



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

Tuesday, December 17, 2024 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

The City Manager may present a brief summary of current events, including recognition of community members, employees, and programs, pursuant to A.R.S. § 38-431.02(K). The City Council will not discuss or take action on any matter within the City Manager Report.

F. City Clerk Report

G. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|------------|--|--|
| 1. | Internal | Consideration and action to approve the December 3, 2024 Regular City Council Meeting Minutes, and City Council Work Session Minutes. | Kristi Passarelli
City Clerk |
| 2. | District 1 | Consideration and action enlarging an existing lighting improvement district known as City of Surprise, Arizona, SU-RANCHO MERCADO NORTH 181 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-157. | Kristin Tytler
Public Works |
| 3. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Del Rey, generally located at the northeast corner of West Happy Valley Road and North 147 th Avenue; Resolution # 2024-191. | Kristin Tytler
Public Works |
| 4. | District 1 | Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of Pat Tillman Boulevard from Asante Trails Retail Partners. | Lloyd Abrams
Community
Development |
| 5. | District 1 | Consideration and action pertaining to acceptance of a Drainage Easement along 163rd Avenue south of Pat Tillman Boulevard from Asante Trails Retail Partners. | Lloyd Abrams
Community
Development |
| 6. | District 1 | Consideration and action pertaining to acceptance of a Temporary Sewer Line Easement from Courtland Homes, Inc, near Citrus and Pinnacle Peak Road. | Lloyd Abrams
Community
Development |

7.	District 1	Consideration and action pertaining to acceptance of a Quit Claim Deed for dedication of Rights-of-Way along 155th Avenue north of Pinnacle Peak Road from Fulton Homes Escalante Homeowners Association.	Lloyd Abrams Community Development
8.	District 5	Consideration and action pertaining to acceptance of a Water Meter Easement from GS-SM Album Surprise Owner LLC, near Parkview Place and Paradise Lane.	Lloyd Abrams Community Development
9.	District 1	Consideration and action pertaining to acceptance of a Warranty Deed for dedication of Rights-of-Way along 163rd Avenue north of Jomax Road from Langley Partners Investments, LLC.	Lloyd Abrams Community Development
10.	District 1	Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of San Ysidro, Tract C., from the Fulton Holmes Escalante Homeowners Association.	Lloyd Abrams Community Development
11.	District 1	Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of San Ysidro, Tract E., from Fulton Holmes Escalante Homeowners Association.	Lloyd Abrams Community Development
12.	District 5	Consideration and action pertaining to approval of the Final Plat entitled, "Lot 10 of SimonCRE at Surprise Center" and dated received November 12, 2024, for property generally located at the southeast corner of Bell Road and Bullard Avenue; Case FS24-0761.	Leslie Carnie Community Development
13.	District 6	Consideration and action pertaining to acceptance of a Warranty Deed for dedication of Rights-of-Way from Surprise Cactus LLC along Cactus Road east of Litchfield Road.	Lloyd Abrams Community Development
14.	District 6	Consideration and action pertaining to acceptance of a Drainage Easement from Surprise Cactus LLC along Cactus Road east of Litchfield Road.	Lloyd Abrams Community Development
15.	Citywide	Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$4,700 for acceptance of a grant to continue the Victims' Rights Program (VRP); Resolution #2024-199.	Robert Wingo Legal
16.	Citywide	Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$10,000 to provide funding for overtime expenses associated with the participation of one Surprise Police Officer in the Joint Law Enforcement Operations Task Force; Resolution #2024-200.	Benny Pina Police
17.	Citywide	Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$11,600 and authorizing acceptance of a grant award from City of Phoenix Affiliate Award Funding to cover training and equipment expenses related to the investigations of internet crimes against children; Resolution #2024-201.	Benny Pina Police
18.	Citywide	Consideration and action pertaining to approval of Amendment No. 1 to the Intergovernmental Agreement with Maricopa County to build a general administration building which will include a multi-	Seth Dyson Human Svcs and Comm Vitality

generational community resource center; Resolution #2024-194.

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| 19. | Citywide | Consideration and action pertaining to adoption of a Title VI Plan update for the City's transit obligations related to receipt and use of federal funds for transit services; Resolution #2024-202. | Eric Boyles
Transportation |
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REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 20. | District 4 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 315342, requested by Jared Michael Repinski, for Best Western Plus Surprise Phoenix - NW for Series 07 Liquor License. Best Western Plus Surprise Phoenix - NW is located at 13337 W Grand Ave, Surprise, AZ 85374. | Kristi Passarelli
City Clerk |
| 21. | District 3 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 314540, requested by Maria Danielle Burgess, for Circle K Store #9543 for Series 09 Liquor License. Circle K Store #9543 is located at 16251 W Cactus Rd, Surprise, AZ 85379. | Kristi Passarelli
City Clerk |
| 22. | District 1 | Consideration and action pertaining to the annexation of approximately 10.8 acres of county land, generally located at the southeast corner of 163 rd Avenue and Pinnacle Peak Road; Ordinance #2024-41. | Trevor Fleetham
Community
Development |
| 23. | District 1 | Consideration and action pertaining to a rezone of approximately 3.4 acres from Rural Residential (RR) to Community Commercial (C-2), generally located south of the southeast corner of 163 rd Avenue and Pinnacle Peak Road; Ordinance #2024-39. | Trevor Fleetham
Community
Development |
| 24. | District 1 | Consideration and action pertaining to a rezone of approximately 7.4 acres from Rural Residential (RR) to Community Commercial (C-2) with Planned Unit Development (PUD) Overlay, generally located at the southeast corner of 163 rd Avenue and Pinnacle Peak Road; Ordinance #2024-40. | Trevor Fleetham
Community
Development |
| 25. | Citywide | Consideration and action pertaining to a Zoning Text Amendment for Administrative Approvals and Infrastructure Acceptances; Ordinance #2024-38. | Tiffany Copp
Community
Development |
| 26. | Citywide | Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to Commercial Adaptive Reuse; Ordinance #2024-45. | Tiffany Copp
Community
Development |
| 27. | Citywide | Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to the keeping of fowl in single family residential zones; Ordinance #2024-42 | Tiffany Copp
Community
Development |
| 28. | Citywide | Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to the allowance of accessory dwelling units | Tiffany Copp
Community
Development |

(ADU's) in single family residential zones; Ordinance 2024-43.

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|-----|----------|--|--|
| 29. | Citywide | Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to Administrative Residential Zoning Approvals; Ordinance #2024-44. | Tiffany Copp
Community
Development |
| 30. | Citywide | Consideration and action pertaining to the establishment of fees for towing from private property; Resolution #2024-114. | Benny Pina
Police |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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|-----|----------|--|-------------------------|
| 31. | Citywide | Presentation and discussion pertaining to the FY2025 Financial Status Report through September 2024. | Andrea Davis
Finance |
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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. You may also [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.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item 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.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

- I. Other Business and Future Agenda Items
- J. City 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.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, December, 12th, 2024 @ 5:00 PM

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

Council Meeting Date: December 17, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

Consent: No	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department:
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:
City Manager sub-text

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: Internal

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to approve the December 3, 2024 Regular City Council Meeting Minutes, and City Council Work Session Minutes.

Motion:

I move to approve the November 4th, 2024 Regular City Council Meeting Minutes, and City Council Work Session Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 120324 Work Session Minutes DRAFT
 2. 120324 Regular Meeting Minutes DRAFT
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**CITY OF SURPRISE
City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374**

**Tuesday, December 3, 2024 @ 4:30 PM
COUNCIL CHAMBERS**

A. Call To Order

Vice-Mayor Haney called the City Council Work Session of December 3rd, 2024 to order at 4:30 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

B. Roll Call

In attendance with Vice-Mayor Nick Haney were Council members Chris Judd, Alyson Cline, Patrick Duffy, Ken Remley and Jack Hastings. Mayor Hall was excused.

C. Pledge of Allegiance

Vice-Mayor Haney led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

1. City Manager sub-text

F. City Clerk Report

G. Regular City Council Work Session Agenda

1. CONSENT AGENDA:

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Presentation and discussion pertaining to an update of District One transportation improvements.

Transportation Director, Eric Boyles, came to present this item. He talked about the background for this item, SR303/US60 TI Improvements, and Future Improvements.

Councilmember Remley asked, if there was the opportunity to measure the amount of improvements, and what has been accomplished so far and future expectations? Eric said the improvements so far were from the state, and that they have noticed a drastic reduction in wait times. Councilmember Remley, asked about police being involved to direct traffic to mitigate wait times. He asked if something like that would help? Eric said they should wait to see how the current improvements will impact first.

Eric further talked about 163rd Ave Improvements, Project Next Steps, Traffic Signal Improvements, Dale Lane Improvements, General Traffic Signal Improvements.

Councilmember Cline, talked about the community feedback she's heard about the pedestrian improvements.

Councilmember Remley, talked about the stop light at that point, his experience in the area. Eric said they still had some work to do in the area, but the improvements are helping so far.

Eric talked about the Projects Under Design, Happy Valley Road Widening Project, and Three Potential Future Access Points.

Vice-Mayor Haney, talked about his experience with Dale Lane, and staff involvement in the process. He asked increasing access points? Eric said it was the intent to find a way for 163rd and US 60 to have alternative routes. Vice-Mayor Haney, asked about the improvements? Eric said they would make an additional entry for the 303. Vice-Mayor Haney thanked staff for their involvement and help with these improvements. Vice-Mayor Haney asked if this was short term? Eric said it was, and that MAG would talk about long-term developments later tonight.

Councilmember Remley, talked about the City doing the best they can for it's citizens and asked if the state was doing the same with signage and other efforts? He asked if there was more that could be done with the state? Eric said that ADOT has been a good partner, and they would continue to monitor the situation.

2. Presentation and discussion pertaining to financial and location analysis for new proposed startup and small business program.

Economic Development Director, Jeanine Jerkovic, came to talk about the background for this item, The Site Analysis, Value/Benefit of Relocation, Quantitative Analysis Assumptions (High Level), Idea Site Considerations, Location Considerations, Additional Considerations, and The City's Goals.

Councilmember Hastings talked about the relationships that the City has. He said he thought it was a good idea, and how the City could actually show support for Small Businesses.

Councilmember Judd said he liked the presentation, he said this was a service that the City was providing, he thanked staff for their efforts.

Councilmember Cline talked about doing things for small businesses. She talked about how hard it is to make a small business, and liked the efforts the City was putting forth.

Councilmember Remley, talked about his experience with Small Businesses and how hard it is to develop a new business. He talked about looking at the business model and figuring out one that would work.

Councilmember Duffy, said that he thinks the Techcellerator has run its course and that future action would be in City Center. He said he would prefer not to stay in the old facility.

Vice-Mayor Haney, said he thinks the talented people are the key and not the current location. He said he wants it to be a spring board and not a landing.

H. Other Business and Future Agenda Items

I. City Council Reports

J. Executive Session

1. Executive Session Items
2. Executive Disclaimer - Part 1
3. Executive Disclaimer - Part 2

4. Executive Disclaimer - Part 3

K. Adjournment

Motion: To Adjourn

Initiated By: Jack Hastings

Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

Meeting Adjourned at 5:36 PM

Skip Hall, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, 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, December 3, 2024.**

Kristi Passarelli, City Clerk



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

Tuesday, December 3, 2024 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Vice Mayor Haney called the Regular Council Meeting of December 3rd, 2024 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Yvonne Valenzuela led a prayer.

B. Roll Call

In attendance with Vice Mayor Nick Haney were Council members Chris Judd, Alyson Cline, Patrick Duffy, Ken Remley and Jack Hastings. Mayor Hall was Excused.

C. Pledge of Allegiance

Cimarron Springs Student Council led in the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

2. City Manager sub-text

3. Reports

City Manager Bob Wigenroth presented Shelby Fenwick. She came to introduce the Cimarron Springs Student Council Members.

Shelby introduced the Youth Council Members.

Ian Huskisson, Paradise Honors.

Braedan Aftanski, Paradise Honors.

F. City Clerk Report

4. Reports

G. Regular City Council Meeting Agenda

5. CONSENT AGENDA:

Motion: To Approve

Initiated By: Chris Judd

Seconded By: Jack Hastings

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

1. Consideration and action to approve the November 19, 2024 Regular City Council Meeting Minutes, and City Council Work Session Minutes.
2. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2024 budget by moving budget authority between funds, projects, inter-fund cash transfers, and loans in order to close out the Fiscal Year; Resolution #2024-194.
3. Consideration and action to approve an amendment to the Fiscal Year 2025 budget moving budget authority within grant and capital projects to/from contingency or between projects to adjust amounts originally estimated during the FY2024 budget process, as required by grant stipulations and guidelines, or based on anticipated revenues and amending the FY2025 Contract Awarding Authority List; Resolution #2024-197.
4. Consideration and action pertaining to approval of an Intergovernmental Agreement with the City of Phoenix for apparatus loaning; Resolution #2024-179
5. Consideration and action to approve Desert Oasis Lighting Improvement District No.
 1. Resolution #2024-187 due to scrivener errors in the legal description and boundary.
6. Consideration and action to approve SU-EllenRanch218 Resolution #2024-188 due to scrivener errors with the legal description and boundary.
7. Consideration and action regarding a Final Plat entitled, “Mesic Final Plat (Surprise)” for a site generally located northeast of 168th Avenue and Dale Lane; Case #FS24-0258.
8. Consideration and action amending Resolution #2024-184 abandoning a 15-foot right-of-way for approximately 2,520 foot section of Citrus Road, between Norwich Drive and Pinnacle Peak Road; Amended Resolution #2024-184.
6. REGULAR AGENDA ITEM - PUBLIC HEARING:
9. Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 315098, requested by Robin Singh Thind, for 7-Eleven #42300A for Series 10 Liquor License. 7-Eleven #42300A is located at 13130 W Bell Rd, Surprise, AZ 85378.

Motion: To Approve
Initiated By: Jack Hastings
Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

7. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

10. Consideration and action to approve a Real Estate Purchase Agreement with Deer Valley & 185th Avenue II, LLC, an Arizona Limited Liability Company, for approximately 27 acres of property located near 185th Avenue & Deer Valley Road.

Fire Chief Brenden Espie, and Chief Financial Officer Andrea Davis came to present this item. She talked about Land Acquisition, Growth, and Council Prioritization.

Chief Espie, came to talk about Public Safety Land Purchase, What has been done so far, Overall Site, GO Bond Funding, Fire Station 310, and Potential Future Projects.

Councilmember Judd, said he liked the big picture approach, and the future planning. He asked what the action will do for this item? Chief Espie, said the action would be to approve the purchase agreement, and future steps, as well as timeline. Councilmember Judd asked about the potential closing date. Chief Espie talked about the process. Councilmember Judd asked about the narrow pieces of land. Chief Espie said it would allow connectivity to other parcels of city land. Councilmember Judd asked if it could be accomplished with an easement and the size of some of the portions of land and if it was usable portion? Chief Espie said it would be fleshed out with the future assessment, but believed they would be able to use all of it. Andrea said there would be a lot of value there. Councilmember Judd asked what APS is doing over there? Chief Espie said those power lines are there and the impact on the project. Councilmember Judd asked about the parts that the water department controls already? Chief Espie talked about his discussions with the water dept already. Councilmember Judd asked about the parcels already owned? Chief Espie said it was part of Spa 3. Andrea said it was land that could change purposes. Councilmember Judd asked how far west of McMicken Dam the land was? Chief Espie said it was maybe a mile and a half. Councilmember Judd asked if it was attached? Chief Espie said it was.

Councilmember Remley, asked why this item was being brought forward? Andrea said the purchase was already in the budget, but they were seeking council approval to enter the contract. Councilmember Remley asked about the size of the parcel? Chief Espie talked about the size of the parcel and surrounding area. Councilmember Remley asked if there was currently road access? Chief Espie said it is right next to Deer Valley. Councilmember Remley asked about the location of the proposed Fire Station? Chief Espie talked about the location and size of the station. Councilmember Remley asked about the planned location for the Fire Station going to be directly at a corner? Chief Espie said it will be on a corner, but it will not be high traffic. Chief Espie said if the site doesn't work out they could move it over during the planning phase.

Vice-Mayor Haney asked how the impact of a future station will have on response time? Chief Espie said it would alleviate other portions of the City with additional resources. Vice-Mayor Haney asked what kind of units would be deployed from 310? Chief Espie said they would hope to use a second ladder truck, a four person suppression unit and potential rescue. Vice-Mayor Haney asked if the station would have the capacity for that expansion? Chief Espie said there would be four bays and have ten bunks available. Vice-Mayor Haney said he liked the proactive approach being taken. He asked when the station is built if it would be staffed immediately? Chief Espie talked about how they will slowly start staffing until it is shuffled fairly with new employees.

Councilmember Cline, asked about the build-up time? Chief Espie said it would be three years. Councilmember Cline thanked staff for their efforts.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

11. Presentation and discussion from Maricopa Association of Governments (MAG) pertaining to north Surprise transportation infrastructure.

Government Relations Program Director, Jodi Tas, came to introduce Tim Strow from MAG to present this item. Tim talked about US 60 (Grand Avenue) Corridor Study, Corridor Study Schedule, Regional Collaboration, Community Input, MG FLCP Minor Improvements Funding Request, Approved Improvements US 60 & SB L303 On-Ramp, Off-Ramp, US 60 West of 163rd Avenue, Next Phase Interim Improvements Schedule, Northwest Valley Projects Underway, Potential 303 interchange, and Northwest Valley Prop 479 Improvements.

Vice-Mayor Haney asked if these were part of Prop 479? Tim said they were.

Councilmember Cline, asked about the interchange of the 303 and 60 and NW Corner near the Grand? She asked about sound walls? Tim said sound walls would have to be under a project, and they would look into it.

Vice-Mayor Haney asked what MAG's role was? Tim said they were the regional planning agency. Vice-Mayor Haney asked why the City wasn't developing these improvements? Tim said the impact is greater beyond Surprise, and that it is a regional facility. Vice-Mayor Haney thanked everyone for their efforts. Vice-Mayor Haney asked what the impact is going to be for the short-term improvements? Tim said they have done analysis for several years, he said there will be a significant benefit for the next five years and that growth will catch up eventually.

Councilmember Remley talked about the growth in District one. Vice-Mayor Haney talked about the planning involved.

H. Call To The Public

I. Other Business and Future Agenda Items

J. City Council Reports

Councilmember Judd had nothing.

Councilmember Hastings had nothing.

Councilmember Remley wished everyone a happy holiday season.

Councilmember Cline talked about her previous district meetings.

Councilmember Duffy thanked staff for their help recently.

Vice-Mayor Haney talked about the Surprise Parting coming up on December 6th. He talked about his community Meeting on December 11th.

K. Executive Session

8. Executive Session Items

9. Executive Disclaimer - Part 1

10. Executive Disclaimer - Part 2

11. Executive Disclaimer - Part 3

L. Adjournment

Motion: To Adjourn

Initiated By: Aly Cline

Seconded By: Jack Hastings

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

Meeting Adjourned at 7:04 PM

Skip Hall, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, 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, December 3, 2024.**

Kristi Passarelli, City Clerk



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: Public Works
Staff Recommendations:

Contact Person: Kristin Tytler, Department Director
District: District 1

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action enlarging an existing lighting improvement district known as City of Surprise, Arizona, SU-RANCHO MERCADO NORTH 181 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-157.

Motion:

I move to approve Resolution #2024-157.

Background:

SU-RANCHO MERCADO NORTH 181 was formed on June 18, 2019 (Resolution 2019-77). Since the time of formation, new parcels have been formed in and around the original SLID boundary. We request enlarging the existing SLID to include the new parcels and extend existing boundaries to roadway centerlines. The city has verified that the Petition for the proposed street light improvement district enlargement contains the signatures of all the real property owners in the enlargement area of the district, exclusive of mortgagees and other lien holders. The 7 existing and 2 proposed lights within this enlargement, which are local and collected will be billed to the SU-RANCHO MERCADO NORTH 181 SLID. The 4 existing lights on the arterial road will be billed to the City's SLID account.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's streetlights through a property tax. All new developments in the City of Surprise require a SLID. This action will enlarge an existing SLID boundary to include the remainder of the parcels not within the SLID and extend existing boundaries to roadway centerlines. The District is paid for by the levy and collection of equal apportionment of taxes based on the number and classification of properties within the District. The enlargement of the SLID will only affect the parcels joining into the District, as the valuation of the property may be increased.

Policy Compliant:

The Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to

only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

Once the SLID enlargement is illuminated, the City will begin levying SLID to cover the additional SLID expenses. At this current time, the SLID is not incurring any expense because the SLID lights have not been illuminated. Therefore, there is no current financial impact.

Budget Impact:

Since the SLID enlargement is not illuminated, there is no revenue or expense budgeted in FY2025 nor are there budgets planned for FY2026 for the SLID. If the enlargement to the SLID is illuminated in FY2025 or FY2026, expenses will be charged to the SLID and recouped with a future levy.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 01 Resolution-SLID Enlargement- FS22-0672 Rancho Mercado_BAC (003)
 2. 02 SLID Petition_Rancho Mercado_Executed
 3. 03 streetlight plan
 4. 04 streetlight exhibit
-

RESOLUTION # 2024-157

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA DECLARING ITS INTENT TO ENLARGE THE CITY OF SURPRISE, ARIZONA, SU-RANCHO MERCADO NORTH 181 LIGHTING IMPROVEMENT DISTRICT AND ORDERING SUCH ENLARGEMENT.

WHEREAS, on June 18, 2019, the Mayor and City Council of the City of Surprise adopted Resolution No. 2019-77, ordering the formation of the CITY OF SURPRISE, ARIZONA, SU-RANCHO MERCADO NORTH 181 LIGHTING IMPROVEMENT DISTRICT (the "District") for the purpose of purchasing energy for the lighting of the public streets and parks within the District;

WHEREAS, the Mayor and City Council of the City of Surprise ordered Enlargement of the CITY OF SURPRISE, ARIZONA, SU-RANCHO MERCADO NORTH 181 LIGHTING IMPROVEMENT DISTRICT (the "District") in Resolution No. 2019-126 on October 15, 2019; Resolution No. 2020-99 on November 17, 2020; and Resolution No. 2021-164 on December 7, 2021;

WHEREAS, Ariz. Rev. Stat. § 48-616(M) permits the City to add new territory to an existing district, thereby enlarging the boundaries of an existing street lighting improvement district ("SLID") when proper notice has been given to the owners of property that will be added to the SLID in accordance with Ariz. Rev. Stat. Title 48, Chapter 4, Article 2;

WHEREAS, Ariz. Rev. Stat. § 48-617(A) gives the City immediate jurisdiction to adopt the resolution ordering the creation or enlargement of a SLID without the necessity of publication and posting of the resolution of intention when all owners of the real property being added to the SLID have petitioned the City to form or enlarge the SLID;

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of parcels of property which adjoin the District (hereinafter referred to as "Petitioners") acting pursuant to the provisions of Ariz. Rev. Stat. §§ 48-616(M) and 48-617(A), have petitioned the City to enlarge the District to include said property legally described in Exhibit A to this resolution, with such boundaries as shown in the map in Exhibit B to this resolution; and

WHEREAS, the City has verified and finds that Petitioners are the owners, exclusive of mortgagees and other lienholders, of all of the real property being added to the boundary of the District.

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

Section 1. *District Enlargement.* The CITY OF SURPRISE, ARIZONA, SU-RANCHO MERCADO NORTH 181 LIGHTING IMPROVEMENT DISTRICT shall be enlarged by the addition of the property described in Exhibit A and shown in Exhibit B, which are incorporated by reference hereto into this Resolution. The annual tax levied upon the District will remain in full force and effect, and, commencing in fiscal year 2025 will apply to the District as enlarged by this Resolution.

Section 2. *Recording and Filing of this Resolution.* A certified copy of this Resolution shall be recorded in the office of the Maricopa County Recorder. Certified copies of this Resolution shall also be filed with the Arizona Department of Revenue and the Maricopa County Assessor's office pursuant to Ariz. Rev. Stat. § 42-17257.

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Legal Description

EXHIBIT "A"

DESCRIPTION

STREET LIGHT IMPROVEMENT DISTRICT

**LOT 2 of the FINAL PLAT of RANCHO MERCADO PARCELS A7 and A8
BOOK 1708, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA**

A portion of the Northwest Quarter of Section 9, Township 4 North, Range 2 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 9 from which the North Quarter Corner of said Section 9 lies South 89°49'20" East 2631.55 feet;

Thence along the north line of said Northwest Quarter South 89°49'20" East 671.07 feet to the POINT OF BEGINNING;

Thence continuing along said line South 89°49'20" East 614.71 feet;

Thence South 00°05'46" East 762.63 feet to the beginning of a tangent curve, concave westerly, having a radius of 500.00 feet;

Thence southerly along the arc of said curve through a central angle of 30°16'26" s distance 264.19 feet;

Thence South 30°10'40" West 201.81 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 500.00 feet;

Thence southwesterly along the arc of said curve through a central angle of 59°59'02" a distance of 523.46 feet;

Thence North 89°50'18" West 681.38 feet to a point on the west line of said Northwest Quarter;

Thence along said line North 00°06'42" West 469.83 feet;

Thence departing said line South 89°56'20" East 665.51 feet;

Thence North 00°09'25" East 968.79 feet to the POINT OF BEGINNING.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

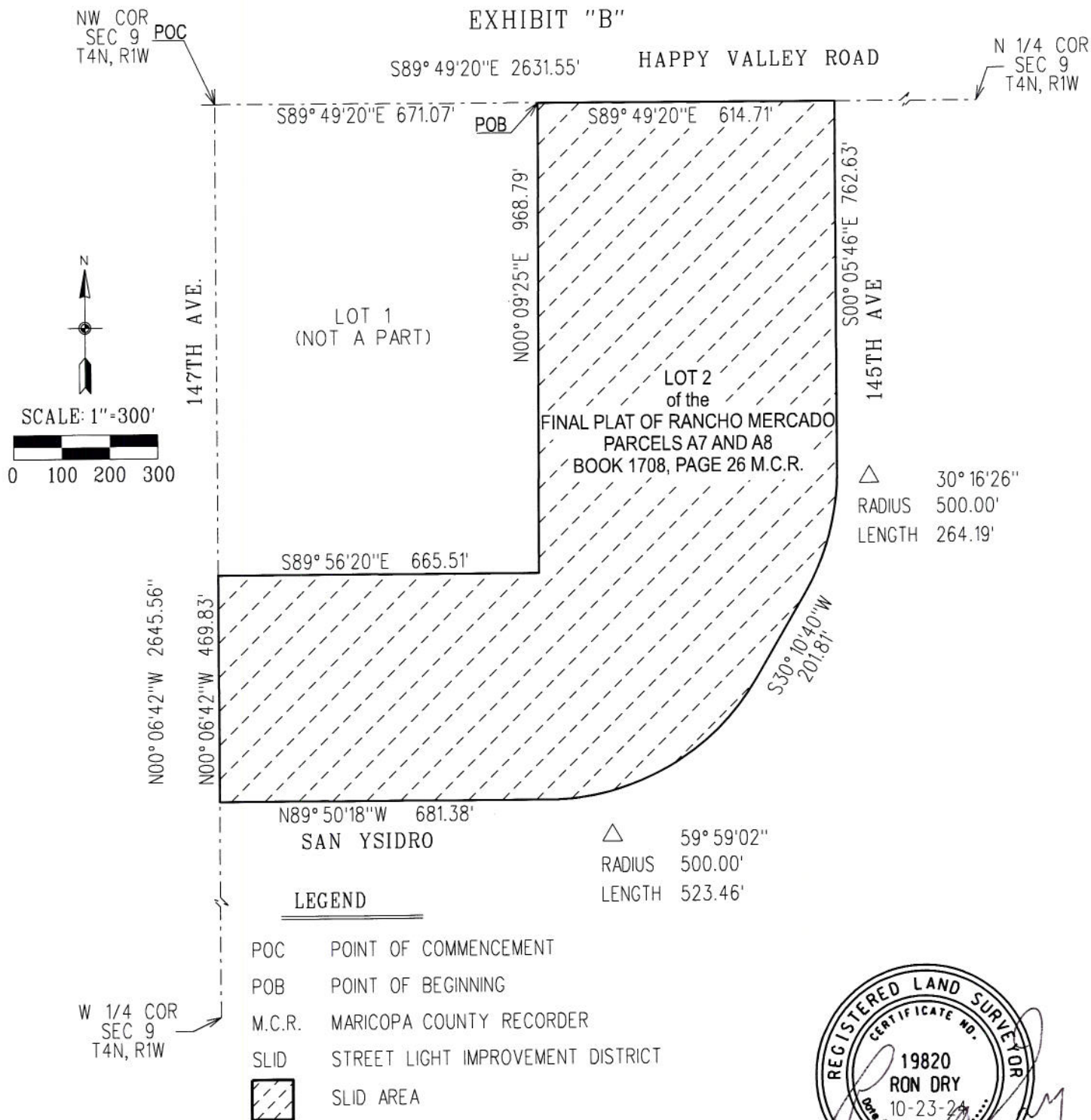
End of description



EXHIBIT B

Map

EXHIBIT "B"



STREET LIGHT IMPROVEMENT DISTRICT
LOT 2 of the FINAL PLAT of
RANCHO MERCADO PARCELS A7 AND A8



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT * 24024

DRAWN BY RCD

DATE 10-23-24

SHEET 1 OF 1

STREET LIGHT IMPROVEMENT DISTRICT PETITION ENLARGEMENT

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, adjoining the district named below. We petition the City Council of the City of Surprise, Arizona, to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to enlarge the existing District, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

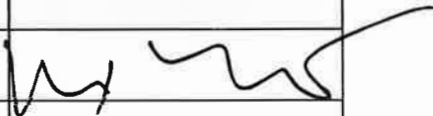
WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to enlarge the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the existing street light improvements district to be enlarged:

SU-RANCHO MERCADO NORTH 181

(Leave Blank - to be assigned by City staff)

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
MSP HC SFR Mercado LLC	24750 N 145th Ave, Surprise, AZ 85387	503-69-986	 Max Lamont



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

AVAILABILITY

This rate schedule is applicable to those portions of cities, towns and unincorporated communities in which the Company does a general retail electric business and where the Company has installed a multiple or series street lighting system of adequate capacity for the service to be rendered after December 1, 2021.

DESCRIPTION

E-68 is a rate that is applicable for lighting public streets, alleys, thoroughfares, public parks and playgrounds from dusk to dawn by use of Company's facilities.

TIME PERIOD

Dusk: The time between sunset and full night when photocontrol senses the lack of sufficient sunlight and turns on the lights.

Dawn: The time between full night and sunrise when a photocontrol senses sufficient sunlight to turn off lights.

CHARGES

The monthly bill will consist of the fixture and energy charges, plus adjustments:

I. FIXTURES (Includes Mounting Arm, if applicable)

Fixture Equipment Class	Fixture Cost Range (per unit)	Investment by Company Monthly Rate	Investment by Others Monthly Rate
A	\$ 1 - \$ 430	\$ 6.54	\$ 2.00
B	\$ 431 - \$ 520	\$ 7.97	\$ 2.43
C	\$ 521 - \$ 640	\$ 9.56	\$ 2.97
D	\$ 641 - \$ 820	\$ 11.43	\$ 3.80
E	\$ 821 - \$ 910	\$ 14.46	\$ 4.21
F	\$ 911 - \$ 1,010	\$ 16.10	\$ 4.67
G	\$ 1,011 - \$ 1,110	\$ 17.60	\$ 5.14
H	\$ 1,111 - \$ 1,250	\$ 19.95	\$ 5.77
I	\$ 1,251 - \$ 1,520	\$ 22.20	\$ 7.00
J	\$ 1,521 - \$ 1,670	\$ 27.06	\$ 7.70
K	\$ 1,671 - \$ 1,850	\$ 30.08	\$ 8.52

Note: Equipment cost greater than \$1,850 shall be Customer owned.



II. ENERGY (Includes Generation, T&D, RCS & SBC)

Monthly energy charges for new lighting fixtures will be determined by the Company using the following method:

$$\text{kWh} = \text{Fixture Wattage} \times 344 \text{ Usage Hours}$$

$$\text{Generation} = \text{kWh per month} \times \$0.07575$$

$$\text{T\&D, RCS, System Benefits} = \text{kWh per month} \times \$0.03068$$

NOTES:

1. Investment by Company. These rates are applicable where the Company provides the initial investment to purchase and install all facilities necessary for street lighting service. The Company will own, operate, and maintain the street lighting system.
2. Investment by Others. These rates are applicable in those instances where the requesting entity or individual purchases and installs the street lighting facilities at their own expense and in accordance with Company specifications. These rates will also apply in the instance where the Customer provides a non-refundable advance to the Company to cover the Company's cost of purchasing and installing the street lighting system. The Company retains ownership of the street lighting system and provides operation and maintenance for all facilities.
3. Listed kWh reflects the assigned monthly energy usage for each type of fixture and are used to determine any applicable transmission, system benefit, distribution, energy, and adjustment charges.
4. kWh is determined by the company based on the rated wattage of the equipment and an established average hourly usage per month.
5. The monthly rate for all new poles includes up to 300 feet of overhead secondary wire, or up to 300 feet of underground secondary wire if the Customer provides earthwork and conduit (excluding the underground to overhead transition).



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

III. POLES

			CHARGES		
			Height	Investment by Company	Investment by Others
A. Anchor Base Mounted (Flush)	Round Steel	1 Simplex Adapter	12 ft.	\$ 14.69	\$ 2.03
			22 ft.	\$ 16.53	\$ 2.28
			25 ft.	\$ 17.89	\$ 2.47
			30 ft.	\$ 20.55	\$ 2.83
			32 ft.	\$ 21.59	\$ 2.86
		2 Simplex Adapters	12 ft.	\$ 15.66	\$ 2.16
			22 ft.	\$ 18.00	\$ 2.48
			25 ft.	\$ 18.77	\$ 2.59
			30 ft.	\$ 21.82	\$ 3.01
			32 ft.	\$ 23.27	\$ 3.21
	Square Steel	5"	13 ft.	\$ 16.84	\$ 2.31
			15 ft.	\$ 15.04	\$ 2.07
			23 ft.	\$ 17.85	\$ 2.46
			25 ft.	\$ 19.62	\$ 2.70
			28 ft.	\$ 21.78	\$ 3.00
			32 ft.	\$ 21.66	\$ 2.99
	Concrete		12 ft.	\$ 50.19	\$ 6.91
Fiberglass		12 ft.	\$ 42.50	\$ 5.85	
Decorative Transit	4"	16 ft.	\$ 41.44	\$ 5.72	
Decorative Transit	6"	30 ft.	\$ 80.01	\$ 11.02	
Hinged Poles	Square	15 ft.	\$ 15.93	\$ 1.30	
	Round	19 ft.	\$ 14.40	\$ 1.18	
B. Anchor Base Mounted (Pedestal)	Round Steel	1 Simplex Adapter	12 ft.	\$ 14.13	\$ 1.93
			22 ft.	\$ 15.98	\$ 2.20
			25 ft.	\$ 17.32	\$ 2.39
			30 ft.	\$ 20.00	\$ 2.77
			32 ft.	\$ 21.02	\$ 2.89
		2 Simplex Adapters	12 ft.	\$ 15.09	\$ 2.07
			22 ft.	\$ 16.86	\$ 2.31
			25 ft.	\$ 18.20	\$ 2.49
			30 ft.	\$ 21.26	\$ 2.92
			32 ft.	\$ 22.70	\$ 3.12
		3 Bolt Arm	32 ft.	\$ 26.09	\$ 3.58
	Square Steel	5"	13 ft.	\$ 16.29	\$ 2.25
			15 ft.	\$ 16.66	\$ 2.28
			23 ft.	\$ 17.29	\$ 2.39
			25 ft.	\$ 19.07	\$ 2.64
			28 ft.	\$ 21.19	\$ 2.92
			32 ft.	\$ 22.00	\$ 3.01



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

III. POLES (cont.)

				CHARGES		
				Height	Investment by Company	Investment by Others
C. Direct Bury	Round Steel		19 ft.	\$ 22.23	\$ 3.07	
			30 ft.	\$ 17.36	\$ 3.21	
			38 ft.	\$ 21.18	\$ 3.29	
		Self	40 ft.	\$ 26.09	\$ 4.13	
		Stepped	25 ft.	\$ 60.01	\$ 4.90	
			32 ft.	\$ 63.20	\$ 5.16	
			49 ft.	\$ 78.45	\$ 10.81	
		Square Steel	4"	34 ft.	\$ 19.15	\$ 3.32
			5"	20 ft.	\$ 18.19	\$ 3.01
	30 ft.			\$ 18.96	\$ 3.12	
	38 ft.			\$ 20.57	\$ 3.57	
	8"		28 ft.	\$ 34.33	\$ 2.79	
			32 ft.	\$ 35.89	\$ 2.94	
	Decorative Transit			41 ft 6"	\$ 24.71	\$ 3.63
	Decorative Transit		47 ft.	\$ 30.79	\$ 4.53	
	Steel Distribution Pole (for lighting only)		35 ft.	\$ 28.42	\$ 3.74	
D. Post Top	Decorative Transit Anchor Base		16 ft.	\$ 42.33	\$ 5.81	
	Gray Steel/Fiberglass		23 ft.	\$ 14.68	\$ 2.41	
	Black Steel		23 ft.	\$ 16.18	\$ 2.67	
E. Existing distribution pole suitable for streetlight use				\$ 1.78	--	
F. Wood	Wood Poles		30 ft.	\$ 10.80		
			35 ft.	\$ 10.80		
			40 ft.	\$ 15.00		

IV. ANCHOR BASE

		CHARGES		
		Height	Investment by Company	Investment by Others
A. Flush		4 ft.	\$ 11.96	\$ 1.65
		6 ft.	\$ 14.27	\$ 2.47
B. Pedestal		8 ft.	\$ 16.35	\$ 2.85
	For 32' Round Steel Pole only	4 ft. 6"	\$ 11.34	\$ 1.96



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

V. CHARGES FOR OPTIONAL OR ADDITIONAL COMPANY OWNED EQUIPMENT

Underground Circuit Charges	
a. Per foot of cable, installed under paving	\$ 0.19051
b. Per foot of cable, not installed under paving	\$ 0.06724

TRIP CHARGE

A \$150.00 trip charge per light will be charged when a Customer requests a disconnect or reconnect of service in order to accommodate the maintenance activities of the Customer or its designee(s) on their street lighting equipment.

ADJUSTMENTS

The bill will include the following adjustments:

1. The Renewable Energy Standard charge, Adjustment Schedule REAC-1.
2. The Power Supply Adjustment charges, Adjustment Schedule PSA-1.
3. The Transmission Cost Adjustment charge, Adjustment Schedule TCA-1.
4. The Demand Side Management Adjustment charge, Adjustment Schedule DSMAC-1.
5. Direct Access Customers returning to Standard Offer service may be subject to a Returning Customer Direct Access Charge, Adjustment Schedule RCDAC-1.
6. The Tax Expense Adjustor Mechanism charge, Adjustment Schedule TEAM.
7. The Court Resolution Surcharge, Adjustment Schedule CRS-1.
8. The System Reliability Benefit Adjustment Mechanism charge, Adjustment Schedule SRB-1.
9. Any applicable taxes and governmental fees that are assessed on APS's revenues, prices, sales volume, or generation volume.



SERVICE DETAILS

1. Street lighting facilities installed under this rate schedule are of the type currently being furnished by Company as standard at the time service is initially requested. Standard facilities are those listed in the Company's Transmission and Distribution Construction Standards book.
2. The Customer's bill will not be reduced due to photocontrol or cable repair or replacement outages.
3. Non-standard facilities (non-standard being defined as any facility not listed in the Company's Transmission and Distribution Construction Standards book) do not qualify for this rate schedule. At the Company's discretion, such facilities may be served under another of the Company's rate schedules.
4. The Company will extend its standard street lighting system up to a distance of 300 feet for each additional lighting installation without cost at the request of the Customer. When the extension is underground, the customer will provide earthwork as specified in the Company's Service Schedule 3, Conditions Governing Extensions of Electric Distribution Lines and Services; or, at the applicant's request, the Company will provide such earthwork and the applicant will be required to pay a non-refundable contribution in aid of construction equal to the cost of such earthwork. Any additional extension required (over and above the first 300 feet) will be provided by Company for a contribution in aid of construction equal to the cost of the additional extension.
 - a. Extensions to isolated areas requiring a substantial extension of the electric distribution system, as opposed to an extension of the street lighting system, will require a special study to determine the terms and conditions under which the Company will undertake such an extension.
5. APS provides electric service under the Company's Service Schedules. These schedules provide details about how the Company serves its Customers, and they have provisions and charges that may affect the Customer's bill. In addition, service may be subject to special terms and conditions as provided for in a Customer contract, maintenance, or service agreement.

RANCHO MERCADO

N 147TH AVE & W HAPPY VALLEY RD

SURPRISE, AZ

PUBLIC STREET LIGHT

STREET LIGHTING REQUIREMENTS

5.00 GENERAL NOTES:

THE FOLLOWING INFORMATION IS PROVIDED TO EMPHASIZE CRITICAL WORK AND IS INTENDED TO SUPPLEMENT THE SPECIFICATIONS. SHOULD THERE BE A CONFLICT WITH THE SPECIFICATIONS, THIS DOCUMENT SHALL TAKE PRECEDENCE.

ALTERNATES SHALL BE PRE-APPROVED BY THE CITY ENGINEERING MANAGER. APPROVAL OF ALTERNATE PRODUCTS SHALL BE ON AN EQUAL BASIS WITH THE PRODUCT SPECIFIED AND SHALL BE SUBMITTED A MINIMUM OF TEN (10) DAYS PRIOR TO BID OPENING. STRUCTURAL CALCULATIONS SHALL BE FURNISHED FOR ALTERNATE PRODUCTS AND CERTIFIED BY A STRUCTURAL ENGINEER, REGISTERED IN THE STATE OF ARIZONA. LUMINAIRES AND LAMPS SHALL MEET OR EXCEED THE PHOTOMETRIC, ELECTRICAL, AND MECHANICAL REQUIREMENTS FOR THE SPECIFIED PRODUCTS.

THE CONTRACTOR SHALL COMPLY WITH STATE AND CITY STATUTES, AND MANUFACTURER'S RECOMMENDATIONS.

THE SUBMITTAL PACKAGE SHALL CONSIST OF THREE (3) COPIES OF EQUIPMENT/MATERIAL TO BE INSTALLED AND SHALL BE BOUND/STAPLED IN A FOLDER AND SUBMITTED AT THE TIME OF PERMIT APPLICATION.

PRIOR TO SUBMITTING A PROPOSAL, THE BIDDER SHALL EXAMINE ALL GENERAL CONSTRUCTION DRAWINGS AND VISIT THE CONSTRUCTION SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS UNDER WHICH HE WILL OPERATE AND WHICH WILL IN ANY WAY AFFECT THE WORK UNDER THE CONTRACT. NO SUBSEQUENT ALLOWANCE WILL BE MADE IN THIS CONNECTION IN THE BEHALF OF THE CONTRACTOR FOR ANY ERROR OR NEGLIGENCE ON HIS PART.

PRIOR TO ORDERING ANY MATERIALS OR DOING ANY WORK, THE CONTRACTOR SHOULD VERIFY DIMENSIONS AT THE SITE. IMMEDIATELY REPORT DIFFERENCES TO THE ENGINEERING MGR. AND SHOULD NOT PROCEED WITH WORK UNTIL THE ENGINEERING MGR. RENDERS A DECISION. NO EXTRA CHARGES OR COMPENSATION WILL BE ALLOWED FOR DIFFERENCES IN ACTUAL DIMENSIONS AND DIMENSIONS INDICATED ON THE DRAWINGS.

5.01 GENERAL:

THE ELECTRICAL CONTRACTOR SHALL COMPLY WITH ALL LICENSING REQUIREMENTS SET FORTH BY THE STATE REGISTRAR OF CONTRACTORS OFFICE TO PERFORM WORK RELATING TO STREET LIGHT INSTALLATION IN THE CITY RIGHT-OF-WAY.

ONE PROJECT UNDERGROUND UTILITIES (RIGHT OF WAY) PERMIT AND ONE STREETLIGHT PERMIT FOR EACH STREET LIGHT POLE SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

5.02 WORKING / "AS BUILT" PLANS:

ACCEPTANCE OF THE COMPLETED IMPROVEMENTS WILL NOT BE GIVEN UNTIL 4 MIL PHOTO MYLAR REPRODUCIBLE "AS BUILT" PLANS HAVE BEEN SUBMITTED TO AND APPROVED BY THE CITY ENGINEER.

5.03 LIGHT POLES:

LIGHT POLES SHALL BE INSTALLED PLUMB, BE ADJUSTED TO PROVIDE PROPER ALIGNMENT TO THE ROADWAY BEING LIGHTED AND BE PROPERLY GROUNDED WHEN THE INSTALLATION IS COMPLETE.

5.04 EMBEDMENT:

DIRECT BURIED POLES SHALL BE SET IN A TWELVE (12) INCH AUGURED HOLE DEPTH AS SPECIFIED IN UNDISTURBED EARTH. POLE SHALL BE SET PLUMB IN TWO DIRECTIONS 90 DEGREES APART. HAND TAMPING OF ABC BACKFILL WITH PNEUMATIC OR VIBRATING EQUIPMENT IS THE ACCEPTABLE METHOD OF COMPACTION. BACKFILL SHALL BE COMPACTED TO 85% OF MAXIMUM DENSITY AS DEFINED BY ASTM D-2922 AND D-3017. A GROUND ROD SHALL BE INSTALLED ADJACENT TO PULL BOX IN UNDISTURBED SOIL AND A LEAD IN COPPER BOND WIRE (#6) SHALL BE INSTALLED IN 1" CARFLEX LIQUIDTIGHT FLEXIBLE NONMETALLIC CONDUIT (OR EQUAL) FOR POLE GROUNDING.

SURPLUS EXCAVATION SHALL BE DISPOSED OF BY THE CONTRACTOR.

5.05 LUMINAIRES:

LUMINAIRES SHALL BE INSTALLED LEVEL AND INCLUDE A LAMP AND PHOTOCCELL. CONTRACTOR SHALL ASSURE THAT THE LUMINAIRES SHALL BE FREE OF DUST, DIRT OR ANYTHING THAT WOULD IMPAIR THE OUTPUT OF THE LIGHT BEFORE HE LEAVES THE SITE.

LUMINAIRES FURNISHED WITH MULTI-TAP BALLASTS SHALL BE WIRED OR RECONNECTED TO MATCH THE VOLTAGE SUPPLIED BY THE ELECTRIC UTILITY COMPANY.

5.06 WIRING:

WIRING SHALL BE INSTALLED PER UTILITY STANDARDS.

5.07 GROUNDING:

EACH POLE SHALL HAVE A 8' X 5/8" COPPER CLAD GROUND ROD DRIVEN ADJACENT TO PULL BOX. A #6 BARE COPPER LEAD FROM THE GROUND ROD IN PULL BOX TO LANDING LUG IN STREET LIGHT POLE HAND HOLE.

5.08 PULL BOXES:

EXCAVATION FOR PULL BOXES AND MATERIAL SPECIFICATION SHALL BE PER THE ELECTRIC UTILITY COMPANY STANDARDS.

5.09 TRENCH

TRENCH SHALL BE INSTALLED PER THE UTILITY COMPANY STANDARDS.

THE USE OF A COMMON ELECTRIC UTILITY COMPANY TRENCH IS PERMITTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANY FOR COORDINATION OF TRENCHING AND THE INSTALLATION OF CONDUIT.

CONDUIT SHALL BE INSTALLED AT THE DEPTH SPECIFIED ON THE PLANS. CONDUIT SHALL BE 1 INCH CARFLEX LIQUIDTIGHT FLEXIBLE NONMETALLIC CONDUIT OR EQUAL. CONDUIT MUST BE UL RATED AND SUITABLE FOR UNDERGROUND USE.

CONNECTIONS SHALL BE PER UTILITY STANDARDS.

5.12 LIGHT POLE IDENTIFICATION:

THE CONTRACTOR SHALL FURNISH AND INSTALL A NUMBER ON EACH LIGHT POLE. STREET LIGHT POLE IDENTIFICATION AND SPECIFICATIONS WILL BE PROVIDED BY THE CITY OF SURPRISE.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO RESTORE ALL PROPERTY, LANDSCAPING, PAVING AND DRIVEWAYS THAT ARE DISTURBED DURING STREET LIGHT CONSTRUCTION TO THEIR ORIGINAL CONDITION IN CONFORMANCE WITH "MAG" SPECIFICATION SECTION 107.9.

THE DEVELOPER SHALL BE RESPONSIBLE FOR FURNISHING ALL PERSONNEL AND EQUIPMENT TO SUCCESSFULLY PERFORM THE FOLLOWING TEST.

PRIOR TO ACCEPTANCE, THE DEVELOPER SHALL ENERGIZE AND OPERATE THE ENTIRE ROADWAY LIGHTING SYSTEM, FROM SUNSET TO SUNRISE FOR TWO CONSECUTIVE DAYS WITHOUT INTERRUPTION OR FAILURE. IF A LAMP OR BALLAST SHOULD FAIL, IT SHALL BE IMMEDIATELY REPLACED.

THE CONTRACTOR SHALL GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE BY THE ENGINEERING MANAGER, AGAINST IMPERFECT WORKMANSHIP, FAILURE, MALFUNCTION OF MATERIALS AND/OR EQUIPMENT DUE TO FAULTY OR IMPERFECT WORKMANSHIP. THIS GUARANTEE IS TO BE IN WRITING TO THE CITY AT THE TIME OF ISSUING FINAL ACCEPTANCE. WORK FOUND TO BE DEFECTIVE WITHIN THE WARRANTY PERIOD SHALL BE REPLACED WITHOUT COST TO THE CITY.

GENERAL ENGINEERING NOTES:

- ALL CONSTRUCTION MUST CONFORM TO MARICOPA ASSOCIATION OF GOVERNMENT (MAG) SPECIFICATIONS AND DETAILS AND LATEST REVISIONS UNLESS OTHERWISE STATED ON PLANS.
- THE ENGINEER WILL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES OR FOR SAFETY PRECAUTIONS OR PROGRAMS UTILIZED IN CONNECTION WITH THE WORK, AND THEY WILL NOT BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING ALL OVERHEAD AND UNDERGROUND UTILITY LOCATIONS WHERE CONSTRUCTION OCCURS. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT ALL UTILITIES ARE AVOIDED. UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND NOT FOR CONSTRUCTION PURPOSES. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AND OR REPLACED AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL COMPLY WITH ALL CURRENT ARIZONA UNDERGROUND FACILITIES LAWS (ARIZONA REVISED STATUTES TITLE 40, CHAPTER 2, ARTICLE 6.3, SECTION 40-360.21-32). CALL ARIZONA 811 FOR FIELD LOCATION BY DIAL 811.
- THE CITY OF SURPRISE ENGINEERING SERVICES OF PUBLIC WORKS SHALL BE NOTIFIED FORTY-EIGHT (48) HOURS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION WORK AT 623-222-6150.
- THE ENGINEER AND APPLICABLE AGENCY MUST APPROVE, PRIOR TO CONSTRUCTION, ANY ALTERATION OR VARIANCE FROM THESE PLANS. ANY VARIATION FROM THESE PLANS SHALL BE PROPOSED AND RESUBMITTED FOR REVIEW AND APPROVAL.
- THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL EXISTING UTILITIES ON THE SITE. ANY DAMAGE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THE DRAWING, SHALL BE REPAIRED/REPLACED AT THE CONTRACTOR'S EXPENSE. EXISTING SURFACE FEATURES AND FENCING SHALL BE REPLACED IN KIND.
- ANY INSPECTION BY THE CITY, COUNTY, OR THE ENGINEER, SHALL NOT IN ANY WAY RELIEVE THE CONTRACTOR FROM ANY OBLIGATION TO PERFORM THE WORK IN STRICT COMPLIANCE WITH THE APPLICABLE CODES AND AGENCY REQUIREMENTS.
- THE CONTRACTOR IS TO LOCATE ALL EXISTING LANDSCAPING, LANDSCAPING IRRIGATION LINES, PROPERTY MONUMENTS, FENCING OR SURFACE FEATURES PRIOR TO CONSTRUCTION. ANYTHING DISTURBED DURING CONSTRUCTION SHALL BE REPLACED IN KIND AT THE CONTRACTOR'S EXPENSE.
- NOTHING CONTAINED IN THE CONTRACT DOCUMENTS SHALL CREATE, NOR SHALL BE CONSTRUED TO CREATE, ANY CONTRACTUAL RELATIONSHIP BETWEEN THE ENGINEER AND THE CONTRACTOR OR ANY SUBCONTRACTOR.
- ALL CONSTRUCTION WATER USED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA REQUIRES APPROVAL BY THE CITY OF SURPRISE PUBLIC WORKS DEPARTMENT AND MAY BE SUBJECT TO VOLUME AND TIME RESTRICTIONS. PLEASE SEE THE CITY OF SURPRISE CONSTRUCTION WATER GUIDELINES FOR ADDITIONAL INFORMATION. THE GUIDELINES CAN BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT AT 623-222-6000.
- TRAFFIC CONTROL SHALL BE MAINTAINED IN ACCORDANCE WITH MAG SPECIFICATION 401, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AND THE "TEMPORARY WORK ZONE TRAFFIC MANAGEMENT POLICY" (LATEST EDITION).
- PRIOR TO FINAL APPROVAL AND ACCEPTANCE OF THE WORK, THE DEVELOPER/CONTRACTOR WILL BE REQUIRED TO CLEAN AND REPAIR ADJACENT (OFF-PROJECT) ROADWAYS USED OR DAMAGED DURING THE COURSE OF CONSTRUCTION.
- EMERGENCY VEHICLE ACCESS (E.V.A.) MUST BE PROVIDED BY THE DEVELOPER/CONTRACTOR THROUGHOUT THE PROJECT SITE. E.V.A. ROADS AND SIGNAGE SHALL BE MAINTAINED BY THE DEVELOPER/CONTRACTOR AT ALL TIMES. SIGNAGE SHALL BE POSTED AT THE POINT OF ENTRY TO THE SITE AND AT ALL LOCATIONS WHERE A CHANGE IN DIRECTION OCCURS.
- THE PLANS SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES ACT'S ACCESSIBILITY GUIDELINES, AS PUBLISHED IN THE FEDERAL REGISTER ON SEPTEMBER 15, 2010.

CITY OF SURPRISE APPROVAL

THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH CITY REQUIREMENTS PRIOR TO ISSUANCE OF PERMITS. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE CITY ENGINEER FROM REQUIRING CORRECTIONS OF ERRORS OR OMISSIONS IN PLANS FOUND TO BE IN VIOLATION OF LAW OR ORDINANCES.

Munda Senka
CITY OF SURPRISE ENGINEER

12/07/2022

DATE

CITY OF SURPRISE APPROVAL

THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH CITY REQUIREMENTS PRIOR TO ISSUANCE OF PERMITS. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE CITY ENGINEER FROM REQUIRING CORRECTIONS OF ERRORS OR OMISSIONS IN PLANS FOUND TO BE IN VIOLATION OF LAW OR ORDINANCES.

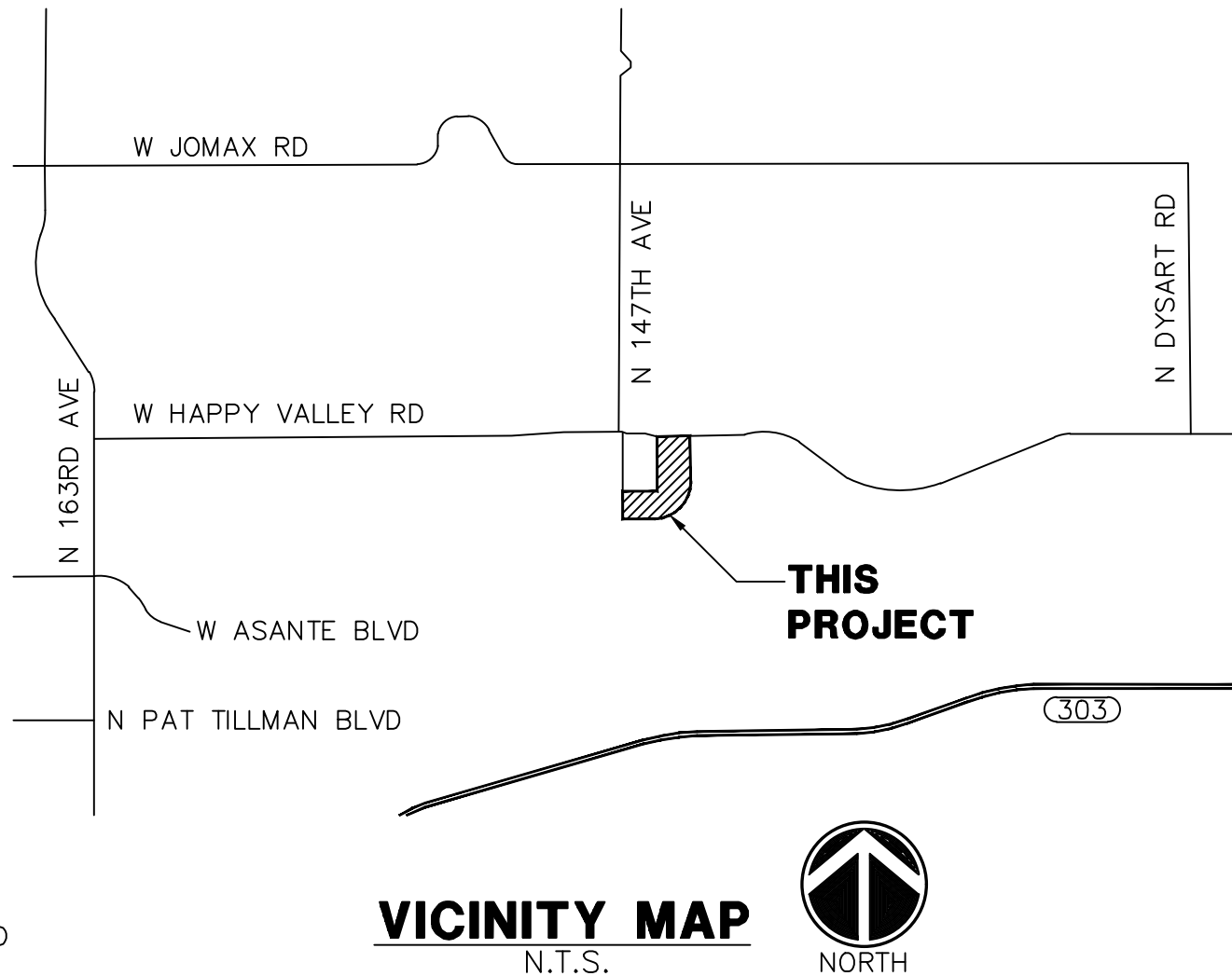
Jacob Bielefeldt
CITY OF SURPRISE ENGINEER

DATE

STREET LIGHTING (APS AREA)

KEY NO.	SYMBOL	STREET TYPE	OFFSET BEHIND B/C	QUANTITY	POLE		MAST ARM	LUMINAIRE						APS STANDARD CODE NO.
					POLE HEIGHT	FOUNDATION		SIZE	MOUNTING HEIGHT	LUMENS	WATTAGE	I.E.S. DIST.	VOLTAGE	
②		COLLECTOR	PER PLANS	2	38'-0"	DIRECT BURY	0' X 4'	31'-6"	7,800	71 W	TYPE 3	*	LED	ARCHITECTURAL (SHOEBOX) 8030.S4
③		ARTERIAL	PER PLANS	2	38'-0"	DIRECT BURY	8' X 8'	39'-6"	11,000	96 W	TYPE 3	*	LED	ARCHITECTURAL (SHOEBOX) 8030.S8

*PER UTILITY COMPANY REQUIREMENTS



SHEET INDEX

COVER SHEET	SL1
STREET LIGHT PLAN	SL2
STREET LIGHT DETAILS & PHOTOMETRIC CALCULATIONS	SL3

DEVELOPER

HANCOCK COMMUNITIES, LLC
4040 E CAMELBACK ROAD SUITE 215
PHOENIX, AZ 85018
PHONE: (480) 285-1300
CONTACT: GREG HANCOCK
EMAIL: GREG@HANCOCK-AZ.COM

ELECTRICAL ENGINEER

WRIGHT ENGINEERING CORPORATION
165 EAST CHILTON DRIVE
CHANDLER, AZ 85225
PHONE: (480) 497-5829
FAX: (480) 497-5807
CONTACT: JACOB BIELEFELDT
EMAIL: JBIELEFELDT@WRIGHTENGINEERING.US

CIVIL ENGINEER

BOWMAN CONSULTING GROUP
1295 W WASHINGTON STREET SUITE 108
TEMPE, AZ 85281
PHONE: (480) 629-8830
CONTACT: MATT CAWLEY
EMAIL: MCWLEY@BOWMAN.COM

POWER CONDUIT NOTE

TRENCH & CONDUIT RUNS FROM STREET LIGHT PULL BOX TO POINT OF ELECTRICAL SERVICE WILL BE DESIGNED BY THE POWER COMPANY, AND ARE SHOWN ON POWER COMPANY PLANS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THESE PLANS FROM DEVELOPER/OWNER, AND INCLUDE THESE RUNS IN THE BID. COORDINATE THIS WORK WITH THE POWER COMPANY.

UTILITIES WITHIN OR AFFECTED BY THE PROJECT	
UTILITY CONTACT	DATE SUBMITTED
ARIZONA PUBLIC SERVICE	05/04/2022
CENTURY LINK	05/04/2022
COX COMMUNICATIONS	05/04/2022
SOUTHWEST GAS	05/04/2022

WRIGHT ENGINEERING
PROJECT NO:
21614-SL
DESIGN BY: TDP
DRAWN BY: KMY
CHECKED BY: JHB

WRIGHT engineering corporation
ELECTRICAL ENGINEERING AND DESIGN
165 EAST CHILTON DRIVE • CHANDLER, ARIZONA 85225
PHONE 480.497.5829 • FAX 480.497.5807
www.wrightengineering.us

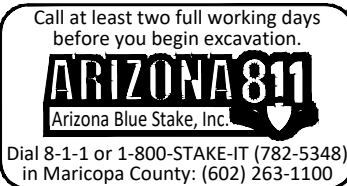
PROJECT: TITLE:

SURPRISE, ARIZONA
RANCHO MERCADO
N 147TH AVE & W HAPPY VALLEY RD
STREET LIGHT COVER SHEET

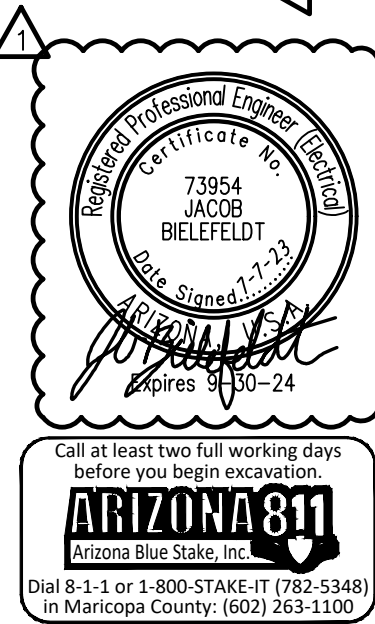
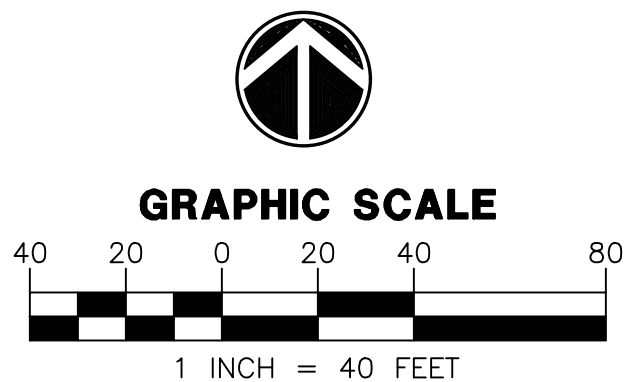
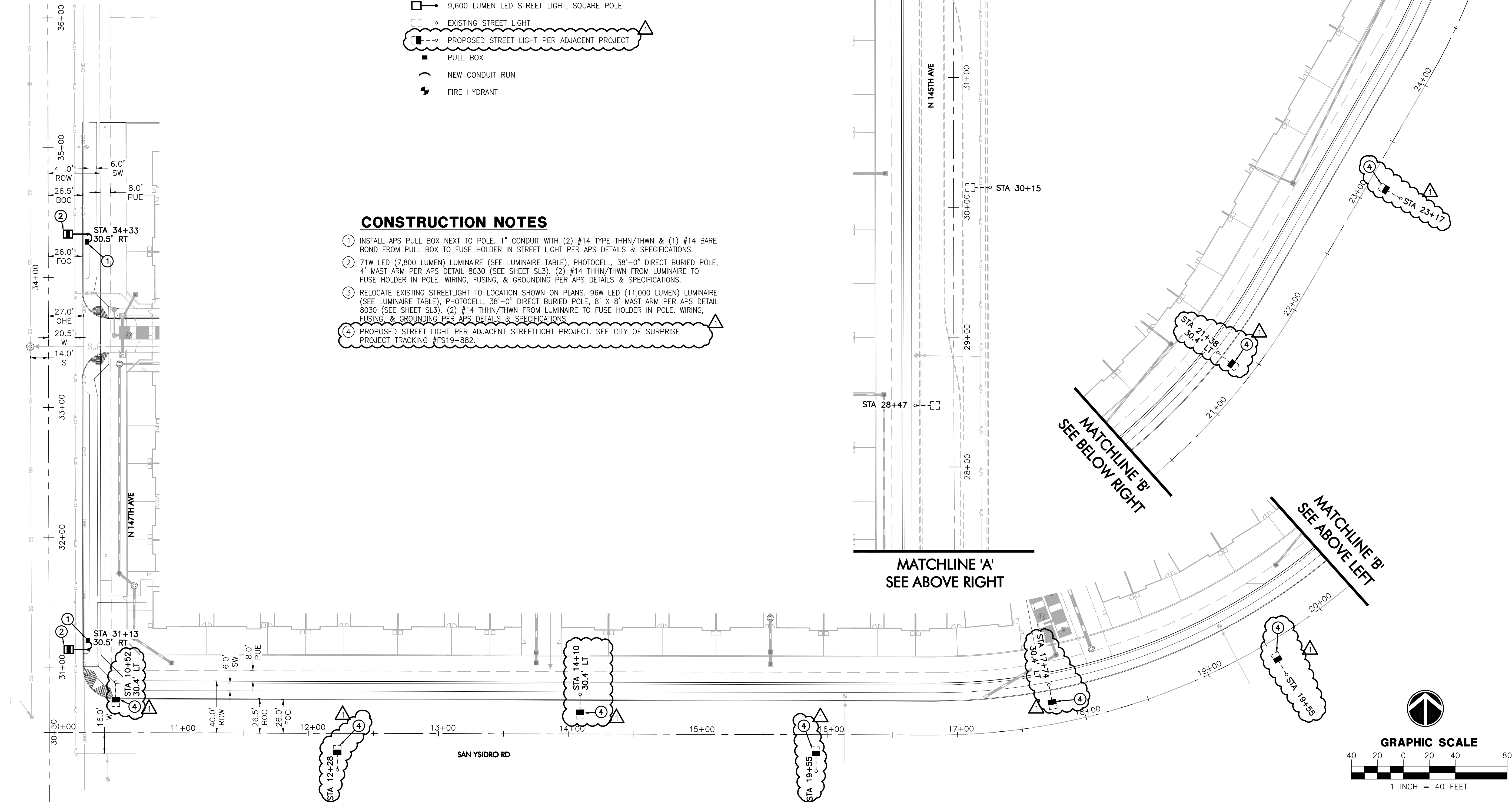
NO.	DATE	SUBMITTALS/REVISIONS (DESCRIPTIONS)
1	NOV 2021	PRELIMINARY SUBMITTAL
2	MAR 2022	1ST SUBMITTAL
3	JULY 2022	2ND SUBMITTAL
4	JULY 2023	3RD SUBMITTAL 1ST REVISION

Jacob Bielefeldt
Professional Engineer (Electrical)
73954
JACOB BIELEFELDT
Exp. 12-30-24

DRAWING NO:
SL1
OF 3

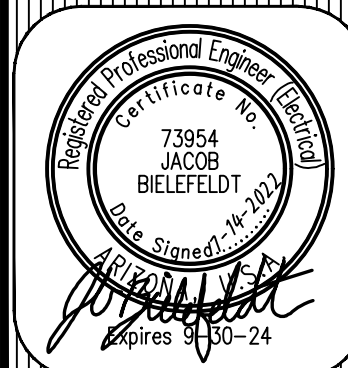


THESE DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF WRIGHT ENGINEERING CORPORATION AND MAY NOT BE REPRODUCED OR MODIFIED FOR ANY USE WITHOUT THE EXPRESS WRITTEN PERMISSION OF WRIGHT ENGINEERING CORPORATION.



2023-7-7 REVISION 1: REMOVAL OF STREETLIGHTS ON SAN YSIDRO RD AND SHOW PROPOSED LIGHTS ON SAN YSIDRO PER ADJACENT STREETLIGHT PROJECT.

NO.	DATE	SUBMITTALS/REVISIONS	DESCRIPTIONS
1	NOV 2021	PRELIMINARY SUBMITTAL	
2	MAR 2022	1ST SUBMITTAL	
3	JULY 2022	2ND SUBMITTAL	
4	JULY 2023	3RD SUBMITTAL	1ST REVISION



DRAWING NO:
SL2
OF 3

MATCHLINE 'A'
SEE BELOW LEFT

MATCHLINE 'A'
SEE ABOVE RIGHT

MATCHLINE 'B'
SEE BELOW RIGHT

MATCHLINE 'B'
SEE ABOVE LEFT

SURPRISE, ARIZONA

RANCHO MERCADO
N 147TH AVE & W HAPPY VALLEY RD

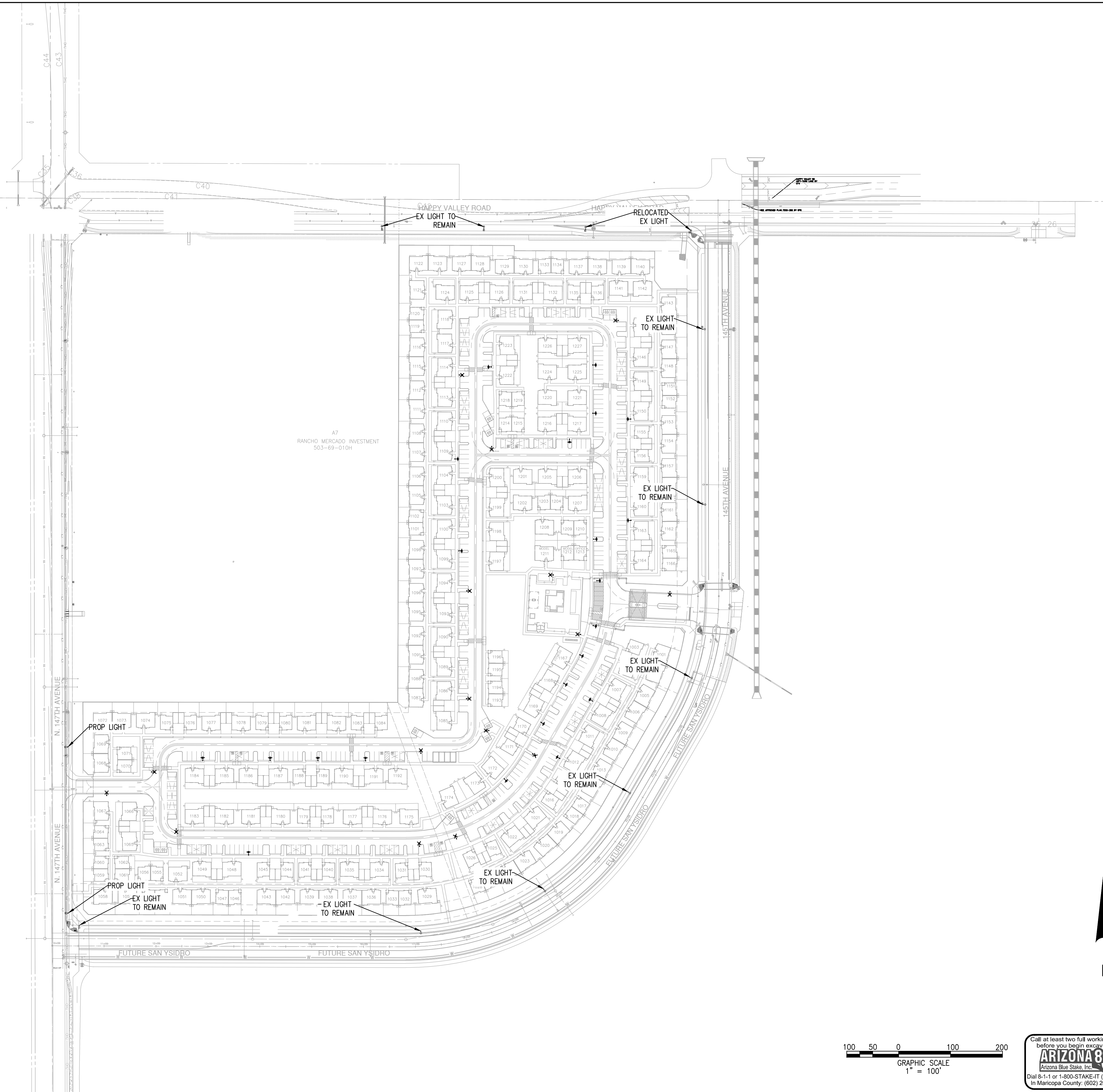
STREET LIGHT PLAN

PROJECT: TITLE:

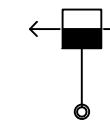
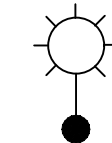
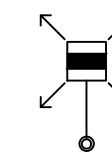
WRIGHT ENGINEERING
PROJECT NO:
21614-SL
DESIGN BY: TDP
DRAWN BY: KMY
CHECKED BY: JHB

WRIGHT
engineering corporation
ELECTRICAL ENGINEERING AND DESIGN
165 EAST CHILTON DRIVE • CHANDLER, ARIZONA 85225
PHONE 480.497.5829 • FAX 480.497.5807
www.wrightengineering.us

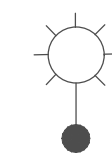
HA\2021\21614-Rancho Mercado\21614-SL.dwg FS22-0672



LEGEND



→ 4 PROP LIGHT



9 EX LIGHT

NOTES

1. ALL ONSITE LIGHTS ARE PROPOSED.
2. SEE PLAN/KEY FOR OFFSITE LIGHTING.

REVISIONS:

1

2

3

PLAN NAME	
-----------	--

STREET LIGHT EXHIBIT

Bowman

Bowman Consulting Group Ltd
6751 North Sunset Blvd, Ste 32
Glendale, Arizona 85305

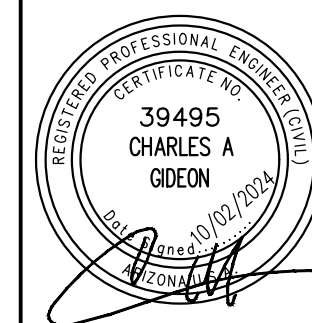
Phone: (480) 629-8833
www.bowman.com
© Bowman Consulting Group Ltd

COS PERMITTING
APPROVED SEAL

COS ENGINEERING
APPROVED SEAL

AS-BUILT SEAL

DESIGN SEAL



ORIGINAL PLAN DATE

LATEST REVISION DATE

PROJECT NUMBER

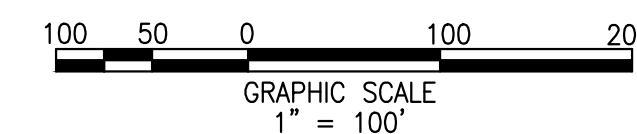
	SHEET NUMBER
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01 OF 01

SUBMITTAL:

COS PLAN TRACKING #	

COS PERMIT #





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: Public Works
Staff Recommendations:

Contact Person: Kristin Tytler, Department Director
District: District 1

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Del Rey, generally located at the northeast corner of West Happy Valley Road and North 147th Avenue; Resolution # 2024-191.

Motion:

I move to approve Resolution #2024-191.

Background:

The Public Works Department conducted the final inspection of the public improvements to Rancho Del Rey on or about February 22, 2024, totaling 25,637 SY (approximately 5,593 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, storm drains, water and wastewater lines.

Objective Analysis:

The improvements to this property provide access and conveyance to the property, storm drains to convey storm water to retention basins, sewer lines to convey wastewater from the property to the city's public system and water lines to convey domestic water to the property. This action will accept the required infrastructure.

Policy Compliant:

The City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, sewer, water, and storm drain infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$2,600,312.36.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's Transportation Operations, Water Operations, Wastewater Operations, and Stormwater Operations Funds. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated into future years' budgets.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 01_Resolution 2024-191 - Infra Accept_CAO Rancho Del Rey
 2. 02_Notice of Completion Rancho Del Rey
 3. 03_Inspector Project Sign Off Form Rancho Del Rey
 4. 04_Linear Foot Verification Rancho Del Rey
-

RESOLUTION # 2024-191

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE PUBLIC IMPROVEMENTS AT RANCHO DEL REY, GENERALLY LOCATED AT THE NORTHEAST CORNER OF WEST HAPPY VALLEY ROAD AND NORTH 147TH AVENUE.

WHEREAS, the Mayor and City Council (“Council”) of the City of Surprise approved a final plat entitled “Final Plat Rancho Del Rey” on November 17, 2020;

WHEREAS, as a condition of the preliminary plat, approval of the final plat, and in compliance with the City Code, the developer of Rancho Del Rey (the “Developer”), installed certain public improvements, including roadway improvements which consist of concrete sidewalks, curbs and gutters, as well as asphalt/paving, and the Developer also installed sewer lines, water lines, and drainage infrastructure. The roadway improvements, sewer lines, water lines, and drainage infrastructure are all collectively referred to as “Public Improvements”;

WHEREAS, pursuant to Surprise Municipal Code (“SMC”) Chapter 108, Article III, Section 108-3.5, the Developer shall maintain all Public Improvements for a period of two years, beginning from the date of conditional acceptance of said improvements by the Council (“Conditional Acceptance”);

WHEREAS, the Developer dedicated to the City the Public Improvements generally located at the northeast corner of West Happy Valley Road and North 147th Avenue;

WHEREAS, on or about February 22, 2024, the City of Surprise Public Works Department completed an inspection of the Public Improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise acknowledges that the Developer’s two-year warranty period will begin upon the Council’s conditional acceptance of the Public Improvements; and

WHEREAS, after the conclusion of the Developer’s two-year warranty period, the City of Surprise will complete a final acceptance inspection, and upon clearance, will accept the Public Improvements, release the warranty assurance, and begin maintenance of the Public Improvements.

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

Section 1. The City of Surprise conditionally accepts the Public Improvements

generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon clearance and final acceptance of the Public Improvements at the conclusion of the two-year warranty period, the City will release the warranty and begin maintenance of the Public Improvements.

APPROVED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form only:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Map of Infrastructure

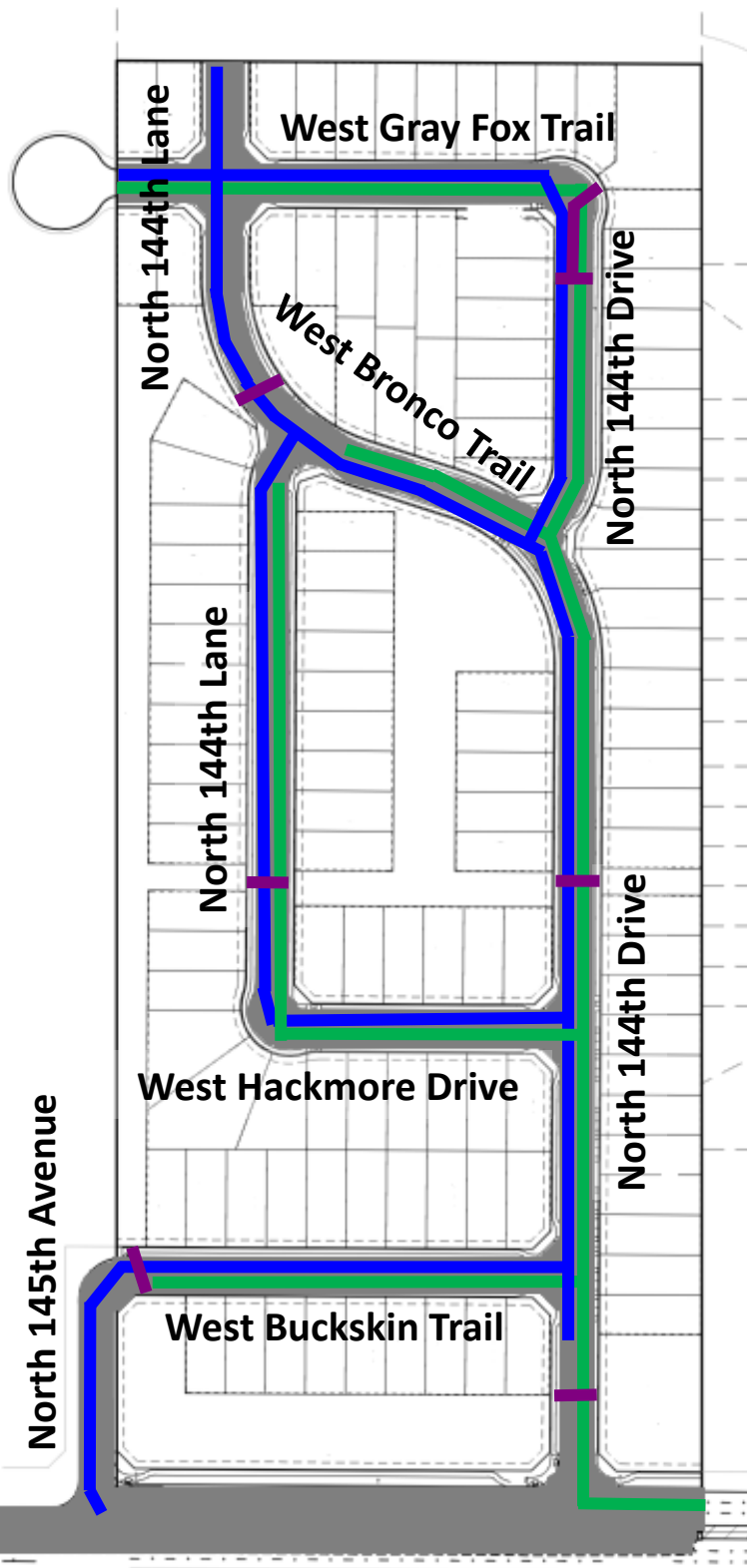
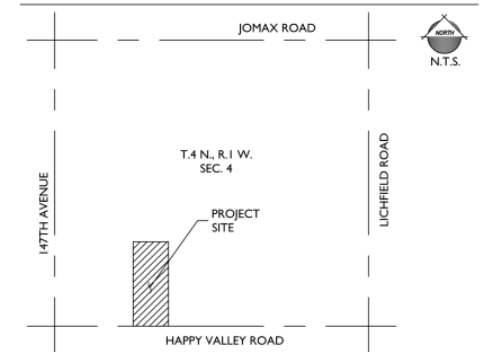
EXHIBIT A

Rancho Del Rey

INFRASTRUCTURE TO BE ACCEPTED:

- SEWER
- WATER
- DRAINAGE
- ROADWAY
Asphalt/Pavement,
Concrete (Curb &
Gutter, Sidewalk)

VICINITY MAP:



West Happy Valley Road

EXHIBIT B

List and Cost of Improvements



EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 10/28/2024
Re: FS19-395 Rancho Del Rey

The public improvements for the above project have been completed and are tentatively scheduled for conditional acceptance by Council. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Paving	\$887,243.75
City Concrete	\$855,129.54
City Sewer	\$330,038.00
City Water	\$414,753.07
City Drainage	\$113,148.00
Total	\$2,600,312.36

April 17, 2024

Meritage Homes
c/o Chip Swain, EPS Group Inc.
1130 N Alma School Rd., Suite 120
Mesa, AZ 85201

RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR RANCHO DEL REY– FS19-395

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City*

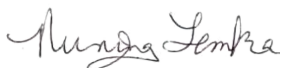
*For the Warranty Assurance, a notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant.

The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6148 or at nuning.lemka@surpriseaz.gov.

Sincerely,



Nuning Lemka, P.E.
City Engineer

cc: Ravi Sharma, PW Engineering Manager
Eric Boyles, Transportation Director
Amanda Correia, Finance Senior Accountant
Warren Bert, GIS Manager

Robert Fields, PW Field Engineering Supervisor
Erick Martin, Finance
Michael Boule, Water Resource Management Director

[illegible]



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of Pat Tillman Boulevard from Asante Trails Retail Partners.

Motion:

I move to accept the Special Warranty Deed from Asante Trails Retail Partners.

Background:

In 2023, the City of Surprise residents approved the G.O. Bond for several projects. One of those projects was the improvement of 163rd Avenue north of Grand. With the ongoing development in the area, the City identified the need to improve access into this area. The right of way being dedicated is in association with the road improvements being done along 163rd Avenue. This will allow the City to widen the roadways to allow for safer traffic movements into and out of this area.

Objective Analysis:

As this area continues to develop at the rate it is, the additional lanes are needed to handle the increase in traffic.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

This project is part of the 2023 G.O. Bonds. This right of way is needed for completion of additional lanes along 163rd avenue and Happy Valley. The City will plan for future O&M when the road is in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Special Warranty Deed
 2. Asante Trails Retail Partners LLC SWD - CC 12.17.24
-

When recorded return to:
City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

SPECIAL WARRANTY DEED

For the consideration of Ten Dollar (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Asante Trails Retail Partners, LLC, an Arizona limited liability company ("Grantor"), hereby conveys to the **CITY OF SURPRISE**, an Arizona municipal corporation, the following real property situated in Maricopa County, Arizona, together with all rights and privileges appurtenant thereto:

See Exhibit A attached hereto and incorporated herein by this reference (the "Property").

Subject to all reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

And Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters above set forth.

Dated this 7th day of Nov., 2024

GRANTOR

Asante Trails Retail Partners, LLC, an Arizona limited liability company

By: SH Asante Trails, LLC, an Arizona limited liability company

Its: Manager

By: [Signature]

Joshua Simon, Manager

STATE OF Arizona)ss.

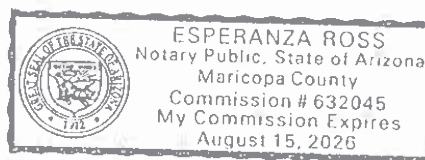
County of Maricopa

This instrument was acknowledged and executed before me this 7th day of Nov. 2024, by Joshua Simon

My Commission Expires:

Aug 15, 2026

[Signature]
NOTARY PUBLIC



GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____

Skip Hall
Its: Mayor

Attest:

Kristi Passarelli, City Clerk

STATE OF ARIZONA)
)SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Skip Hall, known by my as the Mayor of the City of Surprise an Arizona municipal corporation.

Notary Public

My Commission Expires:

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT-OF-WAY DEDICATION

A portion of Lot 3, of "ASANTE TRAILS", as recorded in Book 1770, Page 04, records of Maricopa County being located in the Northeast Quarter of Section 13, Township 4 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the East Quarter Corner of said Section 13, from which the Northeast Corner of said Section lies North 00° 10'21" East 2633.87 feet;

Thence along the east line of said Section 13 North 00°10'21" East 323.89 feet;

Thence departing said line North 89°49'39" West 154.03 feet to the southeast corner of said Lot 3 and the POINT OF BEGINNING.

Thence along the south line of said Lot 3 North 73°55'13" West 26.95 feet;

Thence departing said line North 16°14'34" East 63.34 feet;

Thence South 75°26'36" East 14.50 feet to the beginning of a non-tangent curve, concave northwesterly, the center of which lies North 75°26'36" West 2212.83 feet;

Thence northerly along the arc of said curve through a central angle of 07°58'12" a distance of 307.81 feet;

Thence South 83°24'48" East 11.50 feet to the east line of said Lot 3, being a point on a non-tangent curve, concave northwesterly, the center of which lies North 83°24'48" West 2224.33 feet;

Thence southerly along the arc of said curve and said east line, through a central angle of 09°37'10" a distance of 373.45 feet to the POINT OF BEGINNING.

Containing 0.120 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

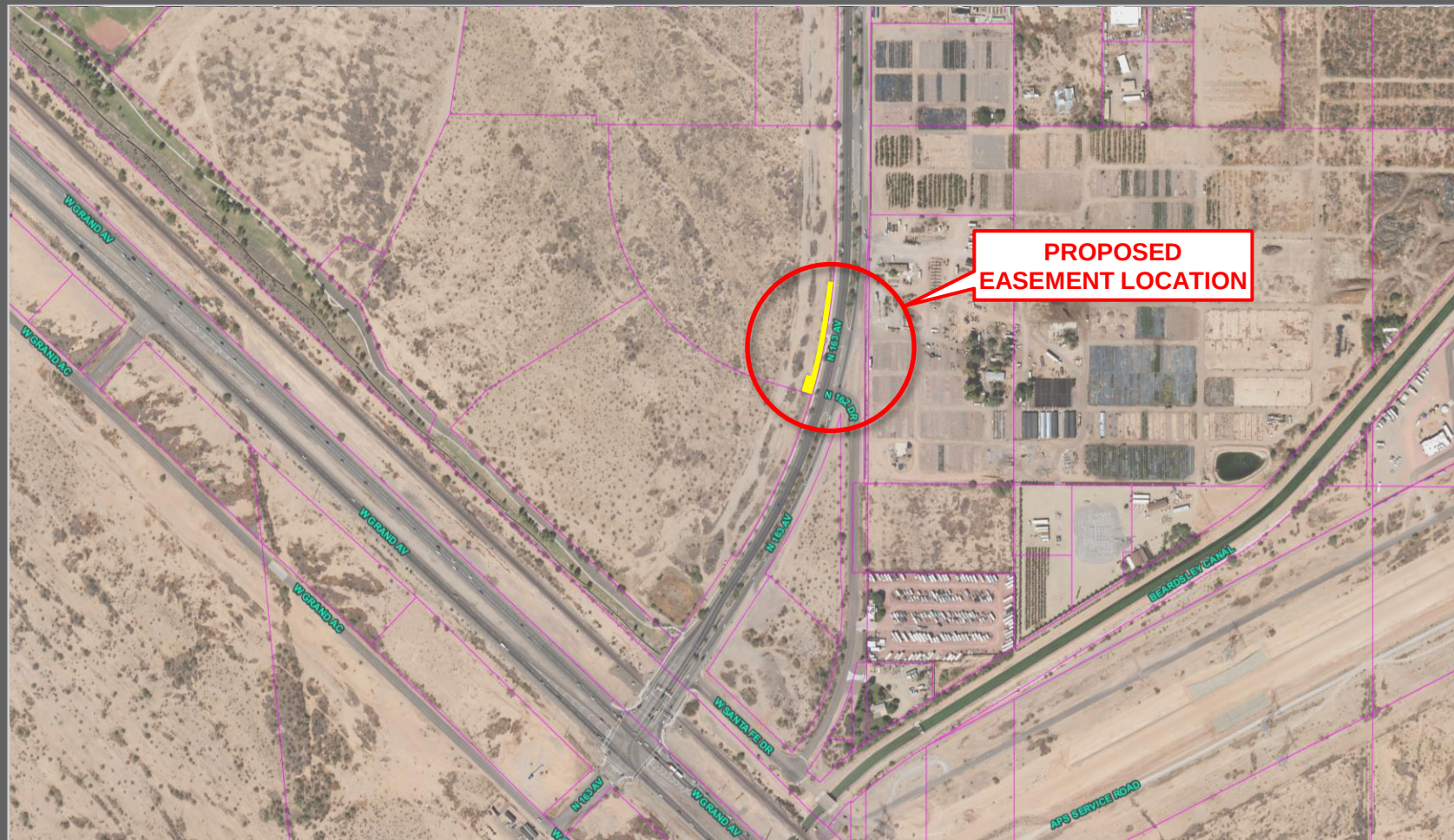
End of description





Asante Trails Retail Partners, LLC Special Warranty Deed

City Council – December 17, 2024



**PROPOSED
EASEMENT LOCATION**

VICINITY MAP



SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Drainage Easement along 163rd Avenue south of Pat Tillman Boulevard from Asante Trails Retail Partners.

Motion:

I move to accept the Drainage Easement from Asante Trails Retail Partners.

Background:

In 2023, the City of Surprise residents approved the G.O. Bond for several projects. One of those projects was the improvement of 163rd Avenue north of Grand. With the ongoing development in the area, the City identified the need to improve access into this area. The right of way being dedicated is in association with the road improvements being done along 163rd Avenue. This will allow the City to widen the roadways to allow for safer traffic movements into and out of this area. The drainage easement is needed in association with the right of way that will allow the City to expand 163rd avenue to 3 southbound lanes.

Objective Analysis:

As this area continues to develop at the rate it is, the additional lanes and associated drainage easements are needed to handle the increase in traffic and rain occurrence run off.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

This project is part of the 2023 G.O. Bonds. The drainage easement is needed for completion of

additional lanes along 163rd Avenue north of Grand Avenue. The City will plan for future O&M when the drainage easement is in place.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Drainage Easement
 2. Asante Trails Retail Partners LLC Drainage Easement - CC 12.17.24
-

WHEN RECORDED, RETURN TO:

City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

DRAINAGE EASEMENT

This Drainage Easement (the "Easement") is executed this ____ day of _____, 202_, by and between Asante Trails Retail Partners, LLC, an Arizona limited liability company ("Grantor"), and the City of Surprise, an Arizona municipal corporation ("Grantee").

RECITALS

- A. Grantor is the fee title owner of a parcel of land as described in Maricopa County, Arizona located in Lot 3 of Asante Trails, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona recorded in Book 1770 of Maps, Page 4.
- B. Grantee desires to acquire from Grantor and Grantor desires to grant to Grantee an exclusive drainage easement over, under and across a portion (the "Easement Area") of the above-mentioned Grantor's property. The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the purpose set forth in the foregoing Recitals which are incorporated herein by reference, the parties hereto agree as follows:

- 1. Easements. Grantor hereby grants and conveys to Grantee, its successors and assigns, an easement over the Easement Area for drainage purposes. Grantor shall not erect or construct or permit to be erected or constructed any structure within the Easement Area. Grantor may make use of the Easement Area so long as such use does not unreasonably interfere with the purposes of this Easement – namely to receive, accept, handle, control, and contain drainage from adjacent streets and roadways.
- 2. Not a Public Dedication. Other than the grant of this Easement for drainage purposes, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public.

3. Miscellaneous. Headings in this Easement are for convenience only and shall not define or limit the provisions hereof. This Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against Grantor or Grantee. This Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant, or condition of this Easement be void, invalid, or inoperative, the same shall not affect any other term, provision, covenant, or condition of this Easement, but the remainder thereof shall be effective as though such void, invalid, or inoperative term, provision, covenant, or condition had not been contained herein.
4. Termination. This Easement shall remain in place until the underlying property encumbered by this Easement and/or the lots adjacent thereto and associated with this Easement are developed and otherwise capture, control, and account for the necessary onsite and/or offsite drainage from the adjacent streets and roadways. At the time Grantor, or its successors and assigns, receives an approved grading and drainage permit from the City, Grantor shall provide Grantee with sixty (60) days' written notice to vacate the Easement Area. Upon Grantee vacating the Easement Area, this Easement shall terminate without further action by the Grantee.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration as of the date above written.

GRANTOR: Asante Trails Retail Partners,
LLC, an Arizona limited liability company

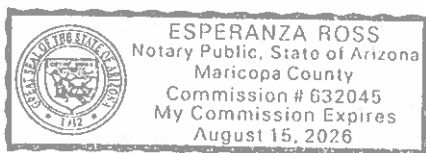
By: SH Asante Trails, LLC, an Arizona
limited liability company

Its: Manager

By: [Signature]
Joshua Simon, Manager

STATE OF Arizona
) SS.
County of Maricopa

The foregoing instrument was acknowledged before me this 7th day of Nov.,
2022, by Joshua Simon and _____ known by me as Grantor and
owners of the subject property.



[Signature]

GRANTEE:

City of Surprise, an Arizona municipal
corporation

By: _____
Skip Hall
Its: Mayor

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____,
202_, by _____, known by me as the Mayor of the City of Surprise, an Arizona
municipal corporation.

GRANTEE:

City of Surprise, an Arizona municipal
corporation

By: _____

Skip Hall

Its: Mayor

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____,
202_, by _____, known by me as the Mayor of the City of Surprise, an Arizona
municipal corporation.

EXHIBIT "A"

DESCRIPTION

TEMPORARY DRAINAGE EASEMENT DEDICATION

A portion of Lot 3, of "ASANTE TRAILS", as recorded in Book 1770, Page 04, records of Maricopa County being located in the East Half of Section 13, Township 4 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the East Quarter Corner of said Section 13 from which the Northeast Corner of said Section lies North 00°10'21" East 2633.87 feet;

Thence along the east line of said Section 13 North 00°10'21" East 578.52 feet;

Thence departing said line North 89°49'39" West 166.34 feet to the POINT OF BEGINNING;

Thence North 76°54'39" West 127.37 feet;

Thence North 11°28'50" East 268.62 feet;

Thence South 77°14'46" East 141.96 feet to a point on a non-tangent curve, concave northwesterly, the center of which lies North 82°04'03" West 2212.83 feet;

Thence southerly along the arc of said curve through a central angle of 06°37'27" a distance of 255.84 feet;

Thence North 75°26'36" West 14.50 feet;

Thence South 16°14'34" West 14.17 feet to the POINT OF BEGINNING.

Containing 0.890 acres, more or less.

Attached is Exhibit "B" and by this reference is made a part hereof.

End of description



EXHIBIT "B"

ASANTE TRAILS RETAIL PARTNERS LLC
SWD 20230638160 M.C.R.
LOT 3
ASANTE TRAILS
BOOK 1770, PAGE 04 M.C.R.
APN 503-76-982

LINE TABLE

LINE	BEARING	LENGTH
L1	N76° 54' 39" W	127.37'
L2	N11° 28' 50" E	268.62'
L3	S77° 14' 46" E	141.96'
L4	N75° 26' 36" W	14.50'
L5	S16° 14' 34" W	14.17'

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
TDE TEMPORARY DRAINAGE EASEMENT
 TDE DEDICATION AREA=0.890 ACRES +/-

BASIS OF BEARINGS

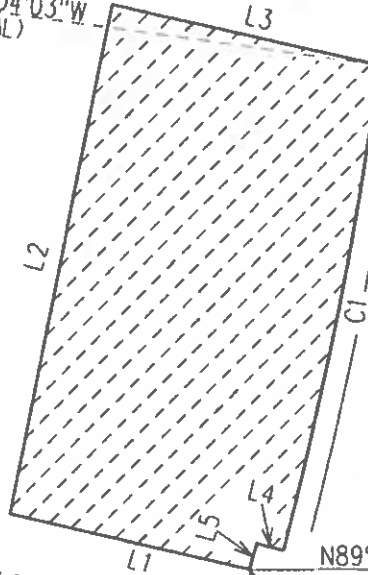
Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15' 00" N
Central meridian: 112° 15' 00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)



CURVE TABLE

CURVE	Δ	RADIUS	LENGTH
C1	06° 37' 27"	2212.83'	255.84'

N82° 04' 03" W
(RADIAL)



LOT LINE

N89° 49' 39" W 166.34'
(TIE LINE)

POB

LOT 5

EXISTING ROW

163rd AVENUE

67.5' ROW

55' ROW

EXISTING ROW

NE COR
SEC 13
T4N, R2W
N00° 10' 21" E
2633.87'



SCALE: 1"=100'



N00° 10' 21" E 578.52'
(TIE LINE)

E 1/4 COR
SEC 13
T4N, R2W

POC

TEMPORARY DRAINAGE
EASEMENT DEDICATION



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT • 23021

DRAWN BY RCD

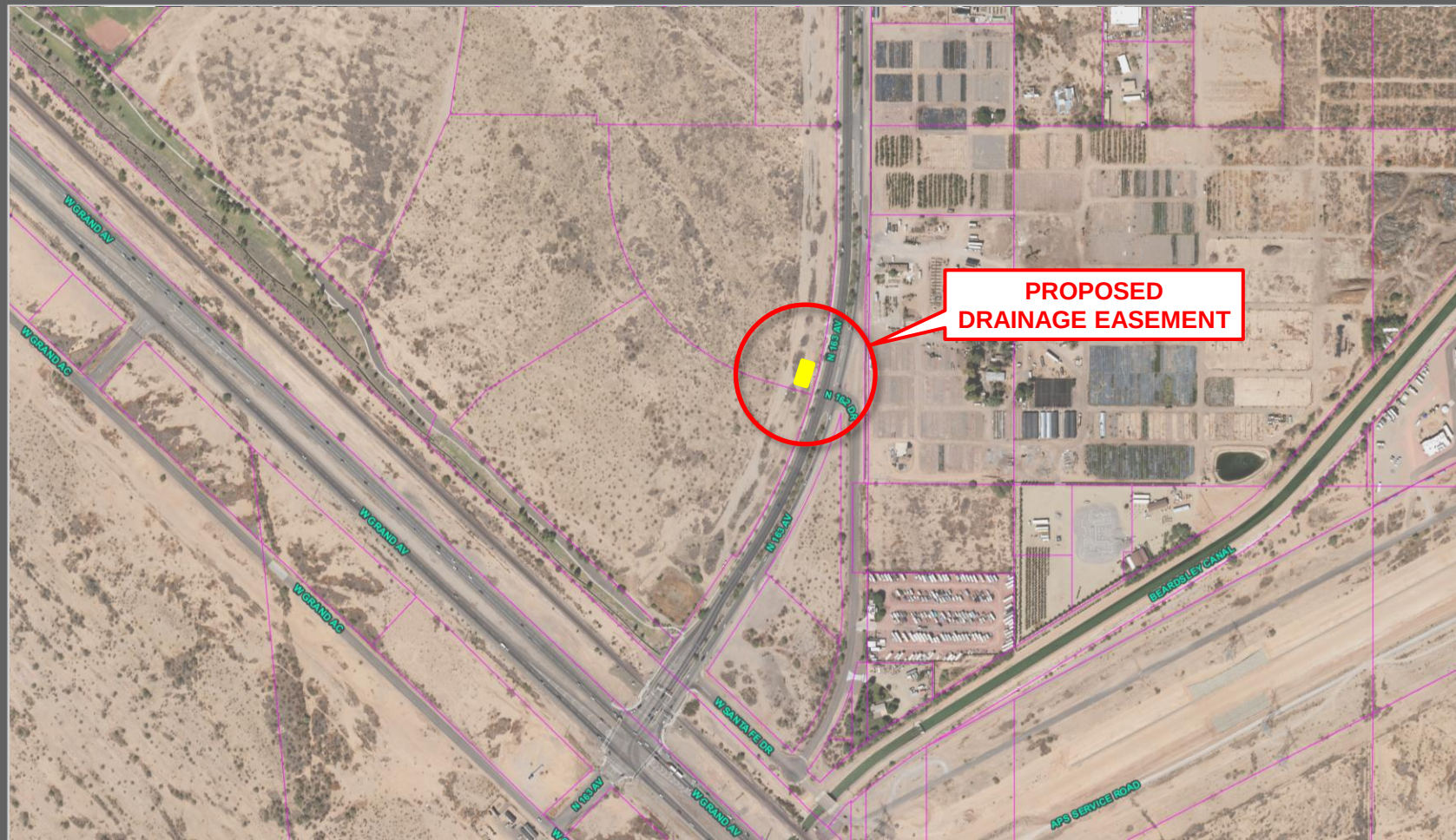
DATE 09-04-24

SHEET 1 OF 1

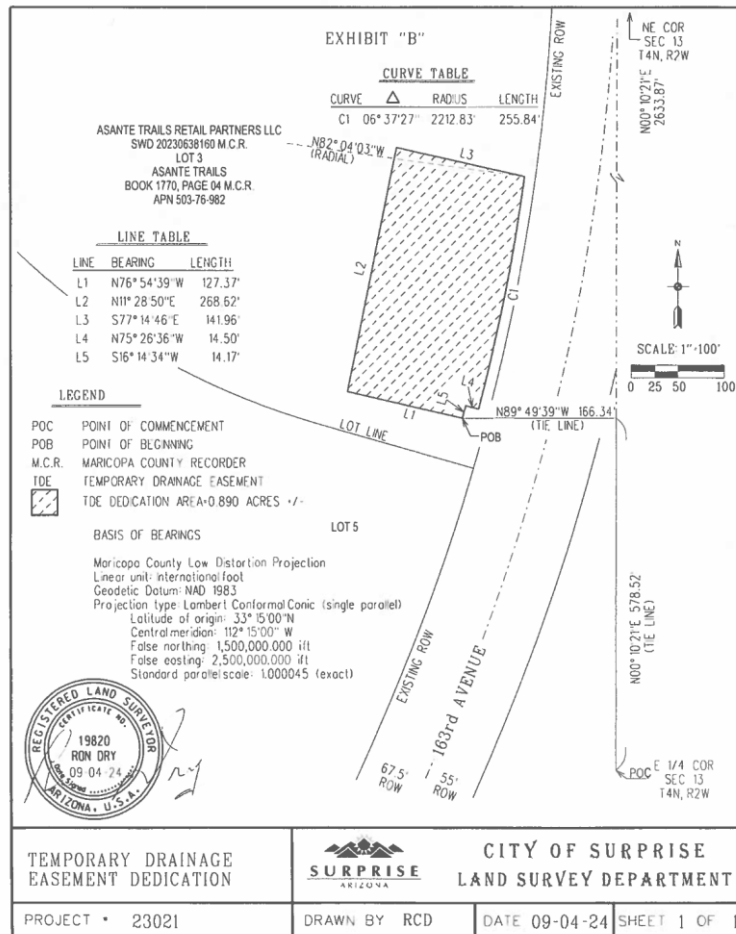


Asante Trails Retail Partners, LLC Drainage Easement

City Council – December 17, 2024



VICINITY MAP



EXHIBIT



SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Temporary Sewer Line Easement from Courtland Homes, Inc, near Citrus and Pinnacle Peak Road.

Motion:

I move to accept the Temporary Sewer Line Easement from Courtland Homes Inc.

Background:

Courtland Homes has requested the City accept a temporary sewer line easement that will connect North Copper Canyon Parcel 4.1 to an existing sewer line across their non-developed land. The easement will give North Copper Canyon a temporary sewer line connection from the development to an already existing sewer line. The granting of the easement will allow the development to move forward while planning out the adjacent vacant land.

Objective Analysis:

Approval of this item will allow this development to connect to the City's sewer line to provide services to this development.

Policy Compliant:

Approval of this item is policy compliant. The proposed easement will advance the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is currently no budgetary impact related to approval of this item. The City will plan for future O&M when the sewer line is in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. NCC Parcel A_City_Temporary Sewer Line Easement_11.7.2024 [CHI signed]
 2. Courtand Homes (NCC Parcel A) Temp Sewer Easement - CC 12.17.24
-

WHEN RECORDED, RETURN TO:

City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

TEMPORARY SEWER LINE EASEMENT

This Temporary Sewer Line Easement (the "Easement") Agreement is executed this ____ day of _____, 20__, by and between Courtland Homes, Inc., a(n) Arizona corporation, hereinafter referred to as "Grantor," and the City of Surprise, Arizona, an Arizona municipal corporation, hereinafter referred to as "Grantee". Grantor and Grantee may be individually referred to as Party or collectively referred to as Parties.

RECITALS

- A. Grantor is the fee title owner of parcels of land legally described in the Deed; see Maricopa County Recorder's ("M.C.R.") documents #20201240769 and 20230541205 ("Property").
- B. In or about ____, Grantor received City approval to construct single-family residences located on the real property described in Exhibit A. The City's approval for construction and development of the Property were contingent upon Grantor granting to the City all necessary public rights-of-way and/or easements in order to establish, receive and continue to receive City municipal services, including wastewater services.
- C. Grantor now desires to grant to Grantee, and Grantee agrees to accept from Grantor, a Temporary, exclusive sewer line easement on, over, under, through, and across portions of Grantor's Property (the "Easement Area"). The Easement Area is legally described in Exhibit "B" and depicted on Exhibit "C".

EASEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the purpose set forth in the foregoing Recitals which are incorporated herein by reference, the parties agree as follows:

1. Easement. Grantor hereby grants and conveys to Grantee, its successors and assigns, a temporary, exclusive easement over the Easement Area, including all necessary points of ingress and egress to and from the Easement Area whether specified and described herein, or not. Grantor, its successors, assigns, agents, invitees, employees, occupants, permittees, and licensees (all collectively "Grantor") shall not unreasonably interfere with Grantee's easement rights including Grantee's right to construct, install, maintain, access, and replace a sewer line located within the Easement Area. Grantor shall not erect, construct, or permit to be erected or constructed, any structure or other permanent improvement within the

Easement Area that would unreasonably interfere with the purpose of the Easement. Grantor may make use of the Easement Area for such uses that do not unreasonably interfere with the purposes of this Easement.

2. Restoration of Property. Grantee, its successors and assigns, agents, or any other person or entity authorized by Grantee to enter upon and perform work within the Easement Area (collectively "Grantee"), pursuant to the rights granted pursuant to this Easement, shall, upon completion of such work, repair and restore the Easement Area to the same or reasonably similar condition as existed prior to such work being performed. Grantee shall not be responsible for repairing or replacing any impediments or improvements, including landscaping, mature trees, etc., that otherwise unreasonably interfere with the Grantee's use, preservation, and access to the Easement Area for sewer line purposes.
3. Runs with the Land. The Easement shall be appurtenant to and shall run with the land and shall be binding upon and inure to the benefit of the Grantor, Grantee and their administrator, personal representatives, successors and assigns. This Easement is effective as of the date and time that the North Copper Canyon Parcel A Final Plat is recorded in the official records of the Maricopa County Recorder's Office. This Easement shall terminate upon the recordation of a final plat that both completely encompasses the Easement Area, and grants to the City of Surprise a perpetual, non-exclusive sewer line easement over, under, upon, and across all areas designated on the future final plat as sewer lines for the purpose of installing, constructing, maintaining, repairing, replacing, and utilizing the sewer lines.
4. Not a Public Dedication. Other than the grant of the Easement for the purposes set forth herein, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public.
5. Exception. There is excepted and reserved to Grantor from this Easement granted hereby: (i) all rights to utilize the Easement Area for any and all purposes that do not unreasonably interfere with Grantee's rights hereunder; and (ii) all rights of Grantor to grant at its sole discretion and at any time, any and all additional easements to any other person across the Easement Area provided that such additional easements do not unreasonably interfere with Grantee's rights hereunder. Specifically included, without limitation, in such reservations are the rights to grant underground utilities and other rights to place facilities by the Grantor so long as those underground utilities and other facilities do not unreasonably interfere with Grantee's rights hereunder.
6. Indemnification. Grantor shall indemnify Grantee from and against any loss, damage or injury of any kind or nature whatsoever to any person or property arising from the use of the Easement Area by Grantor, or its residents, occupants, permittees, agents, employees, licensees, invitees, or contractors, unless such loss, damage, or injury was solely the result of the gross negligence or intentional misconduct of Grantee.

7. Miscellaneous. A.R.S. § 38-511 is applicable. Headings herein are for convenience only and shall not define or limit the provision hereof. This Sewer Line Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against the Grantor or the Grantee. This Easement shall be governed by the laws of the state of Arizona. Should any term, provision, covenant or condition of this Easement be void, invalid or inoperative, the same shall not affect any other term, provision, covenant or condition of this Easement, and the remainder hereof shall be effective as though such void, invalid, or inoperative term, provision, covenant or condition had been omitted herein. Jurisdiction and venue for any action brought pursuant to this Easement shall be Maricopa County, Arizona.

IN WITNESS WHEREOF, the parties hereto have executed this Sewer Line Easement as of the date above.

GRANTOR:

Courtland Homes, Inc.,
An Arizona Corporation

By: Alan Hamberlin
Alan Hamberlin

Its: President
President

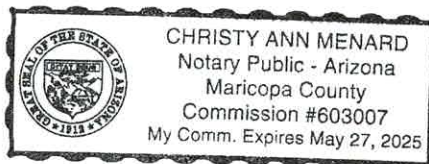
STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 7th day of November, 2024, by Alan Hamberlin, known by me as President of Courtland Homes, Inc.

Christy Ann Menard
Notary Public

My Commission Expires:

May 27, 2025



CITY OF SURPRISE,
An Arizona municipal corporation

Attest:

STATE OF _____)
) ss.
County of _____)

Notary Public

EXHIBIT “A”

Property Legal Description

August 19, 2024

LEGAL DESCRIPTION FOR
NORTH COPPER CANYON
PARCEL A

That part of the Southwest Quarter of Section 11, Township 4 North, Range 2 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap Flush marking the Southwest Corner of said Section 11, from which the Aluminum Cap stamped LS 35832 marking the West Quarter Corner of said Section 11, bears North 0°05'51" East, a distance of 2633.88 feet;

Thence North 00°05'51" East, along the West line of said Southwest Quarter, a distance of 59.81 feet;

Thence South 89°54'09" East, departing said West line, a distance of 40.00 feet to a point on a line which is parallel with and 40.00 feet Easterly from said West line, being the Point of Beginning;

Thence North 00°05'51" East, along said parallel line, a distance of 980.14 feet;

Thence South 42°53'31" East, departing said parallel line, a distance of 29.26 feet to a point on a 427.50 foot radius non-tangent curve, whose center bears South 05°27'46" West;

Thence Easterly, along said curve, through a central angle of 04°40'23", a distance of 34.87 feet;

Thence South 79°51'51" East, a distance of 56.91 feet;
Thence North 50°06'45" East, a distance of 25.70 feet;
Thence South 89°54'38" East, a distance of 55.00 feet;
Thence South 00°05'22" West, a distance of 81.21 feet;
Thence South 89°45'08" East, a distance of 893.29 feet;
Thence South 00°14'52" West, a distance of 125.00 feet;

Thence South 34°10'40" West, a distance of 11.29 feet to a point on a 55.00 foot radius non-tangent curve, whose center bears South 34°10'40" West;

Thence Southeasterly, along said curve, through a central angle of 56°04'13", a distance of 53.82 feet;

Thence South 00°14'52" West, a distance of 515.01 feet;
Thence South 46°24'24" East, a distance of 28.34 feet;

Thence South 00°14'52" West, a distance of 55.07 feet to a point on a 427.50 foot radius non-tangent curve, whose center bears North 02°25'57" West;

Thence Westerly, along said curve, through a central angle of 02°40'50", a distance of 20.00 feet;

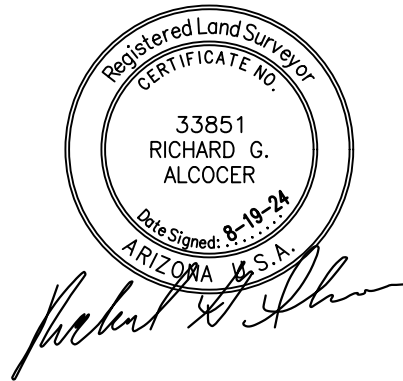
Thence North 89°45'08" West, a distance of 4.67 feet;

Thence South 00°14'52" West, a distance of 132.21 feet to a point on a line which is parallel with and 40.00 feet Northerly from the South line of said Southwest Quarter;

Thence North 89°37'59" West, along said parallel line, a distance of 1070.12 feet;

Thence North 44°46'04" West, departing said parallel line, a distance of 28.35 feet to the Point of Beginning.

Containing 999,047 Square Feet or 22.935 Acres, more or less.



NORTH COPPER CANYON
PARCEL A

N00°05'50.75" E 59.81

S89°54'09.25" E 40.00

BOUNDARY

N00°05'50.75" E 980.14

S42°53'31.04" E 29.26

RB = S05°27'45.59" W

R = 427.50

A = 34.87

C = 34.86

CB = S82°12'02.86" E

D = 04°40'23.09"

T = 17.44

RB = N10°08'08.68" E

S79°51'51.32" E 56.91

N50°06'45.20" E 25.70

S89°54'38.29" E 55.00

S00°05'21.71" W 81.21

S89°45'07.57" E 893.29

S00°14'52.43" W 125.00

S34°10'39.70" W 11.29

RB = S34°10'39.70" W

R = 55.00

A = 53.82

C = 51.70

CB = S27°47'13.94" E

D = 56°04'12.73"

T = 29.29

RB = S89°45'07.57" E

S00°14'52.43" W 515.01

S46°24'23.64" E 28.34

S00°14'52.43" W 55.07

RB = N02°25'57.43" W

R = 427.50

A = 20.00

C = 20.00

CB = S88°54'27.50" W

D = 02°40'49.86"

T = 10.00

RB = S00°14'52.43" W

N89°45'07.57" W 4.67

S00°14'52.43" W 132.21

N89°37'59.05" W 1070.12

N44°46'04.15" W 28.35

to

Area = 999047 22.935 AC

Closing course: 51°45'39.56" 0.006869

Misclosure: 1/611,142

North Error: 0.004252

East Error: 0.005395



EXHIBIT “B”

Easement Legal Description

September 19, 2024

LEGAL DESCRIPTION FOR
NORTH COPPER CANYON
PARCEL A SEWER EASEMENT

Parcel 1:

That part of the Southwest Quarter of Section 11, Township 4 North, Range 2 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the calculated position of the South Quarter Corner of said Section 11, from which the Brass Cap flush marking the Southwest Corner of said Section 11 bears North 89°37'59" West, a distance of 2632.47 feet;

Thence North 89°37'59" West, along the South line of said Southwest Quarter, a distance of 171.15 feet;

Thence North 00°22'01" East, departing said South line, a distance of 40.00 feet to the Point of Beginning;

Thence continuing North 00°22'01" East, a distance of 146.50 feet to a point on a line which is parallel with and 186.50 feet Northerly from said South line;

Thence North 89°37'59" West, along said parallel line, a distance of 1154.12 feet;

Thence North 89°38'48" West, departing said parallel line, a distance of 152.91 feet

Thence North 00°14'52" East, a distance of 20.00 feet;

Thence South 89°38'48" East, a distance of 152.94 feet to a point on a line which is parallel with and 206.50 feet Northerly from said South line;

Thence South 89°37'59" East, along said parallel line, a distance of 1174.13 feet;

Thence South 00°22'01" West, departing said parallel line, a distance of 166.50 feet;

Thence North 89°37'59" West, a distance of 20.00 feet to the Point of Beginning.

Parcel 1 containing 29,471 Square Feet or 0.677 Acres, more or less.

Together with

Parcel 2:

That part of the Southeast Quarter of Section 11 and the Northeast Quarter of Section 14, Township 4 North, Range 2 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the calculated position of the South Quarter Corner of said Section 11, from which the Brass Cap flush marking the Southwest Corner of said Section 11 bears North 89°37'59" West, a distance of 2632.47 feet;

Thence South 73°27'57" East, a distance of 22.92 feet to a point on a line which is parallel with and 22.00 feet Easterly from the Southerly prolongation of the West line of said Southeast Quarter, being the Point of Beginning;

Thence North 00°12'42" East, along said parallel line, a distance of 21.00 feet;

Thence South 71°59'39" East, departing said parallel line, a distance of 29.37 feet;

Thence South 00°11'41" West, a distance of 80.86 feet;

Thence North 89°51'36" West, a distance of 20.00 feet;

Thence North 00°11'41" East, a distance of 66.29 feet;

Thence North 71°59'39" West, a distance of 8.37 feet to the Point of Beginning.

Parcel 2 containing 1,849 Square Feet or 0.042 Acres, more or less.

The told containing 29,320 Square Feet or 0.673 Acres, more or less.



NORTH COPPER CANYON
PARCEL A SEWER EASEMENT
PARCEL 1

N89°37'59.05" W 171.15

N00°22'00.95" E 40.00

BOUNDARY

N00°22'00.95" E 146.50

N89°37'59.05" W 1154.12

N89°38'48.50" W 152.91

N00°14'52.43" E 20.00

S89°38'48.50" E 152.94

S89°37'59.05" E 1174.13

S00°22'00.95" W 166.50

N89°37'59.05" W 20.00
to

Area = 29471 0.677 AC

Closing course: 89°04'15.15" 0.001597

Misclosure: 1/1,000,000+

North Error: 0.000026

East Error: 0.001597



NORTH COPPER CANYON
PARCEL A SEWER EASEMENT
PARCEL 2

S73°27'56.61" E 22.92

BOUNDARY

N00°12'41.87" E 21.00

S71°59'38.57" E 29.37

S00°11'41.23" W 80.86

N89°51'36.44" W 20.00

N00°11'41.20" E 66.29

N71°59'38.57" W 8.37
to

Area = 1849 0.042 AC

Closing course: 01°35'57.16" 0.012585

Misclosure: 1/17,949

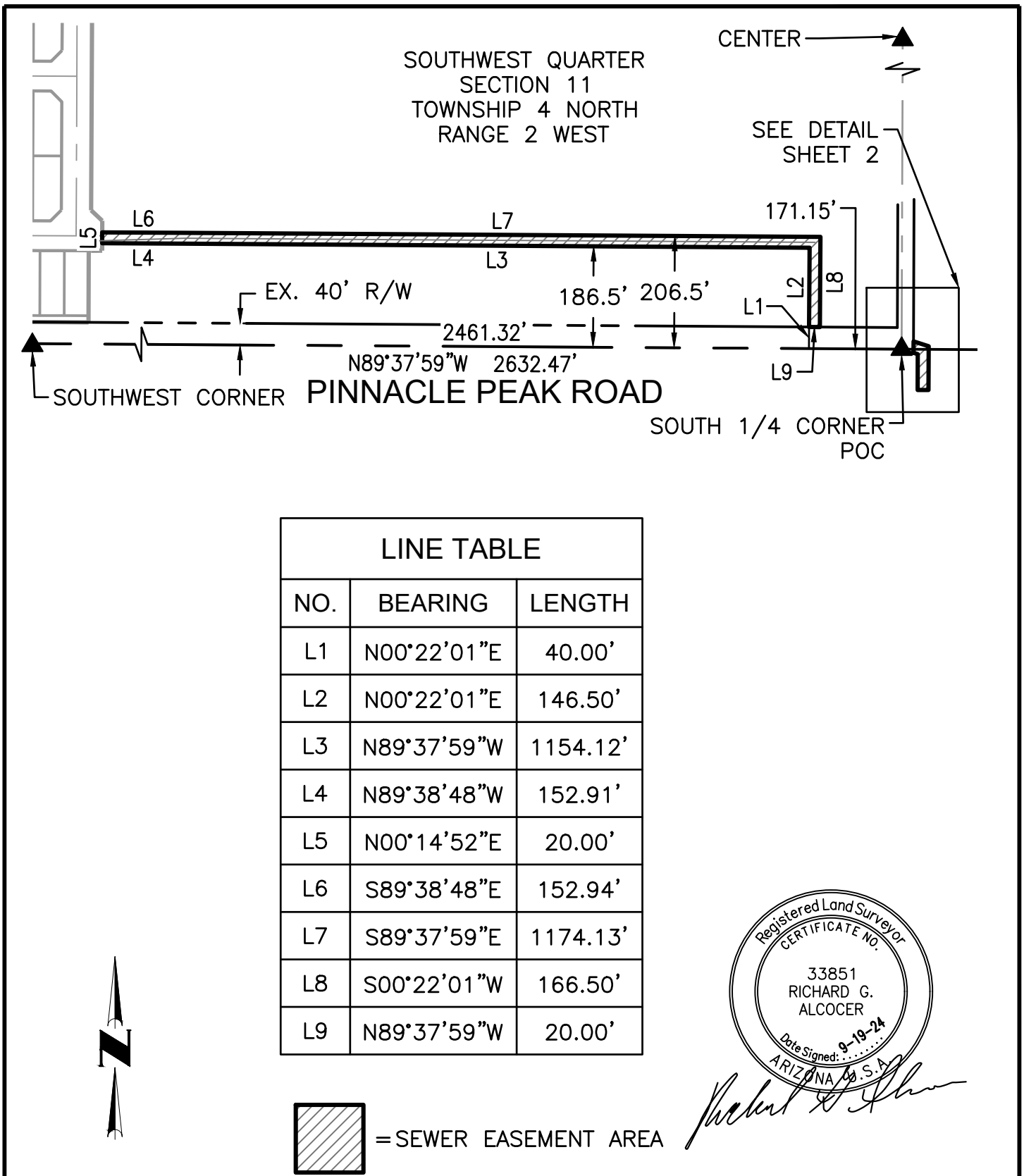
North Error: 0.012580

East Error: 0.000351

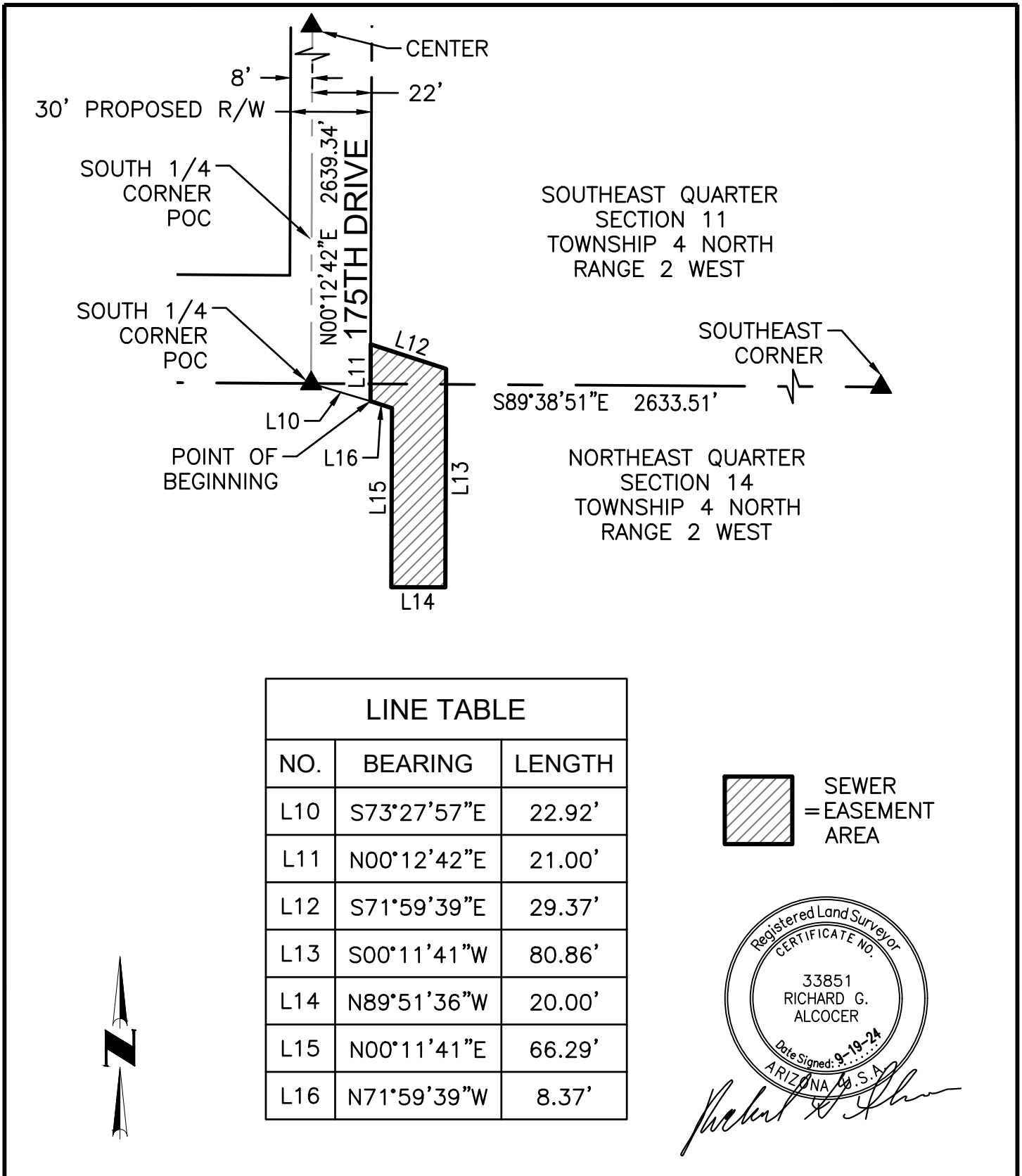


EXHIBIT “C”

Sewer Easement



SCALE 1" = 250'	NORTH COPPER CANYON	CVL CONSULTANTS
EXHIBIT		
4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com	PARCEL A	1 OF 2
	SEWER EASEMENT	

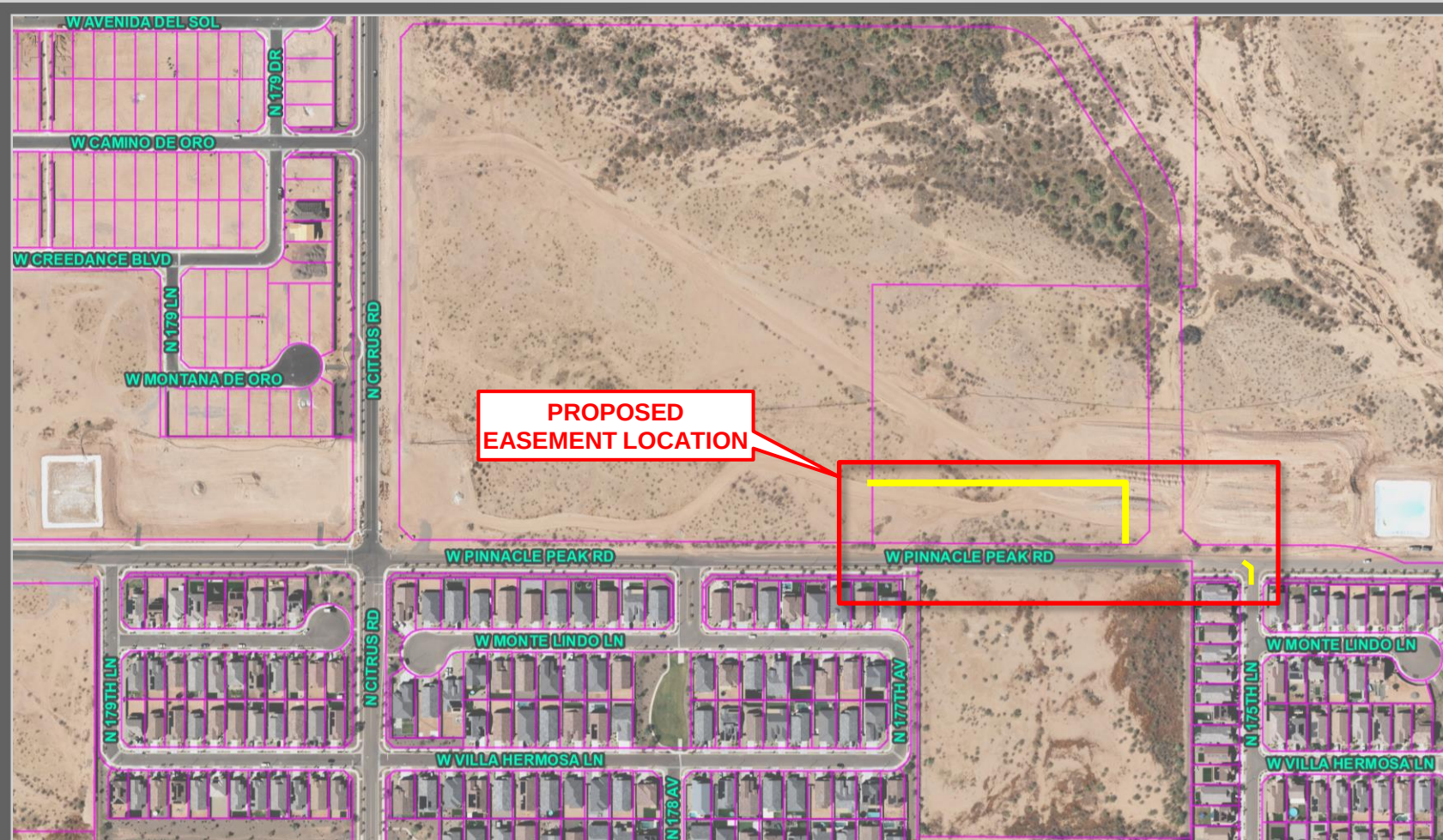


SCALE 1" = 50'	NORTH COPPER CANYON	CVL CONSULTANTS
EXHIBIT		
4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com	PARCEL A	2 OF 2
	SEWER EASEMENT	

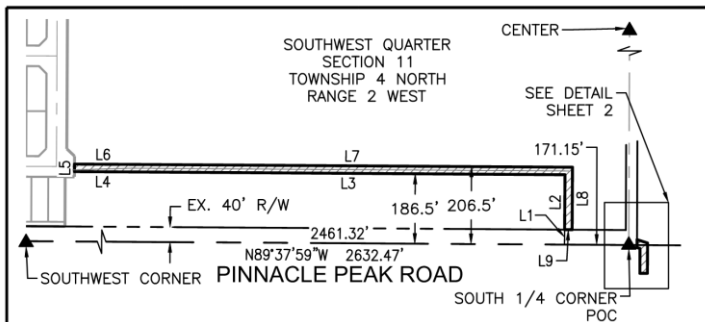


Courtland Homes, Inc. Temporary Sewer Line Easement

City Council – December 17, 2024



VICINITY MAP



LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°22'01"E	40.00'
L2	N00°22'01"E	146.50'
L3	N89°37'59"W	1154.12'
L4	N89°38'48"W	152.91'
L5	N00°14'52"E	20.00'
L6	S89°38'48"E	152.94'
L7	S89°37'59"E	1174.13'
L8	S00°22'01"W	166.50'
L9	N89°37'59"W	20.00'



= SEWER EASEMENT AREA



Richard G. Alcocer

SCALE 1" = 250'
EXHIBIT
4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
http://www.cvici.com

NORTH COPPER CANYON

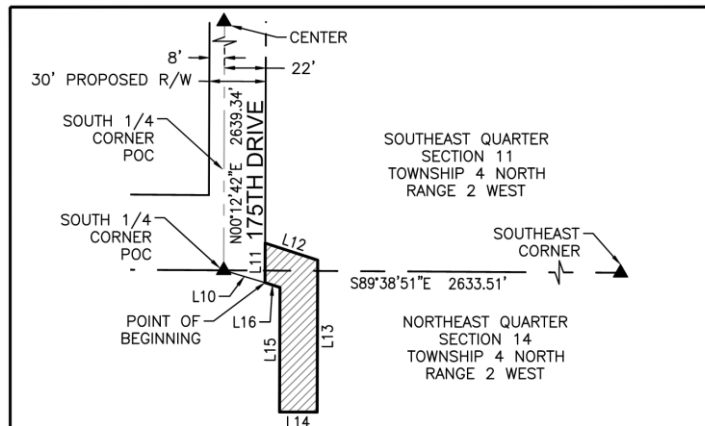
PARCEL A

SEWER EASEMENT



1 OF 2

N:\010295201\Cadd\Exhibits\IX.PCLA.SE.dwg Dominique September 19, 2024



LINE TABLE		
NO.	BEARING	LENGTH
L10	S73°27'57"E	22.92'
L11	N00°12'42"E	21.00'
L12	S71°59'39"E	29.37'
L13	S00°11'41"W	80.86'
L14	N89°51'36"W	20.00'
L15	N00°11'41"E	66.29'
L16	N71°59'39"W	8.37'



SEWER
= EASEMENT
AREA



Richard G. Alcocer

SCALE 1" = 50'
EXHIBIT
4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
http://www.cvici.com

NORTH COPPER CANYON

PARCEL A

SEWER EASEMENT



2 OF 2

N:\010295201\Cadd\Exhibits\IX.PCLA.SE.dwg Dominique September 19, 2024

EXHIBIT



SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Quit Claim Deed for dedication of Rights-of-Way along 155th Avenue north of Pinnacle Peak Road from Fulton Homes Escalante Homeowners Association.

Motion:

I move to accept the Quit Claim Deed from Fulton Homes Escalante Homeowners Association.

Background:

Fulton Homes is granting right of way along 155th avenue south of Jomax to their development, Escalante. When the developer originally went through the development process, the City and developer missed the additional right of way that was needed. This dedication is to bring the roadway up to the City's required width.

Objective Analysis:

The acceptance of this right of way will allow the developer to have the full width of right of way for the 155th avenue roadway improvement.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is currently no budgetary impact related to approval of this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 155th ave RW QCD - Copy
 2. 155th Ave RW QCD - CC 12.17.24 - Copy
-

GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____
Skip Hall
Its: Mayor

Attest:

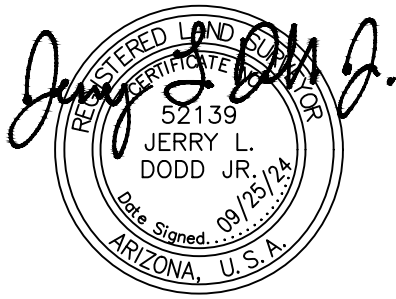
Kristi Passarelli, City Clerk

STATE OF ARIZONA)
)SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Skip Hall, known by my as the Mayor of the City of Surprise an Arizona municipal corporation.

Notary Public

My Commission Expires:



**LEGAL DESCRIPTION
ESCALANTE (FULTON HOMES)
155TH AVENUE RIGHT-OF-WAY
EXHIBIT "A"**

JOB NO. 18-212

September 25, 2024

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT AN ALUMINUM CAP AT THE SOUTHEAST CORNER OF SAID SECTION 7, FROM WHICH AN BRASS CAP AT THE EAST QUARTER CORNER OF SAID SECTION 7 BEARS NORTH 0 DEGREES 12 MINUTES 26 SECONDS WEST (**BASIS OF BEARING**), 2,3638.92 FEET;

THENCE, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, NORTH 0 DEGREES 12 MINUTES 26 SECONDS WEST, 1,067.27 FEET

THENCE, DEPARTING SAID EAST LINE, SOUTH 89 DEGREES 47 MINUTES 34 SECONDS WEST, 57.50 FEET TO THE **POINT OF BEGINNING**;

THENCE, NORTH 00 DEGREES 12 MINUTES 27 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 57.50 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, 150.18 FEET;

THENCE, DEPARTING SAID PARALLEL LINE, NORTH 06 DEGREES 38 MINUTES 08 SECONDS EAST, 21.00 FEET;

THENCE, SOUTH 00 DEGREES 12 MINUTES 27 SECONDS EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, 168.35 FEET;

THENCE, SOUTH 42 DEGREES 52 MINUTES 25 SECONDS WEST, 3.66 FEET TO THE **POINT OF BEGINNING**.

SAID PORTION OF LAND CONTAINING **399** SQUARE FEET, OR **0.0091** ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

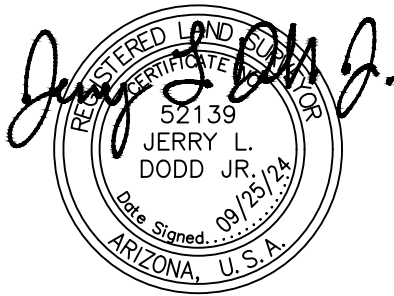
THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

Sep 25, 2024 11:20am S:\Projects\2018-212\Legal Survey\Legals\18-212 155th Ave New ROW.dwg
jdodd

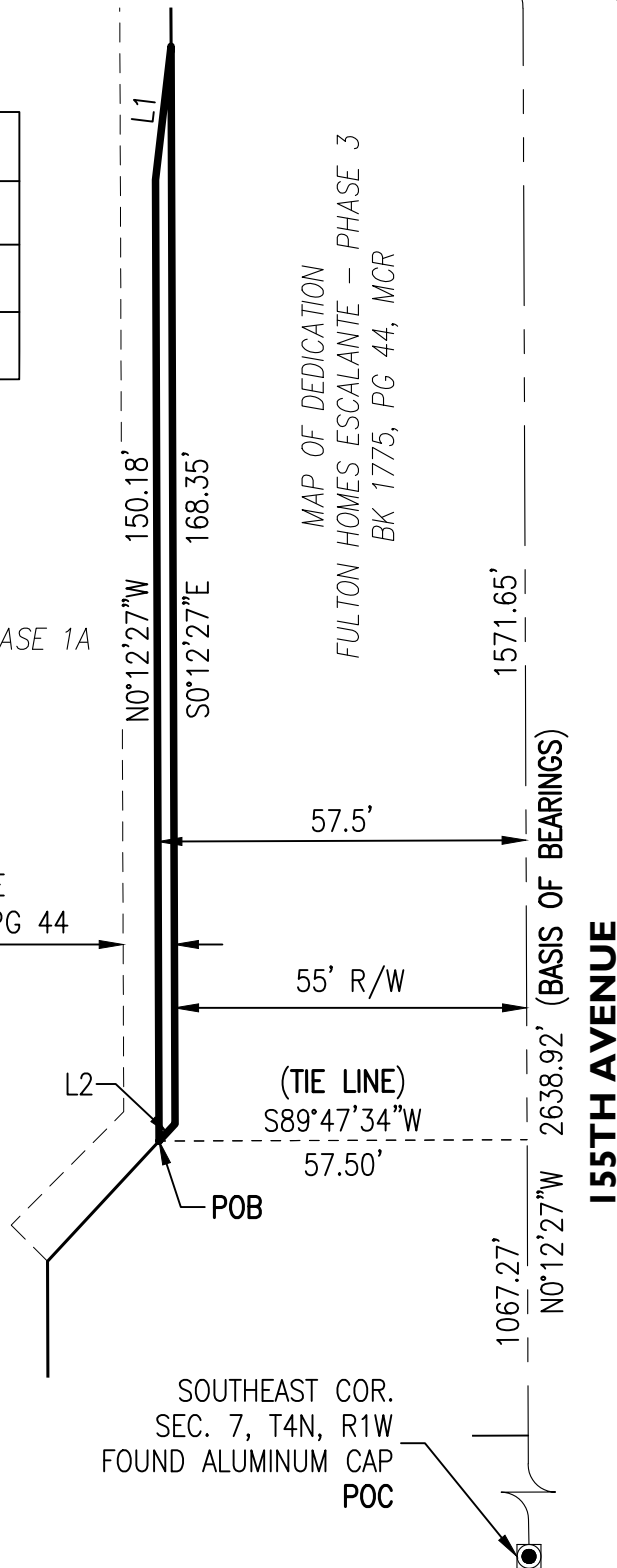
EXHIBIT "B"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N06°38'10"E	21.00'
L2	S42°52'25"W	3.66'

FINAL PLAT
ESCALANTE MASTER PLAT – PHASE 1A
BK 1542, PG 19, MCR



8' PUE
BK 1775, PG 44



EAST 1/4 COR.
SEC. 7, T4N, R1W
FOUND BRASS CAP

SOUTHEAST COR.
SEC. 7, T4N, R1W
FOUND ALUMINUM CAP
POC

155TH AVENUE

18-212

Drawn by: KFN Reviewed by: JLD Sheet Scale: NTS

Sheet No: | of |

ESCALANTE (FULTON HOMES)
155TH AVENUE RIGHT-OF-WAY

EXHIBIT "A"

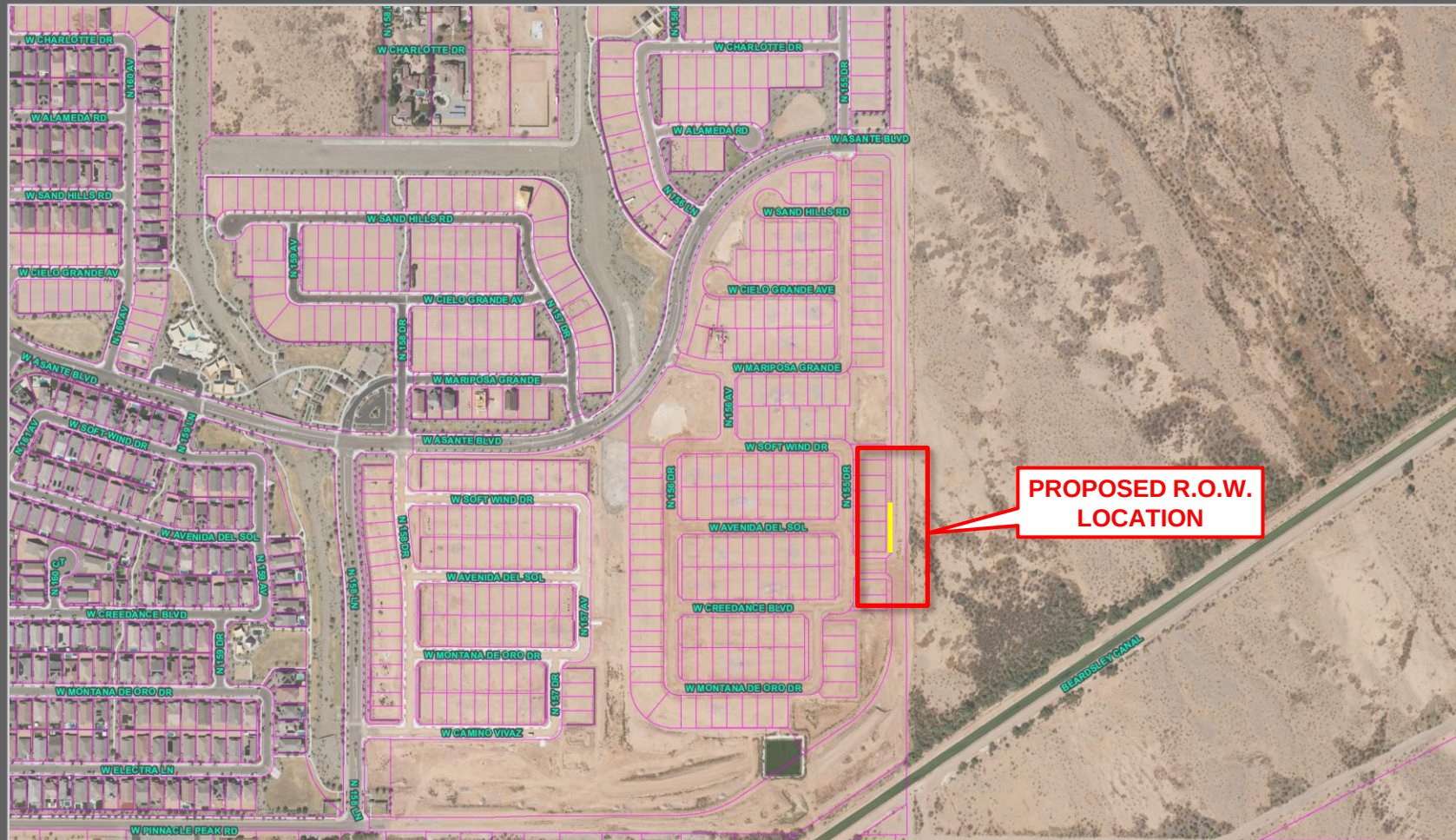


1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com



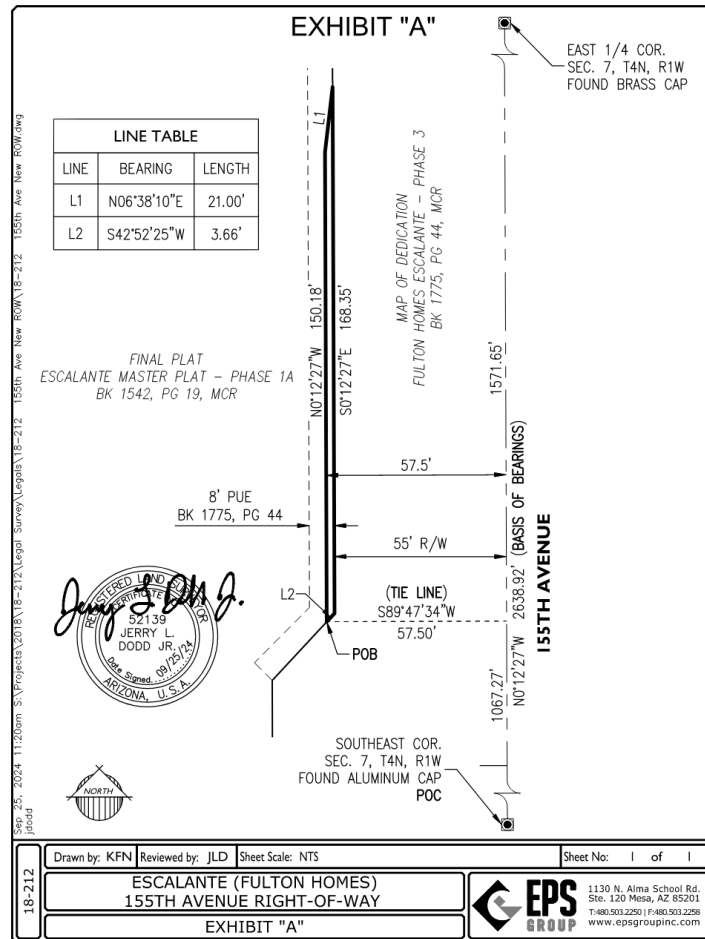
Escalante (Fulton Homes) Right-of-Way

City Council – December 17, 2024



PROPOSED R.O.W.
LOCATION

VICINITY MAP



EXHIBIT



SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 5

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Water Meter Easement from GS-SM Album Surprise Owner LLC, near Parkview Place and Paradise Lane.

Motion:

I move to accept the Water Meter Easement from GS-SM Album Surprise Owner, LLC.

Background:

GS-SM Album Surprise Owner, LLC is putting a water meter on lot 1 of the Stadium Village South development. The water meter easement is needed so that City staff may access the water meters for reading and billing.

Objective Analysis:

Approval of this item will allow the City to maintain access to the water meter that is being located on a portion of the lot that is not accessible to the City.

Policy Compliant:

Approval of this item is policy compliant. The proposed easement will advance the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is currently no budgetary impact related to approval of this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Watermeter Easement
 2. GS-SM Album Surprise Water Easement - CC 12.17.24
-

WHEN RECORDED, RETURN TO:

City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

WATER METER EASEMENT

This Water Meter Easement (the "Easement") Agreement is executed this 24th day of October, 2024, by and between GS-SM Album Surprise Owner, LLC, a (Delaware limited liability company,) company, hereinafter referred to as "Grantor," and the City of Surprise, Arizona, an Arizona municipal corporation, hereinafter referred to as "Grantee".

RECITALS

- A. Grantor is the fee title owner of a parcel of land as described in Deed 20240513216, public records of Maricopa County, Arizona.
- B. Grantee desires to acquire from Grantor and Grantor desires to grant to Grantee a perpetual, exclusive water meter easement over, under, and across portions (the "Easement Area") of the above-mentioned Grantor's property. The Easement Area is legally described in Exhibit "A and depicted on Exhibit "B".

GRANTOR:

GS-SM Album Surprise Owner, LLC
A Delaware limited liability company

By: [Signature]

Its: Vice President

State of Arizona)
)ss
County of Maricopa)

The foregoing instrument was acknowledged and executed before me this 24th day of October, 2024, by William Cundiff.

My Commission Expires: November 22, 2025

Beverlee R. Minetti
Notary Public



GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____
Skip Hall

Its: Mayor

Attest:

Kristi Passarelli, City Clerk

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024,
by Skip Hall, known by me as the Mayor of the City of Surprise an Arizona municipal
corporation.

Notary Public

My Commission Expires: _____

Exhibit "A"
**ALBUM ACTIVE ADULT LOT 1 WATER EASEMENT
LEGAL DESCRIPTION**

A portion of Lot 1 of the Replat of Final Amendment of Lot 7, Stadium Village South, recorded at Book 1205 of Maps, Page 33, Maricopa County Recorder's Office, also being a portion of the Northeast Quarter of Section 5, Township 3 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the southeast corner of said Lot 1, marked by a P.K. W/Tag, RLS 45377 from which the southwesterly corner of said Lot 1 marked by a 1/2" rebar w/cap RLS 45377 bears North 89°56'54" West, 505.50 feet, as the Basis of Bearings;

THENCE along the easterly line of said Lot 1, North 00°10'25" East, 163.91 feet to the **POINT OF BEGINNING**

THENCE leaving said easterly line of said Lot 1, North 89°49'35" West, 6.89 feet;

THENCE South 00°10'25" West, 8.67 feet;

THENCE North 89°49'35" West, 10.00 feet;

THENCE North 00°10'25" East, 18.67 feet;

THENCE South 89°49'35" East, 16.89 feet to a point on the easterly line of said Lot 1;

THENCE South 00°10'25" West, 10.00 feet along said easterly line of Lot 1 to the **POINT OF BEGINNING..**

The above-described parcel contains a computed area of 256 sq. ft. (0.0059 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

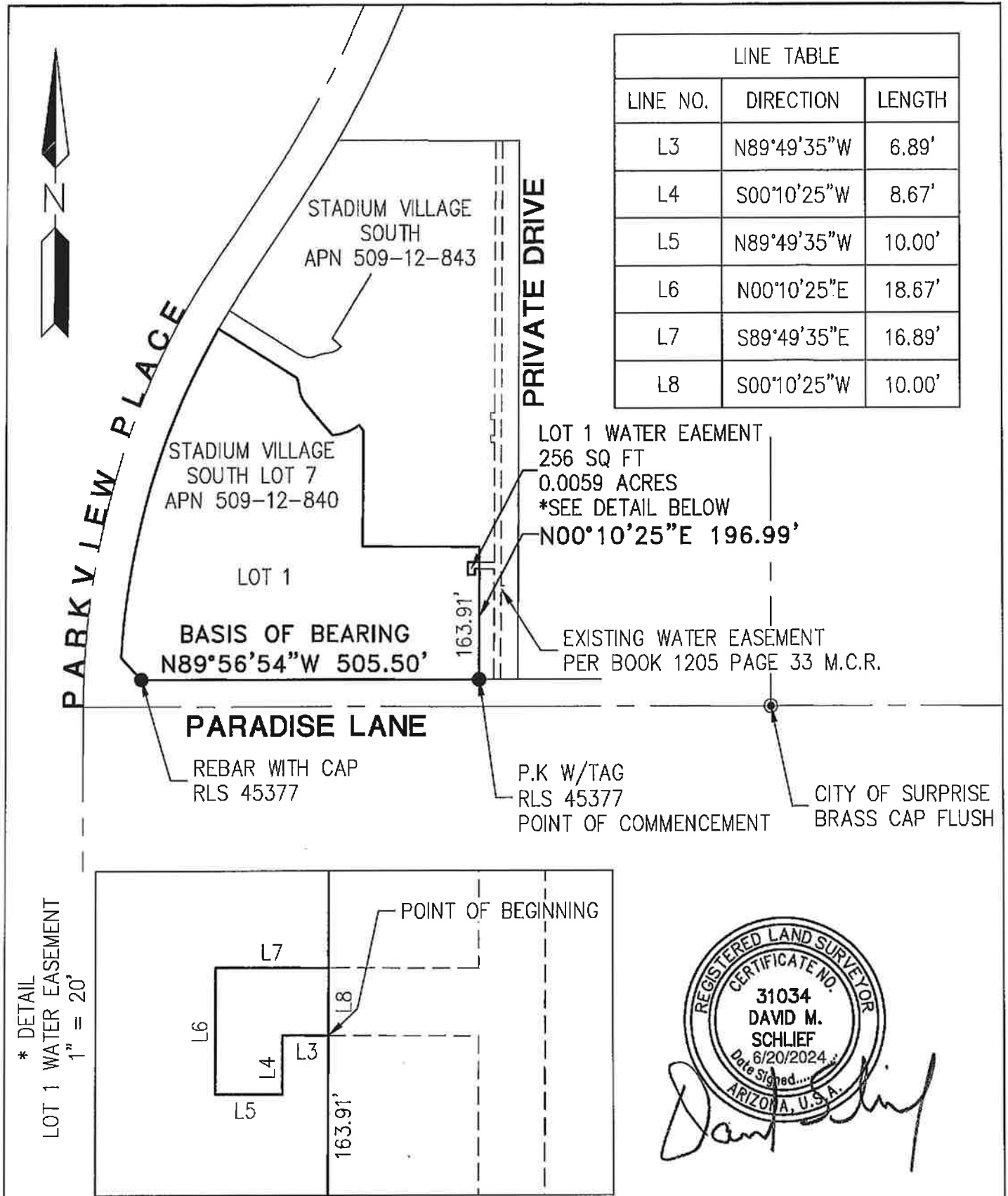
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 2520
Date June 20, 2024



April 2, 2024

U:\2500\2520\SURVEY\DOCS\LEGAL\2520 - LOT 1 WATER EASEMENT LEGAL.docx

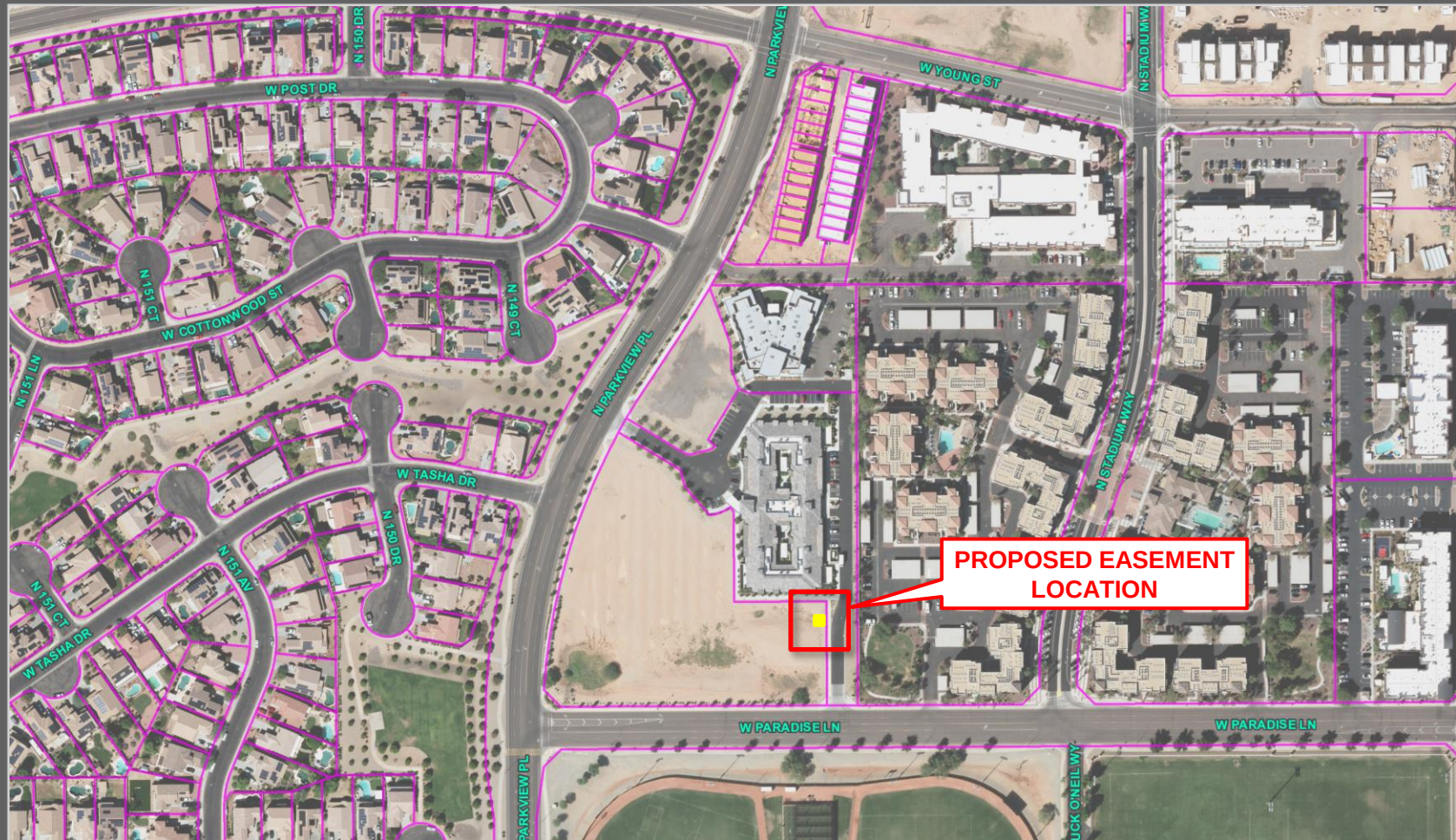


PROJ.NO.: 2520	ALBUM ACTIVE ADULT	HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: APRIL 2024	PARADISE LN. & PARKVIEW PL.	
SCALE: 1" = 200'	SURPRISE, ARIZONA	
DRAWN BY: BMG	LOT 1 WATER EASEMENT	
CHECKED BY: DMS		



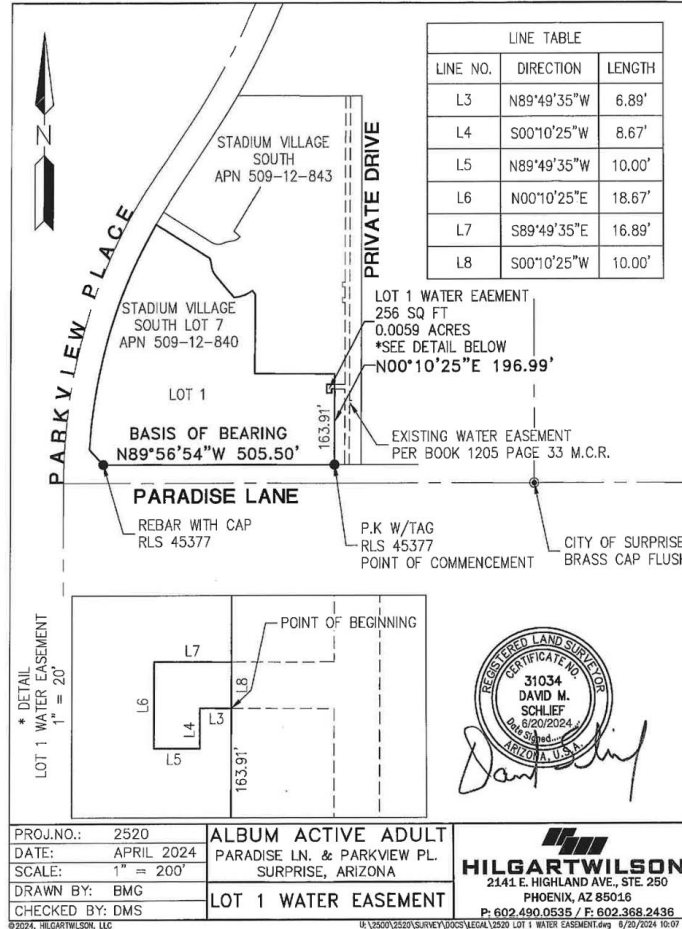
GS-SM Album Surprise Water Meter Easement

City Council – December 17, 2024



VICINITY MAP

"Exhibit "B"



EXHIBIT



SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Warranty Deed for dedication of Rights-of-Way along 163rd Avenue north of Jomax Road from Langley Partners Investments, LLC.

Motion:

I move to accept the Warranty Deed from Langley Partners Investments, LLC.

Background:

Pulte Homes is working to acquire right of way along 163rd avenue from Jomax to their development, Visara. The right of way dedicated from this parcel will assist the City in widening 163rd avenue to allow for additional traffic from the ongoing development in the area.

Objective Analysis:

The acceptance of this right of way will allow the developer to improve 163rd avenue to allow for safer traffic movements along 163rd avenue going to the Visara development.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is currently no budgetary impact related to approval of this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. LANGLEY 163RD AV ROW DEED
 2. Langley 163rd Ave ROW - CC 12.17.24
-

When recorded return to:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

WARRANTY DEED

For the consideration of Ten Dollar (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged Langley Partners Investments, LLC, ("Grantor")

Do hereby convey to the City of Surprise, an Arizona municipal corporation, all right, title and interest to and in that certain parcel of real property as legally described in Exhibit A and depicted in Exhibit B.

It is the intention of the parties to cause the real property described on said Exhibit "A" to be dedicated as **public right of way for roadway and utility purposes**, and to vest title in fee simple in the City of Surprise in Trust, for all the uses contemplated in public street dedication.

This deed supersedes and renders void any previous grant of a right in the real property described in Exhibit "A," including, but not limited to, any easements conveyed by Grantor to the City of Surprise concerning the real property described in Exhibit "A."

And I or We do warrant the title against any and all persons, subject only to those encumbrances or liens of record, or as above set forth, if any.

GRANTOR: Langley Partners
Investments, LLC

GRANTEE: City of Surprise, an Arizona
Municipal Corporation

By: 
Jennifer Ruby
Its: Authorized Signer

By: _____
Skip Hall
Its: Mayor

ATTEST:

Sherry Aguilar, City Clerk

STATE OF ARIZONA)
) SS.
County of Maricopa)

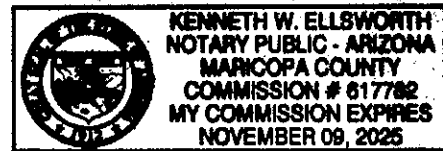
The foregoing instrument was acknowledged before me this 31ST day of OCTOBER, 2024, by Jennifer Ruby, as the Authorized Signer of Langley Partners Investments, LLC, an Arizona limited liability company.

My commission expires:

11/9/2025

Notary Public:

[Signature]



STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

My commission expires:

Notary Public:

Exhibit A

Legal Description

.

LEGAL DESCRIPTION
Visara
Proposed 45' Right-of-Way

A strip of land lying within a portion of that certain parcel of land recorded in Document 2022-0142552, Maricopa County Records (MCR), lying within Section 31, Township 5 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southwest corner of said Section 31, a 3-inch Maricopa County Highway Department (MCHD) brass cap flush, from which the west quarter corner of said section, a 1/2-inch rebar with no identification, bears North 00°16'02" East (basis of bearing), a distance of 2422.11 feet;

THENCE along the west line of said section, North 00°16'02" East, a distance of 55.00 feet, to the north line of the south 55 feet of said section;

THENCE leaving said west line, along said north line, South 89°58'11" East, a distance of 85.00 feet, to the easterly line of that certain Easement and Agreement for Highway Purposes, recorded in Document 1986-0352877, MCR and the **POINT OF BEGINNING**;

THENCE leaving said north line, along said easterly line, North 44°51'04" West, a distance of 42.34 feet;

THENCE North 00°16'02" East, a distance of 245.67 feet, to the north line of said certain parcel of land;

THENCE leaving said easterly line, along said north line, South 89°35'30" East, a distance of 45.00 feet, to the east line of the west 100 feet of said certain parcel of land;

THENCE leaving said north line, along said east line, South 00°16'02" West, a distance of 245.37 feet;

THENCE leaving said east, South 44°51'04" East, a distance of 42.34 feet, to said north line of the south 55 feet of said section;

**Legal Description
Visara
Proposed 45' Right-of-Way**

Revised June 6, 2022
April 18, 2022
WP# 215240
Page 2 of 3
Exhibit "A"

THENCE along said the north line, North 89°58'11" West, a distance of 45.00 feet, to the **POINT OF BEGINNING**.

Containing 14,705 square feet or 0.3376 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description is based on client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of August, 2021. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2021\215240 Visara Proposed 45' ROW L05R01 06-06-22.docx



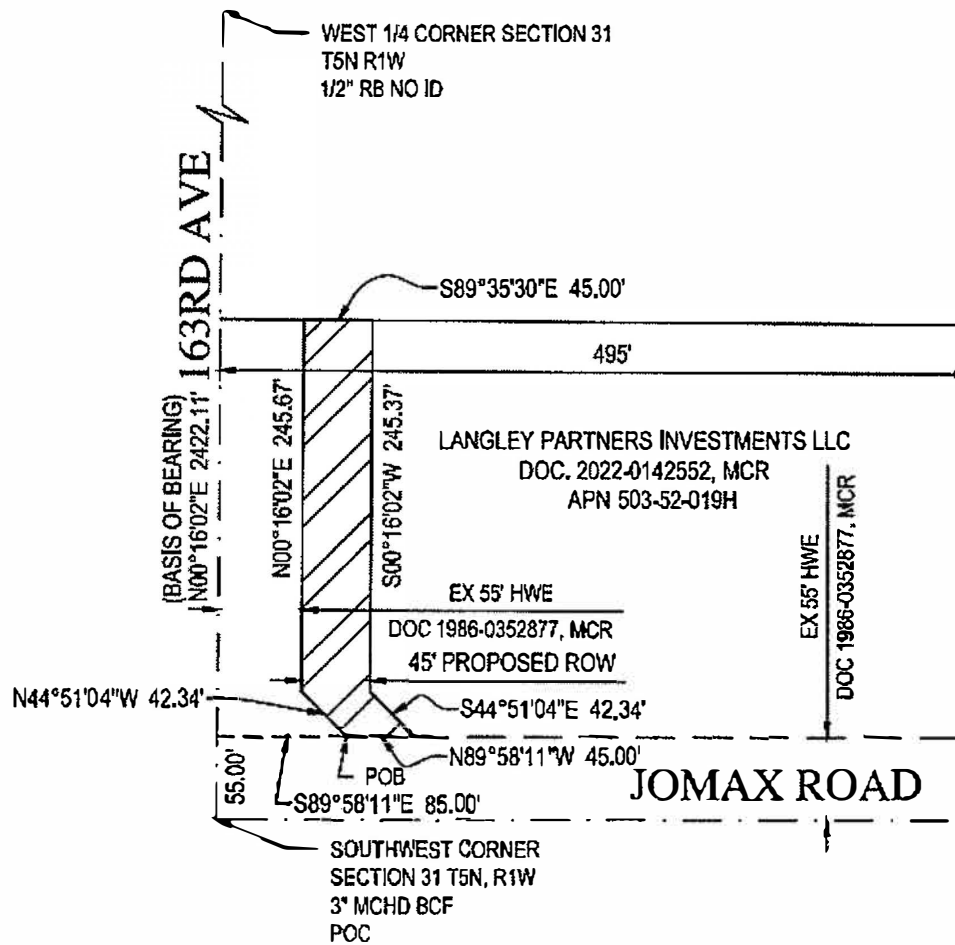
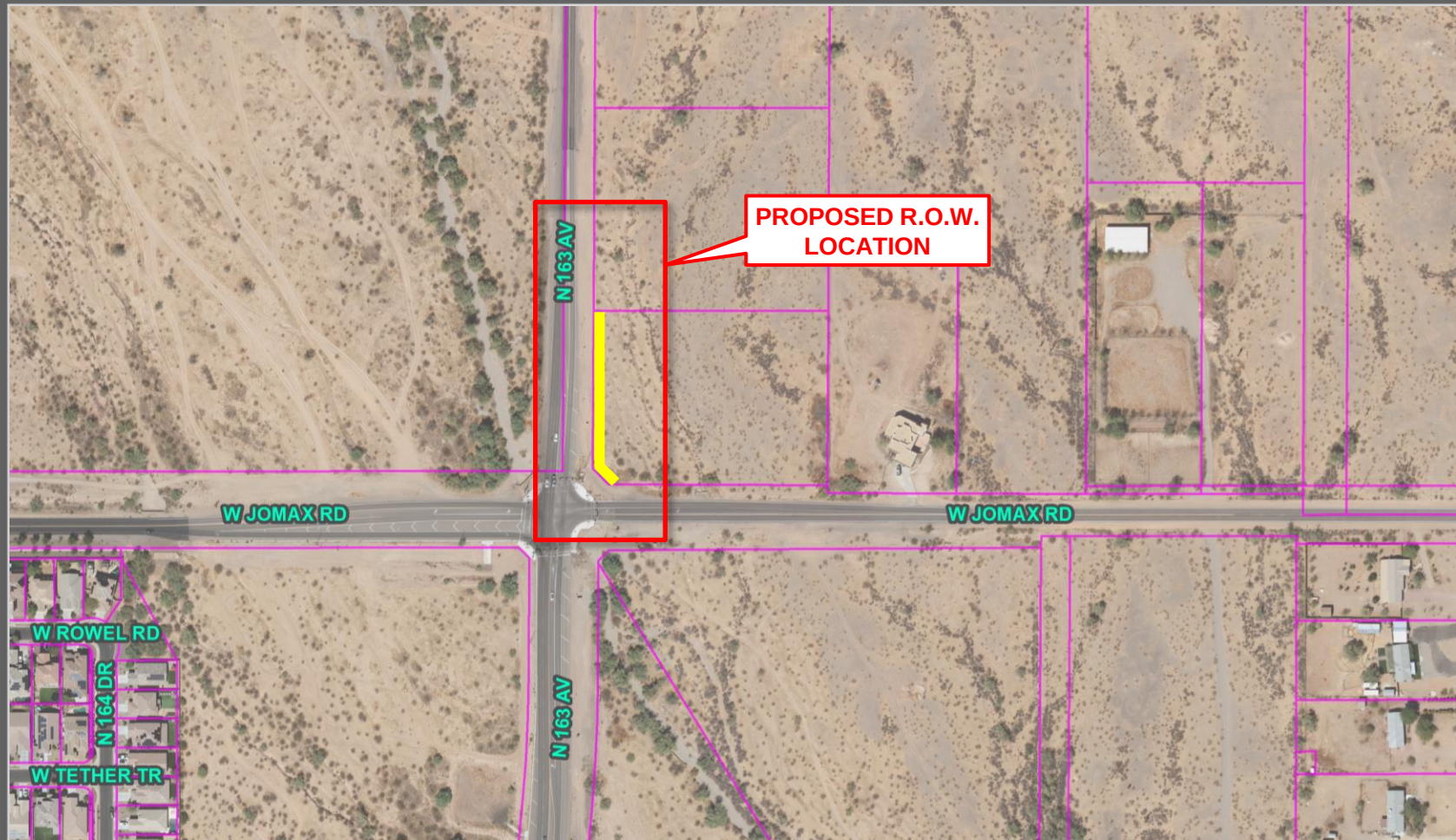


EXHIBIT "B"
VISARA
PROPOSED 45' RIGHT-OF-WAY
REVISED 06/06/2022
WP# 215240
PAGE 3 OF 3
NOT TO SCALE
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Langley Partners Investments R.O.W. Deed

City Council – December 17, 2024



VICINITY MAP

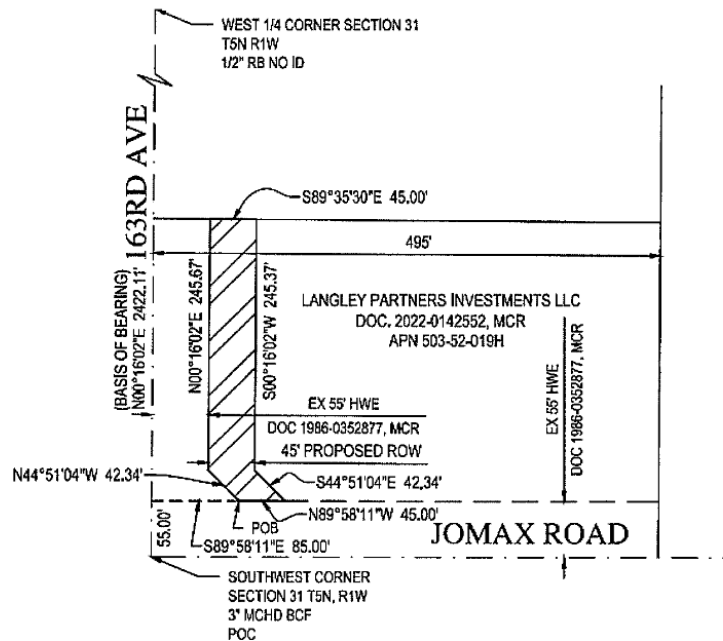


EXHIBIT "A"
 VISARA
 PROPOSED 45' RIGHT-OF-WAY
 REVISED 06/08/2022
 WP# 215240
 PAGE 3 OF 3
 NOT TO SCALE
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SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of San Ysidro, Tract C., from the Fulton Holmes Escalante Homeowners Association.

Motion:

I move to accept the Special Warranty Deed from Fulton Homes Escalante Homeowners Association.

Background:

In 2023, the City of Surprise residents approved the General Obligation (G.O.) Bond for several projects. One of those projects was the improvement of 163rd Avenue north of Grand Avenue. With the ongoing development in the area, the city identified the need to improve access into this area. The right of way being dedicated is in association with the roadway improvements being done along 163rd Avenue. This will allow the city to widen the roadways to allow for safer traffic movements into and out of this area.

Objective Analysis:

As this area continues to develop, additional lanes are needed to handle the increase in traffic.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the city will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

This project is part of the 2023 G.O. Bonds. This right of way is needed for completion of additional lanes along 163rd Avenue and Happy Valley Road. The city will plan for future operations and

maintenance once the road is in place and is accepted by the city.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. FH Escalante 163rd Tract C
 2. FH Escalante Tract C SWD - CC 12.17.24
-

When recorded return to:
City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

SPECIAL WARRANTY DEED

For the consideration of Ten Dollar (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Fulton Homes Escalante Homeowners Association, an Arizona non-profit corporation ("Grantor"), hereby conveys to the **CITY OF SURPRISE**, an Arizona municipal corporation, the following real property situated in Maricopa County, Arizona, together with all rights and privileges appurtenant thereto:

See Exhibit A & Exhibit B attached hereto and incorporated herein by this reference (the "Property").

Subject to all reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

And Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters above set forth.

Dated this 26TH day of NOVEMBER, 2024

GRANTOR

Fulton Homes Escalante Homeowners Association, an Arizona non-profit corporation

Norm P. Nichols

By:

Its:

STATE OF Arizona)
)ss.
County of Maricopa)

This instrument was acknowledged and executed before me this 26th day of November 2024, by Norm Nichols

My Commission Expires:
7-5-2028

Melissa Murphy
NOTARY PUBLIC



GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____

Skip Hall

Its: Mayor

Attest:

Kristi Passarelli, City Clerk

STATE OF ARIZONA)
)SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Skip Hall, known by me as the Mayor of the City of Surprise an Arizona municipal corporation.

Notary Public

My Commission Expires:

Exhibit A

Legal Description

.

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT-OF-WAY DEDICATION

A portion of Tract C of FULTON HOMES ESCALANTE PARCEL 4 as recorded in Book 1430, Page 03, records of Maricopa County, Arizona, located in the Northwest Quarter of Section 7, Township 4 North, Range 1 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the West Quarter Corner of said Section 7, from which the Northwest Corner of said Section 7 lies North 00°09'54" East;

Thence along the west line of said Northwest Quarter North 00°09'54" East 1145.63 feet;

Thence departing said line South 89°50'06" East 68.00 feet to the Northwest Corner of said Tract C and the POINT OF BEGINNING;

Thence along the north line of said Tract C South 89°50'06" East 10.00 feet;

Thence departing said line South 00°09'54" West 142.36 feet;

Thence North 89°50'06" West 10.00 feet to the west line of said Tract C;

Thence along said west line North 00°09'54" East 142.36 feet to the POINT OF BEGINNING.

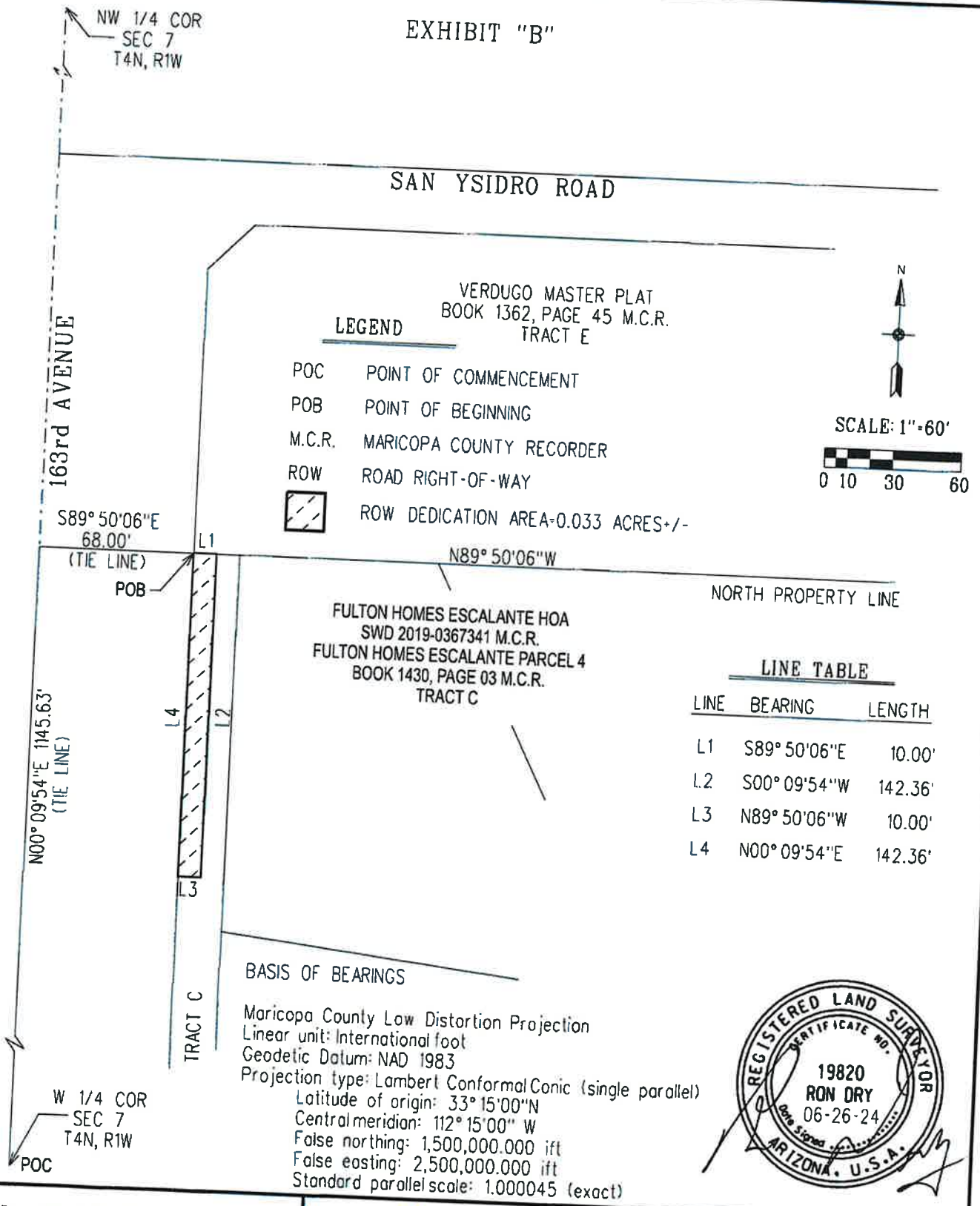
Containing 0.033 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT "B"



ROAD RIGHT-OF-WAY
DEDICATION



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT * 23021

DRAWN BY RCD

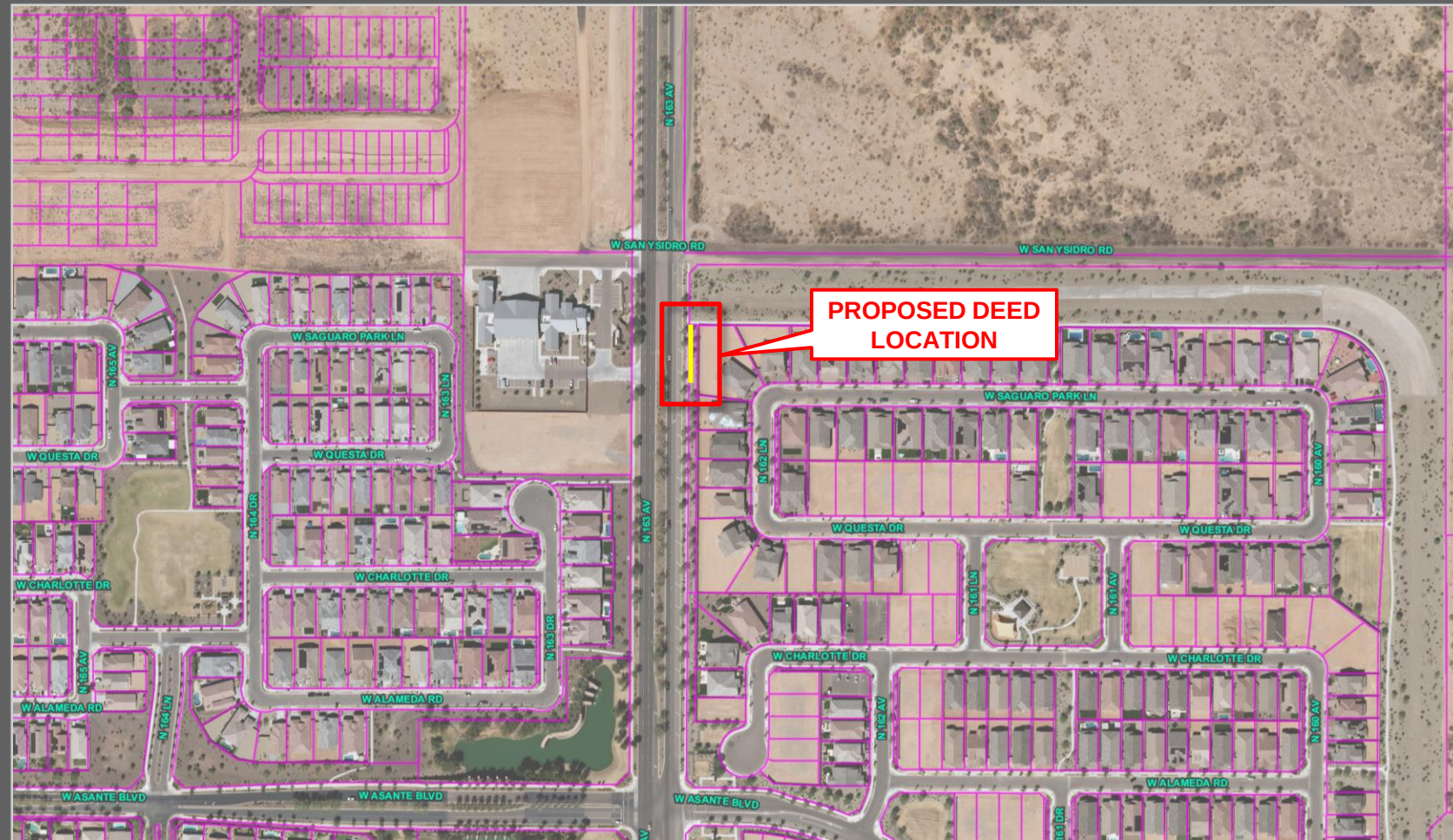
DATE 06-26-24

SHEET 1 OF 1

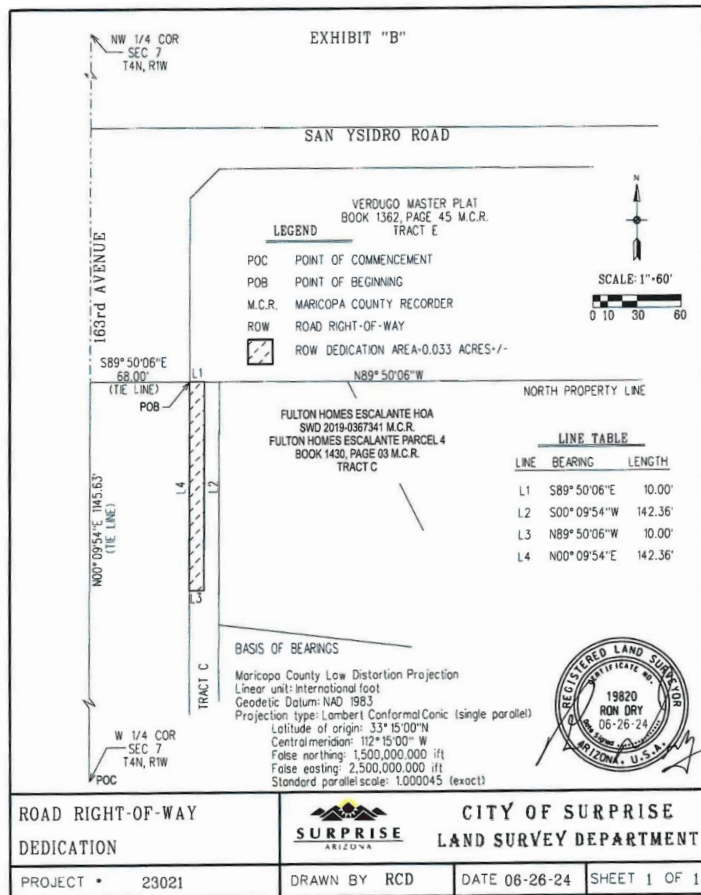


Fulton Homes Escalante HOA (Tract C) Special Warranty Deed

City Council – December 17, 2024



VICINITY MAP





SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of San Ysidro, Tract E., from Fulton Holmes Escalante Homeowners Association.

Motion:

I move to accept the Special Warranty Deed from Fulton Homes Escalante Homeowners Association.

Background:

In 2023, the City of Surprise residents approved the G.O. Bond for several projects. One of those projects was the improvement of 163rd Avenue north of Grand. With the ongoing development in the area, the City identified the need to improve access into this area. The right of way being dedicated is in association with the road improvements being done along 163rd Avenue. This will allow the City to widen the roadways to allow for safer traffic movements into and out of this area.

Objective Analysis:

As this area continues to develop at the rate it is, the additional lanes are needed to handle the increase in traffic.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

This project is part of the 2023 G.O. Bonds. This right of way is needed for completion of additional lanes along 163rd avenue and Happy Valley Road. The City will plan for future O&M when the road is

in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. FH Escalante RW 163rd tract E
 2. FH Escalante Tract E SWD - CC 12.17.24
-

When recorded return to:
City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

SPECIAL WARRANTY DEED

For the consideration of Ten Dollar (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Fulton Homes Escalante Homeowners Association, an Arizona non-profit corporation ("Grantor"), hereby conveys to the **CITY OF SURPRISE**, an Arizona municipal corporation, the following real property situated in Maricopa County, Arizona, together with all rights and privileges appurtenant thereto:

See Exhibit A & Exhibit B attached hereto and incorporated herein by this reference (the "Property").

Subject to all reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

And Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters above set forth.

Dated this 26th day of NOVEMBER, 2024

Fulton Homes Escalante Homeowners Association, an Arizona non-profit corporation

By:

Its:

STATE OF Arizona)
County of Maricopa) ss.

This instrument was acknowledged and executed before me this 26th day of November 2024, by Norm Nicholls.

My Commission Expires:
7-5-2028

Melissa Murphy
NOTARY PUBLIC



GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____

Skip Hall

Its: Mayor

Attest:

Kristi Passarelli, City Clerk

STATE OF ARIZONA)
)SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Skip Hall, known by my as the Mayor of the City of Surprise an Arizona municipal corporation.

Notary Public

My Commission Expires:

Exhibit A

Legal Description

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT-OF-WAY DEDICATION

A portion of Tract E of VERDUGO MASTER PLAT as recorded in Book 1362, Page 45, records of Maricopa County, Arizona, located in the Northwest Quarter of Section 7, Township 4 North, Range 1 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the West Quarter Corner of said Section 7, from which the Northwest Corner of said Section 7 lies North 00°09'54" East;

Thence along the west line of said Northwest Quarter North 00°09'54" East 1145.63 feet;

Thence departing said line South 89°50'06" East 68.00 feet to the Southwest Corner of said Tract E and the POINT OF BEGINNING;

Thence along the west line of said Tract E North 00°09'54" East 124.06 feet;

Thence along the northwest line of said Tract E North 45°07'44" East 28.30 feet;

Thence along the north line of said Tract E South 89°54'27" East 10.00 feet;

Thence departing said line South 45°07'44" West 28.30 feet;

Thence South 00°09'54" West 124.07 feet to the south line of said Tract E;

Thence along said south line North 89°50'06" West 10.00 feet to the POINT OF BEGINNING.

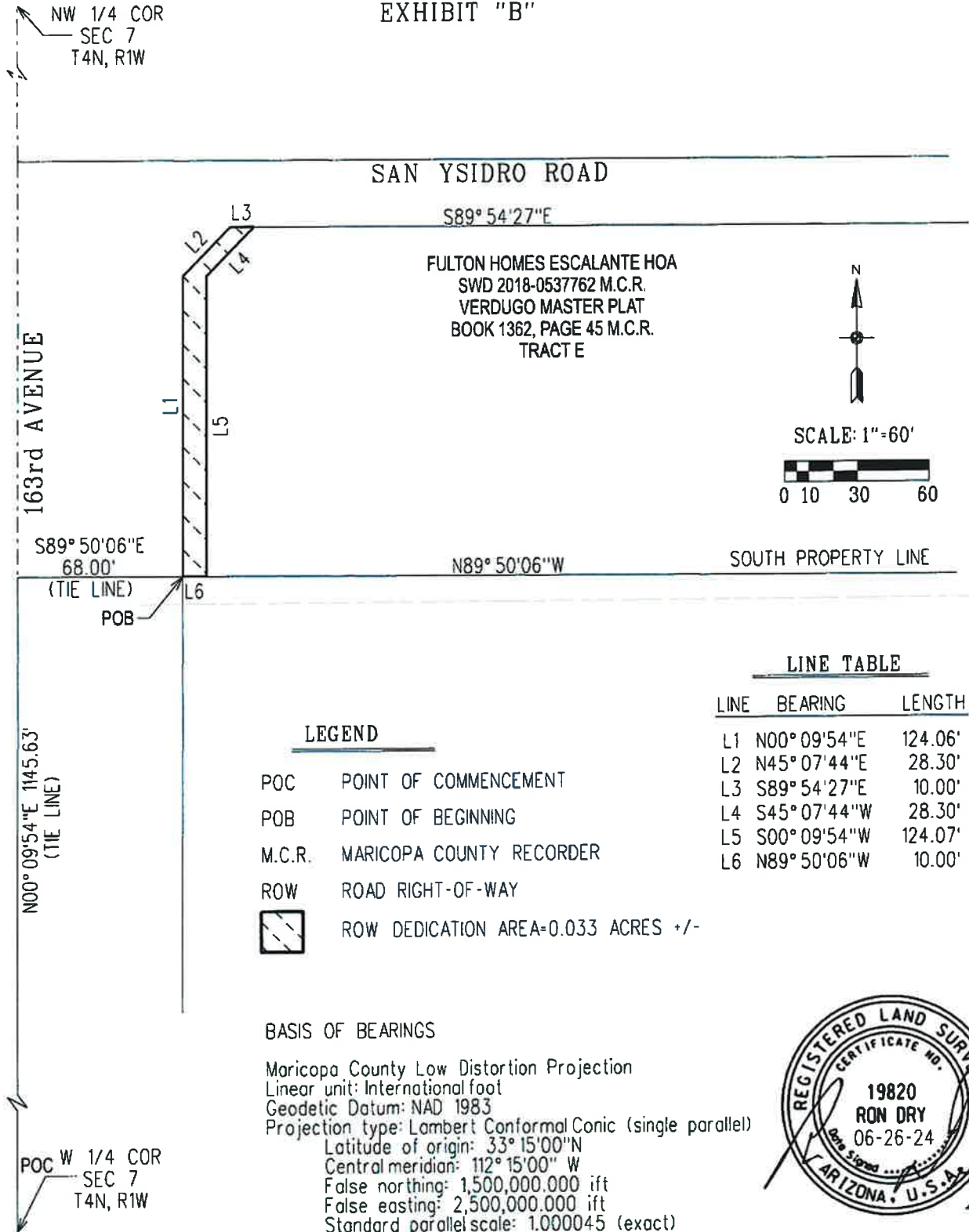
Containing 0.033 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT "B"



ROAD RIGHT-OF-WAY
DEDICATION



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT * 23021

DRAWN BY RCD

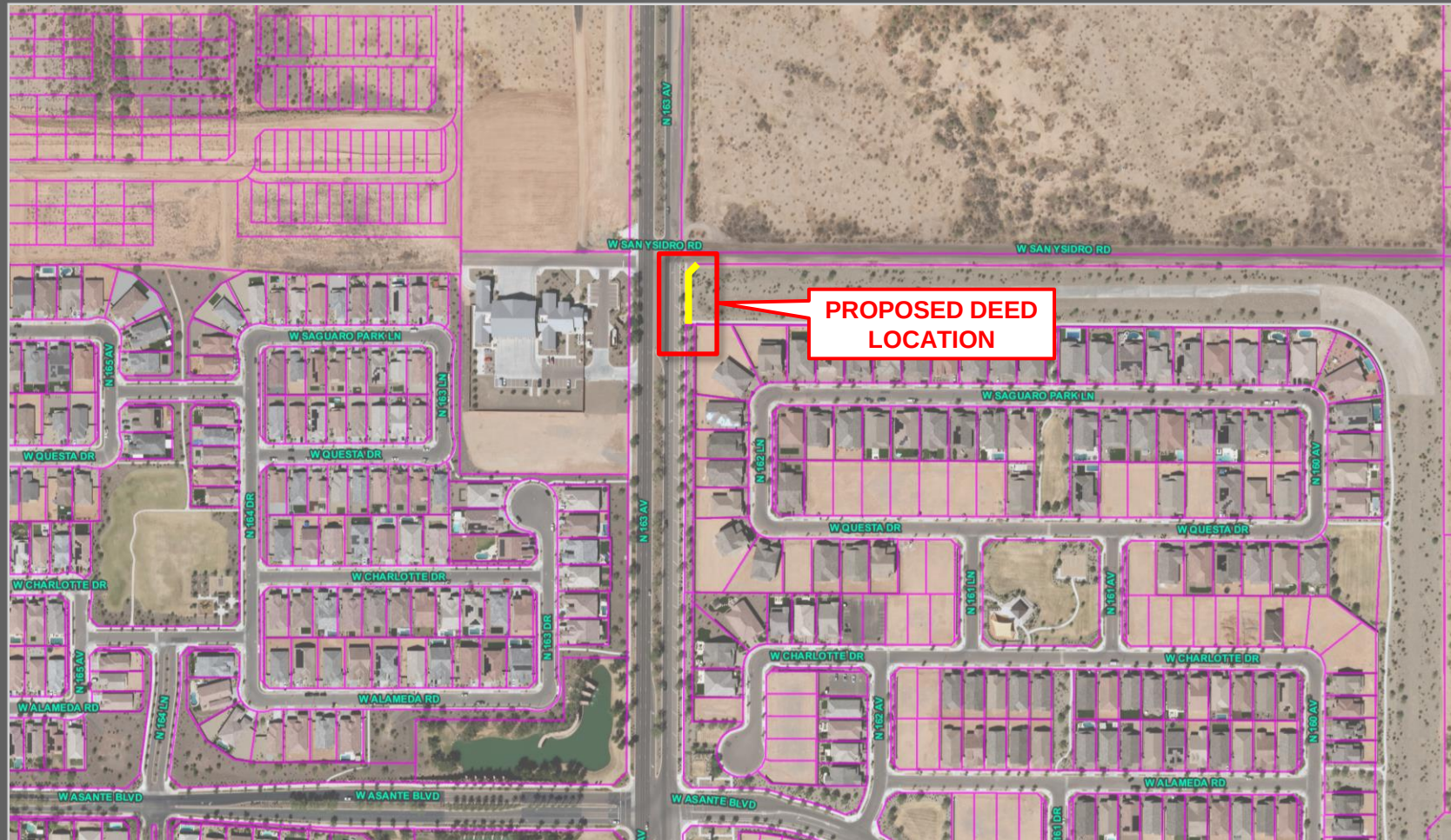
DATE 06-26-24

SHEET 1 OF 1

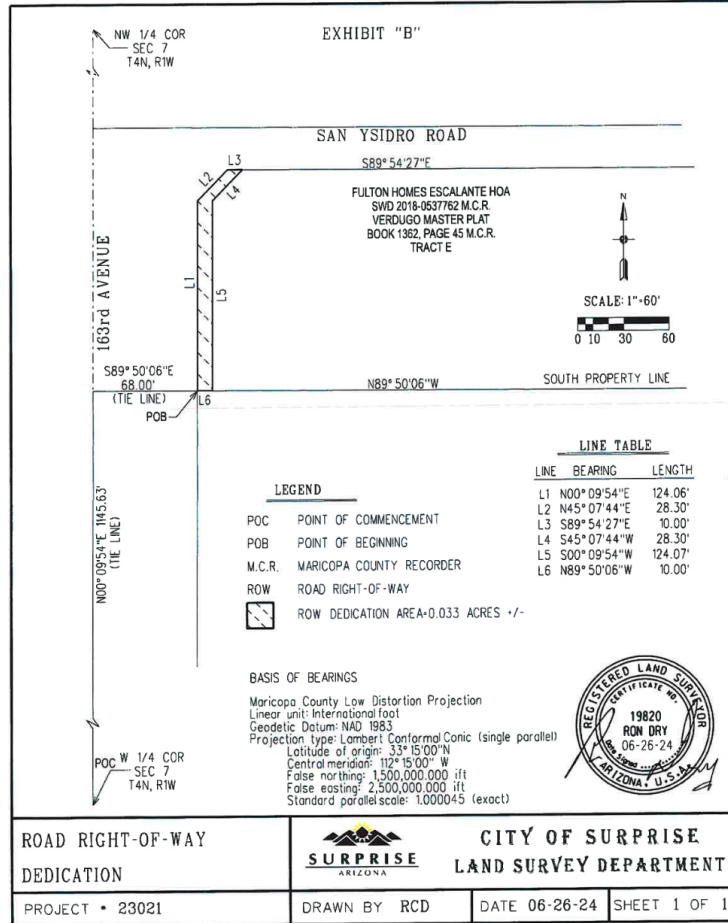


Fulton Homes Escalante HOA (Tract E) Special Warranty Deed

City Council – December 17, 2024



VICINITY MAP



EXHIBIT



QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024 Contact Person: Leslie Carnie
Submitting Department: Community Development District: District 5
Staff Recommendations:

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Lot 10 of SimonCRE at Surprise Center” and dated received November 12, 2024, for property generally located at the southeast corner of Bell Road and Bullard Avenue; Case FS24-0761.

Motion:

I move to approve the Final Plat entitled, “Lot 10 of SimonCRE at Surprise Center” and received November 12, 2024.

Background:

Brett Friedman of City Center Simon Surprise, LLC requests approval of a Final Plat that re-plats an approximately 8.21-acre City Center parcel. This re-plat subdivides Lot 10 into 5 smaller parcels to allow for retail development.

Objective Analysis:

The subject Final Plat meets the requirements of the Surprise City Center PAD, in addition to other requirements as set forth in the municipal code. All city reviewing departments have reviewed the request and offered no concerns.

Policy Compliant:

The Surprise General Plan 2040 shows the subject property as lying within Multiple Use Character Area supports commercial uses in a suburban neighborhood.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00 - FS24-0761 Surprise City Center Phase 1 Re-Plat - Staff Report
 2. 01 - FS24-0761 Surprise City Center Phase 1 Re-Plat - Vicinity Map
 3. 02 - FS24-0761 Surprise City Center Phase 1 Re-Plat - Zoning Map
 4. 03 - FS24-0760 Surprise City Center Phase 1 Re-Plat - Final Plat
 5. 04 - FS24-0761 Surprise City Center Phase 1 Re-Plat - Plat Exhibit
 6. FS24-0761 Surprise City Center Phase 1 Re-Plat Plat - PowerPoint
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS24-0761

Project Name: Surprise City Center Phase 1 Re-Plat – Final Plat

Council District: 5 - Palm

City Council Date: December 17, 2024

Planner: Leslie Carnie, Planner II

Owner: City Center Simon Surprise, LLC

Applicant: Brett Friedman of City Center Simon Surprise, LLC

Request: Re-plat to subdivide one lot into five lots.

Site Location: Generally located at the southeast corner of Bell Road and Bullard Avenue

Site Size: 8.21 acres (approx.)

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Findings:

- The Final Plat is consistent with the Surprise City Center PAD and applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Alternative Actions: **Approve** – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

PROJECT DESCRIPTION:

Brett Friedman of City Center Simon Surprise, LLC requests approval of a Final Plat that re-plats an approximately 8.21-acre City Center parcel. This re-plat subdivides Lot 10 into 5 smaller parcels to allow for retail development.

BACKGROUND:

June 12, 1980: The subject parcel was annexed into the City under Ordinance 80-03.

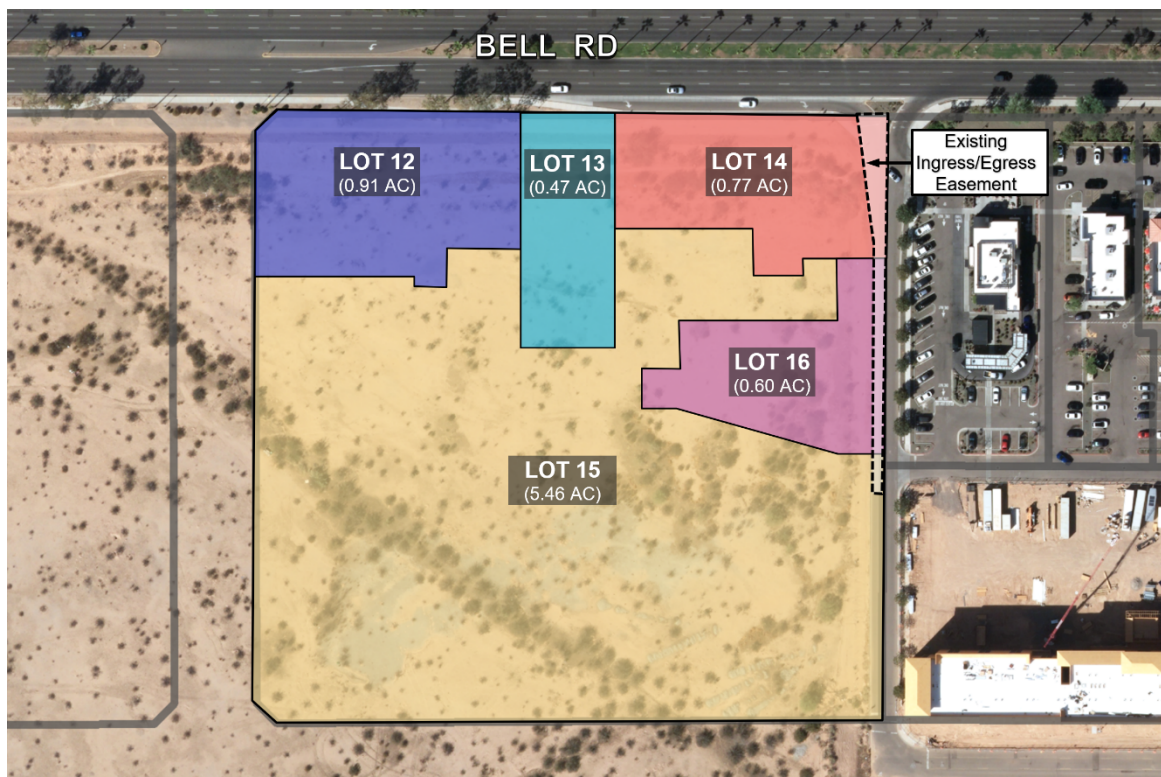
February 3, 2022: A Concept Review meeting was held to discuss the proposal, subject case CR22-0108.

August 01, 2023: City Council approved the Final Plat for the subject site under case FS22-1606.

June 24, 2024: The applicant applied for the final plat under the subject case number.

Analysis and Discussion:

The approximately 8.21 gross acre site is being subdivided to create five (5) new parcels. There are no dedications being made with this re-plat. All required Right-Of-Way and Public Utility Easements were dedicated on the original final plat.



Utility and Services Table:

Water:	City of Surprise
Wastewater:	City of Surprise
School District:	Dysart Unified

General Plan Conformance:

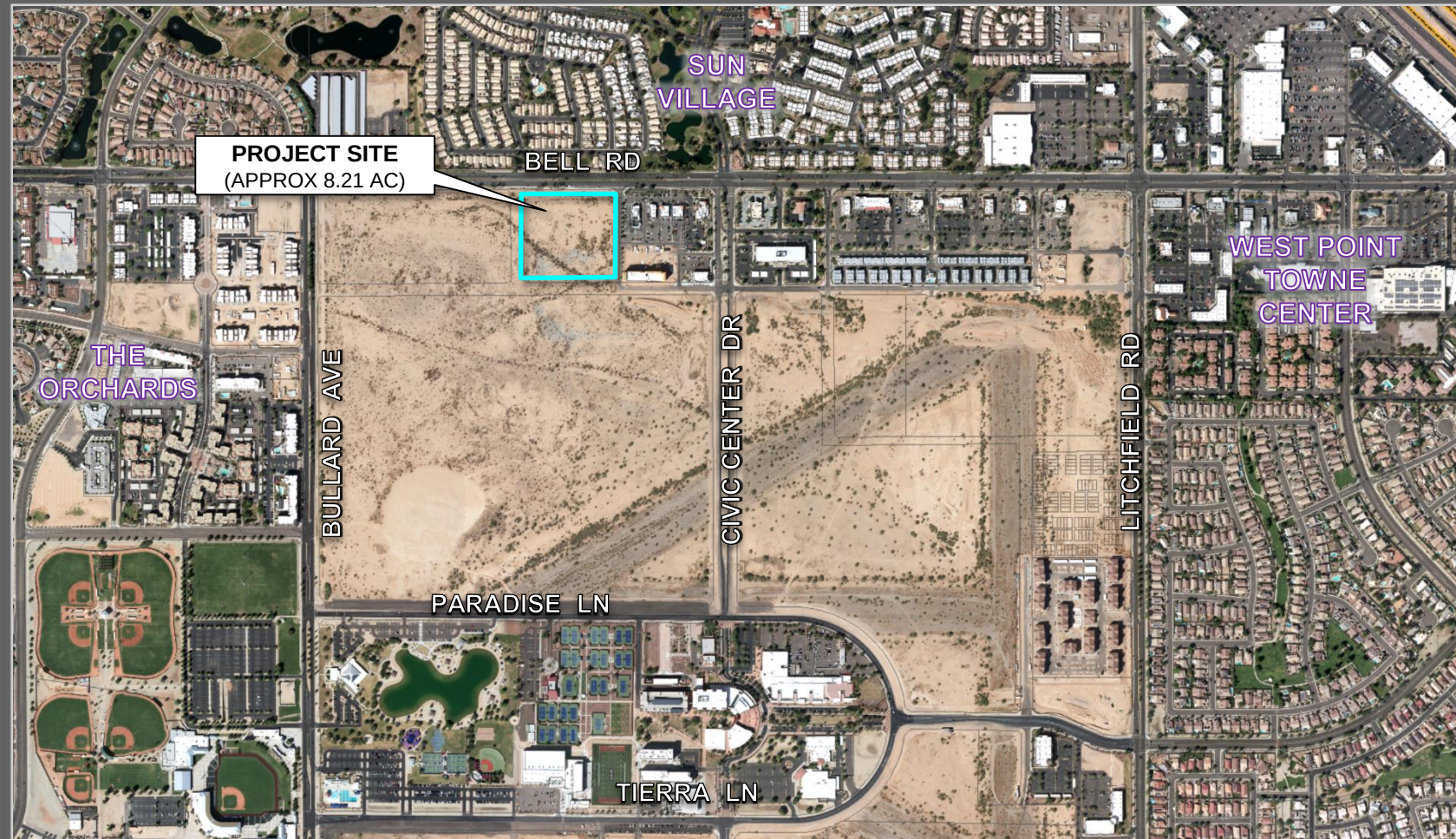
The Surprise General Plan 2040 shows the subject property as lying within Multiple Use Character Area supports commercial uses in a suburban neighborhood.

Findings:

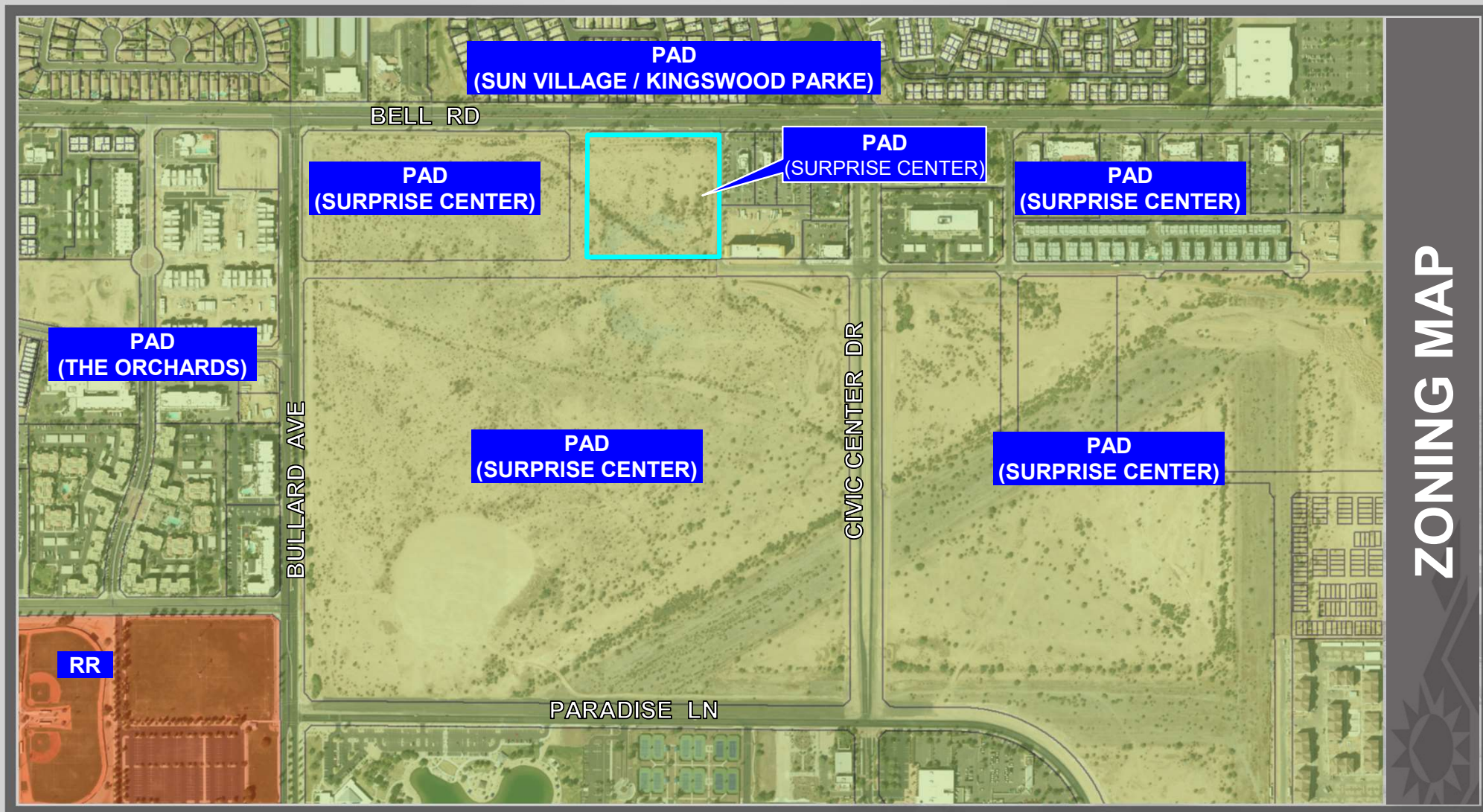
- The Final Plat is consistent with the Surprise City Center PAD and applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Attachments:

01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Final Plat Exhibit
PowerPoint Presentation



VICINITY MAP



STATE OF ARIZONA)
COUNTY OF MARICOPA) SS

OWNER HEREBY DEDICATES TO THE CITY OF SURPRISE FEE TITLE TO ALL PUBLIC RIGHTS-OF-WAY AS SHOWN ON THE PLAT.

OWNER HEREBY GRANTS TO THE PUBLIC A PERPETUAL NON-EXCLUSIVE EASEMENT IN, UPON, OVER, UNDER, THROUGH, AND 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.

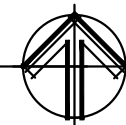
BY: JOSHUA SIMON, ITS PRESIDENT

STATE OF ARIZONA)
COUNTY OF MARICOPA) SS

MY COMMISSION EXPIRES: _____

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. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED MAG NOISE CONTOURS IN RELATION TO THIS PLAT SHALL BE DISPLAYED IN ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

TOTAL: 357,811.62 S.F. OR 8.21 ACRES

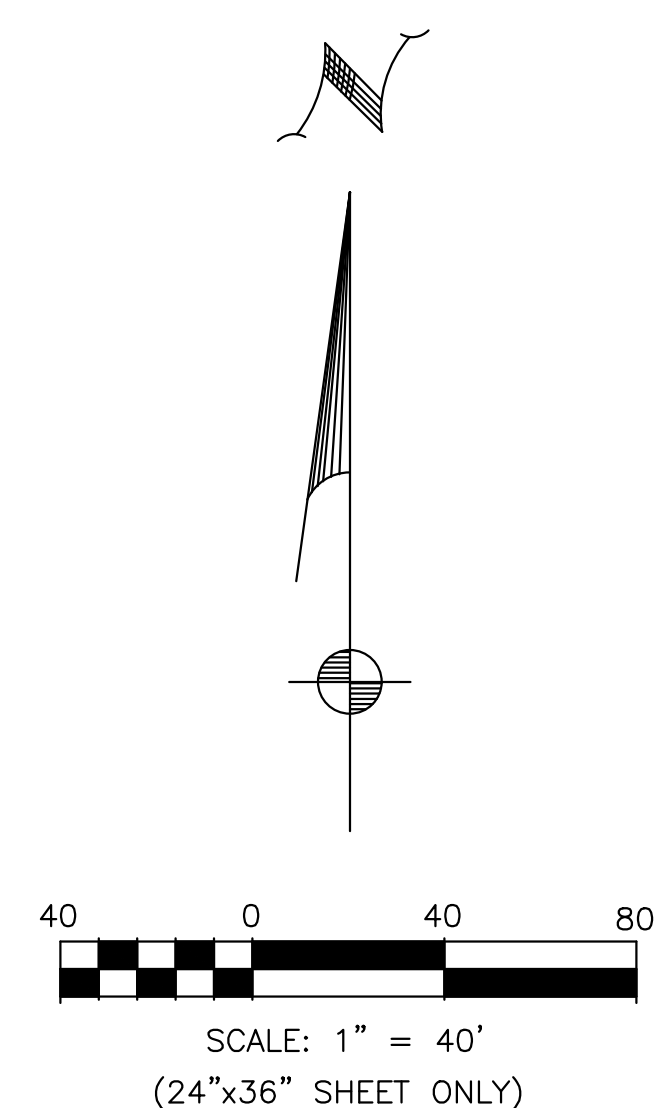


FINAL PLAT COVER SHEET

SCALE (H):	NONE
SCALE (V):	
DESIGNED BY:	HV
DRAWN BY:	HV
CHECKED BY:	MB
DATE:	12/04/2022

beck
consulting engineers

SUITE #5
9034 N. 23RD AVENUE
PHOENIX, AZ 85021
PHONE: (602) 943-6200
FAX: (602) 943-6201



LEGEND	
APN	ASSESSORS PARCEL NUMBER
FND	FOUND
(C)	CALCULATED
(R)	RECORDED
(M)	MEASURED
R/W	RIGHT OF WAY
R.L.S.	REGISTERED LAND SURVEYOR
M.C.R.	MARICOPA COUNTY RECORDER
P.U.E.	PUBLIC UTILITY EASEMENT
BK. PG.	BOOK AND PAGE
	FND SURVEY MONUMENT
	FND ALUM CAP COS 19820
	FND ALUM CAP RLS 52139
	FND ALUM CAP RLS 44007
	SET REBAR W/CAP RLS 41896
	SUBDIVISION PROPERTY LINE
	LOT LINE
	EASEMENT LINE
	EXISTING PROPERTY LINE
	CENTER LINE

beck
consulting engineers

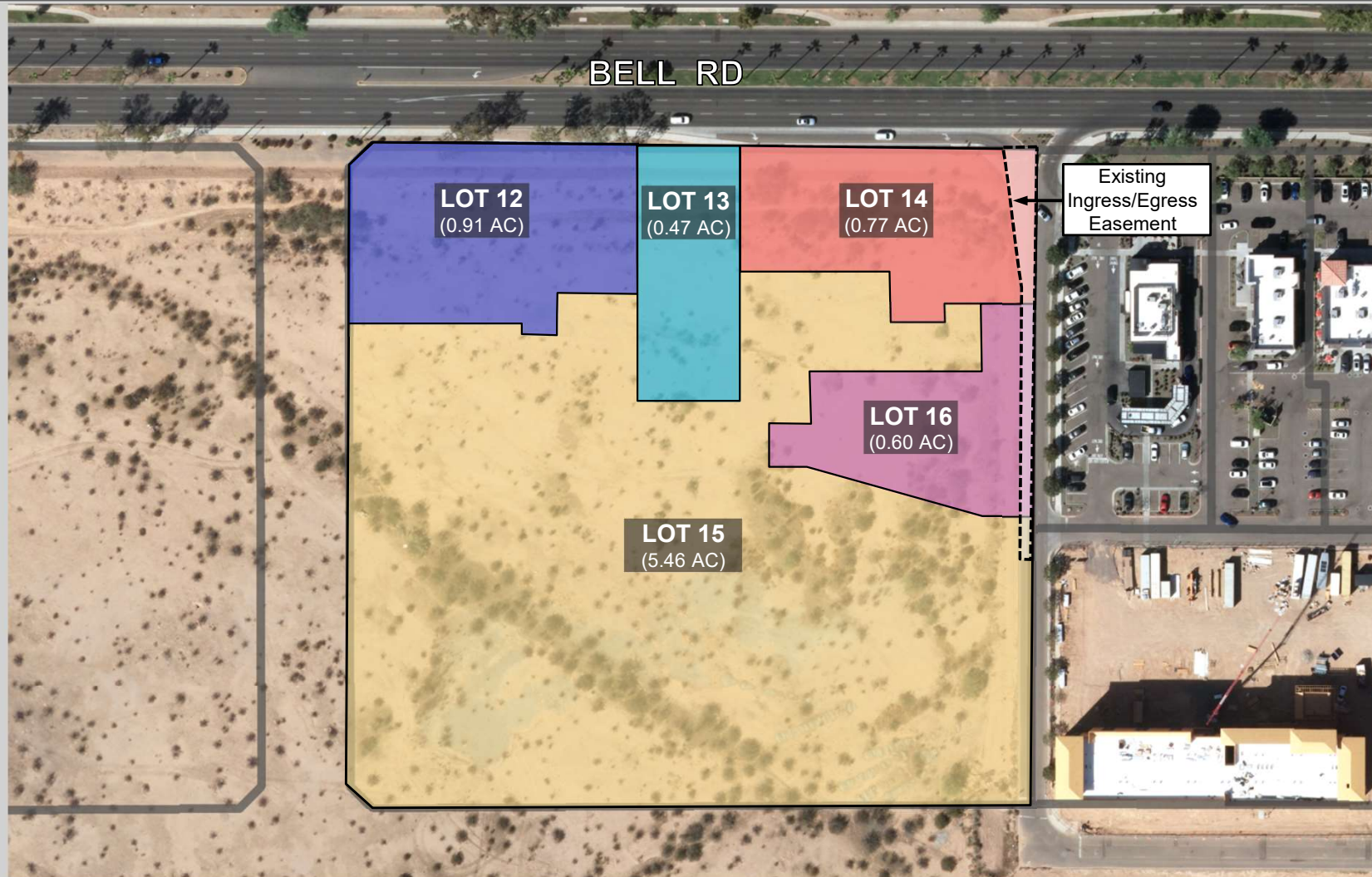
9034 N. 23RD AVENUE
SUITE #5
PHOENIX, AZ 85021
PHONE: (602) 943-6200
FAX: (602) 943-6201

SCALE (H):	1"=40'
SCALE (V):	
DESIGNED BY:	HV
DRAWN BY:	HV
CHECKED BY:	MB
DATE:	12/04/2022

FINAL PLAT
LOT 10 OF SIMONCRE AT SUPRISE CENTER
A PART OF THE NW 1/4 OF SECTION 4, T-3N, R-1W
CITY OF SUPRISE, MARICOPA COUNTY, ARIZONA

[illegible]

PROJECT NO. 228004
PL2 OF 2



PLAT EXHIBIT

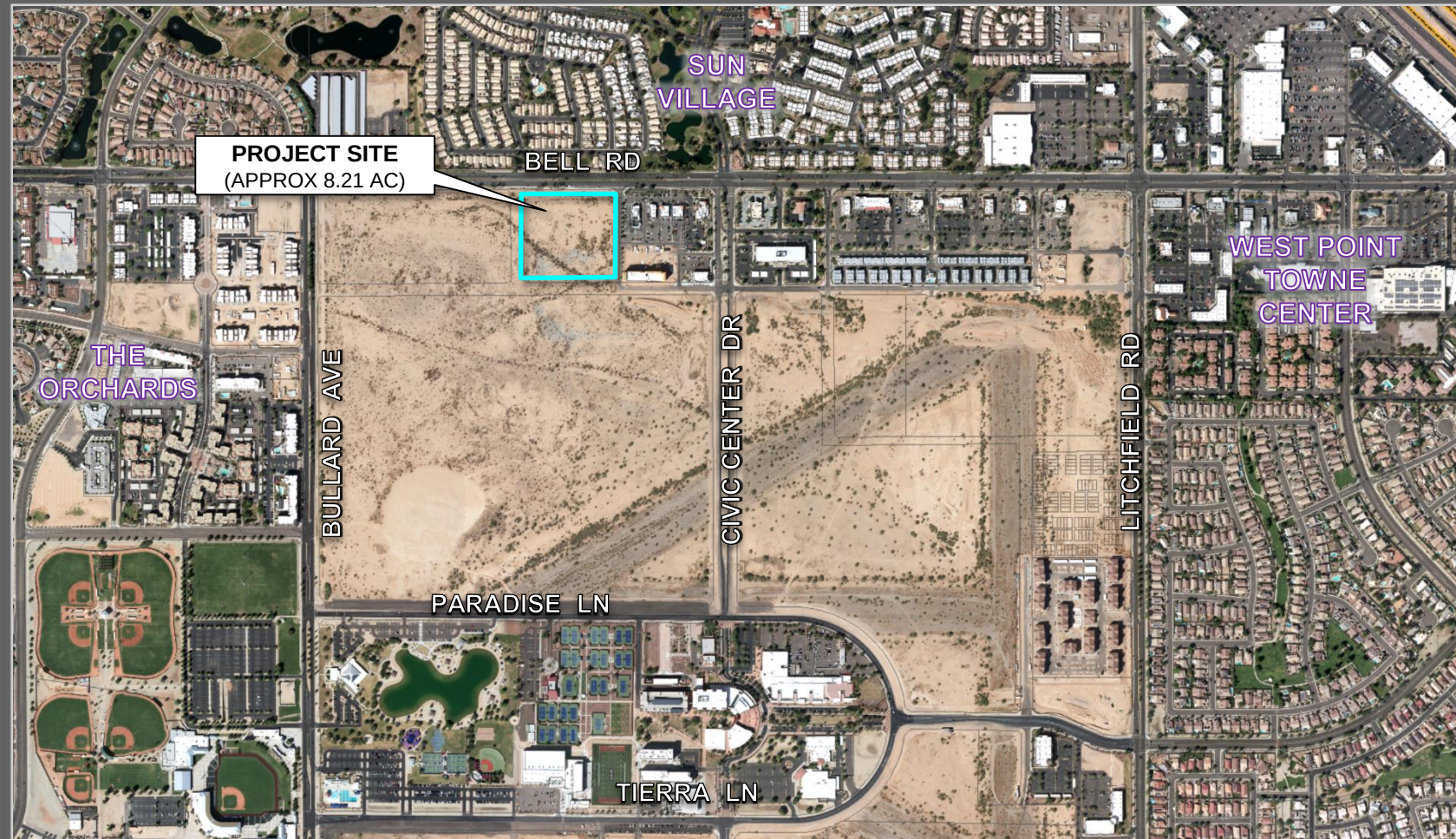


FS24-0761

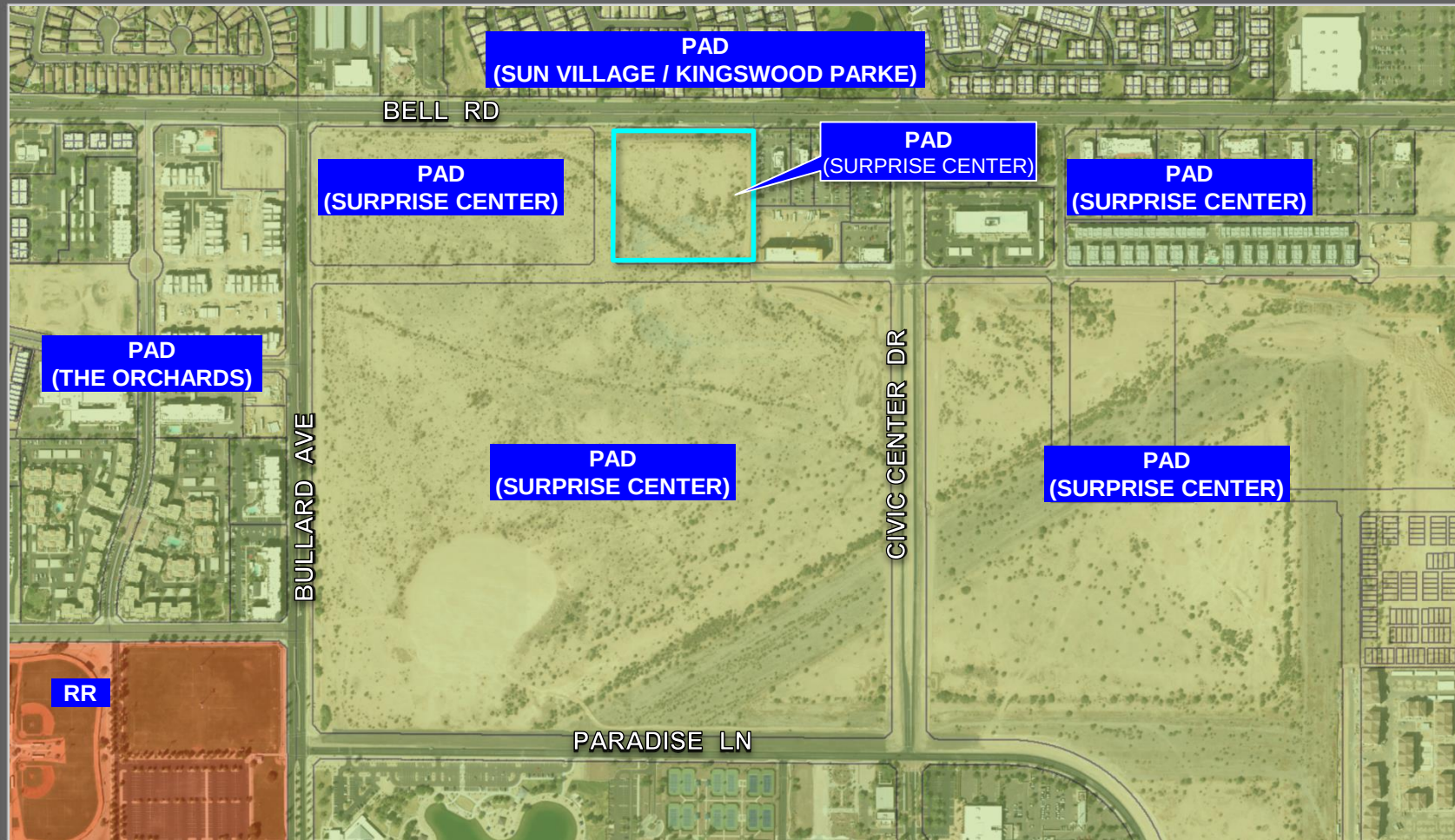
Surprise City Center Phase 1

Re-Plat

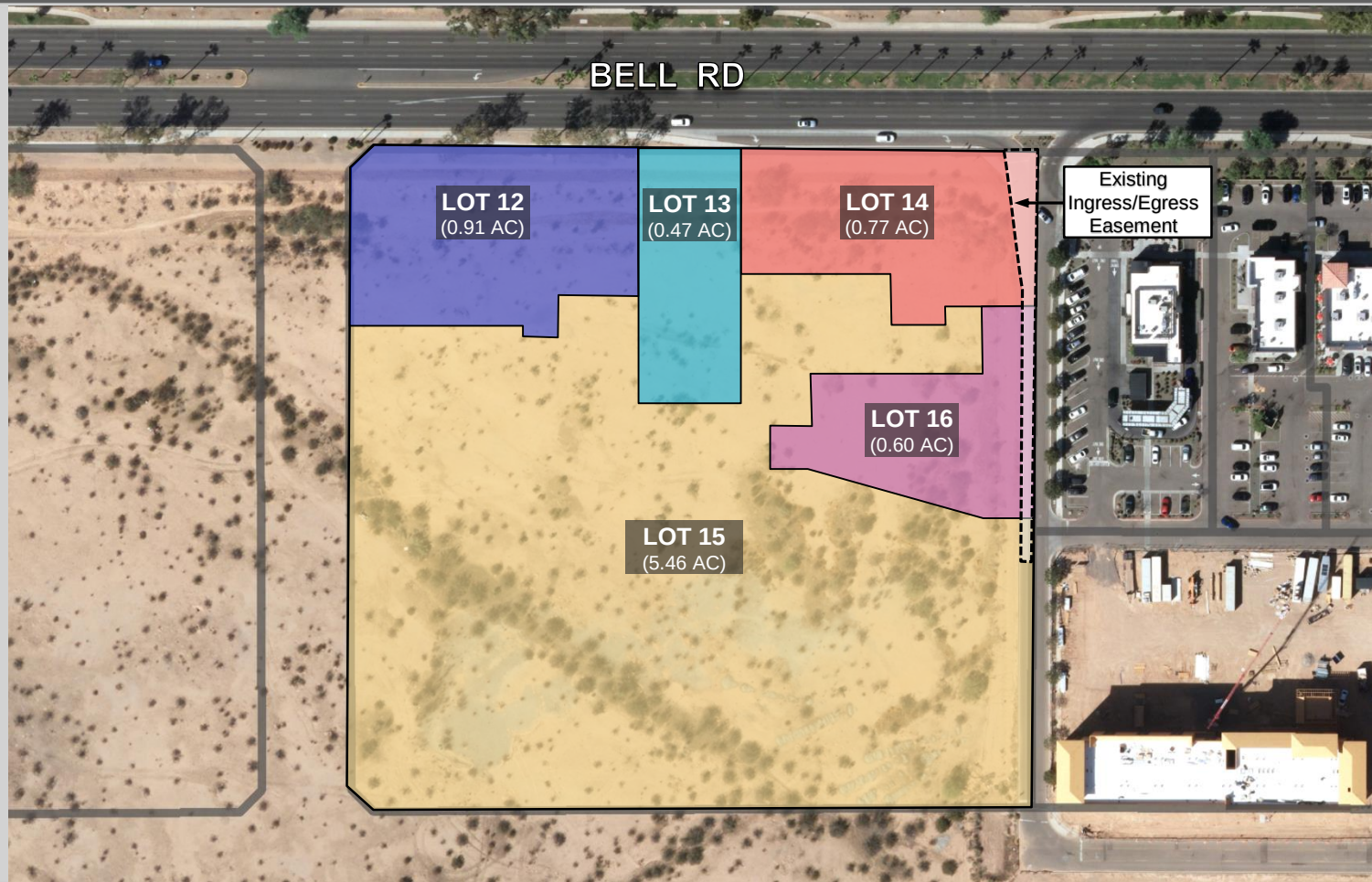
City Council
December 17, 2024



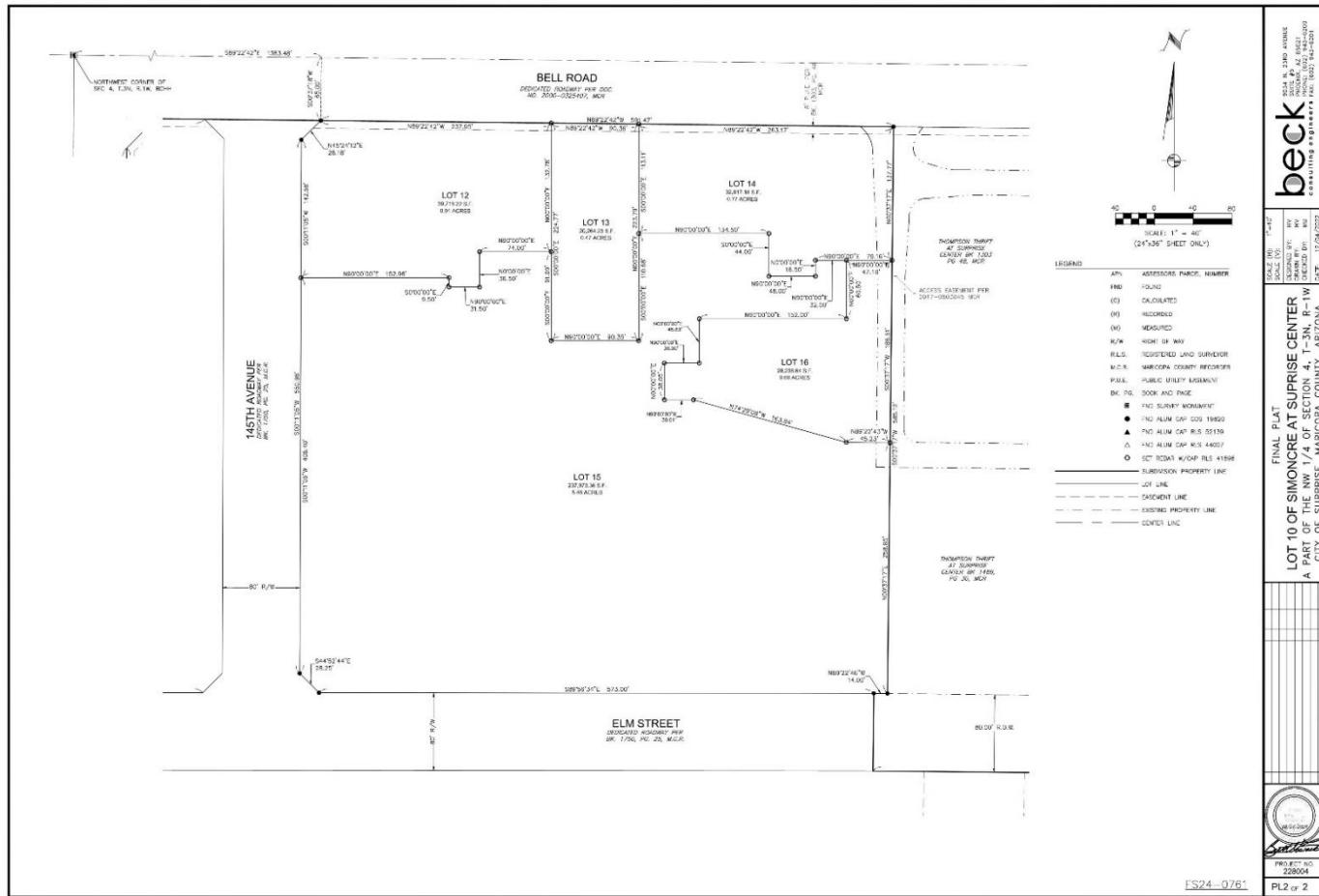
VICINITY MAP



ZONING MAP



PLAT EXHIBIT



FINAL PLAT



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 6

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Warranty Deed for dedication of Rights-of-Way from Surprise Cactus LLC along Cactus Road east of Litchfield Road.

Motion:

I move to accept the Warranty Deed from Surprise Cactus LLC.

Background:

The City has been working with landowners along Cactus Road to obtain the necessary right of way and easements to widen the road. The right of way being dedicated will allow the City to widen cactus road in this area to accommodate for additional traffic and turn lanes.

Objective Analysis:

The acceptance of this right of way will allow the City to move forward with the roadway improvement project along Cactus Road.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

There is currently no budgetary impact related to approval of this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Surprise Cactus LLC - Warranty Deed_Signed

When recorded return to:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

Exempt from filing an
Affidavit of legal value
A.R.S. § 11-1134(A)(3)

WARRANTY DEED

For the consideration of Ten Dollar (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

Surprise Cactus, LLC, an Arizona limited liability company (“Grantor”)

Does hereby convey to the City of Surprise, an Arizona municipal corporation (“Grantee”), all right, title, and interest to and in that certain parcel of real property as legally described in Exhibit A and depicted in Exhibit B.

It is the intention of the parties to cause the real property described on said Exhibit A to be dedicated in fee simple to Grantee.

This deed supersedes and renders void any previous grant of any right in the real property described in Exhibit A, including, but not limited to, any easements conveyed by Grantor to Grantee concerning the real property described in Exhibit A.

Grantor hereby binds itself and successors to warrant and defend the title to Grantee against all claims.

SIGNATURES ON FOLLOWING PAGE(S)

GRANTOR: Surprise Cactus, LLC,
an Arizona limited liability company
Property Owner

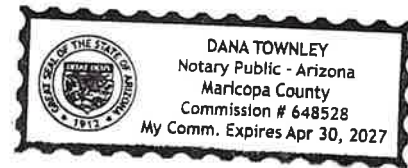
By: 
Name: Kevin Czerwinski
Its: Authorized Signatory

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this 21 day of October, 2024, by Kevin Czerwinski as the Authorized Signatory of Surprise Cactus, LLC, an Arizona limited liability company and known to me as the owner of the subject property.

My commission expires:
4-30-2027

Notary Public:
Dana Townley



GRANTEE:

**City of Surprise,
an Arizona municipal corporation**

By: _____
Skip Hall
Its: Mayor

ATTEST:

Kristi Passarelli, City Clerk

STATE OF ARIZONA)
) SS.
County of Maricopa

The foregoing instrument was acknowledged before me this _____ day of _____,
2024, by, known by me as the Mayor of the City of Surprise, an Arizona municipal
corporation.

My commission expires:

Notary Public:

EXHIBIT A

DESCRIPTION

ROAD RIGHT OF WAY DEDICATION

A portion of the Southwest Quarter of Section 15, Township 3 North, Range 1 West of the Gila Base and Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest Corner of said Section 15 from which the South Quarter Corner of said Section 15 lies South 89°20'11" East 2616.00 feet;

Thence along the south line of said Southwest Quarter of Section 15 South 89°20'11" East 438.48 feet to the **POINT OF BEGINNING**;

Thence departing said line North 00°39'49" East 55.00 feet along the east line of the existing right of way line as described in Instrument 2007-0354348 records of said County;

Thence along the north line of said right of way line North 89°20'11" West 353.86 feet;

Thence continuing along said right of way line North 44°47'04" West 18.53 feet;

Thence departing said right of way line South 89°20'11" East 1075.77 feet;

Thence North 45°39'49" East 49.50 feet;

Thence South 89°20'11" East 110.00 feet;

Thence South 44°20'11" East 49.50 feet;

Thence South 89°20'11" East 1207.81 feet to the westerly right of way line of the BNSF Railroad;

Thence southerly along said line South 00°09'03" East 68.01 feet to the aforesaid south line of the Southwest Quarter of Section 15;

Thence along said south line North 89°20'11" West 2097.49 feet to the **POINT OF BEGINNING**;

Containing 3.498 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT B

N
SCALE: 1"=300'

0 100 200 300

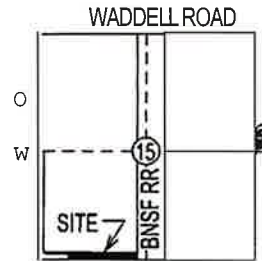
LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
SWD SPECIAL WARRANTY DEED
 RIGHT OF WAY DEDICATION AREA

LITCHFIELD ROAD

BASIS OF BEARINGS

Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 if t
False easting: 2,500,000.000 if t
Standard parallel scale: 1.000045 (exact)

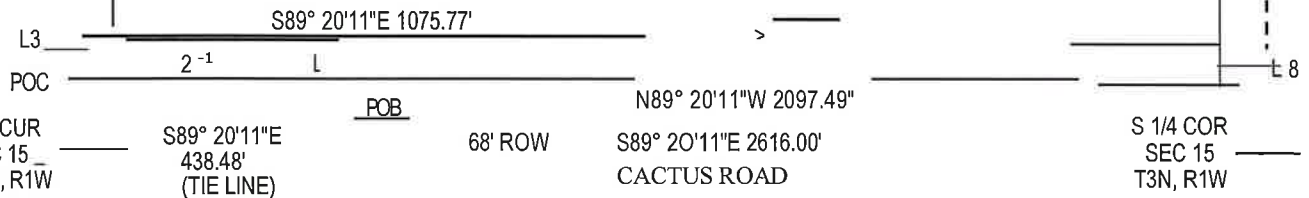


WADDELL ROAD
O
W
SITE
BNSF RR
CACTUS ROAD
VICINITY MAP
SECTION 15
T3N R1W

LINE TABLE

LINE	BEARING	LENGTH
L1	N00° 39'49"E	55.00'
L2	N89° 20'11"W	353.86'
L3	N44° 47'04"W	18.53'
L4	N45° 39'49"E	49.50'
L5	S89° 20'11"E	110.00'
L6	S44° 20'11"E	49.50'
L7	S89° 20'11"E	1207.81'
L8	S00° 09'03"E	68.01'

80'
BNSF RAILROAD RIGHT OF WAY LINE
MIDSECTION LINE



ROAD RIGHT OF WAY
DEDICATION

SURPRISE

**CITY OF SURPRISE LAND
SURVEY DEPARTMENT**

PROJECT # 23005
2686870.v2

DRAWN BY RCD

DATE 05-03-23

SHEET 1 OF 1

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT OF WAY DEDICATION

A portion of the Southwest Quarter of Section 15, Township 3 North, Range 1 West of the Gila Base and Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest Corner of said Section 15 from which the South Quarter Corner of said Section 15 lies South 89°20'11" East 2616.00 feet;

Thence along the south line of said Southwest Quarter of Section 15 South 89°20'11" East 438.48 feet to the POINT OF BEGINNING;

Thence departing said line North 00°39'49" East 55.00 feet along the east line of the existing right of way line as described in Instrument 2007-0354348 records of said County;

Thence along the north line of said right of way line North 89°20'11" West 353.86 feet;

Thence continuing along said right of way line North 44°47'04" West 18.53 feet;

Thence departing said right of way line South 89°20'11" East 578.57 feet;

Thence North 45°39'49" East 42.43 feet;

Thence South 89°20'11" East 56.00 feet;

Thence South 44°20'11" East 42.43 feet;

Thence South 89°20'11" East 381.20 feet;

Thence North 45°39'49" East 49.50 feet;

Thence South 89°20'11" East 110.00 feet;

Thence South 44°20'11" East 49.50 feet;

Thence South 89°20'11" East 624.38 feet;

Thence North 45°39'49" East 42.43 feet;

Thence South 89°20'11" East 56.00 feet;

Thence South 44°20'11" East 42.43 feet;

DESCRIPTION continued on page 2 of 2

DESCRIPTION continued from page 1 of 2

Thence South 89°20'11" East 467.43 feet to the westerly right of way line of the BNSF Railroad;

Thence southerly along said line South 00°09'03" East 68.01 feet to the aforesaid south line of the Southwest Quarter of Section 15;

Thence along said south line North 89°20'11" West 2097.49 feet to the POINT OF BEGINNING;

Containing 3.616 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT "B"

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- M.C.R. MARICOPA COUNTY RECORDER
- SWD SPECIAL WARRANTY DEED
-  RIGHT OF WAY DEDICATION AREA-3.616 ACRES +/-

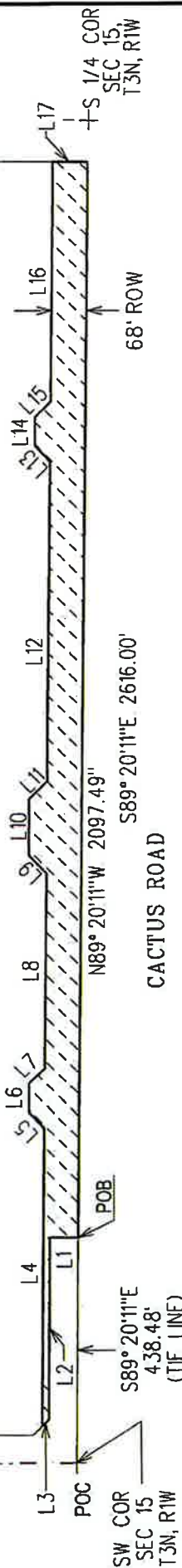
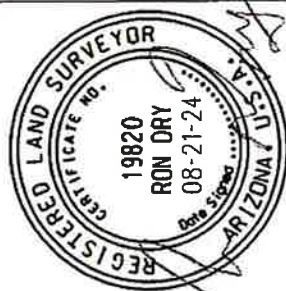
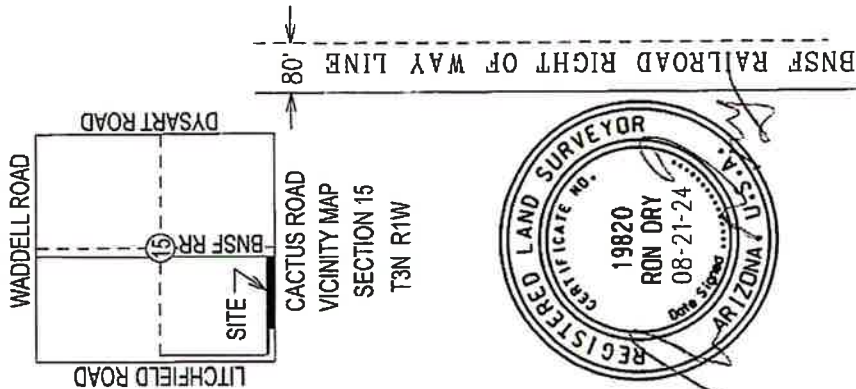
SURPRISE CACTUS LLC
SWD 20220914615 M.C.R.



SCALE: 1"=300'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00° 39'49"E	55.00'
L2	N89° 20'11"W	353.86'
L3	N44° 47'04"W	18.53'
L4	S89° 20'11"E	578.57'
L5	N45° 39'49"E	42.43'
L6	S89° 20'11"E	56.00'
L7	S44° 20'11"E	42.43'
L8	S89° 20'11"E	381.20'
L9	N45° 39'49"E	49.50'
L10	S89° 20'11"E	110.00'
L11	S44° 20'11"E	49.50'
L12	S89° 20'11"E	624.38'
L13	N45° 39'49"E	42.43'
L14	S89° 20'11"E	56.00'
L15	S44° 20'11"E	42.43'
L16	S89° 20'11"E	467.43'
L17	S00° 09'03"E	68.01'



BASIS OF BEARINGS

Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)

CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE AZ. 85374

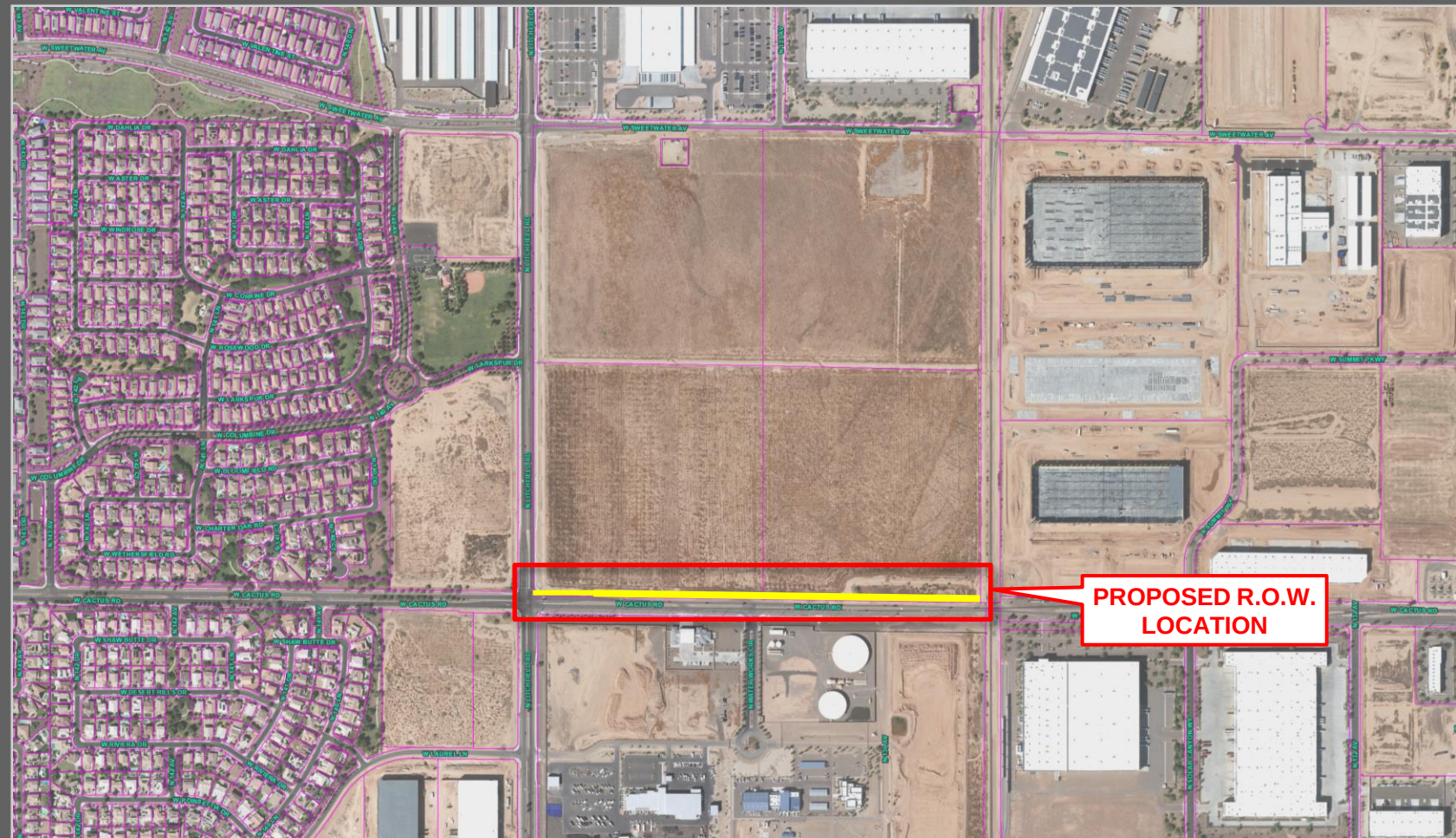
**ROAD RIGHT OF WAY
DEDICATION**

PROJECT # 23005 DRAWN BY RCD DATE 08-21-24 SHEET 1 OF 1



Surprise Cactus LLC Right-of-Way Dedication

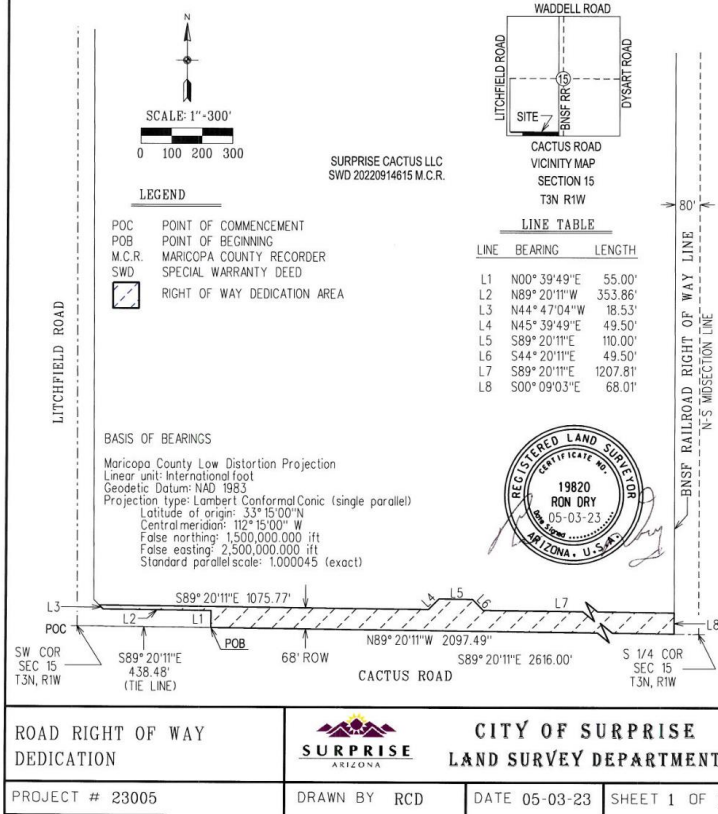
City Council – December 17, 2024



**PROPOSED R.O.W.
LOCATION**

VICINITY MAP

EXHIBIT "B"



EXHIBIT



SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 6

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to acceptance of a Drainage Easement from Surprise Cactus LLC along Cactus Road east of Litchfield Road.

Motion:

I move to accept the Drainage Easement from Surprise Cactus LLC.

Background:

The City has been working with landowners along Cactus Road to obtain the necessary right of way and drainage easements to widen the road. The drainage easement being dedicated will handle runoff from the improved road until the parcel develops and will then account for the adjacent roadway run off and drainage from their project.

Objective Analysis:

As this area continues to develop, the additional lanes and associated drainage easements are needed to handle the increase in traffic.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

The drainage easement is needed for completion of additional lanes along Cactus Road. The City will plan for future O&M when the drainage easement is in place.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Surprise Cactus LLC - Drainage Easement_Signed
 2. Surprise Cactus LLC TDE - CC 12.17.24
-

WHEN RECORDED, RETURN TO:

City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

DRAINAGE EASEMENT

This Drainage Easement (the "Easement") is executed this ____ day of ____ - ____ - ____ 2024, by and between Surprise Cactus, LLC, an Arizona limited liability company ("Grantor"), and the City of Surprise, an Arizona municipal corporation ("Grantee").

RECITALS

- A. Grantor is the fee title owner of a parcel of land as described in Maricopa County, Arizona located in the SW Quarter of Section 15, Township 3 N, Range 1W of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.
- B. Grantee desires to acquire from Grantor and Grantor desires to grant to Grantee an exclusive drainage easement over, under and across a portion (the "Easement Area") of the above-mentioned Grantor's property. The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B."

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the purpose set forth in the foregoing Recitals which are incorporated herein by reference, the parties hereto agree as follows:

- 1. Easements. Grantor hereby grants and conveys to Grantee, its successors and assigns, an easement over the Easement Area for drainage purposes. Grantor shall not erect or construct or permit to be erected or constructed any structure within the Easement Area. Grantor may make use of the Easement Area so long as such use does not unreasonably interfere with the purposes of this Easement - namely to receive, accept, handle, control, and contain drainage from adjacent streets and roadways.
- 2. Not a Public Dedication. Other than the grant of this Easement for drainage purposes, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public.
- 3. Miscellaneous. Headings in this Easement are for convenience only and shall not define or limit the provisions hereof. This Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against Grantor or Grantee. This Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant, or condition of this Easement be void, invalid, or inoperative, the same shall not affect any other term, provision, covenant, or condition of this Easement, but the remainder thereof shall be effective as though such void, invalid, or inoperative term, provision, covenant, or condition had not been contained herein.

4. Termination. This Easement shall remain in place, and Grantee may maintain the Easement Area, until the underlying property encumbered by this Easement and/or the lots adjacent thereto and associated with this Easement are developed and otherwise capture, control, and account for the necessary onsite and/or offsite drainage from the adjacent streets and roadways. At the time Grantor, or its successors and assigns, receives an approved grading and drainage permit from the City, Grantor shall provide Grantee with sixty (60) days' written notice to vacate the Easement Area. Upon Grantee vacating the Easement Area, this Easement shall terminate without further action by the Grantee.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration as of the date above written.

[SIGNATURES ON FOLLOWING PAGES]

GRANTEE:

City of Surprise, an Arizona municipal corporation

By: _____

Skip Hall

Its: Mayor

APPROVED AS TO FORM ONLY:

ATTESTED:

By: _____

Robert Wingo, City Attorney

By: _____

Kristi Passarelli, City Clerk

STATE OF ARIZONA)

) ss.

County of Maricopa)

Subscribed and sworn to before me this ____ day of _____, 2024, by
_____, the _____ of CITY OF SURPRISE, an Arizona municipal corporation.

Notary Public

My Commission Expires:

GRANTOR:

SURPRISE CACTUS, LLC,
an Arizona limited liability company

By: [Signature]

Name: Kevin Czerwinski

Date: 10/21/2024

STATE OF ARIZONA)

) ss.

County of Maricopa)

Subscribed and sworn to before me this 21 day of October, 2024, by Kevin Czerwinski
the Manager of SURPRISE CACTUS, LLC, an Arizona limited liability company.

[Signature: Dana Townley]
Notary Public

My Commission Expires:

4-30-2027

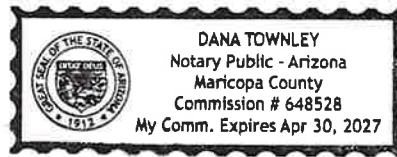


EXHIBIT "A"

TEMPORARY DRAINAGE EASEMENT DEDICATIONS

Portions of the Southwest Quarter of Section 15, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

TEMPORARY DRAINAGE EASEMENT #1

COMMENCING at the South Quarter corner of said Section 15 from which the Southwest Corner of said Section 15 lies North 89°20'11" West 2616.00 feet;

Thence along the south line of said Southwest Quarter North 89°20'11" West 80.00 feet to the west line of the BNSF Railroad;

Thence along said west line North 00°09'03" West 76.00 feet;

Thence North 89°20'11" West 49.98 feet to the POINT OF BEGINNING;

Thence continuing North 89°20'11" West 425.34 feet;

Thence North 00°39'49" East 80.00 feet;

Thence South 89°20'11" East 425.34 feet;

Thence South 00°39'49" West 80.00 feet to the POINT OF BEGINNING.

Containing 0.781 acres, more or less.

TEMPORARY DRAINAGE EASEMENT #2

COMMENCING at the South Quarter corner of said Section 15 from which the Southwest Corner of said Section 15 lies North 89°20'11" West 2616.00 feet;

Thence along the south line of said Southwest Quarter North 89°20'11" West 80.00 feet to the west line of the BNSF Railroad;

Thence along said west line North 00°09'03" West 76.00 feet;

Thence North 89°20'11" West 875.82 feet to the POINT OF BEGINNING;

DESCRIPTION continued on page 2 of 3

DESCRIPTION continued from page 1 of 3

Thence continuing North 89°20'11" West 280.00 feet;

Thence North 00°39'49" East 80.00 feet;

Thence South 89°20'11" East 280.00 feet;

Thence South 00°39'49" West 80.00 feet to the POINT OF BEGINNING.

Containing 0.514 acres, more or less.

TEMPORARY DRAINAGE EASEMENT #3

COMMENCING at the South Quarter corner of said Section 15 from which the Southwest Corner of said Section 15 lies North 89°20'11" West 2616.00 feet;

Thence along the south line of said Southwest Quarter North 89°20'11" West 80.00 feet to the west line of the BNSF Railroad;

Thence along said west line North 00°09'03" West 76.00 feet;

Thence North 89°20'11" West 1403.50 feet to the POINT OF BEGINNING;

Thence continuing North 89°20'11" West 333.00 feet;

Thence North 00°39'49" East 80.00 feet;

Thence South 89°20'11" East 333.00 feet;

Thence South 00°39'49" West 80.00 feet to the POINT OF BEGINNING.

Containing 0.612 acres, more or less.

DESCRIPTION continued on page 3 of 3

Page 2 of 3

DESCRIPTION continued from page 2 of 3

TEMPORARY DRAINAGE EASEMENT #4

COMMENCING at the South Quarter corner of said Section 15 from which the Southwest Corner of said Section 15 lies North 89°20'11" West 2616.00 feet;

Thence along the south line of said Southwest Quarter North 89°20'11" West 80.00 feet to the west line of the BNSF Railroad;

Thence along said west line North 00°09'03" West 76.00 feet;

Thence North 89°20'11" West 1890.63 feet to the POINT OF BEGINNING;

Thence continuing North 89°20'11" West 291.00 feet;

Thence North 00°39'49" East 80.00 feet;

Thence South 89°20'11" East 291.00 feet;

Thence South 00°39'49" West 80.00 feet to the POINT OF BEGINNING.

Containing 0.534 acres, more or less.

Attached is Exhibit "B" and by this reference is made a part hereof.

End of description



EXHIBIT "B"

LINE TABLES

T.D.E. #1

LINE TABLE

LINE	BEARING	LENGTH
L1	N89°20'11"W	80.00'
L2	N00°09'03"W	76.00'
L3	N89°20'11"W	49.98'
L4	N89°20'11"W	425.34'
L5	N00°39'49"E	80.00'
L6	S89°20'11"E	425.34'
L7	S00°39'49"W	80.00'

AREA=0.781 ACRES +/-

T.D.E. #2

LINE TABLE

LINE	BEARING	LENGTH
L1	N89°20'11"W	80.00'
L2	N00°09'03"W	76.00'
L8	N89°20'11"W	875.82'
L9	N89°20'11"W	280.00'
L10	N00°39'49"E	80.00'
L11	S89°20'11"E	280.00'
L12	S00°39'49"W	80.00'

AREA=0.514 ACRES +/-

T.D.E. #3

LINE TABLE

LINE	BEARING	LENGTH
L1	N89°20'11"W	80.00'
L2	N00°09'03"W	76.00'
L13	N89°20'11"W	1403.50'
L14	N89°20'11"W	333.00'
L15	N00°39'49"E	80.00'
L16	S89°20'11"E	333.00'
L17	S00°39'49"W	80.00'

AREA=0.612 ACRES +/-

T.D.E. #4

LINE TABLE

LINE	BEARING	LENGTH
L1	N89°20'11"W	80.00'
L2	N00°09'03"W	76.00'
L18	N89°20'11"W	1890.63'
L19	N89°20'11"W	291.00'
L20	N00°39'49"E	80.00'
L21	S89°20'11"E	291.00'
L22	S00°39'49"W	80.00'

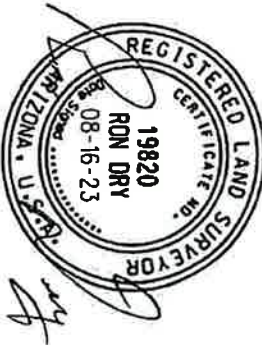
AREA=0.534 ACRES +/-

BASIS OF BEARINGS

Morisco County Low Distortion Projection
 Linear unit: International foot
 Geodetic Datum: NAD 1983
 Projection type: Lambert Conformal Conic (single parallel)
 Latitude of origin: 33°15'00"N
 Central meridian: 112°15'00"W
 False northing: 1,500,000.000 ft
 False easting: 2,500,000.000 ft
 Standard parallel scale: 1.000045 (exact)

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- T.D.E. TEMPORARY DRAINAGE EASEMENT
- TEMPORARY DRAINAGE EASEMENT AREA

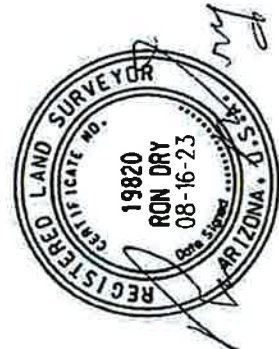
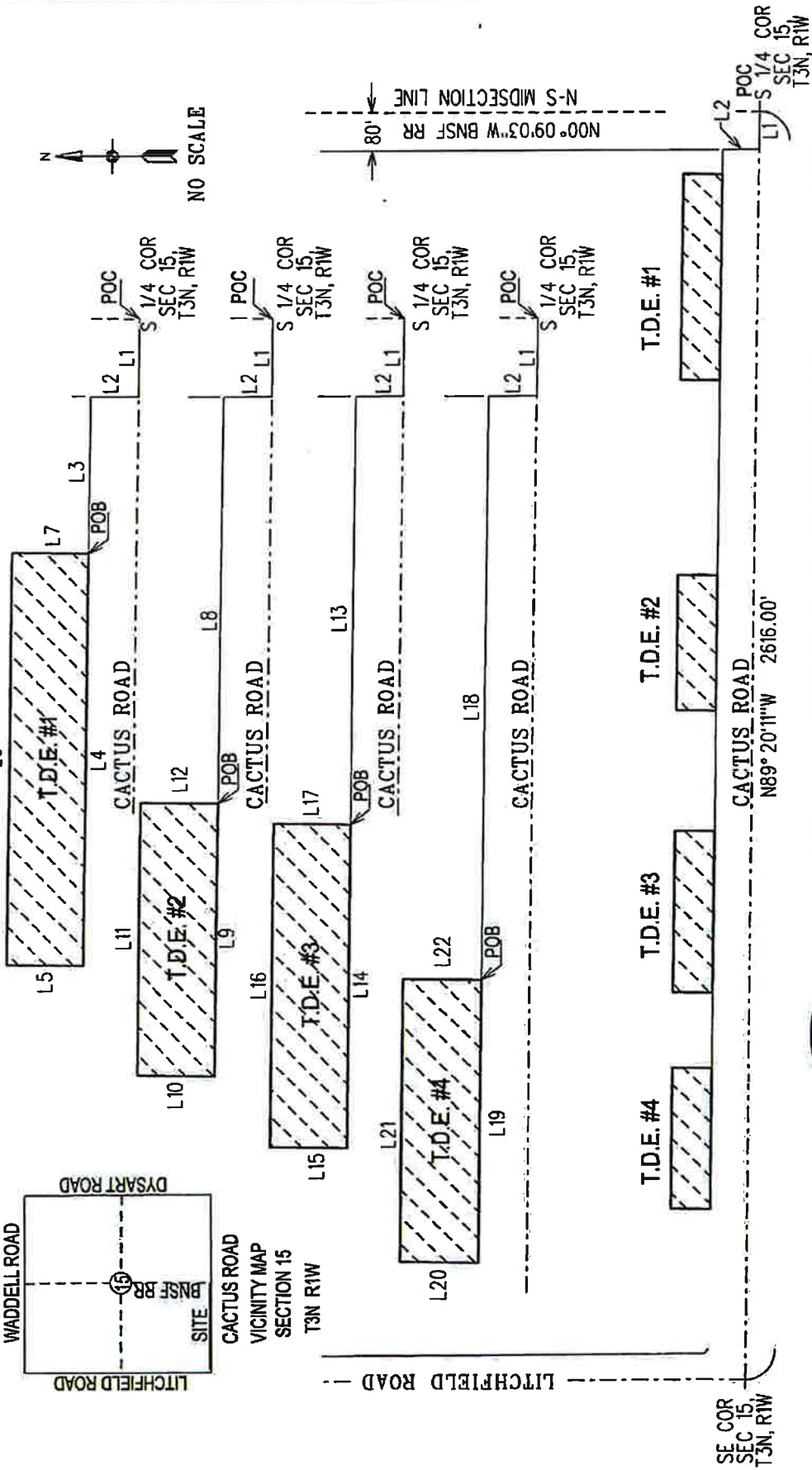
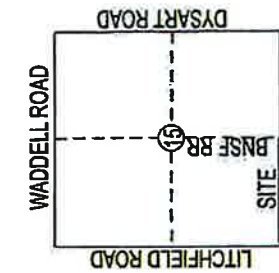


CITY OF SURPRISE
 LAND SURVEY DEPARTMENT
 16000 N. CIVIC CENTER PLAZA
 SURPRISE, AZ. 85374

TEMPORARY DRAINAGE EASEMENT DEDICATIONS

PROJECT # 23005 DRAWN BY RCD DATE 08-16-23 SHEET 2 OF 2

EXHIBIT "B"



CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE AZ. 85374

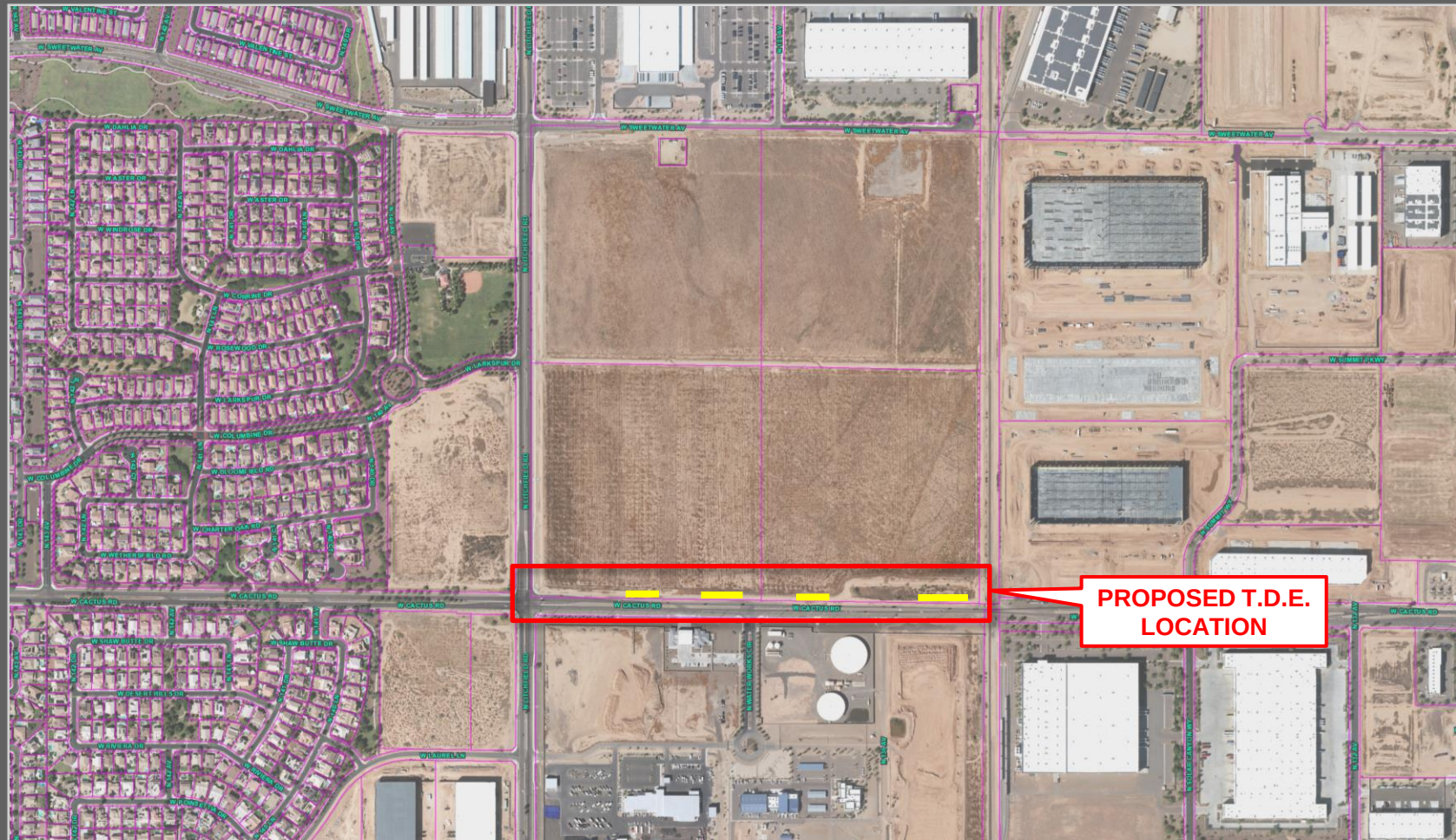
TEMPORARY DRAINAGE EASEMENT DEDICATIONS

PROJECT # 23005	DRAWN BY RCD	DATE 08-16-23	SHEET 1 OF 2
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Surprise Cactus LLC Temporary Drainage Easement

City Council – December 17, 2024



VICINITY MAP



QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Citywide

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$4,700 for acceptance of a grant to continue the Victims' Rights Program (VRP); Resolution #2024-199.

Motion:

I move to approve Resolution # 2024-199.

Background:

The City was awarded \$4,700 from the State of Arizona Office of Attorney General to be used for the Victims' Rights Program. The City of Surprise City Attorney Criminal Division, in its efforts to promote safety and wellness within the community, maintains a Victim Services Program. This program is designed to keep victims apprised of their rights during the pendency of the criminal proceedings and connect them with resources that may provide necessary support. The program relies heavily on grant funding to pay for supplies and other expenditures to carry out its function.

Objective Analysis:

Acceptance of the grant funds allows the City to continue the Victim Services Program in the Prosecutor's office.

Policy Compliant:

This grant acceptance is consistent with City Council's directive to identify and utilize all available sources of funding, including grants, to maintain, improve, and expand City programs which do not generate funds of their own. The budget amendment is necessary to comply with financial policies adopted by Council.

Financial Impact:

Acceptance of this item will result in a one-time expenditure in the amount of \$4,700 for general office supplies, cellphone, printer supplies/toner, printing, mailing costs, and an office chair. There is no city match required.

Budget Impact:

The FY25 adopted budget did not include this VRP grant, thus the movement of budget in the amount of \$4,700 from General Contingency to Project G13087 FY25 Victims' Rights Program is required. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

This item does not have an impact on current staff levels

ATTACHMENTS:

1. FY25 VRP Award Agreement
 2. Res 2024-199 Victims Rights Program
-

RESOLUTION # 2024-199

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING THE AWARD AGREEMENT BETWEEN THE CITY OF SURPRISE AND THE STATE OF ARIZONA OFFICE OF THE ATTORNEY GENERAL; AUTHORIZING THE CITY TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$4,700; AND AMENDING THE FISCAL YEAR 2025 BUDGET BY MOVING BUDGET AUTHORITY OF \$4,700 FROM GENERAL CONTINGENCY TO PROJECT G13087.

WHEREAS, the State of Arizona through the Office of the Attorney General Victims' Rights Program (VRP) has awarded the City of Surprise \$4,700 in grant funding to support and offset the costs associated with the Victim Assistance Program mandated under Arizona victims' rights laws (Ariz. Rev. Stat. § 41-191.06 et seq.);

WHEREAS, the FY2025 budget was adopted by Council Resolution #2024-94 on June 4, 2024;

WHEREAS, the budget authority for the grant award hereunder was not included as part of the FY2025 budget;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the 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. 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, 2024 through June 30, 2025.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-199
Exhibit A

1. Appropriation - The allocations below represent the moving of budget authority in the amount of \$4,700 from General Contingency to Project G13087 to support and offset the costs associated with the Victim Assistance Program. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	City Attorney	#G13087 FY25 Victims' Rights Program	E	-	4,700	4,700
Grants	City Attorney	#G13087 FY25 Victims' Rights Program	R	-	4,700	4,700
Contingency	General Operations	Contingency	E	79,555,600	(4,700)	79,550,900
Contingency	General Operations	Other	R	77,871,200	(4,700)	77,866,500
Expense Total				79,555,600	-	79,555,600
Revenue Total				77,871,200	-	77,871,200



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Citywide

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$10,000 to provide funding for overtime expenses associated with the participation of one Surprise Police Officer in the Joint Law Enforcement Operations Task Force; Resolution #2024-200.

Motion:

I move to approve Resolution #2024-200.

Background:

The Surprise Police Department will receive \$10,000 from the U.S. Department of Justice, U.S. Marshals Service to cover overtime expenses associated with the participation of one Surprise Police Officer in the Joint Law Enforcement Operations (JLEO) Task Force from October 24, 2024, to September 30, 2025.

Objective Analysis:

Acceptance of this funding will provide reimbursement of overtime expenses for one Surprise Police Officer's participation in the activities of the JLEO task force.

Policy Compliant:

This action is consistent with City and Council Policy. The City regularly partners with other governmental entities when it is beneficial to do so.

Financial Impact:

Acceptance of this grant will provide one-time funding to be used solely for overtime expenses incurred as a result of participation in the JLEO Task Force. There is no city-match requirement; however, all employee related expenses associated with this overtime will be absorbed by the Police Department's current operating budget.

Budget Impact:

The FY2025 adopted budget did not include appropriations for revenue and expenses related to the FFY2025 U.S. Marshals JLEO grant. Acceptance of this grant will require an amendment to the Fiscal

Year 2025 budget by moving budget authority of \$10,000 from General Contingency to project G31367 in the Grants Fund. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Resolution 2024-200
-

RESOLUTION # 2024-200

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AMENDING THE FISCAL YEAR 2025 BUDGET BY REALLOCATING APPROPRIATIONS OF \$10,000 FROM CONTINGENCY TO PROJECT G31367 WITHIN THE GRANTS FUND FOR RECEIPT OF GRANT FUNDING FROM THE U.S DEPARTMENT OF JUSTICE MARSHALS SERVICE JOINT LAW ENFORCEMENT OPERATIONS (JLEO) TASK FORCE.

WHEREAS, the FY2025 budget was adopted and included funding for City of Surprise Police Department general operations;

WHEREAS, the US DOJ, U.S Marshal's Service Fugitive Task Force ("Marshal's Service") is providing overtime funding for the City of Surprise Officer in the amount of \$10,000;

WHEREAS, the FY2025 budget was adopted by Council Resolution #2024-94 on June 4, 2024;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the 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. 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, 2024, through June 30, 2025.

Section 2. The City is hereby authorized to enter into an agreement to accept funding in the amount of \$10,000 from the Marshals Office for the City of Surprise Police Department to help fund overtime expenses for an employee to assist the Marshals Office, attached as *Exhibit B*, is approved.

Section 3. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

SIGNATURES ON FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-200
Exhibit A

1. Appropriation - The allocation below represents a movement of budget authority in the amount of \$10,000 from General Contingency to project G31367 in the Grants fund to cover projected expenditures associated with overtime expenses for an officer to participate in Task Force activities. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Police	#G31367 FFY25 JLEO	E	-	10,000	10,000
Grants	Police	#G31367 FFY25 JLEO	R	-	10,000	10,000
Contingency	General Operations	Contingency	E	79,555,600	(10,000)	79,545,600
Contingency	General Operations	Other	R	77,871,200	(10,000)	77,861,200
Expense Total				79,555,600	-	79,555,600
Revenue Total				77,871,200	-	77,871,200

RESOLUTION # 2024-200

Exhibit B

AGREEMENT TO ACCEPT FUNDING BETWEEN

**THE CITY OF SURPRISE AND U.S. DEPARTMENT OF JUSTICE (DOJ), U.S.
MARSHALS SERVICE**

(BEGINS ON THE NEXT PAGE)

INSTRUCTIONS: See last page for detailed instructions.

SECTION 1: OBLIGATION

DOCUMENT CONTROL #: M-25-D08-O-000045

SECTION 2: PARTICIPATING AGENCIES

Notification to state and local agencies of funding provided in support of Joint Law Enforcement Operations, pursuant to the Memorandum of Understanding (MOU) between:

Surprise Police Department

and

District of Arizona (08)

All other terms and conditions of the MOU remain the same.

SECTION 3: PERIOD OF PERFORMANCE

October 24, 2024 to September 30, 2025

SECTION 4: APPROPRIATION DATA

FISCAL YEAR	ORGANIZATION	FUND	PROJECT	SOC / PURPOSE	DOLLAR AMOUNT
2025	D08	AFF-B-OP	JLEOTFOT	25205 - TFO Overtime	\$10,000.00

Total Obligation Amount: **\$10,000.00**

SECTION 5: DESCRIPTION OF OBLIGATION

Task Force overtime funding for Surprise Police Department in the amount of \$10,000.00 for services rendered between October 24, 2024 through September 30, 2025. Funds are to be used solely for Overtime and shall not include any supplemental benefit costs such as retirement, FICA, and other expenses.

SECTION 6: CONTACT INFORMATION

DISTRICT/RFTF CONTACT:

Name: Alicia Wynn

Phone: 602-824-7996

E-mail: alicia.wynn1@usdoj.gov

STATE/LOCAL CONTACT:

Name: Amanda Correia

Phone: 623-222-1848

E-mail: amanda.correia@surpriseaz.gov

SECTION 7: AUTHORIZATION

USMS Representative - Certification of Funds:

Signature: CASSANDRA HUGHES

Digitally signed by CASSANDRA HUGHES
Date: 2024.11.20 08:48:54 -0700

Date: _____

Cassandra Hughes - SPSS

Chief Deputy or RFTF Commander - Obligation Approval:

Signature: THOMAS SMITH

Digitally signed by THOMAS SMITH
Date: 2024.11.21 15:38:34 -0700

Date: _____

Thomas Smith - ACDUSM

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted monthly or quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the Task Force during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator.

Departmental Representative - Acknowledgement:

Signature: _____ Date: _____

Name: _____ Title: _____

FORM USM-607 INSTRUCTIONS

The Joint Law Enforcement Operations Task Force Obligation Document is designed to provide district and regional fugitive task forces with one standard obligating form to record new obligations in UFMS. To adjust funding in an existing obligation, please refer to Form USM-607A, Joint Law Enforcement Operations Task Force Modification Document. Funding in support of the JLEO mission is pursuant to the existing Memorandum of Understanding (MOU) between the USMS and the JLEO participant. Reimbursements are subject to the availability of funds and contingent upon the submission of proper documentation. Please note that overtime reimbursements require the submission of agency invoices and supporting documentation on a quarterly basis.

In the event that the USMS will use a payment method OTHER than reimbursement directly to the state or local agency, additional guidance will be provided by USMS Headquarters. The district or RFTF office is responsible for communicating payment procedures to their partnering agencies. All payments are made via Electronic Funds Transfer (EFT) through the U.S. Department of Treasury.

SECTION 1: Obligation Number

- A. Enter UFMS Document Control Number.

SECTION 2: Participating Agencies

- A. BOX 1: Enter name of state or local JLEO participating agency.
- B. BOX 2: Use drop down menu to select appropriate USMS District/RFTF.

SECTION 3: Period of Performance

- A. Insert valid period of performance for the obligation. Obligations created using the one-page JLEO Task Force Obligation Form may not cross fiscal years. If there is a need to cross fiscal years, please utilize a Purchase Order for the obligation.
- B. Period of performance must begin no earlier than the date of funds availability (provided by IOD and the Asset Forfeiture Division) and end no later than September 30 of the following calendar year.

SECTION 4: Appropriation Data

- A. Enter information across appropriate field for all items being obligated. All fields for a line item must be completed in order to proceed to the next step.
- B. Project Codes: District task force obligations are funded under the **JLEOTFS4** project code for a JLEO obligation. RFTF project codes have been assigned by region and will be entered by Headquarters IOD staff.

SECTION 5: Description of Obligation

- A. Enter description of obligation (optional). Include any pertinent information such as number of TFO vehicles, for example.

SECTION 6: Contact Information

- A. Enter District/RFTF contact information (Box 1) and State/Local contact information (Box 2).

SECTION 7: Authorization

- A. Certification of Funds: Signature will be applied by USMS District official or IOD representative (RFTF) after the Asset Forfeiture Division has confirmed that funds have been moved into the budget.
- B. Obligation Approval: Signature will be applied by District or RFTF representative upon receipt of obligation document. To ensure sufficient internal controls and proper segregation of duties, the district/RFTF representative approving obligation forms cannot also approve invoices or reimbursements related to the same obligation. (See U.S. Office of Management and Budget (OMB) Circular A-123 and USMS Office of Finance guidance for further information regarding internal controls.)
- C. Acknowledgement: Signature will be applied by state or local agency representative. The obligation is not valid until all parties have signed. When completed, the form will be returned to the District/RFTF office. Districts are responsible for entering obligations into UFMS. RFTF obligations will be forwarded to Headquarters IOD to be entered into UFMS.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Citywide

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$11,600 and authorizing acceptance of a grant award from City of Phoenix Affiliate Award Funding to cover training and equipment expenses related to the investigations of internet crimes against children; Resolution #2024-201.

Motion:

I move to approve Resolution #2024-201.

Background:

The Surprise Police Department will receive \$11,580 of funding from the City of Phoenix, derived from an Intergovernmental Agreement (IGA) with the Arizona Attorney General's Office to cover training and equipment expenses related to the investigations of internet crimes against children with special emphasis on locating, prosecuting, and imprisoning people who intentionally exploit children.

Objective Analysis:

Acceptance of this funding will provide reimbursement of training and equipment expenses for the participation in the AZICAC task force related to the investigations of internet crimes against children.

Policy Compliant:

This action is consistent with City and Council Policy. The City regularly partners with other governmental entities when it is beneficial to do so.

Financial Impact:

This one-time funding is to be used solely for training and equipment incurred as a result of the investigations related to internet crimes against children. There is no city-match requirement.

Budget Impact:

The FY2025 adopted budget did not include appropriations for revenue and expenses related to the City of Phoenix Affiliate Award Funding grant award to the Police Department. Acceptance of this grant will require a movement of budget authority in the amount of \$11,600 from General Contingency to Project G31402 in the Grants Fund. This action represents a transfer of spending authority and does not increase

or decrease the total adopted citywide expenditure budget.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Resolution 2024-201
-

RESOLUTION # 2024-201

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ACCEPT AFFILIATE FUNDING FROM THE CITY OF PHOENIX, DERIVED FROM AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE, AZ INTERNET CRIMES AGAINST CHILDREN (AZICAC) TASK FORCE TO COVER TRAINING AND EQUIPMENT EXPENSES, AND AMENDING THE FISCAL YEAR 2025 BUDGET BY MOVING BUDGET AUTHORITY OF \$11,600 FROM GENERAL CONTINGENCY TO PROJECT G31402 WITHIN THE GRANTS FUND.

WHEREAS, pursuant to Arizona Revised Statute §11-952, et seq., the City of Surprise has the authority to enter into intergovernmental agreements (IGA) with other governmental entities for the purposes set forth within;

WHEREAS, the City of Surprise Police Department wishes to participate in the Arizona Internet Crimes task force and investigate internet crimes against children ("AZICAC");

WHEREAS, the City of Surprise Police Department desires to accept the funding;

WHEREAS, the FY2025 budget was adopted by Council Resolution #2024-94 on June 4, 2024;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the 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. 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, 2024, through June 30, 2025.

Section 2. The City is hereby authorized to accept funding in the amount of \$11,580 from the City of Phoenix AZ Internet Crimes Against Children (AZICAC) to help the City of Surprise Police Department fund training and equipment expenses to investigate Internet Crimes Against Children, for which the Award Letter is attached as *Exhibit B*, and the related existing Agreement is attached as *Exhibit C*.

Section 3. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-201

Exhibit A

1. Appropriation - This allocation below represents a movement of budget authority in the amount of \$11,600 from General Contingency to project G31402 in the Grants Fund to cover projected expenditures associated with training and equipment expenses for participation in the Arizona Internet Crimes Against Children (AZICAC) task force. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Police	#G31402 FY25 AZICAC Task Force	E	-	11,600	11,600
Grants	Police	#G31402 FY25 AZICAC Task Force	R	-	11,600	11,600
Contingency	General Operations	Contingency	E	79,555,600	(11,600)	79,544,000
Contingency	General Operations	Other	R	77,871,200	(11,600)	77,859,600
Expense Total				79,555,600	-	79,555,600
Revenue Total				77,871,200	-	77,871,200

RESOLUTION # 2024-201

Exhibit B

AWARD LETTER FROM THE CITY OF PHOENIX FOR

AFFILIATE AWARD FUNDING.

ARIZONA INTERNET CRIMES AGAINST CHILDREN (AZICAC) TASK FORCE

(BEGINS ON THE NEXT PAGE)



November 19, 2024

Chief Benny Pina
Surprise Police Department
14250 West Statler Plaza, Suite 103
Surprise, AZ 85374

Dear Chief Benny Pina:

Upon reviewing the Affiliate Award Funding Request received by your agency, your agency is being awarded \$11,580.00 to be utilized for training and/or equipment related to Internet Crimes Against Children (ICAC) investigations. The awarded funding needs to be spent, and reimbursement requests submitted to the AZICAC Task Force, by January 31, 2025. This funding is derived from an intergovernmental agreement between the Arizona Attorney General's Office and the City of Phoenix. As such, this is not federally-derived funding and is not associated with a Catalog of Federal Domestic Assistance (CFDA) number.

Below are some important guidelines regarding this funding:

1. Affiliate award funds must be used for directly-related costs, such as training, investigations, computer forensics, and public awareness in connection with ICAC;
2. Minor deviations from your Affiliate Award Funding Request are permissible if the final purchases are related to the ICAC requirements stated in Item #1;
3. This is a reimbursement program. As such, your agency must first purchase the equipment or training and then submit documentation to Phoenix Police Department AZICAC Task Force Administrator Katie Kobus via email at katherine.kobus@phoenix.gov;
4. In order to be eligible for reimbursement, all ICAC-related travel and training must be conducted in accordance with the State of Arizona Travel Policy and reimbursement rates listed in the State of Arizona Accounting Manual;
5. Monthly progress reports for your agency's activities related to ICAC investigations, training, and public awareness are REQUIRED and must be entered by your agency into the ICAC Data System website at www.icacdatasystem.com no later than the 10th day of the following month.

Sincerely,

MICHAEL G. SULLIVAN
Interim Police Chief

Nicholas Jimenez

6957 Acting Bureau Commander

AMY BREITZMAN
Commander
Family Investigations Bureau

RESOLUTION # 2024-201

Exhibit C

AGREEMENT BETWEEN

THE CITY OF SURPRISE AND CITY OF PHOENIX

AFFILIATE AWARD FUNDING.

ARIZONA INTERNET CRIMES AGAINST CHILDREN (AZICAC) TASK FORCE

(BEGINS ON THE NEXT PAGE)

157540--0

**ARIZONA INTERNET CRIMES AGAINST CHILDREN
TASK FORCE**

Intergovernmental Agreement

Between

**Phoenix Police Department (Primary Grantee) /
Arizona ICAC Task Force Lead Agency**

and

Surprise Police Department

THIS Intergovernmental Agreement ("IGA") is entered into between the City of Phoenix, Arizona, through the Phoenix Police Department ("PPD" or "Primary Grantee"), and the City of Surprise, Arizona, through the Surprise Police Department ("Affiliate Agency").

I. RECITALS

1.1 Whereas public agencies are authorized and empowered to enter into intergovernmental agreements for the provision of services or for joint or cooperative action pursuant to Arizona Revised Statutes (A.R.S.) §11-952. The City of Phoenix is also authorized and empowered pursuant to Chapter 2, Section 2 (i), of the Charter of the City of Phoenix.

1.2 Whereas the Phoenix Police Department / Arizona Internet Crimes Against Children Task Force ("ICAC Task Force") Lead Agency, is the recipient of the United States Department of Justice ("DOJ"), Office of Juvenile Justice and Delinquency Prevention ("OJJDP") grant regarding Internet Crimes Against Children ("ICAC"). The Task Force utilizes the grant, and funding from the Arizona Attorney General's Office, for the purpose of administering and operating an ICAC Task Force in Arizona. PPD is the primary grantee for the ICAC Task Force. Agencies affiliated through this IGA are known as "Affiliate Agencies".

1.3 Whereas the PPD / ICAC Task Force agrees to work with the affiliates to support and advance the goals of the Internet Crimes Against Children Task Force, a DOJ initiative. Phoenix PD / ICAC Task Force may be able to provide financial assistance to the Affiliate Agency, on a reimbursable basis, through various funding sources.

1.4 Whereas the OJJDP administers the ICAC Task Force Program, which is a national network of state and local law enforcement investigative units. The national ICAC program assists state and local law enforcement agencies in the

development of an effective response to cases involving images depicting the sexual exploitation of minors and the sexual assault and abuse of children facilitated by technology. Due in large part to the technological aspects of these cases, the ICAC Task Force Program promotes a multi-jurisdictional, multi-agency approach to investigating and prosecuting ICAC cases. ICAC's goals are to increase the investigations and prosecutions of Internet crimes against children offenses, and to increase public awareness and prevention of ICAC offenses.

1.5 Whereas the national policy objectives for ICACs are to:

- (1) Increase the investigative capabilities, including effectiveness and efficiency, of law enforcement officers in the detection, investigation of qualifying offenses and the apprehension of offenders;
- (2) Increase the number of ICAC-qualifying (state and federal) offenses being prosecuted;
- (3) Create a multi-agency task force response to ICAC offenses;
- (4) Enhance the nationwide response to ICAC offenses; and
- (5) Develop and deliver ICAC public awareness and prevention programs.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties hereby agree to the following terms and conditions:

II. PURPOSE

2.1 The purpose of this IGA is to provide funding for the Affiliate Agency, on a reimbursable basis, to support their efforts to investigate, prosecute, and deter the possession, production, and distribution of unlawful images depicting the sexual exploitation of minors and the utilization of the Internet to seek children as sexual victims.

2.2 The purpose of this IGA is to memorialize parties' agreement to work together to assist the ICAC Task Force in its efforts to investigate, prosecute, and deter the possession, production, and distribution of unlawful images depicting the sexual exploitation of minors and the utilization of the Internet to seek children as sexual victims.

2.3 Additionally, this IGA defines the responsibilities of the Affiliate Agency with the ICAC Task Force.

III. RESPONSIBILITIES

3.1 Affiliated ICAC Task Forces may include investigators, supervisors, or prosecutors from various local, state, and federal law enforcement agencies who provide assistance, subject to availability.

3.2 Affiliated ICAC Task Forces should identify and investigate individuals who exploit children for sexual purposes through the use of technology and/or who obtain, distribute, and/or produce child pornography.

3.3 Affiliated ICAC Task Forces should be focused on presenting evidence of criminal activity to prosecutors, which then leads to the successful prosecution of individuals who have committed coercion/enticement or unlawful image offenses.

3.4 Affiliated ICAC Task Forces may, subject to availability, sponsor community education efforts regarding the prevention of Internet crimes against children and provide ICAC training to other state and local law enforcement officials.

3.5 Affiliated ICAC Task Forces may, subject to availability:

- (1) Conduct undercover ICAC investigations; and
- (2) Conduct reactive investigations for which venue lies within the agency's jurisdiction(s), including investigations of unlawful images depicting the sexual exploitation of minors, CyberTip referrals from the National Center of Missing and Exploited Children (NCMEC), Internet Service Provider and law enforcement referrals, other ICAC-related investigations, and other sources.

3.6 The Affiliated ICAC Task Force will ensure that:

- (1) Only sworn law enforcement personnel will conduct undercover ICAC investigations;
- (2) Each investigator involved with undercover operations has received ICAC training prior to initiating investigations; and
- (3) ICAC investigations shall also be governed by the national ICAC program's Standard Operating Procedures (Attachment A).

3.7 Where investigations reveal that the safety of a child is at risk, it is of paramount importance that the safety and well-being of the child clearly outweigh any consideration being given to the continued investigation.

3.8 ICAC Task Forces have a substantial number of matters to investigate which requires prioritization of these matters. The Affiliate Agency agrees to use the guidelines in the ICAC Standard Operating Procedures (Attachment A) to prioritize cases.

3.9 An additional secondary role of the Affiliate Agency is to educate, as time and resources permit, both children and parents regarding online dangers, and empower them with information so they may visit the Internet in safety. Task force personnel may conduct education and prevention programs to foster awareness and provide practical, relevant guidance to the community about Internet child safety issues.

IV. DURATION AND TERMINATION

4.1 This IGA shall become effective upon the date of the last signature of the executing parties and will supersede any pre-existing agreements between the Affiliate Agency and the Arizona ICAC Task Force. This IGA will remain in effect

for five (5) years after the IGA becomes effective, unless the agreement is terminated in writing by either party upon thirty (30) day notice.

4.2 Violation of the ICAC Standard Operating Procedures (Attachment A) is considered a material breach of this agreement and cause for cancellation of Affiliate Agency's affiliation with the Arizona ICAC Task Force. Upon discovering a violation and notifying the Affiliate Agency, the Primary Party may cancel the contract and rescind any funding under this agreement.

V. GENERAL PROVISIONS

5.1 Conflict of Interest. This Agreement is subject to cancellation pursuant to the provisions of A.R.S. § 38-511.

5.2 Immigration law compliance and warranty. As required by A.R.S. § 41-4401, each party hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). Each party further warrants that after hiring an employee, it verifies the employment eligibility of the employee through the E-Verify program. If either party uses any subcontractors in performance of the IGA, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A), and subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employment eligibility of the employee through the E-Verify program. A breach of this warranty shall be deemed a material breach of the IGA, subject to penalties up to, and including, termination. A party shall not be deemed in material breach if it and/or its subcontractors establish compliance with the employment verification provisions of Sections 274A and 274B of the federal Immigration and Nationality Act and the E-Verify requirements contained in A.R.S. § 23-214(A). Each party retains the legal right to inspect the papers of the other party and/or its subcontractor engaged in performance of this IGA to ensure that the other party and/or its subcontractor is complying with the warranty. Any inspection will be conducted after reasonable notice and at reasonable times. If state law is amended, the parties may modify this paragraph consistent with state law.

5.3 Communication between state and local government agencies and federal immigration authorities; compliance. As required by 8 U.S.C. § 1373, each party hereby agrees that, notwithstanding any other provision of federal, state, or local law, it will not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, federal immigration authorities, including US Immigration and Customs Enforcement (ICE), US Customs and Border Protection (CBP), or US Citizenship and Immigration Services (USCIS), information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

5.4 Indemnification. To the extent permitted by law, each party will indemnify and save the other party harmless, including any of the parties' departments, agencies, officers, employees, elected officials or agents, from and against all loss,

expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance by the indemnifying party of any of the provisions of this IGA.

Each party, in all instances, shall be indemnified against all liability, losses, and damages of any nature for, or on account of, any injuries or death of persons or damages to or destruction of property arising out of or in any way connected with the performance or non-performance of this IGA by the other party, except such injury or damage as shall have been occasioned by the negligence of that other party. The damages incurred by the other party, their department, agencies, officers, employees, elected officers, or agents shall include in the event of any action, court costs, expenses for litigation and reasonable attorneys' fees.

The parties are responsible and liable for the acts and omissions of their own officers, agents, or employees in connection with the performance of their official duties under this IGA.

This agreement does not relieve either agency of its official duties and shall not be construed as limiting or expanding the statutory responsibilities of the parties.

5.5 Binding effect. All terms, provisions, and conditions hereof shall be binding upon and inure to the benefit of all parties hereto and their respective heirs, personal representatives, successors, and assigns.

5.6 Severability. In the event any term or provision of this IGA is held to be invalid or unenforceable, the validity of the other provisions shall not be affected, and the IGA shall be construed and enforced as if it did not contain the particular term or provision that is deemed to be invalid or unenforceable.

5.7 Governing law. This IGA will be governed by the laws of the State of Arizona, both as to interpretation and performance.

5.8 Modification. This IGA may be modified only by mutual written agreement of the parties.

VI. SPECIAL PROVISIONS

6.1 Goals for cases prosecuted. Various County Attorneys' Offices throughout the State of Arizona have successfully prosecuted many cases investigated by the ICAC Task Force and its affiliated agencies. Cases investigated by the ICAC Task Force may be prosecuted in Federal or State Court.

The affiliated agency agrees that the criteria for determining whether to prosecute a particular violation in state or federal court will be determined based upon the forum in which the greatest overall benefit to the public will be achieved. The parties agree that the greatest overall benefit to the public and victims will be achieved in the forum in which the purposes of punishment will be accomplished

to the greatest possible extent. The parties agree that the sentences in ICAC cases should, to the greatest possible extent:

- (1) Reflect the seriousness of the offense;
- (2) Promote respect for the law;
- (3) Provide just punishment for the offense;
- (4) Afford adequate deterrence to criminal conduct;
- (5) Protect the public from further crimes of the defendant; and
- (6) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Given these goals and the research regarding the typical hands-on offense histories of those convicted as on-line predators and child pornography offenders, incarceration is a desired outcome in ICAC cases.

6.2 Reporting statistics. The Affiliate Agency will provide monthly reports to the Phoenix PD / ICAC Task Force in the prescribed format, no later than ten (10) days after the end of the preceding month. If statistics are not provided by the deadline, any funding will be suspended until the reporting requirement is met.

6.3 Training. The affiliated agency may make investigators available for applicable specialized training provided through the national ICAC program and other appropriate training programs.

6.4 Media. Media outreach on cases should be coordinated with the prosecutor to whom the case has been, or will be, referred in order to ensure compliance with applicable bar rules. All lawful efforts will be made to protect ongoing undercover operations from media publication. Member agencies will refrain from unnecessarily releasing ongoing investigative techniques and ongoing undercover identities, including screen names, age or sex of undercover personas, unless authorized and mandated by public record law, or when the information is revealed pursuant to lawful discovery or at trial.

6.5 Confidentiality. It is understood that any confidential information pertaining to investigations of ICAC will be held in the strictest confidence, and will only be shared with participating ICAC Task Force members or other law enforcement agencies where necessary, or as otherwise permitted by federal and/or state law.

6.6 Text messaging while driving. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this IGA, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

6.7 Data protection. All data, regardless of form, including originals, images and reproductions, prepared by, obtained by, or transmitted to affiliate agencies in connection with this agreement is to be kept confidential. Except as specifically provided in this IGA, the affiliate agencies shall not disclose data generated in the performance of the service to any third person without the prior written consent of all affiliate agencies, unless required by law.

Personal identifying information, financial account information, or restricted information, whether electronic format or hard copy, must be secured and protected at all times to avoid unauthorized access. At a minimum, affiliate agencies must encrypt and/or password protect electronic files. This includes data saved to laptop computers, computerized devices or removable storage devices.

Unless contrary to law, which includes Arizona State Records Retention statutes, when personal identifying information, financial account information or restricted information, regardless of its format, is no longer necessary, the information must be redacted, destroyed or secured through appropriate and secure methods that ensure the information cannot be viewed, accessed or reconstructed.

In the event that data collected or obtained by the affiliate agencies in connection with this IGA is believed to have been compromised, affiliate agencies shall notify all other agencies in writing within ten (10) business days.

Affiliate agencies agree that the requirements of this section shall be incorporated into all relevant subcontractor/subconsultant agreements entered into by the affiliate agencies. A violation of this section may result in immediate termination of the IGA.

The obligations of affiliate agencies under this section shall survive the termination of this agreement.

6.8 Consistency. No local agreement can be inconsistent with any provision herein or impair achievement of any provision herein.

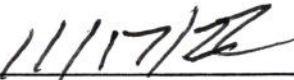
6.9 Return of Proceeds of Sale or Auction. Affiliate agencies are prohibited from retaining the proceeds from the sale or auction of any equipment purchased with funding provided pursuant to this IGA. In the event that an affiliate agency sells or auctions any equipment purchased with funding provided pursuant to this IGA, the affiliate agency shall return the proceeds from the sale or auction of equipment to the City of Phoenix. The City of Phoenix shall remit the proceeds returned to the original funding source. The City of Phoenix shall have the authority to audit the records of an affiliate agency as shall be deemed proper to ensure that the proceeds from the sale or auction of any equipment purchased with funding provided pursuant to this IGA have been accounted for and returned pursuant to this section.

6.10 Affiliate Agency must abide by all federal, state, and local grant regulations.

IN WITNESS WHEREOF, the parties enter into this Agreement:

City of Phoenix, Arizona
An Arizona Municipal Corporation
(Primary Grantee)


Michael G. Sullivan
Interim Police Chief
Phoenix Police Department


Date

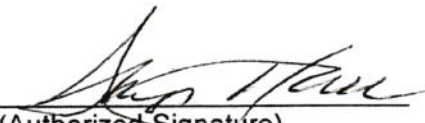
ATTEST:

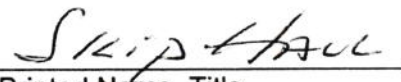
City Clerk

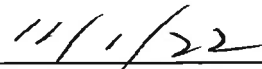
APPROVED AS TO FORM:

Acting City Attorney

City of Surprise, Arizona
An Arizona Municipal Corporation
(Affiliate)


(Authorized Signature)


Printed Name, Title


Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



CITY CLERK DEPT.
2022 DEC -7 PM 4:14

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of A.R.S. § 11-952 (D), each of the undersigned attorneys Acknowledge: (1) that they have reviewed the above IGA on behalf of their respective clients; and, (2) that, as to their respective clients only, each attorney has determined that this IGA is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

City of Phoenix (Primary Grantee)

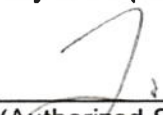


David Lavelle
Asst. Chief Counsel

11/17/22

Date

City of Surprise (Affiliate)



(Authorized Signature)

Robert L. Lingo, City Attorney

Printed Name, Title

11/11/22

Date



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: Human Svcs and Comm
Vitality
Staff Recommendations:

Contact Person: Seth Dyson, DIRECTOR - HSCV
District: Citywide

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to approval of Amendment No. 1 to the Intergovernmental Agreement with Maricopa County to build a general administration building which will include a multi-generational community resource center; Resolution #2024-194.

Motion:

I move to approve Resolution #2024-194.

Background:

The City of Surprise and Maricopa County entered into Intergovernmental Agreement C22-22-084-X-00 on or about April 20, 2022, in order to build a general administration building to include a multi-generational community resource center. The services provided within the building will help strengthen the immediate and long-term health and economic resilience of residents in the northwest valley. The County provided the City with \$18,000,000 in U.S. Department of Treasury State and Local Fiscal Recovery Funds to facilitate the construction of the building. The agreement term is from April 6, 2022, through December 31, 2025.

Objective Analysis:

Amendment No. 1 to the Intergovernmental Agreement will extend the term of the original agreement from December 31, 2025, through December 31, 2026. Additionally, the amendment revises paragraphs 5, 14, and 55, and adds paragraph 56.

Policy Compliant:

This item is compliant with City and Council policies.

Financial Impact:

This items does not have any financial impact.

Budget Impact:

This item does not have any budget impact.

FTE Impact:

This item does not impact current staffing levels.

ATTACHMENTS:

1. Resolution 2024-198 County IGA Amendment 1
 2. Exhibit A - IGA Amendment No. 1
-

RESOLUTION # 2024-194

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR A GENERAL ADMINISTRATION BUILDING WHICH WILL INCLUDE A MULTI-GENERATIONAL COMMUNITY RESOURCE CENTER.

WHEREAS, pursuant to Arizona Revised Statute §11-951, *et seq.*, the City of Surprise has the authority to enter into an intergovernmental agreement with other governmental entities for the purposes set forth within;

WHEREAS, pursuant to City of Surprise Resolution #2022-30, the City and County (“Parties”) entered into Intergovernmental Agreement Number C-22-22-084-X-00, on or about April 20, 2022 (the “IGA”), in order to build a general administration building which will include a multi-generational community resource center. The services provided in the building will help strengthen the immediate and long-term health and economic resilience of residents in the northwest valley.

WHEREAS, the Parties desire to enter into Amendment No.1 in order to extend the IGA term from December 31, 2025, to December 31, 2026. In addition, the Parties are revising paragraphs 5, 14, 55, and 56 therein.

WHEREAS, all other terms and conditions of the IGA remain in full force and effect, except as amended by Amendment No. 1.

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

Section 1. Amendment No. 1 to the Intergovernmental Agreement between the City of Surprise and the Maricopa County, attached as Exhibit A, and incorporated by reference, is approved.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF SURPRISE AND MARICOPA COUNTY

AMENDMENT NO. 1 TO THE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
CITY OF SURPRISE

- I. Maricopa County ("County"), administered by its Human Services Department, and the City of Surprise, ("Subrecipient") entered into a financial Intergovernmental Agreement ("Agreement") on or about April 20, 2022. The purpose of the Agreement is for the Subrecipient to build a general administration building which will include a multi-generational Community Resource Center ("CRC"). Services to be provided in the building will help to strengthen the immediate and long-term health and economic resilience of residents in the northwest valley. The Agreement term April 6, 2022, through December 31, 2025. The County provided the Subrecipient with \$18,000,000 in U.S. Department of Treasury State and Local Fiscal Recovery Funds under Assistance Listing Number (ALN) 21.027. The County and the Subrecipient collectively are referred to as the "Parties."
- II. The Parties agree to enter into this Amendment No. 1 to amend the Agreement as follows:
- A. Extend the Agreement term from December 31, 2025, through December 31, 2026.
- B. Revise paragraph 5.0 (Administrative Change Order) by removing in its entirety and replacing with the following:
- 5.0 ADMINISTRATIVE CHANGE ORDERS**
- 5.1 The Chairman of the Board of Supervisors is authorized, upon the recommendation of the Human Services Department Director and Legal Counsel, to review and execute administrative changes to the Agreement on behalf of the County through Administrative Change Orders. Administrative Change Orders will be effective upon execution by both the Parties. Administrative Change Orders shall address any of the following changes:
- 5.1.1 Modifications to the project timeline if the last day of the project timeline is within the Agreement term;
- 5.1.2 Modifications to Budget line items if the Agreement amount remains unchanged;
- 5.1.3 Modifications required by federal, state, or County regulations, ordinances, or policies; and/or
- 5.1.4 Modifications to Administrative requirements such as changes in reporting periods, frequency of reports, or report formats required by federal, state, and local regulations, policies, or requirements.
- C. Revise paragraph 14.0 (Notices) by updating the County's Point of Contact
- Maricopa County
Human Services Department
Jayson Matthews, Interim Department Director
602-506-4936

jayson.matthews@maricopa.gov
234 N. Central Avenue 3rd Floor
Phoenix, AZ 85004

- D. Revise paragraph 55.0 (Administrative Requirements), Subparagraph 55.3 (Documentation and Record Keeping), by removing in its entirety and replacing with the following:
- 55.3 Documentation and Record Keeping - The Subrecipient agrees to comply with this Agreement and the following record keeping requirements:
- 55.3.1 Records to be maintained – The Subrecipient shall maintain all financial records as required by 2 C.F.R. § 200, and OMB Circulars;
- 55.3.2 System for Award Management -The Subrecipient and all subcontractors or subrecipients shall have a valid Unique Entity Identifier (UEI) number and an active profile in the federal System for Award Management, or SAM.gov. Documentation of the UEI Number must be included in all project files.
- E. Add the following Paragraph to the Agreement:
- 56.0 PROVISIONS REQUIRED BY LAW**
- Each and every provision of law and any clause required by law to be in this Agreement will be read and enforced as though it were included herein and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party, this Agreement will promptly be physically amended to make such insertion or correction.
- III. Section II above contains all the changes to the Agreement made by this Amendment No. 1. The Agreement is amended to incorporate the changes contained in this Amendment No. 1. All other terms and conditions of the Agreement remain in full force and effect as executed by the Parties. This Amendment No. 1 is subject to and incorporates the provisions of A.R.S. § 38-511.
- IV. The Parties have authorized the undersigned to execute this Amendment No. 1 on their behalf and it shall be effective upon approval and signature by both Parties.

[Signatures contained on the following page]

IN WITNESS, the Parties have approved and signed this Amendment No. 1:

APPROVED BY:
CITY OF SURPRISE

APPROVED BY:
MARICOPA COUNTY

City Manager Date

Jack Sellers, Chairman Board of Supervisors Date

Attested To:

Attested To:

City Clerk Date

Juanita Garza, Clerk of the Board Date

IN ACCORDANCE WITH A.R.S. §§ 9-240, 11-952, THIS AMENDMENT NO. 1 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF SURPRISE UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. §§ 11-201, 11-251, AND 11-952, THIS AMENDMENT NO. 1 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO MARICOPA COUNTY UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

BY: _____
Attorney for the City Date

BY: _____
Deputy County Attorney Date



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Eric Boyles, Director -
Transportation

Submitting Department: Transportation

District: Citywide

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to adoption of a Title VI Plan update for the City's transit obligations related to receipt and use of federal funds for transit services; Resolution #2024-202.

Motion:

I move to approve Resolution No. 2024-202.

Background:

The Federal Transit Administration (FTA) is responsible for ensuring that its funding recipients fully comply with Title VI of the Civil Rights Act of 1964, which among other things prohibits discrimination based on race, color, and national origin. The City of Phoenix is the designated recipient of all FTA funds for the region.

FTA funding for public transportation programs are distributed through the City of Phoenix Public Transit Department as the primary recipient of said funds. As a sub-recipient through Valley Metro the City is required to comply with Title VI in order to continue to participate in the annual grant application process and receive a share of the federal funds awarded to Valley Metro. This action tonight will ensure that the City of Surprise remains compliant with the FTA and the City of Phoenix guidelines.

Objective Analysis:

Failure to adopt a Title VI plan would preclude the City from receiving any Federal funds related to transit services, which would place the entire burden of funding transit on the general fund.

Policy Compliant:

This item is compliant with the City and Council policy as it relates to transit and transit services for Surprise residents as part of the City's General Plan and Mayor and Council strategic plan.

Financial Impact:

Federal funds are programmed to help pay for service each year. The City would have to program additional general fund dollars if the plan is not adopted.

Budget Impact:

All Title VI funding is programmed as part of the City's annual budget process and Valley Metro IGA acceptance.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Resolution 2024-202 Title VI Adoption_Submitted
 2. EXHIBIT A.Reso 2024-202
-

RESOLUTION # 2024-202

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA APPROVING AND ADOPTING THE
2025 CITY OF SURPRISE TITLE VI IMPLEMENTATION PLAN.**

WHEREAS, the Federal Transit Administration (“FTA”) is responsible for ensuring that its funding recipients fully comply with Title VI of the Civil Rights Act of 1964, which among other things prohibits discrimination based on race, color, and national origin;

WHEREAS, City of Surprise (“Surprise”) is a sub-recipient of FTA funding for public transportation programs, distributed through the City of Phoenix Public Transit Department (“Phoenix”); Phoenix is the primary recipient of said funds;

WHEREAS, all sub-recipients of FTA funds must develop, update, and every three years, submit a Title VI Plan to the primary recipient to assist in the primary recipient’s respective Title VI compliance requirements; and

WHEREAS, Surprise has updated its Title VI plan to comply with new requirements which were adopted by the FTA since Surprise’s last Plan update in 2022.

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

Section 1. The Title VI Implementation Plan, hereby attached as Exhibit A and incorporated by reference, is approved and adopted as the 2025 City of Surprise Title VI Implementation Plan.

APPROVED AND ADOPTED this 17th day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

RESOLUTION NO. 2024-202

CITY OF SURPRISE, ARIZONA

TITLE VI IMPLEMENTATION PLAN

JANUARY 2025 - DECEMBER 2027

Title VI Plan

City of Surprise



January 2025-December 2027

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Title VI Policy Statement

The City of Surprise policy assures full compliance with Title VI of the Civil Rights act of 1964 and related statutes and regulations in all programs and activities. Title VI states that “no person shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination” under any City of Surprise sponsored program or activity. There is no distinction between the sources of funding.

City of Surprise also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. Furthermore, City of Surprise will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

When City of Surprise distributes Federal-aid funds to another entity/person, City of Surprise will ensure all subrecipients fully comply with City of Surprise Title VI Nondiscrimination Program requirements. The City Manager has delegated the authority to Digger Oster, Title VI Program Coordinator, to oversee and implement FTA Title VI requirements.



Bob Wingenroth
City Manager

Title VI Notice to the Public

Notifying the Public of Rights Under Title VI City of Surprise

The City of Surprise operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Surprise.

For more information on the City of Surprise's civil rights program, and the procedures to file a complaint, contact William Oster, the City of Surprise Title VI Coordinator at 623-222-3531, (TTY 623-222-1002); email risk.management@surpriseaz.gov; or visit our administrative office at 16000 N. Civic Center Drive, Surprise AZ 85374. For more information, visit <http://www.surpriseaz.gov/index.aspx?NID=2891>.

A complainant may file a complaint directly with the City of Phoenix Public Transit Department or the Federal Transit Administration (FTA) by filing a complaint directly with the corresponding offices of Civil Rights: City of Phoenix Public Transit Department: ATTN: Title VI Coordinator, 302 N. 1st Ave., Suite 900, Phoenix AZ 85003 FTA: ATTN: Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590

If information is needed in another language, contact 1-800-752-6096. Para información en Español llame: 1-800-752-6096.

The above notices are posted in the following locations: City of Surprise Clerk's Office, City of Surprise website, and City of Surprise Park and Ride facility located at 134th Ave and Bell Rd.

The notices are posted online at <https://az-surprise4.civicplus.pro/945/Valley-Metro-Service-Information> .

Title VI Notice to the Public -Spanish

Aviso al Público Sobre los Derechos Bajo el Título VI City of Surprise

City of Surprise (*y sus subcontratistas, si cualquiera*) asegura cumplir con el Título VI de la Ley de los Derechos Civiles de 1964. El nivel y la calidad de servicios de transporte serán provehidos sin consideración a su raza, color, o país de origen.

Para obtener más información sobre la City of Surprise's programa de derechos civiles, y los procedimientos para presentar una queja, contacte William Oster Ciudad de Surprise Title VI Coordinator 623-222-3531, (TTY 623-222-1002); email risk.management@surpriseaz.gov; o visite nuestra oficina administrativa en 16000 N. Civic Center Drive, Surprise AZ 85374. Para obtener más información, visite <http://www.surpriseaz.gov/index.aspx?NID=2891>

El puede presentar una queja directamente con City of Phoenix Public Transit Department o Federal Transit Administration (FTA) mediante la presentación de una queja directamente con las oficinas correspondientes de Civil Rights: City of Phoenix Public Transit Department: ATTN Title VI Coordinator 302 N. 1st Ave., Suite 900, Phoenix AZ 85003 FTA: ATTN Title VI Program Coordinator, East Building, 5th Floor –TCR 1200 New Jersey Ave., SE Washington DC 20590

The above notices are posted in the following locations: City of Surprise Clerk's Office, City of Surprise website, and City of Surprise Park and Ride facility located at 134th Ave and Bell Rd.

The notices are posted online at <https://az-surprise4.civicplus.pro/945/Valley-Metro-Service-Information> .

Title VI Complaint Procedures

What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 which requires that “no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

How do I file a complaint?

Any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to unlawful discrimination under any Valley Metro or City of Phoenix service, program or activity, and believes the discrimination is based upon race, color or national origin, may file a formal complaint with Valley Metro Customer Service or directly with the City of Phoenix. This antidiscrimination protection also extends to the activities and programs of Valley Metro’s and City of Phoenix’s third- party Transit Service Provider (TSP) contractors. Valley Metro and the City of Phoenix use the Customer Assistance System (CAS) to capture all complaints received for the regional transit system. Any such complaint must be filed within 180 days of the alleged discriminatory act (or latest occurrence).

To submit a complaint online, complete the online complaint form at the following link: www.valleymetro.org/form/title-vi-complaint-form

Complaints can also be submitted in writing using the Title VI complaint form, or by calling Customer Service at (602) 253-5000, TTY: (602) 251-2039. Completed and signed forms should be mailed to:

Regional Public Transportation Authority
4600 East Washington Street, Suite 101
Phoenix, AZ 85034
Email: csr@valleymetro.org
Phone: (602) 253-5000
TTY: (602) 251-2039

The complaint form is located on our website:
<https://www.valleymetro.org/about/civil-rights>

To file a complaint directly with the City of Phoenix:
Attention: Title VI Coordinator
City of Phoenix Public Transit Department
302 N. 1st Avenue, Suite 900
Phoenix, AZ 85003
Email: PHXTransitEO@phoenix.gov
Phones: (602) 262-7242
<https://www.phoenix.gov/publictransit/title-vi-notice>

Individuals may also file complaints directly with the Federal Transit Administration (FTA) within the 180-day timeframe:

Federal Transit Administration (FTA)
Attention: Title VI Coordinator
East Building, 5th Floor –TCR
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Customer Service

Complaints received by Valley Metro Customer Service representatives or by the City of Phoenix Title VI Coordinator will be documented and assigned to the appropriate Transit Service Provider (TSP) (operator or administrator of the service) responsible for investigation in accordance with federal standards (28 CFR Part 35 and FTA Circular 4702.1B). The TSP has 30 days to investigate each complaint. If more information is needed to resolve the case, the TSP may contact the complainant and request additional information. Complainants must provide additional information within 10 days of the request or the complaint may be deemed undeterminable and will be administratively closed. Cases may also be administratively closed if a complainant informs Valley Metro or the City of Phoenix that they no longer wish to pursue the complaint. Requests to close a complaint can be requested by phone, email or in writing (see contact information above). Complaints may be administratively closed for non-responsiveness by the complainant.

Following the investigation, all complaints shall be concluded with a determination entered in the CAS system. The determination entry shall state the investigation determined the complaint was valid¹, invalid², or undeterminable³. If the investigation determines the alleged Title VI complaint violations of race, color or national origin discrimination are valid, a detailed corrective resolution to remedy the situation shall be provided to the complainant. If the investigation results determine there was no alleged Title VI discrimination based on race, color or national origin, the case will be closed. The complainant shall be notified of the investigation results in the manner identified (email or phone). A complainant can appeal the decision within 60 days of notification of the investigation results. Appeals must be submitted to Valley Metro or the City of Phoenix.

Valley Metro, the Customer Service Administrator (CSA), and City of Phoenix staff review all Title VI complaints and investigations.

For more information on Valley Metro's Title VI Program and procedures by which to file a complaint, contact the Title VI Coordinator at (602) 322-4514.

For more information on the City of Phoenix's Civil Rights Program and the procedures by which to file a complaint, contact the Title VI Coordinator at (602) 262-7242.

¹ Valid: fact based, binding, acceptable, enforceable

² Invalid: null and void, unacceptable, unenforceable

³ Undeterminable: incapable of being decided, settled, or fixed; not determinable

Requesting Information

Note: To request information in alternative formats, please contact Customer Service at csr@valleymetro.org or phone: (602) 253-5000 or City of Phoenix (602) 262-7242, TTY: (602) 251-2039

Tracking a Title VI Complaint

As complaints are received, they are logged into the CAS system. Within 24 to 48 hours of logging the complaint, Valley Metro CSA assigns the complaint to the appropriate TSP for investigation and documentation.

The TSP has 30 days to complete their investigation, including obtaining additional information needed from the complainant to investigate or to resolve the case. The investigator will follow the complaint process, and once the investigation is concluded, the case resolution will be documented in the CAS.

The CAS system is programmed to notify the CSA if a complaint has not been responded to within the required time frame. Upon system notification, the CSA will send out a reminder notice to the appropriate TSP that the case is not yet resolved or closed out.

Once the case has been resolved the complainant will receive a response in the manner identified.

Valley Metro and the City of Phoenix monitors the process monthly to ensure Title VI complaints are fully investigated, adequately documented, and that the complainant was responded to in the manner requested. Should an inaccuracy be found, Valley Metro and/or the City of Phoenix will work with CSA and the appropriate TSP to reopen the complaint for further investigation until resolution or completion.

Investigating a Title VI Complaint

Each documented Title VI investigative report must address each of the “Five Federal Investigative” steps found in 28 CFR, Part 35 and FTA Circular 4702.IA. The seven steps are:

STEP ONE: The TSP will review the complaint information entered into CAS by Valley Metro Customer Service staff. Any new issues identified during the investigation should also be documented in CAS.

STEP TWO: Interviews and collections of facts.

- TSP identifies respondents to interview, if needed.
- TSP interviews respondents identified and documents details from the interviews in CAS.
- Investigate every “issue” (stated in the “statement of issues noted in step one).
- Separate facts from opinions.

“Respondent” is not confined to the transit vehicle operator. “Respondent” is defined as any source of information that can contribute to the investigation, such as:

- Complainant
- Operator
- Radio/Dispatch/OCC reports
- Maintenance staff
- City Transit staff
- Witnesses
- Other transit employees

The TSP identified, collects, and reviews other information and/or documents that provide facts for the investigation. Any applicable information is to be documented in CAS. Documents to review can include:

- GPS tracking software and programs
- Maintenance records
- Spotter reports
- Video (camera) and/or audio recordings
- Courtesy cards
- Incident reports (supervisor, transit police, fare/security inspectors)
- Route history
- Other documents deemed appropriate by the TSP

STEP THREE: TSP documents pertinent regulations, rules, policies, and procedures that apply to the investigation in CAS under the case number assigned.

Pertinent regulations, rules, policies, and procedures may include:

- Title VI requirements
- Company rules and procedures
- Valley Metro and City of Phoenix policies and service standards
- Contractual requirements

STEP FOUR: Complaint Determination.

- TSP compares each fact from “findings of fact” to the list of regulations, rules, etc.
- TSP makes a fact-based determination of alleged violation(s).

STEP FIVE: Description of resolution for each valid violation.

- TSP describes specific corrective actions for *each* violation found
- TSP documents follow-up action, if applicable
- TSP documents the complaint resolution in CAS

TSP Complaint Resolution(s):

- Must include specific complaint resolutions for each valid violation noted.
- Document a follow-up action plan, where applicable.
- If no valid violations are found, note policies, procedures, etc. reviewed during the investigation and with transit operator.
- Documented complaint information should always include staff initials, title, and dates.

Response to Customer

TSP will respond to the Customer in the manner identified and will document the response provided in CAS under the case number assigned.

Procedimientos de Quejas del Título VI

¿Qué es el Título VI?

El Título VI es una sección del Decreto de los Derechos Civiles de 1964 que requiere que “ninguna persona en los Estados Unidos deberá, basándose en su raza, color u origen nacional, ser excluida de participar en, ser denegada de los beneficios de, o verse sujeta a discriminación bajo cualquier programa o actividad recibiendo asistencia financiera federal.”

¿Cómo registro una queja?

Cualquier persona que crea que ha sido excluida de la participación en, se le hayan denegado los beneficios de, o de otra manera se haya visto sujeta a discriminación ilegal bajo cualquier servicio, programa o actividad de Valley Metro o de la Ciudad de Phoenix, y crea que la discriminación se basa en raza, color u origen nacional, puede registrar una queja formal con el Servicio al Cliente de Valley Metro o directamente con la Ciudad de Phoenix. Esta protección antidiscriminatoria también se extiende a las actividades y los programas de los contratistas terceros Proveedores de Servicios de Transporte (TSP por sus siglas en inglés) de Valley Metro y la Ciudad de Phoenix. Valley Metro y la Ciudad de Phoenix usan el Sistema de Asistencia al Cliente (CAS por sus siglas en inglés) para capturar todas las quejas recibidas por el sistema regional de transporte. Cualquier queja de este tipo debe registrarse dentro de los 180 días del presunto acto discriminatorio (o de la última vez que haya ocurrido).

Para enviar una queja en línea, llene la forma de quejas en línea en el siguiente enlace: www.valleymetro.org/form/title-vi-complaint-form

Las quejas también se pueden registrar por escrito usando la forma de quejas del Título VI, ó llamando a Servicio al Cliente al (602) 253-5000, TTY: (602) 251-2039. Las formas llenas y firmadas se deben enviar por correo postal a:

Regional Public Transportation Authority
4600 East Washington Street, Suite 101
Phoenix, AZ 85034
Correo electrónico: csr@valleymetro.org
Teléfono: (602) 253-5000
TTY: (602) 251-2039

La forma de la queja se encuentra en nuestro sitio web:
<https://www.valleymetro.org/about/civil-rights>

Para registrar una queja directamente con la Ciudad de Phoenix:

Attention: Title VI Coordinator
City of Phoenix Public Transit Department
302 N. 1st Avenue, Suite 900
Phoenix, AZ 85003

Correo electrónico: PHXTransitEO@phoenix.gov

Teléfono: (602) 262-7242

<https://www.phoenix.gov/publictransit/title-vi-notice>

Los individuos también pueden registrar quejas directamente con la Administración Federal de Transporte (FTA por sus siglas en inglés) dentro de un período de tiempo de 180 días:

Federal Transit Administration (FTA)

Attention: Title VI Coordinator
East Building, 5th Floor –TCR
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Servicio al Cliente

Las quejas recibidas por los representantes de Servicio al Cliente de Valley Metro o por el Coordinador del Título VI de la Ciudad de Phoenix serán documentadas y asignadas al Proveedor de Servicios de Transporte (TSP por sus siglas en inglés) (operador o administrador del servicio) apropiado responsable de la investigación en conformidad con los estándares federales (28 CFR Parte 35 y Circular 4702.1B de la administración FTA). El proveedor TSP tiene 30 días para investigar cada queja. Si se necesita más información para resolver el caso, el proveedor TSP puede ponerse en contacto con el/la reclamante y solicitar información adicional. Los reclamantes deben proporcionar la información adicional dentro de los 10 días posteriores a la solicitud o la queja puede considerarse indeterminable y se cerrará administrativamente. Los casos también se pueden cerrar administrativamente si un/a reclamante informa a Valley Metro o a la Ciudad de Phoenix que ya no desea continuar con la queja. Las solicitudes para cerrar una queja se pueden hacer por teléfono, por correo electrónico o por escrito (vea arriba la información de contacto). Las quejas se pueden cerrar administrativamente si el/la reclamante falle en responder.

Después de la investigación, todas las quejas deberán ser concluidas con una determinación ingresada al sistema CAS. La entrada de la determinación deberá indicar que la investigación determinó que la queja era válida¹, inválida² ó indeterminable³. Si la investigación determina que las presuntas infracciones de la queja bajo el Título VI de discriminación por raza, color u origen nacional son válidas, se deberá proveer al/la reclamante una resolución correctiva detallada para remediar la situación. Si los resultados de la investigación determinan que no hubo una presunta discriminación bajo el Título VI basada en raza, color u origen nacional, el caso se cerrará. El/la reclamante deberá ser notificado/a de los resultados de la investigación

en la forma identificada (correo electrónico o teléfono). Un/a reclamante puede apelar la decisión dentro de los 60 días siguientes a la notificación de los resultados de la investigación. Las apelaciones se deben enviar a Valley Metro o a la Ciudad de Phoenix.

¹ Válida: basadas en los hechos, vinculante, aceptable, ejecutable

² Inválida: nula e inválida, inaceptable, inejecutable

³ Indeterminable: incapaz de llegar a una decisión, asentada, osolucionada; no es determinable

Todas las quejas e investigaciones del Título VI son revisadas por Valley Metro, el Administrador de Servicio al Cliente (CSA por sus siglas en inglés), y el personal de la Ciudad de Phoenix.

Para más información sobre el Programa del Título VI de Valley Metro y los procedimientos para registrar una queja, llame al Coordinador del Título VI al (602) 322- 4514.

Para más información sobre el Programa de Derechos Civiles de la Ciudad de Phoenix y los procedimientos para registrar una queja, llame al Coordinador del Título VI al (602) 262-7242.

Solicitando Información

Nota: Para solicitar información en formatos alternativos, por favor comuníquese con Servicio al Cliente en csr@valleymetro.org o por teléfono: (602) 253-5000 ó con la Ciudad de Phoenix al (602) 262-7242, TTY: (602) 251-2039

Rastreando Una Queja del Título VI

A medida que se van recibiendo las quejas, éstas son ingresadas al sistema CAS. Dentro de 24 a 48 horas de registrar la queja, el administrador CSA de Valley Metro asigna la queja al proveedor TSP apropiado para su investigación y documentación.

El proveedor TSP tiene 30 días para completar su investigación, incluyendo la obtención de la información adicional necesaria del/la reclamante para investigar o para resolver el caso. El investigador seguirá el proceso de quejas, y una vez que concluya la investigación, la resolución del caso se documentará en el sistema CAS.

El sistema CAS está programado para notificarle al administrador CSA si una queja no ha sido contestada dentro del plazo requerido. Tras la notificación del sistema, el administrador CSA enviará un aviso de recordatorio al proveedor TSP correspondiente de que el caso aún no se ha resuelto o cerrado.

Una vez resuelto el caso, el/la reclamante recibirá una respuesta en la forma identificada.

Valley Metro y la Ciudad de Phoenix monitorean el proceso mensualmente para asegurar que las quejas del Título VI se investiguen a fondo, se documenten adecuadamente, y se le conteste al/la respondiente de la manera solicitada. En caso de que se encuentre un error, Valley Metro y/o la Ciudad de Phoenix trabajarán con el administrador CSA y el proveedor TSP apropiado para volver a abrir la queja para una investigación adicional hasta su resolución o finalización.

Investigando Una Queja del Título VI

Cada reporte de investigación documentado del Título VI debe abordar cada uno de los “Cinco Pasos de Investigaciones Federales” que se encuentran en 28 CFR, Parte 35 y la Circular 4702.IA de la administración FTA. Los siete pasos son:

PASO UNO: El proveedor TSP revisará la información de la queja ingresada al sistema CAS por el personal de Servicio al Cliente de Valley Metro. Cualquier nuevo asunto identificado durante la investigación también se debe documentar en el sistema CAS.

PASO DOS: Entrevistas y recolecciones de los hechos.

- El proveedor TSP identifica a los respondientes a ser entrevistados, si es necesario.
- El proveedor TSP entrevista a los respondientes identificados y documenta los detalles de las entrevistas en el sistema CAS.
- Se investiga cada “asunto” (indicado en la declaración de asuntos que se indica en el paso uno).
- Se separan los hechos de las opiniones.

El/la “respondiente” no se limita al/la conductor/a del vehículo de transporte. El/la “respondiente” se define como cualquier fuente de información que pueda contribuir a la investigación, tal como:

- Reclamante
- Conductor/a
- Reportes de radio/despacho/OCC
- Personal de mantenimiento
- Personal de Transporte de la Ciudad
- Testigos
- Otros empleados de transporte

El proveedor TSP identifica, recopila, y revisa otra información y/o documentos que provean los hechos para la investigación. Cualquier información aplicable se debe documentar en el Sistema CAS. Los documentos por revisar pueden incluir:

- Software y programas de rastreo GPS
- Registros de mantenimiento
- Reportes de observador “Spotter”
- Grabaciones de video (cámara) y/o audio
- Tarjetas de cortesía
- Reportes de incidentes (supervisor, policía de transporte, inspectores de pasajes/securidad)
- Historial de la ruta
- Otros documentos que el proveedor TSP considere apropiados

PASO TRES: El proveedor TSP documenta las regulaciones, reglas, normas, y procedimientos pertinentes que sean aplicables a la investigación en el sistema CAS bajo el número de caso asignado.

Las regulaciones, reglas, normas y procedimientos pertinentes pueden incluir:

- Requerimientos del Título VI
- Reglas y procedimientos de la compañía
- Normas y estándares de servicio de Valley Metro y la Ciudad de Phoenix
- Requerimientos contractuales

PASO CUATRO: Determinación de la queja.

- El proveedor TSP compara cada hecho de “hallazgos de hechos” con la lista de regulaciones, reglas, etc.
- El proveedor TSP hace una determinación basada en hechos de la/s presunta/s infracción/es.

PASO CINCO: Descripción de la resolución para cada infracción válida.

- El proveedor TSP describe las acciones correctivas específicas para cada infracción que haya sido encontrada
- El proveedor TSP documenta la acción de seguimiento, si es aplicable
- El proveedor TSP documenta la resolución de la queja en el sistema CAS

Resolución/es de Quejas del Proveedor TSP:

- Debe incluir resoluciones específicas a las quejas para cada infracción válida anotada.
- Documentar un plan de acción de seguimiento, cuando sea aplicable.
- Si no se encuentran infracciones válidas, anotar las normas, los procedimientos, etc. revisados durante la investigación y con el/la conductor/a de transporte.
- La información documentada de la queja siempre debe incluir las iniciales del personal, el título, y las fechas.

Respuesta al/la Cliente

El proveedor TSP le contestará al/la Cliente de la manera identificada y documentará la respuesta provista en el sistema CAS bajo el número de caso asignado.

Title VI Complaint Forms

TITLE VI COMPLAINT FORM

Any person who believes that he or she has been discriminated against by Valley Metro or City of Phoenix or any of its service providers and believes the discrimination was based upon race, color or national origin, may file a formal complaint with Valley Metro Customer Service.

Please provide the following information to process your complaint. Alternative formats and languages are available upon request. You can reach Customer Service at 602.253.5000 (TTY: 602.251.2039) or via email at csr@valleymetro.org.

SECTION 1: CUSTOMER INFORMATION

First Name: _____ Last Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Home Phone: _____ Cell Phone: _____
Email: _____ Preferred method of contact: ☐ Phone ☐ Email

SECTION 2: INCIDENT INFORMATION

Date of Incident: _____ Time of Incident: _____ ☐ AM ☐ PM City: _____
Incident Location: _____ Direction of Travel: _____
Route #: _____ Bus/Light Rail/Streetcar #: _____
Service Type: ☐ Local Bus ☐ Express/RAPID ☐ Circulator/Connector ☐ Light Rail ☐ Streetcar ☐ Dial-a-Ride
Operator Name: _____
Operator Description: _____
What was the discrimination based on (Check all that apply): ☐ Race ☐ Color ☐ National Origin ☐ Other _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. You may also attach any written materials or other information relevant to your complaint.

Have you filed this complaint with the Federal Transit Administration (FTA)? ☐ Yes ☐ No
If yes, please provide information about a contact person at the FTA where the complaint was filed:

Name: _____ Title: _____
Address: _____ Phone: _____

Have you previously filed a Title VI complaint with this agency? ☐ Yes ☐ No

Signature and date required below:

Signature _____
Date _____



FORMA DE RECLAMACIÓN BAJO EL TÍTULO VI

Cualquier persona que crea que ha sido discriminada por Valley Metro o la Ciudad de Phoenix o por cualquiera de sus proveedores de servicios y cree que la discriminación fue basada en su raza, color u origen nacional, puede registrar una queja formal ante el Servicio al Cliente de Valley Metro.

Por favor provea la siguiente información para procesar su queja. Hay formatos e idiomas alternativos disponibles si se solicitan. Usted se puede comunicar con el Servicio al Cliente llamando al 602.253.5000 (TTY: 602.251.2039) o por correo electrónico a csr@valleymetro.org.

SECCIÓN 1: INFORMACIÓN DEL CLIENTE

Nombre: _____ Apellido: _____
Domicilio: _____
Ciudad: _____ Estado: _____ Código Postal: _____
Teléfono del Hogar: _____ Teléfono Celular: _____
Correo Electrónico: _____ Método preferido de contacto: ☐ Teléfono ☐ Correo Electrónico

SECCIÓN 2: INFORMACIÓN SOBRE EL INCIDENTE

Fecha del Incidente: _____ Hora del Incidente: _____ ☐ AM ☐ PM Ciudad: _____
Ubicación del Incidente: _____ Dirección del Viaje: _____
Ruta #: _____ Autobús/Tren Ligero/Tranvía #: _____
Tipo de Servicio ☐ Autobús Local ☐ Express/RAPID ☐ Circulador/Conector ☐ Tren Ligero ☐ Tranvía ☐ Dial-a-Ride
Nombre del/la Operador/a: _____
Descripción del/la Operador/a: _____
¿En qué se basó la discriminación? (Marque todo lo que sea aplicable):
☐ Raza ☐ Color ☐ Origen Nacional ☐ Otro _____

Explique lo más claramente posible lo que sucedió y por qué cree usted que se le discriminó. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la/s persona/s que le discriminó/aron (si los conoce), así como los nombres y la información de contacto de cualquier testigo. Si se necesita más espacio, por favor use el reverso de esta forma. Usted también puede adjuntar cualquier material por escrito u otra información relevante a su queja.

¿Ha usted registrado esta queja ante la Administración Federal de Transporte (FTA por sus siglas en inglés)? ☐ Sí ☐ No
Si contestó Sí, por favor provea información sobre una persona de contacto en la administración FTA donde se registró la queja:

Nombre: _____ Título: _____
Domicilio: _____ Teléfono: _____

¿Ha usted registrado previamente una queja bajo el Título VI ante esta agencia? ☐ Sí ☐ No

Firma y fecha requeridas abajo:

Firma _____
Fecha _____



A copy of this form can be found online at [Title VI Complaint Form](#)

Title VI Investigations, Complaints, and Lawsuits

Valley Metro operates Surprise transit service, therefore, those entities have reported all Surprise complaints in the respective programs for January 2022 to December 2025.

Investigations

Were there any Title VI investigations pertaining to the Surprise transit service during the 2022-2025 reporting period?

Answer: There were no Title VI investigations during this reporting period.

Complaints

Did Surprise receive directly any Title VI complaints pertaining to the Surprise transit service during the 2022-2025 reporting period?

Answer: No Title VI complaints were received directly by Surprise during this time frame.

Lawsuits

Were there any Title VI lawsuits pertaining to the Surprise transit service during the 2022-2025 reporting period?

Answer: There were no Title VI lawsuits pertaining to Surprise transit service filed against the City of Surprise during this reporting period.

Public Participation Plan

City of Surprise Public Participation Plan



City of Surprise Transit is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys. As an agency receiving federal financial assistance, City of Surprise made the following community outreach efforts:

City of Surprise has adopted the Valley Metro Public Participation Plan, which can be found at the end of this program listed as “Attachment A.” City of Surprise has not conducted any transit-related public outreach between the years of 2022 and 2025. Valley Metro conducts all outreach for transit service changes on behalf of the City of Surprise.

At any time an item needs addressing public meetings will be conducted at a Surprise public venue(s) space on an as needed basis

Public Meetings:

- (1) Public meetings are scheduled to maximize the opportunity for attendance by stakeholders and the general public. This may require scheduling meetings during nontraditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.
- (2) When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the region, the meeting or hearing is held within that geographic area or jurisdiction.
- (3) Public meetings are held in locations accessible to people with disabilities and are located near a transit route when possible.

Limited English Proficiency Plan

City of Surprise

Limited English Proficiency Plan



City Hall
Surprise Civic Center

Limited English Proficiency Plan

Valley Metro has conducted a thorough LEP four factor analysis and resulting Language Access Plan to be utilized by all Valley Metro member agencies. This Language Access Plan, as set forth in Attachment B, will be utilized by the City of Surprise to ensure compliance with its obligations to Limited English Proficiency (LEP) person under Title VI.

Non-elected Committees Membership Table

A sub recipient who selects the membership of transit-related, non-elected planning boards, advisory councils, or committees must provide a table depicting the membership of those organizations broken down by race. Subrecipients also must include a description of the efforts made to encourage participation of minorities on these boards, councils, and committees.

The City of Surprise does NOT select the membership of any transit-related committees, planning boards, or advisory councils.

Monitoring for Subrecipient Title VI Compliance

The City of Surprise does NOT have subrecipients and does not monitor subrecipients for Title VI compliance.

Title VI Equity Analysis

A sub recipient planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. "Facilities" in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers.

There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. The Title VI Equity Analysis must be done before the selection of the preferred site.

Note: Even if facility construction is financed with non-FTA funds, if the sub recipient organization receives any FTA dollars, it must comply with this requirement.

The City of Surprise has no current or anticipated plans to develop new transit facilities covered by these requirements. No facilities covered by these requirements were developed since July 1, 2012.

Regional System Wide Standards and Policies

The City of Surprise does not have region wide standards as Valley Metro operates transit service on behalf of City of Surprise.

The City of Surprise follow a multiple phase Transit Standards and Performance Measures (TSPM) guided by Valley Metro. These standards fall in line with federal and state requirements. The TSPM help manage our regionally funded transit services and investments. The following three-phase approach is posted on Valley Metro's Website.

Phase I

The first phase in the plan establishes service provision goals to guide the development of Valley Metro's TSPM. This phase established standardized transit service types, operating characterized for each service type and bus stop spacing standards.

Phase II

The second phase focuses on the development of transit service performance measures, transit service thresholds, application principles and implementation standards for new service.

Phase III

The third phase establishes standard and performance measures for regionally funded transit vehicles such as buses and light rail vehicles and transit facilities including bus stops and park-and-ride facilities.

As of February 2022, the City of Surprise has all of their service provided by Valley Metro and will follow their Regional System Wide Standards and Policies. Please see Attachment C for a copy of their policy.

The City of Surprise currently has no transit amenities. The Surprise Park and Ride is the only facility based in Surprise.

Service and Fare Policy Changes

Valley Metro operates transit service on behalf of City of Surprise and have oversight of service and fare policy changes.

Board Approval for the Title VI Program

ATTACH A COPY OF THE BOARD MEETING MINUTES HERE

Attachment A

Attach a copy of Valley Metro Public Participation Plan

Valley Metro Public Participation Plan 2021

Introduction

The regional transit public input/outreach process is conducted by Valley Metro for various transit-related activities and actions. Throughout the year, Valley Metro conducts public outreach activities related to capital projects, transit service changes, fare changes, and other transit-related events. This Title VI Public Participation Plan was established to ensure inclusion of the public throughout the Phoenix metropolitan community in accordance with the content and considerations of Title VI of the Civil Rights Act of 1964. Federal regulations state that recipients of federal funding must “promote full and fair participation in public transportation decision-making without regard to race, color or national origin.” Valley Metro uses this Plan to ensure involvement of low-income, minority and limited English proficient (LEP) populations, following guidance from the Title VI Requirements and Guidelines for Federal Transit Administration Recipients Circular¹ (Circular).

Involving the public in Valley Metro practices and decision-making processes provides helpful information to improve the transit system to better meet the needs of the community. Although public participation methods and extent may vary with the type of plan, program and/or service under consideration, as well as the resources available, a concerted effort to involve all affected parties will be conducted in compliance with this Plan along with federal regulations. To include effective strategies for engaging low-income, minority and LEP populations, the Circular suggests that the following may be considered:

- Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- Employing different meeting sizes and formats.
- Coordinating with community- and faith-based organizations, educational institutions and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Considering transit information in publications and through communication channels that serve LEP populations.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

¹ United States Department of Transportation, Federal Transit Administration, Circular 4702.1B.

Valley Metro currently practices all these strategies, in compliance with federal regulations, so that minority, low-income and LEP populations have ready access to information and meaningful opportunities to engage in planning activities and provide input as part of the decision-making process.

Typical Public Participation Opportunities

Valley Metro provides opportunities to share information or receive public input through a variety of methods for public participation utilized to engage low-income, minority and LEP populations through many outlets.

Meeting Planning: For planning efforts, including fare and service changes, public meeting locations are held at a centralized location near the affected route or project area and bilingual staff is available. Public notices and announcements are published in minority-focused publications— some examples include: the *Arizona Informant* (African American community), *Asian American Times* (Asian American community), *La Voz* and *Prensa Arizona* (Hispanic community). Press releases are also sent to these media sources regarding fare changes, service changes and other programs. All printed materials are available in English and Spanish and translated, as requested, in any other languages.

Rider Satisfaction Survey: A key participation effort, the Rider Satisfaction Survey, is conducted approximately every two years. This survey is administered on transit routes across the region, reaching transit riders living in minority and/or low-income communities. The survey, administered in English and Spanish, measures rider satisfaction with transit services and captures comments for improvements.

Valley Metro Customer Service: Throughout the year, minority, low-income and LEP populations have access to information through the Valley Metro Customer Service. Valley Metro Customer Service is open 5 a.m. - 10 p.m., Monday through Friday; 6 a.m. - 8 p.m. on Saturdays; and 8 a.m. - 5 p.m. on Sundays and designated holidays. Customer Service staff is multilingual.

Website: Information including meeting announcements, meeting materials and other program information is available on valleymetro.org in both English and Spanish. If users would like information in another language, Valley Metro features Google Translate on its website. This allows Valley Metro to reach citizens in five languages with information on transportation services, proposed service changes and other programs.

Public Participation Methods

Valley Metro uses several specific public involvement techniques to ensure that minority, low-income and LEP persons are involved in transit decisions. Using public involvement, media outlets and print or electronic materials, Valley Metro disseminates information regarding planning efforts. These efforts include the activities described below.

A full list of potential outreach methods is found in Appendix A.

Common Best Practices:

- Public meetings, hearings and open houses are held regularly at community-familiar and centralized locations with public transportation access and at convenient times, in collaboration with city partners. These meetings provide an opportunity to meet with citizens and receive their comments and questions on proposed service changes and other programs. For each program, Valley Metro varies its meeting format to best engage the targeted population.
- Valley Metro has staff available at public meetings, hearings, events and open houses to answer questions and receive comments in both English and Spanish. Valley Metro also uses court reporters to record verbal comments at public hearings.
- Outreach for biannual service changes and other programs are conducted at or near the affected area— for example, along an affected bus route or at an affected transfer location— thus targeting the population that may be most affected by proposed changes to service or routes. Often, these efforts are also executed at transit stops, community centers, civic centers or major transfer locations.
- Coordination with community- and faith-based organizations, educational institutions and other organizations occurs regularly. These coordination efforts assist Valley Metro in executing public engagement strategies that reach out to members of the population that may be affected.
- All public meeting notices for biannual service changes and other programs are translated to Spanish. Notices regarding Valley Metro projects and programs are widely distributed to the public through multiple methods as established by the project team. A full list of potential outreach methods is found in Appendix A.
- Valley Metro publishes advertisements of any proposed service or fare change in minority publications to make this information more easily available to minority populations. Additionally, Valley Metro sends press releases regarding service changes and other programs to Spanish-language media. Depending on the level of impact, a formal media/communications plan can be developed to coordinate overall messaging across multiple stakeholders.
- Valley Metro offers online participation via social media, webinar and email input as an alternative opportunity for comment. Online meetings or hearings are recorded and uploaded to the Valley Metro YouTube channel and/or website.
- Major surveying efforts are conducted in both English and Spanish to ensure that the data collected is representative of the public.
- Valley Metro Customer Service is multilingual.

- All comments are documented in a centralized database. Comment summary information is provided to Valley Metro's city partners for review and is also presented to the Valley Metro Board of Directors for consideration when acting upon proposed service changes.
- A public hearing is a formal presentation to the public on specific proposal or subject. Public testimony is recorded into the official record. The rules governing a public hearing are more formal than that of a public meeting, where a variety of tools and techniques may be used to gather feedback from the public. A public hearing may take place in-person, via teleconference, or online. Public comment must be recorded and transcribed, either via electronic means or a court reporter.

A public hearing is required during:

- The development of an Environmental Impact statement.
- A Major Service Change, as defined by the Major Service Change & Service Equity Policy.

Conclusion

Valley Metro conducts public outreach throughout the year to involve the public with agency activities and transit planning processes. Using a variety of communication techniques such as facilitating meetings at varied times and locations, using multiple formats, placing print and digital materials across multiple channels and providing opportunities via phone and online to share or collect input, Valley Metro ensures that outreach efforts include opportunities for minority, low-income and LEP populations who may be impacted by the activity or transit planning process are integrated into the decision-making process. Valley Metro will continue to involve all communities to be inclusive of all populations throughout the metropolitan Phoenix area and to also comply with federal regulations. Valley Metro will continue to monitor and update this Inclusive Public Participation Plan as part of the Title VI Program, which is updated triennially.

Appendix A

Valley Metro reviews public outreach needs with the project/initiative team as part of the initial development of the designated Public Involvement Plan. Major tactics are outlined to develop the overall timeline. Depending upon the scope of the project, program or announcement, public participation methods are customized to ensure that the public is involved in the decision-making process.

A list of commonly used outreach tools, as well as their definition and associated Valley Metro standard of best practice, is listed below.

Outreach Tool	Definition and Best Practices
Public Hearing	A formal meeting with a set agenda during which a presentation is given, and public testimony/feedback is heard and recorded. Can take place in-person, via teleconference, or online. For public hearings, adequate notice to the public is defined as a minimum of 30 days to the hearing date. A hearing is advertised with an appropriate outreach tactic at least four times within 30 days of the meeting date. Public comment must be recorded and transcribed, either via electronic means or via a court reporter.
Public Meeting	A meeting during which material is presented and public comment is heard and recorded. The material may be offered via a presentation, workshop or “open house.” Can take place in-person, via teleconference, or as a webinar online. For public meetings, adequate notice to the public is defined as a minimum of 15-days prior to the meeting date. A meeting is advertised at least twice via an appropriate outreach tactic within 15 days of the meeting date.
Display Ads in Print Media	A paid advertisement in the newspapers or other print media to alert readers about an upcoming event or action.
Website/Online Social Media	Information on projects or initiatives located on the Valley Metro website or Valley Metro social channels (Instagram, Facebook, Twitter)
Stakeholder meetings	Information provided to local, targeted individuals or groups particularly affected by project. The presentation may be formal, a workshop or in “open house” style. Typically, stakeholder meetings are invitation-only and so do not need to be publicly advertised beforehand. Can take place in-person, via teleconference, or as a webinar online.

Mobile Device Alerts	Electronic push notifications to alert customers to important information on projects or service changes via Valley Metro-owned mobile apps (AlertVM, ConstructVM, mobile fare app).
Signs	Signs on buses, bus stop locations, transit centers or other locations frequented by stakeholders. This includes temporary signs, A-frames or kiosk posters.
Rider Alerts	Notifications regarding immediate rider information on impacts to frequency, routing or schedule. Rider Alerts may be web-based, printed on signs and/or submitted as a memo to Customer Service & Operations.
Direct Mailings	Mail sent to an affected group or area to educate, notify, or request input.
Surveys	A list of questions to solicit opinions or preferences by a selected group of individuals. The survey mechanism may be electronic and/or in-person. The survey population may be intercepted or self-selected. For surveys, the feedback collection period is defined as a minimum of 15 days.
Static Display	Table or sign display at a trafficked event or area in an identified area where a targeted stakeholder group may be present. The display may be manned or unmanned and will have specific information on the project/initiative. This may also include a feedback mechanism, such as comment cards.
Door Hanger/Flyer Canvassing	Print notice distributed to local businesses and residents in project/affected area.
E-mail/E-blast	Digital messaging to an established Valley Metro email list. Stakeholders may opt-in or out of this list based on their needs.

Attachment B

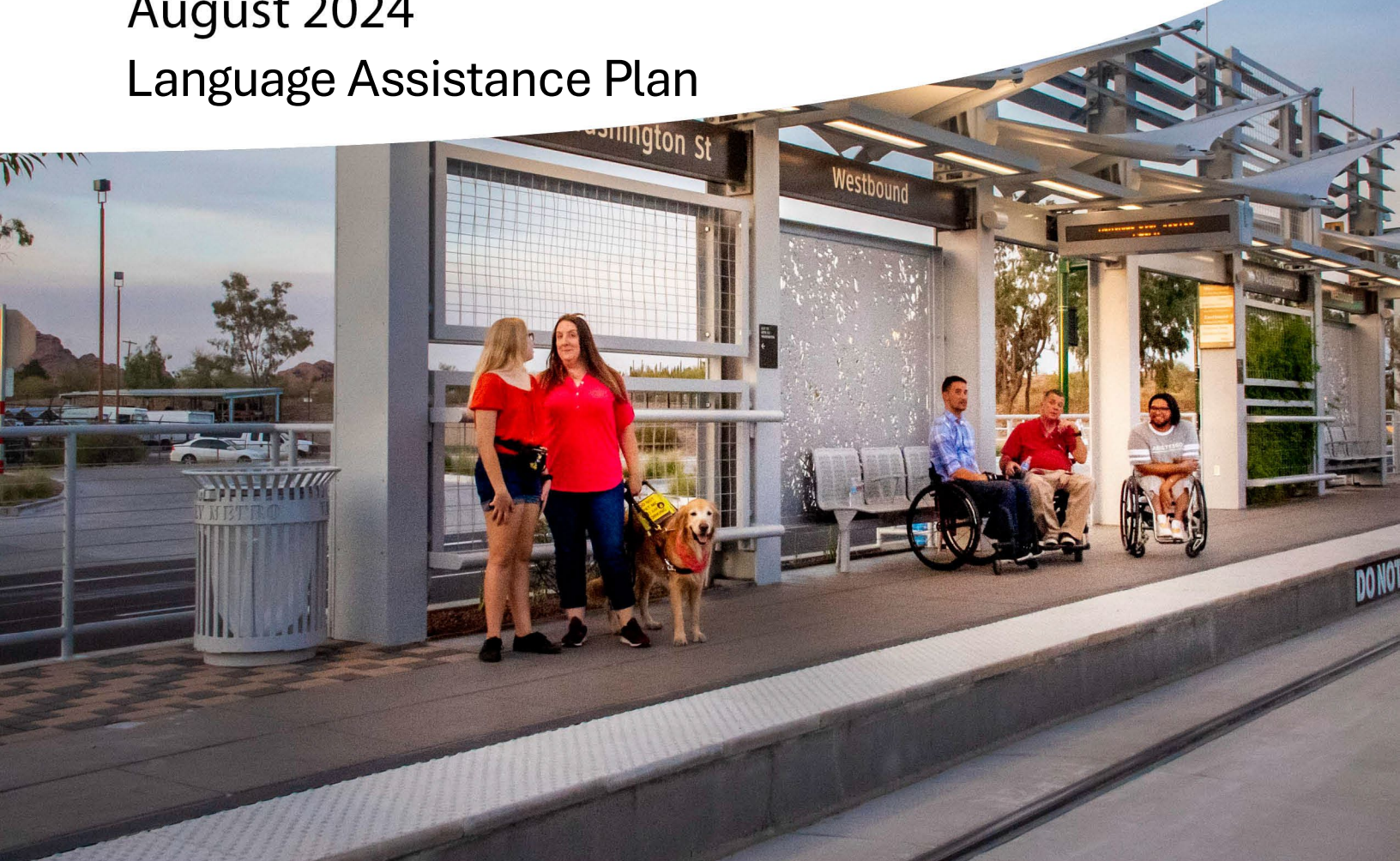
Attach a copy of Valley Metro Limited English Plan.

VALLEY METRO

Title VI Program

August 2024

Language Assistance Plan



AUGUST 2024



1.0 INTRODUCTION

In 1993, the Valley Metro Regional Public Transportation Authority (RPTA) board adopted the name “Valley Metro” as the identity for the regional transit system in the Phoenix metropolitan area. Under the Valley Metro brand, local governments joined to fund the Valley-wide transit system that serves more than 36 million rides annually. Valley Metro provides fixed-route bus service, light rail service, streetcar service and complementary paratransit service across the region. Valley Metro provides services with and distributes transit funds from the countywide transit sales tax to its member agencies including Maricopa County and the cities of Tempe, Mesa, Glendale, Phoenix, Buckeye, Tolleson, Wickenburg, Surprise, Peoria, Chandler, Gilbert, El Mirage, Avondale, Goodyear, Scottsdale, Fountain Hills, Queen Creek, and Youngtown. For the most part, Valley Metro and its member agencies use private service providers for the operation of bus, light rail and paratransit services. The Cities of Glendale, Scottsdale, Peoria and Phoenix contract some of their service directly to service providers.

Currently, fixed-route transit service in the metropolitan area is operated by the City of Phoenix, Valley Metro, Scottsdale and Glendale. There is a total of 872 fixed-route buses, 61 light rail vehicles and 6 streetcar vehicles operating in the region.

The regional transit system has 61 local bus routes that consist of the following: 45 local bus routes, 15 key local bus routes and 1 limited-stop peak route. The region also has 19 Express/RAPID routes, 17 community circulator routes, 1 rural connector route, 1 light rail line and one streetcar line. Valley Metro customers made over 36.8 million boardings during fiscal year 2023.

Four entities in the region provide Dial-a-Ride service for seniors and persons with disabilities, as well as Americans with Disabilities Act (ADA) paratransit service for those who are unable to use fixed-route bus service. Annual regional ridership for ADA paratransit and regional ridership for non-ADA general Dial-a-Ride was over 900,000

In addition, Valley Metro’s Commute Solutions team supports Valley organizations in the mandatory Maricopa County Travel Reduction Program. Toward that goal, the team provides a multipurpose platform at www.ShareTheRide.com that allows commuters to search for carpools, vanpools, transit and bike buddies. In addition to providing this multimodal support, it provides pollution and commute information. In an ongoing effort to educate, the team also provides online training, informational webinars, special promotions for the general public and transportation coordinators.

In 2002, Valley Metro Rail, Inc., a nonprofit agency, was created and charged with the design, construction, and operation of the region’s 57-mile high-capacity transit system. Valley Metro Rail Board member cities include Phoenix, Tempe, Mesa and Chandler. The Board establishes overall policies and provides general oversight of the agency and its responsibilities.

In November 2004, Maricopa County voters passed Proposition 400, which provides funding from a portion of a half-cent sales tax to fund transit projects in the Regional

Transportation Plan. The 20-mile light rail starter line (Central Phoenix/East Valley) became operational within the cities of Phoenix, Tempe and Mesa on December 27, 2008. Since 2008, the completion of four light rail extensions have increased the length of the light rail system to 30 miles. The Mesa Dr/Main St. extension, a 3.1-mile project that brought light rail into downtown Mesa, began operations in 2015. In March 2016, the 19th Ave/Dunlap extension in Phoenix opened—adding 3.2 miles to the system. The Gilbert Road Extension, a 1.9-mile project on Main Street to Gilbert Road in Mesa, began operations in 2019. And the Northwest Phase II extension, a 1.6-mile project extending the system northwest from 19th Ave/Dunlap to Metro Center, opened in January 2024. In addition, Valley Metro and the City of Tempe opened a 3-mile streetcar project in May 2022, running through Downtown Tempe and the Arizona State University-Tempe campus. Valley Metro and the City of Phoenix are progressing construction of the South Central Extension/Downtown Hub, a 5.5-mile extension of light rail on Central Avenue to Baseline Road, which is expected to open in mid-2025.

Valley Metro and the region support the goal of the U.S. Department of Transportation (USDOT) limited English proficient (LEP) guidance to provide meaningful access to its services by LEP persons. The Federal Transit Administration (FTA) notes that transit agencies that provide language assistance to LEP persons in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from using the service because of language barriers and, ideally, will encourage riders to continue using the system after they are proficient in English and/or have more transportation options.

1.1 Regulatory Guidance

Title VI of the Civil Rights Act of 1964, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal financial assistance.

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” issued on August 11, 2000, directs each federal agency to publish guidance for its respective recipients to assist with its obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Providing English-only services may constitute national origin discrimination in violation of Title VI and its implementing regulations.

The FTA Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”, issued in October 2012 reiterates this requirement. Chapter III states that “...FTA recipients must take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (page III-6).”

In the Phoenix Metropolitan Area, there are more than sixty different languages identified in households where English is not the predominate language. Using the “Four Factor Analysis” prescribed by FTA, this plan was developed to ensure that all transit providers effectively communicate with all users of the public transportation agency’s services provided.

1.2 Four Factor Analysis

FTA Circular 4702.1B identifies four factors that recipients of federal funds should follow when determining what reasonable steps should be taken to ensure meaningful access for LEP persons.

The four-factor analysis involves the following:

1. Identify the number or proportion of LEP persons eligible to be served or likely to be encountered with transit service.
2. Determine the frequency with which LEP individuals come in contact with transit service.
3. Determine the nature and importance of transit service provided to LEP individuals.
4. Assess the resources available to the recipient for LEP outreach, as well as costs associated with that outreach.

This document describes Valley Metro’s four-factor analysis and summarizes its LEP efforts, including staff training, followed by a description of how the plan will be monitored and updated.

2.0 LIMITED ENGLISH PROFICIENT POPULATION (FACTOR 1)

Factor 1 assesses the number and proportion of persons with limited English speaking proficiency likely to be encountered within the region's service area, which is defined as a three-quarter mile radial buffer around all fixed route services and a three-mile buffer around park-and-ride and transit facilities for express bus service. The LEP population is those individuals who reported to the Census Bureau that they speak English "less than very well."

2.1 Evaluation Methods and Data Source

In accordance with FTA's policy guidance, the initial step for providing meaningful access to services for LEP persons and maintaining an effective LEP program is to identify LEP populations in the service area and their language characteristics through an analysis of available data. The presence of LEP populations in the regional service area was determined by analyzing the U.S. Census Bureau, 2022 American Community Survey (ACS) 5-year Sample.

2.2 LEP Population Identification

FTA describes LEP persons as having a limited ability to read, write, speak, or understand English. For this LEP analysis, those who reported to the Census Bureau that they speak English "less than very well" were used to tabulate the LEP population for the regional service area.

2.3 American Community Survey

The ACS is a continuous nationwide survey conducted monthly by the U.S. Census Bureau to produce annually updated estimates for the same small area (census tracts and block groups) formerly surveyed through the decennial census long-form survey. It is intended to measure changing socioeconomic characteristics and conditions of the population on a recurring basis. It is important to note that the ACS does not provide official counts of the population between each decennial census, but instead provides weighted population estimates. This analysis uses the 2022 ACS 5-Year data (2018 to 2022).

ACS data include the number of persons ages five and above who self-identified their ability to speak English as "very well," "well," "not well," and "not at all." **Figure 1** depicts Valley Metro's service area. **Table 1** shows the number of LEP people within Valley Metro's service area in comparison to Maricopa County. There are over 4 million residents in Maricopa County, and 3.5 million reside within Valley Metro's service area. The incidence of LEP persons within Valley Metro's service area is slightly higher than in the county. 8.3 percent of residents in Maricopa County speak English less than "very well," while 9.3 percent of residents within Valley Metro's service area speak English less than "very well."

FIGURE 1: VALLEY METRO SERVICE AREA

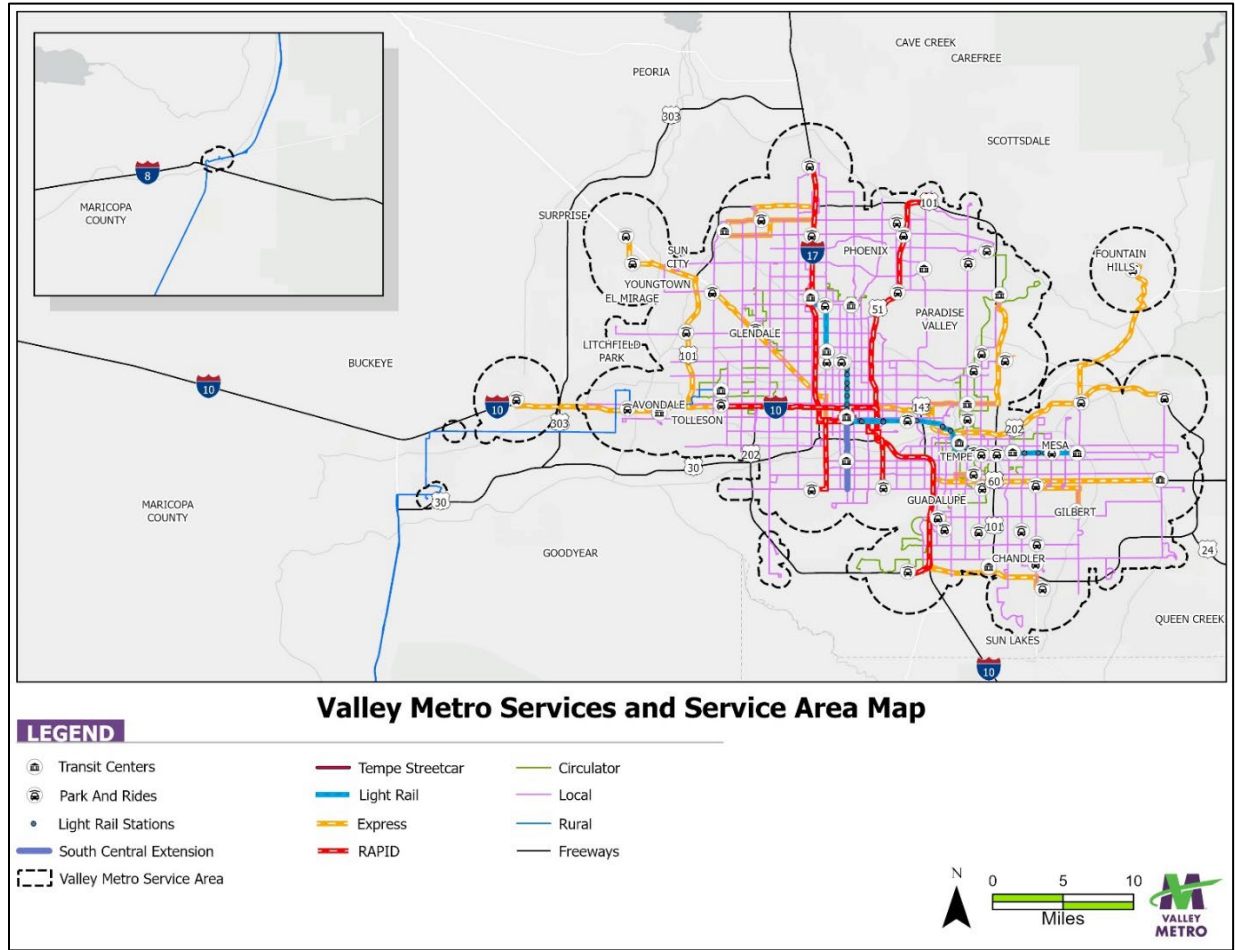


TABLE 1: 2022 ACS DATA, BY LOCATION

County or Area	Total Population Age 5 and Over	Speaks English Only	Speaks English		Percentage Less than Very Well
			Very Well	Less than Very Well	
Maricopa County	4,171,400	3,068,856	756,667	345,877	8.29
Census tracts within service area ^a	3,418,601	2,420,722	678,529	319,350	9.34

^a Service area is defined as a ¾-mile buffer within local fixed-route service and a 3-mile buffer within park-and-ride and transit facilities for express bus service.

Table 2 shows English proficiency for the census tracts within the service area population age five years and above by the linguistic categories identified by the U.S. Census Bureau. This includes English, Spanish, Indo-European, Asian or Pacific Islander, and all other languages. The 2022 ACS data show the population self-identified as speaking English less than “very well” was predominantly the Spanish-language group, encompassing 251,891 people, or 7.37 percent of the total population age five years and

over. Indo-European, Asian or Pacific Islander, and all other languages groups account for 67,459 people, or 1.9 percent of the population. Of all those speaking English less than “very well,” the Spanish group makes up 79 percent of the total population over age five with limited English proficiency.

TABLE 2: 2022 ACS DATA, BY LANGUAGE CATEGORY

Language Category	Total Population Age 5 and Over	Speaks English				Percentage Less than Very Well
		Very Well	Well	Not Well	Not At All	
Total	3,418,601	678,529	148,286	115,239	55,825	9.34
English	2,420,722	—	—	—	—	—
Spanish	774,086	522,195	104,440	96,515	50,936	7.37
Asian or Pacific Islander	88,365	55,237	20,420	9,973	2,735	0.97
Indo-European	84,788	65,337	13,667	4,844	940	0.57
All other languages	50,640	35,760	9,759	3,907	1,214	0.44

The 2022 ACS data also provide information on linguistically isolated households: “A linguistically isolated household is one in which no member 14 years old and over (1) speaks only English and (2) speaks a non-English language and speaks English ‘very well.’ In other words, all members 14 years old and over have at least some difficulty with English” (ACS 2022). In total, the 2022 ACS data identified 1,448,742 households to be linguistically isolated. The entire membership of a linguistically isolated household would be considered LEP. **Table 3** details those data for linguistically isolated and non-linguistically isolated households by language category within the service area.

TABLE 3: 2022 ACS DATA, BY LINGUISTICALLY ISOLATED HOUSEHOLDS

Language Category	Total Households	Isolated Households	Non-isolated Households	Percentage Isolated Households
Census tracts in service area	1,448,742	58,003	365,330	4
English	1,007,048	—	—	—
Spanish	301,679	38,366	263,313	2.6
Asian or Pacific Islander	45,200	7,767	37,433	0.54
Indo-European	71,129	4,745	43,983	0.33
All other languages	23,686	7,125	20,601	0.49

Within the transit service area, 4 percent of households are considered linguistically isolated. Again, these are predominantly Spanish households, making up 2.6 percent of the total. Remaining languages make up 1.36 percent of households that are classified as linguistically isolated.

Figure 2 shows concentrations of linguistically isolated households in census tracts within the service area. Most areas throughout the region are mixed, although a few pockets of census blocks have concentrations of linguistically isolated households, thus identified as persons with limited English proficiency.

Figure 3 shows the ACS 2022 census tracts within the three-quarter mile buffer of local fixed-route service and a three-mile buffer around park-and-ride and transit facilities for express bus service. Census tracts encapsulated within this area are included in the estimates, although they may not be within one-quarter mile of a fixed route.

FIGURE 2: CENSUS TRACTS WITH LINGUISTICALLY ISOLATED HOUSEHOLDS

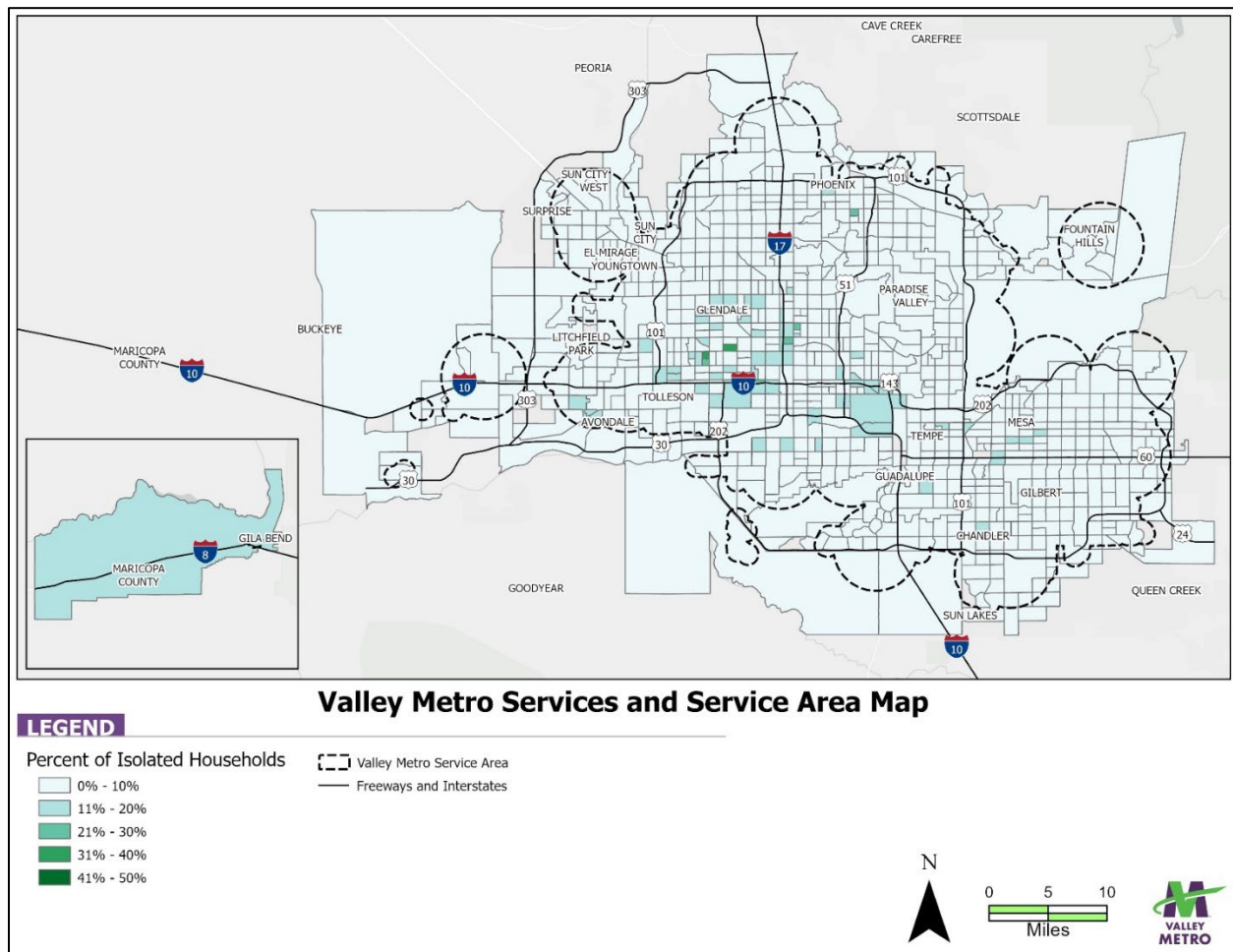
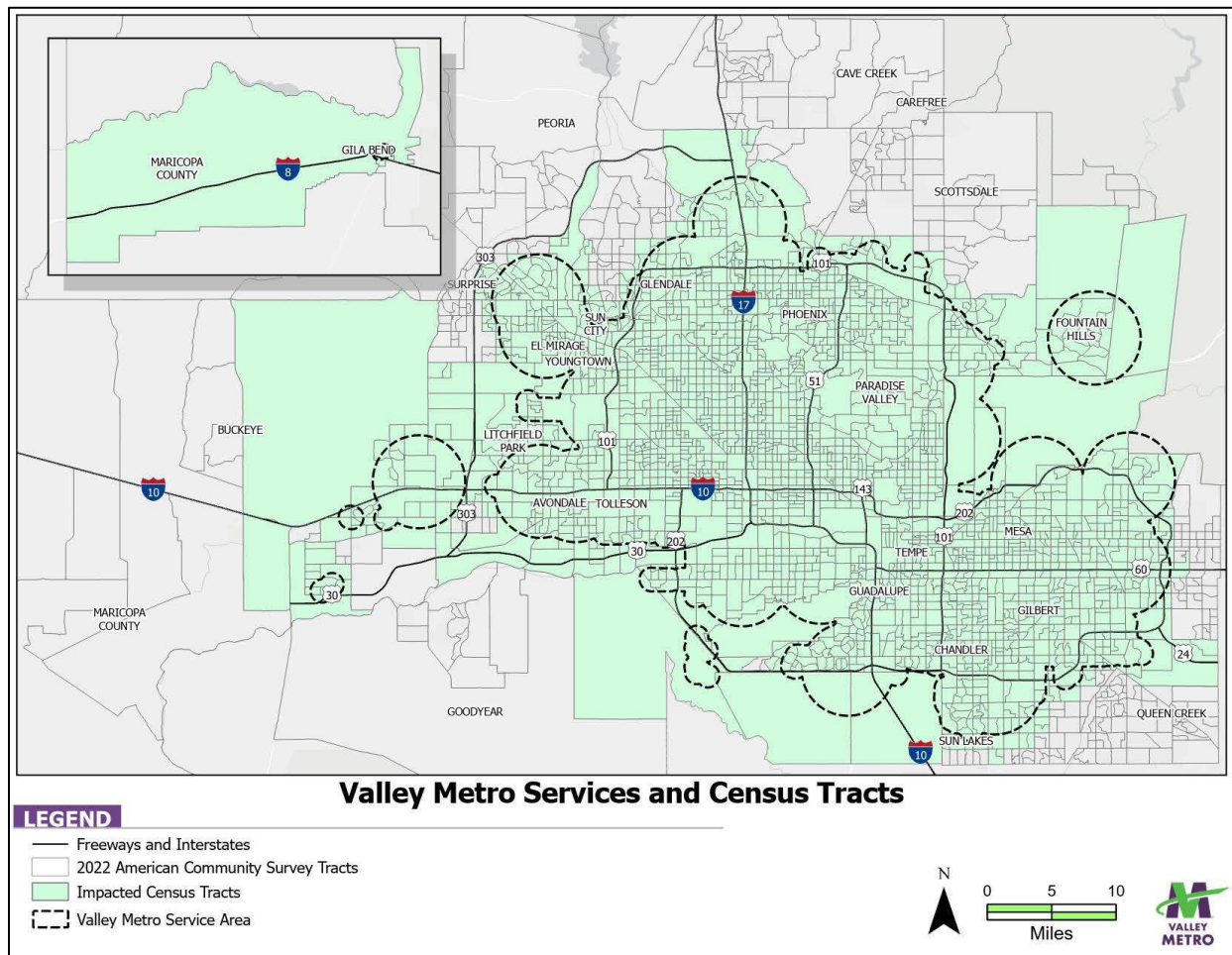


FIGURE 3: CENSUS TRACTS WITHIN SERVICE AREA



The 2022 ACS data show 12 languages or language groups with 1,000 or more LEP persons. Only one LEP population exceeds both the 1,000 or more individuals and the five percent of the total population of persons eligible to be served or likely encountered. **Table 4** shows the populations that meet either of these thresholds using ACS 2022 population by language and ability, sorted by percentage of LEP population.

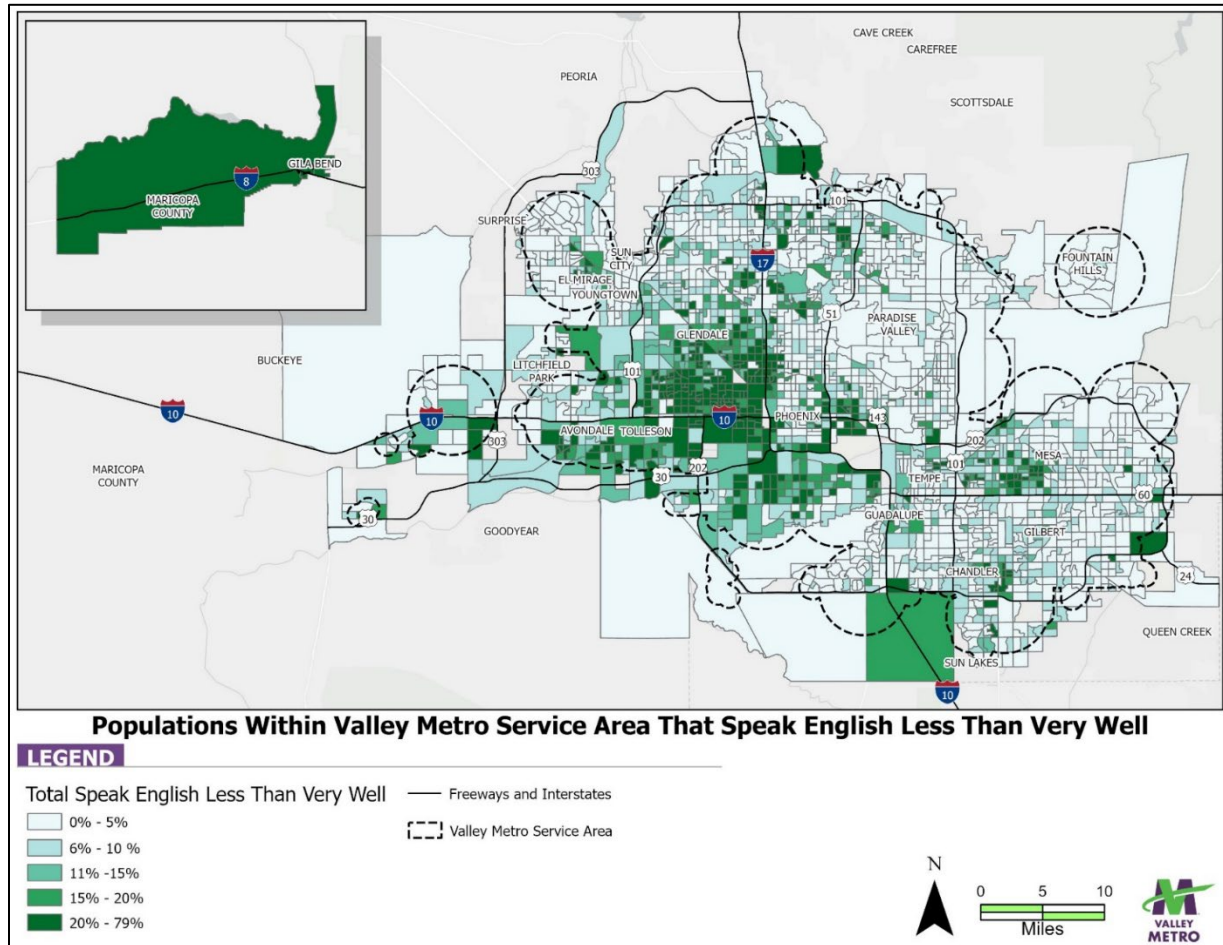
Within the service area, the majority of the 2022 LEP populations is the Spanish-speaking population; this is the only language group to exceed both 1,000 individuals and five percent of the LEP population. The Spanish LEP population consists of 251,606 individuals within the service area. The other Indo-European, Mandarin Chinese, and other and unspecified speaking populations followed with 3.90 percent, 3.06 percent and 2.76 percent respectively. The Vietnamese, other Asian and Pacific Island and Arabic speaking populations follow with 2.51 percent, 3.02 percent and 1.90 percent, respectively. This is followed by Russian and Filipino with 1.37 percent and 1.08 percent, respectively, and then by Korean (0.8 percent), French (0.7 percent) and German (0.2 percent).

TABLE 4: 2022 ACS DATA, BY LANGUAGE WITHIN ONE-HALF MILE OF FIXED-ROUTE SERVICE

Language	Speak English		Total Population	Percentage of Language LEP of Total LEP Population
	Less Than Very Well	Very Well		
All languages	319,427	—	—	100
Spanish	251,606	522,128	773,734	78.77
French, Haitian or Cajun	2,072	8,077	10,149	0.65
German	692	8,819	9,511	0.22
Russian, Polish or Other Slavic	4,370	12,051	16,421	1.37
Other Indo-European languages	12,462	36,475	48,937	3.90
Korean	2,425	2,995	5,420	0.76
Mandarin Chinese	9,785	11,285	21,070	3.06
Vietnamese	8,023	7,458	15,481	2.51
Filipino	3,463	10,932	14,395	1.08
Other Asian Pacific Island	9,648	22,228	31,876	3.02
Arabic	6,080	10,820	16,900	1.90
Other and unspecified languages	8,801	24,971	33,772	2.76

Figure 4 shows concentrations of populations speaking English less than very well throughout the service area. Most areas throughout the region are mixed, although there are a few pockets of Census blocks with concentrations of persons with limited English proficiency.

FIGURE 4: POPULATION SPEAKING ENGLISH “LESS THAN VERY WELL”



3.0 FREQUENCY OF CONTACT WITH LIMITED ENGLISH PROFICIENT POPULATION (FACTOR 2)

The first step of the four-factor LEP needs assessment revealed that the largest language group is overwhelmingly Spanish, followed by the ACS language categories of other Indo-European, Mandarin Chinese and other and unspecified. Factor 2 is intended to assess the frequency with which LEP persons interact with Valley Metro programs, activities or services. The DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (2005) advises that:

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed (emphasis added). The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily.

The frequency of use was evaluated by assessing current resources, available data and a short survey of transit employees.

3.1 Evaluation Methods and Data Sources

To determine the frequency with which LEP persons interact with Valley Metro, both quantitative and qualitative methods were used to analyze access to services. Anecdotal information regarding interactions with LEP persons, garnered through conversations with Valley Metro employees, is also included in this section. More structured analysis is included using several sources of information:

- Transit employee surveys
- Customer Service Interactive Voice Response (IVR) call log
- Transit education program
- Valley Metro website translation data
- Together, these sources provide a picture of the interaction of LEP persons with programs, activities or services provided by the agency.

3.2 Frequency of Contact Analyses

Valley Metro recognizes the value of providing convenient and efficient information to transit riders. Understanding how often LEP persons are using services will assist in serving customers better in the future with quality services, programs and activities.

Customer Service Interactive Voice Response Call Log

The Customer Service Center updated its automated phone system in mid-2014 to establish the IVR feature. With this expansion, the system is able to provide a log listing the frequency with which line callers have requested to be transferred. Available are five topic categories, each in English and Spanish, for ten total options. The topics available include:

- Americans with Disabilities Act (ADA)
- Customer Relations (CR)
- Light Rail
- Lost and Found
- Transit Information (TI)

This system allows Spanish-speaking callers to be automatically transferred to a bilingual representative, reducing the time it takes to be served in the preferred language. Currently, eight bilingual customer service representatives are employed by Valley Metro. The phone system prioritizes selection of Spanish calls received. **Table 5** shows the distribution of calls by option selected, followed by the sum of calls by language for calendar year 2022.

TABLE 5: 2022 CUSTOMER SERVICE CALL LOG

Call	Total Calls	% of Total Calls
ADA – English	328	0.38
ADA – Spanish	934	1.08
CR – English	8,522	9.89
CR – Spanish	135	0.15
Light Rail – English	8	0.01
Light Rail – Spanish	0	0.00
Lost and Found – English	259	0.30
Lost and Found – Spanish	0	0.00
TI – English	69,124	80.28
TI – Spanish	6,685	7.76
English (Total)	78,339	91.00
Spanish (Total)	7,754	9.99
Total Calls	86,095	100.00

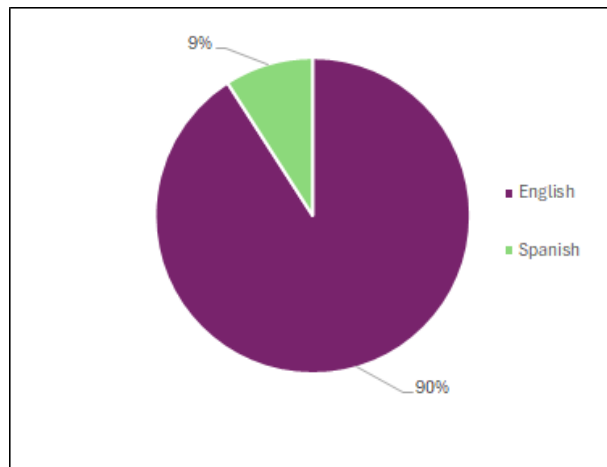
FIGURE 5: CUSTOMER SERVICE CALLS BY LANGUAGE

Figure 5 shows a pie chart of the calls by language. Approximately 90 percent of calls were for English and nine percent of calls were for Spanish. At the time of this report, 24 Customer Service representatives were on staff; of these, six were bilingual (25 percent). When evaluating the Customer Service call logs, the bulk of calls received are through the English phone lines, with a small portion (9 percent) selecting a Spanish option.

Transit Education Program

Valley Metro has a Transit Education program that presents information to various groups to teach about public transit, benefits of transit and how to use the system. Staff members visit schools, businesses, social service agencies and present to new residents and refugee groups, senior citizens and persons with disabilities. Additionally, transit information and assistance are provided at community or special events including environmental advocacy events, transportation or vehicle days, career days and more. This team also conducts general presentations by request to any group who wants to learn more about Valley Metro services.

The many Spanish-speaking passengers are accommodated because much of the transit information is available in Spanish. Additionally, a bilingual Valley Metro staff member will generally give the transit education presentation in Spanish upon request. Prior to the COVID-19 pandemic, the transit education staff would also conduct monthly presentations with refugee resettlement groups. Given the varied backgrounds of refugee

groups, the hosting organizations would generally provide the necessary interpreters. Valley Metro staff members have developed training materials that are mostly images to help bridge the language issues.

Website Translation

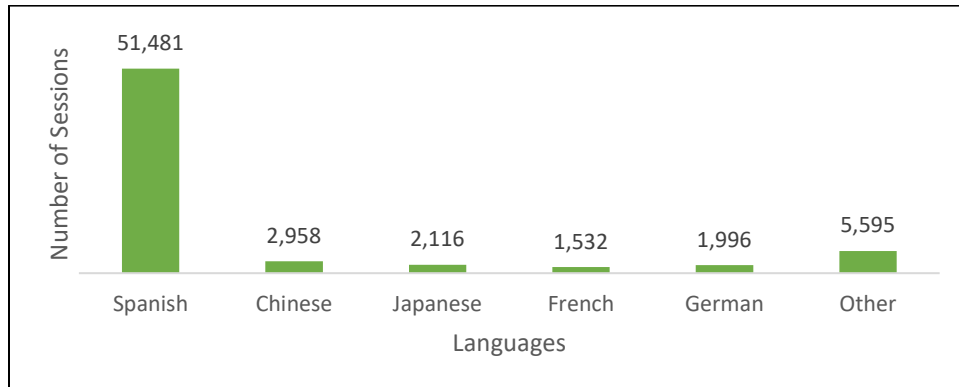
Apart from accessing information from transit employees—whether by phone, email, in person or another method—many customers use the www.valleymetro.org website for information. The website is equipped with the Google Translate feature, which allows translation into over 100 languages. As of 2024, users have translated the Valley Metro website into over 80 different languages using this feature. Approximately 99 percent of interactions with the Valley Metro website used the default English setting. Note only partial statistics are available for 2023 due to an error in the Google content management system responsible for collecting this data. In **Table 6**, the following data from 2022 offers a complete insight into the languages translated and the percentage of sessions in 2022. Note that only those languages accounting for at least 0.01 percent of the total sessions are included.

TABLE 6: 2022 WEBSITE SESSIONS, BY LANGUAGE

Language	Number of Sessions	Percentage of Total Sessions
English	2,792,742	97.59
Spanish	51,481	1.80
Chinese	2,958	0.07
Japanese	2,116	0.10
French	1,532	0.06
German	1,996	0.07
Korean	1,148	0.04
Portuguese	550	0.02
Russian	816	0.03
Dutch	406	0.01
Italian	429	0.01
Other	5,595	0.2

Once again, Spanish was overwhelmingly the most widely used language with the website translation service, accounting for 1.80 percent of sessions, followed by Chinese (0.10 percent), Japanese (0.07 percent), German (0.07 percent), Korean (0.04 percent), French (0.04 percent), Russian (0.03 percent), Portuguese (0.02 percent and Other (0.20 percent). **Figure 6** shows the number of translated sessions by language.

FIGURE 6: NUMBER OF TRANSLATED WEBSITE SESSIONS, BY LANGUAGE (EXCLUDING ENGLISH)



Historically, the website has been translated to over 80 other languages that collectively accounted for 0.2 percent of all sessions. These languages include:

- Afrikaans
- Arabic
- Bulgarian
- Catalan
- Croatian
- Czech
- Danish
- Farsi
- Filipino
- Finnish
- Greek
- Hebrew
- Hindi
- Hungarian
- Indonesian
- Latin
- Norwegian
- Polish
- Romanian
- Samoan
- Serbian
- Slovak
- Slovenian
- Swedish
- Telugu
- Thai
- Tonga
- Ukrainian
- Vietnamese

Many documents on Valley Metro's website are translated into Spanish since they are disseminated as paper materials to the public. Individuals may use these documents without translating the website into Spanish. Some of these documents include project updates, route maps and schedules, instructions and applications for a Reduced Fare ID, service change information, policies, brochures and forms.

Conclusion

The Factor 2 analysis revealed that there is regular contact between the LEP population and Valley Metro personnel. The Customer Service call log showed that nine percent of customers used one of the five Spanish options. Information from the Transit Education

team qualitatively identified Spanish as the main language group. Finally, translation data from the Valley Metro website indicated 2.4 percent of sessions were translated—most of which were translated to Spanish. Historically, the website has been translated to over 80 different languages. Overall, there is broad diversity in the Phoenix region population that accesses regional transit services; however, most people using the Valley Metro system speak English or Spanish.

4.0 NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY OR SERVICE PROVIDED (FACTOR 3)

The third step in the four-factor LEP needs assessment is an evaluation of the importance of Valley Metro services to persons with limited English proficiency. The first component of the Factor 3 analysis was to identify critical services. Next, input from community organizations was used to identify ways to improve these services for LEP populations. The DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (2005) advises that:

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual . . . providing public transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment.

With assistance from Valley Metro's Community Relations and Marketing departments, a list of services provided was prepared and prioritized. Input from community organizations and LEP persons was incorporated to ensure views of the importance of services provided are adequately prioritized.

4.1 Services Provided

In cooperation with Valley Metro's Communications and Operations departments, services currently provided to LEP persons were queried. All printed materials are translated into Spanish, and materials in both English and Spanish are available on both bus and light rail services. Below is a list of available materials and services in Spanish that includes bus- and light rail-specific services:

- Press releases
- Public materials including, but not limited to:
 - Route Scout (announcements on buses and light rail)
 - Ride Guide and Destinations Guide
 - Service changes materials
 - Transit Book
 - Website
 - COVID-19 updates
 - Project updates

- Title VI forms
 - Large special events materials (for example, Super Bowl public materials)
- Direct mailers or door hangers for targeted outreach
- Ticket vending machines (Spanish and Braille)
- Bilingual Customer Service staff
- Email list messages
- Bus-specific services:
 - Car cards (on-board advertisements)
 - Bus signage (priority seating, caution signs, entry/exit, etc.)
 - Variable message sign (VMS)⁶ that displays audio announcements on buses
- Light rail-specific services:
 - Light rail transit (LRT) vehicle signage, including priority seating, code of conduct, and other train information
 - VMS¹ announcements on vehicles and at stations
 - System maps and auxiliary information
 - Operator call boxes on trains
 - Emergency call box at stations
 - Safe place notices

4.2 Critical Services

Public transit is a key means of mobility for persons with limited English proficiency. Of those services identified above, a subset of critical services was prioritized to ensure that those services imperative to use Valley Metro public transportation options are available to all users.

Basic trip information is available both printed and electronically in Spanish, including service hours, tickets, trip planning, airport and transit connections, parking, bicycles and services for persons with disabilities. Also available in Spanish is information regarding how to use transit, acceptable user conduct, priority seating, caution signs and exit locations on vehicles. Ticket vending is available in both Spanish and Braille. Many documents are available in Braille upon request. Emergency notification measures are also translated, including audio VMS announcements on vehicles (bus and rail), operator call boxes, emergency call boxes and safe place notices.

Bilingual Customer Service representatives are available during regular call center hours. Representatives use the same procedures for comments and note that the inquiry was in Spanish so that a bilingual representative is assigned in any follow-up response if needed. Outside of Customer Service hours, the website is available for translation to most languages at any time. For public meetings and hearings, a Spanish translator is usually available; additional translators are available upon request or in the appropriate context. Typically, additional translation services requested are provided for American Sign Language through an on-call contract.

¹ Variable message signs are audio announcements that occur on transit services to inform riders of relevant information and updates. Light rail stations and vehicles are equipped with VMS announcements; most fixed-route vehicles are also equipped with VMS capabilities.

5.0 CURRENT RESOURCES AVAILABLE AND THE COSTS TO PROVIDE LANGUAGE ASSISTANCE SERVICES (FACTOR 4)

The final step of the four-factor LEP analysis was an evaluation of the current and projected financial and personnel resources available to meet the current and future needs for language assistance. The first component of the Factor 4 analysis was to identify current language assistance measures and associated costs. The next step was to determine what additional services may be needed to provide meaningful access. The DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (2005) advises that:

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, 'reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

Valley Metro has a strong commitment to reducing the barriers encountered by LEP persons in accessing its services and benefits, to the extent resources are available. Valley Metro currently does not break down all cost expenditures related to providing language assistance; however, language assistance costs are evaluated on a triennial basis to include in Title VI reporting.

5.1 Current Measures and Costs

Costs incurred by Valley Metro for the language assistance measures currently being provided include:

- Translation of materials
- Printing, advertising or other marketing costs
- Interpretation services
- Staff costs associated with Title VI efforts in adhering to language assistance measures

Typically, an amount is embedded into the project costs by activity (logged under printing or other direct expenses) for translation and production of any materials. Agency-wide, there is an on-call contract for any interpretation needs. Any production costs are included in printing and public meetings budgets. Furthermore, bilingual employees provide intermittent language assistance needs as part of their other duties. The Valley Metro community outreach team hires with a preference towards bilingual speakers, especially for projects where LEP residents are prominent. Multiple employees in the community outreach team are fluent in Spanish. These employees may be assigned to prepare press releases or media events with Spanish-speaking publications in addition to their typical duties. These costs are not tracked, although most of the formal interpretation services are contracted.

Interpreters are contracted on a case-by-case basis for public meetings or hearings to ensure that any language assistance needs are met so that public relations staff can focus on facilitating the event. All hearings are staffed with interpreters while public meetings are staffed depending on the anticipated number of persons reached and upon request.

Valley Metro provides headsets to those wishing to hear the presentation in the translated language. To accommodate Spanish speakers, Valley Metro has held some events fully in Spanish, with an English translator. Those wishing to listen to the presentation in English used headphones and printed materials in English.

Valley Metro currently contracts for interpreters at public meetings. In FY24 the cost for language interpreter services at public meetings in total was \$20,545. Costs for translating and producing written materials such as meeting notices, display boards, news releases and project update sheets are also budgeted annually. In FY24 the cost for this service was \$25,502. The total for all translation services therefore in FY24 was \$48,853.

Additional costs include other staff time used on an ad hoc or regular basis to provide translation or interpretive services. Exactly 25 percent of Customer Service representatives are bilingual, assisting both Spanish- and English-speaking customers. Being bilingual is a preferred qualification when hiring Customer Service staff, although not required. Bilingual employees also may assist on an informal, ad hoc basis to communicate with LEP individuals in other departments.

5.2 Cost-effective Practices

Valley Metro will continue to evaluate ways to improve the cost-effectiveness and the quality of its language services. Additional strategies for saving costs or improving quality may include developing internal and external language services, with the opportunity to coordinate across multiple agencies in the region. Current measures to ensure services are cost-effective include:

- Bilingual staff trained to act as interpreters and translators
- Shared Customer Service center and other information for combined translation and interpretation resources
- Some standardized common documents with transit and other public agencies
- Using the free Google Translate service on the Valley Metro website
- Translated vital documents currently posted on www.valleymetro.org
- Strategies for consolidating the regional language assistance measures to achieve efficiencies may include:
 - Further development of a LEP information center for Valley Metro employees
 - Surveying Valley Metro staff to determine any additional existing multilingual resources
 - Conducting outreach to various community organizations to secure volunteers for translation and interpretation services that are currently contracted or completed in-house
 - Consolidating contract services for oral and written translation to secure the most cost-effective rates

Valley Metro continues to use qualified translators and interpreters to uphold the quality of language assistance measures. Valley Metro strives to provide basic informational training for volunteer staff on its language assistance measures.

5.3 Additional Services and Budget Analysis

Valley Metro is committed to reducing the barriers encountered by LEP persons in accessing its services to the extent funding is available. While Valley Metro currently does break down contracted cost expenditures related to providing language assistance, expenditures of efforts for translation and interpretation completed in-house are less well-documented. As part of the Language Assistance Plan, Valley Metro will better monitor efforts in the future. Valley Metro will further evaluate how to consolidate its language assistance measures to deliver the most cost-effective services.

The information received from community organizations provided some insight on additional services that may ease access for LEP persons to regional transit services. Services requested were centered on service expansions that included increased frequencies and later services at night. However, these would be improvements for consideration and prioritization of the system rather than specific services for LEP persons. Therefore, they were excluded here and assigned to the general public process for service requests.

Other requests included using more symbols to depict messaging and system routes. Audio messaging using VMS could potentially show messaging in another language as well. The light rail system VMS currently shows messages in English and Spanish. Bus messaging is typically location data and in close proximity, depending on stop locations. Some audio messages on buses are announced in Spanish. The feasibility and helpfulness of VMS translation should be evaluated.

As applicable and through the annual budget process, additional services requested or identified may be considered for implementation. In 2015, Valley Metro shifted to a zero-based budget that is approved by two boards of directors: Valley Metro Rail Board and the Valley Metro RPTA Board. The budgets are developed and approved annually as appropriate to the unique needs and demands of each agency at that point in time.

5.4 Projected Costs

With a commitment to providing reasonable language assistance measures, Valley Metro would assess current symbols used on vehicles, at station locations and elsewhere to determine the sort of improvements that could be made so that the system is more easily understood visually. Biannually, in coordination with the service changes, updated system maps are produced.

Other improvements would be considered after analyzing the staff costs, third-party contract costs and costs related to volunteer or community organization coordination. These would be evaluated in comparison with anticipated benefits to the LEP population. Other considerations may include operational issues and implementation time.

6.0 LANGUAGE ASSISTANCE MEASURES

Valley Metro is committed to full compliance with Title VI and Executive Order 13166 to provide meaningful access and reduce barriers to services and benefits for persons with limited English proficiency.

6.1 Current Language Assistance Measures

Spanish Language Assistance

As discussed earlier, Valley Metro currently provides both oral and written language assistance in Spanish. Oral language assistance includes bilingual customer service representatives, speaking Spanish. Additionally, Spanish interpreters are available at public meetings. On vehicles and at stations, VMS announcements are provided in Spanish.

Written Spanish language assistance includes signs, press releases, list serve messages, service change materials, Title VI complaint forms, policies and procedures. Additional translation of some vital documents is provided, such as schedules, maps, Ride and Destination Guides, route scouts and more. Meeting notices and public input surveys at public meetings are translated.

Notices to the public of language assistance measures are typically provided side-by-side with an English version of the document. For example, Ride Guide documents are provided in both English and Spanish and are available together wherever disseminated. Where available, documents are printed on both sides with an English version and a Spanish version on each side of the paper. When calling into the Customer Service line, the interactive voice response system will automatically ask if Spanish is the preferred language prior to being connected with a representative.

Languages Other Than Spanish

Valley Metro provides oral and written translations into other languages when applicable. For written translations, the Valley Metro website is equipped with the Google Translate feature, which allows translation into over 100 languages. For oral translations, the agency uses an existing contract that can provide translations into all languages identified in the Language Assistance Plan, as well as American Sign Language. Translators under this contract are used for public meetings, canvassing and other community outreach as needed. Valley Metro also provides sign language interpreters for public meetings when requested, and provides Braille translations on fare vending machines and for printed documents upon request.

As the region grows and diversifies the agency will translate vital documents into languages other than English and Spanish as practicable for language populations over 1,000 that speak English less than very well. These vital documents include:

- Title VI Notice to the Public
- Title VI complaint forms
- Title VI procedures
- Notices to public
- Service and Fare Changes
- Bus and Rail Schedules

These items are currently translated into Spanish as well as English. The agency will continue to monitor the demographics of the region as these printed offerings are expanded to meet federal requirements.

6.2 Staff Training

Specific policies and procedures for interacting with LEP persons are not formally adopted on a stand-alone basis. These policies and procedures are, in essence, for all customers and have been embedded into multiple documents (including the Title VI Plan, trainings, instructions, etc.).

Using the Customer Service Center as an example, Spanish calls are assigned directly to a Spanish-speaking representative through the phone system. In the CAS, a note is made that the customer speaks Spanish so that if Customer Service cannot respond to the query immediately, any future response is assigned to a bilingual representative. This training is integrated into general customer assistance staff training to ensure cost-effective practices and efficient use of training resources. Title VI is distributed to new Customer Service employees and, where applicable, employees are expected to know how to file discrimination claims based on race, color or national origin. Additionally, there are related trainings available including quarterly Civil Rights Workshops, training sessions for conducting complaint investigations according to federal guidelines and streamlining the complaint investigative process.

Training for employees who regularly encounter the public may also include:

- Type of language services available
- How staff and/or LEP customers can obtain these services
- How to respond to LEP callers
- How to respond to correspondence from LEP customers
- How to respond to LEP customers in person
- How to document LEP needs

Valley Metro continues to consider opportunities to provide quality services for LEP persons throughout the service area.

6.3 Future Language Assistance Services

With the development of subsequent Language Assistance Plans, the monitoring, evaluation and update process would identify additional services to be considered for feasibility of implementation. Valley Metro strives to serve LEP populations adequately with an equal opportunity to use transportation options available. Section 7 provides more information about the plan's monitoring and update process.

7.0 MONITORING AND UPDATING THE LANGUAGE ASSISTANCE PLAN

Triennially, Valley Metro will review, monitor and update the language assistance plan. Feedback from agency staff and community members will be accepted throughout the year at the email address: TitleVICoordinator@ValleyMetro.org. Additional community feedback may be elicited during the update process. Internal monitoring will be conducted using the template provided from the FTA handbook Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited

English Proficient (LEP) Persons (2007). Using this checklist, stations, vehicles, Customer Service, community outreach and public relations are periodically monitored.

Using this information, changes may be made to the language assistance plan recognizing any cost implications and resources available. Depending on cost and resource evaluation, language assistance measures may be expanded, modified or eliminated based on their effectiveness.

As the transit service area is modified through service changes, the demographics served will be reviewed to ensure that those areas with high concentrations of LEP persons are reflected accurately in an effort to provide language assistance measures to areas with expanded transit services.

Throughout the monitoring period, Valley Metro will continue to follow the recommendations and use the resources provided by Executive Order 13166, FTA Circular 4702.1B, the DOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (2005), and the FTA handbook Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (2007). Valley Metro will be better able to apply the DOT LEP guidance's four-factor framework and will continue to determine an appropriate mix of language assistance in the preparation of language assistance implementation plans.

Attachment C

Attach a copy of Valley Metro Regional System Wide Standards & Policies.

SECTION 3: SYSTEM-WIDE SERVICE STANDARDS AND POLICIES

3.1 OVERVIEW

Valley Metro, as the regional transit authority, operates a majority of the fixed-route transit service in Maricopa County, with the exception of the City of Phoenix's service, City of Glendale's local circulator and City of Scottsdale's trolley circulators. The fixed-route transit service in the region consists of 61 local bus routes, 19 Express/RAPID routes, 17 community circulator routes, and 1 rural connector route. Valley Metro also operates the region's light rail system and began operation of the region's first streetcar system in the City of Tempe in 2022. The existing light rail system is a single route that operates in the cities of Mesa, Tempe and Phoenix, and the streetcar system is a single line that operates within the City of Tempe. Valley Metro, in coordination with the City of Phoenix, is currently constructing one additional light rail extensions: the South Central/Downtown Hub Project extending light rail service from Downtown Phoenix into South Phoenix.. This extension is anticipated to open in 2025. In addition, Valley Metro is coordinating with the City of Phoenix to initiate preliminary engineering and an environmental assessment for a light rail extension from Downtown Phoenix to near the Arizona State Capitol. All will adhere to the standards and policies outlined below.

Valley Metro, in coordination with the City of Phoenix and member cities, developed regional Transit Standards and Performance Measures (TSPM) that fall in line with federal and state requirements. The TSPM help manage our regionally funded transit services and investments that include bus stops, park-and-ride facilities, transit centers and future rail projects. The TSPM consists of four phases and can be found on the Valley Metro website: valleymetro.org/about/agency/transit-performance/standards-measures

Phase I

The first phase established service provision goals to guide the development of the TSPM. Approved by the Board of Directors, this phase established standardized transit service types, operating characteristics for each service type and bus stop spacing standards.

Phase II

The second phase focuses on the development of transit service performance measures, transit service thresholds, application principles and implementation standards for new service.

Phase III

The third phase establishes standards and performance measures for regionally funded transit vehicles such as buses and light rail vehicles and transit facilities including bus stops and park-and-ride facilities.

Phase IV

The fourth phase combines the previous three phases into one report and adds new service type definitions and standards. This combined Procedures Guide also includes revisions to transit service performance measures and planning time periods.

The TSPMs are intended to assess the effectiveness of transit operations in achieving the adopted service provision goals and to help identify whether performance improvement actions taken to enhance performance and productivity are effective.

In addition to the TSPMs, Valley Metro, in coordination with the City of Phoenix, established system-wide standards and policies, in accordance with FTA Circular 4702.1B, for services that Valley Metro provides. These standards and policies assist Valley Metro and the City of Phoenix in assessing the delivery of transit services and to ensure that the delivery of services does not result in discrimination on the basis of race, color or national origin. They establish the basis for monitoring and assessing delivery of service and distribution of vehicles and amenities to identify whether any disparities exist.

3.2 REGIONAL SERVICE POLICIES FOR BUS SERVICE

The regional service policies are meant to ensure that transit amenities are distributed fairly throughout the system and vehicles are properly assigned on a route-by-route basis.

3.2.1 Vehicle Assignment

Service Policy

Vehicle assignment refers to the process by which transit vehicles are placed into revenue service throughout the transit system. Vehicles will be assigned to the various bus maintenance facilities on the basis of vehicle age, such that the vehicle age does not exceed the system-wide average for the service type (local bus service, circulator service, Express/RAPID service).

Vehicle assignments also consider the performance characteristics of service types, and vehicle assignments are matched to the demand (vehicles with more capacity are assigned to service types with higher ridership routes). Other bus assignments take into consideration branded service, such as Express/RAPID routes, that has specific sub fleet assignments.

Service Policy Elements

- Vehicle age
- Vehicle assignment records (dispatch bus pullout sheets). The contractor dispatch staff assigns buses daily based on historical knowledge of the route.

Level of Service Assessment

- Calculate the average age of the entire bus fleet by service type.
- Calculate the average age of buses assigned to serve minority and non-minority routes.

- Assessment compares minority to non-minority routes.

3.2.2 Distribution of Transit Amenities

Transit amenities refer to items such as seating, bus shelters, provisions of information, waste receptacles, etc. FTA's Title VI Circular states:

This policy does not apply to transit providers that do not have decision-making authority over the siting of transit amenities. Transit providers are not responsible for setting a policy for transit amenities that are solely sited by a separate jurisdiction (e.g., a city, town, or county) unless the transit provider has the authority to set policies to determine the siting of these amenities.

Although Valley Metro provides transit service, transit amenities for bus services are locally funded and fall under the responsibility of the jurisdictions within which they are sited. The service standard elements and level of service assessments will be the responsibility of the individual municipalities. Valley Metro does, however, provide support in the planning processes for these facilities.

3.3 REGIONAL SERVICE STANDARDS FOR BUS SERVICE

The regional service standards are quantitative performance standards meant to ensure that fixed-route services are fairly applied throughout Valley Metro's service area.

3.3.1 Vehicle Load

Vehicle Load Standard

Vehicle load (also known as maximum load) is the ratio of the number of passengers on a vehicle to the number of seats. A load factor greater than 1.0 means that some passengers are standing. Valley Metro and the City of Phoenix operate a number of local fixed routes, express routes and circulator service in the region, with a number of different bus configurations containing different numbers of seats and how many people can stand on the bus. The vehicle load threshold is, therefore, broken down to the three main types of service that are based on the average number of seats and the number of standing passengers. The load thresholds are identified in **Table 13**.

Vehicle Load Data Collection Source

To determine the vehicle load, the following data are gathered:

- Annual random ride=check samples or Automatic Passenger Counter (APC) data
- Each ride check is one trip on a route.
- AM peak direction samples Monday through Friday
- PM peak direction samples Monday through Friday

Samples collected annually throughout the year

TABLE 13: VEHICLE LOAD FACTOR, BY TRANSIT SERVICE TYPE

Service Type	Number of Seats by Bus Length		Load Factor (Peak and Off-peak)	Peak Number of Passengers	Off-peak Number of Passengers
Valley Metro service					
Local fixed-route service ^a	40-foot bus	35	1.25	44	44
	60-foot bus	55	1.25	69	69
Express route service	40-foot bus	35	1.25	44	44
	45-foot bus	52	1.25	65	65
	60-foot bus	55	1.25	69	69
Circulator service	25-foot bus	17	1.25	21	21
Rural connector	30-foot bus	22	1.25	28	28
	36-foot bus	36	1.25	45	45
City of Phoenix service					
Local fixed route service ^a	40-foot bus	35	1.25	44	44
	60-foot bus	55	1.25	69	69
RAPID service	40-foot bus	32	1.25	40	40
	45-foot bus	41	1.25	51	51
	60-foot bus	54	1.25	68	68
Circulator service	25-foot bus	19	1.25	24	24

^a Local fixed-route services, as defined in TSPM, are local bus, key local bus and limited stop all-day.

Vehicle Load Assessment

Using the data above, the following analysis determines the vehicle load:

- Determine number of minority and non-minority routes that have a maximum load ratio of less than 1.25 for AM and PM peak times and calculate the percentages.
- Compare level of service between minority and non-minority routes.

3.3.2 Vehicle Headway

Vehicle headway standards are based on the TSPM for regionally funded routes. The TSPM represent rules and guidelines by which the performance of the region's transit system may be evaluated, and decisions regarding transit investments may be prioritized and measured.

Vehicle Headway Standard

Vehicle headway is the time interval between two vehicles traveling in the same direction on the same route. Vehicle headways are measured in minutes (15 minutes [min], 30 min, etc.). **Table 14** shows the vehicle headway standards for the region's bus system.

TABLE 14: VEHICLE HEADWAY STANDARDS

Service Type	Minimum Headway or Daily Trips ^a	Minimum Span in Hours (Weekday/Saturday/Sunday)	Minimum Operating Days
Rural connector	4 trips inbound/4 trips outbound	Not applicable	Monday–Friday
Limited stop peak	4 trips AM/4 trips PM	Not applicable	Monday–Friday
Commuter express	4 trips AM/4 trips PM	Not applicable	Monday–Friday
Community/circulator	30 min	12/0/0	Monday–Friday
Local bus	30 min ^b	16/14/12	Monday–Sunday
Key local bus	15 min peak/30 min base ^b	16/14/12	Monday–Sunday
Limited stop all-day	Headways same as LRT, up to 2X peak	16/14/12 (same as LRT)	Monday–Friday

^a Standards require service to be bi-directional unless otherwise noted.

^b 60-minute frequency during off-peak hours (before 6 AM and after 6 PM)

For rural connector routes, limited stop peak and commuter express routes, service availability is applied based on a number of daily trips rather than on frequency.

Vehicle Headway Data Collection Source

Local Fixed-route Service (Local Bus, Key Local Bus, Limited Stop All-Day)

- Measure standard using published fixed-route service schedules (no Express/RAPID, limited stop peak or circulator routes)

Commuter Express/RAPID Service/Limited Stop Peak

- Measure standard using published Express, RAPID and limited stop peak service schedules.

Circulator Service

- Measure standard using published circulator route service schedules.

Rural Connector

- Measure standard using published rural connector service schedules.

Vehicle Headway Assessment

- Identify several minority and non-minority routes for each service type and calculate the percentage that are either meeting, exceeding or not meeting the headway standard.
- Compare level of service between minority and non-minority routes.

3.3.3 On-time Performance

On-time Performance Standard

On-time performance is a measure of bus runs for a particular route completed as scheduled. The service standard threshold is defined as 85 percent or better of all trips on a particular route completed within the allowed on-time window (departing the timepoint less than one minute before or five minutes 59 seconds after the posted schedule for that timepoint).

On-time Performance Data Collection Source

- Measure standard using Valley Metro-operated local fixed routes.
- Report data on a monthly basis.
- Use Clever Reports data. Clever equipment has been installed on all Valley Metro and Phoenix vehicles. Glendale uses a separate system for GUS I, II, and III.

On-time Performance Assessment

- Determine the number of minority and non-minority routes that have an on-time performance (OTP) of 85 percent or better on an annual basis and calculate the percentages.
- Compare level of service between minority and non-minority routes.

3.3.4 Service Availability

Transit amenities are locally funded and fall under the responsibility of the jurisdictions within which they are sited. The service availability and service availability assessments are the responsibility of the individual municipalities.

Service Availability Standard

Service availability is measured by the distribution of bus stops within the regional service area that afford residents accessibility to transit. The service standard is consistent with the TSPM standard and has the following thresholds for each service:

Local Bus and Key Local Bus

- Bus stops are placed approximately 0.25 mile apart. Where development patterns are of higher or lower density than typical within the region, an exception to the recommended stop spacing standard may be warranted.

Limited Stop Peak and Limited Stop All-day

- Bus stops are placed approximately one mile apart. Where development patterns are of higher or lower density than typical within the region, an exception to the recommended stop spacing standard may be warranted.

Express/RAPID Service

- Express/RAPID stops are strategically placed and are generally located at park-and-ride facilities.

- No more than four inbound Express bus stops.

Community Circulator Service

- Bus stops within the designated stop area of each circulator route are placed no more than 0.25 mile apart.
- In the flag stop zone area of each circulator route, passengers can be picked up anywhere along the route.

Service Availability Data Collection Source

- Bus stop database

Service Availability Assessment

- Identify number of bus stop spacing gaps on each route.
- Calculate the number of bus stop spacing gaps that do not meet the standard as a percentage of the total number of bus stop spacing gaps on a given route.
- Compare percentage of bus stop location gaps that do not meet the standard by minority versus non-minority routes.

3.4 REGIONAL SERVICE POLICIES FOR RAIL SERVICE

3.4.1 Vehicle Assignment

Service Policy

The vehicle assignment service policy generally addresses the equitable assignment of transit vehicles to depots and routes throughout the entire transit system in terms of minority and low-income populations compared to non-minority and non-low-income populations. This policy measures whether transit vehicles are equitably assigned considering the age of the vehicle, type of fuel used, number of seats in the vehicle and whether the vehicle is high or low floor. Valley Metro has one light rail route (30 miles) served by 61 vehicles of two different types with similar design, passenger load and amenities. The light rail vehicles are considered low floor at each of the four doors to allow level boarding at each of the 41 light rail stations. Each light rail vehicle is equipped with air conditioning and heating, automated stop announcements, a bike rack that holds four bikes and folding seats to accommodate four wheelchairs.

Valley Metro also began operations in May 2022 with the region's first streetcar line. This line operates usingsix vehicles from the same manufacturer, all contain the same seating arrangement and amenities and are used on the single streetcar line.

Service Assessment

All light rail vehicles put into service each day run along the one light rail route and have the same amenities and quality for all passengers riding the system. Until new routes are added to the system that contain different vehicles, no assessment of vehicle assignment is warranted.

All streetcar vehicles put into service each day run along the one route and have the same amenities and quality for all passengers riding the system. Until new routes are added to the system that contain different vehicles, no assessment of vehicle assignment is warranted.

3.4.2 Distribution of Transit Amenities

Service Standard

Transit amenities refer to items of comfort and convenience available to the general riding public.

Light Rail

Valley Metro's *Design Criteria Manual* includes a chapter on light rail station design. This chapter provides standards for the design of each station and the amenities that will be incorporated into each station. Each of the 41 stations within Valley Metro's current light rail system contain the following amenities:

- Shading and climate protection
- Seating
- Lighting
- Drinking fountain
- Trash receptacles
- Platform information maps
- Emergency call boxes
- Closed-circuit television cameras
- Public address system/variable message boards
- Ticket vending machines
- Double loading light rail station platforms (except where adequate pedestrian crossing is not available)
- Elevators (only at stations not at grade)
- Escalators (only at stations not at grade)

In addition, each station has a securable rack for four bicycles located at street intersections adjoining the station entrances. Although the *Design Criteria Manual* has been developed as a set of general guidelines for planning and design of the light rail system, deviations from these accepted criteria may be required in specific instances based on community characteristics or other requests. Typically, new development is compliant with the *Design Criteria Manual*.

Streetcar

Valley Metro's *Streetcar Design Criteria Manual* includes a chapter on streetcar stop design. This chapter provides standards for the design of each station and the amenities that will be incorporated into each station. Each of the 14 stops within Valley Metro's current streetcar system contains the following amenities:

- Shading and climate protection

- Seating
- Lighting
- Trash receptacles
- Platform information maps
- Emergency call boxes
- Closed-circuit television cameras
- Public address system/variable message boards
- Ticket vending machine

Service Assessment

Valley Metro will conduct field observations once a year to determine whether each light rail station still contains the following amenities in good operational order:

- Information maps and public announcements at each station in English and Spanish
- Ticket vending machines at each station entrance
- Seating
- Drinking fountain
- Waste receptacles
- Bike racks
- Lighting
- Emergency call boxes

Valley Metro will conduct field observations once a year to determine whether each streetcar stop still contains the following amenities in good operational order:

- Information maps and public announcements at each station in English and Spanish
- Seating
- Waste receptacles
- Lighting
- Emergency call boxes
- Ticket vending machines

3.5 REGIONAL SERVICE STANDARDS FOR RAIL SERVICE

3.5.1 Vehicle Load

Vehicle Load Standard

Vehicle load (also known as maximum load) is the ratio of the number of passengers on a vehicle to the number of seats. A load factor greater than 1.0 means that some passengers are standing. Valley Metro currently operates one light rail system that contains 60 light rail vehicles. Valley Metro has two types of light rail vehicles and both operate on a fixed route from Mesa through Tempe and into Phoenix. Valley Metro also operates one streetcar line which has six streetcar vehicles that started revenue service in the May 2022. The streetcar vehicles will have a different configuration and a different number of seat than the light rail vehicles. The streetcar will also be operating on a fixed route within the city of Tempe. The vehicle load threshold is, therefore, broken down to

the three different vehicles and is based on the number of seats and the number of standing passengers. The load thresholds are identified in **Table 15**.

TABLE 15: VEHICLE LOAD FACTOR FOR LIGHT RAIL VEHICLES AND STREETCARS

Service Type	Number of Seats by Vehicle	Load Factor (Peak and Off-peak)	Peak Number of Passengers	Off-peak Number of Passengers	Load Factor (Special Events)	Special Event Number of Passengers
Light Rail vehicles						
Kinki Sharyo – 50 vehicles	66	2.12	146 ^a	146 ^a	2.60	172 ^b
Siemens – 11 vehicles	62	2.12	138 ^a	138 ^a	2.60	161 ^b
Streetcar vehicles						
Brookville – 6 vehicles	40	2.47	99 ^a	99 ^a	2.95	118 ^b

^a Number is based on the effective standee passengers, calculated at 3 passengers per square meter.

^b Number is based on the effective standee passengers, calculated at 4 passengers per square meter.

Vehicle Load Data Collection Source

Average weekday loads on the light rail will be determined by the following:

- Ride check the light rail route using the APC data
- AM in the peak direction (6 to 9 a.m.) Monday through Friday
- PM in the peak direction (3 to 6 p.m.) Monday through Friday
- Off-peak direction Monday through Friday

Samples will be collected semi-annually during the months of April and November to determine whether the standard vehicle's load is exceeded.

Vehicle Load Assessment

Valley Metro currently operates one light rail system that contains 60 light rail vehicles. Valley Metro has two types of light rail vehicles and both operate on a fixed route from Mesa through Tempe and into Phoenix. Valley Metro also operates one streetcar line that has six streetcar vehicles which started revenue service in May 2022. The data collected above for each vehicle type will be used to determine the vehicle load.

3.5.2 Vehicle Headway

Vehicle Headway Standard

Vehicle headway is the time interval between two vehicles traveling in the same direction on the same line. **Table 16** shows the vehicle headway thresholds for the light rail and streetcar system.

TABLE 16: VEHICLE HEADWAY STANDARDS

Service Type	Minimum Operating Days	Headway – Peak	Headway – Off-peak	Minimum Service Span (hours)
Light rail	Monday–Thursday	12 min	20 min	19
	Friday	12 min	20 min	22
	Saturday	20 min		22
	Sunday/Holiday	20 min		19
Streetcar	Monday–Thursday	12 min	20 min	20.5
	Friday	12 min	20 min	23.5
	Saturday	15 min	20 min	22
	Sunday/Holiday	20 min		19

Vehicle Headway Data Collection and Service Assessment

Valley Metro currently has one light rail route under operation with 41 stations, and the headway is monitored on a daily basis. As new extensions are added to the current light rail ends of line (extending light rail from current end-of-line at Sycamore and Montebello), the service assessment will be for this route in its entirety. As new routes to the system are brought into service, the service assessment will be by individual routes. Headways are monitored at the Operations Center and will be assessed by the following:

- AM in the peak direction (6 to 9 a.m.) weekdays
- PM in the peak direction (3 to 6 p.m.) weekdays
- AM in the peak direction (6 to 9 a.m.) weekends
- PM in the peak direction (3 to 6 p.m.) weekends

3.5.3 On-time Performance

On-time Performance Standard

On-time performance for light rail is a measure of a trip (end-of-line Gilbert Rd station to the end-of-line Metrocenter station) completed as scheduled. On-time performance for the streetcar is a measure of a trip (end-of-line Dorsey Station to the end-of-line Marina Heights) completed as scheduled. The service standard threshold is defined as 93 percent or better of all trips on light rail route completed within the allowed on-time window (zero minutes early and five minutes late of scheduled arrival times).

On-time Performance Data Collection and Assessment

Valley Metro currently has one light rail route with 41 stations and one streetcar route with 14 stops in operation. Valley Metro monitors the OTP on an annual basis and makes year-to-year comparisons. As new routes to the system are brought into service, the service assessment will be by individual routes. OTP is monitored at the Operations Center and is assessed through the SCADA network by the following:

- AM in the peak direction (6 to 9 a.m.) weekdays
- PM in the peak direction (3 to 6 p.m.) weekdays

- AM in the peak direction (6 to 9 a.m.) weekends
- PM in the peak direction (3 to 6 p.m.) weekends

3.5.4 Service Availability

Service Availability Standard

Service availability is measured by the distribution of light rail stations along the light rail route that afford residents accessibility to the regional transit system. The service standard has two thresholds:

- Light rail stations are placed approximately one mile apart. Where development patterns are of higher or lower density than typical within the region, an exception to the recommended stop spacing standard may be warranted.
- General considerations for light rail stations are based on the following criteria:
 - Density of population and employment
 - Mix of land uses
 - Connection to other transit services
 - Pedestrian accessibility to the station
 - Planning and design characteristics that support transit-oriented development and transit access

Service Availability Assessment

Valley Metro will assess the light rail service availability through the following:

- Identify light rail station-to-station spacing using the light rail station database.
- Identify the minority and low-income populations served within 0.5 mile of each station.
- Estimate the number of transit connections at each station.

SECTION 4: DEMOGRAPHIC DATA AND MAPS

4.1 DEMOGRAPHIC DATA OVERVIEW

Valley Metro uses demographic data to assess equity in distribution of services, facilities, amenities, changes to service and fares in relation to minority and low-income populations. Demographic data are also used in identifying LEP populations so that Valley Metro can provide language assistance in using services provided in the region. These data enable Valley Metro to monitor and assess service performance and to analyze impacts from proposed service and fare changes on minority and low-income populations and take appropriate measures to avoid, minimize or mitigate potential disparities.

Valley Metro, according to FTA Circular 4702.1B, is required to prepare demographic and service profile maps and charts that must be updated: (1) every three years, (2) after each decennial census or (3) when there are significant changes in the transit system. Valley Metro is required to prepare a base map of the service area that overlays census tracts or block groups that include transit routes, fixed guideway alignments, transit stops and stations, maintenance and garage facilities, and administrative buildings. The base map

will also include major activity centers and transit trip generators (central business districts, outlying high-employment areas, schools and hospitals).

Valley Metro is required to provide maps depicting the information listed above that includes census tracts or block groups within the service area where the percentage of total minority and low-income populations exceeds the average of the minority and low-income population for the service area as a whole.

The demographic data shown in this report are from the following sources:

- 2022 ACS
- 2023 On-board Survey (O&D), refer to **Appendix C**, 2023 On-board Transit Survey Report

4.2 AMERICAN COMMUNITY SURVEY DEMOGRAPHICS

Table 17 summarizes the minority and low-income populations of all the census tract block groups within Maricopa County and Valley Metro's service area, the three-quarter mile radial buffer around fixed-route transit services and a three-mile buffer around park-and-ride and transit facilities for express bus service, based on data from the 2022 ACS 5-year estimate.

TABLE 17: MINORITY AND LOW-INCOME POPULATION SUMMARY

Area	Total Population	Minority Population	% Minority	Population with Low-income Status Defined ^a	Low-income Population ^b	% Low-income
Maricopa County	4,430,871	2,071,610	46.7%	4,368,048	830,415	19.0%
Service area ^c	3,637,217	1,842,136	50.6%	3,585,527	752,079	20.9%

^a Defined as the population for whom poverty status is determined by the U.S. Census Bureau. Excludes persons living in college dormitories and institutional group quarters.

^b Low-income is defined as a person whose median household income is at or below 150 percent of the poverty level as determined by the U.S. Department of Health and Human Services.

^c Service area is defined as the three-quarter mile buffer within local fixed-route service and a three-mile buffer around park-and-ride and transit facilities for express bus service.

Table 18 summarizes the racial distribution among the population within Maricopa County and the service area. The total minority population within the service area is 1,842,136, or 50.6 percent of the total population. The three largest racial groups, other than White, are Asian/Pacific Islander, Black/African American and American Indian/Alaskan Native. The category of two or more races represents people who consider themselves to be any combination of races. The other categories represent people who consider themselves to be of one race. It should be noted that the category Hispanic/Latino is an ethnicity, not a race.

TABLE 18: RACE/ETHNICITY DISTRIBUTION

Total Population	White	African American	American Indian	Asian/Pacific Islander	Other Races	Two or More Races	Hispanic/Latino (Any Race)
Maricopa County							
4,430,871	2,359,261	239,826	60,562	193,077	16,505	158,887	1,402,753
100%	53.2%	5.4%	1.4%	4.4%	0.4%	3.6%	31.7%
Service area							
3,637,217	1,795,081	216,009	56,292	161,346	13,511	127,652	1,267,326
100.0%	49.4%	5.9%	1.5%	4.4%	0.4%	3.5%	34.8%

The ACS data include the number of persons ages five and above who self-identified their ability to speak English as “very well,” “well,” “not well,” and “not at all.” **Table 19** summarizes the English proficiency for Valley Metro’s service area in comparison to Maricopa County. The table shows that 9.3 percent of the population age five and over within the service area reported speaking English less than very well and is considered the overall LEP population. The census tracts within the service area have slightly higher population of LEP persons than Maricopa County.

TABLE 19: ENGLISH PROFICIENCY

County or Area	Total Population Age 5 and Over	Speaks English Only	Speaks English		Percentage Less Than Very Well
			Very Well	Less Than Very Well	
Maricopa County	4,171,400	3,068,856	756,667	345,877	8.3%
Census tracts within service area ^a	3,418,601	2,420,722	678,529	319,350	9.3%

^a Service area is defined as a three-quarter mile buffer within local fixed-route service and a three-mile buffer around park-and-ride and transit facilities for express bus service.

4.3 PASSENGER SURVEY (ORIGIN AND DESTINATION SURVEY)

Valley Metro conducted a transit on-board survey during the spring of 2023. Valley Metro conducts an Origin and Destination Study (or the “On-Board Survey”) every three to five years. The purpose of the survey was to better understand the travel patterns of transit users in the metropolitan Phoenix area. The results of the survey will be used to update regional travel demand models and improve the overall quality of transit service in the region.

The survey obtained usable surveys from approximately 22,326 passengers. Of the usable surveys, 4,949 were completed with rail passengers, 13,011 were completed with bus passengers, and 4,366 were both bus and rail passengers. The magnitude of the survey will allow region planners to better understand the needs and travel patterns of many specialized populations. For example, the final database contains responses from:

- 12,471 people who do not have cars
- 1,551 people under age 18
- 3,644 people age 55 or older
- 5,941 people with Hispanic or Latino ethnicity
- 4,477 students, including 3,099 college/university students and 1,256 students in grades K to 12
- 3,832 people living in households with incomes less than \$15,000 per year
- 16,382 people who were employed full or part time
- 2,076 people who were not employed but seeking work

Major Findings

Some of the major findings from the survey include the following:

- Forty-four percent of all transit riders (44.1 percent) are between the ages of 19 and 34.
- Forty-nine percent of all Valley Metro transit riders do not have a valid driver's license.
- Walking is the dominant access and egress mode for all riders, on average 90.4 percent.
- Around half (53.3 percent) of Valley Metro transit riders use only one route to complete their one-way trip.
- Almost one-fourth (27.4 percent) of all Valley Metro transit riders speak another language besides English at home.
- Ninety-four percent of passengers have a smart phone and fifty-four percent of passengers use a mobile app such as the Valley Metro App, Google Maps, or Transit, to get schedule information.

The racial and Hispanic distribution across the transit services is summarized in **Table 20**.

TABLE 20: RACIAL AND HISPANIC DISTRIBUTION

Service	White	African American	American Indian	Asian	Native Hawaiian/Pacific Islander	Hispanic/Latino (Any Race)
Bus	38%	23%	6%	9%	1%	29%
Bus/Rail	40%	27%	7%	5%	2%	24%
Rail	47%	21%	7%	7%	1%	22%

The English proficiency across the transit services is summarized in **Table 21**.

TABLE 21: ENGLISH PROFICIENCY

Service	Very Well	Well	Less Than Well	Not at All
Bus	74.8%	11.5%	6.7%	7.1%
Bus/Rail	80.7%	12.8%	4.5%	2.0%
Rail	84.6%	9.2%	4.6%	1.6%

The other languages that are spoken at home across the transit services are summarized in **Table 22**.

TABLE 22: OTHER LANGUAGES SPOKEN AT HOME

Language	Bus	Rail	Bus/Rail
Spanish	66.9%	66.1%	54.8%
Hindi	7.6%	4.3%	11.7%
Navajo	3.0%	4.5%	4.2%
Telugu	2.9%	0.0%	1.1%
Arabic, Standard	1.6%	2.8%	1.9%
Chinese, Mandarin	0.9%	0.6%	4.6%
French	1.7%	2.8%	1.9%
German	1.1%	1.4%	2.2%
Chinese	1.1%	1.4%	2.2%

4.4 DEMOGRAPHIC MAPS

Figure 11 displays all fixed transit services, park-and-rides, transit centers and other Valley Metro facilities in Maricopa County.

Figure 12 displays a zoomed-in view of the region's transit services. This map includes light rail stations, park-and-ride facilities and transit centers in the region.

Figure 13, the base map, displays all transit services broken down by service provider, light rail service, future rail service, park-and-rides, transit centers, operations and maintenance center, bus yards, trip generators and employment areas in the region.

Figure 14 displays the minority populations and their relation to the regional transit system amenities. This includes light rail stations, park-and-ride facilities, maintenance facilities and transit centers.

Figure 15 displays the minority populations and their relation to the regional transit system recent and planned system improvements. This includes light rail stations, park-and-ride facilities, maintenance facilities and transit centers.

Figure 16 displays the low-income populations and their relation to the regional transit system amenities. This includes light rail stations, park-and-ride facilities, maintenance facilities and transit centers.

Figure 17 displays the low-income populations and their relation to the regional transit system recent and planned system improvements. This includes light rail stations, park-and-ride facilities, maintenance facilities and transit centers.

Figure 18 displays the population within Maricopa County that speaks English less than very well, per census tracts, and the fixed-route transit service area.

FIGURE 11: MARICOPA COUNTY AND ALL SERVICES

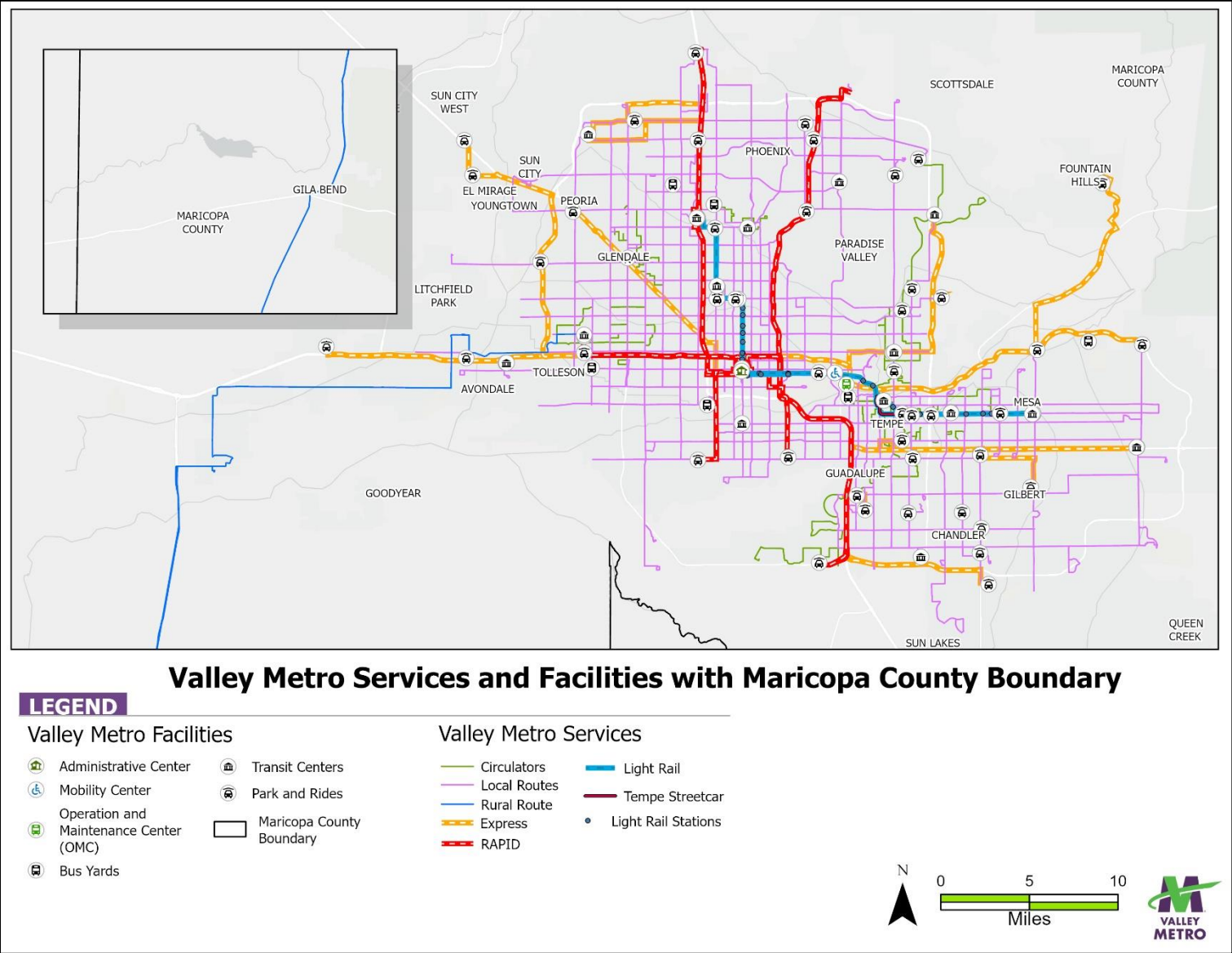


FIGURE 12: TRANSIT SERVICE AREA WITH ALL SERVICES

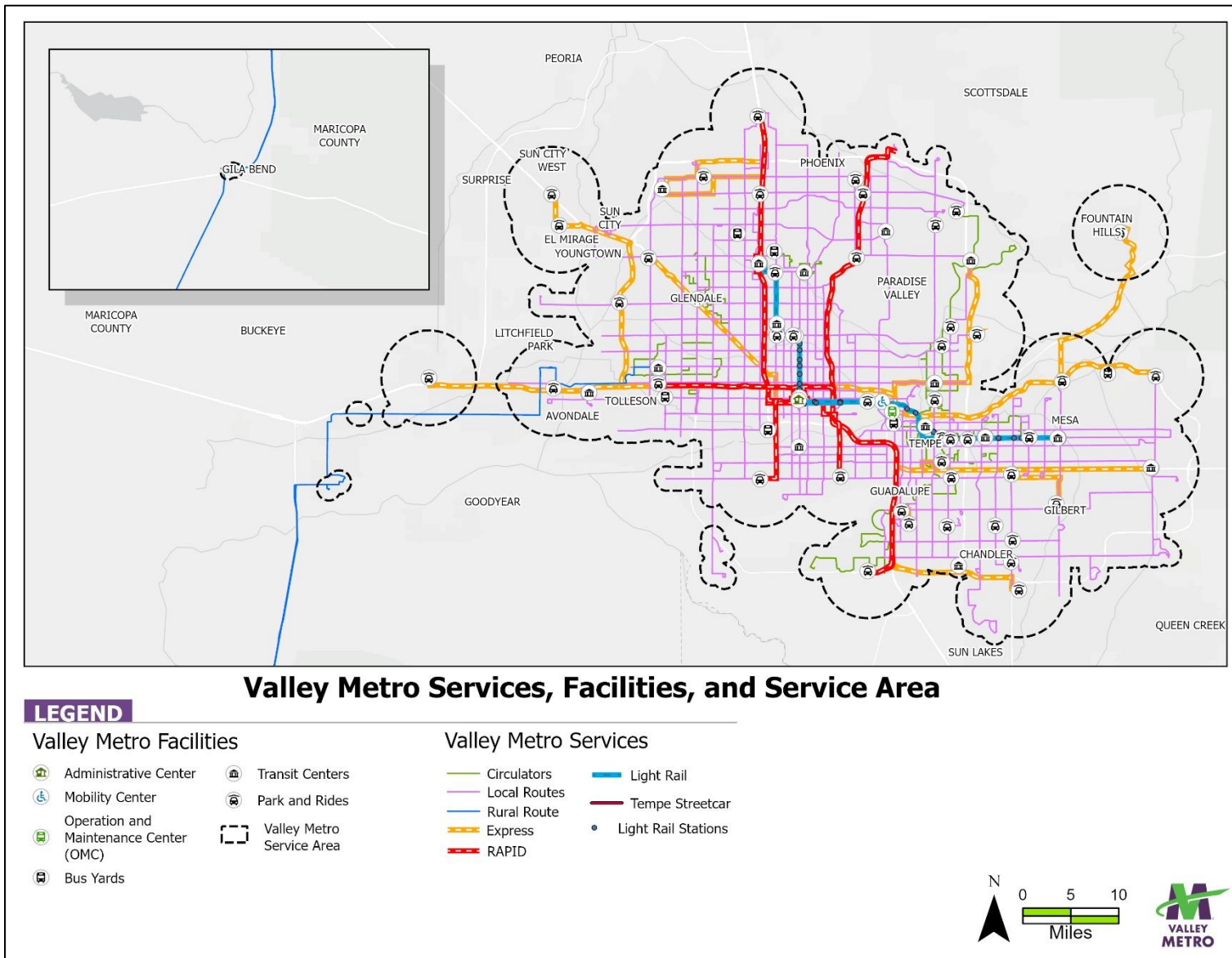


FIGURE 13: FIXED-ROUTE TRANSIT SYSTEM AMENITIES

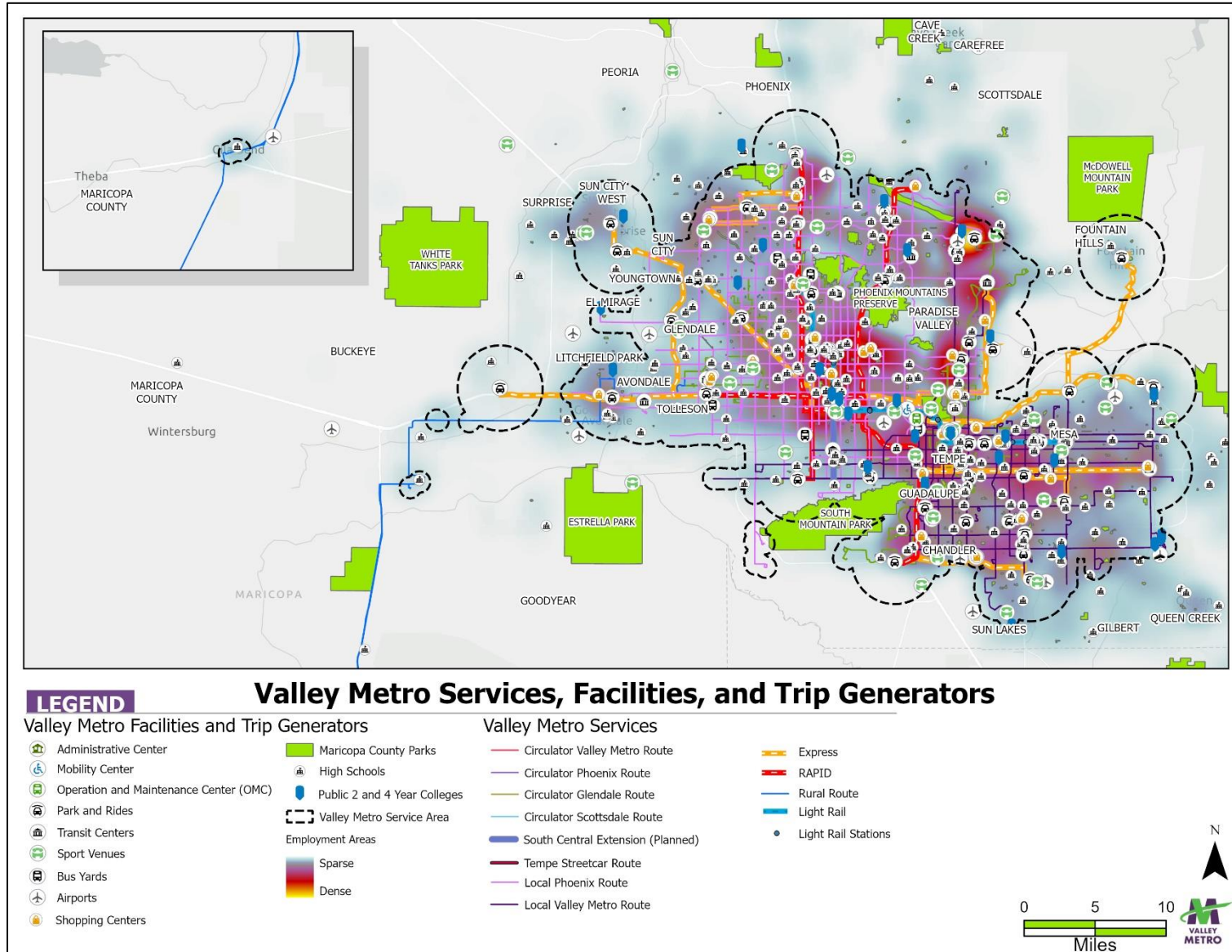


FIGURE 14: FIXED-ROUTE TRANSIT SYSTEM AMENITIES AND MINORITY POPULATIONS

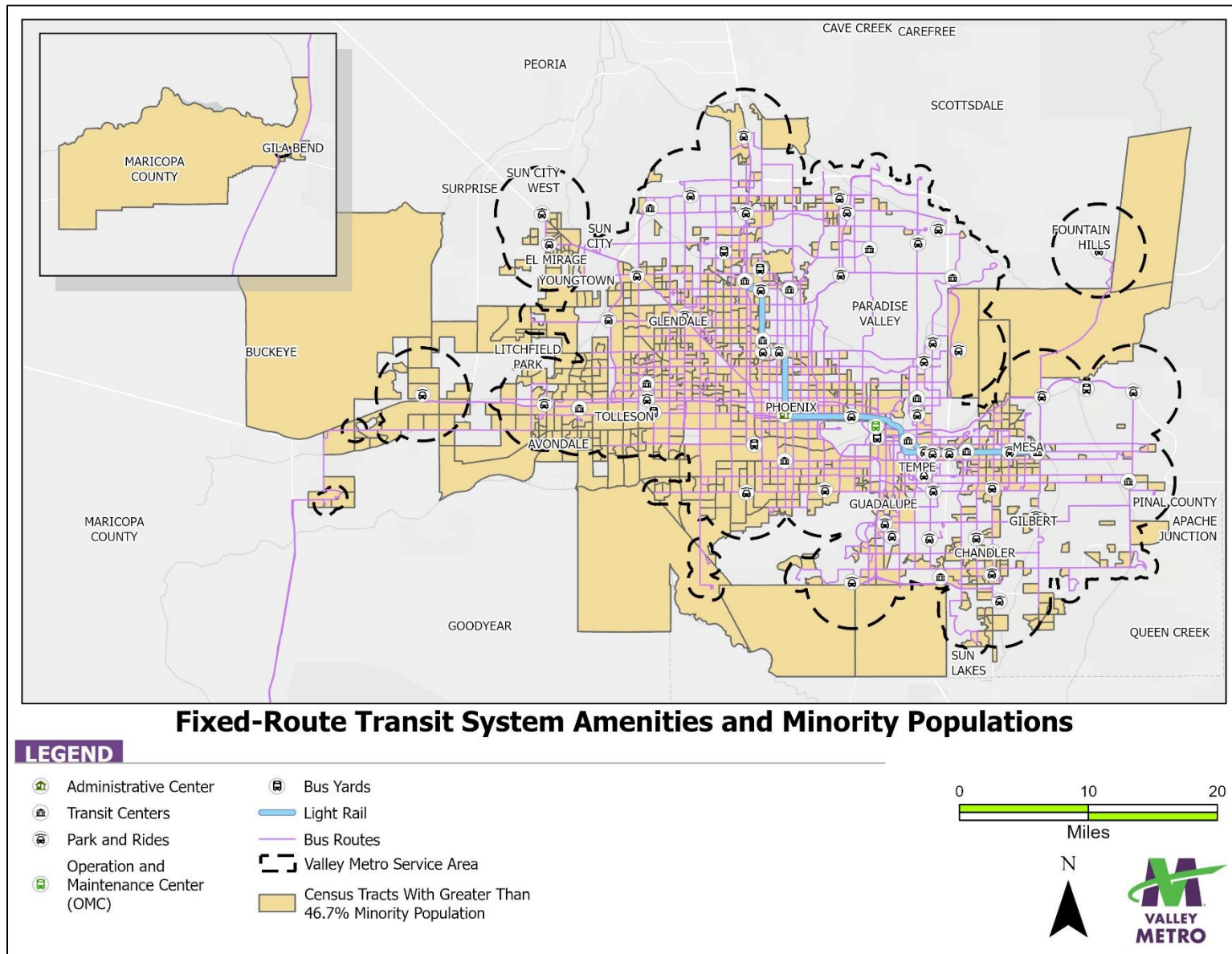


FIGURE 15: FIXED-ROUTE TRANSIT SYSTEM AMENITIES PLANNED & RECENT IMPROVEMENT AND MINORITY POPULATIONS

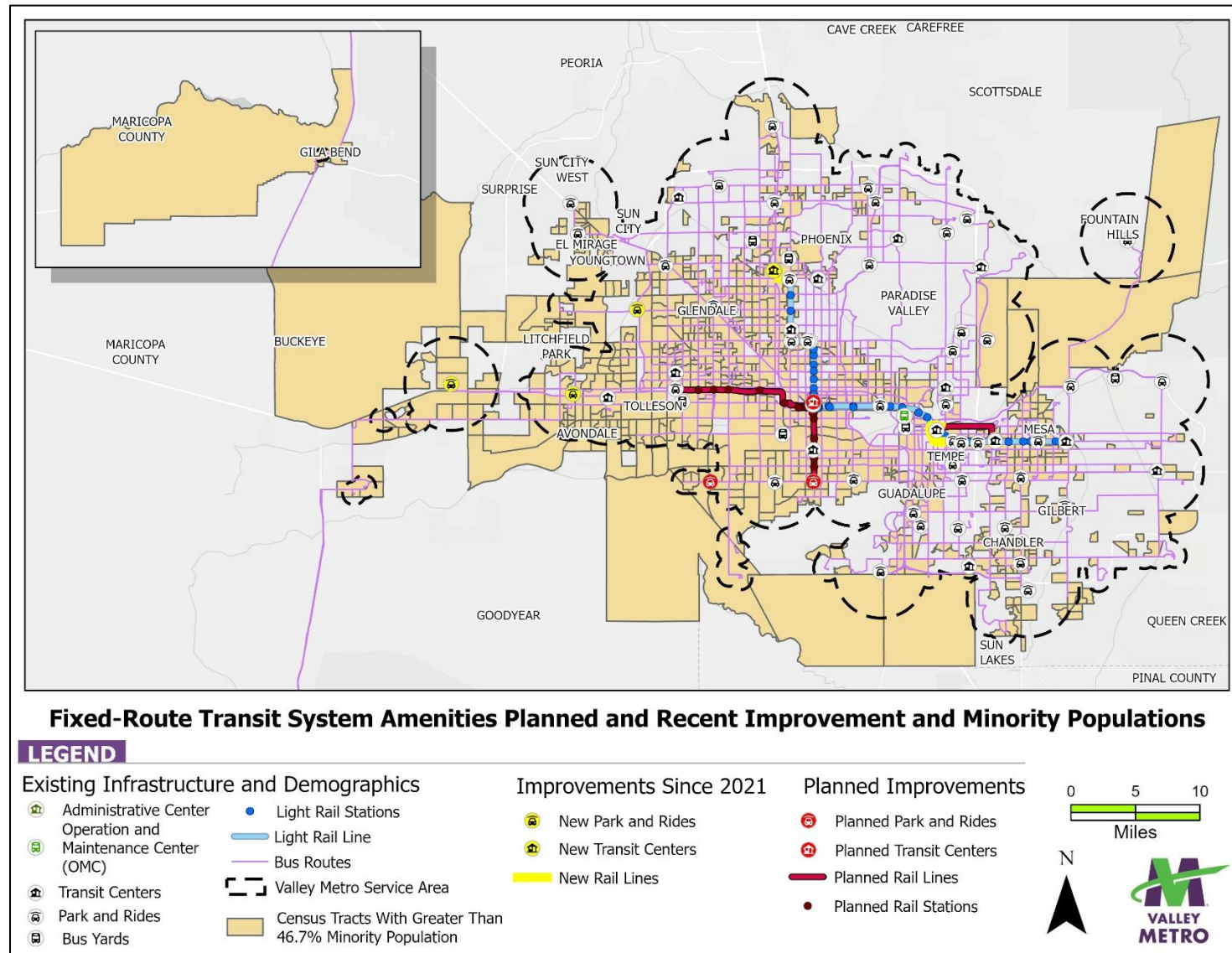


FIGURE 16: FIXED-ROUTE TRANSIT SYSTEM AMENITIES AND LOW-INCOME POPULATIONS

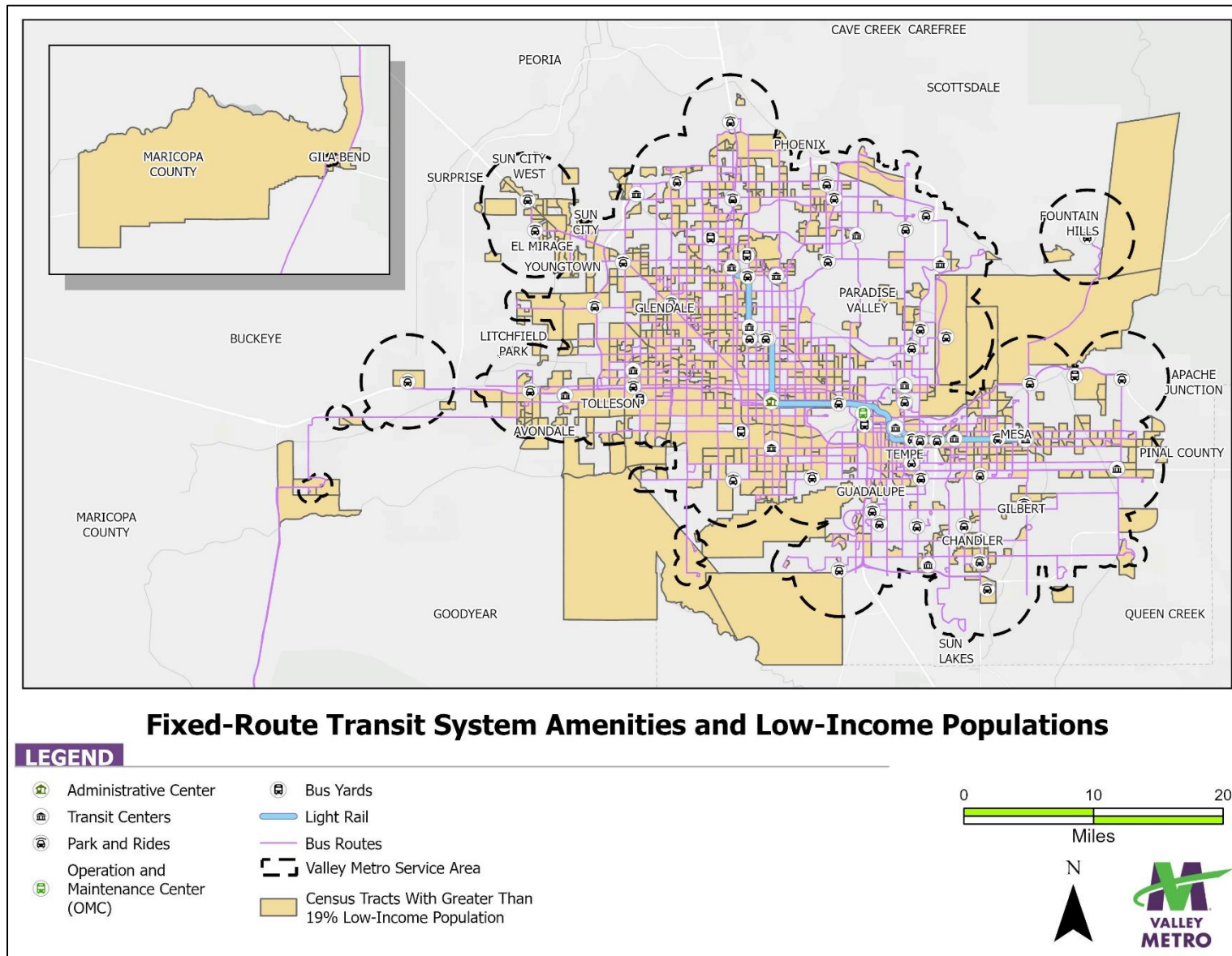


FIGURE 17: FIXED-ROUTE TRANSIT SYSTEM AMENITIES PLANNED & RECENT IMPROVEMENT AND MINORITY POPULATIONS

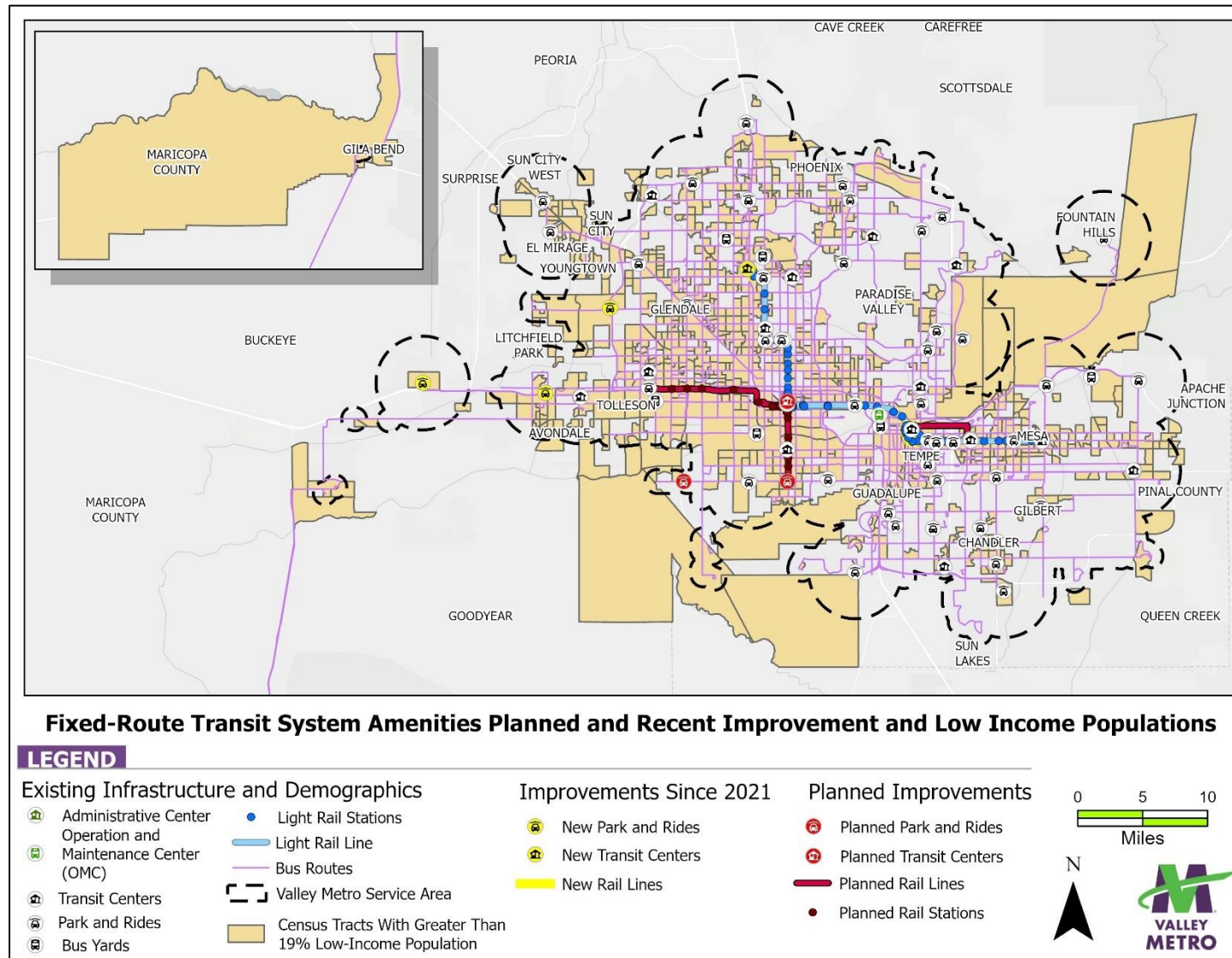
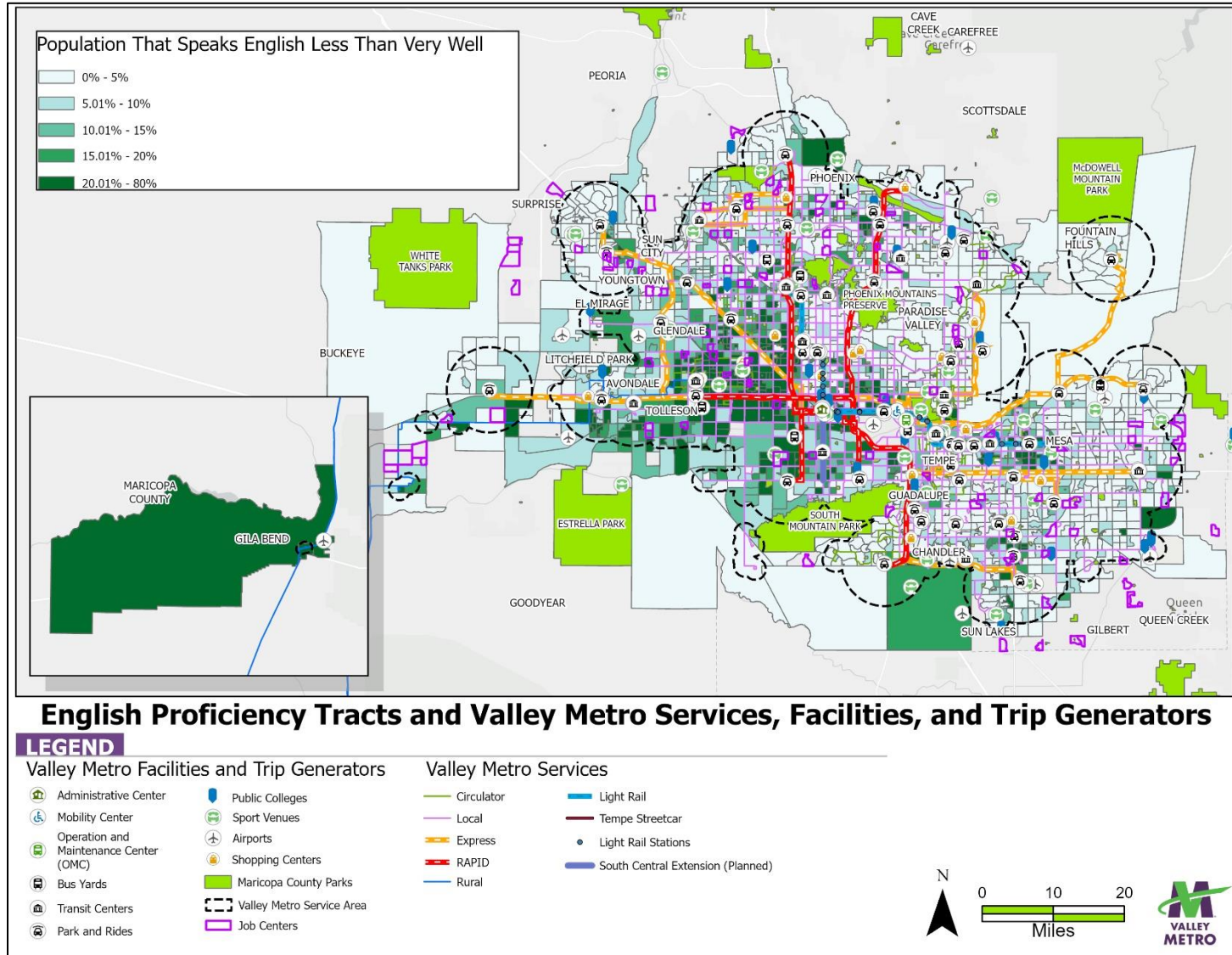


FIGURE 18: ENGLISH PROFICIENCY POPULATION – SPEAK ENGLISH LESS THAN VERY WELL





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 4

Consent: No	Regular: No	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 315342, requested by Jared Michael Repinski, for Best Western Plus Surprise Phoenix - NW for Series 07 Liquor License. Best Western Plus Surprise Phoenix - NW is located at 13337 W Grand Ave, Surprise, AZ 85374.

Motion:

I move to recommend approval of application No. 315342 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 7 liquor license for Best Western Plus Surprise Phoenix - NW is located at 13337 W Grand Ave, Surprise, AZ 85374. The City Clerk's Office has posted the appropriate notice as required by law. No written arguments in favor of or opposed to the issuance of the license have been received by the Clerk's Office within the twenty days after the date of posting the notice.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

Objective Analysis:

Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:

The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:

None

Budget Impact:

None

FTE Impact:

None

ATTACHMENTS:

1. Best Western #315432 Map 1
 2. CD - Best Western # 315432
 3. Finance - Best Western Plus Surprise Phoenix - 13337 W Grand Ave
 4. Fire - Best Western Plus 13337 W Grand Ave liquor license
 5. PD - Best Western 13337 W Grand
-

Best Western #315432

C-3
ZONING

PAD
Crossroads at
Surprise

C-3
ZONING

7- ELEVEN

C-3
ZONING

I-1
Light
Industrial

PAD
West Point
Towne Center

Site

C-3
ZONING



COMMUNITY DEVELOPMENT DEPARTMENT

Date: November 26, 2024
To: Charles Vasquez, Deputy City Clerk
From: Lloyd Abrams, Community Development Director
Daniel Johnson, Zoning Specialist
Re: Liquor License Application for:

**AGENT, Jared Michael Repinski
Best Western #315342
13337 W Grand Avenue
Surprise, Arizona 85374**

New Series 07 (NEW APPLICATION – BEER & WINE BAR) – Application # 315342

The number and series of licenses in close proximity to the subject site are:

1. Target #1335 (Series 10) – 13731 W Bell Rd
2. Red Lobster #6288 (Series 12) – 13709 W Bell Rd
3. Olive Garden Italian Restaurant #1627 (Series 12) – 13379 W Grand Ave
4. Octane Lounge (Series 6) – 13420 W Bell Rd (Expired)
5. 7-ELEVEN (Series 10) 13130 W Bell Rd

The immediate area is comprised of commercial establishments, residential, and senior living. The property is zoned PAD & C-2 which is consistent with the proposed use.

Commercial and residential growth is expected to remain static in this area.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no effect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.



MEMO

Date: 11/13/2024

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Business Compliance Specialist

RE: Liquor License Application – BEST WESTERN PLUS SURPRISE - 13337 W GRAND AVE

Business License Status:

- ☐ Application link emailed on .
- ☒ License # 1019212 , current and valid for 12/31/25 .
- ☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

BUSINESS LICENSE

CITY OF SURPRISE

16000 N. Civic Center Plaza
Surprise, AZ 85374-7470

Business Name: Best Western Plus Surprise Phoenix Nw
Business Location: 13337 W Grand Ave Surprise, Az 85374-4070

Description: HOTEL/MOTEL



Grand Hospitality Llc
Amandeep K Dhillon
Best Western Plus Surprise Phoenix Nw
13337 W Grand Ave
Surprise, Az 85374-4070

BUSINESS LICENSE NUMBER: 1019212
Effective Date: 01/01/2024
Expiration Date: 12/31/2024

TO BE POSTED IN A CONSPICUOUS PLACE

NOT TRANSFERABLE

BUSINESS LICENSE

CITY OF SURPRISE

16000 N. Civic Center Plaza
Surprise, AZ 85374-7470

Business Name: Best Western Plus Surprise Phoenix Nw
Business Location: 13337 W Grand Ave Surprise, Az 85374-4070

Description: HOTEL/MOTEL

SURPRISE
ARIZONA

Grand Hospitality Llc
Amandeep K Dhillon
Best Western Plus Surprise Phoenix Nw
13337 W Grand Ave
Surprise, Az 85374-4070

BUSINESS LICENSE NUMBER: 1019212
Effective Date: 01/01/2025
Expiration Date: 12/31/2025

TO BE POSTED IN A CONSPICUOUS PLACE

NOT TRANSFERABLE



Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



November 13, 2024

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Best Western Plus Surprise Phoenix – NW
13337 W Grand Ave

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location within the last 12 months to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time.

Therefore fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner
Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: December 9, 2024

NEW LICENSE/LLC
SERIES 07 Beer & Wine Bar –
Application #315342

APPLICANT:

Best Western Plus Surprise Phoenix - NW

13337 W Grand Avenue
Surprise, Arizona 85374

FINDINGS:

- 1) *Evidence concerning the nature of the proposed business, its potential market and its likely customers.*
Best Western Plus Surprise is a hotel currently in Surprise. There is no on-site restaurant or bar. The hotel will be used primarily for out-of-town guests and the requested liquor will be sold only to guests of the hotel.
- 2) *Effect of vehicular traffic in close proximity.*
There should not be a changing effect on traffic at this location if a license is granted at this location.
- 3) *The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.*
This location has had a large amount of police contacts over the past five years. The total amount of calls for service at this location over the past five years is 291 incidents. Of these calls, there have been 45 incident reports. There have also been 11 incidents that resulted in physical arrests, resulting from six drug incidents, 2 incidents involving domestic violence related, 2 counts of trespassing, and one incident for an unwanted guest. There was also an on-site criminal cite and release arrest for criminal trespassing. I have attached a listing of the written incident reports as well as a list of the physical arrest incidents. The written incident reports are denoted by a clearance code, #6 and the physical in custody arrests are denoted by a clearance code, #1.

Best Western Plus Surprise Phoenix - NW

13337 W Grand Avenue
Surprise, Arizona 85374

12/09/24 Surprise Police Department 1005
 18:32 Law Incident Addr. History Report, by Date Reported Page: 1

Inc. No.	Reported	Nature	Address	Locn	Clr
200104182	11:40:48 01/17/20	THEFT	13337 W GRAND AV; COMFORT	WPTC	6
200305821	20:08:49 03/27/20	FOUND PROPERTY	13337 W GRAND AV; US 60, S	WPTC	6
200400951	11:59:12 04/05/20	THEFT	13337 W GRAND AV; COMFORT	WPTC	6
200404566	08:53:12 04/22/20	THEFT	13337 W GRAND AV; COMFORT	WPTC	6
200504602	19:52:49 05/21/20	SHOPLIFTING	13337 W GRAND AV; US 60; B	WPTC	6
200505290	21:50:48 05/24/20	BURGLARY	13337 W GRAND AV; BEST WES	WPTC	6
200506107	02:31:38 05/28/20	DEAD BODY	13337 W GRAND AV; US 60, S	WPTC	6
200605854	17:15:59 06/28/20	WELFARE CHECK	13337 W GRAND AV; US 60, S	WPTC	6
200606263	12:40:42 06/30/20	BURGLARY	13337 W GRAND AV; US 60, S	WPTC	6
200703149	22:37:10 07/14/20	WARRANT ARREST	13337 W GRAND AV; US 60, S	WPTC	6
200800076	09:43:50 08/01/20	CITIZEN ASSIST	13337 W GRAND AV; US 60; B	WPTC	6
200801778	03:29:41 08/09/20	CRIMINAL DAMAGE	13337 W GRAND AV; US 60; B	WPTC	6
200804208	14:02:10 08/19/20	SUSPICIOUS ACTI	13337 W GRAND AV; US 60, S	WPTC	6
200804441	14:26:53 08/20/20	THEFT	13337 W GRAND AV; US 60, S	WPTC	6
201206605	09:03:03 12/31/20	THEFT	13337 W GRAND AV; US 60, S	WPTC	6
210305504	17:08:46 03/25/21	RUNAWAY JUVENIL	13337 W GRAND AV; US 60, S	WPTC	6
210505551	16:46:13 05/26/21	INDECENT EXPOSE	13337 W GRAND AV; US 60, S	WPTC	6
210902355	06:04:11 09/11/21	STOLEN VEHICLE	13337 W GRAND AV; US 60, S	WPTC	6
210902776	11:27:41 09/13/21	ACCIDENT, PP/HR	13337 W GRAND AV; US 60, S	WPTC	6
211103218	10:37:27 11/16/21	FOUND PROPERTY	13337 W GRAND AV; US 60; B	WPTC	6
211104249	07:43:18 11/21/21	FOUND PROPERTY	13337 W GRAND AV; US 60; B	WPTC	6
211201045	09:18:32 12/06/21	THEFT	13337 W GRAND AV; US 60; B	WPTC	6
220200324	12:19:02 02/02/22	FRAUD	13337 W GRAND AV; US 60, S	WPTC	6
220301219	22:22:52 03/06/22	BURGLARY	13337 W GRAND AV; US 60, S	WPTC	6
220404126	15:12:18 04/21/22	CRIMINAL DAMAGE	13337 W GRAND AV; US 60; BE	WPTC	6
220503912	18:49:16 05/18/22	THEFT	13337 W GRAND AV; BEST WES	WPTC	6
220600114	12:26:49 06/01/22	FOUND PROPERTY	13337 W GRAND AV; US 60, S	WPTC	6
220801433	19:08:08 08/06/22	FIRE VEHICLE	13337 W GRAND AV; US 60, S	WPTC	6
220901933	15:19:50 09/09/22	THEFT	13337 W GRAND AV; BEST WES	WPTC	6
221001621	08:56:47 10/10/22	THEFT	13337 W GRAND AV; BEST WES	WPTC	6
221105540	09:28:38 11/30/22	CRIMINAL DAMAGE	13337 W GRAND AV; US 60, S	WPTC	6
221204098	09:00:45 12/22/22	DRUGS	13337 W GRAND AV; BEST WES	WPTC	6
230100917	07:34:18 01/06/23	CIVIL MATTER	13337 W GRAND AV; US 60, S	WPTC	6
230603545	13:33:36 06/18/23	TRESPASSING	13337 W GRAND AV; BEST WES	SUMK	6
230905962	20:14:13 09/28/23	ASSAULT	13337 W GRAND AV; BEST WES	SUMK	6
240101279	07:56:25 01/07/24	CRIMINAL DAMAGE	13337 W GRAND AV; BEST WES	22	6
240303703	09:45:51 03/20/24	SEX OFFENSE	13337 W GRAND AV; BEST WES	SUMK	6
240705026	12:33:45 07/17/24	THEFT	13337 W GRAND AV; US 60, S	22	6
240705053	12:33:45 07/17/24	FRAUD	13337 W GRAND AV; US 60, S	22	6
240705925	11:47:47 07/29/24	WELFARE CHECK	13337 W GRAND AV; BEST WES	22	6
240800437	13:50:29 08/02/24	DEAD BODY	13337 W GRAND AV; BEST WES	22	6
240805683	08:30:42 08/27/24	BURGLARY	13337 W GRAND AV; BEST WES	22	6
240806393	09:20:24 08/30/24	THEFT	13337 W GRAND AV; BEST WES	22	6
240806544	23:30:22 08/30/24	DRUGS	13337 W GRAND AV; US 60, S	22	6
241200422	05:44:07 12/03/24	DOMESTIC	13337 W GRAND AV; ROOM #20	22	6

Total Incidents for This Report: 45

Report Includes:
 All dates greater than `00:00:00 12/09/19`
 All location codes
 All cities
 All addresses matching `13337 W Grand\*`
 All agencies
 All offenses observed

Best Western Plus Surprise Phoenix - NW
 13337 W Grand Avenue
 Surprise, Arizona 85374

12/09/24 Surprise Police Department 1005
18:42 Law Incident Addr. History Report, by Date Reported Page: 1

Inc. No.	Reported	Nature	Address	Loctn	Clr
200405482	16:32:40 04/26/20	DRUGS	13337 W GRAND AV; COMFORT	WPTC	1
200500387	20:00:36 05/02/20	DOMESTIC	13337 W GRAND AV; US 60; C	WPTC	1
200600569	12:38:54 06/03/20	TRESPASSING	13337 W GRAND AV; US 60; B	WPTC	1
200805868	09:07:45 08/27/20	UNWANTED GUEST	13337 W GRAND AV; US 60, S	WPTC	1
210302932	12:06:36 03/14/21	DRUGS	13337 W GRAND AV; US 60, S	WPTC	1
210501027	20:11:36 05/05/21	DOMESTIC	13337 W GRAND AV; #314, SU	WPTC	1
210502087	19:12:19 05/10/21	DRUGS	13337 W GRAND AV; US 60; B	WPTC	1
210901329	19:00:39 09/06/21	DRUGS	13337 W GRAND AV; US 60; B	WPTC	1
230602030	03:37:19 06/11/23	DRUGS	13337 W GRAND AV; US 60, S	22	1
240600566	17:21:00 06/03/24	TRESPASSING	13337 W GRAND AV; BEST WES	22	1
240703632	12:33:45 07/17/24	DRUGS	13337 W GRAND AVE, SURPRIS	22	1

Total Incidents for This Report: 11

Report Includes:

All dates greater than `00:00:00 12/09/19`
All location codes
All cities
All addresses matching `13337 W Grand\*`
All agencies
All offenses observed
All offenses reported
All offense codes
All nature of incidents
All clearance codes matching `1`
All circumstance codes

*** End of Report /tmp/rpttgbZ9v-rplwiahrl_9 ***

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***

According to the agent for this application, the front desk is requesting to sell the beer and wine from the front desk during normal AZ Liquor hours, which is until 2 AM. There is a Carl's Jr. fast food restaurant near by that closes by midnight and an auto parts store that closes at approximately 10 PM. Best Western shares space in a retail plaza with the businesses as well as several other retail stores that close by approximately 9 PM.

5) ***Appropriateness of series license requested.***

A series 07 license for is appropriate for this type of establishment, but I'm unsure of the request due to the large number of incidents at this location.

Respectfully submitted by Officer Chris Tovar #2059

Best Western Plus Surprise Phoenix - NW

13337 W Grand Avenue
Surprise, Arizona 85374



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 3

Consent: No	Regular: No	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 314540, requested by Maria Danielle Burgess, for Circle K Store #9543 for Series 09 Liquor License. Circle K Store #9543 is located at 16251 W Cactus Rd, Surprise, AZ 85379.

Motion:

I move to recommend approval of application No. 314540 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 09 liquor license for Circle K Store #9543 is located at 16251 W Cactus Rd, Surprise, AZ 85379. The City Clerk's Office has posted the appropriate notice as required by law. No written arguments in favor of or opposed to the issuance of the license have been received by the Clerk's Office within the twenty days after the date of posting the notice.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

Objective Analysis:

Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:

The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and

this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:

None

Budget Impact:

None

FTE Impact:

None

ATTACHMENTS:

1. CD - CIRCLE K #9543 - 16251 W CACTUS RD - REPORT
 2. CIRCLE K #9543 - 16251 W CACTUS RD MAP.pdf
 3. FD - Circle K #9543 16251 W Bell Liquor License
 4. Finance - Circle K Store #9543 - 16251 W Cactus Road
 5. PD - Circle K at 16251 W Cactus Road
-



COMMUNITY DEVELOPMENT DEPARTMENT

Date: December 2, 2024
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Agent, Maria Danielle Burgess
Circle K Store #9543
16251 W. Cactus Road
Surprise, AZ. 85379**

New Series 09 (New Application – Liquor Store)- Application # 314540

The number and series of licenses in close proximity to the subject site are:

1. QuikTrip #1430 (Series 10) – 12294 N. Prada Pkwy. (New Application)

The immediate area is proposed commercial establishments. The property is zoned PAD Greer Ranch which is consistent with the proposed use.

Commercial growth will increase in this area while residential growth will remain static.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no affect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.

CIRCLE K #9543

PAD
PRASADA

PAD
PRASADA

QUIKTRIP #1430

SITE

PAD
SYCAMORE FARMS

PAD
GREER RANCH



Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



November 25, 2024

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Circle K Store #9543
16251 W Cactus Rd
Surprise, AZ 85379

The Surprise Fire-Medical Department has been involved with the pre-construction / plan review process at the above referenced location within the last few months to ensure compliance with the applicable fire codes within the tenant space and building. Since construction work is still ongoing, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department



MEMO

Date: 11/25/2024

To: Kristi Passarelli, City Clerk
Charles Vasquez, Deputy City Clerk

From: Lillian Nieto, Business Compliance Specialist

RE: Liquor License Application – Circle K Store #9543- 16251 W Cactus Road

Business License Status:

☒ Application link emailed on 11/25/24 .

☐ License # , current and valid for .



Finance Department
Revenue Division
16000 N. Civic Center Plaza
Surprise, AZ 85374-7470
Business.license@surpriseaz.gov

11/25/2024

11/25/2024

Re: Business License Requirement

To Whom It May Concern:

The Revenue Division has received notification that a liquor license application has been received on behalf of your company.

The City of Surprise requires that all businesses located within the City of Surprise have a City of Surprise business license prior to the start of their operations. Please be sure to apply for your business license at least 3 weeks prior to the opening of your business.

You can apply online at <https://primeweb.surpriseaz.gov/>. City of Surprise Business License applications and supplemental forms are available online at <https://www.surpriseaz.gov/407/Business-License-Application-Supplementa>. License Fees will be billed upon approval of your license application.

For additional information, please visit the City of Surprise website at www.surpriseaz.gov.

If you have any questions, please email our office at business.license@surpriseaz.gov.

Respectfully,
Revenue Division

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: December 10, 2024

Application # 314540
New License/Corporation

APPLICANT:

Circle K Store #9543
16251 W Cactus Road
Surprise, Arizona 85379

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Circle K is a full-service convenience market and gas station that primarily serves patrons of all ages from the surrounding communities and general public.
- 2) ***Effect of vehicular traffic in close proximity.***
The roads around this future location are currently being widened to accommodate the anticipated growth for the surrounding area and should be adequate for this Circle K.
- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
N/A.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
The business hours of operation is open 24 hours a day. There is a shopping plaza in the immediate area under construction, however nothing is completed at this time.
- 5) ***Appropriateness of series license requested.***
Most convenience stores have series 09 licenses. This license request is appropriate for this Circle K store.

Submitted by Officer C. E. Tovar #2059



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the annexation of approximately 10.8 acres of county land, generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road; Ordinance #2024-41.

Motion:

I move to [approve/deny] Ordinance #2024-41.

Background:

Walter Wong, property owner, and Carey & Lauren Morgan, property owners, seek annexation of undeveloped land generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road. The annexation proposal is for two (2) parcels, consisting of approximately 10.84 acres of unincorporated land with Maricopa County zoning district, Rural Zoning District – One Acre Per Dwelling Unit (RU-43). If annexed, the property will assume the similar zoning district of Rural Residential (RR) as outlined in the Land Development Ordinance (LDO). The owners have applied for rezone requests under separate cases. An annexation blank petition was recorded with the Maricopa County Recorder's Office on October 23, 2024, to start the 30-day waiting period.

Objective Analysis:

Positive impacts include adding additional property to the incorporated limits which will generate additional property and potential development fees for the City. Negative impacts could include providing services to a 10.84-acre area where the City did not have to previously serve.

Policy Compliant:

Annexation of this property is compliant with City Council policy by expanding the range of influence of the City. The Surprise General Plan 2040 shows the subject property as lying within the Neighborhood Character Area, which supports locally oriented commercial development.

Financial Impact:

At this time, there are no financial impacts associated with this item. If the City Council moves forward to annex property into the City limits there could be financial impacts to the City to provide services to

an area that the City did not provide services in the past. If the area is annexed that could result in future development fees, sales and property taxes.

Budget Impact:

At this time, there are no budget impacts associated with this item. If the City Council moves forward to annex property into the City limits there could be minor budget impacts to the City to provide services to an area that the City did not provide services in the past. If the area is annexed that could result in future development fees, sales and property taxes.

FTE Impact:

At this time, there would be no additional FTEs associated with this item. If the City Council moves forward to annex property into the City limits staff does not believe any future FTEs would be needed based on the potential annexation.

ATTACHMENTS:

1. 00 - FS24-0505 Wong & Morgan Annexation - Final Annexation Hearing - Staff Report
 2. 01 - FS24-0505 Wong & Morgan Annexation - Vicinity Map
 3. 02 - FS24-0505 Wong & Morgan Annexation - Annexation Map
 4. 03 - FS24-0505 Wong & Morgan Annexation - Assessor Annexation Report
 5. 04 - FS24-0505 Wong & Morgan Annexation - AZ Department of Revenue Report
 6. 05 - FS24-0505 Wong & Morgan Annexation - Draft Ordinance
 7. 06 - FS24-0505 Wong & Morgan Annexation - Signed Petition
 8. 07 - FS24-0505 Wong & Morgan Annexation - Citizen Participation Report_Redacted
 9. 08 - FS24-0505 Wong & Morgan Annexation - Affidavit of Site Posting
 10. Wong & Morgan Presentation
-

ANNEXATION

REPORT TO THE CITY COUNCIL

Case: FS24-0505

Project Name: Wong & Morgan Annexation – Final Annexation Hearing

Council District: 1 - Acacia

City Council Date: December 17, 2024

Planner: Trever Fleetham, Planning Manager

Owner: Walter Wong and Carey & Lauren Morgan

Applicant: Walter Wong and Carey & Lauren Morgan

Request: Annexation of approximately 10.8 acres

Site Location: Generally located at the southeast corner of 163rd Ave and Pinnacle Peak Road

Site Size: 10.8 acres (approx.)

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040

Actions: **Approve:** Approval of the proposed annexation will increase the corporate limits of the City of Surprise which, in turn, will allow the property to be developed in accordance with the City of Surprise General Plan and Surprise Municipal Code.

Deny: Denial of the proposed annexation will result in the continuation of a long-standing county jurisdiction.

43
44 **Project Description:**
45

46 Walter Wong, property owner, and Carey & Lauren Morgan, property owners, seek
47 annexation of undeveloped land generally located at the southeast corner of 163rd
48 Avenue and Pinnacle Peak Road. The annexation proposal is for two (2) parcels,
49 consisting of approximately 10.84 acres of unincorporated land with Maricopa County
50 zoning district, Rural Zoning District – One Acre Per Dwelling Unit (RU-43). If annexed,
51 the property will assume the similar zoning district of Rural Residential (RR) as outlined
52 in the Land Development Ordinance (LDO). The owners have applied for rezone requests
53 under separate cases.
54

55 Arizona Revised Statutes require the filing of a blank annexation petition. The blank
56 petition relating to the subject property was recorded with the Maricopa County
57 Recorder's Office on October 23, 2024. Arizona Revised Statutes also require that no
58 signatures be obtained during a 30-day waiting period immediately following the filing of
59 the blank petition, and that a public hearing must be held during the last 10 days of the
60 30-day waiting period. This requirement was met as the public hearing was held on day
61 28 of the 30-day waiting period. Following the public hearing and the end of the 30-day
62 waiting period, signatures were collected. State statute requires that an excess of 50% of
63 the landowners and assessed valuation for all real and personal property sign the petition
64 in order to validate the petition. State statute allows up to one year following the end of
65 the 30-day period to obtain the required number of signatures.
66

67 **Background:**

68 **August 20, 2024:** Mayor and City Council approved Resolution #2024-124, directing the
69 recording of a blank petition for the subject annexation.
70

71 **October 22, 2024:** A neighborhood outreach meeting was held at the Asante Library the
72 subject request.
73

74 **October 23, 2024:** The Surprise City Clerk filed a blank petition with legal description and
75 affidavit verifying that the territory is not subject to an earlier filing for annexation as filed
76 with the Maricopa County Recorder's Office. Notice and copies of filings were sent to the
77 Clerk of the Board of Supervisors and County Assessor.
78

79 **November 19, 2024:** Mayor and City Council held a public hearing within the last ten
80 days of the 30-day waiting period pursuant to A.R.S. §9-471.
81

82 **November 22, 2024:** The City received the signed annexation petition.
83

84 **Neighborhood Outreach:**

85 An in-person neighborhood outreach meeting was held on October 22, 2024, at the
86 Asante Library. This meeting was noticed pursuant to the requirements of the LDO and
87 state statute. There were two (2) people in attendance. During this meeting, residents
88 from the vicinity asked clarifying questions regarding the overall timeline of the proposed

development, the potential commercial uses, and the timing of the improvements and widening of 163rd Avenue. There was no opposition expressed regarding the annexation.

Summary:

The proposed annexation includes approximately 10.8 acres and requires signatures from representatives of two (2) property owners after the Arizona Revised Statute's required 30-day waiting period concludes on November 21, 2024. The applicants provided the signatures to be eligible for annexation by the City of Surprise. The signed petition is attached to this staff report to be considered by City Council.

<u>Annexation Details</u>	<u>A.R.S. Requirements</u>	<u>Provided</u>	<u>Percentage provided</u>
Real Property - 2 parcels	2 signatures	2 signatures	100%
Total Assessed Value - \$14,631	\$14,631	\$14,631	100%

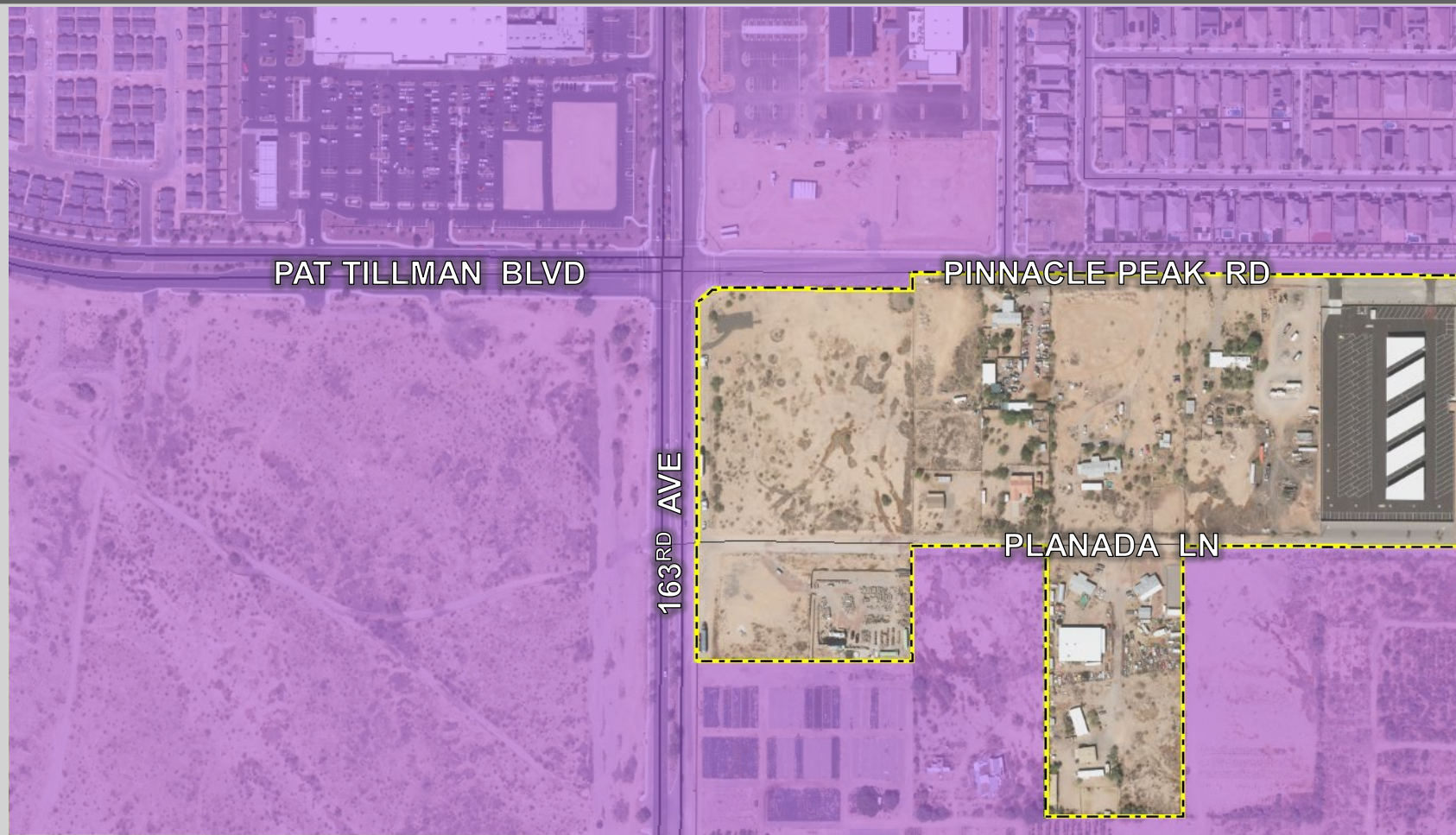
The parcels to be annexed comply with all requirements for size, shape, and contiguity set forth in the Arizona annexation statutes.

Attachments:

00 Staff Report
01 Vicinity Map
02 Annexation Map
03 Assessor Annexation Report
04 AZ Department of Revenue Report
05 Ordinance
06 Signed Annexation Petition
07 Citizen Participation Report
08 Affidavit of Site Posting
PowerPoint Presentation



FS24-0505 VICINITY MAP



EXISTING CITY BOUNDARY

PAT TILLMAN BLVD

163RD AVE

PINNACLE PEAK RD

PLANADA LN

PROPOSED CITY BOUNDARY

Parcel Number	Tax Year	PUC	Property Use	Tax Area Code	McrNum	Lot	Block	Tract	Owner Name
503-57-008G	2024	0014	VACANT RESIDENTIAL RURAL NON-SUBDIVID	890000					MORGAN CAREY D/LAUREN L
503-57-008H	2024	0014	VACANT RESIDENTIAL RURAL NON-SUBDIVID	890000					RICHARD G HUEY AND IRENE O HUEY REVOCABLE FAMILY TRUST/WONG REVOCABLE LIVING TRUST/WONG PHILLIP O/JACKIE O

In Care Of	Mailing Address	Mailing Suite	City State Zip	Country	Situs Address	Situs City Zip	Exempt Status	Exempt Type
	15820 W CARIBBEAN LN		SURPRISE AZ 85379	USA				
WALTER WONG	3729 E CHEROKEE CT		PHOENIX AZ 85044	USA				

Centrally Valued (CVP)	Land FCV	Improvement FCV	CVP PP FCV	Total FCV	Total Assessed FCV	Total Exmpt Assed FCV	Total Net FCV	Total LPV	Total Assessed Value LPV
N		214,377	0	214,377	32,157	0	32,157	43,126	6,469
N		378,289	0	378,289	37,829	0	37,829	81,619	8,162
TOTAL		592,666	0	592,666	69,985	0	69,985	124,745	14,631

Exempt Assessed Value	Net Assessed Value LPV	Building Sq Ft	Parcel Sq Ft	IWCDAcreage	IWDDAcreage	Total Acreage	Pers Prop Owner Name	Pers Prop FCV	Pers Prop Net Assessed
0	6,469	0		140,748	0	0	3.231	0	0
0	8,162	0		309054	0	0	7.095	0	0
0	14,631	0		449,802	0	0	10.326	0	0

Asmt Ratio	Land LC1	Land Ratio1	Impr LC1	Impr Ratio1
0.15	2.R	1		0
0.10	3.1	1		0

STATE OF ARIZONA

Department of Revenue
Local Jurisdiction District
Telephone (602) 716-6843



Katie Hobbs
Governor

Robert Woods
Director

November 08, 2024

Mr. Trever Fleetham
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

RE: Valuation Transmittal for Docket # 07-2385-00, FS24-0505 (Wong & Morgan Annexation)

Dear Mr. Fleetham:

According to information provided by the taxpayer(s) and based on unit values established by the Centrally Valued Properties Unit, the estimates of value for properties located in the proposed annexation areas are as follows:

<u>Taxpayer #</u>	<u>Taxpayer Name</u>	<u>Full Cash Value</u>	<u>Assessed Value</u>
54641	SOUTHWEST GAS CORPORATION (T&DO)	\$0.00	\$0.00
54650	ARIZONA PUBLIC SERVICE COMPANY (G,T&	\$1,301.18	\$214.70
56729	QWEST CORPORATION	\$0.00	\$0.00
57610	SALT RIVER PROJECT T&D (G,T&D)	\$0.00	\$0.00

Please direct any inquiries you may have regarding this estimate to my email address:
fvillaverde@azdor.gov

Sincerely,

Flo Villaverde
Program Project Specialist 1
Local Jurisdictions

Arizona Department of Revenue - Centrally Valued Property

Centrally Valued Taxpayers by Tax Area Codes

Tax Year: 2025

Class Nbr	County	Tax Area Code	Tax Payer Name	Address	City St Zip
51-701	07 - Maricopa	8900	BNSF RAILWAY COMPANY	PO BOX 961089	FORT WORTH, TX 76131-0089
53-851	07 - Maricopa	8900	EL PASO NATURAL GAS COMPANY	P O BOX 4372	HOUSTON, TX 77210-4372
53-853	07 - Maricopa	8900	TRANSWESTERN PIPELINE COMPANY LLC	2424 RIDGE ROAD	ROCKWALL, TX 75087
54-616	07 - Maricopa	8900	PUBLIC SERVICE COMPANY OF NEW MEXICO T&D (G,T&D)	414 Silver Ave SW Mail Stop 1025	ALBUQUERQUE, NM 87102
54-617	07 - Maricopa	8900	EL PASO ELECTRIC CO T&D (G,T&D)	P O BOX 982 - LOC 112	EL PASO, TX 79960 0982
54-621	07 - Maricopa	8900	Southern California Public Power Auth, fna MSR (Mead)	111 North Hope Street, Room 462	Los Angeles, CA 90012
54-622	07 - Maricopa	8900	SOUTHERN CAL PUBLIC PWR AUTH (MEAD T&DO)	111 NORTH HOPE STREET, JFB RM 462	LOS ANGELES, CA 90012
54-623	07 - Maricopa	8900	STARTRANS IO LLP (T&DO)	591 West Putnam Avenue	Greenwich, CT 06830
54-641	07 - Maricopa	8900	SOUTHWEST GAS CORPORATION (T&DO)	PO BOX 98510 LVD-400	LAS VEGAS, NV 89193 8510
54-650	07 - Maricopa	8900	ARIZONA PUBLIC SERVICE COMPANY (G,T&D)	P O BOX 53999 MS 9505	PHOENIX, AZ 85072 3940
54-659	07 - Maricopa	8900	ARIZONA PUBLIC SERVICE COMPANY (REE)	P O BOX 53999 MS 8605	PHOENIX, AZ 85072 3999
54-660	07 - Maricopa	8900	UNISOURCE ENERGY CORP (G,T&D)	P O BOX 711, MAIL STOP HQE707	TUCSON, AZ 85702
55-150	07 - Maricopa	8900	Litchfield Park Service Company Water	14920 West Camelback Rd.	Litchfield Park, AZ 85340
55-378	07 - Maricopa	8900	Epcor (Agua Fria Water Division)	2355 W Pinnacle Peak Rd., Suite 300	Phoenix, AZ 85027
55-525	07 - Maricopa	8900	Litchfield Park Service Company Sewer	14920 W Camelback Rd.	Litchfield Park, AZ 85340
56-729	07 - Maricopa	8900	QWEST CORPORATION	1025 EL DORADO BLVD.	BROOMFIELD, CO 80021
56-741	07 - Maricopa	8900	MCI COMMUNICATIONS SERVICES INC	P O BOX 521807	LONGWOOD, FL 32752
56-745	07 - Maricopa	8900	VERIZON WIRELESS	P O BOX 635	BASKING RIDGE, NJ 07920
56-775	07 - Maricopa	8900	COX ARIZONA TELCOM LLC	6205 PEACHTREE-DUNWOODY RD TWR A 12TH FL	ATLANTA, GA 30328
56-789	07 - Maricopa	8900	T-MOBILE	12920 SE 38TH STREET, P.O. BOX 85021	BELLEVUE, WA 98015-8521
56-835	07 - Maricopa	8900	ZAYO GROUP LLC	1401 Wynkoop Street SUITE 500	DENVER, CO 80202
56-867	07 - Maricopa	8900	DISH WIRELESS LLC	P.O. BOX 6623	ENGLEWOOD, CO 80155

Class Nbr	County	Tax Area Code	Tax Payer Name	Address	City St Zip
56-869	07 - Maricopa	8900	WYYERD CONNECT, LLC	1601 29TH ST, STE 1292 PMB 1042	BOULDER, CO 80301
57-610	07 - Maricopa	8900	SALT RIVER PROJECT T&D (G,T&D)	P O BOX 52025, PAB323	PHOENIX, AZ 85072 2025
57-691	07 - Maricopa	8900	SALT RIVER PROJECT (EPF)	P O BOX 52025, PAB323	PHOENIX, AZ 85072 2025
61-932	07 - Maricopa	8900	MORTON SALT, INC.	444 WEST LAKE ST., SUITE 3000	CHICAGO, IL 60606-0090
64-650	07 - Maricopa	8900	ARIZONA PUBLIC SERVICE COMPANY (EPF)	P O BOX 53999 MS 9505	PHOENIX, AZ 85072
64-660	07 - Maricopa	8900	UNISOURCE ENERGY CORP (T&D EPF)	P O BOX 711, MAIL STOP HQE707	TUCSON, AZ 85702
65-641	07 - Maricopa	8900	SOUTHWEST GAS CORPORATION (CWIP)	PO BOX 98510 LVC-400	LAS VEGAS, NV 89193 8510
65-650	07 - Maricopa	8900	ARIZONA PUBLIC SERVICE COMPANY (CWIP)	P O BOX 53999 MS 9505	PHOENIX, AZ 85072

ORDINANCE # 2024-41

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SURPRISE, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES TITLE 9 CHAPTER 4 ARTICLE 7 AND AMENDMENTS THERETO BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SURPRISE, CONSISTING OF APPROXIMATELY 10.84 ACRES LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND ESTABLISHING EQUIVALENT CITY OF SURPRISE ZONING.

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

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

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire Annexation Area proposed to be annexed to the City of Surprise and had attached thereto at all times an accurate map of the Annexation Area, as shown in **Exhibit B**, desired to be annexed;

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

WHEREAS, the provisions of A.R.S. § 9-471, and amendments thereto, have been fully observed;

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

WHEREAS, the Annexation Area described in **Exhibit A** and depicted on **Exhibit B** includes approximately 10.84 acres of real property;

WHEREAS, the subject property is within the Annexation Area having zoning in Maricopa County, as shown in **Exhibit C**, the Mayor and City Council, pursuant to A.R.S. § 9-471(L), shall adopt and apply to this area the City of Surprise zoning districts that permit densities and uses no greater than those permitted by the Maricopa County zoning immediately before annexation;

WHEREAS, the City Council has reviewed the Staff Reports and supporting materials which discuss the proposed annexation to be considered by the Council, and now finds that the annexation of the Annexation Area would be beneficial to Surprise by ensuring that all future development would be controlled by and be consistent with the objectives and policies of the Surprise General Plan 2040, the requirements of the Surprise Land Development Ordinance ("LDO"), all future land development ordinances, and all other applicable City of Surprise codes and regulations; and

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

Section 1. That the Annexation Area described in the attached **Exhibit A** be and the same hereby is annexed to the City of Surprise and that the present corporate limits be and the same hereby are extended and increased to include the Annexation Area described in Exhibit A contiguous to the present City limits.

Section 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed as shown in **Exhibit B**, is certified by the Mayor of the City of Surprise; shall be recorded in the office of the County Recorder of Maricopa County, Arizona; and that a copy of this ordinance shall be provided to the Clerk of the Board of Supervisors of Maricopa County, Arizona.

Section 3. That the property described in **Section 1** of this Ordinance with Maricopa County zoning as shown in **Exhibit C** shall be designated with equivalent City of Surprise zoning as shown in **Exhibit C** upon the effective date of this Ordinance.

Section 4. That the City of Surprise zoning map is herewith amended to reflect the change in districts referred to in **Section 3**, above.

Section 5. This Ordinance shall take effect, and the annexation of the subject property shall become final, thirty days after this Ordinance is adopted.

Section 6. This Ordinance is not of general application throughout the City and therefore is not required to be codified.

Section 7. That the provisions of this Ordinance are not severable, and the entirety of this Ordinance shall become null and void and of no effect in the event any provision is finally determined to be illegal or invalid by a court of competent jurisdiction or if any provision should be invalidated by a referendum vote.

PASSED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A LEGAL DESCRIPTION

EXHIBIT "A"

DESCRIPTION

ANNEXATION

A portion of that real property described in Warranty Deed 1996-0040121 and a portion of that real property described in Warranty Deed 2019-0301258, records of Maricopa County, Arizona being located in the Northwest Quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 18 from which the West Quarter Corner of said Section lies South 00°10'13" West 2633.87 feet;

Thence along the north line of said Northwest Quarter of Section 18 South 89°48'52" East 574.70 feet;

Thence departing said line South 00°12'07" East 40.00 feet to the southeast corner of that real property as described in the City of Surprise Annexation Ordinance 20-10 recorded as Instrument 2020-00435965, records of said County, being a point on the east line of said real property described in Warranty Deed 1996-040121 and the POINT OF BEGINNING;

Thence along said east line South 00°16'05" East 619.48 feet to the southeast corner of said real property and the northeast corner of said real property described in Warranty Deed 2019-0301258;

Thence along the east line of last said real property South 00°16'05" East 283.91 feet to the southeast corner of said real property, being also the most westerly northeast corner of that real property described in the City of Surprise Annexation Ordinance 2022-04 recorded as Instrument 2022-0287430, records of said County;

Thence along the south line of said real property described in Warranty Deed 2019-0301258 and the north line of last said Annexation Ordinance North 89°49'47" West 526.87 feet to a point on the east line of that real property described in the City of Surprise Annexation Ordinance 88-24 recorded as Instrument 1988-594510, records of said County;

Thence along said east line North 00°10'13" East 284.49 feet to the common line between said real property described in Warranty Deed 1996-0040121 and said real property described in Warranty Deed 2019-0301258;

Thence continuing along said east line North 00°10'13" East 584.00 feet to the southwest corner of said real property described in the City of Surprise Annexation Ordinance 20-10;

Thence along the southerly lines of said Annexation Ordinance 20-10 the following four courses;

Thence North 45°10'39" East 42.42 feet;

Thence South 89°48'52" East 15.00 feet;

Thence North 00°10'13" East 5.00 feet;

Thence South 89°48'52" East 474.96 feet to the POINT OF BEGINNING.

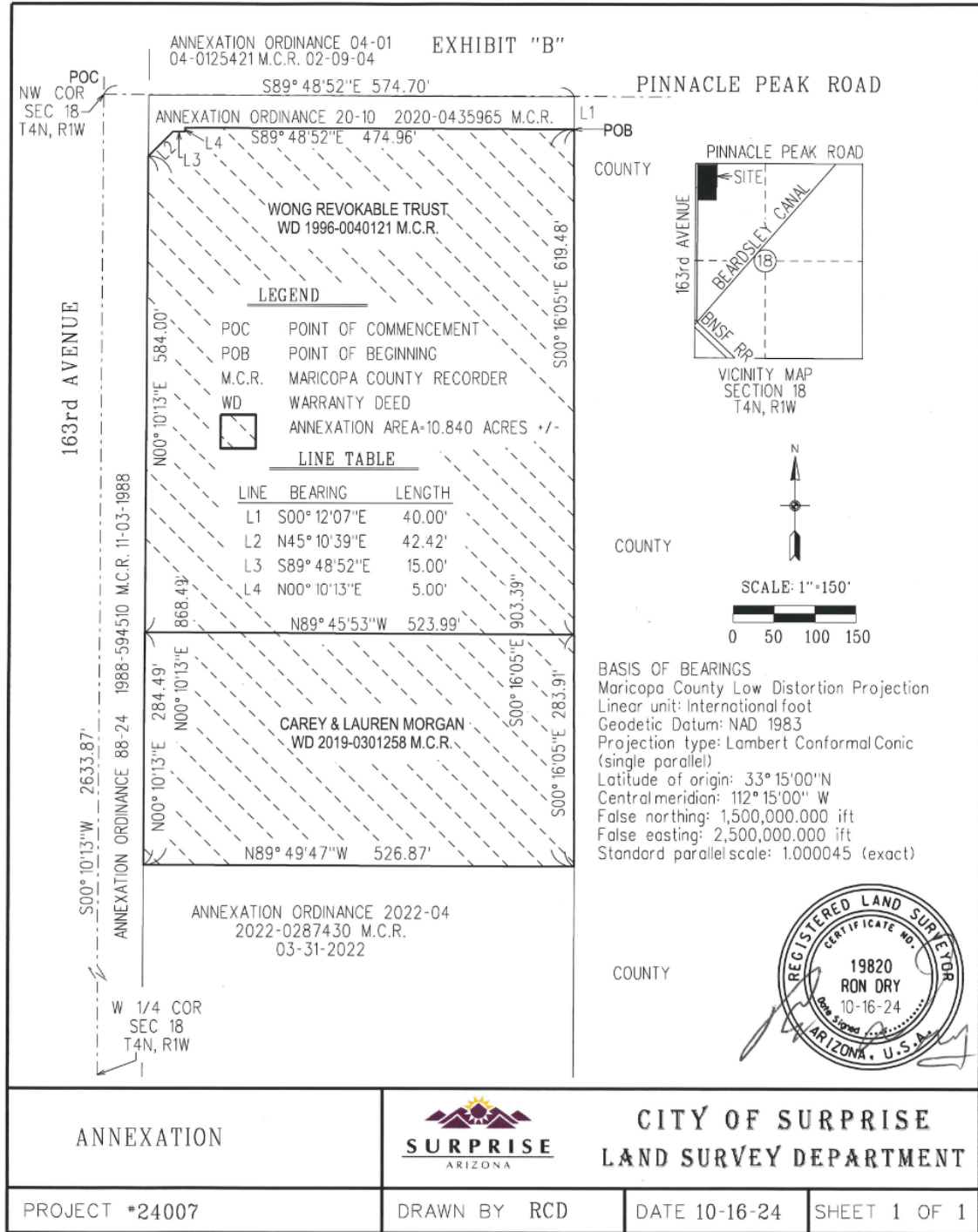
Containing 10.84 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT B MAP



Ordinance No. 2024-41
RFLS # 9749
Rev 10/24

EXHIBIT C
ZONING TABLE

APN	Owner	Pre-annexation Maricopa County Zoning	Post-annexation Surprise Zoning
503-57-008H	Walter Ong and Shirley O. Wong, co-trustees of the Wong Revocable Living Trust dated April 13, 1995; Richard and Irene O. Huey, co-trustees of the Richard G. Huey and Irene O. Huey Revocable Family Trust; Phillip O. Wong; and Jackie O. Wong	Rural-43 (RU-43)	Rural Residential (RR)
503-57-008G	Carey D. & Lauren L. Morgan	Rural-43 (RU-43)	Rural Residential (RR)

ANNEXATION PETITION

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

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

The description of the territory proposed to be annexed as part of the Surprise Case #FS24-0505, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
12/3/24	IRENE HUEY <i>Irene Huey</i>	1896 KRPAN DR. ROSEVILLE, CA 95747	916-521-6147	503-57-008H

Please see attached
Acknowledgment form
pursuant to CA Civil
Code Section 1189

December 3rd 2024 - Jessica L. Brown, Notary public

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Placer

On December 3rd 2024 before me, Jessica L. Brown, Notary Public,

personally appeared Irene Huey

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity~~(ies)~~, and that by ~~his/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Jessica L. Brown

(Notary Seal)

Signature of Notary Public Commission Expires: August 24th, 2027

Jessica L. Brown, Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Annexation Petition
For city of Surprise, Arizona

Title or description of attached document

CAPACITY CLAIMED BY THE SIGNER

☒ Individual~~(s)~~ ☐ Corporate Officer ☐ Trustee~~(s)~~ ☐ Other _____

ANNEXATION PETITION

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

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

The description of the territory proposed to be annexed as part of the Surprise Case #FS24-0505, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
12-3-2024	JACK WONG Jack Wong	2011 E. BROOKWOOD CT. PHOENIX, AZ 85048	(480) 706-0643	503-57-008H

Acknowledgment by Individual

State of

County of

Arizona

Maricopa

On this 3rd day of December, 20 24. Before me, Rigo Guerra
Name of Notary Public

the undersigned Notary Public, personally appeared

Jack Ong Wong

Name of Signer(s)

☐ Proved to me on the oath of _____

☐ Personally known to me

☒ Proved to me on the basis of satisfactory evidence AZ DL D04943975 Exp: 03/2029
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

Rigo Guerra
(Signature of Notary Public)

My commission expires 05/21/2028

For Bank Purposes Only

Description of Attached Document

Type or Title of Document

Document Date

Number of Pages

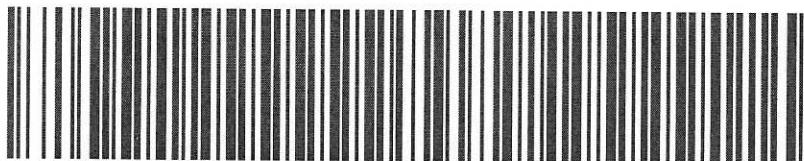
Signer(s) Other Than Named Above

Account Number (if applicable)

Optional: A thumbprint is only needed if state statutes require a thumbprint.

Right Thumbprint of Signer

Top of thumb here



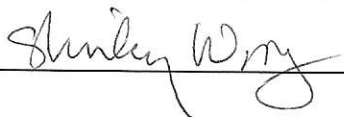
F001-00000DSG5350-01

ANNEXATION PETITION

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

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

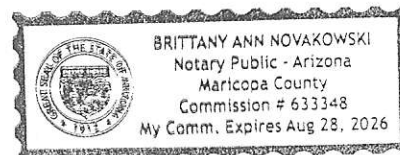
The description of the territory proposed to be annexed as part of the Surprise Case #FS24-0505, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
Dec 3, 2024	Shirley Wong	3729 E. Cherokee Ct Phoenix, AZ 85044	480.496.0281	503-57-008H
				

State of ARIZONA
County of MARICOPA

This instrument was acknowledged before me on this 3rd day of December, 2024,
by Shirley Wong.


Notary Public
My Commission Expires:



ANNEXATION PETITION

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

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

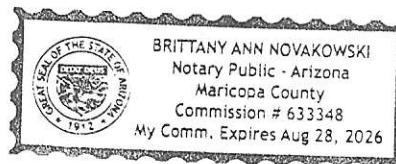
The description of the territory proposed to be annexed as part of the Surprise Case #FS24-0505, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
11/22/2024	Walter Wong	3729 E. Cherokee Phoenix, AZ 85044	480.206.3484	563-57-008 H
	<i>Walter Wong</i>			

State of ARIZONA
County of MARICOPA

This instrument was acknowledged before me on this 3rd day of December, 2024,
by Walter Wong.

Brittany Ann Novakowski
Notary Public
My Commission Expires:



ANNEXATION PETITION

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

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

The description of the territory proposed to be annexed as part of the Surprise Case #FS24-0505, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
12-3-24	PHILLIP WONG	7637 CONCORD DR Boulder, CO 80301	303-530-3856	503-57-008 H
	Philip Wong			

County of Boulder State of Colorado
The foregoing instrument was acknowledged before
me this 3 day of December by Lisa Adler
Lisa Adler
Notary Public
My Commission Expires OCT 05, 2027

LISA ADLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134042453
MY COMMISSION EXPIRES OCTOBER 05, 2027

ANNEXATION PETITION

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

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

The description of the territory proposed to be annexed as part of the Surprise Case #FS24-0505, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
11/26/24	Carey D. Morgan	PO Box 7490 Surprise	A2 85374	503-57-008G
11/26/24	Lauren L. Morgan	"	"	503-57-008G

State of ARIZONA
County of MARICOPA

This instrument was acknowledged before me on this 26th day of November, 2024,
by Carey D. Morgan and Lauren L. Morgan
Carey D. Morgan Lauren L. Morgan


Notary Public

My Commission Expires: 7/21/2028

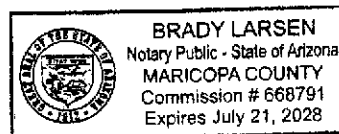


EXHIBIT "A"

DESCRIPTION

ANNEXATION

A portion of that real property described in Warranty Deed 1996-0040121 and a portion of that real property described in Warranty Deed 2019-0301258, records of Maricopa County, Arizona being located in the Northwest Quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 18 from which the West Quarter Corner of said Section lies South 00°10'13" West 2633.87 feet;

Thence along the north line of said Northwest Quarter of Section 18 South 89°48'52" East 574.70 feet;

Thence departing said line South 00°12'07" East 40.00 feet to the southeast corner of that real property as described in the City of Surprise Annexation Ordinance 20-10 recorded as Instrument 2020-00435965, records of said County, being a point on the east line of said real property described in Warranty Deed 1996-040121 and the POINT OF BEGINNING;

Thence along said east line South 00°16'05" East 619.48 feet to the southeast corner of said real property and the northeast corner of said real property described in Warranty Deed 2019-0301258;

Thence along the east line of last said real property South 00°16'05" East 283.91 feet to the southeast corner of said real property, being also the most westerly northeast corner of that real property described in the City of Surprise Annexation Ordinance 2022-04 recorded as Instrument 2022-0287430, records of said County;

Thence along the south line of said real property described in Warranty Deed 2019-0301258 and the north line of last said Annexation Ordinance North 89°49'47" West 526.87 feet to a point on the east line of that real property described in the City of Surprise Annexation Ordinance 88-24 recorded as Instrument 1988-594510, records of said County;

Thence along said east line North 00°10'13" East 284.49 feet to the common line between said real property described in Warranty Deed 1996-0040121 and said real property described in Warranty Deed 2019-0301258;

Thence continuing along said east line North 00°10'13" East 584.00 feet to the southwest corner of said real property described in the City of Surprise Annexation Ordinance 20-10;

Thence along the southerly lines of said Annexation Ordinance 20-10 the following four courses;

Thence North 45°10'39" East 42.42 feet;

Thence South 89°48'52" East 15.00 feet;

Thence North 00°10'13" East 5.00 feet;

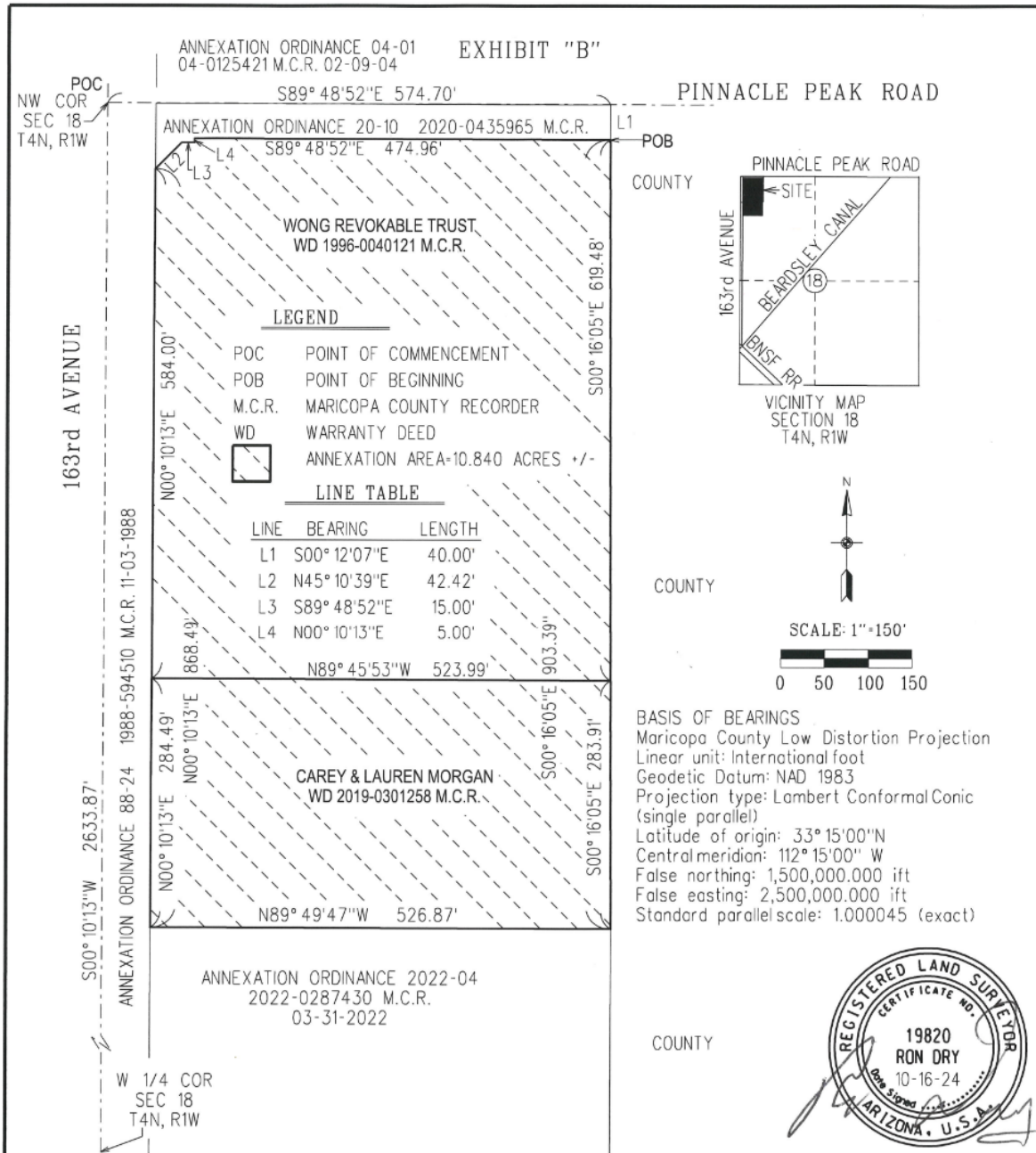
Thence South 89°48'52" East 474.96 feet to the POINT OF BEGINNING.

Containing 10.84 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description





ANNEXATION		CITY OF SURPRISE
	SURPRISE ARIZONA	LAND SURVEY DEPARTMENT
PROJECT *24007	DRAWN BY RCD	DATE 10-16-24 SHEET 1 OF 1

Citizen Participation Report

Wong & Morgan Property Annexation and Rezones

Case # FS24-0505, FS24-0829, FS24-1326

Evergreen Devco, Inc. & City of Surprise

November 1, 2024

Overview

The City of Surprise, along with Evergreen Devco, Inc. and the respective property owners hosted a neighborhood meeting on October 22, 2024 to discuss the above referenced projects. This meeting was held at 6pm in a meeting room at the Asante Library.

The City of Surprise, Evergreen Devco, Inc. and the property owners were available to walk any attendees through the steps of the process, what was being proposed and to answer any potential questions. There were also exhibits that were printed and displayed to show attendees the aerial of the area, the potential site plan as well as future roadway improvements.

Attendance & Feedback

Two (2) people attended the open house. Their questions were related to the overall timeline of the proposed development, the potential commercial uses as well as the majority of the questions and conversation centered around the timing of the improvements and widening of 163rd Ave.

A copy of the sign in sheet is attached to this report.

To date, no additional calls or emails from the community regarding these cases have been received.

Advertising

Public notification of the meeting was conducted in accordance with the Surprise Municipal Code. The meeting was advertised in the Surprise Independent on Wednesday, October 2, 2024 and the Daily Independent on Friday, October 4, 2024. Meeting notice was also published on the City website, property owners within 300 feet were mailed notifications, and four (4) signs were posted on the properties.

Evergreen DevCo and City of Surprise
163rd Ave. & Pat Tillman Blvd.
October 22, 2024
Sign-In Sheet

Printed Name	Address	Phone	Email
Stephen French			
Cathy Zamorano			

**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/4/2024
Surprise Independent: 10/2/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
10/4/2024

TERRI RODGERS



TERRI RODGERS
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	7897
Ordered By	Trever Fleetham
Order Date	9/25/2024
Description	FS24-0505
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/2/2024
Last Issue	10/4/2024
Publications	Daily Independent, Surprise Independent

**CITY OF SURPRISE
NEIGHBORHOOD MEETING**

Annexation and Rezoning Requests

Please be advised that the City of Surprise will host an in-person Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in the conversation as it pertains to this project. According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions.

City of Surprise Planner: Trever Fleetham
623-222-3156, trever.fleetham@surpriseaz.gov

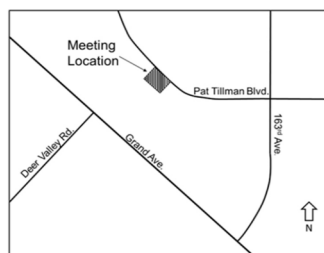
NEIGHBORHOOD MEETING DETAILS

DATE: Tuesday, October 22, 2024
TIME: 6:00 PM
LOCATION: Asante Library
16755 W Vereda Solana Dr.,
Surprise, AZ 85387

PROJECT LOCATION



MEETING LOCATION



PROJECT DESCRIPTIONS:

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rural Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rural Residential (RR) to Community Commercial (C-2). Surprise Planning Cases FS24-0505, FS24-0829, and FS24-1326.

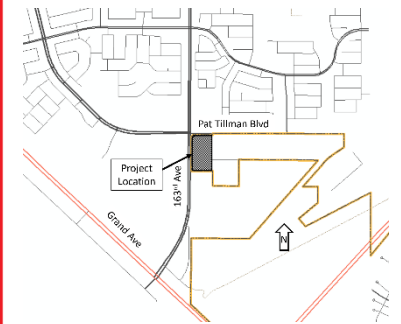
Publish: Daily Independent, October 2, 2024,
Surprise Independent, October 4, 2024/7897

NOTICE OF NEIGHBORHOOD MEETING

DEAR PROPERTY OWNER: Please be advised that the City of Surprise will host an in-person Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in the conversation as it pertains to this project. According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions.

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rural Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rural Residential (RR) to Community Commercial (C-2). Surprise Planning Cases FS24-0505, FS24-0829, and FS24-1326.

PROJECT LOCATION



*To learn more or provide
input,
please contact:
Trevor Fleetham at
623.222.3156 or
trevor.fleetham@surpriseaz.gov*



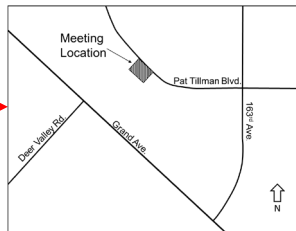
SET A REMINDER

WHEN:

October 22, 2024 |

6:00 PM

Location: Asante
Library
16755 W Vereda Solana
Dr.,
Surprise, AZ 85387



AFFIDAVIT OF SIGN POSTING

Case Number: FS24-0505; FS24-0829; FS24-1326

Project Name: WONG & MORGAN ANNEXATION AND REZONE

Project Location: SEC 2 AT TILLMAN BLVD & 163RD AVE

Date Posted: 10/7/24

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date of the first hearing. The signs shall also include the description of the request as contained on the formal development application. The size and format of this sign shall meet requirements established by the city (see example).

Such notice shall be clearly legible and placed at a prominent location on the site, generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property, as well as the information on the sign, until final disposition of the case.

I confirm that the site has been posted as required, for the case noted above. Photographs of the site posting, and any subsequent changes/updates made to the sign, have also been submitted.

 10/8/24
Owner / Application Signature Date

This instrument was acknowledged before me this 8th day of October,

20 24 by  Trever Fleetham


Notary Public



My Commission Expires: 10/8/2027

Notice of Public Hearing

City of Surprise

Neighborhood Meeting	Planning and Zoning (Rezones)	City Council (Annexation - Blank Petition)	City Council (Annexation & Rezones)
Date: October 22, 2024 Time: 6:00 pm Location: Asante Library 16755 W Vereda Solana Dr. Surprise, Az 85387	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-050, FS24-0829 & FS24 - 1326
For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezones)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation - Blank Petition)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
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Surprise, Az 85374

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Date: TBD
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Case #'s FS24-050, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov



Notice of Public Hearing City of Surprise

Neighborhood Meeting	Planning and Zoning (Recommend)	City Council (Discussion - No Action)	City Council (Discussion & Action)
Next Meeting: 03/24/2024 Time: 6:00 PM	Next Meeting: 03/24/2024 Time: 6:00 PM	Next Meeting: 03/24/2024 Time: 6:00 PM	Next Meeting: 03/24/2024 Time: 6:00 PM
Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086

The applicant is requesting the approval of Case 123-000000 (0000-0000-0000) & Case 123-000000 (0000-0000-0000) for the City of Surprise. Additionally, the applicant is requesting the approval of Case 123-000000 (0000-0000-0000) for the City of Surprise. The applicant is requesting the approval of Case 123-000000 (0000-0000-0000) for the City of Surprise. The applicant is requesting the approval of Case 123-000000 (0000-0000-0000) for the City of Surprise.

Case #s: FS24-050, FS24-051 & FS24-1320
For more information, call: 623-222-3033
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: October 22, 2024
Time: 6:00 pm
Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezoning)

Date: TBD
Time: 6:00 pm
Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation - Blank Petition)

Date: TBD
Time: 6:00 pm
Location: Surprise City Hall
Council Chambers
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City Council (Annexation & Rezoning)

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Surprise, Az 85374

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Case #'s FS24-050, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

AFFIDAVIT OF POSTING

Case Number FS24-0505, FS24-0829, FS24-1326
Project Name: WONG & MORGAN ANNEXATION & REZONE
Project Location: SEC 163RD & PINNACLE PEAK RD
Date Site Posted: 10/31/24

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date of the first hearing. The signs shall also include the description of the request as contained on the formal development application. The size and format of this sign shall meet requirements established by the city (see example).

Such notice shall be clearly legible and placed at a prominent location on the site, generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property, as well as the information on the sign, until final disposition of the case.

I confirm that the site has been posted as required, for the case noted above. Photographs of the site posting, and any subsequent changes/updates made to the sign, have also been submitted.

[Signature] 11/1/24
Owner/Applicant Signature Date

This instrument was acknowledged before me this 1st day of November,
2024 by Michelle Moy

[Signature]
Notary Public

My Commission Expires:



Notice of Public Hearing City of Surprise

Neighborhood Meeting Planning and Zoning (Rezones)

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Date: November 21, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation - Blank Petition)

Date: November 19, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation & Rezones)

Date: December 17, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: **October 22, 2024**
Time: **6:00 pm**
Location: **Asante Library**
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezoning)

Date: **November 21, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation - Blank Petition)

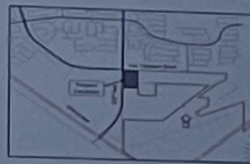
Date: **November 19, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation & Rezoning)

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Surprise, Az 85374

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Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 - 3011
Surpriseaz.gov

SPEED
LIMIT
45

Notice of Public Hearing

Neighborhood Meeting Planning and Zoning
(Rezones)

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

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Case #'s FS24-0505, FS24-0829 & FS24 - 1326

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Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting Planning and Zoning
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Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov



SURPRISE
ARIZONA

Wong & Morgan
Annexation: FS24-0505
Rezoning: FS24-1326 & FS24-0829

City Council
December 17, 2024



VICINITY MAP





PAT TILLMAN BLVD

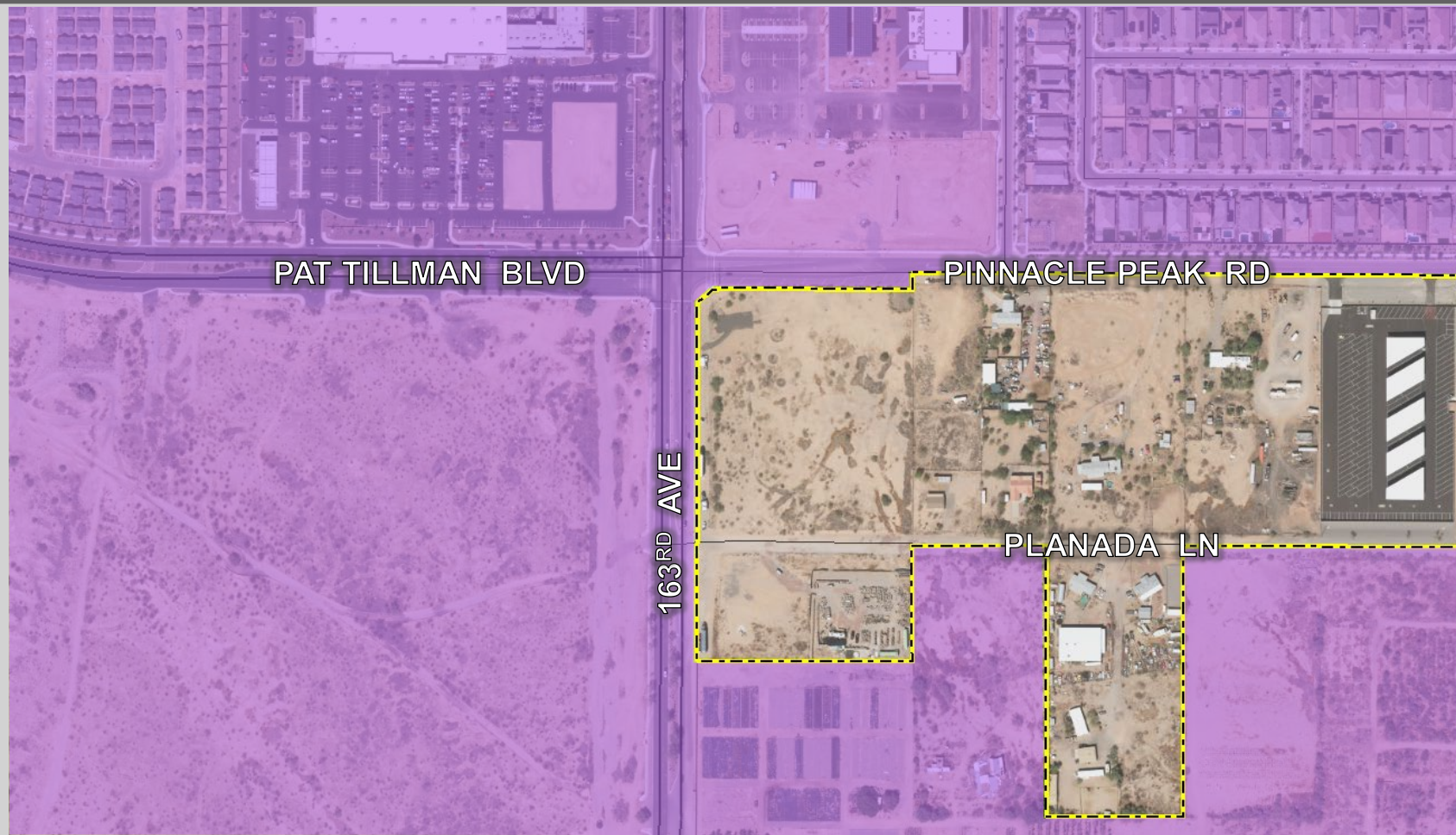
163RD AVE

PINNACLE PEAK RD

PLANADA LN

Morgan
Property

FS24-0829 VICINITY MAP



EXISTING CITY BOUNDARY

PAT TILLMAN BLVD

163RD AVE

PINNACLE PEAK RD

PLANADA LN

PROPOSED CITY BOUNDARY

Annexation Steps

Resolution for the Intent to Annex: ✓

- City Council meeting – August 20, 2024

File Blank Petition: ✓

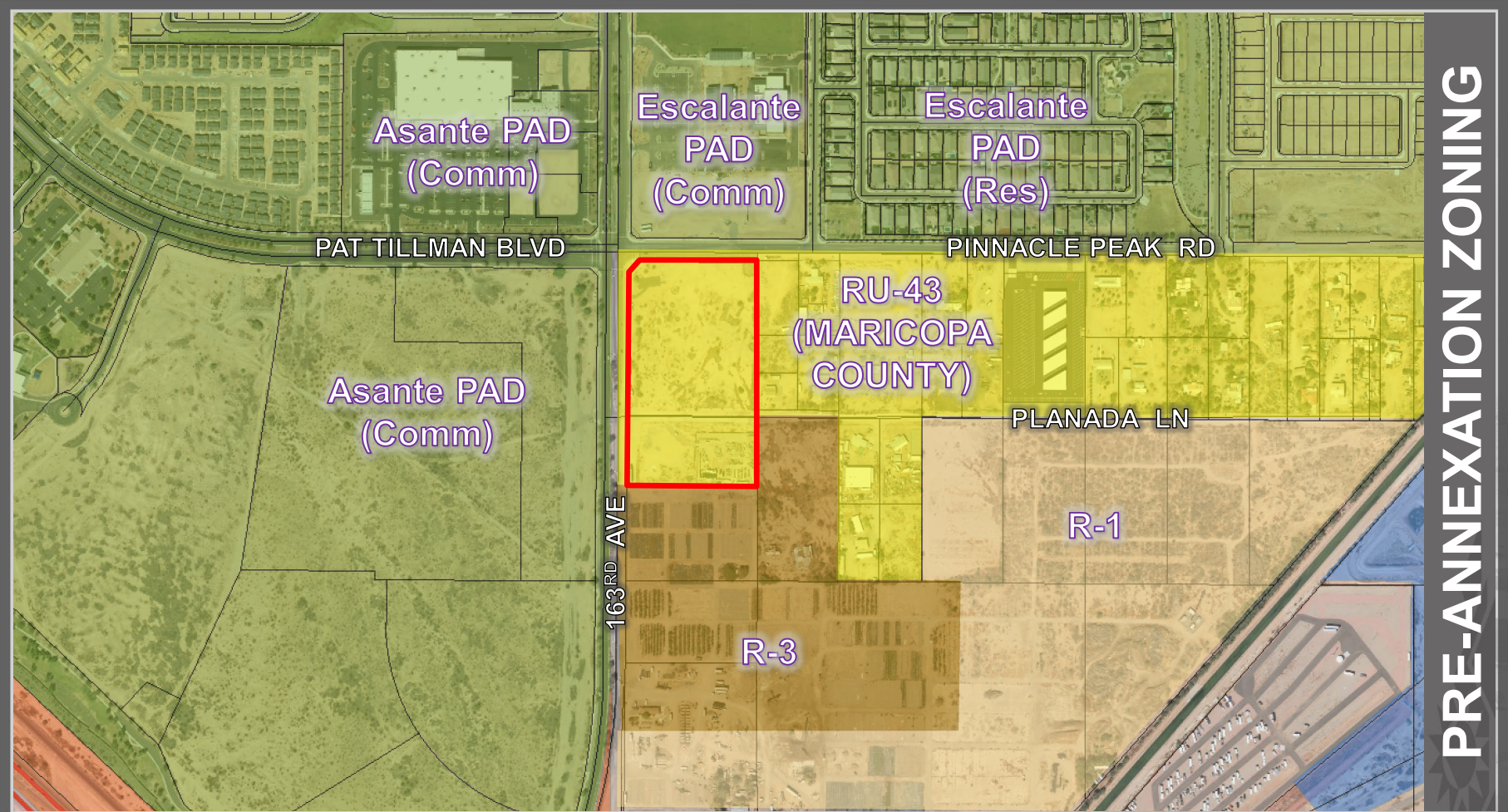
- Begins 30-day waiting period
- Reach out to County Assessor and Dept of Revenue
- October 23, 2024 – Petition filed

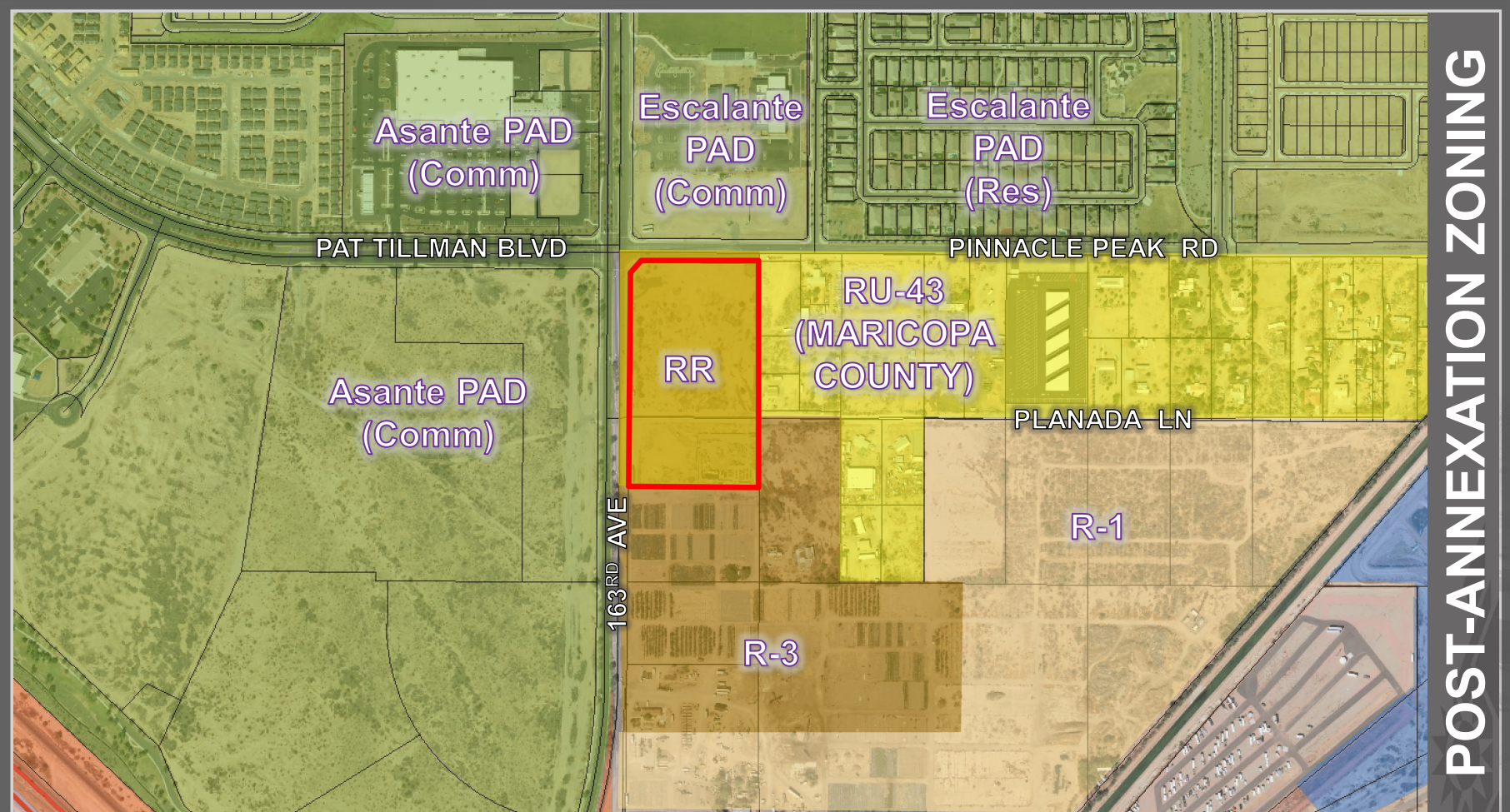
Public Hearing (Discussion Only): ✓

- City Council holds public hearing to discuss the annexation
 - Held in the last 10 days of the 30-day waiting period

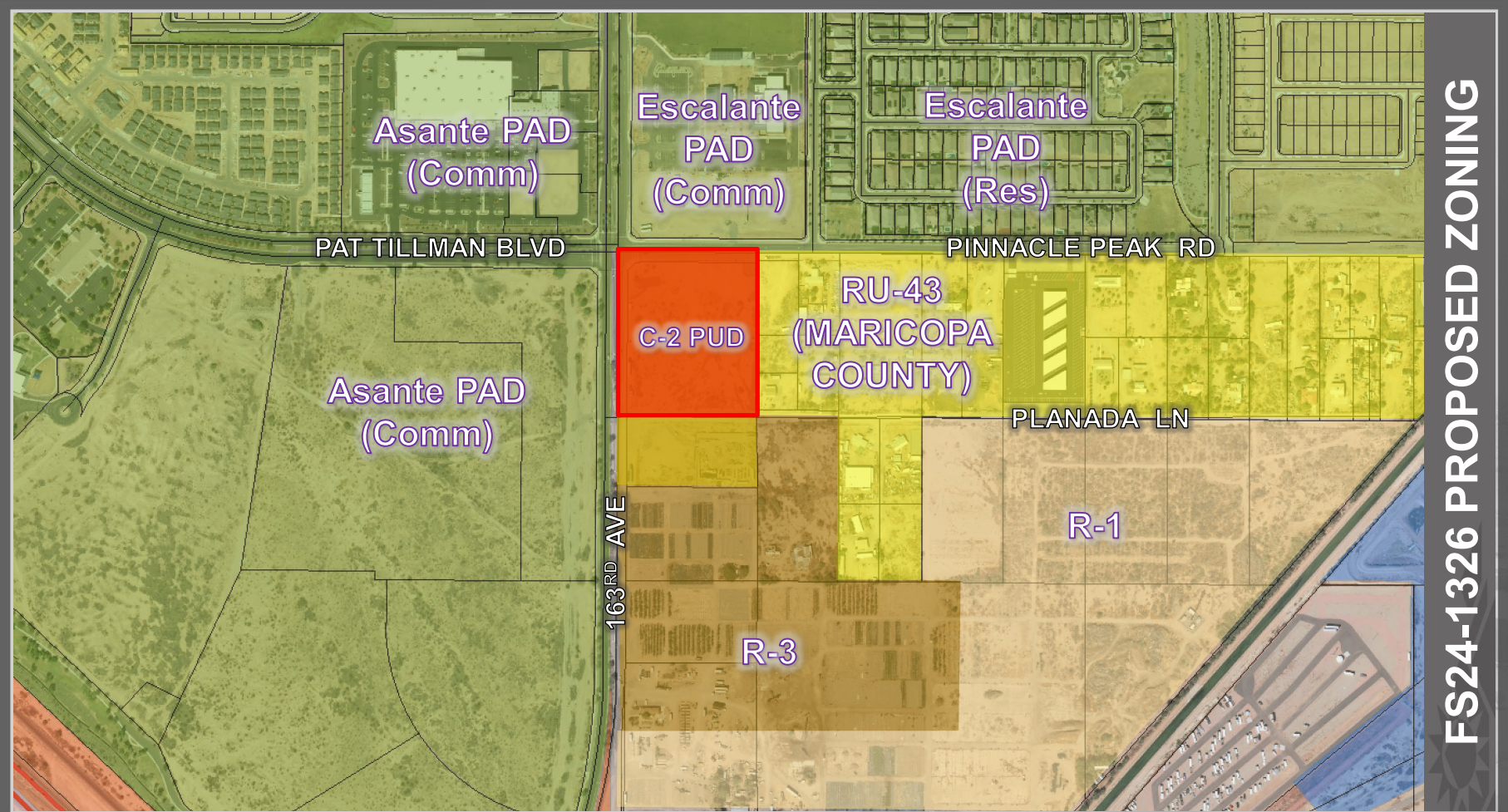
Obtain signatures on annexation petitions ✓

Public Hearing to approve/deny annexation ← **Tonight**





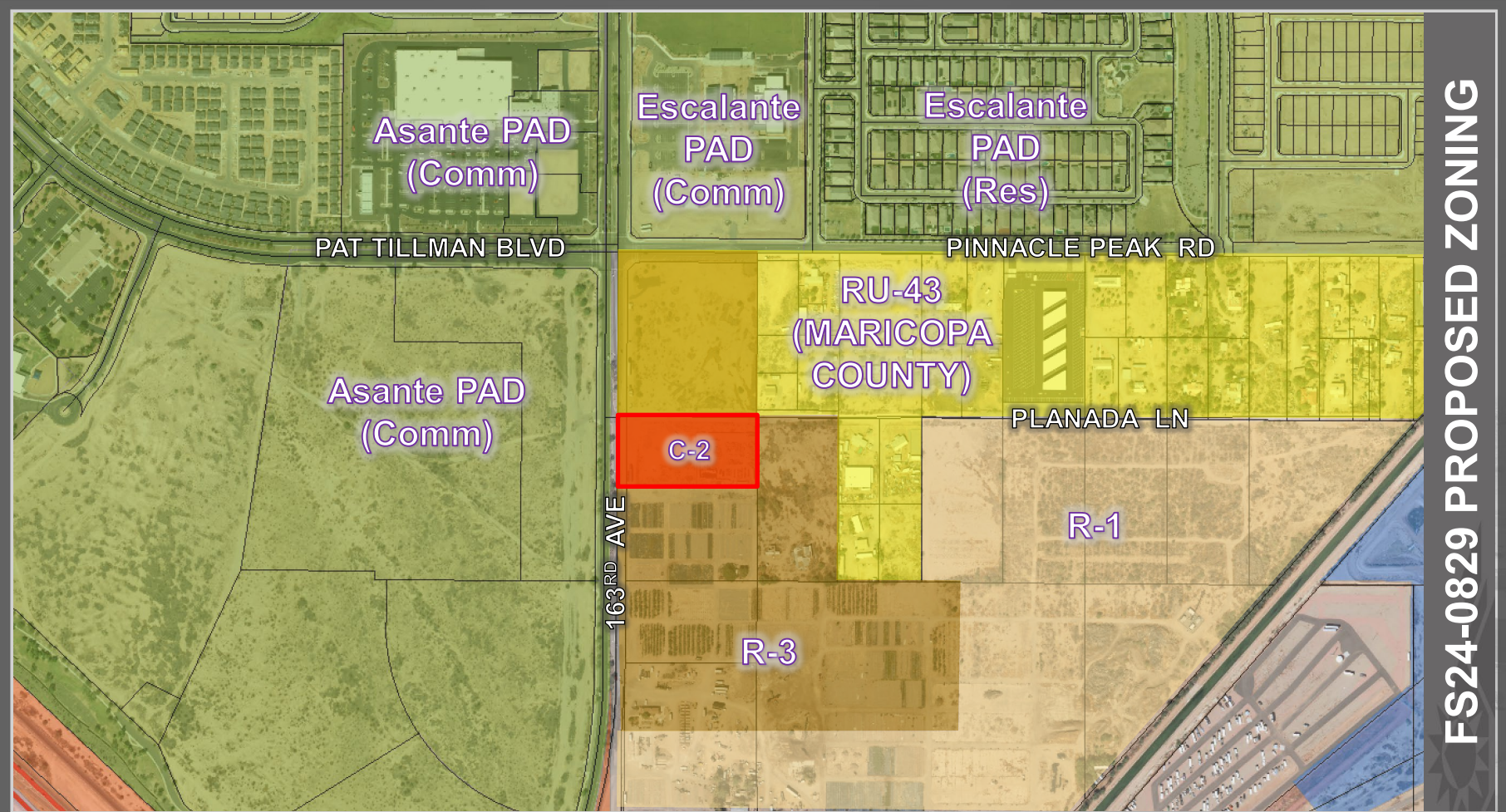
POST-ANNEXATION ZONING



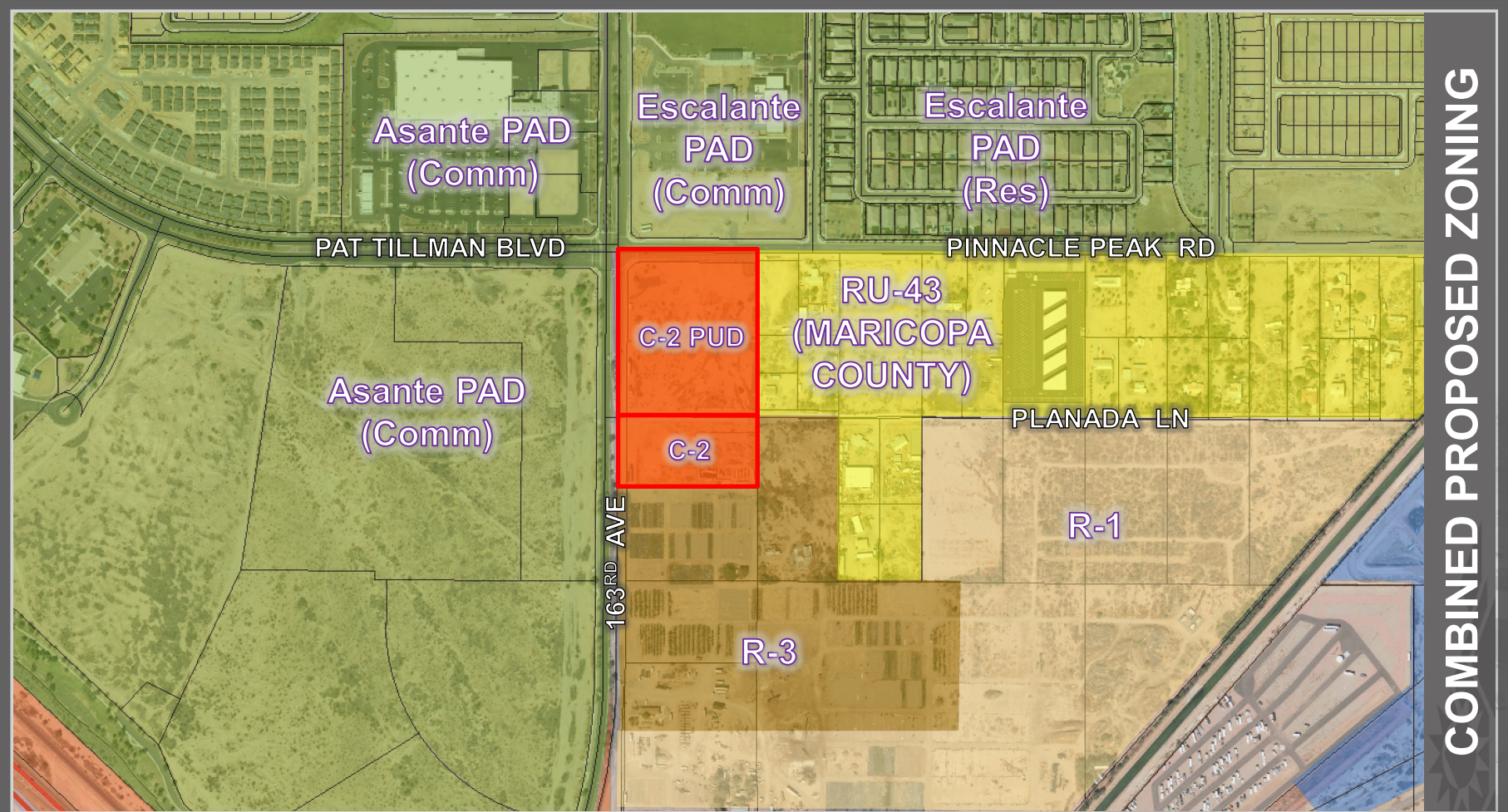
FS24-1326 PROPOSED ZONING



FS24-1326 VICINITY MAP



FS24-0829 PROPOSED ZONING



PAT TILLMAN BLVD

PINNACLE PEAK RD

PLANADA LN

163RD AVE

GENERAL PLAN LAND USE



OUTREACH

Neighborhood Outreach Meeting:

- Date: October 22, 2024 at 6 p.m.
- Location: Asante Library
- Joint neighborhood meeting for FS24-0505, FS24-0829 and FS24-1326
- Attendance: 2
- No concerns expressed for the subject requests



RECOMMENDATION

FS24-0829 Morgan Rezone

P&Z Commission recommend **approval** to the Mayor and City Council, subject to stipulations 'a' - 'b'.



RECOMMENDATION

FS24-1326 Wong Rezone

P&Z Commission recommended **approval** to the Mayor and City Council, subject to stipulations 'a' - 'b'.



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to a rezone of approximately 3.4 acres from Rural Residential (RR) to Community Commercial (C-2), generally located south of the southeast corner of 163rd Avenue and Pinnacle Peak Road; Ordinance #2024-39.

Motion:

I move to [approve/deny] Ordinance #2024-39.

Background:

On August 6, 2024, the City Council approved a Pre-Annexation Development Agreement between the City of Surprise and Carey D. and Lauren L. Morgan (MCR #20240446077). Pursuant to this agreement, the City shall process a rezone application for the property from RR to C-2 concurrently with the associated annexation application. The City Council shall consider approval of the zoning ordinance immediately following adoption of the annexation ordinance, and at the same City Council meeting.

The subject property, which is situated at the southeast corner of 163rd Avenue and Planada Lane, encompasses approximately 3.4 acres and is currently partially developed. The intent is to improve the site with a commercial development that may include various retail, restaurant, and/or office facilities.

Objective Analysis:

The requested rezone would allow the applicant to develop the subject site with neighborhood oriented commercial uses within the C-2 zoning designation.

Policy Compliant:

The requested rezone, as outlined and detailed in the rezone document, is consistent with the Surprise Land Development Ordinance and advances the goals and policies of the General Plan.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city

services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00 - FS24-0829 Morgan Property Rezone - Staff Report 121724 CC
 2. 01 - FS24-0829 Morgan Property Rezone - Vicinity Map
 3. 02 - FS24-0829 Morgan Property Rezone - Current Zoning
 4. 03 - FS24-0829 Morgan Property Rezone - Proposed Zoning
 5. 04 - FS24-0829 Morgan Property Rezone - Rezone Narrative
 6. 05 - FS24-0829 Morgan Property Rezone - Citizen Participation Report_Redacted
 7. 06 - FS24-0829 Morgan Property Rezone - Affidavit of Site Posting
 8. 07 - FS24-0829 Morgan Property Rezone - Draft Ordinance
 9. 08 - FS24-0829 Morgan Property Rezone - P&Z Recommendation
 10. Wong & Morgan Presentation
-

Case: **FS24-0829**

Project Name: Morgan Property Rezone

Council District: 1 – Acacia

Meeting Date: **December 17, 2024**

Planner: Trever Fleetham, AICP

Owner: Carey & Lauren Morgan

Applicant: Carey & Lauren Morgan

Request: Rezone from Rural Residential (RR) to Community Commercial (C-2).

Site Location: Generally located south of the southeast corner of 163rd Avenue and Pinnacle Peak Road.

Site Size: 3.4 acres (approx.)

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: See attached Citizen Participation Report

Commission

Recommendation: The Planning & Zoning Commission recommended **approval** of case **FS24-0829** to the City Council, subject to stipulations ‘a’ and ‘b’.

30 **Project Description:**

31 On August 6, 2024, the City Council approved a Pre-Annexation Development Agreement between
32 the City of Surprise and Carey D. and Lauren L. Morgan (MCR #20240446077). Pursuant to this
33 agreement, the City shall process a rezone application for the property from RR to C-2 concurrently
34 with the associated annexation application. The City Council shall consider approval of the zoning
35 ordinance immediately following adoption of the annexation ordinance, and at the same City Council
36 meeting.

37
38 The subject property, which is situated at the southeast corner of 163rd Avenue and Planada Lane,
39 encompasses approximately 3.4 acres and is currently partially developed. The intent is to improve
40 the site with a commercial development that may include various retail, restaurant, and/or office
41 facilities.

42
43 **Background:**

44 **August 6, 2024:** Mayor and City Council approved a Pre-Annexation Development Agreement
45 between the City of Surprise and Carey D. and Lauren L. Morgan (MCR #20240446077).

46
47 **October 22, 2024:** A neighborhood outreach meeting was held to discuss the subject rezone,
48 adjacent rezone for the parcel to the north (FS24-1326), and the joint annexation of the two
49 properties (FS24-0505).

50
51 **October 23, 2024:** A Blank Annexation Petition for the subject property was recorded with the
52 Maricopa County Recorder's Office to begin the required 30-day waiting period.

53
54 **November 19, 2024:** Mayor and City Council held a public hearing regarding the associated
55 annexation application, case FS24-0505, within the last ten (10) days of the 30-day waiting period
56 pursuant to A.R.S. §9-471.

57
58 **Neighborhood Meeting Summary:**

59 A neighborhood outreach meeting was held on October 22, 2024 at the Asante Library. There were
60 approximately two (2) people in attendance. This meeting was held to discuss the subject rezone, the
61 adjacent rezone for the parcel to the north (FS24-1326), and the joint annexation of the two
62 properties (FS24-0505). During this meeting, the attendees did not express any concerns or
63 opposition to the proposals.

64
65 The meeting was advertised pursuant to the requirements of the LDO, including legal ads, site
66 postings, and property owner mailers. See the attached Citizen Participation Report for a detailed
67 summary of the meeting.

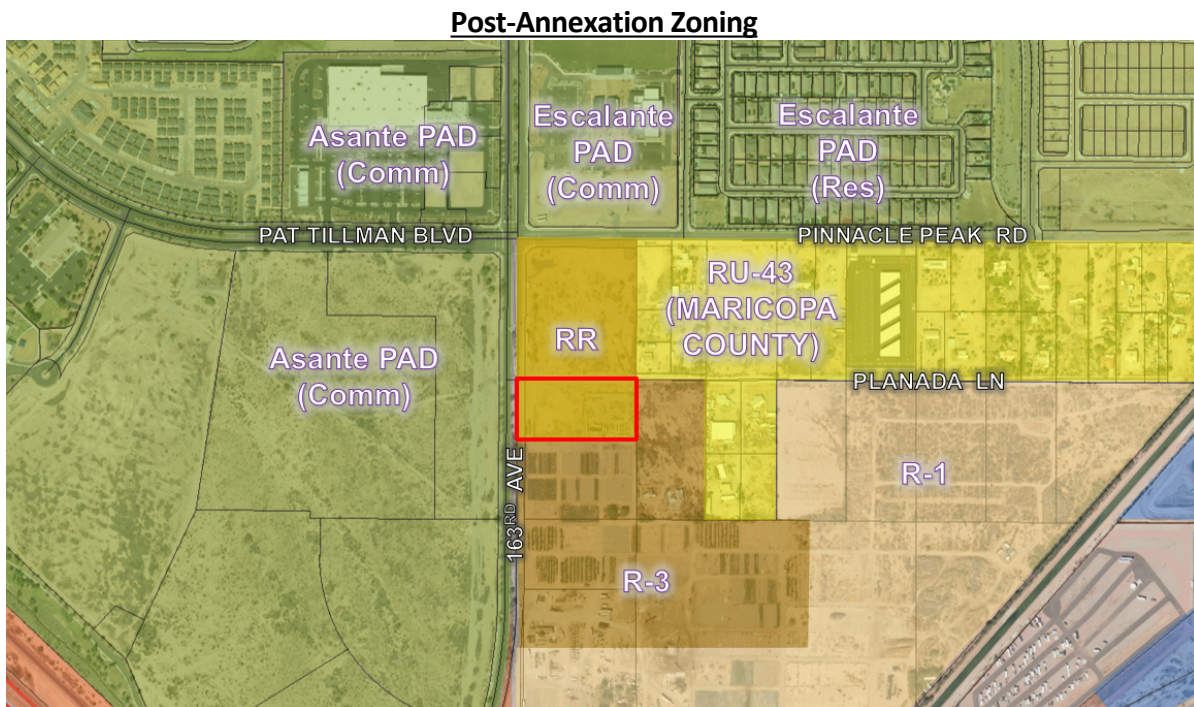
Analysis and Discussion:

The purpose of this application is to seek the rezone of approximately 3.4 acres intended for commercial development situated south of the southeast corner of 163rd Avenue & Pinnacle Peak Road. The project site is currently zoned RU-43 within the unincorporated area of Maricopa County. Upon successful annexation into the City of Surprise, the property would receive a like-for-like zoning designation of Rural Residential (RR). In order to accommodate planned commercial development, and pursuant to the approved Pre-Annexation Development Agreement, this application proposes to rezone the subject property to Community Commercial (C-2).

The property is bounded by 163rd Avenue to the west, Planada Lane to the north, and a mixture of developed, partially developed, and undeveloped land to the east and south. To the east and south are recently annexed properties that are planned to be developed with residential uses. The Wong Property to the north is also proposed to be rezoned to commercial and is part of the joint annexation application with the subject property, case FS24-0505.

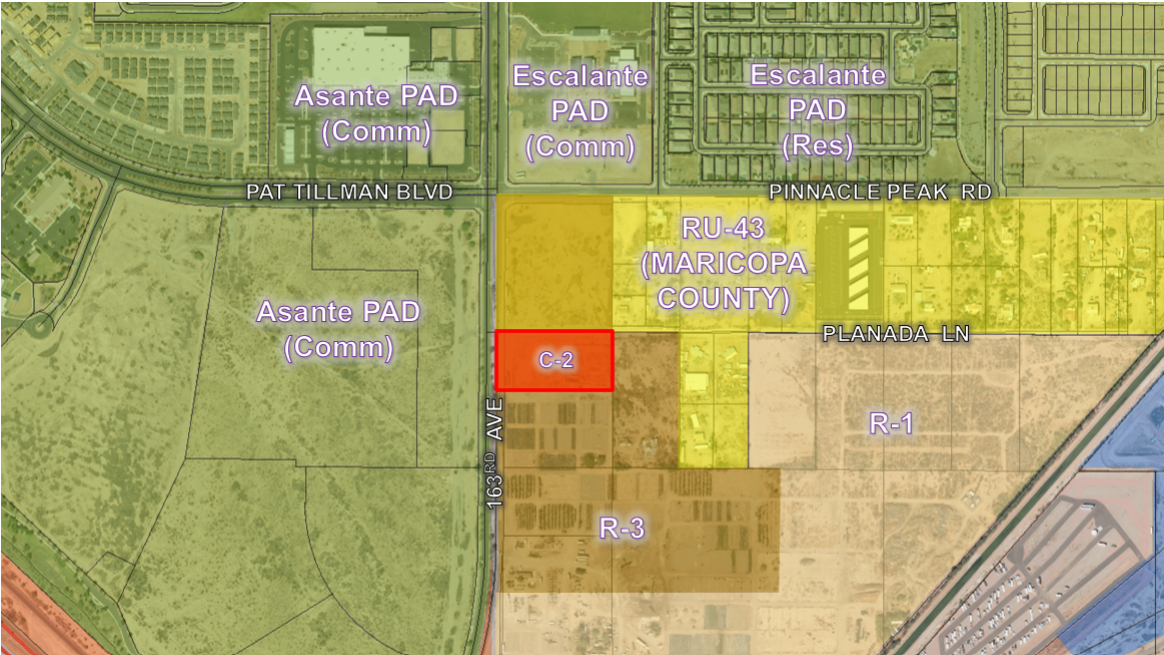
To the west, across 163rd Avenue, is vacant land with mixed commercial and residential land use designations. With the recent residential growth in the area, the planned commercial site presents a compatible land use that will provide a diversity of services for residents in the vicinity of this site. Special design considerations will be made to ensure that the development respects the surrounding context and design goals outlined in the General Plan.

The existing and proposed zonings are shown below.



Asante PAD (Commercial)	RR	RU-43 (Maricopa County)
Asante PAD (Commercial)	RR	R-3
Asante PAD (Commercial)	R-3	R-3

Proposed Zoning



Access

The subject parcel has frontage to both 163rd Avenue and Planada Lane. The location of access points, as well as the allowed turning movements, will be determined at the time of development review.

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Dysart Unified School District

Conformance with Adopted Plans:

The Property is located within the Neighborhood Character Area of the Surprise General Plan 2040, which allows for locally oriented commercial uses. The property is less than 30 acres and has direct access to a Major Arterial roadway, 163rd Avenue, to the west. The development will consist of neighborhood commercial uses that service the local community. The design and scale of the site will be appropriate to the area to ensure compatibility with surrounding properties.

Summary:

The proposed rezone from Rural Residential (RR) to Community Commercial (C-2) is in compliance with the approved Pre-Annexation Development Agreement, Surprise General Plan 2040, and the Surprise Municipal Code.

Commission Recommendation:

Based on the findings noted above, the Planning & Zoning Commission recommended **approval** of case **FS24-0829** to the City Council, subject to stipulations 'a' and 'b' as outlined below:

- a. Development and use of the site shall be consistent with the rezone narrative entitled "Project Narrative Morgan Property Rezone", dated October 14, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

However, should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

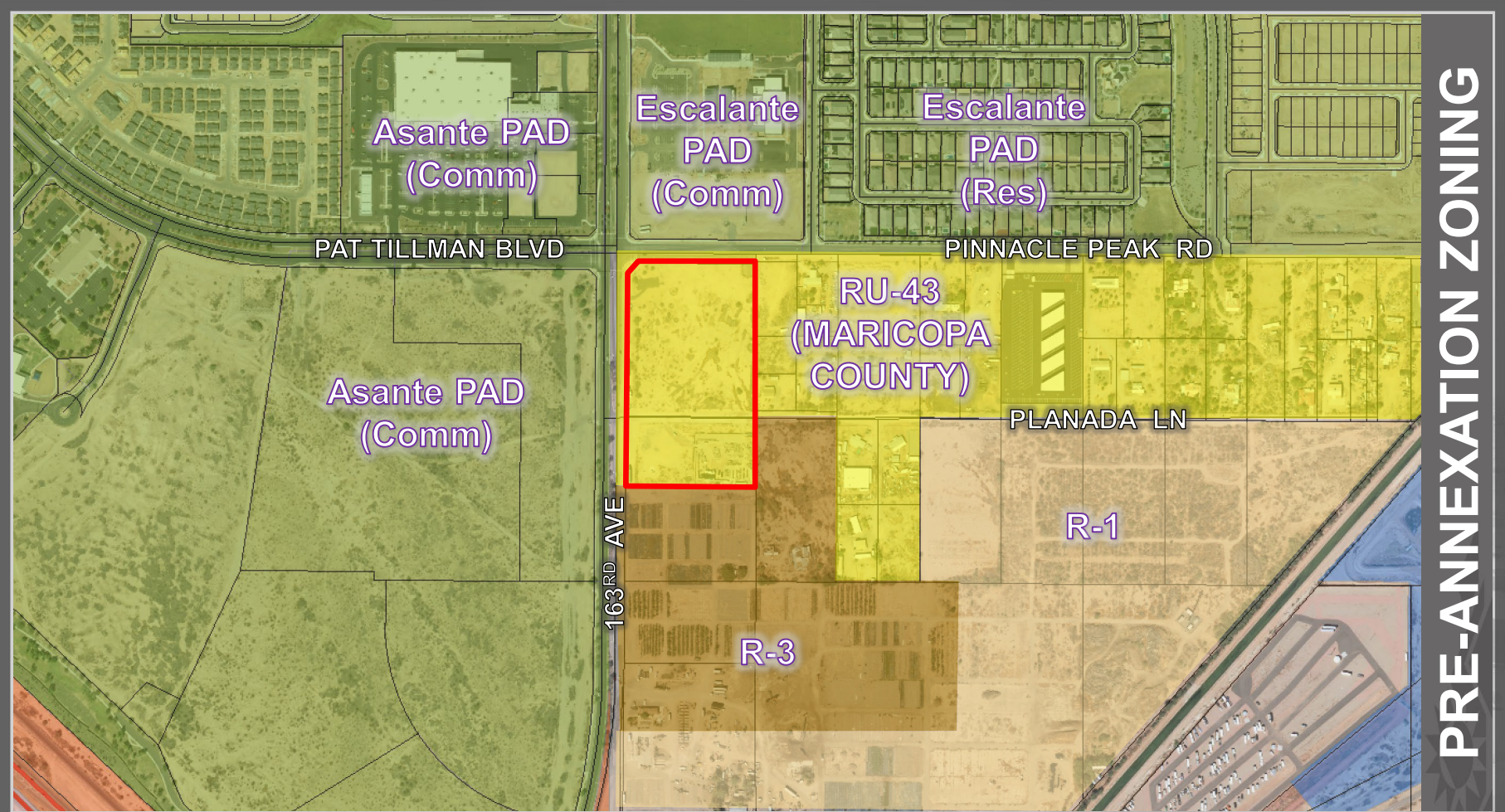
Attachments:

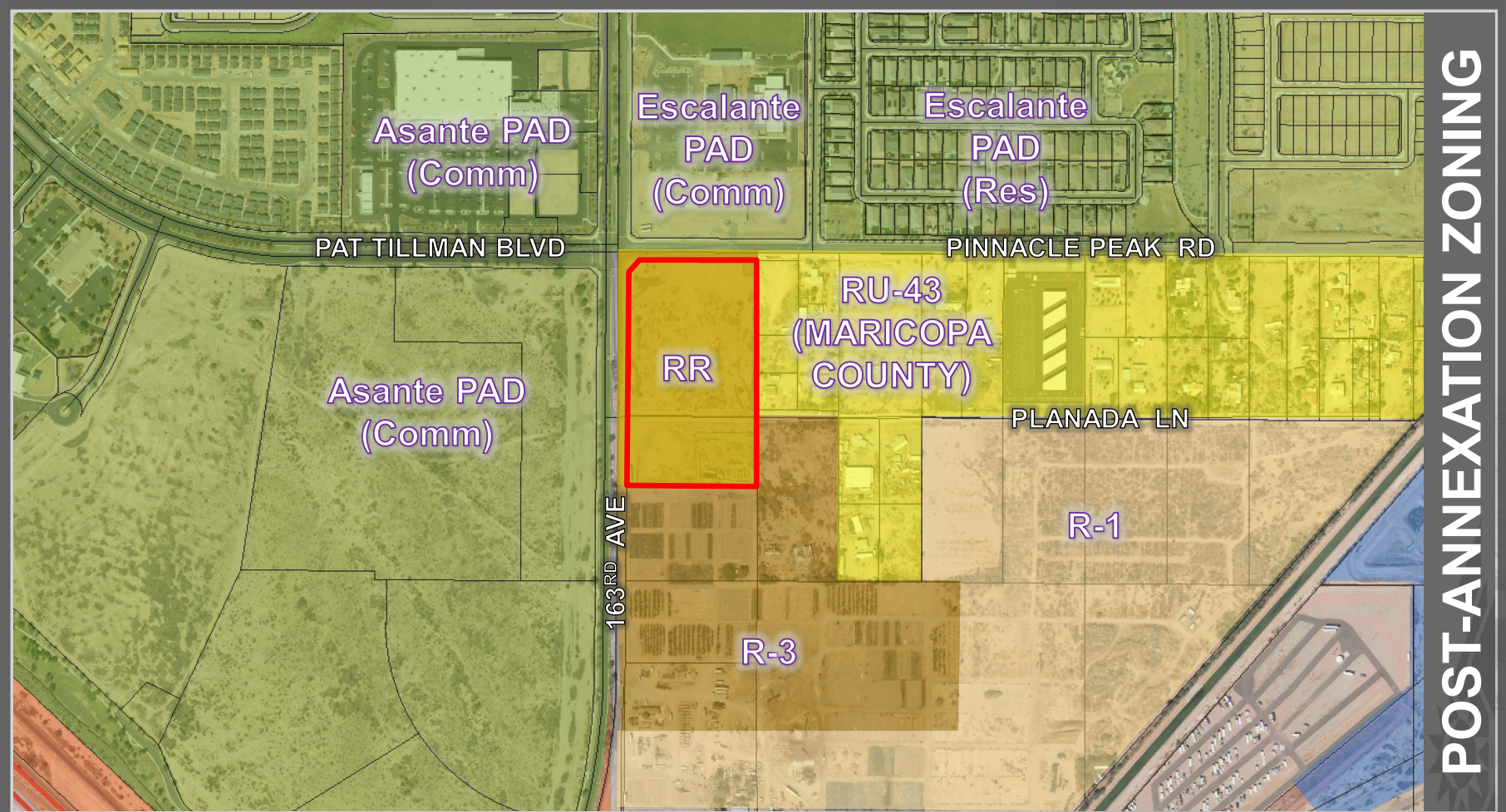
- 01 Vicinity Map
- 02 Existing Zoning Map
- 03 Proposed Zoning Map
- 04 Narrative
- 05 Citizen Participation Report
- 06 Affidavit of Site Posting
- 07 Ordinance
- 08 P&Z Recommendation
- PPT



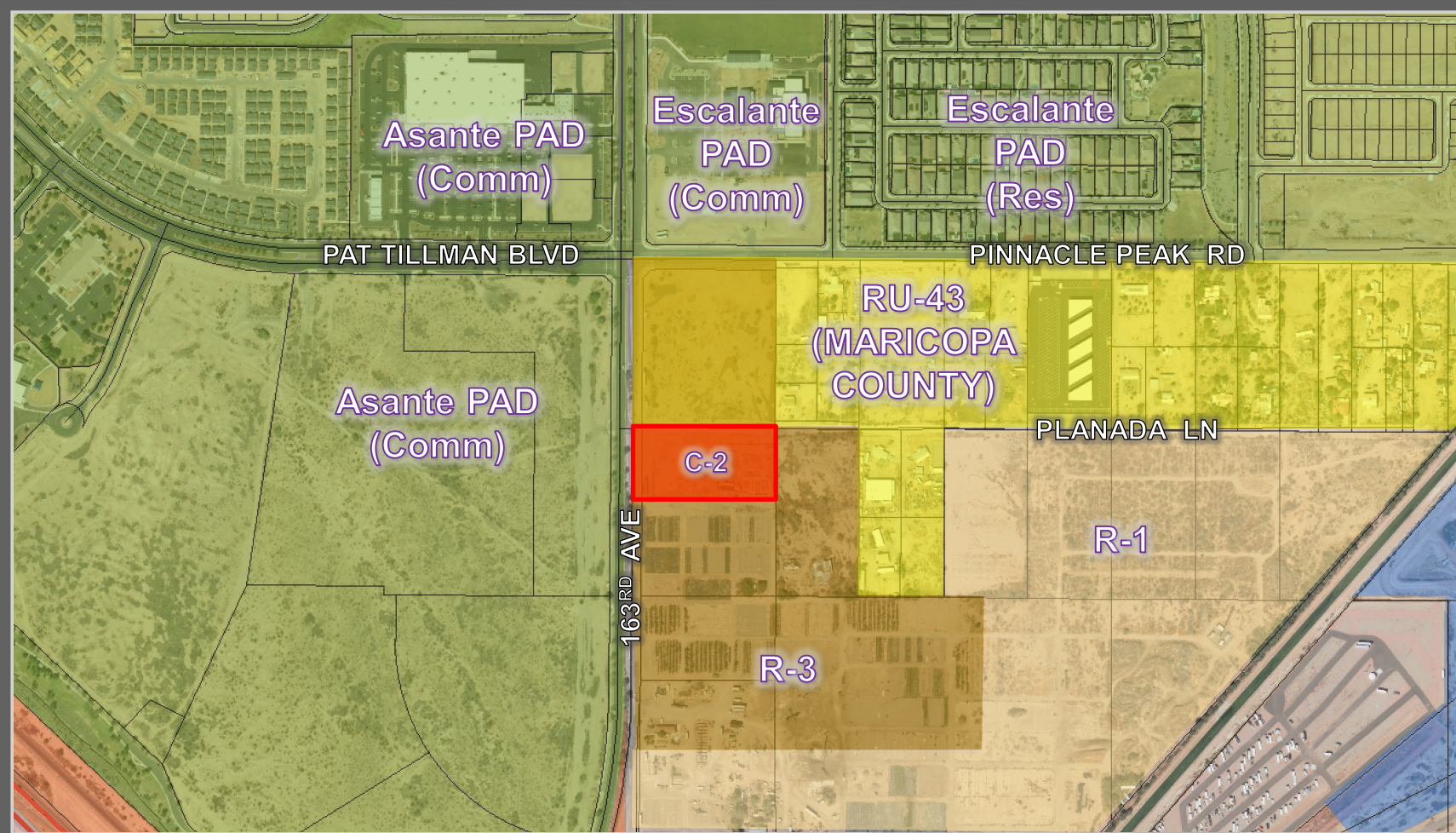
VICINITY MAP



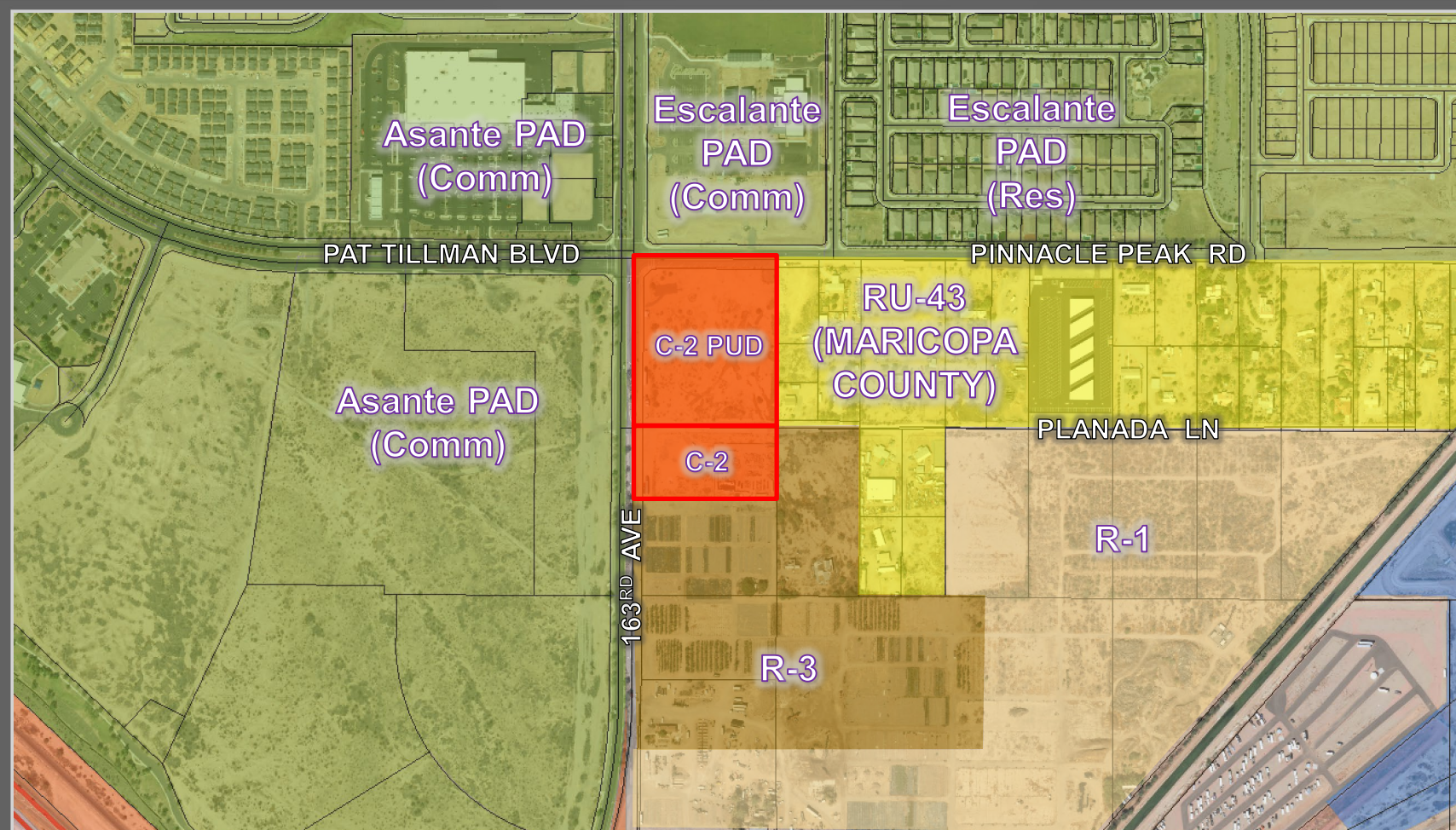




POST-ANNEXATION ZONING



FS24-0829 PROPOSED ZONING



Project Narrative

Morgan Property Rezone

FS24-0829

SEC Pinnacle Peak Road & 163rd Avenue
APN: 503-57-008G

Prepared Date: October 14, 2024

Carey & Lauren Morgan
Owner / Developer
PO Box 7490
Surprise, Arizona 85374
Email: lauren@lmorganrealty.com

Project Overview

The subject property encompasses approximately 3.4 acres and is currently partially developed. The intent is to improve the site with a commercial development that may include various retail, restaurant, and/or office facilities.

Purpose

The purpose of this application is to seek the rezone of approximately 3.4 acres intended for commercial development situated south of the southeast corner of 163rd Avenue & Pinnacle Peak Road. The project site is currently zoned RU-43 within the unincorporated area of Maricopa County. Upon successful annexation into the City of Surprise, the property would receive a like-for-like zoning designation of Rural Residential (RR). In order to accommodate planned commercial development, and pursuant to the approved Pre-Annexation Development Agreement, this application proposes to rezone to subject property to Community Commercial (C-2).

Relationship to Surrounding Properties

The property is bounded by 163rd Avenue to the west, Planada Lane to the north, and a mixture of developed, partially developed, and undeveloped land to the east and south. To the east and south are recently annexed properties that are planned to be developed with residential uses. The Wong Property to the north is also proposed to be rezoned to commercial and is part of the joint annexation application with the subject property, case FS24-0505.

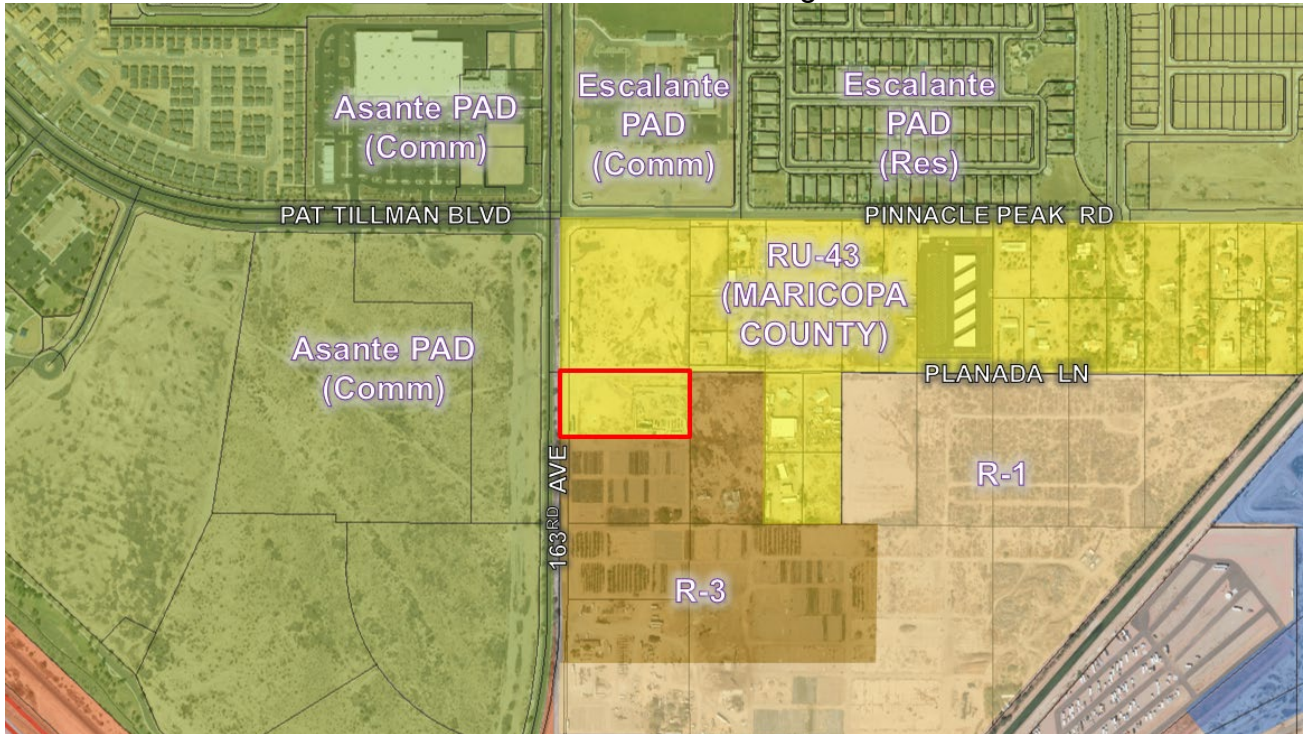
To the west, across 163rd Avenue, is vacant land with mixed commercial and residential land use designations. With the recent residential growth in the area, the planned commercial site presents a compatible land use that will provide a diversity of services for residents in the vicinity of this site. Special design considerations will be made to ensure that the development respects the surrounding context and design goals outlined in the General Plan.



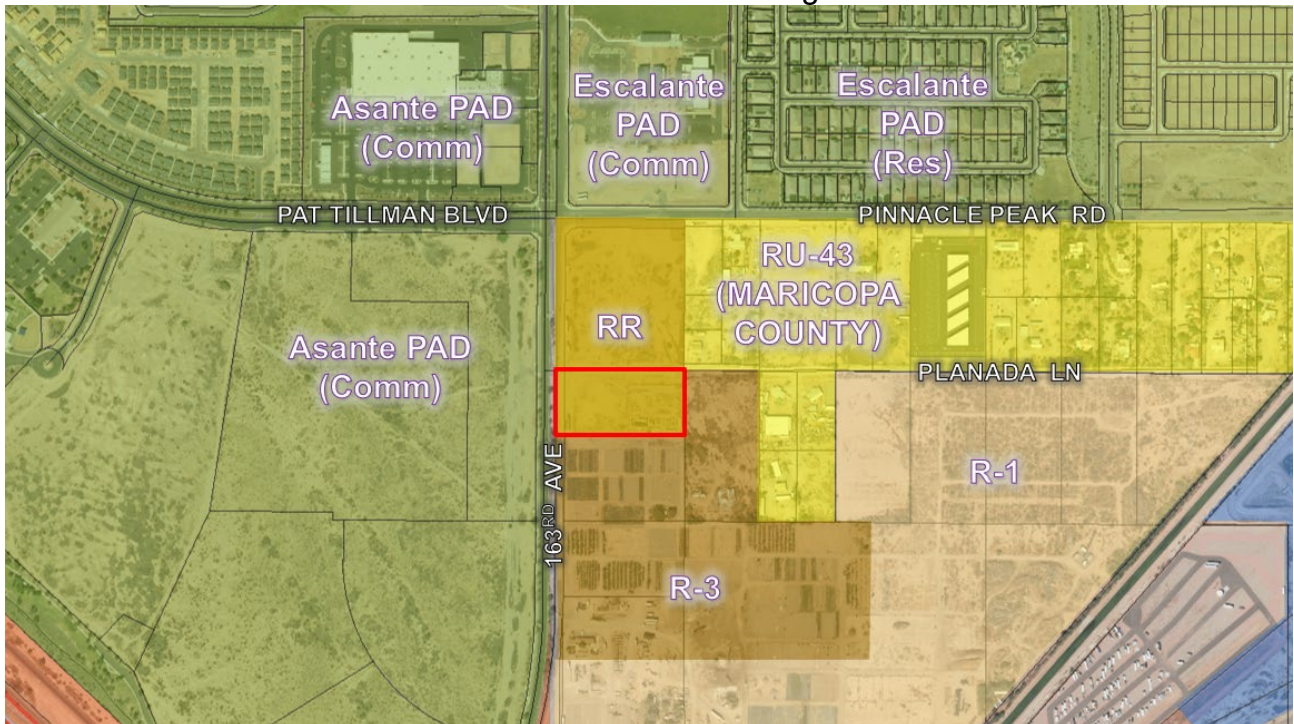
Requests

This application requests a rezone from Rural Residential (RR), which would be granted upon successful annexation, to Community Commercial (C-2).

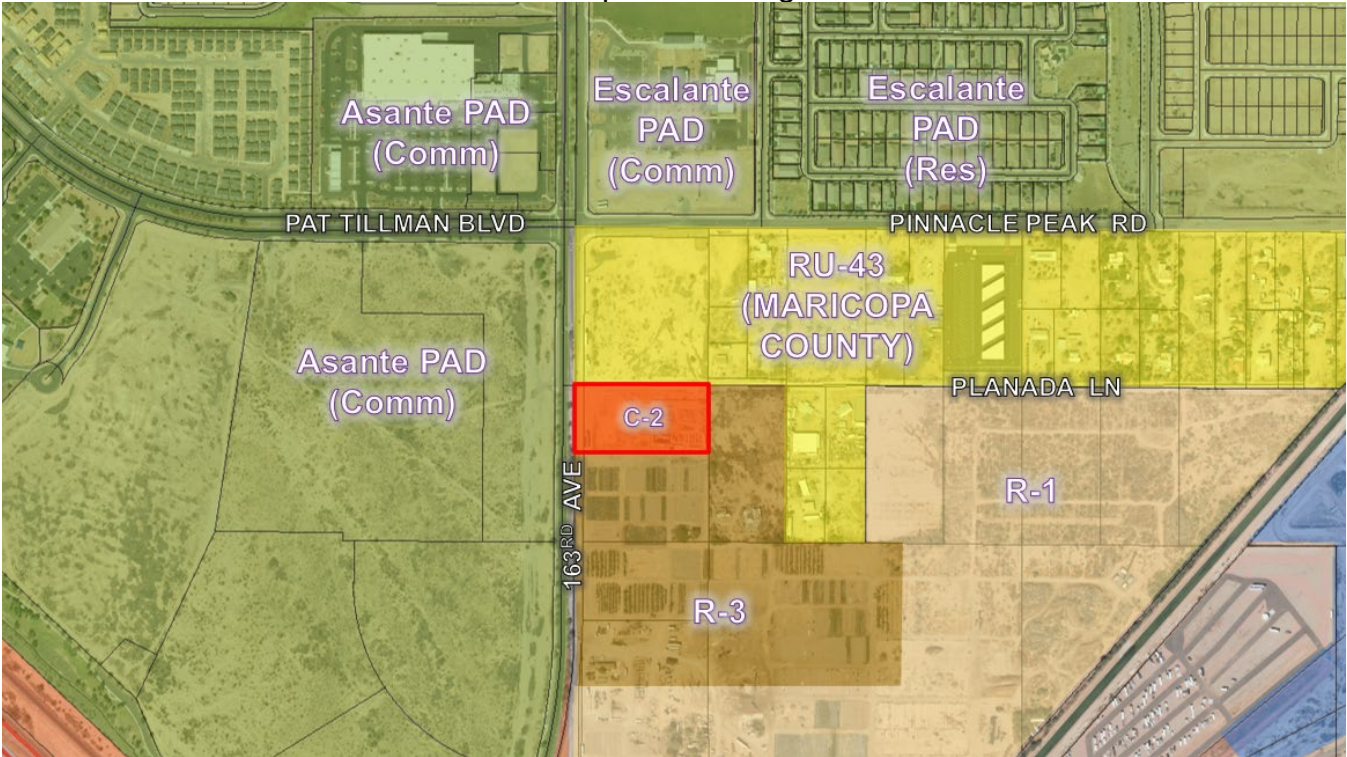
Pre-Annexation Zoning



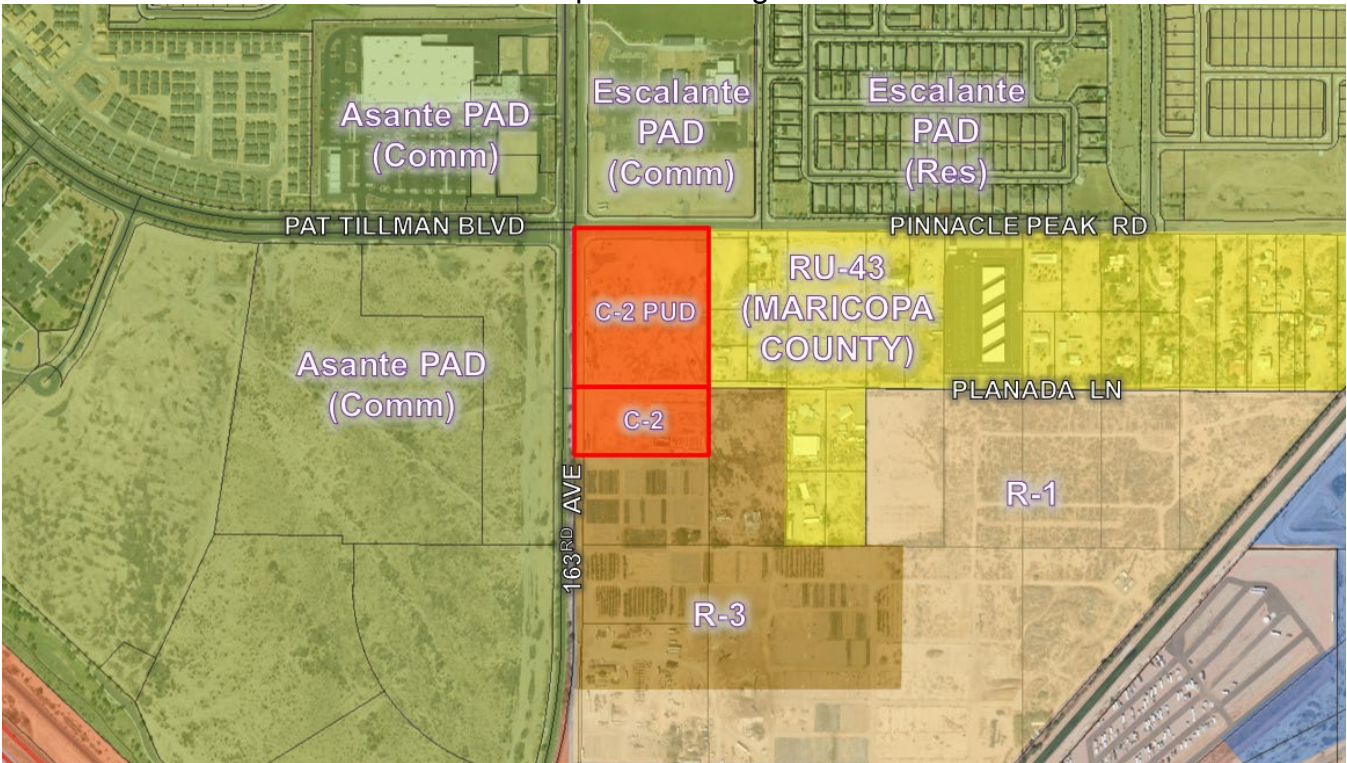
Post-Annexation Zoning



Proposed Zoning



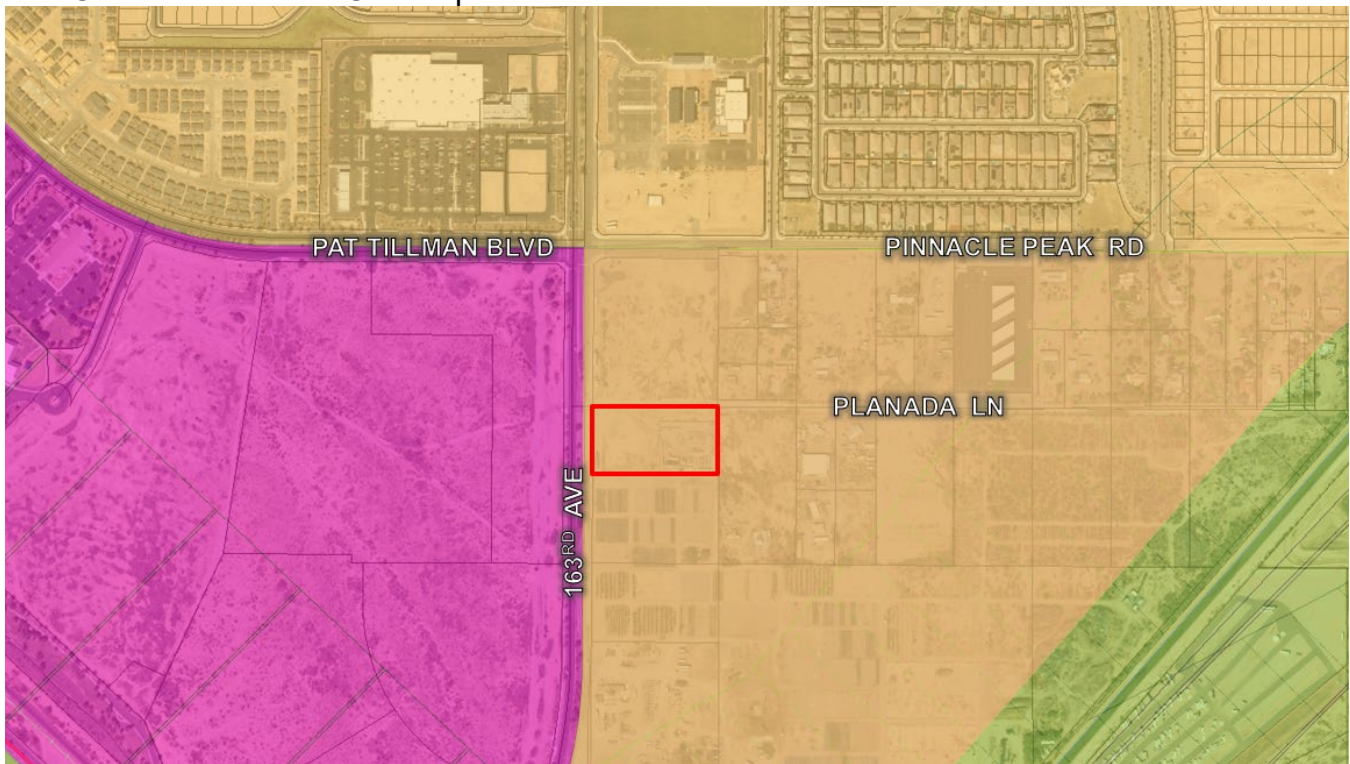
Combined Proposed Zoning w/ FS24-1326



General Plan Conformance

The Property is located within the Neighborhood Character Area of the Surprise General Plan 2040, which allows for locally oriented commercial uses. The property is less than 30 acres and has direct access to a Major Arterial roadway, 163rd Avenue, to the west. The development will consist of neighborhood commercial uses that service the local community. The design and scale of the site will be appropriate to the area to ensure compatibility with surrounding properties.

The General Plan Land Use Map is shown below.



Citizen Participation Report

Wong & Morgan Property Annexation and Rezones

Case # FS24-0505, FS24-0829, FS24-1326

Evergreen Devco, Inc. & City of Surprise

November 1, 2024

Overview

The City of Surprise, along with Evergreen Devco, Inc. and the respective property owners hosted a neighborhood meeting on October 22, 2024 to discuss the above referenced projects. This meeting was held at 6pm in a meeting room at the Asante Library.

The City of Surprise, Evergreen Devco, Inc. and the property owners were available to walk any attendees through the steps of the process, what was being proposed and to answer any potential questions. There were also exhibits that were printed and displayed to show attendees the aerial of the area, the potential site plan as well as future roadway improvements.

Attendance & Feedback

Two (2) people attended the open house. Their questions were related to the overall timeline of the proposed development, the potential commercial uses as well as the majority of the questions and conversation centered around the timing of the improvements and widening of 163rd Ave.

A copy of the sign in sheet is attached to this report.

To date, no additional calls or emails from the community regarding these cases have been received.

Advertising

Public notification of the meeting was conducted in accordance with the Surprise Municipal Code. The meeting was advertised in the Surprise Independent on Wednesday, October 2, 2024 and the Daily Independent on Friday, October 4, 2024. Meeting notice was also published on the City website, property owners within 300 feet were mailed notifications, and four (4) signs were posted on the properties.

Evergreen DevCo and City of Surprise
163rd Ave. & Pat Tillman Blvd.
October 22, 2024
Sign-In Sheet

Printed Name	Address	Phone	Email
Stephen French			
Cathy Zamorano			

**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/4/2024
Surprise Independent: 10/2/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
10/4/2024

TERRI L RODGERS



TERRI RODGERS
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	7897
Ordered By	Trever Fleetham
Order Date	9/25/2024
Description	FS24-0505
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/2/2024
Last Issue	10/4/2024
Publications	Daily Independent, Surprise Independent

**CITY OF SURPRISE
NEIGHBORHOOD MEETING**

Annexation and Rezoning Requests

Please be advised that the City of Surprise will host an in-person Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in the conversation as it pertains to this project. According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions.

City of Surprise Planner: Trever Fleetham
623-222-3156, trever.fleetham@surpriseaz.gov

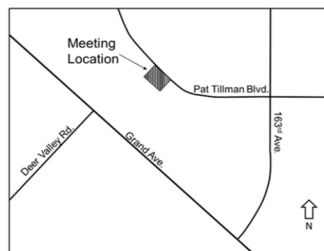
NEIGHBORHOOD MEETING DETAILS

DATE: Tuesday, October 22, 2024
TIME: 6:00 PM
LOCATION: Asante Library
16755 W Vereda Solana Dr.,
Surprise, AZ 85387

PROJECT LOCATION



MEETING LOCATION



PROJECT DESCRIPTIONS:

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rural Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rural Residential (RR) to Community Commercial (C-2). Surprise Planning Cases FS24-0505, FS24-0829, and FS24-1326.

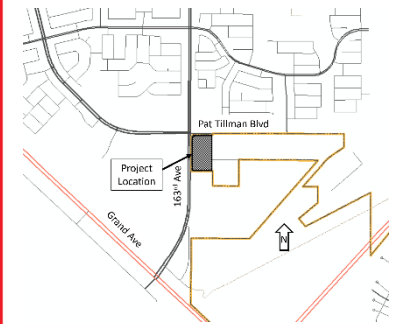
Publish: Daily Independent, October 2, 2024,
Surprise Independent, October 4, 2024/7897

NOTICE OF NEIGHBORHOOD MEETING

DEAR PROPERTY OWNER: Please be advised that the City of Surprise will host an in-person Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in the conversation as it pertains to this project. According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions.

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rural Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rural Residential (RR) to Community Commercial (C-2). Surprise Planning Cases FS24-0505, FS24-0829, and FS24-1326.

PROJECT LOCATION



*To learn more or provide
input,
please contact:
Trevor Fleetham at
623.222.3156 or
trevor.fleetham@surpriseaz.gov*



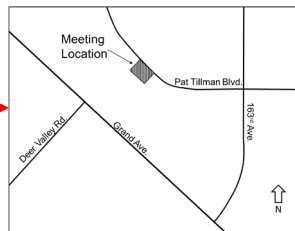
SET A REMINDER

WHEN:

October 22, 2024 |

6:00 PM

Location: Asante
Library
16755 W Vereda Solana
Dr.,
Surprise, AZ 85387



AFFIDAVIT OF SIGN POSTING

Case Number: FS24-0505; FS24-0829; FS24-1326

Project Name: WONG & MORGAN ANNEXATION AND REZONE

Project Location: SEC 2 AT TILLMAN BLVD & 163RD AVE

Date Posted: 10/7/24

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date of the first hearing. The signs shall also include the description of the request as contained on the formal development application. The size and format of this sign shall meet requirements established by the city (see example).

Such notice shall be clearly legible and placed at a prominent location on the site, generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property, as well as the information on the sign, until final disposition of the case.

I confirm that the site has been posted as required, for the case noted above. Photographs of the site posting, and any subsequent changes/updates made to the sign, have also been submitted.

 10/8/24
Owner / Application Signature Date

This instrument was acknowledged before me this 8th day of October,

20 24 by  Trever Fleetham


Notary Public



My Commission Expires: 10/8/2027

Notice of Public Hearing

City of Surprise

Neighborhood Meeting	Planning and Zoning (Rezones)	City Council (Annexation - Blank Petition)	City Council (Annexation & Rezones)
Date: October 22, 2024 Time: 6:00 pm Location: Asante Library 16755 W Vereda Solana Dr. Surprise, Az 85387	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-050, FS24-0829 & FS24 - 1326
For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezones)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation - Blank Petition)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation & Rezones)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-050, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov



PENINSULA PEAK RD

Notice of Public Hearing City of Surprise

Neighborhood Meeting	Planning and Zoning (Recommend)	City Council (Discussion - No Action)	City Council (Discussion & Action)
Next Meeting: 03/20/2024 Time: 6:00 PM	Next Meeting: 03/20/2024 Time: 6:00 PM	Next Meeting: 03/20/2024 Time: 6:00 PM	Next Meeting: 03/20/2024 Time: 6:00 PM
Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086

The applicant is requesting the City of Surprise to approve the proposed development of approximately 10.5 acres, including the City of Surprise. Additionally, the applicant is requesting the City of Surprise to approve the proposed development of approximately 10.5 acres, including the City of Surprise. Additionally, the applicant is requesting the City of Surprise to approve the proposed development of approximately 10.5 acres, including the City of Surprise.



Case #s FS24-050, FS24-051 & FS24-1320
For more information, call: 623-222-3033
Surpriseaz.gov

LESKO



Surprise

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezoning)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation - Blank Petition)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation & Rezoning)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-050, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

AFFIDAVIT OF POSTING

Case Number FS24-0505, FS24-0829, FS24-1326
Project Name: WONG & MORGAN ANNEXATION & REZONE
Project Location: SEC 163RD & PINNACLE PEAK RD
Date Site Posted: 10/31/24

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date of the first hearing. The signs shall also include the description of the request as contained on the formal development application. The size and format of this sign shall meet requirements established by the city (see example).

Such notice shall be clearly legible and placed at a prominent location on the site, generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property, as well as the information on the sign, until final disposition of the case.

I confirm that the site has been posted as required, for the case noted above. Photographs of the site posting, and any subsequent changes/updates made to the sign, have also been submitted.

[Signature] 11/1/24
Owner/Applicant Signature Date

This instrument was acknowledged before me this 1st day of November,
2024 by Michelle Moy

[Signature]
Notary Public

My Commission Expires:



Notice of Public Hearing City of Surprise

Neighborhood Meeting Planning and Zoning (Rezones)

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Date: November 21, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation - Blank Petition)

Date: November 19, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation & Rezones)

Date: December 17, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: **October 22, 2024**
Time: **6:00 pm**
Location: **Asante Library**
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezoning)

Date: **November 21, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation - Blank Petition)

Date: **November 19, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation & Rezoning)

Date: **December 17, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

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Case #'s **FS24-0505, FS24-0829 & FS24 - 1326**

For more information, call: **623 - 222 - 3011**
Surpriseaz.gov

SPEED
LIMIT
45

Notice of Public Hearing

Neighborhood Meeting Planning and Zoning
(Rezones)

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Date: November 21, 2024
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Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting Planning and Zoning
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Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

ORDINANCE # 2024-39

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RURAL RESIDENTIAL (RR) TO COMMUNITY COMMERCIAL (C-2), GENERALLY LOCATED SOUTH OF THE SOUTHEAST CORNER OF 163RD AVENUE AND PINNACLE PEAK ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is generally located south of the southeast corner of 163rd Avenue and Pinnacle Peak Road;

WHEREAS, the subject site is approximately 3.4 acres and is currently zoned Rural Residential (RR);

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, on August 6, 2024, the City Council approved a Pre-Annexation Development Agreement for the subject site between the City of Surprise and Carey D. and Lauren L. Morgan;

WHEREAS, the proposed Rezone to Community Commercial (C-2) satisfies the requirements set forth in Section 106-6 of the City of Surprise Land Development Ordinance;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on November 21, 2024, the Planning and Zoning Commission recommended approval of the subject zoning request.

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

Section 1. Rezoning. The parcel legally described on Exhibit A and depicted on Exhibit B, known as the “Morgan Property” is rezoned from Rural Residential (RR) to Community Commercial (C-2) subject to the following stipulations:

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Project Narrative Morgan Property Rezone”, dated October 14, 2024.

- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

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.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* 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 the effective date of this Ordinance.

Section 5. *Severability.* 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 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____ 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A LEGAL DESCRIPTION FOR PROPERTY

EXHIBIT "A"

DESCRIPTION

REZONE

A portion of the northwest quarter of the northwest quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 18, from which the West Quarter Corner of said Section 18 lies South 00°10'13" West 2633.87 feet;

Thence along the north line of said northwest quarter of the northwest quarter of Section 18 South 89°48'52" East 574.70 feet;

Thence departing said line South 00°16'05" East 659.48 feet to the northeast corner of that real property described in that Warranty Deed recorded as Instrument 2019-0301258 records of said County and the POINT OF BEGINNING;

Thence along the east line of said real property South 00°16'05" East 283.91 feet to the southeast corner of said real property being also the most westerly northeast corner of that property described in Surprise Annexation Ordinance 2022-04 recorded as Instrument 2022-0287430 records of said County;

Thence along the south line of said real property and the north line of said Surprise Annexation Ordinance 2022-04 North 89°49'47" West 526.87 feet to the southwest corner of said real property being a point on the east line of that property described in Surprise Annexation Ordinance 88-24 recorded as Instrument 1988-594510 records of said County;

Thence along the west line of said real property and said east line of Surprise Annexation Ordinance 88-24 North 00°10'13" East 284.49 feet to the northwest corner of said real property;

Thence along the north line of said real property South 89°45'53" East 523.99 feet to the POINT OF BEGINNING.

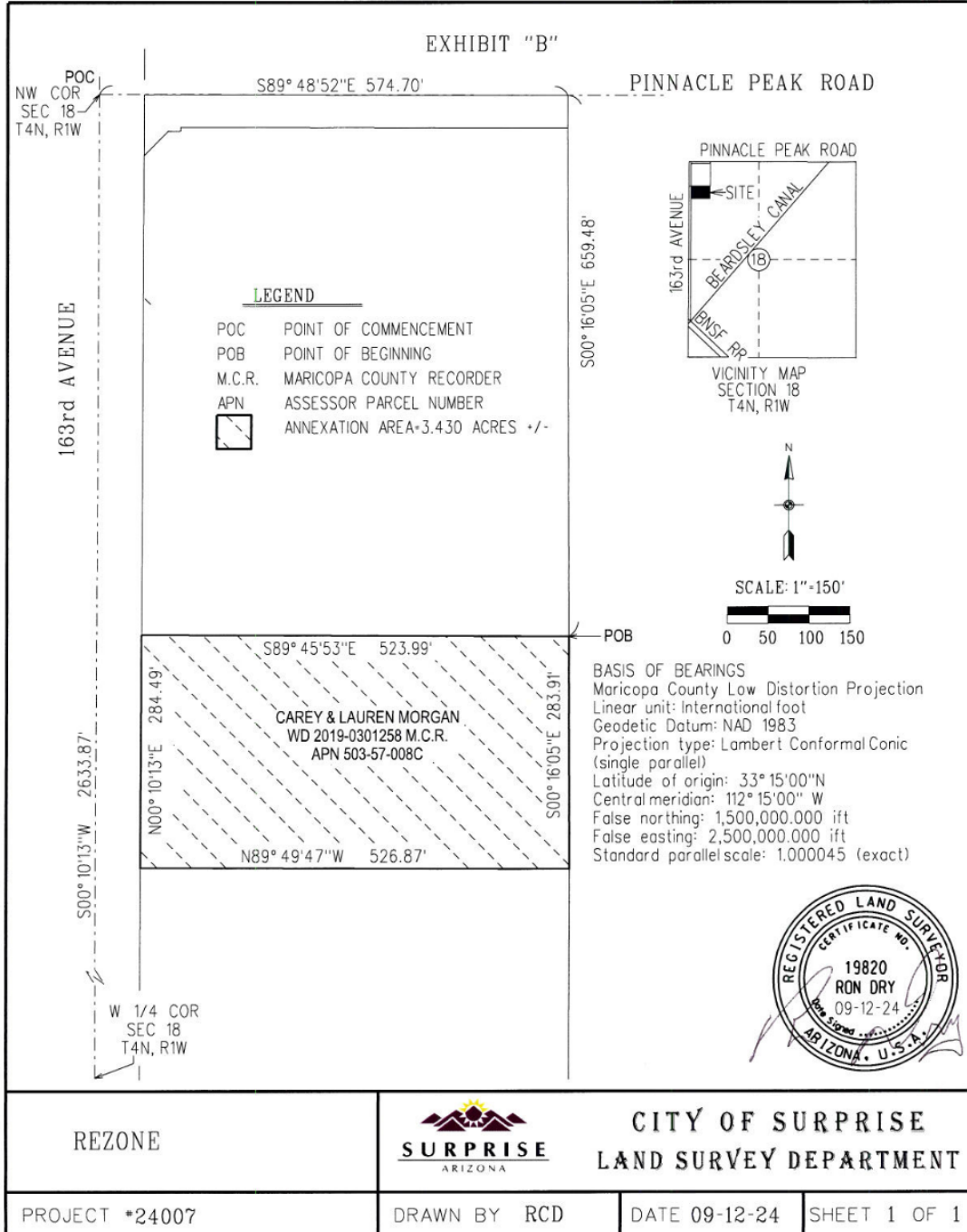
Containing 3.430 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT B **DEPICTION OF THE PROPERTY TO BE RE-ZONED**



Ordinance No. 2024-39
RFLS # 9747
Rev 10/24



COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS24-0829 – Morgan Property Rezone

On November 21, 2024, the Planning and Zoning Commission recommended approval of the proposed rezone case known as “Morgan Property Rezone,” Case# FS24-0829 to the City Council subject to stipulations ‘a’ and ‘b’ as outlined in the staff report. The Commission discussed: ~~The motions were as follows:~~

- Dedication of right-of-way allows for the expansion of 163rd to alleviate traffic
- Rezoning will align with the surrounding commercial designated parcels

The motions were as follows:

Commissioner Leonard made a motion to recommend approval of the Morgan Property Rezone, case FS24-0829, to the City Council subject to stipulations ‘a’ and ‘b’ as outlined in the staff report. Commissioner Perry seconded the motion. Motion passed with 6 votes in favor.



Wong & Morgan
Annexation: FS24-0505
Rezoning: FS24-1326 & FS24-0829

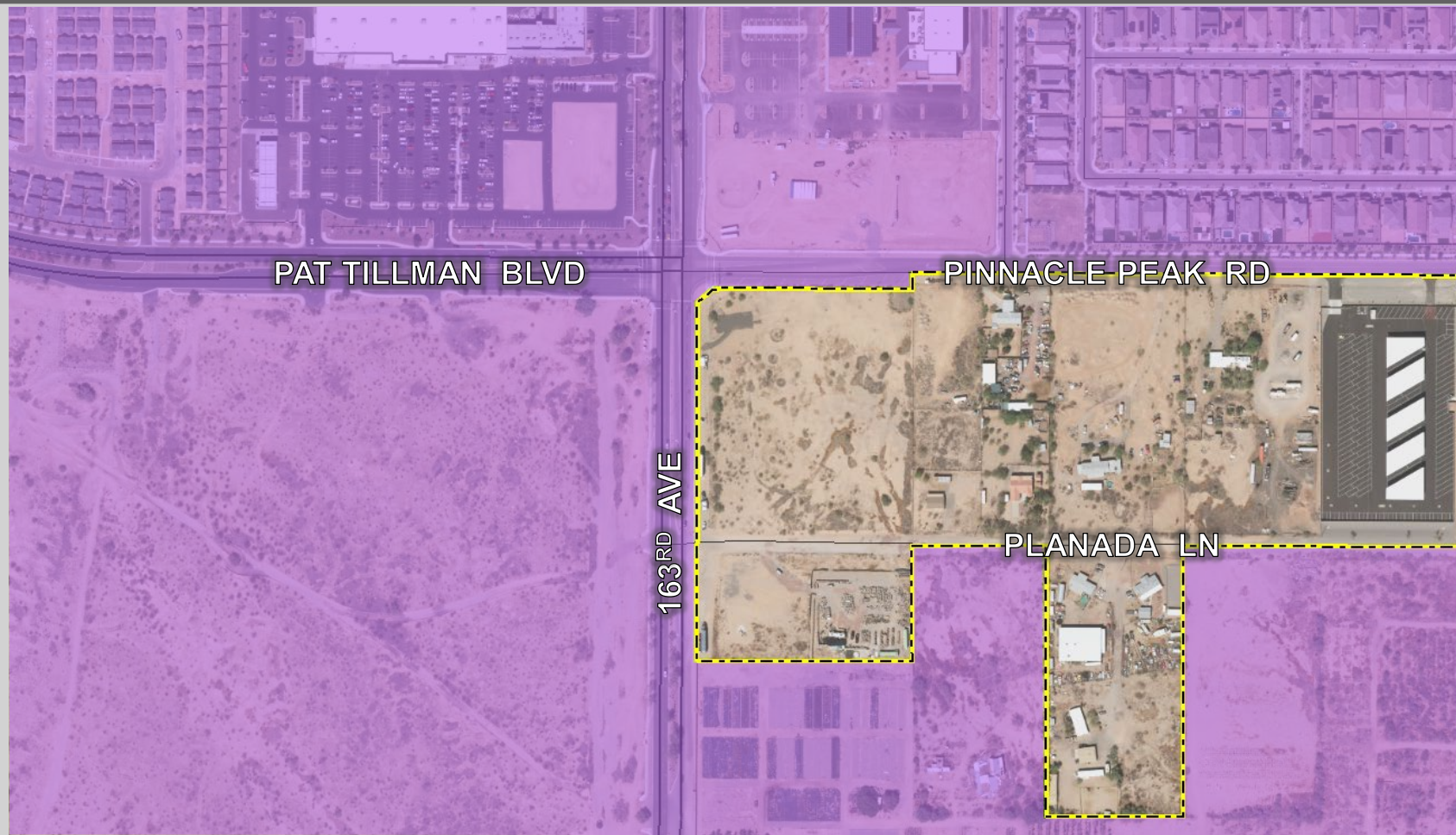
City Council
December 17, 2024



VICINITY MAP







EXISTING CITY BOUNDARY

PAT TILLMAN BLVD

163RD AVE

PINNACLE PEAK RD

PLANADA LN

PROPOSED CITY BOUNDARY

Annexation Steps

Resolution for the Intent to Annex: ✓

- City Council meeting – August 20, 2024

File Blank Petition: ✓

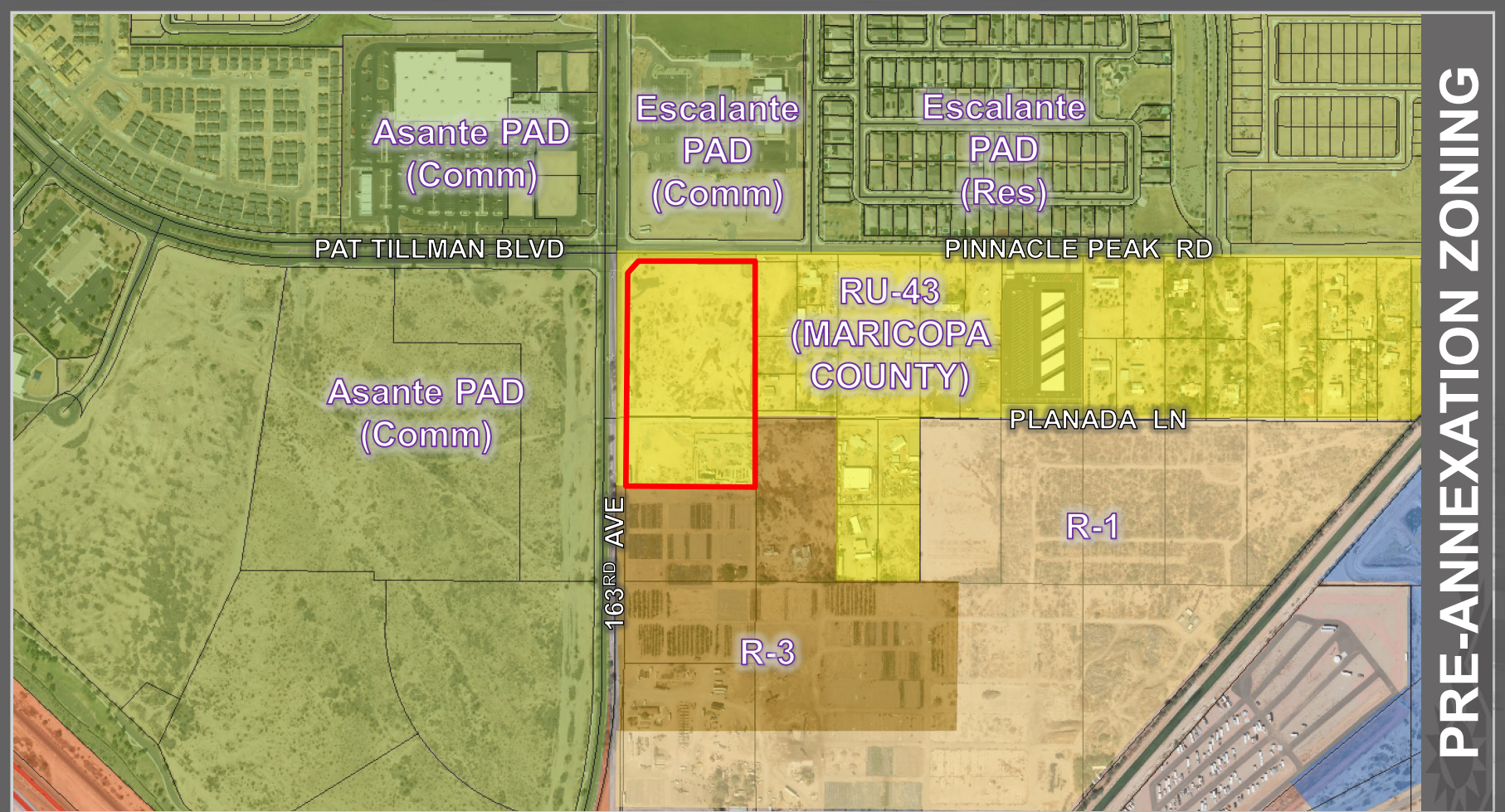
- Begins 30-day waiting period
- Reach out to County Assessor and Dept of Revenue
- October 23, 2024 – Petition filed

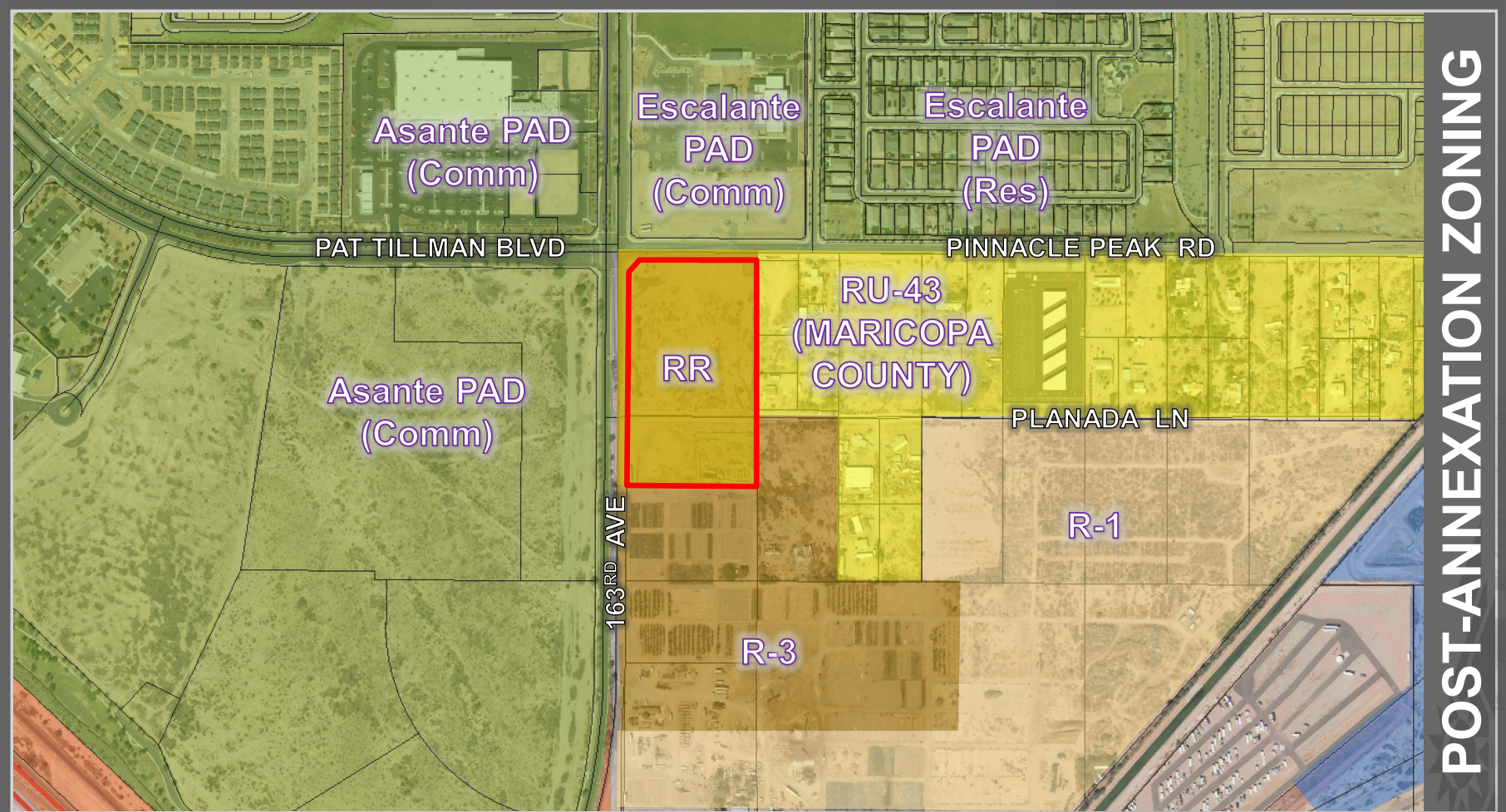
Public Hearing (Discussion Only): ✓

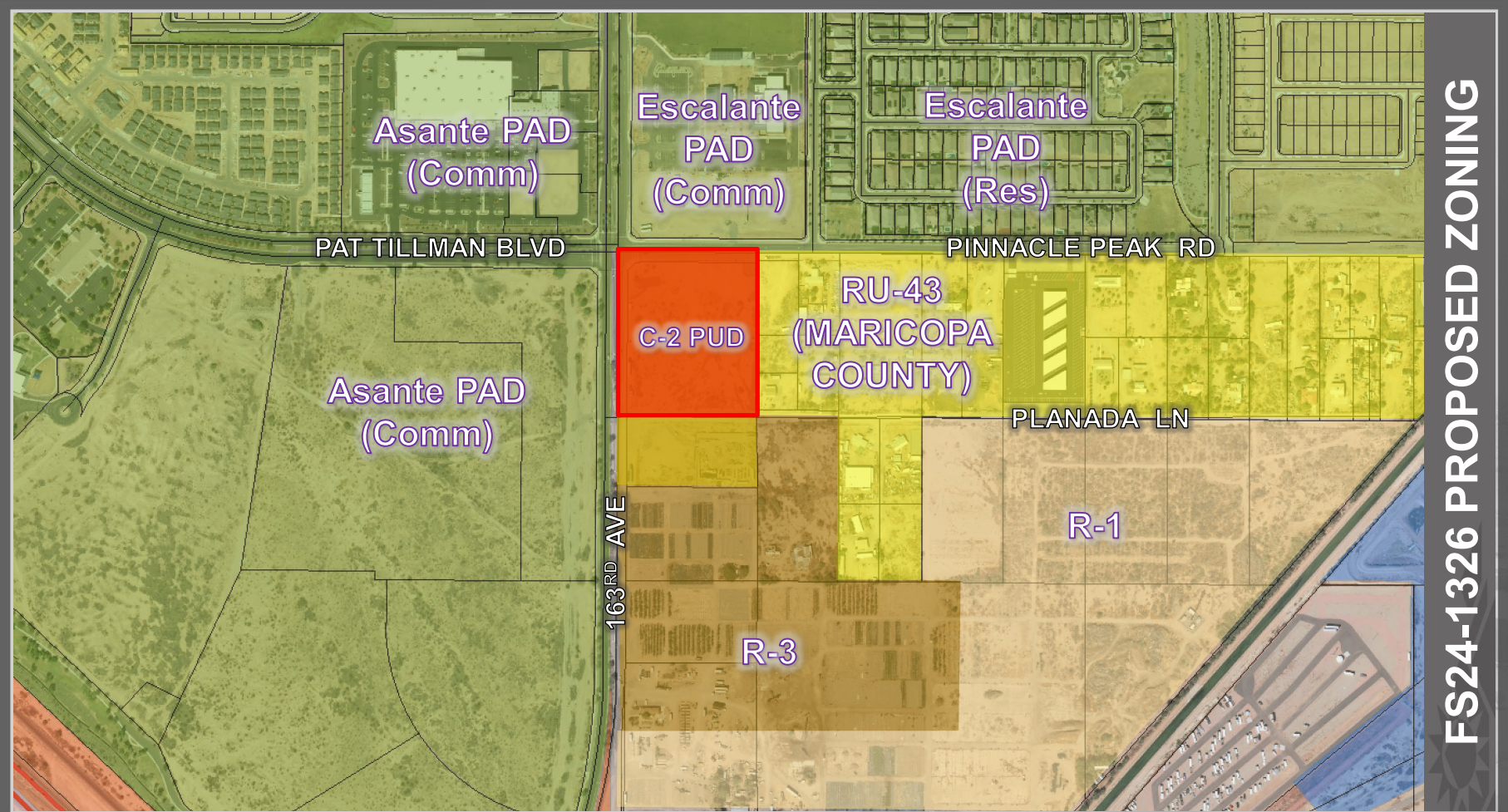
- City Council holds public hearing to discuss the annexation
 - Held in the last 10 days of the 30-day waiting period

Obtain signatures on annexation petitions ✓

Public Hearing to approve/deny annexation ← **Tonight**



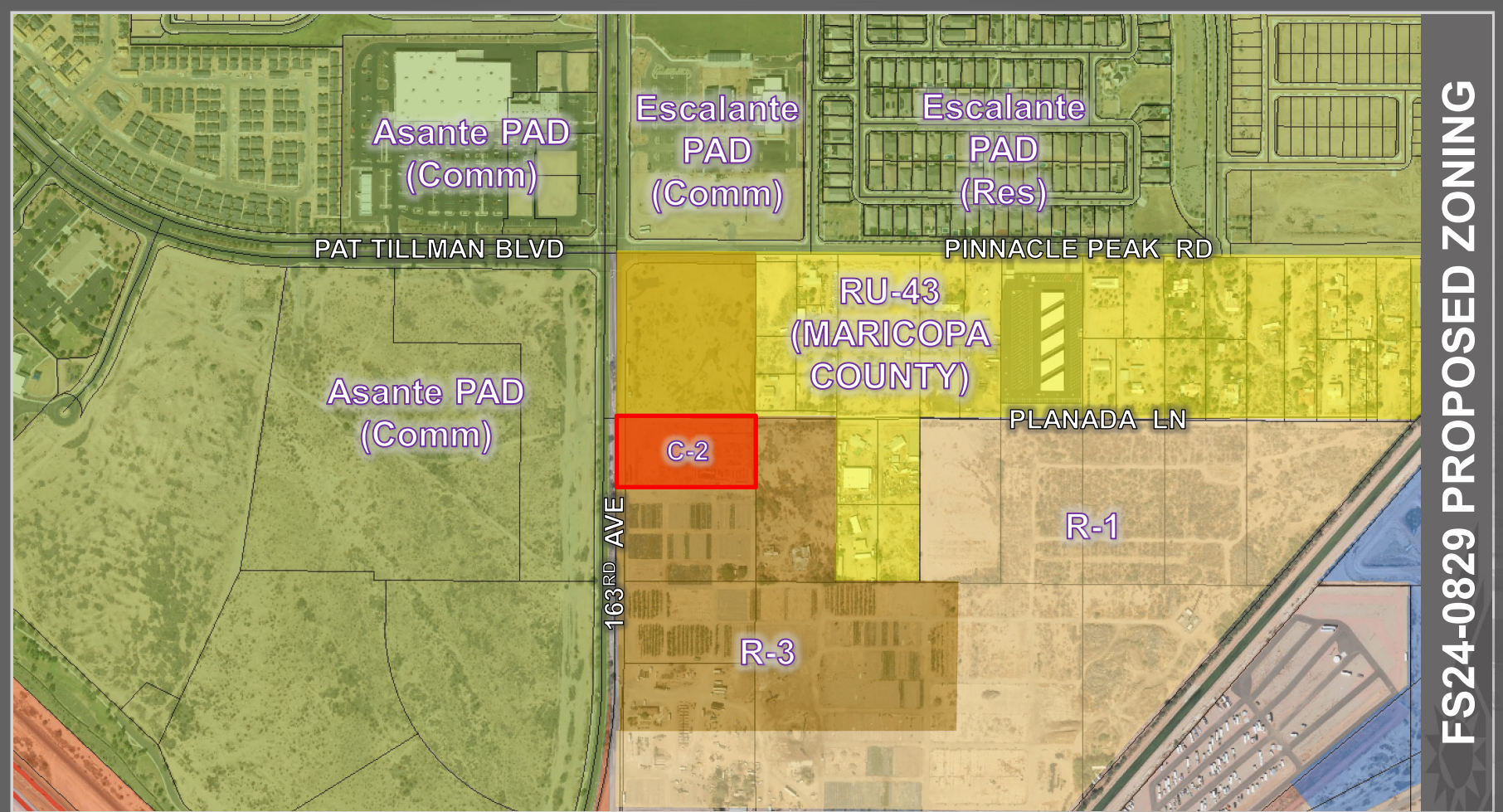




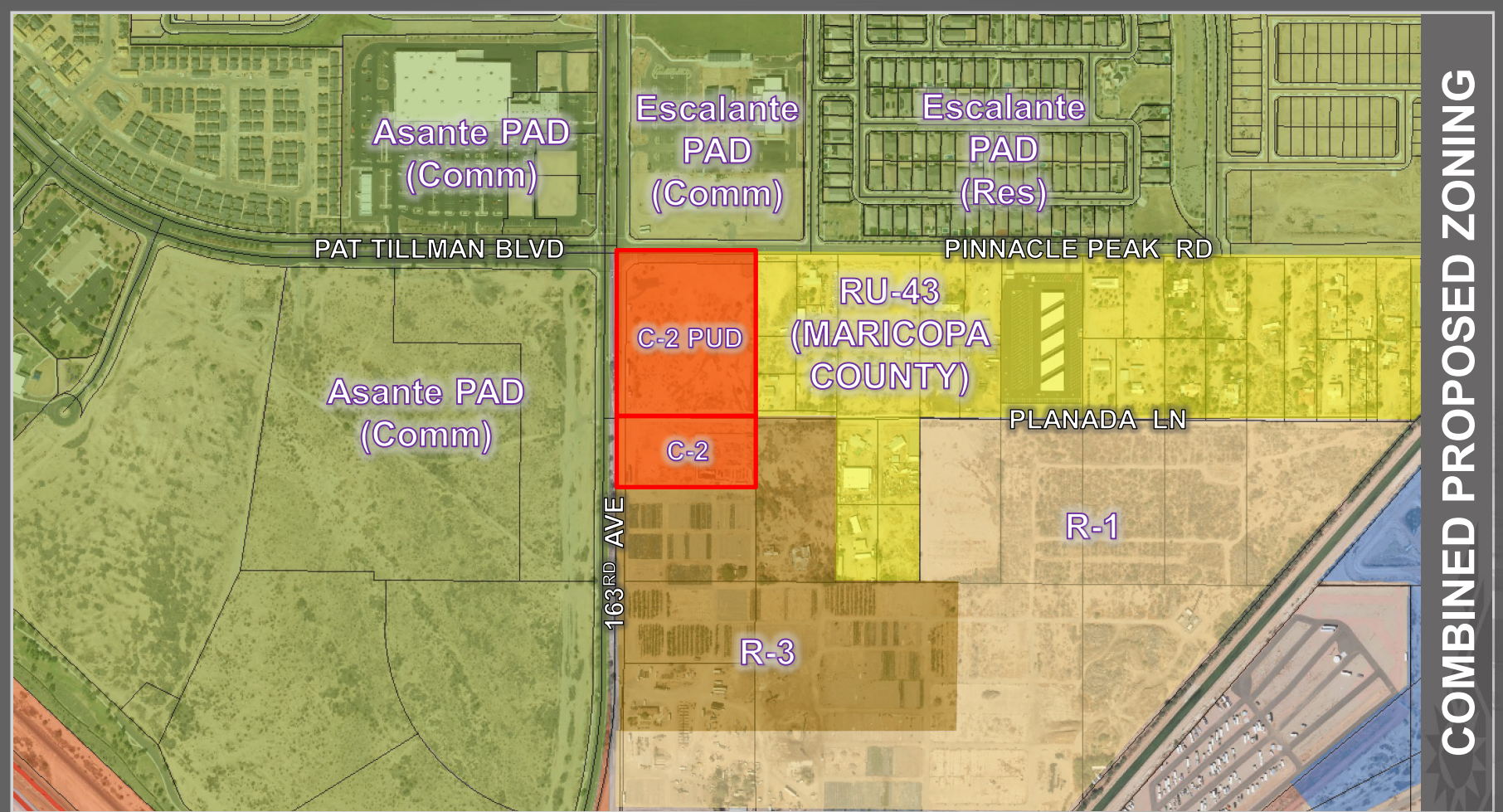
FS24-1326 PROPOSED ZONING

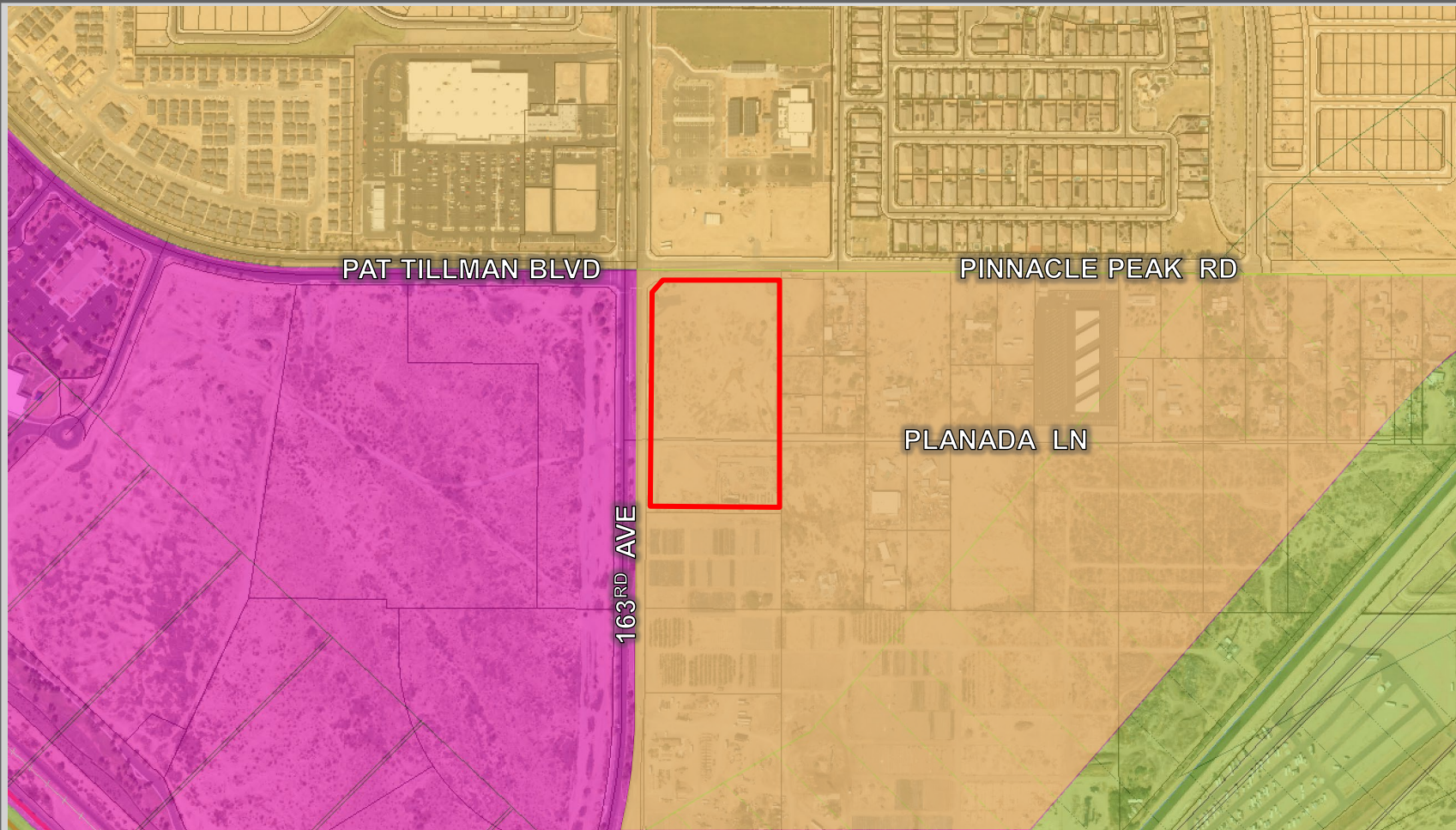


FS24-1326 VICINITY MAP



FS24-0829 PROPOSED ZONING







OUTREACH

Neighborhood Outreach Meeting:

- Date: October 22, 2024 at 6 p.m.
- Location: Asante Library
- Joint neighborhood meeting for FS24-0505, FS24-0829 and FS24-1326
- Attendance: 2
- No concerns expressed for the subject requests



RECOMMENDATION

FS24-0829 Morgan Rezone

P&Z Commission recommend **approval** to the Mayor and City Council, subject to stipulations 'a' - 'b'.



RECOMMENDATION

FS24-1326 Wong Rezone

P&Z Commission recommended **approval** to the Mayor and City Council, subject to stipulations 'a' - 'b'.



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to a rezone of approximately 7.4 acres from Rural Residential (RR) to Community Commercial (C-2) with Planned Unit Development (PUD) Overlay, generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road; Ordinance #2024-40.

Motion:

I move to [approve/deny] Ordinance #2024-40.

Background:

On August 6, 2024, the City Council approved a Pre-Annexation Development Agreement between the City of Surprise and Walter Wong and Shirley O. Wong, co-trustees of the Wong Revocable Living Trust dated April 13, 1995; Richard and Irene O. Huey, co-trustees of the Richard G. Huey and Irene O. Huey Revocable Family Trust; Phillip O. Wong; and Jackie O. Wong (MCR #20240446079). Pursuant to this agreement, the City shall process a rezone application for the property from RR to C-2 PUD concurrently with the associated annexation application. The City Council shall consider approval of the zoning ordinance immediately following adoption of the annexation ordinance, and at the same City Council meeting.

The subject property, which is situated at the southeast corner of 163rd Avenue and Pinnacle Peak Road, encompasses approximately 7.4 acres and is currently vacant. The intent is to improve the site with a commercial development that may include various retail, restaurant, and/or office facilities.

Objective Analysis:

The requested rezone would allow the applicant to develop the subject site with neighborhood oriented commercial uses within the C-2 zoning designation. The requested PUD overlay would create consistency in developable area along the western boundary.

Policy Compliant:

The requested rezone, as outlined and detailed in the rezone document, is consistent with the Surprise Land Development Ordinance and advances the goals and policies of the General Plan.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00 - FS24-1326 Wong Property Rezone - Staff Report 121724 CC
 2. 01 - FS24-1326 Wong Property Rezone - Vicinity Map
 3. 02 - FS24-1326 Wong Property Rezone - Current Zoning
 4. 03 - FS24-1326 Wong Property Rezone - Proposed Zoning
 5. 04 - FS24-1326 Wong Property Rezone - Rezone Narrative
 6. 05 - FS24-1326 Wong Property Rezone - Citizen Participation Report_Redacted
 7. 06 - FS24-1326 Wong Property Rezone - Affidavit of Site Posting
 8. 07 - FS24-1326 Wong Property Rezone - Draft Ordinance
 9. 08 - FS24-1326 Wong Property Rezone - P&Z Recommendation
 10. Wong & Morgan Presentation
-

1 **Case:** **FS24-1326**
2
3 **Project Name:** Wong Property Rezone
4
5 **Council District:** 1 – Acacia
6
7 **Meeting Date:** **December 17, 2024**
8
9 **Planner:** Trever Fleetham, AICP
10
11
12 **Owner:** Wong Family
13
14 **Applicant:** Wong Family
15
16 **Request:** Rezone from Rural Residential (RR) to Community Commercial (C-2)
17 with Planned Unit Development (PUD) Overlay.
18
19 **Site Location:** Generally located at the southeast corner of 163rd Avenue and
20 Pinnacle Peak Road.
21
22 **Site Size:** 7.4 acres (approx.)
23
24 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2040.
25
26 **Support/Opposition:** See attached Citizen Participation Report
27
28 **Commission**
29 **Recommendation:** The Planning & Zoning Commission recommended **approval** of case
30 **FS24-1326** to the City Council, subject to stipulations 'a' and 'b'.

31 **Project Description:**

32 On August 6, 2024, the City Council approved a Pre-Annexation Development Agreement
33 between the City of Surprise and Walter Ong and Shirley O. Wong, co-trustees of the Wong
34 Revocable Living Trust dated April 13, 1995; Richard and Irene O. Huey, co-trustees of the Richard
35 G. Huey and Irene O. Huey Revocable Family Trust; Phillip O. Wong; and Jackie O. Wong (“Wong”)
36 (MCR #20240446079). Pursuant to this agreement, the City shall process a rezone application for
37 the property from RR to C-2 PUD concurrently with the associated annexation application. The
38 City Council shall consider approval of the zoning ordinance immediately following adoption of
39 the annexation ordinance, and at the same City Council meeting.

40
41 The subject property, which is situated at the southeast corner of 163rd Avenue and Pinnacle
42 Peak Road, encompasses approximately 7.4 acres and is currently vacant. The intent is to
43 improve the site with a commercial development that may include various retail, restaurant,
44 and/or office facilities.

45
46 **Background:**

47 **August 6, 2024:** Mayor and City Council approved a Pre-Annexation Development Agreement
48 between the City of Surprise and Walter Ong and Shirley O. Wong, co-trustees of the Wong
49 Revocable Living Trust dated April 13, 1995; Richard and Irene O. Huey, co-trustees of the
50 Richard G. Huey and Irene O. Huey Revocable Family Trust; Phillip O. Wong; and Jackie O. Wong
51 (MCR #20240446079).

52
53 **October 22, 2024:** A neighborhood outreach meeting was held to discuss the subject rezone,
54 adjacent rezone for the parcel to the south (FS24-0829), and the joint annexation of the two
55 properties (FS24-0505).

56
57 **October 23, 2024:** A Blank Annexation Petition for the subject property was recorded with the
58 Maricopa County Recorder’s Office to begin the required 30-day waiting period.

59
60 **November 19, 2024:** Mayor and City Council held a public hearing regarding the associated
61 annexation application, case FS24-0505, within the last ten (10) days of the 30-day waiting period
62 pursuant to A.R.S. §9-471.

63
64 **Neighborhood Meeting Summary:**

65 A neighborhood outreach meeting was held on October 22, 2024 at the Asante Library. There were
66 approximately two (2) people in attendance. This meeting was held to discuss the subject rezone, the
67 adjacent rezone for the parcel to the south (FS24-0829), and the joint annexation of the two
68 properties (FS24-0505). During this meeting, the attendees did not express any concerns or
69 opposition to the proposals.

71 The meeting was advertised pursuant to the requirements of the LDO, including legal ads, site
72 postings, and property owner mailers. See the attached Citizen Participation Report for a detailed
73 summary of the meeting.

74
75 **Analysis and Discussion:**

76 The purpose of this application is to seek the rezone of approximately 7.4 acres intended for
77 commercial development situated on the southeast corner of 163rd Avenue & Pinnacle Peak
78 Road. The project site is currently zoned RU-43 within the unincorporated area of Maricopa
79 County. Upon successful annexation into the City of Surprise, the property would receive a like-
80 for-like zoning designation of Rural Residential (RR). In order to accommodate planned
81 commercial development, and pursuant to the approved Pre-Annexation Development
82 Agreement, this application proposes to rezone the subject property to Community Commercial
83 (C-2) with a Planned Unit Development (PUD) Overlay.

84
85 The property is bounded by arterial roadways to the north (Pinnacle Peak Road) and the west
86 (163rd Avenue), which are synonymous with the existing City of Surprise municipal boundaries.
87 To the east are additional properties within unincorporated Maricopa County and share the same
88 zoning designation of RU-43. The roadway alignment for Planada Lane follows the southern
89 property line of the subject site. The surrounding properties to the east and south are a mixture
90 of developed, partially developed, and undeveloped land. The subject property is also part of a
91 joint annexation application with the property immediately south under case FS24-0505.

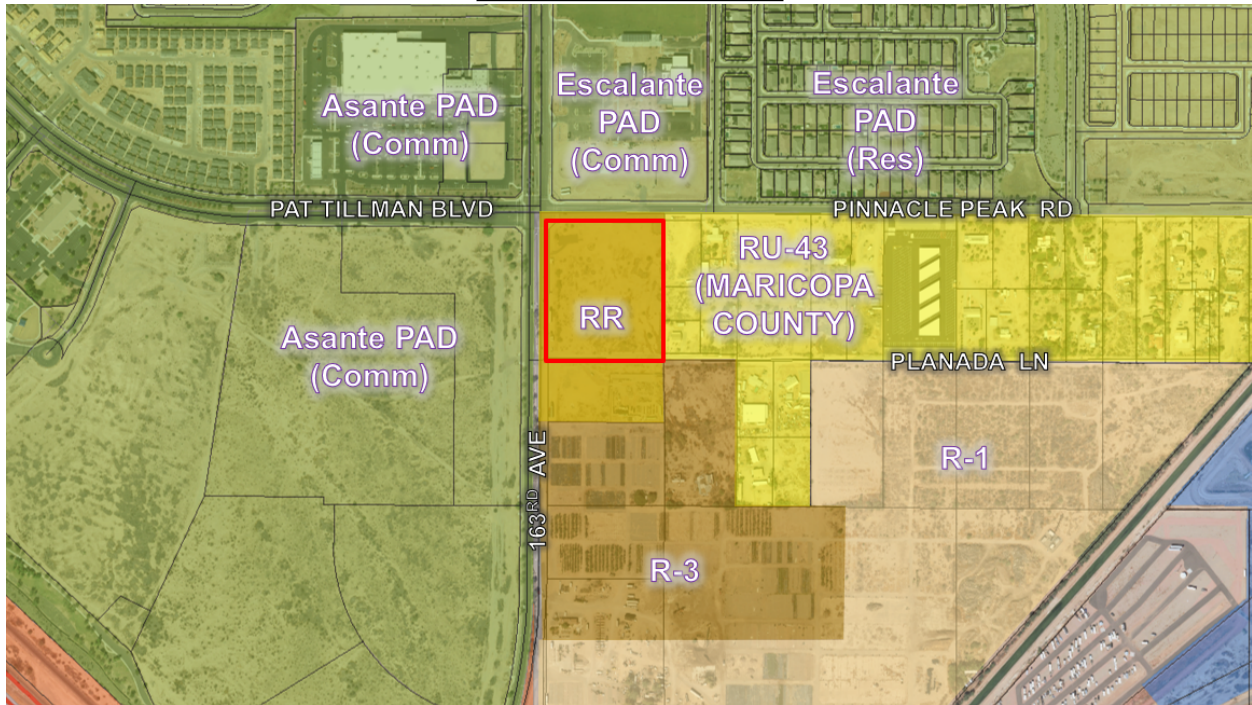
92
93 To the north, across Pinnacle Peak Road, exists a newly constructed church development. To the
94 west, across 163rd Avenue, is vacant land with mixed commercial and residential land use
95 designations. With the recent residential growth in the area, the planned commercial site
96 presents a compatible land use that will provide a diversity of services for residents in the
97 vicinity of this site. Special design considerations will be made to ensure that the development
98 respects the surrounding context and design goals outlined in the General Plan.

99
100 **PUD Overlay**

101 The PUD Overlay is included in the Rezone request for the purpose of requesting a deviation from
102 the minimum required setback along the west property line of the subject site. The Land
103 Development Ordinance (LDO) requires a 35' setback to arterial right-of-way (ROW) within C-2
104 zoning. However, ROW dedications for 163rd Avenue will cause a jog in this property line. In order
105 to maintain consistency with site developments, the request is to deviate from the minimum
106 setback from 35' to 25' (10' reduction) along the northern portion of the west property line where
107 the 163rd Avenue ROW increases in width.

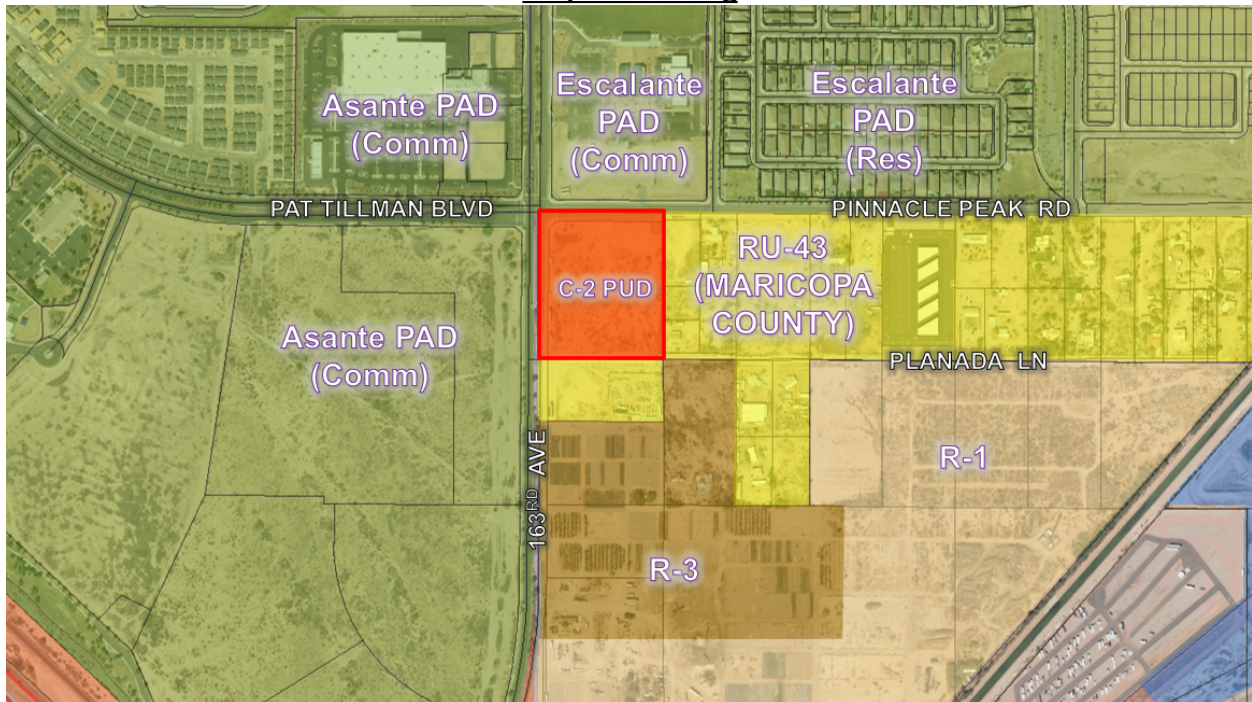
108
109 The existing and proposed zonings are shown below.
110
111

Post-Annexation Zoning



Asante PAD (Commercial)	Escalante PAD (Commercial)	Escalante PAD (Commercial)
Asante PAD (Commercial)	RR	RU-43 (Maricopa County)
Asante PAD (Commercial)	RR	R-3

Proposed Zoning



Access

The subject parcel has frontage to 163rd Avenue to the west, Pinnacle Peak Road to the north, and Planada Lane to the south. The location of access points, as well as the allowed turning movements, will be determined at the time of development review.

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Dysart Unified School District

Conformance with Adopted Plans:

The Property is located within the Neighborhood Character Area of the Surprise General Plan 2040, which allows for locally oriented commercial uses. The property is less than 30 acres and has direct access to a Major Arterial roadway, 163rd Avenue, to the west. The development will consist of neighborhood commercial uses that service the local community. The design and scale of the site will be appropriate to the area to ensure compatibility with surrounding properties.

Summary:

The proposed rezone from Rural Residential (RR) to Community Commercial (C-2) with Planned Unit Development (PUD) Overlay is in compliance with the approved Pre-Annexation Development Agreement, Surprise General Plan 2040, and the Surprise Municipal Code.

Commission Recommendation:

Based on the findings noted above, the Planning & Zoning Commission recommended **approval** of case **FS24-1326** to the City Council, subject to stipulations 'a' and 'b' as outlined below:

- a. Development and use of the site shall be consistent with the rezone narrative entitled "Project Narrative Wong Property Rezone", dated October 14, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

However, should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

- 01 Vicinity Map
- 02 Existing Zoning Map
- 03 Proposed Zoning Map

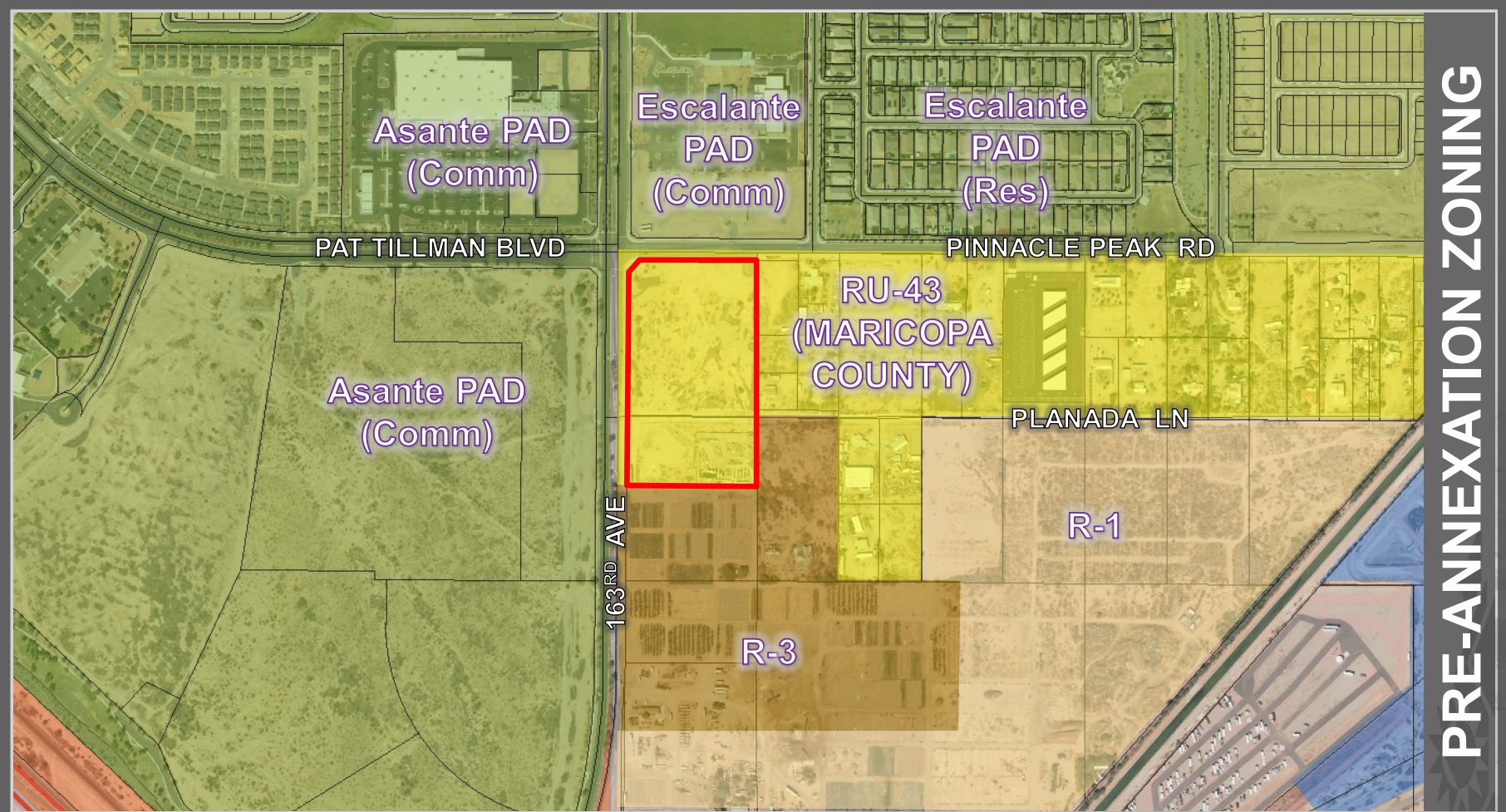
149	04 Narrative
150	05 Citizen Participation Report
151	06 Affidavit of Site Posting
152	07 Ordinance
153	08 P&Z Recommendation
154	PPT

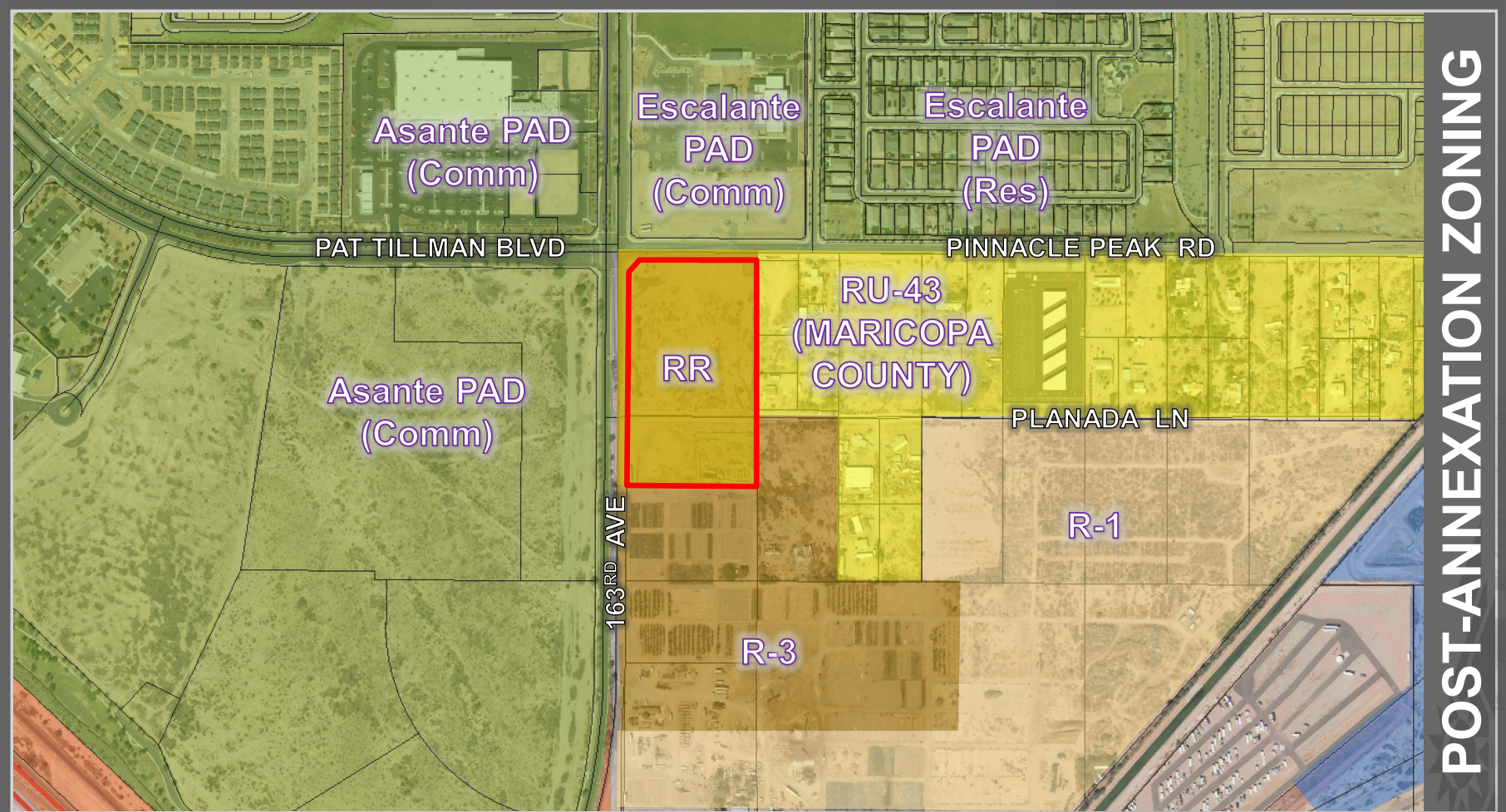


VICINITY MAP

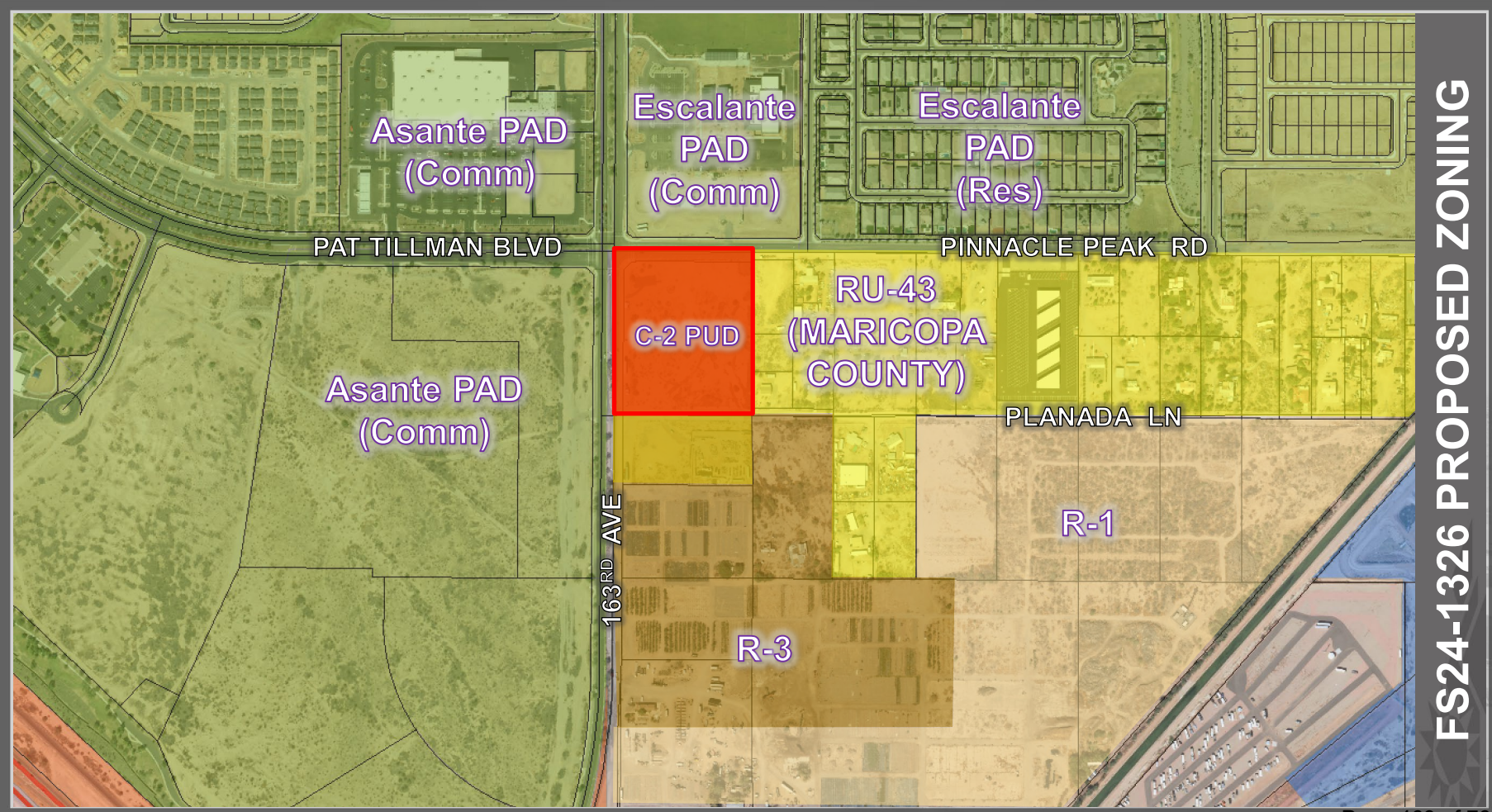


FS24-1326 VICINITY MAP

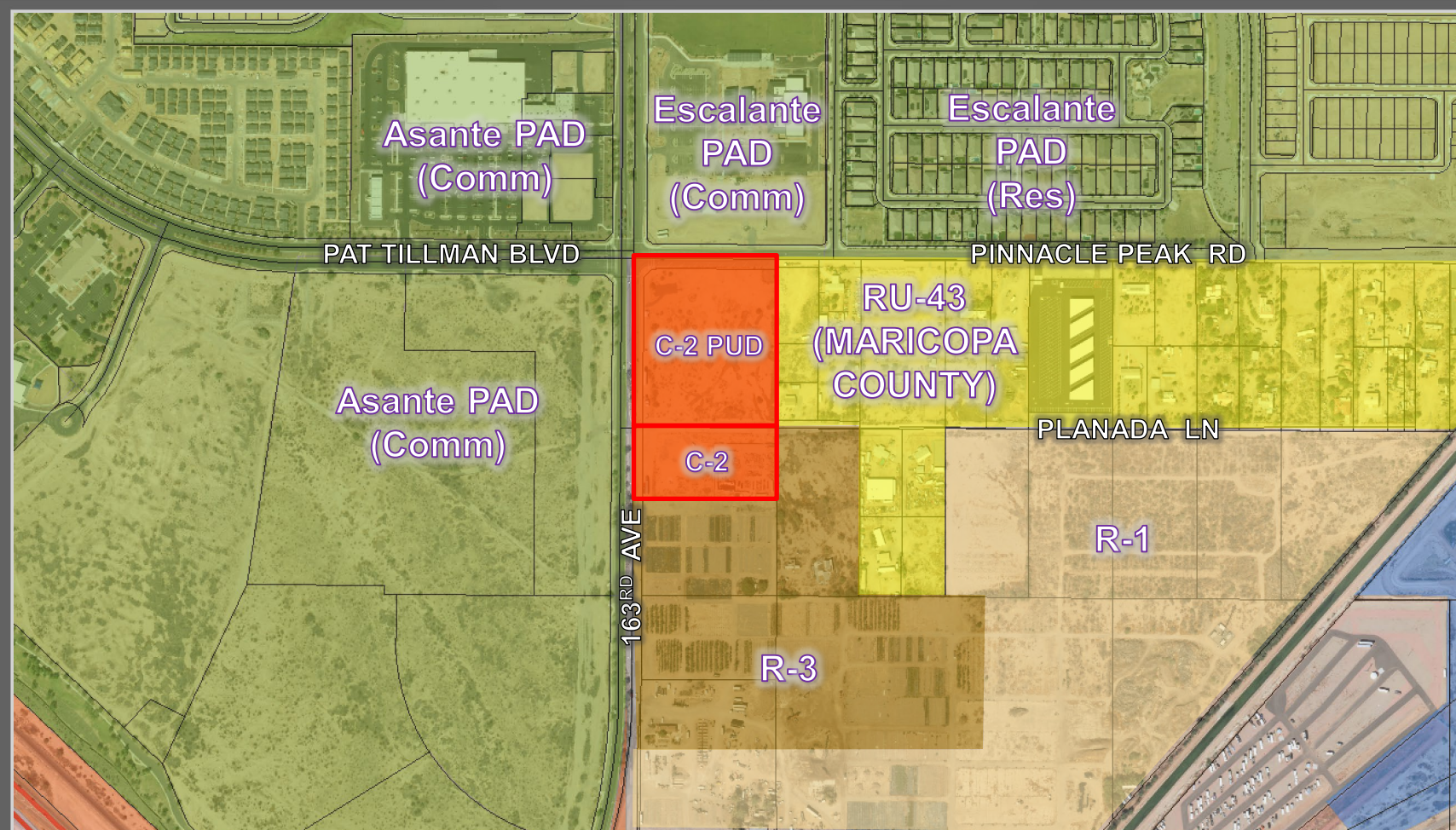




POST-ANNEXATION ZONING



FS24-1326 PROPOSED ZONING



Project Narrative

Wong Property Rezone

FS24-1326

SEC Pinnacle Peak Road & 163rd Avenue
APN: 503-57-008H

Prepared Date: October 14, 2024

The Wong Revocable Living Trust

Owner / Developer
Walter Ong Wong
3729 E. Cherokee Court
Phoenix, Arizona 85044
Email: wow.ong519@gmail.com

Project Overview

The subject property encompasses approximately 7.4 acres, is currently vacant, and has historically been undeveloped natural desert. The intent is to improve the site with a commercial development that may include various retail, restaurant, and/or office facilities.

Purpose

The purpose of this application is to seek the rezone of approximately 7.4 acres intended for commercial development situated on the southeast corner of 163rd Avenue & Pinnacle Peak Road. The project site is currently zoned RU-43 within the unincorporated area of Maricopa County. Upon successful annexation into the City of Surprise, the property would receive a like-for-like zoning designation of Rural Residential (RR). In order to accommodate planned commercial development, and pursuant to the approved Pre-Annexation Development Agreement, this application proposes to rezone the subject property to Community Commercial (C-2) with a Planned Unit Development (PUD) Overlay.

Relationship to Surrounding Properties

The property is bounded by arterial roadways to the north (Pinnacle Peak Road) and the west (163rd Avenue), which are synonymous with the existing City of Surprise municipal boundaries. To the east are additional properties within unincorporated Maricopa County and share the same zoning designation of RU-43. The roadway alignment for Planada Lane follows the southern property line of the subject site. The surrounding properties to the east and south are a mixture of developed, partially developed, and undeveloped land. The subject property is also part of a joint annexation application with the property immediately south under case FS24-0505.

To the north, across Pinnacle Peak Road, exists a newly constructed church development. To the west, across 163rd Avenue, is vacant land with mixed commercial and residential land use designations. With the recent residential growth in the area, the planned commercial site presents a compatible land use that will provide a diversity of services for residents in the vicinity of this site. Special design considerations have been made to ensure that the development respects the surrounding context and design goals outlined in the General Plan.



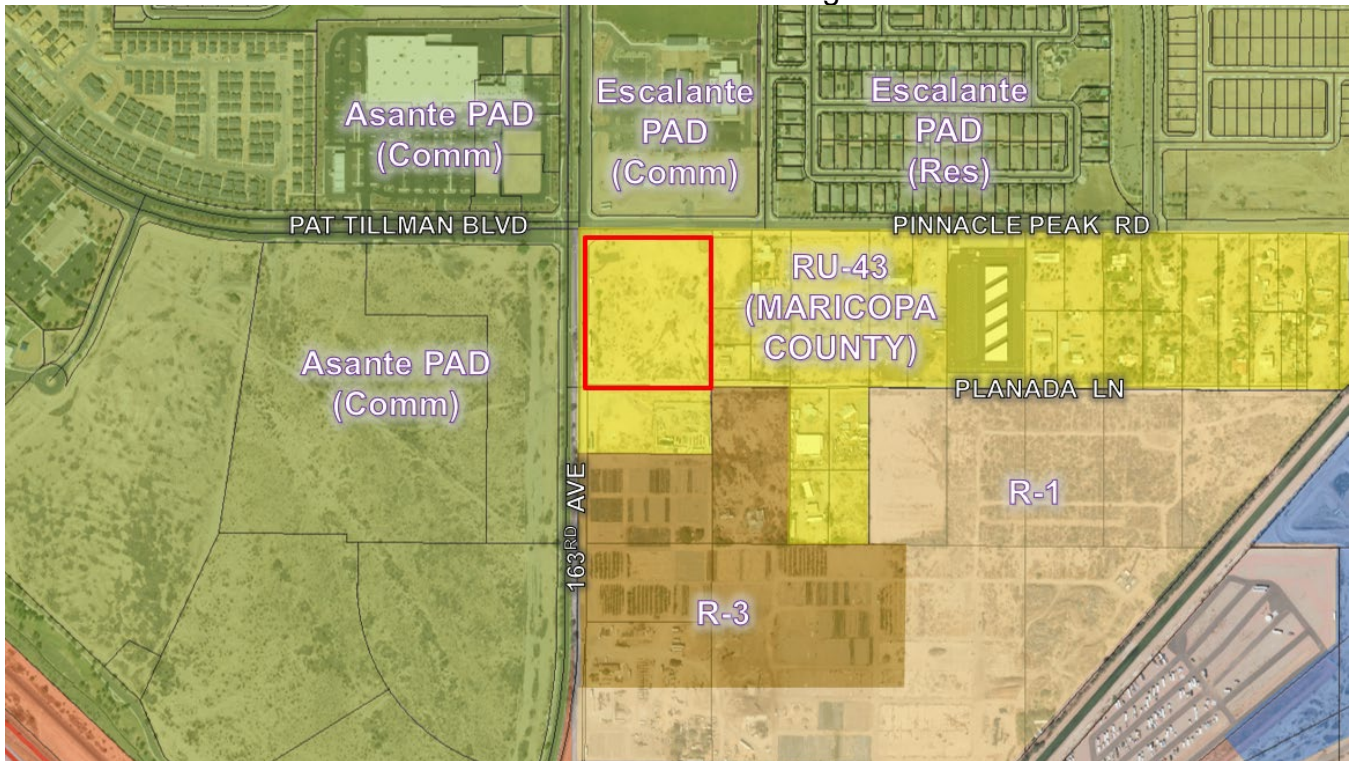
Requests

This application requests a rezone from Rural Residential (RR), which would be granted upon successful annexation, to Community Commercial (C-2) with a Planned Unit Development (PUD) Overlay.

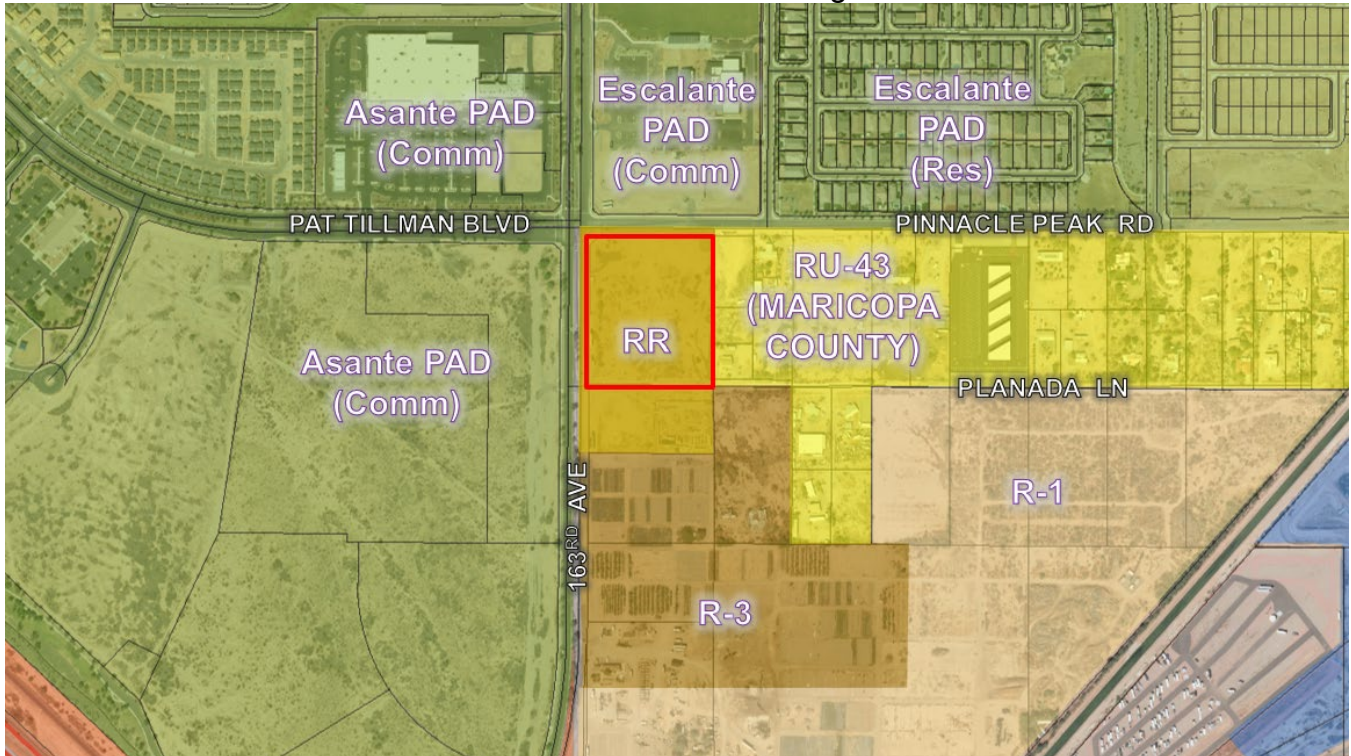
PUD Overlay

The PUD Overlay is included in the Rezone request for the purpose of requesting a deviation from the minimum required setback along the west property line of the subject site. The Land Development Ordinance (LDO) requires a 35' setback to arterial right-of-way (ROW) within C-2 zoning. However, ROW dedications for 163rd Avenue will cause a jog in this property line. In order to maintain consistency with site developments, the request is to deviate from the minimum setback from 35' to 25' (10' reduction) along the northern portion of the west property line where the 163rd Avenue ROW increases in width.

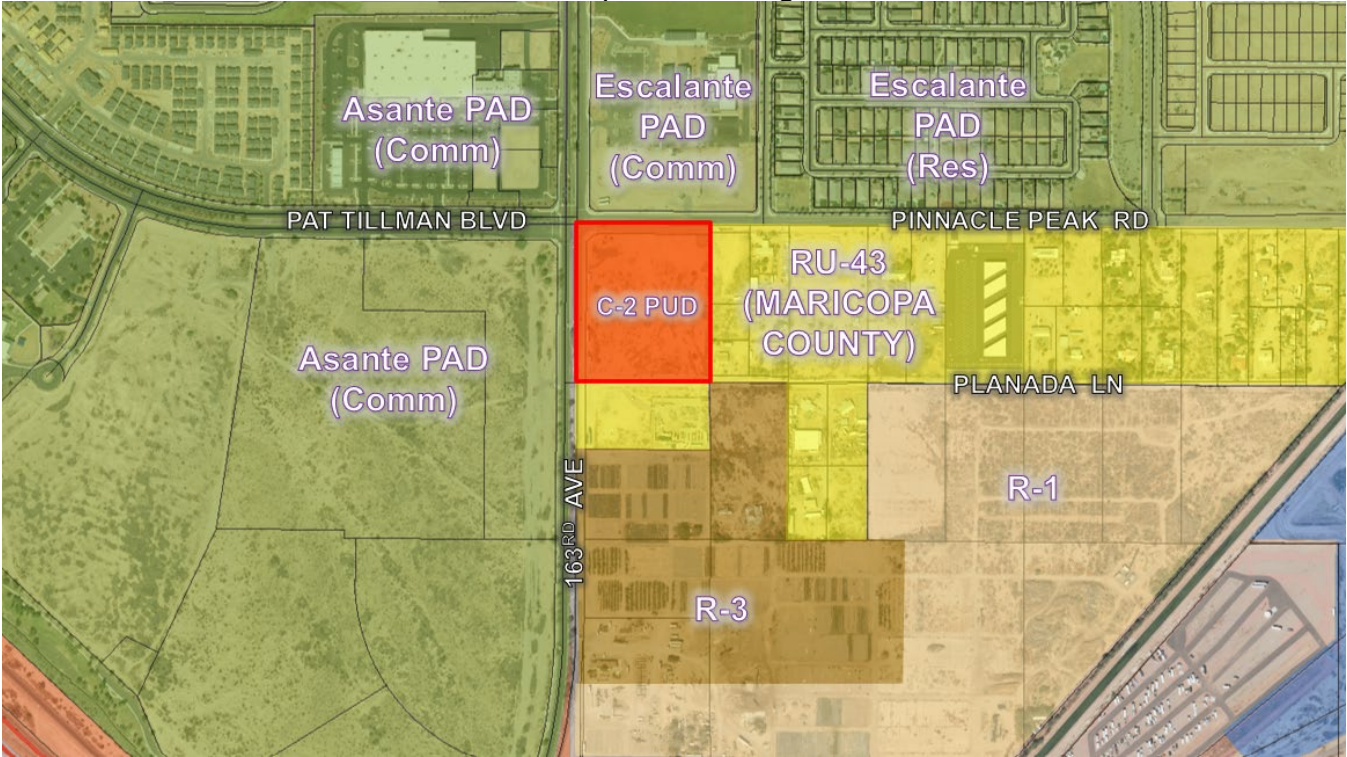
Pre-Annexation Zoning



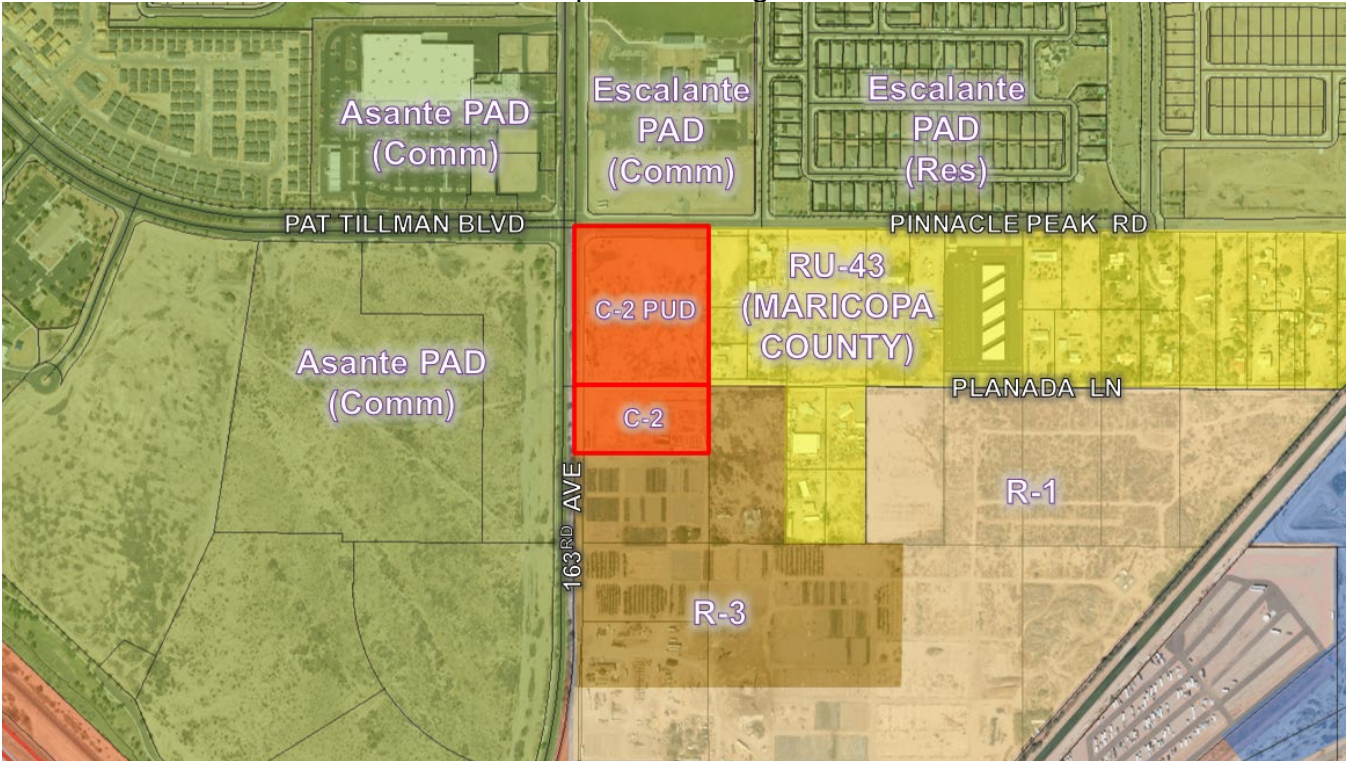
Post-Annexation Zoning



Proposed Zoning

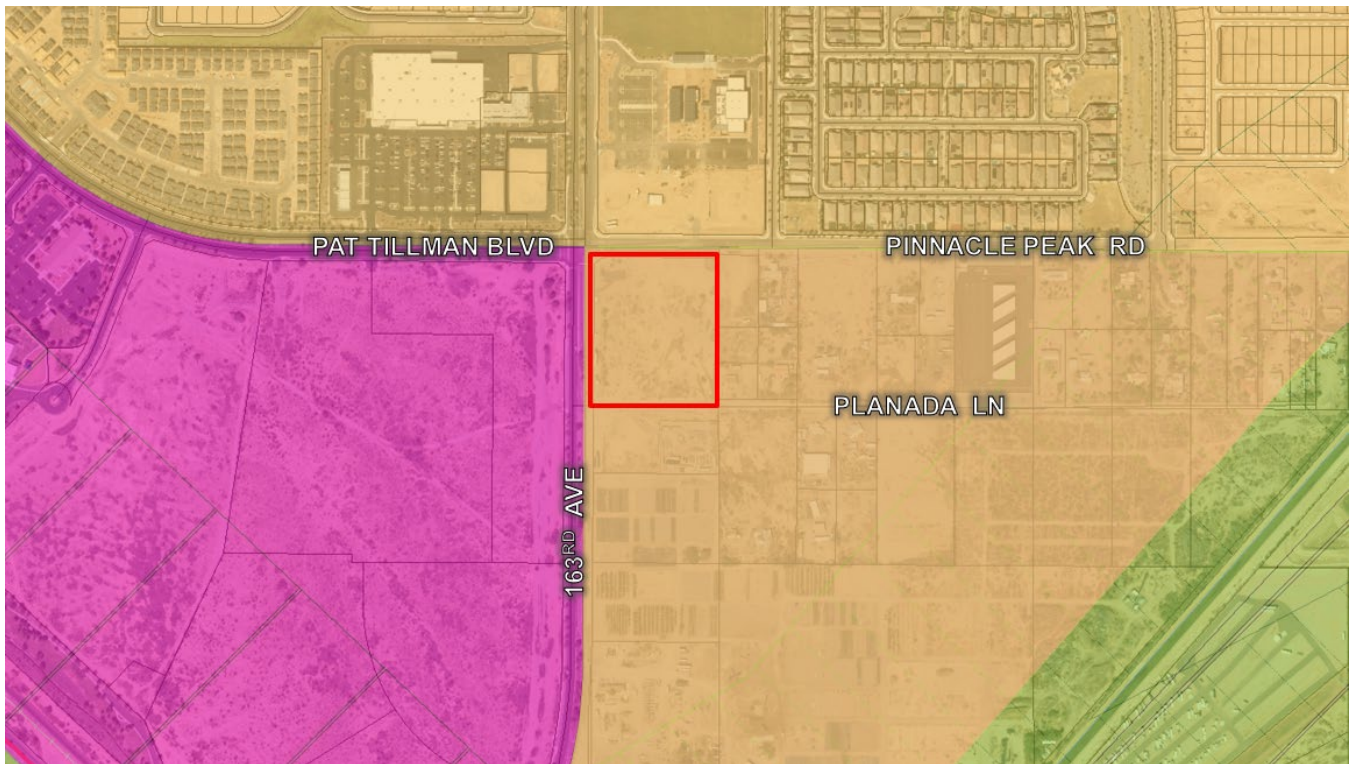


Combined Proposed Zoning w/ FS24-0829



General Plan Conformance

The Property is located within the Neighborhood Character Area of the Surprise General Plan 2040, which allows for locally oriented commercial uses. The property is less than 30 acres and has direct access to a Major Arterial roadway (163rd Avenue) and a Minor Arterial roadway (Pinnacle Peak Road). The development will consist of neighborhood commercial uses that service the local community. The design and scale of the site will be appropriate to the area to ensure compatibility with surrounding properties.



Citizen Participation Report

Wong & Morgan Property Annexation and Rezones

Case # FS24-0505, FS24-0829, FS24-1326

Evergreen Devco, Inc. & City of Surprise

November 1, 2024

Overview

The City of Surprise, along with Evergreen Devco, Inc. and the respective property owners hosted a neighborhood meeting on October 22, 2024 to discuss the above referenced projects. This meeting was held at 6pm in a meeting room at the Asante Library.

The City of Surprise, Evergreen Devco, Inc. and the property owners were available to walk any attendees through the steps of the process, what was being proposed and to answer any potential questions. There were also exhibits that were printed and displayed to show attendees the aerial of the area, the potential site plan as well as future roadway improvements.

Attendance & Feedback

Two (2) people attended the open house. Their questions were related to the overall timeline of the proposed development, the potential commercial uses as well as the majority of the questions and conversation centered around the timing of the improvements and widening of 163rd Ave.

A copy of the sign in sheet is attached to this report.

To date, no additional calls or emails from the community regarding these cases have been received.

Advertising

Public notification of the meeting was conducted in accordance with the Surprise Municipal Code. The meeting was advertised in the Surprise Independent on Wednesday, October 2, 2024 and the Daily Independent on Friday, October 4, 2024. Meeting notice was also published on the City website, property owners within 300 feet were mailed notifications, and four (4) signs were posted on the properties.

Evergreen DevCo and City of Surprise
163rd Ave. & Pat Tillman Blvd.
October 22, 2024
Sign-In Sheet

Printed Name	Address	Phone	Email
Stephen French			
Cathy Zamorano			

**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/4/2024
Surprise Independent: 10/2/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
10/4/2024

TERRI L RODGERS



TERRI RODGERS
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	7897
Ordered By	Trever Fleetham
Order Date	9/25/2024
Description	FS24-0505
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/2/2024
Last Issue	10/4/2024
Publications	Daily Independent, Surprise Independent

**CITY OF SURPRISE
NEIGHBORHOOD MEETING**

Annexation and Rezoning Requests

Please be advised that the City of Surprise will host an in-person Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in the conversation as it pertains to this project. According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions.

City of Surprise Planner: Trever Fleetham
623-222-3156, trever.fleetham@surpriseaz.gov

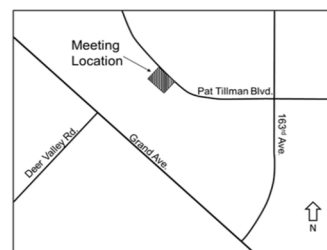
NEIGHBORHOOD MEETING DETAILS

DATE: Tuesday, October 22, 2024
TIME: 6:00 PM
LOCATION: Asante Library
16755 W Vereda Solana Dr.,
Surprise, AZ 85387

PROJECT LOCATION



MEETING LOCATION



PROJECT DESCRIPTIONS:

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rural Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rural Residential (RR) to Community Commercial (C-2). Surprise Planning Cases FS24-0505, FS24-0829, and FS24-1326.

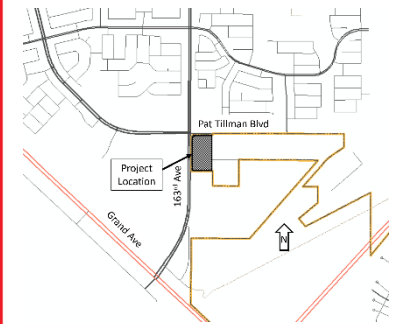
Publish: Daily Independent, October 2, 2024,
Surprise Independent, October 4, 2024/7897

NOTICE OF NEIGHBORHOOD MEETING

DEAR PROPERTY OWNER: Please be advised that the City of Surprise will host an in-person Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in the conversation as it pertains to this project. According to the Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions.

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rural Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rural Residential (RR) to Community Commercial (C-2). Surprise Planning Cases FS24-0505, FS24-0829, and FS24-1326.

PROJECT LOCATION



*To learn more or provide
input,
please contact:
Trevor Fleetham at
623.222.3156 or
trevor.fleetham@surpriseaz.gov*



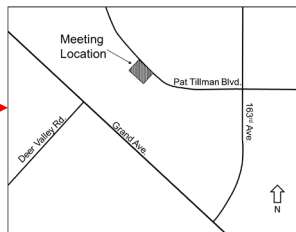
SET A REMINDER

WHEN:

October 22, 2024 |

6:00 PM

Location: Asante
Library
16755 W Vereda Solana
Dr.,
Surprise, AZ 85387



AFFIDAVIT OF SIGN POSTING

Case Number: FS24-0505; FS24-0829; FS24-1326
Project Name: WONG & MORGAN ANNEXATION AND REZONE
Project Location: SEC 2 AT TILLMAN BLVD & 163RD AVE
Date Posted: 10/7/24

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date of the first hearing. The signs shall also include the description of the request as contained on the formal development application. The size and format of this sign shall meet requirements established by the city (see example).

Such notice shall be clearly legible and placed at a prominent location on the site, generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property, as well as the information on the sign, until final disposition of the case.

I confirm that the site has been posted as required, for the case noted above. Photographs of the site posting, and any subsequent changes/updates made to the sign, have also been submitted.

 10/8/24
Owner / Application Signature Date

This instrument was acknowledged before me this 8th day of October,
20 24 by  Trever Fleetham




Notary Public

My Commission Expires: 10/8/2027

Notice of Public Hearing

City of Surprise

Neighborhood Meeting	Planning and Zoning (Rezones)	City Council (Annexation - Blank Petition)	City Council (Annexation & Rezones)
Date: October 22, 2024 Time: 6:00 pm Location: Asante Library 16755 W Vereda Solana Dr. Surprise, Az 85387	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374	Date: TBD Time: 6:00 pm Location: Surprise City Hall Council Chambers 16000 N. Civic Center Plz Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-050, FS24-0829 & FS24 - 1326
For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezoning)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation - Blank Petition)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
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Surprise, Az 85374

City Council

(Annexation & Rezoning)

Date: TBD
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Case #'s FS24-050, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov



PENINACLE PEAK RD

Notice of Public Hearing City of Surprise

Neighborhood Meeting	Planning and Zoning (Recommend)	City Council (Information - No Action)	City Council (Information & Action)
Next Meeting: 03/24/2024 Time: 6:00 PM	Next Meeting: 03/24/2024 Time: 6:00 PM	Next Meeting: 03/24/2024 Time: 6:00 PM	Next Meeting: 03/24/2024 Time: 6:00 PM
Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086	Location: Surprise Library 5070 N. 4th Ave. Surprise, AZ 85086

The applicant is requesting the City of Surprise to approve the proposed development of approximately 10.5 acres, including the City of Surprise. Additionally, the applicant is requesting the City of Surprise to approve the proposed development of approximately 10.5 acres, including the City of Surprise.



Case #s FS24-050, FS24-079 & FS24-1320

For more information, call: 623-222-8011
Surpriseaz.gov

LESKO



Surprise

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezoning)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation - Blank Petition)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation & Rezoning)

Date: TBD
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-050, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

AFFIDAVIT OF POSTING

Case Number FS24-0505, FS24-0829, FS24-1326
Project Name: WONG & MORGAN ANNEXATION & REZONE
Project Location: SEC 163RD & PINNACLE PEAK RD
Date Site Posted: 10/31/24

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date of the first hearing. The signs shall also include the description of the request as contained on the formal development application. The size and format of this sign shall meet requirements established by the city (see example).

Such notice shall be clearly legible and placed at a prominent location on the site, generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property, as well as the information on the sign, until final disposition of the case.

I confirm that the site has been posted as required, for the case noted above. Photographs of the site posting, and any subsequent changes/updates made to the sign, have also been submitted.

[Signature] 11/1/24
Owner/Applicant Signature Date

This instrument was acknowledged before me this 1st day of November,
2024 by Michelle Moy

[Signature]
Notary Public

My Commission Expires:



Notice of Public Hearing City of Surprise

Neighborhood Meeting Planning and Zoning (Rezones)

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Date: November 21, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation - Blank Petition)

Date: November 19, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council (Annexation & Rezones)

Date: December 17, 2024
Time: 6:00 pm

Location: Surprise City Hall
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

The applications involve the annexation of two (2) parcels (APN 503-57-008E & 503-57-008G), totaling approximately 10.8 acres, into the City of Surprise. Additionally, the project proposes to subsequently rezone APN 503-57-008E from Rual Residential (RR) to Community Commercial with a Planned Unit Development Overlay (C-2 w/PUD), and rezone APN 503-57-008G from Rual Residential (RR) to Community Commercial (C-2).



Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing

Neighborhood Meeting

Date: **October 22, 2024**
Time: **6:00 pm**
Location: **Asante Library**
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Planning and Zoning (Rezoning)

Date: **November 21, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation - Blank Petition)

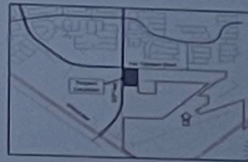
Date: **November 19, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

City Council

(Annexation & Rezoning)

Date: **December 17, 2024**
Time: **6:00 pm**
Location: **Surprise City Hall**
Council Chambers
16000 N. Civic
Center Plz
Surprise, Az 85374

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Case #'s **FS24-0505, FS24-0829 & FS24 - 1326**

For more information, call: **623 - 222 - 3011**
Surpriseaz.gov

SPEED
LIMIT
45

Notice of Public Hearing

Neighborhood Meeting Planning and Zoning
(Rezones)

Date: October 22, 2024
Time: 6:00 pm

Location: Asante Library
16755 W Vereda
Solana Dr.
Surprise, Az 85387

Date: November 21, 2024
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Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

Notice of Public Hearing City of Surprise

Neighborhood Meeting Planning and Zoning
(Rezones)

Date: October 22, 2024
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(Annexation - Blank Petition)
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Surprise, Az 85374

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Case #'s FS24-0505, FS24-0829 & FS24 - 1326

For more information, call: 623 - 222 -3011
Surpriseaz.gov

ORDINANCE # 2024-40

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RURAL RESIDENTIAL (RR) TO COMMUNITY COMMERCIAL (C-2) WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 163RD AVENUE AND PINNACLE PEAK ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located at the southeast corner of 163rd Avenue and Pinnacle Peak Road;

WHEREAS, the subject site is approximately 7.4 acres and is currently zoned Rural Residential (RR);

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, on August 6, 2024, the City Council approved a Pre-Annexation Development Agreement for the subject property between the City of Surprise and Walter Ong and Shirley O. Wong, co-trustees of the Wong Revocable Living Trust dated April 13, 1995; Richard and Irene O. Huey, co-trustees of the Richard G. Huey and Irene O. Huey Revocable Family Trust; Phillip O. Wong; and Jackie O. Wong;

WHEREAS, the proposed Rezone to C-2 PUD satisfies the requirements set forth in Section 106-6 and Section 106-9 of the City of Surprise Land Development Ordinance;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on November 21, 2024, the Planning and Zoning Commission recommended approval of the subject zoning request.

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

Section 1. Rezoning. The parcel legally described on Exhibit A and depicted on Exhibit B, known as the “Wong Property” is rezoned from Rural Residential (RR) to Community Commercial (C-2) with Planned Unit Development (PUD) Overlay subject to the following stipulations:

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled “Project Narrative Wong Property Rezone”, dated October 14, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

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.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* 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 the effective date of this Ordinance.

Section 5. *Severability.* 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 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____ 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTY

EXHIBIT "A"

DESCRIPTION

REZONE

A portion of the northwest quarter of the northwest quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 18, from which the West Quarter Corner of said Section 18 lies South 00°10'13" West 2633.87 feet;

Thence along the north line of said northwest quarter of the northwest quarter of Section 18 South 89°48'52" East 574.70 feet to northeast corner of that real property as described in Warranty Deed 1996-0040121, records of said County;

Thence departing said line along the east line of said real property South 00°12'07" East 40.00 feet to the southeast corner of that real property as described in Warranty Deed 2019-0437759 records of said County and the POINT OF BEGINNING;

Thence continuing along said east line South 00°12'07" East 619.47 feet to the southeast corner of said real property described in Warranty Deed 1996-0040121;

Thence along the south line of said real property North 89°45'53" West 523.99 feet;

Thence North 00°10'13" East 584.00 feet to the southwest corner of the aforementioned real property described in Warranty Deed 2019-0437759 M.C.R.;

Thence along the southern line of said Warranty Deed the following four courses;

North 45°10'39" East 42.42 feet;

South 89°48'52" East 15.00 feet;

North 00°10'13" East 5.00 feet;

South 89°48'52" East 474.96 feet to the POINT OF BEGINNING.

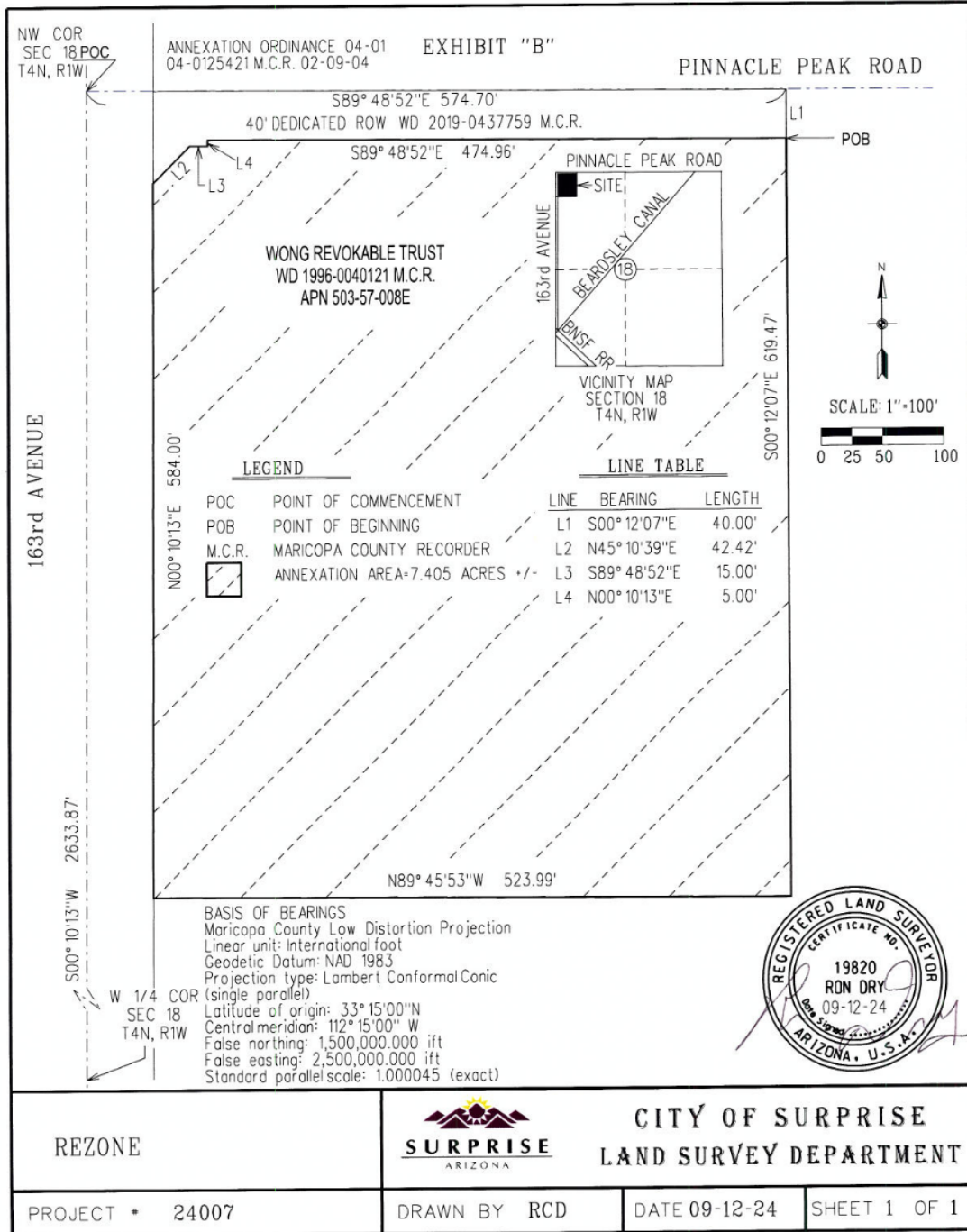
Containing 7.405 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT B DEPICTION OF THE PROPERTY TO BE RE-ZONED



Ordinance No. 2024-40
RFLS # 9748
Rev 10/24



COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS24-1326 – Wong Property Rezone

On November 21, 2024, the Planning and Zoning Commission recommended approval of the proposed rezone case known as “Wong Property Rezone,” Case# FS24-1326 to the City Council subject to stipulations ‘a’ and ‘b’ as outlined in the staff report. The Commission discussed:

- Dedication of right-of-way allows for the expansion of 163rd to alleviate traffic
- Rezoning will align with the surrounding commercial designated parcels

The motions were as follows:

Commissioner Perry made a motion to recommend approval of the Wong Property Rezone, case FS24-1326, to the City Council subject to stipulations ‘a’ and ‘b’ as outlined in the staff report. Commissioner Leonard seconded the motion. Motion passed with 6 votes in favor.



Wong & Morgan
Annexation: FS24-0505
Rezones: FS24-1326 & FS24-0829

City Council
December 17, 2024

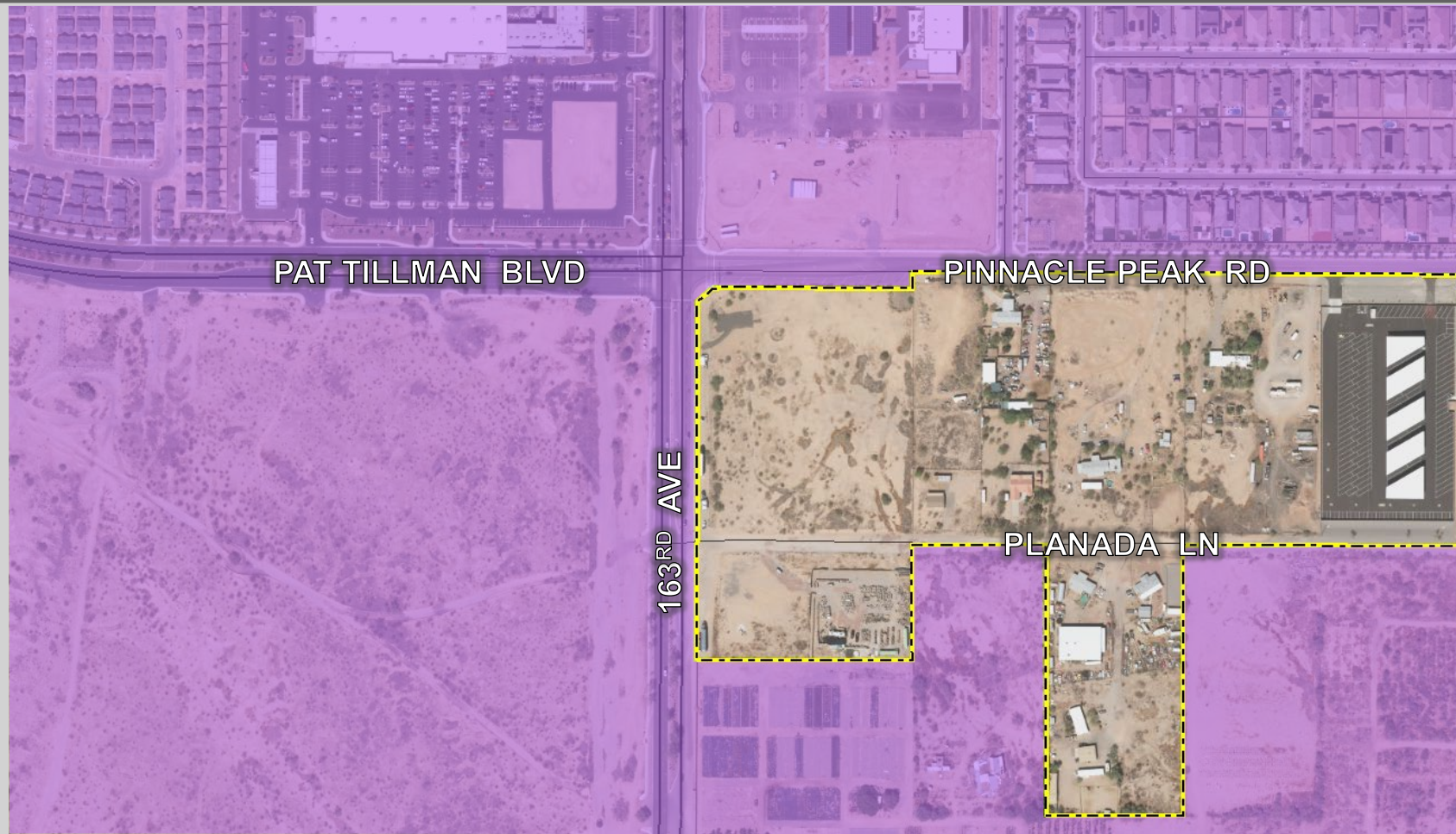


VICINITY MAP



FS24-1326 VICINITY MAP





PAT TILLMAN BLVD

PINNACLE PEAK RD

PLANADA LN

163RD AVE

EXISTING CITY BOUNDARY

PAT TILLMAN BLVD

163RD AVE

PINNACLE PEAK RD

PLANADA LN

PROPOSED CITY BOUNDARY

Annexation Steps

Resolution for the Intent to Annex: ✓

- City Council meeting – August 20, 2024

File Blank Petition: ✓

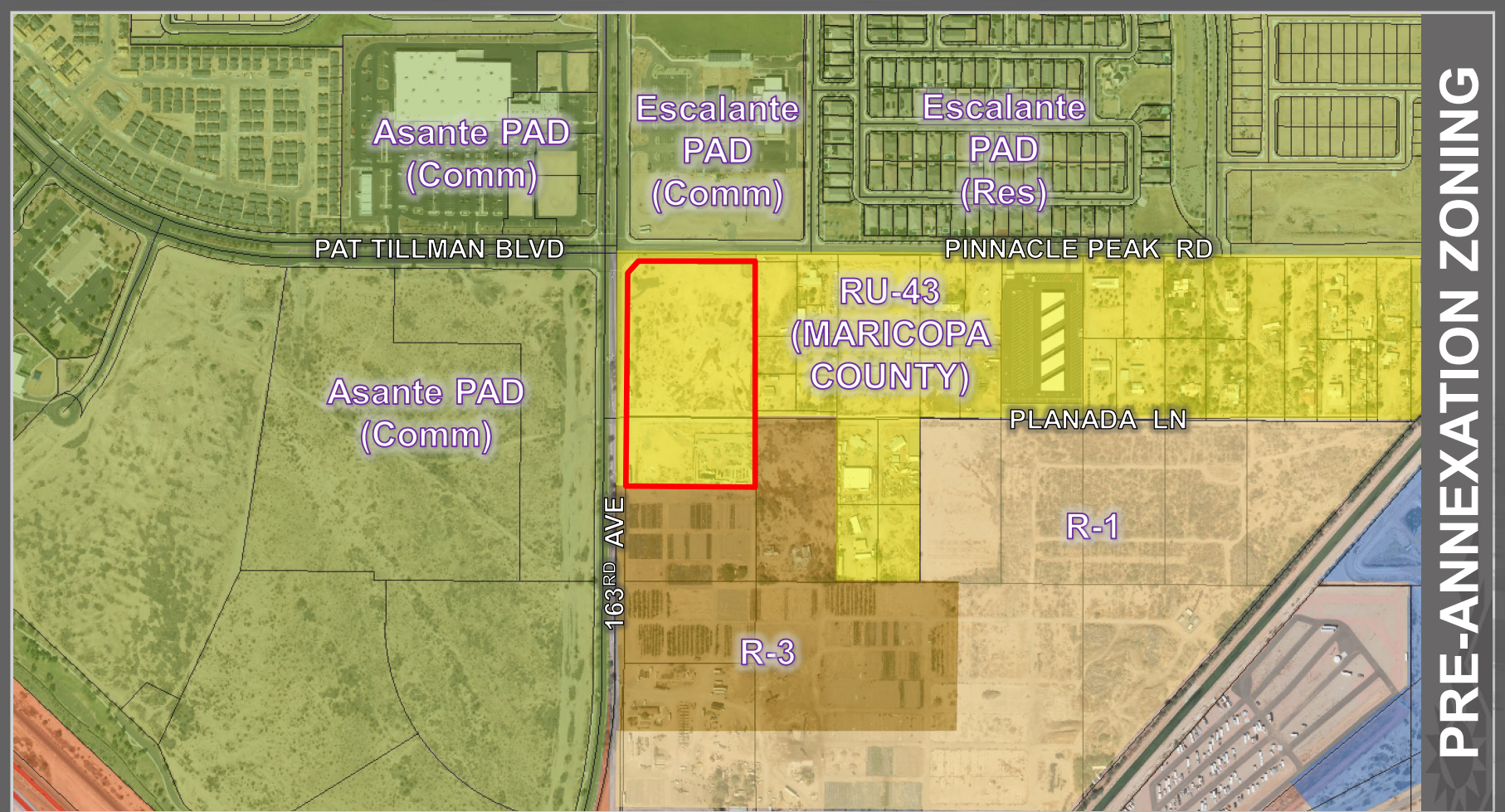
- Begins 30-day waiting period
- Reach out to County Assessor and Dept of Revenue
- October 23, 2024 – Petition filed

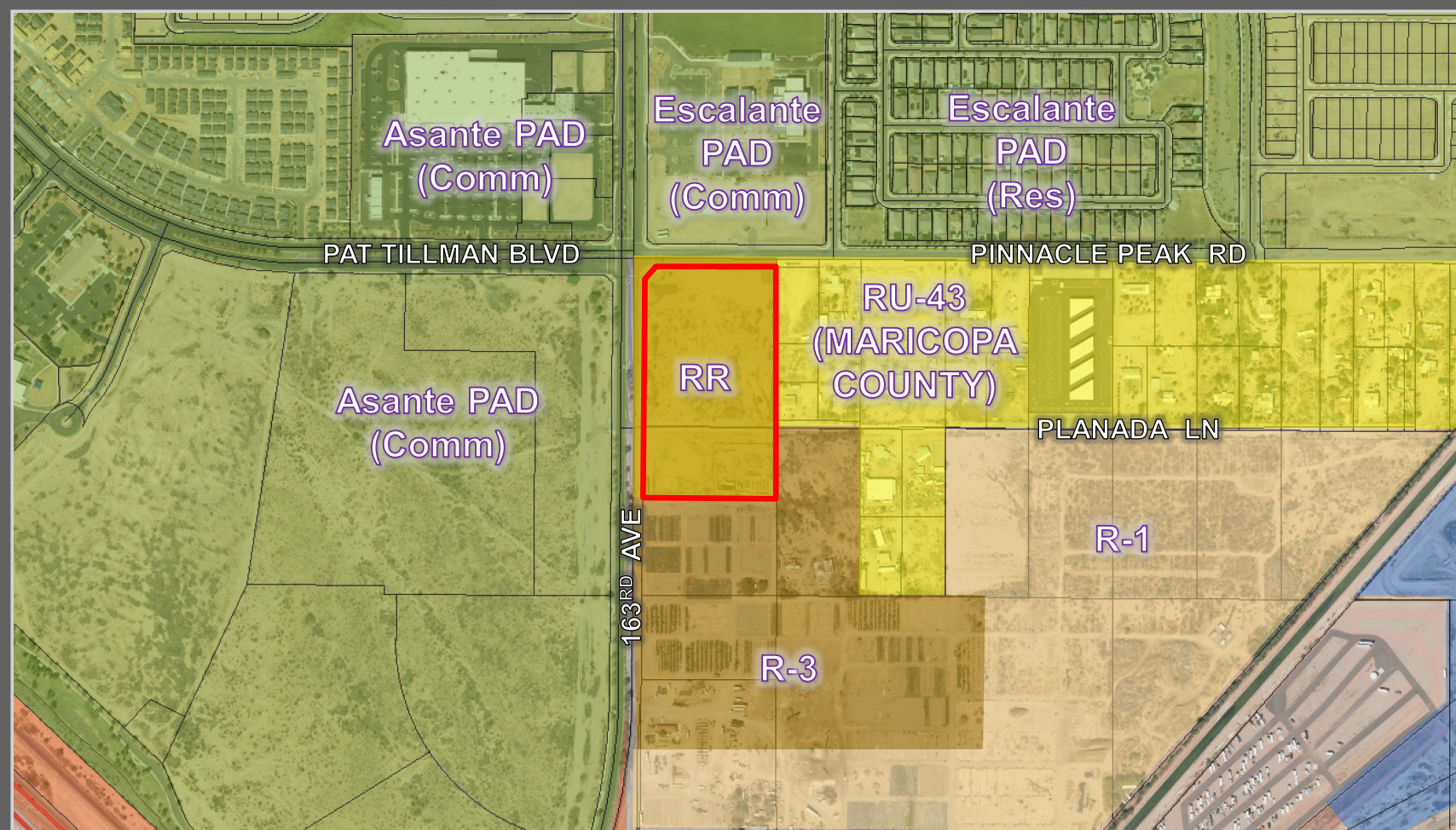
Public Hearing (Discussion Only): ✓

- City Council holds public hearing to discuss the annexation
 - Held in the last 10 days of the 30-day waiting period

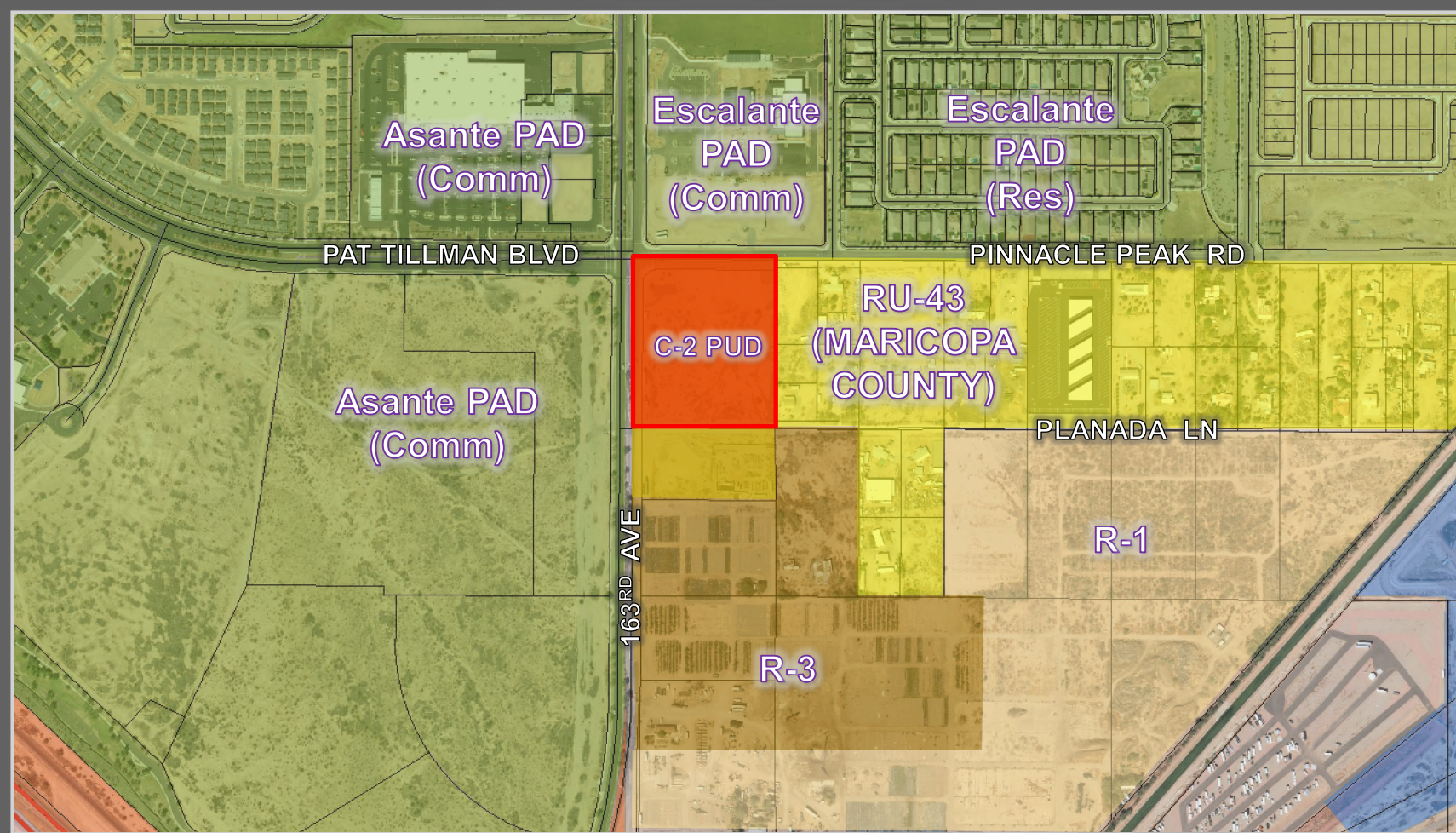
Obtain signatures on annexation petitions ✓

Public Hearing to approve/deny annexation ← **Tonight**





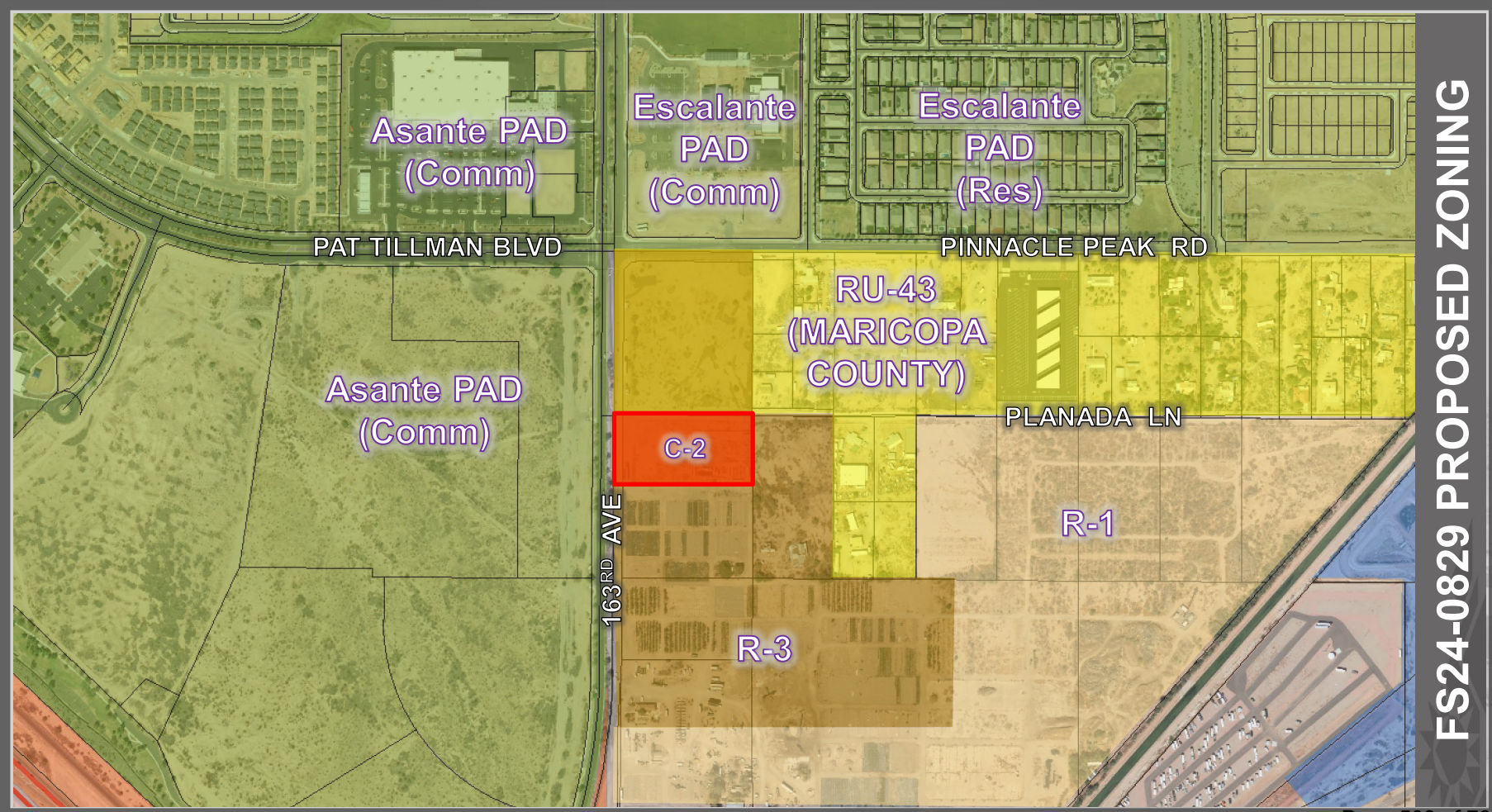
POST-ANNEXATION ZONING



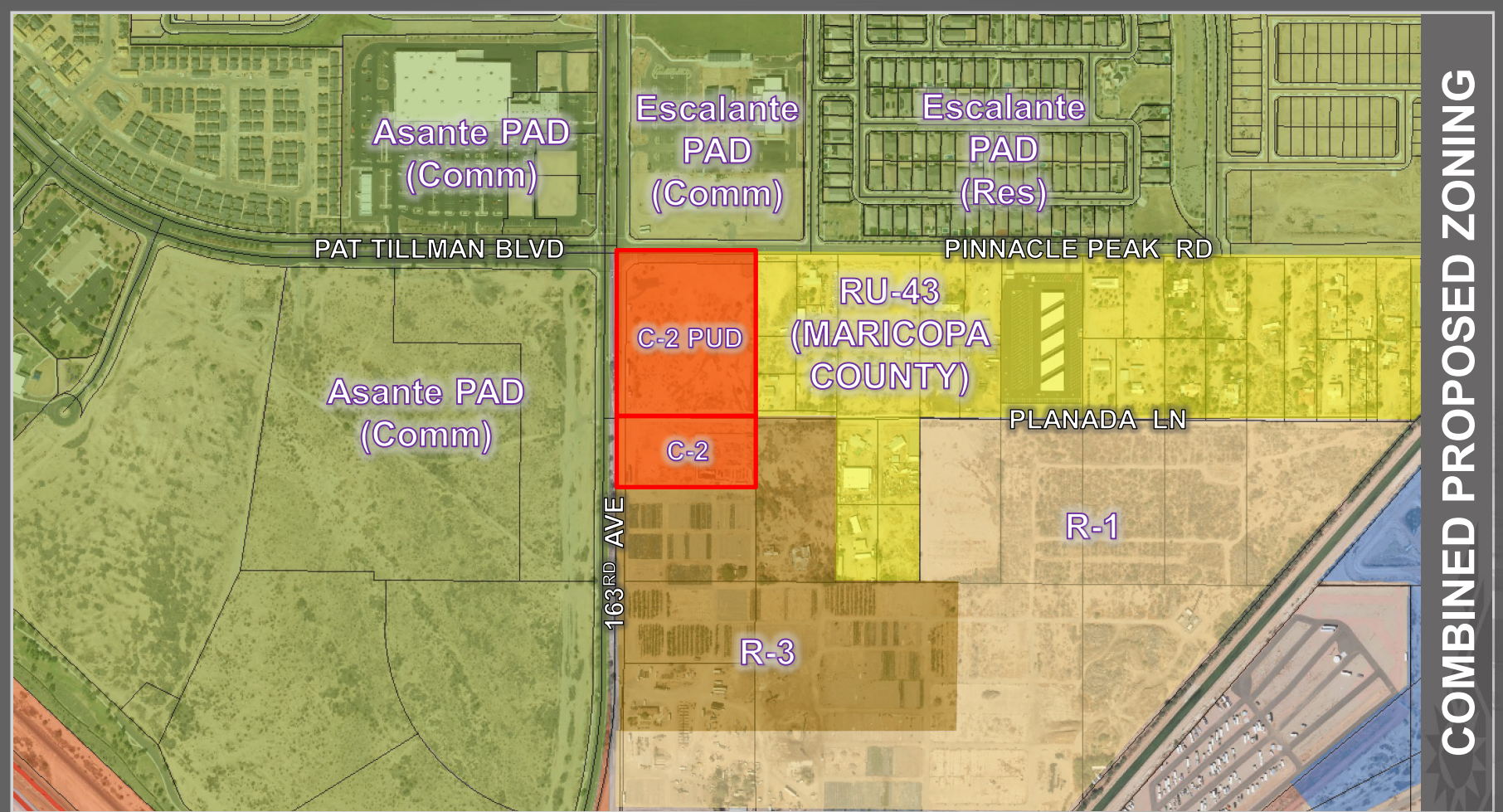
FS24-1326 PROPOSED ZONING

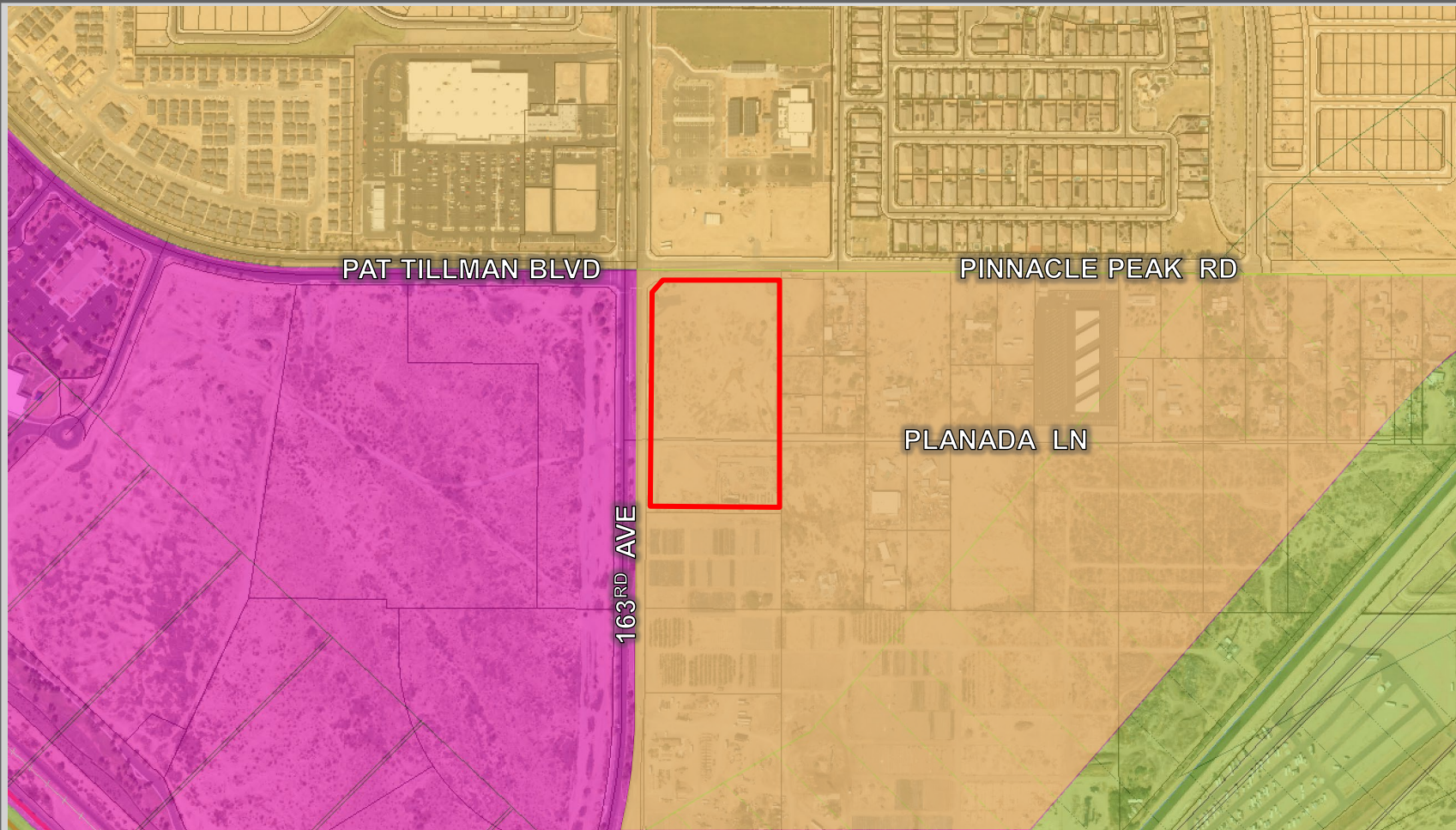


FS24-1326 VICINITY MAP



FS24-0829 PROPOSED ZONING







OUTREACH

Neighborhood Outreach Meeting:

- Date: October 22, 2024 at 6 p.m.
- Location: Asante Library
- Joint neighborhood meeting for FS24-0505, FS24-0829 and FS24-1326
- Attendance: 2
- No concerns expressed for the subject requests



RECOMMENDATION

FS24-0829 Morgan Rezone

P&Z Commission recommend **approval** to the Mayor and City Council, subject to stipulations 'a' - 'b'.



RECOMMENDATION

FS24-1326 Wong Rezone

P&Z Commission recommended **approval** to the Mayor and City Council, subject to stipulations 'a' - 'b'.



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations:

Consent: No	Regular: No	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to a Zoning Text Amendment for Administrative Approvals and Infrastructure Acceptances; Ordinance #2024-38.

Motion:

I move to approve Ordinance #2024-38, Zoning Text Amendment for Administrative Approvals, version 1, Case # FS24-1407.

Or

I move to approve Ordinance #2024-38, Zoning Text Amendment for Administrative Approvals, version 2, Case # FS24-1407.

I move to deny Ordinance #2024-38, Administrative Approvals, Case # FS24-1407, because [insert reason].

Background:

On March 3, 2023, Senate Bill 1103 (SB1103) passed amending Titles 9 and 11 of the Arizona Revised Statutes to allow, as an option, the administrative review and approval of various planning cases, to include preliminary and final plats and plat amendments, without a public hearing. Staff were asked to evaluate the impact of adopting changes to the City's current plat processes in conformance with SB1103. During this evaluation, Staff recognized additional efficiencies may be realized by also amending the infrastructure acceptance processes within the Surprise Municipal Code (SMC) to also allow for administrative approvals. The proposed text amendment, case FS24-1407, aims to address those areas of the SMC that could be amended in conformance with SB1103.

This matter was presented to the City of Surprise Planning and Zoning Commission (P&Z) on December 5, 2024, and P&Z recommended an alternative to Staff's proposed draft. The Staff Ordinance is presented as version 1, with both preliminary and final plats being approved administratively by the Community Development Director. The P&Z recommended Ordinance is presented as version 2, with preliminary plats continuing to be approved by P&Z as a measure of oversight, but with final plats approved administratively by the Community Development Director after ensuring that the final plat is in essential conformance with the preliminary plat pursuant to A.R.S. Sec. 9-463, as may be amended from time to time.

Objective Analysis:

The proposed Zoning Text Amendment may streamline staff and applicant development processes to allow for administrative approvals while clarifying readability and ensuring consistency with other sections of the Surprise Municipal Code pursuant to SB1103 (2023).

Policy Compliant:

The proposed Zoning Text Amendment is consistent with and supports both the strategic goals of the Mayor and Council as well as the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known and will be absorbed in the current budget.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00 - FS24-1407 ZTA for Administrative Plat Approvals - Staff Report
 2. 01- FS24-1407 ZTA for Administrative Plat Approvals - Legislative Edit
 3. 02 - FS24-1407 Citizen Participation Report
 4. 03 - FS24-1407 Ordinance 24-38_Admin Approval_Final.v1
 5. 03 - FS24-1407 Ordinance 24-38_Admin Approval_Final.v2
 6. FS24-1407 Administrative Plat Approvals - Council Presentation
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS24-1407

Project Name: Zoning Text Amendment for Administrative Plat Approvals

Council District: Citywide

Meeting Date: December 17, 2024

Planner: Tiffany Copp, Assistant Director

Applicant: City of Surprise

Request: Zoning Text Amendment to the Surprise Land Development Ordinances to allow for the administrative review and approval of certain actions and to clarify readability or remove conflicts with other sections of the municipal codes related to those regulations, Ordinance # 2024-38.

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: None known

Commission Recommendation: The Planning & Zoning Commission will recommend their approval or denial of the proposed Zoning Text Amendment to the Surprise Land Development Ordinance on December 5, 2024.

PROJECT DESCRIPTION:

Staff initiated this Zoning Text Amendment (ZTA) to streamline staff and applicant development processes to allow for administrative approvals while clarifying readability and removing conflicts with other sections of the municipal codes in an effort to conform with the changes permitted pursuant to SB1103.

BACKGROUND:

On March 3, 2023, Senate Bill 1103 (SB1103) passed amending Titles 9 and 11 of the Arizona Revised Statutes to allow, as an option, the administrative review and approval of various planning cases, to include preliminary and final plats and plat amendments, without a public hearing. Staff were asked to evaluate the impact of adopting changes to the city's current plat processes in conformance with SB1103. During this evaluation, it

was recognized additional efficiencies may be realized by also amending the infrastructure acceptance processes within code to also allow for administrative approvals. The proposed text amendment, case FS24-1407, aims to address those areas of the code that could be amended in conformance with SB1103.

ANALYSIS AND DISCUSSION:

The proposed Zoning Text Amendment includes several text modifications throughout Chapters 2, 42 and 58 of the Surprise Municipal Code, as well as Chapters 102 and 108 of the Land Development Ordinance (LDO), to streamline staff and applicant development processes and allow for administrative approvals, while clarifying readability and removing conflicts with other sections of the municipal codes in an effort to conform with the changes permitted pursuant to SB1103. The specific changes are outlined in the attached Zoning Text Amendment draft.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The subject request is consistent with, and will help implement, the Surprise General Plan 2040.

CITIZEN PARTICIPATION:

An in-person outreach meeting was held on November 13, 2024 at 6:00 PM at the Surprise Regional Library. There were no members of the public in attendance. City staff has not received any opposition.

SUMMARY:

This Zoning Text Amendment will streamline and make administrative the preliminary and final plat processes, as well as the infrastructure acceptance processes, while removing conflicts with other sections of the municipal code.

RECOMMENDATION:

The Planning & Zoning Commission will make their recommendation to City Council at the regularly scheduled Planning & Zoning Commission meeting on Thursday, December 5, 2024. Staff will provide that recommendation to Council in the presentation accompanying this report on December 17, 2024.

Should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

00 Staff Report
01 ZTA Legislative Edit
02 Citizen Participation Report
03 Ordinance 24-38
PowerPoint Presentation

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted)

Chapter 2- Administration
ARTICLE VIII. - BOARDS, COMMITTEES AND COMMISSIONS

Sec. 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. Where necessary for the efficient and ~~cost~~ **effective** ~~cost-effective~~ operation of the city, the city council may direct that the planning and zoning commission may also sit as the board of adjustment and/or the board of construction review.
 - (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) Review and approve or deny applications for ~~preliminary plat approval and~~ conditional use permits, as set forth in the land development code, or as otherwise set forth in this Code.
 - (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
 - (f) Appeals. Decisions by the planning and zoning commission may be appealed as follows:
 - (1) Any person aggrieved by the decision of the planning and zoning commission to approve or disapprove an application for a ~~preliminary plat approval or~~ conditional use permit may appeal the decision to the city council within 15 calendar days after the commission has rendered its decision. The aggrieved person, or any municipal officer or official department of the city, or member of city council, may file an appeal whether or not they were a previous party to the decision. Appeals shall be filed in writing with the office of the city clerk and shall specify the grounds for the appeal. The decision by the city council shall be final.
 - (2) When sitting as either the board of adjustment or the board of construction review, decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.
- (Ord. No. 2014-14, § 5(Exh. A), 11-23-2014; Ord. No. 2016-27, § 1(Exh. A), 10-4-16; Ord. No. 2021-17, § 1(Exh. A), 2-1-22; Ord. No. 2022-10, § 1(Exh. A), 4-19-22)

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted)

CHAPTER 42 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE 1- IN GENERAL

Sec. 42-8. - Reimbursement amounts.

(a) When a special public improvement is constructed by the city or its contractors, the city may require the benefitted parcels to reimburse the city prior to the ~~council~~ approval of a final plat.

(b) It shall be unlawful for any benefitted party to extend service from a special public improvement to its property without first paying its reimbursement share and obtaining a permit issued by the engineering division or final plat approval by the city.

CHAPTER 58 – UTILITIES

ARTICLE IV- WATER SERVICE

DIVISION 3- EXTENSIONS

Sec. 58-214. Inspection and acceptance.

The city ~~engineer council~~, if satisfied that the ~~improvement~~ extension is in the public interest and suitable and conforming to the existing system in the city, may ~~by motion~~ accept and approve the same and authorize the use thereof, provided that the ~~improvement extension~~ shall be first conveyed to the city free and clear of any and all encumbrances.

(Ord. No. 2012-06, § 1, 5-8-2012)

PART II – LAND DEVELOPMENT ORDINANCE

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS

ARTICLE II. PROCEDURE TYPES AND SUBMITTALS

Sec. 101-2.2. Glossary of terms.

Financial assurance. A form of security including a cash deposit, third party trust, ~~or performance bond~~ ~~an irrevocable letter of credit, of funds in escrow,~~ in an amount and form satisfactory to the city attorney and meeting the requirements expressed elsewhere in this ordinance and/or this Code.

Plat. A map, survey, plan or *replat* certified by a licensed, registered land survey containing a description of the subdivided land with ties to permanent monuments that provides for changes in land use or ownership.

1. **Final plat.** A final map of a subdivision, including supporting data, in substantial conformance to an approved *preliminary plat* and all conditions placed upon it by the ~~community development director and city engineer council~~, prepared by a ~~registered land surveyor~~, in accordance with this ordinance and the Arizona Revised Statutes.
2. **Preliminary plat.** An initial map, including supporting data, approved by the ~~planning and zoning commission~~ ~~community development director and city engineer~~, indicating a proposed subdivision design, prepared by a registered ~~civil engineer and a registered land surveyor~~, in

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accordance with this ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.

3. **Recorded plat.** A final plat bearing all of the certificates of approval required by this ordinance and the Arizona Revised Statutes and duly recorded in the county recorder's office.

Sec. 102-2.1. Procedure types.

- B. The following **Table 102-2a** describes the level of public outreach required, decision-making authority, and the appeal authority for the applications processed and the approvals that may be granted under this ordinance.

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 applications								
Zoning interpretation					D			A
Minor land division/parcel assemblage					D			A
Administrative use permits					D			A
Temporary use permits					D	A		
Home product review					D	A		
Corrective plat					D			A
PEDS deviation/waiver					D	A		
Preliminary plats					D			A
Final plats					D			A
Slope Category Analysis waiver					D	A		
Administrative waiver/extension					D	A		
Site plan review					D	A		
Type 2 applications								
Protected development rights plans	X				R	R	D	
Preliminary plats	X				R	D	A	
Final plats	X				R		D	
Original townsite incentive	X				R		D	
Development agreement	X				R		D	
Hillside cut and fill waiver	X			X	R	D		
Type 3 applications								
General Plan amendments	X	X	X	X	R	R	D	
Specific area plan requests	X	X	X	X	R	R	D	
Rezoning requests	X	X	X	X	R	R	D	
LDO text amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional use permits	X	X	X	X	R	D	A	
Comprehensive sign program	X	X	X	X	R	R	D	
Variances requests	X	X		X	R			D

Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1 st class letter not required R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

(Ord. No. 2021-17 , § 1(Exh. A), 2-1-22; Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

ARTICLE IV. TYPE 1 APPLICATION AND REQUESTS

Sec. 102-4.9. Preliminary plats.

The *preliminary plats* involve detailed land division planning. The submittal is reviewed by staff for an approval, approval with conditions, or denial of the *preliminary plat*. The *applicant* shall provide the city with all information, outlined at the *preliminary plat* concept review meeting and the information listed in **Chapter 108** of this Code, essential to determine the character and general acceptability of the proposed development.

Sec. 102-4.10. Final plats.

A. The *final plat* stage of land division involves submittal, review, and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.

ARTICLE V. TYPE 2 APPLICATION AND REQUESTS

~~Sec. 102-5.5. Preliminary plats.~~

~~The *preliminary plats* involve detailed land division planning. The submittal is reviewed by staff for an approval, approval with conditions, or denial of the *preliminary plat*. The *applicant* shall provide the city with all information, outlined at the *preliminary plat* concept review meeting and the information listed in **Chapter 108** of this Code, essential to determine the character and general acceptability of the proposed development.~~

~~(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)~~

~~Note(s)—Formerly § 102-5.6, see editor's note for § 102-5.1.~~

~~Sec. 102-5.6. Final plats.~~

~~A. The *final plat* stage of land division involves submittal, review and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance, and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.~~

~~(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)~~

~~Note(s)—Formerly § 102-5.7, see editor's note for § 102-5.1.~~

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROCESS AND OVERVIEW Sec. 108-1.2. General provisions.

- A. Recording any assemblage, split, or subdivision of land with the county recorder's office, without prior review and approval by the city in accordance with the provisions of this ordinance will not create a legal *lot* and *building permits* will not be issued.
- B. All land divisions and subdivisions must result in the creation of *lots* that are developable and capable of being built upon. No land division or subdivision shall create *lots* that are impractical of improvement due to location of water courses, problems of *sewerage* or driveway *grades*, steepness of terrain, or natural physical conditions.
- C. Where, in the opinion of the council, and after review by the community development director and **city engineer** ~~/or planning and zoning commission~~, there may exist extraordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in the LDO or this chapter, the council may modify these provisions in such a manner and to such an extent as it may deem appropriate to the public interest. In modifying the standards or requirements the council may make such additional requirements as appear necessary to secure substantially the objectives of the standards or requirements so modified.
- D. The regulations herein apply to subdivisions and any other division of land within the city creating a legally developable *lot*. For a legally enforceable division or assemblage of property to occur in the City of Surprise, any properties assembled, split, or *subdivided* must be approved by the city through one (1) of the following means:
 - 1. *Map of dedication*;
 - 2. *Minor land division, lot line adjustment, or parcel assemblage*;
 - 3. Subdivisions;
 - 4. Condominium *plat*.

Sec. 108-1.5. Subdivisions.

- D. Final plat overview.
 - 1. The *final plat* stage of land division involves submittal, review and approval of the *final plat*, the improvement plans for all improvements required by ordinance, and recording of the *plat* with the county recorder.
 - 2. The *applicant* shall provide the city with all information, outlined by the community development director or designee in conjunction with the *final plat* concept review meeting and consistent with information outlined in **Article III** herein, essential for review of the improvement plans and *final plat*.
 - 3. The *final plat* shall conform to the approved *preliminary plat* and/or *site plan/conditional use permit*.
 - 4. Prior to the *final plat* being administratively approved the following must have occurred:
 - a. The city engineer or designee has approved the associated improvement plans and related final reports; and
 - b. Letters from all involved utility companies approving the utility installation improvement plans and confirming both the availability of services and the intent to serve the subdivision with said services have been received by the city; and
 - c. All required certifications from state and county agencies have been procured; and

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- d. The city engineer has received the project cost estimate; and
 - e. The city engineer has received the *financial assurance* document or the alternative improvements contract, per the development option chosen, in the form and amount to the city's satisfaction; and
 - [f.] Documents, easements, and the necessary recording fees have been submitted; and
 - [g.] In the event the *final plat* or *map of dedication* includes the dedication of *rights-of-way* to the city, a completed Phase I Environmental Assessment that has been prepared with the previous 90 days and which indicates no contaminations occurring within the *right-of-way* to be dedicated.
5. Once the *final plat* is approved, the community development director and city engineer ~~mayer~~ shall sign the *plat* and the city clerk shall attest the ~~mayer's~~ signatures.
6. The *final plat* will be transmitted by city staff to the county recorder's office for recording; at the appropriate time and depending upon the development option being utilized as outlined below.
7. The simple approval of a *final plat* shall not constitute acceptance of dedication by the city of any *street*, easement, or other public area, shown on said *plat*. Recordation of a *final plat* shall constitute such acceptance and a statement of dedication along with signatures shall be included on the *plat*.
- E. Amended or corrected final plat overview.
1. If, after the approval and recording of a *final plat*, errors are found in the language or numbers on the *recorded plat*, the *subdivider/applicant* shall file a properly signed, corrected or revised original Mylar with the community development director. The *plat* shall be noted "corrected *plat*" under the name of the subdivision. Notations shall be made on the face of the *plat* listing all corrections made and the book and page numbers where the original *plat* was recorded. The community development director shall review the *plat* for corrections, secure the proper signatures ~~of the proper public officials~~ on the corrected *plat* and send to the county recorder for recording. The recording of the corrected *plat* shall void the incorrect original *plat*, and the county recorder shall note "void" across the face of the incorrect *plat*.
2. If, after the approval and recording of a *final plat*, a *subdivider/applicant* wishes to modify the location of *lot lines* on part or all of the *recorded plat*, the *subdivider/applicant* shall submit a new *final plat* drawing with the revised *lot* arrangement. The *plat* shall be marked the "*Replat* of _____" under the name of the land division and shall be processed as a *final plat*. If the change is found to be substantial by the community development director, a new *preliminary plat* and *final plat* will be required as described herein.
3. If, after the approval and recording of a *final plat*, the *subdivider/applicant* wishes to substantially change the *street* and *lot* arrangement of a part or all of the *platted* area, the resulting subdivision shall be treated as a new submittal with both a *preliminary plat* and a *final plat* required. The subdivision shall be identified as the "*Replat* of _____."
- F. Exception . For any subdivision that consists of four (4) to ten (10) lots, tracts or parcels, each of which complies with the size requirements of this LDO, it may proceed without the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat. Requirements for dust-controlled access and drainage improvements shall not be waived.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

PART II

CHAPTER 108 – LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE II. REPORTS, PLANS, AND DESIGN STANDARDS

Sec. 108-2.1. General requirements.

- A. The development standards of the *zoning district* as well as the city's Parks and Trails Master Plan, the integrated Water Master Plan, both volume 1 and volume 2 of the Planning and Engineering Design Standards (PEDS), and any supplemental design criteria that may be adopted by the city from time to time shall be followed when designing any subdivision.
- B. Except where modified by the **community development director** ~~city~~ through a stipulation clearly noted on **the plat itself** ~~council, upon recommendation by the planning and zoning commission~~, each subdivision and map thereof shall also be in conformity with the standards set forth in this article. ~~Unless otherwise noted herein, this article shall apply to all new residential and non-residential subdivision development within the city.~~
- C. In addition to ordinances and standards adopted by the city, subdivision improvements shall be in conformance with the following rules and regulations:
 - 1. Rules of the Arizona Department of Transportation (ADOT) relating to provisions for the safety of *ingress and egress* with the *abutting* state highway.
 - 2. Rules of the Flood Control District of Maricopa County (FCDMC) and where applicable, rules of the county department of transportation, the state department of water resources, Federal Emergency Management Agency, and the National Flood Insurance Program.
 - 3. Rules of the state department of health, state department of environmental quality, the county department of health and county environmental services department as they relate to water supply, sanitary sewage disposal, and dust control.
 - 4. Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.
 - 5. Maricopa Association of Governments (MAG) standards and guidelines unless modified within the city PEDS.
- D. Where a tract of land to be *subdivided* contains all or any part of a *park, school*, flood control facility, or other *public improvement* or facility as shown in the *General Plan*, ~~or as recommended by the planning and zoning commission~~, such site shall be either dedicated to the public or reserved for acquisition by the city, appropriate public agency, or land trust within a specified time period. A development agreement shall be prepared between the *subdivider* and the city, appropriate agency, or land trust regarding the time, method and cost of land acquisition. Said acquisition shall be completed within one (1) year from the date of recording the *final plat*, or within such extensions of time as may be mutually agreed upon. In the event a development agreement cannot be reached between the *subdivider* and the city, agency, or land trust relative to the acquisition of the land, the city council shall make a determination relative to the reserved area's compliance with the requirements of this chapter for subdivision.
- E. Land that is subject to periodic flooding, cannot be properly drained, has unstable soils or slopes, rock formations, adverse earth formations or topography, major utility easements or land which is otherwise unsuitable for subdivision *use* due to safety, health and welfare concerns, shall not be *subdivided* but shall be set aside for *uses* that shall not involve such a danger. The city council may approve subdivision of such land upon receipt of evidence provided by the *applicant* and approved by the city engineer or designee that the

construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

- F. All land proposed for subdivision and development within the city shall be served by services and infrastructure. No *building permit* shall be issued for development of a subdivision not served by existing infrastructure, or proposed extensions thereof. In no case shall temporary package water and/or sewer treatment plants be permitted as a means of providing water and sewer service to the development, unless designated in the integrated water master plan and approved by the water resource director.
- G. ~~A proposed subdivision name shall not duplicate, or approximate phonetically, the name of any other subdivision located within the city, unless a clear distinction between the two (2) subdivisions is evident. The In the event of a conflict, the planning and zoning commission city council shall have final authority to designate the name of the subdivision which shall be determined at the preliminary plat approval.~~
- H.G. Any contiguous property owned by the *subdivider/applicant* shall not be excluded from the boundaries of a subdivision when needed or required for traffic, drainage, or flood control facility for the subdivision, or dedication of *rights-of-way*, unless said property is dedicated through a *map of dedication* or other instrument acceptable to the city.
- H.H. If the subdivision is traversed by or is *adjacent* to any *water features* the *subdivider/applicant* shall provide tracts or easements for storm drainage substantially in line with the natural alignment of the *water features* and in designed in accordance with the PEDS.
- H.I. The *developer* shall be responsible for all costs, including improvement plan review fees, for installation of the improvements as a condition of *zoning* and/or *plat* approval which shall at least include, but not limited to, the improvements outlined in the following sections.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.4. Circulation design standards.

- E. Street names and signage.
1. The name of a new *street*, unless an extension of the county *street* grid alignment, shall not duplicate existing or *platted street* names in the county, or approximate such names in spelling, sound, or pronunciation in conformance with the MAG address and *street* assignment policy. A *street* shall bear the same name of an existing *street* when planned as a continuation of or when in alignment with an existing or *platted street*.
 2. The city's GIS department shall ~~propose provide~~ the *street* names at the *preliminary plat* submittal stage ~~and the names shall be approved by the planning and zoning commission.~~
 3. The *applicant* shall deposit with the city at the time of *final plat* approval an amount equal to the cost of each required *street* sign. *Street* name *signs* are to be placed at all intersections within or *abutting* the land division, and be in place by the time the *street* pavement is ready for *use*. Specifications for design, the type and location shall conform to Manual on Uniform Traffic Control Devices (M.U.T.C.D.) standards as approved by the city engineer.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.11. Open space.

- A. The hierarchy, types, and locations of *open space* required by the city are detailed in **Chapter 104** of this ordinance. The design standards for the required *open space* are detailed throughout the different chapters of volume 1 of the PEDS.

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- B. For residential subdivisions and traditional neighborhood development (TND) the specific percentage of required *open space* is prescribed within the development standards tables in **Chapter 106** of this ordinance.
 - C. For *mixed use*, commercial, *business park*, and industrial subdivisions the required amount of *open space* shall be those areas that are required for the specific *zoning* and *land use* as detailed in **Chapters 104, 106 and 107** of this ordinance. The design standards for the required *open spaces* are detailed throughout the different chapters of volume 1 of the PEDS.
 - D. Where a proposed *park*, playground, *open space*, or other public use shown on the *General Plan* and/or parks and trails master plan, is located in whole or in part in a subdivision, the area shall be shown on both the preliminary and *final plats* and such area(s) shall be reserved to the city by the *subdivider* if the city council approves such reservation. The city or other public agency shall enter into an agreement on the method of acquiring such reserved land area(s) prior to approval of the *final plat*.
 - E. Unless a public entity has accepted primary maintenance responsibility for all *common areas* within a subdivision, the property owner/developer shall create a method, acceptable to the community development director to provide for the long-term long-term maintenance of the *common areas* in perpetuity.

ARTICLE III. SUBDIVISION CONSTRUCTION, INSPECTION AND ACCEPTANCE

Sec. 108-3.1. Construction of improvements financial assurance.

- A. An applicant shall submit a *financial assurance* to the city thirty (30) days prior to a *final plat* ~~being placed on the city council agenda for action~~ being approved and recorded by the City. The amount of this *financial assurance* shall be no less than one hundred twenty-five (125) percent of the total cost necessary to complete the required improvements, including but not limited to, the costs of labor, and materials, permits, management fees, insurance costs and any other capital costs.
- B. The *financial assurance* shall secure to the city the satisfactory construction, installation, and dedication of required *street*, utility, drainage, water and *sewer systems*, and other improvements, including any portions of such improvements which are located in the public *rights-of-way*, easements, and upon individual *lots*. Improvements may include, but are not limited to, streetlights, landscaping, drainage facilities, *street* improvements, perimeter *fences/walls*, water and *sewer* distribution lines, and *common area* and *open space* improvements.
- C. The *financial assurance* shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution, as set forth herein. The periods within which required improvements must be completed shall be incorporated in the *financial assurance* and shall not exceed twelve (12) months from the date of *final plat* approval ~~by city council~~.
- D. Nothing in this section may be interpreted to limit the application of A.R.S. § 34-222 et seq., including but not limited to that statute's requirements with respect to *financial assurance* for public projects.
- E. In the event *temporary improvements* are required by city ~~council~~ staff, the applicant shall provide a separate *financial assurance*, in addition to any *financial assurance* required for permanent improvements, that covers all costs of constructing, maintaining, and removal of the temporary facilities and improvements.

Sec. 108-3.2. Financial assurance options.

- A. There are two (2) *financial assurance* options related to the timing of the construction of the required subdivision *improvements* and the recordation of the *final plat* available to the *subdivider/applicant*. Following the review and approval of all subdivision *improvements plans* and final reports, and after securing

all certifications and written proof of service from all applicable agencies, utilities, and/or districts the *subdivider/applicant* may choose to follow one (1) of the two (2) development options outlined below.

1. *Financial assurance/record plat*. The *subdivider/applicant* provides a "construction of improvements *financial assurance*" to the city and recordation of the *final plat* occurs prior to, or in conjunction with, construction of the subdivision improvements.
 - a. The *subdivider/applicant* provides the required form of financial guarantee, acceptable to the city attorney, which assurance construction of all of the required subdivision improvements (see **Section 108-3.1** herein for information on the amount and specific forms of *financial assurances* accepted by the city).
 - b. The city engineer and community development director ~~city council~~ approves and subsequently transmit the *final plat* ~~and the community development director subsequently transmits the final plat~~ for recordation. After a *final plat* has been recorded, the city engineer may, in his/her discretion, allows a *subdivider/applicant* to substitute one (1) type of *financial assurance* for another.
 - c. In the event the *subdivider/applicant* fails to initiate construction within twelve (12) months of approval, and after reasonable notice to the *subdivider/applicant* of default, the city may choose to take formal action to either abandon the recorded *final plat* or to do/have done all work; in which case the *financial assurance* instrument will be charged with all costs and expenses incurred.
 - d. The community development director may, upon proof of difficulty, ~~recommend to the city council, and the council may~~ approve a one-time extension of the completion date for a maximum of an additional twelve (12) months provided the "construction of improvements *financial assurance*" form is amended by the *subdivider/applicant* to cover the extended time period.

Sec. 108-3.4. Release or reduction of financial assurance.

- A. Once the *public improvements* have passed the final inspection by the city engineer, the *applicant's* engineer or surveyor shall submit a certified final *as-built* survey of both the *plat* and the constructed improvements, indicating location, dimensions, materials, and that the layout of the line and *grade* of all required improvements is in accordance with the approved construction plans for the improvements.
- B. The *subdivider/applicant* may submit a request for release of the original *financial assurance* only after they submit to the city engineer the lien release documents along with the new financial warranty of improvements guarantee documents as outlined below in **Section 108-3.5**.
- C. The city engineer or designee shall issue a statement of completion and acceptance ~~shall make a written recommendation to the city council to~~ release the original *financial assurance*, conditionally accept the *public improvements* for maintenance, and accept the new warranty of improvements *financial assurance*.

Sec. 108-3.5. Warranty of improvements financial assurance.

- A. The *subdivider/applicant* shall be required to file a warranty of improvements *financial assurance* with the city engineer or designee ~~prior to city council action~~ on maintenance responsibilities of the ~~subdivision-public improvements~~. The *financial assurance* shall be in a form as outlined in **subsection 108-3.1.A.** in the amount of ten (10) percent of the actual cost of constructing and installing the improvements. The warranty assurance shall be for a period of two (2) years beginning from the date of "conditional acceptance" of maintenance responsibilities for said improvements by the city ~~council~~.
- B. The *applicant* shall be required to maintain all improvements for the two (2) year warranty period. If any certificates of occupancy have been issued for *buildings* served by improvements for which the city has not accepted maintenance responsibility, the city may affect emergency repairs and the *applicant* or other owner

thereof shall pay the cost of such emergency repairs. Prior to effecting such emergency repairs, the city shall give to the person responsible for maintaining the improvements such notice as may be practicable under the circumstances.

Sec. 108-3.6. Costs, reimbursements, and city participation in public improvements.

- A. All *public improvements* shown on the *final plat* and the improvement plans, and any additional improvements that may be required by the city **engineer or designee** ~~council~~ as a condition for approval of the *final plat*, shall be the responsibility of the *developer*; ~~unless otherwise approved by the~~ **city engineer or designee** ~~council~~.
- B. If a *street* within or *adjacent* to the development is improved as an arterial or parkway *street* and dedicated to the public the city, upon completion of the warranty guarantee, will accept maintenance responsibility for *street* lighting, median landscaping, and pavement.
- C. If a *street* within or *adjacent* to the development is improved as a collector or *local street* and dedicated to the public the city upon completion of the warranty guarantee will accept maintenance responsibility for the pavement and curbs. Maintenance responsibilities for landscaping and *street* lighting shall remain with the property *owner* and/or homeowner's association.
- D. If a *developer* is required to oversize infrastructure to serve future development in *adjacent* areas that is other than their own property the city may assist the *developer* recoup proportionate costs from those *adjacent* properties through a repayment agreement as further described in **Chapter 42** of this Code.

Citizen Participation Report

Zoning Text Amendment Administrative Plat Approvals

FS24-1407 – November 13, 2024

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO) in response to the passing of Senate Bill 1103 in March of 2023, which allows, as an *option*, for the administrative review and approval of preliminary plats, final plats, and plat amendments without a public hearing. Staff are also proposing changes to allow for the administrative acceptance of various infrastructure improvements. As part of these changes, this amendment is proposing the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Modifying various defined terms.
- Modifying the roles and responsibilities of the Planning and Zoning Commission and City Council and city staff related to the approval and acceptance of preliminary plats, final plats, plat amendments, appeals and various infrastructure improvements.

ADVERTISING

The meeting was advertised in the Daily Independent on Friday, October 25, 2024 and the Surprise Independent on Wednesday, October 30, 2024, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at the Surprise Regional Library on November 14, 2024 at 6 p.m. and there were no members of the public in attendance.

FEEDBACK

No feedback or concerns were expressed.



Neighborhood Meeting Sign-In Sheet

FS24-1407 & FS24-1421

	Name	Address	Contact Information
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ORDINANCE # 2024-38

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 2, ARTICLE VII, SECTION 2-301; CHAPTER 42, ARTICLE I, SECTION 42-8; CHAPTER 58, ARTICLE IV, DIVISION 3, SECTION 58-214; PART II, CHAPTER 102, ARTICLE II, SECTIONS 101-2.2 AND 102-2.1; ARTICLE IV, SECTIONS 102-4.9 AND 102-4.10; ARTICLE V SECTIONS 102-5.5, 102-5.6; CHAPTER 108, ARTICLE I, SECTIONS 108-1.2 AND 108-1.5; ARTICLE II, SECTIONS 108-2.1, 108-2.4 AND 108-2.11, ARTICLE II, SECTIONS 108-3.1, 108-3.2, 108-3.4, 108-3.5 AND 108-3.6, ALLOWING FOR THE ADMINISTRATIVE APPROVAL OF THE PRELIMINARY AND FINAL PLAT APPROVAL AND THE ACCEPTANCE OF INFRASTRUCTURE AND REMOVING CONFLICTS; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed;

WHEREAS, the following updates to certain provisions in the Surprise Municipal Code (“SMC”) may enhance readability, ensure consistency with other sections of the SMC, and potentially streamline the City’s internal development processes; and

WHEREAS, this Ordinance and the accompanying text amendment proposes to correct scrivener’s errors, add language to provide the Community Development Director and City Engineer with discretion to administratively approve certain developmental submittals that are currently presented to Council, and correct conflicting references.

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

Section 1. Chapter 2, Article VIII, Section 2-301; Chapter 42, Article I, Section 42-8; Chapter 58, Article IV. Division 3. Section 58-214, Part II, Chapter 102, Article II, Sections 101-2.2 and 102-2.1; Article IV, Sections 102-4.9 and 102-4.10; Article V Sections 102-5.5, 102-5.6; Chapter 108, Article I, Sections 108-1.2 and 108-1.5; Article II, Sections 108-2.1, 108-2.4 and 108-2.11, Article II, Sections 108-3.1, 108-3.2, 108-3.4, 108-3.5 and 108-3.6, of the Surprise Municipal Code are hereby amended as described on attached ***Exhibit A***, and incorporated by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 5. This ordinance will become effective at the time and manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

FS24-1407- Zoning Text Amendment Administrative Plat Approvals

Legislative Edits

(Strikethrough-indicates deletions; edits or additions are highlighted)

Chapter 2- Administration

ARTICLE VIII. - BOARDS, COMMITTEES AND COMMISSIONS

Sec. 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. Where necessary for the efficient and ~~cost-effective~~ **cost-effective** operation of the city, the city council may direct that the planning and zoning commission may also sit as the board of adjustment and/or the board of construction review.
- (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) Review and approve or deny applications for ~~preliminary plat approval and~~ conditional use permits, as set forth in the land development code, or as otherwise set forth in this Code.

(e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.

(f) Appeals. Decisions by the planning and zoning commission may be appealed as follows:

(1) Any person aggrieved by the decision of the planning and zoning commission to approve or disapprove an application for a ~~preliminary plat approval or~~ conditional use permit may appeal the decision to the city council within 15 calendar days after the commission has rendered its decision. The aggrieved person, or any municipal officer or official department of the city, or member of city council, may file an appeal whether or not they were a previous party to the decision. Appeals shall be filed in writing with the office of the city clerk and shall specify the grounds for the appeal. The decision by the city council shall be final.

(2) When sitting as either the board of adjustment or the board of construction review, decisions of the planning and zoning commission may be appealed as set forth in section 2-303 or 2-304 as appropriate.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014; Ord. No. 2016-27, § 1(Exh. A), 10-4-16; Ord. No. 2021-17, § 1(Exh. A), 2-1-22; Ord. No. 2022-10, § 1(Exh. A), 4-19-22)

CHAPTER 42 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE 1- IN GENERAL

Sec. 42-8. - Reimbursement amounts.

(a) When a special public improvement is constructed by the city or its contractors, the city may require the benefitted parcels to reimburse the city prior to the ~~city~~ approval of a final plat.

(b) It shall be unlawful for any benefitted party to extend service from a special public improvement to its property without first paying its reimbursement share and obtaining a permit issued by the engineering division or final plat approval by the city.

CHAPTER 58 – UTILITIES

ARTICLE IV- WATER SERVICE

DIVISION 3- EXTENSIONS

Sec. 58-214. Inspection and acceptance.

The city ~~engineer-council~~, if satisfied that the extension is in the public interest and suitable and conforming to the existing system in the city, may ~~by motion~~ accept and approve the same and authorize the use thereof, provided that the extension shall be first conveyed to the city free and clear of any and all encumbrances.

(Ord. No. 2012-06, § 1, 5-8-2012)

PART II – LAND DEVELOPMENT ORDINANCE

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS

ARTICLE II. PROCEDURE TYPES AND SUBMITTALS

Sec. 101-2.2. Glossary of terms.

Financial assurance. A form of security including a cash deposit, third party trust, ~~or performance bond~~ ~~an irrevocable letter of credit, of funds in escrow~~, in an amount and form satisfactory to the city attorney and meeting the requirements expressed elsewhere in this ordinance and/or this Code.

Plat. A map, survey, plan or *replat* certified by a licensed, registered land survey containing a description of the *subdivided* land with ties to permanent monuments that provides for changes in land *use* or *ownership*.

1. **Final plat.** A final map of a subdivision, including supporting data, in substantial conformance to an approved *preliminary plat* and all conditions placed upon it by the ~~community development director and~~ city ~~engineer-council~~, prepared by a ~~registered land surveyor~~, in accordance with this ordinance and the Arizona Revised Statutes.
2. **Preliminary plat.** An initial map, including supporting data, approved by the ~~planning and zoning commission~~ ~~community development director and city engineer~~, indicating a proposed subdivision design, prepared by a registered ~~civil engineer and a registered land surveyor~~, in accordance with this ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.
3. **Recorded plat.** A final plat bearing all of the certificates of approval required by this ordinance and the Arizona Revised Statutes and duly recorded in the county recorder's office.

Sec. 102-2.1. Procedure types.

- B. The following **Table 102-2a** describes the level of public outreach required, decision-making authority, and the appeal authority for the applications processed and the approvals that may be granted under this ordinance.

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Meeting	Neighborhood Meeting	Site Posting				
Type 1 applications								
Zoning interpretation					D			A
Minor land division/parcel assemblage					D			A
Administrative use permits					D			A
Temporary use permits					D	A		
Home product review					D	A		
Corrective plat					D			A
PEDS deviation/waiver					D	A		
Preliminary plats					D			A
Final plats					D			A
Slope Category Analysis waiver					D	A		
Administrative waiver/extension					D	A		
Site plan review					D	A		
Type 2 applications								
Protected development rights plans	X				R	R	D	
Preliminary plats	X				R	D	A	
Final plats	X				R		D	
Original townsite incentive	X				R		D	
Development agreement	X				R		D	
Hillside cut and fill waiver	X			X	R	D		
Type 3 applications								
General Plan amendments	X	X	X	X	R	R	D	
Specific area plan requests	X	X	X	X	R	R	D	
Rezoning requests	X	X	X	X	R	R	D	
LDO text amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional use permits	X	X	X	X	R	D	A	
Comprehensive sign program	X	X	X	X	R	R	D	
Variances requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
Key: X = Required								

(1) = 1st class letter not required
R = Reviews and recommends action to decision-making body
D = Decision-making body
A = Appeal authority

(Ord. No. 2021-17 , § 1(Exh. A), 2-1-22; Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

ARTICLE IV. TYPE 1 APPLICATION AND REQUESTS

Sec. 102-4.9. Preliminary plats.

The *preliminary plats* involve detailed land division planning. The submittal is reviewed by staff for an approval, approval with conditions, or denial of the *preliminary plat*. The *applicant* shall provide the city with all information, outlined at the *preliminary plat* concept review meeting and the information listed in **Chapter 108** of this Code, essential to determine the character and general acceptability of the proposed development.

Sec. 102-4.10. Final plats.

A. The *final plat* stage of land division involves submittal, review, and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.

ARTICLE V. TYPE 2 APPLICATION AND REQUESTS

Sec. 102-5.5. Preliminary plats.

~~The *preliminary plats* involve detailed land division planning. The submittal is reviewed by staff for an approval, approval with conditions, or denial of the *preliminary plat*. The *applicant* shall provide the city with all information, outlined at the *preliminary plat* concept review meeting and the information listed in **Chapter 108** of this Code, essential to determine the character and general acceptability of the proposed development.~~

~~(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)~~

~~Note(s)—Formerly § 102-5.6, see editor's note for § 102-5.1.~~

Sec. 102-5.6. Final plats.

~~A. The *final plat* stage of land division involves submittal, review and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance, and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.~~

~~{Ord. No. 2022-10, § 1(Exh. A), 4-19-22}~~

~~Note(s)—Formerly § 102-5.7, see editor's note for § 102-5.1.~~

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROCESS AND OVERVIEW Sec. 108-1.2. General provisions.

- A. Recording any assemblage, split, or subdivision of land with the county recorder's office, without prior review and approval by the city in accordance with the provisions of this ordinance will not create a legal *lot* and *building permits* will not be issued.
- B. All land divisions and subdivisions must result in the creation of *lots* that are developable and capable of being built upon. No land division or subdivision shall create *lots* that are impractical of improvement due to location of water courses, problems of *sewerage* or driveway *grades*, steepness of terrain, or natural physical conditions.
- C. Where, in the opinion of the council, and after review by the community development director and ~~/or planning and zoning commission~~ **the city engineer**, there may exist extraordinary conditions of topography, land *ownership* or *adjacent* development, or other circumstances not provided for in the LDO or this chapter, the council may modify these provisions in such a manner and to such an extent as it may deem appropriate to the public interest. In modifying the standards or requirements the council may make such additional requirements as appear necessary to secure substantially the objectives of the standards or requirements so modified.
- D. The regulations herein apply to subdivisions and any other division of land within the city creating a legally developable *lot*. For a legally enforceable division or assemblage of property to occur in the City of Surprise, any properties assembled, split, or *subdivided* must be approved by the city through one (1) of the following means:
 - 1. *Map of dedication*;
 - 2. *Minor land division, lot line adjustment, or parcel assemblage*;
 - 3. Subdivisions;
 - 4. Condominium *plat*.

Sec. 108-1.5. Subdivisions.

- D. Final plat overview.
 - 1. The *final plat* stage of land division involves submittal, review and approval of the *final plat*, the improvement plans for all improvements required by ordinance, and recording of the *plat* with the county recorder.

2. The *applicant* shall provide the city with all information, outlined by the community development director or designee in conjunction with the *final plat* concept review meeting and consistent with information outlined in **Article III** herein, essential for review of the improvement plans and *final plat*.
3. The *final plat* shall conform to the approved *preliminary plat* and/or *site plan/conditional use permit*.
4. Prior to the *final plat* being administratively approved the following must have occurred:
 - a. The city engineer or designee has approved the associated improvement plans and related final reports; and
 - b. Letters from all involved utility companies approving the utility installation improvement plans and confirming both the availability of services and the intent to serve the subdivision with said services have been received by the city; and
 - c. All required certifications from state and county agencies have been procured; and
 - d. The city engineer has received the project cost estimate; and
 - e. The city engineer has received the *financial assurance* document or the alternative improvements contract, per the development option chosen, in the form and amount to the city's satisfaction; and
 - [f.] Documents, easements, and the necessary recording fees have been submitted; and
 - [g.] In the event the *final plat* or *map of dedication* includes the dedication of *rights-of-way* to the city, a completed Phase I Environmental Assessment that has been prepared within the previous 90 days and which indicates no contaminations occurring within the *right-of-way* to be dedicated.
5. Once the *final plat* is approved, the community development director and city engineer ~~mayer~~ shall sign the *plat* and the city clerk shall attest the ~~mayer's~~ signatures.
6. The *final plat* will be transmitted by city staff to the county recorder's office for recording; at the appropriate time and depending upon the development option being utilized as outlined below.
7. The simple approval of a *final plat* shall not constitute acceptance of dedication by the city of any *street*, easement, or other public area, shown on said *plat*. Recordation of a *final plat* shall constitute such acceptance and a statement of dedication along with signatures shall be included on the *plat*.

E. Amended or corrected final plat overview.

1. If, after the approval and recording of a *final plat*, errors are found in the language or numbers on the *recorded plat*, the *subdivider/applicant* shall file a properly signed, corrected or revised original Mylar with the community development director. The *plat* shall be noted "corrected *plat*" under the name of the subdivision. Notations shall be made on the face of the *plat* listing all corrections made and the book and page numbers where the original *plat* was recorded. The community development director shall review the *plat* for corrections, secure the **proper** signatures ~~of the proper public officials~~ on the corrected *plat* and send to the county recorder for recording. The recording of the corrected *plat* shall void the incorrect original *plat*, and the county recorder shall note "void" across the face of the incorrect *plat*.
2. If, after the approval and recording of a *final plat*, a *subdivider/applicant* wishes to modify the location of *lot lines* on part or all of the *recorded plat*, the *subdivider/applicant* shall submit a new *final plat* drawing with the revised *lot* arrangement. The *plat* shall be marked the "Replat of _____" under the name of the land division and shall be processed as a *final plat*. If the change is found to be substantial by the community development director, a new *preliminary plat* and *final plat* will be required as described herein.
3. If, after the approval and recording of a *final plat*, the *subdivider/applicant* wishes to substantially change the *street* and *lot* arrangement of a part or all of the *platted* area, the resulting subdivision shall be treated as a new submittal with both a *preliminary plat* and a *final plat* required. The subdivision shall be identified as the "Replat of _____."

- F. Exception . For any subdivision that consists of four (4) to ten (10) lots, tracts or parcels, each of which complies with the size requirements of this LDO, it may proceed without the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat. Requirements for dust-controlled access and drainage improvements shall not be waived.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

PART II

CHAPTER 108 – LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE II. REPORTS, PLANS, AND DESIGN STANDARDS

Sec. 108-2.1. General requirements.

- A. The development standards of the *zoning district* as well as the city's Parks and Trails Master Plan, the integrated Water Master Plan, both volume 1 and volume 2 of the Planning and Engineering Design Standards (PEDS), and any supplemental design criteria that may be adopted by the city from time to time shall be followed when designing any subdivision.

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Rev 11/24

- B. Except where modified by the community development director ~~city~~ through a stipulation clearly noted on the plat itself ~~council, upon recommendation by the planning and zoning commission~~, each subdivision and map thereof shall also be in conformity with the standards set forth in this article. ~~Unless otherwise noted herein, t~~his article shall apply to all ~~new~~ residential and non-residential subdivision development within the city.
- C. In addition to ordinances and standards adopted by the city, subdivision improvements shall be in conformance with the following rules and regulations:
1. Rules of the Arizona Department of Transportation (ADOT) relating to provisions for the safety of *ingress and egress* with the *abutting* state highway.
 2. Rules of the Flood Control District of Maricopa County (FCDMC) and where applicable, rules of the county department of transportation, the state department of water resources, Federal Emergency Management Agency, and the National Flood Insurance Program.
 3. Rules of the state department of health, state department of environmental quality, the county department of health and county environmental services department as they relate to water supply, sanitary sewage disposal, and dust control.
 4. Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.
 5. Maricopa Association of Governments (MAG) standards and guidelines unless modified within the city PEDS.
- D. Where a tract of land to be *subdivided* contains all or any part of a *park, school, flood control facility*, or other *public improvement* or facility as shown in the *General Plan*, ~~or as recommended by the planning and zoning commission~~, such site shall be either dedicated to the public or reserved for acquisition by the city, appropriate public agency, or land trust within a specified time period. A development agreement shall be prepared between the *subdivider* and the city, appropriate agency, or land trust regarding the time, method and cost of land acquisition. Said acquisition shall be completed within one (1) year from the date of recording the *final plat*, or within such extensions of time as may be mutually agreed upon. In the event a development agreement cannot be reached between the *subdivider* and the city, agency, or land trust relative to the acquisition of the land, the city council shall make a determination relative to the reserved area's compliance with the requirements of this chapter for subdivision.
- E. Land that is subject to periodic flooding, cannot be properly drained, has unstable soils or slopes, rock formations, adverse earth formations or topography, major utility easements or land which is otherwise unsuitable for subdivision *use* due to safety, health and welfare concerns, shall not be *subdivided* but shall be set aside for *uses* that shall not involve such a danger. The city council may approve subdivision of such land upon receipt of evidence provided by the *applicant* and approved by the city engineer or designee that the construction of specific improvements can be expected to render the land suitable;

thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

- F. All land proposed for subdivision and development within the city shall be served by services and infrastructure. No *building permit* shall be issued for development of a subdivision not served by existing infrastructure, or proposed extensions thereof. In no case shall temporary package water and/or sewer treatment plants be permitted as a means of providing water and sewer service to the development, unless designated in the integrated water master plan and approved by the water resource director.
- G. ~~A proposed subdivision name shall not duplicate, or approximate phonetically, the name of any other subdivision located within the city, unless a clear distinction between the two (2) subdivisions is evident. The~~ In the event of a conflict, the planning and zoning commission ~~city council shall have final authority to designate the name of the subdivision which shall be determined at the preliminary plat approval.~~
- H.G. Any contiguous property owned by the *subdivider/applicant* shall not be excluded from the boundaries of a subdivision when needed or required for traffic, drainage, or flood control facility for the subdivision, or dedication of *rights-of-way*, unless said property is dedicated through a *map of dedication* or other instrument acceptable to the city.
- I.H. If the subdivision is traversed by or is *adjacent* to any *water features* the *subdivider/applicant* shall provide tracts or easements for storm drainage substantially in line with the natural alignment of the *water features* and in designed in accordance with the PEDS.
- J.I. The *developer* shall be responsible for all costs, including improvement plan review fees, for installation of the improvements as a condition of *zoning* and/or *plat* approval which shall at least include, but not limited to, the improvements outlined in the following sections.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.4. Circulation design standards.

- E. Street names and signage.
1. The name of a new *street*, unless an extension of the county *street* grid alignment, shall not duplicate existing or *platted street* names in the county, or approximate such names in spelling, sound, or pronunciation in conformance with the MAG address and *street* assignment policy. A *street* shall bear the same name of an existing *street* when planned as a continuation of or when in alignment with an existing or *platted street*.
 2. The city's GIS department shall ~~propose~~ provide the *street* names at the *preliminary plat* submittal stage ~~and the names shall be approved by the planning and zoning commission.~~

3. The *applicant* shall deposit with the city at the time of *final plat* approval an amount equal to the cost of each required *street* sign. *Street* name *signs* are to be placed at all intersections within or *abutting* the land division, and be in place by the time the *street* pavement is ready for *use*. Specifications for design, the type and location shall conform to Manual on Uniform Traffic Control Devices (M.U.T.C.D.) standards as approved by the city engineer.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.11. Open space.

- A. The hierarchy, types, and locations of *open space* required by the city are detailed in **Chapter 104** of this ordinance. The design standards for the required *open space* are detailed throughout the different chapters of volume 1 of the PEDS.
- B. For residential subdivisions and traditional neighborhood development (TND) the specific percentage of required *open space* is prescribed within the development standards tables in **Chapter 106** of this ordinance.
- C. For *mixed use*, commercial, *business park*, and industrial subdivisions the required amount of *open space* shall be those areas that are required for the specific *zoning* and land *use* as detailed in **Chapters 104, 106 and 107** of this ordinance. The design standards for the required *open spaces* are detailed throughout the different chapters of volume 1 of the PEDS.
- D. Where a proposed *park*, playground, *open space*, or other public *use* shown on the *General Plan* and/or parks and trails master plan, is located in whole or in part in a subdivision, the area **shall** be shown on both the preliminary and *final plats* and such area(s) shall be reserved to the city by the *subdivider* if the city council approves such reservation. The city or other public agency shall enter into an agreement on the method of acquiring such reserved land area(s) prior to approval of the *final plat*.
- E. Unless a public entity has accepted primary maintenance responsibility for all *common areas* within a subdivision, the property *owner/developer* shall create a method, acceptable to the community development director to provide for the **long-term** **long-term** maintenance of the *common areas* in perpetuity.

ARTICLE III. SUBDIVISION CONSTRUCTION, INSPECTION AND ACCEPTANCE

Sec. 108-3.1. Construction of improvements financial assurance.

- A. An *applicant* shall submit a *financial assurance* to the city thirty (30) days prior to a *final plat* **being placed on the city council agenda for action** **being approved and recorded by the City**. The amount of this *financial assurance* shall be no less than one hundred twenty-five (125) percent of the total cost necessary to complete the required improvements,

including but not limited to, the costs of labor, and materials, permits, management fees, insurance costs and any other capital costs.

- B. The *financial assurance* shall secure to the city the satisfactory construction, installation, and dedication of required *street*, utility, drainage, water and *sewer systems*, and other improvements, including any portions of such improvements which are located in the public *rights-of-way*, easements, and upon individual *lots*. Improvements may include, but are not limited to, streetlights, landscaping, drainage facilities, *street* improvements, perimeter *fences/walls*, water and *sewer* distribution lines, and *common area* and *open space* improvements.
- C. The *financial assurance* shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution, as set forth herein. The periods within which required improvements must be completed shall be incorporated in the *financial assurance* and shall not exceed twelve (12) months from the date of *final plat* approval ~~by city council~~.
- D. Nothing in this section may be interpreted to limit the application of A.R.S. § 34-222 et seq., including but not limited to that statute's requirements with respect to *financial assurance* for public projects.
- E. In the event *temporary improvements* are required by city ~~council~~ staff, the *applicant* shall provide a separate *financial assurance*, in addition to any *financial assurance* required for permanent improvements, that covers all costs of constructing, maintaining, and removal of the temporary facilities and improvements.

Sec. 108-3.2. Financial assurance options.

- A. There are two (2) *financial assurance* options related to the timing of the construction of the required subdivision *improvements* and the recordation of the *final plat* available to the *subdivider/applicant*. Following the review and approval of all subdivision *improvements plans* and final reports, and after securing all certifications and written proof of service from all applicable agencies, utilities, and/or districts the *subdivider/applicant* may choose to follow one (1) of the two (2) development options outlined below.
 - 1. *Financial assurance/record plat* . The *subdivider/applicant* provides a "construction of improvements *financial assurance*" to the city and recordation of the *final plat* occurs prior to, or in conjunction with, construction of the subdivision improvements.
 - a. The *subdivider/applicant* provides the required form of financial guarantee, acceptable to the city attorney, which assurance construction of all of the required subdivision improvements (see **Section 108-3.1** herein for information on the amount and specific forms of *financial assurances* accepted by the city).

- b. The city engineer and community development director ~~city council~~ approves and subsequently transmit the *final plat* and the community development director ~~subsequently transmits the final plat~~ for recordation. After a *final plat* has been recorded, the city engineer may, in his/her discretion, allows a *subdivider/applicant* to substitute one (1) type of *financial assurance* for another.
- c. In the event the *subdivider/applicant* fails to initiate construction within twelve (12) months of approval, and after reasonable notice to the *subdivider/applicant* of default, the city may choose to take formal action to either abandon the recorded *final plat* or to do/have done all work; in which case the *financial assurance* instrument will be charged with all costs and expenses incurred.
- d. The community development director may, upon proof of difficulty, ~~recommend to the city council, and the council may~~ approve a one-time extension of the completion date for a maximum of an additional twelve (12) months provided the "construction of improvements *financial assurance*" form is amended by the *subdivider/applicant* to cover the extended time period.

Sec. 108-3.4. Release or reduction of financial assurance.

- A. Once the *public improvements* have passed the final inspection by the city engineer, the *applicant's* engineer or surveyor shall submit a certified final *as-built* survey of both the *plat* and the constructed improvements, indicating location, dimensions, materials, and that the layout of the line and *grade* of all required improvements is in accordance with the approved construction plans for the improvements.
- B. The *subdivider/applicant* may submit a request for release of the original *financial assurance* only after they submit to the city engineer the lien release documents along with the new financial warranty of improvements guarantee documents as outlined below in **Section 108-3.5**.
- C. The city engineer or designee shall issue a statement of completion and acceptance ~~shall make a written recommendation to the city council to~~ release the original *financial assurance*, ~~conditionally~~ accept the *public improvements* for maintenance, and accept the new warranty of improvements *financial assurance*.

Sec. 108-3.5. Warranty of improvements financial assurance.

- A. The *subdivider/applicant* shall be required to file a warranty of improvements *financial assurance* with the city engineer or designee ~~prior to city council action~~ on maintenance responsibilities of the ~~subdivision~~ *public improvements*. The *financial assurance* shall be in a form as outlined in **subsection 108-3.1.A.** in the amount of ten (10) percent of the actual cost of constructing and installing the improvements. The warranty assurance shall be for a period of two (2) years beginning from the date of "conditional acceptance" of maintenance responsibilities for said improvements by the city ~~council~~.

- B. The *applicant* shall be required to maintain all improvements for the two (2) year warranty period. If any certificates of occupancy have been issued for *buildings* served by improvements for which the city has not accepted maintenance responsibility, the city may affect emergency repairs and the *applicant* or other *owner* thereof shall pay the cost of such emergency repairs. Prior to effecting such emergency repairs, the city shall give to the person responsible for maintaining the improvements such notice as may be practicable under the circumstances.

Sec. 108-3.6. Costs, reimbursements, and city participation in public improvements.

- A. All *public improvements* shown on the *final plat* and the improvement plans, and any additional improvements that may be required by the city **engineer or designee** ~~council~~ as a condition for approval of the *final plat*, shall be the responsibility of the *developer*; unless otherwise approved by the **city engineer or designee** ~~council~~.
- B. If a *street* within or *adjacent* to the development is improved as an arterial or parkway *street* and dedicated to the public the city, upon completion of the warranty guarantee, will accept maintenance responsibility for *street* lighting, median landscaping, and pavement.
- C. If a *street* within or *adjacent* to the development is improved as a collector or *local street* and dedicated to the public the city upon completion of the warranty guarantee will accept maintenance responsibility for the pavement and curbs. Maintenance responsibilities for landscaping and *street* lighting shall remain with the property *owner* and/or homeowner's association.
- D. If a *developer* is required to oversize infrastructure to serve future development in *adjacent* areas that is other than their own property the city may assist the *developer* recoup proportionate costs from those *adjacent* properties through a repayment agreement as further described in **Chapter 42** of this Code.

ORDINANCE # 2024-38

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 42, ARTICLE I, SECTION 42-8; CHAPTER 58, ARTICLE IV, DIVISION 3, SECTION 58-214; PART II, CHAPTER 102, ARTICLE II, SECTIONS 101-2.2 AND 102-2.1; ARTICLE IV, SECTIONS 102-4.9; ARTICLE V SECTIONS 102-5.5, 102-5.6; CHAPTER 108, ARTICLE I, SECTIONS 108-1.2 AND 108-1.5; ARTICLE II, SECTIONS 108-2.1, 108-2.4 AND 108-2.11, ARTICLE II, SECTIONS 108-3.1, 108-3.2, 108-3.4, 108-3.5 AND 108-3.6, ALLOWING FOR THE ADMINISTRATIVE APPROVAL OF THE PRELIMINARY AND FINAL PLAT APPROVAL AND THE ACCEPTANCE OF INFRASTRUCTURE AND REMOVING CONFLICTS; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed;

WHEREAS, the following updates to certain provisions in the Surprise Municipal Code (“SMC”) may enhance readability, ensure consistency with other sections of the SMC, and potentially streamline the City’s internal development processes; and

WHEREAS, this Ordinance and the accompanying text amendment proposes to correct scrivener’s errors, add language to provide the Community Development Director and City Engineer with discretion to administratively approve certain developmental submittals that are currently presented to Council, and correct conflicting references.

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

Section 1. Chapter 42, Article I, Section 42-8; Chapter 58, Article IV, Division 3. Section 58-214, Part II, Chapter 102, Article II, Sections 101-2.2 and 102-2.1; Article IV, Sections 102-4.9; Article V Sections 102-5.5, 102-5.6; Chapter 108, Article I, Sections 108-1.2 and 108-1.5; Article II, Sections 108-2.1, 108-2.4 and 108-2.11, Article II, Sections 108-3.1, 108-3.2, 108-3.4, 108-3.5 and 108-3.6, of the Surprise Municipal Code are hereby amended as described on attached **Exhibit A**, and incorporated by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 5. This ordinance will become effective at the time and manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

FS24-1407- Zoning Text Amendment Administrative Plat Approvals

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted)

CHAPTER 42 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE 1- IN GENERAL

Sec. 42-8. - Reimbursement amounts.

(a) When a special public improvement is constructed by the city or its contractors, the city may require the benefitted parcels to reimburse the city prior to the ~~city~~ approval of a final plat.

(b) It shall be unlawful for any benefitted party to extend service from a special public improvement to its property without first paying its reimbursement share and obtaining a permit issued by the engineering division or final plat approval by the city.

CHAPTER 58 – UTILITIES

ARTICLE IV- WATER SERVICE

DIVISION 3- EXTENSIONS

Sec. 58-214. Inspection and acceptance.

The city ~~engineer~~, if satisfied that the extension is in the public interest and suitable and conforming to the existing system in the city, may ~~by motion~~ accept and approve the same and authorize the use thereof; provided that the extension shall be first conveyed to the city free and clear of any and all encumbrances.

(Ord. No. 2012-06, § 1, 5-8-2012)

PART II – LAND DEVELOPMENT ORDINANCE

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS

ARTICLE II. PROCEDURE TYPES AND SUBMITTALS

Sec. 101-2.2. Glossary of terms.

Financial assurance. A form of security including a cash deposit, third party trust, ~~or performance bond~~ ~~an irrevocable letter of credit, of funds in escrow,~~ in an amount and form satisfactory to the city attorney and meeting the requirements expressed elsewhere in this ordinance and/or this Code.

Plat. A map, survey, plan or *replat* certified by a licensed, registered land survey containing a description of the *subdivided* land with ties to permanent monuments that provides for changes in land *use* or *ownership*.

1. **Final plat.** A final map of a subdivision, including supporting data, in substantial conformance to an approved *preliminary plat* and all conditions placed upon it

by the community development director and city engineer council, prepared by a registered land surveyor, in accordance with this ordinance and the Arizona Revised Statutes.

Sec. 102-2.1. Procedure types.

- B. The following **Table 102-2a** describes the level of public outreach required, decision-making authority, and the appeal authority for the applications processed and the approvals that may be granted under this ordinance.

Table 102-2a: Application Type, Procedure, and Decision Authority Summary								
	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Posting	Neighborhood Meeting	Site Posting				
Type 1 applications								
Zoning interpretation					D			A
Minor land division/parcel assemblage					D			A
Administrative use permits					D			A
Temporary use permits					D	A		
Home product review					D	A		
Corrective plat					D			A
PEDS deviation/waiver					D	A		
Final plats					D			A
Slope Category Analysis waiver					D	A		
Administrative waiver/extension					D	A		
Site plan review					D	A		
Type 2 applications								
Protected development rights plans	X				R	R	D	
Preliminary plats	X				R	D	A	
Final plats	X				R		D	
Original townsite incentive	X				R		D	
Development agreement	X				R		D	
Hillside cut and fill waiver	X			X	R	D		
Type 3 applications								
General Plan amendments	X	X	X	X	R	R	D	
Specific area plan requests	X	X	X	X	R	R	D	
Rezoning requests	X	X	X	X	R	R	D	
LDO text amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional use permits	X	X	X	X	R	D	A	

Comprehensive sign program	X	X	X	X	R	R	D	
Variances requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1 st class letter not required R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

(Ord. No. 2021-17 , § 1(Exh. A), 2-1-22; Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

ARTICLE IV. TYPE 1 APPLICATION AND REQUESTS

Sec. 102-4.9. Final plats.

A. The *final plat* stage of land division involves submittal, review, and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.

ARTICLE V. TYPE 2 APPLICATION AND REQUESTS

Sec. 102-5.5. Preliminary plats.

The *preliminary plats* involve detailed land division planning. The submittal is reviewed by staff for an approval, approval with conditions, or denial of the *preliminary plat*. The *applicant* shall provide the city with all information, outlined at the *preliminary plat* concept review meeting and the information listed in **Chapter 108** of this Code, essential to determine the character and general acceptability of the proposed development.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Note(s)—Formerly § 102-5.6, see editor's note for § 102-5.1.

~~Sec. 102-5.6. Final plats.~~

~~A.—The *final plat* stage of land division involves submittal, review and approval of the *final plat* that is in conformance with a *preliminary plat*, the improvement plans for all improvements required by this ordinance, and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.~~

~~(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)~~

~~Note(s)—Formerly § 102-5.7, see editor's note for § 102-5.1.~~

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROCESS AND OVERVIEW

Sec. 108-1.2. General provisions.

- A. Recording any assemblage, split, or subdivision of land with the county recorder's office, without prior review and approval by the city in accordance with the provisions of this ordinance will not create a legal *lot* and *building permits* will not be issued.
- B. All land divisions and subdivisions must result in the creation of *lots* that are developable and capable of being built upon. No land division or subdivision shall create *lots* that are impractical of improvement due to location of water courses, problems of *sewerage* or driveway *grades*, steepness of terrain, or natural physical conditions.
- C. Where, in the opinion of the council, and after review by the community development director and ~~/or planning and zoning commission~~ the city engineer, there may exist extraordinary conditions of topography, land *ownership* or *adjacent* development, or other circumstances not provided for in the LDO or this chapter, the council may modify these provisions in such a manner and to such an extent as it may deem appropriate to the public interest. In modifying the standards or requirements the council may make such additional requirements as appear necessary to secure substantially the objectives of the standards or requirements so modified.
- D. The regulations herein apply to subdivisions and any other division of land within the city creating a legally developable *lot*. For a legally enforceable division or assemblage of property to occur in the City of Surprise, any properties assembled, split, or *subdivided* must be approved by the city through one (1) of the following means:
 - 1. *Map of dedication*;
 - 2. *Minor land division, lot line adjustment, or parcel assemblage*;
 - 3. Subdivisions;
 - 4. Condominium *plat*.

Sec. 108-1.5. Subdivisions.

- D. Final plat overview.
 - 1. The *final plat* stage of land division involves submittal, review and approval of the *final plat*, the improvement plans for all improvements required by ordinance, and recording of the *plat* with the county recorder.
 - 2. The *applicant* shall provide the city with all information, outlined by the community development director or designee in conjunction with the *final plat* concept review

meeting and consistent with information outlined in **Article III** herein, essential for review of the improvement plans and *final plat*.

3. The *final plat* shall conform to the approved *preliminary plat* and/or *site plan/conditional use permit*.
4. Prior to the *final plat* being administratively approved the following must have occurred:
 - a. The city engineer or designee has approved the associated improvement plans and related final reports; and
 - b. Letters from all involved utility companies approving the utility installation improvement plans and confirming both the availability of services and the intent to serve the subdivision with said services have been received by the city; and
 - c. All required certifications from state and county agencies have been procured; and
 - d. The city engineer has received the project cost estimate; and
 - e. The city engineer has received the *financial assurance* document or the alternative improvements contract, per the development option chosen, in the form and amount to the city's satisfaction; and
 - [f.] Documents, easements, and the necessary recording fees have been submitted; and
 - [g.] In the event the *final plat* or *map of dedication* includes the dedication of *rights-of-way* to the city, a completed Phase I Environmental Assessment that has been prepared within the previous 90 days and which indicates no contaminations occurring within the *right-of-way* to be dedicated.
5. Once the *final plat* is approved, the **community development director and city engineer** ~~mayer~~ shall sign the *plat* and the city clerk shall attest the ~~mayer's~~ signatures.
6. The *final plat* will be transmitted by city staff to the county recorder's office for recording; at the appropriate time and depending upon the development option being utilized as outlined below.
7. The simple approval of a *final plat* shall not constitute acceptance of dedication by the city of any *street*, easement, or other public area, shown on said *plat*. Recordation of a *final plat* shall constitute such acceptance and a statement of dedication along with signatures shall be included on the *plat*.

E. Amended or corrected final plat overview.

1. If, after the approval and recording of a *final plat*, errors are found in the language or numbers on the *recorded plat*, the *subdivider/applicant* shall file a properly signed, corrected or revised original Mylar with the community development director. The *plat* shall be noted "corrected *plat*" under the name of the subdivision. Notations shall be made on the face of the *plat* listing all corrections made and the book and page numbers where the original *plat* was recorded. The community development director shall review the *plat* for corrections, secure the **proper** signatures ~~of the proper public officials~~ on the corrected *plat* and send to the county recorder for recording. The recording of the corrected *plat* shall void the incorrect original *plat*, and the county recorder shall note "void" across the face of the incorrect *plat*.
 2. If, after the approval and recording of a *final plat*, a *subdivider/applicant* wishes to modify the location of *lot lines* on part or all of the *recorded plat*, the *subdivider/applicant* shall submit a new *final plat* drawing with the revised *lot* arrangement. The *plat* shall be marked the "Replat of _____" under the name of the land division and shall be processed as a *final plat*. If the change is found to be substantial by the community development director, a new *preliminary plat* and *final plat* will be required as described herein.
 3. If, after the approval and recording of a *final plat*, the *subdivider/applicant* wishes to substantially change the *street* and *lot* arrangement of a part or all of the *platted* area, the resulting subdivision shall be treated as a new submittal with both a *preliminary plat* and a *final plat* required. The subdivision shall be identified as the "Replat of _____."
- F. Exception. For any subdivision that consists of four (4) to ten (10) lots, tracts or parcels, each of which complies with the size requirements of this LDO, it may proceed without the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat. Requirements for dust-controlled access and drainage improvements shall not be waived.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

PART II

CHAPTER 108 – LAND DIVISION AND SUBDIVISION REGULATIONS

ARTICLE II. REPORTS, PLANS, AND DESIGN STANDARDS

Sec. 108-2.1. General requirements.

- A. The development standards of the *zoning district* as well as the city's Parks and Trails Master Plan, the integrated Water Master Plan, both volume 1 and volume 2 of the Planning and Engineering Design Standards (PEDS), and any supplemental design criteria that may be adopted by the city from time to time shall be followed when designing any subdivision.

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- B. Except where modified by the community development director city through a stipulation clearly noted on the plat itself, ~~and or council~~, upon recommendation by the planning and zoning commission, each subdivision and map thereof shall also be in conformity with the standards set forth in this article. ~~Unless otherwise noted herein, t~~his article shall apply to all ~~new~~ residential and non-residential subdivision development within the city.
- C. In addition to ordinances and standards adopted by the city, subdivision improvements shall be in conformance with the following rules and regulations:
1. Rules of the Arizona Department of Transportation (ADOT) relating to provisions for the safety of *ingress and egress* with the *abutting* state highway.
 2. Rules of the Flood Control District of Maricopa County (FCDMC) and where applicable, rules of the county department of transportation, the state department of water resources, Federal Emergency Management Agency, and the National Flood Insurance Program.
 3. Rules of the state department of health, state department of environmental quality, the county department of health and county environmental services department as they relate to water supply, sanitary sewage disposal, and dust control.
 4. Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.
 5. Maricopa Association of Governments (MAG) standards and guidelines unless modified within the city PEDS.
- D. Where a tract of land to be *subdivided* contains all or any part of a *park, school, flood control facility, or other public improvement* or facility as shown in the *General Plan*, or as recommended by the planning and zoning commission, such site shall be either dedicated to the public or reserved for acquisition by the city, appropriate public agency, or land trust within a specified time period. A development agreement shall be prepared between the *subdivider* and the city, appropriate agency, or land trust regarding the time, method and cost of land acquisition. Said acquisition shall be completed within one (1) year from the date of recording the *final plat*, or within such extensions of time as may be mutually agreed upon. In the event a development agreement cannot be reached between the *subdivider* and the city, agency, or land trust relative to the acquisition of the land, the city council shall make a determination relative to the reserved area's compliance with the requirements of this chapter for subdivision.
- E. Land that is subject to periodic flooding, cannot be properly drained, has unstable soils or slopes, rock formations, adverse earth formations or topography, major utility easements or land which is otherwise unsuitable for subdivision *use* due to safety, health and welfare concerns, shall not be *subdivided* but shall be set aside for *uses* that shall not involve such a danger. The city council may approve subdivision of such land upon receipt of evidence provided by the *applicant* and approved by the city engineer or designee that the construction of specific improvements can be expected to render the land suitable;

thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

- F. All land proposed for subdivision and development within the city shall be served by services and infrastructure. No *building permit* shall be issued for development of a subdivision not served by existing infrastructure, or proposed extensions thereof. In no case shall temporary package water and/or sewer treatment plants be permitted as a means of providing water and sewer service to the development, unless designated in the integrated water master plan and approved by the water resource director.
- G. ~~A proposed subdivision name shall not duplicate, or approximate phonetically, the name of any other subdivision located within the city, unless a clear distinction between the two (2) subdivisions is evident. The~~ In the event of a conflict, the planning and zoning commission ~~city council shall have final authority to designate the name of the subdivision which shall be determined at the preliminary plat approval.~~
- ~~H.G.~~ H.G. Any contiguous property owned by the *subdivider/applicant* shall not be excluded from the boundaries of a subdivision when needed or required for traffic, drainage, or flood control facility for the subdivision, or dedication of *rights-of-way*, unless said property is dedicated through a *map of dedication* or other instrument acceptable to the city.
- ~~I.H.~~ I.H. If the subdivision is traversed by or is *adjacent* to any *water features* the *subdivider/applicant* shall provide tracts or easements for storm drainage substantially in line with the natural alignment of the *water features* and in designed in accordance with the PEDS.
- ~~J.I.~~ J.I. The *developer* shall be responsible for all costs, including improvement plan review fees, for installation of the improvements as a condition of *zoning* and/or *plat* approval which shall at least include, but not limited to, the improvements outlined in the following sections.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.4. Circulation design standards.

- E. Street names and signage.
1. The name of a new *street*, unless an extension of the county *street* grid alignment, shall not duplicate existing or *platted street* names in the county, or approximate such names in spelling, sound, or pronunciation in conformance with the MAG address and *street* assignment policy. A *street* shall bear the same name of an existing *street* when planned as a continuation of or when in alignment with an existing or *platted street*.
 2. The city's GIS department shall ~~propose~~ provide ~~the street names at the preliminary plat submittal stage and the names shall be approved by the planning and zoning commission.~~

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3. The *applicant* shall deposit with the city at the time of *final plat* approval an amount equal to the cost of each required *street* sign. *Street* name *signs* are to be placed at all intersections within or *abutting* the land division, and be in place by the time the *street* pavement is ready for *use*. Specifications for design, the type and location shall conform to Manual on Uniform Traffic Control Devices (M.U.T.C.D.) standards as approved by the city engineer.

(Ord. No. 2022-10 , § 1(Exh. A), 4-19-22)

Sec. 108-2.11. Open space.

- A. The hierarchy, types, and locations of *open space* required by the city are detailed in **Chapter 104** of this ordinance. The design standards for the required *open space* are detailed throughout the different chapters of volume 1 of the PEDS.
- B. For residential subdivisions and traditional neighborhood development (TND) the specific percentage of required *open space* is prescribed within the development standards tables in **Chapter 106** of this ordinance.
- C. For *mixed use*, commercial, *business park*, and industrial subdivisions the required amount of *open space* shall be those areas that are required for the specific *zoning* and land *use* as detailed in **Chapters 104, 106 and 107** of this ordinance. The design standards for the required *open spaces* are detailed throughout the different chapters of volume 1 of the PEDS.
- D. Where a proposed *park*, playground, *open space*, or other public *use* shown on the *General Plan* and/or parks and trails master plan, is located in whole or in part in a subdivision, the area **shall** be shown on both the preliminary and *final plats* and such area(s) shall be reserved to the city by the *subdivider* if the city council approves such reservation. The city or other public agency shall enter into an agreement on the method of acquiring such reserved land area(s) prior to approval of the *final plat*.
- E. Unless a public entity has accepted primary maintenance responsibility for all *common areas* within a subdivision, the property *owner/developer* shall create a method, acceptable to the community development director to provide for the **long-term** **long-term** maintenance of the *common areas* in perpetuity.

ARTICLE III. SUBDIVISION CONSTRUCTION, INSPECTION AND ACCEPTANCE

Sec. 108-3.1. Construction of improvements financial assurance.

- A. An *applicant* shall submit a *financial assurance* to the city thirty (30) days prior to a *final plat* ~~being placed on the city council agenda for action~~ being approved and recorded by the City. The amount of this *financial assurance* shall be no less than one hundred twenty-five (125) percent of the total cost necessary to complete the required improvements, including but not limited to, the costs of labor, and materials, permits, management fees, insurance costs and any other capital costs.
- B. The *financial assurance* shall secure to the city the satisfactory construction, installation, and dedication of required *street*, utility, drainage, water and *sewer systems*, and other improvements, including any portions of such improvements which are located in the public *rights-of-way*, easements, and upon individual *lots*. Improvements may include, but are not limited to, streetlights, landscaping, drainage facilities, *street* improvements, perimeter *fences/walls*, water and *sewer* distribution lines, and *common area* and *open space* improvements.
- C. The *financial assurance* shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution, as set forth herein. The periods within which required improvements must be completed shall be incorporated in the *financial assurance* and shall not exceed twelve (12) months from the date of *final plat* approval ~~by city council~~.
- D. Nothing in this section may be interpreted to limit the application of A.R.S. § 34-222 et seq., including but not limited to that statute's requirements with respect to *financial assurance* for public projects.
- E. In the event *temporary improvements* are required by city ~~council~~ staff, the *applicant* shall provide a separate *financial assurance*, in addition to any *financial assurance* required for permanent improvements, that covers all costs of constructing, maintaining, and removal of the temporary facilities and improvements.

Sec. 108-3.2. Financial assurance options.

- A. There are two (2) *financial assurance* options related to the timing of the construction of the required subdivision *improvements* and the recordation of the *final plat* available to the *subdivider/applicant*. Following the review and approval of all subdivision *improvements plans* and final reports, and after securing all certifications and written proof of service from all applicable agencies, utilities, and/or districts the *subdivider/applicant* may choose to follow one (1) of the two (2) development options outlined below.
 - 1. *Financial assurance/record plat* . The *subdivider/applicant* provides a "construction of improvements *financial assurance*" to the city and recordation of the *final plat* occurs prior to, or in conjunction with, construction of the subdivision improvements.

- a. The *subdivider/applicant* provides the required form of financial guarantee, acceptable to the city attorney, which assurance construction of all of the required subdivision improvements (see **Section 108-3.1** herein for information on the amount and specific forms of *financial assurances* accepted by the city).
- b. The **city engineer and community development director** ~~city council~~ approves and subsequently transmit the *final plat* ~~and the community development director subsequently transmits the final plat~~ for recordation. After a *final plat* has been recorded, the city engineer may, in his/her discretion, allows a *subdivider/applicant* to substitute one (1) type of *financial assurance* for another.
- c. In the event the *subdivider/applicant* fails to initiate construction within twelve (12) months of approval, and after reasonable notice to the *subdivider/applicant* of default, the city may choose to take formal action to either abandon the recorded *final plat* or to do/have done all work; in which case the *financial assurance* instrument will be charged with all costs and expenses incurred.
- d. The community development director may, upon proof of difficulty, ~~recommend to the city council, and the council may~~ approve a one-time extension of the completion date for a maximum of an additional twelve (12) months provided the "construction of improvements *financial assurance*" form is amended by the *subdivider/applicant* to cover the extended time period.

Sec. 108-3.4. Release or reduction of financial assurance.

- A. Once the *public improvements* have passed the final inspection by the city engineer, the *applicant's* engineer or surveyor shall submit a certified final *as-built* survey of both the *plat* and the constructed improvements, indicating location, dimensions, materials, and that the layout of the line and *grade* of all required improvements is in accordance with the approved construction plans for the improvements.
- B. The *subdivider/applicant* may submit a request for release of the original *financial assurance* only after they submit to the city engineer the lien release documents along with the new financial warranty of improvements guarantee documents as outlined below in **Section 108-3.5**.
- C. The city engineer **or designee** shall issue a statement of completion and acceptance ~~shall make a written recommendation to the city council to~~ release the original *financial assurance*, **conditionally** accept the *public improvements* for maintenance, and accept the new warranty of improvements *financial assurance*.

Sec. 108-3.5. Warranty of improvements financial assurance.

- A. The *subdivider/applicant* shall be required to file a warranty of improvements *financial assurance* with the city engineer **or designee** ~~prior to city council action~~ on maintenance responsibilities of the ~~subdivision~~ *public improvements*. The *financial assurance* shall be in

a form as outlined in **subsection 108-3.1.A.** in the amount of ten (10) percent of the actual cost of constructing and installing the improvements. The warranty assurance shall be for a period of two (2) years beginning from the date of "conditional acceptance" of maintenance responsibilities for said improvements by the city ~~council~~.

- B. The *applicant* shall be required to maintain all improvements for the two (2) year warranty period. If any certificates of occupancy have been issued for *buildings* served by improvements for which the city has not accepted maintenance responsibility, the city may affect emergency repairs and the *applicant* or other *owner* thereof shall pay the cost of such emergency repairs. Prior to effecting such emergency repairs, the city shall give to the person responsible for maintaining the improvements such notice as may be practicable under the circumstances.

Sec. 108-3.6. Costs, reimbursements, and city participation in public improvements.

- A. All *public improvements* shown on the *final plat* and the improvement plans, and any additional improvements that may be required by the city ~~engineer or designee council~~ as a condition for approval of the *final plat*, shall be the responsibility of the *developer*; unless otherwise approved by the ~~city engineer or designee council~~.
- B. If a *street* within or *adjacent* to the development is improved as an arterial or parkway *street* and dedicated to the public the city, upon completion of the warranty guarantee, will accept maintenance responsibility for *street* lighting, median landscaping, and pavement.
- C. If a *street* within or *adjacent* to the development is improved as a collector or *local street* and dedicated to the public the city upon completion of the warranty guarantee will accept maintenance responsibility for the pavement and curbs. Maintenance responsibilities for landscaping and *street* lighting shall remain with the property *owner* and/or homeowner's association.
- D. If a *developer* is required to oversize infrastructure to serve future development in *adjacent* areas that is other than their own property the city may assist the *developer* recoup proportionate costs from those *adjacent* properties through a repayment agreement as further described in **Chapter 42** of this Code.



S U R P R I S E

ARIZONA

**Zoning Text Amendment-
Administrative Plat Processing Discussion
FS24-1407
Ordinance 2024-38**

Kristin Tytler, Public Works Director

Lloyd Abrams, CD Director

Tiffany Copp, CD Assistant Director



BACKGROUND

March 3, 2023: Senate Bill 1103 passed amending sections of Titles 9 and 11 of the Arizona Revised Statutes to allow as an *option*, the administrative review and approval of various cases including preliminary plats, final plats and plat amendments without a public hearing.

- Staff were asked to evaluate the impact of adopting changes in support of SB1103
- Evaluation resulted in the realization that the plat *and* infrastructure acceptance processes could be done administratively



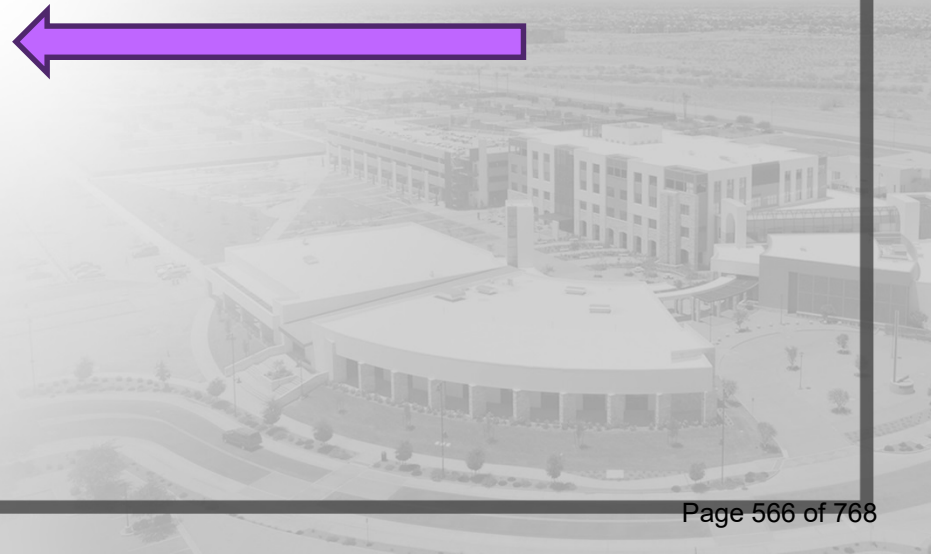
TIMELINE

11/13/2024: Public Outreach Meeting

11/19/2024: Council Work Session

12/5/2024: Planning & Zoning Commission

12/17/2024: Regular Council Meeting





ANALYSIS

Impact of Adopting an Administrative Process Changes:

Preliminary (Pre) Plats:

- Removes from P&Z Commission regular agenda for approval/denial
- Expedites approval process for applicants (30-60 business days)
- Eliminates staff time to agendize and prepare meeting documents
- **Board of Adjustment** is the appellate body
- P&Z retains review of the following case types:
 - Major General Plan Amendments
 - Rezoning Cases
 - Conditional Use Permits
 - Recommendations for adoption of General Plans and updates to regulatory matters and design and construction guidelines.



ANALYSIS

Impact of Adopting an Administrative Process Changes:

Final Plats and Infrastructure Acceptances:

- Removes from the City Council consent agenda for approval/denial
 - Approval authority sits with the Community Development Director and/or City Engineer
 - Expedites approval process for applicants (30-60 business days)
- Eliminates staff time to agendize and prepare public meeting documents
- **Board of Adjustment** is the appellate body



RECOMMENDATION

Planning and Zoning Commission will make their recommendation to City Council on December 5th.

Possible Council Motions:

I move to a recommend approval of Ordinance 2024-38, Zoning Text Amendment for Administrative Plat Approval and Infrastructure Acceptance, Case # FS24-1407.

I move to recommend denial of Ordinance 2024-38, Zoning Text Amendment Administrative Plat Approval and Infrastructure Acceptance, Case # FS24-1407 because insert reason.



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations:

Consent: No	Regular: No	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to Commercial Adaptive Reuse; Ordinance #2024-45.

Motion:

I move to approve Ordinance #2024-45, a Zoning Text Amendment to conform with Legislative Updates regarding Commercial Adaptive Reuse, Case # FS24-1421.

I move to deny Ordinance 2024-45, a Zoning Text Amendment to conform with Legislative Updates regarding Commercial Adaptive Reuse, Case # FS24-1421 because [insert reason].

Background:

In 2024 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. House Bill 2297 authorized the adaptive reuse of certain commercial buildings to multifamily residential with various restrictions and provisions. As a result, impacted municipalities are required to take action and modify conflicting codes and ordinances on or before January 01, 2025.

Objective Analysis:

The proposed Zoning Text Amendments will bring the City's existing codes into timely conformance with the recently approved legislative actions.

Policy Compliant:

The proposed Zoning Text Amendments are consistent with and support both the strategic goals of the Mayor and Council as well as the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known and will be absorbed in the current budget.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00 - FS24-1421 ZTA for Adaptive Reuse - Staff Report
 2. 01 - FS24-1421 ZTA Legislative Edit for Legislative Updates
 3. 02- FS24-1421 Citizen Participation Report
 4. 03- FS24-1421 Ordinance 24-45_Adaptive Reuse_Final.Emergency Measure
 5. FS24-1421 Legislative Updates PPT
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS24-1421

Project Name: Zoning Text Amendment for 2024 Legislative Updates

Council District: Citywide

Meeting Date: December 17, 2024

Planner: Tiffany Copp, Assistant Director

Applicant: City of Surprise

Request: Zoning Text Amendment to the Surprise Municipal Code to conform with recent legislative updates related to the adaptive reuse of certain obsolete commercial buildings as multifamily. Ordinance 2024-45. Case FS24-1421.

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: None known

Commission Recommendation: The Planning & Zoning Commission will recommend their approval or denial of the proposed Zoning Text Amendment to the Surprise Municipal Codes on December 5, 2024.

PROJECT DESCRIPTION:

Staff initiated Zoning Text Amendment (ZTA) case FS24-1421 to ensure the city's codes were updated to conform with various bills passed in the last legislative session.

BACKGROUND:

In 2024 the Arizona State Legislature passed a series bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to take action and modify conflicting codes to conform with many of these bills on or before January 01, 2025.

HB2210 modifies the duties of the Arizona Commerce Authority (ACA), establishes the Municipality Time Frames Advisory Committee (MTFAC) and requires jurisdictions report on various development related activity to the MTFAC and requires that the MTFAC report

its findings and recommendations back to the ACA. This bill does not require a text amendment at this time.

HB2297 requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

HB2325 requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720 requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

SB1162 requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update, every five (5) years, a housing needs assessment and report out annually on specific activity and information to be captured in the assessment to the Arizona Department of Housing (ADOH).

ANALYSIS AND DISCUSSION:

The Arizona League of Cities and Towns worked with various stakeholders to develop model ordinances for municipalities to adopt which that comply with the newly adopted legislation. The proposed text amendments and accompanying ordinances strictly adhere to the model ordinance language and impact the Surprise Municipal Codes as follows:

The proposed Zoning Text Amendment for Adaptive Reuse (HB2297) includes additions and deletions to Surprise Municipal Code Chapter 111, Infill Incentive District, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-45.

The proposed Zoning Text Amendment for Fowl (HB2325) includes additions and deletions to Surprise Municipal Code Chapter 10, Article III, Sections 10-113 and 10-114, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-42.

The proposed Zoning Text Amendment for Accessory Dwelling Units (HB2720) strikes, in its entirety, Surprise Municipal Code Chapter 106, Article X, Section 106-10.2 Accessory Dwelling Units (ADU) and replaces it with Chapter 106, Article XI, Section 106-11.1 through 106-11.7, Accessory Dwelling Units (ADU), as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-43.

The proposed Zoning Text Amendment for Administrative Residential Approvals (SB1162) includes additions to Surprise Municipal Codes Chapter 101, Article II, Section 101-2.2 and the addition of Section 102-2.3, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-44.

90
91 **CONFORMANCE WITH ADOPTED PLANS:**

92 **Surprise General Plan 2035:** The subject request is consistent with, and will help
93 implement, the Surprise General Plan 2040.
94

95 **CITIZEN PARTICIPATION:**

96 An in-person outreach meeting was held on November 13, 2024 at 6:00 PM at the Surprise
97 Regional Library. There were no members of the public in attendance. City staff has not
98 received any opposition.
99

100 **SUMMARY:**

101 This Zoning Text Amendment will bring the Surprise Municipal Code into conformance with
102 the recently passed legislative bills.
103

104 **RECOMMENDATION:**

105 The Planning & Zoning Commission will make their recommendation to City Council at the
106 regularly scheduled Planning & Zoning Commission meeting on Thursday, December 5,
107 2024. Staff will provide that recommendation to Council in the presentation accompanying
108 this report on December 17, 2024.
109

110 Should the Council wish to **deny** the request, the Council should make its own findings and
111 base its decision on those alternative findings.
112

113 **Attachments:**

114 00 Staff Report
115 01 ZTA Legislative Edit
116 02 Citizen Participation Report
117 03 Ordinance 2024-45, ZTA Adaptive Reuse
118 PowerPoint Presentation
119

HB2297 – Commercial Adaptive Reuse

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE I. IN GENERAL

Sec. 111-1.1. Definitions

A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A

Adaptive reuse has the definition found in A.R.S. § 9-462.10(H)(1), as it may be amended.

~~means the conversion of~~ an existing building from the use for which it was constructed to a new use by maintaining some or all of the elements of the building.

B

Building code has the definition found in A.R.S. § 9-462.10(H)(2), as it may be amended.

E

Economically or functionally obsolete has the definition found in A.R.S. § 9-462.10(H)(3), as it may be amended.

L

Low-income housing has the definition found in A.R.S. § 9-462.10(H)(4), as it may be amended.

M

Moderate-income housing has the definition found in A.R.S. § 9-462.10(H)(5), as it may be amended.

Multifamily Residential Development has the definition found in A.R.S. § 9-462.10(H)(6), as it may be amended.

N

Nonconforming has the definition found in A.R.S. § 9-462.10(H)(7), as it may be amended.

Q

Qualified obsolete commercial building is a building which is:

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

1. Currently zoned for and/or permitted to be used for commercial, office, or mixed uses; and
2. Economically or functionally obsolete; and
3. Located on a parcel or parcels of at least one acre but not more than twenty acres; and
4. Not located in any of the following areas:
 - a. An area designated as a district of historical significance pursuant to A.R.S. § 9-462.10(a)(10);
 - b. An area designated as historic by a local government;
 - c. An area designated as historic on the national register of historic places;
 - d. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
 - e. Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486; or
 - f. On tribal land.

R

Rooftop Appurtenances has the definition found in A.R.S. § 9-462.10(H)(8), as it may be amended.

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE II. OPTIONAL REDEVELOPMENT OF QUALIFIED OBSOLETE

COMMERCIAL BUILDINGS

Sec 111-2.1 Purpose. This Article describes application requirements, review procedures, and approval criteria utilized by City staff when reviewing an application for multifamily residential development or adaptive reuse of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Article are in addition to other codes and requirements of the City.

Sec 111-2.2 Obsolete Commercial Building Redevelopment.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

A. Application. An owner seeking multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall submit an application that includes all of the following:

1. A site plan in conformance with section 102-4.2.
2. Evidence of site plan review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence satisfactory to the City Attorney that the existing building that is the subject of the application is economically or functionally obsolete.
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City Community Development Department and the City Attorney that the redevelopment will include a set aside of at least 10% of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least twenty years after the initial occupation of the proposed development.

B. Development standards and requirements. Multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall comply with the following standards and requirements:

1. Parking.

a. General. The development shall comply with parking space requirements applicable to multifamily residential buildings or adaptive reuse buildings under Chapter 107 Article IV, Parking and Loading Regulations.

C. Mixed-use development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual proposed use shall be provided, determined in accordance with Chapter 107 Article IV, Parking and Loading Regulations.

1. Demolition permit. A permit shall be obtained for the demolition of any existing building or portion of a building.

2. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings Chapter 106 Article II, Residential zoning

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Districts or the setback requirement that applied to the existing commercial, office, or mixed-use building.

3. Height and density. Multifamily residential height and density shall not exceed:

a. Two stories in the areas of a site within one hundred feet of single-family residential zones.

b. In all other areas, the lesser of:

i. Five stories; or

ii. The highest allowable multifamily height and density for a multifamily zoning district in the City of Surprise located within one mile of the building to be redeveloped; or

iii. If there is no multifamily zoning district in the City of Surprise within one mile of the building to be redeveloped, the height and density of the multifamily zoning district located in the City of Surprise located closest to the building to be redeveloped.

4. Height exemption. If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec 111-2.3 Multifamily Residential Development or Adaptive Reuse Cap, Tracking, and Area Exclusion.

A. Cap. Not more than 10% of the total actual or estimated number of existing commercial, office, or mixed-use buildings, without requiring a conditional use permit, a planned unit development, or rezoning application, or any other application that would require a public hearing, may be redeveloped for multifamily residential development or adaptive reuse under this Article.

B. Tracking. The City Community Development Department shall keep track of the number of buildings redeveloped under this Article, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:

1. The number of buildings redeveloped for multifamily residential development or adaptive reuse under this Article; plus

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Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

- i. The number of buildings with approved building permits for redevelopment under this Article but not yet completed; plus
- ii. The number of buildings with pending applications for redevelopment under this Article but not yet permitted.

C. Area exclusion. The following commercial or employment hubs and essential commercial or employment use areas are not eligible for multifamily residential development or adaptive reuse under this Article:

1. Those commercial and employment hubs and essential commercial or employment use areas that currently fall within the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.

HB2325 – Fowl

CHAPTER 10 - ANIMALS

ARTICLE III. LIVESTOCK, FOWL, RODENTS AND REPTILES

Sec. 10-113. Livestock, ~~fowl and rodents.~~

- ~~A. Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~

(Code 2007, § 6.08.040; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

Sec. 10-114. ~~Enclosures—Specifications.~~ Fowl and Rodents

~~All enclosures referred to in this article shall be so constructed as to prevent any animal, fowl or rodent enclosed therein from escaping and wandering upon property not within the enclosure. All fowl and rodents shall be kept in an enclosure at least 80 feet or more from any residence, school, hotel, restaurant or building containing sleeping or dining accommodations.~~

- A. For the purposes of this section, *fowl* means a cock or hen of the domestic chicken.
- B. Residents of a single-family detached residence on a lot more than one-half acre of lot area may keep 25 *fowl*, or 25 *rodents*, or a combination of 25 *rodents* and *fowl*.
- C. Residents of any single-family detached residence may not keep male *fowl*, including roosters.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

D. Residents of a single-family detached residence on a lot that is one-half acre or less in size may keep up to six fowl in the backyard of the property, provided that the following conditions are met:

1. All *fowl* and *rodents* shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property. The size of the enclosure shall be a maximum of two hundred square feet with a maximum height of eight feet, provided that any enclosure located in a residential community on a lot less than one acre in size be shorter than the fence line of the property;
2. All water sources for *fowl* or *rodents* shall have adequate overflow drainage;
3. All feed for *fowl* or *rodents* shall be stored in insect-proof and rodent-proof containers;
4. The enclosure shall be maintained and manure picked up and disposed of or composted at least twice weekly;
5. The composted manure shall be kept in a way that prevents migration of insects; and
6. The enclosure shall be constructed and maintained so as to prevent *fowl* and *rodents* from running at large.

(Code 2007, § 6.08.050; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

HB2720 – Accessory Dwelling Units

Chapter 106 – Zoning and Use Standards

Article X – Specific Use Standards

~~Sec. 106-10.2. Accessory dwelling units (ADU).~~

A. ~~Single family residential uses will be limited to only one (1) accessory dwelling unit (ADU) per lot of record in the RR, R 1 and R 2, SHD RO, and TND R zoning districts.~~

1. ~~New accessory dwelling units may not be constructed within the 65 DNL pursuant to A.R.S. § 28-8481(E) after the adoption of this ordinance.~~

B. ~~The ADU shall be located on the same lot as the primary uses and may not be sold or conveyed as a separate dwelling unit nor calculated as a separate dwelling unit for the purposes of determining gross or net residential density.~~

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)

C. ~~An attached ADU shall have independent access and no direct, internal access to the primary dwelling. Detached ADUs shall not be located in the front yard.~~

D. ~~The design of any ADU shall respect the general building scale and architectural character of the primary dwelling, and placed to allow sharing of common space on the lot, such as driveways and yards.~~

E. ~~The ADU has a maximum area not to exceed fifty (50) percent of the habitable space of the primary dwelling unit or eight hundred (800) square feet of habitable space, whichever is less.~~

F. ~~The ADU shall not have separate utility services unless the public utility determines that a separate meter is required for safety reasons.~~

G. ~~One (1) additional off street parking space is required for the ADU. Existing required off street parking for the primary dwelling shall be maintained or replaced onsite.~~

H. ~~Development standards. Table 106-10a below identifies the dimensional standards required for an ADU.~~

Table 106-10a—Accessory Dwelling Units (ADU)					
	Max ADU Size¹	Building Separation²	Setback (Front Yard)³	Setback (Side and/or Rear Yard)	Height
Detached ADU	50% of primary dwelling	5'	Not permitted	5'	9' ^{4,6}
Attached ADU ⁵	50% of primary dwelling	n/a	Same as zoning min. setbacks	Same as zoning min. setbacks	Same as zoning allowed height
Notes: 1. Calculated by the floor area of the first floor of the principal building. Maximum area of ADU shall not exceed 800 square feet if the primary dwelling exceeds 1,600 square feet. 2. May be increased as required by the building and/or fire codes. 3. The entrance to the ADU shall not be visible from the street, except for entrances that do not have access from the ground level, such as entrances from balconies or decks. Access shall not create the appearance of a two-family dwelling. 4. The height of an ADU structure shall not exceed nine (9) feet as measured at the five-foot setback line. The height of the ADU structure may increase at a ratio of one foot vertical for every one foot horizontal as measured relative to the property line to a maximum height					

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)

equal to the zoning district (see ~~Figures 106-10a and 106-b~~).

5. The ADU shall be connected to the primary dwelling by a common roof, covered passageway, or common wall without direct access to the primary dwelling unit.

6. On lots thirty thousand (30,000) square feet or greater each ADU has a maximum height equal to the zoning district when constructed within the building envelope.

(Ord. No. 2022-10, § 1(Exh. A), 4-19-22; Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Chapter 106 – ZONING AND USE STANDARDS

Article XI – ACCESSORY DWELLING UNITS

Sec. 106-11.1. - Purpose and applicability.

The purpose of this Article is to establish regulations that comply with state law regarding the construction of an accessory dwelling unit on a lot or parcel where the zoning allows a single-family dwelling. To the extent any provision in this Article conflicts with state law or A.R.S. § 9-461.18, the state law shall control.

Section 106-11.2. - Definitions.

For the purpose of this Article, the following definitions apply:

“**Accessory dwelling unit**” has the definition found in A.R.S. § 9-461-18(H)(1), as it may be amended.

“**Deed Restriction**” means the restriction document recorded against the restricted-affordable dwelling unit on the lot to apply the acknowledgment of affordable housing restriction and ensure compliance with this Article.

“**Gross floor area**” has the definition found in A.R.S. § 9-461.18(H)(2), as it may be amended.

“**Long-term rental**” has the definition found in A.R.S. § 9-461.18(H)(3), as it may be amended.

“**Permitted use**” has the definition found in A.R.S. § 9-461.18(H)(5), as it may be amended.

“**Restricted-affordable dwelling unit**” has the definition found in A.R.S. § 9-461.18(H)(6), as it may be amended.

Section 106-11.3 – Accessory Dwelling Unit as a Permitted Use; Eligibility; Appeals.

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(a) Eligibility.

(1) If the City determines that adequate public utility services are provided and the application complies with this Article and the City's building codes, fire codes, and public health and safety regulations, the following is a permitted use on a single-family lot or parcel that contains a primary dwelling:

- i. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is less than one acre;
- ii. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is one acre or more; or
- iii. No more than one attached accessory dwelling unit and two detached accessory dwelling units if the single-family dwelling lot is one acre or more, but only if at least one of the accessory dwelling units is a restricted-affordable dwelling unit.

(2) For the purpose of eligibility under this section, an accessory dwelling unit shall not exceed the lesser of:

- i. Seventy-five percent of the gross floor area of the existing single-family dwelling on the same lot or parcel; or
- ii. One thousand square feet.

(3) For the purpose of eligibility under this section, the single-family lot or parcel shall not be located on:

- i. Tribal land;
- ii. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
- iii. Land in the territory in the vicinity of a general aviation airport; or
- iv. Land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

(b) Appeals. If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the decision before the board of adjustment pursuant to Sec. 2-302.

Sec. 106-11.4. - Accessory Dwelling Units; Deviations from Certain Zoning Regulations; Eligibility.

(a) Eligibility. Except as provided in state law, this Article, or the City's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling of greater square footage and includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(1) Location. The accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.

(2) Building frontage. The accessory dwelling unit is subject to the same building frontage requirements that apply to a single-family dwelling on the same lot or parcel.

(3) Setbacks. The accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

(i) The rear setback for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(ii) The side setbacks for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(iii) The front setback for the accessory dwelling unit shall be no less than those permitted for the single-family dwelling on the same lot.

(4) Lot coverage. The accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(5) Height. The accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(6) Parking and Access. No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit.

(b) Utility conflicts. The accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

(c) Other Requirements. The accessory dwelling unit must comply with all other City Code requirements unless otherwise approved by use permit or variance.

(d) Exception. This section does not apply to any lot or parcel within tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

Sec. 106-11.5. - Accessory Dwelling Unit; Permit Approval.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(a) Applicability. This Section governs ministerial review of applications for accessory dwelling units under this Chapter.

(b) Ministerial review. Applications for the following types of accessory dwelling units shall be approved ministerially by the community development director pursuant to the procedures of this Section without a public hearing, variance, conditional use permit, special permit or special exception.

(c) Permit requirement. The applicant shall obtain a building permit prior to the construction of any accessory dwelling unit.

(d) Procedure for review.

(1) Administrative completeness review time frame. For each residential zoning application, the community development director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed incomplete, the staff member will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(2) Substantive review. After determining that the application is administratively complete, the community development director or designee shall review the application to determine whether it meets the requirements of this Article. Unless an administrative adjustment is granted by the community development director pursuant to Section 102-4.6 excusing noncompliance that would otherwise require denial of the application, the community development director or designee shall deny an application for an accessory dwelling unit if the requirements of this section 106 have not been satisfied.

(e) Right to Appeal. The applicant may appeal the decision of the community development director in accordance with Section 102-2. The appeal shall be limited to a consideration of whether the objective criteria in Section 106 have been met.

Sec. 106-11.7. - Restricted-Affordable Dwelling Unit.

(a) Deed Restriction.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

(1) The owner of a proposed restricted-affordable dwelling unit that is subject to this Chapter must execute and deliver an original recorded copy of a development agreement with the City or a deed restriction on the City's standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

(2) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of the Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.

(3) The restricted-affordable dwelling unit shall be constructed in accordance with the city's adopted building and fire codes and the conditions and restrictions set forth in the deed restriction and any applicable development agreement between the developer/owner and the City.

(b) Affordability. The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established according to the United States Department of Housing and Urban Development (HUD). The restricted-affordable dwelling unit shall not be rented to any entity.

(c) Occupancy Requirement.

(1) When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the City.

(2) In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this Section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

(3) The restricted-affordable dwelling unit is subject to Sec. 106-10.23 of the City Code regarding home-based occupations.

(e) Reporting Requirement. The owner of restricted-affordable dwelling unit shall provide an annual report and proof to the city to demonstrate compliance with the rental requirements set forth in this Section. The annual report shall be submitted to the community development director or designee by January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

(1) the period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;

(2) the monthly rental price; and

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(3) the taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

CHAPTER 107 – DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE IV – PARKING AND LOADING

Sec. 107-4.9. Minimum off-street parking requirements.

A. Each individual land *use* within the different *zoning districts* and overlay *zoning districts* shall provide the required number of *off-street parking spaces* as described in **Table 107-4c** below.

B. The community development director or designee will determine if *uses* are significantly similar or dissimilar to particular *uses* not expressly listed in **Table 107-4c**. The parking requirement for *uses* that are significantly dissimilar to *uses* listed in **Table 107-4c** shall be determined by the community development director or designee. In such instances, the *applicant* will provide adequate information by which the proposal can be reviewed, which includes but not limited to the following:

1. Type of *use(s)*.
2. Number of employees.
3. *Building* design capacity.
4. Square feet of *sales areas* and service area.
5. *Parking spaces* proposed on site.
6. *Parking spaces* provided elsewhere.

Table 107-4c—Parking Standards	
Uses	Min. Off-Street Parking Spaces
Residential	
Assisted living center (more than 10 residents)	0.5 per sleeping room
Assisted living home (10 or less residents)	2 per dwelling unit plus 0.5 per sleeping room

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Dormitory	0.5 per sleeping room
Dwelling, live/work	2 per DU
Dwelling, multi-family (4 or more)	Studio-1B=1/unit, 2+B=2.0/unit plus 1 per 250 sf of office and community facility uses 0.2 spaces per DU dedicated to visitor parking
Dwelling, single-family	2 per DU
Dwelling, two-family (duplex)	2 per DU
Dwelling, three-family (triplex)	2 per DU
Group home	Same as dwelling
Residential health care facility	2 per DU plus 0.5 per sleeping room
Commercial	
Airport (private)	1 per 100 sf GFA of waiting room space or 2 spaces per craft staging/tie down pad
Amusement and/or theme park	1 per 600 sf outdoor public activity area
Animal boarding facility	1 per 375 sf GFA
Animal clinic	1 per 200 sf GFA
Animal grooming	1 per 200 sf GFA
Animal hospital	1 per 200 sf GFA
Animal shelter	1 per 300 sf GFA
Athletic or fitness club (commercial)	1 per 250 sf GFA
Bank	1 per 250 sf GFA
Bar	1 per 100 sf GFA
Bus terminal	Determined by site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

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Campgrounds	1 per 4 campsites plus 2 per laundry/shower facilities
Catering services	1 per 500 sf GFA
Cemetery and mausoleum	Determined by site plan
Cemetery, pet (limited to small animals)	Determined by site plan
Community facility	3 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Community garden	2 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Day care center (child or adult)	1 per 375 sf GFA
Entertainment establishment— indoor	1 per 4 seats or 1 per 50 of GFA if no permanent seats
	Bowling, billiards, pool, etc. 2 per lane or gaming table
	Miniature golf establishment—1 per hole
	Skating rinks—1 per 200 sf GFA
	Theater (movie and performance)—1 per 4 seats
Entertainment establishment— outdoor	Miniature golf—1 per hole
	Driving range—2 per tee
	1 per 4 seats or 1 per 50 sf of activity area if no permanent seats
Fairground/stadium	TBD by parking study with site plan
Funeral home, mortuary	1 per 4 seats
Galleries, museums (including display and production space)	1 per 1,000 sf GFA
Golf course (public or private)	2 per hole plus ancillary uses

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

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Hotels, motels, resort	0.8 per room plus 1 per 800 sf GFA of public meeting area and restaurant space
Medical hospital, overnight surgical facility	1 per 400 sf GFA
Medical marijuana off-site cultivation facility	1 per 1,000 sf GFA of activity area
Medical marijuana dispensary	1 per 400 sf GFA
Medical marijuana infusion facility	1 per 1,000 sf GFA of activity area
Medical office (health care facility)	1 per 200 sf GFA
Microbrewery, distillery, winery	1 per 100 sf GFA
Nursing care facility	0.5 per room
Office	1 per 250 sf GFA
Park, recreation, and open lands	1 per 1,000 sf GFA of activity area
Park and ride	TBD by parking study with site plan
Parking lot, parking structure	TBD by parking study with site plan
Personal service establishment	1 per 400 sf GFA
Places of assembly	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Places of worship	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Plant nursery	1 per 400 sf GFA of sales areas and service building
Private club	1 per 300 sf GFA
Post office	TBD by parking study with site plan
Public facility	TBD by parking study with site plan
Racetrack	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Recreational vehicle (RV) park	1 per 4 camp sites, plus 2 per laundry and shower facility (camping related establishments) and 1 space

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

*(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)*

	adjacent to each lot
Recreational vehicles (RV) storage	1 per 20 RV parking space
Repair service establishment	1 per 400 sf GFA
Restaurant	1 per 100 sf GFA
Restaurant, convenience/take out	1 per 150 sf GFA
Retail shopping establishment	1 per 400 sf GFA
Schools: pre-K through 12 (private)	2 per classroom, 1 per 6 students for grades 10—12
Schools: universities or colleges (public or private)	1 per 4 students
Schools: vocational (technical or trade)	1 per 200 sf GFA
Self-storage facility	Drive-up storage—1 per 300 sf GFA of office/retail space Multi-story/climate controlled—1 per 50 storage unit
Service call establishment	1 per 400 sf GFA
Sexually oriented business	1 per 400 sf GFA
Shooting range—indoor only	2 per stall
Showroom/sales office	1 per 400 sf GFA
State vehicle license and inspection station	TBD by parking study with site plan
Tattoo and body piercing	1 per 400 sf GFA
Technology/business incubator space	1 per 300 sf GFA
Utility equipment infrastructure	1 space when on-street parking is prohibited
Utility service yard	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Vehicle fueling station	1 per 300 sf GFA retail areas
Vehicle rental facilities	1 per 500 sf GFA retail areas
Vehicle sales and leasing: new or used (commercial, including equipment)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (OHV, motorcycles, boats, or similar)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (personal)	1 per 300 sf GFA of office and covered sales areas
Vehicle service: major repair	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle service: minor repair	1 per 500 sf GFA , including service bays, wash tunnels, and retail areas
Vehicle washing facilities	1 per 300 sf GFA office and retail areas or self-serve car washes—3 per property
Zoo and exotic animal keeping	TBD by parking study with site plan
Employment/industrial	
Agricultural operations	1 per 1,500 sf GFA
Auction—vehicle (passenger, commercial) and heavy equipment	TBD by parking study with site plan
Batch plant, paving material mixing plant	TBD by parking study with site plan
Brick, clay, concrete, or similar product	TBD by parking study with site plan
Contractors yard	1 per 1,000 sf GFA plus 1 per 400 sf GFA of sales and service building
Correctional institutions/facilities	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Data center	TBD by parking study with site plan
Equestrian center, commercial stables	1 per 3 stalls
Farm and heavy equipment sales, service or storage	1 per 300 sf GFA of office and covered sales areas
Feed and tack sales	1 per 400 sf GFA
Fleet-based services	TBD by parking study with site plan
Food manufacturing and processing	1 per 1,500 sf GFA
Freight depot/distribution center	1 per 1,500 sf GFA
Grain processing; including milling, drying, storage	1 per 1,500 sf GFA
Laundry, dry cleaning; bulk operation (pick-up and delivery)	1 per 1,500 sf GFA
Machine shop, welding shop	1 per 1,000 sf GFA
Manufacturing and fabrication	1 per 1,500 sf GFA
Manufactured home portable buildings, oversized and recreational (RV) vehicles sales and service	1 per 375 sf GFA of sales and service building
Mining and mineral extraction	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Plant nursery (growing facility and wholesale)	1 per 1,000 sf growing area plus 1 per 400 sf GFA of sales and service building
Printing plant (commercial scale)	TBD by parking study with site plan
Recycling, collection facility	TBD by parking study with site plan
Recycling, processing facility	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

Research facility—laboratory and testing facility	1 per 1,500 sf GFA
Sand and gravel operation	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Sanitary landfill, solid waste facility	TBD by parking study with site plan
Stone product curing, fabrication	1 per 1,500 sf GFA
Taxidermist	TBD by parking study with site plan
Tile, roofing and waterproofing production	1 per 1,500 sf GFA
Truck stop (full service and repair permitted)	1 per 500 sf GFA, including service bays and retail areas
Vehicle towing and impound lot	1 per 300 sf GFA of sales and service building
Warehouse/distribution	1 per 1,000 sf GFA (for first 10,000 sf) plus 1 per 5,000 sf GFA (remaining sf) plus 1 per 250 sf GFA for office areas (shell buildings to be calculated at 15%)
Water aquifer recharge/storage facility	TBD by parking study with site plan
Water reclamation or wastewater facility	TBD by parking study with site plan
Wholesale shopping	1 per 400 sf GFA
Accessory uses	
Cottage industries	2 plus spaces for primary residence

SB1162 – Residential Zoning Hearings/ Administrative Approval Timelines

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates

Legislative Edits

Sec. 101-2.2. Glossary of terms.

- A. Definitions. The following additional words and phrases shall, for the purpose of this ordinance, have the following meanings:

R

Residential Zoning Application *An application that seeks to rezone from one type of zoning district to a residential zoning district.*

Chapter 102 – REVIEW PROCESS AND APPLICATIONS

ARTICLE II – PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.3. - Approval of Residential Zoning Applications.

(A) Administrative completeness review time frame. For each residential zoning application, the Community Development Director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the staff member will provide the applicant with an electronic notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(B) Approval or Denial of Residential Zoning Applications. After determining that a residential zoning application is administratively complete, the City Council shall approve or deny the application within one hundred eighty (180) days. The City Council may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

(1) staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or

(2) staff may grant extensions in thirty (30) day increments at the request of the applicant.

(C) Exceptions. This Section does not apply to:

(1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates

Legislative Edits

(2) An area that is designated as historic on the national register of historic places;

(3) Land that is already zoned as a planned area development (PAD).

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS24-1421 – November 13, 2024

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO) in response to a series of recently passed legislative measures aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements within municipalities. Impacted municipalities are required to modify conflicting codes and ordinances on or before January 01, 2025. As part of these changes, this amendment is proposing the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Adding and modifying various defined terms.
- Adding language to allow for the keeping of fowl and removing conflicting language.
- Adding language to allow for accessory dwelling units on single-family residential lots and removing conflicting language.
- Adding language regarding timeframes for city review and processing of residential zoning applications and removing conflicting language.
- Adding language regarding the adaptive reuse of commercially zoned buildings and removing conflicting language.

ADVERTISING

The meeting was advertised in the Daily Independent on Friday, October 25, 2024 and the Surprise Independent on Wednesday, October 30, 2024, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at the Surprise Regional Library on November 14, 2024 at 6 p.m. and there were no members of the public in attendance.

FEEDBACK

No feedback or concerns were expressed.



Neighborhood Meeting Sign-In Sheet

FS24-1407 & FS24-1421

	Name	Address	Contact Information
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17			None
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**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/25/2024
Surprise Independent: 10/30/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
11/12/2024

Karen Kirkendoll



KAREN KIRKENDOLL
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	9709
Ordered By	Tiffany Copp
Order Date	10/21/2024
Description	FS24-1421
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/25/2024
Last Issue	10/30/2024
Publications	Daily Independent, Surprise Independent

ZONING TEXT AMENDMENT
NEIGHBORHOOD MEETING

Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances (LDO) referenced below. Any member of the public may participate in the conversation as it pertains to this project by attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise: Tiffany Copp;
623-222-3020; tiffany.copp@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

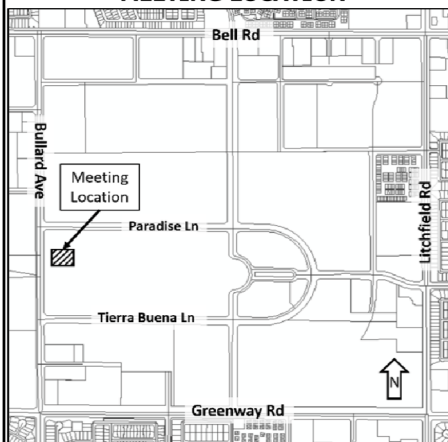
DATE: Wednesday, November 13, 2024

TIME: 6:00 PM

PHYSICAL LOCATION: City of Surprise

Regional Library
16089 N. Bullard Avenue
Surprise, AZ 85374

MEETING LOCATION



PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Municipal Code and the Land Development Ordinances (LDO) to update various sections of the code in conformance with the legislative changes and statutory requirements effected from the 56th Legislative Session and to remove conflicts with other sections of the code and LDO, Case # FS24-1421.

Publish: Daily Independent, October 25,
Surprise Independent, October 30,
2024/9709_1

ORDINANCE # 2024-45

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 111, ARTICLE I, SECTION 111-1.1, AND ADDING CHAPTER 111, ARTICLE II, SECTIONS 111-2.1 THROUGH 111-2.3, RELATING TO MULTIFAMILY RESIDENTIAL DEVELOPMENT AND ADAPTIVE REUSE; AUTHORIZING MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE OF CERTAIN COMMERCIAL BUILDINGS; INCORPORATING THE RECITALS BY REFERENCE; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Arizona Laws 2024 Chapter 141 (H.B. 2297) requires the governing body of a city or town with a population of 150,000 or more to establish objective standards to allow multifamily residential development or adaptive reuse on not more than ten percent of the total existing commercial, office or mixed-use buildings within its jurisdictional boundaries without requiring a public hearing;

WHEREAS, H.B. 2297 includes and authorizes various exceptions and limitations that the City is implementing with this Ordinance;

WHEREAS, the Council of the City of Surprise, Arizona, finds that the cap on the number of buildings permitted to be redeveloped pursuant to this Ordinance is less than 10% of the total number of existing commercial, office, and mixed-use buildings located in the City as of the date of adoption of this Ordinance;

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed.

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

Section 1. Chapter 111, Article I, Section 111-1.1 and Chapter 111, Article II, Sections 111-2.1 through 111-2.3 of the Surprise Municipal Code are hereby amended and added as described on the attached Exhibit A, and incorporated herein by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 4. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendments to the Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 6. Pursuant to Surprise Municipal Code § 1-7, a person convicted of a violation of this Ordinance shall be guilty of a class 1 misdemeanor and subject to the punishment for a class 1 misdemeanor under state law.

Section 7. Emergency. The Council hereby finds, determines, and declares that an emergency exists, and that in order to preserve the peace, health, and safety of the City of Surprise, this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 17 day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

I, KRISTI PASSARELLI, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE # 2024-45 ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE ON THE [REDACTED] DAY OF [REDACTED], 2024, WAS POSTED IN THREE PLACES ON THE [REDACTED] DAY OF [REDACTED], 2024.

Kristi Passarelli, City Clerk

EXHIBIT A

FS24-1421- Zoning Text Amendment Adaptive Reuse
Legislative Edits
(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**)

Chapter 111 INFILL INCENTIVE DISTRICTS
ARTICLE I. IN GENERAL

Sec. 111-1.1. Definitions

A. Terms used in this Article have the following definitions:

A

Adaptive reuse has the definition found in A.R.S. § 9-462.10(H)(1), as it may be amended.
~~means the conversion of historic or obsolescent building(s) from their original or most recent use to a new use representing compatible and appropriate change.~~

B

Building code has the definition found in A.R.S. § 9-462.10(H)(2), as it may be amended.

E

Economically or functionally obsolete has the definition found in A.R.S. § 9-462.10(H)(3), as it may be amended.

L

Low-income housing has the definition found in A.R.S. § 9-462.10(H)(4), as it may be amended.

M

Moderate-income housing has the definition found in A.R.S. § 9-462.10(H)(5), as it may be amended.

Multifamily Residential Development has the definition found in A.R.S. § 9-462.10(H)(6), as it may be amended.

N

Nonconforming has the definition found in A.R.S. § 9-462.10(H)(7), as it may be amended.

Q

Qualified obsolete commercial building is a building which is:

1. Currently zoned for and/or permitted to be used for commercial, office, or mixed uses; and
2. Economically or functionally obsolete; and
3. Located on a parcel or parcels of at least one acre but not more than twenty acres; and
4. Not located in any of the following areas:
 - a. An area designated as a district of historical significance pursuant to A.R.S. § 9-462.10(a)(10);
 - b. An area designated as historic by a local government;
 - c. An area designated as historic on the national register of historic places;
 - d. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;

- e. Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486; or
- f. On tribal land.

R

Rooftop Appurtenances has the definition found in A.R.S. § 9-462.10(H)(8), as it may be amended.

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE II. OPTIONAL REDEVELOPMENT OF QUALIFIED OBSOLETE COMMERCIAL BUILDINGS

Sec 111-2.1 Purpose. This Article describes application requirements, review procedures, and approval criteria utilized by City staff when reviewing an application for multifamily residential development or adaptive reuse of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Article are in addition to other codes and requirements of the City.

Sec 111-2.2 Obsolete Commercial Building Redevelopment.

A. Application. An owner seeking multifamily residential development or adaptive reuse of qualified obsolete commercial building shall submit an application that includes all of the following:

1. A site plan in conformance with section 102-4.2.
2. Evidence of site plan review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence satisfactory to the City Attorney that the existing building that is the subject of the application is economically or functionally obsolete.
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City Community Development Department and the City Attorney that the redevelopment will include a set aside of at least 10% of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least twenty years after the initial occupation of the proposed development.

B. Development standards and requirements. Multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall comply with the following standards and requirements:

1. Parking.
 - a. General. The development shall comply with parking space requirements applicable to multifamily residential buildings or adaptive reuse buildings under Chapter 107 Article IV, Parking and Loading Regulations.

C. Mixed-use development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual proposed use shall be provided, determined in accordance with Chapter 107 Article IV, Parking and Loading Regulations.

1. Demolition permit. A permit shall be obtained for the demolition of any existing building or portion of a building.

2. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings Chapter 106 Article II, Residential Zoning Districts or the setback requirement that applied to the existing commercial, office, or mixed-use building.

3. Height and density. Multifamily residential height and density shall not exceed:

a. Two stories in the areas of a site within one hundred feet of single-family residential zones.

b. In all other areas, the lesser of:

i. Five stories; or

ii. The highest allowable multifamily height and density for a multifamily zoning district in the City of Surprise located within one mile of the building to be redeveloped; or

iii. If there is no multifamily zoning district in the City of Surprise within one mile of the building to be redeveloped, the height and density of the multifamily zoning district located in the City of Surprise located closest to the building to be redeveloped.

4. Height exemption. If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec 111-2.3 Multifamily Residential Development or Adaptive Reuse Cap, Tracking, and Area Exclusion.

A. Cap. Not more than 10% of the total actual or estimated number of existing commercial, office, or mixed-use buildings, without requiring a conditional use permit, a planned unit development, or rezoning application, or any other application that would require a public hearing, may be redeveloped for multifamily residential development or adaptive reuse under this Article.

B. Tracking. The City Community Development Department shall keep track of the number of buildings redeveloped under this Article, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:

1. The number of buildings redeveloped for multifamily residential development or adaptive reuse under this Article; plus
2. The number of buildings with approved building permits for redevelopment under this Article but not yet completed; plus

3. The number of buildings with pending applications for redevelopment under this Article but not yet permitted.

C. Area exclusion. The following commercial or employment hubs and essential commercial or employment use areas are not eligible for multifamily residential development or adaptive reuse under this Article:

1. Those commercial and employment hubs and essential commercial or employment use areas that currently fall within the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.



Zoning Text Amendment- Legislative Updates Discussion

Lloyd Abrams, CD Director

Tiffany Copp, CD Assistant Director

Mindy Davis, CD Assistant Director



BACKGROUND

2024 – 56th Arizona State Legislature: Passed a series bills revising Title 9 of the Arizona Revised Statute with the intent to reduce municipal review timeframes for development and modify various zoning and development requirements. Many of these bills require impacted municipalities to modify conflicting codes and ordinances on or before January 1, 2025.

- 
- HB2210 Budget & Mandatory Reporting
No Text Amendment
 - HB2297 Adaptive Reuse (Commercial)
Ordinance 2024-45
 - HB2325 Fowl
Ordinance 2024-42
 - HB2720 Accessory Dwelling Units
Ordinance 2024-43
 - HB2721 Middle Housing
Future Text Amendment
 - SB1162 Residential Zoning Hearings
Ordinance 2024-44



SUMMARY

HB2297, Adaptive Reuse. Requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

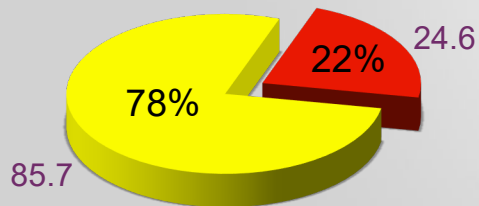
HB2325, Fowl. Requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720, Accessory Dwelling Units. Requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

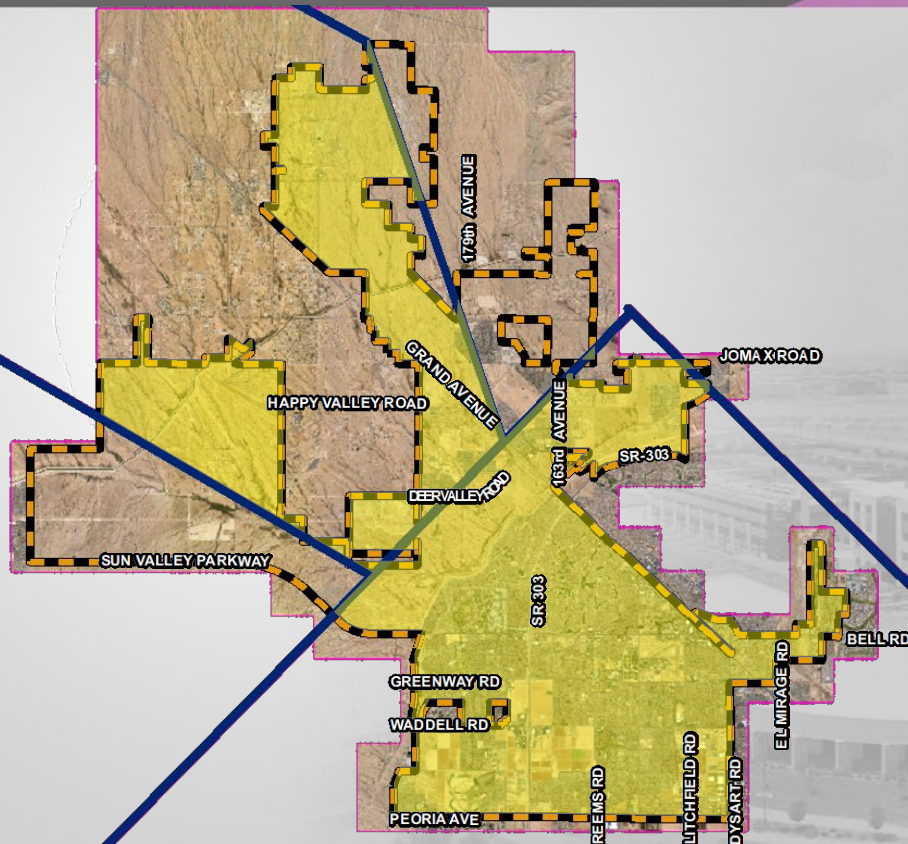
SB1162, Residential Zoning Hearings. Requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update a housing needs assessment and report out annually on specific activity and information to the Arizona Department of Housing (ADOH).

IMPACT MAP

Square Miles



■ Affected (no color) ■ Not Affected





TIMELINE

11/13/2024: Public Outreach Meeting

11/19/2024: Council Work Session

12/5/2024: Planning & Zoning Commission

12/17/2024: Regular Council Meeting





RECOMMENDATION

Planning and Zoning Commission will make their recommendation to City Council on December 5th.

Four separate motions and actions are required to approve four separate ordinances under case FS24-1421:

- Ordinance 2024-45, Adaptive Reuse
- Ordinance 2024-42, Fowl
- Ordinance 2024-43, Accessory Dwelling Units
- Ordinance 2024-44, Residential Zoning Hearings



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations:

Consent: No	Regular: No	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to the keeping of fowl in single family residential zones; Ordinance #2024-42

Motion:

I move to approve Ordinance 2024-42, a Zoning Text Amendment to conform with Legislative Updates regarding Fowl, Case # FS24-1421.

I move to deny Ordinance 2024-42, a Zoning Text Amendment to conform with Legislative Updates regarding Fowl, Case # FS24-1421, because [insert reason].

Background:

In 2024 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing and other costs to Arizonans by modifying various zoning and development requirements for municipalities. House Bill 2325 authorized the keeping of fowl in single family residential zones with various restrictions and provisions. As a result, impacted municipalities are required to take action and modify conflicting codes and ordinances on or before January 01, 2025.

Objective Analysis:

The proposed text amendment will bring the City's existing codes into timely conformance with the recently approved legislative actions.

Policy Compliant:

The proposed text amendment is consistent with and supports both the strategic goals of the Mayor and Council as well as the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known and will be absorbed in the current budget.

FTE Impact:

There is no anticipated impact to FTE at this time.

ATTACHMENTS:

1. 00 - FS24-1421 ZTA for Fowl - Staff Report
 2. 01 - FS24-1421 ZTA Legislative Edit for Legislative Updates
 3. 02- FS24-1421 Citizen Participation Report
 4. 03- FS24-1421 DRAFT Ordinance 24-42_Fowl_Final.Emergency Measure
 5. FS24-1421 Legislative Updates PPT
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS24-1421

Project Name: Zoning Text Amendment for 2024 Legislative Updates

Council District: Citywide

Meeting Date: December 17, 2024

Planner: Tiffany Copp, Assistant Director

Applicant: City of Surprise

Request: Zoning Text Amendment to the Surprise Municipal Code to conform with recent legislative updates related to the keeping of fowl in single family residential zones. Ordinance 2024-42. Case FS24-1421.

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: None known

Commission Recommendation: The Planning & Zoning Commission will recommend their approval or denial of the proposed Zoning Text Amendment to the Surprise Municipal Codes on December 5, 2024.

PROJECT DESCRIPTION:

Staff initiated Zoning Text Amendment (ZTA) case FS24-1421 to ensure the city's codes were updated to conform with various bills passed in the last legislative session.

BACKGROUND:

In 2024 the Arizona State Legislature passed a series bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to take action and modify conflicting codes to conform with many of these bills on or before January 01, 2025.

HB2210 modifies the duties of the Arizona Commerce Authority (ACA), establishes the Municipality Time Frames Advisory Committee (MTFAC) and requires jurisdictions report on various development related activity to the MTFAC and requires that the MTFAC report

its findings and recommendations back to the ACA. This bill does not require a text amendment at this time.

HB2297 requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

HB2325 requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720 requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

SB1162 requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update, every five (5) years, a housing needs assessment and report out annually on specific activity and information to be captured in the assessment to the Arizona Department of Housing (ADOH).

ANALYSIS AND DISCUSSION:

The Arizona League of Cities and Towns worked with various stakeholders to develop model ordinances for municipalities to adopt which that comply with the newly adopted legislation. The proposed text amendments and accompanying ordinances strictly adhere to the model ordinance language and impact the Surprise Municipal Codes as follows:

The proposed Zoning Text Amendment for Adaptive Reuse (HB2297) includes additions and deletions to Surprise Municipal Code Chapter 111, Infill Incentive District, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-45.

The proposed Zoning Text Amendment for Fowl (HB2325) includes additions and deletions to Surprise Municipal Code Chapter 10, Article III, Sections 10-113 and 10-114, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-42.

The proposed Zoning Text Amendment for Accessory Dwelling Units (HB2720) strikes, in its entirety, Surprise Municipal Code Chapter 106, Article X, Section 106-10.2 Accessory Dwelling Units (ADU) and replaces it with Chapter 106, Article XI, Section 106-11.1 through 106-11.7, Accessory Dwelling Units (ADU), as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-43.

The proposed Zoning Text Amendment for Administrative Residential Approvals (SB1162) includes additions to Surprise Municipal Codes Chapter 101, Article II, Section 101-2.2 and the addition of Section 102-2.3, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-44.

90
91 **CONFORMANCE WITH ADOPTED PLANS:**

92 **Surprise General Plan 2035:** The subject request is consistent with, and will help
93 implement, the Surprise General Plan 2040.
94

95 **CITIZEN PARTICIPATION:**

96 An in-person outreach meeting was held on November 13, 2024 at 6:00 PM at the Surprise
97 Regional Library. There were no members of the public in attendance. City staff has not
98 received any opposition.
99

100 **SUMMARY:**

101 This Zoning Text Amendment will bring the Surprise Municipal Code into conformance with
102 the recently passed legislative bills.
103

104 **RECOMMENDATION:**

105 The Planning & Zoning Commission will make their recommendation to City Council at the
106 regularly scheduled Planning & Zoning Commission meeting on Thursday, December 5,
107 2024. Staff will provide that recommendation to Council in the presentation accompanying
108 this report on December 17, 2024.
109

110 Should the Council wish to **deny** the request, the Council should make its own findings and
111 base its decision on those alternative findings.
112

113 **Attachments:**

114 00 Staff Report
115 01 ZTA Legislative Edit
116 02 Citizen Participation Report
117 03 Ordinance 2024-42, ZTA Fowl
118 PowerPoint Presentation
119

HB2297 – Commercial Adaptive Reuse

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE I. IN GENERAL

Sec. 111-1.1. Definitions

A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A

Adaptive reuse has the definition found in A.R.S. § 9-462.10(H)(1), as it may be amended.

~~means the conversion of~~ an existing building from the use for which it was constructed to a new use by maintaining some or all of the elements of the building.

B

Building code has the definition found in A.R.S. § 9-462.10(H)(2), as it may be amended.

E

Economically or functionally obsolete has the definition found in A.R.S. § 9-462.10(H)(3), as it may be amended.

L

Low-income housing has the definition found in A.R.S. § 9-462.10(H)(4), as it may be amended.

M

Moderate-income housing has the definition found in A.R.S. § 9-462.10(H)(5), as it may be amended.

Multifamily Residential Development has the definition found in A.R.S. § 9-462.10(H)(6), as it may be amended.

N

Nonconforming has the definition found in A.R.S. § 9-462.10(H)(7), as it may be amended.

Q

Qualified obsolete commercial building is a building which is:

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

1. Currently zoned for and/or permitted to be used for commercial, office, or mixed uses; and
2. Economically or functionally obsolete; and
3. Located on a parcel or parcels of at least one acre but not more than twenty acres; and
4. Not located in any of the following areas:
 - a. An area designated as a district of historical significance pursuant to A.R.S. § 9-462.10(a)(10);
 - b. An area designated as historic by a local government;
 - c. An area designated as historic on the national register of historic places;
 - d. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
 - e. Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486; or
 - f. On tribal land.

R

Rooftop Appurtenances has the definition found in A.R.S. § 9-462.10(H)(8), as it may be amended.

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE II. OPTIONAL REDEVELOPMENT OF QUALIFIED OBSOLETE

COMMERCIAL BUILDINGS

Sec 111-2.1 Purpose. This Article describes application requirements, review procedures, and approval criteria utilized by City staff when reviewing an application for multifamily residential development or adaptive reuse of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Article are in addition to other codes and requirements of the City.

Sec 111-2.2 Obsolete Commercial Building Redevelopment.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

A. Application. An owner seeking multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall submit an application that includes all of the following:

1. A site plan in conformance with section 102-4.2.
2. Evidence of site plan review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence satisfactory to the City Attorney that the existing building that is the subject of the application is economically or functionally obsolete.
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City Community Development Department and the City Attorney that the redevelopment will include a set aside of at least 10% of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least twenty years after the initial occupation of the proposed development.

B. Development standards and requirements. Multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall comply with the following standards and requirements:

1. Parking.

a. General. The development shall comply with parking space requirements applicable to multifamily residential buildings or adaptive reuse buildings under Chapter 107 Article IV, Parking and Loading Regulations.

C. Mixed-use development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual proposed use shall be provided, determined in accordance with Chapter 107 Article IV, Parking and Loading Regulations.

1. Demolition permit. A permit shall be obtained for the demolition of any existing building or portion of a building.

2. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings Chapter 106 Article II, Residential zoning

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Districts or the setback requirement that applied to the existing commercial, office, or mixed-use building.

3. Height and density. Multifamily residential height and density shall not exceed:

a. Two stories in the areas of a site within one hundred feet of single-family residential zones.

b. In all other areas, the lesser of:

i. Five stories; or

ii. The highest allowable multifamily height and density for a multifamily zoning district in the City of Surprise located within one mile of the building to be redeveloped; or

iii. If there is no multifamily zoning district in the City of Surprise within one mile of the building to be redeveloped, the height and density of the multifamily zoning district located in the City of Surprise located closest to the building to be redeveloped.

4. Height exemption. If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec 111-2.3 Multifamily Residential Development or Adaptive Reuse Cap, Tracking, and Area Exclusion.

A. Cap. Not more than 10% of the total actual or estimated number of existing commercial, office, or mixed-use buildings, without requiring a conditional use permit, a planned unit development, or rezoning application, or any other application that would require a public hearing, may be redeveloped for multifamily residential development or adaptive reuse under this Article.

B. Tracking. The City Community Development Department shall keep track of the number of buildings redeveloped under this Article, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:

1. The number of buildings redeveloped for multifamily residential development or adaptive reuse under this Article; plus

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

- i. The number of buildings with approved building permits for redevelopment under this Article but not yet completed; plus
- ii. The number of buildings with pending applications for redevelopment under this Article but not yet permitted.

C. Area exclusion. The following commercial or employment hubs and essential commercial or employment use areas are not eligible for multifamily residential development or adaptive reuse under this Article:

1. Those commercial and employment hubs and essential commercial or employment use areas that currently fall within the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.

HB2325 – Fowl

CHAPTER 10 - ANIMALS

ARTICLE III. LIVESTOCK, FOWL, RODENTS AND REPTILES

Sec. 10-113. Livestock, ~~fowl and rodents.~~

- ~~A. Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~

(Code 2007, § 6.08.040; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

Sec. 10-114. ~~Enclosures—Specifications.~~ Fowl and Rodents

~~All enclosures referred to in this article shall be so constructed as to prevent any animal, fowl or rodent enclosed therein from escaping and wandering upon property not within the enclosure. All fowl and rodents shall be kept in an enclosure at least 80 feet or more from any residence, school, hotel, restaurant or building containing sleeping or dining accommodations.~~

- A. For the purposes of this section, *fowl* means a cock or hen of the domestic chicken.
- B. Residents of a single-family detached residence on a lot more than one-half acre of lot area may keep 25 *fowl*, or 25 *rodents*, or a combination of 25 *rodents* and *fowl*.
- C. Residents of any single-family detached residence may not keep male *fowl*, including roosters.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

D. Residents of a single-family detached residence on a lot that is one-half acre or less in size may keep up to six fowl in the backyard of the property, provided that the following conditions are met:

1. All *fowl* and *rodents* shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property. The size of the enclosure shall be a maximum of two hundred square feet with a maximum height of eight feet, provided that any enclosure located in a residential community on a lot less than one acre in size be shorter than the fence line of the property;
2. All water sources for *fowl* or *rodents* shall have adequate overflow drainage;
3. All feed for *fowl* or *rodents* shall be stored in insect-proof and rodent-proof containers;
4. The enclosure shall be maintained and manure picked up and disposed of or composted at least twice weekly;
5. The composted manure shall be kept in a way that prevents migration of insects; and
6. The enclosure shall be constructed and maintained so as to prevent *fowl* and *rodents* from running at large.

(Code 2007, § 6.08.050; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

HB2720 – Accessory Dwelling Units

Chapter 106 – Zoning and Use Standards

Article X – Specific Use Standards

~~Sec. 106-10.2. Accessory dwelling units (ADU).~~

A. ~~Single family residential uses will be limited to only one (1) accessory dwelling unit (ADU) per lot of record in the RR, R-1 and R-2, SHD-RO, and TND-R zoning districts.~~

1. ~~New accessory dwelling units may not be constructed within the 65 DNL pursuant to A.R.S. § 28-8481(E) after the adoption of this ordinance.~~

B. ~~The ADU shall be located on the same lot as the primary uses and may not be sold or conveyed as a separate dwelling unit nor calculated as a separate dwelling unit for the purposes of determining gross or net residential density.~~

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)

C. ~~An attached ADU shall have independent access and no direct, internal access to the primary dwelling. Detached ADUs shall not be located in the front yard.~~

D. ~~The design of any ADU shall respect the general building scale and architectural character of the primary dwelling, and placed to allow sharing of common space on the lot, such as driveways and yards.~~

E. ~~The ADU has a maximum area not to exceed fifty (50) percent of the habitable space of the primary dwelling unit or eight hundred (800) square feet of habitable space, whichever is less.~~

F. ~~The ADU shall not have separate utility services unless the public utility determines that a separate meter is required for safety reasons.~~

G. ~~One (1) additional off street parking space is required for the ADU. Existing required off street parking for the primary dwelling shall be maintained or replaced onsite.~~

H. ~~Development standards. Table 106-10a below identifies the dimensional standards required for an ADU.~~

Table 106-10a—Accessory Dwelling Units (ADU)					
	Max ADU Size ¹	Building Separation ²	Setback (Front Yard) ³	Setback (Side and/or Rear Yard)	Height
Detached ADU	50% of primary dwelling	5'	Not permitted	5'	9' ^{4,6}
Attached ADU ⁵	50% of primary dwelling	n/a	Same as zoning min. setbacks	Same as zoning min. setbacks	Same as zoning allowed height
Notes: 1. Calculated by the floor area of the first floor of the principal building. Maximum area of ADU shall not exceed 800 square feet if the primary dwelling exceeds 1,600 square feet. 2. May be increased as required by the building and/or fire codes. 3. The entrance to the ADU shall not be visible from the street, except for entrances that do not have access from the ground level, such as entrances from balconies or decks. Access shall not create the appearance of a two-family dwelling. 4. The height of an ADU structure shall not exceed nine (9) feet as measured at the five-foot setback line. The height of the ADU structure may increase at a ratio of one foot vertical for every one foot horizontal as measured relative to the property line to a maximum height					

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)

equal to the zoning district (see ~~Figures 106-10a and 106-b~~).

5. The ADU shall be connected to the primary dwelling by a common roof, covered passageway, or common wall without direct access to the primary dwelling unit.

6. On lots thirty thousand (30,000) square feet or greater each ADU has a maximum height equal to the zoning district when constructed within the building envelope.

(Ord. No. 2022-10, § 1(Exh. A), 4-19-22; Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Chapter 106 – ZONING AND USE STANDARDS

Article XI – ACCESSORY DWELLING UNITS

Sec. 106-11.1. - Purpose and applicability.

The purpose of this Article is to establish regulations that comply with state law regarding the construction of an accessory dwelling unit on a lot or parcel where the zoning allows a single-family dwelling. To the extent any provision in this Article conflicts with state law or A.R.S. § 9-461.18, the state law shall control.

Section 106-11.2. - Definitions.

For the purpose of this Article, the following definitions apply:

“**Accessory dwelling unit**” has the definition found in A.R.S. § 9-461-18(H)(1), as it may be amended.

“**Deed Restriction**” means the restriction document recorded against the restricted-affordable dwelling unit on the lot to apply the acknowledgment of affordable housing restriction and ensure compliance with this Article.

“**Gross floor area**” has the definition found in A.R.S. § 9-461.18(H)(2), as it may be amended.

“**Long-term rental**” has the definition found in A.R.S. § 9-461.18(H)(3), as it may be amended.

“**Permitted use**” has the definition found in A.R.S. § 9-461.18(H)(5), as it may be amended.

“**Restricted-affordable dwelling unit**” has the definition found in A.R.S. § 9-461.18(H)(6), as it may be amended.

Section 106-11.3 – Accessory Dwelling Unit as a Permitted Use; Eligibility; Appeals.

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(a) Eligibility.

(1) If the City determines that adequate public utility services are provided and the application complies with this Article and the City's building codes, fire codes, and public health and safety regulations, the following is a permitted use on a single-family lot or parcel that contains a primary dwelling:

- i. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is less than one acre;
- ii. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is one acre or more; or
- iii. No more than one attached accessory dwelling unit and two detached accessory dwelling units if the single-family dwelling lot is one acre or more, but only if at least one of the accessory dwelling units is a restricted-affordable dwelling unit.

(2) For the purpose of eligibility under this section, an accessory dwelling unit shall not exceed the lesser of:

- i. Seventy-five percent of the gross floor area of the existing single-family dwelling on the same lot or parcel; or
- ii. One thousand square feet.

(3) For the purpose of eligibility under this section, the single-family lot or parcel shall not be located on:

- i. Tribal land;
- ii. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
- iii. Land in the territory in the vicinity of a general aviation airport; or
- iv. Land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

(b) Appeals. If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the decision before the board of adjustment pursuant to Sec. 2-302.

Sec. 106-11.4. - Accessory Dwelling Units; Deviations from Certain Zoning Regulations; Eligibility.

(a) Eligibility. Except as provided in state law, this Article, or the City's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling of greater square footage and includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(1) Location. The accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.

(2) Building frontage. The accessory dwelling unit is subject to the same building frontage requirements that apply to a single-family dwelling on the same lot or parcel.

(3) Setbacks. The accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

(i) The rear setback for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(ii) The side setbacks for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(iii) The front setback for the accessory dwelling unit shall be no less than those permitted for the single-family dwelling on the same lot.

(4) Lot coverage. The accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(5) Height. The accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(6) Parking and Access. No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit.

(b) Utility conflicts. The accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

(c) Other Requirements. The accessory dwelling unit must comply with all other City Code requirements unless otherwise approved by use permit or variance.

(d) Exception. This section does not apply to any lot or parcel within tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

Sec. 106-11.5. - Accessory Dwelling Unit; Permit Approval.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(a) Applicability. This Section governs ministerial review of applications for accessory dwelling units under this Chapter.

(b) Ministerial review. Applications for the following types of accessory dwelling units shall be approved ministerially by the community development director pursuant to the procedures of this Section without a public hearing, variance, conditional use permit, special permit or special exception.

(c) Permit requirement. The applicant shall obtain a building permit prior to the construction of any accessory dwelling unit.

(d) Procedure for review.

(1) Administrative completeness review time frame. For each residential zoning application, the community development director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed incomplete, the staff member will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(2) Substantive review. After determining that the application is administratively complete, the community development director or designee shall review the application to determine whether it meets the requirements of this Article. Unless an administrative adjustment is granted by the community development director pursuant to Section 102-4.6 excusing noncompliance that would otherwise require denial of the application, the community development director or designee shall deny an application for an accessory dwelling unit if the requirements of this section 106 have not been satisfied.

(e) Right to Appeal. The applicant may appeal the decision of the community development director in accordance with Section 102-2. The appeal shall be limited to a consideration of whether the objective criteria in Section 106 have been met.

Sec. 106-11.7. - Restricted-Affordable Dwelling Unit.

(a) Deed Restriction.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

(1) The owner of a proposed restricted-affordable dwelling unit that is subject to this Chapter must execute and deliver an original recorded copy of a development agreement with the City or a deed restriction on the City's standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

(2) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of the Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.

(3) The restricted-affordable dwelling unit shall be constructed in accordance with the city's adopted building and fire codes and the conditions and restrictions set forth in the deed restriction and any applicable development agreement between the developer/owner and the City.

(b) Affordability. The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established according to the United States Department of Housing and Urban Development (HUD). The restricted-affordable dwelling unit shall not be rented to any entity.

(c) Occupancy Requirement.

(1) When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the City.

(2) In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this Section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

(3) The restricted-affordable dwelling unit is subject to Sec. 106-10.23 of the City Code regarding home-based occupations.

(e) Reporting Requirement. The owner of restricted-affordable dwelling unit shall provide an annual report and proof to the city to demonstrate compliance with the rental requirements set forth in this Section. The annual report shall be submitted to the community development director or designee by January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

(1) the period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;

(2) the monthly rental price; and

(3) the taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

CHAPTER 107 – DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE IV – PARKING AND LOADING

Sec. 107-4.9. Minimum off-street parking requirements.

A. Each individual land *use* within the different *zoning districts* and overlay *zoning districts* shall provide the required number of *off-street parking spaces* as described in **Table 107-4c** below.

B. The community development director or designee will determine if *uses* are significantly similar or dissimilar to particular *uses* not expressly listed in **Table 107-4c**. The parking requirement for *uses* that are significantly dissimilar to *uses* listed in **Table 107-4c** shall be determined by the community development director or designee. In such instances, the *applicant* will provide adequate information by which the proposal can be reviewed, which includes but not limited to the following:

1. Type of *use(s)*.
2. Number of employees.
3. *Building* design capacity.
4. Square feet of *sales areas* and service area.
5. *Parking spaces* proposed on site.
6. *Parking spaces* provided elsewhere.

Table 107-4c—Parking Standards	
Uses	Min. Off-Street Parking Spaces
Residential	
Assisted living center (more than 10 residents)	0.5 per sleeping room
Assisted living home (10 or less residents)	2 per dwelling unit plus 0.5 per sleeping room

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Dormitory	0.5 per sleeping room
Dwelling, live/work	2 per DU
Dwelling, multi-family (4 or more)	Studio-1B=1/unit, 2+B=2.0/unit plus 1 per 250 sf of office and community facility uses 0.2 spaces per DU dedicated to visitor parking
Dwelling, single-family	2 per DU
Dwelling, two-family (duplex)	2 per DU
Dwelling, three-family (triplex)	2 per DU
Group home	Same as dwelling
Residential health care facility	2 per DU plus 0.5 per sleeping room
Commercial	
Airport (private)	1 per 100 sf GFA of waiting room space or 2 spaces per craft staging/tie down pad
Amusement and/or theme park	1 per 600 sf outdoor public activity area
Animal boarding facility	1 per 375 sf GFA
Animal clinic	1 per 200 sf GFA
Animal grooming	1 per 200 sf GFA
Animal hospital	1 per 200 sf GFA
Animal shelter	1 per 300 sf GFA
Athletic or fitness club (commercial)	1 per 250 sf GFA
Bank	1 per 250 sf GFA
Bar	1 per 100 sf GFA
Bus terminal	Determined by site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

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Campgrounds	1 per 4 campsites plus 2 per laundry/shower facilities
Catering services	1 per 500 sf GFA
Cemetery and mausoleum	Determined by site plan
Cemetery, pet (limited to small animals)	Determined by site plan
Community facility	3 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Community garden	2 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Day care center (child or adult)	1 per 375 sf GFA
Entertainment establishment— indoor	1 per 4 seats or 1 per 50 of GFA if no permanent seats
	Bowling, billiards, pool, etc. 2 per lane or gaming table
	Miniature golf establishment—1 per hole
	Skating rinks—1 per 200 sf GFA
	Theater (movie and performance)—1 per 4 seats
Entertainment establishment— outdoor	Miniature golf—1 per hole
	Driving range—2 per tee
	1 per 4 seats or 1 per 50 sf of activity area if no permanent seats
Fairground/stadium	TBD by parking study with site plan
Funeral home, mortuary	1 per 4 seats
Galleries, museums (including display and production space)	1 per 1,000 sf GFA
Golf course (public or private)	2 per hole plus ancillary uses

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

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Hotels, motels, resort	0.8 per room plus 1 per 800 sf GFA of public meeting area and restaurant space
Medical hospital, overnight surgical facility	1 per 400 sf GFA
Medical marijuana off-site cultivation facility	1 per 1,000 sf GFA of activity area
Medical marijuana dispensary	1 per 400 sf GFA
Medical marijuana infusion facility	1 per 1,000 sf GFA of activity area
Medical office (health care facility)	1 per 200 sf GFA
Microbrewery, distillery, winery	1 per 100 sf GFA
Nursing care facility	0.5 per room
Office	1 per 250 sf GFA
Park, recreation, and open lands	1 per 1,000 sf GFA of activity area
Park and ride	TBD by parking study with site plan
Parking lot, parking structure	TBD by parking study with site plan
Personal service establishment	1 per 400 sf GFA
Places of assembly	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Places of worship	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Plant nursery	1 per 400 sf GFA of sales areas and service building
Private club	1 per 300 sf GFA
Post office	TBD by parking study with site plan
Public facility	TBD by parking study with site plan
Racetrack	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Recreational vehicle (RV) park	1 per 4 camp sites, plus 2 per laundry and shower facility (camping related establishments) and 1 space

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

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	adjacent to each lot
Recreational vehicles (RV) storage	1 per 20 RV parking space
Repair service establishment	1 per 400 sf GFA
Restaurant	1 per 100 sf GFA
Restaurant, convenience/take out	1 per 150 sf GFA
Retail shopping establishment	1 per 400 sf GFA
Schools: pre-K through 12 (private)	2 per classroom, 1 per 6 students for grades 10—12
Schools: universities or colleges (public or private)	1 per 4 students
Schools: vocational (technical or trade)	1 per 200 sf GFA
Self-storage facility	Drive-up storage—1 per 300 sf GFA of office/retail space Multi-story/climate controlled—1 per 50 storage unit
Service call establishment	1 per 400 sf GFA
Sexually oriented business	1 per 400 sf GFA
Shooting range—indoor only	2 per stall
Showroom/sales office	1 per 400 sf GFA
State vehicle license and inspection station	TBD by parking study with site plan
Tattoo and body piercing	1 per 400 sf GFA
Technology/business incubator space	1 per 300 sf GFA
Utility equipment infrastructure	1 space when on-street parking is prohibited
Utility service yard	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

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Vehicle fueling station	1 per 300 sf GFA retail areas
Vehicle rental facilities	1 per 500 sf GFA retail areas
Vehicle sales and leasing: new or used (commercial, including equipment)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (OHV, motorcycles, boats, or similar)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (personal)	1 per 300 sf GFA of office and covered sales areas
Vehicle service: major repair	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle service: minor repair	1 per 500 sf GFA , including service bays, wash tunnels, and retail areas
Vehicle washing facilities	1 per 300 sf GFA office and retail areas or self-serve car washes—3 per property
Zoo and exotic animal keeping	TBD by parking study with site plan
Employment/industrial	
Agricultural operations	1 per 1,500 sf GFA
Auction—vehicle (passenger, commercial) and heavy equipment	TBD by parking study with site plan
Batch plant, paving material mixing plant	TBD by parking study with site plan
Brick, clay, concrete, or similar product	TBD by parking study with site plan
Contractors yard	1 per 1,000 sf GFA plus 1 per 400 sf GFA of sales and service building
Correctional institutions/facilities	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates**Legislative Edits**

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

Data center	TBD by parking study with site plan
Equestrian center, commercial stables	1 per 3 stalls
Farm and heavy equipment sales, service or storage	1 per 300 sf GFA of office and covered sales areas
Feed and tack sales	1 per 400 sf GFA
Fleet-based services	TBD by parking study with site plan
Food manufacturing and processing	1 per 1,500 sf GFA
Freight depot/distribution center	1 per 1,500 sf GFA
Grain processing; including milling, drying, storage	1 per 1,500 sf GFA
Laundry, dry cleaning: bulk operation (pick-up and delivery)	1 per 1,500 sf GFA
Machine shop, welding shop	1 per 1,000 sf GFA
Manufacturing and fabrication	1 per 1,500 sf GFA
Manufactured home portable buildings, oversized and recreational (RV) vehicles sales and service	1 per 375 sf GFA of sales and service building
Mining and mineral extraction	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Plant nursery (growing facility and wholesale)	1 per 1,000 sf growing area plus 1 per 400 sf GFA of sales and service building
Printing plant (commercial scale)	TBD by parking study with site plan
Recycling, collection facility	TBD by parking study with site plan
Recycling, processing facility	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Research facility—laboratory and testing facility	1 per 1,500 sf GFA
Sand and gravel operation	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Sanitary landfill, solid waste facility	TBD by parking study with site plan
Stone product curing, fabrication	1 per 1,500 sf GFA
Taxidermist	TBD by parking study with site plan
Tile, roofing and waterproofing production	1 per 1,500 sf GFA
Truck stop (full service and repair permitted)	1 per 500 sf GFA, including service bays and retail areas
Vehicle towing and impound lot	1 per 300 sf GFA of sales and service building
Warehouse/distribution	1 per 1,000 sf GFA (for first 10,000 sf) plus 1 per 5,000 sf GFA (remaining sf) plus 1 per 250 sf GFA for office areas (shell buildings to be calculated at 15%)
Water aquifer recharge/storage facility	TBD by parking study with site plan
Water reclamation or wastewater facility	TBD by parking study with site plan
Wholesale shopping	1 per 400 sf GFA
Accessory uses	
Cottage industries	2 plus spaces for primary residence

SB1162 – Residential Zoning Hearings/ Administrative Approval Timelines

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates

Legislative Edits

Sec. 101-2.2. Glossary of terms.

- A. Definitions. The following additional words and phrases shall, for the purpose of this ordinance, have the following meanings:

R

Residential Zoning Application *An application that seeks to rezone from one type of zoning district to a residential zoning district.*

Chapter 102 – REVIEW PROCESS AND APPLICATIONS

ARTICLE II – PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.3. - Approval of Residential Zoning Applications.

(A) Administrative completeness review time frame. For each residential zoning application, the Community Development Director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the staff member will provide the applicant with an electronic notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(B) Approval or Denial of Residential Zoning Applications. After determining that a residential zoning application is administratively complete, the City Council shall approve or deny the application within one hundred eighty (180) days. The City Council may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

(1) staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or

(2) staff may grant extensions in thirty (30) day increments at the request of the applicant.

(C) Exceptions. This Section does not apply to:

(1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates
Legislative Edits

(2) An area that is designated as historic on the national register of historic places;

(3) Land that is already zoned as a planned area development (PAD).

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS24-1421 – November 13, 2024

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO) in response to a series of recently passed legislative measures aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements within municipalities. Impacted municipalities are required to modify conflicting codes and ordinances on or before January 01, 2025. As part of these changes, this amendment is proposing the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Adding and modifying various defined terms.
- Adding language to allow for the keeping of fowl and removing conflicting language.
- Adding language to allow for accessory dwelling units on single-family residential lots and removing conflicting language.
- Adding language regarding timeframes for city review and processing of residential zoning applications and removing conflicting language.
- Adding language regarding the adaptive reuse of commercially zoned buildings and removing conflicting language.

ADVERTISING

The meeting was advertised in the Daily Independent on Friday, October 25, 2024 and the Surprise Independent on Wednesday, October 30, 2024, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at the Surprise Regional Library on November 14, 2024 at 6 p.m. and there were no members of the public in attendance.

FEEDBACK

No feedback or concerns were expressed.



Neighborhood Meeting Sign-In Sheet

FS24-1407 & FS24-1421

	Name	Address	Contact Information
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17			None
18			JMS
19			11-18-2024
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**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/25/2024
Surprise Independent: 10/30/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
11/12/2024

Karen Kirkendoll



KAREN KIRKENDOLL
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	9709
Ordered By	Tiffany Copp
Order Date	10/21/2024
Description	FS24-1421
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/25/2024
Last Issue	10/30/2024
Publications	Daily Independent, Surprise Independent

ZONING TEXT AMENDMENT
NEIGHBORHOOD MEETING

Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances (LDO) referenced below. Any member of the public may participate in the conversation as it pertains to this project by attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise: Tiffany Copp;
623-222-3020; tiffany.copp@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Wednesday, November 13, 2024

TIME: 6:00 PM

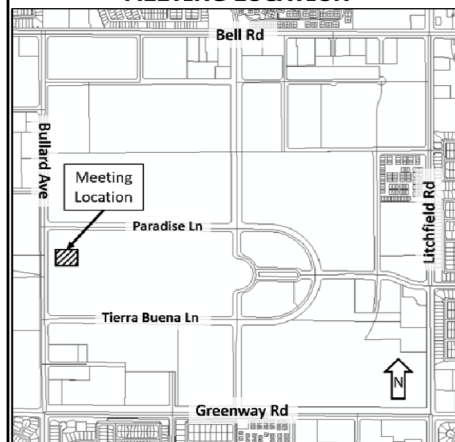
PHYSICAL LOCATION: City of Surprise

Regional Library

16089 N. Bullard Avenue

Surprise, AZ 85374

MEETING LOCATION



PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Municipal Code and the Land Development Ordinances (LDO) to update various sections of the code in conformance with the legislative changes and statutory requirements effected from the 56th Legislative Session and to remove conflicts with other sections of the code and LDO, Case # FS24-1421.

Publish: Daily Independent, October 25,
Surprise Independent, October 30,
2024/9709_1

ORDINANCE # 2024-42

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 10, ARTICLE III, SECTIONS 10-113 AND 10-114, PROVIDING FOR RESTRICTIONS ON MAINTAINING FOWL WITHIN THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted H.B. 2325 to mandate certain Code amendments on or before January 1, 2025, relating to backyard fowl regulation;

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new mandates under H.B. 2325; and

WHEREAS, this Ordinance was properly noticed for a public hearing, and the necessary hearings and opportunity for public input were completed.

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

Section 1. Chapter 10, Article III, Sections 10-113 and 10-114 of the Surprise Municipal Code are hereby amended as described on the attached Exhibit A, and incorporated herein by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 4. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendment to the Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 6. Pursuant to Surprise Municipal Code § 1-7, a person convicted of a violation of this Ordinance shall be guilty of a class 1 misdemeanor and subject to the punishment for a class 1 misdemeanor under state law.

Section 7. Emergency. The Council hereby finds, determines, and declares that an emergency exists, and that in order to preserve the peace, health, and safety of the City of Surprise, this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 17 day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

I, KRISTI PASSARELLI, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE # 2024-42 ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE ON THE [REDACTED] DAY OF [REDACTED], 2024, WAS POSTED IN THREE PLACES ON THE [REDACTED] DAY OF [REDACTED], 2024.

Kristi Passarelli, City Clerk

EXHIBIT A

**FS24-1421- Zoning Text Amendment Backyard Fowl
Legislative Edits
(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**)**

**CHAPTER 10 - ANIMALS
ARTICLE III. LIVESTOCK, FOWL, RODENTS AND REPTILES**

Sec. 10-113. Livestock, ~~fowl and rodents.~~

- A. Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. ~~Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~

(Code 2007, § 6.08.040; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

Sec. 10-114. ~~Enclosures—Specifications.~~ **Fowl and Rodents**

~~All enclosures referred to in this article shall be so constructed as to prevent any animal, fowl or rodent enclosed therein from escaping and wandering upon property not within the enclosure. All fowl and rodents shall be kept in an enclosure at least 80 feet or more from any residence, school, hotel, restaurant or building containing sleeping or dining accommodations.~~

- A. For the purposes of this section, *fowl* means a cock or hen of the domestic chicken.
- B. Residents of a single-family detached residence on a lot more than one-half acre of lot area may keep 25 *fowl*, or 25 *rodents*, or a combination of 25 *rodents* and *fowl*.
- C. Residents of any single-family detached residence may not keep male *fowl*, including roosters.
- D. Residents of a single-family detached residence on a lot that is one-half acre or less in size may keep up to six fowl in the backyard of the property, provided that the following conditions are met:
 - 1. All *fowl* and *rodents* shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property. The size of the enclosure shall be a maximum of two hundred square feet with a maximum height of eight feet, provided that any enclosure located in a residential community on a lot less than one acre in size be shorter than the fence line of the property;
 - 2. All water sources for *fowl* or *rodents* shall have adequate overflow drainage;
 - 3. All feed for *fowl* or *rodents* shall be stored in insect-proof and rodent-proof containers;

4. The enclosure shall be maintained and manure picked up and disposed of or composted at least twice weekly;
5. The composted manure shall be kept in a way that prevents migration of insects; and
6. The enclosure shall be constructed and maintained so as to prevent *fowl* and *rodents* from running at large.

(Code 2007, § 6.08.050; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1 (Att. A, § 1), 11-3-15)



Zoning Text Amendment- Legislative Updates Discussion

Lloyd Abrams, CD Director

Tiffany Copp, CD Assistant Director

Mindy Davis, CD Assistant Director



BACKGROUND

2024 – 56th Arizona State Legislature: Passed a series bills revising Title 9 of the Arizona Revised Statute with the intent to reduce municipal review timeframes for development and modify various zoning and development requirements. Many of these bills require impacted municipalities to modify conflicting codes and ordinances on or before January 1, 2025.

- 
- HB2210 Budget & Mandatory Reporting
No Text Amendment
 - HB2297 Adaptive Reuse (Commercial)
Ordinance 2024-45
 - HB2325 Fowl
Ordinance 2024-42
 - HB2720 Accessory Dwelling Units
Ordinance 2024-43
 - HB2721 Middle Housing
Future Text Amendment
 - SB1162 Residential Zoning Hearings
Ordinance 2024-44



SUMMARY

HB2297, Adaptive Reuse. Requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

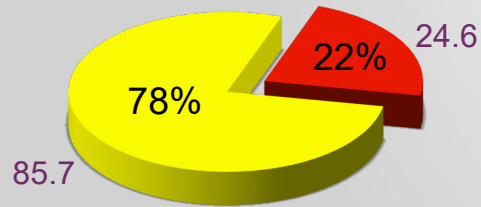
HB2325, Fowl. Requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720, Accessory Dwelling Units. Requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

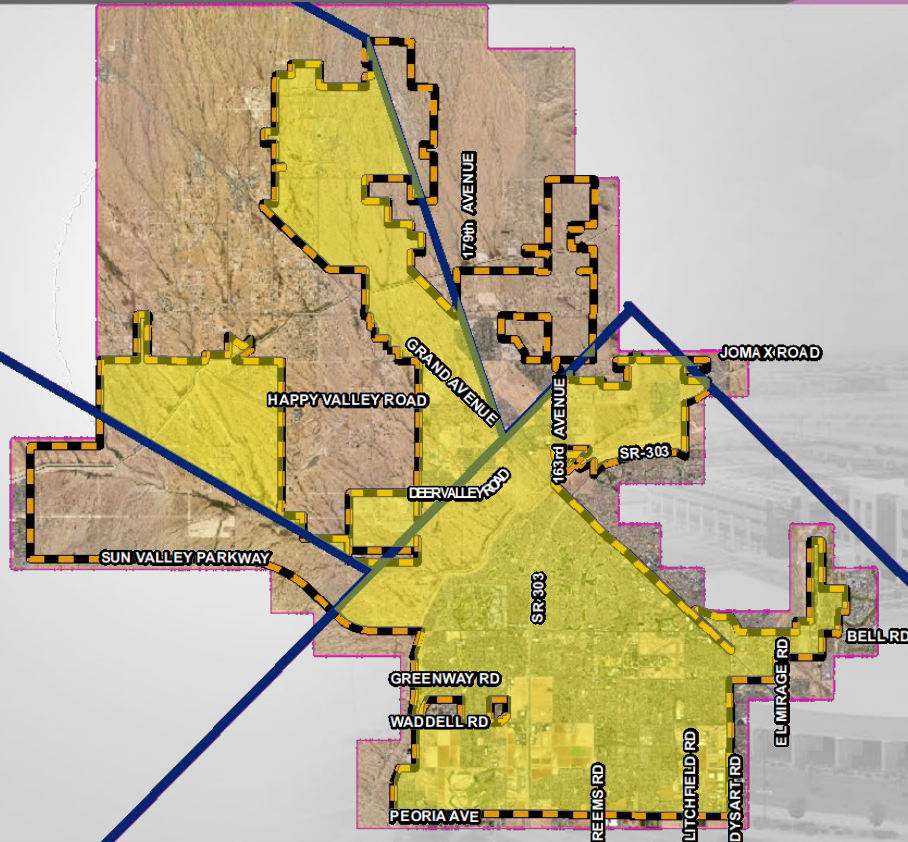
SB1162, Residential Zoning Hearings. Requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update a housing needs assessment and report out annually on specific activity and information to the Arizona Department of Housing (ADOH).

IMPACT MAP

Square Miles



■ Affected (no color) ■ Not Affected





TIMELINE

11/13/2024: Public Outreach Meeting

11/19/2024: Council Work Session

12/5/2024: Planning & Zoning Commission

12/17/2024: Regular Council Meeting





RECOMMENDATION

Planning and Zoning Commission will make their recommendation to City Council on December 5th.

Four separate motions and actions are required to approve four separate ordinances under case FS24-1421:

- Ordinance 2024-45, Adaptive Reuse
- Ordinance 2024-42, Fowl
- Ordinance 2024-43, Accessory Dwelling Units
- Ordinance 2024-44, Residential Zoning Hearings



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations:

Consent: No	Regular: No	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to the allowance of accessory dwelling units (ADU's) in single family residential zones; Ordinance 2024-43.

Motion:

I move to approve Ordinance 2024-43, a Zoning Text Amendment to conform with Legislative Updates regarding Accessory Dwelling Units, Case # FS24-1421.

I move to deny Ordinance 2024-43, a Zoning Text Amendment to conform with Legislative Updates regarding Accessory Dwelling Units, Case # FS24-1421, because [insert reason].

Background:

In 2024 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. House Bill 2720 requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones with various restrictions and provisions. As a result, impacted municipalities are required to take action and modify conflicting codes and ordinances on or before January 01, 2025.

Objective Analysis:

The proposed text amendment will bring the city's existing codes into timely conformance with the recently approved legislative actions.

Policy Compliant:

The proposed text amendment is consistent with and supports both the strategic goals of the Mayor and Council as well as the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known and will be absorbed in the current budget.

FTE Impact:

There is no anticipated impact to FTE at this time.

ATTACHMENTS:

1. 00 - FS24-1421 ZTA for ADU- Staff Report
 2. 01 - FS24-1421 ZTA Legislative Edit for Legislative Updates
 3. 02- FS24-1421 Citizen Participation Report
 4. 03- FS24-1421 DRAFT Ordinance 24-43_ADU_final.Emergency Measure
 5. FS24-1421 Legislative Updates PPT
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS24-1421

Project Name: Zoning Text Amendment for 2024 Legislative Updates

Council District: Citywide

Meeting Date: December 17, 2024

Planner: Tiffany Copp, Assistant Director

Applicant: City of Surprise

Request: Zoning Text Amendment to the Surprise Municipal Code to conform with recent legislative updates related to the allowance of accessory dwelling units (ADU's) in single family residential zones. Ordinance 2024-43. Case FS24-1421.

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: None known

Commission Recommendation: The Planning & Zoning Commission will recommend their approval or denial of the proposed Zoning Text Amendment to the Surprise Municipal Codes on December 5, 2024.

PROJECT DESCRIPTION:

Staff initiated Zoning Text Amendment (ZTA) case FS24-1421 to ensure the city's codes were updated to conform with various bills passed in the last legislative session.

BACKGROUND:

In 2024 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to take action and modify conflicting codes to conform with many of these bills on or before January 01, 2025.

HB2210 modifies the duties of the Arizona Commerce Authority (ACA), establishes the Municipality Time Frames Advisory Committee (MTFAC) and requires jurisdictions report on various development related activity to the MTFAC and requires that the MTFAC report

its findings and recommendations back to the ACA. This bill does not require a text amendment at this time.

HB2297 requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

HB2325 requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720 requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

SB1162 requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update, every five (5) years, a housing needs assessment and report out annually on specific activity and information to be captured in the assessment to the Arizona Department of Housing (ADOH).

ANALYSIS AND DISCUSSION:

The Arizona League of Cities and Towns worked with various stakeholders to develop model ordinances for municipalities to adopt which that comply with the newly adopted legislation. The proposed text amendments and accompanying ordinances strictly adhere to the model ordinance language and impact the Surprise Municipal Codes as follows:

The proposed Zoning Text Amendment for Adaptive Reuse (HB2297) includes additions and deletions to Surprise Municipal Code Chapter 111, Infill Incentive District, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-45.

The proposed Zoning Text Amendment for Fowl (HB2325) includes additions and deletions to Surprise Municipal Code Chapter 10, Article III, Sections 10-113 and 10-114, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-42.

The proposed Zoning Text Amendment for Accessory Dwelling Units (HB2720) strikes, in its entirety, Surprise Municipal Code Chapter 106, Article X, Section 106-10.2 Accessory Dwelling Units (ADU) and replaces it with Chapter 106, Article XI, Section 106-11.1 through 106-11.7, Accessory Dwelling Units (ADU), as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-43.

The proposed Zoning Text Amendment for Administrative Residential Approvals (SB1162) includes additions to Surprise Municipal Codes Chapter 101, Article II, Section 101-2.2 and the addition of Section 102-2.3, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-44.

91
92 **CONFORMANCE WITH ADOPTED PLANS:**

93 **Surprise General Plan 2035:** The subject request is consistent with, and will help
94 implement, the Surprise General Plan 2040.
95

96 **CITIZEN PARTICIPATION:**

97 An in-person outreach meeting was held on November 13, 2024 at 6:00 PM at the Surprise
98 Regional Library. There were no members of the public in attendance. City staff has not
99 received any opposition.
100

101 **SUMMARY:**

102 This Zoning Text Amendment will bring the Surprise Municipal Code into conformance with
103 the recently passed legislative bills.
104

105 **RECOMMENDATION:**

106 The Planning & Zoning Commission will make their recommendation to City Council at the
107 regularly scheduled Planning & Zoning Commission meeting on Thursday, December 5,
108 2024. Staff will provide that recommendation to Council in the presentation accompanying
109 this report on December 17, 2024.
110

111 Should the Council wish to **deny** the request, the Council should make its own findings and
112 base its decision on those alternative findings.
113

114 **Attachments:**

115 00 Staff Report
116 01 ZTA Legislative Edit
117 02 Citizen Participation Report
118 03 Ordinance 2024-43, ZTA ADU
119 PowerPoint Presentation
120

HB2297 – Commercial Adaptive Reuse

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE I. IN GENERAL

Sec. 111-1.1. Definitions

A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A

Adaptive reuse has the definition found in A.R.S. § 9-462.10(H)(1), as it may be amended.

~~means the conversion of~~ an existing building from the use for which it was constructed to a new use by maintaining some or all of the elements of the building.

B

Building code has the definition found in A.R.S. § 9-462.10(H)(2), as it may be amended.

E

Economically or functionally obsolete has the definition found in A.R.S. § 9-462.10(H)(3), as it may be amended.

L

Low-income housing has the definition found in A.R.S. § 9-462.10(H)(4), as it may be amended.

M

Moderate-income housing has the definition found in A.R.S. § 9-462.10(H)(5), as it may be amended.

Multifamily Residential Development has the definition found in A.R.S. § 9-462.10(H)(6), as it may be amended.

N

Nonconforming has the definition found in A.R.S. § 9-462.10(H)(7), as it may be amended.

Q

Qualified obsolete commercial building is a building which is:

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

1. Currently zoned for and/or permitted to be used for commercial, office, or mixed uses; and
2. Economically or functionally obsolete; and
3. Located on a parcel or parcels of at least one acre but not more than twenty acres; and
4. Not located in any of the following areas:
 - a. An area designated as a district of historical significance pursuant to A.R.S. § 9-462.10(a)(10);
 - b. An area designated as historic by a local government;
 - c. An area designated as historic on the national register of historic places;
 - d. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
 - e. Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486; or
 - f. On tribal land.

R

Rooftop Appurtenances has the definition found in A.R.S. § 9-462.10(H)(8), as it may be amended.

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE II. OPTIONAL REDEVELOPMENT OF QUALIFIED OBSOLETE

COMMERCIAL BUILDINGS

Sec 111-2.1 Purpose. This Article describes application requirements, review procedures, and approval criteria utilized by City staff when reviewing an application for multifamily residential development or adaptive reuse of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Article are in addition to other codes and requirements of the City.

Sec 111-2.2 Obsolete Commercial Building Redevelopment.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

A. Application. An owner seeking multifamily residential development or adaptive reuse of qualified obsolete commercial building shall submit an application that includes all of the following:

1. A site plan in conformance with section 102-4.2.
2. Evidence of site plan review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence satisfactory to the City Attorney that the existing building that is the subject of the application is economically or functionally obsolete.
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City Community Development Department and the City Attorney that the redevelopment will include a set aside of at least 10% of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least twenty years after the initial occupation of the proposed development.

B. Development standards and requirements. Multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall comply with the following standards and requirements:

1. Parking.

a. General. The development shall comply with parking space requirements applicable to multifamily residential buildings or adaptive reuse buildings under Chapter 107 Article IV, Parking and Loading Regulations.

C. Mixed-use development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual proposed use shall be provided, determined in accordance with Chapter 107 Article IV, Parking and Loading Regulations.

1. Demolition permit. A permit shall be obtained for the demolition of any existing building or portion of a building.

2. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings Chapter 106 Article II, Residential zoning

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Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Districts or the setback requirement that applied to the existing commercial, office, or mixed-use building.

3. Height and density. Multifamily residential height and density shall not exceed:

a. Two stories in the areas of a site within one hundred feet of single-family residential zones.

b. In all other areas, the lesser of:

i. Five stories; or

ii. The highest allowable multifamily height and density for a multifamily zoning district in the City of Surprise located within one mile of the building to be redeveloped; or

iii. If there is no multifamily zoning district in the City of Surprise within one mile of the building to be redeveloped, the height and density of the multifamily zoning district located in the City of Surprise located closest to the building to be redeveloped.

4. Height exemption. If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec 111-2.3 Multifamily Residential Development or Adaptive Reuse Cap, Tracking, and Area Exclusion.

A. Cap. Not more than 10% of the total actual or estimated number of existing commercial, office, or mixed-use buildings, without requiring a conditional use permit, a planned unit development, or rezoning application, or any other application that would require a public hearing, may be redeveloped for multifamily residential development or adaptive reuse under this Article.

B. Tracking. The City Community Development Department shall keep track of the number of buildings redeveloped under this Article, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:

1. The number of buildings redeveloped for multifamily residential development or adaptive reuse under this Article; plus

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Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

- i. The number of buildings with approved building permits for redevelopment under this Article but not yet completed; plus
- ii. The number of buildings with pending applications for redevelopment under this Article but not yet permitted.

C. Area exclusion. The following commercial or employment hubs and essential commercial or employment use areas are not eligible for multifamily residential development or adaptive reuse under this Article:

1. Those commercial and employment hubs and essential commercial or employment use areas that currently fall within the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.

HB2325 – Fowl

CHAPTER 10 - ANIMALS

ARTICLE III. LIVESTOCK, FOWL, RODENTS AND REPTILES

Sec. 10-113. Livestock, ~~fowl and rodents.~~

- ~~A. Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~

(Code 2007, § 6.08.040; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

Sec. 10-114. ~~Enclosures—Specifications.~~ Fowl and Rodents

~~All enclosures referred to in this article shall be so constructed as to prevent any animal, fowl or rodent enclosed therein from escaping and wandering upon property not within the enclosure. All fowl and rodents shall be kept in an enclosure at least 80 feet or more from any residence, school, hotel, restaurant or building containing sleeping or dining accommodations.~~

- A. For the purposes of this section, *fowl* means a cock or hen of the domestic chicken.
- B. Residents of a single-family detached residence on a lot more than one-half acre of lot area may keep 25 *fowl*, or 25 *rodents*, or a combination of 25 *rodents* and *fowl*.
- C. Residents of any single-family detached residence may not keep male *fowl*, including roosters.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

D. Residents of a single-family detached residence on a lot that is one-half acre or less in size may keep up to six fowl in the backyard of the property, provided that the following conditions are met:

1. All *fowl* and *rodents* shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property. The size of the enclosure shall be a maximum of two hundred square feet with a maximum height of eight feet, provided that any enclosure located in a residential community on a lot less than one acre in size be shorter than the fence line of the property;
2. All water sources for *fowl* or *rodents* shall have adequate overflow drainage;
3. All feed for *fowl* or *rodents* shall be stored in insect-proof and rodent-proof containers;
4. The enclosure shall be maintained and manure picked up and disposed of or composted at least twice weekly;
5. The composted manure shall be kept in a way that prevents migration of insects; and
6. The enclosure shall be constructed and maintained so as to prevent *fowl* and *rodents* from running at large.

(Code 2007, § 6.08.050; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

HB2720 – Accessory Dwelling Units

Chapter 106 – Zoning and Use Standards

Article X – Specific Use Standards

~~Sec. 106-10.2. Accessory dwelling units (ADU).~~

A. ~~Single family residential uses will be limited to only one (1) accessory dwelling unit (ADU) per lot of record in the RR, R-1 and R-2, SHD-RO, and TND-R zoning districts.~~

1. ~~New accessory dwelling units may not be constructed within the 65 DNL pursuant to A.R.S. § 28-8481(E) after the adoption of this ordinance.~~

B. ~~The ADU shall be located on the same lot as the primary uses and may not be sold or conveyed as a separate dwelling unit nor calculated as a separate dwelling unit for the purposes of determining gross or net residential density.~~

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)

C. ~~An attached ADU shall have independent access and no direct, internal access to the primary dwelling. Detached ADUs shall not be located in the front yard.~~

D. ~~The design of any ADU shall respect the general building scale and architectural character of the primary dwelling, and placed to allow sharing of common space on the lot, such as driveways and yards.~~

E. ~~The ADU has a maximum area not to exceed fifty (50) percent of the habitable space of the primary dwelling unit or eight hundred (800) square feet of habitable space, whichever is less.~~

F. ~~The ADU shall not have separate utility services unless the public utility determines that a separate meter is required for safety reasons.~~

G. ~~One (1) additional off street parking space is required for the ADU. Existing required off street parking for the primary dwelling shall be maintained or replaced onsite.~~

H. ~~Development standards. Table 106-10a below identifies the dimensional standards required for an ADU.~~

Table 106-10a—Accessory Dwelling Units (ADU)					
	Max ADU Size¹	Building Separation²	Setback (Front Yard)³	Setback (Side and/or Rear Yard)	Height
Detached ADU	50% of primary dwelling	5'	Not permitted	5'	9' ^{4,6}
Attached ADU ⁵	50% of primary dwelling	n/a	Same as zoning min. setbacks	Same as zoning min. setbacks	Same as zoning allowed height
Notes: 1. Calculated by the floor area of the first floor of the principal building. Maximum area of ADU shall not exceed 800 square feet if the primary dwelling exceeds 1,600 square feet. 2. May be increased as required by the building and/or fire codes. 3. The entrance to the ADU shall not be visible from the street, except for entrances that do not have access from the ground level, such as entrances from balconies or decks. Access shall not create the appearance of a two-family dwelling. 4. The height of an ADU structure shall not exceed nine (9) feet as measured at the five-foot setback line. The height of the ADU structure may increase at a ratio of one foot vertical for every one foot horizontal as measured relative to the property line to a maximum height					

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)

equal to the zoning district (see ~~Figures 106-10a and 106-b~~).

5. The ADU shall be connected to the primary dwelling by a common roof, covered passageway, or common wall without direct access to the primary dwelling unit.

6. On lots thirty thousand (30,000) square feet or greater each ADU has a maximum height equal to the zoning district when constructed within the building envelope.

(Ord. No. 2022-10, § 1(Exh. A), 4-19-22; Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Chapter 106 – ZONING AND USE STANDARDS

Article XI – ACCESSORY DWELLING UNITS

Sec. 106-11.1. - Purpose and applicability.

The purpose of this Article is to establish regulations that comply with state law regarding the construction of an accessory dwelling unit on a lot or parcel where the zoning allows a single-family dwelling. To the extent any provision in this Article conflicts with state law or A.R.S. § 9-461.18, the state law shall control.

Section 106-11.2. - Definitions.

For the purpose of this Article, the following definitions apply:

“**Accessory dwelling unit**” has the definition found in A.R.S. § 9-461-18(H)(1), as it may be amended.

“**Deed Restriction**” means the restriction document recorded against the restricted-affordable dwelling unit on the lot to apply the acknowledgment of affordable housing restriction and ensure compliance with this Article.

“**Gross floor area**” has the definition found in A.R.S. § 9-461.18(H)(2), as it may be amended.

“**Long-term rental**” has the definition found in A.R.S. § 9-461.18(H)(3), as it may be amended.

“**Permitted use**” has the definition found in A.R.S. § 9-461.18(H)(5), as it may be amended.

“**Restricted-affordable dwelling unit**” has the definition found in A.R.S. § 9-461.18(H)(6), as it may be amended.

Section 106-11.3 – Accessory Dwelling Unit as a Permitted Use; Eligibility; Appeals.

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(a) Eligibility.

(1) If the City determines that adequate public utility services are provided and the application complies with this Article and the City's building codes, fire codes, and public health and safety regulations, the following is a permitted use on a single-family lot or parcel that contains a primary dwelling:

- i. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is less than one acre;
- ii. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is one acre or more; or
- iii. No more than one attached accessory dwelling unit and two detached accessory dwelling units if the single-family dwelling lot is one acre or more, but only if at least one of the accessory dwelling units is a restricted-affordable dwelling unit.

(2) For the purpose of eligibility under this section, an accessory dwelling unit shall not exceed the lesser of:

- i. Seventy-five percent of the gross floor area of the existing single-family dwelling on the same lot or parcel; or
- ii. One thousand square feet.

(3) For the purpose of eligibility under this section, the single-family lot or parcel shall not be located on:

- i. Tribal land;
- ii. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
- iii. Land in the territory in the vicinity of a general aviation airport; or
- iv. Land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

(b) Appeals. If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the decision before the board of adjustment pursuant to Sec. 2-302.

Sec. 106-11.4. - Accessory Dwelling Units; Deviations from Certain Zoning Regulations; Eligibility.

(a) Eligibility. Except as provided in state law, this Article, or the City's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling of greater square footage and includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(1) Location. The accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.

(2) Building frontage. The accessory dwelling unit is subject to the same building frontage requirements that apply to a single-family dwelling on the same lot or parcel.

(3) Setbacks. The accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

(i) The rear setback for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(ii) The side setbacks for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(iii) The front setback for the accessory dwelling unit shall be no less than those permitted for the single-family dwelling on the same lot.

(4) Lot coverage. The accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(5) Height. The accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(6) Parking and Access. No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit.

(b) Utility conflicts. The accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

(c) Other Requirements. The accessory dwelling unit must comply with all other City Code requirements unless otherwise approved by use permit or variance.

(d) Exception. This section does not apply to any lot or parcel within tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

Sec. 106-11.5. - Accessory Dwelling Unit; Permit Approval.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

(a) Applicability. This Section governs ministerial review of applications for accessory dwelling units under this Chapter.

(b) Ministerial review. Applications for the following types of accessory dwelling units shall be approved ministerially by the community development director pursuant to the procedures of this Section without a public hearing, variance, conditional use permit, special permit or special exception.

(c) Permit requirement. The applicant shall obtain a building permit prior to the construction of any accessory dwelling unit.

(d) Procedure for review.

(1) Administrative completeness review time frame. For each residential zoning application, the community development director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed incomplete, the staff member will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(2) Substantive review. After determining that the application is administratively complete, the community development director or designee shall review the application to determine whether it meets the requirements of this Article. Unless an administrative adjustment is granted by the community development director pursuant to Section 102-4.6 excusing noncompliance that would otherwise require denial of the application, the community development director or designee shall deny an application for an accessory dwelling unit if the requirements of this section 106 have not been satisfied.

(e) Right to Appeal. The applicant may appeal the decision of the community development director in accordance with Section 102-2. The appeal shall be limited to a consideration of whether the objective criteria in Section 106 have been met.

Sec. 106-11.7. - Restricted-Affordable Dwelling Unit.

(a) Deed Restriction.

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

(1) The owner of a proposed restricted-affordable dwelling unit that is subject to this Chapter must execute and deliver an original recorded copy of a development agreement with the City or a deed restriction on the City's standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

(2) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of the Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.

(3) The restricted-affordable dwelling unit shall be constructed in accordance with the city's adopted building and fire codes and the conditions and restrictions set forth in the deed restriction and any applicable development agreement between the developer/owner and the City.

(b) Affordability. The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established according to the United States Department of Housing and Urban Development (HUD). The restricted-affordable dwelling unit shall not be rented to any entity.

(c) Occupancy Requirement.

(1) When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the City.

(2) In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this Section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

(3) The restricted-affordable dwelling unit is subject to Sec. 106-10.23 of the City Code regarding home-based occupations.

(e) Reporting Requirement. The owner of restricted-affordable dwelling unit shall provide an annual report and proof to the city to demonstrate compliance with the rental requirements set forth in this Section. The annual report shall be submitted to the community development director or designee by January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

(1) the period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;

(2) the monthly rental price; and

(3) the taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

CHAPTER 107 – DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE IV – PARKING AND LOADING

Sec. 107-4.9. Minimum off-street parking requirements.

A. Each individual land *use* within the different *zoning districts* and overlay *zoning districts* shall provide the required number of *off-street parking spaces* as described in **Table 107-4c** below.

B. The community development director or designee will determine if *uses* are significantly similar or dissimilar to particular *uses* not expressly listed in **Table 107-4c**. The parking requirement for *uses* that are significantly dissimilar to *uses* listed in **Table 107-4c** shall be determined by the community development director or designee. In such instances, the *applicant* will provide adequate information by which the proposal can be reviewed, which includes but not limited to the following:

1. Type of *use(s)*.
2. Number of employees.
3. *Building* design capacity.
4. Square feet of *sales areas* and service area.
5. *Parking spaces* proposed on site.
6. *Parking spaces* provided elsewhere.

Table 107-4c—Parking Standards	
Uses	Min. Off-Street Parking Spaces
Residential	
Assisted living center (more than 10 residents)	0.5 per sleeping room
Assisted living home (10 or less residents)	2 per dwelling unit plus 0.5 per sleeping room

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Dormitory	0.5 per sleeping room
Dwelling, live/work	2 per DU
Dwelling, multi-family (4 or more)	Studio-1B=1/unit, 2+B=2.0/unit plus 1 per 250 sf of office and community facility uses 0.2 spaces per DU dedicated to visitor parking
Dwelling, single-family	2 per DU
Dwelling, two-family (duplex)	2 per DU
Dwelling, three-family (triplex)	2 per DU
Group home	Same as dwelling
Residential health care facility	2 per DU plus 0.5 per sleeping room
Commercial	
Airport (private)	1 per 100 sf GFA of waiting room space or 2 spaces per craft staging/tie down pad
Amusement and/or theme park	1 per 600 sf outdoor public activity area
Animal boarding facility	1 per 375 sf GFA
Animal clinic	1 per 200 sf GFA
Animal grooming	1 per 200 sf GFA
Animal hospital	1 per 200 sf GFA
Animal shelter	1 per 300 sf GFA
Athletic or fitness club (commercial)	1 per 250 sf GFA
Bank	1 per 250 sf GFA
Bar	1 per 100 sf GFA
Bus terminal	Determined by site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

*(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**.)*

Campgrounds	1 per 4 campsites plus 2 per laundry/shower facilities
Catering services	1 per 500 sf GFA
Cemetery and mausoleum	Determined by site plan
Cemetery, pet (limited to small animals)	Determined by site plan
Community facility	3 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Community garden	2 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Day care center (child or adult)	1 per 375 sf GFA
Entertainment establishment— indoor	1 per 4 seats or 1 per 50 of GFA if no permanent seats
	Bowling, billiards, pool, etc. 2 per lane or gaming table
	Miniature golf establishment—1 per hole
	Skating rinks—1 per 200 sf GFA
	Theater (movie and performance)—1 per 4 seats
Entertainment establishment— outdoor	Miniature golf—1 per hole
	Driving range—2 per tee
	1 per 4 seats or 1 per 50 sf of activity area if no permanent seats
Fairground/stadium	TBD by parking study with site plan
Funeral home, mortuary	1 per 4 seats
Galleries, museums (including display and production space)	1 per 1,000 sf GFA
Golf course (public or private)	2 per hole plus ancillary uses

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

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Hotels, motels, resort	0.8 per room plus 1 per 800 sf GFA of public meeting area and restaurant space
Medical hospital, overnight surgical facility	1 per 400 sf GFA
Medical marijuana off-site cultivation facility	1 per 1,000 sf GFA of activity area
Medical marijuana dispensary	1 per 400 sf GFA
Medical marijuana infusion facility	1 per 1,000 sf GFA of activity area
Medical office (health care facility)	1 per 200 sf GFA
Microbrewery, distillery, winery	1 per 100 sf GFA
Nursing care facility	0.5 per room
Office	1 per 250 sf GFA
Park, recreation, and open lands	1 per 1,000 sf GFA of activity area
Park and ride	TBD by parking study with site plan
Parking lot, parking structure	TBD by parking study with site plan
Personal service establishment	1 per 400 sf GFA
Places of assembly	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Places of worship	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Plant nursery	1 per 400 sf GFA of sales areas and service building
Private club	1 per 300 sf GFA
Post office	TBD by parking study with site plan
Public facility	TBD by parking study with site plan
Racetrack	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Recreational vehicle (RV) park	1 per 4 camp sites, plus 2 per laundry and shower facility (camping related establishments) and 1 space

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

	adjacent to each lot
Recreational vehicles (RV) storage	1 per 20 RV parking space
Repair service establishment	1 per 400 sf GFA
Restaurant	1 per 100 sf GFA
Restaurant, convenience/take out	1 per 150 sf GFA
Retail shopping establishment	1 per 400 sf GFA
Schools: pre-K through 12 (private)	2 per classroom, 1 per 6 students for grades 10—12
Schools: universities or colleges (public or private)	1 per 4 students
Schools: vocational (technical or trade)	1 per 200 sf GFA
Self-storage facility	Drive-up storage—1 per 300 sf GFA of office/retail space Multi-story/climate controlled—1 per 50 storage unit
Service call establishment	1 per 400 sf GFA
Sexually oriented business	1 per 400 sf GFA
Shooting range—indoor only	2 per stall
Showroom/sales office	1 per 400 sf GFA
State vehicle license and inspection station	TBD by parking study with site plan
Tattoo and body piercing	1 per 400 sf GFA
Technology/business incubator space	1 per 300 sf GFA
Utility equipment infrastructure	1 space when on-street parking is prohibited
Utility service yard	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Vehicle fueling station	1 per 300 sf GFA retail areas
Vehicle rental facilities	1 per 500 sf GFA retail areas
Vehicle sales and leasing: new or used (commercial, including equipment)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (OHV, motorcycles, boats, or similar)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (personal)	1 per 300 sf GFA of office and covered sales areas
Vehicle service: major repair	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle service: minor repair	1 per 500 sf GFA , including service bays, wash tunnels, and retail areas
Vehicle washing facilities	1 per 300 sf GFA office and retail areas or self-serve car washes—3 per property
Zoo and exotic animal keeping	TBD by parking study with site plan
Employment/industrial	
Agricultural operations	1 per 1,500 sf GFA
Auction—vehicle (passenger, commercial) and heavy equipment	TBD by parking study with site plan
Batch plant, paving material mixing plant	TBD by parking study with site plan
Brick, clay, concrete, or similar product	TBD by parking study with site plan
Contractors yard	1 per 1,000 sf GFA plus 1 per 400 sf GFA of sales and service building
Correctional institutions/facilities	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Data center	TBD by parking study with site plan
Equestrian center, commercial stables	1 per 3 stalls
Farm and heavy equipment sales, service or storage	1 per 300 sf GFA of office and covered sales areas
Feed and tack sales	1 per 400 sf GFA
Fleet-based services	TBD by parking study with site plan
Food manufacturing and processing	1 per 1,500 sf GFA
Freight depot/distribution center	1 per 1,500 sf GFA
Grain processing; including milling, drying, storage	1 per 1,500 sf GFA
Laundry, dry cleaning; bulk operation (pick-up and delivery)	1 per 1,500 sf GFA
Machine shop, welding shop	1 per 1,000 sf GFA
Manufacturing and fabrication	1 per 1,500 sf GFA
Manufactured home portable buildings, oversized and recreational (RV) vehicles sales and service	1 per 375 sf GFA of sales and service building
Mining and mineral extraction	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Plant nursery (growing facility and wholesale)	1 per 1,000 sf growing area plus 1 per 400 sf GFA of sales and service building
Printing plant (commercial scale)	TBD by parking study with site plan
Recycling, collection facility	TBD by parking study with site plan
Recycling, processing facility	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

Research facility—laboratory and testing facility	1 per 1,500 sf GFA
Sand and gravel operation	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Sanitary landfill, solid waste facility	TBD by parking study with site plan
Stone product curing, fabrication	1 per 1,500 sf GFA
Taxidermist	TBD by parking study with site plan
Tile, roofing and waterproofing production	1 per 1,500 sf GFA
Truck stop (full service and repair permitted)	1 per 500 sf GFA, including service bays and retail areas
Vehicle towing and impound lot	1 per 300 sf GFA of sales and service building
Warehouse/distribution	1 per 1,000 sf GFA (for first 10,000 sf) plus 1 per 5,000 sf GFA (remaining sf) plus 1 per 250 sf GFA for office areas (shell buildings to be calculated at 15%)
Water aquifer recharge/storage facility	TBD by parking study with site plan
Water reclamation or wastewater facility	TBD by parking study with site plan
Wholesale shopping	1 per 400 sf GFA
Accessory uses	
Cottage industries	2 plus spaces for primary residence

SB1162 – Residential Zoning Hearings/ Administrative Approval Timelines

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates

Legislative Edits

Sec. 101-2.2. Glossary of terms.

- A. Definitions. The following additional words and phrases shall, for the purpose of this ordinance, have the following meanings:

R

Residential Zoning Application *An application that seeks to rezone from one type of zoning district to a residential zoning district.*

Chapter 102 – REVIEW PROCESS AND APPLICATIONS

ARTICLE II – PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.3. - Approval of Residential Zoning Applications.

(A) Administrative completeness review time frame. For each residential zoning application, the Community Development Director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the staff member will provide the applicant with an electronic notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(B) Approval or Denial of Residential Zoning Applications. After determining that a residential zoning application is administratively complete, the City Council shall approve or deny the application within one hundred eighty (180) days. The City Council may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

(1) staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or

(2) staff may grant extensions in thirty (30) day increments at the request of the applicant.

(C) Exceptions. This Section does not apply to:

(1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates
Legislative Edits

(2) An area that is designated as historic on the national register of historic places;

(3) Land that is already zoned as a planned area development (PAD).

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS24-1421 – November 13, 2024

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO) in response to a series of recently passed legislative measures aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements within municipalities. Impacted municipalities are required to modify conflicting codes and ordinances on or before January 01, 2025. As part of these changes, this amendment is proposing the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Adding and modifying various defined terms.
- Adding language to allow for the keeping of fowl and removing conflicting language.
- Adding language to allow for accessory dwelling units on single-family residential lots and removing conflicting language.
- Adding language regarding timeframes for city review and processing of residential zoning applications and removing conflicting language.
- Adding language regarding the adaptive reuse of commercially zoned buildings and removing conflicting language.

ADVERTISING

The meeting was advertised in the Daily Independent on Friday, October 25, 2024 and the Surprise Independent on Wednesday, October 30, 2024, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at the Surprise Regional Library on November 14, 2024 at 6 p.m. and there were no members of the public in attendance.

FEEDBACK

No feedback or concerns were expressed.



Neighborhood Meeting Sign-In Sheet

FS24-1407 & FS24-1421

	Name	Address	Contact Information
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**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/25/2024
Surprise Independent: 10/30/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
11/12/2024

Karen Kirkendoll



KAREN KIRKENDOLL
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	9709
Ordered By	Tiffany Copp
Order Date	10/21/2024
Description	FS24-1421
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/25/2024
Last Issue	10/30/2024
Publications	Daily Independent, Surprise Independent

ZONING TEXT AMENDMENT
NEIGHBORHOOD MEETING

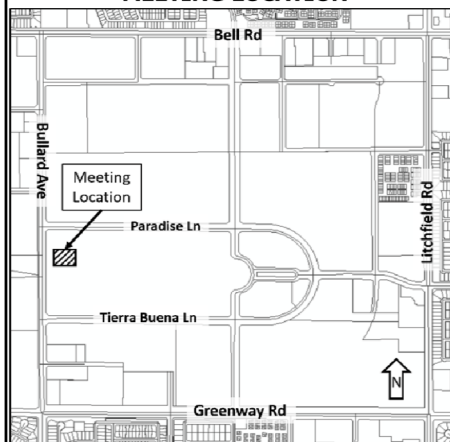
Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances (LDO) referenced below. Any member of the public may participate in the conversation as it pertains to this project by attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise: Tiffany Copp;
623-222-3020; tiffany.copp@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Wednesday, November 13, 2024
TIME: 6:00 PM
PHYSICAL LOCATION: City of Surprise
Regional Library
16089 N. Bullard Avenue
Surprise, AZ 85374

MEETING LOCATION



PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Municipal Code and the Land Development Ordinances (LDO) to update various sections of the code in conformance with the legislative changes and statutory requirements effected from the 56th Legislative Session and to remove conflicts with other sections of the code and LDO, Case # FS24-1421.

Publish: Daily Independent, October 25,
Surprise Independent, October 30,
2024/9709_1

ORDINANCE # 2024-43

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY REPEALING CHAPTER 106, ARTICLE X, SECTION 106-10.2; ADDING CHAPTER 106, ARTICLE XI, SECTIONS 106-11.1 THROUGH 106-11.7; AND AMENDING CHAPTER 107, ARTICLE IV, SECTION 107-4.9, RELATING TO ACCESSORY DWELLING UNITS; INCORPORATING THE RECITALS BY REFERENCE; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted H.B. 2720 to mandate certain code amendments relating to the construction and regulation of accessory dwelling units;

WHEREAS, subject to certain limitations, H.B. 2720 requires a municipality with a population exceeding 75,000 residents to adopt regulations allowing for at least one attached and one detached accessory dwelling unit on a lot or parcel where a single-family dwelling is allowed;

WHEREAS, H.B. 2720 provides that certain accessory dwelling units must be allowed on all lots or parcels zoned for residential use in a municipality with a population exceeding 75,000, if the municipality fails to adopt the regulations mandated by H.B. 2720 on or before January 1, 2025;

WHEREAS, H.B. 2720 mandates that certain code amendments be adopted on or before January 1, 2025;

WHEREAS, H.B. 2720 allows for the City's enforcement of residential building codes, fire codes, public health and safety regulations, and other regulations; however, zoning regulations regarding the height, setbacks, lot size, lot coverage, or building frontage of a proposed accessory dwelling unit cannot be more restrictive than the regulations that apply to a single-family dwelling within the same zoning area;

WHEREAS, H.B. 2720 does not apply to tribal land, land in the territory in the vicinity of a military airport or ancillary military facility, land in the vicinity of a Federal Aviation Administration commercially licensed airport, land in the vicinity of a general aviation airport, and land in the vicinity of a public airport;

WHEREAS, H.B. 2720 requires the owner of a short-term rental to reside on the property if an accessory dwelling unit on the same lot or parcel was constructed on or after the general effective date of H.B. 2720 and the accessory dwelling unit being used as a short-term rental; however, this requirement does not apply to property owners with a right to build an accessory

dwelling unit on their properties before September 15, 2024, unless the time period specified in Ariz. Rev. Stat. § 12-1234(G) has expired;

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed.

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

Section 1. Chapter 106, Article X, Section 106-10.2; Chapter 106, Article XI, Sections 106-11.1 through 106-11.7; and Chapter 107, Article IV, Section 107-4.9 of the Surprise Municipal Code are hereby repealed, added, and amended as described on the attached Exhibit A, and incorporated herein by this reference.

Section 2. The above “WHEREAS” recital paragraphs are fully incorporated in this Ordinance by reference.

Section 3. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 4. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendments to the Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 6. Pursuant to Surprise Municipal Code § 1-7, a person convicted of a violation of this Ordinance shall be guilty of a class 1 misdemeanor and subject to the punishment for a class 1 misdemeanor under state law.

Section 7. Emergency. The Council hereby finds, determines, and declares that an emergency exists, and that in order to preserve the peace, health, and safety of the City of Surprise, this Ordinance shall be effective immediately upon its passage and adoption.

SIGNATURES ON THE FOLLOWING PAGE

PASSED AND ADOPTED this 17 day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

I, KRISTI PASSARELLI, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE # 2024-43 ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE ON THE _____ DAY OF _____, 2024, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2024.

Kristi Passarelli, City Clerk

EXHIBIT A

|

Chapter 106 – Zoning and Use Standards
Article X – Specific Use Standards

Sec. 106-10.2. Accessory dwelling units (ADU).

A. ~~Single-family residential uses~~ will be limited to only one (1) ~~accessory dwelling unit (ADU)~~ per lot of record in the RR, R-1 and R-2, SHD-RO, and TND-R zoning districts.

1. ~~New accessory dwelling units~~ may not be constructed within the 65 DNL pursuant to A.R.S. § 28-8481(E) after the adoption of this ordinance.

B. ~~The ADU shall be located on the same lot as the primary uses and may not be sold or conveyed as a separate dwelling unit nor calculated as a separate dwelling unit for the purposes of determining gross or net residential density.~~

C. ~~An attached ADU shall have independent access and no direct, internal access to the primary dwelling. Detached ADUs shall not be located in the front yard.~~

D. ~~The design of any ADU shall respect the general building scale and architectural character of the primary dwelling, and placed to allow sharing of common space on the lot, such as driveways and yards.~~

E. ~~The ADU has a maximum area not to exceed fifty (50) percent of the habitable space of the primary dwelling unit or eight hundred (800) square feet of habitable space, whichever is less.~~

F. ~~The ADU shall not have separate utility services unless the public utility determines that a separate meter is required for safety reasons.~~

G. ~~One (1) additional off-street parking space is required for the ADU. Existing required off-street parking for the primary dwelling shall be maintained or replaced onsite.~~

H. ~~Development standards. Table 106-10a below identifies the dimensional standards required for an ADU.~~

Table 106-10a—Accessory Dwelling Units (ADU)					
	Max ADU Size¹	Building Separation²	Setback (Front Yard)³	Setback (Side and/or Rear Yard)	Height
Detached ADU	50% of primary dwelling	5'	Not permitted	5'	9' ^{4, 6}
Attached ADU ⁵	50% of primary dwelling	n/a	Same as zoning min. setbacks	Same as zoning min. setbacks	Same as zoning allowed height

Notes:

1. ~~Calculated by the floor area of the first floor of the principal building. Maximum area of ADU shall not exceed 800 square feet if the primary dwelling exceeds 1,600 square feet.~~

2. ~~May be increased as required by the building and/or fire codes.~~

- ~~3. The entrance to the ADU shall not be visible from the street, except for entrances that do not have access from the ground level, such as entrances from balconies or decks. Access shall not create the appearance of a two-family dwelling.~~
- ~~4. The height of an ADU structure shall not exceed nine (9) feet as measured at the five-foot setback line. The height of the ADU structure may increase at a ratio of one-foot vertical for every one-foot horizontal as measured relative to the property line to a maximum height equal to the zoning district (see Figures 106-10a and 106-b).~~
- ~~5. The ADU shall be connected to the primary dwelling by a common roof, covered passageway, or common wall without direct access to the primary dwelling unit.~~
- ~~6. On lots thirty thousand (30,000) square feet or greater each ADU has a maximum height equal to the zoning district when constructed within the building envelope.~~

(Ord. No. 2022-10, § 1(Exh. A), 4-19-22; Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Chapter 106 – ZONING AND USE STANDARDS

Article XI – ACCESSORY DWELLING UNITS

Sec. 106-11.1. - Purpose and applicability.

The purpose of this Article is to establish regulations that comply with state law regarding the construction of an accessory dwelling unit on a lot or parcel where the zoning allows a single-family dwelling. To the extent any provision in this Article conflicts with state law or A.R.S. § 9-461.18, the state law shall control.

Section 106-11.2. - Definitions.

For the purpose of this Article, the following definitions apply:

“**Accessory dwelling unit**” has the definition found in A.R.S. § 9-461-18(H)(1), as it may be amended.

“**Deed Restriction**” means the restriction document recorded against the restricted-affordable dwelling unit on the lot to apply the acknowledgment of affordable housing restriction and ensure compliance with this Article.

“**Gross floor area**” has the definition found in A.R.S. § 9-461.18(H)(2), as it may be amended.

“**Long-term rental**” has the definition found in A.R.S. § 9-461.18(H)(3), as it may be amended.

“**Permitted use**” has the definition found in A.R.S. § 9-461.18(H)(5), as it may be amended.

“**Restricted-affordable dwelling unit**” has the definition found in A.R.S. § 9-461.18(H)(6), as it may be amended.

Section 106-11.3 – Accessory Dwelling Unit as a Permitted Use; Eligibility; Appeals.

(a) Eligibility.

(1) If the City determines that adequate public utility services are provided and the application complies with this Article and the City’s building codes, fire codes, and public health and safety regulations, the following is a permitted use on a single-family lot or parcel that contains a primary dwelling:

- i. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is less than one acre;

- ii. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is one acre or more; or
 - iii. No more than one attached accessory dwelling unit and two detached accessory dwelling units if the single-family dwelling lot is one acre or more, but only if at least one of the accessory dwelling units is a restricted-affordable dwelling unit.
- (2) For the purpose of eligibility under this section, an accessory dwelling unit shall not exceed the lesser of:
- i. Seventy-five percent of the gross floor area of the existing single-family dwelling on the same lot or parcel; or
 - ii. One thousand square feet.
- (3) For the purpose of eligibility under this section, the single-family lot or parcel shall not be located on:
- i. Tribal land;
 - ii. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
 - iii. Land in the territory in the vicinity of a general aviation airport; or
 - iv. Land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.
- (b) **Appeals.** If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the decision before the board of adjustment pursuant to Sec. 2-302.

Sec. 106-11.4. - Accessory Dwelling Units; Deviations from Certain Zoning Regulations; Eligibility.

(a) **Eligibility.** Except as provided in state law, this Article, or the City's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling of greater square footage and includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

- (1) **Location.** The accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.
- (2) **Building frontage.** The accessory dwelling unit is subject to the same building frontage requirements that apply to a single-family dwelling on the same lot or parcel.
- (3) **Setbacks.** The accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:
 - (i) The rear setback for the accessory dwelling unit shall be no less than five (5) feet from the property line.
 - (ii) The side setbacks for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(iii) The front setback for the accessory dwelling unit shall be no less than those permitted for the single-family dwelling on the same lot.

(4) Lot coverage. The accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(5) Height. The accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(6) Parking and Access. No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit.

(b) Utility conflicts. The accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

(c) Other Requirements. The accessory dwelling unit must comply with all other City Code requirements unless otherwise approved by use permit or variance.

(d) Exception. This section does not apply to any lot or parcel within tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

Sec. 106-11.5. - Accessory Dwelling Unit; Permit Approval.

(a) Applicability. This Section governs ministerial review of applications for accessory dwelling units under this Chapter.

(b) Ministerial review. Applications for the following types of accessory dwelling units shall be approved ministerially by the community development director pursuant to the procedures of this Section without a public hearing, variance, conditional use permit, special permit or special exception.

(c) Permit requirement. The applicant shall obtain a building permit prior to the construction of any accessory dwelling unit.

(d) Procedure for review.

(1) Administrative completeness review time frame. For each residential zoning application, the community development director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed incomplete, the staff member will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(2) Substantive review. After determining that the application is administratively complete, the community development director or designee shall review the application to determine whether it meets the requirements of this Article. Unless

an administrative adjustment is granted by the community development director pursuant to Section 102-4.6 excusing noncompliance that would otherwise require denial of the application, the community development director or designee shall deny an application for an accessory dwelling unit if the requirements of this section 106 have not been satisfied.

(e) Right to Appeal. The applicant may appeal the decision of the community development director in accordance with Section 102-2. The appeal shall be limited to a consideration of whether the objective criteria in Section 106 have been met.

Sec. 106-11.7. - Restricted-Affordable Dwelling Unit.

(a) Deed Restriction.

(1) The owner of a proposed restricted-affordable dwelling unit that is subject to this Chapter must execute and deliver an original recorded copy of a development agreement with the City or a deed restriction on the City's standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

(2) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of the Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.

(3) The restricted-affordable dwelling unit shall be constructed in accordance with the city's adopted building and fire codes and the conditions and restrictions set forth in the deed restriction and any applicable development agreement between the developer/owner and the City.

(b) Affordability. The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established according to the United States Department of Housing and Urban Development (HUD). The restricted-affordable dwelling unit shall not be rented to any entity.

(c) Occupancy Requirement.

(1) When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the City.

(2) In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this Section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

(3) The restricted-affordable dwelling unit is subject to Sec. 106-10.23 of the City Code regarding home-based occupations.

(e) Reporting Requirement. The owner of restricted-affordable dwelling unit shall provide an annual report and proof to the city to demonstrate compliance with the rental requirements set forth in this Section. The annual report shall be submitted to the community development director or designee by January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

(1) the period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;

(2) the monthly rental price; and

(3) the taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

CHAPTER 107 – DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE IV – PARKING AND LOADING

Sec. 107-4.9. Minimum off-street parking requirements.

A. Each individual land *use* within the different *zoning districts* and overlay *zoning districts* shall provide the required number of *off-street parking spaces* as described in **Table 107-4c** below.

B. The community development director or designee will determine if *uses* are significantly similar or dissimilar to particular *uses* not expressly listed in **Table 107-4c**. The parking requirement for *uses* that are significantly dissimilar to *uses* listed in **Table 107-4c** shall be determined by the community development director or designee. In such instances, the *applicant* will provide adequate information by which the proposal can be reviewed, which includes but not limited to the following:

1. Type of *use(s)*.
2. Number of employees.
3. *Building* design capacity.
4. Square feet of *sales areas* and service area.
5. *Parking spaces* proposed on site.
6. *Parking spaces* provided elsewhere.

Table 107-4c—Parking Standards	
Uses	Min. Off-Street Parking Spaces
Residential	
Assisted living center (more than 10 residents)	0.5 per sleeping room
Assisted living home (10 or less residents)	2 per dwelling unit plus 0.5 per sleeping room
Dormitory	0.5 per sleeping room
Dwelling, live/work	2 per DU
Dwelling, multi-family (4 or more)	Studio-1B=1/unit, 2+B=2.0/unit plus 1 per 250 sf of office and community facility uses 0.2 spaces per DU dedicated to visitor parking
Dwelling, single-family	2 per DU
Dwelling, two-family (duplex)	2 per DU
Dwelling, three-family (triplex)	2 per DU
Group home	Same as dwelling
Residential health care facility	2 per DU plus 0.5 per sleeping room

Commercial	
Airport (private)	1 per 100 sf GFA of waiting room space or 2 spaces per craft staging/tie down pad
Amusement and/or theme park	1 per 600 sf outdoor public activity area
Animal boarding facility	1 per 375 sf GFA
Animal clinic	1 per 200 sf GFA
Animal grooming	1 per 200 sf GFA
Animal hospital	1 per 200 sf GFA
Animal shelter	1 per 300 sf GFA
Athletic or fitness club (commercial)	1 per 250 sf GFA
Bank	1 per 250 sf GFA
Bar	1 per 100 sf GFA
Bus terminal	Determined by site plan
Campgrounds	1 per 4 campsites plus 2 per laundry/shower facilities
Catering services	1 per 500 sf GFA
Cemetery and mausoleum	Determined by site plan
Cemetery, pet (limited to small animals)	Determined by site plan
Community facility	3 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Community garden	2 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Day care center (child or adult)	1 per 375 sf GFA
Entertainment establishment—indoor	1 per 4 seats or 1 per 50 of GFA if no permanent seats
	Bowling, billiards, pool, etc. 2 per lane or gaming table
	Miniature golf establishment—1 per hole
	Skating rinks—1 per 200 sf GFA
	Theater (movie and performance)—1 per 4 seats
Entertainment establishment—outdoor	Miniature golf—1 per hole
	Driving range—2 per tee
	1 per 4 seats or 1 per 50 sf of activity area if no permanent seats
Fairground/stadium	TBD by parking study with site plan
Funeral home, mortuary	1 per 4 seats
Galleries, museums (including display and production space)	1 per 1,000 sf GFA
Golf course (public or private)	2 per hole plus ancillary uses
Hotels, motels, resort	0.8 per room plus 1 per 800 sf GFA of public meeting area and restaurant space

Medical hospital, overnight surgical facility	1 per 400 sf GFA
Medical marijuana off-site cultivation facility	1 per 1,000 sf GFA of activity area
Medical marijuana dispensary	1 per 400 sf GFA
Medical marijuana infusion facility	1 per 1,000 sf GFA of activity area
Medical office (health care facility)	1 per 200 sf GFA
Microbrewery, distillery, winery	1 per 100 sf GFA
Nursing care facility	0.5 per room
Office	1 per 250 sf GFA
Park, recreation, and open lands	1 per 1,000 sf GFA of activity area
Park and ride	TBD by parking study with site plan
Parking lot, parking structure	TBD by parking study with site plan
Personal service establishment	1 per 400 sf GFA
Places of assembly	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Places of worship	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Plant nursery	1 per 400 sf GFA of sales areas and service building
Private club	1 per 300 sf GFA
Post office	TBD by parking study with site plan
Public facility	TBD by parking study with site plan
Racetrack	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Recreational vehicle (RV) park	1 per 4 camp sites, plus 2 per laundry and shower facility (camping related establishments) and 1 space adjacent to each lot
Recreational vehicles (RV) storage	1 per 20 RV parking space
Repair service establishment	1 per 400 sf GFA
Restaurant	1 per 100 sf GFA
Restaurant, convenience/take out	1 per 150 sf GFA
Retail shopping establishment	1 per 400 sf GFA
Schools: pre-K through 12 (private)	2 per classroom, 1 per 6 students for grades 10—12
Schools: universities or colleges (public or private)	1 per 4 students

Schools: vocational (technical or trade)	1 per 200 sf GFA
Self-storage facility	Drive-up storage—1 per 300 sf GFA of office/retail space Multi-story/climate controlled—1 per 50 storage unit
Service call establishment	1 per 400 sf GFA
Sexually oriented business	1 per 400 sf GFA
Shooting range—indoor only	2 per stall
Showroom/sales office	1 per 400 sf GFA
State vehicle license and inspection station	TBD by parking study with site plan
Tattoo and body piercing	1 per 400 sf GFA
Technology/business incubator space	1 per 300 sf GFA
Utility equipment infrastructure	1 space when on-street parking is prohibited
Utility service yard	TBD by parking study with site plan
Vehicle fueling station	1 per 300 sf GFA retail areas
Vehicle rental facilities	1 per 500 sf GFA retail areas
Vehicle sales and leasing: new or used (commercial, including equipment)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (OHV, motorcycles, boats, or similar)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (personal)	1 per 300 sf GFA of office and covered sales areas
Vehicle service: major repair	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle service: minor repair	1 per 500 sf GFA , including service bays, wash tunnels, and retail areas
Vehicle washing facilities	1 per 300 sf GFA office and retail areas or self-serve car washes—3 per property
Zoo and exotic animal keeping	TBD by parking study with site plan
Employment/industrial	
Agricultural operations	1 per 1,500 sf GFA
Auction—vehicle (passenger, commercial) and heavy equipment	TBD by parking study with site plan
Batch plant, paving material mixing plant	TBD by parking study with site plan
Brick, clay, concrete, or similar product	TBD by parking study with site plan

Contractors yard	1 per 1,000 sf GFA plus 1 per 400 sf GFA of sales and service building
Correctional institutions/facilities	TBD by parking study with site plan
Data center	TBD by parking study with site plan
Equestrian center, commercial stables	1 per 3 stalls
Farm and heavy equipment sales, service or storage	1 per 300 sf GFA of office and covered sales areas
Feed and tack sales	1 per 400 sf GFA
Fleet-based services	TBD by parking study with site plan
Food manufacturing and processing	1 per 1,500 sf GFA
Freight depot/distribution center	1 per 1,500 sf GFA
Grain processing; including milling, drying, storage	1 per 1,500 sf GFA
Laundry, dry cleaning: bulk operation (pick-up and delivery)	1 per 1,500 sf GFA
Machine shop, welding shop	1 per 1,000 sf GFA
Manufacturing and fabrication	1 per 1,500 sf GFA
Manufactured home portable buildings, oversized and recreational (RV) vehicles sales and service	1 per 375 sf GFA of sales and service building
Mining and mineral extraction	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Plant nursery (growing facility and wholesale)	1 per 1,000 sf growing area plus 1 per 400 sf GFA of sales and service building
Printing plant (commercial scale)	TBD by parking study with site plan
Recycling, collection facility	TBD by parking study with site plan
Recycling, processing facility	TBD by parking study with site plan
Research facility—laboratory and testing facility	1 per 1,500 sf GFA
Sand and gravel operation	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Sanitary landfill, solid waste facility	TBD by parking study with site plan
Stone product curing, fabrication	1 per 1,500 sf GFA
Taxidermist	TBD by parking study with site plan
Tile, roofing and waterproofing production	1 per 1,500 sf GFA

Truck stop (full service and repair permitted)	1 per 500 sf GFA, including service bays and retail areas
Vehicle towing and impound lot	1 per 300 sf GFA of sales and service building
Warehouse/distribution	1 per 1,000 sf GFA (for first 10,000 sf) plus 1 per 5,000 sf GFA (remaining sf) plus 1 per 250 sf GFA for office areas (shell buildings to be calculated at 15%)
Water aquifer recharge/storage facility	TBD by parking study with site plan
Water reclamation or wastewater facility	TBD by parking study with site plan
Wholesale shopping	1 per 400 sf GFA
Accessory uses	
Accessory dwelling unit (ADU)	1 per ADU plus spaces for primary residence
Cottage industries	2 plus spaces for primary residence



Zoning Text Amendment- Legislative Updates Discussion

Lloyd Abrams, CD Director

Tiffany Copp, CD Assistant Director

Mindy Davis, CD Assistant Director



BACKGROUND

2024 – 56th Arizona State Legislature: Passed a series bills revising Title 9 of the Arizona Revised Statute with the intent to reduce municipal review timeframes for development and modify various zoning and development requirements. Many of these bills require impacted municipalities to modify conflicting codes and ordinances on or before January 1, 2025.

- HB2210 Budget & Mandatory Reporting
No Text Amendment
- HB2297 Adaptive Reuse (Commercial)
Ordinance 2024-45
- HB2325 Fowl
Ordinance 2024-42
- HB2720 Accessory Dwelling Units
Ordinance 2024-43
- HB2721 Middle Housing
Future Text Amendment
- SB1162 Residential Zoning Hearings
Ordinance 2024-44



SUMMARY

HB2297, Adaptive Reuse. Requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

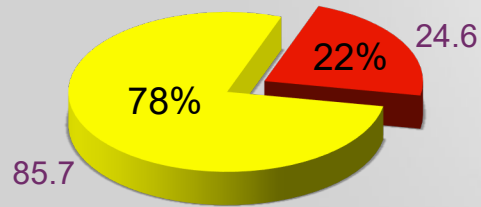
HB2325, Fowl. Requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720, Accessory Dwelling Units. Requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

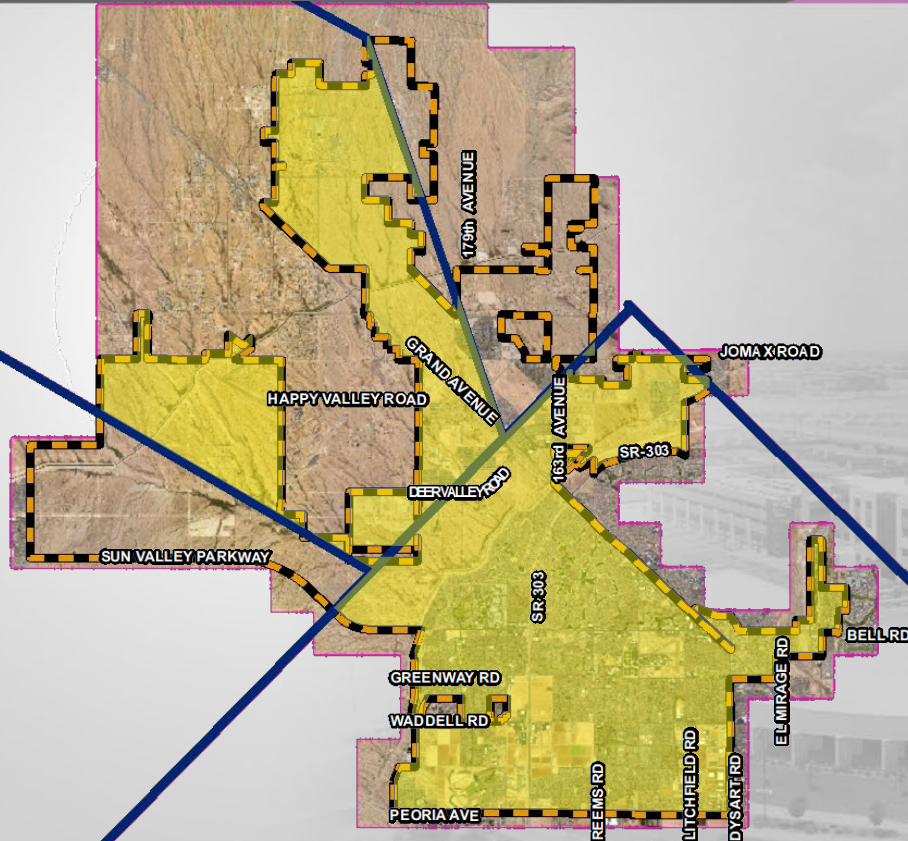
SB1162, Residential Zoning Hearings. Requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update a housing needs assessment and report out annually on specific activity and information to the Arizona Department of Housing (ADOH).

IMPACT MAP

Square Miles



■ Affected (no color) ■ Not Affected





TIMELINE

11/13/2024: Public Outreach Meeting

11/19/2024: Council Work Session

12/5/2024: Planning & Zoning Commission

12/17/2024: Regular Council Meeting





RECOMMENDATION

Planning and Zoning Commission will make their recommendation to City Council on December 5th.

Four separate motions and actions are required to approve four separate ordinances under case FS24-1421:

- Ordinance 2024-45, Adaptive Reuse
- Ordinance 2024-42, Fowl
- Ordinance 2024-43, Accessory Dwelling Units
- Ordinance 2024-44, Residential Zoning Hearings



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024 Contact Person: Tiffany Copp, Assistant Director
Submitting Department: Community Development District: Citywide
Staff Recommendations:

Consent: No	Regular: No	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to Administrative Residential Zoning Approvals; Ordinance #2024-44.

Motion:

I move to approve Ordinance #2024-44, a Zoning Text Amendment to conform with Legislative Updates regarding Administrative Residential Zoning Approvals.

I move to deny Ordinance #2024-44, a Zoning Text Amendment to conform with Legislative Updates regarding Administrative Residential Zoning Approvals, because [insert reason].

Background:

In 2024 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. Senate Bill 1162 requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. As a result, impacted municipalities are required to take action and modify conflicting codes and ordinances on or before January 01, 2025.

Objective Analysis:

The proposed text amendment will bring the city's existing codes into timely conformance with the recently approved legislative actions.

Policy Compliant:

The proposed text amendment is consistent with and supports both the strategic goals of the Mayor and Council as well as the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

The budget impact associated with the adoption of this ordinance will be the cost to convert the ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known and will be absorbed in the current budget.

FTE Impact:

There is no anticipated impact to FTE at this time.

ATTACHMENTS:

1. 00 - FS24-1421 ZTA for Administrative Zoning Approvals - Staff Report
 2. 01 - FS24-1421 ZTA Legislative Edit for Legislative Updates
 3. 02- FS24-1421 Citizen Participation Report
 4. 03-FS24-1421 DRAFT Ordinance 24-44_Administrative Zoning Approvals_Final.Emergency Measure
 5. FS24-1421 Legislative Updates PPT
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS24-1421

Project Name: Zoning Text Amendment for 2024 Legislative Updates

Council District: Citywide

Meeting Date: December 17, 2024

Planner: Tiffany Copp, Assistant Director

Applicant: City of Surprise

Request: Zoning Text Amendment to the Surprise Municipal Code to conform with recent legislative updates to comply with residential zoning approvals and related timeframes. Ordinance 2024-44. Case FS24-1421.

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2040.

Support/Opposition: None known

Commission Recommendation: The Planning & Zoning Commission will recommend their approval or denial of the proposed Zoning Text Amendment to the Surprise Municipal Codes on December 5, 2024.

PROJECT DESCRIPTION:

Staff initiated Zoning Text Amendment (ZTA) case FS24-1421 to ensure the city's codes were updated to conform with various bills passed in the last legislative session.

BACKGROUND:

In 2024 the Arizona State Legislature passed a series bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to take action and modify conflicting codes to conform with many of these bills on or before January 01, 2025.

HB2210 modifies the duties of the Arizona Commerce Authority (ACA), establishes the Municipality Time Frames Advisory Committee (MTFAC) and requires jurisdictions report on various development related activity to the MTFAC and requires that the MTFAC report

its findings and recommendations back to the ACA. This bill does not require a text amendment at this time.

HB2297 requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

HB2325 requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720 requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

SB1162 requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update, every five (5) years, a housing needs assessment and report out annually on specific activity and information to be captured in the assessment to the Arizona Department of Housing (ADOH).

ANALYSIS AND DISCUSSION:

The Arizona League of Cities and Towns worked with various stakeholders to develop model ordinances for municipalities to adopt which that comply with the newly adopted legislation. The proposed text amendments and accompanying ordinances strictly adhere to the model ordinance language and impact the Surprise Municipal Codes as follows:

The proposed Zoning Text Amendment for Adaptive Reuse (HB2297) includes additions and deletions to Surprise Municipal Code Chapter 111, Infill Incentive District, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-45.

The proposed Zoning Text Amendment for Fowl (HB2325) includes additions and deletions to Surprise Municipal Code Chapter 10, Article III, Sections 10-113 and 10-114, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-42.

The proposed Zoning Text Amendment for Accessory Dwelling Units (HB2720) strikes, in its entirety, Surprise Municipal Code Chapter 106, Article X, Section 106-10.2 Accessory Dwelling Units (ADU) and replaces it with Chapter 106, Article XI, Section 106-11.1 through 106-11.7, Accessory Dwelling Units (ADU), as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-43.

The proposed Zoning Text Amendment for Administrative Residential Approvals (SB1162) includes additions to Surprise Municipal Codes Chapter 101, Article II, Section 101-2.2 and the addition of Section 102-2.3, as outlined in the attached legislative edit of the text amendment and accompanying Ordinance 2024-44.

90
91 **CONFORMANCE WITH ADOPTED PLANS:**

92 **Surprise General Plan 2035:** The subject request is consistent with, and will help
93 implement, the Surprise General Plan 2040.
94

95 **CITIZEN PARTICIPATION:**

96 An in-person outreach meeting was held on November 13, 2024 at 6:00 PM at the Surprise
97 Regional Library. There were no members of the public in attendance. City staff has not
98 received any opposition.
99

100 **SUMMARY:**

101 This Zoning Text Amendment will bring the Surprise Municipal Code into conformance with
102 the recently passed legislative bills.
103

104 **RECOMMENDATION:**

105 The Planning & Zoning Commission will make their recommendation to City Council at the
106 regularly scheduled Planning & Zoning Commission meeting on Thursday, December 5,
107 2024. Staff will provide that recommendation to Council in the presentation accompanying
108 this report on December 17, 2024.
109

110 Should the Council wish to **deny** the request, the Council should make its own findings and
111 base its decision on those alternative findings.
112

113 **Attachments:**

114 00 Staff Report
115 01 ZTA Legislative Edit
116 02 Citizen Participation Report
117 03 Ordinance 2024-44, ZTA Administrative Zoning Approvals
118 PowerPoint Presentation
119

HB2297 – Commercial Adaptive Reuse

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE I. IN GENERAL

Sec. 111-1.1. Definitions

A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A

Adaptive reuse has the definition found in A.R.S. § 9-462.10(H)(1), as it may be amended.

~~means the conversion of~~ an existing building from the use for which it was constructed to a new use by maintaining some or all of the elements of the building.

B

Building code has the definition found in A.R.S. § 9-462.10(H)(2), as it may be amended.

E

Economically or functionally obsolete has the definition found in A.R.S. § 9-462.10(H)(3), as it may be amended.

L

Low-income housing has the definition found in A.R.S. § 9-462.10(H)(4), as it may be amended.

M

Moderate-income housing has the definition found in A.R.S. § 9-462.10(H)(5), as it may be amended.

Multifamily Residential Development has the definition found in A.R.S. § 9-462.10(H)(6), as it may be amended.

N

Nonconforming has the definition found in A.R.S. § 9-462.10(H)(7), as it may be amended.

Q

Qualified obsolete commercial building is a building which is:

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1. Currently zoned for and/or permitted to be used for commercial, office, or mixed uses; and
2. Economically or functionally obsolete; and
3. Located on a parcel or parcels of at least one acre but not more than twenty acres; and
4. Not located in any of the following areas:
 - a. An area designated as a district of historical significance pursuant to A.R.S. § 9-462.10(a)(10);
 - b. An area designated as historic by a local government;
 - c. An area designated as historic on the national register of historic places;
 - d. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
 - e. Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486; or
 - f. On tribal land.

R

Rooftop Appurtenances has the definition found in A.R.S. § 9-462.10(H)(8), as it may be amended.

Chapter 111 INFILL INCENTIVE DISTRICTS

ARTICLE II. OPTIONAL REDEVELOPMENT OF QUALIFIED OBSOLETE

COMMERCIAL BUILDINGS

Sec 111-2.1 Purpose. This Article describes application requirements, review procedures, and approval criteria utilized by City staff when reviewing an application for multifamily residential development or adaptive reuse of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Article are in addition to other codes and requirements of the City.

Sec 111-2.2 Obsolete Commercial Building Redevelopment.

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A. Application. An owner seeking multifamily residential development or adaptive reuse of qualified obsolete commercial building shall submit an application that includes all of the following:

1. A site plan in conformance with section 102-4.2.
2. Evidence of site plan review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence satisfactory to the City Attorney that the existing building that is the subject of the application is economically or functionally obsolete.
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City Community Development Department and the City Attorney that the redevelopment will include a set aside of at least 10% of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least twenty years after the initial occupation of the proposed development.

B. Development standards and requirements. Multifamily residential development or adaptive reuse of a qualified obsolete commercial building shall comply with the following standards and requirements:

1. Parking.

a. General. The development shall comply with parking space requirements applicable to multifamily residential buildings or adaptive reuse buildings under Chapter 107 Article IV, Parking and Loading Regulations.

C. Mixed-use development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual proposed use shall be provided, determined in accordance with Chapter 107 Article IV, Parking and Loading Regulations.

1. Demolition permit. A permit shall be obtained for the demolition of any existing building or portion of a building.

2. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings Chapter 106 Article II, Residential zoning

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Districts or the setback requirement that applied to the existing commercial, office, or mixed-use building.

3. Height and density. Multifamily residential height and density shall not exceed:

a. Two stories in the areas of a site within one hundred feet of single-family residential zones.

b. In all other areas, the lesser of:

i. Five stories; or

ii. The highest allowable multifamily height and density for a multifamily zoning district in the City of Surprise located within one mile of the building to be redeveloped; or

iii. If there is no multifamily zoning district in the City of Surprise within one mile of the building to be redeveloped, the height and density of the multifamily zoning district located in the City of Surprise located closest to the building to be redeveloped.

4. Height exemption. If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec 111-2.3 Multifamily Residential Development or Adaptive Reuse Cap, Tracking, and Area Exclusion.

A. Cap. Not more than 10% of the total actual or estimated number of existing commercial, office, or mixed-use buildings, without requiring a conditional use permit, a planned unit development, or rezoning application, or any other application that would require a public hearing, may be redeveloped for multifamily residential development or adaptive reuse under this Article.

B. Tracking. The City Community Development Department shall keep track of the number of buildings redeveloped under this Article, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:

1. The number of buildings redeveloped for multifamily residential development or adaptive reuse under this Article; plus

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- i. The number of buildings with approved building permits for redevelopment under this Article but not yet completed; plus
- ii. The number of buildings with pending applications for redevelopment under this Article but not yet permitted.

C. Area exclusion. The following commercial or employment hubs and essential commercial or employment use areas are not eligible for multifamily residential development or adaptive reuse under this Article:

1. Those commercial and employment hubs and essential commercial or employment use areas that currently fall within the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.

HB2325 – Fowl

CHAPTER 10 - ANIMALS

ARTICLE III. LIVESTOCK, FOWL, RODENTS AND REPTILES

Sec. 10-113. Livestock, ~~fowl and rodents.~~

- ~~A. Livestock shall be allowed provided not less than one-half acre of lot area is provided for each animal. Fowl and rodents shall be allowed provided not less than one-half acre of lot area is provided for 25 rodents, or 25 fowl, or a combination of 25 rodents and fowl.~~

(Code 2007, § 6.08.040; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

Sec. 10-114. ~~Enclosures—Specifications.~~ Fowl and Rodents

~~All enclosures referred to in this article shall be so constructed as to prevent any animal, fowl or rodent enclosed therein from escaping and wandering upon property not within the enclosure. All fowl and rodents shall be kept in an enclosure at least 80 feet or more from any residence, school, hotel, restaurant or building containing sleeping or dining accommodations.~~

- A. For the purposes of this section, *fowl* means a cock or hen of the domestic chicken.
- B. Residents of a single-family detached residence on a lot more than one-half acre of lot area may keep 25 *fowl*, or 25 *rodents*, or a combination of 25 *rodents* and *fowl*.
- C. Residents of any single-family detached residence may not keep male *fowl*, including roosters.

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D. Residents of a single-family detached residence on a lot that is one-half acre or less in size may keep up to six fowl in the backyard of the property, provided that the following conditions are met:

1. All *fowl* and *rodents* shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property. The size of the enclosure shall be a maximum of two hundred square feet with a maximum height of eight feet, provided that any enclosure located in a residential community on a lot less than one acre in size be shorter than the fence line of the property;
2. All water sources for *fowl* or *rodents* shall have adequate overflow drainage;
3. All feed for *fowl* or *rodents* shall be stored in insect-proof and rodent-proof containers;
4. The enclosure shall be maintained and manure picked up and disposed of or composted at least twice weekly;
5. The composted manure shall be kept in a way that prevents migration of insects; and
6. The enclosure shall be constructed and maintained so as to prevent *fowl* and *rodents* from running at large.

(Code 2007, § 6.08.050; Ord. No. 08-01, § 1, 1-24-08; Ord. No. 2015-05, § 1(Att. A, § 1), 11-3-15)

HB2720 – Accessory Dwelling Units

Chapter 106 – Zoning and Use Standards

Article X – Specific Use Standards

~~Sec. 106-10.2. Accessory dwelling units (ADU).~~

A. ~~Single family residential uses will be limited to only one (1) accessory dwelling unit (ADU) per lot of record in the RR, R 1 and R 2, SHD RO, and TND R zoning districts.~~

1. ~~New accessory dwelling units may not be constructed within the 65 DNL pursuant to A.R.S. § 28-8481(E) after the adoption of this ordinance.~~

B. ~~The ADU shall be located on the same lot as the primary uses and may not be sold or conveyed as a separate dwelling unit nor calculated as a separate dwelling unit for the purposes of determining gross or net residential density.~~

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C. ~~An attached ADU shall have independent access and no direct, internal access to the primary dwelling. Detached ADUs shall not be located in the front yard.~~

D. ~~The design of any ADU shall respect the general building scale and architectural character of the primary dwelling, and placed to allow sharing of common space on the lot, such as driveways and yards.~~

E. ~~The ADU has a maximum area not to exceed fifty (50) percent of the habitable space of the primary dwelling unit or eight hundred (800) square feet of habitable space, whichever is less.~~

F. ~~The ADU shall not have separate utility services unless the public utility determines that a separate meter is required for safety reasons.~~

G. ~~One (1) additional off street parking space is required for the ADU. Existing required off street parking for the primary dwelling shall be maintained or replaced onsite.~~

H. ~~Development standards. Table 106-10a below identifies the dimensional standards required for an ADU.~~

Table 106-10a—Accessory Dwelling Units (ADU)					
	Max ADU Size ¹	Building Separation ²	Setback (Front Yard) ³	Setback (Side and/or Rear Yard)	Height
Detached ADU	50% of primary dwelling	5'	Not permitted	5'	9' ^{4,6}
Attached ADU ⁵	50% of primary dwelling	n/a	Same as zoning min. setbacks	Same as zoning min. setbacks	Same as zoning allowed height
Notes: 1. Calculated by the floor area of the first floor of the principal building. Maximum area of ADU shall not exceed 800 square feet if the primary dwelling exceeds 1,600 square feet. 2. May be increased as required by the building and/or fire codes. 3. The entrance to the ADU shall not be visible from the street, except for entrances that do not have access from the ground level, such as entrances from balconies or decks. Access shall not create the appearance of a two-family dwelling. 4. The height of an ADU structure shall not exceed nine (9) feet as measured at the five-foot setback line. The height of the ADU structure may increase at a ratio of one foot vertical for every one foot horizontal as measured relative to the property line to a maximum height					

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equal to the zoning district (see ~~Figures 106-10a and 106-b~~).

5. The ADU shall be connected to the primary dwelling by a common roof, covered passageway, or common wall without direct access to the primary dwelling unit.

6. On lots thirty thousand (30,000) square feet or greater each ADU has a maximum height equal to the zoning district when constructed within the building envelope.

(Ord. No. 2022-10, § 1(Exh. A), 4-19-22; Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Chapter 106 – ZONING AND USE STANDARDS

Article XI – ACCESSORY DWELLING UNITS

Sec. 106-11.1. - Purpose and applicability.

The purpose of this Article is to establish regulations that comply with state law regarding the construction of an accessory dwelling unit on a lot or parcel where the zoning allows a single-family dwelling. To the extent any provision in this Article conflicts with state law or A.R.S. § 9-461.18, the state law shall control.

Section 106-11.2. - Definitions.

For the purpose of this Article, the following definitions apply:

“**Accessory dwelling unit**” has the definition found in A.R.S. § 9-461-18(H)(1), as it may be amended.

“**Deed Restriction**” means the restriction document recorded against the restricted-affordable dwelling unit on the lot to apply the acknowledgment of affordable housing restriction and ensure compliance with this Article.

“**Gross floor area**” has the definition found in A.R.S. § 9-461.18(H)(2), as it may be amended.

“**Long-term rental**” has the definition found in A.R.S. § 9-461.18(H)(3), as it may be amended.

“**Permitted use**” has the definition found in A.R.S. § 9-461.18(H)(5), as it may be amended.

“**Restricted-affordable dwelling unit**” has the definition found in A.R.S. § 9-461.18(H)(6), as it may be amended.

Section 106-11.3 – Accessory Dwelling Unit as a Permitted Use; Eligibility; Appeals.

(a) Eligibility.

(1) If the City determines that adequate public utility services are provided and the application complies with this Article and the City's building codes, fire codes, and public health and safety regulations, the following is a permitted use on a single-family lot or parcel that contains a primary dwelling:

- i. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is less than one acre;
- ii. No more than one attached accessory dwelling unit and one detached accessory dwelling unit if the single-family dwelling lot is one acre or more; or
- iii. No more than one attached accessory dwelling unit and two detached accessory dwelling units if the single-family dwelling lot is one acre or more, but only if at least one of the accessory dwelling units is a restricted-affordable dwelling unit.

(2) For the purpose of eligibility under this section, an accessory dwelling unit shall not exceed the lesser of:

- i. Seventy-five percent of the gross floor area of the existing single-family dwelling on the same lot or parcel; or
- ii. One thousand square feet.

(3) For the purpose of eligibility under this section, the single-family lot or parcel shall not be located on:

- i. Tribal land;
- ii. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461;
- iii. Land in the territory in the vicinity of a general aviation airport; or
- iv. Land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

(b) Appeals. If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the decision before the board of adjustment pursuant to Sec. 2-302.

Sec. 106-11.4. - Accessory Dwelling Units; Deviations from Certain Zoning Regulations; Eligibility.

(a) Eligibility. Except as provided in state law, this Article, or the City's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling of greater square footage and includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

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(1) Location. The accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.

(2) Building frontage. The accessory dwelling unit is subject to the same building frontage requirements that apply to a single-family dwelling on the same lot or parcel.

(3) Setbacks. The accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

(i) The rear setback for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(ii) The side setbacks for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(iii) The front setback for the accessory dwelling unit shall be no less than those permitted for the single-family dwelling on the same lot.

(4) Lot coverage. The accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(5) Height. The accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel, as outlined in Chapter 106 Article II, Residential zoning Districts.

(6) Parking and Access. No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit.

(b) Utility conflicts. The accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

(c) Other Requirements. The accessory dwelling unit must comply with all other City Code requirements unless otherwise approved by use permit or variance.

(d) Exception. This section does not apply to any lot or parcel within tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486.

Sec. 106-11.5. - Accessory Dwelling Unit; Permit Approval.

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(a) Applicability. This Section governs ministerial review of applications for accessory dwelling units under this Chapter.

(b) Ministerial review. Applications for the following types of accessory dwelling units shall be approved ministerially by the community development director pursuant to the procedures of this Section without a public hearing, variance, conditional use permit, special permit or special exception.

(c) Permit requirement. The applicant shall obtain a building permit prior to the construction of any accessory dwelling unit.

(d) Procedure for review.

(1) Administrative completeness review time frame. For each residential zoning application, the community development director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed incomplete, the staff member will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(2) Substantive review. After determining that the application is administratively complete, the community development director or designee shall review the application to determine whether it meets the requirements of this Article. Unless an administrative adjustment is granted by the community development director pursuant to Section 102-4.6 excusing noncompliance that would otherwise require denial of the application, the community development director or designee shall deny an application for an accessory dwelling unit if the requirements of this section 106 have not been satisfied.

(e) Right to Appeal. The applicant may appeal the decision of the community development director in accordance with Section 102-2. The appeal shall be limited to a consideration of whether the objective criteria in Section 106 have been met.

Sec. 106-11.7. - Restricted-Affordable Dwelling Unit.

(a) Deed Restriction.

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(1) The owner of a proposed restricted-affordable dwelling unit that is subject to this Chapter must execute and deliver an original recorded copy of a development agreement with the City or a deed restriction on the City's standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

(2) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of the Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.

(3) The restricted-affordable dwelling unit shall be constructed in accordance with the city's adopted building and fire codes and the conditions and restrictions set forth in the deed restriction and any applicable development agreement between the developer/owner and the City.

(b) Affordability. The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established according to the United States Department of Housing and Urban Development (HUD). The restricted-affordable dwelling unit shall not be rented to any entity.

(c) Occupancy Requirement.

(1) When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the City.

(2) In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this Section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

(3) The restricted-affordable dwelling unit is subject to Sec. 106-10.23 of the City Code regarding home-based occupations.

(e) Reporting Requirement. The owner of restricted-affordable dwelling unit shall provide an annual report and proof to the city to demonstrate compliance with the rental requirements set forth in this Section. The annual report shall be submitted to the community development director or designee by January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

(1) the period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;

(2) the monthly rental price; and

(3) the taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

CHAPTER 107 – DESIGN AND DEVELOPMENT REGULATIONS

ARTICLE IV – PARKING AND LOADING

Sec. 107-4.9. Minimum off-street parking requirements.

A. Each individual land *use* within the different *zoning districts* and overlay *zoning districts* shall provide the required number of *off-street parking spaces* as described in **Table 107-4c** below.

B. The community development director or designee will determine if *uses* are significantly similar or dissimilar to particular *uses* not expressly listed in **Table 107-4c**. The parking requirement for *uses* that are significantly dissimilar to *uses* listed in **Table 107-4c** shall be determined by the community development director or designee. In such instances, the *applicant* will provide adequate information by which the proposal can be reviewed, which includes but not limited to the following:

1. Type of *use(s)*.
2. Number of employees.
3. *Building* design capacity.
4. Square feet of *sales areas* and service area.
5. *Parking spaces* proposed on site.
6. *Parking spaces* provided elsewhere.

Table 107-4c—Parking Standards	
Uses	Min. Off-Street Parking Spaces
Residential	
Assisted living center (more than 10 residents)	0.5 per sleeping room
Assisted living home (10 or less residents)	2 per dwelling unit plus 0.5 per sleeping room

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Dormitory	0.5 per sleeping room
Dwelling, live/work	2 per DU
Dwelling, multi-family (4 or more)	Studio-1B=1/unit, 2+B=2.0/unit plus 1 per 250 sf of office and community facility uses 0.2 spaces per DU dedicated to visitor parking
Dwelling, single-family	2 per DU
Dwelling, two-family (duplex)	2 per DU
Dwelling, three-family (triplex)	2 per DU
Group home	Same as dwelling
Residential health care facility	2 per DU plus 0.5 per sleeping room
Commercial	
Airport (private)	1 per 100 sf GFA of waiting room space or 2 spaces per craft staging/tie down pad
Amusement and/or theme park	1 per 600 sf outdoor public activity area
Animal boarding facility	1 per 375 sf GFA
Animal clinic	1 per 200 sf GFA
Animal grooming	1 per 200 sf GFA
Animal hospital	1 per 200 sf GFA
Animal shelter	1 per 300 sf GFA
Athletic or fitness club (commercial)	1 per 250 sf GFA
Bank	1 per 250 sf GFA
Bar	1 per 100 sf GFA
Bus terminal	Determined by site plan

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Campgrounds	1 per 4 campsites plus 2 per laundry/shower facilities
Catering services	1 per 500 sf GFA
Cemetery and mausoleum	Determined by site plan
Cemetery, pet (limited to small animals)	Determined by site plan
Community facility	3 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Community garden	2 spaces when on-street parking is prohibited or 1 per 500 sf GFA
Day care center (child or adult)	1 per 375 sf GFA
Entertainment establishment— indoor	1 per 4 seats or 1 per 50 of GFA if no permanent seats
	Bowling, billiards, pool, etc. 2 per lane or gaming table
	Miniature golf establishment—1 per hole
	Skating rinks—1 per 200 sf GFA
	Theater (movie and performance)—1 per 4 seats
Entertainment establishment— outdoor	Miniature golf—1 per hole
	Driving range—2 per tee
	1 per 4 seats or 1 per 50 sf of activity area if no permanent seats
Fairground/stadium	TBD by parking study with site plan
Funeral home, mortuary	1 per 4 seats
Galleries, museums (including display and production space)	1 per 1,000 sf GFA
Golf course (public or private)	2 per hole plus ancillary uses

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Hotels, motels, resort	0.8 per room plus 1 per 800 sf GFA of public meeting area and restaurant space
Medical hospital, overnight surgical facility	1 per 400 sf GFA
Medical marijuana off-site cultivation facility	1 per 1,000 sf GFA of activity area
Medical marijuana dispensary	1 per 400 sf GFA
Medical marijuana infusion facility	1 per 1,000 sf GFA of activity area
Medical office (health care facility)	1 per 200 sf GFA
Microbrewery, distillery, winery	1 per 100 sf GFA
Nursing care facility	0.5 per room
Office	1 per 250 sf GFA
Park, recreation, and open lands	1 per 1,000 sf GFA of activity area
Park and ride	TBD by parking study with site plan
Parking lot, parking structure	TBD by parking study with site plan
Personal service establishment	1 per 400 sf GFA
Places of assembly	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Places of worship	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Plant nursery	1 per 400 sf GFA of sales areas and service building
Private club	1 per 300 sf GFA
Post office	TBD by parking study with site plan
Public facility	TBD by parking study with site plan
Racetrack	1 per 4 seats or 1 per 50 sf GFA if no permanent seats
Recreational vehicle (RV) park	1 per 4 camp sites, plus 2 per laundry and shower facility (camping related establishments) and 1 space

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	adjacent to each lot
Recreational vehicles (RV) storage	1 per 20 RV parking space
Repair service establishment	1 per 400 sf GFA
Restaurant	1 per 100 sf GFA
Restaurant, convenience/take out	1 per 150 sf GFA
Retail shopping establishment	1 per 400 sf GFA
Schools: pre-K through 12 (private)	2 per classroom, 1 per 6 students for grades 10—12
Schools: universities or colleges (public or private)	1 per 4 students
Schools: vocational (technical or trade)	1 per 200 sf GFA
Self-storage facility	Drive-up storage—1 per 300 sf GFA of office/retail space Multi-story/climate controlled—1 per 50 storage unit
Service call establishment	1 per 400 sf GFA
Sexually oriented business	1 per 400 sf GFA
Shooting range—indoor only	2 per stall
Showroom/sales office	1 per 400 sf GFA
State vehicle license and inspection station	TBD by parking study with site plan
Tattoo and body piercing	1 per 400 sf GFA
Technology/business incubator space	1 per 300 sf GFA
Utility equipment infrastructure	1 space when on-street parking is prohibited
Utility service yard	TBD by parking study with site plan

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Vehicle fueling station	1 per 300 sf GFA retail areas
Vehicle rental facilities	1 per 500 sf GFA retail areas
Vehicle sales and leasing: new or used (commercial, including equipment)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (OHV, motorcycles, boats, or similar)	1 per 300 sf GFA of office and covered sales areas
Vehicle sales and leasing: new or used (personal)	1 per 300 sf GFA of office and covered sales areas
Vehicle service: major repair	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle service: minor repair	1 per 500 sf GFA , including service bays, wash tunnels, and retail areas
Vehicle washing facilities	1 per 300 sf GFA office and retail areas or self-serve car washes—3 per property
Zoo and exotic animal keeping	TBD by parking study with site plan
Employment/industrial	
Agricultural operations	1 per 1,500 sf GFA
Auction—vehicle (passenger, commercial) and heavy equipment	TBD by parking study with site plan
Batch plant, paving material mixing plant	TBD by parking study with site plan
Brick, clay, concrete, or similar product	TBD by parking study with site plan
Contractors yard	1 per 1,000 sf GFA plus 1 per 400 sf GFA of sales and service building
Correctional institutions/facilities	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

~~(Strikethrough indicates deletions; edits or additions are highlighted.)~~

Data center	TBD by parking study with site plan
Equestrian center, commercial stables	1 per 3 stalls
Farm and heavy equipment sales, service or storage	1 per 300 sf GFA of office and covered sales areas
Feed and tack sales	1 per 400 sf GFA
Fleet-based services	TBD by parking study with site plan
Food manufacturing and processing	1 per 1,500 sf GFA
Freight depot/distribution center	1 per 1,500 sf GFA
Grain processing; including milling, drying, storage	1 per 1,500 sf GFA
Laundry, dry cleaning; bulk operation (pick-up and delivery)	1 per 1,500 sf GFA
Machine shop, welding shop	1 per 1,000 sf GFA
Manufacturing and fabrication	1 per 1,500 sf GFA
Manufactured home portable buildings, oversized and recreational (RV) vehicles sales and service	1 per 375 sf GFA of sales and service building
Mining and mineral extraction	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Plant nursery (growing facility and wholesale)	1 per 1,000 sf growing area plus 1 per 400 sf GFA of sales and service building
Printing plant (commercial scale)	TBD by parking study with site plan
Recycling, collection facility	TBD by parking study with site plan
Recycling, processing facility	TBD by parking study with site plan

FS24-1421- Zoning Text Amendment Legislative Updates

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are highlighted.)

Research facility—laboratory and testing facility	1 per 1,500 sf GFA
Sand and gravel operation	1 per 300 sf GFA of office and covered sales areas plus ancillary uses
Sanitary landfill, solid waste facility	TBD by parking study with site plan
Stone product curing, fabrication	1 per 1,500 sf GFA
Taxidermist	TBD by parking study with site plan
Tile, roofing and waterproofing production	1 per 1,500 sf GFA
Truck stop (full service and repair permitted)	1 per 500 sf GFA, including service bays and retail areas
Vehicle towing and impound lot	1 per 300 sf GFA of sales and service building
Warehouse/distribution	1 per 1,000 sf GFA (for first 10,000 sf) plus 1 per 5,000 sf GFA (remaining sf) plus 1 per 250 sf GFA for office areas (shell buildings to be calculated at 15%)
Water aquifer recharge/storage facility	TBD by parking study with site plan
Water reclamation or wastewater facility	TBD by parking study with site plan
Wholesale shopping	1 per 400 sf GFA
Accessory uses	
Cottage industries	2 plus spaces for primary residence

SB1162 – Residential Zoning Hearings/ Administrative Approval Timelines

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates

Legislative Edits

Sec. 101-2.2. Glossary of terms.

- A. Definitions. The following additional words and phrases shall, for the purpose of this ordinance, have the following meanings:

R

Residential Zoning Application *An application that seeks to rezone from one type of zoning district to a residential zoning district.*

Chapter 102 – REVIEW PROCESS AND APPLICATIONS

ARTICLE II – PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.3. - Approval of Residential Zoning Applications.

(A) Administrative completeness review time frame. For each residential zoning application, the Community Development Director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the staff member will provide the applicant with an electronic notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(B) Approval or Denial of Residential Zoning Applications. After determining that a residential zoning application is administratively complete, the City Council shall approve or deny the application within one hundred eighty (180) days. The City Council may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

(1) staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or

(2) staff may grant extensions in thirty (30) day increments at the request of the applicant.

(C) Exceptions. This Section does not apply to:

(1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and

FS24-1421 – Zoning Text Amendment to conform with Legislative Updates
Legislative Edits

(2) An area that is designated as historic on the national register of historic places;

(3) Land that is already zoned as a planned area development (PAD).

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS24-1421 – November 13, 2024

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO) in response to a series of recently passed legislative measures aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements within municipalities. Impacted municipalities are required to modify conflicting codes and ordinances on or before January 01, 2025. As part of these changes, this amendment is proposing the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Adding and modifying various defined terms.
- Adding language to allow for the keeping of fowl and removing conflicting language.
- Adding language to allow for accessory dwelling units on single-family residential lots and removing conflicting language.
- Adding language regarding timeframes for city review and processing of residential zoning applications and removing conflicting language.
- Adding language regarding the adaptive reuse of commercially zoned buildings and removing conflicting language.

ADVERTISING

The meeting was advertised in the Daily Independent on Friday, October 25, 2024 and the Surprise Independent on Wednesday, October 30, 2024, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at the Surprise Regional Library on November 14, 2024 at 6 p.m. and there were no members of the public in attendance.

FEEDBACK

No feedback or concerns were expressed.



Neighborhood Meeting Sign-In Sheet

FS24-1407 & FS24-1421

	Name	Address	Contact Information
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15			
16			
17			None
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19			11-18-2024
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**State of Arizona:
County of Maricopa:
Affidavit of Publication**

I, Charlene Bisson, Arizona President/CEO of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue(s)

Daily Independent: 10/25/2024
Surprise Independent: 10/30/2024

Charlene Bisson

CHARLENE BISSON
President/CEO

Sworn to and subscribed before me this
11/12/2024

Karen Kirkendoll



KAREN KIRKENDOLL
Notary Public

Name	CITY OF SURPRISE-Community Development
Order Number	9709
Ordered By	Tiffany Copp
Order Date	10/21/2024
Description	FS24-1421
Number Issues	2
Pub Count	2
Order Cost	\$222.88
First Issue	10/25/2024
Last Issue	10/30/2024
Publications	Daily Independent, Surprise Independent

ZONING TEXT AMENDMENT
NEIGHBORHOOD MEETING

Please be advised that the City of Surprise will host a Neighborhood Meeting to discuss the Zoning Text Amendment (ZTA) to the Surprise Municipal Code and Land Development Ordinances (LDO) referenced below. Any member of the public may participate in the conversation as it pertains to this project by attending in person. According to Surprise Municipal Code, we are required to host a Neighborhood Meeting to present the proposal to the public while soliciting feedback and providing answers to questions.

Applicant: City of Surprise
City of Surprise: Tiffany Copp;
623-222-3020; tiffany.copp@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Wednesday, November 13, 2024

TIME: 6:00 PM

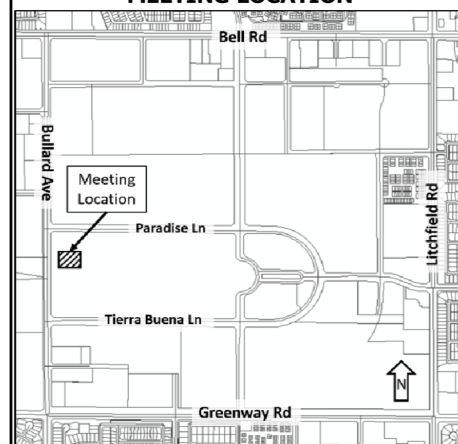
PHYSICAL LOCATION: City of Surprise

Regional Library

16089 N. Bullard Avenue

Surprise, AZ 85374

MEETING LOCATION



PROJECT DESCRIPTION:

A Zoning Text Amendment (ZTA) to the Surprise Municipal Code and the Land Development Ordinances (LDO) to update various sections of the code in conformance with the legislative changes and statutory requirements effected from the 56th Legislative Session and to remove conflicts with other sections of the code and LDO, Case # FS24-1421.

Publish: Daily Independent, October 25,
Surprise Independent, October 30,
2024/9709_1

ORDINANCE # 2024-44

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 101, ARTICLE II, SECTION 101-2.2 AND ADDING CHAPTER 102, ARTICLE II, SECTION 102-2.3, RELATING TO THE APPROVAL OF RESIDENTIAL ZONING APPLICATIONS; INCORPORATING THE RECITALS BY REFERENCE; SETTING FORTH DEFINITIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Arizona Legislature adopted S.B. 1162, codified as Ariz. Rev. Stat. § 9-462.10, which mandates that cities and towns adopt zoning code amendments on or before January 1, 2025, related to the approval of residential zoning applications;

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new mandates under S.B. 1162;

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, this Ordinance was properly noticed for a public hearing, and the necessary hearings and opportunity for public input were completed.

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

Section 1. Chapter 101, Article II, Section 101-2.2 and Chapter 102, Article II, Section 102-2.3 of the Surprise Municipal Code are hereby amended and added as described on the attached Exhibit A, and incorporated herein by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 4. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendments to the Code adopted herein is for any reason held to be

invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 6. Pursuant to Surprise Municipal Code § 1-7, a person convicted of a violation of this Ordinance shall be guilty of a class 1 misdemeanor and subject to the punishment for a class 1 misdemeanor under state law.

Section 7. Emergency. The Council hereby finds, determines, and declares that an emergency exists, and that in order to preserve the peace, health, and safety of the City of Surprise, this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 17 day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

I, KRISTI PASSARELLI, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE # 2024-44 ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE ON THE [REDACTED] DAY OF [REDACTED], 2024, WAS POSTED IN THREE PLACES ON THE [REDACTED] DAY OF [REDACTED], 2024.

Kristi Passarelli, City Clerk

EXHIBIT A

FS24-1421- Zoning Text Amendment Administrative Zoning Approvals

Legislative Edits

(~~Strikethrough~~ indicates deletions; edits or additions are **highlighted**)

Chapter 101 – ADMINISTRATIVE PROVISIONS

ARTICLE II - IN GENERAL

Sec. 101-2.2. Glossary of terms.

- A. Definitions. The following additional words and phrases shall, for the purpose of this ordinance, have the following meanings:

R

Residential Zoning Application *An application that seeks to rezone from one type of zoning district to a residential zoning district.*

Chapter 102 – REVIEW PROCESS AND APPLICATIONS

ARTICLE II – PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.3. - **Approval of Residential Zoning Applications.**

(A) Administrative completeness review time frame. For each residential zoning application, the Community Development Director shall designate a staff member to review the application. The designated City staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the staff member will provide the applicant with an electronic notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(B) Approval or Denial of Residential Zoning Applications. After determining that a residential zoning application is administratively complete, the City Council shall approve or deny the application within one hundred eighty (180) days. The City Council may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

(1) staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or

(2) staff may grant extensions in thirty (30) day increments at the request of the applicant.

(C) Exceptions. This Section does not apply to:

(1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and

(2) An area that is designated as historic on the national register of historic places;

(3) Land that is already zoned as a planned area development (PAD).



Zoning Text Amendment- Legislative Updates Discussion

Lloyd Abrams, CD Director

Tiffany Copp, CD Assistant Director

Mindy Davis, CD Assistant Director



BACKGROUND

2024 – 56th Arizona State Legislature: Passed a series bills revising Title 9 of the Arizona Revised Statute with the intent to reduce municipal review timeframes for development and modify various zoning and development requirements. Many of these bills require impacted municipalities to modify conflicting codes and ordinances on or before January 1, 2025.

- 
- HB2210 Budget & Mandatory Reporting
No Text Amendment
 - HB2297 Adaptive Reuse (Commercial)
Ordinance 2024-45
 - HB2325 Fowl
Ordinance 2024-42
 - HB2720 Accessory Dwelling Units
Ordinance 2024-43
 - HB2721 Middle Housing
Future Text Amendment
 - SB1162 Residential Zoning Hearings
Ordinance 2024-44



SUMMARY

HB2297, Adaptive Reuse. Requires a municipality modify or adopt standards related to the adaptive reuse of certain obsolete commercial buildings as multifamily and outlines subsequent standards and limitations.

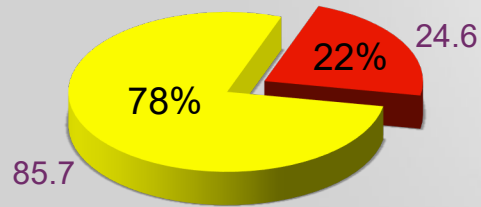
HB2325, Fowl. Requires the city comply with new allowances for the keeping of fowl in single family residential zones.

HB2720, Accessory Dwelling Units. Requires a municipality modify or adopt standards related to the allowance of accessory dwelling units (ADU's) in single family residential zones and outlines subsequent standards and limitations.

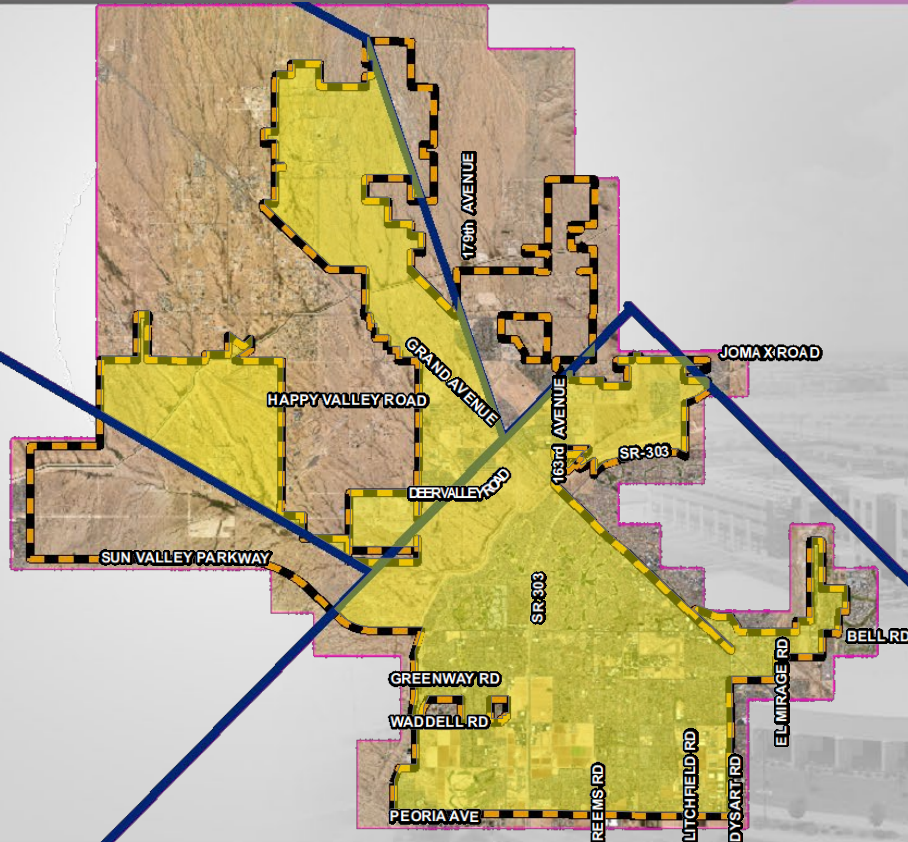
SB1162, Residential Zoning Hearings. Requires a municipality modify or adopt standards to comply with residential zoning approvals and related timeframes and outlines subsequent standards and limitations. This bill further requires municipalities develop, publish and subsequently update a housing needs assessment and report out annually on specific activity and information to the Arizona Department of Housing (ADOH).

IMPACT MAP

Square Miles



■ Affected (no color) ■ Not Affected





TIMELINE

11/13/2024: Public Outreach Meeting

11/19/2024: Council Work Session

12/5/2024: Planning & Zoning Commission

12/17/2024: Regular Council Meeting





RECOMMENDATION

Planning and Zoning Commission will make their recommendation to City Council on December 5th.

Four separate motions and actions are required to approve four separate ordinances under case FS24-1421:

- Ordinance 2024-45, Adaptive Reuse
- Ordinance 2024-42, Fowl
- Ordinance 2024-43, Accessory Dwelling Units
- Ordinance 2024-44, Residential Zoning Hearings



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Citywide

Consent: No	Regular: Yes	Public Hearing: Yes	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the establishment of fees for towing from private property; Resolution #2024-114.

Motion:

I move to approve Resolution #2024-114.

Background:

Arizona Revised Statutes §9-499.05(A) allows the governing body of an incorporated city or town to set the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carriers doing business within its boundaries.

Objective Analysis:

Acceptance of the establishment of fees will ensure that regulatory measures are in place to protect the City of Surprise residents from predatory practices and resolve disputes of towed and or seized vehicles from private property.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

There is no anticipated financial impact related to this item.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 24.08.21_Ord 2024-22 (1)

2. 240925~1
 3. 24.12.03 Res 2024-114_ Private Towing Fees120324
-

ORDINANCE # 2024-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, ADOPTING SURPRISE MUNICIPAL CODE CHAPTER 54, ARTICLE IV, DIVISION 2, SECTIONS 54-116 – 54-124, TOWING FROM PRIVATE PROPERTY; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE AND PENALTIES.

WHEREAS, Arizona Revised Statutes § 9-499.05(A) authorizes the City to regulate, among other things, the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property;

WHEREAS, the City seeks to regulate the maximum rate and charge for towing, transporting or impounding of a motor vehicle from private property and establish reasonable regulations for the protection of owners and operators of vehicles within the boundaries of the City of Surprise;

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

Section 1. Surprise Municipal Code, Chapter 54, Article 9, Division 2, Sections 54-116 – 54-124 is hereby created as set forth in Exhibit A.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 3. This ordinance will become effective at the time and manner prescribed by law.

Section 4. Any person found guilty of violating any provision of this ordinance shall be subject to the penalties set forth in Section 1-7 of the Surprise Municipal Code, except for violations of Section 54-119, which shall be subject to a minimum civil fine/penalty of two hundred fifty dollars (\$250.00) and a maximum civil fine/penalty of one thousand dollars (\$1,000.00).

SIGNATURES TO FOLLOW ON NEXT PAGE

PASSED AND ADOPTED this_____day of_____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

ORDINANCE # 2024-22
EXHIBIT A

DIVISION 3. -TOWING FROM PRIVATE PROPERTY

State Law reference- Authority to regulate maximum rates of towing motor vehicles from private property, A.R.S. § 9-499.05.

SEC. 54-116.- DEFINITION.

FOR THE PURPOSES OF THIS CHAPTER, "PRIVATE TOWING CARRIER" MEANS ANY PERSON WHO COMMERCIALY OFFERS SERVICES TO TOW, TRANSPORT, IMMOBILIZE OR IMPOUND MOTOR VEHICLES FROM PRIVATE PROPERTY WITHOUT THE PRIOR PERMISSION OF THE OWNER OR OPERATOR OF SUCH VEHICLE BY MEANS OR USE OF A TRUCK OR OTHER VEHICLE OR DEVICE DESIGNED FOR OR ADOPTED TO THAT PURPOSE.

SEC. 54-117. - MAXIMUM CHARGES AND FEES; RELEASE OF VEHICLES.

- a) PURSUANT TO A.R.S. § 9-499.05 AND THIS CHAPTER, PRIVATE TOWING CARRIERS WITHIN THIS CITY SHALL BE SUBJECT TO SUCH MAXIMUM CHARGES AND FEES AS THE COUNCIL SHALL ESTABLISH BY RESOLUTION (*SEE FEE SCHEDULE*) AT LEAST EVERY FIVE (5) YEARS. A PRIVATE TOWING CARRIER IS SUBJECT TO SUCH MAXIMUM CHARGES AND FEES AND OTHER REGULATIONS ESTABLISHED IN THIS SECTION IF THE VEHICLE IS BEING TOWED, TRANSPORTED, IMMOBILIZED OR IMPOUNDED WITHOUT THE PRIOR PERMISSION OF THE OWNER OR OPERATOR FROM PRIVATE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THIS CITY. NO FEES OTHER THAN THOSE SPECIFIED IN *FEE SCHEDULE* SHALL BE PERMITTED.
- b) A PRIVATE TOWING CARRIER MAY REQUIRE ANY CLAIMANT TO SIGN A RECEIPT FOR THE VEHICLE CLAIMED; HOWEVER, SUCH RECEIPT SHALL CONTAIN NO LANGUAGE OTHER THAN THE FOLLOWING:
 - (1) THE NAME AND ADDRESS OF THE CLAIMANT;
 - (2) THE NAME, ADDRESS AND LETTERHEAD OF THE PRIVATE TOWING CARRIER;
 - (3) THE DATE AND TIME AT WHICH THE VEHICLE WAS CLAIMED;
 - (4) A DESCRIPTION, INCLUDING THE LICENSE NUMBER, OF THE CLAIMED VEHICLE; AND
 - (5) A STATEMENT OF THE UNPAID BALANCE, IF ANY.
- c) NO PRIVATE TOWING CARRIER SHALL RELEASE ANY VEHICLE AFTER HAVING BEEN ADVISED BY ANY LAW ENFORCEMENT AGENCY THAT SUCH VEHICLE HAS BEEN REPORTED AS STOLEN.

- d) A PRIVATE TOWING CARRIER SHALL RELEASE AN IMPOUNDED VEHICLE FROM THE LOCATION WHERE THE CLAIMANT IS DIRECTED BY SIGNS, PURSUANT TO SECTION 54-120, TO RETRIEVE THE VEHICLE. THE VEHICLE SHALL BE RELEASED AT (1) THE TIME THE TOWING AND IMPOUND FEE IS PAID AND (2) PROOF OF OWNERSHIP IS PROVIDED.
- e) THE PRIVATE TOWING CARRIER, ITS AGENTS AND EMPLOYEES SHALL ALLOW THE CLAIMANT IMMEDIATELY UPON REQUEST TO RETRIEVE ANY PROPERTY FROM THE IMPOUNDED VEHICLE.
- f) THE PRIVATE TOWING CARRIER SHALL POST A SIGN WITH A MINIMUM ONE (1) INCH LETTERING WITH THE MAXIMUM CHARGES AND FEES AS ESTABLISHED BY COUNCIL RESOLUTION (*SEE FEE SCHEDULE*) AT THE MAIN BUSINESS ENTRY OF THE IMPOUND LOCATION.
- g) A PRIVATE TOWING CARRIER SHALL POST SIGNS VISIBLE TO CUSTOMERS AT THE LOCATION OF PAYMENT NO SMALLER THAN TWELVE (12) INCHES BY EIGHTEEN (18) INCHES AT THEIR PLACE OF BUSINESS WITH THE FOLLOWING INFORMATION:
 - (1) SURPRISE CITY CODE SECTIONS 54-116 THROUGH 54-124;
 - (2) A LIST OF SPECIFIC FEES AUTHORIZED BY SURPRISE CITY CODE, INCLUDING TOWING FEES, STORAGE FEES AND ANY OTHER CHARGES THAT COULD RESULT FROM THE DISPOSITION OF THE VEHICLE; AND
 - (3) NAME OF PRIVATE TOWING CARRIER, RESPONSIBLE PARTY AND BUSINESS TELEPHONE NUMBER.
- h) A PRIVATE TOWING CARRIER SHALL ACCEPT CREDIT AND DEBIT CARD PAYMENTS FOR ALL LISTED FEES. THERE SHALL BE NO ADDITIONAL CHARGES FOR SUCH PAYMENT METHODS.

SEC. 54-118. - NOTICE TO POLICE.

NO PRIVATE TOWING CARRIER SHALL TOW, IMMOBILIZE OR TRANSPORT ANY VEHICLE WITHOUT THE EXPRESS PERMISSION OF THE OWNER THEREOF, UNLESS THE PRIVATE TOWING CARRIER HAS NOTIFIED THE CITY POLICE DEPARTMENT PRIOR TO TOWING, IMMOBILIZING OR TRANSPORTING THE VEHICLE AND PROVIDED THE FOLLOWING INFORMATION:

- (1) THE NAME AND ADDRESS OF THE OWNER OF THE VEHICLE, IF KNOWN;
- (2) THE VEHICLE LICENSE NUMBER, VEHICLE IDENTIFICATION NUMBER (VIN) AND

DESCRIPTION;

- (3) THE REASON THE VEHICLE WAS MOVED OR IMMOBILIZED WITHOUT THE OWNER'S PERMISSION;
- (4) THE LOCATION WHERE THE VEHICLE WAS IMMOBILIZED OR TAKEN; AND
- (5) THE NAME AND DRIVER'S LICENSE NUMBER OF THE PERSON THAT TOWED OR IMMOBILIZED THE VEHICLE AND THE NAME AND ADDRESS OF THE COMPANY THAT TOWED, IMMOBILIZED OR TRANSPORTED THE VEHICLE.

SEC. 54-119. - AUTHORITY TO TOW.

- a) IT SHALL BE UNLAWFUL FOR A PRIVATE TOWING CARRIER TO TOW OR TRANSPORT A MOTOR VEHICLE FROM PRIVATE PROPERTY OR IMMOBILIZE A VEHICLE ON PRIVATE PROPERTY WITHOUT THE PERMISSION OF THE OWNER OR OPERATOR OF THE VEHICLE UNLESS SUCH PRIVATE TOWING CARRIER RECEIVES A REQUEST FROM A LAW ENFORCEMENT AGENCY OR THE EXPRESS WRITTEN PERMISSION FROM THE OWNER OF THE PROPERTY OR THE AGENT OF THE OWNER, WHO HAS COMPLIED WITH REQUIREMENTS OF THIS SECTION. THE OWNER OR THE OWNER'S AGENT SHALL EITHER SIGN EACH TOWING ORDER OR AUTHORIZE THE TOW BY A WRITTEN CONTRACT WHICH IS VALID FOR A SPECIFIC LENGTH OF TIME. THE PRIVATE TOWING CARRIER MAY NOT ACT AS THE AGENT OF THE OWNER. A COPY OF THE WRITTEN CONTRACT SHALL BE MADE READILY AVAILABLE TO THE LAW ENFORCEMENT AGENCY UPON REQUEST AND INCLUDE THE OWNER'S OR OWNER'S AGENT NAME AND CURRENT TELEPHONE NUMBERS.
- b) A PRIVATE TOWING CARRIER SHALL ONLY BE AUTHORIZED TO TOW OR TRANSPORT A MOTOR VEHICLE FROM THE TOW LOCATION TO THE CARRIER'S DESIGNATED LOT.

SEC. 54-120. - NOTICE TO PUBLIC OF RIGHT TO TOW.

- a) THE OWNER OR PERSON IN POSSESSION OF ANY PRIVATE PARKING AREA SHALL BE DEEMED TO HAVE GIVEN CONSENT TO UNRESTRICTED PARKING BY THE GENERAL PUBLIC IN SUCH PARKING AREA UNLESS SUCH PARKING AREA IS POSTED WITH SIGNS AS PRESCRIBED BY THIS SECTION WHICH ARE CLEARLY VISIBLE AND READABLE FROM ANY POINT WITHIN THE PARKING AREA AND AT EACH ENTRANCE. THE OWNER OF A SUBDIVISION OR AREA CONTAINING PRIVATE STREETS MAY PROHIBIT PARKING ON ONE (1) OR BOTH SIDES OF THE STREET IF SIGNS AS PRESCRIBED BY THIS SECTION ARE POSTED AT EACH ENTRANCE TO THE SUBDIVISION OR AREA AND NEAR EVERY INTERSECTING STREET AT A LOCATION WHERE THE SIGN IS

VISIBLE AND READABLE UPON ENTRY TO ANY SUCH STREET FROM THE INTERSECTING STREET. SUCH SIGNS SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING INFORMATION:

- (1) RESTRICTIONS ON PARKING;
 - (2) DISPOSITION OF VEHICLES FOUND IN VIOLATION OF PARKING RESTRICTIONS;
 - (3) MAXIMUM COST TO THE VIOLATOR, INCLUDING STORAGE FEES AND ANY OTHER CHARGES THAT COULD RESULT FROM THE DISPOSITION OF A VEHICLE PARKED IN VIOLATION OF PARKING RESTRICTIONS;
AND
 - (4) TELEPHONE NUMBER AND ADDRESS WHERE THE VIOLATOR CAN LOCATE THE VIOLATOR'S VEHICLE.
- b) SIGNS AT THE ENTRANCE OF THE PARKING AREA WILL BE A MINIMUM OF TWELVE (12) INCHES BY EIGHTEEN (18) INCHES IN SIZE AND WILL BE MOUNTED AT A MINIMUM HEIGHT OF THREE (3) FEET AND A MAXIMUM HEIGHT OF TEN (10) FEET ABOVE THE GROUND. SIGNS WITHIN THE PARKING AREA WILL BE A MINIMUM OF SIX INCHES BY NINE (9) INCHES IN SIZE AND MUST BE VISIBLE FROM ANY LOCATION WITHIN THE PARKING AREA. ALL SIGNS PURSUANT TO THIS SUBSECTION SHALL CONSIST OF A WHITE BACKGROUND WITH RED LETTERING.
- c) NO PRIVATE TOWING CARRIER SHALL TOW A VEHICLE FROM A PRIVATE PARKING AREA OR IMMOBILIZE THE VEHICLE UNLESS THE SIGNS CONFORM WITH AND ARE POSTED AS REQUIRED BY THIS SECTION.
- d) THIS SECTION SHALL NOT APPLY TO ANY VEHICLE LEFT IN A PRIVATE PARKING AREA FOR OVER SEVENTY-TWO (72) CONSECUTIVE HOURS. THE OWNER OR PERSON IN POSSESSION OF ANY PRIVATE PARKING AREA IN WHICH A VEHICLE HAS BEEN LEFT FOR OVER SEVENTY-TWO (72) CONSECUTIVE HOURS SHALL COMPLY WITH SECTION 54-118 PROVISIONS OF THIS CHAPTER BEFORE TOWING OR IMMOBILIZING SUCH VEHICLE.

SEC. 54-121. - CHARGING EXCESS FEES.

- a) NO PRIVATE TOWING CARRIER SHALL CHARGE ANY FEE OR CHARGE IN EXCESS OF THOSE ESTABLISHED BY RESOLUTION ENACTED PURSUANT TO THIS CHAPTER.
- b) IGNORANCE OF THE MAXIMUM CHARGE OR FEE ESTABLISHED BY COUNCIL RESOLUTION SHALL NOT BE A DEFENSE IN ANY PROSECUTION

BROUGHT UNDER THIS CHAPTER.

- c) NO PRIVATE TOWING CARRIER SHALL CHARGE FOR OR SEEK COMPENSATION FOR ANY SERVICE NOT SPECIFICALLY LISTED OR SET FORTH IN A RESOLUTION ENACTED PURSUANT TO THIS CHAPTER.

SEC. 54-122. - SERVICE CALLS.

FOR THE PURPOSES OF THIS CHAPTER AND OF ANY RESOLUTION ADOPTED PURSUANT TO SECTION 54-117, THE PHRASE "SERVICE CALL NOT RESULTING IN THE TOWING OF A VEHICLE" SHALL MEAN ANY OCCURRENCE OR SET OF CIRCUMSTANCES WHEREIN THE VEHICLE SUBJECT TO TOWING HAS NOT BEEN REMOVED FROM THE PROPERTY UPON WHICH SUCH VEHICLE WAS UNLAWFULLY OR IMPROPERLY PARKED PRIOR TO DEMAND FOR THE RELEASE OF SUCH VEHICLE BY THE OWNER OR OPERATOR THEREOF. IF THE DRIVER OR OWNER OF THE VEHICLE RETURNS PRIOR TO THE REMOVAL OF THE VEHICLE FROM THE PROPERTY, THE PRIVATE TOW CARRIER SHALL RELEASE THE VEHICLE AND NO FEE SHALL BE CHARGED.

SEC. 54-123. -APPLICATION OF LAW.

A PRIVATE TOWING CARRIER IS SUBJECT TO THE PROVISIONS OF THIS CHAPTER IF IT TOWS, IMMOBILIZES OR TRANSPORTS A VEHICLE WITHIN THE CITY LIMITS REGARDLESS OF THE IMPOUND LOCATION.

SEC. 54-124. - VIOLATION; PENALTIES.

VIOLATIONS OF THIS CHAPTER SHALL BE PUNISHABLE AS SET FORTH IN SECTION 1-7 OF THIS CODE, EXCEPT FOR VIOLATIONS OF SECTION 54-119, WHICH SHALL BE SUBJECT TO A MINIMUM CIVIL FINE/PENALTY OF TWO HUNDRED FIFTY DOLLARS (\$250.00) AND A MAXIMUM CIVIL FINE/PENALTY OF ONE THOUSAND DOLLARS (\$1,00000).

Notice of Intent to Establish New Maximum Rate Fees for Towing, Transporting, or Impounding a Motor Vehicle from Private Property

Pursuant to Arizona Revised Statutes (A.R.S) § 9-499.15, notice is hereby given that the City of Surprise intends to discuss and take action to establish a new maximum rate and charge for towing, transporting, or impounding a motor vehicle from private property at the Regular City Council Meeting on December 17, 2024 at 6:00 p.m. at the Surprise City Council Chambers, 16000 N. Civic Center Plaza Surprise, AZ 85374. A schedule of the proposed fees including the amount of the fees and a written report or data that supports the fees is available on the home page of the City's website located at <https://www.surpriseaz.gov/> and at the City Clerk's Office, 16000 N. Civic Center Plaza Surprise, AZ 85374.

Fee Name	Current Amount	Proposed Amount	Unit of Measure
Towing charge (gross weight of <10,000 lbs.)	\$ 0.00	\$ 120.00	Lbs.
Towing charge (gross weight 10,000-26,000 lbs.)	\$ 0.00	\$ 200.00	Lbs.
Towing charge (gross weight >26,000 lbs.)	\$ 0.00	\$ 480.00	Lbs.
After business hours release fee (includes vehicles released Monday through Friday between 5:00 p.m. and 8:00 a.m., weekends and state holidays)	\$ 0.00	\$ 20.00	Flat
Storage fee	\$0.00	\$15.00 per 24 hours	Hourly
Service calls not resulting in the towing of a vehicle.	\$0.00	\$0.00	N/A

Financial Justification

Arizona Revised Statute §9-499.05(A) authorizes the governing body of an incorporated city or town to regulate the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carriers doing business within its boundaries. Based on a market study, the City wishes to establish these maximum fees to ensure that regulatory measures are in place to protect the City of Surprise residents from predatory practices and to assist in resolving disputes of towed and seized vehicles from private property. The City does not anticipate collecting any fees or recording any revenue.

Additional information may be obtained by contacting Commander Christine DeSanti, at 623-222-4000.

RESOLUTION # 2024-114

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA TO ESTBLISH FEES FOR TOWING FROM PRIVATE PROPERTY.

WHEREAS, pursuant to Arizona Revised Statute §9-499.05(A) and Surprise Municipal Code, Chapter 54, Article 9, Division 2, Sections 54-116 – 54-124 authorize the maximum rate and charge for towing, transporting, or impounding a motor vehicle from private property.

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

Section 1. The following fee schedule is hereby established for towing, transporting, or impounding a motor vehicle from private property.

Fee Schedule

The fee that may be charged by a private towing carrier for, or in connection with, a tow from any private driveway, private property or private parking area, without the express permission of the owner or operator of the vehicle, shall not exceed the lesser of a reasonable fee or a fee limited as follows:

- | | |
|---|----------------------|
| (1) Towing charge (gross weight of <10,000 lbs.) | \$120.00 |
| (2) Towing charge (gross weight 10,000-26,000 lbs.) | \$200.00 |
| (3) Towing charge (gross weight >26,000 lbs.) | \$480.00 |
| (4) After business hours release fee
(includes vehicles released Monday through Friday
between 5:00 p.m. and 8:00 a.m., weekends and
state holidays) | \$20.00 |
| (5) Storage fee | \$15.00 per 24 hours |
| (6) Service calls not resulting in the towing of a vehicle | No Charge |
| (7) The charge to store the vehicle shall not exceed fifteen dollars (\$15.00) per day. For purposes of this paragraph, the charge may be assessed for each calendar day or portion of a calendar day that the vehicle is stored, excluding the day of release if the day of release is after the first day of storage. Notwithstanding the foregoing, no storage charge may be made for a day for which: | |
| a. The vehicle is recovered within two hours of its delivery to the storage location from which it is released. | |

- b. Access to the vehicle was not available for a consecutive eight-hour period.
 - c. The vehicle was not available for release for two consecutive hours after the vehicle reached the storage location from which it was released.
 - d. The vehicle is recovered within the first two hours that the storage location was open for the recovery of that vehicle, if that day represents the first day that the vehicle was available for release for a consecutive two-hour period after it reached the storage location from which it was released.
- (8) No additional charges will be added for the claimant to access the vehicle during normal business hours for retrieval of any personal property from the vehicle or to check on the vehicle condition.

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 17, 2024

Contact Person: Andrea Davis, DIRECTOR -
FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

Consent: No

Regular: No

Public Hearing: No

Report/Discussion: Yes

Agenda Wording:

Presentation and discussion pertaining to the FY2025 Financial Status Report through September 2024.

Motion:

Presentation and discussion only.

Background:

This presentation will review the financial activity through the month of September 2024.

Objective Analysis:

The comparison of the current financial activity to the plan laid out in the budget helps the city to determine its current financial position. This will allow for better short and long term financial planning as the current fiscal year is underway and the planning for the next budget begins.

Policy Compliant:

This item is compliant with the city's Comprehensive Financial Management Policies.

Financial Impact:

The presentation provides an update of the unaudited revenue and expenditures for the General Fund for Fiscal Year 2025, through September, 2024.

Budget Impact:

This item does not amend the current fiscal year budget. There will be discussion of the city's financial performance to-date.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:
