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ORDINANCE NO. 00-18

AN ORDINANCE APPROVING THE PLANNED AREA DEVELOPMENT PAD99-129 FOR A PROPERTY TO BE KNOWN AS DESERT OASIS CONSISTING OF CHANGING THE ZONING FROM R1-43 (SINGLE FAMILY RESIDENTIAL) TO P.A.D. WITH LDR (LOW DENSITY RESIDENTIAL), MDR (MEDIUM DENSITY RESIDENTIAL), HDR (HIGH DENSITY RESIDENTIAL), AND C-2 (COMMUNITY COMMERCIAL) DESIGNATIONS. SUBJECT SITE IS LOCATED SOUTH OF DYNAMITE, WEST OF 163RD, NORTH OF HAPPY VALLEY AND EAST OF 179TH AVENUE, CONSISTING OF 890 GROSS ACRES.

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

WHEREAS, changes have occurred in the vicinity of Section 1, Township 4 North, Range 1 West, and Section 35, Township 5 North, Range 1 West, which require that the zoning of a parcel of land in that area be changed; and

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

WHEREAS, the Planning and Zoning Commission has recommended approval of this rezone application.

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

Section 1. This Ordinance is not of a general and permanent nature and shall not be codified.
Section 2. The property described in Exhibit A is rezoned from R1-43 (Single Family Residential) to Planned Area Development (PAD) with Preliminary Development Plan.

Section 3. The Preliminary Development Plan for the property described on Exhibit A, entitled "Desert Oasis at Surprise, A Traditional Development Community by CML Inc." dated July 30, 2000, as application PAD99-129, a copy of which is on file in the Community Development Department, is approved.

Section 4. All present and future owners of the property described on Exhibit A shall develop the property only in accordance with the requirements of the Desert Oasis PAD, and in compliance with the Stipulations contained in Exhibit B.

Section 5. This ordinance shall become effective thirty-three (33) days after formal passage by the council.

PASSED AND ADOPTED THIS 12 day of October, 2000

[Signature]
Mayor

ATTEST: APPROVED AS TO FORM:

[Signature] [Signature]
City Clerk City Attorney


NEAS:______________________________

Ordinance No. 00-18
RECOMMENDATIONS: (PAD99-129)

Subject request is consistent with the proposed Surprise Comprehensive Development Guide. Furthermore, approval of this request would allow for efficient and orderly development. The Planning and Zoning Commission recommends that the City Council approve the rezone of 890 acres from R1-43 (Single Family Residential) to Planned Area Development (PAD99-129) for Desert Oasis, subject to the following stipulations:

SPECIAL STIPULATIONS:

a) The applicant shall submit a preliminary and full set of landscape construction drawings for review and approval by the Community Development Director prior to final plat approval for any part of this development;

b) All street cross-sections, including traffic calming features, except for street right-of-way, are conceptual and shall not be considered final approved documents unless otherwise indicated in the approved Development Agreement between the applicant and the City of Surprise;

c) Lot layouts indicated within the Planned Area Development documents shall not be considered approved with the approval of this document, and shall be considered as conceptual only;

d) All fees and infrastructure improvements shall occur pursuant to the approved development agreement, in the time period required;

e) The applicant shall include these stipulations within the final PAD document;

f) The applicant shall provide new residential home product information (i.e., colored elevations and materials sample information) and related materials prior to release of the standard construction drawings, subject to review and approval by the Community Development Director;

g) Approval of the proposed Desert Oasis P.A.D. shall be contingent upon approval of a proposed Desert Oasis Development Agreement;

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

i) All off site sewer lines must be constructed prior to issuance of building permits;

j) Rezoning is contingent upon the completion of the annexation of the subject property;

EXHIBIT B TO ORDINANCE NO. 00-18
k) Initial temporary wastewater treatment system will eventually be replaced by a future City of Surprise wastewater treatment plant, pursuant to the approved development agreement;

l) Installation of water and sanitary sewer systems is required by development agreement;

m) By its submittal of the PAD plan, the applicant-as-landowner agrees and approves in writing to the open space designated in the approved PAD plan;

STANDARD STIPULATIONS:

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

o) The applicant shall submit a Written Response to Stipulations and five (5) copies of the revised P.A.D. Said submission must be under one (1) transmittal package.
Desert Oasis @ Surprise P.A.D. 99-129
A Traditional Development Community
By CML, Inc.

PUBLIC HEARING
Submittal

Submitted
To
The City of Surprise
July 30, 2000

Development Team

CML Inc. - Developer
Mansfield Associates - Land Planning/Project Management
Hook Engineering, Inc.
MacDonald Landscape Architecture
Gallagher & Kennedy, PC
Desert Oasis @ Surprise Planned Area Development (PAD)
A Traditional Community by CML, Inc.
Introduction

CML, Inc. is requesting the City of Surprise to rezone 890.7 acres in the northern region of the City, to Planned Area Development (P.A.D.).

Vicinity Map

As intended by a P.A.D. district, the development team has designed a unique community plan and set of standards. These are based on several sets of progressive planning principles. The first set of principles is *Traditional Neighborhood Development* or TND, an inclusive description of 'Neo-traditional' and 'New Urbanism', as opposed to conventional or current development. The second set of principles is *Crime Prevention Through Environmental Design*, or CPTED.

Further, *The Desert Oasis @ Surprise* will apply a hands on approach to community development where the master developer oversees the selection and control of independent builders and businesses that wish to be part of the new community. Therefore, the developer will emphasize residential products consistent with TND principles and will design the community layout and design guidelines with TND and CPTED principles in mind. These are defined in detail in the following elements of the Development Plan.

Traditional Neighborhood Development (TND) principles dramatically affect streets and streetscapes, residential floor and site plans, and community layout or land use relationships.

Crime Prevention Through Environmental Design (CPTED) acts as another layer of design principles which can be supportive and consistent with TND, but also requires choices, depending on the desired emphasis on crime prevention, neighborhood appeal and individual privacy.

Many existing community development standards were developed over a long period in response to factors such as the increase in automobiles and the perception of increased crime. And yet those same factors weigh heavily in the growing popularity for TND and CPTED.

Consequently, those who support the status quo of today's infrastructure and subdivision design may present the greatest resistance or challenge to TND principles. Although the planning and development team for *The Desert Oasis @ Surprise* have been part of that status quo, they have come to believe, as do all supporters of TND and CPTED, that some of the solutions we created over the past 40 years are not valid. Many have rediscovered that some of the community design principles practiced prior to WWII are as appropriate today as they were then, with an updated slant to them.

The Desert Oasis team is excited about bringing this approach not only to Surprise, but may be the first comprehensive master planned community applying both TND and CPTED principles in the state of Arizona. For this reason, the development team is prepared to work closely with the City in providing TND and CPTED information adopted and implemented in other communities, but adapting to the unique qualities of the Southwestern desert and the oasis of Surprise.

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1 See page 18
2 See page 19
CURRENT CONDITIONS

Property Location  The Desert Oasis @ Surprise P.A.D. is located approximately one and one-half miles north of Grand Avenue, between Dynamite Road (Patton Lane) and Happy Valley Road, and between 163rd and 179th Avenue alignments, and consists of a total 890.7 acres situated in two sections.

General Legal Description: (1) that property west from 171st to 179th Avenues and North from Jomax Road to Patton Road, with the exception of the 40 acre southwest corner of Section 35, T.5N., R.2W., Maricopa County; and (2) the northeast diagonal portion of Section 1, T.4N, R.2W, lying west of 163rd Avenue alignment (Sarival Road) and south of Jomax Road alignment, within the City of Surprise. Please refer to the attached ALTA and Legal Descriptions found in the Appendix.

Current Land Use  The ten year old existing general plan, Surprise Comprehensive Development Guide and land use map, has no land use designations for the area north of Grand Avenue, although the City has annexed many square miles since the map’s adoption.

The City of Surprise began the process of updating its general plan in May 1998. The recent Arizona legislation, Growing Smarter Plus, has delayed the General Plan 2020 until the general election of November of 2000. The same legislation allows cities to continue amending existing general plans until voters approve a new one. DOAS parcels are well within the Special Planning Area 2 of the proposed General Plan 2020. This SPA 2 designates the DOAS at Low Density Residential (1-5 DU/AC). Surrounding lands are proposed as Employment, Medium Density (MDR), Low Density (LDR), and Rural Residential land use designations. Please refer to Desert Oasis @ Surprise General Plan Amendment in the Appendix. Maricopa County is also currently updating their general plan and has indicated the DOAS will conform to the County proposed land use.

The Section 35 portion of the P.A.D. currently consists of fallow field and a vacated corral area which once included barb wire fences, gates, concrete ditches, cattle runway, several small reservoirs, several 8’ wide electrical line easements, and various non-dedicated dirt roads. The Section 1 portion of the plan consists of creosote desert, and several washes flowing southeasterly, and a two-lane asphalt surface for Sarival Road.

Surrounding Land Use  The majority of land surrounding the Lancer parcel is sandy, vacant desert with creosote and mesquite bush. Adjacent to the north boundary across Patton Lane/Dynamite Road are numerous lot splits, with most vacant but some containing houses, mobile homes or an assortment of structures, small farming, and some abandoned structures, cars and miscellaneous objects. This area also contains two well sites owned by the Lancer Trust. Across 171st Avenue along the east boundary is an abandoned ostrich ranch, which is currently in the process for rezoning in Maricopa County for a range of single family residential lots ranging between 45’ to 60’ wide.
State Trust Lands also abut 171st Avenue north of the ostrich ranch, east to 163rd Avenue. Lands south and west of the site, including the closed Luke Auxiliary Field are vacant, sandy deserts crisscrossed by numerous all terrain vehicle (ATV) trails. Land east of Section 1 (Baer parcel) has occasional cactus and trees similar to the terrain and soils of the Baer parcel. South of the Baer property are several large parcels of vacant desert which have rezoning cases currently pending in the City of Surprise.

**Current Zoning:** Section 35/Lancer Parcel is currently zoned Rural-43 in the County. Section 1/Baer Parcel is zoned R1-43 in the City of Surprise.

**Surrounding Zoning:** Surrounding zoning for both parcels of Desert Oasis @ Surprise is either R1-43 in the City of Surprise or Rural-43 in the County. **Maricopa County rezoning cases:** A Residential Urban Planned Development (RUPD # Z99-99) located at the NWC of 171st Avenue and Jomax, is seeking zoning for 446 single family lots of 45' to 60'. A DMP for 2070 units is filed east of Desert Oasis @ Surprise at SEC of Jomax and 163rd Ave. alignment on 634 acres. Another 9400 units (Lakeland Village) are requested in the county, 3 miles east of DOAS on Jomax. **Peoria rezoning cases:** Nearly 4,000 acres have approved land use designations for 3 du/ac. 3-4 miles north of Desert Oasis @ Surprise, (Reems/Dove Valley) and currently in the rezoning process.

**Annexation:** The City of Surprise and property owners of the Section 35 portion of this P.A.D. agree to annex this property into the City. Necessary signatures have been recorded with the County for a joint annexation and development agreement.

Current Infrastructure

Roadways
No dedicated roadways or roadway easements currently exist on the Section 35 site. The current General Plan Update Alternative Land Use Plan indicates that Jomax Road through the site will become a Minor Arterial with development, although Jomax cannot connect with Grand Avenue until such time the City arranges a crossing with the Railroad Company. This is estimated at 10 years. Jomax alignment currently is dedicated with a range of half-street right-of-ways between 33’ to 45’ on the south half. The re-aligned 163rd Avenue, or Sarival Road, varies from a 55’ half street where it aligns with the east section line, to a 110’ full street right-of-way where 163rd curves to connect with the east section line of section 36, as the sections are offset by over 900’. Two lanes of asphalt exist on 163rd Avenue. A half-mile strip of 33’ of right-of-way was dedicated at one time along the East section line of section 1 south from Jomax Rd.

Freeways:
The center of The Desert Oasis @ Surprise is approximately seven (7) miles to the Future State Route 303 by Jomax Road, and approximately three (3) miles south on 163rd Avenue. The site is 15 miles to the existing State Route 101.

Water: The property has type 1 water rights sufficient to service the property. Various wells and pumps are located on the Section 35 site as well as offsite adjacent to its north section line. Water meetings, which covered water availability, have been held with the appropriate City officials. Required infrastructure and water rights transactions are detailed in the Desert Oasis @ Surprise Annexation-Development Agreement.

Irrigation: Five (5) small concrete ditches crisscross the Section 35 portion of the site, left from the previous agricultural use.

Waste Water Treatment/Sewer: City or other waste water treatment hook-up or capacity is currently unavailable at this location. Existing sewer lines are several miles south of the site.

Utilities for The Desert Oasis @ Surprise consist of the following: Electricity - 8’ wide and undetermined width Arizona Public Service easements; Natural gas: none; Phone: Telephone risers in the Sarival Road R.O.W.; Cable: none. (See Lancer and Baer A.L.T.A. survey’s).

Public Safety:
The nearest public safety is the fire station located at 18,600 N. Reems Road, approximately ten (10) miles from the farthest perimeter of the site. The fire station also houses a police substation.

Other Agencies

• Schools: The Desert Oasis @ Surprise straddles two school districts. That portion north of Jomax Road alignment is within the Nadaburg Elementary School District. The portion below Jomax Road lies in the Dysart Unified School District.

• Hospitals: Del Webb Memorial hospital is located at Grand Avenue and Meeker Road, approximately seven (7) miles from the center of the site.
**Desert Oasis @ Surprise**  
**Planned Area Development (P.A.D.)**  
**A Traditional Neighborhood Development (TND)**

**A Vision**

The Vision for the Desert Oasis @ Surprise is a traditional community that offers the range of land uses necessary for living, working, education, recreation and leisure, providing for everyday necessities and services within a quality desert oasis. This community will relate strongly to the desert climate and the washes traversing the site, with trails that ties the village centers with the residential neighborhoods and school.

The Desert Oasis @ Surprise is planned as a community, which provides a safe and aesthetic lifestyle for a diverse range of economic levels. The developers of the Desert Oasis @ Surprise believe that combining aesthetics and safety is not a complicated goal. Recent studies have indicated certain design elements are important for a safe living environment that can be found in many older, ‘traditional’ neighborhoods throughout the United States.

**A Return To Principles** The last ten years have seen a return to “traditional” community design principles by influential planners on the East and West coasts of the United States. Their design principles stemmed from a growing repulsion by planners, citizens, and their elected officials, to the faceless miles of conventional subdivisions evolving after World War II. The conventional subdivisions were designed to accommodate an increasing influence by the family car on the streets and homes. Other factors compounded the issues and Americans found themselves groping for solutions.

**Identifying the Issues** As planners of the physical environment, city, urban, and land planners attempt to design communities using criteria that allows compatibility, safety and comfort, and aesthetic stimulation and enjoyment. Identifying those criteria allow planners to create neighborhoods that meet residents’ goals.

A relatively recent economic phenomenon - two-income households - has added significant changes to communities that society and planners are still learning about. The increased incomes allow families to purchase additional cars to reach their separate (and often changing) locations of work. Not only has this increased the amount of cars and trips on the streets, but also it increased the amount of space required to park these cars at the residence. As predicted thirty years ago, cities in the Sunbelt have grown at unprecedented rates. Large subdivisions have and are being built to accommodate this migration and growth, and cities all require two or three car garages for the cars.

The attractiveness of a spacious new home also lured residents of old neighborhoods, leaving behind those with insufficient incomes to move out. Soon inner cities were associated with poverty and crime. Cities began to build their new subdivisions without alleys because they were perceived as part of the inner city problem. With alleys gone, new subdivisions could only access garages from the street.

More important, building an affordable home required small lots as always, but the small lot now has to accommodate an enclosed double garage for the cars. For a short period suburban land was relatively cheap and lots became larger and houses wider (Ranch style). As suburban land became more expensive, affordable lots became small again. In order to keep the semblance of a back yard, the garage or parking area was placed in front of the house. For safety and convenience, the garage became attached. After fifty years of evolution, planners and developers, residents, and elected officials were questioning how their suburban streetscapes had become so monotonous, impersonal and unsafe.

More recently, assuming the problem stemmed from small lots, planners and elected officials required front yards to be wider (“Design Guidelines”). Lots, therefore, had to become bigger. Garages were still stuck out in front, but the garage covered less of the “front yard” and “more of a house” could theoretically “be seen”. This approach is held as the solution in many, franticly expanding communities. But, this approach has two major flaws: first, the infrastructure for large lots cost significantly more to develop, and therefore, the larger the lots become, the less people can afford the homes built on them. Second, the

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3 See CPTED Principles
Charming older subdivisions were also designed with small lots - some were very small. But most of the older homes with garages also had alleys and the garage could be accessed from the rear. Even more homes had the garage still placed in the rear yard but accessed it from the street on a single lane driveway.

Many cities are still reluctant to allow alleys again because of the perception of crime. Although the alley can be designed for as much safety as the street, the stigma is strong and the trade-off is considered by many cities, a non-option. Either way, Traditional Development poses the question: if the garages of old subdivisions did not protrude into front yards, why do those in conventional subdivisions?

Further, a major change in neighborhood streetscapes has been the lack of tree-lined streets. With the loss of alleys, public utility easements (PUE's) were placed within the public right-of-way next to the sidewalk. To save space, the landscape strip with trees was eliminated and the sidewalk was placed immediately adjacent to the curb. The front yard appeared slightly deeper, but two sidewalks flanking a paved street radically changed the streetscapes. Subdivisions changed from shaded lanes that included sidewalks separated from cars by trees, to a contiguous wide strip of hot, glaring pavement where pedestrians are barely separated from speeding cars by little more than a rolled curb.

Finally, not only did the older subdivisions have tree-lined streets and no protruding garage, they had front porches. The conventional small lot subdivisions have had their porches replaced with double or triple garages. Their front entry lies deep in a narrow side yard or dark front cave. According to CPTED, this lot layout has had a major impact on the community interaction and safety aspects because the front porch was where residents of older neighborhoods sat and observed the street scene, watched their children play, and conversed with neighbors.

It has also been noted that the older houses appear to be small in square feet, but with a cellar and attic, many older homes are comfortably the same or larger than conventional modern homes.

Finding Solutions Promoters of Traditional Neighborhood Development (TND) have been highly critical of the conventional subdivision streetscape for over ten years. The various approaches share one goal which is to bring back a “friendly street”, or creation of an aesthetically and environmentally pleasant and safe streetscape. A primary goal is (1) elimination of the protruding garage. A second is (2) to bring back the tree-lined street separated from the sidewalk. A third (3) is to slow and reduce traffic in and through the neighborhoods.

Garages Alleys or rear drives have never been appropriate in all residential situations and we know that many older neighborhoods still have double garages in the back yard. A single width driveway may lead from the street to the garage, fanning out in the back to a double garage. This single-width driveway may incorporate the ‘Hollywood Drive’ concept, which consists of two strips of pavement typically separated by grass or gravel. Further, this extended drive allows additional parking away from the street, usually with a second entry near the kitchen. In many cases, a covered area attached to (and architectural part of) the house provides shade or protection from weather at this side entry. This is called a Porte Cochere. The side
property line is a few feet from the driveway and the back yard remains very usable.

The Front Porch and Natural Surveillance

In the "traditional" neighborhood, the house and porch are placed closer to the street. Residents can observe the front yard and street from their porch or living spaces.

Street Trees

Trees lining the streets and shading the sidewalks bring a major improvement to the suburban environment. They separate the sidewalk from the street by a 4'-5' strip of landscaping and trees, and create a safer, more pleasant environment for children and pedestrians.

This streetscape is considered typical for TND or "neo-traditional" subdivision design. Examples of these neighborhoods can be found in the older sections of nearly all American cities, including many in Central Phoenix and the older communities of the Valley.

City code changes are necessary to accommodate some shifts in lot and street designs from the conventional styles required by cities today. This will take public official's acceptance of lesser front setbacks and street widths, different lot layouts accepted by planners, and different floor plans accepted by more home builders.

Narrow and Connecting Streets

Traditional Neighborhood streets are based on safety and comfort of the pedestrian first. The Institute of Transportation Engineers (ITE) finds that narrow streets reduce speed. The connecting streets of TND also offer more options for reducing the number of trips throughout the neighborhood. Other geometrics for safe and effective street design have been adopted recently by the ITE and described in detail in their manual Traditional Neighborhood Development - Street Design Guidelines.

These tasks have been adopted in several communities around the Country and even on a small scale within the Valley. But the Desert Oasis @ Surprise intends to be at the forefront on its smaller lots and the development at large. Small and larger lot developments can benefit by returning to traditional streetscapes and other TND design principles. An example of a modern TND lot layout is located in the Development Guides section.

The following Development Plan describes the Desert Oasis @ Surprise as a community based on a return to some of the Traditional Neighborhood Development principles. The complete list of TND principles found in the Development Guides section, offers further direction for D.O.A.S. builders to address TND in their individual subdivisions.
Desert Oasis @ Surprise
CONCEPT DEVELOPMENT PLAN

LAND USE  As described in the D.O.A.S. Introduction the Desert Oasis P.A.D. is a complete community of residential, commercial, school, recreational and open space land uses.

RESIDENTIAL  Desert Oasis @ Surprise residential land uses include: a diversity of single family residential from conventional yet rural, 85' wide lots to unique single family detached "unconventional" products which may include "cluster", "courtyard" and such applications as Use and Benefit Easements (UBE) and zero lot line products; and one exclusive, gated apartment community of 180 units, oriented to the large wash in Parcel B1.

Low Density Residential (LDR) Design Guidelines
The Low Density Residential (LDR) land use of D.O.A.S. is over 80% of the total residential acreage, and 65% of all residential units within the D.O.A.S. The maximum density of the LDR is 3.4 DUA per Surprise Design Guidelines calculation methods.

Table A shows the D.O.A.S. compliance for mix of LDR lot widths: 0% Category A; 24% Category B; 16.8% Category C; 23% category D; 8.5% Category E; 13% Category F; and over 13% Category G.

- D.O.A.S. has no lots in Category A, but has 24% vs. the 15% limit of Category B.
- The greater percentage of Lot Category B requires D.O.A.S. to qualify for a minimum 68 points from Design Guideline List B, C and D.
- The additional 0.4 DUA above the target density requires eight (8) additional points for a total of 76 points.
- D.O.A.S. qualifies for 118 points in compliance with the Design Guideline Lists B, C and D.

Please refer to the exhibit for Table A Compliance, and the D.O.A.S. Design Guideline Point Justification. The qualification for points is shown on the Point Justification.

76% of Desert Oasis @ Surprise LDR lots are 60' wide or greater. All residential development will require or encourage the application of TND principles as the basis of streetscapes, lot, and land planning.

Medium Density Residential
Medium Density residential (MDR) includes unconventional single family detached products such as clusters, courts, Use and Benefit Easements (UBE) and zero lot line products among others. These residential products will range in density between 5 and 6 DUA. Desert Oasis @ Surprise has approximately 181 acres in this Land Use designation for approximately 34% of the community total dwelling units. D.O.A.S. has four parcels at a density up to six (6) DUA. They are located adjacent to commercial and major roadways as a transition in intensity between commercial and LDR densities and a reduction in vehicular trips. These parcels will contain single family detached products with the same 4' x 5' strip of landscaping and street trees as the LDR neighborhoods. The lots will be encouraged to have significantly recessed or rear garages accessed either by alleys or single width driveways, to reduce or eliminate the impact of garages on the streetscape.

High Density Residential
No balanced community exempts High Density Residential (HDR). Therefore, D.O.A.S. has a very small amount (11.5 acres/1% of the gross area) adjacent to the wash, with a pedestrian bridge to the commercial "village" located on the SEC of Jomax and 163rd Avenue. The parcels will be allowed up to a maximum of 180 units, or 5% of the total dwellings. The exclusive apartments will be gated and set back from Jomax Road. The landscape and architectural theme will be based on the large desert wash along its border.

PAD Residential Density  The single family residential units in Desert Oasis @ Surprise total 3,273. The HDR units create a grand total of 3,453 DU and a net commercial density of 4.09 DUA. Gross density for the total P.A.D. acreage is 3.88 DUA.
## Desert Oasis @ Surprise Land Use by Parcel

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</tbody>
</table>

### Lancer Residential Sub-totals

- Lot Categories B-G (LDR)^2
  - All Residential (LDR, MDR)^3
    - Net

- 3.32
- 496.5
- 1650

### Baer Residential Subtotals

- Lot Categories B-G (LDR)^2
  - All Residential (LDR, MDR, HDR)^3
    - Net

- 3.64
- 169.13
- 617

### Land Use Totals

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Density</th>
<th>Acres</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>N/A</td>
<td>44+</td>
<td>N/A</td>
</tr>
<tr>
<td>Open Space</td>
<td>N/A</td>
<td>(33.1 ac, exclusive)</td>
<td>118 ac, total 13%</td>
</tr>
<tr>
<td>MDR, HDR</td>
<td>6.55</td>
<td>181.0</td>
<td>1186 du</td>
</tr>
<tr>
<td>LDR (Design Guidelines)</td>
<td>3.4 du/ac</td>
<td>665.8 acres (LDR + 33.1 ac O.S.)</td>
<td>2267 du</td>
</tr>
<tr>
<td>PAD Gross</td>
<td>3.88 du / gross PAD</td>
<td>890.68 PAD gross acres</td>
<td>3,453 units</td>
</tr>
</tbody>
</table>

---

1. Net Commercial Acreage
2. Net Commercial and MDR or HDR acreage
3. Includes school / park site acres
<table>
<thead>
<tr>
<th>General Land Use</th>
<th>Lancer</th>
<th></th>
<th></th>
<th>Baer</th>
<th></th>
<th></th>
<th>PAD Total</th>
<th>Du/ac</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acres</td>
<td>Units</td>
<td>Acres</td>
<td>Units</td>
<td>Acres</td>
<td>Units</td>
<td>Acres</td>
<td>Units</td>
</tr>
<tr>
<td>Conventional Residential (LDR)²</td>
<td>474.17</td>
<td>1650</td>
<td>151.0</td>
<td>617</td>
<td>665.6</td>
<td>2267</td>
<td>3.40</td>
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<tr>
<td>Medium Residential (MDR)</td>
<td>69.65</td>
<td>406</td>
<td>100</td>
<td>600</td>
<td>169.5</td>
<td>1006</td>
<td>5.9</td>
<td></td>
</tr>
<tr>
<td>High Density (HDR)</td>
<td>11.5</td>
<td>180</td>
<td>11.5</td>
<td>180</td>
<td>180</td>
<td>18.0</td>
<td></td>
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</tr>
<tr>
<td>Sub-total Residential</td>
<td>566.1</td>
<td>2056</td>
<td>280.5</td>
<td>1397</td>
<td>846.6</td>
<td>3453</td>
<td>4.07</td>
<td></td>
</tr>
<tr>
<td>Open Space - Exclusive/total²</td>
<td>15.0/75.8</td>
<td>-</td>
<td>18.1/21.76/39.9</td>
<td>-</td>
<td>33/118</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Density</td>
<td>566.1</td>
<td>3.6</td>
<td>4.9</td>
<td>44</td>
<td>44.6</td>
<td>4.07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>18.00</td>
<td>26.0</td>
<td>1397</td>
<td>3453</td>
<td>3.87</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>584.1</td>
<td>2056</td>
<td>306.8</td>
<td>1397</td>
<td>890.7</td>
<td>3453</td>
<td>3.87</td>
<td></td>
</tr>
</tbody>
</table>

*Desert Oasis @ Surprise* General Land Use

¹ Includes Exclusive Open Space
² Exclusive Open Space: Parcels designated for Open Space exclusively/Combined with open space tracts within development parcels
## Desert Oasis @ Surprise “Table A” Compliance

<table>
<thead>
<tr>
<th>Category/Proposed Min. Lot Size</th>
<th>Parcel Number</th>
<th>Proposed Lots</th>
<th>Total/Category</th>
<th>Lot Front Range</th>
<th>DOAS LDR Lot %</th>
</tr>
</thead>
<tbody>
<tr>
<td>B 55’x110’</td>
<td>L5</td>
<td>241</td>
<td>574</td>
<td>B (53’-57’)</td>
<td>24%</td>
</tr>
<tr>
<td>55’x110’</td>
<td>B4</td>
<td>156</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55’x110’</td>
<td>B7</td>
<td>177</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C 60’x110’</td>
<td>B 3</td>
<td>140</td>
<td>382</td>
<td>C (58’-62’)</td>
<td>17%</td>
</tr>
<tr>
<td>60’x110’</td>
<td>L4</td>
<td>146</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60’x110’</td>
<td>L10</td>
<td>96</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D 65’x110’</td>
<td>B 6</td>
<td>144</td>
<td>540</td>
<td>D (63’-67’)</td>
<td>23%</td>
</tr>
<tr>
<td>65’x110’</td>
<td>L14</td>
<td>396</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E 70’x115</td>
<td>L 3</td>
<td>120</td>
<td>482</td>
<td>E (68’-74’)</td>
<td>9%</td>
</tr>
<tr>
<td>70’x115</td>
<td>L11</td>
<td>72</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F 75’x120’</td>
<td>L 2</td>
<td>100</td>
<td></td>
<td>F (75’-82’)</td>
<td>13%</td>
</tr>
<tr>
<td>75’x120’</td>
<td>L13</td>
<td>190</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G 83’-85’x125’</td>
<td>L 1</td>
<td>125</td>
<td>290</td>
<td>G (83’+)</td>
<td>13%</td>
</tr>
<tr>
<td>83’-85’x125’</td>
<td>L12</td>
<td>165</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL LDR LOTS</strong></td>
<td><strong>2267</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

“Table A” Compliance indicates that DOAS exceeds Category B percentage and therefore, will qualify for a minimum of 76 Design Guideline points.

**“Table A” Compliance**
COMPLIANCE WITH CITY OF SURPRISE
SINGLE FAMILY LDR RESIDENTIAL DESIGN GUIDELINES
SUMMARY OF EXHIBITS B, C, AND D

The Desert Oasis @ Surprise (DOAS) proposes a total density of 3.4 du/ac. for the LDR portion of residential development. DOAS proposes no LDR lots in Category A, of Table "1" – Permitted Lot Size Mix. DOAS exceeds the lot percentage allowed for Category B, therefore requires a minimum of 68 points (36 points from Design List B, 14 Points from Design List C, and 18 points from Design List D) to exceed that percentage. The Target Density of 3.0 DUA requires an additional 8 points (2 points for each 0.1 DUA increase above 3.0). Therefore, a total of 76 Design List points are required to reach the proposed LDR density of 3.4 du/ac. (0.4 du/ac. above the Target of 3.0).

Design List A are minimum requirements for all LDR subdivisions in the City of Surprise and DOAS must comply as with any other minimum development standards. The following Options for Design List B, C, and D are selected for increasing the percentage of lots in Category B and increasing Desert Oasis @ Surprise LDR density from 3.0 to 3.4 DUA.

<table>
<thead>
<tr>
<th>Design List</th>
<th>Min. Points Required</th>
<th>DOAS Point Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>36</td>
<td>72</td>
</tr>
<tr>
<td>C</td>
<td>14</td>
<td>19</td>
</tr>
<tr>
<td>D</td>
<td>18</td>
<td>27</td>
</tr>
<tr>
<td>Points for 0.4 DUA</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>TOTAL POINTS</td>
<td>76</td>
<td>118</td>
</tr>
</tbody>
</table>

DESIGN GUIDELINE POINT TABULATION

C:\My Documents\171jmx\Designguidelines\desiglist B-D Points73100.doc
<table>
<thead>
<tr>
<th>Design Option</th>
<th>Potential Point Value</th>
<th>Desert Oasis @ Surprise</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>B</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>C</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>D</td>
<td>3</td>
<td>0</td>
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<tr>
<td>F</td>
<td>4</td>
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<td>G</td>
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<td>H</td>
<td>3</td>
<td>3</td>
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<td>I</td>
<td>2-8</td>
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<tr>
<td>J</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>K</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>L</td>
<td>2-6</td>
<td>6</td>
</tr>
<tr>
<td>M</td>
<td>6</td>
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<td>8</td>
</tr>
<tr>
<td>S</td>
<td>1-4</td>
<td>2-4</td>
</tr>
</tbody>
</table>

DESIGN LIST B – SUBDIVISION DESIGN OPTIONS
38 Minimum Points Required

1 Such Open Space will occur in large and small areas, i.e., wetlands and grand entryways. Also, DOAS will provide 20' Landscape Tracts between residential property and adjacent major arterial right-of-ways OR as per Development Agreement.

2 DOAS will provide medians where it owns both sides of the street which is significant since it includes a mile of 163rd Avenue. Collector medians will be installed per Engineering final determination of street cross sections at the time of preliminary plat.

3 TND streetscapes include 4-5' landscape strips between every curb and sidewalk in DOAS residential districts, meeting the intent of this requirement. Side lots and landscape tracts will be used where possible.

4 Some tracts will be very short and therefore a 30' width may be excessive and consequently prohibitive. The intent for safety and openness should be addressed on an individual basis during preliminary plat.

5 "Subdivision entries" is interpreted as the major entry points, not every local street access.
<table>
<thead>
<tr>
<th>Design Options</th>
<th>Potential Point Value</th>
<th>DOAS Points Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>B</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>C</td>
<td>2</td>
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<td>D</td>
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<tr>
<td>H</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>I</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

*Designers are currently unknown. Selected Options will be applied.

14 Minimum Points Required

*The Developer will restrict future builders to a limit of no more than two adjacent lots with same roof ridge line to back on an arterial.
<table>
<thead>
<tr>
<th>Design Options</th>
<th>Potential Point Value</th>
<th>DOAS Points Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>C</td>
<td>4</td>
<td>4</td>
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<td>4</td>
</tr>
<tr>
<td>G</td>
<td>4-16</td>
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<td>H</td>
<td>2-10</td>
<td>6</td>
</tr>
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<td>I</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>J</td>
<td>2.5</td>
<td>5</td>
</tr>
</tbody>
</table>

**DESIGN LIST D – AMENITY PACKAGE OPTIONS**
18 Minimum Points Required
COMMERCIAL. The Desert Oasis @ Surprise straddles two Major Arterial that Surprise designates as regional connectors to state routes 74 and 303. The crossroads of these two major arterials will therefore become a regional landmark. A community which encompasses nearly one and one-half square miles of land, will need to provide for neighborhood commercial and retail services for future residents. Desert Oasis @ Surprise has approximately 44 acres for commercial and retail activities or nearly 5% of D.O.A.S. land. Three commercial retail/professional office sites are planned on Jomax Road at 163rd Avenue and 171st Avenues.

The Oasis will offer a diversity of commercial types and sites ranging from a “community village” which could include services such as a federal post office, a super market and hardware and/or drugstore; a village market of neighborhood services such as a convenience market, mail box and copy business, dry cleaner and video store, ice cream or juice shops, and diner; to the Oasis Plaza which will include professional office (bank, medical and dental, insurance, and real estate) specialty retail and businesses, upscale bookstore, galleries, coffee lounge, and restaurants. D.O.A.S. encourages where possible, a broad assortment of commercial arrangements consistent with the principles of Traditional Neighborhood Development. These may include buildings with specialty retail or business on the street level (“storefront commercial”) and living quarters above. A more detailed description of the possible commercial use types and layouts can be found in the Development Standards section of this PAD.

The commercial sites are not expected to be developed until a residential threshold is reached to support the businesses.

OPEN SPACE. Open Space Planning is an essential element to Traditional Neighborhood Development. Community interaction is the primary objective of designing land use relationships between recreational and gathering spaces with such activities as commercial, service, and the activity areas of village squares, plazas, and markets. The trail system will be an important link with neighborhoods and commercial, school and church sites, community centers, civic buildings, child and senior day care, etc.

The Desert Oasis @ Surprise will combine the functions of storm drainage and retention with the principles of linear parks (grassy mall) and wide trails, park nodes for lot lots or sport courts, to larger fields with multi-functions of amphitheaters, practice ball and soccer fields. The Oasis concept is consistent with small pools and fountains, and other water features such as a backdrop to a grassy amphitheater for winter festivals and summer evening concerts.

Open Space Calculation: Open Space in Desert Oasis @ Surprise accounts for approximately 118 acres or 13% of the total land area. The Open Space is calculated using the City definition and combines parcels designated exclusively to open space such as a dedicated elementary school, parks, and landscaped multi-functional retention areas; with other public amenity areas integrated with on-site drainage and retention functions of residential and commercial parcels. The exclusive open space parcels account for over 33 acres (4%) of Desert Oasis @ Surprise. The remaining 85 acres (9%) are dispersed throughout the residential parcels as the multi-purpose recreation/drainage and retention tracts and easements.

The various elements that make up the useable open space are described in detail in the Landscape Concept Plan/Community and Recreational Amenities.

Population. Using the proposed General Plan 2020, Population projection factor of 2.8 persons per dwelling, it is estimated that 3,453 dwelling units at build-out, will house approximately 9,700 residents.

Employment. The 44.0 acres of commercial in The Desert Oasis @ Surprise is estimated to generate between 1,500 and 1,700 employees. These could include professionals in medicine, law, and real state, store clerks, owners of businesses, restaurant and childcare employees. The elementary school will employ between 65 and 100 persons.

1 Proposed General Plan 2020 estimates a need of 36 sq. ft. commercial space per resident.
2 GPU Employment factor for general retail: FAR @ 22% of lot and 1 employee per 250 sq. ft.
Connected to the “park” is the “Public Green”—an elongated multi-purpose open space for community activity such as kite flying, craft shows, Frisbee or touch football. This space doubles as a major retention area for surrounding housing and commercial activities.

**Baer Wash - Wildlife and Equestrian Corridor** The large natural wash running through the triangular site currently has no name, so the D.O.A.S. team named it after the property owner, Arthur Baer. Baer Wash is a significant desert wash lined with beautiful native trees and bushes.

The D.O.A.S. team recognizes that such washes serve as important natural corridors to the abundant wildlife in the region. Keeping the corridor open is extremely important for animals and future recreation links throughout the region. The homes of Desert Oasis are not conducive for horse boarding, but the Developer encourages public equestrian use of Baer Wash where it runs through the northeast corner of the Desert Oasis. Since the commercial Village Placita is oriented to the wash, hitching posts will be constructed for riders who wish to visit a shop or café.

**Community/ Public Safety Center**

The developer of Desert Oasis @ Surprise will develop a beautiful and gated garden apartment on the eleven and one half (11.5) acre site (Parcel 1) north east of Baer Wash, but will reserve the site for one year for acquisition by the City if a multipurpose community center is preferred. Pedestrian access and use of the commercial Village Placita will be encouraged by construction of a foot and bike bridge across the wash, if permitted.

**Major Gateways and Scenic Roads**

The City of Surprise is designating 163rd Avenue/Sarival Road as a Scenic Roadway north of Grand Avenue to State Highway 74. Currently there are no standards for such a road, but D.O.A.S. recognizes both the opportunity and significance of setting the precedent with quality street design and desert landscaping designed in conjunction with City direction. The main entry into Desert Oasis @ Surprise is made on 163rd Avenue driving north from Grand Avenue. As the roadway alignment curves into the project site, D.O.A.S. will be required to dedicate the full street right-of-way and improve both sides of the road, which it owns. Immediately upon entering the site two parcels (Parcel 11 and Parcel 12) will be improved as landscaped tracts and retention areas, including tracts for an interim wastewater package plant. Beyond these parcels, deep right-of-way landscaping and additional landscape tracts will flank the roadway to the north limit of the project at Jornax Road. Major and minor entries to residential and commercial developments will be designed with ample desert landscaping, and thematic landscape for monumentation and privacy walls. Such major entries combine drainage retention with meeting locations and future bus stops.

**Vista Corridors**

As recognized by the D.O.A.S. design team and the City of Surprise Design Guidelines, views of surrounding mountains are an important asset to living in the Arizona desert. Therefore, D.O.A.S. has designed many of their open space and recreation areas adjacent or visible to the wide landscaped corridors along arterials and collector roadways. All arterial and collector roadways of Desert Oasis @ Surprise will have 10' to 20' landscape tracts adjacent to the right-of-way landscaping. Several major linear parkways, which connect the neighborhoods to the school, commercial and each other, will function as desert parkways both internally and along the roads. All will include wide walk and trail ways to allow long opportunities to enjoy such vistas and the environment.

Wide landscaped medians within the roadways are intended to reduce pavement and further enhance the vistas and safety for both drivers and pedestrians.

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*See Landscape Theme*


DESIGN THEME

The developer of Desert Oasis @ Surprise encourages the architectural and landscape architectural themes to be consistent with principles of the desert.

The Sonoran Desert is an environment of dramatic contrasts. The climate and environment of The Desert Oasis @ Surprise is hot in the summer and temperate the remainder of the year. The immediate area of The Desert Oasis @ Surprise is considered Lower Sonoran desert with only 6" of annual precipitation, which occurs in short, dramatic rain storms. Yet several water wells exist on the planning site, thus creating a true Desert Oasis.

The Developer of Desert Oasis @ Surprise believes architectural and landscape designs of the community should be compatible with the Sonoran and other Desert environments. Examples are Southwestern Native American, Arizona Territorial, Southwestern Prairie, California Bungalow, Florentine Italian, Southern Spanish, North Africa, etc. Architecture and landscaping for civic, residential and commercial uses in Desert Oasis @ Surprise should be compatible with the following principles of design purpose, character, materials, scale, and color.

Purpose: The purpose of the desert cultural designs were based on functionality and compatibility with their climates. Shade and cool spaces played a major role in their design. Where there was any water, the element was added for soothing the environment, even if only a small fountain under a large tree. Desert cultures also valued their beautiful winters by planting indigenous shade trees which lose their leaves in the winter, orienting openings to allow the winter sun to warm interior spaces and elaborate patios or outdoor gathering spaces. Their designs were a clear response to the desert constraints and opportunities.

Character: The indigenous architecture of ancient desert cultures was typically characterized by a strong representation of local materials such as earth, stone, iron (and other metals) and tile. Their character is one of strength and survival, yet simplicity and fragile beauty. Complimentary and vivid colors are used as accents to white washes and the earth tones of natural materials. Structural lines are simple while ornamentation can be elaborate. There is a strong continuity among desert architecture, but with their own unique accents.
Design Theme continued

Exterior Materials: The Sonoran Desert presents as dramatic a contrast in textures as it does in climate. The senses survey jagged mountains above fine sands, massive boulders to fragile rain grasses and feathery trees, deadly heat and freezing cold. Materials similar to other desert cultures are indigenous to the pre-Columbian, Native American and Spanish architecture of Arizona. Smooth stucco ("mud") or plaster; "sandstone" and other local slate; ceramic tile; river rock; adobe; pre-cast concrete; smooth and split faced concrete block, steel and wrought iron; natural finished copper, and other metals; dense woods such as mesquite or ironwood; double pane and block glass; tents, awnings and other temporary or movable shade devices. These and other possible materials proven representative and appropriate for the desert climates shall first be approved by The Desert Oasis @ Surprise Project Design Review Committee.

Scale: Scale should be dependent on the use and numbers of inhabitants. Major commercial and retail activity, apartment complexes, schools, places of worship and community gatherings, should be identified with larger buildings, public spaces, and landmarks. Specialty shops and restaurants and other personal services may be represented by more personal and intimate spaces, colors and materials.

Color: The Sonoran Desert is known for its relatively lush vegetation compared to other great deserts of the world. But the majority of the year desert colors are mostly muted hues of greens and other colors of the local sand, rock and soils. In dramatic contrast, the desert also provides brilliant blue skies, crystal clear nights, dramatic gold, orange, red, and purple sunsets, and shockingly vibrant cactus and desert flowers. Such contrasts should result in a balanced environment, representative of the desert's serenity.
Landscape Theme and Concept Plan

"Summer Shade and Winter Sun" is the primary landscaping theme for the Desert Oasis @ Surprise. But the essence of an oasis is water, and so becomes an integral part of this theme as well. The extreme contrasts of the desert require creative design solutions. The design team of D.O.A.S. believes the basic principles to enjoying the desert landscape are consistent with primary design principles of Traditional Neighborhood Development.

Street Trees will shade pedestrians and pavement alike. Trees will reduce glare and overall heat quotient of the community. Native and complimentary drought resistant species will offer more than sufficient shade to cool sidewalks, seating areas, community plazas, private patios, walls and parking areas.

Water is the essential element of an oasis. The Desert Oasis @ Surprise encourages the use of small re-circulating fountains and other water elements in public areas of the community to provide localized cooling and soothing soundscapes for its residents and visitors.

Security Barriers: TND principles include "fences or hedges not above 'chest height'". One of the four principles of CPTED emphasizes the importance of Natural Surveillance by residents for the prevention of crime in neighborhoods. Surveillance is the primary reason CPTED is strongly supportive of Traditional Neighborhood Development, which promotes the same design principles but for the parallel purpose of promoting community and neighborly interaction.

For these reasons, D.O.A.S. encourages builders and homeowners to vary height and fence type, and combine plant materials with fences and walls for barriers. Thorny, but colorful desert plants are beautiful while discouraging unwanted visitors. Plants also cool the environment instead of acting as heat sources at night. Wrought iron view fences as well as trellised patio covers allow living vines to reduce visibility, glazing sun, and allow desert breezes to flow through.

Other CPTED principles regarding safe landscaping practices are listed in the Appendix.

Plant materials: The City of Surprise offers an extensive variety of plant materials. D.O.A.S. has prepared a selective list believed to be more consistent with its desert oasis theme, and considered to be representative of the lower Sonoran desert and the surrounding area. The Oasis encourages larger growing desert plants such as Creosote, Bougainvillea, Prickly Pear, Yucca, Organ Pipe, Saguaro, Ocotillo; the large native and indigenous trees of Mesquites, Palo Verde, palms, Ironwood, eucalyptus, and others.

Implementation All landscape architectural designs must be approved by the D.O.A.S. Project Design Review Committee prior to submittal to the City for their preliminary plat review and approval process.

Hedges, Low Fences and View Walls

7 See Appendix for Desert Oasis @ Surprise Plant List
DEVELOPMENT GUIDELINES & STANDARDS

As noted in the Land Use section of this P.A.D., the City of Surprise has recently created LDR Design Guidelines. Some of those 'Guidelines' act as minimum development standards for all residential development within those lot size categories and which are supportive of the Desert Oasis @ Surprise design principles. Others are based on qualifying for points earned by implementing items on the Design Guideline "lists B thru D" for exceeding the lot category percentages and/or the defined target density. The Desert Oasis @ Surprise design team and Developer find the City’s existing and "Guideline" standards to be sufficient for obtaining most of the goals of this P.A.D., with a few exceptions. These are addressed in the Standards section of this Element.

The differences between the following Guidelines and Standards are that Guidelines are for encouragement, example and direction, whereas a Standard is explicit and legislated. The team of Desert Oasis @ Surprise believes that the general goals of all residents in a community are consistent with the basic principles of safety and neighborhood identity.

The following TND and CPTED principles are considered guides and are to be applied as tools for communicating those objectives of safety and a traditional neighborhood identity. Some of the principles are so essential to developing a Traditional Neighborhood Development that standards are included to allow implementation.

Provisions

Unless specifically amended by this P.A.D. Plan and/or the Development Agreement referenced herein, all provisions of the City of Surprise Municipal Code, Section 16.20.030, Streets; Section 17.28.140 P.A.D. zone, 17.28.040, Single Family Residential zone (R-1), 17.28.050. Multifamily Residential zone (R-2), 17.28.070, Neighborhood Commercial zone (C-1), and 17.28.080, Community Commercial zone (C-2) shall apply to the Desert Oasis @ Surprise subdivisions. Copies of these City of Surprise documents are included in the D.O.A.S. Appendix.
DESERTE OASIS

BARR WASH COMMERCIAL/APARTMENT BRIDGE LOOKING S.W.

WASH WALK
LIGHTING
SEATING

WASH NODE PARK LOOKING N.W.

TYPICAL WASH NODE PARK PLAN VIEW

WASH OPEN SPACE

11/16
Fourteen Points of Traditional Neighborhood Development (TND)\textsuperscript{8}

1. The Neighborhood has a discernable center, which could be a plaza, or ‘green’, and sometimes located at a memorable or busy street intersection. A future transit stop could be planned for this location.
2. The higher density neighborhoods should be within a five-minute walk of such centers. This averages approximately \( \frac{1}{4} \) mile radius.
3. There are a variety of dwelling types within the neighborhood.
4. There are shops and offices at the edge of the neighborhood.
5. A small ancillary building is permitted within the back yard of each house. This is usually a garage. The second floor may contain additional living space (loft quarters), a rental unit (‘granny flat’) or used as a home office.
6. There is an elementary school close enough so that most children can walk from their home. This distance should not be more than one mile.
7. There are small playgrounds quite near every dwelling.
8. The streets within the neighborhood are a connected network. This provides a variety of itineraries and disperses traffic.
9. The streets are relatively narrow.\textsuperscript{9}
10. Parking lots and garage doors rarely enfront the street.
11. Buildings at the (discernable) center(s) are placed close to the street.
12. The streets have sidewalks that are shaded by rows of trees.
13. Certain prominent sites are reserved for civic buildings such as education, religion, and culture – located at the terminus of street vistas or at neighborhood centers.
14. The neighborhood is organized to be self-governing. \textit{i.e.} HOA.

\textsuperscript{8} The Fourteen Points of TND were derived from handouts obtained at various speaking engagements of Architect and Planner, Andres Duany.

\textsuperscript{9} See Calming Devices and TND local street details.
Principles of Crime Prevention Through Environmental Design (CPTED)

Residential and Commercial developers and builders of The Desert Oasis @ Surprise should use the four main CPTED principles as a guide:

- **Natural Surveillance.** The placement and design of physical features to maximize visibility. This application includes building orientation, location and size of windows, entrances and exits, landscape trees and shrubs, fences, walls signs and any other obstruction to visibility. The placement of persons or activities to maximize surveillance activities. Lighting that provides for nighttime illumination of parking areas, walkways, entrances and exits.
- **Natural Access Control.** The use of walls pavement, lighting, and landscaping to prevent and discourage public access to or from dark and/or unmonitored areas.
- **Territorial Reinforcement.** The use of pavement treatments, landscaping, art, signage, screening, and fences to define and outline ownership of property and to define the public, semi-public and private space on a property.
- **Maintenance.** The maintenance of landscaping to proper heights; the maintenance of property as well as painted, pruned and picked-up to show caring, concern and awareness of the physical environment.

The encouragement of these Principles should begin at the design and review stages of required plan submittal. Enforcement will be addressed in the CC&R's of the HOA.

10 The development and planning team of Desert Oasis @ Surprise encourages the City of Surprise to develop certification or recognition for developers and builders who incorporate these nationally recognized design principles in their communities.

11 North Trail Sector Study, City of Sarasota
Desert Oasis @ Surprise Development Standards

**Desert Oasis @ Surprise Residential Zoning**

The three residential uses in the D.O.A.S. P.A.D. will be developed under the City provisions for R-5, R-2, and R-3 zoning in the City of Surprise Municipal Code, Section 17.28.040, unless specifically amended herein; and, with the R-5 being superseded by the newly adopted Design Guidelines for LDR uses.

**High Density Residential**

**Multi-Family Residential zone (R-3)**

Permitted Uses: Consistent with Section 17.28.060 of the City of Surprise Municipal Code for multifamily structures; and that Public buildings will be allowed as a principal use if the City purchases Parcel B1.

Density will be limited to no more than 180 units or 18 DUA.

**Medium Density Residential**

**Multifamily Residential zone (R-2)**

Permitted uses: Desert Oasis will use R-2 for allowing unique, unconventional single-family detached and possible zero lot line residential products.

Conditional and Accessory uses shall be permitted as noted in Surprise Municipal Code 17.24.020.

Density will be limited to 6.0 DUA.

Design Guidelines and Development Standards: The D.O.A.S. design guidelines and standards will apply as indicated on the P.A.D. Design Guidelines and Development Standards page 18 through 22. One example is shown as Traditional Neighborhood Development Typical Lot Exhibit for a 50'x75' Lot, page 18a and 18b. Lot sizes will vary depending on specific products.

**Low Density Residential (R1-5)**

Single-family residential zone

Permitted Uses: Permitted, Conditional and Accessory uses shall be Consistent with Section 17.24.020 of the City Municipal Code.

Density: Density shall be limited to those shown on the D.O.A.S. P.A.D. Land Use by Parcel exhibit, page 10b.


**Desert Oasis @ Surprise Commercial**

**Neighborhood Commercial Zone (C-1)**

*Internal Community (Local, minor collector street) Site plan required.*

The Internal Neighborhood C-1 of D.O.A.S. is to operate as the neo-traditional neighborhood or corner market. It may consist of a single market or several essential services on the corner leading into the neighborhood. Its purpose is to provide convenience items close to the residents, thus reducing trips to further commercial centers for necessities. (See Map and Exhibits)

- **Uses:** Same uses as allowed by Surprise C-1 except the following:
  - No gasoline pumps; or any drive-thru activities. No outside storage.
  - **Access:** Street/sidewalk; alley
  - **Parking:** Customer on-street angled or parallel; Employee parking spaces/district requirements in rear.
  - **Deliveries:** Front/street loading. Daytime only.
  - **Trash:** Rear alley; day time only.
  - **Setbacks:**
    - **Front:** 0'-10' (sidewalk seating, day displays allowed)
    - **Rear:** Must accommodate trash and employee parking off alley
    - **Side:** 0' Lot line adjacent to other commercial; 5' adjacent to alley; 15' adjacent to SF residential.

*External to Community (Major collector street) Site plan required.*

Many old towns have redeveloped their small commercial streets by placing adequate street parking and street scenes that make it both convenient, attractive, and inviting to do everyday retail and commercial activities in close proximity to the residential blocks. Other new Neo-traditional communities are providing this type of street commercial opportunities and finding them successful. This use would be appropriate near the northwest corner of Jomax and 171st Avenue or near the southwest corner of Jomax and 163rd Avenue acting in the transitional commercial mode, or as a smaller "commercial village" center.
External C-1 may be considered a transitional use between residential and more intensive C-2 commercial uses. This district may include one or more short blocks ("store front") ending on a designated major collector street leading into neighborhoods or a more conventional planned center with limited access and onsite parking. Store front commercial may or may not have an alley, but it is recommended where this commercial use acts back to residential uses.

- **Uses:** Same uses, but larger variety and scale, as Internal Commercial C-1.
- **Access:** Limited vehicular driveways for shopping centers or Plaza with pedestrian path into neighborhood(s) or adjacent recreation areas. Direct street and sidewalk, alleys, for "storefront" commercial (local and smaller businesses).
- **Parking:** Mix of surrounding and internal parking for "centers". Overflow parking will occur in small pockets conveniently distributed throughout. Customer on street angled or parallel parking for "storefront" commercial. Employee parking spaces/district requirements in rear. Low walls buffer "center" parking lots from street or seating area views.
- **Delivery:** Street or On-site Daytime only adjacent to residential.
- **Trash:** Alley or On-site Daytime only adjacent to residential.
- **Setbacks:**
  - **Center Commercial**
    - Front (all streets): 10'-20' (parking or building)
    - Side and Rear: 15' residential property line for "center" with height limit of 18', 10' other uses. Setbacks may include landscaping, outdoor dining up to half of residential setback.
    - "Center" loading minimum 40' from residential.
  - **Storefront Commercial**
    - Front: 0'-10' (sidewalk cafes, day displays allowed)
    - Rear: Must accommodate trash and 2 employee spaces off alley
    - Side: 0' Lot line adjacent to other commercial, 5' adjacent to alley, 15' adjacent to SF residential.

**Community Commercial Zone (C-2)**
Commercial "Community Village" (Major or Minor Arterial Streets) Site Plan:
Required for consistency with PAD theme.
The more conventional shopping center (supermarket, hardware outlet and larger franchise stores) is allowed for the southwest corner and/or northwest corner of Jomax and 163rd and 171st Avenues respectively. Such centers shall be pedestrian friendly and include conveniences such as customer drop-off and loading circles, shaded walkways, gathering and seating spaces, and store front parking where possible. Within the D.O.A.S., C-2 uses normally considered professional office and specialty retail are proposed to mix with high-end restaurants in the southeast corner of Jomax and 163rd Avenue, called the Oasis Plaza.

- **Uses:** Same as allowed by Section 17.24.030, with the exception of hospital, church and other semi-public activities which shall require a Conditional use permit. Placement of buildings close to the street is encouraged. Entire site must include public gathering and seating areas separate from parking.
- **Access:** Limited vehicular driveways for shopping centers or Plaza with pedestrian path into neighborhood(s) or adjacent recreation areas. Direct street and sidewalk, alleys, for "storefront" commercial (local and smaller businesses).
- **Parking:** All on-site, surrounding and internal parking. Low walls buffer parking from seating and street views.
- **Delivery:** On-site for centers, Front/street or alley loading. Daytime only adjacent to residential.
- **Trash:** On-site for centers; Rear alley for storefront commercial. Daytime only adjacent to residential.
- **Setbacks:**
  - **Center or Plaza Commercial**
    - Front (all streets): 20' (parking or building)
    - Side and Rear: 40' residential property line; 20' other. Setbacks may include landscaping, seating and dining up to half of residential setback.
    - "Center" loading min. 40' from residential.
### SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Min. Standard</th>
<th>MDR</th>
<th>B 53'-57'</th>
<th>C 58'-62'</th>
<th>D 63'-67'</th>
<th>E 68'-74'</th>
<th>F 75'-82'</th>
<th>G 83'+</th>
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<tbody>
<tr>
<td>Lot Category</td>
<td>N/A</td>
<td>55'</td>
<td>60'</td>
<td>65'</td>
<td>70'</td>
<td>75'</td>
<td>80'-85'</td>
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<tr>
<td>Minimum Width</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Min. Lot Area</td>
<td>3750'</td>
<td>6000'</td>
<td>6,600</td>
<td>7450</td>
<td>8050</td>
<td>9000</td>
<td>9,950</td>
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<tr>
<td>Min. Lot Depth</td>
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<td>110'</td>
<td>110'</td>
<td>115'</td>
<td>115'</td>
<td>120'</td>
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<tr>
<td>Front Setback Liveable</td>
<td>10'</td>
<td>12'</td>
<td>12'</td>
<td>12'</td>
<td>12'</td>
<td>12'</td>
<td>14'</td>
</tr>
<tr>
<td>Rear Setback House</td>
<td>10'</td>
<td>15'</td>
<td>15'</td>
<td>20'</td>
<td>20'</td>
<td>25'</td>
<td></td>
</tr>
<tr>
<td>Rear Setback Garage</td>
<td>3'</td>
<td>3'</td>
<td>3'</td>
<td>3'</td>
<td>4'</td>
<td>4'</td>
<td></td>
</tr>
<tr>
<td>Side Setback House</td>
<td>5'/5'8''</td>
<td>5'8''</td>
<td>5'/10'</td>
<td>5'/10'</td>
<td>5'/10'</td>
<td>8'/10'</td>
<td></td>
</tr>
<tr>
<td>Street Side House</td>
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<td>10'</td>
<td>15'</td>
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<tr>
<td>Building Coverage</td>
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<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
</tr>
</tbody>
</table>

**Single Family Density Residential Lots**

1. The Development standards for the LDR lots meet or surpass the minimum standards for the Design Guidelines with the exception of garage side and rear yard setbacks.

2. Unconventional Lots (Medium Density Residential) MDR and Design Guideline category B and C lots shall have the option of alley access to rear garages to reduce the impact of garages on the streetscape.

3. "Granny Flats" shall be allowed over rear detached garages.

---

**Notes:**

12 Garage front setback may be less than livable area as side-loaded garage only. Otherwise, minimum of 18' behind sidewalk

10 Alley or street access

14 Side yard setbacks may be encroached by chimneys and bay windows up to 1/2 the yard specified.

13 Rear Interior Lot Garage

15 Varies with housing product. See design Guidelines

16 Landscape buffer tracts can reduce street side yard requirement by the width of tract, up to 5' feet.

17 Rear or recessed front access only. Side street access same as front setback.

18 Basements, "granny flats" and attic lofts are encouraged for the expansion of livable and storage space and the reduction of energy and land consumption.

Mansfield Associates  Page 23  Desert Oasis @ Surprise PAD
INFRASTRUCTURE PLAN

A major advantage of master planning communities within cities is the advanced planning and coordination of all infrastructure policies and design for consistent circulation, drainage, water and sewer, and appropriate phasing of construction. The City, surrounding residents and future builders will know the nature and requirements of the Desert Oasis @ Surprise infrastructure in advance.

CIRCULATION CONCEPT

The circulation concept for Desert Oasis @ Surprise is based on Traditional Neighborhood Development (TND) design principles, which include standard, TND, and Rural right-of-way design standards. Most important, these include tree lined streets with a 4'-5' landscape separation between sidewalks and street; the encouragement of open ended streets over cul de sacs; liberal use of traffic calming geometric standards found in the Institute of Transportation Engineers (ITE) manual such as narrowed pavement, roundabouts, 'footballs' and other landscaped medians.

TND standards include rear drives for garages that could be accessed from an alley or private drive of special design and safety requirements. Rear accessed garages typically occur in the smaller lot areas because TND also encourages the use of Garage "lofts" or "Granny Flats". Such second story garage units serve as excellent natural surveillance of the rear drive per CPTED principles.

A primary goal of TND is to encourage greater pedestrian trips, thus reducing vehicular trips within the community. Carefully designed land use relationships and path systems connect residential areas with the school, recreation, civic and commercial areas. The higher densities, and therefore greater number of trips, are placed as close as possible to the school and commercial uses. The Desert Oasis uses Paseos and Arcades, Promenades, and special axis' for raising

the emphasis of pedestrian activity to a grand scale for social and community identification.20

Local Streets The Desert Oasis @ Surprise prefers designed residential streets using ITE standards such as a total 46' ROW includes 26' Back-of-Curb travel and parking width, 5' wide tree/landscaping strips behind each curb, and 4' wide sidewalks. Other combinations are possible and could be developed with the City through preliminary and final plat stages.

Narrow ROW accomplishes several objectives:

1. The reduction by 4' of ROW (50'-4'=46') can be added to the lot depths or part of a rear access lane/alley for rear garages.
2. Front yard setbacks can be comfortably reduced because slower traffic and landscape buffers make the sidewalks safer for children and pedestrians, and enhances front yard and porch use.
3. Less pavement means lower speeds, less heat retention, and less installation and less maintenance costs which are passed on to the property owner.

20 See Landscape Theme
Collector Roads  Primary goals of TND include livable tree lined streets for comfortable and safe pedestrian and automobile use. Several principles are necessary to achieve such a safe environment. Instead of requiring all cars to converge on a few collectors causing peak hour congestion TND principles encourage more access at shorter intervals, while employing right turn only, transition lanes, and other safe access designs onto arterials.

The principles include a system of interconnected streets which allow greater flexibility through the community, shorter, more direct trips and less actual travel; and, narrow lanes and other approved traffic calming Geometrics which slow the speed of travelers. The Developer of DOAS strongly supports such standards.

DOAS Collectors Paseo Roadways: Walled collector streets reduce natural surveillance and encourage higher speeds, therefore, unique higher density single family (MDR) products or town homes will be allowed to front on collector streets using rear access rather than creating walled streets with houses backing on them. The ITE Traffic Calming Manual provides that narrow travel lanes reduce speed. Landscaped medians may provide separated traffic, shade trees, and left turn lanes. Parking may add an additional lane when residential or commercial uses front or side on such a street.

Arterial Streets  Arterial road crossings and street access greatly affect placement of collector roadways. Jomax Road presents special access issues because section and half-section roads are off-set by over nine hundred feet (900') on the north and south sides. Desert wash crossings also affect arterial and collector roadway placements on the south parcel. Therefore, access design flexibility will be necessary along Jomax Road. The designers of The Desert Oasis @ Surprise will work closely with the City in resolving these design constraints through preliminary plat stages.

- Arterial with Scenic Overlay  163rd Avenue (Surival Road) is designated by the City to become a scenic roadway in the future, as it develops north from Grand Avenue toward State Route 74. The Desert Oasis @ Surprise has designed a special landscape theme that is aesthetically exciting and indigenous to the desert. As a roadway, the design team of The Desert Oasis @ Surprise will construct 163rd as a 130' ROW with travel lanes divided by a wide landscaped median. Combined with landscaping in and out of the ROW, a total of 43' landscaping buffer, including wide trails and sidewalks, will separate homes from the roadway, per the development agreement.

- Surprise Arterial  171st and 179th Avenues, Dynamite/Patton Road in DOAS are designed to ROW standards defined in the Development Agreement.

Pedestrian Sidewalks and Paths Systems  in The Desert Oasis @ Surprise will be shaded by native trees and designed and landscaped for safety and convenience.
- **Sidewalks** will be separated from street curbs by landscape strips and street trees. Concrete sidewalks range from 4' to 8' widths.

- **Bicycle and Other** Both off- and on-road paths will be provided for bicycles. Equestrian access is encouraged through *Boer Wash* in Section 1, by keeping both ends open, accommodating tie-up posts at the commercial village, and encouraging the City to prepare a regional trail system along such washes.

**Paths Employing CPTED safety principles** will link a community wide system to schools, commercial and other neighborhood services, and exterior regional trail systems. See Appendix Exhibit.

**Abandonments** The P.A.D. will abandon through the implementation of the plat process, an existing 33' ROW dedication from the original 163rd Avenue alignment which occurred prior to its realignment to the SEC of Section 36.

Dedication and Improvement of appropriate right-of-ways will occur as part of infrastructure development for The Desert Oasis @ Surprise in accordance with the phasing plan, the Annexation and Development Agreement, and final P.A.D. approval.

The Desert Oasis @ Surprise Transportation Analysis is located in the Appendix.
Drainage Concept

The Desert Oasis @ Surprise will handle offsite drainage in the three washes traversing Section 1, T4N, R2W, by a combination of dedicating drainage easements and leaving them in their natural state by developing around them; or, altering them slightly and enhancing the routes for dual use as drainage and open space and recreational amenities. Street crossings or enhancement of the three washes may require a Letter Of Map Revision (LOMAR) and obtaining 404 permits. Further studies will accompany the preliminary and final plat applications. No other offsite drainage enters the project sites.

Onsite drainage will be retained both in large tracts that will double as open space recreation areas, and in smaller areas to be used for landscaped buffers and entry areas, linear parks with connecting path systems, and pocket parks. Please refer to the Community and Recreational Amenities section of this plan and the Storm Water Concept Plan located in the Appendix.
City Impacts

Public Safety
The developer will work closely in determining needs and solutions with the Fire Department. The application of CPTED principles to the design of this community will benefit the safety of citizens and Police.

Impact Analysis
Cost/Revenue The city will gain sales tax from 44 acres of community and neighborhood commercial. City revenue is 2% of sales. At build out of the community anticipated at 2006, the homes will also provide a 10% of valuation tax rate; for each $100 there will be approximately $6.92/schools, and $1.40 for the City.

Other Agencies And Utilities

Elementary School The developer intends to dedicate an elementary school site adjacent to the park on Parcel L9. This site is chosen for its central location and access to the community wide trail system for bike and pedestrians. The developer will construct specific recreational facilities within the park, a portion that will be shared with the school according to security needs. See Recreation Amenities section.

County Flood Control The Team engineer is communicating with this department regarding the several washes crossing the Baer site. Coordination with the City and County on the drainage issues will be ongoing.

Federal Luke Air Force Base Noise Contours The 1995 (revised 2/97) Luke AFB noise contours will have no impact on the land use or design aspects of The Desert Oasis @ Surprise.

404 Permits Current information pertaining to the 404 permitting process is included with the Drainage Report.

Utilities
Cable Television cable service will be provided by Cox Communications
Electricity Arizona Public Service currently provides electrical service to this locality
Natural Gas Gas will be provided by Southwest Gas Company
Telephone USWest will provide telephone service

Maintenance Plan – HOA and Other Maintenance Districts
Other than Public Utilities and certain school-shared facilities, landscaping and community facilities installed by Developer including landscaping and facilities in public right-of-ways, will be maintained by the Desert Oasis Home Owners Association per the Pre-Annexation Development Agreement.
A Street Light Improvement District (SLID) will maintain streetlights as per the Pre-Annexation and Development Agreement

Pre-Annexation and Development Agreement
P.A.D. zoning entitlement for The Desert Oasis @ Surprise shall include conditions agreed upon by City and Developer, as defined in the Pre-Annexation and Development Agreement, a legal document. Such Agreement shall be approved by the City Council at the time of rezoning and recorded with the Maricopa County Recorder's office.
CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM

Meeting Type: Regular Meeting  Time Scheduled: December 11, 2003
7:00 PM
If Special submit date time

Submitting Department: Planning and Zoning Contact Person: Scott Phillips
Consent [ ] Regular [ ] Requesting Action [ ] Report Only [ ]

Type of Document Needing Approval (Check all that apply):
- Public Hearing [ ] Resolution
- Agreement [ ] Emergency Clause [ ] First Reading/Ordinance
- Special Consideration [ ] Intergovernmental Agreement [ ] Final Reading/Ordinance
- Grant [ ] Submission [ ] Acceptance [ ]
- Council Request [ ] Finance Related [ ] Liquor/Bingo License Application
- Council Priority (Check Appropriate Areas):
- Education [ ] Public Fitness [ ] Neighborhood Revitalization
- Job Creation [ ] Quality Service Delivery [ ] Employment Infrastructure
- Public Safety [ ] Housing Rehabilitation [ ] Work Force Preparation
- Transportation [ ] Human Service Needs [ ] Parks, Recreation & Library
- City Elections [ ] Community Activities

Regular Agenda Wording: Consideration and action to ___ Ordinance # 03-31
___ an ordinance approving a minor PAD amendment PADA03-343 for the Desert
Oasis PAD, amending the street light standards for the Baer Parcel of Desert Oasis.

Staff Recommendation: Approve Fiscal Impact: Yes If yes: Budget code: All new development,
including street lights, will have a long-term fiscal impact on the City of Surprise.

Available:

Signatures of Submitting Officers (Sign Legibly):

Department Head ____________________________ Supervisor ____________________________

Legal Review ____________________________ City Manager/Designee ____________________________

Council Action: Results: Distribution After Council Action:
Motion/Second


Shafer Bails Sullivan Arismendez Vukanovich Allen
Cox Passed Denied Continue Tabled Absent [2 (Cox & Vukanovich)]

City Clerk: Originals - [Impression]
CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM

Background Info: During the PAD process for Desert Oasis, there was significant concern related to the impact of street lights on the rural character established on 163rd Avenue. During the approval, however, nothing was stipulated as to the exact character or levels the lighting within Desert Oasis. At this time, staff is proposing a clarification of the lighting standard on the Desert Oasis Baer Parcel, which is the southernmost parcel, with consideration on the Lancer Parcel to come at a later date.
ORDINANCE #03-31

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MINOR PAD AMENDMENT PADA03-343 FOR THE DESERT OASIS PAD, AMENDING THE STREET LIGHT STANDARDS FOR THE BAER PARCEL OF DESERT OASIS.

WHEREAS, the owner of the parcel of land bound by 163rd Avenue to the east and Jomax Road to the north wishes to amend the street lighting standards on the subject property, and;

WHEREAS, there is a desire by the City to maintain a rural character along the 163rd Avenue corridor, which includes lesser standards for street lights;

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

Section 1. The Desert Oasis PAD is hereby amended to include the street lighting standards as contained in Exhibit A.

PASSED AND ADOPTED this 11th day of December, 2003.

Joan Shafer, Mayor

Sherry Aguilar, City Clerk

Jeffrey Blilie, City Attorney

Yeas: Mayor Shafer, Council Members; Allen, Arismendez, Bails & Sullivan. (Excused- Cox & Vukanovich)

Nays:
EXHIBIT A TO ORDINANCE #03-31

PAD Minor Amendment
Desert Oasis PAD
October 28, 2003

This minor amendment to the Desert Oasis PAD is a proposal to amend the street lighting standard for the Desert Oasis project.

Through the original PAD process, there was significant concern from neighboring communities that the lighting within the Desert Oasis area would be obtrusive and detract from the rural environment. While the City understands this concern, there are certain lighting standards that must be met in order to provide an appropriate level of lighting for safety at night.

Therefore, the Planning and Zoning Commission recommends the street light proposal as follows:

On arterial roadways, the applicant shall use shoebox lighting at a 25-foot mounting height and necessary spacing to meet the current lighting criteria of the City, and place those lights in the median where possible.

On collector roadways, the applicant shall use shoebox lighting at a maximum of 25-foot mounting height at intersections only, placed appropriately in order to meet the current lighting criteria of the City at intersections, and placed in the median where possible.

On local streets, the applicant shall use shoebox lighting at intersections only and at a mounting height not to exceed 25 feet. The lighting at intersections shall be provided using the necessary number of fixtures to meet the current City lighting criteria.

This amendment will address the lighting in the Baer parcel only. The Lancer parcel will be proposed with different requirements at a later date.
• PADA03-343 – Consideration and Action – Minor PAD Amendment – Desert Oasis Lighting Scenario on the Baer Parcel

Planning Manager, Phillips, gave the presentation. Desire is to maintain rural character while providing an appropriate standard of lighting.

General discussion took place regarding 100% cutoff language; prohibitive cost of decorative poles; standards and City liability; low lighting as desired in the community; and the height of the poles.

Applicant, Cliff Leatherwood, addressed the commission. Mr. Leatherwood feels the City has undermined his position with the residents of his developments. Back in 2000, the biggest issue was the lighting. Was to be a low light project. Lights only at intersections originally. Then Engineering came up with public safety issues on 163rd Ave. Low lights were promised but the City has gone back on original agreement. Jomax is not going to be as big as 163rd Avenue, doesn’t need to be lit up as much. Jomax is only a half street, county owns other half. Applicant suggests only lighting up at intersection at Jomax and 163rd Ave. The lighting issue is holding up the process, the project needs to move forward and applicant wants it a part of the record that he is only doing what is being stipulated by the City. He is doing what he is being told to do. He would like to keep low level lighting on the interior, lit up at intersection only, one per intersection. The narrow streets provide traffic calming. Leave area dark to eliminate vehicles cutting through development to Jomax.

Planning Manager Phillips clarified that the situation deals with city municipal code regarding the type of illumination on streets; there are liability issues; the City has an obligation to light to a standard, if it lights at all; what is being proposed on the Baer parcel is a ‘lesser’ standard – this is not “high” illumination of the area. Scottsdale made this sort of concession, to do so is not unique. This is a PAD amendment, allows for some flexibility. There is a need for lighting on 163rd. Must meet minimum requirements. Cannot support substandard levels. City Attorney, Bliie, clarified that half street improvement funding needs to be proportionately provided by applicant.

Discussion opened to the public. Michael Stuntz, 29537 155th Ave., Surprise, AZ. Speaker owns quite a bit of property and agrees that low lighting is necessary. He feels his opinions represent the opinions of the other residents. Residents chose the area in order to get out of the valley and enjoy the darkness. They need to control how the lighting is developed as much as possible to maintain the dark sky. Need to keep the level as low as possible.

Public discussion closed.

Therefore, the proposal is as follows:

a. 163rd Avenue, and the intersection of Jomax and 163rd Avenue, the applicant shall use shoebox lighting with full cut-off at the necessary
height, with the maximum pole height shall not exceed twenty-five (25) feet, and spacing to meet the current lighting criteria of the City, and place those lights in the median where possible. Additionally, the Developer shall pay to the City the Developer’s proportionate share of the street lighting along Jomax Road prior to the City accepting Jomax Road.

b. On all other streets, the applicant shall use shoebox lighting with full cut-off at intersections only and at a mounting height not to exceed twenty-five (25) feet. The lighting at intersections shall be provided to meet the minimum current lighting criteria of the City.

Natchigall made a motion to recommend approval of Application PADA03-343, subject to stipulations a – b, as amended by the City Attorney, attached hereto as Exhibit A. Segarra seconded the motion. 6 yes votes. 1 absent (Woodard). Motion approved.
CITY OF SURPRISE
PLANNING AND ZONING COMMISION

x Regular Meeting Time: 6:00 PM

Public Hearing Date: November 04, 2003

Agenda Item: #1

TITLE: PADA03-343 Desert Oasis Minor PAD Amendment for Lighting

Comments: stipulations a - b

COMMISSION ACTION: Nachtigall made a motion to recommend approval of Application PADA03-343, subject to stipulations a - b, as amended by City Attorney. Segarra seconded the motion. 6 yes votes. 1 absent (Woodard). Motion approved.

Commissioner Motion/Second/Vote

Ken Senft Y
Dan Morris Y
Tony Segarra S
Bob Gonzales Y
Jan Blair Y
Randy Nachtigall M
Mike Woodard X

Voting Results:

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CITY OF SURPRISE

PLANNING AND ZONING COMMISSION

Regular Meeting  Time: 6:00 PM
Public Hearing  Date: November 04, 2003

Agenda Item: #1

TITLE: PADA03-343  Desert Oasis Minor PAD Amendment for Lighting

Comments: stipulations a - b

COMMISSION ACTION: Nachtigall made a motion to recommend approval of
Application PADA03-343, subject to stipulations a - b, as amended by City Attorney.
Segarra seconded the motion. 6 yes votes.  1 absent (Woodard). Motion approved.

Commissioner  Motion/Second/Vote
Ken Senft  Y
Dan Morris  Y
Tony Segarra  S
Bob Gonzales  Y
Jan Blair  Y
Randy Nachtigall  M
Mike Woodard  X

Voting Results:

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ABSENT 1  VACANCY 0

CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM
Meeting Type: Regular Meeting Time Scheduled: Special: See next line
7:00 PM
If Special submit date time
Submit Department: Planning and Zoning Contact Person: Scott Phillips
Consent ☐ Regular ☑ Requesting Action ☐ Report Only ☐

Type of Document Needing Approval (Check all that apply):
☒ Public Hearing ☐ Resolution ☐ First Reading/Ordinance
☐ Agreement ☐ Emergency Clause ☐ Final Reading/Ordinance
☐ Special Consideration ☐ Intergovernmental Agreement
☐ Grant ☐ Submission ☐ Acceptance
☐ Council Request ☐ Finance Related ☐ Liquor/Bingo License Application

Council Priority (Check Appropriate Areas):
☐ Education ☐ Public Fitness ☐ Neighborhood Revitalization
☐ Job Creation ☐ Quality Service Delivery ☐ Employment Infrastructure
☐ Public Safety ☐ Housing Rehabilitation ☐ Work Force Preparation
☐ Transportation ☐ Human Service Needs ☐ Parks, Recreation & Library
☐ City Elections ☐ Community Activities ☐

Regular Agenda Wording: Consideration and action to move Ordinance # 03-31 to a second reading; an ordinance approving a minor PAD amendment PADA03-343 for the Desert Oasis PAD, amending the street light standards for the Baer Parcel of Desert Oasis.

Staff Recommendation: Approve Fiscal Impact: Yes If yes: Budget code: All new development, including street lights, will have a long-term fiscal impact on the City of Surprise.

Available:

Signatures of Submitting Officers (Sign Legibly):

Department Head Supervisor Budget Authorization

Legal Review City Manager/Designee

Council Action: Results: Distribution After Council Action:
Motion/Second

  Shafer  Cox  Bails  Sullivan  Arismendez  Vukanovich  Allen

  For  Against  Passed  Failed  Deny  Continue  Tabled  Absent  Other

  1st  Reading

  Shreve ♦

  Agenda Fill

City Clerk: Originals
ORDINANCE #03-31

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MINOR PAD AMENDMENT PADA03-343 FOR THE DESERT OASIS PAD, AMENDING THE STREET LIGHT STANDARDS FOR THE BAER PARCEL OF DESERT OASIS.

WHEREAS, the owner of the parcel of land bound by 163rd Avenue to the east and Jomax Road to the north wishes to amend the street lighting standards on the subject property, and;

WHEREAS, there is a desire by the City to maintain a rural character along the 163rd Avenue corridor, which includes lesser standards for street lights;

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

Section 1. The Desert Oasis PAD is hereby amended to include the street lighting standards as contained in Exhibit A.

PASSED AND ADOPTED this _____ day of _________________, 2003.

Joan Shafer, Mayor

ATTEST:                APPROVED AS TO FORM:

Sherry Aguilar, City Clerk

Jeffrey Blilie, City Attorney

Yeas: ____________________________

Nays: ____________________________
CONCEPT PLAN FOR THE DESERT OASIS AT SURPRISE

CML, Inc.
1ST PAD AMENDMENT
FOR
PARCEL L-6 at the
DESERT OASIS @ SURPRISE

Prepared for:
KB Homes
432 North 44th Street, Suite 200
Phoenix, Arizona 85008

Prepared by:
EVANS, KUHN & ASSOCIATES, INC
727 East Bethany Home Road, D-225
Phoenix, AZ 85014
Phone: (602) 241-0782
Fax: (602) 248-9158

Approved by:
City of surprise
12425 W. Bell Road, Suite D100
Surprise, AZ 85374

June 8, 2005
Project No. 5302
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**PARCEL L-6 at the**

**DESERT OASIS @ SURPRISE**

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<td>Objective 1</td>
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<td>Conclusion</td>
<td>3</td>
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OVERVIEW

The Desert Oasis @ Surprise P.A.D. is located approximately one and one-half miles north of Grand Avenue, between Dynamite Road (Patton Lane) and Happy Valley Road, and between 163rd and 179th Avenue alignments, and consists of a total 890.7 acres situated in the two sections. The majority of land surrounding the Lancer Parcel is sandy, vacant desert with creosote and mesquite bush.

The Desert Oasis @ Surprise will apply a "hands on" approach to community development where the master developer oversees the selection and control of independent builders and businesses that wish to be part of the new community.

As intended by a P.A.D. district, the development team has designed a unique community plan and set of standards. The first set of principles is Traditional Neighborhood Development or TND. The second set of principles is Crime Prevention on Through Environmental Design or CPTED.

The Desert Oasis team is excited about bringing this approach not only to Surprise, but it may be the first comprehensive master planned community applying both TND and CPTED principles in the State of Arizona.

A preliminary plat for Parcel L-6 was submitted for Desert Oasis in 2005. The preliminary plat provided for 232 residential units, all within the Medium Density Residential (MDR) land use designation and all having lot sizes with a width ranging from 35 feet to 40 feet and a depth of 72 feet.

The objective of this P.A.D. amendment is to acquire permission to deviate from the minimum lot width and minimum lot depth dimension on Parcel L-6. The P.A.D. establishes the minimum lot width dimension as 50 feet and the minimum lot depth dimension as 75 feet for Parcel L-6.

It is desired by KB Homes to establish through this amendment process, a minimum lot width of 35 feet and minimum lot depth dimension of 72 feet for the L-6 Parcel.
GOVERNING DOCUMENTS

This P.A.D. amendment is intended to take precedence over the original 2000 P.A.D. Where this P.A.D. amendment has provisions which conflict with the original 2000 P.A.D. and/or Zoning Ordinance, this P.A.D. amendment shall govern. The original 2000 P.A.D. shall govern where there are no conflicting provisions within this P.A.D. amendment. The Zoning Ordinance for the City of Surprise shall govern where there are no conflicting provisions within the original 2000 P.A.D. or this P.A.D. amendment.

PROPOSED P.A.D. AMENDMENT

This P.A.D. amendment is being submitted on behalf of KB Homes with the following objective:

1. Establish a minimum lot width of 35 feet and minimum lot depth dimension of 72 feet for the L-6 Parcel.

In order to achieve an appropriate project density while at the same time providing for the Neo-traditional approach of setting garages in a rear entry alley configuration and fronting and/or siding on collector streets, KB Homes has determined that it would like to use its previously successful Green Court product at the L-6 Parcel of Desert Oasis of Surprise, to be known as Cortana. However, it must be noted that smaller lots will not eliminate or diminish the concept of

- Elimination of the protruding garage.
- Bringing back the tree-lined street separated from the sidewalk.
- Slow and reduce traffic in and through the neighborhood.

Desert Oasis @ Surprise intends to be at the forefront on its smaller lots and the development at large. Small and larger lot development can benefit by returning to traditional streetscapes and other TND design principles.

Parcel L-6 at Desert Oasis @ Surprise land is proposing to construct 232 residential units, all within the Medium Density Residential (MDR) land use designation and all having lot sizes with a width ranging from 35 feet to 40 feet and a depth of 72 feet.
DESIGN THEME

The developer of Desert Oasis @ Surprise encourages the architectural and landscape architectural themes to be consistent with principles of the desert. The Desert Oasis @ Surprise does not include housing details, as styles change and builders are not selected at this time. But the Desert Oasis architectural review committee will apply the principles of TND, CPTED, the design themes and guidelines adopted with the Desert Oasis @ Surprise P.A.D., in the critique of future builder proposals.

COMPLIANCE WITH SINGLE FAMILY RESIDENTIAL DESIGN GUIDELINES

The Preliminary Plat for the master planned Lancer parcel did not specifically show a plan for Parcel L-6.

The PADA provides the parameters for its LDR site developments in order to comply with the Single Family LDR Residential Design Guidelines and achieve certain points. The development for Parcel L-6, Cortana, as an MDR site, does not need to achieve those criteria. It will however address many of the key guidelines with its homes fronting on open space and rear entry garages, significant and contiguous open spaces, landscape buffers around the perimeter, pedestrian trails, detached sidewalks and TND streetscapes and sensitivity to CEP TED concerns.

CONCLUSION

The following amended land use summary table shall now govern the development of Parcel L-6 of Desert Oasis @ Surprise and take precedence over the earlier approved P.A.D report.
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sizing for the housing products they were encouraging. The development standards for MDR call out for a minimum lot area of 3750 square feet, and a minimum lot width and depth of 50' and 70' respectively. While this lot size might work for a conventional single family detached housing type, it will not work for the clusters, courts, UBE/Z-lots, or zero lot line housing types encouraged by the PAD language. In fact, on Page 21 of the PAD, it even talks about a 50' by 75' lot being just an example and that “Lot sizes will vary depending on specific products.”

In order to develop the medium density residential designated parcels within the Desert Oasis PAD with the unconventional product types encouraged by that PAD, we are requesting the development standards for MDR be modified. While the required setbacks would remain the same, we are requesting the minimum lot size be changed to 2,500 square feet and the minimum lot width and depth be changed to 35' and 72' respectively. This change will allow for product types such as clusters and courts. It is important to note that the requested change to smaller lot sizes does not change the allowed gross density on the medium-density parcels from 6 dwelling units per acre. The change actually strengthens and encourages the key elements of the Traditional Neighborhood Development concept. Allowing smaller parcels, removes large private backyards and encourages interaction in community wide open space elements, which is a key element of a TND project and the CPTED principles.

In furtherance of our position, it should be noted that the minimum lot sizes proposed are no smaller than the minimums found for medium density residential designated parcels in recently approved projects such as Asante North, Asante, Sycamore Farms, and Marley Park.

As you can see, the requested amendment is to allow a type of housing product that was originally contemplated by the original developer and is supported by language in the PAD indicating that lot sizes will vary from the example provided. If approved, there will not be any increase in housing density and the change is supported by the PAD’s requirement for complying with the principles of Traditional Neighborhood Design and CPTED. It is for these reasons that City staff, supported the KB Home request for a Minor Amendment to the Desert Oasis PAD over a year ago, when it was first brought forth. Attached is a copy of their amendment narrative with a signature block for the Community Development Director. We ask for your support in presenting this request to Scott Chesney. If you have any questions, as always, please do not hesitate to contact me.

Truly yours,

BEUS GILBERT PLLC

[Signature]

Andy Jochums, AICP
Planning Consultant

cc: Rob Izer
January 27, 2006

Mr. Cliff Leatherwood
CML, Inc.
6817 N. Evans Drive
Peoria, AZ 85381

Dear Cliff:

The City of Surprise City Council approved a General Plan Amendment to reclassify Jomax Road, a road of regional significance, from a Major Arterial to a Parkway classification in December 2005. The parkway cross-section requires a 200' right of way.

To that end, the City began discussions with you in March of 2005 regarding the pending roadway re-classification and the need to secure as much right of way as possible as development occurred adjacent to Jomax Road. Although Desert Oasis is an entitled development, the city requested your assistance in increasing the right of way adjacent to the property from 65' to 85'.

Both the approved Desert Oasis MOD04-204 and the attached Planned Area Developed amendment catalogued as PADA06-024 reflects your cooperation and compliance with the requests.

In exchange for your cooperation, the city will commit to the following conditions:

- The public utility easement will be allowed within public Right of Way;
- The 20' landscape tract along Jomax adjacent to Lancer Parcels L-5 through L-8 may be eliminated;
- The 30' landscape tract requirement adjacent to Commercial Parcels L-7 and L-8 will be reduced to a 10' landscape tract and the remaining 20' will be dedicated right of way (65' ROW + 20' Tract = 85' ROW);
- The developer will maintain all rights of way landscaping throughout the warranty period.
- The city will retain liability for all rights of way and will indemnify the developer from any liability damages.
- Building setbacks for Commercial Parcels L-7 and L-8 will be reduced to fifteen feet (15') pursuant to your request.

Please contact Interim Community Development Director, Scott Chesney should you require additional information or assistance regarding this matter.

Sincerely,

LaTonya Finch
Community Development Director

Cc: Dr. Robert Maki, City Engineer
Carla Bastein, Deputy City Attorney
Berrin Nejad, Development Services Manager
Scott Chesney, Interim Community Development Director

"We are committed to guiding the community by Planning Wisely, Regulating Consistently and Assisting Professionally."
OFFICIAL APPLICATION FOR
PLANNED AREA DEVELOPMENT AMENDMENT, Minor/Major

Application Number: PADA 06-024  Date Filed: 1/24/06  Received By: 
Filing Fee: 500.00  Check No.: 4991  Receipt No.: 541087

*** APPLICANT COMPLETES THIS SECTION ***

NAME OF PROJECT: Desert Oasis—Surprise
PROPERTY LEGAL DESCRIPTION: See Exhibit A attached hereto
Land Use Designation: Mixed use current Mixed use proposed
# of LOTS APN# ACREAGE # gross acres # net acres

*** PROPERTY OWNER OF RECORD OR AUTHORIZED REPRESENTATIVE COMPLETES THIS SECTION ***

NAME OF PROPERTY OWNER OF RECORD OR AUTHORIZED REPRESENTATIVE:
171st Avenue & Jomax L.L.C./Cliff Leatherwood
ADDRESS: 6817 Evans Drive  CITY Peoria STATE AZ ZIP 85381
PHONE: 623-979-5496  FAX: 623-872-9169
APPLICATION CONTACT: The person listed below will act as the applicant on my/company's behalf. Additionally, I understand that it is the applicant's responsibility to communicate any verbal or written communications on said application to other members of the development team, including, but not limited to, application comments, staff reports, action letters, meeting times, etc.

I hereby request that all verbal and written communication regarding this application be directed to:

NAME: 
COMPANY: 
ADDRESS: 
CITY STATE ZIP 
PHONE: 
FAX: 
E-MAIL: 

SIGNATURE OF APPOINTED CONTACT:

OWNERSHIP VERIFICATION/AUTHORIZATION: Included in this application is a map/survey, which accurately portrays the parcel configuration and property dimensions, as reflected in the legal description. I hereby certify that the above information and attached information submitted as part of the requested application is correct, and that I am authorized to file an application on said property, being either the owner of record or an authorized employee of the owner.

All signatures must be identical to the property owner/company name given above unless an authorized owner representative is given. Attach an authorization letter from the property owner, if a representative is to be utilized.

PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE: 171st Avenue & Jomax, L.L.C.
PRINT NAME: Cliff Leatherwood  TITLE: Manager
SIGNATURE:

Community and Economic Development
Revised June 2003
Exhibit A

PARCEL NO. 1:

All of Section 35, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT BEGINNING 3273.5 feet South of the Northwest corner of said Section 35;

Thence in a Southeasterly direction in a straight line across said Section 35 to a point on the South line of said Section 35, said point being 1866.75 East of the Southwest corner of said Section 35;

Thence West along the South line of said Section 35 to the Southwest corner thereof;

Thence North along the West line of said Section 35 to the POINT OF BEGINNING;

EXCEPT all coal and other minerals as reserved to the United States of America in Patent to said land.

PARCEL NO. 2:

That part of Section 26, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Northeast corner of Section 35, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence West along the North line of said Section 35, a distance of 1200 feet to the TRUE POINT OF BEGINNING;

Thence North, a distance of 208 feet to a point;

Thence West, a distance of 208 feet to a point;

Thence South, a distance of 208 feet to a point on the North line of said Section 35;

Thence East along said North line, a distance of 208 feet to the TRUE POINT OF BEGINNING;

EXCEPT all coal and other minerals as reserved to the United States of America in Patent to said land.

PARCEL NO. 3:

That part of Section 26, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southwest corner of said Section 26;

Thence East, along the South line of said Section 26, a distance of 206 feet to the TRUE POINT OF BEGINNING;

Thence North, perpendicular to the South line of said Section 26, a distance of 465 feet;

Thence East, parallel to the South line of said Section 26, a distance of 126 feet;

Thence South, perpendicular to the South line of said Section 26, a distance of 465 feet to the South line of said Section 26;

Thence West, along the South line of said Section 26, a distance of 126 feet to the TRUE POINT OF BEGINNING;
EXCEPT all coal and other minerals as reserved to the United States of America in Patent to said land.

PARCEL NO. 4:

That part of Section 26, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southwest corner of said Section 26;

Thence East, along the South line of said Section 26, a distance of 2527 feet to the TRUE POINT OF BEGINNING;

Thence North, perpendicular to the South line of said Section 26, a distance of 450 feet;

Thence East, parallel to the South line of said Section 26, a distance of 117 feet;

Thence South, perpendicular to the South line of said Section 26, a distance of 450 feet to the South line of said Section 26;

Thence West, along the South line of said Section 26, a distance of 117 feet to the TRUE POINT OF BEGINNING;

EXCEPT all coal and other minerals as reserved to the United States of America in Patent to said land.

PARCEL NO. 5:

That portion of the Southeast quarter of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 1, said point being the TRUE POINT OF BEGINNING;

Thence North 00 degrees 05 minutes 34 seconds East (record North) along the East line of said Section 1, a distance of 1620.00 feet to a point;

thence North 89 degrees 36 minutes 49 seconds West, a distance of 1763.49 feet (North 89 degrees 42 minutes 30 seconds West, a distance of 1763.63 feet record), parallel with the South line of said Section 1, to a point, said point being on a diagonal line extended from the Southeast corner of said Section 1 to the Northwest corner of said Section 1;

thence South 47 degrees 10 minutes 35 seconds East along said diagonal line, a distance of 2400.74 feet (South 47 degrees 16 minutes 26 seconds East, a distance of 2400.76 feet record), to the TRUE POINT OF BEGINNING;

EXCEPT all coal and other minerals as reserved in Patent from the United States of America.

PARCEL NO. 6:

That part of Section 1, Township 4 North, Range 2 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Northeast corner of said Section 1;

Thence Westerly along the North line of said Section 1 to the Northwest corner thereof;
Thence Southeasterly to the Southeast corner of said Section 1;

Thence Northerly along the East line of said Section 1 to the POINT OF BEGINNING;

EXCEPTING THEREFROM that part of said Section 1, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Southeast corner of said Section 1, said point being the TRUE POINT OF BEGINNING;

Thence North 00 degrees 05 minutes 34 seconds East (record North) along the East line of said Section 1, a distance of 1620.00 feet to a point;

thence North 89 degrees 36 minutes 49 seconds West, a distance of 1763.49 feet (North 89 degrees 42 minutes 30 seconds West, a distance of 1763.63 feet record), parallel with the South line of said Section 1, to a point, said point being on a diagonal line extended from the Southeast corner of said Section 1 to the Northwest corner of said Section 1;

thence South 47 degrees 10 minutes 35 seconds East along said diagonal line, a distance of 2400.74 feet (South 47 degrees 16 minutes 26 second East, a distance of 2400.76 feet record), to the TRUE POINT OF BEGINNING;

AND FURTHER EXCEPTING THEREFROM all coal and other minerals as reserved in Patent to said land.
Project Narrative

171st Avenue & Jomax, L.L.C., an Arizona limited liability company ("171st Avenue"), is the owner of certain commercial and multi-family residential parcels located within the Planned Area Development known as Desert Oasis at Surprise ("Desert Oasis PAD"). The Desert Oasis PAD sets forth the development standards for a master planned community comprising approximately 890 acres of real property to be developed for single family residential, multi-family residential and commercial uses.

Recently, the City has approached 171st Avenue regarding the City’s need to acquire an additional 20' of right of way along a portion of Jomax Road adjacent to the Desert Oasis PAD. 171st Avenue has no objection to the City’s request for the dedication of an additional 20' of right of way, however, the City’s acquisition of this right of way will result in the modification of 171st Avenue’s property lines along Jomax Road. This relocation of the property lines has the effect of re-establishing the building set back lines for the for 171st Avenue’s property along Jomax Road. The resulting relocation of the set back lines has a direct impact on the commercial properties located in Parcel 7 and Parcel 8 of the “Lancer Parcel” within the Desert Oasis PAD.

This PAD minor modification application requests the decrease of the set back requirements applicable to the Neighborhood Commercial Zone (C-1) and Community Commercial Zone (C-2) in relation to 171st Avenue’s property with frontage on Jomax Road where the City will acquire the additional 20' of right of way. The requested reduction in set back would reduce the required building set back for 171st Avenue’s impacted property by the same amount as the increase in the amount of right of way that would be acquired by the City. The City has indicated that the applicable set back along Jomax Road is 35'. The proposed amendment requests that the set back be reduced to 15'. This requested modification to the set back requirement would permit the location of building lines on 171st Avenue’s property to remain in the same location as originally contemplated by the Desert Oasis PAD, and would allow 171st Avenue to develop the commercial area of the “Lancer Parcel” as originally contemplated by the Desert Oasis PAD. Without an amendment to the set back lines in question, material modification to the development of the commercial portions of the Desert Oasis PAD on the “Lancer Parcel” will be required.

The result of the proposed amendment will permit the City to obtain, at no cost to the City, additional right of way required for its purposes, and allow 171st Avenue to continue to develop its property as originally intended when the City approved the Desert Oasis PAD.
PAD Sections to be Amended

Desert Oasis @ Surprise Commercial, Neighborhood Commercial Zone (C-1), Page 21-22

Desert Oasis @ Surprise Commercial, Community Commercial Zone (C-2), Page 22