ANA MANDARA

PLANNED AREA DEVELOPMENT

Surprise, Arizona

CITY OF SURPRISE
PLANNING AND ZONING DEPARTMENT
APPROVED

Case No.: PAD06-247

P&Z Comm. Approval: 2/6/2007

City Council Approval: 3/8/2007

B.O.A. Approval: _____

Stipulations: A-Q

Final
March 2007

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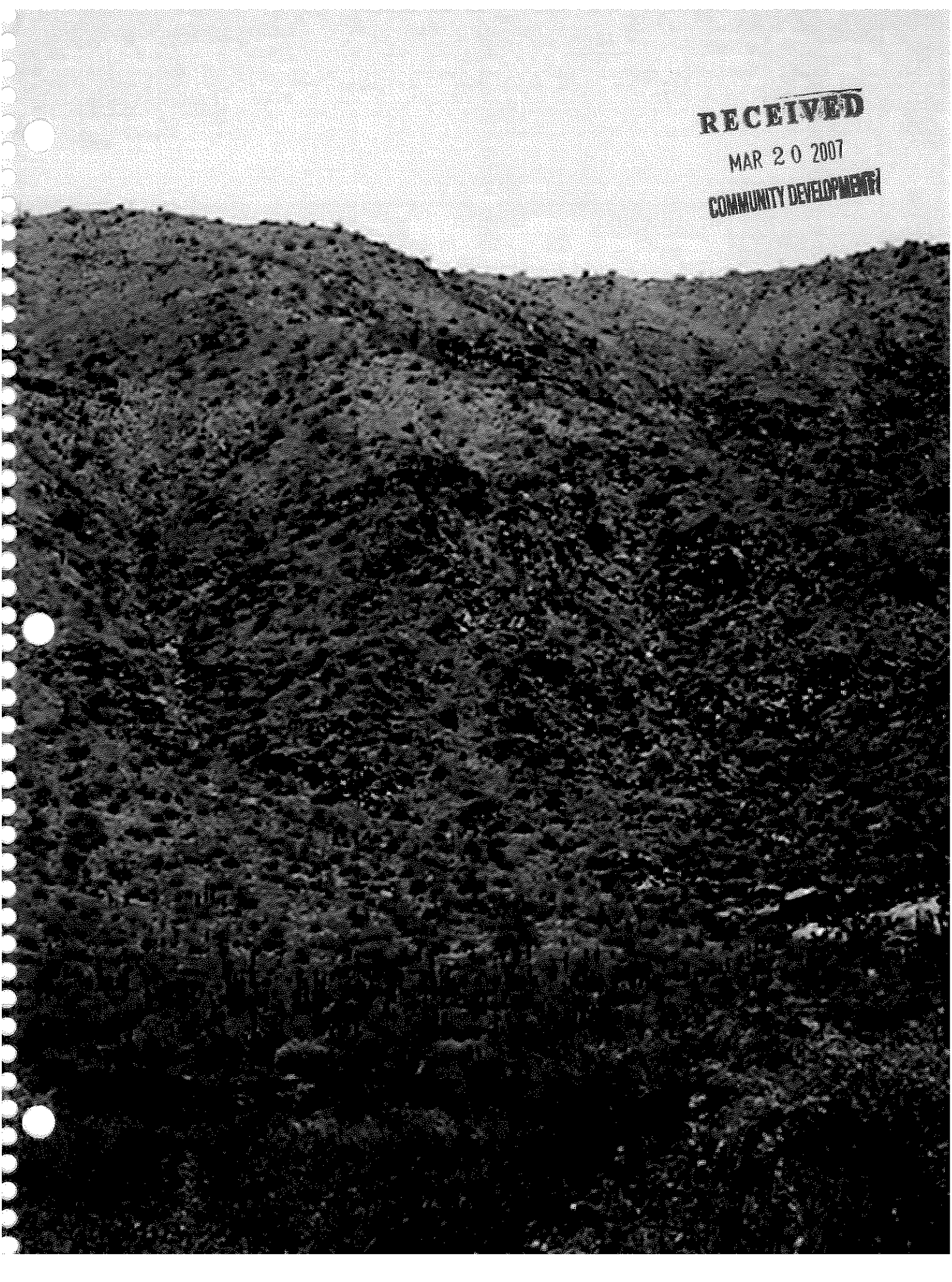
COMMUNITY DEVELOPMENT



PROJECT TEAM

Owner:

TWJ & ASSOCIATES, LTD.
Michael Van Buskirk
3260 North Hayden Rd. Suite 106
Scottsdale, Arizona 85251
Phone: 480.607.0507
Fax: 480.607.0508

Land Planning:

Bloodgood Sharp Buster Architects & Planners
Dana Burkhardt, AICP
4021 N. 75th Street Suite 105
Scottsdale, Arizona 85251
Phone: 480.663.2100
Fax: 480.994.9134

Planning Consultant:

Arizona Land Planning & Development, LLC.
Christine E. Sheehy
314 E. Wagon Wheel Drive
Phoenix, Arizona 85020
Phone: 602.944.0614
Fax: 602.216.9355

Civil Engineering:

Evolution Engineering
Jason Corwin
3875 North 44th Street
Suite 101
Phoenix, Arizona 85018
Phone: 602.944.1144
Fax: 602.532.7091

Traffic Engineering

Southwest Traffic Engineering
Andrew Smigielski, PE, PTOE
3838 North Central Avenue
Suite 1810
Phoenix, Arizona 85012
Phone: 602.266.7983
Fax: 602.266.1115

Biology/Archaeology:

EnviroSystems Management, Inc.
Lynn A. Neal, RPA
1928 N. Second Street
Flagstaff, Arizona 86004
Phone: 928.226.0236
Fax: 928.226.0237

Attorney:

Beus Gilbert
Jeff Blilie
4800 N. Scottsdale Road, Suite 6000
Scottsdale, Arizona
Phone: 480.429.3000
Fax: 480.429.3100

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EXECUTIVE SUMMARY

Ana Mandara is a 209 acre proposed Planned Area Development (PAD) located in the City of Surprise. The property is an irregularly shaped parcel, generally bounded by the Beardsley Road alignment to the north, vacant land to the east, Sun Valley Parkway and vacant land to the south, and the 219th Avenue alignment to the west. The surrounding ownership pattern includes small privately owned parcels on the north and east side of the site. Directly adjacent to the proposed development area on the south and west is State Trust Land. The subject property falls within the City of Surprise General Plan Area and City Limits.

The proposed plan for the property is a desert village, with an interior natural open space corridor. The desert village concept will be achieved through implementation of a scenic corridor along Sun Valley Parkway, preservation of wash areas throughout the project, as well as landscaping and architectural standards intended to complement the natural environment. The PAD is designed to allow the builder the flexibility to provide the homebuyer with a variety of housing types such as conventional single-family homes; alley accessed and recessed garage style homes, detached cluster homes and attached condominium and townhomes. This will allow residents to choose from a variety of home options. Ana Mandara is designed in response to the natural topography with open space connections to the broad desert wash traversing the site that will result in a diverse and attractive community.

The broad mix of housing options will provide an overall density that falls within the Medium Density Residential land use designation currently applied to the property as prescribed in the Surprise General Plan 2020. There are approximately 1,254 dwelling units proposed with an overall target density of 6.0 dwelling units per gross acre. This target density is at the low end of the density range of five to eight dwelling units per gross acre prescribed within the Surprise General Plan.

In addition to the residential development the plan also envisions two traditional neighborhood commercial centers located on the west side of the community, along 219th Avenue. This location will heighten retail exposure to the public and minimize traffic impacts within the neighborhoods. These commercial areas will serve the residents of Ana Mandara and other projects in the vicinity with retail and office opportunities. These commercial areas will be designed to be accessible to the Ana Mandara community by driving, walking, and/or bicycling.

Proposed community amenities include a centrally located park, a neighborhood park in the eastern residential area of the project, a fire station facility, multiple pocket parks within the residential neighborhoods, and a comprehensive community trail system that will link the surrounding residential development and the proposed Local Trail on the south side of Sun Valley Parkway to the neighborhood retail center. The open space system will utilize the natural desert wash that traverses the property and connect many of the development parcels throughout the project. Scenic view corridors will be preserved along the main wash corridor traversing the site, to the White Tank Mountains south of the site and along Sun Valley Parkway. Ana Mandara is also proposing to implement a Scenic Overlay along Sun Valley Parkway. This Scenic Overlay will preserve the native Sonoran desert immediately adjacent to Sun Valley Parkway as well as provide for the integration of the desert with the proposed development.

This document is organized into four major sections with supporting appendices. These sections include: a review of the site's location and regional context; the physical characteristics of the site (site analysis); the proposed master plan elements; and the regulatory development standards and design guidelines. This document has been prepared as part of the Planned Area Development zoning application.

SECTION 1: LOCATION & REGIONAL CONTEXT

1.1 Property Description and Location

Ana Mandara is an approximately 209 acre proposed Planned Area Development (PAD) located in the City of Surprise. The property is an irregularly shaped parcel, generally bounded by the Beardsley Road alignment to the north, private and State Trust land to the east, Sun Valley Parkway and State Trust land to the south, and the 219th Avenue alignment to the west. Also included in the Ana Mandara PAD is a 20 acre parcel located north of the Beardsley Road alignment and a three (3) acre parcel located west of the proposed 219th Avenue alignment. A graphic representation of the Ana Mandara vicinity is provided on Figure 1, Regional Context and Figure 2, Area Vicinity Map and Surrounding Development.

1.2 Property Legal Description

The property consists of a portion of Section 5, Township 4 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. An ALTA Survey is provided in Appendix A.

1.3 Property Ownership-Vicinity

The property ownership pattern within the area is provided on Figure 3, Property Ownership. In general, the property to the north is owned by various private land owners. A portion of the property to the east is State Trust Land managed by the Arizona State Land Department. In addition, there are privately held parcels to the east of the subject property. Properties to the south and west are State Trust Land managed by the Arizona State Land Department.

1.4 Regional Facilities

Figure 2, depicts the relationship of Ana Mandara to the existing and proposed developments and facilities in the area.

1.4.1 Municipal Boundaries

The Ana Mandara property is entirely within the City of Surprise jurisdictional boundaries. Figure 1, Area Vicinity Map and Municipal Boundaries, shows the location of the property in relationship to the various local and county jurisdictions.

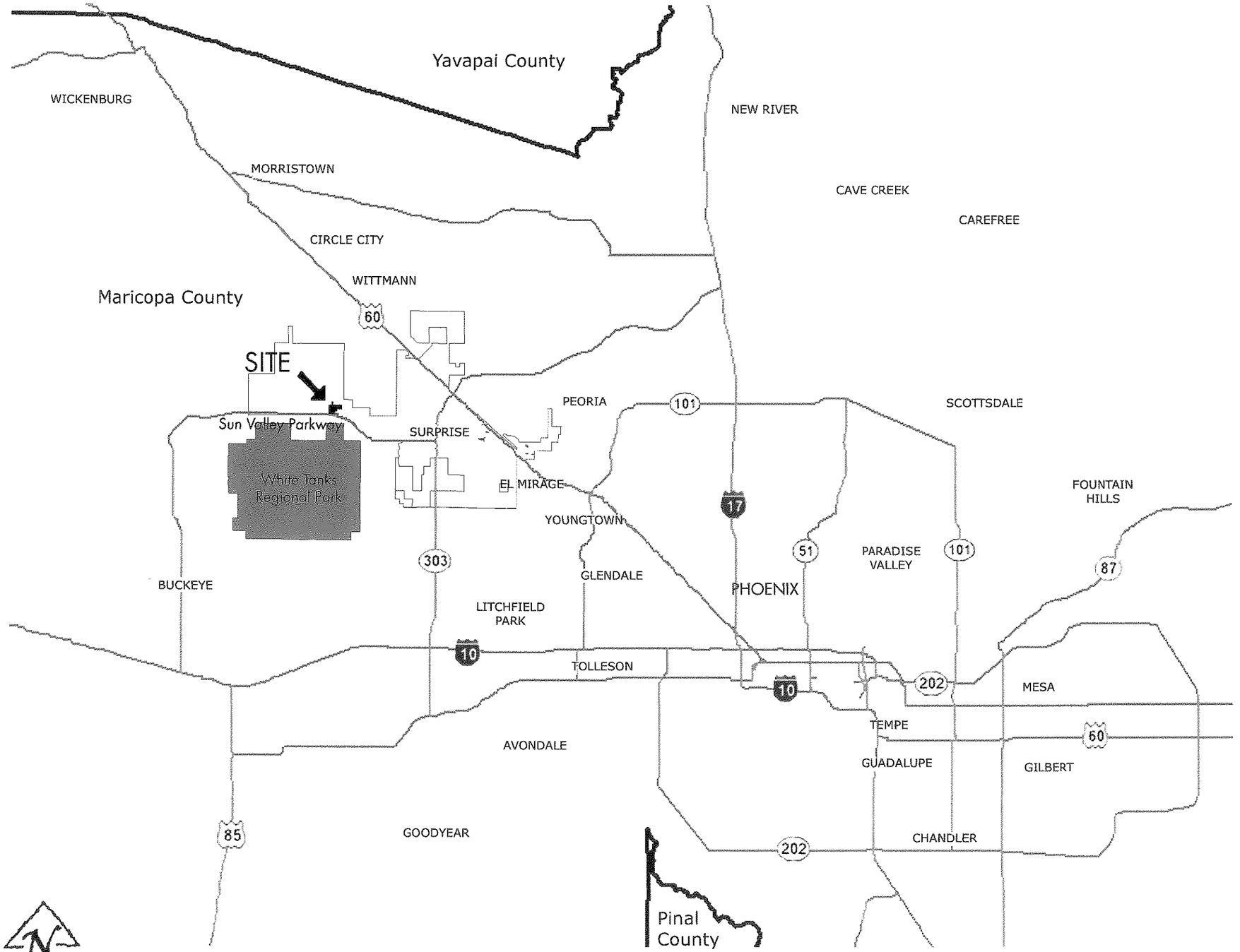
1.4.2 Existing Land Use Plans

1.4.2.1 Surprise General Plan

The Ana Mandara property is located within the planning and development jurisdiction of the City of Surprise. The Land Use Map included in the Surprise General Plan 2020, designates Medium Density Residential land use for the property. Figure 4 shows the projects boundaries in relation to the City of Surprise General Plan Land Use Classifications. The Medium Density Residential (MDR) category, as described in the Surprise General Plan 2020, is intended for detached or attached single-family residential developments. The MDR category allows a mix of single-family homes, duplexes, manufactured, and modular homes.

REGIONAL CONTEXT MAP

FIGURE 1



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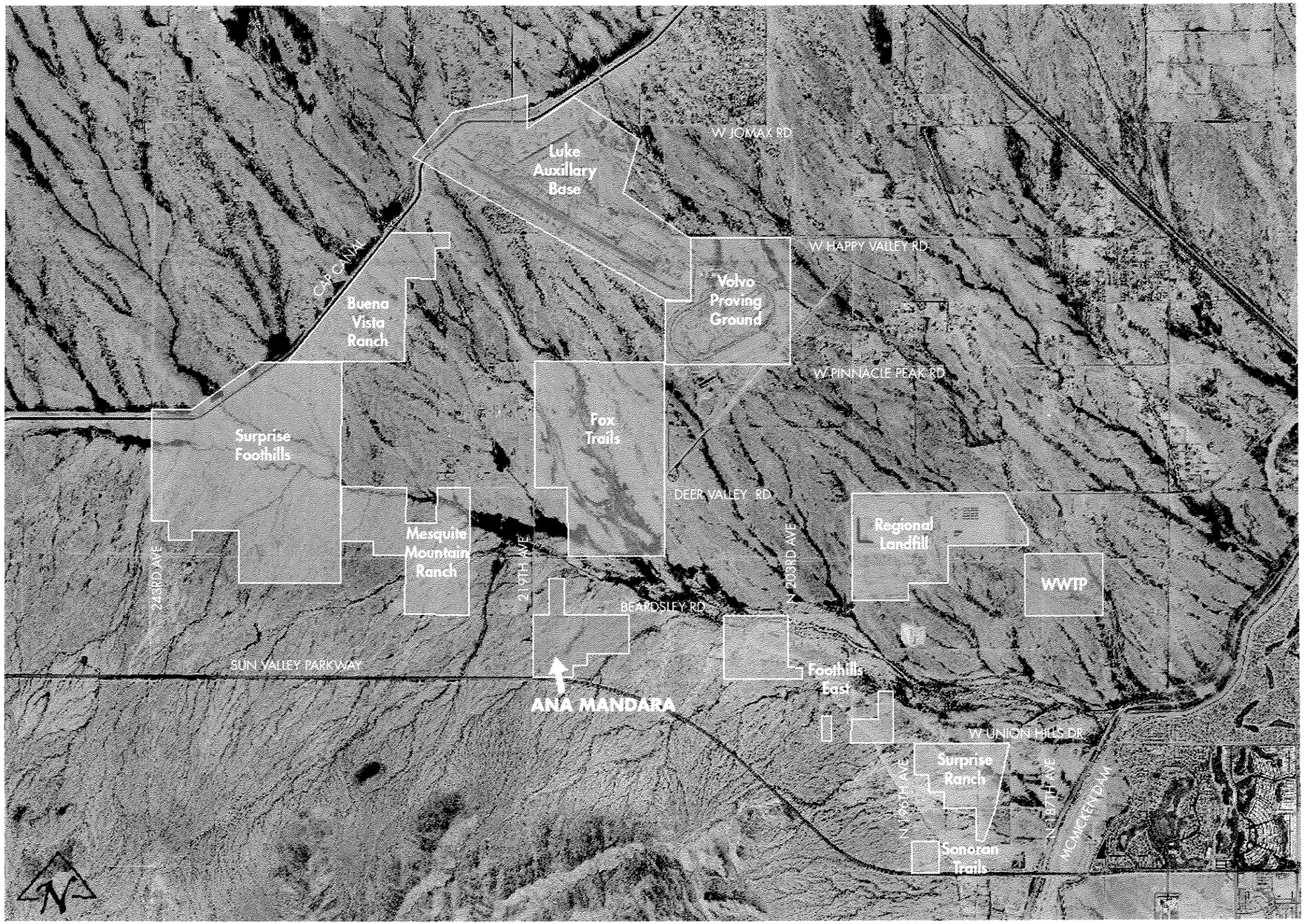
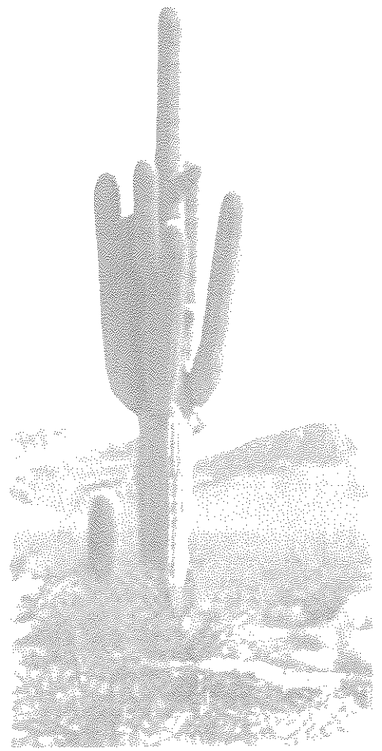
AREA VICINITY MAP & SURROUNDING DEVELOPMENT

FIGURE 2





Regional Facilities

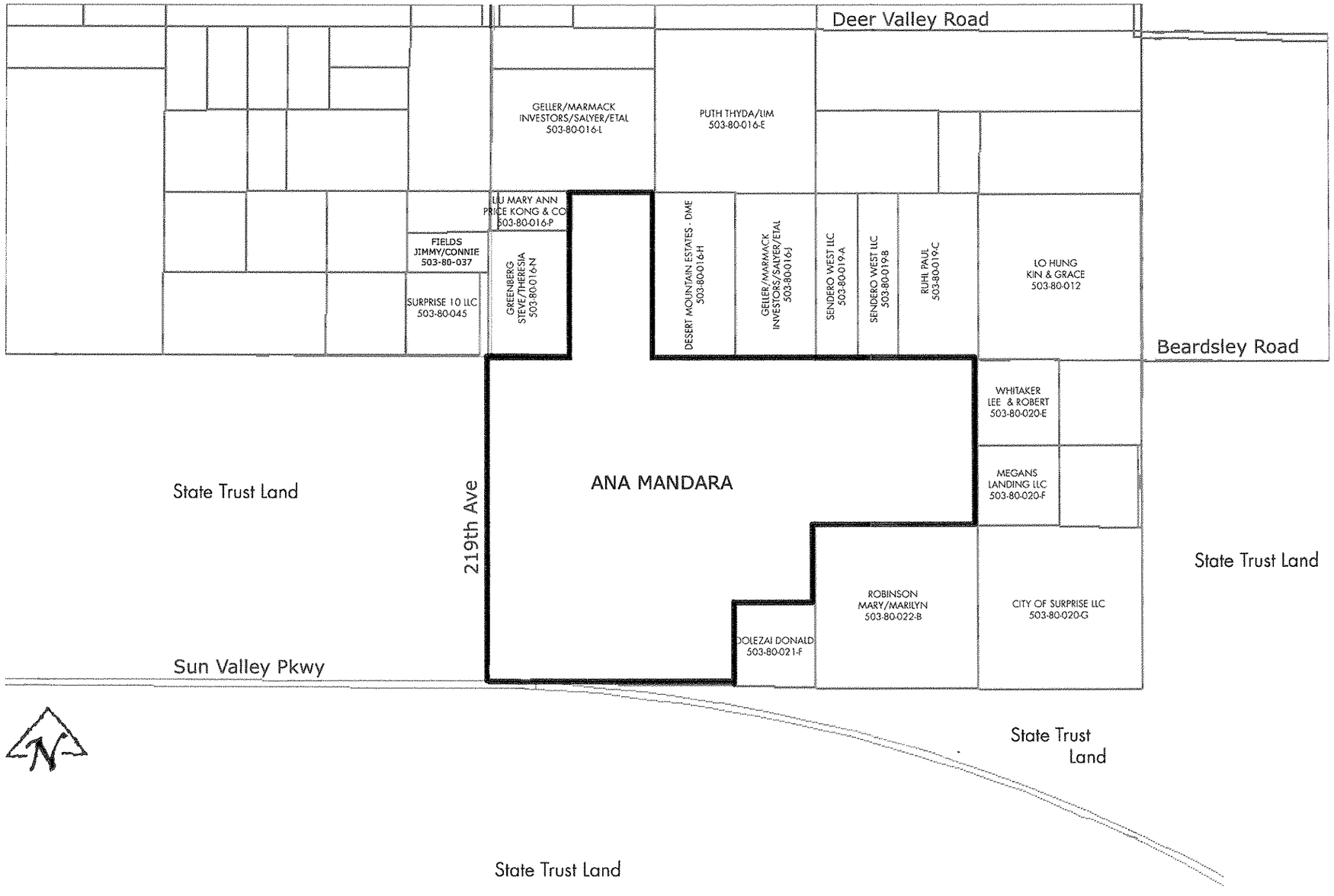
WSLG Sites

Ana Mandara Site

ANA MANDARA

PROPERTY OWNERSHIP

FIGURE 3



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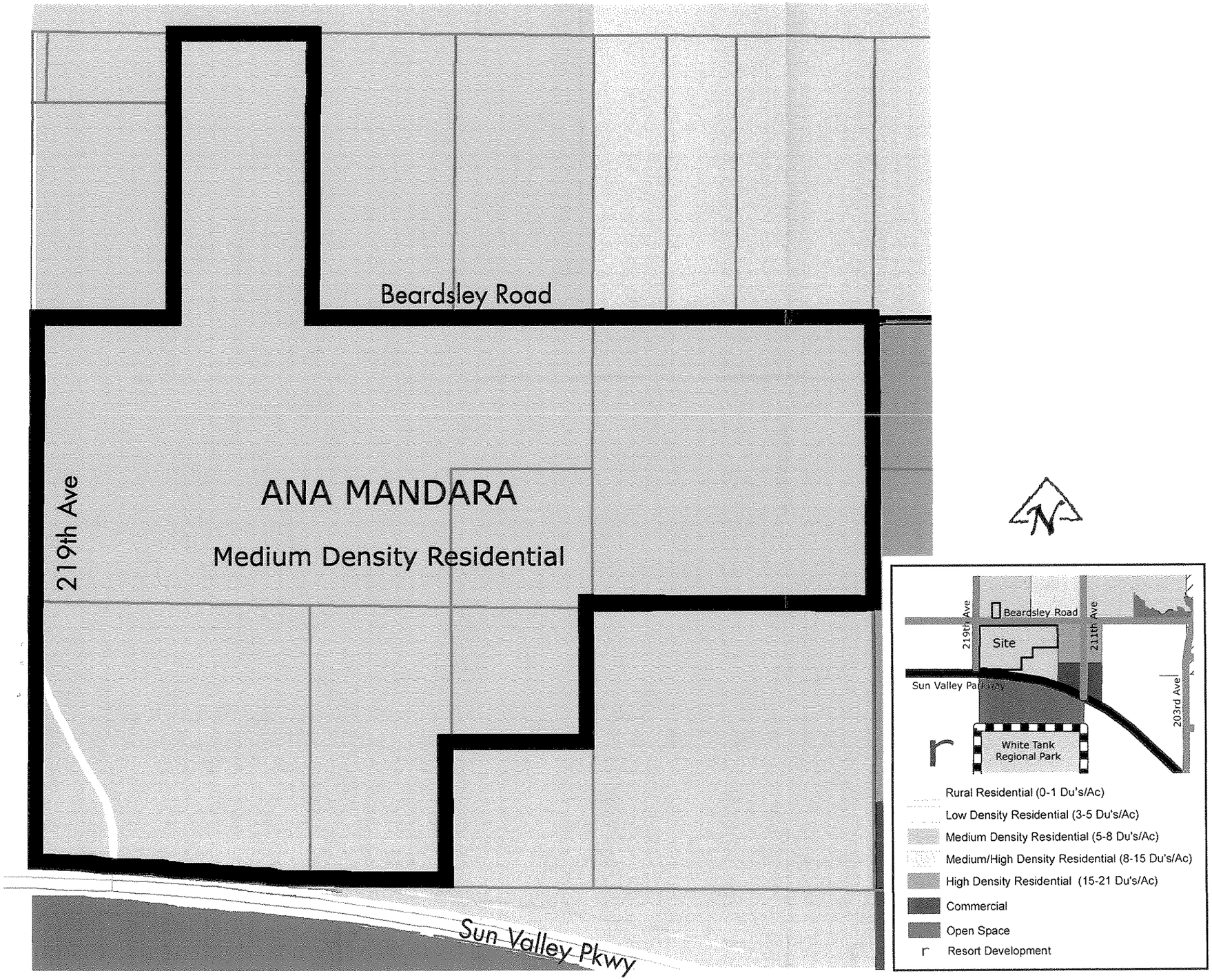
GENERAL PLAN LAND USE DESIGNATION

FIGURE 4



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The gross density range for this category is five to eight dwelling units per acre. This land use category also allows the following supporting uses: neighborhood shops and services, parks and recreation areas, religious institutions, and schools.

1.4.2.2 Special Planning Areas

The City of Surprise General Plan has divided their planning area into six smaller Special Planning Areas. The Ana Mandara property is located within Special Planning Area 3 (SPA 3).

SPA 3 is bounded by Jomax Road to the north, Grand Avenue and McMicken Dam to the east, White Tank Regional Park to the south, and the Town of Buckeye to the west. SPA 3 covers approximately 37,689 acres, of which, 18,947 acres is currently within the incorporated boundaries of the city.

According to the City of Surprise General Plan, the ultimate goal of SPA 3 is to preserve the White Tank Mountain Foothill area. The plan also identifies several other goals that are important to mention. SPA 3 identifies a major resort planned at the north slope of the White Tank Mountains to take advantage of the views, natural desert environment, and hillside development. The plan also indicates that the major washes and significant APS power corridor are anticipated to provide tremendous opportunities for greenways and trail connections. A variety of residential uses and supporting commercial uses are proposed within SPA 3.

1.4.2.3 General Plan Elements

The City of Surprise General Plan identifies certain areas within the City as Growth Areas. Growth Areas indicate specific locations where Surprise anticipates focusing development over the next 20 years. The growth areas are "target areas" suitable for planned multi-modal transportation and infrastructure expansion. It also identifies improvements designed to support a planned concentration of a variety of uses, such as residential, office, commercial, tourism and industrial.

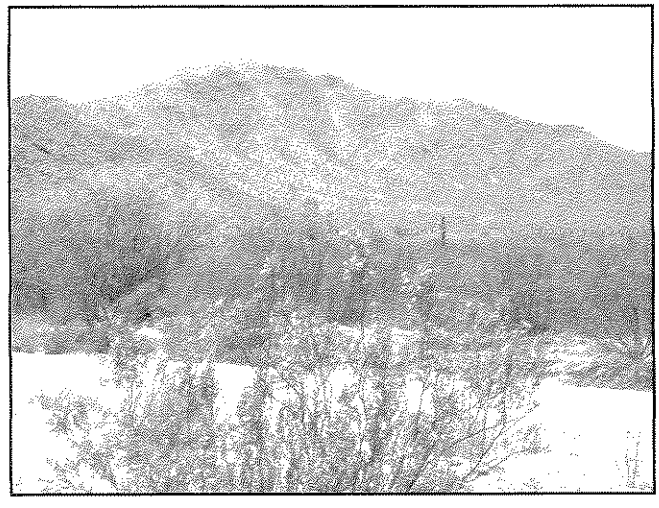
The Ana Mandara property is located within the Sun Valley Parkway – 211th Avenue Growth Area. This Growth Area is an important residential center for SPA 3 with a mix of medium, medium high and high-density residential designations. At build-out, target densities indicate that over 20,000 people will be residing in this Growth Area.

The Economic Development Element of the Surprise General Plan 2020 indicates the desire for compatible commercial and office uses to allow residents to have quality employment opportunities, shopping and services without leaving the community. This goal is supported by various General Plan policies and objectives such as to "provide employment and shopping opportunities in proximity to residential areas".

The Housing Element of the Surprise General Plan 2020 strives to provide a full range of housing at a variety of prices. Objectives supporting this goal state: "ensure a broad range of housing for all family types and household income levels".

1.4.2.4 White Tank Mountain Regional Park

The White Tank Mountains regional Park, operated by Maricopa County, is located approximately ½ mile to the south of Ana Mandara. This park is a major recreational and open space amenity to future residents of this area.



1.4.3 Regional Transportation Planning

Maricopa County Department of Transportation is currently conducting an Access Control and Corridor Improvement Study for Sun Valley Parkway in response to increased development and traffic in the area. At the time of the writing of this PAD the study had not been finalized. The current right-of-way of Sun Valley Parkway is not within the City of Surprise. The ultimate right-of-way for Sun Valley Parkway is planned to be 200 feet with access restricted to the mile road intersections. Right-in movements with auxiliary lanes are being considered. The City of Surprise is proposing a Scenic Corridor designation along Sun Valley Parkway, which is discussed in more detail in Section 4.4, Sun Valley Parkway Scenic Overlay District.

1.4.3.1 Existing and Planned Roads

Two major east/west arterial roads provide access in the area surrounding Ana Mandara; Sun Valley Parkway and Deer Valley Road. Sun Valley Parkway abuts the subject property on the south and Deer Valley Road is approximately one mile to the north. Beardsley Road is a proposed east/west minor arterial and will provide secondary access to the Ana Mandara project. 219th Avenue is a proposed minor arterial road that runs north from Sun Valley Parkway to Pinnacle Peak Road. Grand Avenue is located approximately 8.5 miles to the northeast and the future Loop 303 Freeway is located approximately 7.5 miles east of the site.

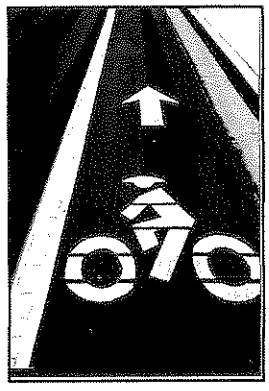
View Looking North on 219th Avenue

1.4.3.2 Transit Service

At the present time there is no transit service within the area. Future transit routes within the vicinity of the property include routes along Sun Valley Parkway and Deer Valley Roads.

1.4.3.3 Bicycle and Multi-Modal Plan

At the present time the only bike lanes in the area are in Sun Valley Parkway. Surprise includes a bicycle and multi-modal transportation plan within the Surprise General Plan 2020. A proposed multi-use path is identified along Deer Valley Road with intersections at 219th Avenue extending to the northwest and southwest. The approved General Plan Amendment #GPA05-277, which amended the Traffic Circulation Element of the Surprise General Plan 2020, proposed bike lanes on all Minor Arterials that would include Beardsley Road and 219th Avenue. A Local Trail is proposed south of Sun Valley Parkway, along the 219th Avenue alignment, south to the White Tank Mountain Regional Park. See Figure 5, General Plan Amendment Multi-Modal Plan.



1.4.4 Other Land Use Impacts

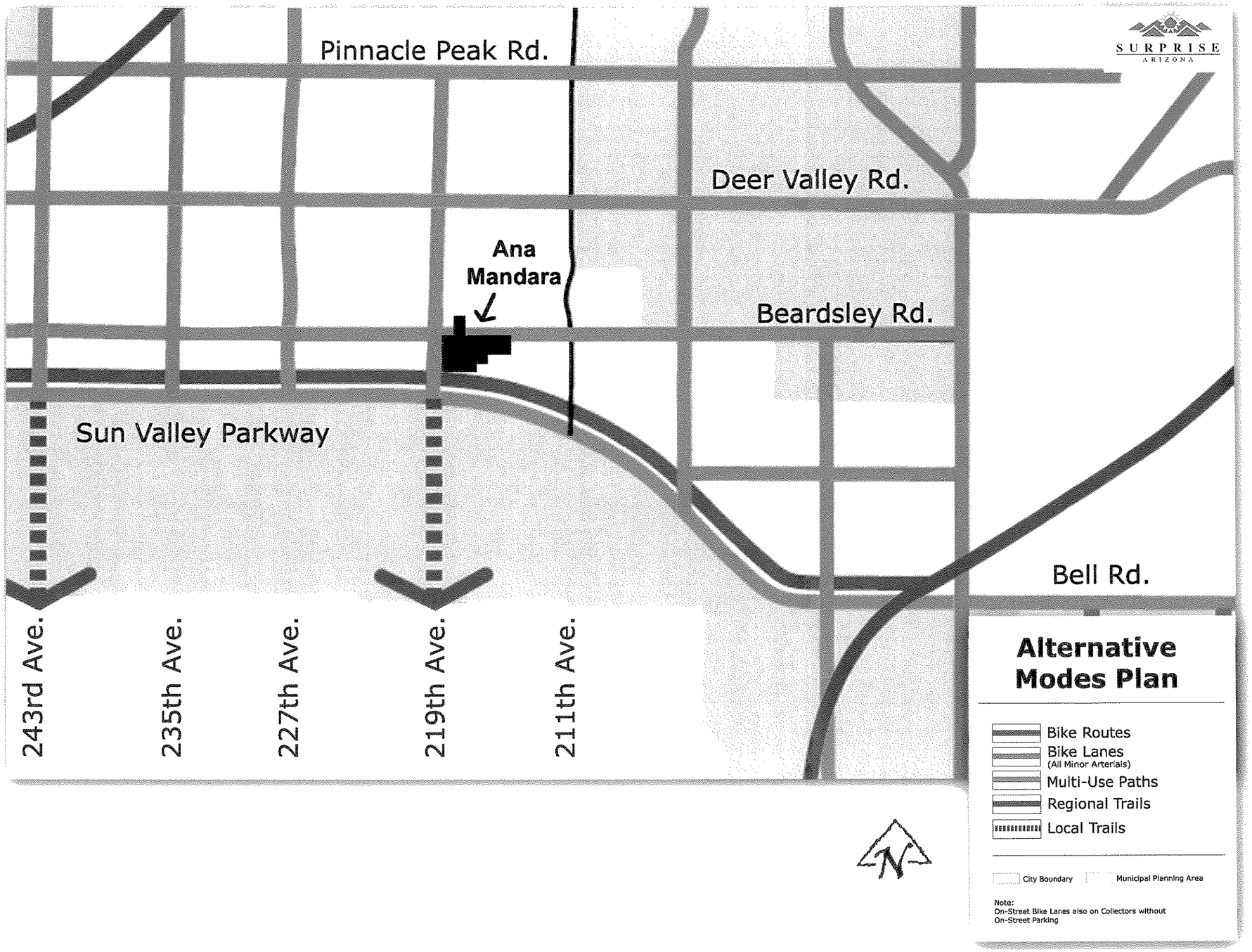
1.4.4.1 Luke Air Force Base and other Airports and Airfields

Ana Mandara is not located within a zone of influence of any significant Phoenix metropolitan area civilian airports. Luke Air Force Base (AFB) Auxiliary Field #1 is located approximately 3.0 miles north of the property. Auxiliary Field #1 has a runway that is used to train military pilots. According to Mr. James Mitchell, Director of the Community Initiatives Team of Luke Air Force Base, the project is approximately 2.5 miles outside the Luke AFB Auxiliary Field #1 2004 65 Ldn, "high noise or accident potential zone" and is also outside the "territory in the vicinity of a military airport" as defined by A.R.S. § 28-8461.

The property does not lie within the Luke Air Force Base (AFB) noise contours or accident potential zone. The site is located approximately 12 miles northwest of the primary military facility. The project will comply with the Graduated Density Concept for Luke AFB. A letter from Mr. Mitchell is included in Appendix B.

REGIONAL MULTI-MODAL PLAN

FIGURE 5



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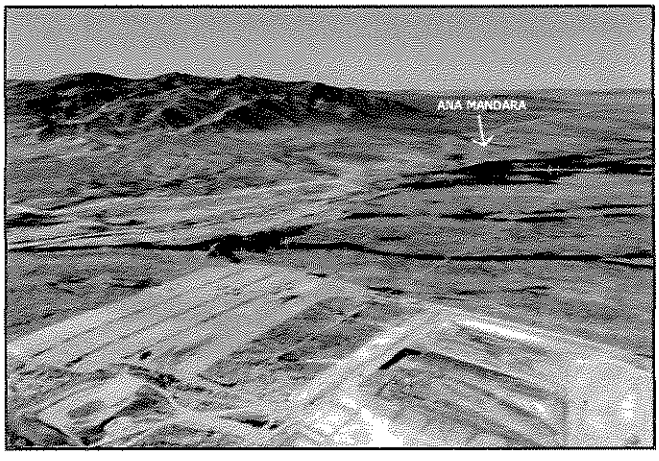
1.4.4.2 Volvo Proving Grounds

A 1,200 acre Volvo Proving Ground facility is located approximately 1.5 miles north of the property. This proving ground will have no impact on the proposed development.

1.4.4.3 Northwest Regional Landfill

A 1,200 acre landfill is located approximately 3.5 miles east of Ana Mandara. The landfill has been in operation for 8 years and has an 80-year lifespan. Therefore, this use will continue for the foreseeable future. The ultimate height of the landfill as approved is 80 feet above the existing grade. The landfill is situated at a lower elevation than the subject property; in the east view shed from Ana Mandara.



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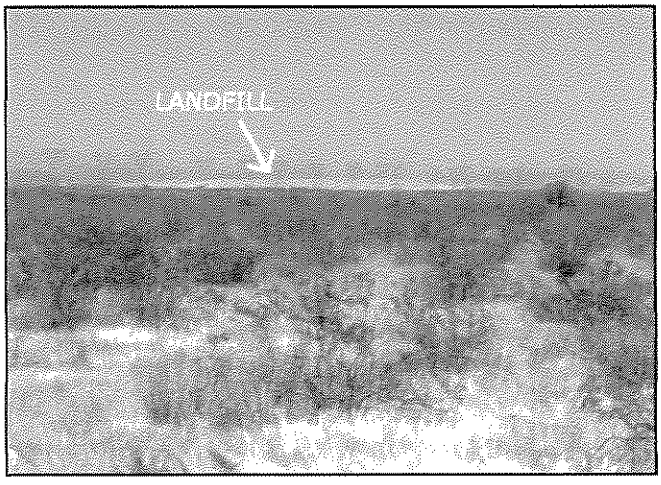


VIEW OF LANDFILL FROM SITE

1.4.4.4 500 KV Power Line Corridor

Two existing 500 KV power lines run east and west approximately 1 mile north of the property. The power lines are within the north view shed from Ana Mandara.

1.4.4.5 Arizona State Trust Lands

A substantial amount of Arizona State Trust lands are located in the vicinity of the property. Large tracts of State Trust lands are located to the west, south, and east of the property. These properties will be developed similar to privately owned lands.

1.4.5 School Districts

Ana Mandara is located in the Wickenburg Unified School District. The Applicant has met with the School District and has entered into a donation agreement with the School District to address the impacts the project will have on the schools in the area. See Appendix F for a copy of this agreement.

1.4.6 Water and Wastewater Services

Ana Mandara is located within the Special Planning Area 3 (SPA3) in the City of Surprise General Plan. The project is a member of the West Surprise Landowners Group (WSLG) which is a consortium of landowners who are developing nine (9) individual projects within SPA3. Over the past two years WSLG has been working with the Water Services Department to design and fund infrastructure improvements to serve the land uses and densities for their properties as prescribed by the General Plan. The SPA 3 Water Reclamation Facility Development Agreement between the City and the individual landowners in the WSLG, which included the Applicant, was signed on February 15, 2006. The Applicant, as part of the WSLG, is anticipating entering into development agreements with the City for a sewer line and water delivery system.

1.4.7 Refuse Collection Districts

The property is entirely within the City of Surprise jurisdictional limits and once development occurs, the City of Surprise will provide refuse collection service.

1.4.8 Fire and Law Enforcement Service

Ana Mandara is located within the jurisdictional limits of the City of Surprise. The closest police station is currently located at 14312 W. Tierra Buena Lane, approximately 10 miles from the property.

The City will provide fire and police protection service to the property. The closest fire station is Fire Station #303, located approximately 7 miles from the property at Cotton Lane and Greenway Road. Ana Mandara includes a fire station site that will be dedicated to the fire department as part of the PAD approval. Additionally, the WSLG (which Ana Mandara is a part of) has purchased a five acre site just south of Union Hills along 195th Avenue that will be dedicated for an additional fire station and a police sub-station

SECTION 2:
SITE ANALYSIS

2.1 Existing Land Uses

Existing land uses on site consist of vacant desert lands. There are various dirt trails that traverse the site in a north/south and east/west direction. See Figure 2, Area Vicinity Map and Surrounding Developments, for existing land uses within and surrounding the property.

Surrounding land uses to the north include Beardsley Road Alignment and vacant natural desert land. To the west is the 219th Avenue road alignment and vacant State Trust Land. The 219th Avenue road alignment runs south from Beardsley Road and veers east approximately 800' before intersecting Sun Valley Parkway in order to negotiate an existing drainage structure (Figure 2). The planned intersection creates a 3.5 acre non-contiguous parcel at the northwest corner of the intersection. The south property boundary abuts Sun Valley Parkway for approximately 850' east of 219th Avenue. The property south of Sun Valley Parkway is vacant State Trust Land. The east property boundary adjoins five separate privately owned parcels which are currently undeveloped.

2.2 Existing Zoning

The subject site is currently zoned R1-43. This district allows for the development of single family detached dwellings at one dwelling unit to the acre, and for directly related complimentary uses. The R1-43 district is intended to be a holding zone designation after property is annexed with the anticipation that the property will be rezoned consistent with the General Plan when the site is prepared for development.

2.3 Existing Pre-Development Conditions

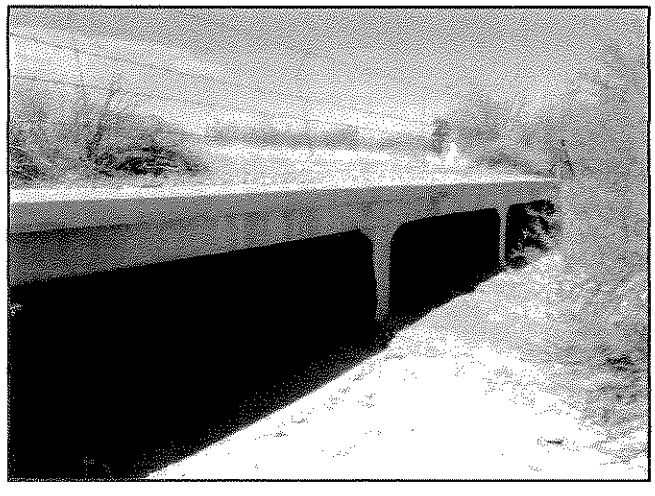
2.3.1 Topography and Physical Features

Ana Mandara lies south of Trilby Wash, the major natural drainage corridor in SPA 3. The terrain of the site, as shown in Figure 6, Topography and Physical Features, consists of low Sonoran Desert vegetation. The site gradually slopes from the southwest to the northeast at an average slope of 1.5% from a peak elevation of 1499' to a low point of 1450'.

2.3.2 Drainage

The principal existing drainage features within the site are as follows: 1) Two major natural tributary washes flow in a north and northeasterly direction from Sun Valley Parkway through the subject site and eventually outfall into the Trilby Wash. The western wash is unnamed and the eastern wash was identified as "Wash 6" on the FEMA FIRM. 2) Sun Valley Parkway is adjacent to the site at the southern boundary and is approximately 2-4 feet higher than the adjacent ground elevations. Therefore, Sun Valley Parkway has altered the historic drainage paths of the natural washes and diverted most of the off-site flow to several culvert crossing locations at various low points along the roadway. 3) A series of existing culverts under Sun Valley Parkway along the site's southern boundary are conveying the flow in the natural washes north through the site.

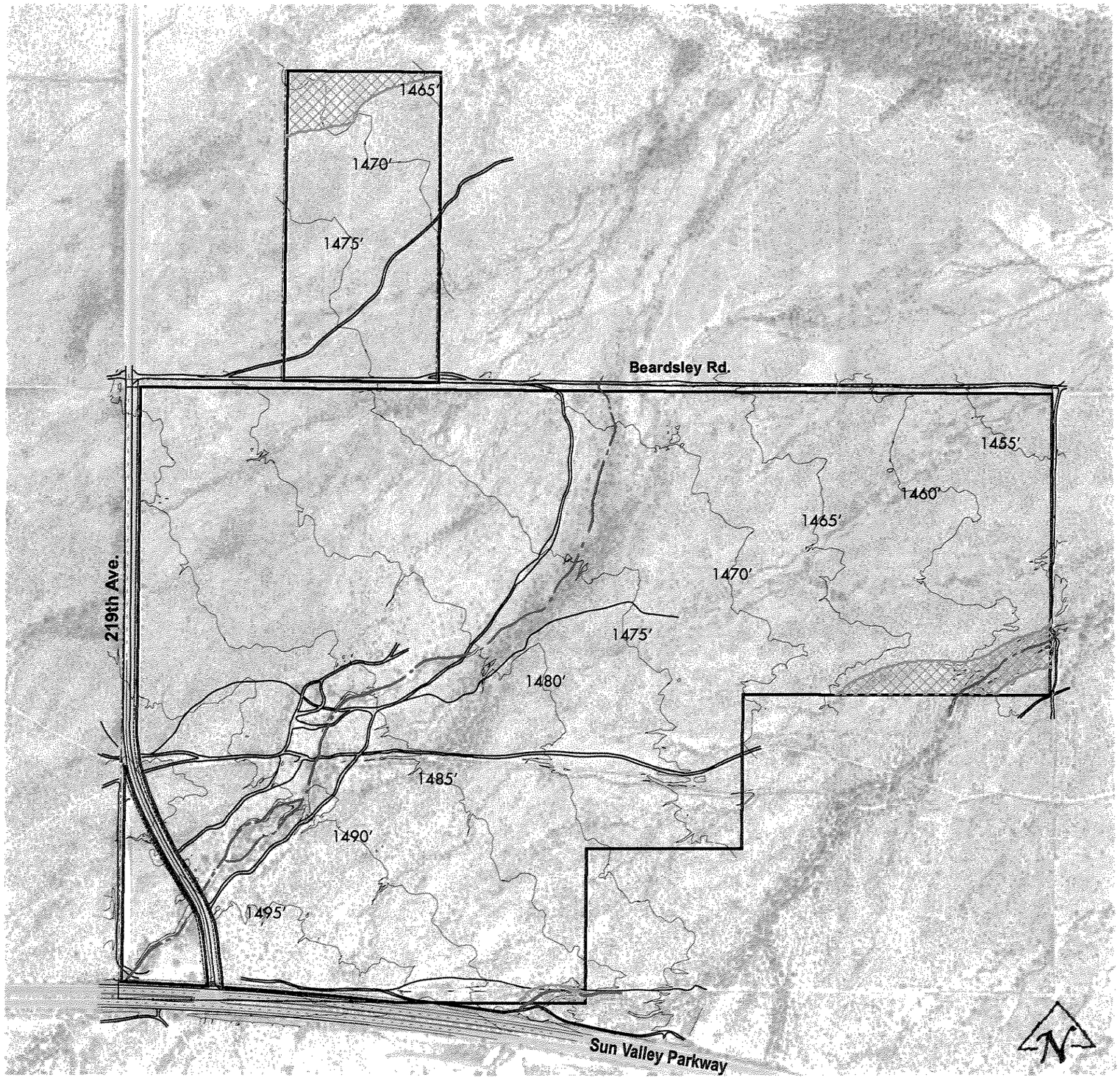
Other major drainage features in the general area are as follows: 1) The Trilby Wash located approximately 0.5 – 1 mile north of the site. 2) The Central Arizona Project (CAP) Canal is located approximately 4 miles north of the site. The CAP Canal is also referred to as the Hayden-Rhodes Aqueduct. 3) The McMicken Dam, Trilby Wash Basin and Beardsley Canal are located approximately 5 miles east of the site. The Agua Fria River is located approximately 12 miles east of the site. 4) The White Tank Mountains are located approximately 2 miles south of the site. 5) The Hassayampa River is located approximately 12 miles west of the site.



Culverts under Sun Valley Pkwy West of 219th Ave.

TOPOGRAPHY & PHYSICAL FEATURES

FIGURE 6



LEGEND

- Existing Paved Roads
- Existing Dirt Roads
- 100 Year Floodplain
- 404 Wash
- Topography Lintes

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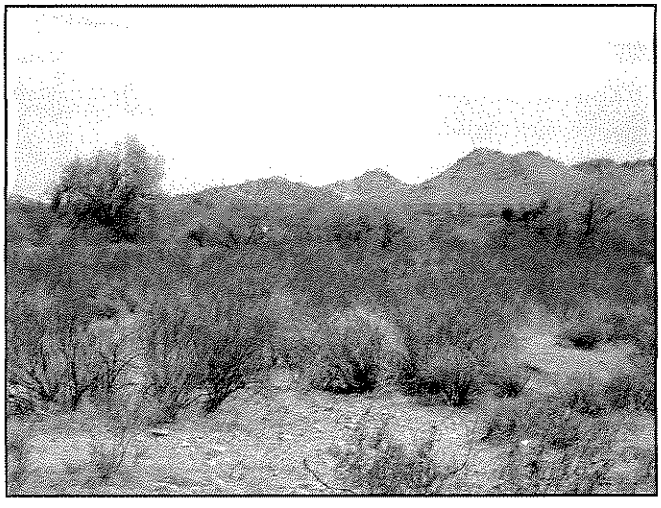
2.3.3 Soils/Geology

Ana Mandara is located just north of the White Tank Mountains. The basin in which the project area lies is underlain by several thousand feet of sand and gravel and by thick layers of salt and other evaporates. Soils in the project area consist primarily of fine alluvial silt and silty clay. These soils are mica-rich as a result of the erosion and deposition of decomposed gneiss and schist from the nearby mountain ranges, which contain Precambrian and Tertiary granite, schist, and gneiss (Source: Roadside Geology of Arizona, Halka Chronic 1983).

2.3.4 Vegetation and Wildlife

The property is located in the Lower Colorado River subdivision of the Sonoran desert scrub community. Several small unnamed drainage ways traverse the parcel traveling approximately from the southwest to the northeast toward Trilby Wash. The vegetation is densest along these drainage ways. The area and site is dominated by creosote bush. Other vegetation on the site consists of triangle-leaf bursage, bursage, six-weeks threeawn grass, saguaro, paloverde, hedgehog cactus, fluff grass, barrel cactus, ocotillo, wolfberry, buckhorn cholla, pencil cholla, prickly pear, big galleta grass, velvet mesquite and globemallow.



Biological assessments have been prepared by EnviroSystems Management, Inc. covering the entire property. Two separate reports were prepared by EnviroSystems Management, Inc. in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536 (c)). The first biological assessment was prepared on September 30, 2004 for 189 acres of the site. On November 15, 2005 a second biological assessment was prepared for an additional 20 acres located east of the northeast corner of Beardsley Road and 219th Avenue. The purpose of a biological assessment is to review the proposed development in sufficient detail to determine to what extent it may affect any of the threatened, endangered, proposed, or sensitive species identified by the Arizona Game and Fish Department and the U.S. Fish and Wildlife Service. Both reports concluded that the proposed development will not result in adverse effects to any federally listed, proposed for listing, or candidate species. In addition, the project area does not occur in the vicinity of any designated or proposed critical habitat.

2.3.5 Cultural Resources

Cultural Resource Inventories at the Class III level have been prepared by EnviroSystems Management, Inc. covering the entire property. Two separate reports were prepared by EnviroSystems Management, Inc. The first cultural resource inventory report was prepared on September 29, 2004 for 189 acres of the site. On October 19, 2005 a second cultural resource report was prepared for an additional 20 acres located east of the northeast corner of Beardsley Road and 219th Avenue. No sites were found to be eligible for the National Register of Historic Places. Both reports recommended no further archaeological work be done on the property.

2.3.6 Roads, Rights-of-Way and Utilities

The existing circulation system in the vicinity of the Ana Mandara planned area development consists of Sun Valley Parkway, which is currently a four-lane divided roadway with access limited to median breaks at approximately one-mile intervals. All other roadways in the study area are unimproved and without right-of-way dedication with the exception of a portion of 219th Avenue. See ALTA survey in Appendix A.

There are no sewer or water utilities servicing the site.

2.3.7 Environmental Site Assessments

Phase 1 Environmental Site Assessments have been performed for the entire property. These reports were done as the property was being assembled. The first report was prepared by AMEC Earth & Environmental, Inc. on July 6, 2004 on 180 acres at the northeast corner of 219th Avenue and Sun Valley Parkway. The second report was prepared by EnviroSystems Management, Inc. on September 30, 2004 for 10 acres located east of 219th Avenue and south of the Beardsley Road alignment. The third report was prepared by EnviroSystems Management, Inc. on November 14, 2005 for 20 acres located east of 219th Avenue and north of the Beardsley Road alignment. These reports concluded that no further environmental investigations appear warranted.

SECTION 3: MASTER PLAN

3.1 Project Overview

Ana Mandara is a 209 acre proposed Planned Area Development (PAD) located in the City of Surprise. The proposed plan for the property is a desert village comprised of several neighborhoods, all connected by a natural open space corridors and trails or paths. The PAD is designed to offer the homebuyer a variety of housing types such as conventional single-family homes; alley accessed and recessed garage style homes, detached cluster homes, attached condominium and townhomes. Each neighborhood area will be designed in response to the natural topography with open space connections to the main broad desert wash traversing the site from the southwest to the north.

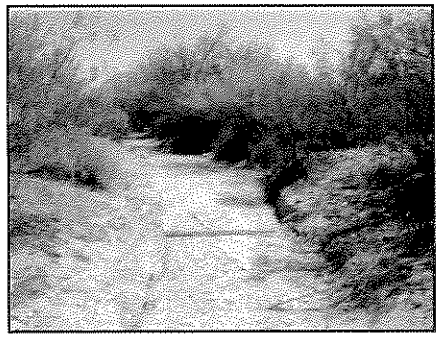
The Ana Mandara PAD is designed to offer a broad range of housing types, falling on the low side of the Medium Density Residential land use designation of five to eight dwelling units per acre as prescribed in the *Surprise General Plan 2020*. The land use plan includes an overall target density of 6.0 dwelling units per gross acre. Approximately 1,254 dwelling units are proposed.

In addition to the residential development the plan also envisions two traditional neighborhood commercial centers located on the west side of the community, along 219th Avenue. This location will heighten retail exposure to the public and minimize traffic impacts within the neighborhoods. These commercial areas will serve the residents of Ana Mandara and other projects in the area with retail and office opportunities. These commercial areas will be designed to be accessible to the Ana Mandara community by walking and/or bicycling.

Proposed community amenities include a centrally located park and a neighborhood park, a fire station facility, multiple pocket parks within the residential neighborhoods, and a comprehensive community trail system that will link the surrounding residential development to the proposed Local Trail south of Sun Valley Parkway and to the neighborhood retail center. These trails will utilize the main natural desert wash that traverses the property to connect many of the development parcels throughout the project. Scenic view corridors will be preserved along the main wash corridor traversing the site, to the White Tank Mountains south of the site and along Sun Valley Parkway.

3.2 Natural Planning Determinants

Ana Mandara has a major wash corridor traversing the property in a northeasterly direction. A preliminary engineering analysis has identified the development limits associated with the washes on site, which takes into consideration the potential erosion and wash migration. A Jurisdictional Determination has been processed with the Army Corps of Engineers to determine which washes fall under the Section 404 jurisdiction. These Section 404 jurisdictional washes will require permitting through the U.S. Army Corp of Engineers. The wash corridors will be protected, enhanced, and/or mitigated as approved by Section 404 permitting process. The Land Use Master Plan configuration recognizes and reflects these site conditions as opportunities to enhance the overall design theme, character, and open space connectivity throughout the community by preserving the native Sonoran Desert landscape.



3.3 Community Character

Ana Mandara will contain residential uses and supporting neighborhood retail services along with passive and active open spaces. The design and character of Ana Mandara is influenced by the native Sonoran Desert landscape and the rich desert textures and colors that make the area unique. Influence has also been drawn from the City of Surprise's Planning and Design Guidelines Manual, July 27, 2002 and the Sun Valley Parkway Overlay District concepts. The applicant will work with City Staff during the preliminary platting process to implement the concepts of the City of Surprise Planning and Design Guidelines Manual (July 27, 2002) into the design of the project. The project incorporates desert washes and the natural topography to define an interconnected trail system designed to encourage active and passive recreation within and between the neighborhoods and surrounding land uses.

The housing types permitted in this PAD provide for a wide range of lifestyles, such as empty nesters, young professionals and the regional workforce. This diversity of housing types will result in a vibrant and distinct community for future residents.

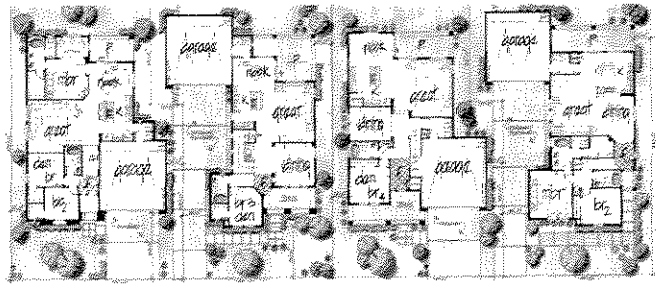
3.4 Land Use Plan

The Ana Mandara land use plan is designed to create a vibrant, sustainable master planned community with a strong sense of place as a desert village. The plan achieves the following General Plan planning objectives:

- Provides a mix of residential and commercial opportunities utilizing the Commercial and Medium Density Residential Land Use categories
- Provides a centralized residential core that could support a diversity of housing types
- Provides the flexibility to achieve a diversity of housing types
- Promotes a balanced distribution of parks and other public facilities within close walking distance of all residents
- Provides interconnectivity and linkages to neighborhoods, commercial services and open spaces through various sidewalks and multi-use trails throughout the development
- Preserves open space for its visual, economic, hydrological, ecological and quality of life benefits
- Locates residential units adjacent to open space amenities for direct access to recreational opportunities
- Maximizes the project's land use compatibility with adjacent land uses
- Provides design flexibility through standards and guidelines that allow for a creative and innovative project.

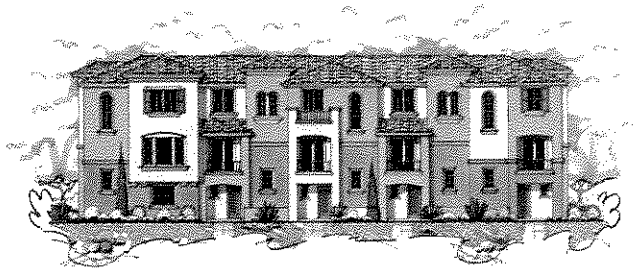
3.4.1 Residential

The Housing Element of the Surprise General Plan 2020 strives to provide a full range of housing at a variety of prices. Objectives supporting this goal state: "ensure a broad range of housing for all family types and household income levels". The land use plan for Ana Mandara achieves that goal. The General Plan identifies this site for five to eight dwelling units to provide for a full range of housing types in SPA 3. This PAD provides the flexibility for a variety of housing options for the Ana Mandara project. Homes should vary in character and size to meet the diverse needs of the projected community population.

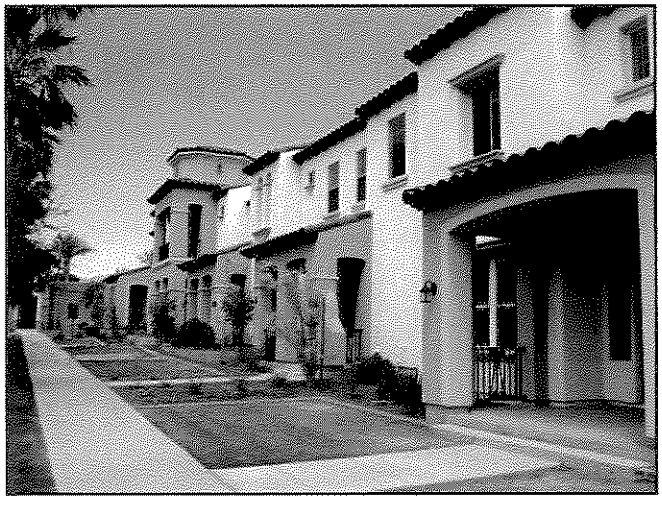


3.4.1 Residential

Gross densities for single family residential areas could range from approximately 3 dwelling units per acre for single family parcels to 21 dwelling units per acre for higher density residences. These densities can be combined to result in an overall density that is consistent with the Medium Density Residential (MDR, 5-8 du/ac) as prescribed in the General Plan. A total unit count of 1,254 units is planned for an overall gross project density of 6.0 dwelling units per acre.



One of the important design concepts related to the residential land uses is the clustering of medium to high density units within the community. The intent is to create flexibility in order to create vibrancy and a sense of place that will define the community theme and image. Varied residential product types such as those with front porches and garages accessed from the rear could be situated along the collector and local streets and surround the parks and open spaces.



The concept of "blended neighborhoods" is not a new endeavor in older communities that predated the post WWII building boom, however, it is not common in Arizona. Neighborhood growth patterns in the Phoenix metropolitan area have historically adapted to influencing economic shapers and physical conditions that cause product and density transitions in a variety of parcels or "pockets" of similar product i.e. single family detached or a series of duplexes. It is a goal of Ana Mandara to employ a modern interpretation of blended neighborhood design, by integrating a wider variety of residential products, both attached and detached, into smaller areas to avoid the typical production subdivision appearance. This approach is also defined as "fine grain" neighborhoods which refer to the smaller pieces or parcels of each product and placing them in a creative manner, creating positive relationships between varying housing types. The challenges associated with this non-traditional development approach (constructions phasing, field coordination and more complicated construction deliveries) will be evaluated against market acceptance and delivering more affordable homes in the community.

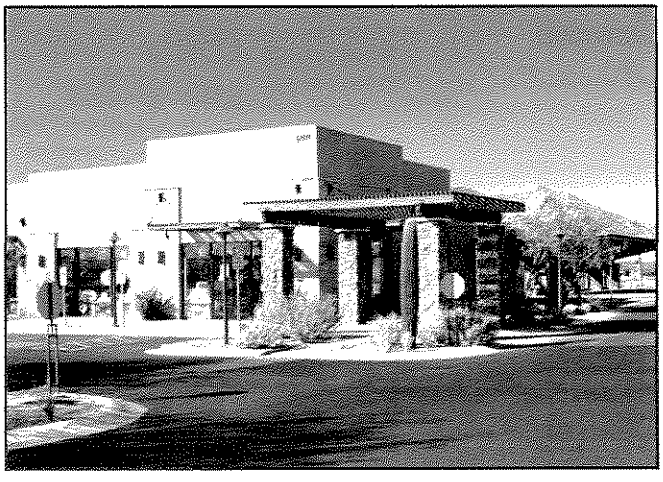
Blended neighborhoods allow for many beneficial design techniques including utilizing a mixture of conventional products, placing paired and attached products with larger architectural masses relative to large detached homes. The varying product dimensions also allow for street patterns to be unconventional, rendering stronger neighborhood focal points and unique residual land pieces that add creative open space and park nodes. Lastly, blended neighborhoods allow community planners to effectively conceptualize a roofscape that varies in height and patterns. Again, building a "finer grain" due to the smaller integrated number of products per piece and their relationship to one another. Ana Mandara will explore and evaluate the blended neighborhood design approach during the more detailed platting process.

3.4.1 Residential

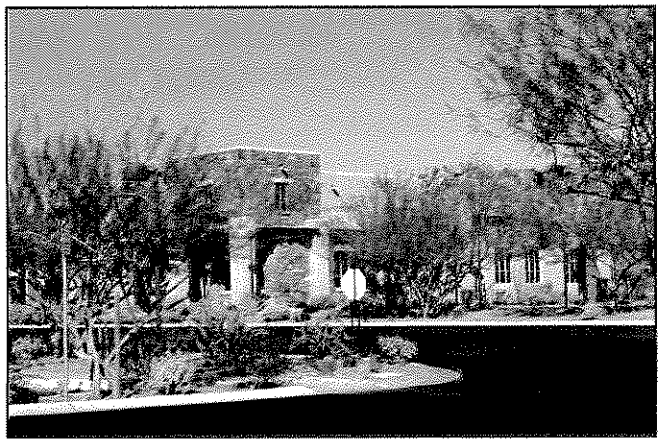
The overall intent of the PAD is to develop the residential area of Ana Mandara primarily at medium densities with the ability to develop some areas at higher densities provided the overall density of the project does not exceed 6.0 dwelling units per gross acre. This will allow the builder the opportunity to create pockets of higher densities in specific areas within the project, such as along the primary boulevards entering the community and adjacent to the parks, open space, and commercial areas. This flexibility will add an additional layer of variety to the development, creating an exciting and vibrant community with a strong sense of place.

3.4.2 Commercial/Employment

The Economic Development Element of the *Surprise General Plan 2020* indicates the desire for compatible commercial and office uses to allow residents to have quality employment opportunities, shopping and services without leaving the community. This goal is supported by various policies and objectives such as to "provide employment and shopping opportunities in proximity to residential areas". The proposed land plan for Ana Mandara achieves this goal.



Two small commercial/employment areas are proposed within the Ana Mandara PAD to serve the projected population and the residential uses in the surrounding area. Demand for basic commercial and employment services is anticipated within this area to support portions of the planned residential population in SPA 3. These neighborhood commercial centers



have been located at the major and minor arterial intersections within the community to heighten retail exposure to the public and minimize traffic impacts within the neighborhoods.

The size and location of the commercial land use was determined based on meetings with commercial developers of neighborhood shopping centers and three planning principles. First, the intersection of two arterial roadways is a natural location for commercial activity. These locations will provide the greatest visibility, critical to the success of a commercial development, and will minimize impacts of traffic within the neighborhoods. Second, the sizes of the commercial development parcels are typical of a traditional neighborhood/community scaled retail center with a grocery store anchor.

Finally, the commercial parcels are oriented toward 219th Avenue to minimize exposure from Sun Valley Parkway. The primary reason for locating the larger commercial retail uses to the intersection of Beardsley Road and 219th Avenue was to accommodate the proposed Sun Valley Parkway Scenic Overlay District standards.

3.4.2 Commercial/Employment

The proposed commercial parcel on the southeast corner of 219th Avenue and Beardsley Road is anticipated to be developed as a traditional neighborhood shopping center. This commercial parcel is planned to provide Ana Mandara residents and nearby residents with neighborhood-scaled day-to-day services including but not limited to uses such as grocery, pharmacy, dry cleaning, child daycare, banking, dining, drive-thru restaurants, video rental establishments and offices that could include office condos.

The commercial parcels on the northeast and northwest corners of 219th Avenue and Sun Valley Parkway are smaller parcels intended to be developed as ancillary retail and commercial office uses. It is anticipated that these parcels will provide a corner pharmacy store use and small retail businesses similar to the uses described above, as well as small office uses such as accounting, real-estate, title services or other professional services.

The development regulations for both commercial parcels will conform to Community Commercial (C-2) zoning requirements unless modified by this PAD.

3.4.3 Schools

Ana Mandara is located in the Wickenburg Unified School District. The Applicant has met with the School District and has entered into a donation agreement to address the impacts the project will have on the schools in the area. See Appendix F for a copy of this agreement.

Based on a conversation with Brett Richards, Superintendent of Wickenburg Unified School District No. 9, on August 7, 2006 the project is expected to result in 0.5 students per household for a total of 627 total students. This includes both High School and Elementary students. Mr. Richards also stated a combination elementary/middle school will be constructed in Buckeye as part of the Festival Ranch project.

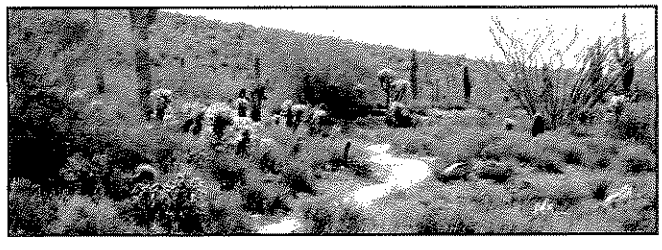
This school is anticipated to be operational by the Fall of 2007. It is expected that the elementary and middle school students generated by Ana Mandara will attend the new school in Festival Ranch.

There is one High School for the school district located in the Town of Wickenburg. Mr. Richards anticipates that another high school will be constructed closer in vicinity to Ana Mandara in approximately 3 years or as development dictates that one is necessary. High School students from Ana Mandara would attend the Wickenburg High School until this development warrants that a High School is required in closer vicinity to the project.

In order to accommodate the future students of Ana Mandara, it is anticipated that bus stops will be located within the community. Please see Figure 7 for conceptual locations of these bus stops.

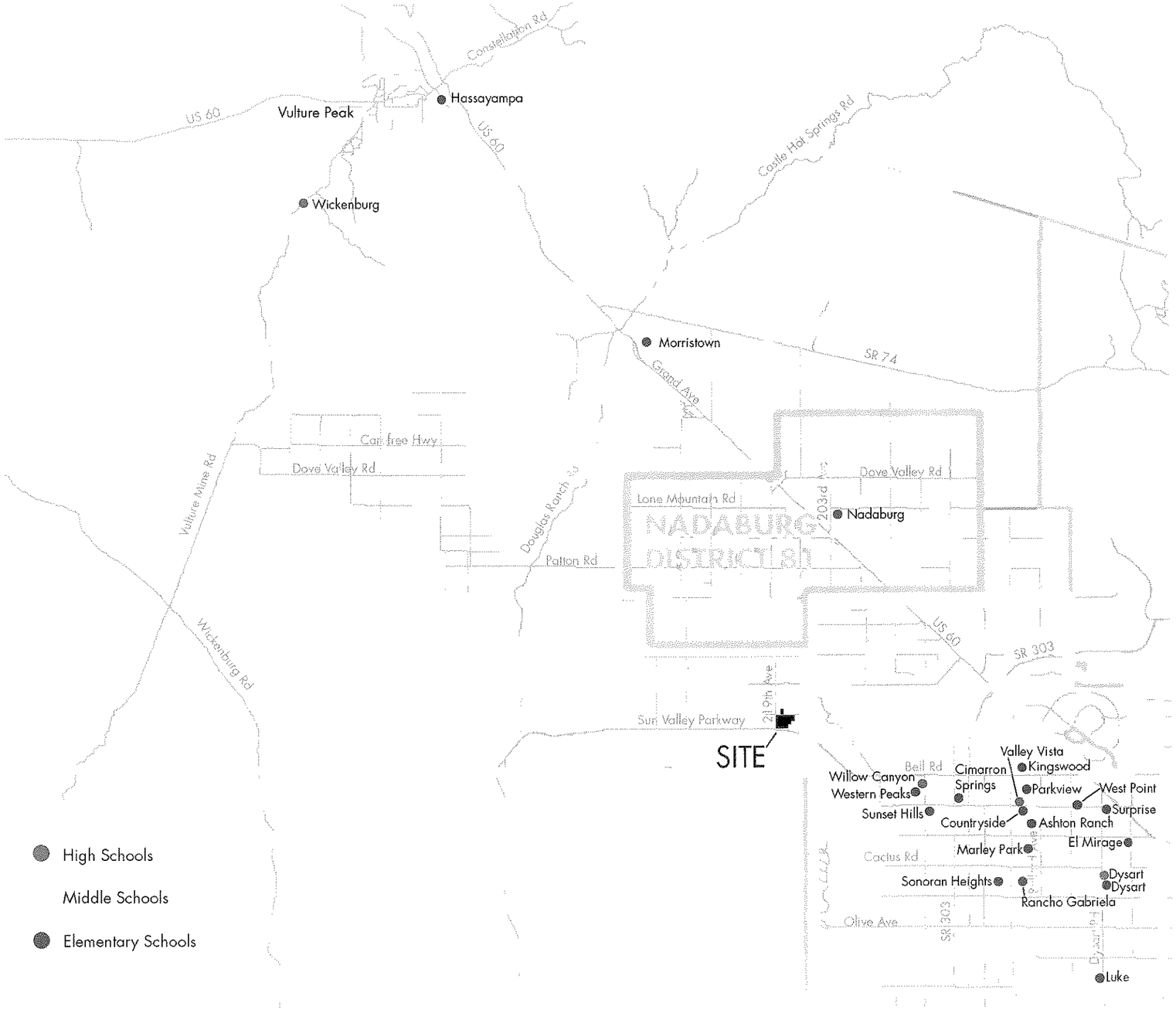
3.4.4 Parks, Trails and Community Recreation/Open Space

The Ana Mandara PAD will include numerous opportunities for active and passive recreation through natural open space/wash corridors, developed parks and trails, and access via a proposed local trail along 219th Avenue south of Sun Valley Parkway to the White Tanks Regional Park. This network of open space connects the neighborhoods in the PAD as well as the ease of accessibility to parks and trails from any point in the project. The proposed trail and open space network will be designed to connect the centrally located park, the neighborhood park within the residential neighborhoods and pocket parks, the various wash corridors, utility easements, and residential and commercial development parcels throughout the community. All trails within the community will be owned and maintained by community homeowners associations or by the owners of the commercial parcels.



EXISTING SCHOOL SITES

FIGURE 7



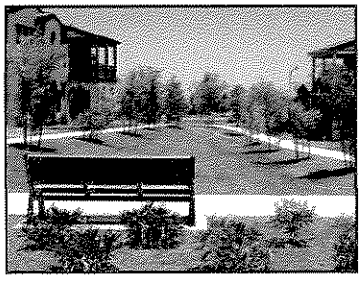
ANA MANDARA

3.4.4 Parks, Trails and Community Recreation/Open Space

A centrally located park totaling approximately 3.5 acres is provided at the intersection of the planned collector roads. This park is conveniently located in the middle of the project, within a short walk for the future residents of Ana Mandara. This "central" park could include, but not be limited to, amenities such as tot lots, a sport court, turf areas, picnic tables, BBQ grills, ramadas, retention basins, ampitheater and muti-use fields.

In addition to the central park and one neighborhood park within the eastern residential area of Ana Mandara, multiple subdivision pocket parks/open spaces will be provided within the individual subdivisions. These pocket parks/open spaces will be located and designed at the time of preliminary plat. These pocket parks/ open spaces will include various active and/ or passive amenities for the use and enjoyment of the residents within the individual subdivision in which they are located. Improvements may include but are not limited to play equipment for children, benches, ramadas, fitness stations or other facilities. All of the pocket parks will be private parks owned and maintained by a community homeowners association.

Finally, the project proposes to preserve the major wash corridors throughout the property as natural open space that may be used as passive recreational opportunities and/or trail connections throughout the development. Along the trail systems rest areas would be constructed to provide shade and rest opportunities. The trail system and associated shade structures would be maintained by a community homeowner's association.



The implementation of wash corridor preservation will be based on detailed hydrologic analysis during the subdivision plat process. In general, these corridors will conform to the configuration identified on Figure 8, Land Use Master Plan. However, some refinement will occur during the Section 404 permitting process and the subsequent platting process based on the characteristics of the wash within the immediate vicinity of the proposed plat. Wash corridors will be preserved within the community and will be owned and maintained by a community homeowners association.

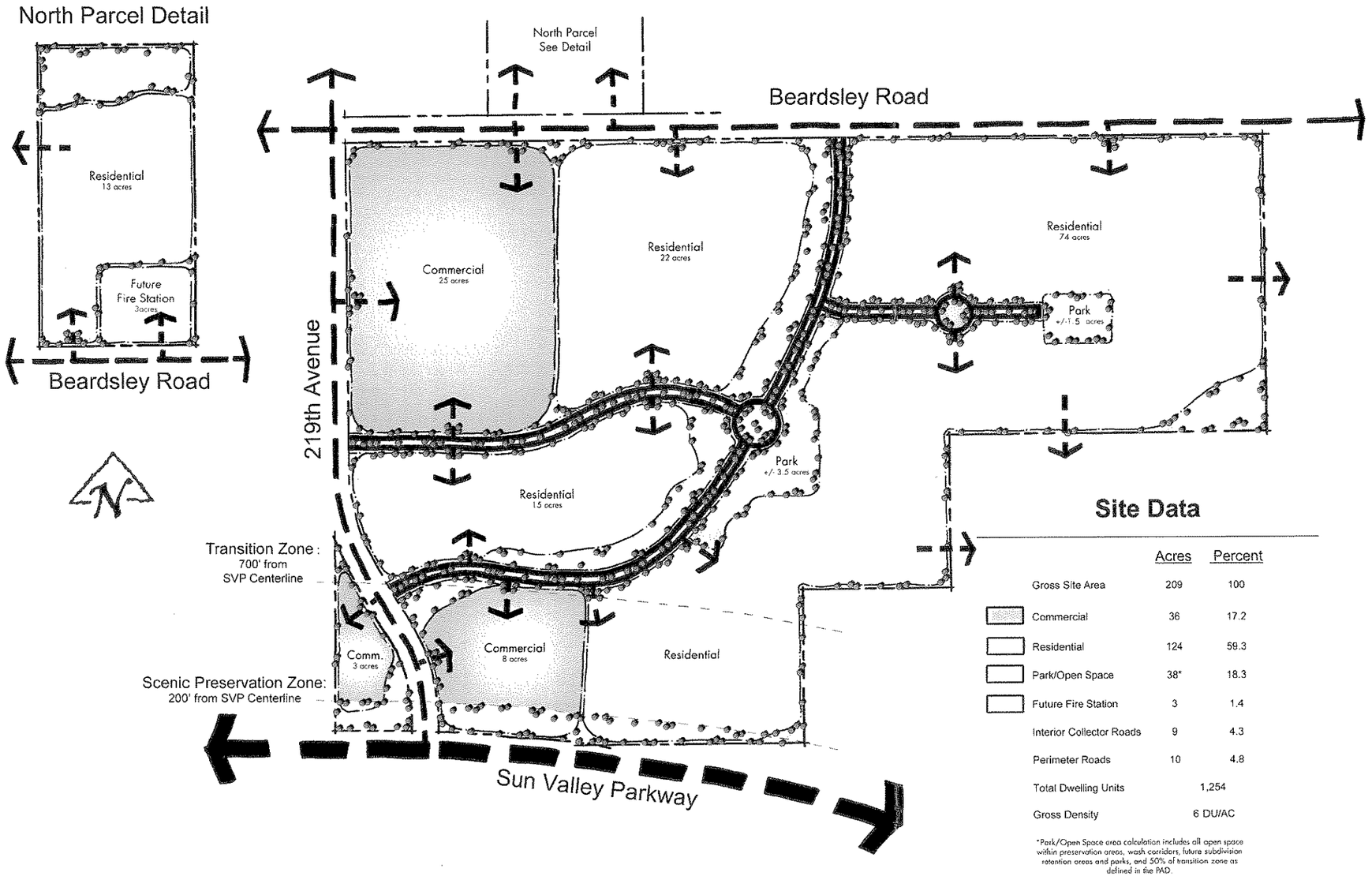
The community multi-use trail system is the backbone of the recreational open space throughout the community, linking all major recreational opportunities and development parcels together. These trails are proposed as part of the community trail system.

Between the central park, the neighborhood park in the residential area, the multi-use trail system, preservation areas and wash corridors, future subdivision retention and parks, and the Sun Valley Parkway Scenic Corridor, approximately 38.5 acres of active and passive open space will be provided within the PAD.

This open space acreage includes the open space within the Sun Valley Parkway Scenic Corridor as defined within Section 4.4 of this PAD. This represents approximately 18.5% of the total gross area of the project. See Figure 9 Open Space and Park Concepts. Through implementation of these concepts the project will meet the City of Surprise General Plan guideline of 6 acres of parkland for every 1,000 residents.

LAND USE MASTER PLAN

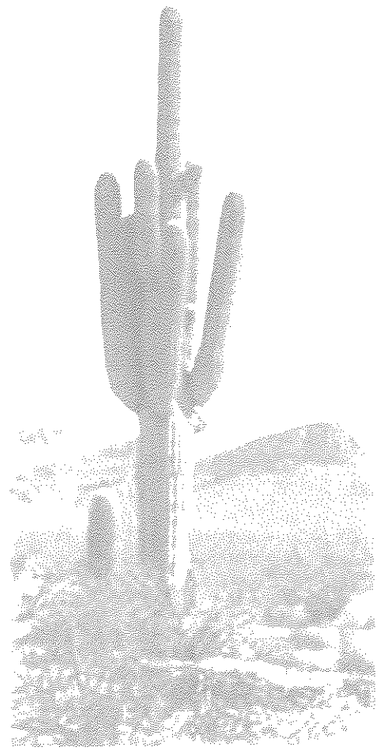
FIGURE 8



Site Data

	Acres	Percent
Gross Site Area	209	100
Commercial	36	17.2
Residential	124	59.3
Park/Open Space	38*	18.3
Future Fire Station	3	1.4
Interior Collector Roads	9	4.3
Perimeter Roads	10	4.8
Total Dwelling Units	1,254	
Gross Density	6 DU/AC	

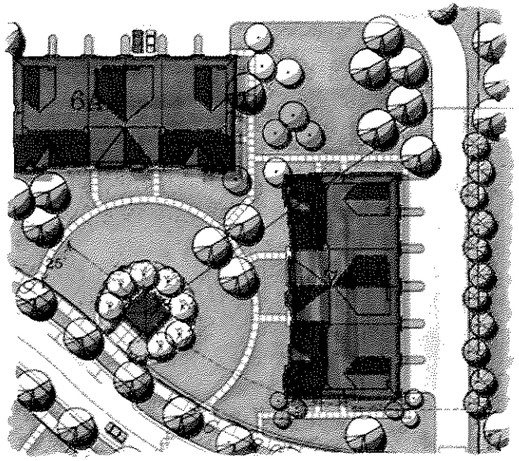
*Park/Open Space area calculation includes all open space within preservation areas, wash corridors, future subdivision retention areas and parks, and 50% of transition zone as defined in the PAD.

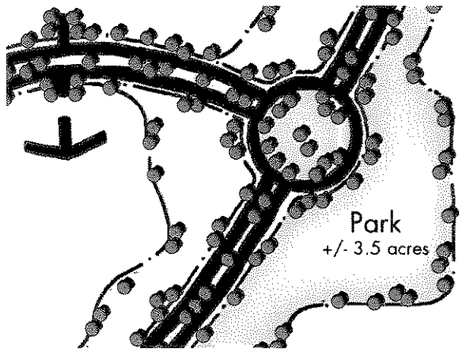


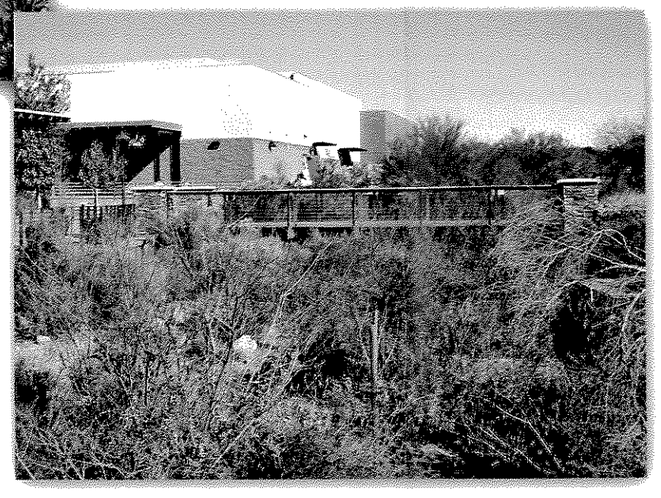
ANA MANDARA

OPEN SPACE & PARK CONCEPTS

FIGURE 9







ANA MANDARA

3.5 Circulation

The implementation of an efficient circulation system within the Ana Mandara project is highly important to the overall quality of life for future residents. The efficient and safe movement of vehicular and non-vehicular traffic within the project and adjacent to the project will enhance the overall value of the community, promote mobility and reduce the potential for traffic conflicts. Balancing the project's land use plan with the transportation plan has been a key component in the planning of the Ana Mandara project design. The intent of the proposed circulation system is to create safe and efficient transportation opportunities for vehicular, bicycle and pedestrian users. Ana Mandara complies with the recently approved General Plan Amendment (GPA05-277) that revised the Traffic Circulation Element. This General Plan amendment revised street classifications and the Alternative Modes Plan.

3.5.1 Vehicular

The Ana Mandara project proposes the use of a public street system with the standard City of Surprise street cross sections. These street cross sections are subject to change if City standards change in the future. A Master Circulation Plan, "Initial Traffic Impact Analysis, Ana Mandara, Sun Valley Parkway/219th Avenue," for the project has been prepared by Southwest Traffic Engineering and is included in Appendix C. This report analyzes the impacts of the proposed land use plan and provides detailed analysis of the trip generation rates, traffic flow modeling results and a discussion of the relationship between on-site and off-site traffic.

Primary vehicle access to the property will include 219th Avenue, Beardsley Road, and the primary collector road running through the development. Due to the physical barrier created by the 404 Wash, a divided collector loop road has been proposed that will connect Beardsley Road and 219th Avenue. See Figure 8, Land Use Master Plan for a graphic depiction of the proposed roads within and adjacent to the development. The applicant will work to provide access at the quarter mile points. Additionally, street stub outs will be provided to adjacent parcels.

Roadways within the development were classified based on the City's General Plan, the distribution and intensity of the development according to the current land use plan, estimated daily traffic volumes and the importance to local and regional connectivity as documented in the Northwest Area Transportation Study. Half streets of 219th Avenue and Beardsley Road will be constructed as part of the Ana Mandara Development.

Street improvements constructed as part of the Ana Mandara project will include portions of 219th Avenue and Beardsley Road. These roadways have been designated as Minor Arterials and should ultimately be constructed with two lanes in each direction separated by a 16 foot median located within 110 feet of right-of-way. The construction of these half streets and roads within the development should be built to the ultimate cross-section and should not be phased.

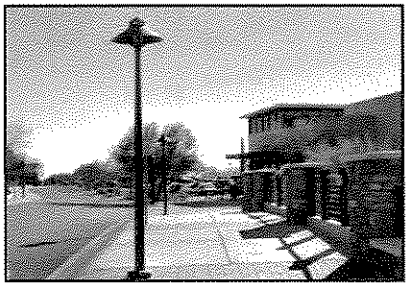
219th Avenue is also being improved as a City of Surprise Capital Improvement Project. It is anticipated that work would begin in July 2007. Should these improvements begin prior to work on Ana Mandara; the Applicant will not be responsible for improving the right-of-way along 219th Avenue.

An 80 foot wide right-of-way Collector road with a 14 foot landscaped median is proposed through the project to provide additional vegetation to enhance the streetscape. Other Minor Collector and local streets that provide connectivity between the individual parcels were not specifically evaluated. However, the Minor Collector roadways should be constructed with one lane in each direction located within 60 feet of right-of-way. The Local streets should be constructed within 55 feet of right-of-way.

With the exception of the proposed main Collector through the project, all study area streets will be constructed in accordance with the City of Surprise standard cross-sections. See Figure 10A, Vehicular and Bicycle Circulation Concepts.

3.5.2 Bicycle, Pedestrian and Equestrian

Figure 5, General Plan Amendment Multi-Modal Plan, identifies the planned bicycle and pedestrian circulation adjacent to the Ana Mandara PAD. Figure 10B shows the Non-Vehicular circulations plan through the project. All road alignments will be designed to accommodate bicycle and pedestrian circulation movements in addition to vehicular traffic movements. The Ana Mandara PAD provides detached sidewalks on all arterial, collector, and local streets to promote pedestrian safety and comfort. Collector roadways will also be designed to incorporate on-street bicycle lanes, five feet in width, to promote the use of bicycles as a viable means of mobility throughout the community.



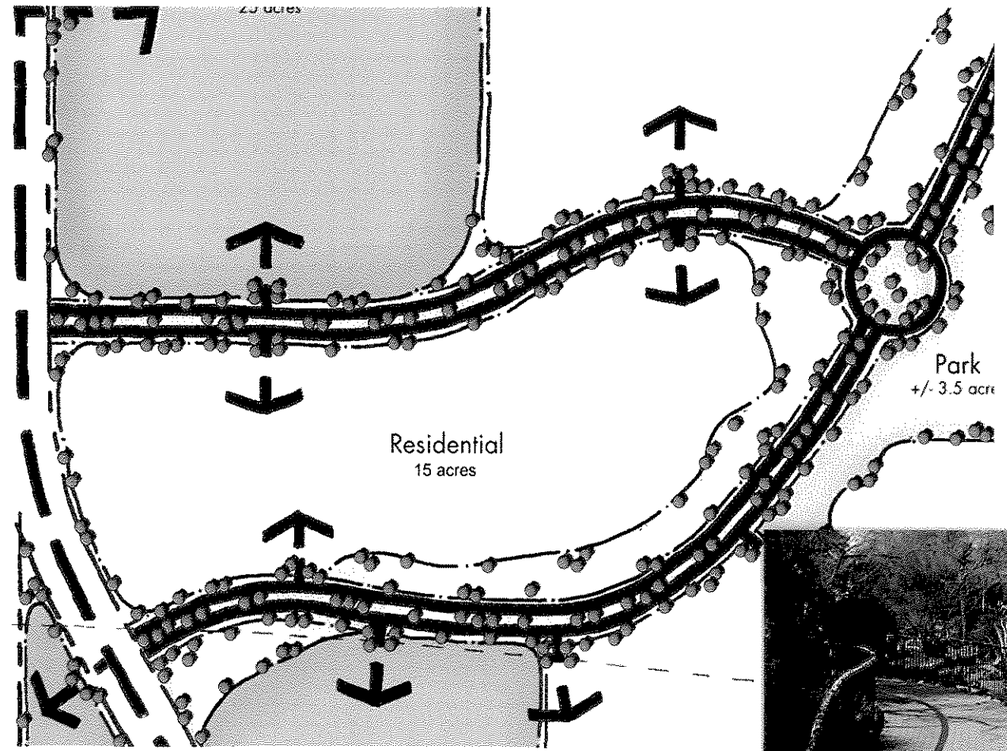
The goal of Ana Mandara's circulation plan is to connect proposed internal bike lanes, multi use paths and trails to the off-site proposed bike lanes and multi-use paths within Sun Valley Parkway, Beardsley Road and 219th Avenue. In addition to bicycle and pedestrian routes affiliated with the planned roadways, the Ana Mandara PAD also proposes a comprehensive off-street multi-use trail system. These routes are planned to provide a recreational amenity that connects all of the major recreational areas within the community. See Figure 10A, Vehicular and Bicycle Circulation Concepts.

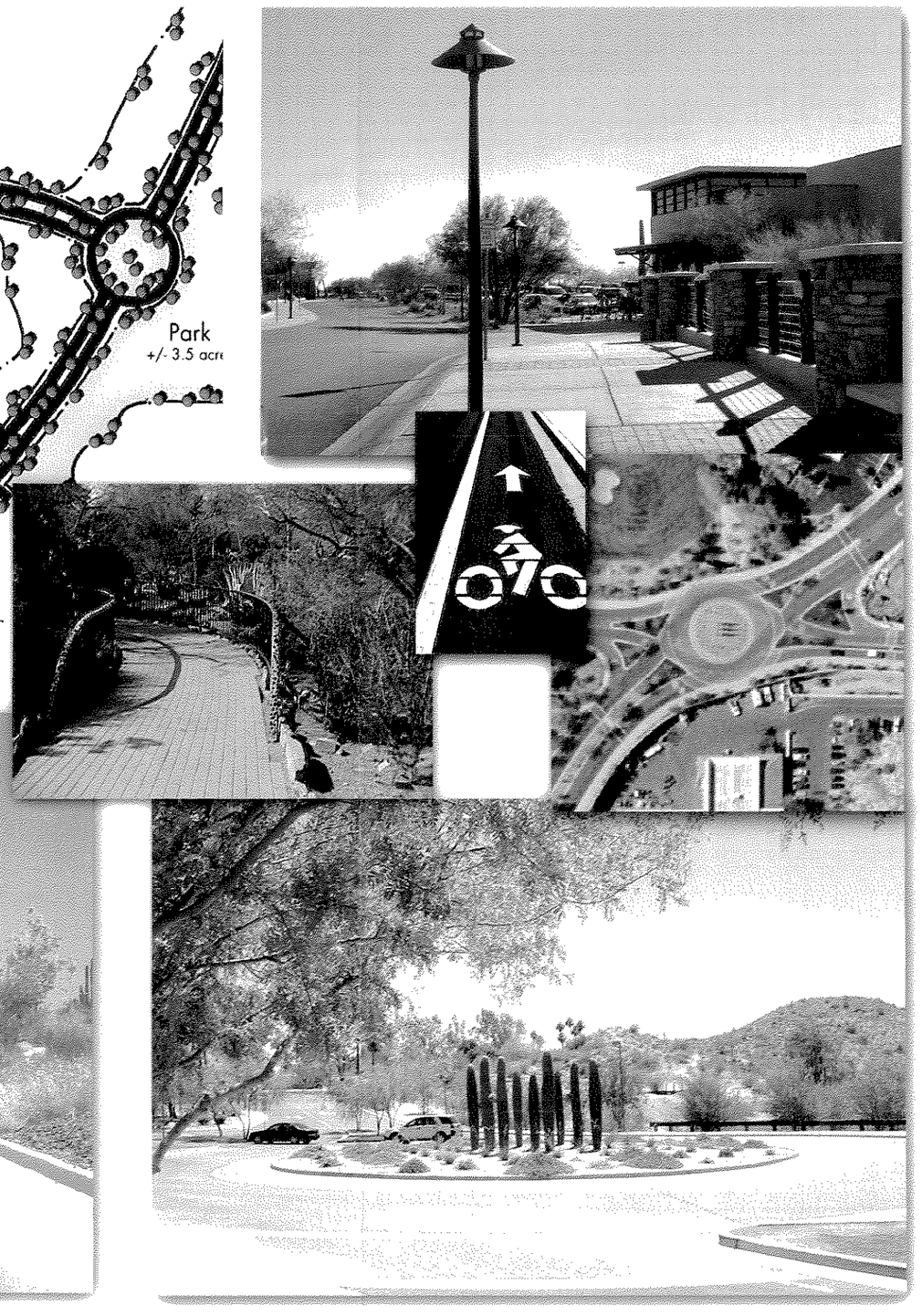
3.6 Drainage

The Ana Mandara community will be designed to facilitate historical off-site storm water flows through the project by planning future development around the existing wash corridors that traverse the property. See the Master Drainage Study completed on May 18, 2006 and prepared by Evolution Engineering, LLC for a detailed analysis of the existing and proposed drainage conditions of the project. The study analyzes the off-site storm water flows that enter and exit the site as well as the flows and conditions of the proposed uses. All drainage design will meet the City of Surprise guidelines and Municipal Code as well as Flood Control District of Maricopa County (FCDMC) requirements. The project is not proposing to construct any structures within the FEMA designated floorplain as depicted on Figure 6.

Drainage structures will be constructed at wash corridor/collector roadway crossings to allow all-weather access to all portions of the site.

The proposed development will generate post development flows that shall be conveyed to proposed retention facilities which will retain the required volumes. The post development flows exiting the site will be less than the pre-development flows that were found historically. Proposed onsite retention basins will be designed to provide a minimum one foot of freeboard over the 100-year, 2-hour retention volume. Likewise, all adjacent finish floor elevations will be set at a minimum of one foot above the 100-year water surface elevation. The Preliminary Drainage Study is included with this PAD under separate cover as Appendix D.





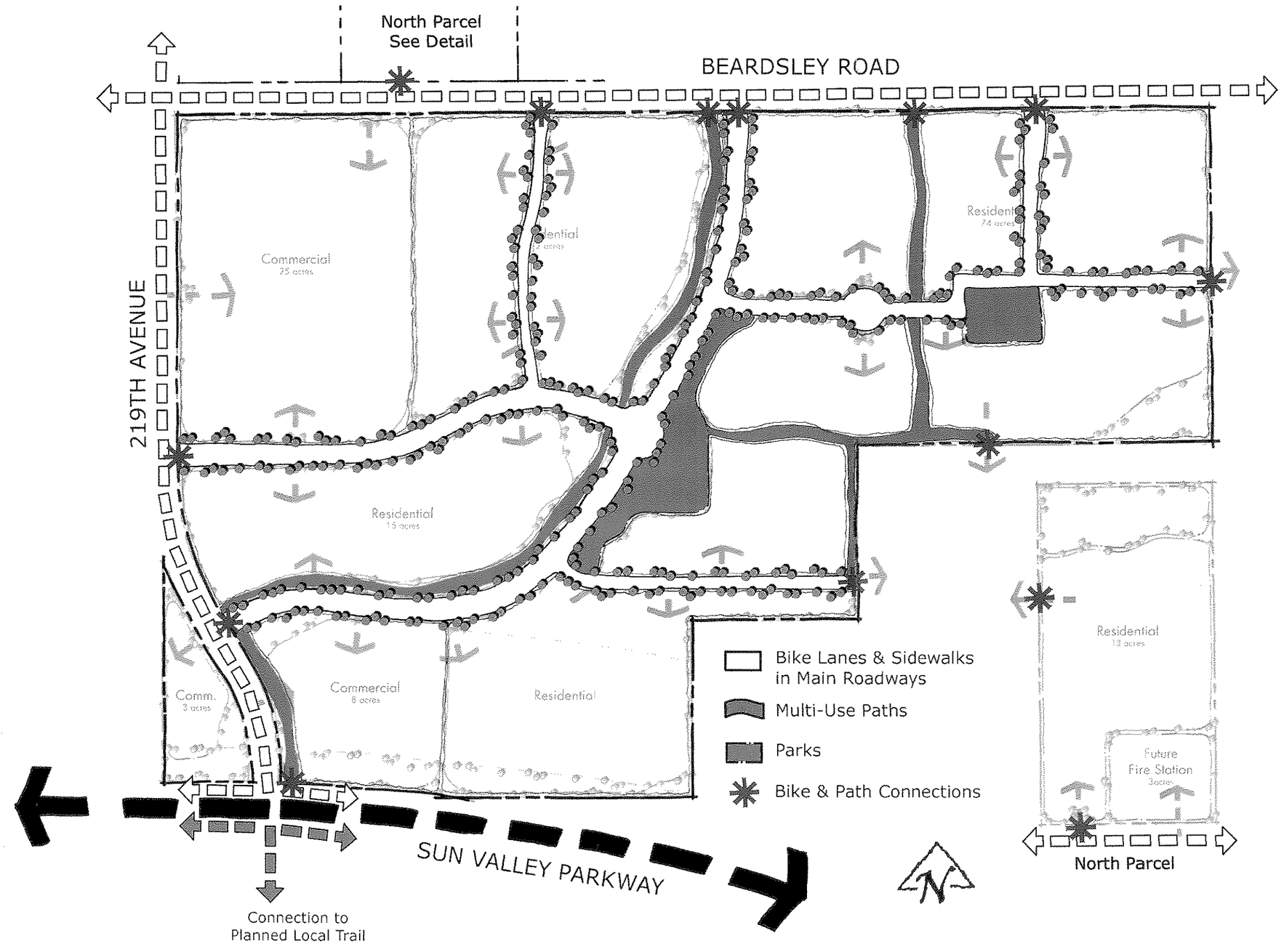
VEHICULAR & BICYCLE CIRCULATION CONCEPTS

FIGURE 10A

ANA MANDARA

CONCEPTUAL NON-VEHICULAR CIRCULATION PLAN

FIGURE 10B



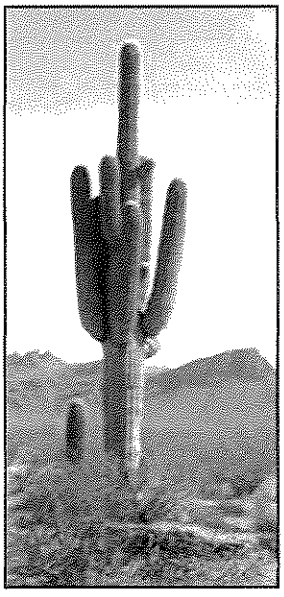
ANA MANDARA

3.7 Streetscape and Landscape

3.7.1 Streetscape Concepts and Plant Materials

The Ana Mandara community will be designed and developed with a consistent landscape theme that responds to the native desert environment. The theme will set the standard for the treatment of the street environment within the public right-of-way and landscape tracts.

The street environment will respond to the character of the Sonoran Desert. Plant material and density will be selected and installed to reflect existing conditions within the Ana Mandara context. Landscaping within the Ana Mandara public rights-of-way will be in compliance with the Arizona Department of Water Resources low water use plant list.



The Applicant intends to preserve the majority of high value native plant material located within the major wash corridors. To the extent practical, additional high value native plant material will be preserved and/or salvaged as plats are processed. All viable Saguaros will be preserved in place or salvaged and relocated in accordance with state and City of Surprise regulations.

3.7.2 Entry Monuments and Signs

Figure 11a Entry Monument Locations identifies the proposed locations for entry features intended to announce entry into the Ana Mandara Community. These monuments are proposed as low profile monument type community identification signs that incorporate colors, textures and plant materials that are complimentary to the surrounding natural desert. Community design guidelines will provide more specifics as to thematic materials and form. The primary entry monuments identifying the project will be located at the following intersections as indicated on Figure 11A.

Primary Entry Monuments:
- Sun Valley Parkway and 219th Avenue
- Beardsley Road and 219th Avenue

Secondary Entry Monuments:
- 219th Avenue and Collector roadway intersections (2)
- Beardsley Road and Collector roadway intersection
- Beardsley Road and North Parcel Entrance

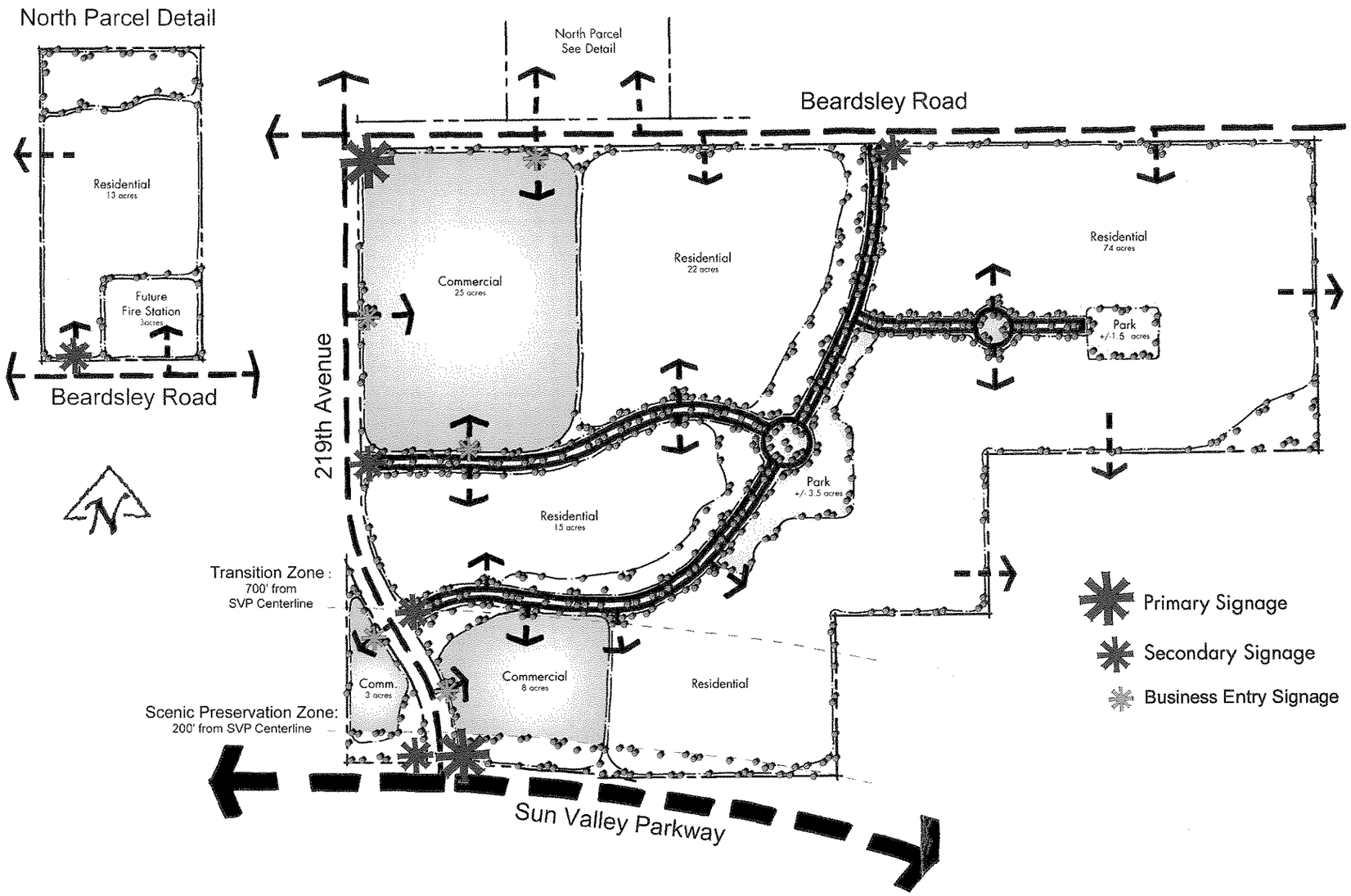
Figure 11B, Monumentation, Walls and Signage Concepts, provides a visual concept of the style of entry monuments and signs that are envisioned for Ana Mandara.

3.7.3 Water Conservation

The general parameters and criteria listed below for landscaping are intended to conserve water. The landscaping planned for Ana Mandara will meet Arizona Department of Water Resources (ADWR) requirements for low water use. Plant material requiring lower amounts of water and those that are climate sensitive will be used throughout the community for residential and non-residential uses along with accent planting. Accent plant materials may be used for strategic areas that are not necessarily native or near-native, as long as they are biologically compatible. These strategic areas may include but not be limited to entries and in private rear yards that can be seen from outside the private yard and in limited amounts, for color enhancement. Annuals planted in small beds and in pots are not restricted. Residents will also be required to use plants from the Arizona Department of Water Resources approved plant lists in front yards.

ENTRY MONUMENT LOCATIONS

FIGURE 11A

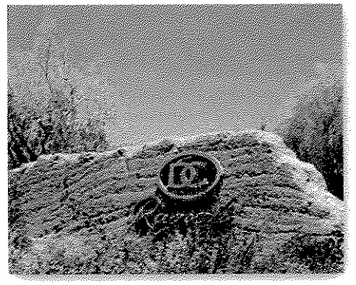


ANA MANDARA

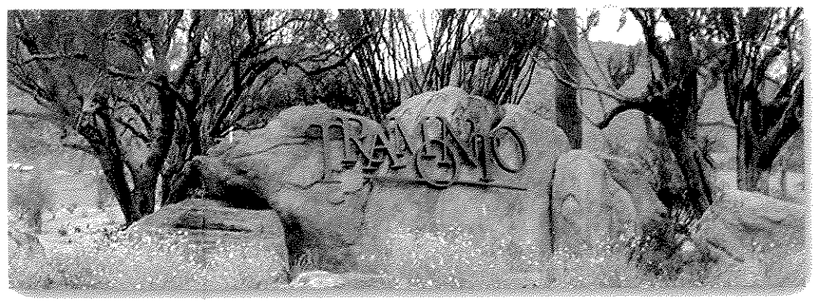
MONUMENTATION, WALLS, & SIGNAGE CONCEPTS

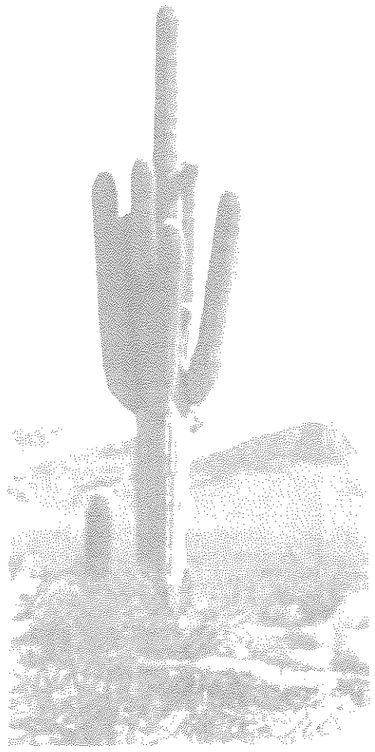
FIGURE 11B

Primary Entry Feature



Secondary Entry Features





ANA MANDARA

3.8 Utilities and Services

3.8.1 Water

The Master Water Study for the West Surprise Landowners Group prepared by CMX, L.L.C. and under review at the City will ensure that the project meets the City's requirements and provides general locations and sizes of the major water infrastructure needed to provide domestic water service to the Property. The water service infrastructure includes domestic wells, water transmission lines, booster pumping stations, pressure reducing valves, and water storage tanks for dedication to the City of Surprise. Timing and installation of these improvements will be coordinated with the WSLG and the City of Surprise as development moves forward. A detailed analysis of the water distribution system for each phase will be completed with the submission of each phase's Domestic Water Plan during the plat submission. This analysis will show the sizing for the proposed on-site lines based on final densities.

All water production and storage facilities within the property will be adequately screened from adjacent residential properties and public right-of-way by decorative screen walls, landscaping or a combination of both. As the design of these facilities may vary depending on many factors, the precise method of screening will be determined at the time the facilities are designed and reviewed as part of the Conditional Use Permit for the facilities.

3.8.2 Wastewater

The Master Wastewater Study for the West Surprise Landowners Group (WSLG) prepared by CMX, L.L.C. has been submitted to the City for review. The Master Wastewater Study indicates the general locations and sizes of the major wastewater infrastructure needed to provide sewer service and treatment capacity to the Property. Timing and installation of these improvements will be coordinated with the WSLG and the City of Surprise as development moves forward. A detailed analysis of the wastewater system for each phase will be completed with the submission of each phase's Wastewater Plan during the plat submission. This analysis will show the sizing for the proposed on-site lines based on final densities.

3.8.3 Electric

APS is the service provider in the area. There is no service for this area, although APS has approved two new sub-station locations to help serve the northwest surprise area. The sub-station is located approximately two (2) miles directly east of this site and the other is located approximately eight (8) miles west of the property. These improvements are planned to be built as demand dictates. 69kv power lines are to be built along the existing power easement corridor to the north of the property and brought to Ana Mandara via underground transmission lines.

3.8.4 Telephone

There is no service in the immediate area. Qwest Communications is planning to supply the proper service to the area.

3.8.5 Cable Television

There is no service in the immediate area. Cox Communications is planning to supply the proper service to the area.

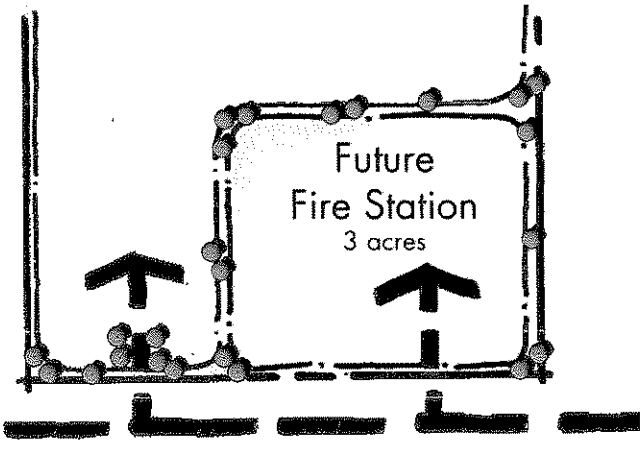
3.8.6 Natural Gas

There is no service in the immediate area. Southwest Gas Company is planning to supply the proper service to the area.

3.8.7 Fire / Emergency Response

The Ana Mandara PAD is within the City of Surprise jurisdictional limits and will be served by the City of Surprise Fire Department and Police Department. The closest police station is currently located at 14312 W. Tierra Buena Lane, approximately 10 miles from the property.

The closest fire station to the subject property is Fire Station #303, located approximately 7 miles from the property at Cotton Lane and Greenway Road. The Applicant, as a member of WSLG, has been working with the Fire Chief of the City of Surprise to provide fire protection service to SPA3 through temporary and permanent fire stations. The terms and conditions for both a temporary and then permanent fire station to be located on the Ana Mandara parcel north of Beardsley Road are currently under discussion with the City of Surprise Fire Chief. Through these discussions it is anticipated that the applicant will be donating a 3 acre site to the City of Surprise. The location of this site is depicted on Figure 8 and a legal description of this site is provided in Appendix E. The City will determine when this fire station is constructed based on the needs for the area.



BEARDSLEY ROAD

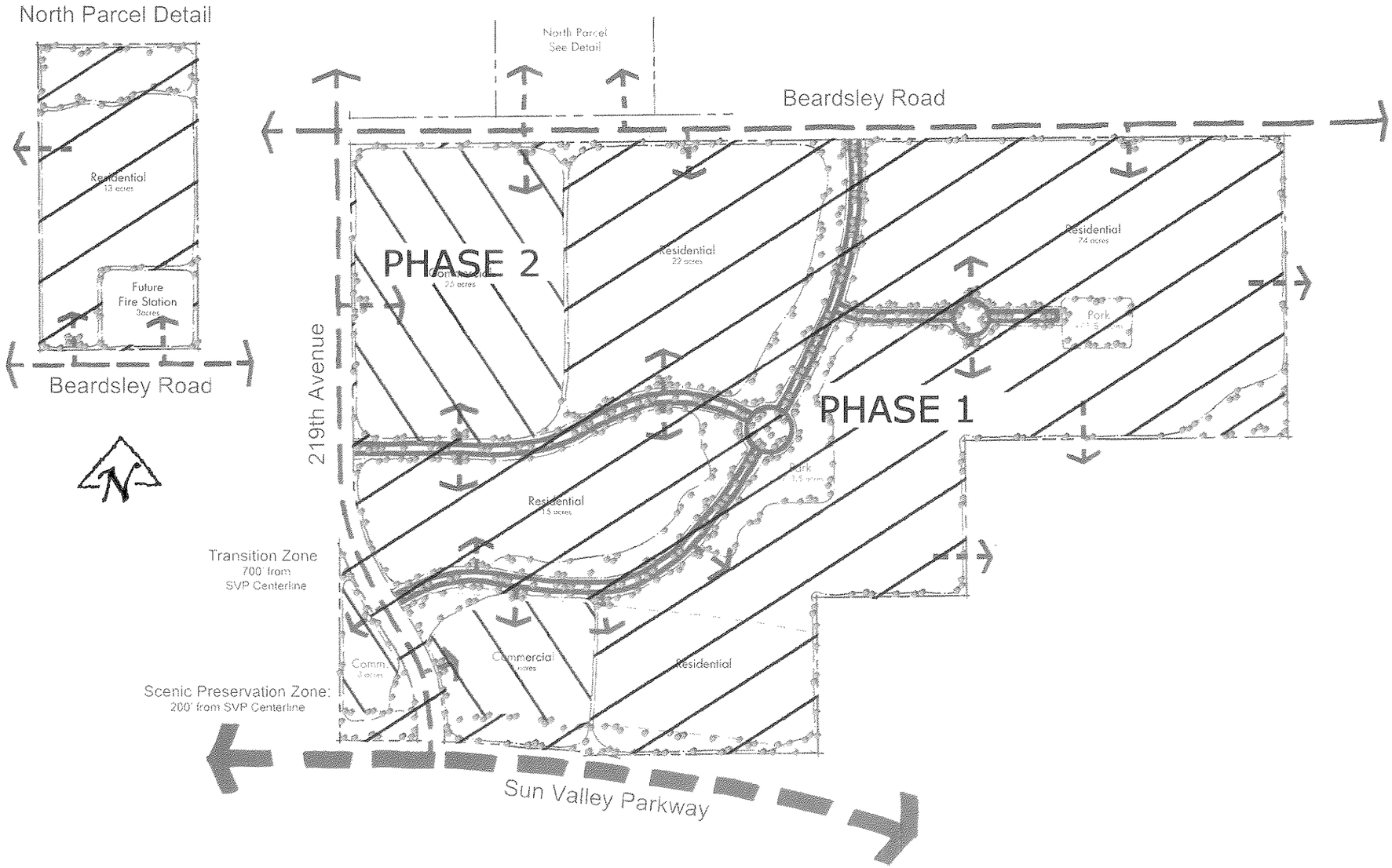
3.9 Development and Infrastructure Phasing

Two development phases are proposed for the build-out of the Ana Mandara PAD. Figure 12, Development and Infrastructure Phasing Plan, shows the location of the proposed project phasing. The extension of project infrastructure to each of the development phases will be accomplished in a manner consistent with the need for such infrastructure within each phase and will be dependent on market demand. The proposed phasing plan demonstrates general development phasing intent and is not intended to bind the Applicant. The phasing plan may need to be revised based on market conditions, construction logistics and economic factors.

The preliminary development phasing plan anticipates staging the project within two phases. The residential land uses will be developed in the first phase. It is anticipated that the commercial development parcel at Beardsley Road and 219th Avenue will be developed in the second phase followed by the commercial parcel at Sun Valley Parkway and 219th Avenue. The commercial parcels will not be developed until a sufficient demand is established by the development of residential population in the area.

Development and Infrastructure Phasing Plan

FIGURE 12



*The timing of construction of the fire station will be determined by the City of Surpise.

ANA MANDARA

SECTION 4: Regulatory Development Standards/Design Review

4.1 Purpose and Intent

This section is intended to provide the regulatory zoning provisions designated to guide the implementation of the community vision through the plan review and development permit process in accordance with provisions of the Planned Area Development District, Section 17.28.140 of the Surprise Municipal Code.

The development regulations will govern the land use densities, intensities, and location criteria within the Ana Mandara PAD. Furthermore, this section includes development standards related to property use, lot sizes, building and landscape setbacks and building heights that will apply to the various land use categories. The intent of these standards is to establish clear minimum standards, allow for the orderly progression of development, and provide flexibility over time without compromising the goals and overall vision for the Ana Mandara PAD. Unless otherwise specified herein, all development within the Ana Mandara PAD shall conform to all Ordinances, Codes, Policies and Regulations of the City of Surprise. If there are any conflicts or inconsistencies between the development standards defined within this PAD and the zoning district development standards defined within the Surprise Municipal Code, the PAD standards shall apply.

4.2 Zoning Base Districts

The entire Ana Mandara PAD falls under the "Planned Area Development" (PAD) Zoning District in accordance with Section 17.28.140 of the Surprise Municipal Code. Within this section of the PAD document, development standards and zoning regulations will be defined based on the land use categories as identified on Figure 8, Land Use Master Plan.

The development regulations that will guide the development of the Ana Mandara PAD fall into three general land use categories: residential, commercial, and public facilities. The Public Facilities parcel will revert to Residential if the proposed fire station is not constructed. A unique set of development standards and/or design guidelines is established for the Residential and Commercial land uses that will govern the regulatory development process during the multi-year implementation of the PAD. The sub-sections that follow will define the regulatory standards for each of the land use categories and sub-categories identified above.

4.2.1 Residential Land Use Categories

The Residential land use category within the Ana Mandara PAD provides the flexibility to construct a wide variety of residential product. Housing types could include conventional single-family homes; alley accessed and recessed garage style homes, detached cluster homes, attached condominium and townhomes. The regulations provided below were designed to accommodate a range of housing types to encourage variety and choices for future area residents. Ana Mandara will conform to the City of Surprise Planning and Design Guidelines Manual (July 27, 2002) in effect at the time of PAD adoption and as described within this PAD document.

Although a majority of the housing types will be provided on lots smaller than 58' wide, some conventional single-family homes may be provided on low density lots 58' wide or larger. Due to the fact that a minimal amount of Ana Mandara may be developed with lots at or larger than 58' wide, those areas of the project with low density development shall not be required to exhibit conformance with the lot mix and design list requirements of the Single Family Residential Design Guidelines (Sections 17.28.190 to 17.28.310).

4.2.1.1 Residential Land Use Category

The Residential land use category for Ana Mandara is designed to allow a broad mix of medium density residential development based on a density range of 5-8 dwelling units per gross acre. Various lot sizes can be accommodated within the Residential land use category providing flexibility and variety within the Ana Mandara community.

Flexibility over time is critical to ensure the success of Ana Mandara. To further enhance diversity and variety, pockets of medium to high density residential of 8-21 dwelling units per acre can be developed within Ana Mandara provided the overall density of 6.0 dwelling units per gross acre does not exceed or a total of 1,254 residential units. Allowing pockets of medium to high density residential development will provide for a variety of innovative product design options such as auto-court cluster, green-court cluster, z-lot and zero-lot line configuration, detached or attached single family, condominium/ town home design, etc. See Figures 13a, Multi-Family Residential Concepts and 13b, Single Family Residential Concepts.

Due to the uniqueness and variety of the different types of higher density residential products, a specifically tailored set of development standards are proposed and are set forth in Tables 1 and 2, Residential Development Standards, while maintaining a density that is in conformance with the General Plan.

Residential Principally Permitted Uses

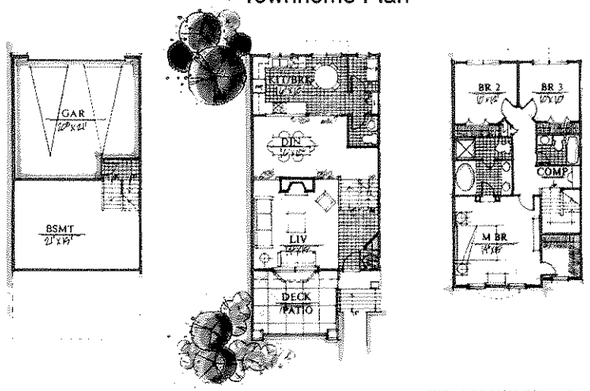
The following Principally Permitted Uses are allowed in the Residential land use category:

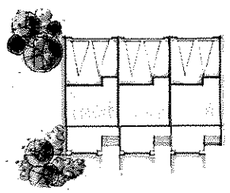
- Single-family dwelling units,
- Two, Three and Four-family structures
- Multiple Family Structures
- Z-Lots and zero lot line lots.
- Cluster developments, such as auto-court, green-court, townhouse clusters or other similar medium density residential product types shall be allowed at up to ten (10) units per cluster.
- Public Parks
- Private or jointly owned community center recreational facilities, pools, tennis courts.
- Temporary Model Home Complexes and Model Homes Sales Trailers (up to 4 years).
- Water production, treatment, storage, pump stations or related facilities, sewer lift stations, treatment and other related facilities, and other public infrastructure facilities.
- Group Homes
- Residential Setting Care Facilities

MULTI-FAMILY RESIDENTIAL CONCEPTS

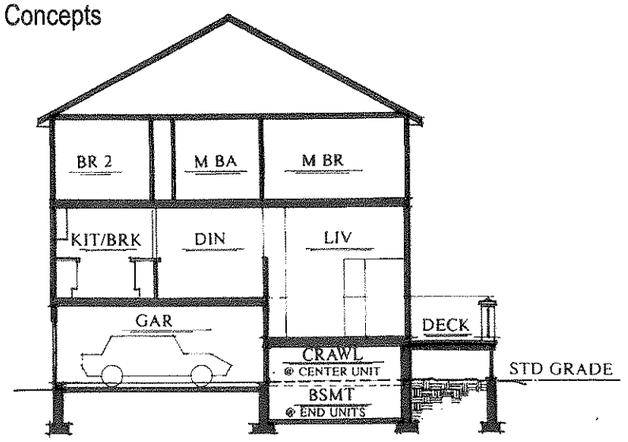
FIGURE 13A

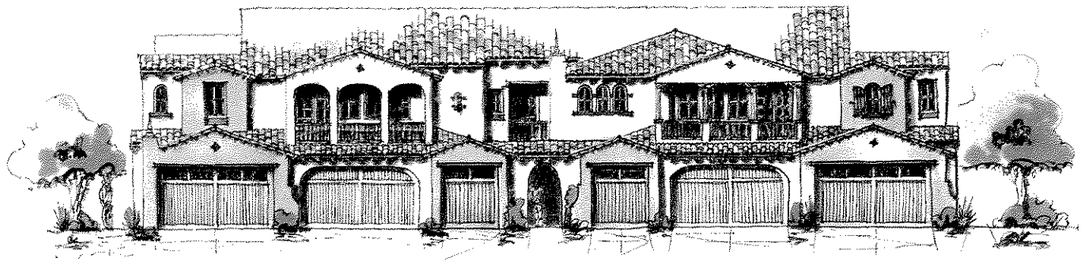
3-Story Rear Entry Townhome Plan



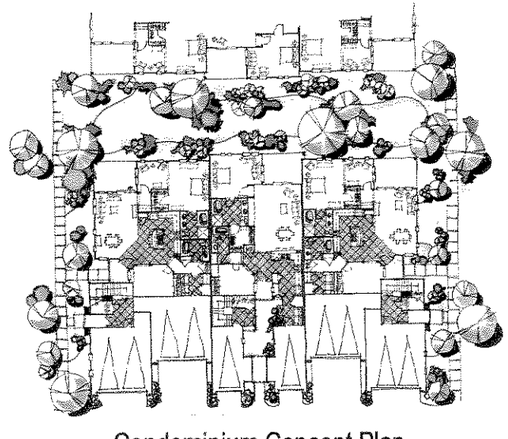


Townhome Concepts

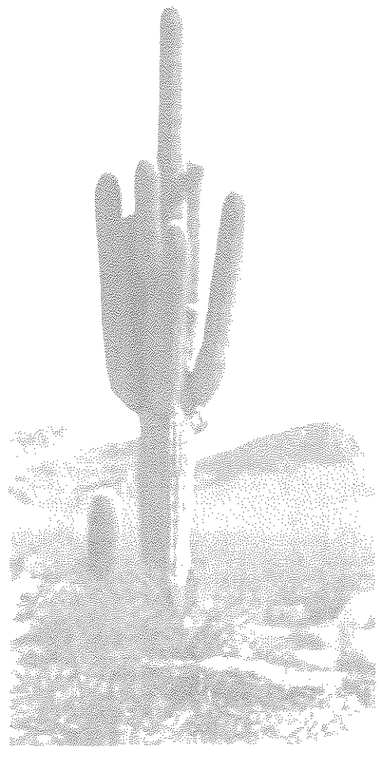




Attached Condominium Concept Elevation



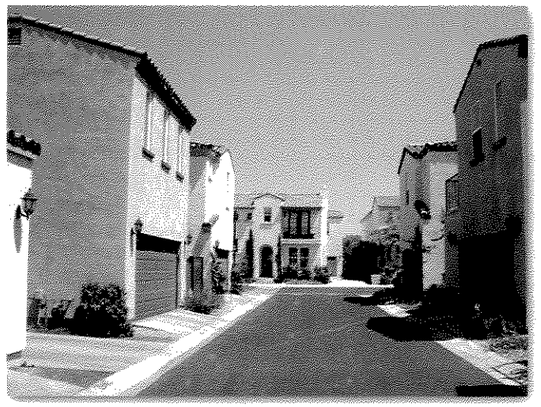
Condominium Concept Plan



ANA MANDARA

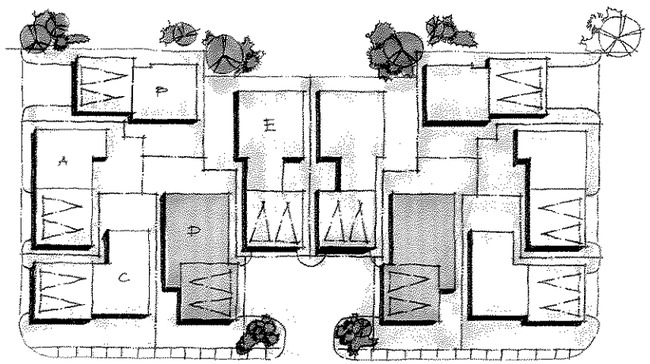
SINGLE FAMILY RESIDENTIAL CONCEPTS

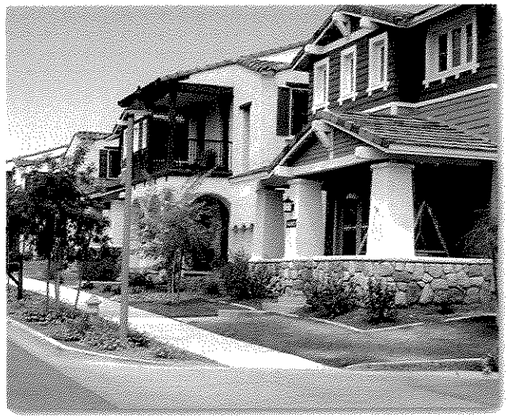
FIGURE 13B

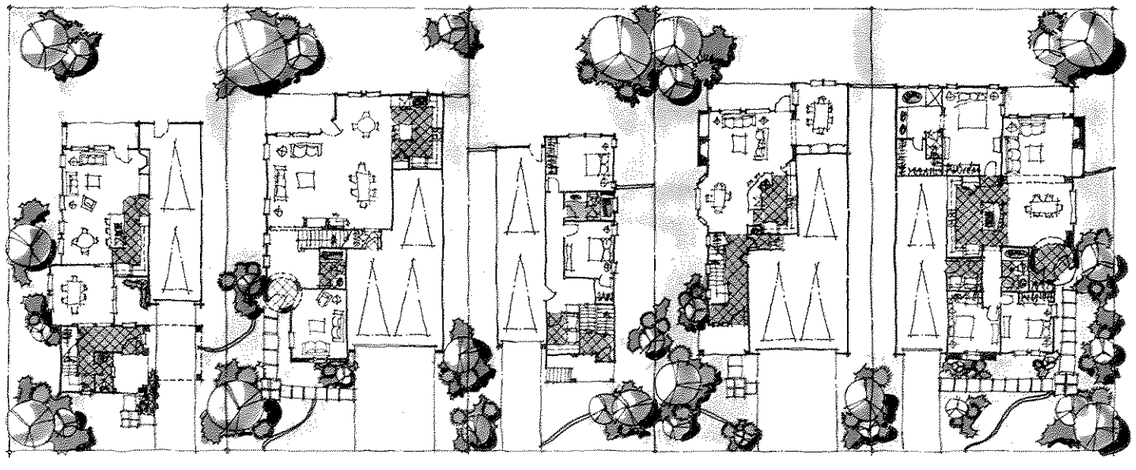


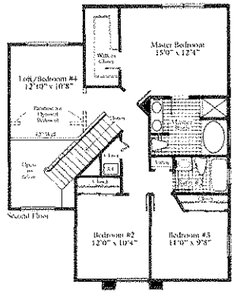
Alley Accessed Homes

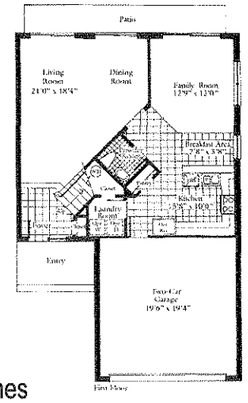
Detached Cluster Homes



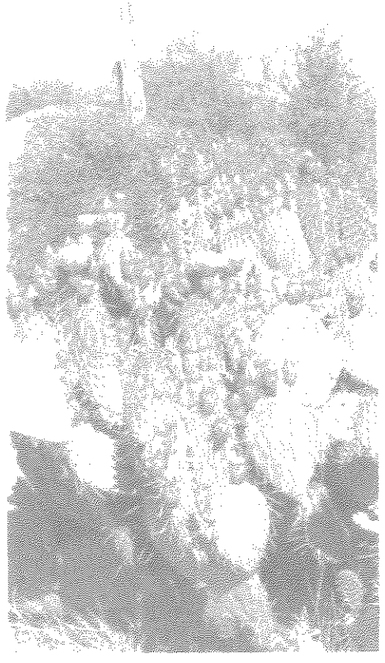








Conventional Single-family Homes



ANA MANDARA

Residential Conditionally Permitted Uses

The Residential land use category allows the following conditionally permitted uses:

- Churches
- Assisted living and congregate care facilities
- Day care center
- Nursing Home
- Personal wireless service facilities as per Section 17.32.150
- Public Buildings
- Schools

Residential Permitted Accessory Uses

The Residential land use category allows the following permitted accessory uses:

- Greenhouse
- Home occupations as per Section 17.32.170
- In-home child care center
- Private Garage
- Signs, as per Chapter 15.24 of the Surprise Municipal Code
- Temporary Uses as further regulated under Section 17.32.170
- Tool sheds, for storage of domestic supplies

DETACHED RESIDENTIAL DEVELOPMENT STANDARDS (1)

Table 1

Residential Detached - Courtyard Homes, Small Lots, Patio Homes or other similar product:		
Minimum Lot Area per Unit (2)		2,000 Square Feet
Minimum Lot Dimensions (3)		
	Width:	28 Feet
	Depth:	40 Feet
Minimum Outdoor Living Area (4)		300 sq ft / dwelling unit
Minimum Building Setbacks (5)		
	Front/Streetside:	10 Feet
	Side:	3 Feet
	Rear:	10 Feet
Minimum Distance Between Buildings		IBC, IRC
Maximum Building Height		
	Transition Zone:	24 Feet*
	Outside of Transition Zone:	36 Feet
Maximum Lot Coverage		80%

*building height is measured from the Sun Valley Parkway centerline elevation perpendicular to the structure; non-inhabitable architectural features may project above the maximum height. For purposes of Building Safety and Fire Regulations, height will be measured from finished grade at the structure.

Notes:

1 Development standards not covered by this table shall be the same as that of the City of Surprise Residential Zone R-3 and current or future adopted versions of the IBC and IRC.

2 Minimum Lot Area per Unit = total area of lots and open spaces, excluding all public and private streets, divided by the total number of lots.

3 These dimensions apply to the initial lot size per structure. Initial lots may be divided to accommodate individual ownership of the structure's dwelling units.

4 Outdoor living area can be within the lot or within common area. This space must be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas (having a width less than twenty feet), and required side or front yards shall not be considered as an outdoor living area, except in the case of interior townhouse units where said unit is less than twenty feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.

5 Setbacks from the arterial street (219th & Beardsley) shall be a minimum of 20'. In no case shall setbacks be less than as necessary to maintain minimum distance between buildings.

6 Multi-Family Attached structures are not limited to a maximum number of attached dwellings.

7 All non-residential land uses within the residential zoning district (such as churches, recreation centers, etc.) shall comply with the Commercial Development Standards defined in Table 3.

ATTACHED RESIDENTIAL DEVELOPMENT STANDARDS (1)

Table 2

Residential Attached (6) - Townhomes, Condominiums or other similar product:		
Minimum Lot Area per Unit/Building Footprint (2)		2,000 Square Feet
Minimum Living Dimensions (3)		
	Width:	90 Feet
	Depth:	70 Feet
Minimum Outdoor Living Area (4)		300 sq ft / dwelling unit
	Width:	28 Feet
	Depth:	40 Feet
Minimum Building Setbacks (5)		
	Front/Streetside:	30 Feet
	Side:	20 Feet
	Rear:	20 Feet
Minimum Distance Between Buildings		IBC, IRC
Maximum Building Height		
	Transition Zone:	24 Feet*
	Outside of Transition Zone:	36 Feet
Maximum Lot Coverage		50%

*building height is measured from the Sun Valley Parkway centerline elevation perpendicular to the structure; non-inhabitable architectural features may project above the maximum height. For purposes of Building Safety and Fire Regulations, height will be measured from finished grade at the structure.

Notes:

1 Development standards not covered by this table shall be the same as that of the City of Surprise Residential Zone R-3 and current or future adopted versions of the IBC and IRC.

2 Minimum Lot Area per Unit = total area of lots and open spaces, excluding all public and private streets, divided by the total number of lots.

3 These dimensions apply to the initial lot size per structure. Initial lots may be divided to accommodate individual ownership of the structure's dwelling units.

4 Outdoor living area can be within the lot or within common area. This space must be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas (having a width less than twenty feet), and required side or front yards shall not be considered as an outdoor living area, except in the case of interior townhouse units where said unit is less than twenty feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.

5 Setbacks from the arterial street (219th & Beardsley) shall be a minimum of 20'. In no case shall setbacks be less than as necessary to maintain minimum distance between buildings.

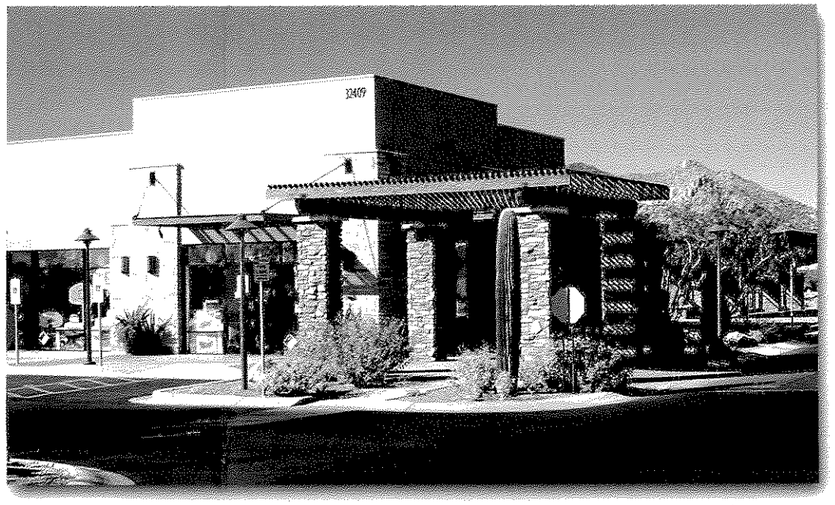
6 Multi-Family Attached structures are not limited to a maximum number of attached dwellings.

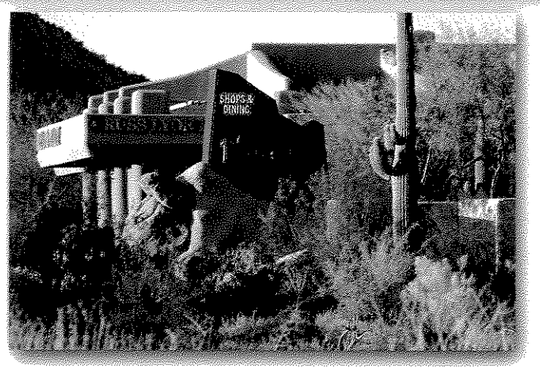
7 All non-residential land uses within the residential zoning district (such as churches, recreation centers, etc.) shall comply with the Commercial Development Standards defined in Table 3.

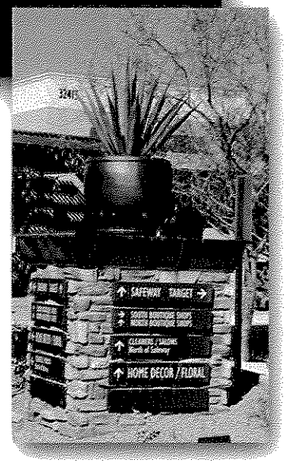
4.2.2 Commercial District

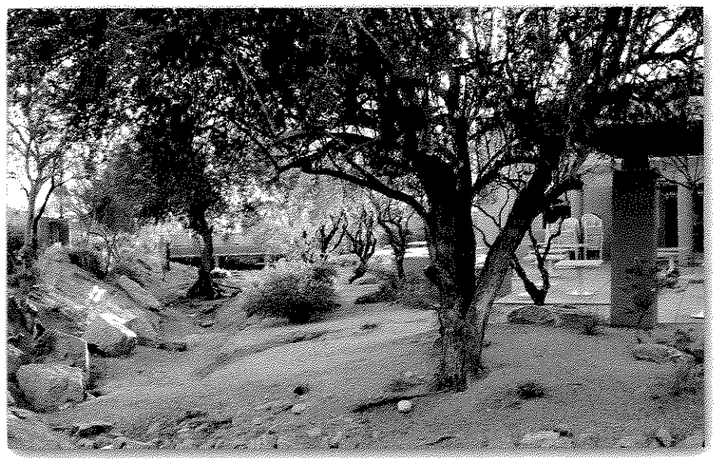
Approximately 36 acres of neighborhood commercial land use is proposed within the Ana Mandara PAD to serve the projected population as well as the surrounding area. The two commercial parcels have been located within the project. One neighborhood commercial center is proposed at the arterial intersections of 219th Avenue and Beardsley Road and the second center at the intersection of 219th Avenue and Sun Valley Parkway, a major roadway corridor to heighten retail exposure to the public and minimize traffic impacts within the neighborhoods.

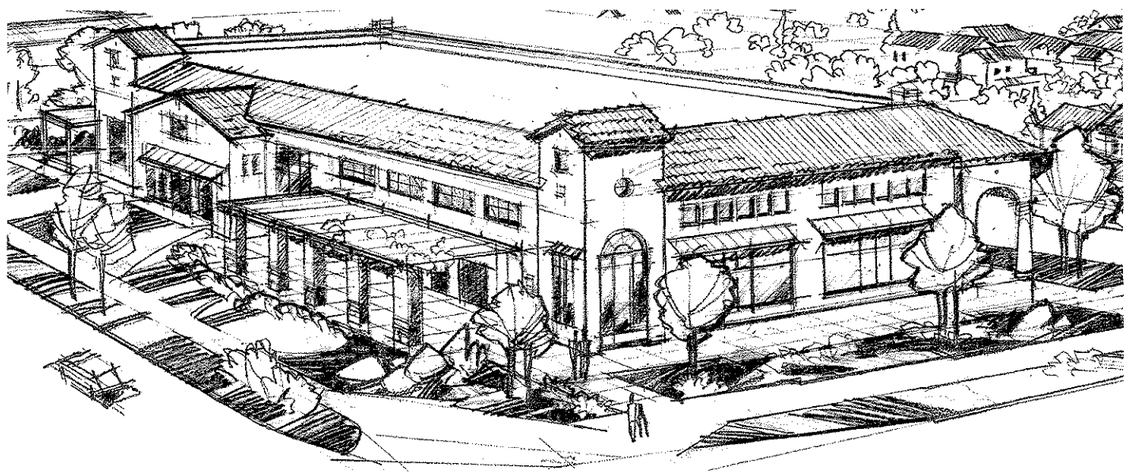
The proposed commercial parcels are anticipated to be developed as traditional neighborhood retail shopping centers. These commercial parcels are planned to provide Ana Mandara residents and nearby residents with neighborhood-scaled day-to-day services including but not limited to uses such as grocery, pharmacy, day care, dry cleaning, banking, dining, drive thru restaurants and video rental establishments. The retail centers will be designed to be accessible to the community through alternative modes of transportation to encourage residents to walk, bicycle, and/ or use future transit opportunities to access the facilities. See Figure 14, Commercial Character Concepts.











COMMERCIAL CHARACTER CONCEPTS

FIGURE 14

ANA MANDARA

4.2.2.1 Commercial Principally Permitted Uses

The Commercial land use category allows the following principally permitted uses:

- Antique shop and store
- Apparel and accessory store
- Appliance sales, services
- Appliance repair
- Art supply store
- Athletic Club and commercial recreation
- Automobile parking lot or garage (public or private)
- Auto supply store
- Bakery for on-site sales
- Banks and other savings and lending institutions
- Barber shop
- Beauty Parlor
- Bicycle sales, service and repair shop
- Blueprint shop
- Book and stationary store
- Bowling alley
- Business and office machine sales, service and repair shop
- Business, technical or vocational school
- Candy and ice cream store
- Church and parish house
- Cigar and tobacco store
- Clothing and costume rental shop
- Community Center or meeting hall
- Convenience food restaurant (with drive-thru)
- Convenience food store
- Custom dressmaking, furrier, millinery or tailor shop employing five persons or less
- Dancing or theatrical studio
- Day care center:
  a. A minimum of seventy-five square feet of outdoor play space per child shall be provided from which at least fifty square feet of fenced in play space per child shall be provided. Fenced in, outdoor, play space shall not include driveways, parking areas or land unsuited by virtue of other usage or natural features for children's play space.
  b. At least two hundred fifty square feet of lot area per child shall be provided.
- Delicatessen and catering establishment
- Department store
- Dry goods and notion store
- Dry cleaning and laundry establishment
- Essential public service or utility installation
- Florist

- Frozen food locker
- Furniture store
- Game rooms, pool halls
- Garden supply store
- Gift Shop
- Grocery store (including retail markets and produce store)
- Greenhouse
- Hardware stores, retail stores and retail membership stores with home garden center or outside display of merchandise.

  a. Outdoor sales of nursery stock, lawn furniture and home garden supplies, when developed in integral relation to the complex and screened from view from any street, may be permitted. Such use shall not be greater than thirty percent of the principally permitted use. A side and rear yard setback of not less than forty-five feet each shall be maintained when the conditional use abuts any residential zone.

  b. A side and rear yard setback not less than twenty-five feet from any adjoining residential use shall be maintained.
- Health and exercise center
- Hobby, stamp and coin shop
- Hospital
- Hotel or motel
- Hunting and fishing supply store
- Interior decorator's shop
- Jewelry and metal craft store
- Kennel (fully enclosed)
- Laundromat, self service
- Leather goods and luggage store
- Liquor store
- Lock and key shop
- Mail order catalog store
- Massage establishment
- Medical, dental or health office buildings and clinics
- Medical and orthopedic appliance store
- Messenger or telegraph service station
- Museum
- Music and instrument sales, service and repair shop
- Music or dance studio
- Newspaper office
- Newsstand
- Offices
- Office supply and office equipment stores
- Optician
- Package liquor store, including drive through
- Paint and wallpaper store
- Pawn shop
- Pet shop
- Photographic equipment and supply store
- Photographic Studio
- Picture frame shop

- Plant nursery (retail) provided all incidental equipment and supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height and no goods, materials or objects are stacked higher than the fence or wall so erected.
- Plumbing shop
- Printing and publishing house (including newspapers)
- Private club, fraternity, sorority or lodge
- Public buildings
- Radio or television sales, service and repair
- Radio and television broadcasting stations and studios, but not including transmission towers and transmitter stations
- Restaurant
- Schools
- Sewing machine store
- Shoe store
- Shoe repair and shoe shine shop
- Sporting and athletic goods store
- Swap meet, flea market
- Tailor shop, not more than five employees
- Taxidermist
- Theater
- Tire sales, repair and mounting (without outside storage)
- Toy store
- Trade school
- Travel agency
- Tavern, bar or lounges:

  a. The primary public entrance to such an establishment shall be a minimum of three hundred feet from the closest residential lot line. The distance between a residential lot line and the primary public entrance shall not be measured by a straight line, but by the most direct route a pedestrian would walk between the public entrance and the residential lot line. The three-hundred foot buffer does not apply to residential lots that are located upon the opposite side of an arterial street.

  b. Such establishment shall be located a minimum of five hundred feet from any elementary or high school, church, or other tavern, bar or lounge establishment. The separation between a tavern, bar or lounge and a school or church shall be determined by measuring the distance between the closest point on the establishment and the closest point on the property line of the school or church. The separation between two tavern, bar or lounge uses shall be determined by measuring the distance between the two closest points on each establishment, not the distance between the property lines.

  c. Such establishment shall not exceed a total floor area of six-thousand square feet, unless it is a free standing building,

  d. A minimum of twenty-five percent of the total gross revenue of a tavern, lounge or bar must be generated by the sale of food.
- Variety store
- Video arcade
- Wallpaper store
- Warehousing and distribution centers
- Watch repair shop

4.2.2.2 Commercial Conditionally Permitted Uses

The Commercial land use category provides for the following conditionally permitted uses:

1. Automobile service stations:
    a. Site improvements such as buildings or structures (permanent or temporary) shall be separated from any residential zone by at least fifty feet. Parking areas shall be separated from any residential zone by at least fifteen feet.
    b. The total site area shall not be less than twelve thousand square feet.
    c. Pump islands shall be set back not less than twenty-five feet from any street right-of-way line, not less than forty feet from any nonstreet property line and not less than seventy-five feet from any residential zone boundary.
    d. Hydraulic hoists, pits, and all lubrication, greasing, washing, repair and diagnostic equipment shall be used and enclosed within a building.
    e. Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.

2. Automobile washing establishments:
    a. Automobile washing establishments shall be subject to the same limitations and conditions as are specified in Automobile Service Stations in subsections (a), (b), (c) and (e) above.
    b. Sufficient off-street area to provide space for not less than ten automobiles waiting to be washed or three waiting spaces per washing stall, whichever is greater, shall be provided. A space twenty feet by nine feet shall be deemed adequate for each such required space.
    c. All washwater disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the city engineer, and shall conform to all city ordinances regarding sewage and health and shall be designed so as not to detrimentally affect the city sewer system.

3. Laboratories or facilities for monitoring or analyzing substances or materials provided that no materials or substances shall be permitted in such zone if they constitute an increased risk of fire, disease of damage to the public health of persons in the vicinity thereof and further provided that any such facilities shall be so constructed, or screened, as to ensure that the visual impact of such use is in keeping with the principally permitted uses of this zone.

4. Temporary facilities for sale of automobiles, recreational vehicles, boats, mobile or manufactured homes provided that there shall be no on-site facilities for major servicing or repair. Minor, incidental services and repairs shall be conducted on-site entirely within an enclosed building. For purposes of this section, temporary means a period of one year. The applicant may apply in writing for, and the planning and zoning commission, in its discretion and for good cause shown, may authorize a one-time renewal of up to one year.

5. Permanent facilities for sale of automobiles and motorcycles:
    a. The primary business of an automobile or motorcycle sales establishment must be the retail sale of new and/or used late model automobiles or motorcycles, still under factory warranty and not older than four years from the original in-service date and with no more than fifty thousand miles.
    b. No outside display or storage.
    c. On-site servicing and repair of vehicles in the form of a minor automobile service center provided that:
        i. All services and repairs shall be conducted entirely within an enclosed building.
        ii. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to retail sales or the business operation of a minor automobile service center, and where all such completed products are sold at retail on the premises.

6. Automobile rental/leasing:
    a. The primary business of an automobile rental/leasing facility must be the rental and leasing of automobiles.
    b. No rental or leasing of other vehicles such as trucks, trailers or RVs shall be allowed.
    c. No outside storage of any type shall be permitted, except for passenger vehicle storage.
    d. On-site service and repairs of automobiles is prohibited, except for vacuuming, window cleaning and checking fluids.
    e. The area used for parking and/or vehicle storage shall be properly screened with a wall, fence, hedge, plantings or combination thereof.
    f. The area used for parking and/or storage shall be paved.
    g. Site improvements such as buildings or structures (temporary or permanent) shall be separated and screened from all residential zones by a minimum of fifty feet.

7. Automobile service center, minor, provided that:
    a. All services and repairs shall be conducted entirely within an enclosed building except sales of gasoline.
    b. Outdoor storage is prohibited.
    c. Outdoor displays are prohibited.
    d. All buildings and/or structures (temporary or permanent) shall be screened from any residential zone.
    e. Any area used for parking shall be paved.
    f. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to retail sales or the business operation of a minor automobile service center and where all such completed products are sold at retail on the premises.

8. Outdoor recreational facility provided the entire facility not exceed three acres in size.

9. Shelter care facility.

10. Personal wireless service facilities as per Section 17.32.150.

11. Tire sales, repair and mounting (with outside storage)

12. Warehouse, Residential Storage (Mini-Warehouse).
    a. Minimum site size shall be one acre.
    b. Architectural standards:
        i. All buildings that are visible from a public street shall exhibit architectural enhancements, including variation of roof lines, uses of multiple material types, and color variations compatible with surrounding uses.
        ii. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
    c. On-site circulation, drives and parking:
        i. Each mini-warehouse site shall provide a minimum of two exits, one of which may be for emergency vehicle only.
        ii. All one-way driveways shall provide for one ten-foot parking lane and one fifteen-foot travel lane. Traffic direction and parking shall be designated by signing and painting.
        iii. All two-lane driveways shall provide for one ten-foot parking lane and two twelve-foot travel lanes.
        iv. The parking lanes may be eliminated when the driveway does not serve storage cubicles.

v. At least one parking space for each ten storage cubicles equally distributed throughout the storage area shall be provided.

vi. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.

d. Fencing and screening:

i. A minimum of six-foot high masonry wall with architectural enhancements shall be provided around the perimeter of the property. When adjacent to an arterial street, the wall will be designed with insets or offsets to eliminate long, unbroken walls.

ii. All outdoor storage shall be limited to recreational vehicles, shall be limited to a maximum ten percent of the net site area, and shall be screened from view from surrounding properties.

e. Building setbacks:

i. A setback adjacent to any arterial or collector street shall be a minimum of twenty-five feet.

ii. Side and rear setbacks shall be a minimum of twenty-five feet when adjacent to any residential zoning district. The planning and zoning commission may approve a zero-foot setback if the perimeter buildings are intended to serve as the perimeter wall. Such approval must include the written support of a minimum of fifty-one percent of property owners within seventy-five feet of the subject property boundaries.

iii. Side and rear setbacks shall be a minimum of fifteen feet when adjacent to any zoning district other than a residential zoning district. The planning and zoning commission may approve a zero-foot setback if the perimeter buildings are intended to serve as the perimeter wall.

f. Building height: Building height adjacent to a residential zoning district shall be a maximum one-story or fourteen feet in height from finished grade. Building height may be increased to a maximum two-stories or twenty-four feet in height from finished grade provided a setback of one foot for each foot in height in addition to the required setback is provided.

i. Building height adjacent to other than a residential zoning district shall be a maximum two stories or twenty-four feet in height from finished grade.

g. Landscape standards:

i. A minimum of fifteen percent of the net land area shall be landscaped. The required landscape areas shall be provided along all street frontages between the street or sidewalk, and within areas of the site visible from public view, including areas adjacent to all perimeter walls.

ii. Perimeter landscape areas shall be landscaped with shade trees and five shrubs located twenty feet on-center or in equivalent groupings. A minimum of twenty-five percent of the trees shall be twenty-four-inch box size or greater.

iii. Adjacent to RV storage areas a minimum of seventy-five percent of the trees shall be twenty-four-inch box size or greater.

iv. All landscape areas shall be irrigated with an appropriate automatic underground watering system and shall be continuously maintained.

v. All other provisions of Section 17.32-.030, Landscaping requirements, shall apply.

h. All other provisions of the Surprise Municipal Code Chapter 17.32, General Building and Performance Requirements, shall apply.

i. A residence and office for the use of an on-site manager may be permitted. All applicable codes for residential occupancy shall pertain to this use.

j. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use shall be conducted on the premises.

4.2.2.3 Commercial Permitted Accessory Uses

The Commercial land use category allows the following permitted accessory uses:

1. Business signs, consistent with Chapter 15.24 of the Surprise Municipal Code

2. Trash receptacles, consistent with Section 17.32.120 or the Surprise Municipal Code

3. Accessory buildings as per Section 17.32.050(E), F and G of the Surprise Municipal Code and as approved by the planning and zoning commission

4. Temporary buildings incidental to construction work

5. Temporary uses as related to seasonal or special events as further regulated under Section 17.32.170 or the Surprise Municipal Code

6. Notwithstanding the Commercial Conditional Uses listed in Section 4.2.2.2 where a minor automotive center is accessory to any retail membership store or retail store of at least fifty thousand square feet in size

4.2.2.4 Commercial Development Standards

The standards in Table 3, Commercial Development Standards, shall apply to the Commercial land use category. Additional building and performance standards not defined within the Commercial Development Standards defined within this section of the PAD shall conform to Section 17.28.080 (C-2) and Section 17.32 (General Building and Performance Requirements) of Surprise Municipal Code as applicable.

If there are any conflicts or inconsistencies between the Commercial development standards defined within this PAD and the C-2 zoning district development standards defined within the Surprise Municipal Code, the PAD standards shall apply. Development within the Commercial land use category shall defer to the C-2 zoning district standards for any development or performance standards not defined within this PAD.

The following standards shall apply to commercial development within Ana Mandara:

1. Access to commercial activities shall be allowed only on arterial and collector streets or a street specifically designed for such development.

2. Access points shall be located at least one hundred fifty feet from any street intersection.

3. Access points on the same street shall not be spaced closer than one hundred feet (as measured from centerlines). Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.

4. Commercial developments which may not be able to meet the requirements of sections (2) and (3) of this section, and are requesting deviations from the above noted standards, shall submit to the city engineer an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:

a. Traffic volumes
b. Turning movements
c. Traffic controls
d. Site design
e. Site distances
f. Location and alignment of other access points

Based upon the above data, the city engineer shall determine whether a deviation from the requirement standards is justified and, if so, what alternative requirements will be necessary.

COMMERCIAL DEVELOPMENT STANDARDS (1)

Table 3

Minimum Lot Area	None
Minimum Lot Width	None
Distance Between Buildings	IBC
Maximum Lot Coverage	None
Building Setbacks:	
Street (Front, side or rear along a public street right of way)	20 Feet
Interior (Front, side or rear along a commercial property line)	0 Feet
Exterior (Side or rear adjacent to a residential district)	45 Feet
Parking Lot Setbacks:	
Street (Front, side or rear along a public street right of way)	15 Feet
Interior (Front, side or rear along a commercial property line)	0 Feet
Exterior (Side or rear adjacent to a residential district)	10 Feet
Minimum Street Landscape Area	20 feet average depth, 15 feet minimum
Minimum Perimeter Landscaped Area (perimeter of district only)	15 feet average depth, 10 feet minimum
Maximum Building Height	
Transition Zone	35 Feet*
Outside Transition Zone	40 Feet

*building height is measured from the Sun Valley Parkway centerline elevation perpendicular to the structure; non-inhabitable architectural features may project above the maximum height. For purposes of Building Safety and Fire Regulations, height will be measured from finished grade at the structure

Notes:

1 Development standards not covered by this table shall be the same as that of the City of Surprise Commercial Zone C-2 and current or future adopted versions of the IBC and IRC.

2 All residential land uses within the commercial zoning district shall comply with the Residential Development Standards.

3 Wall height for commercial development is as follows: 8'-0" maximum for screen walls; 4'0" maximum for retaining walls; 12'0" maximum combined retaining wall/screen wall.

4 Loading bays and trash enclosures should not be visible from public streets and residential land uses.

4.3 Sun Valley Parkway Scenic Corridor

The Applicant understands the City Staff's commitment to maintaining the area along the Sun Valley Parkway as a Scenic Corridor. A scenic corridor provides a means to conserve the desert landscape along the Sun Valley Parkway, retain the visual character of the desert setting, and maintain view corridors to significant open space areas such as the White Tank Mountains from the Parkway. Even though the majority of significant topographic changes, view corridors and vegetation occur on the south side of Sun Valley Parkway in the area of Ana Mandara, the Applicant is committed to maintaining a scenic natural desert buffer that will extend beyond the edge of Sun Valley Parkway. The standards described herein will provide a transition between the desert landscaping along the edges of the Sun Valley Parkway's pavement and proposed development areas adjacent to the Parkway. See Figure 15, Sun Valley Parkway Scenic Corridor Concepts.

Two distinct areas within Ana Mandara will be influenced by the Sun Valley Parkway Scenic Corridor. First is the Scenic Preservation Zone measured 200-feet from the centerline of Sun Valley parkway. The second area is the Transition Zone that is measured 500-feet from the outside edge of the Scenic Preservation Zone.

4.3.1 Scenic Corridor Standards

The Applicant will adhere to the following proposed Sun Valley Parkway Scenic Corridor standards. These standards do not negate any development requirements in the underlying zones. In case of conflict between the underlying zone and the standards in this section, the standards in this section shall control. The applicable sub zones are noted after the standard.

1. Site Design

a.The Scenic Preservation Zone is characterized by a lack of development. No buildings or structures shall be allowed within this zone, with the exception of interpretive displays, limited monument signage, transportation signage, street light poles, traffic signals, bus shelters, trails and multi-use paths and structures that may be required for public health and safety or non-vehicular travel. Underground utilities can be constructed provided the disturbed areas are revegetated. The retention and conveyance of storm water drainage is permitted. The area can be counted as open space. (Scenic Preservation Zone)

b.Development in the Transition Zone provides for the transition from open desert to a desert landscape interspersed with buildings. (Transition Zone)

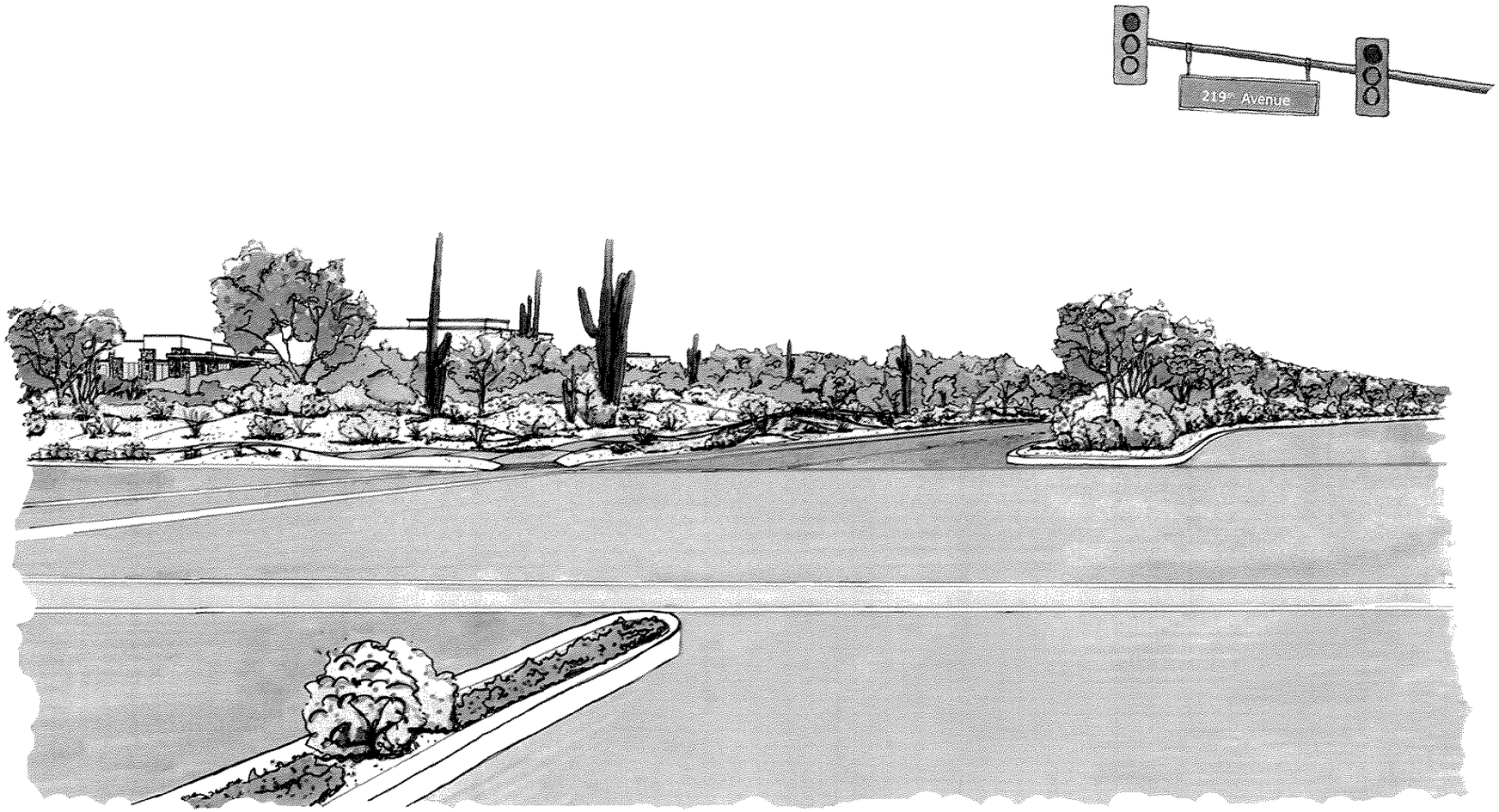
c.Open Space—A minimum of fifty (50) percent open space shall be required within the Sun Valley Parkway Scenic Corridor. As applied to the Sun Valley Parkway Scenic Corridor, open space is defined as those areas outside of man-made vertical structures typically above six inches in height. For example open space shall include parks, playgrounds, natural desert areas, retention areas, the Scenic Preservation Zone, roadways, driveways, and parking lots. (Scenic Preservation Zone, Transition Zone)

2. Vegetation

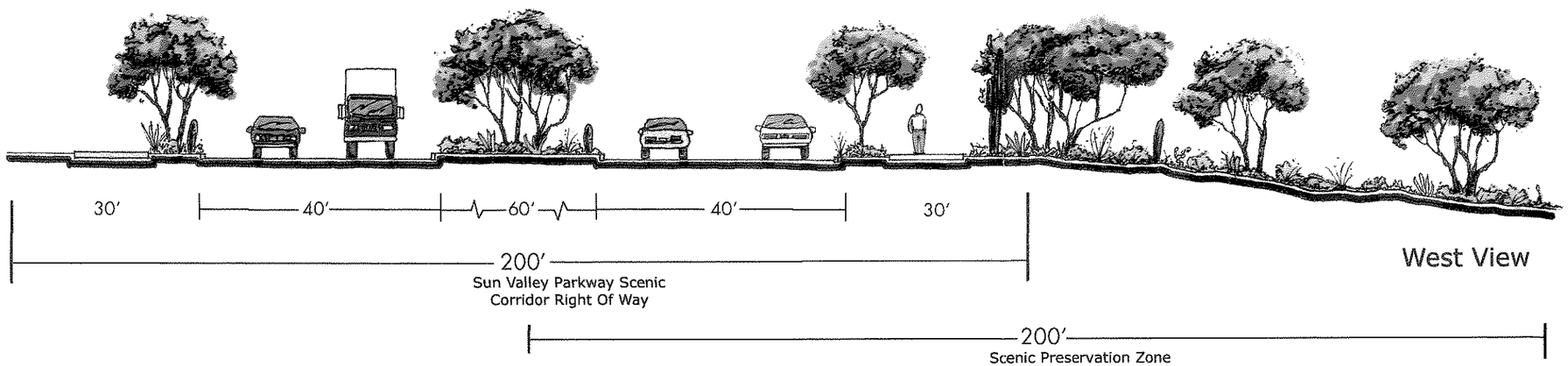
a.Vegetation in public spaces shall consist primarily of native desert planting. Any landscaping shall enhance desert coverage by imitating the colors, patterns, textures and quantities of the Sonoran desert environment. (Scenic Preservation Zone, Transition Zone)

SUN VALLEY PARKWAY SCENIC CORRIDOR CONCEPTS

FIGURE 15



East View



West View

ANA MANDARA

**Roadway details and sections are subject to change upon approval of the City of Surprise

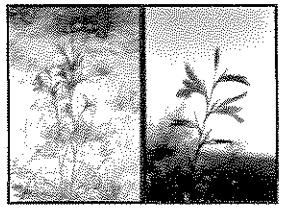
b.To preserve the existing Sonoran Desert character, trees in public and semi-public spaces shall be limited to those that are indigenous, or are of a species that complement the existing Sonoran Desert environment. A list of approved trees can be found in the tree list for Area B in the City of Surprise Streetscape Program Handbook. Additional trees may be allowed if approved by the Community Development Director. Accent plantings contained in a pot or other temporary plantings shall not be subject to this requirement. (Scenic Preservation Zone, Transition Zone)

c.Plant materials that are not indigenous to the area shall not exceed twenty (20) feet in height and shall be limited to private areas such as rear yards or court yards. (Transition Zone)

d.Specimen trees and cacti shall be preserved in their original locations, except for when the original locations are proposed for building sites and roadways. Plants that are to be salvaged shall be either replanted as close to their original location as possible or replanted in areas requiring revegetation. Specimen trees are defined as those trees that have a substantial caliper trunk, generally greater than four (4) inches, or multi-trunk and are in good health. Specimen cacti is defined as a saguaro that has a height over ten (10) feet or has multiple arms or other unusual configuration. Specimen trees or cacti that can not be reasonably salvaged are not required to be preserved even if the plant is in good health. (Scenic Preservation Zone, Transition Zone)

e.Plant densities of trees, cacti, shrubs, and groundcover should maintain densities at least as dense and varied as the natural native desert of the surrounding area. Where plant densities are diminished, species are missing and or scarring has occurred, additional plantings should be implemented. After revegetated areas are established, landscaping maintenance should be limited to minor pruning for visual safety at drives or similar areas or trail and pathway clearances. Any distressed and dead plants should be allowed to decay naturally where feasible and they do not pose a safety risk. (Scenic Preservation Zone, Transition Zone)

i.Where feasible, plants used in revegetation shall be of similar heights and types as the native vegetation on the site; or in situations where a site had already been destroyed before grading occurs; the revegetation should contain plant varieties naturally found in the Sun Valley Parkway desert environment. Revegetation is best achieved by using a combination of young and mature plants. Shrub minimum sizes shall be 1 gallon and minimum tree sizes are 5 gallon.



ii.Large specimen cactus shall be revegetated at the same vegetation density as found on the site prior to any clearing, grubbing, or grading. Transplanted cacti shall be planted in the same orientation as originally growing. Young cacti shall be protected from sun damage.

iii.The seeds for trees, desert shrubs, and grasses shall be planted with a density adequate to control erosion. The plant species and ratio shall be determined by an earlier analysis of the site. Preferred reseeding methods include raking seeds into the soil with appropriate mulch materials, hydroseeding, anchored mulches, rolled straw or a similar material or any other method approved by the Community Development Director.

iv.A temporary watering system must be installed until the revegetation materials are established.

v.After the revegetation has commenced, the Applicant or the property owner's association shall be responsible for the management of private revegetated areas. Where revegetation occurs at the edge between public and private development, the public open space shall be revegetated at the same time as the private open space.

f.The use of vegetation to subtly highlight an entrance is allowed (Scenic Preservation Zone)

g.The use of vegetation to provide contrast with the desert landscape to highlight and entrance is allowed. (Transition Zone)

h.Turf shall be limited to enclosed areas that are not visible from Sun Valley Parkway and recreational areas. In areas where turf may be allowed, the edge of turf areas shall be no closer than fifty (50) feet from desert wash banks. In all turf areas, a sterile grass variety shall be used to limit the spread of the grass. (Scenic Preservation, Transition Zone)

i.Areas that are landscaped shall be blended to provide continuity between adjacent developments to avoid a distinct or abrupt change. (Scenic Preservation Zone, Transition Zone)

j.Enhanced landscaping that blends into the Sonoran Desert environment and provides relief from the sun shall be planted along walking paths, trails and other areas where human activity occurs. In areas where additional vegetation would compromise the natural environment, the use of shade structures should be considered. (Scenic Preservation Zone, Transition Zone)

3. Grading and Drainage

a.Every effort shall be made to preserve natural occurring topographic features. A site analysis shall be conducted prior to final plat to determine what significant natural features exist on site above a 10% slope. (Scenic Preservation Zone, Transition Zone)

b.Major wash corridors, as delineated under the jurisdiction of the United States Army Corp of Engineers (ACOE), shall be preserved in an undisturbed condition or according to a validly issued ACOE permit to preserve the natural desert ecosystem and permit the movement of wildlife. (Scenic Preservation Zone, Transition Zone)

c.Areas where rip rap, other rock type erosion control are used shall be naturally contoured and revegetated. Spaces between rocks shall be vegetated to accommodate small desert plants and shrubs; or filled with other material to discourage nuisance animals from burrowing into the rock openings. (Scenic Preservation Zone, Transition Zone)

d.Drainage methods shall use natural systems that mimic desert solutions for drainage. Basins shall be revegetated and designed to mimic the natural contours of the land. (Scenic Preservation Zone, Transition Zone)

e.Where a public or private multi-use trail easement is located in a wash corridor, the trail shall be located above the bank of the wash or within the floodway, except where the trail crosses the wash. If the trail passes under a bridge, the trail shall be located at least three (3) feet above the sandy bottom of the wash or in another area approved by the Community Development Director. (Scenic Preservation Zone, Transition Zone)

f.Box gabions and concrete channels shall not be allowed unless needed for public safety. Where used, they should be designed to blend with the desert setting through color, texture, landscaping or other means. (Scenic Preservation Zone, Transition Zone)

g. All grading shall occur within a defined grading envelope. The grading envelope shall be fenced with construction fencing or equivalent fencing as approved by the Community Development Director. The fence shall remain intact until completion of construction.

4.Building

a.To create a natural desert theme, while allowing for development of private property, cluster development concepts shall be encouraged. (Transition Zone)

b.Building pads should follow the natural undisturbed contours of the site. In the case of sloped property the site should be designed to follow the site topography. (Transition Zone)

c.Lots shall be based on the topography and any unusual natural features identified by the site analysis. To aid in the blending of man-made features with the desert environment, lot sizes and configurations shall vary. Flag lots may be considered appropriate provided they meet fire, engineering and building safety requirements. (Transition Zone)

d.Building, structure, and wall colors should be of a dark color to blend into the desert environment. The color palette shall not be limited to beige colors. Color choices shall draw on the full range of colors available in the Sonoran Desert environment. Accent colors may be appropriate, but should be used judiciously and with restraint. (Scenic Preservation Zone, Transition Zone)

e.Continuous solid perimeter walls or fences around a development parcel are discouraged. The use of a combination of view fencing and walls interspersed with areas of no fencing is encouraged. Desert stone veneer, stonework or faux stone shall be the dominant feature in the solid portion of any wall design. View fencing shall be a maximum six (6) feet in height. A solid two (2) foot base is allowed with the upper four (4) feet section open, or containing an iron type fence to allow visibility. (Transition Zone)

f.Reflective materials shall not be allowed. (Scenic Preservation Zone, Transition Zone)

5.Circulation

a.Vehicular access along the Sun Valley Parkway shall be limited to the 219th Avenue intersection and right-in and right-out access points as approved by the City Engineering Department. (Scenic Preservation Zone)

b.Trails traversing the Scenic Preservation Zone shall be designed to limit activity and minimize disturbances to the natural surroundings while within the Scenic Preservation Zone. (Scenic Preservation Zone)

c.Street cross sections shall be designed to complement the desert environment. (Transition Zone)

d.Natural or stabilized decomposed granite surface trails shall be allowed. (Scenic Preservation Zone, Transition Zone)

e.Trails, including equestrian, and wildlife corridors shall be developed when appropriate and shall connect to offsite public trails and wildlife corridors. (Scenic Preservation Zone, Transition Zone)

f.Corridors shall be designed to provide relief from the sun through maximizing topographic and vegetative resources. (Scenic Preservation Zone, Transition Zone)

g.Trail corridors that tie into roadway corridors should provide alternatives to automotive travel and connections to alternative transportation. (Scenic Preservation Zone, Transition Zone)

6.Parking

a.With the exception of emergency operations, parking shall not be allowed in the Scenic Preservation Zone. (Scenic Preservation Zone)

b.Parking areas shall be screened by berms and/or landscaping from the street and neighboring properties. (Transition Zone)

c.Pedestrian walking areas shall be designed to provide shade. Desert landscaping along the walkways is preferred. However, other methods, such as the use of shade structures, may also be considered. (Transition Zone)

d. Nonresidential parking lots shall have a minimum of twenty five (25) percent landscape area within the parking area. This 25 percent landscaped area shall include the Scenic Preservation Zone. (Scenic Preservation Zone, Transition Zone)

7.Lighting

a.Dark skies shall be encouraged in this area. All streetlights and other exterior lights shall be full cutoff shielded. (Scenic Preservation Zone, Transition Zone)

b.When necessary for safety reasons, low level trail lighting shall be allowed. Such lights shall be no higher than three (3) feet. (Scenic Preservation Zone, Transition Zone)

c.All poles, fixtures and related hardware shall be visually non-intrusive and be approved by the Community Development Department. (Scenic Preservation Zone, Transition Zone)

8.Utilities

a.All new utilities, water, sewer and electrical lines less than 69 kV shall be located underground. (Scenic Preservation Zone, Transition Zone)

b.All utility cabinets, bollards, poles, power pedestals, valves, vaults, or other exposed apparatus shall be reasonably located with other similar cabinets and hardware. They shall be located underground to the degree possible. If feasible, the shared area shall be no larger than one hundred square feet. (100 s.f.) Screening shall consist of natural desert vegetation. (Scenic Preservation Zone, Transition Zone)

c.Wireless facilities shall be located within the Scenic Preservation Zone only as they can be integrated into the desert environment. Streetlight poles and traffic signal poles specifically designed for the City of Surprise may include wireless communication antenna. All associated equipment must be located entirely underground, or screened from view from streets, trails, and multi-use paths. (Scenic Preservation Zone)

d.All other elements shall be constructed from materials found in or made from the desert setting or interpret such materials in form texture and color. (Scenic Preservation Zone, Transition Zone)

9.Signs

a.To minimize visual clutter, signs shall be limited, and include those related to transportation or transit related, scenic corridor identification, city entry, and safety related signs. A limited number of business identification signage will be allowed. Signs shall have reverse channel letter halo illumination, low level spot lighting or be non-illuminated. Commercial signage shall be approved on a case-by-case basis at the discretion of the Community Development Director. Internally illuminated signs are prohibited. (Scenic Preservation Zone)

b.To minimize visual clutter, signs shall be limited to those related to transportation or transit, safety related, business identification and subdivision monument signs. (Transition Zone)

c.Low wall or ground mounted signs built from natural or simulated desert material with heavy textures and deep desert colors are preferred. (Scenic Preservation Zone, Transition Zone)

d.Signs should utilize materials that reflect the desert character of the area. The use of native materials, such as rock, stone, stone veneer or faux stone is encouraged. Design features, such as color or materials, should be incorporated into the sign structure to complement the architecture on-site. (Scenic Preservation Zone, Transition Zone)

e.All sign backs visible to the road should be finished with a non-reflective dark color. (Scenic Preservation Zone, Transition Zone)

Design Considerations:

In accordance with the overall design intent of the Sun Valley Scenic Corridor, alternative methods that meet the intent of each requirement may be approved by the Community Development Director.

4.4 Amendment Procedures

Amendments to this PAD may be occasionally necessary. For example, adjustments may be needed for natural constraints, such as draingeway placement, to respond to changing market conditions, financing, or to meet new requirements imposed by future users or builders. Unless otherwise requested, any proposed revision to the PAD will only apply to the affected parcel and will not affect the number or units in other areas of the project. When revisions or adjustments are necessary, those revisions shall, unless otherwise required by law, be processed as Minor or Major Changes to the PAD.

Minor Changes:

Minor Amendments shall require the filing of a Minor Amendment Application in accordance with City Policies. A Minor Change shall not require prior notice or hearing, and after approval the Minor Change shall be attached to the Ana Mandara PAD as an addendum and become a part hereof. The following items shall be considered Minor Changes to the PAD:

- Changes in configuration of individual development parcels to include modifications to boundaries, division of larger parcels, or combination of parcels by a maximum of 20%, provided there is no net loss of open space and no net increase in the total number of units allowable within the PAD
- Changes to the project's infrastructure, such as circulation, drainage, water and sewer systems which do not have the effect of increasing or decreasing development capacity in the PAD, and do not change the overall intent of the PAD
- Changes or modifications in lot sizes and setbacks by up to 10% of the required development standard in order to accommodate for unique circumstances or specific site constraints, so long as the change does not conflict with the City of Surprise Building Code or off-street parking requirements as defined within the PAD
- Any analogous interpretations of the list of permitted, conditional and secondary uses of the property as set forth in the PAD, as determined by the Community Development Director
- Minor modifications or adjustments to roadway alignments and/or parcel configurations so as long as the proposed modification does not change the overall intent of the PAD
- Relocation of a park site, which either enhances the opportunity to create a sense of neighborhood and community or to better centralize the park site based on actual development densities, so long as the land uses and densities of the parcels proposed for the revision do not result in a net increase in the total number of units.
- Other changes not identified above, but deemed appropriate by the Community Development Director, as long as the change does not impact the general health, safety, and welfare of the residents of the City of Surprise and does not impact the overall intent of the approved PAD.

Major Changes:

A Major Change is a change that does not qualify as a Minor Change as defined above and that significantly alters the intent of the approved PAD. Major Changes shall comply with the requirements set forth in Section 17.36.060.G2 of the Surprise Municipal Code.

SECTION 5: APPENDICES

APPENDIX A:
ANA MANDARA PROPERTY ALTA SURVEY

(UNDER SEPERATE COVER)

APPENDIX B:
LUKE AIR FORCE BASE GDC LETTER

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

31 July 2006

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon St.
Luke AFB AZ 85309-1629

Ms. Cindy Coen
City of Surprise Planning Department
12425 West Bell Road
Surprise AZ 85374

Re: Case #PAD06-247 Ana Mandara
Reference Luke AFB letter dated 14 July 2005, PA05-0063 Ana Mandara

Dear Ms. Coen

Thank you for the opportunity to provide additional comments on the Planned Area Development Application for the Ana Mandara Development. This development is located on approximately 209 gross acres at the northeast corner of 219th Avenue and Sun Valley Parkway. The request is to construct 1,254 residential dwelling units (du) and commercial, with a gross density of 6.0 du/acre. It is approximately 2 1/2 miles outside the Luke AFB Auxiliary Field #1 2004 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is outside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/acre from the 65 Ldn to 1/2 mile, a maximum of 4 du/acre from 1/2 to 1 mile, and a maximum of 6 du/acre from 1 to 3 miles. This development falls within these guidelines.

Even though the Ana Mandara Development will be located outside the "territory in the vicinity of a military airport," it will be in close proximity to the Luke AFB Auxiliary Field #1, and will be subjected to approximately 13,000 flight operations per year, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant would be essential to inform potential residents and tenants about Luke AFB operations. We also recommend a review of the Luke AFB web site at http://www.luke.af.mil, Community Interests and Community Initiatives links, for further information.

If you have any questions, please contact my Community Planner, Mr. Bob Dubsky at (623) 856-6195.

Sincerely

JAMES R. MITCHELL

cc:
Colonel Randell S. Meyer, Vice Commander, 56th Fighter Wing
Mr. Jeff Blilie, Attorney, Bues Gilbert PLLC

APPENDIX C:
TRAFFIC STUDY
DATED SEPTEMBER 7, 2006

(UNDER SEPERATE COVER)

APPENDIX D:
PRELIMINARY DRAINAGE STUDY FOR ANA MANDARA

(UNDER SEPERATE COVER)

APPENDIX E:
FIRE STATION LEGAL DESCRIPTION

ANA MANDARA

LEGAL DESCRIPTION

FIRE STATION PARCEL
219TH AVENUE AND BEARDSLEY ROAD

LOCATED IN A PORTION OF SECTION 25, TOWNSHIP 4, NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, SURPRISE, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER CORNER OF SAID SECTION 25, MARKED BY AN EXISTING ALUMINUM CAP STAMPED "RLS 27239", FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 25 BEARS NORTH 89 DEGREES 54 MINUTES 00 SECONDS EAST, 2630.62 FEET AND IS MARKED BY AN EXISTING ALUMINUM CAP STAMPED "LS 27239", SAID NORTHWEST CORNER ALSO MARKING THE INTERSECTION OF 219TH AVENUE AND BEARDSLEY ROAD ALIGNMENTS;
THENCE ALONG THE NORTH LINE OF SAID SECTION 25 NORTH 89 DEGREES 54 MINUTES 00 SECONDS EAST, 919.44 FEET, SAID NORTH LINE ALSO BEING THE CENTERLINE OF THE BEARDSLEY ROAD ALIGNMENT;
THENCE LEAVING SAID NORTH LINE, NORTH 0 DEGREES 06 MINUTES 00 SECONDS WEST, 55.00 FEET TO A POINT ON THE FUTURE RIGHT-OF-WAY OF BEARDSLEY ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE LEAVING SAID FUTURE RIGHT-OF-WAY NORTH 0 DEGREES 02 MINUTES 29 SECONDS EAST, 330.00 FEET;
THENCE NORTH 89 DEGREES 54 MINUTES 00 SECONDS EAST, 396.00 FEET;
THENCE SOUTH 0 DEGREES 02 MINUTES 29 SECONDS WEST, 330.00 FEET TO A POINT ON SAID FUTURE RIGHT-OF-WAY;
THENCE ALONG SAID FUTURE RIGHT-OF-WAY SOUTH 89 DEGREES 54 MINUTES 00 SECONDS WEST, 396.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.000 ACRES, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS OF RECORD.

APPENDIX F:
SCHOOL AGREEMENT

DONATION AGREEMENT

ANA MANDARA

THIS DONATION AGREEMENT ("**Agreement**") is made by and between **WICKENBURG UNIFIED SCHOOL DISTRICT NO. 9 OF MARICOPA COUNTY, ARIZONA**, a political subdivision of the State of Arizona (the "**District**") and Surprise-Sun Valley & 219th/Assemblage, LLC and Surprise/219th Ave & Beardsley LLC, its successors-in-ownership and assigns, are referred to herein collectively as "**Owners**". The District and Owners are referred to herein individually as a "**party**" and collectively as the "**parties.**" For purposes of reference, the date of this Agreement shall be July 1, 2006.

RECITALS:

A. Owners own or have rights to develop certain real property in Surprise, Arizona (the "**City**"), commonly known as **Ana Mandara**, as more particularly described in the legal description attached hereto as **Exhibit "A"** (the "**Property**"). Owners intend to develop the Property or cause the Property to be developed in accordance with the City of Surprise zoning ordinance and General Plan.

B. Development of the Property will increase the population of students attending public schools within the District, which in turn will increase the need for public school facilities within the District. Owners are willing to make, and the District is willing to accept, cash donations to defray the expense to the District associated with an increase in the population of students.

AGREEMENT:

In consideration of the covenants contained herein, the District and Owners, intending to be legally bound, state, confirm and agree as follows:

1. Incorporation of Recitals. The Recitals stated above are true and correct and are incorporated herein by this reference.

2. Cash Donation by Developers to the District.

(a) Subject to the terms and conditions of this Agreement, Owners, for themselves and their successors-in-ownership and assigns, including, without limitation, any affiliate of Owners and any homebuilder (each referred to herein as a "**Developer**") initially constructing or placing a Dwelling Unit on any portion of the Property that is owned and developed by Owners or by an applicable homebuilder (each referred to herein as a "**Developer's Parcel**"), shall pay the following amounts for each Dwelling Unit constructed or placed on the Developer's Parcel:

Type of Dwelling Unit	Donation (per Dwelling Unit)
Single Family Residential Dwelling Unit ("**SFR Unit**")	$1,000
Multi-Family Residential Dwelling Unit ("**MFR Dwelling Unit**")	$ 750

Owners shall contribute all donations applicable to each such Developer's Parcel as required under this paragraph no later than the date of transfer of ownership by Owners or their successors or ninety (90) days after the building permit for construction of the particular Dwelling Unit is issued by the City, whichever is earlier. No donation shall be payable in connection with any reconstruction or subsequent construction of a Dwelling Unit on a particular portion of the Property after the donation for such portion of the Property has been initially paid. Any agreement for the sale of any portion of the Property to a Developer shall contain a provision whereby the Developer agrees to be bound by the terms and conditions of this Agreement as it relates to that portion of the Property purchased by such Developer.

3. Default and Remedies.

(a) Owners acknowledge that the District intends to rely on this Agreement in formulating its plans for growth and in other regards, and that such reliance is reasonable. Owners and the District acknowledge the sufficiency of the consideration in this Agreement and both irrevocably waive lack of consideration as a defense to the enforcement of this Agreement.

(b) If the District fails to perform when due any act required by this Agreement to be performed before the Closing, written notice shall be provided to the District of a perceived failure and a reasonable time period to cure the breach, not to exceed forty five (45) days, before any action may be taken, then Owners may either:

(i) waive such default and consummate the transaction contemplated hereby in accordance with the terms hereof; or

(ii) terminate this Agreement without further liability hereunder, such termination to be effective immediately on Owners' giving written notice of cancellation to the District.

(c) If Owners breach any of the terms or provisions of this Agreement or otherwise defaults hereunder at or before the Closing, written notice shall be provided Owners of a perceived failure and a reasonable time period to cure the breach, not to exceed forty five (45) days, before any action may be taken, then District may either:

(i) waive such default and consummate the transaction contemplated hereby in accordance with the terms hereof; or

(ii) institute all proceedings necessary to specifically enforce the terms of this Agreement; or

(iii) terminate this Agreement, without further liability hereunder, such termination to be effective immediately on District's giving written notice of cancellation to Owners.

4. The remedies contained in **Paragraph 3(b)** and **Paragraph 3(c)** above shall apply only to any defaults under this Agreement arising before the date of Closing. The remedies of the parties hereto for the breach of any agreements which this Agreement specifically provides are to survive the Closing shall be limited to the right to recover from the breaching party the actual damages reasonably incurred by the non-breaching party resulting from the breach, and/or such equitable relief as may be appropriate under the circumstances, including enforcing specific performance of this Agreement or, if the Reversion shall come to pass, enforcing any reversionary rights Owners may have in the School Site.

5. Mediation. Neither party may file a lawsuit, claim, or other cause of action in any court or before any hearing officer or tribunal prior to participating in good faith in mediation with a trained mediator to resolve the dispute.

6. Notices. Any and all notices, consents or other communications required or permitted by this Agreement shall be given in writing and telecopied, personally delivered, sent by registered or certified mail, return receipt requested, postage prepaid, or sent by Federal Express, Airborne, U.P.S. or other similar nationally recognized overnight courier, addressed as follows:

To Owner's Agent:

TWJ Associates, Ltd.
Attention: Michael VanBuskirk
3260 North Hayden Road, Suite 106
Scottsdale, AZ 85251
Phone No.: (480) 607-0507
Fax No.: (480) 607-0508

To the District:

WICKENBURG UNIFIED SCHOOL DISTRICT NO. 9 OF MARICOPA COUNTY, ARIZONA
Attention: Archy D. Hamm, Superintendent
40 West Yavapai Street
Wickenburg, AZ 85390
Fax No.: (928) 668-5390

at any other address or telecopier number designated by any party hereto in writing. Any notice or communication shall be deemed to have been delivered and received (i) as of the date of receipt, if sent by telecopier (with written confirmation of error-free transmission) on or before 5:00 p.m., Phoenix time; (ii) as of the next day of receipt, if sent by telecopier (with written

(f) No Partnership and Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other similar arrangement between Owners and the District. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or corporation shall have any right or cause of action hereunder.

(g) Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the parties, oral or written, are hereby superseded and merged herein.

(h) Amendment. No change or additions may be made to this Agreement except by a written amendment executed by the parties hereto.

(i) Governing Law. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Arizona.

(j) Conflicts of Interest. The parties acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. § 38-511 or any successor statute, in which event title to the School Site shall revert to Owner and the District shall convey title to Owners or its successors-in-ownership or assigns free and clear of any lien or encumbrance. The parties acknowledge, however, that to their knowledge, no such reason for cancellation currently exists.

(k) Severability. In the event that (a) the Attorney General of Arizona issues or affirms an opinion which finds any part of this Agreement to be illegal, invalid or unenforceable, or (b) any part of this Agreement is held to be illegal, invalid or unenforceable by a court of competent jurisdiction, the validity and enforceability of the remainder of the Agreement shall not be affected.

(l) Survival. The representations, warranties and covenants contained in this Agreement, including without limitation the obligations of the District and its employees and officials under **Paragraph 7(b),** shall be effective on the date of this Agreement and on the Closing Date and shall not merge in the Deed or any other document and shall survive the Closing.

IN WITNESS WHEREOF, the parties have executed this Donation Agreement the day and year first written above.

DISTRICT:

WICKENBURG UNIFIED SCHOOL DISTRICT NO. 9 OF MARICOPA COUNTY, ARIZONA, a political subdivision of the State of Arizona

By _____

Its SUPERINTENDENT

Date June 21, 2006

OWNER'S AGENT:

By _____

Its Project Manager, TWS Associates

Date 6/19/06

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

PARCEL NO. 1:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN MARICOPA COUNTY, ARIZONA;

PARCEL NO. 2:

THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; AND

EXCEPT ALL THE COAL AND OTHER MINERALS IN THE LAND AS RESERVED IN PATENT TO THE UNITED STATES OF AMERICA.

PARCEL NO. 3:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL THE COAL AND OTHER MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA, AS SET FORTH IN PATENT ISSUED ON SAID LAND.

PARCEL NO. 4:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA IN THE PATENT OF SAID LAND, RECORDED IN BOOK 321, PAGE 304 OF DEEDS.

PARCEL NO. 5:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA.

PARCEL NO. 6:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL THE COAL AND OTHER MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA, AS SET FORTH IN PATENT ISSUED ON SAID LAND.

PARCEL NO. 7:

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL THE COAL AND OTHER MINERALS AS RESERVED UNTO THE UNITED STATES OF AMERICA, AS SET FORTH IN PATENT ISSUED ON SAID LAND.

APPENDIX G:
CITY COUNCIL APPROVAL LETTER & STIPULATIONS

SURPRISE
ARIZONA

March 9, 2007

Michael VanBuskirk
TWJ Associates
3260 N. Hayden Road Suite 106
Scottsdale, Arizona 85251

Fax: 480.607.0508

RE: City Council Approval for PAD06-247
Ana Mandara

Dear Applicant:

The above-referenced application was approved on March 8, 2007, by the City of Surprise City Council. Attached is a copy of any approved stipulations.

In order to finalize the approval, the applicant must submit the following items **within fifteen (15) days** of this notice:

1. One (1) copy of the updated PAD, including all adopted stipulations and any modifications approved by the City Council.

The applicant must now remove from the property all signage advertising the public hearings. These signs **must be removed** within one week after the final disposition of the case.

If you require further information or assistance, please do not hesitate to contact the Planning office at 623-875-4337.

Sincerely,

SURPRISE COMMUNITY DEVELOPMENT

STANDARD STIPULATIONS:

a) Major changes to this P.A.D. with regard to use and intensity, must be processed as a revised application with approval by the City Council upon recommendation of the Planning and Zoning Commission. Minor changes to this P.A.D. may be administratively approved by the City Manager and the Community Development Director;

b) The applicant shall submit a written response to Stipulations. The Response to Stipulations shall consist of a written response to the approved stipulations and five (5) copies of the P.A.D. document revised as necessary to comply with these approved stipulations. Said submission must be under one (1) transmittal package and shall be submitted within fifteen (15) day of City Council approval.

c) All infrastructure shall be constructed pursuant to the provisions in the Surprise Municipal Code or an approved development agreement, whichever applies.

d) The applicant shall include these stipulations (STANDARD) and all necessary revisions to text and exhibits in the final P.A.D. document;

e) All items to which the P.A.D. document commits within the Design Guidelines compliance section of the zoning document are hereby stipulated.

f) By its submittal of the P.A.D., the applicant - as landowner - agrees and approves in writing to the open space designated in the approved P.A.D. plan.

g) The lighting standard for the project shall be subject to further review and approval by the Community Development Director, and the applicant shall comply with any adopted lighting standards that exist prior to the first Final Plat approval;

h) At the time of platting access will need to be at ¼ mile intervals. Also each parcel will be required to have a minimum of two remote access points;

i) Pending verification of a City approved Integrated Water Master Plan (IWMP) and a guarantee of a 100-year assured water supply;

j) All off-site sewer infrastructures must comply with the most current City of Surprise Integrated Water/Sewer Master Plan;

k) All public notice signs shall be removed from the site immediately following final **decision** by the Planning and Zoning Commission or City Council as applicable. A signed Affidavit of Sign Removal shall be included within the Stipulation Response Package.

l) Prior to the approval of any Final Plat, the developer shall enter into an agreement with the Wickenburg Unified School District that addresses the impact of the development on the school district.

m) Prior to the issuance of the Grading Permit, a copy of Maricopa County Flood Control District letter of CLOMAR approved and acceptance is required, if applicable.

n) The applicant is responsible for any revision and modification to the preliminary plat as a result of CLOMAR action by MCFCD.

o) The design product needs to comply with the current codes adopted by the City of Surprise at time of Building permit submittal.

p) If the U.S. Postal Service requires "gang"-type postal boxes, applicant shall install adequate lighting over said postal receptacles.

q) That prior to the vesting of rezoning approved through this request, the property owner shall record with the Maricopa County Recorder documents that disclose to purchasers of the property the existence, operational characteristics and anticipated length of active operation of the Northwest Regional Landfill.