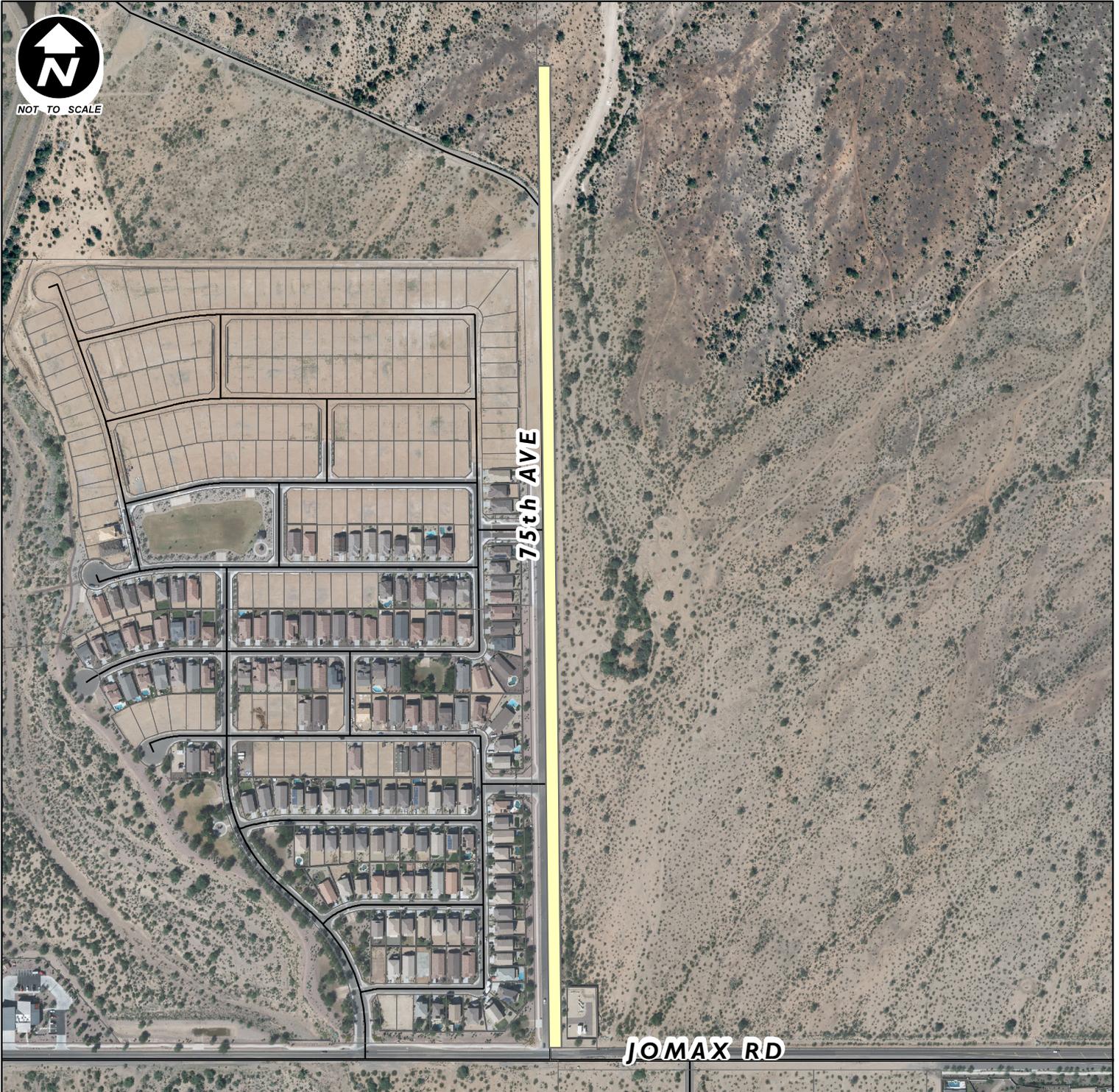


**City of Peoria**  
DEVELOPMENT & ENGINEERING

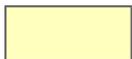
Right of Way Acquisition from  
Flood Control District  
Aloravita  
**Location Map**



NOT TO SCALE



LEGEND



Right of Way



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

RESOLUTION NO. 2015-94

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF RIGHT OF WAY LOCATED IN THE VICINITY OF 75<sup>TH</sup> AVENUE NORTH OF JOMAX ROAD.

WHEREAS, the Flood Control District of Maricopa County has agreed to convey right of way to the City of Peoria along the 75<sup>th</sup> Avenue alignment north of Jomax Road; and

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

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

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

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

Resolution No. 2015-94  
75<sup>th</sup> Avenue north of Jomax Road  
August 26, 2015  
Page 2 of 9

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona this 26<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

ATTACHMENT:

A. Special Warranty Deed

July 28, 2015

When recorded, Interoffice Mail to:  
Flood Control District of  
Maricopa County (SFW)

**EXEMPT ARS § 11-1134, A3**  
**C-69-15-023-8-00**

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**SPECIAL WARRANTY DEED**

Project: **New River Dam**  
Item: **NRD-014A-EX**  
Assessor's Parcel No.: **201-20-004B**  
FCD Permit# **2014P067**

The **FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**, a political subdivision of the State of Arizona, **GRANTOR**, for the sum of **Sixty Five Thousand and 00/100 dollars (\$65,000.00)** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid by the **CITY OF PEORIA**, an Arizona municipal corporation, **GRANTEE**, herein does grant, sell, and convey to **GRANTEE** all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

See Exhibit "A"

Attached hereto and incorporated herein

The **GRANTOR** hereby conveys unto **GRANTEE** all warranties of title of any nature whatsoever that **GRANTOR** owns; provided, however, **GRANTOR** warrants title against all of its acts and not other acts. This property is conveyed subject to: assessments, reservations, easements, rights-of-way, deed restrictions and other agreements that may appear on record.

**GRANTOR** warrants that no portion of the Property is the subject of a threatened or pending investigation, lawsuit or administrative action by any person, firm, governmental body or other entity relating to or arising from any matter or circumstance subject to regulation pursuant to any statute, ordinance, rule or regulation, and that **GRANTOR** has received no unofficial or official notice of any alleged violations of any statutes, ordinances or regulations.







LEGAL DESCRIPTION FOR  
ALORAVITA  
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY PARCEL

The North 3,260.00 feet of the South 3,300.00 feet of the West 40.00 feet of Section 36, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

That part of the West Half of Section 36, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the City of Peoria Brass Cap flush marking the Southwest Corner of said Section 36, from which the Aluminum Cap stamped LS#27239 marking the West Quarter Corner of said Section 36 bears North 00°46'18" West, a distance of 2,635.65 feet;

Thence North 00°46'18" West, along the West line of the Southwest Quarter of said Section 36, a distance of 40.00 feet to a point on a line which is parallel with and 40.00 feet Northerly, as measured at right angles, from the South line of the Southwest Quarter of said Section 36, said point being the True Point of Beginning;

Thence continuing North 00°46'18" West, along said West line, a distance of 2,595.65 feet to the Aluminum Cap stamped LS#27239 marking the West Quarter Corner of said Section 36;

Thence North 00°46'13" West, along the West line of the Northwest Quarter of said Section 36, a distance of 664.71 feet to a point on a line which is parallel with and 3,300.00 feet Northerly, as measured at right angles, from the South line of the Southwest Quarter of said Section 36;

Thence South 89°55'37" East, along said parallel line, a distance of 40.00 feet to a point on a line which is parallel with and 40.00 feet Easterly, as measured at right angles, from the West line of the Northwest Quarter of said Section 36;

Thence South 00°46'13" East, along last said parallel line, a distance of 664.12 feet to a point on a line which is parallel with and 40.00 feet Easterly, as measured at right angles, from the West line of the Southwest Quarter of said Section 36;

Thence South 00°46'18" East, along last said parallel line, a distance of 2,596.23 feet to a point on a line which is parallel with and 40.00 feet Northerly, as measured at right angles, from the South line of the Southwest Quarter of said Section 36;

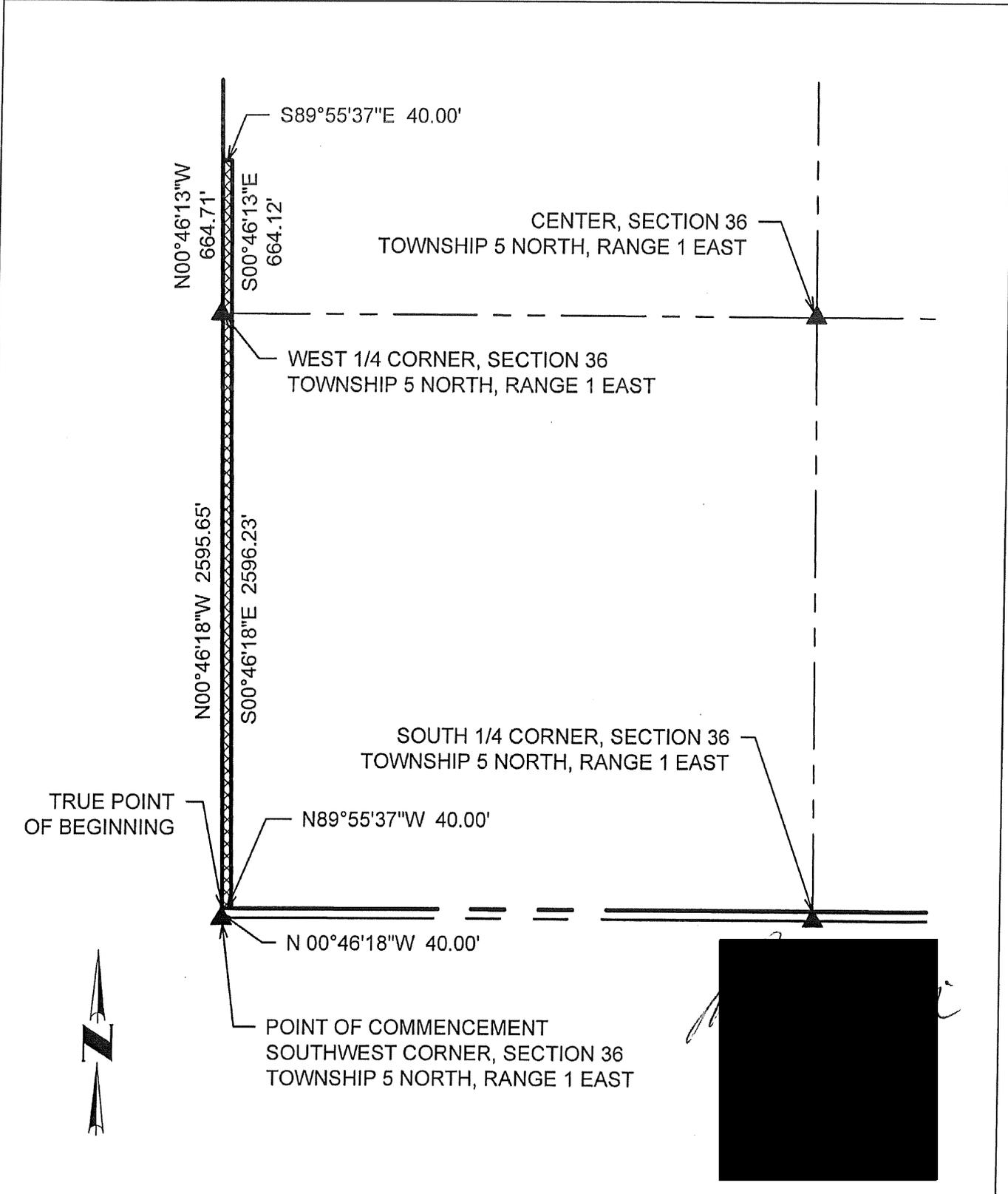
Legal Description for  
Aloravita  
Flood Control District of Maricopa County Parcel  
August 14, 2014

Thence North 89°55'37" West, along last said parallel line, a distance of 40.00 feet to the True Point of Beginning.

Containing 2.994 Acres, more or less.



Expires 6/30/2016



SCALE 1" = 600'

EXHIBIT

4550 North 12th Street  
 Phoenix, Arizona 85014  
 Phone 602-264-6831  
<http://www.cvlci.com>

ALORAVITA

FLOOD CONTROL DISTRICT OF  
 MARICOPA COUNTY PARCEL



1 OF 1

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 28C

**Date Prepared: July 15, 2015**

**Council Meeting Date: August 26, 2015**

---

**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, Development and Engineering Director

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

**SUBJECT:** Deeds and Easements, Various Locations

---

**Purpose:**

This is a request for City Council to adopt a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City. The deeds and easements have been recorded by the Maricopa County Recorder's Office and this process will formally accept them into the system.

**Background/Summary:**

The City of Peoria periodically acquires a number of property interests including deeds, roadway dedications and various types of easements. All documents are reviewed for accuracy and recorded. A Resolution to accept these documents has been prepared, which lists each document by recording number and provides information related to each so the property interest to be accepted can be identified.

**Previous Actions:**

This is an ongoing process which occurs when we have acquired a number of real property interests.

**Options:**

- A: Approve the adoption of the Resolution accepting Deeds and Easements into our system.
- B: Deny adoption of the Resolution that formally accepts the Deeds and Easements into our system, resulting in the City not having an official record of what has been transferred to the City through recordation in the Maricopa County Recorder's office.

**Staff's Recommendation:**

Staff recommends the adoption of a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office to ensure completeness of the process.

**Fiscal Analysis:**

There is no fiscal impact to the City.

**Narrative:**

This Resolution includes Real Property interests acquired since the adoption of the previous acceptance resolution. The acceptance of the Resolution by City Council would bring the deeds and easements into our system and is the final step in the process.

**Exhibit(s):**

**Exhibit 1:** Resolution

**Contact Name and Number:** Gary Lopez, Plans Review Supervisor, Development and Engineering, (623) 773-7236



Resolution No. 2015-95  
Acceptance of Deeds and Easements  
August 26, 2015  
Page: 2

SECTION 2. Public Easement and Land Rights

That the Mayor and Council accept the deeds and public easements transferred to the City of Peoria as described herein.

SECTION 3. Recording Authorized

That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 26<sup>th</sup> day of August.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 29C

Date Prepared: August 5, 2015

Council Meeting Date: August 26, 2015

---

**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, PE, Development and Engineering Department Director

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

**SUBJECT:** Final Plat, Trilogy West Phase 2 – Parcel C43, Upcountry Way west of Vistancia Boulevard (Project No. R150013)

---

**Purpose:**

This is a request for City Council to approve a Replat of Trilogy West Phase 1 - Parcel C43, located on Upcountry Way west of Vistancia Blvd., and authorize the Mayor and City Clerk to sign and record the Final Plat with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil plans must be approved by the City of Peoria (City) prior to recordation of the Replat.
2. An approval of design from the City Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Replat.
3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Final Plat.
4. In the event that the Final Plat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

**Background/Summary:**

The purpose of the Final Plat is to plat a subdivision for residential use. This development is within the City's water\sewer service area. This final plat creates a total of 86 new lots within the Trilogy West development. All internal roadways are private and will be maintained by the HOA.

In July 2015, the City Council approved the Master Final Plat for Trilogy West Phase 2, creating all of the individual parcels and the roadways for the master subdivision. The Replats are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

**Previous Actions:**

The preliminary plat was reviewed by the City and completed in October 2014 and no changes were made to the proposed Final Plat.

The Master Final Plat for Trilogy west Phase 2 was recorded in July 2015.

**Options:**

A: The Final Plat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Final Plat; although it should be noted that not approving the Final Plat will prevent the Developer from developing this land.

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

**Staff's Recommendation:**

Staff recommends the approval and subsequent recordation of the attached Final Plat.

**Fiscal Analysis:**

There is no direct budgetary impact to the City to approve the Final Plat.

**Narrative:**

The acceptance of this Final Plat by City Council will allow the developer to move forward in developing this property.

**Exhibit(s):**

**Exhibit 1:** Final Plat

**Exhibit 2:** Vicinity Map

**Contact Name and Number:**

Jodi Breyfogle, PE: 623-773-7577







Printed By: Mchka Print Date: July 11, 2015 File Name: N:\07181013\CD\Phase 2\Final\CAD\03\_C43\_P1A1.dwg

TRACT E  
MASTER FINAL PLAT FOR  
"TRILOGY WEST PHASE 2"  
BOOK 1236 OF MAPS, PAGE 36, M.C.R.

TRACT B  
MASTER FINAL PLAT FOR "TRILOGY WEST PHASE 2"  
BOOK 1236 OF MAPS, PAGE 36, M.C.R.

COUNTY RECORDER

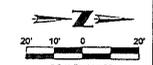


NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

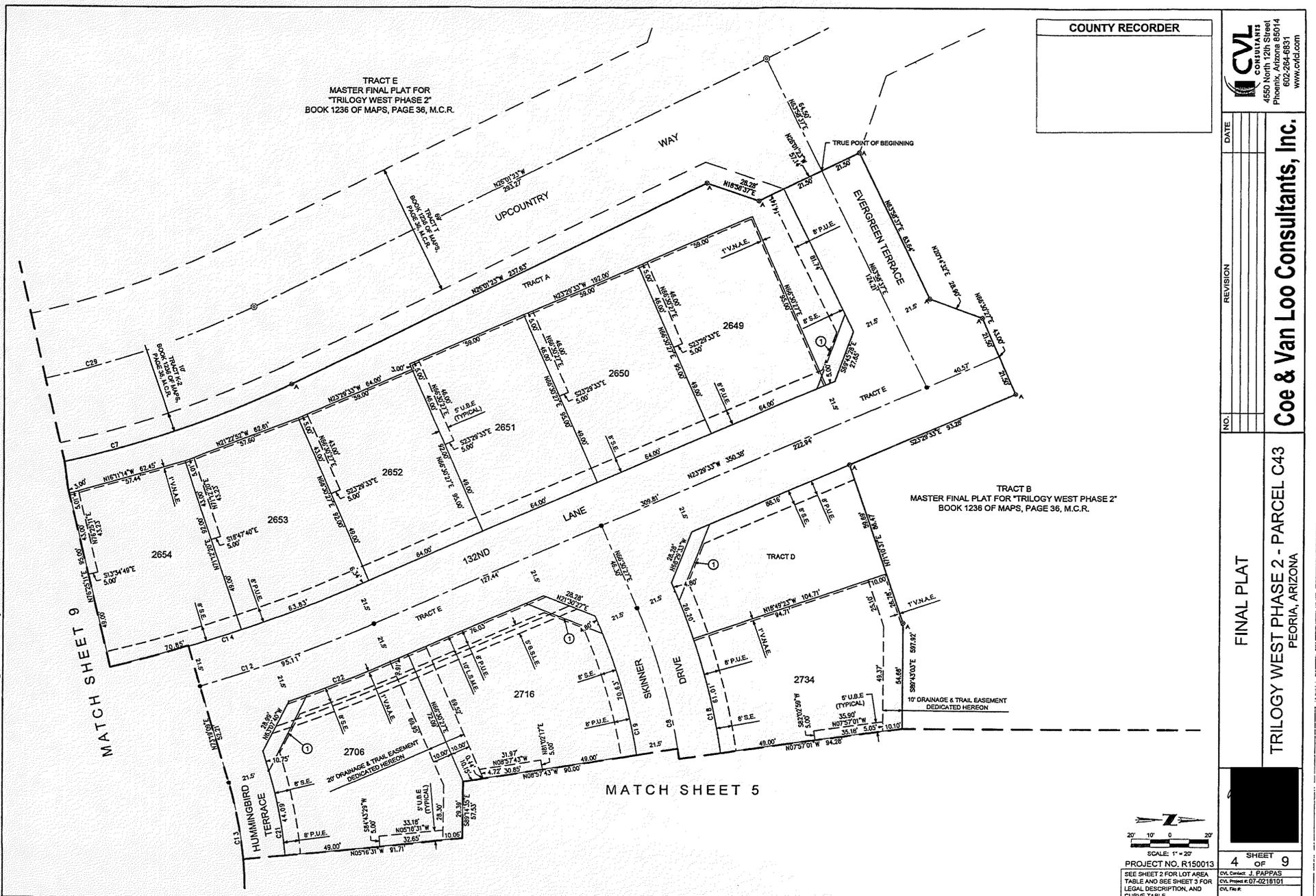
FINAL PLAT

TRILOGY WEST PHASE 2 - PARCEL C43  
PEORIA, ARIZONA



SCALE: 1" = 20'  
PROJECT NO. R150013  
SEE SHEET 2 FOR LOT AREA TABLE AND SEE SHEET 3 FOR LEGAL DESCRIPTION AND CURVE TABLE

4 SHEET OF 9  
CVC Control: J. PAPPAS  
CVC Permit #: 07-0218101  
CVC File #:





Printed By: Mark A. Price Date: July 21, 2015 File Name: I:\PROJECTS\18101\18101.dwg

MATCH SHEET 8

MATCH SHEET 7

MATCH SHEET 5

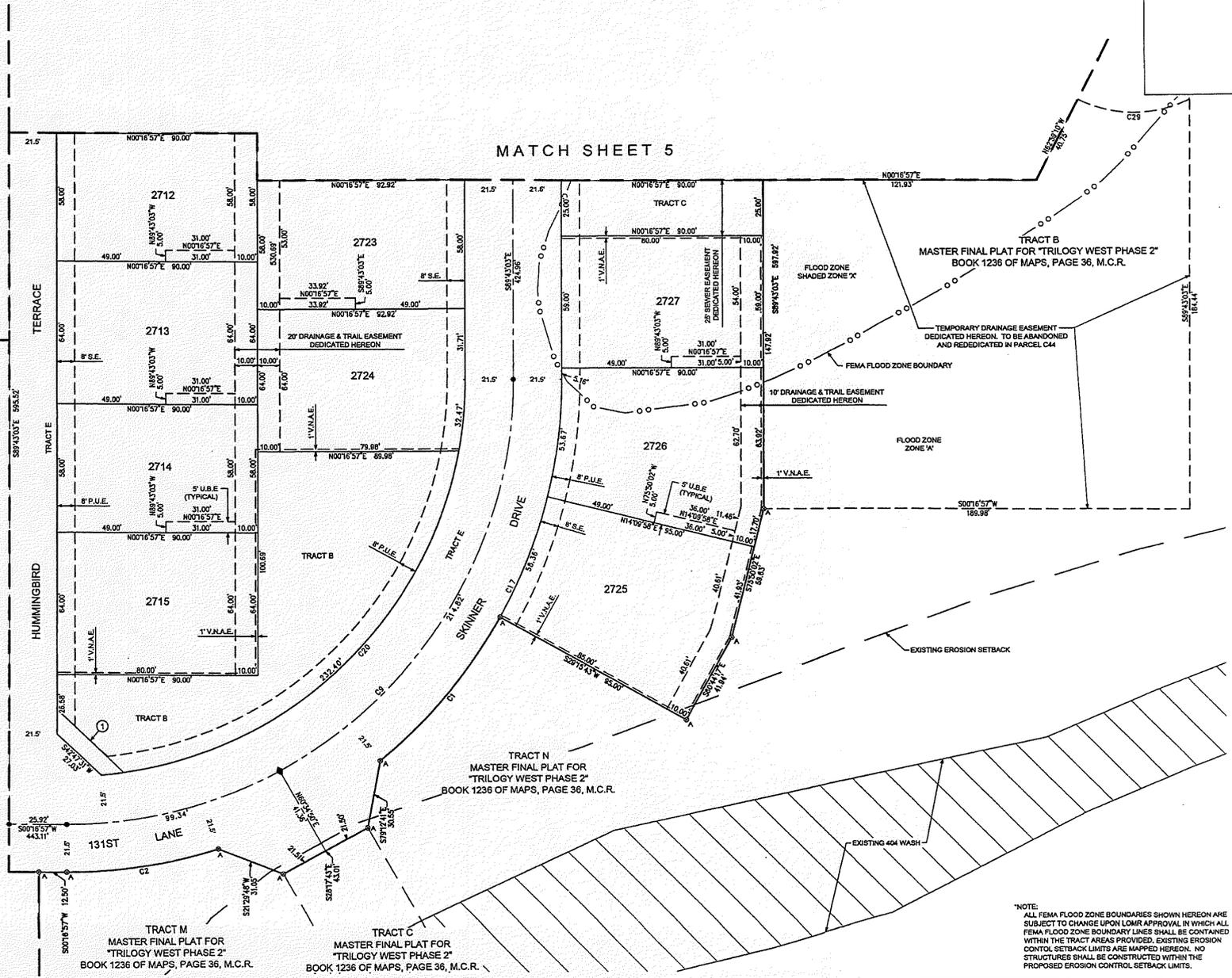
COUNTY RECORDER

CVL CONSULTANTS 4650 North 12th Street Phoenix, Arizona 85014 602-264-8931 www.cvl.com

DATE: REVISION: NO. COE & VAN LOO CONSULTANTS, Inc.

FINAL PLAT TRILogy WEST PHASE 2 - PARCEL C43 PEORIA, ARIZONA

PROJECT NO. R150013 6 SHEET OF 9 SEE SHEET 2 FOR LOT AREA TABLE AND SEE SHEET 3 FOR LEGAL DESCRIPTION AND CURVE TABLE



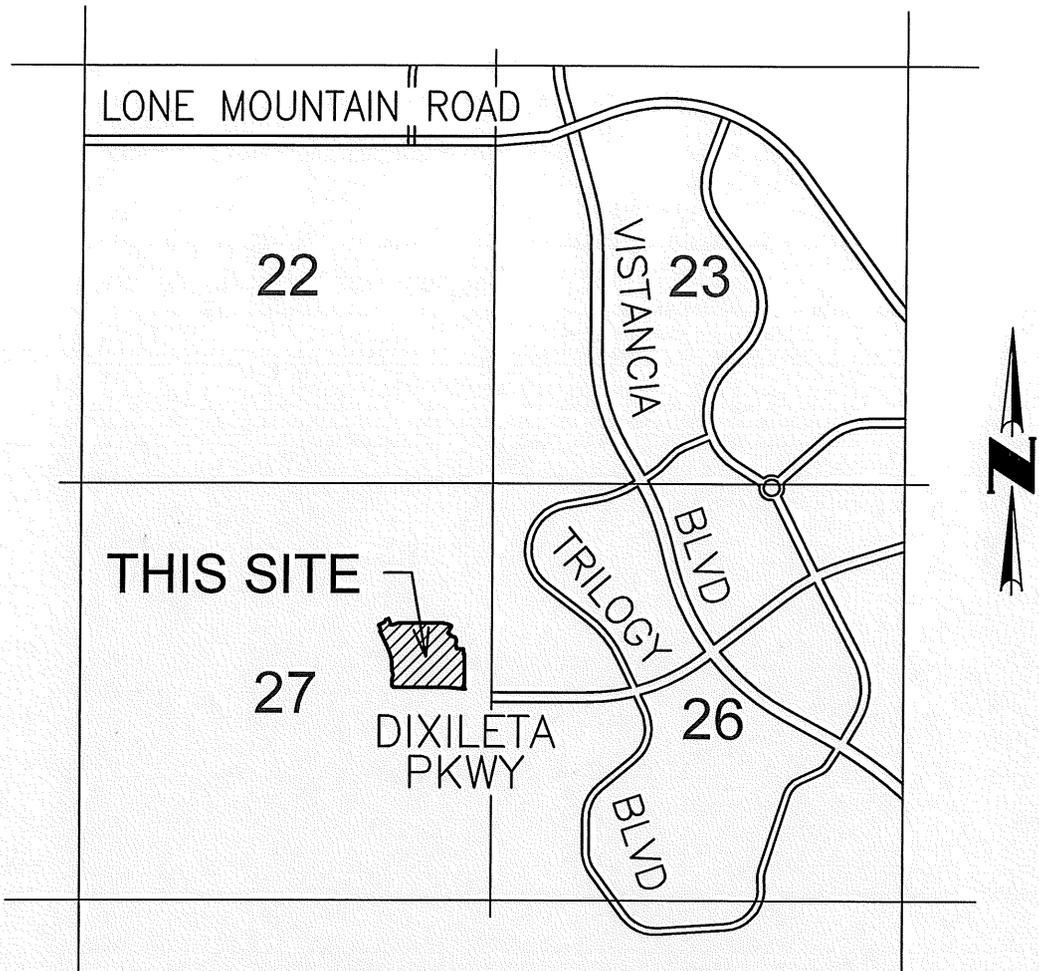
NOTE: ALL FEMA FLOOD ZONE BOUNDARIES SHOWN HEREON ARE SUBJECT TO CHANGE UPON LOMR APPROVAL IN WHICH ALL FEMA FLOOD ZONE BOUNDARY LINES SHALL BE CONTAINED WITHIN THE TRACT AREAS PROVIDED. EXISTING EROSION CONTROL SETBACK LIMITS ARE MAPPED HEREON. NO STRUCTURES SHALL BE CONSTRUCTED WITHIN THE PROPOSED EROSION CONTROL SETBACK LIMITS.











# **VICINITY MAP**

(NOT-TO-SCALE)

TRIOLOGY WEST PHASE 2  
PARCEL C43

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 30C

Date Prepared: June 30, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, PE, Development and Engineering Department Director

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

**SUBJECT:** Replat, Desert Harbor Parcel 18, 91<sup>st</sup> Avenue and Thunderbird Road (Project No. R150025)

---

**Purpose:**

This is a request for City Council to approve a Replat of Desert Harbor Parcel 18, located on 91<sup>st</sup> Avenue and Thunderbird Road, and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil plans must be approved by the City of Peoria (City) prior to recordation of the Replat.
2. An approval of design from the City Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Replat.
3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Replat.
4. In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

**Background/Summary:**

The purpose of the Replat is to plat a parcel for commercial use and dedicate all of the necessary easements. This development is located within the City's water\sewer service area.

**Previous Actions:**

The site plan was reviewed by the City and completed in March 2015 and no changes were made to the proposed Replat.

**Options:**

A: The Replat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Replat and allow this parcel to be developed.

**Staff's Recommendation:**

Staff recommends the approval and subsequent recordation of the attached Replat.

**Fiscal Analysis:**

There is no direct budgetary impact to the City to approve the Replat.

**Narrative:**

The acceptance of this Replat by City Council will allow the developer to move forward in developing this property.

**Exhibit(s):**

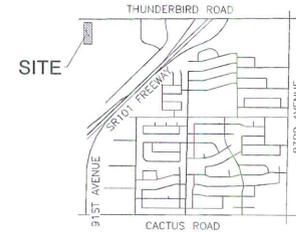
**Exhibit 1:** Replat

**Exhibit 2:** Vicinity Map

**Contact Name and Number:**

Jodi Breyfogle, PE: 623-773-7577

A RE-PLAT PLAT OF  
**"DESERT HARBOR PARCEL 18"**  
 AS SHOWN ON THE MAP OF DEDICATION, ACCORDING TO BOOK 288 OF MAPS, PAGE 28,  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 EAST  
 OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP  
 SCALE: N.T.S. SEC. 15, T.3N, R.1E

<b>OWNER</b>	
HARBOR VISTA, LLC	
<b>PREPARED FOR</b>	
PREGIS PARTNERS LLC 980 E. HIGHWAY 5701 PHOENIX, AZ 85034	
<b>PROPERTY INFO</b>	
APN: 200-79-013F NST. NO. 2008-0493178	

**DEDICATION STATEMENT**

STATE OF ARIZONA )  
 COUNTY OF MARICOPA ) SS

KNOW ALL MEN BY THESE PRESENTS:

THAT HARBOR VISTA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER DOES HEREBY PUBLISH THIS RE-PLAT OF DESERT HARBOR LOT 18" OVER A PORTION OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 EAST, GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, AZ, AS SHOWN AND PLATED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID RE-PLAT OF DESERT HARBOR LOT 18" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS AND EASEMENTS CONSTITUTING THE SAME, AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER AND NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA, FOR USE, AS SUCH, THE STREET AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

PUBLIC UTILITY EASEMENTS (P.U.E.) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER. ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED PLAT OF "DESERT HARBOR" (M.C.R. BOOK 288, PAGE 28) SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDED OF THIS RE-PLAT.

HARBOR VISTA, LLC DO HEREBY GRANT TO THE CITY OF PEORIA, A MUNICIPAL CORPORATION IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER, AND ACROSS TRACT(S) SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER LINE. SUBJECT TO NOTES 1, 2, 3, AND 4.

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

- NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND THE TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.
  2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
  3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
  4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED PLAT OF THE "MAP OF DEDICATION FOR DESERT HARBOR" (M.C.R. BOOK 288, PAGE 28) SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDED OF THIS RE-PLAT.

IN WITNESS WHEREOF: HARBOR VISTA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE SIGNED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.

HARBOR VISTA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY,

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF ARIZONA )  
 COUNTY OF MARICOPA ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED \_\_\_\_\_ OF HARBOR VISTA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED THAT HE/SHE, AS SUCH OFFICER, BEING AUTHORIZED TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS THEREOF: I HERETO SET MY HAND AND OFFICIAL SEAL

BY \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

**LEGAL DESCRIPTION**

PARCEL NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FOR A TIE AT THE NORTHWEST CORNER OF SECTION 15;

THENCE SOUTH 00 DEGREES 45 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SECTION 15, A DISTANCE OF 55.03 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 10 MINUTES 09 SECONDS EAST, 378.57 FEET;

THENCE SOUTH 00 DEGREES 49 MINUTES 51 SECONDS EAST, 220.00 FEET;

THENCE NORTH 89 DEGREES 10 MINUTES 09 SECONDS EAST, 170.00 FEET;

THENCE SOUTH 25 DEGREES 35 MINUTES 17 SECONDS WEST, 306.77 FEET TO THE P.C. OF A CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2080.00 FEET AND A CENTRAL ANGLE OF 05 DEGREES 40 MINUTES 24 SECONDS, AN ARC DISTANCE OF 205.96 FEET TO THE P.T. OF SAID CURVE;

THENCE SOUTH 31 DEGREES 15 MINUTES 41 SECONDS WEST, 857.52 FEET TO A POINT ON THE WEST LINE OF SAID SECTION;

THENCE NORTH 00 DEGREES 55 MINUTES 49 SECONDS EAST ALONG SAID WEST LINE, 1231.98 FEET TO THE POINT OF BEGINNING;

EXCEPT THE PORTION CONVEYED TO CITY OF PEORIA, BY SPECIAL WARRANTY DEED, RECORDED MAY 02, 2008 AS 2008-393100 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF A CERTAIN PROPERTY DESCRIBED IN INSTRUMENT NO. 2008-403178 OF OFFICIAL RECORDS, MARICOPA COUNTY RECORDER, SAID PROPERTY LYING WITHIN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15 (BRASS CAP) BEARS SOUTH 00 DEGREES 56 MINUTES 34 SECONDS WEST, 2609.68 FEET;

THENCE SOUTH 00 DEGREES 56 MINUTES 34 SECONDS WEST, 55.03 FEET ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 15 TO THE NORTHWEST CORNER OF SAID CERTAIN PROPERTY DESCRIBED IN DOCUMENT NO. 2008-403178 OF OFFICIAL RECORDS AND THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 10 MINUTES 54 SECONDS EAST, 378.57 FEET ALONG THE NORTH LINE OF SAID CERTAIN PROPERTY TO A CORNER OF SAID CERTAIN PROPERTY;

THENCE SOUTH 00 DEGREES 49 MINUTES 06 SECONDS EAST, 10.00 FEET ALONG AN EASTERLY LINE OF SAID CERTAIN PROPERTY;

THENCE DEPARTING SAID EASTERLY LINE SOUTH 89 DEGREES 10 MINUTES 54 SECONDS WEST, 378.68 FEET TO THE LINE COMMON TO SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15 AND THE WEST LINE OF SAID CERTAIN PROPERTY;

THENCE NORTH 00 DEGREES 56 MINUTES 34 SECONDS EAST, 10.00 FEET ALONG SAID COMMON LINE TO THE POINT OF BEGINNING.

PARCEL NO. 2

ACCESS EASEMENT AS SET FORTH IN DECLARATION OF EASEMENTS RECORDED NOVEMBER 14, 2005 2005-122279 OF OFFICIAL RECORDS AND RE-RECORDED OCTOBER 24, 2007 AS 2007-1151579 OF OFFICIAL RECORDS AND RE-RECORDED NOVEMBER 12, 2014 AS 2014-074944 OF OFFICIAL RECORDS.

**RATIFICATION**

THAT THE UNDERSIGNED, AS BENEFICIARY, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT, THE DECLARATION OF RESTRICTIONS RECORDED CONCURRENTLY HERewith AND EACH AND EVERY DEDICATION HEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE SIGNED THEIR NAMES THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.

U.S. BANK NATIONAL ASSOCIATION

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF ARIZONA )  
 COUNTY OF MARICOPA ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED \_\_\_\_\_ WHO ACKNOWLEDGED HIM/HER SELF TO BE THE \_\_\_\_\_ OF HARBOR VISTA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED THAT HE/SHE, AS SUCH OFFICER, BEING AUTHORIZED TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS THEREOF: I HERETO SET MY HAND AND OFFICIAL SEAL

BY \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

**PARCEL INFORMATION:**

APN: 200-79-013F  
 OWNER: HARBOR VISTA, LLC  
 INSTR: 2015-0037494 MCR  
 AREA: 376.507 SQ. FT. OR 8.6389 ACRES (NET) MORE OR LESS

**REFERENCE DOCUMENTS:**

(R) NST. NO. 2015-0037494 MCR  
 (R1) BOOK 883, OF MAPS, PAGE 07 MCR  
 (R2) NST. NO. 2008-393100 MCR

**BASE OF BEARING**

NORTH 89 DEGREES 10 MINUTES 45 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH SOUTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN.

**NOTES**

- a. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, FOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
- b. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 60 KV, CABLE TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
- c. ALL LOT CORNERS SHALL BE MONUMENTED WITH 3/4" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- d. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN NEAR EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 24 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
- e. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY. IN CASES OF PRIVATE WATER COMPANIES, THE NOTE SHALL READ: THIS SUBDIVISION IS LOCATED WITHIN THE (INSERT PRIVATE COMPANY NAME) WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
- f. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
- g. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
- h. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPED THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.

**APPROVALS**

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY \_\_\_\_\_ MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_ CLERK \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**SURVEYOR'S CERTIFICATION**

I, BRETT L. NOWACKI, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF TWO SHEETS, CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF APRIL, 2015. THAT THE SURVEY IS TRUE AND ACCURATE AS SHOWN; THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: \_\_\_\_\_ AND SURVEYOR  
 ARIZONA REGISTRATION NO. 41896

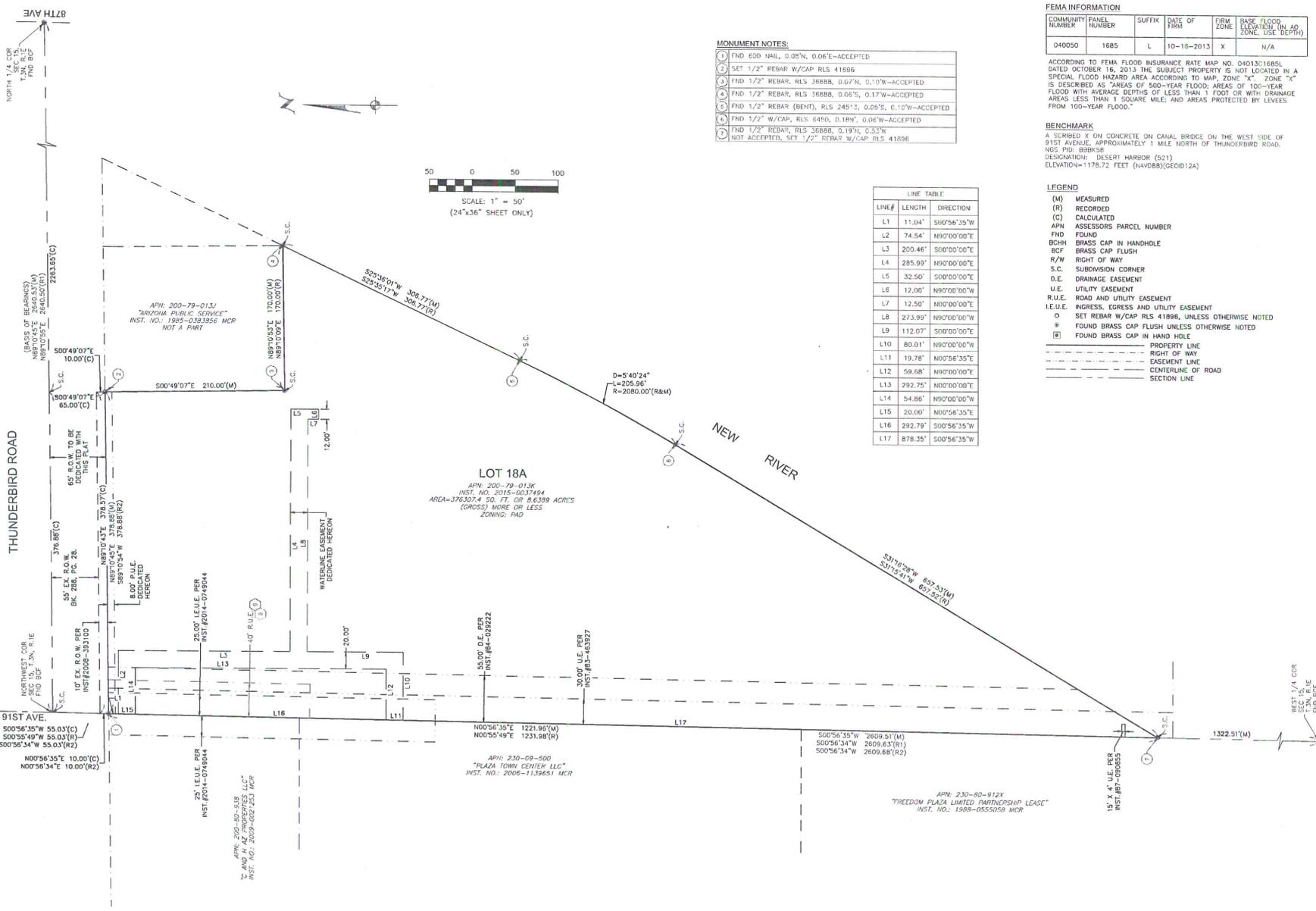
A RE-PLAT OF  
**"DESERT HARBOR PARCEL 18"**  
 PEORIA, ARIZONA

DRAWN BY:	BLN
CHECKED BY:	BLN
DATE:	4/7/15
SCALE:	1"=50'
PROJECT #:	14014
LAST MODIFIED:	4/7/15
LAST MODIFIED BY:	BLN

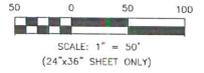


SHEET	OF
1	2
PL-1	

CITY OF PEORIA



- MONUMENT NOTES:**
- 1) FND 630 NAIL, 0.05"N, 0.06"E-ACCEPTED
  - 2) SET 1/2" REBAR W/CAP RLS 41896
  - 3) FND 1/2" REBAR, RLS 38888, 0.07"N, 0.10"W-ACCEPTED
  - 4) FND 1/2" REBAR, RLS 38888, 0.08"N, 0.17"W-ACCEPTED
  - 5) FND 1/2" REBAR (BENT), RLS 24573, 0.05"S, 0.10"W-ACCEPTED
  - 6) FND 1/2" W/CAP, RLS 5450, 0.18"N, 0.06"W-ACCEPTED
  - 7) FND 1/2" REBAR, RLS 38888, 0.19"N, 0.33"W NOT ACCEPTED, SET 1/2" REBAR W/CAP RLS 41896



LINE#	LENGTH	DIRECTION
L1	11.04'	S00°56'35"W
L2	74.54'	N90°00'00"E
L3	200.46'	S00°00'00"E
L4	285.90'	N90°00'00"E
L5	32.50'	S00°00'00"E
L6	12.00'	N90°00'00"W
L7	12.50'	N00°00'00"E
L8	273.95'	N90°00'00"W
L9	112.07'	S00°00'00"E
L10	80.01'	N90°00'00"W
L11	19.78'	N00°56'35"E
L12	58.68'	N90°00'00"E
L13	292.75'	N00°00'00"E
L14	54.86'	N90°00'00"W
L15	20.00'	N00°56'35"E
L16	292.79'	S00°56'35"W
L17	878.35'	S00°56'35"W

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEVATION (IN AG ZONE, USE DEPTH)
D40050	1685	L	10-18-2013	X	N/A

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 0401301685L DATED OCTOBER 18, 2013 THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO MAP, ZONE "X", ZONE "X" IS DESCRIBED AS "AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD."

**BENCHMARK**  
 A SCRIBED X ON CONCRETE ON CANAL BRIDGE ON THE WEST SIDE OF 91ST AVENUE, APPROXIMATELY 1 MILE NORTH OF THUNDERBIRD ROAD, NGS PID: BBBK58  
 DESIGNATION: DESERT HARBOR (521)  
 ELEVATION=1178.72 FEET (NAVD88)(OCOD124)

- LEGEND**
- (M) MEASURED
  - (R) RECORDED
  - (C) CALCULATED
  - APN ASSESSORS PARCEL NUMBER
  - FND FOUND
  - BCHM BRASS CAP IN HANDHOLE
  - BCF BRASS CAP FLUSH
  - R/W RIGHT OF WAY
  - S.C. SUBDIVISION CORNER
  - D.E. DRAINAGE EASEMENT
  - U.E. UTILITY EASEMENT
  - R.U.E. ROAD AND UTILITY EASEMENT
  - I.U.E. INGRESS, EGRESS AND UTILITY EASEMENT
  - SET REBAR W/CAP RLS 41896, UNLESS OTHERWISE NOTED
  - ⊕ FOUND BRASS CAP FLUSH UNLESS OTHERWISE NOTED
  - ⊞ FOUND BRASS CAP IN HAND HOLE
- PROPERTY LINE  
 --- RIGHT OF WAY  
 --- EASEMENT LINE  
 --- CENTERLINE OF ROAD  
 --- SECTION LINE

**OWNER**  
 HARBOR USA, LLC

**PREPARED FOR**  
 IRGIS PARTNERS LLC  
 3005 E. WASHINGTON STREET  
 PHOENIX, AZ 85034

**PROPERTY INFO**  
 APN: 200-79-013X  
 INST. NO. 2015-0037494

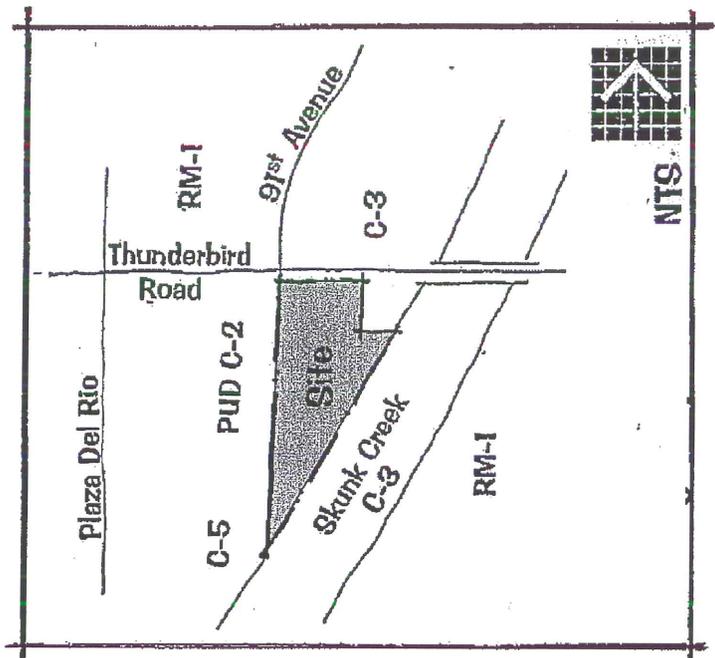
A RE-PLAT OF  
**"DESERT HARBOR PARCEL 18"**  
 PEORIA, ARIZONA

DRAWN BY: BLN  
 CHECKED BY: BLN  
 DATE: 4/30/15  
 SCALE: 1"=50'  
 PROJECT #: 14014  
 LAST MODIFIED: 4/30/15  
 LAST MODIFIED BY: BLN



SHEET 2 OF 2  
**PL-2**

CITY OF PEORIA



Vicinity Map  
Exhibit A

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 31C

Date Prepared: July 13, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, PE, Development and Engineering Department Director

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

**SUBJECT:** Replat of Units 90 and 91 of Building 8 of Olive Avenue Business Park Condominium, Olive Avenue and Loop 101 (Project No. R150001)

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**Purpose:**

This is a request for City Council to approve a Replat of Units 90 and 91 of Building 8 of Olive Avenue Business Park Condominium, located on Olive Avenue and Loop 101, and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulation:

In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

**Background/Summary:**

The purpose of the Replat is to combine two condo units into one for commercial use. The Amendment to the Condominium Plat for Olive Avenue Business Park is needed to facilitate the sale of a condo unit to a business entity by the owner. The Olive Avenue Business Park condo plat was originally set up with individual units identified within buildings throughout the site. As sales take place in the condominium subdivision, reconfigurations of the units may be necessary (shifting of unit lines, combining of units, etc.).

This development is located within the City's water\sewer service area.

**Previous Actions:**

The original condominium plat was reviewed by the City and recorded in February 2006.

A: The Replat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Replat; although it should be noted that not

approving the Replat will prevent the Developer from moving forward with the sale and development of these units.

B: The other option would be to formally approve the Replat and allow these units to be sold and developed.

**Staff's Recommendation:**

Staff recommends the approval and subsequent recordation of the attached Replat.

**Fiscal Analysis:**

There is no direct budgetary impact to the City to approve the Replat.

**Narrative:**

The acceptance of this Replat by City Council will allow the developer to move forward in developing this property.

**Exhibit(s):**

**Exhibit 1:** Replat

**Exhibit 2:** Vicinity Map

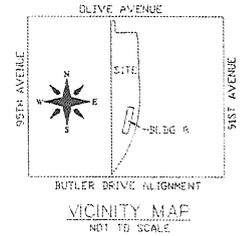
**Contact Name and Number:**

Jodi Breyfogle, PE: 623-773-7577

# CONDOMINIUM REPLAT OF

## "REPLAT OF UNITS 90 AND 91 OF BUILDING 8 OF OLIVE AVENUE BUSINESS PARK CONDOMINIUM"

BEING A REPLAT OF UNITS 90 AND 91 OF BUILDING 8 OF "OLIVE AVENUE BUSINESS PARK CONDOMINIUM" AS RECORDED IN BOOK 811, PAGE 40, AND LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



### DECLARATION AND DEDICATION:

ALL MEN BY THESE PRESENTS:  
CO OIL, INC., AN ARIZONA CORPORATION, AS OWNER DOES HEREBY REDEVELOP THIS CONDOMINIUM REPLAT OF "REPLAT OF UNITS 90 AND 91 OF BUILDING 8 OF OLIVE AVENUE BUSINESS PARK CONDOMINIUM", BEING A REPLAT OF UNITS 90 AND 91 OF BUILDING 8 OF "OLIVE AVENUE BUSINESS PARK CONDOMINIUM" AS RECORDED IN BOOK 811, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA, OVER A PORTION OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND HEREBY DEDICATES THIS PLAT AS AND FOR THE PLAT OF SAID "REPLAT OF UNITS 90 AND 91 OF BUILDING 8 OF OLIVE AVENUE BUSINESS PARK CONDOMINIUM" HEREBY DECLARES SAID PLAT SETS FORTH THE LOCATION AND GIVES DIMENSIONS OF THE LOTS CONSTITUTING SAME AND THAT EACH LOT SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH LOT SEPARATELY ON SAID PLAT.

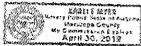
NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED DECLARATION OF "OLIVE AVENUE BUSINESS PARK CONDOMINIUM" MARICOPA COUNTY RECORDS, BOOK 811, PAGE 40, SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDED OF THIS REPLAT.

CO OIL, INC., AN ARIZONA CORPORATION, AS OWNER, HAS HERETOFORE DECLARED THIS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HERETO DULY AUTHORIZED TO DO SO ON THIS 14th DAY OF June, 2015.

WITNESS WHEREOF:  
This 14th DAY OF June, 2015.

### KNOWLEDGMENT:

KNOWLEDGMENT  
I, [REDACTED] of the County of Maricopa, State of Arizona, do hereby certify that on this 14th day of June, 2015, before me the undersigned, personally appeared [REDACTED] who acknowledged to me to be the person whose name is subscribed to the instrument within which executed the foregoing instrument for the purposes therein stated.



COMMISSION EXPIRES

### LEGAL DESCRIPTION

UNITS 90 AND 91, OLIVE AVENUE BUSINESS PARK CONDOMINIUM, ACCORDING TO DECLARATION OF CONDOMINIUM RECORDED IN DOCUMENT NO. 2006-0288116, FIRST AMENDMENT IN DOCUMENT NO. 2007-0717244, SECOND AMENDMENT IN DOCUMENT NO. 2007-1175145, THIRD AMENDMENT IN DOCUMENT NO. 2008-0197416, FOURTH AMENDMENT IN DOCUMENT NO. 2010-0735452, FIFTH AMENDMENT IN DOCUMENT NO. 2010-0934037 AND IN DOCUMENT NO. 2010-0934036, SIXTH AMENDMENT IN DOCUMENT NO. 2012-0567100, AND PLAT RECORDED IN BOOK 811 OF MAPS, PAGE 40 AND RE-PLATS IN BOOK 884 OF MAPS, PAGE 24 AND BOOK 950 OF MAPS, PAGE 22, RECORDS OF MARICOPA COUNTY, ARIZONA.

### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS RE-PLAT IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE, MERIDIAN BEING NEARLY 1/2" PER THE PLAT OF "OLIVE AVENUE BUSINESS PARK CONDOMINIUM AS RECORDED IN BOOK 811 OF MAPS, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA.

### ASSOCIATION RATIFICATION:

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, DULY AUTHORIZED OFFICER OF THE OLIVE AVENUE BUSINESS PARK CONDOMINIUM ASSOCIATION, HEREBY RATIFIES THE RECORDED OF THIS PLAT FOR "A REPLAT OF UNITS 90 AND 91, BUILDING 8, OLIVE AVENUE BUSINESS PARK CONDOMINIUM AND ACKNOWLEDGES THE RESPONSIBILITIES SET FORTH THEREIN.

OLIVE AVENUE BUSINESS PARK CONDOMINIUM ASSOCIATION

BY: [REDACTED]

ITS: President

### ACKNOWLEDGMENT:

ACKNOWLEDGMENT  
STATE OF ARIZONA )  
COUNTY OF MARICOPA )

ON THIS 14th DAY OF June, 2015, BEFORE ME THE UNDERSIGNED, PERSONALLY APPEARED [REDACTED] WHO ACKNOWLEDGED SELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

NOTARY PUBLIC  
[REDACTED]  
MY COMMISSION EXPIRES April 30, 2018



### GENERAL NOTES

- ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KV, CABLE TV, TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC., SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
- THE MAINTENANCE OF THE UTILITY EASEMENTS, AND THE TRACTS DESIGNATED FOR UTILITY FACILITIES, SHALL BE THE RESPONSIBILITY OF THE CITY OF PEORIA AND THE OLIVE AVENUE BUSINESS PARK CONDOMINIUM ASSOCIATION.
- NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE OR REMOVABLE SECTION FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REMOVE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
- THIS CONDOMINIUM IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YR ASSURED WATER SUPPLY.
- THIS CONDOMINIUM IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
- NO STRUCTURE OF ANY KIND WILL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENTS OR TRACTS WHICH WOULD IMPROVE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENTS OR TRACTS THE CITY OF PEORIA WAY, IF SO DESIGNATED, CONSTRUCT AND/OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER THE LAND IN THE EASEMENT TRACTS.
- SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES, NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
- THIS CONDOMINIUM IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE, OLIVE AVENUE IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
- BOUNDARIES OF THE UNITS ARE DESCRIBED IN THE "CONDOMINIUM DECLARATION FOR OLIVE AVENUE BUSINESS PARK CONDOMINIUM" RECORDED IN INSTRUMENT NUMBER 2006-0288116, RECORDS OF MARICOPA COUNTY, ARIZONA. PER SECTION 2.5.1 & 2.5.20 THE UNIT BOUNDARIES ARE DESCRIBED AS FOLLOWS: (A) THE VERTICAL BOUNDARIES ARE THE EXTERIOR SURFACES OF THE PERIMETER BUILDING WALLS (AND THE EXTERIOR SURFACE OF ANY WINDOWS OR DOORS IN THE PERIMETER BUILDING WALLS) OF THE BUILDING IN WHICH THE UNIT IS LOCATED AND A VERTICAL PLANE RUNNING THROUGH THE CENTER OF ANY PARTY WALL, SEPARATING THE UNIT FROM ANOTHER UNIT OR FROM A UTILITY ROOM; (B) THE LOWER HORIZONTAL BOUNDARY IS THE TOP OF THE CONCRETE FLOOR SLAB OF THE BUILDING IN WHICH THE UNIT IS LOCATED; (C) THE UPPER HORIZONTAL BOUNDARY IS THE BOTTOM SURFACE OF THE ROOF TRUSSES OF THE BUILDING, ALL SPACES, INTERIOR PARTITIONS AND OTHER FIXTURES AND IMPROVEMENTS (INCLUDING, BUT NOT LIMITED TO, CHUTES, FLUES, WIRES, CONDUITS, HEATING AND AIR CONDITIONING UNITS, HOT WATER HEATERS AND GAS, CABLE TELEVISION, WATER AND ELECTRIC PIPES, LINES OR METERS) WITHIN THE BOUNDARIES OF A UNIT AND WHICH SERVE ONLY THE UNIT ARE PART OF THE UNIT, AND ANY SUCH FIXTURES OR IMPROVEMENTS LOCATED WITHIN THE BOUNDARIES OF A UNIT BUT WHICH SERVE MORE THAN ONE UNIT ARE PART OF THE COMMON ELEMENTS.

### FLOOD PLAIN STATEMENT

ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 0402JC16961, DATED OCTOBER 16, 2013, THE SUBJECT PROPERTY LIES WITHIN ZONE "X" WHICH IS DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

### OWNER/DEVELOPER

BRENDO OIL, INC., AN ARIZONA CORPORATION  
8426 N. 90TH STREET, UNIT 2  
SCOTTSDALE, AZ 85262

### SURVEYOR

S&W LAND SURVEYING SERVICES, INC.  
10801 N. 24TH AVE., SUITE 109  
PHOENIX, AZ 85029  
PH: 602-368-8644  
FAX: 602-368-4085  
CONTACT: RICHARD STOCKMAN, RLS

### SURVEYORS NOTES

- THE BEARINGS, DISTANCES AND AREAS DEPICTED HEREON ARE PER OLIVE AVENUE BUSINESS PARK CONDOMINIUM AS RECORDED IN BOOK 811, PAGE 40, M.C.R.
- NO EASEMENTS OR RIGHTS-OF-WAYS HAVE BEEN REVEALED OR ADDED BY THIS RE-PLAT.
- BUILDING 9, UNITS 90 AND 91 HAVE BEEN COMBINED INTO ONE NEW UNIT IDENTIFIED AS UNIT 9A.

### APPROVALS:

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

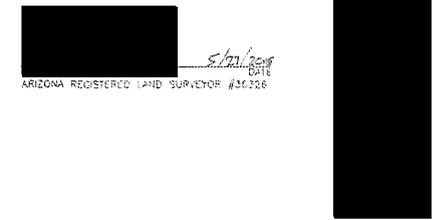
BY: [REDACTED] DATE \_\_\_\_\_

ATTEST: [REDACTED] DATE \_\_\_\_\_

APPROVED: [REDACTED] DATE \_\_\_\_\_

### LAND SURVEYOR'S CERTIFICATE

I, RICHARD A. STOCKMAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF TWO PAGES, REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER, 2014, THAT THIS SURVEY IS TRUE AND ACCURATE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT MONUMENTS ARE SUFFICIENT TO MARK THE SURVEY TO

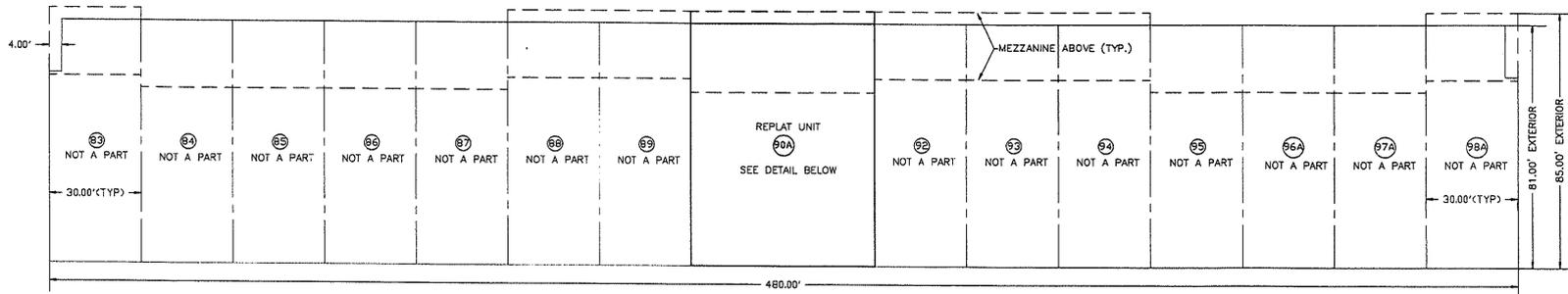


R150001

**S&W LAND SURVEYING SERVICES**  
10801 N. 24TH AVE., STE 109  
PHOENIX, ARIZONA 85029  
PHONE: 602-368-8644  
WWW.SWLANDSURVEYING.COM

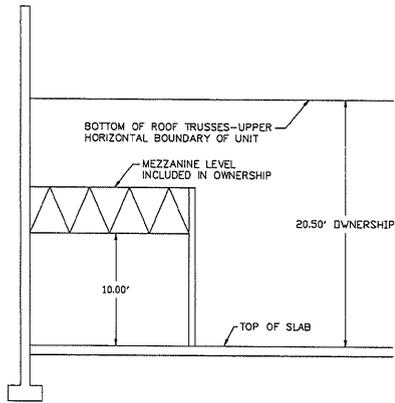
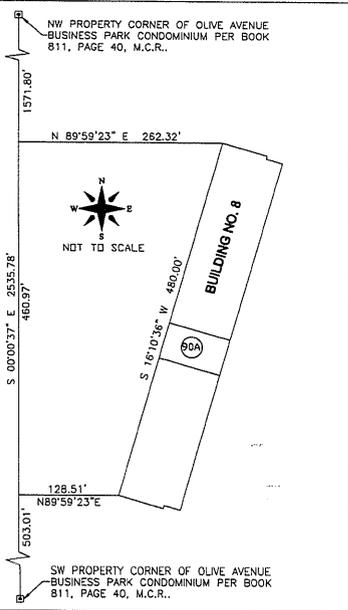
**Re-plat Units 90 and 91**  
DATE PREPARED: 1-14-2015

SHEET 1 OF 2

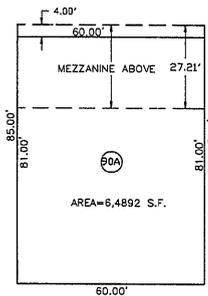


**BUILDING NO. 8**  
SCALE: 1" = 20'

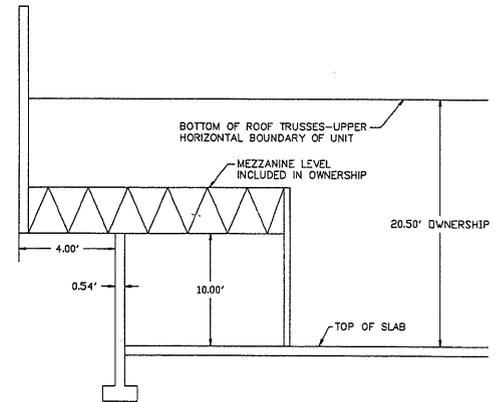
**BUILDING TIE TO PROPERTY LINE**



**WALL SECTION**  
NTS



**REPLAT UNIT**  
**UNIT 80A DETAIL**  
NTS



**WALL SECTION**  
NTS

R150001



EXPIRES 6/30/16

**S&W** LAND SURVEYING SERVICES

10801 N. 24TH AVE., STE 109  
PHOENIX, ARIZONA 85029  
PHONE: 602-368-8644  
WWW.SWLANDSURVEYING.COM

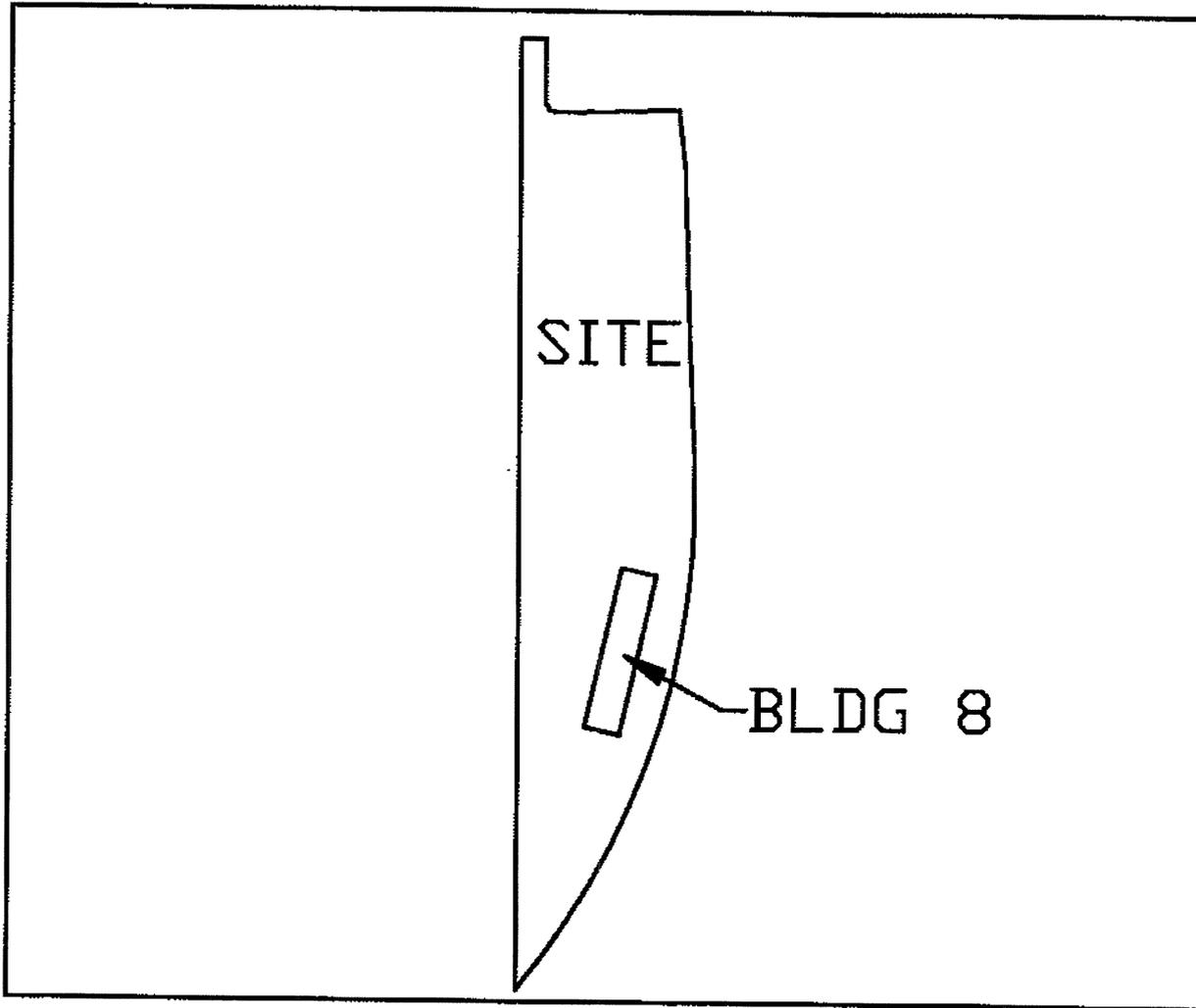
**Re-plat Units 90 and 91**

SHEET: 2 OF 2

DATE PREPARED: 1-4-2015

OLIVE AVENUE

95TH AVENUE

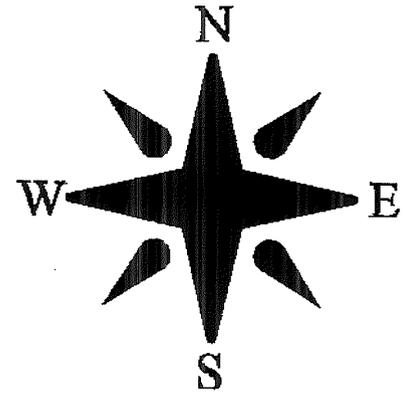


91ST AVENUE

BUTLER DRIVE ALIGNMENT

VICINITY MAP

NOT TO SCALE



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 32C

Date Prepared: August 5, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, PE, Development and Engineering Department Director

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

**SUBJECT:** Replat, Trilogy West Phase 1 – Parcel C42 – Tract B, Upcountry Way west of Vistancia Boulevard (Project No. R140018A)

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**Purpose:**

This is a request for City Council to approve a Replat of Trilogy West Phase 1 - Parcel C42 – Tract B, located on Upcountry Way west of Vistancia Blvd., and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil plans must be approved by the City of Peoria (City) prior to recordation of the Replat.
2. An approval of design from the City Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Replat.
3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Replat.
4. In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

**Background/Summary:**

The purpose of the Replat is to convert a temporary drainage tract into five residential lots and a drainage tract. The preliminary plat was approved with these lots. The temporary drainage tract was necessary until permanent improvements were made. This development is within the City's water\sewer service area.

In September 2014, the City Council approved the Master Replat for Trilogy West Phase 1, creating all of the individual parcels and the roadways for the master subdivision. Individual parcel Replats further subdivided each parcel into individual lots, tracts, and internal roadways for development.

**Previous Actions:**

The preliminary plat was reviewed by the City and completed in February 2014 and no changes were made to the proposed Final Plat. The Final Plat for Trilogy West Phase 1 – Parcel C42 was recorded in December 2014.

**Options:**

A: The Replat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Replat and allow this parcel to be developed.

**Staff's Recommendation:**

Staff recommends the approval and subsequent recordation of the attached Replat.

**Fiscal Analysis:**

There is no direct budgetary impact to the City to approve the Replat.

**Narrative:**

The acceptance of this Replat by City Council will allow the developer to move forward in developing this property.

**Exhibit(s):**

**Exhibit 1:** Replat

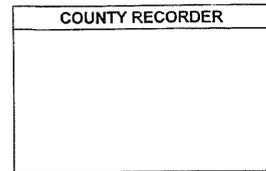
**Exhibit 2:** Vicinity Map

**Contact Name and Number:**

Jodi Breyfogle, PE: 623-773-7577

# RE-PLAT OF "TRILOGY WEST PHASE 1 - PARCEL C42 - TRACT B"

A RE-PLAT OF TRACT "B" OF A FINAL PLAT FOR "TRILOGY WEST PHASE 1 - PARCEL C42", RECORDED IN BOOK 1210 OF MAPS, PAGE 37, MARICOPA COUNTY RECORDS, BEING A SUBDIVISION IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



**Coe & Van Loo Consultants, Inc.**

RE-PLAT  
TRILOGY WEST PHASE 1 -  
PARCEL C42 - TRACT B

### DEDICATION

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP, AS OWNER, DOES HEREBY PUBLISH THIS RE-PLAT OF "TRILOGY WEST PHASE 1 - PARCEL C42 - TRACT B", A RE-PLAT OF TRACT "B" OF A FINAL PLAT FOR "TRILOGY WEST PHASE 1 - PARCEL C42", RECORDED IN BOOK 1210 OF MAPS, PAGE 37, MARICOPA COUNTY RECORDS, BEING A SUBDIVISION IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, CITY OF PEORIA, ARIZONA, AS PLATED HEREON AND HEREBY PUBLISHES THIS RE-PLAT AS AND FOR THE RE-PLAT OF SAID "TRILOGY WEST PHASE 1 - PARCEL C42 - TRACT B" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND EASEMENT SHALL BE KNOWN BY THE NUMBER, OR LETTER GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

ALL DRAINAGE AND RETENTION EASEMENT NOTATIONS AND DEDICATIONS FOR TRACT "B" STATED ON OR WITHIN THE RECORDED FINAL PLAT FOR "TRILOGY WEST PHASE 1 - PARCEL C42", RECORDED IN BOOK 1210 OF MAPS, PAGE 37, MARICOPA COUNTY RECORDS, SHALL BE ABANDONED WITH THE RECORDED OF THIS RE-PLAT.

AS USED HEREIN, THE TERM "TRILOGY DECLARATION" SHALL MEAN AND REFER TO THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TRILOGY AT VISTANCIA DATED JANUARY 28, 2004 AND RECORDED JANUARY 28, 2004 IN INSTRUMENT NO. 2004-006257, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AS FROM TIME TO TIME THEREAFTER SUPPLEMENTED AND/OR AMENDED; AND THE TERM "TRILOGY ASSOCIATION" SHALL MEAN AND REFER TO TRILOGY AT VISTANCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREBY GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREBY GRANTED, ALL RIGHTS HEREBY GRANTED SHALL CEASE AND REVERT TO THE OWNER, ITS HEIRS OR ASSIGNS.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY GRANTS TO THE CITY THE EASEMENTS SHOWN HEREON AS RETENTION AND/OR DRAINAGE EASEMENTS FOR THE PURPOSE OF DRAINAGE SERVICES AND RELATED FACILITIES AND ACCESS AND MAINTENANCE ASSOCIATED WITH SUCH EASEMENT RIGHTS.

SUBJECT TO THE TERMS OF THE TRILOGY DECLARATION, TRACT "B-1" IS DECLARED TO BE A VILLAGE COMMON AREA (AS DEFINED IN THE MAINTENANCE CORPORATION DECLARATION) AND COMMON AREA (AS DEFINED IN THE TRILOGY DECLARATION), WHICH (1) IS RESERVED EXCLUSIVELY FOR THE USE OF OWNERS, RESIDENTS AND LESSEES OF THE PROJECT AS DEFINED IN THE TRILOGY DECLARATION AND THEIR RESPECTIVE GUESTS AND INVITEES; AS SET FORTH IN THE MAINTENANCE CORPORATION DECLARATION AND THE TRILOGY DECLARATION, AND (2) SHALL BE CONVEYED TO AND MAINTAINED BY THE TRILOGY ASSOCIATION, PURSUANT TO THE TERMS OF THE TRILOGY DECLARATION AND THE MAINTENANCE CORPORATION DECLARATION. THE FOREGOING TRACT "B-1" SHALL BE USED FOR DRAINAGE AND/OR OTHER PURPOSES AS MORE FULLY SET FORTH IN THE "TRACT TABLE" SHOWN HEREON. ANY SUPPLEMENTAL DECLARATION HEREAFTER RECORDED WITH RESPECT TO THE FOREGOING TRACT MAY SET FORTH ADDITIONAL COVENANTS, CONDITIONS AND/OR RESTRICTIONS WITH RESPECT TO THE FOREGOING TRACT AND/OR THE USE THEREOF INCLUDING, BUT NOT LIMITED TO, RESTRICTIONS WHICH FURTHER LIMIT THE PERSONS ENTITLED TO USE SUCH TRACT.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY GRANTS TO THE CITY AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACT "B-1", AS APPLICABLE. THIS EASEMENT MAY BE EXERCISED BY THE CITY AT SUCH TIME AS THE TRILOGY ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES IN SUCH TRACTS. AS LONG AS THE TRILOGY ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES IN TRACT "B-1", REGARDLESS OF THE DEDICATION OF THIS EASEMENT.

THE UNDERSIGNED VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS 4<sup>th</sup> DAY OF AUGUST, 2015.

VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP  
BY: VISTANCIA WEST CONSTRUCTION HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: [Signature]  
ITS: [Redacted]

### DEDICATION ACKNOWLEDGEMENT

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

ON THIS 4<sup>th</sup> DAY OF August, 2015, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

*Joan Scarbrough* PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]  
NOTARY PUBLIC



### TRILOGY ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

TRILOGY AT VISTANCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: [Signature]  
ITS: [Redacted]

### TRILOGY ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

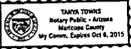
STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

ON THIS 1<sup>st</sup> DAY OF August, 2015, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

*Joan Scarbrough* PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]  
NOTARY PUBLIC



### APPROVAL OF VISTANCIA DECLARANT

THE UNDERSIGNED, DECLARANT UNDER THE MAINTENANCE CORPORATION DECLARATION, HEREBY APPROVES THIS PLAT PURSUANT TO SECTION 14.2 OF THE MAINTENANCE CORPORATION DECLARATION.

VISTANCIA LAND HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF III - VISTANCIA, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III, LP, A DELAWARE LIMITED PARTNERSHIP, ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: [Signature]  
ITS: [Redacted]

### VISTANCIA DECLARANT ACKNOWLEDGEMENT

STATE OF TEXAS }  
COUNTY OF DALLAS } SS

ON THIS 1<sup>st</sup> DAY OF July, 2015, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

*OCIE VICT* PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]  
NOTARY PUBLIC

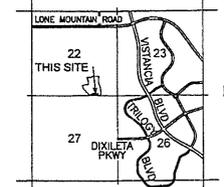


### REPLAT NARRATIVE

TO REMOVE TEMPORARY RETENTION BASIN AND PLAT THE REMAINING LOTS FOR TRILOGY WEST PHASE 1 - PARCEL C42.

### NOTES

1. THE SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID# 1168).
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL, FACILITIES LESS THAN 69 KVA, CABLE TV, TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE UNOBSTRUCTED VIEW EASEMENT. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED 50 AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE (VISTANCIA BOULEVARD AND WESTLAND ROAD).
10. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED, NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
11. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, HAS BEEN FORMED AND HAS THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS", INCLUDING DRAINAGE FACILITIES IN ACCORDANCE WITH THE APPROVED PLANS.
12. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
13. THE BUILDING SETBACK LINE INTENDED ON LOT 2775 IS EXCLUSIVE TO THE PRIMARY RESIDENCE AND IS NOT INTENDED TO PROHIBIT ACCESSORY STRUCTURES OR GROUND MECHANICAL UNITS IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS.



VICINITY MAP  
(NOT-TO-SCALE)

### OWNER / DEVELOPER

VISTANCIA WEST CONSTRUCTION LP  
8500 NORTH GAINCY CENTER DRIVE,  
SUITE 350  
SCOTTSDALE, ARIZONA 85258  
PHONE: (480) 948-6925  
FAX: (480) 948-0138  
CONTACT: JOAN SCARBROUGH

### ENGINEER

COE & VAN LOO CONSULTANTS INC.  
4550 NORTH 12TH STREET  
PHOENIX, ARIZONA 85014  
PHONE: (602) 264-6831  
FAX: (602) 264-6831  
CONTACT: JOE PAPPAS, P.E.

### SITE AREA

41,870 SQUARE FEET OR 0.961 ACRES

### ZONING

ZONING CASE 213-0007

### PRELIMINARY PLAT

PRELIMINARY PLAT CASE P13-0014

### APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS DAY OF August, 2015.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
MAYOR  
ATTEST: \_\_\_\_\_ DATE \_\_\_\_\_  
CITY CLERK  
FOR CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

### CERTIFICATION

I, LARRY E. SULLIVAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF TWO (2) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF NOVEMBER, 2013, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: [Signature]  
LARRY E. SULLIVAN  
REGISTRATION NUMBER 22762  
4850 N. 12TH STREET  
PHOENIX, ARIZONA 85014  
(602) 264-6831  
CVLSURVEY@CVLCL.COM

### SUBDIVIDER'S CERTIFICATIONS

BY ITS EXECUTION OF THIS PLAT, VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP, AS SUBDIVIDER, HEREBY CERTIFIES (1) RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE ENTRY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE, (2) RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE, (3) RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE, AND (4) THE REQUIREMENTS OF THE CITY OF PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DEVELOPMENT GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.

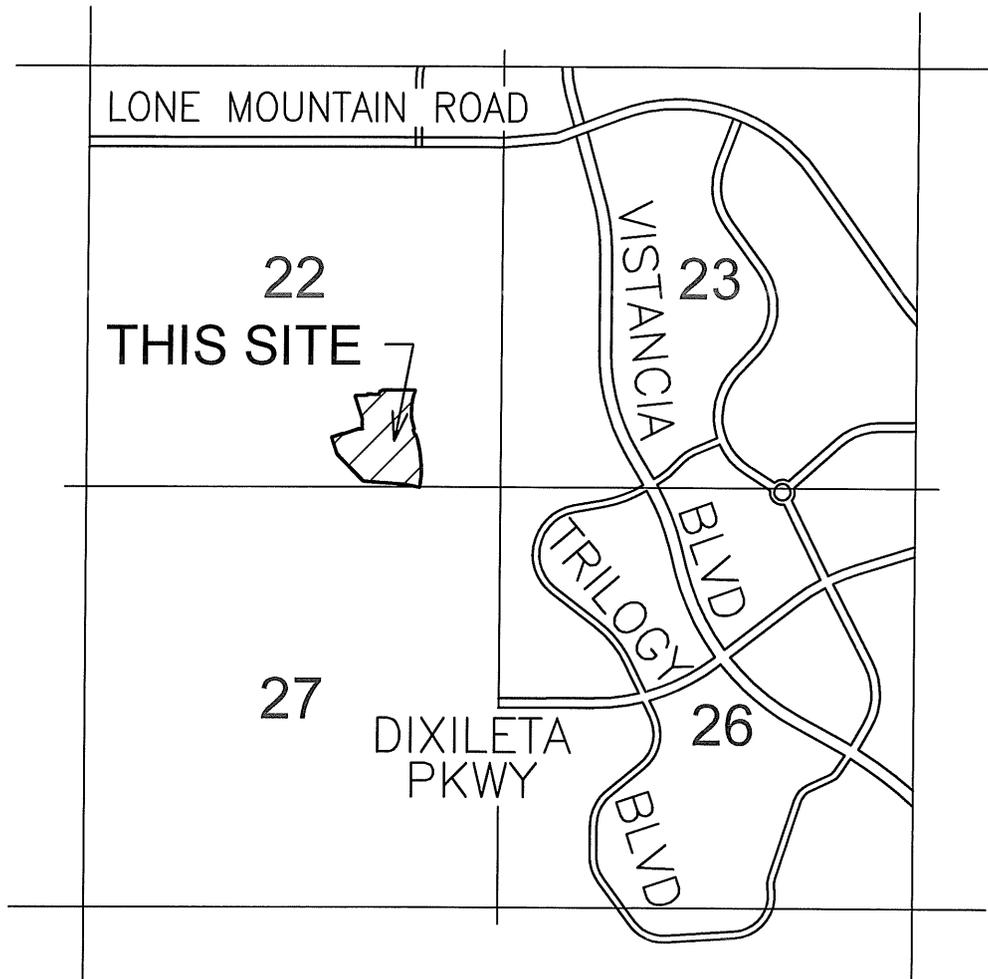
VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP  
BY: VISTANCIA WEST CONSTRUCTION HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: [Signature]  
ITS: [Redacted]

PECHA NO.: R140018A  
1 SHEET OF 2  
CML Created: J. PAPPAS  
CML Printed: 07-0218101  
CML File #: 510975

GROUND AREA = 0.961 ACRES





## **VICINITY MAP**

(NOT-TO-SCALE)

TRIOLOGY WEST PHASE 2  
PARCEL C42 - TRACT B-1

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 33C

Date Prepared: August 5, 2015

Council Meeting Date: August 26, 2015

---

**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, PE, Development and Engineering Department Director

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

**SUBJECT:** Replat, Cactus Heights Industrial Park Replat 2, 91<sup>st</sup> Avenue & Cactus Road  
(Project No. R150026)

---

**Purpose:**

This is a request for City Council to approve a Replat of Cactus Heights Industrial Park Replat 2, located on 91<sup>st</sup> Avenue & Cactus Road, and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulation:

In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

**Background/Summary:**

The purpose of the Replat is to adjust the property lines within an existing commercial subdivision. No additional lots are being created. All necessary rights of way and easements have already been dedicated. This development is within the City's water\sewer service area.

**Previous Actions:**

The Final Plat was approved by the City and recorded in December 2001.

**Options:**

A: The Replat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Replat and allow this parcel to be developed.

**Staff's Recommendation:**

Staff recommends the approval and subsequent recordation of the attached Replat.

**Fiscal Analysis:**

There is no direct budgetary impact to the City to approve the Replat.

**Narrative:**

The acceptance of this Replat by City Council will allow the developer to move forward in developing this property.

**Exhibit(s):**

**Exhibit 1:** Replat

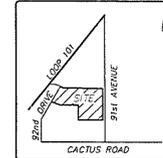
**Exhibit 2:** Vicinity Map

**Contact Name and Number:**

Jodi Breyfogle, PE: 623-773-7577

# REPLAT FOR "CACTUS HEIGHTS INDUSTRIAL PARK REPLAT 2"

BEING A REPLAT OF LOTS 1, 2, 3 & 4 CACTUS HEIGHTS INDUSTRIAL PARK  
REPLAT, BOOK 765, PAGE 6, M.C.R. LOCATED IN A PORTION OF THE SOUTHEAST  
QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND  
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



VICTINITY MAP  
NOT TO SCALE

## DEDICATION

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

KNOW ALL MEN BY THESE PRESENTS:

A & E PROPERTY 1 LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS "CACTUS HEIGHTS INDUSTRIAL PARK REPLAT 2" OVER A PORTION OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS REPLAT AS, AND FOR, THE REPLAT OF SAID "CACTUS HEIGHTS INDUSTRIAL PARK REPLAT 2" AND HEREBY DECLARES THAT SAID REPLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID REPLAT. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED PLAT OF "CACTUS HEIGHTS INDUSTRIAL PARK REPLAT 2" (M.C.R. BOOK 765 OF MAPS, PAGE 6) SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS RE-PLAT.

IN WITNESS WHEREOF:

THAT A & E PROPERTY 1 LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNDER CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER THERE TO

DULY AUTHORIZED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.

A & E PROPERTY 1 LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

## DEVELOPER

A & E PROPERTY 1, LLC  
CONTACT: EAL KATULARO  
PO BOX 10250  
GLENDALE, AZ 85318  
PHONE: 602-757-1591

## APPROVAL

APPROVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF PEORIA, ARIZONA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.

BY: \_\_\_\_\_ MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_ CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_ FOR CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

## CITY OF PEORIA NOTES

- No construction of any kind shall be constructed or placed within the utility easements, except utilities, wood, wire, or removable section type fencing, and/or paving, nor any planting except grass. It shall be further understood that the City of Peoria shall not be required to, replace any obstruction or planting that must be removed during the course of maintenance, construction or reconstruction.
- All new and existing utility, electrical facilities less than 69 KVA, cable T.V., telecommunications fiber optics, cellular, gas, etc shall be installed underground as part of the street improvements.
- Maintenance of surface and underground drainage facilities within all tracts, easements and rights-of-way shall be the responsibility of the Property Owner.
- All lot corners shall be monumented with 1/2" rebar and capped or tagged bearing the registration number of the surveyor responsible for their placement.
- Signs, fences, walls, utility boxes, structures, shrubs, hedges or other plants, but excluding trees over 30 inches in height shall not be permitted within view easements or the sight distance triangles. No limbs, leaves, needles or other foliage above 40 inches in height or below 84 inches are permitted. Trees are to be planted so as not to obstruct 20% of the visibility when combined with other obstructions.
- This subdivision is located within the City of Peoria Water Service Area and has been designated as having a 100-year assured water supply.
- This subdivision is located within the City of Peoria Sewer Service Area.
- This subdivision is located within the vicinity of a military airport.
- No structure of any kind be constructed or any vegetation be planted nor be allowed to grow within the drainage easement or tract which would impede the flow of water over, under, or through the easement or tract.

## PARCEL DESCRIPTION

LOTS 1, 2, 3 and 4, CACTUS HEIGHTS INDUSTRIAL PARK REPLAT, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 765 of Maps, Page 6; being more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 1, being monumented with a 1/2 inch rebar with cap L.S. 31020;  
Thence along the North line of said Lot 1 & said Lot 3, South 89 degrees 04 minutes 26 seconds East 416.27 feet to the Northeast corner of said Lot 3, being monumented with a 1/2 inch rebar with cap L.S. 31020;  
Thence along the East line of said Lot 3, South 12 degrees 14 minutes 52 seconds East 223.47 feet;  
Thence continuing along said East line, South 04 degrees 25 minutes 57 seconds East 79.08 feet to the Southeast corner of said Lot 3;  
Thence along the South line of said Lot 3 & said Lot 4, South 87 degrees 07 minutes 37 seconds West 361.89 feet to the Southwest corner of said Lot 4;  
Thence along the West line of said Lot 4, North 02 degrees 52 minutes 23 seconds West 195.45 feet to the Northwest corner of said Lot 4;  
Thence along the South line of said Lot 1, South 87 degrees 07 minutes 37 seconds West 168.92 feet;  
Thence continuing along the South line of said Lot 1, North 62 degrees 05 minutes 28 seconds West 30.90 feet to the Southwest corner of said Lot 1;  
Thence along the West line of said Lot 1, North 28 degrees 01 minutes 06 seconds East 25.40 feet to the beginning of a tangent curve with a radius of 50.00 feet;  
Thence continuing along the West line of said Lot 1, along said tangent curve to the right, through a central angle of 80 degrees 00 minutes 00 seconds, an arc length of 52.36 feet to a point of reverse curve with a radius of 50.00 feet;  
Thence continuing along the West line of said Lot 1, along said reverse curve to the left, through a central angle of 114 degrees 08 minutes 39 seconds, an arc length of 99.61 feet to the POINT OF BEGINNING.

Comprising 2.866 acres or 124,843 square feet subject to all easements of record.

## SURVEY NOTES

- This survey and the description used are based on a Commitment for Title Insurance issued by U.S. Title Agency, LLC, issuing agent for First American Title Insurance Company, Order Number 060314-006-BK, dated April 13, 2015.
- BASES OF BEARING: The monument line of 92nd Drive, using a bearing of North 28 degrees 01 minutes 06 seconds East, per the Plat of CACTUS HEIGHTS INDUSTRIAL PARK, recorded in Book 379, Page 44, M.C.R.
- The bearings and distances depicted indicate actual field or computed measurements performed during the course of this survey. This information may vary from documents of record used for this survey.

## SITE INFORMATION

LAND AREA:  
2.866 ACRES - 124,843 SQ. FT.

ZONING INFORMATION: ZONE 1-1 (Zoning Case Z83-06)

FLOOD ZONE:  
According to FEMA Flood Insurance Rate Map, Map Number 04013C1685L, dated October 16, 2013, the subject property is located in Zone X. Zone X is defined as "Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood."

## CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF JUNE, 2015; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

G. BRYAN COETZENBERGER R.L.S. 31020  
2900 N. 70TH AVENUE  
SUITE 104  
GLENDALE, ARIZONA 85303  
PHONE: 602-972-2200

- PREPARED BY -  
NO  
CONSULTING  
OR RECORDING

R150026

## ACKNOWLEDGEMENTS

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED

NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE OF A & E PROPERTY 1 LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT HE AS AUTHORIZED PARTY, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

"CACTUS HEIGHTS INDUSTRIAL PARK REPLAT 2"

STATEWIDE SERVICE IN ARIZONA  
www.alliancandsurveying.com



7900 N. 70th AVENUE TEL (623) 972-2200  
SUITE 104 FAX (623) 972-1616  
GLENDALE, AZ 85303

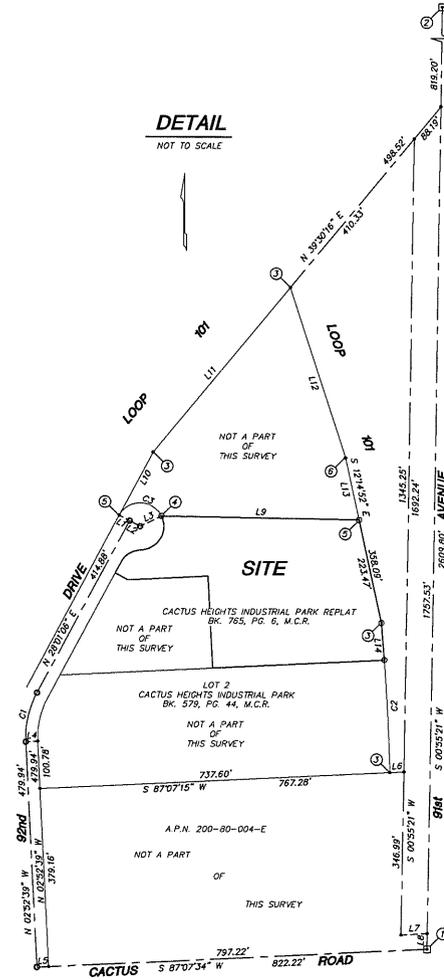
SHEET: 1 OF 3 DATE: 7-31-15 JOB NO.: 150406

LINE	BEARING	DISTANCE
L1	S 81°58'54" E	25.00
L2	S 81°58'54" E	25.00
L3	N 63°52'23" E	50.00
L4	S 87°07'21" W	25.00
L5	S 87°07'21" W	25.00
L6	S 87°07'15" W	29.66
L7	S 87°07'34" W	55.12
L8	S 80°35'21" W	33.07
L9	S 89°04'26" E	416.27
L10	N 28°05'19" E	152.20
L11	N 39°26'33" E	454.87
L12	S 17°44'17" E	300.11
L13	S 12°14'52" E	134.62
L14	S 04°25'57" E	79.08
L15	S 87°07'15" W	351.69
L16	N 02°52'23" W	185.45
L17	S 87°07'37" W	168.52
L18	N 02°05'28" W	31.90
L19	N 28°01'06" E	28.40
L20	S 87°07'37" W	56.78
L21	S 87°07'15" W	123.69
L22	S 02°52'23" E	42.27
L23	S 87°07'37" W	122.87
L24	N 02°05'28" W	46.83
L25	N 87°07'37" E	26.85
L26	N 02°52'16" W	73.07
L27	S 89°04'26" E	126.84
L28	S 89°04'26" E	240.23

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	200.52'	108.11'	308°33'2"	N 12°36'28" E	108.81'
C2	5874.58'	318.54'	0°12'29"	S 03°13'26" E	318.50'
C3	50.00'	109.83'	122°51'21"	S 69°03'13" E	95.04'
C4	50.00'	52.36'	60°00'00"	N 58°01'06" E	50.00'
C5	50.00'	99.61'	114°08'39"	S 30°56'47" W	83.94'

MONUMENT TABLE	
①	SE COR. SEC. 16 - FND BRASS CAP IN HANDHOLE
②	E 1/4 COR. SEC. 16 - FND MARICOPA COUNTY BRASS CAP
③	FND ADDT ALUMINUM CAP - AS SHOWN ON R.O.S. BK. 1158, PG. 34, M.C.R.
④	FND 1/2" REBAR W/CAP L.S. 31020 PER R.O.S. BK. 1158, PG. 34, M.C.R.
⑤	FND 1/2" REBAR W/CAP L.S. 21085 PER PLAT BK. 579, PG. 44, M.C.R.
⑥	FND PK NAIL & WASHER L.S. 31020 IN WALL FOOTING PER R.O.S. BK. 1158, PG. 34, M.C.R.
⑦	SET 1/2" REBAR W/CAP L.S. 31020
⑧	SET PK NAIL & WASHER L.S. 31020

**DETAIL**  
NOT TO SCALE



- LEGEND**
- Lot Corner (See Monument Table)
  - Property Line
  - Subdivision Boundary
  - ▲ Subdivision Corner to be set per M.A.D. Specification Detail 120-1 (Unless Otherwise Noted)
  - ⊕ Fnd Survey Monument (See Monument Table)
  - ⊙ Fnd Brass Cap Flush
  - W.A.L.E. Vehicular Non-Access Easement
  - P.U.E. Public Utility Easement

**-PRELIMINARY-  
FOR  
CONSTRUCTION  
OR RECORDING**

R150026

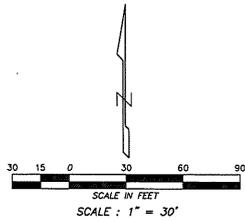
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SHEET: 2 OF 3 DATE: 7-31-15 JOB NO.: 150406



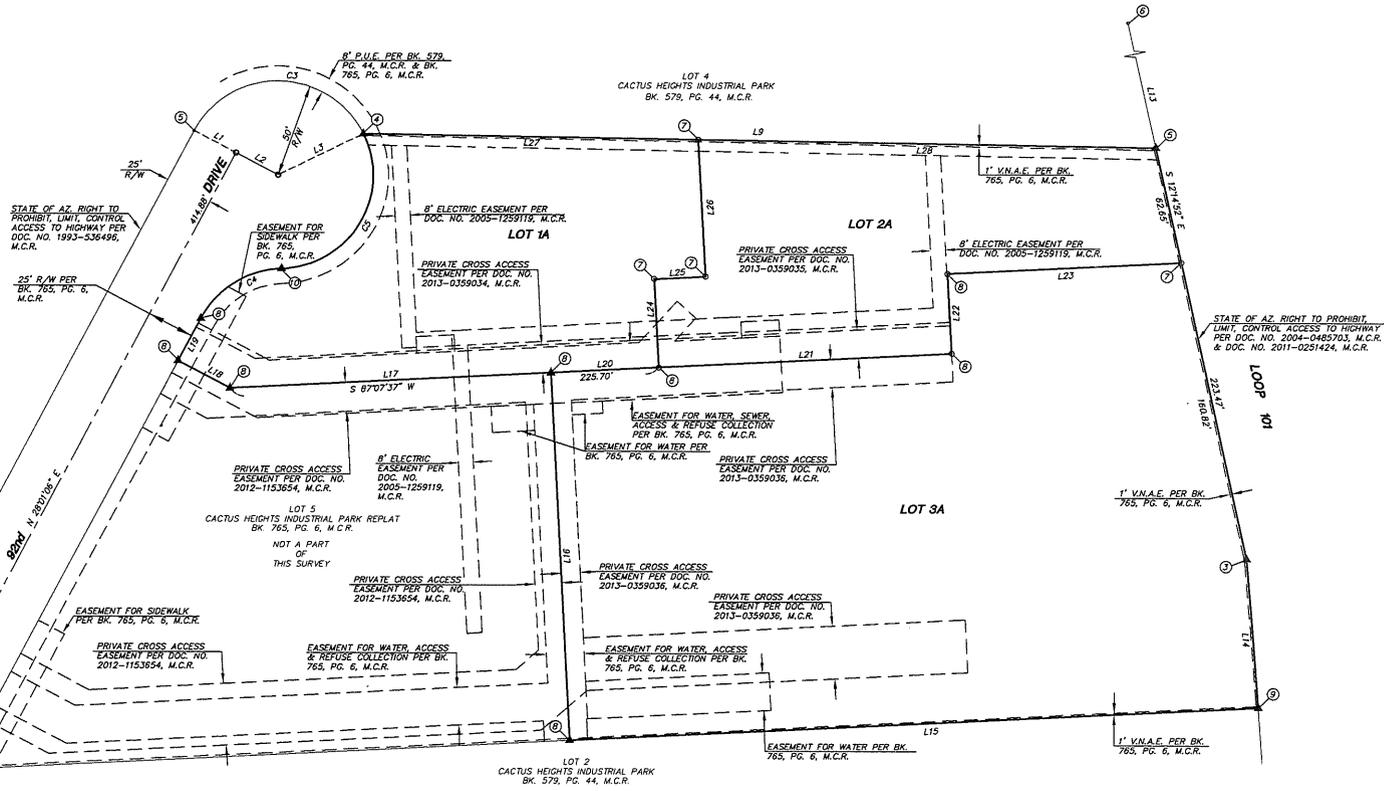
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⑦	SET 1/2" REBAR W/CAP L.S. 31020
⑧	SET PK NAIL & WASHER L.S. 31020
⑨	SET 1/2" REBAR W/CAP L.S. 31020 - ALSO FND 1/2" REBAR NO. 18, S. 3036307" W. 0.80'
⑩	FND 1/2" REBAR NO. 10. - SET CAP L.S. 31020

**LEGEND**

- Lot Corner (See Monument Table)
- Property Line
- Subdivision Boundary
- ▲ Subdivision Corner to be set per M.A.G. Specification Detail 120-1 (Unless Otherwise Noted)
- ▣ Find Survey Monument (See Monument Table)
- Find Brass Cap Flush
- V.N.A.E. Vehicular Non-Access Easement
- P.U.E. Public Utility Easement

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	200.52'	108.11'	307°31'35"	N 12°35'28" E	106.81'
C2	5674.58'	318.54'	037°25'59"	S 037°32'25" E	318.50'
C3	50.00'	109.83'	120°51'21"	S 89°01'13" E	89.04'
C4	50.00'	32.38'	60°00'00"	N 58°01'06" E	50.00'
C5	50.00'	99.61'	114°08'39"	S 30°56'47" W	83.94'

LINE	BEARING	DISTANCE
L1	S 61°50'54" E	25.00'
L2	S 61°36'54" E	25.00'
L3	N 6°32'27" E	50.00'
L4	S 87°07'21" W	25.00'
L5	S 87°07'14" W	25.00'
L6	S 87°07'15" W	28.68'
L7	S 87°07'34" W	55.12'
L8	S 00°33'21" W	13.02'
L9	S 89°04'26" E	416.22'
L10	N 28°05'19" E	152.20'
L11	N 39°28'11" E	424.87'
L12	S 17°44'37" E	380.11'
L13	S 12°44'52" E	134.62'
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L15	S 87°07'37" W	361.69'
L16	N 02°32'23" W	195.45'
L17	S 87°07'37" W	168.92'
L18	N 62°05'28" W	30.50'
L19	N 28°01'06" E	25.40'
L20	S 87°07'37" W	56.78'
L21	S 87°07'37" W	153.69'
L22	S 02°32'23" W	42.27'
L23	S 87°07'37" W	122.69'
L24	N 02°32'23" W	46.93'
L25	N 87°07'37" E	26.85'
L26	N 02°32'16" W	73.02'
L27	S 89°04'26" E	176.04'
L28	S 89°04'26" E	240.23'



LOT AREA TABLE	
LOT NO.	SQUARE FEET
LOT 1A	26,555 SQ. FT.
LOT 2A	23,670 SQ. FT.
LOT 3A	74,618 SQ. FT.

**-PRELIMINARY-  
NO FOR  
CONSTRUCTION  
OR RECORDING**

R150026

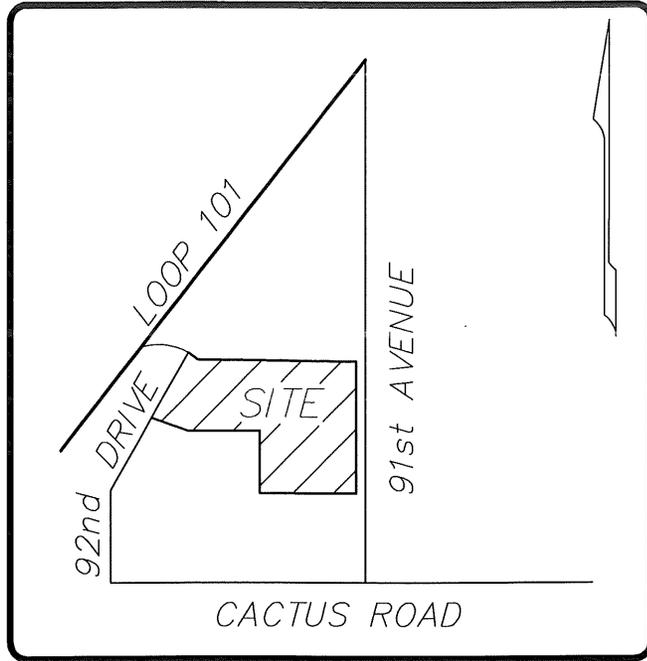
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ALLIANCE  
LAND SURVEYING, LLC



***VICINITY MAP***  
*NOT TO SCALE*

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 34R

**Date Prepared: August 11, 2015**

**Council Meeting Date: August 26, 2015**

---

**TO:** Carl Swenson, City Manager

**FROM:** Brent Mattingly, Finance Director

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT:** Public Hearing: Proposed Recommendations by the City to the Arizona State Liquor Board for Various Liquor Licenses.

---

**Purpose:**

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

**Background/Summary:**

Peoria Artisan Brewery

Peoria Artisan Brewery is a new restaurant and microbrewery located at 10144 W. Lake Pleasant Parkway Suite #1130. The new restaurant is occupying a building that was previously vacant. The owners of Peoria Artisan Brewery have applied for a new Series 12 Restaurant liquor license and a new Series 03 Microbrewery liquor license. The application agent is Neal R. Farrell.

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

A Series 03 is a non-transferable liquor license allows for on & off-sale retail privileges for a licensed in-state microbrewery which produces more than five thousand (5,000) gallons, and less than one million two hundred forty thousand (1,240,000) gallons, of beer during the 12-month reporting period. With this license, the in-state microbrewery may sell beer produced or manufactured on the premises for consumption on or off the premises (no other spirituous liquors), may make sales and deliveries of beer to persons licensed to sell beer, may serve beer produced or manufactured on the premises for the purpose of sampling. Internet sale of liquor is not permitted in the state of Arizona.

Some of the businesses around Peoria Artisan Brewery include Wal-Mart Supercenter, Super Star Car Wash, and Dairy Queen. There are no staff concerns with the owner of Peoria Artisan Brewery. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

### Char Pizzeria Napoletana

Char Pizzeria Napoletana is a new restaurant located at 25101 W. Lake Pleasant Parkway Suite #1320. The new restaurant is occupying a building that was previously vacant. The owners of Char Pizzeria Napoletana have applied for a new Series 12 Restaurant liquor license. The application agent is Frank P. Mangieri.

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

Some of the businesses around Char Pizzeria Napoletana include Lowe's Home Improvement, The Helmet Center, and Papa John's Pizza. There are no staff concerns with the owner of Peoria Artisan Brewery. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

### Twisted Italian

Twisted Italian is an existing business with new owners located at 9940 W. Happy Valley Road Suite #1080. The new owners have applied for a New Restaurant (Series 12) Restaurant Liquor License. The application agent is Brian R. Bojanowski.

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

Some of the businesses around Twisted Italian are Smashburger, Chipotle Mexican Grill, Paradise Bakery and El Pollo Loco. Since there are new owners of the restaurant and because this type of license is non-transferrable, the new restaurant owners are applying for their own liquor license. The public hearing notice was posted for at least 20 days and no comments were received during the posting period.

### Ammi's Food Mart

Ammi's Food Mart, is an existing gas station and convenience store, located at 8271 W. Thunderbird Road. The new owners have applied for a New Wine and Beer (Series 10) Liquor License. The application agent is Farhad Hyder.

A Series 10 permits the retail sale of beer and wine for consumption off premises.

Some of the businesses around Ammi's Food Mart are Circle K, Discount Tire and Sprouts Farmers Market. There are no staff concerns with Ammi's Food Mart. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

### Peoria Valero #1637

Peoria Valero #1637 is an existing gas station and convenience store, located at 8322 W. Olive Avenue. The new owners have applied for a New Wine and Beer (Series 10) Liquor License. The application agent is Baker Alloush.

A Series 10 permits the retail sale of beer and wine for consumption off premises.

Some of the businesses around Peoria Valero #1637 are Circle K and AMF Peoria Lanes. There are no staff concerns with Peoria Valero #1637. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

### Lucidi Distilling Co.

Lucidi Distilling Co. is a new In-state Craft Distiller located at 8307 W. Washington Street. The new Distiller is occupying the building that was an old firehouse. The owners of Lucidi Distilling Co. have applied for a new Series 18 In-state Craft Distiller liquor license. The application agent is Christopher Q. Lucidi.

A Series 18 In-state Craft Distiller license is non-transferable. An In-state Craft Distillery is located in Arizona and produces not more than 20,000 gallons of distilled spirits annually. This license has on- and off-sale retail privileges. The licensee may serve spirits produced on the premises for consumption on the premises, sampling, and in the original, sealed container for sales "to-go". The licensee may sell and deliver to consumers who order by telephone, mail, fax, catalogue or internet.

Some of the businesses around Lucidi Distilling Co. include Theater Works, Bikers Edge, and Peoria Cleaners. There are no staff concerns with the owner of Lucidi Distilling Co. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

#### Wal-Mart Supercenter #1533

Wal-Mart Supercenter #1533, located at 7975 W. Peoria Avenue, has applied for Sampling Privileges (Series 09S) to be added to the existing Series 09 Liquor License. The application agent is Clare H. Abel.

The “S” sampling privilege allows an unlimited number of sampling events for the licensees of Liquor Store (Series 09) establishments. The retail establishment inventory is used for this type of sampling.

Some of the businesses around Wal-Mart Supercenter #1533 are Big Heng and Wendy’s. There are no staff concerns with Wal-Mart Supercenter #1533. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

#### **Previous Actions:**

There has never been a liquor license at 10144 W. Lake Pleasant Parkway Suite #1130.

There has never been a liquor license at 25101 W. Lake Pleasant Parkway Suite #1320.

In December 2010, the Mayor and Council recommended approval to the Arizona State Liquor Board for Twisted Italian for a New Series 12 Restaurant Liquor License for located at 9940 W. Happy Valley Road Suite #1080.

In August 2008, the Mayor and Council recommended approval to the Arizona State Liquor Board for AMPM Convenience Store for a New Wine and Beer (Series 10) Liquor License located at 8271 W. Thunderbird Road.

In October 1997, the Mayor and Council recommended approval to the Arizona State Liquor Board for Diamond Shamrock for a New Wine and Beer (Series 10) Liquor License located at 8322 W. Olive Avenue.

There has never been a liquor license at 8307 W. Washington Street.

In September 2007, the Mayor and Council recommended approval to the Arizona State Liquor Board for Wal-Mart Supercenter #1533 for a Location Transfer for an Off-Sale All Liquor License (Series 09) located at 7975 W. Peoria Avenue.

**Options:**

**A:** Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Peoria Artisan Brewery, located at 10144 W. Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120.

Recommend approval to the Arizona State Liquor Board for a New Domestic Microbrewery Liquor License (Series 03) for Peoria Artisan Brewery, located at 10144 W. Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120.

Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Char Pizzeria Napoletana, located at 25101 W. Lake Pleasant Parkway Suite #1320, Frank P. Mangieri, Applicant, LL#20012982.

Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Twisted Italian, located at 9940 W. Happy Valley Road Suite #1080, Brian R. Bojanowski, Applicant, LL#20013282.

Recommend approval to the Arizona State Liquor Board for a New Wine and Beer (Series 10) Liquor License for Ammi's Food Mart, located at 8271 W. Thunderbird Road, Farhad Hyder, Applicant, LL#20012782.

Recommend approval to the Arizona State Liquor Board for a New Wine and Beer (Series 10) Liquor License for Peoria Valero #1637, located at 8322 W. Olive Avenue, Baker Alloush, Applicant, LL#20013283.

Recommend approval to the Arizona State Liquor Board for a New In-state Craft Distiller (Series 18) Liquor License for Lucidi Distilling Co., located at 8307 W. Washington Street, Christopher Q. Lucidi, Applicant, LL#20012962.

Recommend approval to the Arizona State Liquor Board for a Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #1533, located at 7975 W. Peoria Avenue, Clare H. Abel, Applicant, LL#10009913.

**B:** Recommend denial to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Peoria Artisan Brewery, located at 10144 W. Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120.

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**Staff's Recommendation:**

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Peoria Artisan Brewery, located at 10144 W. Lake Pleasant Parkway Suite #1130, Neal R. Farrell, Applicant, LL#20013120.

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**Fiscal Analysis:**

The item has no financial implications.

**Narrative:**

The appropriate fees have been paid and the applicants have been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

**Exhibit 1:** New Liquor License Applications

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

Phoenix, Arizona 85007

www.azliquor.gov

602-542-5141

45 JUN 4 11:41 AM '15

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s):

1. Type of License(s): Microbrewery, Restaurant

2. Total fees attached:

\$ 1500

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

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

- Owner/Agent's Name: Mr. Farrell Neal Ronald
Corp./Partnership/L.L.C.: Peoria Artisan Brewery, LLC
Business Name: Peoria Artisan Brewery
Principal Street Location: 10144 Lake Pleasant Pkwy, #1130 Peoria Maricopa 85382
Business Phone: 6236952934 Daytime Phone: Email:
Is the business located within the incorporated limits of the above city or town? YES NO
Mailing Address:
Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

DEPARTMENT USE ONLY

Fees: Application 100 Interim Permit 50 Site Inspection 50 Finger Prints 1500 TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: Date: 6/4/15 Lic. # 1207A286

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.

2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.

3. Enter the license number currently at the location. \_\_\_\_\_

4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,  
(Print full name)  
 MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

X \_\_\_\_\_  
(Signature)

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this

My commission expires on: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_  
 Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO

If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.  
 L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Peoria Artisan Brewery, LLC  
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: May 8, 2012 State where Incorporated/Organized: Arizona
3. AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
4. AZ L.L.C. File No: L17596470  Date authorized to do business in AZ: 5/22/2012
5. Is Corp./L.L.C. Non-profit?  YES  NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
Frosch, Kristina	Erin		Member	[REDACTED]	[REDACTED]
Farrell, Neal	Ronald		Member	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Frosch, Kristina	Erin		50	[REDACTED]	[REDACTED]
Farrell, Neal	Ronald		50	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
 (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit?  YES  NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

**SECTION 9** Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

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

4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10** Government: (for cities, towns, or counties only)

1. Governmental Entity: \_\_\_\_\_
2. Person/designee: \_\_\_\_\_  
 Last First Middle Contact Phone Number

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 11** Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
 (Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: \_\_\_\_\_  
 (Exactly as it appears on license)
3. Current Business Name: \_\_\_\_\_  
 (Exactly as it appears on license)
4. Physical Street Location of Business: Street \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_
5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
7. Current Mailing Address: Street \_\_\_\_\_  
 (Other than business) City, State, Zip \_\_\_\_\_
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
 (print full name)  
 privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.
- I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
 (print full name)  
 STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE)

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this

\_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

My commission expires on: \_\_\_\_\_

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: \_\_\_\_\_ Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: \_\_\_\_\_ Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):**

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2550 ft. Name of school Sunset Heights Elementary School  
Address 9687 W Adam Ave, Peoria, AZ 85382  
City, State, Zip \_\_\_\_\_
2. Distance to nearest church: 3137 ft. Name of church Amazing Grace Church  
Address 20470 N Lake Pleasant Rd #103 Peoria, AZ 85382  
City, State, Zip \_\_\_\_\_
3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)
4. If the premises is leased give lessors: Name CAMINO A LAGO MARKETPLACE, LLC  
Address 7575 North 16th Street Suite 1 Phoenix, Arizona 85020  
City, State, Zip \_\_\_\_\_
- 4a. Monthly rental/lease rate \$ 5500 What is the remaining length of the lease 10 yrs. \_\_\_\_\_ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other Guarantee of 5 years rent  
(give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Brew Pub, Brewery & Restaurant

**SECTION 13 - continued**

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO

9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:

License # \_\_\_\_\_ (exactly as it appears on license) Name \_\_\_\_\_

**SECTION 14 Restaurant or hotel/motel license applicants:**

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
If yes, give the name of licensee, Agent or a company name:

\_\_\_\_\_ and license #: \_\_\_\_\_  
Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicants initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

1. Check ALL boxes that apply to your business:

- Entrances/Exits       Liquor storage areas      Patio:  Contiguous
- Service windows       Drive-in windows       Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
If yes, what is your estimated opening date? October 1, 2015

month/day/year

3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.

4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).

5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

  
applicants initials

**SECTION 15** Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

Diagram attached.

**SECTION 16** Signature Block

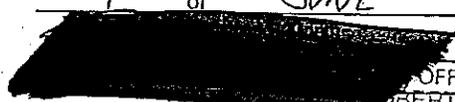
I, Neal Ronald Farrell, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

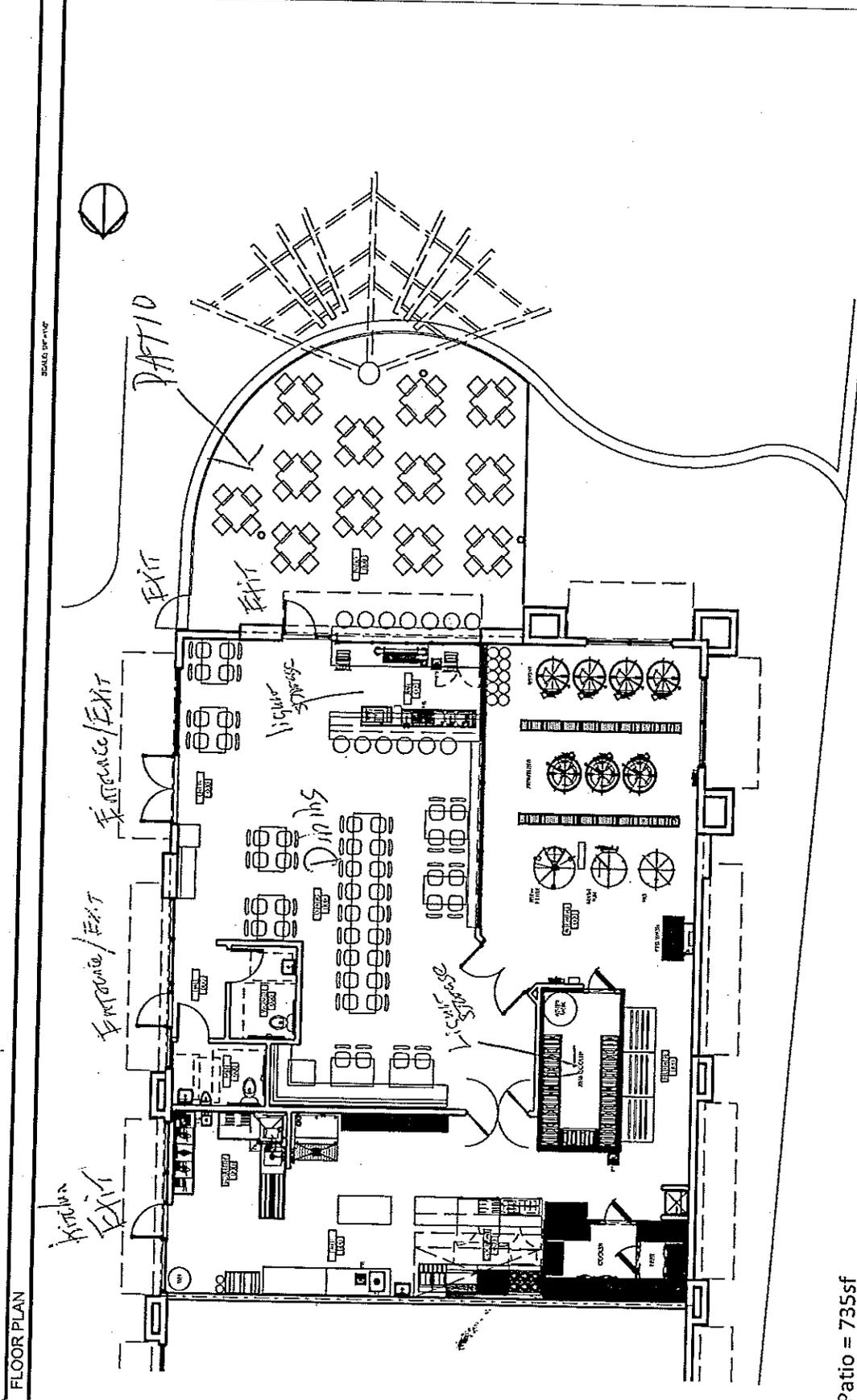
X:  (print full name of applicant)

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 4 of JUNE, 2015 Year

My commission expires on: 1 JUNE 2017  
Day Month Year

  
 signature of ROBERT JON BEDIANT  
 OFFICIAL SEAL  
 ROBERT JON BEDIANT  
 NOTARY PUBLIC - State of Arizona  
 MARICOPA COUNTY  
 My Comm. Expires June 1, 2017



FLOOR PLAN

- Patio = 735sf
- Dining = 826sf
- Bar = 255sf
- Brewing = 600sf
- TOTAL sf 3000

Arizona Department of Liquor Licenses and Control  
 800 West Washington, 5th Floor  
 Phoenix, Arizona 85007  
 www.azliquor.gov  
 602-542-5141

**APPLICATION FOR LIQUOR LICENSE**  
 TYPE OR PRINT WITH BLACK INK

15 JUN 4 10:14 PM '15

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

**SECTION 1** This application is for a:

- MORE THAN ONE LICENSE
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- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 11, 13, 15, 16*
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 12, 13, 15, 16*
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE  
*Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)*
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

**SECTION 2** Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain)

**SECTION 3** Type of license and fees LICENSE #(s): 3

1. Type of License(s): Microbrewery

2. Total fees attached: \$

03073092  
 Department Use Only  
1440

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.**  
 The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

1. Owner/Agent's Name:  Mr. Farrell Neal Ronald  
 (Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: Peoria Artisan Brewery, LLC  
 (Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Peoria Artisan Brewery  
 (Exactly as it appears on the exterior of premises)
4. Principal Street Location 10144 Lake Pleasant Pkwy, #1130 Peoria Maricopa 85382  
 (Do not use PO Box Number) City County Zip
5. Business Phone: 626053000 Peoria Daytime Phone: [REDACTED] Email: [REDACTED]
6. Is the business located within the incorporated limits of the above city or town?  YES  NO
7. Mailing Address: [REDACTED]  
 City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

DEPARTMENT USE ONLY				
Fees:	<u>1000</u>			
Application	Interim Permit	Site Inspection	Finger Prints	\$ <u>1440</u>
				<b>TOTAL OF ALL FEES</b>
Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? <input type="checkbox"/> YES <input type="checkbox"/> NO				
Accepted by:	<u>[REDACTED]</u>	Date:	<u>6/4/15</u>	Lic. # <u>03073092</u>

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. \_\_\_\_\_
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

(Print full name)

State of \_\_\_\_\_ County of \_\_\_\_\_

X \_\_\_\_\_  
(Signature)

The foregoing instrument was acknowledged before me this

My commission expires on: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

**1. Individual:**

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.

L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Peoria Artisan Brewery, LLC  
(Exactly as it appears on Articles of Incorporation or Articles of Organization)

2. Date Incorporated/Organized: May 8, 2012 State where Incorporated/Organized: Arizona

3. AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_

4. AZ L.L.C. File No.: L17596470  Date authorized to do business in AZ: 5/22/2012

5. Is Corp./L.L.C. Non-profit?  YES  NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
Frosch, Kristina	Erin		Member	[REDACTED]	[REDACTED]
Farrell, Neal	Ronald		Member	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Frosch, Kristina	Erin		50	[REDACTED]	[REDACTED]
Farrell, Neal	Ronald		50	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit?  YES  NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

**SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:**

1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: \_\_\_\_\_  
Last First Middle
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Date of Last Renewal: \_\_\_\_\_
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10 Government: (for cities, towns, or counties only)**

1. Governmental Entity: \_\_\_\_\_
2. Person/designee: \_\_\_\_\_  
Last First Middle Contact Phone Number

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 11 Person to Person Transfer:**

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: \_\_\_\_\_  
(Exactly as it appears on license)
3. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on license)
4. Physical Street Location of Business: Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
7. Current Mailing Address: Street \_\_\_\_\_  
(Other than business) City, State, Zip \_\_\_\_\_
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
(print full name)  
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.  
I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
(print full name)  
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE)

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

**SECTION 12** Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13** Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2550 ft. Name of school Sunset Heights Elementary School  
Address 9687 W. Adam Ave, Peoria, AZ 85382  
City, State, Zip \_\_\_\_\_
2. Distance to nearest church: 3137 ft. Name of church Amazing Grace Church  
Address 20470 N Lake Pleasant Rd #103, Peoria, AZ 85382  
City, State, Zip \_\_\_\_\_
3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)
4. If the premises is leased give lessors: Name Camino A Lago Marketplace, LLC  
Address 7575 N 16th St, Suite 1, Phoenix, AZ 85020  
City, State, Zip \_\_\_\_\_
- 4a. Monthly rental/lease rate \$ 5500 What is the remaining length of the lease 10 yrs. \_\_\_\_\_ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other Guarantee of 5 years rent  
(give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Brew Pub-(Brewery and Restaurant)

**SECTION 13 - continued**

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:  
 License # \_\_\_\_\_ (exactly as it appears on license) Name \_\_\_\_\_

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
 \_\_\_\_\_ and license #: \_\_\_\_\_  
 Last First Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicants initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- 1. Check ALL boxes that apply to your business:  
 Entrances/Exits       Liquor storage areas      Patio:  Contiguous  
 Service windows       Drive-in windows       Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? October 1, 2015  
 month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing

  
applicants initials

**SECTION 15** Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

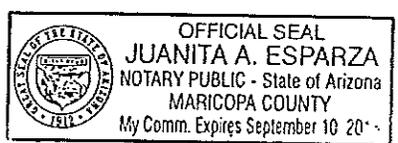
Diagram attached.

**SECTION 16** Signature Block

I, Neal Ronald Farrell, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X [Redacted]  
State of applicant listed in Section 4, Question 1)

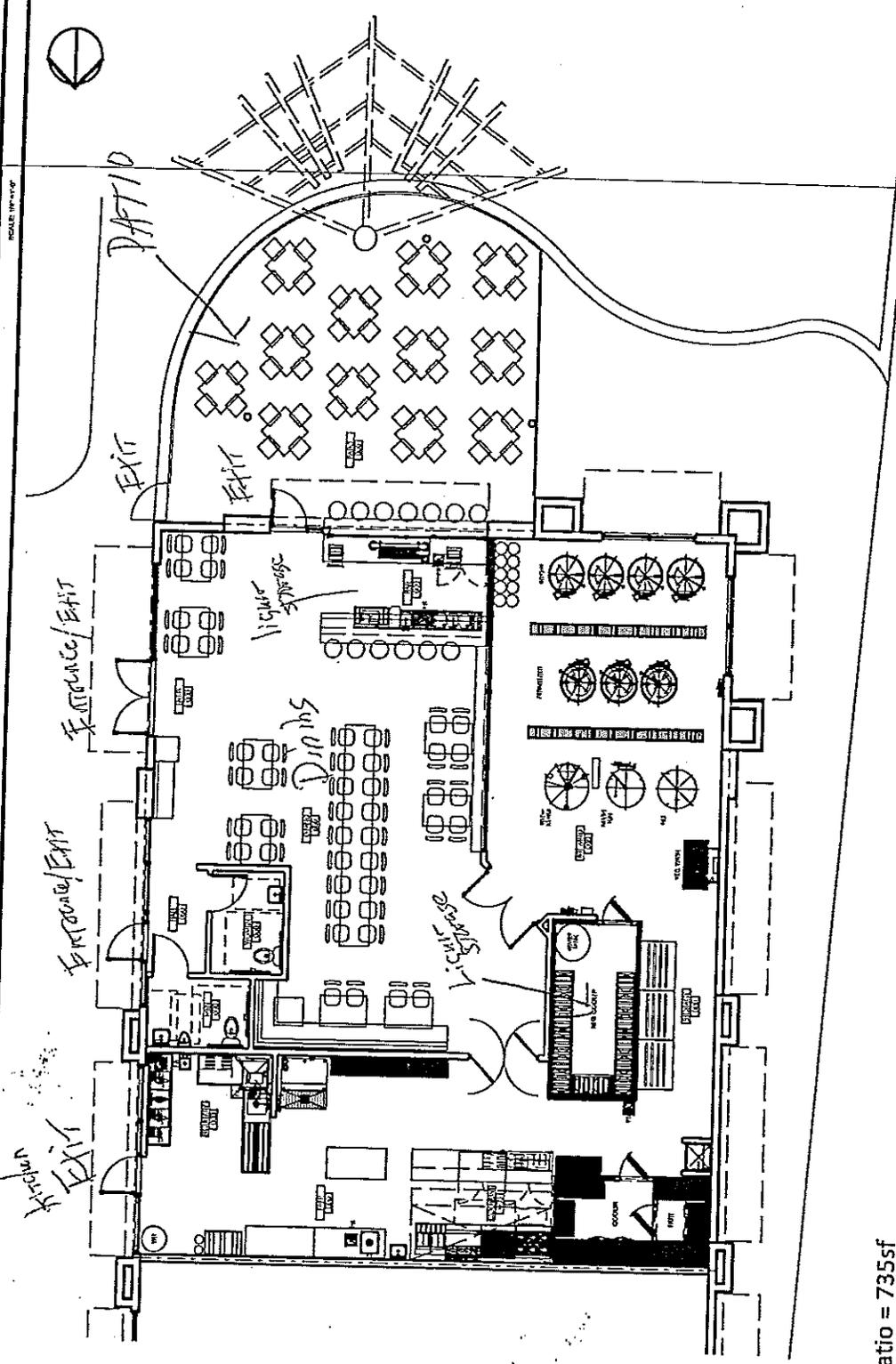
State of ARIZONA County of MARICOPA



The foregoing instrument was acknowledged before me this 4 of June, 2015

My commission expires on : \_\_\_\_\_  
Day Month Year

FLOOR PLAN



Patio = 735sf

Dining = 826sf

Bar = 255sf

Brewing = 600sf

TOTAL sf 3000



ARCHITECT  
 PEORIA, ARIZONA  
 10144 W LAKE PLEASANT DRIVE  
 PEORIA, ARIZONA 85382

DATE: 10/1/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

PROJECT: PEORIA ARTISAN BREWERY  
 SHEET: F1.3

PEORIA ARTISAN BREWERY  
 10144 W LAKE PLEASANT DRIVE  
 PEORIA, AZ

NO.	DATE	DESCRIPTION

PROJECT: PEORIA ARTISAN BREWERY  
 SHEET: F1.3

F1.3

Arizona Department of Liquor Licenses and Control  
800 West Washington, 5th Floor  
Phoenix, Arizona 85007  
www.azliquor.gov  
602-542-5141

**APPLICATION FOR LIQUOR LICENSE**  
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

**SECTION 1** This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 11, 13, 15, 16*
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 12, 13, 15, 16*
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE  
*Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)*
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

**SECTION 2** Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) \_\_\_\_\_

**SECTION 3** Type of license and fees LICENSE #(s): 1207A288

1. Type of License(s): #12 Restaurant

2. Total fees attached:

\$ 238.00 Department Use Only

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

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

- 1. Owner/Agent's Name:  Mr. Mangieri Frank Peter P1038705  
(Insert one name ONLY to appear on license) Last First Middle
- 2. Corp./Partnership/L.L.C.: CHAR Pizzeria Napoletana 1, LLC B1054613  
(Exactly as it appears on Articles of Inc. or Articles of Org.)
- 3. Business Name: CHAR Pizzeria Napoletana  
(Exactly as it appears on the exterior of premises)
- 4. Principal Street Location: 25101 N. Lake Pleasant Pky #1320 Peoria MARICOPA 85383  
(Do not use PO Box Number) City County Zip
- 5. Business Phone: PENDING Daytime Phone: [REDACTED] Email: [REDACTED]
- 6. Is the business located within the incorporated limits of the above city or town?  YES  NO
- 7. Mailing Address: 10210 W. Happy Valley Pky #150 Peoria AZ 85383  
City State Zip
- 8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

**DEPARTMENT USE ONLY**

Fees: <u>100.00</u>	<u>50.00</u>	<u>88.00</u>	<u>238.00</u>
Application	Interim Permit	Site Inspection	Finger Prints \$ TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete?  YES  NO

Accepted by: [REDACTED] Date: 6/5/15 Lic. # 1207A288

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. \_\_\_\_\_
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, \_\_\_\_\_, declare that I am the **CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE** (circle the title which applies) of the stated license and location.

(Print full name)

State of \_\_\_\_\_ County of \_\_\_\_\_

X \_\_\_\_\_  
(Signature)

The foregoing instrument was acknowledged before me this

My commission expires on: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.  
 L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: CHAR Pizzeria Napoletana 1, LLC  
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)

2. Date Incorporated/Organized: 4-1-15 State where Incorporated/Organized: ARIZONA

3. AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: ~~4-6-15~~

4. AZ L.L.C. File No: L19955337 Date authorized to do business in AZ: 4-6-15

5. Is Corp./L.L.C. Non-profit?  YES  NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City	State	Zip
Future Restaurant Concepts, LLC			Member/Manager	10210 W. Happy Valley Pky #150	Peoria	Az	85383

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City	State	Zip
Future Restaurant Concepts, LLC			100	10210 W. Happy Valley Pky #150	Peoria	Az	85383

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
 (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit?  YES  NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

CHAR PIZZERIA NAPOLETANA 1, LLC

Ownership

1. Char Pizzeria Napoletana 1, LLC

Manager: Future Restaurant Concepts, LLC, a Delaware limited liability company

Member: Future Restaurant Concepts, LLC, a Delaware limited liability company

2. Future Restaurant Concepts, LLC a Delaware limited liability company

Company address: 10210 W Happy Valley, Ste 150 Peoria, AZ 85383

Manager of Future Restaurant Concepts, LLC is: B1054612

Justin Davis



Members:

Frank Mangieri

40%



Tommasina Mamola

40%



Charles Robert Eckberg

10%



Justin Davis

10%



**SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:**

- 1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle
- 2. Assignee's Name: \_\_\_\_\_  
Last First Middle
- 3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Date of Last Renewal: \_\_\_\_\_
- 4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10 Government: (for cities, towns, or counties only)**

- 1. Governmental Entity: \_\_\_\_\_
- 2. Person/designee: \_\_\_\_\_  
Last First Middle Contact Phone Number

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 11 Person to Person Transfer:**

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

- 1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
- 2. Corporation/L.L.C. Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 3. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 4. Physical Street Location of Business: Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 7. Current Mailing Address: \_\_\_\_\_  
(Other than business) Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
- 9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
- 10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
(print full name)  
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.
- I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
(print full name)  
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE)

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this

\_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

My commission expires on: \_\_\_\_\_

**SECTION 12** Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

- Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
- New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
- License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13** Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 1320 ft. Name of school Children's Learning Adventure  
Address 2556 N. LAKE PLEASANT PKY Peoria, AZ 85383  
City, State, Zip

2. Distance to nearest church: 2640 ft. Name of church Discovery Pointe Church  
Address 9812 W. Yearling Rd Peoria AZ 85383  
City, State, Zip

3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)

4. If the premises is leased give lessors: Name CYPRESS EQUITIES LAKE PLEASANT LP  
Address 8343 DOUGLAS AVE STE 200 DALLAS, TX 75225  
City, State, Zip

4a. Monthly rental/lease rate \$ 6560 What is the remaining length of the lease 5 yrs. 0 mos.

4b. What is the penalty if the lease is not fulfilled? \$ 8243 or other personal guarantee  
(DEPOSIT) (give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ ~~1000~~ 0  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? ~~Fast Casual~~  
Quick Serve Restaurant

**SECTION 13 - continued**

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:  
 License # \_\_\_\_\_ (exactly as it appears on license) Name \_\_\_\_\_

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
 \_\_\_\_\_ and license #: \_\_\_\_\_  

Last
First
Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

  
 \_\_\_\_\_  
 applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection, visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

  
 \_\_\_\_\_  
 applicants initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- 1. Check ALL boxes that apply to your business:  
 Entrances/Exits       Liquor storage areas      Patio:  Contiguous  
 Service windows       Drive-in windows       Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? 9-01-2015  
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

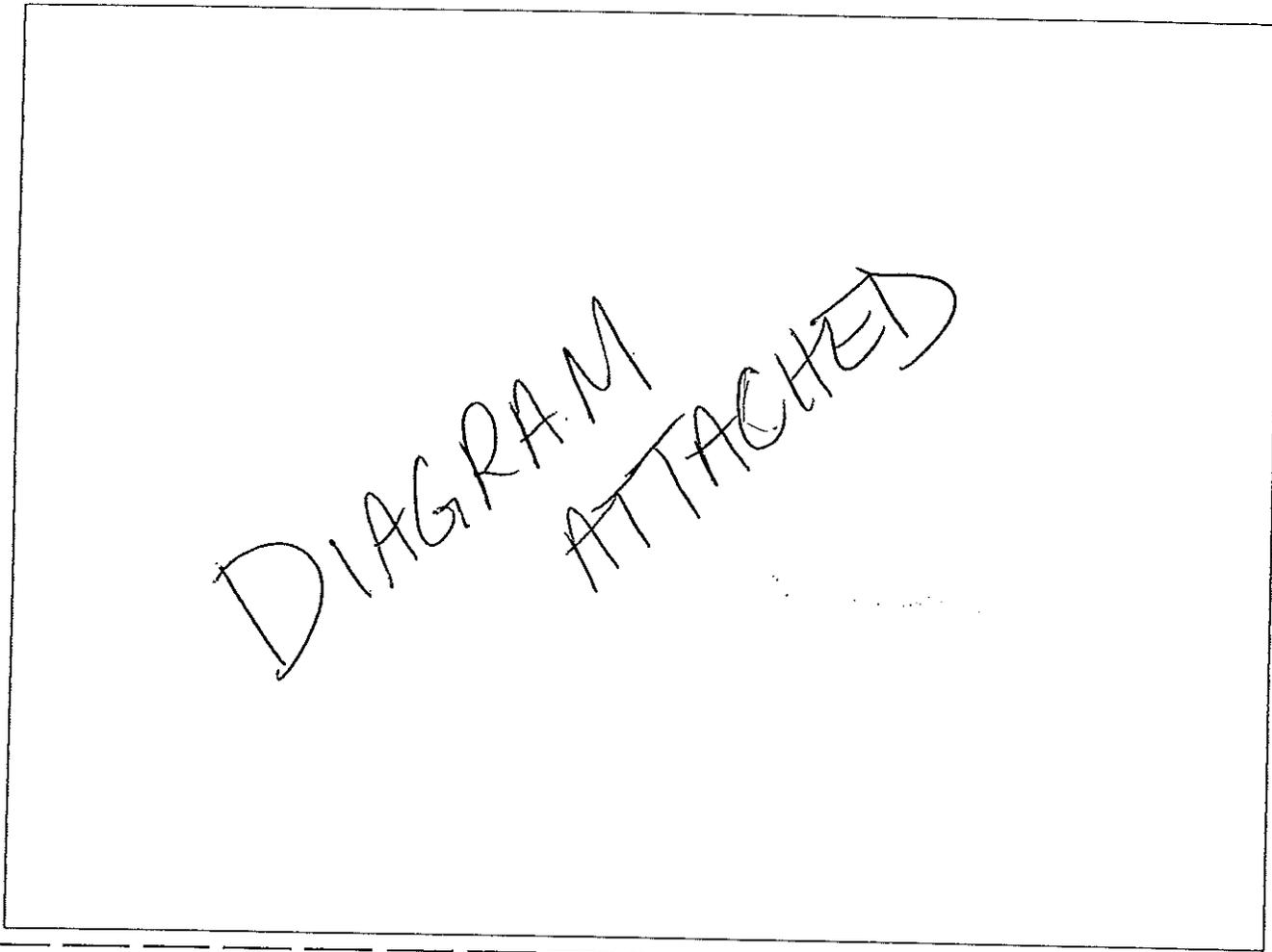
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

  
 \_\_\_\_\_  
 applicants initials

**SECTION 15** Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

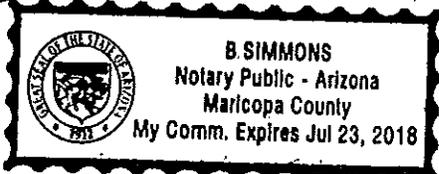
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



**SECTION 16** Signature Block

I, Frank Ber Mangieri, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

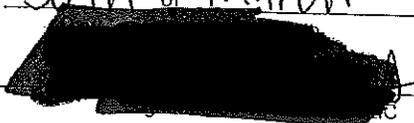
X   
(signature of applicant listed in Section 4, Question 1)



State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 30th of March, 2015 Year

My commission expires on: 23 07 2018  
Day Month Year



15 AUG 5 Lic. Lic. #11308

**SECTION 15 Restaurant or hotel/motel license applicants**

1. Is there an existing Restaurant or Hotel/Motel Liquor License at the proposed location?  Yes  No

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All Restaurant and Hotel/Motel applicants must complete a Restaurant Operation Plan form provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02, (H)(2), a Restaurant is an establishment which derives at least forty (40) percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from sales of food and spirituous liquor on the licensed premises. By applying for this  Restaurant  Hotel/Motel, I certify that I understand that I must maintain a minimum of forty (40) percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit form with this application.

[Redacted Signature]  
(Applicant's Signature)

5. I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing; specify why the extension is necessary; and the new inspection date you are requesting.

[Redacted Initials]  
(Applicant's Initials)

# AMENDMENT

**SECTION 16 Diagram of Premises**

Check ALL boxes that apply to your business:

- Entrances/Exits       Liquor storage areas      Patio:  Contiguous
- Walk-up windows       Drive-through windows       Non Contiguous

1. Is your licensed premises currently closed due to construction, renovation or redesign?  Yes  No  
If yes, what is your estimated completion date? 9-28-2015  
Month/Day/Year

2. Restaurants and Hotel/Motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Place for diagram is on section 16 number 6.

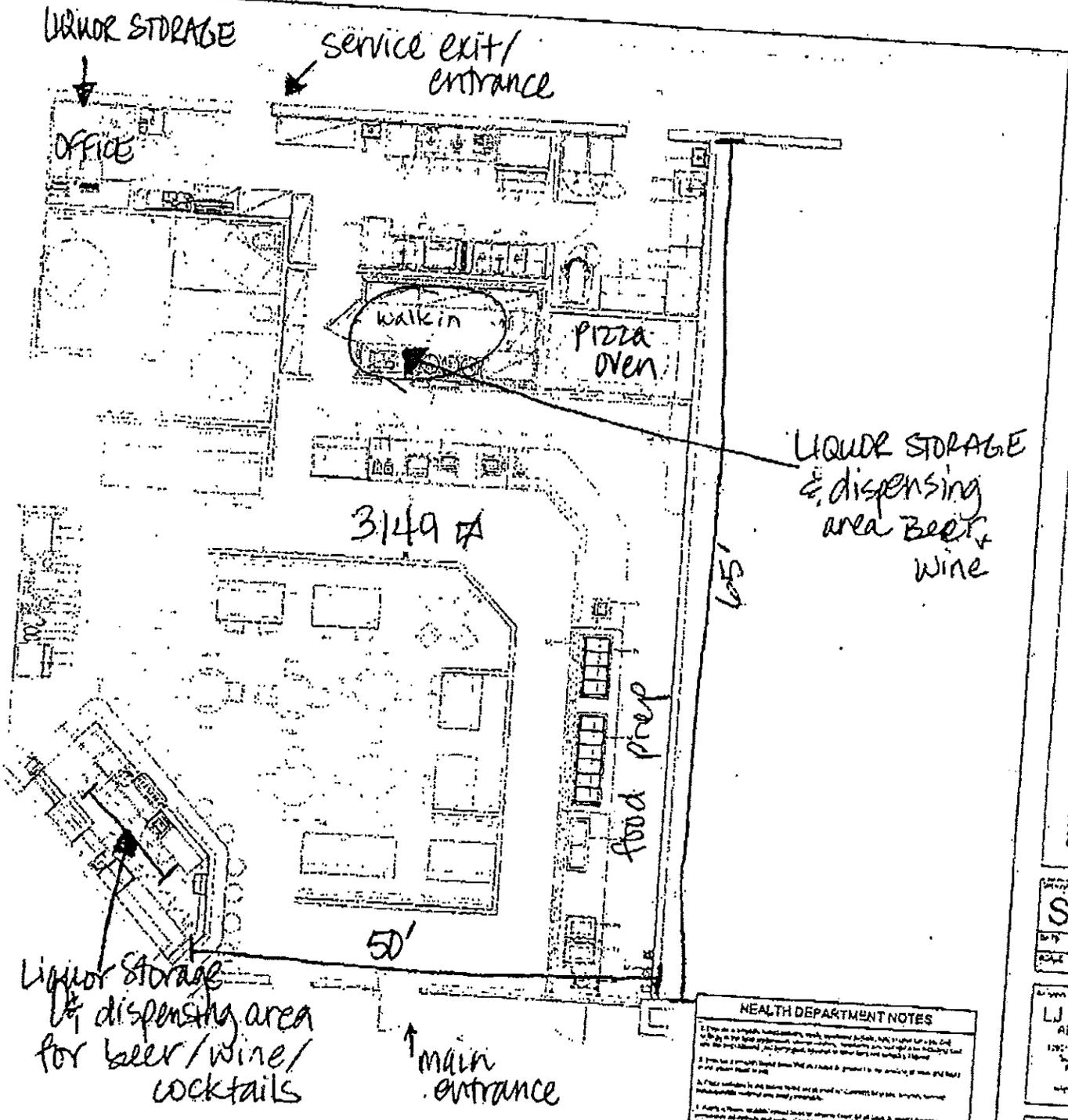
3. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored on the premises unless it is a restaurant (see # 3 above).

4. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01 (B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to the boundaries, entrances, exits, added or deleted doors, windows, service windows or increase or decrease to the square footage after submitting this initial diagram.

[Redacted Initials]  
(Applicant's Initials)

# AMENDMENT



CROSSROAD ENTERPRISES INC.

CHAR  
Lake Pleasant Crossing - Peoria, AZ

SEAN SLATER  
ARCHITECT

LJ WAR  
ARCHITECT

**HEALTH DEPARTMENT NOTES**

1. This plan is a complete, handwritten, work, unapproved, duplicate, and is subject to the Code of the City of Peoria, Arizona, and the Health Department, and is not to be used for any other purpose without the written consent of the Health Department.
2. This plan is a preliminary drawing and is subject to change without notice and is not to be used for any other purpose without the written consent of the Health Department.
3. The Health Department is not responsible for the accuracy of the information provided on this plan and is not to be held liable for any errors or omissions.
4. A fee of \$100.00 is required for the review of this plan and is not to be returned.
5. A fee of \$200.00 is required for the review of this plan and is not to be returned.
6. A fee of \$500.00 is required for the review of this plan and is not to be returned.
7. A fee of \$1000.00 is required for the review of this plan and is not to be returned.
8. A fee of \$2000.00 is required for the review of this plan and is not to be returned.
9. A fee of \$5000.00 is required for the review of this plan and is not to be returned.
10. A fee of \$10000.00 is required for the review of this plan and is not to be returned.

Arizona Department of Liquor Licenses and Control  
 800 West Washington, 5th Floor  
 Phoenix, Arizona 85007  
 www.azliquor.gov  
 602-542-5141

15 JUN 11 11:49 AM 113 113 113

**APPLICATION FOR LIQUOR LICENSE**  
 TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

**SECTION 1** This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 11, 13, 15, 16*
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 12, 13, 15, 16*
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE  
*Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)*
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

**SECTION 2** Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) \_\_\_\_\_

**SECTION 3** Type of license and fees LICENSE #(s):

1. Type of License(s): Series 12

2. Total fees attached:

1207A297  
 Department Use Only  
 \$ 2910

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

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

1. Owner/Agent's Name:  Mr. Bojanowski Brian R.  
(Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: Bojo Enterprises LLC  
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Twisted Italian  
(Exactly as it appears on the exterior of premises)
4. Principal Street Location 9940 W. Happy Valley Rd. #1080 Peoria Maricopa 85383  
(Do not use PO Box Number) City County Zip
5. Business Phone: 623-537-4000 Daytime Phone: [REDACTED] Email: [REDACTED]
6. Is the business located within the incorporated limits of the above city or town?  YES  NO
7. Mailing Address: [REDACTED]  
 City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

DEPARTMENT USE ONLY				
Fees:	<u>100<sup>00</sup></u>	<u>100<sup>00</sup></u>	<u>50<sup>00</sup></u>	<u>44<sup>00</sup></u>
	Application	Interim Permit	Site Inspection	Finger Prints
				\$ <u>2910</u>
	<b>TOTAL OF ALL FEES</b>			
Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
Accepted by:	<u>[REDACTED]</u>	Date:	<u>6/11/2015</u>	Lic # <u>1207A297</u>

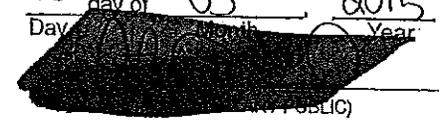
**SECTION 5 Interim Permit:**

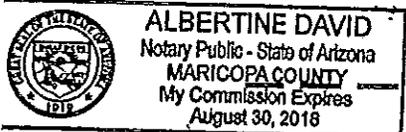
1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 12078510
4. Is the license currently in use  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

MICHAEL DEVIN HELBIG  
 (Print full name) declare that I am the CURRENT OWNER, AGENT CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER OR LICENSEE (circle the title which applies) of the stated license and location.

X   
 My commission expires on: 08/30/18

State of Arizona County of Maricopa  
 The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of 05, 2015  
 Day Month Year  
  
 (Notary Public)



**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0104), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

Y R A S S E C E N F I

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

STATE OF ARIZONA  
DEPARTMENT OF LIQUOR LICENSES  
AND CONTROL  
ALCOHOLIC BEVERAGE LICENSE  
License 12078510

Issue Date: 12/7/2010

Expiration Date: 3/31/2016

Issued To:

MICHAEL DEVIN HELBIG, Agent  
TWISTED ITALIAN LLC, Owner

Restaurant

Mailing Address:

MICHAEL DEVIN HELBIG  
TWISTED ITALIAN LLC  
TWISTED ITALIAN  
8747 W DALEY LN  
PEORIA, AZ 85383

Location:

TWISTED ITALIAN  
9940 W HAPPY VALLEY RD #1080  
PEORIA, AZ 85383



EXP 3/31/2016

POST THIS LICENSE IN A CONSPICUOUS PLACE

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
- L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Bojo Enterprises LLC  
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 05/12/15 State where Incorporated/Organized: Arizona
3. AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
4. AZ L.L.C. File No: L-2005643-8 Date authorized to do business in AZ: 05/18/15
5. Is Corp./L.L.C. Non-profit?  YES  NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
Bojanowski	Brian	Richard	Man Mem	[REDACTED]	[REDACTED]
Bojanowski	Michelle	Denise	Man Mem	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Bojanowski	Brian	Richard	50%	[REDACTED]	[REDACTED]
Bojanowski	Michelle	Denise	50%	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit?  YES  NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

**SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:**

- 1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle
- 2. Assignee's Name: \_\_\_\_\_  
Last First Middle
- 3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Date of Last Renewal: \_\_\_\_\_
- 4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10 Government: (for cities, towns, or counties only)**

- 1. Governmental Entity: \_\_\_\_\_
- 2. Person/designee: \_\_\_\_\_  
Last First Middle Contact Phone Number

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 11 Person to Person Transfer:**

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

- 1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
- 2. Corporation/L.L.C. Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 3. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 4. Physical Street Location of Business: Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 7. Current Mailing Address: \_\_\_\_\_  
(Other than business) Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
- 9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
- 10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
(print full name)  
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.
- I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
(print full name)  
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE)

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this

\_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

My commission expires on: \_\_\_\_\_

**SECTION 12** Location to Location Transfer: (Bars and Liquor Stores ONLY)  
 APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
 (Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
 (Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13** Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: \_\_\_\_\_ ft. Name of school \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_
2. Distance to nearest church: \_\_\_\_\_ ft. Name of church \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_
3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)
4. If the premises is leased give lessors: Name Vester Development Co  
 Address 2425 E. Camelback Road Suite 750 Phoenix, AZ 85016  
 City, State, Zip \_\_\_\_\_
- 4a. Monthly rental/lease rate \$ 5,229.11 What is the remaining length of the lease 2 yrs. 11 mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other None  
 (give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 0  
 Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Restaurant

**SECTION 13 - continued**

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:

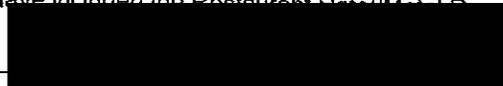
License # 12078510 (exactly as it appears on license) Name Michael Devin Helbig

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:

Helbig Michael Devin and license # 12078510  
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Licensee's Records Required for Audit (form LIC 1013) with this application.

  
 applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

  
 applicants initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- 1. Check ALL boxes that apply to your business:  
 Entrances/Exits       Liquor storage areas      Patio:  Contiguous  
 Service windows       Drive-in windows       Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? \_\_\_\_\_  
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

  
 applicants initials

**SECTION 15 Diagram of Premises**

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

Diagram attached

**SECTION 16 Signature Block**

I, Brian R Bojanowski, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

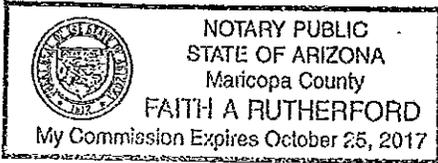
X   
(signature of applicant listed in Section 4, Question 1)

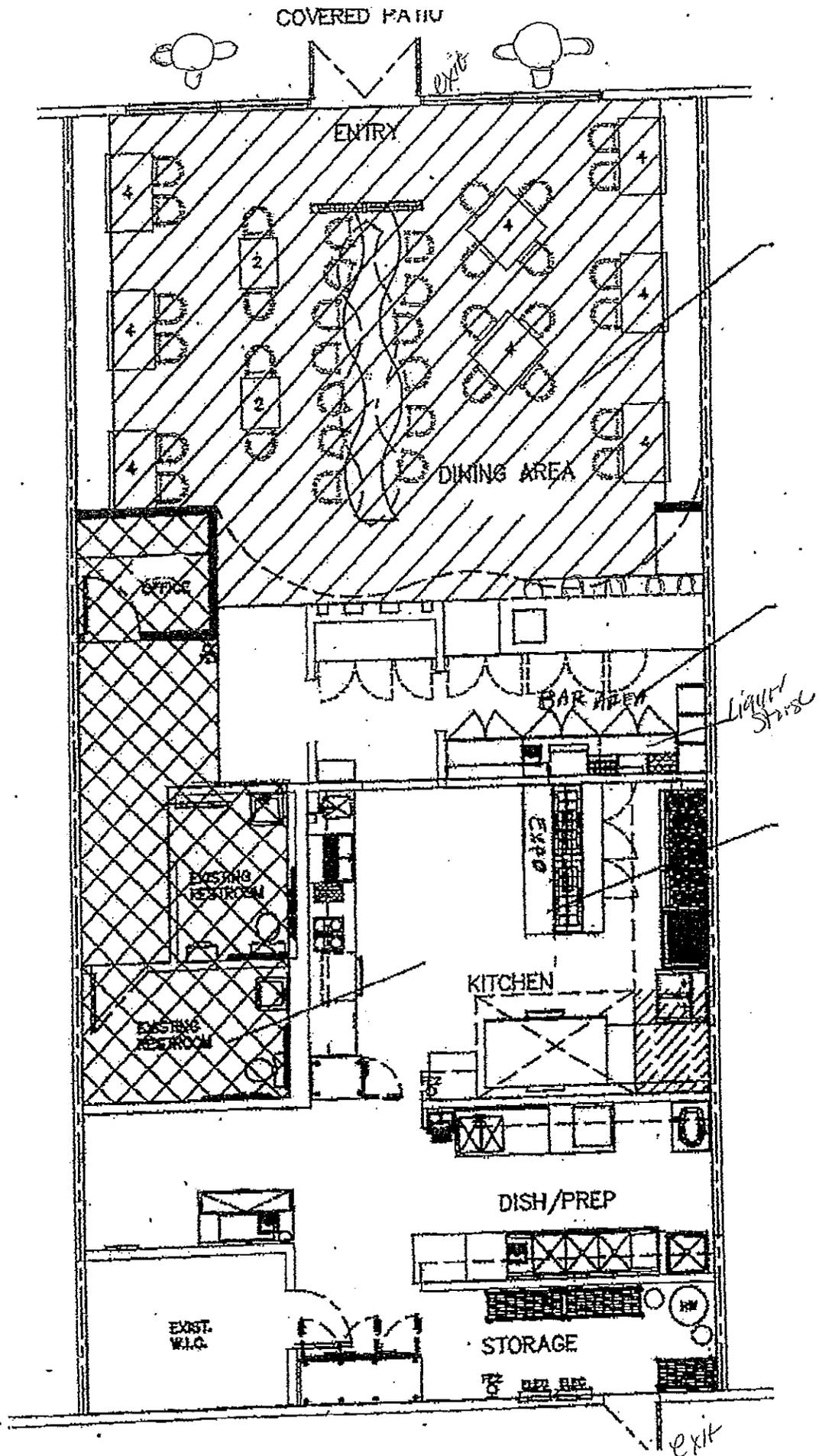
State of Arizona County of Maricopa

The foregoing Instrument was acknowledged before me this 2ND of June, 2015

My commission expires on : 10 25 17  
Day Month Year

  
signature of NOTARY PUBLIC





2,326 sq ft.

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

APPLICATION FOR LIQUOR LICENSE
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s): 10075660

1. Type of License(s): OFF SALE BEER & WINE.

2. Total fees attached:

\$ 235.00 Department Use Only

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

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. HYDER FARHAD P1073824
Ms. Last First Middle

2. Corp./Partnership/L.L.C.: AMMI'S FOOD MART INC. B1054424
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: AMMI'S FOOD MART B1008383
(Exactly as it appears on the exterior of premises)

4. Principal Street Location: 8271 W. THUNDERBIRD ROAD PEORIA MARICOPA 85381
(Do not use PO Box Number) City County Zip

5. Business Phone: 623-878-2441 Daytime Phone Email:

6. Is the business located within the incorporated limits of the above city or town? YES NO

7. Mailing Address: 7558 W. THUNDERBIRD ROAD, PEORIA ARIZONA, 85381 SUITE 1-413
City State Zip

8. Price paid for license only bar, beer and wine, or liquor store: Type B&W \$ Type \$

DEPARTMENT USE ONLY

Fees: Application \$1000.00 Interim Permit \$100.00 Site Inspection \$ Finger Prints \$350.00
TOTAL OF ALL FEES \$235.00

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: Date: 5/5/15 Lic. # 10076669

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01. 15 MAY 5 Lic. Dept # 3 21
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 10075660
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, BAHMAN NATANZI declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

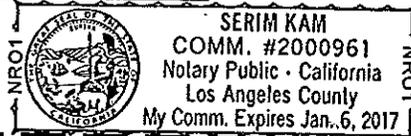
(Print full name)

State of CALIFORNIA County of Los Angeles

The foregoing instrument was acknowledged before me this

27th day of April, 2015

My commission expires on: 1-6-2017



**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

STATE OF ARIZONA  
DEPARTMENT OF LIQUOR LICENSES  
AND CONTROL  
ALCOHOLIC BEVERAGE LICENSE  
License 10075660

Issue Date: 10/24/2008

Expiration Date: 12/31/2015

Issued To:  
ANABEL AVITIA, Agent  
THUNDERBIRD OIL CORPORATION, Owner

Beer & Wine Store

Mailing Address:  
ANABEL AVITIA  
THUNDERBIRD OIL CORPORATION  
AMMI'S FOOD MART  
1934 N CAHUENGA BLVD  
LOS ANGELES, AZ 90068

Location:  
AMMI'S FOOD MART  
8271 W THUNDERBIRD RD  
PEORIA, AZ 85381



EXP 12/31/2015

POST THIS LICENSE IN A CONSPICUOUS PLACE

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
- L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: AMMI'S FOOD MART INC  
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 02/10/2015 State where Incorporated/Organized: ARIZONA
3. AZ Corporation Commission File No.: 1983402-6 Date authorized to do business in AZ: 02/17/2015
4. AZ L.L.C. File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
5. Is Corp./L.L.C. Non-profit?  YES  NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
HYDER	FARHAD		PRESIDENT Director	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
HYDER	FARHAD		100	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit?  YES  NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

**SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:**

- 1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle 15 MAY 5 Ligr. Dept PM 3 02
- 2. Assignee's Name: \_\_\_\_\_  
Last First Middle
- 3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Date of Last Renewal: \_\_\_\_\_
- 4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10 Government: (for cities, towns, or counties only)**

- 1. Governmental Entity: \_\_\_\_\_
- 2. Person/designee: \_\_\_\_\_  
Last First Middle Contact Phone Number

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 11 Person to Person Transfer:**

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

- 1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
- 2. Corporation/L.L.C. Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 3. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on license)
- 4. Physical Street Location of Business: Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 7. Current Mailing Address: Street \_\_\_\_\_  
(Other than business) City, State, Zip \_\_\_\_\_
- 8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
- 9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
- 10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
(print full name)  
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.  
I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
(print full name)  
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE) State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this

\_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

My commission expires on: \_\_\_\_\_

**SECTION 12** Location to Location Transfer: (Bars and Liquor Stores ONLY)

15 MAY 5 Ligr. Dept PM 3 22

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13** Questions for all In-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 5280 ft. Name of school CENTENNIAL HIGH SCHOOL  
Address 14388 N. 79th AVE, PEORIA, AZ 85381  
City, State, Zip \_\_\_\_\_

2. Distance to nearest church: 528 ft. Name of church NEW LIFE COMMUNITY CHURCH  
Address 8155 W. THUNDERBIRD ROAD, PEORIA, AZ 85381  
City, State, Zip \_\_\_\_\_

3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)

4. If the premises is leased give lessors: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

4a. Monthly rental/lease rate \$ \_\_\_\_\_ What is the remaining length of the lease \_\_\_ yrs. \_\_\_ mos.

4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ 55,000.00  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip
NATANZI	BAHMAN		55,000.00	410 S. BEVERLY DRIVE, BEVERLY HILLS, CA	90212	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Beer & Wine

6. What type of business will this license be used for (be specific)? ARCO GAS STATION & PM MARKET.

**SECTION 13 - continued**

15 MAY 5 Liqueur Dept PM 3 22

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:

License # 10075660 (exactly as it appears on license) Name MAYKEL A. SHARKAWY THUNDERBIRD OIL CO  
Anabel Avila

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:

\_\_\_\_\_ and license #: \_\_\_\_\_  
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicants initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- 1. Check ALL boxes that apply to your business:  
 Entrances/Exits     Liquor storage areas    Patio:  Contiguous  
 Service windows     Drive-in windows     Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? \_\_\_\_\_  
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

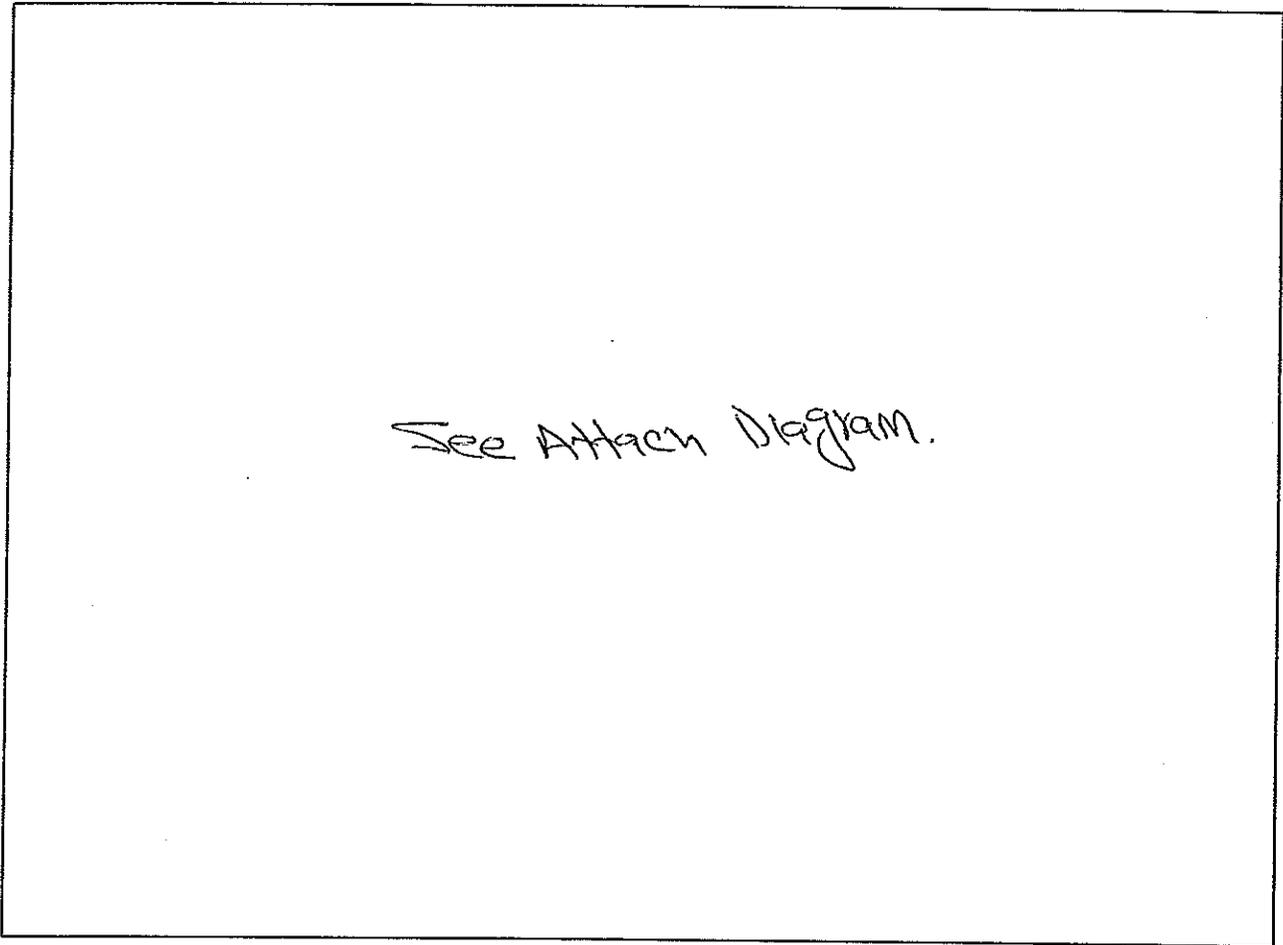
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

\_\_\_\_\_  
 applicants initials

**SECTION 15** Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



15 APR 5 11:49 AM Dept 14 3 22

**SECTION 16** Signature Block

I, FARHAD HYDER, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

(print full name of applicant)

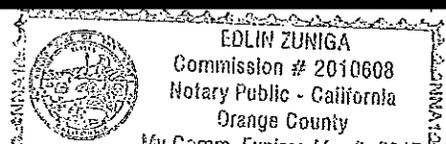
X 

State of CALIFORNIA County of ORANGE

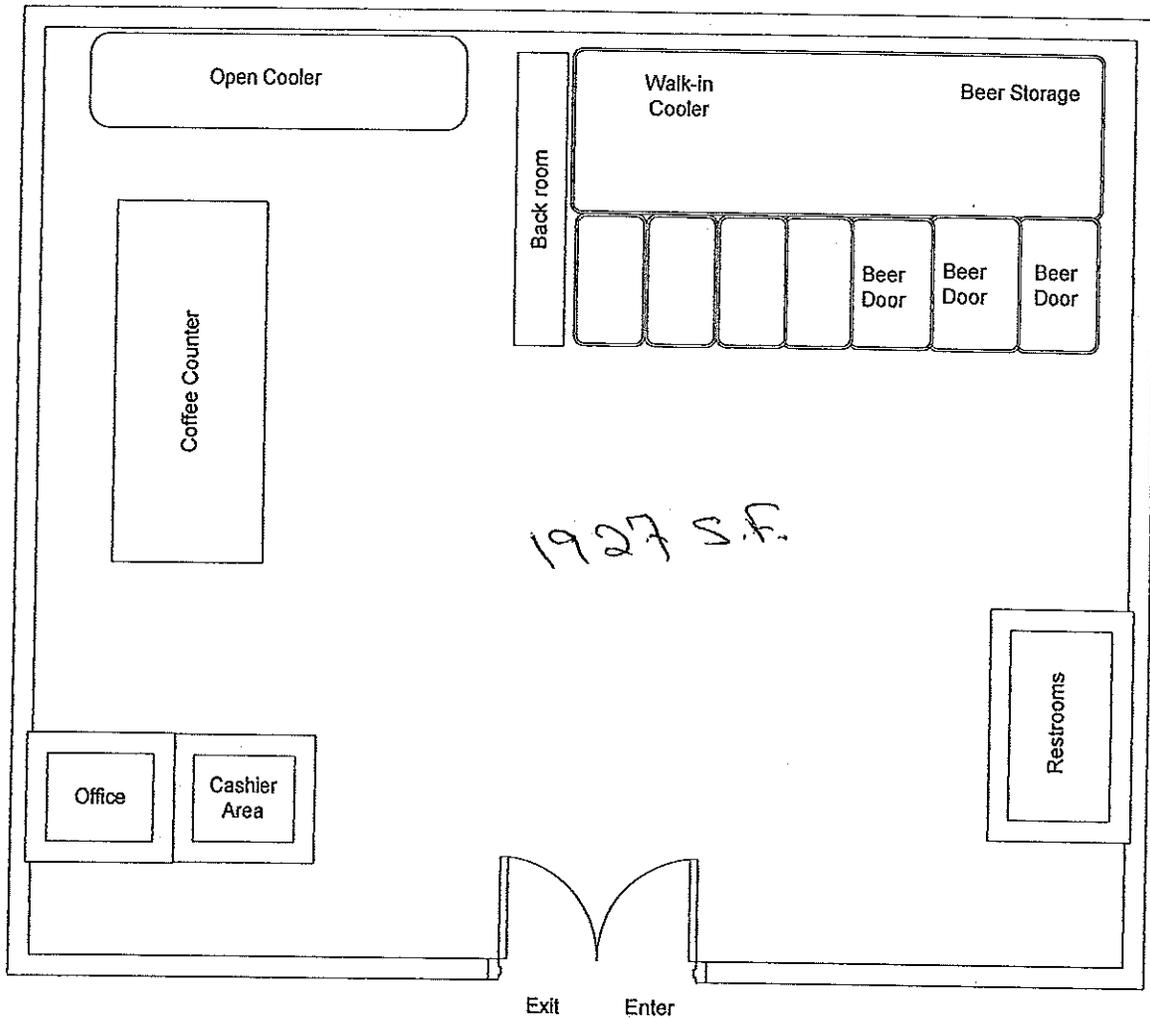
The foregoing instrument was acknowledged before me this

4 of May, 2015

My commission expires on : 9 March 2017  
Day Month Year



15 MAY 5 Ugr. Dept PM 3:22



15 JUN 25 Lic. Lic. #1255

Arizona Department of Liquor Licenses and Control  
800 West Washington, 5th Floor  
Phoenix, Arizona 85007  
www.azliquor.gov  
602-542-5141

**APPLICATION FOR LIQUOR LICENSE**  
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

**SECTION 1** This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 11, 13, 15, 16*
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)  
*Complete Sections 2, 3, 4, 12, 13, 15, 16*
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE  
*Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)*
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

**SECTION 2** Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) \_\_\_\_\_

**SECTION 3** Type of license and fees LICENSE #(s): 1000710684

1. Type of License(s): Section 10

2. Total fees attached:

Department Use Only  
\$ 200.00

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.**  
The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

1. Owner/Agent's Name: Mr. Alloush BAKER P107377  
(Insert one name ONLY to appear on license) Last First Middle

2. Corp./Partnership/L.L.C.: \_\_\_\_\_  
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: Peoria Valero 1637 B1018035  
(Exactly as it appears on the exterior of premises)

4. Principal Street Location: 8322 W Olive ave Peoria Maricopa 85345  
(Do not use PO Box Number) City County Zip

5. Business Phone: 623-374-9006 Daytime Phone: \_\_\_\_\_ Email: \_\_\_\_\_

6. Is the business located within the incorporated limits of the above city or town?  YES  NO

7. Mailing Address: \_\_\_\_\_  
City State Zip

8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

**DEPARTMENT USE ONLY**

Fees: 100.00 100.00 \_\_\_\_\_  
Application Interim Permit Site Inspection  
Finger Prints \$ 200.00  
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete?  YES  NO

Accepted by: \_\_\_\_\_ Date: 6/25/15 Lic. # 1000710684

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There MUST be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 10073271
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,  
(Print full name)  
 MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of \_\_\_\_\_ County of \_\_\_\_\_

X \_\_\_\_\_  
(Signature)

The foregoing instrument was acknowledged before me this

My commission expires on: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_  
 Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Alloush	BAKER		100		

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. \_\_\_\_\_
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,  
(Print full name)  
 MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

X \_\_\_\_\_  
(Signature)

My commission expires on: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_  
 The foregoing instrument was acknowledged before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Day Month Year  
 \_\_\_\_\_  
(Signature of NOTARY PUBLIC)

JUN 25 11:47 AM '25  
 LIC. #12285

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip
ALLOUSH	BAKER		100	[REDACTED]	[REDACTED]

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

**AMENDMENT**

**SECTION 5 Interim Permit:**

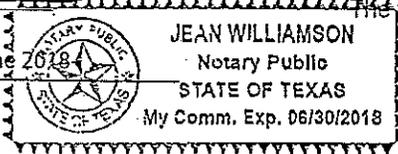
1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location, 10073271
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, <sup>Michael</sup> Douglas M. Miller, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

X \_\_\_\_\_ State of Texas County of Bexar  
 (signature)

My commission expires on: 30 June 2018



The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 2015  
 Day \_\_\_\_\_ Year \_\_\_\_\_  
 \_\_\_\_\_  
 (Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES  
AND CONTROL  
ALCOHOLIC BEVERAGE LICENSE

License 10073271

Issue Date: 1/29/1997

Expiration Date: 12/31/2015

Issued To:  
GEORGE LEONARD ENGLE, Agent  
CST ARIZONA STATIONS INC, Owner

Beer & Wine Store

Location:  
DIAMOND SHAMROCK CORNER STORE #1637  
8322 W OLIVE AVE  
PEORIA, AZ. 85345

Mailing Address:  
GEORGE LEONARD ENGLE  
CST ARIZONA STATIONS INC  
DIAMOND SHAMROCK CORNER STORE #1637  
P.O. BOX 690007  
SAN ANTONIO, TX 78269-0007

EXP 12/31/2015



POST THIS LICENSE IN A CONSPICUOUS PLACE

15 JAN 25 09 AM 11:25:56

**SECTION 7** Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
- L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: \_\_\_\_\_  
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: \_\_\_\_\_ State where Incorporated/Organized: \_\_\_\_\_
3. AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
4. AZ L.L.C. File No: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
5. Is Corp./L.L.C. Non-profit?  YES  NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8** Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit?  YES  NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

**SECTION 9** Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: \_\_\_\_\_  
Last First Middle
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Date of Last Renewal: \_\_\_\_\_
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10** Government: (for cities, towns, or counties only)

1. Governmental Entity: \_\_\_\_\_
2. Person/designee: \_\_\_\_\_  
Last First Middle Contact Phone Number

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 11** Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: \_\_\_\_\_  
(Exactly as it appears on license)
3. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on license)
4. Physical Street Location of Business: Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
7. Current Mailing Address: Street \_\_\_\_\_  
(Other than business) City, State, Zip \_\_\_\_\_
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
(print full name)  
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
(print full name)  
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE)

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this

\_\_\_\_\_  
Day Month Year

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

**SECTION 12** Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13** Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 10280 ft. Name of school Peoria High School  
Address 11200 N 83rd ave Peoria AZ 85345  
City, State, Zip
2. Distance to nearest church: 2640 ft. Name of church NAVAJO LUTHERAN MCH  
Address 1 W Mission Ln Rock Point 86565  
City, State, Zip
3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)
4. If the premises is leased give lessors: Name CST Arizona Stations LLC  
Address P.O. Box 69007 San Antonio, TX 78269  
City, State, Zip
- 4a. Monthly rental/lease rate \$ 3000.00 What is the remaining length of the lease 5 yrs. \_\_\_\_ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ 0 or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Gas Station

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?

YES  NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO

9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:

License # 10073271 (exactly as it appears on license) Name George Leonard Single

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO

If yes, give the name of licensee, Agent or a company name:

\_\_\_\_\_ and license # \_\_\_\_\_  
Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicant's initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:

- Entrances/Exits
- Liquor storage areas
- Patio:  Contiguous
- Service windows
- Drive-in windows
- Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO

If yes, what is your estimated opening date? \_\_\_\_\_  
month/day/year

3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.

4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).

5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

  
applicant's initials

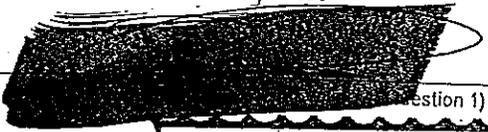
4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

See attachment.

**SECTION 16 Signature Block**

I, BAKER, Allison, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X  (Question 1)



State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 24 of February 2015



My commission expires on: 4/7/2017  
Day / Month / Year

Notary Public See attachment

NOTARY PUBLIC STATE OF ARIZONA  
My Comm. Expires 6.20.15

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the Identity of the Individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Riverside )

On June 20 2015 before me, Marlene Monroy, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Baker SB Alloush  
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature: [Redacted]

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: App for Liquor license Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

Capacity(ies) Claimed by Signer(s)

- Signer's Name: \_\_\_\_\_
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney In Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

- Signer's Name: \_\_\_\_\_
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney In Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

APPLICATION FOR LIQUOR LICENSE
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s):

1. Type of License(s): Series 18 - In-state Craft Distiller

18070005

2. Total fees attached:

Department Use Only
\$ 135.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

- 1. Owner/Agent's Name: Mr. Lucidi Christopher Quirino
2. Corp./Partnership/L.L.C.: LUCIDI DISTILLING CO LLC
3. Business Name: LUCIDI DISTILLING CO
4. Principal Street Location 8307 W Washington Street Peoria Maricopa 85345
5. Business Phone: 623-299-8779 Daytime Phone: [redacted] Email: [redacted]
6. Is the business located within the incorporated limits of the above city or town? YES NO
7. Mailing Address: [redacted]
8. Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

P1073889

B1054487

B1054488

DEPARTMENT USE ONLY

Fees: Application 100.00 Interim Permit Site Inspection 20.00 + 13.00 Finger Prints 135.00
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: [redacted] Date: 5/13/15 Lic. # 18070005

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. \_\_\_\_\_
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, \_\_\_\_\_, declare that I am the **CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,**  
(Print full name)  
**MEMBER, STOCKHOLDER, OR LICENSEE** (circle the title which applies) of the stated license and location.

X \_\_\_\_\_  
(Signature)

My commission expires on: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_  
 The foregoing instrument was acknowledged before me this

\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

**SECTION 6 Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) \_\_\_\_\_

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business?  YES  NO  
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

**SECTION 7 Corporation/Limited Liability Co.:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

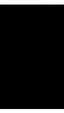
- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.  
 L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: LUCIDI DISTILLING CO LLC  
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)

2. Date Incorporated/Organized: 10-24-2014 State where Incorporated/Organized: Arizona

3. AZ Corporation Commission File No.: N/A Date authorized to do business in AZ: N/A

4. AZ L.L.C. File No: L-1961030-2 Date authorized to do business in AZ: 10-24-2014

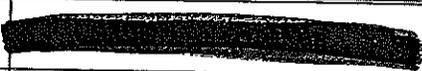
5. Is Corp./L.L.C. Non-profit?  YES  NO 11-12-2014 

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
Lucidi	Christopher	Quirino	Member		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Lucidi	Christopher	Quirino	100%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

**SECTION 8 Club Applicants:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: \_\_\_\_\_ Date Chartered: \_\_\_\_\_  
 (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit?  YES  NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

**SECTION 9** Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: \_\_\_\_\_  
Last First Middle
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_ Date of Last Renewal: \_\_\_\_\_
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

**SECTION 10** Government: (for cities, towns, or counties only)

1. Governmental Entity: \_\_\_\_\_
2. Person/designee: \_\_\_\_\_  
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

**SECTION 11** Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: \_\_\_\_\_ Entity: \_\_\_\_\_  
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: \_\_\_\_\_  
(Exactly as it appears on license)
3. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on license)
4. Physical Street Location of Business: Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
5. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
6. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
7. Current Mailing Address: Street \_\_\_\_\_  
(Other than business) City, State, Zip \_\_\_\_\_
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer?  YES  NO
9. Does the applicant intend to operate the business while this application is pending?  YES  NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
10. I, \_\_\_\_\_, hereby authorize the department to process this application to transfer the  
(print full name)  
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.  
I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER  
(print full name)  
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

\_\_\_\_\_  
(Signature of CURRENT LICENSEE)

State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this

\_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

My commission expires on: \_\_\_\_\_

**SECTION 12** Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13** Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 3,205 ft. Name of school Santa Fe Elementary School  
Address 9880 N 77th Avenue, Peoria, AZ 85345  
City, State, Zip \_\_\_\_\_

2. Distance to nearest church: 557 ft. Name of church Valley Community Church  
Address 8412 W Washington Street, Peoria, AZ 85345  
City, State, Zip \_\_\_\_\_

3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)

4. If the premises is leased give lessors: Name City of Peoria  
Address 9875 N 85th Avenue, Peoria, AZ 85345  
City, State, Zip \_\_\_\_\_

4a. Monthly rental/lease rate \$ 1,540 What is the remaining length of the lease 16 yrs. 0 mos.

4b. What is the penalty if the lease is not fulfilled? \$ 0 or other Personal Guarantee w/Option to Buy  
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? In-State Craft Distillery in the Peoria Entertainment District

**SECTION 13 - continued**

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:  
 License # \_\_\_\_\_ (exactly as it appears on license) Name \_\_\_\_\_

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
 \_\_\_\_\_ and license #: \_\_\_\_\_  
Last First Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicants initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

- 1. Check ALL boxes that apply to your business:  
 Entrances/Exits       Liquor storage areas      Patio:  Contiguous  
 Service windows       Drive-in windows       Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? 08/30/2015  
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

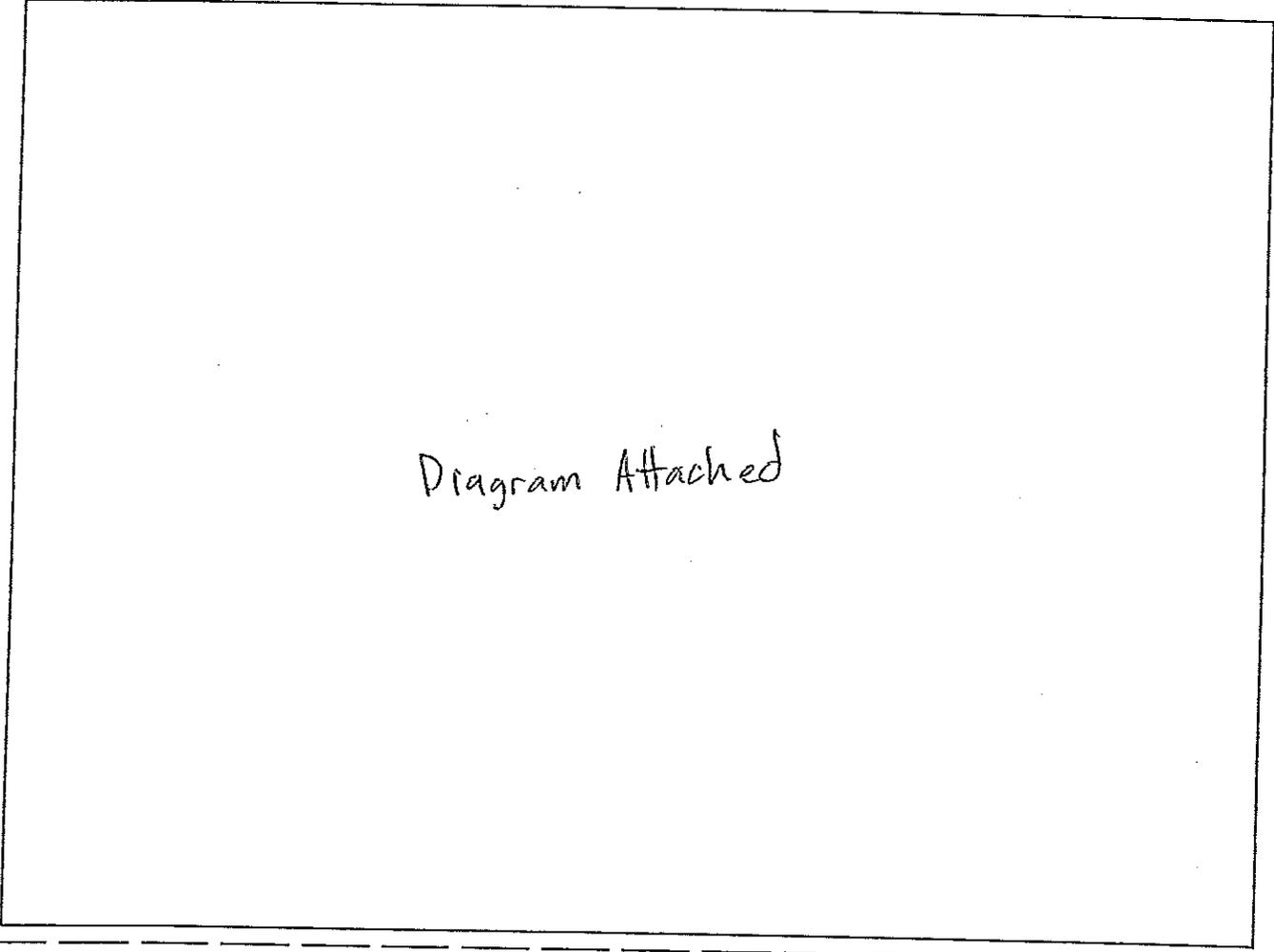
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

\_\_\_\_\_  
applicants initials

**SECTION 15** Diagram of Premises

4: In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

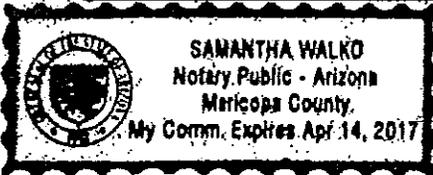


**SECTION 16** Signature Block

QUIRINO [REDACTED]

I, Christopher Q. Lucidi, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X [REDACTED]



State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> of JANUARY, 2015

My commission expires on: 4-14-2017  
Day Month Year

[REDACTED]



State of Arizona  
Department of Liquor Licenses and Control

800 W. Washington 5<sup>th</sup> Floor  
Phoenix, Arizona 85007  
(602) 542-5141

Sampling Privileges Form

- Liquor Store (series 9)
- Beer and Wine Store (series 10)

Applicant's Name: Clare Hollie Abel (check one) Owner  Agent

Mailing Address: Dept. 8916; 702 SW 8th Street, Bentonville AR Benson 72716 0500  
Street Address or P.O. Box City State County Zip Code

Business Phone Number: (623) 878-9907 Email: chabel@bcattorneys.com

Business Name: Wal-Mart Supercenter #1533 Current License #: 09073001

Physical Location of Business:  
7975 West Peoria Avenue Peoria AZ MARICOPA 85345  
Street Address City State County Zip Code

I, Clare Hollie Abel, understand that, upon approval, sampling privileges for the liquor license identified above will require compliance with the following:

Initial Here

1. the premises shall contain at least five thousand square feet to be eligible for sampling privileges for Beer and Wine Store (series 10) applicants only (A.R.S. §4-206.01(J)).
2. Any open product shall be kept locked by the licensee when the sampling area is not staffed.
3. The licensee is otherwise subject to all other provisions of this title. The licensee is liable for any violation of this title committed in connection with the sampling.
4. The licensed retailer shall make sales of sampled products from the licensed retail premises.
5. The licensee shall not charge any customer for the sampling of any products.
6. The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
7. Accurate records of sampling products dispensed shall be retained by the licensee.
8. Sampling shall be limited to three ounces of beer or cooler-type products, one and one-half ounce of wine and one ounce of distilled spirits per person, per brand, per day.
9. The sampling shall be conducted only on the licensed premises.
10. Upon approval of this form, a license for a liquor store with sampling privileges (series 9S) or a beer and wine store with sampling privileges (series 10S) will be issued and mailed to the licensee's address of record. The license must be displayed in a conspicuous public area of the licensed premises that is readily accessible for inspection by any peace officer, distributor, wholesaler or member of the public. (A.R.S. §4-261.01)

15 MAY 12 11:41 AM '13

- 11. Liquor store license sampling privileges are not transferable.
- 12. I have read, understand, and assume responsibility for compliance with A.R.S. §4-206.01.

**A.R.S. §4-206.01(J) Bar, beer and wine bar or liquor store licenses; number permitted; fee; sampling privileges**

- 1. Any open product shall be kept locked by the licensee when the sampling area is not staffed.
- 2. The licensee is otherwise subject to all other provisions of this title. The licensee is liable for any violation of this title committed in connection with the sampling.
- 3. The licensed retailer shall make sales of sampled products from the licensed retail premises.
- 4. The licensee shall not charge any customer for the sampling of any products.
- 5. The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
- 6. Accurate records of sampling products dispensed shall be retained by the licensee.
- 7. Sampling shall be limited to three ounces of beer or cooler-type products, one and one-half ounces of wine and one ounce of distilled spirits per person, per brand, per day.
- 8. The sampling shall be conducted only on the licensed premises.

I, Clare Hollie Abel, attest that I am the OWNER/AGENT filing this form, that I have read, and assume responsibility for compliance with, A.R.S. §4-206.01 at the licensed establishment named on page 1, and verify all statements I have made on this document to be true, correct and complete. I understand that I am responsible for the \$100 issuance fee and the annual \$60 renewal fee for these sampling privileges. Sampling privilege renewal fees are due at the same time as the renewal for the "current license #" identified on page 1 of this application.

Signature, [Redacted], Title agent, Date 5/8/15

**Notarized Signature**

The forgoing instrument was acknowledged before me this 8<sup>th</sup> day of May, 2015 year.

Notary Public: [Redacted] Signature

My commission expires: day 

**For DLLC Use Only**

S License #: \_\_\_\_\_ Date of issuance: \_\_\_\_/\_\_\_\_/\_\_\_\_

Issuance fee applicable?  Yes  No  \$100 Issuance fee collected

Initials: \_\_\_\_\_

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 35R

**Date Prepared: August 6, 2015**

**Council Meeting Date: August 26, 2015**

---

**TO:** Carl Swenson, City Manager

**FROM:** Katie Gregory, Deputy Finance and Budget Director

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT: Public Hearing to Consider Establishing FY2016 Water Rates as part of the New River Utility Company Acquisition**

**Purpose:**

This is a request for the City Council to hold a public hearing pursuant to Arizona Revised Statutes (ARS) §9-511.01 regarding the establishment of water rates specifically applicable to potential future customers served by the New River Utility Company. After the public hearing, staff recommends that the Mayor and Council adopt resolution 2015-96 establishing the water rates and various administrative fees, and making the new rates and fees effective October 1, 2015.

**Background/Summary:**

City staff is recommending that the water rates applicable only to future customers served by the New River Utility Company be established, effective October 1, 2015. Water rate adjustments must be formally adopted after a public hearing no less than 30 days prior to their effective date. The City has complied with the requirements of ARS §9-511.01 by noticing the public of its intent to consider a rate adjustment in a public newspaper 30 days prior to the public hearing date and has made a written report available with the Office of the City Clerk 30 days prior to the public hearing date. The public hearing and formal adoption of the recommended rates are the final steps in the rate setting process for water rates. If adopted, the new water rates will become effective on October 1, 2015 and will ONLY apply to potential customers currently served by the New River Utility Company. The potential action on this recommendation does not impact or change water rates and fees for FY2016 adopted by the Council in May of this year.

**Previous Actions:**

A public outreach meeting was conducted on May 28, 2014 with residents served by the New River Utility Company to determine the level of interest in a potential City acquisition.

A study session was conducted on October 21, 2014 to present findings of the public outreach/civic engagement process and customer survey regarding the potential acquisition of NRUC.

An Executive session was held on April 7, 2015 to update Council on progress and status of efforts regarding the potential acquisition of the NRUC.

An Executive session was held on April 21, 2015 to update Council on progress and status of efforts regarding the potential acquisition of the NRUC.

An Executive session was held May 19, 2015 to update Council on progress and status of efforts regarding the potential acquisition of the NRUC.

On July 7, 2015, at the regular Council Meeting, Council approved a draft Agreement, contingent upon the successful completion of further procedural items, to acquire the New River Utility Company for the amount equal to \$10,000,000. Council also adopted a Notice of Intention to establish water rates and established August 26, 2015 as the date of a public hearing to consider adoption of these rates.

On July 24, 2015 and again on July 31, 2015, the City advertised a Notice of Intention to Establish water rates in the Peoria Times newspaper informing the public of the August 26, 2015 public hearing.

**Options:**

A: That the Mayor and Council adopt Resolution 2015-96 establishing the water rates, making the new rates and fees effective October 1, 2015.

B: That the Mayor and Council may elect to not adopt the water rates planned to be effective on October 1, 2015. Not adopting all, or any portion of the recommended rates would cause potential customers of the New River Utility Company to pay the City's water rates and charges in effect upon acquisition of the system. Not adopting the recommended rates for potential New River customers will not change the prevailing water rates and fees currently in effect.

**Staff's Recommendation:**

Staff recommends that the Council establish the water rates and fees applicable to potential customers of the New River Utility Company, making the new rates and fees effective October 1, 2015.

**Fiscal Analysis:**

The proposed water rates will provide an adequate level of revenue to support the City's estimated annual costs of assuming operation of the New River system, inclusive of the estimated debt service costs related to financing the acquisition and one-time start-up and maintenance costs. The proposed water rates are estimated to increase FY2016 water revenues by approximately \$1,200,000 for the portion of the year they are in effect.

At Council's direction, staff recommend that potential New River customers be phased into the City's existing water rates and fees over a period of time. Doing so will enable the New River customers' total annual water and tax-related assessment costs to remain nearly equivalent to their current combined levels through the 2017 calendar year. Staff recommend that the established rates specific to the potential New River customers be discontinued on December 31, 2016, which will require a Council vote to confirm. If the rates are terminated on this schedule, potential New River customers will then pay the City's prevailing water rates for the remainder of FY2017, after which time the City's system-wide water rates will apply.

Staff estimate revenues for FY2017 under the combination of rates will increase over the FY2016 estimated level by \$800,000. Revenues are estimated to then increase by an additional \$400,000 in FY2018 as the potential New River customers pay an entire fiscal year under the higher City water rates. The revenue estimates are based on consumption data supplied by the New River Utility Company that is now more than three (3) years old and is subject to variation caused by changes in consumption patterns by its customers.

Staff included the forecasted revenues and costs relating to the assumption of the New River system into the City's economic forecasting model used for the entire water system. The New River system's operations are expected to be financially self-sufficient under the City's operations and rate assumptions for an extended period of time. This forecast includes the estimated debt service costs related to financing the acquisition of the New River system and initial start-up related costs. Under these assumptions, adding the New River system's operation to the City will not detract financially from the City's anticipated financial performance in the near-term, and should therefore, not negatively impact the City's water rate-payers.

**Narrative:**

Adoption of the recommended water rates FY2016 following the public hearing will complete the rate setting process that the City has conducted in accordance with state statute and will enable the rates to take effect on October 1, 2015.

Following discussions with Council to discuss the potential acquisition of the New River Utility Company, staff engaged New River's current customer base to determine the level of support of a City acquisition of the company and found that attitudes were positive. Staff also engaged consulting support to help evaluate a fair purchase price for the New River system and analyze the financial feasibility of assuming operations over an extended period of time. Staff further met with New River ownership and staff to assess the current conditions of the New River infrastructure and made initial estimates of the costs necessary to incorporate the New River system into the City's water system and improve its assets to the City's standards.

While the above efforts were underway, staff conducted purchase discussions with New River ownership and recently concluded a sale agreement to acquire the assets and stock of the New River Utility Company for an amount equal to \$10,000,000. Staff applied for a loan from the Water Infrastructure Finance Authority (WIFA) in the amount of \$14,000,000 to finance the acquisition and initial one-time start-up and transition costs. A decision on this request should be available on or about August 19, 2015. Following an anticipated approval by the WIFA Board, staff will bring an item to the Council at a later date to accept the loan terms and conditions with WIFA.

Assumption of New River's current water system by the City is tentatively anticipated to begin by October 1, 2015 and is subject to approval by the Arizona Corporation Commission. Upon acquisition, the City will begin additional efforts to transition New River customers and its assets to the City. These efforts will include such things as: notification and continuous communications to existing New River customers, construction of additional inter-connections between the two respective systems to improve redundancy and water pressure, replacement of water meters with City-compatible meters, coordination and transition of billing information, acquisition of additional surface water rights originally held by the New River Utility Company, and beginning to assess and improve New River system infrastructure where necessary.

**Contact Name and Number:** Katie Gregory, Deputy Director, Finance  
773-7364

Mike Weber, Deputy Director, Public Works-Utilities  
773-7181

**EXHIBITS:**

EXHIBIT 1: Resolution 2015-96

EXHIBIT 2: Utilities Water Rate Table

EXHIBIT 3: FY2016 Acquisition of the New River Water Utility Rate Study

RESOLUTION NO. 2015-96

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF THE PUBLIC WATER TREATMENT SYSTEM; SYSTEM RATE COMPONENTS; SERVICE CHARGES AND FEES FOR USE OF THE MUNICIPAL WATER UTILITY SYSTEM AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF THE MUNICIPAL WATER SYSTEM AND ALL SUCH ADJUSTMENTS TO BECOME EFFECTIVE AS PROVIDED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

The Mayor and Council of the City of Peoria, Arizona, find and determine as follows:

1. The City has adopted a Notice of Intent to establish utility rates pursuant to A.R.S. §9 - 511.01.A.2, and
2. The City has prepared and filed with the Department of the City Clerk a written report, including supplying data that supports the establishment of water rates, water rate components, fees and service charges to cover increased costs incurred by the City; and

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

Section 1. Effective October 1, 2015 monthly water user charges, rate components, service charges and fees shall be in accordance with the attached schedule (Exhibit 1) which is incorporated by reference. Charges shall be based upon usage records maintained by the City of Peoria.

Section 2. That the Chief Financial Officer is hereby authorized to implement the water rates provided for in Exhibit 2 on the effective date.

Section 3. That all other rates presently being charged are hereby affirmed and will remain in effect until changed by the City Council.

Section 4. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED BY the Mayor and Council of the City of Peoria, Arizona this 26th day of August, 2015.

APPROVED \_\_\_\_\_, 2015

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**EXHIBIT 1**  
**CHAPTER 2 - ADMINISTRATION**  
**TABLE 2-224**  
**SECTION 2-224, Page 1**  
**UTILITIES DEPARTMENT**

**WATER RATE SUMMARY SCHEDULE**

<b>- ALL USERS -</b>	<u>Consumption Range</u>	<u>Meter Size</u>	<u>Effective 10/1/2015</u>
(Applicable to accounts receiving Water service from the New River Utility Company prior to the Effective Date)			
<b>Base Charge:</b>		5/8" - 3/4"	<u>\$ 9.00</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 4,000	5/8" - 3/4"	<u>\$ 0.95</u>
	5,000 - 10,000	5/8" - 3/4"	<u>\$ 1.90</u>
	10,000+	5/8" - 3/4"	<u>\$ 2.63</u>
<b>Base Charge:</b>		1"	<u>\$ 22.50</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 20,000	1"	<u>\$ 1.90</u>
	20,000+	1"	<u>\$ 2.63</u>
<b>Base Charge:</b>		1 1/2"	<u>\$ 45.50</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 40,000	1 1/2"	<u>\$ 1.90</u>
	40,000+	1 1/2"	<u>\$ 2.63</u>
<b>Base Charge:</b>		2"	<u>\$ 72.50</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 65,000	2"	<u>\$ 1.90</u>
	65,000+	2"	<u>\$ 2.63</u>
<b>Base Charge:</b>		3"	<u>\$ 144.50</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 130,000	3"	<u>\$ 1.90</u>
	130,000+	3"	<u>\$ 2.63</u>
<b>Base Charge:</b>		4"	<u>\$ 228.50</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 200,000	4"	<u>\$ 1.90</u>
	200,000+	4"	<u>\$ 2.63</u>
<b>Base Charge:</b>		6"	<u>\$ 450.50</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 420,000	6"	<u>\$ 1.90</u>
	420,000+	6"	<u>\$ 2.63</u>
<b>Base Charge:</b>		8"	<u>\$ 750.50</u>
<b>Volume Charges per 1,000 gallons:</b>	1,000 - 670,000	8"	<u>\$ 1.90</u>
	670,000+	8"	<u>\$ 2.63</u>

**City of Peoria**

**FY2016 Rate Establishment for the  
Acquisition of the New River Utility Company**

**RATE REPORT**

**July 23, 2015**

Prepared by

**Department of Finance & Budget**

Katie Gregory, Deputy Director

Howell Lindsay, Sr. Budget Analyst

## **I. Introduction**

This report documents the City's planned establishment of rates for potential customers currently served by the New River Utility Company (NRUC), a privately-owned water company operating within the City. The City and NRUC are finalizing an agreement on the acquisition of the NRUC by the City. Upon closing of the sale, NRUC's customers will then be served by the City.

Normally the rates paid by customers acquired by a municipal utility would be the approved rates in effect at the time of acquisition. In this case, however, there are some mitigating factors with NRUC customers that the City seeks to consider in its acquisition strategy that require differential rates for NRUC customers. This issue will be explained in more detail in the Water Rate Recommendations Section.

Typically, a rate study relies on detailed cost and billing data on which to base rate structure and/or pricing recommendations. As the City does not possess detailed information on the NRUC system, decisions on anticipated use and cost forecasts are based on general information supplied by the NRUC to the Arizona Corporation Commission (ACC) in Annual Report documents and in the company's rate case before the Commission in 2012.

While exploring the potential acquisition of the NRUC, the City engaged the services of Raftelis Financial Consultants, Inc. to provide research and advise on the fair market value of the utility, analyze the financial feasibility of the acquisition and determine the potential impact to the City over an extended period of time. City staff from the Public Works-Utilities, Development and Engineering, and Finance Departments provided input pertaining to a number of areas of the report. This report relies on much of the information presented in the Raftelis Report when presenting forecasts of operating costs and usage demand.

## **II. Background**

Generally, rate studies will recommend rates and charges with objectives such as: recovering increased system costs; ensuring equitable recovery; or, promoting conservation by users. This study, however, recommends proposed rates for NRUC water customers to support a pricing strategy as part of the acquisition. Current NRUC water rates are lower than the City's current water rates across all customer classifications. However, NRUC customers incur an additional property assessment that, when combined with their water rates, exceed Peoria's water charges for comparable usage.

As part of the acquisition and incorporation of the NRUC customers into the Peoria water system and its current rate structure, Council has expressed a desire that NRUC customers not incur significant additional charges under the transition and that customers be "phased-into" the City's current rates over time while the tax assessments are being removed.

## **A. Objectives of This Study**

With the above pricing objectives in mind, the study will not base new rates on specific costs for servicing the NRUC customers, but rather on the rates that will attempt to substantially balance typical NRUC customers' overall costs (usage + taxes) under the present NRUC rates with those that will be incurred under the City's rates.

The study will discuss general demand characteristics of the NRUC account base as they are presently known, estimated start-up and on-going operating costs, and the anticipated cost impacts to future customers under the City's rates. In addition, the study will make some initial assessments of the NRUC system acquisition's impact to the financial condition of the City's Water Fund.

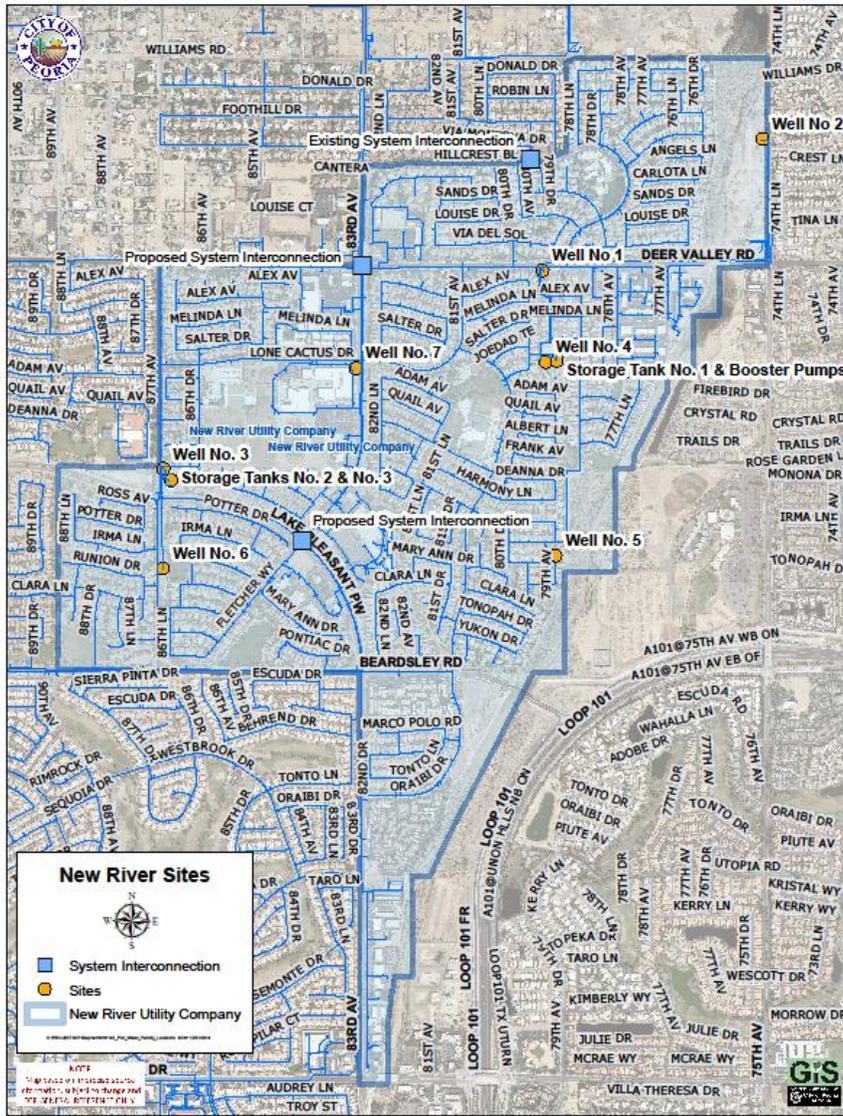
## **B. Overview of the Acquisition**

City staff and ownership of the NRUC have negotiated a sale agreement that will likely close after the submission of this report. While some details of the acquisition arrangement are pending, the general terms of the agreement will require a lump sum payment from the City to acquire ownership of the NRUC system's water production, treatment, and transmission assets and infrastructure. The mutually-agreed-upon price is \$10,000,000.

Following the close of the sale, approval by the ACC and a potential transition period, the City will become responsible for providing water service to NRUC's customers. An estimated effective date for the City to begin service is October 1, 2015.

The existing NRUC system includes approximately 2,900 connections, serving an estimate 7,600 residents. The NRUC system account base is primarily residential, with over 90% of the overall connections. A NRUC system map that also shows the system's major assets is shown on the next page as Figure 1.

Figure 1 – New River Utility Company System Map



An overview of the NRUC customer base showing the number of accounts by meter size is provided in Figure 2 below.

Figure 2 – NRUC Customers by Meter Size (est. for 2014)

Meter Size	No. of Accts.
3/4"	2,202
1"	544
1.5"	11
2"	113
3"	4
4"	3
6"	4
8"	0
Total	2,881

City staff have performed initial due diligence in reviewing the condition of the NRUC system to determine what, if any, modifications and/or rehabilitation efforts will be required to bring the existing system to the City’s operational standards and incorporate its operations. Some of the anticipated facility improvements to the existing NRUC infrastructure will occur over a period of time and after more in-depth assessment of the NRUC infrastructure. A summary of the anticipated initial transition efforts is as follows:

- Secure \$14,000,000 in financing from the Water Infrastructure Financing Authority (WIFA) to fund the costs of acquisition and initial transition costs that are summarized below.
- Construction of two additional system interconnections to enhance water pressure and improve the system’s redundancy.
- Replacement of the NRUC customer water meters and transition to an integrated meter reading process.
- Acquisition of the NRUC’s Central Arizona Project (CAP) water rights that transferred to the Central Arizona Ground Replenishment District (CAGRDR).
- Addition of various control and security equipment to the NRUC infrastructure sites to incorporate them into the City’s operations.

### III. Demand Analysis

The N reports annual usage (for calendar year) to the Arizona Corporation Commission following the conclusion of a year. Based on the last four years of data, the City estimates that annual usage will be in the range of 570,000,000 gallons (or 570,000 units of 1,000 gallons). The system’s account base has remained stable over this four year period. Annual usage amounts reported for the entire system from 2011 – 2014 are shown in Figure 3.

Figure 3 – Annual NRUC System Usage

2011	2012	2013	2014*
574,635	613,241	571,065	557,873

\*(2014 Total differs from NRUC reported amount of 571,065)

Current billing data is not available to the City to analyze NRUC accounts on a more detailed level. The City was able to review documentation provided by the NRUC to the ACC as part of its rate adjustment case initiated in 2012. The data provided in support of this case reflected customer usage for the previous year, 2011. While usage characteristics may have changed slightly since 2011, this information is the best available data.

Based on the 2011 data, the NRUC’s residential customers represent at least 70% of the entire system’s usage with the remaining usage attributed to HOA landscaping, multi-family developments and commercial businesses. NRUC identified average customer usage patterns by meter size, of which, only the residential sizes are compared below in Figure 4 to the City’s average usage for customers with the same size meter. Usage for other sizes cannot be validated to a usage characteristic (commercial inside, landscaping, multi-family, etc.) that can be comparable to the City’s usage data.

Figure 4 – Annual Monthly Usage Patterns

Meter Size	New River (2011)	City (FY2014)
3/4"	11,180	8,550
1"	16,120	11,780
2" *	108,750	74,430

\*Assumed to be a commercial account for comparison purposes.

#### **IV. Comparison of NRUC and City Rate Structures**

The rate structures for the two systems differ in a number of areas. The City’s structure and corresponding rates are based on the type of usage and the amount of usage per month whereas the NRUC’s structure is driven by the customer’s meter size. Rates for the most common accounts in each system are shown below in Figure 5.

Figure 5 – Comparison of NRUC & City of Peoria Selected Rates

New River			Peoria - FY2016		
	Usage Range	Rate/1,000 gal	Usage Range	Rate/1,000 gal	
<b>Residential</b>					
<b>3/4"</b>	1 - 4,000	\$ 0.95	1 - 4,000	\$ 1.06	
	4,001 - 10,000	\$ 1.90	4,001 - 10,000	\$ 2.73	
	10,000+	\$ 2.63	10,000 - 20,000	\$ 3.86	
			20,000+	\$ 4.22	
<b>1"</b>	1 - 20,000	\$ 1.90	1 - 4,000	\$ 1.06	
	20,000+	\$ 2.63	4,001 - 10,000	\$ 2.73	
			10,000 - 20,000	\$ 3.86	
			20,000+	\$ 4.22	
<b>Commercial</b>					
<b>1"</b>	1 - 20,000	\$ 1.90	1 - 10,000	\$ 1.06	
	20,000+	\$ 2.63	10,001 - 50,000	\$ 2.73	
			50,000+	\$ 3.86	
<b>1.5"</b>	1 - 40,000	\$ 1.90	1 - 10,000	\$ 1.06	
	40,000+	\$ 2.63	10,001 - 50,000	\$ 2.73	
			50,000+	\$ 3.86	
<b>Multi-Family</b>					
<b>2"</b>	1 - 65,000	\$ 1.90	1,000+	\$ 2.73	
	65,000+	\$ 2.63			

## V. Anticipated Annual Customer Costs

Given the limitations of both the types of customer usage patterns and the currency of usage data from the NRUC system, accurate estimates of what the cost impacts will be under Peoria's current rate structure is limited. This study will use the prevailing 3/4" Residential customer average of 11,000 gallons/month from NRUC data to first arrive at approximate monthly and annual costs under the City's rates. Following this comparison, the estimated costs of a residential customer's CAGR assessment will be added to the annual service costs to reflect the example residential customer's total water costs. Two additional representative residential and commercial customer examples can be found in Attachment 1.

A. Comparison of Water Usage Costs Only – Monthly & Annually

Figure 6 shows an example residential customer’s estimated costs under NRUC’s and the City’s current rate structures on a monthly and annualized basis. This comparison would represent a baseline year using the existing rates for both providers.

Figure 6 - Comparison of Water Usage Costs Only – Monthly & Annually

	Monthly	Annually
NRUC	\$ 27.00	\$ 324.00
Peoria	\$ 40.00	\$ 480.00

B. Comparison of Total Water Costs (with CAGR Assessment) – Annually

Figure 7 shows an example residential customer’s estimated monthly and annual costs under NRUC’s and the City’s current rate structures with the estimated 2015 CAGR assessments added for each customer type as if they were paid in one installment as opposed to the normal two installments. Estimates for CAGR assessments were determined using the CAGR website application to estimate current and future assessments using the average monthly water use by an NRUC customer (in this case, 11,000 gallons monthly). Assessments are estimated to increase from \$235 - \$267 annually due to increases in CAGR’s Advisory Rates.

Figure 7 - Comparison of Total Water Costs (with CAGR Assessment) – Annually

	Water Annually	CAGR Annually	Total Costs
NRUC	\$ 324.00	\$ 264.00	\$ 588.00
Peoria	\$ 480.00	\$ -	\$ 480.00

C. Comparison of Total Water Costs (with CAGR Assessment) – Combined Service Annually (2015 - 2018)

Figure 8 shows the example residential customer’s estimated annual costs under a combination of NRUC’s and the City’s current rate structures with the estimated CAGR assessments added. The annual estimated costs are then compared to the NRUC/CAGR baseline annual costs shown above in Figure 7. These costs are forecasted under the assumption that the City begins providing service on October 1, 2015 and that NRUC customers begin paying the Peoria water

rates currently in effect. The City’s nominal water rate adjustments through FY2017 are applied as is a small potential adjustment in FY2018.

Several conditions will impact the CAGR assessment under this assumption:

1. Customers will still be required to pay the CAGR assessment for the 2014 water usage in two installments: October 1, 2015 and March 1, 2016.
2. The 2015 water usage will represent a combination of nine months from NRUC and three months from the City. The nine month portion of use from NRUC will generate a discounted CAGR assessment due on October 1, 2016 and March 1, 2017.
3. Under the assumed acquisition timeframe, CAGR assessments for NRUC customers will no longer be required after March 2017.

Figure 8 – Annual Total Costs for Average Residential Customer under Full Peoria Rates

Year	NRUC Water	Peoria Water	CAGR	Total Costs	\$ Diff to NRUC/CAGR	Comments
CY2015	\$ 243	\$ 120	\$ 250	\$ 613	\$ 25	
CY2016	\$ -	\$ 486	\$ 246	\$ 732	\$ 144	Full year Peoria rates / discounted CAGR for partial year use
CY2017	\$ -	\$ 498	\$ 112	\$ 610	\$ 22	Full year Peoria rates / one less CAGR payment
CY2018	\$ -	\$ 507	\$ -	\$ 507	\$ (81)	Full year Peoria rates / no CAGR payment

## VI. Water Rate Recommendations

As was discussed in the Introduction section, recommended rates for the acquired NRUC accounts are not being driven by typical rate recovery objectives, but rather by a policy objective to offset some or all of the additional costs NRUC customers would experience as a result of the City’s acquisition. To accomplish this, the existing NRUC rate structure can be replicated in the City’s billing system and applied uniquely to the new NRUC accounts. Doing so should allow these accounts to pay a similar monthly/annual water bill that they would have paid under the existing NRUC rate structure, excluding CAGR assessments.

Therefore, to balance-out the annual total costs of the NRUC customers, an extended period of time is proposed under which the NRUC accounts continue to operate under a replicated NRUC rate structure that yields approximately the same monthly costs, assuming constant monthly usage.

A phase-in period of 15 months is recommended, under which most NRUC accounts would see monthly bills similar to those with the NRUC (given the usage assumptions) from October, 2015 through December, 2016. These accounts would then transition to the City water rates in-effect on January 1, 2017. The applicable rates at this time will be the rates adopted by Council in May, 2015 with a July 1, 2016 effective date.

Under this recommendation, a revised comparison of annual total costs to those provided in Figure 8 above is illustrated below as Figure 9. The recommended phase-in would provide for slight cost decreases in the first two years of acquisition to the total annual costs (water costs with CAGR) estimated to be incurred by NRUC customers in 2015 under NRUC service.

Assuming continued stable monthly usage, the average residential NRUC customer is estimated to experience a decrease in total costs at the end of 2018, during which CAGR assessments will no longer be incurred.

Figure 9 - Annual Total Costs for Average Residential Customer under Phase-in of Peoria Rates

Year	NRUC Water	Peoria Water	CAGR	Total Costs	\$ Diff to NRUC/CAGR	Comments
CY2015	\$ 243	\$ 81	\$ 250	\$ 574	\$ (14)	9 mos. NRUC & 3 mos. adj. Peoria rates.
CY2016	\$ -	\$ 324	\$ 246	\$ 580	\$ (18)	Full year adj. Peoria rates / discounted CAGR for partial year use
CY2017	\$ -	\$ 498	\$ 112	\$ 610	\$ 22	Full Peoria rates beg. 1/1/2017 / one less CAGR payment
CY2018	\$ -	\$ 507	\$ -	\$ 507	\$ (81)	Full year Peoria rates / no CAGR payment

To comply with Arizona statutes regarding the establishment of water rates and for clarity, the following rates are recommended to be applicable to accounts acquired with the NRUC system, effective October 1, 2015 through December 31, 2016:

Figure 10 - Recommended Peoria Rates for NRUC Customers upon Acquisition

Base Fee Charges				
	Meter Size			Rate
	3/4"			\$ 9.00
	1"			\$ 22.50
	1.5"			\$ 45.50
<b>ALL USERS</b>	2"			\$ 72.50
	3"			\$ 144.50
	4"			\$ 228.50
	6"			\$ 450.50
	8"			\$ 750.50

Figure 10 (cont'd) - Recommended Peoria Rates for New River Customers

Consumption Charges per 1,000 gallons			
	Meter Size	Consumption Range	Rate
	3/4"	1,000 - 4,000	\$ 0.95
<b>ALL USERS</b>	3/4"	4,001 - 10,000	\$ 1.90
	3/4"	10,000+	\$ 2.63
	1"	1,000 - 20,000	\$ 1.90
	1"	20,000+	\$ 2.63
	1.5"	1,000 - 40,000	\$ 1.90
	1.5"	40,000+	\$ 2.63
	2"	1,000 - 65,000	\$ 1.90
<b>ALL USERS</b>	2"	65,000+	\$ 2.63
	3"	1,000 - 130,000	\$ 1.90
	3"	130,000+	\$ 2.63
	4"	1,000 - 200,000	\$ 1.90
	4"	200,000+	\$ 2.63
	6"	1,000 - 420,000	\$ 1.90
	6"	420,000+	\$ 2.63
	8"	1,000 - 670,000	\$ 1.90
	8"	670,000+	\$ 2.63

*The recommended rates duplicate the structure and rates currently in use by the NRUC.*

## VII. Operating Costs of the New River System

The City engaged the services of Raftelis Financial Consultants, Inc. to evaluate a Fair Market Value of the NRUC system when the City was preparing to negotiate with NRUC ownership. Additionally, Raftelis prepared an analysis to assess the anticipated costs and financial feasibility of acquiring the NRUC system. City staff provided input to the consultants to forecast operating costs and revenues over an extended forecast period. While much of the operating cost assumptions from the Raftelis analysis are being used, they have been modified to reflect the more current information on a potential service initiation date of the NRUC by the City.

In the start-up phases of the acquisition, the City will operate and provide water to NRUC customers in generally the same manner as the NRUC currently provides service using wells in-service and supplementing these with the City's existing treatment infrastructure. As was mentioned above, the City anticipates the need to construct additional infrastructure in the

NRUC system to supplement and improve reliability and performance. Additionally, the City plans to replace meters throughout the NRUC system and convert to the City’s present automated meter-reading process. There are additional costs, funded with the WIFA loan proceeds, that support the initial modifications to a number of the NRUC infrastructure assets to bring them up to the City’s operational standards and allow them to be incorporated into the City’s operating control network. Beyond the start-up phase, the City has forecasted additional investments based on its initial due diligence efforts that are anticipated to be completed over an extended period of time.

The initial forecast of operating costs for the NRUC system anticipate water production and delivery through either NRUC’s wells or existing City wells. To avoid excess groundwater withdrawals to meet the NRUC system’s demand, the City plans to acquire and deliver Central Arizona Project surface water that will be used to recharge underground aquifers, thus replenishing the system’s on-going water usage and not negatively impacting the City’s drought contingency storage levels nor relying on the City’s own water resources. The City anticipates that it will be able to absorb operations of the NRUC system and its customer base within its current operational budgets and staffing levels, thereby achieving anticipated synergies through the combination of the two systems.

While a forecast of future operating costs for a system not yet under operational control is subject to a number of contingencies and qualifiers, Figure 11 below presents a high level overview of the first five year comparison of operating revenues and costs under the City’s operation of the New River system. The City has made its best efforts to include reasonable assumptions of cost and revenue adjustments that may be expected during the forecast period. As discussed in previous sections, the first two years of operations (FY2016 & FY2017), anticipate partial year operation and phased-in revenues as NRUC customers adjust to the City’s full water rates by January 1, 2017.

Figure 11 – Forecast of NRUC Operating Revenues and Costs (FY2016 – FY2020)

	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>System Revenues</b>	\$ 1,238,313	\$ 2,026,226	\$ 2,403,919	\$ 2,451,998	\$ 2,501,038
<b>Operating Expenditures</b>					
O&M Expenses	\$ (555,612)	\$ (661,325)	\$ (669,680)	\$ (691,320)	\$ (713,267)
Annual Debt Service	\$ (171,100)	\$ (878,046)	\$ (878,046)	\$ (878,046)	\$ (878,046)
Cash-funded Capital	\$ -	\$ -	\$ (339,372)	\$ (339,372)	\$ (339,372)
Sub-Total Oper. Expend.	\$ (726,712)	\$(1,539,371)	\$(1,887,097)	\$(1,908,737)	\$(1,930,684)
<b>Net Operating Income</b>	<u>\$ 511,601</u>	<u>\$ 486,855</u>	<u>\$ 516,822</u>	<u>\$ 543,260</u>	<u>\$ 570,353</u>

## **VIII. Financial Impacts to the Water Fund**

Estimates of the NRUC operating revenues and expenditures will be incorporated into the City's overall economic forecasting model and will be updated annually as actual information and more detailed assessments become known. Based on the initial forecast presented above, as well as in the Feasibility Analysis completed by Raftelis Financial Consultants, Inc. for the City, the NRUC system is forecasted to be financially self-sufficient under the City's operation and assumed rates for an extended period of time. Therefore, the City does not anticipate that the acquisition of the NRUC will adversely affect the overall Water Utility's ratepayers over this period.

While the NRUC system will generate adequate cash flow through expected operations, the City does forecast that the system's internal debt service coverage ratios are slightly below those expected of the larger water system without the NRUC system included. These are not viewed as materially detracting from the City's forecasted financial performance in this area.

A second important metric is the available fund balance. Incorporating the NRUC system operations should benefit the City by increasing its available Water Fund balance. The above operating forecast indicates that the system will generate recurring positive cash-flow that will accumulate fund balance that may either be used for re-investment in the NRUC system or for needs within the larger City system.

## Attachment 1 – Comparison of Monthly & Annual Costs for Example NRUC Customers under NRUC & City Rates

### 1. Residential Customer with 1” Meter and 16,000 gallons/Mo.

#### Monthly & Annual Comparison

	<u>Monthly</u>	<u>Annually</u>
NRUC	\$ 53	\$ 636
Peoria	\$ 62	\$ 744

#### Annual Comparison w/CAGR

	<u>Water</u> <u>Annually</u>	<u>CAGR</u> <u>Annually</u>	<u>Total</u> <u>Costs</u>
NRUC	\$ 636	\$ 380	\$ 1,016
Peoria	\$ 744	\$ -	\$ 744

#### Annual Total Costs for Residential Customer under Full Peoria Rates

	<u>NRUC</u> <u>Water</u>	<u>Peoria</u> <u>Water</u>	<u>CAGR</u>	<u>Total Costs</u>	<u>\$ Diff to</u> <u>NRUC/CAGR</u>	<u>Comments</u>
CY2015	\$ 477	\$ 186	\$ 360	\$ 1,023	\$ 7	
CY2016	\$ -	\$ 753	\$ 354	\$ 1,107	\$ 91	full year Peoria rates / discounted CAGR for partial year use
CY2017	\$ -	\$ 771	\$ 162	\$ 933	\$ (83)	full year Peoria rates / one less CAGR payment
CY2018	\$ -	\$ 786	\$ -	\$ 786	\$ (230)	full year Peoria rates / no CAGR payment

## Attachment 1 – Comparison of Monthly & Annual Costs for Example NRUC Customers under New River & City Rates (Cont'd)

Annual Total Costs for Residential Customer under Phase-in of Peoria Rates

<u>Year</u>	<u>NRUC Water</u>	<u>Peoria Water</u>	<u>CAGR</u>	<u>Total Costs</u>	<u>\$ Diff to NRUC/CAGR</u>	<u>Comments</u>
CY2015	\$ 477	\$ 159	\$ 360	\$ 996	\$ (20)	9 mos. NRUC & 3 mos. adj. Peoria rates
CY2016	\$ -	\$ 636	\$ 354	\$ 990	\$ (26)	full year w/adj.rates / discounted CAGR for partial year use
CY2017	\$ -	\$ 771	\$ 162	\$ 933	\$ (83)	full year Peoria rates / one less CAGR payment
CY2018	\$ -	\$ 786	\$ -	\$ 786	\$ (230)	full year Peoria rates / no CAGR payment

### 2. Commercial Customer with 2" Meter and 108,000 gallons/Mo.

Monthly & Annual Comparison

	<u>Monthly</u>	<u>Annually</u>
NRUC	\$ 312	\$ 3,744
Peoria	\$ 388	\$ 4,656

Annual Comparison w/CAGR

	<u>Water Annually</u>	<u>CAGR Annually</u>	<u>Total Costs</u>
NRUC	\$ 3,744	\$ 2,582	\$ 6,326
Peoria	\$ 4,656	\$ -	\$ 4,656

## Attachment 1 – Comparison of Monthly & Annual Costs for Example NRUC Customers under NRUC & City Rates (Cont'd)

### Annual Total Costs for Commercial Customer under Full Peoria Rates

	<u>NRUC Water</u>	<u>Peoria Water</u>	<u>CAGR</u>	<u>Total Costs</u>	<u>\$ Diff to NRUC/CAGR</u>	<u>Comments</u>
CY2015	\$ 2,808	\$ 1,164	\$ 2,442	\$ 6,414	\$ 88	
CY2016	\$ -	\$ 4,728	\$ 2,403	\$ 7,131	\$ 805	full year Peoria rates /discounted CAGR for partial year use
CY2017	\$ -	\$ 4,872	\$ 1,097	\$ 5,969	\$ (357)	full year Peoria rates / one less CAGR payment
CY2018	\$ -	\$ 5,016	\$ -	\$ 5,016	\$ (1,310)	full year Peoria rates / no CAGR payment

### Annual Total Costs for Commercial Customer under Phase-in of Peoria Rates

<u>Year</u>	<u>NRUC Water</u>	<u>Peoria Water</u>	<u>CAGR</u>	<u>Total Costs</u>	<u>\$ Diff to NRUC/CAGR</u>	<u>Comments</u>
CY2015	\$2,808	\$ 936	\$ 2,442	\$ 6,186	\$ (140)	9 mos. NRUC & 3 mos. adj. Peoria rates
CY2016	\$ -	\$3,744	\$ 2,403	\$ 6,147	\$ (179)	full year w/adj.rates / discounted CAGR for partial year use
CY2017	\$ -	\$4,872	\$ 1,097	\$ 5,969	\$ (357)	full year Peoria rates / one less CAGR payment
CY2018	\$ -	\$5,016	\$ -	\$ 5,016	\$ (1,310)	full year Peoria rates / no CAGR payment

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 36R

Date Prepared: August 4, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Case GPA14-0007 – Three Olive Park  
Minor General Plan Amendment

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**Purpose:**

This is a request for City Council to adopt a Resolution amending the General Plan Land Use Map for approximately 40 acres of land located at the southeast corner of 103<sup>rd</sup> Avenue and Olive Avenue, from Medium-High Density Residential (8-15 du/ac) to Medium Density Residential (5-8 du/ac). This case accompanies a proposed Rezoning (Case Z14-0011).

*The City has not received any written correspondence or phone calls in opposition to this case. On June 18, 2015, the Planning & Zoning Commission unanimously recommended approval of this request. There were no speakers present.*

**Background/Summary:**

The applicant, Bowman Consulting, Inc. is proposing to develop a 40-acre site located at the southeast corner of 103<sup>rd</sup> Avenue and Olive into a single-family residential community consisting of up to 158 lots (3.95 units per acre). In this request, the applicant is seeking to amend the General Plan Land Use Map redesignating the site from Medium-High Density Residential (8-15 du/ac) to Medium Density Residential (5-8 du/ac). Also on the agenda is an accompanying case to Rezone the site. The site was annexed into the City in 1977.

Land Use Transition and Compatibility

The Medium Density Residential category will allow for a continued extension of the development pattern and character in place today north of Olive Avenue and south of the proposed development in Sun Garden Estates.

The requested density for the proposed Three Olive Park development is approximately 3.95 du/ac which is under the range for Medium Density Residential of (5-8 du/ac). Chapter 14 of the General Plan provides a framework that permits a residential density to fall one designation lower than that provided. For example, in this case, the density of 3.95 would typically fall

within the Low Density Residential (2-5 du/ac) land use category; however, a part of the analysis is the fit or compatibility of the character relative to surrounding areas. In this case, the minimum lot size of 5,220 square feet provides for a residential character that is more in alignment with the Medium Density character and development in the area rather than the Low Density category, which generally supports a suburban or moderate lot size character exceeding 8,000 square feet. As a result, though the designation will change from Medium-High Density Residential to Medium Density Residential the development may occur within the density range of the less intense Low Density Residential designation (2-5 du/ac with a target of 3 du/ac).

The proposed density is similar to the existing Sun City Eight subdivision to the north, and the Sun Garden Estates development to the south of the subject site. This would create a continuous stretch of Medium Density developments within this area. Therefore, it is staff's assessment that the proposed amendment provides for a logical progression of the Medium Density Residential land use category in this area and is consistent with the residential disposition designated for the site in the General Plan.

#### 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 600 foot radius of the site and all registered Homeowner's Associations within 1 mile for the required neighborhood meeting.

The meeting was held for this request on January 27, 2015 at the Country Meadows Elementary School at 6:00pm. Eleven (11) neighborhood residents were in attendance. The councilmember for the district as well as his assistant were also in attendance. There was no expressed opposition or concerns to the change in land use from Medium High Density residential to Medium Density residential.

#### Peoria Unified School District (PUSD)

The school district has provided a letter identifying that they have adequate facilities to accommodate the children that will reside within the proposed development.

**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 June 18, 2015 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request with a **5-0** vote. There were no speakers present on this item.

A public hearing was held at the same meeting for a related Rezone application (Z14-0011) for the Three Olive Park Planned Area Development District. The Planning & Zoning Commission also unanimously recommended approval of this request with a **5-0** vote.

**Options:**

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

**Staff Recommendation:**

Staff recommends the City Council concur with the Planning & Zoning Commission’s June 18, 2015 unanimous recommendation (5-0) to approve Case GPA 14-0007.

**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. Should the accompanying Rezone be approved, the next step would be for the applicant to proceed with a Preliminary Plat (subdivision) application seeking development of the site.

**Exhibit(s)**

- Exhibit 1:** Vicinity Map
- Exhibit 2:** June 18, 2015 Planning and Zoning Commission Staff Report with Exhibits
- Exhibit 3:** Draft Resolution

**Contact Name and Number:** Cody Gleason, Planner x7645

**Exhibit 1  
Vicinity Map**

# Vicinity Map



## GPA14-0007 Three Olive Park

Applicant: Bowman Consulting Group

Request: The applicant is requesting a minor General Plan Amendment to amend approximately 40 acres of the City of Peoria General Plan land use map from Medium-High Density Residential to Medium Density Residential land use designation to allow for the development of a 158 lot single-family subdivision.

Location: Southeast corner of Olive Avenue and 103rd Avenue

## Exhibit 1



Not to Scale

**Exhibit 2**  
**June 18, 2015**  
**Planning and Zoning Commission**  
**Staff Report with Exhibits**



# MINOR GENERAL PLAN AMENDMENT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** GPA14-0007  
**DATE:** June 18, 2015  
**AGENDA ITEM:** 6R

**Applicant:** Bowman Consulting, Inc.

**Request:** A minor amendment to the Peoria General Plan Land Use Map for approximately 40 acres from Medium-High Density Residential (8-15 du/ac, Target 12 du/ac) to Medium Density Residential (5-8 du/ac, Target 6 du/ac)

**Proposed Development:** *Three Olive Park:* A detached single-family residential development consisting of 158 units on approximately 40 acres.

**Location:** The property is located at the southeast corner of 103<sup>rd</sup> Avenue and Olive Avenue (APNs 142-61-014G, 142-61-014F, 142-61-014D).

**Site Acreage:** 39.96 gross acres

**Support / Opposition:** As of the date of this printing, staff has not received any public comment in opposition or support to this proposal.

**Recommendation:** Recommend **approval** of case GPA14-0007 to the City Council

### AREA CONTEXT

*Table 1: Existing Land Use, General Plan Designation, Current Zoning. (Exhibits A, B)*

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	Vacant	<b>Medium-High Density Residential</b>	<b>Intermediate Commercial (C-2) &amp; Multi-Family (RM-1)</b>
North	Single Family (Sun City)	Maricopa County - Retirement Community	Maricopa County - R1-6
South	Single Family Residential – Manufactured Home Complex	Medium Density Residential (5-8 du/ac)	Sun Garden Estates Planned Area Development District (PAD) Z03-02
West	Retirement/Senior Living Facility & Vacant Land	Medium-High Density Residential (8-15 du/ac)	Multi-Family (RM-1) & Single Family Residential (R1-6)
East	Vacant, undeveloped land	Medium-High Density Residential (8-15 du/ac)	General Agricultural (AG) & Intermediate Commercial (C-2)

## **LAND USE BACKGROUND**

### *Annexation Ordinance*

1. In 1977, the Mayor and City Council adopted *Ordinance 77-10*, thereby annexing the subject property as well as the area to the south. Later, through the initial zoning process, the property was rezoned to General Agricultural – (AG).
2. The subject property was subsequently rezoned in 1980 through Mayor and City Council's adoption of *Ordinance 80-21* rezoning the property from General Agriculture (AG) to Intermediate Commercial (C-2) and Multi-Family Residential (RM-1).

## **PROJECT DESCRIPTION**

### *Site and Project Details*

3. The applicant is requesting a minor amendment to the General Plan Land Use Map for 39.96 acres of land located at the southeast corner of 103<sup>rd</sup> Avenue and Olive Avenue (Exhibit A). The amendment would change the current Medium-High Density Residential designation (8-15 du/ac, target of 12 du/ac) to a Medium Density Residential designation (5-8 du/ac, target of 6 du/ac) to allow for the development of Three Olive Park, a single-family residential development consisting of up to 158 single-family residential units as illustrated on the attached proposed preliminary plat (Exhibit E).
4. This request is accompanied by an application to rezone the 39.96 acre site from Intermediate Commercial (C-2), and Multi-Family Residential (RM-1) to Planned Area Development District (PAD) Single Family Residential (Case Z14-0011) and a Preliminary Plat subdividing the parcel (case P14-0009). Both of these applications address compatibility with the adjacent Sun Garden Estates development to the south.

## **DISCUSSION AND ANALYSIS**

### *Minor General Plan Amendment Evaluative Criteria*

5. Chapter 14 of the Peoria General Plan ("Plan Administration") directs the City to make an affirmative finding if it is shown 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*

6. The existing land use designation for the subject property is Medium-High Density Residential (8-15 du/ac) with an underlying target density of 12 du/ac. This designation denotes areas where densely attached single-family residential and multi-family residential development is desirable. This category is appropriate for residential and other compatible uses on parcels which have a high level of access, are located near services or employment centers, or have other characteristics that make a medium-high density suitable.

*Request to Change Designation to Medium Density Residential*

7. The request is to change the land use designation for the site to Medium Density Residential (5-8 du/ac) with a target density of 6 du/ac. This category denotes areas intended to fulfill the need for small lot or attached single-family, and multi-family residences which are compatible with abutting single-family residential districts.
8. The Medium Density Residential category will allow for a continued extension of the development pattern and character in place today north of Olive Avenue and south of the proposed development in Sun Garden Estates.
9. The requested density for the proposed Three Olive Park development is approximately 3.95 dwelling units per acre which is under the range for Medium Density Residential of (5-8 du/ac). Chapter 14 of the General Plan provides a framework that permits a residential density to fall one designation lower than that provided. For example, in this case, the density of 3.95 would typically fall within the Low Density Residential (2-5 du/ac) land use category. However, a part of the analysis is the fit or compatibility of the character relative to surrounding areas. In this case, the minimum lot size of 5,220 square feet provides for a residential character that is more in alignment with the Medium Density character and development in the area rather than the Low Density category, which generally supports a suburban or moderate lot size character exceeding 8,000 square feet. As a result, though the designation will change from Medium-High Density Residential to Medium Density Residential the

development may occur within the density range of the less intense Low Density Residential designation (2-5 du/ac with a target of 3 du/ac).

10. The proposed density is similar to the existing Sun City Eight subdivision to the north, and the Sun Garden Estates development to the south of the subject site. This would create a continuous stretch of Medium Density developments within this area.
11. Moreover, while the site is designated residential on the General Plan, a portion is zoned Intermediate Commercial. The loss of existing commercial zoned land is always scrutinized. Intermediate or neighborhood Commercial is typically located at mile arterial intersection locations, as evidenced by the center located at the southeast corner of 107th and Olive Avenue, a mere half-mile away. At this intersection, 103<sup>rd</sup> Avenue is a designated collector roadway. With existing commercial in the area, it is important that the health of existing centers be maintained and not diluted.
12. It is staff's assessment that the proposed amendment provides for a logical progression of the Medium Density Residential land use category in this area and is consistent with the residential disposition designated for the site in the General Plan.

#### *Relevant General Plan Policies and Objectives*

13. The applicant has identified goals and policies from the General Plan that support this request (Exhibit C).

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

Policy 2.1.H.4: Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.

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

*Citizen Participation Plan - Neighborhood Meeting*

14. As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Process Report detailing the results of the meeting (Exhibit D). The applicant notified all property owners within 600 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on January 27, 2015 at Country Meadows Elementary School at 6:00 pm. Eleven neighborhood residents were in attendance. The councilmember for the district as well as his assistant were also in attendance.
15. Neighborhood input from the meeting is attached herein (Exhibit D) and is addressed in the Staff Report with the accompanying Rezone (Case Z14-0011). There was no expressed opposition or concerns to the change in land use from Medium High Density residential to Medium Density residential.

*Public Notice*

16. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division. As of the printing of this report, no support or opposition to this case has been received from the public.

*Proposition 207*

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

**FINDINGS AND RECOMMENDATION**

18. Based on the following findings:
  - The amendment constitutes an overall improvement to the City's General Plan; and
  - The amendment advances the residential disposition designated for the site; 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
  - That 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 GPA14-0007 to the City Council.**

Attachments:

Exhibit A	Vicinity/Context Map
Exhibit B	General Plan Land Use Map
Exhibit C	Description and Justification for Request
Exhibit D	Citizen Participation Process Report
Exhibit E	Three Olive Park Proposed Preliminary Plat

Prepared by: Cody Gleason  
Planner

# Vicinity Map



## GPA14-0007 Three Olive Park

Applicant: Bowman Consulting Group

Request: The applicant is requesting a minor General Plan Amendment to amend approximately 40 acres of the City of Peoria General Plan land use map from Medium-High Density Residential to Medium Density Residential land use designation to allow for the development of a 158 lot single-family subdivision.

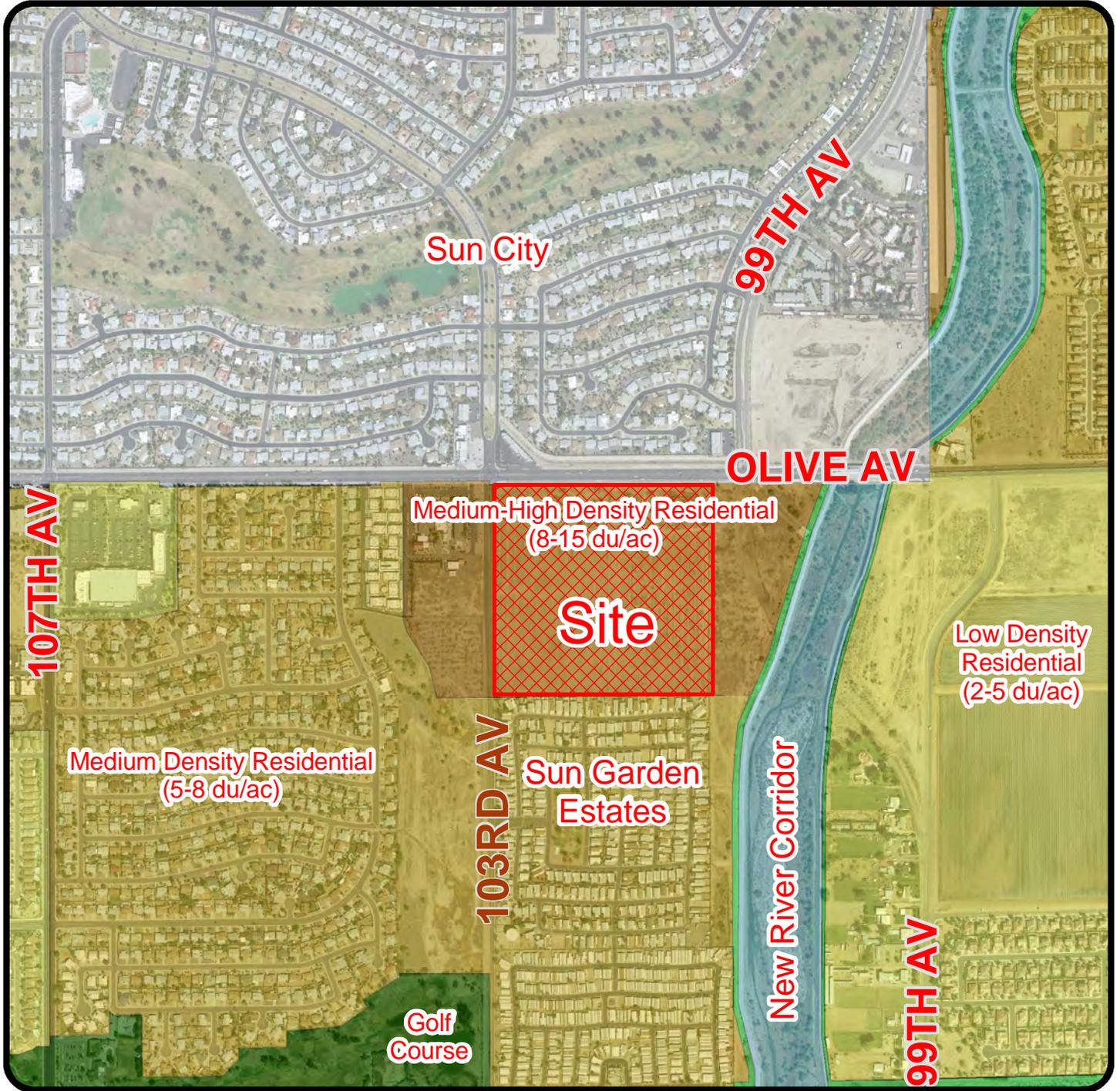
Location: Southeast corner of Olive Avenue and 103rd Avenue

## Exhibit A



Not to Scale

# Land Use Map



## GPA14-0007 Three Olive Park

Applicant: Bowman Consulting Group

Request: The applicant is requesting a minor General Plan Amendment to amend approximately 40 acres of the City of Peoria General Plan land use map from Medium-High Density Residential to Medium Density Residential land use designation to allow for the development of a 158 lot single-family subdivision.

Location: Southeast corner of Olive Avenue and 103rd Avenue

## Exhibit B



Not to Scale

## Exhibit C

# MINOR GENERAL PLAN AMENDMENT

For

## **3 OLIVE PARK**

A PLANNED AREA DEVELOPMENT

SEC of 103rd Avenue and Olive  
Peoria, Arizona

Prepared for:

Empire Residential Communities Fund II, LLC  
6617 N. Scottsdale Road  
Scottsdale, AZ 85250

Prepared by:

Bowman Consulting Group, Ltd.  
14100 N. 83<sup>rd</sup> Avenue, Suite 250  
Peoria, AZ 85381

January 22, 2015

Case Number: GPA14-0007

**TABLE OF CONTENTS**

**DESCRIPTION AND JUSTIFICATION FOR REQUEST..... 1**

EXHIBITS

Existing Land Use Map..... Exhibit 1  
Proposed Land Use Map..... Exhibit 2

REFERENCE:

Belfiore Market Analysis.....On file with the City of Peoria Planning Department GPA 14-0007

3 Olive Park  
DESCRIPTION AND JUSTIFICATION FOR REQUEST

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

3 Olive Park is a 39.96-acre site subject to PAD zoning for single-family residential development and is located on the southeast corner of 103<sup>rd</sup> Avenue and Olive in the City of Peoria (the "Property"). As part of the General Plan Amendment and PAD we will be requesting Residential Medium Density Single Family Residential of 5 to 8 dwelling units per acre, with a target of 6 du/ac for the project (APNs 142-61-014D, 142-61-014F and 142-61-014G). The Preliminary Plat for this project is being submitted concurrent with the GPA and PAD.

To provide an aesthetic composition and deliver a sense of continuity to the additional sites in the area, the Applicant requests a Minor General Plan Amendment for 3 Olive Park.

- Minor General Plan Amendment - We request a minor amendment to the City of Peoria General Plan on one site located on the southeast corner of 103rd Avenue and Olive. We request a land use designation revision on a 39.96-acres (APNs 142-61-014D, 142-61-014F and 142-61-014G) site from Residential Medium High to Residential Medium Density. See attached Existing and Proposed Land Use Exhibit.

We believe that the requested Minor GPA permitting a Residential Medium Density land use designation will provide an appropriate use of the site in relation to the surrounding R1-6 planned residential uses to the north and west. Property to the east remains vacant land zoned AG and property to the south is a mobile home park zoned PAD.

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

This is a request for minor amendment to the General Plan Land Use Map from:  
Existing General Plan Land Use Designation: Residential Medium High Density  
Proposed General Plan Land Use Designation: Residential Medium Density.

**3. *In what way does the existing plan inadequately provide suitable alternatives to this request.***

The existing general plan designation does not adequately provide an appropriate use in relation to the surrounding R1-6 planned residential uses as indicated on the Existing General Land Use Exhibit. Per current market demands for this area and this size of parcel, slightly larger lots are more desirable. 3 Olive Park is bound by Sun City Eight single family residential zoned R1-6 to the north. To the east is vacant land zoned AG. The property to the west across 103<sup>rd</sup> Avenue is a retirement residence zoned RM-1, vacant land zoned R1-6 and Country Meadows II single family residential zoned R1-6. The property to the south is Sun Garden Estates, a mobile home park zoned PAD.

The current Residential Medium High Land Use classification permits 8-15 dwelling units per acre with a target density of 12.0 dwelling units per acre. Evaluation by applicant of the current General Plan designation shows that the best use of the Property is Residential Medium density single family residential designation to be compatible with surrounding land uses and the general character of residential development in the area. The Residential medium density classification permits 5-8 dwelling units per acre with a target density of 6.0 dwellings per unit.

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

The Minor General Plan Amendment positively affects property values and neighborhood stability by providing an aesthetic composition and delivering a sense of continuity of the surrounding areas. The development will provide a sense of completion to the surrounding communities while affording a cohesive thematic composition. It will provide new homes in a supply constrained location where almost no new communities are planned and currently active new home communities are selling at above market levels as noted in the Market Analysis completed by Belfiore Real Estate Consulting dated 1/16/15. This Development will also provide consistent maintenance of the site through the adoption of a homeowner's association versus vacant land.

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

Development of this project with landscaping standards, building setbacks and lot sizing in conformance with the Minor General Plan Amendment further enhances compatible uses. Completion of the internal community and adjacent roadway system contributes and completes the neighborhood pattern. It creates a livable neighborhood with a variety of housing floor plans and elevations with two different density options similar to Crosspointe and Reserve at Plaza Del Rio both of which are located in the competitive market area per Belfiore Market Analysis dated 1/16/15. 3 Olive Park will provide open space with opportunities for walking, bench seating, a playground for children and a basketball court for teens. The proposed Residential Medium Density land use designation is the most appropriate considering the surrounding land uses.

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

This development encourages new employment growth in the City of Peoria and west valley communities. Typical residents of a community with medium size lots are young educated families, looking for new careers and establishment. These residents of the community will provide the City with a work base whom will add to the skilled workforce of the area and will help further economic development opportunities as the area grows by supporting local shopping centers, restaurants, grocery stores, etc. The tax benefit of single family residential relative to vacant land is captured both in terms of property valuation and generation of property tax thereafter. Applicant further submits that the economic viability of commercial in this area is not warranted

at this time given the existing surrounding commercial centers struggling to stay viable. Therefore, this additional single family residential development would add to the economic base for the surrounding areas and will provide well needed potential sales tax revenue generated from proximity shopping at Park West Shopping Center and others nearby in the City of Peoria.

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

This area is developed primarily with single-family residential. Applicant proposes the mechanism to complete the residential development which is adjacent to the Sun Garden Estates and surrounded by R1-6 communities to the north and west, thereby achieving a cohesive balance of single family residential to this infill parcel. It will bring in more homes to support commercial needs in this well sought out area in Peoria. It will also provide affordable housing options for new homeowners in Peoria. The proposed development will have its own open space areas and means of maintenance through the community association thus mitigating the impacts on City recreational open spaces.

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

Adequate water and wastewater infrastructure is available to provide service to the site. Onsite extension of services will be provided with the development. Access for the sewer is provided from the SEC of the property. Access for the water services is provided from 103<sup>rd</sup> Avenue and Olive Avenue. Olive has been fully improved and 103<sup>rd</sup> Avenue is part of a future City CIP project.

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

The development is located within the Peoria Unified School District (the "District"). The developer will enter into a Developer Assistance Agreement with the District. Students within this development will attend Country Meadows Elementary School and Raymond S Kellis High School. The Applicant has contacted Padric Hall at the District to provide increased density information. Mr. Hall verified that the school district has adequate facilities to accommodate the projected number of new students within the school district attendance area that will be generated by this general plan amendment. Voluntary contributions are made on a per lot basis to support educational facilities in the Country Meadows Elementary service area. It is anticipated that contributions attributed to the additional single family residential homes contemplated in the Minor General Plan Amendment and PAD will be captured by a developer donation agreement.

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

Below are Objectives and Policies of the General Plan that are supported by the proposed amendment:

*Policy 2.1.A.1 Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth  
3 Olive Park will utilize all existing water and wastewater lines from 103<sup>rd</sup> Avenue and Olive Avenue which are adequate for the proposed development.*

*Policy 2.1.H.4 Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools and shopping areas.*

*3 Olive Park will take advantage of all the existing development in the surrounding area. These services shall include utilizing the existing school system, library, parks and will support existing commercial uses such as shopping malls, restaurants, neighborhood services and office uses.*

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

*Peoria continues to have high demand for additional homes to meet the increased growth in Peoria. This product, as supported by the great success and high desirability for Crosspointe located at 91<sup>st</sup> Avenue and Olive, will provide the necessary homes for 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.*

*3 Olive Park will provide a safe and convenient neighborhood with lush landscape and centralized open space to provide opportunities for walking, a playground and bench seating.*

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

*3 Olive Park will provide adequate open space buffers as transitions to and protection from surrounding land uses.*

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

The amendment will afford an overall improvement to the General Plan by providing an appropriate complimentary land use while delivering an aesthetic composition and true sense of continuity to the site that currently is left as a stand-alone undeveloped parcel in an area with a greater need of residential to support the already existing and struggling commercial needs. The proposed high quality development will provide solidification of currently undeveloped outparcels bringing an increased tax base. The current residential medium high density and zoning on the site is not the best use of the property predicated on the surrounding communities and independent development is unlikely.

**Exhibit 1  
Existing Land Use**



**Exhibit 2**  
**Proposed Land Use**



CAD FILE NAME: P:\050064 - 103rd Avenue and Olive Avenue\050064-01-001 (ENG)\Engineering\Exhibits\050064-Proposed Land Use.dwg 01/21/2015

Bowman Consulting Group, Ltd.  
14100 North 83rd Avenue Ste 250  
Peoria, Arizona 85391  
Phone: (480) 625-8830  
www.bowmanconsulting.com  
© Bowman Consulting Group, Ltd.

EXHIBIT 2: PROPOSED LAND USE  
**3 OLIVE PARK**  
MARICOPA COUNTY  
PEORIA, ARIZONA

PROJECT NUMBER

PLAN STATUS


DATE	DESCRIPTION
KE	CRS SJD
DESIGN	DRAWN CHKD
SCALE	H: N.T.S.
	V: N.T.S.

JOB No.  
DATE : OCT, 2014  
1  
SHEET 1 OF 1

## Exhibit D

# **3 OLIVE PARK**

## **Public Participation Report**

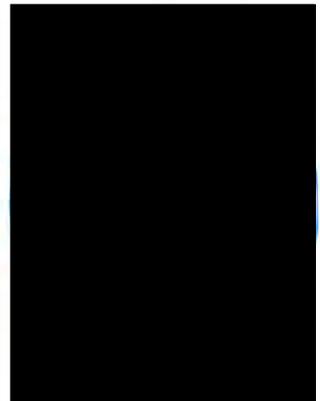
SEC 103<sup>rd</sup> Avenue and Olive Avenue  
Peoria, Arizona

**39.96 Acres**  
**158 Lots**

Submitted by:

Empire Residential Communities Fund II, LLC  
6617 N. Scottsdale Road  
Scottsdale, Arizona 85250

Z14-0011-January 29, 2015





## Notice of Neighborhood Meeting

January 9, 2015

Dear Neighbor,

You are cordially invited to a neighborhood meeting regarding a proposed Minor General Plan Amendment and Rezoning in your area.

The property is approximately 39.96 acres and located on the southeast corner of 103<sup>rd</sup> Avenue and Olive Avenue. We are requesting a zoning change from RM-1 and C-2 to PAD Single Family residential. This request is accompanied by a Minor General Plan Amendment that is requesting an alteration of the land use from Residential Medium High Density (8-15 du/ac, target of 12 du/ac) to Residential Medium Density (5-8 du/ac, target of 6.0 du/ac). This will allow for 158 new residential home lots with lot sizes ranging from 5,220 square feet up to 16,555 square feet with a maximum density of 4.00 dwelling units per acre.

A neighborhood meeting will be held at the time and place listed below to discuss the proposed General Plan Amendment and Rezoning and answer any questions you may have.

The neighborhood meeting will be held:

***Tuesday, January 27, 2015***  
***6:00 pm-7:00 pm***  
***Country Meadows Elementary School***  
***Science Lab***  
***8409 N. 111<sup>th</sup> Ave. Peoria. AZ 85345***

If you have any questions regarding this Proposed Minor General Plan Amendment and Rezoning, please contact Shelby Duplessis at Bowman Consulting Group (623) 299-8981.

Attachment: Project site map

Sincerely,



Shelby JM Duplessis, PE, LEED AP  
Senior Project Manager

3 Olive Park

NEIGHBORHOOD MEETING – January 27, 2015 6:00 pm

Present at meeting:

Shelby Duplessis – Bowman Consulting  
Tracy Grewe-Bowman Consulting  
Cody Gleason – City of Peoria  
Carlo Leone-City of Peoria Councilman  
Anthony Alejandro-City of Peoria Council Assistant  
Karen Gaabucayan- Empire Residential Communities

10 residents attended:

Mike & Mary Giacini  
Donna Holt  
Martha Eusebio  
David & Melanie Block  
Louis & Patricia Defillo  
Bill & Polly Higgins

Concerns/Responses:

- Shelby Duplessis started the meeting and explained the project and the process the developer will go through to get the project approved through the City of Peoria.
- One resident was concerned about the size of the tract at the south end of the property. Would it become a problem with kids jumping fences and loitering? Their house backs up to the project. They do not want kids bothering their fence. Also concerned about a two story house being built behind them. It was explained that the tract was intended to give the existing residents on south property line their privacy by putting in the significant tract as a buffer. It will be landscaped and maintained by the homeowner's association, therefore giving them a more aesthetic view. Also, there will be some view fencing for the new homes, which will discourage loitering. The landscape tract will provide access to the project's amenities and stub a sidewalk to the southeast corner of the property towards the river/future City trail head to the east. The client agreed to restrict the lot behind Mr. & Mrs. Higgins lot to a one-story home. The client also agreed to consider increasing vegetation to naturally increase the screening to the existing homes.
- 2 residents fully supported the landscape tract as it would be a safer area for leisurely strolls and walking along with connection to the proposed public amenities. In addition it would be better

to look at landscape than someone's back yard. They also believe this development will bring more value to their current homes.

- Concerns about increased traffic on 103<sup>rd</sup> since it is not fully improved. It was explained that 103<sup>rd</sup> Avenue is a planned City of Peoria Capital Improvement Program (CIP) project, which will most likely be completed if not soon thereafter by the time the homes are completed. These improvements will be completed by the City regardless of whether 3 Olive Park moves forward or not.
- Questions were asked regarding home prices and who the builder was? It was explained that the builder has not been decided yet, and as far as home prices it would be hard to determine due to the time frame before homes will start being sold and until the builder has been decided. This is a complex process and very dependent on timing and the current market conditions and demands at the time of sales. The plan would be for the project to be similar to Crosspointe at 91<sup>st</sup> Ave and Olive.
- The residents asked how high the wall would be around the entire community. It was explained that the City requires a minimum of 6'8" walls. A sound study is being completed to determine if the wall heights need to be increased in any areas due to anticipated traffic counts and sound levels.

**PINE DISTRICT PROPOSED PROJECT – 3 OLIVE PARK**  
**Tuesday, January 27, 2015 - 6:00p.m.**  
**Country Meadows Elementary School – Science Lab**

Name	Address	Email Address	Phone #
cm [redacted] [redacted]	[redacted]	[redacted]	[redacted]
DONNA HOLT	[redacted]	[redacted]	[redacted]
K. G. [redacted]	[redacted]	[redacted]	[redacted]
Martha Eusebio	[redacted]	[redacted]	[redacted]
David & Melanie Block	[redacted]	[redacted]	[redacted]
Louis & Patricia DeFillo	[redacted]	[redacted]	[redacted]
Bill & Polly Higgins	[redacted]	[redacted]	[redacted]

687

Exhibit D

March 16, 2015

Dear Neighbor,

You are receiving this letter as a follow up to the Neighborhood Meeting you attended on January 27, 2015 regarding the property located at the SEC of 103<sup>rd</sup> Avenue and Olive Avenue. We would first like to thank you for taking the time to meet with us. We appreciate everyone's time as we know life can be hectic. As a courtesy we are sending you the attached revised site plan. As you will see we have connected the linear open space in the middle of the site to encourage even more pedestrian activity and connectivity. We believe this is an even better plan.

We would also like to clarify information provided regarding the requirements for subdivisions in the City of Peoria. The reference I made to the design review manual 20-78-3.II.C.I.b states that "no more than two (2) consecutive lots (adjacent side lot lines) shall share the same standard plan and elevation", which does not include two-story home limitations. Therefore, as agreed in the meeting we will restrict lot #99 to a single story. No other restrictions will be required regarding 2-story homes.

If you have any questions regarding this requirement please contact Shelby Duplessis at Bowman Consulting Group (623) 299-8981.

Sincerely



Shelby JM Duplessis, PE, LEED AP  
Senior Project Manager

SUN CITY UNIT EIGHT  
BOOK 114 OF MAPS, PAGE 8

NORTHEAST CORNER, SECTION 32  
TOWNSHIP 3 NORTH, RANGE 1 EAST  
FOUND MCHD BRASS CAP IN HAND HOLE

NORTH 1/4 CORNER, SECTION 32  
TOWNSHIP 3 NORTH, RANGE 1 EAST  
FOUND MCHD BRASS CAP IN HAND HOLE

UNSUBDIVIDED  
EV LUTHERAN GOOD SAMARITAN SOCIETY  
A.P.N. # 142-61-0060

UNSUBDIVIDED  
RUDOLPH JOHNSON FAMILY  
TRUST UNIFIED CREDIT TRUST  
A.P.N. # 142-61-010H

SUN GARDEN MOBILE HOME PARK TWO  
BOOK 283 OF MAPS, PAGE 2

NOTES:  
\*LOT 99 IS RESTRICTED TO A SINGLE STORY HOME  
\*\*DRIVEWAY TO BE RESTRICTED TO EAST SIDE OF LOT TO ALLOW MAXIMUM SEPARATION FROM ROADWAY INTERSECTION

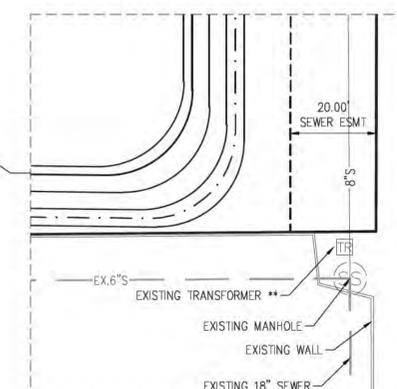
Lot #	Area (sf)	Area (ac)
1	5404.19	0.1241
2	5445.00	0.1250
3	5220.00	0.1198
4	5220.00	0.1198
5	5445.00	0.1250
6	5445.00	0.1250
7	5220.00	0.1198
8	5220.00	0.1198
9	5375.21	0.1234
10	8008.41	0.1838
11	10981.44	0.2521
12	7569.83	0.1738
13	5470.09	0.1256
14	5290.93	0.1215
15	5302.51	0.1217
16	5537.32	0.1271
17	5494.20	0.1261
18	8121.45	0.1864
19	12733.81	0.2923
20	7633.74	0.1752
21	5401.26	0.1240
22	5445.00	0.1250
23	5445.00	0.1250
24	5445.00	0.1250
25	5445.00	0.1250
26	5445.00	0.1250
27	5383.29	0.1236
28	5400.69	0.1240
29	5400.69	0.1240
30	5400.70	0.1240
31	5400.70	0.1240
32	5400.71	0.1240
33	5400.71	0.1240
34	5400.00	0.1240
35	5400.00	0.1240
36	5400.00	0.1240
37	5400.00	0.1240
38	5400.00	0.1240
39	5400.00	0.1240
40	5400.00	0.1240

Lot #	Area (sf)	Area (ac)
41	5375.77	0.1234
42	5343.34	0.1227
43	5356.26	0.1230
44	5400.00	0.1240
45	5400.00	0.1240
46	5400.00	0.1240
47	5400.00	0.1240
48	5400.00	0.1240
49	5400.00	0.1240
50	5400.00	0.1240
51	5400.00	0.1240
52	5400.00	0.1240
53	5400.00	0.1240
54	5400.00	0.1240
55	5400.00	0.1240
56	5400.00	0.1240
57	5400.00	0.1240
58	5400.00	0.1240
59	5400.00	0.1240
60	5400.00	0.1240
61	5400.00	0.1240
62	5400.00	0.1240
63	5400.00	0.1240
64	5400.00	0.1240
65	5366.35	0.1232
66	5445.00	0.1250
67	5220.00	0.1198
68	5220.00	0.1198
69	5445.00	0.1250
70	5445.00	0.1250
71	5445.00	0.1250
72	5445.00	0.1250
73	5445.00	0.1250
74	9397.55	0.2157
75	13440.66	0.3086
76	7775.46	0.1785
77	5936.96	0.1363
78	5927.08	0.1361
79	5913.12	0.1357
80	5898.07	0.1354

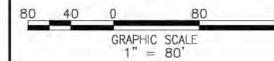
Lot #	Area (sf)	Area (ac)
81	5883.02	0.1351
82	5867.96	0.1347
83	5852.91	0.1344
84	5837.86	0.1340
85	5822.81	0.1337
86	7096.33	0.1629
87	7073.85	0.1624
88	7051.36	0.1619
89	7028.88	0.1614
90	7006.39	0.1608
91	6983.91	0.1603
92	6962.08	0.1590
93	6819.78	0.1566
94	7183.89	0.1649
95	7410.59	0.1701
96	7425.00	0.1705
97	7425.00	0.1705
98	7425.00	0.1705
99	7425.00	0.1705
100	7425.00	0.1705
101	7425.00	0.1705
102	7425.00	0.1705
103	7425.00	0.1705
104	7425.00	0.1705
105	7425.00	0.1705
106	7425.00	0.1705
107	7425.00	0.1705
108	7425.00	0.1705
109	7425.00	0.1705
110	7264.74	0.1668
111	7811.54	0.1793
112	6868.12	0.1577
113	6665.56	0.1530
114	6923.28	0.1589
115	6604.53	0.1516
116	6600.00	0.1515
117	6600.00	0.1515
118	6600.00	0.1515
119	6600.00	0.1515
120	6600.00	0.1515

Lot #	Area (sf)	Area (ac)
121	6600.00	0.1515
122	6600.00	0.1515
123	6600.00	0.1515
124	6600.00	0.1515
125	6600.00	0.1515
126	6600.00	0.1515
127	6600.00	0.1515
128	6600.00	0.1515
129	6600.00	0.1515
130	6599.16	0.1515
131	6599.16	0.1515
132	6599.16	0.1515
133	6599.16	0.1515
134	6599.16	0.1515
135	6599.16	0.1515
136	6599.16	0.1515
137	6599.16	0.1515
138	6599.16	0.1515
139	6599.16	0.1515
140	6599.16	0.1515
141	6599.16	0.1515
142	6599.16	0.1515
143	6599.16	0.1515
144	6545.00	0.1503
145	6545.00	0.1503
146	6545.00	0.1503
147	6545.00	0.1503
148	6545.00	0.1503
149	6545.00	0.1503
150	6545.00	0.1503
151	6545.00	0.1503
152	6599.16	0.1515
153	6599.16	0.1515
154	6599.16	0.1515
155	6599.16	0.1515
156	6599.16	0.1515
157	6599.16	0.1515
158	6599.16	0.1515
TOTAL	999532.58	22.9461

Tract	Use	Area (sf)	Area (ac)
A	LANDSCAPE, OPEN SPACE, PUE	21383.57	0.4909
B	LANDSCAPE, OPEN SPACE, PUE	10411.73	0.2390
C	LANDSCAPE, OPEN SPACE, PUE	4400.00	0.1010
D	LANDSCAPE, OPEN SPACE, PUE, RETENTION, AMENITIES, WATER & SEWER EASEMENT	85580.45	1.9647
E	LANDSCAPE, OPEN SPACE, PUE	4400.00	0.1010
F	LANDSCAPE, OPEN SPACE, PUE	4400.00	0.1010
G	LANDSCAPE, OPEN SPACE, PUE	4400.00	0.1010
H	LANDSCAPE, OPEN SPACE, PUE, RETENTION	129311.37	2.9686
I	LANDSCAPE, OPEN SPACE, PUE	4399.69	0.1010
J	LANDSCAPE, OPEN SPACE, PUE, RETENTION	22274.50	0.5114
K	LANDSCAPE, OPEN SPACE, PUE	4399.69	0.1010
L	LANDSCAPE, OPEN SPACE	1074.30	0.0247
TOTAL		296,435.34	6.8052



NOTE:  
\*\* EXISTING TRANSFORMER TO BE RELOCATED OR SEWER EASEMENT WILL BE REQUIRED FROM ADJACENT PROPERTY OWNER.



**Bowman**  
 CONSULTING  
 PRELIMINARY PLAT  
 3 OLIVE PARK  
 PEORIA, ARIZONA  
 MARICOPA COUNTY  
 PROJECT NUMBER  
 PLAN STATUS  
 DATE DESCRIPTION  
 KE CRS SJD  
 DESIGN DRAWN CHKD  
 SCALE H: 1"=80'  
 V: NONE  
 JOB No. 050064-01-001  
 DATE: MAY 2015  
 PP02  
 SHEET 02 OF 02

**EXHIBIT 3**

DRAFT RESOLUTION

RESOLUTION NO. 2015-97

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 GPA14-0007, on June 18, 2015; and

WHEREAS, after such public hearing and consideration of GPA14-0007, the Peoria Planning and Zoning Commission recommended adoption of GPA14-0007 on June 18, 2015, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA14-0007 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of August 26, 2015; and

WHEREAS, after due and proper consideration of such GPA 14-0007, the Mayor and Council of the City of Peoria, Arizona have found that GPA 14-0007 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 GPA14-0007, 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 26<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Cathy Carlat, Mayor

Date Signed \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

## EXHIBIT A1

### LEGAL DESCRIPTION THREE OLIVE PARK

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 3 NORTH, RANGE  
1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA  
COUNTY, ARIZONA,

EXCEPT THAT PORTION DEEDED TO THE CITY OF PEORIA IN DOCUMENT NO.  
1988-0110108, M.C.R.; EXCEPT THE NORTH 33 FEET THEREOF, ACCORDING TO  
BOOK 3 OF ROAD MAPS, PAGE 29, M.C.R.; EXCEPT THAT PORTION DESCRIBED  
IN DOCUMENT NO. 1987-0653565, M.C.R.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32, BEING  
A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN  
HAND HOLE, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 32,  
BEING A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP  
IN HAND HOLE, BEARS NORTH 89°39'29" EAST, A DISTANCE OF 2643.22 FEET;

THENCE NORTH 89°39'29" EAST, ALONG THE NORTH LINE OF THE NORTHEAST  
QUARTER OF SAID SECTION 32, A DISTANCE OF 1321.61 FEET TO THE  
NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST  
QUARTER OF SAID SECTION 32;

THENCE SOUTH 00°05'02" WEST, ALONG THE EAST LINE OF THE NORTHWEST  
QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE  
OF 55.00 FEET TO THE SOUTH LINE OF THE NORTH 55 FEET OF THE  
NORTHEAST QUARTER OF SAID SECTION 32, SAID POINT BEING THE POINT OF  
BEGINNING;

THENCE CONTINUING SOUTH 00°05'02" WEST, ALONG SAID EAST LINE, A  
DISTANCE OF 1261.07 FEET TO THE SOUTHEAST CORNER OF THE  
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION  
32;

THENCE SOUTH 89°27'41" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST  
QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE  
OF 1294.38 FEET TO THE EAST RIGHT-OF-WAY OF 103RD AVENUE, AS  
DESCRIBED IN DOCUMENT NO. 1988-0110108, M.C.R.;

THENCE NORTH 00°00'52" WEST, ALONG SAID EAST RIGHT-OF-WAY, ALSO BEING THE EAST LINE OF THE WEST 25 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 946.71 FEET;

THENCE NORTH 02°17'51" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 123.92 FEET;

THENCE NORTH 89°39'29" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET;

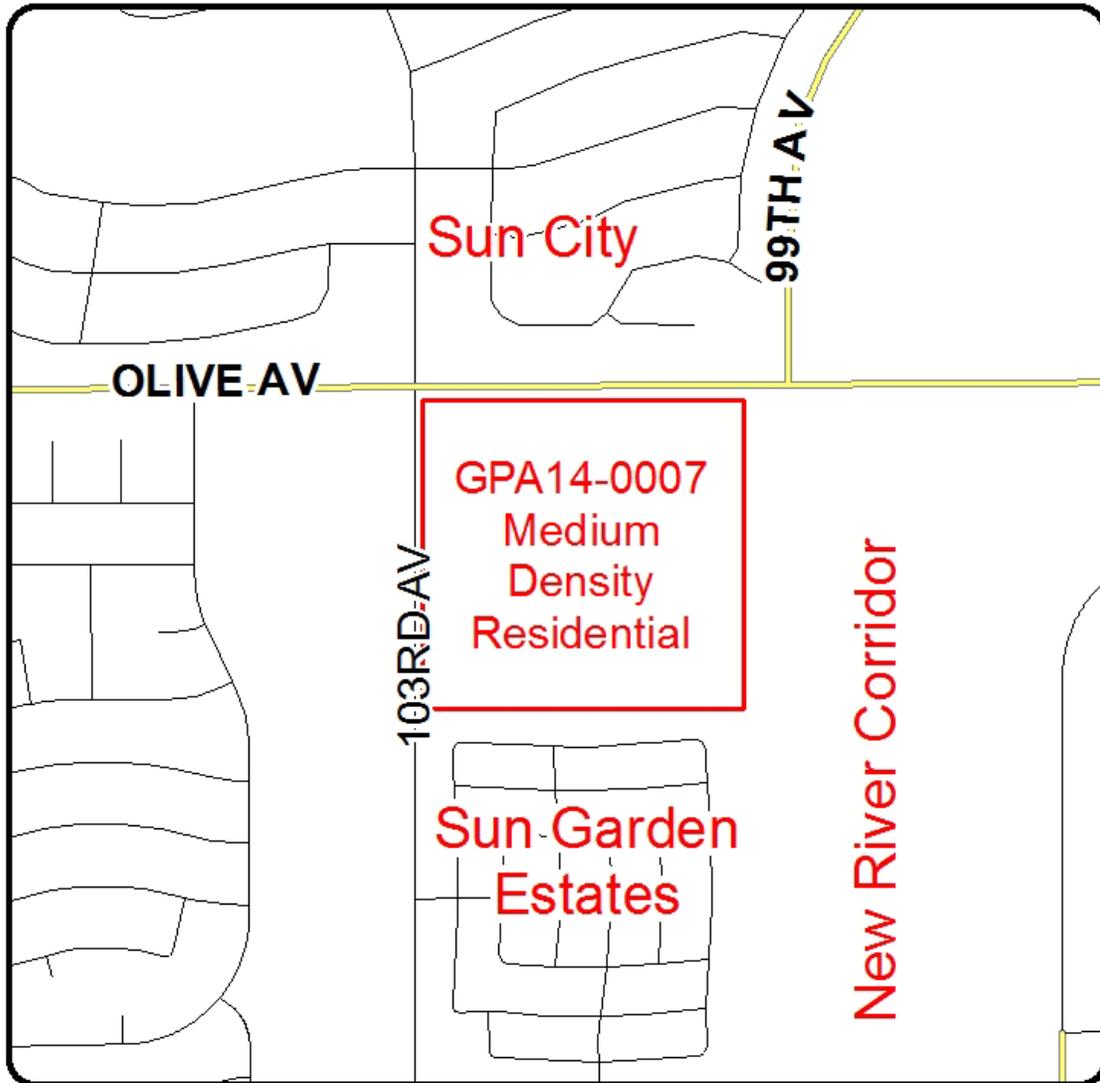
THENCE NORTH 00°00'52" WEST, ALONG SAID EAST RIGHT-OF-WAY, ALSO BEING THE EAST LINE OF THE WEST 40 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 170.00 FEET TO THE SOUTH RIGHT-OF-WAY OF OLIVE AVENUE, AS DESCRIBED IN DOCUMENT NO. 1987-0653565, M.C.R.;

THENCE NORTH 44°49'18" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 35.46 FEET;

THENCE NORTH 89°39'29" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, ALSO BEING THE SOUTH LINE OF THE NORTH 55 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1256.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,632,922 SQUARE FEET OR 37.4867 ACRES, MORE OR LESS.

EXHIBIT A2



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 37R

Date Prepared: August 4, 2015

Council Meeting Date: August 26, 2015

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Case Z14-0011 – Three Olive Park  
Rezoning

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**Purpose:**

This is a request for City Council to adopt an Ordinance rezoning approximately 40 acres of land located at the southeast corner of 103<sup>rd</sup> Avenue and Olive Avenue from Intermediate Commercial (C-2), and Multi-Family Residential (RM-1) to the Three Olive Park Planned Area Development (PAD). This case accompanies a proposed Minor General Plan Amendment (Case GPA14-0007).

*The City has not received any written correspondence or phone calls in opposition to this case. On June 18, 2015, the Planning & Zoning Commission unanimously recommended approval of this request. There were no speakers present.*

**Background/Summary:**

The applicant, Bowman Consulting, Inc. is proposing to develop a 40-acre site located at the southeast corner of 103<sup>rd</sup> Avenue and Olive into a single-family residential community consisting of up to 158 lots (3.95 units per acre). In this request, the applicant is seeking to rezone the site from Intermediate Commercial (C-2) and Multi-Family Residential (RM-1) to a residential Planned Area Development (PAD) known as Three Olive Park. Also on the agenda is an accompanying Minor General Plan Amendment case to re-designate the site.

In 1977, the Mayor and City Council adopted Ordinance 77-10, thereby annexing the subject property as well as the area to the south. Later, through the initial zoning process, the property was rezoned to General Agricultural (AG). The subject property was subsequently rezoned in 1980 through Mayor and City Council's adoption of Ordinance 80-21 rezoning the property from General Agriculture (AG) to Intermediate Commercial (C-2) and Multi-Family Residential (RM-1).

### General Plan Conformance

The rezoning request does not currently conform to the existing General Plan Land Use designation of Medium-High Density Residential (8-15 du/ac, target of 6 du/ac). Therefore, the applicant filed a Minor General Plan Amendment request (Case GPA14-0007) that is being processed simultaneously with this request. In the aforementioned case, staff provided an analysis of the request (please refer to Staff Report). Staff is recommending that the Peoria City Council approve the change in designation of the site from Medium-High Density Residential (8-15 du/ac) to Medium Density Residential (5-8 du/ac) through the related Minor General Plan Amendment case.

In the aforementioned analysis, staff found that the amendment is consistent with the residential disposition identified in the General Plan for this site and provides for a logical continuation of the Medium Density Residential land use category in the area. It is compatible with the density and character of Sun Garden Estates to the south, and the Sun City Eight subdivision north of Olive Avenue.

### Analysis of Request

The proposed development would contain 5.44 acres of useable open space (13% of the site will be useable open space which is 4.62% over the required amount) a majority of which would be provided throughout the center of the development in a system of parks. The alignment of the parks at the center of the development provides for an unobstructed view of open space and landscaping through the center of the entire development from the main entrance on Olive Avenue. The northernmost park provides a tot lot, ramada, basketball court, and turf areas for versatile activity spaces. A cul-de-sac abuts this centralized park in order to prevent a cut through street and allow for uninterrupted open space flow through a large portion of the development. The tract along the southern boundary of the property allows for a buffer between the existing development to the south and the proposed development by providing a large landscape area with a walking path and pedestrian level lighting and view fencing to deter loitering in the area. The applicant is attempting to coordinate with the property owner to the east in order to obtain access from the path contained within the southern tract to connect to the City trail contained within New River Wash. Such a connection would allow pedestrians to access the wash trail from 103rd Avenue without having to walk adjacent to the arterial traffic on Olive Avenue.

The project meets the intent of the General Plan, and staff supports the proposed single family residential Planned Area Development (PAD) Zoning designation for this site.

### 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 Process Report detailing the results of the meeting (Exhibit D). The applicant notified all property owners within 600 feet and registered Homeowner's Associations within 1 mile of the subject

### Council Communication

site for the required neighborhood meeting, which was held on January 27, 2015 at Country Meadows Elementary School at 6:00 pm. Eleven (11) neighborhood residents were in attendance. The councilmember for the district as well as his assistant were also in attendance.

One resident identified a concern regarding the tract at the south end of the property becoming an attractive nuisance for kids as well as the possibility of two story homes backing up to their residence. The applicant responded by stating that the size of the tract allows for a significant buffer between the two developments and minimizes any impact of an otherwise adjacent 2 story home. The applicant also stated that the walls for the proposed homes adjacent to the southern tract will contain view fencing in order to discourage loitering. At this point the applicant agreed to restrict the proposed home on lot 99 to a single story home.

Two additional residents identified their support for the tract to allow for open space between the developments, and their feeling that it would raise property values.

Concerns were raised regarding the increased traffic that would result on 103rd Avenue due to the fact that it is not yet fully improved. It was identified to the citizens that the City has a capital improvement project (CIP) to improve 103rd Avenue from Northern to Olive that is anticipated to begin construction in mid-2016. Roadway improvements associated with this project would be coordinated and are anticipated to occur along the same time frame.

Additional inquiries were made about the wall heights of the proposed community and it was identified that the walls would be six (6) feet eight (8) inches in height unless otherwise designated by the sound study.

#### Peoria Unified School District (PUSD)

City staff has received a letter from Peoria Unified School District identifying that after a review of the application adequate facilities exist to accommodate the anticipated students from this development.

#### **Previous Actions:**

This amendment has been subject to the City's rezoning process. A public hearing was held for this item at the June 18, 2015 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request with a **5-0** vote.

A public hearing was held at the same meeting for a related General Plan Amendment application (GPA14-0007) for the Three Olive Park development. The Planning & Zoning Commission also unanimously recommended approval of this request with a **5-0** vote. There were no speakers present on either item.

**Options:**

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

**Staff Recommendation:**

Staff recommends the City Council concur with the Planning & Zoning Commission's June 18, 2015 unanimous recommendation (5-0) to approve Case Z14-0011.

**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:** June 18, 2015 Planning and Zoning Commission Staff Report with Exhibits
- Exhibit 3:** Draft Ordinance

**Contact Name and Number:** Cody Gleason, Planner x7645

**Exhibit 1  
Vicinity Map**

# Vicinity Map



## Z14-0011 Three Olive Park

Applicant: Bowman Consulting Group

Request: The applicant is requesting a rezone of approximately 40 acres that is currently zoned Intermediate Commercial (C-2) and Multi-Family Residential (RM-1) to a Planned Area Development District (PAD) to allow for the development of a 158 lot single-family subdivision.

Location: Southeast corner of Olive Avenue and 103rd Avenue

## Exhibit 1



Not to Scale

**Exhibit 2**  
**June 18, 2015**  
**Planning and Zoning Commission**  
**Staff Report with Exhibits**



# REZONING

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** Z14-0011  
**DATE:** June 18, 2015  
**AGENDA ITEM:** 7R

**Applicant:** Bowman Consulting, Inc.

**Request:** Rezone approximately 40 acres from Multi-Family Residential (RM-1) and Intermediate Commercial (C-2) Zoning Districts to the Three Olive Park single-family residential Planned Area Development (PAD) District.

**Proposed Development:** *Three Olive Park:* A detached single-family residential development consisting of up to 158 units on approximately 40 acres.

**Location:** The property is located at the southeast corner of 103<sup>rd</sup> Avenue and Olive Avenue (APNs 142-61-014G, 142-61-014F, 142-61-014D).

**Site Acreage** 39.96 gross acres

**Support / Opposition:** As of the date of this printing, staff has not received any public comment in opposition or support to this proposal.

**Recommendation:** Recommend **approval** of case Z14-0011 to the City Council, subject to conditions.

### AREA CONTEXT

*Table 1: Existing Land Use, General Plan Designation, Current Zoning. (Exhibits A-C)*

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	Vacant	Medium-High Density Residential	Intermediate Commercial (C-2) & Multi-Family (RM-1)
North	Single Family (Sun City)	Maricopa County - Retirement Community	Maricopa County - R1-6
South	Single Family Residential – Manufactured Home Complex	Medium Density Residential (5-8 du/ac)	Sun Garden Estates Planned Area Development District (PAD) Z03-02
West	Retirement/Independent Living Facility & Vacant Land	Medium-High Density Residential (8-15 du/ac)	Multi-Family (RM-1) & Single Family Residential (R1-6)
East	Vacant, undeveloped land	Medium-High Density Residential (8-15 du/ac)	General Agricultural (AG) & Intermediate Commercial (C-2)

## **LAND USE BACKGROUND**

1. In 1977, the Mayor and City Council adopted *Ordinance 77-10*, thereby annexing the subject property as well as the area to the south. Later, through the initial zoning process, the property was rezoned to General Agricultural (AG).
2. The subject property was subsequently rezoned in 1980 through Mayor and City Council's adoption of *Ordinance 80-21* rezoning the property from General Agriculture (AG) to Intermediate Commercial (C-2) and Multi-Family Residential (RM-1).

## **PROJECT DESCRIPTION**

### *Site and Project Details*

3. The project site is a 39.96 acre undeveloped parcel located south of Olive Avenue and east of 103<sup>rd</sup> Avenue. The site is bounded on the south by the Sun Garden Estates single family manufactured home development, on the west by a retirement/senior living facility as well as vacant land, on the north by Olive Avenue and then Sun City Eight single family residential subdivision and to the east by the New River Corridor (Exhibit A).
4. This request is to rezone the property from Multi-Family Residential (RM-1) and Intermediate Commercial (C-2) to a Planned Area Development (PAD) Zoning District in order to allow for a 158-lot, single family subdivision (Exhibit D). Vehicular ingress/egress for the site will be via Olive Avenue (Arterial) and 103<sup>rd</sup> Avenue (Collector). Through the accompanying Preliminary Plat (application P14-0009), the minimum lot size is depicted to be 5,220 square feet. The average lot size is approximately 6,326 square feet. The density is proposed at 3.95 du/ac, which is below the range of the proposed Medium Density Residential General Plan land use designation (5-8 du/ac, target of 6 du/ac) (GPA14-0007).
5. The City's Design Review Manual prescribes, among other elements, a minimum required useable open space for residential developments. For projects with minimum lot size less than 10,000 square feet in size, at least 9% of the gross project area is to be usable open space. Approximately 5.44 acres (237,166 square feet) of the 39.96 acre site will be maintained as useable open space (13.62%).
6. The Three Olive Park PAD Standards and Guidelines Report provides specific development standards that are similar to the R1-6 development standards that exist within the City Zoning Ordinance. A comparison of R1-6 and the proposed development standards is shown in the table that follows:

Development Standards	R1-6 Development Standards	Three Olive Park Development Standards
Min. Lot Area	6,000 sf	5,220 sf
Min. Lot Width	50'	45'
Min. Lot Depth	100'	115'
Min. Front Setback	20'* **	20'* **
Min. Rear Setback	15'	15'
Min. Side Setback (min/total ft)	5/8/13'	5/10'
Max. Building Height	30'	30'
Max. Percentage Lot Coverage	45%	45%

\* 10' to side entry garage. Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.

\*\* Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more 60% of the total front-facing elevation occurs at the 10-foot setback.

## **DISCUSSION AND ANALYSIS**

### *Conformance with the General Plan*

7. The rezoning request does not currently conform to the existing General Plan Land Use designation of Medium-High Density Residential (8-15 du/ac, target of 6 du/ac). Therefore, the applicant filed a Minor General Plan Amendment request (Case GPA14-0007) that is being processed simultaneously with this request. In the aforementioned case, staff provided an analysis of the request (please refer to Staff Report). Staff is recommending that the Planning & Zoning Commission issue a recommendation of approval to the Peoria City Council to modify the land use designation from Medium-High Density Residential to Medium Density Residential.
8. In the aforementioned analysis, staff found that the amendment is consistent with the residential disposition identified in the General Plan for this site and provides for a logical continuation of the Medium Density Residential land use category in the area. It is compatible with Sun Garden Estates to the south, and the Sun City Eight subdivision north of Olive Avenue.
9. Moreover, while the site is designated residential on the General Plan, a portion is zoned Intermediate Commercial. The loss of existing commercial zoned land is always scrutinized. Intermediate or neighborhood Commercial is typically located at mile arterial intersection locations, as evidenced by the center located at the southeast corner of 107th and Olive Avenue, a mere half-mile away. At this intersection, 103<sup>rd</sup> Avenue is a designated collector roadway. With existing commercial in the area, it is important that the health of existing centers be maintained and not diluted.

The requested density for the proposed Three Olive Park development is approximately 3.95 dwelling units per acre which is under the range for Medium Density Residential of (5-8 du/ac). Chapter 14 of the General Plan provides a framework that permits a residential density to fall one designation lower than

that provided. For example, in this case, the density of 3.95 would typically fall within the Low Density Residential (2-5 du/ac) land use category. However, a part of the analysis is the fit or compatibility of the character relative to surrounding areas. In this case, the minimum lot size of 5,220 square feet provides for a residential character that is more in alignment with the Medium Density character and development in the area rather than the Low Density category, which generally supports a suburban or moderate lot size character exceeding 8,000 square feet. Hence, the necessity for a Minor General Plan Amendment.

10. The project meets the intent of the General Plan, and staff supports the proposed single family residential Planned Area Development (PAD) Zoning designation for this site.

*Citizen Participation Plan - Neighborhood Meeting*

11. As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Process Report detailing the results of the meeting (Exhibit D). The applicant notified all property owners within 600 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on January 27, 2015 at Country Meadows Elementary School at 6:00 pm. Eleven (11) neighborhood residents were in attendance. The councilmember for the district as well as his assistant were also in attendance.
12. One resident identified a concern regarding the tract at the south end of the property becoming an attractive nuisance for kids as well as the possibility of two story homes backing up to their residence. The applicant responded by stating that the size of the tract allows for a significant buffer between the two developments and minimizes any impact of an otherwise adjacent 2 story home. The applicant also stated that the walls for the proposed homes adjacent to the south tract will contain view fencing in order to discourage loitering. At this point the applicant agreed to restrict the proposed home on lot 99 to a single story home.
13. Two additional residents identified their support for the tract to allow for open space between the developments, and their feeling that it would raise property values.
14. Concerns were raised regarding the increased traffic that would result on 103<sup>rd</sup> Avenue due to the fact that it is not yet fully improved. It was identified to the citizens that the City has a capital improvement project (CIP) to improve 103<sup>rd</sup> Avenue from Northern to Olive that is anticipated to begin construction in mid-2016. Roadway improvements associated with this project would be coordinated and are anticipated to occur along the same time frame

15. Additional inquiries were made about the wall heights of the proposed community and it was identified that the walls would be six (6) feet eight (8) inches in height unless otherwise designated by the sound study.

#### *Land Use Compatibility*

16. As stated, the proposed development would contain 5.44 acres of useable open space (4.62% of the gross area over the required amount) a majority of which would be provided throughout the center of the development in a system of neighborhood parks. The alignment of the parks at the center of the development provides for an unobstructed view of open space and landscaping through the center of the entire development from the main entrance on Olive Avenue. The northernmost park provides a tot lot, Ramada, basketball court, and turf areas for versatile activity spaces. A cul-de-sac abuts this centralized park in order to prevent a cut through street and allow for uninterrupted open space flow through a large portion of the development. The tract along the southern boundary of the property allows for a buffer between the existing development to the south and the proposed development by providing a large landscape area with a walking path and pedestrian level lighting and view fencing to deter loitering in the area. The applicant is attempting to coordinate with the property owner to the east in order to obtain access from the path contained within the southern tract to connect to the City trail contained within New River Wash. Such a connection would allow pedestrians to access the wash trail from 103<sup>rd</sup> Avenue without having to walk adjacent to the arterial traffic on Olive Avenue.

#### *City Review*

17. As previously discussed, this request has been reviewed and commented on through the City's standard rezoning application review process. Recommended conditions of approval have been provided by the Planning, Site Development / Engineering, and Fire Safety Division as provided in the *Conditions of Approval* portion this report.
18. City staff has received a letter from Peoria Unified School District identifying that after a review of the application adequate facilities exist to accommodate the anticipated students from this development (Exhibit G).

#### *Public Notice*

19. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division.

#### *Proposition 207*

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

## **FINDINGS AND RECOMMENDATION**

21. Based on the following findings:

- The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan; and
- This rezoning request is consistent with the General Plan which allows densities between 2-5 du/ac in the Medium Density Residential (5-8 du/ac, target of 6 du/ac) land use designation; and
- This rezoning request will result in a residential development that is compatible with the existing adjacent neighborhood(s).

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

**Recommend to the City Council approval of Case Z14-0011 subject to the following conditions:**

1. The development shall substantially conform to the “Three Olive Park PAD” Narrative and Standards and Guidelines report dated April 2, 2015 and Conceptual Plans (Preliminary Plat) included in the standards and guidelines report presented to the Planning and Zoning Commission on June 18, 2015.
2. The development shall be limited to a maximum of 158 lots.
3. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site with the Civil Improvement Plans.
4. A Final Drainage Report must be submitted with the 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 on-site & off-site flows. The drainage report shall take into effect the adjacent drainage ways.
  - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
  - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas). A drainage easement shall be recorded over each retention/detention area within the project for both “public” and “private”

basins.

5. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
6. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
7. The Developer will be responsible to form a Street Light Improvement District (SLID) for this subdivision. A SLID Submittal will be required with the second submittal of the improvement plans.
8. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision. The MID submittal shall be made with the second submittal of the improvement plans.
9. The Developer shall dedicate ROW along the frontage of the project on the following streets: 65' ROW on Olive Avenue and 55' ROW on 103rd Avenue.
10. The Developer shall dedicate an 8' PUE outside of all ROW. No walls, retention, or trees shall be allowed within the PUE.
11. The Developer is responsible for constructing the half-street for 103rd Avenue along the frontage of the project. The City is currently in the design stage of a CIP project to improve 103rd Avenue that intends to include the half-street improvements adjacent to this development. The construction for this CIP project is scheduled to start in early 2016. When the CIP project starts construction that includes these improvements, the responsibility of the developer to construct the half street from monument line to the back of curb will be met, with the Developer only being required to dedicate the necessary right-of-way at no cost to the City. All other improvements behind the back of curb will still be the responsibility of the developer.
12. 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.
13. In order to provide sewer to this project, the existing transformer located south of the southeast corner of this site will have to be relocated. This shall be at the sole cost of the Developer.

**ATTACHMENTS:**

Exhibit A	Vicinity/Location Map
Exhibit B	Zoning Map
Exhibit C	General Plan Land Use Map
Exhibit D	PAD Standards and Guidelines Report
Exhibit E	Citizen Participation Report
Exhibit F	Three Olive Park Proposed Preliminary Plat
Exhibit G	PUSD Adequate Facilities Letter

Prepared by: Cody Gleason  
Planner

# Vicinity Map



## Z14-0011 Three Olive Park

Applicant: Bowman Consulting Group

Request: The applicant is requesting a rezone of approximately 40 acres that is currently zoned Intermediate Commercial (C-2) and Multi-Family Residential (RM-1) to a Planned Area Development District (PAD) to allow for the development of a 158 lot single-family subdivision.

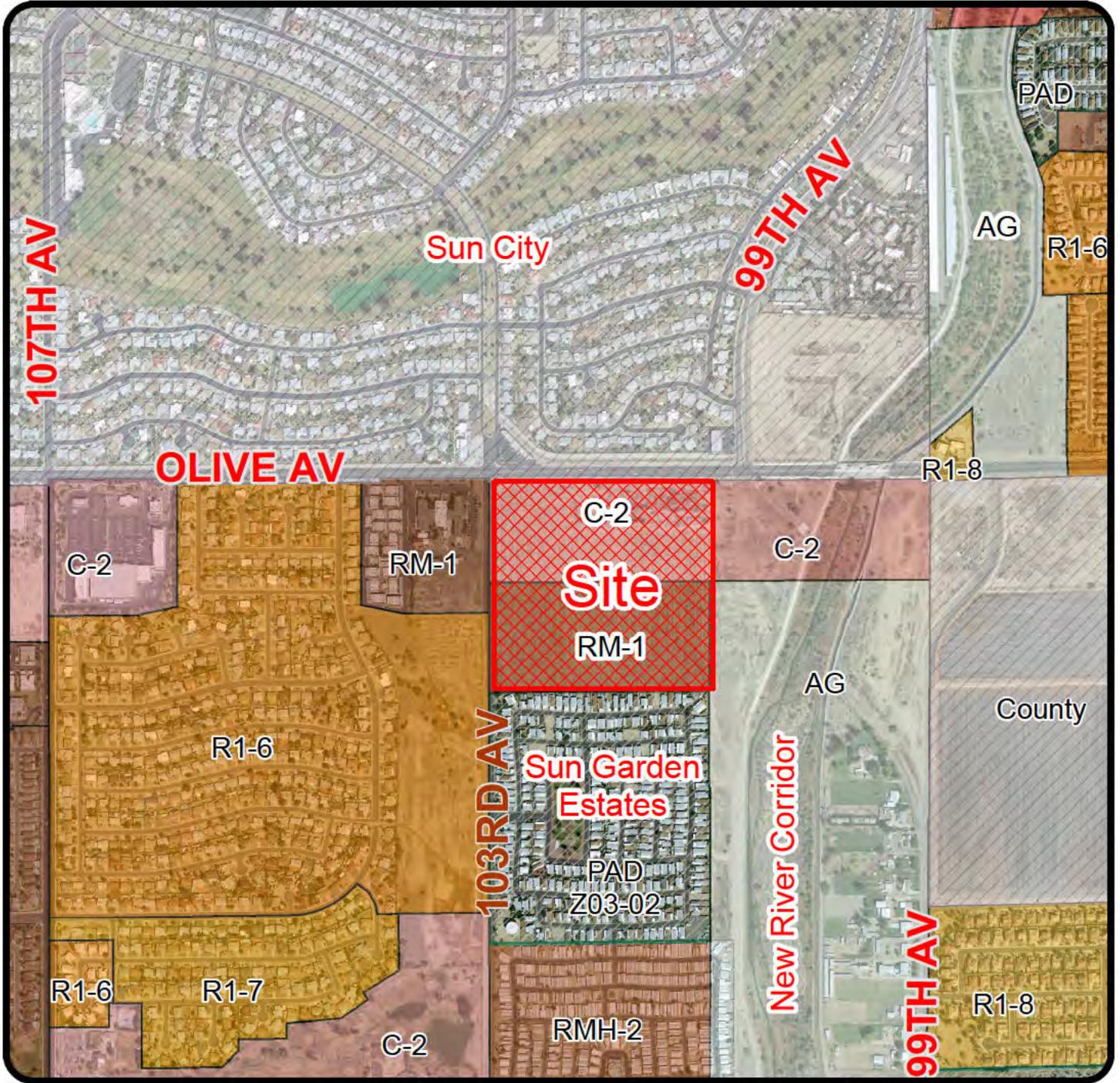
Location: Southeast corner of Olive Avenue and 103rd Avenue

## Exhibit A



Not to Scale

# Zoning Map



## Z14-0011 Three Olive Park

Applicant: Bowman Consulting Group

Request: The applicant is requesting a rezone of approximately 40 acres that is currently zoned Intermediate Commercial (C-2) and Multi-Family Residential (RM-1) to a Planned Area Development District (PAD) to allow for the development of a 158 lot single-family subdivision.

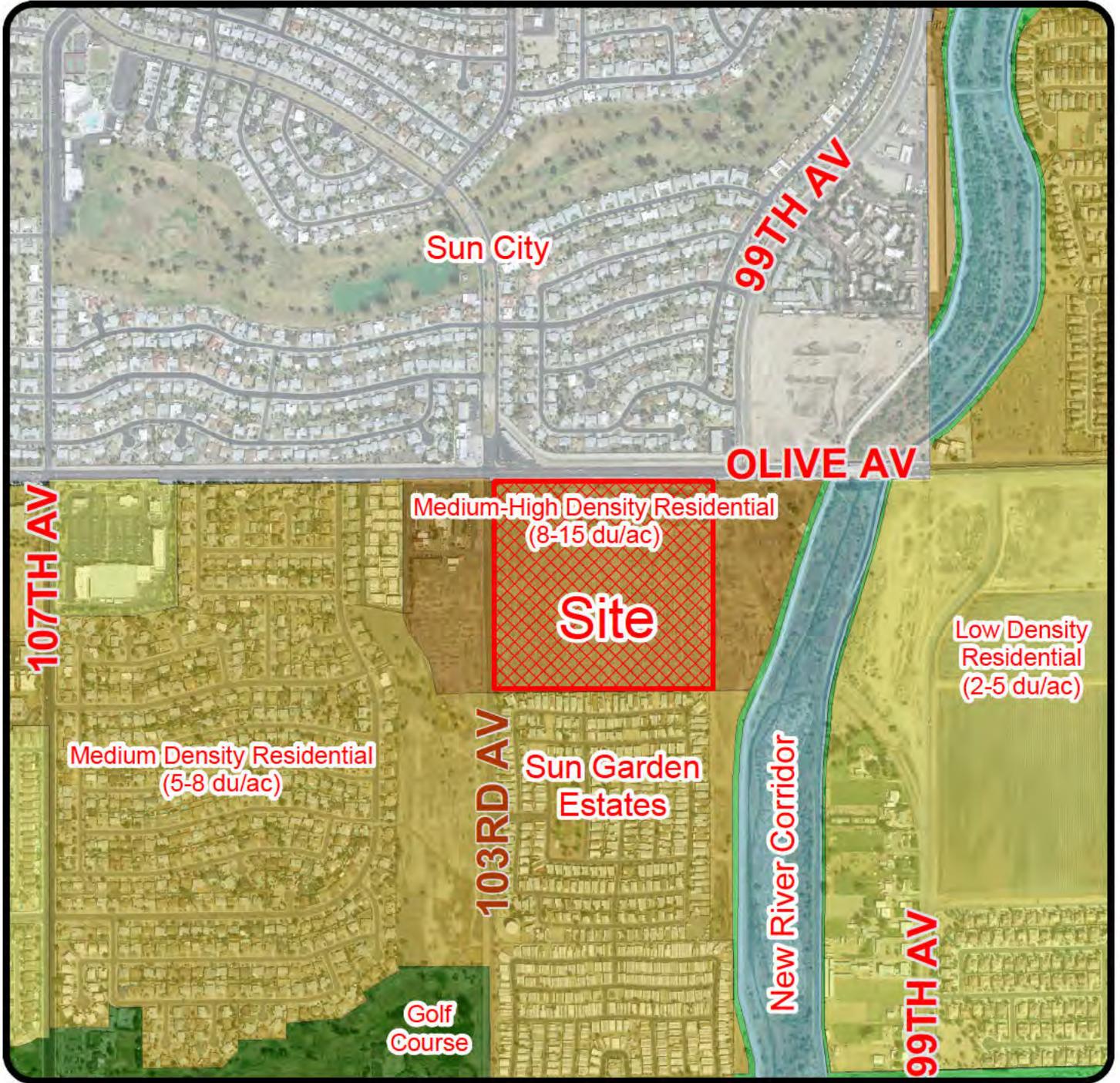
Location: Southeast corner of Olive Avenue and 103rd Avenue

## Exhibit B



Not to Scale

# Land Use Map



## Z14-0011 Three Olive Park

Applicant: Bowman Consulting Group

Request: The applicant is requesting a rezone of approximately 40 acres that is currently zoned Intermediate Commercial (C-2) and Multi-Family Residential (RM-1) to a Planned Area Development District (PAD) to allow for the development of a 158 lot single-family subdivision.

Location: Southeast corner of Olive Avenue and 103rd Avenue

## Exhibit C



Not to Scale

# Exhibit D

# **3 OLIVE PARK PLANNED AREA DEVELOPMENT**

## **STANDARDS AND GUIDELINE REPORT**

SEC of 103rd Avenue and Olive  
Peoria, Arizona

39.96 Gross Acres  
158 Lots

Submitted by:

Empire Residential Communities Fund II, LLC  
6617 N. Scottsdale Road  
Scottsdale, AZ 85250

Prepared by:  
Bowman Consulting Group, Ltd.  
14100 N. 83<sup>rd</sup> Avenue, Suite 250  
Peoria, AZ 85381

Zoning Case: Z14-0011  
April 2, 2015

Exhibit D



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<b>V.</b>	<b>PRELIMINARY DEVELOPMENT PLAN .....</b>	<b>7</b>
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**EXHIBITS**

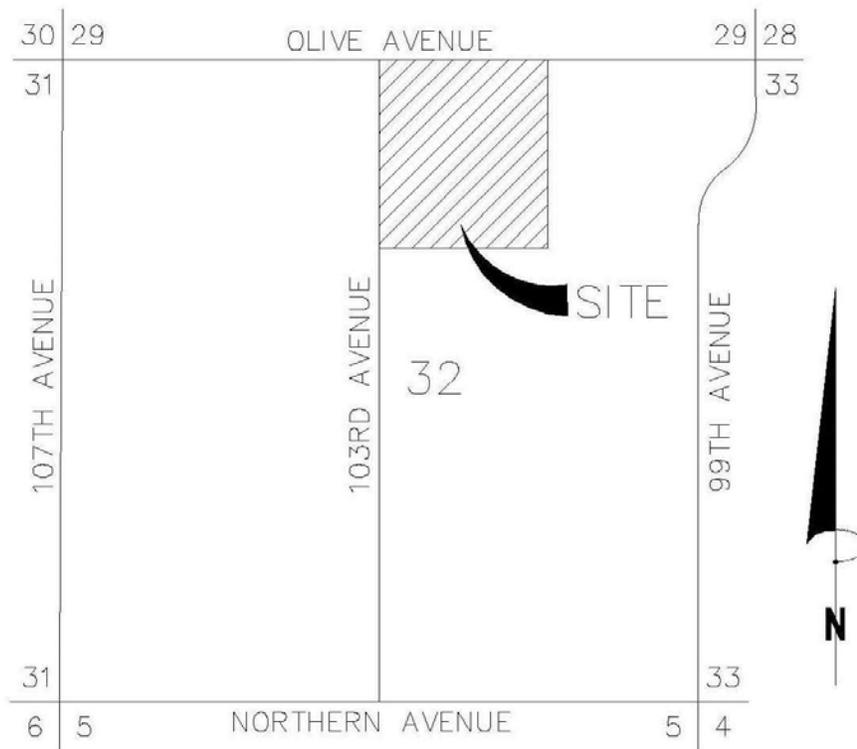
Vicinity Map.....	Exhibit 1
Aerial Map .....	Exhibit 2
Preliminary Development Plan.....	Exhibit 3
Existing Land Use Map.....	Exhibit 4
Proposed Land Use Map.....	Exhibit 5
Existing Zoning Map.....	Exhibit 6
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Conceptual Preliminary Plat.....	Exhibit 9
A.L.T.A. Survey and Legal Description.....	Exhibit 10
Conceptual Landscape Plan/Standards & Wall Details.....	Exhibit 11



**I. INTRODUCTION**

3 Olive Park is a 39.96-acre proposed 158-lot subdivision at the southeast corner of 103rd Avenue and Olive Avenue. The project will be detached single-family residential lots that are complimentary in both density and proposed product, to the goals of the City of Peoria and will enhance the utilization of land according to the established guidelines in Article 14-33 of the City's zoning ordinance.

3 Olive Park is owned by Empire Residential Communities Fund II, LLC (APNs 142-61-014D, 142-61-014F and 142-61-014G) (refer to the attached Vicinity Map Exhibit 1 and Legal Description Exhibit 10). The proposed architectural style for this subdivision will be compatible and complimentary to the existing subdivisions in the surrounding areas of Peoria and will be developed in accordance to the Preliminary Development Plan (refer to the attached Preliminary Development Plan Exhibit 3).



**VICINITY MAP**  
N.T.S.

**EXHIBIT 1: VICINITY MAP**

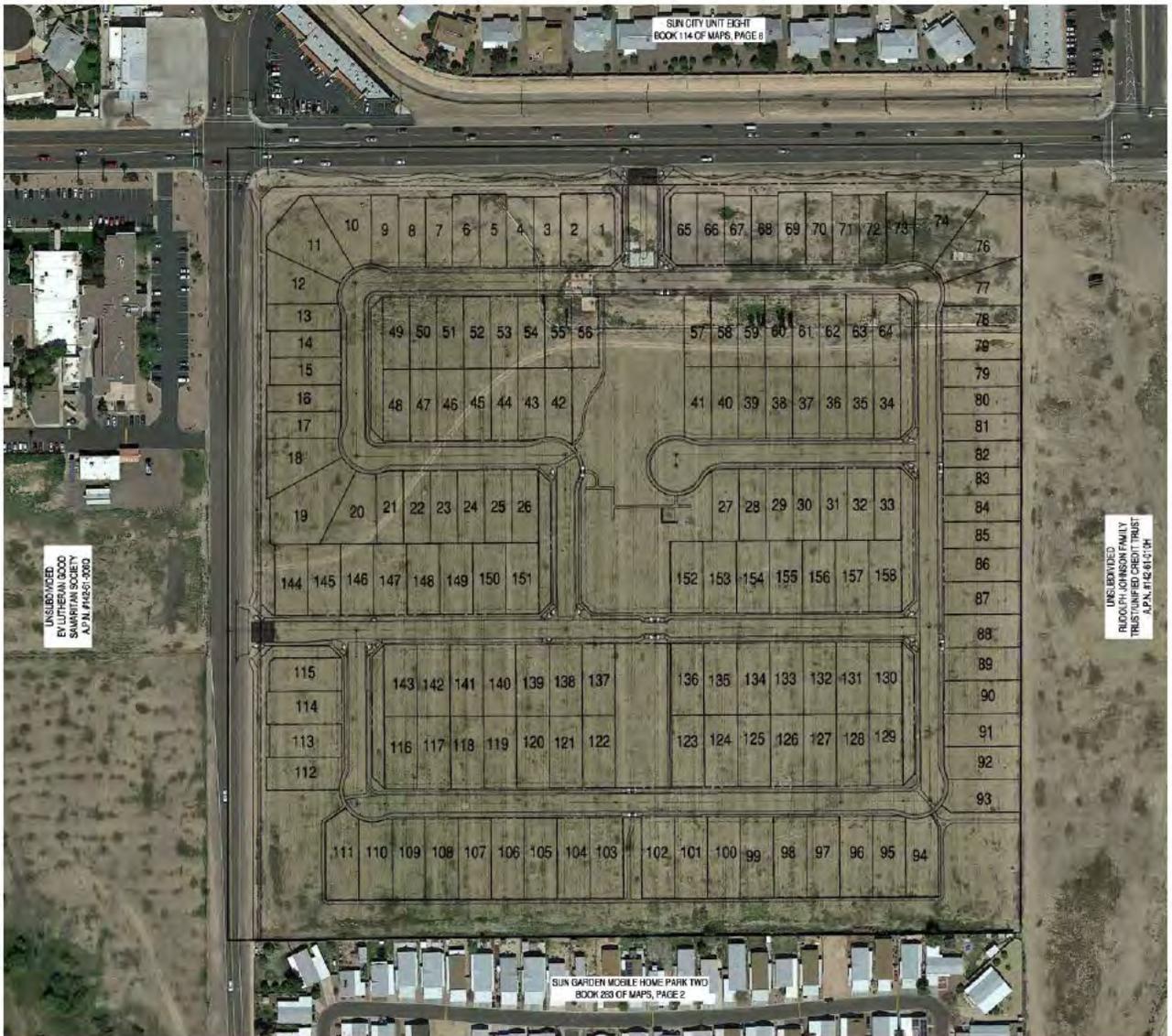


# 3 OLIVE PARK PLANNED AREA DEVELOPMENT

This request is for a rezone to a Planned Area Development that will match closely to the City's R1-6 single-family residential zoning district to allow for the proposed community.

### Surrounding Site Information

Surrounding the Property to the north is the Sun City Eight residential community zoned R1-6 and to the east is vacant land zoned AG. To the south is mobile homes zoned PAD and to the west is senior living zoned RM-1 and vacant land R1-6 and Country Meadows II residential community zoned R1-6. The proposed project is compatible with these surrounding land uses and zones by providing a suitable development into the proposed PAD, 158-lot subdivision (refer to the Aerial Map Exhibit 2 below).



**EXHIBIT 2: AERIAL MAP**



## **II. CONSISTENCY WITH GENERAL PLAN**

The development goal for the 3 Olive Park PAD is to provide uses and residential densities that are compatible with the long range goals of the City of Peoria's General Plan.

The General Plan for the site is Residential Medium High (8-15 du/acre) and we are requesting a General Plan Amendment to Residential Medium (5-8 du/ac) (*refer to attached Existing Land Use and Proposed Land Use Exhibits 4 and 5*). Due to the surrounding R1-6 communities to the north and west and the single family mobile homes zoned PAD to the south, this site is a suitable development. This project provides stability to the surrounding communities while enhancing the area with infrastructure improvements. The Project will also provide affordable housing options in the heart of Peoria which meets Objective 1.M of the General Plan by providing another housing type to meet the needs of persons of different income levels and age. The type of housing product also encourages owner occupied homes which meets Objective 1.B of the General Plan of the Housing Element.

### **Rezone Request**

Currently the property is vacant land zoned RM-1 and C-2 within the City of Peoria. This Project proposes rezoning the property to PAD. This change fits with the existing surrounding developed parcels (*refer to the attached Existing Zoning Map Exhibit 6 and Proposed Zoning Map Exhibit 7*).

## **III. GENERAL SITE INFORMATION AND EXISITING CONDITIONS**

The existing topography slopes to the south at approximately 0.4%. Along the northern boundary is Olive Avenue which is fully developed with pavement, curb, gutter, sidewalk and storm drain. Runoff generated along Olive Avenue is captured in the existing storm drain system and does not affect the project site.

Along the western boundary is 103<sup>rd</sup> Avenue which is only partially improved and will be completed with a future City CIP project. Runoff generated along the proposed half street will be captured and conveyed into an onsite retention basin.

To the south is an existing developed subdivision called Sun Garden Mobile Home Park. The lots within this subdivision have been graded to drain to their respective street frontage and into a common retention basin within the development. Runoff from this development is not anticipated to affect the project site.

To the east is an undeveloped parcel adjacent to the New River Wash. This parcel slopes to the east into the New River Wash and does not affect the project site.

### **Project Design**

3 Olive Park is designed with 158 lots of different sizes with a variety of housing floor plans and elevations with two different density options. 3 Olive Park will provide a large centralized open space along with a substantial buffer along the south side of the site providing opportunities for walking, bench seating, a playground for children and a basketball court for teens. The street layout encourages a small neighborhood fee with a culd-de-sac and a curved central street.



3 Olive Park will be designed to promote the desirability of the residential development by adopting the following design criteria:

- The house plans will meet the City of Peoria's design criteria including but not limited to desert themed exterior colors, use of exterior stone and complimentary hardscape,
- Enhanced options with several elevations and floor plans which will be approved through the Design Review Process,
- Roof lines will vary from homes on adjacent lots and directly across the street from each other,
- Enhance the existing neighborhood by providing high end standards for quality homes within the new community,
- The perimeter wall will be upgraded to 6" wide theme and secondary walls with 8" wide split face wall cap. There will also be 2' wide columns with stone veneer and precast caps. Walls will be painted as well,
- View fencing along the southern open space will be provided for visibility and safety.
- Additional useable open space above the required 9%.

Students within 3 Olive Park would attend Country Meadows Elementary School and Raymond S Kellis High School. The Peoria Unified School District was provided a copy of the proposed site plan and they provided a statement indicating they had adequate facilities to accommodate the projected number of new students within the district attendance area that will be generated by this rezoning request. A copy is on file with the City of Peoria Planning Department Zoning Case #Z14-0011.

#### **IV. SURROUNDING LAND USES AND CONDITIONS**

Surrounding the Property to the north is Sun City Eight single family residential homes zoned R1-6 and to the south is Sun Garden Estates residential mobile homes zoned PAD. To the east is vacant land zoned AG. To the west is senior living zoned RM-1, vacant land zoned R1-6 and Country Meadows II single family residential homes zoned R1-6.

Primary transportation corridors in the area include 103rd Avenue running north-south, and Olive Avenue running east-west. The proposed site access would be off 103rd Avenue and Olive Avenue. Regional transportation includes the Agua Fria Freeway (Loop 101) to the east and Loop 303 to the west.

**Schools:** *Country Meadows Elementary* (K-8) located at 8409 N. 111<sup>th</sup> Avenue is approximately 1.6 miles, and *Raymond S. Kellis High School* (9-12), located at 8990 W Oranewood Avenue is approximately 6.3 miles.

**Shopping Facilities:** *Safeway Grocery Store* located at 10641 West Olive Avenue is approximately .4 miles west. *Fry' Food and Drug* located at 9043 West Olive is approximately 1.6 miles east. *Arrowhead Towne Center Shopping Mall* located at 7700 West Arrowhead Towne Center, Glendale is approximately 7.5 miles north. *Park West Shopping Center* located at 9744 West Northern is approximately 1.4 miles to the southeast.



**Public Recreation:** *Country Meadows Park* located at 11098 W Butler Drive is located approximately 1.6 miles west. *Pioneer Park* located at 8755 N 83<sup>rd</sup> Avenue is approximately 3.0 miles east. *The Peoria Public Library* is located at 8463 West Monroe approximately 3.1 miles east.

Aerial photographs of the project area together with several photographs of the site from different directions depicting the site and area conditions are included herewith (*refer to the attached Context Plan Exhibit 8*).

**V. PRELIMINARY DEVELOPMENT PLAN**

3 Olive Park is a proposed development with a total gross area of 39.96± acres with 158 dwelling units (*refer to the attached Preliminary Development Plan Exhibit 3 and the Conceptual Preliminary Plat Exhibit 9*).

3 Olive Park will likely be developed in one phase. The proposed use of the subject site is single-family detached residential. The project is planned for 158 dwelling units with an overall project density of 3.95 du/ac.

The proposed average lot area within 103<sup>rd</sup> Avenue & Olive shall be 6,326 sq.ft with a minimum lot size of 5,220 sq.ft. The typical lots provided are maintaining a minimum width of 45 feet. This project will closely conform to the City of Peoria's setback guidelines.

Access to this project is off 103<sup>rd</sup> Avenue as indicated on the Preliminary Plat and the ALTA Survey (*refer to Exhibits 9 and 10 respectively*).

**VI. LAND USE SUMMARY**

The Land Use Summary Table below reflects the use, the acreage, and the total number of lots. The residential land use as noted within this PAD will closely match to the City of Peoria's R1-6 single family residential zoning district and is in character with the neighboring subdivision to the north and west.

TABLE 1  
LAND USE SUMMARY

Gross Acres	Net Acres	Zoning	Min Lot Area, SF	Lots	Min Lot Width
39.96	36.40	PAD	5,220	158	45



**VII. PROJECT DEVELOPMENT**

Unless otherwise specified herein, all properties within 3 Olive Park shall conform to all City of Peoria governing codes, ordinances and regulations for single-family residential districts. The standards that exceed the R1-6 standards are shown in bold in the table below.

**Table 2: Proposed PAD Standards Comparison Table**

	<b>R1-6 Standards</b>	<b>Proposed PAD Standards</b>
Minimum Lot Area	6,000 sf	5,220
Minimum Lot Width	50'	45'
Minimum Lot Depth	100'	<b>116'</b>
Maximum Lot Coverage (Percentage)	45%	45%
Maximum Structure Height	30'	30'
Minimum Front Setback (ft)- Side-entry garage*	10' to living area or side entry garage, 20' to front loaded garage, measured from property line to face of garage	10' to living area or side entry garage, 20' to front loaded garage, measured from property line to face of garage
Minimum Front setback (ft) – Front-facing garage**	20'	20'
Minimum Interior Setback (min/total ft)	5'/8'/13'	5'/10'
Minimum Rear Setback (ft)	15'	15'
Minimum Corner Setback (ft)	10'	10'

\*Side entry garages shall be prohibited on corner lots;

\*\*Where front -facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.

**Building Heights:** The project will allow for both one- and two-story homes with a maximum 30' in height. This PAD will restrict Lot #99 to a one story house.

**103<sup>rd</sup> Avenue Improvements:** The City is currently in the design stage of a CIP project to improve 103<sup>rd</sup> Avenue that intends to include the half-street improvements adjacent to this development. The construction for this CIP project is scheduled to start in early 2016. When the CIP project starts construction that includes these improvements, the responsibility of the developer to construct the half street from monument line to the back of curb will be met, with the Developer only being required to dedicate the necessary right-of-way at no cost to the City. All other improvements behind the back of curb will still be the responsibility of the developer. Developer may elect to satisfy its responsibility for the half-street improvements for 103<sup>rd</sup> Avenue by constructing such improvements prior to the City's CIP project.



**Listing of Permitted, Conditional and Accessory Uses:** : 3 Olive Park shall abide by all uses as defined in the City of Peoria Zoning Ordinance in Section 14-5 Single Family Residential District in subsection 2, Permitted Uses, subsection 3 Conditional Uses and subsection 4 Accessory uses.

**Open Space:** This project is designed with useable open space access that will exceed the minimum requirement of 9% for single family residential lots by a minimum of 4% with at least 13% of useable open space. The open space area will be a minimum of 16% and will contain multiuse elements that provide retention basin storage combined with public use improvements such as a playground, basketball court, trails with various bench locations with an emphasis on vegetative shade, thereby promoting leisurely usage and enjoyment of the passive open spaces. The homeowners association will be responsible for the maintenance of all open space / retention tracts

**Lighting:** Lighting within the project shall conform to the applicable section of the Peoria Zoning Ordinance governing exterior lighting.

**Screening, Fencing and Walls:** The standards for fencing and walls shall be as per the Peoria Zoning Ordinance including wall undulation and noise abatement. The height of the wall along Olive Avenue will be reflective of the results of the Sound Study.

**Roadway Standards:** Streets will be developed consistent with City of Peoria street standards.

**Parking:** Parking requirements for the project shall conform to the parking standards for single-family residential use as per the Peoria Zoning Ordinance.

**Design Review Standards:** 3 Olive Park will be developed in accordance with the City of Peoria's Design Review Manual.

### **VIII. CONCEPTUAL LANDSCAPE PLAN/ STANDARDS**

The project landscaping will be consistent with the Peoria Zoning Ordinance. The Final Landscape Plan will be submitted to the Planning Division. A Planting Data Sheet is a part of the Conceptual Landscape Plan (*refer to the attached Conceptual Landscape Plan and additional coloring renderings 11*).

**Street Frontages-** Landscaping will be provided within the ROW and side yard tracts per the City of Peoria's Landscaping requirements.

**Perimeter Walls/Wall Details-** Perimeter walls and wall details will comply with the City of Peoria's design specifications.

**Signage-** Project signage will be processed as a separate application and will be consistent with the Peoria Zoning Ordinance.



## **IX. INFRASTRUCTURE/ UTILITIES**

Following the rezone process, the 3 Olive Park development will require further approvals to allow for physical development of the project. These approvals include, but may not be limited to preliminary plat, final plat, civil improvement plans, design review, construction plans, and final landscape plans.

### **1. Sewer**

Sewer service will be provided by the City of Peoria. An existing 18-inch sanitary sewer line is located at the northeast corner of Sun Garden Estates, which will be utilized to construct for 3 Olive Park project.

### **2. Natural Gas**

There are no natural gas facilities available for 3 Olive Park.

### **3. Water**

Water service will be provided by the City of Peoria. There is an existing 12-inch water line in 103<sup>rd</sup> Avenue and in Olive Avenue. This development will connect to this water line, which is tied into the City of Peoria water system and will serve 3 Olive Park development.

### **4. Telephone**

Century Link Communications will be supplying the telephone services to the area. Facilities exist in 103<sup>rd</sup> Avenue and in Olive Avenue and will be brought to this project to provide services accordingly.

### **5. Cable Service:**

Cox Communications will be supplying the cable service to the area.

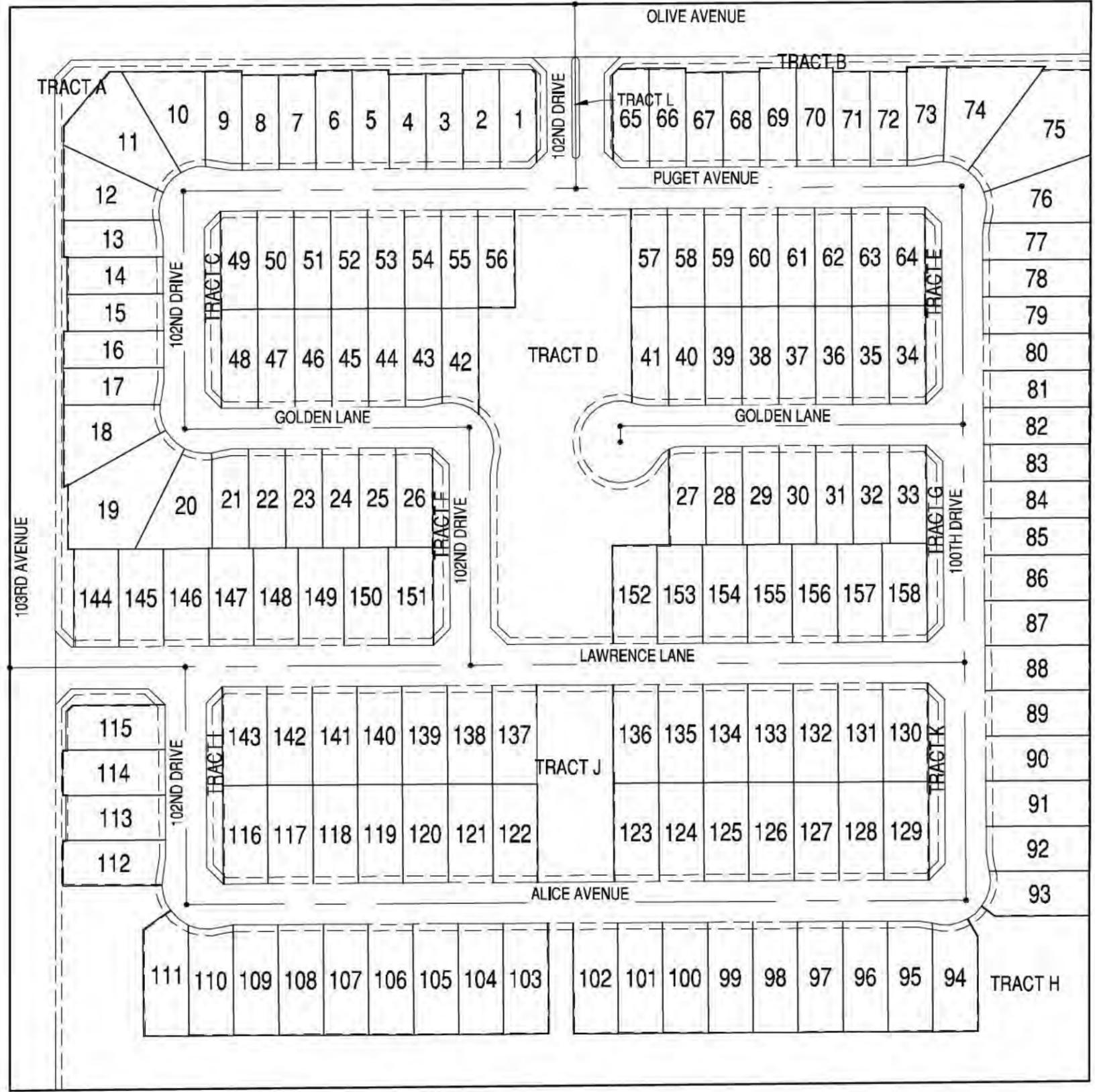
### **6. Solid Waste:**

Solid Waste disposal will be provided by the City of Peoria.

### **7. Electric Power**

Electric power will be supplied by Arizona Public Service

**PRELIMINARY DEVELOPMENT PLAN  
EXHIBIT 3**



**3 OLIVE PARK**  
 PEORIA, ARIZONA  
**EXHIBIT 3: PRELIMINARY DEVELOPMENT PLAN**

14100 North 83rd Avenue Ste 250  
 Peoria, Arizona 85381  
 Phone: (480) 629-8830  
[www.bowmanconsulting.com](http://www.bowmanconsulting.com)



JOB #	050064
DATE	OCT. 2014
SCALE	N.T.S.
DRAWN	CRS
SHT 1	OF 1

CAD FILE NAME: P:\050064 - 103rd Avenue and Olive Avenue\050064-01-001 (ENG)\Engineering\Exhibits\050064-Preliminary Development Plan.dwg 04/02/2015

Exhibit D

**EXISTING LAND USE MAP  
EXHIBIT 4**



**PROPOSED LAND USE MAP  
EXHIBIT 5**



SUN CITY SEVEN  
MARICOPA COUNTY  
RESIDENTIAL MEDIUM

SUN CITY EIGHT  
MARICOPA COUNTY  
RESIDENTIAL MEDIUM

RESIDENTIAL MEDIUM HIGH

RESIDENTIAL MEDIUM

EXISTING COUNTRY  
MEADOWS II  
RESIDENTIAL MEDIUM

EXISTING SUN GARDEN  
MOBILE HOME PARK II  
RESIDENTIAL MEDIUM

RESIDENTIAL LOW

- RESIDENTIAL MEDIUM HIGH DENSITY
- RESIDENTIAL MEDIUM DENSITY
- RESIDENTIAL LOW DENSITY

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
KE	CRS SJD
DESIGN	DRAWN CHKD
SCALE	H: N.T.S. V: N.T.S.

JOB No.  
DATE : OCT. 2014

**EXISTING ZONING MAP  
EXHIBIT 6**



**PROPOSED ZONING MAP  
EXHIBIT 7**

SUN CITY SEVEN  
MARICOPA COUNTY  
R1-6 PAD

SUN CITY EIGHT  
MARICOPA COUNTY  
R1-6 PAD

OLIVE AVENUE

RM-1

103RD AVENUE

PROPOSED 3 OLIVE PARK  
PAD

RUDOLPH JOHNSON  
FAMILY TRUST  
AG

COUNTRY MEADOWS II  
R1-6 PAD

EXISTING SUN GARDEN  
MOBILE HOME PARK II  
PAD

FLOOD CONTROL DISTRICT  
AG

AG

C2

PAD

R1-8 PAD

RM-1

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14100 North 83rd Avenue Ste 250  
Peoria, Arizona 85381  
Phone: (480) 629-8830  
www.bowmanconsulting.com  
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EXHIBIT 7: PROPOSED ZONING  
3 OLIVE PARK  
MARICOPA COUNTY  
PEORIA, ARIZONA

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
KE	CRS SJD
DESIGN	DRAWN CHKD
SCALE	H: N.T.S. V: N.T.S.
JOB No.	
DATE :	OCT. 2014

1  
SHEET 1 OF 1

Exhibit D

**CONTEXT PLAN AND SITE PHOTOS  
EXHIBIT 8**



1



2



3



4



5



6



7



8



9



10



11



12



13



14



15



16



17



18



19



20



21



22



23



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26



27



28



29



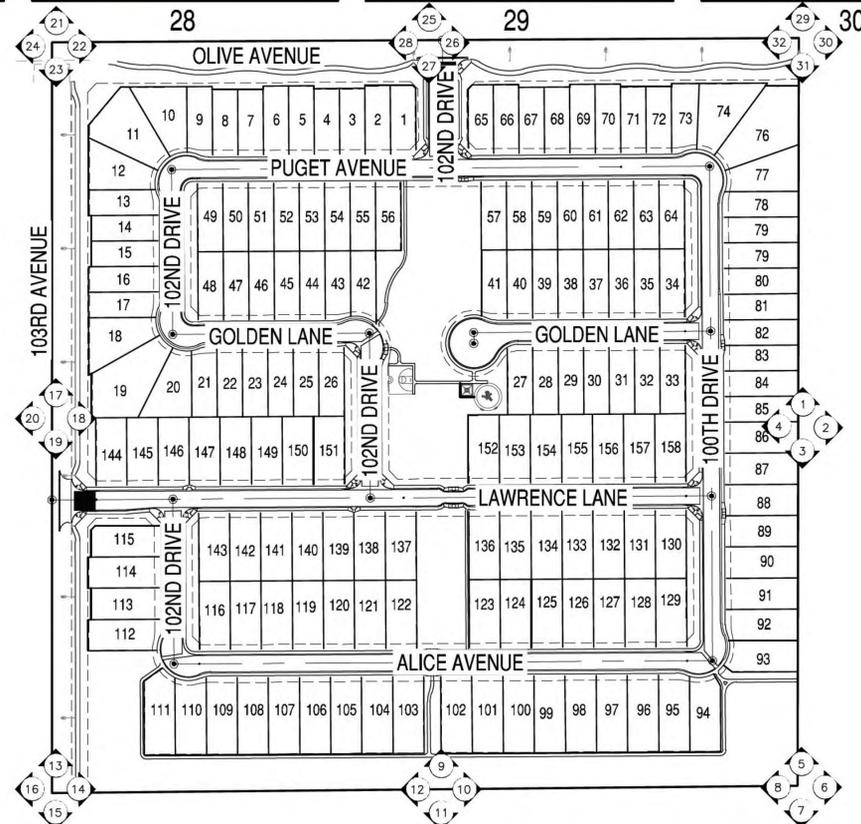
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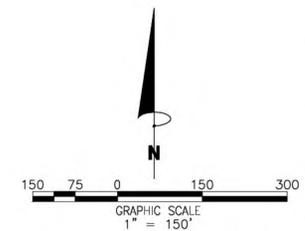
31



32



1 PHOTO NUMBER AND VIEW ORIENTATION



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MARICOPA COUNTY  
PEORIA, ARIZONA  
3 OLIVE PARK  
EXHIBIT 8

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
KE	CRS
DESIGN	SJD
DRAWN	CHKD
SCALE	H: 1" = 150'
	V: 1" = 150'
JOB No.	050064-01-001
DATE :	AUGUST 2014

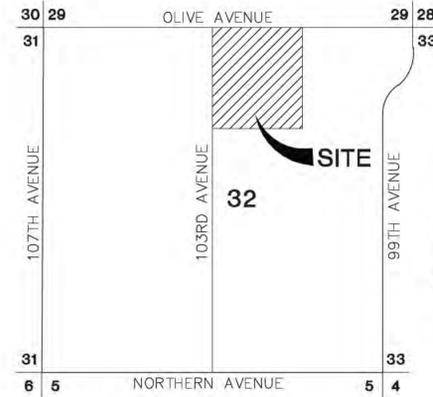
1  
SHEET 1 OF 1

**CONCEPTUAL PRELIMINARY PLAT  
EXHIBIT 9**

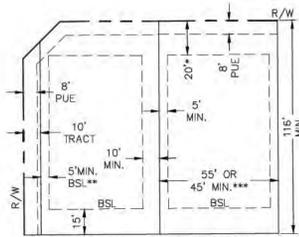
# 3 OLIVE PARK PRELIMINARY PLAT

## 103RD AVENUE AND OLIVE AVENUE PEORIA, ARIZONA

A PORTION OF THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT  
RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP  
N.T.S.



TYPICAL LOT DETAIL  
NOT TO SCALE

\*20' FRONT SETBACK MAY BE DECREASED BY 10' AT  
CUL-DE-SAC AND KNUCKLE LOTS

\*\*CORNER LOT, STREET SIDE SETBACK = 10 FT MIN.  
IF A 10 FT TRACT IS SHOWN AS ABOVE, THE LOT  
SHALL BE CONSIDERED AN INTERIOR LOT, WITH  
MINIMUM SIDE SETBACK = 5 FT. (10 FT TOTAL)

AVERAGE LOT AREA = 6,326 SF

\*\*\* 85 - 45' LOTS, 73 - 55' LOTS

### DEVELOPMENT NOTES

- THE BOUNDARY AND TOPOGRAPHY SHOWN HEREON ARE BASED ON THE ALTA SURVEY PREPARED BY COE & VAN LOO CONSULTANTS, 4550 NORTH 12TH STREET PHOENIX, AZ 85014, PHONE: 602.264.6831.
- ALL STREETS (ONSITE AND OFFSITE) ARE TO BE PUBLIC.
- ALL SEWER AND WATER IMPROVEMENTS ARE TO BE PUBLIC.
- THE SITE IS LOCATED IN FLOOD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 0401301688L, PANEL 1685 OF 4425, WITH AN EFFECTIVE DATE OF OCTOBER 16, 2013. A PORTION OF THIS MAP HAS BEEN INCLUDED IN A PRELIMINARY DRAINAGE REPORT PREPARED FOR THIS PROJECT BY BOWMAN CONSULTING.
- THE PAVEMENT SECTIONS SHOWN HEREON ARE MINIMUM SECTIONS ONLY. THE SOILS ENGINEER SHALL CALCULATE THE REQUIRED PAVEMENT SECTIONS BASED ON SOIL TESTS TAKEN ON THE SUBGRADE. THE SOILS ENGINEER'S FINAL PAVEMENT SECTIONS SHALL BE SUBJECT TO APPROVAL BY THE CITY ENGINEER.
- THE DEVELOPER WILL CREATE A HOMEOWNERS ASSOCIATION FOR THIS PROJECT TO INCLUDE ALL PROPERTY OWNERS AND WILL DRAFT CC&RS FOR RECORDATION CONCURRENTLY WITH THE FINAL PLAT. THE HOMEOWNERS ASSOCIATION WILL BE DEEDED THE OPEN SPACE TRACTS AND SHALL BE RESPONSIBLE FOR ALL REQUIRED MAINTENANCE OF THE LANDSCAPE IMPROVEMENTS, DRAINAGE AND RETENTION IMPROVEMENTS WITHIN THESE TRACTS AS WELL AS THAT FOR ANY RECREATIONAL AMENITIES PROVIDED BY THE DEVELOPER.
- ONSITE IMPROVEMENTS AS SHOWN HEREON SHALL INCLUDE RETENTION BASINS SUFFICIENT TO CONTAIN THE 100-YEAR, 2-HOUR RAINFALL EVENT. THE DEVELOPER SHALL PROVIDE THE CITY OF PEORIA DRAINAGE/RETENTION EASEMENTS OVER THESE BASINS TO ENSURE THAT THE CITY CAN MAINTAIN THESE FACILITIES SHOULD THE HOMEOWNERS ASSOCIATION FAIL TO PROVIDE ADEQUATE MAINTENANCE.
- ALL FINISHED FLOORS SHALL BE ADEQUATELY PROTECTED FROM THE 100-YEAR RAINFALL EVENT AS REQUIRED BY CITY AND COUNTY ORDINANCES.
- ALL LIGHTING SHALL COMPLY WITH THE CITY'S LIGHTING ORDINANCE.

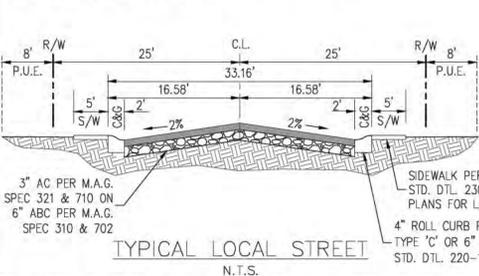
### CITY OF PEORIA NOTES

- LANDSCAPE AND WALL DETAILS ARE ON CONCEPTUAL LANDSCAPE PLAN.
- ALL SIGHT VISIBILITY TRIANGLES PER PEORIA DETAIL PE-091 / 30 FT.
- LANDSCAPE RETENTION TRACTS SHALL BE INSTALLED BY DEVELOPER AND MAINTAINED BY THE H.O.A. A MID WILL BE ESTABLISHED AND TAKE OVER MAINTENANCE IN THE EVENT THE H.O.A. FAILS.
- DEVELOPMENT WITHIN THE PROJECT AREA SHALL CONFORM TO THE CITY OF PEORIA DESIGN REVIEW MANUAL.
- FOR PUBLIC UTILITY EASEMENTS (PUE), PLEASE SEE TYPICAL LOT DETAIL ON THIS SHEET FOR TYPICAL LOCATIONS.

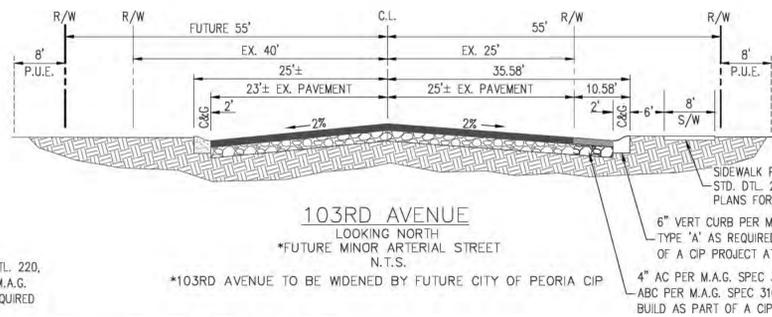
### LEGEND

- CENTER LINE
- RIGHT-OF-WAY
- PUE
- SEWER MANHOLE
- FIRE HYDRANT
- DRAINAGE FLOW
- 1291- EXISTING CONTOUR

NOTE: PER THE COMPLETED SOUND STUDY AN 8' HIGH BARRIER WALL WILL BE PROVIDED ALONG NORTH SIDE OF THE DEVELOPMENT. THE TOP OF WALL WILL BE A MINIMUM OF 8' ABOVE THE ADJACENT TOP OF CURB ELEVATION, WHICH MAY BE ACCOMPLISHED THRU BUILDING THE WALL ON A SLIGHT BERM TO REACH THESE REQUIRED HEIGHTS.

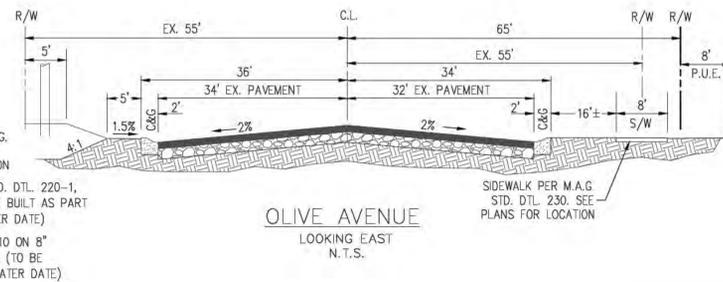


TYPICAL LOCAL STREET  
N.T.S.



103RD AVENUE  
LOOKING NORTH

\*FUTURE MINOR ARTERIAL STREET  
N.T.S.  
\*103RD AVENUE TO BE WIDENED BY FUTURE CITY OF PEORIA CIP



OLIVE AVENUE  
LOOKING EAST

N.T.S.

### CIVIL ENGINEER

BOWMAN CONSULTING GROUP  
14100 NORTH 83RD AVENUE  
SUITE 250  
PEORIA, ARIZONA 85381  
PHONE: 602.679.4438  
CONTACT: SHELBY DUPLESSIS

### BASIS OF BEARING

THE BASIS OF BEARING IS NORTH 89 DEGREES 39 MINUTES 29 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 863 OF MAPS, PAGE 7, MARICOPA COUNTY RECORDS

### BENCHMARK

MARICOPA COUNTY BRASS CAP IN HAND HOLE AT THE NORTH QUARTER CORNER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST, G&SRB&M.  
ELEVATION=1102.051 (NAVD88)

### SHEET INDEX

PP01 PRELIMINARY PLAT COVER SHEET  
PP02 PRELIMINARY PLAT

NOTE:  
THE CITY IS CURRENTLY IN THE DESIGN STAGE OF A CIP PROJECT TO IMPROVE 103RD AVENUE THAT INTENDS TO INCLUDE THE HALF-STREET IMPROVEMENTS ADJACENT TO THIS DEVELOPMENT. THE CONSTRUCTION FOR THIS CIP PROJECT IS SCHEDULED TO START IN EARLY 2016. WHEN THESE IMPROVEMENTS, THE RESPONSIBILITY OF THE DEVELOPER TO CONSTRUCT THE HALF STREET FROM MONUMENT LINE TO THE BACK OF CURB WILL BE MET, WITH THE DEVELOPER ONLY BEING REQUIRED TO DEDICATE THE NECESSARY RIGHT-OF-WAY AT NO COST TO THE CITY. ALL OTHER IMPROVEMENTS BEHIND THE BACK OF CURB WILL STILL BE THE RESPONSIBILITY OF THE DEVELOPER. DEVELOPER MAY ELECT TO SATISFY ITS RESPONSIBILITY FOR THE HALF-STREET IMPROVEMENTS FOR 103RD AVENUE BY CONSTRUCTING SUCH IMPROVEMENTS PRIOR TO THE CITY'S CIP PROJECT.

### KEYMAP

N.T.S.

### OWNER/DEVELOPER

THE EMPIRE GROUP  
6617 NORTH SCOTTSDALE ROAD  
SCOTTSDALE, ARIZONA 85250  
PHONE: 480.951.2207  
CONTACT: RICH ZACHER

### ZONING

EXISTING: C2 & RM-1  
PROPOSED: PAD  
ZONING CASE #: Z14-0011

	TYPICAL R1-6 STANDARDS	PROPOSED PAD STANDARDS
MINIMUM LOT AREA (SF)	6,000 SF	5,220 SF
MINIMUM LOT WIDTH (FT)	50'	45'
MINIMUM LOT DEPTH (FT)	100'	116'
MAXIMUM LOT COVERAGE (%)	45%	45%
MAXIMUM BUILDING HEIGHT (FT)	30' (ORDINANCE 04-187)	30'
FRONT SETBACK (FT) - SIDE-ENTRY GARAGE	10' (NOT MORE THAN 60% OF THE TOTAL FRONT-FACING ELEVATION SHALL OCCUR AT THE 10-FOOT SETBACK) (SIDE ENTRY GARAGES SHALL BE PROHIBITED ON CORNER LOTS)	10' TO LIVING AREA OR SIDE ENTRY GARAGE, 20' TO FRONT LOADED GARAGE, MEASURED FROM PROPERTY LINE TO FACE OF GARAGE
FRONT SETBACK (FT) - FRONT-FACING GARAGE	20'	20'
INTERIOR SETBACK (MIN/TOTAL FT)	5'/8'/13'	5'/10'
REAR SETBACK (FT)	15'	15'
CORNER SETBACK	10'	10'

### LAND USE TABLE

LOT AREA (sf)	STREET AREA (sf)	OPEN SPACE AREA (sf)	GROSS TOTAL (sf)	GROSS TOTAL (Ac)	NET TOTAL (sf)	NET TOTAL (Ac)	OPEN SPACE (%)
999532.58	444826.08	296435.34	1,740,794	39.96	1,585,640	36.40	17.03

### SITE DATA

GROSS AREA	1,740,794 SF	39.96 AC
NET AREA	1,585,640 SF	36.40 AC
PROPOSED ZONING	PAD	
PEORIA GENERAL PLAN	RESIDENTIAL MEDIUM DENSITY 5-8 DU/AC	
APPROVED DENSITY	158 LOTS	3.95 DU/AC
PROPOSED DENSITY	158 LOTS	3.95 DU/AC
TOTAL OPEN SPACE AREA	296,435.34	6.81
TOTAL USABLE OPEN SPACE AREA	237,166.32	5.44
OPEN SPACE REQUIRED	16.00%	
OPEN SPACE PROVIDED	17.03%	
USEABLE OPEN SPACE PROVIDED	13.62%	

**Bowman**  
CONSULTING

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14100 North 83rd Avenue Ste 250  
Peoria, Arizona 85381  
Phone: (480) 629-4830  
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PRELIMINARY PLAT COVER SHEET  
3 OLIVE PARK  
MARICOPA COUNTY

PEORIA, ARIZONA

PROJECT NUMBER

PLAN STATUS

DATE DESCRIPTION  
KE CRS SJD  
DESIGN DRAWN CHKD  
SCALE H: N.T.S.  
V: N.T.S.

JOB No. 050064-01-001

DATE: MAR 2015

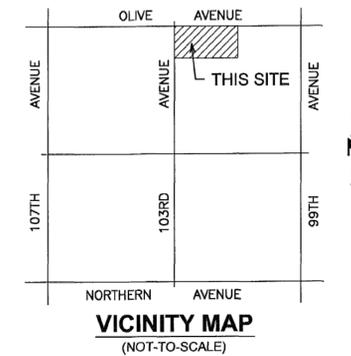
PP01  
SHEET 01 OF 02



**A.L.T.A. SURVEY AND LEGAL DESCRIPTION  
EXHIBIT 10**

# 103RD & OLIVE A.L.T.A./A.C.S.M. LAND TITLE SURVEY

A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN,  
MARICOPA COUNTY, ARIZONA



## NOTES

THIS SURVEY IS BASED ON A COMMITMENT FOR TITLE INSURANCE BY FIRST AMERICAN TITLE INSURANCE COMPANY. ORDER NO. 271-140700074-013 DATED 02/04/2014

THE PROPERTY IS SUBJECT TO THE FOLLOWING, ACCORDING TO SCHEDULE B OF SAID COMMITMENT:

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THE COMMITMENT. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

2. SUBJECT TO THE USUAL PRINTED CONDITIONS, STIPULATIONS AND EXCEPTIONS CONTAINED IN THE REGULAR FORM OF SAID POLICY, OR BY RIDER ATTACHED THERETO, AND ALSO SUBJECT TO THE FOLLOWING SPECIFIC ENCUMBRANCES, RESERVATIONS AND EXCEPTIONS. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

3. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

4. RESERVATIONS, EXCEPTIONS, AND PROVISIONS CONTAINED IN THE PATENT ISSUED ON SAID LAND, RECORDED AT DOCKET 274, PAGE 406. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

5. TAXES FOR THE YEAR 2014, A LIEN NOT YET DUE AND PAYABLE. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

6. LIABILITIES AND OBLIGATIONS IMPOSED UPON SAID LAND BY REASON OF INCLUSION WITHIN ELECTRICAL DISTRICT NO. 7. A PLAT SHOWING LANDS WITHIN THE DISTRICT IS RECORDED IN BOOK 107 OF MAPS, PAGE 25. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

7. CERTIFICATE OF GRANDFATHERED GROUNDWATER RIGHTS RECORDED AT DOCUMENT NO. 1988-540011. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

8. MATTERS SET FORTH IN RESOLUTIONS OF THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RECORDED AT DOCUMENT NO. 1984-0324528, 1986-124982, 1986-386769, 1988-685576, AND 1990-421745. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

9. RECORDED DISCLOSURE FOR TERRITORY IN THE VICINITY OF A MILITARY AIRPORT PURSUANT TO A.R.S. §32-2113 RECORDED AT DOCUMENT NO. 2001-0743413. (AFFECTS THE SURVEYED PARCELS - BLANKET EFFECT - NOT MAPPABLE)

10. RECORDED DISCLOSURE MAPS FOR TERRITORY IN THE VICINITY OF GLENDALE PUBLIC AIRPORT AS RECORDED AT DOCUMENT NO. 2002-0107367. (AFFECTS THE SURVEYED PARCELS - BLANKET EFFECT - NOT MAPPABLE)

11. ROADWAY AS SHOWN ON PLAT RECORDED IN BOOK 3 OF ROAD MAPS, PAGE 29. (AFFECTS THE SURVEYED PARCELS - MAPPED HEREON)

12. ROADWAY AS SHOWN ON PLAT RECORDED IN BOOK 22 OF ROAD MAPS, PAGE 12. (AFFECTS THE SURVEYED PARCELS - MAPPED HEREON)

13. RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY ESTABLISHING A COUNTY HIGHWAY, RECORDED AT DOCUMENT NO. 1986-0391522 AND SHOWN ON PLAT RECORDED IN BOOK 358 OF MAPS, PAGE 21. (AFFECTS THE SURVEYED PARCELS - MAPPED HEREON)

14. EASEMENT AND AGREEMENT FOR HIGHWAY PURPOSES RECORDED AT DOCUMENT NO. 1987-0653565. (PORTIONS OF OLIVE AVE. AND 103RD AVE.) (AFFECTS THE SURVEYED PARCELS - MAPPED HEREON)

15. ANY FACTS, RIGHTS, INTEREST, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF. (THIS EXCEPTION WILL BE ELIMINATED OR MADE MORE SPECIFIC UPON COMPLETION OF THE INSPECTION CALLED FOR IN THE REQUIREMENTS SECTION OF THIS COMMITMENT.) (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

16. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS. (AFFECTS THE SURVEYED PARCELS - NOT MAPPABLE)

THE STREET ADDRESS FOR THE SURVEYED PROPERTY IS 10101 WEST OLIVE AVENUE, PEORIA, ARIZONA 85345.

THE SURVEYED PARCELS CONTAIN NO STRIPED PARKING SPACES.

THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

THERE IS NO INFORMATION AVAILABLE CONCERNING ANY CHANGES IN STREET RIGHT OF WAY LINES, EITHER COMPLETED OR PROPOSED. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

## NOTES

THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

BEARINGS, DISTANCES AND CURVE DATA NOT SPECIFIED AS RECORD OR MEASURED REPRESENT CVL FIELD MEASURED DATA.

SOURCES USED IN THE PREPARATION OF THIS SURVEY INCLUDE:  
BOOK 283 OF MAPS, PAGE 2 (R1)  
BOOK 863 OF MAPS, PAGE 7 (R2)  
BOOK 699 OF MAPS, PAGE 26  
UNRECORDED RESULTS OF SURVEY BY SAMUEL S. HERSEY, RLS # 11750  
JOB # 167-02-TM-05 DATED MAY 19, 1986  
UNRECORDED RESULTS OF SURVEY BY JAY N. VAUGHN, RLS # 14216  
JOB # 9745 DATED JULY 24, 1997

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 89°39'29" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 863 OF MAPS, PAGE 7, MARICOPA COUNTY RECORDS.

## LEGAL DESCRIPTION

PARCEL NO. 1:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION DEEDED TO THE CITY OF PEORIA IN DEED RECORDED AT DOCUMENT NO. 1988-110108; AND

EXCEPT THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32.

PARCEL NO. 2:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION DEEDED TO THE CITY OF PEORIA IN DEED RECORDED AT DOCUMENT NO. 1988-110108.

## PARCEL AREAS TABLE

PARCEL NO.	NET AREA (SQ. FEET)	NET AREA (ACRES)	GROSS AREA (SQ. FEET)	GROSS AREA (ACRES)
PARCEL NO. 1	688,660	15.8095	760,197	17.4517
PARCEL NO. 2	90,745	2.0832	108,916	2.5004
PARCEL NO. 3	853,517	19.5941	885,440	19.6382
TOTAL	1,632,922	37.4867	1,724,553	39.5903

GROSS AREA INCLUDES ALL LAND WITHIN THE DESCRIBED PARCEL BOUNDARIES. NET AREA EXCLUDES ALL ROADWAY AND RIGHT-OF-WAY EASEMENTS.

## LEGEND

- (R1) INDICATES RECORD INFORMATION PER BOOK 283, PAGE 2
- (R2) INDICATES RECORD INFORMATION PER BOOK 863, PAGE 7
- (M) INDICATES MEASURED INFORMATION
- MCHD INDICATES MARICOPA COUNTY HIGHWAY DEPARTMENT
- MCDOT INDICATES MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
- APN INDICATES ASSESSOR PARCEL NUMBER
- D/W INDICATES DRIVEWAY
- ⊙ INDICATES FOUND BRASS CAP FLUSH
- ⊠ INDICATES FOUND BRASS CAP IN HAND HOLE
- ⊗ INDICATES FOUND COTTON PICKER SPINDLE
- INDICATES FOUND MONUMENT AS NOTED
- ⊙<sub>PK</sub> INDICATES FOUND PK-NAIL
- ⊙<sub>RBR</sub> INDICATES FOUND REBAR
- INDICATES FOUND POST
- ⊙<sub>RBR</sub> INDICATES SET 1/2" REBAR WITH CAP LS#22782
- ⊙<sub>PK</sub> INDICATES SET PK NAIL WITH TAG LS#22782
- ⊠<sub>CB</sub> INDICATES COMMUNICATION JUNCTION BOX
- △<sub>TP</sub> INDICATES TELEPHONE PEDESTAL
- INDICATES DOWNGUY
- INDICATES POWER POLE
- ⊠<sub>EC</sub> INDICATES ELECTRIC CABINET
- ⊠<sub>EJB</sub> INDICATES ELECTRIC JUNCTION BOX
- ⊠<sub>EM</sub> INDICATES ELECTRIC METER
- ⊠<sub>CB</sub> INDICATES CATCH BASIN
- ⊙<sub>SD</sub> INDICATES MANHOLE STORM DRAIN
- ⊙<sub>S</sub> INDICATES MANHOLE SANITARY SEWER
- ⊙ INDICATES WATER VALVE
- ⊠<sub>WM</sub> INDICATES WATER METER
- ⊙<sub>TS</sub> INDICATES TRAFFIC SIGNAL POLE
- ⊙<sub>SP</sub> INDICATES STANDPIPE
- ⊙<sub>T</sub> INDICATES TREE (GENERIC)
- ⊙<sub>P</sub> INDICATES TREE - PALM
- ⊙<sub>G</sub> INDICATES GATE - SINGLE SWING
- INDICATES PROPERTY LINE (R)
- X — INDICATES FENCE AS NOTED
- ⊠<sub>C</sub> INDICATES CONCRETE (CONC.)
- ⊠<sub>P</sub> INDICATES PAVEMENT
- ① INDICATES SCHEDULE B ITEM NUMBER

## FLOOD ZONE CERTIFICATION

THIS IS TO CERTIFY THAT THIS PROPERTY IS LOCATED WITHIN THE SHADED ZONE "X" FLOOD HAZARD AREA PER FIRM MAP PANEL NUMBER 04013C1668L DATED OCTOBER 16TH, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

SHADED ZONE "X" AS DEFINED BY FEMA IS: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

## CERTIFICATION

TO D.R. HORTON, INC., A DELAWARE CORPORATION; MERELLA INVESTMENTS I LLC, AN ARIZONA LIMITED LIABILITY COMPANY; DHI TITLE AGENCY; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11(A), 13, 16 AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 02/12/2014.

DATE OF PLAT OR MAP: 02/21/2014

LARRY E. SULLIVAN  
REGISTRATION NUMBER 22782  
4550 N. 12TH STREET  
PHOENIX, ARIZONA 85014  
(602)-264-6831  
CVLSURVEY@CVLCI.COM

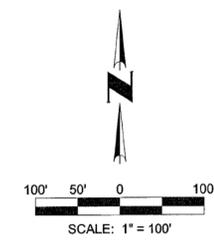
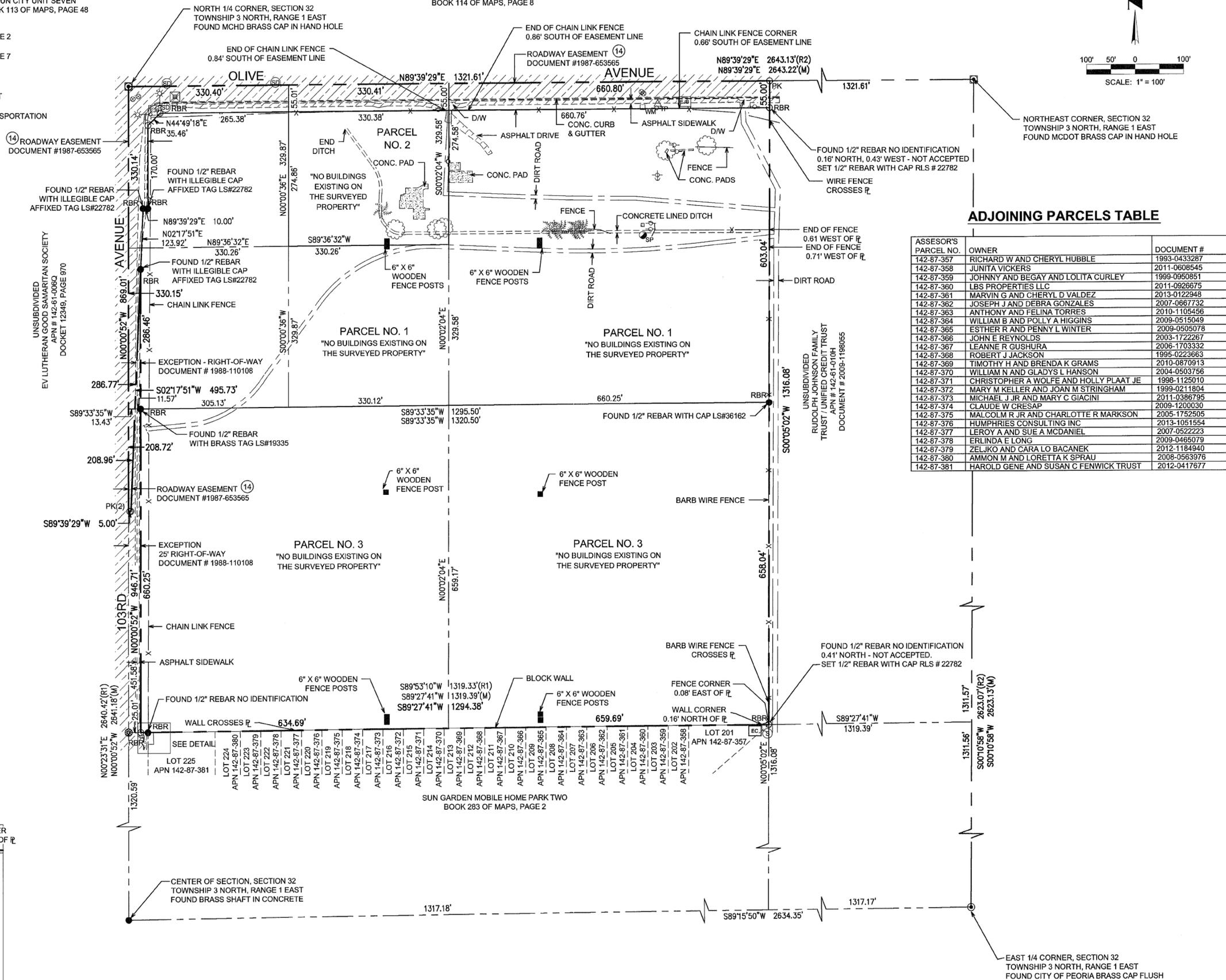
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**LEGEND**

- (R1) INDICATES RECORD INFORMATION PER BOOK 283, PAGE 2
- (R2) INDICATES RECORD INFORMATION PER BOOK 863, PAGE 7
- (M) INDICATES MEASURED INFORMATION
- MCHD INDICATES MARICOPA COUNTY HIGHWAY DEPARTMENT
- MCDOT INDICATES MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
- APN INDICATES ASSESSOR PARCEL NUMBER
- D/W INDICATES DRIVEWAY
- ⊙ INDICATES FOUND BRASS CAP FLUSH
- ⊠ INDICATES FOUND BRASS CAP IN HAND HOLE
- ⊗ INDICATES FOUND COTTON PICKER SPINDLE
- INDICATES FOUND MONUMENT AS NOTED
- PK INDICATES FOUND PK-NAIL
- RBR INDICATES FOUND REBAR
- INDICATES FOUND POST
- RBR INDICATES SET 1/2" REBAR WITH CAP LS#22782
- PK INDICATES SET PK NAIL WITH TAG LS#22782
- ⊠ CJB INDICATES COMMUNICATION JUNCTION BOX
- △ TP INDICATES TELEPHONE PEDESTAL
- INDICATES DOWNGUY
- INDICATES POWER POLE
- ⊠ EC INDICATES ELECTRIC CABINET
- ⊠ EJB INDICATES ELECTRIC JUNCTION BOX
- ⊠ EM INDICATES ELECTRIC METER
- ⊠ INDICATES CATCH BASIN
- ⊠ SD INDICATES MANHOLE STORM DRAIN
- ⊠ S INDICATES MANHOLE SANITARY SEWER
- ⊠ INDICATES WATER VALVE
- ⊠ WM INDICATES WATER METER
- ⊠ INDICATES TRAFFIC SIGNAL POLE
- ⊠ SP INDICATES STANDPIPE
- ⊠ INDICATES TREE (GENERIC)
- ⊠ INDICATES TREE - PALM
- ⊠ INDICATES GATE - SINGLE SWING
- INDICATES PROPERTY LINE (RL)
- X- INDICATES FENCE AS NOTED
- ▨ INDICATES CONCRETE (CONC.)
- ▨ INDICATES PAVEMENT
- ① INDICATES SCHEDULE B ITEM NUMBER

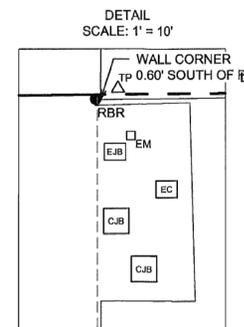
SUN CITY UNIT SEVEN  
BOOK 113 OF MAPS, PAGE 48

SUN CITY UNIT EIGHT  
BOOK 114 OF MAPS, PAGE 8



**ADJOINING PARCELS TABLE**

ASSESSOR'S PARCEL NO.	OWNER	DOCUMENT #
142-87-357	RICHARD W AND CHERYL HUBBLE	1993-0433287
142-87-358	JUNITA VICKERS	2011-0608545
142-87-359	JOHNNY AND BEGAY AND LOLITA CURLEY	1999-0950851
142-87-360	LBS PROPERTIES LLC	2011-0926675
142-87-361	MARVIN G AND CHERYL D VALDEZ	2013-0122948
142-87-362	JOSEPH J AND DEBRA GONZALES	2007-0967732
142-87-363	ANTHONY AND FELINA TORRES	2010-1105456
142-87-364	WILLIAM B AND POLLY A HIGGINS	2009-0515049
142-87-365	ESTHER R AND PENNY L WINTER	2009-0505078
142-87-366	JOHN E REYNOLDS	2003-1722267
142-87-367	LEANNE R GUSHURA	2006-1703332
142-87-368	ROBERT J JACKSON	1995-0223663
142-87-369	TIMOTHY H AND BRENDA K GRAMS	2010-0870913
142-87-370	WILLIAM N AND GLADYS L HANSON	2004-0503756
142-87-371	CHRISTOPHER A WOLFE AND HOLLY PLAAT JE	1998-1125010
142-87-372	MARY M KELLER AND JOAN M STRINGHAM	1999-0211804
142-87-373	MICHAEL J JR AND MARY C GIACINI	2011-0386795
142-87-374	CLAUDE W CRESAP	2009-1200030
142-87-375	MALCOLM R JR AND CHARLOTTE R MARKSON	2005-1752505
142-87-376	HUMPHRIES CONSULTING INC	2013-1051554
142-87-377	LERROY A AND SUE A MCDANIEL	2007-0522223
142-87-378	ERLINDA E LONG	2009-0465079
142-87-379	ZELKO AND CARA LO BACANEK	2012-1184940
142-87-380	AMMON M AND LORETTA K SPRAU	2008-0563976
142-87-381	HAROLD GENE AND SUSAN C FENWICK TRUST	2012-0417677



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**LEGAL DESCRIPTION  
103<sup>RD</sup> AVENUE AND OLIVE AVENUE  
NET BOUNDARY**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

EXCEPT THAT PORTION DEEDED TO THE CITY OF PEORIA IN DOCUMENT NO. 1988-0110108, M.C.R.;  
EXCEPT THE NORTH 33 FEET THEREOF, ACCORDING TO BOOK 3 OF ROAD MAPS, PAGE 29, M.C.R.;  
EXCEPT THAT PORTION DESCRIBED IN DOCUMENT NO. 1987-0653565, M.C.R.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTH QUARTER CORNER OF SAID SECTION 32, BEING A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 32, BEING A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, BEARS NORTH 89°39'29" EAST, A DISTANCE OF 2643.22 FEET;

**THENCE** NORTH 89°39'29" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1321.61 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32;

**THENCE** SOUTH 00°05'02" WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 55.00 FEET TO THE SOUTH LINE OF THE NORTH 55 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, SAID POINT BEING THE **POINT OF BEGINNING**;

**THENCE** CONTINUING SOUTH 00°05'02" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1261.07 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32;

**THENCE** SOUTH 89°27'41" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1294.38 FEET TO THE EAST RIGHT-OF-WAY OF 103<sup>RD</sup> AVENUE, AS DESCRIBED IN DOCUMENT NO. 1988-0110108, M.C.R.;

**THENCE** NORTH 00°00'52" WEST, ALONG SAID EAST RIGHT-OF-WAY, ALSO BEING THE EAST LINE OF THE WEST 25 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 946.71 FEET;

**THENCE** NORTH 02°17'51" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 123.92 FEET;

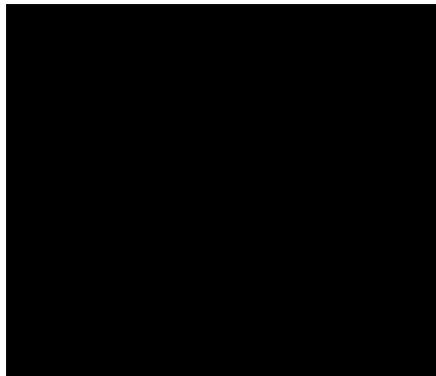
**THENCE** NORTH 89°39'29" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET;

**THENCE** NORTH 00°00'52" WEST, ALONG SAID EAST RIGHT-OF-WAY, ALSO BEING THE EAST LINE OF THE WEST 40 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 170.00 FEET TO THE SOUTH RIGHT-OF-WAY OF OLIVE AVENUE, AS DESCRIBED IN DOCUMENT NO. 1987-0653565, M.C.R.;

**THENCE** NORTH 44°49'18" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 35.46 FEET;

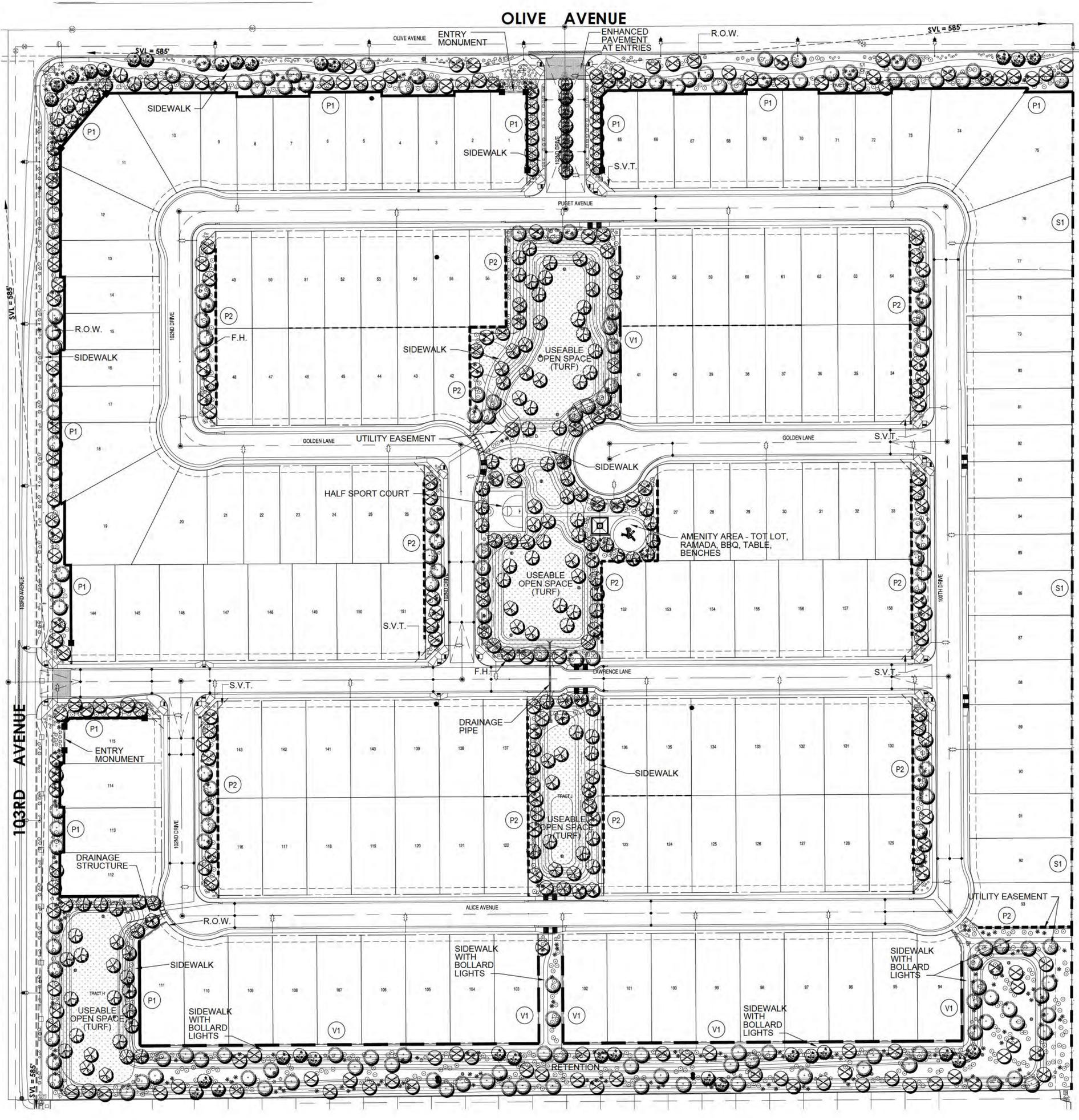
**THENCE** NORTH 89°39'29" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, ALSO BEING THE SOUTH LINE OF THE NORTH 55 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1256.52 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,632,922 SQUARE FEET OR 37.4867 ACRES, MORE OR LESS.



**CONCEPTUAL LANDSCAPE PLAN/STANDARDS & WALL DETAILS  
EXHIBIT 11**

PLOTTED: ELORDEN ON 03/25/2015 AT 02:34 PM. THIS DRAWING AND ANY ELECTRONIC MEDIA IS AN INSTRUMENT OF SERVICE AND SHALL REMAIN THE PROPERTY OF PINNACLE DESIGN, INC. WHETHER THE PROJECT FOR WHICH THIS DRAWING IS MADE IS EXECUTED OR NOT. THEY ARE NOT TO BE USED BY THE OWNER OR OTHER PROJECTS OR EXTENSIONS OF THIS PROJECT EXCEPT BY WRITTEN AGREEMENT AND/OR APPROPRIATE COMPENSATION TO PINNACLE DESIGN, INC. COPYRIGHT © 2012 PINNACLE DESIGN, INC.



### PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>			
	CAESALPINIA CACALACO 'SMOOTHIE'	THORNLESS CASCALOTE	24" BOX
	DALBERGIA SISSOO	SISSOO TREE	15 GAL.
	PARKINSONIA HYBRID	DESERT MUSEUM	24" BOX
	PISTACIA CHINENSIS 'RED PUSH'	RED PUSH PISTACHE	24" BOX
	PROSOPIS CHILENSIS	THORNLESS MESQUITE	15 GAL.
<b>SHRUBS</b>			
	CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE	5 GAL.
	LEUCOPHYLLUM LANGMANIAE	LYNNS LEGACY SAGE	5 GAL.
	EREMOPHILA MACULATA	VALENTINE BUSH	5 GAL.
	NERIUM OLEANDER	'PETITE PINK' OLEANDER	5 GAL.
	RUELLIA BRITTONIANA	BRITISH RUELLIA	5 GAL.
<b>ACCENTS</b>			
	AGAVE VILMORINIANA	OCTOPUS AGAVE	5 GAL.
	AGAVE GEMIFLORA	TWIN-FLOWERED AGAVE	5 GAL.
	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL.
<b>GROUNDCOVER</b>			
	CONVOLVULUS CNEORUM	BUSH MORNING GLORY	1 GAL.
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	1 GAL.
	ROSMARINUS OFFICINALIS	ROSEMARY	1 GAL.
	RUELLIA BRITTONIANA 'KATIE'	KATIE RUELLIA	1 GAL.
	BERMUDA GRASS	HYDROSEED	
<b>INERT GROUNDCOVER</b>			
	DECOMPOSED GRANITE	EXPRESS BROWN	3/4" SCREENED
	CONCRETE HEADER	6" WIDE	

### PRELIMINARY LANDSCAPE NOTES

**PLANTING**  
 THE SITE WILL BE LANDSCAPED IN ACCORDANCE WITH THE CITY OF PEORIA STANDARDS. ALL TREES AND SHRUBS ARE TO BE STAKED AND PLANTED IN ACCORDANCE WITH THE ARIZONA NURSERY ASSOCIATION PUBLISHED STANDARDS.

SIZES OF TREES AND SHRUBS WILL CORRESPOND WITH REQUIREMENTS SET BY THE CITY OF PEORIA. ALL PLANTING AREAS WILL RECEIVE A 2" DEPTH OF DECOMPOSED GRANITE AND SHALL BE TREATED WITH PRE-EMERGENT HERBICIDE.

NO TREES SHALL BE PLACED WITHIN ANY UTILITY EASEMENT.

**IRRIGATION**  
 THE IRRIGATION SYSTEM WILL CONSIST OF DRIP EMITTERS AND PRESSURE REGULATORS CONNECTED TO AUTOMATIC VALVES AND WILL BE TIED INTO AUTOMATIC CONTROLLERS AS REQUIRED. THE IRRIGATION SYSTEM SHALL PROVIDE 100% COVERAGE.

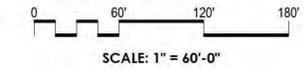
**GRADING**  
 ALL EARTHWORK WILL BE DONE SO THAT ALL MOISTURE DRAINS OFF AND AWAY FROM SIDEWALKS AND STRUCTURES.

### WALL KEY NOTES

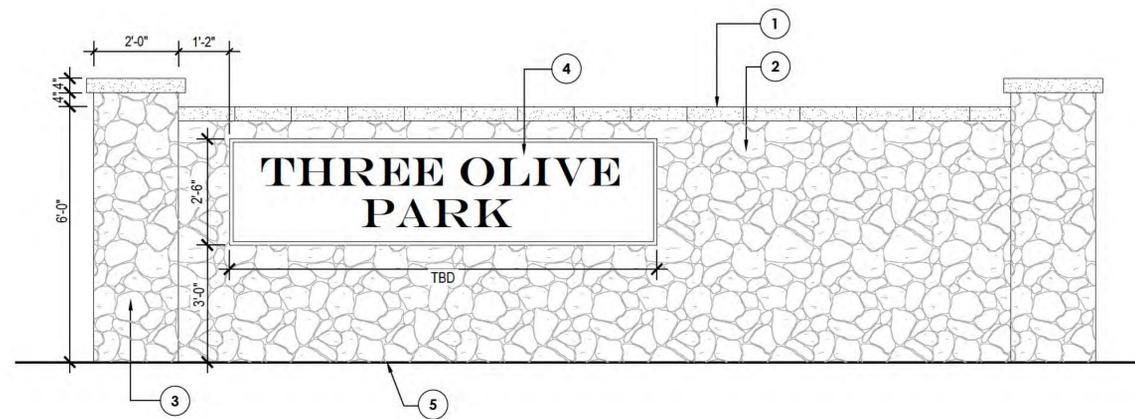
- P1 PERIMETER THEME WALL. SEE SHEET PL-2, ELEVATION.
- P2 SECONDARY PERIMETER THEME WALL.
- S1 6' HIGH STANDARD 4" X 8" X 16" BLOCK WALL WITH 8" X 8" X 16" "H" BLOCK PILASTERS 13' O.C.
- V1 6' HIGH VIEW FENCE- 4' WROUGHT IRON OVER 2' CMU
- ENTRY MONUMENT SIGN. SEE SHEET PL-2, ELEVATION.
- 2' X 2' CMU BLOCK COLUMN.

### SITE DATA

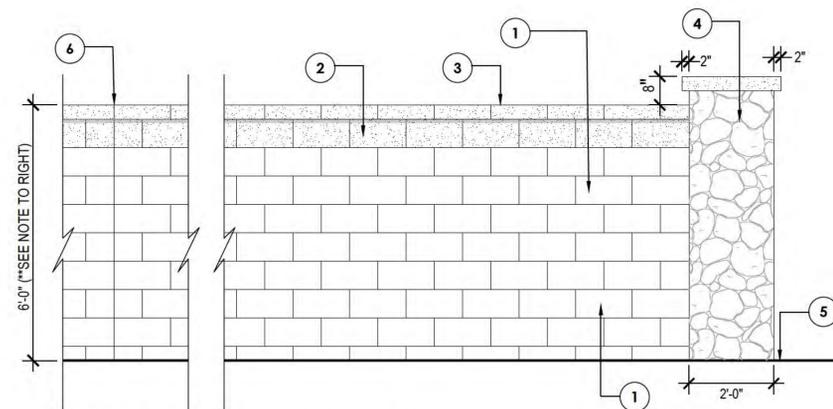
GROSS AREA:	1,740,794 S.F.
NET AREA:	1,585,640 S.F.
OPEN SPACE:	296,435 S.F.
OPEN SPACE:	17.03%
USABLE O.S.	237,166 S.F.
USABLE O.S.	13.62%



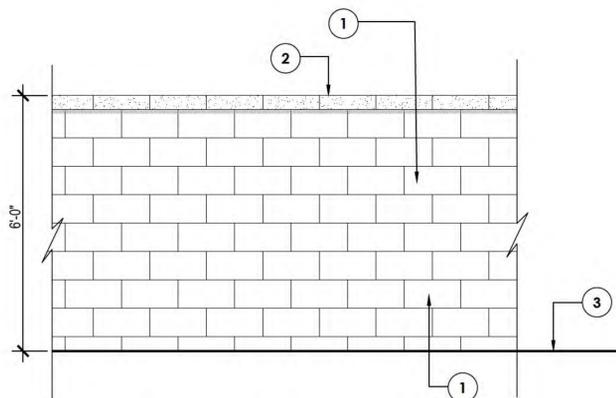
PLOTTED: ELORDEN ON 03/25/2015 AT 02:34 PM  
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**A ENTRY SIGNAGE WALL** SCALE: 1/2" = 1'-0"



**B THEME WALL (PERIMETER) WALL P1** SCALE: 1/2" = 1'-0"



**C SECONDARY THEME WALL (PERIMETER) WALL P2** SCALE: 1/2" = 1'-0"

**KEY NOTES**

- 1 8" x 4" x 16" SPLIT FACE WALL CAP. PAINT COLOR: FRAZEE 'COACH HOUSE' 8725A
- 2 6" x 8" x 16" CMU WITH STONE VENEER
- 3 24" SQ. REGULAR CMU COLUMN WITH PRECAST CAP. COLUMNS AT WALL ENDS, PAINT TO MATCH WALL.
- 4 SIGNAGE: SANDSTONE TILES ATTACHED TO WALL. LETTERS ATTACHED TO TILE. COLOR AND FONT STYLE: TBD. UPLIGHTS ON SIGNAGE
- 5 FINISH GRADE

NOTE:  
 STONE VENEER- ELDORADO STONE, COUNTRY RUBBLE IN TUSCANY COLOR.

WALL COLOR- FRAZEE 'COACH HOUSE' 8725A

**KEY NOTES**

- 1 6" x 8" x 16" CMU BLOCK. PAINT COLOR: FRAZEE 'COACH HOUSE' 8725A
- 2 6" x 8" x 16" SPLIT FACE CMU BLOCK. PAINT COLOR: FRAZEE 'MEADOWLARK' 8724M
- 3 8" x 4" x 16" SPLIT FACE CMU SOLID CAP BLOCK. PAINT COLOR: FRAZEE 'MEADOWLARK' 8724M
- 4 24" SQ. CMU COLUMN WITH STONE VENEER AND PRECAST CAP. COLUMNS AT WALL ENDS.
- 5 FINISH GRADE
- 6 WALL UNDULATION PER PLANS, UNDULATIONS AVG. 5" DEPTH

\*\*\*PER THE COMPLETED SOUND STUDY AN 8' HIGH BARRIER WALL WILL BE PROVIDED ALONG THE NORTH SIDE OF THE DEVELOPMENT. THE TOP OF WALL WILL BE A MINIMUM OF 8" ABOVE THE ADJACENT TOP OF CURB ELEVATION, WHICH MAY BE ACCOMPLISHED THRU BUILDING THE WALL ON A SLIGHT BERM TO REACH THESE REQUIRED HEIGHTS'

**SINGLE - FAMILY  
PRELIMINARY PLANTING DATA SHEET**

	REQUIRED	PROVIDED
<b>A. ON-SITE LANDSCAPE AREAS [14-35-4.A.1]</b>		
1. ADJACENT TO ARTERIAL STREETS (10 FEET) (2,460 L.F.)	24,600 S.F.	42,026 S.F.
2. ADJACENT TO COLLECTOR STREETS (8 FEET)**	N/A	N/A
3. ADJACENT TO LOCAL STREETS (8 FEET)** (2,105 L.F.)	16,840 S.F.	42,100 S.F.
<b>**REQUIREMENT APPLIED ALONG LOT SIDE AND REAR FRONTAGE AREAS</b>		
<b>B. REQUIRED DRAINAGE RETENTION / DETENTION AREAS [14-35-4.A.6]</b>	222,996 S.F.	222,996 S.F. (ALL RETENTION COUNTED AS USEABLE O.S.)
<b>C. USEABLE OPEN SPACE AREAS [DESIGN REVIEW MANUAL 20-70-12.C: &gt; 20 LOTS]</b>		
1. LOTS LESS THAN 10,000 SQUARE FEET (13% OF GROSS PROJECT AREA)	226,303 S.F.	258,549 S.F.
2. LOTS 10,000 - 18,000 SQUARE FEET (7% OF GROSS PROJECT AREA)	N/A	N/A
2. LOTS GREATER THAN 18,000 SQUARE FEET (5% OF GROSS PROJECT AREA)	N/A	N/A

**PLANT QUANTITIES**

	REQUIRED	PROVIDED
<b>STREET FRONTAGE LANDSCAPE AREAS [14-35-4.A.2]</b>		
D. TREES: 1 PER 25 LIN. FT. OF STREET FRONTAGE (8' OR 10' BUFFER + ROW) (4,566 L.F.)	183 TREES	190 TREES
E. SHRUBS: 5 PER 25 LIN. FT. OF STREET FRONTAGE (8' OR 10' BUFFER + ROW)	915 SHRUBS	950 SHRUBS
<b>DRAINAGE RETENTION / DETENTION + USEABLE OPEN SPACE AREAS [14-35-4.A.1]</b>		
F. TREES: 1 PER 1000 SQ. FT.	226 TREES	259 TREES
G. SHRUBS: 5 PER 1000 SQ. FT.	1,130 SHRUBS	1400 SHRUBS

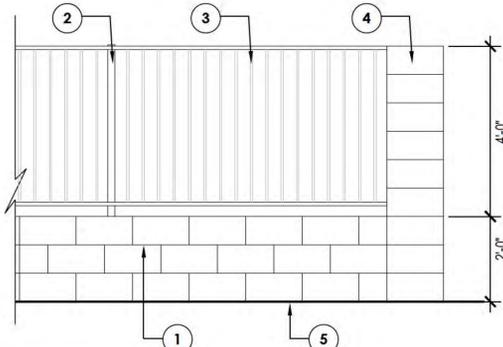
NOTE: USEABLE OPEN SPACE AREAS MAY OCCUPY THE SAME AREAS AS DRAINAGE (I.E. IMPROVED RETENTION BASINS)

**SPECIAL PLANTING REQUIREMENTS (PAD, ZONING, ETC)**

	REQUIRED	PROVIDED
<b>TOTALS</b>		
TOTAL LANDSCAPE AREAS (A + B + C)	267,743 S.F.	342,674 S.F.
TOTAL USEABLE OPEN SPACE PERCENT	13%	14.86%
TOTAL TREES (D + F)	409 TREES	449 TREES
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED TREES)	205 TREES	225 TREES
TOTAL SHRUBS (E + G)	2,045 SHRUBS	2,350 SHRUBS

**GENERAL NOTES**

- 1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
- 2. A DEVELOPMENT MAY SUBSTITUTE A 38" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 15 TREES FOR EVERY REQU RED (15) GALLON TREE.
- 3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
- 4. PLANT MATERIALS UT LIZED IN LANDSCAPED AREAS IN THE ROW MUST BE NCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE/DROUGHT TOLERANT PLANT LIST.
- 5. THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO NSTALL/MAINTAIN ALL LANDSCAP NG WITH N THE RIGHT-OF-WAY (LANDSCAPING WITHIN ROW WILL COUNT TOWARDS STREET FRONTAGE BUFFER PLANTING REQUIREMENTS).
- 6. A 3 FOOT CLEAR SPACE IS REQU RED AROUND ALL FIRE SUPPRESSION EQUIPMENT.
- 7. NO PLANTS SHALL BE INSTALLED THAT WILL ENCR OACH WHEN MATURE.
- 8. LANDSCAPING SHALL BE INSTALLED A MINIMUM OF TWO AND A HALF (2.5) FEET FROM THE BACK OF CURB IN ORDER TO ENSURE COMPLIANCE WITH 14-35-4.B.7.



**D VIEW FENCE- WALL V1** SCALE: 1/2" = 1'-0"

**KEY NOTES**

- 1 6" x 8" x 16" CMU BLOCK. PAINT COLOR: FRAZEE 'COACH HOUSE' 8725A
- 2 2" X 2" STEEL POSTS 14 GAUGE W/ CAST IRON FLAT CAP. SPACING 96" OR AS PER PLAN
- 3 1" X 1" SQ. TUBULAR STEEL RAIL WITH 3/4" SQ. PICKETS- PAINT BLACK
- 4 PILASTER AT LOT LINE
- 5 FINISH GRADE

**Peoria, AZ.**

**PRELIMINARY LANDSCAPE PLAN:  
THREE OLIVE PARK**

THIS EXHIBIT IS CONCEPTUAL AND IS SUBJECT TO CHANGE WITH FINAL CONSTRUCTION DOCUMENTS

Drawn By:	EL/NR
Job No:	14047
Date:	11.8.14
CITY COMMENTS	1.12.15
CITY COMMENTS	3.11.15

## Exhibit E

# **3 OLIVE PARK**

## **Public Participation Report**

SEC 103<sup>rd</sup> Avenue and Olive Avenue  
Peoria, Arizona

**39.96 Acres**  
**158 Lots**

Submitted by:

Empire Residential Communities Fund II, LLC  
6617 N. Scottsdale Road  
Scottsdale, Arizona 85250

Z14-0011-January 29, 2015

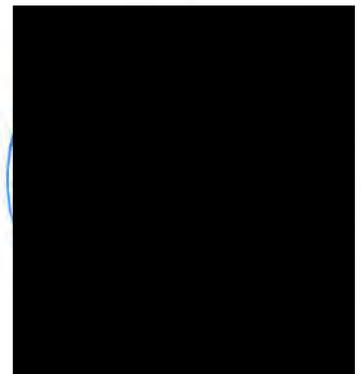


Exhibit E

## Notice of Neighborhood Meeting

January 9, 2015

Dear Neighbor,

You are cordially invited to a neighborhood meeting regarding a proposed Minor General Plan Amendment and Rezoning in your area.

The property is approximately 39.96 acres and located on the southeast corner of 103<sup>rd</sup> Avenue and Olive Avenue. We are requesting a zoning change from RM-1 and C-2 to PAD Single Family residential. This request is accompanied by a Minor General Plan Amendment that is requesting an alteration of the land use from Residential Medium High Density (8-15 du/ac, target of 12 du/ac) to Residential Medium Density (5-8 du/ac, target of 6.0 du/ac). This will allow for 158 new residential home lots with lot sizes ranging from 5,220 square feet up to 16,555 square feet with a maximum density of 4.00 dwelling units per acre.

A neighborhood meeting will be held at the time and place listed below to discuss the proposed General Plan Amendment and Rezoning and answer any questions you may have.

The neighborhood meeting will be held:

***Tuesday, January 27, 2015  
6:00 pm-7:00 pm  
Country Meadows Elementary School  
Science Lab  
8409 N. 111<sup>th</sup> Ave. Peoria. AZ 85345***

If you have any questions regarding this Proposed Minor General Plan Amendment and Rezoning, please contact Shelby Duplessis at Bowman Consulting Group (623) 299-8981.

Attachment: Project site map

Sincerely,

Shelby JM Duplessis, PE, LEED AP  
Senior Project Manager

3 Olive Park

NEIGHBORHOOD MEETING – January 27, 2015 6:00 pm

Present at meeting:

Shelby Duplessis – Bowman Consulting  
Tracy Grewe-Bowman Consulting  
Cody Gleason – City of Peoria  
Carlo Leone-City of Peoria Councilman  
Anthony Alejandro-City of Peoria Council Assistant  
Karen Gaabucayan- Empire Residential Communities

10 residents attended:

Mike & Mary Giacini  
Donna Holt  
Martha Eusebio  
David & Melanie Block  
Louis & Patricia Defillo  
Bill & Polly Higgins

Concerns/Responses:

- Shelby Duplessis started the meeting and explained the project and the process the developer will go through to get the project approved through the City of Peoria.
- One resident was concerned about the size of the tract at the south end of the property. Would it become a problem with kids jumping fences and loitering? Their house backs up to the project. They do not want kids bothering their fence. Also concerned about a two story house being built behind them. It was explained that the tract was intended to give the existing residents on south property line their privacy by putting in the significant tract as a buffer. It will be landscaped and maintained by the homeowner's association, therefore giving them a more aesthetic view. Also, there will be some view fencing for the new homes, which will discourage loitering. The landscape tract will provide access to the project's amenities and stub a sidewalk to the southeast corner of the property towards the river/future City trail head to the east. The client agreed to restrict the lot behind Mr. & Mrs. Higgins lot to a one-story home. The client also agreed to consider increasing vegetation to naturally increase the screening to the existing homes.
- 2 residents fully supported the landscape tract as it would be a safer area for leisurely strolls and walking along with connection to the proposed public amenities. In addition it would be better

to look at landscape than someone's back yard. They also believe this development will bring more value to their current homes.

- Concerns about increased traffic on 103<sup>rd</sup> since it is not fully improved. It was explained that 103<sup>rd</sup> Avenue is a planned City of Peoria Capital Improvement Program (CIP) project, which will most likely be completed if not soon thereafter by the time the homes are completed. These improvements will be completed by the City regardless of whether 3 Olive Park moves forward or not.
- Questions were asked regarding home prices and who the builder was? It was explained that the builder has not been decided yet, and as far as home prices it would be hard to determine due to the time frame before homes will start being sold and until the builder has been decided. This is a complex process and very dependent on timing and the current market conditions and demands at the time of sales. The plan would be for the project to be similar to Crosspointe at 91<sup>st</sup> Ave and Olive.
- The residents asked how high the wall would be around the entire community. It was explained that the City requires a minimum of 6'8" walls. A sound study is being completed to determine if the wall heights need to be increased in any areas due to anticipated traffic counts and sound levels.

**PINE DISTRICT PROPOSED PROJECT – 3 OLIVE PARK**  
**Tuesday, January 27, 2015 - 6:00p.m.**  
**Country Meadows Elementary School – Science Lab**

Name	Address	Email Address	Phone #
<i>CM</i> [Redacted] <i>4/20</i> [Redacted]	[Redacted]		
DONNA HOLT			
K. G. [Redacted]			
Martha Eusebio			
David & Melanie Blouh			
Louis & Patricia DeFillo			
Bill & Polly Higgins			

Exhibit E

March 16, 2015

Dear Neighbor,

You are receiving this letter as a follow up to the Neighborhood Meeting you attended on January 27, 2015 regarding the property located at the SEC of 103<sup>rd</sup> Avenue and Olive Avenue. We would first like to thank you for taking the time to meet with us. We appreciate everyone's time as we know life can be hectic. As a courtesy we are sending you the attached revised site plan. As you will see we have connected the linear open space in the middle of the site to encourage even more pedestrian activity and connectivity. We believe this is an even better plan.

We would also like to clarify information provided regarding the requirements for subdivisions in the City of Peoria. The reference I made to the design review manual 20-78-3.II.C.I.b states that "no more than two (2) consecutive lots (adjacent side lot lines) shall share the same standard plan and elevation", which does not include two-story home limitations. Therefore, as agreed in the meeting we will restrict lot #99 to a single story. No other restrictions will be required regarding 2-story homes.

If you have any questions regarding this requirement please contact Shelby Duplessis at Bowman Consulting Group (623) 299-8981.

Sincerely,



Shelby JM Duplessis, PE, LEED AP  
Senior Project Manager

## Exhibit F



Certification of Adequate School Facilities  
for  
Residential Rezoning-

City Application Number: \_\_\_\_\_

City Staff Contact: City of Peoria Telephone: 623-773-7700

Property Address: SEC of 103rd Ave & Olive Ave

Property Size: 39.82 acres

Existing Zoning: RM-1 and C-2 Proposed Zoning: R1-6 PAD

Existing Dwelling Unit Potential: Single Family: 0 Multi-Family: \_\_\_\_\_

Proposed# of Dwelling Units: Single Family: 160 Multi-Family: \_\_\_\_\_

Net Increase in Dwelling Units from Existing Zoning:  
Single Family: 160 Multi-Family: \_\_\_\_\_

Affected School District(s): Elementary: Peoria Unified School District  
Middle: Peoria Unified School District  
High School: Peoria Unified School District

Impacted School(s): Elementary: Country Meadows Elementary  
Middle: Country Meadows Elementary  
High School: Raymond S Kellis High School

Applicant/Contact for Rezoning Application: Bowman Consulting Group - Shelby Duplessis

Address: 14100 N. 83rd Avenue, Suite 250, Tempe, AZ 85381

Telephone: 623.299.8981 Fax: 602.800.5103

Email: sduplessis@bowmanconsulting.com

Sent for Certification to: \_\_\_\_\_

Referred Date: 11/3/14

Response Deadline: 11/10/14

If no response is received by this date, it will be assumed that there are adequate school facilities for the proposed rezoning.

Response Date: 11/12/14





ORDINANCE NO. 2015-20

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM INTERMEDIATE COMMERCIAL (C-2) AND MULTI-FAMILY RESIDENTIAL (RM-1) TO PLANNED AREA DEVELOPMENT (PAD) DISTRICT FOR A DEVELOPMENT KNOWN AS THREE OLIVE PARK; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on June 18, 2015 in zoning case Z14-0011 in the manner prescribed by law for the purpose of considering an amendment to the zoning district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of land as described below from Intermediate Commercial (C-2) and Multi-Family Residential (RM-1) to a Planned Area Development (PAD) zoning district as provided in Section 14-33 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on May 29, 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 Intermediate Commercial (C-2) and Multi-Family Residential (RM-1) to Three Olive Park Planned Area Development (PAD) zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall substantially conform to the “Three Olive Park PAD” Narrative and Standards and Guidelines report dated April 2, 2015 and Conceptual Plans (Preliminary Plat) included in the standards and guidelines report presented to the Planning and Zoning Commission on June 18, 2015.
2. The development shall be limited to a maximum of 158 lots.
3. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site with the Civil Improvement Plans.
4. A Final Drainage Report must be submitted with the 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 on-site & off-site flows. The drainage report shall take into effect the adjacent drainage ways.
  - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
  - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas). A drainage easement shall be recorded over each retention/detention area within the project for both “public” and “private” basins.
5. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
6. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.

7. The Developer will be responsible to form a Street Light Improvement District (SLID) for this subdivision. A SLID Submittal will be required with the second submittal of the improvement plans.
8. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision. The MID submittal shall be made with the second submittal of the improvement plans.
9. The Developer shall dedicate ROW along the frontage of the project on the following streets: 65' ROW on Olive Avenue and 55' ROW on 103rd Avenue.
10. The Developer shall dedicate an 8' PUE outside of all ROW. No walls, retention, or trees shall be allowed within the PUE.
11. The Developer is responsible for constructing the half-street for 103rd Avenue along the frontage of the project. The City is currently in the design stage of a CIP project to improve 103rd Avenue that intends to include the half-street improvements adjacent to this development. The construction for this CIP project is scheduled to start in early 2016. When the CIP project starts construction that includes these improvements, the responsibility of the developer to construct the half street from monument line to the back of curb will be met, with the Developer only being required to dedicate the necessary right-of-way at no cost to the City. All other improvements behind the back of curb will still be the responsibility of the developer.
12. 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.
13. In order to provide sewer to this project, the existing transformer located south of the southeast corner of this site will have to be relocated. This shall be at the sole cost of the Developer.

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 26<sup>th</sup> day of August , 2015.

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

Published in: Peoria Times  
Publication Date: September 4, 2015  
Effective Date:

**EXHIBIT A**  
**Legal Description**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 3 NORTH, RANGE  
1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA  
COUNTY, ARIZONA,

EXCEPT THAT PORTION DEEDED TO THE CITY OF PEORIA IN DOCUMENT NO.  
1988-0110108, M.C.R.; EXCEPT THE NORTH 33 FEET THEREOF, ACCORDING TO  
BOOK 3 OF ROAD MAPS, PAGE 29, M.C.R.; EXCEPT THAT PORTION DESCRIBED  
IN DOCUMENT NO. 1987-0653565, M.C.R.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32, BEING  
A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN  
HAND HOLE, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 32,  
BEING A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP  
IN HAND HOLE, BEARS NORTH 89°39'29" EAST, A DISTANCE OF 2643.22 FEET;

THENCE NORTH 89°39'29" EAST, ALONG THE NORTH LINE OF THE NORTHEAST  
QUARTER OF SAID SECTION 32, A DISTANCE OF 1321.61 FEET TO THE  
NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST  
QUARTER OF SAID SECTION 32;

THENCE SOUTH 00°05'02" WEST, ALONG THE EAST LINE OF THE NORTHWEST  
QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE  
OF 55.00 FEET TO THE SOUTH LINE OF THE NORTH 55 FEET OF THE  
NORTHEAST QUARTER OF SAID SECTION 32, SAID POINT BEING THE POINT OF  
BEGINNING;

THENCE CONTINUING SOUTH 00°05'02" WEST, ALONG SAID EAST LINE, A  
DISTANCE OF 1261.07 FEET TO THE SOUTHEAST CORNER OF THE  
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION  
32;

THENCE SOUTH 89°27'41" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST  
QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE  
OF 1294.38 FEET TO THE EAST RIGHT-OF-WAY OF 103RD AVENUE, AS  
DESCRIBED IN DOCUMENT NO. 1988-0110108, M.C.R.;

THENCE NORTH 00°00'52" WEST, ALONG SAID EAST RIGHT-OF-WAY, ALSO  
BEING THE EAST LINE OF THE WEST 25 FEET OF THE NORTHEAST QUARTER  
OF SAID SECTION 32, A DISTANCE OF 946.71 FEET;

**EXHIBIT A**  
**Legal Description**  
(continued)

THENCE NORTH 02°17'51" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 123.92 FEET;

THENCE NORTH 89°39'29" EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET;

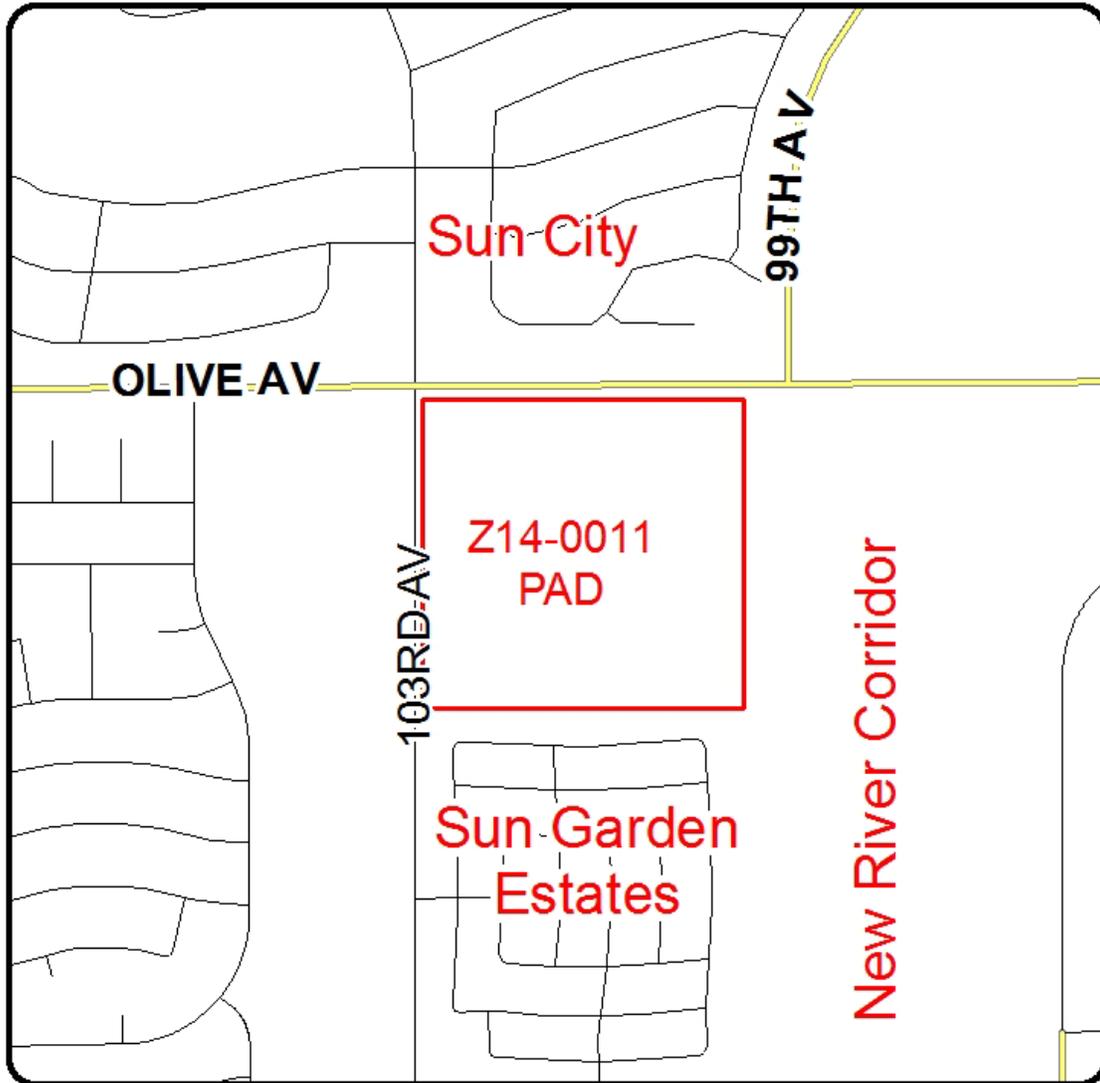
THENCE NORTH 00°00'52" WEST, ALONG SAID EAST RIGHT-OF-WAY, ALSO BEING THE EAST LINE OF THE WEST 40 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 170.00 FEET TO THE SOUTH RIGHT-OF-WAY OF OLIVE AVENUE, AS DESCRIBED IN DOCUMENT NO. 1987-0653565, M.C.R.;

THENCE NORTH 44°49'18" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 35.46 FEET;

THENCE NORTH 89°39'29" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, ALSO BEING THE SOUTH LINE OF THE NORTH 55 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1256.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,632,922 SQUARE FEET OR 37.4867 ACRES, MORE OR LESS.

**EXHIBIT B**



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 38R

**Date Prepared: August 10, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Agreement, Haydon Building Corp, Police Patrol Services Building & Offsite Improvements, Lake Pleasant Pkwy South of Pinnacle Peak Road (Solicitation No. P15-0065), Project No. PD00021.

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**Purpose:**

This is a request for the City Council to approve a professional services agreement to Haydon Building Corp in the amount of \$1,475,303 for design and preconstruction services for a new police patrol services building and related offsite improvements, located at Lake Pleasant Parkway, south of Pinnacle Peak Road.

**Background/Summary:**

In 2000, the City of Peoria constructed a single story, 21,700 square feet joint Police and Fire facility in then northern Peoria. The now centrally located joint use facility located at 23040 North Lake Pleasant Parkway, houses approximately 10,800 square feet of Police substation functions, while the balance of the facility houses the City's Fire Station No. 5. In 2009, the City purchased additional land to the immediate north of the facility and expanded the site and site infrastructure to resolve increased demands for both public and private parking. The master planning effort identified a future building pad and gave consideration to a northward expansion of the existing building.

In 2012, the City commissioned a space planning study to translate Police Department service delivery and growth projections into a building program, evaluating whether building space needs could be accommodated over time on the remaining land and building pad site. Internal Police Department and external citizen stakeholders were engaged during the study, bringing focus to a vision for the site which could not be accommodated within the limitations of the remaining land area. The study reached a point of pause and the City began the process of aligning capital budgets and land purchase opportunities, ultimately purchasing an additional six acre parcel to the immediate north of the site in late 2014.

With the additional land available, the space planning study resumed and concluded in early 2015. The resultant “Pinnacle Peak Public Safety Facility Campus Expansion Study” outlined the City’s near and long term building program needs and graphically illustrated a multi-phase building and site development project (depicted below). The purchase of the adjacent land parcel supports the stakeholder vision of a welcoming multi-building campus serving both public safety and future community facility needs.

Both the initial and subsequent purchases of land and expansion of program northward contemplated the eventual and complete improvement of 102nd Avenue and Pinnacle Peak Road, west of Lake Pleasant Parkway. Currently, northbound egress from the Pinnacle Peak site is only feasible by way of an emergency vehicle median cut in Lake Pleasant Parkway. This project’s improvements of 102<sup>nd</sup> Avenue, in conjunction with improvements to Pinnacle Peak Road, as part of CIP project EN00151 – Pinnacle Peak Road & 102<sup>nd</sup> Avenue Widening will significantly enhance northbound service response. A southbound deceleration lane and emergency traffic signal improvements are also programmed as part of this project at the main driveway into the Pinnacle Peak Public Safety Facility (PPPSF).

The new Police Patrol Services Building is initially programmed to be a single story, 15,000-17,000 square foot (+-) free standing building constructed on the newly acquired six acre parcel, positioned north of the existing PPPSF secure parking compound. To tie secure operations to the established secure public safety parking facilities, the building will be set back from Lake Pleasant Parkway, biased toward the rear of the site. The proposed campus site plan contemplates the future development of a community oriented facility with a significant Lake Pleasant Parkway presence.

*From “Pinnacle Peak Public Safety Facility Campus Expansion Study – March 2015”*



The Design Build delivery method was determined by staff to be the most appropriate delivery method for this project. This method involves two phases that include program validation, design, and preconstruction as the first phase and the actual construction and construction administration of the project as the second phase. Phase one will result in a Guaranteed Maximum Price (GMP) for construction and fixed construction schedule.

The City issued a statement of interest and qualifications for Design Build Services. The solicitations were advertised in the Peoria Times, as well as McGraw-Hill Dodge, Bid Net, Bid Ocean, IMS, Construction Market Data, IDT Contractors Plan Room, Grand Canyon Minority Contractors, Shirley’s Plan Service, and posted on the City of Peoria Materials Management web site. Ten design build teams responded to the advertised requests. Five design build teams were selected for interviews. The design build team of Haydon Building Corp with Corgan|MWL Architects was ultimately selected by the selection committee as the most advantageous and qualified team for this project. Haydon Building Corp has delivered multiple projects to the City of Peoria using the design build delivery method, including: Rio Vista Phase II Park & Recreation Center, Sunrise Mountain Library, Municipal Campus Central Plant Upgrades, Development & Community Services Building, and Pioneer Community Park.

The project will also include the following City-paid project expenses:

\$ 22,000	Geotechnical, Environmental, and/or Land Title Reports
\$ 279,000	City paid plan review, permit, and development impact fees
\$ 7,500	US Green Building Council fees
\$ 10,000	Arizona Public Service capital charges
\$ 15,000	Cox & Century Link capital charges
\$ 3,500	Aerial photography services
\$ 20,000	Third party Commissioning Agent services
\$ 50,000	Owner’s design & soft cost contingency
<hr/>	
\$ 407,000	Total expenditure authority for City paid project expenses
\$ 1,475,303	Professional services contract to Haydon Building Corp
<hr/>	
\$ 1,882,303	Total Haydon Agreement + City Paid Expenses

The proposed project schedule is as follows:

August 2015	Design build team professional services contract approvals
Summer 2016	Council approval of construction contract
Fall 2017	Construction completion
Winter 2018	LEED Certification achieved

**Previous Actions:**

There are no previous actions pertaining to Haydon Building Corp for this project. Previous Council actions pertaining to the expansion of the Pinnacle Peak Public Safety Facility include:

November 25, 2014	Land Acquisition 6.1 Acre Parcel Immediately North of the PPPSF
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**Future Actions:**

The project’s design schedule anticipates the development and approval of a Guaranteed Maximum Price contract for construction before the Council’s July 2016, summer recess.

**Options:**

- A:** Approve a professional services agreement to Haydon Building Corp in the amount of \$1,475,303 for design and preconstruction services for a new police patrol services building and related offsite improvements located at Lake Pleasant Parkway, south of Pinnacle Peak Road.
- B:** Deny or defer the award of a professional services agreement to Haydon Building Corp. The ultimate issuance of a GMP construction contract is timed for approval before the Council’s July 2016 summer recess. The project schedule would be re-evaluated relative to that schedule constraint.

**Staff’s Recommendation:**

Staff recommends that Council approve a professional services agreement to Haydon Building Corp in the amount of \$1,475,303 for design and preconstruction services for a new Police Patrol Services Building and related offsite improvements.

**Fiscal Analysis:**

Funding up to \$ 1,882,303 for this award and the related city paid project expenses is available in the 2016 Capital Improvement Program in the following Building Improvements accounts:

4251-4251-540500-CIPPS-PD00021	Proposed GO Bonds
7930-7930-540500-CIPPS-PD00021	Law Enf Dev Impact Fees (Pre 1/1/12)
7931-7931-540500-CIPPS-PD00021	Law Enf Dev Impact Fees (Post 1/1/12)
7932-7932-540500-CIPPS-PD00021	Law Enf Dev Impact Fees (2014)

**Narrative:**

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

**Exhibits:**

- Exhibit 1: Location Map
- Exhibit 2: Vicinity Map

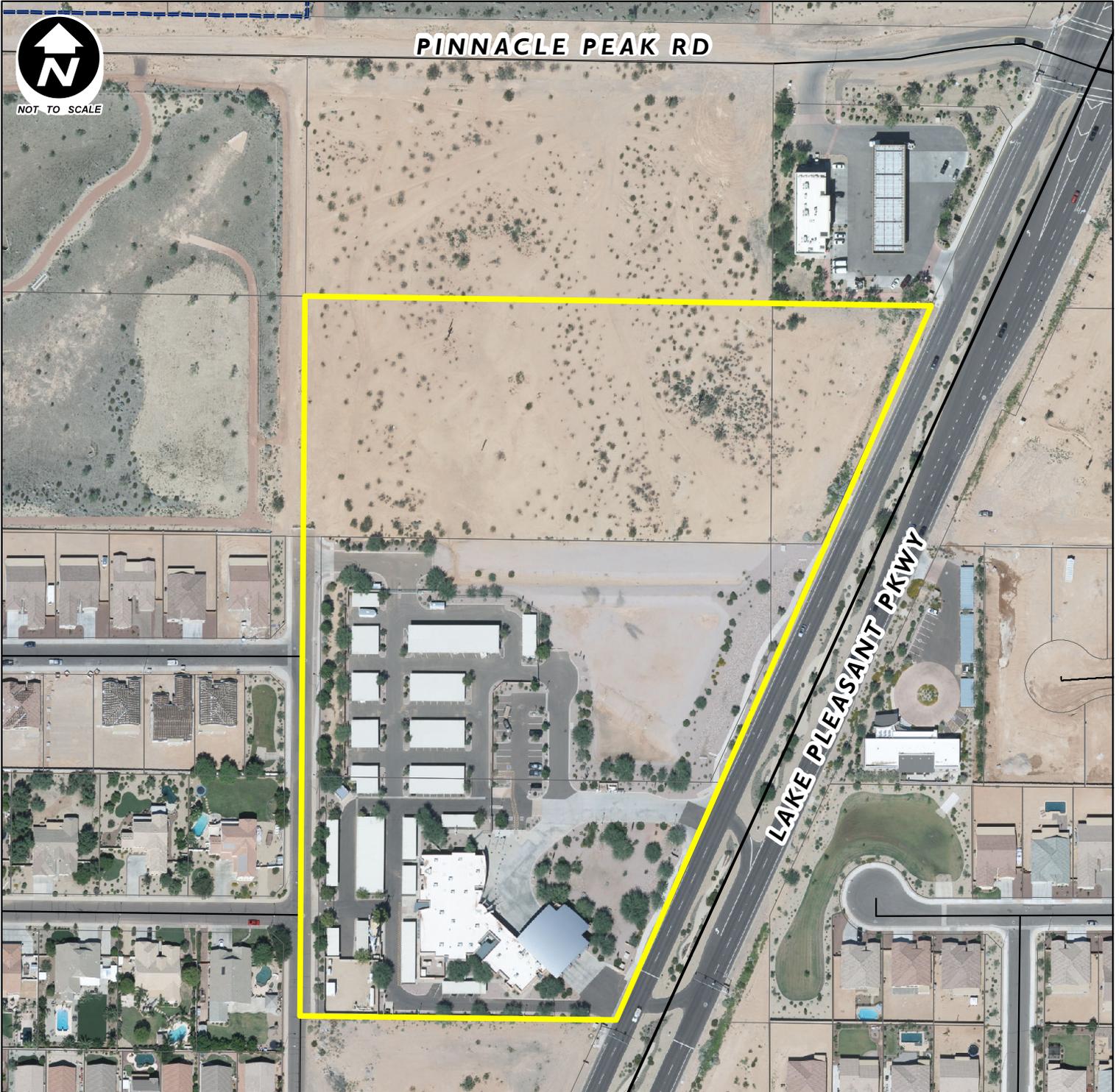
**Contact Name and Number:** Edward Striffler, Design & Construction Manager, 623-773-7721



NOT TO SCALE

**PINNACLE PEAK RD**

**LAKE PLEASANT PKWY**



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



NOT TO SCALE



**LEGEND**

★ 23040 N. Lake Pleasant Pkwy



# City Council Calendar

Color Key:  
City Clerk  
City Council

< July	August 2015					September >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	<b>26</b> <a href="#">Special City Council Meeting &amp; Study Session</a> <a href="#">Regular City Council Meeting</a>	27	28	<b>29</b> <a href="#">City Council Workshop</a>
30	31					



# City Council Calendar

Color Key:  
City Council

< August	September 2015					October >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	<b>8</b> <a href="#">Special City Council Meeting &amp; Study Session</a> <a href="#">Regular City Council Meeting</a>	9	10	11	12
13	14	15	16	17	18	19
20	21	<b>22</b> <a href="#">Regular City Council Meeting</a>	23	24	25	26
27	28	29	30			



# City Council Calendar

Color Key:  
City Council

< September	October 2015					November >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	<b>6</b> <a href="#">Regular City Council Meeting</a>	7	8	9	10
11	12	13	14	15	16	17
18	19	<b>20</b> <a href="#">Special City Council Meeting &amp; Study Session</a> <a href="#">Regular City Council Meeting</a>	21	22	23	24
25	26	27	28	29	30	31

**CITY OF PEORIA, ARIZONA  
CITY MANAGER REPORT**

Agenda Item: RCM 40A

**Date Prepared: August 4, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

**FROM:** John Imig, I.T. Director/Chief Technology Officer  
Chris Jacques, AICP, Director of Planning and Community Development

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

**SUBJECT:** Homeowners Association (HOA) Interactive Map Available Publicly

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**Summary:**

Staff from the Planning and Community Development and Information Technology Departments partnered to create a new interactive Homeowners Association (HOA) map which is now available to City staff and members of the public via the City's website.

The map is continuously updated as new development occurs and currently identifies 229 HOA communities and 149 neighborhoods not represented by a formal association. By clicking on the color coded map in the area desired, key contact information for the HOA will be displayed including a representation of the community boundary. Areas not represented by an HOA will show the neighborhood name (if any) and are clearly marked as "non-HOA" in the pop-up screen.

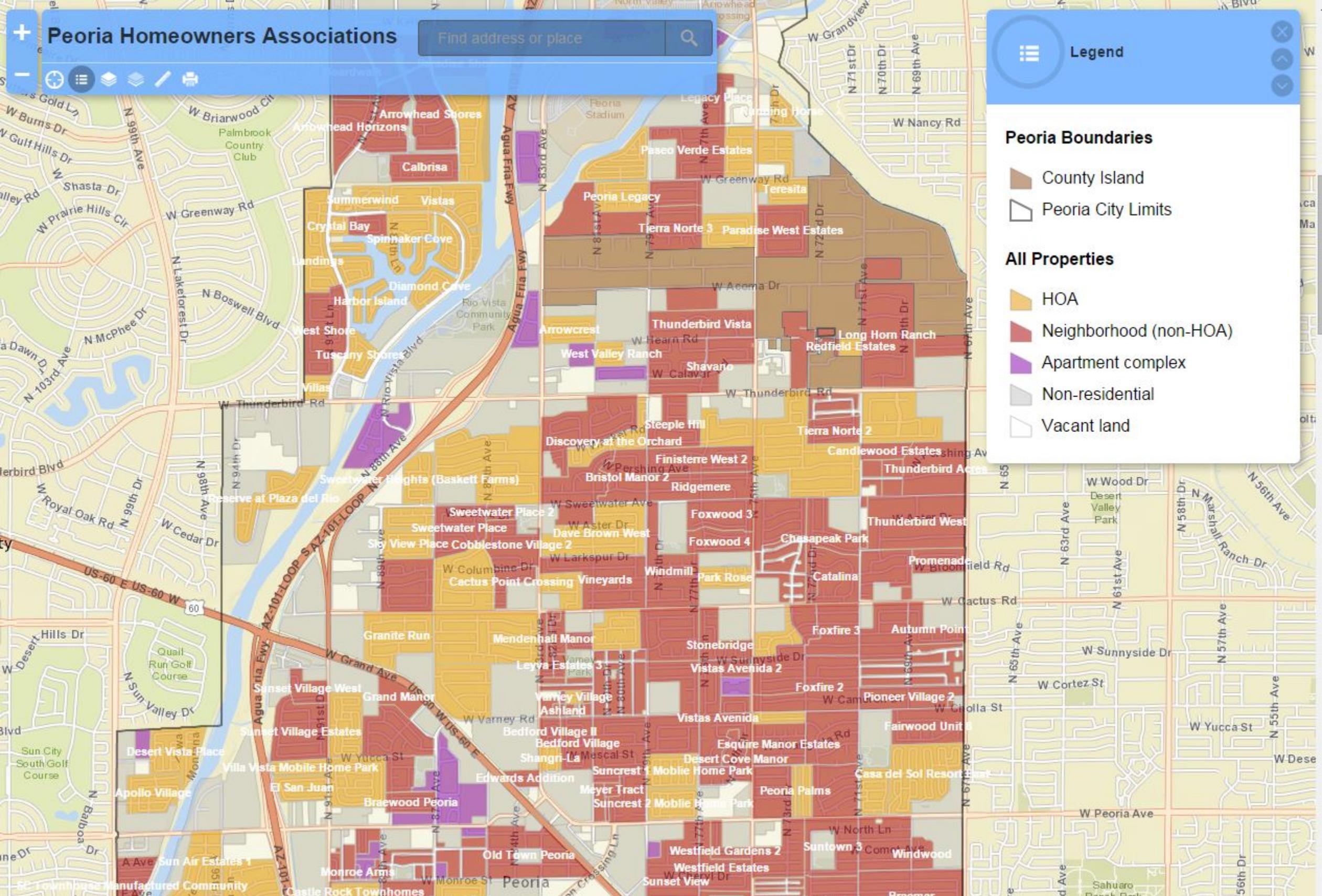
The new map can be used by the general public to easily locate HOA contact information in order to ask a question or report an issue. Also, the information will help potential residents determine if their home search is within an HOA boundary. City staff utilizes the map mainly for public notifications and to contact HOA management when necessary for a project.

The map, which went live in July 2015, is available for viewing by visiting the website at [www.peoriaaz.gov/neighborhood](http://www.peoriaaz.gov/neighborhood) and clicking on "HOA Interactive Map."

**Exhibit(s):**

**Exhibit 1:** HOA Map Display

**Contact Name and Number:** Carin Imig, Neighborhood and Revitalization Manager, x7381



# Peoria Homeowners Associations

Find address or place



Legend

## Peoria Boundaries

- County Island
- Peoria City Limits

## All Properties

- HOA
- Neighborhood (non-HOA)
- Apartment complex
- Non-residential
- Vacant land

**CITY OF PEORIA, ARIZONA  
CITY MANAGER REPORT**

Agenda Item: RCM 40B

**Date Prepared: August 5, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

**FROM:** John R. Sefton Jr., Community Services Director

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT:** 2016 Fine Art Grant Recipients

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**SUMMARY:**

Each year, in the budget process, grant funding is requested in the Arts Division to support the promotion of fine arts throughout Peoria. Several non-profit organizations are able to deliver exceptional programs and services for Peoria residents in the areas of visual and performing arts. The goal of the grant program is to assist non-profit organizations and schools with funding in order to enhance events and activities that benefit Peoria residents.

This year's requests, like previous years, are beneficial in several areas such as:

- allowing organizations to participate in city-sponsored events
- enhancing art and band programs at Peoria Unified School District schools
- bringing the arts to underserved and abused children
- assisting art organizations with a significant presence in Peoria

Grant awards for FY 2016 to the various organizations range from \$600 up to \$2,500. A full listing of this year's requests, recommended art grant recipients with recommended funding level, and program description of the grant request are included in Exhibit #1.

Several criteria must be met as part of the minimum qualifications for each grant application: The recipient must be a tax exempt 501(c)3 not-for-profit individual or organization; applicant schools must be located within the city of Peoria; grants for festivals must be held in the city of Peoria; the individual or organization must operate in the city of Peoria or serve residents of Peoria; and each applicant awarded a grant must fulfill all contractual requirements, such as providing an annual report.

Once the applications are submitted, a process that has been established for several years is used to review, rank, and recommend every application. All grant applications were reviewed by a mixed panel consisting of Arts Commission members, a representative from an outside art organization and staff. The grants were assessed in seven categories, including the

organization's information, activities and schedule of events, justification, evaluating outcomes, project personnel, timeline and schedule of activities, and budget. Every application is given a score from every panel member. Based on the average point totals, staff recommends funding in various amounts for further evaluation by the Arts Commission.

The Peoria Arts Commission conducted further evaluation of the applications, discussed and unanimously approved the recommendations at its July 14, 2015 meeting.

Summary information regarding the recipients from fiscal year 2015 is included in Exhibit #2.

**Exhibit(s):** Exhibit 1: List of FY 2016 Art Grant Applicants and Recipients  
Exhibit 2: Summary Information Regarding FY 2015 Recipients

**Contact Name and Number:** John R. Sefton Jr., 623-773-7135

## Recommended Program Art Grant Recipients FY 2016

Organization	Address	Program Description	Requested Amount	Amount Approved
Act One	910 E. Osborn, Ste. C Phoenix	Trip Program for Ira Murphy Students	\$ 2,500	\$ 2,100
Arizona Broadway Theater	7701 W. Paradise Lane, Peoria	Performance at Library	\$ 2,500	\$ 2,100
Center Dance Ensemble	231 W. Frier Drive, Phoenix	Performances at Peoria Schools	\$ 2,500	\$ 2,500
Childsplay	900 S. Mitchell Drive, Tempe	Peoria School Touring	\$ 2,500	\$ 2,400
Free Arts of Arizona	103 W. Highland Ave. Ste. 200 Phoenix	Free Arts for Underserved Children	\$ 2,500	\$ 2,400
Peoria Fine Arts Association	8117 W. Pamela Lane, Peoria	PUSD High School Scholarship Program	\$ 1,000	\$ 600
Peoria Unified School District	6330 W. Thunderbird Road, Glendale	Peoria Arts & Culture Festival	\$ 2,500	\$ 2,500
Theater Works	8335 W. Peoria Avenue, Peoria	Stardust Teen Touring at a City Event	\$ 2,500	\$ 1,800
Theater Works	8335 W. Peoria Avenue, Peoria	Puppet Works Program for Youth	\$ 2,500	\$ 1,600
WHAM	19765 Cobblestone Court, Surprise	Traveling Art Studio	\$ 2,500	\$ 2,100
WHAM	19765 Cobblestone Court, Surprise	Bring Arts to Vets	\$ 2,480	\$ 1,600
West Valley Art Museum	PO Box 6377, Peoria	Mind of the Artist Series at City Hall Art Gallery	\$ 2,500	\$ 1,900
West Valley Art Museum	PO Box 6377, Peoria	Children's Art Studio at City Event	\$ 2,200	\$ 1,600
			<b>\$ 30,680</b>	<b>\$ 25,200</b>

## Program Arts Grants 2015

Organization	Program Description	Grant Award	Number of Individuals who benefited
Arizona Broadway Theatre	Performance at Library	\$1,500	55
Ballet AZ	Student Performances	\$1,800	122
Center Dance	8 Performances at 5 PUSD Schools	\$2,500	2,800
Childsplay	Performances at Elementary Schools	\$2,500	6,600
Free Arts of AZ	Free Art classes for Peoria students of need (4 events - Performance, Scavenger Hunt Phoenix, Performance at GCU, Scavenger Hunt in Glendale)	\$1,700	62
Glendale Pipes and Drums	Performances at Terramar and Desert Harbor Elementary Schools and the Sports Complex	\$1,400	1,000
PUSD Elementary Honor Jazz Band	Vibraphone	\$2,200	1,000
Peoria Fine Arts Association	H.S. Scholarship program	\$1,000	2
PUSD Arts	Arts & Culture Festival	\$2,500	14,000
Scottsdale Cultural Council	Wolf Trap, pre-school performance	\$2,000	80
Theater Works	Teen Workshop Performances	\$2,100	8,000
Theater Works	Puppet Works	\$2,100	4,000
WHAM	Art Workshop at Bravo Peoria	\$1,900	250
Totals:		\$25,200	37,971

**CITY OF PEORIA, ARIZONA  
CITY MANAGER REPORT**

Agenda Item: RCM 40C

**Date Prepared: August 10, 2015**

**Council Meeting Date: August 26, 2015**

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** APWA Arizona Chapter - 2015 Public Works Project of the Year Award

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**Summary:**

On July 15<sup>th</sup>, the Arizona Chapter of the American Public Works Association (APWA) awarded the City of Peoria the 2015 Public Works Project of the Year Award. The award was bestowed upon the Peoria Sports Complex Improvements in the Structures, \$25M to \$75M category. "The APWA Public Works Project of the Year was established to promote excellence in the management and administration of public works projects by recognizing the alliance between the managing agency, the consultant/architect/engineer, and the contractor who, working together, complete public works projects." <sup>1</sup> The project will be automatically submitted to APWA National to compete for the National Public Works Project of the Year.

The award nomination was jointly prepared and submitted by Mortenson Construction and Dick & Fritsche Design Group, the Construction Manager and local Architect for the Seattle Mariners and San Diego Padres clubhouse renovations completed for Spring Training 2014. The award nomination showcased the project team's accomplishments in the areas of:

- Construction Schedule Management and Control Techniques
- Budget & Schedule Management
- Collaboration
- Safety Performance
- Environmental Considerations
- Innovation in Design and Construction Techniques

Ed Striffler, Architectural Services Manager, delivered acceptance remarks on behalf of the project team, which reinforced the team's success in aligning the diverse interests of two Major League baseball clubs and a stadium owner/operator. Striffler also highlighted the project's alignment with the City of Peoria's sustainability ethos and shared news of the project's receipt of LEED Gold level certification from the US Green Building Council. The Peoria Sports Complex

and Salt River Fields, each Gold certification recipients, are the only Cactus League Spring Training venues, which have earned this environmental distinction.



*City of Peoria Sports Complex Improvements Project Team  
2015 APWA Arizona Awards Luncheon  
July 15, 2015 – Phoenix Country Club*

**Contact Name and Number:** Ed Striffler, 623-773-7721

<sup>1</sup> Web. August 10, 2015. <http://arizona.apwa.net/PageDetails/4215>

**MINUTES OF THE VISTANCIA COMMUNITY FACILITIES DISTRICT BOARD**  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
July 7, 2015

A **Special Meeting** of the Vistancia Community Facilities District Board was convened at 8401 West Monroe Street in open and public session at 8:17 p.m.

**Members Present:** Board Chairperson Cathy Carlat; Vice Chairperson Jon Edwards; Board Members Bridget Binsbacher, Michael Finn, Carlo Leone and Bill Patena.

**Members Absent:** Board Member Vicki Hunt.

**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; Thomas Adkins, Intergovernmental Affairs Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Brent Mattingly, Chief Financial Officer; Roy Minter, Police Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the District Manager; and Linda Blas, Deputy District Clerk.

**Audience:** Approximately ten 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 Patena, seconded by Board Member Binsbacher, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 6 to 0.

**CONSENT – New Business:**

**Clerk’s Note:** The agenda item numbers shown below reflect the items as they were numbered on the agenda.

34. **C - Minutes**

Approved the May 19, 2015 Special Meeting minutes.

## REGULAR AGENDA

### New Business:

#### 35. R - PUBLIC HEARING - 2015 Amended Feasibility Report

##### Staff Report:

Brent Mattingly, Chief Financial Officer, explained that State Statute requires a public hearing be held on the Amended Feasibility Report for the Vistancia Community Facilities District prior to issuing General Obligation Bonds.

Mr. Mattingly reported that the amended report updates the feasibility and benefits of public infrastructure projects and the plan for financing the public infrastructure. Mr. Mattingly noted the amended report supersedes the Feasibility Reports previously approved by the District Board in 2002, 2005 and 2006.

##### Public Hearing:

Chairperson Carlat opened the Public Hearing and asked if any Board Member or citizen wished to comment on the Amended and Restated Report of Feasibility and Benefits of Projects as Required by Section 48-715, Arizona Revised Statutes.

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

**Board Action:** No Board action required.

#### 36. R - Sale of Vistancia Community Facilities District General Obligation Refinancing Bonds, Series 2015

Brent Mattingly, Chief Financial Officer, provided a brief overview on the proposed sale of Vistancia Community Facilities District General Obligation Refinancing Bonds, Series 2015.

Motion was made by Board Member Binsbacher, seconded by Board Member Finn, to adopt **RES. VCFD 2015-03** approving an Amended and Restated Feasibility Report with respect to Feasibility Reports originally considered on November 19, 2002, March 22, 2005, and December 12, 2006, and resolving the intent with respect thereto; authorizing the sale and issuance of not to exceed \$45,000,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2015; approving the form and authorizing the execution and delivery of all documents related to the issuance of the bonds; awarding the bonds to the purchaser thereof; delegating the determination of certain terms of the bonds and matters related thereto to the District Chief Financial Officer; ratifying the form and distribution of a Preliminary Official Statement relating to the bonds; authorizing the preparation and distribution of a Final Official Statement relating to the bonds; authorizing the subsequent levying of an Ad Valorem property tax with respect to the bonds; adopting post-issuance tax compliance and continuing disclosure compliance procedures in connection with issuance of obligations; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by the Resolution.

Upon vote, the motion carried unanimously, 6 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 8:30 p.m.

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Cathy Carlat, Board Chairperson

ATTEST:

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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 7<sup>th</sup> day of July, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26<sup>th</sup> day of August, 2015.

(Seal)

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Rhonda Geriminsky, District Clerk

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

Agenda Item: 43C

**Date Prepared:** August 3, 2015

**Council Meeting Date:** August 26, 2015

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**TO:** Carl Swenson, City Manager  
**FROM:** Sonia Andrews, Financial Manager  
**THROUGH:** Brent D. Mattingly, Chief Financial Officer  
**SUBJECT:** Investment Report for the Quarter Ended June 30, 2015

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**Purpose:**

This is a request for the District Board to review and accept the Investment Report for the Quarter Ended June 30, 2015.

**Background/Summary:**

Effective cash management includes investment of available or idle funds. The City of Peoria invests all available funds of the Vistancia CFD, taking into consideration anticipated cash flow requirements and the safety and risk of investments. Investments are made in accordance with the Bond Indentures, City's Investment Policy and Arizona Revised Statutes Title 35-321 through 35-329. The primary objective of the investments, in order of priority, is:

1. Safety – *Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the portfolio.*
2. Liquidity - *The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.*
3. Yield – *The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's very strict risk constraints.*

Available funds may only be invested in authorized and suitable investments such as US Treasury Obligations, US Agency Obligations, Certificates of Deposits, Commercial Paper rated A-1/P-1, Money Market Funds and the Arizona State Investment Pool. Investment in equity stocks, mutual funds, hedge funds, real estate, foreign investments or other risky investments are strictly prohibited.

The Investment Policy imposes a 3 year maximum weighted average maturity on the overall investment portfolio with specific maximum maturities for each type of investment.

The City utilizes FirstSouthwest, an investment advisory firm, to provide advice and assist with managing its investments. All securities are held by a third party custodian in the Vistancia CFD's name.

Quarterly investment reports are provided to the District Board to report the investment portfolio holdings, maturity distribution, investment performance and compliance with the Investment Policy.

**Previous Actions:**

There are no previous actions for this item.

**Options:**

The District Board may select the following options:

- A:** Accept the Quarterly Investment Report as presented
- B:** Not accept the Quarterly Investment Report and request additional information from staff

**Staff's Recommendation:**

Discussion and possible action to review and accept the Investment Report as presented.

**Fiscal Analysis:**

This item has no financial implications.

**Narrative:**

The city is in the process of refunding the existing Vistancia Bonds. Due to the refunding, investments in the debt service funds were sold and held in the money market fund in anticipation of the refunding. As a result, the Vistancia CFD's investments in money market funds exceeded the policy maximum of 35% at 6/30/15. The refunding is expected to close in August and remaining investments after the refunding will be in compliance with policy requirements. Book value of investments at 6/30/15 was \$12,996,530 and investment income for the quarter (4/1/15 to 6/30/15) totaled \$8,124.

The portfolio's weighted average maturity was 40 days and weighted average yield to maturity was 0.069% for the quarter ended 6/30/15.

The attached Investment Report prepared by FirstSouthwest includes the following detail information on the Vistancia CFD's investments:

**Contents of Investment Report**

1. Snapshot of investment portfolio
2. Benchmark comparisons
3. Investment policy compliance and investment income
4. National economic trends

**Exhibit(s):**

Quarterly Investment Report

**Contact:**

Sonia Andrews, Finance Manager x5206

**City of Peoria  
Vistancia**



**For the Quarter Ended**

**June 30, 2015**

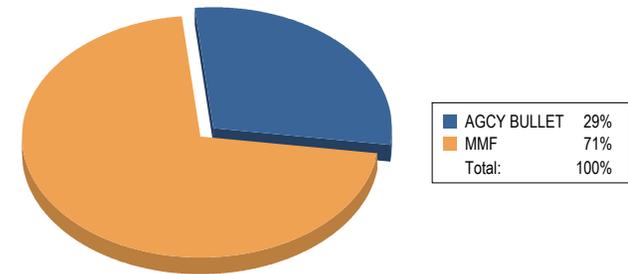
**Account Summary**

**Allocation by Security Type**

Beginning Values as of 03/31/15

Ending Values as of 06/30/15

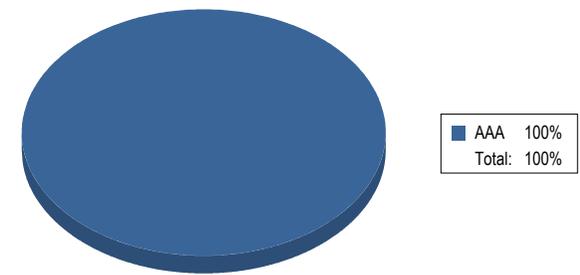
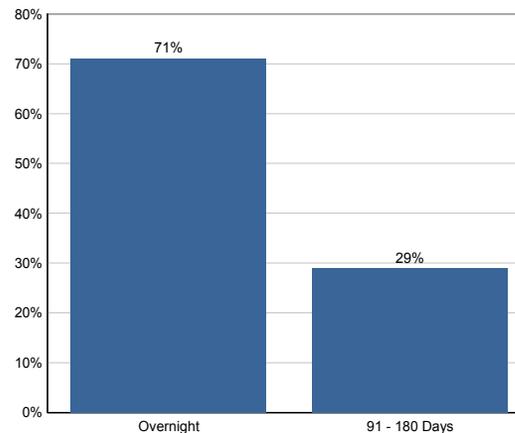
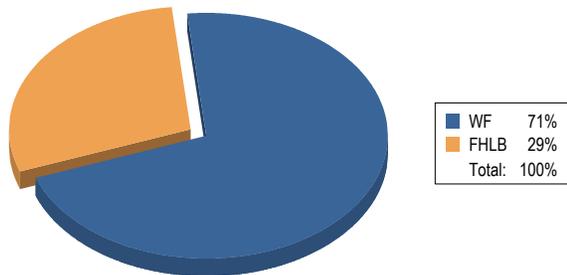
Par Value	12,986,807.36	12,997,415.20
Market Value	12,985,343.61	12,997,391.70
Book Value	12,984,327.93	12,996,530.45
Unrealized Gain / Loss	1,015.68	861.25
<b>Market Value %</b>	<b>100.01%</b>	<b>100.01%</b>
Weighted Avg. YTW	0.343%	0.069%
Weighted Avg. YTM	0.344%	0.069%



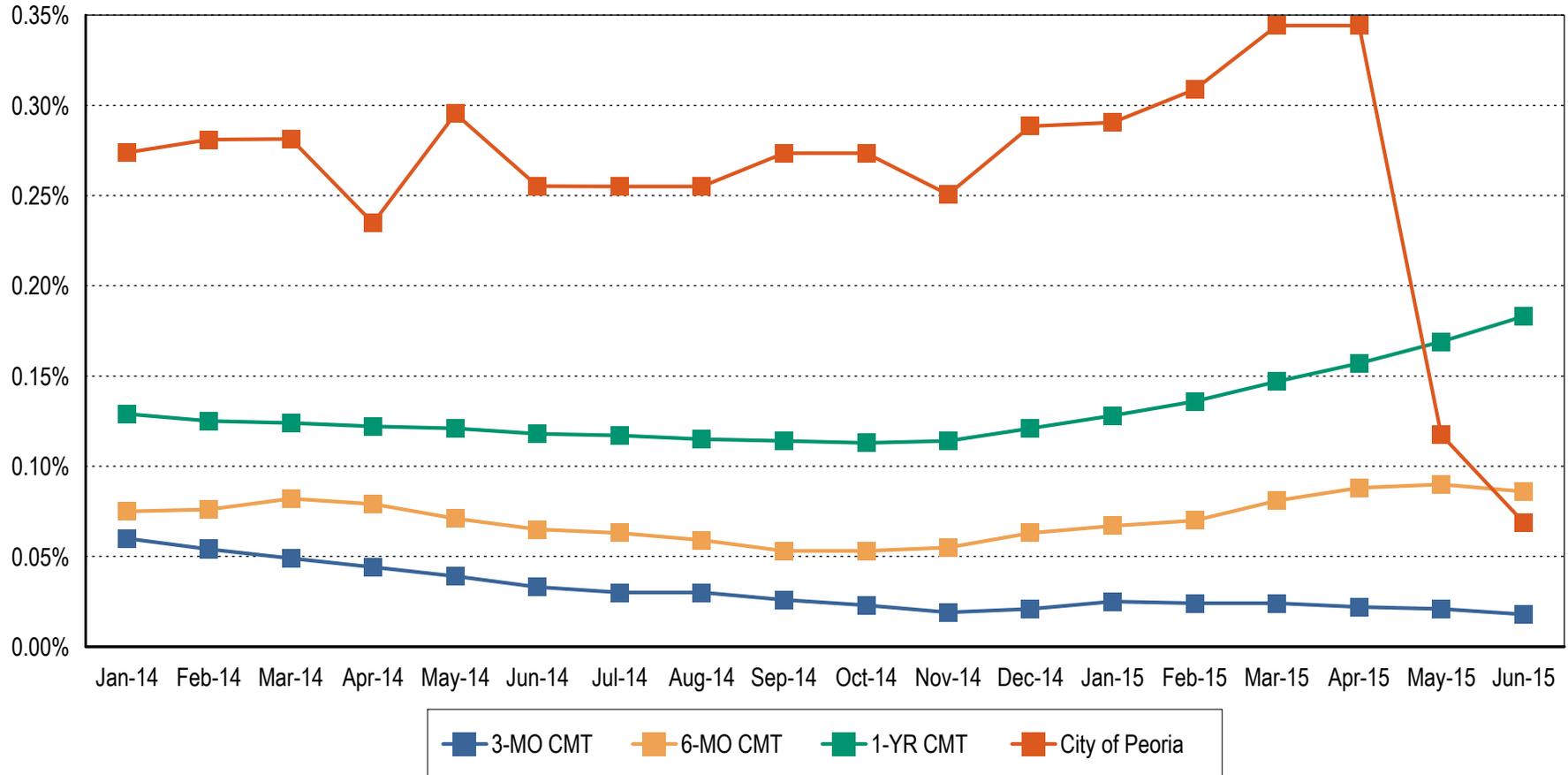
**Allocation by Issuer**

**Maturity Distribution %**

**Credit Quality**



**Weighted Average Days to Maturity: 39**



**Note 1:** CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMT's are the daily averages for the previous 12-months.



**City of Peoria - Vistancia**  
**Investment Policy Compliance and Investment Income**  
*As of June 30, 2015*

<b>Investment Type Allocation:</b>	<b>Book Value</b>	<b>Percent</b>	<b>Policy Maximum</b>	<b>Pass / Fail?</b>
Money Market Funds	9,232,415.20	71.04%	35.00%	Fail *
Agencies	3,764,115.25	28.96%	80.00%	Pass
Commercial Paper	-	0.00%	35.00%	Pass
U.S. Treasury	-	0.00%	80.00%	Pass
	<b>12,996,530.45</b>	<b>100.00%</b>		

<b>Issuer Allocation:</b>	<b>Book Value</b>	<b>Percent</b>	<b>Policy Maximum</b>	<b>Pass / Fail?</b>
Fannie Mae	-	0.00%	40.00%	Pass
Freddie Mac	-	0.00%	40.00%	Pass
FHLB	3,764,115.25	28.96%	40.00%	Pass
Federal Farm Credit	-	0.00%	40.00%	Pass
U.S. Treasury	-	0.00%	80.00%	Pass
GE Capital (FDIC)	-	0.00%	10.00%	Pass
Toyota Motor Credit	-	0.00%	10.00%	Pass
Wells Fargo MMF	9,232,415.20	71.04%	35.00%	Fail*
GE Capital Corp	-	0.00%	10.00%	Pass
	<b>12,996,530.45</b>	<b>100.00%</b>		

<b>Investment Income for the Period From 4/1/2015 through 06/30/2015:</b>	
Interest Income	8,124.21
Realized Gains/Losses	-
<b>Net Investment Income</b>	<b>8,124.21</b>

<b>Maturity Breakdown:</b>	<b>Book Value</b>	<b>Percent</b>	<b>Policy Maximum</b>	<b>Pass / Fail?</b>
Less Than 90 Days	9,232,415.20	71.04%		
90 to 180 Days	3,764,115.25	28.96%		
181 to 365 Days	-	0.00%		
1 to 2 Years	-	0.00%		
2 to 3 Years	-	0.00%		
More Than 3 Years	-	0.00%	20.00%	Pass
	<b>12,996,530.45</b>	<b>100.00%</b>		

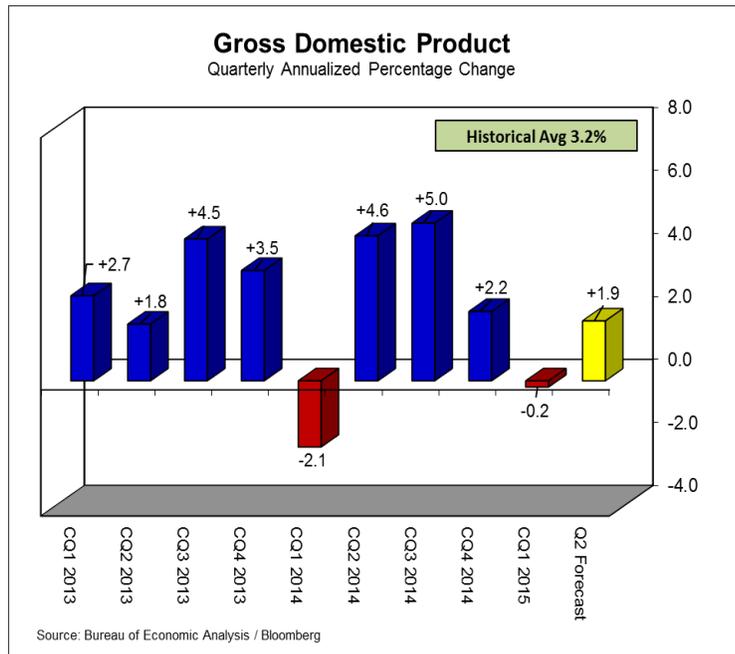
<b>Other Policy Tests:</b>	<b>Pass / Fail?</b>
Policy requires at least 35% of portfolio to mature in less than one year. Current Portfolio Maturing in Less Than One Year = <b>100.0%</b>	Pass
Policy sets a maximum weighted average maturity of 1095 days (3 years). Current Portfolio Weighted Average Maturity = <b>40</b>	Pass

Notes: \* Balance held in the Wells Fargo MMF exceed policy limitations in anticipation of using these funds for the debt refunding due to close in July 2015.

## National Economic Trends

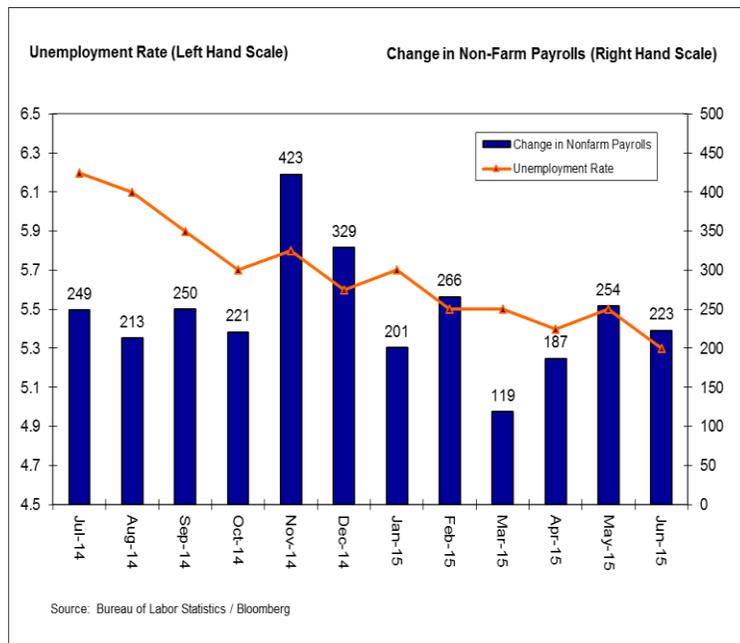
Period ending June 30, 2015

### Gross Domestic Product (GDP)



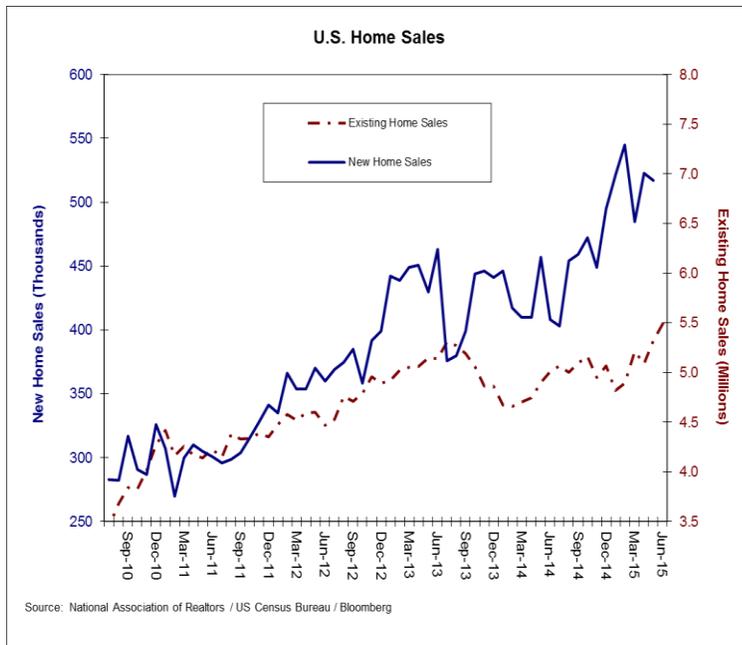
The economic recovery following the worst recession in seven decades *is now entering its seventh year*. Economic growth as measured by GDP, averaged +3.2% annually since WWII ended, but has yet to reach +2.5% in any year of the current recovery cycle. In 2014, the U.S. economy grew at a +2.4% pace, but the Fed's expected plan to hike short term interest rates as soon as June was pushed back yet again as the U.S. economy took another dip in the first quarter. The Q1 2015 revised GDP growth rate was -0.2%, an improvement from the previously reported -0.7%, but not quite enough for the U.S. to sidestep the third quarterly contraction since the recovery began. *By contrast, there was never more than a single contraction in any of the 10 previous recovery cycles dating back to WWII*. Second quarter GDP is currently expected be around +2.0%.

### Nonfarm Payrolls



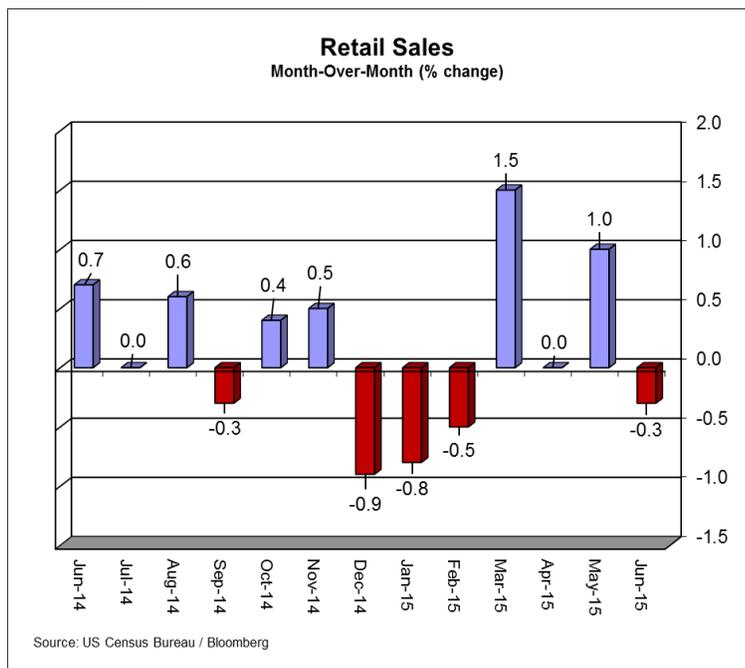
Nonfarm payrolls increased by a slightly less than expected +223k in June, and averaged +221k for the second quarter. This was an improvement from the +195k first quarter average, but well below +260k monthly average in 2014. Despite the slowdown, job creation has now been positive for 57 straight months, a new post-WWII record. The unemployment rate fell from 5.5% to 5.3%, the lowest level since before the 2008 financial crisis. However, the reason for the June drop was another puzzling decline in the size of the labor force which shrunk by 432k workers, pulling the participation rate down to a 37-year low of 62.6%. Average hourly earnings also disappointed as June wages were unchanged from May. As a result, year-over-year earnings growth declined from +2.3% to +2.0%.

## Housing



Existing home sales took another step forward in June, climbing by +3.2% to a 7-year high of 5.49 million annualized units. Lean inventories and brisk sales pushed the available supply down from 5.1 to 5 months, average days on the market down to just 34 and the average sales price up to a new record \$236,500. On the other hand, *new home* sales retreated a bit in June, but with new homes making up less than 10% of the overall sales market, there's no point in focusing too much on month-to-month volatility. With annualized new homes sales at 482k, the volume remains well below the historical high of 1.4 million units recorded during the height of the housing bubble back in 2005. However, the outlook is bright. Housing starts rose +9.8% in June to an annualized pace of 1,174k units, boosting the 3-month average to a new cycle high.

## Retail Sales



Consumer spending has been unusually volatile in recent months. Retail sales were flat in April and up a solid +1.0% in May, before unexpectedly falling -0.3% in June. Higher auto sales helped boost the May numbers, while lower sales of autos and building materials pulled the overall number back down in June. Even though retail sales are an important economic indicator, investors didn't seem to care too much about the negative June reading. The thought here is that the March, April and May numbers were relatively strong, so June might have been a bit of a giveback. Annualized auto sales reached a 17.7 million unit pace in May, *the highest level since July 2005*, before falling back to 17.1 in June. The Conference Board's measure of consumer confidence plunged from 99.8 to 90.9 in June as global uncertainties dampened expectations.

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