



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

Tuesday, September 15, 2026 @ 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

Mayoral Proclamation: Constitution Week

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:

Approval of the consent agenda may be by one motion and a passing vote by the City Council. There will be no separate discussion on these items unless a Councilmember requests such. The requested item for discussion will be removed from the consent agenda and considered in its normal sequence on the agenda.

- | | | | |
|----|----------|--|---|
| 1. | Citywide | Consideration and action to approve the minutes of the August 25, 2026, City Council Retreat and the September 1, 2026, Regular City Council Meeting. | Kristi Passarelli
City Clerk |
| 2. | Citywide | Consideration and action to approve the 2027 City Council Meeting Schedule. | Kristi Passarelli
City Clerk |
| 3. | Citywide | Consideration and action pertaining to acceptance of a pass-through grant from the Gila River Indian Community and approval of a Fiscal Year 2027 budget amendment moving budget in the amount of \$40,000; Resolution 2026-130. | Seth Dyson
Human Svcs and
Comm Vitality |
| 4. | Citywide | Consideration and action pertaining to acceptance of a pass-through grant from the Gila River Indian Community and approval of a Fiscal Year 2027 budget amendment moving budget in the amount of \$4,000; Resolution 2026-132. | Seth Dyson
Human Svcs and
Comm Vitality |
| 5. | Citywide | Consideration and action pertaining to authorizing acceptance of two (2) grant awards from the Arizona Department of Homeland Security (AZDOHS) and approval of a Fiscal Year 2027 budget amendment | Evan Becher
Police |

moving budget in the amount of \$12,000 to Project G31233 and \$6,000 to Project G31228; Resolution 2026-136.

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|---|---|
| 6. | District 1 | Consideration and action regarding a Comprehensive Sign Program (CSP) Amendment for the Asante Trails development on a site generally located on the southwest corner of 163rd Avenue and Pat Tillman Boulevard. Case FS25-1042 | Leslie Carnie
Community
Development |
| 7. | District 1 | Consideration and action pertaining to a Minor General Plan Amendment of approximately 7.52 acres from Neighborhood Character Area to Commerce and Office Character Area for property generally located near the southeast corner of Happy Valley Road and 157th Avenue. Case FS25-1081. Resolution 2026-127. | Chris Sexton
Community
Development |
| 8. | District 1 | Consideration and action pertaining to a Rezone of approximately 7.52 acres from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for property generally located near the southeast corner of Happy Valley Road and 157th Avenue. Case FS25-1081. Ordinance 2026-18. | Chris Sexton
Community
Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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| 9. | District 6 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 406712, requested by Howard Everette Magee, for Carioca Shell #7 located at 13935 W Cactus Rd, Surprise, AZ 85379 for a new Series 10 Liquor License. | Kristi Passarelli
City Clerk |
| 10. | District 1 | Consideration and action authorizing the Mayor and Council to accept the First Amendment to the Willow Trails Water Agreement. Resolution 2026-104. | Michael Boule
Water Resource
Management |

H. Call To The Public

INSTRUCTIONS:

In order to address the City Council, you will need to fill out a Public Comment Form available at the entrance, and turn it in to the City Clerk before the meeting begins.

You may also fill out the [Public Comment Form](#) online. If submitting the online form the City Clerk must receive the request at least one hour before the meeting start time.

In accordance with A.R.S. 38-431.01(I) - During this time, members of the public may address City Council only on issues within the jurisdiction of the City Council. 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.

Councilmembers may not discuss or respond to matters raised during the call to the public that are not specifically identified on the agenda.

Each speaker shall be limited to three (3) minutes per item. If several speakers desire to speak regarding a single topic, the Chair may limit the number of speakers or the time given to each group. A maximum time of 30 minutes will be given per topic. However, an equal amount of time will be given to each side of an issue.

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

K. Executive Session

Pursuant to A.R.S. § 38-431.03

A. On a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.
4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body'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.
5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
6. 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.
7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.
8. Discussion or consideration of matters relating to school safety operations or school safety plans or programs.
9. Discussions or consultations with designated representatives of the public body in order to discuss security plans, procedures, assessments, measures or systems relating to, or having an impact on, the security or safety of buildings, facilities, operations, critical infrastructure information and information technology maintained by the public body. Records, documentation, notes, or other materials made by, or provided to, the representatives pursuant to this paragraph are confidential and exempt from public disclosure under this chapter and title 39, chapter 1.

L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: September 10th, 2026 @ 4:00 PM

Meeting room doors will be open at least 30 minutes prior to the start of the meeting.

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE

PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR CLERK@SURPRISEAZ.GOV, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: September 15, 2026
Submitting Department: City Manager Office
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Mayoral Proclamation: Constitution Week

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: September 15, 2026
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: Citywide

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

Agenda Wording:

Consideration and action to approve the minutes of the August 25, 2026, City Council Retreat and the September 1, 2026, Regular City Council Meeting.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 082526 City Council Budget Retreat DRAFT Minutes
 2. 090126 Regular City Council Meeting Minutes Draft
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CITY OF SURPRISE
City Council Budget Retreat
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, August 25, 2026 @ 4:30 PM
COMMUNITY ROOM
Summary Minutes

A. Call To Order

Mayor Sartor called the City Council Budget Retreat of August 25, 2026, to order at 4:30 p.m. at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, Arizona.

B. Roll Call

In attendance with Mayor Sartor were Councilmembers Chris Judd, Patrick Duffy, Johnny Melton and Nick Haney. Vice-Mayor Earle Greenberg arrived at 4:38 p.m., and Councilmember Jack Hastings arrived at 4:43 p.m.

C. Pledge of Allegiance

Mayor Sartor led the Pledge of Allegiance.

D. Special City Council Meeting Agenda

1. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Capital project presentations and discussions.

Mayor Sartor recognized Councilmembers Judd and Duffy for their years of service and thanked staff for their work preparing the retreat materials.

City Manager Andrea Davis provided an overview of the retreat and explained that the meeting would focus on prioritizing future Capital Improvement Program (CIP) projects rather than making funding decisions. She noted that future retreats would address operating needs and funding options.

Finance Director Sandy Simmons reviewed progress on the FY2024-FY2028 CIP priorities established in 2019 and explained the project rating process. Council would rate projects from one to five based on public safety, community goals and quality of life, alignment with Council-adopted strategic plan, growth and economic development, service levels, and Councilmember priority.

Public Safety Operations Center (PSOC). Interim Deputy City Manager Brenden Espie presented the proposed approximately 100-acre Public Safety Operations Center campus intended to serve Police, Fire-Medical, Public Works, Transportation, and other City operations. The concept includes recruit and in-service training, an indoor shooting range, 9-1-1 dispatch, logistics and warehousing, fleet maintenance, solid waste and field operations, support office space, and an Emergency Operations Center (EOC). Staff discussed the need for off-site roadway and utility improvements and a phased approach to development.

Mayor Sartor asked whether the project could integrate with the McMicken trail system. Mr. Espie stated that the goal would be to provide access to the existing trailhead.

Councilmember Judd and staff discussed the anticipated timeline, project phasing, infrastructure requirements, alternative options, and the relationship between prioritization and future funding decisions. Staff explained that the project would be a multiyear effort and that timing would depend on Council priority, funding, land acquisition, and required off-site improvements. Staff

noted that the current use of other agencies for training space serves as the interim approach, while the proposed campus is intended to address the City's long-term needs.

Mayor Sartor, Councilmember Judd, and staff discussed whether the training components could serve as a regional facility. Discussion focused on limited regional training capacity, the benefit of the City maintaining control of its own training capacity, opportunities to partner with other agencies, and the potential for partner participation to offset costs. Police Chief Evan Becher discussed the regional need for additional training capacity and the opportunity for the City to accommodate partner agencies if the project advances.

Mayor Sartor, Vice-Mayor Greenberg, and staff discussed future funding options, the operational efficiencies of locating City services closer to future growth, and the land required for the campus. Staff advised that remaining land acquisition efforts included State Land and an additional privately owned 10-acre parcel that would enhance, but was not required for, the project.

Councilmember Haney and staff discussed current public safety training costs, regional automatic-aid partnerships, and the potential to recover a portion of training costs if outside agencies could utilize a future City facility. Councilmember Hastings and staff discussed current training arrangements, regional capacity constraints, recruitment, and the value of planning now for future demand. Staff emphasized that the primary benefit would be increased training and operational capacity rather than recruitment alone.

Councilmember Judd and staff discussed Transportation and Public Works operations proposed for the PSOC, including approximately 1,600 current lane miles, projected long-term growth to more than 3,200 lane miles, existing facility capacity, and the efficiencies of locating future operations closer to the geographic center of the City. Staff reiterated that this process was intended to establish priorities before attaching project costs and funding sources.

Police. Police Chief Evan Becher presented Police Precincts #2 and #3, which are intended to improve geographic coverage, response capability, community engagement, and service levels in the growing western and northwestern portions of the City..

Councilmembers and staff discussed potential locations, anticipated staffing, future population growth, land acquisition, and opportunities to leverage or exchange existing City-owned property. Chief Becher explained that the precincts would primarily provide operational space and could mirror the existing precinct model at approximately 60 officers. Staff discussed acquiring land in advance of anticipated growth rather than waiting until the facilities are immediately needed.

Fire-Medical. Interim Fire Chief Kevin Spirlong presented Fire Station #11 in North Surprise, a proposed neighborhood station intended to maintain emergency response coverage as population and call volume increase. Councilmember Judd and staff discussed the difference between neighborhood and larger district stations, anticipated facility needs, and long-term planning for future stations.

Transportation. Transportation Director Eric Boyles presented the proposed transportation projects. Discussion throughout the presentation focused on roadway capacity, safety, connectivity, development obligations, opportunities for developer participation or reimbursement, regional partnerships, and accommodating continued growth.

Deer Valley Road (US60-219th Ave). Councilmembers and staff discussed the proposed widening, anticipated development, developer obligations, State Trust Land, timing, and the potential for the project to improve east-west connectivity and provide access to the future

PSOC. Councilmember Haney requested that future information clearly identify which portions may be City-funded and which may be developer-funded.

Cotton Lane (Peoria-Waddell). Staff presented the proposed widening and full buildout of Cotton Lane to improve north-south arterial connectivity. Councilmembers discussed how the project relates to existing and planned improvements, development agreements, and whether individual segments could be phased.

Sarival Avenue (Cactus-Waddell). Staff presented the proposed new roadway connection. Councilmembers and staff discussed access and circulation in the Prasada area, the relationship to Prasada Parkway, future intersection changes, and the potential to support nearby economic development, including SPARK Surprise.

School Zone Improvements. Staff presented proposed citywide improvements intended to reduce vehicle speeds, improve pedestrian crossings, and increase safety and accessibility in school zones.

Jackrabbit Trail (Peoria-Union Hills) DCR. Staff presented a proposed Design Concept Report for a future major north-south roadway connection. Councilmembers and staff discussed the potential alignment near the White Tank area, State Trust Land, utility corridors, regional connectivity, and the possibility of future developer participation.

Peoria Avenue (121st Ave-Nofs Dr) DCR. Staff presented planning for a future regional east-west roadway connection intended to provide an alternative to Bell Road and improve access toward Loop 101. Councilmembers and staff discussed regional and multi-jurisdictional participation, including potential involvement through the Maricopa Association of Governments (MAG).

Peoria Avenue (Dysart-Cotton). Staff presented the proposed widening to provide additional east-west arterial capacity. Councilmembers discussed coordination with Maricopa County and neighboring jurisdictions, regional participation, and the corridor's role in the future transportation network.

Perryville Road (Cactus-Desert Cove). Staff presented the proposed widening to improve north-south roadway capacity and access serving residential development, area schools, and the surrounding area. Councilmembers discussed how the project relates to other planned or previously approved roadway improvements.

Jomax Road (163rd Ave-City Limits). Staff presented the proposed widening to improve east-west capacity in northwest Surprise. Councilmembers and staff discussed area growth, connections to Grand Avenue, and the number of existing and planned homes north of Jomax Road.

Reems Road Sidewalk Construction. Staff presented the proposed sidewalk connection and related pedestrian improvements serving two area schools. Councilmembers and staff discussed school access, crossings, surrounding development, existing sidewalk gaps, and the project's emphasis on pedestrian safety for students.

Section 30 Drainage Improvements. Staff presented proposed roadway and drainage improvements intended to improve access during flooding events. Mayor Sartor, Councilmember Haney, and staff discussed residents' preferences, emergency access, and the possibility of using an improvement such as chip seal rather than constructing a fully developed roadway.

Mayor Sartor recessed the meeting at 6:37 p.m. and reconvened the meeting at 6:59 p.m.

Elm Street Phase 2. Staff presented the proposed roundabout at Elm Lane and Civic Center Plaza. Councilmembers and staff discussed traffic circulation, future development in City Center, and opportunities to coordinate the project with broader economic development efforts.

Economic Development - City Center Strategic Infrastructure. Economic Development Director Jeanine Jerkovic and Assistant Economic Development Director Mike Hoover presented proposed infrastructure improvements in the northwest portion of City Center intended to expand the impact of previous Elm Street investment and create site-ready opportunities for business, employment, and entertainment projects.

Mayor Sartor, Councilmembers Melton, Hastings and staff discussed strategic parking, ingress and egress, roadway and utility infrastructure, the potential role of future developers, impacts to Bell Road, and the value of proactively preparing the area for development while remaining mindful of the City's investment and return.

Information Technology - Municipal Fiber. Staff presented development of a dedicated City-owned fiber network connecting City facilities and systems. The project is intended to improve reliability, operational efficiency, business continuity, redundancy, security, and readiness for future technology through a phased fiber master plan.

Councilmembers and staff discussed the City's current use of multiple commercial carriers, the proposed network's role in creating redundancy, opportunities to coordinate fiber installation with water and other infrastructure projects, security, future technology, and the importance of reliable communications for City and public safety operations.

Parks & Recreation - 50 Acre McMicken Park Design. Parks & Recreation Director Holly Osborn presented the design of a new park and trail system in the McMicken Dam area. Mayor Sartor, Councilmember Judd, and staff discussed opportunities to coordinate the park with economic development and the nearby PSOC, including consideration of an archery range or other recreational amenities during the design process.

Hollyhock Community Pool- Ms. Osborn presented proposed replacement and upgrades to the aging splash pad and pool amenities. Councilmembers and staff discussed potential Community Development Block Grant funding, current facility use, and the pool's suitability for swim lessons.

New Park - 175th & Sweetwater- Ms. Osborn presented a proposed 6-8 acre park in southwest Surprise with potential sports fields, open turf, sand volleyball courts, playgrounds, walking paths, ramadas, parking, lighting, and restrooms. Councilmembers and staff discussed the site, project timing, and demand for additional recreational capacity.

Recreation Center - Community #1- Ms. Osborn presented a proposed indoor recreation center of at least 20,000 square feet. Mayor Sartor and staff discussed opportunities to coordinate the facility with other City and public safety uses.

Sierra Montana Park Improvements / Recreation Center Expansion- Ms. Osborn presented alternatives for improving the park and expanding the existing recreation center. Discussion included parking and site constraints, increased recreation capacity, and continued coordination with the school district.

Sports, Entertainment & Culture - Surprise Stadium Repair/Renovation- Sports, Entertainment & Culture Director Kendra Pettis presented potential renovations and modernization associated with extending the City's long-term Spring Training relationships with the Kansas City Royals and Texas Rangers. Mayor Sartor, Councilmember Hastings, and staff discussed the distinction between investment in the City-owned stadium and team facilities, potential funding sources, the status and timing of lease negotiations, and the economic impact of retaining Spring Training.

Regional Sports Tourism Complex- Ms. Pettis presented a proposed 70-plus-acre sports tourism complex that could include more than 10 lighted multi-use fields and supporting amenities. The project remains conceptual and could be phased to expand the City's ability to host local, regional, and national events while also increasing recreation capacity for community and club use.

City Manager Andrea Davis concluded the presentation and reviewed next steps, including a follow-up review of project ratings and future retreats regarding operating needs, funding availability, and funding options. Councilmembers Judd, Hastings and staff discussed reviewing project costs before finalizing priorities, the effect of funding information on individual rankings, and providing Council an opportunity to adjust rankings before a final averaged list is developed.

E. Adjournment

Councilmember Haney moved to adjourn the meeting. Councilmember Hastings seconded the motion. The meeting adjourned at 7:52 p.m.

Kevin D. Sartor, 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 City Council Budget Retreat of Tuesday, August 25, 2026.

Kristi Passarelli, City Clerk



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, September 1, 2026 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Sartor called the Regular Council Meeting of September 1st, 2026 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Mayor Sartor led in a Moment of Silence.

B. Roll Call

In attendance with Mayor Sartor were Vice-Mayor Earle Greenberg, Councilmembers Chris Judd, Jack Hastings (Late, arrived at 6:05 PM), Patrick Duffy, Johnny Melton and Nick Haney.

C. Pledge of Allegiance

West Point Elementary, National Junior Honor Society led in the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

None

E. City Manager Report

2. 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.

3. Reports

City Manager, Andrea Davis, introduced the Youth Council Members: Chloe Eastburn, and Louie LeLevier.

F. City Clerk Report

4. Reports

None

G. Regular City Council Meeting Agenda

5. CONSENT AGENDA:

Approval of the consent agenda may be by one motion and a passing vote by the City Council. There will be no separate discussion on these items unless a Councilmember requests such. The requested item for discussion will be removed from the consent agenda and considered in its normal sequence on the agenda.

Motion: To Approve

Initiated By: Earle Greenberg

Seconded By: Patrick Duffy

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

1. Consideration and action to approve the minutes of the August 4, 2026 Regular City Council Meeting, and Executive Session Minutes.
2. Consideration and action pertaining to the immediate formation of a street lighting improvement district known as SU-PRDISNELMRAGE228 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution 2026-116.
3. Consideration and action pertaining to the immediate formation of a street lighting improvement district known as SU-GRENWYNSARVAL227 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution 2026-111.
4. Consideration and action to grant Flying Bull Internet, LLC dba NOVOS FiBER, the non-exclusive revocable right-of-way use agreement to use public streets, roads and alleys for installation, operation, and maintenance of fiber optic cable; Resolution 2026-70.
5. Consideration and action on approving a water line easement from Market West Square, LLP, located near Cactus and Bullard.
6. Consideration and action on accepting a Warranty Deed for dedication of Right of Way from Robert Plath on 159th Avenue south of Dynamite.
7. Consideration and action to authorize acceptance of a grant agreement from the Arizona Department of Administration and approve an amendment to the Fiscal Year 2027 budget to transfer \$173,000 in budget authority from Project P31190 in the General Capital Fund to Project G31450C in the Grants Fund; Resolution 2026-123.

6. REGULAR AGENDA ITEM - PUBLIC HEARING:

8. Consideration and action pertaining to a rezone of 160 acres generally located along the southwest corner of Deer Valley Road and 231st Avenue from Rural Residential (RR) to Residential Medium Density (R-2). Ordinance 2026-16. Case FS25-0750.
Trevor Fleetham presented the item and reviewed the project site, vicinity and zoning maps, General Plan designation, Luke Air Force Base overlay, development standards, open space and conceptual lotting plan, development agreement, regional traffic, community outreach, and Planning and Zoning Commission recommendation.

Jeff Blilie, representing the applicant, stated the development would be an infill project, would address surrounding transportation needs, and was consistent with the General Plan.

Councilmember Judd asked how the undisturbed open space shown on the conceptual plan would remain protected if the property changed ownership. Staff explained that the area is designated as open space in the General Plan and would have to be respected during the planning process.

Councilmember Haney asked about the right-of-way and easements required by the development agreement. Jeff Blilie explained that the project would complete portions of Deer Valley Road and 231st Avenue, including acquiring limited off-site right-of-way and continuing improvements where Rancho Vista left off. Councilmember Haney asked about concerns raised at the neighborhood meeting, and Jeff Blilie said they generally involved traffic and growth. Councilmember Haney confirmed that two public access routes would be established before development and asked about compatibility with neighboring residential areas and anticipated traffic. Jeff Blilie stated that the project was planned for single-family residential with lot sizes compatible with surrounding development and that traffic would most logically travel south on 231st Avenue to Beardsley Road.

Councilmember Haney discussed the importance of smart growth that preserves the quality of life for existing residents while allowing new residents the opportunity to live in Surprise. He emphasized the value of development agreements in securing infrastructure improvements beyond basic zoning requirements. Jeff Blilie noted that the site was well located for a future well site and associated water infrastructure. Councilmember Haney expressed appreciation for the work on the development agreement and encouraged continued discussions that ensure infrastructure keeps pace with growth.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Jack Hastings

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

9. Consideration and action pertaining to a rezone of approximately 422 acres from the Buena Vista Ranch Planned Area Development (PAD) and Rural Residential (RR) zoning districts to a combination of Residential Low Density (R-1), Residential Medium Density (R-2), Residential High Density (R-3), Open Space Conservation (OS-1), and General Industrial (I-2). Ordinance 2026-15. Case FS24-1191.

Trever Fleetham presented the item and reviewed the project site, vicinity and zoning maps, existing and proposed land uses, General Plan designation, Luke Air Force Base considerations, open space plan, conceptual lotting, development agreement, regional traffic, community outreach, and Planning and Zoning Commission recommendation.

Jeff Blilie, representing the applicant, explained that the proposed zoning generally mirrors the property's existing entitlements while updating the project to current zoning districts and transportation plans. He also discussed the open space corridor and anticipated phasing of development.

Councilmember Hastings asked what control the Council has over private property through the zoning process. Assistant City Manager Lloyd Abrams explained that Council exercises discretion through zoning to ensure proposed uses are compatible with the General Plan and applicable zoning districts. Councilmember Hastings discussed the role

of development agreements in securing benefits beyond basic zoning requirements. Abrams explained that development agreements can establish infrastructure obligations and off-site improvements needed to support a project. Councilmember Hastings emphasized the value of using development agreements proactively so infrastructure is provided as development occurs rather than requiring the City to react later.

Motion: To Approve

Initiated By: Nick Haney

Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

10. Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) related to Battery Energy Storage Systems (BESS). Ordinance 2026-10. Case FS23-1041.

Trever Fleetham presented the proposed Battery Energy Storage Systems (BESS) zoning text amendment and reviewed the project timeline, prior Planning and Zoning Commission and Council discussions, definitions, purpose and applicability of the Battery (B) Overlay, rezoning and site plan processes, development standards, separation and buffer comparisons, setback exhibits, community outreach, and the Commission recommendation.

Ted Murphree spoke in support of the item and the 100-foot separation.

Lisa Everett, a Planning and Zoning Commissioner, spoke in support of the item and the 100-foot separation.

Adrian Keller spoke in support of the 100-foot separation.

Autumn Johnson spoke in support of the 100-foot separation.

Andy Tobin spoke in support of the 100-foot separation.

Kimberly Faddoul spoke in support of the 100-foot separation.

Christiana Culpepper spoke in support of the 100-foot separation.

Matthew Ragsdale spoke in support of the 100-foot separation.

Ben Graff, representing Arizona Public Service (APS), discussed the proposed setback requirements and recommended allowing a variable separation distance of 100 to 500 feet to provide Council flexibility while the industry continues to build trust following the McMicken incident.

Mike Johnson spoke in support of the 100-foot separation.

Sarah Noe discussed the overall ordinance framework and encouraged Council to consider approaches used by neighboring jurisdictions.

Councilmember Melton discussed the importance of getting the ordinance right given Arizona's growing energy demand and the role BESS can play in grid reliability. He noted that the ordinance could provide a framework for evaluating future technologies and expressed support for the 100-foot separation. Councilmember Melton discussed the 2019 McMicken incident and the subsequent changes in battery technology, monitoring, and industry safety practices.

Mayor Sartor discussed Council's responsibility to consider both safety and neighborhood compatibility. He expressed support for a variable separation range that would allow Council to evaluate projects individually and emphasized that BESS facilities should be screened by a block wall rather than chain-link fencing.

Councilmember Judd discussed the benefits of BESS while expressing concern about locating facilities near existing homes and the need to allow residents time to build trust in the technology. He asked whether Council could adopt a variable separation range. Assistant City Manager Lloyd Abrams cautioned that variable standards could create consistency concerns and potential legal challenges when similar projects receive different treatment. Abrams discussed improvements in the industry since the McMicken incident but noted continuing concerns about response to a thermal runaway event and multiple cabinets becoming involved. Councilmember Judd asked how the proposed distances would be measured. Abrams clarified that the BESS equipment would be contained within the perimeter wall, which is set back 150 feet from the property line, while the additional 100-foot, 500-foot, or 1,000-foot separation would apply from the BESS property line to existing residential dwelling units.

Vice-Mayor Greenberg discussed how the ordinance would affect areas with available land and referenced a BESS facility he toured with Councilmember Melton. He asked about the required perimeter wall height, and Fleetham explained that the wall would range from 8 to 12 feet to screen equipment from surrounding properties. Vice-Mayor Greenberg supported allowing BESS in the City in a measured manner but expressed concern about locating facilities near existing neighborhoods and discussed thermal runaway and evolving battery chemistry. He asked about the APS interconnection queue. Ben Graff confirmed that projects enter an APS request-for-proposals and interconnection process and explained that overly restrictive setbacks could eliminate otherwise viable Surprise sites. Graff reiterated APS support for a 100-foot to 500-foot range and stated that the range would allow the industry to earn the City's trust over time.

Mayor Sartor asked about the distinction between flexibility in wall height and flexibility in setbacks. Staff explained that wall height is intended to screen equipment, while a zoning variance generally must be based on property-specific conditions and cannot be self-imposed.

Vice-Mayor Greenberg stated that a 100-foot separation was not sufficient near existing residential areas and that even 500 feet warranted careful consideration, while noting that facilities could be more appropriate in undeveloped areas. He asked about a BESS project near Cotton Lane and Olive Avenue. Staff explained that the project had initially gone through Maricopa County, later returned with approximately a 500-foot separation to the nearest resident, and was being annexed and rezoned by Glendale. Vice-Mayor Greenberg also discussed the scale of modern BESS projects compared with the former McMicken facility and the likelihood that battery technology will continue to evolve.

Councilmember Melton clarified that the overall megawatt capacity of a BESS facility does not by itself determine the severity of a thermal runaway event. Vice-Mayor Greenberg also noted that the facility he toured produced very little noticeable noise outside the wall.

Councilmember Duffy discussed the importance of considering improvements in battery technology since the McMicken incident and cautioned against making Surprise more restrictive than neighboring cities without sufficient reason. He expressed support for

evaluating projects individually through the rezoning process and favored a variable separation option.

Councilmember Hastings expressed support for battery storage and asked why BESS was being regulated through an overlay rather than as an existing industrial use. Lloyd Abrams explained that the overlay allows the City to comply with state law and the General Plan while preserving Council discretion over where the use is appropriate. Councilmember Hastings asked what the selected separation number would accomplish. Abrams explained that the BESS facility itself would have a 150-foot setback from the property line and that the additional separation requirement would apply to existing residential dwelling units. Councilmember Hastings confirmed that meeting the separation standard would allow an applicant to apply but would not guarantee approval; each project would still proceed through the rezoning process and return to Council. He expressed concern about an arbitrary variable range and favored a clear, understandable standard.

Councilmember Hastings asked about the International Fire Code and NFPA guidance. Fire staff explained that the City's adopted fire code regulates access and fire-protection requirements and that NFPA guidance includes recommended impact and evacuation distances, while the 1,500-foot figure comes from the Emergency Response Guidebook for hazardous-material incidents. Councilmember Hastings compared BESS setbacks with industrial zoning standards and discussed the importance of adequate power infrastructure for attracting businesses to Surprise.

Mayor Sartor asked about potential liability if the City established a lower separation standard but later denied a project that otherwise met the standard. Lloyd Abrams explained that the overlay would still require a zoning decision and preserve Council discretion, provided the record supported the decision. City Attorney Jeff Murray added that zoning decisions remain subject to challenge and that, with a variable range, Council would need to establish a record demonstrating that its decision was not arbitrary or capricious.

Councilmember Haney asked whether the BESS industry has a preference for facility locations. Ben Graff explained that facilities are generally most efficient near existing substations because shorter generation tie-in lines reduce community impacts and avoid additional regulatory requirements associated with longer transmission connections. Councilmember Haney asked whether substations can be near residential neighborhoods and about typical distances between BESS facilities and substations. Graff said substations can be near residential areas and that projects may be immediately adjacent to a substation or as far as approximately one mile away. Councilmember Haney asked about future substations in high-growth areas, and Graff said additional substations would likely be needed as the region develops.

Councilmember Haney asked how many BESS facilities would be needed to meet regional growth. Graff said Arizona remains underdeveloped in battery storage and emphasized that meeting grid needs would be a shared responsibility among jurisdictions rather than the responsibility of Surprise alone. Councilmember Haney discussed the need to allow residents to build trust in the technology while also providing clear expectations to applicants and neighboring residents. Graff acknowledged that entitlement processes inherently carry risk until Council approval and said an adopted range would provide notice to applicants.

Councilmember Haney asked whether a 500-foot separation would make nearby residents less safe, and Graff said he did not believe it would negatively affect resident safety based on current standards and studies. Councilmember Haney also asked whether the ordinance included specific separation requirements for schools or senior-living facilities. Lloyd Abrams said it did not, noting that many schools are located within residential areas. Abrams then reviewed maps showing how the 100-foot, 500-foot, and 1,000-foot separation options would affect available locations and identified existing substations within the City.

Councilmember Hastings returned to the comparison with other jurisdictions and asked whether the displayed setback figures were measured consistently. Lloyd Abrams explained that other cities may measure from the battery facility or property line and that their zoning frameworks are not identical. Councilmember Hastings emphasized that the City's 150-foot internal setback should be considered when comparing Surprise with other jurisdictions. Abrams clarified that, under the proposed language, a 100-foot residential separation would result in approximately 250 feet from the BESS perimeter wall to an existing residence, while 500 feet would result in approximately 650 feet and 1,000 feet would result in approximately 1,150 feet. Councilmember Hastings also asked whether the original 1,500-foot figure was a staff recommendation. Abrams explained that it was a starting point based on the general hazardous-material evacuation distance while staff and Council learned more about the technology.

Councilmember Judd moved to approve with a variable separation distance of 100 to 500 feet, Councilmember Duffy seconded. Councilmember Hastings moved to amend the pending motion to establish a variable separation distance of 100 to 250 feet. Councilmember Melton seconded the amendment. Mayor Sartor asked for a voice vote.

Mayor Sartor: No
Vice-Mayor Greenberg: No
Councilmember Haney: No
Councilmember Duffy: No
Councilmember Melton: Yes
Councilmember Hastings: Yes
Councilmember Judd: No

Amendment Vote Result: Failed

Motion: To Approve with 100-500 ft variable
Initiated By: Chris Judd
Seconded By: Patrick Duffy

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

7. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

11. Consideration and action to approve the Alexandria Way Development Agreement; Resolution 2026-118.

Assistant Economic Development Director, Mike Hoover, came to present this item. She talked about the History of the item, Background, Proposal, Proposed Improvements, and Agreement Highlights.

Mayor Sartor thanked staff for their work on this item.

Motion: To Approve
Initiated By: Patrick Duffy
Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

12. Consideration and action pertaining to approval of a Fiscal Year 2027 budget amendment moving budget in the amount of \$30,000 from General Contingency to the Tourism Fund to support the Desert Fall Festival; Resolution 2026-124.

Sports Entertainment and Culture Director, Kendra Pettis, came to present this item. She introduced Jordan from Desert Farm Lights. She talked about the Background, Event Partnership Alignment, Strategic Plans, Support for Strategic Goals, Tourism Fund Guidelines, and Tourism Fund Request.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Patrick Duffy

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Mayor Sartor talked about this project and thanked Jordan.

13. Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 404665, requested by Yiorgos Savva Makris, for Tap House Sports Grill located at 13699 N Litchfield Rd, Surprise, AZ 85379 for a new Series 12 Liquor License.

Councilmember Judd asked why this was on non-public hearing. Jeff talked about how this is still a hearing required by law.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Johnny Melton

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

Mayor Sartor moved for recess at 8:38 PM. Meeting reconvened at 8:52 PM

H. Call To The Public

8. INSTRUCTIONS:

In order to address the City Council, you will need to fill out a Public Comment Form available at the entrance, and turn it in to the City Clerk before the meeting begins.

You may also fill out the [Public Comment Form](#) online. If submitting the online form the City Clerk must receive the request at least one hour before the meeting start time.

In accordance with A.R.S. 38-431.01(I) - During this time, members of the public may address City Council only on issues within the jurisdiction of the City Council. 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.

Councilmembers may not discuss or respond to matters raised during the call to the public that are not specifically identified on the agenda.

Each speaker shall be limited to three (3) minutes per item. If several speakers desire to speak regarding a single topic, the Chair may limit the number of speakers or the time given to each group. A maximum time of 30 minutes will be given per topic. However, an equal amount of time will be given to each side of an issue.

Kayla Bishop, came to voice her concerns about the DHS property acquisition.

Taylor Bhone, came to voice his concerns about flock cameras, and the DHS property acquisition.

Kari Yunt, came to voice her concerns about the DHS property acquisition.

Donald Newland, came to voice his concerns about flock cameras.

Leif Nygaard, came to talk about the incorporation of Wittman.

Jeffrey August, came to talk about the incorporation of Wittman.

Sharon Acritelli, came to talk about the incorporation of Wittman.

Alex Christ, came to talk about City Business.

Brent Peak, came to voice his concerns about the DHS property acquisition, and government accountability.

June Kur, came to voice her concerns about the DHS property acquisition.

Charles Makula, came to talk about the incorporation of Wittman.

Jason Chavez, came to voice his concerns about flock cameras.

I. Other Business and Future Agenda Items

Councilmember Hastings said he would like to get a parks code update. Councilmember Haney Seconded.

Councilmember Hastings wanted the approval of the land development ordinance reviewed, and a discussion about PADs. Councilmember Duffy seconded.

Councilmember Hastings asked for creative solutions to funding police officers for the next budget retreat.

J. City Council Reports

Councilmember Haney talked about his upcoming district meeting.

Vice-Mayor Greenberg talked about his meetings.

Councilmember Duffy talked about his upcoming community meeting.

Councilmember Melton talked about his upcoming community meetings.

Councilmember Hastings talked about his support for the police department. He congratulated Mindy Davis as the new Community Development director.

Councilmember Judd talked about his upcoming community meeting. He also talked about the league of cities.

Mayor Sartor talked about the actions of the council. He talked about the school safety summit coming up.

K. Executive Session

9.

Pursuant to A.R.S. § 38-431.03

A. On a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.
4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body'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.

5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.

6. 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.

7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

8. Discussion or consideration of matters relating to school safety operations or school safety plans or programs.

9. Discussions or consultations with designated representatives of the public body in order to discuss security plans, procedures, assessments, measures or systems relating to, or having an impact on, the security or safety of buildings, facilities, operations, critical infrastructure information and information technology maintained by the public body. Records, documentation, notes, or other materials made by, or provided to, the representatives pursuant to this paragraph are confidential and exempt from public disclosure under this chapter and title 39, chapter 1.

L. Adjournment

Motion: To Adjourn
Initiated By: Earle Greenberg
Seconded By: Johnny Melton

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

Meeting adjourned at 9:35

Kevin D. Sartor, 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, September 1, 2026.**

Kristi Passarelli, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: September 15, 2026
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: Citywide

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

Agenda Wording:

Consideration and action to approve the 2027 City Council Meeting Schedule.

Motion:

I move to approve the 2027 City Council Meeting Schedule.

Background:

Objective Analysis:

At this time, there are no proposed changes due to election dates.

Policy Compliant:

City Code Sec. 2-65. - Meeting, location and time.

(a)

Regular meetings of the city council will be held on the first and third Tuesday of each month at 6:00 p.m. at City Hall, 16000 N. Civic Center Plaza, Surprise, Arizona, unless otherwise provided in the public notice.

(b)

Work sessions may be held for the purpose of presentations to and discussions with council. Action by council at work sessions is limited to general consensus, conveying questions or requesting information. No formal action of the city council may be taken at work sessions.

(c)

Special meetings may be convened by the mayor or at least three councilmembers at any time.

(d)

The city council may call, vacate, or change the date, time or location of a specific meeting by majority vote.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013; Ord. No. 2014-03, § 2, 1-28-2014; [Ord. No. 2024-28](#), § 1, 8-20-24)

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. DRAFT 2027 COUNCIL MEETING SCHEDULE_08172026
-

2027 WORK SESSION / REGULAR MEETING SCHEDULE

Work Session start time may vary.

Regular Council Meeting start time is 6:00 PM.

TUESDAY, JANUARY 5 (*Induction Ceremony*)

TUESDAY, JANUARY 19 (*Vice-Mayor Election*)

TUESDAY, FEBRUARY 2

TUESDAY, FEBRUARY 16

TUESDAY, MARCH 2

TUESDAY, MARCH 16

TUESDAY, APRIL 6

TUESDAY, APRIL 20

TUESDAY, MAY 4

TUESDAY, MAY 18

TUESDAY, JUNE 1

TUESDAY, JUNE 15

SUMMER BREAK - NO MEETINGS HELD IN JULY

TUESDAY, AUGUST 3

TUESDAY, AUGUST 17

TUESDAY, SEPTEMBER 7

TUESDAY, SEPTEMBER 21

TUESDAY, OCTOBER 5

TUESDAY, OCTOBER 19

TUESDAY, NOVEMBER 2

TUESDAY, NOVEMBER 16

TUESDAY, DECEMBER 7

TUESDAY, DECEMBER 21



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 15, 2026
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 acceptance of a pass-through grant from the Gila River Indian Community and approval of a Fiscal Year 2027 budget amendment moving budget in the amount of \$40,000; Resolution 2026-130.

Motion:

I move to approve Resolution 2026-130.

Background:

The HSCV Department was approached by WHAM to act as a fiscal agent for their application to the Gila River Indian Community request for \$40,000 in Proposition 202 funding. Per the Finance policy, a Grant Cooperation Memo was executed prior to the application being submitted.

The application request was support for the Art: A Path to Healing program, a veteran therapy program. On July 16, 2026, HSCV was notified by GRIC's Grant Review Board that the funding had been awarded to WHAM.

Objective Analysis:

This action will allow the Human Service & Community Vitality Department to accept funding on behalf of WHAM for the Art: A Path to Healing Program.

Policy Compliant:

This item is compliant with City and Council Policy.

Financial Impact:

The City will receive a total of \$40,000 in grant funding to pass through to WHAM from GRIC. The funding will be provided over a two-year period, \$20,000 in FY27 and \$20,000 in FY28. This funding will be passed through once received, and after all cooperative and partner agreements have been fully executed between all parties. There is no match associated with this funding.

Budget Impact:

The FY2027 adopted budget did not include appropriations for revenue and expenses related to the Gila River Indian Community grant awarded to WHAM through the HSCV Department. This action requires a movement of budget authority in the amount of \$40,000 from General Contingency to project G51462 in the Grants Fund to cover projected expenditures. 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 2026-130
 2. Exhibit B - Grant Cooperation Memo
-

RESOLUTION 2026-130

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA ACCEPTING A GRANT IN THE AMOUNT OF \$40,000 FROM THE GILA RIVER INDIAN COMMUNITY, TO ACT AS FISCAL AGENT FOR WHAM ART ASSOCIATION, AND AMENDING THE FISCAL YEAR 2027 BUDGET BY MOVING BUDGET AUTHORITY OF \$40,000 FROM GENERAL CONTINGENCY TO THE GRANTS FUND PROJECT G51462.

WHEREAS, pursuant to Arizona law, tribes, including the Gila River Indian Community ("GRIC"), are required to share a portion of revenues, in the form of grants, earned from gaming to help fund certain services for municipalities, such as economic development, education, healthcare, public safety, and transportation;

WHEREAS, pursuant to the *Gila River Indian Community Grant Guidelines Grant Cycle 2026*, which is incorporated by reference, non-profit organizations that have tax-exempt status from the IRS are eligible to apply for a GRIC grant but must partner with a municipality for application submission and shall provide services that benefit the general public in or around that municipality;

WHEREAS, the municipality may accept the grant funding if awarded to pass the funding through to the non-profit organization for use;

WHEREAS, WHAM Art Association, an Arizona art non-profit corporation within Surprise ("WHAM"), partnered with the City to apply for a GRIC grant to help fund its *Art: A Path to Healing* program, which is a veteran therapy program. The City's partnership is evidenced by a Grant Cooperation Memorandum signed by the City Manager on or around March 4, 2026, attached as *Exhibit B* and incorporated by reference;

WHEREAS, GRIC notified the City that it has awarded WHAM a \$40,000 grant, payable over a two-year period at \$20,000 per year;

WHEREAS, the City desires to accept the GRIC grant funding for the purpose of passing the funding through to WHAM.;

WHEREAS, the FY2027 budget was adopted by Council Resolution No. 2026-87 on June 2, 2026;

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, 2026, through June 30, 2027.

Section 2. The City is hereby authorized to accept the grant funding from the Gila River Indian Community in the amount of \$40,000.

Section 3. The City Manager, or her 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 _____, 2026.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

RESOLUTION 2026-130
Exhibit A

1. Appropriation - The allocations below represent the moving of budget authority in the amount of \$40,000 from General Contingency to Project G51462 to cover act as Fiscal Agent and pass through funding to WHAM. 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	Human Svcs and Comm Vitality	#G51462 2026 GRIC - WHAM Art Association	E	0	40,000	40,000
Grants	Human Svcs and Comm Vitality	#G51462 2026 GRIC - WHAM Art Association	R	0	40,000	40,000
Contingency	General Operations	Contingency	E	24,472,400	(40,000)	24,432,400
Contingency	General Operations	Other	R	24,550,000	(40,000)	24,510,000
Expense Total				24,472,400	-	24,472,400
Revenue Total				24,550,000	-	24,550,000

**RESOLUTION 2026-130
Exhibit B**

Grant Cooperation Memorandum



Memorandum

To: Andrea Davis, City Manager
From: Seth Dyson, HSCV Director ^{DS}
Date: 3/3/2026
Re: External Grant Cooperation Application

The Human Service and Community Vitality (HSCV) Department is requesting your approval for the City of Surprise to be listed as a fiscal agent on a \$40,000 Gila River Indian Community request for Proposition 202 funding with the following:

- WHAM, \$40,000 request, for the Art: A Path to Healing program, a Veteran therapy program. This request will fund the program for a period of 2 years

HSCV communicated with the applicants to discuss their proposal. After evaluating the proposal the HSCV Department wishes to sponsor this applicant on behalf of the City. Per the External Grant Cooperation Policy, City Manager approval is required for all joint grant applications with external applicants.

APPROVED: 
 DocuSigned by:
 E2E4EE750061449...
 Andrea Davis, City Manager

DATE: 3/4/2026 | 08:08 AM MST



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 15, 2026
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 acceptance of a pass-through grant from the Gila River Indian Community and approval of a Fiscal Year 2027 budget amendment moving budget in the amount of \$4,000; Resolution 2026-132.

Motion:

I move to approve Resolution 2026-132.

Background:

The HSCV Department was approached by Honor Dance, Inc. to act as a fiscal agent for their application to the Gila River Indian Community request for \$4,000 in Proposition 202 funding. Per the Finance policy, a Grant Cooperation Memo was executed prior to the application being submitted.

The application request was for support of the Afterschool Wellness & Movement Program that provides free, after-school dance classes at Title I schools during the 2026-2027 school year. On August 12, 2026, HSCV was notified by GRIC's Grant Review Board that funding had been awarded to Honor Dance, Inc.

Objective Analysis:

This action will allow the Human Service & Community Vitality Department to accept funding on behalf of Honor Dance, Inc. for the Afterschool Wellness & Movement Program.

Policy Compliant:

This item is compliant with City and Council Policy.

Financial Impact:

The City will receive a total of \$4,000 in grant funding to pass through to Honor Dance, Inc. This funding will be passed through once received, and after all cooperative and partner agreements have been fully executed between all parties. There is no match associated with this funding.

Budget Impact:

The FY2027 adopted budget did not include appropriations for revenue and expenses related to the Gila River Indian Community grant awarded to Honor Dance, Inc. through the HSCV Department. This action requires movement of budget authority in the amount of \$4,000 from General Contingency to project G51463 in the Grants Fund to cover projected expenditures. 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 2026-132
 2. Exhibit B - Grant Cooperation Memo
-

RESOLUTION 2026-132

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA ACCEPTING A GRANT IN THE AMOUNT OF \$4,000 FROM THE GILA RIVER INDIAN COMMUNITY, TO ACT AS FISCAL AGENT FOR HONOR DANCE, INC. AND AMENDING THE FISCAL YEAR 2027 BUDGET BY MOVING BUDGET AUTHORITY OF \$4,000 FROM GENERAL CONTINGENCY TO THE GRANTS FUND PROJECT G51463W

. **HEREAS**, pursuant to Arizona law, tribes, including the Gila River Indian Community ("GRIC"), are required to share a portion of revenues, in the form of grants, earned from gaming to help fund certain services for municipalities, such as economic development, education, healthcare, public safety, and transportation;

. **HEREAS**, pursuant to the *Gila River Indian Community Grant Guidelines Grant Cycle 2026*, which is incorporated by reference, non-profit organizations that have tax-exempt status from the IRS are eligible to apply for a GRIC grant but must partner with a municipality for application submission and shall provide services that benefit the general public in or around that municipality;

. **HEREAS**, the municipality may accept the grant funding if awarded to pass the funding through to the non-profit organization for use;

. **HEREAS**, Honor Dance, Inc., an Arizona non-profit corporation within Surprise has partnered with the City to apply for a GRIC grant to help fund its *After School Wellness & Movement Program*, a program that provides free, after-school dance classes at Title 1 schools during the 2026-2027 school year. The City's partnership is evidenced by a Grant Cooperation Memorandum signed by the City Manager on or around March 27, 2026, attached as *Exhibit B* and incorporated herein by reference;

. **HEREAS**, GRIC notified the City that it has awarded Honor Dance, Inc. a one-year grant in the amount of \$4,000;

. **HEREAS**, the City desires to accept the GRIC grant funding for the purpose of passing the funding through to Honor Dance, Inc.

. **HEREAS**, the FY2027 budget was adopted by Council Resolution No. 2026-87 on June 2, 2026;

. **HEREAS**, this action will necessitate a budget amendment; and

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

NO. , THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1W 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, 2026, through June 30, 2027.

Section 2W The City is hereby authorized to accept the grant funding from the Gila River Indian Community in the amount of \$4,000.

Section 3W The City Manager, or her 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 _____, 2026.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

RESOLUTION 2026-132
Exhibit A

1. Appropriation - The allocations below represent the moving of budget authority in the amount of \$4,000 from General Contingency to Project G51463 to act as Fiscal Agent and pass through funding to Honor Dance, Inc.. 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	Human Svcs and Comm Vitality	#G51463 2026 GRIC – Honor Dance	E	0	4,000	4,000
Grants	Human Svcs and Comm Vitality	#G51463 2026 GRIC – Honor Dance	R	0	4,000	4,000
Contingency	General Operations	Contingency	E	24,440,200	(4,000)	24,436,200
Contingency	General Operations	Other	R	24,527,500	(4,000)	24,523,500
Expense Total				24,440,200	-	24,440,200
Revenue Total				24,527,500	-	24,527,500

RESOLUTION 2026-132
Exhibit B

Grant Cooperation Memorandum



Memorandum

To: Andrea Davis, City Manager ^{DS}
From: Seth Dyson, HSCV Director ^{SD}
Date: 3/26/2026
Re: External Grant Cooperation Application

The Human Service and Community Vitality (HSCV) Department is requesting your approval for the City of Surprise to be listed as a fiscal agent on a \$4,000 Gila River Indian Community request for Proposition 202 funding with the following:

- Honor Dance, \$4,000 request, to support free, after-school dance classes at Title I schools during the 2026-2027 school year.

HSCV communicated with the applicants to discuss their proposal. After evaluating the proposal the HSCV Department wishes to sponsor this applicant on behalf of the City. Per the External Grant Cooperation Policy, City Manager approval is required for all joint grant applications with external applicants.

APPROVED: ^{DocuSigned by:}
Andrea Davis
E2E4EE750061449...
 Andrea Davis, City Manager

DATE: 3/27/2026 | 07:49 AM MST



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 15, 2026
Submitting Department: Police
Staff Recommendations:

Contact Person: Evan Becher, 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 authorizing acceptance of two (2) grant awards from the Arizona Department of Homeland Security (AZDOHS) and approval of a Fiscal Year 2027 budget amendment moving budget in the amount of \$12,000 to Project G31233 and \$6,000 to Project G31228; Resolution 2026-136.

Motion:

I move to approve Resolution 2026-136.

Background:

The City of Surprise has received Urban Area Security Initiative (UASI)-related grant funding since 2015, primarily supporting training and equipment that enhance the Fire & Police Department's preparedness and response capabilities. Continuing this effort, the Surprise Police Department applied for Federal Fiscal Year (FFY) 2025 grant funding in February 2025, through the Arizona Department of Homeland Security (AZDOHS) and was awarded two grants totaling \$18,000. The funding will support travel and training-related costs to attend training courses, helping maintain personnel knowledge, skills, and operational readiness.

Objective Analysis:

Acceptance of the two (2) FFY 2025 Homeland Security Grant Program awards will provide the Surprise Police Department with \$18,000 in grant funding to sustain the Department's Terrorism Liaison Officer (TLO) and Mobile Field Force capabilities, supporting regional information sharing, emergency preparedness, and coordinated public safety response.

Policy Compliant:

This action is compliant with City and Council policy. The City regularly partners with other government entities when it is beneficial to do so.

Financial Impact:

This action will authorize the acceptance of two (2) one-time grant awards totaling \$18,000, consisting of \$12,000 for TLO Sustainment and \$6,000 for Mobile Field Force. The FY 2027 budget will be amended by moving \$18,000 in budget authority from General Contingency to two projects within the

Grants Fund to allow for expenditure of the awarded funds in accordance with the grant requirements.

Budget Impact:

The FY 2027 adopted budget did not include appropriations for expenses related to the FFY 2025 Arizona Department of Homeland Security (AZDOHS) two (2) grant awards to the Police Department. Acceptance of these grants will require a movement of budget authority in the amount of \$18,000 from General Contingency to the Grants Fund as follows: \$12,000 to Project G31233 and \$6,000 to Project G31228. 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 2026-136
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RESOLUTION 2026-136

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO TWO GRANT AGREEMENTS WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY (AZDOHS) TO ACCEPT GRANT FUNDING AND AMENDING THE FISCAL YEAR 2027 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$18,000 FROM GENERAL CONTINGENCY TO PROJECT G31233 (\$12,000) AND G31228 (\$6,000) WITHIN THE GRANT FUND IN ACCORDANCE WITH THE AWARD TERMS.

WHEREAS, the City of Surprise Police Department submitted applications to the Arizona Department of Homeland Security (AZDOHS) for funding under the FFY 2025 Homeland Security Grant Program, Urban Area Security Initiative (UASI); and

WHEREAS, AZDOHS awarded the City of Surprise Police Department partial funding in the amount of \$12,000 for the project G31233 2025 TLO Sustainment, Subrecipient Agreement No. 250820-01, with a grant performance period of August 3, 2026, through September 30, 2027; and

WHEREAS, AZDOHS awarded the City of Surprise Police Department partial funding in the amount of \$6,000 for the project G31228 Mobile Field Force, Subrecipient Agreement No. 250820-02, with a grant performance period of August 3, 2026, through September 30, 2027; and

WHEREAS, the awards are part of the U.S. Department of Homeland Security Grant Program, Assistance Listing/Catalog of Federal Domestic Assistance No. 97.067, under Federal Award Identification Number EMW-2025-SS-05003; and

WHEREAS, the FY2027 budget was adopted by Council Resolution #2026-87 on June 2, 2026;

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.

WHEREAS, the Mayor and Council desire to accept the two grant awards totaling \$18,000 and authorize the execution of the related grant documents and the expenditure of the awarded funds in accordance with all applicable federal, state, AZDOHS, and City requirements.

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, 2026, through June 30, 2027.

Section 2. The Grant Agreements between the City of Surprise and the AZDOHS, attached as *Exhibits B and C*, are approved.

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

APPROVED AND ADOPTED this ____ day of _____, 2026.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

RESOLUTION 2026-136
EXHIBIT A

1. Appropriation - The allocation below represents a movement of budget authority in the amount of \$18,000 from the Contingency Fund to the Grant Funds to projects G31228 and G31233. The FY 2027 adopted budget did not include appropriations for revenue and expenses related to the Arizona Department of Homeland Security Grant Program Awards to the Police Department. 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	#G31228 FFY25 AZDOHS UASI	E	-	6,000	6,000
Grants	Police	#G31228 FFY25 AZDOHS UASI	R	-	6,000	6,000
Grants	Police	#G31233 FFY25 AZDOHS UASI - TLO	E	-	12,000	12,000
Grants	Police	#G31233 FFY25 AZDOHS UASI - TLO	R	-	12,000	12,000
Contingency	General Operations	Contingency	E	24,462,700	(18,000)	24,444,700
Contingency	General Operations	Other	R	24,550,000	(18,000)	24,532,000
Expense Total				24,462,700	-	24,462,700
Revenue Total				24,550,000	-	24,550,000

**RESOLUTION 2026-136
EXHIBIT B**

SUBRECIPIENT AGREEMENT BETWEEN
THE CITY OF SURPRISE AND THE ARIZONA DEPARTMENT OF
HOMELAND SECURITY (AZDOHS)

(BEGINS ON THE NEXT PAGE)

SUBRECIPIENT AGREEMENT

25-AZDOHS-HSGP-250820-01

Between

The Arizona Department of Homeland Security ("AZDOHS")

And

**Surprise Police Department ("Subrecipient")
UEI Number (UEI: CNDLLN6WTTE3)**

WHEREAS, ARS 41-4254 makes the Arizona Department of Homeland Security (AZDOHS) responsible for administering the funds covered by this agreement ("Agreement"), the parties hereby agree to the following terms:

1. **Purpose of Agreement** This Agreement is to specify the rights and responsibilities of AZDOHS in administering the distribution of homeland security grant funds to Subrecipient, and to specify the rights and responsibilities of Subrecipient as the recipient of these funds.
2. **Period of Performance** This Agreement shall become effective on **August 3, 2026** and shall terminate on **September 30, 2027** (the "Period of Performance"). The obligations of Subrecipient herein survive termination of this Agreement.
3. **Description of Services** Subrecipient must fulfill all obligations set forth in Subrecipient's approved grant application titled: **"2025 TLO Sustainment"** and funded at **\$12,000** (as may have been modified by the award letter).
4. **Financing and Fiscal Responsibility** Under U.S. Department of Homeland Security ("DHS") grant #EMW-2025-SS-05003 and Catalog of Federal Domestic Assistance ("CFDA") #97.067, AZDOHS shall provide up to **\$12,000** to Subrecipient under this Agreement.

Payment to Subrecipient must be on a reimbursement basis only, conditioned upon Subrecipient providing AZDOHS with proof of payment and applicable, accurate and complete reimbursement documents, as deemed necessary by AZDOHS. A list of acceptable documentation is at www.azdohs.gov. Payments are contingent on Subrecipient performing all its obligations under this Agreement. Subrecipient may use the funds provided under this Agreement only as provided in the application and award documentation. If Subrecipient does not complete all its obligations, Subrecipient must immediately reimburse all previously-provided funds to AZDOHS. If Subrecipient completes its obligations at a lower than the budgeted cost, the amount reimbursed to Subrecipient will be only the amount actually spent by Subrecipient in accordance with the approved application. For any expenditure disallowed after or otherwise by AZDOHS, or the State or Federal government, Subrecipient must immediately reimburse such funds to AZDOHS.

5. **Reporting Requirements** Subrecipient must submit quarterly programmatic reports to AZDOHS as follows:

January 15 (for the period from October 1– December 31)

April 15 (for the period from January 1 – March 31)

July 15 (for the period from April 1 – June 30)

October 15 (for the period from July 1 – September 30)

Subrecipient must use the Quarterly Programmatic Report form (<https://azdohs.gov/grant-program-forms>) for these reports. Subrecipient must provide detailed information on the status of completion of the planned activities in the approved application satisfactory to AZDOHS in its sole discretion. Failure to adequately provide such information will result in the Quarterly Programmatic Report being rejected by AZDOHS and resubmission will be required. If the program has been fully completed so that there will be no further updates, then the quarterly report for the quarter in which the program was completed will be the final report; the report should be marked as “final” and must include all pertinent information regarding the program as determined solely by AZDOHS.

Final Quarterly Programmatic Report: The final quarterly programmatic report is due no more than **15** calendar days after the end of the performance period. Subrecipient may submit a final quarterly report prior to the end of the performance period if the scope of the project has been fully completed and implemented. The Property Control Form is due with the final quarterly report (if applicable).

6. **Reimbursements** Subrecipient must provide AZDOHS with requests for reimbursement as frequently as monthly but not less than quarterly; submissions must be made via US Mail, delivery service (FedEx, UPS, etc.) or in person; **submissions via fax or by any electronic means will not be accepted**. Reimbursement requests shall be submitted with the Reimbursement Form provided by AZDOHS staff. AZDOHS has the right to require Subrecipient to provide any documentation and/or information AZDOHS deems necessary to process submissions.

Reimbursement requests are only required when expenses have been incurred. The Subrecipient shall submit a final reimbursement request, marked as such, for expenses received and invoiced prior to the end of the period of performance. The final reimbursement must be **received** by AZDOHS no more than **45** calendar days after the end of the period of performance. Requests for reimbursement received by AZDOHS later than 45 calendar days after the end of the period of performance will not be paid.

Subrecipients will only be reimbursed for expenses that have been obligated, expended and received within the authorized Period of Performance as identified in Paragraph 2 of this Agreement. Subrecipients are not authorized to obligate or expend funds prior to the start date of the Period of Performance. Any expenses obligated or expended prior to the Period of Performance start date will be deemed unallowable and will not be reimbursed. Any expenses/services that occur beyond the Period of Performance (e.g. cell phone service) will be deemed unallowable and will not be reimbursed.

7. **Environmental Planning and Historic Preservation** Subrecipient **must** comply with Federal, State, and Local environmental and historical preservation (EHP) regulations, laws and Executive Orders as applicable. See

<https://www.fema.gov/emergency-managers/practitioners/environmental-historic/laws/ehp-directive-instruction> and

<https://azdohs.gov/environmental-and-historic-preservation-ehp>. Subrecipients proposing programs with potential environmental impact **must** participate in the DHS/Federal Emergency Management Agency (FEMA) EHP review process. Subrecipient **must** complete the EHP review process before funds will be released by AZDOHS. If Subrecipient engages in ground disturbing activities, Subrecipient must monitor ground disturbance. If archeological resources are discovered, Subrecipient must immediately (a) cease construction and (b) notify FEMA, AZDOHS, and the Arizona State Historic Preservation Office. AZDOHS/DHS/FEMA **will not fund or reimburse** projects that are initiated without the required EHP review.

8. **Procurement (including Noncompetitive Procurement)** Subrecipient must comply with its procurement rules/policies, all Federal procurement rules/policies, including provisions of 2 CFR Part 200, which were updated by OMB in April of 2024, and all Arizona Procurement Code provisions and rules, the most restrictive of which will apply. Subrecipient **must not** enter into a noncompetitive procurement unless AZDOHS grants **prior written approval** via the Noncompetitive Procurement Request form at <https://azdohs.gov/grant-program-forms>.
9. **Property Control** Subrecipient must safeguard and maintain control and accountability for all property/equipment purchased under this Agreement, and Subrecipient must assure that it is used only for purposed authorized under this Agreement and maintained as provided in 2 CFR 200.313. Such property/equipment shall be used by Subrecipient in the program for which it was acquired as long as needed, whether or not the program continues to be supported by Federal grant funds. Subrecipient must immediately investigate and report to AZDOHS any loss, damage, or theft. Subrecipient must replace any property/equipment lost, damaged or stolen at Subrecipient's expense, and must immediately submit an updated Property Control Form (<https://azdohs.gov/grant-program-forms>) to AZDOHS.

"Nonexpendable Property/Equipment" is property that has a continuing use, is not consumed in use, has an expected life of one year or more, costs \$10,000 or more per unit, and does not become a fixture or lose its identity as a component of other equipment/systems, while a "Capital Asset" is personal or real property or a fixture costing \$10,000 or more per unit with an expected life of one year or more. Subrecipient is solely responsible for the proper maintenance of all Nonexpendable Property/Equipment and Capital Assets acquired under this Agreement. Subrecipient must take a physical inventory of all such Nonexpendable Property/Equipment and Capital Assets and reconcile the results with the Property Control Form at least once every two years. Subrecipient must maintain a control system to prevent loss, damage, or theft of such Nonexpendable Property/Equipment and Capital Assets, and Subrecipient must immediately report any loss, damage, or theft to AZDOHS. A Property Control Form (if applicable) shall be maintained for the entire scope of the program or project for which property was acquired through the end of its useful life and/or disposition. All Nonexpendable Property and Capital Assets must be included on the Property Control Form. **The Subrecipient, if applicable, shall provide AZDOHS a copy of the Property Control Form with the final quarterly programmatic report.** The Property Control Form can be located at <https://azdohs.gov/grant-program-forms>. The Subrecipient agrees to be subject to equipment monitoring and auditing by state or federal authorized representatives to verify information.

When Nonexpendable Property/Equipment and/or Capital Assets acquired under this Agreement are no longer needed by the Subrecipient for the original program or for other activities currently or previously supported by a federal awarding agency, Subrecipient must immediately submit an updated Property Control Form to AZDOHS, and any disposition must be in compliance with AZDOHS Disposition Guidance (<https://azdohs.gov/grant-program-forms>) and 2 CFR Part 200, including specifically 2 CFR 200.313. If Subrecipient seeks disposition of such Nonexpendable Property/Equipment or Capital Assets for any reason other than theft, destruction, or loss, Subrecipient must submit an Equipment Disposition Request Form (<https://azdohs.gov/grant-program-forms>) to AZDOHS and receive approval from AZDOHS prior to disposition. Subrecipient must update the Property Control Form and provide a copy to AZDOHS within 45 calendar days after disposition. Per 2 CFR 200.333(c), Subrecipient must retain all records relating to such Nonexpendable Property/Equipment and Capital Assets for 3 years after disposition.

10. **Training and Exercise** All training and/or exercise events must be included in Subrecipient's application. Alternate/additional training/exercise requests must be approved in advance by AZDOHS. Subrecipient must submit a Project Modification Request Form (<https://azdohs.gov/grant-program-forms>) for review and approval by AZDOHS prior to scheduling alternate/additional training/exercise events. For those projects that are managed by DEMA, alternate/additional training requests must be approved in advance by DEMA and AZDOHS using the Pre-approval form (<https://dema.az.gov/emergency-management/preparedness/training-branch>). All exercises must comply with FEMA Homeland Security Exercise and Evaluation Program (<https://www.fema.gov/emergency-managers/national-preparedness/exercises/hseep>; "HSEEP") guidance. Subrecipient will (a) Submit an exercise summary and attendance/sign-in roster; and (b) Email the After Action Report/Improvement Plan to the local County Emergency Manager, AZDOHS, and the DEMA Exercise Branch, within 90 days of completion of an exercise or as prescribed by HSEEP.
11. **Consultants/Trainers/Training Providers** Invoices for consultants/trainers/training providers must include: a description of services; dates of services; number of hours for services performed; rate charged; and the total cost of services. Rates must be within the prevailing rates; must be consistent with Subrecipient's procurement policies and 2 CFR Part 200; and shall not exceed **\$650** per day per consultant/trainer/training provider unless AZDOHS grants prior written approval. This includes internal personnel hired on backfill/overtime to deliver training. Subrecipient will not be reimbursed costs other than travel, lodging, meals, and incidentals on travel days for consultants/trainers/training providers, at rates not to exceed State rates, and itemized receipts are required. See Travel Costs below, at Paragraph 12.
12. **Travel Costs** All grant funds expended for travel, lodging, meals and incidentals are subject to the standards of Subrecipient's policies and procedures, and the State of Arizona Accounting Manual (<https://gao.az.gov/publications/saam>), which Subrecipient must apply uniformly to both Federally financed and its other activities. AZDOHS will reimburse at the most restrictive allowability and rates. At no time will Subrecipient's reimbursements exceed the State rates established by the Arizona Department of Administration: <https://gao.az.gov/travel>.

13. **Contractors/Subcontractors** Subrecipient may enter into written subcontract(s) in accordance with 2 CFR Part 200 and the NOFO. No subcontract that the Subrecipient enters into relieves Subrecipient of any responsibilities under this Agreement. Subrecipient must give AZDOHS immediate notice in writing of any action filed or claim made against Subrecipient by any subcontractor or vendor.
14. **Allowable Costs** The allowability of costs incurred under this Agreement shall be determined by AZDOHS in its sole discretion and in accordance with the general principles and standards set forth in the CFR, FEMA Authorized Equipment List (<https://www.fema.gov/grants/tools/authorized-equipment-list>), and guidance documents (i.e. NOFO, Preparedness Grants Manual, Information Bulletins). Subrecipient's use of grant funds for indirect costs must be in accordance with 2 CFR Part 200, including 2 CFR 200.211(b)(16) and the NOFO. Subrecipient must apply to AZDOHS for its written approval of indirect costs prior to expenditure. Subrecipient may not expend grant funds for Management and Administrative costs for administering such funds without prior written approval of AZDOHS.
15. **Amendments** Any change in this Agreement including but not limited to the Description of Services, Period of Performance and budget described herein, whether by modification or supplementation, must be accomplished by a formal Agreement amendment signed and approved by and between the duly authorized representatives of the Subrecipient and the AZDOHS. Any such amendment shall specify: 1) an effective date; 2) any increases or decreases in the amount of the Subrecipient's reimbursement, if applicable; 3) be titled as an "Amendment," and 4) be signed by the parties identified in the preceding paragraph. The Subrecipient expressly and explicitly understands and agrees that no other method of communication, including any other document, correspondence, act, or oral communication by or from any person, shall be used or construed as an amendment or modification or supplementation to this Agreement.
16. **Audit/Monitoring**
 - a. Subrecipient must comply with the record-keeping and other requirements of ARS 35-214 and 35-215, and shall ensure that its contractors and subcontractors at all tiers also comply.
 - b. Under 31 USC 7501-7507 and 2 CFR 200.501, Subrecipient will be subject to audit per 2 CFR Part 200, if Subrecipient expended \$1,000,000 or more in Federal awards in its previous fiscal year. If Subrecipient has met or exceeded this threshold, Subrecipient must submit to AZDOHS a copy of Subrecipient's single audit or program specific audit report for the previous fiscal year (and for subsequent fiscal years that fall within the Period of Performance) annually, within 9 months of Subrecipient's fiscal year end. Subrecipients not subject to this requirement must submit to AZDOHS via audits@azdohs.gov a statement that they do not meet the threshold and therefore do not have to complete a single audit or program specific audit.
 - c. Failure of Subrecipient to comply with any requirements resulting from an audit will suspend reimbursement by AZDOHS to Subrecipient and Subrecipient will not be eligible for any new award, until Subrecipient is in complete compliance.

AZDOHS will monitor Subrecipient to ensure that program goals, objectives, performance requirements, timelines, planned objectives, budgets, and all other related

program criteria are being met. Subrecipient must comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff and must require any contractors, successors, transferees, and assignees to comply with these same provisions pursuant to 2 CFR § 200.337. Subrecipient must cooperate with any review or investigation conducted by DHS and/or AZDOHS. Subrecipient must give DHS and AZDOHS access to and the right to copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as deemed necessary by DHS or AZDOHS. Subrecipient must submit timely, complete, and accurate reports to the appropriate DHS and AZDOHS officials and maintain appropriate backup documentation. Subrecipient must comply with all other reporting, data collection, and evaluation requirements prescribed by law or in program guidance.

17. **NOFO, DHS Standard Terms, Agreement Articles, and PGM** Subrecipient must comply with all applicable terms within the Notice of Funding Opportunity (NOFO), the FY 2025 DHS Standard Terms and Conditions, the Agreement Articles attached to the FEMA Award Letter to AZDOHS, and the Preparedness Grant Manual (PMG). The applicable terms of each of the NOFO, FY 2025 DHS Standard Terms and Conditions, Agreement Articles, and PMG are hereby incorporated into this Agreement, and many, but not all, of the applicable terms are also included or restated within this Agreement. If a condition in the NOFO is inconsistent with FY 2025 DHS Standard Terms and Conditions, the condition shall be invalid to the extent of the inconsistency.

However;

Notwithstanding their inclusion in the Agreement Articles and 2025 DHS Standard Terms and Conditions, the following terms and Agreement Articles do not apply: (1) paragraph C.IX (Communication and Cooperation with the Department of Homeland Security and Immigration Officials) of the 2025 DHS Standard Terms and Conditions and the Agreement Article titled “Communication and Cooperation with the Department of Homeland Security and Immigration Officials”; and (2) paragraph C.XVII(2)(a)(iii) (Anti-Discrimination Grant Award Certification regarding immigration) of the 2025 DHS Standard Terms and Conditions and paragraph (2)(a)(iii) of the Agreement Article titled “Anti-Discrimination.”

AND

In regard to SHSP and UASI Programs, Pursuant to the memorandum and order issued on September 24, 2025, in State of Illinois, et al. v. Federal Emergency Management Agency, et. al, No. 25-206 (D.R.I.) and the preliminary injunction order issued on August 22, 2025, in City and County of San Francisco, et al. v. Trump, et al., No. 3:25-cv-01350 (N.D. Cal.), the following terms and conditions do not apply to awards or subawards subject to the orders while the orders remains in effect: (1) paragraph C.IX (Communication and Cooperation with the Department of Homeland Security and Immigration Officials) of the DHS Standard Terms and Conditions and the Agreement Article titled “Communication and Cooperation with the Department of Homeland Security and Immigration Officials” in this award package; (2) paragraph C.XVII(2)(a)(iii) (Anti-Discrimination Grant Award Certification regarding immigration) of the DHS Standard Terms and Conditions and paragraph (2)(a)(iii) of the Agreement Article

titled “Anti-Discrimination” in this award package; and (3) the “State Homeland Security Program: Compliance with Federal Immigration Law” Agreement Article. If memorandum and order or preliminary injunction in either of these matters are stayed, vacated, or extinguished, the “State Homeland Security Program: Compliance with Federal Immigration Law” Agreement Article (Article 61) will immediately become effective.

18. **National Incident Management System** Subrecipient must remain in compliance with National Incident Management System implementation initiatives as provided in the NOFO.
19. **Communications Equipment** All Land Mobile Radio equipment purchased must comply with: (a) P25 (Project 25) standards (<https://www.cisa.gov/safecom>); (b) SAFECOM Guidance (<https://www.cisa.gov/safecom>); (c) Land Mobile Radio Minimum Equipment Standards as approved by the Statewide Interoperability Executive Committee (<https://www.azdps.gov/content/basic-page/127>); and (d) Arizona's State Interoperable Priority Programming Guide (<https://www.azdps.gov/content/basic-page/127>).
20. **Nonsupplanting Agreement** Subrecipient must not use funds received under this Agreement to supplant Federal, State, Tribal or Local funds or other resources, and may be required to document this. If a position created by this Agreement is filled from within, the resulting vacancy must be filled within 30 days, and if not, Subrecipient must stop charging the grant for the new position; upon filling the vacancy, Subrecipient may resume charging for the position. A cost allocable to a particular Federal award provided for in 2 CFR Part 200 Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal award(s), or any other reason. However, Subrecipient from may shift costs allowable under two or more Federal awards if allowed by Federal statute, regulation, or the terms of the Federal award(s).
21. **E-Verify** Subrecipient must comply with all State and Federal immigration laws and regulations relating to its employees and to employees of any contractor or subcontractor retained through Subrecipient to provide goods or services related to this Agreement, including but not limited to ARS 23-214(A) and ARS 41-4401. A breach of this obligation is a material breach of this Agreement and Subrecipient may be subject to penalties to be determined at AZDOHS's discretion, up to and including termination of this Agreement. AZDOHS will have the right to inspect the papers of any Subrecipient employee who works on this Agreement, and to those of any employee of any contractor or subcontractor retained through Subrecipient.
22. **Research and Development** Subrecipient may not use funds obtained under this Agreement for research/development.
23. **Funds Management** Subrecipient must maintain funds received under this Agreement in separate accounts and cannot mix these funds with funds from other sources. Subrecipient must manage funds according to all applicable Federal regulations, including 2 CFR Part 200 and specifically 2 CFR 200.302. Subrecipient must maintain the following business systems:

- Financial Management
- Procurement
- Personnel
- Property
- Travel

To be adequate, a business system must be 1) complete and in writing; and 2) consistently followed – Subrecipient must apply it in all circumstances, regardless of funding source.

24. **Reporting of Matters Related to Recipient Integrity and Performance** If the total of Subrecipient's currently active grants, cooperative agreements, and procurement contracts from all Federal assistance offices exceeds \$10,000,000 at any time during the Period of Performance, Subrecipient must comply with Appendix XII to 2 CFR Part 200.
25. **Mandatory Disclosures** Subrecipient must disclose, in a timely manner and in writing, to AZDOHS all violations of federal criminal law involving, fraud, bribery, or gratuity violations potentially affecting the Federal award, as required by 2 CFR 200.113.
26. **Nondiscrimination** Subrecipient must comply with the following that apply to this Federally-funded program:
 - a. 29 USC 794, which bars discrimination against qualified handicapped individuals solely by reason of the handicap;
 - b. 42 USC 2000d *et seq.*, 6 CFR Part 21, and 44 CFR Part 7, which bar discrimination on grounds of race, color, or national origin (which requires Subrecipient to take reasonable steps to provide accommodation to persons with Limited English Proficiency; Subrecipient must refer to the DHS Guidance at <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and the resources at <http://www.lep.gov>);
 - c. All State and Federal equal opportunity and non-discrimination requirements and conditions of employment, including but not limited to Arizona Executive Order 2023-01 (<https://azgovernor.gov/office-arizona-governor/executive-order/1-0>) and 42 USC 12101-12213 (which bar discriminating on the basis of disability);
 - d. 42 USC 6101 *et seq.*, which prohibits discrimination on the basis of age;
 - e. The equal treatment policies and requirements contained in 6 CFR Part 19 and other applicable statutes, regulations, and guidance governing faith-based organizations;
 - f. 20 USC 1681 *et seq.* and 6 CFR Part 17 and 44 CFR Part 19, which bars discrimination on the basis of sex; and
 - g. 42 USC 3601 *et seq.* and 24 CFR Part 100, which prohibit discrimination in the sale, rental, financing, and advertising of dwellings, or in the provision of related services, on the basis of race, color, national origin, religion, disability, familial status, and sex.

27. **Anti-discrimination** Subrecipient must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of 31 U.S.C. 3729(b)(4).

(1) Definitions. As used in this clause;

(a) DEI means "diversity, equity, and inclusion."

(b) DEIA means "diversity, equity, inclusion, and accessibility."

(c) Discriminatory equity ideology has the meaning set forth in Section 2(b) of Executive Order 14190 of January 29, 2025.

(d) Federal anti-discrimination laws mean Federal civil rights law that protect individual Americans from discrimination on the basis of race, color, sex, religion, and national origin.

(2) Grant award certification.

(a) By accepting the grant award, recipients are certifying that:

(i) They do not, and will not during the term of this financial assistance award, operate any programs that advance or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws; and

(ii) They do not engage in and will not during the term of this award engage in, a discriminatory prohibited boycott.

(3) DHS reserves the right to suspend payments in whole or in part and/or terminate financial assistance awards if the Secretary of Homeland Security or her designee determines that the recipient has violated any provision of subsection (2).

(4) Upon suspension or termination under subsection (3), all funds received by the subrecipient shall be deemed to be in excess of the amount that the subrecipient is determined to be entitled to under the Federal award for purposes of 2 CFR § 200.346. As such, all amounts received will constitute a debt to the Federal Government that may be pursued to the maximum extent permitted by law.

28. **Intellectual Property** Subrecipient must affix the copyright notices required by 17 USC 401 and 402 and include an acknowledgement of Government sponsorship (including award number) to any work first produced under this Agreement. Unless otherwise provided by law, Subrecipient is subject to 35 USC 200-212 and is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards that are in 37 CFR Part 401, including specifically 37 CFR 401.14. Subrecipient must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials. Subrecipient agrees that DHS and AZDOHS have a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use: (a) the copyright in any work developed under an

award or sub-award; and (b) any rights of copyright to which Subrecipient purchases ownership with Federal support. Subrecipient must acknowledge its use of Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing programs funded in whole or in part with Federal funds. Subrecipient must not advertise or publish information for commercial benefit concerning this Agreement without the prior written approval of AZDOHS.

29. **Activities Conducted Abroad** Subrecipient must ensure that program activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
30. **Federal Debt Status** Subrecipient must not be delinquent on any Federal obligations, including but not limited to payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 (https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A129/a-129.pdf)
31. **Required Use of American Iron, Steel, Manufactured Products, and Construction Materials** Subrecipients must comply with 2 CFR Part 184, which codifies the Build America, Buy America Act (BABAA) Preference applicable to Federal financial assistance programs for infrastructure projects.

In addition to the DHS Standard Terms and Conditions regarding Required Use of American Iron, Steel, Manufactured Products, and Construction Materials, recipients and subrecipients of FEMA financial assistance for programs that are subject to BABAA must include a Buy America preference contract provision as noted in 2 CFR§ 184.4 and a self-certification as required by the FEMA BABAA Preference in FEMA Financial Assistance Programs for Infrastructure (FEMA Interim Policy #207-22-0001). This requirement applies to all subawards, contracts, and purchase orders for work performed, or products supplied under the FEMA award subject to BABAA.

32. **Compliance with Certain Federal Statutes, Regulations, and Requirements**
 - a. Subrecipient must comply with the 31 USC 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the Federal government; 31 USC 3801-3812 detail the remedies for false or fraudulent claims made.
 - b. Subrecipient must comply with the Energy Policy and Conservation Act, 42 USC 6201 *et seq.*, which contain policies relating to energy efficiency that are defined in the State energy conservation plan issued in compliance with this Act.
 - c. Subrecipient must comply with the drug-free workplace requirements in 2 CFR Part 3001 and 41 USC 8101-8106.
 - d. Subrecipient, and any contractors or subcontractors of Subrecipient are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 CFR §§200.216, 200.327, 200.471, and Appendix II to 2 CFR Part 200. The statute prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

- e. If grant funds are used for construction, Subrecipient and its contractors and subcontractors at all tiers must comply with the Davis-Bacon Act (40 USC 3141 *et seq.*). Subrecipients must obtain AZDOHS' written approval before using Homeland Security Grant Program ("HSGP") funds for construction/renovation per <https://www.dol.gov/whd/govcontracts/dbra.htm>.
- f. Subrecipient must maintain insurance coverage as provided in 2 CFR § 200.310. Subrecipient must provide at least the equivalent insurance coverage for real property and equipment acquired or improved under this Agreement as provided to property owned by Subrecipient.
- g. Subrecipient must comply with 42 USC 6962 and 2 CFR § 200.323, including procuring only items designated in the Environmental Protection Agency ("EPA") guidelines at 40 CFR Part 247 as containing the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
- h. Subrecipient must comply with all Federal whistleblower protections, including 41 USC 4712.
- i. Subrecipient must comply with the USA PATRIOT Act, Pub. L. 107-56, Section 817 and 18 USC 175-175c.
- j. Subrecipient must comply with the System for Award Management and Universal Identifier Requirements in 2 CFR, Appendix A to Part 25.
- k. Subrecipient must comply with the Trafficking Victims Protection Act, 22 USC 7101 *et seq.*, as required by 2 CFR § 175.105.
- l. Subrecipient must comply with US Executive Order 13224 (<https://www.state.gov/executive-order-13224/>) and all US laws that prohibit transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism.
- m. Subrecipient must comply with the requirements on Reporting Subawards and Executive Compensation in Appendix A to 2 CFR Part 170 for Federal awards that total or exceed \$30,000.
- n. Subrecipient is subject to the debarment and suspension regulations in US Executive Order 12549 (<https://www.archives.gov/federal-register/codification/executive-order/12549.html>), US Executive Order 12689 (<https://www.federalregister.gov/executive-order/12689>), 2 CFR Part 180, including 2 CFR §180.335, and 2 CFR Part 3000. These restrict Federal awards, subawards, and contracts with parties debarred, suspended, or otherwise excluded from or ineligible for Federal programs or activities.
- o. If Subrecipient collects Personally Identifiable Information ("PII"), it must have a publicly-available privacy policy stating its standards for the usage and maintenance of PII. PII is any information that permits the identity of an individual to be directly or indirectly inferred, including information linked or linkable to that individual. Subrecipient must follow DHS guidance (<https://www.dhs.gov/publication/privacy-impact-assessment-guidance>).

- p. Subrecipient must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs (<https://omb.report/icr/202011-0560-005CF>), or OMB Standard Form 424D Assurances - Construction Programs (<https://omb.report/icr/200906-4040-008>), as applicable. The DHS financial assistance office (DHS FAO) may determine that certain assurances in these documents may not apply, or may require additional assurances; Subrecipient must contact the DHS FAO with any questions. Subrecipient must follow the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200 and 2 CFR Part 3002.10. By entering into this Agreement, Subrecipient and its executives, as defined in 2 CFR § 170.315, certify that Subrecipient's policies comply with 2 CFR Part 200, all applicable Federal laws, and applicable guidance.
 - q. Subrecipient must comply with the National Environmental Policy Act ("NEPA") 42 USC 4321 *et seq.*, and Council on Environmental Quality regulations (40 CFR Parts 1500-1508) regarding NEPA.
 - r. Subrecipient must comply with 31 USC 1352 and 6 CFR Part 9, and may not use funds provided under this Agreement to pay any person to influence or attempt to influence an officer or employee of any government agency, Member of Congress, officer or employee of Congress, or an employee of a Member of Congress, relating in any way to a Federal award or contract. Per 6 CFR Part 9, recipients must file a lobbying certification form and a lobbying disclosure form, which are available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).
 - s. In accordance with 15 USC 2201 *et seq.* and 15 USC 2225a in particular, Subrecipient must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with all applicable fire prevention and control guidelines.
 - t. Subrecipient must comply with the International Air Transportation Fair Competitive Practices Act (IATF CPA) of 1974, 49 USC 40118, and the interpretative guidelines in Comptroller General Decision B-138942 (<https://www.gao.gov/products/b-138942>). International travel, however, is not an allowable cost unless approved in advance by DHS/FEMA.
 - u. Subrecipient must comply with the requirements of Presidential Executive Orders related to grants (also known as federal assistance and financial assistance), the full text of which are incorporated by reference.
 - v. Subrecipient must include in all contracts and purchase orders for work or product a contract provision encouraging domestic preference for procurements.
- 33. Applicability of DHS Standard Terms and Conditions to Tribal Nations** The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or Executive Order. If the requirement does not apply to Tribal Nations, or there is a federal law or regulation exempting its application to Tribal Nations, then the acceptance by Tribal Nations, or acquiescence to DHS Standard Terms and Conditions does not

change or alter its inapplicability to a Tribal Nation. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribal Nations where it does not already exist.

34. **Cancellation for Conflict of Interest** AZDOHS may, by written notice to Subrecipient, immediately cancel this Agreement without penalty or further obligation pursuant to ARS 38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement for AZDOHS is an employee or agent of Subrecipient in any capacity, or a consultant to Subrecipient with respect to this Agreement's subject matter. Cancellation shall be effective when Subrecipient receives AZDOHS' written notice, unless the notice specifies a later time.
35. **Assignment and Delegation** Subrecipient may not assign any rights hereunder without an express written agreement signed by authorized representatives of both parties.
36. **Third Party Antitrust Violations** Subrecipient hereby assigns to the State of Arizona any claim for overcharges resulting from antitrust violations, to the extent that such violations concern materials or services supplied by third parties to Subrecipient toward fulfilling this Agreement.
37. **Availability of Funds** AZDOHS' payment obligations under this Agreement are conditioned on the availability of funds appropriated or allocated for this purpose, per ARS 35-154. If funds are not allocated and available, AZDOHS may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to AZDOHS in the event this provision is exercised, and AZDOHS shall not be obligated or liable for any future payments or for any damages as a result of termination under this Paragraph, including purchases and/or contracts entered into by Subrecipient in the execution of this Agreement.
38. **Force Majeure** If either party is delayed or prevented from the performance of any act required in this Agreement by reason of acts of God, strikes, lockouts, labor disputes, civil disorder, or other causes without fault and beyond the control of the party obligated, performance of such act will be excused for the period of the delay.
39. **Dispute Resolution** In the event of a dispute regarding this Agreement, written notice must be provided to the other party within 30 calendar days of the relevant events. Any claim made by or against AZDOHS relating to this Agreement shall be resolved through the administrative claims process. The parties agree to resolve all disputes relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by ARS 12-1518 except as may be required by other applicable statutes. The forum for any dispute arising out of this Agreement shall be Maricopa County, Arizona.
40. **Governing Law and Interpretation of This Agreement** This Agreement is governed by the laws of the State of Arizona, without regard to its conflict of laws provisions. This Agreement is the parties' complete agreement and replaces the parties' prior and contemporaneous agreements, representations, and understandings pertaining to its subject matter, whether oral or written. No course of dealings or usage of the trade supplements or explains any terms. A party's failure to insist on strict performance of any term is not a waiver of that term, even if the party accepting or acquiescing in the nonconforming performance knows the nature of the performance and fails to object. If

any new legislation, laws, ordinances, or rules affect this Agreement, this Agreement automatically incorporates the terms of such legislation, laws, ordinances, or rules. Any term of this Agreement that is declared contrary to any current or future law, order, regulation, or rule, or that is otherwise invalid, shall be deemed stricken without impairing the validity of the remainder of this Agreement. In the event FEMA determines that changes are necessary to this Agreement after it has been entered into, including changes to Period of Performance or other terms, Subrecipient will be notified of the changes in writing; once notification is made, any subsequent request for funds by Subrecipient will constitute Subrecipient's acceptance of the changes and will incorporate the changes into this Agreement. Except as expressly provided in this Paragraph, any amendment to or extension of this Agreement may be made only in a writing signed by authorized representatives of both parties. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement.

41. **Licensing** Unless otherwise exempted by law, Subrecipient must obtain and maintain all licenses, permits, and authority necessary to perform its obligations under this Agreement.
42. **Sectarian Requests** Funds disbursed under this Agreement may not be used for any sectarian purpose or activity, including worship or instruction in violation of the US or Arizona Constitutions.
43. **Closed-Captioning of Public Service Announcements** Any television public service announcement funded in whole or in part by this Agreement must include closed captioning.
44. **Indemnification** Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury to any person (including death) or property damage, but only to the extent such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The State of Arizona and AZDOHS are self-insured per ARS 41-621. If Subrecipient utilizes contractor(s) and/or subcontractor(s), the indemnification clause between Subrecipient and contractor(s) and subcontractor(s) shall include the following:

Contractor shall defend, indemnify, and hold harmless the Arizona Department of Homeland Security and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and their departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter, "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out

of the failure of such contractor to conform to any Federal, State or Local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Additionally on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State.

45. **Termination** Each party has the right to terminate this Agreement if the other party fails to comply with this Agreement. A party invoking the right to terminate shall provide written 30 day advance notice of all reasons for the termination. If Subrecipient chooses to terminate this Agreement before all deliverables have been delivered, AZDOHS has the right to recover all reimbursements made to Subrecipient. On termination, AZDOHS may procure, on terms that it deems appropriate, materials or services to replace those that otherwise would have been provided by Subrecipient, and Subrecipient will be liable to AZDOHS for all excess costs incurred by AZDOHS in procuring such materials or services. Subrecipient must continue to perform this Agreement until the date of termination, as directed in the termination notice. If AZDOHS reasonably believes Subrecipient does not intend to, or is unable to fully perform this Agreement, AZDOHS may demand in writing that Subrecipient give written assurance of its intent and ability to perform. If Subrecipient fails to provide written assurance within the time specified in the demand, AZDOHS may terminate this Agreement.
46. **Termination of the Federal Award** In addition to the "Termination" clause above, Subrecipients agree to be bound by the Termination of the Federal Award provisions contained in the NOFO, to the extent such provisions apply to subrecipients. Note that subrecipients are *not* bound by Term XL ("Termination of a Federal Award") of the FY 2025 DHS Standard Terms and Conditions or Article 42 of the Agreement Articles.
47. **Paragraph Headings** Paragraph headings in this Agreement are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the interpretation of this Agreement.
48. **Counterparts** This Agreement may be executed in any number of counterparts, copies, or duplicate originals. Each such counterpart, copy, or duplicate original shall be deemed an original, and collectively they shall constitute one Agreement.
49. **Authority to Execute This Agreement** The person executing this Agreement on behalf of Subrecipient represents and warrants that he/she is duly authorized to do so.
50. **Transfer of Funds Prohibition** Subrecipient may not transfer funds between programs (e.g., State Homeland Security Program, Urban Area Security Initiative, and Operation Stonegarden).
51. **Parties** This Agreement is for the benefit of AZDOHS and Subrecipient as the only parties to this Agreement, and to their respective successors, assigns, executors and

legal representatives. Except as expressly provided in this Agreement, nothing in this Agreement confers on any person other than the parties and their respective successors and assigns, any rights, remedies, obligations, or liabilities.

- 52. Respective Responsibilities** Except as expressly provided in this Agreement, each party agrees that, to the extent authorized by law, it will be responsible for its own acts or omissions and the results thereof and will not be responsible for the acts or omissions of the other party and the results thereof. In the event that either party becomes aware of any claim made by or expected from a claimant against a party to this Agreement, which claim relates to the subject matter of this Agreement, that party will immediately notify the other party, and the parties will share all information regarding such matter and cooperate with each other in addressing the matter. The parties are independent contractors, and nothing contained in this Agreement will create the relationship of partnership, joint venture, agency, or employment between the parties or any of their employees, officers, agents, or contractors. Each party hereby agrees to perform any further acts and to execute and deliver any documents that may be reasonably necessary to carry out the provisions of this Agreement.
- 53. Publicity** Neither party shall use or mention in any publicity, advertising, promotional materials or news release the name or service mark(s) of the other party without the prior written consent of that party.
- 54. Notices** All communications by either party to this Agreement, shall be in writing, be delivered in person, or shall be sent to the respective parties at the following addresses:

Arizona Department of Homeland Security
1802 West Jackson Street, #117
Phoenix, AZ 85007

Subrecipient must address all notices relative to this Agreement to the appropriate AZDOHS staff; contact information is at www.azdohs.gov.

AZDOHS shall address all notices relative to this Agreement to:

Lieutenant Severin Hall

Enter Title, First and Last Name Above
Surprise Police Department

Enter Agency Name Above
14250 W Statler Plaza; Suite 103

Enter Mailing Address Above
Surprise, AZ 85374

Enter City, State, ZIP Above

IN WITNESS WHEREOF, the parties hereto agree to execute this Agreement.

FOR AND BEHALF OF THE

FOR AND BEHALF OF THE

Enter Agency Name Above

Arizona Department of Homeland Security

Authorized Signature Above

Susan Dzbanko, Deputy Director

Print Name and Title Above

Enter Date Above

Date

(Complete and mail two original documents to the Arizona Department of Homeland Security.)

**RESOLUTION 2026-136
EXHIBIT C**

SUBRECIPIENT AGREEMENT BETWEEN
THE CITY OF SURPRISE AND THE ARIZONA DEPARTMENT OF
HOMELAND SECURITY (AZDOHS)

(BEGINS ON THE NEXT PAGE)

SUBRECIPIENT AGREEMENT**25-AZDOHS-HSGP-250820-02****Between****The Arizona Department of Homeland Security ("AZDOHS")****And****Surprise Police Department ("Subrecipient")
UEI Number (UEI: Cndlln6wtte3)**

WHEREAS, ARS 41-4254 makes the Arizona Department of Homeland Security (AZDOHS) responsible for administering the funds covered by this agreement ("Agreement"), the parties hereby agree to the following terms:

1. **Purpose of Agreement** This Agreement is to specify the rights and responsibilities of AZDOHS in administering the distribution of homeland security grant funds to Subrecipient, and to specify the rights and responsibilities of Subrecipient as the recipient of these funds.
2. **Period of Performance** This Agreement shall become effective on **August 3, 2026** and shall terminate on **September 30, 2027** (the "Period of Performance"). The obligations of Subrecipient herein survive termination of this Agreement.
3. **Description of Services** Subrecipient must fulfill all obligations set forth in Subrecipient's approved grant application titled: "**Mobile Field Force**" and funded at **\$6,000** (as may have been modified by the award letter).
4. **Financing and Fiscal Responsibility** Under U.S. Department of Homeland Security ("DHS") grant #EMW-2025-SS-05003 and Catalog of Federal Domestic Assistance ("CFDA") #97.067, AZDOHS shall provide up to **\$6,000** to Subrecipient under this Agreement.

Payment to Subrecipient must be on a reimbursement basis only, conditioned upon Subrecipient providing AZDOHS with proof of payment and applicable, accurate and complete reimbursement documents, as deemed necessary by AZDOHS. A list of acceptable documentation is at www.azdohs.gov. Payments are contingent on Subrecipient performing all its obligations under this Agreement. Subrecipient may use the funds provided under this Agreement only as provided in the application and award documentation. If Subrecipient does not complete all its obligations, Subrecipient must immediately reimburse all previously-provided funds to AZDOHS. If Subrecipient completes its obligations at a lower than the budgeted cost, the amount reimbursed to Subrecipient will be only the amount actually spent by Subrecipient in accordance with the approved application. For any expenditure disallowed after or otherwise by AZDOHS, or the State or Federal government, Subrecipient must immediately reimburse such funds to AZDOHS.

5. **Reporting Requirements** Subrecipient must submit quarterly programmatic reports to AZDOHS as follows:

January 15 (for the period from October 1– December 31)

April 15 (for the period from January 1 – March 31)

July 15 (for the period from April 1 – June 30)

October 15 (for the period from July 1 – September 30)

Subrecipient must use the Quarterly Programmatic Report form (<https://azdohs.gov/grant-program-forms>) for these reports. Subrecipient must provide detailed information on the status of completion of the planned activities in the approved application satisfactory to AZDOHS in its sole discretion. Failure to adequately provide such information will result in the Quarterly Programmatic Report being rejected by AZDOHS and resubmission will be required. If the program has been fully completed so that there will be no further updates, then the quarterly report for the quarter in which the program was completed will be the final report; the report should be marked as “final” and must include all pertinent information regarding the program as determined solely by AZDOHS.

Final Quarterly Programmatic Report: The final quarterly programmatic report is due no more than **15** calendar days after the end of the performance period. Subrecipient may submit a final quarterly report prior to the end of the performance period if the scope of the project has been fully completed and implemented. The Property Control Form is due with the final quarterly report (if applicable).

6. **Reimbursements** Subrecipient must provide AZDOHS with requests for reimbursement as frequently as monthly but not less than quarterly; submissions must be made via US Mail, delivery service (FedEx, UPS, etc.) or in person; **submissions via fax or by any electronic means will not be accepted**. Reimbursement requests shall be submitted with the Reimbursement Form provided by AZDOHS staff. AZDOHS has the right to require Subrecipient to provide any documentation and/or information AZDOHS deems necessary to process submissions.

Reimbursement requests are only required when expenses have been incurred. The Subrecipient shall submit a final reimbursement request, marked as such, for expenses received and invoiced prior to the end of the period of performance. The final reimbursement must be **received** by AZDOHS no more than **45** calendar days after the end of the period of performance. Requests for reimbursement received by AZDOHS later than 45 calendar days after the end of the period of performance will not be paid.

Subrecipients will only be reimbursed for expenses that have been obligated, expended and received within the authorized Period of Performance as identified in Paragraph 2 of this Agreement. Subrecipients are not authorized to obligate or expend funds prior to the start date of the Period of Performance. Any expenses obligated or expended prior to the Period of Performance start date will be deemed unallowable and will not be reimbursed. Any expenses/services that occur beyond the Period of Performance (e.g. cell phone service) will be deemed unallowable and will not be reimbursed.

7. **Environmental Planning and Historic Preservation** Subrecipient **must** comply with Federal, State, and Local environmental and historical preservation (EHP) regulations, laws and Executive Orders as applicable. See

<https://www.fema.gov/emergency-managers/practitioners/environmental-historic/laws/ehp-directive-instruction> and

<https://azdohs.gov/environmental-and-historic-preservation-ehp>. Subrecipients proposing programs with potential environmental impact **must** participate in the DHS/Federal Emergency Management Agency (FEMA) EHP review process. Subrecipient **must** complete the EHP review process before funds will be released by AZDOHS. If Subrecipient engages in ground disturbing activities, Subrecipient must monitor ground disturbance. If archeological resources are discovered, Subrecipient must immediately (a) cease construction and (b) notify FEMA, AZDOHS, and the Arizona State Historic Preservation Office. AZDOHS/DHS/FEMA **will not fund or reimburse** projects that are initiated without the required EHP review.

8. **Procurement (including Noncompetitive Procurement)** Subrecipient must comply with its procurement rules/policies, all Federal procurement rules/policies, including provisions of 2 CFR Part 200, which were updated by OMB in April of 2024, and all Arizona Procurement Code provisions and rules, the most restrictive of which will apply. Subrecipient **must not** enter into a noncompetitive procurement unless AZDOHS grants **prior written approval** via the Noncompetitive Procurement Request form at <https://azdohs.gov/grant-program-forms>.
9. **Property Control** Subrecipient must safeguard and maintain control and accountability for all property/equipment purchased under this Agreement, and Subrecipient must assure that it is used only for purposes authorized under this Agreement and maintained as provided in 2 CFR 200.313. Such property/equipment shall be used by Subrecipient in the program for which it was acquired as long as needed, whether or not the program continues to be supported by Federal grant funds. Subrecipient must immediately investigate and report to AZDOHS any loss, damage, or theft. Subrecipient must replace any property/equipment lost, damaged or stolen at Subrecipient's expense, and must immediately submit an updated Property Control Form (<https://azdohs.gov/grant-program-forms>) to AZDOHS.

"Nonexpendable Property/Equipment" is property that has a continuing use, is not consumed in use, has an expected life of one year or more, costs \$10,000 or more per unit, and does not become a fixture or lose its identity as a component of other equipment/systems, while a "Capital Asset" is personal or real property or a fixture costing \$10,000 or more per unit with an expected life of one year or more. Subrecipient is solely responsible for the proper maintenance of all Nonexpendable Property/Equipment and Capital Assets acquired under this Agreement. Subrecipient must take a physical inventory of all such Nonexpendable Property/Equipment and Capital Assets and reconcile the results with the Property Control Form at least once every two years. Subrecipient must maintain a control system to prevent loss, damage, or theft of such Nonexpendable Property/Equipment and Capital Assets, and Subrecipient must immediately report any loss, damage, or theft to AZDOHS. A Property Control Form (if applicable) shall be maintained for the entire scope of the program or project for which property was acquired through the end of its useful life and/or disposition. All Nonexpendable Property and Capital Assets must be included on the Property Control Form. **The Subrecipient, if applicable, shall provide AZDOHS a copy of the Property Control Form with the final quarterly programmatic report.** The Property Control Form can be located at <https://azdohs.gov/grant-program-forms>. The Subrecipient agrees to be subject to equipment monitoring and auditing by state or federal authorized representatives to verify information.

When Nonexpendable Property/Equipment and/or Capital Assets acquired under this Agreement are no longer needed by the Subrecipient for the original program or for other activities currently or previously supported by a federal awarding agency, Subrecipient must immediately submit an updated Property Control Form to AZDOHS, and any disposition must be in compliance with AZDOHS Disposition Guidance (<https://azdohs.gov/grant-program-forms>) and 2 CFR Part 200, including specifically 2 CFR 200.313. If Subrecipient seeks disposition of such Nonexpendable Property/Equipment or Capital Assets for any reason other than theft, destruction, or loss, Subrecipient must submit an Equipment Disposition Request Form (<https://azdohs.gov/grant-program-forms>) to AZDOHS and receive approval from AZDOHS prior to disposition. Subrecipient must update the Property Control Form and provide a copy to AZDOHS within 45 calendar days after disposition. Per 2 CFR 200.333(c), Subrecipient must retain all records relating to such Nonexpendable Property/Equipment and Capital Assets for 3 years after disposition.

10. **Training and Exercise** All training and/or exercise events must be included in Subrecipient's application. Alternate/additional training/exercise requests must be approved in advance by AZDOHS. Subrecipient must submit a Project Modification Request Form (<https://azdohs.gov/grant-program-forms>) for review and approval by AZDOHS prior to scheduling alternate/additional training/exercise events. For those projects that are managed by DEMA, alternate/additional training requests must be approved in advance by DEMA and AZDOHS using the Pre-approval form (<https://dema.az.gov/emergency-management/preparedness/training-branch>). All exercises must comply with FEMA Homeland Security Exercise and Evaluation Program (<https://www.fema.gov/emergency-managers/national-preparedness/exercises/hseep>; "HSEEP") guidance. Subrecipient will (a) Submit an exercise summary and attendance/sign-in roster; and (b) Email the After Action Report/Improvement Plan to the local County Emergency Manager, AZDOHS, and the DEMA Exercise Branch, within 90 days of completion of an exercise or as prescribed by HSEEP.
11. **Consultants/Trainers/Training Providers** Invoices for consultants/trainers/training providers must include: a description of services; dates of services; number of hours for services performed; rate charged; and the total cost of services. Rates must be within the prevailing rates; must be consistent with Subrecipient's procurement policies and 2 CFR Part 200; and shall not exceed **\$650** per day per consultant/trainer/training provider unless AZDOHS grants prior written approval. This includes internal personnel hired on backfill/overtime to deliver training. Subrecipient will not be reimbursed costs other than travel, lodging, meals, and incidentals on travel days for consultants/trainers/training providers, at rates not to exceed State rates, and itemized receipts are required. See Travel Costs below, at Paragraph 12.
12. **Travel Costs** All grant funds expended for travel, lodging, meals and incidentals are subject to the standards of Subrecipient's policies and procedures, and the State of Arizona Accounting Manual (<https://gao.az.gov/publications/saam>), which Subrecipient must apply uniformly to both Federally financed and its other activities. AZDOHS will reimburse at the most restrictive allowability and rates. At no time will Subrecipient's reimbursements exceed the State rates established by the Arizona Department of Administration: <https://gao.az.gov/travel>.

13. **Contractors/Subcontractors** Subrecipient may enter into written subcontract(s) in accordance with 2 CFR Part 200 and the NOFO. No subcontract that the Subrecipient enters into relieves Subrecipient of any responsibilities under this Agreement. Subrecipient must give AZDOHS immediate notice in writing of any action filed or claim made against Subrecipient by any subcontractor or vendor.
14. **Allowable Costs** The allowability of costs incurred under this Agreement shall be determined by AZDOHS in its sole discretion and in accordance with the general principles and standards set forth in the CFR, FEMA Authorized Equipment List (<https://www.fema.gov/grants/tools/authorized-equipment-list>), and guidance documents (i.e. NOFO, Preparedness Grants Manual, Information Bulletins). Subrecipient's use of grant funds for indirect costs must be in accordance with 2 CFR Part 200, including 2 CFR 200.211(b)(16) and the NOFO. Subrecipient must apply to AZDOHS for its written approval of indirect costs prior to expenditure. Subrecipient may not expend grant funds for Management and Administrative costs for administering such funds without prior written approval of AZDOHS.
15. **Amendments** Any change in this Agreement including but not limited to the Description of Services, Period of Performance and budget described herein, whether by modification or supplementation, must be accomplished by a formal Agreement amendment signed and approved by and between the duly authorized representatives of the Subrecipient and the AZDOHS. Any such amendment shall specify: 1) an effective date; 2) any increases or decreases in the amount of the Subrecipient's reimbursement, if applicable; 3) be titled as an "Amendment," and 4) be signed by the parties identified in the preceding paragraph. The Subrecipient expressly and explicitly understands and agrees that no other method of communication, including any other document, correspondence, act, or oral communication by or from any person, shall be used or construed as an amendment or modification or supplementation to this Agreement.
16. **Audit/Monitoring**
 - a. Subrecipient must comply with the record-keeping and other requirements of ARS 35-214 and 35-215, and shall ensure that its contractors and subcontractors at all tiers also comply.
 - b. Under 31 USC 7501-7507 and 2 CFR 200.501, Subrecipient will be subject to audit per 2 CFR Part 200, if Subrecipient expended \$1,000,000 or more in Federal awards in its previous fiscal year. If Subrecipient has met or exceeded this threshold, Subrecipient must submit to AZDOHS a copy of Subrecipient's single audit or program specific audit report for the previous fiscal year (and for subsequent fiscal years that fall within the Period of Performance) annually, within 9 months of Subrecipient's fiscal year end. Subrecipients not subject to this requirement must submit to AZDOHS via audits@azdohs.gov a statement that they do not meet the threshold and therefore do not have to complete a single audit or program specific audit.
 - c. Failure of Subrecipient to comply with any requirements resulting from an audit will suspend reimbursement by AZDOHS to Subrecipient and Subrecipient will not be eligible for any new award, until Subrecipient is in complete compliance.

AZDOHS will monitor Subrecipient to ensure that program goals, objectives, performance requirements, timelines, planned objectives, budgets, and all other related

program criteria are being met. Subrecipient must comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff and must require any contractors, successors, transferees, and assignees to comply with these same provisions pursuant to 2 CFR § 200.337. Subrecipient must cooperate with any review or investigation conducted by DHS and/or AZDOHS. Subrecipient must give DHS and AZDOHS access to and the right to copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as deemed necessary by DHS or AZDOHS. Subrecipient must submit timely, complete, and accurate reports to the appropriate DHS and AZDOHS officials and maintain appropriate backup documentation. Subrecipient must comply with all other reporting, data collection, and evaluation requirements prescribed by law or in program guidance.

17. **NOFO, DHS Standard Terms, Agreement Articles, and PGM** Subrecipient must comply with all applicable terms within the Notice of Funding Opportunity (NOFO), the FY 2025 DHS Standard Terms and Conditions, the Agreement Articles attached to the FEMA Award Letter to AZDOHS, and the Preparedness Grant Manual (PMG). The applicable terms of each of the NOFO, FY 2025 DHS Standard Terms and Conditions, Agreement Articles, and PMG are hereby incorporated into this Agreement, and many, but not all, of the applicable terms are also included or restated within this Agreement. If a condition in the NOFO is inconsistent with FY 2025 DHS Standard Terms and Conditions, the condition shall be invalid to the extent of the inconsistency.

However;

Notwithstanding their inclusion in the Agreement Articles and 2025 DHS Standard Terms and Conditions, the following terms and Agreement Articles do not apply: (1) paragraph C.IX (Communication and Cooperation with the Department of Homeland Security and Immigration Officials) of the 2025 DHS Standard Terms and Conditions and the Agreement Article titled “Communication and Cooperation with the Department of Homeland Security and Immigration Officials”; and (2) paragraph C.XVII(2)(a)(iii) (Anti-Discrimination Grant Award Certification regarding immigration) of the 2025 DHS Standard Terms and Conditions and paragraph (2)(a)(iii) of the Agreement Article titled “Anti-Discrimination.”

AND

In regard to SHSP and UASI Programs, Pursuant to the memorandum and order issued on September 24, 2025, in State of Illinois, et al. v. Federal Emergency Management Agency, et. al, No. 25-206 (D.R.I.) and the preliminary injunction order issued on August 22, 2025, in City and County of San Francisco, et al. v. Trump, et al., No. 3:25-cv-01350 (N.D. Cal.), the following terms and conditions do not apply to awards or subawards subject to the orders while the orders remains in effect: (1) paragraph C.IX (Communication and Cooperation with the Department of Homeland Security and Immigration Officials) of the DHS Standard Terms and Conditions and the Agreement Article titled “Communication and Cooperation with the Department of Homeland Security and Immigration Officials” in this award package; (2) paragraph C.XVII(2)(a)(iii) (Anti-Discrimination Grant Award Certification regarding immigration) of the DHS Standard Terms and Conditions and paragraph (2)(a)(iii) of the Agreement Article

titled “Anti-Discrimination” in this award package; and (3) the “State Homeland Security Program: Compliance with Federal Immigration Law” Agreement Article. If memorandum and order or preliminary injunction in either of these matters are stayed, vacated, or extinguished, the “State Homeland Security Program: Compliance with Federal Immigration Law” Agreement Article (Article 61) will immediately become effective.

18. **National Incident Management System** Subrecipient must remain in compliance with National Incident Management System implementation initiatives as provided in the NOFO.
19. **Communications Equipment** All Land Mobile Radio equipment purchased must comply with: (a) P25 (Project 25) standards (<https://www.cisa.gov/safecom>); (b) SAFECOM Guidance (<https://www.cisa.gov/safecom>); (c) Land Mobile Radio Minimum Equipment Standards as approved by the Statewide Interoperability Executive Committee (<https://www.azdps.gov/content/basic-page/127>); and (d) Arizona's State Interoperable Priority Programming Guide (<https://www.azdps.gov/content/basic-page/127>).
20. **Nonsupplanting Agreement** Subrecipient must not use funds received under this Agreement to supplant Federal, State, Tribal or Local funds or other resources, and may be required to document this. If a position created by this Agreement is filled from within, the resulting vacancy must be filled within 30 days, and if not, Subrecipient must stop charging the grant for the new position; upon filling the vacancy, Subrecipient may resume charging for the position. A cost allocable to a particular Federal award provided for in 2 CFR Part 200 Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal award(s), or any other reason. However, Subrecipient may shift costs allowable under two or more Federal awards if allowed by Federal statute, regulation, or the terms of the Federal award(s).
21. **E-Verify** Subrecipient must comply with all State and Federal immigration laws and regulations relating to its employees and to employees of any contractor or subcontractor retained through Subrecipient to provide goods or services related to this Agreement, including but not limited to ARS 23-214(A) and ARS 41-4401. A breach of this obligation is a material breach of this Agreement and Subrecipient may be subject to penalties to be determined at AZDOHS's discretion, up to and including termination of this Agreement. AZDOHS will have the right to inspect the papers of any Subrecipient employee who works on this Agreement, and to those of any employee of any contractor or subcontractor retained through Subrecipient.
22. **Research and Development** Subrecipient may not use funds obtained under this Agreement for research/development.
23. **Funds Management** Subrecipient must maintain funds received under this Agreement in separate accounts and cannot mix these funds with funds from other sources. Subrecipient must manage funds according to all applicable Federal regulations, including 2 CFR Part 200 and specifically 2 CFR 200.302. Subrecipient must maintain the following business systems:

- Financial Management
- Procurement
- Personnel
- Property
- Travel

To be adequate, a business system must be 1) complete and in writing; and 2) consistently followed – Subrecipient must apply it in all circumstances, regardless of funding source.

24. **Reporting of Matters Related to Recipient Integrity and Performance** If the total of Subrecipient's currently active grants, cooperative agreements, and procurement contracts from all Federal assistance offices exceeds \$10,000,000 at any time during the Period of Performance, Subrecipient must comply with Appendix XII to 2 CFR Part 200.
25. **Mandatory Disclosures** Subrecipient must disclose, in a timely manner and in writing, to AZDOHS all violations of federal criminal law involving, fraud, bribery, or gratuity violations potentially affecting the Federal award, as required by 2 CFR 200.113.
26. **Nondiscrimination** Subrecipient must comply with the following that apply to this Federally-funded program:
 - a. 29 USC 794, which bars discrimination against qualified handicapped individuals solely by reason of the handicap;
 - b. 42 USC 2000d *et seq.*, 6 CFR Part 21, and 44 CFR Part 7, which bar discrimination on grounds of race, color, or national origin (which requires Subrecipient to take reasonable steps to provide accommodation to persons with Limited English Proficiency; Subrecipient must refer to the DHS Guidance at <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and the resources at <http://www.lep.gov>);
 - c. All State and Federal equal opportunity and non-discrimination requirements and conditions of employment, including but not limited to Arizona Executive Order 2023-01 (<https://azgovernor.gov/office-arizona-governor/executive-order/1-0>) and 42 USC 12101-12213 (which bar discriminating on the basis of disability);
 - d. 42 USC 6101 *et seq.*, which prohibits discrimination on the basis of age;
 - e. The equal treatment policies and requirements contained in 6 CFR Part 19 and other applicable statutes, regulations, and guidance governing faith-based organizations;
 - f. 20 USC 1681 *et seq.* and 6 CFR Part 17 and 44 CFR Part 19, which bars discrimination on the basis of sex; and
 - g. 42 USC 3601 *et seq.* and 24 CFR Part 100, which prohibit discrimination in the sale, rental, financing, and advertising of dwellings, or in the provision of related services, on the basis of race, color, national origin, religion, disability, familial status, and sex.

27. **Anti-discrimination** Subrecipient must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of 31 U.S.C. 3729(b)(4).

(1) Definitions. As used in this clause;

(a) DEI means "diversity, equity, and inclusion."

(b) DEIA means "diversity, equity, inclusion, and accessibility."

(c) Discriminatory equity ideology has the meaning set forth in Section 2(b) of Executive Order 14190 of January 29, 2025.

(d) Federal anti-discrimination laws mean Federal civil rights law that protect individual Americans from discrimination on the basis of race, color, sex, religion, and national origin.

(2) Grant award certification.

(a) By accepting the grant award, recipients are certifying that:

(i) They do not, and will not during the term of this financial assistance award, operate any programs that advance or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws; and

(ii) They do not engage in and will not during the term of this award engage in, a discriminatory prohibited boycott.

(3) DHS reserves the right to suspend payments in whole or in part and/or terminate financial assistance awards if the Secretary of Homeland Security or her designee determines that the recipient has violated any provision of subsection (2).

(4) Upon suspension or termination under subsection (3), all funds received by the subrecipient shall be deemed to be in excess of the amount that the subrecipient is determined to be entitled to under the Federal award for purposes of 2 CFR § 200.346. As such, all amounts received will constitute a debt to the Federal Government that may be pursued to the maximum extent permitted by law.

28. **Intellectual Property** Subrecipient must affix the copyright notices required by 17 USC 401 and 402 and include an acknowledgement of Government sponsorship (including award number) to any work first produced under this Agreement. Unless otherwise provided by law, Subrecipient is subject to 35 USC 200-212 and is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards that are in 37 CFR Part 401, including specifically 37 CFR 401.14. Subrecipient must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials. Subrecipient agrees that DHS and AZDOHS have a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use: (a) the copyright in any work developed under an

award or sub-award; and (b) any rights of copyright to which Subrecipient purchases ownership with Federal support. Subrecipient must acknowledge its use of Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing programs funded in whole or in part with Federal funds. Subrecipient must not advertise or publish information for commercial benefit concerning this Agreement without the prior written approval of AZDOHS.

29. **Activities Conducted Abroad** Subrecipient must ensure that program activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
30. **Federal Debt Status** Subrecipient must not be delinquent on any Federal obligations, including but not limited to payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 (https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A129/a-129.pdf)
31. **Required Use of American Iron, Steel, Manufactured Products, and Construction Materials** Subrecipients must comply with 2 CFR Part 184, which codifies the Build America, Buy America Act (BABAA) Preference applicable to Federal financial assistance programs for infrastructure projects.

In addition to the DHS Standard Terms and Conditions regarding Required Use of American Iron, Steel, Manufactured Products, and Construction Materials, recipients and subrecipients of FEMA financial assistance for programs that are subject to BABAA must include a Buy America preference contract provision as noted in 2 CFR§ 184.4 and a self-certification as required by the FEMA BABAA Preference in FEMA Financial Assistance Programs for Infrastructure (FEMA Interim Policy #207-22-0001). This requirement applies to all subawards, contracts, and purchase orders for work performed, or products supplied under the FEMA award subject to BABAA.

32. **Compliance with Certain Federal Statutes, Regulations, and Requirements**
 - a. Subrecipient must comply with the 31 USC 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the Federal government; 31 USC 3801-3812 detail the remedies for false or fraudulent claims made.
 - b. Subrecipient must comply with the Energy Policy and Conservation Act, 42 USC 6201 *et seq.*, which contain policies relating to energy efficiency that are defined in the State energy conservation plan issued in compliance with this Act.
 - c. Subrecipient must comply with the drug-free workplace requirements in 2 CFR Part 3001 and 41 USC 8101-8106.
 - d. Subrecipient, and any contractors or subcontractors of Subrecipient are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 CFR §§200.216, 200.327, 200.471, and Appendix II to 2 CFR Part 200. The statute prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

- e. If grant funds are used for construction, Subrecipient and its contractors and subcontractors at all tiers must comply with the Davis-Bacon Act (40 USC 3141 *et seq.*). Subrecipients must obtain AZDOHS' written approval before using Homeland Security Grant Program ("HSGP") funds for construction/renovation per <https://www.dol.gov/whd/govcontracts/dbra.htm>.
- f. Subrecipient must maintain insurance coverage as provided in 2 CFR § 200.310. Subrecipient must provide at least the equivalent insurance coverage for real property and equipment acquired or improved under this Agreement as provided to property owned by Subrecipient.
- g. Subrecipient must comply with 42 USC 6962 and 2 CFR § 200.323, including procuring only items designated in the Environmental Protection Agency ("EPA") guidelines at 40 CFR Part 247 as containing the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
- h. Subrecipient must comply with all Federal whistleblower protections, including 41 USC 4712.
- i. Subrecipient must comply with the USA PATRIOT Act, Pub. L. 107-56, Section 817 and 18 USC 175-175c.
- j. Subrecipient must comply with the System for Award Management and Universal Identifier Requirements in 2 CFR, Appendix A to Part 25.
- k. Subrecipient must comply with the Trafficking Victims Protection Act, 22 USC 7101 *et seq.*, as required by 2 CFR § 175.105.
- l. Subrecipient must comply with US Executive Order 13224 (<https://www.state.gov/executive-order-13224/>) and all US laws that prohibit transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism.
- m. Subrecipient must comply with the requirements on Reporting Subawards and Executive Compensation in Appendix A to 2 CFR Part 170 for Federal awards that total or exceed \$30,000.
- n. Subrecipient is subject to the debarment and suspension regulations in US Executive Order 12549 (<https://www.archives.gov/federal-register/codification/executive-order/12549.html>), US Executive Order 12689 (<https://www.federalregister.gov/executive-order/12689>), 2 CFR Part 180, including 2 CFR §180.335, and 2 CFR Part 3000. These restrict Federal awards, subawards, and contracts with parties debarred, suspended, or otherwise excluded from or ineligible for Federal programs or activities.
- o. If Subrecipient collects Personally Identifiable Information ("PII"), it must have a publicly-available privacy policy stating its standards for the usage and maintenance of PII. PII is any information that permits the identity of an individual to be directly or indirectly inferred, including information linked or linkable to that individual. Subrecipient must follow DHS guidance (<https://www.dhs.gov/publication/privacy-impact-assessment-guidance>).

- p. Subrecipient must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs (<https://omb.report/icr/202011-0560-005CF>), or OMB Standard Form 424D Assurances - Construction Programs (<https://omb.report/icr/200906-4040-008>), as applicable. The DHS financial assistance office (DHS FAO) may determine that certain assurances in these documents may not apply, or may require additional assurances; Subrecipient must contact the DHS FAO with any questions. Subrecipient must follow the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200 and 2 CFR Part 3002.10. By entering into this Agreement, Subrecipient and its executives, as defined in 2 CFR § 170.315, certify that Subrecipient's policies comply with 2 CFR Part 200, all applicable Federal laws, and applicable guidance.
 - q. Subrecipient must comply with the National Environmental Policy Act ("NEPA") 42 USC 4321 *et seq.*, and Council on Environmental Quality regulations (40 CFR Parts 1500-1508) regarding NEPA.
 - r. Subrecipient must comply with 31 USC 1352 and 6 CFR Part 9, and may not use funds provided under this Agreement to pay any person to influence or attempt to influence an officer or employee of any government agency, Member of Congress, officer or employee of Congress, or an employee of a Member of Congress, relating in any way to a Federal award or contract. Per 6 CFR Part 9, recipients must file a lobbying certification form and a lobbying disclosure form, which are available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).
 - s. In accordance with 15 USC 2201 *et seq.* and 15 USC 2225a in particular, Subrecipient must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with all applicable fire prevention and control guidelines.
 - t. Subrecipient must comply with the International Air Transportation Fair Competitive Practices Act (IATF CPA) of 1974, 49 USC 40118, and the interpretative guidelines in Comptroller General Decision B-138942 (<https://www.gao.gov/products/b-138942>). International travel, however, is not an allowable cost unless approved in advance by DHS/FEMA.
 - u. Subrecipient must comply with the requirements of Presidential Executive Orders related to grants (also known as federal assistance and financial assistance), the full text of which are incorporated by reference.
 - v. Subrecipient must include in all contracts and purchase orders for work or product a contract provision encouraging domestic preference for procurements.
- 33. Applicability of DHS Standard Terms and Conditions to Tribal Nations** The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or Executive Order. If the requirement does not apply to Tribal Nations, or there is a federal law or regulation exempting its application to Tribal Nations, then the acceptance by Tribal Nations, or acquiescence to DHS Standard Terms and Conditions does not

change or alter its inapplicability to a Tribal Nation. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribal Nations where it does not already exist.

34. **Cancellation for Conflict of Interest** AZDOHS may, by written notice to Subrecipient, immediately cancel this Agreement without penalty or further obligation pursuant to ARS 38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement for AZDOHS is an employee or agent of Subrecipient in any capacity, or a consultant to Subrecipient with respect to this Agreement's subject matter. Cancellation shall be effective when Subrecipient receives AZDOHS' written notice, unless the notice specifies a later time.
35. **Assignment and Delegation** Subrecipient may not assign any rights hereunder without an express written agreement signed by authorized representatives of both parties.
36. **Third Party Antitrust Violations** Subrecipient hereby assigns to the State of Arizona any claim for overcharges resulting from antitrust violations, to the extent that such violations concern materials or services supplied by third parties to Subrecipient toward fulfilling this Agreement.
37. **Availability of Funds** AZDOHS' payment obligations under this Agreement are conditioned on the availability of funds appropriated or allocated for this purpose, per ARS 35-154. If funds are not allocated and available, AZDOHS may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to AZDOHS in the event this provision is exercised, and AZDOHS shall not be obligated or liable for any future payments or for any damages as a result of termination under this Paragraph, including purchases and/or contracts entered into by Subrecipient in the execution of this Agreement.
38. **Force Majeure** If either party is delayed or prevented from the performance of any act required in this Agreement by reason of acts of God, strikes, lockouts, labor disputes, civil disorder, or other causes without fault and beyond the control of the party obligated, performance of such act will be excused for the period of the delay.
39. **Dispute Resolution** In the event of a dispute regarding this Agreement, written notice must be provided to the other party within 30 calendar days of the relevant events. Any claim made by or against AZDOHS relating to this Agreement shall be resolved through the administrative claims process. The parties agree to resolve all disputes relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by ARS 12-1518 except as may be required by other applicable statutes. The forum for any dispute arising out of this Agreement shall be Maricopa County, Arizona.
40. **Governing Law and Interpretation of This Agreement** This Agreement is governed by the laws of the State of Arizona, without regard to its conflict of laws provisions. This Agreement is the parties' complete agreement and replaces the parties' prior and contemporaneous agreements, representations, and understandings pertaining to its subject matter, whether oral or written. No course of dealings or usage of the trade supplements or explains any terms. A party's failure to insist on strict performance of any term is not a waiver of that term, even if the party accepting or acquiescing in the nonconforming performance knows the nature of the performance and fails to object. If

any new legislation, laws, ordinances, or rules affect this Agreement, this Agreement automatically incorporates the terms of such legislation, laws, ordinances, or rules. Any term of this Agreement that is declared contrary to any current or future law, order, regulation, or rule, or that is otherwise invalid, shall be deemed stricken without impairing the validity of the remainder of this Agreement. In the event FEMA determines that changes are necessary to this Agreement after it has been entered into, including changes to Period of Performance or other terms, Subrecipient will be notified of the changes in writing; once notification is made, any subsequent request for funds by Subrecipient will constitute Subrecipient's acceptance of the changes and will incorporate the changes into this Agreement. Except as expressly provided in this Paragraph, any amendment to or extension of this Agreement may be made only in a writing signed by authorized representatives of both parties. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement.

41. **Licensing** Unless otherwise exempted by law, Subrecipient must obtain and maintain all licenses, permits, and authority necessary to perform its obligations under this Agreement.
42. **Sectarian Requests** Funds disbursed under this Agreement may not be used for any sectarian purpose or activity, including worship or instruction in violation of the US or Arizona Constitutions.
43. **Closed-Captioning of Public Service Announcements** Any television public service announcement funded in whole or in part by this Agreement must include closed captioning.
44. **Indemnification** Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury to any person (including death) or property damage, but only to the extent such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The State of Arizona and AZDOHS are self-insured per ARS 41-621. If Subrecipient utilizes contractor(s) and/or subcontractor(s), the indemnification clause between Subrecipient and contractor(s) and subcontractor(s) shall include the following:

Contractor shall defend, indemnify, and hold harmless the Arizona Department of Homeland Security and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and their departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter, "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out

of the failure of such contractor to conform to any Federal, State or Local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Additionally on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State.

45. **Termination** Each party has the right to terminate this Agreement if the other party fails to comply with this Agreement. A party invoking the right to terminate shall provide written 30 day advance notice of all reasons for the termination. If Subrecipient chooses to terminate this Agreement before all deliverables have been delivered, AZDOHS has the right to recover all reimbursements made to Subrecipient. On termination, AZDOHS may procure, on terms that it deems appropriate, materials or services to replace those that otherwise would have been provided by Subrecipient, and Subrecipient will be liable to AZDOHS for all excess costs incurred by AZDOHS in procuring such materials or services. Subrecipient must continue to perform this Agreement until the date of termination, as directed in the termination notice. If AZDOHS reasonably believes Subrecipient does not intend to, or is unable to fully perform this Agreement, AZDOHS may demand in writing that Subrecipient give written assurance of its intent and ability to perform. If Subrecipient fails to provide written assurance within the time specified in the demand, AZDOHS may terminate this Agreement.
46. **Termination of the Federal Award** In addition to the "Termination" clause above, Subrecipients agree to be bound by the Termination of the Federal Award provisions contained in the NOFO, to the extent such provisions apply to subrecipients. Note that subrecipients are *not* bound by Term XL ("Termination of a Federal Award") of the FY 2025 DHS Standard Terms and Conditions or Article 42 of the Agreement Articles.
47. **Paragraph Headings** Paragraph headings in this Agreement are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the interpretation of this Agreement.
48. **Counterparts** This Agreement may be executed in any number of counterparts, copies, or duplicate originals. Each such counterpart, copy, or duplicate original shall be deemed an original, and collectively they shall constitute one Agreement.
49. **Authority to Execute This Agreement** The person executing this Agreement on behalf of Subrecipient represents and warrants that he/she is duly authorized to do so.
50. **Transfer of Funds Prohibition** Subrecipient may not transfer funds between programs (e.g., State Homeland Security Program, Urban Area Security Initiative, and Operation Stonegarden).
51. **Parties** This Agreement is for the benefit of AZDOHS and Subrecipient as the only parties to this Agreement, and to their respective successors, assigns, executors and

legal representatives. Except as expressly provided in this Agreement, nothing in this Agreement confers on any person other than the parties and their respective successors and assigns, any rights, remedies, obligations, or liabilities.

- 52. Respective Responsibilities** Except as expressly provided in this Agreement, each party agrees that, to the extent authorized by law, it will be responsible for its own acts or omissions and the results thereof and will not be responsible for the acts or omissions of the other party and the results thereof. In the event that either party becomes aware of any claim made by or expected from a claimant against a party to this Agreement, which claim relates to the subject matter of this Agreement, that party will immediately notify the other party, and the parties will share all information regarding such matter and cooperate with each other in addressing the matter. The parties are independent contractors, and nothing contained in this Agreement will create the relationship of partnership, joint venture, agency, or employment between the parties or any of their employees, officers, agents, or contractors. Each party hereby agrees to perform any further acts and to execute and deliver any documents that may be reasonably necessary to carry out the provisions of this Agreement.
- 53. Publicity** Neither party shall use or mention in any publicity, advertising, promotional materials or news release the name or service mark(s) of the other party without the prior written consent of that party.
- 54. Notices** All communications by either party to this Agreement, shall be in writing, be delivered in person, or shall be sent to the respective parties at the following addresses:

Arizona Department of Homeland Security
1802 West Jackson Street, #117
Phoenix, AZ 85007

Subrecipient must address all notices relative to this Agreement to the appropriate AZDOHS staff; contact information is at www.azdohs.gov.

AZDOHS shall address all notices relative to this Agreement to:

Lieutenant Severin Hall

Enter Title, First and Last Name Above

Surprise Police Department

Enter Agency Name Above

14250 W Statler Plaza; Suite 103

Enter Mailing Address Above

Surprise, AZ 85374

Enter City, State, ZIP Above

IN WITNESS WHEREOF, the parties hereto agree to execute this Agreement.

FOR AND BEHALF OF THE

FOR AND BEHALF OF THE

Enter Agency Name Above

Arizona Department of Homeland Security

Authorized Signature Above

Susan Dzbanko, Deputy Director

Print Name and Title Above

Enter Date Above

Date

(Complete and mail two original documents to the Arizona Department of Homeland Security.)



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 15, 2026 Contact Person: Leslie Carnie
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Consideration and action regarding a Comprehensive Sign Program (CSP) Amendment for the Asante Trails development on a site generally located on the southwest corner of 163rd Avenue and Pat Tillman Boulevard. Case FS25-1042

Motion:

I move to approve the Asante Trails Comprehensive Sign Program Amendment, Case FS25-1042, subject to stipulations 'a' and 'b' as outlined in the staff report.

Background:

Kimberly Euers of YESCO, LLC, on behalf of SimonCRE Asante, LLC, requests approval of a Comprehensive Sign Program (CSP) Amendment for the Asante Trails commerce center and Tavallo multi-family residential development. The proposed amendment will increase the CSP boundaries to add Lot 3 of Asante Trails and include associated sign design standards. The Asante Trails CSP was originally approved by City Council on September 16, 2025, under Case FS24-1519. The site is generally located on the southwest corner of 163rd Avenue and Pat Tillman Boulevard.

Objective Analysis:

The subject Comprehensive Sign Program Amendment complies with the purposes and intent of the Asante PAD, Surprise Municipal Code, and other applicable City of Surprise regulations. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The subject Comprehensive Sign Program is consistent with the Asante PAD Surprise Municipal Code 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 - FS25-1042 Asante Trails CSP Amendment - Staff Report CC 09.15.26
 2. 01 - FS25-1042 Asante Trails CSP Amendment - Vicinity Map
 3. 02- FS25-1042 Asante Trails CSP Amendment - Zoning Map
 4. 03- FS25-1042 Asante Trails CSP Amendment - Comprehensive Sign Program Amendment
 5. 04 - FS25-1042 Asante Trails CSP Amendment - Citizen Participation Report
 6. 05 - FS25-1042 Asante Trails CSP Amendment - Affidavit of Sign Posting
 7. 06 - FS25-1042 Asante Trails CSP Amendment - PZ Recommendation 082026
 8. FS25-1042 Asante Trails CSP Amendment - CC Presentation
-

Comprehensive Sign Program

REPORT TO CITY COUNCIL

Case:	FS25-1042
Project Name:	Asante Trails CSP Amendment
Council District:	1 – Acacia
Meeting Date:	September 15, 2026
Planner:	Leslie Carnie, Planner II
Owner:	SimonCRE Asante, LLC
Applicant:	Kimberly Euers of YESCO, LLC
Request:	Comprehensive Sign Program Amendment
Site Location:	Generally located on the southwest corner of 163 rd Avenue and Pat Tillman Boulevard
Site Size:	52.96 gross acres (approx.)
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2040
Support/Opposition:	None known
Commission Recommendation:	On August 20, 2026, the Planning and Zoning Commission recommended approval of case FS25-1042 to the City Council, subject to stipulations 'a' through 'b'.

PROJECT DESCRIPTION:

Kimberly Euers of YESCO, LLC, on behalf of SimonCRE Asante, LLC, requests approval of a Comprehensive Sign Program (CSP) Amendment for the Asante Trails commerce center and Tavallo multi-family residential development. The proposed amendment will increase the CSP boundaries to add Lot 3 of Asante Trails and include associated sign design standards. The Asante Trails CSP was originally approved by City Council on September 16, 2025, under Case #FS24-1519. The site is generally located on the southwest corner of 163rd Avenue and Pat Tillman Boulevard.

EXISTING ZONING:



PAD – Asante R-2	PAD – Asante C-2	C-2
PAD – Asante Residential High Density	PAD – Asante R-3, C-2, C-3	R-3
PAD – Asante C-3	PAD – Asante C-3	C-2

BACKGROUND

November 3, 1988: The subject property was annexed into the City of Surprise under Ordinance #88-24.

November 24, 2004: The Mayor and City Council approved the Asante Planned Area Development under case PAD04-124, Ordinance #04-41.

August 15, 2023: The Mayor and City Council approved a Major PAD Amendment to the Asante PAD to change the land use designation for the subject property under case FS22-0517, Ordinance #2023-03.

December 08, 2023: A Site Plan for the Asante Trails multi-family residential development, on the subject property, was approved administratively under case FS22-0517.

January 15, 2025: A Master Site Plan for the Asante Trails Lot 2 commercial development, on the subject property, was approved administratively under case FS24-0522.

September 16, 2025: The Mayor and City Council approved the Asante Trails Comprehensive Sign Program under case FS24-1519.

October 30, 2025: The applicant met with staff to discuss the subject proposal during a regularly scheduled Concept Review Meeting under case CR25-0875.

December 05, 2025: A Master Site Plan for the Asante Trails Lot 3 commercial development, on the subject property, was approved administratively under case FS25-0497.

December 10, 2025: The applicant submitted an application for a Comprehensive Sign Program for the Asante Trails development under case FS25-1042, the subject case.

July 27, 2026: A neighborhood outreach meeting was held at Asante Public Library to discuss the subject CSP Amendment. A summary of this meeting will be included in the Citizen Participation Report attached to the staff report.

CITIZEN PARTICIPATION MEETING:

The applicant held a Neighborhood Meeting on May 28, 2026 at the Asante Preparatory Academy. The meeting was not advertised in accordance with State and local requirements, therefore, an additional Neighborhood Meeting was held at the Asante Library on July 27, 2026. One member of the public attended the meeting and was interested in learning more about the monument signs proposed. No concerns were expressed at the meeting and the City has received no correspondence in support of or opposition to the subject project. The outreach meeting, along with the subject City Council hearing, has been advertised in accordance with State and local requirements. The Public Participation Report will be included as an attachment to this Staff Report.

ANALYSIS AND DISCUSSION:

The purpose of the Asante Trails CSP is to provide signage design requirements that are appropriate to the character of the development and ensure the continuity of design perspective, quality of production, and uniformity of installation for signage throughout the commerce center and Tavallo multi-family residential developments. The proposed amendment incorporates the approximate 15.06-acre Lot 3 into the Asante Trails CSP boundaries. No changes have been made to the existing Asante Trails CSP development standards, however, a new monument sign detail and building signage specific to the major grocery store tenant have been added.

PROPOSED SIGNS:

The Asante Trails CSP provides sign design guidelines for all on-site signage. The colors and materials selected complement the architecture of the approved Asante Trails

buildings. The proposed CSP amendment introduces two new monument signs and wall sign standards for the major grocery store tenant.

Monument Signs

Two new monument signs are proposed along the 163rd Avenue frontage for Asante Trails Lot 3. The split-face block and the neutral color palette proposed for various monument signs throughout the property are consistent with the building materials utilized in the approved Asante Trails Master Site Plan. The proposed monument signs are in conformance with the Type VI monument sign development standards found in LDO Section 109.1.9.5. The 10' 3" overall sign height is under the 17' permitted. The 49.56 SF sign area is also less than the maximum 120 SF allowed in LDO. A deviation to Section 109-1.9.C.5 is being requested to reduce 150' monument sign separation to 100' from monument sign 3A.1 to the Tavallo monument sign H. This will allow the two signs to flank the entry driveway that runs along the northern boundary of lot 3.

LOT 3 MONUMENT:

MULTI-TENANT DOUBLE SIDED ILLUMINATED MONUMENT SIGNS - QTY: 2 | SF: 49.56 EACH | SCALE: 1/2" = 1'-0" (11X17)

SIGNS: 3A.1 3A.2

FABRICATION DETAILS:

1	CABINET:	MAIN CENTER CABINET TO BE 18" DEEP FABRICATED ALUMINUM PAINTED THREE COLORS: P2, P3 & P4. ASANTE TRAILS TO BE ROUTED OUT AND BACKED WITH WHITE ACRYLIC.
2	CAP OF SIGN:	2 1/2" TALL X 22" DEEP X 7-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
3	TENANT CABINET:	ALUMINUM TENANT CABINET, 1 1/2" RETAINERS PAINTED P3, 1" DIVIDER BARS PAINTED P3. WHITE LEXAN TENANT PANELS WITH V1 OVERLAY AND TENANT COPY TO BE REVERSE CUT TO SHOW THRU WHITE, WHITE INTERNAL LED ILLUMINATION
4	CAP OF BASE:	5" TALL X 26" DEEP X 7-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P4
5	BASE:	FABRICATED BASE WITH M1 VENEER APPLIED TO ALL SIDES
6	ADDRESS:	FOO 14" ALUMINUM NUMBERS, PAINTED P1 INSTALLED FLUSH TO FACE OF BASE

PAINT:

- P1 Sherwin Williams Pure White #7005
- P2 Sherwin Williams Iron Ore #7069
- P3 Sherwin Williams Backdrop #7025
- P4 Sherwin Williams Amazing Gray #7044

VINYL:

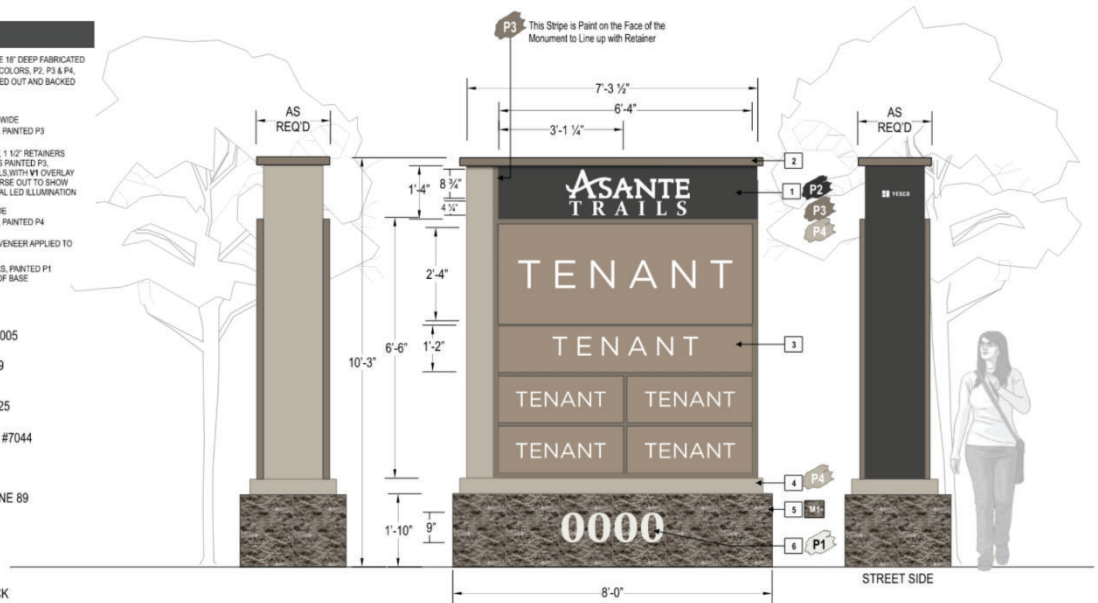
- V1 3M OPAQUE VINYL SANDSTONE 89
- WHITE VINYL YESCO LOGO

MATERIAL:

- M1 ECHOLON SPLIT FACE BLOCK 1X8X16 COLOR: OPAL

FONTS:

- CONSTANTINA
- GOTHAM BOOK



ASANTE TRAILS

COMPREHENSIVE SIGN PROGRAM

FS25-1042

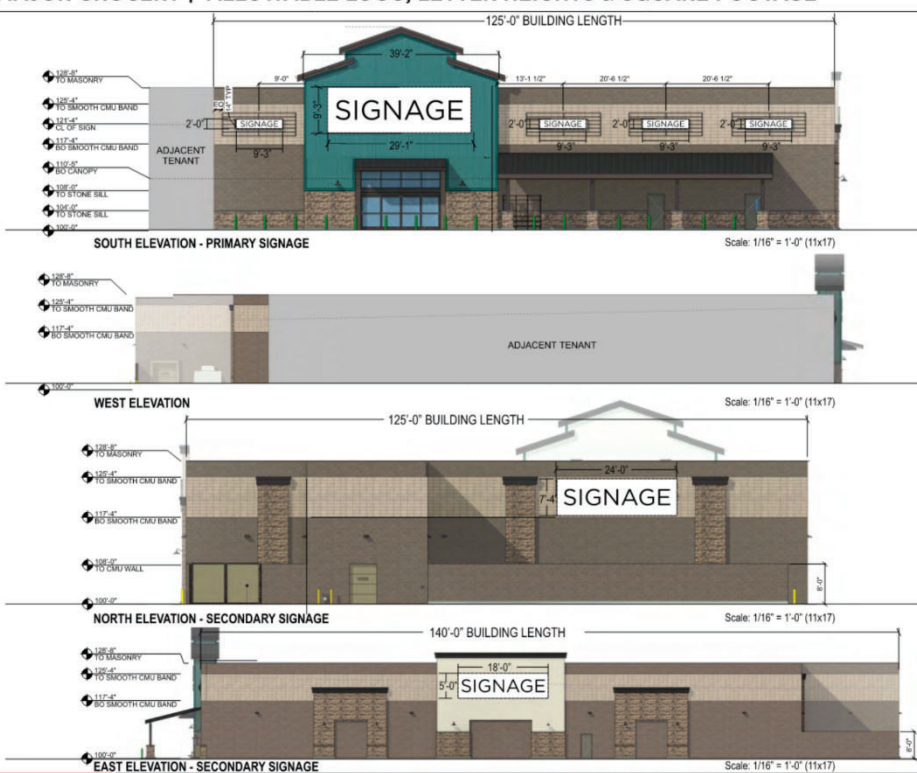
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Wall Signs

Except for the major grocery store tenant, all single and multi-tenant buildings included in the Asante Trails Lot 3 development will be subject to the existing Building Wall Signage standards outlined in the Asante Trails CSP. These standards mirror those found in the LDO and require no deviations. The major grocery store tenant will require a deviation from the LDO's wall mount building sign area allowance of 1.5 SF of sign area per 1 LF of building frontage. To remain consistent with store branding, the major grocery store tenant will require 2.5 SF of sign area per 1 LF of building frontage on the south elevation.

LOT 3

MAJOR GROCERY | ALLOWABLE LOGO, LETTER HEIGHTS & SQUARE FOOTAGE



SIGN SQUARE FOOTAGE ALLOWANCE:
2.5 SF PER LINEAL FOOT OF SOUTH ELEVATION
ELIGIBLE FOR PRIMARY SIGNAGE
OCCUPIED BY TENANT

1.5 SF PER LINEAL FOOT OF NORTH AND EAST
ELEVATION ELIGIBLE FOR SECONDARY SIGNAGE
OCCUPIED BY TENANT

MAXIMUM WIDTH OF USEABLE FRONTAGE:
THE MAXIMUM WIDTH OF A BUILDING WALL
SIGN SHALL NOT EXCEED 80% OF THE LEASED
TENANT FRONTAGE

MAXIMUM HEIGHT OF LOGO ALLOWED: 6'-0"

MAXIMUM HEIGHT OF CHANNEL LETTERS ALLOWED
FOR TWO LINES OF COPY: 4'-6" PER LINE

MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED
FOR ONE LINE OF COPY: 4'-0"

MINIMUM LETTER HEIGHT FOR A SINGLE LINE
OF COPY: 1'-0"

ALL CHANNEL LETTERS MUST BE ILLUMINATED

SIGNAGE TO BE CENTERED HORIZONTALLY
AND VERTICALLY ON SIGN BAND

SIGNAGE IS NOT TO ATTACH TO CANOPY
IN ANY WAY

ANY STAND OFFS OR SPACERS MUST BE
PAINTED TO MATCH WALL COLOR

ELECTRONIC MESSAGE CENTERS ARE NOT
ALLOWED



ASANTE TRAILS

COMPREHENSIVE SIGN PROGRAM

FS25-1042

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REVIEWING AGENCIES:

In addition to the standard City reviewing agencies, Luke Air Force Base, the Maricopa Water District, and Maricopa Flood District were included in the routing of this request. None of the reviewing agencies indicated any concerns with the request.

SUMMARY:

The CSP process provides a mechanism whereby the applicant may create signage that is consistent with the architecture and design of Asante Trails development. LDO Section 109-1.15.B permits the CSP to introduce a unique or creative sign type not listed as a permitted sign in the code and/or request deviations from requirements applicable to a particular sign class or type. The subject CSP Amendment requests a minor deviation to Section 109-1.9.B.1. for the major grocery tenant wall signs and Section 109-1.9.C.5 to reduce the 150' monument sign separation requirement to 100' for sign 3A.1. The proposed signage meets the requirements of Section 109-1.15 with respect to Comprehensive Sign Programs and does not introduce a sign type that is otherwise prohibited.

COMMISSION RECOMMENDATION:

Based on the findings noted above, Planning and Zoning Commission recommended **approval** of the proposed Comprehensive Sign Program Amendment, Case FS25-1042, subject to stipulations 'a' through 'b' as outlined below:

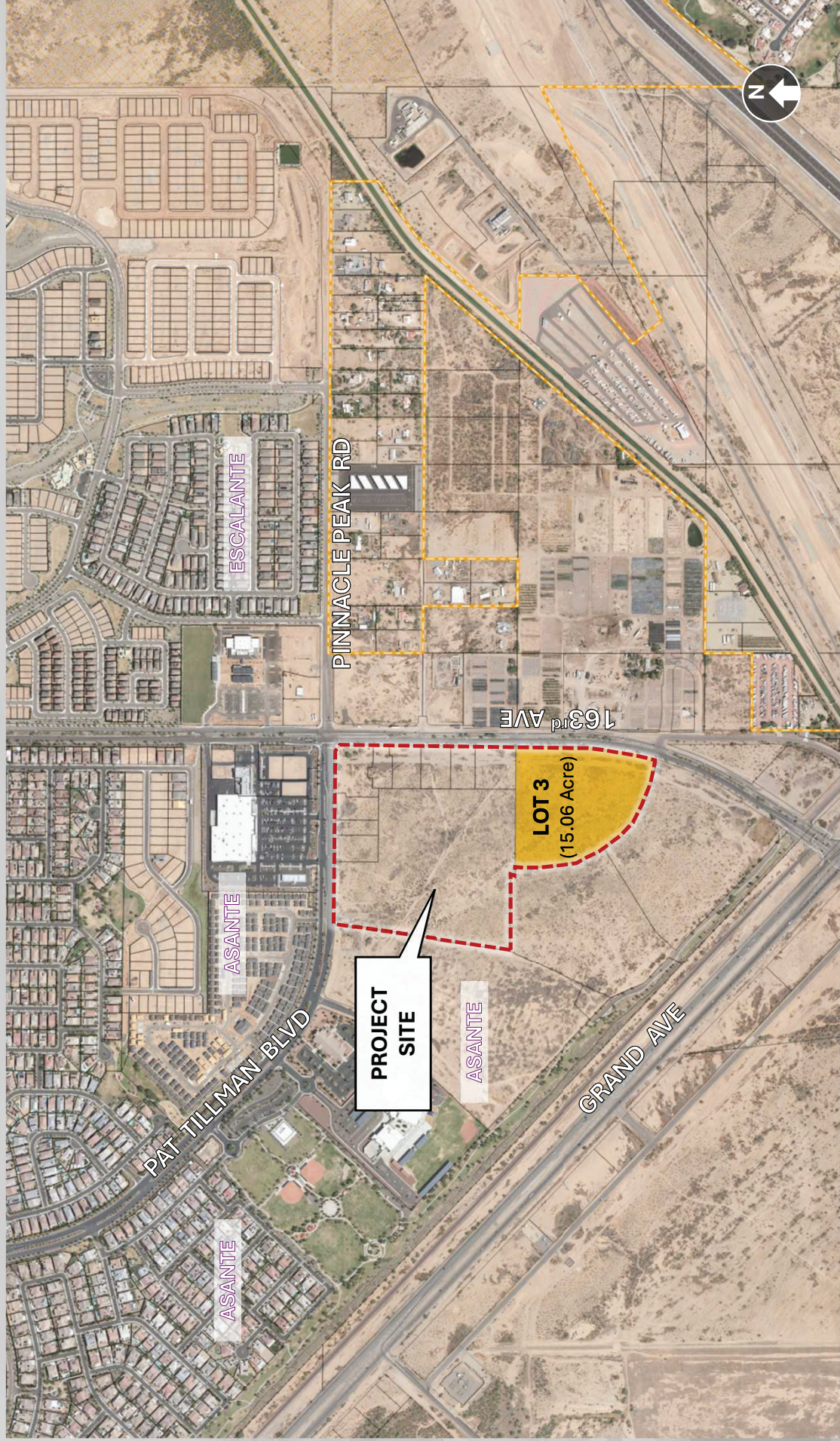
- a. Development and use of the site shall be consistent with the Rezone Narrative entitled "*Asante Trails Comprehensive Sign Program Amendment*", prepared by Yesco, and received by the City April 17, 2026.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation 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.

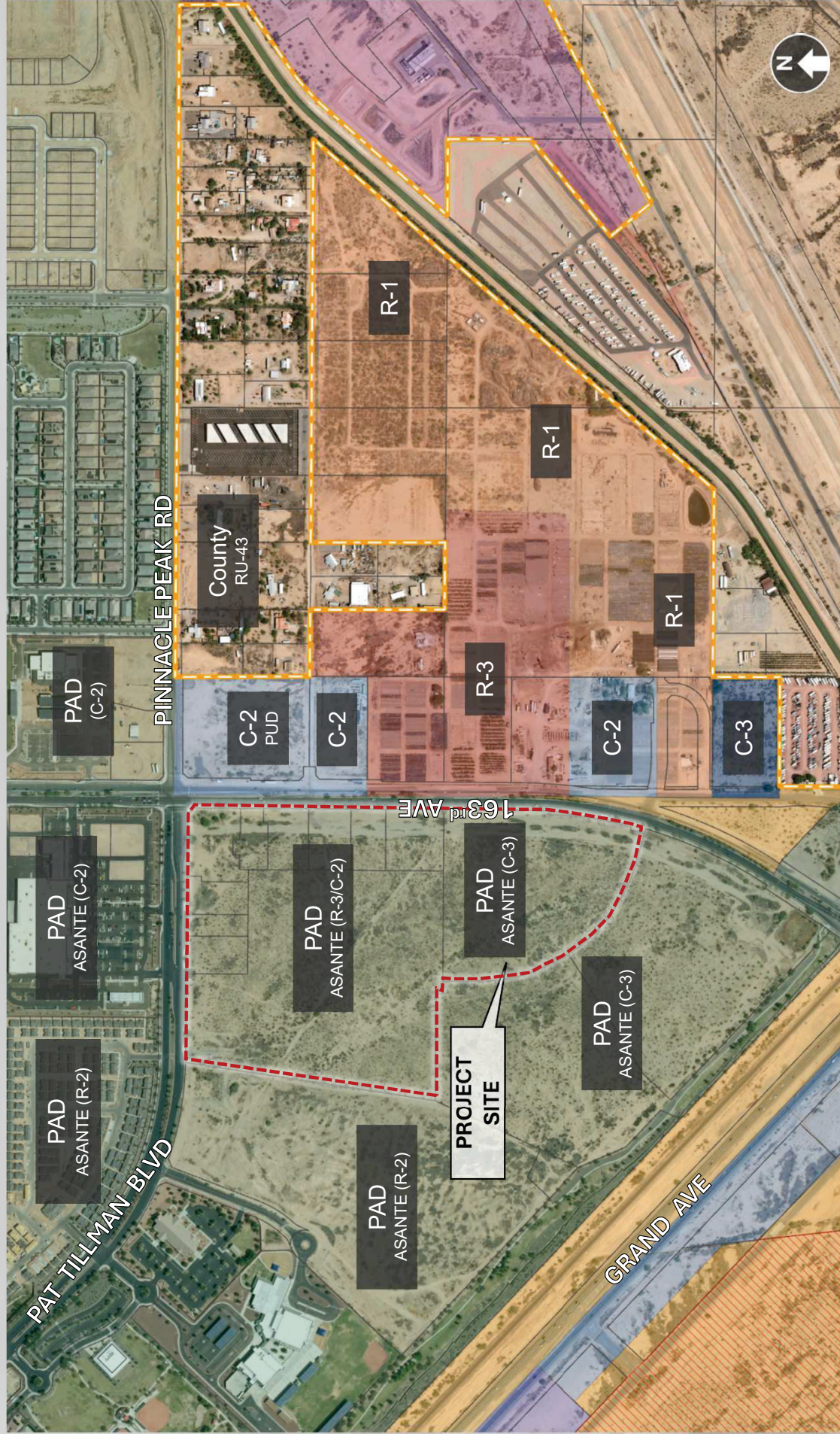
Attachments:

00 Staff Report
01 Vicinity Map
02 Zoning Map
03 Comprehensive Sign Program Document
04 Citizen Participation Report – REDACTED
05 Affidavit of Sign Posting
06 P&Z Commission Recommendation
PPT

VICINITY MAP



ZONING MAP





ASANTE TRAILS

SWC PAT TILLMAN BLVD & N. 163RD AVE • SURPRISE, AZ 85387

COMPREHENSIVE SIGN PROGRAM | APRIL 2026

CASE # FS25-1042



Custom Electric Signs™

Phoenix Division

6725 West Chicago Street

Chandler, AZ 85226

480.449.3726

www.yesco.com

FILE VERSION: Art OPY-64281 Asante Trails - Surprise AZ - CSP-R5

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Sign Styles Permitted

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Window Graphics Allowances

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PROPERTY INFORMATION: **ASANTE TRAILS - LOT 2**

PARCEL NUMBER: 503-76-981
GROSS SITE ACREAGE: 12 ACRE
PROPOSED USE: RETAIL
ZONING: PAD ZONING WITH A BASE ZONE OF C-2

PROPERTY OWNER
SIMONCRE ASANTE, LLC
6900 E 2ND ST
SCOTTSDALE AZ 85251

LANDLORD CONTACT INFORMATION
SIMONCRE

NATALYA UPSHUR, DEVELOPMENT ASSOCIATE
6900 E. 2ND STREET, SCOTTSDALE, AZ 85251
Phone: 480-745-1956
Email: Natalya.upshur@simoncre.com

SIGNAGE CONSULTANT



Custom Electric Signs.

PHOENIX DIVISION

6725 WEST CHICAGO STREET
CHANDLER, AZ 85226
480-449-3726
WWW.YESCO.COM

CONTACT:

Crystal Helgeson
Email: chelgeson@yesco.com

ENGINEER



Custom Electric Signs.

1605 S. GRAMERCY ROAD
SLAT LAKE CITY, UT 84104

CONTACT:

CARL MEYERS, PE
Engineering Manager
PH: 801-487-8481

PROPERTY INFORMATION: **ASANTE TRAILS - LOT 3**

PARCEL NUMBER: 503-76-982A
GROSS SITE ACREAGE: 15.06 ACRES
PROPOSED USE: RETAIL/FITNESS/RESTAURANT W/ DRIVE THRU
ZONING: PAD C-3

PROPERTY OWNER
SIMONCRE SCOUT V, LLC
6900 E 2ND ST
SCOTTSDALE AZ 85251

PROPERTY PAINT COLORS



Sherwin Williams Pure White #7005



Sherwin Williams Iron Ore #7069



Sherwin Williams Backdrop #7025



Sherwin Williams Amazing Gray #7044

FONT

GOTHAM BOLD
GOTHAM BOOK
CONSTANTINA

PROPERTY INFORMATION: TAVALO

PARCEL NUMBER: 503-76-980 | LOT #2
GROSS SITE ACREAGE: 25.9 ACRE
PROPOSED USE: MULTI-RESIDENTIAL
ZONING: PAD ZONING WITH A BASE ZONE OF R-3

PROPERTY OWNER
SIMONCRE ASANTE, LLC
6900 E 2ND ST
SCOTTSDALE AZ 85251

LANDLORD CONTACT INFORMATION
SIMONCRE
KYLE DUANE, SENIOR DEVELOPMENT ASSOCIATE
6900 E. 2ND STREET, SCOTTSDALE, AZ 85251
Phone: 480-739-0066
Email: kyle.duane@simoncre.com

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6725 WEST CHICAGO STREET
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WWW.YESCO.COM
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Crystal Helgeson
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1605 S. GRAMERCY ROAD
SLAT LAKE CITY, UT 84104
CONTACT:
CARL MEYERS, PE
Engineering Manager
PH: 801-487-8481

PROPERTY PAINT COLORS



Sherwin Williams Pure White #7005



Sherwin Williams Iron Ore #7069



Sherwin Williams Backdrop #7025



Sherwin Williams Amazing Gray #7044



GTIS Logo Letter Paint (To match GTIS Tavallo Queen Creek)

FONT

GOTHAM BOLD

INTRODUCTION

The purpose of this Comprehensive Sign Program (CSP) is to ensure the design and production of quality signage which reflects the integrity of the architecture, the beauty of the city and the intent of the Landlord and the City of Surprise.

This sign program establishes maximum and minimum letter sizes, sign area allowances, locations and fabrication standards, all of which are subject to the sole discretionary approval of the Landlord within the context of this sign program and the lease.

Any issue or stipulation not addressed within this sign program must comply with the City of Surprise Sign Ordinance and be approved in writing in advance by the Landlord.

SUBMITTALS AND APPROVALS

All Tenant signs are subject to the Landlord's written approval. The Landlord's approval shall be based on the following criteria:

Design, fabrication and method of installation of all signs shall conform to this sign criteria.

The Tenant agrees to conform to the following procedures and submission requirements to secure the Landlord's approval:

Submit one (1) set of detailed sign design, shop drawings to the Landlord. This drawing to include: all building signage, window signage, and tenant panels (if necessary). You must also include the signature page of this CSP verifying that you have read all requirements and prohibited signage and that you understand and will comply with all items set forth in this CSP. Signature page can be found on page 7 of this document.

Sign drawings are to be prepared by a reputable state licensed Sign Contractor or as required to be licensed by local authorities.

Sign drawings must include a scaled storefront drawing illustrating the proposed sign design, the overall suite frontage and the sign placement dimensions on the building. All sizes are to be provided in US dimensions.

Sign drawings must also include a scaled sign elevation and section detail indicating construction and attachment methods and illumination details. All sizes are to be provided in US dimensions.

Letters must be accurately dimensioned and spaced.

SUBMITTALS AND APPROVALS - CONT.

Sign external finishes and types of materials must be included on the sign drawings. Unless the Landlord has received the above described drawings and information in the quantities set forth above, the Landlord will not approve the Tenant's exterior sign.

Revisions and Approval:

All drawings marked "Revise and Resubmit" must be resubmitted with the required corrections prior to fabrication.

Only after all drawings have been marked "Approved" or "Approved as Noted" and after permit is obtained, may the fabricator proceed with fabrication per approved drawings.

FABRICATION AND INSTALLATION REQUIREMENTS

The Tenant and Sign Contractor will not be permitted to commence installation of the exterior sign unless all of the following conditions have occurred:

A stamped set of final drawings reflecting the Landlord's approval shall be on file in the Landlord's office.

All applicable city sign permits required by the local authorities have been obtained.

The Landlord must be notified 48 hours in advance prior to the sign being installed.

The Landlord must receive a Certificate of Insurance from the Sign Contractor actually performing the installation.

The Tenant shall pay for all signs, their installation (including any required electrical connection back to the J-Box and any secondary J-Box required) and all other labor, materials, and future maintenance.

The Tenant and their Sign Contractor are responsible for understanding this Criteria and conforming to its requirements.

The Tenant shall ultimately be responsible for the fulfillment of all requirements and specifications, including all applicable building and electrical codes.

All signs must be attached to wall as shown in detailed exhibits.

Spacers must be painted to match wall sign is mounted to.

FABRICATION & INSTALLATION CONTINUED

Ladders, installation equipment and installation crews are not permitted to lean on building, all installation equipment must be freestanding to avoid contact or damage to building or storefront.

All penetrations of the building structure required for sign installation shall be sealed to create a watertight condition and patched to match adjacent finish.

Each Tenant, or their Sign Contractor, shall be responsible for the repair of any damage to the building caused by installation of said Tenant's sign.

The installation Sign Contractor is responsible for removing all debris and cleaning the work area after installation is complete.

Each Tenant shall be responsible for the performance of its Sign Contractor.

Each Tenant shall be responsible for the removal of its sign within (10) days of vacating the site. Removal of the sign shall include the repair of the wall surface back to its original condition and finish painting to nearest panel edge if color difference is visible. If the Tenant does not repair wall surface to Landlord's satisfaction, Landlord will perform repairs at Tenant's expense.

Each Tenant shall be responsible for the installation and maintenance of its sign. Should the Tenant's sign require maintenance or repair, Landlord shall give Tenant thirty (30) days written notice to effect said maintenance or repair. Should Tenant fail to do so, Landlord shall effect said maintenance or repair to Landlord's satisfaction, at Tenant's expense.

Any sign that is installed by Tenant which is not in conformance to the approved drawings shall be corrected by Tenant within 15 days after written notice by Landlord. In the event Tenant's sign is not brought into conformance within said 15 days, then the Landlord shall have the option to correct non-conforms sign at Tenant's expense.

In no case will there be any exposed: conduit, transformers, junction boxes, conductors, or crossovers. Exposed hardware will be finished in a manner consistent with quality fabrication and installation practices.

STOREFRONT SIGNAGE

All Tenants to have a storefront sign. Sign shall be located only in the spaces specifically outlined in this criteria for each building elevation. Signage type and size shall conform to guidelines outlined for each Pad in the following exhibits.

Signs shall be limited to letters designating the store name as set forth in the signed lease agreement between Tenant and Landlord. Trademark logo symbol may be considered upon written approval by the Landlord.

PROHIBITED SIGNS

A. Abandoned Signs

B. No Street or Building Banners, pennants, inflatable signs, tethered balloons, searchlights, and similar attention-getting devices.

NOTE: Temporary Banners are allowed for Grand Openings or Special Events, for a maximum of 15 days and are not to interfere with any other signage.

C. Signs that imitate, resemble or may be confused with any official emergency vehicle, traffic control sign, signal or device.

D. Signs attached to trees, telephone poles, public seating, streetlights or placed on any public right of way without government approval.

E. Vehicle signs and portable signs.

F. Roof mounted signs and signs projecting above parapet.

G. Weekend directional signs.

H. Awnings of any kind

I. Signs made of plywood, pressed board or other non-exterior grade wood products.

J. Painted on wall signs and murals

K. Blinking or Flashing Signs

L. Other signs not expressly outlined as acceptable in this criteria.

TENANT ACKNOWLEDGMENT AND COMPLIANCE WITH COMPREHENSIVE SIGN PROGRAM

I, _____ (PRINT FULL NAME HERE) acknowledge have I have received and read the CSP (Comprehensive Sign Program) in full and will adhere to all policies and procedures set forth in this document.

BUSINESS NAME: _____ SIGNATURE: _____ TITLE: _____ DATE: _____

PLEASE FILL THIS OUT AND
SUBMIT THIS PAGE TO THE LANDLORD
WITH A COPY OF YOUR SIGNAGE
SUBMITTAL.

SIGN MATRIX: ASANTE

T R A I L S - L O T S 2 & 3 *REFER TO NARRATIVE FOR FURTHER INFORMATION REGARDING DEVIATIONS FROM THE LDO CHAPTER 109 DEVELOPMENT STANDARDS

SIGN TYPE	SIGN DESCRIPTION	FUNCTION	PLACEMENT	QUANTITY	SIZE	MATERIALS	ILLUMINATION
2A FREESTANDING MONUMENT SIGN	FREESTANDING SIGN WITH INDIVIDUAL TENANT PANEL SIGNAGE	IDENTIFY TENANTS IN THE COMPLEX	THREE (3) LOCATED ON: N. 163RD AVENUE ONE (1) LOCATED ON: W. PAT TILLMAN BLVD.	Multi-Tenant Monument Two(2) Pad Monument Two(2)	9'-10 ½" X 7'-7"	ALUMINUM ACRYLIC CMU STONE VENEER	INTERNALLY ILLUMINATED WITH WHITE LEDS
3A FREESTANDING MONUMENT SIGN	FREESTANDING SIGN WITH INDIVIDUAL TENANT PANEL SIGNAGE	IDENTIFY TENANTS IN THE COMPLEX	TWO (2) LOCATED ON: N. 163RD AVENUE	Multi-Tenant Monument Two(2)	10'-3" x 7'-3 ½"	ALUMINUM ACRYLIC CMU STONE VENEER SEE PAGE 12 FOR ADDITIONAL DETAILS	INTERNALLY ILLUMINATED WITH WHITE LEDS
B DIRECTIONAL SIGNAGE CLASS III MONUMENT	FREESTANDING NON-ILLUMINATED SINGLE FACE OR DOUBLE FACE DIRECTIONAL SIGNAGE	TO DIRECT TRAFFIC TO BUSINESS ENTRIES OR DRIVE THRU'S OR EXISTS	PERMITTED ALONG STREET FRONTAGE IN CONJUNCTION WITH A DRIVEWAY, NOT TO EXCEED 30" IN HEIGHT OR 36" FROM ADJACENT PAVEMENT	NUMBER TO BE DETERMINED	NOT TO EXCEED 30" IN HEIGHT AND NOT TO EXCEED 6 SQUARE FEET	ALUMINUM VINYL ACRYLIC STONE VENEER	NON-ILLUMINATED OR INTERNALLY ILLUMINATED WITH WHITE LEDS
C SIGNAGE CLASS I	FREESTANDING ILLUMINATED OR NON-ILLUMINATED SINGLE FACE MENU SIGNS	PROVIDE MENU AND ORDERING FOR BUSINESS WITH A DRIVE THRU	EXACT LOCATION TO BE DETERMINED	1 PER BUSINESS	BOTTOM OF SIGN NTE 2'-0" FROM GRADE NO MORE THAN 8'-0" TALL FROM GRADE TO TOP OF SIGN NO MORE THAN 50 SF	ALUMINUM VINYL ACRYLIC STONE VENEER	NON-ILLUMINATED OR INTERNALLY ILLUMINATED WITH WHITE LEDS
D DRIVE THRU SIGNAGE CLASS II	FREESTANDING ILLUMINATED OR NON-ILLUMINATED SINGLE FACE PREVIEW SIGNS	PROVIDE A PREVIEW MENU TO PREPARE FOR ORDERING	EXACT LOCATION TO BE DETERMINED	1 PER BUSINESS	BOTTOM OF SIGN NTE 2'-0" FROM GRADE NO MORE THAN 8'-0" TALL FROM GRADE TO TOP OF SIGN NO MORE THAN 50 SF	ALUMINUM VINYL ACRYLIC STONE VENEER	NON-ILLUMINATED OR INTERNALLY ILLUMINATED WITH WHITE LEDS
SIGN TYPE	BUILDING / TENANT TYPE	LOCATION	QTY / SIGN AREA	MAX. LETTER / LOGO HEIGHTS		MATERIALS	ILLUMINATION
E MAJOR GROCERY TENANT BUILDINGS WALL SIGNAGE	MAIN ID REVERSE PAN CHANNEL, FACE LIT PAN CHANNEL, FRONT & REAR LIT PAN CHANNEL SECONDARY COPY NON-ILLUMINATED FCO ILLUMINATED OR NON-ILLUMINATED PUSH THRU CABINET	SIGNAGE MAY BE PLACED ON ANY LEASED TENANT ELEVATION FACING A MAIN STREET OR PRIMARY PARKING AREA	2.5 SF PER LINEAL FOOT OF SOUTH ELEVATION ELIGIBLE FOR PRIMARY SIGNAGE OCCUPIED BY TENANT 1.5 SF PER LINEAL FOOT OF NORTH AND EAST ELEVATION ELIGIBLE FOR SECONDARY SIGNAGE OCCUPIED BY TENANT SEE PAGE 23 FOR ADDITIONAL INFORMATION	LOGO HEIGHT: NTE 72" LETTER HEIGHT IF SIGN HAS TWO LINES OF COPY: NTE 54" PER LINE LETTER HEIGHT IF SIGN HAS SINGLE LINE OF COPY: NTE 48" MINIMUM LETTER HEIGHT: 12" NO WALL SIGNAGE TO PROJECT MORE THAN 16" FROM WALL IT'S MOUNTED ON		MAIN ID AND SECONDARY SIGNS / LOGO SIGNS FRONT LIT PAN CHANNEL, REVERSE LIT PAN CHANNEL, FRONT & REAR ILLUMINATED PAN CHANNEL, FCO LETTERS OR PUSH THRU ILLUMINATED CABINET	ALL MAIN ID CHANNEL LETTERS MUST BE ILLUMINATED, SECONDARY SIGNAGE MAY BE ILLUMINATED OR NON-ILLUMINATED ELECTRONIC MESSAGE CENTERS ARE NOT PERMITTED
F MULTI TENANT BUILDINGS WALL SIGNAGE	MAIN ID REVERSE PAN CHANNEL, FACE LIT PAN CHANNEL, FRONT & REAR LIT PAN CHANNEL SECONDARY COPY NON-ILLUMINATED FCO ILLUMINATED OR NON-ILLUMINATED PUSH THRU CABINET	SIGNAGE MAY BE PLACED ON ANY LEASED TENANT ELEVATION FACING A MAIN STREET OR PRIMARY PARKING AREA	1.5 SF PER LINEAL FOOT OF EACH ELIGIBLE ELEVATION OCCUPIED BY TENANT SEE PAGE 19 FOR ADDITIONAL INFORMATION	LOGO HEIGHT: NTE 48" LETTER HEIGHT IF SIGN HAS TWO LINES OF COPY: NTE 24" PER LINE LETTER HEIGHT IF SIGN HAS SINGLE LINE OF COPY: NTE 36" MINIMUM LETTER HEIGHT: 18" NO WALL SIGNAGE TO PROJECT MORE THAN 16" FROM WALL IT'S MOUNTED ON		MAIN ID SIGNS / LOGO SIGNS FRONT LIT PAN CHANNEL, REVERSE LIT PAN CHANNEL, FRONT & REAR ILLUMINATED PAN CHANNEL SECONDARY SIGNAGE FCO LETTERS OR PUSH THRU ILLUMINATED CABINET	ALL MAIN ID CHANNEL LETTERS MUST BE ILLUMINATED, SECONDARY SIGNAGE MAY BE NON-ILLUMINATED ELECTRONIC MESSAGE CENTERS ARE NOT PERMITTED
G PAD BUILDINGS WALL SIGNAGE	MAIN ID REVERSE PAN CHANNEL, FACE LIT PAN CHANNEL, FRONT & REAR LIT PAN CHANNEL SECONDARY COPY NON-ILLUMINATED FCO ILLUMINATED OR NON-ILLUMINATED PUSH THRU CABINET	SIGNAGE MAY BE PLACED ON ANY LEASED TENANT ELEVATION FACING A MAIN STREET OR PRIMARY PARKING AREA	1.5 SF PER LINEAL FOOT OF ELIGIBLE ELEVATION OCCUPIED BY TENANT SEE PAGE 19 FOR ADDITIONAL INFORMATION	LOGO HEIGHT: NTE 72" LETTER HEIGHT IF SIGN HAS TWO LINES OF COPY: NTE 36" PER LINE LETTER HEIGHT IF SIGN HAS SINGLE LINE OF COPY: NTE 48" MINIMUM LETTER HEIGHT: 24" NO WALL SIGNAGE TO PROJECT MORE THAN 16" FROM WALL IT'S MOUNTED ON		MAIN ID SIGNS / LOGO SIGNS FRONT LIT PAN CHANNEL, REVERSE LIT PAN CHANNEL, FRONT & REAR ILLUMINATED PAN CHANNEL SECONDARY SIGNAGE FCO LETTERS OR PUSH THRU ILLUMINATED CABINET	ALL MAIN ID CHANNEL LETTERS MUST BE ILLUMINATED, SECONDARY SIGNAGE MAY BE NON-ILLUMINATED ELECTRONIC MESSAGE CENTERS ARE NOT PERMITTED

FREESTANDING SIGNS	
2a Freestanding monument	Deviation from LDO None
3a Freestanding monument	Monument separation distance to Tavallo's Sign H reduced to 100'
B Directional signage	None
C Signage Class I	None
D Drive Thru Signage	None
WALL SIGNAGE	
E Major Grocery Tenant	LDO standard allows 1.5 SF to 1 LF. We are requesting 2.5 SF per 1 LF on South elevation ONLY. Per code: The sign area of any building wall sign serving an arterial street may be increased by 25 percent when the building is setback at least 600 feet from the public right-of-way and may be further increased an additional 25 percent for each additional 200 feet of setback, up to a maximum of 100 percent, provided the increase in sign area does not cause the sign to be in violation with the other provisions of this section.
F Multi Tenant Buildings	None
G Pad Buildings	None

LOT 2 MONUMENTS:

MULTI-TENANT DOUBLE SIDED ILLUMINATED MONUMENT SIGNS - QTY: 2 | SF: 85.92 EACH | SCALE: 1/2" = 1'-0" (11X17)

SIGNS: 2A.1 2A.2

FABRICATION DETAILS:	
1	CABINET: MAIN CENTER CABINET TO BE 18" DEEP FABRICATED ALUMINUM. PAINTED THREE COLORS, P2, P3 & P4. ASANTE TRAILS TO BE ROUTED OUT AND BACKED WITH WHITE ACRYLIC
2	CAP OF SIGN: 2 1/2" TALL X 22" DEEP X 7'-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
3	TENANT CABINET: ALUMINUM TENANT CABINET, 1 1/2" RETAINERS PAINTED P3, 1" DIVIDER BARS PAINTED P3, WHITE LEXAN TENANT PANELS WITH V1 OVERLAY AND TENANT COPY TO REVERSE OUT TO SHOW THRU WHITE, WHITE INTERNAL LED ILLUMINATION
4	CAP OF BASE: 5" TALL X 26" DEEP X 7'-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P4
5	BASE: FABRICATED BASE WITH M1 VENEER APPLIED TO ALL SIDES
6	ADDRESS: FOO 1/4" ALUMINUM NUMBERS, PAINTED P1 INSTALLED FLUSH TO FACE OF BASE

PAINT:

- P1 Sherwin Williams Pure White #7005
P2 Sherwin Williams Iron Ore #7069
P3 Sherwin Williams Backdrop #7025
P4 Sherwin Williams Amazing Gray #7044

VINYL:

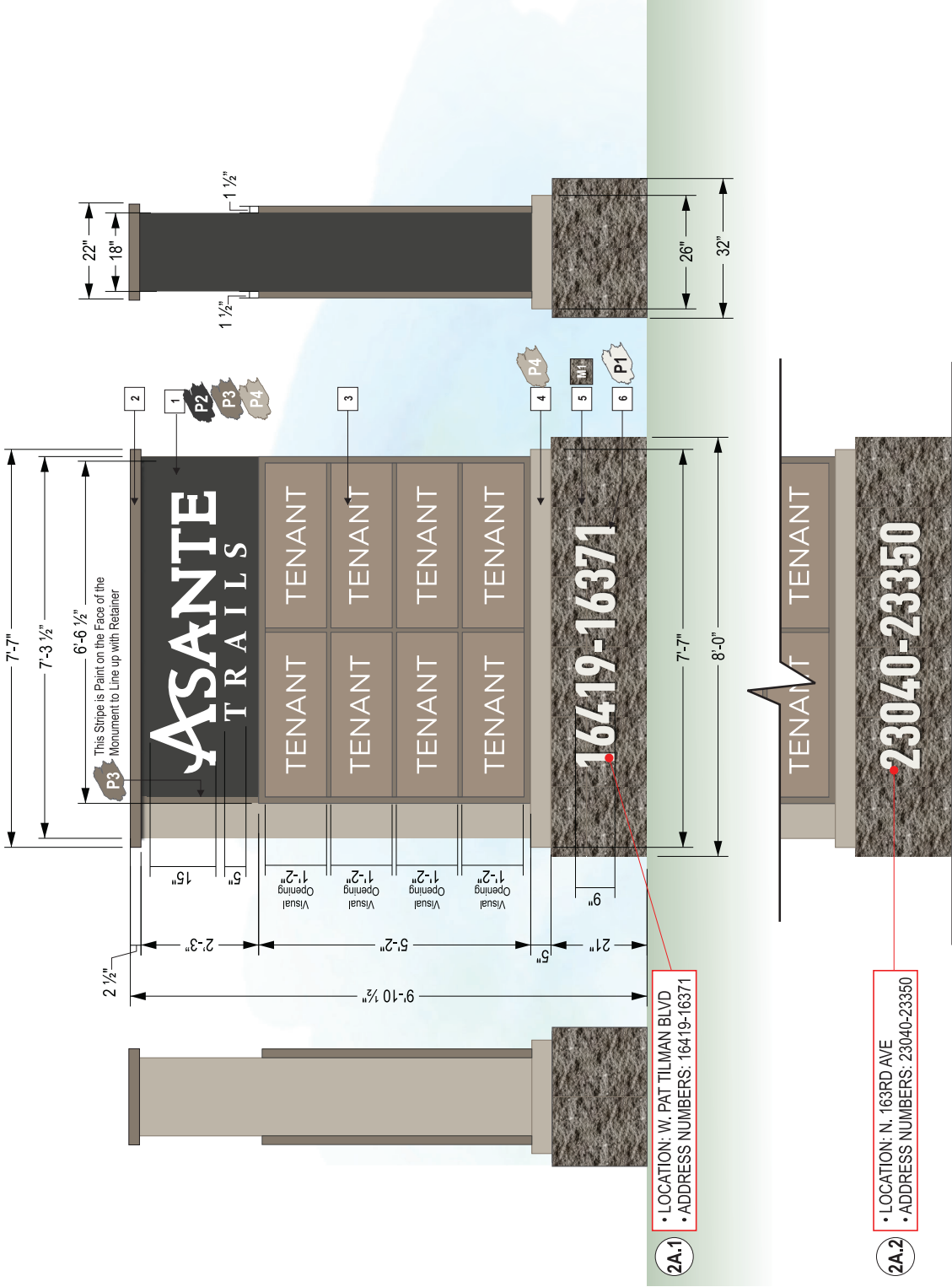
- V1 3M OPAQUE VINYL SANDSTONE 89

MATERIAL:

- M1 ECHELON SPLIT FACE BLOCK
1X8X16
COLOR: OPAL

FONTS:

CONSTANTINA
GOTHAM BOOK



LOT 2 MONUMENT:

PAD TENANT - DOUBLE SIDED ILLUMINATED MONUMENT SIGNS - QTY: 1 | SF: 85.92 EACH | SCALE: 1/2" = 1'-0" (11X17)

SIGNS: 2A.3

FABRICATION DETAILS:	
1	CABINET: MAIN CENTER CABINET TO BE 18" DEEP FABRICATED ALUMINUM. PAINTED THREE COLORS, P2, P3 & P4. ASANTE TRAILS TO BE ROUTED OUT AND BACKED WITH WHITE ACRYLIC
2	CAP OF SIGN: 2 1/2" TALL X 22" DEEP X 7'-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
3	TENANT CABINET: - "K" LOGO FACES AND "NON-METHANOL" FACES ARE FORMED AND EMBOSSED W/ 2.25" PAN DEPTH, .177 CENTER POLYCARBONATE WITH SECOND SURFACE ACRYLIC - PRICERS WILL BE ONE LARGE REVERSE PAN WITH ROUTED OUT COPY MOUNTED BEHIND FLAT LEXAN CLEAR PANEL AND BOLTED WITH COUNTERSUNK SCREW. REVERSE PANEL PAINTED TO BE SW AMAZING GRAY #7044. <i>(2) TWO 12" CHARACTER HEIGHT RED & GREEN AND BLUE ELECTRONIC LED PRICE UNITS PER ELEVATION. (1) 12" CHARACTER HEIGHT WHITE TOGGLE AND 1 1/4" MALLONS BETWEEN PRICERS</i>
4	CAP OF BASE: 5" TALL X 26" DEEP X 7'-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P4
5	BASE: FABRICATED BASE WITH M1 VENEER APPLIED TO ALL SIDES
6	ADDRESS: FCO 1/4" ALUMINUM NUMBERS, PAINTED P1 INSTALLED FLUSH TO FACE OF BASE

PAINT:

- P1 Sherwin Williams Pure White #7005
- P2 Sherwin Williams Iron Ore #7069
- P3 Sherwin Williams Backdrop #7025
- P4 Sherwin Williams Amazing Gray #7044

VINYL:

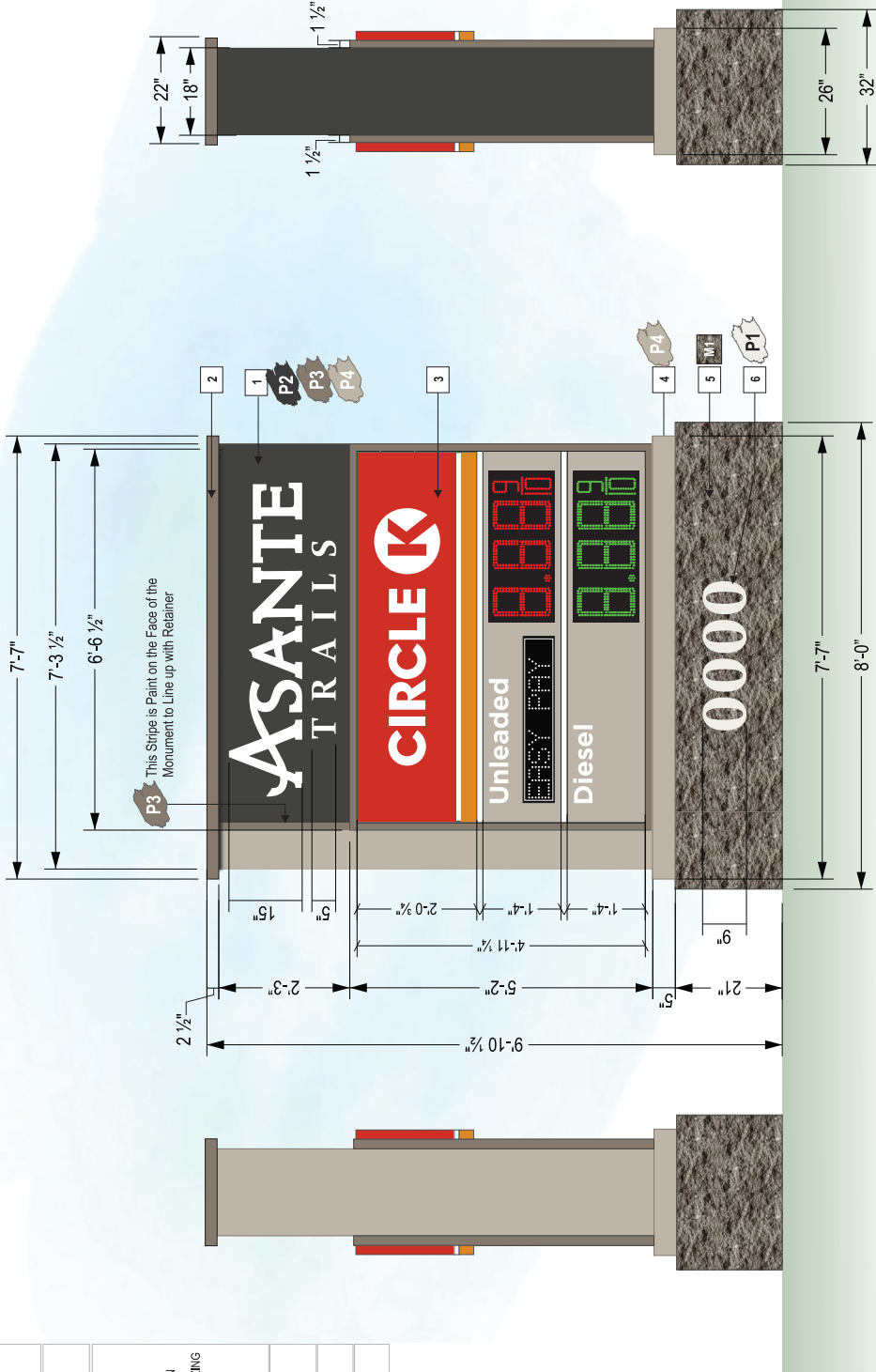
- V1 3M OPAQUE VINYL SANDSTONE 89

MATERIAL:

- M1 ECHELON SPLIT FACE BLOCK
1X8X16
COLOR: OPAL

FONTS:

CONSTANTINA
GOTHAM BOOK



LOT 2 MONUMENT:

PAD TENANT - DOUBLE SIDED ILLUMINATED MONUMENT SIGN - QTY: 1 | SF: 85.92 EACH | SCALE: 1/2" = 1'-0" (11X17)

SIGNS: 2A.4

FABRICATION DETAILS:	
1	CABINET: MAIN CENTER CABINET TO BE 18" DEEP FABRICATED ALUMINUM. PAINTED THREE COLORS, P2, P3 & P4. ASANTE TRAILS TO BE ROUTED OUT AND BACKED WITH WHITE ACRYLIC
2	CAP OF SIGN: 2 1/2" TALL X 22" DEEP X 7'-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
3	TENANT CABINET: ALUMINUM TENANT CABINET, 1 1/2" RETAINERS PAINTED SW BACKDROP #7025, REVERSE PAN FACE PAINTED TO BE SW #7044 AMAZING GRAY .150" WHITE FLEX BACKUPS WITH FIRST SURFACE APPLIED VINYL
4	CAP OF BASE: 5" TALL X 26" DEEP X 7'-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P4
5	BASE: FABRICATED BASE WITH M1 VENEER APPLIED TO ALL SIDES
6	ADDRESS: FCO 1/4" ALUMINUM NUMBERS, PAINTED P1 INSTALLED FLUSH TO FACE OF BASE

PAINT:

- P1 Sherwin Williams Pure White #7005
- P2 Sherwin Williams Iron Ore #7069
- P3 Sherwin Williams Backdrop #7025
- P4 Sherwin Williams Amazing Gray #7044

VINYL:

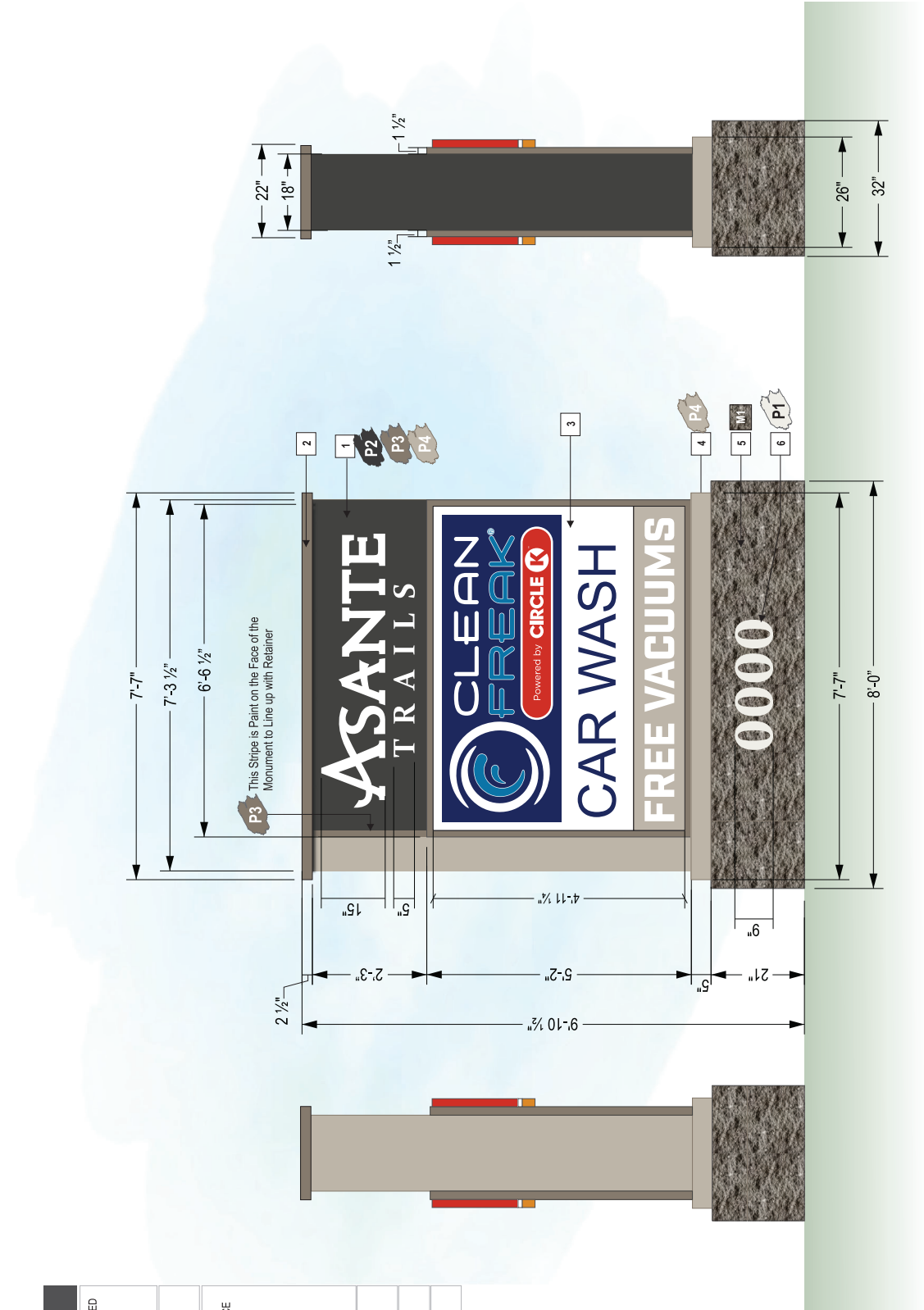
- V1 3M OPAQUE VINYL SANDSTONE 89

MATERIAL:

- M1 ECHELON SPLIT FACE BLOCK
1X8X16
COLOR: OPAL

FONTS:

CONSTANTINA
GOTHAM BOOK



LOT 3 MONUMENT:

MULTI-TENANT DOUBLE SIDED ILLUMINATED MONUMENT SIGNS - QTY: 2 | SF: 49.56 EACH | SCALE: 1/2" = 1'-0" (11X17)

SIGNS: 3A.1 3A.2

FABRICATION DETAILS:	
1	CABINET: MAIN CENTER CABINET TO BE 18" DEEP FABRICATED ALUMINUM. PAINTED THREE COLORS, P2, P3 & P4. ASANTE TRAILS TO BE ROUTED OUT AND BACKED WITH WHITE ACRYLIC
2	CAP OF SIGN: 2 1/2" TALL X 22" DEEP X 7-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
3	TENANT CABINET: ALUMINUM TENANT CABINET, 1 1/2" RETAINERS PAINTED P3, 1" DIVIDER BARS PAINTED P3, WHITE LEXAN TENANT PANELS WITH V1 OVERLAY AND TENANT COPY TO REVERSE OUT TO SHOW THRU WHITE, WHITE INTERNAL LED ILLUMINATION
4	CAP OF BASE: 5" TALL X 26" DEEP X 7-7" WIDE ALUMINUM FABRICATED CAP, PAINTED P4
5	BASE: FABRICATED BASE WITH M1 VENEER APPLIED TO ALL SIDES
6	ADDRESS: FCC 1/4" ALUMINUM NUMBERS, PAINTED P1 INSTALLED FLUSH TO FACE OF BASE

PAINT:

- P1 Sherwin Williams Pure White #7005
- P2 Sherwin Williams Iron Ore #7069
- P3 Sherwin Williams Backdrop #7025
- P4 Sherwin Williams Amazing Gray #7044

VINYL:

- V1 3M OPAQUE VINYL SANDSTONE 89
- WHITE VINYL YESCO LOGO

MATERIAL:

- M1 ECHELON SPLIT FACE BLOCK 1X8X16
- COLOR: OPAL

FONTS:

CONSTANTINA
GOTHAM BOOK



SINGLE/DOUBLE SIDED NON-ILLUMINATED DIRECTIONAL SIGNS - QTY: TBD | SF: 3.125 EACH | SCALE: 3/4" = 1'-0" (11X17)

SIGNS: B

FABRICATION DETAILS:	
1	MAIN PANEL: 1/8" ALUMINUM CONSTRUCTION MAIN PANEL WITH WHITE REFLECTIVE VINYL OVERLAD ON SURFACE. PANELS TO BE PAINTED P3 BACKDROP
2	POST: 4" SQUARE ALUMINUM POST; PAINTED P4 AMAZING GREY
3	BORDER / COPY: V2 - WHITE REFLECTIVE VINYL

PAINT:

- P3

Sherwin Williams Backdrop #7025
- P4

Sherwin Williams Amazing Gray #7044

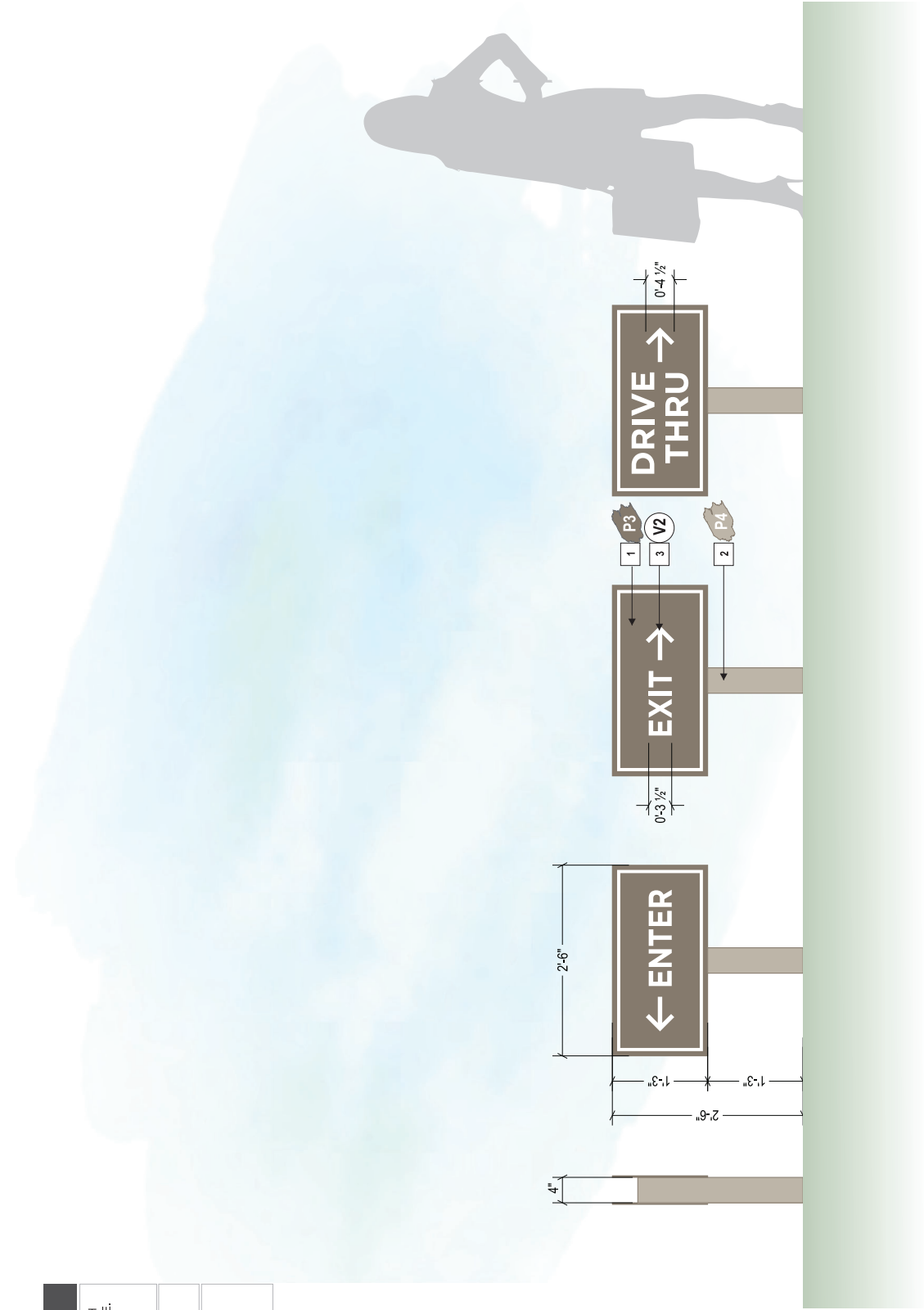
VINYL:

- V2

3M REFLECTIVE WHITE VINYL

FONTS:

GOTHAM BOOK



PROPERTY OWNER
SIMONCRE ASANTE, LLC
6900 E 2ND ST
SCOTTSDALE AZ 85251

SIMONCRE
KYLE DUANE, SENIOR DEVELOPMENT ASSOCIATE
6900 E. 2ND STREET, SCOTTSDALE, AZ 85251
Phone: 480-739-0066
Email: kyle.duane@simoncre.com

1605 S. GRAMERCY ROAD
SLAT LAKE CITY, UT 84104

JURISDICTION:	SURPRISE, ARIZONA
APN #:	503-76-981
GROSS AREA:	15.44 AC.
NET AREA:	12.13 AC.



MONUMENT SIGN LOCATIONS

PROPERTY OWNER

SIMONCRE SCOUT V, LLC
6900 E 2ND ST
SCOTTSDALE AZ 85251

LANDLORD CONTACT INFORMATION

SIMONCRE

NATALYA UPSHUR, DEVELOPMENT ASSOCIATE
6900 E. 2ND STREET, SCOTTSDALE, AZ 85251
Phone: 480-745-1956
Email: Natalya.upshur@simoncre.com

ENGINEER



Custom Electric Signs.

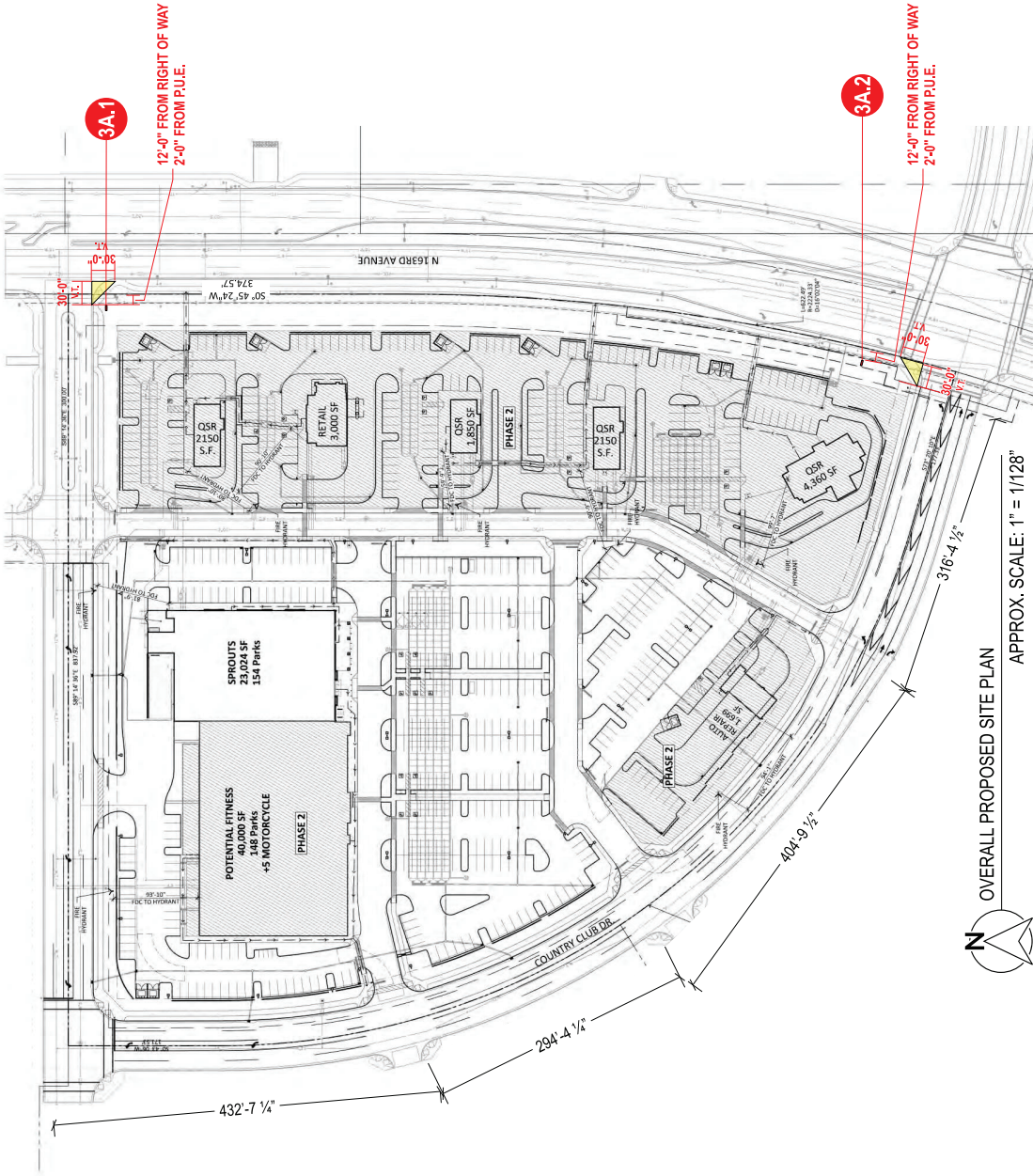
1605 S. GRAMERCY ROAD
SLAT LAKE CITY, UT 84104

CONTACT:

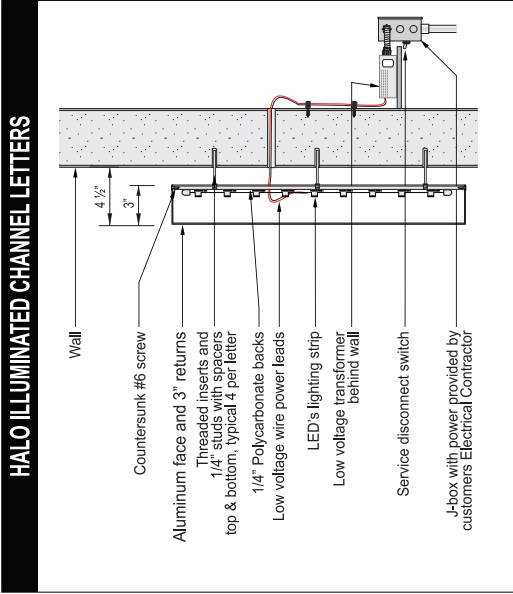
CARL MEYERS, PE
Engineering Manager
Email: cmeyers@vesco.com
PH: 801-487-8481

SITE DATA

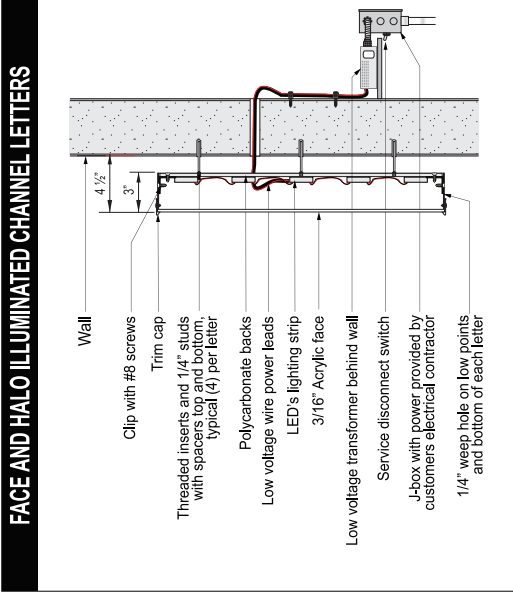
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APN #:	503-76-982A
GROSS AREA:	15.06 AC.



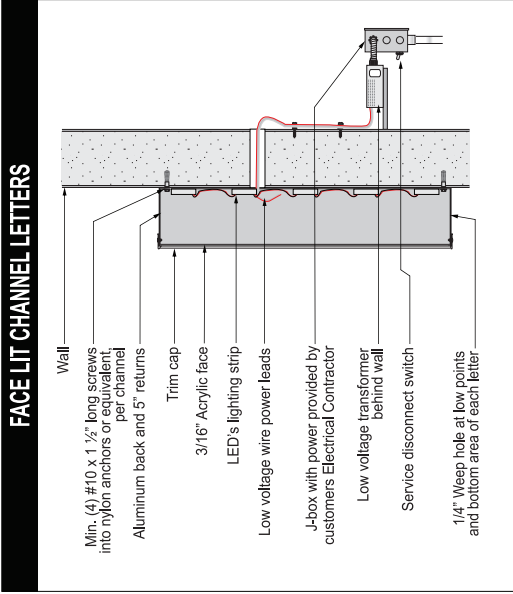
PERMITTED CHANNEL LETTER STYLES



HALO ILLUMINATED EXAMPLES



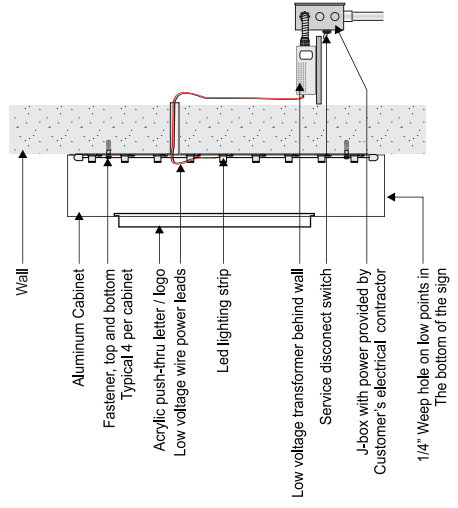
FACE & HALO ILLUMINATED EXAMPLES



FACE ILLUMINATED EXAMPLES



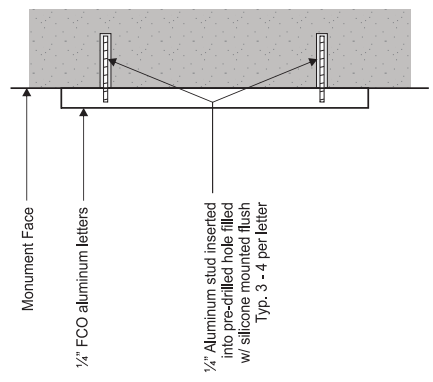
SIGN CABINET WITH ROUTED PUSH THRU GRAPHICS



ILLUMINATED PUSH THRU CABINET EXAMPLES



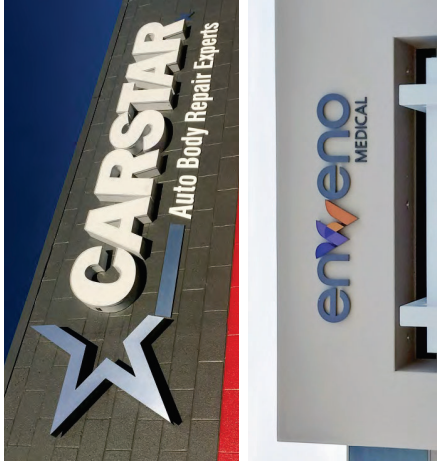
FLAT CUT OUT LETTERS - STUD MOUNTED FLUSH



FLAT CUT OUT LETTER EXAMPLES



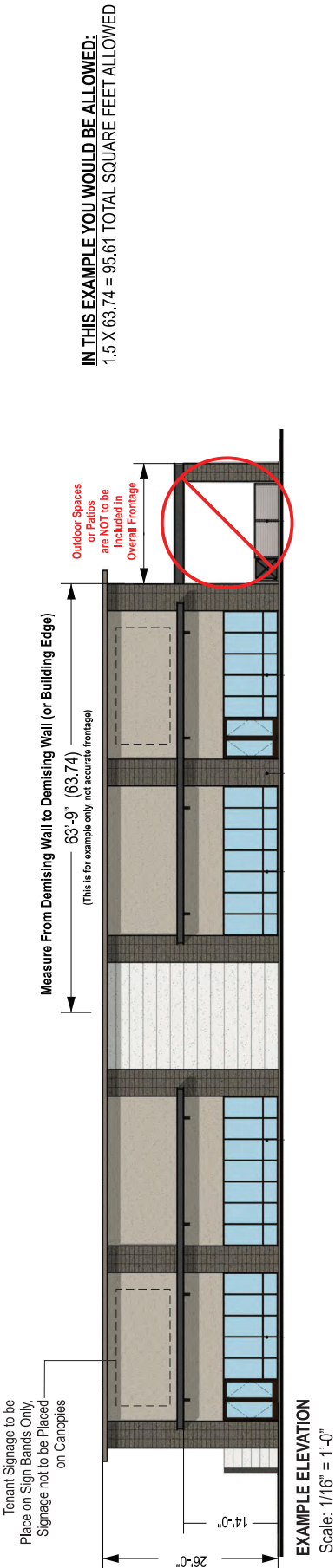
EXAMPLE:
CHANNEL LETTERS WITH FCO SECONDARY COPY



EXAMPLES:
CHANNEL LETTERS WITH PUSH THRU CABINET FOR SECONDARY COPY



CALCULATING ALLOWABLE SQUARE FOOTAGE



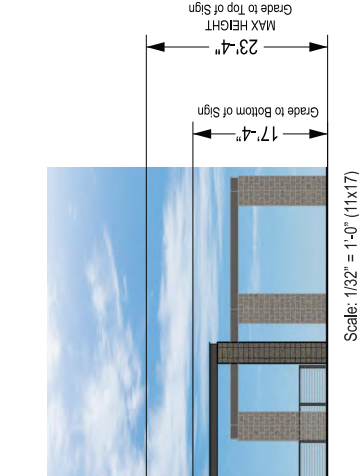
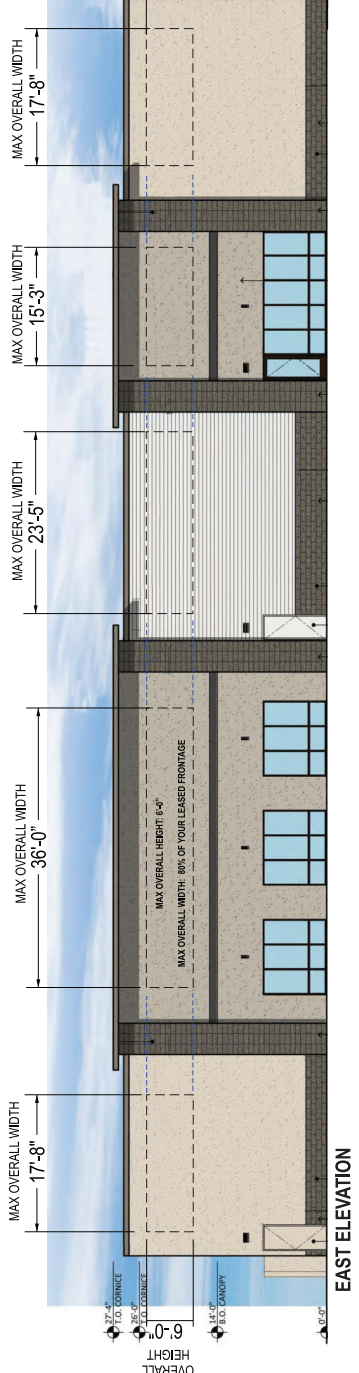
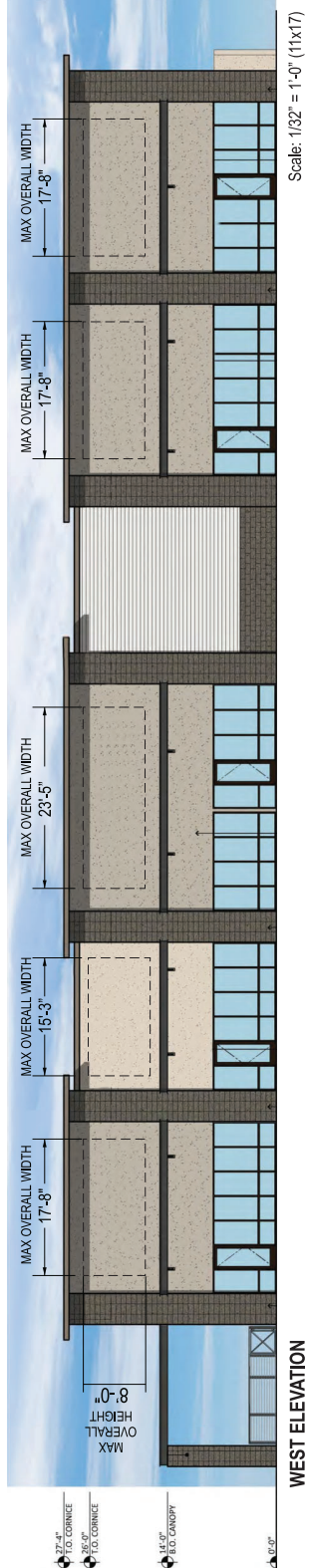
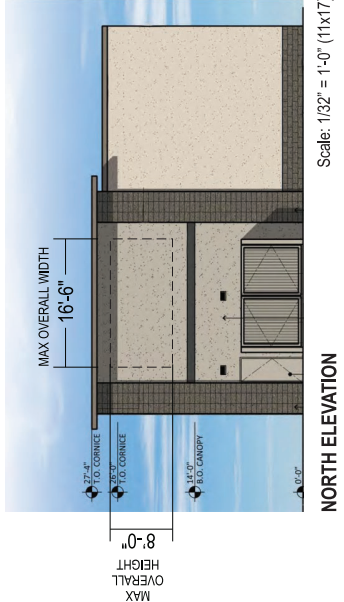
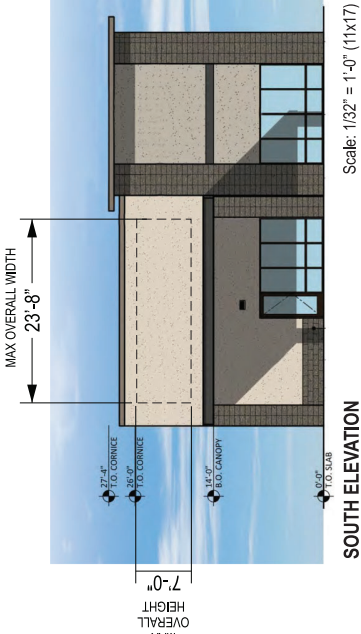
CALCULATING SF OF SIGNAGE

Unframed signs. Where the individual letters, logos and graphics of a sign are mounted directly to a wall or sign structure, the sign area is determined by calculating the smallest rectangle or combination of rectangles containing sign copy.



Framed signs. Where the individual letters, logos and graphics are integral to a sign panel, or are framed in by an architectural element or contrasting color apart from the color of the wall or sign structure, the sign area shall be the area of the panel or frame.





SIGN SQUARE FOOTAGE ALLOWANCE:
1.3 SF PER LINEAL FOOT OF
ELIGIBLE ELEVATION OCCUPIED
BY TENANT

MAXIMUM WIDTH OF USEABLE FRONTAGE:
THE MAXIMUM WIDTH OF A BUILDING WALL
SIGN SHALL NOT EXCEED 80% OF THE LEASED
TENANT FRONTAGE

MAXIMUM HEIGHT OF LOGO ALLOWED: 4'-0"

**MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED
FOR TWO LINES OF COPY:** 2'-0" PER LINE

**MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED
FOR ONE LINE OF COPY:** 3'-0"

**MINIMUM LETTER HEIGHT FOR A SINGLE LINE
OF COPY:** 1'-6"

SIGNAGE IS ONLY ALLOWED IN AREAS
OUTLINED WITH BLACK DOTTED LINE

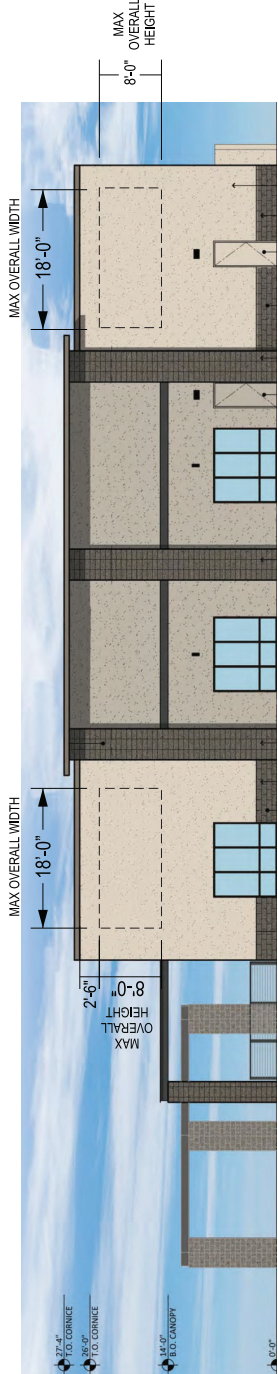
ALL CHANNEL LETTERS MUST BE ILLUMINATED

SIGNAGE TO BE CENTERED HORIZONTALLY
AND VERTICALLY ON SIGN BAND

SIGNAGE IS NOT TO ATTACH TO CANOPY
IN ANY WAY

ANY STAND OFFS OR SPACERS MUST BE
PAINTED TO MATCH WALL COLOR

ELECTRONIC MESSAGE CENTERS ARE NOT
ALLOWED



SIGN SQUARE FOOTAGE ALLOWANCE:
1.5 SF PER LINEAL FOOT OF
ELIGIBLE ELEVATION OCCUPIED
BY TENANT

MAXIMUM WIDTH OF USEABLE FRONTAGE:
THE MAXIMUM WIDTH OF A BUILDING WALL
SIGN SHALL NOT EXCEED 80% OF THE LEASED
TENANT FRONTAGE

MAXIMUM HEIGHT OF LOGO ALLOWED: 4'-0"

**MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED
FOR TWO LINES OF COPY:** 2'-0" PER LINE

**MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED
FOR ONE LINE OF COPY:** 3'-0"

**MINIMUM LETTER HEIGHT FOR A SINGLE LINE
OF COPY:** 1'-6"

SIGNAGE IS ONLY ALLOWED IN AREAS
OUTLINED WITH BLACK DOTTED LINE

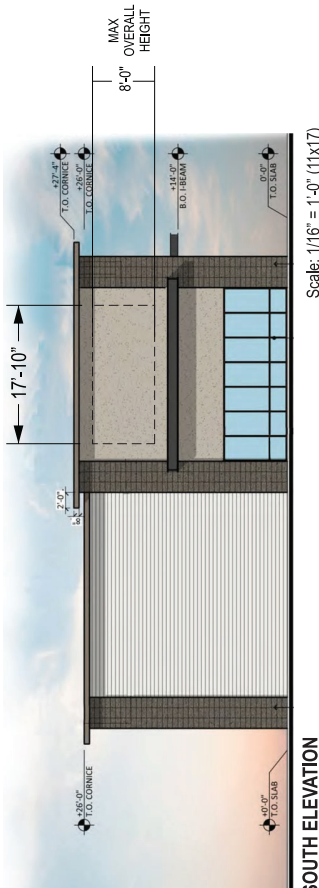
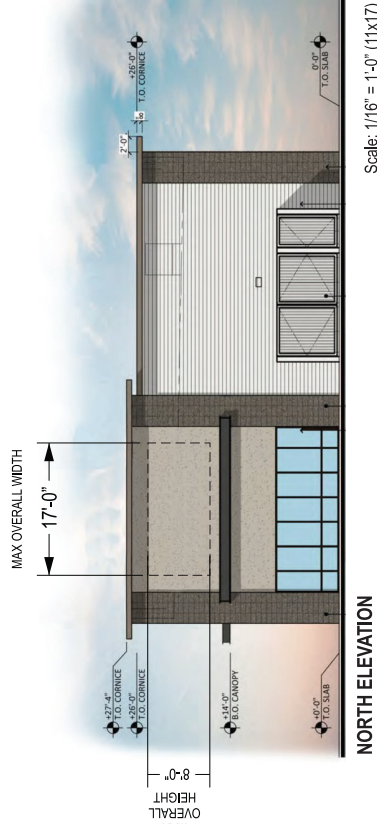
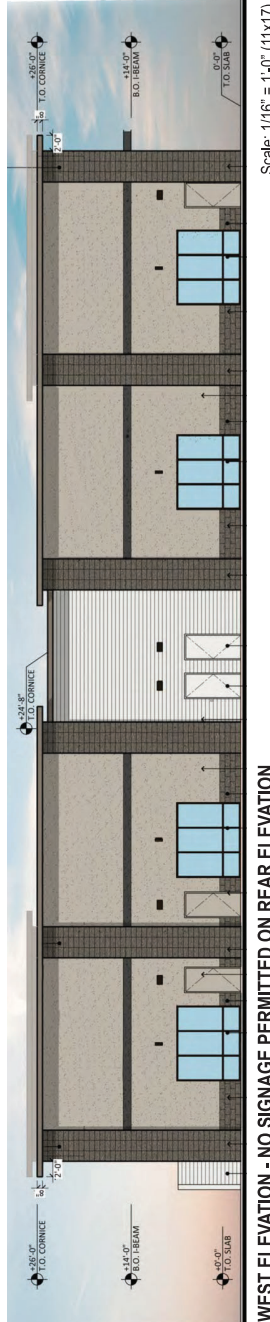
ALL CHANNEL LETTERS MUST BE ILLUMINATED

SIGNAGE TO BE CENTERED HORIZONTALLY
AND VERTICALLY ON SIGN BAND

SIGNAGE IS NOT TO ATTACH TO CANOPY
IN ANY WAY

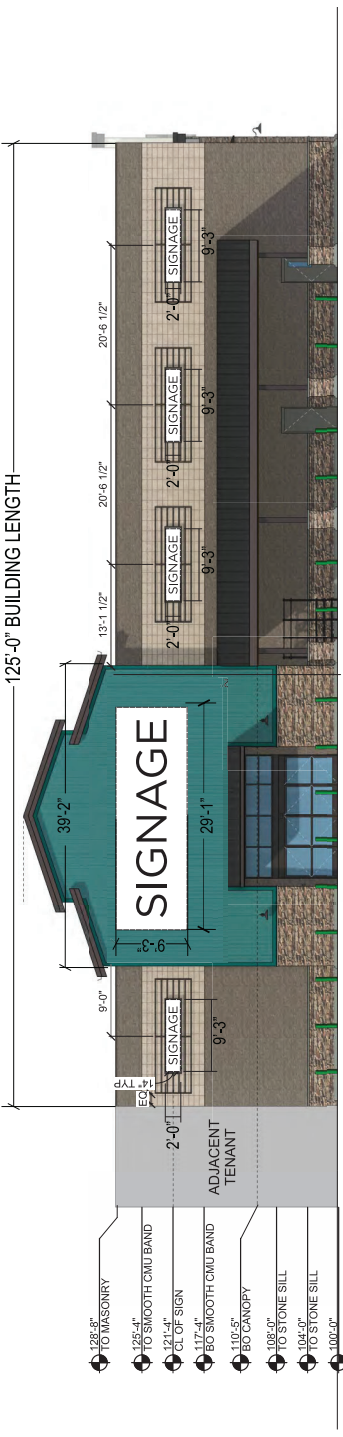
ANY STAND OFFS OR SPACERS MUST BE
PAINTED TO MATCH WALL COLOR

ELECTRONIC MESSAGE CENTERS ARE NOT
ALLOWED



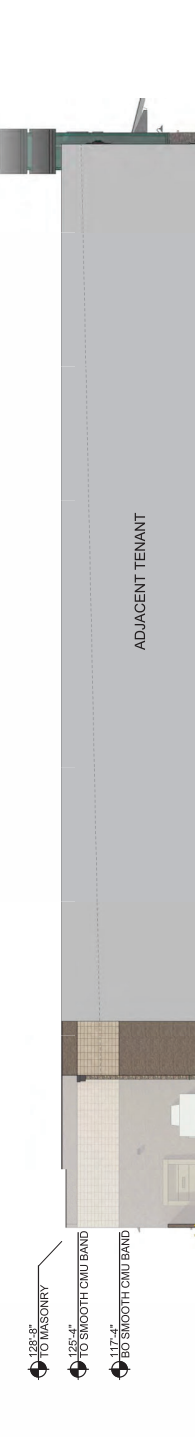
- SIGN SQUARE FOOTAGE ALLOWANCE:**
1.5 SF PER LINEAL FOOT OF ELIGIBLE ELEVATION OCCUPIED BY TENANT
- MAXIMUM WIDTH OF USEABLE FRONTAGE:**
THE MAXIMUM WIDTH OF A BUILDING WALL SIGN SHALL NOT EXCEED 80% OF THE LEASED TENANT FRONTAGE
- MAXIMUM HEIGHT OF LOGO ALLOWED:** 4'-0"
- MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED FOR TWO LINES OF COPY:** 2'-0" PER LINE
- MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED FOR ONE LINE OF COPY:** 3'-0"
- MINIMUM LETTER HEIGHT FOR A SINGLE LINE OF COPY:** 1'-6"
- SIGNAGE IS ONLY ALLOWED IN AREAS OUTLINED WITH BLACK DOTTED LINE
- ALL CHANNEL LETTERS MUST BE ILLUMINATED
- SIGNAGE TO BE CENTERED HORIZONTALLY AND VERTICALLY ON SIGN BAND
- SIGNAGE IS NOT TO ATTACH TO CANOPY IN ANY WAY
- ANY STAND OFFS OR SPACERS MUST BE PAINTED TO MATCH WALL COLOR
- ELECTRONIC MESSAGE CENTERS ARE NOT ALLOWED

MAJOR GROCERY | ALLOWABLE LOGO, LETTER HEIGHTS & SQUARE FOOTAGE



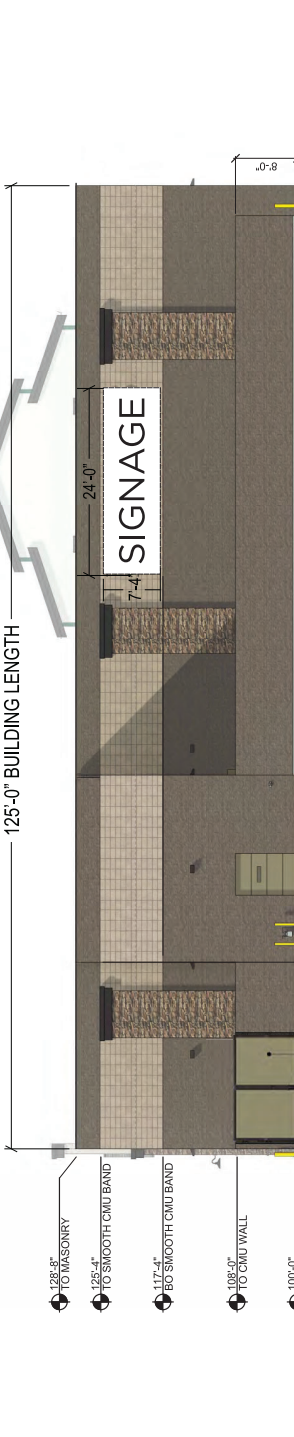
SOUTH ELEVATION - PRIMARY SIGNAGE

Scale: 1/16" = 1'-0" (11x17)



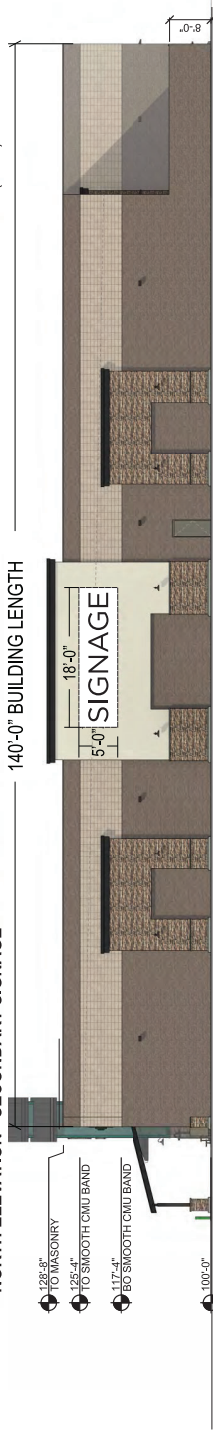
WEST ELEVATION

Scale: 1/16" = 1'-0" (11x17)



NORTH ELEVATION - SECONDARY SIGNAGE

Scale: 1/16" = 1'-0" (11x17)



EAST ELEVATION - SECONDARY SIGNAGE

Scale: 1/16" = 1'-0" (11x17)

- SIGN SQUARE FOOTAGE ALLOWANCE:**
2.5 SF PER LINEAL FOOT OF SOUTH ELEVATION ELIGIBLE FOR PRIMARY SIGNAGE OCCUPIED BY TENANT
- 1.5 SF PER LINEAL FOOT OF NORTH AND EAST ELEVATION ELIGIBLE FOR SECONDARY SIGNAGE OCCUPIED BY TENANT
- MAXIMUM WIDTH OF USEABLE FRONTAGE:**
THE MAXIMUM WIDTH OF A BUILDING WALL SIGN SHALL NOT EXCEED 80% OF THE LEASED TENANT FRONTAGE
- MAXIMUM HEIGHT OF LOGO ALLOWED:** 6'-0"
- MAXIMUM HEIGHT OF CHANNEL LETTERS ALLOWED FOR TWO LINES OF COPY:** 4'-6" PER LINE
- MAXIMUM HEIGHT OF CHANNEL LETTER ALLOWED FOR ONE LINE OF COPY:** 4'-0"
- MINIMUM LETTER HEIGHT FOR A SINGLE LINE OF COPY:** 1'-0"
- ALL CHANNEL LETTERS MUST BE ILLUMINATED
- SIGNAGE TO BE CENTERED HORIZONTALLY AND VERTICALLY ON SIGN BAND
- SIGNAGE IS NOT TO ATTACH TO CANOPY IN ANY WAY
- ANY STAND OFFS OR SPACERS MUST BE PAINTED TO MATCH WALL COLOR
- ELECTRONIC MESSAGE CENTERS ARE NOT ALLOWED

WINDOW GRAPHICS DETAILS

WINDOW GRAPHICS:

WINDOW GRAPHICS ARE PERMITTED BUT MAY NOT COVER MORE THAN 15% OF EACH WINDOW SURFACE LOCATED A THE FRONT OF A BUILDING.

WINDOW GRAPHICS TO BE SET 4'-0" ABOVE GRADE AT EYE LEVEL TO ACCOMMODATE PEDESTRIANS.

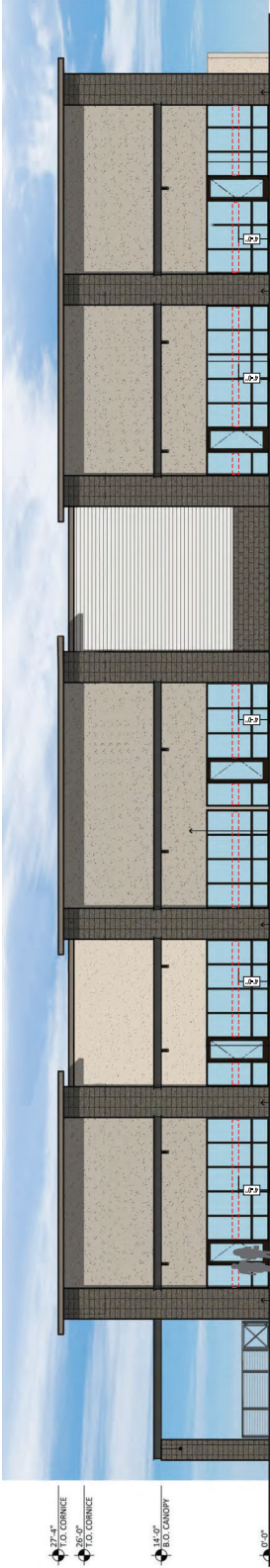
WINDOW GRAPHICS TO BE DIE CUT VINYL ONLY, NO DIGITALLY PRINTED GRAPHICS ALLOWED.

WINDOW VINYL TO BE PLACE ON THE INTERIOR OF THE WINDOW (2ND SURFACE)

WINDOW VINYL PREFERRED COLOR IS WHITE

NO PAINTING ON WINDOWS IS PERMITTED

NO LED (OR ANY TYPE) OF LIGHTING PERMITTED IN WINDOW AREAS AT ALL



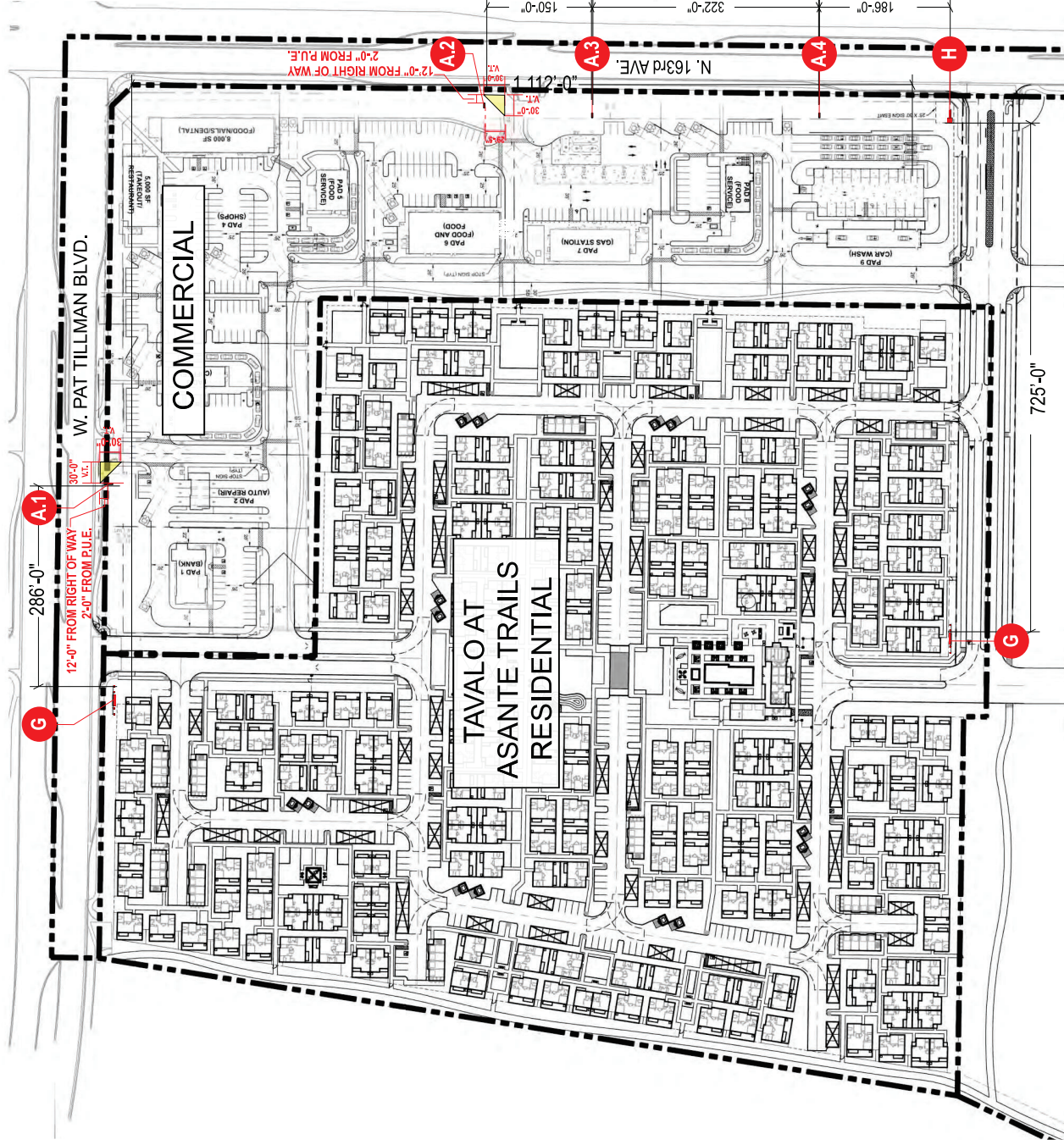
STANDARD ELEVATION

Scale: 1/16" = 1'-0" (11x17)

RESIDENTIAL MONUMENT SIGN LOCATIONS

SITE DATA

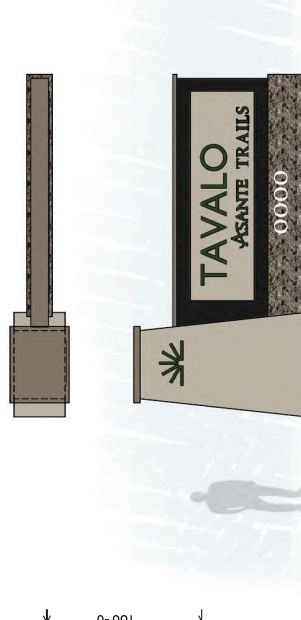
JURISDICTION: SURPRISE, ARIZONA
 APN#: 503-76-980
 LOT 2
 GROSS AREA: 25.9 AC



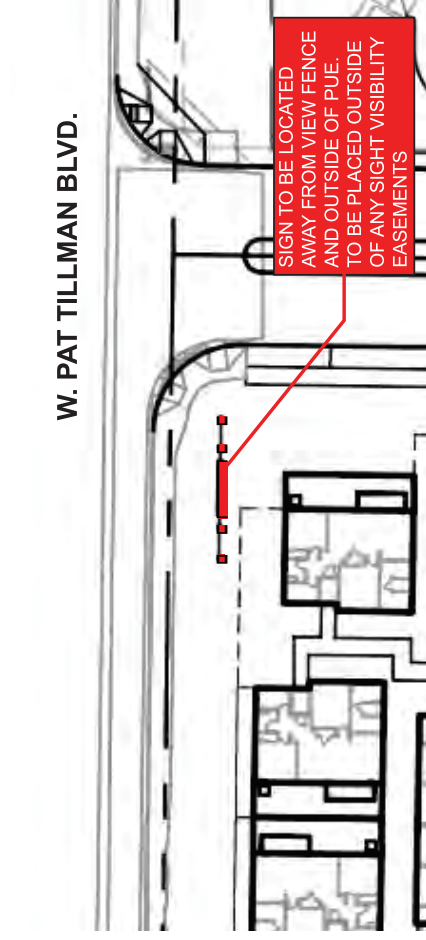
SIGN TYPE "G": TAVALO ENTRY MONUMENT



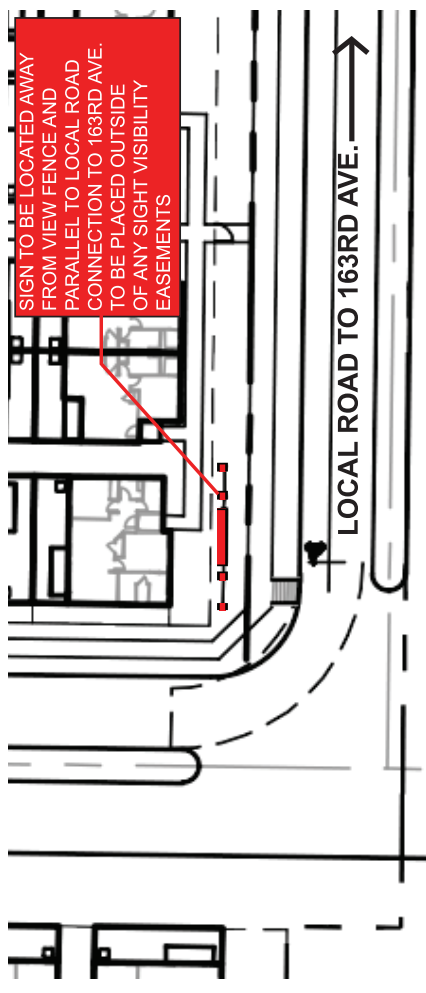
SIGN TYPE "H": ENTRY MONUMENT @ 163RD AVE.



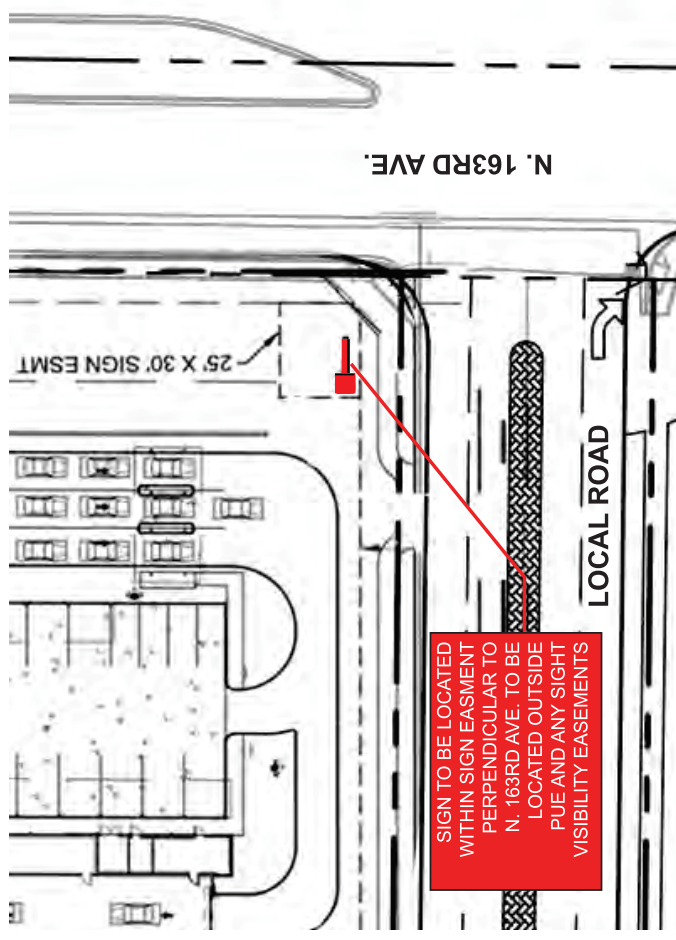
RESIDENTIAL ENTRY MONUMENT (G) AT W PAT TILLMAN BLVD.



RESIDENTIAL ENTRY MONUMENT (G) AT INTERNAL ENTRANCE



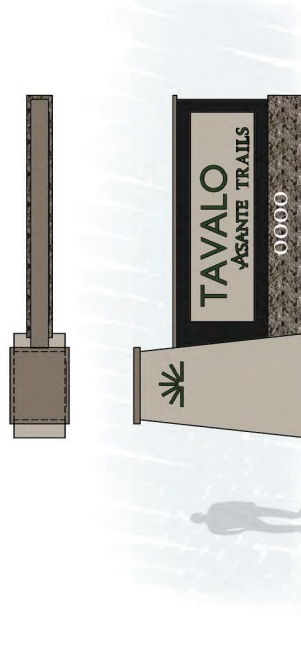
ENTRY MONUMENT (H) AT 163RD AVE



SIGN TYPE "G": TAVALO ENTRY MONUMENT



SIGN TYPE "H": ENTRY MONUMENT @ 163RD AVE.



RESIDENTIAL ENTRY MONUMENT - SINGLE SIDED - QTY: 2 | SCALE: 1/4" = 1'-0" (11x17)

SIGN: G

FABRICATION DETAILS	
1	CABINET: PAINTED ALUMINUM COLOR P2
2	CAP: 3" TALL X 8" DEEP X 15'-0" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
3	BASE: 8"X8"X16" SPLIT FACE CMU, COLOR OPAL
4	CAP OF BASE: 5" TALL X 6" DEEP X 15'-0" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
5	LETTERING AND LOGO: REVERSE PAN CHANNEL LETTERS, WITH CLEAR LEXAN BACK. ALL LETTERS & LOGO TO BE GREEN (38NP-349) WITH INTERNAL BACKLIGHT
6	ADDRESS: FCO 1/4" ALUMINUM NUMBERS, PAINTED P1 INSTALLED FLUSH TO FACE OF BASE. FONT: CONSTANTINA
7	LETTER BACK PLATE: 2'-8" TALL X 11' L, ALUMINUM @ 3/16" THICK, PLATE CENTERED ON CABINET, PAINTED P4
8	FENCE: 3'-8" TALL X 8" O.C. TYP FENCE WITH 4" SQ. TUBULAR POSTS & 3" SQ. STEEL RAILS. 2" SQ. STEEL CROSSMEMBERS

PAINT:

- P1

Sherwin Williams Pure White #7005
- P2

Sherwin Williams Iron Ore #7069
- P3

Sherwin Williams Backdrop #7025
- P4

Sherwin Williams Amazing Gray #7044
- P5

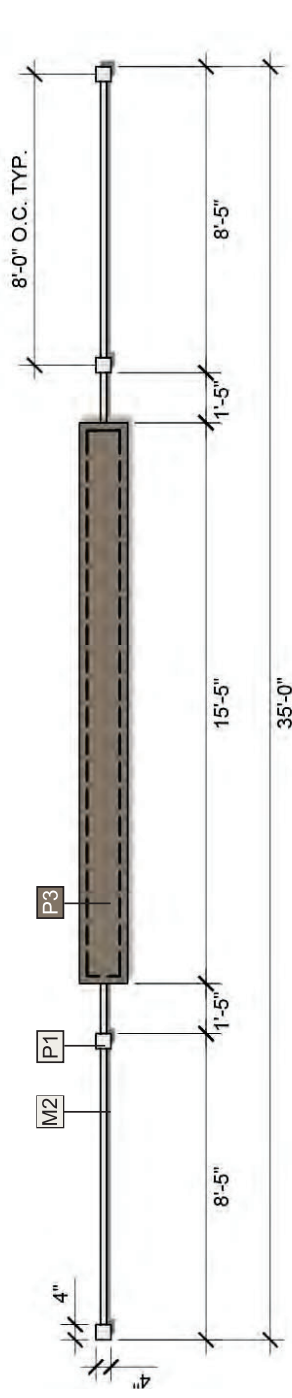
GTIS Logo Letter Paint
(To match GTIS Tavallo Queen Creek)

MATERIALS:

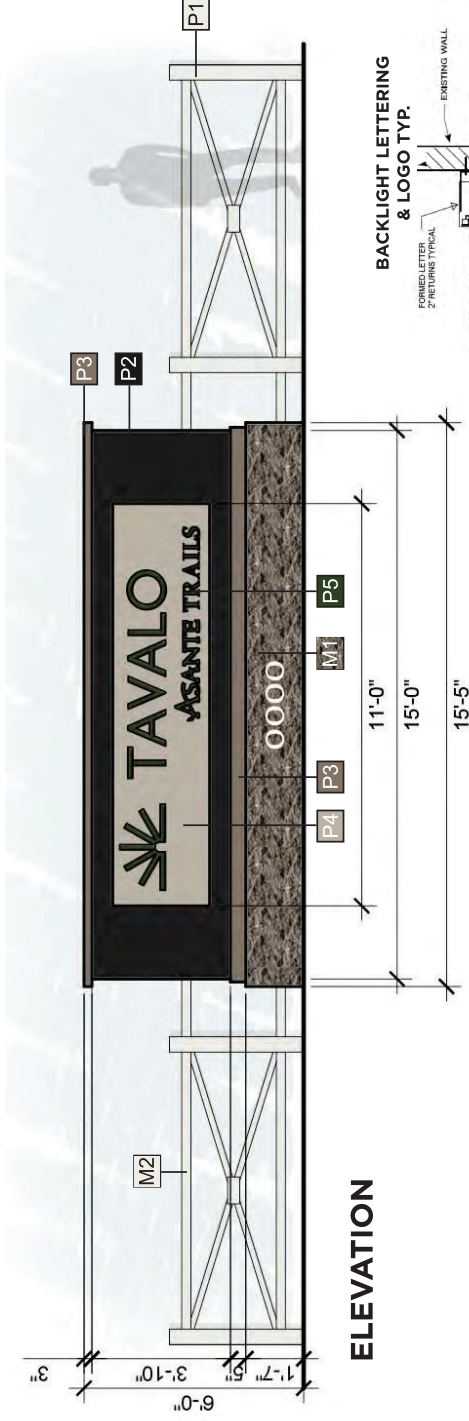
- M1

ECHELON Split Face Block: Color: Opal
- M2

RAILING, Tube Steel, Painted P1

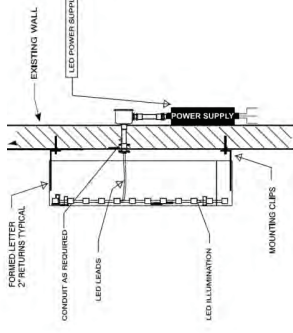


PLAN VIEW



ELEVATION

BACKLIGHT LETTERING & LOGO TYP.



The landscape design associated with these signs will be integrated into the overall specific landscape design of the community.

ENTRY MONUMENT AT 163RD AVE - DOUBLE SIDED - QTY: 1 | SCALE: 3/8" = 1'-0" (11x17)

SIGN: (H)

FABRICATION DETAILS	
1	CABINET: PAINTED ALUMINUM COLOR P2
2	CAP: 3" TALL X 8" DEEP X 15'-0" WIDE ALUMINUM FABRICATED CAP, PAINTED P3
3	BASE: 8"X8"X16" SPLIT FACE CMU, COLOR: OPAL
4	LETTERING REVERSE PAN CHANNEL LETTERS, WITH CLEAR LEXAN BACK. ALL LETTERS & LOGO TO BE GREEN (38NP-349) WITH INTERNAL BACKLIGHT
5	ADDRESS: FCO 1/4" ALUMINUM NUMBERS, PAINTED P1 INSTALLED FLUSH TO FACE OF BASE. FONT: CONSTANTINA
6	COLUMN 8"X8"X16" CMU COLUMN WITH STUCCO FINISH, COLOR: P4
7	COLUMN CAP 4" PRE-CAST CONCRETE CAP, COLOR: P3
8	LETTER BACK 3'-4" TALL X 11' L, ALUMINUM @ 3/16" THICK, PLATE CENTERED ON CABINET, PAINTED P4

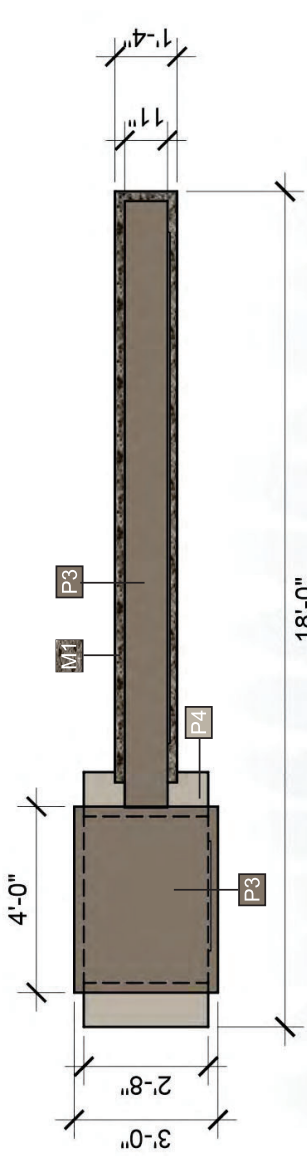
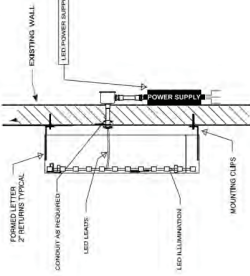
PAINT:

P1	Sherwin Williams Pure White #7005
P3	Sherwin Williams Iron Ore #7069
P4	Sherwin Williams Backdrop #7025
P5	Sherwin Williams Amazing Gray #7044
P2	GTIS Logo Letter Paint (To match GTIS Tavalo Queen Creek)

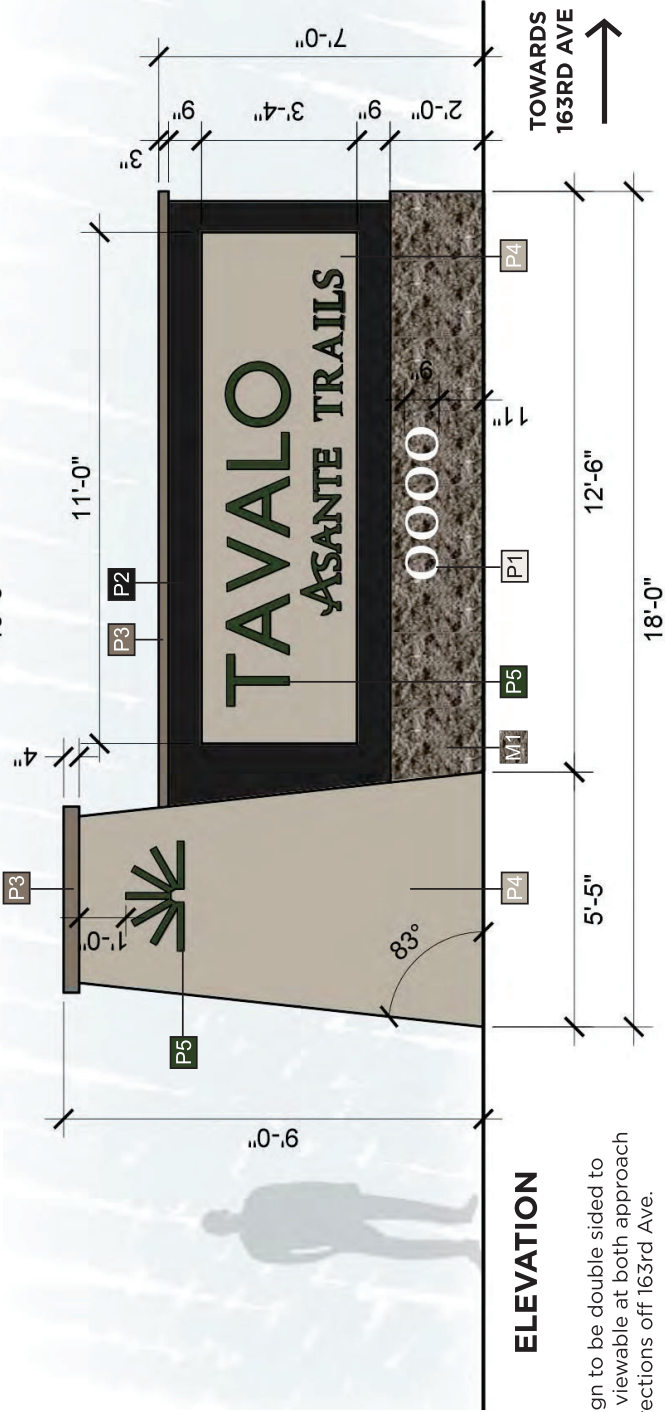
MATERIALS:

M1	ECHELON Split Face Block: Color: Opal
M2	STUCCO finish, Paint color: P4

BACKLIGHT LETTERING & LOGO TYP.



PLAN VIEW



ELEVATION

*Sign to be double sided to be viewable at both approach directions off 163rd Ave.

The landscape design associated with these signs will be integrated into the overall specific landscape design of the community.

*REFER TO NARRATIVE FOR FURTHER INFORMATION REGARDING DEVIATIONS FROM THE LDO CHAPTER 109 DEVELOPMENT STANDARDS

G FREESTANDING MONUMENT SIGN	FREESTANDING SIGN WITH COMMUNITY ID SIGN AND LOGO	COMMUNITY ID SIGN	ONE LOCATED ON: N. PAT TILLMAN BLVD AT NORTH ENTRY ONE LOCATED ON: LOCAL STREET AT SOUTH ENTRY	TWO (2)	35' L (WITH FENCES) X 6' H	ALUMINUM ACRYLIC CMU W/ STACKED SPLITFACE	INTERNALLY ILLUMINATED LETTERS WITH WHITE LEDS
H FREESTANDING MONUMENT SIGN	FREESTANDING SIGN FOR ARTERIAL STREET	WAYFINDING AND COMMUNITY ID SIGN	ONE LOCATED ON: NORTH SIDE OF LOCAL ROAD ENTRANCE ALONG ENTRANCE OFF 163RD AVE.	ONE (1)	18' L X 9' H	ALUMINUM ACRYLIC CMU W/ STACKED SPLITFACE	INTERNALLY ILLUMINATED LETTERS WITH WHITE LEDS

CITIZEN'S PARTICIPATION REPORT
ASANTE TRAILS COMPREHENSIVE SIGN PLAN AMENDMENT
FS25-1042

The Citizen's Participation Meeting for the Asante Trails Comprehensive Sign Plan Amendment proposal took place on July 27, 2026 at 6:00 p.m. at the Asante Public Library, 16755 W Vereda Solana Dr., Surprise, AZ 85387. In attendance were Kimberly Euers and Crystal Helgeson of YESCO, LLC; Natalya Upshur of SimonCRE; Leslie Carnie of the City of Surprise Planning Department; and two interested citizens. This meeting was rescheduled following flaws noted in the original meeting notifications from May of 2026.

Post and panel signs notifying the public of said meeting were installed at two locations on the Asante Trails Lot 3 property on July 12. I was notified on July 8 by Leslie Carnie of the City of Surprise that legal ads had been placed, following which mailers were sent.

The attendees were provided copies of the amended Comprehensive Sign Plan and given the opportunity to ask questions. No concerns were raised regarding the two newly-proposed freestanding signs or the wall signs, which were reviewed on request as to size, design and placement. One participant was interested to know more about the monument designs, which questions were answered to his satisfaction.

There were no issues raised that the applicant was unable or unwilling to address. Comment sheets were available but were not utilized.

Please accept this report as a factual summary of the evening's events.

Kimberly W. Euers
Kimberly W. Euers
Director of Government Relations
Southwest Division
keuers@yesco.com
(480) 403-7707

Welcome!

Date July 27, 2026

* Providing contact information is not required, and the purpose is to provide updates regarding the project. However, please be aware that any information provided on this sheet will become part of the public record.

Notice of Public Hearing - City of Surprise

In-Person Neighborhood Meeting

Date: July 27th, 2026

Time: 6:00p.m.

Location: Asante Public Library

16755 W. Vereda Solana Dr.

Surprise, AZ 85387

Planning & Zoning

Date: August 20th, 2026

Time: 6:00 p.m.

Location: City Hall Council Chambers

16000 N. Civic Center Plaza

Surprise, AZ 85374

City Council

Date: Sept. 15th, 2026

Time: 6:00 p.m.

Location: City Hall

Council Chambers

16000 N. Civic Center

Plaza Surprise, AZ 85374



Case Number: FS25-1042

Request: To approve an amendment to the Asante Trails Comprehensive Sign Plan

For More Information, Call: 623-222-3011 * surpriseaz.gov

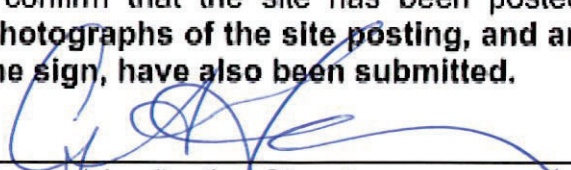
AFFIDAVIT OF SIGN POSTING

Case Number: FS25-1042
Project Name: Asante Trails Comprehensive Sign Plan Modification
Project Location: SWC W. Pat Tillman Blvd. and N. 163rd Ave.
Date Posted: 7/21/2026

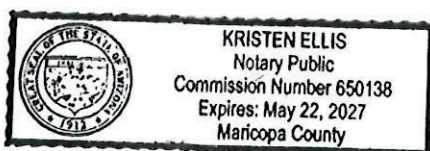
In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date 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.**

 7/21/26
Owner / Application Signature Date

This instrument was acknowledged before me this 21 day of July,
2026 by Crystal Helgeson




Notary Public

My Commission Expires:

May 22, 2027

Notice of Public Hearing-City of Surprise

In-Person Neighborhood Meeting

Date: July 27th, 2026

Time: 6:00p.m.

Location: Asante Public Library
16755 W. Vereda Solana Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20th, 2026

Time: 6:00 p.m.

Location: City Hall Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: Sept. 15th, 2026

Time: 6:00 p.m.

Location: City Hall
Council Chambers
16000 N. Civic Center
Plaza Surprise, AZ 85374



Case Number: FS25-1042

Request: To approve an amendment to the Asante Trails Comprehensive Sign Plan

For More Information, Call: 623-222-3011 * surpriseaz.gov

Notice of Public Hearing - City of Surprise

In-Person Neighborhood Meeting

Date: July 27th, 2026

Time: 6:00p.m.

Location: Asante Public Library
16755 W. Vereda Solana Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20th, 2026

Time: 6:00 p.m.

Location: City Hall Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: Sept. 15th, 2026

Time: 6:00 p.m.

Location: City Hall
Council Chambers
16000 N. Civic Center
Plaza Surprise, AZ 85374



Case Number: FS25-1042

Request: To approve an amendment to the Asante Trails Comprehensive Sign Plan

For More Information, Call: 623-222-3011 * surpriseaz.gov



COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS25-1042 ASANTE TRAILS CSP AMENDMENT

On August 20, 2026, the Planning and Zoning Commission recommended that City Council approve the Comprehensive Sign Program (CSP) Amendment for Asante Trails, Case FS25-1042, subject to stipulations 'a' and 'b' as outlined in the Staff Report.

The Commission discussed the following:

- Signage quality/contribution to City's character

The motions were as follows:

Commissioner Perry moved to recommend approval of the Comprehensive Sign Program (CSP) Amendment for Asante Trails, Case FS25-1042, subject to stipulations 'a' and 'b' as outlined in the Staff Report. Commissioner Leonard seconded the motion. Motion passed with 6 votes in favor. Vice Chair Spata had an excused absence.

FS25-1042

Asante Trails

COMPREHENSIVE SIGN PROGRAM AMENDMENT

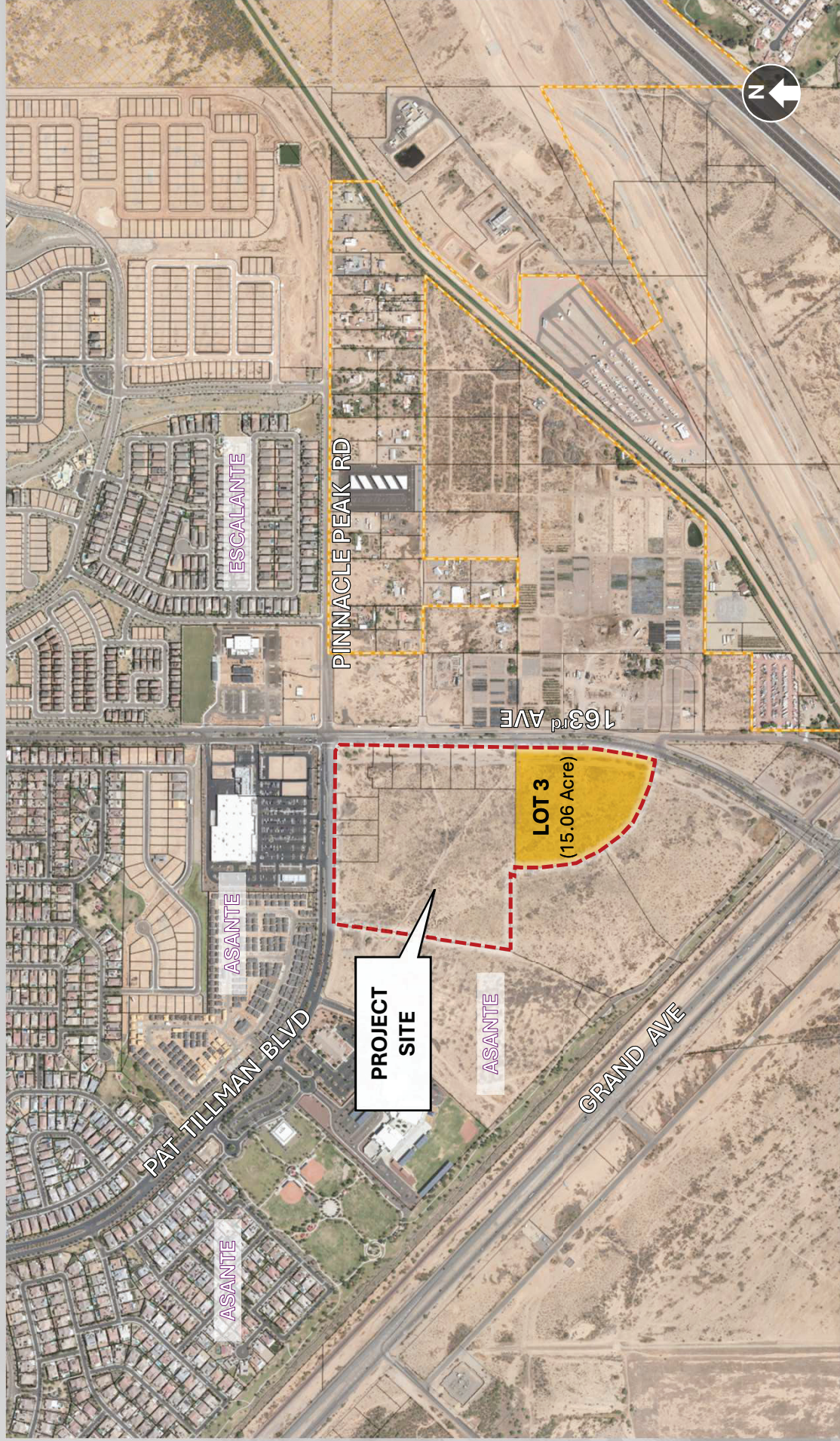
City Council

September 15, 2026

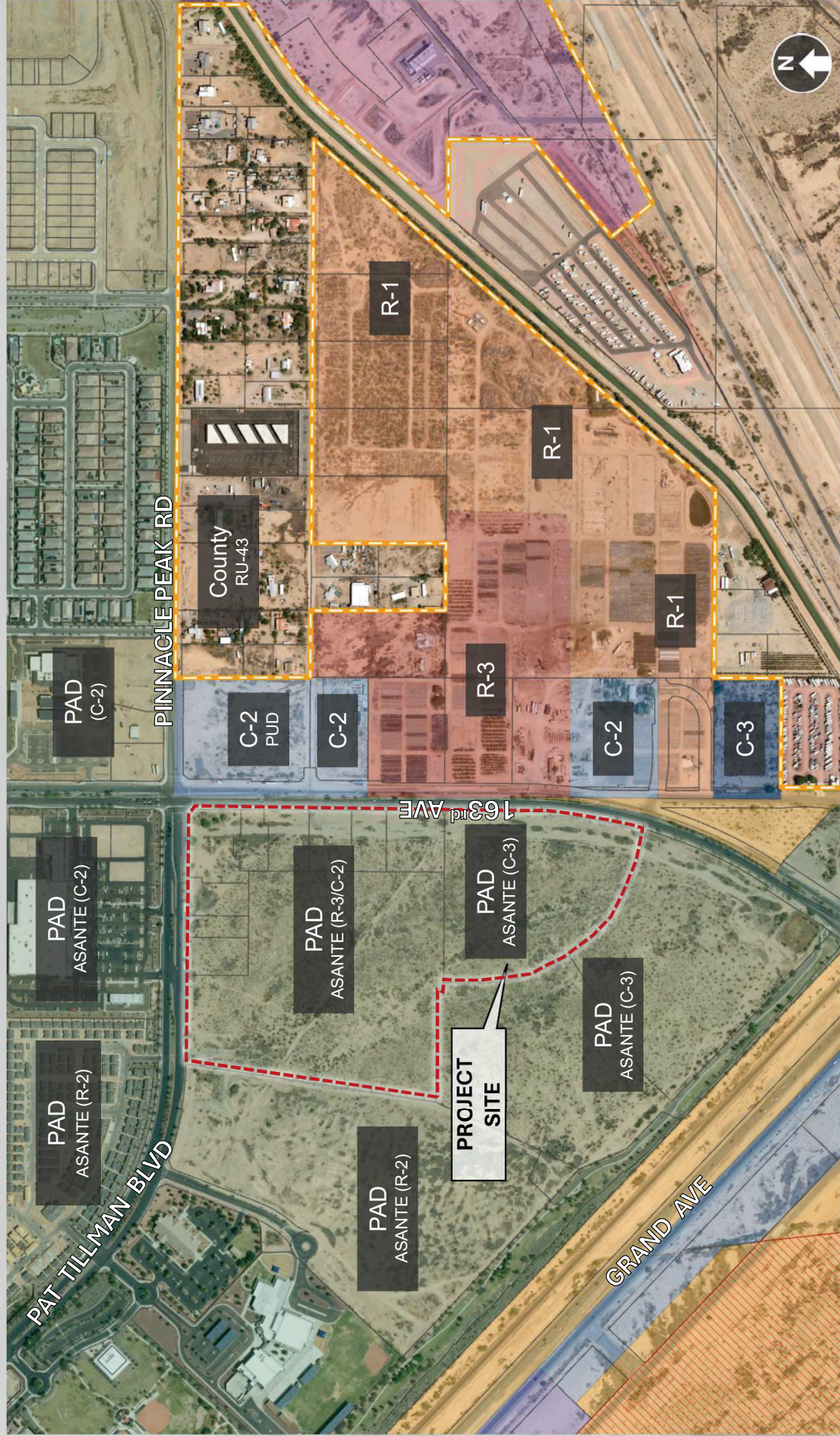


SURPRISE
ARIZONA

VICINITY MAP



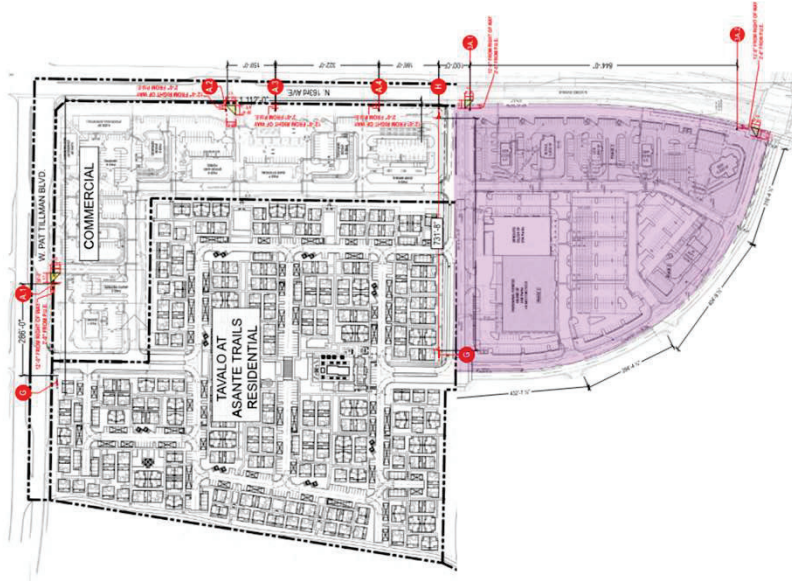
ZONING MAP



ASANTE TRAILS SIGN MATRIX

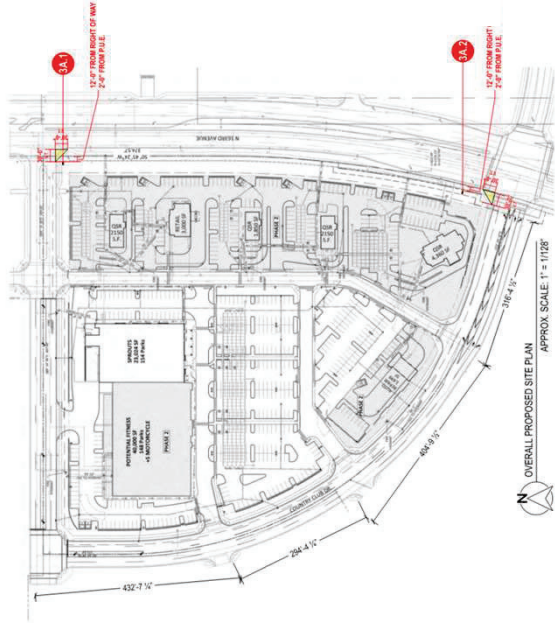
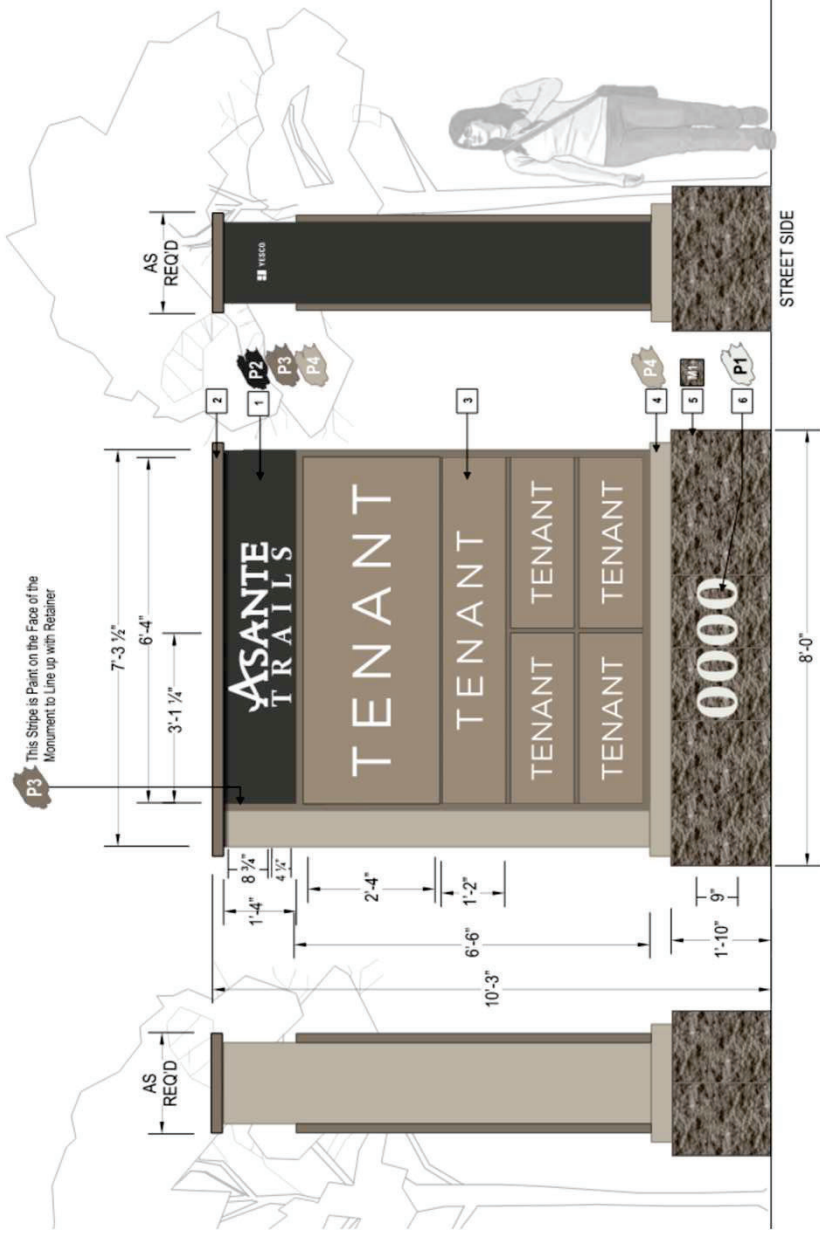
SIGN MATRIX: ASANTE TRAILS - LOTS 2 & 3 *REFER TO NARRATIVE FOR FURTHER INFORMATION REGARDING DEVIATIONS FROM THE LDC CHAPTER 09 DEVELOPMENT STANDARDS

SIGN TYPE	SIGN DESCRIPTION	FUNCTION	PLACEMENT	QUANTITY	SIZE	MATERIALS	ILLUMINATION
2A	FREESTANDING SIGN WITH INDIVIDUAL TENANT PANEL SIGNAGE	IDENTIFY TENANTS IN THE COMPLEX	THREE (3) LOCATED ON: N. 163RD AVENUE ONE (1) LOCATED ON: W. PAT TILLMAN BLVD.	Multi-Tenant Monument Two(2) Pad Monument Two(2)	9'-10 1/2" X 7'-7"	ALUMINUM ACRYLIC CAMU STONE VENEER	INTERNALLY ILLUMINATED WITH WHITE LEDS
3A	FREESTANDING SIGN WITH INDIVIDUAL TENANT PANEL SIGNAGE	IDENTIFY TENANTS IN THE COMPLEX	TWO (2) LOCATED ON: N. 163RD AVENUE	Multi-Tenant Monument Two(2)	10'-3" x 7'-3 1/2"	ALUMINUM ACRYLIC CAMU STONE VENEER SEE PAGE 12 FOR ADDITIONAL DETAILS	INTERNALLY ILLUMINATED WITH WHITE LEDS
B	DIRECTIONAL SIGNAGE CLASS III MONUMENT	TO DIRECT TRAFFIC TO BUSINESS ENTRIES OR DRIVE THRU ON EXITS	PERMITTED ALONG STREET FRONTAGE IN CONJUNCTION WITH A DRIVEWAY. NOT TO EXCEED 30" IN HEIGHT OR 36" FROM ADJACENT PAVEMENT	NUMBER TO BE DETERMINED	NOT TO EXCEED 30' IN HEIGHT AND NOT TO EXCEED 6 SQUARE FEET	ALUMINUM VINYL ACRYLIC STONE VENEER	NON-ILLUMINATED OR INTERNALLY ILLUMINATED WITH WHITE LEDS
C	SIGNAGE CLASS I	PROVIDE MENU AND ORDERING FOR BUSINESS WITH A DRIVE THRU	EXACT LOCATION TO BE DETERMINED	1 PER BUSINESS	BOTTOM OF SIGN NITE 2'-0" FROM GRADE NO MORE THAN 6'-0" TALL FROM GRADE TO TOP OF SIGN NO MORE THAN 50 SF	ALUMINUM VINYL ACRYLIC STONE VENEER	NON-ILLUMINATED OR INTERNALLY ILLUMINATED WITH WHITE LEDS
D	DRIVE THRU SIGNAGE CLASS II	PROVIDE A PREVIEW MENU TO PREPARE FOR ORDERING	EXACT LOCATION TO BE DETERMINED	1 PER BUSINESS	BOTTOM OF SIGN NITE 2'-0" FROM GRADE NO MORE THAN 6'-0" TALL FROM GRADE TO TOP OF SIGN NO MORE THAN 50 SF	ALUMINUM VINYL ACRYLIC STONE VENEER	NON-ILLUMINATED OR INTERNALLY ILLUMINATED WITH WHITE LEDS
SIGN TYPE	BUILDING / TENANT TYPE	LOCATION	QTY / SIGN AREA	MAX. LETTER / LOGO HEIGHTS	MATERIALS	ILLUMINATION	
E	MAJOR GROCERY TENANT BUILDINGS WALL SIGNAGE	SIGNAGE MAY BE PLACED ON ANY LEASED TENANT ELEVATION FACING A MAIN STREET OR PRIMARY PARKING AREA	2.5 SF PER LINEAL FOOT OF SOUTH ELEVATION ELIGIBLE FOR PRIMARY SIGNAGE OCCUPIED BY TENANT 1.5 SF PER LINEAL FOOT OF NORTH ELEVATION ELIGIBLE FOR SECONDARY SIGNAGE OCCUPIED BY TENANT SEE PAGE 19 FOR ADDITIONAL INFORMATION	LOGO HEIGHT: NITE 12" LETTER HEIGHT IF SIGN HAS TWO LINES OF COPY: NITE 54" PER LINE LETTER HEIGHT IF SIGN HAS SINGLE LINE OF COPY: NITE 48" MINIMUM LETTER HEIGHT: 12" NO WALL SIGNAGE TO PROJECT MORE THAN 18" FROM WALL IT'S MOUNTED ON	MAIN ID AND SECONDARY SIGNAGE FRONT LIT PAN CHANNEL, REVERSE LIT PAN CHANNEL, FRONT & REAR ILLUMINATED CABINET SECONDARY SIGNAGE FOO LETTERS OR PUSH THRU ILLUMINATED CABINET	ALL MAIN ID CHANNEL LETTERS MUST BE ILLUMINATED. SECONDARY SIGNAGE MAY BE ILLUMINATED OR NON-ILLUMINATED. ELECTRONIC MESSAGE CENTERS ARE NOT PERMITTED	
F	MULTI TENANT BUILDINGS WALL SIGNAGE	SIGNAGE MAY BE PLACED ON ANY LEASED TENANT ELEVATION FACING A MAIN STREET OR PRIMARY PARKING AREA	1.5 SF PER LINEAL FOOT OF EACH ELIGIBLE ELEVATION OCCUPIED BY TENANT SEE PAGE 19 FOR ADDITIONAL INFORMATION	LOGO HEIGHT: NITE 48" LETTER HEIGHT IF SIGN HAS TWO LINES OF COPY: NITE 30" LETTER HEIGHT IF SIGN HAS SINGLE LINE OF COPY: NITE 24" MINIMUM LETTER HEIGHT: 18" NO WALL SIGNAGE TO PROJECT MORE THAN 18" FROM WALL IT'S MOUNTED ON	MAIN ID SIGNS / LOGO SIGNS FRONT LIT PAN CHANNEL, REVERSE LIT PAN CHANNEL, FRONT & REAR ILLUMINATED CABINET SECONDARY SIGNAGE FOO LETTERS OR PUSH THRU ILLUMINATED CABINET	ALL MAIN ID CHANNEL LETTERS MUST BE ILLUMINATED. SECONDARY SIGNAGE MAY BE NON-ILLUMINATED. ELECTRONIC MESSAGE CENTERS ARE NOT PERMITTED	
G	PAD BUILDINGS WALL SIGNAGE	SIGNAGE MAY BE PLACED ON ANY LEASED TENANT ELEVATION FACING A MAIN STREET OR PRIMARY PARKING AREA	1.5 SF PER LINEAL FOOT OF EACH ELIGIBLE ELEVATION OCCUPIED BY TENANT SEE PAGE 19 FOR ADDITIONAL INFORMATION	LOGO HEIGHT: NITE 72" LETTER HEIGHT IF SIGN HAS TWO LINES OF COPY: NITE 54" PER LINE LETTER HEIGHT IF SIGN HAS SINGLE LINE OF COPY: NITE 48" MINIMUM LETTER HEIGHT: 24" NO WALL SIGNAGE TO PROJECT MORE THAN 18" FROM WALL IT'S MOUNTED ON	MAIN ID SIGNS / LOGO SIGNS FRONT LIT PAN CHANNEL, REVERSE LIT PAN CHANNEL, FRONT & REAR ILLUMINATED CABINET SECONDARY SIGNAGE FOO LETTERS OR PUSH THRU ILLUMINATED CABINET	ALL MAIN ID CHANNEL LETTERS MUST BE ILLUMINATED. SECONDARY SIGNAGE MAY BE NON-ILLUMINATED. ELECTRONIC MESSAGE CENTERS ARE NOT PERMITTED	



COMMERCIAL MAJOR MONUMENT SIGNS

SIGNS 3A-1 & 3A-4



CLASS VI MONUMENT	LDO STANDARD	PROPOSED CSP
Number of Signs	1 sign per 150'	1 sign per 150'*
* Deviation Requested for Sign 3A-1: Reduce separation to 100' from Tavallo Drive Aliste Sign (H).		
Max. Height	15' - 0" *	10' - 3"
* 17' for architectural embellishments		
Max. Sign Area	120 SQ. FT.	49.56 SQ. FT.

OUTREACH

Neighborhood Meeting

- July 27, 2026
- Asante Public Library
- One (1) Resident in Attendance

RECOMMENDATION

On August 20, 2026, the Planning and Zoning Commission recommended **approval** of case **FS25-1042** to the City Council, subject to stipulations ‘a’ through ‘b’.

Questions or Comments?

THANK YOU



SURPRISE
ARIZONA

STIPULATIONS

- a) Development and use of the site shall be consistent with the Rezone Narrative entitled “*Asante Trails Comprehensive Sign Program Amendment*”, prepared by Yesco, and received by the City April 17, 2026.
- 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.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 15, 2026 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Consideration and action pertaining to a Minor General Plan Amendment of approximately 7.52 acres from Neighborhood Character Area to Commerce and Office Character Area for property generally located near the southeast corner of Happy Valley Road and 157th Avenue. Case FS25-1081. Resolution 2026-127.

Motion:

I move to approve Resolution 2026-127.

Background:

Withy Morris Baugh, PLC requests a Minor General Plan Amendment of approximately 7.52 acres from Neighborhood Character Area to Commerce and Office Character area to accommodate an associated rezone request from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Area Development (PUD) overlay under the same subject case. The project is located along the southeast corner of Happy Valley Road and 157th Avenue.

Objective Analysis:

This Minor General Plan Amendment will allow the applicant to rezone the Property from Rural Residential (RR) to Regional Commercial (C-3) to develop a tech-park.

Policy Compliant:

The requested Minor General Plan Amendment complies with the requirements of the General Plan 2040 for a minor amendment.

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-FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA - Staff Report
 2. 01-FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA - Vicinity Map
 3. 02-FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA - Existing General Plan Land Use
 4. 03-FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA - Proposed General Plan Land Use
 5. 04-FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA - Minor GPA Narrative
 6. 05-FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA - Citizen Participation Report
 7. 06-FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA - Affidavit of Posting
 8. 07-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Letters of Opposition and Support
 9. 08-FS25-1081 Happy Valley Road Biz-Tech Park - Resolution 2026-127
 10. 09-FS23-1081 Happy Valley Road Biz-Tech Park PZ Recommendation
 11. FS25-1081 Happy Valley Road Biz-Tech Park Minor GPA.PowerPoint
-

Minor General Plan Amendment

Report to the City Council

Case:	FS25-1081
Project Name:	Happy Valley Road Biz-Tech Park – Minor General Plan Amendment
Council District:	1- Acacia
P&Z Commission Date:	August 20, 2026
City Council Date:	September 15, 2026
Planner:	Chris Sexton, Senior Planner
Owner:	Happy Valley Rd LLC
Applicant:	Withey Morris Baugh, PLC
Request:	Minor General Plan Amendment to change the land use designation of 7.52 acres from Neighborhood Character Area to Commerce and Office Character Area.
Site Location:	Generally located near the southeast corner of Happy Valley Road and 157th Avenue.
Site Size:	7.52 gross acres (approx.)
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2040.
Support/Opposition:	Refer to the attached Citizen Participation Report.
Commission Recommendation:	The Planning and Zoning Commission recommends approval of the Minor General Plan Amendment to the Mayor and City Council.

Project Description:

Withey Morris Baugh, PLC (the “Applicant”) requests a Minor General Plan Amendment of approximately 7.52 acres from Neighborhood Character Area to Commerce and Office Character Area (the “Project”). The area proposed to be modified is approximately 7.52 acres and is located near the southeast corner of Happy Valley Road and 157th Avenue. The general plan requires that any change in the character area land use designation from Neighborhood to Commerce and Office on less than 640 acres be processed as a minor amendment. Per Arizona Revised Statutes (ARS) § 9-461.06, the City may consider a Minor General Plan Amendment to the Surprise General Plan 2040 at any time during a calendar year.

Background:

January 12, 2006: The subject parcel was annexed into the City of Surprise under Ordinance 05-60.

September 25, 2025: A concept review meeting was held with the Applicant under case CR25-0780.

December 26, 2025: The Applicant filed the Minor General Plan Amendment request under case, FS25-1081, the subject case.

March 4, 2026: The Applicant held a neighborhood outreach meeting to discuss the Project.

June 22, 2026: The Applicant held a second neighborhood outreach meeting to discuss the Project as there were changes to the project which warranted another outreach meeting.

August 20, 2026: The Planning and Zoning Commission recommended approval of the Property.

Analysis and Discussion:

The subject request is for a Minor General Plan Amendment of approximately 7.52 acres from Neighborhood Character Area to Commerce and Office Character Area. The Project area consists entirely of vacant land. Surrounding properties are also predominantly vacant, with the exception of existing single-family residential development located north of Happy Valley Road. The request is to allow the development of the proposed flex-business-tech park with outdoor storage and use areas, which requires a rezone to Regional Commercial (C-3). The current General Plan land use designation of Neighborhood Character Area does not support the C-3 zoning district, whereas the requested Commerce and Office land use designation does. As detailed in Sections D and E of the Minor General Plan Amendment Narrative provided by the applicant, the requested Minor General Plan Amendment and its supporting justification are presented below, followed by the General Plan Compliance Statement.

Minor General Plan Amendment Request and Justification

As described by the City of Surprise 2040 General Plan, “The Commerce and Office Land Use Character Area defines those unique areas within the City that, because of their broad development potential, can comfortably accommodate a variety of land uses.” The Commerce and Office Character Area intends to create employment opportunities and foster economic sustainability, and includes uses proposed by the Project such as flex industrial, business parks, and hi-tech parks.

The Project meets and exceeds the following development guidelines for the Commerce and Office Character Area as contemplated in the City of Surprise 2040 General Plan:

Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding areas.

Response: Considering that neighboring properties to the east, south, and west are currently vacant, this Project will set the precedence for thoughtfully designed development in the area. The site plan includes enhanced landscape buffers and increased setbacks that go beyond requirements to provide clear transitions between uses. These measures support future connectivity and integration with adjacent properties as the area develops.

Commercial, professional office or civic uses should be located along and oriented toward ease of access from collector or arterial corridors where direct access to transit is available or will be provided over time.

Response: The property is located near the intersection of Happy Valley Road and 155th Avenue, an intersection contemplated to become a major intersection. This contributes to a unique area with broad development potential, and an opportunity for a mixture of office and employment, consistent with the intent to locate such uses where access and visibility are maximized.

Buildings should be articulated with varied massing and include architecturally interesting elements, pedestrian friendly entrances, outdoor dining areas, transparent windows or other means that emphasize human-scaled design features, particularly at the street level.

Response: The conceptual site plan features five (5) buildings of varied massing and is intended to include architecturally interesting features, such as canopies, to create a sense of place. Pedestrians can enjoy the planned walking path that spans the entire east and south boundaries, while bicyclists will also be accommodated with designated on-site parking, promoting an active, human-scale environment.

Where appropriate, all mixed-use developments should include active and passive open space areas designed, located and oriented to provide high pedestrian accessibility to adjacent development.

Response: The site plan provides both active and passive open spaces through three outdoor amenity areas and integrated stormwater management features along the east, west, and north boundaries. These spaces are designed and located to be easily accessible to pedestrians and to connect with adjacent future development.

General Plan Compliance Statement

The Project and the proposed Minor General Plan Amendment to the Commerce and Office Character Area would be consistent with the following goals and policies set forth by the City of Surprise 2040 General Plan.

Goal 4.1 *Maintain a well-managed community form.*

Policy 1. *Guide the design, pattern, and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and respects desirable community character and context for both existing and future residents.*

Response: The Project incorporates best practices such as varied building sizes and enhanced landscaping for visual diversity, while the pedestrian trail and outdoor amenities promote opportunities for social interaction. The combination of flexibility and the high-quality nature of the development contributes to a well-managed community forum for both existing and future residents.

Goal 4.2 *Be a home for everyone.*

Policy 7. *Accommodate medium and high-density development/redevelopment in appropriate areas of the City and that are good neighbors to existing development.*

Response: The Project is intended to provide service and employment opportunities for Surprise residents while encouraging local business growth that compliments the area. The development pattern will be context-sensitive, considering the existing residential nature of the area while acknowledging the expected continued growth along Happy Valley Road.

Goal 8.1 *Support economic competitiveness.*

Policy 3. *Support small business enterprise with access to professional resources that will assist in all stages of a business life cycle.*

Response: The Project provides spaces to allow for small businesses to establish and grow within the City of Surprise, fostering a stronger local economy that enhances long-term competitiveness. The flexibility of the spaces allows for business growth to occur in place, limiting the need to relocate outside of the City of Surprise.

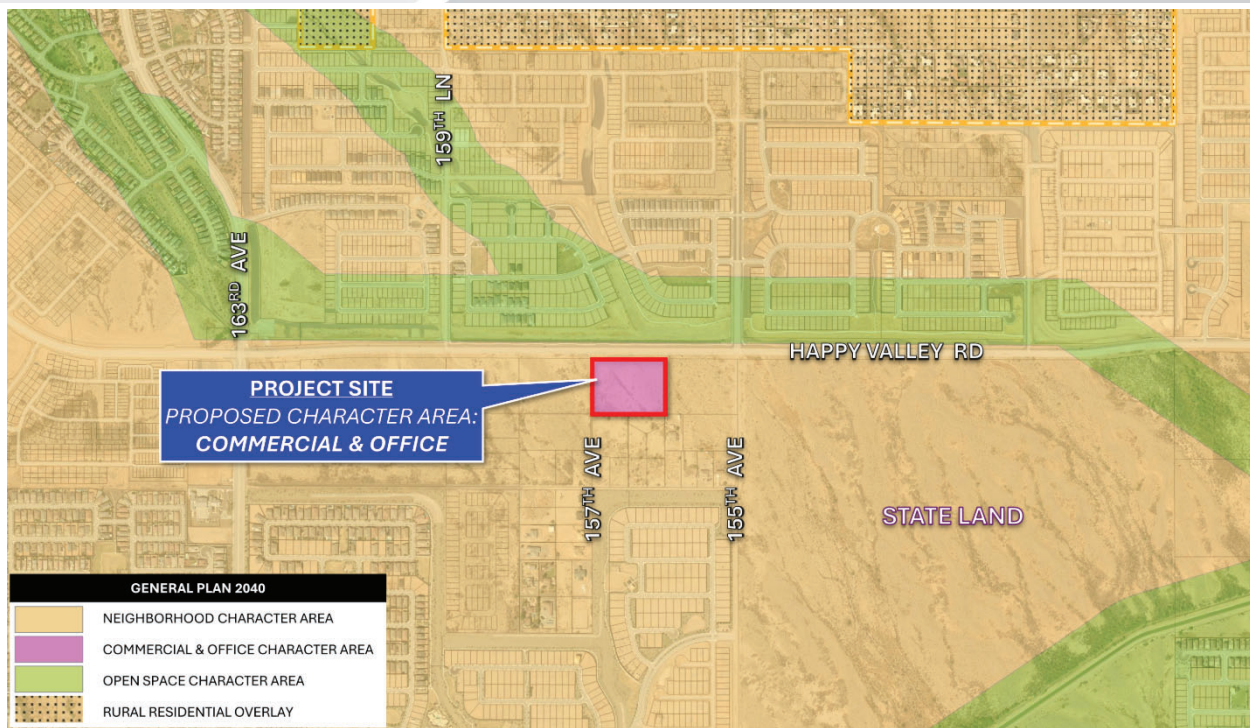
Policy 8. *Encourage new employment centers by providing the infrastructure necessary to accommodate new industry, while also remaining flexible to future economic shifts and needs.*

Response: The Project directly contributes to this policy by both accommodating new industry and providing adaptable building configurations that allow for a quick response to changing economic conditions and future industry needs. This helps establish a functional and resilient employment center for the community for many years to come.

In conjunction with this Minor General Plan Amendment, the applicant is requesting a Rezone (under the same case number, FS25-1081) on 7.52 acres of Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay to allow for the development of a business tech park. By aligning these goals and policies, the Happy Valley Road Biz-Tech Minor General Plan Amendment proposal supports the City's vision for a livable community, a connected city, and a competing economy.



Existing General Plan Land Use



Proposed General Plan Land Use

Conformance with Adopted Plans:

The Surprise General Plan 2040 shows the subject property as lying within the Neighborhood Character Area. The application is requesting approval of a Minor General Plan Amendment to change the land use designation of approximately 7.52 acres from Neighborhood Character Area to Commerce and Office Character Area. The proposed amendment complies with the requirements of the general plan for a minor amendment. The planned connection of 155th Avenue to Loop 303 to the south will make the intersection of Happy Valley Road and 155th Avenue a major arterial intersection. Staff believes that these roadway improvements could intensify the area and facilitate commercial development. In addition to the subject application, staff is aware of a proposed potential commercial development directly east of the subject property, at the southwest corner of 155th Avenue and Happy Valley Road. East of 155th Avenue lies State Trust Land, which has yet to be sold or leased for a highest and best use. Due to the activity in the area, staff suggested that the applicant consider expanding the boundaries of their Minor General Plan Amendment application to include additional property to the east. This could facilitate additional commercial development around the intersection and better reflect the anticipated intensification of the area. The applicant, however, elected to keep the scope of their application to be limited to the subject project and parcel.

Reviewing Agencies:

In addition to the standard City reviewing agencies, the Arizona Game and Fish Department, the Maricopa Water District, the Flood Control District of Maricopa County, and Luke Air Force Base were included in the routing of this request. These agencies indicated no objections to the request.

Citizen Outreach:

Two neighborhood outreach meetings were held on March 4, 2026, and June 22, 2026, at Asante Preparatory Academy. Both meetings were noticed in accordance with applicable City and State public notification requirements.

The first neighborhood outreach meeting, held on March 4, 2026, was attended by four (4) members of the public. Questions and comments focused primarily on transportation and the proposed land uses. The second neighborhood outreach meeting, held on June 22, 2026, was attended by two (2) members of the public. Discussion centered on the overall development area, including transportation infrastructure, the development review process, land use designations, and proposed community amenities.

Summary:

The proposed Minor General Plan Amendment will allow the project to move forward with the rezone case under the same case number, FS25-1081.

Findings:

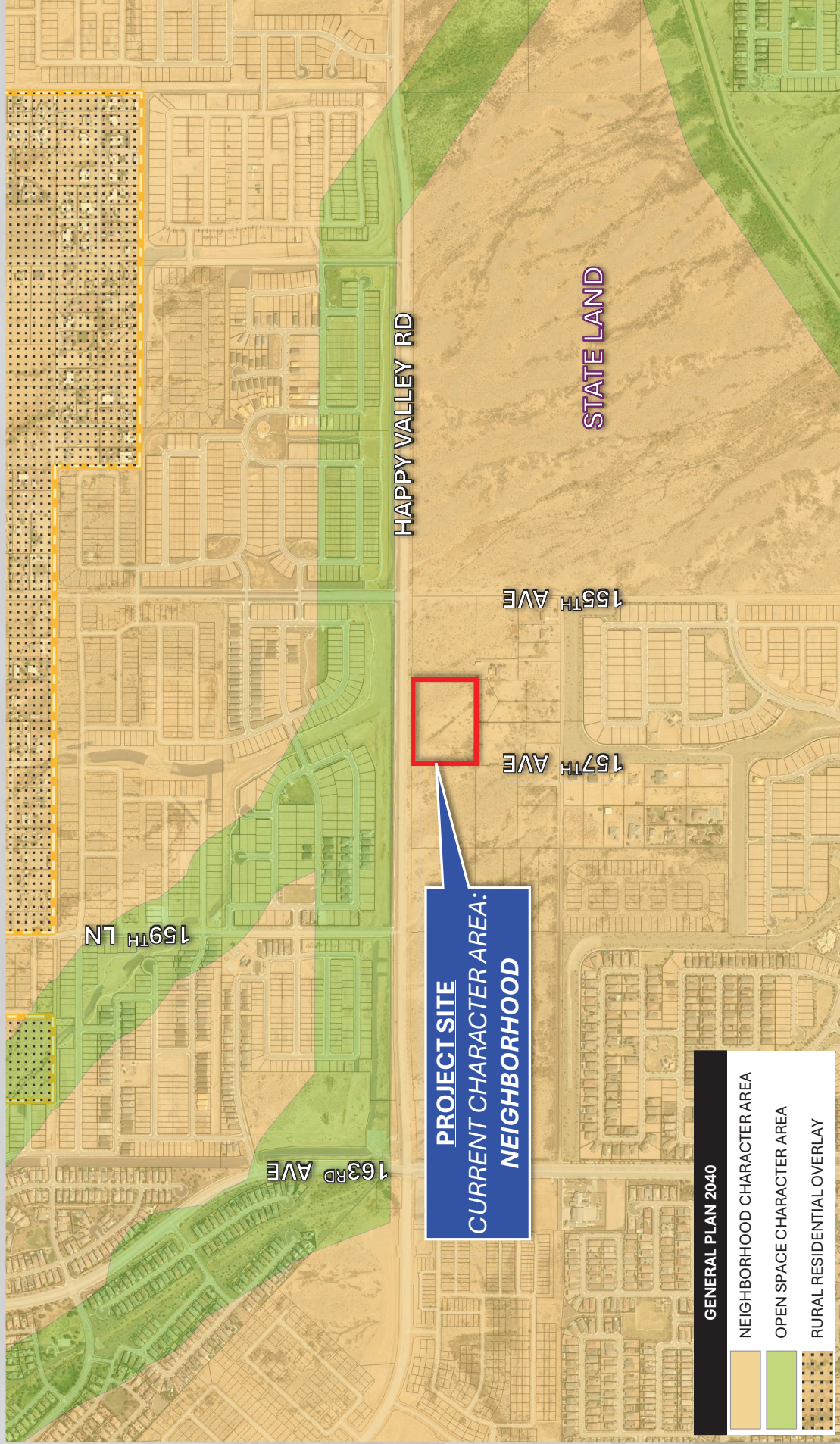
- The proposed Minor General Plan Amendment complies with the requirements under ARS § 9-461.06.

Attachments:

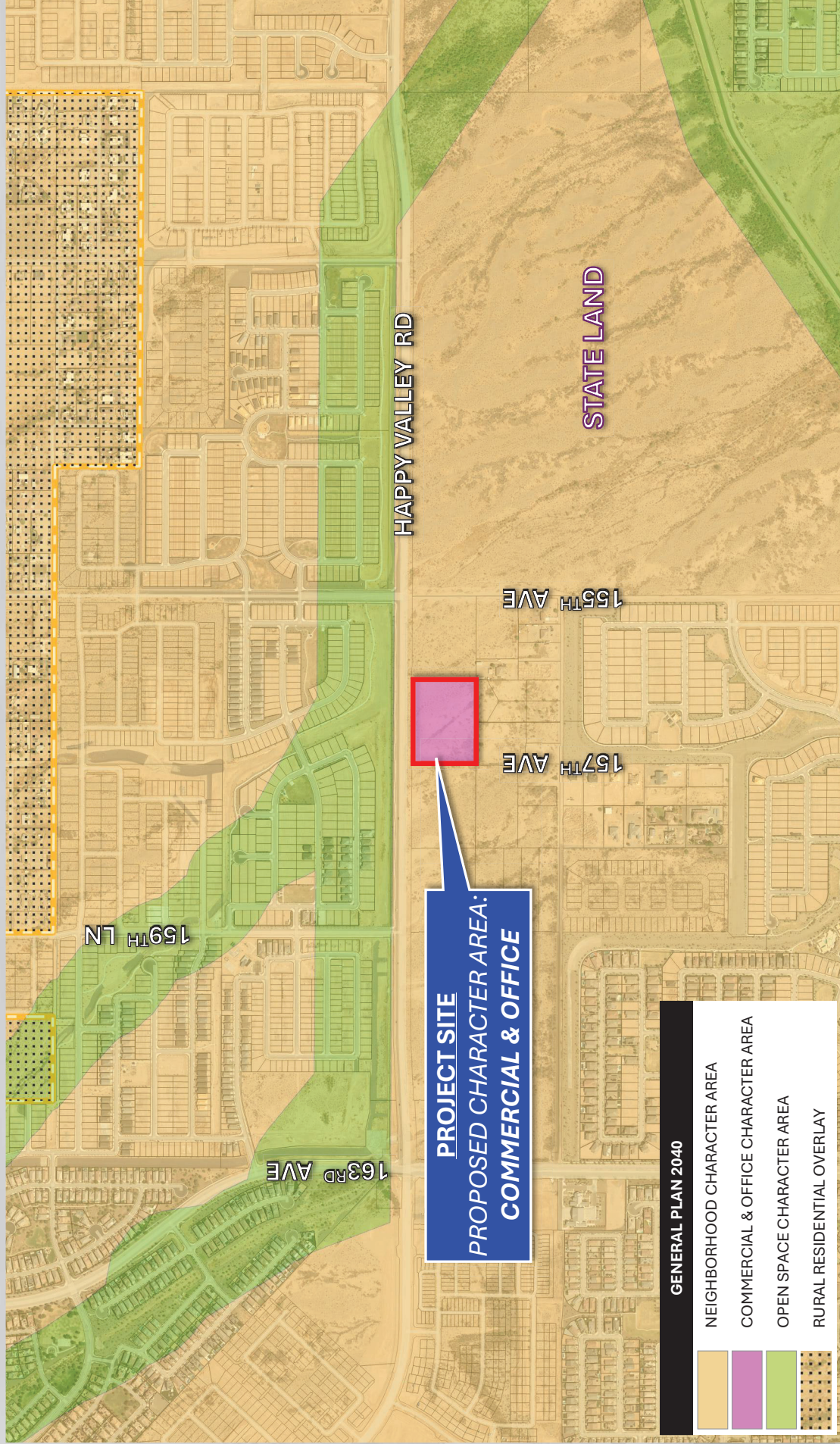
01 Vicinity Map
02 Existing General Plan Land Use Map
03 Proposed General Plan Land Use Map
04 General Plan Amendment Document
05 Citizen Outreach Report – REDACTED
06 Affidavit of Site Posting
07 Letters of Opposition/Support
08 Resolution 2026-127
09 P&Z Recommendation
PPT

FS25-1081 VICINITY MAP





GENERAL PLAN MAP



GENERAL PLAN 2040

- NEIGHBORHOOD CHARACTER AREA
- COMMERCIAL & OFFICE CHARACTER AREA
- OPEN SPACE CHARACTER AREA
- RURAL RESIDENTIAL OVERLAY

Happy Valley Road Biz-Tech Park

Case No. FS25-1081

Minor General Plan Amendment Project Narrative
SEC of the Happy Valley Road and 157th Avenue Future Alignments

1st Submittal: December 29, 2025

2nd Submittal: March 26, 2026

3rd Submittal: May 22, 2026

4th Submittal: June 29, 2026



WITHEY
MORRIS
BAUGH

Development Team

Property Owner/ Developer

Happy Valley Road, LLC

1733 N. Greenfield Street, Ste. 101

Mesa, AZ 85205

Representative

Withey Morris Baugh, PLC

2121 E. Highland Ave.

Phoenix, AZ 85016

Adam Baugh | adam@wmbattorneys.com



Architect

Ware Malcomb

2777 E. Camelback Road, Suite 325

Phoenix, AZ 85016



Table of Contents

Purpose 1

Property and Context..... 1

Project Overview..... 1

Minor General Plan Amendment Request and Justification3

General Plan Compliance Statement4

Conclusion5

List of Exhibits

- Aerial Map
- Existing General Plan Land Use Map
- Proposed General Plan Land Use Map
- Conceptual Site Plan

A. Purpose

This application is being submitted on behalf of Happy Valley Road, LLC, the proposed developer of approximately 7.52-acre property located at the southeast corner of Happy Valley Road and 157th Avenue future alignment (the “Property”), which is also known commonly as Maricopa County Assessor’s Parcel Number (APN) 503-58-975. See Aerial Map at **Tab 1**. As the City of Surprise continues to experience strong growth, our client envisions development of the Property as a flex business-tech park (“the Project”). The development is intended to support the growing community by providing new services, employment opportunities and space for small businesses to establish a local presence where they currently live and, in theory, reduce the overall commute times since local trips stay local. Beyond local small business ownership, other potential uses could include technology, research and development, flex-industrial, medical, and office uses.

To develop the Property as intended, a minor General Plan Amendment and a Rezoning are being pursued concurrently at this time. Additional applications for a Conditional Use Permit with Site Plan and a Final Plat are to be submitted at a later date.

B. Property and Context

The Property is currently undeveloped vacant land with a General Plan land use designation of ‘Neighborhood’ and a Zoning designation of ‘Rural Residential.’ See **Tab 2**, Existing General Plan Land Use Map, and **Tab 3**, Proposed General Plan Land Use Map. The table below further details the general plan designations, zoning designations, and uses of parcels immediately surrounding the Property.

	General Plan Designation	Zoning Designation	Current Use
North	Neighborhood/Open Space	Tierra Verde West PAD	Happy Valley Road; Beyond Street: Common Area for Single Family Residential Development
South	Neighborhood	R-3 PUD	Vacant
East	Neighborhood	RR (pending commercial rezone)	Vacant
West	Neighborhood	R-3 PUD	Vacant

C. Project Overview

The applicant proposes a flex business-tech park that provides new opportunities for commercial, employment and community business services. The key planning emphasis is integration between the commercial employment buildings, arterial street, and adjacent

uses. The site plan creates new employment opportunities that provide economic prospects, social vitality and flexibility in the attraction of new commercial employment uses.

It is our intent to deliver commercial and employment services that are long desired in this area. The concept plan shows a range of building types and employment uses focused on meeting the daily needs of the area residents while being compatible with and integrated into a village concept. See **Tab 4**, Conceptual Site Plan.

Given the Project's intentional flexibility, the site plan reflects this theme with five (5) buildings of varying dimensions. Proposed sizes range from 13,870 square feet to 22,710 square feet and can be further divided to accommodate tenant needs as necessary. Consistent with the proposed zoning, maximum 32' tall building heights are proposed. The buildings have been thoughtfully oriented to allow ample on-site access, create a cohesive development, and consider future neighboring uses.

The buildings on the south side are oriented so that store front and customer parking face the south side and the rear doors are oriented internal to the project. The buildings are also setback 99 feet, almost double the minimum code standard (50').

The conceptual site plan features a central outdoor amenity area. The larger outdoor amenity area is located south of Building 1 and is approximately 13,000 square feet. The amenity area will be shared between all the condo owners and onsite employees and provide a pleasant gathering spot for the campus. The amenity area may include, but is not limited to; landscaping, seating, outdoor tables, outdoor games, canopies, pavilions, and more. The purpose of the amenity areas is to give customers and employees a place to recreate, community gatherings, and convening spaces.

Access to the property is via one (1) right-in, right-out driveway on Happy Valley Road and one (1) full-access drive along the western boundary onto 157th Avenue. Onsite circulation has been carefully designed to accommodate a variety of users, with looped internal circulation that considers a variety of vehicles.

157th along Happy Valley Road is the quarter mile location for the future signals along the corridor. While a signal is not warranted based on the proposed traffic volumes, it is recommended that the City of Surprise monitor this location as traffic volumes become actualized and evaluate the need for a potential future signal. At a minimum, conduit and underground shall be installed with the half street construction.

Happy Valley Road is a major arterial requiring 3 lanes of travel with a 4' wide bike lane, curbing, gutter, and sidewalk. 157th Ave is a local roadway (per COS STD DTL 3-07) requiring a minimum of 26'.

Parking is integrated across the Property and provides 163 vehicle parking spaces and 10 bicycle parking spaces. Additionally, a shared gated truck court is located between Buildings 2 and 3 for convenient loading.

Ample landscape setbacks are provided along the street frontage, southern and western perimeters. Additionally, a pedestrian trail is located along the Property's full perimeter.

D. Minor General Plan Amendment Request and Justification

A Minor General Plan Amendment is requested to allow the development of the proposed flex business-tech park. The designated General Plan Character Area for the Property is Neighborhood, which does not allow for the proposed employment uses. The requested General Plan Character area is to be Commerce and Office, which will support the desired development. See **Tab 3**, Proposed General Plan land use map.

As described by the City of Surprise 2040 General Plan, *"The Commerce & Office Land Use Character Area defines those unique areas within the City that, because of their broad development potential, can comfortably accommodate a variety of land uses."* (Commerce and Office Character Area, Pg. 68) The Commerce and Office Character Area intends to create employment opportunities and foster economic sustainability, and includes uses proposed by the Project such as flex industrial, business parks, and hi-tech parks.

The Project meets and exceeds the following development guidelines for the Commerce & Office Land Use Character Area as contemplated by the City of Surprise 2040 General Plan:

"Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses." (Compatibility and Transition Measures, Pg. 69)

Response: Considering that neighboring properties to the east, south, and west are currently vacant, this Project will set the precedence for thoughtfully designed development in the area. The site plan includes enhanced landscape buffers and increased setbacks that go beyond requirements to provide clear transitions between uses. These measures support future connectivity and integration with adjacent properties as the area develops.

"Commercial, professional office or civic uses should be located along and oriented toward ease of access from collector or arterial corridors where direct access to transit is available or will be provided over time." (Aesthetics and Built Form, Pg. 69)

Response: The Property is located near the intersection of Happy Valley Road and 155th Avenue, an intersection contemplated to become a major intersection. This contributes to a unique area with broad development potential, and an opportunity for a mixture of office and employment, consistent with the intent to locate such uses where access and visibility are maximized.

"Buildings should be articulated with varied massing and include architecturally interesting elements, pedestrian friendly entrances, outdoor dining areas, transparent windows, or other means that emphasize human-scaled design features, particularly at the street level." (Aesthetics and Built Form, Pg. 69)

Response: The conceptual site plan features five (5) buildings of varied massing and is intended to include architecturally interesting features, such as canopies, to create a sense of place. Pedestrians can enjoy the planned walking path that spans the entire east and south boundaries, while bicyclists will also be accommodated with designated on-site parking, promoting an active, human-scale environment.

"Where appropriate, all mixed-use developments should include active and passive open space areas designed, located and oriented to provide; high pedestrian accessibility to adjacent development." (Aesthetics and Built Form, Pg. 70)

Response: The site plan provides both active and passive open spaces through three outdoor amenity areas and integrated stormwater management features along the east, west, and north boundaries. These spaces are designed and located to be easily accessible to pedestrians and to connect with adjacent future development.

E. General Plan Compliance Statement

The Project and the proposed minor General Plan Amendment to the Commerce and Office Character area would be consistent with the following goals and policies set forth by the City of Surprise 2040 General Plan.

Goal 4.1 *Maintain a well-managed community form*

Policy 1. *Guide the design, pattern, and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and respects desirable community character and context for both existing and future residents.*

Response: The Project incorporates best practices such as varied building sizes and enhanced landscaping for visual diversity, while the pedestrian trail and outdoor amenities promote opportunities for social interaction. The combination of flexibility and the high-quality nature of the development contributes to a well-managed community form for both existing and future residents.

Goal 4.2 *Be a home for everyone*

Policy 7. *Accommodate medium and high-density development /redevelopment in appropriate areas of the City and that are good neighbors to existing development.*

Response: The Project is intended to provide service and employment opportunities for Surprise residents while encouraging local business growth that compliments the area. The development pattern will be context-sensitive,

considering the existing residential nature of the area while acknowledging the expected continued growth along Happy Valley Road.

Goal 8.1 *Support economic competitiveness*

Policy 3. *Support small business enterprise with access to professional resources that will assist in all stages of a business life cycle.*

Response: The Project provides space to allow small businesses to establish and grow within the City of Surprise, fostering a stronger local economy that enhances long-term competitiveness. The flexibility of the spaces allows for business growth to occur in place, limiting the need to relocate outside of the City of Surprise.

Policy 8. *Encourage new employment centers by providing the infrastructure necessary to accommodate new industry, while also remaining flexible to future economic shifts and needs.*

Response: The Project directly contributes to this policy by both accommodating new industry and providing adaptable building configurations that allow for a quick response to changing economic conditions and future industry needs. This helps establish a functional and resilient employment center for the community for many years to come.

By aligning with these goals and policies, the Happy Valley Road Biz-Tech Park Minor General Plan Amendment proposal supports the City's vision for a livable community, a connected city, and a competing economy.

F. Conclusion

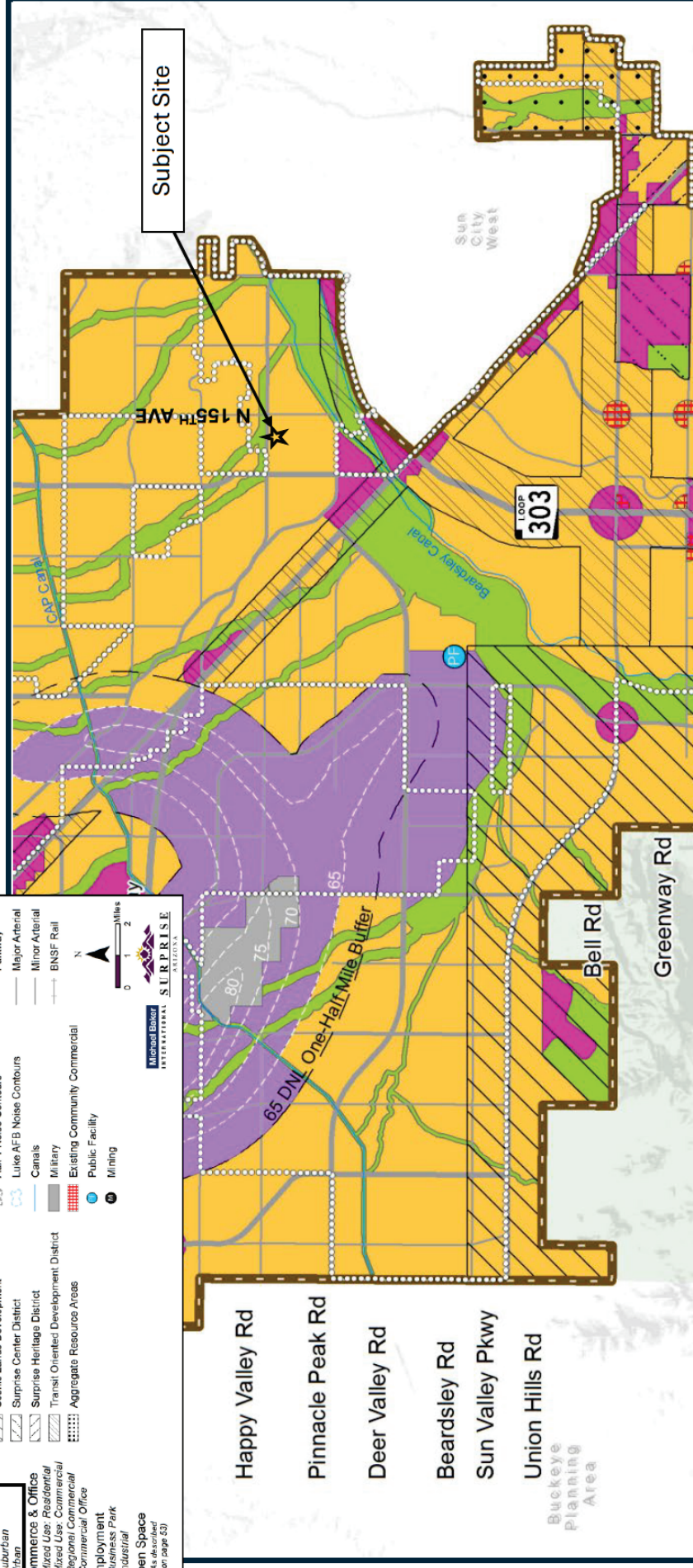
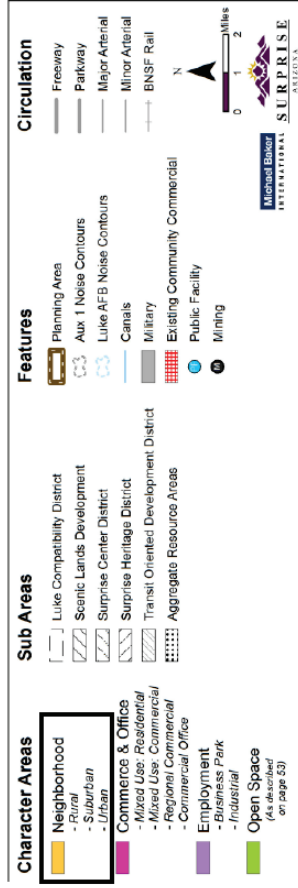
The proposed Minor General Plan Amendment will provide the framework for the development of a high-quality flex business-tech park that supports the City of Surprise's goals for balanced growth, economic vitality, and local employment opportunities. The Project will closely align with the intent of the Commerce and Office Character Area by promoting a mix of compatible commercial, office, and light industrial uses designed at an appropriate scale and intensity for the area. Through thoughtful site planning, enhanced landscaping, and attention to pedestrian and vehicular circulation, the Project will set a strong example for future development in the area.

Tab 1



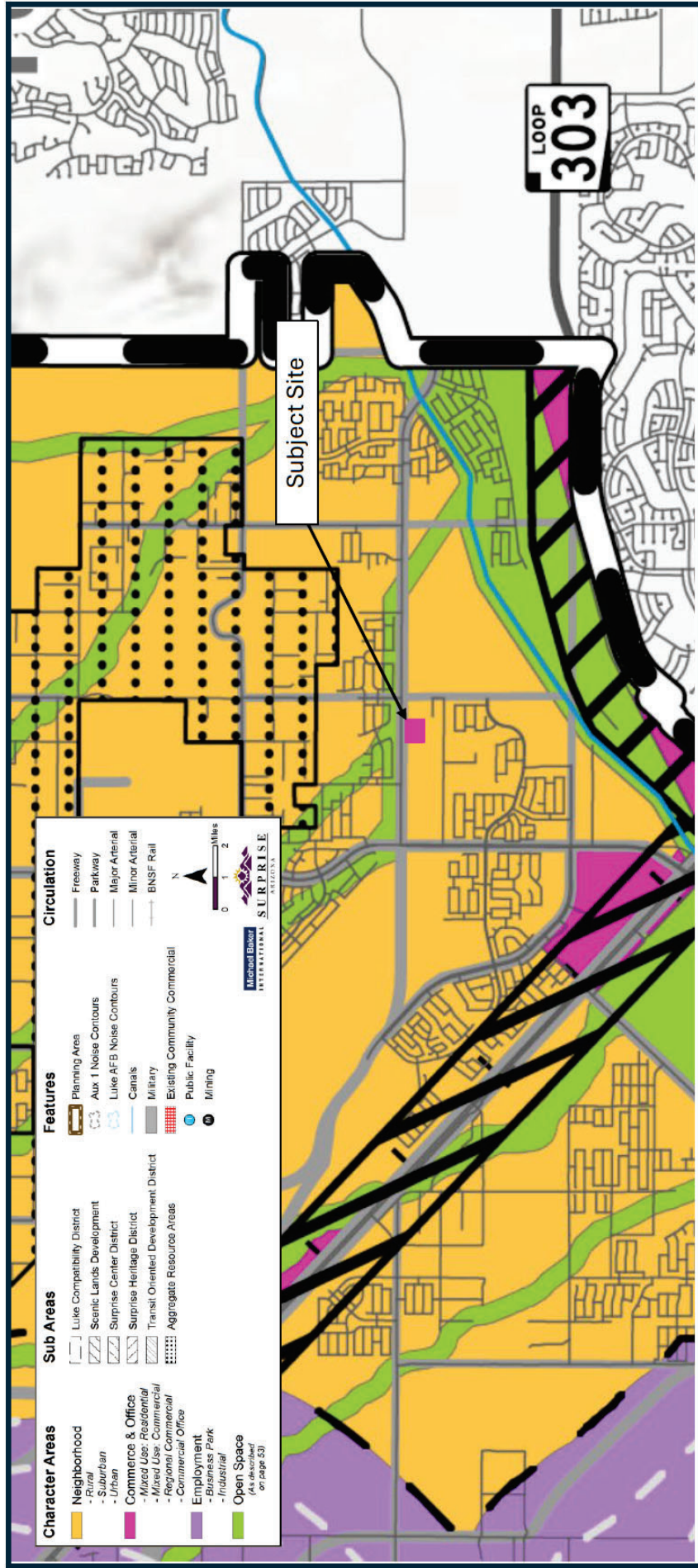
Site Aerial Map

Tab 2



General Plan Map

Tab 3



Proposed General Plan Map

Tab 4

A1.0		SHEET
PA / PH / MR DRAWN BY: C/A/A JOB NO.: PM202-0027-00	CONCEPTUAL SITE PLAN REMARKS 8.27.2025 CONCEPT REVIEW 11.4.2025 CONCEPT REVIEW	NEAR N 144TH RD & W HAPPY VALLEY RD SURPRISE, ARIZONA HAPPY VALLEY BIZ-TECH PARK
NOT FOR CONSTRUCTION OR RECORDATION		
WARE MALCOMB 2077 E. Camelback Rd. Suite 320 Phoenix, Arizona 80116 P 480.767.1001 F 480.967.2288		

DEVELOPMENT STANDARDS

Surprise, AZ 503-588-9775	Jurisdiction APN	Current Zoning RR	C-3 (REGIONAL COMMERCIAL)	Proposed Zoning Max Building Height Lot Coverage Open Space	Max Building Height Lot Coverage Open Space
				45 FT N/A N/A	45 FT N/A N/A
				35 FT 20 FT 20 FT 45 FT 45 FT 45 FT	35 FT 20 FT 20 FT 45 FT 45 FT 45 FT
				15 FT 10 FT 10 FT 10 FT 10 FT	15 FT 10 FT 10 FT 10 FT 10 FT
				10' x 10' 10' x 10' 10' x 10' 10' x 10' 10' x 10'	10' x 10' 10' x 10' 10' x 10' 10' x 10' 10' x 10'
				Commercial 1/500 SF	Commercial 1/500 SF

PROJECT DATA

Site Summary	Site Area	Net Site Area	Total Building Area	On-site Landscape Area	ROW Landscape Area	Gross Floor Area	Parking
Stormwater Management	374,590 SF	23,660 SF	129,711 SF	7,609 SF	137,320 SF	81,135 SF	13,870 SF
Net Site Area	327,771 SF						29 Stalls
Total Building Area							29 Stalls
On-site Landscape Area							29 Stalls
ROW Landscape Area							29 Stalls
Gross Floor Area							29 Stalls

Building Areas - Parking

Building	Area	Stalls
BLDG. 1	13,870 SF	29 Stalls
BLDG. 2	14,565 SF	29 Stalls
BLDG. 3	14,565 SF	29 Stalls
BLDG. 4	15,425 SF	34 Stalls
BLDG. 5	22,710 SF	40 Stalls
Gross Floor Area	81,135 SF	162 Stalls

Parking Data

Stalls Required	Standard Provided	Standard Accessible Provided	Van Accessible Provided	Total Stalls Provided
81,135 / 500 = 162 Stalls	157 Stalls	5 Stalls	1 Stalls	163 Stalls

Notes

- Only applies when adjacent to a Residential Zone boundary. No minimum otherwise.
- Per code section Table 207-4b.

LEGEND

NTS

VARIES

CARPOT

FIRE TRUCK TURNING RADI

VICINITY MAP

APN: 503-58-884
ZONING: PAD

APN: 503-58-875
ZONING: RR

APN: 503-58-876
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APN: 503-58-966
ZONING: RR

APN: 503-58-967
ZONING: RR

APN: 503-58-968

Happy Valley Road Biz-Tech Park

SEC of Happy Valley Road and 157th Avenue Future
Alignment

Citizen Participation Report

Case No. FS25-1081

Submitted: June 29, 2026



WITHEY
MORRIS
BAUGH

1. Project Description/Request

This Citizen Participation Report is for the approximately 7.52-acre property located at the southeast corner of Happy Valley Road and 157th Avenue future alignment (the “Property”), which is also known commonly as Maricopa County Assessor’s Parcel Number (APN) 503-58-975. See Site Aerial Map at **Tab 1**.

As background, on December 23, 2025, formal applications were filed with the City of Surprise for the Property, including a rezoning to C-3 with a PUD overlay and minor general plan amendment application to “Commercial”. This application is proposed to allow for the development of the Property as a flex business-tech park that is envisioned to allow small businesses to locate in this area of Surprise and provide a variety of commercial and employment services (the “Project”).

The purpose of this report is to summarize the applicant’s outreach efforts and community feedback.

2. Outreach/Notification Timeline Overview

- **February 2026:** Neighborhood meeting notice letters mailed to all property owners within 300 feet of the Property and all applicable interested parties, by city staff.
- **February 2026:** Public notice posted in the Fountian Hills Times with details regarding the neighborhood meeting, by city staff.
- **February 16, 2026:** The Property was posted with an informational sign with details regarding the neighborhood meeting by the applicant.
- **March 4, 2026:** An in-person neighborhood meeting was hosted at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 7:00 p.m.
- **June 2026:** Neighborhood meeting notice letters mailed to all property owners within 300 feet of the Property and all applicable interested parties, by city staff.
- **June 2026:** Public notice posted in the Fountian Hills Times with details regarding the neighborhood meeting, by city staff.
- **June 1, 2026:** The informational sign posted on the Property was updated with information regarding a follow-up neighborhood meeting by the applicant.
- **June 22, 2026:** A second in-person neighborhood meeting was hosted at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 6:30 p.m.

3. Notification Affidavits, Letters, and Mailing Lists

See **Tab 2** for sign posting affidavits and **Tab 3** for staff-provided copies of the mailed notice and newspaper ads.

4. Notification List

The City of Surprise notification requirements for neighborhood meetings include property owners and Homeowners' Associations within 300 feet of the Property, and any other potentially affected citizens as determined by the community development director.

5. Public Meeting Dates and Locations

- **March 4, 2026:** An in-person neighborhood meeting was hosted by the applicant at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 7:00 p.m.
- **June 22, 2026:** A second in-person neighborhood meeting was hosted at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 6:30 p.m.

6. First Neighborhood Meeting Summary

A neighborhood meeting for the Project was held on Wednesday, March 4, 2026, at 6:00 PM at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The neighborhood meeting was noticed in accordance with the City's land development ordinance requirements. The neighborhood meeting lasted approximately one (1) hour.

In addition to the development team, four (4) interested people attended the neighborhood meeting as well as members of city staff. See **Tab 4**, First Neighborhood Sign-in Sheet. One (1) of the attendees owns the Property zoned R-3 PAD to the south and west of the subject Property.

The applicant provided an overview of the application request to the attendees, and shared exhibits to illustrate the proposal. The development team then responded to question topics below, as follows:

a) Traffic Improvements and Area Trends

After the presentation, one attendee asked about the status of general traffic improvements in the area and stated that area has been badly affected by traffic and in need of infrastructure improvements.

The development team explained that traffic improvements are anticipated to be incoming based on the City of Surprise's capital improvement plan. These improvements would be along Happy Valley Road and would create signalized intersections at both 159th Avenue and 155th Avenue. While these improvements may take some time to complete, the development team is anticipating a contribution requirement.

b) Proposed Uses

One attendee shared that they were in attendance to only to learn more about the proposed development, and upon hearing the development team's presentation, stated that they believe this is a desirable use for the area.

Another attendee, the owner of the land south and west of the Property, shared that they believed the proposed uses to be incompatible with the area and the goals of the General Plan. The opposing attendee also shared their assumption that the future development of the Property would not be consistent with the Project and demanded larger buffers, the elimination of roll-up doors, and a more traditional 'business park' development. This attendee also expressed opposition toward future Conditional Use Permits.

The applicant explained that the growth trends in the area have largely been residential to date, and best land-use practices indicate demand for employment opportunities, services, and space for local businesses. The proposed uses are necessary to support the growing community, with flexibility built into the Project to allow a variety of tenants to locate. The applicant shared that the development team would review the requests for changes to the Project along the southern property boundary, and that a Conditional Use Permit could only be provided if the uses are determined to be compatible by the City.

The meeting concluded at approximately 7:00 p.m.

7. Second Neighborhood Meeting Summary

A follow-up neighborhood meeting for the Project was held on Monday, June 22, 2026, at 6:00 PM at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387 to share updates to the Project. The neighborhood meeting was noticed in accordance with the City's land development ordinance requirements. The neighborhood meeting lasted approximately 30 minutes.

In addition to the development team, a Planning Commissioner, members of city staff, and two (2) interested party attended the neighborhood meeting. See **Tab 5**, Second Neighborhood Meeting Sign-in Sheet.

The applicant provided an overview of the updated application request to the attendee, which includes a PUD Overlay and changes to the site plan, and shared exhibits to illustrate the proposal. The development team then responded to question topics below, as follows:

a) Traffic Infrastructure

Traffic infrastructure was indicated to be the primary concern by the attendee, who asked questions regarding the construction of 157th Avenue, traffic signal contribution, and upcoming infrastructure improvement projects.

The applicant shared that 157th Avenue is required to be constructed by the developer to support the Project, and that a 25% contribution will be required for a future traffic signal. City staff and the Commissioner in attendance explained the anticipated improvement timeline for the area and detailed the improvements to Happy Valley Road and 163rd Avenue.

b) Process

One attendee asked what the development process includes and asked for an estimated completion date.

The applicant explained that public hearings before the Planning Commission and City Council are anticipated to be scheduled in August and September, respectively. If these hearing result in approval of the desired zoning designation, the development team is hopeful to get the Project completed as soon as possible, potentially early 2027.

c) Land Use Designations

One attendee inquired about the necessity of C-3 zoning.

The applicant explained that the zoning designations pursued are intended to create a more cohesive land use pattern along Happy Valley Road, as neighboring property is anticipated to develop with commercial uses similar to the development at 163rd Avenue. The C-3 zoning designation is intended to allow a variety of uses to locate at the Property, while the PUD is intended to provide some relief from the required development standards. The C-3 zoning designation will also allow a framework to develop an outdoor storage yard.

d) Project Amenities

The Commissioner in attendance indicated that he felt there was value added for the community with the Project's proposed amenity area and asked if there has been discussion about allowing the community to rent meeting space.

The applicant shared that the amenity areas are intended to increase the value of the development and attract quality businesses to this area of Surprise. Regarding community rental, the development team will have conference room space available for the community to rent.

The meeting concluded at approximately 6:30 p.m.

8. Written Correspondence

To date, the applicant has received written correspondence from one (1) community member requesting information regarding the desired land use and open space.

9. Community Concerns the Applicant will not Address

The applicant will continue to be available to respond to community members and is open to constructive discussions on how to improve upon the proposed land use plan.

10. Community Concerns & Response

Previously, the adjacent Bonita Place landowner submitted a legal protest petition. The applicant has been working closely with the petitioner on desired site plan changes, and the parties are negotiating a purchase of the Property, and the petitioner is withdrawing his legal protest.

Tab 1



Site Aerial Map

Tab 2

AFFIDAVIT OF POSTING

Application No: FS25-1081

Applicant Name: Withey Morris Baugh

Location: SWC Happy Valley & 157th Ave

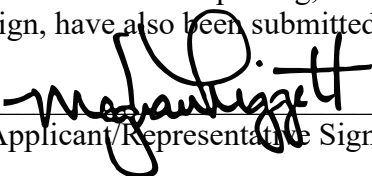
Date Site Posted: 02/16/26

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

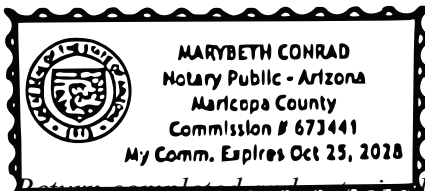
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 _____
Applicant/Representative Signature Date

This instrument was acknowledged before me on 02/16/26, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



 _____
Notary Public
10-25-28 _____
My commission expires

~~Return completed and notarized~~ *affidavit* and all relevant *photos* to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

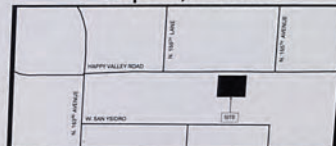
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

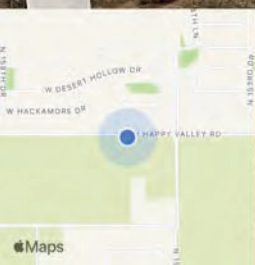
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov



February 16, 2026 at 8:57 AM
+33.710963,-112.396825
W Happy Valley Rd
Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

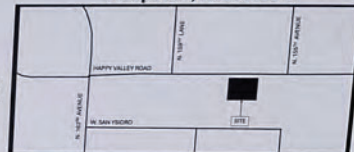
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374



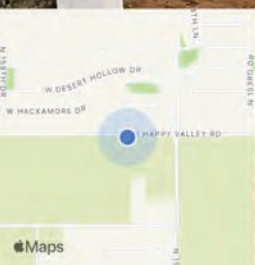
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.

For more information, call:

623-222-3011

www.Surpriseaz.gov



February 16, 2026 at 8:56 AM

+33.710963,-112.396825

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

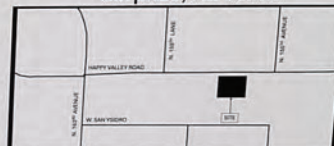
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

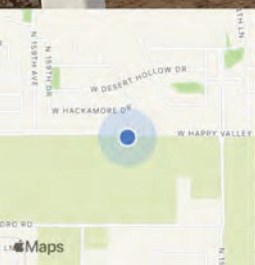
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov



February 16, 2026 at 8:35 AM

+33.710944,-112.398920

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

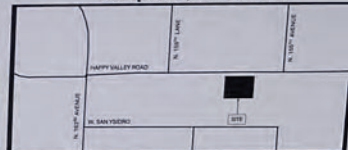
Date: TBD

Time: 6:00 P.M.

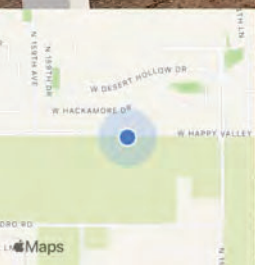
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011
www.Surpriseaz.gov



AFFIDAVIT OF POSTING

Application No: FS25-1081

Applicant Name: Withey Morris Baugh

Location: SWC Happy Valley & 157th Ave

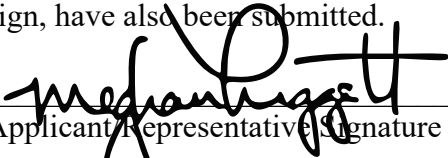
Date Site Posted: 06/01/26

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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 and to maintain the hearing information on the sign until final disposition of the case.

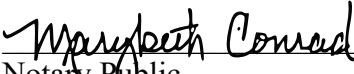
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 _____
Applicant Representative Signature Date

This instrument was acknowledged before me on 06/01/26, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



 _____
Notary Public
10-25-28 _____
My commission expires

*Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).*

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

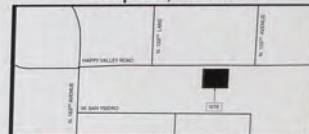
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011
www.Surpriseaz.gov

Jun 1, 2026 at 9:43:38 AM

+33.710944,-112.396746

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

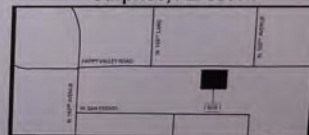
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov

Jun 1, 2026 at 9:43:27 AM

+33.710951,-112.396820

25130 N 156th Ln

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

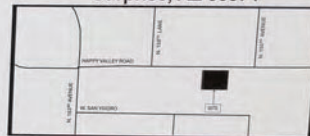
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011
www.Surpriseaz.gov

Jun 1, 2026 at 9:32:07 AM

+33.710925 -112.398860

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

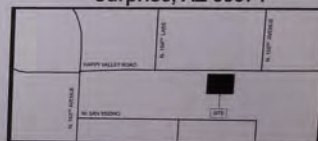
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

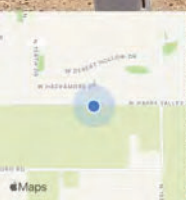
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov



Jun 1, 2026 at 9:31:54 AM

+33-710995,-112-398949

W Happy Valley Rd

Surprise AZ 85387

Tab

[NOTICE OF NEIGHBORHOOD MEETING]

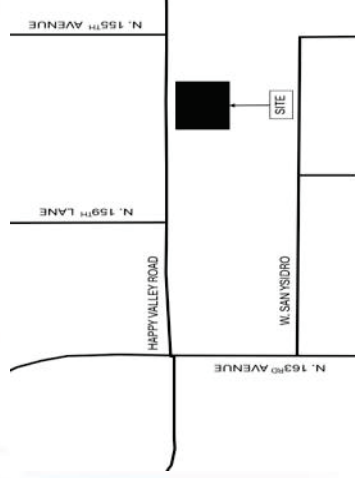
DEAR PROPERTY OWNER: The purpose of this mailing is to inform you that a Neighborhood Meeting is scheduled to review and solicit public input on Case FS25-1081, a request by Kirsten Sinelli with Withey Morris Baugh for a General Plan Amendment and Rezone.

The project requests a minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezone from Rural Residential (RR) to Regional Commercial (C-3). The request is to allow a flex business-tech park on a 7.52 acre site.

The project is located at the southwest corner of the Happy Valley Road and 157th Avenue future alignments.

At the meeting, the applicant and/or representative will be available to answer any questions and solicit comments on this request.

PROJECT LOCATION



*To learn more or provide input,
please contact:
Chris Sexton at 623.222.3134 or
christina.sexton@surpriseaz.gov*

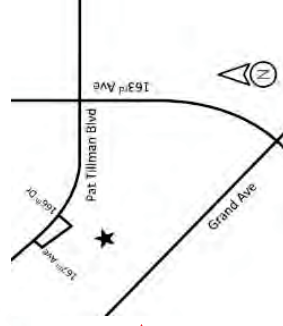


SET A REMINDER

WHEN:

Wednesday, March 4, 2026 | 6:00 PM

Location: Asante Prep Academy
23251 N 166th Drive
Surprise, AZ 85388



DEVELOPMENT PROJECT NEIGHBORHOOD MEETING

Please be advised, Kirsten Sinelli with Withey Morris Baugh on behalf of Happy Valley Road, LLC will host a Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in this conversation as it pertains to this project by utilizing the information provided under Neighborhood Meeting Details below. According to 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. Please note, the City of Surprise is not the host of this meeting; however, the assigned City Planner will be available to provide information as needed in response to inquiries received from residents.

Applicant: Kirsten Sinelli, (602) 230-0600, kirsten@wmbattorneys.com

City of Surprise: Chris Sexton, (623) 222-3134, christina.sexton@surpriseaz.gov

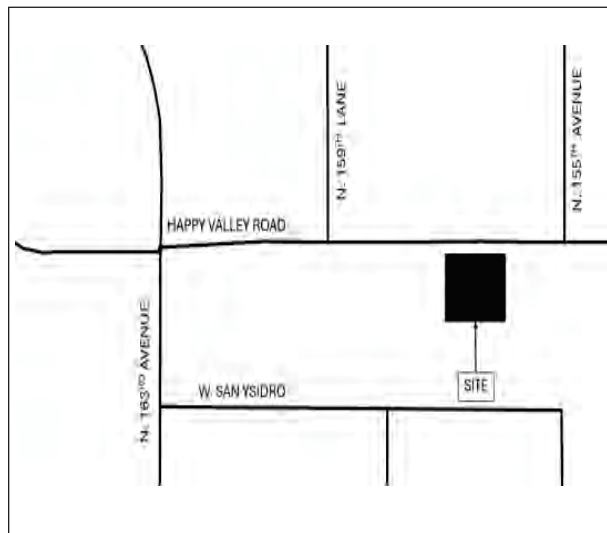
NEIGHBORHOOD MEETING DETAILS

DATE: **Wednesday March 4, 2026**

TIME: 6:00 PM

PHYSICAL LOCATION: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ, 85388

PROJECT LOCATION



MEETING LOCATION



PROJECT DESCRIPTION:

The project requests a minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezone from Rural Residential (RR) to Regional Commercial (C-3). The request is to allow a flex business-tech park on a 7.52-acre vacant site generally located at the southwest corner of the Happy Valley Road and 157th Avenue future alignments. Surprise Planning Case FS25-1081.

[NOTICE OF NEIGHBORHOOD MEETING]

DEAR PROPERTY OWNER: The purpose of this mailing is to inform you that a Neighborhood Meeting is scheduled to review and solicit public input on Case FS25-1081, a request by Adam Baugh with Withey Morris Baugh for a General Plan Amendment and Rezone.

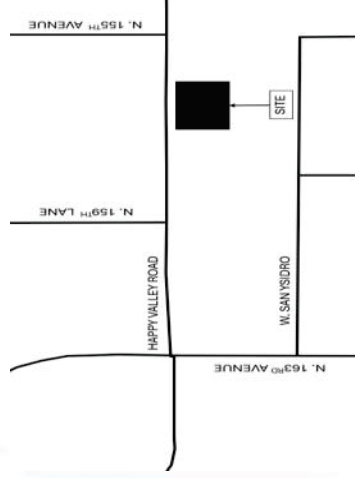
business-tech park on a 7.52 acre site.

The project is located at the southeast corner of the Happy Valley Road and 157th Avenue future alignments.

The project requests a minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezone from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay. The request is to allow a flex

At the meeting, the applicant and/or representative will be available to answer any questions and solicit comments on this request.

PROJECT LOCATION



*To learn more or provide input,
please contact:
Chris Sexton at 623.222.3134 or
christina.sexton@surpriseaz.gov*



WHEN:

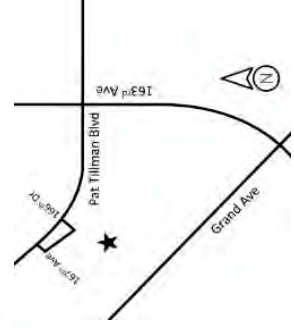
Monday, June 22, 2026 | 6:00 PM

Location: Asante Prep Academy

(Media Center)

23251 N 166th Drive

Surprise, AZ 85388



NEIGHBORHOOD MEETING

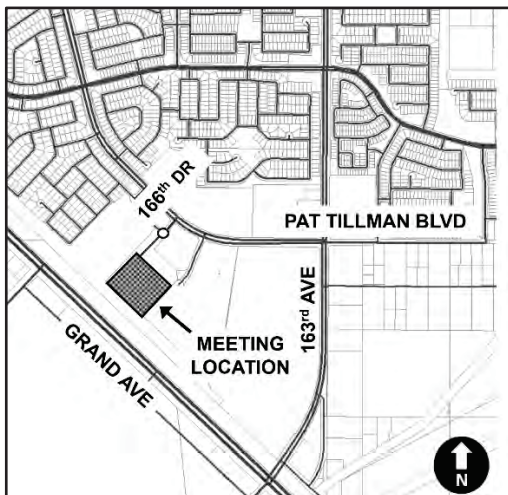
Please be advised, Adam Baugh with Withey Morris Baugh, PLLC. will host a Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in this conversation as it pertains to this project by utilizing the access information provided under Meeting Details below. According to 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. Please note, the City of Surprise is not the host of this meeting; however, the assigned City Planner will be available to provide information as needed in response to inquiries received from residents

Applicant: Adam Baugh; (602) 346-4603; adam@wmbattorneys.com
City of Surprise: Chris Sexton; 623-222-3134; christina.sexton@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Monday, June 22, 2026
TIME: 6:00 PM
PHYSICAL LOCATION: Asante Preparatory Academy
23251 N 166th Dr.
Media Room
Surprise, AZ 85387

MEETING LOCATION



PROJECT LOCATION



PROJECT DESCRIPTION:

The project requests a minor General Plan Amendment from Neighborhood Character Area to Commerce and Office Character Area, and a Rezone from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay zone. The request is to allow a flex business-tech park on a 7.52-acre vacant site generally located at the southeast corner of Happy Valley Road and 157th Avenue. Surprise Planning Case FS25-1081.

Tab

SIGN-IN

HAPPY VALLEY ROAD, LLC

LOCATED AT THE SOUTHWEST CORNER OF HAPPY VALLEY ROAD AND 157TH AVENUE FUTURE ALIGNMENT, SURPRISE

NEIGHBORHOOD OPEN HOUSE MEETING

MARCH 4, 2026 – 6:00 PM – ASANTE PREPARATORY ACADEMY – MEDIA CENTER – 23251 N. 166TH DRIVE, SURPRISE, AZ 85388

NAME (PLEASE PRINT)	ADDRESS	PHONE NUMBER	EMAIL ADDRESS
MARLIN MCCORMICK			
Kim Gullo			
Douglas Gullo			
Kent Vander			

Tab

SIGN-IN

HAPPY VALLEY ROAD, LLC

SOUTHWEST CORNER OF HAPPY VALLEY ROAD AND NORTH 157TH AVENUE, SURPRISE, AZ

NEIGHBORHOOD OPEN HOUSE MEETING

JUNE 22, 2026 – 6:00 PM – ASANTE PREPARATORY ACADEMY – MEDIA CENTER – 23251 N. 166TH DRIVE, SURPRISE, AZ 85387

[illegible]

AFFIDAVIT OF POSTING

Application No: FS25-1081

Applicant Name: Withey Morris Baugh

Location: SEC Happy Valley & 157th Ave

Date Site Posted: 08/03/26

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

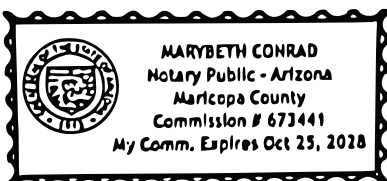
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 _____
Applicant/Representative Signature Date

This instrument was acknowledged before me on 08/03/26, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



 _____
Notary Public
10-25-28 _____
My commission expires

Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

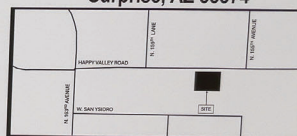
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: September 15, 2026

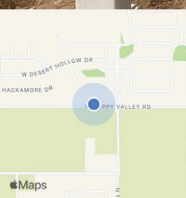
Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374



For more information, call:
623-222-3011

www.surpriseaz.gov



Aug 3, 2026 at 11:10:38 AM

+33.710984, -112.396775

15579 W Hackamore Dr

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

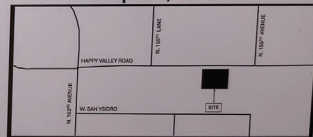
Date: September 15, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov

Aug 3, 2026 at 11:10:26 AM

+33.711235,-112.396038

15579 W Hackamore Dr

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

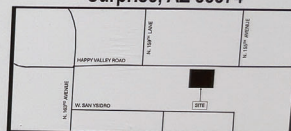
Date: September 15, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

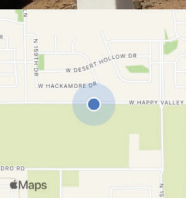
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov



Aug 3, 2026 at 11:07:29 AM

+33.710970, -112.398873

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

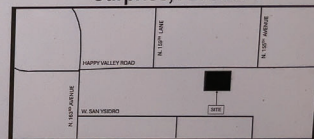
Date: September 15, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

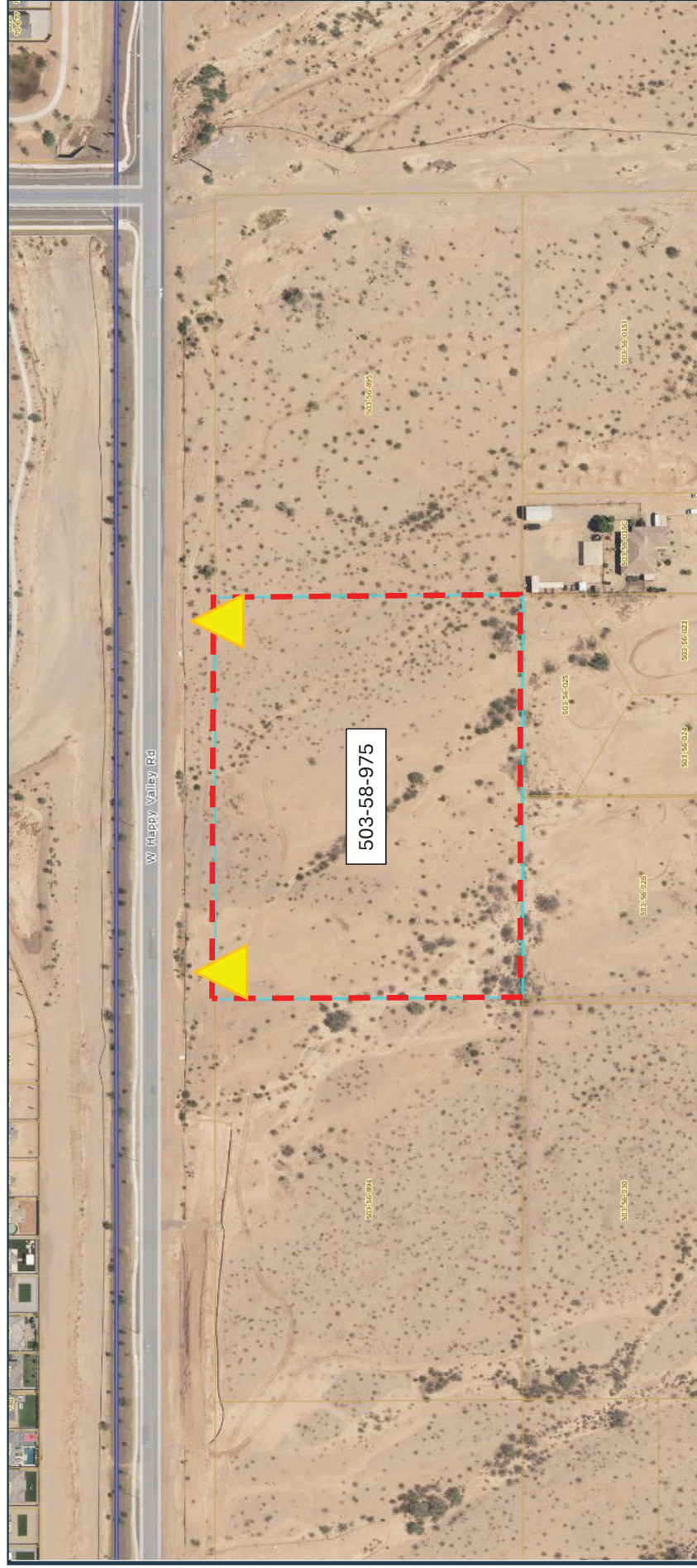
www.Surpriseaz.gov

Aug 3, 2026 at 11:07:15 AM

+33.711392,-112.400329

15797 W Hackamore Dr

Surprise AZ 85387



Broadcast Sign Placement Map

Christina Sexton

From: Kent Xander [REDACTED]
Sent: Friday, April 17, 2026 4:44 PM
To: Trevor Fleetham
Cc: Christina Sexton; Danny Perkinson; adam@witheymorris.com
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning
Attachments: 4 Statutory Written Protest Letters and Map for Rezoning Case No. FS25-1081.pdf

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Trevor/City of Surprise Planning & Development Services,

Please accept this email correspondence as the formal submittal of **Statutory Written Protest letters** for **Case No. FS25-1081 (Minor General Plan Amendment and Rezoning)**, submitted pursuant to Arizona Revised Statutes § 9-462.04.

Attached for inclusion in the official record are:

- 4 Individually executed protest letters from adjacent property owners
- Protest area/buffer map identifying the subject site and surrounding APN parcels with calculation summary (area and tract totals)

The protesting property owners are located within the applicable protest area and have submitted written objections in accordance with Arizona law. Based on the attached materials, the statutory threshold is met, and the proposed rezoning is therefore subject to the required **three-fourths (¾) vote** of the governing body.

Please confirm receipt of this submittal and that all materials will be included in the case file and staff report.

If there are any questions regarding the attachments or ownership documentation, please advise promptly.

Thank you,

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Sent: Thursday, April 16, 2026 8:57 AM

To: Kent Xander [REDACTED]
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Kent,

Whatever format you provide us we will include in the case file and the eventual packets that go to Commission and Council.

Regards,

Trever Fleetham, AICP | Acting Assistant Director
City of Surprise|Community Development
16000 N. Civic Center Plaza|Surprise, AZ 85374
Office: 623.222.3156| Main: 623.222.3000



NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kent Xander [REDACTED]
Sent: Wednesday, April 15, 2026 3:01 PM
To: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Trevor,

Regarding Case No. FS25-1081 (Minor General Plan Amendment and Rezoning): For purposes of submitting opposition letters by adjacent property owners to the City of Surprise, please confirm whether electronic signatures (including DocuSign) satisfy all submission and validity requirements.

Thanks,

Kent A. Xander

Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Kent Xander
Sent: Wednesday, March 25, 2026 7:57 AM
To: 'Trever Fleetham' <Trever.Fleetham@surpriseaz.gov>
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Thanks Trevor.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Trever Fleetham <Trever.Fleetham@surpriseaz.gov>
Sent: Wednesday, March 25, 2026 7:56 AM
To: Kent Xander [REDACTED]
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Good Morning,

It has not. This project is still in the staff review process.

Regards,

Trever Fleetham, AICP | Acting Assistant Director
City of Surprise|Community Development
16000 N. Civic Center Plaza|Surprise, AZ 85374
Office: 623.222.3156| Main: 623.222.3000



NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kent Xander [REDACTED]
Sent: Tuesday, March 24, 2026 12:05 PM
To: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Cc: [REDACTED] john wittrock [REDACTED]
Subject: Case No. FS25-1081 - Minor GP Amendment and Rezoning

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Trevor,

I am checking in with you to see if Case No. FS25-1081 - Minor GP Amendment and Rezoning has been scheduled for Planning Commission hearing.

Thank you,

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

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0.1

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
 APN # 503-58-975

This document constitutes a Statutory Written Protest pursuant to A.R.S. § 9-462.04 regarding the proposed Rezoning Case No. FS25-1081 identified above.

I am the owner of Real Property located within the statutory protest area of the proposed rezoning. The Real Property identified below, owned by the undersigned, is located within 150 feet of the Rezoning Case FS25-1081 and therefore qualifies to submit a protest pursuant to Arizona law.

Arizona law provides that when owners of twenty percent (20%) or more of the property by area and by number of lots, tracts, or condominium units within the zoning area file a written protest, the proposed zoning change shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the governing body of the municipality.

Real Property:

Owner Name: Pensco Trust Company Custodian FBO Kent A. Xander IRA

Property Address: 

Assessor Parcel

Number: 

Pensco Trust Company Custodian FBO Kent A. Xander IRA

By: 
 Kent A. Xander, its Authorized Signer

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
 APN # 503-58-975

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Real Property:

Owner Name: Rolfe Properties, LLC, an Arizona limited company

Property Address: 

Assessor Parcel

Numbers: 

By: _____

DocuSigned by:

841B6E008D0243E...

Nicholas Rolfe, Member

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
 APN # 503-58-975

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Arizona law provides that when owners of twenty percent (20%) or more of the property by area and by number of lots, tracts, or condominium units within the zoning area file a written protest, the proposed zoning change shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the governing body of the municipality.

Real Property:

Owner Name: Micah Darrel Rolfe and Marie Childs Rolfe, Trustees, or their
 successors in trust, under the Rolfe Revocable Living Trust, dated
 January 28, 2011

Property Address:

Assessor Parcel
Number:

By:
 Signed by: *Micah Rolfe*
 F1368AFC2F264B7...
 Micah Darrel Rolfe, Trustee

By:
 Signed by: *Marie Rolfe*
 ECAEE3D368874C5...
 Marie Childs Rolfe, Trustee

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
 APN # 503-58-975

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I am the owner of Real Property located within the statutory protest area of the proposed rezoning. The Real Property identified below, owned by the undersigned, is located within 150 feet of the Rezoning Case FS25-1081 and therefore qualifies to submit a protest pursuant to Arizona law.

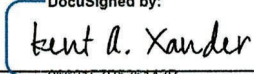
Arizona law provides that when owners of twenty percent (20%) or more of the property by area and by number of lots, tracts, or condominium units within the zoning area file a written protest, the proposed zoning change shall not become effective except by the favorable vote of three-fourths (¾) of all members of the governing body of the municipality.

Real Property:

Owner Name: Kent Xander, a married man dealing with his sole and separate property, as to an undivided 50% interest, and Wittrock Land 4, LLC, an Arizona limited liability company, as to an undivided 50% interest

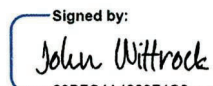
Property Address:

Assessor Parcel
Numbers:

DocuSigned by:

90621F7B536143B...
Kent A. Xander

WITTROCK LAND 4, LLC, an Arizona limited liability company

By: Taproot, LLC, an Arizona limited liability company, Manager

By: 
208FC4A4329F4C0...
John Wittrock, Manager

3/4 VOTE REQUIRED

APN: 503-58-975

LEGEND	
	Zoning Petition Area
	Signed Petitions
	Lots, Tracts and Condominium Units

Parcels Surrounding Potential Rezone

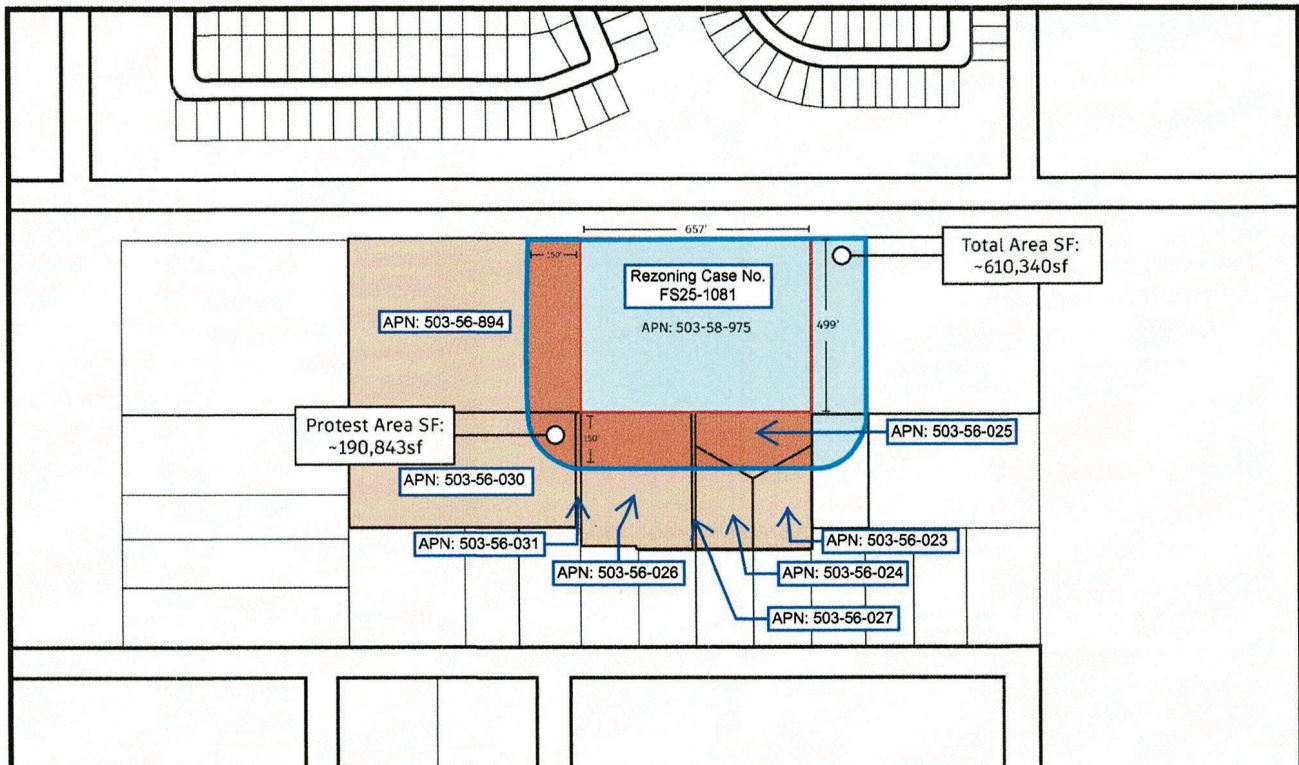
of lots in opposition: 8/11

11 (Lots) x .2 = 2.2 lots or tracts needed in petition

~610,340 sf x .2 (minimum area for petition) = ~122,068sf

Current Protest Area: ~190,834sf (~31% Opposition)

3/4 Vote Required



Christina Sexton

From: Kent Xander [REDACTED]
Sent: Thursday, April 23, 2026 5:49 PM
To: adam@wmbattorneys.com; Danny Perkinson
Cc: Trever Fleetham; Christina Sexton; Lloyd Abrams
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning
Attachments: Letter to Danny Perkinson January 29, 2026.pdf; General Plan Opposition and Consistency Analysis - Case No. FS25-1081 Happy Valley Road Biz-Tech Park.pdf; Rezoning Opposition and Consistency Analysis for Case No. FS25-1081 Happy Valley Road Biz-Tech Park.pdf

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Adam,

In response to your question below, the following outlines the basis for our opposition.

Bonita Place ownership and I have been actively engaged and concerned regarding the Happy Valley Road Biz-Tech Park (Case No. FS25-1081 General Plan Amendment and Rezoning) since January of this year.

On January 29, 2026, I sent an email to Danny Perkinson, the property owner, outlining my concerns and indicating that I was open to discussing the project further—potentially with both ownership and Planning staff—to explore options that could work for both properties and reduce entitlement risk. To date, I have not received any response or follow-up communication from Danny Perkinson.

Prior to the neighborhood meeting, I also spoke with you by phone and expressed my concerns regarding the introduction of industrial-type uses adjacent to Bonita Place, which is zoned R-3. During that conversation, you indicated surprise that I would not support industrial uses next to residential development.

I attended the neighborhood meeting on March 4, 2026, at Asante Preparatory Academy, where I again stated my concerns on the record. Specifically, I noted that the proposed use is operationally industrial in nature and not compatible with the Suburban Neighborhood Character Area designation. I also stated that pursuing C-3 zoning in this context effectively introduces industrial-type uses, and that recharacterizing such uses as “employment” or a “Business Tech Park” does not change their underlying land-use impacts or compatibility.

Other than your email below, sent after I submitted the Statutory Written Protest letters to Planning Staff, there has been no follow-up outreach to me to discuss these concerns or explore potential alternatives.

For your reference and in response to your inquiry below, I have attached both the General Plan Opposition and Consistency Analysis and the Rezoning Opposition and Consistency Analysis for Case No. FS25-1081.

Please feel free to contact me if you would like to discuss further.

Thank you,

Kent A. Xander

From: Adam Baugh [REDACTED]
Sent: Saturday, April 18, 2026 5:27 PM
To: Kent Xander [REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Can you provide the reasons for your opposition and legal protest?

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC
2121 E. Highland Avenue
Phoenix, AZ 85016
602-230-0600 Main
602-346-4603 Direct



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Saturday, April 18, 2026 8:29 AM
To: Adam Baugh [REDACTED]
Subject: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Adam, I had your wrong email when I sent this to Trevor yesterday.

Kent Xander

From: Kent Xander
Sent: Thursday, January 29, 2026 11:53 AM
To: [REDACTED]
Subject: SEC HVR and 157th Avenue Zoning Compatibility Considerations – Adjacent Parcel

Danny,

I see that you have submitted a **Neighborhood Concept Plan application** to rezone your 7.5-acre site to **I-1 (Light Industrial)** with the below site plan. My partners and I have had a chance to review the proposal.

I wanted to share a few thoughts as you explore this rezoning. As you know, our property immediately south and west is zoned **R-3** and is planned for residential use, and the surrounding area carries a **residential designation under the City's General Plan**. As a result, we've been reviewing the request through a **long-term General Plan consistency and land-use compatibility** lens.

Our concern isn't with redevelopment generally, but with the **potential land-use conflicts** that can arise when industrial zoning directly abuts high-density residential — particularly related to truck circulation, hours of operation, noise, lighting, and buffering requirements. These issues often become material during entitlement review and can create challenges for both properties over time.

From a planning standpoint, these interface issues are typically best addressed at the **zoning stage**, rather than deferred to site plan or operational review, to ensure consistency with the General Plan's intent for compatible land-use transitions.

There may be **more compatible alternatives** worth discussing — such as **C-2, residential, or employment-oriented zoning concepts with transitional standards** — that could preserve your development flexibility while aligning more cleanly with the surrounding residential framework.

I'd be open to a conversation with you (and potentially with Planning staff) to explore options that work for both sites and help reduce entitlement risk.

Best regards,

Kent A. Xander
[REDACTED]



General Plan Opposition and Consistency Analysis

Happy Valley Road Biz-Tech Park

Case No. FS25-1081

Request: General Plan Amendment

Submitted by:

Kent A. Xander

Owner – Bonita Place (±27 Acres)

Suburban Neighborhood Character Area

Zoned R-3 (Multi-Family Residential)

I. PURPOSE OF THIS STATEMENT

This document is submitted as a formal **Opposition and Consistency Analysis** regarding the proposed General Plan Amendment for the Happy Valley Road Biz-Tech Park - Case No. FS25-1081.

As the owner of approximately 27 acres immediately adjacent to the subject site, designated Suburban Neighborhood Character Area, this statement evaluates the proposed amendment against the **Surprise 2040 General Plan** and demonstrates that the request is inconsistent with the City's adopted land-use framework.

II. THE REQUEST IS PROJECT-DRIVEN, NOT POLICY-DRIVEN

The Surprise 2040 General Plan (see page 7 below) establishes that it serves as the **foundation for land use regulation and development decisions**.

The applicant's request does not demonstrate:

- that the existing Suburban Neighborhood designation was applied in error
- that surrounding land use conditions have materially changed
- that infrastructure assumptions have shifted
- that a broader planning effort supports reclassification

Instead, the amendment is requested to accommodate a specific development concept.

General Plan amendments should reflect **evolving policy conditions**, not facilitate individual development proposals.

III. NEIGHBORHOOD CHARACTER AREA FRAMEWORK

The General Plan uses a **Character Area framework** to guide land use based on intensity, operational impacts, and compatibility.

Neighborhood Character Areas are intended to:

- preserve residential neighborhoods
- protect long-term housing investment
- limit non-residential uses to low-intensity, neighborhood-serving functions
- avoid uses that generate truck traffic, noise, or incompatible operations

Industrial, business park, warehouse, flex, and “light industrial” uses are all **classified as industrial** and remain prohibited regardless of branding or terminology.

Recharacterizing an industrial use as “employment” or Business Tech Park does **not override** the Character Area designation.

IV. CHARACTER AREA COMPATIBILITY – TABLE 4.1

The Surprise 2040 General Plan includes **Table 4.1: Character Area Compatibility**, which provides the City’s formal guidance on adjacency relationships.

The subject site is currently Suburban Neighborhood Character Area. The applicant proposes Commercial & Office designation with C-3 Regional Commercial zoning.

Under Table 4.1:

- Regional Commercial uses adjacent to Suburban Neighborhood areas are **discouraged**
- Industrial uses adjacent to Neighborhood Character Areas are **discouraged**

As shown in the compatibility matrix (see page 8 below), the relationship between Suburban Neighborhood and higher-intensity employment or industrial uses is discouraged.

This is not a discretionary interpretation — it is **explicit General Plan guidance**.

Approving the amendment would override the City's own adopted compatibility framework.

V. PROJECT CHARACTERISTICS AND OPERATIONAL REALITY

The proposal introduces buildings with:

- roll-up loading doors
- flexible warehouse-style tenant spaces
- internal circulation designed for service and delivery activity

These characteristics are operationally consistent with **flex-industrial or service-oriented uses**, which commonly generate:

- truck and service vehicle traffic
- loading and unloading activity
- extended operational hours
- higher site intensity

These operational characteristics are fundamentally different from residential or neighborhood-scale commercial uses.

The project layout (see page 9 below) clearly reflects a **multi-building flex-industrial configuration, with no landscape buffer adjacent to Bonita Place**, not a traditional office or neighborhood-serving commercial environment.

VI. INCOMPATIBILITY WITH SURROUNDING RESIDENTIAL CONTEXT

The Bonita Place property (±27 acres) and surrounding land remain designated Suburban Neighborhood Character Area.

Introducing employment-scale or industrial-type uses at this location:

- creates a direct edge conflict with residential planning areas
- disrupts neighborhood continuity
- introduces incompatible operational activity

Additionally, the project would introduce commercial and service traffic onto **157th Avenue**, (see page 10 below) which serves as a shared access corridor for residential development.

This creates a direct conflict between:

- residential circulation
- service and delivery traffic

which is inconsistent with sound land-use planning principles.

VII. “VACANT LAND” DOES NOT JUSTIFY RECLASSIFICATION

The applicant references surrounding vacant land as justification for flexibility.

However, vacant land within a Suburban Neighborhood Character Area represents:

- planned residential buildout
- future neighborhood development
- long-term land use commitments

Vacancy does not negate adopted land-use designations.

If vacancy were justification for reclassification, the General Plan framework would be destabilized citywide.

VIII. ARTERIAL LOCATION DOES NOT JUSTIFY INTENSITY ESCALATION

The presence of Happy Valley Road as a major arterial does not automatically justify higher-intensity land uses.

If arterial adjacency alone justified commercial or employment designation, the General Plan map would reflect that condition consistently across the City.

It does not.

The Aerial map (see page 11 below) reflects **intentional planning decisions**, not incidental conditions.

IX. ECONOMIC DEVELOPMENT DOES NOT OVERRIDE COMPATIBILITY

The applicant emphasizes economic development and employment generation.

While these are valid General Plan goals, they must be implemented within **appropriate land-use designations**.

The General Plan provides designated **Employment Character Areas** for these uses.

Economic development objectives do not justify introducing incompatible land uses into residential character areas.

X. FAILURE TO MEET GENERAL PLAN AMENDMENT STANDARD

A General Plan Amendment should only be considered when:

- the existing designation is no longer appropriate
- conditions have materially changed
- a broader planning need exists

None of these conditions have been demonstrated.

The amendment appears to be requested solely to accommodate a specific development proposal.

Approving such a request would weaken the reliability of the City's adopted planning framework.

XI. PRECEDENT AND PLAN INTEGRITY

Approval would establish a precedent that:

- parcel-level amendments can override adopted policy
- residential edges may be incrementally intensified
- project-driven changes take priority over long-term planning

This erodes:

- predictability for property owners
- stability of residential planning areas
- public confidence in the planning process

XII. CONCLUSION

The proposed General Plan Amendment:

- is inconsistent with the Suburban Neighborhood Character Area designation
- conflicts with Table 4.1 compatibility guidance
- introduces operational characteristics incompatible with residential use
- relies on vacancy and arterial proximity rather than policy justification
- fails to meet the standard required for General Plan modification
- establishes a destabilizing precedent

For these reasons, the General Plan Amendment request should be **denied**.

Respectfully submitted,
Kent A. Xander
Bonita Place

Figure 4.4: Land Use Character Areas

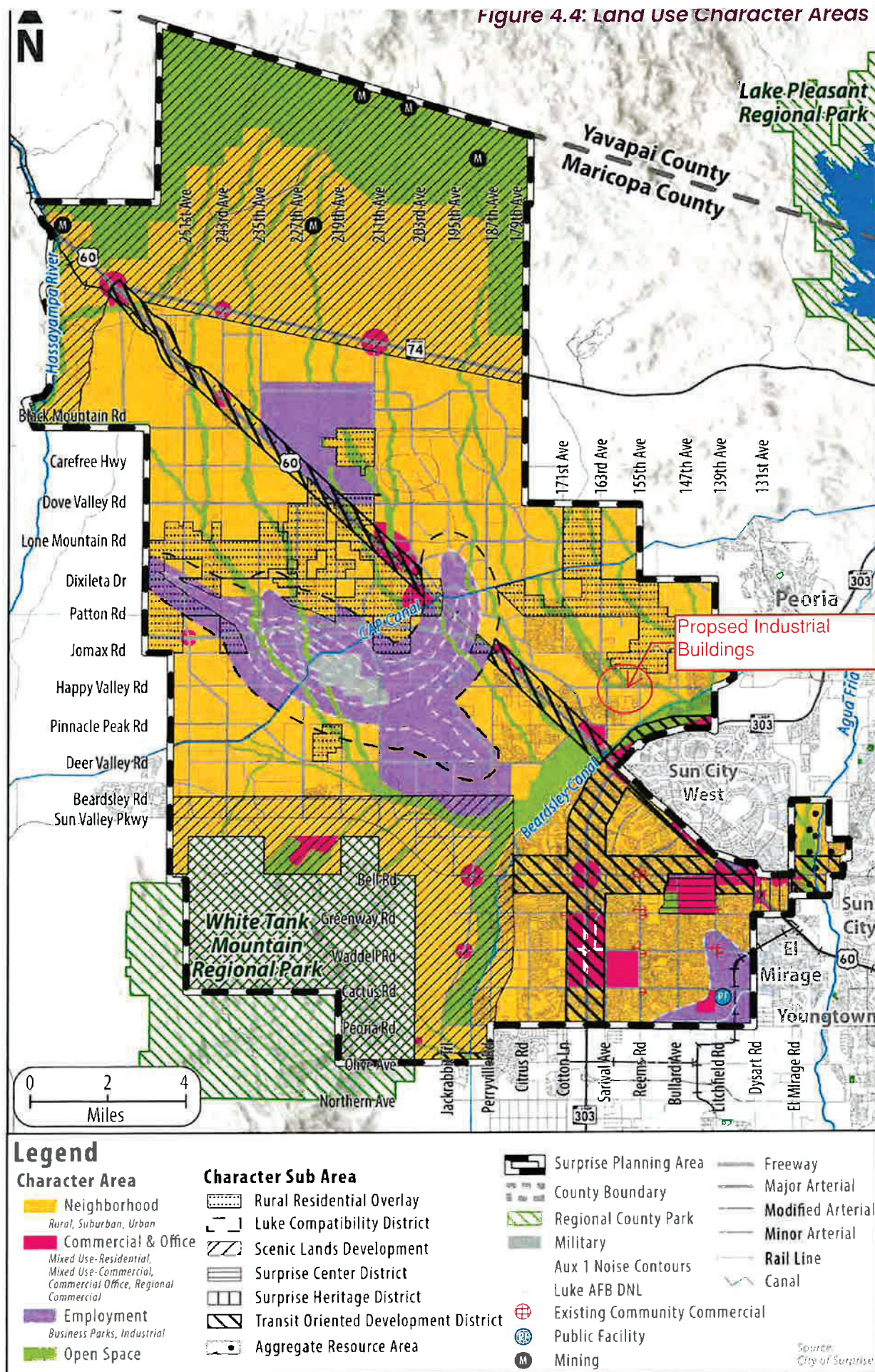




Table 4.1: Character Area Compatibility

				Adjacent Use											
				Neighborhood Character Area			Commercial & Office Character Area				Employment Character Area		Open Space Character Area	Community Commercial Development Type	Public Facility Development Type
				Dev. Type			Dev. Type				Dev. Type				
				Rural	Suburban	Urban	Mixed Use: Residential	Mixed Use: Commercial	Regional Commercial	Commercial Office	Business Park	Industrial			
Proposed Use	Neighborhood Character Area		Dev. Type	Rural	Encouraged	Encouraged	Discouraged	Discouraged	Discouraged	Discouraged	Discouraged	Discouraged	Encouraged	Discouraged	Discouraged
				Suburban	Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Encouraged
				Urban	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Encouraged
	Commercial & Office Character Area		Dev. Type	Mixed Use: Residential	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Encouraged
				Mixed Use: Commercial	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged
				Regional Commercial	Discouraged	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
				Commercial Office	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
	Employment Character Area		Dev. Type	Business Park	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
				Industrial	Discouraged	Discouraged	Discouraged	Discouraged	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
	Open Space Character Area				Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
	Community Commercial Development Type				Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
	Public Facility Development Type				Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged

- Encouraged
- Discouraged

Single-Family on the north side of Happy Valley Road



VILLAGE AT BONITA PLACE CONCEPTUAL LAND PLAN

NEC OF SAN VSIDRO RD. AND 158TH AVE. (ALIGNMENTS) - SURPRISE, AZ

10

MAY 9, 2024

11

Rezone Opposition and Consistency Analysis

Happy Valley Road Biz-Tech Park

Case No. FS25-1081

Request: Rezoning from Rural Residential (RR) to C-3 (Regional Commercial)

Submitted by:

Kent A. Xander

Owner – Bonita Place (±27 Acres)

Suburban Neighborhood Character Area

Zoned R-3 (Multi-Family Residential)

I. PURPOSE OF THIS STATEMENT

This document is submitted as a formal **Opposition and Consistency Analysis** regarding the proposed rezoning of approximately 7.5 acres from Rural Residential (RR) to C-3 (Regional Commercial) for the Happy Valley Road Biz-Tech Park.

As the owner of approximately 27 acres immediately adjacent to the subject site, designated Suburban Neighborhood Character Area and zoned R-3, this statement evaluates the requested zoning and demonstrates that the proposed **C-3 zoning** is incompatible with the surrounding residential planning framework.

II. C-3 ZONING REPRESENTS REGIONAL-LEVEL INTENSITY

The requested C-3 (Regional Commercial) zoning district is among the most permissive commercial designations within the City and is intended to accommodate regional-serving uses.

C-3 zoning allows for:

- broad retail and commercial service uses
- office and service-oriented commercial activity
- contractor and equipment-related uses
- industrial uses and accessory outdoor storage
- a wide range of operational flexibility

These uses are inherently higher in intensity than residential or neighborhood-scale commercial uses.

The requested zoning represents a **regional-level entitlement** that is not consistent with the surrounding residential context and is not intended as a transitional zoning district.

III. ZONING ENTITLEMENTS ARE NOT LIMITED BY THE CONCEPT PLAN

The applicant presents a conceptual site plan consisting of:

- multiple flex-style buildings
- approximately 45,000 square feet of development
- parking and internal circulation
- building heights up to 45 feet

While the narrative emphasizes design features and compatibility, the conceptual site plan is **illustrative only and not binding**.

Approval of C-3 zoning establishes:

- the full range of permitted uses within the district
- the maximum operational intensity allowed by code
- long-term entitlement rights that run with the land

Future tenants, uses, and operational characteristics may differ substantially from the conceptual plan presented.

Compatibility cannot be evaluated based solely on a preliminary development concept.

IV. INCOMPATIBILITY WITH ADJACENT RESIDENTIAL LAND USES

The Bonita Place property (±27 acres) to the west and south is:

- designated Suburban Neighborhood Character Area
- zoned R-3 (Multi-Family Residential)
- planned for residential development

C-3 zoning introduces uses that may include:

- higher traffic volumes
- service and delivery vehicle activity
- extended hours of operation
- increased lighting and signage
- higher parking intensity

These operational characteristics are not consistent with residential land-use patterns and create a direct compatibility conflict at the neighborhood edge.

Landscaping and buffering do not resolve differences in **use intensity and operational activity**.

V. TRAFFIC AND CIRCULATION IMPACTS

The applicant indicates that access will be provided via Happy Valley Road with internal circulation.

However, C-3 zoning allows uses that generate significantly higher traffic volumes than Rural Residential or neighborhood-scale zoning.

Potential impacts include:

- increased turning movements at the intersection
- higher peak-hour traffic volumes
- service and delivery vehicle circulation
- potential spillover impacts to adjacent residential access points

The long-term traffic impacts are determined by the **zoning district**, not the initial tenant mix.

VI. INCONSISTENT WITH SURROUNDING ZONING PATTERN

The surrounding zoning context includes:

- PAD zoning to the north
- R-3 PUD to the south and west
- Rural Residential (RR) to the east

There is no existing C-3 zoning directly adjacent to the Bonita Place property.

The proposed rezoning would create:

- a zoning island of regional commercial intensity
- a direct interface between C-3 and residential zoning

Appropriate land-use transitions typically follow a progression:

Residential → Neighborhood Commercial → Office → Regional Commercial

The proposed rezoning bypasses transitional zoning and introduces a **step-change in intensity**.

VII. FLEXIBILITY INCREASES LONG-TERM UNCERTAINTY

The applicant emphasizes flexibility in tenant use and future adaptability.

Within a C-3 zoning district, flexibility results in:

- broader permitted uses
- increased operational variability
- reduced predictability for adjacent properties

While flexibility benefits the property owner, it introduces **long-term uncertainty** for adjacent residential land uses.

Zoning decisions must prioritize compatibility and predictability, not solely market adaptability.

VIII. ECONOMIC BENEFITS DO NOT ESTABLISH ZONING COMPATIBILITY

The applicant asserts that the project will:

- support economic growth
- provide employment opportunities
- enhance local business activity

While economic development is an important objective, it is not a substitute for proper land-use planning.

Zoning decisions must be based on:

- compatibility with surrounding uses
- appropriate intensity of development
- consistency with adopted planning policy

The City has designated areas specifically intended for regional commercial development.

Economic potential does not justify introducing C-3 zoning at a residential interface.

IX. PRECEDENT AND LONG-TERM PLANNING IMPACTS

Approval of the requested rezoning would establish precedent that:

- residential-edge parcels may be escalated to regional commercial intensity
- conceptual site plans may be used to justify broader zoning entitlements
- long-term zoning compatibility standards may be relaxed

This erodes:

- predictability for property owners
 - stability of residential planning areas
 - integrity of the City's zoning framework
-

X. CONCLUSION

The requested rezoning to C-3:

- introduces regional commercial intensity adjacent to residential land
- relies on a conceptual plan that does not limit zoning entitlements
- bypasses appropriate transitional zoning
- creates long-term uncertainty for adjacent residential development
- establishes a precedent inconsistent with sound planning practice

For these reasons, the proposed rezoning should be **denied**.

Respectfully submitted,
Kent A. Xander
Bonita Place

Christina Sexton

From: Kent Xander [REDACTED]
Sent: Tuesday, May 5, 2026 12:38 PM
To: Adam Baugh; Danny Perkinson; Brad Gorman
Cc: Trever Fleetham; Christina Sexton; Lloyd Abrams; John Wittrock
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Importance: High

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Adam, Danny, and Brad,

Thank you again for taking the time to meet.

As discussed, Bonita Place ownership is not able to support the proposed C-3 zoning given the level of intensity and long-term flexibility it introduces adjacent to Bonita Place, including the potential for uses that are inconsistent or incompatible with the surrounding residential development.

During our conversation, Bonita Place ownership indicated a willingness to support a C-2 zoning framework, provided the project meaningfully addressed edge compatibility—specifically that no roll-up or garage doors face Bonita Place to the west and south.

Under General Plan Table 4.1, C-2 zoning aligns with a Commercial & Office Character Area designation, which is generally intended to provide compatibility with adjacent Suburban Neighborhood areas. Based on the current site design, which orients roll-up doors and loading activity toward Bonita Place, Bonita Place ownership does not believe the project achieves that level of compatibility or that the City can make the required General Plan compatibility findings for approval.

The current layout continues to orient roll-up doors and associated loading activity directly toward Bonita Place. This raises a fundamental compatibility concern, as the Land Development Ordinance requires effective screening of loading and service areas adjacent to residential uses. While screening elements may reduce visibility, they do not fully address the visual and operational impacts created by this orientation.

A practical alternative was suggested by reorienting the two southern buildings so that their fronts face Bonita Place, thereby internalizing service and loading functions and reducing direct impacts to the residential edge. This remains a reasonable and achievable solution that would better align the project with both the intent of the code and the General Plan.

Since that approach was not acceptable, and the project as currently configured continues to present the same concerns, Bonita Place ownership is not in a position to support C-2 zoning.

If there is a revised plan that materially addresses these issues—particularly by internalizing loading and service functions—Bonita Place ownership would be open to reviewing it and reconsidering its position.

Thank you again for the discussion.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Adam Baugh [REDACTED]
Sent: Tuesday, April 28, 2026 10:07 AM
To: Kent Xander [REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Are you available to meet Monday May 4? I'm wide open until 4 pm.

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC
[REDACTED]



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Monday, April 27, 2026 11:52 AM
To: Adam Baugh [REDACTED]; Danny Perkinson [REDACTED]

Cc: trever.fleetham@surpriseaz.gov; Christina Sexton <christina.sexton@surpriseaz.gov>; lloyd.abrams@surpriseaz.gov

Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Yes.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Adam Baugh [REDACTED]
Sent: Monday, April 27, 2026 11:35 AM
To: Kent Xander [REDACTED]; Danny Perkinson [REDACTED]
Cc: trever.fleetham@surpriseaz.gov; Christina Sexton <christina.sexton@surpriseaz.gov>; lloyd.abrams@surpriseaz.gov
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Thanks for the email Kent. I understand you are concerned with industrial uses next to your property. Would you be open to meeting me at my office?

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC
[REDACTED]



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Thursday, April 23, 2026 5:49 PM
To: Adam Baugh [REDACTED]; Danny Perkinson [REDACTED]
Cc: trever.fleetham@surpriseaz.gov; Christina Sexton <christina.sexton@surpriseaz.gov>; lloyd.abrams@surpriseaz.gov
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Adam,

In response to your question below, the following outlines the basis for our opposition.

Bonita Place ownership and I have been actively engaged and concerned regarding the Happy Valley Road Biz-Tech Park (Case No. FS25-1081 General Plan Amendment and Rezoning) since January of this year.

On January 29, 2026, I sent an email to Danny Perkison, the property owner, outlining my concerns and indicating that I was open to discussing the project further—potentially with both ownership and Planning staff—to explore options that could work for both properties and reduce entitlement risk. To date, I have not received any response or follow-up communication from Danny Perkison.

Prior to the neighborhood meeting, I also spoke with you by phone and expressed my concerns regarding the introduction of industrial-type uses adjacent to Bonita Place, which is zoned R-3. During that conversation, you indicated surprise that I would not support industrial uses next to residential development.

I attended the neighborhood meeting on March 4, 2026, at Asante Preparatory Academy, where I again stated my concerns on the record. Specifically, I noted that the proposed use is operationally industrial in nature and not compatible with the Suburban Neighborhood Character Area designation. I also stated that pursuing C-3 zoning in this context effectively introduces industrial-type uses, and that recharacterizing such uses as “employment” or a “Business Tech Park” does not change their underlying land-use impacts or compatibility.

Other than your email below, sent after I submitted the Statutory Written Protest letters to Planning Staff, there has been no follow-up outreach to me to discuss these concerns or explore potential alternatives.

For your reference and in response to your inquiry below, I have attached both the General Plan Opposition and Consistency Analysis and the Rezoning Opposition and Consistency Analysis for Case No. FS25-1081.

Please feel free to contact me if you would like to discuss further.

Thank you,

Kent A. Xander

From: Adam Baugh [REDACTED]
Sent: Saturday, April 18, 2026 5:27 PM
To: Kent Xander [REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Can you provide the reasons for your opposition and legal protest?

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Saturday, April 18, 2026 8:29 AM
To: Adam Baugh [REDACTED]
Subject: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Adam, I had your wrong email when I sent this to Trevor yesterday.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Kent Xander
Sent: Friday, April 17, 2026 4:44 PM
To: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Cc: Christina Sexton <Christina.Sexton@surpriseaz.gov>; Danny Perkinson [REDACTED]
[REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Trevor/City of Surprise Planning & Development Services,

Please accept this email correspondence as the formal submittal of **Statutory Written Protest letters for Case No. FS25-1081 (Minor General Plan Amendment and Rezoning)**, submitted pursuant to Arizona Revised Statutes § 9-462.04.

Attached for inclusion in the official record are:

- **4** Individually executed protest letters from adjacent property owners
- Protest area/buffer map identifying the subject site and surrounding APN parcels with calculation summary (area and tract totals)

The protesting property owners are located within the applicable protest area and have submitted written objections in accordance with Arizona law. Based on the attached materials, the statutory threshold is met, and the proposed rezoning is therefore subject to the required **three-fourths (¾) vote** of the governing body.

Please confirm receipt of this submittal and that all materials will be included in the case file and staff report.

If there are any questions regarding the attachments or ownership documentation, please advise promptly.

Thank you,

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Trever Fleetham <Trever.Fleetham@surpriseaz.gov>
Sent: Thursday, April 16, 2026 8:57 AM
To: Kent Xander <[REDACTED]>
Cc: [REDACTED]; John Wittrock <[REDACTED]>; Christina Sexton <Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Kent,

Whatever format you provide us we will include in the case file and the eventual packets that go to Commission and Council.

Regards,

Trever Fleetham, AICP | Acting Assistant Director
City of Surprise|Community Development
16000 N. Civic Center Plaza|Surprise, AZ 85374
Office: 623.222.3156| Main: 623.222.3000

July 30, 2026

City of Surprise Planning & Development Services
16000 N Civic Center Plaza
Surprise, Arizona 85374

Attn: Trevor

Re: Case No. FS25-1081 - Happy Valley Road Biz-Tech Park (Minor General Plan Amendment and Rezoning) - Clarification of Scope of Statutory Written Protest and Revocation/Withdrawal

This memorandum is submitted to clarify the scope of the four Statutory Written Protest letters dated April 16, 2026, submitted in connection with Case No. FS25-1081, and the subsequent signed revocation and withdrawal of those protests.

The protest letters identify the case as a "Rezoning" and cite A.R.S. § 9-462.04, which is the statutory mechanism specific to zoning ordinance protests and the three-fourths vote threshold. That citation reflects the statutory basis for the protest right itself; it was not intended to limit the scope of the underlying protests, or the subsequent revocation and withdrawal, to the rezoning component of Case No. FS25-1081. Both the original protests and the revocation and withdrawal are intended to apply to Case No. FS25-1081 in its entirety, including the Minor General Plan Amendment and the Rezoning.

This memorandum is submitted on behalf of the property owners identified in the four protest letters, as follows:

- Pensco Trust Company Custodian FBO Kent A. Xander IRA [REDACTED]
- Rolfe Properties, LLC – [REDACTED]
- Micah Darrel Rolfe and Marie Childs Rolfe, Trustees, Rolfe Revocable Living Trust [REDACTED]
- Kent Xander and Wittrock Land 4, LLC – [REDACTED]

Please include this memorandum in the case file and staff report for Case No. FS25-1081, alongside the original protest letters and the executed revocation and withdrawal, so that the record reflects that both filings pertain to the full scope of the case.

Sincerely,


Kent A. Xander

On behalf of the property owners listed above

RESOLUTION # 2026-127

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MINOR AMENDMENT TO THE SURPRISE GENERAL PLAN 2040 PERTAINING TO CHANGING THE LAND USE DESIGNATION FROM NEIGHBORHOOD TO COMMERCE AND OFFICE CHARACTER AREA OF APPROXIMATELY 7.52 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE SOUTHEAST CORNER OF HAPPY VALLEY ROAD AND 157TH AVENUE, KNOWN AS HAPPY VALLEY ROAD BIZ-TECH PARK.

WHEREAS, Happy Valley Rd LLC owns approximately 7.52 acres of real property generally located along the southeast corner of Happy Valley Road and 157th Avenue, known as Happy Valley Road Biz-Tech Park (the "Property");

WHEREAS, on December 19, 2023, the Surprise electorate ratified the Surprise General Plan 2040 which currently identifies the Property as Neighborhood Character Area within the General Plan Land Use Map;

WHEREAS, Owner desires to develop the property as a business technology park with outdoor storage within the Regional Commercial (C-3) zoning district, which necessitates changing the Character Area Land Use Designation of the Property from Neighborhood to Commerce and Office Character Area;

WHEREAS, the Surprise General Plan 2040 requires any change in the Character Area Land Use Designation from Neighborhood to Commerce and Office Character Area for land under 640 acres to be processed as a minor amendment and to comply with A.R.S. § 9-461.06; and

WHEREAS, this minor amendment advances the overall intent of the Surprise General Plan 2040 and complies with A.R.S. § 9-461.06.

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

Section 1. That the City Council hereby amends the Surprise General Plan 2040 Land Use Character Areas Map for a 7.52-acre site generally located at the southeast corner of Happy Valley Road and 157th Avenue from Neighborhood Character Area to Commerce and Office Character Area.

Section 2. That the above amendment is further described in the Minor General Plan Amendment Project Narrative of Case No. FS25-1081, a copy of which is on file in the Community Development Department and attached hereto as Exhibit A.

Section 3. The Mayor, or his designee, is hereby directed to execute this Resolution on behalf of the City and any other documents necessary to effectuate the intent of this Resolution.

APPROVED AND ADOPTED this _____ day of _____, 2026.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

EXHIBIT A

Happy Valley Road Biz-Tech Park

Case No. FS25-1081

Minor General Plan Amendment Project Narrative
SWC of the Happy Valley Road and 157th Avenue Future Alignments

1st Submittal: December 29, 2025

2nd Submittal: March 26, 2026

3rd Submittal: May 22, 2026

4th Submittal: June 29, 2026



Development Team

Property Owner/ Developer

Happy Valley Road, LLC
1733 N. Greenfield Street, Ste. 101
Mesa, AZ 85205

Representative

Withey Morris Baugh, PLC
2121 E. Highland Ave.
Phoenix, AZ 85016
Adam Baugh | adam@wmbattorneys.com



Architect

Ware Malcomb
2777 E. Camelback Road, Suite 325
Phoenix, AZ 85016



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Project Overview	1
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General Plan Compliance Statement	4
Conclusion	5

- List of Exhibits**
- Aerial Map
 - Existing General Plan Land Use Map
 - Proposed General Plan Land Use Map
 - Conceptual Site Plan

A. Purpose

This application is being submitted on behalf of Happy Valley Road, LLC, the proposed developer of approximately 7.52-acre property located at the southwest corner of Happy Valley Road and 157th Avenue future alignment (the "Property"), which is also known commonly as Maricopa County Assessor's Parcel Number (APN) 503-58-975. See Aerial Map at **Tab 1**. As the City of Surprise continues to experience strong growth, our client envisions development of the Property as a flex business-tech park ("the Project"). The development is intended to support the growing community by providing new services, employment opportunities and space for small businesses to establish a local presence where they currently live and, in theory, reduce the overall commute times since local trips stay local. Beyond local small business ownership, other potential uses could include technology, research and development, flex-industrial, medical, and office uses.

To develop the Property as intended, a minor General Plan Amendment and a Rezoning are being pursued concurrently at this time. Additional applications for a Conditional Use Permit with Site Plan and a Final Plat are to be submitted at a later date.

B. Property and Context

The Property is currently undeveloped vacant land with a General Plan land use designation of 'Neighborhood' and a Zoning designation of 'Rural Residential.' See **Tab 2**, Existing General Plan Land Use Map, and **Tab 3**, Proposed General Plan Land Use Map. The table below further details the general plan designations, zoning designations, and uses of parcels immediately surrounding the Property.

	General Plan Designation	Zoning Designation	Current Use
North	Neighborhood/Open Space	Tierra Verde West PAD	Happy Valley Road; Beyond Street: Common Area for Single Family Residential Development
South	Neighborhood	R-3 PUD	Vacant
East	Neighborhood	RR (pending commercial rezone)	Vacant
West	Neighborhood	R-3 PUD	Vacant

C. Project Overview

The applicant proposes a flex business-tech park that provides new opportunities for commercial, employment and community business services. The key planning emphasis is integration between the commercial employment buildings, arterial street, and adjacent

uses. The site plan creates new employment opportunities that provide economic prospects, social vitality and flexibility in the attraction of new commercial employment uses.

It is our intent to deliver commercial and employment services that are long desired in this area. The concept plan shows a range of building types and employment uses focused on meeting the daily needs of the area residents while being compatible with and integrated into a village concept. See **Tab 4**, Conceptual Site Plan.

Given the Project's intentional flexibility, the site plan reflects this theme with five (5) buildings of varying dimensions. Proposed sizes range from 13,870 square feet to 22,710 square feet and can be further divided to accommodate tenant needs as necessary. Consistent with the proposed zoning, maximum 32' tall building heights are proposed. The buildings have been thoughtfully oriented to allow ample on-site access, create a cohesive development, and consider future neighboring uses.

The buildings on the south side are oriented so that store front and customer parking face the south side and the rear doors are oriented internal to the project. The buildings are also setback 99 feet, almost double the minimum code standard (50').

The conceptual site plan features a central outdoor amenity area. The larger outdoor amenity area is located south of Building 1 and is approximately 13,000 square feet. The amenity area will be shared between all the condo owners and onsite employees and provide a pleasant gathering spot for the campus. The amenity area may include, but is not limited to; landscaping, seating, outdoor tables, outdoor games, canopies, pavilions, and more. The purpose of the amenity areas is to give customers and employees a place to recreate, community gatherings, and convening spaces.

Access to the property is via one (1) right-in, right-out driveway on Happy Valley Road and one (1) full-access drive along the western boundary onto 157th Avenue. Onsite circulation has been carefully designed to accommodate a variety of users, with looped internal circulation that considers a variety of vehicles.

157th along Happy Valley Road is the quarter mile location for the future signals along the corridor. While a signal is not warranted based on the proposed traffic volumes, it is recommended that the City of Surprise monitor this location as traffic volumes become actualized and evaluate the need for a potential future signal. At a minimum, conduit and underground shall be installed with the half street construction.

Happy Valley Road is a major arterial requiring 3 lanes of travel with a 4' wide bike lane, curbing, gutter, and sidewalk. 157th Ave is a local roadway (per COS STD DTL 3-07) requiring a minimum of 26'.

Parking is integrated across the Property and provides 163 vehicle parking spaces and 10 bicycle parking spaces. Additionally, a shared gated truck court is located between Buildings 2 and 3 for convenient loading.

Ample landscape setbacks are provided along the street frontage, southern and western perimeters. Additionally, a pedestrian trail is located along the Property's full perimeter.

D. Minor General Plan Amendment Request and Justification

A Minor General Plan Amendment is requested to allow the development of the proposed flex business-tech park. The designated General Plan Character Area for the Property is Neighborhood, which does not allow for the proposed employment uses. The requested General Plan Character area is to be Commerce and Office, which will support the desired development. See **Tab 3**, Proposed General Plan land use map.

As described by the City of Surprise 2040 General Plan, *"The Commerce & Office Land Use Character Area defines those unique areas within the City that, because of their broad development potential, can comfortably accommodate a variety of land uses."* (Commerce and Office Character Area, Pg. 68) The Commerce and Office Character Area intends to create employment opportunities and foster economic sustainability, and includes uses proposed by the Project such as flex industrial, business parks, and hi-tech parks.

The Project meets and exceeds the following development guidelines for the Commerce & Office Land Use Character Area as contemplated by the City of Surprise 2040 General Plan:

"Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses." (Compatibility and Transition Measures, Pg. 69)

Response: Considering that neighboring properties to the east, south, and west are currently vacant, this Project will set the precedence for thoughtfully designed development in the area. The site plan includes enhanced landscape buffers and increased setbacks that go beyond requirements to provide clear transitions between uses. These measures support future connectivity and integration with adjacent properties as the area develops.

"Commercial, professional office or civic uses should be located along and oriented toward ease of access from collector or arterial corridors where direct access to transit is available or will be provided over time." (Aesthetics and Built Form, Pg. 69)

Response: The Property is located near the intersection of Happy Valley Road and 155th Avenue, an intersection contemplated to become a major intersection. This contributes to a unique area with broad development potential, and an opportunity for a mixture of office and employment, consistent with the intent to locate such uses where access and visibility are maximized.

"Buildings should be articulated with varied massing and include architecturally interesting elements, pedestrian friendly entrances, outdoor dining areas, transparent windows, or other means that emphasize human-scaled design features, particularly at the street level." (Aesthetics and Built Form, Pg. 69)

Response: The conceptual site plan features five (5) buildings of varied massing and is intended to include architecturally interesting features, such as canopies, to create a sense of place. Pedestrians can enjoy the planned walking path that spans the entire east and south boundaries, while bicyclists will also be accommodated with designated on-site parking, promoting an active, human-scale environment.

"Where appropriate, all mixed-use developments should include active and passive open space areas designed, located and oriented to provide; high pedestrian accessibility to adjacent development." (Aesthetics and Built Form, Pg. 70)

Response: The site plan provides both active and passive open spaces through three outdoor amenity areas and integrated stormwater management features along the east, west, and north boundaries. These spaces are designed and located to be easily accessible to pedestrians and to connect with adjacent future development.

E. General Plan Compliance Statement

The Project and the proposed minor General Plan Amendment to the Commerce and Office Character area would be consistent with the following goals and policies set forth by the City of Surprise 2040 General Plan.

Goal 4.1 *Maintain a well-managed community form*

Policy 1. *Guide the design, pattern, and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and respects desirable community character and context for both existing and future residents.*

Response: The Project incorporates best practices such as varied building sizes and enhanced landscaping for visual diversity, while the pedestrian trail and outdoor amenities promote opportunities for social interaction. The combination of flexibility and the high-quality nature of the development contributes to a well-managed community form for both existing and future residents.

Goal 4.2 *Be a home for everyone*

Policy 7. *Accommodate medium and high-density development /redevelopment in appropriate areas of the City and that are good neighbors to existing development.*

Response: The Project is intended to provide service and employment opportunities for Surprise residents while encouraging local business growth that compliments the area. The development pattern will be context-sensitive,

considering the existing residential nature of the area while acknowledging the expected continued growth along Happy Valley Road.

Goal 8.1 *Support economic competitiveness*

Policy 3. *Support small business enterprise with access to professional resources that will assist in all stages of a business life cycle.*

Response: The Project provides space to allow small businesses to establish and grow within the City of Surprise, fostering a stronger local economy that enhances long-term competitiveness. The flexibility of the spaces allows for business growth to occur in place, limiting the need to relocate outside of the City of Surprise.

Policy 8. *Encourage new employment centers by providing the infrastructure necessary to accommodate new industry, while also remaining flexible to future economic shifts and needs.*

Response: The Project directly contributes to this policy by both accommodating new industry and providing adaptable building configurations that allow for a quick response to changing economic conditions and future industry needs. This helps establish a functional and resilient employment center for the community for many years to come.

By aligning with these goals and policies, the Happy Valley Road Biz-Tech Park Minor General Plan Amendment proposal supports the City's vision for a livable community, a connected city, and a competing economy.

F. Conclusion

The proposed Minor General Plan Amendment will provide the framework for the development of a high-quality flex business-tech park that supports the City of Surprise's goals for balanced growth, economic vitality, and local employment opportunities. The Project will closely align with the intent of the Commerce and Office Character Area by promoting a mix of compatible commercial, office, and light industrial uses designed at an appropriate scale and intensity for the area. Through thoughtful site planning, enhanced landscaping, and attention to pedestrian and vehicular circulation, the Project will set a strong example for future development in the area.

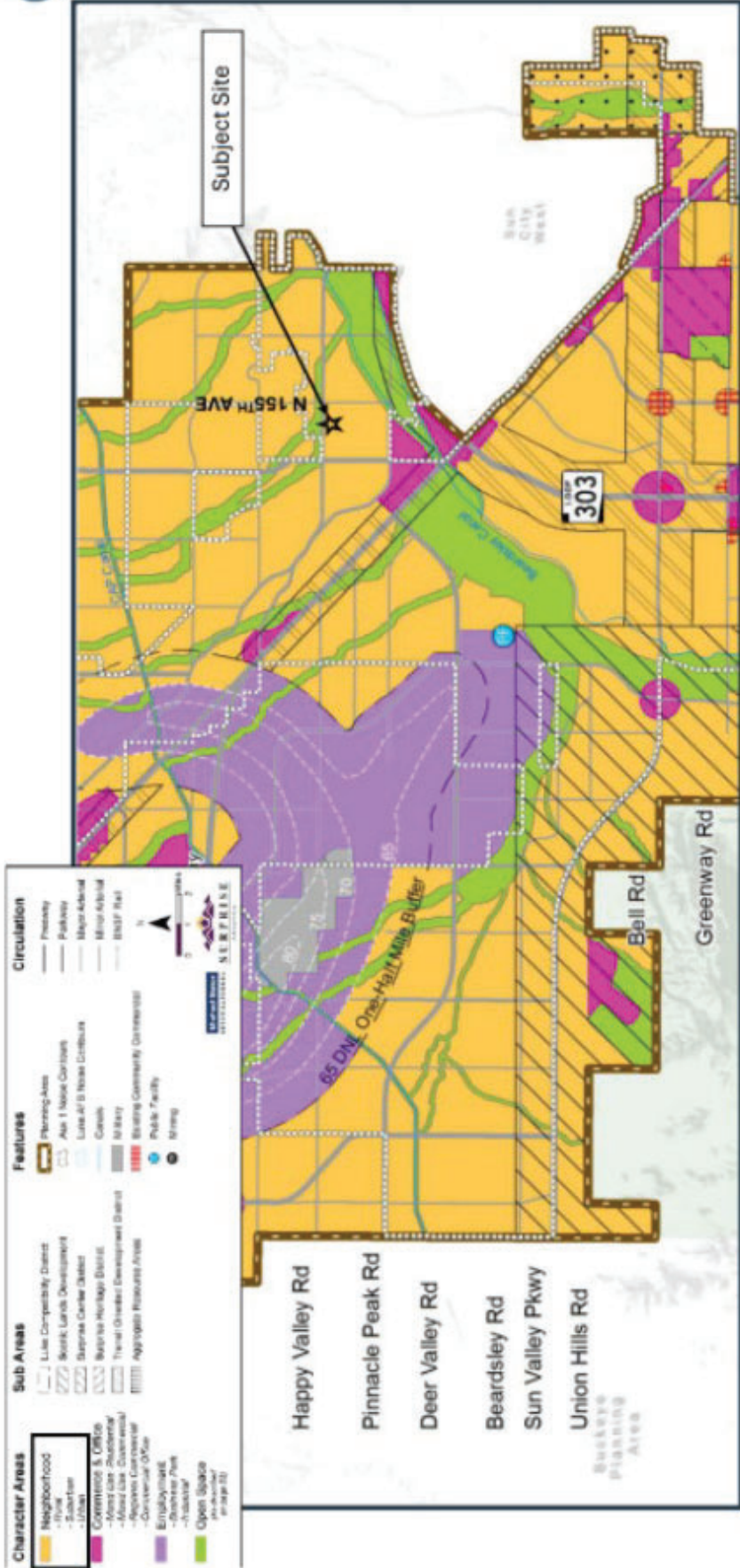
Tab 1



Site Aerial Map



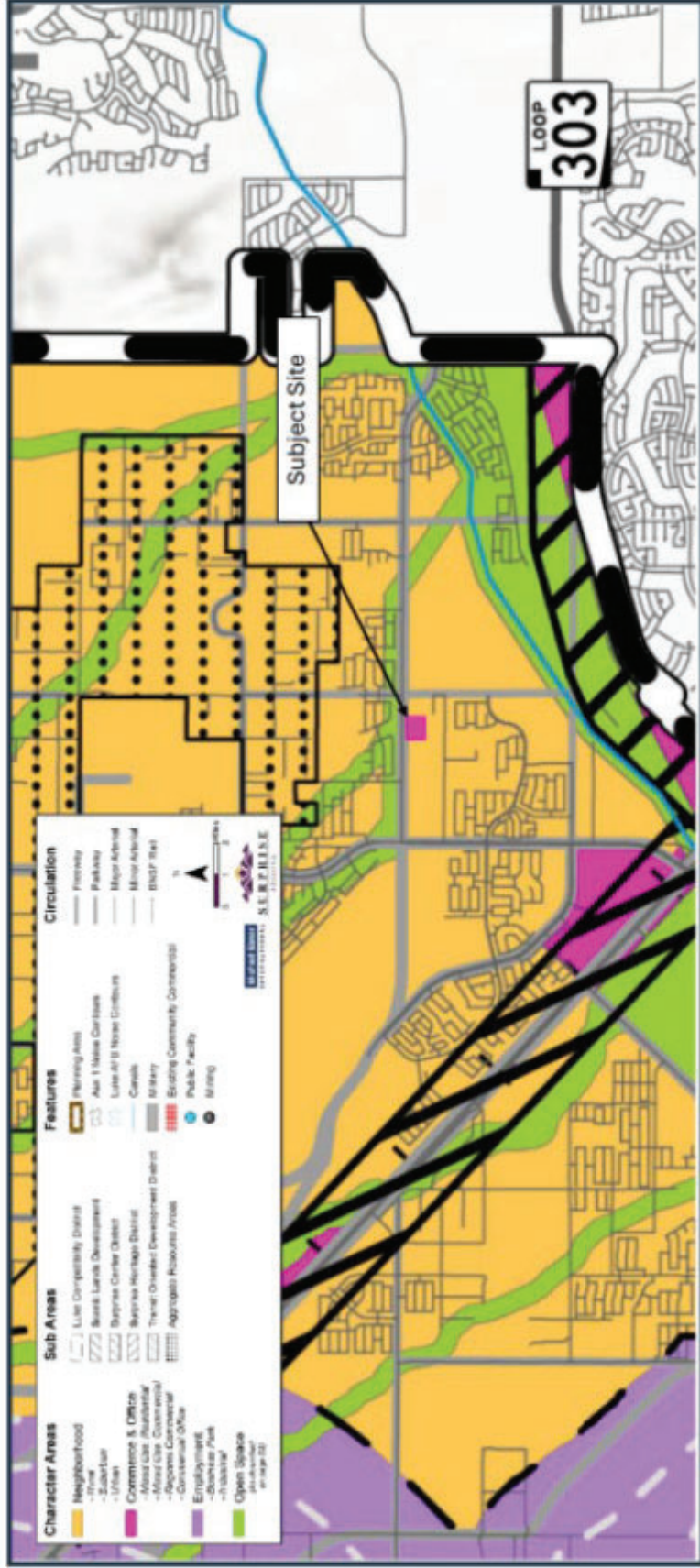
Tab 2



General Plan Map



Tab 3



Proposed General Plan Map



Tab 4





COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS25-1081 Happy Valley Rd Biz-Tech Park Minor GPA

On August 20, 2026, the Planning and Zoning Commission recommended that City Council approve the Minor General Plan Amendment for Happy Valley Biz-Tech Park, Case FS25-1081.

The Commission discussed the following:

- Office spaces/meeting rooms

The motions were as follows:

Commissioner Holland moved to recommend approval of the Minor General Plan Amendment for Happy Valley Biz-Tech Park, Case FS25-1081. Commissioner Leonard seconded the motion. Motion passed with 6 votes in favor. Vice Chair Spata had an excused absence.

FS25-1081

Happy Valley Road Biz-Tech Park

Minor General Plan Amendment

City Council

September 15, 2026

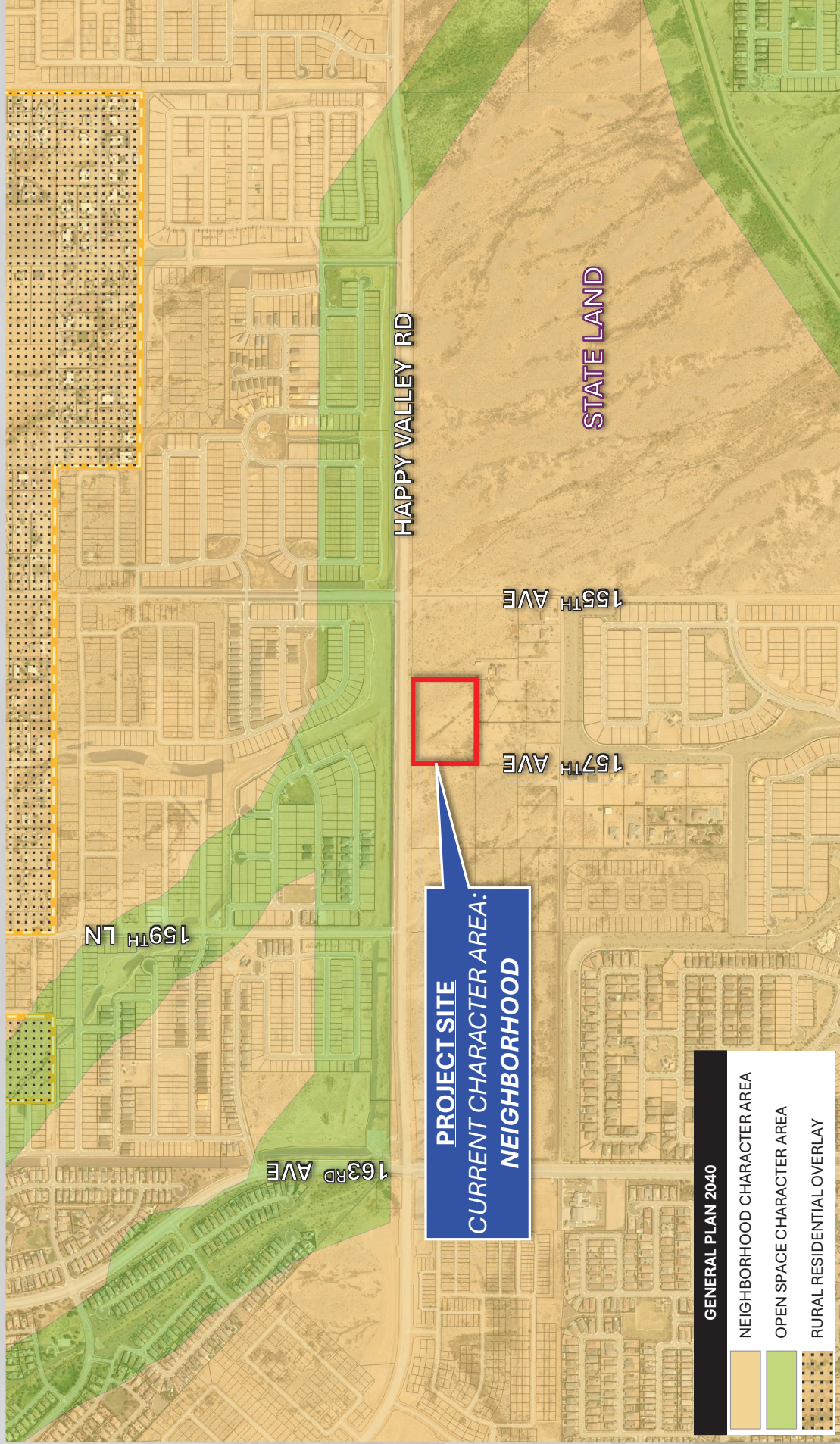


SURPRISE

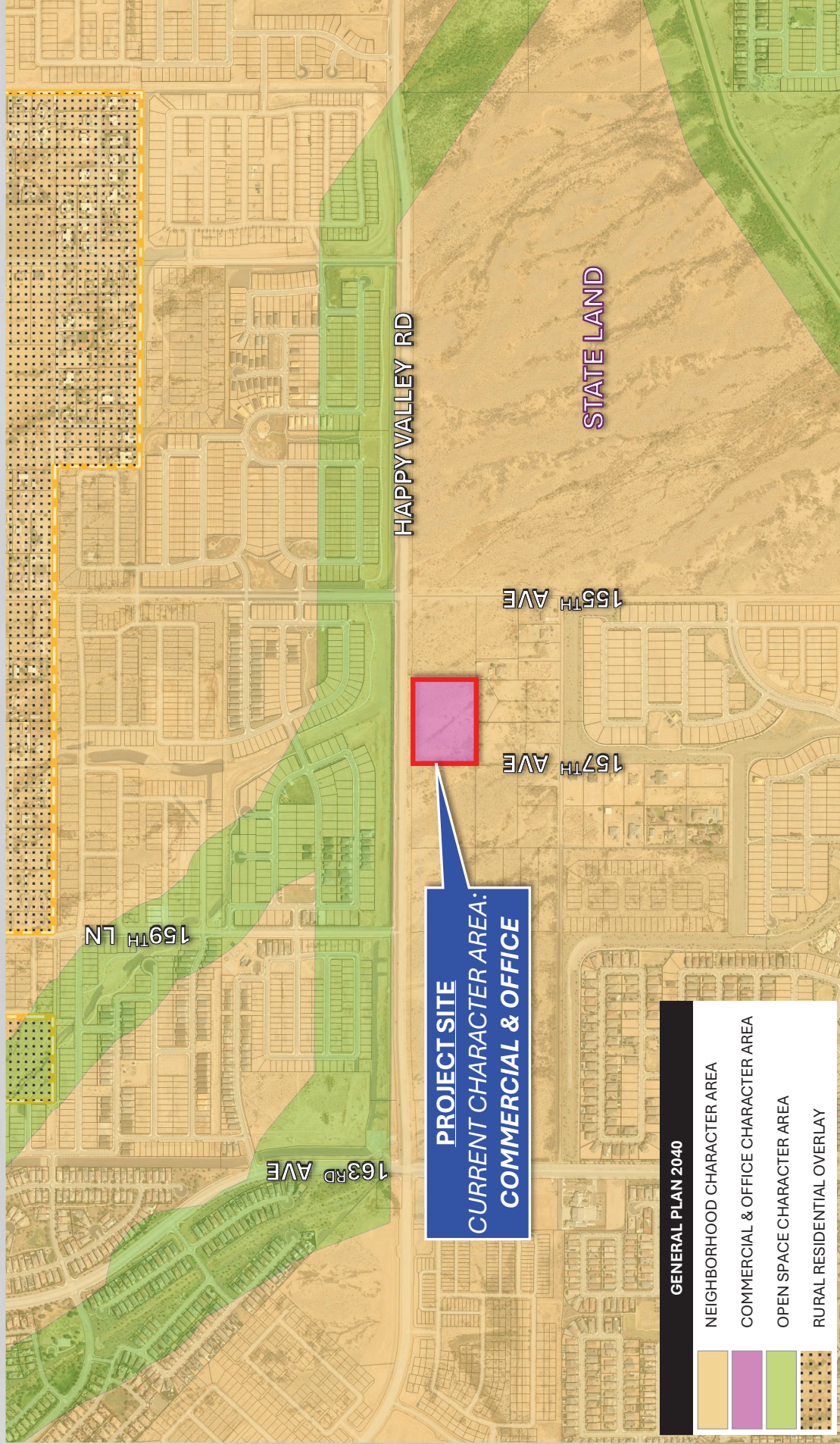
ARIZONA
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FS25-1081 VICINITY MAP





GENERAL PLAN MAP



Evaluation Criteria

- Goal 4.1
 - Maintain a well managed community form
- Goal 4.2
 - Be a home for everyone
- Goal 8.1
 - Elevate tourism through attractions

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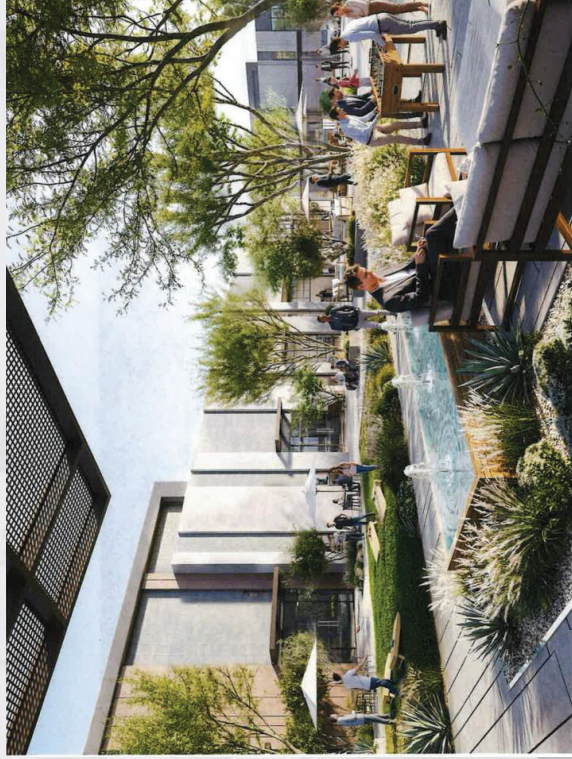
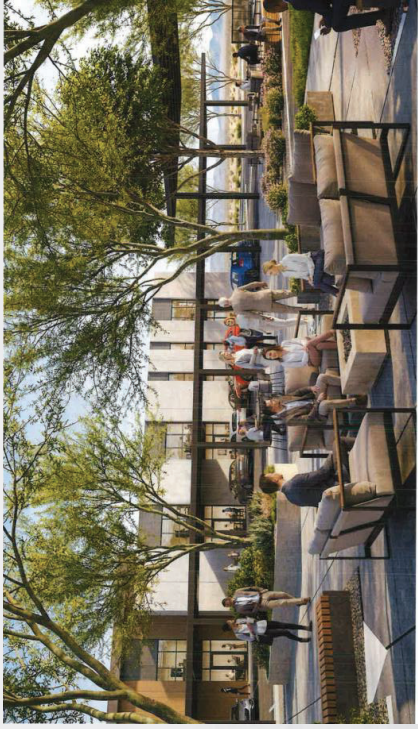
PROPOSED RENDERERS



PROPOSED RENDERERS



PROPOSED RENDERERS



Outreach

- **Citizen Participation Meeting - 1st**
 - March 4, 2026
 - Asante Preparatory Academy
 - 4 attendees
- **Questions/Concerns**
 - Transportation and proposed uses
 - **Letter of formal protest**
- **Citizen Participation Meeting – 2nd**
 - June 22, 2026
 - Asante Preparatory Academy
 - 2 attendees
- **Questions/Concerns**
 - Traffic infrastructure, process, land use designations, project amenities
 - **Letter of format rescinded**

RECOMMENDATION

The Planning and Zoning Commission recommended approval of the Minor General Plan Amendment to Mayor and City Council.

Questions or Comments?

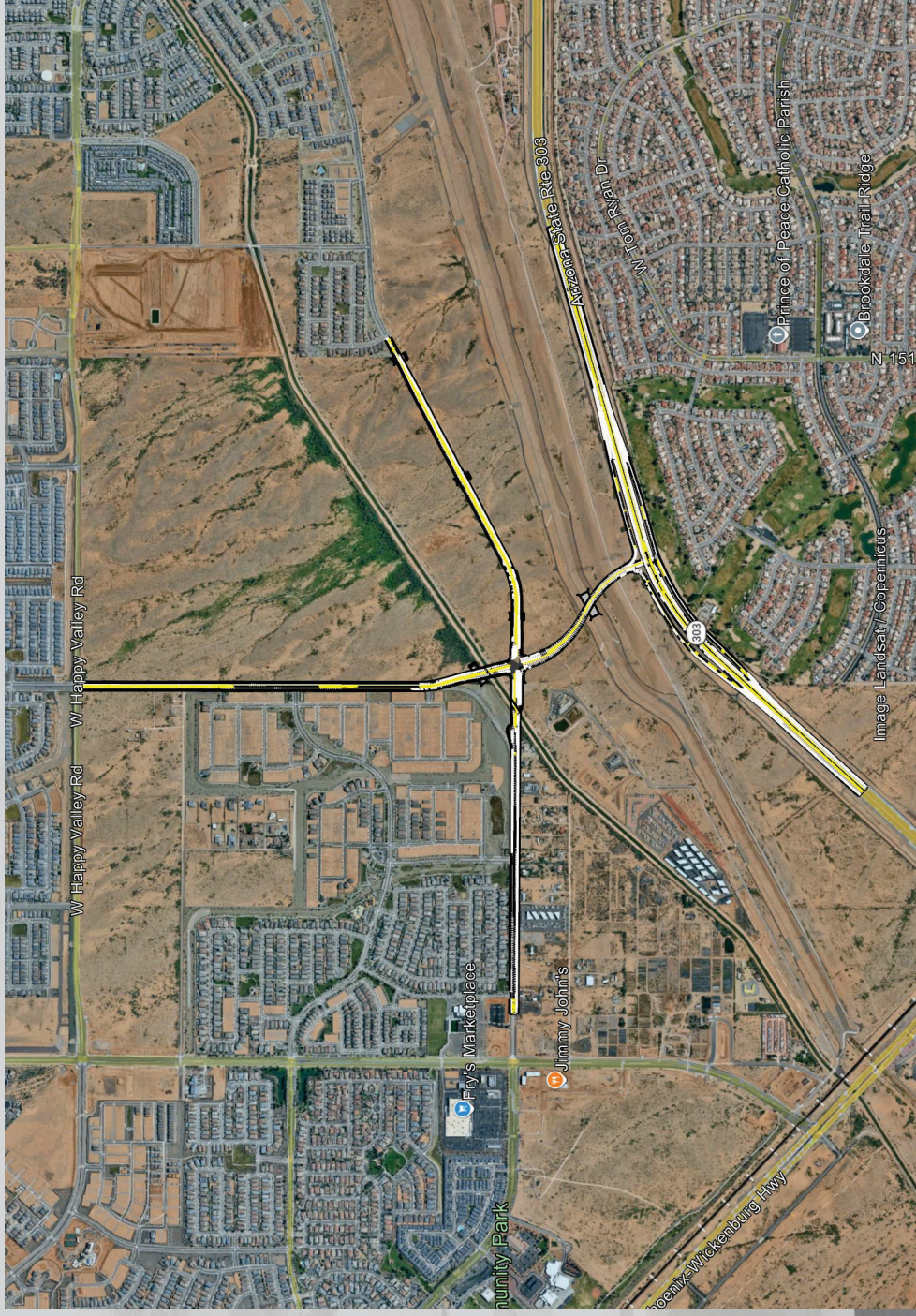
THANK YOU



SURPRISE

ARIZONA
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155th Ave Interchange





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 15, 2026 Contact Person: Chris Sexton
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 7.52 acres from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for property generally located near the southeast corner of Happy Valley Road and 157th Avenue. Case FS25-1081. Ordinance 2026-18.

Motion:

I move to approve Ordinance 2026-18.

Background:

Withey Morris Baugh, PLC requests a rezone of approximately 7.52 acres from Residential Rural (RR) to Regional Commercial (C-3) with a PUD overlay. The project is located along the southeast corner of Happy Valley Road and 157th Avenue.

Objective Analysis:

The request to rezone from Residential Rural (RR) zoning district to Regional Commercial (C-3) with a PUD Overlay, as outlined and detailed in the rezone document, is consistent with the Land Development Ordinance (LDO) but is not consistent with the current Neighborhood Character Area designation of the General Plan 2040. A proposed Minor General Plan Amendment to change the land use designation of this subject site from the Neighborhood Character Area to the Commercial and Office Character Area is being reviewed and considered currently with this application. Upon approval, the project will be consistent with the goals, policies, recommendations, and guidelines of the City of Surprise General Plan 2040.

Policy Compliant:

The requested rezone, as outlined and detailed in the rezone document, is consistent with the LDO. If the Minor General Plan Amendment that is being reviewed and considered currently with this application is approved, the project will further the goals of the General Plan 2040.

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-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Staff Report
 2. 01-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Vicinity Map
 3. 02-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Existing Zoning Map
 4. 03-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Proposed Zoning Map
 5. 04-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Rezone Document
 6. 05-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Citizen Participation Report
 7. 06-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Affidavit of Posting
 8. 07-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Letters of Opposition and Support
 9. 08-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - Ordinance#2026-18
 10. 09-FS25-1081 Happy Valley Road Biz-Tech Park Rezone - PZ Recommendation
 11. FS25-1081 Happy Valley Road Biz-Tech Rezone.PowerPoint
-

Rezone

Report to the City Council

Case:	FS25-1081
Project Name:	Happy Valley Road Biz-Tech Park - Rezone
Council District:	1- Acacia
P&Z Commission Date	August 20, 2026
City Council Date:	September 15, 2026
Planner:	Chris Sexton, Senior Planner
Owner:	Happy Valley Rd LLC
Applicant:	Withey Morris Baugh, PLC
Request:	Rezone of approximately 7.52 acres from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay.
Site Location:	Generally located near the southeast corner of Happy Valley Road and 157th Avenue
Site Size:	7.52 gross acres (approx.)
General Plan Conformance:	If the Minor General Plan Amendment is approved prior to the Rezone being approved then the proposal is consistent with the Surprise General Plan 2040
Support/Opposition:	Refer to the attached Citizen Participation Report.
Commission Recommendation:	The Planning and Zoning Commission recommended approval of the proposed Rezone, Case FS25-1081 , to the Mayor and City Council, subject to stipulations (a) and (b).

Project Description:

Withey Morris Baugh, PLC (the "Applicant") requests a rezone of approximately 7.52 acres from Rural Residential (RR) to Regional Commercial (C-3) with a PUD overlay (the "Project"). The Project is located along the southeast corner of Happy Valley Road and 157th Avenue.

Background:

January 12, 2006: The subject parcel was annexed into the City of Surprise under Ordinance 05-60.

September 25, 2025: A concept review meeting was held with the Applicant under case CR25-0780.

December 26, 2025: The Applicant filed the rezone request under case, FS25-1081, the subject case.

March 4, 2026: The Applicant held a neighborhood outreach meeting to discuss the Project.

June 22, 2026: The Applicant held a second neighborhood outreach meeting to discuss the Project as there were changes which warranted another outreach meeting.

August 20, 2026: Planning and Zoning Commission recommended approval to the Mayor and City Council.

Analysis and Discussion:

The subject request is for a rezone of approximately 7.52 acres from Rural Residential (RR) to Regional Commercial (C-3) with a PUD overlay.

[Continued on following page]



Existing Zoning



Proposed Zoning

The future development of the subject property will adhere to the applicable development standards of the C-3 zoning district, as outlined in Section 106-6.3 of the City of Surprise Land Development Ordinance (“LDO”), at the time of development with the exception of the minimum setback to residential zoning. The applicant is requesting a PUD overlay which is explained in the PUD overlay section of this report. The following table shows the current development standards of the C-3 zoning district.

Table 106-6a – Regional Commercial (C-3) Zoning District

	Current LDO	Proposed PUD standards
	C-3	PUD standards
Min. lot Area (sf)	90,000¹	90,000¹
Min. setback to arterial (ft)	35^{5,6}	35^{5,6}
Min. setback to collector and low ROW (ft)	20^{5,6}	20^{5,6}
Min. setback adjacent to residential zoning (ft)	45^{5,6}	15^{5,6}
Min. setback to adjacent nonresidential zoning (ft)	15^{5,6}	15
Max. bldg. height (sf)	30	30
Max. size per use/tenant (sf)³	No limit	No limit
Max. size per commerce center (ac)⁴	No limit	No limit
Notes:		
1. Minimum lot area may be reduced to 18,000 square feet for pad sites within a commerce center with a minimum size of 90,000 square feet.		
2. The height of any structure or portions thereof, shall not exceed 30 feet in height measured at the setback line when adjacent to rural residential (RR), residential low density (R-1), and residential medium density (R-2) zoning. The height 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.		
3. Area combines the total square footage of the use, which may include but is not limited to the gross floor areas of the building, outdoor activities and dining areas (when allowed), storage areas, and all display or sales areas.		
4. Contain uses designed around common circulation, parking and pedestrian connectivity, including but not limited to shared access or access easements.		
5. Projects designed as commerce center will comply with overall development standards regarding but not limited to shared access or access easements.		
6. Pad sites within a commerce center may have reduced setbacks along boundaries internal to the master site plan if the whole development complies with parking and landscaping regulations. Approval by the community development director or designee is required.		

Site Plan:

The conceptual site plan proposes five (5) buildings of varying sizes ranging from approximately 13,870 square feet to 22,710 square feet with a proposed maximum 32-foot building height. The buildings located on the south side are oriented so that the store front and customer parking face the south side, and the rear doors are oriented internal to the Project. Parking is integrated across the property and provides 163 parking spaces plus a shared gated truck court located between Buildings 2 and 3 for convenient loading. Landscaping will be located within the required setbacks along the northern, southern, and western perimeters with a pedestrian trail located along the Project perimeter.

Access:

Access to the property is via one (1) right-in, right-out driveway on Happy Valley Road and one (1) full access drive along the boundary onto 157th Avenue. The site's circulation network provides convenient connectivity throughout the development and is designed to accommodate passenger vehicles, service vehicles, and emergency access.

Amenities:

The conceptual site plan features a central outdoor amenity area. The purpose of the amenity site is to give customers and employees a place to recreate and convene and hold community gatherings. The large outdoor amenity area is located south of Building 1 and is approximately 13,000 square feet. The amenity area will be shared between all building owners and onsite employees. The amenity area may include, but is not limited to landscaping, seating, outdoor tables, outdoor games, canopies, pavilions, and more.

[Continued on following page]

DEVELOPMENT STANDARDS

Item	Jurisdiction	Supplement, AZ			
Current Zoning	APN	920-009-001			
		88			
Proposed Zoning	C-3 (REGIONAL COMMERCIAL)				
Max Building Height	ASU	45.7			
Lot Coverage		1/4			
Open Space		1/4			
Building Standards					
Front	Setback to lot line	10 FT			
	(Non-Residential)	15 FT			
	(Residential)	45 FT			
Side	(Non-Residential)	10 FT			
	(Residential)	45 FT			
Landscape Standards					
Front		15 FT			
Side		10 FT ¹			
Rear		10 FT ¹			
Parking Standards					
Min Lot Size		1/4 Acre			
Drive Side		20 FT			
Fire Lane		20 FT			
Parking Minimums ²	Commercial	1,500/SF			
PROJECT DATA					
Site Summary					
Tracts Site Area	374,590 SF		8.60 A		
Stormwater Management	23,000 SF		0.52 A		
Net Site Area	327,715 SF		7.42 A		
Total Building Area	GFA	61,335 SF			
Overall Landscape Area	120,718 SF		2.76 A		
Water Landscape Area	4,600 SF		0.10 A		
Total Landscape Area			2.86 A		
Building Areas: Parking					
Buildings	SF				
Building 1	13,870 SF	28	Stalls		
Building 2	14,560 SF	29	Stalls		
Building 3	14,560 SF	29	Stalls		
Building 4	15,420 SF	31	Stalls		
Building 5	22,120 SF	43	Stalls		
Grand Total Area	81,130 SF	162	Stalls		
Parking Data					
Stalls Provided	61,335 / 1000 =	162	Stalls		
Standard Accessible Provided		15	Stalls		
Van Accessible Provided		3	Stalls		
Total Stalls Provided		160	Stalls		
Stalls Deficient		2	Stalls		
Display Parking Provided ³		10	Stalls		
NOTES					
1. Fire engine access required along a Fireengine Zone boundary. No structural encumbrances.					
2. Per site plan section 7.01.01.					
3. Per site plan section 7.01.02.					
LEGEND					
7.1.1.2					
FIRE TRUCK TURNING RADIUS		CARPORT			
VICINITY MAP					

WARE MALCOMB

NOT FOR
CONSTRUCTION
OR RECORDING

**HAPPY VALLEY
BIZ-TECH PARK**
164TH RD & W HAPPY VALLEY
SURPRISE, ARIZONA

Date	Revisions
8-27-2025	CONCEPT REVIEW
11-6-2025	CONCEPT REVIEW

PA / PNL	MR
DRAMB BY:	CA/AA
JOB NO.:	PHX25-0067-0

SHEET

A1.0

Planned Unit Development (PUD) Overlay:

Additionally, the Project is requesting approval of a PUD overlay to reduce the eastern setback to 15-feet. Article IX, Overlay Zoning Districts, Section 106-9.1, sets forth the requirements and criteria for Planned Unit Development (PUD) Overlay districts. The purpose of a PUD is to permit flexibility to accommodate creative and imaginative designs that may not be possible under conventional regulations. A PUD is intended to accommodate site constraints and unique circumstances that may include topography or environmentally sensitive lands. A PUD shall identify the various constraints associated with the site and demonstrate how the design meets the guiding objectives of a PUD overlay zoning district as demonstrated below.

As seen on the site plan and explained above, the Project is providing a central outdoor amenity site. The amenity area will be shared between all the building owners and onsite employees and provide a gathering area. In order to provide this amenity site for a business-tech park, the developer is not able to maximize the Project's building square footage. Therefore, to provide this amenity site and an overall effective building layout, a deviation to the eastern setback is being requested from 45-feet to 15-feet. Per the LDO, a 45-foot setback is required where a commercially zoned property abuts a residentially zoned property. The project immediately to the east of the Project is currently zoned residential; however, there is a rezone application in review to change the designation from residential to commercial. Due to the timing of the rezone process, the Project is being reviewed before the adjacent zoning request. As a result, the current zoning regulations require a 45-foot setback along the eastern property line, which would preclude the ability to provide an amenity site and effect the overall building layout. In anticipation of the adjacent property's proposed rezone to commercial, which would reduce the 45-foot setback to a 15-foot setback, the applicant is requesting a PUD for the east side setback only. This request allows the Project to proceed without delay.

The following outlines the PUD overlay rationale as well as the responses provided by the applicant:

- Development enriches the whole community through creating a unique sense of place for the residents within the PUD overlay zoning district as well as those in surrounding neighborhoods.

Response: The development provides an outdoor amenity area that not only serves onsite customers and employers but also is designed for community gatherings and convening spaces. This helps provide a unique sense of place for residents and employees in the surrounding neighborhoods.

- Provide for a variety of coordinated and compatible land uses through innovative site planning.

Response: The use is compatible with the planned commercial development to the east, the planned multi-family to the south and west, and is exactly the type of business development the city is targeting for the Happy Valley Road business corridor.

- Create a higher standard of development than would be accomplished through the development of individual parcels through conventional zoning regulations.

Response: The PUD paves the way for a superior employment park that is unlike anything Surprise has to date. Rather than build big boxes, this PUD provides small flex spaces for the biz tech employers and commercial office uses to collaborate.

- Planned and integrated comprehensive transportation systems for pedestrian and vehicular traffic as outlined in this ordinance, which may include provisions for mass transportation and roadways, bicycle or equestrian paths, pedestrian walkways and other similar transportation facilities to meet the site conditions.

Response: The site plan includes a perimeter walking and cycling trail that allows the connection to the developments planned east and west of this south, in furtherance of a comprehensive transportation systems for pedestrians and bicycles. In this manner, future residents who may live in the future apartments around us can access the future commercial to the east without being on Happy Valley Road.

- Preserve existing environmentally sensitive lands that exceeds the maximum open space area required in the ordinance and provide for and well-designed open space amenities.

Response: There are no existing environmentally sensitive lands that exceeds the minimum open space area required in the ordinance and provide for and well-designed open space amenities.

- Fulfills the goals, objectives, and policies of the General Plan as well as specific plans for city areas that may include, but are not limited to cultural, educational, medical, and/or recreational facilities.

Response: The site design fulfills many goals of the general plan as noted in the section further below. More specifically, it does an excellent job fulfilling Policy 1, “**Policy 1.** Guide the design, pattern, and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction. The combination of flexibility and the high-quality nature of the Project contributes to a well-managed community form for both existing and future residents.

- Provide for a variety of housing types, employment opportunities, and commercial services to achieve a balanced community for families of a wide variety of ages, sizes, and levels of income.

Response: The Project provides for employment opportunities and commercial services that are long overdue in this area. The plan accommodates new industry and provides flexible building configurations that allow for adaption to changing economic conditions and future industry needs. This helps establish a functional and resilient employment center for the community for many years to come.

- Site structures to take maximum advantage of the natural and man-made environment, provide view corridors, and minimize adverse environmental impacts on surrounding areas during development stages.

Response: Since this site is relatively flat without any natural conditions, this development has aimed to emphasize large open setbacks along Happy Valley Road to maximize and improve the view corridor.

- Avoid premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities.

Response: The development is the perfect type and intensity that the city's economic development department encourages in the northwest part of the city. The use is highly compatible along this major transportation corridor and is situated next to R-3 zoning, the most intense residential use allowed in the city. Given that other commercial uses are planned immediately to the east, this is the right use at the right time, and at the right location.

- All standards set forth in an approved PUD document shall carry the full force of law.

Response: Agreed.

Utility and Services Table:

Electric:	Arizona Public Service
Water:	City of Surprise
School District	Dysart School District

Conformance with Adopted Plans:

The proposed C-3 zoning is not consistent with the current Neighborhood Character Area designation of the General Plan 2040. However, a proposed Minor General Plan Amendment to change the land use designation of this subject site from the Neighborhood Character Area to the Commercial and Office Character Area is being reviewed and considered concurrently with this application. Upon approval of the proposed Minor General Plan Amendment this rezone will be consistent with the goals, policies, recommendations, and guidelines of the City of Surprise General Plan 2040.

Upon approval of the Minor General Plan Amendment this Project will be located within the Commerce and Office Character Area of the General Plan. The proposed Rezone adheres to the design guidelines of the proposed character area which allows for commercial development.

Reviewing Agencies:

In addition to the standard City reviewing agencies, the Arizona Game and Fish Department, the Maricopa Water District, the Flood Control District of Maricopa County, and Luke Air Force Base were included in the routing of this request. These agencies indicated no objections to the request.

Citizen Outreach:

Two neighborhood outreach meetings were held on March 4, 2026, and June 22, 2026, at Asante Preparatory Academy. Both meetings were noticed in accordance with applicable City and State public notification requirements.

The first neighborhood outreach meeting, held on March 4, 2026, was attended by four (4) members of the public. Questions and comments focused primarily on transportation and the proposed land uses. The second neighborhood outreach meeting, held on June 22, 2026, was attended by two (2) members of the public. Discussion centered on the overall development area, including transportation infrastructure, the development review process, land use designations, and proposed community amenities.

Summary:

The proposed rezone request is for the development of a future business-tech park with outside storage. The Project is consistent with the manner and intent of the Surprise Municipal Code and the proposed Minor General Plan Amendment that is being reviewed and considered concurrently with this application. If approved, the site will be developed in accordance with the requirements of the City of Surprise.

Findings:

- Upon approval of the proposed Minor General Plan Amendment the proposed Rezone will be consistent with and will advance the goals of the Surprise General Plan 2040.
- The proposed Rezone is consistent with the LDO.
- The reviewing agencies have indicated no objections.

Commission Recommendation:

Based on the findings noted above, the Planning and Zoning Commission recommended **approval** of the proposed rezone, Case FS25-1081, to the City Council subject to stipulations (a) and (b) below. Stipulations (c) and (d) have been added to reflect the Buy-In Fee requirements set forth in the approved Development Agreements.

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled "Happy Valley Road Biz-Tech Park," prepared by Withey Morris Baugh, PLC, and received June 29, 2026.

- 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.
- c. Prior to the City recording a Final Plat or approving either a Site Plan or building permit within the property referenced herein, applicant shall provide the City with a notice of payment from Taylor Morrison, fka William Lyons Homes, that all applicable Regional Improvements Buy-In Fees, as described in the Rancho Mercardo Supplemental Development Agreement (Regional Improvements Overlay Agreement), have been paid.
- d. Prior to the City recording a final plat or approving a site plan or building permit within the property, the applicant shall provide the City with a Notice of Payment from Paloma Creek Water Coordinator, LLC that the Buy-In Fees, as described in the SPA 2 East Traffic Signal Development Agreement (Regional Improvements Overlay Agreement), have been paid.

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 Zoning Document
- 05 Citizen Outreach Report – REDACTED
- 06 Affidavit of Site Posting
- 07 Letters of Support/Opposition
- 08 Ordinance 2026-18
- 09 P&Z Recommendation
- PPT

FS25-1081 VICINITY MAP



F25-1081 ZONING MAP





Happy Valley Road Biz-Tech Park

Case No. FS25-1081

Rezoning Project Narrative

SEC of the Happy Valley Road and 157th Avenue Future Alignments

1st Submittal: December 29, 2025

2nd Submittal: March 26, 2026

3rd Submittal: May 22, 2026

4th Submittal: June 29, 2026



WITHEY
MORRIS
BAUGH

Development Team

Property Owner/ Developer

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- Aerial Map
- Proposed General Plan Land Use Map
- Conceptual Site Plan
- Existing Zoning Map
- Proposed Zoning Map

A. Purpose

This application is being submitted on behalf of Happy Valley Road, LLC, the proposed developer of approximately 7.52-acre property located at the southeast corner of Happy Valley Road and 157th Avenue future alignment (the "Property"), which is also known commonly as Maricopa County Assessor's Parcel Number (APN) 503-58-975. See Aerial Map at **Tab 1**. As the City of Surprise continues to experience strong growth, our client envisions development of the Property as a flex business-tech park ("the Project"). The development is intended to support the growing community by providing new services, employment opportunities and space for small businesses to establish a local presence where they currently live and, in theory, reduce the overall commute times since local trips stay local. Beyond local small business ownership, other potential uses could include technology, research and development, flex-industrial, medical, and office uses.

To develop the Property as intended, a minor General Plan Amendment and a Rezoning are being pursued concurrently at this time. Additional applications for a Conditional Use Permit with Site Plan and a Final Plat are to be submitted at a later date.

B. Property and Context

The Property is currently undeveloped vacant land with a General Plan land use designation of 'Neighborhood' and a Zoning designation of 'Rural Residential.' A general plan amendment is being concurrently pursued with this rezoning request, see **Tab 2**, Proposed General Plan Land Use Map. The table below further details the general plan designations, zoning designations, and uses of parcels immediately surrounding the Property.

	General Plan Designation	Zoning Designation	Current Use
North	Neighborhood/Open Space	Tierra Verde West PAD	Happy Valley Road; Beyond Street: Common Area for Single Family Residential Development
South	Neighborhood	R-3 PUD	Vacant
East	Neighborhood	RR (pending commercial rezone)	Vacant
West	Neighborhood	R-3 PUD	Vacant

C. Project Overview

The applicant proposes a flex business-tech park that provides new opportunities for commercial, employment and community business services. The key planning emphasis is integration between the commercial employment buildings, arterial street, and adjacent uses. The site plan creates new commercial employment opportunities that provide

economic prospects, social vitality and flexibility in the attraction of new commercial employment uses.

It is our intent to deliver commercial and employment services that are long desired in this area. The concept plan shows a range of building types and employment uses focused on meeting the daily needs of the area residents while being compatible with and integrated into a village concept. See **Tab 3**, Conceptual Site Plan.

Given the Project's intentional flexibility, the site plan reflects this theme with five (5) buildings of varying dimensions. Proposed sizes range from 13,870 square feet to 22,710 square feet and can be further divided to accommodate tenant needs as necessary. Consistent with the proposed zoning, maximum 32' tall building heights are proposed. The buildings have been thoughtfully oriented to allow ample on-site access, create a cohesive development, and consider future neighboring uses.

The buildings on the south side are oriented so that store front and customer parking face the south side and the rear doors are oriented internal to the project. The buildings are also setback 99 feet, almost double the minimum code standard (50').

The conceptual site plan features a central outdoor amenity area. The larger outdoor amenity area is located south of Building 1 and is approximately 13,000 square feet. The amenity area will be shared between all the building owners and onsite employees and provide a pleasant gathering spot for the campus. The amenity area may include, but is not limited to; landscaping, seating, outdoor tables, outdoor games, canopies, pavilions, and more. The purpose of the amenity areas is to give customers and employees a place to recreate, community gatherings, and convening spaces.

Access to the property is via one (1) right-in, right-out driveway on Happy Valley Road and one (1) full-access drive along the western boundary onto 157th Avenue. Onsite circulation has been carefully designed to accommodate a variety of users, with looped internal circulation that considers a variety of vehicles.

157th along Happy Valley Road is the quarter mile location for the future signals along the corridor. While a signal is not warranted based on the proposed traffic volumes, it is recommended that the City of Surprise monitor this location as traffic volumes become actualized and evaluate the need for a potential future signal. At a minimum, conduit and underground shall be installed with the half street construction.

Happy Valley Road is a major arterial requiring 3 lanes of travel with a 4' wide bike lane, curbing, gutter, and sidewalk. 157th Ave is a local roadway (per COS STD DTL 3-07) requiring a minimum of 26'.

Parking is integrated across the Property and provides 163 vehicle parking spaces and 10 bicycle parking spaces. Additionally, a shared gated truck court is located between Buildings 2 and 3 for convenient loading.

Ample landscape setbacks are provided along the street frontage, southern and western perimeters. Additionally, a pedestrian trail is located along the Property's full perimeter.

D. Rezone Request and Justification

To accommodate the employment nature of the Project, a rezoning to Regional Commercial (C-3) is requested, along with a Conditional Use Permit with a Site Plan Application to be filed at a later date to allow for accessory outdoor storage and additional proposed uses. The rezoning to C-3 will allow for the diversity of uses that are envisioned for the proposed flex biz-tech park, such as technology, research and development, flex-industrial, medical, office uses, among others. The Project hopes to provide new services, employment opportunities and space for small businesses to establish a local presence and is compatible with existing development patterns for the area. See **Tab 4**, Existing zoning map and **Tab 5**, Proposed zoning map.

The project is consistent with the intentions established by the City of Surprise's Zoning Ordinance. Specifically, the C-3 zoning district provides for a diversity of general business and commercial uses at a large building size, scale, and overall intensity. Additionally, the conceptual site plan emphasizes safe and convenient pedestrian mobility, with planning that accommodates internal vehicular traffic flow. As stated by the Zoning Ordinance, the C-3 zoning district is an applicable land use within the Commerce and Office Character Area of the General Plan.

E. Planned Unit Development (PUD) Overlay

The (PUD) overlay zoning district facilitates development by permitting flexibility to accommodate creative and imaginative designs. It is also intended to accommodate site constraints and unique circumstances.

In this instance, the development proposal is providing a new product type that is creative and imaginative. As seen on the site plan, this employment park is providing a central outdoor amenity area to entice and attract new employment opportunities to northwest Surprise. The larger outdoor amenity area is located behind Building 1 and is approximately 13,000 square feet. The amenity area will be shared between all the building owners and onsite employees and provide a pleasant gathering spot for the campus. The amenity area may include, but is not limited to; landscaping, seating, outdoor tables, outdoor games, canopies, pavilions, and more. The purpose of the amenity areas is to give customers and employees a place to recreate, community gatherings, and convening spaces.

This type of amenity is an elevated form of commercial and employment that is not typically seen in these types of projects. While it prevents the developer from maximizing its building square footage, it also sets this project apart from others which should go a long way in attracting economic development to this corridor. However, to provide this amenity rich project, a deviation to the eastern setback (15') is necessary.

In reality though, the setback reduction should not have any impact since in this instance, the vacant land to the east is being rezoned to commercial which would otherwise allow our site to have a 15' building setback. However, since the timing of our application is moving

faster than the commercial rezone application on the adjacent parcel, the applicable code requirement would force this commercial site to have a 45' setback to the drive aisle and perimeter landscaping on the east side which would preclude the ability for us to provide the amenity and overall building layout. Again, this large setback will no longer be required once the adjacent land is rezoned to commercial.

Forcing this site to provide a 45' setback when ultimately the requirement will be 15' feet once the commercial zoning is approved would also have the unintended effect of forcing this economic development project to pause and wait 8 months for the adjacent land to catch up on its rezone timing. That would bring this employment project to a halt and could potentially cause it to lose its project financing because of the unnecessary delay. For these reasons, the PUD overlay is request for only the east side setback reduction to 15 feet.

This application satisfies the PUD overlay criteria:

1. Development enriches the whole community through creating a unique sense of place for the residents within the PUD overlay zoning district as well as those in surrounding neighborhoods.

Response: The development provides an outdoor amenity area that not only serves onsite customers and employers but also is designed for community gatherings and convening spaces. This helps provide a unique sense of place for residents and employees in the surrounding neighborhoods.

2. Provide for a variety of coordinated and compatible land uses through innovative site planning.

Response: The use is compatible with the planned commercial development to the east, the planned multi-family to the south and west, and is exactly the type of business development the city is targeting for the Happy Valley Road business corridor.

3. Create a higher standard of development than would be accomplished through the development of individual parcels through conventional zoning regulations.

Response: The PUD paves the way for a superior employment park that is unlike anything Surprise has to date. Rather than build big boxes, this PUD provides small flex spaces for the biz tech employers and commercial office users to collocate.

4. Planned and integrated comprehensive transportation systems for pedestrian and vehicular traffic as outlined in this ordinance, which may include provisions for mass transportation and roadways, bicycle or equestrian paths, pedestrian walkways and other similar transportation facilities to meet the site conditions.

Response: The site plan includes a perimeter walking and cycling trail that allows connection to the developments planned east and west of this south, in furtherance of a comprehensive transportation systems for pedestrians and bicycles. In this manner, future residents who may live in the future apartments around us can access the future commercial to the east without being on Happy Valley Road.

5. Preserve existing environmentally sensitive lands that exceeds the minimum open space area required in the ordinance and provide for and well-designed open space amenities.

Response: There are no existing environmentally sensitive lands on this site. However, the site has substantially more open space and amenity areas than would otherwise be required for this type of project. The main open space behind building can be utilized as a community gathering space, employee recreation area, and outdoor meeting area.

6. Fulfills the goals, objectives, and policies of the General Plan as well as specific plans for city areas that may include, but are not limited to cultural, educational, medical, and/or recreational facilities.

Response: The site design fulfills many goals of the general plan as noted in the section further below. More specially, it does an excellent job fulfilling Policy 1, "**Policy 1.** Guide the design, pattern, and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and respects desirable community character and context for both existing and future residents."

The Project incorporates best practices such as varied building sizes and enhanced landscaping for visual diversity, while the pedestrian trail and outdoor amenities promote opportunities for social interaction. The combination of flexibility and the high-quality nature of the Project contributes to a well-managed community form for both existing and future residents.

7. Provide for a variety of housing types, employment opportunities, and commercial services to achieve a balanced community for families of a wide variety of ages, sizes, and levels of income.

Response: The Project provides for employment opportunities and commercial services that are long overdue in this area. The plan accommodates new industry and provides flexible building configurations that allow for adaptation to changing economic conditions and future industry needs. This helps establish a functional and resilient employment center for the community for many years to come.

8. Site structures to take maximum advantage of the natural and man-made environment, provide view corridors, and minimize adverse environmental impact on surrounding areas during the development stages.

Response: Since the site is relatively flat without any natural conditions, this development has aimed to emphasize large open setbacks along Happy Valley Road to maximize and improve the view corridor.

9. Avoid premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities.

Response: This development is the perfect type and intensity that the city's economic development department encourages in the northwest part of the city. The use is highly compatible along this major transportation corridor and is situated next to R-3 zoning, the

most intense residential use allowed in the city. Given that other commercial uses are planned immediately to the east, this is the right use at the right time, and at the right location.

10. All standards set forth in an approved PUD document shall carry the full force of law.

Response: Agreed.

F. General Plan Compliance Statement

The Project and the proposed rezoning to C-3 will support the requested Commerce and Office Character area through the following goals and policies set forth by the City of Surprise 2040 General Plan.

Goal 4.1 *Maintain a well-managed community form*

Policy 1. *Guide the design, pattern, and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and respects desirable community character and context for both existing and future residents.*

Response: The Project incorporates best practices such as varied building sizes and enhanced landscaping for visual diversity, while the pedestrian trail and outdoor amenities promote opportunities for social interaction. The combination of flexibility and the high-quality nature of the Project contributes to a well-managed community form for both existing and future residents.

Goal 4.2 *Be a home for everyone*

Policy 7. *Accommodate medium and high-density development /redevelopment in appropriate areas of the City and that are good neighbors to existing development.*

Response: The Project is intended to provide service and employment opportunities for Surprise residents while encouraging local business growth that compliments the area. The development pattern will be context-sensitive, considering the existing residential nature of the area while acknowledging the expected continued growth along Happy Valley Road.

Goal 8.1 *Support economic competitiveness*

Policy 3. *Support small business enterprise with access to professional resources that will assist in all stages of a business life cycle.*

Response: The Project provides space to allow small businesses to establish and grow within the City of Surprise, fostering a stronger local economy that enhances long-term competitiveness. The flexibility of the spaces allows for business growth to occur in place, limiting the need to relocate outside of the City of Surprise.

Policy 8. *Encourage new employment centers by providing the infrastructure necessary to accommodate new industry, while also remaining flexible to future economic shifts and needs.*

Response: The Project directly contributes to this policy by both accommodating new industry and providing flexible building configurations that allow for adaptation to changing economic conditions and future industry needs. This helps establish a functional and resilient employment center for the community for many years to come.

By aligning with these goals and policies, the Happy Valley Road Biz-Tech Park rezoning proposal supports the City's vision for a livable community, a connected city, and a competing economy.

G. Conclusion

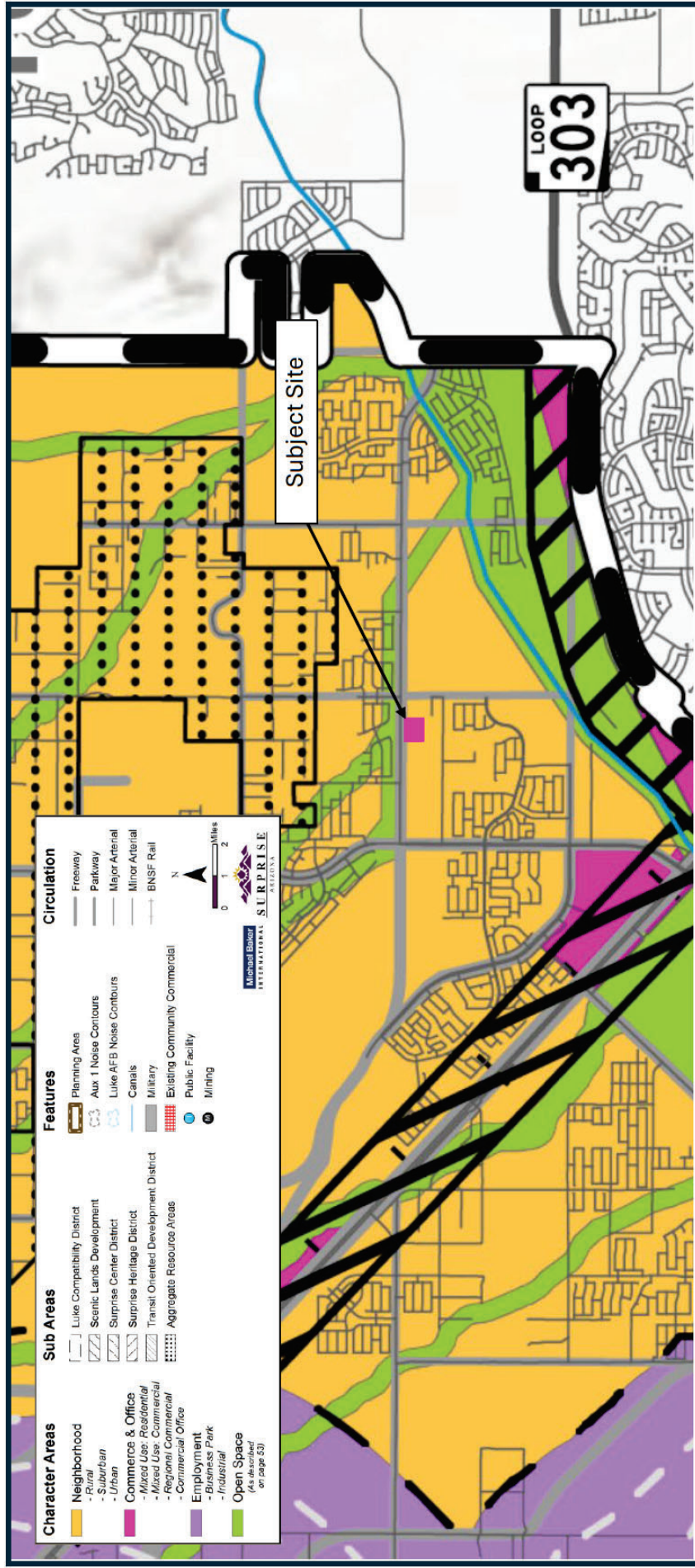
The proposed rezoning will allow the development of a high-quality flex business-tech park that supports the City of Surprise's goals for balanced growth, economic vitality, and local employment opportunities. The Project will closely align with the intent of the Commerce and Office Character Area and the C-3 zoning district by promoting a mix of compatible commercial, office, and light industrial uses designed at an appropriate scale and intensity for the area. Through thoughtful site planning, enhanced landscaping, and attention to pedestrian and vehicular circulation, the Project will set a strong example for future development in the area.

Tab 1



Site Aerial Map

Tab 2



Proposed General Plan Map

Tab 3

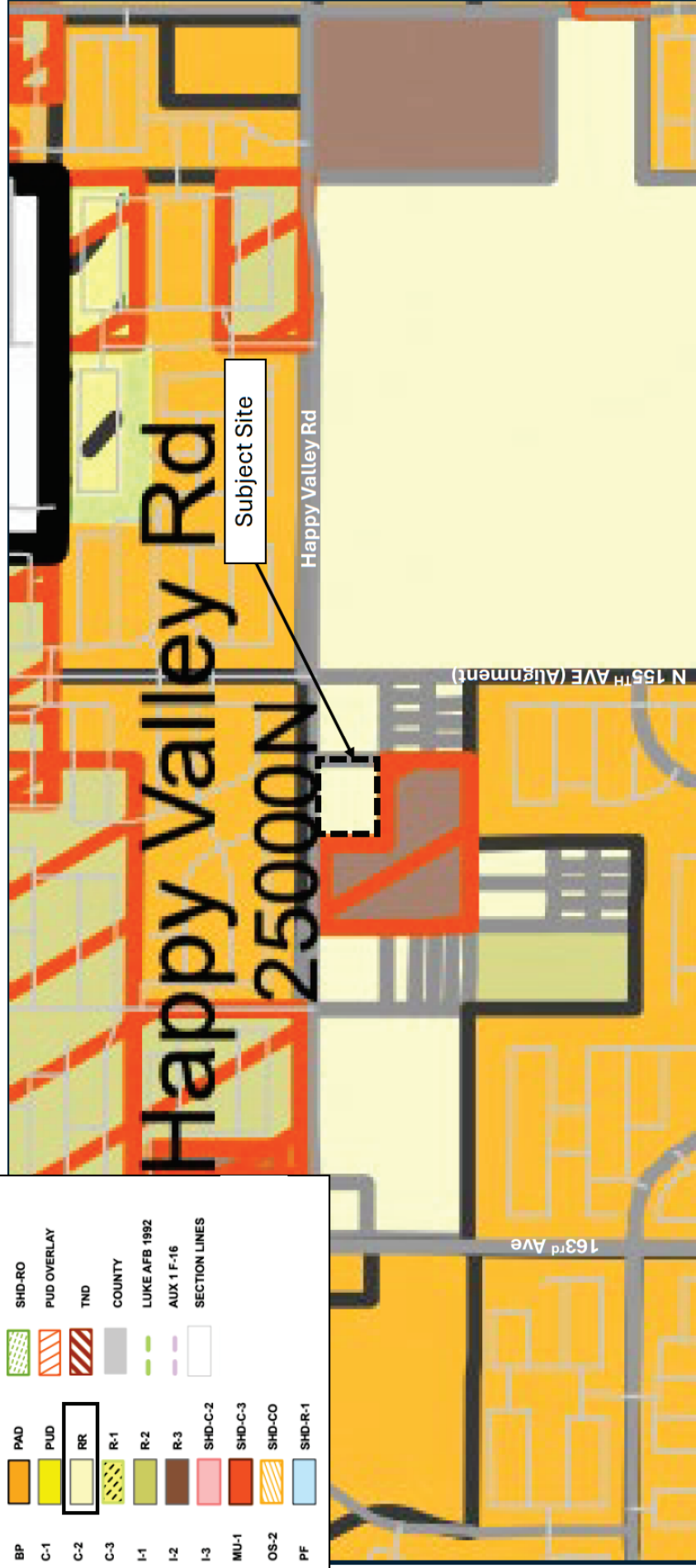
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Tab 4

Zoning Districts		SURPRISE ARIZONA	
BP	SHD-RO	PAD	SHD-RO
C-1	PUD OVERLAY	PUD	PUD OVERLAY
C-2	TND	RR	TND
C-3	COUNTY	R-1	COUNTY
I-1	LUKE AFB 1992	R-2	LUKE AFB 1992
I-2	AUX 1 F-16	R-3	AUX 1 F-16
I-3	SECTION LINES	SHD-C-2	SECTION LINES
MUL-1		SHD-C-3	
OS-2		SHD-CO	
PF		SHD-R-1	

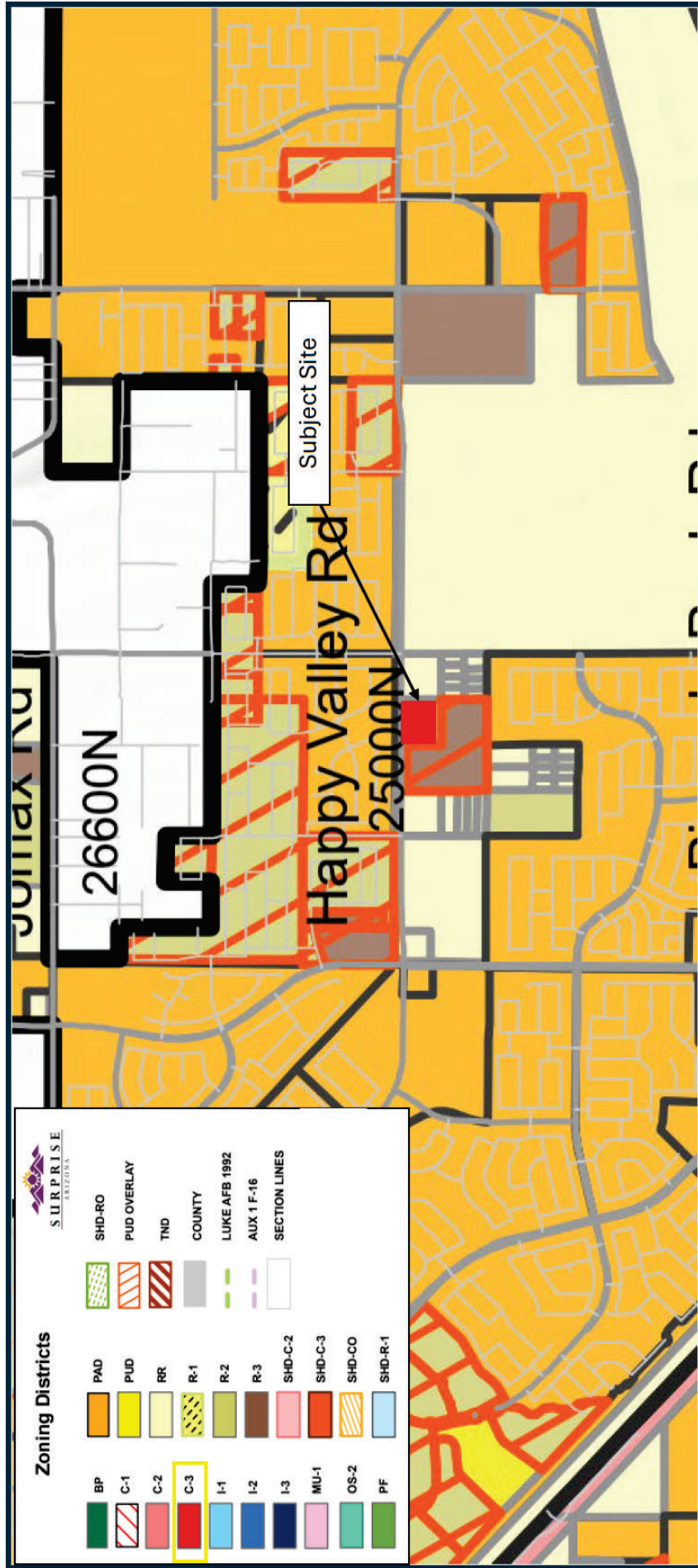


Zoning Map



WITHEY
MORRIS
BAUGH

Tab 5



Proposed Zoning Map

Happy Valley Road Biz-Tech Park

SEC of Happy Valley Road and 157th Avenue Future
Alignment

Citizen Participation Report

Case No. FS25-1081

Submitted: June 29, 2026



WITHEY
MORRIS
BAUGH

1. Project Description/Request

This Citizen Participation Report is for the approximately 7.52-acre property located at the southeast corner of Happy Valley Road and 157th Avenue future alignment (the “Property”), which is also known commonly as Maricopa County Assessor’s Parcel Number (APN) 503-58-975. See Site Aerial Map at **Tab 1**.

As background, on December 23, 2025, formal applications were filed with the City of Surprise for the Property, including a rezoning to C-3 with a PUD overlay and minor general plan amendment application to “Commercial”. This application is proposed to allow for the development of the Property as a flex business-tech park that is envisioned to allow small businesses to locate in this area of Surprise and provide a variety of commercial and employment services (the “Project”).

The purpose of this report is to summarize the applicant’s outreach efforts and community feedback.

2. Outreach/Notification Timeline Overview

- **February 2026:** Neighborhood meeting notice letters mailed to all property owners within 300 feet of the Property and all applicable interested parties, by city staff.
- **February 2026:** Public notice posted in the Fountian Hills Times with details regarding the neighborhood meeting, by city staff.
- **February 16, 2026:** The Property was posted with an informational sign with details regarding the neighborhood meeting by the applicant.
- **March 4, 2026:** An in-person neighborhood meeting was hosted at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 7:00 p.m.
- **June 2026:** Neighborhood meeting notice letters mailed to all property owners within 300 feet of the Property and all applicable interested parties, by city staff.
- **June 2026:** Public notice posted in the Fountian Hills Times with details regarding the neighborhood meeting, by city staff.
- **June 1, 2026:** The informational sign posted on the Property was updated with information regarding a follow-up neighborhood meeting by the applicant.
- **June 22, 2026:** A second in-person neighborhood meeting was hosted at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 6:30 p.m.

3. Notification Affidavits, Letters, and Mailing Lists

See **Tab 2** for sign posting affidavits and **Tab 3** for staff-provided copies of the mailed notice and newspaper ads.

4. Notification List

The City of Surprise notification requirements for neighborhood meetings include property owners and Homeowners' Associations within 300 feet of the Property, and any other potentially affected citizens as determined by the community development director.

5. Public Meeting Dates and Locations

- **March 4, 2026:** An in-person neighborhood meeting was hosted by the applicant at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 7:00 p.m.
- **June 22, 2026:** A second in-person neighborhood meeting was hosted at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The meeting began at 6:00 p.m. and ended at approximately 6:30 p.m.

6. First Neighborhood Meeting Summary

A neighborhood meeting for the Project was held on Wednesday, March 4, 2026, at 6:00 PM at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387. The neighborhood meeting was noticed in accordance with the City's land development ordinance requirements. The neighborhood meeting lasted approximately one (1) hour.

In addition to the development team, four (4) interested people attended the neighborhood meeting as well as members of city staff. See **Tab 4**, First Neighborhood Sign-in Sheet. One (1) of the attendees owns the Property zoned R-3 PAD to the south and west of the subject Property.

The applicant provided an overview of the application request to the attendees, and shared exhibits to illustrate the proposal. The development team then responded to question topics below, as follows:

a) Traffic Improvements and Area Trends

After the presentation, one attendee asked about the status of general traffic improvements in the area and stated that area has been badly affected by traffic and in need of infrastructure improvements.

The development team explained that traffic improvements are anticipated to be incoming based on the City of Surprise's capital improvement plan. These improvements would be along Happy Valley Road and would create signalized intersections at both 159th Avenue and 155th Avenue. While these improvements may take some time to complete, the development team is anticipating a contribution requirement.

b) Proposed Uses

One attendee shared that they were in attendance to only to learn more about the proposed development, and upon hearing the development team's presentation, stated that they believe this is a desirable use for the area.

Another attendee, the owner of the land south and west of the Property, shared that they believed the proposed uses to be incompatible with the area and the goals of the General Plan. The opposing attendee also shared their assumption that the future development of the Property would not be consistent with the Project and demanded larger buffers, the elimination of roll-up doors, and a more traditional 'business park' development. This attendee also expressed opposition toward future Conditional Use Permits.

The applicant explained that the growth trends in the area have largely been residential to date, and best land-use practices indicate demand for employment opportunities, services, and space for local businesses. The proposed uses are necessary to support the growing community, with flexibility built into the Project to allow a variety of tenants to locate. The applicant shared that the development team would review the requests for changes to the Project along the southern property boundary, and that a Conditional Use Permit could only be provided if the uses are determined to be compatible by the City.

The meeting concluded at approximately 7:00 p.m.

7. Second Neighborhood Meeting Summary

A follow-up neighborhood meeting for the Project was held on Monday, June 22, 2026, at 6:00 PM at Asante Preparatory Academy, located at 23251 N. 166th Drive, Surprise, AZ, 85387 to share updates to the Project. The neighborhood meeting was noticed in accordance with the City's land development ordinance requirements. The neighborhood meeting lasted approximately 30 minutes.

In addition to the development team, a Planning Commissioner, members of city staff, and two (2) interested party attended the neighborhood meeting. See **Tab 5**, Second Neighborhood Meeting Sign-in Sheet.

The applicant provided an overview of the updated application request to the attendee, which includes a PUD Overlay and changes to the site plan, and shared exhibits to illustrate the proposal. The development team then responded to question topics below, as follows:

a) Traffic Infrastructure

Traffic infrastructure was indicated to be the primary concern by the attendee, who asked questions regarding the construction of 157th Avenue, traffic signal contribution, and upcoming infrastructure improvement projects.

The applicant shared that 157th Avenue is required to be constructed by the developer to support the Project, and that a 25% contribution will be required for a future traffic signal. City staff and the Commissioner in attendance explained the anticipated improvement timeline for the area and detailed the improvements to Happy Valley Road and 163rd Avenue.

b) Process

One attendee asked what the development process includes and asked for an estimated completion date.

The applicant explained that public hearings before the Planning Commission and City Council are anticipated to be scheduled in August and September, respectively. If these hearing result in approval of the desired zoning designation, the development team is hopeful to get the Project completed as soon as possible, potentially early 2027.

c) Land Use Designations

One attendee inquired about the necessity of C-3 zoning.

The applicant explained that the zoning designations pursued are intended to create a more cohesive land use pattern along Happy Valley Road, as neighboring property is anticipated to develop with commercial uses similar to the development at 163rd Avenue. The C-3 zoning designation is intended to allow a variety of uses to locate at the Property, while the PUD is intended to provide some relief from the required development standards. The C-3 zoning designation will also allow a framework to develop an outdoor storage yard.

d) Project Amenities

The Commissioner in attendance indicated that he felt there was value added for the community with the Project's proposed amenity area and asked if there has been discussion about allowing the community to rent meeting space.

The applicant shared that the amenity areas are intended to increase the value of the development and attract quality businesses to this area of Surprise. Regarding community rental, the development team will have conference room space available for the community to rent.

The meeting concluded at approximately 6:30 p.m.

8. Written Correspondence

To date, the applicant has received written correspondence from one (1) community member requesting information regarding the desired land use and open space.

9. Community Concerns the Applicant will not Address

The applicant will continue to be available to respond to community members and is open to constructive discussions on how to improve upon the proposed land use plan.

10. Community Concerns & Response

Previously, the adjacent Bonita Place landowner submitted a legal protest petition. The applicant has been working closely with the petitioner on desired site plan changes, and the parties are negotiating a purchase of the Property, and the petitioner is withdrawing his legal protest.

Tab 1



Site Aerial Map

Tab 2

AFFIDAVIT OF POSTING

Application No: FS25-1081

Applicant Name: Withey Morris Baugh

Location: SWC Happy Valley & 157th Ave

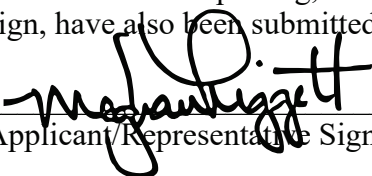
Date Site Posted: 02/16/26

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

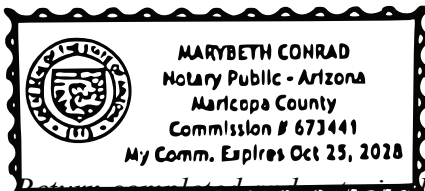
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 _____
Applicant/Representative Signature Date

This instrument was acknowledged before me on 02/16/26, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



 _____
Notary Public
10-25-28 _____
My commission expires

~~Return completed and notarized~~ *affidavit* and all relevant *photos* to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

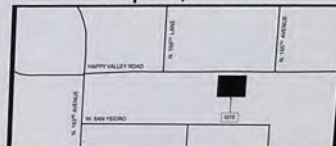
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

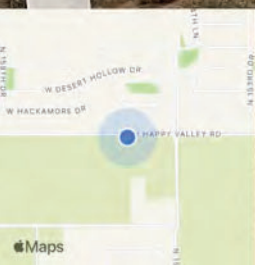
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov



February 16, 2026 at 8:57 AM
+33.710963,-112.396825
W Happy Valley Rd
Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

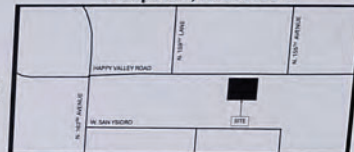
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

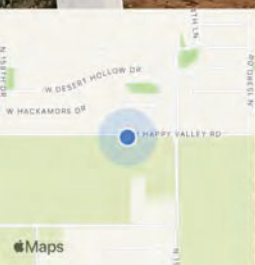


Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.

For more information, call:
623-222-3011

www.Surpriseaz.gov



February 16, 2026 at 8:56 AM
+33.710963,-112.396825
W Happy Valley Rd
Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

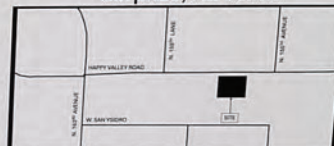
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

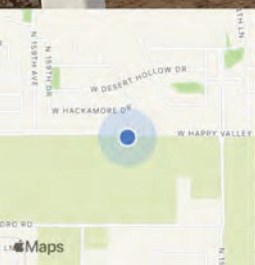
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov



February 16, 2026 at 8:35 AM

+33.710944,-112.398920

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: March 4, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

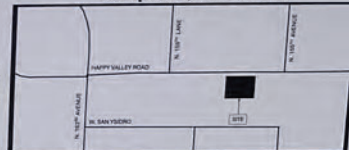
Date: TBD

Time: 6:00 P.M.

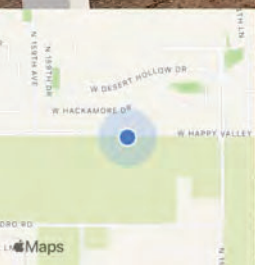
Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011
www.Surpriseaz.gov



February 16, 2026 at 8:34 AM
+33.710944,-112.398920
W Happy Valley Rd
Surprise AZ 85387

AFFIDAVIT OF POSTING

Application No: FS25-1081

Applicant Name: Withey Morris Baugh

Location: SWC Happy Valley & 157th Ave

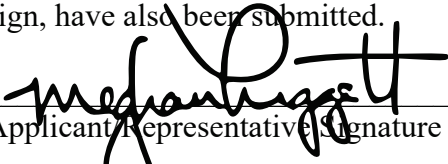
Date Site Posted: 06/01/26

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 _____
Applicant Representative Signature Date

This instrument was acknowledged before me on 06/01/26, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



 _____
Notary Public
10-25-28 _____
My commission expires

Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

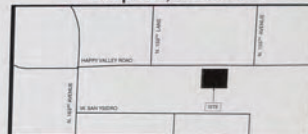
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011
www.Surpriseaz.gov

Jun 1, 2026 at 9:43:38 AM

+33.710944,-112.396746

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

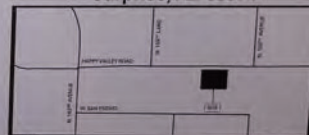
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov

Jun 1, 2026 at 9:43:27 AM

+33.710951,-112.396820

25130 N 156th Ln

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

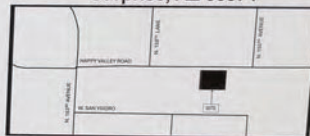
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011
www.Surpriseaz.gov

Jun 1, 2026 at 9:32:07 AM

+33.710925 -112.398860

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

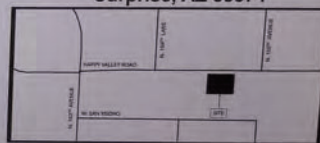
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southwest corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

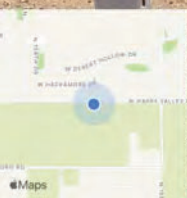
www.Surpriseaz.gov

Jun 1, 2026 at 9:31:54 AM

+33.710995,-112.398949

Page 327 of 449

Surprise AZ 85387



Tab

[NOTICE OF NEIGHBORHOOD MEETING]

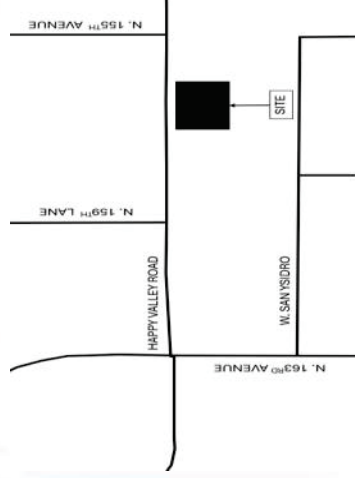
DEAR PROPERTY OWNER: The purpose of this mailing is to inform you that a Neighborhood Meeting is scheduled to review and solicit public input on Case FS25-1081, a request by Kirsten Sinelli with Withey Morris Baugh for a General Plan Amendment and Rezone.

The project requests a minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezone from Rural Residential (RR) to Regional Commercial (C-3). The request is to allow a flex business-tech park on a 7.52 acre site.

The project is located at the southwest corner of the Happy Valley Road and 157th Avenue future alignments.

At the meeting, the applicant and/or representative will be available to answer any questions and solicit comments on this request.

PROJECT LOCATION



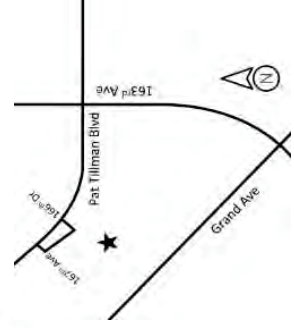
*To learn more or provide input,
please contact:
Chris Sexton at 623.222.3134 or
christina.sexton@surpriseaz.gov*



WHEN:

Wednesday, March 4, 2026 | 6:00 PM

Location: Asante Prep Academy
23251 N 166th Drive
Surprise, AZ 85388



DEVELOPMENT PROJECT NEIGHBORHOOD MEETING

Please be advised, Kirsten Sinelli with Withey Morris Baugh on behalf of Happy Valley Road, LLC will host a Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in this conversation as it pertains to this project by utilizing the information provided under Neighborhood Meeting Details below. According to 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. Please note, the City of Surprise is not the host of this meeting; however, the assigned City Planner will be available to provide information as needed in response to inquiries received from residents.

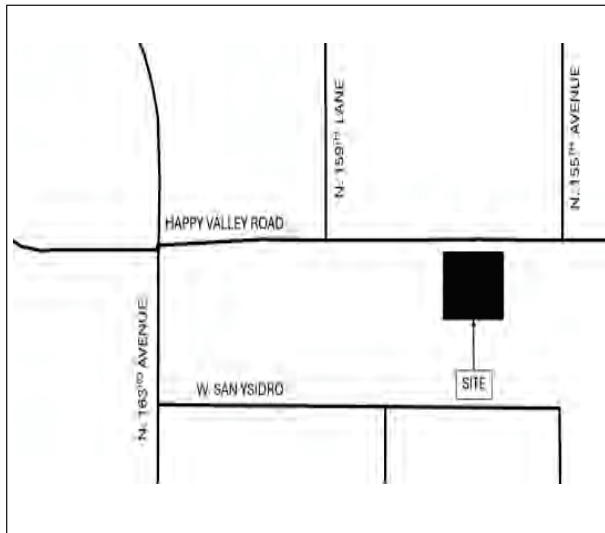
Applicant: Kirsten Sinelli, (602) 230-0600, kirsten@wmbattorneys.com

City of Surprise: Chris Sexton, (623) 222-3134, christina.sexton@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: **Wednesday March 4, 2026**
TIME: 6:00 PM
PHYSICAL LOCATION: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ, 85388

PROJECT LOCATION



MEETING LOCATION



PROJECT DESCRIPTION:

The project requests a minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezone from Rural Residential (RR) to Regional Commercial (C-3). The request is to allow a flex business-tech park on a 7.52-acre vacant site generally located at the southwest corner of the Happy Valley Road and 157th Avenue future alignments. Surprise Planning Case FS25-1081.

[NOTICE OF NEIGHBORHOOD MEETING]

DEAR PROPERTY OWNER: The purpose of this mailing is to inform you that a Neighborhood Meeting is scheduled to review and solicit public input on Case FS25-1081, a request by Adam Baugh with Withey Morris Baugh for a General Plan Amendment and Rezone.

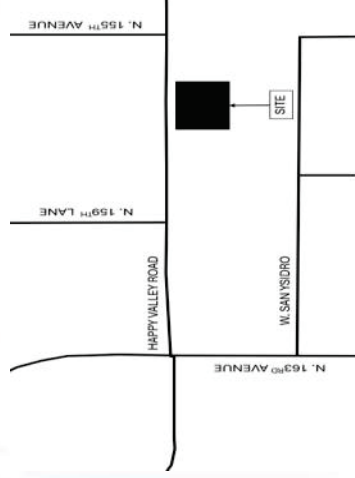
business-tech park on a 7.52 acre site.

The project is located at the southeast corner of the Happy Valley Road and 157th Avenue future alignments.

The project requests a minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezone from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay. The request is to allow a flex

At the meeting, the applicant and/or representative will be available to answer any questions and solicit comments on this request.

PROJECT LOCATION



*To learn more or provide input,
please contact:
Chris Sexton at 623.222.3134 or
christina.sexton@surpriseaz.gov*



WHEN:

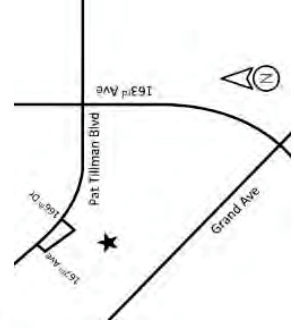
Monday, June 22, 2026 | 6:00 PM

Location: Asante Prep Academy

(Media Center)

23251 N 166th Drive

Surprise, AZ 85388



NEIGHBORHOOD MEETING

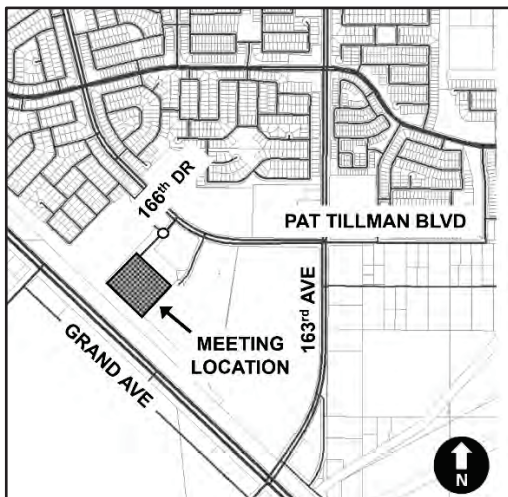
Please be advised, Adam Baugh with Withey Morris Baugh, PLLC. will host a Neighborhood Meeting to discuss the project referenced below. Any member of the public may participate in this conversation as it pertains to this project by utilizing the access information provided under Meeting Details below. According to 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. Please note, the City of Surprise is not the host of this meeting; however, the assigned City Planner will be available to provide information as needed in response to inquiries received from residents

Applicant: Adam Baugh; (602) 346-4603; adam@wmbattorneys.com
City of Surprise: Chris Sexton; 623-222-3134; christina.sexton@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

DATE: Monday, June 22, 2026
TIME: 6:00 PM
PHYSICAL LOCATION: Asante Preparatory Academy
23251 N 166th Dr.
Media Room
Surprise, AZ 85387

MEETING LOCATION



PROJECT LOCATION



PROJECT DESCRIPTION:

The project requests a minor General Plan Amendment from Neighborhood Character Area to Commerce and Office Character Area, and a Rezone from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay zone. The request is to allow a flex business-tech park on a 7.52-acre vacant site generally located at the southeast corner of Happy Valley Road and 157th Avenue. Surprise Planning Case FS25-1081.

Tab

SIGN-IN

HAPPY VALLEY ROAD, LLC

LOCATED AT THE SOUTHWEST CORNER OF HAPPY VALLEY ROAD AND 157TH AVENUE FUTURE ALIGNMENT, SURPRISE

NEIGHBORHOOD OPEN HOUSE MEETING

MARCH 4, 2026 – 6:00 PM – ASANTE PREPARATORY ACADEMY – MEDIA CENTER – 23251 N. 166TH DRIVE, SURPRISE, AZ 85388

NAME (PLEASE PRINT)	ADDRESS	PHONE NUMBER	EMAIL ADDRESS
MARLIN MCCORMICK			
Kim Gullo			
Douglas Gullo			
Kent Vander			

Tab

SIGN-IN

HAPPY VALLEY ROAD, LLC

SOUTHWEST CORNER OF HAPPY VALLEY ROAD AND NORTH 157TH AVENUE, SURPRISE, AZ

NEIGHBORHOOD OPEN HOUSE MEETING

JUNE 22, 2026 – 6:00 PM – ASANTE PREPARATORY ACADEMY – MEDIA CENTER – 23251 N. 166TH DRIVE, SURPRISE, AZ 85387

[illegible]

AFFIDAVIT OF POSTING

Application No: FS25-1081

Applicant Name: Withey Morris Baugh

Location: SEC Happy Valley & 157th Ave

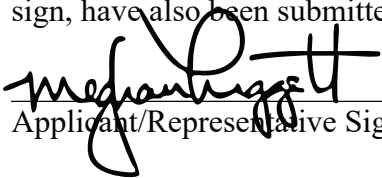
Date Site Posted: 08/03/26

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It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

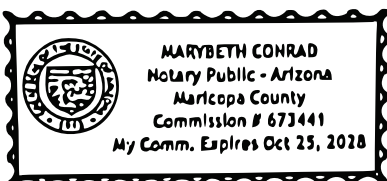
I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.



Applicant/Representative Signature

Date

This instrument was acknowledged before me on 08/03/26, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.




Notary Public

10-25-28
My commission expires

Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

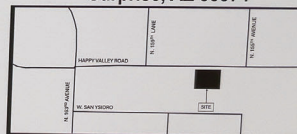
Date: September 15, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov

Aug 3, 2026 at 11:10:38 AM

+33.710984, -112.396775

15579 W Hackamore Dr

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

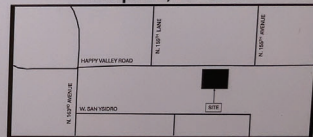
Date: September 15, 2026

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Surprise, AZ 85374

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Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov

Aug 3, 2026 at 11:10:26 AM

+33.711235,-112.396038

15579 W Hackamore Dr

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

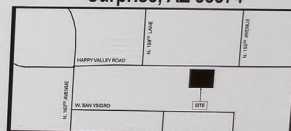
Date: September 15, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

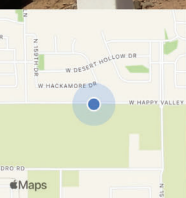
Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov



Aug 3, 2026 at 11:07:29 AM

+33.710970, -112.398873

W Happy Valley Rd

Surprise AZ 85387

Notice of Public Hearing City of Surprise

In-Person Neighborhood Meeting

Date: June 22, 2026

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N. 166TH Dr.
Surprise, AZ 85387

Planning & Zoning

Date: August 20, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

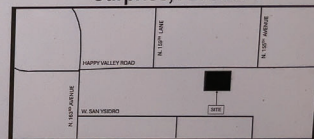
Date: September 15, 2026

Time: 6:00 P.M.

Location: Council Chambers
16000 N. Civic Center Plaza
Surprise, AZ 85374

Surprise Case Number: FS25-1081

Request: Request a Minor General Plan Amendment from Neighborhood to Commerce and Office and a Rezoning from Rural Residential (RR) to Regional Commercial (C-3) with a Planned Unit Development (PUD) overlay for the 7.52-acre site located at the southeast corner of the Happy Valley Road and North 157th Avenue alignment to allow a flex business-tech park.



For more information, call:
623-222-3011

www.Surpriseaz.gov

Aug 3, 2026 at 11:07:15 AM

+33.711392,-112.400329

15797 W Hackamore Dr

Surprise AZ 85387

Christina Sexton

From: Kent Xander [REDACTED]
Sent: Friday, April 17, 2026 4:44 PM
To: Trevor Fleetham
Cc: Christina Sexton; Danny Perkinson; adam@witheymorris.com
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning
Attachments: 4 Statutory Written Protest Letters and Map for Rezoning Case No. FS25-1081.pdf

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Trevor/City of Surprise Planning & Development Services,

Please accept this email correspondence as the formal submittal of **Statutory Written Protest letters** for **Case No. FS25-1081 (Minor General Plan Amendment and Rezoning)**, submitted pursuant to Arizona Revised Statutes § 9-462.04.

Attached for inclusion in the official record are:

- 4 Individually executed protest letters from adjacent property owners
- Protest area/buffer map identifying the subject site and surrounding APN parcels with calculation summary (area and tract totals)

The protesting property owners are located within the applicable protest area and have submitted written objections in accordance with Arizona law. Based on the attached materials, the statutory threshold is met, and the proposed rezoning is therefore subject to the required **three-fourths (¾) vote** of the governing body.

Please confirm receipt of this submittal and that all materials will be included in the case file and staff report.

If there are any questions regarding the attachments or ownership documentation, please advise promptly.

Thank you,

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Sent: Thursday, April 16, 2026 8:57 AM

To: Kent Xander [REDACTED]
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Kent,

Whatever format you provide us we will include in the case file and the eventual packets that go to Commission and Council.

Regards,

Trever Fleetham, AICP | Acting Assistant Director
City of Surprise|Community Development
16000 N. Civic Center Plaza|Surprise, AZ 85374
Office: 623.222.3156| Main: 623.222.3000



NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kent Xander [REDACTED]
Sent: Wednesday, April 15, 2026 3:01 PM
To: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Trevor,

Regarding Case No. FS25-1081 (Minor General Plan Amendment and Rezoning): For purposes of submitting opposition letters by adjacent property owners to the City of Surprise, please confirm whether electronic signatures (including DocuSign) satisfy all submission and validity requirements.

Thanks,

Kent A. Xander

Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Kent Xander
Sent: Wednesday, March 25, 2026 7:57 AM
To: 'Trever Fleetham' <Trever.Fleetham@surpriseaz.gov>
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Thanks Trevor.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Trever Fleetham <Trever.Fleetham@surpriseaz.gov>
Sent: Wednesday, March 25, 2026 7:56 AM
To: Kent Xander [REDACTED]
Cc: [REDACTED] john wittrock [REDACTED]; Christina Sexton
<Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Good Morning,

It has not. This project is still in the staff review process.

Regards,

Trever Fleetham, AICP | Acting Assistant Director
City of Surprise|Community Development
16000 N. Civic Center Plaza|Surprise, AZ 85374
Office: 623.222.3156| Main: 623.222.3000



NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kent Xander [REDACTED]
Sent: Tuesday, March 24, 2026 12:05 PM
To: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Cc: [REDACTED] john wittrock [REDACTED]
Subject: Case No. FS25-1081 - Minor GP Amendment and Rezoning

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Trevor,

I am checking in with you to see if Case No. FS25-1081 - Minor GP Amendment and Rezoning has been scheduled for Planning Commission hearing.

Thank you,

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

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0.1

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
 APN # 503-58-975

This document constitutes a Statutory Written Protest pursuant to A.R.S. § 9-462.04 regarding the proposed Rezoning Case No. FS25-1081 identified above.

I am the owner of Real Property located within the statutory protest area of the proposed rezoning. The Real Property identified below, owned by the undersigned, is located within 150 feet of the Rezoning Case FS25-1081 and therefore qualifies to submit a protest pursuant to Arizona law.

Arizona law provides that when owners of twenty percent (20%) or more of the property by area and by number of lots, tracts, or condominium units within the zoning area file a written protest, the proposed zoning change shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the governing body of the municipality.

Real Property:

Owner Name: Pensco Trust Company Custodian FBO Kent A. Xander IRA

Property Address: 

Assessor Parcel

Number: 

Pensco Trust Company Custodian FBO Kent A. Xander IRA

By: 
 Kent A. Xander, its Authorized Signer

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
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Real Property:

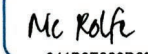
Owner Name: Rolfe Properties, LLC, an Arizona limited company

Property Address: 

Assessor Parcel

Numbers: 

By: _____

DocuSigned by:

841B6E008D0243E...

Nicholas Rolfe, Member

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
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Arizona law provides that when owners of twenty percent (20%) or more of the property by area and by number of lots, tracts, or condominium units within the zoning area file a written protest, the proposed zoning change shall not become effective except by the favorable vote of three-fourths (¾) of all members of the governing body of the municipality.

Real Property:

Owner Name: Micah Darrel Rolfe and Marie Childs Rolfe, Trustees, or their
 successors in trust, under the Rolfe Revocable Living Trust, dated
 January 28, 2011

Property Address:

Assessor Parcel
Number:

By: Signed by:
 Micah Rolfe
 F1368AFC2F264B7...
 Micah Darrel Rolfe, Trustee

By: Signed by:
 Marie Rolfe
 ECAEE3D368874C5...
 Marie Childs Rolfe, Trustee

April 16, 2026

City of Surprise City Clerk
City of Surprise Planning & Zoning Commission
City of Surprise City Council
16000 N Civic Center Plaza
Surprise, Arizona 85374

Subject: **Rezoning Case No. FS25-1081** - Happy Valley Road Biz-Tech Park
 SEC Happy Valley Road and 157th Avenue, Surprise, AZ 85387
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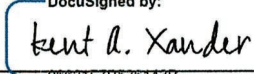
Arizona law provides that when owners of twenty percent (20%) or more of the property by area and by number of lots, tracts, or condominium units within the zoning area file a written protest, the proposed zoning change shall not become effective except by the favorable vote of three-fourths (¾) of all members of the governing body of the municipality.

Real Property:

Owner Name: Kent Xander, a married man dealing with his sole and separate property, as to an undivided 50% interest, and Wittrock Land 4, LLC, an Arizona limited liability company, as to an undivided 50% interest

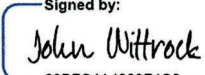
Property Address:

Assessor Parcel
Numbers:

DocuSigned by:

90621F7B536143B...
Kent A. Xander

WITTROCK LAND 4, LLC, an Arizona limited liability company

By: Taproot, LLC, an Arizona limited liability company, Manager

Signed by:

208FC4A4329F4C0...
By: John Wittrock, Manager

3/4 VOTE REQUIRED

APN: 503-58-975

LEGEND	
	Zoning Petition Area
	Signed Petitions
	Lots, Tracts and Condominium Units

Parcels Surrounding Potential Rezone

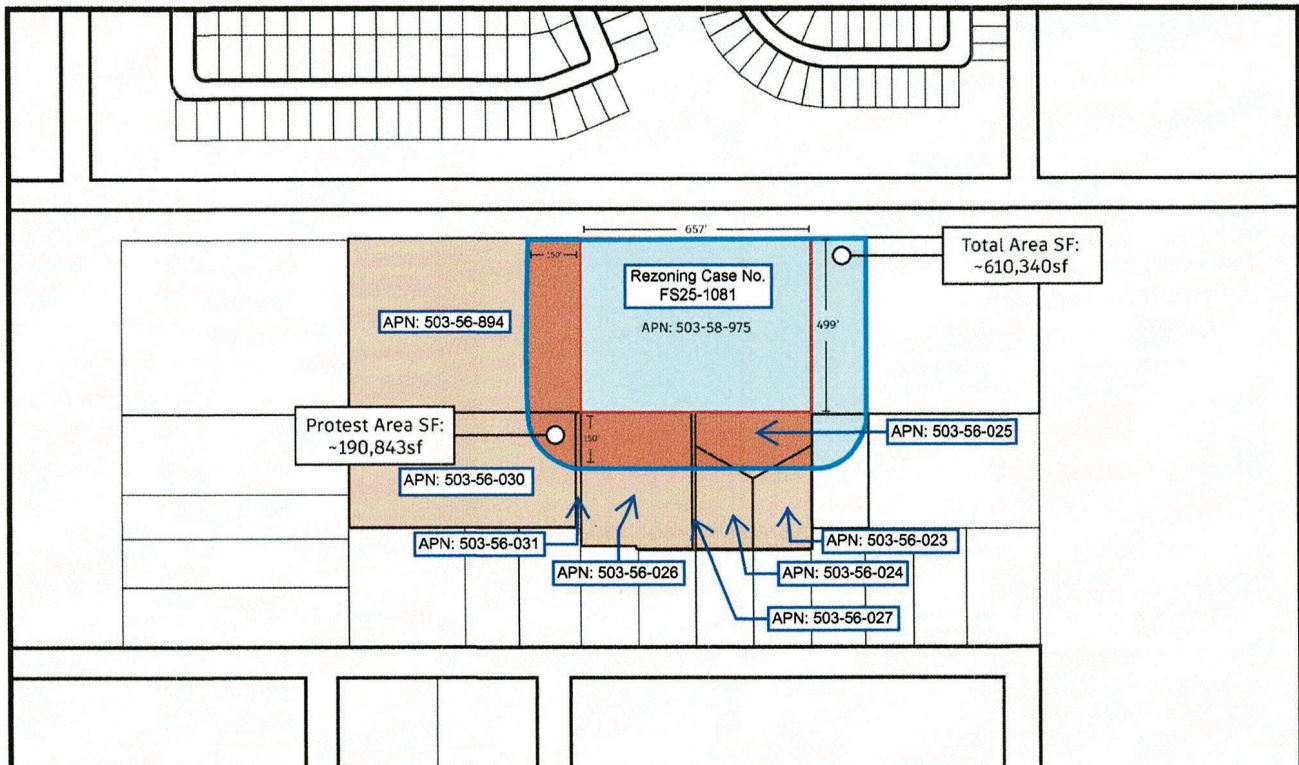
of lots in opposition: 8/11

11 (Lots) x .2 = 2.2 lots or tracts needed in petition

~610,340 sf x .2 (minimum area for petition) = ~122,068sf

Current Protest Area: ~190,834sf (~31% Opposition)

3/4 Vote Required



Christina Sexton

From: Kent Xander [REDACTED]
Sent: Thursday, April 23, 2026 5:49 PM
To: adam@wmbattorneys.com; Danny Perkinson
Cc: Trever Fleetham; Christina Sexton; Lloyd Abrams
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning
Attachments: Letter to Danny Perkinson January 29, 2026.pdf; General Plan Opposition and Consistency Analysis - Case No. FS25-1081 Happy Valley Road Biz-Tech Park.pdf; Rezoning Opposition and Consistency Analysis for Case No. FS25-1081 Happy Valley Road Biz-Tech Park.pdf

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Adam,

In response to your question below, the following outlines the basis for our opposition.

Bonita Place ownership and I have been actively engaged and concerned regarding the Happy Valley Road Biz-Tech Park (Case No. FS25-1081 General Plan Amendment and Rezoning) since January of this year.

On January 29, 2026, I sent an email to Danny Perkinson, the property owner, outlining my concerns and indicating that I was open to discussing the project further—potentially with both ownership and Planning staff—to explore options that could work for both properties and reduce entitlement risk. To date, I have not received any response or follow-up communication from Danny Perkinson.

Prior to the neighborhood meeting, I also spoke with you by phone and expressed my concerns regarding the introduction of industrial-type uses adjacent to Bonita Place, which is zoned R-3. During that conversation, you indicated surprise that I would not support industrial uses next to residential development.

I attended the neighborhood meeting on March 4, 2026, at Asante Preparatory Academy, where I again stated my concerns on the record. Specifically, I noted that the proposed use is operationally industrial in nature and not compatible with the Suburban Neighborhood Character Area designation. I also stated that pursuing C-3 zoning in this context effectively introduces industrial-type uses, and that recharacterizing such uses as “employment” or a “Business Tech Park” does not change their underlying land-use impacts or compatibility.

Other than your email below, sent after I submitted the Statutory Written Protest letters to Planning Staff, there has been no follow-up outreach to me to discuss these concerns or explore potential alternatives.

For your reference and in response to your inquiry below, I have attached both the General Plan Opposition and Consistency Analysis and the Rezoning Opposition and Consistency Analysis for Case No. FS25-1081.

Please feel free to contact me if you would like to discuss further.

Thank you,

Kent A. Xander

From: Adam Baugh [REDACTED]
Sent: Saturday, April 18, 2026 5:27 PM
To: Kent Xander [REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Can you provide the reasons for your opposition and legal protest?

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC
2121 E. Highland Avenue
Phoenix, AZ 85016
602-230-0600 Main
602-346-4603 Direct



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Saturday, April 18, 2026 8:29 AM
To: Adam Baugh [REDACTED]
Subject: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Adam, I had your wrong email when I sent this to Trevor yesterday.

Kent Xander

From: Kent Xander
Sent: Thursday, January 29, 2026 11:53 AM
To: [REDACTED]
Subject: SEC HVR and 157th Avenue Zoning Compatibility Considerations – Adjacent Parcel

Danny,

I see that you have submitted a **Neighborhood Concept Plan application** to rezone your 7.5-acre site to **I-1 (Light Industrial)** with the below site plan. My partners and I have had a chance to review the proposal.

I wanted to share a few thoughts as you explore this rezoning. As you know, our property immediately south and west is zoned **R-3** and is planned for residential use, and the surrounding area carries a **residential designation under the City's General Plan**. As a result, we've been reviewing the request through a **long-term General Plan consistency and land-use compatibility** lens.

Our concern isn't with redevelopment generally, but with the **potential land-use conflicts** that can arise when industrial zoning directly abuts high-density residential — particularly related to truck circulation, hours of operation, noise, lighting, and buffering requirements. These issues often become material during entitlement review and can create challenges for both properties over time.

From a planning standpoint, these interface issues are typically best addressed at the **zoning stage**, rather than deferred to site plan or operational review, to ensure consistency with the General Plan's intent for compatible land-use transitions.

There may be **more compatible alternatives** worth discussing — such as **C-2, residential, or employment-oriented zoning concepts with transitional standards** — that could preserve your development flexibility while aligning more cleanly with the surrounding residential framework.

I'd be open to a conversation with you (and potentially with Planning staff) to explore options that work for both sites and help reduce entitlement risk.

Best regards,

Kent A. Xander
[REDACTED]



General Plan Opposition and Consistency Analysis

Happy Valley Road Biz-Tech Park

Case No. FS25-1081

Request: General Plan Amendment

Submitted by:

Kent A. Xander

Owner – Bonita Place (±27 Acres)

Suburban Neighborhood Character Area

Zoned R-3 (Multi-Family Residential)

I. PURPOSE OF THIS STATEMENT

This document is submitted as a formal **Opposition and Consistency Analysis** regarding the proposed General Plan Amendment for the Happy Valley Road Biz-Tech Park - Case No. FS25-1081.

As the owner of approximately 27 acres immediately adjacent to the subject site, designated Suburban Neighborhood Character Area, this statement evaluates the proposed amendment against the **Surprise 2040 General Plan** and demonstrates that the request is inconsistent with the City's adopted land-use framework.

II. THE REQUEST IS PROJECT-DRIVEN, NOT POLICY-DRIVEN

The Surprise 2040 General Plan (see page 7 below) establishes that it serves as the **foundation for land use regulation and development decisions**.

The applicant's request does not demonstrate:

- that the existing Suburban Neighborhood designation was applied in error
- that surrounding land use conditions have materially changed
- that infrastructure assumptions have shifted
- that a broader planning effort supports reclassification

Instead, the amendment is requested to accommodate a specific development concept.

General Plan amendments should reflect **evolving policy conditions**, not facilitate individual development proposals.

III. NEIGHBORHOOD CHARACTER AREA FRAMEWORK

The General Plan uses a **Character Area framework** to guide land use based on intensity, operational impacts, and compatibility.

Neighborhood Character Areas are intended to:

- preserve residential neighborhoods
- protect long-term housing investment
- limit non-residential uses to low-intensity, neighborhood-serving functions
- avoid uses that generate truck traffic, noise, or incompatible operations

Industrial, business park, warehouse, flex, and “light industrial” uses are all **classified as industrial** and remain prohibited regardless of branding or terminology.

Recharacterizing an industrial use as “employment” or Business Tech Park does **not override** the Character Area designation.

IV. CHARACTER AREA COMPATIBILITY – TABLE 4.1

The Surprise 2040 General Plan includes **Table 4.1: Character Area Compatibility**, which provides the City’s formal guidance on adjacency relationships.

The subject site is currently Suburban Neighborhood Character Area. The applicant proposes Commercial & Office designation with C-3 Regional Commercial zoning.

Under Table 4.1:

- Regional Commercial uses adjacent to Suburban Neighborhood areas are **discouraged**
- Industrial uses adjacent to Neighborhood Character Areas are **discouraged**

As shown in the compatibility matrix (see page 8 below), the relationship between Suburban Neighborhood and higher-intensity employment or industrial uses is discouraged.

This is not a discretionary interpretation — it is **explicit General Plan guidance**.

Approving the amendment would override the City's own adopted compatibility framework.

V. PROJECT CHARACTERISTICS AND OPERATIONAL REALITY

The proposal introduces buildings with:

- roll-up loading doors
- flexible warehouse-style tenant spaces
- internal circulation designed for service and delivery activity

These characteristics are operationally consistent with **flex-industrial or service-oriented uses**, which commonly generate:

- truck and service vehicle traffic
- loading and unloading activity
- extended operational hours
- higher site intensity

These operational characteristics are fundamentally different from residential or neighborhood-scale commercial uses.

The project layout (see page 9 below) clearly reflects a **multi-building flex-industrial configuration, with no landscape buffer adjacent to Bonita Place**, not a traditional office or neighborhood-serving commercial environment.

VI. INCOMPATIBILITY WITH SURROUNDING RESIDENTIAL CONTEXT

The Bonita Place property (±27 acres) and surrounding land remain designated Suburban Neighborhood Character Area.

Introducing employment-scale or industrial-type uses at this location:

- creates a direct edge conflict with residential planning areas
- disrupts neighborhood continuity
- introduces incompatible operational activity

Additionally, the project would introduce commercial and service traffic onto **157th Avenue**, (see page 10 below) which serves as a shared access corridor for residential development.

This creates a direct conflict between:

- residential circulation
- service and delivery traffic

which is inconsistent with sound land-use planning principles.

VII. “VACANT LAND” DOES NOT JUSTIFY RECLASSIFICATION

The applicant references surrounding vacant land as justification for flexibility.

However, vacant land within a Suburban Neighborhood Character Area represents:

- planned residential buildout
- future neighborhood development
- long-term land use commitments

Vacancy does not negate adopted land-use designations.

If vacancy were justification for reclassification, the General Plan framework would be destabilized citywide.

VIII. ARTERIAL LOCATION DOES NOT JUSTIFY INTENSITY ESCALATION

The presence of Happy Valley Road as a major arterial does not automatically justify higher-intensity land uses.

If arterial adjacency alone justified commercial or employment designation, the General Plan map would reflect that condition consistently across the City.

It does not.

The Aerial map (see page 11 below) reflects **intentional planning decisions**, not incidental conditions.

IX. ECONOMIC DEVELOPMENT DOES NOT OVERRIDE COMPATIBILITY

The applicant emphasizes economic development and employment generation.

While these are valid General Plan goals, they must be implemented within **appropriate land-use designations**.

The General Plan provides designated **Employment Character Areas** for these uses.

Economic development objectives do not justify introducing incompatible land uses into residential character areas.

X. FAILURE TO MEET GENERAL PLAN AMENDMENT STANDARD

A General Plan Amendment should only be considered when:

- the existing designation is no longer appropriate
- conditions have materially changed
- a broader planning need exists

None of these conditions have been demonstrated.

The amendment appears to be requested solely to accommodate a specific development proposal.

Approving such a request would weaken the reliability of the City's adopted planning framework.

XI. PRECEDENT AND PLAN INTEGRITY

Approval would establish a precedent that:

- parcel-level amendments can override adopted policy
- residential edges may be incrementally intensified
- project-driven changes take priority over long-term planning

This erodes:

- predictability for property owners
- stability of residential planning areas
- public confidence in the planning process

XII. CONCLUSION

The proposed General Plan Amendment:

- is inconsistent with the Suburban Neighborhood Character Area designation
- conflicts with Table 4.1 compatibility guidance
- introduces operational characteristics incompatible with residential use
- relies on vacancy and arterial proximity rather than policy justification
- fails to meet the standard required for General Plan modification
- establishes a destabilizing precedent

For these reasons, the General Plan Amendment request should be **denied**.

Respectfully submitted,
Kent A. Xander
Bonita Place

Figure 4.4: Land Use Character Areas

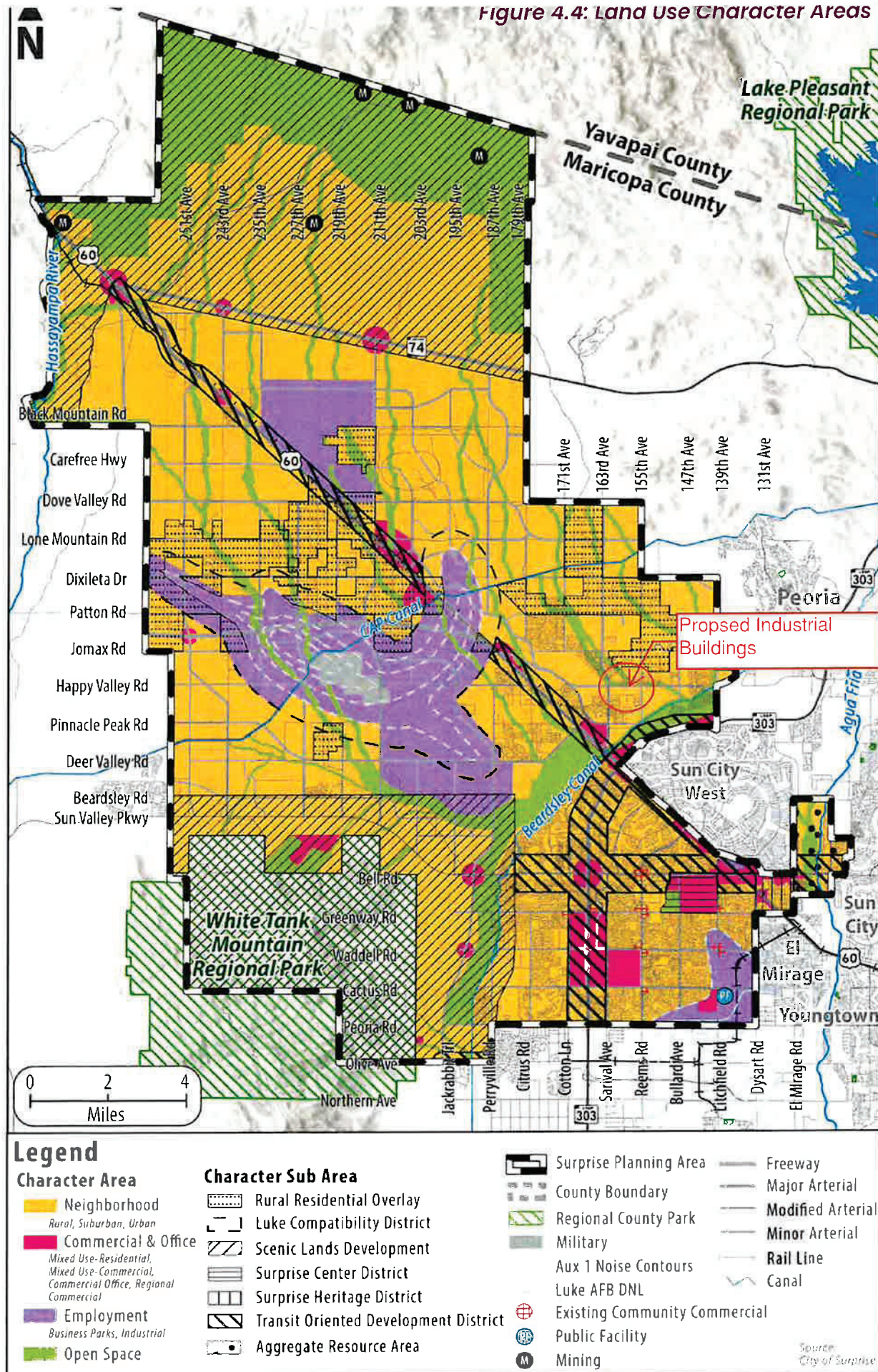




Table 4.1: Character Area Compatibility

				Adjacent Use											
				Neighborhood Character Area			Commercial & Office Character Area				Employment Character Area		Open Space Character Area	Community Commercial Development Type	Public Facility Development Type
				Dev. Type			Dev. Type				Dev. Type				
				Rural	Suburban	Urban	Mixed Use: Residential	Mixed Use: Commercial	Regional Commercial	Commercial Office	Business Park	Industrial			
Proposed Use	Neighborhood Character Area		Dev. Type	Rural	Encouraged	Encouraged	Discouraged	Discouraged	Discouraged	Discouraged	Discouraged	Discouraged	Encouraged	Discouraged	Discouraged
	Suburban			Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Encouraged	
	Urban			Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Encouraged	
	Commercial & Office Character Area		Dev. Type	Mixed Use: Residential	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Encouraged
	Mixed Use: Commercial			Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Discouraged	Encouraged	Encouraged	Encouraged	
	Regional Commercial			Discouraged	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	
	Commercial Office			Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	
	Employment Character Area		Dev. Type	Business Park	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
	Industrial			Discouraged	Discouraged	Discouraged	Discouraged	Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	
	Open Space Character Area				Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
	Community Commercial Development Type				Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
	Public Facility Development Type				Discouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged

- Encouraged
- Discouraged



Conceptual Site Plan
Happy Valley Industrial
W Happy Valley Rd, Surprise, AZ 85387

100



Single-Family on the north side of Happy Valley Road

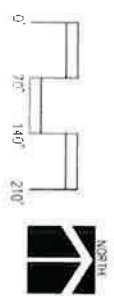


VILLAGE AT BONITA PLACE
CONCEPTUAL LAND PLAN

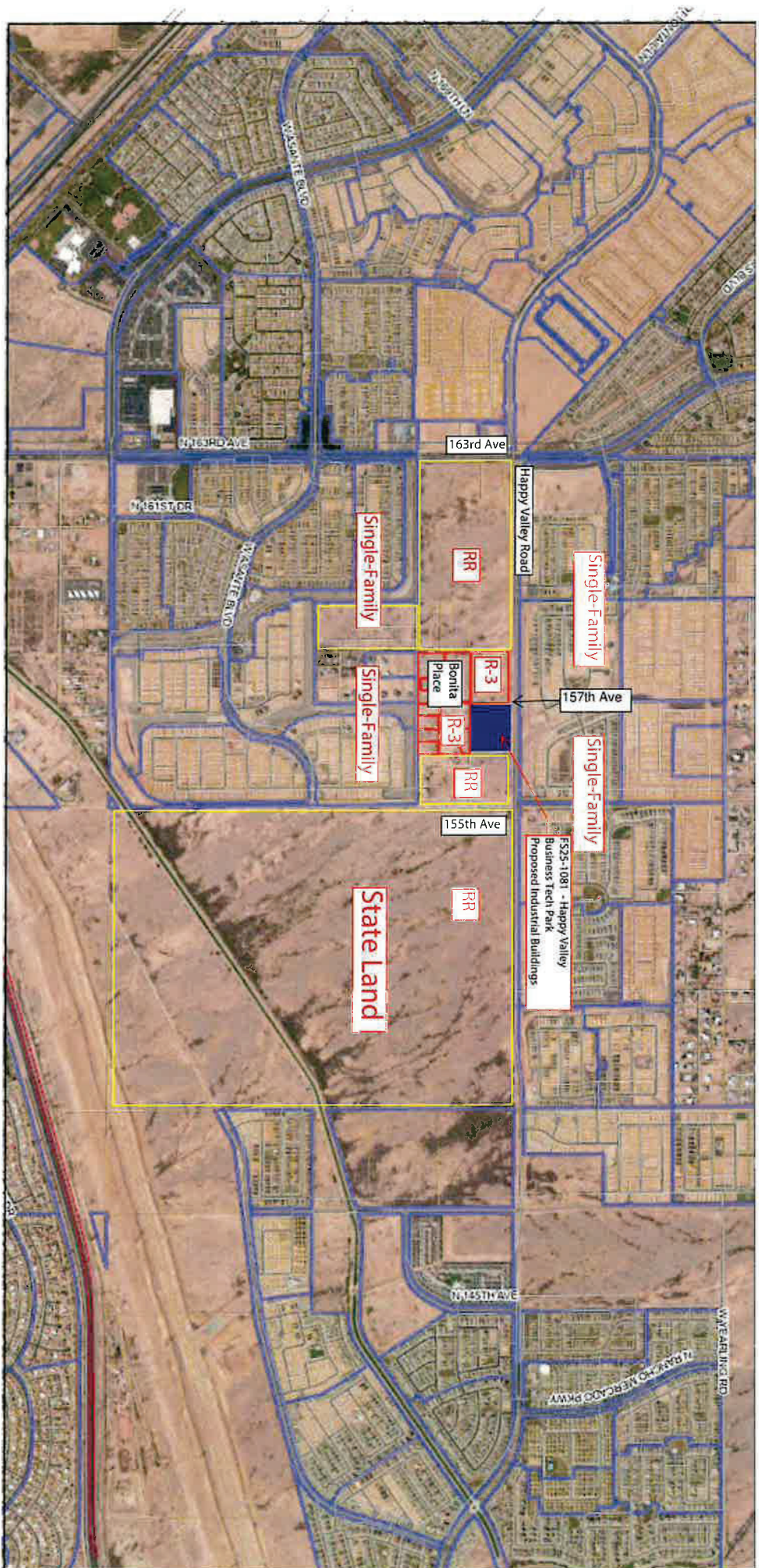
NEC OF SAN VSIDRO RD. AND 158TH AVE. (ALIGNMENTS) - SURPRISE, AZ

10

MAY 9, 2024



Map of Bonita Place and Adjacent Land Zoning in relation to Happy Valley Business Tech Park Proposed Industrial Buildings



February 10, 2026

Rezone Opposition and Consistency Analysis

Happy Valley Road Biz-Tech Park

Case No. FS25-1081

Request: Rezoning from Rural Residential (RR) to C-3 (Regional Commercial)

Submitted by:

Kent A. Xander

Owner – Bonita Place (±27 Acres)

Suburban Neighborhood Character Area

Zoned R-3 (Multi-Family Residential)

I. PURPOSE OF THIS STATEMENT

This document is submitted as a formal **Opposition and Consistency Analysis** regarding the proposed rezoning of approximately 7.5 acres from Rural Residential (RR) to C-3 (Regional Commercial) for the Happy Valley Road Biz-Tech Park.

As the owner of approximately 27 acres immediately adjacent to the subject site, designated Suburban Neighborhood Character Area and zoned R-3, this statement evaluates the requested zoning and demonstrates that the proposed **C-3 zoning** is incompatible with the surrounding residential planning framework.

II. C-3 ZONING REPRESENTS REGIONAL-LEVEL INTENSITY

The requested C-3 (Regional Commercial) zoning district is among the most permissive commercial designations within the City and is intended to accommodate regional-serving uses.

C-3 zoning allows for:

- broad retail and commercial service uses
- office and service-oriented commercial activity
- contractor and equipment-related uses
- industrial uses and accessory outdoor storage
- a wide range of operational flexibility

These uses are inherently higher in intensity than residential or neighborhood-scale commercial uses.

The requested zoning represents a **regional-level entitlement** that is not consistent with the surrounding residential context and is not intended as a transitional zoning district.

III. ZONING ENTITLEMENTS ARE NOT LIMITED BY THE CONCEPT PLAN

The applicant presents a conceptual site plan consisting of:

- multiple flex-style buildings
- approximately 45,000 square feet of development
- parking and internal circulation
- building heights up to 45 feet

While the narrative emphasizes design features and compatibility, the conceptual site plan is **illustrative only and not binding**.

Approval of C-3 zoning establishes:

- the full range of permitted uses within the district
- the maximum operational intensity allowed by code
- long-term entitlement rights that run with the land

Future tenants, uses, and operational characteristics may differ substantially from the conceptual plan presented.

Compatibility cannot be evaluated based solely on a preliminary development concept.

IV. INCOMPATIBILITY WITH ADJACENT RESIDENTIAL LAND USES

The Bonita Place property (±27 acres) to the west and south is:

- designated Suburban Neighborhood Character Area
- zoned R-3 (Multi-Family Residential)
- planned for residential development

C-3 zoning introduces uses that may include:

- higher traffic volumes
- service and delivery vehicle activity
- extended hours of operation
- increased lighting and signage
- higher parking intensity

These operational characteristics are not consistent with residential land-use patterns and create a direct compatibility conflict at the neighborhood edge.

Landscaping and buffering do not resolve differences in **use intensity and operational activity**.

V. TRAFFIC AND CIRCULATION IMPACTS

The applicant indicates that access will be provided via Happy Valley Road with internal circulation.

However, C-3 zoning allows uses that generate significantly higher traffic volumes than Rural Residential or neighborhood-scale zoning.

Potential impacts include:

- increased turning movements at the intersection
- higher peak-hour traffic volumes
- service and delivery vehicle circulation
- potential spillover impacts to adjacent residential access points

The long-term traffic impacts are determined by the **zoning district**, not the initial tenant mix.

VI. INCONSISTENT WITH SURROUNDING ZONING PATTERN

The surrounding zoning context includes:

- PAD zoning to the north
- R-3 PUD to the south and west
- Rural Residential (RR) to the east

There is no existing C-3 zoning directly adjacent to the Bonita Place property.

The proposed rezoning would create:

- a zoning island of regional commercial intensity
- a direct interface between C-3 and residential zoning

Appropriate land-use transitions typically follow a progression:

Residential → Neighborhood Commercial → Office → Regional Commercial

The proposed rezoning bypasses transitional zoning and introduces a **step-change in intensity**.

VII. FLEXIBILITY INCREASES LONG-TERM UNCERTAINTY

The applicant emphasizes flexibility in tenant use and future adaptability.

Within a C-3 zoning district, flexibility results in:

- broader permitted uses
- increased operational variability
- reduced predictability for adjacent properties

While flexibility benefits the property owner, it introduces **long-term uncertainty** for adjacent residential land uses.

Zoning decisions must prioritize compatibility and predictability, not solely market adaptability.

VIII. ECONOMIC BENEFITS DO NOT ESTABLISH ZONING COMPATIBILITY

The applicant asserts that the project will:

- support economic growth
- provide employment opportunities
- enhance local business activity

While economic development is an important objective, it is not a substitute for proper land-use planning.

Zoning decisions must be based on:

- compatibility with surrounding uses
- appropriate intensity of development
- consistency with adopted planning policy

The City has designated areas specifically intended for regional commercial development.

Economic potential does not justify introducing C-3 zoning at a residential interface.

IX. PRECEDENT AND LONG-TERM PLANNING IMPACTS

Approval of the requested rezoning would establish precedent that:

- residential-edge parcels may be escalated to regional commercial intensity
- conceptual site plans may be used to justify broader zoning entitlements
- long-term zoning compatibility standards may be relaxed

This erodes:

- predictability for property owners
 - stability of residential planning areas
 - integrity of the City's zoning framework
-

X. CONCLUSION

The requested rezoning to C-3:

- introduces regional commercial intensity adjacent to residential land
- relies on a conceptual plan that does not limit zoning entitlements
- bypasses appropriate transitional zoning
- creates long-term uncertainty for adjacent residential development
- establishes a precedent inconsistent with sound planning practice

For these reasons, the proposed rezoning should be **denied**.

Respectfully submitted,
Kent A. Xander
Bonita Place

Christina Sexton

From: Kent Xander [REDACTED]
Sent: Tuesday, May 5, 2026 12:38 PM
To: Adam Baugh; Danny Perkinson; Brad Gorman
Cc: Trever Fleetham; Christina Sexton; Lloyd Abrams; John Wittrock
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Importance: High

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Adam, Danny, and Brad,

Thank you again for taking the time to meet.

As discussed, Bonita Place ownership is not able to support the proposed C-3 zoning given the level of intensity and long-term flexibility it introduces adjacent to Bonita Place, including the potential for uses that are inconsistent or incompatible with the surrounding residential development.

During our conversation, Bonita Place ownership indicated a willingness to support a C-2 zoning framework, provided the project meaningfully addressed edge compatibility—specifically that no roll-up or garage doors face Bonita Place to the west and south.

Under General Plan Table 4.1, C-2 zoning aligns with a Commercial & Office Character Area designation, which is generally intended to provide compatibility with adjacent Suburban Neighborhood areas. Based on the current site design, which orients roll-up doors and loading activity toward Bonita Place, Bonita Place ownership does not believe the project achieves that level of compatibility or that the City can make the required General Plan compatibility findings for approval.

The current layout continues to orient roll-up doors and associated loading activity directly toward Bonita Place. This raises a fundamental compatibility concern, as the Land Development Ordinance requires effective screening of loading and service areas adjacent to residential uses. While screening elements may reduce visibility, they do not fully address the visual and operational impacts created by this orientation.

A practical alternative was suggested by reorienting the two southern buildings so that their fronts face Bonita Place, thereby internalizing service and loading functions and reducing direct impacts to the residential edge. This remains a reasonable and achievable solution that would better align the project with both the intent of the code and the General Plan.

Since that approach was not acceptable, and the project as currently configured continues to present the same concerns, Bonita Place ownership is not in a position to support C-2 zoning.

If there is a revised plan that materially addresses these issues—particularly by internalizing loading and service functions—Bonita Place ownership would be open to reviewing it and reconsidering its position.

Thank you again for the discussion.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Adam Baugh [REDACTED]
Sent: Tuesday, April 28, 2026 10:07 AM
To: Kent Xander [REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Are you available to meet Monday May 4? I'm wide open until 4 pm.

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC
[REDACTED]



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Monday, April 27, 2026 11:52 AM
To: Adam Baugh [REDACTED]; Danny Perkinson [REDACTED]

Cc: trever.fleetham@surpriseaz.gov; Christina Sexton <christina.sexton@surpriseaz.gov>; lloyd.abrams@surpriseaz.gov

Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Yes.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Adam Baugh [REDACTED]
Sent: Monday, April 27, 2026 11:35 AM
To: Kent Xander [REDACTED]; Danny Perkinson [REDACTED]
Cc: trever.fleetham@surpriseaz.gov; Christina Sexton <christina.sexton@surpriseaz.gov>; lloyd.abrams@surpriseaz.gov
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Thanks for the email Kent. I understand you are concerned with industrial uses next to your property. Would you be open to meeting me at my office?

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC
[REDACTED]



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Thursday, April 23, 2026 5:49 PM
To: Adam Baugh [REDACTED]; Danny Perkinson [REDACTED]
Cc: trever.fleetham@surpriseaz.gov; Christina Sexton <christina.sexton@surpriseaz.gov>; lloyd.abrams@surpriseaz.gov
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Adam,

In response to your question below, the following outlines the basis for our opposition.

Bonita Place ownership and I have been actively engaged and concerned regarding the Happy Valley Road Biz-Tech Park (Case No. FS25-1081 General Plan Amendment and Rezoning) since January of this year.

On January 29, 2026, I sent an email to Danny Perkison, the property owner, outlining my concerns and indicating that I was open to discussing the project further—potentially with both ownership and Planning staff—to explore options that could work for both properties and reduce entitlement risk. To date, I have not received any response or follow-up communication from Danny Perkison.

Prior to the neighborhood meeting, I also spoke with you by phone and expressed my concerns regarding the introduction of industrial-type uses adjacent to Bonita Place, which is zoned R-3. During that conversation, you indicated surprise that I would not support industrial uses next to residential development.

I attended the neighborhood meeting on March 4, 2026, at Asante Preparatory Academy, where I again stated my concerns on the record. Specifically, I noted that the proposed use is operationally industrial in nature and not compatible with the Suburban Neighborhood Character Area designation. I also stated that pursuing C-3 zoning in this context effectively introduces industrial-type uses, and that recharacterizing such uses as “employment” or a “Business Tech Park” does not change their underlying land-use impacts or compatibility.

Other than your email below, sent after I submitted the Statutory Written Protest letters to Planning Staff, there has been no follow-up outreach to me to discuss these concerns or explore potential alternatives.

For your reference and in response to your inquiry below, I have attached both the General Plan Opposition and Consistency Analysis and the Rezoning Opposition and Consistency Analysis for Case No. FS25-1081.

Please feel free to contact me if you would like to discuss further.

Thank you,

[Kent A. Xander](#)

From: Adam Baugh [REDACTED]
Sent: Saturday, April 18, 2026 5:27 PM
To: Kent Xander [REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Can you provide the reasons for your opposition and legal protest?

G. Adam Baugh, Esq.
Withey Morris Baugh, PLC



[Check out our podcast: Dirt to Development](#)



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From: Kent Xander [REDACTED]
Sent: Saturday, April 18, 2026 8:29 AM
To: Adam Baugh [REDACTED]
Subject: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Adam, I had your wrong email when I sent this to Trevor yesterday.

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Kent Xander
Sent: Friday, April 17, 2026 4:44 PM
To: Trevor Fleetham <Trevor.Fleetham@surpriseaz.gov>
Cc: Christina Sexton <Christina.Sexton@surpriseaz.gov>; Danny Perkinson [REDACTED]
[REDACTED]
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Trevor/City of Surprise Planning & Development Services,

Please accept this email correspondence as the formal submittal of **Statutory Written Protest letters for Case No. FS25-1081 (Minor General Plan Amendment and Rezoning)**, submitted pursuant to Arizona Revised Statutes § 9-462.04.

Attached for inclusion in the official record are:

- **4** Individually executed protest letters from adjacent property owners
- Protest area/buffer map identifying the subject site and surrounding APN parcels with calculation summary (area and tract totals)

The protesting property owners are located within the applicable protest area and have submitted written objections in accordance with Arizona law. Based on the attached materials, the statutory threshold is met, and the proposed rezoning is therefore subject to the required **three-fourths (¾) vote** of the governing body.

Please confirm receipt of this submittal and that all materials will be included in the case file and staff report.

If there are any questions regarding the attachments or ownership documentation, please advise promptly.

Thank you,

Kent A. Xander
Designated Broker
KAX Group, LLC
Owner of Land
[REDACTED]

From: Trever Fleetham <Trever.Fleetham@surpriseaz.gov>
Sent: Thursday, April 16, 2026 8:57 AM
To: Kent Xander <[REDACTED]>
Cc: [REDACTED]; John Wittrock <[REDACTED]>; Christina Sexton <Christina.Sexton@surpriseaz.gov>
Subject: RE: Case No. FS25-1081 - Minor GP Amendment and Rezoning

Kent,

Whatever format you provide us we will include in the case file and the eventual packets that go to Commission and Council.

Regards,

Trever Fleetham, AICP | Acting Assistant Director
City of Surprise|Community Development
16000 N. Civic Center Plaza|Surprise, AZ 85374
Office: 623.222.3156| Main: 623.222.3000

July 30, 2026

City of Surprise Planning & Development Services
16000 N Civic Center Plaza
Surprise, Arizona 85374

Attn: Trevor

Re: Case No. FS25-1081 - Happy Valley Road Biz-Tech Park (Minor General Plan Amendment and Rezoning) - Clarification of Scope of Statutory Written Protest and Revocation/Withdrawal

This memorandum is submitted to clarify the scope of the four Statutory Written Protest letters dated April 16, 2026, submitted in connection with Case No. FS25-1081, and the subsequent signed revocation and withdrawal of those protests.

The protest letters identify the case as a "Rezoning" and cite A.R.S. § 9-462.04, which is the statutory mechanism specific to zoning ordinance protests and the three-fourths vote threshold. That citation reflects the statutory basis for the protest right itself; it was not intended to limit the scope of the underlying protests, or the subsequent revocation and withdrawal, to the rezoning component of Case No. FS25-1081. Both the original protests and the revocation and withdrawal are intended to apply to Case No. FS25-1081 in its entirety, including the Minor General Plan Amendment and the Rezoning.

This memorandum is submitted on behalf of the property owners identified in the four protest letters, as follows:

- Pensco Trust Company Custodian FBO Kent A. Xander IRA [REDACTED]
- Rolfe Properties, LLC – [REDACTED]
- Micah Darrel Rolfe and Marie Childs Rolfe, Trustees, Rolfe Revocable Living Trust [REDACTED]
- Kent Xander and Wittrock Land 4, LLC – [REDACTED]

Please include this memorandum in the case file and staff report for Case No. FS25-1081, alongside the original protest letters and the executed revocation and withdrawal, so that the record reflects that both filings pertain to the full scope of the case.

Sincerely,


Kent A. Xander

On behalf of the property owners listed above

ORDINANCE # 2026-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE OF APPROXIMATELY 7.52 ACRES FROM RURAL RESIDENTIAL (RR) TO REGIONAL COMMERCIAL (C-3), GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF HAPPY VALLEY ROAD AND 157TH AVENUE.

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 near the southeast corner of Happy Valley Road and 157th Avenue;

WHEREAS, the subject site is approximately 7.52 acres and is currently zoned Rural Residential (RR);

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, the proposed rezone to Regional Commercial (C-3) satisfies the requirements set forth in Section 106-6.3 of the Surprise Municipal Code;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on August 20, 2026, the Planning and Zoning Commission recommended approval of the subject rezoning 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 in **Exhibit A** and depicted on **Exhibit B**, attached hereto and incorporated herein by this reference, known as "Happy Valley Road Biz-Tech Park," is rezoned from Rural Residential (RR) to Regional Commercial (C-3) subject to the following stipulations:

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled "Happy Valley Road Biz-Tech Park," prepared by Withey Morris Baugh, PLC and received June 29, 2026; and
- 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.

- c. Prior to the City recording a Final Plat or approving either a Site Plan or building permit within the property referenced herein, applicant shall provide the City with a notice of payment from Taylor Morrison, fka William Lyons Homes, that all applicable Regional Improvements Buy-In Fees, as described in the Rancho Mercardo Supplemental Development Agreement (Regional Improvements Overlay Agreement), have been paid.
- d. Prior to the City recording a final plat or approving a site plan or building permit within the property, the applicant shall provide the City with a Notice of Payment from Paloma Creek Water Coordinator, LLC that the Buy-In Fees, as described in the SPA 2 East Traffic Signal Development Agreement (Regional Improvements Overlay Agreement), have been paid.

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 _____, 2026.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

EXHIBIT A

Legal Description

EXHIBIT A
HAPPY VALLEY BIZ TECH PARK
GROSS AREA
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION CONVEYED TO THE CITY OF SURPRISE IN WARRANTY DEED RECORDED IN DOCUMENT NO. 20200765485 AND RE-RECORDED IN DOCUMENT NO. 20200810262, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2 INCH ALUMINUM CAP STAMPED RLS36562, ACCEPTED AS THE NORTHEAST CORNER OF SECTION 7, FROM WHICH A FOUND 3 1/2 INCH ALUMINUM CAP ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 7, THEREOF BEARS NORTH 89 DEGREES 44 MINUTES 45 SECONDS WEST, A DISTANCE OF 2625.71 FEET;

THENCE ALONG SAID NORTH LINE OF SAID SECTION 7, NORTH 89 DEGREES 44 MINUTES 45 SECONDS WEST, A DISTANCE OF 656.43 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID NORTH LINE OF SAID SECTION 7, SOUTH 00 DEGREES 10 MINUTES 37 SECONDS EAST, A DISTANCE OF 160.00 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 45 SECONDS WEST, A DISTANCE OF 656.49 FEET;

THENCE NORTH 00 DEGREES 09 MINUTES 12 SECONDS WEST A DISTANCE OF 160.00 FEET;

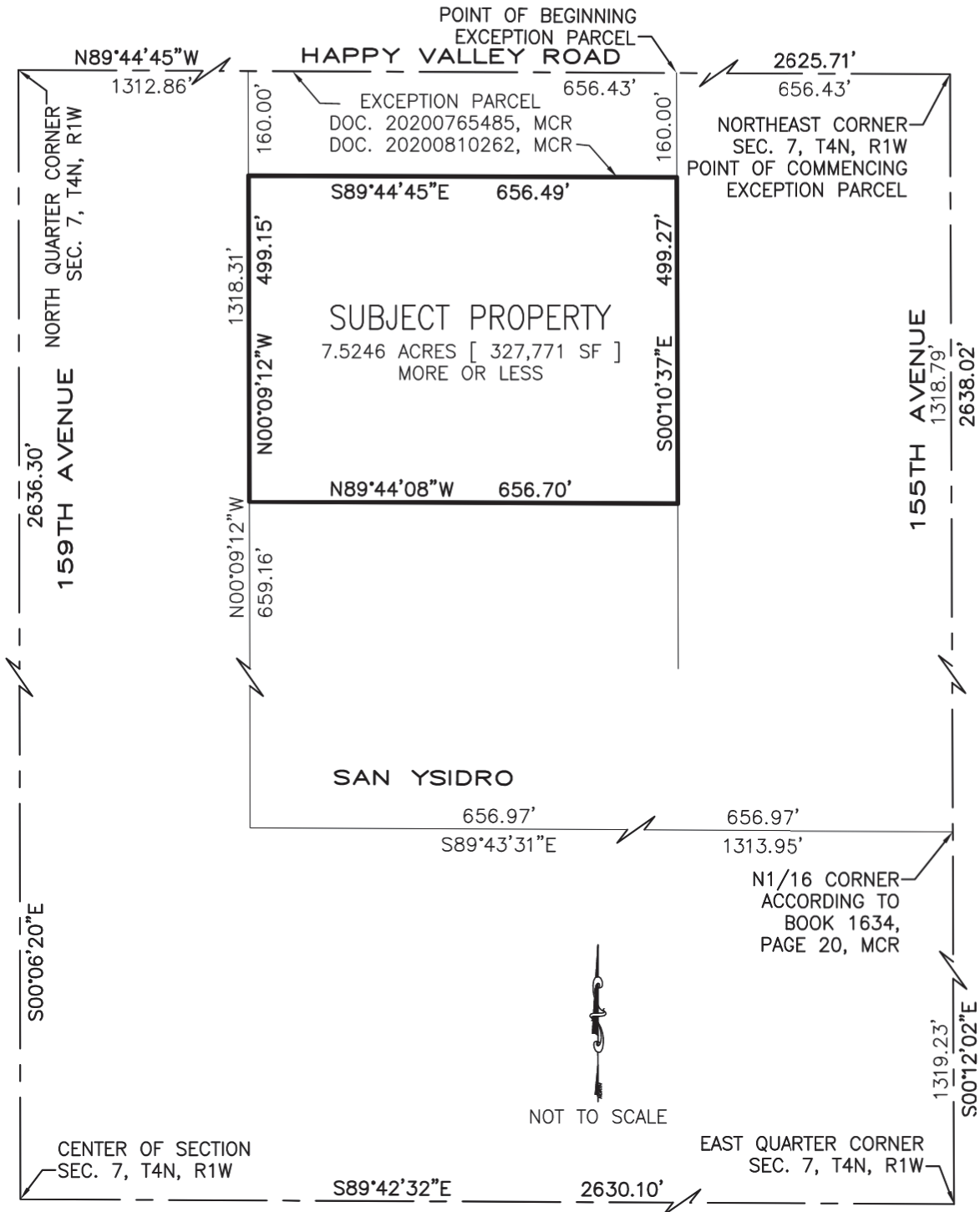
THENCE SOUTH 89 DEGREES 44 MINUTES 45 SECONDS EAST, A DISTANCE OF 656.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.5246 ACRES [327,771 SF] MORE OR LESS.

EXHIBIT B

Depiction

EXHIBIT B
HAPPY VALLEY BIZ TECH PARK
GROSS AREA



Ordinance No. 2026-18
RFLS # 10872
Rev. 04/26



COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS 25-1081 Happy Valley Road Biz-Tech Park Rezone

On August 20, 2026, the Planning and Zoning Commission recommended that City Council approve the Rezone for Happy Valley Road Biz-Tech Park, Case FS25-1081, subject to stipulations (a) and (b) as outlined in the Staff Report.

The Commission had no concerns.

The motions were as follows:

Commissioner Perry moved to recommend approval of the Rezone for Happy Valley Road Biz-Tech Park, Case FS25-1081, subject to stipulations (a) and (b) as outlined in the staff report. Commissioner Leonard seconded the motion. Motion passed with 6 votes in favor. Vice Chair Spata had an excused absence.

FS25-1081

Happy Valley Road Biz-Tech Park

Rezone

City Council

September 15, 2026



SURPRISE

ARIZONA
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FS25-1081 VICINITY MAP







Table 106-6a – Regional Commercial (C-3) Zoning District		
	Current LDO	Proposed PUD standards
Min. lot Area (sf)	C-3 90,000 ¹	PUD standards 90,000 ¹
Min. setback to arterial (ft)	35 ^{5,6}	35 ^{5,6}
Min. setback to collector and low ROW (ft)	20 ^{5,6}	20 ^{5,6}
Min. setback adjacent to residential zoning (ft)	45 ^{5,6}	15 ^{5,6}
Min. setback to adjacent nonresidential zoning (ft)	15 ^{5,6}	15
Max. bldg. height (sf)	30	30
Max. size per use/tenant (sf) ³	No limit	No limit
Max. size per commerce center (ac) ⁴	No limit	No limit
Notes:		
1. Minimum lot area may be reduced to 18,000 square feet for pad sites within a commerce center with a minimum size of 90,000 square feet.		
2. The height of any structure or portions thereof, shall not exceed 30 feet in height measured at the setback line when adjacent to rural residential (RR), residential low density (R-1), and residential medium density (R-2) zoning. The height 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.		
3. Area combines the total square footage of the use, which may include but is not limited to the gross floor areas of the building, outdoor activities and dining areas (when allowed), storage areas, and all display or sales areas.		
4. Contain uses designed around common circulation, parking and pedestrian connectivity, including but not limited to shared access or access easements.		
5. Projects designed as commerce center will comply with overall development standards regarding but not limited to shared access or access easements.		
6. Pad sites within a commerce center may have reduced setbacks along boundaries internal to the master site plan if the whole development complies with parking and landscaping regulations. Approval by the community development director or designee is required.		

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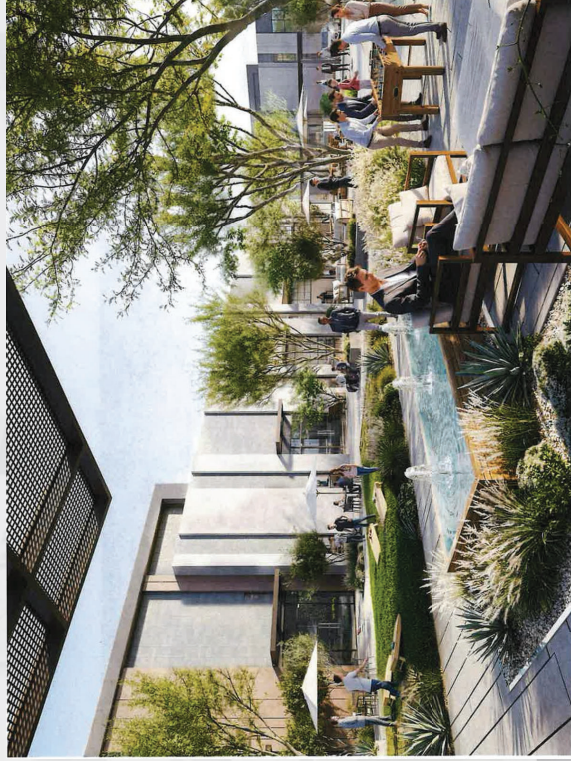
PROPOSED RENDERERS



PROPOSED RENDERERS



PROPOSED RENDERERS



Outreach

- **Citizen Participation Meeting - 1st**
 - March 4, 2026
 - Asante Preparatory Academy
 - 4 attendees
- **Questions/Concerns**
 - Transportation and proposed uses
 - **Formal protest submitted**
- **Citizen Participation Meeting – 2nd**
 - June 22, 2026
 - Asante Preparatory Academy
 - 2 attendees
- **Questions/Concerns**
 - Traffic infrastructure, process, land use designations, project amenities
 - **Formal protest rescinded**

RECOMMENDATION

The Planning and Zoning Commission recommended approval for the subject case, FS25-1081 Happy Valley Road Biz-Tech Park, subject to stipulations (a) and (b). Stipulations (c) and (d) have been added to reflect the Buy-In Fee requirements set forth in the approved Development Agreements.

Questions or Comments?

THANK YOU



SURPRISE

ARIZONA
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Stipulations

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled “Happy Valley Road Biz-Tech Park”, prepared by Withey, Morris, Baugh, PLC, and received June 29, 2026.
- 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.
- c. Prior to the City approving either a Site Plan or building permit within the property referenced herein, applicant shall provide the City with a notice of payment from Taylor Morrison, fka William Lyons Homes, that all applicable Regional Improvements Buy-In Fees, as described in the Rancho Mercardo Supplemental Development Agreement (Regional Improvements Overlay Agreement), have been paid.
- d. Prior to the City recording a final plat or approving a site plan or building permit within the property, the applicant shall provide the City with a Notice of Payment from Paloma Creek Water Coordinator, LLC that the Buy-In Fees, as described in the SPA 2 East Traffic Signal Development Agreement (Regional Improvements Overlay Agreement), have been paid.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: September 15, 2026
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 6

Consent: No	Regular: Yes	Public Hearing: No	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. 406712, requested by Howard Everette Magee, for Carioca Shell #7 located at 13935 W Cactus Rd, Surprise, AZ 85379 for a new Series 10 Liquor License.

Motion:

I move to approve recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 406712.

Background:

Objective Analysis:

Policy Compliant:

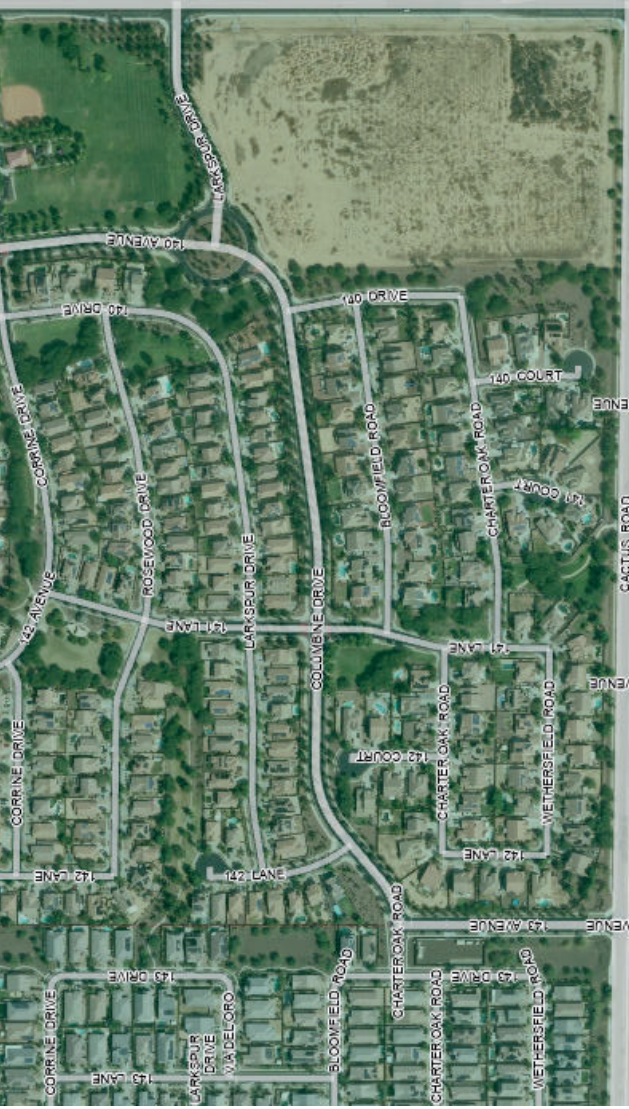
Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. CARIOCA SHELL #7 MAP
 2. CD - CARIOCA SHELL #7
 3. Finance - CARIOCA SHELL #7
 4. Fire - Carioca Shell #7
 5. PD - Carioca Shell #7
-





COMMUNITY DEVELOPMENT DEPARTMENT

Date: August 27, 2026
To: Charles Vasquez, Deputy City Clerk
From: Mindy Davis, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

**AGENT, Howard Everette Magee
Carioca Shell #7
13935 W Cactus Rd
Surprise, Arizona 85379**

New Series 10 (NEW APPLICATION – BEER & WINE STORE) – Application # 406712

The number and series of licenses in close proximity to the subject site are:

None

The immediate area is comprised of future commercial establishments. The property is zoned C-2 which is consistent with the proposed use.

Commercial growth is increasing 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 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.



MEMO

Date: 08/21/2026

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Ashlee Bowers - Business Compliance Specialist

RE: Liquor License Application – Carioca Shell #7 - 13935 W Cactus Rd

Business License Status:

- ☐ Application link emailed on
- ☐ License # , current and valid for
- ☒ Applied for license but is still pending and waiting on customer to provide additional information or documents.



Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



August 24, 2026

To: Charles Vasquez, Deputy City Clerk

From: Steven Faraclas, Fire Marshal

Subject: Liquor License Application

Applicant: Carioca Shell #7
13935 W Cactus Rd
Surprise, AZ 85379

The Surprise Fire-Medical Department (SFMD) is currently conducting ongoing fire inspections at Carioca Shell #7 under building permits #2025006041 and #2025006047. These ongoing construction inspections will ensure that the building will be built to the requirements of the 2024 International Fire Code and associated local amendments.

Therefore, SFMD has no comment on this application.

If you have any questions, please feel free to contact me.

Steven Faraclas, Fire Marshal
steven.faraclas@surpriseaz.gov
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: September 1, 2026

APPLICATION # - 406712

New License - Yes

Series 10 Beer and Wine

APPLICANT:

Carioca Shell #7

13935 W Cactus Rd

Surprise AZ 85379

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
The Carioca Shell is a full-service convenience market and gas station that primarily serves patrons of all ages from the surrounding communities and 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 Carioca Shell.
- 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 is a new business in a new location, there is no criminal history.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
The business hours of operation are open 24 hours a day. This is a brand-new area for future development, with no other businesses currently open.
- 5) ***Appropriateness of series license requested.***
This license request is appropriate for this Shell station store.

Submitted by Officer M. Ortega 2036



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 15, 2026
Submitting Department: Water Resource
Management
Staff Recommendations:

Contact Person: Michael Boule, Director
District: District 1

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

Consideration and action authorizing the Mayor and Council to accept the First Amendment to the Willow Trails Water Agreement. Resolution 2026-104.

Motion:

I move to approve Resolution 2026-104.

I move to disapprove Resolution 2026-104 because [insert reason].

Background:

On March 7, 2023, the City Council approved the Willow Trails Water Agreement through Resolution No. 2023-31. The agreement established the responsibilities of Forestar and Willow Trails for providing water service to the development, including construction of a 16-inch water distribution line extending from 163rd Avenue and Grand Avenue to the intersection of Deer Valley Road and Citrus Road.

Since the agreement was executed, the City has acquired property along Deer Valley Road for future public safety facilities that will also be served by this waterline. The proposed First Amendment updates the agreement to reflect these changes by clarifying the description and timing of the waterline construction, expanding the benefited area, incorporating public procurement requirements, and defining the limits of the City's participation in the cost of the improvements.

In addition to serving future development and City facilities, the 16-inch waterline will create an emergency interconnection with the Liberty Water system north of Deer Valley Road. This interconnection will allow either utility to provide water service across Deer Valley Road during emergencies, improving system reliability and minimizing customer service interruptions.

Objective Analysis:

This item will authorize Forestar to design, construct, and install a 16" water line from approximately the corner of Deer Valley Road and Grand Avenue to the corner of Deer Valley and Citrus Roads in order to extend water service from the Special Planning Area 2 region and provide water service to the owner's property located at the south east corner of Deer Valley Road and Citrus Road. The agreement

includes a reimbursement mechanism for Forestar. The water distribution line may also accommodate development within a region of the City south of the Willow Trails development; therefore, the City will be responsible for notifying any party developing property in the Benefited Area that in order to utilize the 16" water line, they must first contact Forestar's representative regarding the need to annex into this agreement. The City will also require a receipt of payment prior to allowing such Annexed party to utilize the Water Distribution Line.

This waterline will also serve the City's future public safety facilities and serve as an emergency interconnect to Liberty's water system.

Policy Compliant:

This item is policy compliant as it relates to repayment agreements.

Financial Impact:

City will pay a one-time payment of \$1,000,000 towards the design and construction of the waterline. This will be paid out of Project 71420, Water System Optimization.

Budget Impact:

The financial contribution to the waterline has been budgeted in the Water Capital Fund.

FTE Impact:

There are no FTE's associated with this item.

ATTACHMENTS:

1. First Amendment to the Willow Trails Water Agreement FOR-Signed 07-28-26
 2. Resolution 26-104 Willow Trails First Amendment
 3. Willow Trails First Amendment FINAL ppt
-

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

With a copy to:
Jeffrey M. Blilie
Gilbert Blilie PLLC
701 North 44th Street
Phoenix, AZ 85008

FIRST AMENDMENT TO THE WILLOW TRAILS WATER AGREEMENT

THIS FIRST AMENDMENT TO THE WILLOW TRAILS WATER AGREEMENT (this “**First Amendment**”) is entered into this ____ day of _____, 2026 (the “**Effective Date**”), by and between the **City of Surprise**, an Arizona municipal corporation (“**City**”), and **Forestar (USA) Real Estate Group, Inc.**, a Delaware corporation (“**Owner**”). City and Owner may be referred to herein individually as a “Party,” and collectively as the “Parties.”

RECITALS:

A. City and Owner are parties to that certain Willow Trails Water Agreement dated March 7, 2023 (“**Agreement**”), recorded as Instrument No. 2023-0166080, Records of Maricopa County. Except as modified in this First Amendment, the Agreement remains in full force and effect, and all Defined Terms have the meaning ascribed to them in the Agreement unless otherwise modified herein.

B. Pursuant to the Agreement, Owner is responsible for (i) the design, construction, installation, and turnover to the City of the Water Distribution Line; (ii) the design, construction, and dedication to the City of an Onsite Water System, including all associated Design and Construction Costs; and (iii) the payment to the City of a Water System Fee in the amount of \$750,000.00. Prior to connecting either improvement to the City’s existing water system, the Owner is obligated to convey fee title of the improvements to the City.

C. Although the Owner’s Property is roughly 60.8 acres in size, the Water Distribution Line is capable of serving and benefiting the Benefited Area, as defined in the Agreement, Section 4.1, Exhibit C, and as amended hereinbelow in new Section 4.1.

D. Any property owner owning real property within the Benefited Area and seeking to use the Water Distribution Line for the transportation and distribution of water

(“**Benefited Party**”), may use the Water Distribution Line by paying to Owner a Buy-in Fee and by executing the form attached as Exhibit E to the Agreement.

E. The Parties acknowledge that the City’s financial participation in the Water Distribution Line provides a direct public benefit by facilitating timely project delivery and supporting public safety improvements. The City’s financial participation shall not exceed \$1,000,000, which is less than the City’s proportionate per acre share as calculated per the Agreement.

F. Except as required by City Code, Owner is under no obligation to design, construct, install, and turnover the Water Line by a date certain.

G. City owns approximately 70 acres of property generally located at the southeast corner of 187th Avenue and Deer Valley Road, as legally described in Exhibit F hereto and depicted on Exhibit G hereto, (“**City Property 1**”). City Property 1 is located within the Benefited Area as originally defined in the Agreement.

H. City owns approximately 140 acres of property, generally located at the northwest corner of the Beardsley Road alignment and 183rd Avenue, and as legally described in Exhibit H hereto and depicted on Exhibit I hereto, (“**City Property 2**”). City Property 2 is not located within the Benefited Area as originally defined in the Agreement. Accordingly, the City is under no obligation to join the Agreement or otherwise contribute to the Water Distribution Line Design and Construction Costs.

I. The Parties agree to add City Property 2 to the Benefited Area, and to have both City Property 1 and City Property 2 (approximately 210 acres) included in the Agreement.

J. Upon adding City Property 1 and City Property 2 to the Agreement and City’s commitment to contribute an amount not to exceed \$1,000,000, Owner agrees to expedite the design, construction, and installation of the Water Distribution Line.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, and the covenants and mutual promises set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties state, confirm, and agree as follows:

AGREEMENT:

1. The Recitals are incorporated by reference as if fully set forth herein.
2. Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Agreement.
3. Section 1.2 of the Agreement is hereby replaced with the following Section

1.2.

1.2 “*Water Distribution Line*” means the 16” water distribution line extending from the existing 16” line in 163rd Avenue of the east side of US 60, under the BNSF railroad and US 60, and then to the existing stub-out at the intersection of Deer Valley Road and Citrus Road as shown on the as-built SPA 3 construction plans, as depicted in the attached Exhibit B.

4. Section 4 of the Agreement is hereby replaced with the following Section 4.

4. Water Distribution Line. Owner shall design, construct and install the Water Distribution Line in accordance with all Applicable Standards. The City shall not accept the dedication of the Water Distribution Line until the Water Resource Management Director has reviewed and determined such to be compliant with all Applicable Standards. In addition, the City shall have the right and authority to inspect ongoing construction and installation to ensure that the work is being performed in accordance with the final approved plans and Applicable Standards. Owner shall begin construction of the Water Distribution Line within 120 days from the date all of the following have occurred: (i) the City’s issuance of the civil permit for the construction of the Water Distribution Line, (ii) BNSF has signed a license with Owner allowing the Water Distribution Line to cross the BNSF railroad right of way, and (iii) ADOT has issued a permit allowing the Water Distribution Line to cross US 60. Owner shall have 18 months from the date construction of the Water Distribution Line begins to complete the construction of the Water Distribution Line, subject to force majeure delays. City may, in its sole discretion, expedite the issuance of any City approvals/permits associated with the Water Distribution Line.

5. The last sentence of Section 4.1 of the Agreement is hereby replaced with the following sentence:

Although not oversized, the Water Distribution Line may also accommodate development within a region of the City south of Deer Valley Road, including the Property, consisting of approximately 686.1 acres generally located at south of Deer Valley Road between Citrus Road and 183rd Avenue, south to Beardsley Road, as depicted in the attached Exhibit C (“**Benefited Area**”).

6. Section 4.3 of the Agreement is hereby replaced with the following Section 4.3.

4.3. Water Distribution Line Buy-in Fee. A Benefited Party shall be required to reimburse Owner for its pro-rata share of the Water Distribution Line Design and Construction Costs through the payment of a buy-in fee (“**Buy-in Fee**”). The Buy-in Fee shall be calculated by dividing the Water Distribution Line Design and Construction Costs by 686.1 and multiplying that by the number of acres within the Annexed Party’s property. By way of example, if the Water Distribution Line Design and Construction Costs

are \$4,000,000 and the Annexed Party's property is 25 acres, the Buy-in Fee would be \$145,751 ($\$4,000,000 / 686.1 \times 25$). Payment of the Buy-in Fee and execution of the form attached as Exhibit E to the Agreement entitles the Benefited Party only to use of the Water Distribution Line. However, said payment of the Buy-in Fee is not a commitment by the City for any amount of actual water capacity or water service. Any commitment for capacity and service shall be documented by separate agreement between the Benefited Party and the City. The Buy-in Fee is intended to be calculated and collected following the completion of the Water Distribution Line.

7. The following Section 4.4 is hereby added to the Agreement:

4.4 Public Bidding. Owner acknowledges and agrees that the construction contract for the Water Distribution Line shall be publicly procured pursuant to A.R.S. Title 34, as amended, and in accordance with the City of Surprise Procurement Code, as well as all applicable codes, regulations, and policies of the City.

8. The following Section 4.5 is hereby added to the Agreement:

4.5 Design and Construction Costs. Promptly following completion of construction and installation of the Water Distribution Line, Owner shall call for an inspection and upon City approval of construction, Owner shall convey ownership and all warranties of construction regarding the Water Distribution Line to the City and shall further provide to the City all written evidence and documentation of the actual and final Water Distribution Line Design and Construction Costs.

9. The following Section 5(c) is hereby added to the Agreement:

5.c. Within 30 days of the date the City has issued the civil permit for the construction of the Water Distribution Line, City shall pay Owner a fixed amount of \$1,000,000 as its share of the Water Distribution Line Design and Construction Costs.

10. In accordance with Section 4.2 of the Agreement and as set forth above in this First Amendment, both City Property 1 and City Property 2 are hereby included, or otherwise annexed, into the Agreement.

11. The Parties acknowledge that Owner paid \$750,000.00 to the City thus satisfying its obligation described in Section 7 of the Agreement.

12. The following Section 9.15 is hereby added to the Agreement:

9.15 Force Majeure. Force Majeure means an occurrence that is beyond the control of the party affected and occurs without its fault or negligence. Without limiting the foregoing, force majeure includes acts of God; acts of the public enemy; war; acts of terror, hate crimes affecting public order; riots; strikes; mobilization; labor disputes; civil disorders; plague; pandemics (including without limitation, the COVID-19 pandemic); epidemics; quarantine orders or directives by a governmental entity; outbreaks of infectious

disease or any other public health crisis, including without limitation, quarantine or other employee restrictions; fire; floods; lockouts, injunctions-interventions-acts, or failures or refusals to act by government authority; events or obstacles resulting from a governmental authority's response to the foregoing; and other similar occurrences beyond the control of the party declaring force majeure which such party is unable to prevent by exercising reasonable diligence. Force majeure will not include the following occurrences:

A. Failure or delay on the part of either Party in initiating, continuing, or finalizing a process, including but not limited to, the permitting process required to extend the Water Distribution Line over, under, across the BNSF railroad tracks and/or the ADOT right of way for US 60 / Grand Avenue;

B. Failure or delay resulting from general economic conditions or other market effects, foreseen or unforeseen, including any increase in the cost of materials, supplies, or services, or any decrease in profit or profit margins resulting therefrom;

C. Late delivery of equipment, materials, or other goods or services caused by congestion at a manufacturer's plant or elsewhere, an oversold condition of the market, inefficiencies, or similar occurrences; or

D. Late performance by a subcontractor unless the delay arises out of a force majeure occurrence in accordance with this section.

13. Exhibit B to the Agreement shall be replaced by the Exhibit B attached to this First Amendment.

14. Exhibit C to the Agreement shall be replaced by the Exhibit C attached to this First Amendment.

15. The following Exhibits are hereby added to the Agreement.

<u>Exhibit F:</u>	Legal Description of City Property 1
<u>Exhibit G:</u>	Depiction of City Property 1
<u>Exhibit H:</u>	Legal Description of City Property 2
<u>Exhibit I:</u>	Depiction of City Property 2

16. Except as otherwise amended hereby, all terms and provisions of the Agreement shall remain in full force and effect. In the event of any conflict between this First Amendment and the Agreement, the provisions of this First Amendment shall control.

SIGNATURES ON THE FOLLOWING PAGES

IN WITNESS WHEREOF, the Parties have executed this First Amendment on the date(s) written below.

CITY OF SURPRISE,
an Arizona municipal corporation

By _____
Kevin D. Sartor, Mayor

Date _____

APPROVED AS TO FORM ONLY:

City Attorney

ATTESTED:

City Clerk

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this _____ day of _____, 2026, before me personally appeared Kevin D. Sartor, the Mayor of the City of Surprise, an Arizona municipal corporation, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

[Affix notary seal here]

Notary Public

FORESTAR (USA) REAL ESTATE
GROUP, INC.,
a Delaware corporation



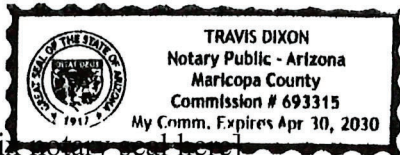
By: Roman E. Gorecki

Title: Division President - Phoenix

Date: 7/28/26

STATE OF ARIZONA
County of Maricopa

On this 28th day of July, 2026, before me personally
appeared Roman E. Gorecki, Division President of Forestar (USA) Real
Estate Group, Inc., for and on behalf thereof, whose identity was proven to me on the basis
of satisfactory evidence to be the person who he claims to be, and acknowledged that he
signed the above/attached document.



[Affix Notary Seal Here]



Notary Public

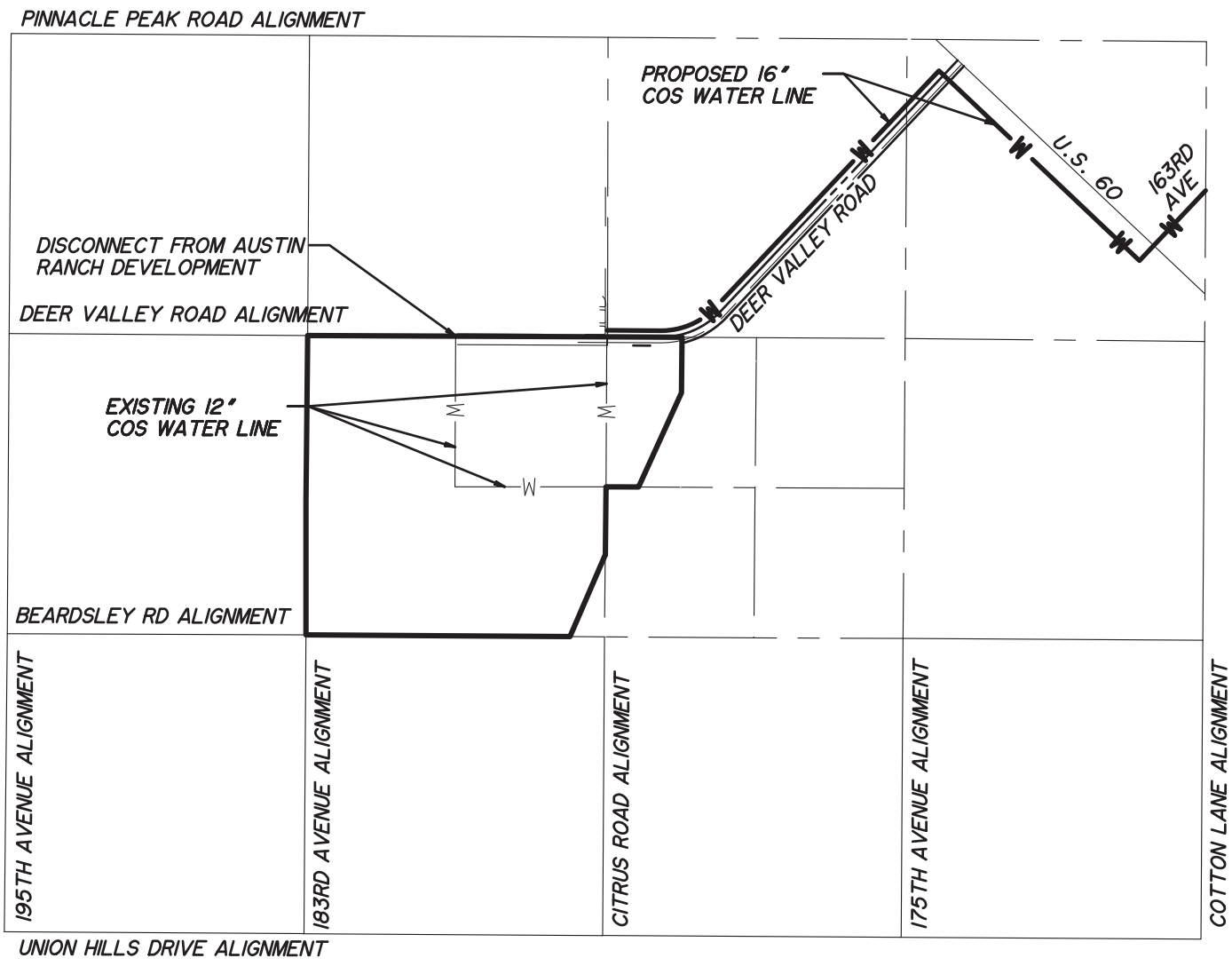
EXHIBIT B

Depiction of the Water Distribution Line

[see following page]



SCALE: 1" = 3000'



GOODWIN & MARSHALL CIVIL ENGINEERS-PLANNERS-SURVEYORS 2708 S. ALMA SCHOOL ROAD, STE. 2 CHANDLER, AZ 86006 CONTACT: WARREN C. RUSSELL, P.E.	EXHIBIT B		Scale: NA
	DEPICTION OF WATER DISTRIBUTION LINE		Date: APRIL 2026
	WILLOW TRAILS, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA		Job No.: 10884A
			Drafted: JEB
			Checked: WCR

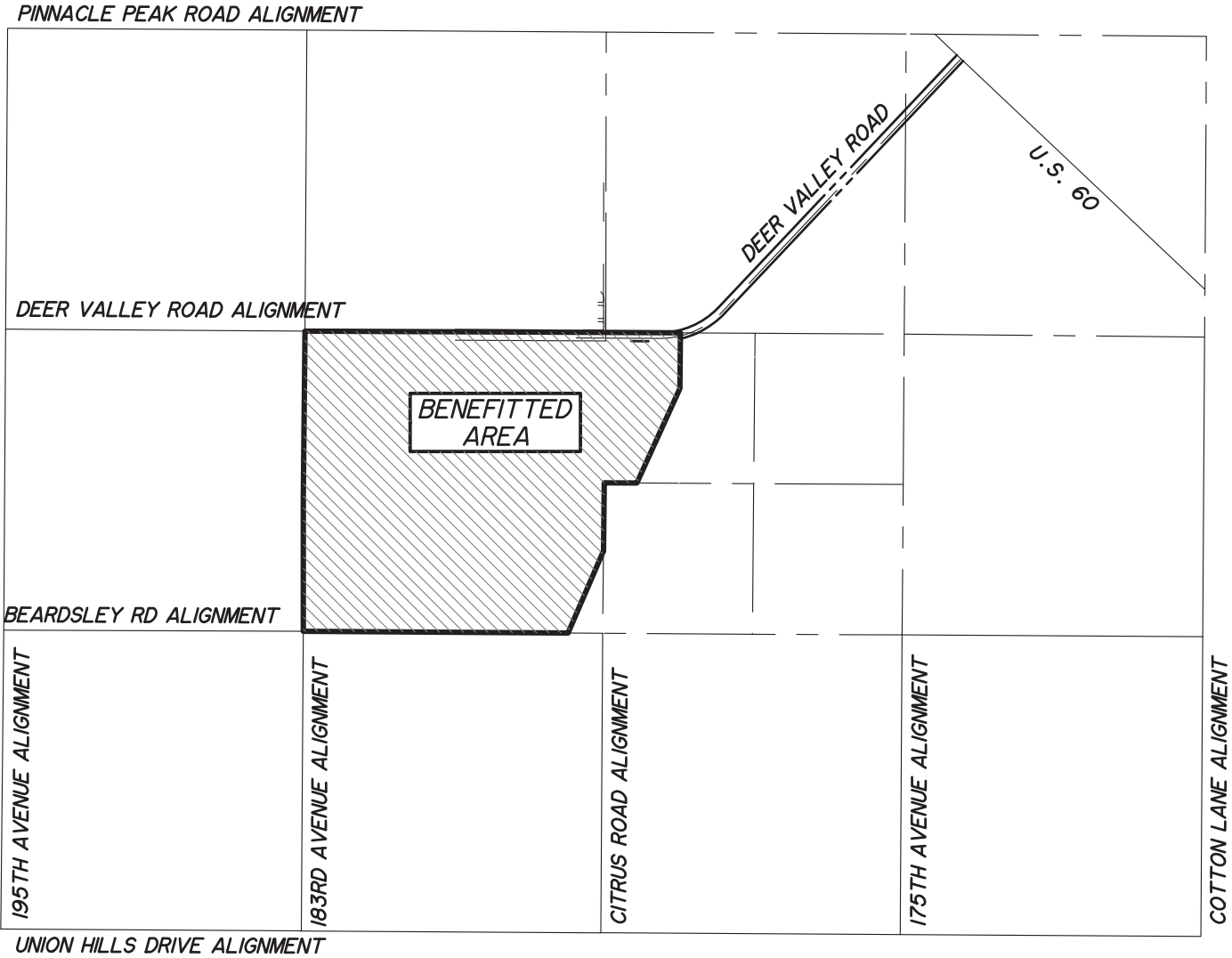
EXHIBIT C

Depiction of the Benefited Area

[see following page]



SCALE: 1" = 3000'



GOODWIN & MARSHALL CIVIL ENGINEERS-PLANNERS-SURVEYORS 2708 S. ALMA SCHOOL ROAD, STE. 2 CHANDLER, AZ 85226 602.216-7295 CONTACT: WARREN C. RUSSELL, P.E.	EXHIBIT C BENEFITTED AREA WILLOW TRAILS, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA	Scale:	NA
		Date:	APRIL 2026
		Job No.:	10884A
		Drafted:	JEB
		Checked:	WCR

EXHIBIT F

Legal Description of City Property 1

[see following page]

Exhibit A
to Special Warranty Deed

Legal Description of Property

Maricopa County APN: 503-75-002J

THAT PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

BEGINNING AT THE SOUTHWEST CORNER OF THE EAST 660 FEET OF SAID NORTHWEST QUARTER;

THENCE SOUTH 89 DEGREES 58 MINUTES WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, 1155.97 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 47 SECONDS WEST 399.92 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 13 SECONDS WEST 143 FEET;

THENCE NORTH 00 DEGREES 29 MINUTES 38 SECONDS EAST, ALONG A LINE THAT IS 20 FEET EAST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER, 278.98 FEET;

THENCE NORTH 50 DEGREES 22 MINUTES 34 SECONDS WEST 66.34 FEET;

THENCE NORTH 39 DEGREES 37 MINUTES 26 SECONDS EAST, ALONG THE EAST RIGHT- OF-WAY LINE OF 185TH AVENUE, 621.42 FEET;

THENCE NORTHERLY, ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1487. 72 FEET, 402.81 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 13 SECONDS EAST, ALONG THE SOUTH LINE OF THE NORTH 1095 FEET TO SAID NORTHWEST QUARTER, 752.14 FEET;

THENCE SOUTH 00 DEGREES 28 MINUTES 22 SECONDS WEST, ALONG THE WEST LINE OF THE EAST 660 FEET OF SAID NORTHWEST QUARTER, 1540.43 FEET TO THE POINT OF BEGINNING;

EXCEPT 60% OF ALL GAS, OIL AND MINERAL RIGHTS FOR ANY PORTION OF THE PROPERTY LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22 AS RESERVED IN INSTRUMENT RECORDED IN APRIL 9, 1956 AT DOCKET 1873, PAGE 67.

Exhibit A**Legal Description of Property**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

Parcel No. 1:

The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 22; and also

EXCEPT that portion of the West half of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 22;

Thence North 00 degrees 30 minutes 03 seconds East and along the West line of said Section 22, a distance of 659.03 feet;

Thence North 89 degrees 58 minutes 19 seconds East, a distance of 487.30 feet;

Thence North 39 degrees 37 minutes 26 seconds East, a distance of 430.05 feet to the TRUE POINT OF BEGINNING;

Thence North 50 degrees 22 minutes 34 seconds West, a distance of 181.44 feet;

Thence North 00 degrees 00 minutes 47 seconds West, a distance of 435.00 feet;

Thence North 89 degrees 59 minutes 13 seconds East, a distance of 268.47 feet;

Thence South 00 degrees 00 minutes 47 seconds East, a distance of 234.17 feet;

Thence South 52 degrees 50 minutes 06 seconds East, a distance of 102.92 feet;

Thence South 39 degrees 37 minutes 26 seconds West, a distance of 330.34 feet to the TRUE POINT OF BEGINNING; and also

Except 60% of oil gas, oil and mineral rights contained in instrument recorded April 9, 1956 in Docket 1873, page 67; and also

Except That part of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Southeast corner of the North 915.77 feet of the West 55 feet of said Northwest quarter;

Thence North 89 degrees 59 minutes 13 seconds East, along the South line of the North 915.77 feet of said Northwest quarter, 557.39 feet;

Thence South 00 degrees 00 minutes 47 seconds East 614.23 feet;

Unofficial Document

Thence South 50 degrees 22 minutes 34 seconds East 181.44 feet;

Thence South 39 degrees 37 minutes 27 seconds West 430.05 feet;

Thence South 89 degrees 58 minutes 18 seconds West, along the North line of the Southwest quarter of the Southwest quarter of said Northwest quarter, 432.30 feet;

Thence North 00 degrees 30 minutes 03 seconds, along the East line of the West 55 feet of said Northwest quarter, 1061.31 feet to the POINT OF BEGINNING; and also

Except that portion of the following described property of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Beginning at the Southwest corner of the East 660 feet of said Northwest quarter;

Thence South 89 degrees 58 minutes West, along the South line of said Northwest quarter, 1155.97 feet;

Thence North 00 degrees 00 minutes 47 seconds West 399.92 feet;

Thence South 89 degrees 59 minutes 13 seconds West 143 feet;

Thence North 00 degrees 29 minutes 38 seconds East, along a line that is 20 feet East of the East line of the Southwest quarter of the Southwest quarter of said Northwest quarter, 278.98 feet;

Thence North 50 degrees 22 minutes 34 seconds West 66.34 feet;

Thence North 39 degrees 37 minutes 26 seconds East, along the East right-of-way line of 1 85th Avenue, 621.42 feet;

Thence Northerly, along a curve concave to the West with a radius of 1487.72 feet, 402.81 feet;

Thence North 89 degrees 59 minutes 13 seconds East, along the South line of the North 1095 feet to said Northwest quarter, 752.14 feet;

Thence South 00 degrees 28 minutes 22 seconds West, along the West line of the East 660 feet of said Northwest quarter, 1540.43 feet to the Point of Beginning; and also

Except that portion of the following described property ^{Unofficial Document} of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

That portion of the East half of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying West of the following described property recorded in Recording No. 2008-959694;

That part of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Commencing at the Northwest corner of said Northwest quarter;

Thence South 00 degrees 30 minutes 03 seconds West, along the West line of said Northwest quarter, 100 feet to a brass cap at the centerline of Deer Valley Road;

Thence North 89 degrees 59 minutes 13 seconds East, along said centerline which is also the South line of the North 100 feet of said Northwest quarter, 1320 feet to a steel spike at the intersection of 185th Avenue and Deer Valley Road;

Thence South 00 degrees 30 minutes 03 seconds West, along the centerline of 185th Avenue, 399.99 feet to a curve concave to the West with a radius of 1452.72 feet;

Thence South along said curve 598.63 feet;

Thence along a radial line South 65 degrees 53 minutes 21 seconds East 35 feet to a point where the East right-of-way line of 185th Avenue intersects with the South line of the North 1095 feet of said Northwest quarter this is the True Point of Beginning;

Thence North along said right-of-way on a curve concave to the West with a radius of 1487.72 feet, 613.05 feet;

Thence North 00 degrees 30 minutes 03 seconds East, along said right-of-way, 320.30 feet;

Thence North 45 degrees 14 minutes 38 seconds East, along said right-of-way, 42.62 feet to the South right-of-way line of Deer Valley Road;

Thence North 89 degrees 59 minutes 13 seconds East, along last said right-of-way which is also the South line of the North 150 feet of said Northwest quarter, 597.15 feet;

Thence South 00 degrees 28 minutes 22 seconds West, along the West line of the East 660 feet of said Northwest quarter, 945.03 feet;

Thence South 89 degrees 59 minutes 13 seconds West, along the South line of the North 1095 feet of said Northwest quarter, 752.14 feet to the True Point of Beginning.

Parcel No. 2:

That portion of the East half of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying West of the following described property recorded in Recording No. 2008-959694:

Unofficial Document

That part of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Commencing at the Northwest corner of said Northwest quarter;

Thence South 00 degrees 30 minutes 03 seconds West, along the West line of said Northwest quarter, 100 feet to a brass cap at the centerline of Deer Valley Road;

Thence North 89 degrees 59 minutes 13 seconds East, along said centerline which is also the South line of the North 100 feet of said Northwest quarter, 1320 feet to a steel spike at the intersection of 185th Avenue and Deer Valley Road;

Thence South 00 degrees 30 minutes 03 seconds West, along the centerline of 185th Avenue, 399.99 feet to a curve concave to the West with a radius of 1452.72 feet;

Thence South along said curve 598.63 feet;

Thence along a radial line South 65 degrees 53 minutes 21 seconds East 35 feet to a point where the East right-of-way line of 185th Avenue intersects with the South line of the North 1095 feet of said Northwest quarter this is the True Point of Beginning;

Thence North along said right-of-way on a curve concave to the West with a radius of 1487.72 feet, 613.05 feet;

Thence North 00 degrees 30 minutes 03 seconds East, along said right-of-way, 320.30 feet;

Thence North 45 degrees 14 minutes 38 seconds East, along said right-of-way, 42.62 feet to the South right-of-way line of Deer Valley Road;

Thence North 89 degrees 59 minutes 13 seconds East, along last said right-of-way which is also the South line of the North 150 feet of said Northwest quarter, 597.15 feet;

Thence South 00 degrees 28 minutes 22 seconds West, along the West line of the East 660 feet of said Northwest quarter, 945.03 feet;

Thence South 89 degrees 59 minutes 13 seconds West, along the South line of the North 1095 feet of said Northwest quarter, 752.14 feet to the True Point of Beginning; and

Except that portion conveyed by Final Order of Condemnation recorded in Recording No. 89-286062.

Parcel No. 3:

The West 55 feet of the West half of the Northwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the North 150 feet; and

Except the South 660 feet

Unofficial Document

EXHIBIT G

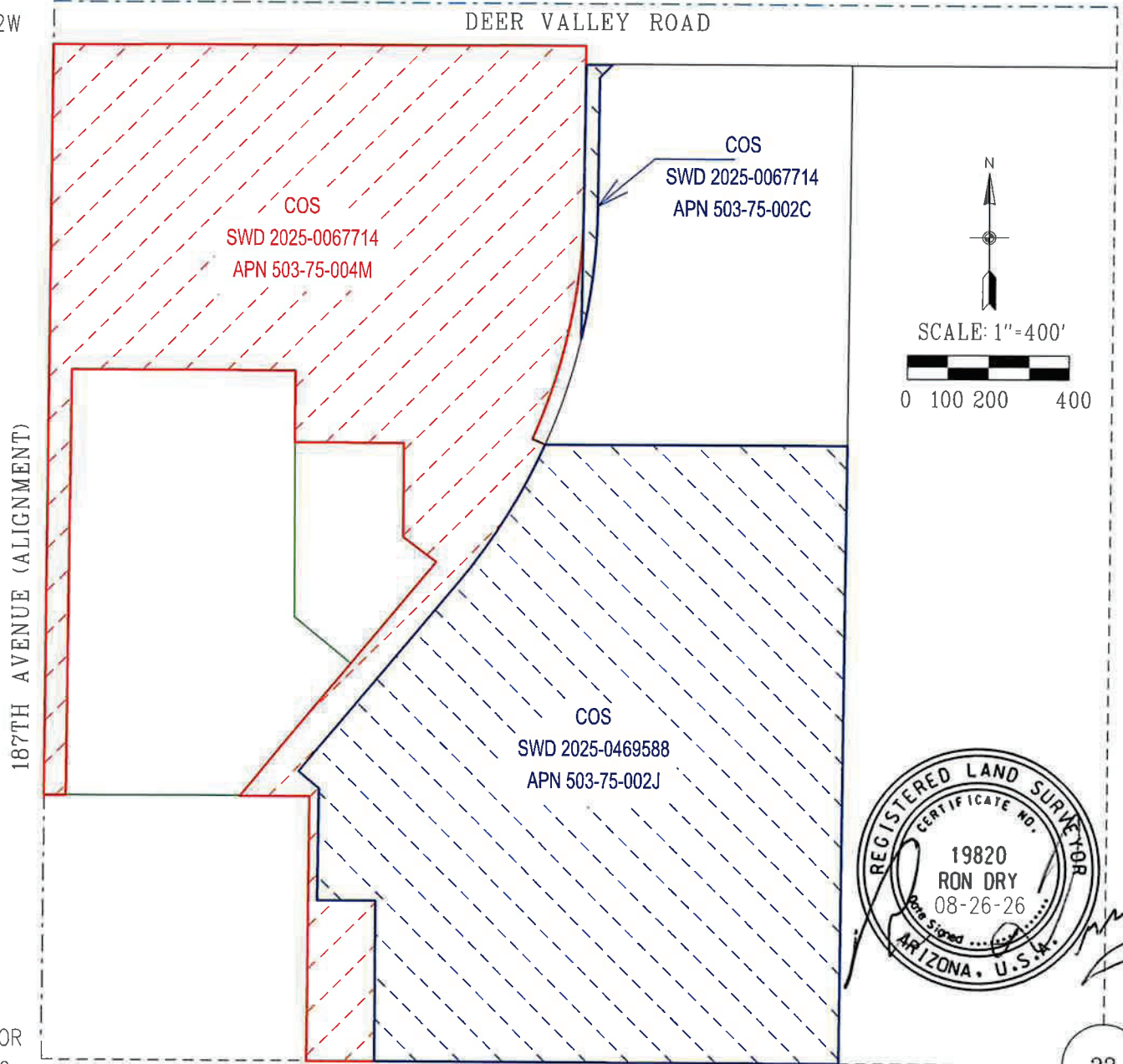
Depiction of City Property 1

[see following page]

EXHIBIT "G"

NW COR
SEC 22
T4N, R2W

N1/4 COR
SEC 22
T4N, R2W



W1/4 COR
SEC 22
T4N, R2W

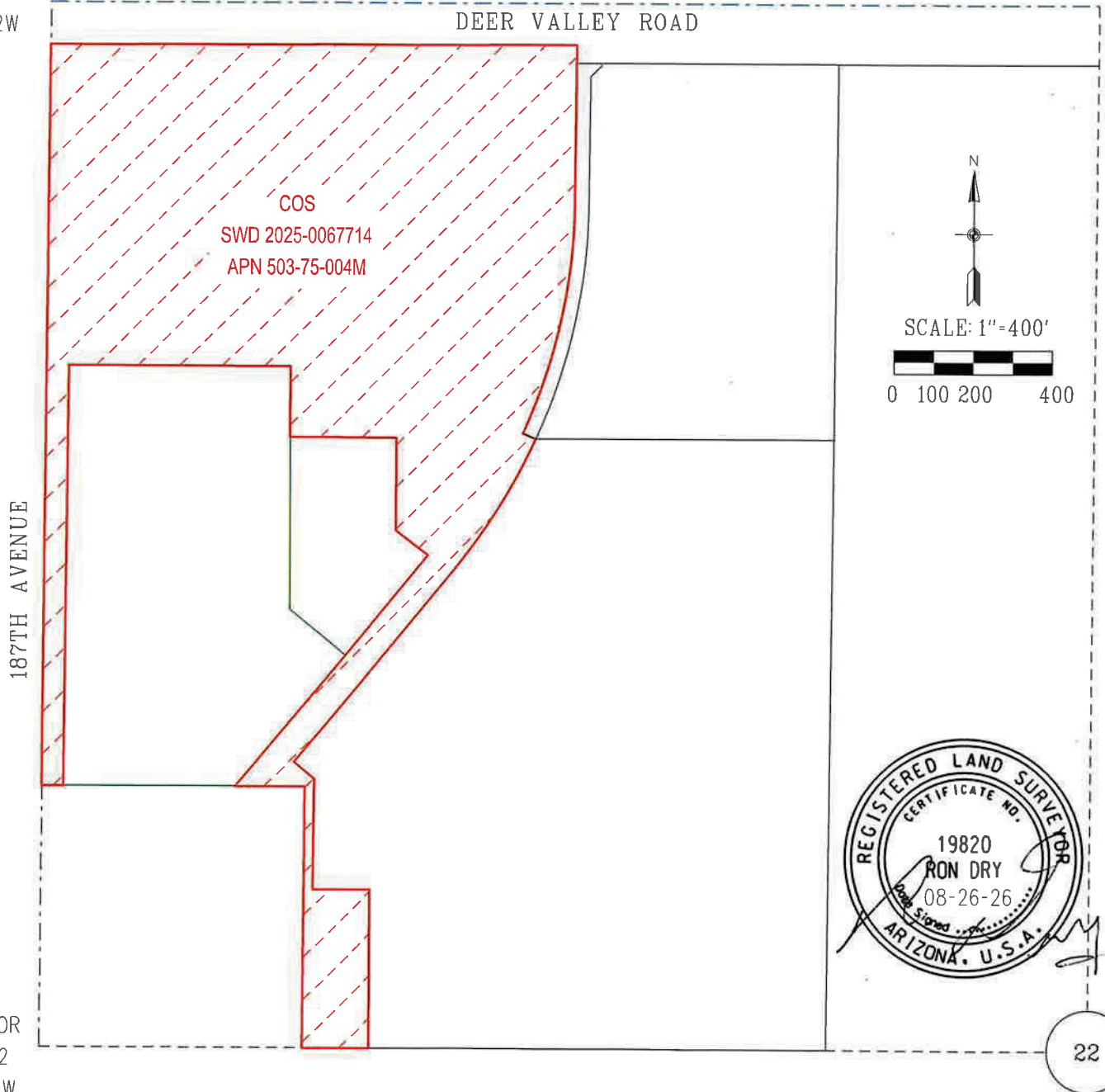
NORTHWEST QUARTER SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST

CITY PROPERTY 1		CITY OF SURPRISE LAND SURVEY DEPARTMENT
PROJECT # 25019	DRAWN BY RCD	DATE 08-26-26 SHEET 1 OF 1

EXHIBIT "G"

NW COR
SEC 22
T4N, R2W

N1/4 COR
SEC 22
T4N, R2W



W1/4 COR
SEC 22
T4N, R2W

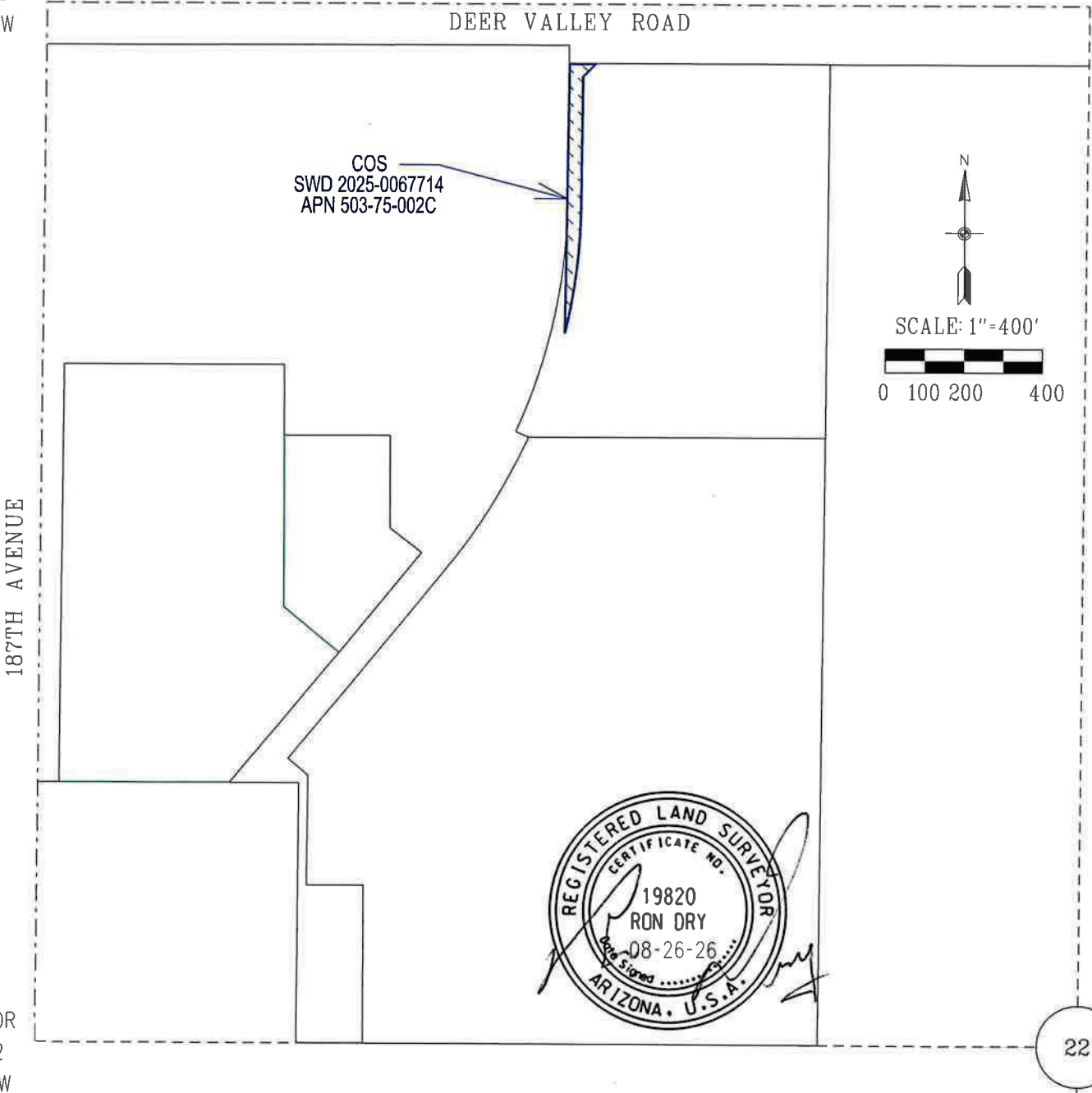
NORTHWEST QUARTER SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST

CITY PROPERTY 1 APN 503-75-004M	 SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT # 25019	DRAWN BY RCD	DATE 08-26-26	SHEET 1 OF 1 Page 430 of 449

EXHIBIT "G"

NW COR
SEC 22
T4N, R2W

N1/4 COR
SEC 22
T4N, R2W



W1/4 COR
SEC 22
T4N, R2W

22

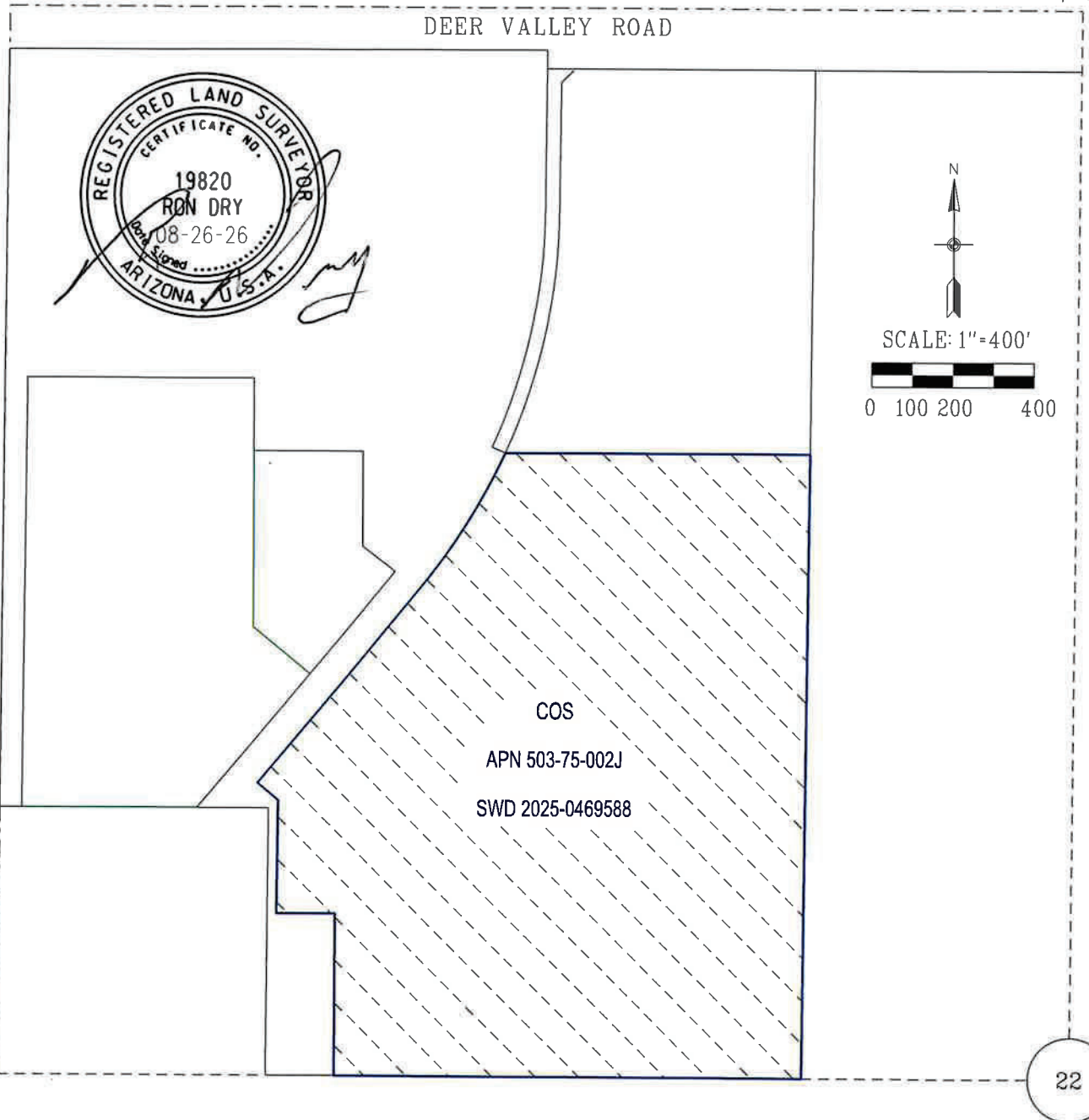
NORTHWEST QUARTER SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST

CITY PROPERTY 1 APN 503-75-002C	 SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT # 25019	DRAWN BY RCD	DATE 08-26-26	SHEET 1 OF 1 Page 431 of 449

EXHIBIT "G"

NW COR
SEC 22
T4N, R2W

N1/4 COR
SEC 22
T4N, R2W



W1/4 COR
SEC 22
T4N, R2W

NORTHWEST QUARTER SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST

CITY PROPERTY 1 APN 503-75-002J	 SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT # 25019	DRAWN BY RCD	DATE 08-26-26	SHEET 1 OF 1 Page 432 of 449

EXHIBIT H

Legal Description of City Property 2

[see following page]

EXHIBIT A

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AS THE SOUTHWEST CORNER OF SAID SECTION 22, FROM WHENCE THE WEST QUARTER CORNER OF SECTION 22 BEARS NORTH 00 DEGREES 29 MINUTES 50 SECONDS (BASIS OF BEARINGS) A DISTANCE OF 2636.64 FEET;

THENCE SOUTH 89 DEGREES 55 MINUTES 21 SECONDS EAST ALONG THE SOUTH LINE OF SECTION 22, A DISTANCE OF 1322.60 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 29 MINUTES 07 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 1154.59 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 41 SECONDS EAST, A DISTANCE OF 1322.38 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22;

Unofficial Document

THENCE SOUTH 00 DEGREES 28 MINUTES 25 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 1155.87 FEET TO THE SOUTH QUARTER CORNER OF SECTION 22;

THENCE NORTH 89 DEGREES 55 MINUTES 21 SECONDS WEST ALONG THE SOUTH LINE OF SECTION 22, A DISTANCE OF 1322.61 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel 3B

That portion of the Southwest quarter of Section 22, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southwest corner of said Section 22;
thence North 00° 29' 50" East (Basis of Bearings) along the West line of Section 22 a distance of 2306.62 feet to the South line of the North 330 feet of the Southwest quarter of Section 22;
thence North 89° 58' 00" East along said line a distance of 2644.77 feet to the East line of the Southwest quarter of Section 22;
thence South 00° 23' 34" West along said East line a distance of 1155.88 feet;
thence North 89° 58' 39" West a distance of 1323.43 feet to the West line of the Southeast quarter of the Southwest quarter of Section 22;
thence South 00° 26' 41" West along the said West line a distance of 1154.59 feet to the South line of Section 22;
thence North 89° 55' 21" West along said South line a distance of 1324.47 feet to the POINT OF BEGINNING.

Containing 105.1991 acres.

Unofficial Document



EXHIBIT I

Depiction of City Property 2

[see following page]

EXHIBIT "I"



SCALE: 1"=500'



187TH AVENUE (ALIGNMENT)

SW COR
SEC 22
T4N, R2W

BEARDSLEY ROAD (ALIGNMENT)

SW QUARTER SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST

COS
SWD 2004-1026160
APN 503-75-003M

COS
SWD 2020-1021398
APN 503-75-003L



CITY PROPERTY 2



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 25019

DRAWN BY RCD

DATE 08-26-26

SHEET 1 OF 1

EXHIBIT "I"



SCALE: 1"=500'



187TH AVENUE (ALIGNMENT)

22

COS
SWD 2004-1026160
APN 503-75-003M



COS
SWD 2020-1021398
APN 503-75-003L

SW COR
SEC 22
T4N, R2W

BEARDSLEY ROAD (ALIGNMENT)

SW QUARTER SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST

CITY PROPERTY 2

APN 503-75-003L



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

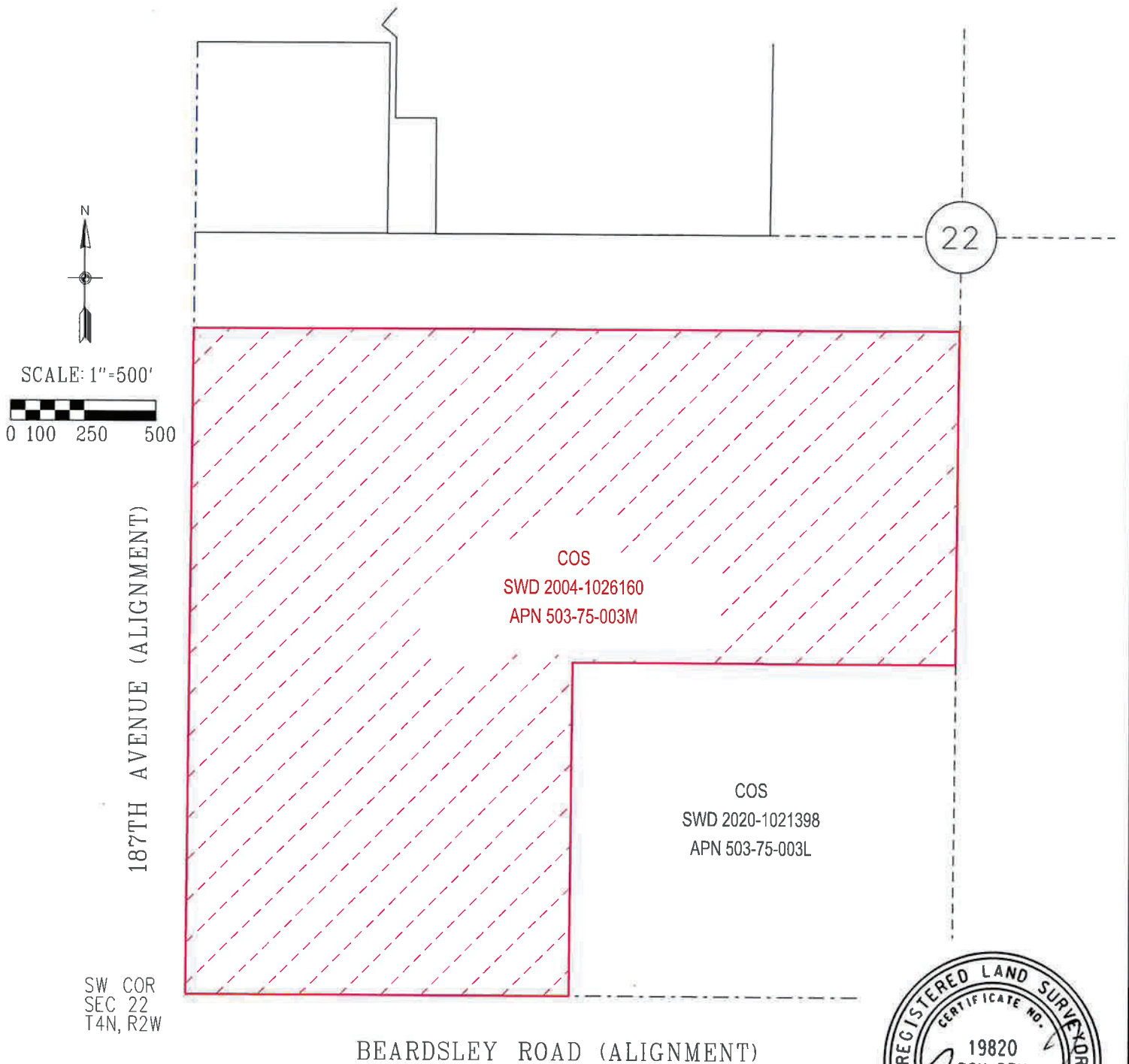
PROJECT # 25019

DRAWN BY RCD

DATE 08-26-26

SHEET 1 OF 1

EXHIBIT "I"



SW COR
SEC 22
T4N, R2W



SW QUARTER SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST

CITY PROPERTY 2
APN 503-75-003M



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 25019

DRAWN BY RCD

DATE 08-26-26

SHEET 1 OF 1

RESOLUTION # 2026-104

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE FIRST AMENDMENT TO THE WILLOW TRAILS WATER AGREEMENT BETWEEN THE CITY OF SURPRISE AND FORESTAR (USA) REAL ESTATE GROUP, INC.

WHEREAS, the City of Surprise (the “City”) and Forestar (USA) Real Estate Group, Inc. (the “Owner”) entered into that certain Willow Trails Water Agreement dated March 7, 2023, which was previously approved by the Mayor and City Council through Resolution #2023-31 on March 07, 2023, and was recorded in the office of the Maricopa County Recorder as Instrument No. 2023-0166080 (the “Agreement”);

WHEREAS, the Agreement provides for the design, construction, installation, and conveyance to the City of a sixteen inch water distribution line and associated onsite water system improvements;

WHEREAS, Owner desires to amend the Agreement to clarify and modify provisions including the description and timing for construction of the water distribution line, the expansion of the benefited area, public procurement requirements, and limits on the City’s participation in the cost of the associated improvements (the “First Amendment”); and

WHEREAS, Owner now requests the Mayor and City Council approve the First Amendment to the Agreement, attached hereto as **Exhibit A** and incorporated herein by this reference.

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

Section 1. The First Amendment to the Agreement between the City and Forestar (USA) Real Estate Group, Inc., attached hereto as **Exhibit A**, is approved.

Section 2. The Mayor or his designee is hereby directed to execute the First Amendment to the Agreement on behalf of the City and any other documents necessary to effectuate the intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

APPROVED AND ADOPTED this ____ day of _____, 2026.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

EXHIBIT A

Willow Trails Water Agreement, First Amendment

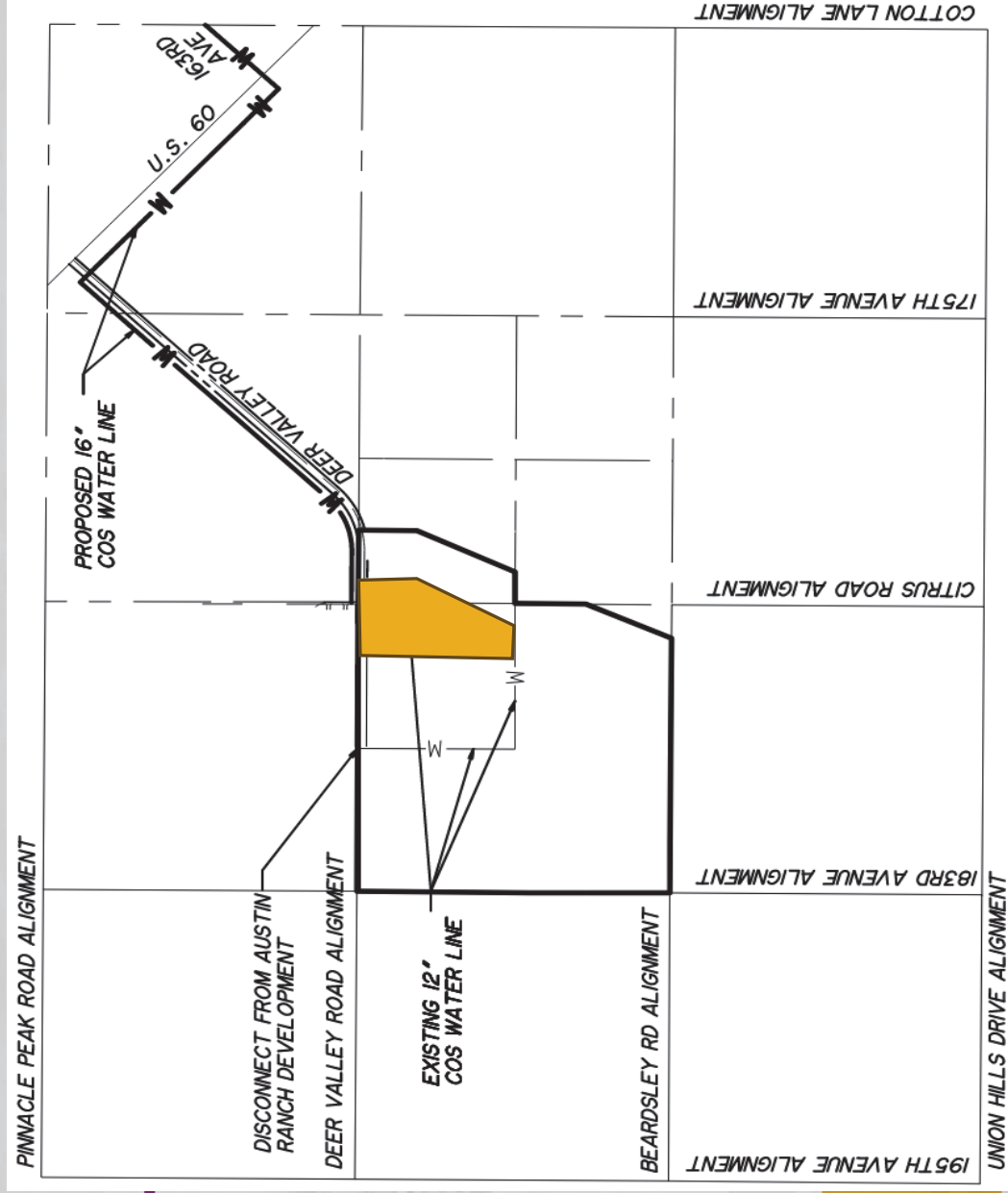
09/15/2026

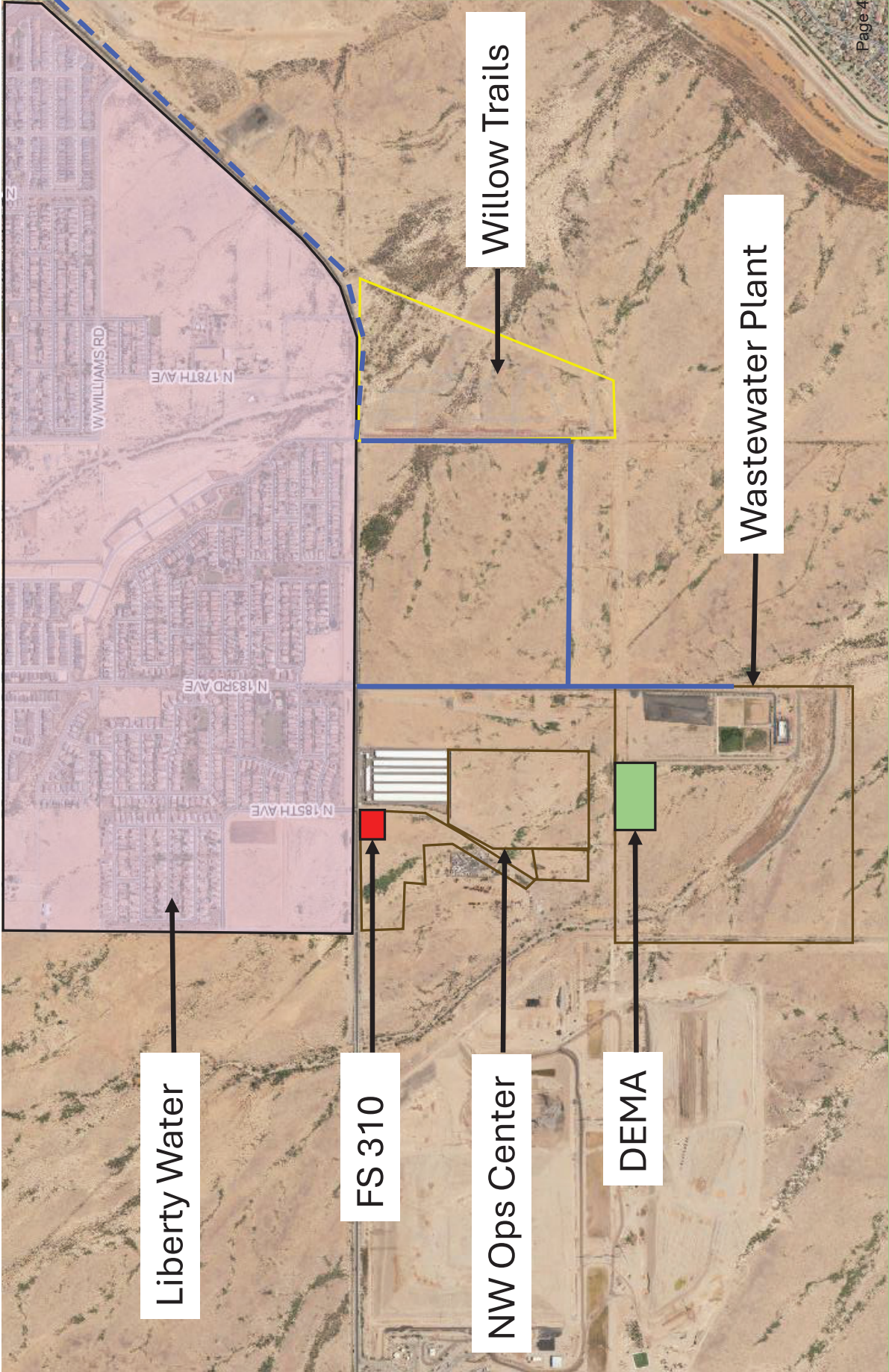


SURPRISE
ARIZONA
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Background

- Agreement executed in Feb. '23
- Willow Trails Final Plat Sept. '23
- Maverik & Quik Trip Change
- City Purchase of Property





Surprise Northwest Operations Center



First Amendment Obligations

Owner's Obligation

- Design, Permit, procure, construct the 16" waterline.

City's Obligations

- Pay maximum contribution of \$1,000,000 for proportionate share of the waterline. Project 71420, Distribution System Optimization, has been established for participation in the project.

Benefits to City

- Reduced cost/ acre obligation
- Liberty water interconnect
- Activation of City's water service area in this region.



Timeline

City Contribution: \$1.0M paid within **30 days** of First Amendment approval.

Construction Start: Owner to begin within **120 days** after City civil permit issuance, BNSF crossing approval, and ADOT US 60 crossing permit.

Construction Completion: Water Distribution Line to be completed within **18 months** of City civil permit issuance.



Questions or Comments?

THANK YOU



SURPRISE

ARIZONA

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