



# **SURPRISE**

ARIZONA

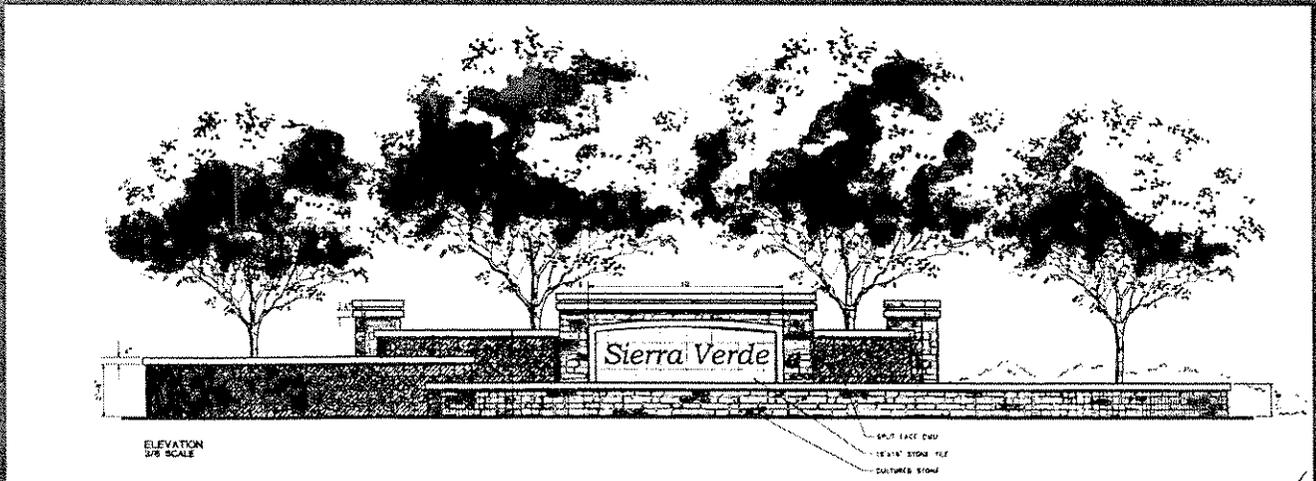
## **Sierra Verde**

<b>Amendment</b>	<b>Case Number</b>	<b>Approval Date</b>	<b>Approval Doc.</b>	<b>Page</b>
<b>Original PAD</b>	PAD02-036	8/22/02	ORD02-31	2
<b>Development Standard Revision Parcel 4</b>	PADA04-028	2/9/04		84
<b>Land Use Revision Parcel 7 &amp; 8</b>	PADA06-176	10/19/06	ORD06-50	86
<b>Landscape Revision</b>	PADA06-460	11/22/06		122
<b>Land Use Revision Parcel 8</b>	PADA08-044	7/10/08	RES08-30	126

# SIERRA VERDE REZONING – PLANNED AREA DEVELOPMENT (PAD)

City of Surprise  
SWC Litchfield Road & Greenway Road

CITY OF SURPRISE  
PLANNING AND ZONING DEPARTMENT  
**APPROVED**  
THIS APPROVAL IS NOT TO BE CONSTRUED  
AS AN APPROVAL OF ANY VIOLATION OF THE  
SURPRISE MUNICIPAL CODE, UNIFORM BUILDING  
PLUMBING, MECHANICAL AND THE NATIONAL  
ELECTRICAL CODES  
Case No: PA02-036  
P&Z Comm. Approval: 1-2-02  
City Council Approval: 6-12-02  
B.O.A. Approval: N/A  
Stipulations: A-22



August 22, 2002  
Surprise City Council

**Rezoning – Planned Area Development      Page**

***Addendums***

Commission Stipulations .....41  
 PAD Ordinance .....Exhibit P

***Introduction***

Project Team .....1  
 Purpose.....2  
 Project Description/Location .....3

***Site Analysis – Current Conditions***

Annexation, Land Use and Zoning .....4  
 Surrounding Development .....5  
 Infrastructure .....5  
 Community Facilities .....6

***Planned Area Development***

Vision .....8  
 Theme .....8  
 Project Phasing .....9

***Conceptual Development Plan***

Land Use .....10  
 Zoning.....13  
 Circulation .....15  
 Infrastructure .....16  
 Project Open Space/Landscaping/Walls .....17  
 Amenities .....18  
 SFR Development Standards.....19

**SIERRA VERDE – PLANNED AREA DEVELOPMENT  
Table of Contents**

Table of Contents

***Conceptual Design***

Overall Design ..... 20  
 Base Permitted Lot Size Mix ..... 21  
 Base Permitted Density ..... 26  
 Parcel 4 Medium Density Concept ..... 26  
 Parcel 4 Development Standards..... 27  
 Additional General Design Standards ..... 28

***Appendix ..... 50***

Vicinity Map ..... A  
 Aerial Photograph ..... B  
 Annexation Boundary Survey Map ..... C  
 Legal Description/Exhibit ..... D  
 Surrounding Land Use Map ..... E  
 Community Facilities Map ..... F  
 General Plan Land Use ..... G  
 Conceptual Development Plan..... H  
 Preliminary Landscape Plan ..... I  
 Open Space and Trail Plan..... J  
 Conceptual Wall Elevations and Entry Treatments ..... K  
 Proposed Amenities Plan ..... L  
 Project Phasing Map..... M  
 Circulation Map ..... N  
 Roadway Cross-sections ..... O  
 PAD Ordinance ..... P

**Introduction*****Project Team***

<b>Location:</b> SWC of Litchfield Road and Greenway Road	<b>Acres:</b> 277.16
<b>Submitted to:</b> City of Surprise Planning Division 12425 W. Bell Road # D-100 Surprise, AZ 85374 Contact: Scott Phillips – Planning Manager 623-583-1088	<b>Prepared for:</b> Levine Investments Limited Partnership, an Arizona Limited Partnership
<b>Owner:</b> Levine Investments Limited Partnership, an Arizona Limited Partnership 1702 E. Highland Ave., Ste. 310 Phoenix, AZ 85016 602-248-8181	<b>Developer:</b> Fortis Real Estate 6710 N. Scottsdale #100 Scottsdale, AZ 85253 480-344-7015 Contact: Kent Cooper
<b>Project Land Planner:</b> pd/saurey Associates 3850 East Baseline Suite 117 Mesa, AZ 85206 480-633-9569 Contact: John Code	<b>Project Engineer:</b> David Evans Associates 7878 N. 16 <sup>th</sup> Street Suite 250 Phoenix, AZ 85020 602-678-5151 Contact: Joe Cable
<b>Prepared by:</b> Beus, Gilbert PLLC 3200 N. Central Suite 1000 Phoenix, AZ 85012 602-240-2938 Contact: Felipe Zubia	<b>Submitted:</b> February 14, 2002 April 12, 2002 May 16, 2002 June 5, 2002 June 11, 2002 July 23, 2002 October 04, 2002

**SIERRA VERDE – PLANNED AREA DEVELOPMENT****Introduction**

SIERRA VERDE – PLANNED AREA DEVELOPMENT

Introduction

**Purpose**

The purpose of this document is to request rezoning of approximately 277.16 acres of land situated at the southwest corner of Litchfield Road and Greenway Road. See Vicinity Map and Aerial Photograph, Exhibits A and B respectively. This property, referred herein as "Sierra Verde" is more particularly described in Exhibit D. The property is owned by Levine Investments Limited Partnership, an Arizona limited partnership. A copy of the project development team is provided at the front of this document.

Sierra Verde is proposed as a Planned Area Development (PAD). The Sierra Verde PAD is proposed to help implement the Goals and Objectives of the City of Surprise General Plan and provide a comprehensive set of guidelines for the future development of this property. In the event of a conflict or inconsistency between the provisions of the PAD and otherwise applicable ordinances such as, but not limited to, the Single Family Residential Guidelines or the City's Zoning Ordinance, the provisions of the PAD shall prevail.

The PAD provides a comprehensive development plan that includes allowed land uses, zoning and development standards. Also included are conceptual circulation patterns and open space and design themes.

**The Intent of Sierra Verde is to:**

- *Promote quality development through the implementation of the City's General Plan.*
- *Provide a population base to contribute to a thriving city center.*
- *Contribute to an economically sustainable city core through the development of diverse yet compatible land uses.*
- *Enhance the livability of Surprise by allowing for active and passive recreation opportunities.*
- *Encourage creative and responsible architectural design.*
- *Establish a fiscally responsible development.*

## Introduction

Through the implementation of the PAD and as an alternative to conventional zoning and development approaches and processes, the PAD will strive to:

*"encourage innovations in residential [and] commercial development so that greater opportunities for better housing, recreation, shopping and employment, conveniently located, may extend to all citizens and residents of Surprise; to reflect changes in the technology of land development; to encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property, and to provide a compatible and stable environment, in harmony with that of the surrounding area."*

The PAD will allow the development of a master planned community consistent with Surprise's commitment to create high-quality neighborhoods. The Property will have a strong commercial base to support the non-residential needs of the City's core but will also provide a broad range of densities to allow for the proper transition of residential and non-residential land uses. This approach will contribute to the sustainability and continued success of the City's core.

### **Project Description Location**

As referenced earlier, the property is situated at the southwest corner of Greenway Road and Litchfield Road.

The Property is approximately 3.5 miles east of the Estrella Parkway/Loop 303; 5 miles west of Agua Fria Freeway/Loop 101; and 1.5 miles southwest of Grand Avenue.

## Site Analysis – Current Conditions

### Annexation, Land Use and Zoning

The Property is located within the unincorporated area of Maricopa County, but is within the municipal planning area of the City of Surprise. The Maricopa County zoning designation for the Property is Rural-43. This request is being processed concurrently with a request for annexation. The annexation request will be processed in accordance with the Arizona Revised Statutes.

The City of Surprise land use designation for this property is Low Density Residential with an allowed density of 3 to 5 dwelling units per acre. Approximately 40 acres at the southeast corner of this property is designated Employment and is within the 1988 MAG Noise Contours. This portion of the Property will be rezoned Commercial and Open Space. This zoning is in conformance with Arizona State Statutes.

The intent of the PAD is to provide a master planned community and opportunities for executive lots, diversifying the housing mix and greatly enhancing the livability of Sierra Verde.

The proposed PAD will provide a range of residential densities and various commercial opportunities. Sierra Verde will not exceed the allowed 5 dwelling units per acre. Therefore, the proposed PAD is in conformance with the City of Surprise General Plan 2020. As a result, no amendment to the General Plan is required. The General Plan land use designation on the property is shown in Exhibit G and a map of the Conceptual Development Plan is shown in Exhibit H.

The General Plan has incorporated five Special Planning Areas (SPAs) to more effectively plan for the specific needs of each area of the City. Sierra Verde is located within SPA 1. SPA 1 is the City's historic center and includes the Original Townsite and contains the bulk of all current and past developments. SPA 1 is planned as the most diverse of all the Special Planning Areas incorporating a range of residential densities and supportive non-residential uses. SPA 1 will also include the City's Surprise Center.

## Site Analysis – Current Conditions

### **Surrounding Development**

Special Planning Area 1 contains a number of approved and developed Planned Area Developments with a diverse mix of land uses and residential densities. This diverse range of land uses and residential densities is reflected in the Vicinity Map incorporated in this document as Exhibit A.

Referring to Exhibit A, the diverse range of residential densities can be seen in the development of Sun Village with a density of 4.94 du/ac and Royal Ranch with a density of 3.42 du/ac.

Directly north of Sierra Verde is the City's future "Surprise Center". Surprise Center will house the City's future City Hall complex as well as additional county regional facilities and will also be the future spring training home of the Texas Rangers and Kansas City Royals. Construction on this project has already begun.

### **Infrastructure**

**Roadways:** Maricopa County Roadway easements currently exist on Sierra Verde along the Waddell Road and Litchfield Road alignments. Waddell Road and Litchfield Road are paved county rural arterial roadways. Greenway Road currently exists as a gravel road. Waddell Road, Litchfield Road and Greenway Road are all designated as arterial roadways in the City of Surprise.

**Drainage:** Sierra Verde is located on farmland surrounded by irrigation ditches. According to the White Tanks Area Drainage Master Study (ADMS), the Property is subject to offsite runoff originating from north and west of the site. The ADMS was prepared prior to development that is occurring to the north and west of the Sierra Verde. A revised analysis will be performed to address the post-development conditions.

The Property is within a FEMA Flood Hazard Zone "X" shaded, and is defined as follows:

Zone X – "Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than one (1) square mile; and areas protected by levees from 100-year flood".

## Site Analysis – Current Conditions

Water: The Property currently has several irrigation wells that are used in the agricultural operations that are ongoing on the Property. These wells are not intended for domestic water supply. The Property also has grandfathered irrigation water rights.

There is an existing 16" water main along the north boundary of the Property in Greenway Road.

The required infrastructure improvements and water rights transactions are addressed in the Development Agreement.

Wastewater: Currently, there are no existing sewer lines adjacent to the Property. The City's existing wastewater treatment plant is approximately 1.75 miles south of the Property along 136th Avenue. The existing plant is currently being expanded and is planned to have enough capacity to treat the wastewater generated by the Property.

The required infrastructure improvements are addressed in the Development Agreement.

### **Community Facilities**

First and foremost of the community facilities is that of schools. The Sierra Verde Project Team is working in conjunction with the Dysart Unified School District in planning for the anticipated students generated by this development. The project team has had its first meeting with Dysart district officials to discuss the best way possible to support the Dysart Unified School District. It is the intent of Dysart School District and Sierra Verde to finalize these discussions prior to the development of Sierra Verde.

Arizona Public Service provides electric service and Qwest provides telephone service. The Rural Metro Fire Department currently provides fire protection and ambulance service is from Valley View Hospital. Police protection is currently provided by the Maricopa County Sheriffs Department. The primary medical facilities serving this general area are the Walter O. Boswell Memorial Hospital in Sun City, Del E. Webb

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
**Planned Area Development**

Site Analysis – Current Conditions

Hospital in Sun City West, Valley View Hospital and to the south, Luke Air Force Base Hospital.

The closest commercial retail facilities to the Property's neighborhood are located primarily along Grand Avenue and Bell Road.

In addition, the City of Surprise offers a wide array of various community facilities and amenities in the nearby vicinity. These facilities include City Hall located approximately 1.5 miles to the northeast on Bell Road and El Mirage; West Point Elementary School located at the northeast corner of Greenway Road and Litchfield Road; and Dysart High School located approximately two miles to the southeast on Dysart Road, south of Cactus Road. Sierra Verde is also located directly south of the City's future "Surprise Center". A Community Facilities Map is attached as Exhibit F.

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
**Planned Area Development**

Planned Area Development

**Planned Area Development**

**Vision**

Located in the heart of the City, Sierra Verde provides a unique development plan that will nurture the needs of an emerging city core. This will be accomplished by providing a comprehensive community with a range of densities and ample local and regional shopping opportunities. Further, Sierra Verde strives to incorporate a rural theme in an urban setting throughout its community design and landscape framework, and essentially strives to exemplify the qualities that make Surprise special.

Sierra Verde is envisioned as a thriving, sustainable community that will contribute to the foundation of Surprise Center. This vision will be implemented by developing a community that builds on the City's diverse heritage as well as its diverse natural and built environments.

Sierra Verde will be an active community incorporating a network of active and passive recreational opportunities throughout each phase.

**Theme**

Sierra Verde's proposed theme will further the vision of a vibrant and active community.

Sierra Verde is ideally situated just south of Surprise Center and the future spring training home of Major League Baseball's Kansas City Royals and Texas Rangers. Sierra Verde is proposed to build on this ideal location by providing the right development mix to support and complement this future city core.

Sierra Verde and other developments planned for this future city core, provide an opportunity for the City to build, from the ground up, a fully-functioning, symbiotic city center that provides abundant shopping and recreational opportunities to attract non-local traffic, and also provides a strong population base that ensures year round, long-term activity.

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
**Planned Area Development**

Planned Area Development

***Project Phasing***

The spring training facilities are already under construction and Surprise Center is not far behind. With this amount of activity, the project schedule is phased to first develop the Low Density portion of Sierra Verde. This will be followed, as demand exists, by the Medium and High Density parcels. This will help to develop a population base for future non-residential activities.

Once the population base is established, the commercial parcels will develop followed by the high-end, custom Suburban Residential lots. The project Phasing Map is included as Exhibit M

---

## Conceptual Development Plan

### Conceptual Development Plan

#### Land Use

Sierra Verde will be developed as a series of individual parcels with varying uses centered on open space areas. The open space areas will provide integrated pedestrian trail linkages. The open space areas will also be used for drainage and retention purposes.

The most intensive uses will be located adjacent to Greenway Road, directly south of Surprise Center, a mixed-use high intensity, non-residential development.

The development will progressively transition south to less intense residential development with minimum 43,500 square foot single-family residential lots. We believe this portion of the project is the most significant portion of the entire 320 acre Sierra Verde development and will provide the basis for signature theme for this development.

The Open Space has been designed to exemplify the City's motto, "All Trails Lead to Surprise Center". This is accomplished by providing a continuous, expansive area for active and passive recreation. This design has been instrumental in identifying a theme for this project and presents Surprise with a unique development opportunity. See Exhibits I and J.

As a Planned Area Development, Sierra Verde strives to exemplify the overall intent of the General Plan. This is accomplished by providing a full-range of housing and non-residential development. All land uses will be developed with adequate transitions from one use to the next to create a well-planned community.

The PAD will include a mix of single-family lot sizes lots, as well as a mix of duplexes, townhouses and low-rise apartments. The proposed single-family residential density will not exceed 3.6 dwelling units per acre. The overall project density will not exceed 4.7 dwelling units per acre. Therefore, the residential density as proposed for Sierra Verde is in full conformance with the General Plan and no amendments will be necessary.

## Conceptual Development Plan

Over the long-term, establishing the appropriate density for the city center is perhaps the most essential and critical element in creating a diverse city center that is sustainable and self-sufficient. Sierra Verde will provide the appropriate density with a range of housing that will ensure a constant and reliable base population.

The appropriate density is particularly necessary in this case when considering the latest U.S. Census indicates that the average household density in Surprise is rapidly decreasing. Census figures indicate that from 1999 to 2000, the average person per household (pph) in Surprise has decreased from 2.76 pph to 2.46 pph. This change represents a decrease in the estimated population by 435 people for this project alone.

Providing an established population base is also essential in ensuring a vigorous and stable economic base by supplying year-round residents to patronize the array of planned commercial businesses and will also provide a source of employees to staff the commercial and office uses. The diverse range of commercial, office and other non-residential uses already planned in the immediate area further underscores the importance of this point.

The appropriate density to support an economic base is a fact not lost on many cities throughout the valley attempting to stabilize their cores through new development or redevelopment and revitalization. Three of these areas are Downtown Phoenix, Downtown Tempe and Kierlands in Scottsdale. In every case, the planning efforts in these areas have recognized the need for an appropriate density to supply a reliable year-round population base to ensure their cores' sustainability.

The Surprise 2020 General Plan has had the foresight to recognize this critical equilibrium of residential density and non-residential uses through a number of statements throughout the General Plan. A few of these statements in the Land Use Element are reflected below:

ELEMENT	SECTION	SUB-SECTION	EXCERPT	PAGE
Land Use	4.1.3	Balance of Land Uses	<i>"...identify an appropriate balance of various land uses to ensure infrastructure is maximized..."</i>	25

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
**Appendix**

**Conceptual Development Plan**

<b>ELEMENT</b>	<b>SECTION</b>	<b>SUB-SECTION</b>	<b>EXCERPT</b>	<b>PAGE</b>
		Revenue Enhancement	"...diversify its economic base..."	25
		Market Trends vs. Long Term Needs	"...ensure sustainability...[by providing]...a full range of land uses..."	25
		Large Retirement Population	"...ensure a mix of neighborhoods..."	26
	4.1.3	Development Master Planning	"...encourage development diversity...a range of housing choices..."	26
		Range of Residential Density	"The range in housing opportunities is critical to support the economic development effort..."	26
	4.1.4	Land Use Goals, Objectives and Policies	"Promote a compatible mix of land uses throughout the planning area."	27
		Land Use Goals, Objectives and Policies	"Practice comprehensive development master planning that evaluates areas and incorporates a mix of compatible land uses."	28
			"Support the construction of viable commercial centers..."	29
			"Locate higher density/intense residential land uses and transportation-dependent uses near major roadway corridors to promote an efficient transportation system"	27
Land Use	4.1.5	Land Use Plan – Low Density Residential	"In general these areas are quiet residential single-family neighborhoods, but in some areas a mix of single-family, duplexes, townhouses, and low-rise apartments would also be suitable, provided that the average density of such area does not exceed five dwelling units per acre."	31-32

The proposed single-family residential density will not exceed 3.6 dwelling units per acre. The overall project density will not exceed 4.7 dwelling units per acre. The residential density as proposed for Sierra Verde is in full conformance with the General Plan. See Exhibit G.

Conceptual Development Plan

**Zoning**

Sierra Verde is proposed as a Planned Area Development (PAD) for the purposes of providing a mixed-use Master Planned Community that will allow for the integration of various residential and non-residential land uses and a diverse range of housing opportunities. Sierra Verde will be developed as a series of individual parcels. The table below lists the proposed uses for each parcel.

Parcel Number	Proposed Land Use	Allowed Uses (see below)	Lot Type	Lot Dimensions	% of SFR Type	Min. Area	Dwelling Units per Acre (DUA)
1	*Low Density Residential	Single Family	B	53'x112'	21%	5,936	3.85
2	*Low Density Residential	Single Family	C	58'x115'	27%	6,670	3.51
3	*Low Density Residential	Single Family	E	68'x115'	27%	7,820	3.1
4	+Medium Density Residential	Single Family	N/A	45' x 80'	N/A	3,600	6.0
9	*Low Density Residential	Single Family	A	48'x110'	25%	5,280	4.04
5	+Medium-High Density Residential	Town-house	N/A	N/A	N/A	N/A	12.0
6	+High Density Residential	Multi-Family	N/A	N/A	N/A	N/A	18.0
7	#Mixed Use	Comm., Ofc., Resid.	N/A	N/A	N/A	N/A	18.0
8	#Mixed Use	Comm., Ofc., Resid.	N/A	N/A	N/A	N/A	18.0
10	^Commercial	Commercial	N/A	N/A	N/A	N/A	N/A

\* Low Density Residential: The Low Density Residential land use shall be designed and developed under Municipal Code Section 17.24.020 "Residential Zone Uses R1-5", respectively. These provisions shall control, unless specifically amended by this document. Preliminary and Final Plat is required. The Development Standards shall be as outlined in the Single-Family Residential Development Standards found in this document.

## Conceptual Development Plan

+ Medium, Medium-High and High Density Residential: The Medium, Medium-High and High Density Residential land use shall be designed and developed under Municipal Code Section 17.24.020 "Residential Zone Uses R-2 and R-3". These provisions shall control, unless specifically amended by this document. Site Plan is required. The Development Standards for Medium Density shall be as outlined in the Single-Family Residential Development Standards found in this document. The Development Standards for Medium-High and High Density shall be as outlined in the City of Surprise Municipal Code Title 17.

# Mixed Use District: : The Mixed Use land use shall be designed and developed under Municipal Code Section 17.24.020 "Residential Zone Uses R-2 and R-3" provisions and Section 17.24.030 "Commercial and Industrial Zone Uses C-1, C-2, and BP". These provisions shall control, unless specifically amended by this document. Site Plan and Preliminary and Final Plat is required.

The Mixed Use District is provided to complement the Surprise Center. The intent of the Mixed Use District is to allow for opportunities to develop areas where residents may live, work and shop within a short proximity. Allowed uses will include Employment, Office, Commercial and Multi-Family, however, not more than 50% of any mixed-use parcel's gross acreage shall be developed as Multi-Family.

A Master/Overall Site Plan for the entire Parcel is required prior to any individual site plans of a pad or individual tenant.

^ Commercial District: The Commercial land uses shall be designed and developed under Municipal Code Section 17.24.030 "Commercial and Industrial Zone Uses C-1, C-2, and BP". These provisions shall control, unless specifically amended by this document.

A Master/Overall Site Plan for the entire Parcel is required prior to any individual site plans of a pad or individual tenant.

---

## Conceptual Development Plan

### **Circulation**

Greenway Road and Litchfield Road are both Minor Arterials and Waddell Road is a Major Arterial. The adjacent half-street arterial roadways will be dedicated and constructed according to City of Surprise adopted road cross-sections.

Two internal collector roadways will be provided for internal circulation. One collector is proposed as an east/west connector to Royal Ranch to the east. The second internal roadway is proposed as a north/south collector to provide sufficient internal circulation. To encourage traffic calming, a traffic circle will be constructed at the intersection of Acoma and the north/south Collector.

All collector entries into the project will include an entry treatment that gives a sense of arrival. The entry treatments will include a landscape median, landscape planters, decorative paving materials and entry monuments with cultured stone accents. Both collector roadways will be dedicated and constructed according to City of Surprise adopted road cross-sections.

To promote the walk ability of the community, within the local neighborhood streets, a curb-separated sidewalks will be provided on local streets with a 5 foot landscape strip will be provided at the back of curb on these streets.

All traffic calming devices and roadways will be subject to the review and approval of the City Engineer and dedicated and constructed according to City of Surprise adopted road cross-sections.

Sierra Verde will also consist of a comprehensive trail/pedestrian path system. This system will integrate pedestrian and non-motorized traffic throughout the development. A major component of the trail system will be the provision of a regional, north/south, trail that will facilitate non-motorized traffic through the property, to and from Surprise Center. In addition east/west trail connections will be provided along Acoma Drive. The orientation of these trails provides excellent view corridors to Estrella Mountains to the south, the White Tank Mountains to the West and Surprise Center to the north. Decorative hardscape

## Conceptual Development Plan

materials will be provided where trail locations cross roadways. Exhibits I and J illustrate the trail locations, cross-section and depict the anticipated view corridors.

Attached, as Exhibit N is a depiction of the conceptual arterial and collector road alignments. Exhibit O illustrates the proposed roadway cross-sections.

### **Infrastructure**

**Drainage Concept:** The Property is subject to offsite runoff and is required to accommodate the offsite flows originating from north and west of the site. The offsite runoff will be intercepted by channels that will convey the offsite flow along Greenway Road, Litchfield Road and Waddell Road. The channels will end with detention systems that convey the flow to its historic location along the northeast and southeast corners at the Greenway Road/Litchfield Road intersection and the Waddell Road/Litchfield Road intersection, respectively. During preliminary and final design, offsite flows from the White Tanks Area Master Drainage Study (ADMS) will be confirmed, as the area is being developed and the original ADMS model did not take into account the recent development. Other minor flows west of the site, originating or being conveyed through the farmland bordering the site to the west, will be conveyed through open drainage tracts to the perimeter channels.

Recreational areas and open space tracts will be used for onsite retention of the 100-year 2 hr storm event.

**Water Concept:** An On-Site Water Master Plan will be prepared for the Property as part of the final design and prior to final plat approval.

A new potable water well is required for the Property per City requirements. The discharge of this well may be delivered through a proposed 24" low-pressure raw water transmission line from the Property to the City's Ashton Ranch storage/ booster pump facility along Greenway Road. The Ashton Ranch facility is located at the intersection of Greenway Road and Clandestine Way, which is approximately one mile east of the Property. The water storage and

## Conceptual Development Plan

booster requirements for the Property should be met by the City's storage/ booster facilities within the same pressure zone as the Property.

Proposed water mains may be installed along Litchfield Road, Waddell Road and along the Property's collector roads as outlined in the Development Agreement. These waterlines should serve as primary distribution lines for the Property.

The required infrastructure improvements and water rights conveyance will be addressed in the Development Agreement.

Wastewater Concept: An On-Site Wastewater Master Plan will be prepared for the Property as part of the final design and prior to final plat approval.

A 24" gravity sewer line adjacent to Sierra Verde along Litchfield Road is currently planned for construction. The proposed Litchfield Road sewer flows south to the City's wastewater treatment plant. In addition to the Litchfield sewer line, the Property may also require a gravity sewer line along Waddell Road.

The required infrastructure improvements will be addressed in the Development Agreement.

### **Project Open Space/Landscaping/Walls**

As referenced previously, the signature to Sierra Verde will be the project's landscaping and open space. This will be accomplished, in large part, by utilizing a major open space corridor along the north/south internal collector roadway as the centerpiece for all active and passive recreational activities. Total single-family open space will encompass 27.43 acres or 15.71% of the single-family project area. Over 66%, or 18.2 acres, of this area will be active open space.

Attached, as Exhibits I, J and K are the conceptual landscape plan and Entry Monument/ Project Wall Plan. These Exhibits illustrate Sierra Verde's trail network and project theme.

## Conceptual Development Plan

Sierra Verde's entry monuments and project wall present an exceptional combination of concrete masonry block and split face block with the generous use of stone tile accents and cultured stone. Entry features will also incorporate landscape planters to accommodate varied seasonal plantings.

The project wall will also incorporate a view wall with wrought iron adjacent to open space areas. Additionally, to break up the linear nature of the project wall, pilasters with stone accents will be placed at intervals not more than 250 feet.

As shown in the conceptual landscape plan, Sierra Verde's open space is consciously planned to create an environment that promotes and encourages resident interaction and activity by building landscaped pedestrian walkways to the north, south, east and west off of the central open space area.

All collectors and arterials will include a minimum average 10' landscape tract behind the dedicated right-of-way. Further, the north/south collector will include expansive open space areas that exceed 300 feet in some areas and average over 200 feet. This open space area will also accommodate the city's regional multi-use trail which will incorporate an 8 foot concrete path adjacent to a 4 foot decomposed granite pathway. This approach exemplifies the City's opens space motto, "All Trails Lead to Surprise Center."

### **Amenities**

To complement the open space areas and enhance Sierra Verde's theme as a thriving, active community and to build on its ideal location just south of Surprise Center and the future spring training home of Major League Baseball's Kansas City Royals and Texas Rangers.

To build on this relationship, Sierra Verde will be providing a total of 3 neighborhood parks and 2 pocket parks. These areas will include a total of 2 soccer field areas, 1 softball field area, 1 sand volleyball court area, 1 full court basketball area, bar-b-que areas, ramadas, picnic tables, benches and tot lots.

## Conceptual Development Plan

An illustration showing the typical project amenities is provided in Exhibits J and L.

### **Single-Family Residential Development Standards**

<b>Lot Size</b>	<b>Parcel 9 48' x 110'</b>	<b>Parcel 1 53' x 112'</b>	<b>Parcel 2 58 x 115'</b>	<b>Parcel 3 68' x 115'</b>
Minimum Lot Width	48'	53'	58'	68'
Minimum Lot Area	5,280	5,936	6,440	7,245
Maximum Building Height	30'	30'	30'	30'
Front Yard Setback	18'-21' with 3' stagger	18'-21' with 3' stagger	18'-21' with 3' stagger	18'-21' with 3' stagger
Front Yard Setback to Home or Side Entry Garage	12'	12'	12'	12'
Front Yard Setback to Porch	10'	10'	10'	10'
Back of Sidewalk to Vertical Garage Door	20' Min.	20' Min.	20' Min.	20' Min.
Side Yard Setback – Minimum	5'/8'	5'/8'	5'/8'	5'/8'
Total Side Yard Setback	13'	13'	13'	13'
Minimum Distance between Homes	10'	10'	10'	10'
Side Yard Setback; Street Side Minimum	10'	10'	10'	10'
Rear Yard Setback	15'	15'	15'	15'
Rear Yard Setback – Adjacent to Arterial Streets When Abutting Min. Avg. 10' Landscape Tract	15' Min.	15' Min.	15' Min.	15' Min.
Maximum Lot Coverage	45%	50%	45%	50%

## Conceptual Design

### Overall Design

The design of the development will not consist of homogeneous architectural and site design. Instead, utilizing the Surprise Design Guidelines, Sierra Verde will blend a mixed and diverse site, landscape and architectural design palettes.

The design emphasis of the Sierra Verde development will consist of a southwestern theme utilizing muted exterior colors sensitive to the desert environment. These colors will include, off-white, cream, tan, medium and light brown, light gray, muted reds and other desert hues to complement the tile and accent materials. Front building facades will have the option of providing accent materials including, brick, stone, rock or other southwestern themed materials.

Single-family parcels will have a minimum of four house plans with three distinct elevations. Elevations will differ through the use of detail and relief of windows, entrances and doors, breaks in the roofline and providing articulation to facades viewable from street frontages. All homes will offer a minimum two car garage and no carports will be permitted. All homes will be constructed with tile roofs. A minimum of two styles of roof tile will be offered. Shingles will be prohibited. Roof mounted equipment will be prohibited.

Each development parcel will be developed to provide a smaller, distinct neighborhood. The lot sizes and product type will be very diverse and although homes within an individual parcel will contain similar but varied lot sizes and housing products, each parcel will provide a smooth transition between housing types.

Site design will incorporate a gentle curvilinear street design, as well as cul-de-sacs, elbow and staggered home setbacks. These components in concert with the diverse design elements and materials of the elevations of the homes will create a varied and visually pleasing streetscape. In all parcels of the development, sidewalks as well the residential streets will appropriately address the common area open space system. In many areas of the Single Family parcels, single loaded streets will abut the open space and cul-de-sac will extend into it to facilitate pedestrian access and overall visibility.

## Conceptual Design

### **Base Permitted Lot Size Mix:**

Sierra Verde will comply the City of Surprise Single-Family Residential Design Guidelines Standard Design Requirements List. While complying with the design guidelines, the Sierra Verde PAD will strive to maintain the flexibility needed to create the diverse range of neighborhoods envisioned by the PAD. This diversity will be systematically implemented and rigidly adhered to through the Development Standards Section of this PAD.

The Development will be composed of Lot Categories A, B, C and E. The percentage of the total number of lots for each category of A, B or C do not exceed 30 percent.

Further, the master-planned community will include a residential parcel located under the 1988 MAG JLUS noise contours. This parcel is noted as an exception within this PAD. Although this excepted parcel is not part of this PAD, this parcel will be developed as an integrated part of the master-planned community. The excepted parcel will be zoned R1-43, in conformance with state statutes. Since the minimum lot size developed on this parcel will meet the minimum requirements of lot category "G" of the Single-Family Residential Guidelines, the overall project will meet the intent of the guidelines by providing not less than 30 percent of the total number of lots in categories E, F and G combined, (i.e. Parcel 3 lot category "E" = 27%; R1-43 parcel, Lot Category "G" = 4%).

The Determination Lot Category for Sierra Verde is Lot Category A. The single-family residential density for the Sierra Verde PAD is 3.6 dwelling units per acre. Therefore, the number and distribution of points required to obtain Sierra Verde's proposed Permitted Lot Size Mix is 90. Sierra Verde will provide a total of 94 points. Given the total points provided, the permitted single-family residential density allowed is 3.9 dwelling units per acre.

The total points of 94 for Sierra Verde will be achieved by meeting a minimum of 43 Points from Design Options List 1, a minimum of 24 points from Design Options list 2 and a minimum of 27 points from Design Options List 3.

## Conceptual Design

In order to maintain the flexibility envisioned by this document, the developer may amend the specific options within these design lists. Any amendment to the options within these design lists shall be considered a minor amendment to this document and may be approved by Community Development Director.

The minimum required design points will be achieved as follows:

<b>Design Options List 1 – Total Points Required 40 – 43 Provided</b>			
<b>Option Number</b>	<b>Option Description</b>	<b>Base Point</b>	<b>Total Points</b>
A	For each 40 Gross Acres, (SV SFR = approx. 240 ac.) provide at least three cul-de-sacs (or other street feature such as a knuckle or single-loaded street)... <i>Not less than 18 required street features will be provided throughout the development.</i>	1	1
E	Stagger the front yard setback lines of houses and other structures constructed on lots within Lot Categories A, B, C, D and E in increments of 3 feet so that the front setbacks vary among 18 feet, 21 feet, and 24 feet. <i>Homes in lot categories A, B, C and E will provide necessary stagger.</i>	2	2
F	Design and construct storm water retention areas which meander through the Residential Development Project as greenbelt... <i>Retention areas throughout the project are developed as meandering greenbelts.</i>	4	4
G	Design and construct landscaped open spaces which are visible from both residential and arterial streets... <i>Large Open Space Tracts are provided adjacent to internal collectors and adjacent arterial streets.</i>	2	2
H	Along arterial streets, provide at least 600 feet of open space per mile... <i>Open space meeting the minimum ratio of 600 lineal feet per mile will be provided on all 3 arterials.</i>	3	3
J	Incorporate view corridors with open space areas throughout the development to take advantage of the mountain view; utilize view fences... <i>The North/South and East/West collectors are developed as view corridors with ample open space to provide views of the Estrella and White Tank Mountains. See Exhibit J</i>	4	4
K	Design the Residential Development Project so that, at T intersections, no Residential Building Lot is centered directly across the intersection (the "stem of the T"). <i>No lots will be centered directly across an intersection.</i>	4	4
L	Establish pedestrian and bicycle access between	2 per access	6

# SIERRA VERDE – PLANNED AREA DEVELOPMENT

## Appendix

### Conceptual Design

	residential and non-residential portions of the Project... <i>Access will be provided to Parcels 7, 8 and 10. Specific connection locations will be design during preliminary plat.</i>	tract (max of 6)	
M	Install traffic calming devices such as traffic circles, decorative raised paving, landscaped diverters, traffic chokers and other landscaping devices. <i>A maximum of 6 traffic calming devices including traffic circle and raised paver entries will be provided. Final design shall be subject to the review and approval of the City Engineer.</i>	2 per every three devices (max of 6)	6
N	Design and construct paths and trails, separate from roadways, which connect all open spaces areas and arterial roadways, and which enable bicyclists and pedestrians to travel throughout the development. <i>Meandering greenbelts will be constructed with necessary paths. Further, the North/South collector will accommodate the City's planned Regional Trail.</i>	6	6
O	Construct decorative hardscape features. <i>Hardscape features will be provided on collector roads and at all locations where designated trails cross roadways.</i>	2	2
Q	On perimeter walls, provide berms, tree lines, hedgerows, and/or other similar means of breaking up the linear nature of the perimeter walls. <i>Open Space tracts will be provided adjacent to arterials and is designed with a staggered perimeter to break up the linear nature of a wall. Planters will be placed at project entries to accommodate varied seasonal plants. Additionally, pilasters with stone accents on project theme walls will be placed at a Maximum of 250' intervals.</i>	6	3
<b>Total Points for Design Options List 1</b>			<b>43</b>

<b>Design Options List 2 – Total Points Required 16 – 24 Provided</b>			
<b>Option Number</b>	<b>Option Description</b>	<b>Base Point</b>	<b>Total Points</b>
A	Prohibit the same front elevation on adjoining houses; prohibit the same rear elevation on more than two consecutive adjoining houses visible from an arterial street. <i>Same elevations will not be placed on adjoining houses and the same rear elevation will not be placed more than two consecutive adjoining houses visible from an arterial.</i>	2	2
C	Utilize a minimum of three floor plans that incorporate, in at least two elevations, design features such as covered front entries, covered front porches, enhanced door and window details, roof overhangs, parapet walls with cap	3	3

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
**Appendix**

**Conceptual Design**

	features, etc. <i>A minimum of three floor plans with at least two elevations per plan incorporating the required elements will be provided throughout the development.</i>		
E	On every elevation of every floor plan, incorporate a variety of durable exterior materials and finishes. <i>Alternative, durable exterior accent materials will be offered on every elevation of every floor plan.</i>	5	5
F	For all houses on lots backing onto an arterial street, design roof lines so as to avoid constructing a series of roof slopes, visible from the arterial street, which are all parallel with, or perpendicular to, the arterial street. <i>Single-Family residential roof lines adjacent to arterials will be diverse and incorporate parallel and perpendicular roof lines to create visual interest from adjacent arterials.</i>	2	2
G	Extend all front architectural treatments, including all fascia treatments such as stone veneer, tile insets, and recesses, along the sides of the house for 6 feet or to the side yard fence return, whichever is less. <i>Front architectural treatments will be extended as per guideline.</i>	2	2
J	Install front yard landscaping on all Lots in Lot Categories A, B and C in Table 1. <i>Front yard landscaping will be installed on all lots in category A, B and C. A minimum of (2) 15-gallon trees and fifteen (15) shrubs ranging in size from 1 to 5-gallon will be provided for each lot.</i>	2	2
M	Construct all multi-story houses so that the vertical plane of the front of the ground floor, and the vertical plane(s) of the front(s) of the second and higher floors, are offset by at least six feet for a distance, measured at the linear boundary between the first and second floors, which equals thirty percent of the length of the linear boundary between the first floor and the ground. <i>Multi-story houses will be designed as per guideline.</i>	2	2
O	No single-family two-story homes on arterial. <i>No 2-story single-family homes will be constructed on Greenway Road, Litchfield Road or Waddell Road.</i>	2 per arterial	6
<b>Total Points for Design Options List 2</b>			<b>24</b>

<b>Design Options List 3 – Total Points Required 20 – 27 Provided</b>			
<b>Option Number</b>	<b>Option Description</b>	<b>Base Point</b>	<b>Total Points</b>
A	Provide a trail system that connects all open space areas within the Residential Development Project and creates	4	4

## Conceptual Design

# SIERRA VERDE – PLANNED AREA DEVELOPMENT

## Appendix

	pedestrian linkages with surrounding residential and commercial developments. <i>An interconnecting trail system is provided throughout the development. Specific connection locations will be design during preliminary plat.</i>		
C	Construct and convey to a homeowners association active outdoor recreational facilities for adults, such as full court basketball courts, tennis courts, volleyball courts, and other similar recreational facilities. <i>Active recreational facilities including basketball court and tot lots will be constructed within the large open space area adjacent to the internal North/South Collector. These areas will be conveyed to the HOA for maintenance. A specific list of amenities is provided in Exhibit J.</i>	4	4
E	Construct and convey to a homeowners association a large open space corridor, with a minimum width of 75 feet, and an average width of 100 feet, through the Residential Development Project. (Points will be doubled each time the minimum and average corridor widths are doubled, up to a maximum of 12 points). <i>Passive recreational facilities including turf areas, paths and trails will be constructed and conveyed to the HOA for maintenance. Further, the north/south collector will include expansive open space areas that exceed 300 feet in some areas and average over 200 feet. This open space area will also accommodate the city's regional multi-use trail which will incorporate an 8 foot concrete path adjacent to a 4 foot decomposed granite pathway.</i>	4	8
H	Provide open space in excess of 10 percent of the Gross Acreage of a Residential Development Project. <i>A minimum of 14 percent of the of the single-family residential area will be open space.</i>	2 for ea. Addt. 11 percent (max of 10)	8
J	Points may be awarded for any other major amenity which will create unique neighborhood environment. <i>Sierra Verde will provide a total of 3 neighborhood parks with 2 soccer fields, a basketball court, softball field, armadas, bar-b-ques, picnic ares and tot lots.</i>	2-5 max. (1 point for ea. Neighborhood park)	3
<b>Total Points for Design Options List 3</b>			<b>27</b>

**Base Permitted Density.**

In order to achieve the proposed density of 3.6 and with a Determination Lot Category A, the PAD is required to achieve a minimum of 88 points. Sierra Verde will provide a total of 94 points.

The total points for Sierra Verde will be achieved by meeting a minimum of 43 Points from Design Options List 1, a minimum of 24 points from Design Options list 2 and a minimum of 27 points from Design Options List 3.

**Parcel 4 Medium Density Concept.**

The development concept for Parcel 4, Medium Density, is to provide an opportunity for an urban style single-family development in a suburban setting. This concept will be greatly enhanced through the development of the Mixed Used parcels as well as through the development of Surprise Center.

The development will have an inward orientation, focusing on a central recreation area providing active and passive recreation opportunities. The community will be integrated by a pedestrian circulation system that will encourage the development of a close-knit community.

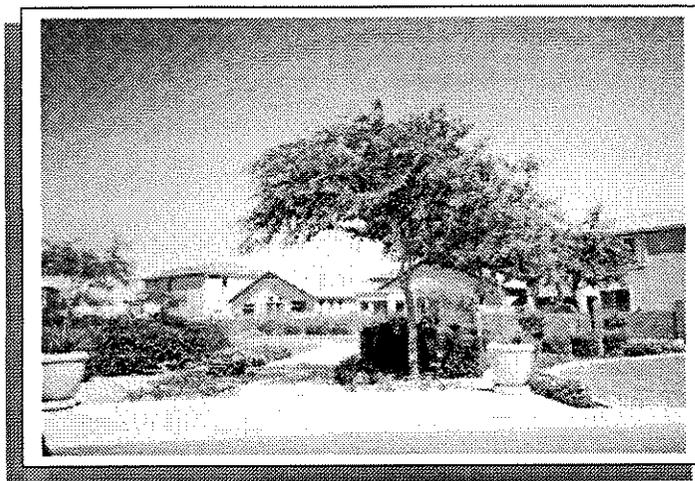
The development architecture, landscaping and project monumentation will be reviewed and approved through the preliminary and final plat processes and is not the subject of this PAD. However, the design concept of this development is to create a traditional neighborhood that resembles a mature neighborhood with its own sense of community identity. The architecture will be distinctive and reflective of Santa Barbara, Monterrey or California Mission with shaded streets.

Photo illustrations of this concept are provided below:



Medium Density Development Concept

Conceptual Design



**Medium Density Open Space Concept**

***Parcel 4 Development Standards:***

Minimum Lot Width	45'	Back of Curb to Vertical Garage Door	22' Min.	Rear Yard Setback – Adjacent to Arterial Streets When Abutting Min. Avg. 10' Landscape Tract	10' Min.
Minimum Lot Area	3,600	Side Yard Setback – Minimum	0'/5'	Minimum Distance Between Buildings	0' with 4-hour rated property line wall
Maximum Building Height	30'	Side Yard Setback – Aggregate	5'	Maximum Lot Coverage – Primary Structure	50%
Front Yard Setback	7'/10' with 3' stagger	Side Yard Setback; Street Side Minimum	10' livable, 5' garage	Maximum Lot Coverage – Primary Structure With Patios/Shade Structures	50%
Front Yard Setback – Side Entry Garage	7'	Rear Yard Setback	15'		
Back of Sidewalk to Vertical Garage Door	7'/18' Min.				

**Additional General Design Standards:**

The following guidelines address approaches to the design of structures focusing on building scale, shapes, massing, heights, colors, materials, roof treatments, facades and building site orientation to achieve diversity and design excellence in Medium, Medium-High and High Density parcels and Commercial and Mixed-Use Parcels, parcels 4, 5, 6, 7, 8 and 10.

**BUILDING FORM/SCALE/BULK/HEIGHT/RHYTHM**

Design of buildings, including building style, form, size, color and material, shall take into consideration the development character of adjacent neighboring areas.

Structures shall be designed to create leasing transitions to surrounding development; with the size, massing and height of the structure relating to the prevailing scale of adjacent development.

Taller buildings shall be made to appear less imposing by stair-stepping building height's back from the street, breaking up the mass of the building, and/or by providing a broader open space/pedestrian plaza areas as foreground for the building.

Multiple buildings on the same site shall be designed and grouped to create a cohesive, visual relationship among buildings, while at the same time, provide for pedestrian plazas, open space and view corridors to surrounding mountains.

Monotonous look-a-like structures will be discouraged. Every effort shall be made to design buildings that create a visually interesting "building rhythm" by varying building form, volume, massing, heights, roof styles and site orientation.

The concentrated use and location of stylized buildings as advertising will be generally discouraged.

High quality "stylized" or "theme" architecture that is characteristic of a particular historic period or forward-looking architectural trend will be permitted, provided it generally reflects, and is consistent with, the

## Conceptual Design

architecture of the area, and maintains architectural continuity and harmony with the community as a whole.

- Building design and orientation on the site shall encourage safety and privacy of adjacent outdoor spaces, and will reduce noise and odor impacts received from, or generated by, the development project.

### Building Facades

- Building facades shall reflect design intent of the structure, while at the same time, provide an architectural "face" that relates to surrounding structures and streetscape; and contributes to the neighborhood and community character.
- Exterior building design, as well as architectural details related to color, type and application of materials and building form, shall be coordinated for all elevations of a building to achieve harmony and continuity of design.
- The rear and side of buildings, especially those visible from adjacent streets, shall be aesthetically enhanced and of an architectural character comparable with the front of the building.
- A variety of architectural design features, techniques, patterns, materials and color shall be used to create variety and visual interest in the facade of buildings, provided the uses of such features are coordinated, related to the overall design of the structure and result in a unified design of the structure.
- Building facades shall utilize recessed entryways and windows, groupings of windows, horizontal and vertical offsets and reveals and three-dimensional detail between surface planes, to create shadow lines and break up long continuous flat wall areas where possible.
- To facilitate the general public and emergency response services, all building facades must contain conspicuously placed street address numbers that are: sized appropriately to be seen from public rights-of-way and emergency services access; and consist of a material and style compatible with the character of the building.

## Conceptual Design

When appropriate to the style of a building, a variety of simple roof forms, including gable, shed and hip, used alone or in combination, are encouraged for all new development in order to add visual interest and diversity to the City's "roof horizon" and to avoid the "sameness" of roof styles.

- Site orientation of residential structures, as well as variations in roof styles and heights, shall be encouraged to prevent the creation of monotonous roof lines and look-alike roof orientation in new residential development.
- Roof design for new residential development shall vary, yet maintain the prevailing character and scale of the neighborhood, and in particular, immediately adjacent structures, through the use of color and form.
- Full roof architecture utilizing simple roof forms is encouraged for all new commercial development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer parapets are discouraged.
- Rooflines of large buildings shall vary in height and setback to reduce the apparent scale of the building, break up long continuous horizontal facades and minimize their overall visual impact on surrounding development
- The use of architectural features such as three dimensional cornice treatments, enclosed parapet wall forms and details, and overhanging eaves are encouraged to enhance the architectural character of the roof.
- Flat roofs shall only be used in conjunction with other roof styles if they are consistent with a particular style of architecture and incorporate decorative parapet forms and walls that are an integral part of the overall architecture of the building.
- Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

Roof-top plumbing, vents, ducts, air conditioning and heating equipment, communication antennae and any other mechanical or

## Conceptual Design

electric equipment shall be located away from public view; and screened in a manner so as not to be visible from any angle or any height outside a building.

- All rooftop screening shall be part of the articulation of a building and not appear as an afterthought; and shall be architecturally compatible with the primary structure.

### Colors and Materials

- Variation of colors in roof and facade treatment in residential development is encouraged, provided the color variations maintain harmony and consistency with the overall character of surrounding buildings.
- Colors that are compatible with the general arid environment of the community, and that help reduce reflected heat and glare into public areas, re encouraged.
- The use of accent colors, especially in commercial areas, shall be encouraged to provide a festive and lively streetscape.
- The use of bright or intense primary colors shall be moderated, and permitted only in areas where their use would not overwhelm surrounding development or create an uncoordinated or cluttered-looking building.
- More subtle, less intense colors shall be used on larger, more plain-looking buildings, while the use of a greater variety and intensity of color shall be reserved for smaller structures.
- Color shall be used to accent entryways and special architectural features of a building.
- Materials utilized for buildings shall reflect the climate of Surprise; shall be durable and of high quality and non-reflective or heat generating.
- Building materials and finishes shall reflect the context of the site and the neighborhood.

## Conceptual Design

- A change in the use of building material on a structure shall reflect a change in the plane of the structure.
- Materials applied to any building elevation shall wrap around onto adjoining walls of the structure to provide design continuity and a finished appearance to the building.
- There shall be a consistent use of building materials on a structure, with the use of a variety of many different materials on the same structure minimized to avoid a cluttered-looking structure.

### Window and Door Placement

- The size and proportion of windows and door openings shall be consistent with the scale of the building; reflect the character of the neighborhood and be compatible with immediately adjacent buildings.
- Windows and doors shall be aligned and sized to bring order to the building façade.
- Windows and doors shall be sufficiently recessed and placed to create façade patterns that add variety and visual interest to the building design.
- Windows in residential development above first floors shall generally have a pattern similar to that of the first floor to unify the façade of the structure.
- The number of windows and their placement and treatment shall reflect the climate of the area and contribute to the building's energy efficiency and conservation.
- Window and door placement for "big box" commercial buildings shall be sufficiently recessed to create shadows and provide noticeable breaks in facades.
- Awnings over windows and doors are encouraged provided they are an integral part of the architecture of the building and reflect the design and character of the structure.
- Building entryways shall be designed and sized appropriately to reflect the use of the building and pedestrian traffic related to the use.

## Conceptual Design

- Doors and entryways shall be designed and located to provide immediate identification of the building's entryways.
- Doors and entryways for all commercial and office centers and civic buildings, shall be designed and located to portray the importance of the building and its relationship to external pedestrian circulation systems.

### Building Details

- Building and site details related to utility boxes, transformers, generators, chiller farms, mailboxes, trash bins and air-conditioning units shall be integrated into the overall design of the building and development.
- Utility boxes, transformers, generators, chiller farms, air conditioning units and trash bins shall be screened from view, yet remain accessible for servicing.
- Design of and enclosures for accessory elements such as mailboxes, trash bins, and security huts and gates shall be compatible with the architectural style of the project in which it is located.

### COMMON AREAS

The following guidelines provide approaches and techniques for the planning and design of plazas, terraces, courtyards, arcades and other common area open space in higher density residential, mixed use, and commercial/office/civic developments that can be constructed and furnished to enhance the character and identity of the development; create a pedestrian/user friendly environment; allow access in and around the common area and provide connectivity to surrounding and adjacent external open space areas.

### PLAZAS AND COURTYARDS

- Paved and landscaped plazas shall be incorporated in all new high density residential, mixed-use and commercial/office/civic/institutional portions of the development as a critical element in establishing a "sense of place"; entry setting, identity and character for a building, or

## Conceptual Design

group of buildings; the core of pedestrian activity for the development; and providing a tie to adjoining public open space areas.

Plazas in non-residential areas shall be designed with uninterrupted lines-of-sight to and from public sidewalks; with physical access provided from the public sidewalk or adjoining open space to plazas.

- Plazas shall contain broad multi-level planes and such visual features as fountains, water gardens, garden areas and public art.
- Mixed-use and commercial/office developments shall locate and orient retail shops, restaurants, offices or other activity-generating uses at the edges of plazas.
- A minimum of twenty (20) percent of a plaza's surface area shall be set aside as landscaped area. The landscaped area shall include non-reflective paving materials, and a combination of water and plant materials that generate visual interest through the use of a variety of foliage and floral displays, fountains, ponds and water sculpture.
- Shade trees, arbors and/or other techniques that provide relief from the sun shall be incorporated into the design of plazas, but in a manner that does not impair pedestrian movement.
- As the center of pedestrian activity for a development, plazas in non-residential developments shall provide adequate seating in the form of benches or low seating walls in addition to any seating areas that may be provided in association with dining areas.
- When appropriate, paving materials and furnishings used in private plazas, shall complement the streetscape elements used in public rights-of way.
- Plazas, including their entrances and exits, shall be fully illuminated ½ hour before sunset to ½ hour after sunrise to facilitate natural surveillance opportunities and discourage unsafe activities. All lighting in plazas shall be an integral part of the total building and plaza design; and designed in a manner that brings definition, order and a sense of security that welcomes pedestrian use.

## Conceptual Design

- Courtyards accessible to the public shall be planned and designed as intimate, reflective spaces of lesser scale than plazas; and provide restful transition areas that are separate and apart from main pedestrian circulation areas.
- Courtyards shall provide a rhythmic progression of open space from the exterior of a building complex toward and around the center of the building complex.
- High-density residential and non-residential developments utilizing courtyards shall locate and orient the courtyard along and toward the internal pedestrian access system of the development.

Courtyards shall be open to the sky and include a simple combination of focal points, including a water feature, seating niches, paving patterns and/or simple plantings.

### LANDSCAPING, PAVING, FURNISHING AND PUBLIC ART

- Common Area open space shall be landscaped, lighted and furnished in accordance with the scale, character and use of the particular common area to be utilized in the development.
- Fountains and other water features shall be located and sized according to the scale and use of the Common Area selected for the development; with smaller water features utilized in smaller, more intimate Common Areas.
- Paving patterns in Common Area open space shall complement paving patterns and colors utilized in adjoining public sidewalks and other public rights-of-way.
- Plant materials utilized in Common Areas shall reflect the intensity of pedestrian use of the area, and be of a scale consistent with the size of the Common Area(s) selected for the development.
- Lighting in Common Areas shall complement the scale, character and use of the area and meet both architectural compatibility, aesthetic and security needs of the development.

## Conceptual Design

- Seating areas shall reflect the size and character of the Common Area, and consist of a combination of sun and shade seating areas containing a combination of benches, low walls, planter areas and steps.
- Public art that invites participation and interaction; adds local meaning; interprets the community by revealing its culture and/or history or reinforces the unique character and "sense of place" of the development, shall be encouraged in Common Area open space.
- Art in Common Area open space shall be in harmony with the character and scale of the Common Area in which it is placed.
- The selection and placement of art shall be a part of the initial design process rather than an add-on at the completion of construction of the development.

### PARKING IN MULTI-FAMILY

- In multi-family residential developments and residential portions of mixed use development, all parking shall be off-street and accommodated internally on the site in well-landscaped, shaded parking clusters, or in garages or carports that are attached and integrated into the architecture of the building.

Where covered parking is not attached and integrated into the actual multi-family residential building or mixed use development, covered parking in the form of carports may be permitted, provided they are hidden and heavily screened from surrounding streets and adjoining developments by mature landscaping; and designed and constructed of non-reflective materials that are an extension of and compatible with the overall architecture and character of the complex.

- The use of staggered, well-landscaped and shaded parking bays on the internal streets of a multi-family residential development is strongly encouraged.

### PARKING IN NON-RESIDENTIAL DEVELOPMENT

Non-residential development includes retail commercial, and general office uses. The following guidelines for the planning, design and

## Conceptual Design

development of off-street surface and garage parking apply to all non-residential uses.

### General Guidelines

- The visual impact of surface parking lots and the vehicles parked therein, shall be minimized and not dominate the building site.
- Shared parking facilities in large commercial and mixed use developments are strongly encouraged in order to reduce the number of parking facilities required for large commercial and mixed use developments,
- The number of parking stalls in shared parking facilities shall be based upon actual usage of parking stalls as they relate to operating hours of business establishments served.
- Large commercial and mixed-use developments are encouraged to provide shared parking facilities in the form of underground structures whose rooftops can be developed as landscaped, pedestrian plazas, as well as for retail and dining uses.
- All surface parking facilities shall provide a master landscape plan that delineates mature landscaping along the perimeter of the lot, as well as throughout the interior of the lot.
- In order to reduce the visual impact of surface parking lots on surrounding streets and neighborhoods, and reinforce the urban design guideline encouraging developers to move commercial, office and other non-residential buildings forward toward the street to provide definition and scale to the streetscape and avoid the appearance of "strip malls"; all surface parking lots in major non-residential developments shall be located to the rear or side of a building pad, away from the street and street intersections.
- Private parking lots in non-residential developments that are adjacent to one another, but operate under separate property ownership, shall be designed and located contiguously to each other and have shared access and an internal circulation system that provides for the safe and efficient internal site movement of motor vehicles, pedestrians and cyclists from one property to another without having to re-enter the street serving the developments.

- Common reciprocal driveways that provide vehicular access to adjacent parcels are strongly encouraged; as are shared parking and circulation aisles that have been coordinated between adjacent businesses.

#### LIGHTING OF PARKING FACILITIES

All parking lot and parking garage lighting shall consist of lighting fixtures and systems that are designed and located to:

- provide maximum public safety and security for the user of the parking facility;
- ensure preservation of the City of Surprise's nighttime visual environment; and
- minimize the amount of energy consumed.

#### GENERAL LANDSCAPE GUIDELINES

- Landscape design shall be an integral component of the development project, and shall be maximized and balanced throughout the development site.
- Landscape design shall respect existing topographic and landscape attributes of the development site, including existing mature trees on the site; and, at the same time, respond to the character and thematic environment created by surrounding areas and facilities.
- Required landscaping for a development, shall be installed in proportion to the construction phasing of the project.
- At least fifty (50) percent of all trees planted in multi-family developments shall be forty-eight (48) inch box trees or larger with three (3) caliper.
- The rear and side yards of all multi-family residential developments shall contain a continuous, heavily landscaped buffer area having a minimum width of twenty (20) feet and containing mature, dense foliage and plant materials to provide visual screening between adjacent uses.

## Conceptual Design

- Multi-family development shall have continuous, landscaped open space areas running through and among building units and parking pods that contain clusters of different types of drought-resistance shade trees, shrubbery and other plant materials; as well as grassy active and passive recreation, seating and barbeque areas, with architectural lighting consistent with the character of the development
- Parking in multi-family residential development shall be provided in interconnected, clustered parking pods that are heavily landscaped extensions of the development's open space system.
- Carport parking areas that are detached from the building unit shall be densely landscaped and screened from external views of the site.

### Landscape Guidelines For Commercial/Office/ Business Park Development –

Landscape design approaches and techniques are intended to assist existing and potential commercial, office, and business park property owners and developers in preparing landscape plans and designs that, when implemented, will: provide a "mature" and "established" look upon the opening of the development; enhance and be compatible with adjacent uses and neighborhoods; and reflect the quality, character and image of development desired by the residents of Surprise.

- A master landscape plan shall be provided for every commercial, office, and business park development detailing: location and type of on-site and street right-of-way landscaping, retention areas, permanent water features, proposed irrigation systems, architectural lighting, signage, existing tree preservation techniques and guarantees; and any existing and proposed obstructions such as street lights, meters, backflow devices, utility covers, transformers and similar objects that may affect plant placement and installation limitations.
- Trees and other plant materials to be used in the development shall be drought-resistance in order to minimize water usage; and shall have root growth habits that will not cause damage to sidewalks and other paved surfaces.

## Conceptual Design

- New trees in commercial, office, and business park development shall be selected that will contribute to energy conservation within structures on the site.
- A mixture of twenty-four (24) inch, thirty-six (36) inch, and forty-eight (48) inch box trees with a minimum three (3) inch caliper; along with five (5), ten (10) and fifteen (15) gallon shrubs and ground cover, shall be used for all commercial, office and business park development.
- Primary entryways to major commercial retail and office developments, as well as business parks, shall have “mature appearing” formal landscape treatment that combines monument identification signage with layered plant materials consisting of trees, shrubs, flowers, ground cover, earth berms and lighting.
- All plantings and signs shall be sized by growth height and placed to preserve vehicle and pedestrian lines of sight at entry drives, and to avoid screening of street light and traffic control devices.
- Outside main plazas and major pedestrian ways, trees shall be planted and massed informally into large groupings to provide variation in open space character.
- The use of vines and/or other types of foliage, shall be considered as a means by which large expanses of horizontal or vertical building surfaces comprised of a single material can be visually segmented and/or interrupted.
- Decorative plant containers of various sizes are encouraged as landscape accents to enhance sidewalk shops, arcades and outdoor dining areas.
- Landscaping within both public and private courtyards and atriums should include a balance of hard and softscape materials, as well as shaded seating areas, fountains and decorative plant containers.
- In commercial, office and business park developments where there is high pedestrian activity, the inclusion of landscaped plazas, courtyards, gardens and atriums as part of the site and building design are strongly encouraged.

Addendum

**Commission Stipulations 7-02-02**

Standard Stipulations:

- a) Major Changes to this Planned Area Development 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 Planned Area Development be administratively approved by the City Manager and the Community Development Director;
- b) The applicant shall submit a Written Response to Stipulations and five (5) copies of the revised PAD. Said submission must be under one (1) transmittal package;

Special Stipulations

- c) Landscaping and perimeter wall(s) details are to be submitted, reviewed and approved by the Community Development Director prior to release of any building permit;
- d) Lot layouts indicated within the Planned Area Development documents shall not be considered approved with the approval of this document, and shall be considered as conceptual only;
- e) All infrastructure improvements shall occur pursuant to section 16.20 of the Surprise Municipal Code with final plans subject to the approval of the City of Surprise Water Services Department, Engineering Department, and the Community Development Director;
- f) The applicant shall provide new residential home product information (i.e., colored elevations and materials sample information) and related materials prior to release of the standard construction drawings, subject to review and approval by the Community Development Director;
- g) The applicant shall include the City Attorney's sound attenuation and overflight language on every final plat;
- h) The applicant shall enter into a development agreement with the City prior to or simultaneous with the presentation of any preliminary plat before the City Council;

- i) All items to which the PAD commits within the Design Guidelines compliance section of the PAD document are hereby stipulated;
- j) All roadway and trail cross-sections shall be considered conceptual and shall be approved at the preliminary platting stage;
- k) The applicant shall place in all sales offices a map indicating the 1988 MAG Noise Contours;
- l) The applicant shall amend or remove the Base Permitted Density section, page 26, of the PAD document, as the data provided conflicts with other portions of the PAD;
- m) The applicant shall utilize curb-separated sidewalks with landscaped buffers throughout the development, subject to the review and approval of the Community Development Director and the City Engineering Department;
- n) The applicant shall amend exhibit 6, the street cross-sections labels for Litchfield Road and Greenway Road, to accurately reflect the depicted roadways;
- o) The applicant shall work with staff to establish unique standards for the "Mixed Use District," as the establishment of setbacks, etc. will allow more flexibility than that prescribed within the City's R-2, R-3, C-1, C-2, and BP zones; and
- p) The applicant shall grant an avigation easement to the U.S. Air Force on the final plat, in the format approved by the City Attorney;
- q) Any site plan for the mixed-use parcels shall go to the P&Z Commission as a workshop after the first staff review;
- r) The applicant shall amend all exhibits and land use tables to accurately reflect the proposed land use designations and their respective acreages within the PAD document prior to City Council review of the application;
- s) No residential land use for the PAD shall be allowed within the 65 LDN of the 1988 MAG noise contours;
- t) The applicant shall amend the Rear Yard Setback – Adjacent to Arterial Streets When Abutting Min. Avg. 10' Landscape Tract on page 19 of the PAD document to 15-foot minimum on parcels 1, 2, 3, and 9
- u) The applicant shall amend the Side Yard Setback, Street Side Minimum on page 19 of the PAD document to 13-foot minimum on parcels 1, 2, 3, and 9
- v) The ordinance approving this PAD shall include the following schedule for development. The applicant shall submit a

# SIERRA VERDE – PLANNED AREA DEVELOPMENT

## Addendum

### Addendum

preliminary plat for the property or a portion thereof within (12) twelve months from the date the ordinance is approved, and the applicant shall pull a permit for construction within the property within thirty-six (36) months from the date the ordinance is approved;

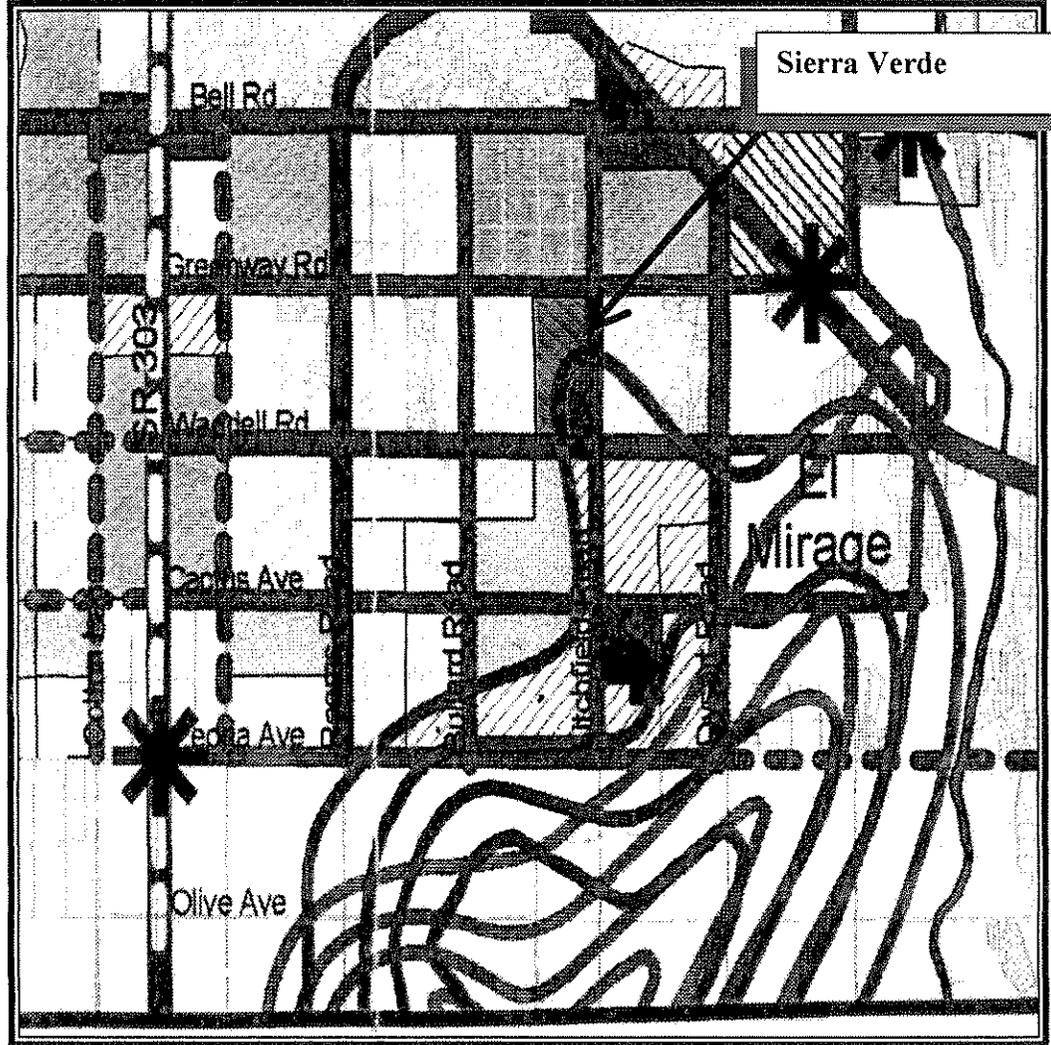
- w) The applicant shall consider incorporating lofts into the development of the mixed-use parcels;
- x) All ramadas, playground equipment, and barbeque grills located in park/ retention areas shall be placed out of the basin at street level;
- y) The applicant shall comply with any standards regarding trails and trail lighting that are adopted by the City;
- z) The applicant shall provide delineated crosswalks between Parcels 4 and 9, and Parcels 1 and 10, with approved traffic calming devices; and
- aa) The applicant shall provide pedestrian access to all open areas and trail system from all residential parcels.

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**

**Addendum**

**Commission Presentation Items 7-02-02**

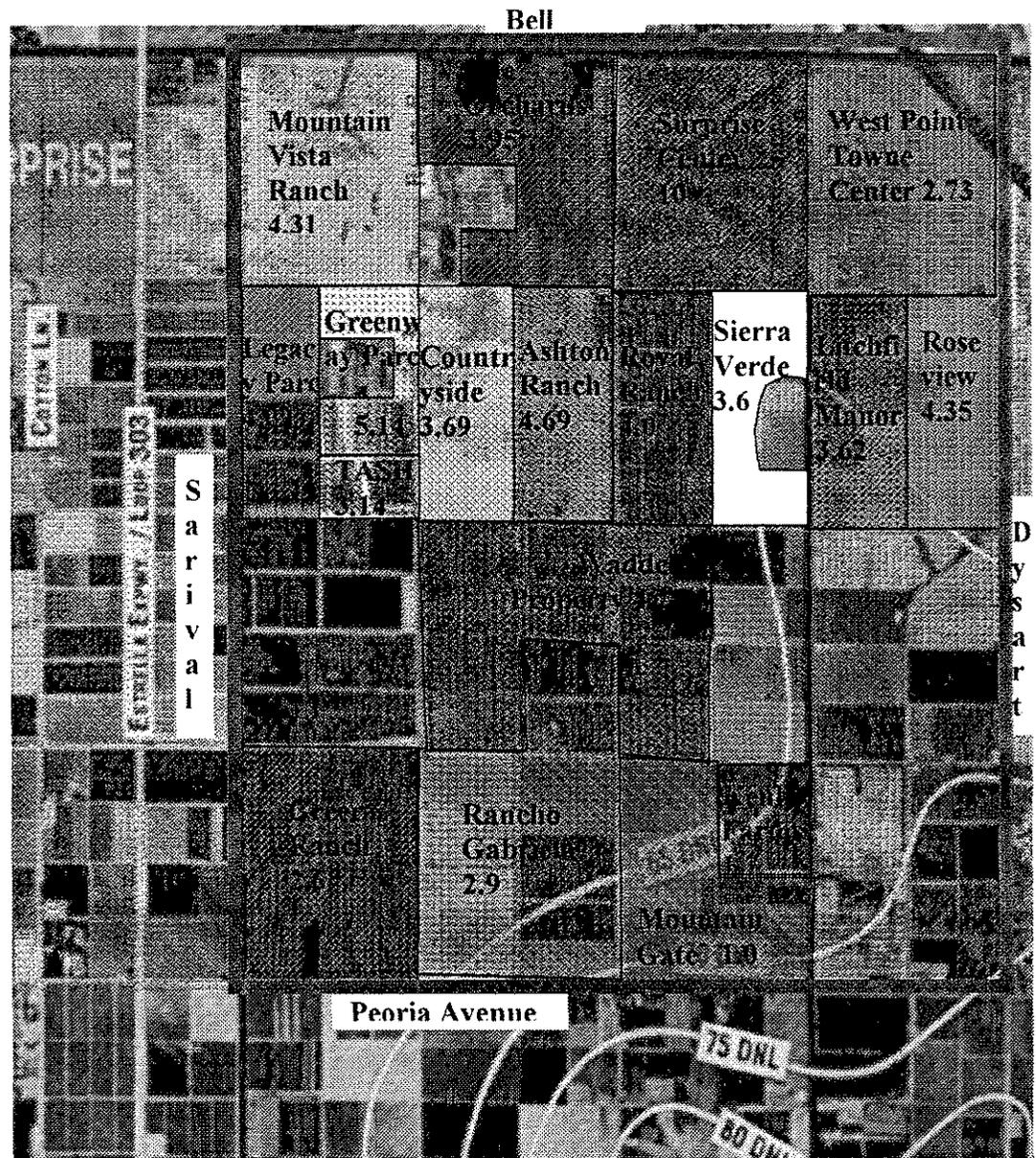
General Plan Location:



SIERRA VERDE - PLANNED AREA DEVELOPMENT

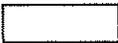
Addendum

Surrounding Development:

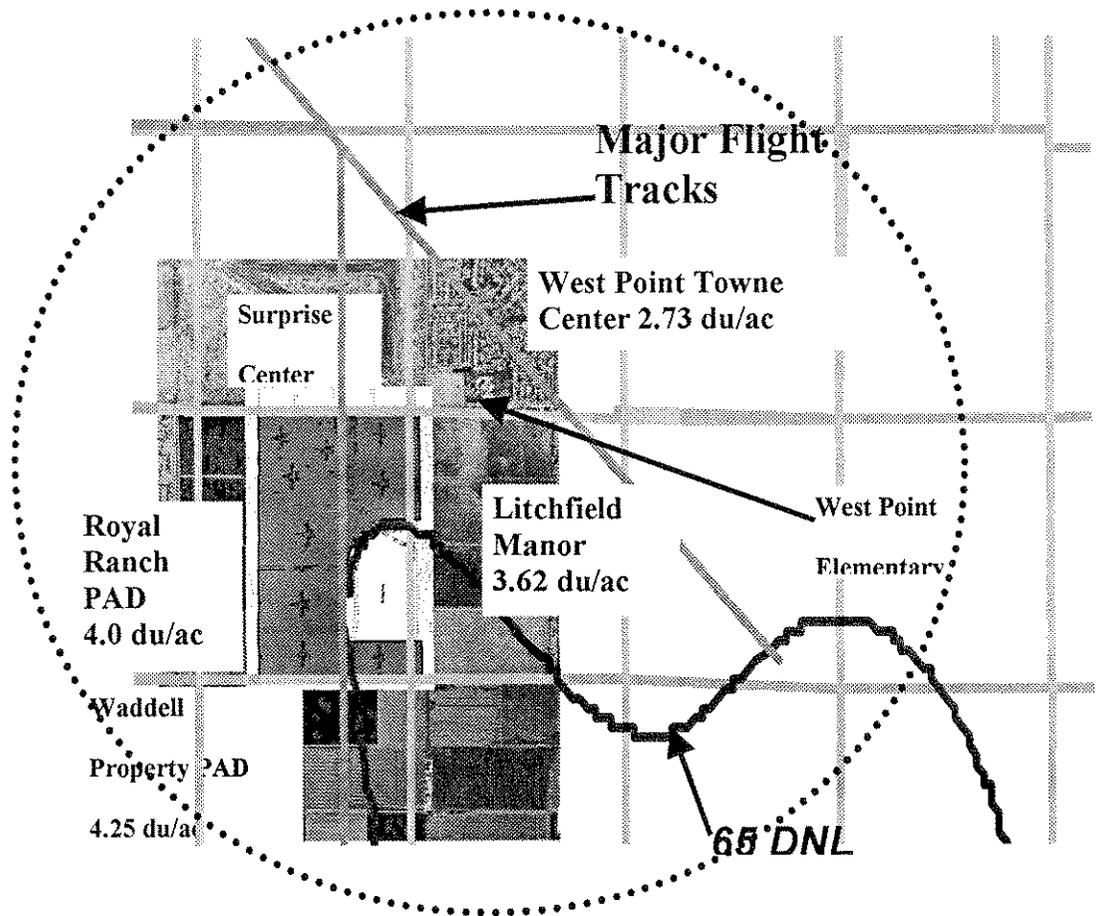


Luke Noise Contours:

<http://www.luke.af.mil/urbandevelopment/default.htm>

<b>APPROXIMATE DISTANCE FROM LUKE</b>	
	1. End of Runway - 4.25 Miles
	2. Clear Zone - 3.75 Miles
	3. APZ 1 - 3.25 Miles
	4. APZ 2 - 2.25 Miles

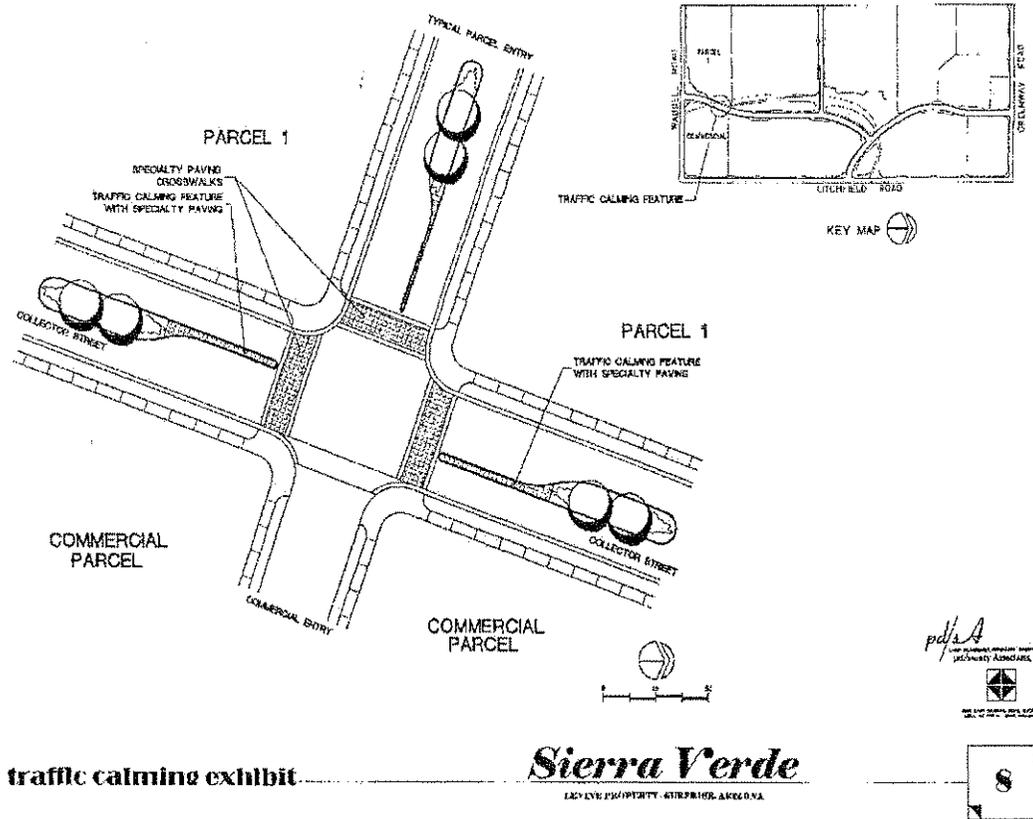
**1988 MAG JLUS NOISE CONTOUR & FLIGHT OVERLAY**



SIERRA VERDE – PLANNED AREA DEVELOPMENT  
Addendum

Pedestrian Access Requirements Commission 7-02-02

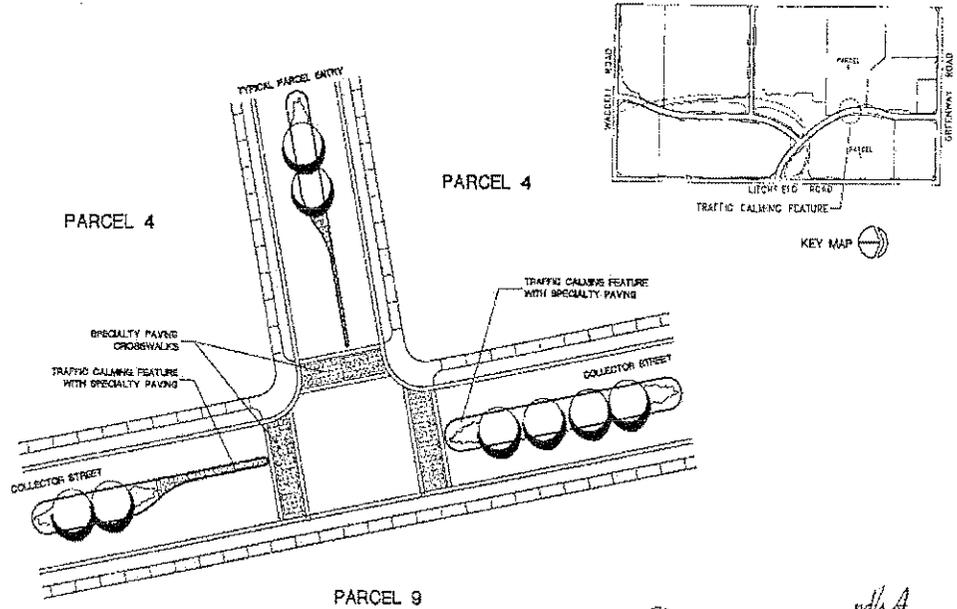
Crosswalk between Parcels 4 and 9:



**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
**Addendum**

**Addendum**

Crosswalk between Parcels 1 and 10:



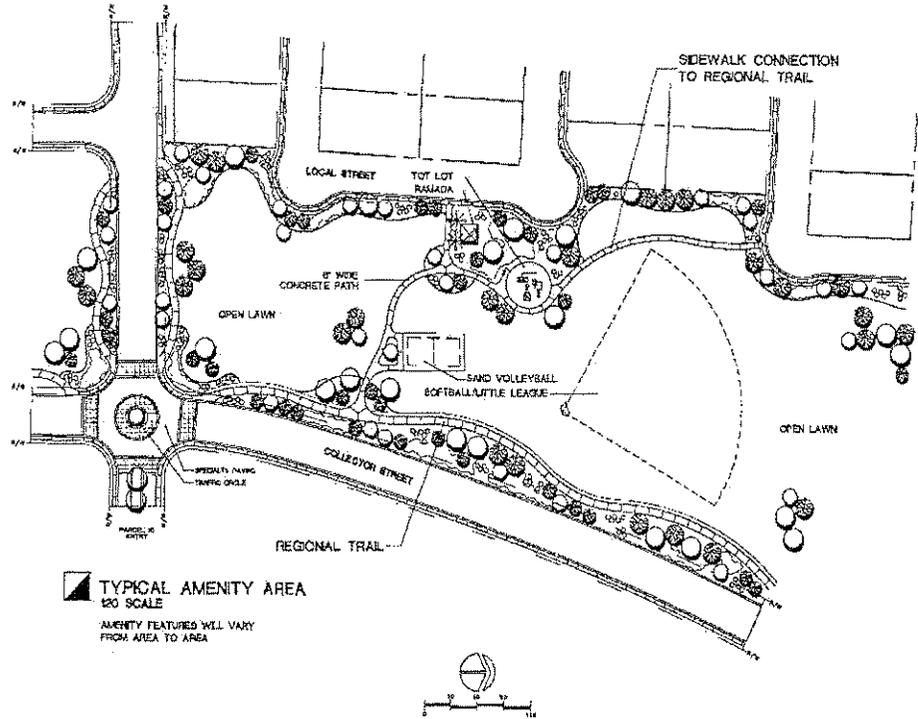
traffic calming exhibit

**Sierra Verde**  
 LEVINE PROPERTY DEVELOPMENT



Pedestrian Access from Residential to Open Space:

SIERRA VERDE - PLANNED AREA DEVELOPMENT  
Addendum



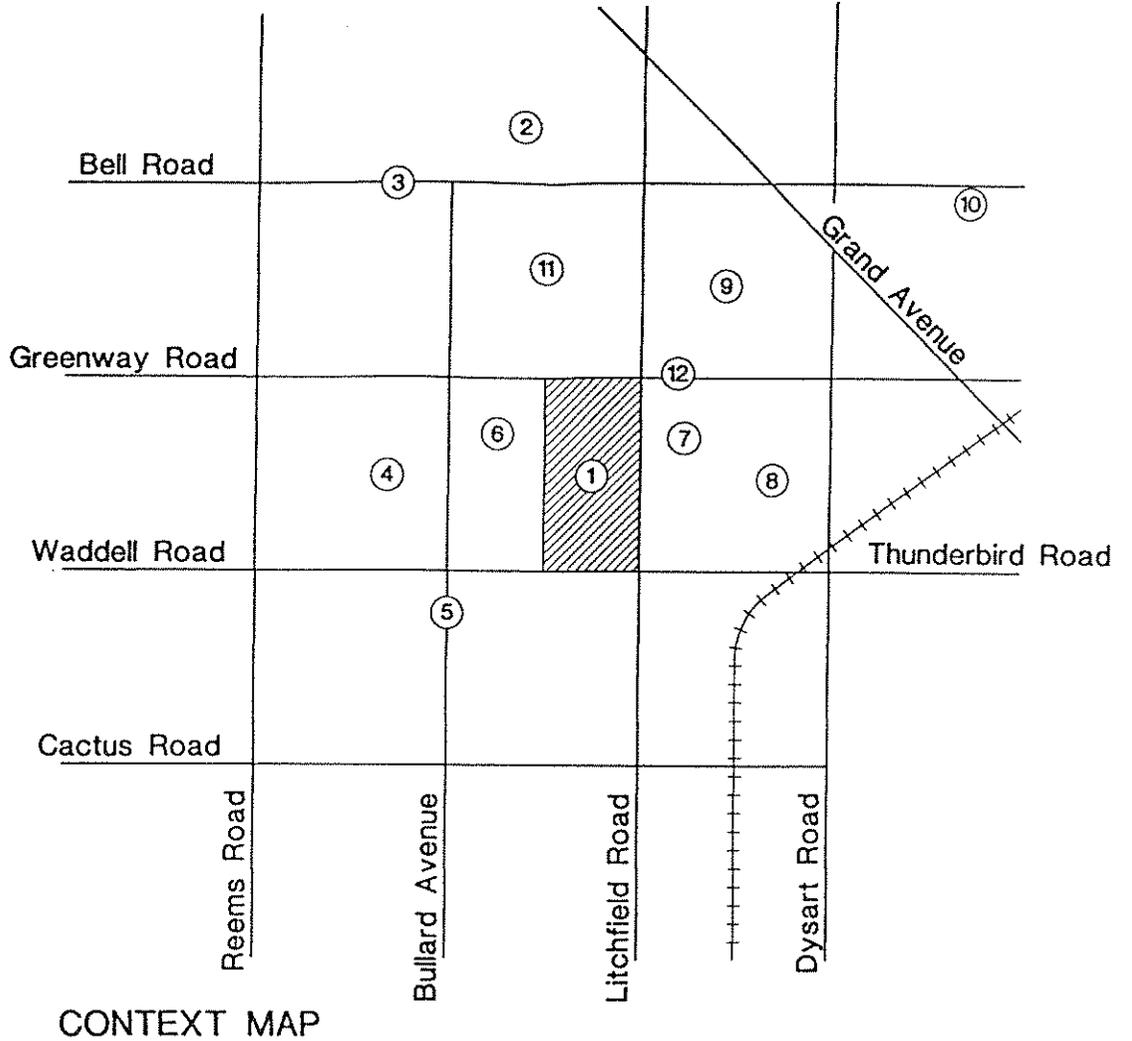
sidewalk / trail exhibit

**Sierra Verde**  
LIVENS PROPERTY - SURPRISE, ARIZONA

pd/a  
ARCHITECTURAL ASSOCIATES, INC.  
REGISTERED ARCHITECTS

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
Appendix

***Exhibit A- Vicinity Map***



**Legend**

#	PROJECT	DU/Ac
1	Subject Property	-
2	Sun Village	4.84
3	The Orchards	4.05
4	Ashton Ranch	4.88
5	Waddell Property	4.25
6	Royal Ranch	3.42

#	PROJECT	DU/Ac
7	Litchfield Manor	3.62
8	Roseview	4.35
9	West Point	2.73
10	City Hall	-
11	Surprise Center	-
12	West Point K-8	-

# BOUNDARY SURVEY

THE EAST HALF OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE 6TH AND 54TH MERIDIAN, WABAGO COUNTY, MISSOURI

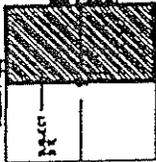


SCALE: 1" = 200'

**LEGAL DESCRIPTION**  
 THE EAST HALF OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE 6TH AND 54TH MERIDIAN, WABAGO COUNTY, MISSOURI, AS SHOWN ON THE PLAT OF THE BOUNDARY SURVEY FOR LITCHFIELD ROAD AND GREENWAY ROAD, MADE AND RETURNED TO THE PUBLIC RECORDS OF WABAGO COUNTY, MISSOURI, ON 11/15/2011.

**BASIS OF BEARINGS**  
 BEARINGS ARE BASED ON THE MERIDIAN ANGLE OF THE POLAR STAR, OBSERVED ON 11/15/2011, WHICH WAS 111° 15' 00" WEST OF THE MERIDIAN.

**NOTES**  
 ALL DISTANCES WERE MEASURED BY THE SURVEYOR ON THE GROUND. ALL BEARINGS WERE MEASURED BY THE SURVEYOR ON THE GROUND. ALL DISTANCES WERE MEASURED BY THE SURVEYOR ON THE GROUND.

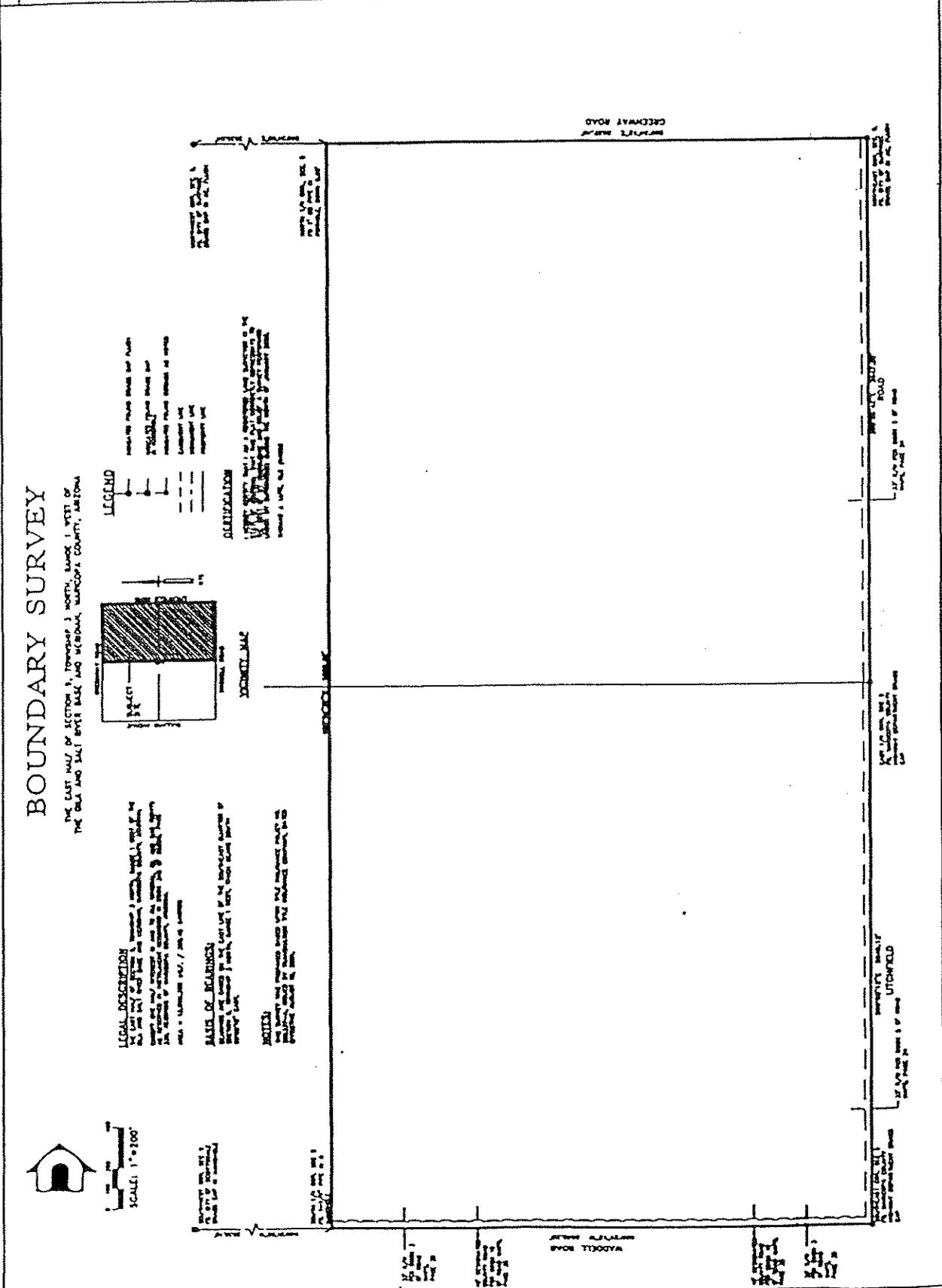


**LEGEND**

- PROPERTY BOUNDARY
- EASEMENT BOUNDARY
- RIGHT-OF-WAY BOUNDARY
- UNDEVELOPED LAND
- DEVELOPED LAND
- WATER
- ROAD
- FENCE
- UTILITY
- SURVEY MARK
- CORNER
- MONUMENT
- ADJACENT PROPERTY
- UNDEVELOPED LAND
- DEVELOPED LAND
- WATER
- ROAD
- FENCE
- UTILITY
- SURVEY MARK
- CORNER
- MONUMENT
- ADJACENT PROPERTY

**IDENTIFICATION**  
 THE SURVEY WAS MADE BY THE SURVEYOR ON THE GROUND. ALL DISTANCES WERE MEASURED BY THE SURVEYOR ON THE GROUND. ALL BEARINGS WERE MEASURED BY THE SURVEYOR ON THE GROUND.

<p>DAVID SWANSON          SURVEYOR          MISSOURI</p>	<p>LEVEL SURVEYING LIMITED PARTNERSHIP          BOUNDARY SURVEY          FOR LITCHFIELD ROAD          AND GREENWAY ROAD PLAT</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12</p>
--	--	---	---



<p>1 2 3 4 5 6 7 8 9 10 11 12</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12</p>
---	---

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**

**Appendix**

**Exhibit D – Legal Description/Exhibit**

## LEGAL DESCRIPTION

A portion of the east half of Section 9, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at a City of Surprise brass cap found at the northeast corner of said Section 9, thence South  $00^{\circ}05'42''$  East, along the east line of said Section 9, a distance of 2647.89 feet to a Maricopa County Highway Department brass cap found at the east quarter corner of said Section 9;

Thence South  $00^{\circ}05'12''$  East, along the east line of said Section 9, a distance of 2648.12 feet to a Maricopa County Highway Department brass cap found at the southeast corner of said Section 9;

Thence North  $89^{\circ}21'12''$  West, along the south line of said Section 9, a distance of 2639.28 feet to a 1-1/4" iron pipe found 0.7 feet below the pavement at the south quarter corner of said Section 9;

Thence North  $00^{\circ}04'20''$  West, along the north-south mid-section line of said Section 9, a distance of 5286.02 feet to a 1" iron pipe found 0.6 feet below the pavement at the north quarter corner of said Section 9;

Thence South  $89^{\circ}34'12''$  East, along the north line of said Section 9, a distance of 2637.45 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel:

COMMENCING at a Maricopa County Highway Department brass cap found at the east quarter corner of said Section 9, thence South  $00^{\circ}05'12''$  East, along the east line of said Section 9, a distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence South  $00^{\circ}05'12''$  East, continuing along the east line of said Section 9, a distance of 1845.55 feet;

Thence North  $89^{\circ}21'12''$  West, a distance of 1040.17 feet to a point on a non-tangent curve, the center of which bears North  $72^{\circ}48'41''$  West, a distance of 1880.00 feet;

Thence northeasterly, along the arc of said curve to the left, through a central angle of  $17^{\circ}16'31''$ , an arc distance of 566.84 feet;

Thence North  $00^{\circ}05'12''$  West, a distance of 972.81 feet, to a point of curvature with a radius of 770.00 feet;

Thence northeasterly, along the arc of said curve to the right, through a central angle of  $47^{\circ}17'38''$ , an arc distance of 635.58 feet;

Thence North  $47^{\circ}12'26''$  East, a distance of 108.27 feet;

Thence South  $87^{\circ}47'34''$  East, a distance of 28.28 feet;

Thence South  $42^{\circ}47'34''$  East, a distance of 263.50 feet, to a point of curvature with a radius of 430.00 feet;

Thence southeasterly, along the arc of said curve to the left, through a central angle of  $23^{\circ}16'18''$ , an arc distance of 174.65 feet;

Thence South  $66^{\circ}03'52''$  East, a distance of 65.76 feet, to a point of curvature with a radius of 435.00 feet;

Thence southeasterly, along the arc of said curve to the left, through a central angle of  $15^{\circ}19'36''$ , an arc distance of 116.36 feet;

Thence North  $89^{\circ}54'48''$  East, a distance of 105.00 feet to the TRUE POINT OF BEGINNING.

Said parcel containing 12,073,287 square feet or 277.16 acres, more or less.



# GREENWAY ROAD

N. 1/4 COR. SEC. 9  
FD. 1" O.D. PIPE IN  
POTHOLE, DOWN 0.60'

5286.02"

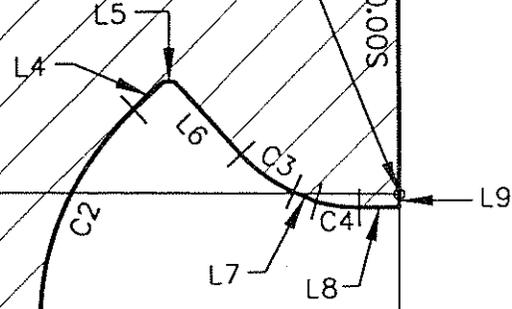
N00°04'20"W

S89°34'12"E 2637.45'

N.E. COR. SEC. 9  
FD. CITY OF SURPRISE  
FLUSH BRASS CAP

EAST 1/4 COR. SEC 9  
FD. MARICOPA COUNTY  
HIGHWAY DEPARTMENT BRASS  
CAP

S00°05'42"E 2647.89'



Line Table		
No.	Bearing	Distance
L1	S00°05'12"E	1845.55'
L2	N89°21'12"W	1040.17'
L3	N00°05'12"W	972.81'
L4	N47°12'26"E	108.27'
L5	S87°47'34"E	28.28'
L6	S42°47'34"E	263.50'
L7	S66°03'52"E	65.76'
L8	N89°54'48"E	105.00'
L9	S00°05'12"E	35.00'
L10	S00°05'12"E	767.56'

Curve Table			
No.	Radius	Delta	Length
C1	1880.00'	17°16'31"	566.84'
C2	770.00'	47°17'38"	635.58'
C3	430.00'	23°16'18"	174.65'
C4	435.00'	15°19'36"	116.36'

"EXCEPTION"  
PARCEL 10  
43.29 ACRES±

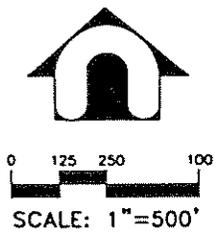
LITCHFIELD ROAD

SOUTH 1/4 COR. SEC 9  
FD. 1-1/4" PIPE IN A  
HANDHOLE

SOUTHEAST COR. SEC 9  
FD. MARICOPA COUNTY  
HIGHWAY DEPARTMENT BRASS  
CAP

N89°21'12"W 2639.28'

# WADDELL ROAD



JRNY0001 p.je 06/11/02 08:29:38 p.je S:\SVY\Jrny0001\Jr01EM01.dwg

SCALE: 1"=500'
SHEET 1 OF 1
JOB NO.: JRNY0001

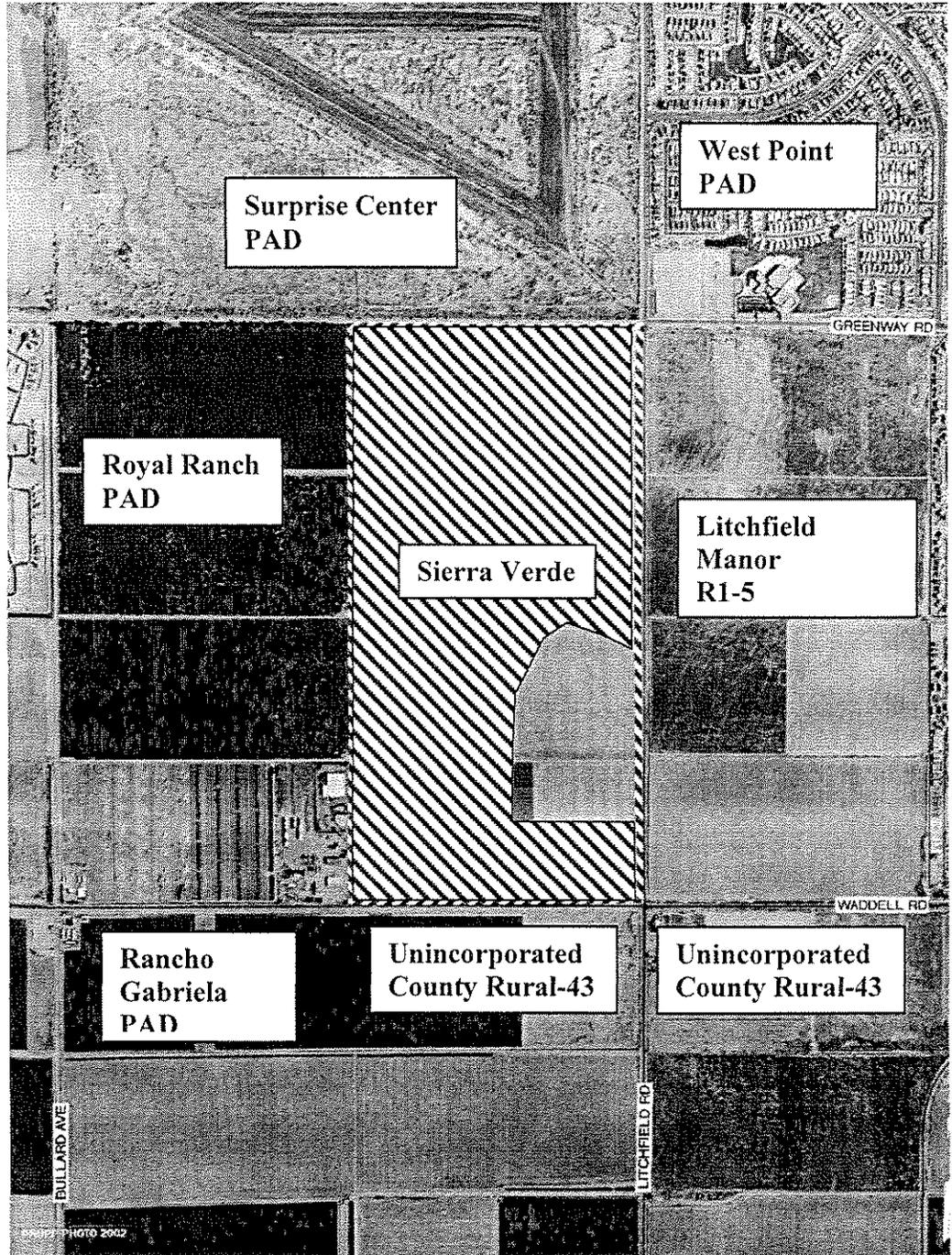
**DAVID EVANS  
AND ASSOCIATES INC.**  
7878 North 16th St, Suite 250  
Phoenix Arizona 85020  
Phone: 602.678.5151

DRAWN BY: p.je
CHECKED BY:
DATE: 06/02

**SIERRA VERDE – PLANNED AREA DEVELOPMENT**

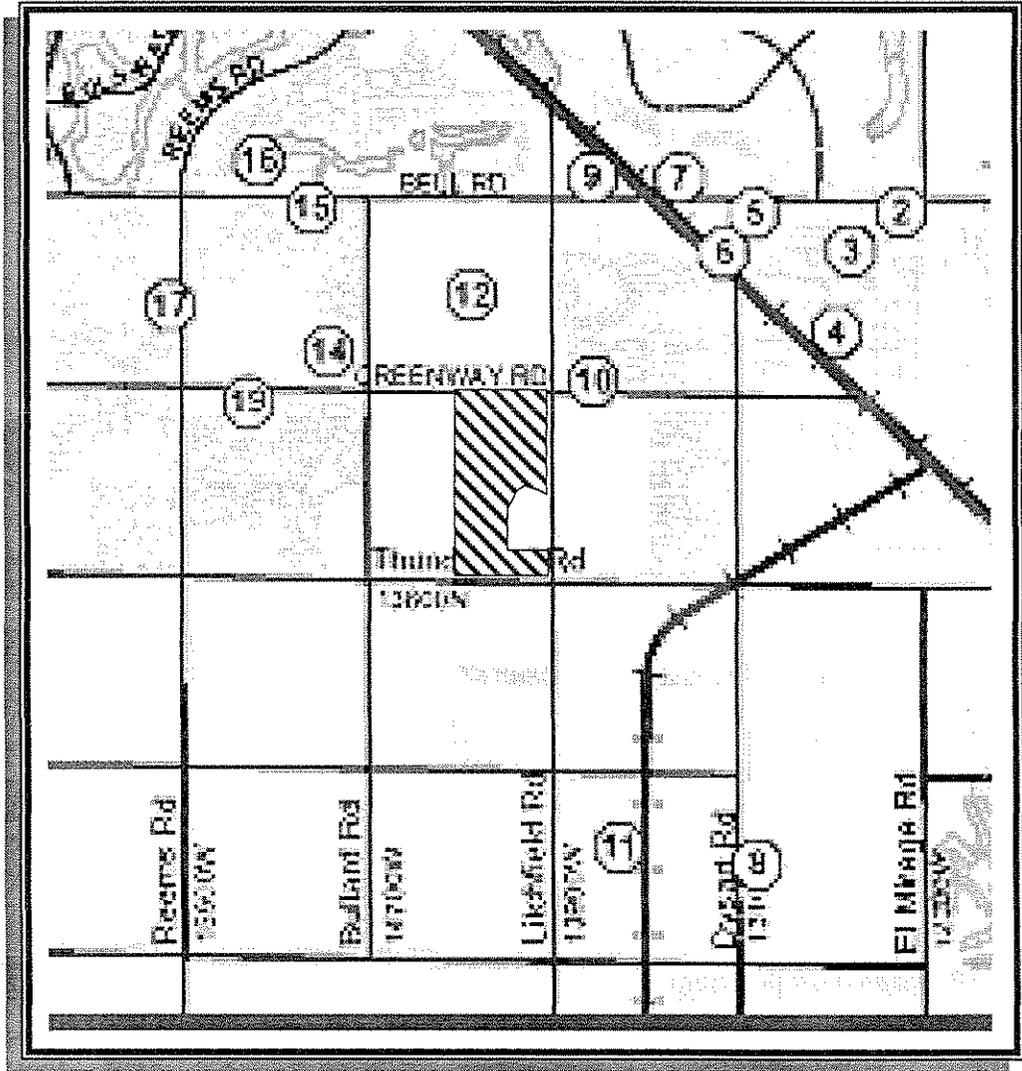
**Appendix**

***Exhibit E – Surrounding Zoning/Land Use***



**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
**Appendix**

***Exhibit F – Community Facilities Map***



2	City Hall	8	Dysart High/El.	15	Post Office
3	Bicentennial Park	9	Towne Center	17	Educ. Center
4	City Complex	10	West Pt. Elem.	18	Future Fire Stn
5	Sheriff's Office	11	Water Reclam.	19	Future Elem.
6	City Maint. Yard	12	Surprise Center		
7	Commerce Park	14	Rec. Campus		

LAND USE PLAN

Appendix

Exhibit G – General Plan Land Use

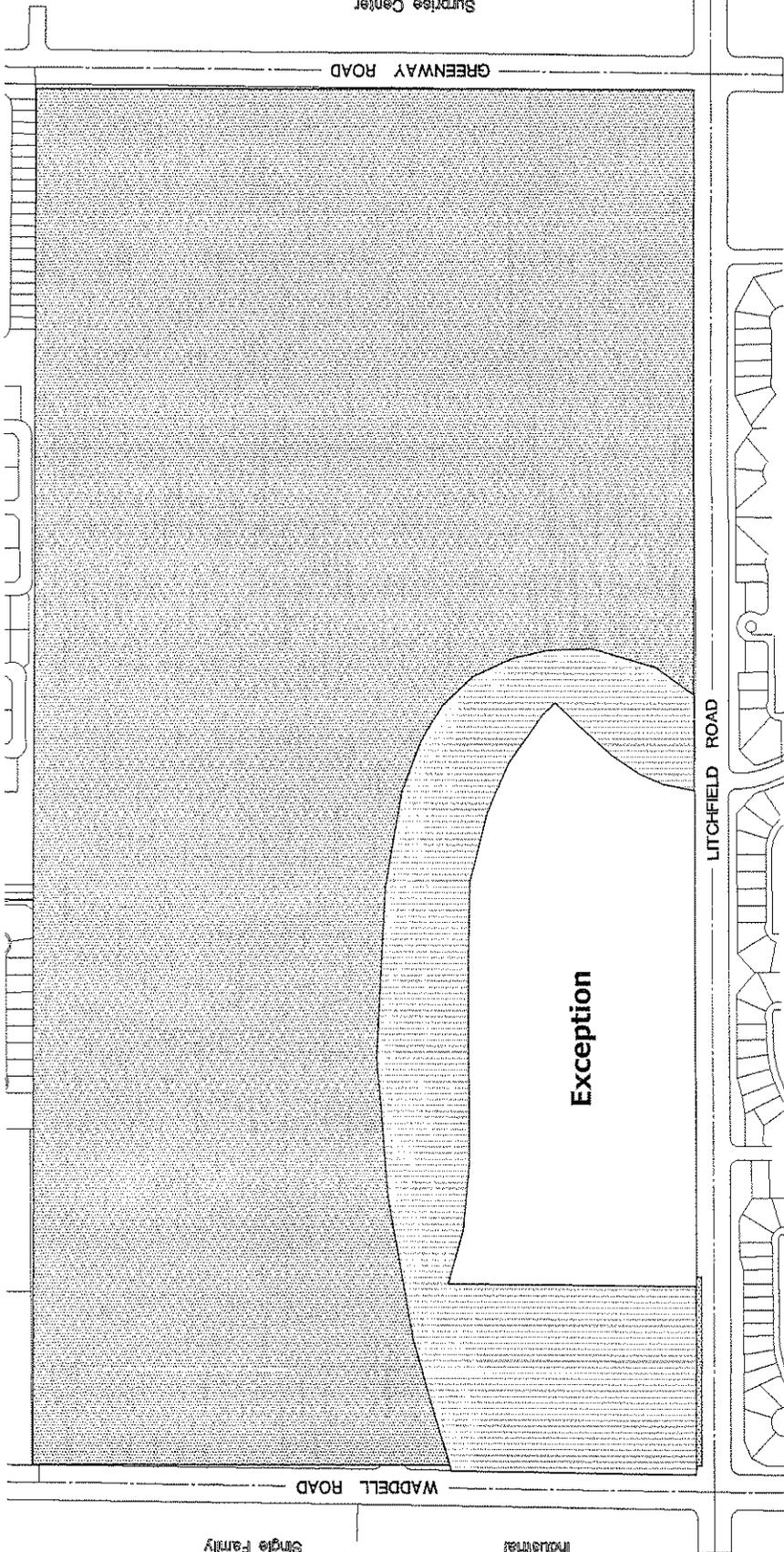
SIERRA VERDE – PLANNED AREA DEVELOPMENT



Low Density Residential



Employment



Single Family

Industrial

Exception

LITCH-FIELD ROAD

WADDELL ROAD

GREENWAY ROAD

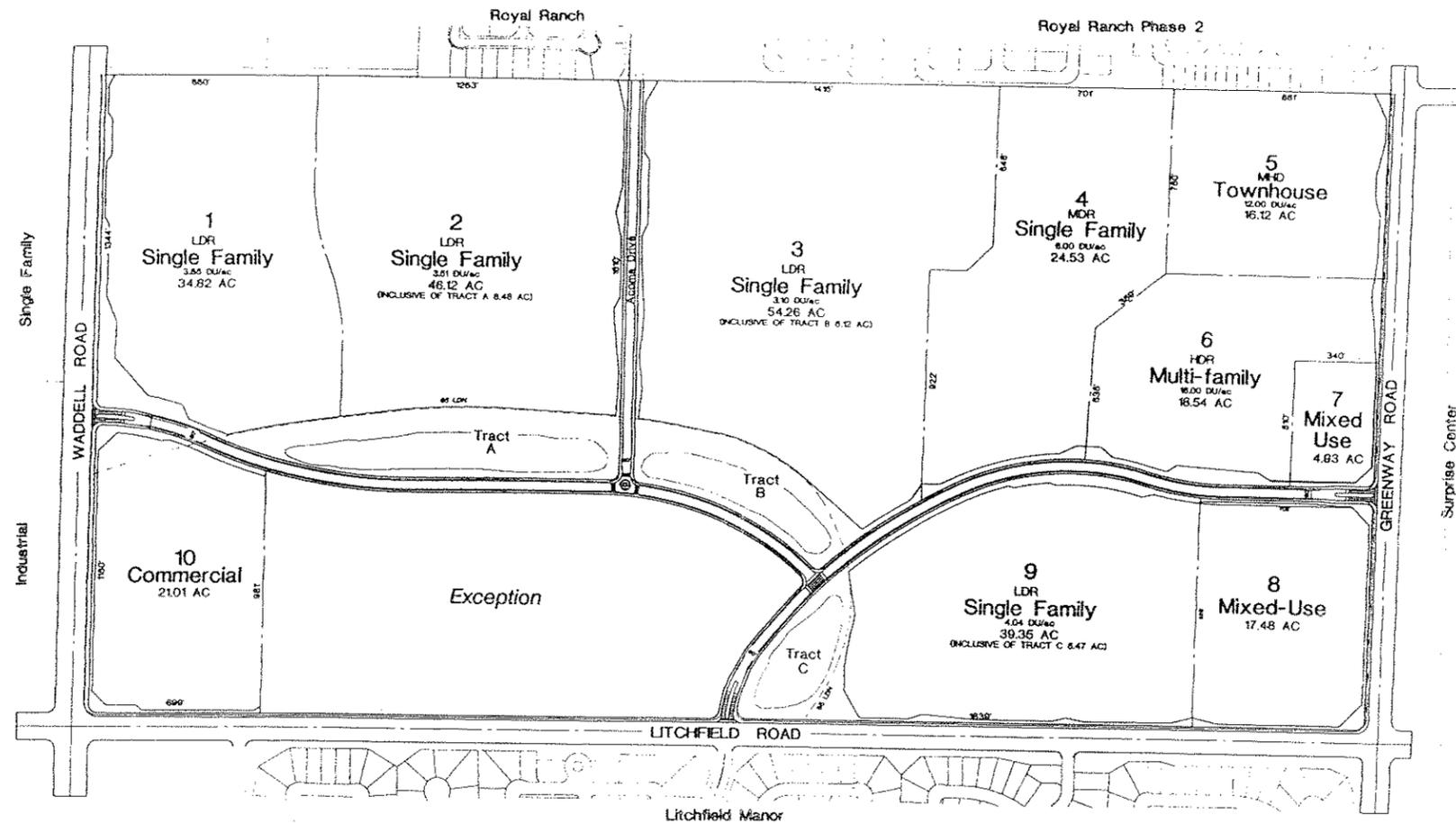
Surprise Center

Litchfield Manor

SIERRA VERDE – City of Surprise, Arizona

Exhibit H – Conceptual Development Plan





Land Use Table

Parcel	Land Use	Du/Ac	Lot Type/Size	Lot Area	Units	LDR Percent
1	LDR	3.85	B 53'x112'	5936	134	22%
2	LDR	3.51	C 58'x115'	6670	162	26%
3	LDR	3.10	E 66'x115'	7820	168	27%
4	MDR	6.00	45'x80'	3600	155	
5	MHD	12.00	-	-	193	
6	HDR	18.00	-	-	334	
7	Mixed-Use	-	-	-	-	
8	Mixed-Use	-	-	-	-	
9	LDR	4.04	A 48'x110'	5280	159	25%
10	Commercial	-	-	-	-	

4.7 DU/AC	TOTAL Residential Units	1,303
3.6 DU/AC	TOTAL LDR Lots	623

Legal Description

See Exhibit D of This Document for Legal Description

Project Area

Total Project Area ..... 277.16 Ac

AREAS SHOWN ON PLAN ABOVE ARE MEASURED TO THE CENTERLINE OF COLLECTOR STREETS AND TO THE EXISTING ARTERIAL RIGHTS-OF-WAY.

\* The number of dwelling units permitted within the single-family, multi-family, and mixed use parcels of this P.A.D. shall not cause the LDR portions of Section 9, T3N, R7W, to exceed 5 dwelling units/acre.

land use plan

**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

pd/sA  
LAND PLANNING/LANDSCAPE ARCHITECTURE  
pd/SAUREY ASSOCIATES, INC.



3900 EAST BASILINE ROAD, SUITE 117  
MESA, AZ 85204 (480) 833-9909

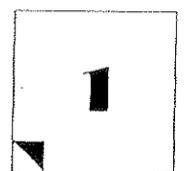
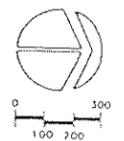
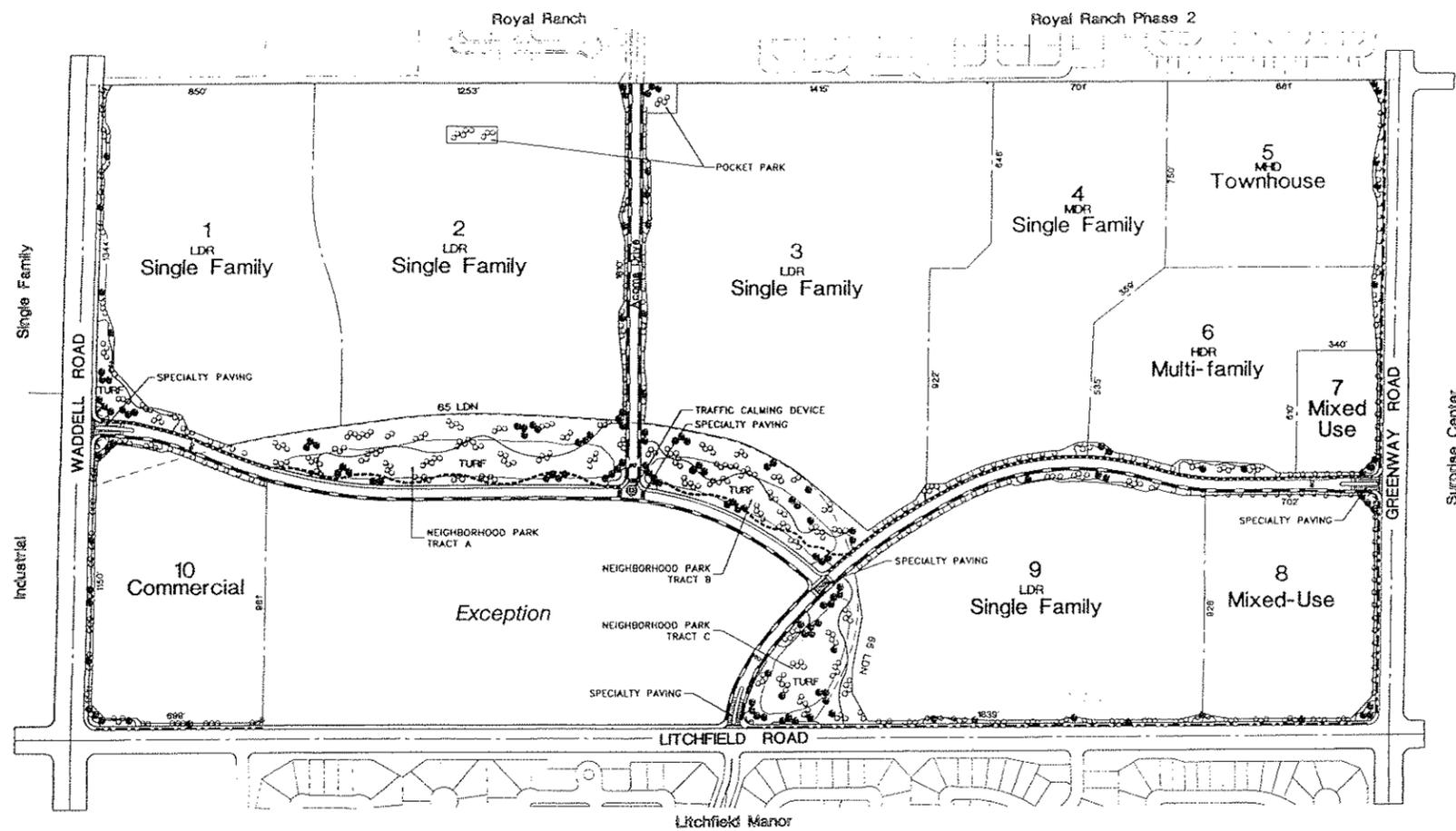


Exhibit I – Preliminary Landscape Plan





**PLANT PALETTE**

BOTANICAL NAME	COMMON NAME
ACACIA SMALLII	SWEET ACACIA
PNUS ELDERICA	MONDEL PINE
PTHECELOBIUM FLEXICAULE	TEXAS EBONY
QUERCUS VIRGINIANA	SOUTHERN LIVE OAK
CERODIUM PRAECOX	PALO BREA
WASHINGTONIA ROBUSTA	MEXICAN FAN PALM
ACACIA REDOLENS 'DESERT CARPET'	DESERT CARPET ACACIA
BACCHARIS 'CENTENNIAL'	CENTENNIAL BACCHARIS
CAESALPINA PULCHERRIMA	RED BIRD OF PARADISE
LANTANA C. 'DWARF YELLOW'	DWARF YELLOW LANTANA
LANTANA MONTEVIDENSIS	TRAILING PURPLE LANTANA
LEUCOPHYLLUM L. 'RIO BRAVO'	RIO BRAVO SAGE
NERISUM OLEANDER 'PETITE PINK'	DWARF PINK OLEANDER
DASYLIRION WHEELERI	DESERT SPOON
DALEA CAPITATA 'SIERRA GOLD'	SIERRA GOLD DALEA
TURF	MIDRION BERMUDAGRASS

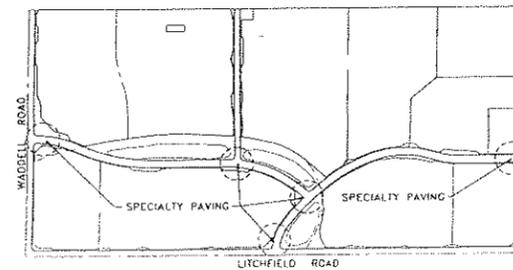
PLANT MATERIAL MAY VARY

**TRAIL LEGEND**

- REGIONAL MULTI-USE TRAIL
- ===== 6' WIDE CONCRETE INTERIOR MULTI-USE TRAILS
- 6' ASPHALT BIKE PATH IN ROAD
- [Pattern] SPECIALTY PAVING AT TRAIL CROSSING

**LANDSCAPE NOTES**

1. LANDSCAPE SHALL BE MAINTAINED BY A HOMEOWNERS' ASSOCIATION.
2. ALL LANDSCAPING SHALL MEET OR EXCEED ALL CITY OF SURPRISE LANDSCAPE REQUIREMENTS.
3. AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM SHALL BE INSTALLED TO WATER ALL LANDSCAPE AREAS.



pd/sA  
LAND PLANNING/LANDSCAPE ARCHITECTURE  
pd/saurey ASSOCIATES, INC.



3050 EAST BASELINE ROAD, SUITE 117  
MESA, AZ 85208 (480) 833-9562



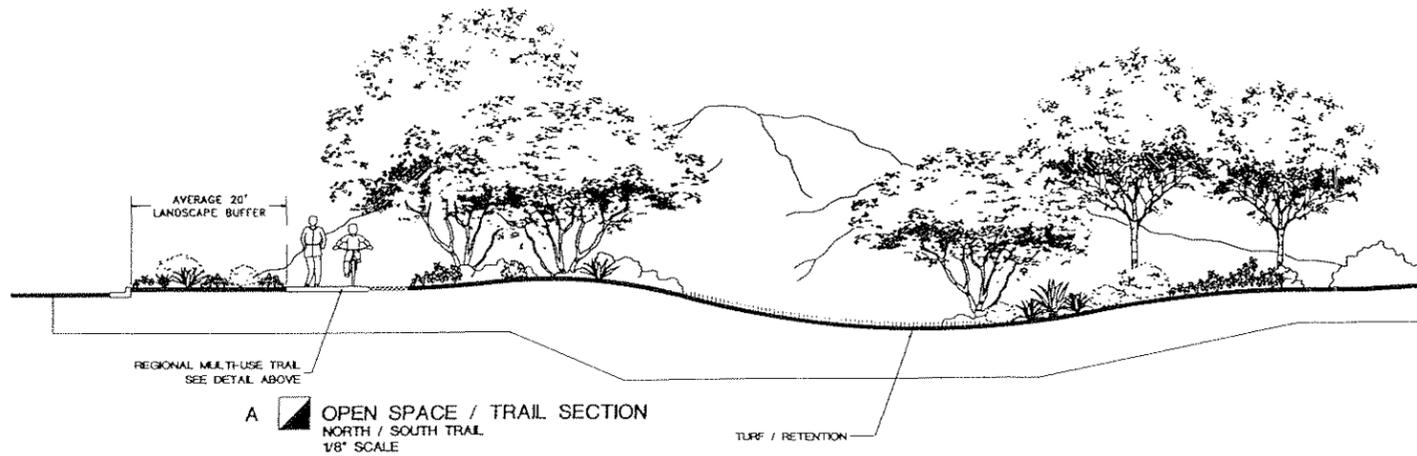
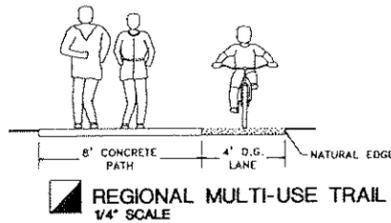
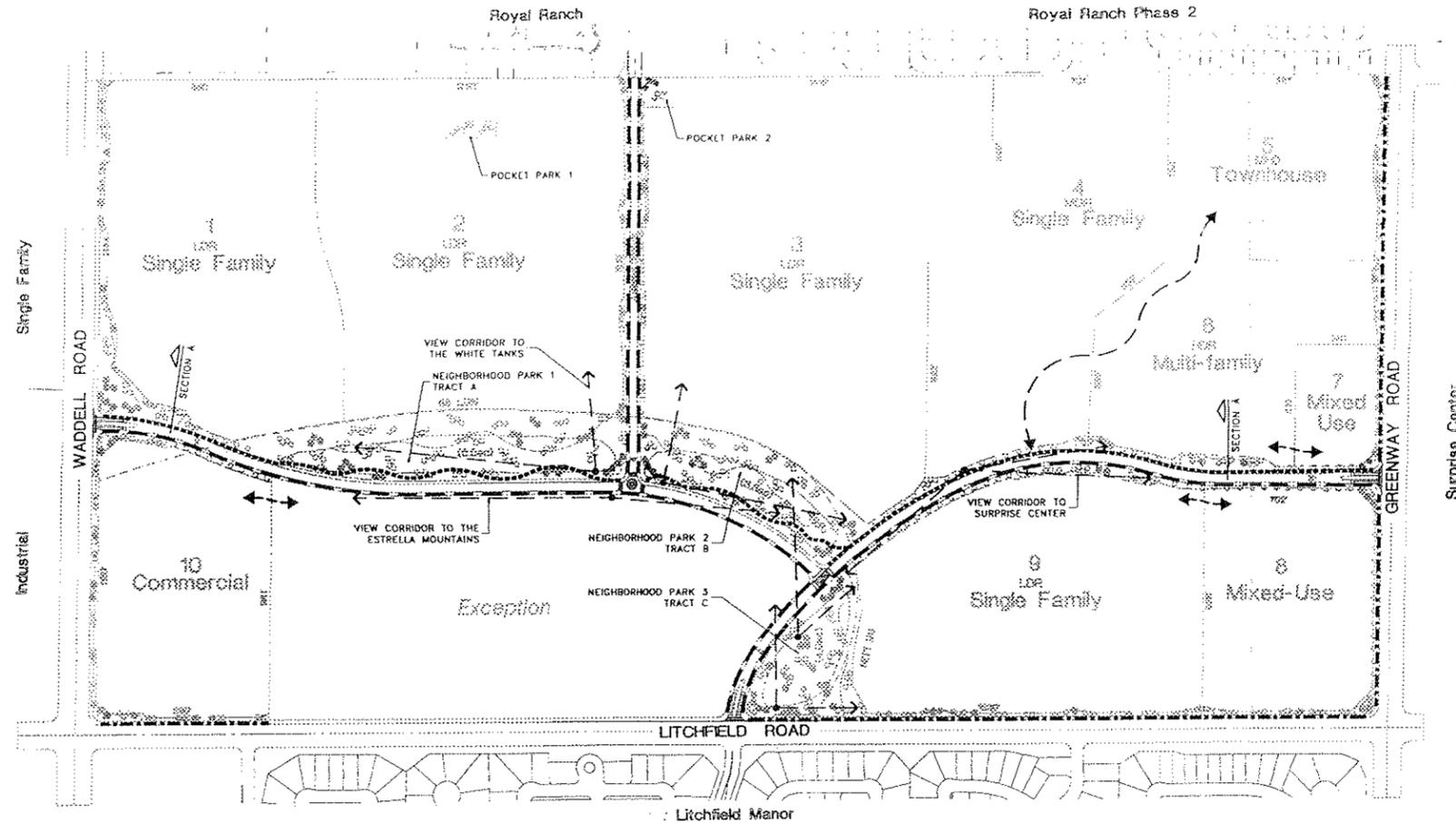
**preliminary landscape plan**

**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

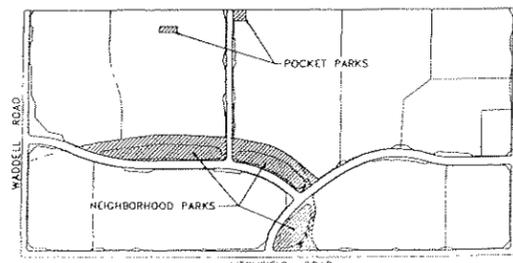
AMENITY SCHEDULE

	QUANTITY
POCKET PARK 1	
OPEN LAWN	
RAMADA	1
BARBECUE	2
BENCHES	2
PICNIC TABLES	2
POCKET PARK 2	
OPEN LAWN	
RAMADA	1
BARBECUE	2
TOT LOT	1
BENCHES	2
PICNIC TABLES	2
NEIGHBORHOOD PARK 1	
OPEN LAWN	
RAMADA	1
BARBECUE	2
TOT LOT	1
BENCHES	6
PICNIC TABLES	2
SOCCER FIELD	1
FULL COURT BASKETBALL	1
NEIGHBORHOOD PARK 2	
OPEN LAWN	
RAMADA	1
BARBECUE	2
BENCHES	5
PICNIC TABLES	2
SAND VOLLEYBALL	1
SOFTBALL FIELD	1
NEIGHBORHOOD PARK 3	
OPEN LAWN	
SOCCER FIELD	1
BENCHES	4



LEGEND

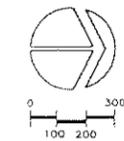
- ..... REGIONAL MULTI-USE TRAIL  
8' WIDE PATH WITH 4' WIDE DECOMPOSED GRANITE LANE
  - 6' WIDE CONCRETE INTERIOR MULTI-USE TRAILS
  - 6' ASPHALT BIKE PATH IN ROAD
  - ↔ PEDESTRIAN CONNECTION BETWEEN PARCELS
  - VIEW CORRIDOR ARROWS
- |                              |          |
|------------------------------|----------|
| TOTAL OPEN SPACE             | 36.7 AC  |
| ACTIVE OPEN SPACE            | 18.2 AC  |
| *S.F. RESIDENTIAL OPEN SPACE | 27.43 AC |
| PARCELS 1, 2, 3 & 9          |          |



pd/sA  
LAND PLANNING/LANDSCAPE ARCHITECTURE  
pd/SAUREY ASSOCIATES, INC.



3850 EAST BASELINE ROAD, SUITE 717  
MESA, AZ 85208 (480) 633-9569



open space & trail plan

Sierra Verde

LEVINE PROPERTY - SURPRISE, ARIZONA



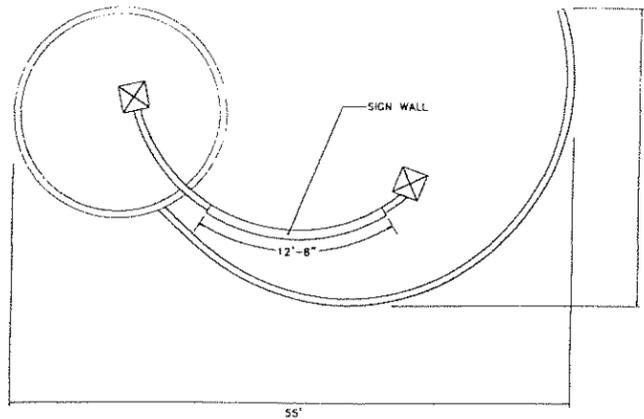
CONCEPTUAL WALL ELEVATIONS ENTRY TREATMENTS

Appendix

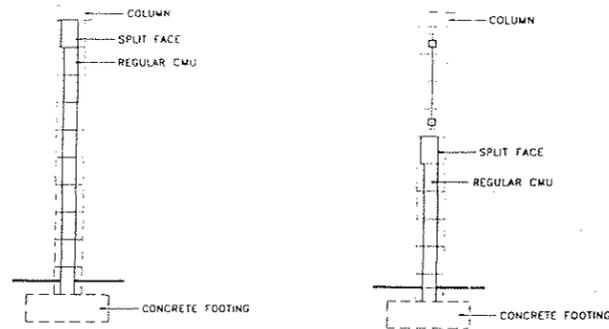
SIERRA VERDE - PLANNED AREA DEVELOPMENT

Appendix

Exhibit K - Conceptual Wall Elevations and Entry Treatments

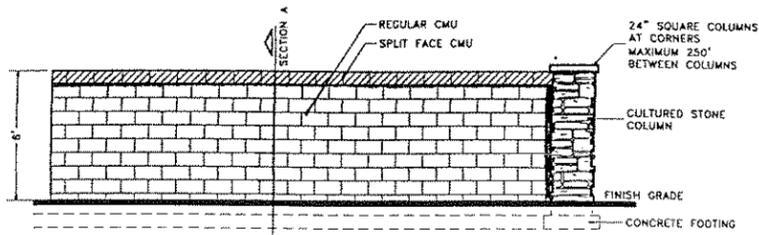
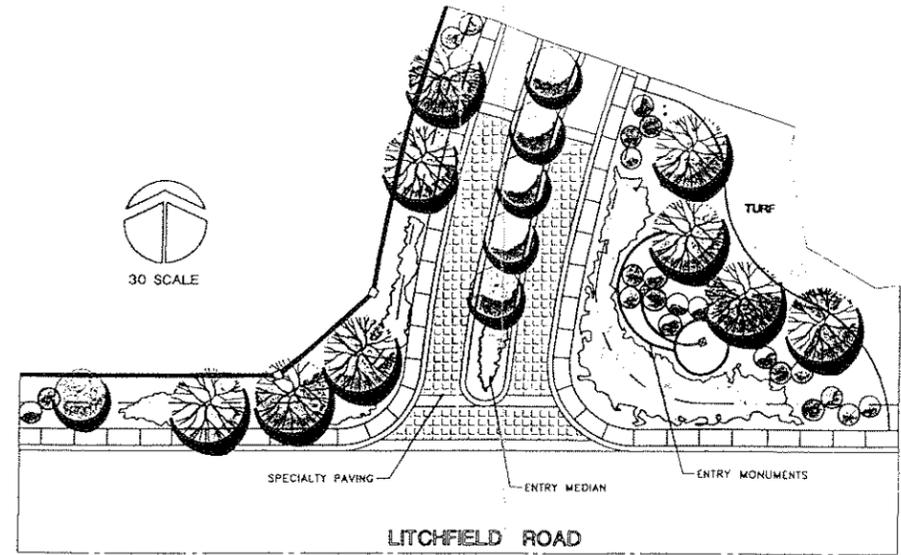


PLAN VIEW  
1/8 SCALE

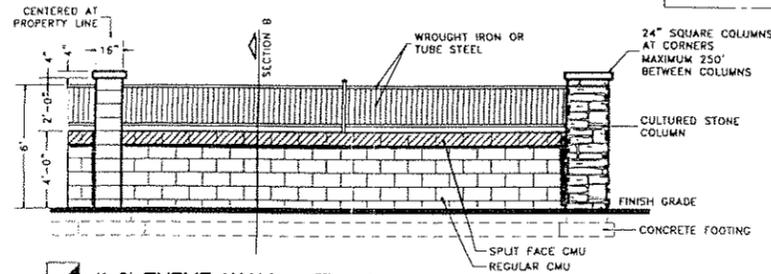


SECTION A  
1/2 Scale

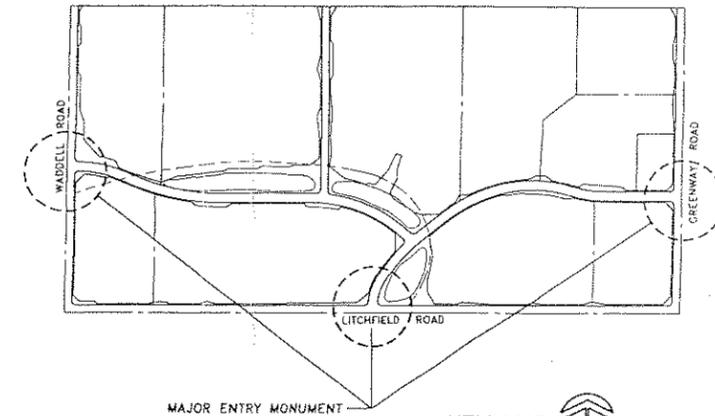
SECTION B  
1/2 Scale



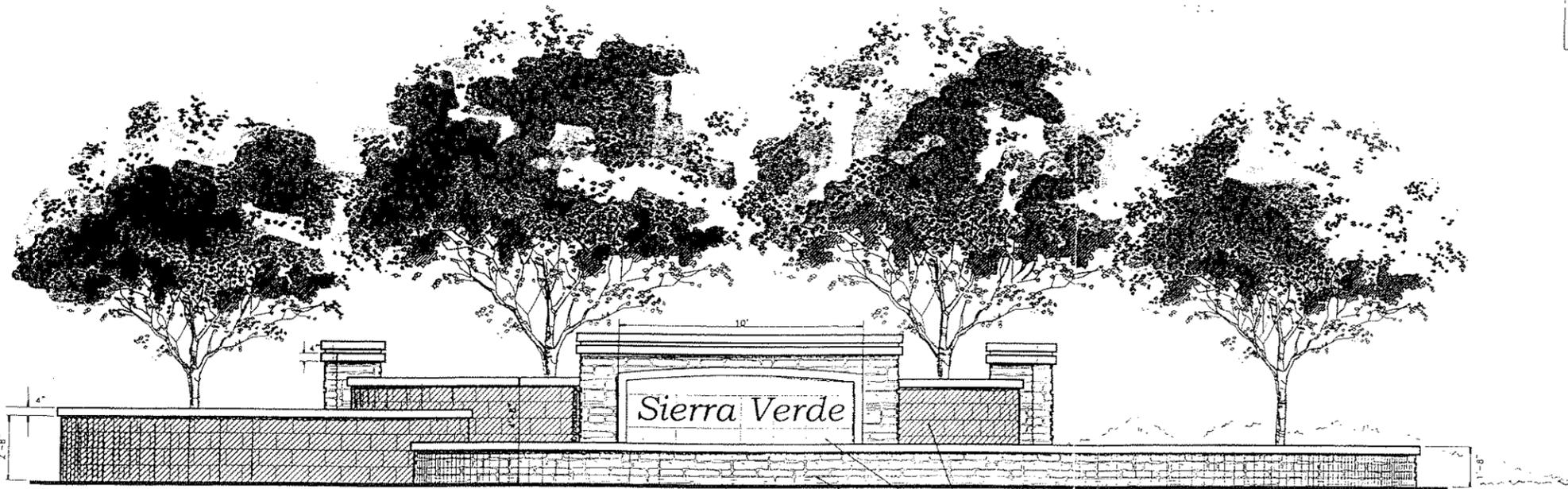
6'-4" THEME WALL - Elevation  
1/4" SCALE



4'-2" THEME WALL - Elevation  
4' HIGH MASONRY WALL WITH 2' HIGH WROUGHT IRON  
1/4" SCALE



KEY MAP



ELEVATION  
3/8 SCALE

SPLIT FACE CMU  
16"x16" STONE TILE  
CULTURED STONE

pd/sA  
LAND PLANNING/LANDSCAPE ARCHITECTURE  
pd/SAUREY ASSOCIATES, INC.



3650 EAST BASELINE ROAD, SUITE 117  
MESA, AZ 85208 (480) 633-0560



entry monument

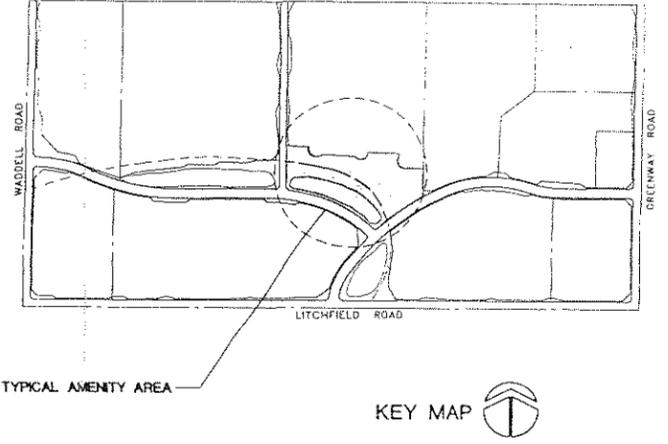
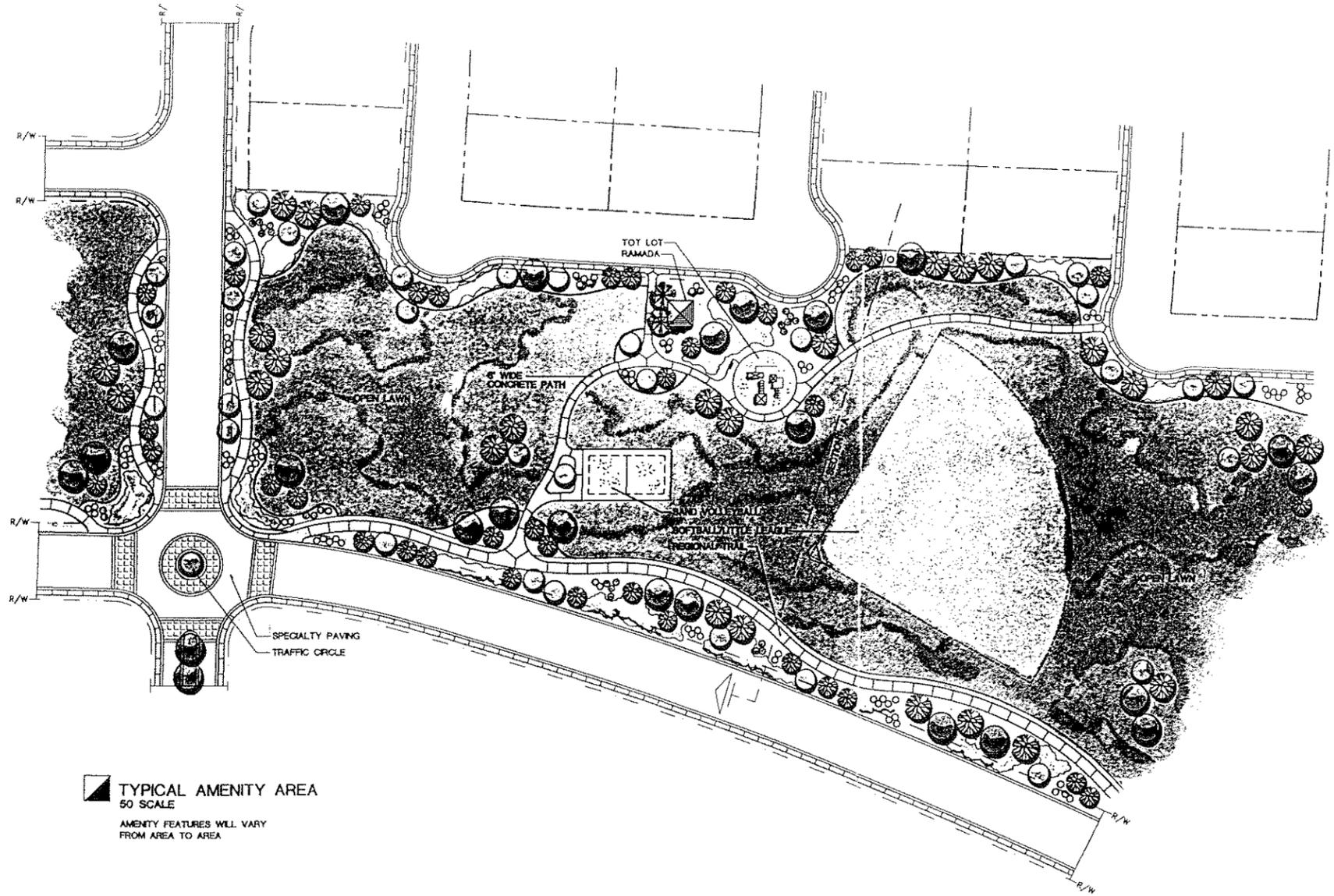
**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

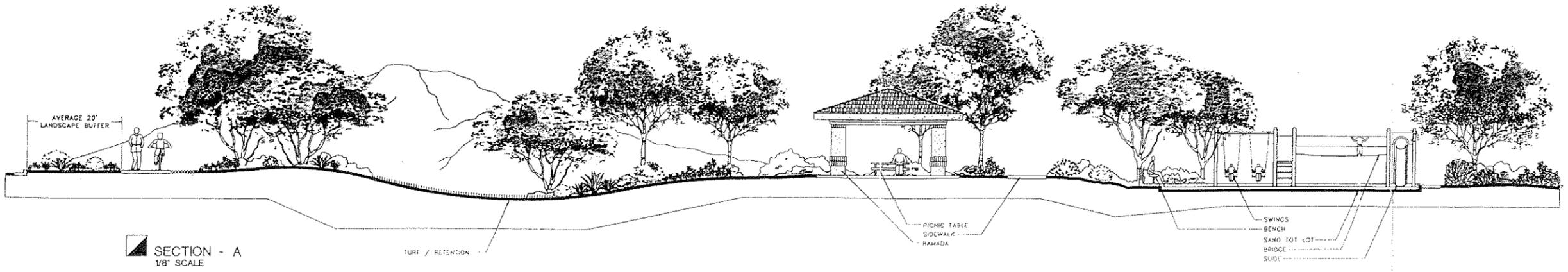
4

Exhibit L – Proposed Amenities





▲ TYPICAL AMENITY AREA  
50 SCALE  
AMENITY FEATURES WILL VARY  
FROM AREA TO AREA



▲ SECTION - A  
1/8" SCALE

**amenity area**

**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

pd/sA  
LAND PLANNING/LANDSCAPE ARCHITECTURE  
pd/SAUREY Associates, inc.

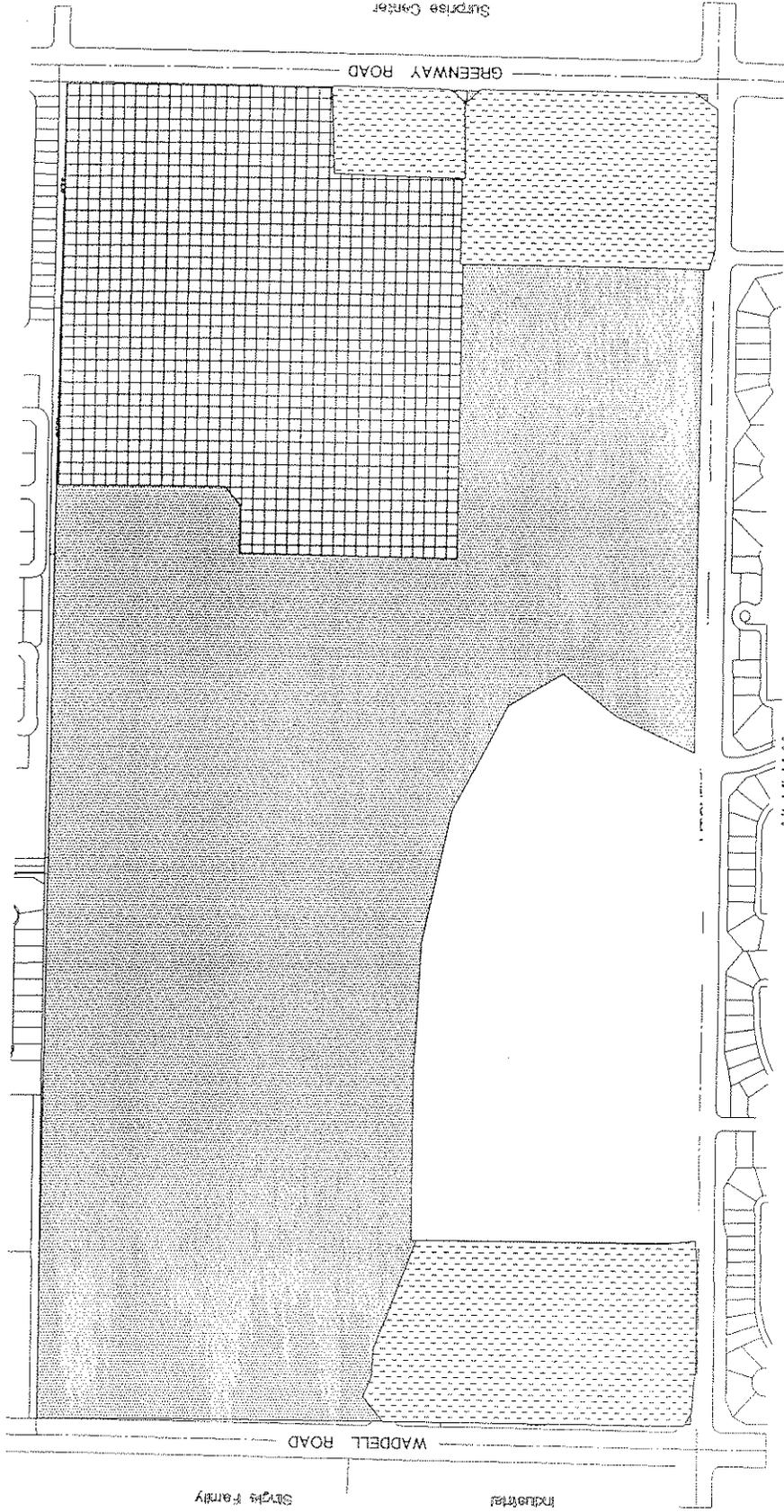
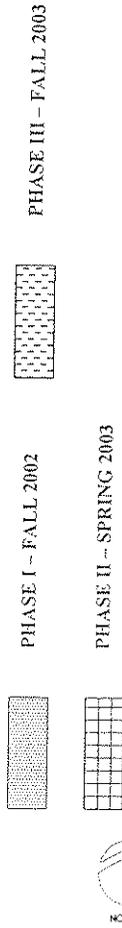
3850 EAST BANLINE ROAD, SUITE 117  
MESA, AZ 85208 (480) 633-8500



**PROJECT PHASING PLAN**

Appendix

**Exhibit M – Proposed Phasing**



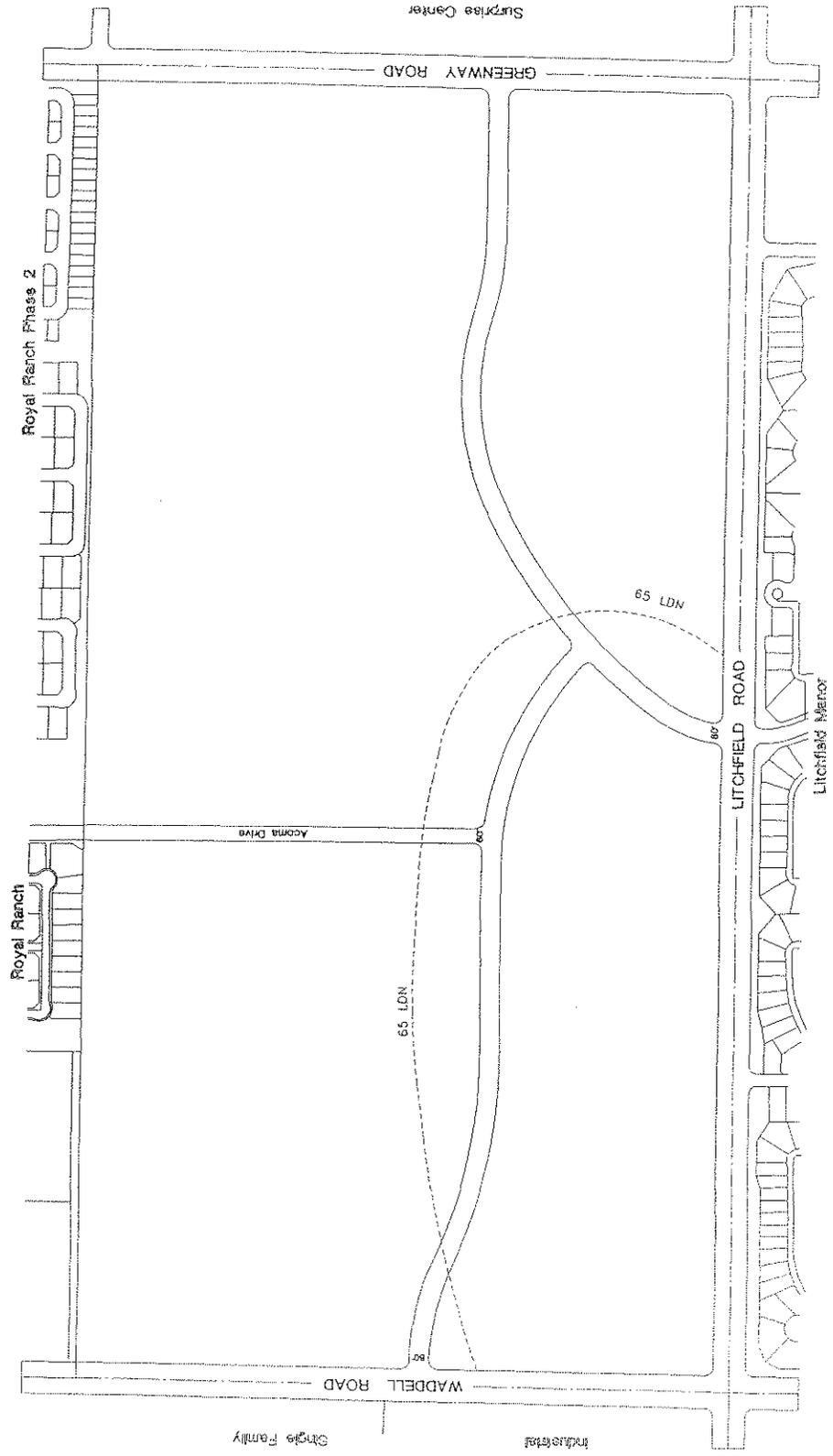
**SIERRA VERDE – PLANNED AREA DEVELOPMENT**  
Appendix

ROADWAY CIRCULATION MAP

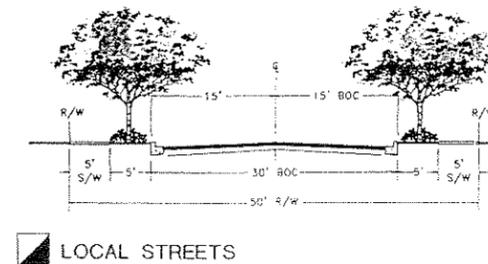
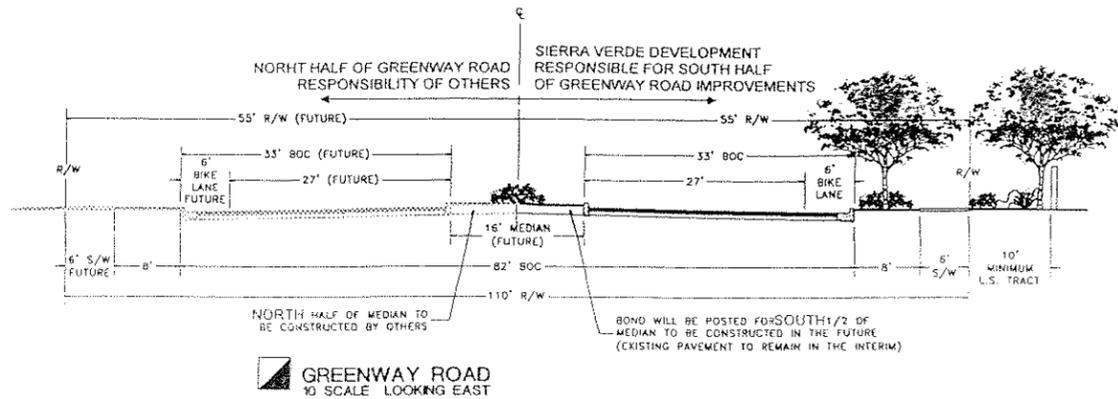
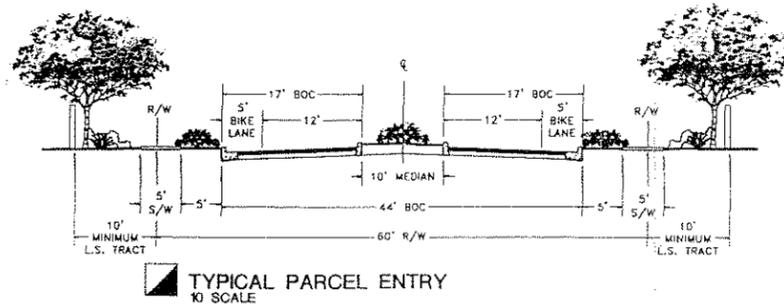
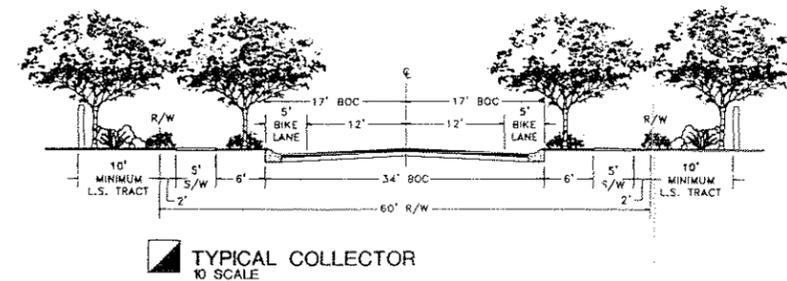
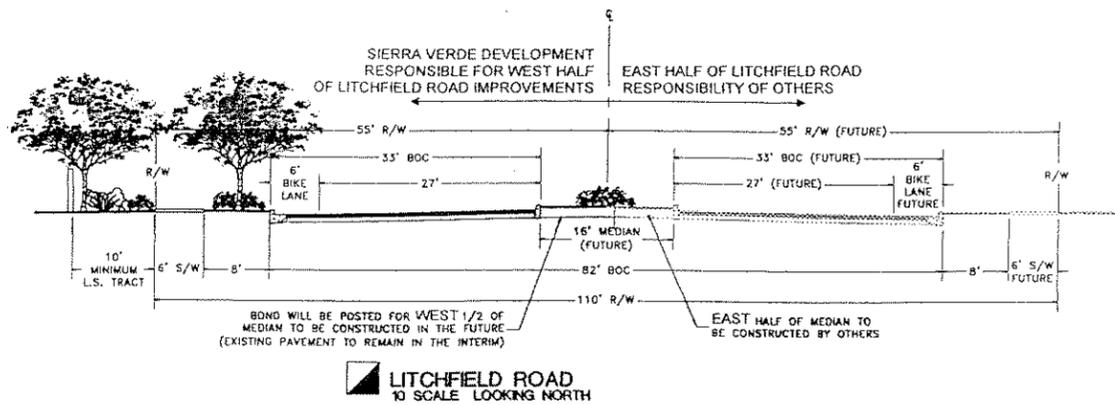
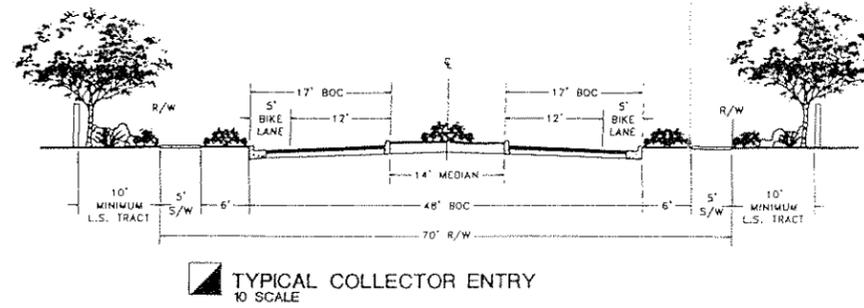
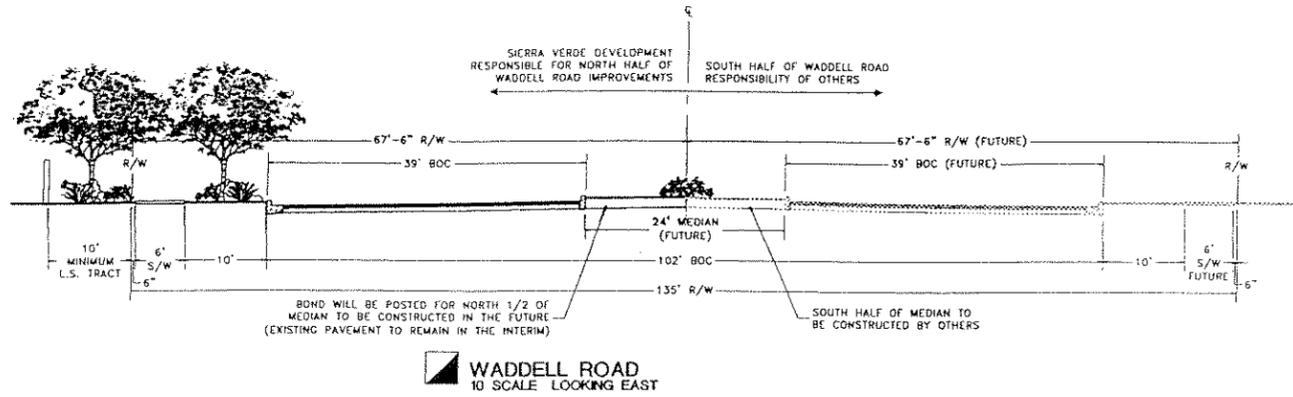
Appendix

Exhibit N – Roadway Circulation Map

SIERRA VERDE – PLANNED AREA DEVELOPMENT  
Appendix

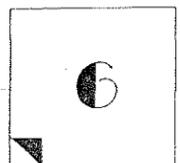






pd/sA  
LAND PLANNING/LANDSCAPE ARCHITECTURE  
pd/sAUREY ASSOCIATES, INC.

3050 EAST BASELINE ROAD, SUITE 117  
MESA, AZ 85208 (480) 633-9589



street cross sections

Sierra Verde

LEVINE PROPERTY - SURPRISE, ARIZONA

**Exhibit P – PAD Ordinance**

**SIERRA VERDE – PLANNED AREA DEVELOPMENT  
Appendix**

ORDINANCE NO. 02-31

AN ORDINANCE APPROVING THE PLANNED AREA DEVELOPMENT PAD02-036 FOR A PROPERTY TO BE KNOWN AS SIERRA VERDE, CONSISTING OF CHANGING THE ZONING OF APPROXIMATELY 277 ACRES FROM R1-43 (SINGLE FAMILY RESIDENTIAL) TO P.A.D. SUBJECT SITE IS LOCATED SOUTH OF GREENWAY ROAD, WEST OF LITCHFIELD ROAD.

WHEREAS, this Ordinance has been properly noticed for public hearing and the necessary hearings and opportunity for public input have been completed; and

WHEREAS, changes have occurred in the vicinity of Section 9, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, which require that the zoning of a parcel of land in that area be changed; and

WHEREAS, rezoning of the subject property will not cause traffic congestion or depreciate surrounding property values and, at the same time is in harmony with the purposes and intent of the zoning ordinance, the plan for the area, and the Surprise General Plan 2020; and

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Surprise, Arizona, that:

Section 1. This Ordinance is not of a general and permanent nature and shall not be codified.

Section 2. The property described in Exhibit A is rezoned from R1-43 (Single Family Residential) to Planned Area Development (PAD) with a development plan.

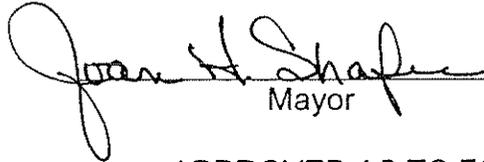
Section 3. The development plan for the property described on Exhibit A, entitled "Sierra Verde P.A.D.," Date stamped July 24, 2002, as application PAD02-036, a copy of which is on file in the Community Development Department, is approved.

Section 4. All present and future owners of the property described on Exhibit A shall develop the property only in accordance with the requirements of the Sierra Verde P.A.D., and in compliance with the Stipulations contained in Exhibit B.

Section 5. The applicant shall submit a preliminary plat for the property or a portion thereof within twelve (12) months from the date the ordinance is approved, and the applicant shall pull a permit for construction within the property within thirty-six (36) months from the date the ordinance is approved. In the event either of the above do not occur within their respective time periods, the City Council shall take the appropriate action to revert the zoning being approved with this Ordinance.

Section 6. This ordinance shall become effective thirty-one (31) days after formal passage by the council.

PASSED AND ADOPTED THIS 22nd day of August, 2002

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

YEAS: Mayor Shafer, Vice-Mayor Smith, Councilmembers; Allen, Cox, Montoya, Villanueva & Vukanovich.

NEAS: \_\_\_\_\_

## LEGAL DESCRIPTION

A portion of the east half of Section 9, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at a City of Surprise brass cap found at the northeast corner of said Section 9, thence South  $00^{\circ}05'42''$  East, along the east line of said Section 9, a distance of 2647.89 feet to a Maricopa County Highway Department brass cap found at the east quarter corner of said Section 9;

Thence South  $00^{\circ}05'12''$  East, along the east line of said Section 9, a distance of 2648.12 feet to a Maricopa County Highway Department brass cap found at the southeast corner of said Section 9;

Thence North  $89^{\circ}21'12''$  West, along the south line of said Section 9, a distance of 2639.28 feet to a 1-1/4" iron pipe found 0.7 feet below the pavement at the south quarter corner of said Section 9;

Thence North  $00^{\circ}04'20''$  West, along the north-south mid-section line of said Section 9, a distance of 5286.02 feet to a 1" iron pipe found 0.6 feet below the pavement at the north quarter corner of said Section 9;

Thence South  $89^{\circ}34'12''$  East, along the north line of said Section 9, a distance of 2637.45 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel:

COMMENCING at a Maricopa County Highway Department brass cap found at the east quarter corner of said Section 9, thence South  $00^{\circ}05'12''$  East, along the east line of said Section 9, a distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence South  $00^{\circ}05'12''$  East, continuing along the east line of said Section 9, a distance of 1845.55 feet;

Thence North  $89^{\circ}21'12''$  West, a distance of 1040.17 feet to a point on a non-tangent curve, the center of which bears North  $72^{\circ}48'41''$  West, a distance of 1880.00 feet;

Thence northeasterly, along the arc of said curve to the left, through a central angle of  $17^{\circ}16'31''$ , an arc distance of 566.84 feet;

Thence North  $00^{\circ}05'12''$  West, a distance of 972.81 feet, to a point of curvature with a radius of 770.00 feet;

Thence northeasterly, along the arc of said curve to the right, through a central angle of  $47^{\circ}17'38''$ , an arc distance of 635.58 feet;

Thence North  $47^{\circ}12'26''$  East, a distance of 108.27 feet;

Thence South  $87^{\circ}47'34''$  East, a distance of 28.28 feet;

Thence South  $42^{\circ}47'34''$  East, a distance of 263.50 feet, to a point of curvature with a radius of 430.00 feet;

Thence southeasterly, along the arc of said curve to the left, through a central angle of  $23^{\circ}16'18''$ , an arc distance of 174.65 feet;

Thence South  $66^{\circ}03'52''$  East, a distance of 65.76 feet, to a point of curvature with a radius of 435.00 feet;

Thence southeasterly, along the arc of said curve to the left, through a central angle of  $15^{\circ}19'36''$ , an arc distance of 116.36 feet;

Thence North  $89^{\circ}54'48''$  East, a distance of 105.00 feet to the TRUE POINT OF BEGINNING.

Said parcel containing 12,073,287 square feet or 277.16 acres, more or less.



**RECOMMENDATIONS:**

(PAD02-036)

Subject request is consistent with the Surprise General Plan 2020. Furthermore, approval of this request would allow for efficient and orderly development. Staff recommends that the Planning and Zoning Commission recommend that the City Council approve the Planned Area Development for Sierra Verde, (PAD02-036) subject to the following stipulations:

**STANDARD STIPULATIONS:**

- a) Major changes to this Planned Area Development 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 Planned Area Development may be administratively approved by the City Manager and the Community Development Director;
- b) The applicant shall submit a Written Response to Stipulations and five (5) copies of the revised PAD. Said submission must be under one (1) transmittal package;

**SPECIAL STIPULATIONS:**

- c) Landscaping and perimeter wall(s) details are to be submitted, reviewed and approved by the Community Development Director prior to release of any building permit;
- d) Lot layouts indicated within the Planned Area Development documents shall not be considered approved with the approval of this document, and shall be considered as conceptual only;
- e) All infrastructure improvements shall occur pursuant to section 16.20 of the Surprise Municipal Code with final plans subject to the approval of the City of Surprise Water Services Department, Engineering Department, and the Community Development Director;
- f) The applicant shall provide new residential home product information (i.e., colored elevations and materials sample information) and related materials prior to release of the standard construction drawings, subject to review and approval by the Community Development Director;
- g) The applicant shall include the City Attorney's sound attenuation and overflight language on every final plat;
- h) The applicant shall enter into a development agreement with the City prior to or simultaneous with the presentation of any preliminary plat before the City Council;

- i) All items to which the PAD commits within the Design Guidelines compliance section of the PAD document are hereby stipulated;
- j) All roadway and trail cross-sections shall be considered conceptual and shall be approved at the preliminary platting stage;
- k) The applicant shall place in all sales offices a map indicating the 1988 MAG Noise Contours;
- l) The applicant shall amend or remove the Base Permitted Density section, page 26, of the PAD document, as the data provided conflicts with other portions of the PAD;
- m) The applicant shall utilize curb-separated sidewalks with landscaped buffers throughout the development, subject to the review and approval of the Community Development Director and the City Engineering Department;
- n) The applicant shall amend exhibit 6, the street cross-sections labels for Litchfield Road and Greenway Road, to accurately reflect the depicted roadways;
- o) The applicant shall work with staff to establish unique standards for the "Mixed Use District," as the establishment of setbacks, etc. will allow more flexibility than that prescribed within the City's R-2, R-3, C-1, C-2, and BP zones; and
- p) The applicant shall grant an avigation easement to the U.S. Air Force on the final plat, in the format approved by the City Attorney;
- q) Any site plan for the mixed-use parcels shall go to the P&Z Commission as a workshop after the first staff review;
- r) The applicant shall amend all exhibits and land use tables to accurately reflect the proposed land use designations and their respective acreages within the PAD document prior to City Council review of the application;
- s) No residential land use for the PAD shall be allowed within the 65 LDN of the 1988 MAG noise contours;
- t) The applicant shall amend the Rear Yard Setback – Adjacent to Arterial Streets When Abutting Min. Avg. 10' Landscape Tract on page 19 of the PAD document to 15-foot minimum on parcels 1,2,3 and 9;
- u) The applicant shall amend the Side Yard Setback; Street Side Minimum on page 19 of the PAD document to 13-foot minimum on parcels 1,2,3 and 9;

- v) The applicant shall consider incorporating lofts into the development of the mixed-use parcels;
- w) All ramadas, playground equipment, and barbeque grills located in park/retention areas shall be placed out of the basin at street level;
- x) The applicant shall comply with any standards regarding trails and trail lighting that are adopted by the City;
- y) The applicant shall provide delineated crosswalks between Parcels 4 and 9, and Parcels 1 and 10, with approved traffic calming devices; and
- z) The applicant shall provide pedestrian access to all open areas and trail system from all residential parcels.

CITY OF SURPRISE  
PLANNING AND ZONING DEPARTMENT  
A P P R O V E D  
Case No: PADA 09-028  
P&Z Commission: \_\_\_\_\_  
City Council: \_\_\_\_\_  
B.O.A. Approval: Adrian 2/9/2004  
Supplements: \_\_\_\_\_

ORIGINAL

APPLICATION NO. PADA 04- 028  
1st ADDENDUM  
SIERRA VERDE  
MINOR AMENDMENT TO PAD  
AMENDMENT NARRATIVE  
January 28, 2004

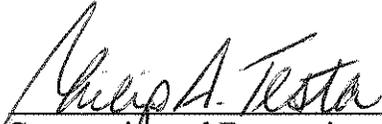
The Sierra Verde Planned Area Development, located within the east half of Section 9, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, bounded by Greenway Road to the north, Waddell Road to the south, Litchfield Road to the east and Bullard Avenue to the west was by the City of Surprise City Council on August 13, 2000. This is the first addendum to the original PAD.

The overall project is generally comprised of a mixture of multi-family residential, single-family residential, commercial, and open space uses.

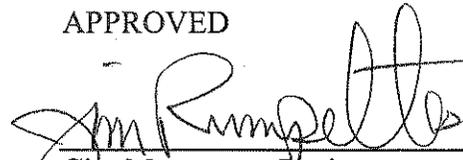
This request is for a minor amendment to the approved PAD to rescind the specific development standards for Parcel 4 so as to allow flexibility in the development of the property designated as Medium Density Residential. The development standards for Parcel 4 are hereafter required to be established with the submittal and approval, by the City Council, of a preliminary subdivision plat for the property.

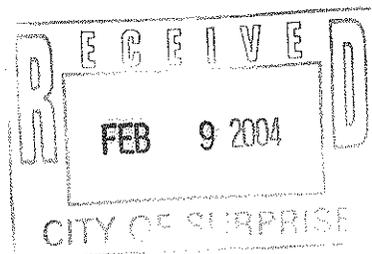
This change is not considered major and will be a minor amendment subject to approval by the Community Development Director and the City Manager.

APPROVED

  
\_\_\_\_\_  
Community and Economic  
Development Director

APPROVED

  
\_\_\_\_\_  
City Manager or Designee



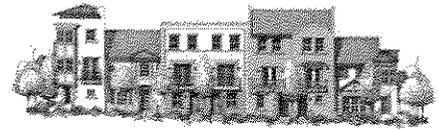
# SIERRA VERDE PARCELS 7 & 8 PLANNED AREA DEVELOPMENT AMENDMENT (PADA06-176)

Supplations:	<i>a - 0</i>
B.O.A. Approval:	
City Council Approval:	<i>10/9/06</i>
P&Z Comm. Approval:	<i>9/19/2006</i>
Case No.:	<i>PADA06-176</i>
<b>APPROVED</b> PLANNING AND ZONING DEPARTMENT CITY OF SURPRISE	

City of Surprise  
CWC  
Hitchfield Road & Greenway Road



Submitted:  
August 18, 2006



## Table of Contents

# SIERRA VERDE PARCELS 7 & 8 PLANNED AREA DEVELOPMENT AMENDMENT

### ***Introduction***

Project Team .....	3
Purpose / Executive Summary .....	4

### ***Site Analysis***

Current Conditions.....	7
General Plan Land Use.....	7
General Plan Policies.....	8

### ***Existing PAD Language***

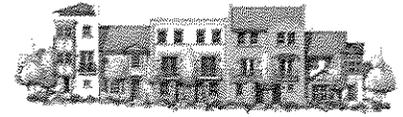
Zoning and Land Use.....	10
Development Standards.....	10

### ***Proposed PAD Language***

Zoning and Land Use.....	12
Development Standards.....	12
Design and Performance Standards .....	13

### ***Appendix***

Vicinity Map / Aerial Photograph .....	A
Existing PAD Land Use Map.....	B
Proposed PAD Land Use Map.....	C
Conceptual Site Plan of Parcel 8 .....	D
Conceptual Building Elevations of Parcel 8.....	E
Luke Air Force Base Letter .....	F
Dysart School District Agreement.....	G

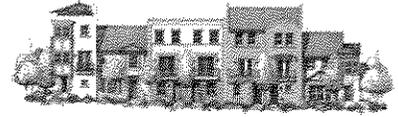


## Introduction

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT

### *Project Team*

<b><u>Location:</u></b> SWC of Litchfield Road and Greenway Road	<b><u>Acres:</u></b> 22.41
<b><u>Submitted to:</u></b> City of Surprise Planning Division 12425 W. Bell Road # D-100 Surprise, AZ 85374 623-583-1088	
<b><u>Prepared for:</u></b> Levine Investments LP 1702 E. Highland Ave. Ste. 310 Phoenix, AZ 85016 & Rhapsody Partners 3400 Carillon Point Kirkland, WA 98033	<b><u>Prepared by:</u></b> Andy Jochums, AICP Beus Gilbert, PLLC 4800 N Scottsdale Road Suite 6000 Scottsdale, AZ 85251 480-429-3063 Fax: 480-429-3100
<b><u>Submitted:</u></b> <b>August 18, 2006</b>	



## Introduction

# SIERRA VERDE PARCELS 7 & 8 PLANNED AREA DEVELOPMENT AMENDMENT

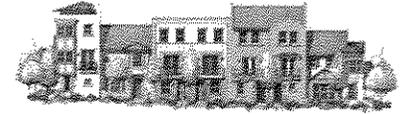
### **Purpose / Executive Summary**

The purpose of this document is to request an amendment to the Sierra Verde PAD consisting of approximately 22.41 acres of land situated at the southwest corner of Litchfield Road and Greenway Road. The subject properties are owned by Levine Investments Limited Partnership and Rhapsody Partners.

Sierra Verde is a Planned Area Development (PAD), consisting of 277 acres, which was approved by the City Council in August of 2002. Subsequently the Council also approved a rezoning in September of 2003 for property along Litchfield Road, which was previously an exception to the Sierra Verde PAD. This rezoning consisted of 43 acres of land under the Luke AFB noise contours and was known as the Sierra Verde Employment PAD. Between the two PAD documents, the Sierra Verde development consists of a mix of commercial, employment, and residential over 320 acres with an overall gross residential density of 4.75 du/acre.

This amendment proposes a land use change to Parcels 7 & 8, of the Sierra Verde PAD, which are both designated as Mixed-Use by the approved land use map. As designated in the PAD, Mixed-Use parcels are allowed to develop with either commercial or a mix of commercial and residential uses. If residential was desired, it could only be utilized on no more than 50% of the parcel, and up to 21 du/acre. As stated in the PAD, the Mixed Use parcels were to complement the Surprise Center/City at Surprise project and allow opportunities where residents may live, work, and shop within a short proximity.

Due to the change from residential to employment land uses under the Luke AFB noise contours in the Sierra Verde Employment PAD, there has been a saturation of available commercial land in the immediate vicinity. With vacant employment just to the south along Litchfield Road and the entire Surprise Center/City at Surprise project located directly to the north, there is currently too much commercially designated land to be supported by the surrounding residential. This saturation has brought forth a desire to develop Parcel 8, a 17.48 gross acre parcel located at



## Introduction

the southwest corner of Greenway and Litchfield, at greater than the 50% residential allowed under its current Mixed-Use designation. It is requested that the designation on Parcel 8 be changed from Mixed-Use to Medium-High Density Residential to allow the site to be developed with a single-family town home project at a maximum gross density of 12.7 du/acre.

Development of a high-quality town home community in this area is supported by the General Plan which has many policies that desire economic diversity by encouraging a mix of residential neighborhoods and a range of housing choices. The General Plan also encourages the location of higher density/intense residential land uses near major roadways and close to activity centers such as the Surprise Center/City at Surprise Project and Surprise Recreation Campus.

In order to preserve the residential dwelling unit counts under the Luke Air Force Graduated Density Concept, it is requested that in conjunction with the requested change to Parcel 8, Parcel 7 be changed from Mixed-Use to Commercial so as to limit the number of residences that can be built in the area. When combined together, the proposed changes to Parcels 7 & 8 of the Sierra Verde PAD, simply shift the permitted residential units from one parcel to the other, thereby creating no net increase in residential dwelling units from that which is already entitled. It is for that reason that Luke Air Force Base has submitted a letter indicating no objection to the proposed amendment.

It is important to note that while designated as Mixed-Use, the PAD did not include any specific language about how Parcels 7 and 8 were to actually be develop with a mixture of uses. A developer of either parcel could develop the majority of the property with a retail and office center and only develop a very small portion as residential or even possibly leave off a residential component entirely. As proposed with Parcel 7 changing to a commercial designation, and Parcel 8 changing to a medium-high density residential designation, the area would still be in conformance with the general intent behind the Mixed Use parcels as noted in the original Sierra Verde PAD, which was to support the development of the Surprise Center/City at Surprise project to the north and allow for living, working, and shopping in close proximity. Within 1 mile of the subject parcels there are many opportunities for this desired interaction and mixing of uses. Residential projects providing housing of



## Introduction

varying design and price range can be found in the area. The Surprise Center/City at Surprise project as well as the other master planned developments in the immediate area will provide large amounts of retail, entertainment, and employment, but also very important civic and cultural amenities as well. Even as proposed, the Sierra Verde Development and the area immediately surrounding it, provide an interaction and integration of the land uses, but in the form of a functional integration, anchored by pedestrian and vehicular connections, as opposed to a physical integration as originally planned for in the PAD. The Surprise General Plan has a specific policy statement encouraging the development of a mixed-use development at the Surprise Center/City at Surprise site. Due to the residential deed restrictions on the Surprise Center/City at Surprise site, in order for that project to be the unique and vibrant mixed-use development the City desires, there needs to be a strong residential component surrounding the project. It is for that very reason that in the original Sierra Verde PAD processed in 2003, Staff encouraged the placement of higher density housing along Greenway Road.

As requested, this PAD Amendment would simply change the land use designations of Parcels 7 & 8 of the Sierra Verde PAD. The requested change from Mixed-Use to Commercial on Parcel 7 and Residential on Parcel 8 would only have the effect of shifting the residential densities currently allowed on Parcel 7 onto Parcel 8 to allow for a quality residential town home project. New development standards are not proposed in this PAD amendment and as a result of the proposed land use changes there is not a net increase in residential densities between the two parcels or the entire Sierra Verde PAD.

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



## Site Analysis

# SIERRA VERDE PARCELS 7 & 8 PLANNED AREA DEVELOPMENT AMENDMENT

### **Current Conditions**

Currently Parcels 7 and 8 of Sierra Verde are vacant. The property was previously used for farming and has been mass graded. A portion of Parcel 8 was used for a temporary new home sales office, which has since been removed leaving a small concrete parking slab.

As part of the Sierra Verde Master Planned Community, which began several years ago, the surrounding roads were all constructed and all necessary water, sewer, and other utility lines were installed. 140<sup>th</sup> Drive is fully improved as a collector roadway with curb, sidewalk, and streetlights. Litchfield Road has been completed to minor arterial standards with curb, sidewalks, deceleration lanes, streetlights and a landscaped median. The south half of Greenway Road is fully improved to minor arterial standards with curb, deceleration lanes, and streetlights. A sidewalk was not installed on the south side of Greenway Road as part of the improvements installed by the City three years ago and will need to be installed as part of any development on Parcels 7 & 8. The Greenway Road median will be installed when the property along the north side of the street is developed.

### **General Plan Land Use**

As it is currently entitled and as proposed by this amendment, the Sierra Verde Development will not exceed the allowed 5 dwelling units per acre as specified under the Low Density Residential (LDR) land use designation. Therefore, the proposed PAD amendment is in conformance with the City of Surprise General Plan 2020. As a result, an amendment to the Surprise General Plan 2020 is not required.

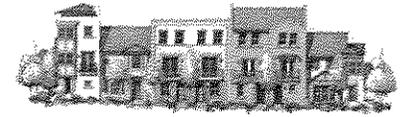


## Site Analysis

# SIERRA VERDE PARCELS 7 & 8 PLANNED AREA DEVELOPMENT AMENDMENT

### General Plan Policies

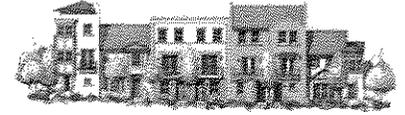
ELEMENT	SECTION	SUB-SECTION	EXCERPT	PAGE
Land Use	4.1.3	Balance of Land Uses	"...identify an appropriate balance of various land uses to ensure infrastructure is maximized..."	25
		Revenue Enhancement	"...diversify its economic base..."	25
		Market Trends vs. Long Term Needs	"...ensure sustainability...[by providing]...a full range of land uses..."	25
		Large Retirement Population	"...ensure a mix of neighborhoods..."	26
Land Use	4.1.3	Development Master Planning	"...encourage development diversity...a range of housing choices..."	26
		Range of Residential Density	"The range in housing opportunities is critical to support the economic development effort..."	26
Land Use	4.1.4	Goals, Objectives and Policies	"Promote a compatible mix of land uses throughout the planning area."	27
		Goals, Objectives and Policies	"Encourage the location of residential neighborhoods close to activity centers..."	27
		Goals, Objectives and Policies	"Locate higher density/intense residential land uses and transportation-dependent uses near major roadway corridors to promote an efficient transportation system"	27
		Goals, Objectives and Policies	"Practice comprehensive development master planning that evaluates areas and incorporates a mix of compatible land uses."	28
		Goals, Objectives and Policies	"Support the construction of viable commercial centers..."	29
		Goals, Objectives and Policies	"Ensure compatible future land uses and development patterns adjacent to and surrounding Luke AFB."	30



## Site Analysis

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT

ELEMENT	SECTION	SUB-SECTION	EXCERPT	PAGE
		Goals, Objectives and Policies	<i>"Establish a close working relationship with the officials of Luke Air Force Base..."</i>	30
Land Use	4.1.5	Land Use Plan – Low Density Residential	<i>"In general these areas are quiet residential single-family neighborhoods, but in some areas a mix of single-family, duplexes, townhouses, and low-rise apartments would also be suitable, provided that the average density of such area does not exceed five dwelling units per acre."</i>	31-32
Transportation/ Circulation	4.2.4	Goals, Objectives and Policies	<i>"Provide on-road bicycle lanes on all designated arterials..."</i>	62
		Goals, Objectives and Policies	<i>"Encourage walkways near roads, but separated from the curb whenever possible."</i>	62
Housing	4.4.5	Goals, Objectives, and Policies	<i>"Encourage the development of sound and stable neighborhoods."</i>	86
	4.4.5	Goals, Objectives, and Policies	<i>"...the City should encourage development of all types of housing..."</i>	86
	4.4.5	Goals, Objectives, and Policies	<i>"Locate housing in close proximity to education, neighborhood commercial centers, parks and recreation amenities, libraries, and public safety facilities."</i>	86
	4.4.5	Goals, Objectives, and Policies	<i>"New developments within or next to existing residential should enhance or contribute to the character or quality of that area."</i>	87
	4.4.5	Goals, Objectives, and Policies	<i>"Provide a maximum range of affordable housing alternatives."</i>	88
Public Services and Cost of Development	4.6.4	Goals, Objectives, and Policies	<i>"Channel growth in areas that have existing infrastructure."</i>	113



## Existing PAD Language

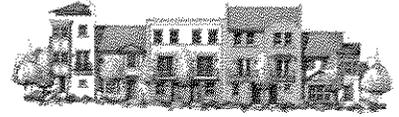
### Zoning and Land Use

Sierra Verde has been broken down into a series of individual parcels. This PAD designates parcels 7 and 8 as Mixed-Use and included specific development standards. The table below lists the approved uses for each parcel as called out in the Approved Sierra Verde PAD.

Parcel Number	Proposed Land Use	Allowed Uses	Lot Type	Lot Dimensions	Dwelling Units
1	Low Density Residential	Single Family	B	53'x112'	134
2	Low Density Residential	Single Family	C	58'x115'	162
3	Low Density Residential	Single Family	E	68'x115'	168
4	Medium Density Residential	Single Family	N/A	45' x 80'	155
5	Medium-High Density Residential	Town-house	N/A	N/A	193
6	High Density Residential	Multi-Family	N/A	N/A	334
7	Mixed Use	Comm., Office, Residential.	N/A	N/A	51
8	Mixed Use	Comm., Office, Residential.	N/A	N/A	183
9	Low Density Residential	Single Family	A	48'x110'	159
10	Commercial	Commercial	N/A	N/A	N/A
					Total 1,539 DU

### Development Standards

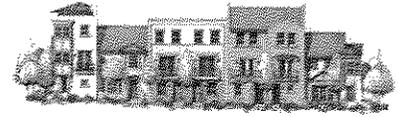
Mixed Use District: The Mixed Use land use shall be designed and developed under Municipal Code Section 17.24.020 "Residential Zone Uses R-2 and R-3" provisions and Section 17.24.030 "Commercial and Industrial Zone Uses C-1, C-2, and BP". These provisions shall control, unless specifically amended by this document. A Site Plan is required for all projects and Subdivision Plats are required for any division of land.



## Existing PAD Language

The Mixed Use District is provided to complement the Surprise Center/City at Surprise project. The intent of the Mixed Use District is to allow for opportunities to develop areas where residents may live, work and shop within a short proximity. Allowed uses will include Employment, Office, Commercial and Multi-Family, however, not more than 50% of any mixed-use parcel's gross acreage shall be developed as Multi-Family.

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



## Proposed PAD Language

### Zoning and Land Use

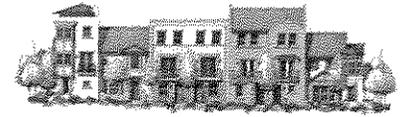
The table below lists the uses for each parcel as requested in this amendment.

Parcel Number	Proposed Land Use	Allowed Uses	Lot Type	Lot Dimensions	Dwelling Units
1	Low Density Residential	Single Family	B	53'x112'	134
2	Low Density Residential	Single Family	C	58'x115'	162
3	Low Density Residential	Single Family	E	68'x115'	168
4	Medium Density Residential	Single Family	N/A	45' x 80'	155
5	Medium-High Density Residential	Town-house	N/A	N/A	193
6	High Density Residential	Multi-Family	N/A	N/A	334
7	Commercial	Commercial & Office	N/A	N/A	N/A
8	Medium-High Density Residential	Town-house	N/A	N/A	234
9	Low Density Residential	Single Family	A	48'x110'	159
10	Commercial	Commercial	N/A	N/A	N/A
					Total 1,539 DU

### Development Standards

In the event of a conflict or inconsistency between the provisions of the PAD and otherwise applicable ordinances such as, but not limited to, the Single Family Residential Guidelines or the City's Zoning Ordinance, the provisions of the PAD shall prevail.

Each parcel shall be developed in accordance with the standards included within the Sierra Verde PAD. Those standards for Medium-High Residential and Commercial are included below for ease of reference.



## Proposed PAD Language

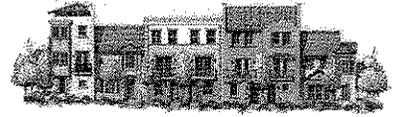
SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT

Medium-High and High Density Residential: The Medium, Medium-High and High Density Residential land use shall be designed and developed under Municipal Code Section 17.24.020 "Residential Zone Uses R-2 and R-3". These provisions shall control, unless specifically amended by this document. A Site Plan is required for all projects and Subdivision Plats are required for any division of land. The Development Standards for Medium-High and High Density shall be as outlined in the City of Surprise Municipal Code Title 17.

Commercial District: The Commercial land uses shall be designed and developed under Municipal Code Section 17.24.030 "Commercial and Industrial Zone Uses C-1, C-2, and BP". These provisions shall control, unless specifically amended by this document. A Site Plan is required for all projects and Subdivision Plats are required for any division of land.

### **Design and Performance Standards**

Parcels 7 and 8 shall be developed with similar or complimentary architectural styles. Site layouts shall demonstrate pedestrian connections along 140<sup>th</sup> Drive in order to encourage a functional interaction between the commercial uses on Parcel 7 and the residential uses in the surrounding area, specifically Parcel 8.

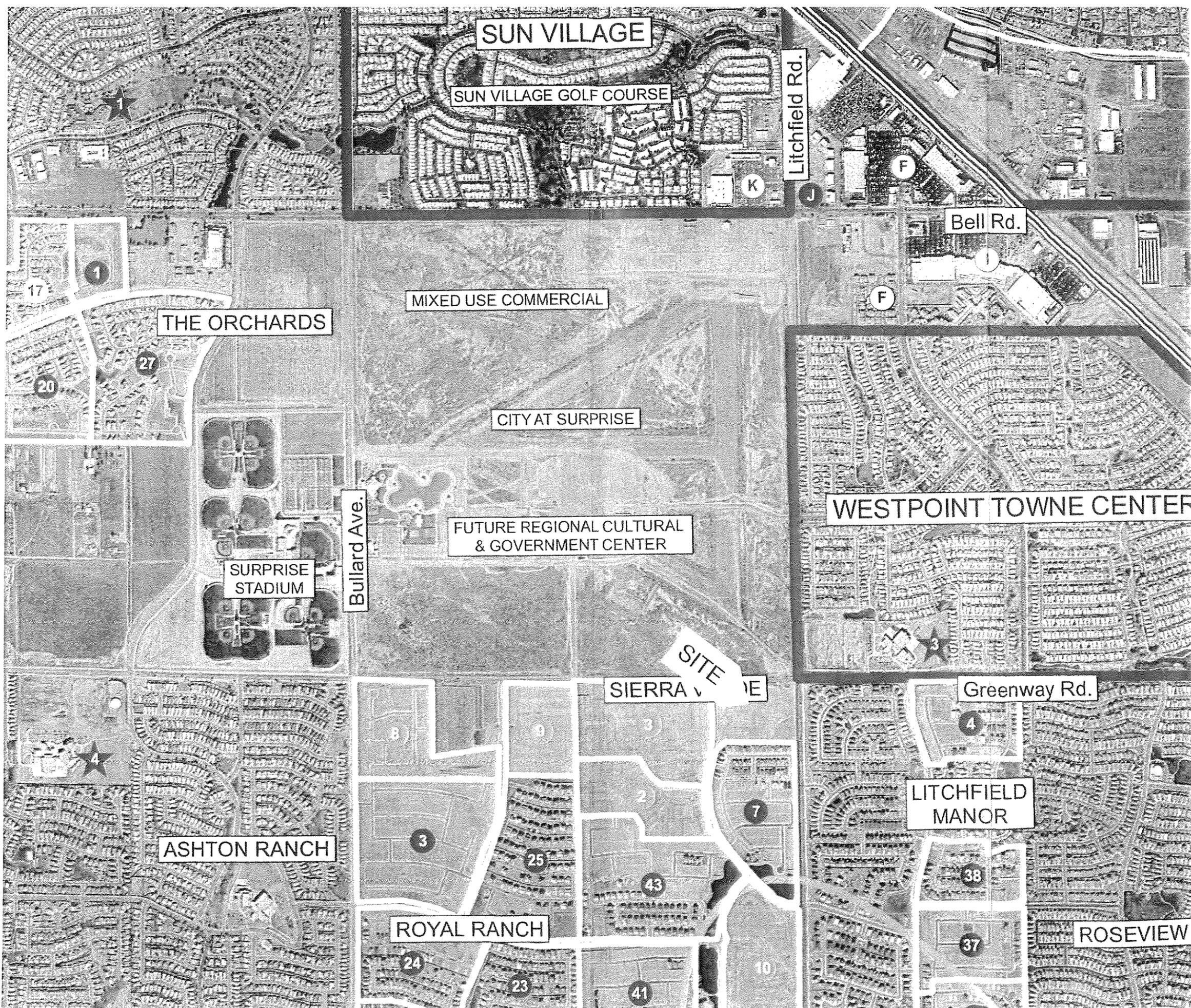


Appendix

Exhibit A

Vicinity Map/Aerial Photograph

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



SUN VILLAGE

SUN VILLAGE GOLF COURSE

Litchfield Rd.

Bell Rd.

THE ORCHARDS

MIXED USE COMMERCIAL

CITY AT SURPRISE

FUTURE REGIONAL CULTURAL & GOVERNMENT CENTER

SURPRISE STADIUM

Bullard Ave.

WESTPOINT TOWNE CENTER

SITE

SIERRA

Greenway Rd.

ASHTON RANCH

LITCHFIELD MANOR

ROYAL RANCH

ROSEVIEW

VICINITY MAP

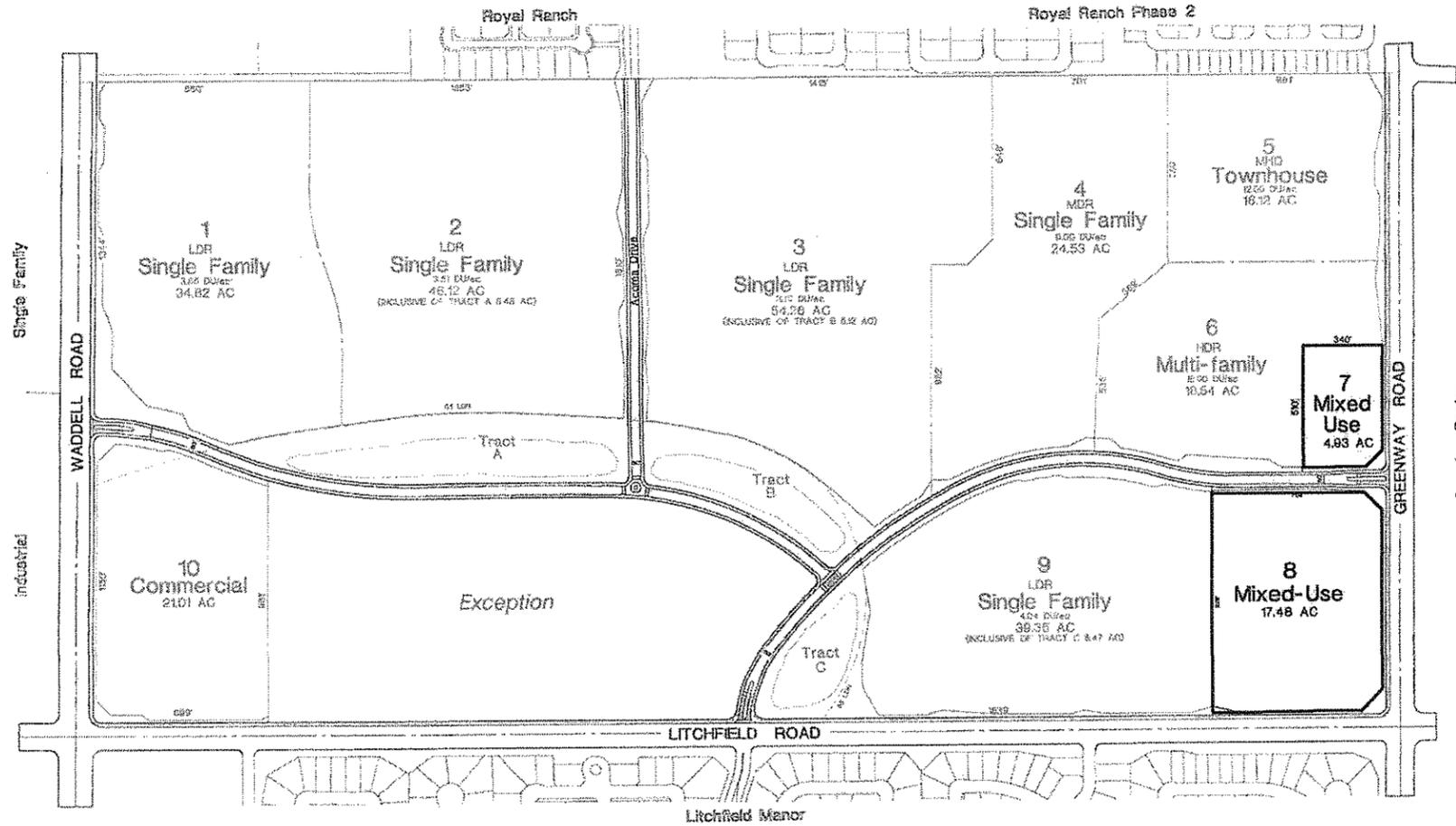


Appendix

Exhibit B

Existing Land Use Map

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



Land Use Table

Parcel	Land Use	Du/Ac	Lot Type/Size	Lot Area	Units	LDR Percent
1	LDR	3.85	B 53'x112'	5936	134	22%
2	LDR	3.51	C 58'x115'	6670	162	26%
3	LDR	3.10	E 68'x115'	7820	168	27%
4	MDR	6.00	45'x80'	3600	155	
5	MHD	12.00	-	-	193	
6	HDR	18.00	-	-	334	
7	Mixed-Use	21.00	-	-	51	
8	Mixed-Use	21.00	-	-	183	
9	LDR	4.04	A 48'x110'	5280	159	25%
10	Commercial	-	-	-	-	

4.8 DU/AC	TOTAL Residential Units	1539*
3.6 DU/AC	TOTAL LDR Lots	823

Legal Description

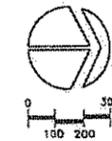
See Exhibit D of This Document for Legal Description

Project Area

Total Project Area ..... 277.16 Ac

AREAS SHOWN ON PLAN ABOVE ARE MEASURED TO THE CENTERLINE OF COLLECTOR STREETS AND TO THE EXISTING ARTERIAL RIGHTS-OF-WAY.

\*The number of dwelling units permitted within the single-family, multi-family, and mixed use parcels of this P.A.D. shall not cause the LDR portions of Section 9, T3N, R1W, to exceed 5 dwelling units/acre.



land use plan

**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

EXISTING LAND USE MAP

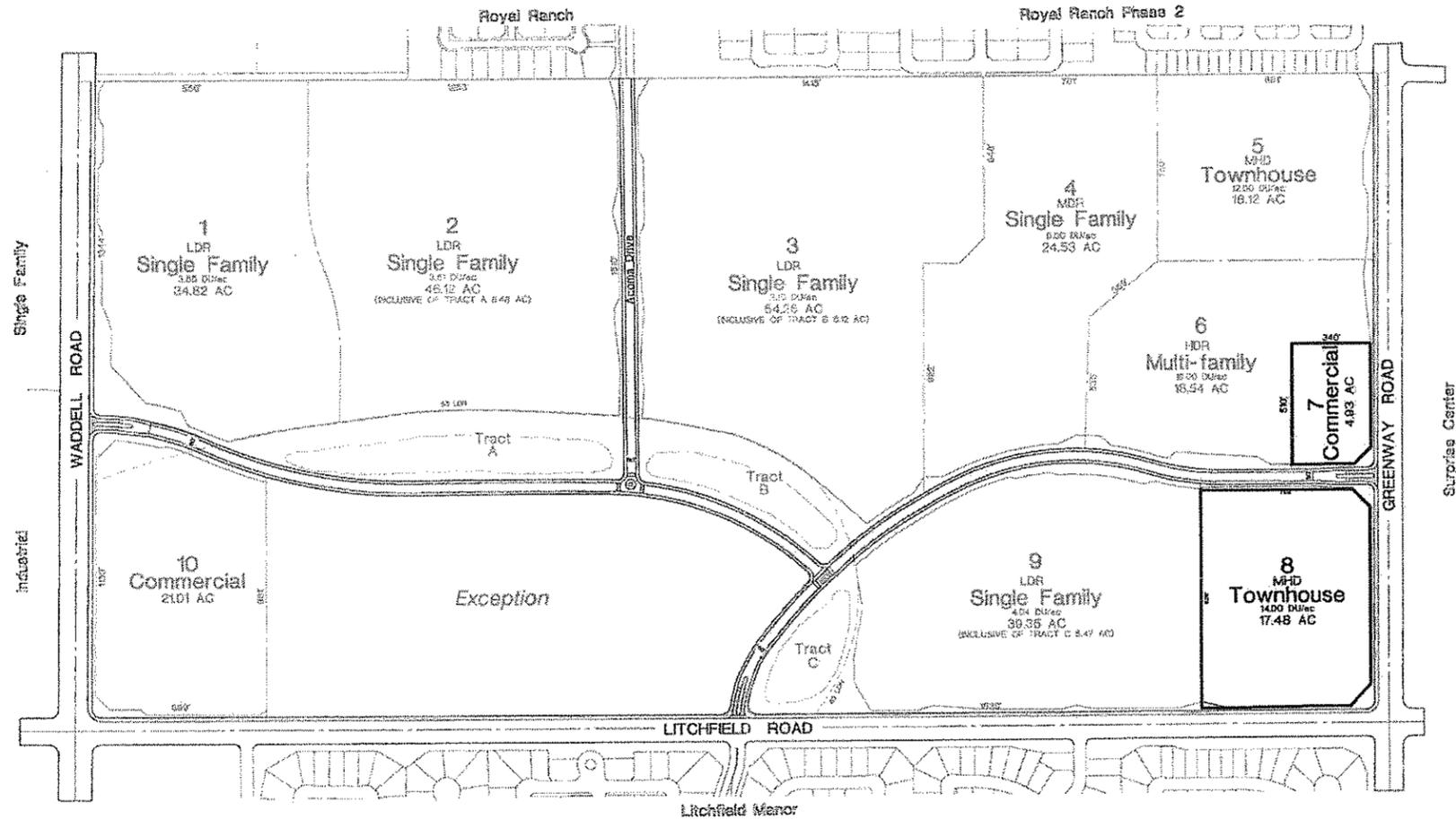


Appendix

Exhibit C

Proposed Land Use Map

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



Land Use Table

Parcel	Land Use	Du/AC	Lot Type/Size	Lot Area	Units	LDR Percent
1	LDR	3.85	B 53'x112'	5936	134	22%
2	LDR	3.51	C 68'x115'	6670	162	26%
3	LDR	3.10	E 88'x115'	7820	168	27%
4	MDR	6.00	45'x80'	3600	155	
5	MHD	12.00	-	-	193	
6	HDR	18.00	-	-	334	
7	Commercial	-	-	-	-	
8	MHD	14.00	-	-	234	
9	LDR	4.04	A 48'x110'	5280	159	25%
10	Commercial	-	-	-	-	

4.7 DU/AC	TOTAL Residential Units	1,539*
3.6 DU/AC	TOTAL LDR Lots	623

Legal Description

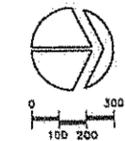
See Exhibit D of This Document for Legal Description

Project Area

Total Project Area ..... 277.16 Ac

AREAS SHOWN ON PLAN ABOVE ARE MEASURED TO THE CENTERLINE OF COLLECTOR STREETS AND TO THE EXISTING ARTERIAL RIGHTS-OF-WAY.

\*The number of dwelling units permitted within the single-family, multi-family, and mixed use parcels of this P.A.D. shall not cause the LDR portions of Section 9, T3N, R1W, to exceed 5 dwelling units/acre.

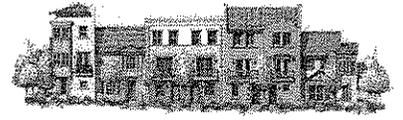


land use plan

**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

PROPOSED LAND USE MAP

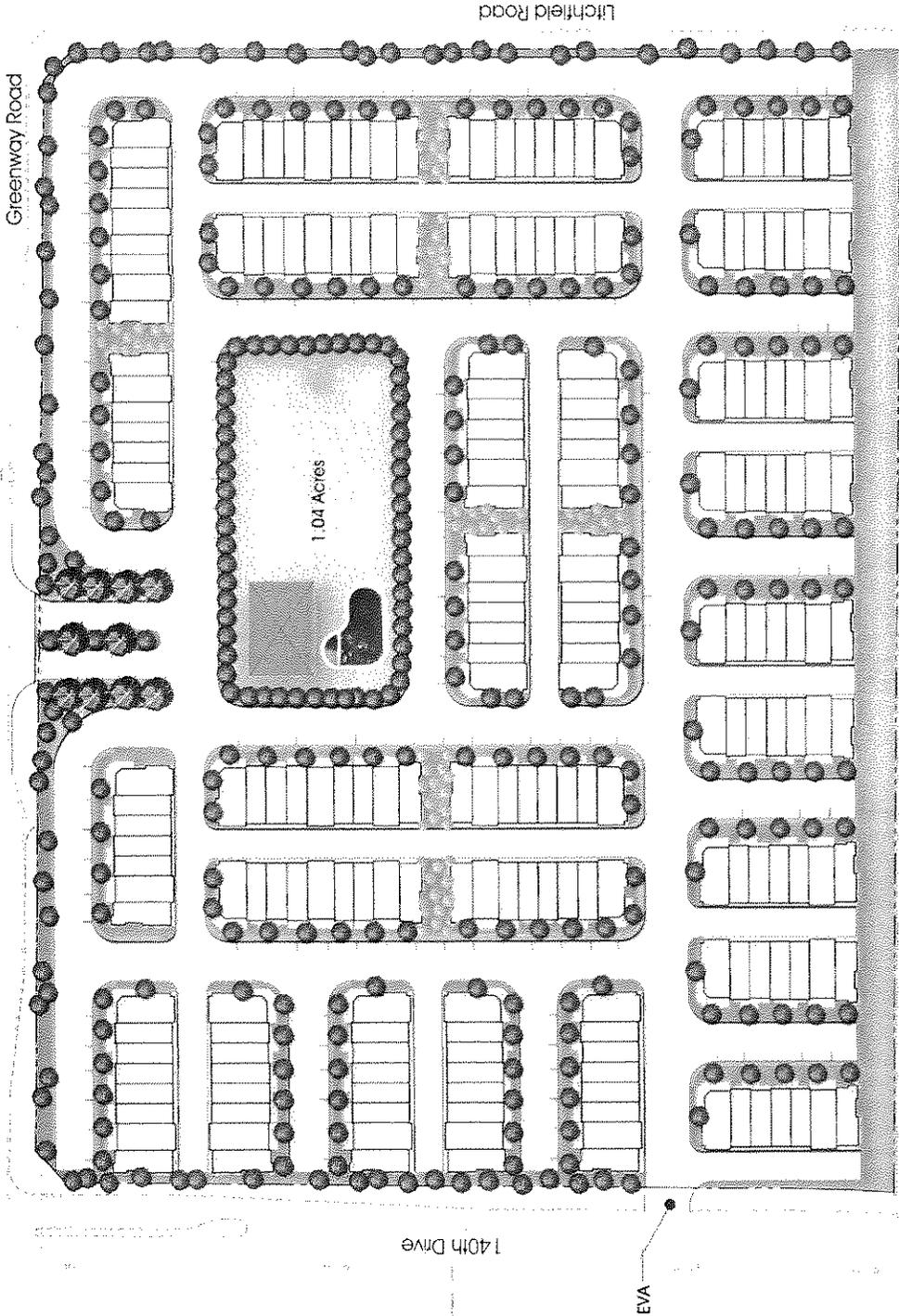


Appendix

Exhibit D

Conceptual Site Plan of Parcel 8

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



**SITE SUMMARY**

Acres: ± 17.48 AC.  
 Units: ± 222 Units  
 Density: ± 12.6 DU/AC.

Open Space:  
 Provided: ± 1.04 Acres  
 ± 7.2%  
 Required: ± 7.0%

**Street Sections:**

Typical Neighborhood Street: 36' ROW  
 parking both sides  
 4' walk one side  
 Typical Drive Aisle: 24' ROW

This drawing is for conceptual planning purposes only. The boundary is to be verified by Civil Engineer. Refer to engineering plans for exact dimensions and locations (including ROWs, Easements, PL, etc.)

Not to Scale

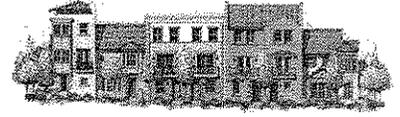
**KITGY GROUP**  
 ARCHITECTURAL & PLANNING  
 17922 W. GREENWAY AVENUE  
 SUITE 100  
 SURPRISE, AZ 85158  
 PHONE: 623-233-1111 FAX: 623-233-1158  
 WWW.KITGY.COM  
 EST. 1987

June 21, 2006

CONCEPTUAL SITE PLAN  
**Brownstones at Surprise Center**

Surprise, Arizona

Rhapsody Partners  
 KITGY no. 2006-0252

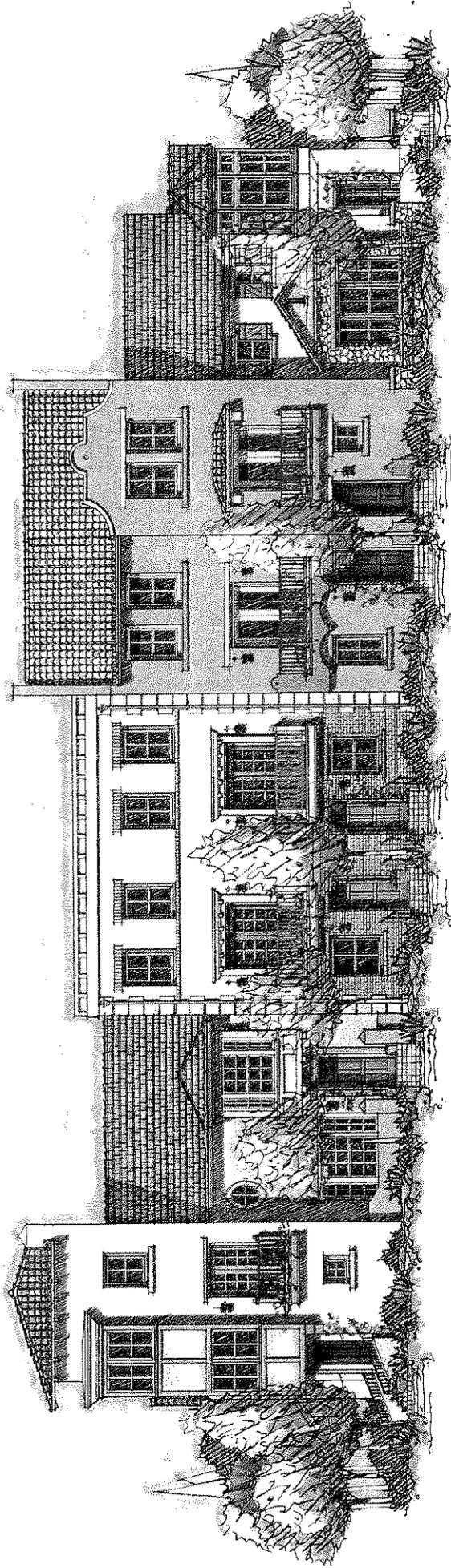


Appendix

Exhibit E

Conceptual Building Elevations of Parcel 8

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



Conceptual Street Scene

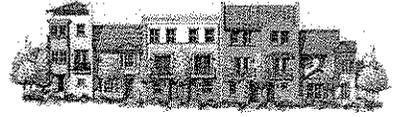


**RHAPSODY  
PARTNERS**

**Brownstones  
@  
Surprise Center**  
Surprise, Arizona



**KTGY GROUP, INC.**  
ARCHITECTS  
1000 W. WASHINGTON  
SUITE 1000  
PHOENIX, ARIZONA 85001-2014  
TEL: 602.998.8888  
WWW.KTGYGROUP.COM



Appendix

Exhibit F

Luke Air Force Base Letter

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

27 March 2006

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

Mr. Andy Jochums  
Planning Consultant  
Bues Gilbert, Attorneys At Law  
4800 North Scottsdale Road, Suite 6000  
Scottsdale AZ 85251-7642

Re: SWC Greenway Road and Litchfield Road – Transfer of Dwelling Unit Rights

Dear Mr. Jochums

Thank you for the opportunity to comment on the proposal for development and Transfer of Dwelling Unit Rights at the SWC of Greenway and Litchfield Roads. The sites are located on two adjacent parcels of 17.5 and 4.9 gross acres, at the southwest corner of Greenway and Litchfield Roads. These sites are located within the larger Sierra Verde PAD. The sites are located within 1/2 mile of the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and are within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

The request is to develop the 17.5 acre site with medium-high density housing, totaling 235 dwelling units (du). This site has been previously approved for mixed use with residential (21 du/acre) allowed on half the property, resulting in a total of 184 dwelling units. The adjacent 4.9 acre site, which has also been approved for mixed use development (21 du/acre) on half the property, would result in a total of 51 dwelling units. The developer is requesting to transfer the 51 units authorized, to the 184 units on the adjacent parcel, to create 235 units on the 17.5 acres. The 4.9 acre site would then become commercial use only. The gross density for this 21.4 acre area would be 10.5 du/acre. As a result of this transfer, which will result in no increase in dwelling units and the prior approval or "Grandfather Status" of the overall Sierra Verde PAD by the City of Surprise, Luke AFB does not object to the proposed transfer of dwelling unit rights.

Since this development will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform residents about Luke AFB operations. We also recommend a review of the

Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

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

Sincerely

A handwritten signature in black ink, appearing to read 'J. R. Mitchell', written over a horizontal line.

JAMES R. MITCHELL

cc:

Colonel David L. Orr, Vice Commander, 56th Fighter Wing  
Ms. Cindy Coen, Planning Department, City of Surprise



Appendix

Exhibit G

Dysart School District Agreement

SIERRA VERDE PARCELS 7 & 8  
PLANNED AREA DEVELOPMENT AMENDMENT

## DONATION AGREEMENT

(Sierra Verde)

COPY

THIS DONATION AGREEMENT ("Agreement") is made by and between Dysart Unified School District No. 89 of Maricopa County, Arizona, a political subdivision of the State of Arizona (the "District"), and Levine Investments Limited Partnership ("Developer"). The District and Developer are referred to herein collectively as "the parties."

### RECITALS:

A. Developer owns certain real property in Surprise, Arizona (the "City"), to be used for a development known as Sierra Verde, as more particularly described in Exhibit A, attached hereto (the "Property").

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. The Developer is 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:

For and in consideration of the covenants contained herein, the District and Developer, 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. Developer warrants that it owns the Property and has the authority to make this agreement.
2. Conditions. It is a condition of the continuing effect and enforceability of this Agreement that, with regard to the Property, the District not have opposed any zoning or entitlement application or request of Developer, including without limitation, any preliminary or final plat application for the Property or a portion thereof; and that, if requested to do so by Developer or the governmental authority with jurisdiction, the District provide the governmental authority promptly and in a timely manner with written confirmation thereof.
3. Cash Donation by Developer to the District. Subject to the terms and conditions of this Agreement, Developer, for itself and its successors-in-ownership and assigns, including, without limitation, any affiliate of Developer and any homebuilder initially constructing or placing a dwelling unit on the Property, agrees to pay the following amount for each dwelling unit so constructed or placed on the Property:

Type of Dwelling	Donation (per unit)
House	\$1,000
Condominium	\$ 750
Apartment	\$ 400
Mobile Home	\$ 400

Developer shall contribute all donations as required under this paragraph no later than ninety days after the building permit for construction of the particular Dwelling Unit is issued by the City. 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.

4. Future Development Fees. Notwithstanding the foregoing or anything herein to the contrary, Developer desires that it receive credit for the money donated to the District, if at any time in the future, any federal, state, county, municipal or any other governmental or quasi governmental authority with jurisdiction over the Property lawfully imposes any development fee, impact fee, dedication requirement, exaction or similar fee or charge on the Property (individually, a "Development Fee" and collectively, the "Development Fees") through the exercise of either its police power or its taxing power (other than secondary real estate taxes, general obligation bonds and school district override elections) in connection with or related to the acquisition, development, construction, improvement and operation of public school facilities within the District. While the District offers no assurances to the Developer that it is empowered or authorized to provide Developer with a credit against Development Fees which may be assessed on the Property, the District, to the extent it is permitted by law to do so, agrees to the contents of this Section.

(a) If the Development Fees imposed on the Property are less than the total donations required under this Agreement, then no Development Fees shall be due and payable by Developer to or for the benefit of the District (but the remainder of this Agreement shall continue in full force and effect); or

(b) If the Development Fees imposed on the Property are greater than the total donations required under this Agreement, then Developer shall receive a credit against the Development Fees in the amount of the total donations, and Developer shall only be obligated to pay to or for the benefit of the District an amount equal to the difference between the Development Fees and the total donations.

5. Default and Remedies. Developer acknowledges that the District intends to rely upon this Agreement in formulating its plans for growth and in other regards, and that such reliance is reasonable. In the event of any default under this Agreement, the non-defaulting party

shall have all rights and remedies provided at law or in equity, including without limitation specific performance and injunctive relief, and all such rights and remedies shall be cumulative. Developer acknowledges the sufficiency of the consideration for this agreement and irrevocably waives lack of consideration as a defense to the enforcement of this Agreement.

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 Developer: Levine Investments Limited Partnership, an Arizona  
Limited Partnership  
1702 E. Highland Ave., Ste. 310  
Phoenix, AZ 85016  
Attention: William Levine

To the District: Dysart Unified School District of  
Arizona No. 89  
Attention: Superintendent  
11405 North Dysart Road  
El Mirage, AZ 85338  
(623) 876-7042 fax

With a copy to: Miller LaSota & Peters, PLC  
Attention: Donald M. Peters  
5225 N. Central, Suite 235  
Phoenix, AZ 85012  
(602) 248 2999 fax

With a copy to: Beus Gilbert PLLC  
Suite 1000 Great American Tower  
3200 N. Central Ave.  
Phoenix, AZ 85012-2430  
Attention: Paul E. Gilbert, Esq.

or 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 confirmation of the date and time of transmissions and receipt) after 5:00 p.m., Phoenix time; (iii) the date of delivery, if hand delivered or sent by nationally recognized overnight courier; (iv) three (3) days after the date of mailing, if mailed by registered or certified mail.

7. General.

(a) Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the District or Developer of any default under this Agreement shall be construed as a waiver of any preceding or succeeding default.

(b) Attorneys' Fees. In the event any party finds it necessary to bring any action at law or other proceeding against the other party to enforce any of the terms, covenants or conditions hereof, or by reason of any default hereunder, the party prevailing in any such action or other proceeding shall be paid all reasonable costs and attorneys' fees by the other party, and in the event any judgment is secured by the prevailing party, all such costs and attorneys' fees shall be included therein, with the fees to be set by the court and not by jury.

(c) Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from the counterparts and the signature pages may all be attached to a single instrument.

(d) Further Acts. Each of the parties hereto shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

(e) Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the District and the Developer and its successors-in-ownership and assigns. Upon the conveyance of all or any portion of the Property by Developer or its successors-in-ownership or assigns and the written assumption by such transferee of the obligations of the Developer under this Agreement with respect to the portion of the Property conveyed, Developer or its successors-in-ownership or assigns, as the case may be, shall be relieved of any further liability or obligations under this Agreement with respect to the portion of the Property conveyed but shall not be relieved or released from any liabilities or obligations incurred during the period of its ownership of the Property. The Developer shall provide the District written notice of any such conveyance and assumption of obligations within thirty (30) days after the conveyance. The liabilities and obligations of Developer and its successors-in-ownership and assigns are several obligations, and not joint and several obligations, and may only be enforced against the party then in default, and, notwithstanding any default by the owner of the portion of the Property, this Agreement shall remain in full force and effect with respect to the other owners of the Property.

(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 Developer 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.

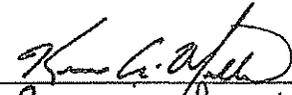
(j) Conflicts of Interest. The parties acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. § 38-511 or any successor statute.

(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.

IN WITNESS WHEREOF, the parties have executed this Agreement.

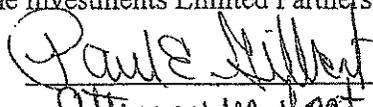
**DISTRICT:**

DYSART UNIFIED SCHOOL DISTRICT  
NO. 89 OF MARICOPA COUNTY,  
ARIZONA, a political subdivision of the  
State of Arizona

By:   
Its: Governing Board President  
Date: 9.16.02

**DEVELOPER:**

Levine Investments Limited Partnership

By:   
Its: Attorney in fact  
Date: 8/7/2002

**EXHIBIT A**

**Property legal description**

11/11

## LEGAL DESCRIPTION

The east half of Section 9, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at a City of Surprise brass cap found at the northeast corner of said Section 9, thence South  $00^{\circ}05'42''$  East, along the east line of said Section 9, a distance of 2647.89 feet to a Maricopa County Highway Department brass cap found at the east quarter corner of said Section 9;

Thence South  $00^{\circ}05'12''$  East, along the east line of said Section 9, a distance of 2648.12 feet to a Maricopa County Highway Department brass cap found at the southeast corner of said Section 9;

Thence North  $89^{\circ}21'12''$  West, along the south line of said Section 9, a distance of 2639.28 feet to a 1-1/4" iron pipe found 0.7 feet below the pavement at the south quarter corner of said Section 9;

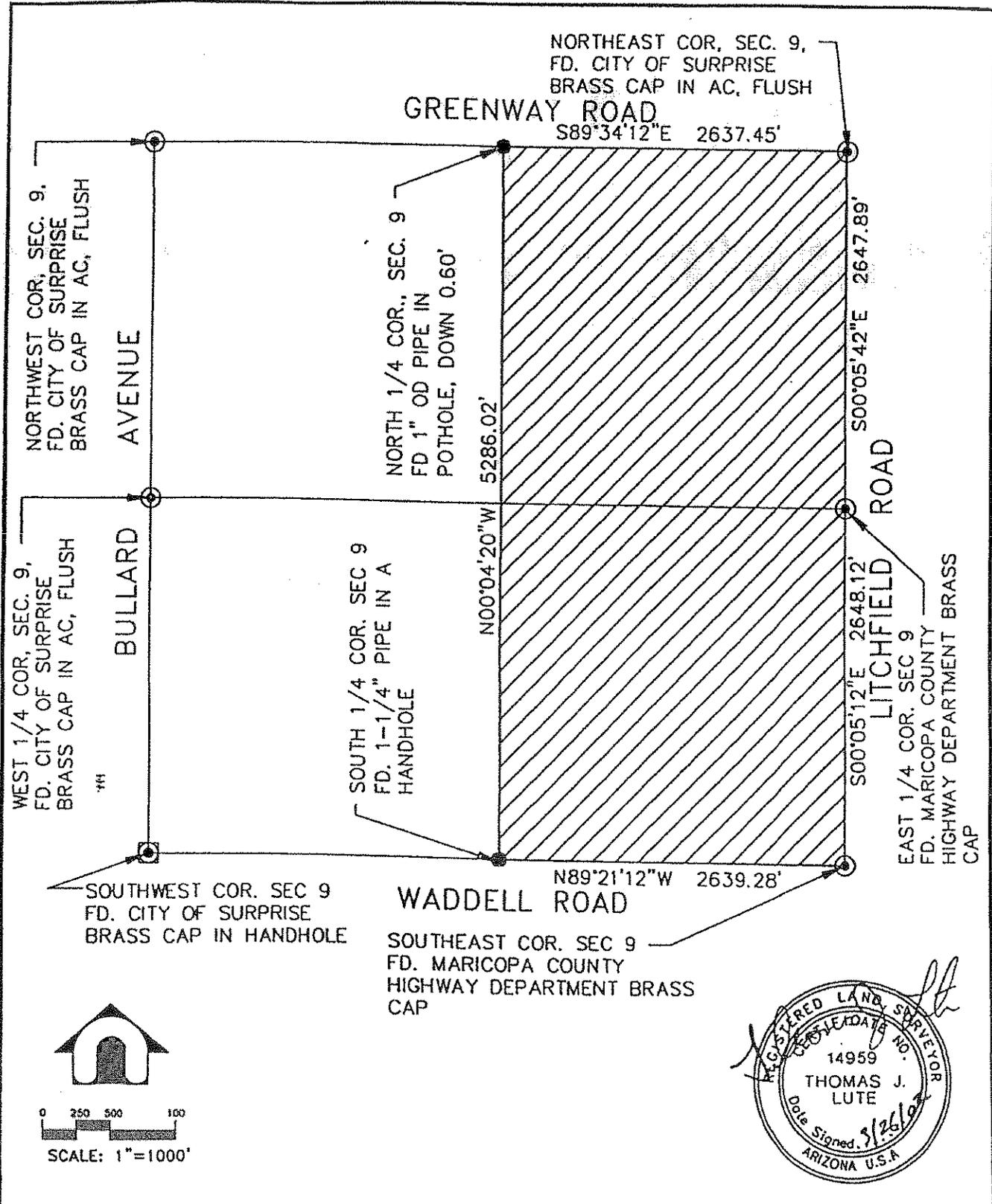
Thence North  $00^{\circ}04'20''$  West, along the north-south mid-section line of said Section 9, a distance of 5286.02 feet to a 1" iron pipe found 0.6 feet below the pavement at the north quarter corner of said Section 9;

Thence South  $89^{\circ}34'12''$  East, along the north line of said Section 9, a distance of 2637.45 feet to the POINT OF BEGINNING.

Said parcel containing 13,959,308 square feet or 320.46 acres, more or less.



JRNY0001 p.je 03/26/02 12:10:30 p.je S:\SVY\Jrny0001\Jr-01EX01.dwg



SCALE: 1"=1000'
SHEET 1 OF 1
JOB NO.: JRNY0001

**ANNEXATION EXHIBIT FOR  
GREENWAY ROAD, LITCHFIELD ROAD  
AND WADDELL ROAD**

**DAVID EVANS  
AND ASSOCIATES INC.**  
7878 North 18th St, Suite 250  
Phoenix Arizona 85020  
Phone: 602.678.5151

DRAWN BY: sfb
CHECKED BY:
DATE: 01/02



CITY OF SURPRISE  
PLANNING AND ZONING DEPARTMENT  
APPROVED

Case No. PA0A06-460

P&Z Comm. Approval: \_\_\_\_\_

City Council Approval: \_\_\_\_\_

Admin  
B.O.C. Approval: 11/22/2006

Stipulations: \_\_\_\_\_

FIRST AMENDMENT TO SIERRA VERDE EMPLOYMENT PAD  
(RZ03-188)

MINOR PLANNED AREA DEVELOPMENT AMENDMENT  
LANDSCAPE DEVELOPMENT STANDARDS

On August 7 2003, the Surprise City Council approved Ordinance No.03-21, which approved a rezoning of the subject +/- 43 gross acres from R1-43 to Employment PAD.

This PAD, which encompasses lots 2 and 3 of the Sierra Verde Southwest Final Plat as recorded in MCR 694-17, includes a list of allowed uses, but does not provide any further clarification as to the development standards to be used.

In the absence of any specific development standards, projects within the PAD are bound by the City's Municipal Code and the Planning and Design Guidelines, which provide contradicting statements in regards to landscape requirements.

We would therefore request that the PAD be amended to define and clarify the landscape standards for the subject property, by including the following language in the PAD Document.

*Landscape Standards*

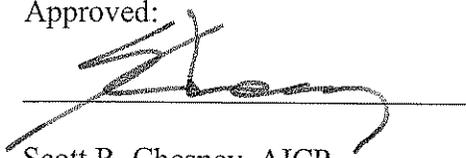
*Landscaping for projects within the PAD will be regulated by Section 17.32.030 of the Municipal Code and not those standards found within the Planning and Design Guidelines.*

This request will have the effect of removing any conflicts between the two documents as it relates to development of all future projects on the property defined by the Sierra Verde Employment PAD, as originally approved under Council Ordinance No.03-21.

In accordance with paragraph 8 of the First Amendment to the Sierra Verde Development Agreement, entered into by the City of Surprise and the property owner, all amendments to the Sierra Verde Employment PAD shall be considered as minor amendments. These amendments shall be administratively approved by the Community Development Director and attached to the zoning as an addendum.

We therefore request approval of this First Amendment to the Sierra Verde Employment PAD (RZ03-188), and the inclusion of this signed sheet as an addendum to the PAD as acknowledgement to its approval.

Approved:



Scott R. Chesney, AICP  
Community Development Director

NOV 22 2006  
Date: \_\_\_\_\_

RECEIVED

NOV 22 2006

COMMUNITY DEVELOPMENT

# BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630  
(480) 429-3000  
FAX (480) 429-3100

PAUL E. GILBERT  
DIRECT (480) 429-3002

RECEIVED

NOV 22 2006

COMMUNITY DEVELOPMENT

EMAIL: PGILBERT@BEUSGILBERT.COM  
24006-0297

November 22, 2006

## VIA HAND DELIVERY

Scott R. Chesney, AICP  
Planning and Community Development Director  
City of Surprise  
12425 West Bell Road  
Surprise, AZ 85374

**Re: Minor PAD Amendment  
Sierra Verde Employment PAD (RZ03-188)**

Dear Scott:

At your request, pursuant to our recent discussions, we are submitting the enclosed Minor PAD Amendment application for the Sierra Verde Employment PAD, which is located at the southwest corner of Litchfield Road and Acoma Drive. Attached you will find the following required information:

- completed application form with letter of authorization
- \$500.00 filing fee
- deed of trust
- 20 copies of the proposed PAD Amendment language

Pursuant to paragraph 8 of the Sierra Verde Development Agreement, any amendments to the Zoning, unless otherwise required by law, are to be considered by yourself as the Community Development Director. We would also respectfully ask that pursuant to paragraph 5 of that same Development Agreement, which contemplates an expedited review process, you consider our application at your earliest convenience.

As we have discussed, it was anticipated by the owners of this property that they would be governed by the same development standards as the Fry's Center to the south; specifically, the landscape setbacks along the adjacent roads. There was, however, no

development standards included with the PAD Zoning which would have determined those landscape setbacks.

We would like to move forward with a site plan and work with your Staff on the landscape setbacks along Litchfield Road to the east and 140<sup>th</sup> Drive to the west, but there is conflicting requirements within the City's Planning and Design Guidelines and Municipal Code. We are therefore asking to modify the PAD to include a provision that would require the landscaping to meet the provisions of the Municipal Code, found in Section 17.32.30. If approved as presented, those provisions found in the Code, which require a 35' minimum landscape setback on Litchfield Road and a 10' minimum landscape setback along 140<sup>th</sup> Drive, would take precedence over the conflicting statements found within the Planning and Design Guidelines.

Although the size of these setbacks is different than that found in the Fry's Center, in the interest of working with the City, we find this is a good compromise and will make a more attractive site. You will note that the 35' minimum setback on Litchfield Road is greater than that originally proposed, which followed the buffer used on the Fry's Center to the south. On 140<sup>th</sup> Drive, you will see that the 10' minimum setback is slightly less than that originally proposed, but as you are aware, is offset by the 200' to 250' landscaped tract on the west side of 140<sup>th</sup> Drive, which already buffers the existing residential homes from any proposed commercial/industrial uses.

On behalf of the property owners, I want to thank you for working on this matter with us. If you have any questions or comments regarding the information contained in this letter or the PAD Amendment application, please do not hesitate to contact the undersigned or Andy Jochums with my office.

Very truly yours,

BEUS GILBERT PLLC



Paul E. Gilbert

PEG/arj  
Attachments

cc: Gary Davidson (with attachments)

# SIERRA VERDE PARCEL 8 PLANNED AREA DEVELOPMENT AMENDMENT (PADA08-044)

---

City of Surprise  
SWC Litchfield Road & Greenway Road



Submitted:  
April 18, 2008

SIERRA VERDE PARCEL 8  
PLANNED AREA DEVELOPMENT AMENDMENT

**Introduction**

Project Team ..... 3  
Purpose / Executive Summary ..... 4

**Site Analysis**

Current Conditions..... 6  
General Plan Land Use..... 6  
General Plan Policies..... 7

**Existing PAD Language**

Zoning and Land Use ..... 9  
Development Standards ..... 9

**Proposed PAD Language**

Zoning and Land Use ..... 11  
Development Standards ..... 11  
Design and Performance Standards ..... 12

**Appendix**

Vicinity Map ..... A  
Aerial Photograph ..... B  
Existing PAD Land Use Map ..... C  
Proposed PAD Land Use Map ..... D  
Example Context Photos ..... E  
Dysart School District Agreement ..... F

SIERRA VERDE PARCEL 8  
 PLANNED AREA DEVELOPMENT AMENDMENT

*Project Team*

<p><b><u>Location:</u></b>                  SWC of Litchfield Road and                  Greenway Road</p>	<p><b><u>Acres:</u></b>                  17.48 Gross Acres                  14.81 Net Acres</p>
<p><b><u>Submitted to:</u></b>                  City of Surprise                  Planning Division                  12425 W. Bell Road # D-100                  Surprise, AZ 85374                  623-222-1000</p>	
<p><b><u>Prepared for:</u></b>                  Market West Development                  1825 Northern Ave Ste 105E                  Phoenix, AZ 85020                  &amp;                  Brownstones @ Surprise LLC                  3400 Carillon Point                  Kirkland, WA 98033</p>	<p><b><u>Prepared by:</u></b>                  Beus Gilbert, PLLC                  4800 N Scottsdale Road                  Suite 6000                  Scottsdale, AZ 85251                  480-429-3000                  Fax: 480-429-3100                  Contact: Andy Jochums</p>
<p><b><u>Submitted:</u></b>                  April 18, 2008</p>	

**Purpose / Executive Summary**

The purpose of this document is to request an amendment to the Sierra Verde PAD consisting of approximately 14.81 net acres of land situated at the southwest corner of Litchfield Road and Greenway Road. The subject property is currently owned Rhapsody Partners and under contract by Market West Development.

Sierra Verde is a Planned Area Development (PAD), consisting of 277 acres, which was approved by the City Council in August of 2002. Subsequently the Council also approved a rezoning in September of 2003 for property along Litchfield Road, which was previously an exception to the Sierra Verde PAD. This rezoning consisted of 43 acres of land under the Luke AFB noise contours and was known as the Sierra Verde Employment PAD. Between the two PAD documents, the Sierra Verde development consists of a mix of commercial, employment, and residential over 320 acres with an overall gross residential density of 4.75 du/acre. In October of 2006, the City Council approved an amendment to the Sierra Verde PAD which changed the land use designations of Parcels 7 and 8. Parcel 7 was changed from a mixed-use designation to Commercial and Parcel 8 was changed from a mixed-use designation to medium/high density residential.

This amendment proposes another land use change to Parcel 8, of the Sierra Verde PAD. Proposed is a change from its current designation of medium/high density residential back to its original designation of mixed-use. With this amendment, we will also further clarify as to what uses are allowed within the mixed-use designation, and what design standards are to be used in the future when a project is under consideration on Parcel 8.

Due to the current downturn in the Surprise housing market, the demand for the proposed single-family attached townhomes on the subject parcel has faded. The property is under contract to be sold, and the new owner would prefer to develop the property under the original mixed-use designation as they feel it will allow a quality project to take shape on Parcel 8 under this ever changing development market. The mixed-use designation would allow either a commercial or residential

April 18, 2008

SIERRA VERDE PARCEL 8 PAD AMENDMENT

## Introduction

project or a project with a mix of commercial or residential to be developed.

In order to preserve the residential dwelling unit counts under the Luke Air Force Graduated Density Concept, and comply with the adopted residential densities in the Surprise General Plan, if residential is developed on Parcel 8, the total number of dwelling units must not exceed 234. This is the same number of units that are allowed under the current medium-high density residential land use designation, so if this amendment is approved, and residential is developed under the mixed-use designation, there will be no additional impact on Luke Air Force Base and there will be no increase in the overall residential density approved for Sierra Verde's 320 acre land area.

As requested, this PAD Amendment would simply change the land use designations of Parcel 8 of the Sierra Verde PAD back to what was originally approved by the Mayor and Council in 2002. The requested change from residential to mixed-use on Parcel 8 would not allow an increase in residential densities but would return the ability for the property to be developed with either commercial land uses or a mix of residential and commercial as was originally contemplated in the Sierra Verde PAD.

As the area surrounding Parcel 8 has been developed, the original development standards approved in the PAD for mixed-use may no longer be appropriate. Due to concerns from the neighboring property owners, we have included language in this amendment that updates the mixed-use development standards to prohibit apartments from being constructed. If residential is to be built on Parcel 8, it will need to be either single-family or multi-family for-sale housing, or an assisted living facility or nursing home facility with the benefit of a Conditional Use Permit.

**Current Conditions**

Currently Parcel 8 of Sierra Verde is vacant. The property was previously used for farming and has been mass graded. A portion of Parcel 8 was used for a temporary new home sales office, which has since been removed leaving a small concrete parking slab.

As part of the Sierra Verde Master Planned Community, which began several years ago, the surrounding roads were all constructed and all necessary water, sewer, and other utility lines were installed. 140<sup>th</sup> Drive is fully improved as a collector roadway with curb, sidewalk, and streetlights. Litchfield Road has been completed to minor arterial standards with curb, sidewalks, deceleration lanes, streetlights and a landscaped median. The south half of Greenway Road is fully improved to minor arterial standards with curb, deceleration lanes, and streetlights. A sidewalk was not installed on the south side of Greenway Road as part of the improvements installed by the City four years ago and will need to be installed by the property owner as part of any development on Parcel 8. The master developer of Sierra Verde already paid for their share of the Greenway Road median and it will be installed when the property along the north side of the street is developed.

**General Plan Land Use**

As it is currently entitled and as proposed by this amendment, the Sierra Verde Development will not exceed the allowed 5 dwelling units per acre as specified under the Low Density Residential (LDR) land use designation. Therefore, the proposed PAD amendment is in conformance with the City of Surprise General Plan 2020. As a result, an amendment to the Surprise General Plan 2020 is not required.

SIERRA VERDE PARCEL 8  
PLANNED AREA DEVELOPMENT AMENDMENT

**General Plan Policies**

Listed below are several excerpts from the approved General Plan that support the proposed Planned Area Development Amendment to return the mixed-use designation to Parcel 8 of the Sierra Verde PAD.

ELEMENT	SECTION	SUB-SECTION	EXCERPT	PAGE
Land Use	4.1.3	Balance of Land Uses	<i>"...identify an appropriate balance of various land uses to ensure infrastructure is maximized..."</i>	25
		Revenue Enhancement	<i>"...diversify its economic base..."</i>	25
		Market Trends vs. Long Term Needs	<i>"...ensure sustainability...[by providing]...a full range of land uses..."</i>	25
		Compatibility	<i>"Ensure compatibility between land uses..."</i>	26
Land Use	4.1.4	Goals, Objectives and Policies	<i>"Promote a compatible mix of land uses throughout the planning area."</i>	27
		Goals, Objectives and Policies	<i>"Locate higher density/intense residential land uses and transportation-dependent uses near major roadway corridors to promote an efficient transportation system."</i>	27
		Goals, Objectives and Policies	<i>"Practice comprehensive development master planning that evaluates areas and incorporates a mix of compatible land uses."</i>	28
		Goals, Objectives and Policies	<i>"Support the construction of viable commercial centers..."</i>	29
		Goals, Objectives and Policies	<i>"Require private developers to design and locate supportive commercial sites in close proximity to population centers."</i>	29
		Goals, Objectives and Policies	<i>"Ensure compatible future land uses and development patterns adjacent to and surrounding Luke AFB."</i>	30

SIERRA VERDE PARCEL 8  
PLANNED AREA DEVELOPMENT AMENDMENT

ELEMENT	SECTION	SUB-SECTION	EXCERPT	PAGE
		Goals, Objectives and Policies	<i>"Establish a close working relationship with the officials of Luke Air Force Base..."</i>	30
Land Use	4.1.5	Land Use Plan – Low Density Residential	<i>"...but in some areas a mix of single-family, duplexes, townhouses, and low-rise apartments would also be suitable, provided that the average density of such area does not exceed five dwelling units per acre. This designation may also include such supporting land uses as neighborhood shops and services..."</i>	31-32
Transportation/ Circulation	4.2.4	Goals, Objectives and Policies	<i>"Provide on-road bicycle lanes on all designated arterials..."</i>	62
		Goals, Objectives and Policies	<i>"Encourage walkways near roads, but separated from the curb whenever possible."</i>	62
Housing	4.4.5	Goals, Objectives, and Policies	<i>"Encourage the development of sound and stable neighborhoods."</i>	86
	4.4.5	Goals, Objectives, and Policies	<i>"...the City should encourage development of all types of housing..."</i>	86
	4.4.5	Goals, Objectives, and Policies	<i>"Locate housing in close proximity to education, neighborhood commercial centers, parks and recreation amenities, libraries, and public safety facilities."</i>	86
	4.4.5	Goals, Objectives, and Policies	<i>"New developments within or next to existing residential should enhance or contribute to the character or quality of that area."</i>	87
Public Services and Cost of Development	4.6.4	Goals, Objectives, and Policies	<i>"Channel growth in areas that have existing infrastructure."</i>	113

SIERRA VERDE PARCEL 8  
PLANNED AREA DEVELOPMENT AMENDMENT

**Zoning and Land Use**

The Sierra Verde PAD has been broken down into a series of individual parcels. The current PAD, as amended last in 2006, designates parcel 8 as Medium-High Density Residential and included specific development standards. The table below lists the approved uses for each parcel as called out in the Approved Sierra Verde PAD.

Parcel Number	Proposed Land Use	Allowed Uses	Lot Type	Lot Dimensions	Dwelling Units
1	Low Density Residential	Single Family	B	53'x112'	134
2	Low Density Residential	Single Family	C	58'x115'	162
3	Low Density Residential	Single Family	E	68'x115'	168
4	Medium Density Residential	Single Family	N/A	45' x 80'	155
5	Medium-High Density Residential	Town-house	N/A	N/A	193
6	High Density Residential	Multi-Family	N/A	N/A	334
7	Commercial	Commercial	N/A	N/A	N/A
8	Medium-High Density Residential	Town-house	N/A	N/A	234
9	Low Density Residential	Single Family	A	48'x110'	159
10	Commercial	Commercial	N/A	N/A	N/A
					Total 1,539 DU

**Development Standards**

Medium-High and High Density Residential: The Medium, Medium-High and High Density Residential land use shall be designed and developed under Municipal Code Section 17.24.020 "Residential Zone Uses R-2 and R-3". These provisions shall control, unless specifically amended by this document. A Site Plan is required for all projects and Subdivision Plats

# Existing PAD Language

**SIERRA VERDE PARCEL 8  
PLANNED AREA DEVELOPMENT AMENDMENT**

are required for any division of land. The Development Standards for Medium-High and High Density shall be as outlined in the City of Surprise Municipal Code Title 17.

As agreed upon during the 2006 PAD amendment, which designated Parcel 8 as Medium-High Density Residential, no apartments are allowed.

SIERRA VERDE PARCEL 8  
PLANNED AREA DEVELOPMENT AMENDMENT

**Zoning and Land Use**

The table below lists the uses for each parcel as requested in this amendment.

Parcel Number	Proposed Land Use	Allowed Uses	Lot Type	Lot Dimensions	Dwelling Units
1	Low Density Residential	Single Family	B	53'x112'	134
2	Low Density Residential	Single Family	C	58'x115'	162
3	Low Density Residential	Single Family	E	68'x115'	168
4	Medium Density Residential	Single Family	N/A	45' x 80'	155
5	Medium-High Density Residential	Town-house	N/A	N/A	193
6	High Density Residential	Multi-Family	N/A	N/A	334
7	Commercial	Commercial	N/A	N/A	N/A
8	Mixed Use	Comm., Office, & Residential	N/A	N/A	234
9	Low Density Residential	Single Family	A	48'x110'	159
10	Commercial	Commercial	N/A	N/A	N/A
					Total 1,539 DU

**Development Standards**

In the event of a conflict or inconsistency between the provisions of the PAD and otherwise applicable ordinances such as, but not limited to, the Planning and Design Guidelines, Single Family Residential Design Guidelines or the City's Zoning Ordinance, the provisions of this PAD shall prevail.

Mixed Use District: The intent of the Mixed Use District is to allow for opportunities to develop areas where residents may live, work and shop within a short proximity.

The Mixed Use land use shall be designed and developed under Municipal Code Sections 125-184 & 125-185 "R-2 and R-3 Multi-Family Residential Zones" provisions and Sections 125-187 and 125-188 "Neighborhood (C-1) and Community (C-2) Commercial Uses". Future land uses may fall within any one of the above referenced zoning districts as defined by the City of Surprise. Allowed uses include Employment, Office, Commercial and Multi-Family, however apartments shall not be permitted and if residential is developed, the total number of dwelling units shall not exceed 234.

These provisions shall control, unless specifically amended by this document. A Site Plan is required for all projects and Subdivision Plats are required for any division of land.

### **Design and Performance Standards**

In order to develop as a quality mixed-use project, regardless of the land use mix, City Staff has determined that development on Parcel 8 shall exhibit the following characteristics:

- Strong community scale design characteristics.
- Pedestrian level lighting.
- Sidewalks with tree grates where appropriate.
- Plazas and courtyards.
- Promotion of adjacent community use through design.
- Appropriate parking orientations.
- Appropriate building orientation and scale.
- Design and landscape sensitivity to directly adjacent Single Family Residential.
- Enhanced corner treatments at Greenway Road and Litchfield Road as well as Greenway Road and 140<sup>th</sup> Drive.



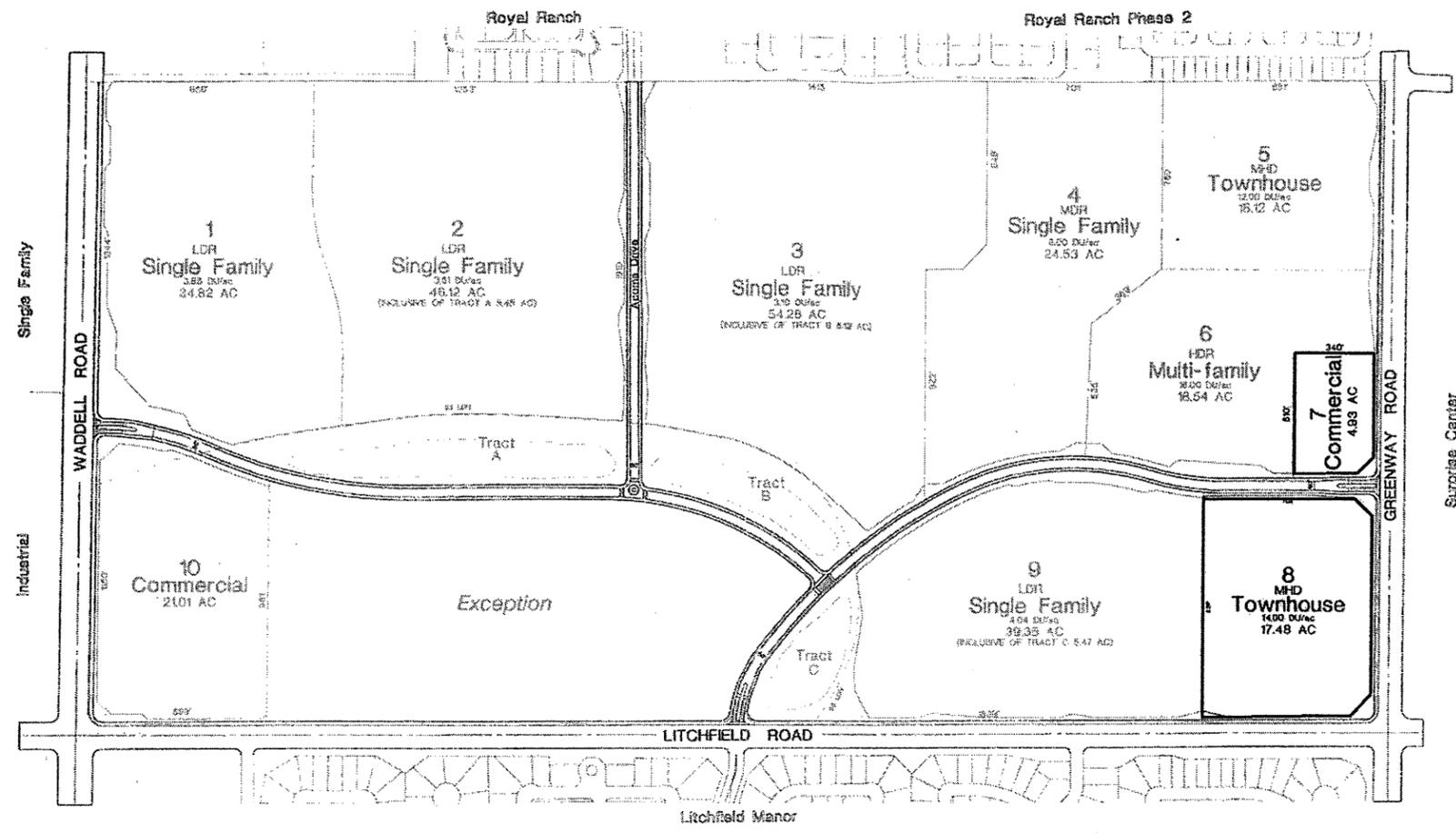
"B"

Aerial Photograph



"C"

**Existing Land Use Map**



Land Use Table

Parcel	Land Use	DU/AC	Lot Type/Size	Lot Area	Units	LDR Percent
1	LDR	3.85	B 53'x112'	5936	134	22%
2	LDR	3.51	C 58'x115'	6670	162	26%
3	LDR	3.10	E 68'x115'	7820	188	27%
4	MDR	6.00	45'x80'	3600	155	
5	MHD	12.00	-	-	193	
6	HDR	18.00	-	-	334	
7	Commercial	-	-	-	-	
8	MHD	14.00	-	-	234	
9	LDR	4.04	A 48'x110'	5280	159	25%
10	Commercial	-	-	-	-	

4.7 DU/AC	TOTAL Residential Units	1,539*
3.6 DU/AC	TOTAL LDR Lots	623

Legal Description

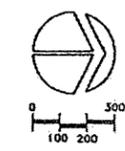
See Exhibit D of This Document for Legal Description

Project Area

Total Project Area ..... 277.16 Ac

AREAS SHOWN ON PLAN ABOVE ARE MEASURED TO THE CENTERLINE OF COLLECTOR STREETS AND TO THE EXISTING ARTERIAL RIGHTS-OF-WAY.

\*The number of dwelling units permitted within the single-family, multi-family, and mixed use parcels of this P.A.D. shall not cause the LDR portions of Section 9, T3N, R1W, to exceed 5 dwelling units/acre.



land use plan

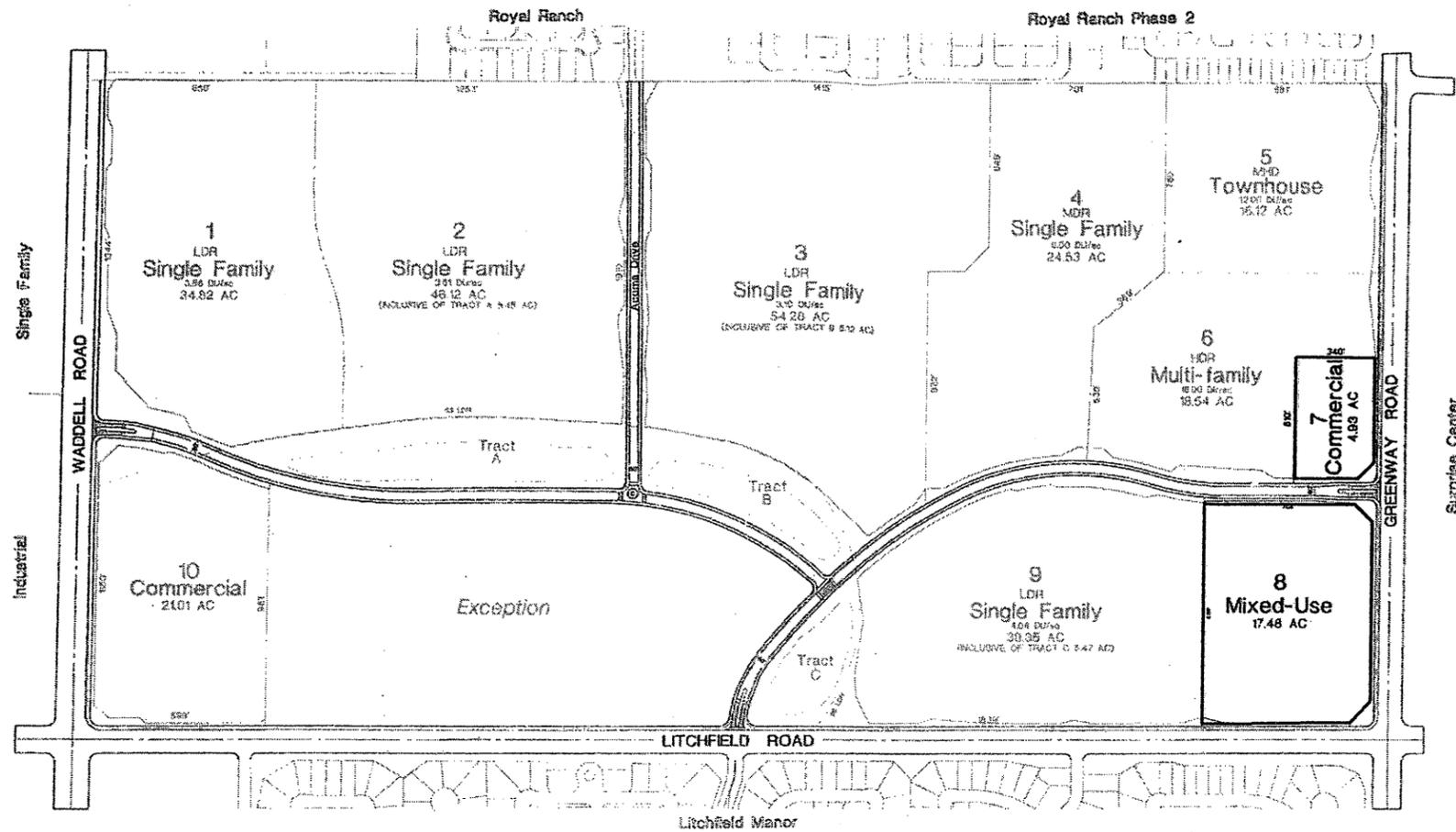
**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

EXISTING LAND USE MAP

"D"

**Proposed Land Use Map**



Land Use Table

Parcel	Land Use	Du/AC	Lot Type/Size	Lot Area	Units	LDR Percent
1	LDR	3.85	B 53'x112'	5936	134	22%
2	LDR	3.51	C 58'x115'	6670	162	26%
3	LDR	3.10	E 68'x115'	7820	188	27%
4	MDR	6.00	45'x80'	3600	155	
5	MHD	12.00	-	-	193	
6	HDR	18.00	-	-	334	
7	Commercial	-	-	-	-	
8	Mixed-Use	14.00	-	-	234	
9	LDR	4.04	A 48'x110'	5280	159	25%
10	Commercial	-	-	-	-	

4.8 DU/AC	TOTAL Residential Units	1,539*
3.6 DU/AC	TOTAL LDR Lots	623

Legal Description

See Exhibit D of This Document for Legal Description

Project Area

Total Project Area ..... 277.16 Ac

AREAS SHOWN ON PLAN ABOVE ARE MEASURED TO THE CENTERLINE OF COLLECTOR STREETS AND TO THE EXISTING ARTERIAL RIGHTS-OF-WAY.

\*The number of dwelling units permitted within the single-family, multi-family, and mixed use parcels of this P.A.D. shall not cause the LDR portions of Section 8, T3N, R1W, to exceed 5 dwelling units/acre.



land use plan

**Sierra Verde**

LEVINE PROPERTY - SURPRISE, ARIZONA

**PROPOSED LAND USE MAP**

"E"

Example Context Photos

SIERRA VERDE PARCEL 8  
PLANNED AREA DEVELOPMENT AMENDMENT



CONCEPTUAL MIXED USE ARCHITECTURE AND DESIGN ELEMENTS

"F"

**Dysart School District Agreement**

**RETURN TO HAWKINS AND CAMPBELL  
VIA 24 HOUR TURN AROUND**

**WHEN RECORDED RETURN TO:**

Donald M. Peters, Esq.  
MILLER LaSOTA & PETERS, PLC  
5225 North Central, Suite 235  
Phoenix, AZ 85012



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2002-1001035 09/27/02 16:16  
5 OF 6

GUILLEN1

**DONATION AGREEMENT BETWEEN DYSART UNIFIED SCHOOL DISTRICT  
NO. 89 AND LEVINE INVESTMENTS LIMITED PARTNERSHIP FOR  
DEVELOPMENT KNOWN AS "SIERRA VERDE"**

**DONATION AGREEMENT****(Sierra Verde)**

THIS DONATION AGREEMENT ("Agreement") is made by and between Dysart Unified School District No. 89 of Maricopa County, Arizona, a political subdivision of the State of Arizona (the "District"), and Levine Investments Limited Partnership ("Developer"). The District and Developer are referred to herein collectively as "the parties."

**RECITALS:**

A. Developer owns certain real property in Surprise, Arizona (the "City"), to be used for a development known as Sierra Verde, as more particularly described in Exhibit A, attached hereto (the "Property").

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. The Developer is 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:**

For and in consideration of the covenants contained herein, the District and Developer, 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. Developer warrants that it owns the Property and has the authority to make this agreement.

2. Conditions. It is a condition of the continuing effect and enforceability of this Agreement that, with regard to the Property, the District not have opposed any zoning or entitlement application or request of Developer, including without limitation, any preliminary or final plat application for the Property or a portion thereof; and that, if requested to do so by Developer or the governmental authority with jurisdiction, the District provide the governmental authority promptly and in a timely manner with written confirmation thereof.

3. Cash Donation by Developer to the District. Subject to the terms and conditions of this Agreement, Developer, for itself and its successors-in-ownership and assigns, including, without limitation, any affiliate of Developer and any homebuilder initially constructing or placing a dwelling unit on the Property, agrees to pay the following amount for each dwelling unit so constructed or placed on the Property:

Type of Dwelling	Donation (per unit)
House	\$1,000
Condominium	\$ 750
Apartment	\$ 400
Mobile Home	\$ 400

Developer shall contribute all donations as required under this paragraph no later than ninety days after the building permit for construction of the particular Dwelling Unit is issued by the City. 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.

4. Future Development Fees. Notwithstanding the foregoing or anything herein to the contrary, Developer desires that it receive credit for the money donated to the District, if at any time in the future, any federal, state, county, municipal or any other governmental or quasi governmental authority with jurisdiction over the Property lawfully imposes any development fee, impact fee, dedication requirement, exaction or similar fee or charge on the Property (individually, a "Development Fee" and collectively, the "Development Fees") through the exercise of either its police power or its taxing power (other than secondary real estate taxes, general obligation bonds and school district override elections) in connection with or related to the acquisition, development, construction, improvement and operation of public school facilities within the District. While the District offers no assurances to the Developer that it is empowered or authorized to provide Developer with a credit against Development Fees which may be assessed on the Property, the District, to the extent it is permitted by law to do so, agrees to the contents of this Section.

(a) If the Development Fees imposed on the Property are less than the total donations required under this Agreement, then no Development Fees shall be due and payable by Developer to or for the benefit of the District (but the remainder of this Agreement shall continue in full force and effect); or

(b) If the Development Fees imposed on the Property are greater than the total donations required under this Agreement, then Developer shall receive a credit against the Development Fees in the amount of the total donations, and Developer shall only be obligated to pay to or for the benefit of the District an amount equal to the difference between the Development Fees and the total donations.

5. Default and Remedies. Developer acknowledges that the District intends to rely upon this Agreement in formulating its plans for growth and in other regards, and that such reliance is reasonable. In the event of any default under this Agreement, the non-defaulting party

shall have all rights and remedies provided at law or in equity, including without limitation specific performance and injunctive relief, and all such rights and remedies shall be cumulative. Developer acknowledges the sufficiency of the consideration for this agreement and irrevocably waives lack of consideration as a defense to the enforcement of this Agreement.

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 Developer: Levine Investments Limited Partnership, an Arizona  
Limited Partnership  
1702 E. Highland Ave., Ste. 310  
Phoenix, AZ 85016  
Attention: William Levine

To the District: Dysart Unified School District of  
Arizona No. 89  
Attention: Superintendent  
11405 North Dysart Road  
El Mirage, AZ 85338  
(623) 876-7042 fax

With a copy to: Miller LaSota & Peters, PLC  
Attention: Donald M. Peters  
5225 N. Central, Suite 235  
Phoenix, AZ 85012  
(602) 248 2999 fax

With a copy to: Beus Gilbert PLLC  
Suite 1000 Great American Tower  
3200 N. Central Ave.  
Phoenix, AZ 85012-2430  
Attention: Paul E. Gilbert, Esq.

or 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 confirmation of the date and time of transmissions and receipt) after 5:00 p.m., Phoenix time; (iii) the date of delivery, if hand delivered or sent by nationally recognized overnight courier; (iv) three (3) days after the date of mailing, if mailed by registered or certified mail.

7. General.

(a) Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the District or Developer of any default under this Agreement shall be construed as a waiver of any preceding or succeeding default.

(b) Attorneys' Fees. In the event any party finds it necessary to bring any action at law or other proceeding against the other party to enforce any of the terms, covenants or conditions hereof, or by reason of any default hereunder, the party prevailing in any such action or other proceeding shall be paid all reasonable costs and attorneys' fees by the other party, and in the event any judgment is secured by the prevailing party, all such costs and attorneys' fees shall be included therein, with the fees to be set by the court and not by jury.

(c) Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from the counterparts and the signature pages may all be attached to a single instrument.

(d) Further Acts. Each of the parties hereto shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

(e) Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the District and the Developer and its successors-in-ownership and assigns. Upon the conveyance of all or any portion of the Property by Developer or its successors-in-ownership or assigns and the written assumption by such transferee of the obligations of the Developer under this Agreement with respect to the portion of the Property conveyed, Developer or its successors-in-ownership or assigns, as the case may be, shall be relieved of any further liability or obligations under this Agreement with respect to the portion of the Property conveyed but shall not be relieved or released from any liabilities or obligations incurred during the period of its ownership of the Property. The Developer shall provide the District written notice of any such conveyance and assumption of obligations within thirty (30) days after the conveyance. The liabilities and obligations of Developer and its successors-in-ownership and assigns are several obligations, and not joint and several obligations, and may only be enforced against the party then in default, and, notwithstanding any default by the owner of the portion of the Property, this Agreement shall remain in full force and effect with respect to the other owners of the Property.

(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 Developer 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.

20021001035

(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.

(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.

IN WITNESS WHEREOF, the parties have executed this Agreement.

**DISTRICT:**

DYSART UNIFIED SCHOOL DISTRICT  
NO. 89 OF MARICOPA COUNTY,  
ARIZONA, a political subdivision of the  
State of Arizona

By: *Kenn G. Dyer*  
Its: Governing Board President  
Date: 9.16.02

**DEVELOPER:**

Levine Investments Limited Partnership

By: *Paula Gilbert*  
Its: Attorney in fact  
Date: 8/7/2002

**EXHIBIT A**

**Property legal description**

20021001035

## LEGAL DESCRIPTION

The east half of Section 9, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at a City of Surprise brass cap found at the northeast corner of said Section 9, thence South 00°05'42" East, along the east line of said Section 9, a distance of 2647.89 feet to a Maricopa County Highway Department brass cap found at the east quarter corner of said Section 9;

Thence South 00°05'12" East, along the east line of said Section 9, a distance of 2648.12 feet to a Maricopa County Highway Department brass cap found at the southeast corner of said Section 9;

Thence North 89°21'12" West, along the south line of said Section 9, a distance of 2639.28 feet to a 1-1/4" iron pipe found 0.7 feet below the pavement at the south quarter corner of said Section 9;

Thence North 00°04'20" West, along the north-south mid-section line of said Section 9, a distance of 5286.02 feet to a 1" iron pipe found 0.6 feet below the pavement at the north quarter corner of said Section 9;

Thence South 89°34'12" East, along the north line of said Section 9, a distance of 2637.45 feet to the POINT OF BEGINNING.

Said parcel containing 13,959,308 square feet or 320.46 acres, more or less.



