# Mountain Gate / Copper Canyon Ranch

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MOUNTAIN GATE P.A.D.
A MASTER PLANNED COMMUNITY
PLANNED AREA DEVELOPMENT
Surprise, Arizona

Stantec
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1. INTRODUCTION

Request for Rezoning
The purpose of this submittal is a Request for Rezoning for a portion of the Mountain Gate Residential Master Planned Community from the existing zoning of R1-43 to P.A.D., zoning district (R1-8), per the City of Surprise Municipal Code Title 17, Residential Zone District Regulations for P.A.D., Chapter 17.28.0. The Mountain Gate Residential P.A.D. project is located east of Bullard Road and south of Cactus Road, in a portion of the western half of Section 21, Township 3 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Two Model Home Complexes will be established within one model construction phase, in the initial stages of the project. This Model Home Complex will not be occupied as residences, but rather will be on display for sales purposes only. With the approval of this Mountain Gate P.A.D. rezoning, the Community Development Director will be authorized to administratively approve the Model Home Complex and temporary sales trailers for the project.

Developer Background
William Lyon Homes is the owner and will be the developer and homebuilder of the Mountain Gate Community. William Lyon Homes has been in the Valley for over 25 years, formerly as The Presley Companies prior to the 1999 merger. William Lyon Homes is nationally ranked among the top homebuilders and is publicly traded on the NYSE under the WLS ticker. William Lyon Homes believes in creating quality communities with a strong HOA to provide lasting communities that the City and developer will be proud of long after the last home is occupied. William Lyon Homes encourages connecting to its web site at www.lyonhomes.com and urges visiting these existing communities to personally experience this commitment to quality first hand.

Project Description
The proposed 156-acre P.A.D. will become a part of the overall 440-acre Mountain Gate Community. The addition of this P.A.D. to the existing community will result in an executive style development offering lots ranging from 6,600 square feet to over 43,500 square feet with homes from $123,000 to $262,000. The entire community will be gated having private streets with one Master HOA. The P.A.D. subdivision land plan borrows from the Neo-Traditional neighborhood concept by providing pocket parks as a neighborhood focus. These pocket parks are linked together by a trail system that will enhance pedestrian connectivity. Each park will side onto single loaded streets having homes facing onto the park providing an inviting attractive area that is visually open to the residents. The park design concept offers a variety of amenities. Examples of potential amenities include shade structures, grassed multi-purpose fields, benches, picnic tables, barbecues, tot-lots, sport courts, basketball courts and/or volleyball courts.
providing unique parks offering a range from tranquil settings to energetic athletic activities. Reference Exhibit C for the Land Use Map.

Product
William Lyon Homes is presently developing three new product series ranging from 1,650 square feet to 4,650 square feet, expressly for the Mountain Gate Community. The three product series will meet, or exceed, the City’s standards. The three series will consist of one and two story homes with a variety of floor plans, elevations and color schemes resulting in diverse street scenes.

Community Characteristics
The Central Focus is a Neo-Traditional concept:
Typically the Neo-Traditional neighborhood concept features a community meeting place or focal point within a 5-minute walk. The P.A.D. subdivision land plan borrows from the Neo-Traditional neighborhood concept by providing pocket parks as a neighborhood focus. The Mountain Gate P. A. D. central focus will be the three pocket parks and the one recreation center area.

Both the Pedestrian and Vehicular Access feature Neo-Traditional concepts:
Typically the Neo-Traditional neighborhood concept features pedestrian accessible amenities. The short block lengths encourage people to walk rather than use an automobile. The Pocket Parks are linked together by a trail system that will further encourage pedestrian circulation and enhance neighborhood connectivity.

Neo-Traditional concepts typically recommend narrower street widths and cross sections that encourage “traffic calming”. The Mountain Gate PAD proposes a varied palette of street cross sections. Traffic calming is proposed with the use of the narrower and varied street cross sections. Streetscape interest will be enhanced using cross sections with detached sidewalks and others with attached sidewalks. Streetscape interest will encourage traffic to move more slowly through the neighborhoods. Traffic will slow down and calm will be encouraged as vehicles travel from one type of one street cross section to another.

Home Placement that encourages positive neighbor interaction is a Neo-Traditional concept:
The Neo-Traditional neighborhood concept promotes design features that invite positive social interaction between neighbors and passers-by. The goal is to be a neighborhood with a stronger sense of community and not just another subdivision. Adjacent to the Pocket Parks, many of the homes will face onto the parks. The parks provide inviting, attractive areas of activity that will encourage positive social interaction. Safety is enhanced with the added visibility of the parks open spaces from the front doors and windows of the adjacent residential neighbors. The parks are open to view o from the front of neighboring homes or from the adjacent streets from three sides. Reference Exhibit C for the Land Use and Boundary Map.
Justification
The underlying City of Surprise General Plan Land Use designation for the Subject Site is that of Suburban Residential (1 to 3 du/ac). Rezoning is requested from R1-43 to P.A.D., R1-8 zoning district with an overall gross density of 3.0 du/ac. Therefore, the proposed density is within density allowances prescribed by the City of Surprise General Plan. The project also contributes to meeting the housing goals of the City of Surprise General Plan with additional variety in residential lot sizes and housing product.

The General Plan Goals include:

- "Encourage new development of sound and stable neighborhoods."
- "Provide adequate housing for present and future residents at all income levels."
- "Improve the selection and expand the quantity and quality of housing units in Surprise."

The proposed development provides a significant contribution to the City's infrastructure and reduces future costs to the City by virtue of its gated private streets. The proposed Development Agreement between the Applicant and the City will include street improvements to Bullard, Cactus, Peoria and Litchfield. Development Agreements with surrounding land-owners will provide new City infrastructure improvements of new potable and raw water lines, a significant contribution towards a 3.5 million gallon reservoir and a new well. The cost to William Lyon Homes for these infrastructure improvements will approximate $6 million and generate future building permit fees of approximately $1 million from the Mountain Gate Community. Reference Exhibit F for the General Plan Policy Checklist. Reference Exhibit H for the General Plan Map.

2. SITE LOCATION AND EXISTING CONDITIONS

Site Location
The P.A.D. is located within the City of Surprise bounded on the north by Cactus Road, on the west by Bullard Avenue, on the east by undeveloped land and on the south by Mountain Gate one-acre lots.

This site is situated approximately 8.5 miles north of Interstate-10. Grand Avenue and the City's Original Townsite are 2 miles northeast of this development. The future Estrella Parkway is generally located 2.5 miles west of Bullard Avenue. Mountain Gate is located about 7 miles east of the White Tank Mountains, 15 miles from Daimler-Chrysler and 10 miles from Volvo. Luke A.F.B. is located approximately 2.5 miles south. Reference Exhibit A for the Vicinity Map.
Location Relationship to Surrounding Properties
The surrounding land uses are typically agriculture. However, development planning is
now taking place and is in various stages for lands near the Subject Site.
East of the Subject Site a citrus farm occupies the adjacent property. The property
contains approximately 100-acres, a residence, and several outbuildings. The parcel is
presently being processed through the City for rezone and development of a subdivision.

The entire Mountain Gate Community was previously approved and preliminarily
platted. The Request for Rezoning applies only to the northern portion of the Mountain
Gate Master Planned Residential Community. All of the residential lots applicable to this
Rezoning Request are north of the mid-section line. Rancho Gabrielle P.A.D. lies west of
the Subject Site. The DMP / Marley Property lies north of the Subject Site. Reference
Exhibit C for the Land Use Map. Reference Exhibit D for the Surrounding Mountain Gate Map.

EXISTING CONDITIONS

Existing Land Use
Currently the Subject Site is a fallow agricultural field.

Existing Zoning
The property is currently zoned R1-43.

Existing General Plan Designation
The Subject Site, City of Surprise General Plan Land Use designation is Suburban
Residential. (1 to 3 du/ac).

Existing Topography
The natural ground slopes gently to the southeast at a rate of approximately 25-feet per
mile with a grade of approximately 0.50%.

Existing Drainage
The natural flow of storm water, within the proposed Mountain Gate P.A.D. project
drains in a southeasterly direction. Stantec Consulting Inc. has prepared a separate
"Preliminary Drainage Report for Mountain Gate P. A. D". This Drainage Report has
been submitted with this Mountain Gate Residential P.A.D. Rezoning Application
submittal package under separate cover. Please reference "Preliminary Drainage Report
for Mountain Gate P.A.D." for the specific detail regarding storm water and drainage for
the Mountain Gate P.A.D. project.

A new ADMS study, entitled "Loop 303 Corridor / White Tanks Area Drainage Master
Plan Update" is in the process of being approved by the Maricopa County Flood Control
District. The former ADMS study for the area was prepared by WLB Group in 1994 and
was entitled "White Tanks/Agua Fria Area Drainage Master Study". Reference Exhibit C
for the Land Use Map. Reference the Preliminary Drainage Report for Mountain Gate, Offsite
Drainage, submitted with this PAD Narrative under separate cover.
Existing Soils and Vegetation

The Soil Investigation indicates that the soils generally consist of moist, sandy clay. According to the Soil Survey completed for Maricopa County, AZ, by the US Department of Agriculture, Soil Conservation Service, the soils within the Subject Site are generally sandy loam or sand and gravel with a medium density. Specifically the soils are Antho sandy loam, Estrella loam, Gilman loam, and Maripo sandy loam.

Antho sandy loam (AbA, 0-1% slope) is nearly level, light yellowish-brown and light-brown sandy loam soil that is typically found on broad alluvial fans and low stream terraces. Anthos consists of deep, well-drained, predominantly granite sandy soils. The hazard of erosion is slight and permeability is moderately rapid. When areas are not cultivated, the native vegetation is typically creosotebush, bursage, cactus, scattered mesquite and paloverde trees.

Estrella loam (Es, 0-1% slope) is nearly level soil on valley plains and at the lower ends of alluvial fans. Permeability is moderately slow. When areas are not cultivated, the native vegetation is typically creosotebush, cactus, annual weeds and grasses, scattered mesquite and paloverde trees.

Gilman loam (GgA, 0-1% slope) is nearly level soil typically found on stream terraces, valley plains and alluvial fans. Gilman soils consist of deep, well-drained soils and are derived from a wide mixture of rock including andesite, basalt, schist, rhyolite and granite-gneiss. The permeability of the soil is moderate. Several areas of Glendale and Phoenix contain this soil. When areas are not cultivated, the native vegetation is typically creosotebush, cactus, annual weeds and grasses and a few mesquite and paloverde trees.

Maripo sandy loam (Ma, 0-1% slope) consists of deep well-drained soils underlain by sand or gravelly loamy sand at a depth of 20 to 40 inches. The soils are formed in recent alluvium deposits on alluvial fans, low stream terraces and flood plains. The alluvium was derived from a wide variety of acid and basic igneous rocks, including mainly granite but with some rhyolite, andesite, basalt and schist. Permeability is moderately rapid. When areas are not cultivated, the native vegetation is typically creosotebush, cactus, annual weeds and grasses, as well as scattered mesquite and paloverde trees.

Reference the Soils Investigation Report completed by the Construction Inspection and Testing Company, submitted with this PAD Narrative under separate cover.

Existing Geology

A Soils Investigation was completed in order to investigate the subsurface geology relating to the Subject Site. The rock and/or soils formations from six to ten feet below the earth surface are generally of brown, moist clayey sand with a low or medium plasticity index (PI).

The Subject Site is located in an alluvial basin formed by block faulting associated with the basin and range disturbance which is calculated to have occurred between 15 and 8
million years before present (MYBP). Its surface and underlying sediments are unconsolidated to semi-consolidated silt, sand and gravel typical of alluvial basin fill. These sediments extend to the depth of several thousand feet and are intercalated with ash-fall tuff of volcanic origin. The sediment and volcanic are underlain by igneous and metamorphic rock of Precambrian age similar to those exposed in the surrounding mountainous areas. Originally surface soils on the Subject Site were derived from erosion of surrounding mountains, transported and deposited by sheet flow and ephemeral streams, however currently the Subject Site is under cultivation and no streams or ephemeral washes now exist. Reference the Soils Investigation Report, submitted with this PAD Narrative under separate cover. Reference the Phase I Environmental Site Assessment, submitted with this PAD Narrative under separate cover.

Existing Streams and Ponding
There are no natural streams or ponds located on the Subject Site.

Existing Environment
Stantec Consulting, Inc. performed a Phase I Environmental Site Assessment on the Subject Site. The following statement summarizes the environmental determination. “The information (obtained from review of historical documents, aerial photographs, federal and state-maintained environment databases, and a reconnaissance of the Subject Site and surrounding areas) indicates that the Subject Site has not been contaminated by past or current activities.” Reference the Phase I Environmental Report, submitted with this PAD Narrative under separate cover.

Existing Noise
None of the residential lots are proposed within the MAG 1988 AICUZ, 65 DNL noise contour lines. All residential lots are outside of the 1988 AICUZ, 65 DNL noise contour lines. Reference Exhibit A, the Vicinity Map.

Existing Flood Zone
The Maricopa County, Arizona and Incorporated Area Flood Insurance Rate Map (FIRM), map numbers 04013C1585G, panel 1585 of 4350 and map number 04013C1605H, panel 1605 of 4350, both dated July 19, 2001, show that the project site falls within flood hazard zone “X”. Zone X is defined by FEMA as:

Areas of 500-year flood; areas of 100-year flood with average depth of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.
3. THE PROPOSED PROJECT

Density, Acres and Allocation of Land Use

The Mountain Gate P.A.D. is a detached single family offering a variety of housing types and product ranges to meet the growing demands of the City of Surprise market.

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<th>ELEMENT DESCRIPTION</th>
<th>APPROXIMATE ACRES</th>
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<tr>
<td>EXISTING ZONING</td>
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<td>PROPOSED ZONING</td>
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<td>RESIDENTIAL LOT TOTAL</td>
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<td>GROSS DENSITY</td>
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<td>GROSS ACRES (to existing dedicated row line)</td>
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<td>ACRES (minus open space and arterial streets)</td>
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<td>PRIVATE STREETS</td>
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<td>MINIMUM LOT AREA (Approximately)</td>
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<td>AVERAGE LOT AREA (Approximately)</td>
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<td>LOT WIDTHS (Approximately)</td>
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<td>Category C 60 ft. x 110 ft, 6,600 sq. ft.</td>
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<td>Category D 65 ft. x 110 ft, 7,150 sq. ft.</td>
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<td>Category F 75 ft. x 125 ft, 9,375 sq. ft.</td>
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<td>OPEN SPACE PROVIDED</td>
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<td>Private (PAD related)</td>
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<td>Public (Well site related)</td>
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<td>REQUIRED OPEN SPACE (Per Options List)</td>
<td>15.6 Acres ±</td>
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DEVELOPMENT DESIGN STANDARDS

Architecture
The Architecture for Mountain Gate will meet or exceed the Surprise Design Guideline minimum requirements for Design Option List C and the Single-Family Residential Home Product Design Guidelines. William Lyon Homes is presently developing new product lines specifically for this Mountain Gate P. A. D. project. The homes will de-emphasize garage fronts by utilizing side entry and “push-back” garages placing the emphasis on front porches and/or front courtyards. Casing treatments, bands, wainscots and other front facade decorative materials will be wrapped, terminating along the sides and providing finish continuity. Five color and roof combinations, together with multiple roof material styles will allow the buyers to personalize their home’s exterior. This will provide a diverse and pleasing streetscape. The new product lines will continue William Lyon Homes’ dedication to providing quality homes in quality neighborhoods.

William Lyon Homes respectfully reserves the right to revise the specific options within the “Design List C” to maintain or exceed the minimum required points selected for this rezoning.

Single-Family Residential Design Guidelines:

Zone District
William Lyon Homes has reviewed the general requirements and procedures of the City of Surprise Municipal Code Title 17, Zone District Regulations for Standard Design Requirements, Table 1, Table 2 and Design Option Lists A, B, C, and D, Chapter 17.28. The developer has familiarized themselves with each of the Design Option lists, and the different requirements and the options are understood. The developer has evaluated the various combinations of densities, lot size mixes, and points to determine the combinations of these variables they feel will be most beneficial to the Mountain Gate Community and the City of Surprise.

The developer has determined not to use the base permitted lot size mix or the base permitted density for Mountain Gate.

The following is an overview of the proposed residential lots in the project that fall within each lot category and the applicable permitted density:

Lot Size Mix C=30% D=30% F=40%

Lot Category “C” is the Determination Lot Category. The number and distribution of Points required to obtain the Permitted Lot Size Mix is 58. The Category breakdown is illustrated in the following Table 1:

Mountain Gate P. A. D.
Case No: PAD 02-028

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<tr>
<td>1. Lot Category</td>
</tr>
<tr>
<td>C</td>
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<td>2. Min. lot frontage</td>
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<tr>
<td>3. Min. side yard setbacks</td>
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<tr>
<td>4. Max. house width</td>
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<tr>
<td>5. Min. lot area</td>
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<td>6. Min. standards from</td>
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<td>7. Lot % permitted wo/incuring</td>
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<td>8. Additional subd.stds.</td>
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<td>exceeds % above</td>
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<td>Pts. from Design List D</td>
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<td>11. Min. req. # of pts.</td>
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<tr>
<td>if % of lots exceeds % above</td>
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<td>Total Points Acquired</td>
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The following is an overview of Options selected for Mountain Gate from the Design Option Lists B, C, and D, and the applicable points acquired:

**Design Option List B:**

**A.** For each forty gross acres included in a residential development project, provide at least three cul-de-sacs (or other street features such as a knuckle or single-loaded street) with a diversity feature such as a landscaped island, access to common open space, etc. (1 point)

*Mountain Gate shall be a community with a minimum of 12 locations with diversity features such as direct access to common open space provided at knuckle intersections, cul-de-sac and single-loaded streets.*

**B.** Option One: Design all corner lots so that the minimum width of each corner lot is at least ten feet greater than the minimum lot frontage applicable to the lot as shown in Table 1. (2 points)

*In all 3 sizes of lots the corner lots shall have a minimum width of at least 10-feet, or an 8-foot tract between the lot and the side street.*

**C.** On not less than twenty percent of the lots which fall within Lot Categories A, B, C, and D, provide a mix of driveway orientations, e.g., elbow, circular, angled, split, or Hollywood, such that not more than eighty percent of driveways in the residential development project are alike. (3 points)

*A mix of driveway orientations of at least 20% of the lots shall be offered via product diversity within Mountain Gate. Types of orientation shall be provided when architecture plans are submitted for review.*

**F.** Design and construct storm water retention areas which meander through the residential development project as greenbelt, as opposed to construing a series of separate and distinct basins, and require a homeowners’ association to maintain the retention areas to the same standard as other tracts and common areas maintained by the homeowners’ association. (4 points)

*Meandering open spaces for storm water retention areas shall be designed, providing greenbelt connections through the community. The open space retention areas shall be maintained to the same standard as other tracts and common areas by the homeowners’ association.*
I-3 Plant enhanced landscaping along the sidewalk adjacent to all arterial and collector streets, with a canopy tree planted every fifty feet on both sides of the sidewalk. The trees on opposite sides of the sidewalk must be offset to give the appearance that the trees are planted every twenty-five feet on center. Fifty percent of the trees must be twenty-four inch box trees or larger. Require a homeowners’ association to maintain the enhanced landscaping and trees to the same standard as other tracts and common areas maintained by the homeowners’ association. (4 points)

*Enhanced landscaping shall be planted along the arterial streets (there are no collector streets planned at this time) as specified within. The homeowners’ association shall maintain the enhanced landscaping to the same standard as other tracts and common areas.*

N. Design and construct paths and trails, separate from roadways, which connect all open space areas and arterial roadways, and which enable bicyclists and pedestrians to travel throughout the development. (6 points)

*Paths and trails shall be constructed separate from roadways connecting open space areas, enabling bicyclists and pedestrians to access the various parks and open spaces.*

R. Throughout a Residential Development Project, utilize Neo-Traditional planning concepts, such as detached garages, alleys, internal commercial areas, commercial areas which are highly accessible by pedestrians, distinct streetscapes which focus on the social interaction of the street and neighborhood, and other similar concepts approved by the City Council. The Neo-Traditional street options allow for the utilization of detached sidewalks and/or narrower paving sections. The City Council must approve any resulting variations to the required setbacks. (6 points)

*Neo-Traditional type planning concepts shall be introduced into the outdoor environment of Mountain Gate. The Pocket Parks will have open access on at least 2 sides. The parks shall have homes fronting onto them, and trails linking the parks within the development, providing connectivity and a sense of neighborhood through social interaction. Neo-Traditional street options will allow for the utilization of detached sidewalks and/or narrower paving sections.*

S. Points may be awarded for any other element of subdivision design, which will create a unique neighborhood environment, or otherwise benefit the city or the residential development project. (2 point)

*The proposed 156-acre P. A. D. will become a part of the overall 440-acre Mountain Gate Community. The addition of this P. A. D. to the existing...*
community will result in an Executive Style Development offering lots ranging from 6,600 square feet to over 43,500 square feet with an overall community density of 1.5 dwelling units per acre.

Design Option List C:

William Lyon Homes is presently developing three product series specifically for this Mountain Gate P.A.D. project. William Lyon Homes, respectfully reserves the right to revise specific options within the “Design List C” to maintain, or exceed, the minimum required points selected for this rezoning.

A. Prohibit the same front elevation on adjoining houses; prohibit the same rear elevation on more than two consecutive adjoining houses visible from an arterial street. (2 points)

B. Utilize floor plans which de-emphasize garage fronts as the most prominent architectural feature of the dwelling front, e.g., incorporate side access garages, in line garages, L-shaped floor plans, etc. (1 point for each floor plan, maximum 5 points. (2 points)

D. Install at least three distinct roofing types, including colors, textures, and component shapes, e.g., barrel tile and flat concrete tile. (1 point)

F. For all houses on lots backing onto an arterial street, design roof lines so as to avoid constructing a series of roof slopes, visible from the arterial street, which are all parallel with, or all perpendicular to, the arterial. (2 points)

G. Extend all front architectural treatments, including all fascia treatments such as stone veneer, tile insets, and recesses, along the sides of the house for six feet or to the side yard fence return, whichever is less. (2 points)

I. Embellish window treatments on all houses by adding architectural features which enhance these elevations, e.g., sturdy synthetic wood substitutes, greater variation of window design, different window styles and colors, tile inlays and recesses, structural pop-outs, gabled roof features over windows, etc. Such features must be added to the front and rear elevations of all houses and to the sides of all houses that abut an arterial street on the side. (3 points)

J. Install front yard landscaping on all lots in Lot Category C in Table 1. Provide a variety of landscaping choices (desert, turf and etc.). No two adjacent yards shall be landscaped alike unless done as part of a master landscaping theme approved by the community development director. Points will not be awarded for landscaping installed by a homebuyer. (2 points)
K. Install decorative flat work pavement treatments, such as salt finished concrete, colored concrete or bomanite on at least twenty-five percent of all lots. (2 points)

Design Option List D:

C. Construct and convey to a homeowners’ association active outdoor recreational facilities for adults, such as full-court basketball courts, tennis courts, volleyball courts, and other similar recreational facilities. Require the homeowners’ association to maintain these recreational facilities to the same standard as other common areas maintained by the homeowners’ association. (4 points)

*An Active Outdoor Recreational Facility is planned within this Mountain Gate community. The homeowners’ association shall maintain these recreational facilities to the same standard as other tracts and common areas within the development.*

H. Provide open space in excess of ten percent of the gross acreage of a residential development project. Require a homeowners’ association to maintain the excess open space to the same standard as other common areas maintained by the homeowners’ association. Two points for each full one percent of the gross acreage of the residential development project which is provided as open space in addition to the required ten percent minimum, up to a maximum of 10 points. (10 points)

*Mountain Gate will provide open space in excess of 10%. It is planned that the development will provide a minimum of 15% of open space throughout this 156-acre community. The homeowners’ association shall maintain the excess open space to the same standards as other common areas.*

Permitted Density:
The following is an overview of the permitted density for Mountain Gate from Table 2 using Determination Lot Category “C”:

The Developer is committed to include within Mountain Gate the design elements as noted within the Design Option Lists A, B, C, and D of this report.

The Developer of Mountain Gate has executed a contract with the Dysart Unified School District. Reference Exhibit E for the School District Donation Agreement.

Based on the points acquired within Mountain Gate using the Determination Lot Category C Design Elements, the allowable permitted density is 3.0 dwelling units per acre. Mountain Gate is proposing a density of 3.0 dwelling units per acre or 475 lots. Reference Exhibit H, for the City of Surprise General Plan Map.
4. DEVELOPMENT PHASING SCHEDULE

Construction is anticipated to begin in 2003. It is proposed to develop the Mountain Gate community in two phases with a model complex as part of the first phase.

Phase I – On Site
Phase I will consist of approximately 234 residential lots adjacent to Cactus Road, together with associated on-site infrastructure such as street, water and sewer services.

Phase II – On Site
Phase II will consist of approximately 241 residential lots adjacent to Bullard Avenue, (within the southern portion of the P. A. D site), together with associated on-site infrastructure such streets, water and sewer services.

Phase I - Off-site Infrastructure Phasing
Phase I – Off site infrastructure will be phased according to the Development Agreement between the William Lyon Homes and the City of Surprise.

Phase II - Off-site Infrastructure Phasing
Phase I – Off site infrastructure will be phased according to the Development Agreement between the William Lyon Homes and the City of Surprise.

5. LANDSCAPE DESIGN

Landscape Concept
The intent of the landscape design is to establish a strong theme that will not only compliment the land use plan, but also establish a separate identity to the community as a whole. This will be accomplished by creating a hierarchy of landscape development in order to accentuate the community’s entrances, establish continuity along the perimeter and interior streets and create neighborhood park setting within the park areas.

The plant palettes for the Mountain Gate Community were selected to provide a lush landscape theme while utilizing drought tolerant plant material and xeri-scape irrigation principles. A strong mass planting design will provide the backbone for the landscape development throughout the community. This landscape will feature a variety of plant materials that will vary in size, shape, leaf color, seasonal flower color and texture that will provide year round interest.

Reference Exhibits I for Landscape Architecture Concepts.

The landscaping for the Mountain Gate Community has been divided into thumbed districts. These districts are Entry Nodes, Perimeter, Parks, Open Space, Recreation Center and Oasis. These landscape districts have been established to create development-wide landscape continuity throughout the project.

Primary Development Monument
The Mountain Gate primary monument at the southeast corner of Bullard Avenue and Cactus Road will be designed to provide a strong identity for the project and a clear “gateway” for the Mountain Gate Community.

Gated Entry Monuments
The gated entry monuments are designed to be scaled down in hierarchy to the primary development monument. The gated monuments are similar in design to the primary development monument and will act as “gateways” into the interior of the Mountain Gate Community. The entry monuments are crafted to allow for the signage to be displayed on either or both sides, of the gated entry as the entry open space allows. The gated entry monuments are located at each arterial entry point into the development.

Park Area - Recreational Amenities
Within the limits of the park area recreational amenity nodes have been created. The nodes include several active recreational facilities such as a basketball court, and tot lot with sand play areas, ramadas, picnic tables and BBQ areas.

Reference Exhibits I for Landscape Architecture Concepts.
6. PUBLIC FACILITIES AND SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Provider</th>
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<tr>
<td>Water</td>
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<td>Flood Control</td>
<td>Maricopa County Flood Control District</td>
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<tr>
<td>*School District</td>
<td>Dysart Unified School District</td>
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<tr>
<td>Water Quality</td>
<td>Arizona Department of Water Quality</td>
</tr>
<tr>
<td>Water Resources</td>
<td>Arizona Department of Water Resources</td>
</tr>
</tbody>
</table>

* Reference Exhibit E for the School District Donation Agreement

Water
This project will be served by the City of Surprise. Specific water service improvement agreements between the Developer/Owner and the City of Surprise will be addressed separately in the Development Agreement. Reference Exhibit G for Conceptual Water Service Plan

Sewer
This area will drain in a southeasterly direction to the City’s wastewater treatment plant located east of Litchfield Road, between Peoria Avenue and Cactus Road. Specific sewer service improvement agreements between the Developer/Owner and the City of Surprise will be addressed separately in the Development Agreement. Reference Exhibit G for Conceptual Sewer Service Plan

Drainage
A Master Drainage Study has been completed for the Mountain Gate Master Planned Community P.A.D. This Master Drainage Study has been submitted with this Rezoning Request Application under separate cover.
7. TRANSPORTATION

Traffic Analysis
A Traffic Analysis has been completed for the Mountain Gate Master Planned Community P.A.D.

Accessibility
The Mountain Gate Residential P.A.D. is located south of Cactus Road and east of Bullard Road within Section 21, Township 3 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona. Mountain Gate is accessible from these arterial streets. The future Loop 303 will be to the west and existing Grand Avenue is north of the Subject Site.

Current Circulation
Currently unsignalized, arterial roadways are on two sides of the Subject Site. The Comprehensive Development Guide of the City of Surprise indicates that the existing traffic on the above roadways has been estimated to be between 100-1,000 automobiles daily in an east-west direction. The following traffic estimate is related to the arterial roadways that are adjacent to the Subject Site:

<table>
<thead>
<tr>
<th>Roadway Name</th>
<th>1984 Average Weekly Traffic Estimate</th>
<th>2005 Average Weekly Traffic Estimate</th>
<th>Location of Roadway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bullard Avenue</td>
<td>None</td>
<td>None</td>
<td>West of Site</td>
</tr>
<tr>
<td>Cactus Road</td>
<td>100-200</td>
<td>1,000</td>
<td>North of Site</td>
</tr>
</tbody>
</table>

Proposed Circulation
The site is approximately 2.5 miles east of the proposed Loop 303, which will provide easy access to the valley freeway system. The project site has private interior streets that load onto four gated-access points, which facilitates the residential lots within the site to the four arterial streets that surround the parcel.

Reference the Mountain Gate Traffic Analysis, submitted under separate cover with this PAD Narrative. Reference Exhibit C for the Land Use Map. Reference Exhibit G for Street Cross Sections.
8. PROJECT TEAM

Owner:
Fairway Farms LLC
William Lyon Homes, Inc.
8800 East Chaparral Road
Suite 260
Scottsdale, AZ. 85250
Tel. (480) 893-1000
Fax (480) 850-3746
Charlie Caldwell, Project Manager

Engineer:
Stantec Consulting, Inc.
8211 S. 48th Street
Phoenix, AZ. 85044
Tel. (602) 438-2200
Fax (602) 431-9609
Michael Samer, P.E.
Alana Thompson-Pangus, Planner
Penny Milton, AICP, Associate Planner

Architect:
To be determined.

Landscape Architect:
Stantec Consulting, Inc.
8211 S. 48th Street
Phoenix, AZ 85044
Tel. (602) 438-2200
Fax (602) 431-9609
Chris Jennings, RLA
MOUNTAIN GATE RESIDENTIAL P. A. D.
CITY OF SURPRISE

OFFICIAL REZONING APPLICATION

P&Z COMMISSION
HEARING DATE: ____________________
ACTION: ____________________

APPLICATION NO: ____________________
DATE FILED: ____________________
RECEIVED BY: ____________________
FILING FEE: ____________________
RECEIPT NO: ____________________
CHECK NO: ____________________
(OFFICE USE ONLY)

LOCATION OF PROPERTY (ADDRESS OR DESCRIPTION): Approximately 155.8 acres on
the southeast corner of Cactus Road and Bullard Avenue.

PROPERTY OWNER(S):

NAME: William Lyon Homes/Fairway Farms LLC/ W. Thomas Hickcox Sr.V.P./ c/o Charlie
Caldwell
PHONE: (480) 850-3730

ADDRESS: 8800 East Chaparral Road, Suite 260

CITY: Scottsdale STATE: AZ ZIP CODE: 85250

I/WE HEREBY GIVE AUTHORIZATION TO (APPLICANT): Stantec, File # 815-00807

NAME: Mike Samer, P.E. / Penny Milton, A.I.C.P. PHONE: (602) 438-2200

COMPANY: Stantec Consulting

ADDRESS: 8211 South 48th Street

CITY: Phoenix STATE: AZ ZIP CODE: 85044

TO REPRESENT ME/US IN THIS APPLICATION DATED: February 5, 2002 (Original
Submittal Date)

______________________________
SIGNATURE OF OWNER ON RECORD

W. Thomas Hickcox, Sr. V. P.

PRESENT ZONING: R1-43 REQUESTED ZONING: PAD (Planned Area Development)
ACREAGE: 155.8 (Approximate) STREET FRONTAGE (FT): 5,205 LF (Approximate)
CURRENT LAND USE: Suburban Residential (1-3 du/ac). per City of Surprise General Plan
PROPOSED LAND USE: Suburban Residential (1-3 du/ac)
OFFICIAL APPLICATION FOR SUBDIVISION - REZONE

APPLICATION CONTACT: (to be completed by property owner)

I hereby request that all verbal and written communication regarding the attached application be provided to:

NAME: Mike Samer, P.E. and/or Penny Milton, A.I.C.P.

COMPANY: Stantec Consulting, Inc.

ADDRESS: 8211 S. 48th St.

CITY: Phoenix STATE: AZ ZIP CODE: 85044

PHONE: (602) 436-2200 FAX: (602) 431-9562

The above listed person 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.

SIGNATURE OF PROPERTY OWNER
(or COMPANY REPRESENTATIVE if applicable)

SIGNATURE OF OWNER REPRESENTATIVE
(if applicable)

3/12/02
DATE

3/16/02
DATE
DESCRIPTION

MOUNTAIN GATE PLANNED AREA DEVELOPMENT

A portion of the West Half of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 21;
Thence S.89°11′28″E., 2,640.52 feet along the north line of said section, to the North Quarter Corner;
Thence departing said north line, S.00°00′43″E., 2,463.14 feet along the north-south midsection line;
Thence departing said midsection line, S.89°59′17″W., 114.36 feet to a Point of Curve, the central point bears N.59°44′13″W., 55.00 feet from said Point of Curve;
Thence northwesterly along said curve, being concave to the southwest through a central angle of 152°54′31″, an arc length of 146.78 feet, and having chord data of N.46°11′28″W., 106.94 feet to a Point of Reverse Curve, the central point bears N.32°38′44″W., 55.00 feet from said Point of Reverse Curve;
Thence westerly along said curve, being concave to the north through a central angle of 30°16′22″, an arc length of 29.06 feet, and having chord data of S.72°29′27″W., 28.72 feet to it's Point of Tangency;
Thence S.87°37′38″W., 877.44 feet to a Point of Curve, the central point bears N.02°22′22″W., 55.00 feet from said Point of Curve;
Thence westerly along said curve, being concave to the north through a central angle of 30°16′21″, an arc length of 29.06 feet, and having chord data of N.77°14′11″W., 28.72 feet to a Point of Reverse Curve, the central point bears S.27°53′59″W., 55.00 feet from said Point of Reverse Curve;
Thence southwesterly along said curve, being concave to the southeast through a central angle of 148°10′55″, an arc length of 142.24 feet, and having chord data of S.43°48′32″W., 105.79 feet to a Point of Reverse Curve, the central point bears S.59°43′04″W., 55.00 feet from said Point of Reverse Curve;
Thence southerly along said curve, being concave to the west through a central angle of 30°16'22", an arc length of 29.06 feet, and having chord data of S.15°08'45"E., 28.72 feet to it's Point of Tangency;
Thence S.00°00'34"E., 156.53 feet;
Thence S.89°59'26"W., 535.00 feet;
Thence N.45°26'51"W., 119.30 feet;
Thence S.89°59'26"W., 353.99 feet;
Thence S.73°56'16"W., 40.10 feet;
Thence S.37°34'11"W., 125.44 feet;
Thence N.89°59'30"W., 352.00 feet;
Thence N.00°00'30"E., 108.34 feet along the west line of the Southwest ¼ to the West Quarter Corner of said Section 21;
Thence N.00°00'34"W., 2,644.62 feet along the west line of the Northwest ¼ of said Section 21, to the POINT OF BEGINNING;

Containing 6,795,547 square feet or 156.00 acres and being subject to any easements, restrictions and rights-of-way of record or otherwise.

Claimed by Stuart J. Pango & Co.
May 16, 2001

Mr. Scott Ward
Ward Real Estate & Development Co., L.L.C.
600 West Chandler Boulevard, Suite 2
Chandler, AZ 85225

Re: Mountain Gate

Dear Scott:

Enclosed is a copy of the agreement with the Dysart District executed by the Board. We don't seem to have received a signed copy from you. Please get me one when you get a chance. Thanks.

Sincerely,

Donald M. Peters

DMP/jp

Enclosure
DONATION AGREEMENT

(Mountain Gate)

THIS DONATION AGREEMENT ("Agreement") is made by and between Dysart Unified School District No. 89 of Maricopa County, Arizona, a political subdivision of the State of Arizona (the "District"), and Fairway Farms, L.L.C. ("Developer"), an Arizona limited liability company. The District and Developer shall be collectively referred to as "the Parties."

RECITALS:

A. Developer owns certain real property in Surprise, Arizona (the "City"), as more particularly described in Exhibit A, attached hereto (the "Property"). Developer intends to develop the Property.

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

AGREEMENT:

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

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

2. Conditions.

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

   (c) It is the current policy of the District to attempt to enable public elementary school children to attend the elementary school closest to their residence. Developer understands that such a policy is subject to change in the future.

3. Cash Donation by Developer to the District. Subject to the terms and conditions of this Agreement, the Developer, for itself and its successors-in-ownership and assigns, including, without limitation, any affiliate of those entities and any homebuilder initially
constructing residential units on the Property (a "Dwelling Unit"), agrees to pay to the District a cash donation for each Dwelling Unit initially constructed on the Property ("Donation"). The Parties agree that the donation shall consist of $1,000.00 for each Dwelling Unit.

Developer, or its successors or assigns, shall contribute all Donations as required under this paragraph no later than ninety days after the building permit for construction of the particular Dwelling Unit is issued by the City. No Donation shall be payable in connection with any reconstruction or subsequent construction of a Dwelling Unit on a particular portion of the Property after the Donation for such portion of the Property has been initially paid.

4. **Future Development Fees.** The District acknowledges that the Developer has no obligation to donate money to the District. Notwithstanding the foregoing or anything herein to the contrary, Developer desires that it receive credit for the value of the Donation to the District, if at any time in the future, any federal, state, county, municipal or any other governmental or quasi governmental authority with jurisdiction over the Property (an "Authority") lawfully imposes any development fee, impact fee, dedication requirement, exaction or similar fee or charge on the Property (individually, a "Development Fee" and collectively, the "Development Fees") through the exercise of either its police power or its taxing power (other than secondary real estate taxes, general obligation bonds and school district override elections) in connection with or related to the acquisition, development, construction, improvement and operation of public school facilities within the District. While the District offers no assurances to the Developer that it is empowered or authorized to provide Developer with a credit for the value of the Donation against Development Fees which may be assessed on the Property, the District, to the extent it is permitted by law to do so, agrees to the contents of this Section. For purposes of this section of the Agreement, "Total Donations" shall mean $1,000 multiplied by the total number of Dwelling Units the Developer has been authorized to construct on the Property by the City.

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

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

5. **Default and Remedies.** Developer acknowledges that the District intends to rely upon this Agreement in formulating its plans for growth and in other regards, and that such reliance is reasonable. In the event of any default under this Agreement, the non-defaulting party shall have all rights and remedies provided at law or in equity, including without limitation specific performance and injunctive relief, and all such rights and remedies shall be cumulative.
6. **Notices.** Any and all notices, consents or other communications required or permitted by this Agreement shall be given in writing and telecopied, personally delivered, sent by registered or certified mail, return receipt requested, postage prepaid, or sent by Federal Express, Airborne, U.P.S. or other similar nationally recognized overnight courier, addressed as follows:

**To Developer:**
Fairway Farms, L.L.C.
Attn: Julie Collins
8800 E Chaparral Rd., Suite 260
Scottsdale, AZ 85250

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

**With a copy to:**
Miller LaSota & Peters, PLC
Attention: Donald M. Peters
5225 North Central, Suite 225
Phoenix, AZ 85012
(602) 248-2999 fax

or at any other address or telecopier number designated by any party hereto in writing. Any notice or communication shall be deemed to have been delivered and received (i) as of the date of receipt, if sent by telecopier (with written confirmation of error-free transmission) on or before 5:00 p.m., Phoenix time; (ii) as of the next day of receipt, if sent by telecopier (with written confirmation of the date and time of transmissions and receipt) after 5:00 p.m., Phoenix time; (iii) the date of delivery, if hand delivered or sent by nationally recognized overnight courier; (iv) three (3) days after the date of mailing, if mailed by registered or certified mail.

7. **General.**

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

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

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

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

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

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

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

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

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

(j) **Conflicts of Interest.** The parties acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. § 38-511 or any successor statute. In the event of such cancellation, the parties shall return to each other any and all consideration received pursuant to this Agreement prior to its cancellation.

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

IN WITNESS WHEREOF, the parties have executed this Agreement.

DISTRICT:

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

By: ____________________________
   Its: Governing Board Br.
   Date: May 1, 2001

DEVELOPER:

FAIRWAY FARMS, L.L.C., an Arizona limited liability company

By: ____________________________
   Its: __________________________
   Date: 5/14/01
EXHIBIT A

Property Legal Description
EXHIBIT A

LEGAL DESCRIPTION

Parcel No. 1:
The Southeast quarter of the Southeast quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 2:
That part of the Southeast quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 21;
THENCE North 00° 00' 00" East, (North 00° 01' 34" East) along the East line of said Section 21, a distance of 1,317.62 feet to the TRUE POINT OF BEGINNING;
THENCE North 89° 20' 46" West, (North 89° 18' 58" West) 2,642.54 feet (2,642.38 feet) to the West line of the Southeast quarter,
THENCE North 00° 02' 31" West, (North 00° 00' 43" West) along said West line, 625.22 feet;
THENCE South 89° 20' 46" East, (South 89° 18' 58" East) a distance of 2,643.00 feet (2,642.80 feet) to the East line of the said Southeast quarter;
THENCE South 00° 00' 00" West along said East line 625.22 feet to the TRUE POINT OF BEGINNING.

Parcel No. 3:
The Southwest quarter of the Southeast quarter of Section 21, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 4:
That part of South half of the Southwest quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, using for a basis of bearing the monument line of Peoria Avenue, also being the South line of the Southwest quarter of said Section 21, having a bearing of North 00° 00' 00" East, being more particularly described as follows:

BEGINNING at the South quarter corner of said Section 21, being monumented by a ½ inch iron bar, THENCE North 00° 40' 38" West, (North 00° 00' 43" West) along the East line of the Southwest quarter of said Section 21, a distance of 53.00 feet (40.00 feet) to the POINT OF BEGINNING of the parcel of land described herein.

Legal Description — Page 1
(Parcel No 4 Continue)

THENCE South 90° 00' 00" West, (North 89° 19' 58" West) parallel to and 33.00 feet (40.00 feet) North of the South line of the Southwest quarter of said Section 21, a distance of 1,304.21 feet to a point;

THENCE North 00° 40' 04" West, (North 00° 00' 02" West) a distance of 1,290.96 feet (1,283.96 feet) to a point;

THENCE South 89° 47' 59" East, (South 89° 07' 58" East) a distance of 1,304.06 feet (1,304.01 feet) to a point lying on the East line of the Southwest quarter of said Section 21;

THENCE South 00° 40' 38" East, (South 00° 00' 43" West) along said East line, a distance of 1,285.41 feet (1,279.41 feet) to the POINT OF BEGINNING;

EXCEPT THAT PROTION LYING WITHIN THE south 40 feet of said, Section 21.

Parcel No. 5:

The West half of the Southwest quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 33 feet; and also

EXCEPT the South 40 feet; and also

EXCEPT the following described property:

COMMENCING at the South quarter corner of said Section 21, being a found 3/4" iron bar; THENCE North 00° 40' 38" West, (North 00° 00' 43" West) along the North South midsection line of said Section 21, a distance of 33.00 (40.00 feet) feet to the POINT OF BEGINNING;

THENCE South 90° 00' 00" West (North 89° 19' 58" West), along a line that is 33.00 feet (40.00 feet) North of and parallel with the South line of said Southwest quarter 2,608.42 feet (2,608.47 feet) to a point that is 33.00 feet East of the West line of the Southwest quarter of said Section 21;

THENCE North 00° 39' 30" West, (North 00° 00' 30" East) along a line that is 33.00 feet East of and parallel with said West line 1,295.52 feet (1,288.52 feet) to a point on the Southerly edge of an existing dirt road;

THENCE South 89° 47' 59" East (South 89° 07' 58" East) along said Southerly edge of existing dirt road 2,608.19 feet (2,608.14 feet) to a point on the North South midsection line of said Section 21;

THENCE South 00° 40' 38" East, (South 00° 00' 43" West) along said North South midsection line 1,286.41 feet (1,279.41 feet) to the TRUE POINT OF BEGINNING.
Parcel No. 6:

The West half of the Northwest quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base of Meridian, Maricopa County, Arizona;

EXCEPT the North 33 feet; and

EXCEPT the West 33 feet.

Parcel No. 7:

The East half of the Northwest quarter of Section 21, Township 1 North, Range 1 West of the Gila and Salt River Base of Meridian, Maricopa County, Arizona;

EXCEPT the North 33 feet.

Parcel No. 8:

The East half of the Southwest quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING the South 40 feet; and

EXCEPT the following described property;

COMMENCING AT THE south quarter corner of said Section 21, being a found 3/4" iron bar; THENCE North 00° 40' 38" West, (North 00° 00' 43" West) along the North South midsection line of said Section 21, a distance of 33.00 feet (40.00 feet) to the POINT OF BEGINNING;

THENCE South 90° 00' 00" West, (South 89° 19' 58" East) along a line that is 33.00 feet (40.00 feet) North of and parallel with the South line of said Southwest quarter 2,608.41 feet (2,608.47 feet) to a point that is 33.00 feet East of the West line of the Southwest quarter of said Section 21;

THENCE North 00° 39' 30" West, (North 00° 00' 30" East) along a line that is 33.00 feet East of and parallel with said West line 1,295.52 feet (1,288.52) to a point on the Southerly edge of an existing dirt road;

THENCE South 89° 47' 59" East (South 89° 07' 55" East) along said Southerly edge of existing dirt road 2,608.19 feet (2,608.14 feet) to a point on the North South midsection line of said Section 21;

THENCE South 00° 40' 38" (South 00° 00' 43" West) along said North South Midsection line 1,286.41 feet (1,279.41 feet) to the TRUE POINT OF BEGINNING.
Parcel No. 9:

That portion of the West half of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, using for a basis of bearing the monument line of Peoria's Avenue, also being the South line of the Southwest quarter of said Section 21, having a bearing of North 90° 00' 00'' East, being more particularly described as follows:

COMMENCING at the South quarter corner of said Section 21, being a found ½" iron bar; THENCE North 00° 40' 38'' West, (North 00° 00' 10'' West) along the North South midsection line of said Section 21, a distance of 200.00 feet (40.00 feet) to the POINT OF BEGINNING

THENCE South 90° 00' 40'' West, (North 89° 59' 28'' West) along a line that is 33.00 feet (40.00 feet) North of and parallel with the South line of said Southwest quarter 2,608.42 feet (2,608.47 feet) to a point that is 33.00 foot East of the West line of the Southwest quarter of said Section 21;

THENCE North 00° 40' 39'' West (North 00° 00' 43'' East) along a line that is 33.00 feet East of and parallel with said West line 1,285.52 feet (1,288.52 feet) to a point on the Southrly edge of an existing direct road;

THENCE South 89° 47' 59'' East, (South 89° 00' 58'' East) along said Southryy edge of existing dirt road 2,608.83 feet (2,608.14 feet) to a point on the North South midsection line of said Section 21;

THENCE South 00° 40' 38'' East, (South 00° 00' 43'' East) along said North South midsection line 1,286.41 feet (1,279.41 feet) to the POINT OF BEGINNING;

EXCEPT therefrom the following described property:

BEGINNING at the South quarter corner of said Section 21, being monument by a ½ inch iron bar;

THENCE North 00° 40' 38'' West, (North 00° 00' 43'' West) along the Southwest quarter of said Section 21, a distance of 33.00 feet (40.00 feet) to the POINT OF BEGINNING of the parcel of land described herein;

THENCE South 90° 00' 00'' West, (North 89° 59' 58'' West) parallel to and 33.00 feet North (40.00 feet) of the South line of the Southwest quarter of said Section 21, a distance of 1,304.21 feet to a point;

THENCE North, 00° 40' 04'' West, (North 00° 00' 02'' West) a distance of 1,290.96 feet (1,283.96 feet) to a point.

THENCE South 89° 47' 59'' East, (South 89° 00' 58'' East) a distance of 1,204.06 feet (1,304.01 feet) to a point lying on the East line of the Southwest quarter of said Section 21;

THENCE South 00° 40' 38'' East, (South 00° 00' 03'' West) along said East line, a distance of 1,286.41 feet (1,279.41 feet) to the POINT OF BEGINNING;

EXCEPT that portion lying within the South 40 feet of said Section 21.
### GENERAL PLAN POLICY CHECKLIST
#### PLANNED AREA DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
<th>ITEMS</th>
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<tbody>
<tr>
<td>1. LAND USE:</td>
<td>The proposed Mt. Gate PAD (R-5) satisfies General Plan Policy. The location of the Mountain Gate Residential PAD, which is adjacent to the major roadway corridors of the east side of Boulevard Avenue and State Street, is well located for access to employment and education centers. Due to the nature of the residential development, the project is not considered an urban development.</td>
</tr>
<tr>
<td>2. Does the project involve cluster development? Encourage clustering for preservation of natural open space within residential neighborhoods.</td>
<td>The PAD features three small parks. These are central open spaces for the entire neighborhood and provide a natural buffer between the residential properties and along the minor collector streets. Numerous lots front onto parks and open space.</td>
</tr>
<tr>
<td>3. Use building envelopes that provide for natural buffers between buildings in order to protect sensitive landscapes, vegetation within wildlife corridors.</td>
<td>The proposed Mt. Gate PAD satisfies this General Plan Policy. Natural open space buffers have been included throughout the PAD area. Open Space corridors exist between residential properties and along the minor collector streets. Numerous lots front onto parks and open space.</td>
</tr>
<tr>
<td>4. Locate regionally oriented retail and service uses or other high intensity employment uses along major roadways with proper access; transitioning to lower intensity uses saturated adequately from residential uses.</td>
<td>The ultimate Mountain Gate Residential PAD, together with the Mountain Gate Communities One Acre Lot approved plan and the Mountain Gate Commercial area, satisfies this General Plan Policy. The commercial and service oriented uses have been proposed by the owner/developer in the City of Surprise General Plan &quot;Employment&quot; designated land use category which is located adjacent to Peoria Avenue.</td>
</tr>
<tr>
<td>5. Require small developers to design and locate supportive commercial sites in close proximity to public centers.</td>
<td>The overall Mt. Gate project, including the Commercial, One Acre Lot Approved Plan and this PAD, satisfies the General Plan Policy. The commercial and service oriented uses have been proposed by the owner/developer in the City of Surprise General Plan &quot;Employment&quot; designated land use category which is located adjacent to Peoria Avenue.</td>
</tr>
<tr>
<td>6. Are planned trails and functional open space indicated as neighborhood connections?</td>
<td>The proposed Mt. Gate PAD satisfies this General Plan Policy. Trails and functional open space are proposed in the Recreation Area for the Mt. Gate PAD, Phase I and Phase II. In addition open space connections or corridors exist between residential properties and along the minor collector streets.</td>
</tr>
<tr>
<td>7. If the project located near any of the following areas - Cl wagon, Chrysler, Volvo, NH Valley, Landfill, White Tank Mountains, Surprise Center, Luke AFB? If so, analyze policies that pertain to each individual location.</td>
<td>The site is situated approximately 8.5 miles north of Surprise, 10 miles north of Peoria, 2.25 miles west of the White Tank Mountains, and 16 miles from Luke Air Force Base, and 16 miles from Surprise.</td>
</tr>
<tr>
<td>8. If the project located near a designated &quot;Gateway Area&quot;? Is it a &quot;mixed use&quot;?</td>
<td>The approximate number of miles from the Mountain Gate Residential PAD to Gateway Mixed Use Area is 3.5 miles. The ultimate Mountain Gate Communities will include both PAD and PAD Mixed Use, and one site LOTS.</td>
</tr>
</tbody>
</table>

These are just examples of policies considered in the development review process. It is the responsibility of the applicant to ensure that the proposed project complies with all relevant City policies and regulations.

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<tbody>
<tr>
<td>1. LAND USE:</td>
<td>The overall Mountain Gate Communities project includes the Residential PAD area, the plan approved One Acre Lot portion and the approved recasting of two Commercial Sites. The commercial sites will be designed with an overall theme that will include compatible materials and finishes.</td>
</tr>
<tr>
<td>2. TRANSPORTATION:</td>
<td>A traffic study has been prepared for the Mountain Gate Communities projects which has been submitted to the City of Surprise. Please refer to this study.</td>
</tr>
<tr>
<td>3. Stormwater facilities should be incorporated into the planning, design and operation of transportation systems.</td>
<td>The Mountain Gate Residential PAD is adjacent to the 110-foot wide arterial streets of Boulevard Avenue and Peoria Avenue. Both are arterial streets with a functional design.</td>
</tr>
<tr>
<td>4. Provide pedestrian circulation plans to be submitted, along with other transportation plans, as part of the review process.</td>
<td>A traffic study has been prepared for the Mountain Gate Communities projects which has been submitted to the City of Surprise. Please refer to this study. It is understood that a Pedestrian Circulation Plan is to be submitted with the Preliminary Plan for the project.</td>
</tr>
<tr>
<td>5. Encourage walkable near nuclei, but separate them from the curb whenever possible or provide a bike path as a buffer.</td>
<td>The Mountain Gate Residential PAD is adjacent to the 110-foot wide arterial streets of Boulevard Avenue and Peoria Avenue. Both are arterial streets with a functional design.</td>
</tr>
<tr>
<td>6. Provide adequate bicycle storage at all major employment centers, commercial centers, and transit centers.</td>
<td>Mountain Gate Residential PAD is a residential project. Not applicable.</td>
</tr>
<tr>
<td>7. Promote the use of traffic calming techniques in pedestrian areas to slow vehicle speed and limit self-enforcement.</td>
<td>The Pad study street (non-traditional style grid) with neighborhood parks as focal centers encourages slower street sections and see a result traffic calming is achieved.</td>
</tr>
<tr>
<td>8. Avoid placing incompatible uses adjacent to designated employment and commercial centers that will make future development of these areas difficult/unattractive (e.g. of homes adjacent to a business park without buffering).</td>
<td>Mountain Gate Residential PAD is a residential project. Not applicable.</td>
</tr>
<tr>
<td>9. Maintain employment and commercial related land uses as prescribed in each Special Planning Area.</td>
<td>Mountain Gate Residential PAD is a residential project. Not applicable.</td>
</tr>
</tbody>
</table>
## General Plan Policy Checklist

**Planned Area Development Application**

### Items

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<td><strong>4. Housing:</strong></td>
<td>The Mountain Gate Residential PAD is to be developed on former agricultural use lands. Therefore, there are minimal impacts on the natural environment. The Mountain Gate Residential PAD is appropriately sized and protected from incompatible uses. Residential development is located nearby this proposed Residential PAD. The Mountain Gate Residential PAD features three Pocket Parks and one Recreational Center Park with open space linking the parks from one to the other.</td>
</tr>
<tr>
<td><strong>5. Open Space and Recreation:</strong></td>
<td>The Mountain Gate Residential PAD features three neighborhood Pocket Parks that are designed to be the central focus of the respective neighborhood. In addition, a Recreational Center Park is proposed. Open space will link one park to the other.</td>
</tr>
<tr>
<td><strong>6. Neighborhood or school parks proposed as an amenity in a subdivision shall be developed in conjunction with the first phase.</strong></td>
<td>The Mountain Gate Residential PAD features three neighborhood Pocket Parks that are designed to be the central focus of the respective neighborhood and in addition a Recreational Center Park is proposed. Open space will link one park to the other. The three neighborhood Pocket Parks will be phased together with the development of the particular neighborhood to which the particular park is individually associated. Therefore, two Pocket Parks are included in Phase 1 and the third Pocket Park is included in Phase 2.</td>
</tr>
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### Notes

- The Mountain Gate Residential PAD is to be developed on former agricultural use lands. Therefore, there are minimal impacts on the natural environment. The Mountain Gate Residential PAD is appropriately sized and protected from incompatible uses. Residential development is located nearby this proposed Residential PAD. The Mountain Gate Residential PAD features three Pocket Parks and one Recreational Center Park with open space linking the parks from one to the other.
- The Mountain Gate Residential PAD features three neighborhood Pocket Parks that are designed to be the central focus of the respective neighborhood. In addition, a Recreational Center Park is proposed. Open space will link one park to the other. The three neighborhood Pocket Parks will be phased together with the development of the particular neighborhood to which the particular park is individually associated. Therefore, two Pocket Parks are included in Phase 1 and the third Pocket Park is included in Phase 2.

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**General Plan Checklist**

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<tr>
<td>5. OPEN SPACE AND RECREATION (cont.):</td>
<td>The Mountain Gate Residential PAD to be developed on former agricultural land area. Not applicable. However, connectivity will be established between neighborhood parks via the linkage of parks by open space.</td>
</tr>
<tr>
<td>1. Ensure that natural drainage channels are protected and used as a connected system to link open space, parks, schools, etc. Page 111</td>
<td>Development near floodplains (i.e. within 100 feet) will require a hydrology study to determine appropriate setbacks greater than 25 feet. Page 111</td>
</tr>
<tr>
<td>5. PUBLIC SERVICES/COST OF DEVELOPMENT:</td>
<td>Please reference the Mountain Gate Residential PAD Drainage Analysis submitted under separate cover. Page 122</td>
</tr>
<tr>
<td>4. Require developers to construct and pay for drainage facilities when their needs precede or exceed the needs of the city. Page 122</td>
<td>Please reference the Mountain Gate Residential PAD Drainage Analysis submitted under separate cover. Page 122</td>
</tr>
<tr>
<td>6. Utility facilities will be provided per note.</td>
<td>Considerations have been and are being processed. Page 123</td>
</tr>
<tr>
<td>7. ENVIRONMENTAL PLANNING/WATER RESOURCES:</td>
<td>The Mountain Gate Residential PAD is in an area of existing infrastructure. Page 122</td>
</tr>
<tr>
<td>2. Utilize tank farm water supply facilities wherever possible. This will have multiple storage tanks and service large pressure zones defined areas. Page 143</td>
<td>Please reference the Mountain Gate Residential PAD Water and Sewer Report submitted under separate cover. Page 143</td>
</tr>
<tr>
<td>3. Ensure water will serve their needs and large &quot;plant-to-plant&quot; water trains that connect the common water supply facilities in a defined service area. This provides the ability to serve uninterrupted water throughout entire service area even when one or more facilities is out of service. Page 143</td>
<td>Please reference the Mountain Gate Residential PAD Water and Sewer Report submitted under separate cover. Page 143</td>
</tr>
<tr>
<td>4. Ensure that all roadways are paved and maintained to reduce potholes in the area. Page 143</td>
<td>The Mountain Gate Residential PAD proposes paved streets. Page 143</td>
</tr>
<tr>
<td>6. Encourage water conservation in all new development through the utilization of drought tolerant plant materials, efficient irrigation system (drip,low-flow) and through water conserving fixtures in all new residential and commercial construction. Page 144</td>
<td>Water conservation will be considerations of the Landscape Plans and House Plans. Page 144</td>
</tr>
<tr>
<td>7. Ensure noise mitigation along all high-volume roadways (e.g., SR 303, Grand Avenue, Sun Valley Parkway). Page 146</td>
<td>Noise mitigation has been considered. Page 146</td>
</tr>
</tbody>
</table>
Minor Arterial With Bike Lane
CITY OF SURPRISE TYPICAL INTERIOR STREET
NOT TO SCALE

DATE | SUBMITTAL PAD 02-028
--- | ---
2/5/02 | ORIGINAL ZONING
3/25/02 | TAC REVISION #1
4/25/02 | TAC REVISION #2

Client/Project
MOUNTAIN GATE P.A.D.
REZONE FROM R1-43 TO P.A.D. R1-8
WILLIAM LYON HOMES
FAIRWAY FARMS, LLC
CITY OF SURPRISE CASE #PAD 02-028
STANTEC FILE #81500807

Figure No. EXHIBIT G-1
Title LOCAL RESIDENTIAL STREET SECTIONS
CITY OF SURPRISE MODIFIED TYPICAL INTERIOR STREET

NOT TO SCALE

DATE | SUBMITTAL PAD 02-028
-----|-------------------
2/5/02 | ORIGINAL ZONING
3/25/02 | TAC REVISION #1
4/25/02 | TAC REVISION #2
- | -
CITY OF SURPRISE LOCAL TWO-WAY STREET
NOT TO SCALE
TYPICAL 60' R/W TRACT COLLECTOR

N.T.S.
Mountain Gate P.A.D. Pocket Park Design Narrative

Mini Activity Area (target group, 1-4 years)

This activity area will contain elements for small groups of users who range between the ages of 1 to 4 years old; primarily dominated by single user events.

Contemplation Garden (target group, open)

The intent of the Contemplation Garden is to offer a setting where groups or families can gather and partake in immediate passive events such as BBQ and picnicking while younger group members utilize the open space for dynamic activities like soccer, football, frisbee, etc.

Large Multi-Activity Playground (target group, +1 years)

The multi use playground will be the most diverse active use area for young people. There will be a large covered play structure with multiple climbing activities, slides and overhead rungs that challenge users of all ages as well as additional active recreation stations. Essential amenities such as benches and picnic tables will be within close proximity to the playground.

Neighborhood Park

The Neighborhood Park will be the largest activity facility in the sub-division. This facility will be developed around a large ramada. There will be an internal parking lot dedicated solely to this facility. The facility will include a sport court and sand volleyball. An additional ramada will serve as a meeting node for a large open space intended for dynamic events such as football, soccer, frisbee, etc.
LARGE MULTI-ACTIVITY PLAYGROUND

SCALE: 1" = 20'
TYPICAL ENTRY MONUMENT
NOT TO SCALE

MAIN SUBDIVISION IDENTITY MONUMENT
NOT TO SCALE
The Mountain Gate Planned Area Development, located within the right-of-ways of Cactus Road, Litchfield Road, Peoria Avenue, and Bullard Avenue was approved by the City of Surprise City Council on July 25, 2002. This is the first addendum to the original P.A.D.

The overall project is comprised of a mixture of single-family residential uses and open space, which includes right-of-way landscaping.

This request is for a minor amendment to the approved P.A.D. Plan to modify the setbacks as follows:

A. Front Setbacks. The front setback to any part of the house or other structure other than a garage shall be twelve feet, as measured from the property line. The front setback for a front entry garage shall be not less than eighteen feet to face of garage door, measured from the property line. The front setback to a garage in which the garage door is angled at forty-five degrees or greater in relation to the street shall be not less than twelve feet, as measured from the property line, plus two eighteen-foot parking spaces off-street and outside of the garage. Notwithstanding the above, no driveway shall be less than eighteen feet in length, as measured from the back of sidewalk.

B. Side Setbacks. The side yard setbacks shown in Table 1 are replaced by the following setbacks. All houses and other structures must have a five-foot side yard setback on one side and a ten-foot side yard setback on the other side. Additionally, two adjacent multi-story houses may be separated by not less than ten feet. Nonstructural architectural features such as fireplaces, bay windows and pop-outs may encroach not more than two feet into a side yard setback. Patio covers and other similar features may not encroach into a side yard setback.

C. Corner Side Setbacks. The setback on a side abutting a street for a house or other structure located on a corner lot, without a tract buffer, shall be not less than thirteen feet as measured from the property line for a single-story house or a multi-story house or structure. Additionally, the setback of a multi-story house or structure shall contain sufficient landscaping to buffer the house or structure from the street.

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

APPROVED

[Signature]
Community Development Director

[Signature]
City Manager