BELL POINTE II
PAD05-258

October 2005
January 26th, 2006

City of Surprise  
Community and Economic Development Department  
Planning and Zoning Division  
1245 West Bell Road, Suite D-100  
Surprise, AZ 85374

RE: Stipulations for PAD 05-258, Bell Point II Planned Area Development

To Whom It May Concern:

We will comply with all stipulations as set forth by the Planning and Zoning Commission in regards to PAD 05-258 which was approved by the City Council on January 12th, 2006. The stipulations are as follows.

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

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

c) All infrastructures shall be constructed pursuant to the provisions of 16.20 of the Surprise Municipal Code or an approved development agreement, whichever applies.

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

e) A will serve letter will be required prior to issuance of any building permits.

f) All plats referenced in the PAD Document shall be consistent showing 167 lots.
g) All public notice signs shall be removed from the site immediately following final decision by the Planning and Zoning Commission of City Council as applicable. A signed Affidavit of Sign Removal shall be included with the Stipulation Response Package.

If you have any need for further information, please feel free to contact us at the number provided. Thank you for your time.

Sincerely,

Richard Schwartz
SNS Civil Design Group
14575 West La Estrella Blvd., Suite B
Goodyear, AZ 85338
Phone 623.374.2590
Fax 623.388.4574
ZONING COMPLIANCE NARRATIVE

BELL POINTE II
SURPRISE, AZ
SNS # 05-81
OCTOBER, 2005

A PLANNED AREA DEVELOPMENT (P.A.D.) ON APPROXIMATELY 27 ACRES LOCATED ON THE NORTH SIDE OF BELL ROAD AND WEST OF THE BEARDSLEY CANAL
SURPRISE, ARIZONA

Application P.A.D. 05-258

Developer:
Kerry W. Rose
C/O Scott A. Rose
Cavanagh Law Firm
1850 N. Central #2400
Phoenix, AZ 85004

RECEIVED
JAN 27 2006
COMMUNITY DEVELOPMENT
1.0 PROJECT INTRODUCTION
1.1 Zoning Request 5
1.2 Project Summary 5
1.3 Location of the Project 5

2.0 PROPERTY DESCRIPTION 6
2.1 Legal Description 6
2.2 Area Description 6
2.3 Applicants Interest 6
2.4 Existing Site Conditions 6
   2.4.1 Topographic Contours 7
   2.4.2 Vegetation and Wildlife 7
   2.4.3 Streams and Ponding 7
   2.4.4 Existing Drainage Patterns 7
   2.4.5 Private Irrigation System 7
   2.4.6 Utilities 8
2.5 Luke Air Force Base Noise Levels 8

3.0 PLANNING CONCEPTS & PHILOSOPHY 9
3.1 Consistency with the City of Surprise General Plan 9
3.2 Development Theme and Value to Community 10
3.3 Planning Concepts for Development 11

4.0 CONCEPTUAL P.A.D DEVELOPMENT PLAN & LAND USE SUMMARY 12
4.1 Conceptual P.A.D. Development Plan 12
4.2 Equivalent Residential Zoning 12
4.3 Parcel Use and Description 13
4.4 Lot Size 13
   4.4.1 Lot Data/Density/Land Use Table 14

5.0 TRAFFIC CIRCULATION SYSTEM 15
5.1 Street Cross-Section 15
5.2 Traffic Analysis 15
5.3 Traffic Safety for School Areas 15

6.0 OPEN SPACE, RECREATION AND TRAILS 16
6.1 Open Space Designations 16
6.2 Master Open Space and Trails 16
6.3 Surface Water Retention Areas 16
6.4 Active Open Space 16
6.5 Development Trail System 16
6.6 Total Open Space 17

7.0 RESIDENTIAL PARCEL DESIGN CRITERIA 18
7.1 2-Pack Detached Z-Lot and Setback Design Standards 18
7.2 PAD/MDR Subdivision Development Standards 19
7.3 PAD/MDR Subdivision Housing Design Criteria 20
8.0 DESIGN CRITERIA
8.1 Architectural Style 21
8.2 Square Footage of Homes 21
8.3 Plan Options 21
8.4 House Elevations 21
8.5 Roofing 21
8.6 Fencing 21
8.7 Garages 21
8.8 Color Combinations per Subdivision 22
8.9 House Product Design Guidelines and Provisions 22
8.10 Temporary Facilities/Conditional Permitted Uses 22

9.0 COMPLIANCE WITH PLANNING AND DESIGN GUIDELINES 23
9.1 Base Permitted Density 23
9.2 Development Standards: Design List — A 23
  9.2.1 Design List — A Compliance Items 23
9.3 Design List — B Additional Subdivision Standards 25
  9.3.1 Design List — B Compliance Items 25
9.4 Design List — C Additional Home Standards 26
  9.4.1 Design List - C Compliance Items 26
9.5 Design List — D Additional Amenities 27
  9.5.1 Design List — D Compliance Items 27

10.0 INFRASTRUCTURE IMPROVEMENTS 28
10.1 Water Line 28
10.2 Sanitary Sewers 28
10.3 Storm Sewers 28
10.4 Utilities 28
10.5 Irrigation 28
10.6 Proposed Surface and Drainage Patterns 28
10.7 Project Master CC&R’s 29
10.8 Development Agreement 29

11.0 CONCEPTUAL LANDSCAPING, WALL AND MONUMENTATION PLAN 30
11.1 Residential Home Landscaping 30
11.2 Walls and Landscaping Design 30
11.3 Conceptual Landscape Plan 30
11.4 Conceptual View Wall Location Detail 30
LIST OF EXHIBITS

VICINITY MAP A
LEGAL DESCRIPTION B
CONTOUR MAP C
CONCEPTUAL LANDSCAPE PLAN D
CONCEPTUAL OPEN SPACE E
2020 PLAN F
ZONING MAP G
CONCEPTUAL MASTER PLAN H
CITY OF SURPRISE MUNICIPAL CODE REFERENCE DOCUMENTS I
GENERAL PLAN POLICY CHECKLIST J
TYPICAL STREET SECTIONS K
PRELIMINARY PLAT (FOR REFERENCE ONLY) L
LAND USE MAP M
1.0 PROJECT INTRODUCTION
We are pleased to present this submittal to the City of Surprise for our proposed Bell Pointe II subdivision. The Bell Pointe II subdivision is an infill project consistent with the surrounding approved master planned community (Bell Pointe I). The subdivision will be developed on two (2) parcels of land contiguous with Bell Pointe I. Bell Pointe II consists of approximately 27 acres, located on the north side of Bell Road, west of the Beardsley Canal. The property is located within the planning area of the City Limits of Surprise. The property is currently zoned R1-43 in the City of Surprise.

1.1 ZONING REQUEST
This Zoning Compliance Narrative and the attached Conceptual P.A.D. Development plan are the two major elements of our request to change the current zoning of R1-43 to the P.A.D. zoning under the Medium Density Residential (MDR) designation. The Narrative Book and the Land Use Zoning plan for Bell Pointe II have been prepared to reflect the P.A.D. MDR zoning designation and development guidelines that the developer and home builders will comply with when building within this master planned community. This development is consistent with the General Plan 2020.

The City of Surprise General Plan 2020 shows this site designated as MDR with a density range between five and eight dwelling units per acre (du/ac.).

1.2 PROJECT SUMMARY
Bell Pointe II is an infill subdivision within the Bell Pointe I Master Plan. This subdivision will enhance the housing variety within the existing community. Bell Pointe II will tie into the existing infrastructure, recreation and trail systems. This will bring together the north and the south portions of the Bell Pointe I Master Plan.

The proposed community will include:

- Two MDR single family residential subdivisions that range in densities from 5.4 to 6.4 du/ac. The overall gross density is projected to be 6.1 du/ac.
- An internal active recreational area coordinated with Bell Pointe I to further enhance both projects, as well as a contiguous open space corridor to the east and throughout.
- Pedestrian and bicycle trails that connect to Bell Pointe I with access to the active recreation areas.
- Shared access to the west with Bell Pointe I.

This residential development will work together with Bell Pointe I to create a wonderful living environment featuring landscaped open space and a continuation of the trail system offered by Bell Pointe I interlinking the entire system. These integrated, open (active and passive) recreation and retention areas comprise 18.8 percent of the overall development.

1.3 LOCATION OF THE PROJECT
The physical location of Bell Pointe II development is shown on the "Vicinity Map" on Exhibit A.
2.0 PROPERTY DESCRIPTION

Bell Pointe II is a proposed master planned residential community consisting of approximately 27 acres, located on the north side of Bell Road, west of the Beardsley Canal. The property is located within the city limits of Surprise. A description of the Site, its conditions, and the surrounding area are presented in the following sections.

2.1 LEGAL DESCRIPTION

The proposed development, within the Bell Pointe master planned community is comprised of two (2) parcels of land. These parcels are located in portions of Section 34, Township 4 North, Range 2 West; G&SRB&M; Maricopa County, Arizona. The site is located on the north side of Bell Road and west of the Beardsley Canal in Surprise (Maricopa County), Arizona. Legal descriptions included on Exhibit "B".

2.2 AREA DESCRIPTION

Bell Pointe II is comprised of two parcels - a north parcel and a south parcel. The north parcel is bounded on the north and west by an earthen levee, on the south by the Bell Pointe I subdivision and on the east by the Arizona Traditions Subdivision (which is in the final platting stage). The south parcel is bounded on the north, south, and west by Bell Pointe I and on the east by the Arizona Traditions Subdivision (which is in the final platting stage).

2.3 APPLICANT’S INTEREST

The applicant is interested in to developing the remaining two parcels of the single-family oriented master planned community (Bell Pointe II) under the Planned Area Development Zone PAD. District of the City of Surprise Municipal Code; Section 17.28.140 (the “Municipal Code”).

2.4 EXISTING SITE CONDITIONS

The site contains a total acreage of approximately 27 gross acres of undeveloped land, currently zoned R 1-43, Single Family Residential Zone.
2.4.1 Topographic Contours
The site is undeveloped desert that gently slopes to the east, southeast. The high point of the Site is along the western property line at approximately 1340 feet above mean sea level (MSL). The low point of the Site, the southeast corner adjacent to the Beardsley Canal, is approximately 1331 feet above MSL. Elevation and topographic information was derived from a Topographic Survey completed by Consulting Land Surveyors on January 7, 1998. See Exhibit "C".

2.4.2 Vegetation and Wildlife
The site has natural desert vegetation consisting of native grasses, scrubs and a few mesquite and Palo Verde trees. The site does not contain any significant native vegetation. The Site has minimal wildlife. The wildlife species most likely to be found include jackrabbits, skunks, coyotes, quail and songbirds. A copy of a Phase 1 Environmental Site Assessment covering the site has been provided to the City.

2.4.3 Streams and Ponding Areas
The site does not contain any natural washes or streams.

2.4.4 Existing Drainage Patterns
The Maricopa County, Arizona and Incorporated Areas Flood Insurance Rate Map (FIRM); Panel Numbers 04013C 1140 G, effective date July 19, 2001, indicates that the site falls within Flood Zone X. The Zone X designation means the site is located in areas of 500-year flooding; and 100- year flooding with average depths less than one foot or with drainage areas less than one square mile; and areas protected by levees from 100-year flooding. Appendix C shows the location of the flood zone designation for the site.
The site is adjacent on the west to the Trilby Wash basin. The site is separated from the Trilby Wash basin by an earthen levee.
This area will retain 100-year, 2-hour duration design storm on-site upon completion of the design.

2.4.5 Private Irrigation System
The Beardsley Canal is located on the southeastern edge of the site. It is owned and maintained by the Maricopa Water District (MWD). There are no other MWD delivery ditches or private irrigation systems on the site.
2.4.6 Utilities

**Water:** The site is located in the water service area of Arizona American Water Company (i.e., AAWC), and will connect to and perpetuate the existing looped Bell Pointe I system. An assured water supply and water assurances will be secured based on the approved preliminary plat.

**Sewer:** The site is located in the sewer collection system area of the City. It is anticipated that we will connect to the existing 8" sewer system from Bell Pointe I (runs also through Bell Pointe II South).

**Electric:** The site is located in the service area of Arizona Public Service (APS). Electric service for the area containing the site is being provided from Bell Pointe I. All electric service for this development will be underground.

**Gas:** The site is located in an area serviced by Southwest Gas Company. There is a 4" gas distribution line in Bell Road. This gas line provides service to the immediate area of the site. All gas service, if constructed for this development, will be underground.

**Telephone:** The site is located in an area that is serviced by Qwest Communications (Qwest): Telephone service in this area exists in Bell Road. The service will be extended through Bell Pointe I to our site. All telephone service for this development will be underground.

**Cable:** The site is not in an area presently serviced by a cable TV company. However, Cox Communications presently services the Arizona Traditions development to the east. All cable service, if constructed for this development, will be underground.

2.5 **LUKE AIR FORCE BASE NOISE LEVELS**
No portion of the site lies within the 1997 revised AICUZ noise contour lines. Additionally, no portion of the site lies within any noise contour lines as defined by the 1988 MAO Thus.
3.0 PLANNING CONCEPTS & PHILOSOPHY
The Conceptual P.A.D. Development Plan for Bell Pointe II has been designed to follow certain planning concepts that have been established in the City of Surprise General Plan 2020. The Planning Concepts and Philosophy are addressed in the following sub-sections.

3.1 CONSISTENCY WITH THE CITY OF SURPRISE GENERAL PLAN
Bell Pointe II has been planned and engineered to be in compliance with the City of Surprise General Plan 2020 including Section 4.1.4 “Land use Goals, Objective, and Policies”. Several of the component areas of Section 4.1.4 are complemented by the proposed development. These areas include:

Objective: Promote a compatible mix of land uses throughout the planning area.

COMPLIANCE BY BELL POINTE II

Policy 2: Major Activity Centers - The site meets the intent of this policy with the location of this diverse residential development in close proximity to the new Surprise Center, the new downtown of the City of Surprise. In addition, the new spring training facility for the Cactus League is also in close proximity. Both of these active centers are approximately five (5) miles to the east.

Development Activity Centers - In addition, within the development an Active Recreation Area, linked to all residential subdivisions by both a Development Trail System as well as the connecting Neighborhood Trail System.

Buffering - Land uses around this project are similar residential uses. This project continues the well landscaped open space corridor proposed through Bell Pointe I.

Policy 3: The site is in compliance with the General Plan 2020 designated zoning of MDR as the overall land use for this area.

Objective: Practice comprehensive development master planning that evaluates areas and incorporates a mix of compatible land uses.

COMPLIANCE BY BELL POINTE II

Policy 2: The site promotes clustering and is abutting the earthen levee of the Trilby Wash Basin. This allows the preservation and use of the area at the base of the levee. This development will coordinate with the Maricopa County Flood Control District to develop one of the first sections of the regional trail system in this area. At the same time this trail system area will be preserved as natural open space.

Objective: Preserve the natural environment and scenic resources within the planning area by ensuring compatible development that protects environmentally sensitive areas.

COMPLIANCE BY BELL POINTE II

Policy 5: The site is being developed with the encouragement of clustering to create and/or preserve natural open space. As stated in Policy 2 above, the preservation and use of the area at the base of the levee is vital to protecting environmentally sensitive
areas. This use of this natural open space will promote openness within the housing developments.

**Objective:** Strengthen existing neighborhoods and ensure compatible development.

**COMPLIANCE BY BELL POINTE II**

**Policy 2:** The site has been master planned to connect neighborhoods through a series of planned trails and functional open space. All residential subdivisions and the active recreation areas are connected and inter-linked by both a Development Trail System as well as the connecting Neighborhood Trail System through this project and Bell Pointe I. The design makes provisions so that a multitude of homes front to open space. Areas around the project have been designed to augment open space provided by Bell Pointe I to create and provide access to these shared open space areas.

**3.2 DEVELOPMENT THEME AND VALUE TO COMMUNITY**

*Bell Pointe II* has been created with a consistent project theme throughout the master planned community (Bell Pointe I). This project theme has been planned to place this project in compliance with the City of Surprise General Plan 2020, specifically 4.9.4 "Community Design Goals, Objectives and Policies". This project will be in compliance with the following Objectives and Policies of Section 4.9.4.

**Objective:** To develop a comprehensive, thematic design theme for the City of Surprise.

**COMPLIANCE BY BELL POINTE II**

**Policy 1:** Section 4.0 of this Zoning Narrative outlines the adoption of comprehensive design guidelines for the detached single family homes in Bell Pointe II.

**Objective:** Regulate the appearance of the future built and revitalized environment through landscaping materials and their placement on private property, public rights-of-way, public facilities, parks and open space.

**COMPLIANCE BY BELL POINTE II**

**Policy 2:** The Conceptual Landscaping Plan presented as Exhibit D reflects signage and monumentation standards for entryways into this development. Walls, monumentation, and landscaping are consistent with the surrounding proposed development (*Bell Pointe II*). In addition, Section 9.5.1 of this Zoning Narrative outlines the specific streetscape design guidelines for the detached single-family homes in *Bell Pointe II*.

**Objective:** Develop a well-designed graphic identity and incorporate this into a hierarchy of community gateways, activity nodes, and directional signage in the city.

**COMPLIANCE BY BELL POINTE II**
Policy 2: The Conceptual Landscaping Plan shown as Exhibit D reflects a comprehensive signage/monumentation package for entryways into this development and the active recreation area.

Objective: Promote opportunities for social interaction through gathering places, non-vehicular circulation facilities, linkages to parks, schools and public open space.

COMPLIANCE BY BELL POINTE II

Policy 2: A Trail Master Plan is presented in Section 6.5. In addition, the design of the trails is shown on the Conceptual Landscaping Plan as Exhibit B. Both reflect the opportunities for social interaction between subdivisions within this master planned community.

3.3 PLANNING CONCEPTS FOR DEVELOPMENT

Bell Pointe II has been created to adhere to the designated Medium Density Residential Land Use in the 2020 Plan, the Planning and Design Guidelines (PDG), and the Home Product Design Guidelines (HPDG). The Developer will follow the HPDG and will establish compliance parameters for the homes developed in this project. In addition, this MDR residential development will be developed following the lot and setback standards established in this Zoning Compliance Narrative Book.
4.0 CONCEPTUAL P.A.D. DEVELOPMENT PLAN & LAND USE SUMMARY

The Conceptual P.A.D. Development Plan (Land Use Zoning Plan) for Bell Pointe II depicts the overall site, describes the land use, recreational design and reflects the development intent of the project. The Land Use Zoning Plan includes:

Bell Pointe II is comprised of two (2) parcels of land contiguous with Bell Pointe I. These parcels are located in portions of Section 34, Township 4 North, Range 2 West, G&SRB&M, Maricopa County, Arizona. Legal descriptions for the two parcels are included within the ALTA Survey as a part of the Preliminary Plat submittal. A legal description for the entire property is provided on the Exhibit B. The two land parcels of the site are proposed to be built with types of residential cluster land uses designed to meet the overall intent of the 2020 Plan for the site area.

North Parcel (Parcel 2):
Approximately 7.7 acres of this community will be developed with 5 standard lot and 37 "two-pack" detached single-family house products that match two companion lots side-by-side with a Z lot line jog in the side yard garages alternating form front to rear, with a gross density of 5.5 du./ac under a P.A.D. Medium Density Residential (MDR) designation. These homes will be developed to be in general compliance with the City of Surprise Home Product Design Guidelines and the MDR zoning standards established by this Zoning Compliance Narrative Book.

South Parcel (Parcel 1):
Approximately 19.55 acres will be developed with 15 standard lots and 111 "two-pack" detached single-family house products that match two companion lots side-by-side with a Z lot line jog in the side yard having common useable open space at a gross density of 6.4 du./ac under a PAD. Medium Density Residential (MDR) designation. These homes will be developed to be in general compliance with the City of Surprise Home Product Design Guidelines and the MDR zoning standards established by this Zoning Compliance Narrative-Book.

The overall project containing 27 gross acres of two residential developments, a development trail system, and approximately 19 percent open space with an active recreation area will be developed with a gross density of 6.1 du./ac. The 2020 Plan stipulates that the designated Medium Density Residential Land Use has a land use density of 5 to 8 du./ac.

4.1 CONCEPTUAL P.A.D. DEVELOPMENT PLAN
The Conceptual PAD. Development Plan for Bell Pointe II is presented as Exhibit D.

4.2 EQUIVALENT RESIDENTIAL ZONING
The proposed residential uses for Bell Pointe II will be detached cluster residential dwelling units built in accordance with the approved Land Use Zoning Plan and to conform to the City's MDR land use designation. The two (2) potential residential cluster uses will be designed and developed under the current Municipal Code Section 17.28.040 provisions for RI-5 zoning designations, unless specifically amended.
Also, the proposed "Z" Lot Line residential use will be designed and developed in general compliance with the City of Surprise Planning and Design Guidelines.

The City's R1-5 zoning designation has been designated as the most equivalent zoning districts to the Bell Pointe II MDR land use category. The proposed land use designations are also in compliance with the MDR land use classification shown in the 2020 Plan. The zoning designation is as follows:

R1-5 = MDR (Zero Lot Line Detached Cluster “two pack”)

4.3 PARCEL USE AND DESCRIPTION
The following sections describe the type of residential use proposed for each land parcel

Bell Pointe II is proposed to be developed as “two-pack” detached single-family house products matching two companion lots side-by-side with a Z lot line jog in the side yard. Adjacent house products are designed to fit together on the companion lots. One of the two companion house products has a garage located near the front of the lot, while the adjacent companion house product has a garage located near the rear of the lot. This garage forward / garage rear concept allows the companion house products on adjacent lots to fit together to from the “two-pack”. The configuration of the “two-pack” companion house products creates the need for the Z side yard lot line jog. The side yard jog accommodates the garage forward / garage rear design. The houses are detached with each located on its own lot.

The Z lot side yard requires a reciprocal use and benefit easement to accommodate the two-pack house products. The use and benefit easement allows one property owner to use a 5-foot portion of the front half of the neighbor’s side yard, and in exchange the neighbor is allowed the use of a 5-foot portion of the back half of the same side yard. The reciprocal use and benefit easement is needed to comply with the International Residential Code for the proposed house products. This eliminates the IRC requirement for an extended firewall above the roofline of each house. Alternatives to the reciprocal use and benefit easement were explored and none could be found due to the IRC firewall requirements. The reciprocal use and benefit easements are in use in other municipalities including Glendale, Avondale, and Chandler where the “two-pack” concept was first developed.

4.4 LOT SIZE
The Land Use Zoning Plan for the Site has two (2) MDR residential development parcels. All parcels will be developed under the standards established in this Zoning Compliance Narrative Book, and also being in general conformance with the Design Guidelines. The Land Use Plan for the Site reflects that the cluster subdivisions will have a set minimum lot width with the potential for different lot widths within the residential subdivisions. All subdivisions will be developed under the standards designated in Section 4.0 of this Zoning Compliance Narrative Book. The use of varying lot widths will provide a mix of the types of homes to be built. The P.A.D. MDR designated lots will have a lot depth that varies from 85 feet to 110 feet. The P.A.D. MDR lot widths will be 39 to 49 feet.
### 4.4.1 Lot Data/Density/and Land use Table

<table>
<thead>
<tr>
<th>Parcel</th>
<th>SFD Guideline Lot Category</th>
<th>Typical Lot Size</th>
<th>Gross Acres</th>
<th>No. of Lots/Units</th>
<th>Density</th>
<th>% of Overall Lots</th>
<th>% of Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>N/A</td>
<td>39'49' X 85'110'</td>
<td>7.7</td>
<td>42</td>
<td>5.45</td>
<td>25%</td>
<td>26%</td>
</tr>
<tr>
<td>South</td>
<td>N/A</td>
<td>39'49' X 95'</td>
<td>19.55</td>
<td>125</td>
<td>6.39</td>
<td>75%</td>
<td>15.9%</td>
</tr>
<tr>
<td><strong>Totals:</strong></td>
<td></td>
<td></td>
<td>27.05</td>
<td>167</td>
<td>6.17 (aver.)</td>
<td>100%</td>
<td>41.9%</td>
</tr>
</tbody>
</table>
5.0 TRAFFIC CIRCULATION SYSTEM
The Bell Pointe I development provides 2 points of access to the property on Bell Road. The main entrance includes a deceleration lane on both eastbound and westbound Bell Road. The main entrance provides 80 feet of right of way with a landscaped median. In addition, there exists a large open space buffer along Bell Road that is compatible with the sloping southwest property corner, and includes a frontage road that runs parallel to Bell Road along the southeast portion of the property. Access to Bell Pointe II North is via the Bell Pointe Boulevard. Bell Pointe II South is reached directly through East Sunbelt Drive, or through 183 Lane segments reaching north and south.

The internal streets are to be public and maintained by the City of Surprise. The street system is a series of loop streets accessing off of a public collector road with varying rights-of-way as it traverses through the property.

This street design provides proper emergency vehicles access to every lot and open space. The local streets provide clear unobstructed access for refuse trucks and emergency vehicles. The streets are not gated to allow City service vehicles complete access to the subdivision whenever access is needed.

5.1 STREET CROSS-SECTION
The collector road for this development will be designed as a split entry right-of-way with an entry median that transitions to a right-of-way w/o median in the north-central portion of this development. All of these public streets meet the standards of the City of Surprise Engineering Department and the Fire Department. The internal street cross sections comprise a 4-foot landscape tract and a 4-foot detached sidewalk on both sides of the street. A Street Design Plan is attached as Exhibit K.

5.2 TRAFFIC ANALYSIS
A traffic study is being submitted along with this narrative. Trips generated for Bell Pointe II were included with the study for Bell Pointe II.

5.3 TRAFFIC SAFETY FOR SCHOOL AREAS
The "Arizona Department of Transportation Traffic Group Chapter 7 Traffic Safety for School Areas" (Chapter 7) was implemented as part of this design. Most of chapter 7 deals with school placement requirements, populations, bus stops and conveyance issues. There will be no bus stops or school crossings on this project. We have incorporated within our planning streets, sidewalks and streetscape that serves to minimize "mixing" of pedestrian and vehicular traffic. We have also located access to our active open space area at the end of a cul-de-sac in order to minimize student interaction with vehicular traffic.
The extensive trail system developed for this project will also allow for pedestrian and bicycle routes away from streets.
6.0 OPEN SPACE, RECREATION AND TRAILS
The following sections review the amenities that are being proposed for Bell Pointe II.

6.1 OPEN SPACE DESIGNATIONS
The Bell Pointe II Master Planned Community will have two (2) separately delineated, but fully integrated, open space areas. They are designated as the Master Open Space and the Residential Open Space. Each of these open space areas and their components will be outlined below. The Conceptual Master Plan is included as Exhibit H.

The developer will create and record a set of Covenants, Conditions, and Restrictions (CC&R’s) establishing a master homeowners association (the “HOA”) which will be responsible for the maintenance of the landscaping of the open space areas and designated rights-of-way. The HOA will be created by the developer and governed by a recorded set of CC&R’s.

6.2 MASTER OPEN SPACE AND TRAILS
The Master Open Space consists of a series of pocket parks and retention areas linked together by a common trail system. The Master Open Space contains approximately 5.1 acres that are utilized for pedestrian and bicycle trails, active recreation, and surface water retention areas. This Master Open Space is shown in Cross-Section form on the Conceptual Landscape Plan as Exhibit D and on the Open Space, Trail System, and Active Recreation Area Exhibit H.

6.3 SURFACE WATER RETENTION AREAS
The surface water retention areas within the Master Open Space will be part of an integrated retention basin design that will handle the surface water retention for the development as a whole. These retention basins will be sized for a 100-year, 2-hour storm. Common areas will also be utilized for recreation purposes and pedestrian access.

6.4 ACTIVE OPEN SPACE
There are two (2) proposed common area open space tracts that have been designed to provide additional active recreational uses for the residents of Bell Pointe II. A Conceptual Landscaping Plan showing the location and proposed design of these active open spaces is included as Exhibit E.

The northeast area of the south parcel is an active turf and decomposed granite area that is proposed to have the turf portion with active recreation activities such as a sports court. This active recreation area contains approximately 3/4 of an acre. The eastern portion of both parcels contains areas designed to provide a multiple use as retention area. This landscaped open space area is also proposed to contain villa style benches and trash receptacles. A meandering Neighborhood Trail will provide pedestrian and bicycle access to and through this active recreation area from all adjacent subdivisions. A Conceptual Landscaping Plan showing the location and uses is included as Exhibit D.

6.5 DEVELOPMENT TRAIL SYSTEM
A designated residential trail system is proposed to tie into the overall community open space plan, so that residents can ride their bikes or walk to the various recreational opportunities throughout the Bell Pointe Community. The open space trail system will be connected to the neighborhood sidewalk system within each neighborhood. The Development Trail System will utilize an eight (8) foot meandering path within the open space areas of the Master Open
Space. The open space areas will be a minimum of twenty-five (25) feet wide between the subdivisions and a minimum of fifteen (15) feet wide adjacent to the internal road rights-of-way. A Conceptual Landscaping Plan showing the proposed design of the Development Trail System is included as Exhibit D. An exhibit showing the active recreation area is attached as Exhibit H.

The Master Open Space trail system will be linked to the Regional Trail Corridors Located adjacent to the western property line of Bell Pointe and Bell Pointe II. The Regional Trail Corridor will be utilized as an additional trail corridor for pedestrian and bicycle access along the western portion of Bell Pointe II. The Development Trails will also link the Regional Trail Corridor to the future City of Surprise Pedestrian Trail on Bell Road. This overpass will link to additional trails leading to the proposed regional park west of Canal and to the proposed West Park Community Park in the Surprise Farms Master Planned Community.

6.6 TOTAL OPEN SPACE
The projected Master Open Space and the Residential Open Space will, when combined, contain a minimum of 18.8% of the overall gross acreage of this P.A.D. master planned community. These areas have been designed to be centralized in the development and have continuity and flow between all subdivision parcels and the active open spaces.
7.0 RESIDENTIAL PARCEL DESIGN CRITERIA
The proposed residential uses for Bell Pointe II will be detached cluster residential dwelling units built in accordance with the approved Land Use Zoning Plan and to conform to the City's MDR land use designation. The two (2) potential residential cluster uses will be designed and developed under the current Municipal Code Section 17.28.040 provisions for RI-5 zoning designations, unless specifically amended.

7.1 2-PACK DETACHED Z-LOT AND SETBACK DESIGN STANDARDS
The residential lot and setback standards to be followed for a 2-Pack Detached Z-Lot Residential Subdivision are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Bell Pointe II 2-Pack Detached Z-Lot Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>39/49 feet&lt;sup&gt;1,2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>85 feet&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Minimum Subdivision Perimeter</td>
<td>Street (Front, Rear or Side): 10 feet</td>
</tr>
<tr>
<td></td>
<td>Property Line (Rear): 10 ft.(1 story), 10 ft. (2 story) &lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>Property Line (Side): 10 ft. (1story), 10 ft. (2 story) &lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>Front Yard Setback - Front Porch</td>
<td>10 foot minimum&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Front Yard Setback - Living Area</td>
<td>12 foot minimum&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Front Yard Setback - Garage</td>
<td>18 foot minimum&lt;sup&gt;1,4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Rear Yard Setback - Rear Patio</td>
<td>5 foot minimum</td>
</tr>
<tr>
<td>Rear Yard Setback - Living Area</td>
<td>10 foot minimum</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>5 foot minimum</td>
</tr>
<tr>
<td>Minimum Distance Between Buildings on Adjacent Lots</td>
<td>10 feet</td>
</tr>
<tr>
<td>Maximum Structure Height</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

Footnotes:

1. Minimum lot width and depth are measured at the center of the lot. Front setbacks are measured from the front lot line. The lot line for the front of each lot is at the back of sidewalk. The garage forward setback is measured from the back of the sidewalk.

2. Z-lot widths vary from 39- to 49-feet from front to rear. A 10-foot jog near the center of the lot reverses the widths of adjacent lots, which together are 88-feet wide. Lots that are narrower toward the front have a garage rear design, where lots that are wider toward the front have the garage nearer to the street.

3. Rear patios will be allowed to encroach five (5) feet into the rear setback, but no closer than five (5) feet from the property line.
4. A standard two-car garage is the minimum garage requirement for this development. The dimensions of this garage will be a minimum of 20 feet x 20 feet. In addition, a designated storage area of approximately 80 square feet will be place within (or attached to) the garage. The acceptance of the final design will be completed by a design review by the City.

5. Non-foundation home features will be allowed to encroach two (2) feet into the side yard setback, but no closer than three (3) feet from the property line.

7.2 PAD/MDR SUBDIVISION DEVELOPMENT STANDARDS
The following is a list of the subdivision development standards to be followed during the development of any PAD/MDR subdivision in Bell Pointe II

A. Subdivision Entry: The primary entrance into any residential subdivision will have monument signage, special decorative landscaping and enhanced wall detail.

B. Staggered Perimeter Wall: A perimeter wall will be constructed along the Bell Road frontage road of the Bell Pointe II perimeter wall and will contain staggered or offset sections and/or other breaks to relieve the linear character of this wall. (To be submitted for final approval at time of Final Plat approval)

C. Open Space: Landscaped open spaces will be designed and constructed to be visible from the residential streets. The HOA will maintain the open space and retention areas to the same standard as the Master Open Space areas.

D. Street Features: Any residential subdivision in BELL POINTE II will provide at least two (2) cul-de-sacs or other street feature such as a knuckle or single-loaded street with a feature such as a landscaped island, an adjacent open space corridor, access to common open space, etc.

E. Corner Landscape Tracts: All corner lots will be constructed with a four (4)-foot wide landscaped tract between the property line of the lot and the abutting street right of way. Such landscape tracts will be conveyed to the HOA to maintain the same standard as the other tracts and common areas maintained by said association.

F. Greenbelts: Storm water retention areas will be designed and constructed to meander through any MDR subdivision as a greenbelt. The HOA will maintain the retention areas to the same standard as other tracts and common areas.

G. Views: View corridors will be incorporated into open space areas throughout the development as a means to take advantage of the surrounding mountain views. View fences will be utilized for houses that abut these view corridors so that the open space and mountain views are visible from the houses.

H. Trails: Paths and trails shall be installed separate from roadways, and to connect the open space areas within any residential subdivision with the Master Open Space. These paths and trails will enable bicyclists and pedestrians to travel throughout the development.
7.3 PAD/MDR SUBDIVISION HOUSING DESIGN STANDARDS (REFERENCE ONLY)
The following is a list of the subdivision housing design standards to be followed during the
development of any residential subdivision in Bell Pointe II. All homes will go through separate
review and are subject to change.

A. Housing Product Variation: Houses constructed in a residential subdivision will have a
minimum of three (3) distinctly different floor plans, and a minimum of two (2) elevations for
each floor plan.

B. Adjacent Elevations and Color Schemes: Homebuilders in any residential subdivision of
Bell Pointe II shall strive that no homes in the development will have the same elevation or
color scheme on adjoining lots.

C. Enhanced Design Features: Design features such as covered front entries, covered front
porches, enhanced door and window details with greater variation of window design, different
window styles and colors, tile inlays and recesses, structural pop outs, roof overhangs, gabled
roof features over windows, parapet walls with cap features, etc., will be incorporated into the
floor plans.

D. Roof Types: At least three (3) distinct roofing types, including colors, textures, and
component shapes, (i.e. barrel tile and flat concrete tile) will be installed.
E. Pavement Treatment: Decorative flat work pavement treatments, such as salt finished
concrete, colored concrete, or bomanite will be installed on at least twenty-five (25) percent of
all lots built in the residential subdivision.
8.0 DESIGN CRITERIA PER SFR HOME PRODUCT DESIGN GUIDELINES
The following sub-sections provide information on the engineering and architectural design guidelines to be followed during construction of the subdivisions in the site. The criteria outlined in these sub-sections have been established to follow the design guidelines of the SFR Home Product Design Guidelines and existing P.A.D. and RI-5 and R-2 design guidelines. The purpose of these sub-sections is to establish housing development criteria to complement the SFR Design Guidelines.

8.1 ARCHITECTURAL STYLE
It is projected that the architectural style will remain consistent with the surrounding Bell Pointe I development.

8.2 SQUARE FOOTAGE OF HOMES
The homes to be constructed in each of the subdivisions within Bell Pointe II will consist of two (2) story models. The square footage of the homes will vary.

8.3 PLAN OPTIONS
The plans will provide non garage dominant architecture. The “two-pack” concept provides for architecture forward on the house in an alternating pattern with the garage to the rear in the same pattern. No two garages will be forward on two consecutive lots with the exception of full size end lots.

8.4 HOUSE ELEVATIONS
The number of house elevations will vary in each of the two subdivisions within Bell Pointe II according to the housing product mix offered by the homebuilder. Each subdivision will have a minimum of three (3) house plans with a minimum of three (3) distinct elevations offered for each plan built. Each elevation will have its distinctiveness derived through varying projections, window designs, and roof profiles.

The homebuilder will be encouraged to vary the homes built so that the same house plan with the same or similar front elevation will not be placed on adjacent lots or directly across the street from one another. In addition, one (1) house plan presented to the city for each proposed subdivision will promote some type of recessed garage treatment to the elevation to provide variety in the streetscape design of the development. All homes shall be designed and constructed with the goal of providing a diverse housing mix in the residential subdivisions.

8.5 ROOFING
The homes in each subdivision will be constructed with tile roofs. A minimum of 5 different combinations of roof styles will be offered in each subdivision. No composition shingles will be permitted on homes in this development.

8.6 FENCING
Side and rear yards of each home in Bell Pointe II will have a concrete block fence that will be a maximum of six (6) feet in height.

8.7 GARAGES
The homes in each subdivision will have a minimum of a two (2) car garage. Garages may vary between front, side and rear placements with respect to the house. The dimensions of the
garages will be a minimum of 20 feet by 20 feet. In addition, a designated storage area of approximately 80 square feet will be placed within (or attached to) the garage. The acceptance of the final design will be completed by a design review by the City of Surprise.

8.8 COLOR COMBINATIONS PER SUBDIVISION
The homes in each subdivision in Bell Pointe II will have coordinated exterior colors. The fascia and exterior of the homes will be painted in different, varying colors. The homebuilders will offer a minimum of two (2) housing colors and a minimum of four (4) different colors for each subdivision.

In order to vary and coordinate the exterior color combinations, a minimum of four (4) different fascia colors will be offered in combination with the minimum of two (2) different exterior color schemes for the homes.
A minimum of two (2) colors of roof tile will be offered in Bell Pointe II by the homebuilders.

8.9 HOUSE PRODUCT DESIGN GUIDELINES AND PROVISIONS
Unless specifically amended by the Land Use Zoning Plan and/or the Development Agreement referenced herein, all provisions of the City of Surprise Municipal Code, Section 16.20.030, Streets; Single Family Residential zone (RI-5), 17.28.040; Multifamily Residential zone (R-2), 17.28.050; P.A.D. zone, 17.28.140; Home Product Design Guidelines, and the SFR Design Guidelines as stated in Section 6.0 shall apply to Bell Pointe II.

8.10 TEMPORARY FACILITIES/CONDITIONAL PERMITTED USES
Installation or construction and operation of development-related facilities, including, but not limited to, one or more contractor's storage yards, temporary construction trailers, temporary sales office buildings, model home complexes and appurtenant parking facilities will be allowed in Bell Pointe II under the following provision.
Temporary permitted uses, including model home complexes, will go through city permitting and review.
9.0 COMPLIANCE WITH PLANNING AND DESIGN GUIDELINES
The Bell Pointe II Master Planned Community is a residential project to be developed under P.A.D. MDR zoning. Most of the lots for this proposed development are being designed with the concept of single-family detached subdivisions with a cluster-housing format using a Z-lot line, 2-pack lot configuration. The 2-pack product will provide a mixture of familiar garage forward designs with living area forward designs to create a unique streetscape. All housing products will be designed under the housing standards outlined in Sections 7.0 and 8.0 of the P.A.D. Narrative. Rather than offer higher density projects throughout the overall development, as allowed by General Plan 2020, this blending creates a more desirable mix of housing types for prospective buyers. It also allows the developer to offer a more diverse, marketable subdivision mix to today's homebuilding community.

The use of the 2-pack lot configurations under the densities/lots sizes allowed under MDR land use establishes a development that cannot meet lot mix criteria for densities/size of the new SFR Design Guidelines.

However, this does not mean this development will be designed and developed outside of the diversity requirements of the SFR Home Product Design Guidelines. The 2-pack housing, designed to have a more traditional single-family detached subdivision appearance will also be developed to generally follow the SFR Home Product Design Guidelines. These proposed subdivisions and the homes to be constructed will be planned to follow the land uses and housing diversity.

9.1 BASE PERMITTED DENSITY
The density for the proposed detached cluster subdivisions in Bell Pointe II is greater than the maximum of 4.5 dwelling units per acre for MDR type single-family subdivisions. The proposed density of 6.1 dwelling units per acre places this development within the permitted density ranges allowed for MDR land uses.

9.2 DEVELOPMENT STANDARDS: DESIGN LIST - A
The P.A.D. MDR single-family detached cluster subdivisions to be developed in Bell Pointe II will generally follow the SFR Design Guidelines, unless specifically amended in Section 9.3.1, the proposed MDR single-family detached cluster subdivisions in Bell Pointe II will be constructed following the below listed twelve (12) minimum required standards in Design List - A of the SFR Design Guidelines. In order to be consistent with Bell Pointe I as approved, these items refer to the requirements as listed at the time of Bell Pointe I approval. We consider that we meet the entry requirements through Bell Pointe I compliance.

9.2.1 DESIGN LIST-A COMPLIANCE ITEMS
The following is a list of items that are included as additional subdivision standards in the P.A.D. MDR single-family detached cluster subdivisions in Bell Pointe II.

A. Front Setbacks: These lots will maintain this setback as per the requirements listed in Section 7.1. Those standards include a minimum front setback of twelve (12) feet, as measured from the property line, to any part of the house or other structure other than a garage. The front setback for a front entry garage will be no less than eighteen (18) feet to the face of a garage door, measured from the back of curb.
B. Side Setbacks: These lots maintain a minimum side setback as listed in Section 7.1.

C. Corner Side Setbacks: These corner lots maintain a side setback as listed in Section 7.1. All houses located on corner lots will maintain a setback of thirteen (13) feet to the back of curb on the side abutting the street. This setback can be achieved with a combination of landscaped open space tracts and side-yard portions of the corner lot. The corner side setback will be measured from the back of curb, not the property line.

D. Rear Setbacks: These lots will maintain this setback as per the requirements listed in Section 7.1. The rear setback of any part of a home or other structure that does not back up to an arterial street will be twelve (12) feet measured from the property line. A non-structural architectural feature such as a fireplace, bay windows, pop-out, or patio cover may encroach into the rear setback, provided that a patio cover may not encroach more than ten (10) feet into the rear setback.

E. Setbacks for a House or Other Structure Which Abuts an Arterial Street: Notwithstanding subsections A-D, the following setback requirements will be applied to all houses or structures that abut an arterial street.

1. A non-structural element such as a fireplace, bay window, pop out, or patio cover may encroach into a rear setback, provided that a patio cover may not extend to a point closer than ten (10) feet from the rear property line for a single-story or two-story house or structure.

2. A landscaped tract will be constructed for both arterial streets adjacent to Bell Pointe II between the rear property lines of adjacent lots that abut an arterial street in the rear, and the right-of-way of the arterial street.

F. Project Entry: The Developer of Bell Pointe I will construct features that provide a sense of arrival to the neighborhood such as monument signage, special decorative landscaping, specialty pavement, enhanced fence wall detail, and immediate accessibility to open space/frail system, etc., at points where the Bell Pointe I residential development may be entered from an arterial street.

E. Adjacent Elevations and Color Schemes: No house or structure will have the same elevation or color scheme as those houses or structures located immediately to either side or directly across the street.

F. Adjacent Rooflines: If two or more houses or structures abut an arterial street in the rear, then the rear elevations of such houses or structures will be geometrically varied and not more than two adjacent houses or structures shall have the same roofline.

G. Percentage of Lot Sizes: All of the lots in this Planned Community are to be developed under MDR land uses. All of the detached lots in the subdivisions are less than 70 feet wide.
plan. Additionally, each floor plan will have, as an option on one elevation, a front porch or a courtyard that is at least five (5) feet deep and eight (8) feet wide.

I. Required Open Space: No less than ten (10) percent of the Gross Acreage of this project will be open space. 

Bell Pointe II will provide approximately 19 percent open space to be in compliance with subsections LI, U, L4, and I of the PAD requirement.

9.3 Design Option B Home Product Design Guidelines

The smallest P.A.D. MDR single-family detached cluster lot in Bell Pointe II is the 39'49' Z Lot configuration. These lots will average 44' feet wide and generally range in depths from 85' to 127'. these lots will be designed to comply with the standards and setback requirements listed in Section 7.1.

9.3.1 Design List - B Compliance Items

The following is a list of Design List - B compliance items that will be part of the additional subdivision standards to be followed during the design development of the PAD. MDR single-family detached cluster subdivisions in Bell Pointe II.

A. Each parcel will provide a combined total of at least three (3) of the following: cul-de- sacs, single-loaded streets, or other street feature such as a knuckle, each including a feature such as a landscaped island, access to common open space, etc.

F. Storm water retention areas will be designed and constructed to meander throughout the Bell Pointe II subdivisions as a greenbelt. The HOA will maintain the retention areas to the same standard as other tracts and common areas.

G. Landscaped open spaces will be designed and constructed to be visible from both residential and arterial streets. The HOA will maintain the retention areas to the same standard as other tracts and common areas.

H. Along the arterial street, a minimum six hundred (600) feet of open space per mile will be provided as measured along the linear boundary between the residential portion of the development and the adjacent arterial street right of way. The open space will be visible from the arterial street and maintained by the HOA.

J. View corridors will be incorporated into open space areas throughout the development as a means to take advantage of the surrounding mountain views. View fences will be utilized for houses that abut these view corridors so that the open space and mountain views are visible from the houses. The HOA will maintain the open space areas to the same standard as other tracts and common areas.

L. Pedestrian access gates provide pedestrian/bicycle path access within and through the development to the adjacent canal and dam access-ways. Eight (8) gated entries are included on the property, each accompanied by a trail in a minimum 30' tract. The gates will prevent unauthorized vehicular traffic from entering the subdivision, where other traffic inhibitors will be used inside.
N. Paths and trails shall be installed separate from roadways and to connect all open space areas and arterial roadways. These paths and trails will enable bicyclists and pedestrians to travel throughout the development.

Q. On perimeter walls, provide burms, tree lines, hedgerows, and/or other similar means of breaking up the linear nature of the perimeter walls. This must be in addition to open space areas along the perimeter and enhanced architectural features on the wall itself.

S. Bell Pointe II will add the following elements that help create a unique neighborhood environment:
   1. The trail system within Bell Pointe II will access the proposed Regional Trail System on the west side of the development. This is accomplished by blocking out an area on southwest corner of the north parcel in conjunction with Bell Pointe I. The future trail will run along the western boundary of Bell Pointe II, just outside of the property. This and the Bell Road pedestrian overpass are proposed to be part of the future regional trail system to be provided by the Maricopa County Parks & Recreation Department. The Bell Pointe II trail system will link these areas with meandering trails within designated open space corridors, connecting with the trail system of Bell Pointe I. The meandering trails for the development trail system will be eight (8) feet in width. The open space corridors will be a minimum of thirty (30) feet in width when located between land parcels and ten (10) feet wide adjacent to any internal rights-of-ways.

9.4 DESIGN LIST - C ADDITIONAL HOME STANDARDS
The single-family detached cluster subdivisions in Bell Pointe II will be designed to be in compliance with the PAD MDR zoning classification. The homes in these subdivisions will be designed and constructed to generally comply with requirements of Option “B” SFR Home Product Design Guidelines.

9.4.1 Design List - C Compliance Items
The following is a list of the Design List - C compliance items that will be part of the additional housing standards to be followed during the construction of the homes in the PAD/MDR single-family detached cluster subdivisions in Bell Pointe II.

A. The homebuilders of the Bell Pointe II subdivisions will make provisions to insure that no homes placed on adjoining lots have the same elevation. They shall also plan to prohibit the same rear elevation on more than two (2) consecutive adjoining houses visible from an arterial street.

B. L-shaped recessed garage floor plans will be utilized that de-emphasize garage fronts as the most prominent architectural feature of the dwelling front by pushing living areas forward on the lots, maximizing their visibility and to recess the garages, to minimizing their visibility. Three such floor plans will be made available to the buyer. (3 Pt.)

C. Design features such as covered front entries, covered front porches, enhanced door and window details, roof overhangs, etc., will be incorporated into a minimum of three (3) floor plans.
C. Design features such as covered front entries, covered front porches, enhanced door and window details, roof overhangs, etc., will be incorporated into a minimum of three (3) floor plans.

D. At least three (3) distinct roofing types with varying colors, textures, and component shapes, (e.g. barrel tile and flat concrete tile) will be installed.

G. All front architectural treatments, including all fascia treatments such as stone veneer, tile insets, and recesses, will be extended along the sides of the house for six (6) feet or to the side yard fence return, whichever is less.

I. Window treatments on houses will be embellished by the addition of architectural features to enhance the elevations. Examples of treatments include sturdy synthetic wood substitutes, greater variation of window design, different window styles and colors, tile inlays and recesses, structural pop outs, gabled roof features over windows, etc. Such features will be added to the front and rear elevation of all houses and to the sides of all houses which abut an arterial street on the side.

K. Decorative flat work pavement treatments, such as salt finished concrete, colored concrete, or bomanite will be installed on at least twenty-five (25) percent of these lots.

9.5 DESIGN LIST-D ADDITIONAL AMENITIES

Bell Pointe II provides a diverse amenity package for its residents that has been designed to comply with the requirements of DESIGN LIST - D “Additional Amenities” of the SFR Design Guidelines.

9.5.1. Design List – D Compliance Items

The following is a list of the Design List - D compliance items that will be part amenities to be included during the development of Bell Pointe II.

A. A trail system connecting all open space areas within the Bell Pointe II project will be provided to create pedestrian linkages with surrounding residential developments. The HOA will maintain the trail system to the same standard as other common areas.

C. A proposed active open space tract will provide active recreational uses for the residents of Bell Pointe II. This active recreation area will contain a sports court, picnic areas with villa style benches, tables and trash receptacles. Refer to the preliminary landscape plan for the location of these amenities. The HOA will maintain these recreational facilities to the same standard as other common areas.

H. A minimum of ten (10) percent of the gross acreage of Bell Pointe II is required to be designated open space. Bell Pointe II has provided open space in excess of the required ten (10) percent by providing approximately eighteen (18) percent open space. For each one (1) percent of open space provided over the required ten (10) percent, two (2) points from Design List D shall be awarded to the development, with a maximum of ten (10) points available. The HOA will maintain the excess open space to the same standard as other common areas.
TYPICAL ELEVATIONS OF HOMES IN THE SURROUNDING COMMUNITY
TYPICAL ELEVATIONS
OF HOMES IN THE
SURROUNDING COMMUNITY
TYPICAL ELEVATIONS OF HOMES IN THE SURROUNDING COMMUNITY
TYPICAL ELEVATIONS OF HOMES IN THE SURROUNDING COMMUNITY
10.1 WATER LINES
The site is located in the water franchise service area of Arizona American Water Company (AAWC). The Developer is coordinating with the engineering department of AAWC to design a water system to service the project. All on-site and off-site water lines and/or water storage and distribution facilities will be designed and built per the AAWC Engineering Department and the approved Development Agreement with the AAWC. The preliminary water design will be included in the Preliminary Plat for this project. This project will connect to the existing looped system (Bell Pointe I) and perpetuate that looped system. Water assurances will be secured based on the approved preliminary plat. The assured water supply has been developed along with Bell Pointe I.

10.2 SANITARY SEWERS
The site is located in the sewer collection system area of the City. It is anticipated that we will connect to the existing 8" system from Bell Pointe I. The preliminary water and sewer design will be included in the Preliminary Plat submittal for this project.

10.3 STORM SEWERS
Storm sewers are not proposed or needed for this development.

10.4 UTILITIES
All electric, gas, telephone and cable television utilities will be placed underground.

10.5 IRRIGATION
The irrigation system on the east side of the site is an irrigation service delivery canal, the Beardsley Canal, owned by the Maricopa Water District (MWD). MWD will continue to maintain and service this canal. There are no other private irrigation systems or MWD service ditches on the site which will need to be taken out of service prior to construction of the site.

10.6 PROPOSED SURFACE DRAINAGE PATERNs
Historical drainage flow for the site is southeasterly. The Beardsley Canal runs along the southeastern boundary line of the Site and prohibits further drainage to the east. Because the western boundary line of the Site backs onto the earthen levee of the McMicken Dam (Trilby Wash), off-site drainage does not enter the Site from the north or west.

On-site runoff will be routed through the site by utilizing the streets, open space and drainage easements. This on-site drainage will be directed into several grass lined retention basins designed to handle the drainage from the development's two (2) parcels. A drainage report will be prepared for the Land Use Zoning Plan. The report will be submitted to the City of Surprise Engineer for review and approval prior to final plat approval for the first subdivision to be developed. The retention basins will be sized for a 100-year, 2-hour storm per the Drainage Design Manual for Maricopa County, Volume I, Hydrology, published by the Flood Control District of Maricopa County.

The retention basins for the subdivision parcels in the site will provide one (1) foot of freeboard. The basins will provide flow through for all basin overflows without ponding in the streets of the various subdivisions. The retention basins will be constructed with 6:1 minimum
The retention basins for the subdivision parcels in the site will provide one (1) foot of freeboard. The basins will provide flow through for all basin overflows without ponding in the streets of the various subdivisions. The retention basins will be constructed with 6:1 minimum side slopes adjacent to the street rights-of-ways and will be constructed with 4:1 minimum side slopes adjacent to the lots. All cross sections for this retention basin and the adjacent streets are in the Preliminary Drainage Report submitted with the Preliminary Plat for this development.

10.7 PROJECT MASTER CC&R’s
The developer will create and record a set of Covenants, Conditions, and Restrictions (CC&R’s) establishing the HOA that will be responsible for the maintenance of the perimeter theme walls, signage, and landscaping in all common areas and rights-of-way.

A Preliminary Draft of the CC&R’s for Bell Pointe II will be submitted to the City as part of the Preliminary Plat submittal package.

10.8 DEVELOPMENT AGREEMENT
Based on a decision by the City Attorney of the City of Surprise, a Development Agreement for Bell Pointe II will not be required.
11.0 CONCEPTUAL LANDSCAPING, WALL AND MONUMENTATION PLAN
A conceptual landscape plan has been designed for Bell Pointe I that considers
monumentation for the entire site and a rendering is attached as Exhibit F. Summary of the
design criteria for the walls, entry monumentation and landscaping are presented in the
following four (4) sub-sections.

11.1 RESIDENTIAL HOME LANDSCAPING
Landscaping shall be provided in the front yards of the single-family homes in each of the Bell
Pointe II subdivisions by the homeowner. To enhance and screen the streetscape of the lots
the front yards shall be landscaped with a combination of trees, shrubs and ground cover. The
ground cover for the front yards may be turf, decomposed granite or other natural rock
material. An approved organic material to provide a neat, dust-free appearance must cover all
bare earth. Rocks and boulders, railroads ties and other decorative materials may be used to
supplement and create imaginative landscaping designs compatible with the southwest
character of the development. The creative use of lightning is encouraged. Artificially colored
rock yards are not acceptable in any of the subdivisions.

The front yards of all single-family homes must be landscaped and the trees along the street
planted within ninety (90) days of completion of construction of the home in any subdivision.
Plant materials may be selected from the approved Arizona Department of Water Resources
(ADWR) plant list.

11.2 WALLS AND LANDSCAPING DESIGN
The theme walls, the interior subdivision walls and the landscaping for the development will be
designed and constructed in full compliance with the P.A.D. District of the Municipal Code,
Section 17.28.140. An expanded breakdown of the landscaping design elements is presented
in section 6.0.

11.3 CONCEPTUAL LANDSCAPE PLAN
The Conceptual Landscape Plan for this development is presented on exhibit D, sheets L-2
and L-3.

11.4 CONCEPTUAL VIEW WALL LOCATION DETAIL
The Conceptual View Wall Location exhibit for this development is presented on sheet L-1 of
exhibit D.
EXHIBIT B
LEGAL DESCRIPTION
LEGAL DESCRIPTION

PARCEL 1
THAT PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FollowS; COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 34;
THENCE N00°20'22"E ALONG THE NORTH—SOUTH MID—SECTION LINE A DISTANCE OF 3375.82 (R) FEET TO THE POINT OF BEGINNING;
THENCE N89°42'44"W A DISTANCE OF 593.84 (592.82 R) FEET;
THENCE N28°38'07"E A DISTANCE OF 1252.92 (1252.15 R) FEET TO A POINT ON THE NORTH—SOUTH MID—SECTION LINE OF SAID SECTION 34;
THENCE S00°20'37"W ALONG SAID MID—SECTION LINE A DISTANCE OF 1102.68 (1102.19 R) FEET;
SAID DESCRIPTION CONTAINS 7.52 ACRES, MORE OR LESS.
LEGAL DESCRIPTION

PARCEL 2
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE BEARDSLEY CANAL, DESCRIBED AS FOLLOWS;
COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 34;
THENCE N00°20′44″E ALONG THE NORTH–SOUTH MID-SECTION LINE A DISTANCE OF 1690.53 FEET;
THENCE N89°42′35″W A DISTANCE OF 231.31 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N89°42′35″W A DISTANCE OF 768.31 FEET;
THENCE N00°21′20″E A DISTANCE OF 908.24 FEET;
THENCE S89°43′09″E A DISTANCE OF 999.37 FEET TO A POINT ON THE SAID MID-SECTION LINE;
THENCE S00°20′22″W ALONG SAID MID-SECTION LINE A DISTANCE OF 422.99 FEET;
THENCE S25°48′33″W A DISTANCE OF 537.89 FEET TO THE POINT OF BEGINNING.
SAID DESCRIPTION CONTAINS 19.55 ACRES, MORE OR LESS.

EXHIBIT B–2
EXHIBIT C
CONTOUR MAP
EXHIBIT D
CONCEPTUAL LANDSCAPE PLAN
EXHIBIT E
CONCEPTUAL OPEN SPACE
EXHIBIT F
2020 PLAN
Surprise General Plan 2020:
Imagine the Possibilities
City of Surprise, AZ

Land Use Classification
- Residential
- Commercial
- Industrial
- Open Space
- Public Open Space
- Natural Conservation
- Open Space Reserves

Street Classification
- Major Arterial
- Minor Arterial
- Local Street

General Plan Updates
Case No. | Resolution No. | Approval Date
---------|---------------|---------------
0409-20A | 39-204        | December 13, 2021
0719-20A | 39-213        | December 31, 2021
0404-20S | 39-213        | December 31, 2021
0605-20S | 44-219        | November 22, 2021
0706-20S | 44-222        | November 22, 2021
0921-20S | 44-229        | November 22, 2021
EXHIBIT G
ZONING MAP
EXHIBIT H
CONCEPTUAL MASTER PLAN
EXHIBIT 1
CITY OF SURPRISE MUNICIPAL CODE REFERENCE DOCUMENTS
16.20.030 Streets.

A. General Requirements.

1. Frontage on Improved Streets. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing street or a future street. Wherever the area to be subdivided is to utilize existing Street frontage, such street shall be suitably improved as provided for herein.

2. Topography and Arrangement.

   a. Grades. Grades of streets shall conform as closely as possible to the original topography. Streets shall be arranged so as to obtain as many possible building sites at, or above, the grades of the streets.
   b. Integration. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated lights-of-way as established in the General Plan.
   c. Arrangement. Local streets shall be laid out to discourage use by cut-through traffic, to permit efficient drainage and to allow for utility systems.
   d. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the General Plan.

4. Blocks. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated. The maximum length of blocks, measured along the center line of the street, and between intersecting street center lines, shall be eight hundred feet. The minimum length of blocks shall be two hundred feet. The maximum length of cul-de-sac streets shall be six hundred feet, measured from the intersection of right-of-way lines to extreme depth of the turning circle right-of-way along the street center line. With the approval of the city council, the maximum block length may be exceeded provided pedestrian or emergency connections are incorporated. The city council may require the reservation of an easement within long blocks to accommodate utilities, drainage facilities, emergency access, or pedestrian traffic.

5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the city shall require that access to such streets be limited to local and collector streets. Direct access to arterials shall be prohibited from residential lots.

6. Street Names. Street names shall be sufficiently different in sound and in spelling from other street names in the city so as not to cause confusion. A street which exists or is planned as a continuation of an existing street shall bear the same name.

7. Street Names and Regulatory Signs. The applicant shall deposit with the city at the time of final subdivision approval an amount equal to the cost of each street sign required by the city engineer at all street intersections. The city shall install all street signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to
be placed at all intersections within or abutting the subdivision, the type and location 01 which are to be approved by the city engineer.

8. Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the city engineer. Lighting on local and collector streets shall maintain a minimum of .4 lumens at any given point along the street right-of-way while .7 lumens shall be maintained along arterial streets. In addition, light Standards shall be spaced such that each Intersection Is provided at least one light standard.

9. Dead-End Streets.
   a. Dead-End Streets (Temporary). If the property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary 1- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The length of temporary dead-end streets shall be in accordance with the design standards of these regulations. b. Dead-End Streets (Permanent). Where a street does not extend to the boundary of the subdivision and its continuation is not required by the city for access to adjoining property, its terminus shall be at least fifty feet from such boundary. However, the city may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

B. Design Standards.

1. General. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire protection, sanitation and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, Table I sets forth design standards for streets.
# TABLE I

## Design Standards for Streets

<table>
<thead>
<tr>
<th>Improvement</th>
<th>Dimensions in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Width of Right-of-Way</td>
<td>See the Planning and Design Guidelines Manual</td>
</tr>
<tr>
<td>Minimum Pavement Width</td>
<td>See the Planning and Design Guidelines Manual</td>
</tr>
<tr>
<td>Minimum Radius of Curve</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>100</td>
</tr>
<tr>
<td>Collector</td>
<td>100</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>300</td>
</tr>
<tr>
<td>Principal Arterial</td>
<td>500</td>
</tr>
<tr>
<td>Minimum Length of Tangents Between Reverse</td>
<td></td>
</tr>
<tr>
<td>Curves</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>150</td>
</tr>
<tr>
<td>Collector</td>
<td>150</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>250</td>
</tr>
<tr>
<td>Principal Arterial</td>
<td>350</td>
</tr>
</tbody>
</table>

## Design Standards for Streets

<table>
<thead>
<tr>
<th>Improvement</th>
<th>Dimensions in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Sight Distance</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>200</td>
</tr>
<tr>
<td>Collector</td>
<td>240</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>275</td>
</tr>
<tr>
<td>Principal Arterial</td>
<td>300</td>
</tr>
<tr>
<td>Minimum Turn-Around (local streets only)</td>
<td></td>
</tr>
<tr>
<td>Right-of-way diameter</td>
<td>110</td>
</tr>
<tr>
<td>Pavement</td>
<td>90</td>
</tr>
<tr>
<td>Maximum Block Length</td>
<td>800</td>
</tr>
<tr>
<td>Permanent Cul-de-Sac</td>
<td>600</td>
</tr>
<tr>
<td>Temporary Cul-de-Sac</td>
<td>200</td>
</tr>
<tr>
<td>Minimum Block Length</td>
<td>200</td>
</tr>
</tbody>
</table>
2. Street Surfacing and Improvements.

a. Standards. All street pavement, shoulders, drainage improvements, drainage structures, curbs, sidewalks, medians, roundabouts and turnabouts shall be designed and constructed in accordance with the applicable standards, and pursuant to the direction of the city engineer. The city uses the following design and construction standards: Maricopa Association of Government (MAG) standards, Maricopa Department of Transportation (MCDOT) standards, American Association of State Highway and Transportation Officials (AASHTO) standards, Flood Control District of Maricopa County standards and the Institute of Transportation Engineers (ITE) standards.

b. Timing. Street improvements shall not begin until all utilities including cable/electrical conduit for future use has been completely installed.

1. Arterials. All hail-street improvements for arterials streets shall be constructed in accordance with the Arterial Timing Chart (Table 2) and completed prior to the city issuing certificates of occupancy within the parcel triggering the arterial construction. As required pursuant to the Arterial timing Chart, arterial half-street improvements shall be constructed along the entire frontage of the development (consisting of all the commercial and/or residential parcels). Arterial half-street improvements shall not be constructed in phases, and construction of portions located along commercial parcels or future parcels within the development shall not be excluded or delayed until the commercial parcels or future parcels develop. Notwithstanding the Arterial Timing Chart, in order to facilitate future improvements the city may request that certain arterials not be constructed when required. In such cases an in lieu payment that covers all costs associated with designing, constructing, and installing the arterial hail street improvements shall be required and must have been received prior to the city issuing building permits.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Arterial(s) to be constructed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal or Abutting Arterial</td>
<td>Arterial providing primary access</td>
</tr>
<tr>
<td>Abuts 1 Arterial</td>
<td>Arterial providing primary access, unless the other arterial is unpaved, then both arterials</td>
</tr>
<tr>
<td>Abuts 2 Arterials</td>
<td>All 3 Arterials</td>
</tr>
<tr>
<td>Abuts 3 Arterials</td>
<td>All 4 Arterials</td>
</tr>
</tbody>
</table>

2. Locals and Collectors. All improvements to collector streets that provide access to a phase or parcel within the development from an arterial street shall be completed prior to the city issuing certificates of occupancy for homes within such phase or parcel. All improvements to
local streets within a phase or parcel shall be completed prior to the city issuing certificates of occupancy for homes within such phase or parcel.

3. Medians. Medians within arterial streets constructed by two parties shall be done in phases. The first party to construct arterial half-street improvements with a median shall construct the entire median structure and provide a water line stub within the median structure. The second party to construct arterial half-street improvements with a median shall landscape the median structure. In the event adequate public right-of-way does not exist for the construction of the entire median structure, the first party shall pay to the city the amount equal to half of the costs to design, construct, and install the entire median (including landscaping), and the second party shall construct the entire median (including landscaping) using their funds and the monies paid to the city by the first party.

3. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

a. In residential districts a buffer strip at least twenty-five feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-at-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat “This strip is reserved for screening. The placement of structures, except for street signs and lighting, hereon is prohibited.”

b. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance to insure suitable depth for commercial or industrial sites.

c. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be a distance of at least one hundred fifty feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of M new streets at an angle of less than seventy-five degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet there from. Not more than two streets shall intersect at any one point unless specifically approved by the planning and zoning commission.

5. Widening and Realignment of Existing Streets. Where a subdivision borders an existing narrow street or when the General Plan or zoning ordinance indicates plans for realignment or widening a street that would require the use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his/her expense such areas for widening or realignment of such streets. Land dedicated as right-of-way may not be counted in satisfying yard requirements of the zoning ordinance, whether the land is to be dedicated to the municipality in fee simple or as an easement (Ord. 02-42 §1, 2002; Ord. 96-3 § 3, 1996, Ord. 86-7 1986)
17.28.040 Single-family residential zone (R1-5).

A. Purpose. The purpose of the R1-5 single-family residential zone is to provide for the development of single-family detached dwellings and directly related complementary uses at a moderate density. The zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

B Principally Permitted Uses. See Section 17.24.020(A).

C. Conditionally Permitted Uses. See Section 17.24.020(8).

D. Permitted Accessory Uses. See Section 17.24.020(C).

E. Lot Area and Lot Dimensions.

1. Required lot area:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling units and model homes</td>
<td>See Chapter 17.28, Article II.</td>
</tr>
<tr>
<td>Other permitted uses, except model homes</td>
<td>Minimum area to be determined by building area, parting requirements and required setbacks.</td>
</tr>
</tbody>
</table>
2. Required lot dimensions:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Width</th>
<th>Minimum Lot Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling units and model homes</td>
<td>See Chapter 17.28, Article II.</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Minimum Lot Width</td>
<td>Minimum Lot Depth</td>
</tr>
<tr>
<td>Other permitted uses, except model homes</td>
<td>Lot dimensions to be determined by building area, parting requirements and required setbacks.</td>
<td></td>
</tr>
</tbody>
</table>

3. Density: There shall not be more than one single-family dwelling unit on any one lot.

F. Setbacks, Yards and Heights.

1. Minimum setbacks from property line:

<table>
<thead>
<tr>
<th>Use</th>
<th>Front</th>
<th>Interior Side</th>
<th>Corner Side</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling units and model homes</td>
<td>See Chapter 17.28, Article II.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools, civic, cultural and Religious institutions (including their accessory use structures)</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
</tr>
<tr>
<td>Structures accessory to single-family residences</td>
<td>20'</td>
<td>3'</td>
<td>20'</td>
<td>3'</td>
</tr>
<tr>
<td>Structures for all other principal, conditional or accessory uses, except model homes</td>
<td>20'</td>
<td>10'</td>
<td>20'</td>
<td>20'</td>
</tr>
</tbody>
</table>

Zero lot line development may be permitted which may result in the creation of a two-family residential structure.

G. Encroachment into Required Front and Side Yard Setbacks. See Chapter 17.28, Article II and Section 17.32.070. In the event of a conflict between the provisions of Chapter 17.28, Article II and those of Section 17.32.070, the provisions of Chapter 17.28, Article II shall apply.

H. Additional Building and Performance Standards. Development of any parcel of land within this district shall be subject to all applicable requirements of Chapter 17.28, Article II and Chapter 17.32. In the event of a conflict between the provisions of Chapter 17.28, Article II and those of Chapter 17.32, the provisions of Chapter 17.28, Article II shall apply.

I. Relationship to Overlay Zones. Any property located in the RI-5 zone and the F-1, F-2 and/or AR overlay zones must also comply with the regulations of the overlay zones.

J. Compliance with the requirements of Chapter 17.28, Article II is mandatory. (Ord. 00-01 §4,2,000: Ord. 97-16 §9, 1997; Old. 88-6 §7-704, 1986)

G. Setbacks, Yards, and Heights.

1. Minimum setbacks from property line:

<table>
<thead>
<tr>
<th>Use</th>
<th>Front</th>
<th>Interior Side</th>
<th>Corner Side</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-family dwelling units and model homes</td>
<td>20'</td>
<td>10'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Three-family dwelling units and model homes</td>
<td>20'</td>
<td>10'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Four-family dwelling units and model homes</td>
<td>20'</td>
<td>15'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Townhouse cluster structure</td>
<td>20'</td>
<td>15'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Schools, civic, cultural and Religious institutions (including their accessory use structures)</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
</tr>
<tr>
<td>Structures accessory to two-family residences</td>
<td>20'</td>
<td>3'</td>
<td>20'</td>
<td>3'</td>
</tr>
<tr>
<td>Structures for all other principal, conditional or conditional uses</td>
<td>20'</td>
<td>10'</td>
<td>20'</td>
<td>20'</td>
</tr>
</tbody>
</table>
2. For apartment buildings, parking of motor vehicles shall not be allowed within the required front or corner side setbacks.


**H. Multifamily Accessory Buildings.**

1. Accessory buildings shall observe the same setback requirements established for the multiple residence building except that accessory buildings located within the rear yard of the multiple-residence buildings may be located to within five feet of the rear or interior side property line. The city council may require common walls for accessory buildings on the same lot where common walls will eliminate unsightly and hazardous areas. Accessory buildings on the same lot shall otherwise be separated by a distance of not less than ten feet.

2. Exterior accessory buildings shall have an exterior finish compatible to the main structure. Compatibility shall be determined by the city based on type and use of building materials.

**I. Distance Between Buildings.** When two or more principal buildings are located on one lot, the minimum separation between any two adjacent principal buildings shall be a distance not less than an amount equal to the height of the taller of the two buildings or twenty feet, whichever is greater when developed as a planned area development. For major and minor site plans, building separation shall be the sum of two interior side yard setbacks.

**J. Additional Building and Performance Standards.** Development of any parcel of land within this district shall be subject to all applicable requirements of Chapter 17.32 of this title.

**K. Relationship to Overlay Zones.** Any property located in the R-2 zone as well as the F-I, F-2, or AR overlay zones must comply with the requirements of the overlay zones. (Ord. 97-16 §10, 1997; Ord. 86-6 §7-705, 1986)

**17.28.050 Multifamily residential zone (R-2).**

**A. Purpose.** The purpose of the R-2 multifamily residential zone is to provide for medium density housing in multiple-family structures and directly related complementary uses. The R-2 zone is designed to allow economical use of land while creating an attractive, functional and safe residential environment.

**B. Principally Permitted Uses.** See Section 17.24.020

**C. Conditionally Permitted Uses.** See Section 17.24.020(B).

**D. Permitted Accessory Uses.** See Section 17.24.020(C).

**E. Lot Area and Lot Dimensions.** In determining minimum lot area and minimum lot dimensions, the following table should be used:
F. Schedule of Allowances. The minimum areas per unit in subsection E of this section may be adjusted according to the following, except allowance shall not be made for two-family or three-family dwellings.

1. For each parking stall in or under the residence, or otherwise completely underground, subtract four hundred square feet from the total minimum lot area.

2. For each unit with a balcony or patio greater than forty square feet, subtract one hundred square feet from the outdoor living area.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Area Per Unit</th>
<th>Minimum Lot Dimensions</th>
<th>Outdoor Living Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-family dwelling</td>
<td>3,000 sq. ft.</td>
<td>Width: 70'</td>
<td>600 sq. ft./dwelling unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth: 90'</td>
<td></td>
</tr>
<tr>
<td>Three-family dwelling</td>
<td>3,000 sq. ft.</td>
<td>Width: 80'</td>
<td>500 sq. ft./dwelling unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth: 90'</td>
<td></td>
</tr>
<tr>
<td>Four-family dwelling</td>
<td>3,000 sq. ft.</td>
<td>Width: 80'</td>
<td>400 sq. ft./dwelling unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth: 90'</td>
<td></td>
</tr>
<tr>
<td>Townhouse cluster</td>
<td>3,000 sq. ft.</td>
<td>Width: 90'</td>
<td>400 sq. ft./dwelling unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth: 90'</td>
<td></td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>Minimum area and lot dimensions</td>
<td>to be determined by building area, parking requirements and required setbacks.</td>
<td></td>
</tr>
</tbody>
</table>

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

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

*** May be calculated as average lot size per unit per structure.

17.28.140 Planned area development zone—P.A.D.

A. Purpose.

1. As an alternative to conventional zoning and development approaches and processes, the planned area development (P.A.D.) procedures and regulations are set forth in order that the public health, safety and general welfare be furthered in an era of increasing urbanization; to encourage Innovations in residential, commercial and industrial 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.

2. The P.A.D. may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The P.A.D. shall consist of a harmonious selection of uses and groupings of parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such a manner as to constitute a safe, efficient and convenient urban area.

B. General Requirements and Standards.

1. Ownership. The tract shall be a development of land under unified control at the time of application and planned and scheduled to be developed as a whole.

2. Conformance with Comprehensive Development Guide. The land uses and design of the proposed P.A.D. shall be consistent with the city comprehensive development guide.

3. P.A.D. Regulations.
   a. The minimum total PAD. shall be no less than five acres unless the applicant can show that the minimum P.A.D. requirements should be waived because the waiver would be in the public interest and that one or both of the following conditions exist:
      i. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the residential districts would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
      ii. The property is adjacent to or across the street from property which has been developed under the provisions of this section and will contribute to the amenities of the neighborhood.

4. Uses in a PAD. Any use may be allowed in a P.A.D., provided it is consistent with the Comprehensive Development Guide.

5. Residential Density in P.A.D.s.
   a. Residential development in a P.A.D. may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling units per acre that would otherwise be permitted by the zoning regulations applicable to the site. However, the total number of dwelling units and the resulting density allowed in a P.A.D. shall be consistent with the land use plan of the city's comprehensive development guide.
   b. In determining the reasonableness of the densities in a P.A.D., the planning and zoning commission and city council shall consider increased efficiency in the provision of public facilities and services based, in part, upon:
      i. The location, amount and proposed use of common open space;
      ii. The location, design and type of dwelling units;
iii. The physical characteristics of the site;
iv. Particular distinctiveness and excellence in siting, design and landscaping.

6. Front, Rear and Side Yard Building Setback Regulations.
   a. Front and rear yard setbacks shall be established by the city council at the time of approval of the final subdivision plat and shall be dearly identified on the final subdivision plat
   b. Unless a common wall or zero lot line is approved by the city council, there shall be a minimum separation between structures on adjoining residential lots of ten feet.
   c. There shall be a side yard setback of not less than twenty feet from the curb line on any lot which adjoins a public or private street
   d. Commercial building setbacks shall be a minimum of thirty-five feet or such greater distance as may be equal to the maximum height of the building.

7. More than One Building per Lot More than one building may be placed on one platted or recorded lot in any P.A.D. Areas for single-family detached dwellings or other housing types providing privately owned lots must comply with the city’s subdivision ordinance in all respects not specifically noted in this section as appropriate variances or waivers.

8. One Housing Type not Inconsistent with Intent A PAD. which only involves one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval.

9. Architectural Style, Appearance. Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary considerations during PAD review by the planning and zoning commission and council.

   a. Any PAD. plan proposed to be constructed in phases shall include full details relating thereto, and the city council may approve or modify where necessary any such proposals.
   b. The phasing shall include the time for beginning and completion of each phase. Such timing may be modified by the city on the showing of good cause by the developer.
   c. The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such financial guarantees as may be determined by the city to be reasonably required to assure performance in accordance with the plan and to protect the public.

11. Streets, Utilities, Services and Public Facilities. The uniqueness of each proposal for a P.A.D. may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other city ordinances governing their construction. The city may, therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents of the PAD. or the city. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary, and approved by the city prior to the final approval of the P.A.D. All P.A.D.s. shall be served by public or community water and sewer systems.
12. Open Space Provision. At least seven percent of the total P.A.D. area shall be set aside for public and/or private open space and recreational use. The city shall determine what portion of the seven percent shall be private and what shall be public.

13. Operating and Maintenance Requirements for Planned Area Development Common Facilities. In the event that certain land areas or structures are provided within the PAD for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure the city of a continued standard of maintenance. These common areas may be placed under the ownership of one of the following, depending which is more appropriate:
   a. Dedicated to public where a communitywide use would be anticipated;
   b. Landlord control;
   c. Landowners association provided all of the following conditions are met:
      i. The landowners association must be established prior to any sale. ii. Membership must be mandatory for each owner and any successive buyer. iii. The open space restrictions must be permanent or tied to a long-term agreement (e.g., ninety-nine years).
      iv. The association must be responsible for liability insurance and the maintenance of recreational, service and other facilities as deemed necessary by the city.
      v. Landowners must pay their pro rata share of the cost and the assessment levied by the association can become a lien on the property in accordance with Arizona statutes.
      vi. The association must be required to adjust its assessment to meet changing needs.
      vii. The association must be required to, at minimum, adjust its assessment on an annual basis by a percentage not less than the previous year's increase in the consumer price index.

14. Building Height and Setbacks. Maximum building height thirty-five feet; provided, however, that a building may exceed thirty-five feet in height if the entire portion of the building which exceeds thirty-five feet is so constructed that it cannot be used or occupied by humans for any purpose, and if the planning and zoning commission approves the extension above thirty-five feet prior to the commencement of construction. In determining whether to approve a height extension, the planning and zoning commission shall consider whether the proposed extension will pose an unreasonable risk of injury to persons or property in light of the city's fire fighting equipment and capabilities. In general, a building's setback from property adjacent to the P.A.D. site shall approximate its height.

15. Landscaping. Landscaping and/or fencing shall be provided according to a plan approved by the city and shall include a detailed planting list with sizes indicated.

16. Utilities. All utilities, including electricity and telephone, shall be installed underground.

17. Notwithstanding any other provision of this section, Chapter 17.28, Article II shall apply to all property within the planned area development zone which has a land use designation of R1-5 or R1-8, and compliance with Chapter 17.28, Article Ills mandatory in the event of a conflict between the provisions of this section and those of Chapter 17.28, Article II. The provisions of Chapter 17.28, Article II shall govern and control. (Ord. 00-01 §5, 2000; Ord. 97-16 §16(part), 1997; Ord. 94-5 §5, 1994; Ord. 91-7, 1991; Ord. 86-6 §7-711, 1986)
17.36.060 Procedure for planned area development (P.A.D.).

A. Generally. Any development proposal which meets the requirements of Section 17.28.110, planned area development, shall be reviewed according to the provisions of this section. All PAD, applications shall be reviewed and approved by the planning and zoning commission and city council prior to any physical development on the subject property.

B. Application.
1. The applicant is encouraged to meet with appropriate city staff prior to making application for P.A.D. approval to discuss the development concept, the review and approval process, and the submittal requirements.

2. The applicant shall obtain the necessary application forms from the community development director. Application forms properly completed and accompanied by the required fee shall be submitted to the community development director. Concept plan exhibits shall accompany the application. The concept plan shall be submitted at least seven days prior to meeting with city staff.

C. Concept Plan.

1. Submittal Requirements. The concept plan shall indicate proposed land uses, general circulation patterns, property boundaries, existing land uses on adjacent properties, special site conditions or problems. A computation table showing proposed land use allocations in acres and percent of total site area shall be included on the concept plan.

D. Preliminary Development Plan.

1. Submittal Requirements. Based upon comments received regarding the concept plan, the applicant shall prepare a preliminary development plan. A preliminary development plan shall be submitted at least twenty-one days prior to the hearing by the planning and zoning commission. The following information shall be submitted to the community development director
   a. Legal description of property and indication of gross area;
   b. Nature of the applicant's interest in the land to be developed;
   c. A generalized location map showing surrounding land use and traffic circulation patterns;
   d. Site conditions: An analysis of the existing site conditions which indicates at a minimum:
      i. Topographic contours with intervals of no more than two feet, to a distance of one hundred feet beyond the property boundary.
      ii. Location and extent of major vegetative cover (if any).
      iii. Location and extent of perennial or intermittent streams and water ponding areas,
      iv. Existing drainage patterns,
      v. Other information considered relevant by the applicant or city staff
   e. Proposed allocations of land use expressed as a percentage of the total area, as well as in acres. Uses to be indicated include:
      i. Arterial streets,
      ii. Open space (public),
iii. Open space (private).
iv. Residential (if appropriate),
v. A stratification of residential uses in terms of single-family detached units, patio homes, townhouses, garden apartments, etc.,
vi. Commercial (if appropriate),
vii. Industrial (if appropriate).

f. A land use plan at a scale not smaller than one inch equals one hundred feet, indicating land uses, acres and development densities of each land use and the most neatly equivalent zoning categories; all arterial and collector street circulation elements, pedestrian and/or bicycle circulation elements, exact perimeter locations of any/all arterial streets and major collector streets; open spaces; and recreational areas;
g. Plans indicating the approximate alignment and sizing of water lines, sanitary sewers and storm sewers (if any), as well as easements for all utilities, if necessary. Also indicated should be proposed surface drainage patterns;
h. A preliminary plat of the proposed development if land subdivision is proposed;
i. Conceptual architectural renderings indicating the elevations and exterior wall finishes of proposed buildings types;
j. Conceptual landscaping plans, indicating landscaping theme character of the development;
k. A traffic analysis report, if deemed necessary by the city;
l. Phasing plan, if development is to take more than one year.

a. Notice of Hearing. The commission shall hold a public hearing on the preliminary development plan. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the city at least fifteen days prior to the date of the hearing.
A similar notice shall be mailed at least seven days before the day of the hearing to each owner of property situated wholly or partly within two hundred feet of the property to which the P.A.D. relates. The community development director shall be responsible for placing and mailing such notices. For purposes of giving mailed notice, the community development director shall require the applicant to furnish the names and addresses of all property owners within two hundred feet of the property.
b. Review. In considering applications for P.A.D. approval, the commission shall consider the following:
   i. Interrelationship with the plan elements to conditions both on and off the property,
   ii. Conformance to the comprehensive development guide,
   iii. The impact of the plan on the existing and anticipated traffic and parking conditions,
   iv. The adequacy of the plan with respect to land use,
   v. Pedestrian and vehicular ingress and egress,
   vi. Architectural design,
   vii. Landscaping,
   viii. Provisions for utilities,
   ix. Site drainage,
   x. Open space and/or public land dedications,
   xi. Grading,
xii. Other related matters.
The commission shall consider oral or written statements from the applicant, the public, city staff or its own members. It may question the applicant and approve, disapprove or table the preliminary development plan. The application may not be tabled for more than two regular meetings of the commission.
If the commission shall determine by motion that the proposed preliminary development plan will not be detrimental to the health, safety or welfare of the community, will not cause traffic congestion or depreciate surrounding property values and, at the same time, is in harmony with the purposes and intent of this title, the plan for the area, and the comprehensive development guide, the commission may recommend granting preliminary development plan approval, along with necessary conditions and safeguards, including provisions, as applicable, for public land dedications.
The commission shall notify the city council, in writing, of its recommendation.

3. City Council Consideration and Hearing,
a. Consideration and Hearing. The city council, after receipt of the report and recommendation of the planning and zoning commission, may consider the P.A.D. request. If requested in writing by any member of the public or the town council, the council shall hold a public hearing on the request. A notice of the TIM, place and purpose of the hearing shall be published in the official newspaper of the city at least fifteen days prior to the date of the hearing.
A preliminary development plan which has been recommended for denial by the commission shall not be reviewed by the council except upon written request by the applicant and shall require a public hearing.
b. Review and Approval. In its deliberations on the preliminary development plan, the council shall consider oral or written statements from the applicant, city staff, the public and its own members. The council's review shall encompass the same spectrum of considerations as did the commissions. The city council may approve the preliminary development plan, deny the request, or table the request. The application may not be tabled for more than t meetings in succession.
Conditions may be applied to the approval and/or periodic review of the approval may be required. Approvals, if granted, shall be for a particular development, not for a particular applicant.
c. Public Protests Against P.A.D. If there is written protest against the preliminary development plan signed by the owners of twenty percent or more of the property within one hundred fifty feet of the proposed P.A.D., the preliminary development plan shall not be approved except upon affirmative vote of three-fourths of all members of the city council. If the above protest requirements are not met, approval may be by m vote of the membership of the city council.
d. Duration of PAD. Zoning. Approval of a PAD. rezoning request shall be conditioned upon the start c construction beginning within one year of the d of approval action taken by the city council. If, at the expiration of this period, the start of construction has not begun, the property shall revert to its former zoning classification without council or commission action.
In the case of a proposed phased development, start of construction for the first phase must commence within one year, with the remaining phases commencing according to the approved phasing plan.
The city may authorize extensions when deemed necessary.
E. Final Development Plan.

1. Approval. Final PAD development plan approval and the issuance of a development permit for any portion of a PAD shall occur only when:
   a. A reproducible copy of the approved preliminary development plan with appropriate signatures is received.
   b. The design and construction specifications for all utilities, property and street improvements have been approved by the city engineer.
   c. A site plan, subject to the requirements of Section 17.36.040 of this chapter, for the specific portion of the P.A.D. in question has been submitted and has been approved by the planning and zoning commission, as in conformance with the preliminary development plan. (Upon approval of the site plan, a reproducible copy shall be submitted.)
   d. Architectural elevations of the buildings, with materials lists, are submitted and approved by the planning and zoning commission.
   e. A landscaping plan is submitted and approved by the planning and zoning commission.
   f. A performance bond, cash escrow agreement or other acceptable instrument has been deposited with the city in an amount as set by the city council based upon the city engineer's recommendation. This financial guarantee shall be used to ensure the full completion, as specified, of
      i. Public and private streets and utilities;
      ii. Landscaping; and
      iii. Privately owned and maintained recreational facilities.
   g. Any land dedication agreements made as part C the preliminary development plan approval are fulfilled.

2. Platting Requirements. M applicants for a planned area development permit shall be required to file with Maricopa County a final plat of said planned area development complying with all of the requirements of the subdivision ordinance of the city, except to the extent that the council may give specific permission to the effect that the specific portions of the subdivision ordinance need not be complied with. Such required plats shall contain on their face a cross-reference to the P.A.D. development plan.

F. Method of Withdrawing an Application for P.A.D. Approval. Any application for a planned area development permit may be withdrawn by the applicant at any time prior to filing the final plat upon written notification to the community development director and/or city clerk. The P.A.D. shall be null and void upon receipt of such notice by the city.

G. Amendments to P.A.D. Approval.
1. Minor Changes. Minor changes in the location and placement of buildings may be authorized by the community development director and city engineer where unforeseen circumstances such as engineering requirements dictate such change. When in question, the community development director and the city engineer may determine whether the changes shall be classified as minor or major, or may refer the question to the planning and zoning commission, if they deem it necessary.
2. Major Changes. Major changes, such as alterations in structural types, in the shapes and arrangements of lots and blocks, in the allocation of open space or other land uses which increase density and/or intensity of the project, aid all other changes which significantly affect
the overall design or intent of the project shall be referred to the planning and zoning commission, after which the commission shall consider and shall either approve or deny the changes in the final development plan. If such changes are authorized, the developer shall submit a revised plan showing the authorized changes. Requirements of Section 17.36.040C and D shall apply to requests for major changes.

H. Denial of P.A.D. Approval. If an application for planned area development approval is denied at either the preliminary development plan or final development plan stage, a new application for a P.A.D. approval by the same applicant on the same site or portion of the site cannot be filed prior to ninety days after the date of denial. (Ord. 86-6 §9-906, 1986)

17.36.070 Procedure for appeals to board of adjustment.

A. Application for Appeal. Any aggrieved person or any officer or department of the city affected by a decision of an administrative officer, pertaining to this title, may appeal to the board of adjustment by filing an application with the zoning administrator. The application shall state the name and address (or city office) of the applicant and the reasons for filing the appeal. The application shall be made within twenty-one days of the date of the decision which is being appealed. The zoning administrator shall then transmit to the board the complete record of the action for which the appeal is made. Appeals to the board may be made only in conjunction with an action.

B. Stay of Proceedings. An appeal to the board stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the board that by reason of facts stated in the certificate of stay, the stay would, in his opinion, cause imminent danger to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the superior court on notice to the zoning administrator and with due cause shown.

C. Notice of Hearing.
1. No appeal may be granted by the board until a public hearing has been held on the application. A notice of time, date, place and purpose of the hearing shall be published in the official newspaper of the city at least fifteen days prior to the date of the hearing.
2. If the appeal relates to a decision on a specific site, a similar notice shall be posted in conspicuous places close to the site affected and shall be mailed at least seven days prior to the date of the hearing to each owner of the property situated within two hundred feet of the property to which the appeal relates. The community development director shall be responsible for mailing such notice. For the purpose of giving mailed notice, the board may require the applicant to furnish the names and addresses of all property owners within two hundred feet of the property. The failure to receive notice by individual property owners will not necessarily invalidate the proceedings.

D. Review and Decision by the Board. Within forty-five days of the date of application, but no sooner than fifteen days from the date of public notice, the board shall hear and decide arguments for appeal to the decision in question. The board shall consider oral or written statements from the appellant, his/her agent or attorney, the public and city staff members.
The board shall also study the record of the action from which the appeal is taken. The board may, by three-fourths majority of the entire board, approve an appeal or by simple majority, table the appeal. If tabled, the board shall make a decision on the appeal at its next regularly scheduled meeting. The board may impose such conditions and safeguards on its decision as it deems necessary to satisfactorily correct the situation in question, but it shall not attempt to infringe upon matters not specifically contained in the appeal.

E. Notice of Board Decision. The board shall issue a written notice of its decision to all concerned parties and to the community development director and the city clerk, who shall notify the city council and make official record of the decision. The notice shall state the facts of the matter as determined by the board, the reasons for its decision, and any conditions applied to the decision. (Ord. 86-6 §9-907, 1986)

17.40.010 Violations and penalties.

A. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or structure, or use any land in violation of this title.

B. The zoning administrator shall order, in writing, the correction of any violation. Such order shall state the nature of the violation, the title provision violated, and the time by which the violation must be corrected. After such order has been served, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.

C. Decisions of the zoning administrator may be appealed to the board of adjustment in accordance with Section 17.36.070 of this title.

D. In addition to or in lieu of the procedures outlined above, this title shall be enforceable in a court of proper jurisdiction, and any or all appropriate remedies at law or in equity shall be available for the enforcement thereof.

E. Any and all persons who shall violate any of the provisions of this title or fail to comply therewith, or who shall fail to comply with any lawful order or regulation made there under, shall severally for each and every violation and noncompliance respectively, forfeit and pay a fine of not less than fifty dollars nor more than seven hundred fifty dollars and/or be imprisoned not to exceed the time of four months for each offense, said violation a class two misdemeanor under the Criminal Code of the laws of the state of Arizona. In addition the costs of any such action may be imposed at the discretion of the court. The imposition of one penalty for any violation of this title shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations and defects within a reasonable time; and each day that the prohibited condition is not corrected or remedied shall constitute a separate offense; and the court shall impose a fine on a per diem basis for each day that the violation is maintained. Application of the above penalty shall not be held to preclude the forced removal of prohibited conditions.

F. This title shall not be construed to hold the city, its community development director, zoning administrator, city engineer or any other city official responsible for any damage to persons or
property by reason of any inspection or reinspection authorized herein or the failure to so inspect or reinspect or by reason of the Issuance to a building permit as herein required. (Old. 86.6 §10-1001, 1986)

1 As measured by a line perpendicular to the stall line at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement shall be on the inside end of the stall.
2 For ninety degree parking, aisles are two-way; for sixty degree and seventy-five degree parking they are one-way only.
3 Except where needed as a fire lane in which case a twenty-foot minimum is required.
4 Unless otherwise approved all parking spaces shall be of standard width, but in no case shall compact spaces exceed thirty percent of the total required spaces.
CITY OF SURPRISE
Rezoning Process

GENERAL PLAN POLICY CHECKLIST

This checklist offers EXAMPLES of policies taken from the General Plan, that are considered in the Development Review Process. Where applicable, please slate how issue(s) are/will be addressed. Comments should refer to specific item # and be typed/written upon a separate piece of paper. An electronic version is also available, upon request.

1. LAND USE:
   A. Is the zoning district (existing or proposed) consistent with the general plan land use map?
   B. If not, would a general plan or zoning map amendment be necessary?
      Would general plan and zoning map amendments be necessary?
      Would general plan and/or zoning text amendments be necessary?

2. DENSITY/INTENSITY OF PROPOSED USE:
   A. Is the density/intensity of the proposed use consistent with general plan figures 4-1, 4-3, and 4-19?
   B. Remedies?

3. LAND USE:
   A. Locate higher density/intense residential land uses & transportation dependent uses near major roadway corridors to promote an efficient transportation system. Page 27
   B. Does the project involve cluster development? Encourage clustering for preservation of natural open space within residential neighborhoods. Page 28
   C. Require private developers to design and locate supportive commercial sites in close proximity to population centers. Page 29
   D. Is the project located near any of the following areas - Daimler-Chrysler, Volvo, NW Valley Landfill, White Tank Mountains, Surprise Center, Luke AFB? If so, analyze policies that pertain to each individual location. (see pages 28,29,30,96,111,146)
   E. Is the project located near a designated “Gateway Area”? Is it a mixed use? Page 28
   F. Discourage strip commercial developments and free standing pads except where expressly permitted. Page 29
   G. Avoid placing non-compatible uses adjacent to designated employment and commercial areas that will make future development of these uses difficult/unappealing (e.g. SF homes abutting a business park without buffeting). Page 94

4. ECONOMIC DEVELOPMENT:
   A. Maintain employment and commercial related land uses as prescribed in each Special Planning Area. Page 96
   B. Reserve sites for commercial development to accommodate residents, and minimize retail leakage to other communities. Page 96
5. HOUSING:
A. Locate residential areas that are appropriately sited and protected from incompatible uses yet integrated through both pedestrian and vehicular linkages. Appropriately site these areas with minimal adverse impact on the natural environment Page 99
B. New developments within or next to existing residential areas should enhance or contribute to the character or qualities of that area. Page 99
C. Housing developments should be adequately provided with community facilities and services. Desirable community facilities and services include: parks with tot lots, benches, larger retention areas with Ramada's, shade trees etc. Page 99

6. OPEN SPACE AND RECREATION:
A. Protect ridge/crestline, steep-sloped (more than 10%) and Palo Verde-Saguaro vegetation areas as open space through the use of density transfer or purchase of development rights, acquisition, donation, or other acceptable methods. Page 111
B. Discourage development within 100-year floodplains, encourage dedication of a continuous 25 foot mm. setback on both sides. Development within 100 feet of floodplains will require a hydrology study to determine setbacks greater than 25 feet. Page 111

7. PUBLIC SERVICE/COST OF DEVELOPMENT:
A. Require on-site retention of storm water for all developments. Site adjacent to a channel or natural drainage way, having adequate outlet capacity to a major drainage outfall, less than one-half acre in size may have on retention requirements waived. Page 122
B. Channel growth in areas that have existing infrastructure. Page 125

8. ENVIRONMENTAL PLANNING/WATER RESOURCES:
A. Encourage water conservation in all new development through the utilization of drought tolerant plant materials, efficient irrigation system (drip/low flow), and through water conserving fixtures in all new residential and commercial construction. Page 144
B. Avoid development in flood prone areas and limit grading practices that contribute to flooding and erosion. Page 144
GENERAL PLAN POLICY CHECKLIST

1. Land Use:
   A. Yes, the development is consistent with the general plan land use map allowing for 5-8
      DU/AC
   B. N/A

2. Density/Intensity of Proposed Use:
   A. Yes, as above project is consistent with general plan figures 4-1, 4-3, and 4-19.
   B. N/A

3. Land Use:
   A. Plan accommodates this being directly adjacent to Bell Road, a major roadway corridor.
   B. Yes, the plan places house in such a manner to maintain open spaces for the recreation of
      the residents
   C. N/A, project is located within an proposed/existing residential community
   D. No
   E. Yes, located near Bell Rd. Gateway area. Proposed construction is riot mixed use.
   F. N/A
   G. N/A

4. Economic Development:
   A. N/A, area is for proposed residential development not commercial
   B. N/A, area is located within a proposed/existing residential development

5. Housing:
   A. We have accommodated these criteria in our design.
   B. We have worked closely with the developers of the proposed Bell Pointe subdivision
      surrounding our project.
   C. We have provided recreation areas, trails, aid open spaces for the residents of the
      proposed subdivision

6. Open Space and Recreation:
   A. N/A, project not located in a sloped or edge/crest environment.
      Native vegetation will be maintained to the greatest extent possible.
   B. We have accommodated this requirement. The proposed project is not located within a 100-
      year flood plane.

7. Public Service/Cost of Development
   A. Onsite drainage/retention has been provided.
   B. The proposed development is located within a proposed/existing subdivision.

8. Environmental Planning/Water Resources:
   A. Drought tolerant landscaping is proposed for the subdivision.
   B. Minimal grading is proposed to reduce the risk of creating flood prone areas.
EXHIBIT K
TYPICAL STREET SECTIONS
EXHIBIT K

TYPICAL STREET SECTIONS

TYPICAL SECTION - 46' R/W

TYPICAL SECTION - 60' R/W

TYPICAL SECTION - 50' R/W
EXHIBIT L
PRELIMINARY PLAT
(FOR REFERENCE ONLY)
EXHIBIT M
LAND USE MAP
PROPOSITION 207
CONSENT TO CONDITIONS
WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the parcel of land described in Attachment 1 hereto that is the subject of (Rezoning/Use Permit/Preliminary Development Plan) Application No. 596853.

By signing this document, the undersigned owner(s) agree(s) and consent(s) to all the conditions imposed by the City of Surprise in conjunction with the approval of (Rezoning/Use Permit/Preliminary Development Plan) Application No. 596853. acknowledge(s) that the approval of Rezoning/Use Permit/Preliminary Development Plan Application No. 596853 might affect current or existing rights to use, divide, sell or possess the subject property, and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes §12-1134 that may now or in the future exist as a result of the approval of (Rezoning/Use Permit/Preliminary Development Plan) Application No. 596853.

Dated this 14th day of February, 2008

OWNER: [Entity name and descriptions, if applicable]

By: Tim Peters
Print Name

Sign Name

His: Mark Goll
[Title, if applicable]

STATE OF ARIZONA
)
County of Maricopa
)

This instrument was acknowledged before me this 14th day of February, 2008 by Tim Peters

Meagan Maynard
Notary Public

My Commission Expires: Q-21-10

MEAGAN MAYNARD
Notary Public State of Nevada
No. 06-109697-1
LEGAL DESCRIPTIONS

EXISTING PARCEL:

LOT 210, COTTON GIN, ACCORDING TO BOOK 658 OF MAPS, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA.

LOT 1:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE AT THE SOUTHWEST CORNER OF SAID SECTION 8, AND THE INTERSECTION OF WADDELL ROAD AND REEMS ROAD;

THENCE NORTH 00°15'03" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND THE MONUMENT LINE OF REEMS ROAD, A DISTANCE OF 389.43 FEET;

THENCE NORTH 89°44'57" EAST, A DISTANCE OF 65.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID REEMS ROAD AND THE WEST LINE OF LOT 210 COTTON GIN AS RECORDED IN BOOK 658, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°15'03" WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF REEMS ROAD AND THE WEST LINE OF SAID LOT 210, A DISTANCE OF 267.33 FEET;

THENCE NORTH 45°28'57" EAST, A DISTANCE OF 22.34 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LUDLOW DRIVE AND THE NORTH LINE OF SAID LOT 210;

THENCE SOUTH 88°47'02" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LUDLOW DRIVE AND THE NORTH LINE OF SAID LOT 210, A DISTANCE OF 503.10 FEET TO THE BEGINNING OF A CURVE TO THE LEFT FOR THE SOUTH RIGHT-OF-WAY LINE OF SAID LUDLOW DRIVE;

THENCE CONTINUING SOUTH 88°47'02" EAST ALONG THE NORTH LINE OF SAID LOT 210, A DISTANCE OF 256.16 FEET TO THE NORTHEAST CORNER OF SAID LOT 210;

THENCE SOUTH 00°15'03" EAST ALONG THE EAST LINE OF SAID LOT 210, A DISTANCE OF 283.25 FEET;

THENCE NORTH 88°47'24" WEST, A DISTANCE OF 775.26 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID REEMS ROAD, THE WEST LINE OF SAID LOT 210, AND THE TRUE POINT OF BEGINNING.
LOT 2:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE AT THE SOUTHWEST CORNER OF SAID SECTION 8, AND THE INTERSECTION OF WADDELL ROAD AND REEMS ROAD;

THENCE NORTH 00°15'03" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND THE MONUMENT LINE OF REEMS ROAD, A DISTANCE OF 389.43 FEET;

THENCE NORTH 89°44'57" EAST, A DISTANCE OF 65.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID REEMS ROAD AND THE WEST LINE OF LOT 210 COTTON GIN AS RECORDED IN BOOK 658, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88°47'24" EAST, A DISTANCE OF 775.26 FEET TO A POINT ON THE EAST LINE OF SAID LOT 210 COTTON GIN;

THENCE SOUTH 00°15'03" EAST, ALONG THE EAST LINE OF SAID LOT 210, COTTON GIN A DISTANCE OF 326.11 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID WADDELL ROAD AND THE SOUTHEAST CORNER OF SAID LOT 210, COTTON GIN;

THENCE NORTH 88°47'11" WEST, ALONG THE SOUTH LINE OF SAID LOT 210, COTTON GIN AND THE NORTH RIGHT-OF-WAY LINE OF SAID WADDELL ROAD A DISTANCE OF 232.67 FEET;

THENCE NORTH 01°12'49" EAST, A DISTANCE OF 146.50 FEET;

THENCE NORTH 88°47'11" WEST, A DISTANCE OF 88.25 FEET;

THENCE NORTH 01°12'49" EAST, A DISTANCE OF 51.50 FEET;

THENCE NORTH 88°47'11" WEST, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 01°12'49" WEST, A DISTANCE OF 198.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID WADDELL ROAD AND THE SOUTH LINE OF SAID LOT 210, COTTON GIN;

THENCE NORTH 88°47'11" WEST, ALONG THE SOUTH LINE OF SAID LOT 210, COTTON GIN AND THE NORTH RIGHT-OF-WAY LINE OF SAID WADDELL ROAD A DISTANCE OF 288.34 FEET;

THENCE NORTH 44°31'07" WEST, A DISTANCE OF 22.91 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID REEMS ROAD AND THE WEST LINE OF SAID LOT 210, COTTON GIN;

THENCE NORTH 00°15'03" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID REEMS ROAD AND THE WEST LINE OF SAID LOT 210, COTTON GIN A DISTANCE OF 310.07 TO THE TRUE POINT OF BEGINNING.
LOT 3:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 210, COTTON GIN, ACCORDING TO BOOK 658 OF MAPS, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WADDELL ROAD AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER:

THENCE NORTH 88°47'11" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF WADDELL ROAD AND THE SOUTH LINE OF SAID LOT 210, A DISTANCE OF 232.67 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 88°47'11" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF WADDELL ROAD AND THE SOUTH LINE OF SAID LOT 210, A DISTANCE OF 238.25 FEET;

THENCE NORTH 01°12'49" EAST, A DISTANCE OF 198.00 FEET;

THENCE SOUTH 88°47'11" EAST, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 01°12'49" WEST, A DISTANCE OF 51.50 FEET;

THENCE SOUTH 88°47'11" EAST, A DISTANCE OF 88.25 FEET;

THENCE SOUTH 01°12'49" WEST, A DISTANCE OF 146.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF WADDELL ROAD AND THE TRUE POINT OF BEGINNING.