



CITY OF SURPRISE
Regular City Council Meeting Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, December 2, 2014 @ 6:00 PM

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A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

#1 District Internal [Special Recognition of Heather Henderson, Principal of AZ Charter Academy.](#)

No Action
Mayor
Wolcott

E. City Manager Report:

F. City Attorney Report:

G. Regular City Council Meeting Agenda:

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

Consent Agenda:

*#2 District Citywide [Consideration and action on authorizing the City Manager to request a transfer of six \(6\) Dial-a-Ride grant buses through the City of Phoenix to Gompers Center and One Step Beyond, Resolution 2014-118.](#)

Approve
David
Kohlbeck,
Public
Works
Department

*#3 District 6 [Consideration and action authorizing the Mayor to enter into an Intergovernmental Agreement \(IGA\) with Maricopa County Flood Control District for construction at 107th & Union Hills; Resolution #2014-105.](#)

Approve
Michael
Boule,
Public
Works
Department

*#4 District 6 [Consideration and action on an FY20014-15 budget amendment in the amount of \\$125,000 for improved traffic conditions and control through utilization of medians on Waddell and Bell Road; Resolution #2014-100.](#)

Approve
Mike Gent

*#5 District 5 [Consideration and action approving the Surprise Village at West](#)

Approve

Point Towne Center plat, dated October 20, 2014, a property generally located at the northeast corner of Litchfield and Bell Roads; Resolution #2014 - 111.

Robert
Kuhfuss,
Community
Development

- *#6 District Citywide Consideration and action on the minutes of November 8, 2014 Special City Council Meeting (2014 Annual Summit) and November 18, 2014 Regular City Council Work Session and Regular City Council Meeting.

Approve
Sherry Ann
Aguilar,
City Clerk

- *#7 District 1 Consideration and action approving Amendment No. 1 to the Mutual Assistance Agreement between the City of Surprise and the Beardsley Water Company.

Approve
Terry Lowe,
Director
Water
Resource
Management
Department

Regular Agenda Item - Non-Public Hearing:

- #8 District Internal Presentation updating council on grant activity.

No Action
Janeen K.
Gaskins,
Grant
Administrator

- #9 District Citywide Consideration and action amending Chapters 26 and 105 of the Surprise Municipal Code related to business licenses; Ordinance No. 2014-13.

Approve
Lindsey
Duncan,
Finance
Director

- #10 District Citywide Consideration and action amending Chapters 2, 101, 105, and 122 of the Surprise Municipal Code relating to boards and commissions; Ordinance 2014-14.

Approve
Misty
Leslie, City
Attorney

- #11 District Citywide Presentation and Discussion on Draft Reclaimed Water Policy.

No Action
Terry Lowe,
Director
Water
Resource
Management
Department

Regular Agenda Item - Public Hearing:

- #12 District 5 Consideration and action on a minor amendment to the General Plan 2035 Land Use Map for the project known as "West Point Towne Center Parcel 12", generally located at the southwest corner of Grand Avenue and Dysart Road; Resolution 2014-110.

Approve
Robert
Kuhfuss,
Community
Development

- #13 District 5 Consideration and action approving a major zoning amendment for the Planned Area Development (PAD) known as "West Point Towne Center Parcel 12", generally located at the southwest

Approve
Robert
Kuhfuss,

H. Call To The Public:

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address City Council on any item not on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

I. Other Business and Future Agenda Items:

J. Mayor/Council Reports:

K. Executive Session:

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

L. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Posted on Wed., November 26, 2014 @ 2:50 p.m.

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

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Council Meeting Date:	December 2, 2014	Contact Person:	David Kohlbeck, Public Works Department
Submitting Department:		District:	Citywide
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on authorizing the City Manager to request a transfer of six (6) Dial-a-Ride grant buses through the City of Phoenix to Gompers Center and One Step Beyond, Resolution 2014-118.

Motion:

I move to approve Resolution 2014-118.

Background:

The City applied and received six (6) grant funded Dial-a-Ride buses which supported the City's Dial-a-Ride transit services. The grants were comprised of 80% federal government funds and 20% Proposition 400 transportation funds via Valley Metro Regional Public Transportation Authority.

The City suspended use of the buses on September 28, 2012 and joined Valley Metro's Northwest Regional Dial-a-Ride program, which provides transportation through an independent taxi service. The change significantly improved the service received by Surprise residents.

The City no longer plans to operate the grant funded buses for Dial-a-Ride service and is looking to dissolve the fleet, in accordance with federal requirement part of FTA Circular 5010.D and transferring the rolling stock from grantee-to-grantee.

The City of Phoenix has identified two 5310 grant recipients who qualify to receive the grant buses. They are Gompers Center and One Step Beyond. Adoption of this Resolution will allow the process to move forward and place the buses back in operation.

The City will be receiving its local match from the two recipients, and will program those monies towards transit operations in FY2016.

Financial Impact Statement:

Upon approval of Resolution 2014-118 the City will receive its 20% local match of \$54,700 under the transit fund. Funds will be programmed for future transit services.

ATTACHMENTS:

Click to download

☐ [November 7 & 11 memos](#)

☐ [Reso 2014-118](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Mike Gent PW Director

David Kohlbeck PW Business Manager



City of Phoenix

PUBLIC TRANSIT DEPARTMENT

November 7, 2014

Mr. David Kohlbeck
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

Re: Federally-funded vehicles no longer in revenue service

Dear Mr. Kohlbeck:

This letter is to address the six (6) City of Surprise federally-funded vehicles no longer in revenue service. This disposition of these vehicles is subject to Federal Transit Administration (FTA) guidance.

Per the guidelines set forth in FTA Circular 5010.1D, grantees are required to maintain continuing control and use the vehicles for appropriate project purposes for the duration of the useful life of the vehicles. As such, the City of Phoenix, as the designated recipient for FTA funding in the region, is responsible for ensuring these guidelines are followed. As the City of Surprise removed the vehicles from service prior to the end of their useful life, the City of Phoenix is assisting to ensure proper utilization of the vehicles for the remaining useful life. Per direction from FTA, the disposition of vehicles with remaining useful life should follow FTA Circular 5010.1D in the manner of transfer of rolling stock from grantee-to-grantee.

The City of Phoenix issued a notice to all FTA Section 5310 subrecipients in the Phoenix-Mesa Urbanized Area to identify potential agencies to utilize these vehicles. Gompers Center and One Step Beyond are the two agencies identified to receive the vehicles and place them back into service in the region. The vehicles will be transferring the federal interest amount to Gompers Center and One Step Beyond, which is calculated as 80% of the net book value of the vehicle. Gompers Center and One Step Beyond will remit a payment to the City of Surprise in the amount equal to 20% of the net book value to serve as the required local match.

The guidance requires a written request to the City of Phoenix for approval to transfer the vehicles by the City of Surprise (transferor), and Surprise City Council action for approval of the transfer. The request to Phoenix should include the following: name of subrecipient, list of vehicles (year, make, model), date placed in revenue service, date removed from revenue service, grant numbers which originally funded the vehicles, mileage, remaining useful life, Federal share of remaining net book value, reasons for transfer and the impact that the transfer will have on the subrecipients total fleet and spare ratio.

The Surprise City Council action should identify the transferees (Gompers Center and One Step Beyond), a statement that the vehicles are no longer required, a list of the vehicles to be transferred including VINs, and the remaining Federal interest that is transferred to the receiving agencies.

In addition, the transferees, Gompers Center and One Step Beyond are also required to receive their respective Board approvals for the transfer. The receiving agencies' board resolutions (or other appropriate legal action) should identify the transferring agency, a statement that the vehicles are needed for Section 5310 service, a list of the vehicles to be acquired including VINs, and the remaining Federal interest for each vehicle. Finally, the City of Phoenix will enter into an agreement with Gompers Center and One Step Beyond to ensure continuing control over the federal interest in the vehicles. The agreement will stipulate the vehicles must be maintained in accordance and in compliance with FTA requirements and the transferred vehicles will be included in the agencies' equipment inventory records.

Please provide Wendy Miller, Management Assistant II, with a proposed timeline for completion of the above requirements. Wendy can be contacted for questions at (602) 262-4077 or wendy.miller@phoenix.gov.

Thank you in advance for your assistance in this matter.

Sincerely,



Maria Hyatt
Public Transit Director

cc: Mark Jacoby, Gompers Center
Steve Yee, One Step Beyond, Inc.
Stephanie Child, City of Phoenix
Ken Kessler, City of Phoenix
Wendy Miller, City of Phoenix



Public Works Department
16000 N Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6223
Fax 623-222-6002

November 12, 2014

TO: Maria Hyatt, Public Transit Director
City of Phoenix
302 North First Avenue, Suite 900
Phoenix, Arizona 85003

Re: Federally-funded vehicles no longer in revenue service.

Ms. Hyatt:

The City applied and received six (6) grant funded Dial-a-Ride which supported the City's Dial-a-Ride transit services. The grants were comprised of 80% federal government funds and 20% Proposition 400 transportation funds via Valley Metro Regional Public Transportation Authority. The City suspended use of the buses on September 28, 2012 and joined Valley Metro's Northwest Regional Dial-a-Ride program, which provides transportation through an independent taxi service. The change significantly improved the service received by Surprise residents.

The City no longer plans to operate the grant funded buses for Dial-a-Ride service and is looking to dissolve the fleet, in accordance with federal requirement part of FTA Circular 5010.D and transferring the rolling stock from grantee-to-grantee.

The City is formally requesting to transfer the six (6) grant funded buses to previously identified 5310 grant recipients Gompers and One Step Beyond. Below are two tables outlining the required detail associated with the buses as required by the FTA and in compliance with the process for transferring buses from grantee to grantee.

Table 1: lists the vehicles, year/make and model with in service and termination dates, associated grant numbers, current mileage and remaining useful life.

Table 2: are acquired costs remaining book value and federal and local match allocation. The local share is what the City would expect to receive from the transferee's upon completion of the transfer. Those funds will be programmed for future transit services.

Sincerely

David Kohlbeck
City of Surprise

PW Business Manager

cc:

Mike Gent: PW Director

Janeen Gaskins: Grants Administrator

Dana Garr: Procurement Manager

Mary Truhler: Senior Financial Analyst

Table 1:

Transferring Agency	Receiving Agency	Year Make Model	V.I.N.	In-Svc Date	Date removed from service	Grant Number	Current Mileage	Remaining Useful Life
City of Surprise	One Step Beyond	2009/EI Dorado/4DC	1FD FE45L89DA17362	03/03/2009	9/28/2012	AZ-90-X088	77,728	30 Months
City of Surprise	One Step Beyond	2009/EI Dorado/4DC	1FD FE45L69DA17361	03/03/2009	9/28/2012	AZ-90-X088	75,961	30 Months
City of Surprise	Gompers Center	2011/EI Dorado/3DC	1FD EE3FL7BDA72698	06/20/2011	9/28/2012	AZ-90-X096	29,844	45 Months
City of Surprise	Gompers Center	2011/EI Dorado/3DC	1FD EE3FL7BDA72699	06/09/2011	9/28/2012	AZ-90-X096	29,244	45 Months
City of Surprise	Gompers Center	2012/EI Dorado/AERO	1FD EE3FL4CDA15233	02/17/2012	9/28/2012	AZ-90-X103	15,673	53 Months
City of Surprise	Gompers Center	2012/EI Dorado/AERO	1FD EE3FL7CDA19194	02/16/2012	9/28/2012	AZ-90-X103	15,070	53 Months

Transferring Agency	Receiving Agency	Year Make Model	V.I.N.	Acquired Value	Current Net Book Value	80% Remaining Federal Share	20% Local Match Due to Transferring Agency
City of Surprise	One Step Beyond	2009/EI Dorado/4DC	1FD FE45L89DA17362	\$ 60,057	\$ 30,028	\$ 24,023	\$ 6,006
City of Surprise	One Step Beyond	2009/EI Dorado/4DC	1FD FE45L69DA17361	\$ 60,057	\$ 30,028	\$ 24,023	\$ 6,006
City of Surprise	Gompers Center	2011/EI Dorado/3DC	1FD EE3FL7BDA72698	\$ 65,963	\$ 49,472	\$ 39,578	\$ 9,894
City of Surprise	Gompers Center	2011/EI Dorado/3DC	1FD EE3FL7BDA72699	\$ 65,963	\$ 49,472	\$ 39,578	\$ 9,894
City of Surprise	Gompers Center	2012/EI Dorado/AERO	1FD EE3FL4CDA15233	\$ 64,872	\$ 57,304	\$ 45,843	\$ 11,461
City of Surprise	Gompers Center	2012/EI Dorado/AERO	1FD EE3FL7CDA19194	\$ 64,872	\$ 57,304	\$ 45,843	\$ 11,461

RESOLUTION # 2014-118

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE REQUEST TO TRANSFER CITY DIAL-A-RIDE PASS-THROUGH GRANT BUSES PER FEDERAL TRANSPORTATION ADMINISTRATION (FTA) CIRCULAR 5010.D

WHEREAS, the City owns six (6) Dial-a-Ride buses as part of regional pass through grant awards from the City of Phoenix, the region's designated recipient of federal transportation funds;

WHEREAS, the City no longer operates those buses for Dial-a-Ride services;

WHEREAS, the City has received direction from the Federal Transportation Administration through the City of Phoenix directing the method for transfer of grant vehicles per FTA circular 5010.D;

WHEREAS, the City wishes to remain compliant with FTA circular 5010.D as it relates to the disposition of vehicles with remaining useful life in accordance with the federal process for the transfer of rolling stock from grantee-to-grantee;

WHEREAS, the City will receive its 20% local match (\$54,722) in Proposition 400 funding upon transfer of the buses; and

WHEREAS, the City is obligated to use those funds for future Transit services.

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

Section 1. Transfer of the six (6) Dial-a-Ride buses purchased with federal funds is hereby approved, and the City Manager is hereby directed to submit a request to the City of Phoenix to transfer the vehicles, and perform such other acts as may be required to transfer the vehicles, consistent with applicable federal guidance.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

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Council Meeting Date:	December 2, 2014	Contact Person:	Michael Boule, Public Works Department
Submitting Department:		District:	6
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action authorizing the Mayor to enter into an Intergovernmental Agreement (IGA) with Maricopa County Flood Control District for construction at 107th & Union Hills; Resolution #2014-105.

Motion:

I move to approve Resolution 2014-105.

Background:

The purpose of this project is to provide 100 year flood protection to the properties between 107th Avenue and 115th Avenue, and from Beardsley Road to Union Hills Drive, and along 115th Avenue south of Bell Rd. The study area is located within three jurisdictions, City of Surprise, City of Peoria, and Unincorporated Maricopa County. The benefited areas associated with this project are the Lake Pleasant Mobile Home Estates, the Paradise Acres RV Resort, the Coyote Lakes Development, 107th Ave, Union Hills Dr., and 115th Ave., Bell Rd.

In March of 2013 Council approved the Design IGA for the 107th and Union Hills Drainage improvements. The overall project design is currently 30% complete and the Phase 1 design is currently 60% complete. Prior to the design and during the design, the project team has hosted a number of public outreach events in an effort to learn more about the nature of the flooding and communicate the proposed improvements to the proximate residents and businesses.

This IGA will allow the project team to move forward with the necessary utility relocations, acquire the necessary rights-of-way and prepare for construction. This IGA also identifies the operation and maintenance responsibilities of each project partner.

Financial Impact Statement:

This is a non-growth project in the general capital fund under the 107th and Union Hills Drainage project (21204). Total project costs by jurisdiction are broken out below. The programmed budget for FY2015 is 2,428,000. The project had prior year expenditures of \$72,000.

Cost breakdown as follows:

Flood Control District- \$5,166,500

City of Surprise- \$2,583,250

City of Peoria- \$2,583,250

Maricopa County- \$367,000

Total Cost- \$10,700,000

ATTACHMENTS:

Click to download

☐ [Presentation](#)

☐ [Resolution 2014-105 with Exhibit](#)

External Attachment Links:

NEED Presentation

Need 30% cost estimate

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Michael Boule, Senior Project Manager

107th & Union Hills Drainage Channel IGA Council Workshop

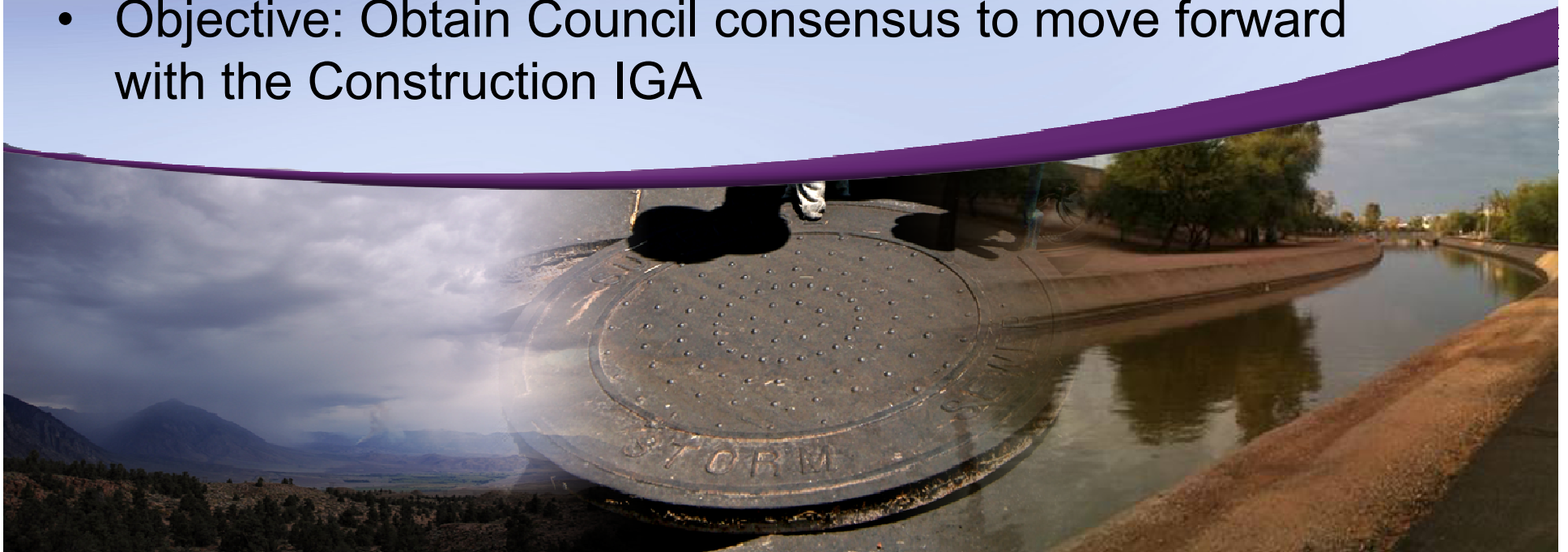
November, 18 2014
Public Works Department



Agenda



- Municipal Flood Control Responsibility
- Purpose: Update project information and IGA for Construction with the Flood Control District
- Objective: Obtain Council consensus to move forward with the Construction IGA



Municipal Flood Control Responsibility



- The Flood Control District of Maricopa County is the City's and Peoria's floodplain administrator.
- Protect historic watersheds and floodplains per ARS 48-3613 & 48-3603
- Current city requirements for developments to retain the 100 year 2 hour event. Any event in excess can pass through the development.
- Mitigate storm water where city has annexed existing development

Overview



Background



- Council Work Session in October 2011
 - Presented the findings within the Design Concept Report (DCR)
- Council Work Session in August 2012
 - Presented revised DCR
- Regular Council March 19, 2013
 - Design IGA approval

Surprise Benefits



- Surprise Benefits- Phase 1
 - 100 year flood protection
 - Protection of Bell Rd.
 - Union Hills & 115th flood mitigation
 - Reduce likely hood of property flooding
Coyote Lakes; Canyon Ridge; Rose Garden Resort

115th & Bell Improvements



115th Avenue & Union Hills Drive
Drainage Improvements Project

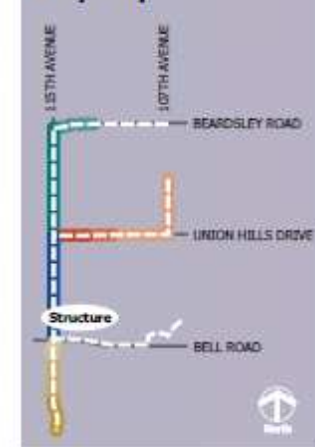
Bell Road Basin Concept



Stepped Drops and Boulders Example



Key Map

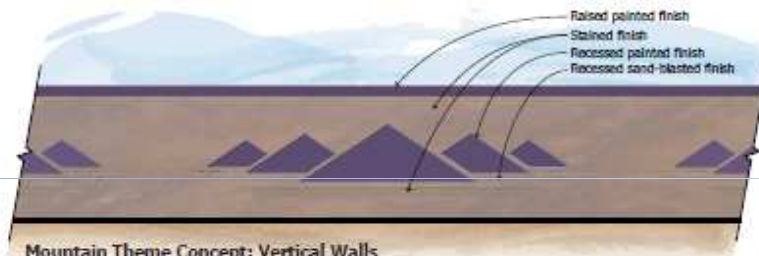


Aesthetic Options



115th Avenue & Union Hills Drive
Drainage Improvements Project

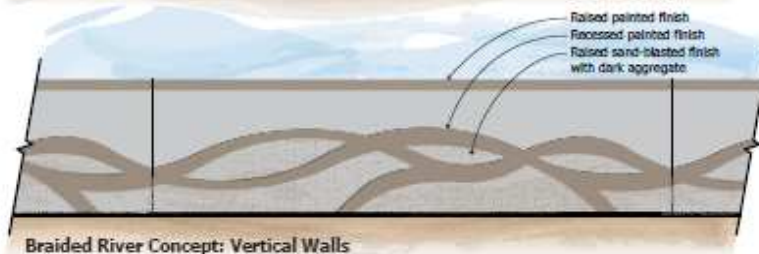
Structural Aesthetics Concepts



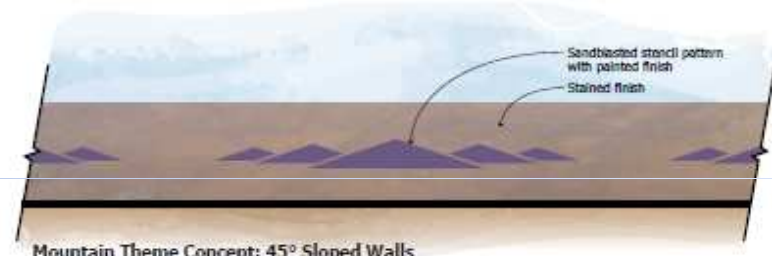
Mountain Theme Concept: Vertical Walls



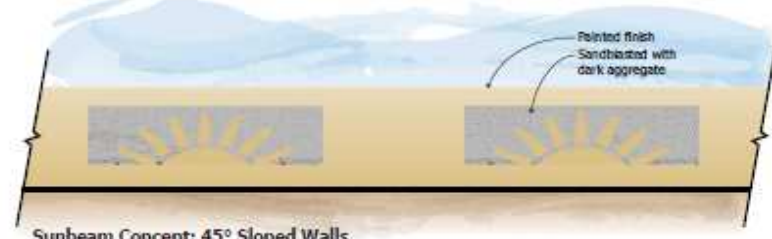
Sunbeam Concept: Vertical Walls



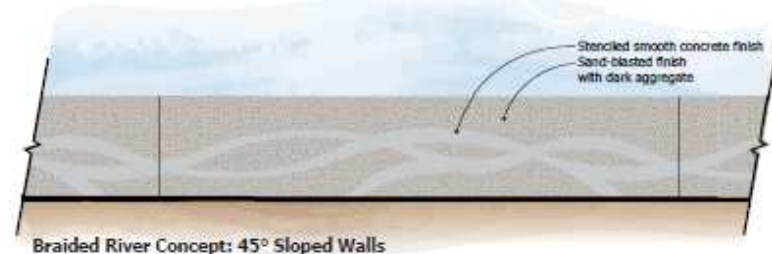
Braided River Concept: Vertical Walls



Mountain Theme Concept: 45° Sloped Walls



Sunbeam Concept: 45° Sloped Walls



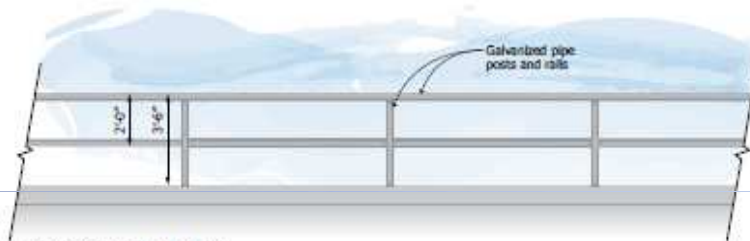
Braided River Concept: 45° Sloped Walls

Aesthetic Options

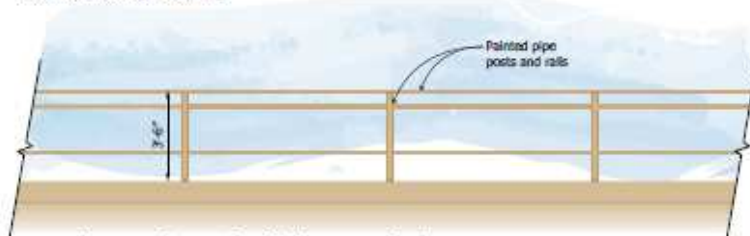


115th Avenue & Union Hills Drive
Drainage Improvements Project

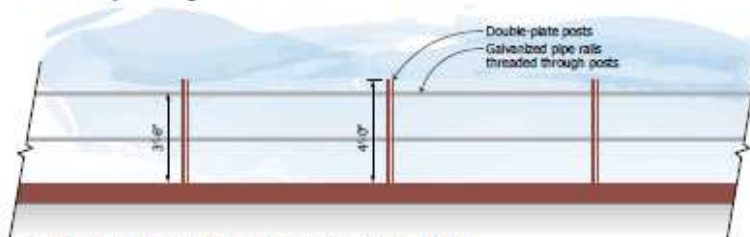
Railing Aesthetic Concepts



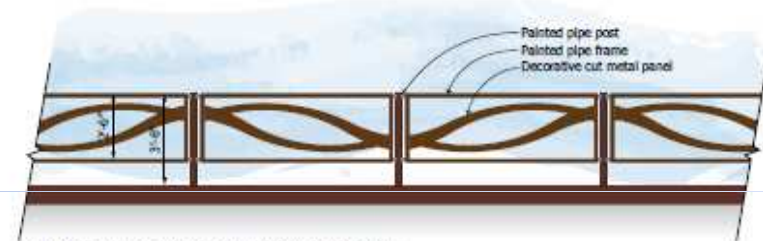
Galvanized Pipe Railing



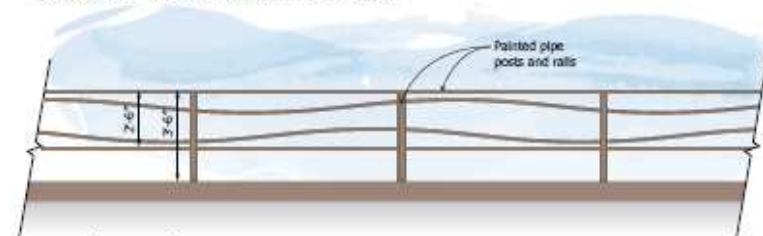
Painted Pipe Railing with Added Horizontal Rail



Double-plate Posts with Galvanized Horizontal Rails



Railing with Framed Ribbon Theme Panels



Curved Pipe Railing



Loop 303 railing



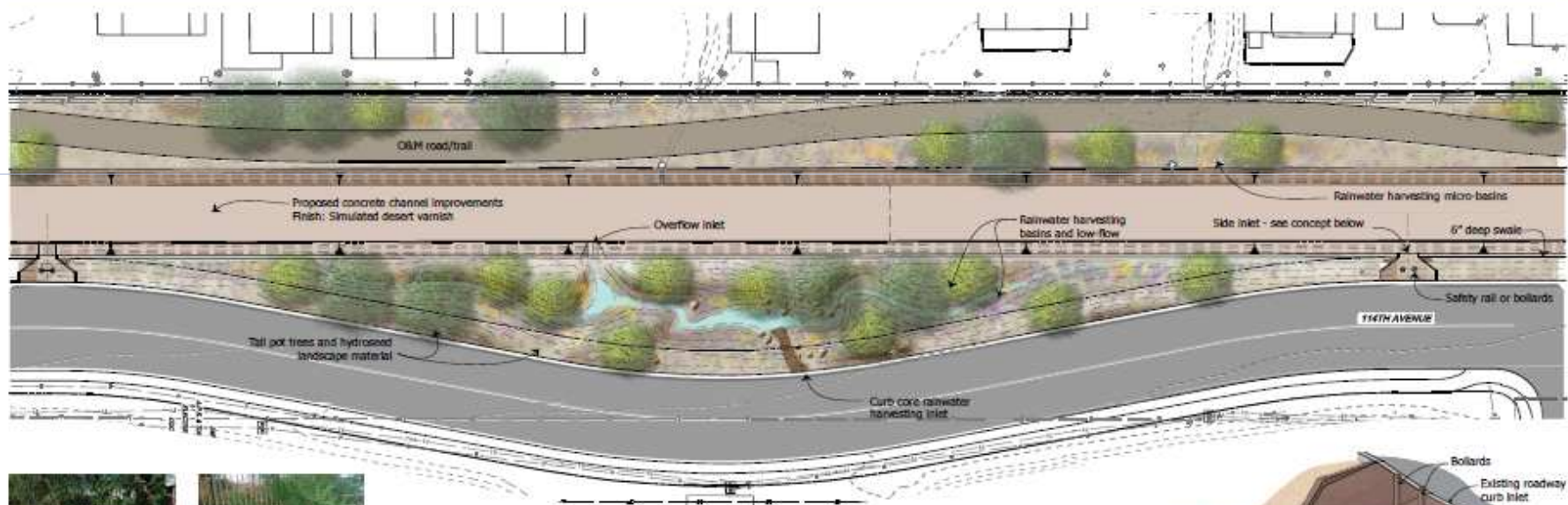
Double-plate post railing example

South of Bell Improvements

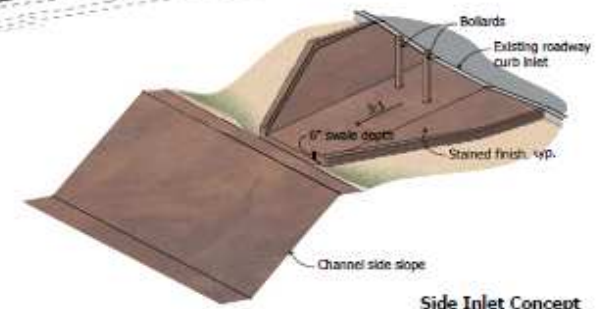


115th Avenue & Union Hills Drive
Drainage Improvements Project

Rainwater Harvesting Concepts



Curb Core Examples - 4" Diameter
(Tucson Standard)



Side Inlet Concept

IGA Specifics



- Construction
- Rights-of-Way Acquisition
- Utility Relocation
- Construction Management
- Operation & Maintenance

IGA & Budget



- IGA Cost Estimates:

115th Avenue and Union Hills Drive Drainage Improvements Project						
Estimate - Total Project Cost - 30% Design						
Phase 1 Construction					\$3,138,991.00	
Phase 1 Construction Management					\$251,119.28	
Phase 2 Construction					\$2,931,983.00	
Phase 2 Construction Management					\$234,558.64	
Phase 3 Construction					\$2,992,658.00	
Phase 3 Construction Management					\$239,412.64	
Estimated Land Costs					\$650,000.00	
Estimated Utility Relocation Costs					\$200,000.00	
Total Estimated Cost					\$10,638,722.56	

Budget Breakdown



Construction Cost Share: 50%, 25%, 25%

- Flood Control- \$5,166,500
- City of Surprise- \$2,583,250
- City of Peoria- \$2,583,250
- Maricopa County- \$367,000
- Total- \$10,700,000
- FCD funding source: secondary property tax on all parcels within Maricopa County.
'Special Districts' on property tax card
- Budget
 - FY15 - \$2,500,000 - General CIP Fund
 - FY16 - \$85,000 - General CIP Fund

RESOLUTION # 2014-105

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE MARICOPA COUNTY FLOOD CONTROL DISTRICT AND THE CITY OF SURPRISE REGARDING THE 115TH AVENUE AND UNION HILLS DRIVE DRAINAGE IMPROVEMENTS PROJECT.

WHEREAS, pursuant to Arizona Revised Statutes § 11-951, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreements with other governmental entities;

WHEREAS, in 2011, the 107th Avenue and Union Hills Drive Design Concept Report was completed by the Flood Control District of Maricopa County (DISTRICT) to address on-going drainage and flooding issues along Union Hills Drive from 107th Avenue to 115th Avenue;

WHEREAS, the DISTRICT conducted an Alternatives Analysis to study alternative solutions for conveyance of the Beardsley Channel flows, which recommended structural solutions to mitigate flooding hazards and improve to existing channels, construction of new storm drains, and construction and/or improvements to basins, hereinafter called the PROJECT;

WHEREAS, on March 28, 2012, the Board of Directors of the DISTRICT, authorized the DISTRICT to cost-share in the PROJECT, and to negotiate Intergovernmental Agreements for the design, rights-of-way acquisitions, construction, construction management, and operation and maintenance of the PROJECT;

WHEREAS, on April 24, 2013, the Board of Directors of the DISTRICT approved Intergovernmental Agreement FCD 2012A005 (C-69-13-041-3-00), among the DISTRICT, PEORIA, and SURPRISE, for the design of the PROJECT. The subject design is in progress, with a projected completion date for Phase 1 of March 2015; and

WHEREAS, the City of Surprise wishes to enter into an intergovernmental agreement with the Flood Control District of Maricopa County, Maricopa County and the City of Peoria for the Rights-of-Way Acquisition, Utility Relocations, Construction, Construction Management, and Operation and Maintenance of the 115th Avenue and Union Hills Drive Drainage Improvements Project.

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

Section 1. The Intergovernmental Agreement between the City of Surprise, the City of Peoria, Maricopa County and the Flood Control District of Maricopa County for the PROJECT, which is attached hereto, is approved and the Mayor is hereby authorized and directed to sign the Intergovernmental Agreement.

APPROVED AND ADOPTED this ____ day of _____, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

When Recorded Return to:
Flood Control District of Maricopa County
2801 West Durango Street
Phoenix, AZ 85009-6399

INTERGOVERNMENTAL AGREEMENT

Among

THE CITY OF SURPRISE, THE CITY OF PEORIA, MARICOPA COUNTY,

and the

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

for the

**RIGHTS-OF-WAY ACQUISITION, UTILITY RELOCATIONS, CONSTRUCTION, CONSTRUCTION
MANAGEMENT, AND OPERATION AND MAINTENANCE**

of the

115TH AVENUE AND UNION HILLS DRIVE DRAINAGE IMPROVEMENTS PROJECT

IGA FCD 2014A002

Agenda Item _____

This Intergovernmental Agreement (Agreement) is entered into by and among the City of Surprise, a municipal corporation, acting by and through its City Council, hereinafter called SURPRISE, the City of Peoria, a municipal corporation, acting by and through its City Council, hereinafter called PEORIA, Maricopa County, a political subdivision of the State of Arizona, hereinafter called the COUNTY, and the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona, acting by and through its Board of Directors, hereinafter called the DISTRICT. The DISTRICT, SURPRISE, PEORIA, and the COUNTY are hereinafter collectively called the PROJECT PARTNERS.

This Agreement shall become effective as of the date it has been executed by all parties and has been recorded by the Maricopa County Recorder.

STATUTORY AUTHORIZATION

1. The DISTRICT is empowered by Arizona Revised Statutes (A.R.S.) Section 48-3603, as revised, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the DISTRICT.
2. SURPRISE is empowered by Arizona Revised Statutes Section 11-951 et. al., as amended, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of SURPRISE.
3. PEORIA is empowered by its Peoria City Charter Article 1, Sec. 3 (15) and by Arizona Revised Statutes Section 11-951, as amended, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of PEORIA.

4. The COUNTY is empowered by Arizona Revised Statutes Section 11-251, as amended, and Section 28-6701, as amended, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the COUNTY.

BACKGROUND

5. The 115th Avenue and Union Hills Drive watershed extends from Rose Garden Lane on the North and up to ½ mile east of 99th Avenue on the East, to approximately Del Webb Boulevard and the Agua Fria River on the South, and to the Coyote Lakes development and the Agua Fria River on the West.
6. In 2002, the DISTRICT, PEORIA, and the City of Glendale completed an update of the Glendale Peoria Area Drainage Master Plan, and a recommended plan was chosen for improving the Beardsley Road Channel. In 2011, the 107th Avenue and Union Hills Drive Design Concept Report was completed by the DISTRICT to address specific on-going drainage and flooding issues along Union Hills Drive from 107th Avenue to 115th Avenue. This study recommended a regional flood mitigation project that was recommended for inclusion in the DISTRICT's 2012/2013 CIP program. In 2013 the DISTRICT conducted an Alternatives Analysis to study alternative solutions for conveyance of the Beardsley Channel flows.
7. The Design Concept Report and Alternatives Analysis recommended structural solutions to mitigate flooding hazards in the area bounded on the west by 115th Avenue, on the north by Beardsley Road, and east by 107th Avenue, and on the south by the Agua Fria River. The anticipated features include improvements to existing channels, construction of new storm drains, and construction and/or improvements to basins, as shown in Exhibit A, hereinafter called the PROJECT. It is anticipated that the PROJECT will be implemented in phases.

The PROJECT will:

- Provide 100-year flood protection to properties between 107th Avenue and 115th Avenue, and from Beardsley Road to Union Hills Drive, and along 115th Avenue south of Bell Road.
 - Mitigate roadway flooding along 107th Avenue, Union Hills Drive, 115th Avenue, and Bell Road.
 - Safely convey the 100-year flood to the Agua Fria River.
 - Provide opportunities for future multiple-use benefits.
8. On March 28, 2012, the Board of Directors of the DISTRICT adopted Resolution FCD 2011R009 (C-69-12-050-6-00), authorizing the DISTRICT to cost-share in the PROJECT, and to negotiate Intergovernmental Agreements for the design, rights-of-way acquisitions, construction, construction management, and operation and maintenance of the PROJECT. On June 19, 2013, the Board of Directors adopted Resolution FCD 2011R009A (C-69-12-050-6-01) which revised the PROJECT authorized area for obtaining land rights.
 9. On April 24, 2013, the Board of Directors of the DISTRICT approved Intergovernmental Agreement FCD 2012A005 (C-69-13-041-3-00), among the DISTRICT, PEORIA, and SURPRISE, for the design of the PROJECT. The subject design is in progress, with a projected completion date for Phase 1 of March 2015.

PURPOSE OF THE AGREEMENT

10. This Agreement identifies and defines the responsibilities of the DISTRICT, PEORIA, SURPRISE and the COUNTY, for PROJECT cost-sharing activities related to rights-of-way acquisition, utility relocations, construction, construction management, and operation and maintenance.

TERMS OF AGREEMENT

11. The PROJECT, as referenced herein, is defined by paragraph 7 of this Agreement.
12. The PROJECT COST, as referenced herein, solely encompasses the following costs directly associated with the PROJECT and incurred after the effective date of this Agreement:
 - 12.1 All costs associated with acquiring rights-of-way required for the PROJECT. All costs associated with additional rights-of-way acquired at a PROJECT PARTNER's request for non-flood control purposes will be borne solely by the requesting party and are not components of the PROJECT COST.
 - 12.2 Costs of relocating conflicting utilities in place by prior rights. Utilities in place without prior rights will be relocated at their owners' expense; associated costs are not components of the PROJECT COST.
 - 12.3 Costs of construction, construction management and post-design contracts.
 - 12.3.1 Shared costs of landscaping and aesthetic features in accordance with and not to exceed the DISTRICT's "Policy for the Aesthetic Treatment and Landscaping of Flood Control Projects" (POLICY). Landscaping, aesthetic features and park amenities, in addition to those allowed by the DISTRICT's POLICY and if compatible with the PROJECT function, may be included in PROJECT contracts at the request of a PROJECT PARTNER; the additional construction and associated construction management costs being solely at the requesting PROJECT PARTNER's expense.
 - 12.3.2 If construction management services are not accomplished under contract, construction management costs shall be assigned a value of eight percent (8%) of the actual construction cost of the PROJECT plus actual costs for materials testing and survey work associated with construction management.
 - 12.4 Each PROJECT PARTNER will pay for, and not seek reimbursement for, its own personnel and internal administrative costs associated with this PROJECT, including costs associated with the issue of PROJECT permits, unless specifically identified otherwise in this Agreement.
13. The PROJECT COST associated with this Agreement is estimated to be \$10,700,000.
 - 13.1 The PROJECT COST is estimated based on the best information available at the time of this Agreement, and is subject to change without amendment to this Agreement. Upon recognition of anticipated cost increases above this estimated PROJECT COST, PROJECT PARTNERS shall communicate these anticipated increases.
14. DISTRICT funding for this Agreement shall be from secondary flood control tax levy revenue and is contingent upon funding availability within the DISTRICT's Capital Improvement Program.
15. SURPRISE funding for this Agreement shall be from capital funding.

16. PEORIA funding for this Agreement shall be from capital funding.
17. COUNTY funding for this Agreement shall be from Highway User Revenue Funds (HURF) monies.
18. The target date for completion of the first phase of the PROJECT construction is September 2016. The DISTRICT shall inform the PROJECT PARTNERS of delays impacting this target completion date.
19. The DISTRICT shall:
 - 19.1 Fund fifty percent (50%) of the PROJECT COST, less the COUNTY's one-time contribution of \$367,000, making the DISTRICT's estimated share \$5,166,500.
 - 19.2 Serve as the lead agency for utility relocations required for the PROJECT.
 - 19.2.1 Coordinate with a PROJECT PARTNER for the relocation of conflicting utilities within the PROJECT PARTNER's rights-of-way.
 - 19.2.2 Invoice SURPRISE and PEORIA for their share of the PROJECT COST associated with the utility relocation as it is incurred, no more frequently than quarterly, and no less frequently than annually.
 - 19.3 Serve as the lead agency for PROJECT rights-of-way acquisition.
 - 19.3.1 Obtain rights-of-way required for the PROJECT, and transfer to the PROJECT PARTNERS the rights-of-way acquired for the PROJECT in their respective jurisdictions, in accordance with operation and maintenance responsibilities as defined in Paragraphs 19.8, 20.7, 21.7, and 22.7 of this Agreement upon completion and acceptance of the PROJECT. The rights-of-way will be transferred to the appropriate PROJECT PARTNER in fee, or a perpetual easement over the rights-of-way will be granted to the appropriate PROJECT PARTNER. The primary use of any land and/or property purchased by the DISTRICT and conveyed to a PROJECT PARTNER shall be for specific flood control purposes, and should that land and/or property cease to be used for flood control purposes, said land and/or property shall revert to the DISTRICT. Said reversion shall be effectuated through judicial proceedings instituted by the DISTRICT in a court of general jurisdiction in the State of Arizona. If all or a part of this property is subsequently sold by A PROJECT PARTNER it shall be a restriction on the transfer document that the primary use of the property must continue to be for flood control purposes, or the aforementioned reversionary clause on the transfer deed to the PROJECT partner, shall be initiated, and the property will be considered reverted back to the DISTRICT. If it is mutually agreed between the PROJECT PARTNERS that property purchased for the PROJECT is no longer needed for flood control purposes and therefore available for sale, the PROJECT PARTNER may sell the property under the stipulation that the DISTRICT and other PROJECT PARTNERS shall be paid its cost share percentage of the original acquisition cost, along with their pro-rata share of any appreciation in land value from the original acquisition price of the property for the PROJECT to the final disposition price at the time that the PROJECT PARTNER disposes of the property.
 - 19.3.2 Invoice the PROJECT PARTNERS for their share of the PROJECT COST associated with right-of-way acquisition as it is incurred, no more frequently than quarterly, and no less frequently than annually.

- 19.4 Serve as the lead agency for PROJECT construction and construction management.
 - 19.4.1 Provide Phase 2 design and construction plans for COUNTY review and comment.
 - 19.4.2 Upon award of a construction contract for the PROJECT, invoice SURPRISE and PEORIA for fifty percent (50%) of their share of the PROJECT COST associated with construction and construction management for that contract.
 - 19.4.3 Upon completion of a construction contract for the PROJECT, prepare a final accounting including change orders and construction management costs not previously paid, and invoice SURPRISE and PEORIA for the remainder of their share of all PROJECT COST incurred to date.
 - 19.4.4 Upon completion of a construction contract for Phase 2 of the PROJECT, invoice the COUNTY for the COUNTY's one-time contribution of \$367,000 (COUNTY's contribution) for its share of the construction costs.
 - 19.5 If it incurs non-flood control costs that are not a component of the PROJECT COST at the request of a PROJECT PARTNER, per paragraphs 12.1 and 12.3.1 of this Agreement, invoice the PROJECT PARTNER as these costs are incurred, no more frequently than quarterly, and no less frequently than annually.
 - 19.6 Serve as the lead agency for PROJECT public involvement activities.
 - 19.7 Participate in a final inspection of the PROJECT with the PROJECT PARTNERS.
 - 19.8 Own the PROJECT south of Bell Road, and maintain same, except for any public-use facilities within the areas which will be maintained and managed by SURPRISE; own and maintain the PROJECT Beardsley Channel improvements.
 - 19.9 Participate, as desired by the DISTRICT, with the PROJECT PARTNERS in an annual inspection of the PROJECT. Any deficiencies relating to flood control, and for which the PROJECT PARTNER is responsible, shall be corrected by the PROJECT PARTNER within thirty (30) calendar days. If the PROJECT PARTNER has not taken corrective action within this time, the DISTRICT reserves the right to perform the corrective action, and will invoice the PROJECT PARTNER for the total costs incurred by the DISTRICT.
 - 19.10 The DISTRICT reserves the right to review and comment on the design and/or construction of any future changes or modifications to the PROJECT that may affect the hydraulic function of the PROJECT.
20. SURPRISE shall:
- 20.1 Fund twenty five percent (25%) of the PROJECT COST, less the COUNTY's contribution, making SURPRISE's estimated share \$2,583,250.
 - 20.2 Within thirty (30) calendar days of receipt, pay all invoices issued by the DISTRICT in accordance with the terms of this Agreement.
 - 20.3 Participate in PROJECT public involvement activities.

- 20.4 Cause to be relocated at no cost to the PROJECT all utilities within its jurisdiction that are in place by permit and/or without prior rights.
 - 20.5 Provide all SURPRISE owned and controlled rights-of-way necessary for the PROJECT, and not specifically purchased for this PROJECT, at no cost to the PROJECT.
 - 20.6 Participate in the final inspection of the project with the District.
 - 20.7 Be responsible for all operations and maintenance of the PROJECT within SURPRISE limits, including maintenance and management of any public use facilities within SURPRISE limits; as well as the storm drain within 115th Avenue.
 - 20.7.1 The maintenance activities to be performed include, but are not limited to, maintaining the flood control function of the PROJECT, including sediment and vegetation removal and any and all aesthetic, park, and public use features, maintenance of landscaping, irrigation, multi-use trails and berms, removal of trash and debris, electricity and other operation costs for the facilities, vandalism repair and replacement, and structural repair and replacement of the flood control structures.
 - 20.8 Schedule, and invite the DISTRICT to participate in, an annual inspection of the PROJECT. Any deficiencies relating to flood control for which SURPRISE is responsible shall be corrected by SURPRISE within thirty (30) calendar days. If SURPRISE has not taken corrective action within this time, the DISTRICT reserves the right to perform the corrective action and SURPRISE shall reimburse the DISTRICT for the total costs incurred by the DISTRICT within thirty (30) calendar days of receipt of an invoice from the DISTRICT.
 - 20.9 Be responsible for assuring the safety and appropriateness of any non-flood control uses of the PROJECT prior to offering to make or making the PROJECT available for such uses.
 - 20.10 Obtain DISTRICT review and comments on the design and/or construction of any future changes or modifications to the PROJECT, and resolve and/or incorporate the DISTRICT's comments into these future PROJECT modifications.
21. PEORIA shall:
- 21.1 Fund twenty five percent (25%) of the PROJECT COST, less the COUNTY's contribution, making PEORIA's estimated share \$2,583,250.
 - 21.2 Within thirty (30) calendar days of receipt, pay all invoices issued by the DISTRICT in accordance with the terms of this Agreement.
 - 21.3 Participate in PROJECT public involvement activities.
 - 21.4 Cause to be relocated at no cost to the PROJECT all utilities within its jurisdiction that are in place by permit and/or without prior rights.
 - 21.5 Provide all PEORIA owned and controlled rights-of-way necessary for the PROJECT, and not specifically purchased for this PROJECT, at no cost to the PROJECT.
 - 21.6 Participate in the final inspection of the project with the District.

- 21.7 Be responsible for all operations and maintenance of the PROJECT within PEORIA limits, including maintenance and management of any public use facilities within PEORIA.
- 21.7.1 The maintenance activities to be performed include, but are not limited to, maintaining the flood control function of the PROJECT, including sediment and vegetation removal and any and all aesthetic, park, and public use features, maintenance of landscaping, irrigation, multi-use trails and berms, removal of trash and debris, electricity and other operation costs for the facilities, vandalism repair and replacement, and structural repair and replacement of the flood control structures.
- 21.8 Schedule, and invite the DISTRICT to participate in, an annual inspection of the PROJECT. Any deficiencies relating to flood control for which PEORIA is responsible shall be corrected by PEORIA within thirty (30) calendar days. If PEORIA has not taken corrective action within this time, the DISTRICT reserves the right to perform the corrective action and PEORIA shall reimburse the DISTRICT for the total costs incurred by the DISTRICT within thirty (30) calendar days of receipt of an invoice from the DISTRICT.
- 21.9 Be responsible for assuring the safety and appropriateness of any non-flood control uses of the PROJECT prior to offering to make or making the PROJECT available for such uses.
- 21.10 Obtain DISTRICT review and comments on the design and/or construction of any future changes or modifications to the PROJECT, and resolve and/or incorporate the DISTRICT's comments into these future PROJECT modifications.
22. The COUNTY shall:
- 22.1 Provide Phase 2 design and construction review and comments to the DISTRICT at the COUNTY's expense.
- 22.2 Fund a one-time contribution of \$367,000 for the storm drain construction along Union Hills Drive from 107th Avenue to 111th Avenue. The COUNTY's contribution is based on the fact that the storm drain serves to provide flood protection for the intersection of 107th Avenue and Union Hills Drive, which will ultimately provide a safer driving experience for the traveling public
- 22.3 Within thirty (30) calendar days of receipt, pay the invoice issued by the DISTRICT in accordance with the terms of this Agreement.
- 22.4 Participate in PROJECT public involvement activities directly related to the storm drain along Union Hills Drive from 107th Avenue to 111th Avenue.
- 22.5 Cause to be relocated at no cost to the PROJECT all utilities within its jurisdiction that are in place by permit and/or without prior rights. Utility costs incurred for those utilities with confirmed prior rights will not be paid by the COUNTY, but by the other participating PROJECT PARTNERS to this Agreement.
- 22.6 Provide all COUNTY owned and controlled rights-of-way necessary for the PROJECT, and not specifically purchased for this PROJECT, at no cost to the PROJECT.
- 22.7 Participate in the final inspection of the PROJECT along Union Hills Drive from 107th Avenue to 111th Avenue with the DISTRICT.

- 22.8 Be responsible for all operations and maintenance of the PROJECT Union Hills Drive storm drain system from approximately 107th Avenue to 111th Avenue.
- 22.8.1 The maintenance activities to be performed include, but are not limited to, maintaining the flood control function of the PROJECT, including sediment and vegetation removal and any and all aesthetic, park, and public use features, maintenance of landscaping, irrigation, multi-use trails and berms, removal of trash and debris, electricity and other operation costs for the facilities, vandalism repair and replacement of the flood control structures.
- 22.9 Schedule, and invite the DISTRICT to participate in, an annual inspection of the storm drain along Union Hills Drive from 107th Avenue to 111th Avenue . Any deficiencies relating to flood control for which the COUNTY is responsible shall be corrected by the COUNTY within thirty (30) calendar days. If the COUNTY has not taken corrective action within this time, the DISTRICT reserves the right to perform the corrective action and the COUNTY shall reimburse the DISTRICT for the total costs incurred by the DISTRICT within thirty (30) calendar days of receipt of an invoice from the DISTRICT.
- 22.10 Be responsible for assuring the safety and appropriateness of any non-flood control uses of the portion of the PROJECT within unincorporated Maricopa County prior to offering to make or making the PROJECT available for such uses.
- 22.11 Obtain DISTRICT review and comments on the design and/or construction of any future changes or modifications to the PROJECT, and resolve and/or incorporate the DISTRICT's comments into these future PROJECT modifications.
23. Each PROJECT PARTNER, and the PROJECT PARTNERS collectively, shall:
- 23.1 Comply with A.R.S. Sections 41-4401 and 23-214, subsection A.
- 23.1.1 Each party to this Agreement retains the legal right to inspect the records of the other party's and any contractors' or subcontractors' employees performing work under this Agreement to verify compliance with A.R.S. Sections 41-4401 and 23-214, subsection A.
- 23.1.2 Failure by either party to this Agreement to comply with A.R.S. Sections 41-4401 and 23-214, subsection A shall be deemed a breach of this Agreement and is subject to penalties up to and including termination of the Agreement.
- 23.2 Require that any contractor selected for the PROJECT:
- 23.2.1 Warrant its compliance with all federal immigration laws and regulations that relate to its employees and their compliance with A.R.S. section 23-214(A);
- 23.2.2 Agree that a breach of the warranty under paragraph 23.2.1 shall be deemed a material breach of contract and is subject to penalties up to and including termination of the contract;
- 23.2.3 Agree that the other party to this Agreement retains the legal right to inspect the papers of the contractor or subcontractor employee(s) who work(s) on this Agreement to ensure that contractor or subcontractor is complying with the warranty under paragraph 23.2.1;
- 23.3 Waive fees or provide in-kind services and costs to acquire any permit(s) required for the PROJECT.

- 23.4 Have the right, following mutual written agreement of all PROJECT PARTNERS, to delegate its responsibilities under this Agreement to another party. Any delegation, however, shall not relieve the delegating PROJECT PARTNER of its original responsibilities as defined herein.
- 23.5 In the case of any dispute over any items in this Agreement, agree to use their best efforts and enter into good faith negotiations to resolve the disputed matters. However, this shall not limit the rights of the PROJECT PARTNERS to seek any remedies provided by law.
- 23.6 Take reasonable and necessary actions within its authority to ensure that only storm water is discharged into the PROJECT, and that such discharges into the PROJECT comply at the point of discharge with any applicable requirements of the U.S. Environmental Protection Agency Clean Water Act, Arizona Pollutant Discharge Elimination System or any other applicable discharge requirements, including any permit requirements.
24. If in the future a part of the PROJECT in unincorporated COUNTY is annexed by a PROJECT PARTNER, that PROJECT PARTNER agrees to take over operation and maintenance of the newly annexed part of the PROJECT.
25. The PROJECT PARTNERS agree to equally share the cost of PROJECT compliance and cost audit to be initiated within sixty (60) days of PROJECT completion, if requested by any of the PROJECT PARTNERS. An independent auditing firm agreed to by the PROJECT PARTNERS will perform the audit. Any payments or reimbursements necessary to bring the PROJECT into compliance with the audit findings shall be made within forty five (45) days of acceptance by the PROJECT PARTNERS.
26. The PROJECT may be phased for construction due to funding or other coordination issues. Responsibilities of the PROJECT PARTNERS shall be phased accordingly, including, but not limited to, invoicing, reimbursements, transfer of land rights and accepting of operation and maintenance.
27. If mutually acceptable to the PROJECT PARTNERS, PROJECT invoicing may be conducted periodically based on actual PROJECT COST incurred, no more frequently than quarterly, in lieu of invoicing timelines otherwise established in this Agreement.
28. Each party to this Agreement shall, as "Indemnitor," to the extent permissible by law, indemnify, defend and hold harmless the other Project Partner ("Indemnitee") including agents, officers, directors, governors and employees thereof, from and against any and all loss or expense incurred as a result of any claim or suit of any nature whatsoever, which arises out of any act or omission of Indemnitor pursuant to this Agreement, including but not limited to, reasonable attorneys' fees, court costs, and other expenses relating to the defense against claims or litigation, incurred by the Indemnitee. Notwithstanding the above, Indemnitee shall be liable for its own negligence or wrongful acts as provided by law. In no event shall the Indemnitor owe or be obligated to pay any amounts which the Indemnitee has not actually paid or has no actual obligation to pay. In the event any agreement to pay to resolve issues of liability is not enforceable, or any agreement or settlement results in an actual obligation lower than the full amount of liability, the Indemnitor's obligation to pay shall be limited to the amount Indemnitee has paid or would be obligated to pay in the absence of any agreement to indemnify. Should the any PROJECT PARTNER offer to make or make the PROJECT available for any non-flood control uses, the offering PROJECT PARTNER shall, to the extent permissible by law, indemnify, defend and save harmless the DISTRICT, including agents, officers, directors, governors and employees thereof, from any and all loss or expense incurred as a result of any claim or suit without limitation. Such indemnification obligation is intended to be a specific indemnity obligation rather than the general indemnity obligations set forth in this paragraph regarding all other types of claims or suits and shall include the obligation to provide reasonable attorneys' fees, court costs, and other expenses relating to the defense of such claims or litigation.

29. This Agreement does not imply authority to perform any tasks, or accept any responsibility, not expressly stated in this Agreement.
30. This Agreement does not create a duty or responsibility unless the intention to do so is clearly and unambiguously stated in this Agreement.
31. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be invalid or prohibited under the law, such provision shall be ineffective to the extent of such prohibition or invalidation but shall not invalidate the remainder of such provision or the remaining provisions.
32. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Flood Control District of Maricopa County
Chief Engineer and General Manager
2801 West Durango Street
Phoenix, Arizona 85009-6399

City of Surprise
Public Works Director
16000 North Civic Center Plaza
Surprise, Arizona 85374

City of Peoria
City Manager
8401 West Monroe Street
Peoria, Arizona 85345

Maricopa County Department of Transportation
Attn: Intergovernmental Relations Branch
2901 West Durango Street
Phoenix, Arizona 85009-6357

33. This Agreement shall expire either (1) ten (10) years from the date of recording with the County Recorder, or (2) upon completion of the PROJECT and after all funding obligations and reimbursements have been satisfied in accordance with this Agreement, whichever is the first to occur. However, by mutual written agreement of all parties, this Agreement may be amended or terminated. The operation and maintenance and indemnification provisions of this Agreement shall survive the expiration of this Agreement.
34. This Agreement is subject to cancellation by any party pursuant to the provisions of Arizona Revised Statutes Section 38-511.
35. Attached to this Agreement or contained herein are the written determinations by the appropriate attorneys for the parties to this Agreement, that these agencies are authorized under the laws of the State of Arizona to enter into this Agreement and that it is in proper form.

36. If legislation is enacted after the effective date of this Agreement that changes the relationship or structure of one or more parties to this Agreement, the parties agree that this Agreement shall be renegotiated at the written request of any party.
37. The DISTRICT and the COUNTY have chosen attorneys employed by the Civil Services Division of the Maricopa County Attorney's Office ("Civil Services Division") to act as their attorney for the purpose of reviewing this Agreement. In so doing, by their signature below, each party acknowledges that it is aware that the Civil Services Division will represent these two parties to this Agreement, and each party expressly waives any conflict created thereby.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
A Municipal Corporation

Recommended by:

William D. Wiley, P.E. Date
Chief Engineer and General Manager

Approved and Accepted:

By: _____
Chairman, Board of Directors Date

Attest:

By: _____
Clerk of the Board Date

The foregoing Intergovernmental Agreement FCD 2014A002 has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned General Counsel, who has determined that it is in proper form and within the powers and authority granted to the Flood Control District of Maricopa County under the laws of the State of Arizona.

Flood Control District General Counsel Date

CITY OF SURPRISE
A Municipal Corporation,

Sharon Wolcott, Mayor

By: _____
Date

Attest:

By: _____
City Clerk Date

The foregoing Intergovernmental Agreement IGA FCD 2014A002 has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Surprise under the laws of the State of Arizona.

By: _____
City Attorney Date

CITY OF PEORIA
A Municipal Corporation,

Bob Barrett, Mayor

By: _____
Date

Attest:

By: _____
City Clerk Date

The foregoing Intergovernmental Agreement IGA FCD 2014A002 has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Peoria under the laws of the State of Arizona.

By: _____
City Attorney Date

MARICOPA COUNTY

Recommended by:

Jennifer Toth, P.E.
Transportation Director

Date

Approved and Accepted:

By: _____
Chairman, Board of Supervisors Date

Attest:

By: _____
Clerk of the Board Date

The foregoing Intergovernmental Agreement FCD 2014A002 has been reviewed pursuant to Arizona Revised Statutes 11-251, as amended, by the undersigned Deputy County Attorney, who has determined that it is in proper form and within the powers and authority granted to Maricopa County under the laws of the State of Arizona.

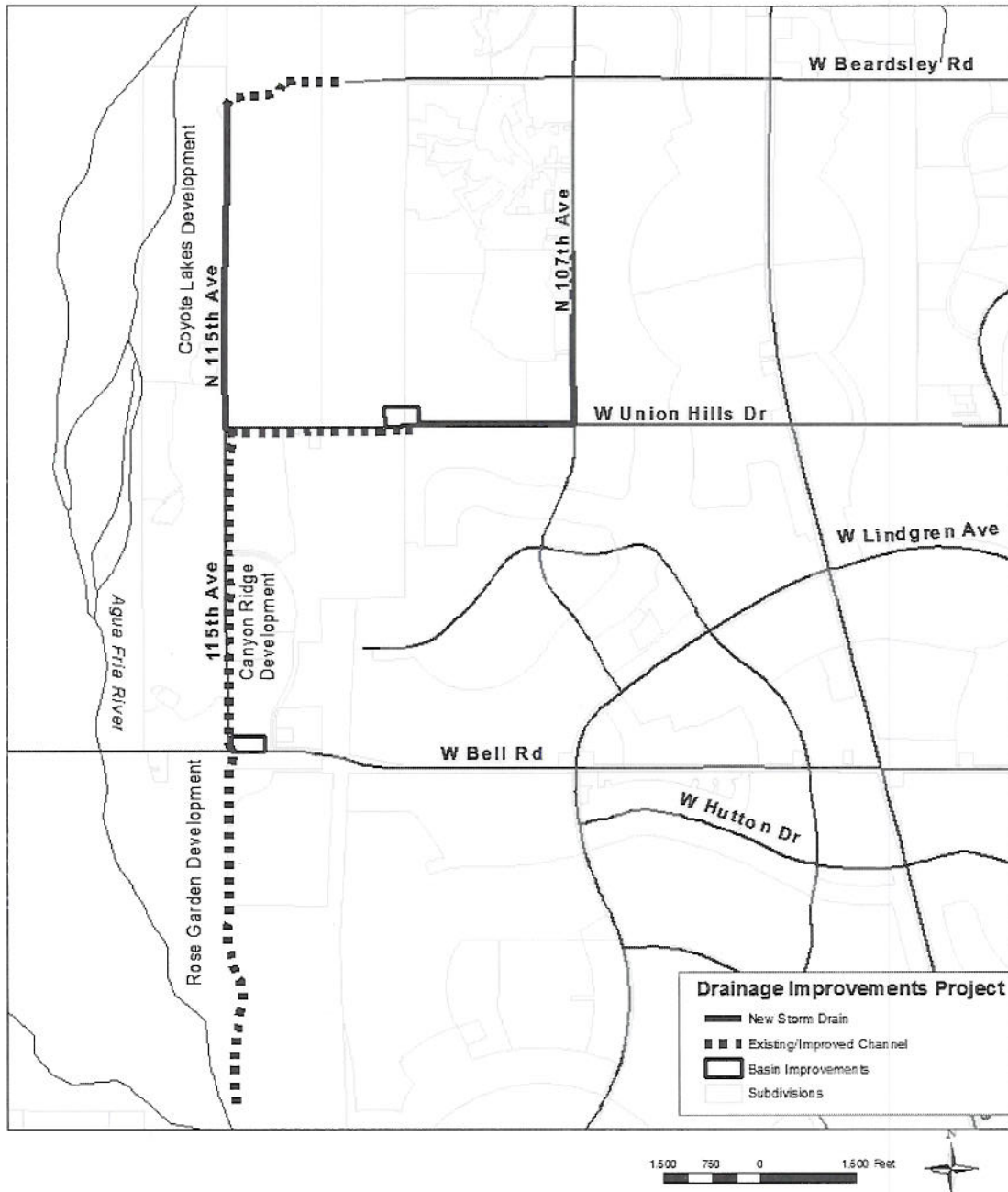
Deputy County Attorney

Date



IGA 2014A002

EXHIBIT "A"





CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: December 2, 2014 Contact Person: Mike Gent
Submitting Department: District: 6
Staff Recommendations: Approve

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on an FY20014-15 budget amendment in the amount of \$125,000 for improved traffic conditions and control through utilization of medians on Waddell and Bell Road; Resolution #2014-100.

Motion:

I move to approved Resolution 2014-100.

Background:

Two CIP projects approved in the FY2014-15 budget; Mtn View West of Grand Ave project (21303) and the Enhancements SR303 Mtn View to Grand Ave project (21506); have or are anticipated to have significant budget savings such that the Public Works Department seeks to utilize available funds on two small but important projects through this proposed budget amendment. The new projects are both median projects the completion of which will significantly enhance safety and accessibility along major arterial roadways. The first project will occur on Waddell Road immediately west of Litchfield Road and will consist of the design and installation of a median. Currently, vehicles exiting commercial/retail parking areas on both the north and south side of Waddell Road, west of Litchfield Road, make frequent illegal and unsafe left turn movements. Installation of a median will eliminate these unsafe movements. The second project will occur on Bell Road, east of El Mirage Road and will consist of design and installation of a median cut to allow westbound traffic movements from residential and retail areas on the south side of Bell Road. The proposed projects are consistent with applicable access and transportation plans.

Financial Impact Statement:

These projects were not approved in the FY2015 capital improvements budget. These are transportation improvement and general capital projects. Resolution #2014-100 is requesting establishment of the projects using identified project savings from the Mtn View West of Grand Ave project (21303) and the Enhancements SR303 Mtn View to Grand Ave project (21506).

ATTACHMENTS:

Click to download

☐ [Resolution No. 2014-100](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

RESOLUTION # 2014-100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2015 BUDGET BY REALLOCATING APPROPRIATIONS OF \$125,000 FROM CAPITAL EXPENSE, GENERAL CAPITAL FUND, ENHANCEMENT SR303 MTN VIEW TO GRAND AVE, PROJECT 21506 AND \$125,000 FROM CAPITAL EXPENSE, TRANSPORTATION IMPROVEMENT FUND, MTN VIEW BLVD W OF GRAND, PROJECT 21303; TO ESTABLISH NEW CAPITAL PROJECTS FOR MEDIAN ENHANCEMENTS AT WADDELL RD WEST OF LITCHFIELD RD AND BELL RD EAST OF EL MIRAGE RD.

WHEREAS, vehicular traffic exiting retail establishments along Waddell Road west of Litchfield Road is not complying with the traffic control signing and striping on Waddell Road;

WHEREAS, vehicular traffic exiting residential and retail establishments on the south side of Bell Road east of El Mirage Road requires access to travel westbound on Bell Road;

WHEREAS, the City wishes to improve traffic conditions and safety along Waddell and Bell Roads in these areas;

WHEREAS, the Public Works Department has determined the most effective method to improve traffic conditions along Waddell and Bell Roads is design and installation of raised medians and alter existing median access, respectively;

WHEREAS, the Public Works Department has determined that total project costs for the Enhancements to SR303 and Grand Ave project and Mtn View West of Grand Ave project can be reduced permanently through contract negotiation and construction contingencies;

WHEREAS, the FY2015 budget was adopted by Council Resolution #2014-53 on June 3, 2014;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

///

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

Section 1. The budget amendment has been reviewed and approved by the appropriate staff according to the City's administrative policies.

Section 2. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2014 through June 30, 2015.

APPROVED AND ADOPTED this ____ day of _____, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2014-100
Exhibit A

The FY2015 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Transportation Improvement Public Works Engineering	Current Appropriation	Increase (Decrease)	Amended Appropriation
Mtn View West of Grand Ave, 21303	\$595,200	-125,000	\$470,200
Waddell Medians West of Litchfield Rd, project to be assigned	0	125,000	125,000
	<u>\$595,200</u>	<u>\$0</u>	<u>\$595,200</u>

General Capital Public Works Engineering	Current Appropriation	Increase (Decrease)	Amended Appropriation
Enhancements SR 303 Mtn View to Grand Ave 21506	\$300,000	-125,000	\$175,000
Waddell Medians west of Litchfield Rd, project to be assigned	0	50,000	50,000
Bell Road Median		75,000	75,000
	<u>\$300,000</u>	<u>\$0</u>	<u>\$300,000</u>

The fund changes are as follows:

- The amendment reallocates appropriation within the transportation improvement fund in the amount of \$125,000 from Mtn View West of Grand Ave project (21303) and general capital fund in the amount of \$125,000 from the Enhancements SR 303 Mtn View to Grand Ave project (21506) to establish new capital improvement projects for the Waddell Rd Medians west of Litchfield Rd to 140th Drive project and enhancements to medians on Bell Rd east of El Mirage Rd.



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	December 2, 2014	Contact Person:	Robert Kuhfuss, Community Development
Submitting Department:		District:	5
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action approving the Surprise Village at West Point Towne Center plat, dated October 20, 2014, a property generally located at the northeast corner of Litchfield and Bell Roads; Resolution #2014 - 111.

Motion:

I move to approve Resolution 2014-111.

Background:

The Final Plat will encompass approximately 12.5 acres and 13 commercial lots. The associated Minor PAD Amendment was approved administratively per the provisions of the West Point Towne Center PAD.

Financial Impact Statement:

All activity related to the ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
- ☐ [Vicinity Map](#)
- ☐ [ADOT Letter](#)
- ☐ [Final Plat Resolution](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

Robert Kuhfuss, Planner



COMMUNITY DEVELOPMENT

Date: December 2, 2014

To: Mayor and City Council

From: Eric Fitzer, Director
Robert H. Kuhfuss, AICP, Planner II

Re: FS14-279 – Surprise Village at West Point Towne Center
Final Plat

Application Summary

Michael Curley of Earl, Curley and Lagarde, on behalf of Litchfield Bell /Grand, LLC et. al. filed an application for a Final Plat together with a Minor PAD Amendment regarding Surprise Village at West Point Towne Center. The Final Plat will encompass approximately 12.5 acres and 13 commercial lots. The associated Minor PAD Amendment serves only to allow “zero” setbacks for those parcels internal to the site and is being approved administratively per the provisions of the West Point Towne Center PAD.

Location

The subject property is located at the northeast corner of Bell Road and Litchfield Road in what is known as Parcel 20 of the West Point Towne Center PAD. The following aerial photograph depicts the property within that PAD and its surrounds.

History

October 26, 1995: The Mayor and City Council approved the West Point Towne Center Planned Area Development under case PAD95-044.

April 1, 2003: The Planning Commission approved the Surprise Village (at West Point Towne Center) Site Plan under case SP02-322.

July 23, 2014: The applicant filed a request for a Final Plat covering the subject property under case FS14-279, the subject case.

September 30, 2014: The applicant filed a request for a Minor PAD Amendment covering the subject property.

Summary

The proposed final plat covers approximately 12.5 acres of currently developed commercial property. Most of the parcels contemplated under the final plat were already created subsequent to the properties being constructed. The resulting parcels did not meet minimum lot width standards as originally set forth under the PAD; however, the West Point Towne Center PAD allows for this issue to be addressed administratively through a PAD Amendment. The subject final plat meets the development standards as set forth under the West Point Towne Center PAD as amended.

Findings

- The proposed Final Plat meets the requirements of the SUDC with respect to land division.
- The proposed Final Plat meets the requirements of the West Point Towne Center PAD, as amended by the Minor PAD Amendment submitted under FS14-279.

Recommendations:

Based on the Findings noted above, staff recommends approval of the Final Plat.

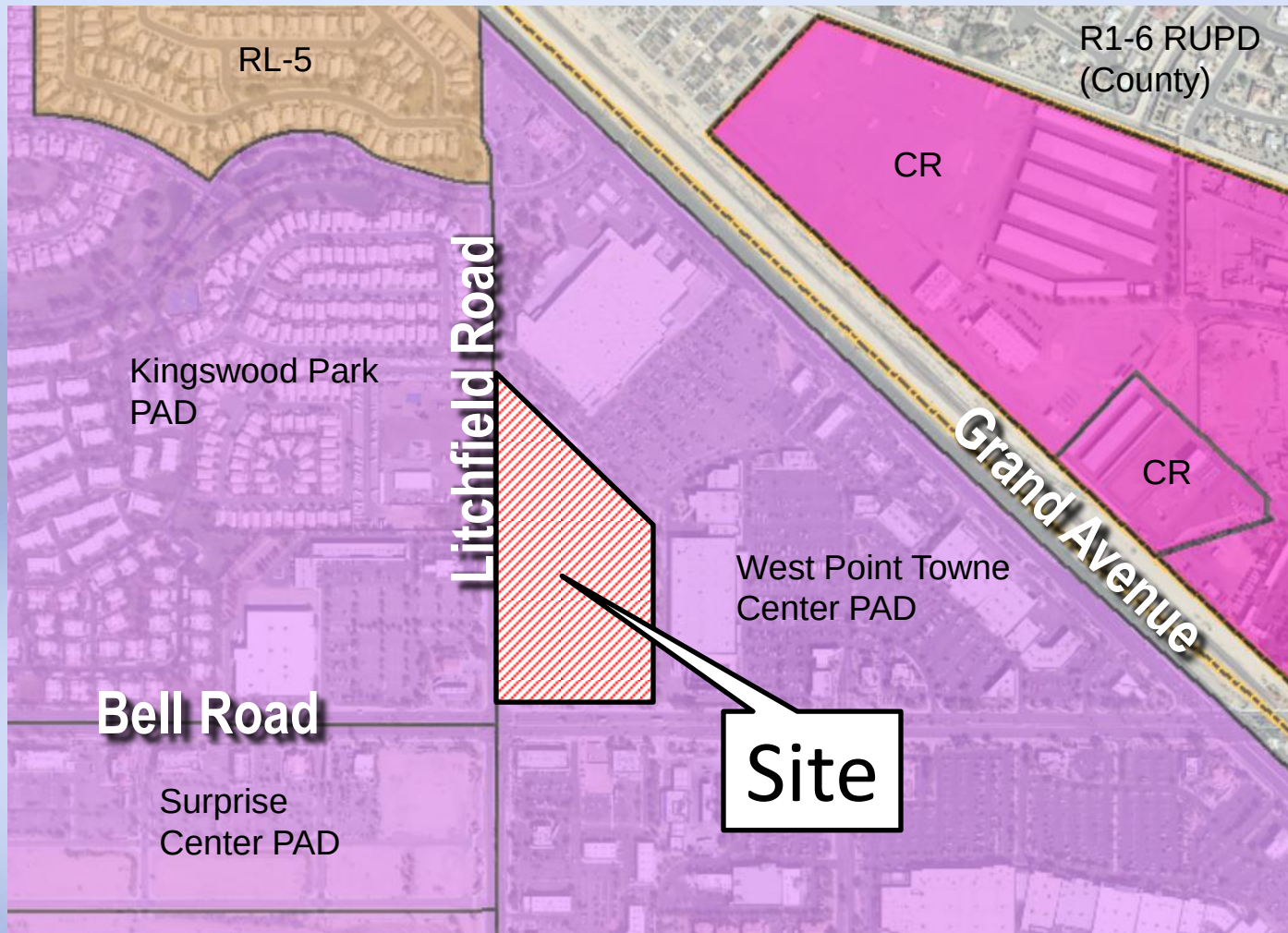
Attached:

Vicinity Map
Case Map
Final Plat
Letter from ADOT
Resolution

FS14-279 VICINITY MAP



FS14-279 CASE MAP





Intermodal Transportation

Janice K. Brewer, Governor

John S. Halikowski, Director

Jennifer Toth, State Engineer

Robert Samour, Senior Deputy State Engineer, Operations

Dallas Hammit, Senior Deputy State Engineer, Development

August 8, 2014

Attn: Jamie Sullivan
The City of Surprise
16000 N. Civic Center Plaza
Surprise, Arizona 85374

Re: Case Number: FS14-279
Project Name: SURPRISE VILLAGE COMMERCIAL CENTER
Type: NEC of Litchfield & Bell Rd
III-FINAL PLAT

Dear Ms. Sullivan:

Thank you for your notification regarding the Development Review Case FS14-279. After reviewing this information, we have determined that at this time the proposed plan will not impact our highway facilities in this area.

ADOT reserves the right to review and comment on any and all development plans for the area as to any impact they may have on the State Highway System.

Should you have any questions, feel free to contact me at 602-712-7315, or in writing at 205 S. 17th Avenue, Right of Way Project Management Section, MD 612E, Phoenix, Arizona 85007.

Sincerely,

Paul D. Betken
Right of Way Agent
Right of Way Project Management
pbetken@azdot.gov

RESOLUTION #2014-111

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER," GENERALLY LOCATED AT THE NORTHEAST CORNER OF LITCHFIELD ROAD AND BELL ROAD.

WHEREAS, on October 26, 1995 the Mayor and City Council approved the West Point Towne Center Planned Area Development;

WHEREAS, on April 1, 2003, the Planning Commission approved the Surprise Village (at West Point Towne Center) Site Plan; and

WHEREAS, the proposed Final Plat is in compliance with the Surprise Municipal Code and Surprise General Plan.

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

Section 1. The Final Plat entitled "Surprise Village at West Pointe Towne Center," dated October 20, 2014 is approved.

APPROVED AND ADOPTED this _____ day of _____ 2014.

Sharon R. Wolcott, Mayor

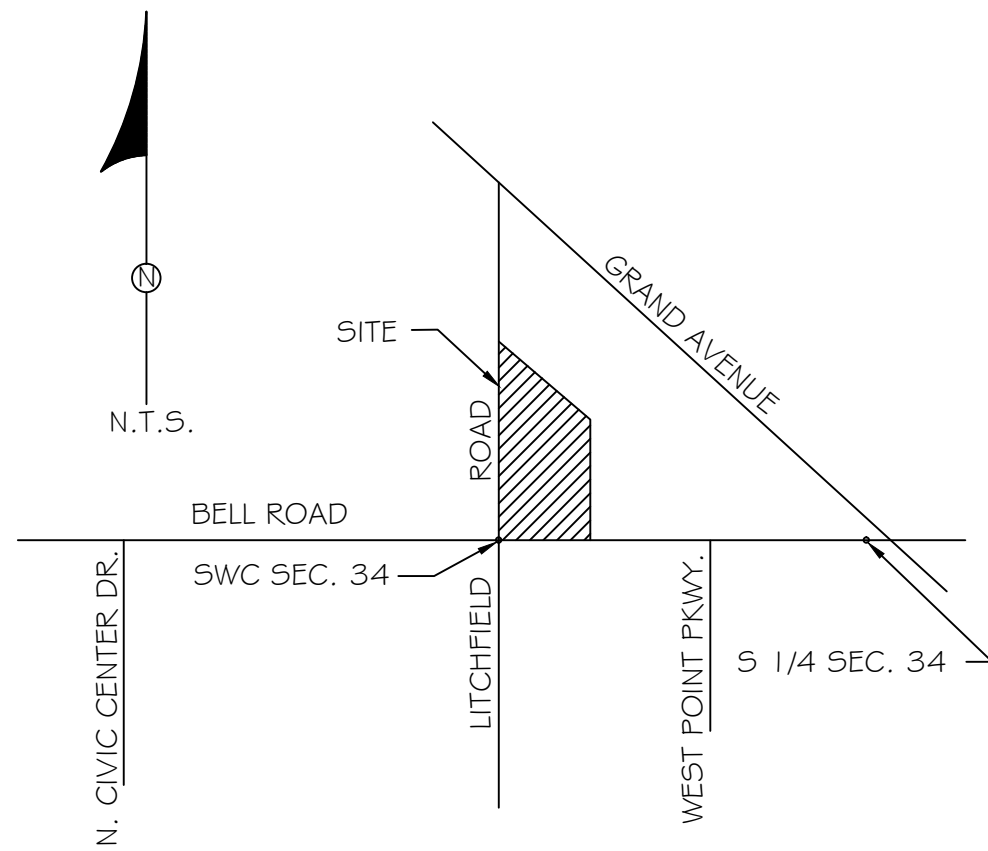
Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

FINAL PLAT OF "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER"
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST, GILA & SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA



PUBLIC NOTICE

THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

RELEASE OF LIABILITY

THE OWNERS DO HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER(S) AND ITS(THEIR) HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

THE OWNERS HEREBY FURTHER AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY.

LEGAL DESCRIPTION PARENT PARCEL

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HAND HOLE AT THE SOUTHWEST CORNER OF SAID SECTION 34, THENCE SOUTH 89°49'58" EAST, 597.27 FEET ALONG THE SOUTH LINE OF SAID SECTION 34; THENCE NORTH 00°1'002" EAST, 65.0 FEET TO A POINT ON THE NORTHERLY RIGHT-OF WAY LINE OF BELL ROAD, BEING THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED IN RECORDING 99-0747413, RECORDS OF MARICOPA COUNTY AND THE POINT OF BEGINNING; THENCE

NORTH 89°49'58" WEST, 522.93 FEET, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE

NORTH 45°07'34" WEST, 28.43 FEET; TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LITCHFIELD ROAD, WHICH IS 55.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 34; THENCE

NORTH 0°25'21" WEST, 1234.46 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE; THENCE

SOUTH 46°37'44" EAST, 762.56 FEET; THENCE

SOUTH 0°1'002" WEST, 732.34 FEET TO THE POINT OF BEGINNING.

NOTES

1. THE PROPERTY OWNERS, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

2. THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE "X", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON THE FLOOD INSURANCE RATE MAP NO. 04013C1240L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

3. PURSUANT TO A.R.S. # 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.

4. MAINTENANCE OF STORM WATER FACILITIES SHALL BE THE RESPONSIBILITY OF THE OWNER'S ASSOCIATION.

5. THE WATER SERVICE PROVIDER IS EPCOR. THIS PLAT HAS BEEN DESIGNATED AS HAVING AN ASSURED 100 YEAR SUPPLY OF WATER.

SERVICES ARE PROVIDED BY THE FOLLOWING COMPANIES :

SEWER - AMERICAN WATER/SEWER

ELECTRICITY - APS

GAS - SOUTHWEST GAS

WATER - EPCOR WATER

FIRE - METRO FIRE

TRASH - WASTE MANAGEMENT

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____ DAY OF _____, 2014, BY THE CITY ENGINEER OF SURPRISE.

CITY ENGINEER

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA
THIS ____ DAY OF _____, 2014.

MAYOR

ATTEST:

CITY CLERK

	KDM SURVEYING SERVICES 12431 NORTH 65TH STREET SCOTTSDALE, ARIZONA 85254 (480) 231-4492 FAX (480) 998-0138	file no. SURPRISEVILLAGE_plat_05_00
		drawn by KDM
		checked by KDM
		OCTOBER 20, 2014

FINAL PLAT OF "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER"
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST, GILA & SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA

OWNER(S) OF RECORD:

PARCEL NO. 20-A, 20-J, K, L & M
LITCHFIELD BELL/GRAND LLC
7595 EAST MCDONALD DR. STE. 130
SCOTTSDALE, ARIZONA 85250

PARCEL NO. 20-B & C

LITCHFIELD BELL/GRAND LLC
5705 NORTH SCOTTSDALE RD. STE. 130
SCOTTSDALE, ARIZONA 85250

PARCEL NO. 20-D

MALCOLM FAMILY LP/MALCOLM BRUCE/CONNIE
7595 EAST MCDONALD DR. STE. 130
SCOTTSDALE, ARIZONA 85250

PARCEL NO. 20-F

MALCOLM FAMILY LP
7595 EAST MCDONALD DR. STE. 130
SCOTTSDALE, ARIZONA 85250

PARCEL NO. 20-G & H

SURPRISE VILLAGE E AND F LLC
7595 EAST MCDONALD DR. STE. 130
SCOTTSDALE, ARIZONA 85250

PARCEL NO. 20-I

ARNESON RANCH INC
7595 EAST MCDONALD DR. STE. 130
SCOTTSDALE, ARIZONA 85250

PARCEL NO. 20-N

STORAGE DEPOT USA LLC
7595 EAST MCDONALD DR. STE. 130
SCOTTSDALE, ARIZONA 85250

DEVELOPER

LITCHFIELD BELL/GRAND LLC
7595 EAST MCDONALD DR. STE. 130
SCOTTSDALE, ARIZONA 85250

AREA(S)

PARCEL 20	12.485 AC (543,860 SQ. FT.)
PARCEL 20-A	1.561 AC (67,987 SQ. FT.)
PARCEL 20-B	5.497 AC (239,468 SQ. FT.)
PARCEL 20-C	0.191 AC (8,313 SQ. FT.)
PARCEL 20-D	0.173 AC (7,528 SQ. FT.)
PARCEL 20-E	0.164 AC (7,153 SQ. FT.)
PARCEL 20-F	0.248 AC (10,791 SQ. FT.)
PARCEL 20-G	0.251 AC (10,935 SQ. FT.)
PARCEL 20-H	0.254 AC (11,084 SQ. FT.)
PARCEL 20-J	0.187 AC (8,167 SQ. FT.)
PARCEL 20-K	0.250 AC (10,892 SQ. FT.)
PARCEL 20-L	1.484 AC (64,646 SQ. FT.)
PARCEL 20-M	0.709 AC (30,869 SQ. FT.)
PARCEL 20-N	1.516 AC (66,024 SQ. FT.)

ADDRESS OF PARCEL(S):

PARCEL NO. 20-A
N/A
APN: 503-66-987F

PARCEL NO. 20-B
N/A
APN: 503-66-987K

PARCEL NO. 20-C
N/A
APN: 503-66-987H

PARCEL NO. 20-D
N/A
APN: 503-66-988

PARCEL NO. 20-E
N/A
APN: 503-66-987A

PARCEL NO. 20-F
N/A
APN: 503-66-986

PARCEL NO. 20-G
N/A
APN: 503-66-987C

PARCEL NO. 20-H
N/A
APN: 503-66-987D

PARCEL NO. 20-N
17275 N. LITCHFIELD RD.
SURPRISE, ARIZONA 85374
APN: 503-66-987J

PARCEL NO. 20-K
N/A
APN: N/A

PARCEL NO. 20-J
N/A
APN: N/A

PARCEL NO. 20-M
N/A
APN: N/A

PARCEL NO. 20-L
N/A
APN: N/A

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS: THAT WE THE UNDERSIGNED HEREBY WARRANT THAT WE ARE THE OWNERS AND THE ONLY PARTIES HAVING ANY INTEREST IN THE LAND SHOWN ON THIS PLAT, AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOW HEREON. AS OWNERS, HAVE SUBDIVIDED UNDER THE NAME "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER", A RE-PLAT OF THAT PROPERTY DESCRIBED IN RECORDING NO. 1999-0747413, RECORDS OF MARICOPA COUNTY, ARIZONA. A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER", AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, PARCEL, STREET AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, PARCEL, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNERS HEREBY GRANT TO THE CITY OF SURPRISE A CROSS-ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

THE OWNERS HEREBY GRANT TO THE PUBLIC A NON-EXCLUSIVE EASEMENT OVER, UPON LAND ACROSS THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING PUBLIC UTILITIES.

THE OWNERS HEREBY GRANT TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT AN EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

THE OWNERS HEREBY GRANT TO THE CITY OF SURPRISE A NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE AREAS DESIGNATED AS SIGHT VISIBILITY TRIANGLES FOR THE PURPOSE OF ENSURING THAT THESE AREAS REMAIN FREE OF SIGHT VISIBILITY OBSTRUCTIONS.

THE OWNERS HEREBY GRANT TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND AUXILIARY FIELD.

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.

PARCELS 20-A, 20-B, 20-C, 20-J, 20-K, 20-L & 20-M

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICERS THIS ____ DAY OF ____, 20__.

LITCHFIELD BELL/GRAND, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AMERICOR DEVELOPMENT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, VIA LINDA PARTNERS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY _____
CEASAR A. PEREZ , ITS MANAGER

BY _____
MICHAEL L. MERRIMAN, ITS MANAGER

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS ____ DAY OF ____, 2014, BY MICHAEL L. MERRIMAN AND CEASAR A. PEREZ, AS MANAGERS OF VIA LINDA PARTNERS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS MANAGERS OF AMERICOR DEVELOPMENT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS MANAGERS OF LITCHFIELD BELL/GRAND, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY.

NOTARY PUBLIC

PARCEL 20-N

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICERS THIS ____ DAY OF ____, 20__.

STORAGE DEPOT USA, LLC

BY _____
CEASAR A. PEREZ , ITS MANAGER

BY _____
MICHAEL L. MERRIMAN, ITS MANAGER

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS ____ DAY OF ____, 2014, BY MICHAEL L. MERRIMAN AND CEASAR A. PEREZ, AS MANAGERS OF STORAGE DEPOT USA, INC., AN ARIZONA CORPORATION, ON BEHALF OF THE CORPORATION.

NOTARY PUBLIC

PARCEL 20-D

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS LEGAL NAME TO BE SIGNED BY THE UNDERSIGNED, DULY AUTHORIZED MANAGER, THIS ____ DAY OF ____, 20__.

MALCOLM FAMILY LIMITED PARTNERSHIP, A MONTANA LIMITED PARTNERSHIP (AS TO AN UNDIVIDED 50% INTEREST)

BY _____
MICHAEL L. MERRIMAN, POWER OF ATTORNEY

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS ____ DAY OF ____, 2014, BY MICHAEL L. MERRIMAN, AS POWER OF ATTORNEY FOR MALCOLM FAMILY LIMITED PARTNERSHIP, A MONTANA LIMITED PARTNERSHIP, ON BEHALF OF THE PARTNERSHIP.

NOTARY PUBLIC

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS LEGAL NAME TO BE SIGNED BY THE UNDERSIGNED, DULY AUTHORIZED MANAGER, THIS ____ DAY OF ____, 20__.

ROBERT BRUCE MALCOLM AND CONNIE M. MALCOLM, HUSBAND AND WIFE (AS TO AN UNDIVIDED 50% INTEREST)

BY _____
MICHAEL L. MERRIMAN, POWER OF ATTORNEY

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS ____ DAY OF ____, 2014, BY MICHAEL L. MERRIMAN, AS POWER OF ATTORNEY FOR ROBERT BRUCE MALCOLM AND CONNIE M. MALCOLM.

NOTARY PUBLIC

PARCEL 20-F

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS LEGAL NAME TO BE SIGNED BY THE UNDERSIGNED, DULY AUTHORIZED MANAGER, THIS ____ DAY OF ____, 20__.

MALCOLM FAMILY LIMITED PARTNERSHIP, A MONTANA LIMITED PARTNERSHIP

BY _____
MICHAEL L. MERRIMAN, POWER OF ATTORNEY

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS ____ DAY OF ____, 2014, BY MICHAEL L. MERRIMAN, AS POWER OF ATTORNEY FOR MALCOLM FAMILY LIMITED PARTNERSHIP, A MONTANA LIMITED PARTNERSHIP, ON BEHALF OF THE PARTNERSHIP.

NOTARY PUBLIC

PARCELS 20-G & 20-H

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICERS THIS ____ DAY OF ____, 20__.

SURPRISE VILLAGE E AND F, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY _____
MICHAEL L. MERRIMAN, POWER OF ATTORNEY

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS ____ DAY OF ____, 2014, BY MICHAEL L. MERRIMAN, AS POWER OF ATTORNEY FOR SURPRISE VILLAGE E AND F, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY.

NOTARY PUBLIC

PARCEL 20-E

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICERS THIS ____ DAY OF ____, 20__.

ARNESON RANCH, LLC, A MONTANA CORPORATION

BY _____
MICHAEL L. MERRIMAN, POWER OF ATTORNEY

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS ____ DAY OF ____, 2014, BY MICHAEL L. MERRIMAN, AS POWER OF ATTORNEY FOR ARNESON RANCH, INC, A MONTANA CORPORATION, ON BEHALF OF THE CORPORATION.

NOTARY PUBLIC

	KDM SURVEYING SERVICES 12431 NORTH 65TH STREET SCOTTSDALE, ARIZONA 85254 (480) 231-4492 FAX (480) 998-0138	File no. SURPRISEVILLAGE_plat_05_01 drawn by KDM checked by KDM OCTOBER 20, 2014
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A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH,
RANGE 1 WEST, GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA

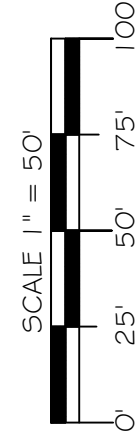


KDM SURVEYING SERVICES
1243 I NORTH 65TH STREET
SCOTTSDALE, ARIZONA 85254
(480) 231-4492 FAX (480) 998-0138

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Drawn by KDM
Checked by KDM

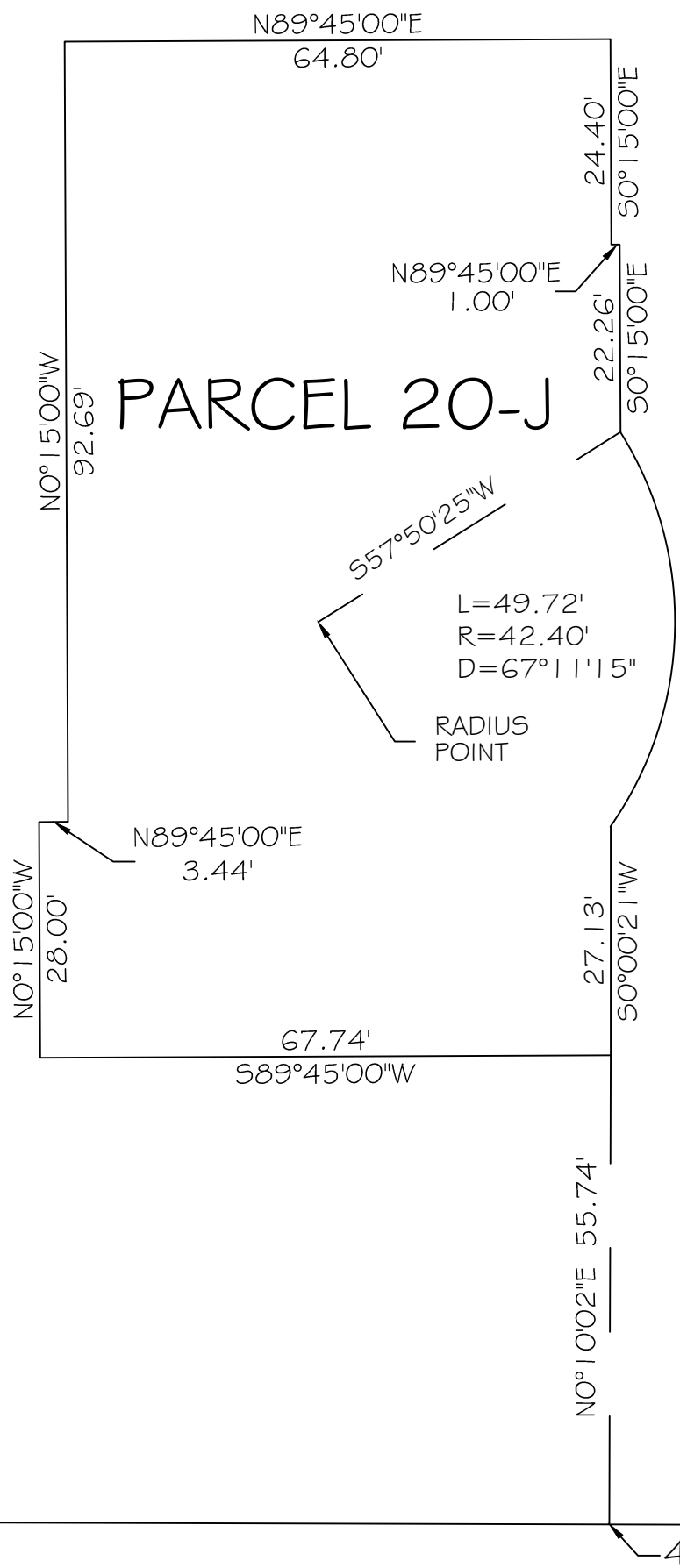
OCTOBER 20, 2014



FINAL PLAT OF "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER"
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST, GILA & SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA

LITCHFIELD ROAD

N0°25'21"W 307.76'

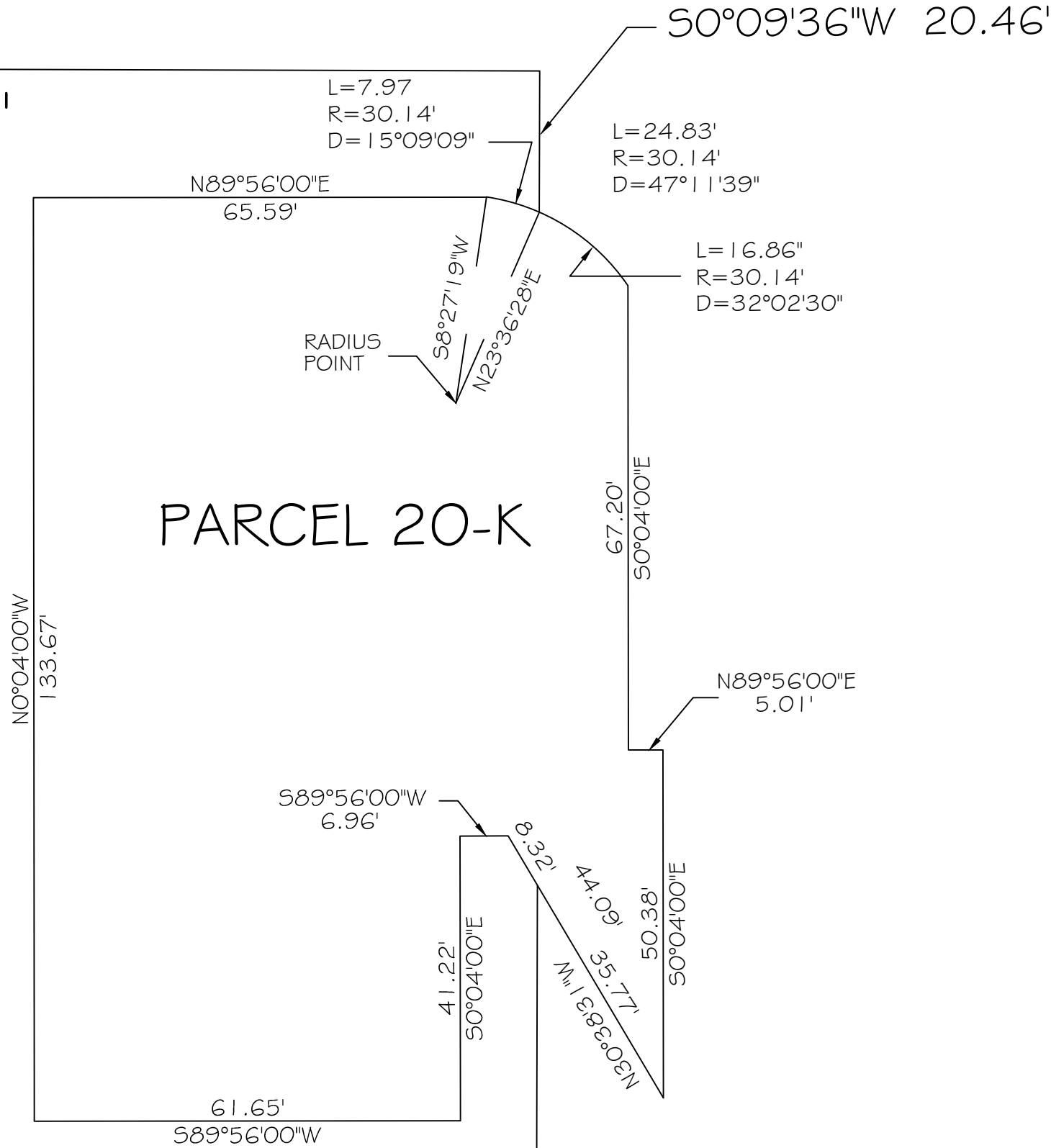


239.69'

PARCEL 20-A

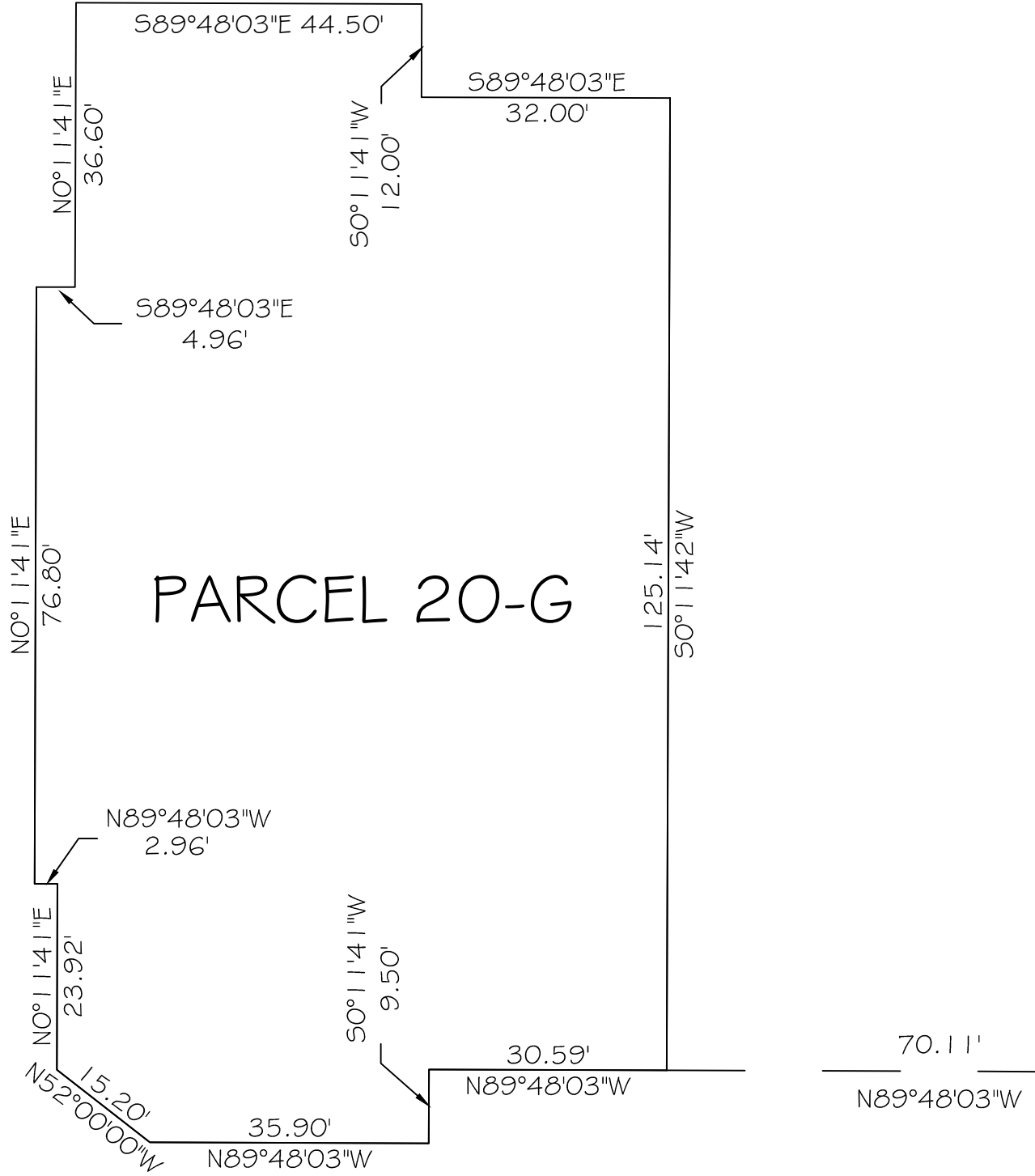
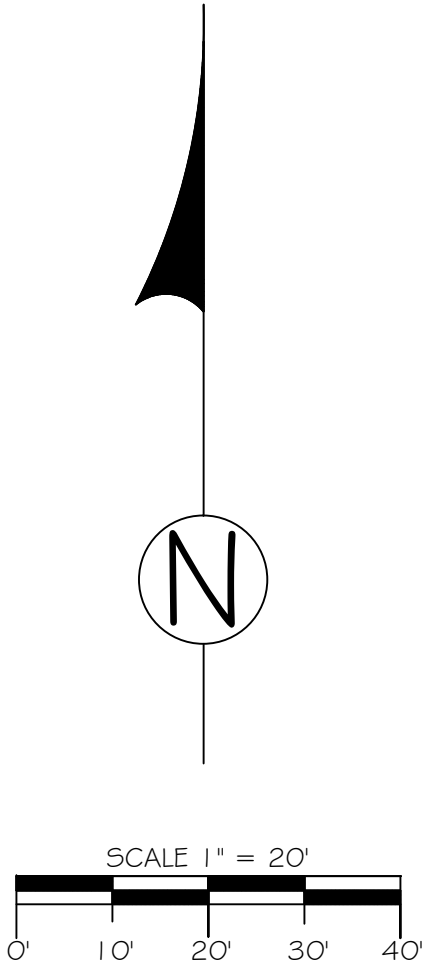
589°49'58"E 263.02'

PARCEL 20-K

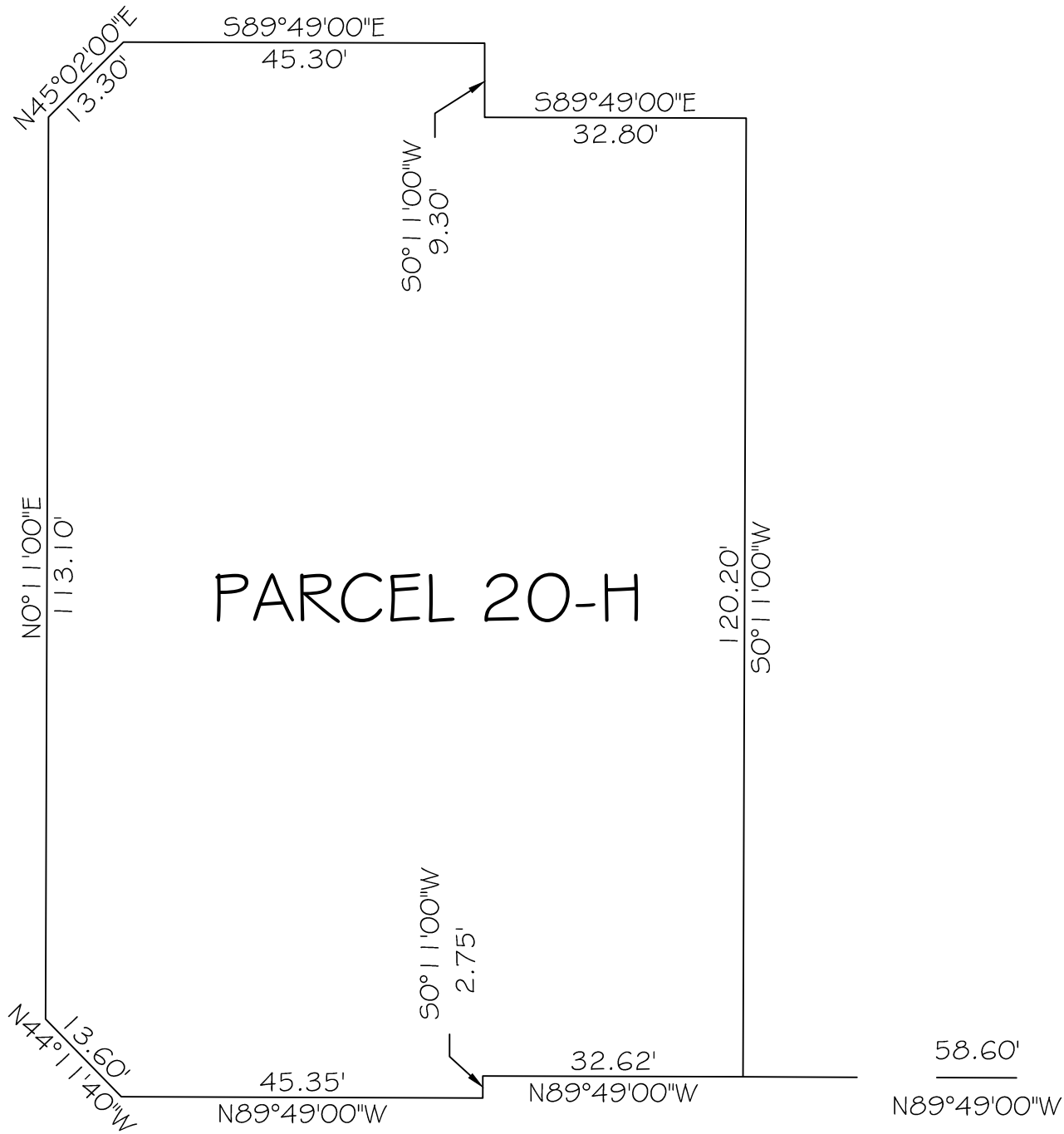


50°09'36"W 209.87'

PARCEL 20-B



PARCEL 20-H



283.24'

N0°10'02"E

38.00'

N0°10'02"E 65.00'

FND. BRASS CAP IN HANDHOLE
- SWC SEC. 34

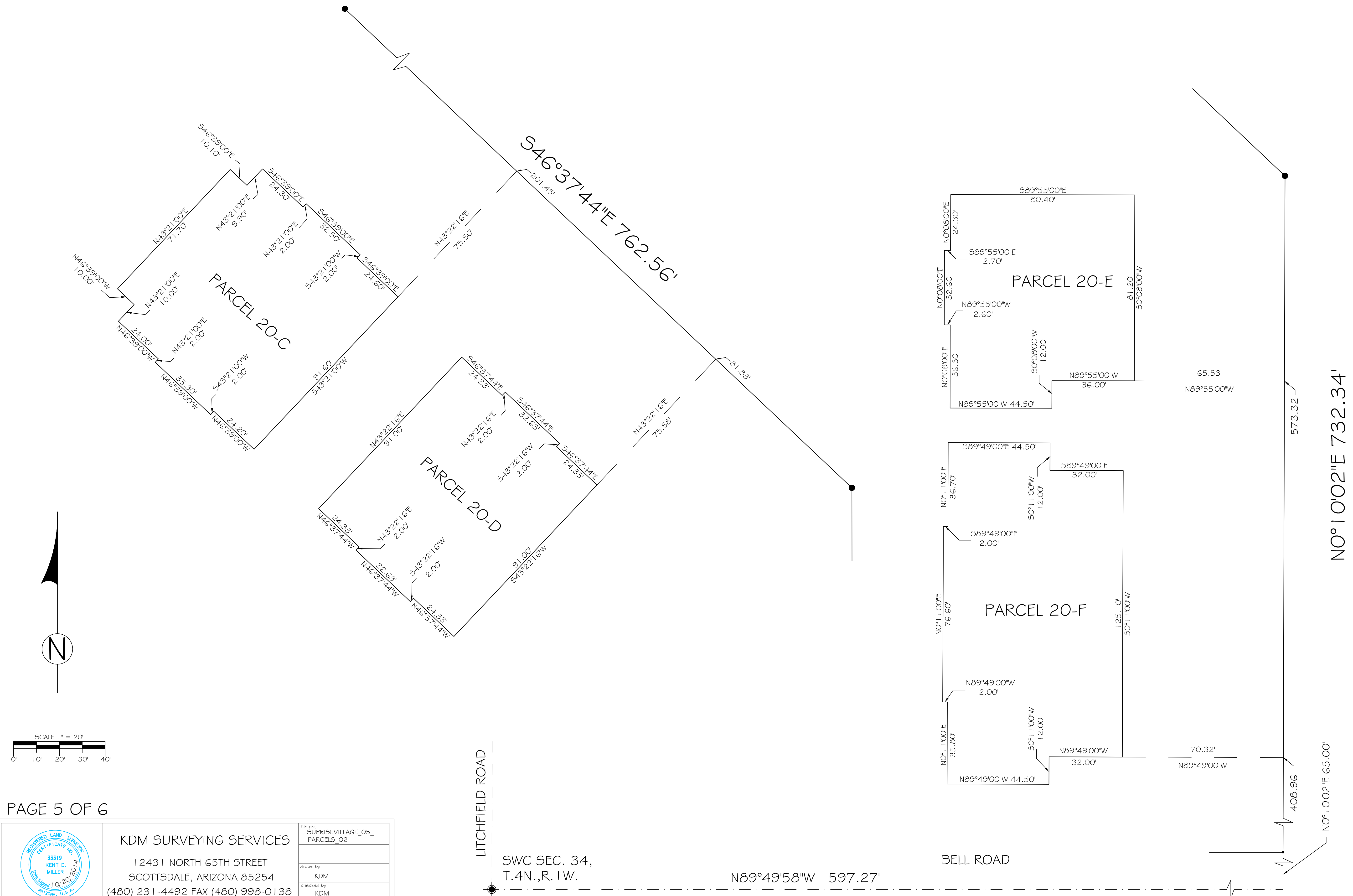
N89°49'58"W 597.27'

N89°49'58"W 522.93'

BELL ROAD

KDM SURVEYING SERVICES 12431 NORTH 65TH STREET SCOTTSDALE, ARIZONA 85254 (480) 231-4492 FAX (480) 998-0138	File no. SURPRISEVILLAGE_05_
	PARCELS 01
KDM SURVEYING SERVICES 12431 NORTH 65TH STREET SCOTTSDALE, ARIZONA 85254 (480) 231-4492 FAX (480) 998-0138	drawn by KDM
	checked by KDM
KDM SURVEYING SERVICES 12431 NORTH 65TH STREET SCOTTSDALE, ARIZONA 85254 (480) 231-4492 FAX (480) 998-0138	DATE OCTOBER 20, 2014
	EXP. DATE OCTOBER 20, 2017

FINAL PLAT OF "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER"
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST, GILA & SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA



KDM SURVEYING SERVICES
12431 NORTH 65TH STREET
SCOTTSDALE, ARIZONA 85254
(480) 231-4492 FAX (480) 998-0138

file no.	SUPRISEVILLAGE_05_ PARCELS_02
drawn by	KDM
checked by	KDM
OCTOBER 20, 2014	

FINAL PLAT OF "SURPRISE VILLAGE AT WEST POINT TOWNE CENTER"



N89°49'58"W (BASIS OF BEARINGS)

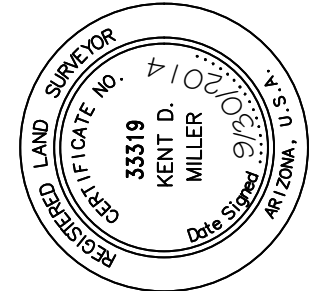
2634.80

HOME DEPOT USA INC
APN 503-66-0055

MCHD BRASS CAP IN HANDHOLE
S 1/4 COR. SEC. 34.

SCALE 1" = 50'

0' 25' 50' 75' 100'



EXPIRES 3-31-2017

PAGE 6 OF 6

file no.

SURPRISEVILLAGE plat 04

--	--

drawn by

[illegible]

KDM

KDM SURVEYING SERVICES

12431 NORTH 65TH STREET

SCOTTSDALE, ARIZONA 85254

(480) 231-4492 FAX (480) 998-0138

SURVEYORS STATEMENT

I, KENT DAVID MILLER, A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ARIZONA, STATE THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED, WAS COMPLETED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF APRIL, 2014, AND FIELD CHECKED IN THE MONTH OF SEPTEMBER, 2014, AND THAT ALL MONUMENTS FOUND OR SET ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND ARE SUFFICIENT TO ALLOW THE SURVEY TO BE RETRACED.

BASIS OF BEARINGS
SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH,
RANGE 1 WEST, GLA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.
45. FOUND IN BOOK 596 OF MAPS, PAGE 49. M. C. R.

T

BASIS OF BEARINGS

SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH,
RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.
AS FOUND IN BOOK 596 OF MAPS, PAGE 49, M.C.R.



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: December 2, 2014

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: Citywide

Staff Recommendations: Approve

Consent	x	Regular	Public Hearing	Report/Discussion
---------	---	---------	----------------	-------------------

Agenda Wording:

Consideration and action on the minutes of November 8, 2014 Special City Council Meeting (2014 Annual Summit) and November 18, 2014 Regular City Council Work Session and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

☐ [Minutes](#)

☐ [Minutes](#)

☐ [Minutes](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

CITY OF SURPRISE
Regular City Council Work Session Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, November 18, 2014 @ 04:00 PM

A. Call to Order

B. Roll Call

Mayor Wolcott called the **Regular City Council Work Session** to order at 04:00 at PM Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, November 18, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall, Council Member Winters, Council Member Biundo, Council Member Williams, Council Member Villanueva, and Council Member Tande.

Staff City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and City Clerk,
Present: Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Regular City Council Work Session Agenda

Regular Agenda Item - Non-Public Hearing:

- 1. Presentation and discussion pertaining to an Intergovernmental Agreement (IGA) between the City of Surprise and Maricopa County Flood Control District (MCFCD) for the construction/improvements at 107th Avenue and Union Hills Road - NO ACTION**

Public Works Director, Mike Gent gave an overview regarding an Intergovernmental Agreement (IGA) between the City of Surprise and Maricopa County Flood Control District (MCFCD) for the construction/improvements at 107th Avenue and Union Hills Road.

Regular City Council Work Session Minutes – November 18, 2014 – Page 2

Michael Boule of Public Works gave a presentation, overview and background of this project.

Vice Mayor Hall commented that he prefers the design with the purple mountains since it fits our theme.

Council Member Tande inquired about relocating utility lines.

Mr. Boule reported that there are no major power line relocations.

Council Member Villanueva inquired about the small community behind the Circle K.

Mr. Boule stated that the project will be beneficial.

Council Member Winters liked the design with the mountain scenery as well.

Mayor Wolcott spoke of the designs, receiving negative feedback in the past, having a Landscape Architect on staff and tying these projects together.

Council Member Biundo stated that we need to take a broad view and that he would not want to see mixed designs within a project.

2. Presentation and discussion on a minor amendment to the General Plan 2035 land use map and an amendment to the existing Planned Area Development for the area generally located at the southwest corner of Grand Avenue and Dysart Road to change from medium density residential to commercial land use designation - NO ACTION

City Planner, Robert Kuhfuss gave an overview of this project. The land has been vacant for some time located along Grand Avenue. A rezone from mixed use to Commercial is being requested. 6 residents attended the public meeting with general concerns regarding noise and light issues mostly.

Vice Mayor Hall asked staff to notify him when public meetings are held in his district. He inquired if the drainage issues were figured out.

Mr. Kuhfuss stated that these issues will be flushed out during the review process.

Council Member Williams inquired if we are clear on the size and scope of the project in comparison to other WESTMEC facilities. He asked for more details of the project for the community.

Regular City Council Work Session Minutes – November 18, 2014 – Page 3

Council Member Winters inquired about a block wall and if it will be higher than 6 feet.

Mayor Wolcott asked for better numbers on the facility. She further stated that WESTMEC will have a significant impact on the City and that they build magnificent facilities.

Council Member Villanueva commented on landscaping, for it to be consistent with the area.

3. Discussion and presentation of the City of Surprise Fire Medical Department's application for a Certificate of Necessity with the Arizona Department of Health Services to provide ground ambulance service with an anticipated initial investment and an interfund loan of \$1.4 million for capital and ongoing operational costs to be paid back within FY16 - NO ACTION

Fire Chief, Tom Abbott gave a powerpoint presentation of the City of Surprise Fire Medical Department's application for a Certificate of Necessity with the Arizona Department of Health Services to provide ground ambulance service with an anticipated initial investment and an interfund loan of \$1.4 million for capital and ongoing operational costs to be paid back within FY16.

Chief Abbott commented that this is nothing more than an application process at this point, looking for a response by July 2015, and will take at least 6 to 8 months before we can get a hearing.

Vice Mayor Hall stated that he is glad Chief is doing this and that we will get better service and financial benefit.

Council Member Winters asked for the advantages of having our own ambulance service.

Chief Abbott stated the following: quicker response, more control over the employees and better quality care. He further commented that the current service provider has filed bankruptcy and that we will be able to provide continued service.

Mayor Wolcott stated that this is a core critical service for the City, that we have an obligation to provide services to our residents. She also spoke of reimbursements.

Council Member Tande spoke of competing with the outside; comparing our numbers ensuring good value.

Regular City Council Work Session Minutes – November 18, 2014 – Page 4

Mayor Wolcott asked for clarification on how this would work within the current mutual aid system.

Chief Abbott explained that the ambulances will remain inside the City limits. However, if a disaster hits in Peoria for example, the Phoenix alarm room has control and we would provide assistance.

Chief Abbott stated that he will go forward and submit the application.

E. Call to the Public

F. Executive Session

G. Adjournment

Council Member Villanueva made the motion to adjourn the Regular City Council Meeting of November 18, 2014 at 5:02 PM. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, November 18, 2014.**

Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, November 18, 2014 @ 06:00 PM

A. Call to Order

B. Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, November 18, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall, Council Member Winters, Council Member Biundo, Council Member Williams, Council Member Villanueva, and Council Member Tande.

Staff City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and City Clerk,
Present: Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

- 1. Recognition of Tina Swan, Theodore Haberkamp and Samuel Lugo for performing life-saving CPR was addressed during the City Manager Report**

E. City Manager Report

Chief Tom Abbott presented a Certificate of Appreciation to residents: Tina Swan, Theodore Haberkamp and Samuel Lugo for performing life-saving CPR.

F. City Attorney Report

G. Regular City Council Meeting Agenda:

a. Consent Agenda

Council Member Villanueva made the motion to approve the consent agenda, excluding item #2. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

2. Consideration and action authorizing the Mayor to execute an Intergovernmental Agreement (IGA) with Valley Metro for the City's FY2015 transit services; Resolution 2014-107 - APPROVED

Council Member Winters removed item #2 from the consent agenda for further discussion.

Council Member Winters inquired about the Freedom Grant and the amount of rides on Saturdays.

Mr. Kohlbeck stated that the new Freedom Grant moneys were submitted by Valley Metro. He explained that it increases the service on Saturdays.

Vice Mayor Hall inquired about the Job Access Reverse Commute Grant.

Council Member Winters made the motion to approve authorizing the Mayor to execute an Intergovernmental Agreement (IGA) with Valley Metro for the City's FY2015 transit services; Resolution 2014-107. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

3. Consideration and action on a request by Michael Joseph Basha for Acquisition of Control for Basha's #137 located at 15367 W. Waddell Road, Surprise, Arizona 85379 (Basha's Inc/LLC - License Number 09070239) - APPROVED

4. Consideration and action on the minutes of November 4, 2014 Regular City Council Work Session and Regular City Council Meeting - APPROVED

5. Consideration and action on the Work Session and Regular Meeting Schedule for 2015 - APPROVED

Regular Agenda Item - Non Public Hearing

6. Presentation and discussion regarding the FY2014 Budget Status Report through September 2014 - NO ACTION

Finance Director, Lindsey Duncan reported on the FY2014 Budget Status Report through September 2014.

Vice Mayor Hall clarified that the expenses are through September and the revenue is July.

Ms. Duncan explained that they do represent the first three months.

7. Consideration and action on an FY2013-14 budget amendment reallocating appropriations from various funds and establishing appropriate authorization levels; Resolution #2014-114 - APPROVED

Finance Director Lindsey Duncan gave a powerpoint presentation regarding FY2013-14 budget amendment reallocating appropriations from various funds and establishing appropriate authorization levels; Resolution #2014-114.

Council Member Biundo commented on the number of amendments.

Council Member Villanueva inquired about the Fire Fighter pension.

Council Member Biundo made the motion to approve Resolution #2014-114. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

8. Consideration and action on an FY2013-14 budget amendment reallocating appropriations from various funds required to close the FY2013-14 budget; Resolution# 2014-115. Approve

Council Member Williams made the motion to approve Resolution 2014-115. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Public Hearing

9. Consideration and action on a Conditional Use Permit for the City of Surprise Village 5 Public Safety Facility located at 24900 North 163rd Avenue - APPROVED

City Planner, Hobart Wingard gave a presentation regarding a Conditional Use Permit for the City of Surprise Village 5 Public Safety Facility located at 24900 North 163rd Avenue.

Vice Mayor Hall commended staff for a great job and stated that he's glad to see it done.

No public comments were made.

Council Member Tande made the motion to approve a Conditional Use Permit for the City of Surprise Village 5 Public Safety Facility located at 24900 North 163rd Avenue. Vice Mayor Hall seconded the motion. Seven yes votes. Motion carried.

H. Call to the Public

I. Other Business

J. Mayor/Council Reports

Mayor and Council attended and/or reported on the following:

Council Member Winters: House in District 1 - A lot of problems with home built from HUD funds. Nice ceremony at our fire department, 3 new firefighters on board.

Council Member Biundo: Outstanding Veteran's Day event at Sun City Grand, very well done. Toured facility at Auto Mall, has community room available for use.

Council Member Villanueva: Bring program to Surprise - Spay and neuter animals in Surprise for free. She thanked City Clerk Aguilar and staff for working on Bacon Memorial.

Regular City Council Meeting Minutes – November 18, 2014 – Page 5

Council Member Williams: Sierra Montana Rec. Center; Paul Gerardo; Cactus Road issue.

Council Member Tande: Great Bacon event, lots of opportunities coming to Surprise.

Vice Mayor Hall: acknowledged Tomas Garcia, fantastic job of Veteran's Day Parade in Sun Village. Take over Veteran's Day parade in the City. He thanked City Clerk Aguilar and staff for their work on the Bacon Ceremony, fantastic job. Steering Committee for fund raising for the Boys and Girls Club. Paul Bernardo has brought a lot to the table.

Mayor Wolcott: thanked City Clerk and Staff on the Veteran's Day ceremony, absolutely wonderful. Thanked staff for the Summit, prioritizing for the future. This City is starting to roll, and we work as a team. Thanked Council for everything they do every single day.

K. Executive Session

L. Adjournment

Council Member Biundo made the motion to adjourn the Regular City Council Meeting of November 18, 2014 at 6:39 PM. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, November 18, 2014.**

Sherry Ann Aguilar, City Clerk

Special Council Meeting – Saturday, November 8, 2014

Call to Order:

Roll Call: Mayor Wolcott opened the Special Council Meeting at 8:35 a.m. at the Surprise City Hall located at 16000 N. Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Wolcott were Vice-Mayor Skip Hall, Councilmembers Jim Biundo, Roland Winters, Rachel Villanueva, Todd Tande and John Williams. Planning & Zoning Chair, Steve Somers, Commission Ken Chapman and Commission Dennis Smith were also in attendance.

Staff in Attendance: City Manager, Bob Wingenroth; ACM Rick Buss; Economic Development, Mike Hoover, Debbie White, Deb Perry, Rob Kuhfuss. Jamie Sullivan, Sergio Angulo, Lloyd Abrams, Jackie Keller, Chris Boyd, Eric Fitzer, Community Development Department; Mike Gent, Michael Boule, Martin Lucero, Harry Hartman, Public Works Department; Terry Lowes, Water Resources Director; Lindsey Duncan and Raquel Montero, Finance Department; Tammie Hollowell, IT Director; Tom Abbott and Darrell Johnston, Fire Department; Michael Frazier, Police Chief; Misty Leslie and Donna Bronski, Legal Department; Diane Arthur, Communications Department; Mark Coronado and Donna Miller, Community Services Department and City Clerk, Sherry Ann Aguilar.

Public in Attendance: Arden Engmark.

Pledge:

Special Council Meeting Agenda:

Presentation and discussion of the status of the General Plan implementation and anticipated work plan for the next 12-18 months.

Mayor Wolcott set the stage with opening comments and welcomed staff and residents to the Summit.

City Manager Wingenroth gave an opening overview of today's session. He asked that everyone in room to introduce themselves and to identify their favorite college football team.

Continuation of introductions then City Manager Wingenroth introduced City Attorney, Misty Leslie to discuss legal requirements and perspective for the topics of discussion today and reviewed the alignment and simplification chart highlighted in the presentation.

ACM Rick Buss conducted a powerpoint presentation and reviewed the General plan Monitoring report of population and demographics.

City Manager Wingenroth commented that IGR Mike Celaya reported that we have over 12,000 veterans living in Surprise – 1 in every thousand residents. Highlighted the following topics:

Reviewed jobs by category – 81% of workers driving alone and out of the area.

Land Use and Consumption – Distribution of employment throughout City.

City owned land and uses – 820 acres of land.

Development – Review of building permits issued.

CRS Director, Coronado – A lot of our infrastructure was built in 2000 – 2003 and since then, the building has slowed down significantly.

Mayor Wolcott – All cities in the west valley are in the same boat with development fees and slowing down of building.

Commissioner Smith – We need to amenities before we can attract people to our city.

ACM Buss – Economic Development cannot just go out there and grab companies and bring them here, they want to look at the whole package including schools, other businesses, recreation, etc.

CM Wingenroth – went back to alignment and simplification slide. Commented that Goodyear is doing the same type of summit this weekend as well.

Work plan recommendation – 12-18 month primary focus:

Coordination/Completion of Master/Strategic Plans

Long Range planner, Jackie Keller – Reviewed policy/regulatory slide; general plan; specific plans and standard codes.

Transportation Corridors and Interchanges

Village Planning Concept

GRAND AVENUE & BELL ROAD CONSTRUCTION PROJECT:

Art Concept – Mayor Wolcott commented on the Bell/Grand Art Project. 12 options available from ADOT, and is not the impression we want for Surprise. We want it to be a legacy for our City. The Artist is from Philadelphia, PA. , IGR, Mike Celaya is working with ADOT and the artist to come to a future Council Meeting to review ideas for this project.

Vice-Mayor Hall – Working on a proposal to bring business opportunities to the businesses along Bell/Grand during the construction project.

Councilmember Biundo – What are we going to do bout emergency vehicle routes during construction time period.

Mayor Wolcott - Park and Ride Facility – disruption of service, this facility is right at the base.

Vice-Mayor Hall – Signage is an issue at 134th Avenue and Bell businesses.

Transportation, Martin Lucero discussed traffic issues at Bell and Grand and an overview of the Compass Study.

Public Works Manager, Mike Gent clarified that Dana Osiana, Traffic Engineer is new with the City and helped with selling the Compass Study.

Tande – Work with auto dealers with a grand opening for the 303.

Hassayampa I-11 Study:

Mayor- need to find a way to make a connection from Surprise to Hassayampa Corridor. Align with I-8 would be far more beneficial to Surprise.

Vice-Mayor Hall – Political realities with this project.

Vice-Mayor Hall – 303 Interchange Project status? Lucero – Ahead of schedule.

VILLAGE PLANNING CONCEPT – Eric Fitzer, CD Director gave an overview of the Village Plan process and commented that he would like to consider some changes and will bring forward the concept to Council for review and approval.

- Planning and Economic Development background. Bring quality housing and quality jobs.
- Need an update in Land Use plan since it wasn't done during the General Plan approval process.
- Village Plan and General Plan are confusing to each other. The villages vary in sizes and some are drastically different.
- Major general plan amendment needs to occur, but not to the voters. Public hearings, council approval required.

Vice-Mayor Hall – Please take a look at undeveloped lots of land and the types of uses.

Councilmember Biundo – Some areas seems segmented, so pleased to hear this fresh approach. How you are presenting this, Village planning is an integration within the general plan.

Break at 10:06 a.m.

Reconvened at 10:18 a.m.

CRS Director, Mark Coronado – gave an overview of the Community & Recreation Services – Work Plan:

- 12-18 month primary focus – Work with Community Development Department – Update Trails and parks Master Plan.
- Begin land Acquisition Development process – Trails/parks Inventory Envisioned by the general plan.
- Spring Training Facility Improvements.

Vice-Mayor Hall – Meeting space issues, what if we had a private solution for this.

ED, Mike Hoover – Asset at techcelerator, maybe could address small meeting space and to meet the market need.

Vice-Mayor Hall – How do you feel our intergov relationship is with Dysart? How will the override election going to affect us? Use Dysart facilities often. Competitive sports, not able to take care of their fields for outdoor sports.

PUBLIC SAFETY – POLICE Chief, Michael Frazier gave an overview of the Police Department upcoming needs.

- Body Cameras – Bought the cameras from seized money, no City money used.
- Joint Public Safety Master Plan
- Staffing – Sworn & Non-sworn; emphasis on proactive community response; staffing and future patrol substations. 7 for each squad, should be at 10 each. Vacations, sick time, injuries, etc.
- Facility Needs – Master plan Funding is 1st step; need to build one more station out west past the 303.
- Should build with fire at every opportunity for the future.
- The property impound off of Litchfield needs to be expanded and remodeled.
- Technology Needs – We are part of the Regional Wireless Cooperative.

Vice-Mayor Hall – Spike in fraud? Fraud and sex offenses. Burglaries and thefts are high.

FIRE DEPARTMENT – Chief, Tom Abbott gave an overview of the Fire Department needs.

- Collaborative effort with Police Department. Where do we need joint facilities? Joint Public Safety Master Plan.
- Facility at Cactus and Cotton Lane would be ideal location for a joint facility. Majority of calls are EMS.
- Litchfield and Cactus would be site for next fire station #8, currently being serviced by El Mirage.
- Other cities already offering nurse practitioners, nurse assistants, no deductible to evaluate and determine illnesses to save on health care costs.
- Annexation – Need to be proactive and protect our outerlying areas from other entities coming in to our planning areas.

Councilmember Winters – Helicopter agreement coming into District 1 – Northwest area.

WATER RESOURCE MANAGEMENT – Terry Lowe, Water Resources Director gave an overview of the Water Resources Department.

- Proper Staffing of the Business – people
- Enhancing Asset Management of Both Utilities
- Growing the City's Water portfolio

PUBLIC WORKS – Mike Gent, Public Works Director gave an overview of needs for the Public Works Department and Divisions.

- Proper Staffing of the Business – people

- Enhancing Asset Management of Both Utilities
- Growing the City's Water portfolio
- Deployment of the CIP
- Infrastructure Gaps
- Infrastructure Maintenance – Adopt 5 year IMP
- Public Transit Service in Surprise
- Continued Work with MAG and Valley Metro
- Detailed Transit Operations and Capital plan and funding strategies

Vice-Mayor Hall – 2% of the general plan?

Councilmember Tande – I don't think I could support a circulator in 2015, but would like numbers for 2016.

Councilmember Williams – Appreciate the positive attitude of Mike Gent on issues that have been talked about for years. Cactus road is primary issue.

ECONOMIC DEVELOPMENT – 12 – 18 MONTH PRIMARY FOCUS – ACM Rick Buss gave an overview on this section of the powerpoint presentation.

- Staffing of new department
- Create/Deploy an Economic Development Strategic Plan
- Identification and Prioritization of pillars of Economic Development
- Identification of the City's Core Competencies
- Gap Analysis and Workforce Development
- Roll-out of the target marketing effort which includes:
- Targeted research
- ED Toolbox
- AZTechcelerator Facility Upgrades, program Retool
- Promotion

Councilmember Winters – residents commented on permitting process at the City. Issues – needs addressing.

Councilmember Villanueva asked about businesses coming to the Original Townsite area.

Mayor Wolcott – What is the plan deploying our resources in community as well as State Legislature. Fight for state shared revenue and resources. Need to think strategically for this legislative session.

Councilmember Villanueva – permit issue, permit cost is \$1,000. Is this correct?

Vice-Mayor Hall – Numbers on vacancies don't match up on reports.

Councilmember Tande – Need to incentivize growth, Dysart school district is always underfunded since calculations are based on attendance for 100th day.

FY2016 AND BEYOND = PROCESS:

Lindsey Duncan, Finance Director gave overview on this section of the powerpoint presentation.

Mayor Wolcott – Make sure we are not ignoring projects for leverage. End of the day, we are growing revenues for the City.

Councilmember Williams - What the true economic impact, what makes an individual from somewhere, want to move to Surprise, Arizona.

LUNCH BREAK – 12:13 p.m. – 12:35 p.m.

Continued with presentations during lunch.

City Manager Wingenroth recapped the meeting and highlighted bond and property tax capacities.

Vice-Mayor Hall – The permitting process seems to be the biggest complaints from individual residents but it seems we are doing well with businesses.

Wrap-Up:

Commissioner Chapman - Bonding Capacity – Since we had a bond issue fail, it will be crucial on how we deliver the message to the voters the specifics of the bond election.

Commissioner Smith, you have to communicate the message specifically to the voters, especially those on fixed incomes.

Adjournment: Councilmember Villanueva made the motion to adjourn the Special City Council Meeting of November 8, 2014 at 12:55 PM. Councilmember Williams seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Special City Council Meeting **November 8, 2014.**

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

* Back Print

Council Meeting Date: December 2, 2014 Contact Person: Terry Lowe, Director Water Resource Management Department
Submitting Department: District: 1
Staff Recommendations: Approve

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action approving Amendment No. 1 to the Mutual Assistance Agreement between the City of Surprise and the Beardsley Water Company.

Motion:

I move to approve Amendment No. 1 to the Mutual Assistance Agreement between the City of Surprise and the Beardsley Water Company.

Background:

The City entered into a Mutual Assistance Agreement with Beardsley Water Company in October 2007. The agreement allows the City and Beardsley to provide water to each respective service area in times of emergency or in advance of permanent service being available for Surprise residents. The amendment changes the term of the agreement to a specific date.

Financial Impact Statement:

To Be Determined

ATTACHMENTS:

Click to download

- ☐ [Amendment to Mutual Agreement - Beardsley](#)
- ☐ [Beardsley Mutual Agreement](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Terry Lowe
Director Water Resource Management

**AMENDMENT NO. 1
TO MUTUAL ASSISTANCE AGREEMENT**

This Amendment No. 1 to Mutual Assistance Agreement (this "Amendment") is made and entered into as of this _____ day of _____, 2014, between the CITY OF SURPRISE, an Arizona municipal corporation, ("Surprise") and BEARDSLEY WATER COMPANY, INC., an Arizona corporation ("Beardsley"). Hereinafter, Surprise and Beardsley may be referred to collectively as the "Parties" or individually as a "Party."

RECITALS

- A. The Parties entered into the Mutual Assistance Agreement, which provides for the interconnection of the Parties water systems to allow for temporary water services to either Party by the other Party and other types of assistance.
- B. The Parties desire to amend the Mutual Assistance Agreement to clarify the requirements for termination of the Mutual Assistance Agreement.

AGREEMENT

In consideration of the promises and mutual covenants and agreements set forth herein and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

- 1. Term. This Amendment shall become effective on the date that it is approved by the City Council of Surprise and shall remain in effect concurrent with the Mutual Assistance Agreement.
- 2. Term of Agreement. Section 5 of the Mutual Assistance Agreement is hereby amended as follows:

Delete the following from the second sentence of Section 5:

"the tenth (10th) anniversary of the effective date of
this Agreement"

Replace with:

"December 31, 2034"

3. Mutual Assistance Agreement to Remain in Full Force. Except as expressly modified herein, the Mutual Assistance Agreement shall remain in full force and effect, and this Amendment shall be subject to all the terms and conditions of the Mutual Assistance Agreement.

IN WITNESS WHEREOF, this Amendment was executed by the Parties on the date first hereinabove written.

BEARDSLEY WATER COMPANY, INC.
An Arizona Corporation

By: _____

Its: _____

CITY OF SURPRISE
An Arizona municipal corporation

By: _____

Its: _____

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

MUTUAL ASSISTANCE AGREEMENT

THIS AGREEMENT ("Agreement") is entered into this 26th day of October, 200~~7~~⁷, by and between the CITY OF SURPRISE, an Arizona municipal corporation ("Surprise") and BEARDSLEY WATER COMPANY, INC., an Arizona corporation ("Beardsley").

RECITALS

A. Beardsley is a public service corporation within the meaning of Article 15, Section 2, of the Arizona Constitution, and is authorized to provide water service within portions of Maricopa County, Arizona, pursuant to a Certificate of Convenience and Necessity ("CC&N") granted by order of the Arizona Corporation Commission ("Commission") in Decision No. 40034 dated May 26, 1969, as amended (the "Certificated Area").

B. Surprise is authorized to provide water service within and without the area delineated by Surprise's municipal boundaries, except for those portions lying within a CC&N, (the "Service Area") pursuant to Article 13, Section 5, of the Arizona Constitution and A.R.S. §§ 9-511, et seq.

C. In the parties' respective Service or Certificated Areas, the parties own and/or operate certain wells, pumps, booster stations, pipelines, valves and related hardware and facilities (collectively, "Water Distribution Systems") which may be expanded from time to time, and through which the parties deliver potable water to their customers.

D. In case of an emergency, as hereinafter defined, Surprise may desire that Beardsley act as its agent so that Beardsley is entitled to the immunities set forth in A.R.S. § 26-314, to the extent permitted by law.

E. The parties hereto desire to provide each other with mutual assistance and aid in times of emergency, temporary water shortage, or initial water system start-up and to provide reimbursement for equipment, supplies and personnel made available on an emergency basis.

AGREEMENT

NOW, THEREFORE, for and in consideration of the following covenants and promises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Recitals.** The parties to this Agreement agree and acknowledge that the Recitals set forth above are true and correct, and are by this reference incorporated herein.

✓ 2. **Nature of this Agreement.** Subject to the terms and conditions of this Agreement, Surprise and Beardsley hereby agree to provide each other with mutual assistance during times of emergency, temporary water shortage, or initial water system start-up as hereinafter defined.

3. **Definitions.**

3.1. As used in this Agreement, "emergency" means a condition of disaster or extreme peril arising within the Service/Certificated Areas of the parties hereto caused by fire, flood, storm, earthquake, deterioration of water quality or other condition that is or is likely to be beyond the singular control of either party to this Agreement and requires mutual assistance.

3.2. As used in this Agreement, "temporary water shortage" means a condition where either party to this Agreement lacks a sufficient supply of potable water to meet the needs of some or all of its customers for a period of time not exceeding One Hundred Eighty (180) days. By way of example only, a temporary water shortage may be the result of incomplete construction of wells or pipelines or an extension of a party's water distribution system, or of a power outage and/or inoperable equipment, or of a sudden or unexpected change in the quality of potable water delivered by either party to its customers such that the delivered water no longer meets applicable water quality standards.

3.3. As used in this agreement, "initial water system start-up" means a condition where either party to this Agreement lacks sufficient wells, storage facilities or booster pumps needed to serve a newly developed portion of its Service or Certificated Area and desires to receive temporary water service from the other party to allow it to provide water service to the newly developed portion of its Service or Certificated Area.

3.4. In the event that the assistance rendered hereunder takes the form of materials, the party rendering such assistance under this Agreement is referred to as the "Lending Party"; the party receiving such assistance is referred to as the "Borrowing Party."

4. **Contingencies/Conditions Precedent.**

4.1. Approval by Surprise. This Agreement is contingent upon approval by the City Council for the City of Surprise.

4.2. Approval by the Commission, ADWR and ADEQ. This Agreement is contingent upon its approval, if required by law, by the Arizona Corporation Commission ("Commission"), the Arizona Department of Water Resources ("ADWR") and the Arizona Department of Environmental Quality ("ADEQ"). In the case of the Commission, such approval shall also include concurrent approval of a wholesale water rate for water delivered by Beardsley to Surprise which is acceptable to Beardsley and to Surprise. In the event that any government agency refuses to approve this Agreement, then the parties hereto agree to use reasonable efforts to revise this Agreement so that it is acceptable to such agency or agencies, and yet still conforms to the intent of the parties. If the parties hereto are unable to so revise this Agreement, then this Agreement shall be deemed to be null and void, and neither party hereto shall thereafter assert any right or be subject to any obligation imposed hereunder.

5. **Term of Agreement.** The terms of this Agreement shall become effective on the date that it is approved by the City Council of Surprise, and thereafter shall continue in effect unless either Beardsley or Surprise provides to the other party a notice of its intent to terminate this Agreement. A notice of termination shall not be given before the tenth (10th) anniversary of the effective date of this Agreement, and if given thereafter, the notice shall be in writing and shall

be provided in accordance with Subarticle 13.9 to the non-noticing party at least twelve (12) months before the effective date of such termination. Following such termination, this Agreement shall be deemed to be null and void, and neither party hereto shall thereafter assert any right or be subject to any obligation imposed hereunder.

6. **Designated Official.** Within ten (10) days after the execution of this Agreement, each party agrees to notify the other of a person ("Designated Official") and an alternate designated to act for it in the event of an emergency or temporary water shortage. In all cases, the Designated Official and his alternate shall be employed by the party making the designation. A party to this Agreement may, from time to time, substitute another person for that party's Designated Official by providing written notice to the other party in accordance with Subarticle 13.9.

7. **Requests for Assistance.**

7.1. During times of emergency, temporary water shortage, or initial water system start-up a party to this Agreement may request that the other party provide it with assistance ("Assistance") in the form of temporary water service, equipment, supplies, manpower or any combination thereof (collectively, "Resources").

7.2. Requests from one party for Assistance during an emergency, temporary water shortage, or initial water system start-up shall be directed to the other party's Designated Official. If the party's Designated Official is not available, then the request shall be directed to that Designated Official's alternate.

7.3. Assistance shall be given only after the Designated Official of the party to whom the request is directed determines that its own needs and those of its customers can be met while rendering Assistance. The party to which the request is directed has the absolute discretion to decline to provide any requested Assistance without any liability to the party requesting such Assistance. Resources are to be made available with payment or reimbursement terms varying with the type of Resource.

7.4. In the case of temporary water service by Beardsley to Surprise for initial water system start-up for the portion of its Service Area described in Exhibit "A" attached hereto, Beardsley agrees that it has, or will have, sufficient water system capacity to meet the needs of its customers and provide temporary water service to Surprise and that it will provide temporary water service to Surprise for the portion of Surprise's Service Area described in Exhibit "A" until Surprise no longer requires the temporary water service or this Agreement is terminated.

8. **Emergency or Temporary Water Service.**

8.1. Both Surprise and Beardsley may construct interties or interconnections ("Interconnections") between each of their respective Water Distribution Systems. Sites, funding of construction, plans and specifications of each such Interconnection shall be mutually agreed to prior to its construction. Each such Interconnection shall be constructed so that flows can be metered in each direction, from one party's Service Area to the other.

8.2. At each Interconnection and pursuant to the terms and conditions agreed to under Subarticle 8.1, above, the parties agree to install, inspect, test, repair and keep in repair all meters

and other instruments that may be required to measure the water delivered to the other party under the terms of this Agreement. Either party may at any time inspect and test any and all such meters and instruments to determine the accuracy thereof. Such inspection shall be made in the presence of a representative of the other party appointed for that purpose.

8.3. On a monthly basis, in the event that Beardsley delivers more water through the Interconnection or Interconnections to Surprise's Service Area than Surprise delivers to Beardsley, the net amount received by Surprise shall be chargeable to Surprise at a rate equal to seventy five percent (75%) of Beardsley's Tier Two commodity charge for a three-quarter inch (¾") residential meter in effect at the time of water delivery to Surprise. Beardsley's Tier Two commodity charge in effect at the time of execution of this Agreement is \$2.45 per thousand gallons, making the rate to Surprise equal to \$1.84 per thousand gallons (\$1.84/1,000 gal) at the time of execution of this Agreement. On a monthly basis, in the event that Surprise delivers more water to Beardsley's Certificated Area than Beardsley delivers to Surprise, the net amount received by Beardsley shall be chargeable to Beardsley at a rate equal to seventy five percent (75%) of Surprise's residential commodity charge in effect at the time of water delivery to Beardsley. Surprise's residential commodity charge in effect at the time of execution of this Agreement is \$2.25 per thousand gallons, making the rate to Beardsley equal to \$1.69 per thousand gallons (\$1.69/1000 gal) at the time of execution of this agreement. In the event that more than one Interconnection is constructed between the Service Areas of the parties, then for purposes of computing the amounts due hereunder, the parties agree to base such bills on the sum of all monthly water deliveries at all such Interconnections. From time to time, Beardsley may request the Commission to approve an adjustment in its water rate set forth herein, or Surprise through the action of its City Council may adjust its rates.

8.4. The party that receives water through an Interconnection agrees that it will not wholesale water delivered hereunder to other water providers, including municipalities or public water service utilities, without the prior written consent of the party supplying the water. Party receiving water hereunder agrees not to deliver such water to another water provider that is not a party to this Agreement for resale to customers of the non-party water provider.

9. **Loans of Equipment, Supplies and Manpower.** In the event of an emergency or temporary water shortage as defined herein, the parties to this Agreement agree to cooperate to meet the water service needs of their respective customers. The following provisions are intended to provide the parties and their employees with guidance during emergencies and temporary water shortages:

9.1. Use of returnable equipment, such as construction equipment, vehicles, tools, pumps and motors, shall be at the Lending Party's current equipment rental rate(s), or if no such rates have been established, at rental rates equal to customary rental rates for similar returnable equipment rented in Maricopa County, Arizona. Any such use of returnable equipment is subject to the following conditions:

- (a) At the option of the Lending Party, loaned equipment may be loaned with an operator, subject to the provisions of Subarticle 9.3.

- (b) Loaned equipment shall be returned to Lending Party within four (4) hours after receipt by Borrowing Party of an oral or written request for its return from Lending Party.
- (c) Borrowing Party shall, at Borrowing Party's own expense, supply all fuel, lubrication and maintenance for loaned equipment while such equipment is in Borrowing Party's custody.
- (d) Lending Party's cost related to the transportation, handling and loading/unloading of requested equipment shall be paid by Borrowing Party.
- (e) In the event loaned equipment is damaged while being dispatched to Borrowing Party, or while in the custody and use of Borrowing Party, Borrowing Party shall reimburse Lending Party for the reasonable cost of repairing such damaged equipment. If the equipment cannot be repaired then Borrowing Party shall reimburse Lending Party for the cost of replacing such equipment with equipment that Lending Party and Borrowing Party mutually agree is of at least equal capacity. If Lending Party must lease equipment while Lending Party's equipment is being repaired or replaced, Borrowing Party shall reimburse Lending Party for such lease costs, provided the duration and cost of such lease is mutually agreed to by Lending Party and Borrowing Party in advance of leasing. The proceeds of any insurance policy covering such equipment shall be apportioned equitably between the Borrowing and Lending Parties based on the amount of expense each incurred in replacing or repairing the damaged equipment.

9.2. Borrowing Party shall reimburse Lending Party in kind or at actual replacement cost, plus reasonable handling charges, for use of expendable or nonreturnable supplies. Other supplies and reusable items that are returned to Lending Party in a clean, damage-free condition shall not be charged to the Borrowing Party and no rental fee shall be charged; otherwise, such supplies shall be treated as expendable supplies under this subarticle.

9.3. Lending Party will loan such employees of Lending Party as are available and are willing to participate to Borrowing Party. The Borrowing Party shall pay Lending Party for such employees at the rate of Lending Party's full cost, including the employee's then-current salary or hourly wage, plus fringe benefits and overhead, and consistent with Lending Party's employee contracts or other conditions of employment. Costs to feed and house loaned personnel, if necessary, shall be paid by Borrowing Party. Lending Party will not be liable for cessation or slowdown of work if none of Lending Party's employees are available for loan, or if Lending Party's employees decline or are reluctant to perform any assigned tasks if such employees judge such tasks to be unsafe.

9.4. Borrowing Party agrees to reimburse Lending Party within fifteen (15) days of receipt by Borrowing Party of an invoice for Assistance provided under this agreement.

10. **Indemnification.**

10.1. With respect to claims or demands for damages, injuries or compensation brought against Surprise by persons or entities who are not parties to this Agreement, Beardsley and its

successors and assigns agree to indemnify, defend, and hold Surprise harmless from any and all costs, charges, assessments, obligations, liabilities, damages, attorney fees, litigation costs, or judgments arising out of the negligent or willful acts or omissions of Beardsley and its officers, agents, and employees relating to this Agreement or Beardsley's performance or non-performance thereof.

10.2. With respect to claims or demands for damages, injuries or compensation brought against Beardsley by persons or entities who are not parties to this Agreement, Surprise and its successors and assigns agree to indemnify, defend, and hold Beardsley harmless from any and all costs, charges, assessments, obligations, liabilities, damages, attorney fees, litigation costs, or judgments arising out of the negligent or willful acts or omissions of Surprise and its officers, agents, and employees relating to this Agreement or Surprise's performance or non-performance thereof.

10.3. The parties hereto intend that neither Surprise nor Beardsley shall be responsible for the wrongful, willful or negligent, acts of the other party, or the other party's officers, agents, or employees.

10.4. Each party to this Agreement shall give to the other party promptly and timely written notice of any claim made or any lawsuit instituted coming to the party's notice, which in any way, directly or indirectly, contingently or otherwise, affects or might affect the other party, and each party shall have the right to participate in the defense of such claims or lawsuits to the extent of the party's own interest.

11. **Insurance.** During the term of this Agreement, or any renewal hereof, each party shall maintain the following insurance coverages, which coverages shall, to the extent it is reasonably possible to do so, name the other party hereto as an additional insured:

- (a) Commercial General Liability Insurance with a minimum limit of liability of \$1,000,000 combined single limit for each occurrence for bodily injury including death and property damage.
- (b) Automobile Liability Insurance with a minimum limit of liability of \$1,000,000 combined single limit for each occurrence for bodily injury, including death and property damage.
- (c) Workers Compensation Insurance with state and federal statutory limits.

12. **Dispute Resolution Process; Remedies.** In the event that a dispute arises between the parties to this Agreement, then the following shall apply:

12.1. **Dispute Resolution Process.** The parties to this Agreement acknowledge and agree that each will use good faith efforts to resolve through negotiation disputes arising hereunder without resorting to mediation, arbitration or litigation. In the event any dispute between the parties cannot be resolved through negotiation, the parties agree to follow the following dispute resolution procedure.

The dispute shall first be submitted to the mediation process conducted by the Arizona Attorney General's Office. Either party may submit a dispute to mediation at any time. Each

party will participate reasonably in such mediation process according to the procedures established by the Attorney General's Office, and will attempt in good faith to resolve the dispute through such mediation process. If the Attorney General's Office determines that the dispute cannot be settled through mediation (or discontinues or declines to make the mediation process available to the parties), then either party may require that the dispute be submitted to binding arbitration as provided below.

In that event, either party may elect to submit the dispute to binding arbitration by giving written notice of such election to the other party not later than thirty (30) days after the final action of the Attorney General's Office. If such notice of election is given, the matter shall be submitted promptly to binding arbitration in accordance with the rules of commercial arbitration then obtaining with the American Arbitration Association ("AAA") in Phoenix, Arizona ("Rules"). If the claim in dispute does not exceed Ten Thousand Dollars (\$10,000), there shall be a single arbitrator selected by mutual agreement of the parties, and in the absence of such agreement, appointed according to the Rules. If the claim in dispute exceeds Ten Thousand Dollars (\$10,000), the arbitration panel shall consist of three (3) members, one of whom shall be selected by each party and the third, who shall serve as chairman, shall be selected by AM. The arbitrator(s) must be knowledgeable in the subject matter in dispute and must reside in Arizona. The costs and fees of the arbitrator(s) shall be divided equally between the parties.

Any decision by the arbitrator(s) shall be supported by written findings of fact and conclusions of law. The decision of the arbitrator(s) shall be final, subject to the provisions of the Arizona Uniform Arbitration Act, A.R.S. Section 12-1501, et. seq., and judgment may be entered on the same; provided however, that any decision of the arbitrator(s) may be appealed to the Superior Court of Maricopa County if it is based on an erroneous interpretation, application, or disregard of the law applicable to the dispute. The arbitrator(s) shall control discovery in the proceedings and shall award the prevailing party its reasonable attorneys' fees and costs.

Notwithstanding the foregoing, however, a dispute concerning an action, decision, or omission of the Surprise City Council, shall, at either party's option, be resolved through a civil action filed in Maricopa County Superior Court, and shall not be submitted to binding arbitration. Any party may elect to proceed through civil litigation by giving written notice of such election to the other party prior to the appointment of an arbitrator or arbitrators as provided above. Failure to give such timely notice of election shall constitute a waiver of the right to proceed through civil litigation. The party giving such notice of election must file its civil action within thirty (30) days after the other party's receipt of the notice, and if it fails to do so, the matter shall be submitted to binding arbitration.

12.2. Remedies. Subject to the limitations set forth in this Agreement, the rights and remedies expressly provided herein are cumulative and not exclusive of any other rights or remedies which a party would otherwise have at law or in equity or otherwise.; provided, however, that in no event shall a non-defaulting party be entitled to assert or otherwise claim or demand special, incidental, or consequential damages which may otherwise be attributable to any default by the defaulting party.

12.3. Jurisdiction, Venue and Attorney's Fees and Costs. The prevailing party in any arbitration proceeding, lawsuit, appeal or other proceeding brought to enforce or otherwise implement the terms and conditions of this Agreement shall be entitled to an award of attorneys' fees and costs from the losing party. The parties hereto consent to jurisdiction and venue in the Superior Court of Maricopa County, Arizona.

13. **Miscellaneous Provisions.**

13.1. **Entire Agreement.** This Agreement constitutes the complete, exclusive and final expression of the parties' intent, and as such, supersedes all previous communications, representations or agreements, written or verbal, with respect to its subject matter.

13.2. **Construction.** This Agreement shall be construed in accordance with the laws of the State of Arizona. This Agreement is intended to represent the mutual agreement of the parties hereto and shall not be strictly construed against either party.

13.3. **Limitation on Benefits of this Agreement.** In executing this Agreement, the parties hereto explicitly intend that:

- (a) There are no third party beneficiaries under this Agreement.
- (b) The covenants, undertakings and agreements set forth in this Agreement shall be solely for the benefit of, and shall be enforceable only by, the parties (or their respective successors and assigns as permitted hereunder).
- (c) No person or entity other than the parties is or shall be entitled to bring any action or enforce any provision of this Agreement against any party.

13.4. **Modification or Amendment.** This Agreement may not be modified, amended, rescinded, cancelled or waived, in whole or in part, except by a written instrument signed by both parties.

13.5. **Further Instruments.** Each party hereby agrees it shall, from time to time and at such time as may be required, take such further actions and execute such further documents as may be reasonably required and necessary to effectuate the provisions of this Agreement.

13.6. **Assignment.** The terms and conditions of this Agreement shall bind and inure to the benefit of the parties, their successors and assigns and legal representatives. Neither party hereto shall assign its interests hereunder without first obtaining the prior written consent of the other party. In the event that either party attempts to assign its interests hereunder without first obtaining the prior written consent of the other, then such assignment shall be null and void.

13.7. **Waiver.** No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver be a continuing waiver. Either party may waive any provision of this Agreement intended for its benefit; provided, however, that such waiver shall in no way excuse the other party from the performance of any of its other obligations under this Agreement. No failure or delay on the part of a party in exercising any right, remedy, power or privilege hereunder and no course of dealing between the parties shall operate as a waiver or abandonment thereof, nor shall any single or partial exercise of any right, remedy, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege.

13.8. Headings. The headings used herein are for reference only and shall not be used to construe, define, extend or describe the scope of this Agreement or the intent of the parties hereto.

13.9. Notice. All notices given pursuant to the terms of this Agreement shall be in writing and shall further be deemed received upon personal delivery or transmission via telecopy thereof, or if mailed, five (5) business days after deposit in the United States mail, postage prepaid, certified or registered mail, return receipt requested, to the parties at the addresses set out below:

Notices hereunder shall be sent to Surprise addressed as follows:

City of Surprise
12425 West Bell Road, Suite D-100
Surprise, Arizona 85374
Attn: City Manager

with a copy to

City of Surprise
12425 West Bell Road, Suite D-100
Surprise, Arizona 85374
Attn: City Attorney

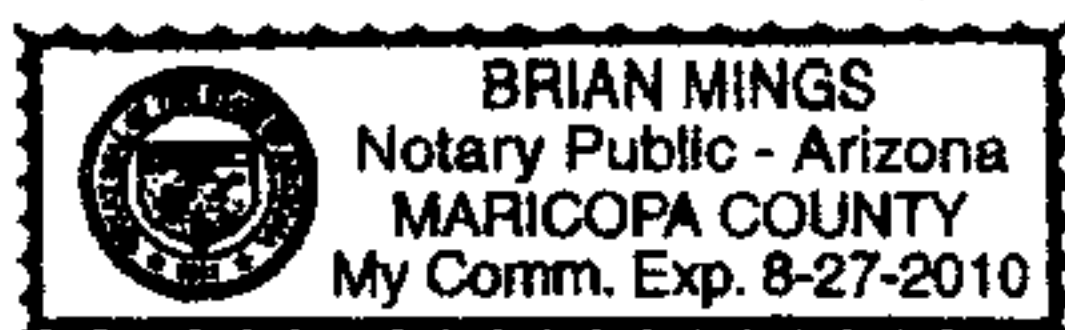
or to such other address as Surprise may advise Beardsley in writing, and to Beardsley at:

Beardsley Water Company, Inc.
2001 W. Camelback Road
Suite 250
Phoenix, AZ 85015

or to such other address as Beardsley may advise Surprise in writing.

14. Time of Essence. Time is of the essence of this Agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the day and year first written above.



BEARDSLEY WATER COMPANY, INC., an
Arizona corporation

By: Fred T. Wilkinson
Boyd E. Weed

Before me this day appeared 10-26-07
Fred T. Wilkinson, Agent for
Beardsley Water Company, Inc.
corporation

Its: President AGENT - TED WILKINSON

CITY OF SURPRISE, an Arizona municipal

By: Jim Rumpelton
Its: 3-21-06

ATTEST:

Sherry Ann Agius
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

Exhibit "A"

**Description of Portion of Surprise's Service Area
For which
Beardsley Agrees to Provide Temporary Water Service
For
Initial Water System Start-Up**

Township 4 North, Range 2 West

Southwest $\frac{1}{4}$ of Section 22

East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 22

West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 23



**CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM**

#12

Meeting Type: Regular Meeting

Council Meeting Date: 3/09/06

Submitting Department: Water Services

Contact Person: Rich Williams, Sr.

District: 1

Internal:

☒ Consent

☐ Regular

☐ Public Hearing

☐ Report Only

Agenda Wording:

Consideration and action authorizing the City Manager to enter into an agreement between the City of Surprise and Beardsley Water Company for a mutual assistance agreement.

Motion:

I move to authorize the City Manager to enter into a mutual assistance agreement between the City of Surprise and Beardsley Water Company to provide water in the vicinity of Section 22 Township 4 North Range 2 West.

Background:

The City of Surprise Water Services Department along with Beardsley Water Company has determined a need to mutually transfer water as needed between the two water service providers in Special Planning Area 3 (SPA 3). This agreement will be particularly important regarding the construction of the new SPA 3 waste water treatment plant. By entering into this agreement it should provide better water service to all parties involved primarily by making available emergency water supplies to either service area as needed.

Financial Impact Statement:

This proposal should have no associated costs to the City. Any fees being paid would be at the time of use for the water and/or services actually utilized. Initial construction water required for the building of the SPA 3 WWTP would be paid for by Courtland Homes as part of the Austin Ranch developer phase of construction for the waste water treatment plant.

Attachments:

Mutual Assistance Agreement.

Signatures of Submitting Officers:

Mayor / Council

Budget Authorization

Department Head/Designee

City Manager/Designee

Legal Review

Human Resources (If Applicable)

City Clerk's Office Only:

Council Action:

Motion/Second

Shafer _____
Elkins _____
Bails S _____
Sullivan _____
Arismendez _____
Johnson m _____
Foro _____

Results:

For _____
Against _____
Passed ✓ _____
Failed _____
Continue _____
Tabled _____
Absent _____

6
0
✓
ICD.A.)

Distribution After Council Meeting:

City Clerk's Office
Arthur Urquidez
Rich Williams
Sandra Mills
Lee Lambert

Meeting Requirements:

☐ Powerpoint ☐ Overhead (Elmo) ☐ Flip Chart ☐ White Board ☐ Easel

Presentation Speaker Names (spelling and titles for TV captions):

Rich Williams, Water Services Director



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	December 2, 2014	Contact Person:	Janeen K. Gaskins, Grant Administrator
Submitting Department:		District:	Internal
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Presentation updating council on grant activity.

Motion:

None.

Background:

Grants activity for the City has, over the last three fiscal years, decreased slightly in the area of federal funding. Currently, the City is monitoring more than 60 active grants, with an additional 50 in varying stages of the application process. The largest grant utilization is by the Police Department (37% of grant submittals), with the largest funding managed through the Community Development Department (48% of funding received). The focus of the grants program will be partnerships, transparency, trainings, and education for internal and external entities, and continued monitoring efforts through appropriate internal controls, with the ultimate goal to maximize grant opportunities available to the City.

Financial Impact Statement:

None.

ATTACHMENTS:

Click to download

☐ [Presentation](#)

External Attachment Links:

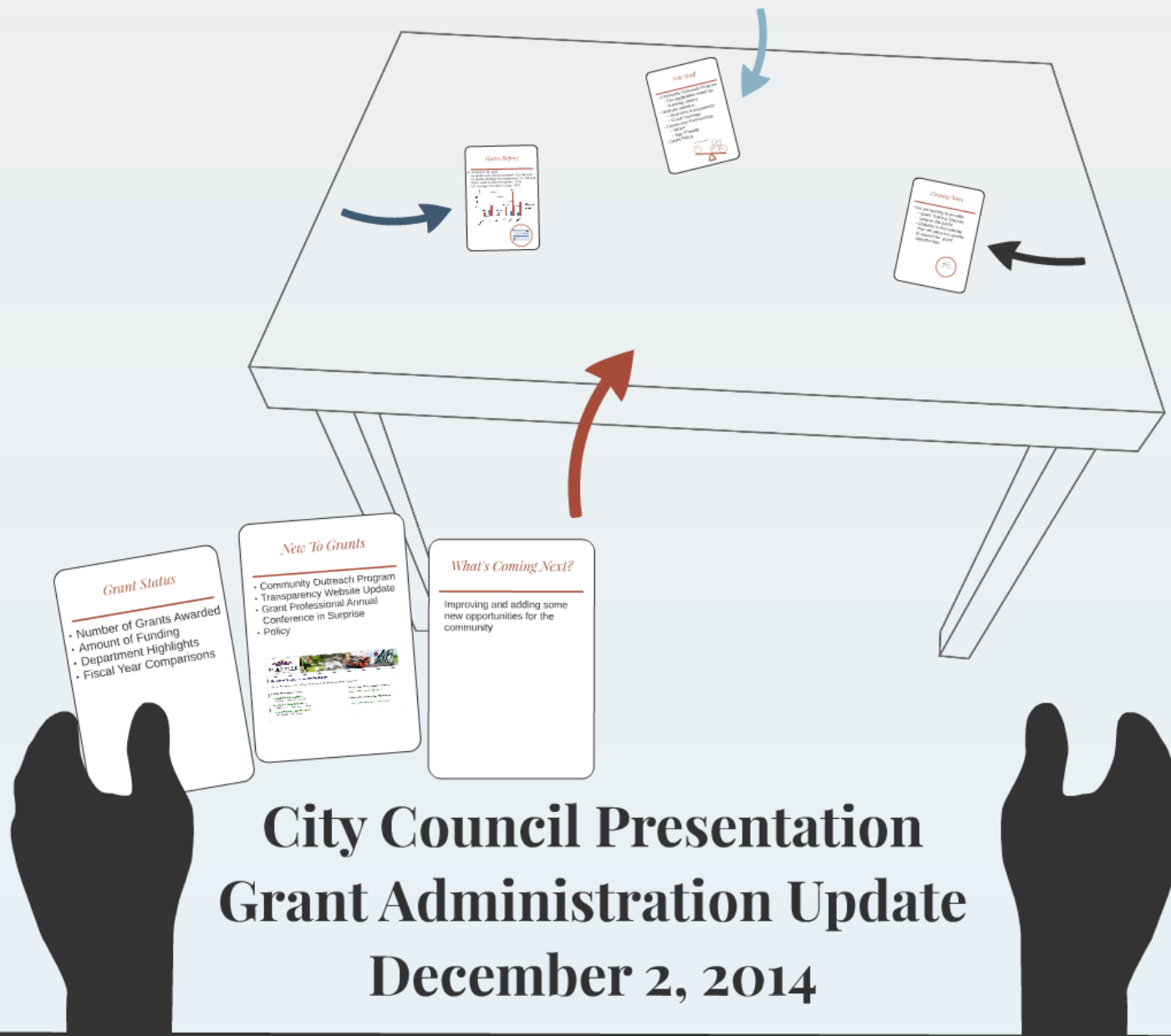
Prezi presentation
Draft Grant Policy

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x	Prezi
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Presentation Speaker Names (spelling and titles for TV captions):

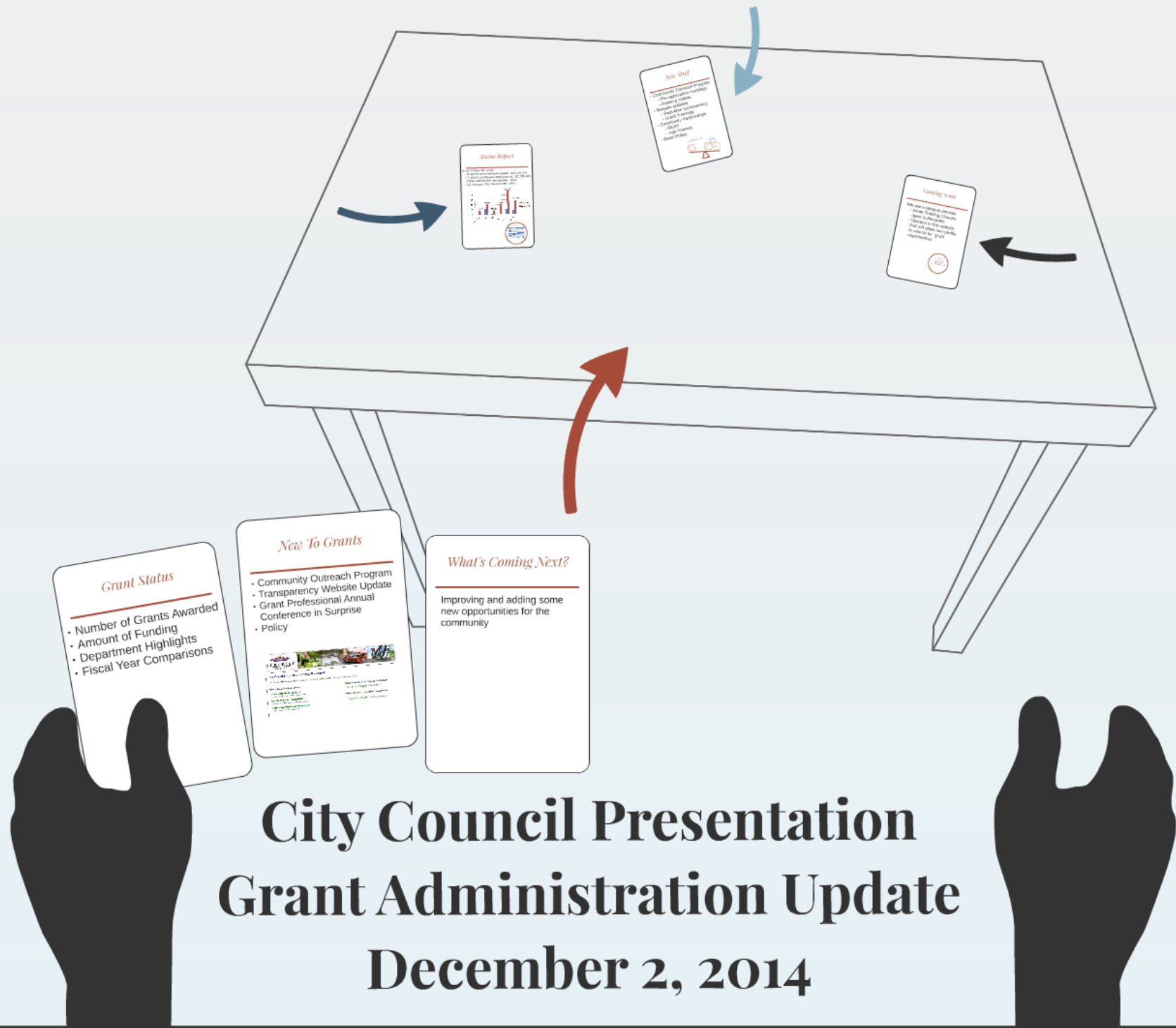
Janeen K. Gaskins, Grant Administrator



City Council Presentation

Grant Administration Update

December 2, 2014



City Council Presentation Grant Administration Update December 2, 2014

Grant Status

- Number of Grants Awarded
- Amount of Funding
- Department Highlights
- Fiscal Year Comparisons

Nea

- Community
- Transparency
- Grant Professional Conference
- Policy



The City of Surprise Grant Activity Report

This report offers community residents visibility into all

Activity Based on Grant Status

Grants We're Pursuing »

Grants we are in the process of Applying for.

Grants We Were Awarded »

Grants we've been awarded and are managing.

Grants We Were Not Awarded »

Grants applied for without success.

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hlights
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New To Grants

- Community Outreach Program
- Transparency Website Update
- Grant Professional Annual Conference in Surprise
- Policy



The City of Surprise Grant Activity Report

This report offers community residents visibility into all grant-funded activity for the organization.

Activity Based on Grant Status

[Grants We're Pursuing »](#)

Grants we are in the process of Applying for.

[Grants We Were Awarded »](#)

Grants we've been awarded and are managing.

[Grants We Were Not Awarded »](#)

Grants applied for without success.

Activity Based on Our Strategic Objectives

[View a List of Strategic Objectives »](#)

Activity by Our Grant Active Departments

[View a List of Grant Active Departments »](#)

What's

Improving a
new opport
community

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Site Update
Annual
prise



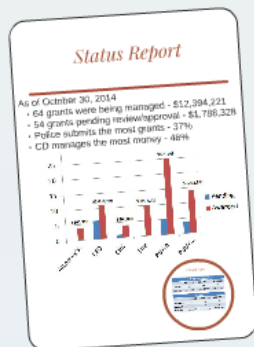
he organization.

Activity Based on Our Strategic Objectives
[View a List of Strategic Objectives »](#)

Activity by Our Grant Active Departments
[View a List of Grant Active Departments »](#)

What's Coming Next?

Improving and adding some
new opportunities for the
community



New Stuff

- Community Outreach Program
- Pre-application meetings
- Ranking criteria
- Website updates
- Real-time transparency
- Grant Trainings
- Community Partnerships
- REAP
- Age Friendly
- Grant Policy

Agency	Grants	Money (\$)
Community	10	1000000
CD	15	1500000
Police	20	2000000
Public	5	500000

Coming Soon

We are looking to provide:

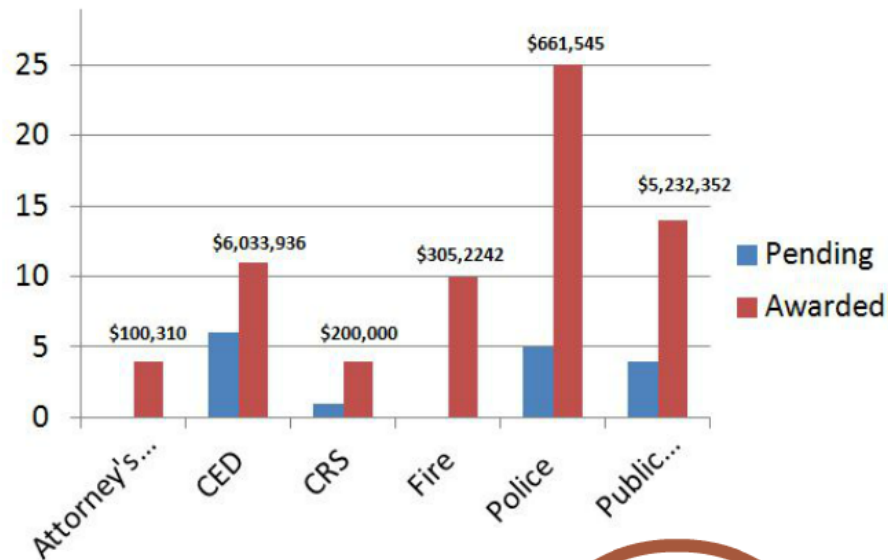
- Grant Training Classes open to the public
- Updates to the website that will allow non-profits to search for grant opportunities

Agency	Grants	Money (\$)
Community	10	1000000
CD	15	1500000
Police	20	2000000
Public	5	500000

Status Report

As of October 30, 2014

- 64 grants were being managed - \$12,394,221
- 54 grants pending review/approval - \$1,788,328
- Police submits the most grants - 37%
- CD manages the most money - 48%



Comparison

Federal Single Audit Reporting			
	2011-2012	2012-2013	2013-2014
Managed	31	33	34
Amounts	\$,313,969	\$2,548,303	2,655,921

All Grants			
	2011-2012	2012-2013	2013-2014
Submitted	33	12	25
Awarded	25	7	17
Amounts	4,256,778	\$1,209,258	2,212,752

Comparison

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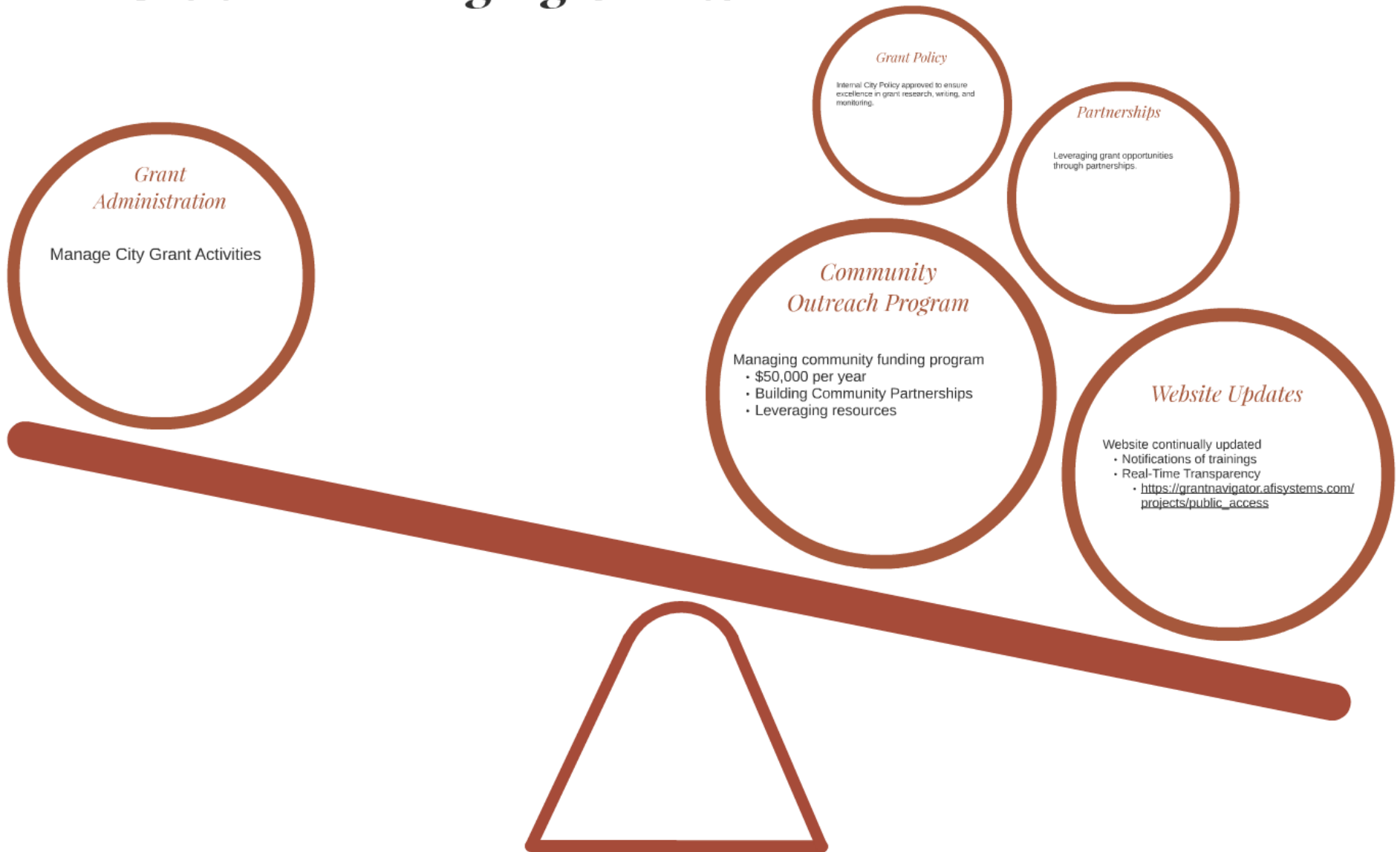
New Stuff

-
- Community Outreach Program
 - Pre-application meetings
 - Ranking criteria
 - Website updates
 - Real-time transparency
 - Grant Trainings
 - Community Partnerships
 - REAP
 - Age Friendly
 - Grant Policy

More than Managing Grants



More than Managing Grants



*Grant
Administration*

Manage City Grant Activities

Community Outreach Program

Managing community funding program

- \$50,000 per year
- Building Community Partnerships
- Leveraging resources

We
•
•

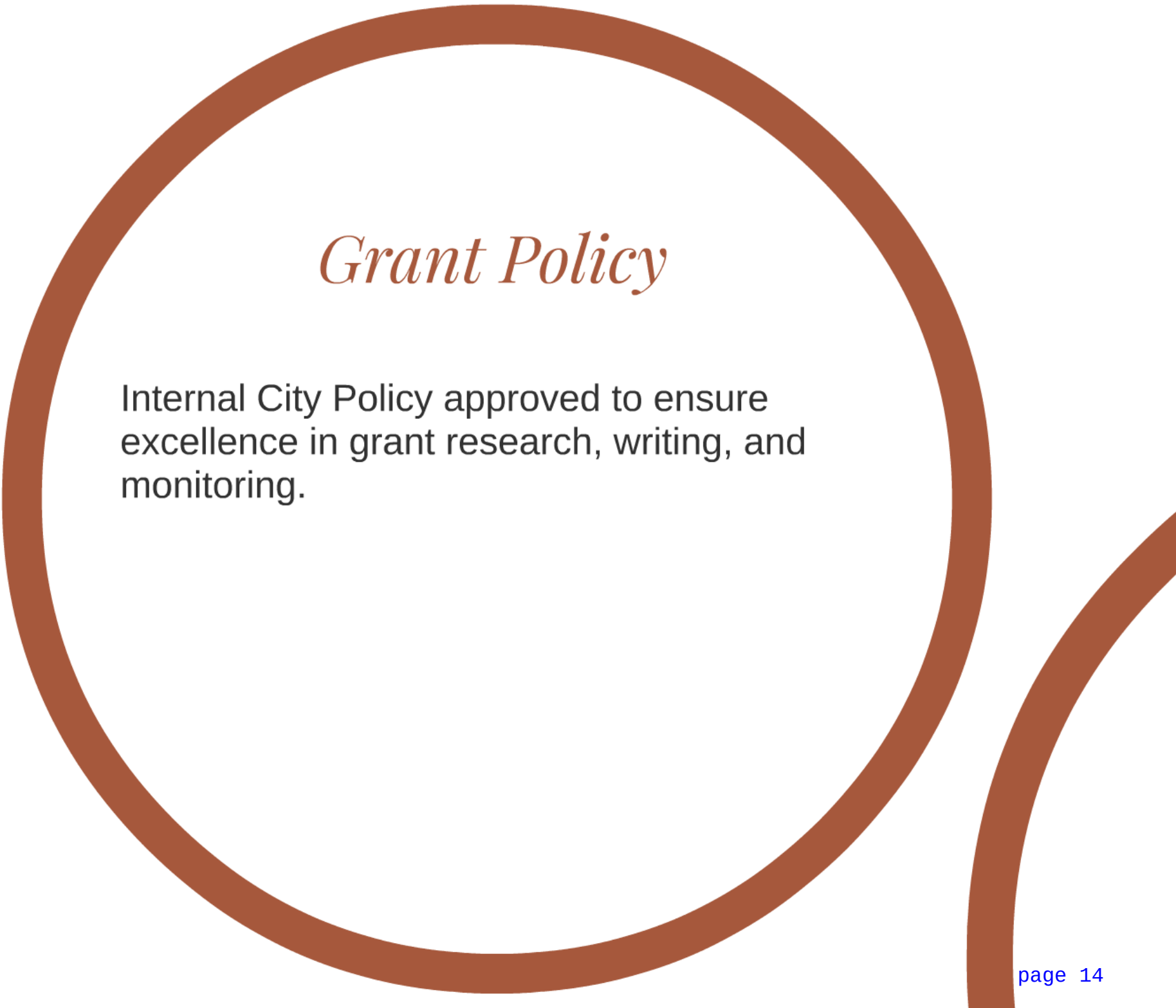
Website Updates

Website continually updated

- Notifications of trainings
- Real-Time Transparency
 - https://grantnavigator.afisystems.com/projects/public_access

Partnerships

Leveraging grant opportunities
through partnerships.



Grant Policy

Internal City Policy approved to ensure excellence in grant research, writing, and monitoring.

Coming Soon

We are looking to provide:

- Grant Training Classes open to the public
- Updates to the website that will allow non-profits to search for grant opportunities

Any Questions?

Grant Administrator
Janeen K. Gaskins
623.222.3624
janeen.gaskins@surpriseaz.gov



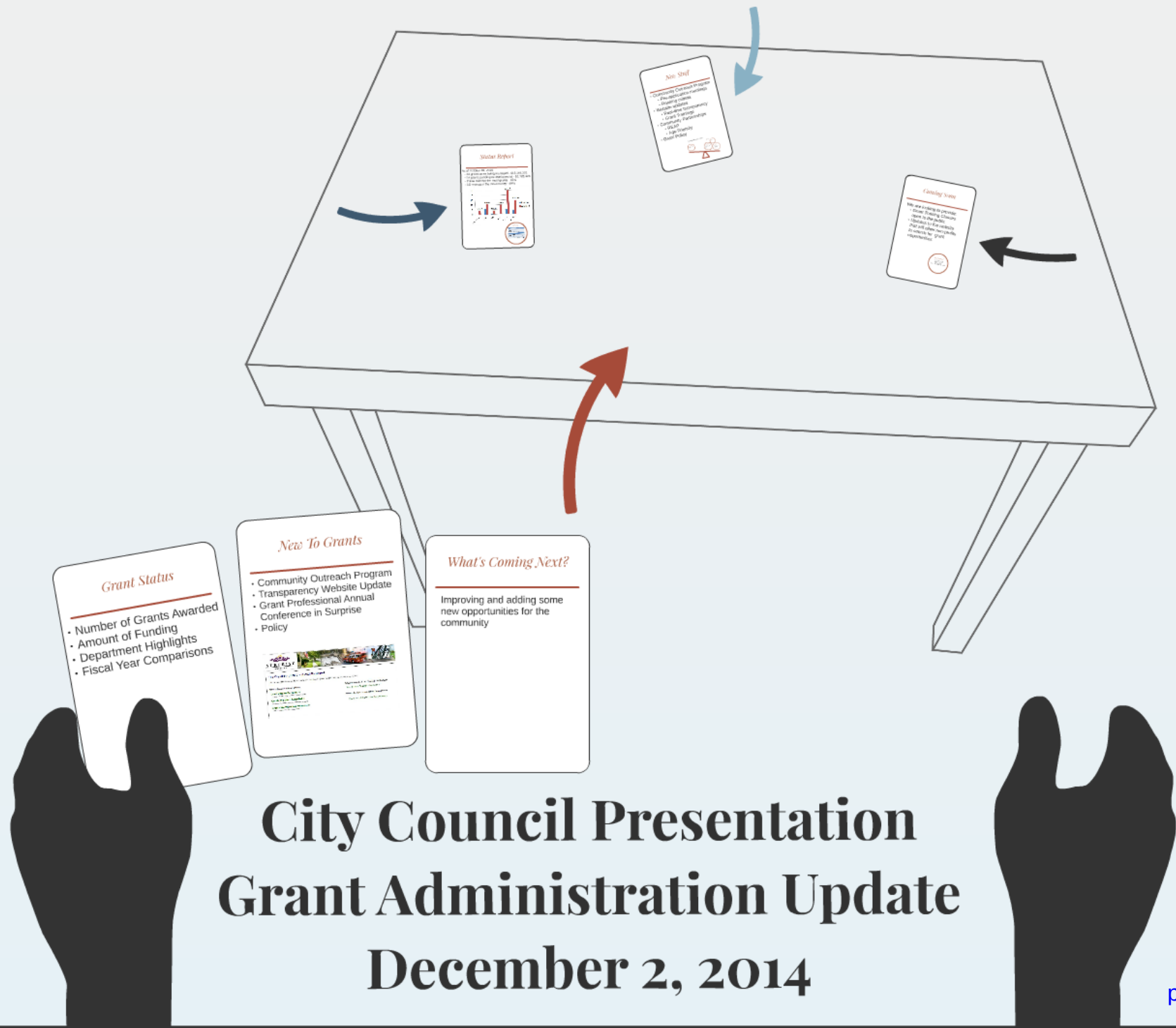
Any Questions?

Grant Administrator

Janeen K. Gaskins

623.222.3624

janeen.gaskins@surpriseaz.gov



City Council Presentation Grant Administration Update December 2, 2014



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: December 2, 2014 Contact Person: Lindsey Duncan, Finance Director
Submitting Department: District: Citywide
Staff Recommendations: Approve

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Consideration and action amending Chapters 26 and 105 of the Surprise Municipal Code related to business licenses; Ordinance No. 2014-13.

Motion:

I move to approve Ordinance No. 2014-13

Background:

The Finance Department has been working to update the process and enhance customer service related to business licensing. The attached ordinance updates definitions, simplifies overly burdensome processes, increases business friendliness, removes redundancies with State and County, and updates cross references.

Financial Impact Statement:

Based on analysis, these changes will result in a minimal impact to the general fund.

ATTACHMENTS:

Click to download

- ☐ [Presentation](#)
 - ☐ [Ordinance 2014-13 with Exhibit a](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Lindsey Duncan, Finance Director
Craig Dies, Revenue Manager

Business License & Rental Accountability Code Enhancements

December 2, 2014



Purpose of Licensing



- Ensures Suitable Zoning for Business Type
- Aids in the Identification of Taxpayers for Transaction Privilege Tax Collection
- Enables Research and Statistical Analysis
- Ensures Compliance with Federal, State, and County Licensing Requirements

Proposed Changes



- Updates Definitions
- Simplifies Overly Burdensome Processes
- Increases Business Friendliness
- Removes Redundancies with State and County
- Updates Cross References

Code Enhancements



Questions or Comments?



ORDINANCE 2014-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SURPRISE MUNICIPAL CODE BY REPEALING CHAPTER 26, ARTICLE II, BUSINESS LICENSES, SECTIONS 26-21, 26-25, 26-26, 26-30, 26-32, 26-34, 26-39, AND 26-40; REPEALING CHAPTER 105, ARTICLE III, RENTAL ACCOUNTABILITY, SECTION 105-105; AMENDING CHAPTER 26, ARTICLE II, DIVISION I, GENERALLY, SECTIONS 26-19, 26-20, 26-27, 26-29, 26-33, AND 26-42; AND AMENDING CHAPTER 26, ARTICLE II, DIVISION II, SPECIAL EVENTS, ALL RELATED TO BUSINESS LICENSES.

WHEREAS, Surprise Municipal Code Section 1-5 authorizes the City Council to amend the Code;

WHEREAS, the Mayor and Council seek to clarify, update and improve consistency of the business licensing provisions of the Surprise Municipal Code; and

WHEREAS, the Mayor and Council desire to remove any unnecessary cross references in the building regulation provisions of the Surprise Municipal Code.

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

Section 1. The following sections of Chapter 26, Article II, Business Licenses, are hereby **repealed**:

- 26-21. Door to door identification
- 26-25. Special event fee waiver
- 26-26. Issuance
- 26-30. Certificate of health or sanitary examination
- 26-32. Replacement license
- 26-34. Notice of Termination of business required
- 26-39. Penalties
- 26-40. Waiver of penalties

Section 2. Chapter 105, Article III, Section 105-105, Business license information, is hereby **repealed**.

Section 3. Surprise Municipal Code Chapter 26, Article II, Section 26-19, Definitions, is amended as follows:

...

Casual activity or sale means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a license fee imposed by this article. ~~The sale, rental, license for use, or lease transaction concerning real property shall not be treated, or be exempt, as casual.~~

...

Person means any individual, organization, partnership, company, joint venture, association or similar entity.

Section 4. Surprise Municipal Code Chapter 26, Article II, Section 26-20, License required, subsections (a), (b), and (c) are amended as follows:

(a) It is unlawful for any person to practice, transact or carry on any business within the municipal limits of the city without first having procured a license from the city to do so, or without complying with any and all regulations of such business designated in this article, unless exempted pursuant to section 26-27. ~~Businesses involving residential rental property shall not be eligible for a business license unless and until the owner of such residential rental property is in full compliance with the provisions section 105-90 et seq. of this Code; "Rental Accountability".~~ Licenses for massage establishments and sexually oriented businesses shall be issued pursuant to articles IV and V of this chapter respectively.

(b) A separate business license is required under this section for each business (even if multiple businesses are operating out of one location), business location, and business name. ~~person engaged in more than one business subject to city privilege sales and use taxes at any one business location is required to obtain a separate license for each business.~~

(c) A person subject to the provisions of article VIII, Solicitation, must carry a copy of the business license at all times while engaging in solicitation activities and produce such upon request. ~~A person engaged in or conducting one or more businesses at two or more locations or using more than one business name shall procure a license for each such location or business name.~~

Section 5. Surprise Municipal Code Chapter 26, Article II, Section 26-22, Application, is amended as follows:

Every person seeking a business license ~~shall~~ must fill out an application and furnish the information requested by the ~~finance department~~ City. The ~~finance department~~ City reserves the right to request any information deemed necessary to insure public safety and the collectability of license fees. Refusal to provide any requested information is grounds for denial of license. Certain businesses may be subject to paying an application fee as established by the city council from time to time by resolution.

Section 6. Surprise Municipal Code Chapter 26, Article II, Section 26-27, Exemptions, subsection (a), is amended by adding the following:

(10) Residential rental property.

(11) Special events sponsors/promoters or vendors subject to licensing requirements under article II, division 2 of this chapter.

Section 7. Surprise Municipal Code Chapter 26, Article II, Section 26-29, Mobile vendors, subsection (6), is amended as follows:

~~(6) Licenses for mobile vending business are valid for up to one calendar year and shall expire on December 31 of the year issued. Notwithstanding the renewal provisions of section 26-33, persons seeking a license for a mobile vending business must reapply for a new license each year.~~

Section 8. Surprise Municipal Code Chapter 26, Article II, Section 26-33, Renewal of license, is amended as follows:

~~All business licenses must be renewedare renewable by December 31. Renewal notices will be sent out on or before November 15. A late fee will be assessed against any business whose license has not been timely renewed. Any business license that has not been renewed by January 31 will be cancelled and a new business license cannot be issued unless and until all outstanding fees have been paid. Payment must be received by December 31 or 45 days after the renewal notice is mailed out, whichever is later. After that date, a late fee will be added to the license fee and a second renewal notice is mailed out, providing 21 days to respond. No response to the second notice will result in cancellation of the license. the license will be suspended. To activate a suspended license closed for non-payment all fees must be paid in full and an additional processing fee will be required. Licenses shall not be renewed until all outstanding civil or criminal fines levied against the business or business owner have been paid in full.~~

Section 9. Surprise Municipal Code Chapter 26, Article II, Section 26-42, Payment due regardless of city error, is amended as follows:

~~In no case shall a~~Any mistake made by the finance department in stating, fixing, or collecting the amount of any license fee will not prevent, prejudice, or stop the city from collecting the correct amount due as provided by this article.

Section 10. Surprise Municipal Code Chapter 26, Article II, Division 2, Special Events, Sections 26-48 through 26-51 are amended as set forth in Exhibit A.

[SIGNATURES ON NEXT PAGE]

PASSED AND ADOPTED this _____ day of _____, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Ordinance 2014-13
Exhibit A

Sec. 26-48. – Special event, sponsor/promoter requirements.

All special event sponsor/promoters ~~of a special event~~ must:

- (1) Submit a completed application for a ~~business sponsor/promoter~~ license with the city no later than 30~~10~~ days prior to the ~~scheduled special~~ event.
- (2) Pay the special event sponsor/promoter license fee as established by council resolution.
- ~~(3) Provide the city with a completed special event vendor list, which includes the following, at the time of application:~~
 - ~~a. Name of promoter of the event.~~
 - ~~b. Promoter's city business license number.~~
 - ~~c. Name of the event.~~
 - ~~d. Dates of the event to be held.~~
 - ~~e. Vendor's legal name.~~
 - ~~f. Vendor's type of ownership.~~
 - ~~g. Vendor's type of business.~~
 - ~~h. Vendor's city business license number.~~
 - ~~i. Vendor's state transaction privilege tax license number, if applicable.~~
 - ~~j. Vendor's department of health permit number, if applicable.~~
 - ~~k. Description of goods and/or services to be provided by vendor at the event.~~
- (4) ~~Submit a final completed special event vendor list to the city no later than seven days following the last day of the event.~~
- (5) ~~Provide to all participating vendors, a city issued special event license to be posted each day at the event.~~

Sec. 26-49. – Special event, vVendor requirements.

All special event vendors ~~shall~~must: ~~ensure that the sponsor/promoter of the event has added them to the special event vendor list.~~

- (1) Submit a completed special event vender license application, per event, unless already possessing an annual license to operate. ~~All vendors must also comply with the city tax code.~~

~~(2) Pay the special event vender license fee as established by council resolution. Any vendor who is subject to a certificate of health or sanitary examination must produce such a certificate or permit from the county health department and provide a copy to the event sponsor/promoter 30 days prior to the scheduled event.~~

~~(3) All vendors must retain/maintain a copy of their City of Surprise issued receipt for fees paid license fee receipt as proof of current licensure. All vendors must display the city issued special event license during each day of the event.~~

~~(4) All vendors must also comply with the city tax code.~~

Sec. 26-50. – Enforcement.

~~(a) *Inspectors, right of entry, authority.* The license city inspectors and city police officers shall have and shall exercise the power may enter any special event, to enter free of charge, to enforce the requirments of this chapter any place in which a special event business license is required by this article, and to demand the exhibition of the license for the current event from any person engaged or employed in the transaction of such business. Failure to allow entry or failure to produce a license shall be a violation of this article.~~

~~(b) *Penalties.* The finance department shall may add or impose one or more of the following penalties whenever appropriate and no new license shall be issued until the license fees that are delinquent and the penalties added have been paid in full:~~

~~(1) *Failure to apply.* A person who fails to timely apply for a special event license required by this article shall pay a penalty as set by council resolution from time to time.~~

~~(2) *Failure to pay.* A person who fails to pay within the time prescribed shall pay a penalty as set by council resolution on the unpaid fees, unless the person can show that the failure to pay timely was due to reasonable cause and not due to willful neglect.~~

~~(3) *Written notice and demand.* A sponsor/promoter who fails or refuses to apply for a special event business license within 30 days of having received a written notice of demand letter from the finance department shall pay a penalty as set by council resolution from time to time, unless the sponsor/promoter shows that the failure to pay timely was due to reasonable cause and not due to willful neglect.~~



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	December 2, 2014	Contact Person:	Misty Leslie, City Attorney
Submitting Department:		District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action amending Chapters 2, 101, 105, and 122 of the Surprise Municipal Code relating to boards and commissions; Ordinance 2014-14.

Motion:

I move to approve Ordinance 2014-14.

Background:

On September 25, 2012, Mayor and Council approved Ordinance 2012-10, amending numerous sections of City Code pertaining to Council Boards and Commissions. These changes included the creation of the Community Development Block Grant Advisory Commission, establishing a mandatory start time of 6 p.m. for all boards and commissions, limiting ex-officio membership, mandating televising all meetings of planning & zoning and the disability advisory board, changing the composition of the teen advisory board, and other similar changes. The impact of the changes implemented by Ordinance 2012-10 on the Council's Boards and Commissions have been under review for the past year.

This item is the forth in a series of discussions intended to allow Mayor and Council to discuss whether the powers and duties for each board and commission meet Council's expectations. The first session was had on September 2, 2014, with a second session on October 7, 2014, and the third session on November 4, 2014.

This item is the final ordinance presented to council incorporating the previous discussions.

Financial Impact Statement:

None.

ATTACHMENTS:

Click to download

☐ [Ordinance 2014-14 with Exhibit a](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

ORDINANCE 2014-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, REPEALING CHAPTER 2, ARTICLE VIII, BOARDS, COMMITTEES AND COMMISSIONS; REPEALING CHAPTER 101, ARTICLE II, PLANNING AND ZONING COMMISSION; REPEALING CHAPTER 105, ARTICLE II, DIVISION 2, BUILDING AND CONSTRUCTION REVIEW BOARD; REPEALING CHAPTER 122, ARTICLE XIII, AUTHORITATIVE BODIES; AND ADOPTING CHAPTER 2, ARTICLE VIII, BOARDS, COMMISSIONS AND COMMITTEES.

WHEREAS, the Mayor and Council have the authority to establish boards, commissions, and committees;

WHEREAS, the Mayor and Council desire to remove redundancies in the municipal code and establish improved uniform regulations for its public bodies to increase public participation in those public bodies;

WHEREAS, the Mayor and Council have determined that certain of its public bodies are not necessary as set forth in current code;

WHEREAS, the Mayor and Council desire to facilitate coordination of effort between Council, its public bodies, and City staff; and

WHEREAS, the Mayor and Council desire to clarify and establish the powers, duties, roles, and operating procedures of its public bodies for the betterment of the City.

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

Section 1. Surprise Municipal Code Chapter 2, Article VIII, Boards, Committees, and Commissions is hereby **repealed in its entirety**, and specifically sections:

- 2-295. By-laws,
- 2-296. Selection,
- 2-297. Community Development Block Grant Advisory Commission,
- 2-298. Disability Advisory Commission,
- 2-299. Arts and Cultural Advisory Commission,
- 2-300. Community and Recreation Advisory Commission,
- 2-301. Teen Advisory Commission,
- 2-302. Planning and Zoning Commission,
- 2-304. Tourism Advisory Commission,
- 2-305. Surprise Youth Leadership Commission (SYLC)

Section 2. Surprise Municipal Code Chapter 101, Article II, Planning and Zoning Commission, is hereby **repealed in its entirety**, and specifically sections:

- Section 101-19, Establishment

Section 3. Surprise Municipal Code Chapter 105, Article II, Division 2, Building and Construction Review Board, is hereby **repealed in its entirety**, and specifically sections:

- 105-54. Established
- 105-55. Members
- 105-56. Duties
- 105-57. Adoption of rules
- 105-58. Appeals to the board
- 105-59. Court review
- 105-60. Enforcement
- 105-61. Fees

Section 4. Surprise Municipal Code Chapter 122, Article XIII, Authoritative Bodies, is hereby **repealed in its entirety**, and specifically sections:

- 122-166. City Council
- 122-167. Planning and Zoning Commission
- 122-168. Board of Adjustment
- 122-169. Building and construction review board
- 122-171. Administrative staff
- 122-172. Administrative liability

Section 5. The sections of the Surprise Municipal Code are hereby created as set forth in Exhibit A.

PASSED AND ADOPTED this _____ day of _____, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Ordinance 2014-14

Exhibit A

Chapter 2 Administration

Article VIII Boards, Commissions, and Committees.

2-290. Definitions. As used in Chapter 2, Article VIII, Boards, Commissions, and Committees, the following terms will have the meaning set forth in this section:

(a) "Board" means a permanent body created by city council with the authority to make decisions that are not referred to city council.

(b) "Commission" means a permanent body created by city council with the authority and primary purpose of which is to make recommendations to city council or staff.

(c) "Council committee" or "committee" means a temporary body created by city council for a limited purpose, the existence of which lasts until the purpose of the body has been fulfilled. Committee under this section does not mean or include subcommittees created pursuant to section 2-40 of this Code.

(d) "Majority" for purposes of any action taken by a public body means, unless otherwise specified, more than half of the members present at a meeting.

(e) "Membership" means filled seats or positions on a public body but does not include vacancies.

(f) "Public body" or "body" means a city council created board, commission or committee.

(g) "Quorum", unless otherwise specified, means the majority of membership of a public body.

(h) "Regular meeting" means meetings held pursuant to an annual meeting calendar adopted by the body pursuant to Section 2-295(12).

2-291. Formation.

(a) Boards and commissions must be formed by ordinance, approved by the majority of city council at a properly noticed public meeting.

(b) Council committees must be formed by resolution approved by the majority of city council at a properly noticed public meeting.

(c) An ordinance or resolution creating a public body must include:

- 1) A statement describing the purpose or mission of the body;
- 2) A description of the powers of the body;
- 3) Any membership and residency requirements of the body; and

- 4) A statement of applicable bylaws of the body to the extent the bylaws contained in Section 2-295 do not apply.

2-292. City Credentials.

No public body will be provided any city identification, including business cards, except the Planning and Zoning Commission who may be provided city credentials as deemed appropriate by the city manager.

2-293. Consolidated Meetings.

- (a) For the purposes of this section, “consolidated meeting” means a joint meeting of two or more public bodies for the purpose of joint discussion, education, recognition, or similar business.
- (b) At least once per calendar year, a consolidated meeting of all public bodies will be held at a time and place to maximize attendance by members of the public bodies. During the annual consolidated meeting:
 - 1) Participation in a city council public body will be recognized; and
 - 2) The chairperson of each public body will be given the opportunity to provide an update of the body’s activities and anticipated activities.
- (c) City council may, by motion approved by majority vote, refer any item, question, or topic to a consolidated meeting consisting of two or more of its public bodies.
- (d) The city manager will act as staff liaison for all consolidated meetings.

2-294. (Reserved).

2-295. Bylaws.

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in this Code or in the resolution or ordinance creating the body:

- (1) *Offices.* The principal office of every public body will be the Surprise City Hall.
- (2) *Number.* Each body will consist of seven persons.
- (3) *Member Qualifications, Generally.*
 - (a) Each member of the body must be a resident of the city and must remain so during the term of appointment.
 - (b) Persons may serve on no more than two public bodies concurrently, but may not serve on a body that reviews, considers, or is made recommendations by, a body on which the same member serves. For example, a member of the

Planning & Zoning Commission cannot also serve on the Board of Adjustment & Construction Review.

- (c) Individuals related by marriage, blood, or adoption, may not serve on the same public body.
- (d) Employees may not serve as members of any public body.
- (e) No city council member may serve as a member of any City public body other than city council.

(4) *Selection.* Selection and appointment for all vacancies will be in accordance with Section 2-296. In the event of the death, resignation, or removal of any member, a new member will be appointed to serve the unexpired portion of the term vacated, using the selection process described in Section 2-296. For purposes of this section, resignations must be in writing and are effective upon delivery to the city clerk.

(5) *Volunteer Service.* Each member of every public body serves on a voluntary basis and is not entitled to receive any compensation or benefits from the city for time spent or service performed as a member of a public body.

(6) *Term of Appointment.* Voting members will be appointed to staggered terms of four years, which will expire on June 30th of odd numbered years, with no term limits. The initial term of the majority of members will be a four-year term, and the minority of members a two-year term. Each subsequent term will be four years. The initial terms will be effective immediately, but end on June 30th. Each subsequent term will commence on July 1st.

(7) *Political Activity.* No member of a public body may use membership on the body to advocate, campaign, or influence the outcome of an election. Any member running for local elected office must resign at the time the member files a nomination paper. Violation of this section will be promptly referred to city council, and the member may be removed from the public body.

(8) *Attendance.* If any member of a public body is absent from three consecutive meetings or five meetings in any six month period, or repeatedly fails to respond to contact from city staff regarding body activity, the matter will be promptly referred to city council for action which may include removal of the member. Attendance by a member must be in person; attendance by telephone is not permitted.

(9) *Removal.* Body members serve at the pleasure of city council and may be removed with or without cause by a majority vote of city council. The decision of city council is final and not appealable. At the time of removal, city council may establish a period during which the removed member is ineligible for reappointment to one or more public bodies.

(10) *Powers, duties, and responsibilities.*

- (a) Each public body has the powers, duties and responsibilities described in the resolution or ordinance creating the body.
- (b) Each public body may consider, and make recommendations regarding, any item specifically referred to the body by city council.
- (b) Public bodies may not create, appoint, or authorize any subcommittees or working groups unless specifically authorized in the resolution or ordinance creating the public body.
- (c) Actions formulated or submitted by any commission or committee are advisory and are not binding on the city, city council, or city staff. Recommendations made to city council by any public body are advisory only and are not binding on city council.

(11) *Chair/Vice-Chair; Elections.*

- (a) Each body must elect a chair and vice-chair each July from among its members.
- (b) The vice-chair will act as chair in the chair's absence. In the absence of the chair and vice-chair, the body members in attendance must select a member to act as the chair for that meeting.
- (c) Any vacancy for chair or vice-chair, as may occur for any reason, must be filled from the body membership at the next meeting where a quorum of the body is present.
- (d) The chair or vice-chair may be removed from their positions as chair or vice-chair at any time by a three-fourths majority vote of the membership.
- (e) The chair will preside at all meetings of the body, decide all points of order and procedure, and perform any duties required by law, ordinance, or resolution.
- (f) The chair has the right to vote on all matters before the body and the right to make or second motions in the absence of a motion or a second made by another member.

(12) *Meetings.*

- (a) Regular meetings will be held as needed, but no less than once a year.
- (b) Special meetings may be called by or at the request of the city manager or chair.

(c) Each body must establish an annual schedule for regular meetings designating the time, date and location for such regular meetings.

(d) Meetings must be held at a time and place designed to maximize public engagement in the business before the body. Regular meetings must be held in city hall at 6:00 p.m. unless otherwise designated in the annual schedule.

(13) *Notice of Meetings.* Meetings must be conducted in full compliance with Arizona Open Meeting Law, and material for the agenda delivered to the city clerk no later than 5 business days prior to the meeting date. Items on the agenda must be limited to items in furtherance of the body's purpose and mission.

(14) *Quorum.* No action may be taken at any meeting in the absence of a quorum, except the taking of attendance and action to adjourn the meeting to a subsequent date.

(15) *Order of Business.*

(a) Meetings will generally be conducted consistent with Robert's Rules of Order, unless other procedural rules are adopted by city council.

(b) When a specific agenda item is open for public comment by the chair, members of the public may speak to an item under consideration upon being recognized by the chair and stating their name and address and the names of the persons on whose behalf they are appearing. Generally, matters of a personal nature such as employee discipline, disability, or retirement, should not be open for public comment.

(16) *Voting.*

(a) Each member attending a meeting is entitled to one vote. The minutes of the proceedings will indicate the vote of every member on every matter acted upon and will indicate any absence or failure to vote.

(b) Each member must disqualify themselves and abstain from participating in the deliberation and voting whenever the member has a conflict of interest on the item under consideration, as described and provided for in Arizona Revised Statutes.

(17) *Retention of Files.* The official records of every public body will include the agendas and minutes of meetings, must be deposited with the city clerk's office, and will be available for public inspection during regular office hours in accordance with state law.

(18) *Staff Liaison; Minutes.* The city manager will appoint a staff liaison and ensure staff attendance at meetings of every public body, as necessary, for the purpose of taking minutes and/or audio recordation of the meeting. Minutes will comply with the Arizona Open Meeting Law.

(19) *Legal Counsel*. The city attorney will act as legal counsel to every public body and will attend meetings as necessary.

(20) *Duration*. Each public body will remain in place until such time as city council elects to dissolve the body.

2-296. Member Selection and Replacement Process.

The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body:

(a) *Application Process*

- (1) Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than 3 business days after a vacancy is created and continue such posting until the position is filled.
- (2) The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.
- (3) All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk.
- (4) All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

(b) *Boards and Commissions Nominations Committee*

- (1) The mayor will designate one city council member to serve as the chair of the nominations committee, who will serve on an ongoing basis until such time as the mayor makes a new designation.
- (2) The chair will select two additional city council members to serve on the nominations committee. At the discretion of the chair, the chair or designee of the respective public body may also serve on the nominations committee.
- (3) The nominations committee will interview all qualified applicants. All applicants will be asked the same questions in order to ensure that a fair assessment can be made of each applicant; however, additional questions may be asked for purposes of clarification after the standard questions have been asked.

- (4) The committee will submit the names of qualified applicants selected for nomination to a public body to the city clerk on an agenda action form.

(c) *Appointment.*

- (1) The city clerk will place the nomination for appointment on the agenda for the next available regular city council meeting and provide the nominees with the date, time, location and any other appropriate information regarding the city council meeting at which their possible appointment will be discussed.
- (2) Appointment of any nominee requires an affirmative vote by a majority of city council in attendance at a properly noticed city council meeting.
- (3) The city clerk will swear in all newly appointed members prior to acting in the capacity as a body member.

2-297. Public Safety Personnel Retirement System Local Board.

- (a) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in Section 2-295 apply.

(b) *Composition.* The board will be comprised of:

- (1) The Mayor, or designee, who will serve as chairperson. Any designee must be approved by city council.
- (2) Two employees selected by secret ballot from the applicable membership ("elected members").
- (3) Two residents appointed by the Mayor and approved by city council ("resident members").

- (c) *Separate Bodies.* A separate local board will exist for fire and police related matters. The chairperson and resident members will serve for both bodies. The elected members will serve on their respective boards.

- (d) *Term.* Terms of members other than the chairperson, will be staggered four year terms with one elected member and one resident member serving an initial term ending two years after appointment and the other members serving a term ending four years after appointment. All other provisions in Section 2-295 (6), not inconsistent with this section, will apply.

- (e) *Meetings.* The local board will meet at least twice per year.

- (f) *Powers, duties and responsibilities.* The local board will have the powers and duties set forth in Arizona Revised Statute 38-847(D) and (E).

2-298. Disability Advisory Commission.

- (a) *Mission.* To promote quality of life, accessibility and equity in all aspects related to the city on behalf of and in cooperation with the residents of Surprise who experience disabilities.
- (b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in Section 2-295 apply.
- (c) *Composition.* Disability advisory commission membership must include at least four persons that experience a disability. For purposes of this section, disability means a physical or mental condition that limits the person's movements, activities or senses.
- (d) *Powers, duties and responsibilities.* The commission will:
 - (1) Advocate for compliance with the Americans with Disabilities Act, and other similar federal and state laws, and voluntary participation in the removal of barriers, and to improve accessibility, working with local businesses, public facilities, housing, employers, and public amenities.
 - (2) Evaluate the effectiveness of accessibility to public transportation, and provide feedback to city council, staff, and other city public bodies.
 - (3) Increase community awareness on the capabilities, needs, and issues facing the disabled within the community.
 - (4) Engage the disabled community in the city on issues such as emergency preparedness, and available services and programs.
 - (5) Publicly recognize the efforts of employers, businesses, schools, organizations, individuals and others who have developed outstanding support programs or proactively achieved/sought accessibility, employment, communications and services for city residents with disabilities.

2-299. Arts and Cultural Advisory Commission.

- (a) *Mission.* To spur cultural growth through education and advocacy, and to assist the city to create and implement a plan for the placement of public art within the community.
- (b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in Section 2-295 apply.
- (c) *Composition.* Members will represent a cross section of stakeholders in the community, including local artists.
- (d) *Powers, duties and responsibilities.* The commission will:

- (1) Develop and present to city council an Art Master Plan that will identify suitable art projects for city buildings or property, including location, and size.
- (2) Recommend a method or methods for competitive selection of art objects for display, including partnerships with third parties.
- (3) Recommend procedures for the selection, acquisition, placement, display, rotation and deaccessioning of public art.
- (4) Recommend an Art in Private Development program, outlining requirements for the inclusion of public art in development projects.
- (5) Serve as arts advocates through art awareness activities.

Sec. 2-300. Community and Recreation Advisory Commission.

- (a) *Mission.* To act as advisor to the city council on matters pertaining to the city's parks, facilities, recreation programs, special events, library operations and open space development.
- (b) *Bylaws.* Unless otherwise delineated within this section, the city community and recreation advisory commission will operate under the generally applicable bylaws contained in Section 2-295.
- (c) *Composition.* Members will represent a cross section of stakeholders in the community, including residents with experience in real estate, business, finance, education, and parents. In addition, up to three delegates from the Surprise Youth Council will act as non-voting members.
- (d) *Powers, duties and responsibilities.* The commission will:
 - (1) Provide general advice on parks, recreation and library issues, including the Park and Trails Master Plan.
 - (2) Make recommendations to city council on design plans for recreation projects the funding of which has been approved or the design is necessary to procure funding.

2-301. Planning and Zoning Commission.

- (a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the City in conformance with the General Plan.
- (b) *Bylaws.* Unless otherwise delineated within this Section, the bylaws contained in Section 2-295 apply.

(c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.

(d) *Powers, duties and responsibilities.* The commission will:

- (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;
 - (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.
- (e) All regular meetings of the Planning and Zoning Commission will be televised when reasonably feasible.

2-302. Board of Adjustment and Construction Review.

- (a) *Mission.* To hear and decide requests for variances from zoning regulations, and appeals of decisions of the administrative authority.
- (b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in Section 2-295 apply.
- (c) *Composition.* The board will consist of 7 members. At least 2 members must be a homebuilder or contractor (building, plumbing, mechanical, electrical or fire protection), but do not have to be residents of the City of Surprise. The remaining 5 members will represent a cross section of stakeholders in the community, including

different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.

(d) *Powers, duties and responsibilities.*

- (1) When acting in its role as a board of adjustment, as provided by the Arizona Revised Statutes, the board will hear and decide requests for variances from zoning regulations, appeals of zoning administrator decisions, and such other powers as may be granted by city council.
- (2) When acting in its role as a construction review board, the board will hear and decide appeals of orders, decisions or determinations made by the building official concerning the application, interpretation, and enforcement of the adopted technical codes. The board is authorized to approve an alternate material or method of construction to that required by the relevant adopted codes, provided the board finds that the proposed design is satisfactory, complies with the intent of the requirements of the codes, and the material, method, or work to be provided meets the intended purpose and is at least the equivalent to that prescribed in the codes in quality, strength, effectiveness, fire resistance, durability, and safety. The board has no authority to waive or amend the requirements of any technical code adopted by the City.
- (3) The board may adopt all rules and procedures necessary or convenient for the conduct of its business.

(e) *Appeals to the Board.*

- (1) Appeals to the board may be taken by any person, or by any officer, department, board, or commission of the city affected by the decision being appealed. Such appeal must be taken within 30 calendar days of the date of the determination being appealed by filing with the city manager a notice of appeal specifying the grounds for the appeal. The city manager will determine if the request is within the authority of the board and respond to the request in writing within ten working days.
 - (2) If the appeal is taken, the administrative authority will forthwith transfer to the board all of the documents and exhibits constituting the record upon which the appealed action is taken. The board will hear the appeal at the next regularly scheduled meeting, but not later than 60 calendar days from the notice of appeal. The board will render all decisions and findings in writing to the appellant with a duplicate copy to the administrative authority.
 - (3) The board is authorized to overturn, uphold, or modify a determination of the administrative authority, and has the same authority as the official in so doing.
- (f) *Court Review.* Any person aggrieved by the decision of the board, whether or not a previous party to the decision, or any municipal officer or official department of the city may, at any time within 30 calendar days after the filing of the board's decision in

the office of the city clerk, file an appeal in writing with the Maricopa County Superior Court by following the methods of appeal or review procedures in Arizona as set forth by the applicable statutes of the State of Arizona.

- (g) *Enforcement.* The city is authorized to enforce decisions of the board or, upon successful review, of the Superior Court.

2-303. Tourism Advisory Commission.

- (a) *Generally.* Unless otherwise delineated within this section, the tourism advisory commission shall operate under the generally applicable bylaws contained in Section 2-295 and member selection and replacement under Section 2-296.

- (b) *Purpose statement.* The purpose of the tourism advisory commission is a partnership of public and private interests whose mission is to build a strategic plan, promote, and market tourism for the City of Surprise. The advisory commission will advance the economic activity of tourism by working with all stakeholders to develop a sustainable industry, resulting in significantly increased numbers of visitors to Surprise.

- (c) *Composition.* Tourism advisory commission general membership shall include members as follows:

- (1) Two representatives of the hotel industry;
- (2) Two representatives of the restaurant industry;
- (3) Two at large members;
- (4) One person representing the Chamber of Commerce.

All voting members shall be residents of the city, or own a business within the municipal city limits, or an employee of a business within the municipal city limits and remain so during their terms of office.

- (d) *Powers, duties and responsibilities.* The tourism advisory commission will make recommendations to city council and city staff regarding:

- (1) Tourism product:
 - a. To develop a tourism strategy that is applicable to the City of Surprise with quantifiable results;
 - b. To identify and encourage new tourism development opportunities as they arise;
 - c. To analyze events that will contribute to the increased number of visitors;

- d. To evaluate and potentially plan for a visitors' center either stand alone, co-located with another entity or with others in the West Valley;
- e. To develop a City of Surprise Tourism Web Site

(2) Marketing and markets:

- a. To increase a positive visitor experience leading to increased expenditures, longer visits and repeat visits;
- b. Create a comprehensive marketing and promotion strategy.

(3) Stewardship:

- a. Engage in a frank self-evaluation of the performance of the strategy developed;
- b. Address business, community development and governmental strategies which affect the implementation of the Surprise Strategy;
- c. Recommend new revenue sources to fund activities;
- d. Take advantage of grants to fund events and programs.



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	December 2, 2014	Contact Person:	Terry Lowe, Director Water Resource Management Department
Submitting Department:		District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and Discussion on Draft Reclaimed Water Policy.

Motion:

N/A

Background:

The Council Water Sub-Committee instructed staff to draft policies based on the 6 policy areas proposed by staff and approved by the subcommittee on April 24, 2014 . The Use of Reclaimed Water Policy is the second policy in this series.

Financial Impact Statement:

N/A

ATTACHMENTS:

Click to download

- ☐ [Reclaimed Water Policy](#)
 - ☐ [Draft Use of Reclaimed Water Policy](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

Terry Lowe, Director Water Resource Managment Department

Use of Reclaimed Water Policy

Council Work Session

December 2, 2014
Water Resource Management



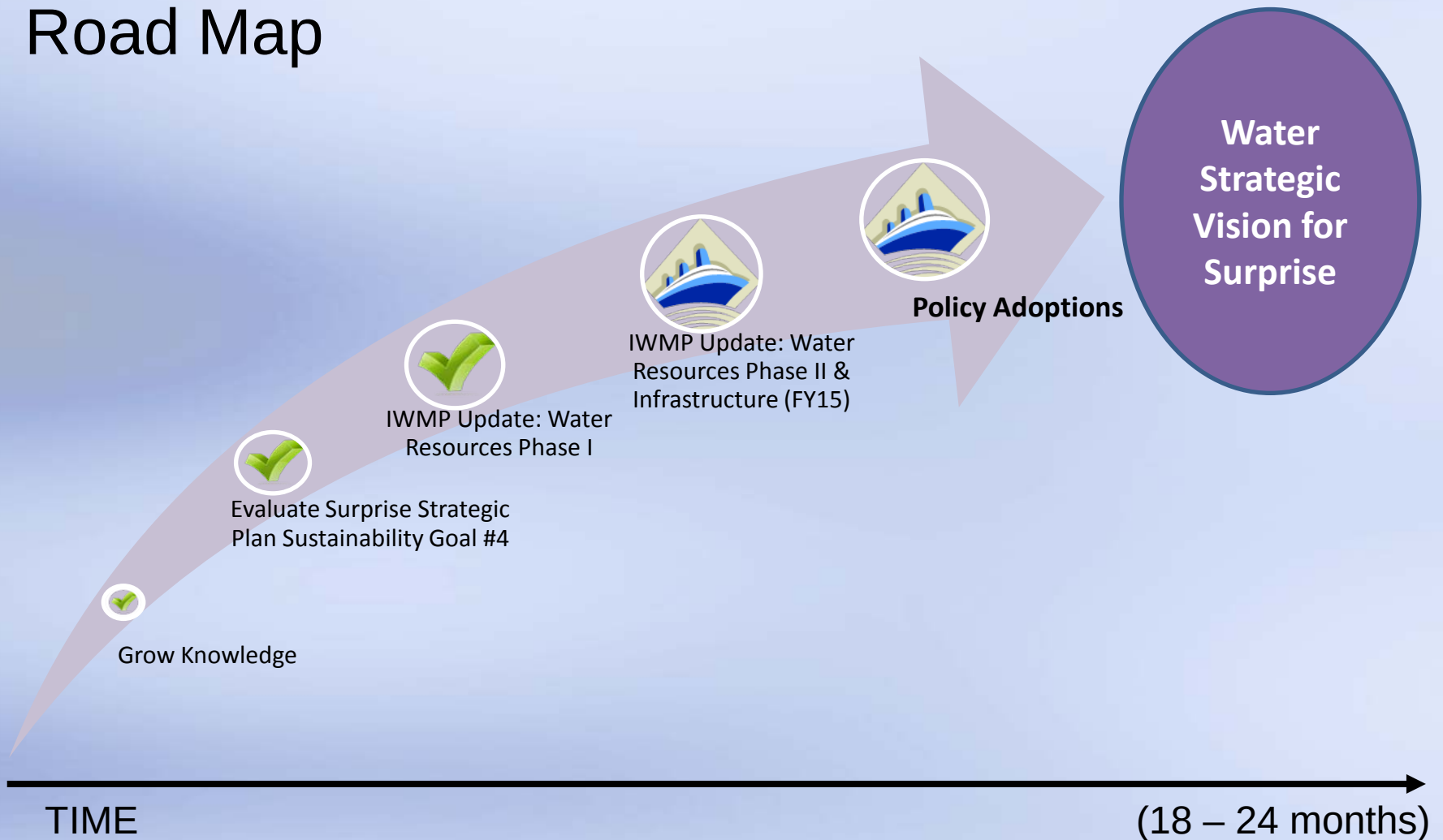
AGENDA

- Background
- Policy Specifics
- Next Steps

BACKGROUND



Road Map



What is the Water Strategic Plan?

1. Policies
2. Operational Planning Documents
 - ☐ IWMP
 - ☐ Water Conservation
3. Water Portfolio (Sources of Water)

“Provide Surprise with the Foundation for Sustainable Water Management.”

The Policies for Council Consideration

1. Water Conservation
2. Use of Reclaimed Water
3. Water Acquisition
4. Land Use Water Management
5. Funding
6. Infrastructure

USE OF RECLAIMED WATER



Purpose of the Policy:

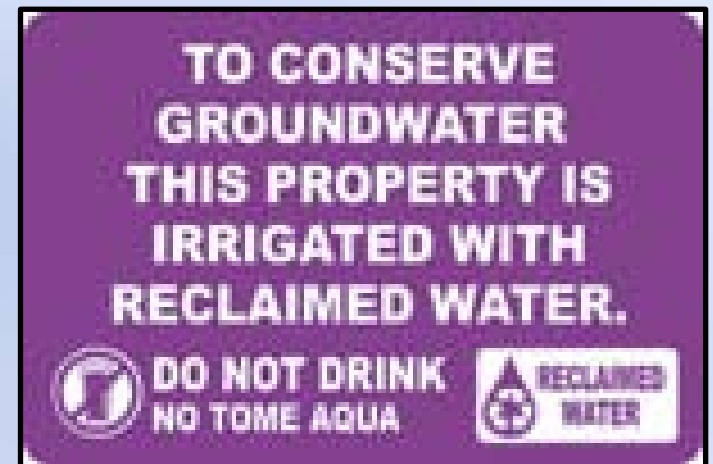
- Provides the Framework to Staff
- Allows for the proper formation, adoption, and execution of water related initiatives
- Sets the example for our residents
- Support for grants and other possible funding mechanisms

USE OF RECLAIMED WATER



What is Reclaimed Water?

- ✓ Treated Wastewater
- ✓ A Renewable Source of Water
- ✓ AKA: "The Purple Pipe"



What are its Benefits?

- ✓ Wet Water
- ✓ Paper Water (Credits)

Use of Reclaimed Water



Reclaimed Water Policy Focus

I. Use Strategy

➤ Priorities

1. Recharge
2. Direct Reuse
3. Agriculture
4. Emergency Discharge

➤ Outside of Service Area

Possible on case by case basis with Surprise's Portfolio and Resident seeing benefits



Use of Reclaimed Water Policy Focus con.

- I. Program Planning
- II. Development and Growth
- III. Outreach and Education
- IV. Regional Participation

NEXT STEPS



- Jan./Feb. 2015: Water Acquisition Policy
- March 2015: Land Use Water Management
- Adoption of all 6 policies after Council has reviewed them individually

City of Surprise

Use of Reclaimed Water Policy

I. Introduction

Surprise is committed to developing and maintaining sustainable water resources that are strategically planned, cost effective, and will extend the viability of the City's water portfolio.

Reclaimed Water or Reuse Water continues to be an ever important source of water. Reclaimed water can be valuable in offsetting the City's use of drinking water or an uninterrupted source of water to recharge the City's groundwater.

The intent of this policy is to maximize benefits of the City's reclaimed water and to use it to support the fiscal, physical, and long-term sustainable water supplies and the City's Designation of Assured Water Supply.

II. Use Strategy

A. Priority

The City's strategy for legal use or disposal of its reclaimed water will pursue the following order of priority:

- 1) Groundwater Recharge or Indirect Reuse. The City will work to recharge the City's groundwater supplies with reclaimed water when and wherever appropriate to be able to increase its Assured Water Supply designation. The recharge of reclaimed water may occur in the area(s) of hydrologic impact as identified in the most current Integrated Water Master Plan (IWMP).
- 2) Direct Reuse. The City will serve reclaimed water to customers to offset their use of treated drinking water where appropriate and fiscally responsible to maintain the City's potable water supplies. The largest individual customer demands will receive priority for direct reuse service.
- 3) Agriculture. Reclaimed water may be provided as direct reuse for agricultural opportunities when other recharge or direct use options are not possible. This will be very low priority use.
- 4) Emergency Discharge. Only to be used as a last resort; an emergency discharge point along the Aqua Fria Riverbed utilizing an Arizona Pollutant Discharge Elimination Systems (AZPDES) permit to allow legal disposal of reclaimed only when reuse, recharge, and farming options are not possible.

B. Outside Surprise Service Area

The use of reclaimed water as Recharge or Direct Reuse outside of the City's service area will need be determined on a case-by-case basis. The following factors will be considered:

- 1) Benefit to Surprise's Water Portfolio. The City may entertain such facilities, if the placement of reclaimed water outside the City's service area will improve its potential for increased Assured Water Supply designation.
- 2) Benefit to Surprise Residents. The City may entertain such services, should the delivery of reclaimed water benefit the residents of Surprise.

- 3) Available Supply. The availability of the overall reclaimed water capacity, committed, and uncommitted, will need to be determined based on the demand of the service being provided.
- 4) Financial Impact. The costs associated with outside service area facilities and services will need to be weighed against the benefits received to the City.

III. Program Planning

The City will develop new ordinances or standards that require the use of reclaimed water where appropriate; this may include determining minimum size areas that must use reclaimed water.

The City will update every five years the Integrated Water Master Plan (IWMP) that provides water and wastewater demands and generation projections, identifies opportunities for direct and indirect uses, and forecasts necessary infrastructure for reclaimed distribution of water to the area of hydrologic impact.

The City will work to develop a Groundwater Recharge and Recovery program that is in compliance with applicable state laws (Title 45, Chapter 3.1 Underground Water Storage and Replenishment) to optimize the management and use of the City's reclaimed water.

IV. Development and Growth

The City may continue to recommend updates to policies and ordinances that encourage the beneficial use of reclaimed water where appropriate and consistent with county, state and federal laws.

The City will design and construct water reclamation facilities that produce reclaimed water to the highest water quality standards permitted by state law.

Reclaimed water connections and/or extensions of reclaimed water lines shall be designed and constructed according to the most current city of Surprise Engineering Design Standards. The City will work with development to encourage the use of reclaimed water or other non-potable sources where appropriate.

V. Outreach and Education

The City will include in its educational programs a focus on reclaimed water, its quality, the benefits, and, improving public perception, and overall beneficial uses. This would include maintaining web information, educating users, and developing outreach materials. The City will also seek to develop incentives to encourage the use of reclaimed water where appropriate.

VI. Regional Participation

The City shall remain engaged in regional, state, and national levels in order to remain current on discussions and negotiations regarding the management, quality, uses, and treatment of reclaimed water. Most notably, the City will maintain an effective working relationship with the WaterReuse Associations.



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: December 2, 2014 Contact Person: Robert Kuhfuss, Community Development
Submitting Department: District: 5
Staff Recommendations: Approve

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action on a minor amendment to the General Plan 2035 Land Use Map for the project known as "West Point Towne Center Parcel 12", generally located at the southwest corner of Grand Avenue and Dysart Road; Resolution 2014-110.

Motion:

I move to approve Resolution 2014-110.

Background:

Alan Beaudouin of LVA Urban Design Studios, on behalf of Lexington Investments, Inc. filed an application for a Minor General Plan Amendment (GPA) together with a Major PAD Amendment (PADA) regarding Parcel 12 of the West Point Towne Center PAD. At the time of application the property was under contract with the end users initially being West-MEC, a public school district, and Emerus, a healthcare provider. Upon purchase, West-MEC intends to develop their portion of the site (approximately 15.12 net acres) into a vocational training center geared towards high school students; however, staff recently received notice that Emerus has cancelled their contract with the seller.

Financial Impact Statement:

All activity related to the ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
- ☐ [Vicinity Map](#)
- ☐ [Resolution for Minor General Plan Amendment](#)
- ☐ [MinorGeneral Plan Amendment](#)
- ☐ [Public Participation Report](#)
- ☐ [Neighbor Comments](#)

☐ [MAG Comments](#)

☐ [Luke Comments](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Eric Fitzer, Director

Robert Kuhfuss, Planner



COMMUNITY DEVELOPMENT

Date: December 2, 2014

To: Mayor and City Council

From: Eric Fitzer, Director
Robert H. Kuhfuss, AICP, Planner II

Re: FS14-381 – West Point Towne Center Parcel 12
Minor General Plan Amendment

Location:

The subject property is located along Grand Avenue between the Lowe's center and Dysart Road in what is known as Parcel 12 of the West Point Towne Center PAD as shown in the attached case map.

Application Summary:

Alan Beaudouin of LVA Urban Design Studios, on behalf of Lexington Investments, Inc. filed an application for a Minor General Plan Amendment (GPA) together with a Major PAD Amendment (PADA) regarding Parcel 12 of the West Point Towne Center PAD. The property is currently under contract, with the end users initially being West-MEC, a public school district, and Emerus, a healthcare provider. West-MEC intends to develop their portion of the site (approximately 15.12 net acres) into a vocational training center geared towards high school students. Emerus initially intended to develop their portion of the site (approximately 4.0 net acres) into a medical office, out-patient surgery center and emergency room or "micro-hospital"; however, staff recently received notice that Emerus has cancelled their contract with the seller. This report summarizes the Minor GPA application.

Neighborhood Outreach Meeting:

The applicant held a neighborhood meeting on November 3, 2014. In addition to the owner's representative, representatives from West-MEC, and city staff, six residents attended the Neighborhood Outreach Meeting. One of the residents who attended the meeting had also e-mailed staff expressing concern about the project with regard to drainage, noise, and light trespass. That email is attached to this report. Generally, the residents requested additional buffering from the project in the form of increased tree planting and taller back yard fences. The applicant's representative did indicate that they would assess the possibility of additional landscaping as well as building alignment to reduce the direct visual link. The applicant's Public Participation Report is included as an attachment to this staff report.

History:

October 26, 1995: The City Council approved the original Planned Area Development (PAD) for West Point Towne Center under PAD95-044 per Ordinance #95-15.

April 24, 2003: The City Council approved a Major Amendment pertaining to Parcel 12 of the West Point Towne Center under PADA02-336, which served to change the land use mix of the subject property from Multi-family to Mixed Use.

September 9, 2010: The City Council approved the Village 1 Plan under Resolution #10-89.

May 14, 2013: The City Council approved the Surprise General Plan 2035 under Resolution 2013-39. Said Plan was subsequently amended by the City Council on June 25, 2013 and ratified by the voters in November of 2013.

August 20, 2014: Staff from Economic Development and Planning met with the applicant to discuss the project.

September 17, 2014: The applicant filed a request for a Concept Review under CR14-356. Said meeting was held on September 25, 2014, with comments delivered on October 2, 2014.

October 6, 2014: The applicant filed a request for a Minor General Plan Amendment (GPA) together with a Major PAD Amendment under FS14-381, the subject case.

October 10, 2014: City staff met with the applicant, ADOT and MAG to discuss issues relating to the MAG COMPASS study as they pertain to site access from Grand Avenue (US-60).

October 14, 2014: The applicant filed a request for a Final Plat relating to Parcel 12 of West Point Towne Center under FS14-390, which is under review as of the writing of this report.

October 22, 2014: Staff delivered 1st review comments relating to the Minor GPA and Major PAD Amendment under FS14-381.

October 23, 2014: Staff met with the applicant to discuss 1st review comments relating to the Minor GPA and PAD Amendment.

October 29, 2014: The applicant resubmitted FS14-381 for 2nd review.

November 3, 2014: The applicant hosted a neighborhood meeting to discuss the project.

November 10, 2014: Staff received notice that Emerus cancelled their contract with the seller.

November 18, 2014: The City Council reviewed the subject request at their Workshop Session.

November 20, 2014: The Planning and Zoning Commission reviewed the subject request at their regular session.

GPA Summary:

The subject request seeks to change the land use designation of approximately twenty (20) gross acres of Parcel 12 from Medium Density Residential (MDR) to Commercial. The MDR land use category anticipates a density range of between five and eight dwelling units per gross acre (5-8 d.u./ac), which equates to an approximate 100 to 160 dwelling unit reduction – a figure that is well below the threshold for a Minor Amendment. The requested change in land use designation from MDR to Commercial will allow the site to develop commercially, which would provide a buffer between the existing single-family residential and Grand Avenue.

The Surprise General Plan 2035 establishes seven (7) criteria, which are to be used in determining whether an amendment to the General Plan should be treated as Major or Minor. Based on an evaluation against those criteria, the subject GPA may be treated as a Minor Amendment.

The Surprise General Plan 2035 further provides guidance in evaluating potential changes to the Plan. These include a demonstration as to:

- *Whether the proposed amendment is justified by an error in the Surprise Plan 2035 as originally adopted;*
- *Whether the proposed change is generally consistent with the goals, objectives, and other elements of the Surprise General Plan 2035;*
- *Whether the proposed change is justified by a change in community conditions or neighborhood characteristics since the adoption of the Plan;*
- *Whether the proposed change creates an adverse impact on public facilities and services, including roads, sewers, water supply, drainage, schools, police, fire and parks, that cannot be reasonably mitigated;*
- *Whether the proposed change creates and adverse impact on landmarks or other historically significant structures or properties that cannot be reasonably mitigated;*
- *Whether development resulting from the proposed change would create an undue adverse impact on surrounding neighborhoods;*

- *Whether the proposed change would have a significant adverse impact on the natural environment, including washes, vegetation, slopes, groundwater, and other significant natural resources that could not be mitigated;*
- *Whether there was a change in city-adopted policies or codes that would justify a change in the Surprise General Plan 2035;*
- *The impact of the proposed change in the City's adopted development policies, and the fiscal and operation capacity of the city to provide any services, facilities, or programs that might be required if the change were adopted.*

Staff is of the opinion that the applicant has satisfactorily made the requisite demonstrations.

Findings:

- The proposed GPA meets the seven (7) criteria for a Minor Amendment as stated in the Surprise General Plan 2035.
- The applicant has demonstrated consistency with the nine (9) evaluative criteria as established by the Surprise General Plan 2035.
- The proposed GPA will set the stage for appropriate future development of the property.

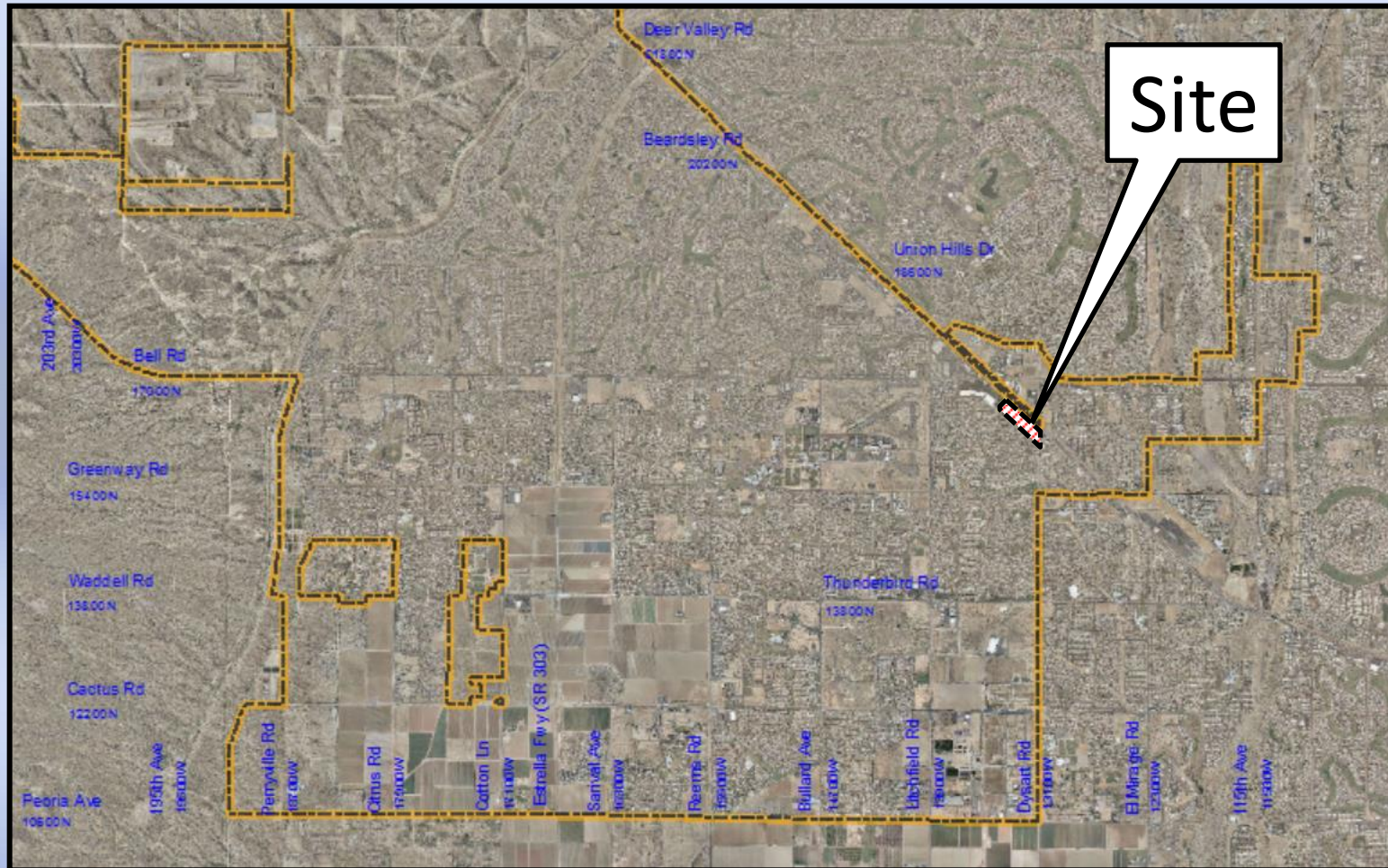
Recommendation:

Based on the Findings noted above, staff recommends the City Council adopt a Resolution approving the Minor General Plan Amendment as proposed under FS14-381.

Attached:

Area Map
 Vicinity Map
 General Plan Land Use Map
 GPA Case Map
 General Plan Amendment Narrative Report
 Public Participation Report
 Letter from Luke Air Force Base
 Email from MAG
 Email of concern
 GPA Resolution

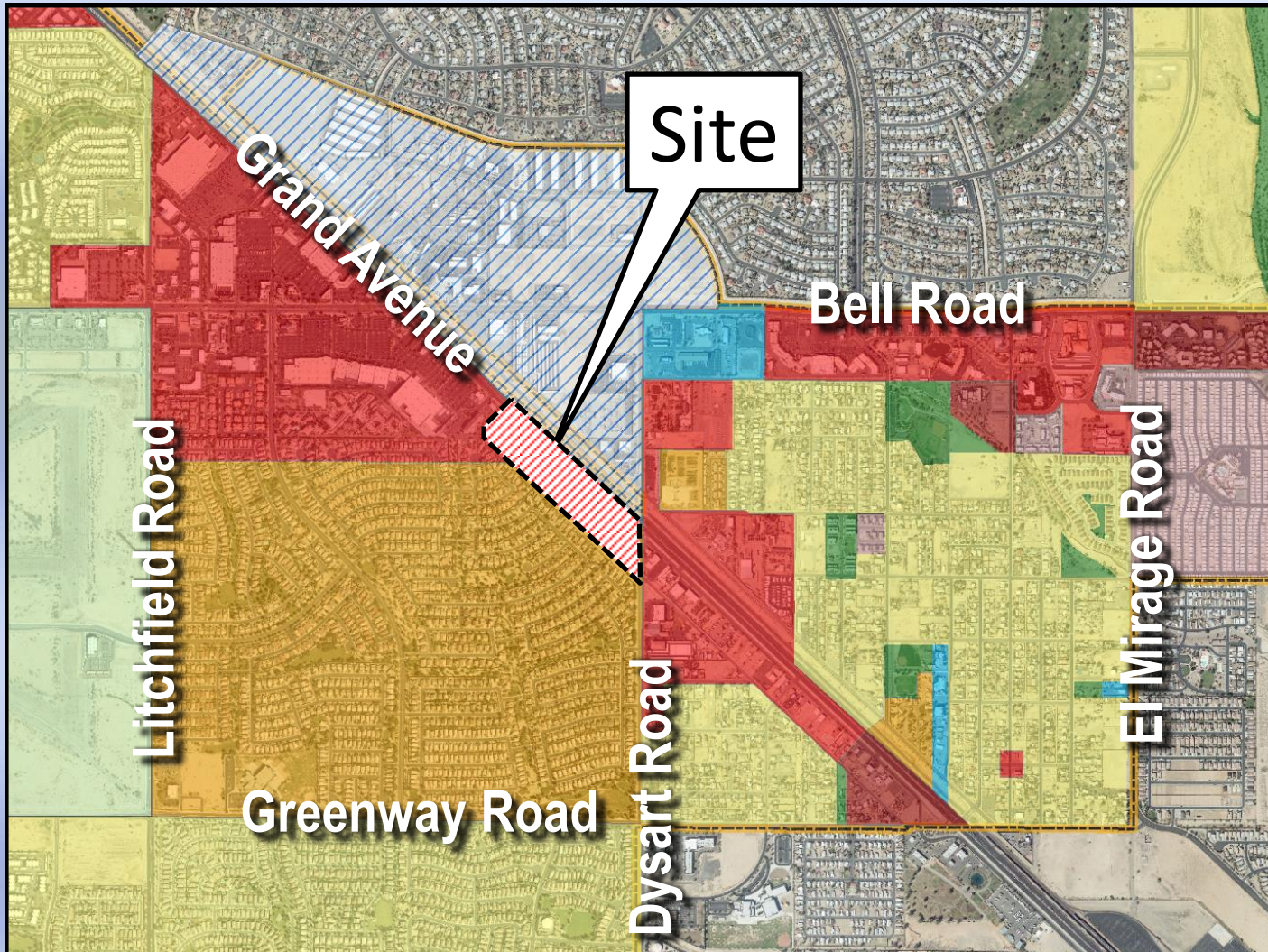
AREA MAP



VICINITY MAP



EXISTING LAND USE



Legend

General Plan Land Use 2035

- Open Space
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Employment
- Public Facilities
- Surprise Center

GPA CASE MAP

Changing the General Plan Land Use Designation from MDR to Commercial



RESOLUTION #2014-110

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MINOR GENERAL PLAN AMENDMENT ENTITLED "WEST POINT TOWNE CENTER DEVELOPMENT PARCEL 12 MINOR GENERAL PLAN AMENDMENT," GENERALLY LOCATED SOUTH OF GRAND AVENUE AND WEST OF DYSART ROAD, CHANGING THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL.

WHEREAS, on November 12, 2013, the voters ratified the Surprise General Plan 2035 as amended;

WHEREAS, the on November 20, 2014, the Surprise Planning Commission recommended that the council approve a minor general plan amendment to allow commercial development on the most southern portion of the West Point Town Center, adjacent to Grand Avenue; and

WHEREAS, the proposed amendment changes the land use designation of approximately 21 acres of property from Medium Density Residential to Commercial.

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

Section 1. The Minor General Plan Amendment entitled "West Point Towne Center Development Parcel 12 Minor General Plan Amendment" dated October 29, 2014 is approved changing the land use designation in the 2035 General Plan from medium density residential to commercial as depicted on the attached GPA Case Map.

APPROVED AND ADOPTED this _____ day of _____ 2014.

Sharon R. Wolcott, Mayor

Attest:

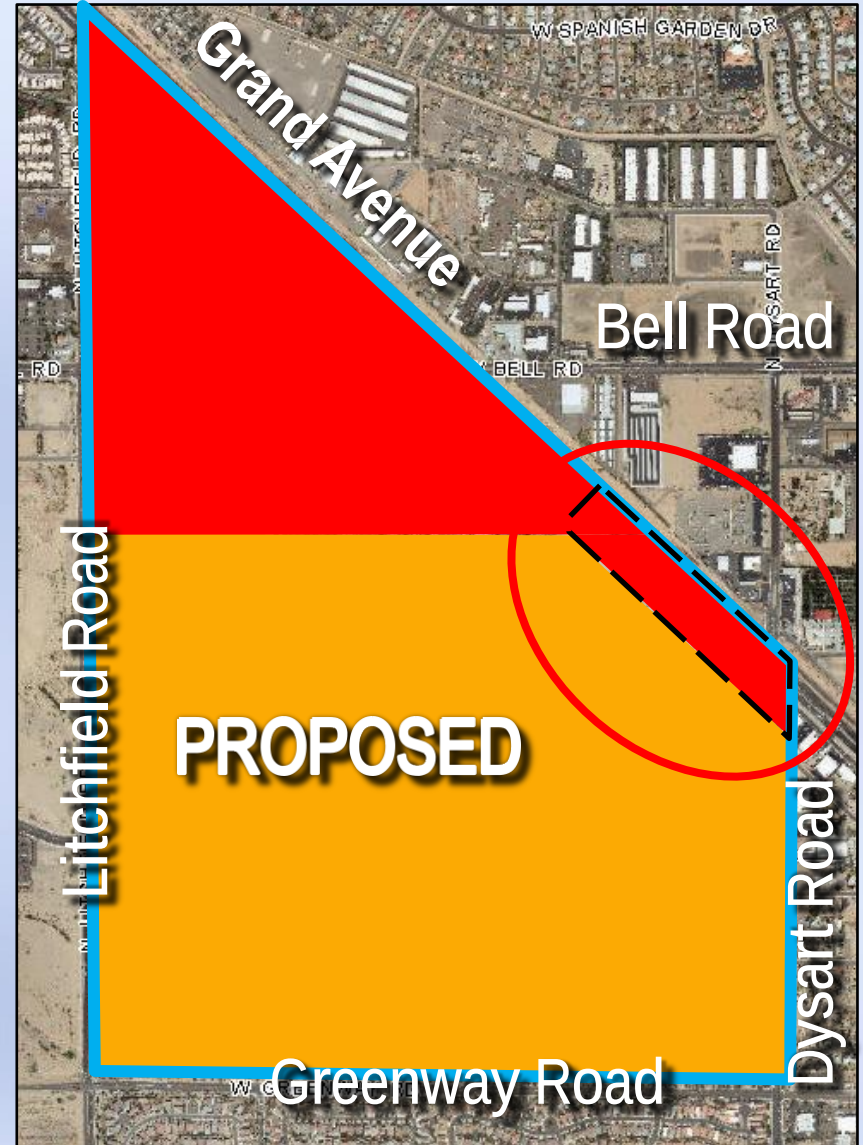
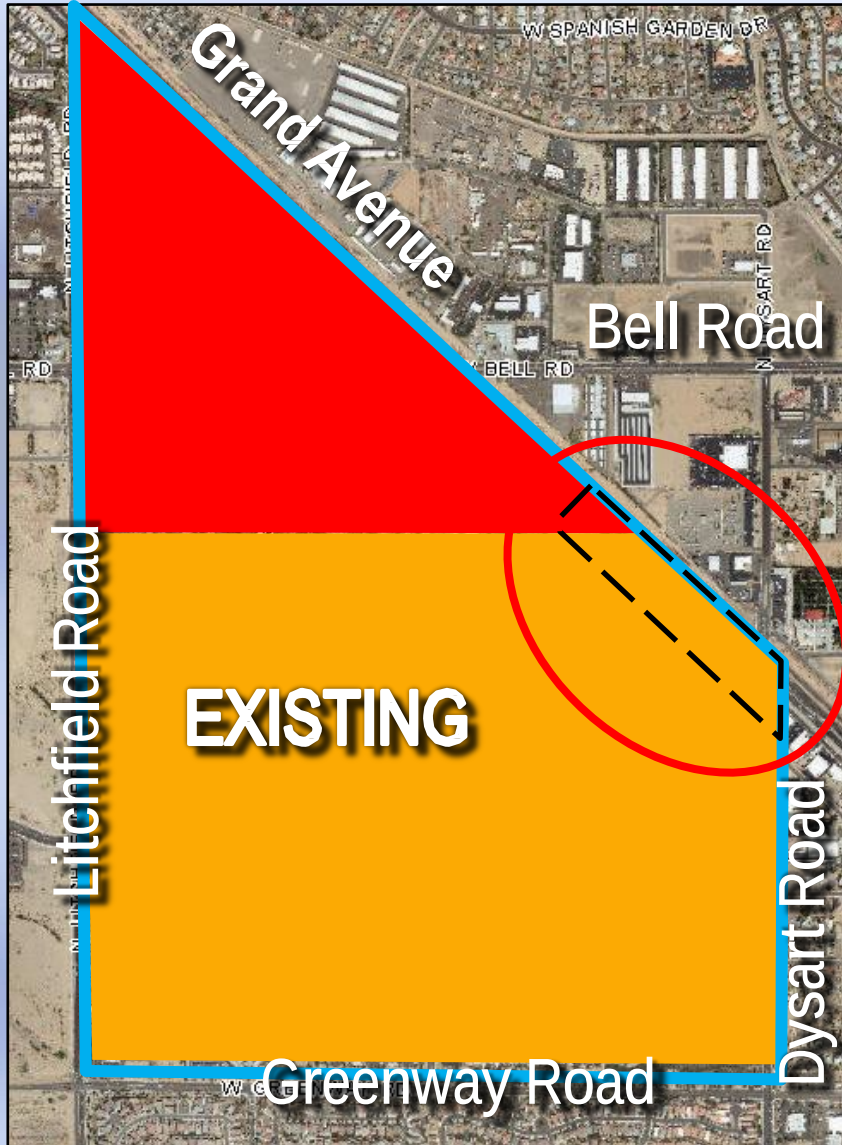
Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

GPA CASE MAP

Changing the General Plan Land Use Designation from MDR to Commercial



WEST POINT TOWNE CENTER
DEVELOPMENT PARCEL 12
Surprise, Arizona

MINOR GENERAL PLAN AMENDMENT



Case #: FS14-381

Submitted: October 6, 2014

Revised / Resubmitted: October 28, 2014

LVA urban design studio
land planning • landscape architecture

120 south ash avenue • tempe, arizona 85281 • phone: 480.994.0994

Request Adoption
of a
Minor General Plan Amendment
for
West Point Towne Center
Development Parcel 12

Approximately 24.8 acres located at the northwest corner of
Dysart Road and Grand Avenue
Surprise, Arizona

Case#: FS14-381

Formal Application Date: October 6, 2014

Revised / Resubmittal: October 28, 2014

Prepared By:



120 south ash avenue • tempe, arizona 85281 • phone: 480.994.0994

West Point Towne Center - Parcel 12

Minor General Plan Amendment

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Project Team

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Houston, TX 77031

Traffic Engineer:



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Scottsdale, AZ 85260

Civil Engineer:

TBD

A. Introduction & Vision

1. Purpose & Intent

The purpose for requesting a Minor Amendment to the City of Surprise General Plan is to promote land use adjustments to Development Parcel 12 of West Point Towne Center. The intent of the amendment request is to support a development plan for a new non-residential project. The land use amendment is proposed for 24.8 gross acres. The applicant is requesting a change from a “Medium Density Residential” and “Commercial” to entirely a “Commercial” land use designation. The last PAD amendment for Development Parcel 12 (PADA02-336) in March 2003, significantly reduced the high density residential multi-family units from 508 units to 50. As time has passed, the site has remained undeveloped in large part due to residential uses being perceived as unfavorable in this location. The commercial land use would continue to allow the development to serve as a buffer from Grand Avenue to the existing single-family residential neighborhoods to the south and west. Furthermore, the goals and policies of the General Plan, Village 1 Area Plan, and associated Bell and Grand Employment District, align with this site being planned and utilized as commercial land use. Current property ownership believes this key property, along a major transportation corridor, is best suited as a commercial and office land use in the Bell & Grand Employment District.

2. Project Location and Description

The proposed West Point Development Parcel 12 project site is located at the northwest corner of Grand Avenue and Dysart Road in the City of Surprise, Arizona. The overall West Point Town Center is comprised of approximately 594.8 gross acres, and is bordered by the existing West Point Town Centre commercial center to the immediate northwest, the Grand Avenue alignment to the northeast, Dysart Road to the southeast, and existing single family neighborhoods to the southwest. This Minor General Plan Amendment request pertains to approximately 20 net acres of property identified as Development Parcel 12 within the overall West Pointe Towne Center. The site remains currently undeveloped.

3. Project Vision

The development of West Point Towne Center Development Parcel 12, as a commercial land use, is envisioned to promote quality land use as an addition, and focal point, entering Surprise. The site is within the Village 1 Planning Area (Employment Center/ Special District) as depicted in Figure 1. The land use proposed in this Minor General Plan Amendment is intended to create commercial, office, and educational use opportunities supporting development that is characterized by skill based employment, education, and service uses supporting the surrounding community.

4. Land Use Amendment Justification

Although the current land use designation for the subject property is Medium Density Residential, certainly the development of the subject property with residential uses would conflict with the operational characteristics affiliated with the Grand Avenue and the BNSF Railroad corridors. Residential land use would not promote compatibility or long term sustainability as a residential land use within the defined property context. The existing

adjacent residential land use within West Point Towne Center (the adjacent residential neighborhood) has been designed to back onto the subject property and was not designed to integrate residential uses on the subject property by extending local street connections and infrastructure connections. The subject property instead has been isolated to promote connectivity and utility connections to Grand Avenue and Dysart Road. This property therefore is best suited to promote Commercial land use as the most appropriate land use designation on the Land Use Map. This minor amendment to the General Plan Land Use Map promotes the most appropriate land use classification given the surrounding context, proximity to the Grand Avenue and BNSF Railroad corridors and in response to the surrounding built conditions within the contextual area.

B. Existing General Plan Designation

According to the City of Surprise General Plan Land Use Map as depicted in Figure 2, the Development Parcel 12 site is designated as partially Commercial with the majority of land area designated as Medium Density Residential, 5-8 dwelling units per acre (du/ac). The existing land use designation accommodates single family residential neighborhoods integrated with townhomes in an employment setting.

The project site is also located in Village 1 as specified by the Village Planning Specific Plans which acts as a component to the General Plan, adopted in 2009. Additionally, the site is classified as being located within the Bell & Grand Employment District area of Village 1.

General Plan Land Use designations adjacent to the project site include the following:

North:	Employment
East:	Commercial; Medium Density Residential; 5-8 du/ac
South:	Medium Density Residential; 5-8 du/ac
West:	Commercial

C. Requested General Plan Designation

Implementation of the envisioned Parcel West Point Parcel 12 development concept will require an amendment of the approximately 20 net acre site from the existing General Plan land use designation of Medium Density Residential to Commercial (20 net Acres). See *Figure 2. Proposed General Plan Land Use Map* for the location of the proposed Commercial parcel.

D. Goals of the General Plan

The proposed minor General Plan amendment is consistent with goals and policies of the City of Surprise General Plan and Village 1 Specific Plan. The following General Plan elements and goals applicable to the amendment have been identified to demonstrate the compatibility of the West Point Development Parcel 12 project amendment request. Many of the goals defined below are provided in response to the City of Surprise General Plan Policy Checklist as necessary to demonstrate meaningful consideration and application of the policy statements.

LAND USE ELEMENT

General Plan Amendment Checklist Goals

- Locate higher density/intense residential land uses & transportation dependent uses near major roadway corridors to promote an efficient transportation system.
Discussion Point: The subject property is immediately adjacent to Grand Avenue. The land use amendment to commercial land use designation is intended to promote lower intensity land use. Direct access to Grand Avenue and Dysart Road has been planned and improvement installed.
- Does the project involve cluster development? Encourage clustering for reservation of natural open space within residential neighborhoods.
Discussion Point: The land use amendment is removing residential land use for the subject property. Clustering of residential density is not proposed.
- Is the project located near prominent projects or PAD's? If so, analyze policies that pertain to each individual location.
Discussion Point: The land use amendment is intended for Development Parcel 12 within the West Point Towne Center Planned Area Development. The intended commercial land use will be developed under the established development standards for West Point Towne Center and the project will utilize previously constructed infrastructure that has been planned and development with anticipation of land use intensity on the subject property.
- Is the project located near a designated "Gateway Area"? Is it a mixed use?
Discussion Point: The City of Surprise Village 1 Plan seems to suggest that the land along the roadway frontage extending along Grand Avenue from Greenway Road through the site is a gateway, or at the very least, a transitional area which should be considered between the Bell & Grand Employment District and envisioned Old Town Square Heritage District.
- Discourage strip commercial developments and free standing pads except where expressly permitted.
Discussion Point: The proposed land use amendment envisions commercial development for the subject property. This subject property is one of the last remaining development parcels affiliated with the West Point Towne Center Planned Area Development. The uses envisions for the subject property include medical and educational and both area proposed under the commercial land use umbrella. The mixture of these types of uses will not promote a "strip commercial" condition.
- Use building envelopes that provide for natural buffers between buildings in order to protect sensitive landforms, vegetation and/or wildlife corridors.
Discussion Point: The subject property does not contain, nor does the contextual area contain natural conditions, sensitive landforms, native vegetation or wildlife corridors.
- Locate regionally oriented retail and service uses or other high intensity employment uses along major roadways with proper access, transitioning to lower intensity uses buffered adequately from residential uses.
Discussion Point: The proposed land use amendment anticipates commercial uses inclusive of medical and educational uses that will respond to a community demand for these services. These uses are not likely to promote a regional draw.
- Are planned trails and functional open space indicated as neighborhood connections?
Discussion Point: The West Point Towne Center Planned Area Development promotes an internal trails system intended to connect the residential neighborhoods to the commercial services. An existing concrete path is terminated at the northwest property line of the subject property.

TRANSPORTATION ELEMENT

General Plan Amendment Checklist Goals

- Provide service coordination that can ensure that transportation services connect as efficiently as possible, minimizing wait times.
Discussion Point: The subject property has been planned for access and connectivity. The property is served by existing curb cuts and driveways on Grand Avenue and on Dysart Road. The center driveway on Grand Avenue has been equipped with a traffic signal that has not yet been activated. The land use amendment and the proposed uses affiliated with the companion Planned Area Development zoning amendment, anticipate the use of the existing infrastructure.
- Bicycle & pedestrian facilities should be incorporated into the planning, design and operation of transportation systems.
Discussion Point: Bicycle and pedestrian facilities will be reviewed within the context of the Planned Area Development zoning amendment.
- Require pedestrian circulation plans to be submitted, along with vehicular circulation plans, as part of the review process.
Discussion Point: Pedestrian circulation plans will be reviewed within the context of the Planned Area Development zoning amendment.
- Encourage walkways near roads, but separate them from the curb and provide a bike lane as a buffer.
Discussion Point: The transportation facilities affiliated with the subject site have already been constructed in accordance with City of Surprise standards and the West Point Towne Center Planned Area Development.
- Provide adequate bicycle storage at all major employment centers, commercial centers, and transit centers.
Discussion Point: Bicycle storage will be reviewed within the context of the Planned Area Development zoning amendment.
- Promote the use of traffic calming techniques in pedestrian areas to make vehicular speed limits self-enforcing. All traffic calming techniques will be evaluated by and will require the approval of the City Engineer.
Discussion Point: The envisioned development (medical and educational uses) is anticipated to utilize common cross-access drive lanes which, due to the size and shape of the properties, and the inter-connectivity to the southernmost driveway on Dysart Road, will warrant some form of traffic calming technique.

ECONOMIC DEVELOPMENT ELEMENT

General Plan Amendment Checklist Goals

- Maintain employment and commercial related land uses as prescribed in each Special Planning Area.
Discussion Point: The proposed amendment will not displace or otherwise impact any existing commercial related land use in Village 1.

Goal 1: Sustainable Business–Strengthen Surprise as a center for sustainable business and commerce.

Policy 4: Retain, expand, and support the City’s medical facilities that serve as a major employer and community service provider.

Discussion Point: The envisioned development planning includes the potential establishment of a village scale medical and office facility. The location of this parcel in close proximity to the Surprise City Center and surrounding large-scaled residential areas is well suited to support community and regional level medical service providers.

Goal 4: Education Alternatives – Broaden the range of education alternatives for all age groups.

Discussion Point: Land use being considered for this property is a “magnet” high school, offering specialized course curricula. The technical high school will provide high school age students with skill-based alternative education opportunities and training. Additionally, the school can provide adult educational training before and after normal school hours which contribute to localized vocational education opportunities.

Policy 1: Support accessible and effective education to help the community meet the challenges of a changing economy.

Discussion Point: Specialized technical education opportunities will be accessible to the community of Surprise with the addition of a vocational school concept.

Policy 3: Provide educational opportunities that support workforce attraction and retention in Surprise.

Discussion Point: A skill based vocational school will provide the local workforce with technical skills and education that help to regenerate local economy and workforce.

Policy 4: Attract new educational opportunities and retain existing.

Discussion Point: The technical vocational school will provide the area with a new education alternative option.

HOUSING ELEMENT

General Plan Amendment Checklist Goals

- Locate residential areas that are appropriately sited and protected from incompatible uses yet integrated through both pedestrian and vehicular linkages. Appropriately site these areas with minimal adverse impact on the natural environment.

Discussion Point: The land use amendment is intended to remove residential use from the subject property and promote commercial land use thereby promote land use that is more compatible with the operational characteristics of the Grand Avenue and the BNSF Railroad corridors.

- New developments within or next to existing residential areas should enhance or contribute to the character or qualities of that area.

Discussion Point: The details of design affiliated with the development of the subject property will be reviewed within the context of the Planned Area Development zoning amendment and the Site Plan Review Process.

- Encourage developers to cooperate and communicate with residents and homeowners' associations during the development review process prior to the official public hearings.
Discussion Point: This Minor General Plan Amendment is supported by a Planned Area Development zoning amendment Application. Both processes will be supported by a public outreach effort to the surrounding property owners. The public input will be considered for adjustments to the General Plan Amendment and/or the Planned Area Development zoning amendment.
- Housing developments should be adequately provided with community facilities and services. Desirable community facilities and services include: parks with tot lots, benches, usable open space placed at ¼ mile intervals, larger retention areas with ramadas, shade trees etc.
Discussion Point: The land use amendment is from Medium Density Residential to Commercial. As this policy statement is applicable to residential development, it is not applicable to the subject property should the land use amendment be adopted.
- Promote the following qualities: durable materials in construction that are compatible with the area's climatic and energy factors, encourage exterior detail and positive site-design features, utilization of open spaces, creation of a pedestrian environment, buffers between density transitions, minimize through or overflow vehicular traffic.
Discussion Point: The materials intended for the development of the subject property will be reviewed within the context of the Planned Area Development zoning amendment.

OPEN SPACE AND RECREATION ELEMENT

General Plan Amendment Checklist Goals

- Define a park as a tract of land that contains a mix of active and passive recreation facilities potentially including tot lots, defined and improved play field and/or sport court areas, and picnic/seating/shade areas that are landscaped/hardscaped in a pleasing manner. Parks should generally be located in the center of their service area and can be developed jointly with schools.
Discussion Point: This Open Space and Recreation policy is not applicable to the subject request for Commercial land use designation.
- Establish an open space standard of six acres per 1000 residents. Establish a standard of six acres of active parkland per 1000 population.
Discussion Point: The proposed land use amendment from Medium Density Residential to Commercial land use will remove the establishment of new residences and community population within the City of Surprise. The proposed commercial land use will therefore not add any new burden on programmed open space or recreational demand within the City.
- Review the Open Space and Recreation Element in the city's consideration of development proposals to determine the need for new parks and their requirements generated by the proposed project.
Discussion Point: The proposed amendment will reduce any demand on the City's parks.
- Increase the amount of usable (non-retention) park and open space identified in the city's development agreements to total 13 percent (equally divided between parks & open space areas) of the net project area.

Discussion Point: The proposed land use amendment will lessen the demand for new parks and open space facilities or recreational programs.

- Neighborhood or school parks proposed as an amenity in a subdivision “shall” be developed in conjunction with the first phase.

Discussion Point: This Open Space and Recreation policy is not applicable to the proposed land use amendment.

- Utilize natural washes as part of the trail system. Protect 10% slope areas and Palo Verde-Saguaro vegetation areas as open space.

Discussion Point: The subject property is not encumbered by a natural wash. This Open Space and Recreation policy is therefore not applicable to this land use amendment.

- Protect ridge/crest line, steep-sloped (more than 10%) and Palo Verde-Saguaro vegetation areas as open space through the use of density transfer or purchase of development rights, acquisition, donation, or other acceptable methods.

Discussion Point: The subject property is not encumbered by ridge/crest line, steep sloped and Palo Verde-Saguaro vegetation. This Open Space and Recreation policy is therefore not applicable to this land use amendment.

- Discourage development within 100-year floodplains, encourage dedication of a continuous 25 foot minimum setback on both sides.

Discussion Point: The subject property is not encumbered by a 100-year floodplain condition.

- Ensure that natural drainage channels are protected and used as a connected trails system to link open space, parks, schools etc.

Discussion Point: The subject property is not encumbered by a natural drainage channel. This Open Space and Recreation policy is therefore not applicable to this land use amendment.

PUBLIC SERVICES / COST OF DEVELOPMENT ELEMENT

General Plan Amendment Checklist Goals

- Require developers to construct and pay for drainage facilities when their need precedes or exceeds the need of the city.

Discussion Point: Drainage facilities have been constructed along the Grand Avenue frontage of the subject property to manage roadway drainage and regional flows. The subject property will address on-site stormwater management in accordance with the City of Surprise Stormwater Retention standards.

- Require private developers to install all public utilities & facilities to state and municipal standards, as required.

Discussion Point: The subject property is surrounded by infrastructure improvements that have been design and constructed in anticipation of development of the subject property.

- When evaluating the development proposal, all indirect costs shall be considered (e.g. recreation programs, public safety).

Discussion Point: We suspect this policy statement will be addressed by City staff during the evaluation of the Minor General Plan Amendment.

- All developers requesting project approval “must” work with the local school district to

determine impact on the school system and strategies to address impact.

Discussion Point: The proposed land use amendment is removing residential land use and promoting commercial land use for the subject property. This amendment therefore, will not generate new primary education students and therefore will not promote a facilities impact on the Dysart Unified School District.

- Channel growth in areas that have existing infrastructure.

Discussion Point: The subject property is surrounded by existing infrastructure that is readily available for the development of the property.

ENVIRONMENTAL PLANNING / WATER RESOURCES ELEMENT

General Plan Amendment Checklist Goals

- Encourage water conservation in all new development through the utilization of drought tolerant plant materials, efficient irrigation system (drip/low flow), and through water conserving fixtures in all new residential and commercial construction.

Discussion Point: The details of design affiliated with water conservation will be reviewed within the context of the Planned Area Development zoning amendment and the Site Plan Review Process.

- Ensure noise mitigation along all high-volume roadways.

Discussion Point: The proposed amendment proposes commercial land use immediately adjacent to the Grand Avenue and the BNSF Railroad corridors. These corridors generate noise affiliated with the regional traffic volumes on Grand Avenue and the daily operations of the rail services. Development of the subject property, with commercial uses (medical and educational) will help buffer the existing residential community to the west of the subject property from noise impacts affiliated with these regional transportation corridors.

E. Goals of the Village Plan

The proposed minor General Plan amendment is consistent with the goals and policies of the Surprise Village 1 Plan. The following Village Plan elements and goals applicable to the amendment have been identified to demonstrate the compatibility of the West Point Development Parcel 12 project amendment request:

VILLAGE GOALS & OBJECTIVES

- 1) Village 1 has a business climate favorable to the incubation and growth of small dynamic enterprises, to attract creative vocations.

Discussion Point: Alternate styles of education and employment opportunities promote the incubation and growth of local enterprises through a variety of emerging technical vocations and service industries.

- 2) Village 1 is a prominent center for research and education, a place that offers high quality educational opportunities that meets and exceeds the needs of the community.

Discussion Point: The commercial land use proposed promotes a setting for expanding research and development opportunities. The potential educational development for a

well-established magnet school would provide opportunities beyond what is typically expected throughout the community.

VILLAGE LAND USE GOALS

1) Village 1 is a premier regional and global center of commerce, residence, arts, education, and recreation.

a) Encourage new development, redevelopment, and infill projects that enhance the Bell and Grand Employment District as a transit oriented and entrepreneur friendly development. New development and redevelopment in the area shall combine a variety of mixed uses, including office, residential, retail, and civic uses. This area will be a regional node that contains high density, high quality development within a 10 minute walk circle surrounding train station, collector support transit systems, and designed to include the easy use of pedestrians, bikes.

b) Create a brand identity that promotes Village 1 as a place of education, entertainment, and employment.

Discussion Point: The proposed commercial uses will appropriately brand this property within Village 1 and promote identity as the Bell and Grand Employment District. This key area of Village 1 will further enhance the area goals and sense of place regarding education and employment opportunities.

VILLAGE LAND ECONOMIC DEVELOPMENT GOALS

a) Explore opportunities to expand the city's higher education and R&D facilities.

Discussion Point: The proposed development will promote workforce development and expanded opportunities for higher education and research and development.

VILLAGE URBAN DESIGN GOALS

Mixed Uses: Encourage infill development.

Discussion Point: Development Parcel 12 of West Point Towne Center remains as one of the few vacant parcels remaining within the original Planned Area Development approved in 1995. The proposed land use amendment provides a valuable addition to the key parcel. This amendment will bring into focus appropriate non-residential land use and development opportunity for the subject property.

Transit Connections: provide complete street accessibility.

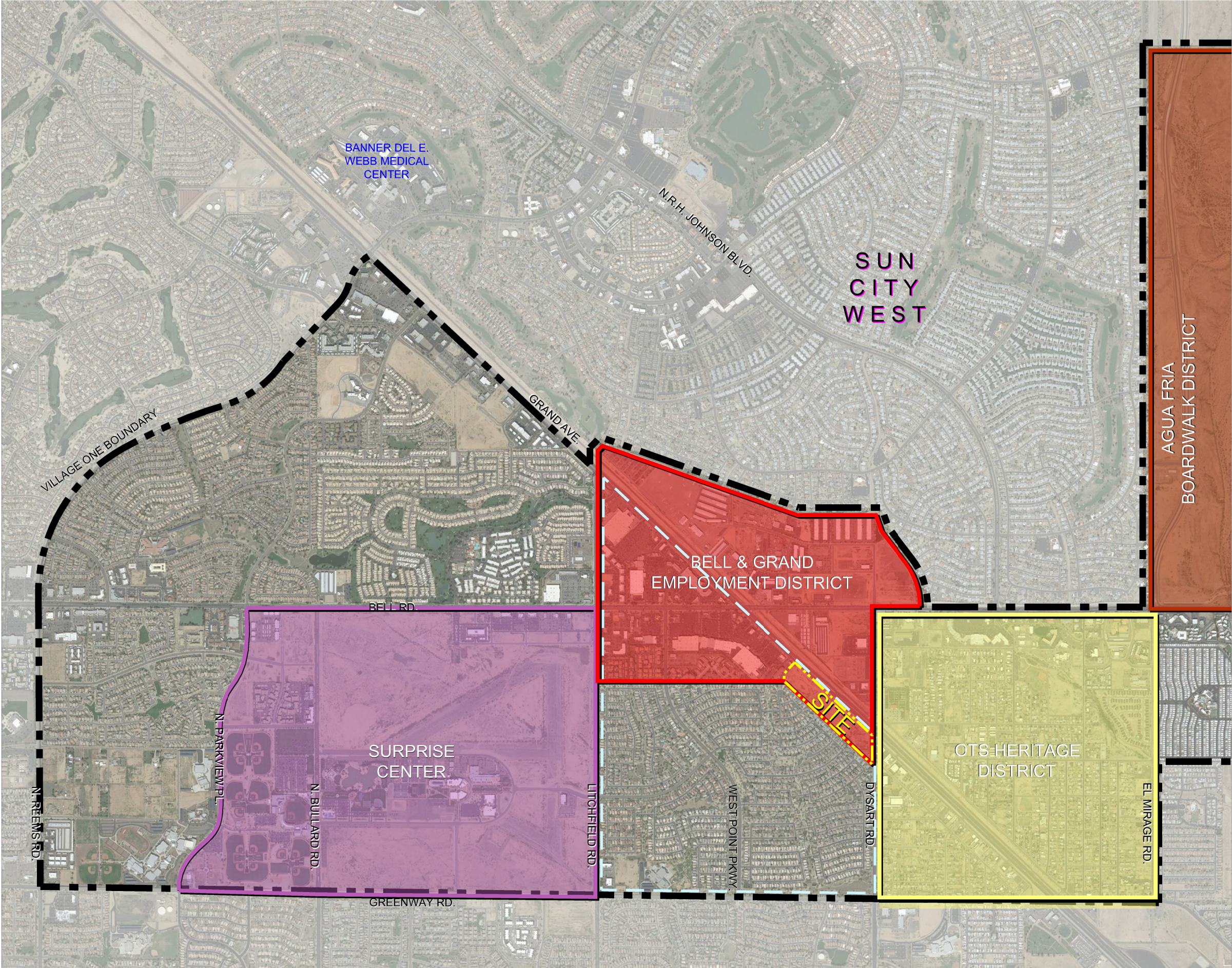
Discussion Point: The envisioned development would anticipate utilizing the existing completed offsite driveway connections and existing (though not activated) traffic signal along Grand Avenue. This existing access configuration along with potential additional access provisions to Dysart Road will support anticipated future non-residential uses with both vehicular and pedestrian points of connectivity.

Additionally, the segment of Grand Avenue along the subject amendment property frontage is recognized and envisioned as a transition zone within Village 1 and is located immediately adjacent to the Old Town Square Heritage District. The Village Urban Design Goals promote the recognition of this proximity and the importance of Grand Avenue to the City of Surprise City Center. The goals strive for advancements of streetscapes through the application of “street elements”, “pedestrian walkability”, “façade design”, “gateway treatments”, and “landscape design”. Methods of introducing an area of special interest are anticipated to be a part of the development of the medical and educational uses contemplated for the subject property. At the intersection of Grand Avenue and Dysart Road, the Applicant anticipates the development of a pedestrian node with streetscape and landscape elements intended to promote the implementation of the goals expressed within the Village Plan. This node, someday, could support any City of Surprise, and/or Arizona Department of Transportation plans to develop a grade separated pedestrian crossing of Grand Avenue that would tie the West Point Towne Center to the Old Town Square Heritage District.

F. Conclusion

The current goals and policies of the General Plan, Village 1 Plan, and Bell & Grand Employment district do not seem to support the development of residential land use on the subject property. The proposed minor land use amendment will further align the property with the City of Surprise goals and long term vision within the Bell & Grand Employment District. The subject property is envisioned to provide skill based education and employment based development opportunities within close proximity of established resident population. The adoption of this minor General Plan Amendment will change approximately 20 acres of the existing Medium Density Residential to a Commercial land use designation under the City of Surprise General Plan. The commercial land use designation will not only be consistent with the future goals of Surprise, but also set the stage for a valuable non-residential development and services helping to regenerate the local community and economy.

EXHIBITS



WEST POINT TOWNE CENTER PARCEL 12

MINOR GENERAL PLAN AMENDMENT

FIGURE 1

SURPRISE VILLAGE ONE AREA MAP

LEGEND

- VILLAGE ONE BOUNDARY
- WEST POINT PAD BOUNDARY

Subject to engineering and City review and approval.

NOT TO SCALE

NORTH

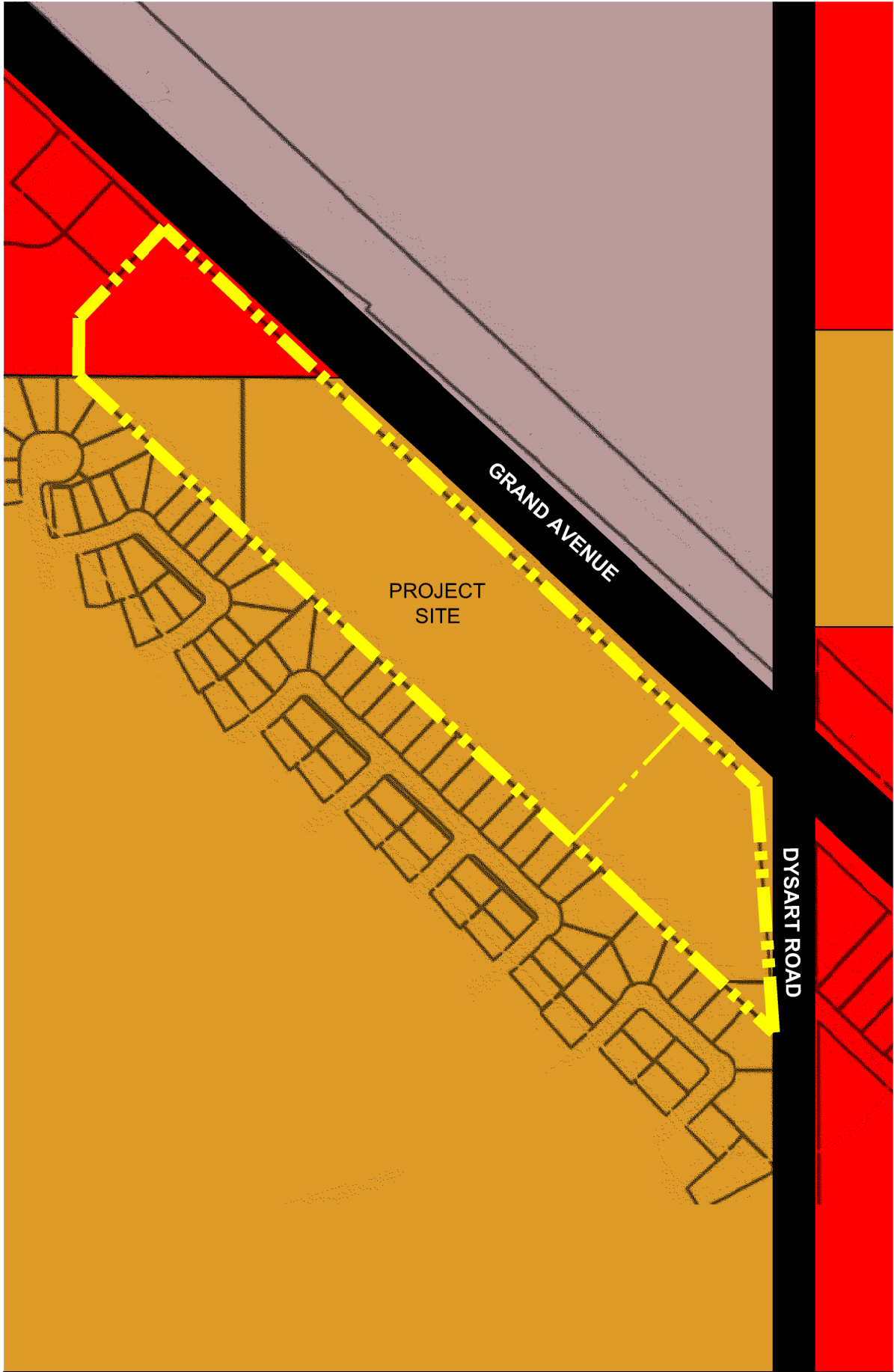
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Date.	9/29/14	Project No. 1427

 **urban design studio**

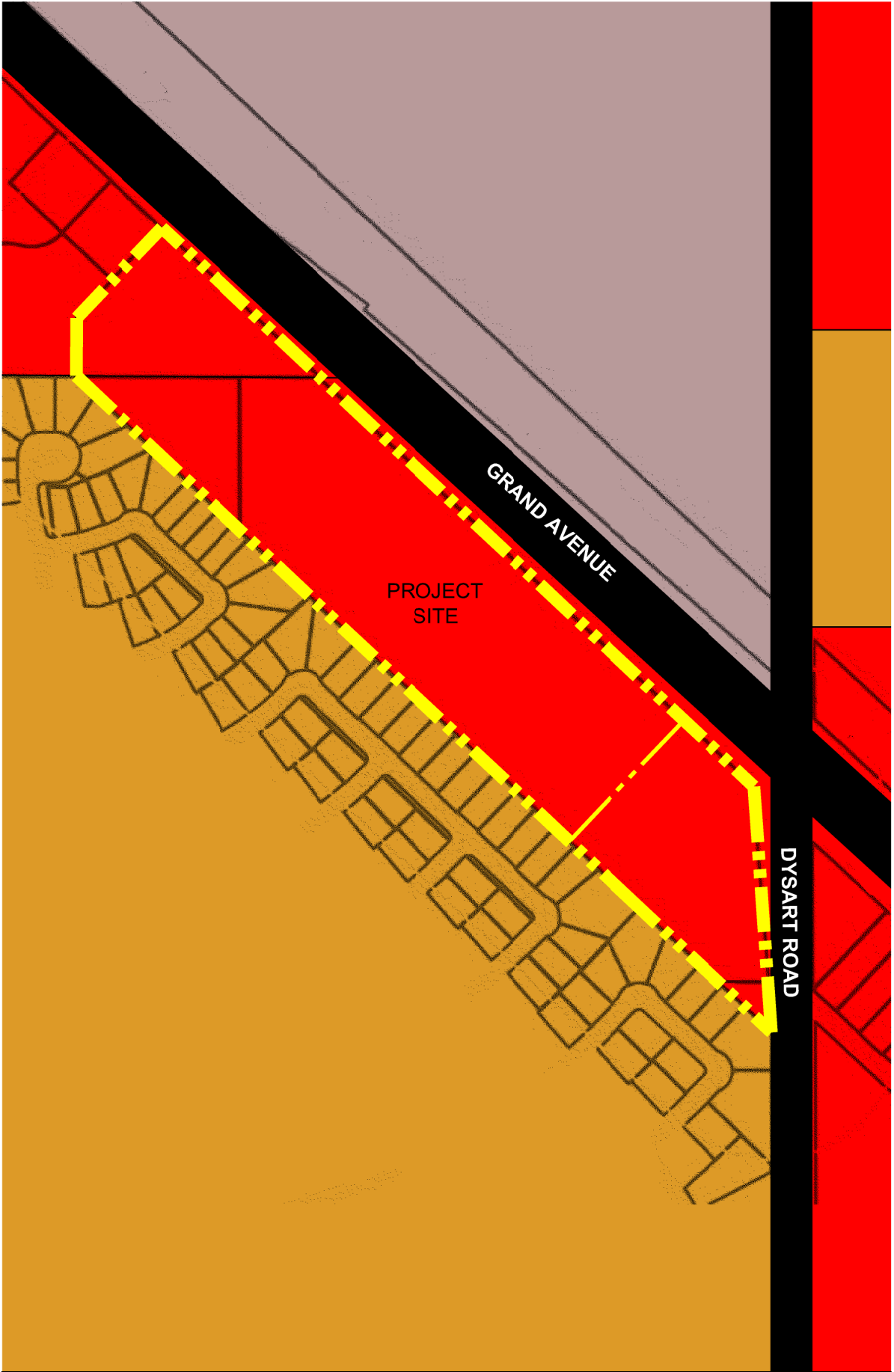
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EXISTING GENERAL PLAN



PROPOSED GENERAL PLAN

WEST POINT TOWNE CENTER PARCEL 12

MINOR GENERAL PLAN AMENDMENT

FIGURE 2

EXISTING & PROPOSED GENERAL PLAN LAND USE

LEGEND

- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
- EMPLOYMENT

Subject to engineering and City review and approval.

NOT TO SCALE

NORTH

PRELIMINARY/ - NOT FOR CONSTRUCTION - COPYRIGHT LVA URBAN DESIGN STUDIO, L.L.C.

Date.	10/6/14	Project No.	1427
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APPENDICES

Legal Description of GPA Subject Property

GROSS LAND AREA

THE FOLLOWING LAND DESCRIPTION HAS BEEN COMPILED FROM RECENT ACTUAL SURVEYS OF THE HEREIN REFERRED TO PROPERTY, AND THE LAND DESCRIBED INCLUDES THE RIGHT-OF-WAY OF GRAND AVENUE AND DYSART ROAD.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS ALSO KNOWN AS WEST POINT TOWNE CENTER PARCEL 12, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 3; SAID POINT ALSO BEING IN THE CENTERLINE OF BELL ROAD RIGHT-OF-WAY;

THENCE SOUTH 89 DEGREES 50 MINUTES 50 SECONDS EAST, A DISTANCE OF 155.30 FEET TO THE POINT OF INTERSECTION OF THE CENTERLINES OF BELL ROAD AND GRAND AVENUE ;

THENCE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID CENTERLINE OF GRAND AVENUE, A DISTANCE OF 1438.49 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID CENTERLINE OF GRAND AVENUE, A DISTANCE OF 1969.66 FEET TO THE POINT OF INTERSECTION OF THE CENTERLINES OF GRAND AVENUE AND DYSART ROAD;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID CENTERLINE OF DYSART ROAD, A DISTANCE OF 500.00 FEET TO A POINT, SAID POINT ALSO BEING THE EAST QUARTER CORNER OF AFORESAID SECTION 3;

THENCE CONTINUING SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID CENTERLINE OF DYSART ROAD, A DISTANCE OF 115.48 FEET TO A POINT IN THE CENTERLINE OF DYSART ROAD;

THENCE LEAVING THE CENTERLINE OF DYSART ROAD NORTH 89 DEGREES 55 MINUTES 32 SECONDS WEST, A DISTANCE OF 65.00 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF DYSART ROAD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF WEST POINT TOWNE CENTER PARCEL 12, ALSO BEING A CORNER OF DAVE BROWN AT WEST POINT, RECORDED IN BOOK 436 OF MAPS, PAGE 09, MARICOPA COUNTY RECORDS;

THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF DYSART ROAD NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST ALONG THE BOUNDARY LINE BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND DAVE BROWN AT WEST POINT, A DISTANCE OF 425.75 FEET

TO THE SOUTHEAST CORNER OF RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWNE CENTER, RECORDED IN BOOK 447 OF MAPS, PAGE 29, MARICOPA COUNTY RECORDS;

THENCE CONTINUING NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST ALONG THE BOUNDARY LINE BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWNE CENTER, A DISTANCE OF 1825.52 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWNE CENTER, AND SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SURPRISE MARKETPLACE, RECORDED IN BOOK 673 OF MAPS, PAGE 26, MARICOPA COUNTY RECORDS;

THENCE NORTH 00 DEGREES 28 MINUTES 22 SECONDS EAST, AND ALONG THE BOUNDARY LINE BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND SURPRISE MARKET PLACE, A DISTANCE OF 136.86 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, ALONG THE BOUNDARY BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND SURPRISE MARKET PLACE, A DISTANCE OF 292.27 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF GRAND AVENUE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF WEST POINT TOWNE CENTER PARCEL 12 AND THE NORTHEAST CORNER OF SURPRISE MARKET PLACE;

THENCE CONTINUING NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, A DISTANCE OF 100.00 FEET TO A POINT IN THE CENTERLINE OF GRAND AVENUE, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING

NET LAND AREA

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HAND HOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 3;

THENCE SOUTH 00 DEGREES 10 MINUTES 02 SECONDS WEST, A DISTANCE OF 65.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BELL ROAD;

THENCE SOUTH 89 DEGREES 50 MINUTES 50 SECONDS EAST, A DISTANCE OF 78.44 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF GRAND AVENUE

THENCE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1450.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1974.57 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DYSART ROAD PER PLAT OF WEST POINT TOWNE CENTER AS RECORDED IN BOOK 433 OF MAPS, PAGE 33, MARICOPA COUNTY RECORDS;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 529.33 (539.33) FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF DAVE BROWN AT WEST POINT, RECORDED IN BOOK 436 OF MAPS, PAGE 9, MARICOPA COUNTY RECORDS;

THENCE NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST ALONG SAID NORTHWESTERLY BOUNDARY, A DISTANCE OF 425.75 FEET TO THE SOUTHEAST CORNER OF RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWN CENTER, RECORDED IN BOOK 447 OF MAPS, PAGE 29, MARICOPA COUNTY RECORDS;

THENCE CONTINUING NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST, ALONG LAST SAID PLAT, A DISTANCE OF 1825.52 FEET TO THE NORTHEAST CORNER OF LAST SAID PLAT;

THENCE NORTH 00 DEGREES 28 MINUTES 22 SECONDS EAST, A DISTANCE OF 136.86 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, A DISTANCE OF 292.27 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE EAST HALF OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, A DISTANCE OF 2663.97 FEET;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, A DISTANCE OF 62.97 FEET;

THENCE NORTH 89 DEGREES 55 MINUTES 32 SECONDS WEST, DEPARTING SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 3, A DISTANCE OF 65.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF DYSART ROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY DYSART ROAD, A DISTANCE OF 52.48 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE PLAT OF DAVE BROWN AT WEST POINT, ACCORDING TO BOOK 436 OF MAPS, PAGE 09, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF SAID PLAT OF DAVE BROWN AT WEST POINT AND ALSO ALONG THE NORTHEASTERLY LINE OF THE RESUBDIVISION OF LEGACY AND HERITAGE AT WEST POINT TOWN CENTER, ACCORDING TO BOOK 447 OF MAPS, PAGE 29, OFFICIAL RECORDS OF MARICOPA COUNTY ARIZONA, A DISTANCE OF 654.94 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, DEPARTING SAID NORTHEASTERLY LINE OF THE RESUBDIVISIONS OF THE LEGACY AND HERITAGE AT WEST POINT TOWN CENTER, A DISTANCE OF 392.53 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF US HIGHWAY 60 ACCORDING TO A.D.O.T PROJECT NO. 060MA139H686601R;

THENCE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY OF US HIGHWAY 60, A DISTANCE OF 227.21 FEET TO A POINT ON THE WESTERLY LINE OF THAT CERTAIN PROPERTY CONVEYED TO THE CITY OF SURPRISE IN DOCUMENT NO 2009-517022, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 04 DEGREES, 29 MINUTES 55 SECONDS EAST, ALONG SAID WESTERLY LINE OF THAT CERTAIN PROPERTY CONVEYED TO THE CITY OF SURPRISE, DISTANCE OF 528.22 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

WEST POINT TOWNE CENTER PARCEL 12

PUBLIC PARTICIPATION REPORT



Case #: FS14-381
Major PAD Zoning Amendment
Minor General Plan Amendment

Submitted: November 5, 2014

LVA urban design studio
land planning • landscape architecture

Introduction

The West Point Parcel 12 PAD Zoning Amendment and Minor General Plan amendment applications have been processed to remove the prior Residential land use and implement Commercial use for the property. The conceptual project development plan is proposed as an educational and medical office / emergency facility on 19 acres at the southwest corner of Grand Avenue and N Dysart Road. In accordance with the Surprise Code of Ordinances section 122-160(d), the following summary contains a written report of public participation efforts conducted for the site.

Parties Affected by Application

The residents living within a 300 foot required public notification boundary of the site are the most likely to be directly affected by this project. A public meeting was held at 6 p.m. on November 3, 2014 at the Comfort Inn & Suites located adjacent to the project site to discuss any comments or concerns regarding the proposal. The date and time selected provided ample opportunity for required notifications and advertisement to be provided by the City of Surprise and for interested parties to attend. The meeting was conveniently located adjacent to the site to help remove any barriers to neighbor participation.

Notification and Information Procedures

The City of Surprise notified residents within a 300 foot boundary of the site via U.S. Mail of the neighborhood meeting and public hearings (see attachments for a copy of the letter and the mailing list). The city also posted a meeting notice in two local newspapers, The Daily News Sun and Surprise Today. These notices were placed 15 days prior to the neighborhood meeting.

Public hearing signs were posted in two locations on the subject property on November 4, 2014. These signs reflect the upcoming meeting date of the Planning & Zoning Commission and City Council. A copy of the affidavit of posting and pictures of the signs posted are provided under a separate cover and are intended to be included within the city case file.

Method of Identifying Stakeholders' Issues and Concerns

The neighborhood meeting open house format was utilized to facilitate dialogue between neighbors and team members. Neighbors were able to voice concerns and learn about the various aspects of the project. Comment cards were provided to attendees allowing them to voice comments or concerns in writing. In addition, individual contact information for team members and Planning and Development Department staff was provided to interested parties in case of any follow up questions or comments.

Method of responding to Stakeholders' Issues and Concerns

The Development Master Plan and Zoning applications have accommodated, and will continue to consider the recommendations and concerns of the public. Each public comment and response has been documented throughout the process and has been taken account of by all parties.

Attachments included with this Report:

1. Neighborhood Meeting Notification Letter
2. Public Hearing Notification Letter
3. Notification Map
4. Notification List
5. Sign-in sheet for November 3, 2014 Neighborhood Meeting
6. Neighborhood Meeting Written Comments
7. Neighbor Letters / Petitions

1. Neighborhood Meeting Notification Letter

CITY OF SURPRISE CITIZEN REVIEW MEETING

Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

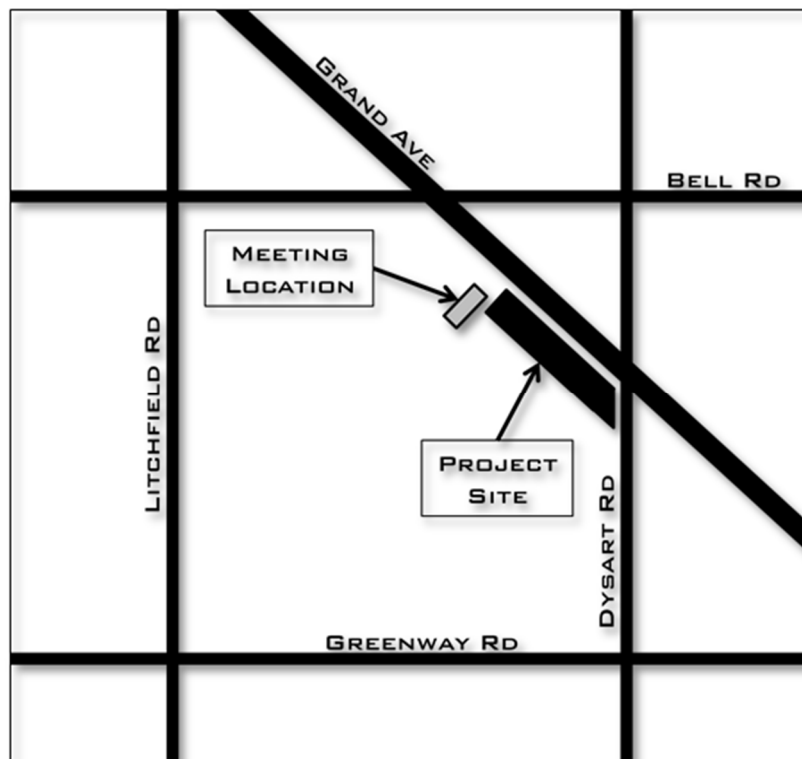
City of Surprise Planner: Robert H. Kuhfuss, AICP
623-222-3137

CITIZEN REVIEW MEETING DETAILS

Please Note Change in Date and Time of the Meeting

DATE: November 3, 2014
TIME: 6:00 PM to 7:00 PM
LOCATION: Comfort Inn & Suites - Meeting Room
13337 W. Grand Avenue
Surprise, AZ 85374

Meeting and Project Location



PROJECT DESCRIPTION: Major Zoning Amendment together with a Minor General Plan Amendment (Case FS14-381) changing the use from Medium Density Residential to Commercial as it relates to the Parcel 12 of the West Point Towne Center PAD.

2. Public Hearing Notification Letter

CITY OF SURPRISE PUBLIC NOTICE

Take notice that at the date, time, and place listed below, the City of Surprise will hold a Public Hearing at the request of LVA Urban Design Studio, LLC for approval of a Major Zoning Amendment along with a Minor General Plan Amendment (Case FS14-381) to allow for a land use change from Medium Density Residential to Commercial as it relates to Parcel 12 of the West Point Towne Center PAD generally located at the southwest corner of Dysart Rd. and Grand Ave. in Surprise, Arizona.

Legal Description: Located in a portion of Section 3, Township 3 north, Range 1 west, of the Gila and Salt River base and meridian, Maricopa County, City of Surprise, Arizona.



Project Location

Planning and Zoning Commission

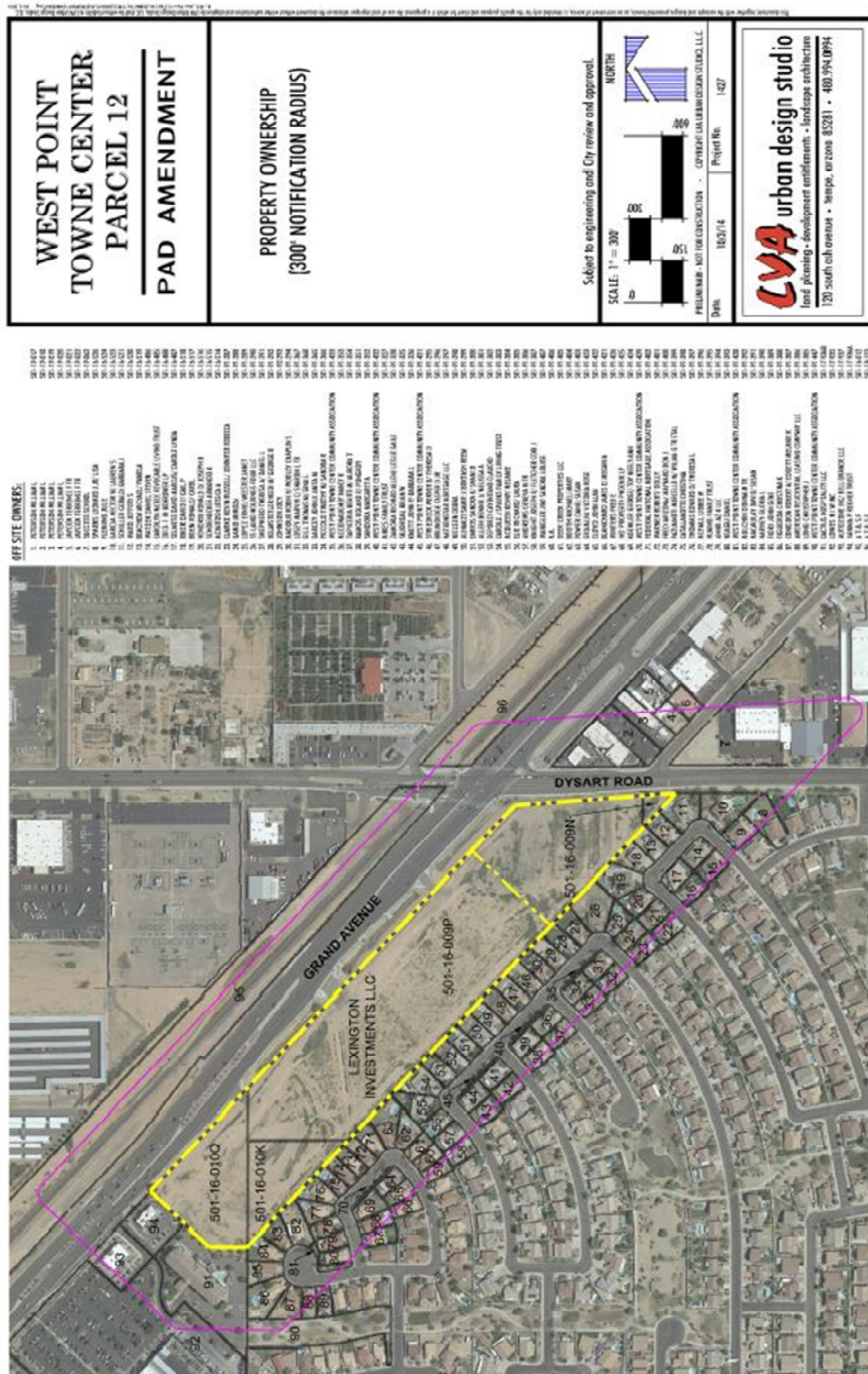
Date: November 20, 2014
Time: 6:00 p.m.
Place: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: December 2, 2014
Time: 6:00 p.m.
Place: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

At this meeting any member of the public may appear and be heard relative to this petition or may submit written comments at any time prior to the Public Hearing. All written comments regarding this petition will be made part of the record of the City. Any interested party may obtain an agenda 24 hours prior to the Public Hearing at the Surprise City Hall.

3. Notification Map



4. Notification List

MCINTOSH JESSICA A	13190 W FARGO DR	SURPRISE	AZ	85374
SCHOENECKER ARMANDO A	13327 N WATSON LN	SURPRISE	AZ	85379
HENDRIX RONALD D/JOSEPH B	13174 W FARGO DR	SURPRISE	AZ	85374
BOEN RONALD/CAROL	15616 N ULRICH WY	SURPRISE	AZ	85374
RIKER DAVID F/GAIL P	13152 W MARKET ST	SURPRISE	AZ	853745234
BEACHEM MICHAEL/PAMELA	14623 W GELDING DR	SURPRISE	AZ	85379
WARD JEFFERY S	13130 W MARKET ST	SURPRISE	AZ	85374
GARCIA HECTOR M/LAUREN S	13135 W RIMROCK ST	SURPRISE	AZ	85374
FLEMING JULIE	13143 W RIMROCK ST	SURPRISE	AZ	85374
A T & S F	2500 LOU MENK DR PO BOX 961089	FORT WORTH	TX	761610089
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
JAYCOX TERRENCE F TR	6033 W BLUEFIELD AVE	GLENDALE	AZ	85308
JAYCOX TERRENCE F TR	6033 W BLUEFIELD AVE	GLENDALE	AZ	85308
LOWES H I W INC	BOX 1111	NORTH WILKESBORO	NC	28659
VANNA P REGNER TRUST	PO BOX 8063	NEWPORT BEACH	CA	92658
CACTUS HOSPITALITY LLC	6630 E BASELINE RD	MESA	AZ	85206
AUTOZONE INC/BELL GRANDE LLC	PO BOX 2198 STE 8700	MEMPHIS	TN	38101
SUCCESS SCHOOL	PO BOX 1381	SURPRISE	AZ	85378
SPARKS LEONARD J JR/LISA	16045 N GIL BALCOME ST	SURPRISE	AZ	85374
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
CAROLYN MCGEE REVOCABLE LIVING TRUST	13154 W RIMROCK ST	SURPRISE	AZ	85374
WATZEK DANIEL STEVEN	13146 W RIMROCK ST	SURPRISE	AZ	85374
SELNESS DAVID MARCUS/CAROLE LYNDA	13171 W FARGO DR	SURPRISE	AZ	85374
2013-1 IH BORROWER LP	901 MAIN ST STE 4700	DALLAS	TX	75202
SKJORDAL BRIAN W	13289 W COTTONWOOD ST	SURPRISE	AZ	85374
KMETT JOHN P/BARBARA L	13281 W COTTONWOOD ST	SURPRISE	AZ	85374
MIKES FAMILY TRUST	13276 W STATLER ST	SURPRISE	AZ	85374
ZAMORA RICHARD ALLEN/LESLE GAILE	13284 W STATLER DR	SURPRISE	AZ	85374
WEST POINT TOWNE CENTER COMMUNITY ASSOCIATION	4645 E COTTON GIN LOOP	PHOENIX	AZ	85040
RAMOS ROLAND R/PONGROY	13275 W STATLER ST	SURPRISE	AZ	85371
SANDORA MARGARET A	13267 W STATLER ST	SURPRISE	AZ	85374
MCCONAUGHEY NANCY R	13230 W PARADISE LN	SURPRISE	AZ	85374

TAPICERIA BENITO M/AURORA T	916 MAKAAALA DR	WAILUKU	HI	96793
DARCEY JOHN J/ANITA M	4663 SARATOGA AVE	SAN DIEGO	CA	92107
PICCOLO TIMOTHY M/SANDRA R	13223 W PARADISE LN	SURPRISE	AZ	85374
LOSEY MARVIN C/SHARON L TR	13208 W DESERT ROCK DR	SURPRISE	AZ	85374
GILL THOMAS M/GINA L	13216 W DESERT ROCK RD	SURPRISE	AZ	85374
LONG CHRISTOPHER J	16508 N LASSO DR	SURPRISE	AZ	85374
AMERICAN RESIDENTIAL LEASING COMPANY LLC	7047 E GREENWAY PKWY STE 350	SCOTTSDALE	AZ	85254
CONGDON ROBERT A/EDGETT MELANIE K	16550 N LASSO DR	SURPRISE	AZ	85374
FIGUEROA CHRISTINA K	16558 N LASSO DR	SURPRISE	AZ	85374
FIORI JOHN GENE	16566 N LASSO DR	SURPRISE	AZ	85374
HARVEY GLORIA L	16557 N LASSO DR	SURPRISE	AZ	85374
MACAULAY DAVID/SUSAN	16549 N LASSON DR	SURPRISE	AZ	85374
MULCHIN DONNA M TR	16541 N LASSO DR	SURPRISE	AZ	85374
NEAGU DANIEL	6432 PERRY AVE NO 3	MASPETH	NY	11378
AH4R-AZ 4 LLC	30601 AGOURA RD 200	AGOURA HILLS	CA	91301
HUANG FAMILY TRUST	1161 VALLEY QUAIL CIR	SAN JOSE	CA	95120
MCFALL LIBBEE W	13334 W CANYON CREEK DR	SURPRISE	AZ	85374
THOMAS EDWARD D/THERESA L	13328 W MARKET ST	SURPRISE	AZ	85374
CATALANOTTE CHRISTINA	13324 W MARKET ST	SURPRISE	AZ	85374
PAZIANOTI MARCELLO N/WILMA G TR ETAL	4044 E ANGELA DR	PHOENIX	AZ	85032
FREO ARIZONA/MAYNARD DON J	6617 N SCOTTSDALE RD STE 101	SCOTTSDALE	AZ	85250
WARNER ROBERT/DOLLY	8381 CLARKSON ST	THORNTON	CO	80229
FEDERAL NATIONAL MORTGAGE ASSOCIATION	14221 DALLAS PKWY STE-1000	DALLAS	TX	75254
POWER DANE/SUSAN	16451 N MARKET ST	SURPRISE	AZ	85374
BOOTH MICHAEL/MARY	13287 W POST DR	SURPRISE	AZ	85374
DEER CREEK PROPERTIES LLC	18631 N 19TH AVE SUITE 158-460	PHOENIX	AZ	85027
WANGLER JIM/SANDRA LOUISE	1188 BROCKTON ST	EL CAJON	CA	92020
CLARKE KEVIN RUSSELL/JENNIFER REBECCA	13207 W DESERT ROCK DR	SURPRISE	AZ	85374
QAMO MIMOZA	1476 GOLFVIEW DR	GLENDALE	IL	60139
LOPEZ ERNIE/MEESTER JANET	13191 W DESERT ROCK DR	SURPRISE	AZ	85374
SS LAND HOLDINGS FOUR LLC	3900 E MEXICO AVE	DENVER	CO	80206
SHEPHERD THERESA A/DANIEL L	21097G 76 HWY	LACONA	IA	50139
HELMSTETLER HEIDI M/GEORGE R	13214 W MARKET ST	SURPRISE	AZ	85374
JOHNSON JODY	13220 N MARKET ST	SURPRISE	AZ	85374
MADDUX ROBIN H/WOOLEY CHAPLIN S	13226 W MARKET ST	SURPRISE	AZ	85374
STRIEDIECK WERNER B/THERESA D	13232 W MARKET ST	SURPRISE	AZ	85374
BRUNDIDGE CASPER D JR	13238 W MARKET ST	SURPRISE	AZ	85374
NATIONSTAR MORTGAGE LLC	350 HIGHLAND DR	LEWISVILLE	TX	95067
NIELSEN DEBRA	280 ROCKTON ROAD	ROSCOE	IL	61073
BLANCHARD JAMES E/MEGAN A	13336 W POST DR	SURPRISE	AZ	85355
CLOYD JOHN ALAN	7352 W BRONCO TRL	PEORIA	AZ	85353
GRIJALVA VICTORIA ROSE	13320 W POST DR	SURPRISE	AZ	85374
KOEHLER GEORGE/TOY KEELY ANN	13341 W CANYON CREEK DR	SURPRISE	AZ	85374

ALINAIZI SAMIR I/BOKTASH REEM	13256 W MARKET ST	SURPRISE	AZ	85374
EARRIS SANDRA K/SHANI D	5714 E ASHLER HILLS DR	CAVE CREEK	AZ	85331
ALLEN BENNIE J/MELISSA A	5 BRISTOL CT	MIDLAND	TX	79705
DEPORZI CAYENTANO CLAUDIO	2235 E CREST LN	PHOENIX	AZ	85024
CAROLE J SPARKS FAMILY LIVING TRUST	13280 W MARKET ST	SURPRISE	AZ	85374
MCQUEEN KENNY/MELANIE	13282 W COTTONWOOD	SURPRISE	AZ	85374
ELIE RICHARD/LAURA	13290 W COTTONWOOD ST	SURPRISE	AZ	85374
ANDREWS GENEVA M TR	13298 W COTTONWOOD ST	SURPRISE	AZ	85374
KNIGHT JOSEPH R/FLETCHER CORI J	13306 W COTTONWOOD ST	SURPRISE	AZ	85374
IH2 PROPERTY PHOENIX LP	21001 N TATUM BLVD 1630-630	PHOENIX	AZ	85050
WINTERS FRED E	14345 W SHAWNEE TRL	SURPRISE	AZ	85374
WEST POINT TOWNE CENTER COMMUNITY ASSOCIATION	4645 E COTTON GIN LOOP	PHOENIX	AZ	85040
A T & S F	2500 LOU MENK DR PO BOX 961089	FORT WORTH	TX	761610089
SCHILLER GERALD/BARBARA J	13122 W MARKET ST	SURPRISE	AZ	85374

5. Sign-in sheet for November 3, 2014 Neighborhood Meeting

Meeting – West Point Town Center Parcel 12
Comfort Inn & Suites, 13337 West Grand, Surprise, AZ 85374
November 3, 2014 at 6:00 p.m.

Name		Address	Phone	E-mail
1	Jody Johnson	13220 W Market St	(623) 332-4406	riceajody@gmail.com
2	Daniel Shepherd	13208 W Market St	(515) 321-1073	Shepherd21097@gmail.com
3	Theresa Shepherd	13208 W Market St	(515) 321-1073	Shepherd21097@gmail.com
4	Ron Boen	13160 W Market St	(701) 240-3550	rjboen@hotmail.com
5	Robin Maddux	13226 W Market St	(602) 818-7574	Rbprice13@gmail.com
6	Chaplin Wooley	13226 W Market St	(480) 333-2698	kevin@cazco.com

6. Neighborhood Meeting Written Comments

a) **Name:** Jody Johnson

Address: 13220 W Market St

Comment: I would like two courses of block to raise the block wall at the back of my property. I would also like a tree to block the view of the parking lot.

Response: There is an existing 20' sewer easement located along the property line which separates the subject site from the adjacent neighborhood. As formal development plans are prepared for the future project(s), additional analysis would need to be performed to determine the feasibility of additional screening and potential locations of trees based upon existing public utility locations.

b) **Name:** Theresa Shepherd

Address: 13208 W Market St

Comment: City requirement for trees planted on backside of access road is excellent. Understand developers concerns of trees growing into road and privacy walls but selection of taller greener trees to beautify the area is a necessity.

Response: As emphasized in the previous comment response, as formal development plans are prepared for the respective project(s). Additional analysis would need to be performed to determine the feasibility of additional screening and potential locations of trees based upon existing public utility locations. Other forms of additional screening may need to be explored.

c) **Name:** Daniel Shepherd

Address: 13208 W Market St

Comment: Elevation of businesses will create a line of sight directly into home backyards and windows. Loss of privacy, increased traffic through access road, view of backside of commercial property could impact home privacy, view and value.

Response: Extra emphasis will be placed on grading and plantings to maintain privacy. Average grades across the property are currently lower in elevation than will be needed for proper grading and drainage design of the new development site, requiring fill material to raise the existing grades for building locations. Building orientations have been aligned in such a manner as depicted on the current conceptual site plan to reduce direct visual link between potential 2nd floor building windows and adjacent properties.

d) **Name:** Rob Boen

Address: 13160 W Market St

Comment: Looks like an acceptable plan. Please consider moving the ambulance entry always from the residential side and relocating it near Grand Ave (flip flop the building).

Response: Thank you for articulating support for this plan. The mechanical center has been designed to orient the main building entry towards Grand Avenue thereby promoting orientation to the general public and responding to the Village Plan 1 goals for gateway treatments. The ambulatory function is oriented to the opposite end of the building for proper emergency service function.

7. Neighbor Letters / Petitions

----- Forwarded message -----

From: **Robert Kuhfuss** <Robert.Kuhfuss@surpriseaz.gov>
Date: Tue, Oct 21, 2014 at 6:49 PM
Subject: FW: West Point Town Center development @ Grand/Dysart
To: "abeaudoin@lvadesign.com" <abeaudoin@lvadesign.com>

Alan – here is that email from a concerned neighbor. Thanks

From: Jody Johnson [mailto:riceajody@gmail.com]
Sent: Monday, October 20, 2014 6:58 PM
To: Robert Kuhfuss
Subject: West Point Town Center development @ Grand/Dysart

Robert Kuhfuss,

Per our phone discussion on October 20, 2014, I am writing as a concerned citizen in the development of the property at Grand and Dysart.

My concerns are grading and drainage, noise, light, teenagers at a school in the neighborhood regarding language, litter, drugs and disrespectful behaviors.

My property is Lot # 293, 13220 W. Market Street. The property to be developed is directly behind my property. As I watched the land being surveyed, I became concerned so I want my concerns addressed prior to any construction.

GRADING and DRAINAGE

When I first moved here in 2009, there were many rainstorms during the winter and the property to be developed **flooded**. I am concerned that the developers may want to raise the grading of that property above mine which would result in flooding of my property, my street and/or my neighbors' properties.

NOISE

At present there is a great deal of traffic noise from Dysart, especially Honda cars very late at night. The early morning brings motorcycle noise, as well.

I am **very sensitive to higher pitches of sound**. The trains are not too bad as the pitch is more tenor level. The Honda cars whine and the thumping bass is **VERY DISTURBING**.

I am concerned about the traffic flow around the buildings but do look forward to the building abating a great deal of the disruptive traffic sounds.

I moved from a rough area in the metro area where hookers entertained their johns in the covered parking areas of my townhouse facility and I do not want to go through chasing the hookers out ever again that behavior also brought drugs and graffiti into the area.

Teenagers at schools today usually have extremely foul mouths and poor sanitation/trash disposal habits. I would encourage the school to teach good conservation habits and care of the environment. I really do not want to be confronted by obnoxious behavior on my walking exercise through MY neighborhood.

The medical facility, hopefully, will locate the emergency entrance to a side of the building rather than at the back where the noise and lights would disturb the residents in the neighborhood.

My current neighbors and I dealt with the "stimulus" improvement of the Dysart/Grand intersection with the railroad. Many a night while construction continued, noise and bright lights flooded my bedroom at 2 AM. So that is a concern of mine.

LIGHTS

Flashing emergency lights and sirens are bad enough on Grand and I am concerned about that type of lighting closer to my back windows.

I am also concerned about a two story building with lighting from its windows during the night. There is not much more disturbing than to have lights turned on full-power when one is trying to sleep.

How will the architect(s) address this issue?

FENCE

The block wall behind my property steps down one course of block from my neighbor to the north.

In years past my neighbor to the south and I have had teenagers (nobody else could scale the wall) run through our properties and jump over the block wall which is six feet high on our side and has a 1-1.5 foot drop on the side of the property to be developed.

Therefore, I request the development include an additional one-course row decorative block on that wall. The decorative block faces the property to be developed. The additional course might also encourage my neighbors to remove their landscape trimming in their own trash bins rather than throwing the clippings and branches over the wall onto the landscape buffer.

Thank you for considering my opinion and concerns.

See you on November 3, 6-7 pm at the Comfort Inn.

Regards,

Jody Johnson

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
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22 ct 2014 00:40:19 -0000

From: [Jody Johnson](#)
To: [Robert Kuhfuss](#)
Subject: West Point Town Center development @ Grand/Dysart
Date: Monday, October 20, 2014 6:57:43 PM

Robert Kuhfuss,

Per our phone discussion on October 20, 2014, I am writing as a concerned citizen in the development of the property at Grand and Dysart.

My concerns are grading and drainage, noise, light, teenagers at a school in the neighborhood regarding language, litter, drugs and disrespectful behaviors.

My property is Lot # 293, 13220 W. Market Street. The property to be developed is directly behind my property. As I watched the land being surveyed, I became concerned so I want my concerns addressed prior to any construction.

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NOISE

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I am **very sensitive to higher pitches of sound**. The trains are not too bad as the pitch is more tenor level. The Honda cars whine and the thumping bass is **VERY DISTURBING**.

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Thank you for considering my opinion and concerns.

See you on November 3, 6-7 pm at the Comfort Inn.

Regards,

Jody Johnson

From: [Lloyd Abrams](#)
To: [Robert Kuhfuss](#)
Subject: FW: US-60/Grand Ave COMPASS - 132nd Avenue - Access Management Plan Modification
Date: Monday, November 10, 2014 6:01:42 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

From: Bob Hazlett <BHazlett@azmag.gov>
Date: Friday, November 7, 2014 at 5:40 PM
To: Lloyd Abrams <Lloyd@surpriseaz.gov>, Bob Wingenroth <Bob.Wingenroth@surpriseaz.gov>, Rick Buss <Rick.Buss@surpriseaz.gov>
Cc: "Dana Owsiany (dana.owisany@surperiseaz.gov)" <dana.owisany@surperiseaz.gov>, "Pagnard, Jason" <jason.pagnard@burgessniple.com>, "Townsend, Jim K." <Jim.Townsend@wilsonco.com>, "Philip Demosthenes (pdemos@ecentral.com)" <pdemos@ecentral.com>, Eric Anderson <EAnderson@azmag.gov>
Subject: US-60/Grand Ave COMPASS - 132nd Avenue - Access Management Plan Modification

Lloyd –

Thank you for your phone call of this morning, November 7 to discuss a revision to the draft Access Management Plan for the US-60/Grand Ave corridor within the City of Surprise. The purpose of this Email is to indicate that we will recommend that Intersection S47, identified as 132nd Avenue and located at reference marker 143.2 (expressed in miles), presently identified as a right-in/right-out for traffic along inbound US-60 only, be considered as a "Green Lane" or "Florida T" intersection to allow full operational access to the property located on the west and south sides of Grand Avenue for accommodating future development, in the Access Management Plan for the US-60/Grand Avenue COMPASS study.

Please let me know if you have any additional questions. Thank you.

Bob Hazlett

MARICOPA ASSOCIATION OF GOVERNMENTS

302 N First Avenue
Suite 300
Phoenix AZ 85003-1516
602 254-6300
602 452-5026 Direct
602 254-6490 FAX
bhazlett@azmag.gov
www.azmag.gov





**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

15 October 2014

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Deborah Perry
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: Case FS14-381, West Point Towne Center

Dear Ms. Perry

Thank you for the opportunity to comment on the Development Application for the West Point Towne Center Parcel 12. The development is located on 19 acres on the Northwest corner of Grand Avenue and Dysart Road. The site is approximately 1 1/2 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

The proposed development pertains to 19 acres of the approximately 594.8 gross acres that makes up the entire West Point Town Center. The intent of the amendment request is to support a development plan for a new non-residential project, on currently undeveloped land, and change it from a "Medium Density Residential" to Commercial" land use designation. The activity as describe in the site Plan Application FS14-381 at the location described above, is compatible and consistent with the high noise or accident potential of a military airport or ancillary military facility, and will not negatively impact the flying operations at Luke AFB.

West Point Towne Center is located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential tenants about Luke AFB operations. We also recommend a review of the Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read 'J. R. Mitchell', followed by a horizontal line.

JAMES R. MITCHELL

cc:

Colonel Jeremy T. Sloane, Vice Commander, 56th Fighter Wing

Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing



CITY OF SURPRISE
Regular City Council Meeting

December 2, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	December 2, 2014	Contact Person:	Robert Kuhfuss, Community Development
Submitting Department:		District:	5
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action approving a major zoning amendment for the Planned Area Development (PAD) known as "West Point Towne Center Parcel 12", generally located at the southwest corner of Grand Avenue and Dysart Road, changing the land use classification from medium density residential to commercial; Ordinance 2014-12.

Motion:

I move to approve Ordinance 2014-12.

Background:

Alan Beaudouin of LVA Urban Design Studios, on behalf of Lexington Investments, Inc. filed an application for a Minor General Plan Amendment (GPA) together with a Major PAD Amendment (PADA) regarding Parcel 12 of the West Point Towne Center PAD. At the time of application the property was under contract with the end users initially being West-MEC, a public school district, and Emerus, a healthcare provider. West-MEC intends to develop their portion of the site (approximately 15.12 net acres) into a vocational training center geared towards high school students; however, staff recently received notice that Emerus has cancelled their contract with the seller.

Financial Impact Statement:

All activity related to the ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
- ☐ [Vicinity Map](#)
- ☐ [Zoning Amendment Part 1](#)
- ☐ [Zoning Amendment Part 2](#)
- ☐ [Zoning Amendment Part 3](#)

- ☐ [Ordinance Amending PAD](#)
- ☐ [Public Participation Report](#)
- ☐ [Neighbor Comments](#)
- ☐ [Luke AFB Comments](#)
- ☐ [MAG Comments](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Eric Fitzer, Director

Robert Kuhfuss, Planner



COMMUNITY DEVELOPMENT DEPARTMENT

Date: December 2, 2014

To: Mayor and City Council

From: Eric Fitzer, Community Development Director
Robert H. Kuhfuss, AICP, Planner II

Re: FS14-381 – West Point Towne Center Parcel 12
Major PAD Amendment

Location:

The subject property is located along Grand Avenue between the Lowe's center and Dysart Road in what is known as Parcel 12 of the West Point Towne Center PAD as shown in the attached case map.

Application Summary:

Alan Beaudouin of LVA Urban Design Studios, on behalf of Lexington Investments, Inc. filed an application for a Minor General Plan Amendment (GPA) together with a Major PAD Amendment (PADA) regarding Parcel 12 of the West Point Towne Center PAD. The property is currently under contract, with the end users initially being West-MEC, a public school district, and Emerus, a healthcare provider. West-MEC intends to develop their portion of the site (approximately 15.12 net acres) into a vocational training center geared towards high school students. Emerus initially intended to develop their portion of the site (approximately 4.0 net acres) into a medical office, out-patient surgery center and emergency room or "micro-hospital"; however, staff recently received notice that Emerus has cancelled their contract with the seller. Exact details of the development are not available as a Major Site Plan was not submitted; however, the applicant has provided a conceptual site plan, which is included as Figure 3 of the attached PAD Amendment project narrative.

Neighborhood Outreach Meeting:

The applicant held a neighborhood meeting on November 3, 2014. In addition to the owner's representative, representatives from West-MEC, and city staff, six residents attended the Neighborhood Outreach Meeting. One of the residents who attended the meeting had also e-mailed staff expressing concern about the project with regard to drainage, noise, and light trespass. That email is attached to this report. Generally, the residents requested additional buffering from the project in the form of increased tree planting and taller back yard fences. The applicant's representative did indicate that they would assess the possibility of additional landscaping as well as building alignment to reduce the direct visual link. The applicant's Public Participation Report is included as an attachment to this staff report.

History:

October 26, 1995: The City Council approved the original Planned Area Development (PAD) for West Point Towne Center under PAD95-044 per Ordinance #95-15.

April 24, 2003: The City Council approved a Major Amendment pertaining to Parcel 12 of the West Point Towne Center under PADA02-336, which served to change the land use mix of the subject property from Multi-family to Mixed Use.

September 9, 2010: The City Council approved the Village 1 Plan under Resolution #10-89.

May 14, 2013: The City Council approved the Surprise General Plan 2035 under Resolution 2013-39. Said Plan was subsequently amended by the City Council on June 25, 2013 and ratified by the voters in November of 2013.

August 20, 2014: Staff from Economic Development and Planning met with the applicant to discuss the project.

September 17, 2014: The applicant filed a request for a Concept Review under CR14-356. Said meeting was held on September 25, 2014, with comments delivered on October 2, 2014.

October 6, 2014: The applicant filed a request for a Minor General Plan Amendment (GPA) together with a Major PAD Amendment under FS14-381, the subject case.

October 10, 2014: City staff met with the applicant, ADOT and MAG to discuss issues relating to the MAG COMPASS study as they pertain to site access from Grand Avenue (US-60).

October 14, 2014: The applicant filed a request for a Final Plat relating to Parcel 12 of West Point Towne Center under FS14-390, which is under review as of the writing of this report.

October 22, 2014: Staff delivered 1st review comments relating to the Minor GPA and Major PAD Amendment under FS14-381.

October 23, 2014: Staff met with the applicant to discuss 1st review comments relating to the Minor GPA and PAD Amendment.

October 29, 2014: The applicant resubmitted FS14-381 for 2nd review.

November 3, 2014: The applicant hosted a neighborhood meeting to discuss the project.

November 10, 2014: Staff received notice that Emerus cancelled their contract with the seller.

PAD Amendment Summary:

The applicant proposes a Major Amendment to Parcel 12 of the West Point Towne Center PAD for the purpose of changing the zoning of said parcel from Mixed Use to Commercial. Uses allowed per the proposed amendment are listed in Section 4.3 of the attached narrative and are generally consistent with the uses typically found in the CC and/or CR zoning districts. Temporary Uses, Development Standards, Parking and Signage are discussed in Sections 4.4, 4.5, 4.6 and 4.7, respectively. Design Guidelines for Landscaping and Architecture are included in the appendices to the narrative.

Access to the site will be via three existing curb-cuts located in along Grand Avenue, with two additional points of access to occur from Dysart Road. One of the existing access points along Grand Avenue is currently outfitted with a traffic signal; however, that signal is not currently in operation. All three access points along Grand Avenue are under review by MAG as part of their *U.S. 60 Corridor Optimization, Access Management and System Study* (COMPASS). That study has not yet been completed, but MAG recently indicated agreement with a “Florida T” configuration at the location of the currently bagged signal.

In addition to the three access points along Grand Avenue, the applicant proposes two new access points along Dysart Road. The northernmost Dysart Road entrance will be right-in/right-out only, while the southernmost entrance will accommodate access to the larger site using full turning movements. The southernmost Dysart access will be also aligned with the existing Market Street intersection.

West-MEC states that in order for the proposed school to function properly, all three access points along Grand Avenue must remain intact and the existing traffic signal must be placed into operation. ADOT has indicated that they have no desire to maintain said traffic signal and that any future operation and maintenance costs should be borne by the city.

The General Plan, and more specifically, the Village 1 Plan, seeks to enhance the vibrancy of the community through urban design. These enhancements include pedestrian connectivity, distinctive “360-degree” architecture, appropriate scale, landscape and hardscape, etc. To further this goal, staff requested that both the hospital facility and the school locate their respective buildings as close to the Grand Avenue frontage as reasonably practicable; however, in order to meet programming needs, the hospital requested they be able to site their building in a manner as to allow vehicular circulation around the entire building, which staff believed to be a reasonable compromise.

While the end users agreed to set their respective buildings close to the Grand Avenue frontage, the proposed development standards include a 35’ minimum setback from Grand Avenue. This distance generally accommodates a series of existing easements and would be fully landscaped, but is a minimum standard, which means that a greater distance would be allowed. Since one of the goals is to enhance the urban form, a “build-to” line could be implemented, which would place a maximum setback from Grand Avenue. Recent conversations with the applicant on this issue indicated a willingness to explore a build-to

line. Should the Commission wish to implement this, a stipulation of approval could be included to that effect.

Staff notes that while the Conceptual Site Plan (Figure 3) shows the hospital at a distance of 75' from the residential boundary, the development standards proposed under this PAD Amendment would only require a minimum 45' building setback to the adjacent residential, which is consistent with the current zoning as approved under PADA02-336. Since the hospital has elected to withdraw from this process, any future commercial development would be allowed to develop at this distance. Similarly, while the school buildings are shown at a distance of approximately 175' from the residential boundary, the school enjoys autonomy from zoning.

Since the site plan associated with this request is conceptual in nature, specific building elevations are not available; however, the applicant has provided computer generated renderings of both the hospital and the school, which depict contemporary 360-degree architecture that uses a variety of materials and textures. During the aforementioned neighborhood meeting, West-MEC presented color renderings of the existing Deer Valley campus, which depicted an attractive, contemporary architecture.

The subject request proposes certain development standards, which do not include outdoor lighting. In the absence of specific development criteria relating to outdoor lighting, the development standards associated with the current version of the Surprise Unified Development Code (SUDC) will prevail. Outdoor lighting will be assessed during site plan review through the submittal of a lighting photometric study.

West-MEC has expressed concerns over pedestrian traffic not associated with the school being directed through their campus. Staff acknowledges this concern and the fact that recent improvements to Grand Avenue included the construction of a new sidewalk adjacent to the vehicular travel lanes. The site is uniquely situated, however, in that an existing retention area is located between the property line and the existing sidewalk along Grand Avenue. This retention area has the potential of becoming a pedestrian promenade connecting the adjacent neighborhoods to the shopping venue located at the Bell Grande Center. This pedestrian connectivity can be enhanced through the construction of a pedestrian bridge over Grand Avenue. While the exact location of that bridge has not been determined, the site design anticipates such a bridge as potentially landing roughly between Sub-Parcels A and B. Preliminary discussions with ADOT indicate a willingness to explore these options.

As of the writing of this report, the applicant has not filed a Prop 207 Waiver citing concerns that to do so without understanding the conditions of approval places the owner in an unreasonable disadvantage. Staff cautions against the approval of the PAD Amendment in the absence of that waiver; however, the applicant has stated that once the conditions of approval are known, they will file the waiver if those conditions are acceptable to the owner.

Staff also points out that West-MEC has expressed concerns that the city might be attempting to impose zoning standards on their development and points out that per state statute the school district, as a special purpose government entity, is exempt from such zoning. Staff acknowledges that the District enjoys certain autonomy with respect to zoning, but requires that zoning standards be in place in the event that for any reason the school does not develop on the site. Staff notes that while the District is exempt from zoning, they are not exempt from fire, engineering, or building safety standards, which will be examined during the subsequent site plan and construction plan reviews.

All activity related to the ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region. The extent of that impact is not known at this time; however, that impact could include the cost of maintaining the existing traffic signal at the Grand Avenue entrance to the site along with potential right-of-way improvements related to the control of turning movements to and from the site. As initially proposed, staff estimated, the project would generate approximately 20 to 40 million in capital investment while producing between 75 and 150 jobs, although these figures are likely reduced with the hospital's withdrawal from the process.

Findings:

- The proposed PAD Amendment is consistent with the Surprise General Plan 2035, amended as proposed by the related Minor General Plan Amendment.
- The proposed PAD Amendment is consistent with the Village 1 Plan.
- The proposed PAD Amendment will provide the opportunity to develop the site in an appropriate manner, while generating a significant number of jobs in the community.

Recommendation:

Based on the Findings noted above, should the Commission move to recommend approval of the related Minor General Plan Amendment, and provided the applicant submits the required Prop 207 Waiver, staff then recommends the Commission move to recommend approval of the subject Major PAD Amendment, subject to the following stipulations:

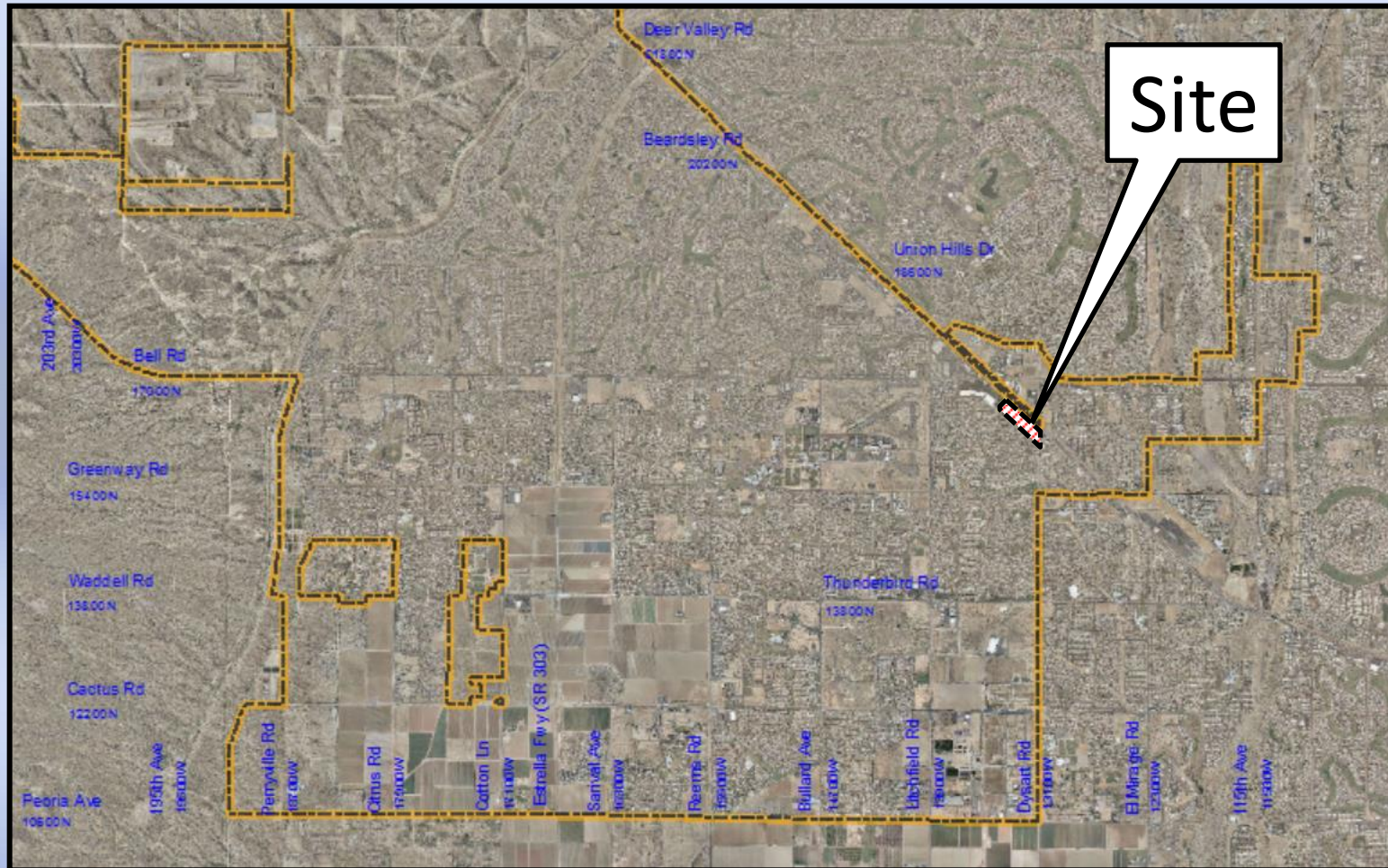
1. The Traffic Signal Warrant Analysis prepared by CivTech, dated 10/13/14 will be revised and submitted for review to address the following:
 - a. Final approval for access points and traffic control will be dependent upon final demonstration that warrants are met.
 - b. All figures/volumes should be updated to correlate with Figure 1 which accurately represents the intersection configurations.
2. The AutoCAD files for ALTA Surveys, boundary for General Plan Amendment Area and boundary for PAD (zoning) area were submitted in an assumed coordinate system and will need to be re-submitted following the below requirements.

Required disk format / record electronic files: CAD files (.dwg) shall be provided in the latest commercially available release of AutoCAD. Drawings are to be purged of all extraneous information, shall be “bound” to insert all reference files, shall be accompanied by any non-native fonts, and shall be free of complex file pathing which complicates file openings when transferred from the CDROM. Binding of reference files shall be done using AutoCAD’s Xref “Insert” option so as to avoid layer and block name corruption. PC compatible CD in Datum NAD 83 (2002Adjustment) Arizona State Plane Coordinate Systems, Central Zone and in decimal units. The subject parcel shall reference a minimum of two physical monuments and; the monuments shall be (a) section corner(s) and /or quarter corner(s) as surveyed under the Maricopa County Geodetic Densification and Cadastral Survey (GDACS) project and/or monuments recognized by the National Geodetic Survey (NGS) as B order or better. See Maricopa Website for details at www.mcdot.maricopa.gov/survey/home.htm.

Attached:

Area Map
Vicinity Map
Zoning Case Map
Major PAD Amendment Narrative Report
Public Participation Report
Letter from Luke Air Force Base
Email from MAG
Email of concern
PADA Ordinance

AREA MAP



VICINITY MAP



West Point Towne Center
PAD Boundary

Site

Grand Avenue

Bell Road

El Mirage Road

Greenway Road

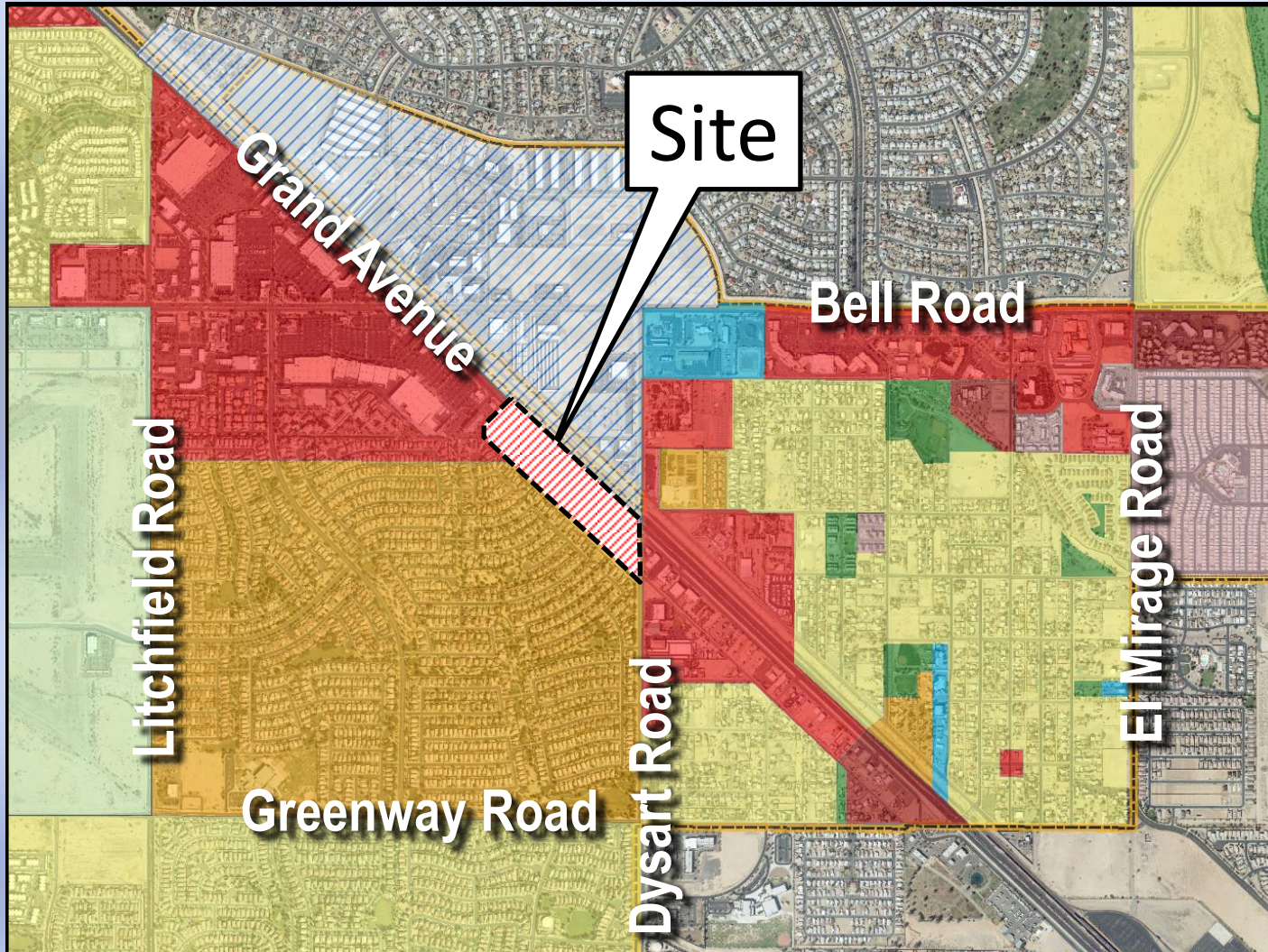
Litchfield Road

Waddell Road

Dysart Road

Bullard Avenue

EXISTING LAND USE



Legend

General Plan Land Use 2035

- Open Space
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Employment
- Public Facilities
- Surprise Center

GPA CASE MAP

Changing the General Plan Land Use Designation from MDR to Commercial



WEST POINT TOWNE CENTER
Development Parcel 12
Surprise, Arizona

PLANNED AREA DEVELOPMENT (PAD) AMENDMENT



Case #: FS14-381

Submitted: October 6, 2014
Revised / Resubmitted: October 28, 2014

LVA urban design studio
land planning • landscape architecture

120 south ash avenue • tempe, arizona 85281 • phone: 480.994.0994

WEST POINT TOWNE CENTER
Development Parcel 12
Surprise, Arizona

Planned Area Development (PAD)
Amendment

Case# FS14-381

Submitted: October 6, 2014

Revised / Resubmitted: October 28, 2014

Prepared for:

Lexington Investments, Inc
4300 North Miller Road, #110-B
Scottsdale, AZ 85251

Project Team

Land Owner:

Mr. Gary Torhjelm
Lexington Investments, Inc
4300 North Miller Road, #110-B
Scottsdale, AZ 85251

Land Planner/Applicant:

Alan Beaudoin
LVA Urban Design Studio, LLC
120 S. Ash Avenue
Tempe, AZ 85281
(480) 994-0994
abeaudoin@lvadesign.com



Project Developers:

(Sub-Parcel A)



Gregory J. Donovan
5487 North 99th Avenue
Glendale, AZ 85305

(Sub-Parcel B)



Dudley Carpenter
10077 Grogan's Mill
Suite 100
The Woodlands, TX 77380

Project Architects:

(Sub-Parcel A)



Susan Gray, AIA
6225 North 24th Street
Suite 250
Phoenix, AZ 85016

(Sub-Parcel B)



Sam Neves
11275 S. Sam Houston
Pkwy., Suite 200
Houston, TX 77031

Traffic Engineer:



Dawn Cartier, P.E.
10605 N. Hayden Road, Suite 140
Scottsdale, AZ 85260

Civil Engineer:

TBD

WEST POINT TOWNE CENTER – Development Parcel 12

Planned Area Development Amendment

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WEST POINT TOWNE CENTER – Development Parcel 12

Planned Area Development Amendment

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- B. Development Parcel 12 Legal Description (Net Land Area)
- C. Landscape Plant Palette
- D. Design Guidelines
- E. Definitions
- F. Comprehensive Sign Plan

1.0 Introduction and Overview

1.1 Amendment Property Description and Location

The West Point Towne Center Planned Area Development is comprised of approximately 595 acres located along the west side of Grand Avenue, north and south sides of Bell Road. Consisting of 22 development parcels, the West Point Towne Center PAD was originally approved in November 1995 and has been subject to several amendments in the years since as more detailed PAD parcel development planning and construction progressed. The PAD includes various land uses which have been realized into a highly visible, robust community village area, with a high level of development quality and character.

In the time since the last PAD amendment was approved for West Point Towne Center, the City of Surprise has implemented an expanded and more detailed vision for land use planning within this project area. The West Point Towne Center lies within a 5,805 acre area which has been designated as the “Village 1” area within the City, and has been recognized within this unique core neighbor setting in Surprise. Refer to **Figure 1, *Surprise Center Village Area Map*** for a depiction of the Surprise Village 1 area, applicable Village 1 character overlay districts, and the West Point Town Center PAD boundary.

The location and shape of Development Parcel 12 is unique within the West Point Towne Center. Development Parcel 12 is a 20.8 net acre site located directly along the west side of Grand Avenue, southeast of the West Point commercial core parcel area (Surprise Marketplace) and is bounded by Dysart Road on the southeast. As one of the few remaining vacant parcels within West Point, this parcel has a long and shallow rectangular shape with approximately 1,900 feet of property frontage along Grand Avenue and only approximately 390 feet of average site depth, refer to **Figure 2, *Site Vicinity Map***. Parcel 12 is currently zoned PAD. The current mixed zoning / land use designation was a result of a previously approved PAD amendment (PADA02-336, approved 4/24/03), which in lieu of an entirely multi-family residential development plan and strict conformance with the General Plan, proposed a mixed use concept of retail commercial, office and multi-family residential to support the previously envisioned mixed land use development program.

1.2 Purpose and Intent of Amendment

The purpose of this requested amendment to refine the current approved PAD base zoning district of the West Point Towne Center as applied to development Parcel 12. The amended PAD zoning, inclusive of regulatory land uses and property development standards, will facilitate the newly envisioned development planning for Development Parcel 12 which removes the previously envisioned residential use, leaving the parcel with future commercial land use development opportunities including medical and educational development. The intent of this PAD amendment is to allow for commercial planning of Development Parcel 12, further promoting appropriate development opportunity along the busy Grand Avenue corridor and within the Bell & Grand Employment District as described within the Surprise Center Village Plan. This zone change application is intended to change the current Planned Area Development base zoning district, to a new Planned Area Development District with newly defined land uses and regulatory development standards. The requested action (approval of the new Planned Area Development) relies on Title 17 (Zoning) in effect at the time of approval of West Point Towne Center (October 26, 1995) thereby authorizing the use of the PAD base zoning district for applicability to the subject property.

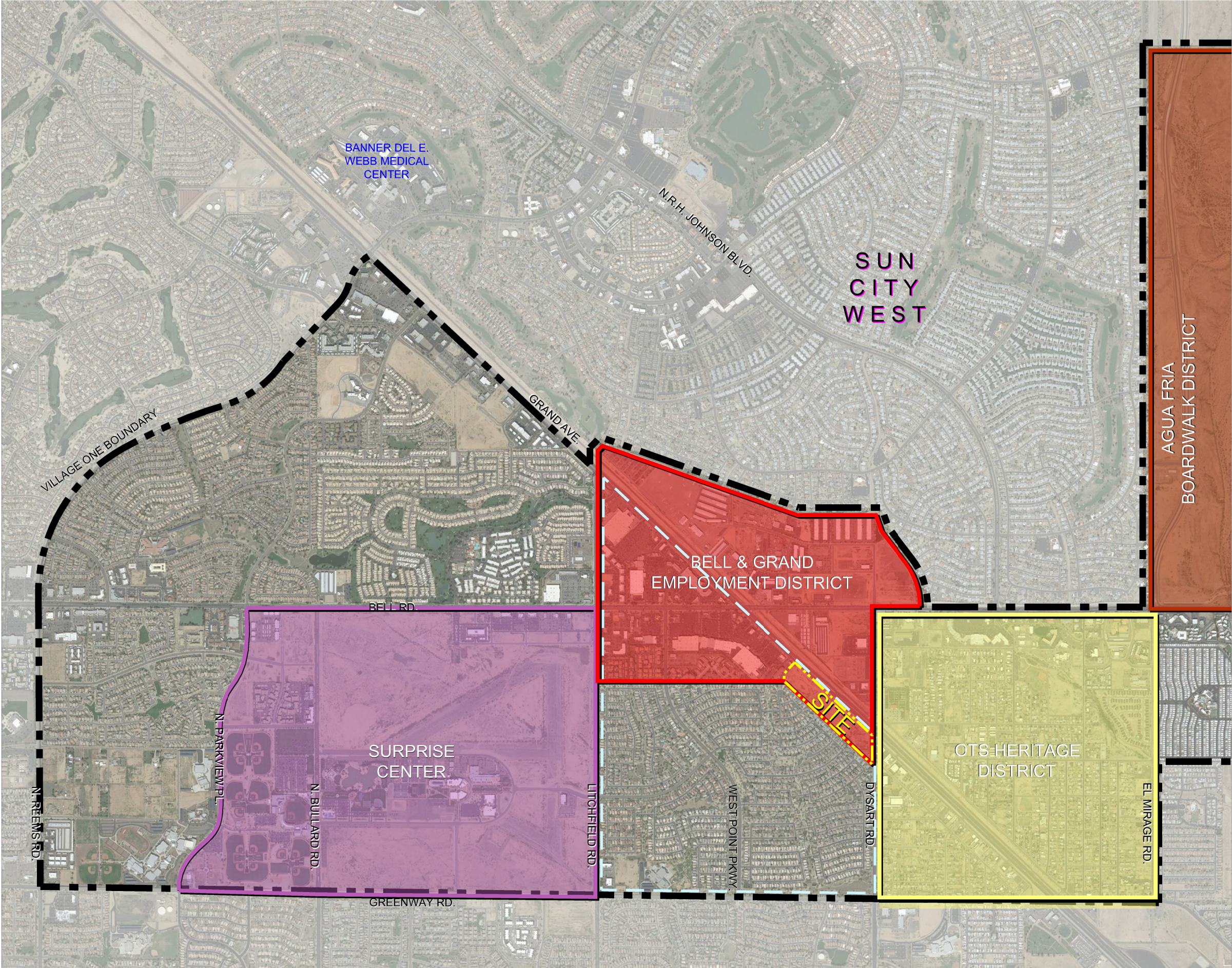
2.0 City of Surprise General Plan

2.1 Existing General Plan Land Use

The current City of Surprise General Plan, Land Use Designation, for Development Parcel 12 of West Point Towne Center is Medium Density Residential (MDR) and Commercial (C). The most recent PAD amendment for Development Parcel 12, as noted above, changed the base zoning district and proposed land use of Development Parcel 12 from purely R-3 (multi-family residential) to PAD and a mix of uses based on R-3 Multi-Family and C-2 Commercial without the requirement of processing a concurrent minor General Plan Amendment at the time.

2.2 Proposed General Plan Land Use

To support and facilitate the proposed PAD amendment, a concurrent Minor General Plan Amendment will be processed for the consideration of the City of Surprise City Council for change in the Land Use Designation. The amendment proposes to change the existing Medium Density Residential and Commercial uses to entirely a Commercial Land Use designation to support the vision of the PAD Amendment Development Plan.



WEST POINT TOWNE CENTER PARCEL 12

PAD AMENDMENT

FIGURE 1

SURPRISE VILLAGE ONE AREA MAP

LEGEND

- VILLAGE ONE BOUNDARY
- WEST POINT PAD BOUNDARY

Subject to engineering and City review and approval.

NOT TO SCALE

NORTH

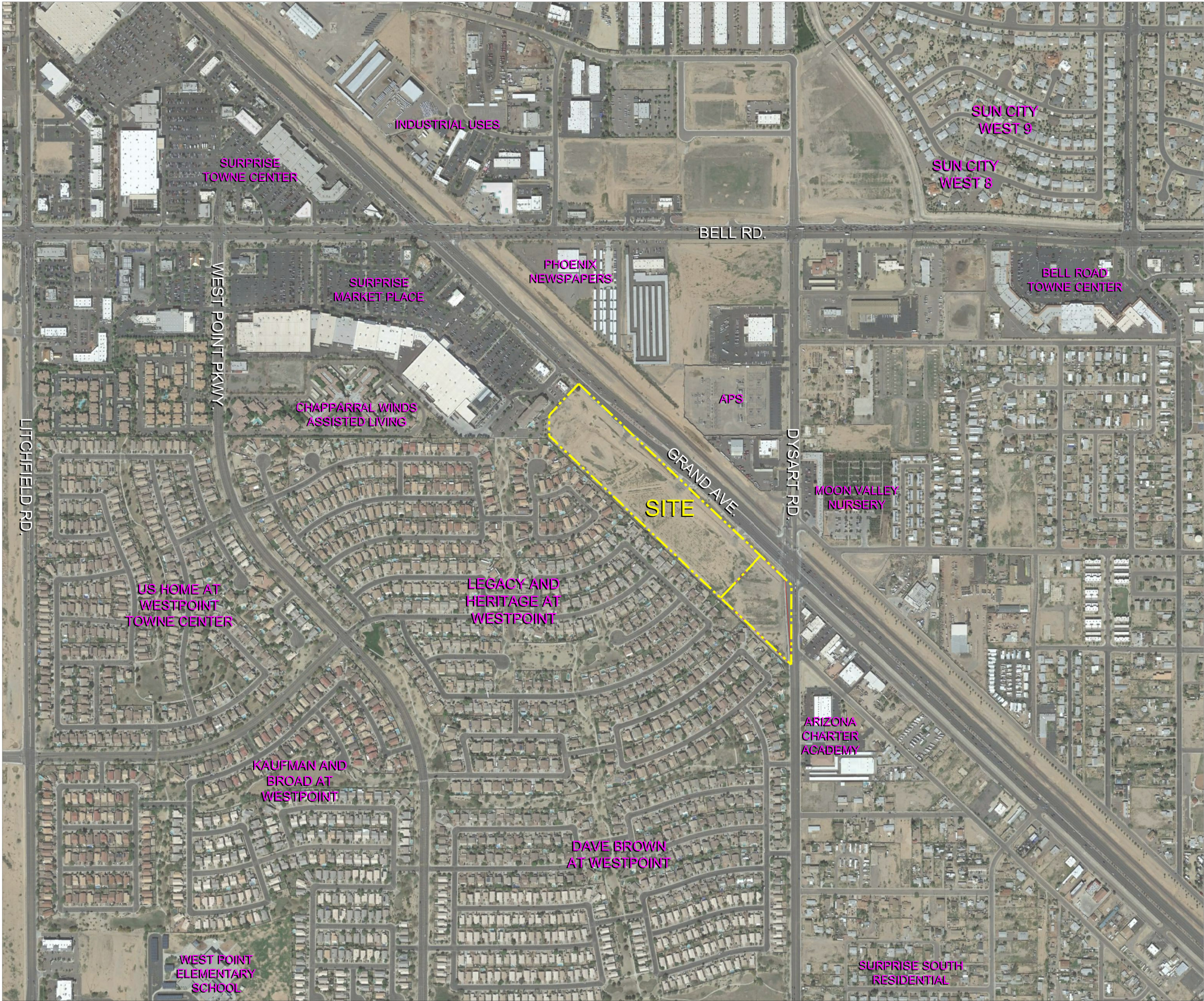
PRELIMINARY - NOT FOR CONSTRUCTION - COPYRIGHT LVA URBAN DESIGN STUDIO, L.L.C.		
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WEST POINT TOWNE CENTER PARCEL 12

PAD AMENDMENT

FIGURE 2

AREA VICINITY MAP

Subject to engineering and City review and approval.



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3.0 PAD Development Plan

3.1 Project Overview

The West Point Towne Center Development Parcel 12 property is presently envisioned to be developed with educational, medical office and emergency medical (micro-hospital) uses to be developed on separately subdivided parcels areas (Sub-parcel A and B as identified in this amendment).

The proposed PAD Conceptual Development Plan (Refer to **Figure 3, PAD Conceptual Development Plan**) envisions two future development parcels planned to be complimentary in design and site development cohesiveness. The proposed plan includes a conceptual vocational school within "Sub-parcel A" which features a series of single and two-story specialty education buildings and two-story administrative building element all oriented towards Grand Avenue. The plan includes an efficient internal access and circulation network with a thoughtful balance of parking, landscape / open space and stormwater retention areas composing the remaining site area. This concept creates a large buffer distance between proposed buildings and the existing single-family residential neighborhood located to the southwest. Adjacent to and connecting each of the conceptual school campus buildings along Grand Avenue is an on-site promenade walkway, which could also be extended for site pedestrian connectivity to the neighboring Sub parcel B development, and on to the intersection of Grand Avenue and Dysart Road as depicted on Figure 3.

"Sub parcel B", located at the southeastern end of the property, has been conceptually planned with a proposed 2 story medical office and micro-hospital building at the direct intersection of Dysart Road and Grand Avenue. Placement and orientation of the medical building responds to the visibility from adjacent roadways and needed on-site circulation areas to facilitate efficient emergency health, and wellness functions. The scale of the proposed medical facility is that of a smaller community-based provider with very limited in-stay patients and highly efficient emergency medical services.

3.2 Access and Circulation

Overall vehicular site access to Development Parcel 12 will occur via three existing constructed connection points along Grand Avenue for direct access to Sub parcel A, and two points of access proposed along Dysart Road for direct access to Sub parcel B. Multiple property cross-access corridors will allow both parcel uses access to each surrounding roadway. These have been depicted on the conceptual plan and would facilitate the future need for cross-access easement agreements between the future subdivided parcel ownership entities.

Of the three existing connection points to Grand Avenue, the access which is most centralized to the property currently has a traffic signal installed which is non-activated at this time. The signal was installed originally by the West Point Towne Center master developer in anticipation of the previously approved high-density residential and mixed-use land uses planned for Parcel 12. This point of access will serve as the main entry to the sub-parcel A development area and possibly be enhanced with landscaping and business identification monument sign elements which complement the overall design character. This access with a future activated traffic signal is essential to the establishment and

success of these planned uses with consideration of safe and efficient movements. Ultimately, the activation of the traffic signal is dependent upon an expression of regional transportation support by the City of Surprise and subsequent approval by the Arizona Department of Transportation.

Although there have recently been tentative discussions involving the Arizona Department of Transportation and Maricopa Associations of Government, which contemplate removal of this traffic signal, the anticipated traffic associated with the conceptual development plan will require controlled traffic movements to function efficiently. As indicated in **Appendix A, Traffic Signal Warrant Analysis** (under a separate cover), the inclusion and activation of this signalized connection point is critical to the successful operations of the conceptual development plan. As typically observed with vocational school development, peak hour traffic demands can be heavy, and drive a clear need for a centralized and controlled full-motion point of access and egress. The internal site drive lane, which connects to the signalized access point, has been designed to accommodate significant vehicle stacking during these peak hours with minimal interference to parking areas or neighboring parcel cross-access locations.

Pedestrian access to the development is an important factor. Primary points of pedestrian connectivity to perimeter roadways will occur via sidewalk connections to existing public sidewalks adjacent to existing and proposed driveway locations. Additional off-site connectivity may occur via an on-site promenade walkway which can function as a main student circulator on the school campus and provide opportunity for continuation to the neighboring development and potentially further on to a connection near the intersection of Grand Avenue and Dysart Road.

3.3 Landscaping

Landscaping within the established West Point Towne Center has been guided over the years by the original PAD approval and Landscaping Standards contained therein. Landscape materials commonly utilized are primarily low-water use xeriscape plant materials with focus on native tree species across the cohesive development. **Appendix C, Landscape Plant Palette**, has been included to guide the landscape design materials selected for this development parcel. Furthermore, **Appendix D, Design Guidelines**, also provides guidelines related to site and landscape design elements.

This amendment for Development Parcel 12 intends to follow the approved landscaping design guidelines for West Point Towne Center. Landscape areas shall utilize low-water usage plant materials with an underground watering system to be appropriately maintained by the property owner(s). Detailed landscaping plans for individual commercial developments shall be submitted for review by the City to ensure continuity of a quality landscaped environment during the future Site Plan Review Process. However, it should be noted that the PAD Conceptual Development Plan, included with this request, includes a vocational school campus element. The potential educational school campus development would strive to minimize the number of canopy trees as would typically be required for a common commercial development of similar scale. Excessive landscaping and on-site trees are not viewed as beneficial to the internal campus planning. Referring to footnote (1) on Table 2 of this narrative, public school entities reserve autonomous development rights granted by the State of Arizona to consider what may be dictated by this PAD or local jurisdictional zoning ordinances. This includes deviations from recognized typical

commercial landscape development standards within the City of Surprise. Should a school project not proceed, non-educational uses do not reserve the right of autonomy and would be expected to development in compliance with the approved zoning standards.

It should also be noted that both the front and rear property boundaries of Development Parcel 12, which front Grand Avenue and border the existing residential neighborhood to the south west, are encumbered by existing 20-foot wide Sewer Easements with sewer services. Landscape materials in these areas will respond appropriately to design constraints which may be associated with the existing easements.

3.4 Utility Infrastructure

As one of the few remaining vacant parcels within the West Point Towne Center, Development Parcel 12 will benefit from the existing infrastructure already constructed to support the intended development plan. The original West Point Towne Center PAD addressed the provision of utilities to all parcels in the project and this infrastructure is still applicable, appropriately sized and available to support the development plan. Water, Sewer, Electric and Telephone/Data are adjacent to the site or immediately accessible. All required codes and standards will be met in the construction of utilities to serve the site development.

4.0 Regulatory Development Standards

4.1 Purpose and Intent

This section contains the land use and regulatory development provisions to implement the West Point Towne Center Development Parcel 12 Planned Area Development Land Use and Development program. All design documents will comply with the City, County, and State policies and guidelines in place at the time of permitting, as amended.

4.2 Land Use

The land uses proposed for the West Point Development Parcel 12 property are specific for the West Point Town Center property and are provided in Table 1 below.

4.3 Permitted Use List

The following list of uses defined with **Table 1, Land Uses**, is intended to define principally permitted uses, conditional uses, and accessory uses within West Point Parcel 12 development.

Principally Permitted Uses: A principally permitted use is designated with a “P”. Principally permitted uses are allowed by right within the designated land use district.

Conditional Uses: A conditional use is designated with a “C”. Conditional uses must obtain City Planning Commission approval, following the procedures defined within **Section 122-150.d** of the Surprise Unified Development Code (as adopted on May 14, 2009, eff. June 14, 2009, or as subsequently amended).

Accessory Use: An accessory use is designated with an “A”. Accessory uses are uses that are customary and incidental to the primary use of the property.

The list of uses in the tables below is descriptive in nature and does not necessarily represent the full extent of uses allowed. If a specific use is not provided on the list, the property owner, developer or developer’s representative may request an interpretation of analogous uses to the defined list provided below from the City of Surprise Planning Director. The Planning Director may administratively approve a use analogous to those listed below.

4.3.1 Land Uses

Table 1, Land Uses, identifies the principally permitted uses, conditional uses, and accessory uses for Development Parcel 12 within the West Pointe Town Center PAD.

Table 1: Development Parcel 12 Land Uses	
Land Use	Use Type
Animal Hospitals / Clinic	P
Alcohol – Bar and/or Tavern, Microbrewery	P
Alcohol – Beverage Retail Sales	P
Ambulance Service	P

Ammunition and Firearms Sales	P
Animal Hotel / Overnight Stay	P
Appliance sales, service	P
Art/craft studio	P
Athletic clubs, health and fitness facilities	P
Automobile repair, tire sales, repair and mounting (exclude auto body)	C
Automobile washing establishments, including un-manned drive through and full service wash and detailing	C
Bakery (for on-site sales less than 3,500 square feet)	P
Banks and other financial institutions (including drive thru facilities)	P
Barber shop and beauty salons	P
Blueprint shop and photo processing	P
Bowling alley	P
Business and office machine sales, service and repair shop	P
Church, religious institution	P
Clothing alterations	P
Clothing and costume rental shop	P
Clubhouse, Private including Lodges	P
Commercial parking lots	P
Commercial recreation	P
Community facilities or public meeting hall	P
Convenience store, gas pumps	P
Costume dressmaking, furrier, or tailor shop employing five persons or less	P
Dance or theatrical studio	P
Daycare Center (Child or Adult)	P
Delicatessen and catering establishment	P
Drive-Through Facilities	C
Dry cleaning and laundry	P
Emergency care clinic (24 hours)	P
Essential public service or utility installation	P
Farmers market	P
Florist	P
Galleries, Studios, Auditoriums	P
Game rooms, pool halls	P
General service uses including business, personal and professional services establishments	P
General retail businesses engaged in direct sales to the ultimate consumer	P
Greenhouse	P
Hardware store	P

Hospital	P
Interior decorator's shop	P
Library	P
Live-Work / Work-Live	C
Lock and key shop	P
Massage - Therapeutic	P
Medical, dental, health clinics or Laboratory	P
Medical Hospital or Outpatient Facility	P
Medical Office	P
Museum	P
Music studio	P
Nursery (Growing, display, or sale of plant stock, seeds, or other horticultural items)	P
Office	P
Personal Service Establishment (A facility for the sale of personal services. Typical personal service uses include arts and craft studios, banks, barber/beauty shops, locksmith, shoe repair, tailors, photo studios, laundry, cleaning pickup and receiving station, safe deposit boxes, travel agencies, printing or copy shops, savings and loan, appliance repair)	P
Pharmacy (with drive thru facilities)	P
Photographic studio	P
Pool service and supply store	P
Post Office	P
Printing and publishing house	P
Public buildings	P
Radio and television studio	P
Restaurant – Sit-down (Principally for the sale and consumption of food on the premises)	P
Restaurant, Convenience (Sale and consumption of food which has direct window service allowing customers to pick up food for off-premise consumption.	P
Restaurant (with drive thru facilities)	P
Retail Shopping Establishment (Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, arts, gifts, flowers and household plants, dry goods, food, floor covering, home décor, toys, furniture, antiques, hardware, appliances, books and stationary, pets, drugs, auto parts and accessories, and similar consumer goods. Food store uses include grocery, delicatessen, catering, and convenience and specialty foods stores.	P
Retail – Residential/Office - Residential/ Retail – Office - Residential	C
School – University or College	P
School – Pre-K through 12	P
School – Specialty or Trade	P

Small animal grooming	P
Sports equipment sales and service	P
Theaters – Indoor	P
Vehicle Fueling Stations	P
Vehicle Service (Minor Repair)	C
Veterinary clinic (completely indoors)	P
Video arcade (all ages only, no adult-oriented)	P
Watch repair shop	P
Wireless communication facilities	C

Permitted Accessory Uses and Structures	
Business Signs	A
Car Port or Parking Shade Canopies (Steel, Solar collection panel or fabric structure)	A
Trash receptacles	A
Temporary buildings incidental to construction work	A

4.4 Temporary Use / Special Event Permit

The temporary use / special event permit allows for short-term activities that may be appropriate on an interim basis without requiring full compliance with the development standards of the land use district or by which the city permit seasonal or transient uses not otherwise permitted.

Temporary use / Special Event permits shall comply with the approval criteria outlined within **Section 122-47** of the Surprise Unified Development Code (as adopted on May 14, 2009, eff. June 14, 2009), shall be administratively approved following the procedures defined within **Section 122-150.d** of the Surprise Unified Development Code (as adopted on May 14, 2009, eff. June 14, 2009, or as subsequently amended).

4.5 Development Standards

The provision of development standards protects the future property owners as well as the adjacent existing, and future, property owners within the greater West Point Towne Center PAD and surrounding community. The standards are intended to preserve and protect the public health, safety and welfare, and provide appropriate transitions and compatibility between land uses within West Point Towne Center and adjacent properties. The standards identified herein have been established for yard, height, bulk and area requirements.

4.5.1 Development Standards

Table 2, Development Standards, provides the bulk regulatory development standards which are consistent with the West Point Towne Center established standards (as last amended in 2003), and that will apply to all uses within the Development Parcel 12 development plan.

Table 2: Development Parcel 12 – Development Standards (1)

Standards	Requirement
Minimum Lot Width (except for corner lots)	100-feet
Minimum Lot Width for corner lots	150-feet
Building Setbacks (feet)(2)	
Front	35
Interior Side	15
Corner Side	25
Rear Yard	15
Residential Zoning Boundary	45(4)
Parking Lot Setbacks (feet)	
Front	10
Interior Side	5
Corner Side	5
Rear	10
Residential Zone Boundary	10
Maximum Building Height (feet) (3)	35
Minimum Landscaped Area	15% of Net Site Area

- (1) As recognized to be governed under a higher jurisdictional authority than the City of Surprise, the development of a vocational school as permitted by Table 1 (Land Uses), inclusive to a Public School District, the Development Standards contained within this section are to be considered by a District and not strictly enforced by the City of Surprise.
- (2) Required yards fronting on a public street in a Commercial district shall be entirely landscaped excluding driveways or walkways.
- (3) A building or structure may exceed 35-feet in height if the portion of the building which exceeds 35-feet is so constructed that it cannot be used or occupied by humans for any purpose, and if the Planning and Zoning Commission approves the extension above 35-feet prior to the commencement of construction. For buildings approved in excess of 35-feet, the minimum front and side yard setbacks shall be increased by 3-foot for every 1-foot of building height in excess of 35-feet to a maximum building height of 45-feet.
- (4) Shade and/or solar canopies provided for surface parking areas shall be permitted to encroach within the required building setback up to 10-feet maximum as an accessory structure to a permitted land use.

4.5.2 Additional Building and Performance Standards

Development on Development Parcel 12 shall, except as otherwise provided in the West Point Towne Center PAD, will be subject to all applicable requirements of Title 17, Chapter 17.32, General Building and Performance Standards of the Surprise Municipal Code adopted at the time of the West Point PAD approval.

4.6 Off-Street Parking

This section sets minimum standards for off-street parking requirements for new construction within West Point Towne Center Parcel 12. The PAD Amendment shall comply with additional requirements as defined within **Section 122-133 and 122-134** of the of the Surprise Unified Development Code (as adopted on May 14, 2009, eff. June 14, 2009), except where in direct conflict with a development standard, regulation or procedure defined with this PAD Amendment, and with the following revisions or additions,

1. **Required Parking Ratios:** The following table shall apply to parking ratios required for Parcel 12. Gross Floor Area (GFA) – Shall mean floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Table 3 : Development Parcel 12 - Required Parking Ratios			
Use/Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Commercial Buildings			
Commercial center	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.
Shop or store building with drive-through facility	1 per 250 sf GFA	1 per 140 sf GFA	1 per 10 vehicle spaces. Max 4.
Restaurant, with incidental consumption of alcoholic beverages	1 per 75 sf GFA	1 per 50 sf GFA	1 per 20 vehicle spaces
Stand-alone store or shop building	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
Department store building	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.
Warehouse discount store/superstore	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.

Market shops, including open markets	1 per 100 sf gross public sales area	1.5 per 100 sf gross sales area	1 per 10 vehicle spaces
Gasoline station	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	4
Automobile repair and service structures	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	4
Car dealer	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	4
Bus, truck, mobile homes, or large vehicle dealers	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	4
Bicycle, motorcycle, all- terrain vehicle dealers	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	1 per 4 vehicle spaces
Boat or marine craft dealer	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	4
Parts, accessories, or tires	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	4
Gasoline service	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	4
Lumberyard and building materials	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	4
Outdoor resale business	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	4
Pawnshops	1 per 300 GFA	1 per 150 sf GFA	1 per 20 vehicle spaces
Beer, wine, and liquor store (off-premises consumption of alcohol)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces

Neighborhood shopping center (convenience with one or more anchors)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Community shopping center and/or Regional shopping center (general merchandise with two or more anchors)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.
Fashion/specialty center (higher-end, fashion-oriented stores)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.
Power center (category-dominated anchors with few small tenants)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.
Theme or festival center (leisure, tourist-oriented restaurants)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Outlet or discount center (manufacturer outlet stores)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.
Convenience stores or centers	6 per 1,000 sf GFA	10 per 1,000 sf GFA	1 per 10 vehicle spaces
Car care center	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	4
Car washes	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	8
Self-serve car washes	3	5	—
Office	1 per 350 sf GFA	1 per 140 sf GFA	1 per 20 vehicle spaces
Vehicle rental and leasing	1 per 1,000 sf GFA	1 per 200 sf GFA	4

Bars, taverns, nightclubs	1 per 2 seats	1 per 1.5 seats	1 per 20 vehicle spaces
Camps, camping, and related establishments	1 per 4 camp sites, plus 2 per laundry and shower facility	1 per 1 camp site	1 per 4 camp sites
Public Assembly Structures			
Theater (movie and performance)	1 per 4 seats	1 per 2 seats	1 per 10 vehicle spaces
Indoor games facility	5 per 1,000 sf GFA	6 per 1,000 sf GFA	1 per 10 vehicle spaces
Amusement, sports, or recreation establishment (not specifically enumerated)	1 per 4 seats or 1 per 50 sf of GFA if no permanent seats	1 per 2 seats or 1 per 30 sf of GFA if no permanent seats	1 per 10 vehicle spaces
Miniature golf establishment	1 per hole	2 per hole	1 per 10 vehicle spaces
Fitness, recreational sports, gym, or athletic club	4 per 1,000 sf GFA	10 per 1,000 sf GFA	1 per 10 vehicle spaces
Bowling, billiards, pool, etc.	2 per lane	4 per lane	1 per 10 vehicle spaces
Skating rinks	5 per 1,000 sf GFA	7 per 1,000 sf GFA	1 per 10 vehicle spaces
Exhibition, convention, or conference structure	1 per 4 seats or 1 per 50 sf of GFA if no permanent seats	1 per 2 seats or 1 per 30 sf of GFA	1 per 20 vehicle spaces
Churches, temples, synagogues, mosques, and other religious facilities	1 per 4 seats	1 per 2 seats	1 per 15 vehicle spaces
Institutional or Community Facilities			
Hospital building	1 per 400 sf GFA	1 per 100 sf GFA	1 per 20 vehicle spaces
Medical clinic building	1 per 400 sf GFA	1 per 100 sf GFA	1 per 20 vehicle spaces

Social assistance, welfare, and charitable services (not otherwise enumerated)	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Child and youth services	1 per 375 sf GFA	1.5 per 375 sf GFA	1 per 20 vehicle spaces
Day care center	1 per 375 sf GFA	1.5 per 375 sf GFA	4
Community services (food, relief, elderly, disabled)	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Animal hospitals	1 per employee	—	4
Grade school	2 per classroom	3 per classroom	1 per 10 students
College or university facility	1 per 4 students	1 per 2 students	1 per 5 vehicle spaces
High school grades 10th-12th	1 per 6 students	1 per 2 students	1 per 5 vehicle spaces
Trade or specialty school facility	1 per 200 sf	1 per 150 sf	1 per 10 students
Library building	1 per 300 sf GFA	1 per 125 sf GFA	1 per 20 vehicle spaces
Museum, exhibition, or similar facility	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf
Funeral homes and/or cremation facilities	1 per 4 seats	1 per 2 seats	—
Clubs or lodges	1 per 300 sf	—	1 per 20 vehicle spaces
Agriculture, Forestry, Fishing, and Hunting			
Greenhouse/nursery	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	4

2. Vehicle Overhang: Where required off-street parking space is designed to abut a landscaped area that is a minimum of six feet wide or a sidewalk or pedestrian pathway that is a minimum of six feet wide not including the curb width (eight feet wide if head-on parking on both sides), the length of any such parking spaces may be reduced by two feet for spaces that provide concrete curbing adjacent to such landscape area or

sidewalk in lieu of bumper barriers. Vertical growth landscaping (not including groundcover) shall be setback at least two-feet to allow for the vehicle overhang.

3. Parking Lot Screening: All surface parking lots shall be screened from view from the public street with a decorative screen wall, earth berm, solid landscape hedge or some combination of the three to a height of between thirty-six (36) inches and forty-eight (48) inches measured from the top of curb of the adjoining street.

4.7 Signs

Sign requirements for West Point Development Parcel 12 will remain consistent with general requirements and theme outlined in the West Point Towne Center PAD Design Guidelines and will be designed to provide a consistent reinforcement of the project design theme. In support of the General Plan and Village 1 Plan; with recognition of the importance of Grand Avenue and the City of Surprise goals for “gateways” along this corridor; in celebration of the success of West Point Towne Center as a unified District; and in recognition of the proximity to the Old Towne Square Heritage District; this PAD proposes the addition of a West Point District Identification Sign at the defined pedestrian node and the intersection of Grand Avenue and Dysart Road. This monument will be integrated with the pedestrian node collectively acting to demarcate a “gateway”.

West Point Monument Sign / Village Gateway



Table 4 below, includes sign standards intended for West Point Development Parcel 12. These standards include sign types, function, location, quantity, height, area, illumination and material intended for the design and installation of signs. Figure 3, *Conceptual Development Plan*, provides locational references for the Individual Tenant Identification Sign while the table below provides additional references to location for other sign types. A

Comprehensive Sign Plan has been reserved for addition in **Appendix F**. The Comprehensive Sign Plan will be prepared to include intended form, material, color, height, area and placement of all ground mounted Freestanding Tenant Identification signs and all Wall Mounted signs. This Plan will include a plan view indicating all locations of ground mounted and wall mounted signs, elevations and sections of signs as necessary to demonstrate design character, materials, color, height and area. The Plan will be administratively reviewed, approved by the City of Surprise and incorporated as a replacement sheet(s) into Appendix F and is required prior to the issuance of the first sign permit in Development Parcel 12.

Table 4 : Development Parcel 12 Sign Standards				
Sign	Type	Function	Location	Quantity
West Point Identification	Freestanding	District Identification	Grand Avenue at Dysart Road	1
Individual Tenant Identification	Freestanding	Tenant Identification	3 - Grand Avenue; 1 - Dysart Road	4
Wall Mounted Corporate Identification	Wall Mount	Tenant Identification	All elevations except southwest (neighborhood)	1 per building
Wall Mounted Corporate Logo	Wall Mount	Logo	All elevations except southwest (neighborhood)	3 per building
Emergency	Wall Mount	Emergency Directional	Building Canopy Mounted – All elevations	6
Way Finding	Freestanding	Directional	Unspecified as needed	Unspecified as needed

Table 4 : Development Parcel 12 Sign Standards (Continued)				
Sign	Height	Area	Illumination	Material
West Point Identification	6' Maximum	50 square feet	Indirect Illumination	Individually cut metal letters with logo applied to stone veneer wall
Individual Tenant Identification	10' Maximum	80 square feet	Fluorescent / Neon Internally Illuminated	Masonry stone base with panaflex sign face and/or acrylic
Wall Mounted Corporate	35' Maximum, or no closer to	1.25 square feet per 1	Fluorescent / Neon Internally	Painted metal

Identification	roofline than one-half the vertical dimension of the sign	linear feet of building elevation upon which the sign(s) is placed	Illuminated	casement with Plexiglas face
Wall Mounted Corporate Logo	35' Maximum, or no closer to roofline than one-half the vertical dimension of the sign	1.25 square feet per 1 linear feet of building elevation upon which the sign(s) is placed	Fluorescent / Neon Internally Illuminated	Painted metal casement with Plexiglas face
Emergency	20' Maximum	Per State Standard	Fluorescent / Neon Internally Illuminated	Individual letters, painted metal, Plexiglas face
Way Finding	6' Maximum	6 square feet	Internally Illuminated, indirect lighting or non-illuminated.	Painted metal casement with Plexiglas face and/or painted metal

Additionally, in the event a sign standard has not been addressed by this section, sign design, permits, construction and inspections shall comply with the requirements of the City of Surprise Code of Ordinances, Part 2 Land Development Ordinances Chapter 13 as applicable and as amended over time.

5.0 Commercial Design Guidelines

The existing Design Guidelines for the West Point Towne Center are applicable to this property. Architectural guidelines have helped to establish the visual compatibility and overall quality appearance which exists in the varied themes observed throughout the West Point Towne Center today.

As outlined within Exhibit D (Design Guidelines) of the original West Pointe Town Center PAD report and **Appendix D, Design Guidelines** of this amendment request, a high-level approach was taken to the future community development aesthetic elements ranging from site and building design to landscaping and screening elements.

5.1 Architectural Character

The conceptual Architectural building character for Development Parcel 12 currently explores the union of two individualized projects through the use of consistent base

building materials, forms, site planning and landscape palate consistency. Refer to **Figure 4**, *Architectural Building Character* for conceptual building images which depict proposed material types, color tones and styles currently proposed with the conceptual development plan.



WEST POINT TOWNE CENTER PARCEL 12

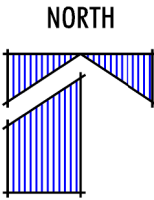
PAD AMENDMENT

FIGURE 4 ARCHITECTURAL CHARACTER



Subject to engineering and City review and approval.

NOT TO SCALE



PRELIMINARY/ - NOT FOR CONSTRUCTION - COPYRIGHT LVA URBAN DESIGN STUDIO, L.L.C.

Date.	10/06/14	Project No.	1427
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This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it is prepared. Re-use of and improper reliance on this document without written authorization and adoption by LVA Urban Design Studio, LLC shall be without liability to LVA Urban Design Studio, LLC. R:1427_West Point T.C. (CD: LVA SUBMITTAL TYPES) (EXHIBITS) PAD FIGURE 4 - ARCHITECTURAL CHARACTER.dwg 06/29/2014

Appendices

A. Traffic Signal Warrant Analysis

A traffic impact warrant analysis, prepared by Civtech and date October 2014, has been prepared and provided under separate cover.

B. Development Parcel 12 Legal Description

GROSS LAND AREA

THE FOLLOWING LAND DESCRIPTION HAS BEEN COMPILED FROM RECENT ACTUAL SURVEYS OF THE HEREIN REFERRED TO PROPERTY, AND THE LAND DESCRIBED INCLUDES THE RIGHT-OF-WAY OF GRAND AVENUE AND DYSART ROAD.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS ALSO KNOWN AS WEST POINT TOWNE CENTER PARCEL 12, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 3; SAID POINT ALSO BEING IN THE CENTERLINE OF BELL ROAD RIGHT-OF-WAY;

THENCE SOUTH 89 DEGREES 50 MINUTES 50 SECONDS EAST, A DISTANCE OF 155.30 FEET TO THE POINT OF INTERSECTION OF THE CENTERLINES OF BELL ROAD AND GRAND AVENUE ;

THENCE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID CENTERLINE OF GRAND AVENUE, A DISTANCE OF 1438.49 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID CENTERLINE OF GRAND AVENUE, A DISTANCE OF 1969.66 FEET TO THE POINT OF INTERSECTION OF THE CENTERLINES OF GRAND AVENUE AND DYSART ROAD;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID CENTERLINE OF DYSART ROAD, A DISTANCE OF 500.00 FEET TO A POINT, SAID POINT ALSO BEING THE EAST QUARTER CORNER OF AFORESAID SECTION 3;

THENCE CONTINUING SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID CENTERLINE OF DYSART ROAD, A DISTANCE OF 115.48 FEET TO A POINT IN THE CENTERLINE OF DYSART ROAD;

THENCE LEAVING THE CENTERLINE OF DYSART ROAD NORTH 89 DEGREES 55 MINUTES 32 SECONDS WEST, A DISTANCE OF 65.00 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF DYSART ROAD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF WEST POINT TOWNE CENTER PARCEL 12, ALSO BEING A CORNER OF DAVE BROWN AT WEST POINT, RECORDED IN BOOK 436 OF MAPS, PAGE 09, MARICOPA COUNTY RECORDS;

THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF DYSART ROAD NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST ALONG THE BOUNDARY LINE BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND DAVE BROWN AT WEST POINT, A DISTANCE OF 425.75 FEET TO THE SOUTHEAST CORNER OF RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWNE CENTER, RECORDED IN BOOK 447 OF MAPS, PAGE 29, MARICOPA COUNTY RECORDS;

THENCE CONTINUING NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST ALONG THE BOUNDARY LINE BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWNE CENTER, A DISTANCE OF 1825.52 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWNE CENTER, AND SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SURPRISE MARKETPLACE, RECORDED IN BOOK 673 OF MAPS, PAGE 26, MARICOPA COUNTY RECORDS;

THENCE NORTH 00 DEGREES 28 MINUTES 22 SECONDS EAST, AND ALONG THE BOUNDARY LINE BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND SURPRISE MARKET PLACE, A DISTANCE OF 136.86 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, ALONG THE BOUNDARY BETWEEN WEST POINT TOWNE CENTER PARCEL 12 AND SURPRISE MARKET PLACE, A DISTANCE OF 292.27 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF GRAND AVENUE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF WEST POINT TOWNE CENTER PARCEL 12 AND THE NORTHEAST CORNER OF SURPRISE MARKET PLACE;

THENCE CONTINUING NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, A DISTANCE OF 100.00 FEET TO A POINT IN THE CENTERLINE OF GRAND AVENUE, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING

NET LAND AREA

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HAND HOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 3;

THENCE SOUTH 00 DEGREES 10 MINUTES 02 SECONDS WEST, A DISTANCE OF 65.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BELL ROAD;

THENCE SOUTH 89 DEGREES 50 MINUTES 50 SECONDS EAST, A DISTANCE OF 78.44 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF GRAND AVENUE

THENCE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1450.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1974.57 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DYSART ROAD PER PLAT OF WEST POINT TOWNE CENTER AS RECORDED IN BOOK 433 OF MAPS, PAGE 33, MARICOPA COUNTY RECORDS;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 529.33 (539.33) FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF DAVE BROWN AT WEST POINT, RECORDED IN BOOK 436 OF MAPS, PAGE 9, MARICOPA COUNTY RECORDS;

THENCE NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST ALONG SAID NORTHWESTERLY BOUNDARY, A DISTANCE OF 425.75 FEET TO THE SOUTHEAST CORNER OF RESUBDIVISION OF THE LEGACY AND HERITAGE AT WEST POINT TOWN CENTER, RECORDED IN BOOK 447 OF MAPS, PAGE 29, MARICOPA COUNTY RECORDS;

THENCE CONTINUING NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST, ALONG LAST SAID PLAT, A DISTANCE OF 1825.52 FEET TO THE NORTHEAST CORNER OF LAST SAID PLAT;

THENCE NORTH 00 DEGREES 28 MINUTES 22 SECONDS EAST, A DISTANCE OF 136.86 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, A DISTANCE OF 292.27 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE EAST HALF OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, A DISTANCE OF 2663.97 FEET;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, A DISTANCE OF 62.97 FEET;

THENCE NORTH 89 DEGREES 55 MINUTES 32 SECONDS WEST, DEPARTING SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 3, A DISTANCE OF 65.00 FEET TO A

POINT ON THE WESTERLY RIGHT OF WAY OF DYSART ROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY DYSART ROAD, A DISTANCE OF 52.48 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE PLAT OF DAVE BROWN AT WEST POINT, ACCORDING TO BOOK 436 OF MAPS, PAGE 09, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 46 DEGREES 37 MINUTES 44 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF SAID PLAT OF DAVE BROWN AT WEST POINT AND ALSO ALONG THE NORTHEASTERLY LINE OF THE RESUBDIVISION OF LEGACY AND HERITAGE AT WEST POINT TOWN CENTER, ACCORDING TO BOOK 447 OF MAPS, PAGE 29, OFFICIAL RECORDS OF MARICOPA COUNTY ARIZONA, A DISTANCE OF 654.94 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES 16 SECONDS EAST, DEPARTING SAID NORTHEASTERLY LINE OF THE RESUBDIVISIONS OF THE LEGACY AND HERITAGE AT WEST POINT TOWN CENTER, A DISTANCE OF 392.53 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF US HIGHWAY 60 ACCORDING TO A.D.O.T PROJECT NO. 060MA139H686601R;

THENCE SOUTH 46 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY OF US HIGHWAY 60, A DISTANCE OF 227.21 FEET TO A POINT ON THE WESTERLY LINE OF THAT CERTAIN PROPERTY CONVEYED TO THE CITY OF SURPRISE IN DOCUMENT NO 2009-517022, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 04 DEGREES, 29 MINUTES 55 SECONDS EAST, ALONG SAID WESTERLY LINE OF THAT CERTAIN PROPERTY CONVEYED TO THE CITY OF SURPRISE, DISTANCE OF 528.22 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

C. Landscape Plant Palette

Botanical Name

Trees

Caesalpinia species
Acacia Stenophylla
Acacia Willardiana
Acacia aneura
Acacia salicina
Acacia smallii
Parkinsonia species
Parkinsonia praecox
Chilopsis linearis
Dahlbergia sissoo
Fraxinus velutina 'Rio Grande'
Olea europaea 'Swan Hill'
Olneya tesota
Phoenix dactylifera
Ebanopsis ebano
Prosopis species
Ulmus parvifolia
Washingtonia Robusta
Pistacia chinensis
Sophora secundiflora

Botanical Name

Shrubs

Caesalpinia Mexicana
Caesalpinia pulcherrima
Calliandra species
Cassia species
Convolvulus cneorum
Cordia boissieri
Cordia parvifolia
Dalea species
Dodonea Viscosa
Justicia californica
Asclepias subulata
Ephedra species
Simmondsia chinensis
Tecoma species
Justicia spicigera
Leucophyllum species
Ruella species
Salvia species
Muhlenbergia species

Common Name

Trees

Cascalote
Shoestring acacia
Palo blanco
Mulgo
Willow acacia
Sweet acacia
Palo Verde
Palo Brea
Desert willow
Sissoo tree
Fan-Tex Ash
Swan Hill Olive
Ironwood
Date Palm
Texas Ebony
Mesquite
Evergreen Elm
Mexican Fan Palm
Chinese Pistache
Texas Mountain Laurel

Common Name

Shrubs

Mexican Yellow Bird of Paradise
Mexican Red Bird of Paradise
Fairyduster
Cassia
Siverbush Morning Glory
Texas Olive
Littleleaf Cordia
Dalea
Hopbush
Chuparosa
Desert Milkweed
Mormon Tea
Jojoba
Arizona Yellow Bells
Mexican Honeysuckle
Texas Sage
Ruellia
Salvia
Deer Grass, et. al.

Botanical Name
Groundcover/Perennials

Oenothera berlandieri
Baileya Multiradiata
Lantana species
Penstemon species
Verbena tenuisecta
Verbena rigida
Tetrameuris acaulis
Garzania species
Portulacaria afra
Teucrium species
Rosmarinus species
Eremophila species

Botanical Name
Accents

Aloe species
Agave species
Carnegiea gigantea
Dasylirion species
Ferocactus species
Fouquieria splendens
Hesperaloe parviflora
Nolina species
Hesperaloe funifera
Cereus species
Pedilanthus species
Yucca species

Botanical Name
Vines

Bougainvillea sp.
Antigonon leptopus
Callaeum macropterum
Parthenocissus
Podranea ricasoleana
Hardenbercia violacea
Jasminum Mesnyi
Macfadyena unguis – cati
Merremia aurea
Tecomaria capensis

Common Name
Groundcover/Perennials

Mexican Evening Primrose
Desert Marigold
Lantana
Penstemon
Moss Verbena
Vervain
Angelita Daisy
Gazania rigens
Elephant Food
Germander
Rosemary
Emu Bush

Common Name
Accents

Aloe
Agave
Saguaro
Sotol
Barrel Cactus
Ocotillo
Red Yucca
Bear Grass
Giant Hesperaloe
Cereus Cacti
Lady Slipper
Yucca

Common Name
Vines

Barbara Karst Bougainvillea
Queen's Wreath
Yellow Orchid Vine
Hacienda Creeper
Pink Trumpet Vine
Lilac Vine
Primrose Jasmine
Catclaw Vine
Yuca Vine
Cape Honeysuckle

D. Design Guidelines

The following Design Guidelines, as approved for the West Point Towne Center PAD, have been carried through to this amendment for applicability to Development Parcel 12. The following includes Guidelines as approved for Commercial development within West Point Towne Center. Additional Commercial Design Guidelines, administered by the City of Surprise, will be applied as required for project design review approval for non-governmental (or quasi-governmental) developments.

1. Site Development

a) Grading and Drainage

Any aesthetic landscape berming of individual lots shall not direct drainage onto adjacent lots. Berming of individual lots shall meet existing grade at a minimum of 2' from back of sidewalk, back of curb, or property line. Grade transitions shall be even and smooth. Residential runoff shall be directed to the various open space retention areas which will serve as the major drainage and retention area for the community. Drainage swales shall be designed to minimize runoff velocities in order to protect sites from erosion. Grading shall be done to minimize erosion, on-or off-site. No slopes shall be steeper than 4:1, pursuant to the standards of the City of Surprise unless approved by a soils engineer. All excavation and fill areas shall be sufficiently compacted to prevent erosion problems. Any imported soil needed to create landscape design character by screening undesirable elements such as loading and storage areas, by helping to reduce or encourage the perception of height and mass of buildings, by providing reasonable transitions between on-site uses, and by providing elevation transitions between lots to encourage on-site and off-site views. All finished grading slopes shall be stabilized and planted with those plant materials listed in the Landscape Plant Palette.

b) Set backs

Setbacks shall be as stated in the West Point Towne Center Development Parcel 12 Planned Area Development (PAD) document.

c) Lot Size and Coverage

Lot sizes will be determined in the platting process by individual Builders/Developers and approved by the City of Surprise

d) Screening of Refuse Areas

Loading docks shall be screened from the right-of-way and adjacent to residential properties. Screening techniques may include utilizing the building itself as a visual barrier, screen walls utilizing landscaping to conceal activities, a grading plan which provides a below grade dock, or a combination thereof. Refuse areas shall be enclosed within a wall structure which has an average height of 6 feet. These enclosures are encouraged to abut the building's perimeter walls and be of the same materials. Isolated enclosures along the property's perimeter are discouraged. All enclosures must be provided with a solid gate and be of a size that shall accommodate all refuse generated between collection times. Loading areas shall not disrupt normal circulation of the site. No open storage of materials, supplies or equipment shall be permitted.

e) Utility Structure Placement

All exterior on-site utilities, including, but not limited to, sewer, gas, and water lines,

and electrical, telephone, cable television and communications wires and equipment, shall be installed and maintained underground. Mechanical equipment may be roof mounted but shall be appropriately screened. Exterior transformers, utility pads, cable television, and telephone boxes are encouraged to be located out of view of the right-of-way and screened with vegetation.

2) Architecture

Architectural guidelines will help to establish visual compatibility throughout the West Point Towne Center and assure an overall quality appearance. All structures shall be of materials, colors, and styles that blend with or complement each other.

a) General Style

Architectural styles may vary from lot to lot but shall be cohesive throughout the West Point Towne Center. Diverse, but complimentary, styles are encouraged to prevent a “cookie cutter” development. Innovation is encouraged.

b) Building Orientation

Buildings can be utilized as an alternative way to screen service areas. Orient buildings to take advantage of solar access. Minimize east and west exposures to maximize energy efficiency. Provide for well-defined entries and drop-off areas for buildings.

c) Massing

Provide for consistency height, massing, and proportion. Heights shall be per the standards in the West Point Towne Center Development Parcel 12 PAD document.

d) Building Materials

Finished building materials must be applied to all exterior sides of buildings and structures. Each material will be used to express its characteristics in an appropriate manner with colors and textures compatible with the natural surroundings and other buildings and structures in the general vicinity. Permitted exterior finished materials include plaster and masonry, adobe, slump, split or textured decorative block, brick, wood and integral colored aluminum accents.

e) Roofs

Generally acceptable roof covering materials shall be concrete tile, or clay tile. “Built-up” type roof covering materials shall be appropriately screened from view with roof parapets. Roof mounted equipment shall not be visible from any public street. Such equipment must be screened through the use of roof parapets or other appropriate screening. Roof parapets must be finished with compatible material and color to the building’s skin and shall continue around all sides. Roof features such as overhead screens shade covers, patio roofs, and other similar structures are encouraged and should flow out of the building form. These features shall be constructed of materials and color to match or complement the main roof. All vent pipe stacks, gutters, flues, and any other equipment protruding above the plane of the roof and visible from neighboring properties are discouraged and, to the extent they are necessary, must be painted and/or screened to match the roof.

f) Colors

The predominant colors in the West Point Towne Center Development Parcel 12 will be pastel or natural color tones. Trim colors shall not dominate the exterior appearance and shall be of compatible color as the major color. Roof colors shall not produce glare,

such as being white, light colored aluminum, or reflective surface.

g) Accessory Buildings

Accessory buildings are allowed pursuant to the requirements and restrictions of the West Point Towne Center Development Parcel 12 PAD. Such buildings shall be painted a color to match or complement the main structure.

h) Commercial Development

Interaction of residential, park and commercial areas is encouraged through use of hardscape and trail systems. Visual access from roads and residential developments to facilitate exposure and security is recommended. Lighting shall be oriented to on-site uses to protect adjacent properties from unnecessary glare. Landscaping shall be used to break up otherwise uninterrupted building mass, frame views and connect with development on adjacent pads. Commercial developments shall be sensitive to the pedestrian, bicycle and vehicular linkage with the adjoining neighborhoods and appropriately integrate these linkages into individual developments. Ancillary structures and service areas such as trash enclosures or loading docks shall be screened from view through the combination of landscaping and walls. Trash enclosures shall have closing, lockable doors.

3) Walls and Fences

When necessary for security, screening, or to mitigate grading, walls can reinforce community identity and image. If not used carefully, however, walls can detract from the quality of open space. Walls should not be used simply to decorate property lines. Acceptable fence materials shall include but not be limited to, masonry, rails or pickets, stone, brick, or metal.

a) Guidelines

Landscape berming is encouraged as an alternative and/or as a complement to screen walls. The texture, color and form of walls adjacent to buildings shall harmonize with the building's design. Long, continuous lengths of screen wall at the same height are discouraged. Variations of height and form are encouraged. Perimeter walls should respect the right-of-way line but do not need to follow the alignment exactly. Walls and fences, under normal conditions, shall be a maximum of 6 feet, as measured from an adjacent grade along rear and side lot lines and shall conform to City zoning ordinances and visibility triangles. When walls are located adjacent to a road for decorative or screening purposes, they shall conform to City zoning ordinances and visibility triangles. Chain link fencing is not permitted for perimeter fencing. (See the Zoning Ordinance for further restrictions.) Walls and fences shall be constructed to City of Surprise engineering design standards. Open fencing may be provided adjacent to open spaces, such as decorative block and wrought iron. All parking lots adjacent to major arterial, collector, and minor roads shall be screened from the right-of-way by either walls, landscape, berms, or a combination of these. Screen walls shall be approximately 3 feet above the adjacent curb height and shall complement the materials of the building. The horizontal mass of continuous walls should be softened by landscape planting and vines. Walls built to screen ancillary structures shall complement the building materials of the principal structure.

4) Hardscape

Hardscape elements should be used in coordination with the architecture and landscape to provide a link between the street edge and individual developments and creating an overall

theme. In addition, proper hardscape can improve pedestrian safety, movement and visual enjoyment of public areas.

Patterned paving materials can be used in limited areas to emphasize entries and places of special interest. Utility lines should not be installed under such special materials if at all possible.

Possible locations are as follows:

- | | |
|----------------------|--------------------------|
| a. community entries | e. trail/road crossings |
| b. plazas | f. private walks |
| c. village entries | g. residential driveways |
| d. cul-de-sac courts | h. major intersections |

Acceptable paving materials:

- | | |
|----------------------------|---------------------------------|
| a. integrated color cement | e. pre-cast interlocking pavers |
| b. native stone | f. bomanite |
| c. cobbles | g. combinations of the above |
| d. brick | |

a) General Paving Guidelines

Paving materials should be consistent with major intersection treatments. Painted paving surfaces other than those for traffic control and marking of parking areas within parking areas are prohibited. The use of smooth materials is recommended to encourage movement and rough materials to slow movement down. In order to minimize the use of large areas of asphalt, combining the use of other materials as edges, walks, and entry areas is to be encouraged. However there should be a limit on the number of paving materials in one place to three.

b) Street Furniture

Hardscape elements such as benches, bollard and trash receptacles should highlight the community themes as well as serve functional uses. Materials used in the construction of street furniture should reflect the surrounding architecture, walls, and fences and paving materials. Street furniture should be limited to a common design throughout West Point Towne Center Development Parcel 12.

c) General Guidelines

Street furniture should be conservative in use of sidewalk space, and maintain a clean width to accommodate pedestrian flow. Street furniture should be constructed of long-wearing, vandal-resistant materials capable of withstanding climatic conditions. To be greatest extent possible, street furniture should be integrated into landscape areas and off street amenity areas. Street furniture should consider the safety, comfort and convenience of the user, including the handicapped. Furniture should not obstruct stairs, ramps, building entrances or exits, or loading areas. Furniture will be placed to minimize policing or security hazards.

5) Landscape

Together with the Land Use Plan, the Landscape concept is a central element in the design of an overall community identity. The landscape and open space concept will establish a community framework for all common and public areas within West Point Towne Center Development Parcel 12. The objective of the landscape is to screen, accent, soften, and improve the visual character of the urban environment at West Point Town Center. All plant material should be drought resistant and selected for compatibility with adjacent

landscape material within their particular community setting or neighborhood. Drip irrigation systems are required, except for turf areas.

The streetscape is one of the most visible elements in a community. A consistent streetscape is one of the strongest cohesive features that helps portray the image of the community to the public. The landscape should be used to accentuate features and create visual corridors;

- a. To soften, but not obstruct, the architecture;
- b. For screening;
- c. Aesthetically as a reminder of the natural environment in which we live;
- d. And to create a landscape theme for the streetscape, pedestrian trains, and commercial areas.

Plant material listed on the Landscape Plant Palette, as included in the West Point Towne Center Development Parcel 12 PAD, should be used throughout the West Point Towne Center and reflect the principles of xeriscape. Landscape placed on public rights-of-way must conform to the low water plant list as mandated by the Arizona Department of Water Resources and the Phoenix Active Management Area.

a) Guidelines

The minimum plant sizes are as follows:

<u>Type</u>	<u>General Locations</u>	<u>Entries and Landscape Features</u>
Trees	15 Gallon	24" box
Shrubs	1 gallon	5 gallon
Groundcovers	1 gallon	1 gallon

All plant material shall be provided with fully automated hard drip irrigation systems. Plants should be selected to fit naturally into their space to void the need for excessive trimming and to allow normal growth. Water-conserving devices, such as drip irrigation for all plant materials except turf areas, must be utilized. Backflow prevention devices shall be fully screened. Exposed earth is not permitted due to erosion and dust concerns except in planting beds.

The following landscape standards shall apply to the streetscape, pedestrian trains, and commercial areas.

b) Streetscape

A consistent streetscape theme provides a very effective identity for a neighborhood, and ultimately, for all of West Point Towne Center. Consistent use of plant material, building materials for screen walls and sidewalks, street lighting, signage and other street furniture all contribute to the development of a theme that residents and visitors will associate only with West Point Towne Center. The streetscape can accentuate major entrances, define visual corridors, provide needed shade for pedestrians, and serve to buffer non-compatible uses. The landscape design for all arterial and collector streets shall reflect a uniformity of design that allows residents and visitors to visually "associate" with the West Point Center Design Theme.

c) Open Space and Pedestrian Trails

Neighborhood integration throughout West Point Towne Center will be the primary goal for the design of the open space areas and pedestrian circulation system. The open space and pedestrian trails will extend throughout the project creating a series of

'loops'. These loops will provide users the ability to circulate between neighborhoods, to West Point Park and the middle school site, and through the commercial areas along Bell Road and Grand Avenue. The pedestrian trail will be an eight foot wide concrete surface to allow both pedestrian and bicycle traffic. Rest stops with seating and canopy trees will provide additional interest and will be situated for ease of access adjacent to public streets. Light standard will be placed along portions of the pedestrian trail where night time security can be enhanced with additional lighting. The landscape proposed for these pedestrian trails will be an extension of the streetscape theme using similar landscape and hardscape design elements.

d) Perimeter Arterial Streets

Subject to approval by the City, the landscaping along Bell Road, Grand Avenue, Dysart Road, Greenway Road, and Litchfield Road shall be a xeriscape landscape. Such streets shall have native canopy trees in a regular alignment with desert planting below. Plant material will be selected from the Arizona Department of Water Resources official low water plant list for material placed within the public right-of-way. Plant material adjacent to these frontages will be selected for their compatibility and flowering schedule. Boulders and berms will also be proposed to create interest in the ground phase.

e) Commercial Site Development

Landscape shall comply with City codes and Ordinances. Design shall reflect the character of the West Point Towne Center theme and Design Guidelines. Individual development's landscape design shall be integrated with streetscapes.

f) Lighting

Light is used for both aesthetics and safety reasons. The fixtures themselves should be consistent with the overall image of the West Point Towne Center. They should be attractive to look at during the day, as well as be functional at night. For streets, parking lots, and walkways, lighting is primarily for security. An effective economical combination of ground and streetlight level fixtures shall be used. Landscape and architectural lighting is primarily for aesthetics. All lighting shall be compatible with the design character of the project. No bright, colored or flashing lights will be permitted.

6) Signage

All signs within The West Point Towne Center should be designed to provide a consistent reinforcement of the design theme. Signs must communicate not only specific information but should in themselves, add to the attractiveness of the area.

Signs should advertise a place of business or provide directions and information. Signs shall be architecturally attractive and contribute to the retention of character of the area. Signs should not compete with each other or dominate the setting via inconsistent height, size, shape, number, color, lighting or movement. All signage must comply with the West Point Towne Center Development Parcel 12 PAD sign provisions or as approved by administrative review of the Comprehensive Sign Plan.

a) Guidelines

Signs shall not be located within the right-of-way. All signs shall be kept in good repair. All wires, haul-outs, transformers, and raceways must be concealed. Signs shall not be supported by guy wires or braces. Colors shall relate to other signs in the area to avoid

clashing contracts. Illumination shall be concealed. No flashing or blinking lights are permitted. No animated or sound emitting signs are permitted. No fluorescent or iridescent colors are permitted. No vehicular signs are permitted for advertising, such as on trucks, vans, automobiles, or trailers. No portable signs are permitted. Billboards and inflatable signs are not allowed. Where possible, signage will be integrated into either a perimeter wall or the landscape, such as berms. Signs shall not restrict visibility at intersections, parking areas, or driveways. Roof signs are not allowed. Painted window signs are highly discouraged. If used, no more than 10 percent of the window area may be painted and it must be on the interior.

b) Directional Signage

There shall be no more than two directional signs per driveway entrance to a lot, parcel or multiple use lot or parcel. Only one of these signs may include business identification. There shall be no limit on the number of directional signs interior to a site which do not include business identification. No directional sign shall be greater than 6 square feet in area and have a height greater than 6 feet above grade. No more than 25 percent of the area of a directional sign may be devoted to business identification. Such area shall not be assessed as business identification sign area.

c) Open House Directional Signs

Open house directional signs may be provided pursuant to Article IX, Section 5 of the City's Ordinance 85-8.

7) Maintenance

Maintenance of all infrastructure is a necessary key to the continued quality appearance of the West Point Towne Center. Maintenance applies to buildings and other structures, paving and hardscape, landscape, and all other site amenities.

a) Guidelines

All improvements shall be kept in good and sufficient repair. Plants shall be maintained in a healthy and growing condition. Fertilization, cultivation, and natural looking pruning shall occur on a regular basis and shearing of plant material shall be minimized. All trash and weeds shall be removed on regular basis. Dead plants shall be removed and replaced with a like species within ten working days, weather permitting. The irrigation system shall be maintained regularly to avoid plant and water loss. Lawns shall be kept mowed. Damages to any improvements shall be repaired as promptly as the extent of the damage shall allow. Buildings which happen to be vacant for any reason shall be kept locked and the windows glazed in order to prevent entrance or vandalism of the property.

8) Machinery and Equipment

No machinery, fixtures, or equipment of any type, including, but not limited to, heating, cooling, air conditioning and refrigeration equipment, may be placed on any lot or parcel without screening or concealment from view of neighboring or public property. The screening or concealment shall be solid and integrated architecturally with the design of the building or structure, shall not have the appearance of a separate piece or pieces of machinery, fixtures, or equipment, and shall be constructed and positioned in such a manner so it is level and plumb with horizontal and vertical building components and shall be structurally stable in accordance with sound engineering principles. Ground mounted air conditioning units shall be concealed by a solid enclosure on all sides visible to neighboring property.

9) Solar Panels and Equipment

Solar energy devices are encouraged. Roof mounted or parking canopy mounted solar panels and equipment must match the roof material or promote consistency with the parking canopy. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the roof ridge line and must not be visible from view. Roof mounted hot water storage systems must not be visible from neighboring properties. Tacker type systems will be allowed only when not visible from neighboring property. The criteria for screening set forth in Section 8 "Machinery and Equipment" shall apply to solar panels and equipment.

10) Exterior Accessories

a) Antennas

Exterior television, radio, or other antenna or dishes of any kind shall not be visible from the street. Concealment of antennas will be required, where practical.

b) Amplifier

No radio stereo television, broadcast, or loudspeaker unit, and no amplifier of any kind, may be placed upon or outside, or be directed to the outside, of any building in a manner which would be disruptive to a residential area.

c) Basketball Backboards

When a basketball backboard is installed structurally on a building or structure, the backboard must be painted to match the color of the trim or roof.

d) Flagpoles

Flagpoles shall be limited to a height of 20 feet in residential areas.

e) Utility and Service Lines

No gas, electric, power, telephone, water, sewer, cable television, or other utility or service lines of any nature or kind may be placed, allowed, or maintained upon or above the ground on any lot or parcel, except to the extent if any, underground placement may be prohibited by law or would prevent the subject line from being functional; provided, however, above ground service pedestals, splice boxes, switch cabinets, and transformers will be permitted where required for public utilities or the landscaping of common areas.

f) Additions or Alterations

Any addition or alteration to any building, structure, lot, or parcel must, unless the additions and alterations are not visible from neighboring properties or public properties, not violate or conflict with these Guidelines.

11) Garbage

No garbage or trash may be placed on any lot or parcel except in a covered containers meeting the specification of the City of Surprise. Rubbish, debris, and garbage shall not be allowed to accumulate. Each owner shall be responsible for removal of rubbish, debris, and garbage not only from his lot or parcel but also from all public right-of-way either fronting or siding his lot or parcel, excluding (a) public roadway improvements, and (b) those areas on a Tract Declaration or subdivisions plat to be maintained by The City of Surprise.

12) Window Treatment

No aluminum material or other reflective material may be installed in windows. Exterior window coverings or treatments used to shelf or decorate openings must be compatible, with respect to materials and color, with the design guidelines applicable to the structure on which the coverings or treatments are being placed.

USE OF DESIGN GUIDELINES

These guidelines shall serve as a general guide regarding development within the West Point Towne Center Development Parcel 12 PAD. They are not CC&R's and they are not intended to be, nor shall they be construed to be, rigid or inflexible. Instead they are a flexible guide to be considered by the developer, builders, commercial tenants, etc., of the West Point Towne Center PAD and by the City to achieve and maintain the West Point Towne Center as a compatible, cohesive and high quality development. The Design Guidelines are issues and concepts that the developer, commercial builders, and others should consider in preparing their plans. Non-satisfaction of Design Guidelines is not grounds for rejection a plan, but the inclusion or recognition of such issues and concepts in such plans where reasonable and appropriate is encouraged an may be considered by the City in its consideration of such plans.

E. Definitions

Lot Area, Gross means the total area of a *Lot* within the *Lot* lines as measured on a horizontal plane to all *Lot* corners and half the adjacent public street right-of-way.

Lot Area, Net means the total area of a *Lot* within the *Lot* lines as measured on a horizontal plane to all *Lot* corners and exclusive of any adjacent *rights-of-way*.

F. Comprehensive Sign Plan

This section is reserved for the addition of a Comprehensive Sign Plan. The Comprehensive Sign Plan will be prepared to include intended form, material, color, height, area and placement of all ground mounted Freestanding Tenant Identification signs and all Wall Mounted signs. This Plan will include a plan view indicating all locations of ground mounted and wall mounted signs, elevations and sections of signs as necessary to demonstrate design character, materials, color, height and area. The Plan will be administratively reviewed, approved by the City of Surprise and incorporated as a replacement sheet(s) in this Appendix.

ORDINANCE 2014-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR AMENDMENT TO A PLANNED AREA DEVELOPMENT (PAD) FOR WEST POINT TOWNE CENTER PARCEL 12, LOCATED SOUTH OF GRAND AVENUE AND WEST OF DYSART ROAD, CHANGING THE USE FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site of approximately 21 acres is located south of Grand Avenue and West of Dysart Road and is zoned as Planned Area Development (PAD);

WHEREAS, the Owner of the subject site seeks modification of the applicable zoning regulations to allow commercial rather than mixed use development of this site;

WHEREAS, this PAD Amendment is in harmony with the purposes and intent of the zoning ordinance, the Surprise General Plan, and the Village 1 Plan; and

WHEREAS, on November 20, 2014, the Planning and Zoning Commission recommended approval of the West Point Towne Center PAD Amendment in FS 14-381.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, that:

Section 1. The West Point Towne Center PAD Amendment, dated October 29, 2014, a copy of which was included in the report to Council for this item, is approved and incorporated by this reference, subject to the following stipulations:

A. The Traffic Signal Warrant Analysis prepared by CivTech, dated 10/13/14 must be revised and submitted for review to address the following:

- 1) Final approval for access points and traffic control will be dependent upon final demonstration that warrants are met; and
- 2) All Figures/volumes must be updated to correlate with Figure 1 which accurately represent the intersection configurations.

B. The AutoCAD files for ALTA Surveys, boundary for General Plan Amendment Area and boundary for PAD (zoning) area were submitted in an assumed coordinate system and will need to be re-submitted following the below requirements:

Required disk format / record electronic files: CAD files (.dwg) shall be provided in the latest commercially available release of AutoCAD. Drawings are to be purged of all extraneous information, shall be "bound" to insert all reference files, shall be accompanied by any non-native fonts, and shall be free of complex file pathing which complicates file openings when transferred from the CDROM. Binding of reference files shall be done using AutoCAD's Xref "Insert" option so as to avoid layer and block name corruption. PC compatible CD in Datum NAD 83 (2002Adjustment) Arizona State Plane Coordinate Systems, Central Zone and in decimal units. The subject parcel shall reference a minimum of two physical monuments and; the monuments shall be (a) section corner(s) and /or quarter corner(s) as surveyed under the Maricopa County Geodetic Densification and Cadastral Survey (GDACS) project and/or monuments recognized by the National Geodetic Survey (NGS) as B order or better. See Maricopa Website for details at www.mcdot.maricopa.gov/survey/home.htm.

C. The PAD must be amended to reflect the changes attached hereto as Exhibit A, entitled "Revisions to PAD Amendment Narrative."

Section 2. Amendment of Zoning Map. The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as represented in attached Exhibit B, the parcel map.

Section 3. Repealer Clause. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed upon this ordinance taking effect.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

Ordinance continued on page 3.

Section 6. This ordinance is not of a general nature and will not be codified.

APPROVED AND ADOPTED this _____ day of _____ 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Exhibit “A”

Revisions to PAD Amendment Narrative

Ammunition and Firearms Sales	P
Animal Hotel / Overnight Stay	P
Appliance sales, service	P
Art/craft studio	P
Athletic clubs, health and fitness facilities	P
Automobile repair, tire sales, repair and mounting (exclude auto body)	C
Automobile washing establishments, including un-manned drive through and full service wash and detailing	C
Bakery (for on-site sales less than 3,500 square feet)	P
Banks and other financial institutions	P
With Drive-Through Facilities (1)	C
Barber shop and beauty salons	P
Blueprint shop and photo processing	P
Bowling alley	P
Business and office machine sales, service and repair shop	P
Church, religious institution	P
Clothing alterations	P
Clothing and costume rental shop	P
Clubhouse, Private including Lodges	P
Commercial parking lots	P
Commercial recreation	P
Community facilities or public meeting hall	P
Convenience store, gas pumps	P
Costume dressmaking, furrier, or tailor shop employing five persons or less	P
Dance or theatrical studio	P
Daycare Center (Child or Adult)	P
Delicatessen and catering establishment	P
Drive-Through Facilities (1)	C
Dry cleaning and laundry	P
Emergency care clinic (24 hours)	P
Essential public service or utility installation	P
Farmers market	P
Florist	P
Galleries, Studios, Auditoriums	P
Game rooms, pool halls	P
General service uses including business, personal and professional services establishments	P
General retail businesses engaged in direct sales to the ultimate consumer	P
Greenhouse	P
Hardware store	P

Hospital	P
Interior decorator's shop	P
Library	P
Live-Work / Work-Live	C
Lock and key shop	P
Massage - Therapeutic	P
Medical, dental, health clinics or Laboratory	P
Medical Hospital or Outpatient Facility	P
Medical Office	P
Museum	P
Music studio	P
Nursery (Growing, display, or sale of plant stock, seeds, or other horticultural items)	P
Office	P
Personal Service Establishment (A facility for the sale of personal services. Typical personal service uses include arts and craft studios, banks, barber/beauty shops, locksmith, shoe repair, tailors, photo studios, laundry, cleaning pickup and receiving station, safe deposit boxes, travel agencies, printing or copy shops, savings and loan, appliance repair)	P
Pharmacy (1) With Drive-Through Facilities	P C
Photographic studio	P
Pool service and supply store	P
Post Office	P
Printing and publishing house	P
Public buildings	P
Radio and television studio	P
Restaurant – Sit-down (Principally for the sale and consumption of food on the premises)	P
Restaurant, Convenience (Sale and consumption of food which has direct window service allowing customers to pick up food for off-premise consumption.	P
Restaurant (1) With Drive-Through Facilities	P C
Retail Shopping Establishment (Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, arts, gifts, flowers and household plants, dry goods, food, floor covering, home décor, toys, furniture, antiques, hardware, appliances, books and stationary, pets, drugs, auto parts and accessories, and similar consumer goods. Food store uses include grocery, delicatessen, catering, and convenience and specialty foods stores.	P
Retail – Residential/Office - Residential/ Retail – Office - Residential	C
School – University or College	P

School – Pre-K through 12	P
School – Specialty or Trade	P
Small animal grooming	P
Sports equipment sales and service	P
Theaters – Indoor	P
Vehicle Fueling Stations	P
Vehicle Service (Minor Repair)	C
Veterinary clinic (completely indoors)	P
Video arcade (all ages only, no adult-oriented)	P
Watch repair shop	P
Wireless communication facilities	C

(1) Conditional Use Permits, when required, shall be heard by the Planning and Zoning Commission, with final determination by the City Council.

Permitted Accessory Uses and Structures	
Business Signs	A
Car Port or Parking Shade Canopies (Steel, Solar collection panel or fabric structure)	A
Trash receptacles	A
Temporary buildings incidental to construction work	A

4.4 Temporary Use / Special Event Permit

The temporary use / special event permit allows for short-term activities that may be appropriate on an interim basis without requiring full compliance with the development standards of the land use district or by which the city permit seasonal or transient uses not otherwise permitted.

Temporary use / Special Event permits shall comply with the approval criteria outlined within **Section 122-47** of the Surprise Unified Development Code (as adopted on May 14, 2009, eff. June 14, 2009), shall be administratively approved following the procedures defined within **Section 122-150.d** of the Surprise Unified Development Code (as adopted on May 14, 2009, eff. June 14, 2009, or as subsequently amended).

4.5 Development Standards

The provision of development standards protects the future property owners as well as the adjacent existing, and future, property owners within the greater West Point Towne Center PAD and surrounding community. The standards are intended to preserve and protect the public health, safety and welfare, and provide appropriate transitions and compatibility between land uses within West Point Towne Center and adjacent properties. The standards identified herein have been established for yard, height, bulk and area requirements.

4.5.1 Development Standards

Table 2, *Development Standards*, provides the bulk regulatory development standards which are consistent with the West Point Towne Center established standards (as last amended in 2003), and that will apply to all uses within the Development Parcel 12 development plan.

Table 2: Development Parcel 12 – Development Standards (1)	
Standards	Requirement
Minimum Lot Width (except for corner lots)	100-feet
Minimum Lot Width for corner lots	150-feet
Building Setbacks (feet)(2)	
Front Grand Avenue (5)	35
Interior Side	15
Corner Side Dysart Road (5)	25
Rear Yard	15
Residential Zoning Boundary	45(4)
Parking Lot or Circulation Drive Setbacks (feet) (6)	
Front Grand Avenue	10 20
Interior Side	5
Corner Side Dysart Road	5 20
Rear	10
Residential Zone Boundary	10
Maximum Building Height (feet) (3)	35
Minimum Landscaped Area	15% of Net Site Area

(1) As recognized to be governed under a higher jurisdictional authority than the City of Surprise, the development of a vocational school as permitted by Table 1 (Land Uses), inclusive to a Public School District, the Development Standards contained within this section are to be considered by a District and not strictly enforced by the City of Surprise.

(2) Required yards fronting on a public street in a Commercial district shall be entirely landscaped excluding driveways or walkways.

(3) A building or structure may exceed 35-feet in height if the portion of the building which exceeds 35-feet is so constructed that it cannot be used or occupied by humans for any purpose, and if the Planning and Zoning Commission approves the extension above 35-feet prior to the commencement of construction. For buildings approved in excess of 35-feet, the minimum front and side yard setbacks shall be increased by 3-foot for every 1-foot of building height in excess of 35-feet to a maximum building height of 45-feet.

(4) Shade and/or solar canopies provided for surface parking areas shall be permitted to encroach within the required building setback up to 10-feet maximum as an accessory structure to a permitted land use.

(5) The Front Building Setback requirement along Grand Avenue and Dysart Road defines the minimum allowable distance a building face may be located in relation to the right-of-way. Refer to Section 4.5.3 below for maximum (build-to distance) requirement.

(6) Parking and circulation drives adjacent to Grand Avenue or Dysart Road shall not be located in the area between the physical building and the right-of-way line.

4.5.2 Additional Building and Performance Standards

Development on Development Parcel 12 shall, except as otherwise provided in the West Point Towne Center PAD, will be subject to all applicable requirements of Title 17, Chapter 17.32, General Building and Performance Standards of the Surprise Municipal Code adopted at the time of the West Point PAD approval.

4.5.3 Build-To Line – Maximum Building Setback (Grand Avenue and Dysart Road frontage)

As defined by Table 2 above, the minimum allowable building setback permitted along Grand Avenue is established at 35-feet. Similarly, the minimum allowable building setback permitted along Dysart Road is established at 25-feet. As part of this project's effort to fulfill the City of Surprise's envisioned commercial development pattern for this location, a maximum building setback, or required "build-to" line, shall be established for those structures to be constructed fronting Grand Avenue with building facades placed at a maximum distance of **45-feet** as measured from the Grand Avenue right-of-way. Likewise, a maximum building setback, or required "build-to" line, shall be established for those structures to be constructed fronting or siding Dysart Road with building facades placed at a maximum distance of **35-feet** as measured from the Dysart Road right-of-way. These dimensions will allow the minimum required landscaping setback to be implemented in all cases and provide opportunity for construction of pedestrian circulation where warranted.

4.6 Off-Street Parking

This section sets minimum standards for off-street parking requirements for new construction within West Point Towne Center Parcel 12. The PAD Amendment shall comply with additional requirements as defined within **Section 122-133 and 122-134** of the of the Surprise Unified Development Code (as adopted on May 14, 2009, eff. June 14, 2009), except where in direct conflict with a development standard, regulation or procedure defined with this PAD Amendment, and with the following revisions or additions,

1. **Required Parking Ratios:** The following table shall apply to parking ratios required for Parcel 12. Gross Floor Area (GFA) – Shall mean floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Table 3 : Development Parcel 12 - Required Parking Ratios			
Use/Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Commercial Buildings			
Commercial center	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces. Max 4 for each major entrance.
Shop or store building with drive-through facility	1 per 250 sf GFA	1 per 140 sf GFA	1 per 10 vehicle spaces. Max 4.

EXHIBIT “B”

Zoning Case Map

ZONING CASE MAP

Changing the Zoning from PAD (Mixed Use) to PAD (Commercial)

Site



WEST POINT TOWNE CENTER PARCEL 12

PUBLIC PARTICIPATION REPORT



Case #: FS14-381
Major PAD Zoning Amendment
Minor General Plan Amendment

Submitted: November 5, 2014

LVA urban design studio
land planning • landscape architecture

Introduction

The West Point Parcel 12 PAD Zoning Amendment and Minor General Plan amendment applications have been processed to remove the prior Residential land use and implement Commercial use for the property. The conceptual project development plan is proposed as an educational and medical office / emergency facility on 19 acres at the southwest corner of Grand Avenue and N Dysart Road. In accordance with the Surprise Code of Ordinances section 122-160(d), the following summary contains a written report of public participation efforts conducted for the site.

Parties Affected by Application

The residents living within a 300 foot required public notification boundary of the site are the most likely to be directly affected by this project. A public meeting was held at 6 p.m. on November 3, 2014 at the Comfort Inn & Suites located adjacent to the project site to discuss any comments or concerns regarding the proposal. The date and time selected provided ample opportunity for required notifications and advertisement to be provided by the City of Surprise and for interested parties to attend. The meeting was conveniently located adjacent to the site to help remove any barriers to neighbor participation.

Notification and Information Procedures

The City of Surprise notified residents within a 300 foot boundary of the site via U.S. Mail of the neighborhood meeting and public hearings (see attachments for a copy of the letter and the mailing list). The city also posted a meeting notice in two local newspapers, The Daily News Sun and Surprise Today. These notices were placed 15 days prior to the neighborhood meeting.

Public hearing signs were posted in two locations on the subject property on November 4, 2014. These signs reflect the upcoming meeting date of the Planning & Zoning Commission and City Council. A copy of the affidavit of posting and pictures of the signs posted are provided under a separate cover and are intended to be included within the city case file.

Method of Identifying Stakeholders' Issues and Concerns

The neighborhood meeting open house format was utilized to facilitate dialogue between neighbors and team members. Neighbors were able to voice concerns and learn about the various aspects of the project. Comment cards were provided to attendees allowing them to voice comments or concerns in writing. In addition, individual contact information for team members and Planning and Development Department staff was provided to interested parties in case of any follow up questions or comments.

Method of responding to Stakeholders' Issues and Concerns

The Development Master Plan and Zoning applications have accommodated, and will continue to consider the recommendations and concerns of the public. Each public comment and response has been documented throughout the process and has been taken account of by all parties.

Attachments included with this Report:

1. Neighborhood Meeting Notification Letter
2. Public Hearing Notification Letter
3. Notification Map
4. Notification List
5. Sign-in sheet for November 3, 2014 Neighborhood Meeting
6. Neighborhood Meeting Written Comments
7. Neighbor Letters / Petitions

1. Neighborhood Meeting Notification Letter

CITY OF SURPRISE CITIZEN REVIEW MEETING

Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

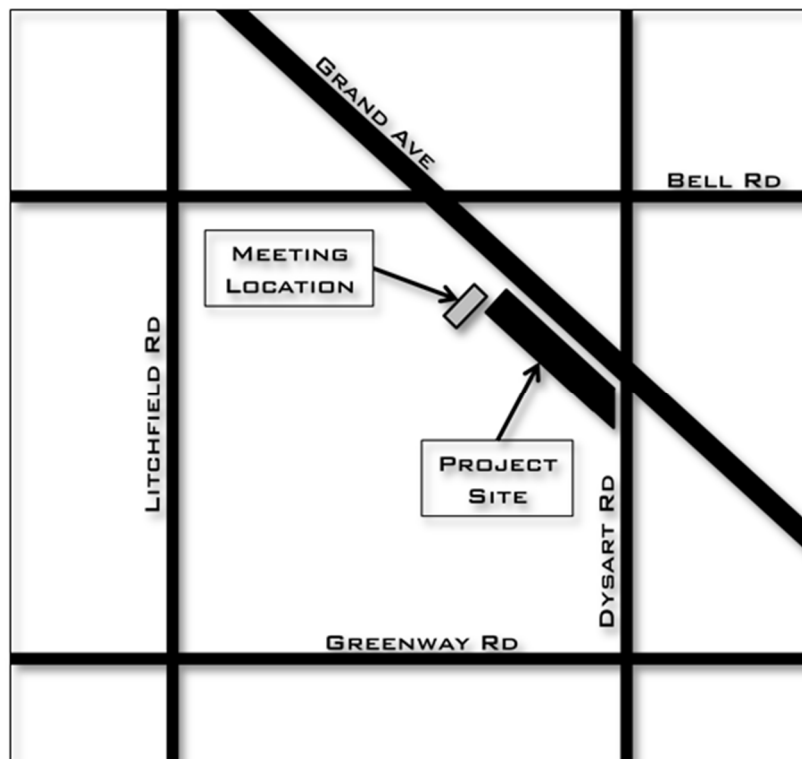
City of Surprise Planner: Robert H. Kuhfuss, AICP
623-222-3137

CITIZEN REVIEW MEETING DETAILS

Please Note Change in Date and Time of the Meeting

DATE: November 3, 2014
TIME: 6:00 PM to 7:00 PM
LOCATION: Comfort Inn & Suites - Meeting Room
13337 W. Grand Avenue
Surprise, AZ 85374

Meeting and Project Location



PROJECT DESCRIPTION: Major Zoning Amendment together with a Minor General Plan Amendment (Case FS14-381) changing the use from Medium Density Residential to Commercial as it relates to the Parcel 12 of the West Point Towne Center PAD.

2. Public Hearing Notification Letter

CITY OF SURPRISE PUBLIC NOTICE

Take notice that at the date, time, and place listed below, the City of Surprise will hold a Public Hearing at the request of LVA Urban Design Studio, LLC for approval of a Major Zoning Amendment along with a Minor General Plan Amendment (Case FS14-381) to allow for a land use change from Medium Density Residential to Commercial as it relates to Parcel 12 of the West Point Towne Center PAD generally located at the southwest corner of Dysart Rd. and Grand Ave. in Surprise, Arizona.

Legal Description: Located in a portion of Section 3, Township 3 north, Range 1 west, of the Gila and Salt River base and meridian, Maricopa County, City of Surprise, Arizona.



Project Location

Planning and Zoning Commission

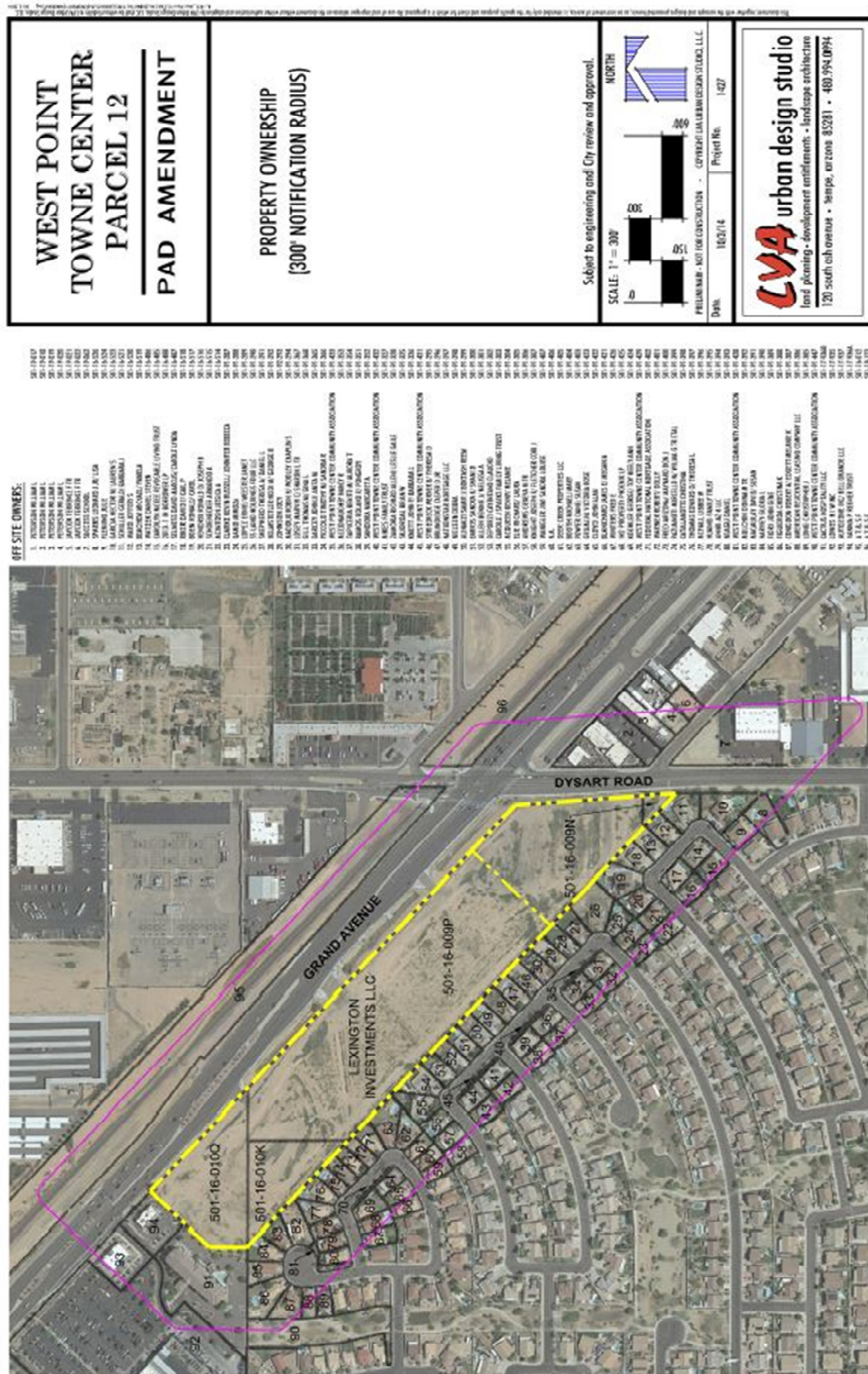
Date: November 20, 2014
Time: 6:00 p.m.
Place: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: December 2, 2014
Time: 6:00 p.m.
Place: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

At this meeting any member of the public may appear and be heard relative to this petition or may submit written comments at any time prior to the Public Hearing. All written comments regarding this petition will be made part of the record of the City. Any interested party may obtain an agenda 24 hours prior to the Public Hearing at the Surprise City Hall.

3. Notification Map



4. Notification List

MCINTOSH JESSICA A	13190 W FARGO DR	SURPRISE	AZ	85374
SCHOENECKER ARMANDO A	13327 N WATSON LN	SURPRISE	AZ	85379
HENDRIX RONALD D/JOSEPH B	13174 W FARGO DR	SURPRISE	AZ	85374
BOEN RONALD/CAROL	15616 N ULRICH WY	SURPRISE	AZ	85374
RIKER DAVID F/GAIL P	13152 W MARKET ST	SURPRISE	AZ	853745234
BEACHEM MICHAEL/PAMELA	14623 W GELDING DR	SURPRISE	AZ	85379
WARD JEFFERY S	13130 W MARKET ST	SURPRISE	AZ	85374
GARCIA HECTOR M/LAUREN S	13135 W RIMROCK ST	SURPRISE	AZ	85374
FLEMING JULIE	13143 W RIMROCK ST	SURPRISE	AZ	85374
A T & S F	2500 LOU MENK DR PO BOX 961089	FORT WORTH	TX	761610089
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
PETERSON WILLIAM L	3917 N POST ST	SPOKANE	WA	99205
JAYCOX TERRENCE F TR	6033 W BLUEFIELD AVE	GLENDALE	AZ	85308
JAYCOX TERRENCE F TR	6033 W BLUEFIELD AVE	GLENDALE	AZ	85308
LOWES H I W INC	BOX 1111	NORTH WILKESBORO	NC	28659
VANNA P REGNER TRUST	PO BOX 8063	NEWPORT BEACH	CA	92658
CACTUS HOSPITALITY LLC	6630 E BASELINE RD	MESA	AZ	85206
AUTOZONE INC/BELL GRANDE LLC	PO BOX 2198 STE 8700	MEMPHIS	TN	38101
SUCCESS SCHOOL	PO BOX 1381	SURPRISE	AZ	85378
SPARKS LEONARD J JR/LISA	16045 N GIL BALCOME ST	SURPRISE	AZ	85374
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
LEXINGTON INVESTMENTS LLC	7201 E CAMELBACK RD STE#305	SCOTTSDALE	AZ	85251
CAROLYN MCGEE REVOCABLE LIVING TRUST	13154 W RIMROCK ST	SURPRISE	AZ	85374
WATZEK DANIEL STEVEN	13146 W RIMROCK ST	SURPRISE	AZ	85374
SELNESS DAVID MARCUS/CAROLE LYNDA	13171 W FARGO DR	SURPRISE	AZ	85374
2013-1 IH BORROWER LP	901 MAIN ST STE 4700	DALLAS	TX	75202
SKJORDAL BRIAN W	13289 W COTTONWOOD ST	SURPRISE	AZ	85374
KMETT JOHN P/BARBARA L	13281 W COTTONWOOD ST	SURPRISE	AZ	85374
MIKES FAMILY TRUST	13276 W STATLER ST	SURPRISE	AZ	85374
ZAMORA RICHARD ALLEN/LESLE GAILE	13284 W STATLER DR	SURPRISE	AZ	85374
WEST POINT TOWNE CENTER COMMUNITY ASSOCIATION	4645 E COTTON GIN LOOP	PHOENIX	AZ	85040
RAMOS ROLAND R/PONGROY	13275 W STATLER ST	SURPRISE	AZ	85371
SANDORA MARGARET A	13267 W STATLER ST	SURPRISE	AZ	85374
MCCONAUGHEY NANCY R	13230 W PARADISE LN	SURPRISE	AZ	85374

TAPICERIA BENITO M/AURORA T	916 MAKAAALA DR	WAILUKU	HI	96793
DARCEY JOHN J/ANITA M	4663 SARATOGA AVE	SAN DIEGO	CA	92107
PICCOLO TIMOTHY M/SANDRA R	13223 W PARADISE LN	SURPRISE	AZ	85374
LOSEY MARVIN C/SHARON L TR	13208 W DESERT ROCK DR	SURPRISE	AZ	85374
GILL THOMAS M/GINA L	13216 W DESERT ROCK RD	SURPRISE	AZ	85374
LONG CHRISTOPHER J	16508 N LASSO DR	SURPRISE	AZ	85374
AMERICAN RESIDENTIAL LEASING COMPANY LLC	7047 E GREENWAY PKWY STE 350	SCOTTSDALE	AZ	85254
CONGDON ROBERT A/EDGETT MELANIE K	16550 N LASSO DR	SURPRISE	AZ	85374
FIGUEROA CHRISTINA K	16558 N LASSO DR	SURPRISE	AZ	85374
FIORI JOHN GENE	16566 N LASSO DR	SURPRISE	AZ	85374
HARVEY GLORIA L	16557 N LASSO DR	SURPRISE	AZ	85374
MACAULAY DAVID/SUSAN	16549 N LASSON DR	SURPRISE	AZ	85374
MULCHIN DONNA M TR	16541 N LASSO DR	SURPRISE	AZ	85374
NEAGU DANIEL	6432 PERRY AVE NO 3	MASPETH	NY	11378
AH4R-AZ 4 LLC	30601 AGOURA RD 200	AGOURA HILLS	CA	91301
HUANG FAMILY TRUST	1161 VALLEY QUAIL CIR	SAN JOSE	CA	95120
MCFALL LIBBEE W	13334 W CANYON CREEK DR	SURPRISE	AZ	85374
THOMAS EDWARD D/THERESA L	13328 W MARKET ST	SURPRISE	AZ	85374
CATALANOTTE CHRISTINA	13324 W MARKET ST	SURPRISE	AZ	85374
PAZIANOTI MARCELLO N/WILMA G TR ETAL	4044 E ANGELA DR	PHOENIX	AZ	85032
FREO ARIZONA/MAYNARD DON J	6617 N SCOTTSDALE RD STE 101	SCOTTSDALE	AZ	85250
WARNER ROBERT/DOLLY	8381 CLARKSON ST	THORNTON	CO	80229
FEDERAL NATIONAL MORTGAGE ASSOCIATION	14221 DALLAS PKWY STE-1000	DALLAS	TX	75254
POWER DANE/SUSAN	16451 N MARKET ST	SURPRISE	AZ	85374
BOOTH MICHAEL/MARY	13287 W POST DR	SURPRISE	AZ	85374
DEER CREEK PROPERTIES LLC	18631 N 19TH AVE SUITE 158-460	PHOENIX	AZ	85027
WANGLER JIM/SANDRA LOUISE	1188 BROCKTON ST	EL CAJON	CA	92020
CLARKE KEVIN RUSSELL/JENNIFER REBECCA	13207 W DESERT ROCK DR	SURPRISE	AZ	85374
QAMO MIMOZA	1476 GOLFVIEW DR	GLENDALE	IL	60139
LOPEZ ERNIE/MEESTER JANET	13191 W DESERT ROCK DR	SURPRISE	AZ	85374
SS LAND HOLDINGS FOUR LLC	3900 E MEXICO AVE	DENVER	CO	80206
SHEPHERD THERESA A/DANIEL L	21097G 76 HWY	LACONA	IA	50139
HELMSTETLER HEIDI M/GEORGE R	13214 W MARKET ST	SURPRISE	AZ	85374
JOHNSON JODY	13220 N MARKET ST	SURPRISE	AZ	85374
MADDUX ROBIN H/WOOLEY CHAPLIN S	13226 W MARKET ST	SURPRISE	AZ	85374
STRIEDIECK WERNER B/THERESA D	13232 W MARKET ST	SURPRISE	AZ	85374
BRUNDIDGE CASPER D JR	13238 W MARKET ST	SURPRISE	AZ	85374
NATIONSTAR MORTGAGE LLC	350 HIGHLAND DR	LEWISVILLE	TX	95067
NIELSEN DEBRA	280 ROCKTON ROAD	ROSCOE	IL	61073
BLANCHARD JAMES E/MEGAN A	13336 W POST DR	SURPRISE	AZ	85355
CLOYD JOHN ALAN	7352 W BRONCO TRL	PEORIA	AZ	85353
GRIJALVA VICTORIA ROSE	13320 W POST DR	SURPRISE	AZ	85374
KOEHLER GEORGE/TOY KEELY ANN	13341 W CANYON CREEK DR	SURPRISE	AZ	85374

ALINAIZI SAMIR I/BOKTASH REEM	13256 W MARKET ST	SURPRISE	AZ	85374
EARRIS SANDRA K/SHANI D	5714 E ASHLER HILLS DR	CAVE CREEK	AZ	85331
ALLEN BENNIE J/MELISSA A	5 BRISTOL CT	MIDLAND	TX	79705
DEPORZI CAYENTANO CLAUDIO	2235 E CREST LN	PHOENIX	AZ	85024
CAROLE J SPARKS FAMILY LIVING TRUST	13280 W MARKET ST	SURPRISE	AZ	85374
MCQUEEN KENNY/MELANIE	13282 W COTTONWOOD	SURPRISE	AZ	85374
ELIE RICHARD/LAURA	13290 W COTTONWOOD ST	SURPRISE	AZ	85374
ANDREWS GENEVA M TR	13298 W COTTONWOOD ST	SURPRISE	AZ	85374
KNIGHT JOSEPH R/FLETCHER CORI J	13306 W COTTONWOOD ST	SURPRISE	AZ	85374
IH2 PROPERTY PHOENIX LP	21001 N TATUM BLVD 1630-630	PHOENIX	AZ	85050
WINTERS FRED E	14345 W SHAWNEE TRL	SURPRISE	AZ	85374
WEST POINT TOWNE CENTER COMMUNITY ASSOCIATION	4645 E COTTON GIN LOOP	PHOENIX	AZ	85040
A T & S F	2500 LOU MENK DR PO BOX 961089	FORT WORTH	TX	761610089
SCHILLER GERALD/BARBARA J	13122 W MARKET ST	SURPRISE	AZ	85374

5. Sign-in sheet for November 3, 2014 Neighborhood Meeting

Meeting – West Point Town Center Parcel 12
Comfort Inn & Suites, 13337 West Grand, Surprise, AZ 85374
November 3, 2014 at 6:00 p.m.

Name		Address	Phone	E-mail
1	Jody Johnson	13220 W Market St	(623) 332-4406	riceajody@gmail.com
2	Daniel Shepherd	13208 W Market St	(515) 321-1073	Shepherd21097@gmail.com
3	Theresa Shepherd	13208 W Market St	(515) 321-1073	Shepherd21097@gmail.com
4	Ron Boen	13160 W Market St	(701) 240-3550	rjboen@hotmail.com
5	Robin Maddux	13226 W Market St	(602) 818-7574	Rbprice13@gmail.com
6	Chaplin Wooley	13226 W Market St	(480) 333-2698	kevin@cazco.com

6. Neighborhood Meeting Written Comments

a) **Name:** Jody Johnson

Address: 13220 W Market St

Comment: I would like two courses of block to raise the block wall at the back of my property. I would also like a tree to block the view of the parking lot.

Response: There is an existing 20' sewer easement located along the property line which separates the subject site from the adjacent neighborhood. As formal development plans are prepared for the future project(s), additional analysis would need to be performed to determine the feasibility of additional screening and potential locations of trees based upon existing public utility locations.

b) **Name:** Theresa Shepherd

Address: 13208 W Market St

Comment: City requirement for trees planted on backside of access road is excellent. Understand developers concerns of trees growing into road and privacy walls but selection of taller greener trees to beautify the area is a necessity.

Response: As emphasized in the previous comment response, as formal development plans are prepared for the respective project(s). Additional analysis would need to be performed to determine the feasibility of additional screening and potential locations of trees based upon existing public utility locations. Other forms of additional screening may need to be explored.

c) **Name:** Daniel Shepherd

Address: 13208 W Market St

Comment: Elevation of businesses will create a line of sight directly into home backyards and windows. Loss of privacy, increased traffic through access road, view of backside of commercial property could impact home privacy, view and value.

Response: Extra emphasis will be placed on grading and plantings to maintain privacy. Average grades across the property are currently lower in elevation than will be needed for proper grading and drainage design of the new development site, requiring fill material to raise the existing grades for building locations. Building orientations have been aligned in such a manner as depicted on the current conceptual site plan to reduce direct visual link between potential 2nd floor building windows and adjacent properties.

d) **Name:** Rob Boen

Address: 13160 W Market St

Comment: Looks like an acceptable plan. Please consider moving the ambulance entry always from the residential side and relocating it near Grand Ave (flip flop the building).

Response: Thank you for articulating support for this plan. The mechanical center has been designed to orient the main building entry towards Grand Avenue thereby promoting orientation to the general public and responding to the Village Plan 1 goals for gateway treatments. The ambulatory function is oriented to the opposite end of the building for proper emergency service function.

7. Neighbor Letters / Petitions

----- Forwarded message -----

From: **Robert Kuhfuss** <Robert.Kuhfuss@surpriseaz.gov>
Date: Tue, Oct 21, 2014 at 6:49 PM
Subject: FW: West Point Town Center development @ Grand/Dysart
To: "abeaudoin@lvadesign.com" <abeaudoin@lvadesign.com>

Alan – here is that email from a concerned neighbor. Thanks

From: Jody Johnson [mailto:riceajody@gmail.com]
Sent: Monday, October 20, 2014 6:58 PM
To: Robert Kuhfuss
Subject: West Point Town Center development @ Grand/Dysart

Robert Kuhfuss,

Per our phone discussion on October 20, 2014, I am writing as a concerned citizen in the development of the property at Grand and Dysart.

My concerns are grading and drainage, noise, light, teenagers at a school in the neighborhood regarding language, litter, drugs and disrespectful behaviors.

My property is Lot # 293, 13220 W. Market Street. The property to be developed is directly behind my property. As I watched the land being surveyed, I became concerned so I want my concerns addressed prior to any construction.

GRADING and DRAINAGE

When I first moved here in 2009, there were many rainstorms during the winter and the property to be developed **flooded**. I am concerned that the developers may want to raise the grading of that property above mine which would result in flooding of my property, my street and/or my neighbors' properties.

NOISE

At present there is a great deal of traffic noise from Dysart, especially Honda cars very late at night. The early morning brings motorcycle noise, as well.

I am **very sensitive to higher pitches of sound**. The trains are not too bad as the pitch is more tenor level. The Honda cars whine and the thumping bass is **VERY DISTURBING**.

I am concerned about the traffic flow around the buildings but do look forward to the building abating a great deal of the disruptive traffic sounds.

I moved from a rough area in the metro area where hookers entertained their johns in the covered parking areas of my townhouse facility and I do not want to go through chasing the hookers out ever again that behavior also brought drugs and graffiti into the area.

Teenagers at schools today usually have extremely foul mouths and poor sanitation/trash disposal habits. I would encourage the school to teach good conservation habits and care of the environment. I really do not want to be confronted by obnoxious behavior on my walking exercise through MY neighborhood.

The medical facility, hopefully, will locate the emergency entrance to a side of the building rather than at the back where the noise and lights would disturb the residents in the neighborhood.

My current neighbors and I dealt with the "stimulus" improvement of the Dysart/Grand intersection with the railroad. Many a night while construction continued, noise and bright lights flooded my bedroom at 2 AM. So that is a concern of mine.

LIGHTS

Flashing emergency lights and sirens are bad enough on Grand and I am concerned about that type of lighting closer to my back windows.

I am also concerned about a two story building with lighting from its windows during the night. There is not much more disturbing than to have lights turned on full-power when one is trying to sleep.

How will the architect(s) address this issue?

FENCE

The block wall behind my property steps down one course of block from my neighbor to the north.

In years past my neighbor to the south and I have had teenagers (nobody else could scale the wall) run through our properties and jump over the block wall which is six feet high on our side and has a 1-1.5 foot drop on the side of the property to be developed.

Therefore, I request the development include an additional one-course row decorative block on that wall. The decorative block faces the property to be developed. The additional course might also encourage my neighbors to remove their landscape trimming in their own trash bins rather than throwing the clippings and branches over the wall onto the landscape buffer.

Thank you for considering my opinion and concerns.

See you on November 3, 6-7 pm at the Comfort Inn.

Regards,

Jody Johnson

City Hall offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
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22 ct 2014 00:40:19 -0000

From: [Jody Johnson](#)
To: [Robert Kuhfuss](#)
Subject: West Point Town Center development @ Grand/Dysart
Date: Monday, October 20, 2014 6:57:43 PM

Robert Kuhfuss,

Per our phone discussion on October 20, 2014, I am writing as a concerned citizen in the development of the property at Grand and Dysart.

My concerns are grading and drainage, noise, light, teenagers at a school in the neighborhood regarding language, litter, drugs and disrespectful behaviors.

My property is Lot # 293, 13220 W. Market Street. The property to be developed is directly behind my property. As I watched the land being surveyed, I became concerned so I want my concerns addressed prior to any construction.

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Thank you for considering my opinion and concerns.

See you on November 3, 6-7 pm at the Comfort Inn.

Regards,

Jody Johnson



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

15 October 2014

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Deborah Perry
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: Case FS14-381, West Point Towne Center

Dear Ms. Perry

Thank you for the opportunity to comment on the Development Application for the West Point Towne Center Parcel 12. The development is located on 19 acres on the Northwest corner of Grand Avenue and Dysart Road. The site is approximately 1 1/2 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

The proposed development pertains to 19 acres of the approximately 594.8 gross acres that makes up the entire West Point Town Center. The intent of the amendment request is to support a development plan for a new non-residential project, on currently undeveloped land, and change it from a "Medium Density Residential" to Commercial" land use designation. The activity as describe in the site Plan Application FS14-381 at the location described above, is compatible and consistent with the high noise or accident potential of a military airport or ancillary military facility, and will not negatively impact the flying operations at Luke AFB.

West Point Towne Center is located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential tenants about Luke AFB operations. We also recommend a review of the Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read 'J. R. Mitchell', followed by a horizontal line.

JAMES R. MITCHELL

cc:

Colonel Jeremy T. Sloane, Vice Commander, 56th Fighter Wing

Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

From: [Lloyd Abrams](#)
To: [Robert Kuhfuss](#)
Subject: FW: US-60/Grand Ave COMPASS - 132nd Avenue - Access Management Plan Modification
Date: Monday, November 10, 2014 6:01:42 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

From: Bob Hazlett <BHazlett@azmag.gov>
Date: Friday, November 7, 2014 at 5:40 PM
To: Lloyd Abrams <Lloyd@surpriseaz.gov>, Bob Wingenroth <Bob.Wingenroth@surpriseaz.gov>, Rick Buss <Rick.Buss@surpriseaz.gov>
Cc: "Dana Owsiany (dana.owisany@surperiseaz.gov)" <dana.owisany@surperiseaz.gov>, "Pagnard, Jason" <jason.pagnard@burgessniple.com>, "Townsend, Jim K." <Jim.Townsend@wilsonco.com>, "Philip Demosthenes (pdemos@ecentral.com)" <pdemos@ecentral.com>, Eric Anderson <EAnderson@azmag.gov>
Subject: US-60/Grand Ave COMPASS - 132nd Avenue - Access Management Plan Modification

Lloyd –

Thank you for your phone call of this morning, November 7 to discuss a revision to the draft Access Management Plan for the US-60/Grand Ave corridor within the City of Surprise. The purpose of this Email is to indicate that we will recommend that Intersection S47, identified as 132nd Avenue and located at reference marker 143.2 (expressed in miles), presently identified as a right-in/right-out for traffic along inbound US-60 only, be considered as a "Green Lane" or "Florida T" intersection to allow full operational access to the property located on the west and south sides of Grand Avenue for accommodating future development, in the Access Management Plan for the US-60/Grand Avenue COMPASS study.

Please let me know if you have any additional questions. Thank you.

Bob Hazlett

MARICOPA ASSOCIATION OF GOVERNMENTS

302 N First Avenue
Suite 300
Phoenix AZ 85003-1516
602 254-6300
602 452-5026 Direct
602 254-6490 FAX
bhazlett@azmag.gov
www.azmag.gov

