

# Tierra del Río

## PLANNING & ZONING

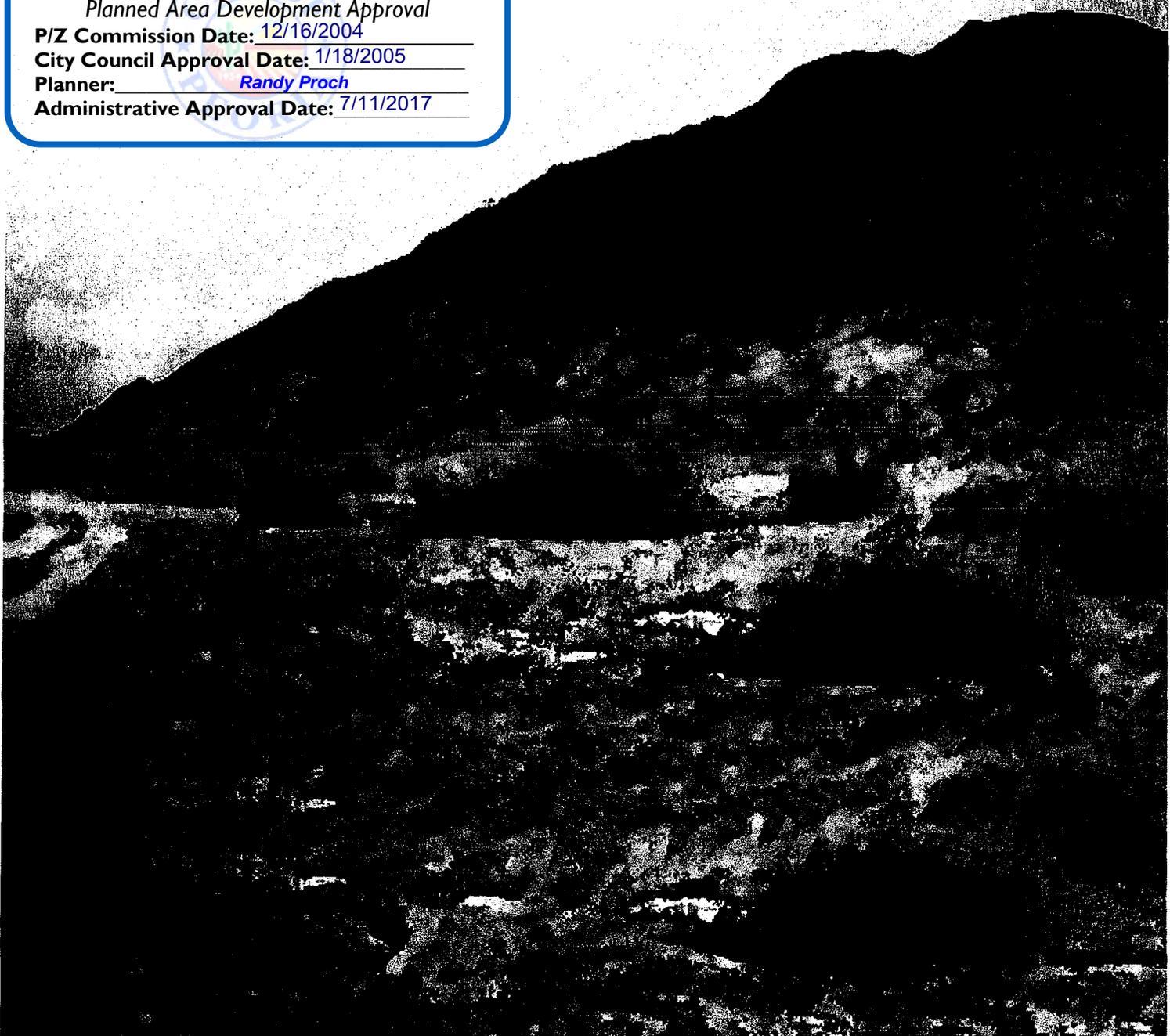
*Planned Area Development Approval*

P/Z Commission Date: 12/16/2004

City Council Approval Date: 1/18/2005

Planner: Randy Proch

Administrative Approval Date: 7/11/2017



# Tierra del Rio

## Planned Area Development (PAD)

Portions of Section 32 of Township 5 North, Range 1 East and Portions  
of Section 5, 6, 7, and 8 of Township 4 North, Range 1 East

### Narrative Report

<b>Case</b>	<b>Date Approved</b>
Minor Amendment Z04-34A.13	July 11, 2017
Minor Amendment Z04-34A.12	May 23, 2017
Minor Amendment Z04-34A.11	December 10, 2015
Minor Amendment Z04-34A.10	February 11, 2014
Minor Amendment Z04-34A.9	January 14, 2014
Minor Amendment Z04-34A.8	October 7, 2013
Major Amendment Z04-34A.7	November 19, 2013
Minor Amendment Z04-34A.6	March 21, 2012
Minor Amendment Z04-34A.5	WITHDRAWN
Minor Amendment Z04-34A.4	December 2007
Minor Amendment Z04-34A.3	May 29, 2007
Minor Amendment Z04-34A.2	September 26, 2005
Major Amendment Z04-34A.1	February 1, 2005
Initial PAD Zoning Z04-34	February 1, 2005
Maricopa County BOS, DMP 2004-022 and Zoning 2004-025	November 3, 2004
Maricopa County Original DMP 1995-05	December 4, 2002



# City of Peoria

## Planning and Community Development

9875 N. 85<sup>th</sup> Avenue, Peoria AZ 85345

July 11, 2017

Stephen Earl  
Earl, Curley & Largade, P.C.  
3101 N. Central Avenue, Suite #1000  
Phoenix, AZ 85012  
via: [searl@ecllaw.com](mailto:searl@ecllaw.com)

RE: Z04-34A.13      Tierra del Rio – Minor PAD Amendment  
SEC of Tierra del Rio Boulevard and Happy Valley Road

Dear Mr. Earl:

This letter is in response to your request for a Minor Amendment to the *Tierra del Rio Planned Area Development (PAD)*. Specifically, the scope of the requested amendment is as follows:

Modification of the development standards for Tierra del Rio PAD to allow Lennar's Next Gen homes for Parcel 2 to allow a second cooking facility in a single-family home, subject to the following stipulations:

1. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z04-34 (*Tierra del Rio Planned Area Development*) or the subsequent amendments, Z04-34A.1 through Z04-34A.12. Those conditions shall remain in force for the PAD.
2. This amendment shall only apply to homes constructed within Parcel 2 of Tierra del Rio.

The Planning Division has determined that the requested amendment does not substantively alter or result in any *major* changes to the PAD as described in Section 14-33-4.D of the Peoria Zoning Ordinance. As a Minor Amendment, notification of the request was given pursuant to Section 14-33-4.E.b. Accordingly, no written comment protesting the amendment was received by the City within the comment window (ended on July 10, 2017).

To this end, the requested **Minor Amendment to the Tierra del Rio PAD under Case Z04-34A.13 has been approved.**

Sincerely,

A handwritten signature in black ink that reads "Randy Proch".

Randy Proch  
Planner



# City of Peoria

## Planning and Community Development

9875 N. 85<sup>th</sup> Avenue, Peoria AZ 85345

May 23, 2017

Steve Kunzweiler  
Taylor Morrison Arizona  
9000 E. Pima Center Parkway, Suite 350  
Scottsdale, AZ 85258  
via: [skunzweiler@taylormorrison.com](mailto:skunzweiler@taylormorrison.com)

RE: Z04-34A.12      Tierra del Rio – Minor PAD Amendment  
NWC of Tierra del Rio Boulevard and Jomax Road

Dear Mr. Kunzweiler:

This letter is in response to your request for a Minor Amendment to the *Tierra del Rio Planned Area Development (PAD)*. Specifically, the scope of the requested amendment is as follows:

Modification of the development standards for the Tierra del Rio PAD to increase the lot coverage from 48% to 50%, for Parcels 21A and 21B, subject to the following stipulation:

1. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z04-34 (*Tierra del Rio Planned Area Development*) or the subsequent amendments, Z04-34A.1 through Z04-34A.11. Those conditions shall remain in force for the PAD.

The Planning Division has determined that the requested amendment does not substantively alter or result in any *major* changes to the PAD as described in Section 14-33-4.D of the Peoria Zoning Ordinance. As a Minor Amendment, notification of the request was given pursuant to Section 14-33-4.E.b. Accordingly, no written comment protesting the amendment was received by the City within the comment window (ended on May 22, 2017).

To this end, the requested **Minor Amendment to the Tierra del Rio PAD under Case Z04-34A.12 has been approved.**

Sincerely,

Randy Proch  
Planner



**City of Peoria**  
*Planning and Community Development*  
*Planning Division*  
9875 N. 85<sup>th</sup> Avenue, Peoria AZ 85345

December 10, 2015

Stephen Earl  
Earl, Curley, and Largade  
3101 N. Central Avenue, Suite #1000  
Phoenix, AZ 85012

RE:               Z04-34A.II               Tierra del Rio – Minor PAD Amendment  
SWC and SEC of 107<sup>th</sup> Avenue and Happy Valley Parkway

Dear Mr. Earl:

This letter is in response to your request for a Minor Amendment to the *Tierra del Rio Planned Area Development (PAD)*. Specifically, the scope of the requested amendment is as follows:

Modification of the development standards for the Tierra Del Rio Planned Area Development (PAD) to increase the lot coverage from 48% to 54% in Parcels 2 and 3A subject to the following stipulations:

1. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z04-34 (*Tierra del Rio PAD*). Those conditions shall remain in force for the PAD; and,
2. The approved amendment pertains exclusively to Parcels 2 and 3A.

The Planning Division has determined that the requested amendment does not substantively alter or result in any *major* changes to the PAD as described in Section 14-33-4.D of the Peoria Zoning Ordinance. As a Minor Amendment, notification of the request was given pursuant to Section 14-33-4.E.b. Accordingly, no written comment protesting the amendment was received by the City within the comment window (ended on December 6, 2015).

To this end, the requested **Minor Amendment to the Tierra del Rio PAD under Case Z04-34A.II has been approved.**

Sincerely,

Randy Proch  
Planner



**City of Peoria**  
*Planning and Community Development*  
*Planning Division*  
9875 N. 85<sup>th</sup> Avenue, Peoria AZ 85345

February 11, 2014

Phillip Cross  
Taylor Morrison  
9000 E. Pima Center  
Scottsdale, AZ 85258

Re: Z04-34A.10 Minor Amendment to approved Tierra del Rio Planned Area Development (Z04-34A.10)  
The Northlands – Parcel No. 23, NWC of Jomax Road and 99<sup>th</sup> Avenue.

Dear Mr. Cross:

This letter is in response to your request for a Minor Amendment to the Tierra del Rio Planned Area Development (PAD) Standards. Notice of the amendment was provided as prescribed under Section 14-33-4.E. No protests or correspondence was received by the City of Peoria during the subsequent comment period. Accordingly, the cessation of the comment period authorizes the Planning Manager to take action on the requested amendment.

Specifically, the scope of the requested amendment is as follows:

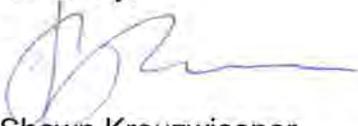
Modification of the development standards for the Tierra Del Rio Planned Area Development (PAD) to increase the lot coverage from 42% to 45% in Parcel No. 23 subject to the following stipulations:

1. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z04-34 (*Tierra del Rio PAD*). Those conditions shall remain in force for the PAD; and,
2. The approved amendment pertains exclusively to Taylor Morrison Parcel No. 23.

Should you have any questions in this regard, please contact Rick Williams at 623-773-7565.

Z04-34A.10 Tierra del Rio, Taylor Morrison, Parcel No. 23  
January 13, 2014  
Approval Letter

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shawn Kreuzwiesner', with a long horizontal flourish extending to the right.

Shawn Kreuzwiesner  
Engineering Planning Manager  
City of Peoria  
9875 N. 85<sup>th</sup> Avenue  
Peoria, AZ 85345  
623-773-7643  
[Shawn.Kreuzwiesner@peoriaaz.gov](mailto:Shawn.Kreuzwiesner@peoriaaz.gov)



**City of Peoria**  
*Planning and Community Development*  
*Planning Division*  
9875 N. 85<sup>th</sup> Avenue, Peoria AZ 85345

January 14, 2014

Andrea Pedersen  
9977 N. 90th Street, Suite 150  
Scottsdale, AZ 85258

Re: Z04-34A.9 Minor Amendment to approved Tierra del Rio Planned Area  
Development (Z04-34A.9)  
The Northlands - NWC of Jomax Road and 99<sup>th</sup> Avenue

Dear Mrs. Petersen:

This letter is in response to your request for a Minor Amendment to the Tierra del Rio Planned Area Development (PAD) Standards. Notice of the amendment was provided as prescribed under Section 14-33-4.E. No protests or correspondence was received by the City of Peoria during the subsequent comment period. Accordingly, the cessation of the comment period authorizes the Planning Manager to take action on the requested amendment.

Specifically, the scope of the requested amendment is as follows:

Modification of the residential sign standards for a single-family development known as the Northlands. More specifically, Parcel's 10, 11, 20, 21, 22, 23, 27, and 28 in the Tierra del Rio Planned Area Development (PAD) modifying the sign copy area of entry monument signage, the standard in which the entry monument sign height is measured, and the inclusion of directional signs subject to the following stipulations:

1. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z04-34 (*Tierra del Rio PAD*). Those conditions shall remain in force for the PAD;
2. The approved amendment pertains exclusively to Taylor Morrison Parcel's 10, 11, 20, 21, 22, 23, 27, and 28; and,
3. The five (5) Directional Signs shall be removed once developer build-out has occurred.

Z04-34A.9 Tierra del Rio, Taylor Morrison  
January 13, 2014  
Approval Letter

Should you have any questions in this regard, please contact Rick Williams at 623-773-7565.

Sincerely,



Shawn Kreuzwiesner  
City of Peoria  
9875 N. 85<sup>th</sup> Avenue  
Peoria, AZ 85345  
623-773-7643  
Engineering Planning Manager  
Shawn.Kreuzwiesner@peoriaaz.gov



# City of Peoria

## *Planning and Community Development*

9875 N. 85<sup>th</sup> Avenue, Peoria AZ 85345

October 7, 2013

Laura Meyers  
Pulte Homes  
16767 N. Perimeter Drive, Suite 100  
Scottsdale, Arizona 85260

RE: Z04-34A.8

Tierra del Rio Parcel 10B & 11 – Minor PAD Approval  
Located north of 107<sup>th</sup> Ave. & Happy Valley Pkwy.

Dear Ms. Meyers:

This letter is in response to your request for a Minor Amendment to the Tierra del Rio Planned Area Development (PAD) Standards. Notice of the amendment was provided as prescribed under Section 14-33-4.E. No protests or correspondence was received by the City of Peoria during the subsequent comment period. Accordingly, the cessation of the comment period authorizes the Planning Manager to take action on the requested amendment.

Specifically, the scope of the requested amendment is as follows:

- a. Amend the development standards for Tierra del Rio Parcels 10B and 11.

Staff is supportive of the requested amendment, as the request is not a substantial departure from the approved TDR PAD zoning standards for Parcels 10B and 11. The revised standards resemble the approved standards for nearby developments such as Vistancia and Westwing and offer additional architectural diversity possibilities within Parcels 10B and 11. Additionally, the amendment does not alter the original intent of the TDR PAD with inclusion of a greater lot coverage allowance.

Accordingly, the above mentioned Minor Amendment to the approved Tierra del Rio PAD has been approved by the City. The approval herein is subject to the condition stated below:

1. The site shall be developed in accordance with the amended Tierra Del Rio PAD Standards and Guidelines stamped approved March 21, 2012.
2. The exhibit illustrating the lots with 55% lot coverage shall be incorporated into the Parcels 10B and 11 final plats.
3. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z 04-34 (*Tierra del Rio PAD*) and the subsequent amendments (Z 04-34A.1-4). Those conditions shall remain in force for the PAD.

Should you have any questions in this regard, please contact the undersigned at 623-773-7565.

Sincerely,

A handwritten signature in black ink that reads "R.M. Williams". The signature is written in a cursive style with a prominent initial "R" and a long, sweeping underline.

Rick Williams  
Planner



- Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
  - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
  - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas).
6. The Developer shall purchase the excess ROW for Happy Valley Parkway. This shall be completed prior to the recordation of the Final Plat or permits being issued for either site.
  7. It is the Developer's responsibility to relocate the gas line along the northern boundary line of Parcel 2.
  8. The Developer shall construct the half-street improvements along Happy Valley Parkway (to include curb, gutter, 10' sidewalk, and streetlights).
  9. The Developer shall submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Happy Valley and 107<sup>th</sup> Avenue. All walls shall be designed in accordance with the recommendations of the noise study.
  10. The Developer shall dedicate an 8' PUE outside of the required ROW or private roadway Tract. No walls or retention shall be constructed within the PUE.
  11. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections

Sincerely,



Rick Williams  
Planner



# City of Peoria

## Planning and Community Development

9875 N. 85<sup>th</sup> Avenue, Peoria AZ 85345

March 21, 2012

Randy Christman  
Pulte Homes  
16767 N. Perimeter Drive, Suite 100  
Scottsdale, Arizona 85260

RE: Z04-34A.6

Tierra del Rio Parcel 9 – Minor PAD Approval  
107<sup>th</sup> Ave. & Happy Valley Pkwy.

Dear Mr. Christman:

This letter is in response to your request for a Minor Amendment to the Tierra del Rio Planned Area Development (PAD) Standards. Notice of the amendment was provided as prescribed under Section 14-33-4.E. No protests or correspondence was received by the City of Peoria during the subsequent comment period. Accordingly, the cessation of the comment period authorizes the Planning Manager to take action on the requested amendment.

Specifically, the scope of the requested amendment is as follows:

- a. Amend the development standards for Tierra del Rio Parcel 9.

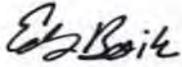
Staff is supportive of the requested amendment, as the request is not a substantial departure from the approved TDR PAD zoning standards for Parcel 9. The revised standards resemble the approved standards for nearby developments such as Vistancia and Westwing and offer additional architectural diversity possibilities within Parcel 9. Additionally, the amendment does not alter the original intent of the TDR PAD with inclusion of a greater lot coverage allowance.

Accordingly, the above mentioned Minor Amendment to the approved Tierra del Rio PAD has been approved by the City. The approval herein is subject to the condition stated below:

1. The site shall be developed in accordance with the amended Tierra Del Rio PAD Standards and Guidelines stamped approved March 21, 2012.
2. The exhibit illustrating the lots with 55% lot coverage shall be incorporated into the Parcel 9 final plat.
3. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z 04-34 (*Tierra del Rio PAD*) and the subsequent amendments (Z 04-34A.1-4). Those conditions shall remain in force for the PAD.

Should you have any questions in this regard, please contact the undersigned at 623-773-7565.

Sincerely,

A handwritten signature in black ink that reads "Ed Boik". The signature is written in a cursive, slightly slanted style.

Ed Boik, LEED Green Associate  
Planner



November 26, 2007

Withey Morris PLC  
Attn: Mike Withey  
2525 E. AZ Biltmore Cir. Suite A212  
Phoenix, AZ 85016

Re: Z 04-34A.4 Minor Amendment to approved PAD  
Tierra del Rio PAD  
99<sup>th</sup> Ave and Jomax Rd

Dear Mr. Withey:

This letter is in response to your request for a Minor Amendment to the Tierra del Rio Planned Area Development (PAD) Standards. Notice of the amendment was provided as prescribed under Section 14-33-4.E. No protests or correspondence was received by the City of Peoria during the subsequent comment period. Accordingly, the cessation of the comment period authorizes the Planning Manager to take action on the requested amendment.

Specifically, the scope of the requested amendment is as follows:

- a. Amend the development standards for Tierra del Rio Parcels 7 & 8.

During the original zoning case for the Tierra del Rio (TDR) Planned Area Development (PAD), Parcels 7 & 8 were conceptualized to contain two separate medium to high density residential developments. The property owner, Fairfield Residential, has submitted a site plan and design review application that combines these two development parcels into one overall multi-family residential project. Due to the limited area of both adjoining parcels and the varying development standards, it was determined that an amendment to the underlying standards to combine the both development parcel standards would be necessary to continue with proposal.

Staff is supportive of the requested amendment, as the request is not a substantial departure from the approved TDR PAD zoning standards for Parcels 7 & 8. In order for both parcels to develop as one unified and cohesive project, the amendment was necessary to promote workable development standards and criteria for the developer. The revised standards resemble the approved standards for Parcel 7 with a slight increase to the overall height and a decrease to the lot coverage maximum. Additionally, the amendment does not alter the original intent of the TDR PAD with inclusion of higher density residential at the immediate intersection of Happy Valley Road and Tierra del Rio Boulevard.

Approval Letter, Z 04-34A.4  
November 26, 2007

The property owner, Fairfield Residential, has submitted signed and notarized Proposition 207 waivers, which will be recorded with the conditions outlined below.

Accordingly, the above mentioned Minor Amendment to the approved Tierra del Rio PAD has been approved by the City. The approval herein is subject to the condition stated below:

1. The site shall be developed in accordance with the amended Tierra Del Rio PAD Standards and Guidelines stamped approved November 26, 2007.
2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z 04-34 (*Tierra del Rio PAD*) and the subsequent amendments (Z 04-34A.1-3). Those conditions shall remain in force for the PAD.

Should you have any questions in this regard, please contact the undersigned at 623-773-7203.

Sincerely,



Chad Daines, AICP  
Planning Manager

May 29, 2007

CMX, LLC  
Attn: Kimberly Acton  
7740 N. 16<sup>th</sup> St, Suite 100  
Phoenix, AZ 85020

Re: Z 04-34A.3 Minor Amendment to approved PAD  
Tierra del Rio PAD  
99<sup>th</sup> Ave and Jomax Rd

Dear Ms. Acton:

This letter is in response to your request for a Minor Amendment to the Tierra del Rio Planned Area Development (PAD) Standards. Notice of the amendment was provided as prescribed under Section 14-33-4.E. No protests or correspondence was received by the City of Peoria during the subsequent comment period. Accordingly, the cessation of the comment period authorizes the Planning Manager to take action on the requested amendment.

Specifically, the scope of the requested amendment is as follows:

- a. Amend standards relating to total allowed screen and retaining wall heights; and
- b. Increase to the maximum allowed driveway widths; and
- c. A revision to the location of public and regional rails.

Due to significant topography within the Tierra del Rio development area that create substantial grade differential between lots, the total allowed screen and retaining wall heights have been amended. The total allowable wall mass has increased from 9' to 10' and the total retaining wall height has increased from 6' to 8'. Terracing will occur for retaining walls at a minimum of 4' intervals. Any combination of view fence and privacy wall can be combined with retaining wall if the maximum wall mass and wall height requirements are maintained. For terraced areas located in tracts, the developer will be responsible for the installation and landscaping within the terraced areas. Terraced areas that occur within side and rear yards of private lots, the builder will be responsible for providing sleeving for future construction of irrigation improvements by the homeowner. The homeowner will be responsible for installation of the irrigation and landscape improvements within 90-days of close of escrow as required by the private CC&R's. Staff is supportive of this request as it addresses the grade/topography issues associated with the TDR development by providing terracing that will offset the negative effect of large expanses of retaining and screen walls.

Approval Letter, Z 04-34A.3  
May 29, 2007

The driveway width was requested to be increased from 24' to a maximum width of 27' to accommodate housing product providing 3-car garages. The increase to 27' will cover all of the single-family residential districts. The request constitutes a front yard lot coverage of approximately 60% for the R1-6 PAD standards, 49% for the R1-7 PAD standards and significantly less for the larger R1-8/10 PAD lots. Staff is supportive of this request as the percentage of front yard coverage will be a slight increase over the allowable percentage as provided in the zoning ordinance, while still allowing the accommodation of a 3-car garage product.

The revisions to the public and regional trails were requested by the Community Services Department. The revisions encompassed changes to the alignment and connectivity to the Maricopa Regional Trail system, updated cross-sections to meet AASHTO standards, provide conceptual locations of a City constructed trail within the Butte area, and the removal of public trail notations for sidewalks along TDR internal collector roads and Jomax Road. Community Services is supportive of the amendment as depicted in Figure 8 of the PAD.

The property owners, Pulte Home Corporation and Centex Homes, have submitted signed and notarized Proposition 207 waivers, which will be recorded with the conditions outlined below.

Accordingly, the above mentioned Minor Amendment to the approved Tierra del Rio PAD has been approved by the City. The approval herein is subject to the condition stated below:

1. The site shall be developed in accordance with the amended Tierra Del Rio PAD Standards and Guidelines stamped approved May 29, 2007.
2. The Developer shall design and construct full major arterial street improvements for Happy Valley Parkway for the length of the Tierra Del Rio frontage including the sidewalks and trail.
3. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z 04-34 (*Tierra del Rio PAD*) and the subsequent amendments (Z 04-34A.1 and Z 04-34A.2). Those conditions shall remain in force for the PAD.

Should you have any questions in this regard, please contact the undersigned at 623-773-7203.

Sincerely,

Chad Daines, AICP  
Planning Manager

September 26, 2005

CMX, LLC  
Attn: Kimberly Acton  
7740 N. 16<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85020

RE: Z 04-34A.2 – minor amendment to the development standards for the single-family residential developments within the Tierra Del Rio PAD.

Dear Ms. Kimberly Acton:

The above mentioned minor amendment to the Tierra Del Rio Planned Area Development Standards and Guidelines Report has been approved by the City. The approval is subject to the following conditions:

1. The site shall be developed in accordance with the amended Tierra Del Rio PAD Standards and Guidelines approved September 26, 2005.
2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z 04-34A.1 or any successive amendments; those conditions shall remain in force for the PAD.

Should you have any questions regarding this approval letter, please contact the undersigned at 623-773-7173.

Sincerely,

Louisa Garbo, AICP, Planner

*Tierra del Rio*  
PAD Amendment

**Report Table of Contents**

<b><i>Narrative:</i></b>	<b><i>Page Number</i></b>
I. Project Team .....	1
II. Introduction .....	2
III. Legal Description/Location and Accessibility .....	4
IV. Purpose of Request .....	5
V. Description of Proposal .....	7
VI. PAD Amendment Land Use Summary .....	8
VII. Surrounding Properties .....	13
VIII. Project Benefits to the Community .....	15
IX. Project Support/Consistency with the City of Peoria General Plan .....	16
X. Circulation .....	22
XI. Development Phasing .....	25
XII. Community Facilities and Services .....	26
XIII. Public Utilities and Services .....	28
XIV. Project Justification .....	32
XV. Permitted Uses .....	34
XVI. Development Standards .....	36
XVII. Enhanced Design Review Standards .....	37
XVIII. Landscape .....	38
XIX. Wall Terracing and Irrigation .....	40

# *Tierra del Rio*

## PAD Amendment

### **A. Exhibits / Figures:**

1. Regional Vicinity Map
  2. Aerial Photograph
  3. Topography / Physical Features Map
  4. Proposed Conceptual Amended PAD, Land Plan
  5. Surrounding General Plan Land Uses and Zoning Map
  - 6a. Surrounding Property Ownership Map
  - 6b. List of Property Owners
  7. Existing Community Facilities and Services
  8. Conceptual Open Space and Trails Plan
  9. Conceptual Landscape Detail
  10. Conceptual Landscape Detail
  11. Proposed Drainage Plan
  12. Proposed On-Site Water Facilities Plan
  13. Proposed On-Site Wastewater Facilities Plan
  14. Proposed Circulation Plan
  15. Street Cross Sections
  - 15B. Happy Valley Pkwy. Proposed Cross Section
  16. Adjacent Residential Buffering (133' buffer, Parcels 10 and 13)
  17. Open Space and Agreed Hillside Disturbance
  18. Typical Lot Lay Out (18a through 18h)
  19. Conceptual Typical Single Family Elevations (19a through 19d)
  20. Conceptual Illustration, Typical Multi-Family Elevations
  21. Conceptual Illustration, Typical Commercial Elevations
  - Exhibit A. Landscaping: Retaining Wall terraces
  - Exhibit B-1 Typical Rear Yard and Side Yard Retaining Wall Landscaping
  - Exhibit B-2 Tierra Del Rio Plant List
- (Exhibits A, B-1, & B-2 are located in Section XIX.)*

### **B. Appendix:**

- A. Figures
- B. Stipulations, DMP 99-05; DMP 2004002; Z 2004025
- C. Legal Descriptions
- D. Will Serve Letters
  - a. Letters From Utilities
  - b. Letter from School District
  - c. Agreement School District
  - d. Agreement Fire / Police District
- E. Declassification Notice for Happy Valley Parkway
- F. SSI Archeological Sites
- G. Enhanced Guidelines
- H. Minor Amendment Z-04-34-A2

***Project Reports and Plans, Submitted Under Separate Cover:***

- Master Water Study, submitted by CMX
- Master Wastewater Study, submitted by CMX
- Master Drainage Study, submitted by CMX
- Traffic Impact Analysis, June 2004, submitted by Task Engineering
- Data Recovery Plan for 15 Prehistoric Sites on the Tierra Del Rio Project Surrounding Calderwood Butte, Maricopa County, Arizona", dated February 2004, submitted by Soil Systems Inc.
- Preliminary Drainage Study for Tierra del Rio dated July 22, 2002 and the Agua Fria River CLOMR Report, dated October 2004, submitted to Maricopa County Flood Control by Erie and Associates.
- Context Photos of Damaged Area, submitted by Gallagher and Kennedy.
- Well Spacing Investigation, dated March 2004, by Southwest Ground-water Consultants Inc.
- Hydro geological Study, dated March 2004, by Southwest Ground-water Consultants Inc.

## **I. Project Team**

### **LANDOWNER**

TDR L. L. C.  
7595 East McDonald Drive, Suite 130  
Scottsdale, AZ. 85250  
Telephone: 480.947.3100  
Facsimile: 480.556.8150  
Contact: Michael Merriman

### **LEGAL COUNSEL**

Gallagher & Kennedy  
2575 E Camelback Road  
Phoenix, AZ. 85016  
Telephone: 602.530.8000  
Fax: 602.520.8500  
Contact: Rodney Jarvis

### **APPLICANT PLANNING AND ENGINEERING**

CMX, L.L.C.  
7740 North 16<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85020  
Telephone: 602. 567.1900  
Facsimile: 602. 567.1901  
Contact: Mr. Vic Pilar, P.E., Engineering  
Ms. Penny Newton, Planning  
Mr. Ron Hilgart, P.E. Principal

### **FLOODPLAIN / FLOODWAY CONSULTANT**

Erie and Associates  
3120 North 24<sup>th</sup> Street  
Phoenix, AZ 85016  
Telephone: 602.954.6399  
Facsimile:  
Contact: Len Erie

### **TRAFFIC ENGINEERING**

Task Engineering Co. Inc.  
5125 N. 16<sup>th</sup> Street, Suite A-210  
Phoenix, AZ. 85016  
Telephone: 602.277.4224  
Facsimile: 602.277.4428  
Contact: Mr. Ken Howell. P.E.

### **MARICOPA COUNTY Planning Review**

411 North Central, 3<sup>rd</sup> Floor  
Phoenix, AZ. 85004  
Telephone: 602.506-7310  
Facsimile: 602.506-8369  
Contact: RUPD Zoning, Terri Shepard  
CPP, Gerard Silvani  
DMP Amendment, Matt Holm

### **SIGNS**

Dynamite Signs  
29040 N 44<sup>th</sup> Street  
Cave Creek, AZ. 95331  
480-329-7446

### **CITY OF PEORIA**

Community Development, Planning  
8401 West Monroe Street  
Peoria, AZ. 85345  
Telephone: 623.773.7107  
Facsimile: 623.773.7256  
Contact: Phil Gardner, AICP



*Scenic attractions and natural features are plentiful within Tierra del Rio.*

## **II. Introduction**

The proposed Tierra del Rio project is located adjacent to the eastern bank of the Agua Fria River, in the northwest area of Maricopa County. The Project is bounded by the alignment of Dynamite Road on the north, Hatfield Road on the south, 99<sup>th</sup> and 103<sup>rd</sup> Avenue on east and 109<sup>th</sup> Avenue and the Agua Fria River on the west. A Regional Vicinity Map is provided as **Figure 1**.

This Project was previously approved by Maricopa County as Development Master Plan DMP No. 99-05, in December of 2002. In November of 2004, a DMP Amendment, No. 2004-022, was approved by Maricopa County, together with RUPD/CUPD PAD Zoning, No. 2004-25.

On December 10, 2004, an application to the City of Peoria proposed zoning approval of a Planned Area Development (PAD) with "like" zoning, together with annexation into the City of Peoria. The zoning district is that of Planned Area Development (PAD), for residential parcels and PAD C-1 and C-2 for the commercial parcels. The Calderwood Butte and Agua Fria Riverbed are currently zoned Rural-43 and will remain as Rural 43 with a PAD overlay. The PAD has been approved to include 2,102 dwelling units.

*Please reference the DMP No. 99-05, DMP Amendment No. 2004-022 and RUPD/CUPD PAD zoning No. 2004-25, Conditions of Approval / Stipulations in the Appendix of this report.*

Generous open space is a continuing theme in the Tierra del Rio design. Open Space on the PAD Land Use Summary is calculated by adding up the acres in Parcels 5, 16, 19a, 26a and 26b. The sum of these acres is about 280. acres (±) of dedicated open space. These parcels are dedicated to remain as open space in the Tierra del Rio Master Plan. In addition to the acres of open space that are designated by a parcel number, there is open space that is a part of each residential parcel. Residential parcel acreage, on the PAD Land Use Summary, Table 1, is calculated as an entire parcel,

including the open space. However, when the open space within the residential parcel is separated from the acres of residential lots, there are approximately 190 net acres ( $\pm$ ) of open space within the residential parcels. This open space includes parks, washes, retention basins and so forth. This acreage is a part of the residential parcel, but has been pulled out in order to provide the estimated number of acres within the residential parcels that is open space. These acres are estimated because elements such as retention basin sizes may change with engineering. Therefore, the 190 net acre ( $\pm$ ) estimate is subject to change slightly with platting. Identified within the residential acres are two parks. These are found in the open space of Parcels 11, 12 and 21. Again, this acreage is a part of the residential parcel, but has been planned for parks land use. Each park is about 4 acres ( $\pm$ ) in size. Added together the open space in the entire Tierra del Rio Master Plan is estimated for conceptual purposes at about 470 net acres ( $\pm$ ), which is about 47% of the total 994-gross acre ( $\pm$ ) Project.

The Tierra del Rio project is designed as a sustainable community. The design focus for Tierra del Rio is mixed use, with a concentration on residential homes. This focus is in keeping with the DMP and RUPD/CUPD-PAD that was approved by Maricopa County. The design features a diversity of housing types including single family detached, single family attached and multiple family dwelling units. Tierra del Rio offers employment opportunities with commercial development adjacent to the Happy Valley Parkway and 107<sup>th</sup> Avenue (Tierra del Rio Boulevard).

*Please, reference the Land Use Summary in Chapter VI of this report.*

Scenic attractions and natural features are plentiful within Tierra del Rio. The development follows the eastern bank of the Agua Fria River for approximately 12,333 feet. An engineered hard bank will be constructed at the rivers edge to protect the community from the flooding during a major storm event. Adjacent to the hard bank, a multi-use pedestrian and bicycle trail is planned, together with an equestrian trail. These trails will be constructed within a 100-foot wide (average width) recreation, retention basin and open space buffer. The trails are to be constructed as a part of the Maricopa County Regional Trail System and are also a part of the Peoria Trails Master Plan. The trail design proposes to connect the Maricopa County Agua Fria River trail system to the Calderwood Butte trails and open space (**Figures 8 & 9**). Calderwood Butte is located within the northern half of the Tierra del Rio project. This natural feature provides significant open space and spectacular views across the river valley. The trail connections will provide recreational opportunity for the residents of Tierra del Rio, as well the general public from the surrounding communities.

*Please reference the PAD Conceptual Land Use Plan, Figure 4.*

With the approval of this Amendment to the PAD request, Tierra del Rio will move forward to submit preliminary plats, final plats and improvement plans. The Tierra del Rio project documents demonstrate that the proposed land uses are consistent with the Maricopa County approved DMP, DMP Amendment, the zoning RUPD/CUPD-PAD, and the annexed Peoria PAD with "like" zoning. Approval by the City of Peoria, of the PAD Amendment to the Tierra del Rio, Planned Area Development, No. Z 04-34, is requested.

### III. Legal Description/Location and Accessibility

Tierra del Rio is located west of Phoenix adjacent to the western limits of the City of Peoria. The Tierra del Rio property is bounded by the Dynamite Road alignment on the north, Hatfield Road on the south, 99<sup>th</sup> Avenue and 103<sup>rd</sup> Avenue on east and 109<sup>th</sup> Avenue and the Agua Fria River on the west. When the annexation of the Project completed, the subject development will be located in Peoria, Arizona.

The site is described as: A Portion of Sections 32 of Township 5 North, Range 1 East and Portions of Sections 5, 6, 7 and 8 of Township 4 North, Range 1 East. A copy of the ALTA Survey is provided in the **Appendix** of this report.

The approved DMP states that Tierra del Rio is a 1,041 acre Master Planned Community. Exceptions to the acres, by survey, are parcels 17, 18 and 19b, consisting of 47 acres ( $\pm$ ). Therefore the Amended PAD acreage is 994 acres ( $\pm$ ). The PAD gross 994 ( $\pm$ ) acres includes acres to the centerline of the perimeter streets. Therefore the amended PAD, Parcels 1, 2, 3, 4a, 6, 7 and 9 include Happy Valley Road and 107<sup>th</sup> Avenue. The ALTA Survey describes 948.5 acres. The ALTA Survey does not include Happy Valley Road or 107<sup>th</sup> Avenue. The difference in the roadway acres accounts for the difference between the PAD acreage calculations and those of the ALTA Survey.

The site is accessible from the Phoenix metro area via the 101 Freeway to Bell Road, 99<sup>th</sup> Avenue and the Lake Pleasant Road corridor. Happy Valley Parkway will ultimately provide direct regional access from I-17 to the east and to the Loop 303 to the west.

*Please reference Exceptions / Exclusions, Table 1.*

*Please reference the Regional Vicinity Map, Figure 1.*

## IV. Purpose of Request

The proposed Tierra del Rio project is currently entitled by Maricopa County with a Development Master Plan, DMP No. 99-05, DMP Amendment No. 2004-022 and RUPD/CUPD-PAD zoning, No. 2004-025. With application, No. Z 04-34-PAD, to the City of Peoria, the Project will be annexed with "like" zoning, including a Planned Area Development (PAD) for the residential, commercial and open space parcels. PAD "like" zoning standards are on the Development Standards Table in Chapter XVI of this report. The following zoning districts are associated with this amendment request. The PAD is similar to Maricopa County R1-10, R1-8, R1-7, R1-6, R-2 and R-4 and the commercial PAD is proposed to be similar to C-1 and C-2. Rural 43-PAD is requested for the open space in the Calderwood Butte and the Agua Fria River.

With this PAD Amendment, the Project proposes to add approximately 62 acres ( $\pm$ ), to the PAD No. Z 04-34, which currently consists of 932 acres ( $\pm$ ). The PAD No Z 04-34 would add acres, including Parcel 25 (36. acres  $\pm$ ), Parcel 26b (3.4 acres  $\pm$ ) and Parcel 28 (22. acres  $\pm$ ). The amended PAD Amended Project acres would total approximately 994 acres ( $\pm$ ). Each of the additional parcels is added with Development Standards or zoning standards that are consistent with the PAD "like" zoning standards. The addition of Parcel 25 is requested with R1-10 PAD "like" development, zoning standards, Parcel 26b with R-43 PAD "like" zoning standards and Parcel 28 with R1-7 "like" zoning standards, as established by the City of Peoria PAD No. Z 04-34. The amended PAD will provide up to 2,102 dwelling units and a density of 2.1 du/ac.

An Annexation and a Development Agreement, between the developer/owner and the City of Peoria, are in the process of being completed for the Tierra del Rio. Where conflicts arise between this PAD Amendment and the Annexation or Development Agreements, then the Annexation and Development Agreements shall prevail.

Amendments to the PAD include the following:

1. PAD acres would be adjusted from 932 gross acres ( $\pm$ ), including Happy Valley Road and 107<sup>th</sup> Avenue, to 994 gross acres ( $\pm$ );
2. Parcels 25, 26b and 28, (510 foot ( $\pm$ ) wide strip of land) are added, consisting of 62 gross acres ( $\pm$ );
3. Parcels 25, 26b and 28 Development Standards/zoning standards would be consistent with the PAD Z 04-34 "like" Development Standards/zoning standards;
4. The Project would allow 2,102 dwelling units with a density of 2.1 du/ac based on 994 gross acres ( $\pm$ );
5. Calculated designated open space of 323 acres based on 1,041 gross Project acres ( $\pm$ ) would be adjusted to 280 acres ( $\pm$ ), based on 994 gross Project acres ( $\pm$ ). This would revise the City of Peoria Zoning No. Z 04-34, Condition of Approval, letter "g." number "4.";
6. Parcel 23 of the Preliminary Plat and the Amendment to the PAD, Proposed PAD Conceptual Land Use Plan, combines Parcels 23 (17.2 acres) and 24 (40.4 acres) and Parcel 25 (36.1 acres) for a total of 93.7 acres ( $\pm$ );

7. All arterial streets shall have a minimum 8-foot wide landscape tract with the average width being no less than 10-feet wide;
8. Five (5) local streets exceeding 900 feet in length shall be allowed. Traffic calming devices shall be incorporated into the design of the local streets that are greater than 900-feet in length;
9. Perimeter walls along arterial streets shall jog a minimum of 3-feet. No more than three lots in a row are allowed to be in the same jog offset;
10. PAD Amendment to Development Standards, Chapter XVI; for Single Family, Multi-Family and Commercial amend the Retaining Wall Height to 8' (Allow a 8' retaining wall with terracing at a minimum 4' interval) with privacy wall, 10' maximum;
11. PAD Amendment to Development Standards, Chapter XVI; for Single Family amend the Front Yard (minimum) to 18-feet with front facing garage; a 10-foot front building setback is allowed for a side entry garage or home forward product. The front lot width shall be measured at the 18-foot standard setback in both cases;
12. PAD Amendment to Development Standards, Chapter XVI; for Commercial amend the Distance between buildings (minimum) to require distance governed by the fire code;
13. The entire Tierra del Rio development is subject to the City's applicable Site Plan and Design Review approval process.
14. The required Enhanced Standard Residential Plan/Lot Design, C requires a 5-foot building stagger. The Tierra del Rio project requests an amendment to allow the minimum building offset stagger of 3-foot.

*Please reference the Tierra del Rio legal descriptions, Appendix C.*

*Please reference the Tierra del Rio Land Use Table in this report, Table 1.*

A minor amendment was filed in August 2005 and was approved on September 26, 2005. Refer to Appendix H for details of this amendment.

## V. Description of Proposal

The Tierra del Rio, PAD consists of residential, both single family and multiple family, commercial and open space land uses. The project known as Tierra del Rio was previously part of a large, open range cattle operation known for a number of decades as Hedding Ranch. As currently proposed, Tierra del Rio will consist primarily of single family housing, but the plan also includes multiple family housing, commercial retail centers, open space, a trail system and preservation of natural areas, such as the Agua Fria River and Calderwood Butte.

This project offers a variety of housing types, as well as commercial uses. The proposed PAD amended Tierra del Rio Project proposes 994 acres, with a gross density of 2.1 dwelling units per acre (du/ac) and dwelling units not to exceed 2,102. This is within the Maricopa County and the City of Peoria standards for the area.

## **VI. PAD Amendment Land Use Summary**

Table 1. Land Use Summary proposed for Tierra del Rio

**TABLE 1**

**TIERRA DEL RIO**

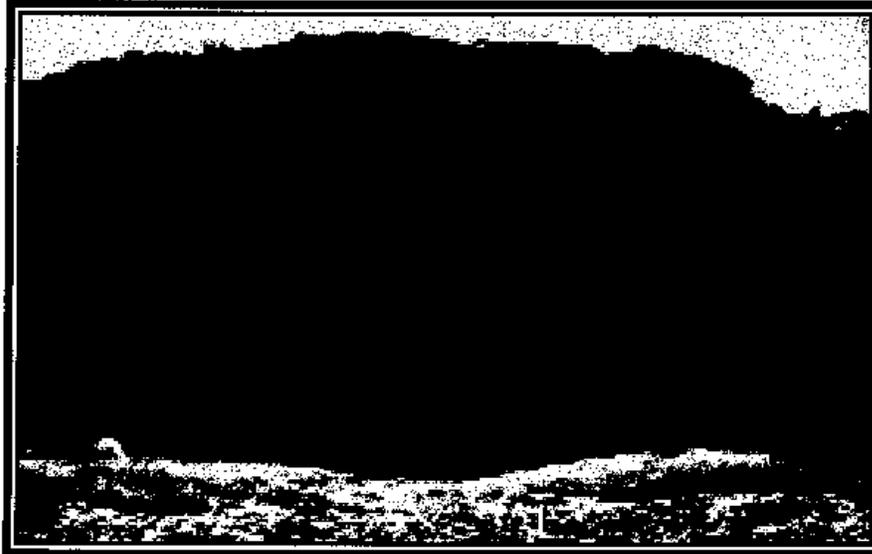
**PAD LAND USE SUMMARY**

Parcel No.	Zoning Proposed City of Peoria Planned Area Development (PAD)	Proposed Land Use	Intensity Proposed Lot Width	Proposed Gross Acres Including Interior Streets + 1/2 Perimeter Roads	PAD Projected Du/Ac	PAD Maximum Du/Ac	PAD Concept Plan Units per Projected Du/Ac	Open Space Net (excludes ROW) in Single Family Residential Parcels
1	R1-6, PAD	SLR, SF, detached	45-foot wide	25.9	2.4	2.4	61	9.94
2	R1-6, PAD	SLR, SF, detached	60-foot wide	33.9	2.7	2.7	91	5.67
3A	R1-6, PAD	SLR, SF, detached	55-foot wide	37.3	3.1	3.1	79	2.50
3B	R1-6, PAD	SLR, SF, detached	55-foot wide	11.2	2.9	2.9	32	2.00
4a	R1-6, PAD	SLR, SF, detached	45-foot wide	25.2	4.4	4.4	111	2.72
4b	R1-6, PAD	SLR, SF, detached	45-foot wide	11.7	2.6	2.6	31	3.75
5	Rural 43-PAD	Open Space-River	Open Space	5.0	Open Space	Open Space	Open Space	
6	R1-6, PAD	SLR, SF, detached	45-foot wide	56.2	4.2	4.2	236	9.65
7	RM-1 (R-4), PAD	Multi-Family (MF), attached or detached	MF	12.0	21.5	21.5	258	
8	RM-1 (R-2), PAD	MF or SF, attached or detached	MF or SF	8.9	14.3	14.3	128	
9	R1-7, PAD	SLR, SF, detached	55-foot wide	32.7	2.6	2.6	84	7.33
10	R1-7, PAD	SLR, SF, detached	55-foot wide	30.7	2.6	2.6	81	9.91
11	R1-7, PAD	SLR, SF, detached	55-foot wide	34.2	3.7	3.7	125	5.01
12	R1-6, PAD	SLR, SF, detached	45-foot wide	34.5	3.5	3.5	121	9.13
13	R1-8, PAD	LLR, SF, detached	65-foot wide	31.0	2	1.6	49	12.47
14	C-1, PAD	Neighborhood Commercial		7.1	NRC-Neighborhood Commercial	NRC-Neighborhood Commercial	NRC-Neighborhood Commercial	
15	RM-1 (R-2), -PAD	MF or SF or Church, attached or detached	MF, SF or Church	9.5	7.1	7.1	68	
16	SR 43-PAD	Open Space-River	Open Space	137.6	Open Space	Open Space	Open Space	
19a	Rural 43-PAD	Open Space	Open Space	59.0	Open Space	Open Space	Open Space	
20	R1-6, PAD	SLR, SF, detached	45-foot wide	41.2	4.0	5.0	181	8.53
21	R1-6, PAD	SLR, SF, detached	55-foot wide	30.6	4.4	5.0	111	5.29
22	R1-6, PAD	SLR, SF, detached	45-foot wide	34.5	4.2	5.0	106	7.86
23	R1-10, PAD	LLR, SF, detached	75-foot wide	93.7	1.3	2.0	141	47.8
26a	SR 43-PAD	Open Space-Caldenwood Butte	Open Space	75.3	Open Space	Open Space	Open Space	
26b	Peoria Zoned AG (Rural-43)	Open Space (Peoria)	Open Space (Peoria)	3.4	Open Space	Open Space	Open Space (Peoria)	
27	R1-6, PAD	SLR, SF, detached	55-foot wide	100.0	2.1	3.0	154	50.26
28	Peoria Zoned AG (R1-7)	SLR, SF, detached	65-foot wide	22.9	2.8	4.0	56	8.3
<b>Estimated Subtotal, Amendment to the Peoria PAD</b>				<b>1005</b>	<b>2.22</b>		<b>2,304</b>	<b>199.82</b>
17	Rural 43-PAD	Public Facility/CAP Exception	Public Facility/CAP Exception*	1.9	Public Facility/CAP/Exception	Public Facility/CAP/Exception	Public Facility/CAP/Exception	
18	Rural 43-PAD	Public Facility/CAP Exception	Public Facility/CAP Exception*	2.0	Public Facility/CAP/Exception	Public Facility/CAP/Exception	Public Facility/CAP/Exception	
19b	Rural 43-PAD	Open Space/River Exception	Open Space/River Exception*	43.1	Open Space/River/Exception	Open Space/River/Exception	Open Space/Exception	
				<b>47</b>				
<b>Estimated Overall Tierra del Rio Project Acres from the original Total.</b>				<b>1,052</b>	<b>2.19</b>		<b>2,304</b>	

**PAD AMENDMENT ZONING AND LAND USE BREAKDOWN**

Parcel Number	Zoning	Land Use	Lot Width	Acres	DU/Ac	Dwelling Units	% of PAD Acres by Zoning District	
1	R1-6, PAD	SLR, SF, detached	45-foot wide	25.9	2.4	61		
4-a	R1-6, PAD	SLR, SF, detached	45-foot wide	25.2	4.4	111		
4-b	R1-6, PAD	SLR, SF, detached	45-foot wide	11.7	2.6	31		
6	R1-6, PAD	SLR, SF, detached	45-foot wide	56.2	4.2	236		
12	R1-6, PAD	SLR, SF, detached	45-foot wide	34.5	3.5	121		
20	R1-6, PAD	SLR, SF, detached	45-foot wide	41.2	4.0	181		
21	R1-6, PAD	SLR, SF, detached	45-foot wide	30.6	4.4	111		
22	R1-6, PAD	SLR, SF, detached	45-foot wide	34.5	4.2	106		
27	R1-6, PAD	SLR, SF, detached	45-foot wide	100.0	2.1	154		
28	R1-6, PAD	SLR, SF, detached	45-foot wide	22.9	2.8	56		
<b>Estimated Subtotal for R1-6. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>382.8</b>		<b>1168</b>	<b>38%</b>	
9	R1-7, PAD	SLR, SF, detached	55-foot wide	32.7	2.6	84		
10	R1-7, PAD	SLR, SF, detached	55-foot wide	30.7	2.6	81		
11	R1-7, PAD	SLR, SF, detached	55-foot wide	34.2	3.7	125		
<b>Estimated Subtotal. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>97.6</b>		<b>290</b>	<b>10%</b>	
13	R1-8, PAD	LLR, SF, detached	65-foot wide	31.0	1.6	49		
<b>Estimated Subtotal for R1-8. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>31.0</b>		<b>49</b>	<b>3%</b>	
23	R1-10, PAD	LLR, SF, detached	75-foot wide	93.7	1.5	141		
<b>Estimated Subtotal. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>93.7</b>		<b>141</b>		
<b>Estimated Subtotal for PAD - R1-10.</b>				<b>93.7</b>		<b>141</b>	<b>9%</b>	
8	R-2, PAD	MDR, SF, attached	MF	8.9	14.3	128		
15	R-2, PAD	MDR, or Church	MF or Church	9.5	7.1	68		
<b>Estimated Subtotal for R-2. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>18.5</b>		<b>196</b>	<b>2%</b>	
7	R-4, PAD	HDR, MF, attached	MF	12.0	21.5	258		
<b>Estimated Subtotal for R-4. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>12.0</b>		<b>258</b>	<b>1%</b>	
14	C-1, PAD	Neighborhood Commercial		7.1	Neighborhood Commercial	Neighborhood Commercial		
<b>Estimated Subtotal for C-1. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>7.1</b>			<b>1%</b>	
2	R1-6, PAD	SLR, SF, detached	60-foot wide	33.9	2.7	91		
3A	R1-6, PAD	SLR, SF, detached	55-foot wide	37.3	3.1	79		
3B	R1-6, PAD	SLR, SF, detached	55-foot wide	11.2	2.9	32		
<b>Estimated Subtotal for C-2. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>82.4</b>			<b>8%</b>	
5	SR-43 PAD	Open Space	Open Space	5.0	Open Space	Open Space		
16	SR 43-PAD	Open Space	Open Space	137.6	Open Space	Open Space		
19-a	SR 43-PAD	Open Space	Open Space	59.0	Open Space	Open Space		
26-a	SR 43-PAD	Open Space	Open Space	75.6	Open Space	Open Space		
<b>Estimated Subtotal for Designated R-43-PAD Open Space. These acres are annexed into Peoria with "Like" Zoning.</b>				<b>277.2</b>				
26-b	SR 43-PAD	Open Space (Peoria)	Open Space (Peoria)	3.4	Open Space	Open Space (Peoria)		
<b>Estimated Subtotal. These acres are in the City of Peoria Jurisdiction. These are to be added to the PAD with this Amendment.</b>				<b>3.4</b>				
<b>Estimated Subtotal for PAD - Rural 43 - Open Space.</b>				<b>280.6</b>			<b>28%</b>	
<b>Estimated Subtotal of Amended PAD Tierra Del Rio Project.</b>				<b>1005.6</b>	<b>*</b>	<b>2,304</b>		
17	Rural-43	Public Facility/CAP/Exception	Public Facility/CAP/Exception	1.9	Public Facility/CAP/Exception	Public Facility/CAP/Exception	Public Facility/CAP/Exception	
18	Rural-43	Public Facility/CAP/Exception	Public Facility/CAP/Exception	2.0	Public Facility/CAP/Exception	Public Facility/CAP/Exception	Public Facility/CAP/Exception	
19-b	Rural 43	Open Space/Exception	Open Space/Exception	43.1	Open Space/Exception	Open Space/Exception	Open Space/Exception	
<b>Estimated Subtotal. These acres are Exceptions to the Survey and not a part of the Project.</b>				<b>47.0</b>				
<b>Estimated Total of Former Maricopa County Tierra Del Rio Project, Including Exceptions to Survey.</b>				<b>1053</b>	<b>2.19</b>	<b>2,304</b>	<b>100%</b>	

\*Parcel Acres calculated to the Centerline of the streets, therefore Parcels 1, 2, 3, 4a, 6, 7 and 9 include 107th Ave. and Happy Valley Parkway, which explains the 46 acre difference between the 948 survey acres and the PAD parcel total 994 acres.



*Rising 400 feet into the skyline, the Calderwood Butte provides spectacular views.*

## 1. Open Space

The Agua Fria River borders the western edge of Tierra del Rio providing a wide open expanse that allows an unobstructed distant view to the west. Calderwood Butte, located within the northern portion of the property, offers views of the hill. The butte rises approximately 300 feet on its northern side and approximately 400 feet on its southern side. From the butte a ridgeline, averaging 20 feet in width, extends to the south and west, bisecting the northern portion of the property. Preservation of this butte will allow all residents of Tierra del Rio to enjoy majestic views with attainable hillside trail opportunities.

Both the Calderwood Butte and the Agua Fria River are zoned Rural-43-PAD so that sliver zoning will be avoided in the event that the boundaries of adjacent parcels are moved slightly in platting.

Generous natural open space is a priority among the design objectives proposed for Tierra del Rio. Open Space on the initial No Z 04-34-PAD Land Use Summary was calculated by adding the acres in Parcels 5, 16, 19a, 19b, 26a and 26b. The sum of these acres is about 323 ( $\pm$ ) acres of dedicated open space. These parcels are dedicated to remain as open space in the Tierra del Rio Master Plan. However, as Parcel 19b is an exception to the survey, with the PAD Amendment, the acres within 19b are no longer calculated as a part of the Project and therefore are not calculated as a part of the Project open space. As shown on Table 1, the PAD Amendment, Land Use Summary, with the PAD Amendment the designated open space has been adjusted to 280 gross acres ( $\pm$ ).

In addition to the acres of open space that are designated by a parcel number, there is open space that is a part of each residential parcel. Residential parcel acreage, on the PAD Land Use Summary, Table 1, is calculated as an entire parcel, including the open

space. However, when the open space within the residential parcel is separated from the acres of residential lots, there are approximately 190 (±) net acres of open space within the residential parcels. This open space includes washes, retention basins and so forth. This acreage is a part of the residential parcel, but has been pulled out in order to provide the estimated number of acres within the residential parcels that is open space. These acres are estimated because elements such as retention basin sizes may change with engineering. Therefore, the 190 acre estimate is subject to change and should not be considered guaranteed, even though it is not anticipated that it will change substantially with platting. Within the residential acres are two parks that are found in the open space of Parcels 11, 12 and 21. Again, this acreage is a part of the residential parcel, but has been planned for parks. There are about 4 acres in each park. Added together the open space in the amended PAD is estimated for conceptual purposes at about 470 (±) acres or 47 % of the gross 994 (±) acres.

The Calderwood Butte and Agua Fria River open spaces are enriched and made accessible by the proposed trail systems throughout the project. The Agua Fria River, Maricopa County Regional Trail System Plan and the Peoria Trails Master Plan amenities have been provided for within an approximate 100 foot wide by 12,333 foot long strip of land adjacent to the Agua Fria River. The Trail Plans embrace multiple uses and varied recreational experiences within the Agua Fria River corridor. Among the recreational activities proposed are hiking, bicycling, equestrian riding and wildlife viewing. Tierra del Rio will provide an impressive network of open space trails for all levels of activity, from a stroll through the neighborhood to a mountain hike. These trails will link the internal land uses of the Tierra del Rio community and provide an alternative means of intra-community circulation. Access to Maricopa County Regional Trail System and the multi-use and equestrian trails along the Agua Fria River and to the Calderwood Butte are provided as an integral part of this development. Local trails within the project are proposed for pedestrian and bicycle connectivity for the residents of Tierra del Rio to access the regional trail system. All parts of the trail system within the development shall be designated as public, as approved by the City of Peoria.

For flood control and protection purposes a hard bank will be constructed along the western edge of the Project adjacent to the Agua Fria River. The 100 foot wide (average) open space buffer between the river and the residential lots has been provided in the Tierra del Rio Proposed Land Use Plan. This area will serve as a location for the Maricopa County Regional Trail and will also serve the project as a location for storm water retention basins.

The common river and butte areas are defined as their own parcel, as shown on the Tierra del Rio PAD Land Use Plan (**Figure 4**).

In order to salvage the protected plant species, a Landscape Inventory and Salvage Plan will be provided, prior to the approval of the preliminary plat.

*Please reference the Tierra del Rio -PAD Conceptual Site Plan, Figure 4.  
Please reference the Conceptual Open Space and Trail Plan, Figure 8.*

*Please reference the Conceptual Landscape Detail, Figure 9.*

*Please reference the Street Cross Sections for ROW landscape concepts, Figure 15.*

## **2. Residential**

To reference the Development Standards see Section XVI of this report.

The PAD Amendment features approximately 635 (±) acres or 64% out of 994 acres in residential land use. There are two residential land use categories proposed for Tierra del Rio. These include, Single Family Residential and Multiple Family Residential (attached and detached). The PAD Amendment allows 2, 102 dwelling units with a density of 2.1 du ac.

A buffer, 133 feet wide, featuring 2.2 dwelling units per acre (du/ac), was stipulated under the Tierra del Rio DMP 99-05 (Stipulation No. ee). This buffer is to be maintained at the eastern edge of the site within Parcels 10 and 13. This buffer is measured from the eastern boundary of the Project to the interior boundary of the residential lots within Tierra del Rio. The buffer has been maintained by the Master Plan in Parcels 10 and 13, at a minimum width of 133 feet wide. As illustrated in **Figure 16**, the Master Plan shows approximately 8.3 acres are encompassed within the buffer. The Plan shows a density of 1.2 du/ac for this area. The maximum density allowed is 2.2 du/ac. The PAD is well within the required density for the buffer area.

### **2a. Single Family**

The PAD Amendment includes single family PAD zoning. The multi-family Parcels 8 and 15 may be utilized as single family residential as well.

Within the single family category, the residential densities will transition from higher intensity along Happy Valley Parkway to lower densities moving north toward the Dynamite Boulevard alignment. The proposed single family zoning district is Planned Area Development. To achieve the flexibility needed for this community, the Tierra del Rio project has received approval from Maricopa County for modifications to the Maricopa County residential zoning district standards. The modifications have been made a part of the "like" zoning for the Project under the City of Peoria PAD No. Z 04-34 as shown on the Development Standards Tables, Section XVI of this report.

*Please reference the Comparison Chart, in Section XVI of this report.*

PAD zoning for Parcel 2 may feature homes that have a second cooking facility so long as the design of the home is under one roof, with a connecting doorway and incorporates the features set forth in Figure 18i.

### **2b. Multiple Family Residential**

PAD zoning for Parcels 8 and 15 may feature attached or detached housing products PAD for Parcel 7 is proposed for multiple family uses. Potential product types may

include court home, town home, patio home or z-lots for these parcels. As an alternative, Parcel 15 is also a prime location for a possible church site. Parcel 15 is located northwest of the Jomax Road and 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) intersection. Parcel 7 and 8 are located at the northwest corner of the Happy Valley Parkway and 107<sup>th</sup> Avenue (Tierra del Rio Boulevard). The request for zoning for Parcel 7, 8 and 15 is that of Multi-Family, PAD.. The Development Standards in Section XVI of this report summarize the proposed amended standards to the Tierra del Rio PAD zoning districts.

### **3. Commercial**

Commercial land use dominates Parcels 2, 3 and 14. Approximately 78 (±) acres or 8% of the land within the Project are designated for commercial use. This commercial land use will encourage retail employment opportunities within the proposed development. Three parcels are proposed for commercial land use for the Tierra del Rio community. Two of these are located south of Happy Valley Parkway and 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) (Parcels 2 and 3) and the third is located north of the 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) and Jomax Road intersection (Parcel 14). Parcels 2 and 3 are designated as Commercial Retail Centers (CRC) that will serve communities surrounding and including Tierra del Rio. The land uses may include commercial services such as a grocery store, pharmacy, and restaurants, fueling station, big box retail and other retail land uses. For Parcel 2 and 3, the zoning is PAD commercial uses, uses as provided in the use table in Section XV.B. The zoning district allows big box development uses. These uses might be described as similar to a Costco, Sam's Club or Home Depot.

Parcel 14 is proposed as C-1, a Neighborhood Retail Center (NRC). This land use may include neighborhood grocery store, drug store, restaurant, and/or other retail land uses. Parcel 14 zoning is PAD C-1.

*Please reference the Comparison Chart, in Section XVI of this report.*

*Please reference the PAD Conceptual Land Use Plan, Figure 4.*

*Please reference that Land Use Summary, Table 1, Chapter VI.*

## VII. Surrounding Properties

### 1. Adjacent Developments

The area surrounding Tierra del Rio has historically been rural in nature with scattered home sites, agricultural uses and desert. Recently however, several master plan developments, such as Pleasant Valley Estates, Sonoran Mountain Ranch, Stetson Hills, Vistancia and White Peak Ranch have been approved and are under construction in the general vicinity. Although development can be found in close proximity to the proposed Tierra del Rio site, most of the land immediately adjacent, within 300 feet of the Project, remains as Maricopa County Rural-43. Tierra del Rio proposes similar residential densities as those found in the other master planned communities in the area. In addition, Tierra del Rio will provide retail commercial support that will benefit the local residents and surrounding developments.

*Please reference Surrounding Land Uses and Zoning, Figure 5.*

*Please reference Surrounding Property Owners, Figure 6a and 6b.*

*Please reference the Regional Vicinity Map, for surrounding development, Figure 1.*

### 2. Sand and Gravel Operations

Sand and gravel operations are common within the Agua Fria River channel. A sand and gravel operation is located one and a one-half miles south of Tierra del Rio. The associated truck traffic will access Happy Valley Parkway via 107<sup>th</sup> Avenue (Tierra del Rio Boulevard). Currently, major improvements are nearing completion on this portion of 107<sup>th</sup> Avenue (Tierra del Rio Boulevard), including re-alignment and paving. **Figure 3** of this report identifies this sand and gravel extraction location.

*Please reference the Topography and Physical Features Map, Figure 3.*

### 3. Archaeology

A Data Recovery Plan has been completed and submitted for review to the State Historic Preservation Office by Soil Systems Inc. (SSI). This Plan is titled, "A Data Recovery Plan for 15 Prehistoric Sites on the Tierra Del Rio Project Surrounding Calderwood Butte, Maricopa County, Arizona" and is dated February 2004. Sites are identified in the SSI Plan. A copy of the map and site numbers, are in the **Appendix G** of this report. The findings of further analysis will be sent to the Arizona State Historic Preservation Office (ASHPO) for review. Federal permits that may be required or any archaeological mitigation completed will meet the Secretary of Interior's standards and will be subject to the provisions of Section 106 of the National Historic Preservation Act.

#### **4. Recharge Facilities**

A recharge facility for the Central Arizona Project (CAP) is located within close proximity to Tierra del Rio, at the extreme western boundary of the site, on the opposite bank of the river from the Tierra del Rio residential development. When in use, this recharge facility appears to be a large body of water. The CAP recharge facility attracts waterfowl and other wildlife. This water feature enhances the river preservation element of Tierra del Rio.

*Please reference the Topography and Physical Features Map, Figure 3.*

#### **5. Luke Air Force Base**

Tierra del Rio is more than eleven miles from the Luke Air Force Base runway and is well outside of the 65-LDN noise contours (1988 J.L.U.S.). Therefore, the landing and take off exercises for Luke Air Force Base do not significantly impact the Tierra del Rio project. According to the definition stated in the Arizona State Statute, the project is not in the vicinity of a military airport.

The Arizona State Statute No 28-8461, 11a provides the applicable definition:

"territory in vicinity of a military airport" is defined as any property located in the following zone: "In counties that have a population of one million two hundred thousand or more persons, according to the most recent United States decennial census, the zone is ten miles to the north, south and west and four miles to the east parallel from the center of the of the main runway of the military airport."

## **VIII. Project Benefits to the Community**

Tierra del Rio presents numerous community benefits, including a mix of housing product types, proximity of housing to commercial centers, provisions for active recreational open space areas and extensive trail systems with links to regional and equestrian trails. The surrounding community will benefit from the natural open space preservation and the completion of regional trail links. Preservation of the Calderwood Butte provides views of the hillside and specifically maintains valuable open space. These preservation amenities will help to maintain and raise property values in the area.

The Tierra del Rio commercial sites will provide retail employment opportunities for the existing and future homeowners in the area. The larger retail commercial parcels are located adjacent to the Happy Valley Parkway. This will allow all of the surrounding communities and homeowners to benefit from the commercial enterprises in this location. This location will be a place of nearby retail employment and a convenient place to shop. Development of the Tierra del Rio project will benefit surrounding communities by creating a link between the Happy Valley Parkway and 99<sup>th</sup> Avenue, via 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) and by extending Jomax Road from 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) west to the Agua Fria River. Completion of this master plan will provide access and further extension of the urban infrastructure into areas that are currently undeveloped.

## **IX. Project Support/Consistency with the City of Peoria General Plan**

### **1. Socioeconomic Trend Support**

Tierra del Rio will be a family oriented development providing recreational, shopping and retail employment opportunities for the residents. Commercial development within the Project will encourage other businesses and services to locate to this region, which will potentially increase other employment opportunities in the area.

The northwestern region of the Phoenix metropolitan area is quickly developing with similar densities and land uses. This is demonstrated by several other planned and existing developments near Tierra del Rio, including, Terramar, Sonoran Mountain Ranch, West Wing Mountain, Vistancia, Stetson Hills, White Peak Ranch and others. Development of similar master planned communities in the area provides physical evidence that Tierra del Rio conforms to the urban fabric of Maricopa County.

### **2. City of Peoria General Plan Support**

#### ***Land Use***

*Goal A: "Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development, encourage redevelopment at appropriate locations and protect environmentally sensitive areas."*

*Objective A-1: "Manage and control development to facilitate orderly growth and an efficient urban form."*

Consistent with Policy A-1a, Tierra del Rio is within the City of Peoria General Plan boundaries and is on the edge of the current City annexation boundary as well. Annexation is a natural outcome with City infrastructure close by.

Consistent with Policy A-1c, Tierra del Rio is a Master Planned Community with an appropriate mix of land uses.

Consistent with Policy A-1d, Tierra del Rio will provide development and infrastructure that are compatible with the City of Peoria standards.

#### **Residential Communities**

*Objective A-2: "Provide a diversity of housing types to meet the needs of persons of all income levels and ages."*

*Objective A-3: "Create high quality residential environments that provides a safe and convenient vehicular circulation, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses."*

Consistent with Policy A-2a, Tierra del Rio provides a mix of residential development to accommodate future housing needs.

Consistent with Policy A-3b, Tierra del Rio has direct access to arterial streets, such as 107<sup>th</sup> Avenue (Tierra Del Rio Boulevard) and Happy Valley Road, and the residents of Tierra del Rio will not need to traverse through existing lower density residential areas.

Consistent with Policy A-3d, Tierra del Rio provides extensive open space in Calderwood Butte and the Aqua Fria River. In addition, open space is provided within the residential parcels, which includes parks, wash corridors and trail connections throughout the Project.

*Objective A-5: "Locate multi-family residential development in suitable areas in which they will not adversely impact lower density development."*

Policy A-5a, states that the City shall support the development of alternative forms of housing such as attached and detached townhouses and condominiums in appropriate locations. Tierra del Rio, provides locations for multiple family housing adjacent to major roads (Parcels 7 and 8) and open space (Parcel 15).

Consistent with Policy A-5c, Tierra del Rio, Parcel 15, offers multiple family land use adjacent to the Agua Fria River open space.

### Employment Related Development

*Objective A-6: "Develop appropriate commercial, Business Park, industrial and mixed-use employment centers within large-scale residential master planned areas."*

Consistent with Policy A-6a, Tierra del Rio provides adequate and proximate commercial land use within Parcels 2, 3 and 14.

### **Circulation Element**

*Goal B: "Provide for a multi-modal Transportation System that will serve the Community and Region in a safe, efficient, cost effective and aesthetic manner while minimizing adverse impacts to neighborhoods, businesses and the natural environment."*

*Objective B-3: "Develop neighborhood street patterns and circulation systems which preserve neighborhood integrity and serve local traffic and discourage non-local or through traffic."*

Consistent with Policy B-3c, Tierra del Rio, provides residential neighborhoods that have convenient access to arterial streets.

*Objective B-5: "Develop a comprehensive, coordinated and continuous on and off-street bicycle and multi-use pedestrian transportation system."*

Consistent with Policy B-5b, Tierra del Rio provides bike facilities in street cross sections as well as in multi-use trails. Tierra del Rio also provides access to the regional trail system along the Agua Fria River in this new development in order to promote bicycle and pedestrian use.

### ***Economic Development Element***

*Goal C: "Create employment opportunities for Peoria residents."*

*Objective C-1 "Enhance Peoria's viability as a place for businesses to locate."*

In keeping with Policy C-1a, Tierra del Rio's commercial parcels are located where there is ample opportunity and where incremental expansion of infrastructure is possible.

### ***Growth Area Element***

*Goal F: "Promote efficient development areas, which support a variety of land use types, conserve natural resources, reduce automobile dependency and exhibit a logical extension of infrastructure and service capacities."*

*Objective F-3 "Preserve and acquire open space and other natural resources in growth areas to foster community image and enhance the quality of life."*

Consistent with Policy F-3b, Tierra del Rio preserves and enhances public open spaces in areas proximate to the residential communities and employment centers. The Calderwood Butte and Agua Fria River are preserved and enhanced with trail amenities. Both the butte and the river are in close proximity to the residential neighborhoods and the commercial parcels.

### ***Housing Element***

*Goal H: "Provide for sufficient availability and a variety of opportunities for safe, decent and affordable housing with cohesive neighborhoods to meet the needs of present and future residents of Peoria."*

*Objective H-1 "Promote quality residential development through diversity in housing type."*

Consistent with Policy H-1d, Tierra del Rio will increase the housing supply while promoting diversity and neighborhood vitality. The housing types will be both single family attached and detached and multiple family residential communities are planned as well.

### ***Public Services and Facilities Element***

*Goal K: "Coordinate future utility infrastructure."*

*Objective K-1: "Coordinate with federal and county governmental entities in the planning and implementation of appropriate storm water improvements that minimize flood hazards and are aesthetically pleasing."*

Consistent with Policy K-1b, Tierra del Rio jointly utilizes the retention basin facilities in the Project for both flood control and recreational activities.

### ***Recreation and Open Space Element***

*Goal M: "Create a balanced, accessible and integrated system of open spaces and recreational opportunities to serve the current and future residents and visitors of the City of Peoria."*

*Objective M-1: "Provide a meaningful network of natural and developed open space areas."*

Consistent with Policy M-1c, Tierra del Rio provides more than 10 acres of open space per 1,000 people. In designated open space alone, the Project provides about 280 acres of open space. With 2,102 dwelling units planned for the Project and assuming a population of 2.5 persons per dwelling unit, the population of the Project would be about 5,255 persons. Fifty two (52) acres of open space would serve the Project need for 10 acres per 1,000 persons. The Project provides more than five (5) times the desired amount of open space.

*Objective M-2: "Manage and preserve open space to optimize its use and protection."*

Consistent with Policy M-2e, Tierra del Rio has preserved a significant natural area in the hillsides of Calderwood Butte and a floodplain area in the Agua Fria riverbed. The Project has enhanced the washes within the Project, the bank of the river and the butte with a connected system of trails.

### 3. Surrounding Development Support

Surrounding projects support the proposed plans for Tierra del Rio in that they are similar in their proposed densities and plans of development. Noted below are the Master Planned Communities Sonoran Mountain Ranch, Stetson Hills and Vistancia.

Sonoran Mountain Ranch featured lot widths on the proposed plans at 50 feet wide. The total square feet for these lots was proposed at 5,500 square feet per lot using R1-6 PAD zoning. Lot widths for R1-7 are 60 feet wide and for R1-8 are 70 feet wide. These are similar to requests for rezoning modifications seen with the Tierra del Rio proposed Master Planned Community.

- *Sonoran Mountain Ranch* is northeast of the Tierra del Rio project. Sonoran Mountain Ranch is in the City of Peoria planning boundaries at the southwest corner of 67<sup>th</sup> Avenue and the northern Happy Valley Parkway. It is a Master Planned Community of approximately 710 acres, featuring 1,701 single family residential lots, 308 multiple family units and 17.9 acres of commercial uses. The approved overall residential density for Sonoran Mountain Ranch project is 2.93 du/ac. The zoning for the project includes R1-6 PAD with lots approved at 50' x 110' (5,500 square feet); R1-7-PAD with lots approved at 60' x 120' (7,200 square feet); R1-8 PAD with lots approved at 70' x 120' (8,400 square feet) and R1-10-PAD with lots approved at 90' x 130' (11,700 square feet).

The approval of the Stetson Hills plan allowed for smaller lots, conceding extensive hillside open space of 518 acres for the site, with an R1-6-RUPD-PAD zoning district. This is similar in character to that of Tierra del Rio.

- *Stetson Hills* is east of the Tierra del Rio project. Stetson Hills is a 1,321-acre Master Planned Community within the City of Phoenix planning boundaries. The approved PCD allows 2.34 du/ac and 3,096 dwelling units. The project includes 657 acres of single family residential, 131 acres of multiple family residential, 15 acres of neighborhood park and hillside open space of 518.2 acres.

Vistancia and White Peak Ranch are the closest new developments to Tierra del Rio. These projects were approved with overall densities of 2.21 and 3.0 du/ac, which is greater than that of Tierra del Rio's 2.02 overall density.

- *Vistancia and White Peak Ranch* projects are northwest of Tierra del Rio. Vistancia and White Peak Ranch cover more than 7,000 acres west of Tierra del Rio and are immediately north of Jomax Road. More than 10,810 single family dwelling units are proposed, together with 6,518 multiple family units. The overall density for Vistancia is 3.0 du/ac and the overall density for White Peak Ranch is 2.21 du/ac. Amenities for the communities include golf courses, parks, schools and community buildings.

#### **4. Public Participation Support**

As part of the Citizen Review Process, a Citizen Participation Plan was prepared for Tierra del Rio. This plan was submitted to Maricopa County under separate cover as a part of the RUPD/CUPD-PAD zoning process with the County. To summarize, the proposed Conceptual Land Use Plan and project information was made available to the public interested in the development of Tierra del Rio by way of direct telephone contact, mailings, sign posting and meetings will be held as necessary.

## X. Circulation

There are multiple layers of circulation within the Tierra del Rio development. The layers range from Urban Minor Arterial to Parkway for vehicular roadways and a Regional Multi-modal Bicycle, Pedestrian and Equestrian Trail System that has been planned to satisfy the Trails Master Plans of Maricopa County Transportation and Trails, as well as the City of Peoria Trails Master Plan. Local road links, as well as multi-purpose local hiking and biking trails and road lanes for bike travel are featured within the Tierra del Rio project. Tierra del Rio will provide links to these regional and local circulation systems.

### 1. Vehicular

A Traffic Impact Analysis (TIA) for Tierra del Rio by Task Engineering, dated October 16, 2002, was approved with the Tierra del Rio DMP. An updated report was completed on June 8, 2004. A revised traffic report reflecting final development plans will be updated and submitted to the City of Peoria, prior to the first development phase. The proposed vehicular circulation for Tierra del Rio is depicted on **Figure 14**. Street cross sections proposed for Tierra del Rio roadways are shown in **Figure 15**.

*Please reference the Proposed Circulation Plan, Figure 14.*

*Please reference the Proposed Street Cross Sections, Figure 15.*

*Please reference the Revised Traffic Analysis, dated June 8, 2004, which has been submitted under separate cover to the City of Peoria*

A *Local Street*, 50-foot wide, is proposed for the roadways that serve as the vehicular links to homes throughout the Tierra del Rio Community.

A 130 foot wide, *Major Arterial Street*, ultimately with six paved lanes, a median and bike lanes, is for 107<sup>th</sup> Avenue (Tierra del Rio Boulevard). 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) will be improved throughout the Project.

For Jomax Road, a 65 foot wide half street will be constructed between the east boundary of Parcel 13 and 99<sup>th</sup> Avenue.

For Jomax Road, an *Urban Minor Arterial*, 110 foot wide, with bike lanes, is proposed for the portion of the roadway that is west of 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) to the hard bank of the river, within the Project boundary. Jomax Road, west of the river hard bank to the property line is proposed as a "wet crossing", minor arterial.

The 99<sup>th</sup> Avenue cross section will be determined during the Preliminary Plat process.

For Happy Valley Parkway a major arterial, Maricopa County is proposing a Parkway classification, which will feature a median and either six or eight lanes. Declassification of Happy Valley Parkway from a limited access freeway has been completed. A copy of the Declassification Notice can be found in the **Appendix** of this report. Therefore,

greater opportunities for access to the commercial and residential parcels, from Happy Valley Parkway, are now possible. The new ultimate alignment for the Loop 303 is expected to be within the Lone Mountain Road alignment, which is north of the Tierra del Rio boundary. To the west, Loop 303 becomes the Estrella Freeway, running north to south along the western edge of the metropolitan region. These are anticipated to provide regional access to the Tierra del Rio site

## **2. Bicycle**

The Maricopa County Regional Trail System, Multi-Use Pedestrian and Bicycle Path, will be improved adjacent to the Tierra del Rio project within a 100 foot (average width) open space. This 100 foot ( $\pm$ ) wide open space is adjacent to the eastern hard bank along the Agua Fria River. Trail links will connect the Tierra del Rio community to the County trail along the river.

Bicycle circulation is provided within the right of way bike lanes, within the regional County multi-use trail and via trail connections throughout the community. Bike lanes are proposed as a part of the street cross sections.

*Please reference the Proposed Street Cross Sections, Figure 15.*

*Please reference the Proposed Conceptual Open Space and Trail Plan for the proposed biking trail and connectivity, Figures 8, 9, and 14.*

## **3. Pedestrian**

Sidewalks will be provided along both sides of local, collector and arterial roadways, except in the case of the Minor Collector "B" as described on **Figure 15**, where the minor collector is adjacent to the Calderwood Butte open space. Pedestrian connections are proposed within natural drainage corridors and a hiking trail is proposed within the Calderwood Butte open space (Parcel 26a and b). The Maricopa County Regional Trail System Multi-Use Path will be constructed along the eastern bank of the Agua Fria River within a 100-foot wide (average width) open space for the length of the site.

*Please reference the Proposed Street Cross Sections for proposed pedestrian sidewalk detail, Figure 15. Please reference the Proposed Conceptual Open Space and Trail Plan for proposed pedestrian hiking and connectivity, Figures 8, 9, and 14.*

## **4. Equestrian**

An equestrian trail, separated from the multi-use trail, is proposed to parallel the eastern bank of the Agua Fria River. This proposed trail is consistent with the Peoria's Trail

Master Plan, Maricopa County Regional Trail System and the MAG West Valley Multi-Modal Transportation Corridor Master Plan.

*Please reference the Proposed Conceptual Open Space and Trail Plans, Figures 8, 9, and 14.*

## **XI. Development Phasing**

At this conceptual stage in planning the number of phases has not yet been determined. The status of this request is that of entitlement, which features conceptual plans submitted for a PAD Amendment. Separate preliminary plats, final plats and improvement plans will be submitted for each individual parcel. Depending upon economic conditions, the residential parcels will be phased and constructed over a three-year period. The required infrastructure for the entire development will be constructed as part of the initial project.

The approximate timing of the development is anticipated to be as follows:

Beginning Fall 2005 – Ending Spring 2008

## **XII. Community Facilities and Services**

### **1. Schools**

Tierra del Rio is located in the Peoria Unified School District (PUSD). A Developer Assistance Agreement between PUSD No. 11 and CML Inc (now TDR L. L. C.) specifies that the Developer will make a contribution to enhance education within the PUSD. A copy of the Developer Assistance Agreement can be found in the **Appendix** of this report. School sites are not shown on the Tierra del Rio site plan. The developer has agreed to provide PUSD with adequate consideration, rather than school sites, for this project. A letter from PUSD, No. 11, dated June 4, 2002, DMP 99-05, Section "W", states that Tierra del Rio is anticipated to produce between 1,000 to 1,200 elementary students and 400 to 500 high school students. The elementary students are to attend Zuni Hills Elementary School at 107<sup>th</sup> Avenue (Tierra del Rio Boulevard) and Williams Road. The high school students are to attend Sunrise Mountain High School, which is located at 83<sup>rd</sup> Avenue and Deer Valley Road. **Figure 7** illustrates the location of existing schools in the proximity of Tierra del Rio.

*Please reference the PUSD Developer Assistance Agreement in the Will Serve, Appendix D of this report. Please reference the Peoria School District, June 4, 2002, letter in the Will Serve, Appendix D of this report. Please reference the Existing Community Facilities and Services, Figure 7.*

### **2. Parks and Amenities**

Two parks have been provided within the Tierra del Rio Master Plan. Open space within the Calderwood Butte and the Agua Fria River, as well as the open space found in the residential parcels are also featured amenities within the Master Plan.

The West Valley Multi-Modal Transportation Corridor Master Plan establishes plans for trails and recreational amenities south of Tierra del Rio at the intersection where the lower Agua Fria River corridor meets the New River corridor. Trail plans for these two-river corridor connections will provide a regional trail system connection for Tierra del Rio residents. A second regional trail connection for Tierra del Rio is in the upper Agua Fria River. This regional trail system is planned as a part of the Maricopa County Regional Trail System Plan. The two regional trail systems connect the White Tank Mountain Regional Park with Lake Pleasant Regional Park, Cave Creek Recreation Area and Spur Cross Conservation Area. The trail proposed in the Tierra del Rio plan that is adjacent to the hard bank of the Agua Fria River will connect to this regional trail system.

West of Tierra del Rio the White Tank Mountain Regional Park encompasses more than 29,000 acres of land and north of the project, Lake Pleasant Regional Park offers more than 23,000 acres of recreational land. Thunderbird Regional Park is approximately 5

miles southeast of Tierra del Rio, located near 67<sup>th</sup> Avenue and Pinnacle Peak Road in Glendale. Thunderbird Regional Park is 1,062 acres in size and provides additional recreational opportunities for mountain bikers, pedestrians and equestrians. The City of Peoria offers twenty-three City Parks, several of which are near Tierra del Rio. These include Apache Park and Alta Vista Park. Various future master planned communities will also provide accessible community or neighborhood park facilities for surrounding communities to enjoy. These will be similar to those being proposed within Tierra del Rio. Recreational open space and links to the regional trail systems are outstanding features of the Tierra del Rio Community plan.

*Please reference the Existing Community Facilities and Services, Figure 7.*

### **3. Police and Fire Protection**

The City of Peoria will be the Police and Fire Protection service providers for the Tierra del Rio project.

*Please reference the Existing Community Facilities and Services, Figure 7.*

### **4. Libraries**

The Maricopa County Libraries nearest to Tierra del Rio are in the City of Peoria. These include the Sunrise Mountain Library, located at 2100 North 83<sup>rd</sup> Avenue and the Main Library, which is located at 8463 West Monroe Street.

*Please reference the Existing Community Facilities and Services, Figure 7.*



*APS will provide electric service to Tierra del Rio.*

### **XIII. Public Utilities and Services**

#### **1. Water Facilities**

A Master Potable Water Report for Tierra del Rio was prepared by CMX in February of 2004. The Master Water Report has been submitted under separate cover. The Master Water Report is incorporated into this PAD Amendment document by reference. This master report represents a layout of the backbone water infrastructure for the development and is subject to modification through the process of engineering development.

*Please reference the Tierra del Rio, Master Water Report, submitted under separate cover, for detail analysis of the potable water facilities. Please reference the Proposed Water Facilities Plan, Figure 12.*

Arizona-American Water Company (AAWC) holds the Certificate of Convenience and Necessity (CC&N) for the area of this project, within Maricopa County. AAWC will be providing water service to meet the water demands for Tierra del Rio. Water for the Peoria parcels will be provided by the City of Peoria.

*Please reference the AAWC Will Serve Letter, Appendix D.*

The Water Master Plan identifies the size and proposed locations for major water distribution infrastructure based upon the AAWC Development Guide for Maricopa County Properties, dated September 2003. This infrastructure includes water mains, pressure reducing valves and storage. The pipes shown in this plan form the pressure distribution system required for transmitting potable water to each parcel within Tierra del Rio from the self contained water system. Based on current agreements with AAWC, ground water wells located within Tierra del Rio will be the source of potable

water for this development. This potable water system is a stand-alone system that is not intended to be connected to any other future projects in AAWC's service area.

## 2. Wastewater Facilities

A Master Wastewater Report for Tierra del Rio was prepared by CMX in February of 2004. Copies of the Master Wastewater Report have been submitted under separate cover. The Master Wastewater Report is incorporated into this PAD Amendment document by reference. A revised report will be submitted to the City of Peoria with the revised Preliminary Plat.

*Please reference the Tierra del Rio, Master Wastewater Report, submitted under separate cover, for detail analysis of the wastewater systems. Please reference the Proposed Wastewater Facilities Plan, Figure 13, superceded by "Exhibit C" in the "Transportation and Sewage Service Agreement" dated November 16, 2004*

Wastewater services are to be provided by the City of Peoria. The site for Tierra del Rio is currently vacant.

The City of Peoria sewer treatment plant is the Beardsley Water Reclamation Facility, located at 111<sup>th</sup> Avenue and Beardsley Road.

Land use for Tierra del Rio includes high to low-density residential, open space and mixed use commercial. The Master Wastewater Plan identifies the size and proposed locations for all major wastewater collection infrastructure based upon the City of Peoria's Master Wastewater design requirements. Proposed infrastructure includes major sewer lines and connections into existing structures. The developer shall design and construct a sewer connection to eliminate the existing Pleasant Valley lift station at 99<sup>th</sup> Avenue and Dynamite Road. The developer shall design and construct a gravity connection to the existing sewer located at 109<sup>th</sup> Avenue and Deer Valley Road. This connection will be a minimum 24" pipe from 109<sup>th</sup> Avenue and Deer Valley Road to 107<sup>th</sup> Avenue and Happy Valley Road and shall be continued through the development as an oversized line per Exhibit C of the "Transportation and Sewage Service Agreement," to serve the property north of Tierra Del Rio. The sewer pipes shown in this plan form the backbone collection system required for conveyance of wastewater generated by each parcel within Tierra del Rio. As each parcel or phase within Tierra del Rio is developed, a detailed analysis of the wastewater sewer system will be prepared and submitted for review by the City of Peoria.

## 3. Dry Utilities

Existing utilities include APS, Southwest Gas Corporation, Qwest, and Cox Communications. These utilities are adjacent to the site, on-site or within a reasonable distance to the site. Will Serve letters are provided in the **Appendix** of this report.

#### 4. Drainage

A Master Drainage Report has been prepared by CMX, LLC. This study offered detailed descriptions of the proposed drainage system. The Master Drainage Report for Tierra del Rio was submitted under separate cover. The Master Drainage Report is made a part of this PAD Amendment document by reference.

*Please reference the Master Drainage Report, submitted under separate cover, for the detail analysis of project drainage. Please reference the Proposed Storm Drainage Patterns, Figure 11.*

The site and surrounding areas slope naturally from the northeast to the southwest. Existing drainage patterns show that sporadic residential development exists in proximity to the project area. Tierra del Rio proposes to direct the storm water toward the Agua Fria River. An approximate 100 foot wide buffer adjacent to the hard bank, along the Agua Fria River is proposed. This buffer will contain a proposed hard bank protection, retention basins and trails. As the storm water accumulates during a storm event the basins will individually fill and overflow to the Agua Fria River. Runoff from parcels that are not directly adjacent to the Agua Fria River will discharge to detention basins and will be directed to landscaped drainage corridors that will direct the flow west and southwest. Basins will be located so as not to impact the integrity of the adjacent wash banks.

Streets within Tierra del Rio will be designed such that the 10-year flow is contained below the top of the curb. The 100-year flow, limited to 100 cubic feet per second in the street, will be contained within the street right-of-ways. The finished floor elevations within the project will be designed to be a minimum of one foot above the calculated 100-year high water elevation in the Agua Fria River, or 14-inches above the adjacent top of curb elevation, whichever is greater.

On-site rainfall runoff will be routed to detention basins via in-street flow and, where necessary, storm drain pipe. To allow for flexibility in site design, the Drainage Master Plan does not show the specific locations or sizes of storm drainpipe within the local roadways of Tierra Del Rio at this stage of the planning process. These storm drains will be designed at the time of improvement plan preparation for each of the parcels.

Detention basins discharging directly into the Agua Fria River will be designed with a capacity equivalent to the first-flush volume or the volume necessary to limit the developed conditions discharge to no more than the pre-development discharge produced by the 100-year, 6-hour storm event. The first flush detention basins will be designed for 0.5 inches of runoff in the County (per Flood Control District standards and 1 inch of runoff in the City of Peoria. These facilities will be constructed within open spaces, landscape tracts or other designated areas within the development limits or within the buffer zone, adjacent to the Agua Fria River. Commercial developments and residential developments that do not discharge directly to the Agua Fria River will be

designed to meet the required 100-year, 2-hour retention volume as specified in the Drainage Design Manual for Maricopa County, Volume I, Hydrology. Each first flush, detention and retention basin will drain within 36 hours. This will be accomplished either through controlled bleed-off, only permitted if water quality standards are met in accordance with AZPDES requirements as modified by the City of Peoria, to adjacent channels and washes or via infiltration through drywells.

Detention basin dewatering, major roadway runoff, and detention basin overflow during storms in excess of the 100-year, 2-hour event, will be conveyed through the Tierra Del Rio landscaped open channels or preserved washes. All storm water facilities north of Jomax Road and west of Calderwood Butte will ultimately discharge into the Agua Fria River via a storm drain outlet during low flow event and an emergency overflow structure during a more significant runoff events.

All development will be in accordance with the drainage and floodplain regulations for Maricopa County, AZPDES as modified by the City of Peoria, and City of Peoria Standards. Prior to any development, the applicant will contact the City of Peoria concerning a Floodplain Use Permit within the 100-year floodplain and they will make appropriate submittals to the Federal Emergency Management Agency for those portions of the development within their jurisdiction.

## **XIV. Project Justification**

1. *What type of development and uses are proposed by the rezoning request?*

Answer: See Sections IV, V, VI, XVI and XVII of this report.

2. *State whether your proposal is consistent with the Land Use Plan and other Goals, policies and objectives of the Peoria General Plan.*

Answer: See Section IX of this report.

3. *Discuss your proposal's compatibility with the surrounding land use and zoning patterns.*

Answer: See Section VII, and IX (3.) of this report.

4. *Indicate why the current zoning is not appropriate given the surrounding land use, zoning and factors, which have changed since the current zoning was established.*

Answer: This Amendment to the PAD assumes that 932 acres of Tierra del Rio has been annexed into the City of Peoria with "like" zoning, which is similar to zoning in Maricopa County, with standards that are enumerated on the Development Standards Table. Parcels 25, 26b and 28 are being added to the PAD with this amendment. Parcels 25, 26b and 28 are zoned Agriculture (AG) by the City of Peoria. Due to the fact that these parcels are a part of the Tierra del Rio Project and also that master planned residential development exists to the east of 99<sup>th</sup> Avenue, adjacent to Parcels 25, 26b and 28, it is appropriate that these parcels be made a part of the PAD zoning district with "like" standards similar to Maricopa County R1-10 and R1-7 with City of Peoria "like" zoning standards/development standards as established by City of Peoria PAD No. Z 04-34.

5. *Describe any proposed unique design considerations, beyond the Zoning Ordinance requirements, which create compatibility between the proposed use and adjoining development.*

Answer: See Section XVI, Development Standards and XVII Enhanced Design Review Standards in this report.

6. *Describe unusual physical features or characteristics of the site, which present opportunities or constraints for development.*

Answer: Although these have been made into Project amenities, the 280 acres that make up the Calderwood Butte and the Agua Fria River are also development constraints for the Project. Jurisdictional washes have been avoided and turned into Project amenities, however these also pose constraints to the development of residential units.

7. *Other than the requested rezoning approval, what other approval processes are required to accomplish the development proposal, i.e. variances, site plans, subdivision plats, conditional use permits, comprehensive master plan amendments, State of County licensing or permits, etc?*

Answer: Reviews will include but are not limited to; Master Plans, Preliminary Plat and Final Plat for residential, Site Plan for commercial and multiple-family, associated improvement plans, CLOMR/LOMR. Maricopa County Environmental Services Department (MCESD), Maricopa County Department of Transportation (MCDOT), Arizona Department of Water Resources (ADWR), Certificate of Assured Water Supply, Well Permits, Arizona Pollution Discharge Elimination System (AZPDES).

8. *Other than the requested rezoning approval, what other approval processes are required to accomplish the development proposal, i.e. variances, site plans, subdivision plats, conditional use permits, comprehensive master plan amendments, State of County licensing or permits, etc?*

Answer: The City allows kitchenettes to have a refrigerator, microwave, toaster, and hot plate. A PAD Amendment request is being filed for Parcel 2 of the Tierra Del Rio master plan to allow a single family house to have a second cooking facility (i.e. range/stove/oven) only when that house plan incorporates all of the requirements set forth in Figure 18i, including that the second cooking facility is completely internal to the house itself (i.e. under one roof and with a door connecting the Next Gen suite with the main house).

## **XV. PERMITTED USES**

### **A. RESIDENTIAL PERMITTED USES**

1. All Permitted principal uses, permitted conditional uses and accessory uses shall be permitted as set forth in the Peoria Zoning Ordinance for residential uses.
2. Parcel 2 - Second cooking facility shall be permitted as set forth in Figure 18i.

### **B. COMMERCIAL PERMITTED USES,**

1. Banking and financial services;
2. Big box retail; C
3. Cement, grave and paving material mixing plants; SU
4. Child care facilities;
5. Colleges, technical and trade schools; excluding campuses
6. Copying and printing businesses;
7. Entertainment uses including museums, theaters, cinemas, auditoriums and places of public assembly, excluding adult theater and adult live entertainment;
8. Gas / service stations; C
9. General merchandising, including variety and specialty stores;
10. Hardware stores; C
11. Health clubs;
12. Heavy equipment sales and service; C
13. High-tech industries;
14. Home improvement and home furnishings; C
15. Hospital and veterinary facilities; C for hospitals
16. Hotels and motels;
17. Libraries;
18. Lumber and building materials yards; C
19. Medical and dental offices and clinics (including emergency care);
20. Mortuaries and crematoriums; SU
21. Motion picture production, radio and TV broadcast studios; SU
22. Nurseries, and retail; C
23. Offices and office parks;
24. Personal service businesses, such as but not limited to, beauty shops, barber shops, laundry and dry cleaning establishments and repair services for small appliances, watches, bicycles and similar items;
25. Professional, business, and administrative offices;
26. Public and quasi-public facilities;
27. Radio and television broadcast studios;
28. Recreational facilities; indoor only
29. Restaurants and restaurants with bars; C for restaurants with bars
30. Retail sales including food stores, packaged liquor for off-site consumption-C, apparel and accessory stores;
31. Sales/leasing offices and association;
32. Self-storage facilities; C
33. Shopping centers and plaza malls;
34. Sports facilities; C
35. Veterinary offices and (clinical). C

**C. OPEN SPACE**

1. All uses permitted in the residential;
2. Conservation, easements and open spaces;
3. Parks and related amenities, such as but not limited to, parking facilities, recreational building or club house, arbors, ramadas, swimming pools, water features, BBQ grills, tables, seating, outdoor entertainment amphitheatre, interpretive educational and wildlife watching nodes, tot lots, play grounds, ball fields and courts;
4. Public uses;
5. Retention basins and drainage facilities;
6. Landscaping;
7. Trails and paths;
8. Washes and water canals.

C = Permitted Conditional Use

SU = Special Use (See Article 14-41)

## **XVI. Development Standards**

The Amended PAD Development Standards, Tables 2A and 2B, as found in this report under Chapter XVI, shall apply to the Tierra del Rio project as a whole, including all Parcels 1 through 28, as depicted on **Figure 4**, the Proposed PAD Conceptual Land Plan. Setback measurements shall be taken from the **property line** or tract line.

Table 2A – Single Family Residential

Parcel	1, 4A/B, 6, 12, 20	2, 3A	3B	9, 10, 11, 21 <sup>[7]</sup> 22, and 28	13, 27	23	24, 25
Lot Area (minimum)	5,500	6,325	6,325	7,000	8,000	10,000	10,000
Lot Area Per Dwelling Unit (average)	6,000	7,000	7,000	7,000	8,000	10,000	10,000
Lot Width (minimum)	45'	55'	55'	55'	65'	75'	75'
Lot Coverage (maximum)	53%	54%	48%	48% <sup>[6]</sup> <sup>[7]</sup>	48%	45%	42%
Distance Between Building On Same Lot (minimum)	10'	15'					
Height (maximum)	30' or two stories						
Front Yard (minimum)	18' with front-facing garage; a 10' front building setback is allowed for a side entry garage or home-forward product. The front lot width shall be measured at the 18' standard setback in both cases.						
Side Yard (minimum)	5'						
Street-side Yard (minimum)	10'						
Rear Yard (minimum)	15'						
Driveway Width (maximum)	27' maximum driveway width (not including driveway apron) for 3-car garage product only						
Parking Spaces (minimum)	2						
Privacy Wall Height (maximum) <sup>[1]</sup>	6' maximum. The maximum allowable wall mass is 10' when combined with a retaining wall. Maximum retained height is 8'. Any combination of view fence and privacy wall can be combined with retaining wall if maximum wall mass and wall height requirements are maintained. <sup>[2]</sup>						
Retaining Wall Height (maximum)	8' (allow an 8' retaining wall with terracing at a minimum 4' intervals); 10' (maximum) wall mass when combined with a privacy wall. Maximum privacy wall height is 6'. Any combination of view fence and privacy wall can be combined with retaining wall maximum wall mass and wall height requirements are maintained. <sup>[2]</sup>						
Sign Identifying the Main Entry of the Project <sup>[4]</sup>	126 square feet (6' high and 21' wide)						
Sign Identifying Each Individual Subdivision	126 square feet (6' high and 21' wide)						
Irrigation and Landscape Within Wall Terraces	Terraced walls shall be separated by no less than 4' and shall be irrigated and landscaped in accordance with <sup>[5]</sup> below						

[1] For parcels 2, 3 A/B, the maximum privacy wall height shall be 6'8". If noise walls <sup>[3]</sup> are required, the maximum allowable wall mass may increase to 12'.

[2] In no instances would the maximum retaining height of 6' be exceed where viewed from within a lot. This additional retained height would be applicable to the water facilities sites, the lift station site, or in locations adjacent to the arterial and collector streets, or open space areas where significant grade differentials exist.

[3] Where rear yard elevations are 2' or greater below the adjacent top of curb of Happy Valley Road or 107<sup>th</sup> Avenue, a 8' wall will be constructed on top of a 2' retaining wall or 2' berm, which will provide an effective height of 10' measured from the rear yard elevation.

[4] For parcels 10B, 21, 22, and 28, a maximum of 10' wall height shall be used

[5] When terraced walls are located within Tract areas, the builder shall be responsible for installation and landscaping with the terraces.

[6] For parcel 9: lots 1-5, 14-16, 31-34, 46-48, 56-61, and 68-71; parcel 10B: lots 2, 6-24, and 26-31; and, parcel 11: lots 1-5, 9-12, 15-18, 26-28, 32-34, 38-40, 44-46, 49-51, 54-56, 58-61, 64-72, 76-79, 81, 92, 95, 100-105, 107-113, and 116-118, shall have a maximum of 55% lot coverage (see Exhibits on following pages).

[7] Parcels 21A and 21B shall have a maximum lot coverage of 50%

Table 2B – Multi Family Residential

<b>Parcel</b>	<b>7, 8, and 15</b>
Lot Area (minimum)	2,400 square feet
Lot Area Per Dwelling Unit (average)	4,000 square feet
Lot Width (minimum)	30'
Lot Coverage (maximum)	70%
Height (maximum)	30' or two stories
Front Yard (minimum)	8'
Side Yard (minimum)	0'
Street-side Yard (minimum)	8'
Rear Yard (minimum)	5'
Parking Per Dwelling Unit	1.2 per Efficiency Unit; 1.5 per 1 Bedroom Unit; 2 per 2+ Bedroom Unit
Guest Parking	20%
Handicapped Spaces	5%
Parcel 15, As A Church Use, Parking	1 space per 200 square feet of building area
Parcel 15, As A Church Use, Handicapped Spaces	5%
Screen or Privacy Wall Height	10' (allow a 6' privacy wall on top of a 4' retaining wall)
Retaining Wall Height (maximum)	8' (allow an 8' retaining wall with terracing at a minimum 4' intervals); 10' (maximum) wall mass when combined with a privacy wall.
Sign Identifying the Multi Family Development	24 square feet (12' high)
Sign Identifying the Main Entry of the Project	126 square feet (6' high and 21' wide)
Sign Identifying the Each Individual Subdivision	126 square feet (6' high and 21' wide)

## **XVII. Enhanced Design Review Standards**

The lot designs and elevations are provided as illustrations only. These illustrations provided are conceptual representations of a typical development. The illustrations should be considered as conceptual and illustrative only. All development within the PAD is subject to the City's applicable site plan and design review approval processes.

### **COMMERCIAL**

Commercial Development within the PAD shall comply with the City of Peoria Site Plan and Design Review Requirements for Commercial-Non Residential Design with the exception that, where conflicts arise with the Development Standards within this document and/or the agreements, including the Pre-Annexation and the Development Agreement, then the Development Standards and Agreements shall prevail.

### **SIGNAGE**

All signage within the Tierra del Rio PAD shall be subject to the City's sign permit approval process. Subdivision signs shall be a maximum of 126 square feet (6-foot high and 21-foot wide).

For Parcels 20, 21, 22, 23, 27, and 28 an enhanced design review standard will apply to the entry feature; a 10' high sign wall with maximum of 126 square feet of copy area. The 10' height is measured from finish grade. The height of the sign will not exceed 14' from top of curb. See Exhibit. The enhanced design review standard will also apply to the sign identifying each individual subdivision, the directional signs, and the mailboxes. See Exhibit.

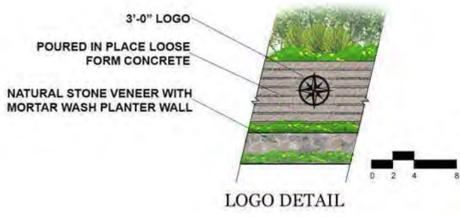
### **LIGHTING**

All exterior lighting within the Tierra del Rio PAD shall be in conformance with the provisions set forth in the City's Dark Sky Ordinance and the Peoria Zoning Ordinance.

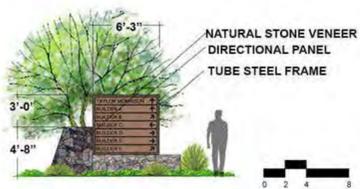
The Enhanced Review Guidelines that are applicable to the Tierra del Rio project are those in effect for the year 2004. These are made a part of this narrative by reference. They include non-residential guidelines, residential guidelines and multiple family residential guidelines. Reference **Appendix G**.



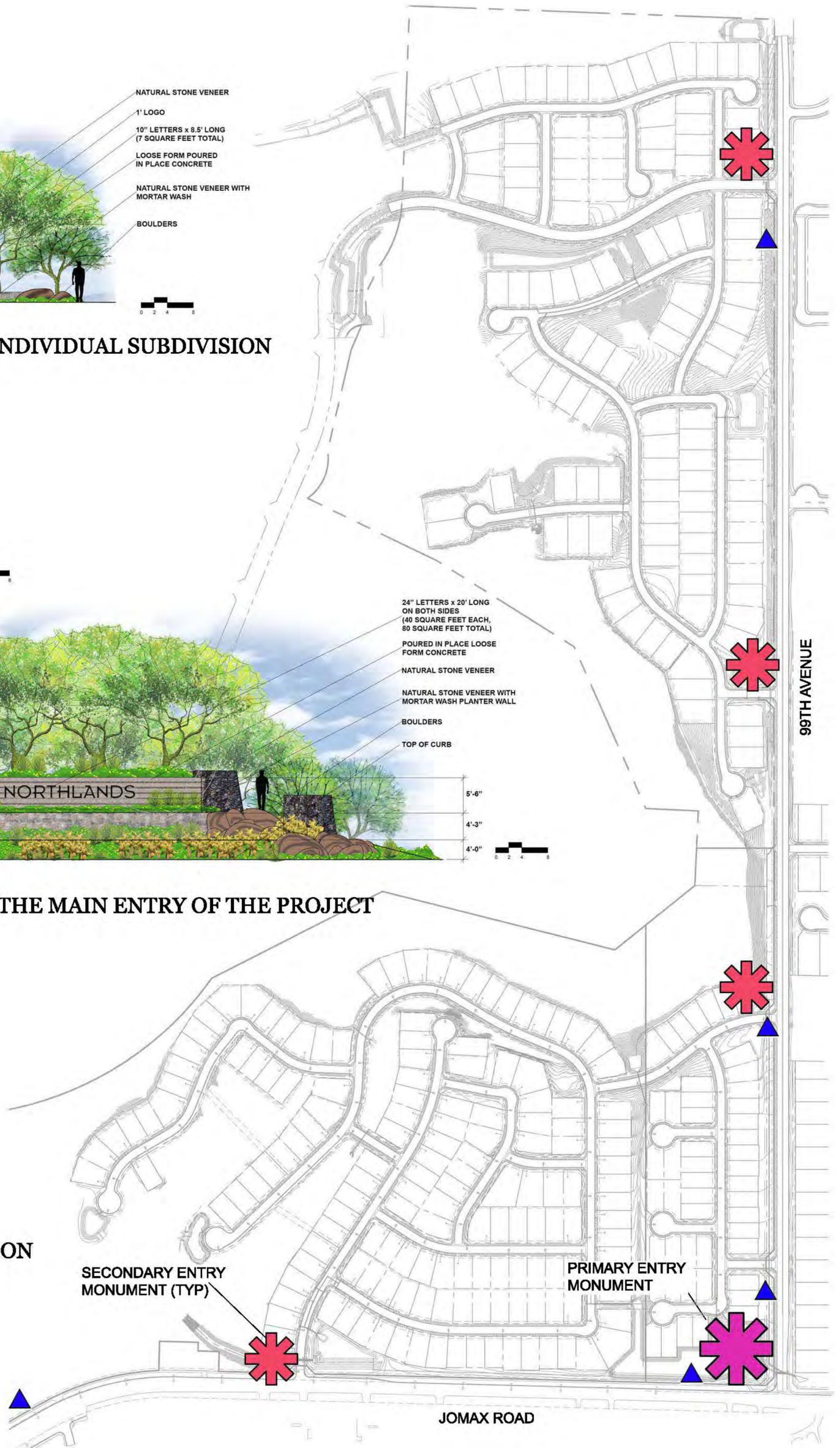
**✳ SIGN IDENTIFYING INDIVIDUAL SUBDIVISION**

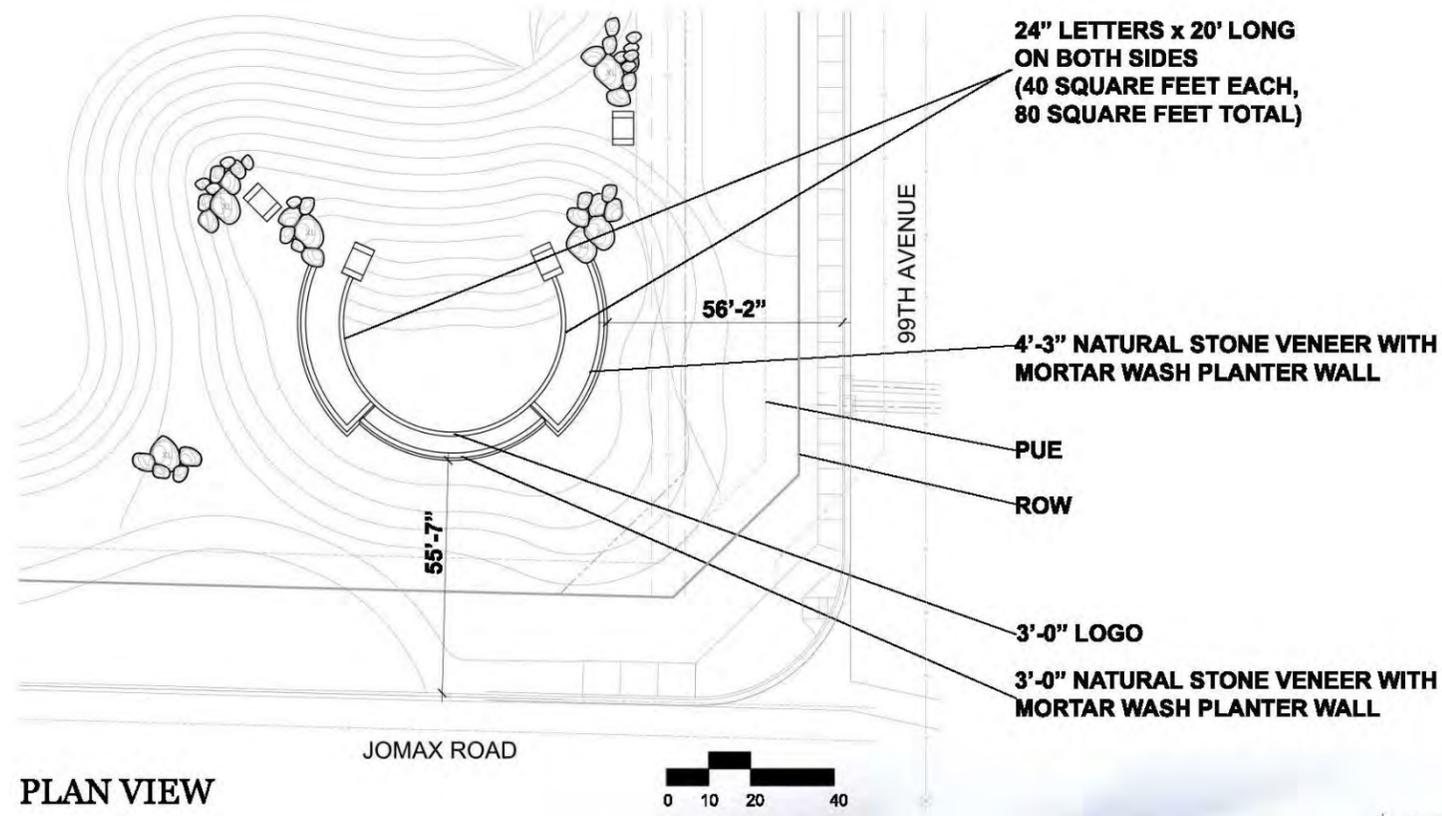


**✳ SIGN IDENTIFYING THE MAIN ENTRY OF THE PROJECT**

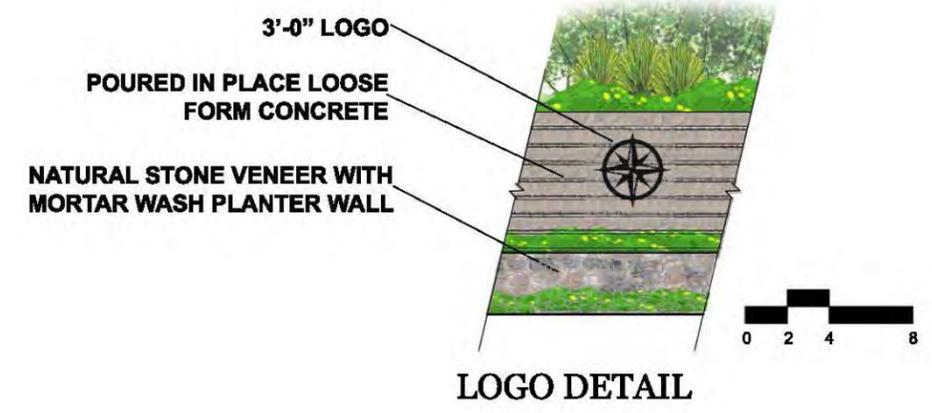


**▲ DIRECTIONAL SIGN ELEVATION**



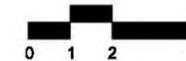


PLAN VIEW





ELEVATION



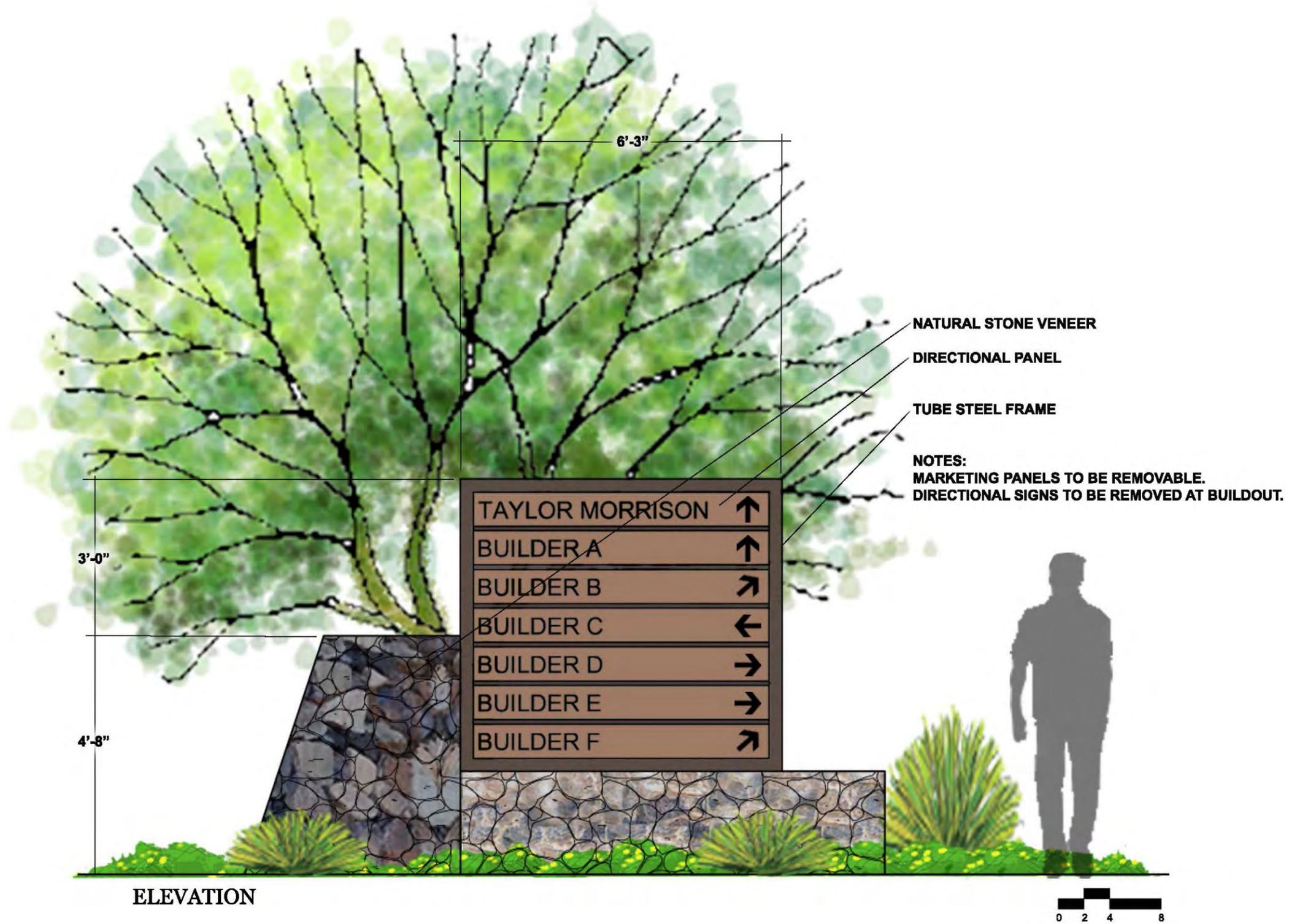
# TIERRA DEL RIO

TAYLOR MORRISON

01/14/2013

PEORIA, ARIZONA 

TYPICAL INDIVIDUAL SUBDIVISION SIGN



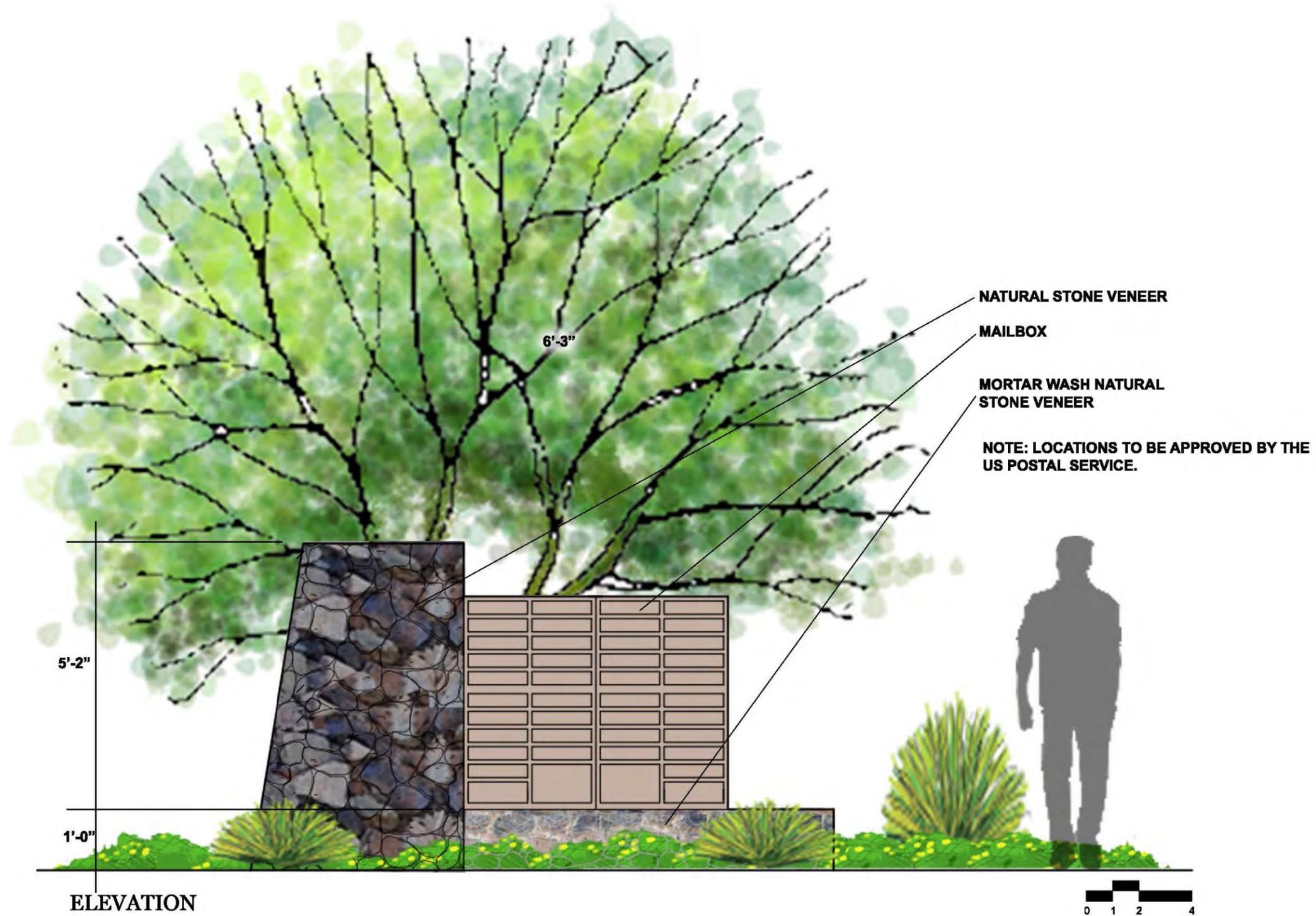
# TIERRA DEL RIO

TAYLOR MORRISON

01/14/2013

PEORIA, ARIZONA 

TYPICAL DIRECTIONAL SIGN



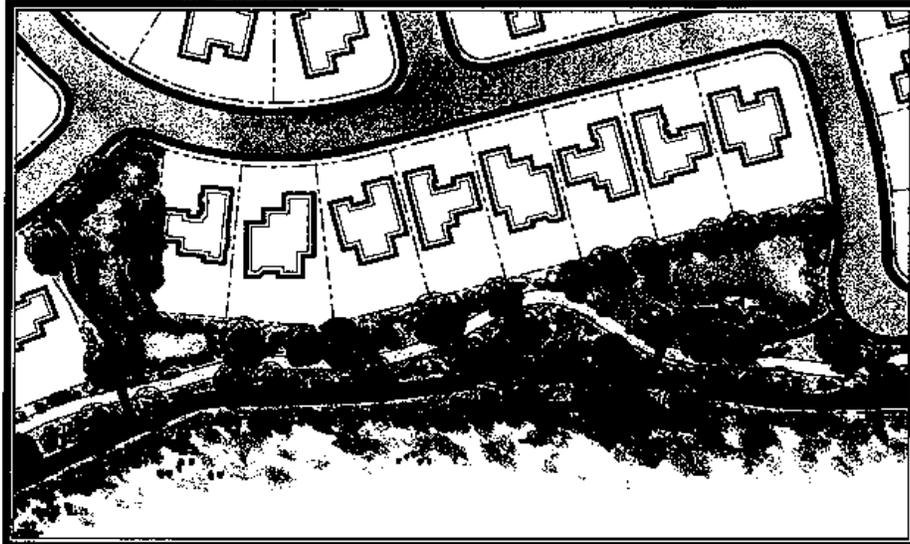
# TIERRA DEL RIO

TAYLOR MORRISON

01/14/2013

PEORIA, ARIZONA 

TYPICAL MAILBOX



*Tierra del Rio features trails for a leisurely walk, a hillside hike or biking.*

## **XVIII. Landscape**

Landscape plans for the Tierra del Rio project are not a part of this submittal. However, the proposed landscaping of the trails and open spaces for Tierra del Rio are illustrated in **Figures 8 and 9**. The Preliminary Plat depicts the trails, and wall designs for the Project on Sheet 28 and 29. The Preliminary Plat is made a part of this PAD by reference. The Conceptual Landscape detail figure shows an 10-foot wide minimum multiple purpose trail and a 4-foot wide minimum equestrian trail. A minimum of 4-foot clear zone should be provided on either side of the equestrian trail. This trail system satisfies the Maricopa County Regional Trail System guidelines. Plantings such as trees and other landscape amenities are proposed surrounding retention basins, while the connections between the retention basins will be provided as natural open space. In addition, street landscaping will be provided. In some locations, the multiple purpose trail will also function as a maintenance access road for the regional sewer line. In these locations, the total width of the multiple purpose trail shall be 16-feet composed of a 6-foot decomposed granite (DG) trail directly adjacent to the 10-foot paved trail. The 6-foot DG trail will be structurally sufficient to meet vehicle loading requirements.

The City of Peoria will maintain the multiple purpose trail, however, the Homeowner's Association will be responsible for maintenance of the landscaping within the trail easement/tract area.

*Please reference the Street Cross Sections, Figure 15.*

*Please reference the Preliminary Plat for sign and wall designs.*

Where preservation of an Army Corps of Engineers 404 jurisdictional wash is required, construction within the wash will be avoided, whenever possible. The submitted Tierra del Rio Proposed Conceptual Land Plan does not disturb any of the washes classified

as 404 jurisdictional, which are solely located within the Agua Fria River corridor. Landscaping for Tierra del Rio is proposed to be drought tolerant and natural to the Arizona environment. The landscaping within the road right of ways shall conform to the City of Peoria standards. The Tierra del Rio development is subject to the City's final landscape approval for all residential developments.

*Please reference Conceptual Landscape Detail, Figures 8 and 9.*

## **XIX. Wall Terracing and Irrigation**

Any terraced walls shall be separated by no less than 4-feet. Where terraced walls are located within tract areas, the builder shall be responsible for installation and landscaping within the terraces. Where terraced walls are located within side yards or rear yards of private lots, the builder shall provide sleeving for future construction of irrigation improvements (by the homeowner). Within private property, the homeowner shall be responsible for installation of the irrigation and landscape improvements within 90-days of close of escrow, in accordance with exhibits A, B-1, and B-2.

*Please reference exhibits A, B-1, & B-2 in the following pages.*

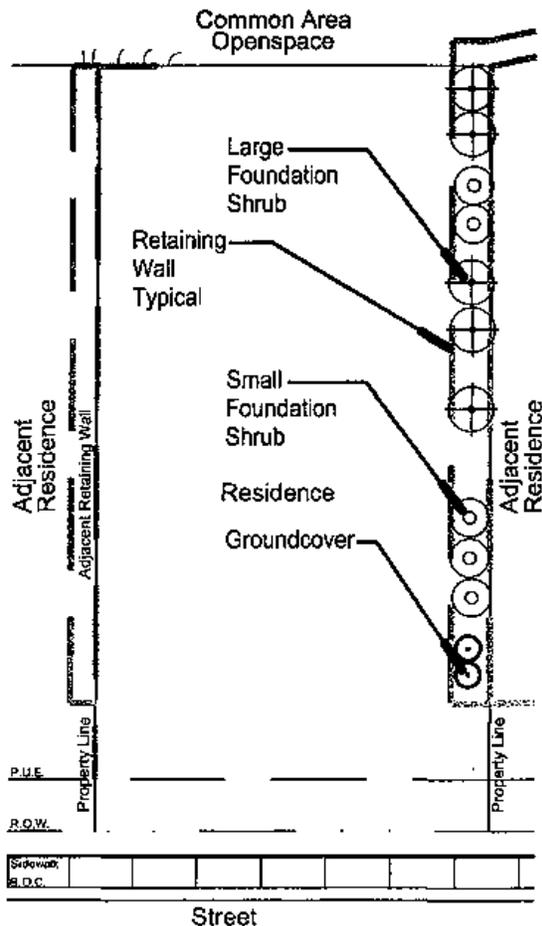
## EXHIBIT A

### Landscaping: Retaining Wall Terraces

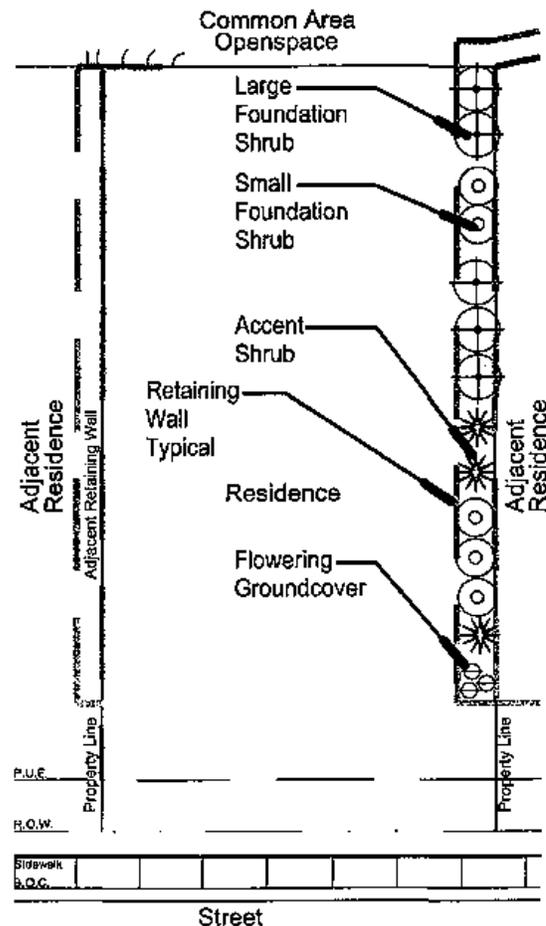
In accordance with applicable City of Peoria ordinance and the terms and conditions of this Section, each Owner shall install, at such Owner's sole cost and expense and within 90 days after becoming the Owner of a Lot, landscaping and irrigation improvements in those certain single and/or multiple retaining wall terraces located within the rear yard or side yard portion of the Owner's Lot. A general depiction of such retaining wall terrace is attached hereto as Exhibit B-1. The landscaping installed by each Owner pursuant to this Section shall consist only of those plants listed on Exhibit B-2 designated as "Tierra Del Rio Plant List" (the "**Approved Plants**"); in no event shall an Owner install those plants designated as "Prohibited Plants" on such list. The landscaping density within each retaining wall terrace shall consist of a minimum of one (1) plant per ten (10) lineal feet and shall not exceed a maximum of one (1) plant per six (6) lineal feet. The irrigation improvements shall consist of a poly drip line no larger than three-quarter inch (3/4") in diameter. Other than the Approved Plants and the irrigation improvements, the Owner shall not install, construct, or place any other improvements of any kind within the retaining wall terraces. The landscaping and irrigation improvements shall be installed in accordance with plans approved in writing by the Design Review Committee and in compliance with the Design Review Guidelines and other requirements set forth in any applicable municipal zoning ordinances. Prior to installation of such landscaping, the Owner shall maintain the retaining wall terraces in a weed-free condition. Each Owner shall, at such Owner's sole cost and expense, keep such Owner's landscaping and irrigation improvements in a well-maintained, clean, neat and attractive condition consistent with the terms and conditions of the Declaration.

If the Owner fails to landscape the terraces within the time provided for in this section or fails to maintain the required landscaping once installed, the Association shall have the right, but not the obligation, to enter upon such Owner's lot to install and/or maintain such landscaping improvements as the Association deems appropriate, and the cost of such installation and/or maintenance shall be paid to the Association by the Owner of the Lot, upon demand from the Association. Any amounts payable by an Owner to the Association pursuant to this Section shall be a Benefited Assessment and shall be secured by the Assessment Lien, and the Association may enforce collection of such amounts in the same manner and to the same extent as provided elsewhere in this Declaration for the collection and enforcement of assessments.

This Section shall not apply to Declarant or any Developer Owners, however, this Section shall apply upon commencement of residential occupancy of any Lot containing a Dwelling Unit.



Minimum 1 Shrub per 10 Lin. Ft.



maximum 1 Shrub per 6 Lin. Ft.

(minimum and maximum standard shown)

## Typical Sideyard and Rearyard Retaining Wall Landscape Plan

### NOTE:

In accordance with Exhibit A, the homeowner shall be responsible for installation of irrigation and landscaping within any wall terraces located in the side yard or rear yard of a private lot. At the time of construction of any terraced walls, the builder shall be responsible for installation of sleeving to accommodate future irrigation improvements (by the homeowner).

CMX PROJ.	6893
DATE:	JUNE 2006
SCALE:	N.T.S.
DRAWN BY:	CMX
CHECKED BY:	CMX

**TIERRA DEL RIO**  
 107TH AVENUE AND HAPPY VALLEY PARKWAY  
 PEORIA, ARIZONA  
**EXHIBIT B-1**

7740 N. 16TH ST. STE.100  
 PHOENIX, AZ 85020  
 PH (602) 567-1900  
 FAX (602) 567-1901  
 www.cmxinc.com



## EXHIBIT B-2 Tierra del Rio Plant List

### CACTI/ ACCENTS

<u>Botanical Name</u>	<u>Common Name</u>
Agave deserti	Desert Agave
Agave parryi v. huachuensis	Parry's Agave
Aloe species	Aloe
Asclepias subulata	Desert Milkweed
Dasyliiron species	Desert Spoon
Echinocereus engelmannii	Englemann's Hedgehog
Ferocactus acanthodes	Fire Barrel
Hesperaloe funifera	Coahuilan Herperaloe
Hesperaloe parviflora	Red Hesperaloe
Mammillaria microcarpa	Pincushion Cactus
Opuntia acanthocarpa	Buckhorn Cholla
Opuntia bigelovii	Teaddybear Cholla
Opuntia engelmannii	Englemann's Prickly Pear
Opuntia fulgida	Chainfruit Cholla
Yucca baccata	Banana Yucca
Echinocactus grusonii	Golden Barrel

### LARGE SHRUBS

<u>Botanical Name</u>	<u>Common Name</u>
Bougainvillea species	Bougainvillea
Caesalpinia species	Bird of Paradise
Calleandra species	Calleandra
Senna species	Senna
Dodonaea viscosa	Hopbush
Ephedra trifurca	Mormon Tea
Justicia californica	Chuparosa
Larrea tridentata	Creosote Bush
Leucophyllum species	Sage
Simmondsia chinensis	Jojoba
Tagetes lemmoni	Mt. Lemmon Marigold

### MEDIUM AND SMALL SHRUBS

<u>Botanical Name</u>	<u>Common Name</u>
Ambrosia ambrosioides	Canyon Ragweed
Ambrosia deltoidea	Bursage
Calliandra species	Calleandra
Senna species	Senna
Chrysactinia mexicana	Damianita
Dalea Species	Dalea
Encelia farinose	Brittlebush

<u>Botanical Name</u>	<u>Common Name</u>
Eremophila species	Eremophila
Ericameria laricifolia	Turpentine Bush
Eriogonum fasciculatum	Buckwheat
Hymenoxis acaulis	Angelitia Daisy
Justicia ovata (candicans)	Red Justicia
Lanтана camara	Bush Lantana
Psilotrophe species	Paperflower
Rosmarinus varieties	Rosemary
Ruellia species	Ruellia
Salvia species	Salvia
Sphaeralcea ambigua	Orange Globemallow
Trixis californica	Trixis
Viguiera deltoidea	Goldeneye

### **GROUNDCOVERS**

<u>Botanical Name</u>	<u>Common Name</u>
Acacia redolens	Prostrate Acacia
Barrharis starn	Dwarf Coyote Bush
Baileya multiradiata	Desert Marigold
Dalea species	Dalea
Lantana species	Lantana
Melampodium leucanthum	Blackfoot Daisy
Mehlenbergia species	Mehlenbergia
Oenothera species	Oenothera
Penstemon species	Penstemon
Santalina varieties	Santalina
Senna Species	Senna
Verbena species	Verbena

### **VINES**

<u>Botanical Name</u>	<u>Common Name</u>
Antigonon leptopus	Queen's Wreath
Bougainvillea varieties	Bougainvillea
Mascagnia macroptera	Yellow Orchid Vine
Podranea ricasoliana	Pink Trumpet Vine
Rosa banksiae	Lady Bank rose
Vigna caracalla	Snail Vine
Merremia aurea	Yellow Morning Glory

### **PROHIBITED PLANTS**

The following plant material is prohibited for use within any retaining wall of this project based on the CCR guidelines.

- Any species of tree
- All Pines, Cypress, Cedar or Juniper
- Any Palm Trees

Olive Trees  
Oleanders (all varieties)  
Fountain Grass  
Common Bermuda Grass  
Mexican Palo Verde  
Desert Broom

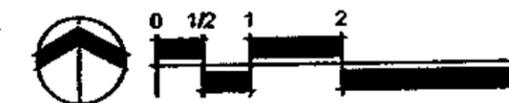
A

# Tierra del Rio

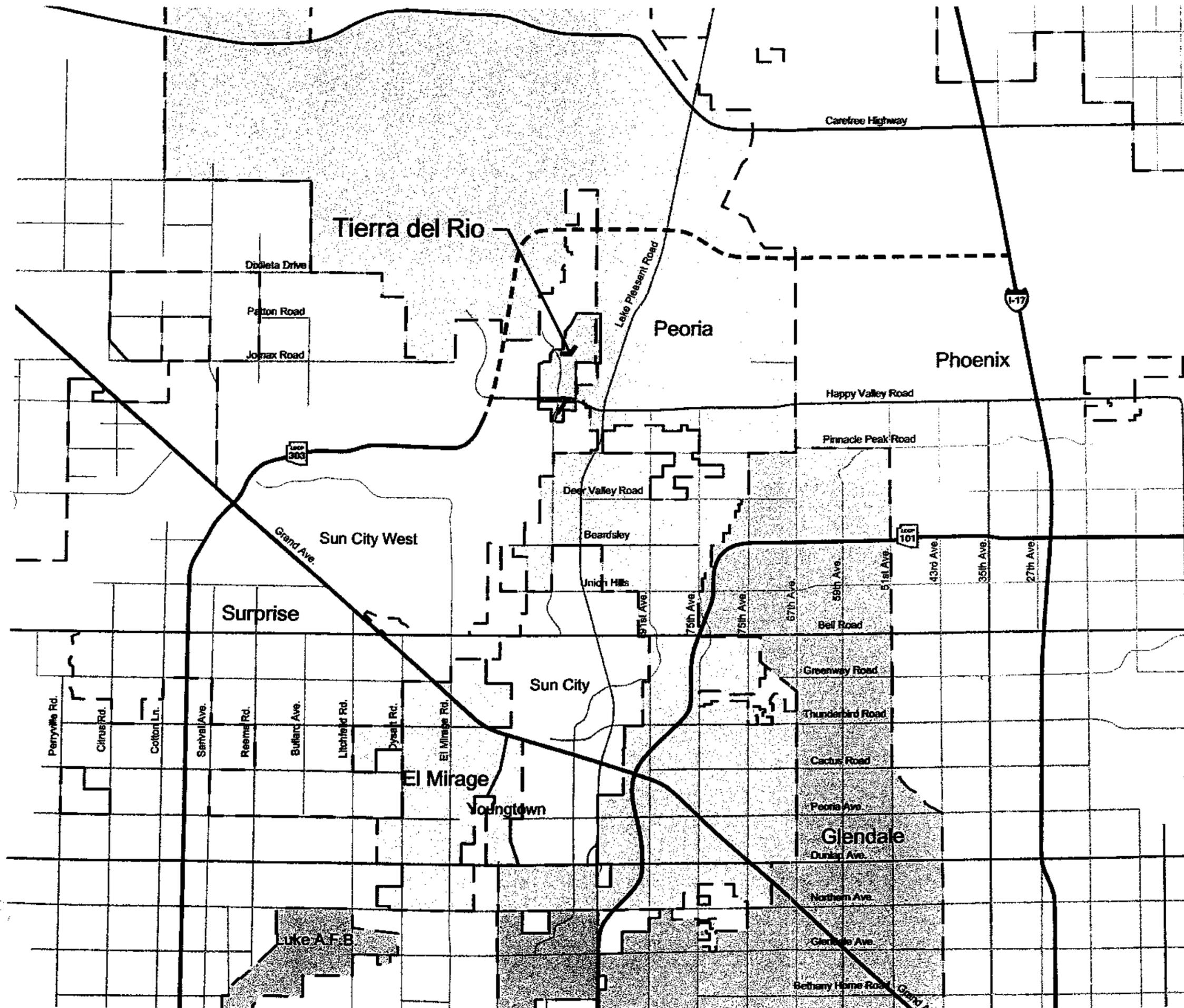
Peoria, Arizona PAD Amendment

## Regional Vicinity Map

Figure 1



NORTH SCALE: 1" = 2 Miles



CMX Project Number: 6893

Original: Peoria Dec 2004  
Amendment: Dec 2004

Project Manager: V. Pilar P.E. / P. Newton AICP

Designed By: N. Bettini / A. Pangus

Drawn By: N. Bettini

X:\68006803\Drawings\Exhibits\Amendment-Peoria - PAD\Fig 01-Regional Vicinity Map.dwg 12-15-2004 - 3:00



# Tierra del Rio

Peoria, Arizona PAD Amendment

## Aerial Photograph

Figure 2



### Legend

--- Project Boundary



CMX Project Number: 6893

Project Manager: V. Pilar P.E./P. Newton AICP

Designed By: N. Bellini / A. Pangus

Drawn By: N. Bellini

Original: Peoria Dec 2004

Amendment: Dec 2004

X:\GIS\Projects\Peoria\Amendment\Peoria - PAD\Fig 02 - Aerial Photography.dwg 12/15/2004 - 3:00pm

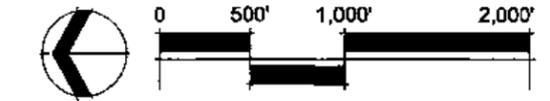
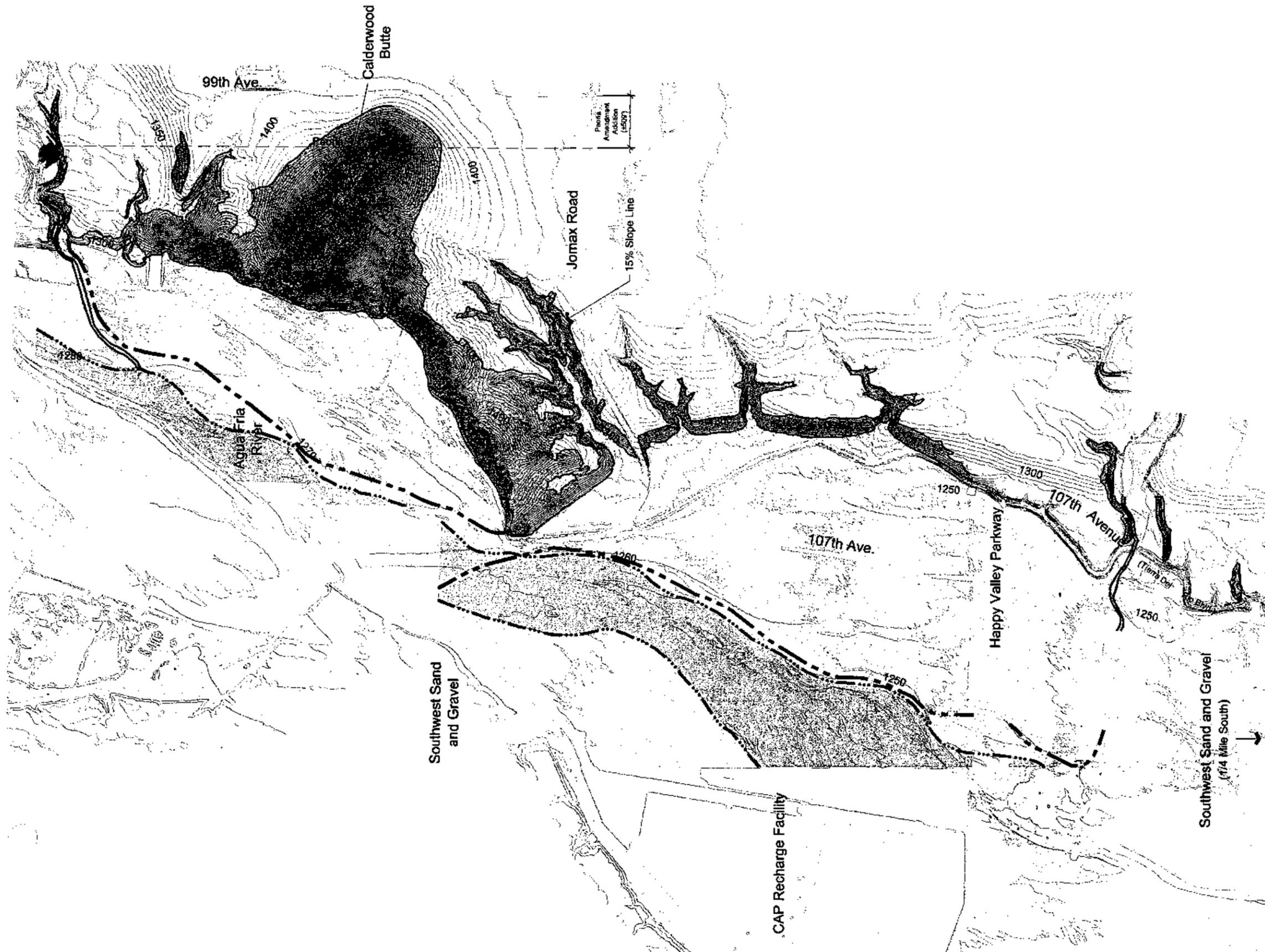


# Tierra del Rio

Peoria, Arizona PAD Amendment

## Topography/Physical Features Map

Figure 3



NORTH SCALE: 1" = 1,000'

### Legend

- Project Boundary
- Proposed JD Wash Limits
- Hardbank
- Peoria Amendment Addition
- Proposed JD Limits of Agua Fria River
- Area above 15% slope line subject to hillside regulations.
- Proposed area above 15% slope line not subject to hillside regulations due to isolation from main hillside body as discussed during site walk with Maricopa County planning staff on 10/31/03.
- Proposed area above 15% slope line not subject to hillside regulations due to scarring as discussed during site walk with Maricopa County planning staff on 10/31/03.

\* See SSI Soil Systems April 2004 Data Recovery Plan for Archeological Sites.

CMX Project Number: 6893

Original: Peoria Dec 2004  
Amendment: Dec 2004

Project Manager: V. Pilar P.E. / P. Newton AICP

Designed By: N. Bettini / A. Pangus

Drawn By: N. Bettini

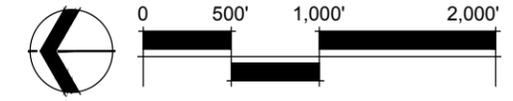


# Tierra del Río

Peoria, Arizona PAD Amendment

## PAD Z 04-34.A.1 Conceptual Land Plan

Figure 4



NORTH SCALE: 1" = 1,000'

### Legend

- Project Boundary
- Parcel Boundary
- Proposed JD Washes
- Proposed JD Limits of Agua Fria River
- Peoria Amendment  
Add Parcels 25, 26b, 28
- Area above 15% slope line subject to hillside regulations.
- Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4).

### Single Family Residential

- PAD (75' min. lot width), Parcels 23, 24, 25
- PAD (65' min. lot width), Parcels 13, 27
- PAD (55' min. lot width), Parcels 9, 10, 11, 21, 22, 28
- PAD (45' min. lot width), Parcels 1, 2, 3a, 3b, 4a, 4b, 6, 12, 20

### Multi-Family Residential

- PAD Medium Density Residential, Parcels 8, 15
- PAD High Density Density Residential, Parcel 7

### Commercial

- PAD Neighborhood Commercial, Parcel 14

### Open Space

- Neighborhood Parks
- Open Space - Mountain
- Open Space - Rivers / Washes

### Civic

- Proposed Church Sites (PAD), Parcel 15

April 2013  
 Project Number: 1244.03  
 Project Manager: Zach Hilgart  
 Designed By:  
 Graphics By:  
 Drawn By: CK

Original: Peoria Dec 2004  
 Amendment: Dec 2004  
 Amendment: April 2013



1661 E. CAMELBACK RD., STE. 275  
 PHOENIX, ARIZONA 85016  
 PH 602-490-0535 FAX 602-325-0161

U:\12001\1244\1244.03 - Lemnar\PLANNING\ENTITLEMENT\PAD Amendment\Figure 04-Proposed-PAD-Land-Plan.dwg  
 Sep 26, 2013 9:24am  
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# Tierra del Rio

Peoria, Arizona PAD Amendment

## Surrounding Land Uses and Zoning

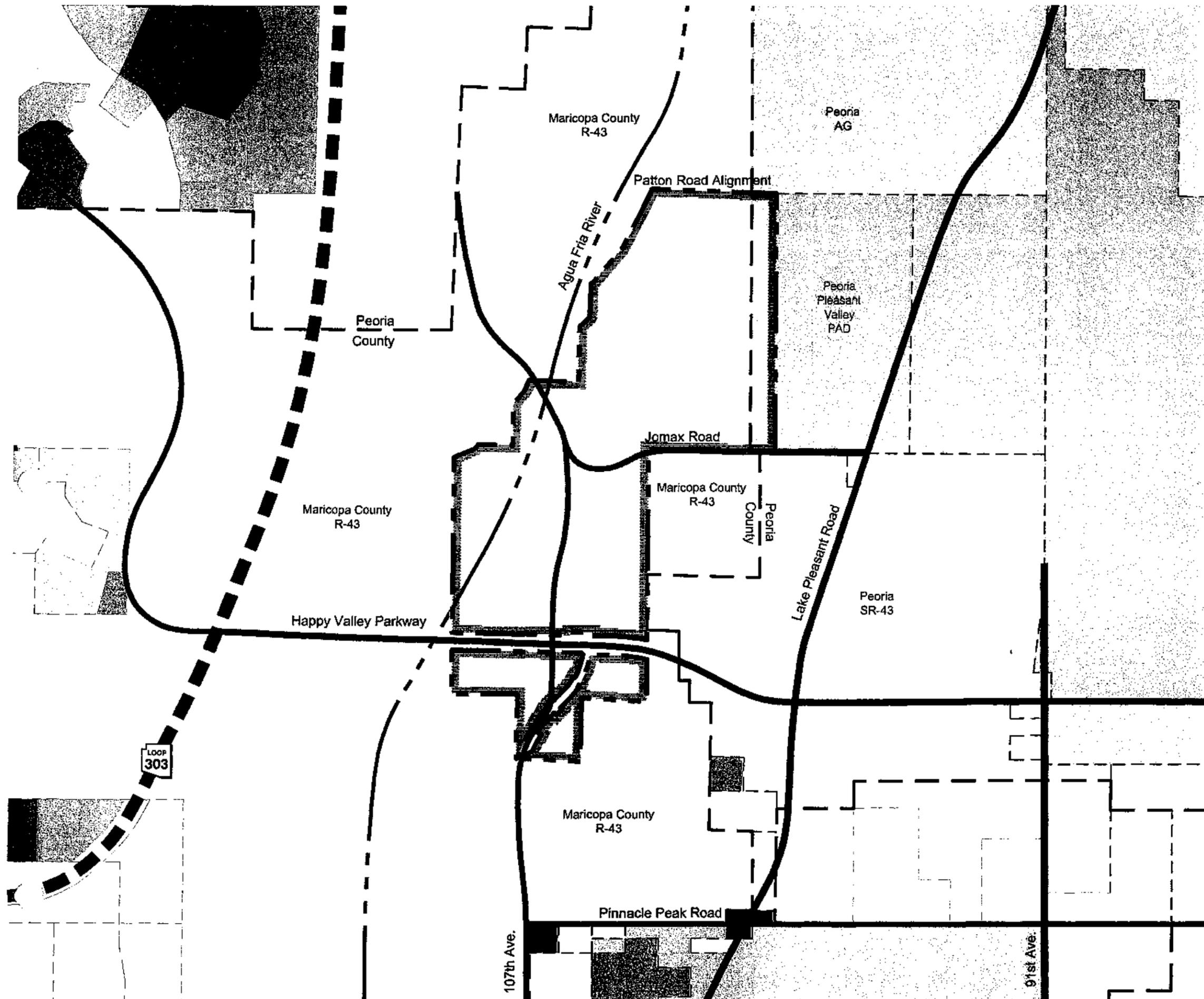
Figure 5



NORTH SCALE: 1" = 2,000'

### Legend

- Project Boundary
- Comprehensive and General Plan Land Use Plan
- County
  - Rural Residential
  - Single Family Residential
  - Multi-Family Residential
  - Commercial
  - Industrial
- Peoria
  - Agriculture
  - Rural Residential (R1-43, R1-35)
  - Single Family Residential (R1-18, R1-12, R1-10, R1-8, R1-7, R1-6)
  - Mobile Homes (RMH)
  - Commercial
  - Planned Area Development (PAD)
- Agua Fria River
- Proposed Freeway



CMX Project Number: 6893

Original: Peoria Dec 2004  
Amendment: Dec 2004

Project Manager: V. Pilar P.E. / P. Newton AICP

Designed By: N. Bettini / A. Pangus

Drawn By: N. Bettini



Figure 6b

# Tierra del Rio



## Property Owners within 300-feet of the Tierra del Rio Project

Map Ref #	Property Owners within 300' of Project	Address		Assessors Parcel #
1	Williams Carter K. / Suzanne M.	9145 W. Gelding Dr.	Peoria, AZ 85381	201-06-009-T
2	Gray Lester S.	9805 W. Jomax Rd.	Peoria AZ, 85383	201-06-009-M
3,4	Fesenmaier Lillie M.	9911 W. Jomax Rd.	Peoria, AZ 85382	201-17-02, 201-17-020-D
5,6	Generali Michael T	1240 S. Foothill Dr.	Dewey, AZ 86327	201-17-018, 201-17-004-Y
7	Parkinson Robert H. / Dawn M TR	PO Box 5953	Peoria AZ, 85385	201-17-007-A
8	Stewart Richard Lee / Karen Lynn	PO Box 11733	Glendale, AZ 85318	201-17-007-B
9,10	Hines Roy L / Shirley M.	7620 N. 60th Ave.	Glendale, AZ 85301	201-17-009, 201-17-011A
11	Trustee of Kobashi Trust	5827 W. Morten	Glendale, AZ 85301	201-17-011-B
12	Hines Clifford W.	723-A E Cochise Dr.	Phoenix, AZ 85020	201-17-014-E
13	Pickering Robert D. Jr. / Vickie L.	9807 W. Jomax	Peoria, AZ 85383	201-17-014-D
14	Cross of Glory Lutheran Church	8249 W Thunderbird Rd	Peoria, AZ 85381	201-17-013-A
15,20	Hines Carolyn R	6439 W. Taro Ln.	Glendale, AZ 85308	201-17-006-H, 201-17-006-V
16	Ashley Clifford S. / Lillian F TR	26420 N. 102nd Ave.	Peoria, AZ 85382	201-17-006-M
17	Priebe Anthony Timothy	26414 N. 102nd Ave.	Peoria, AZ 85382	201-17-006-K
18	Smithson Ricky Lee / Diane Elaine	2090 E. Lilinda Ln.	Gilbert, AZ 85234	201-17-006-N
19	Messinger Tony S. / Maria E.	26214 N. 102nd Ave.	Peoria, AZ 85383	201-17-006-Q
21	Shoemaker Diane S.	26107 N. 103rd Ave.	Peoria, AZ 85382	201-17-006-W
22	Oliver Barbara / Cory	9544 W. Tierra Grande	Peoria, AZ 85383	201-17-006-Y
23	Shoemaker Larry S. / Megan L.	26009 N. 103rd Ave.	Peoria, AZ 85382	201-17-006-X
24	Roark Danny R. / Wendy L	25836 N. 102nd Ave.	Peoria, AZ 85383	201-17-005-C
25	Peugnet Michael Brent / Evelyn L.	25830 N. 102nd Ave.	Peoria, AZ 85302	201-17-005-D
26	Lashley Timothy S. / Amanda L.	8517 E. Country Gables	Peoria AZ, 85381	201-17-005-E
27	Brophy William Henry College Etal	4701 N. Central Ave.	Phoenix, AZ 85012	201-17-002-M
28,29,61	Maricopa Department of Transportation	2901 W. Durango St.	Phoenix, AZ 85009	201-17-002-K, 201-17-002-L, 201-21-002-J
30	Gawlitta Mark / Sue	PO Box 1444	Surprise, AZ 85378	201-17-001-C
31	Kanji Mukesh / Theresa J.	25106 102nd Ave.	Peoria, AZ 85383	201-17-001-A
32	Williams Frank Leroy / Karen A	10200 W. Happy Valley Rd.	Phoenix, AZ 85027	201-17-001-B
33	Clemens Vince / Stacie	9729 W. Yukon Dr.	Peoria, AZ 85382	201-08-003-H
34	Roark Richard	23255 N 87th Ave.	Peoria, AZ 85383	201-08-003-J
35	Phillips Jason W / Stephanie M.	40827 N. Hearst Dr.	Anthem, AZ 85086	201-08-074-D
36	Eager Terry S. Lorene H.	18215 N. 71st Dr.	Glendale, AZ 85308	201-08-073
37	Miller Dennis D.	8622 W Donald Dr.	Peoria, AZ 85383	201-08-074-A
38	Brown Kendall Erwin Jr. / Connie L.	7019 W. Tonto Dr.	Glendale, AZ 85308	201-08-074-E
39	Liebherr William A. Susan M.	7552 W. Country Gables Dr.	Peoria, AZ 85381	201-08-075

Sheet 1 of 3

Figure 6b

# Tierra del Rio



## Property Owners within 300-feet of the Tierra del Rio Project

Map Ref #	Property Owners within 300' of Project	Address		Assessors Parcel #
40	Wiederich Rich W. / Doris Jayne	10431 W. Happy Valley Rd.	Peoria, AZ 85382	201-08-002-K
41	Terrell Joyce A.	24639 N. 105th Ave.	Peoria, AZ 85383	201-08-002-Y
42	Acosta Jerry L. / Annette L.	4837 N. 80th Dr.	Phoenix, AZ 85033	201-08-002-T, 201-08-002-V
43	Cano Antonio	4410 W. Union Hills Dr.	Glendale, AZ 85308	201-08-002-W
44	Salt River Prog. Agriculture Improvement & Power District	PO Box 1980	Phoenix, AZ 85001	201-08-070
46,48,50,51,52,53,54,55,56,57,58,59,63	Arizona State Land Department	1616 W. Adams	Phoenix, AZ 85007	201-22-005-A, 201-22-001-N, 201-22-001-L, 201-22-001-J, 201-22-001-B, 201-22-001-G, 201-22-002-B, 201-22-002-A, 201-22-013, 201-22-014-B, 201-22-014-A, 201-21-003, 201-21-002-H
45	Lorimor Enterprises Inc.	8005 W. Patrick Ln.	Peoria, AZ 85382	201-22-008-C
47	Tatie Land LP	8827 N 6th St.	Phoenix, AZ 85020	201-22-001-P
49	Mancillas Mary E. / Rhonda / Charels	5949 15th St	Rio Linda, CA 95673	201-22-001-M
60	Southwest Sand and Gravel Inc.	PO Box 12455	Glendale, AZ 85318	201-21-002-E
62	City of Peoria	PO Box 4038	Peoria, AZ 85345	201-21-930-A, 201-21-002-G
64	Un assessed			
65,66,69,72,74,75	Central Arizona Water Conservation District	23636 N. 7th St.	Phoenix, AZ 85024	201-21-001-A, 201-05-004-F, 201-05-003-V, 201-05-004-E, 201-04-005, 201-04-006
67,68	Chicago Title & Trust CO. TR	135 S. Lasalle St. Room 1925	Chicago, IL 60603	201-05-001-H, 201-05-001-G
70,73	Lawyers Title of Arizona Inc. TR	2425 Camelback Rd.	Tower A, Suite 700, Phx, AZ 85012	201-05-004-H, 201-05-004-G
71	DTHC-Arizona Corp	PO Box 511196	Salt Lake City, UT 84151-1196	201-05-005
76	Un assessed			
77,90,94	Pleasant Valley Homeowners Assoc.	PO Box 4171	Mesa, AZ 85211-4171	201-36-379, 201-36-384, 201-36-383
78	Potts James R. / Judy M.	9852 W. Hog PL	Peoria, AZ 85383	201-36-292
79,87,88,89,91,92,93,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109,110,111,112,113,114,115,116,117,118,119,120,125,126,127,128,129,130,131,132,133,134,135,136,137,138,139	Hancock-MTH Builders Inc / ETAK	8501 E. Princess Dr. Suite 200	Scottsdale, AZ 85255	201-36-293, 201-36-319, 201-36-320, 201-36-323, 201-36-321, 201-36-322, 201-36-324, 201-36-327, 201-36-328, 201-36-329, 201-36-518, 201-36-519, 201-36-520, 201-36-521, 201-36-522, 201-36-523, 201-36-524, 201-36-525, 201-36-526, 201-36-527, 201-36-528, 201-36-529, 201-36-530, 201-36-531, 201-36-532, 201-36-577, 201-36-507, 201-36-508, 201-36-517, 201-36-489, 201-36-488, 201-36-469, 201-36-588, 201-36-444, 201-36-445, 201-36-446, 201-36-443, 201-36-442, 201-36-581, 201-36-436, 201-36-435, 201-36-434, 201-36-423, 201-36-424, 201-36-425, 201-36-422, 201-36-421, 201-36-578

Figure 6b

# Tierra del Rio



## Other Interested Parties

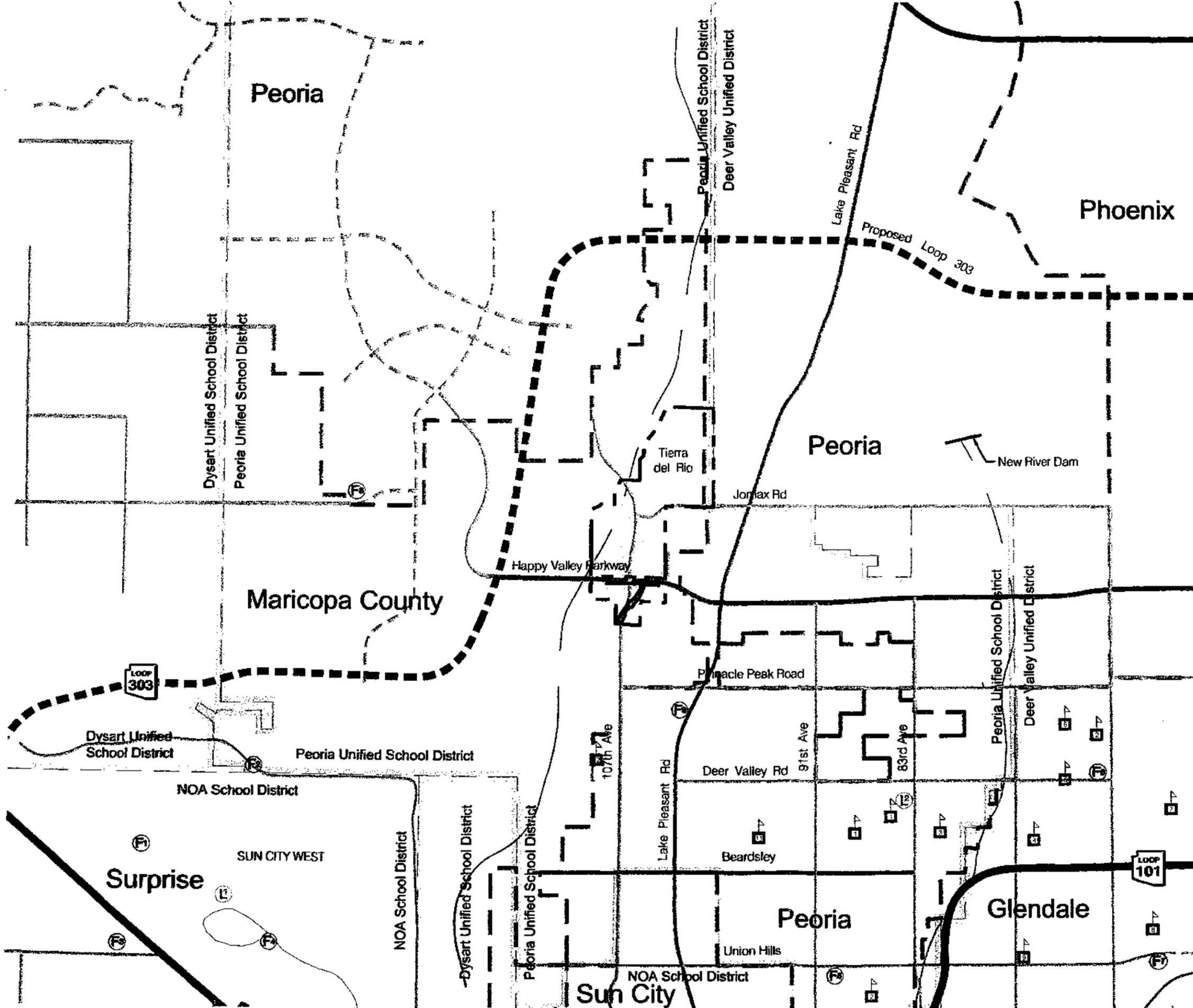
<i>Other Interested Parties</i>	<i>Address</i>	
Maricopa County Planning and Dev. Dept., Attn: Terri Shepard, AICP	411 North Central, 3rd Floor	Phoenix, AZ. 85004
Lola Senatro	25800 North 101st Ave.	Peoria, AZ 85383
Bryan E. Turner	25817 North 101st Ave.	Peoria, AZ 85383
James Gallardo	26108 North 102nd Ave.	Peoria, AZ 85383
Gary W. Wayne	25426 North 101st Ave.	Peoria, AZ 85383
J.G. Dee Its	25919 North 101st Ave.	Peoria, AZ 85383
Bryan Purtyman	25822 North 101st Ave.	Peoria, AZ 85383
Pasquale Dettone	25823 North 101st Ave.	Peoria, AZ 85383
Clay Coyle	10449 West Pinnacle Peak Rd.	Peoria, AZ 85383
John C. Vtank	24008 North 104th Ave.	Peoria, AZ 85383
Matt Seettle	10209 West Avenida Del Sol	Peoria, AZ 85383
Sam Richardson	10117 West Mariposa Grande	Peoria, AZ 85383
Stephen R. Meyer	10052 West Mariposa Grande	Peoria, AZ 85383
Dawn Olson	24122 North 104th Ave.	Peoria, AZ 85383
David M. Smith	10208 West Mariposa Grande	Peoria, AZ 85383
Maria Messenger	26412 North 102nd Ave.	Peoria, AZ 85383
Tony Masy	26214 North 102nd Ave.	Peoria, AZ 85383
Dave Rizzo	26226 North 102nd Ave.	Peoria, AZ 85383
Brittany Brunet	26112 North 102nd Ave.	Peoria, AZ 85383
Timothy Lashley	25824 North 102nd Ave.	Peoria, AZ 85383
Lisa Nelson	25825 North 101st Ave.	Peoria, AZ 85383
Kari Gallardo	26006 North 102nd Ave.	Peoria, AZ 85383
Chris McElroy	25809 North 101st Ave.	Peoria, AZ 85383
Anthony Priebe	26414 North 102nd Ave.	Peoria, AZ 85383
Ray Bolin	26440 North 99th Ave.	Peoria, AZ 85383
Tina Svege	10208 Mariposa Grande Land	Peoria, AZ 85383
Hancock Communities Corporation	8501 East Princess Drive	Scottsdale, AZ 85255
Ron Jarvis, Attorney At Law	2575 East Camelback Road	Phoenix, AZ 85016
Robert Spexarth	24941 North 81st Drive	Peoria, AZ 85383
Sheet 1 of 1		

# Tierra del Rio

Peoria, Arizona PAD Amendment

## Existing Community Facilities and Services

Figure 7



0 1/4 1/2 1 2

NORTH SCALE: 1" = 1 Mile

- Elementary/Middle Schools
- High Schools
- Rural Metro Fire Stations
- Maricopa County Libraries
- Maricopa County Sheriff Stations
- Public Parks

Dysart Unified School District Boundary  
 Peoria Unified School District Boundary  
 Deer Valley Unified School District Boundary  
 NOA School District Boundary

- Schools**
- Peoria Unified School District #11**
- 1) Coyote Hill Elementary
  - 2) Sunrise Mountain High School
  - 3) Frontier Elementary School
  - 11) Parkridge Elementary
  - 12) Zuni Hills Elementary School

- Deer Valley Unified School District #97**
- 4) Sierra Verde Elementary School
  - 5) Copper Creek Elementary School
  - 6) Hillcrest Middle School
  - 7) Mountain Ridge High School
  - 8) Legend Springs Elementary School
  - 9) Arrowhead Elementary School
  - 10) Highland Lakes Middle School

- Libraries**
- 1) R.H. Johnson Library
  - 2) Sunrise Mountain High School Branch

- Police Stations**
- 1) Glendale Foothills Station 9 - miles from site

- Fire Stations**
- 1) Sun City West Station 2
  - 2) Sun City West Station 3
  - 3) Surprise Station 1
  - 4) Sun City West Station 4
  - 5) Peoria Station 2
  - 6) Glendale Station 6
  - 7) Glendale Station 5
  - 8) Peoria Station #197
  - 9) Peoria Station #195 1.78 miles from site

CMX Project Number: 6893  
 Project Manager: V. Pilar P.E. / P. Newton AICP  
 Designed By: N. Bettini / A. Pangus  
 Drawn By: N. Bettini

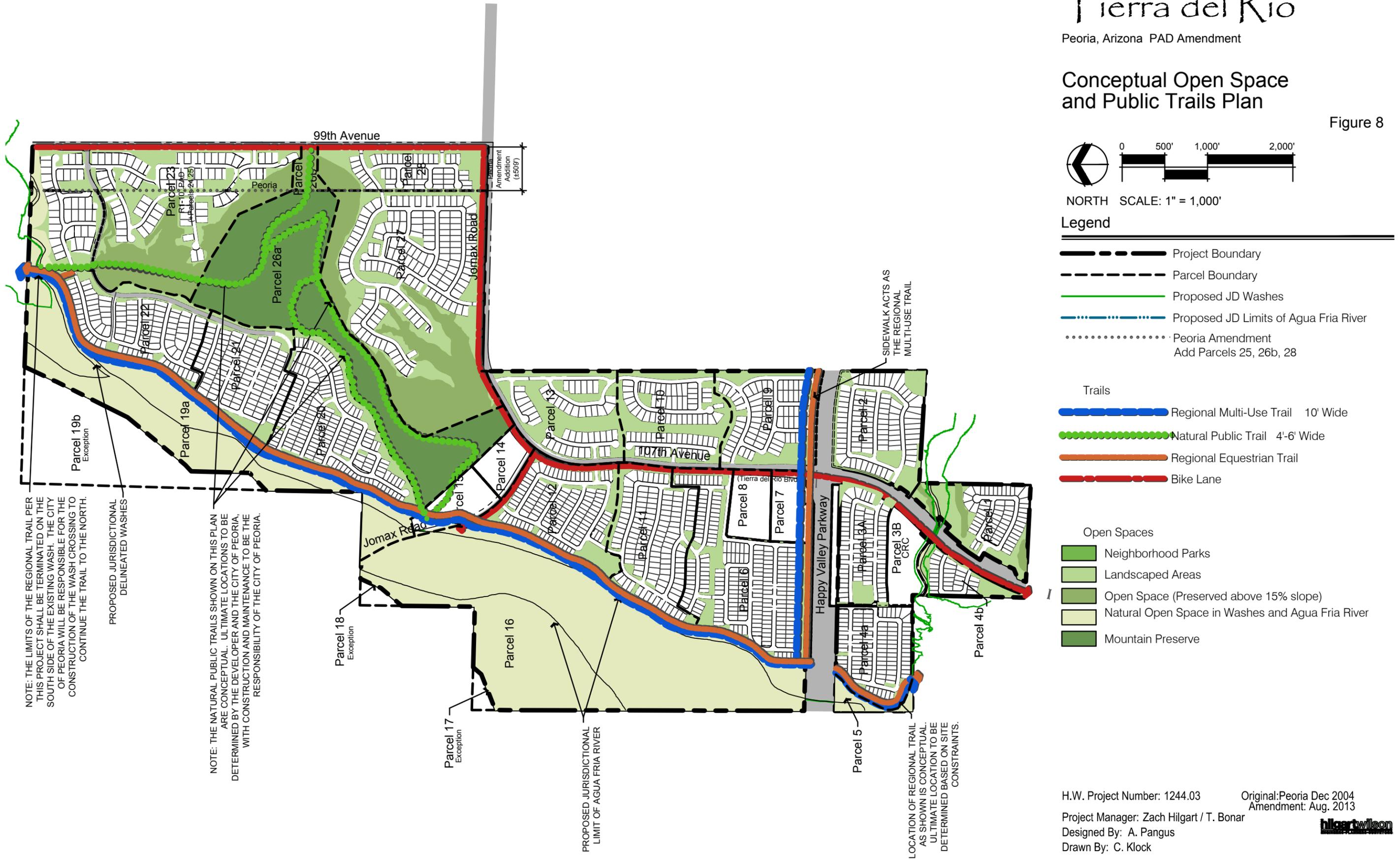
Original: Peoria Dec 2004  
 Amendment: Dec 2004

# Tierra del Rio

Peoria, Arizona PAD Amendment

## Conceptual Open Space and Public Trails Plan

Figure 8



NOTE: THE LIMITS OF THE REGIONAL TRAIL PER THIS PROJECT SHALL BE TERMINATED ON THE SOUTH SIDE OF THE EXISTING WASH. THE CITY OF PEORIA WILL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE WASH CROSSING TO CONTINUE THE TRAIL TO THE NORTH.

PROPOSED JURISDICTIONAL DELINEATED WASHES

NOTE: THE NATURAL PUBLIC TRAILS SHOWN ON THIS PLAN ARE CONCEPTUAL. ULTIMATE LOCATIONS TO BE DETERMINED BY THE DEVELOPER AND THE CITY OF PEORIA, WITH CONSTRUCTION AND MAINTENANCE TO BE THE RESPONSIBILITY OF THE CITY OF PEORIA.

Parcel 18 Exception

Parcel 17 Exception

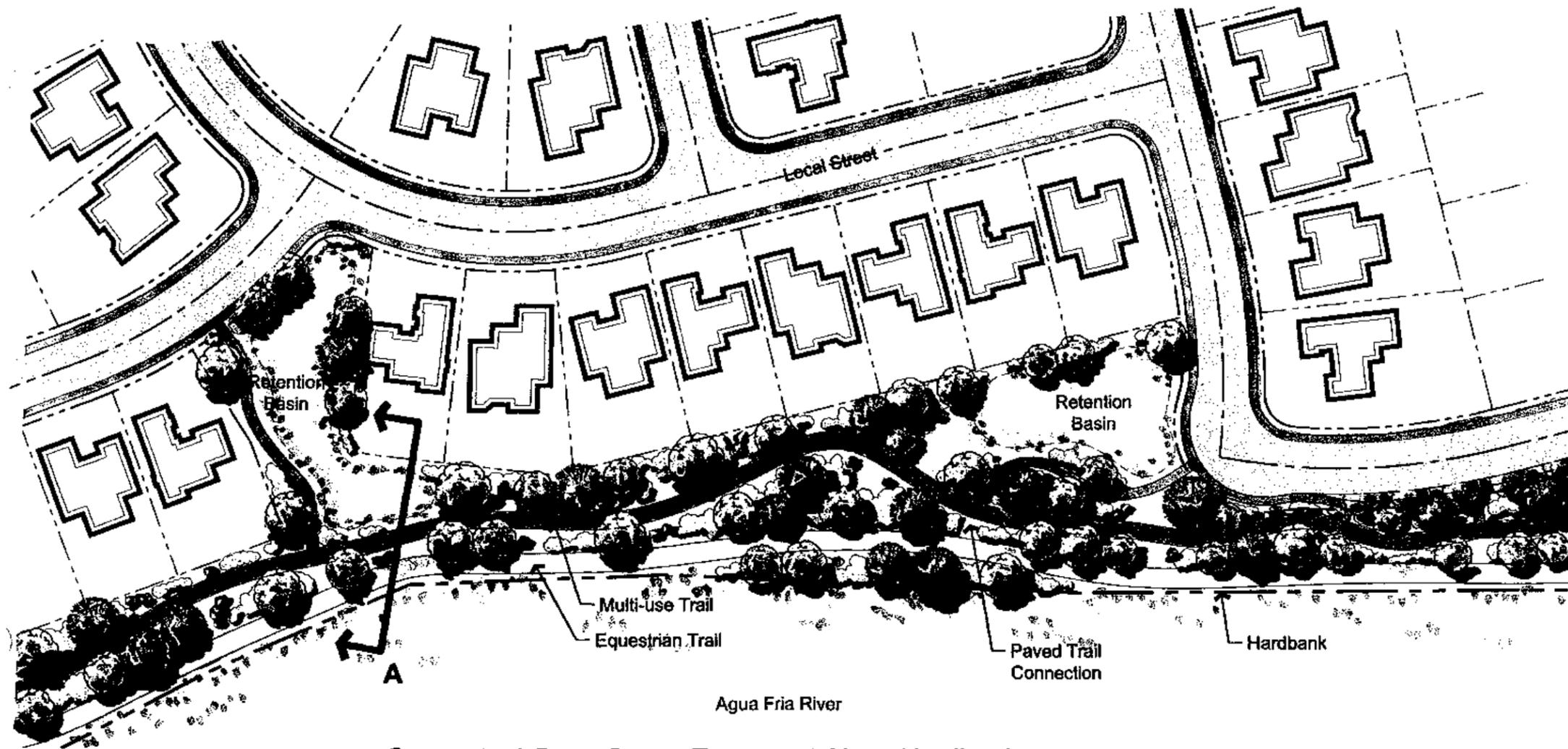
PROPOSED JURISDICTIONAL LIMIT OF AGUA FRIA RIVER

Parcel 5

LOCATION OF REGIONAL TRAIL AS SHOWN IS CONCEPTUAL. ULTIMATE LOCATION TO BE DETERMINED BASED ON SITE CONSTRAINTS.

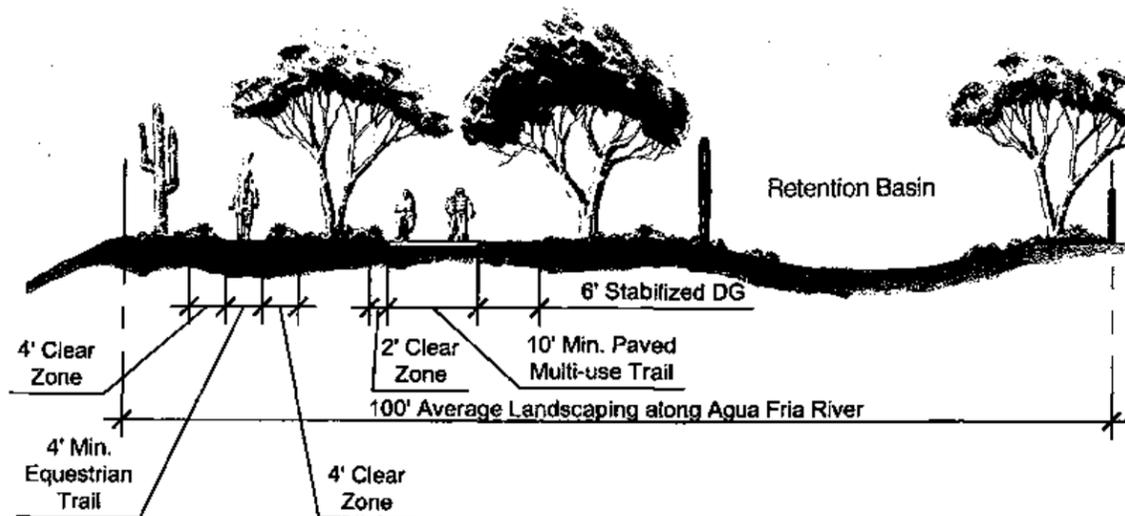
SIDEWALK ACTS AS THE REGIONAL MULTI-USE TRAIL

H.W. Project Number: 1244.03 Original: Peoria Dec 2004 Amendment: Aug. 2013  
 Project Manager: Zach Hilgart / T. Bonar  
 Designed By: A. Pangus  
 Drawn By: C. Klock



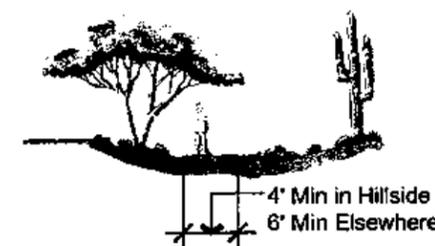
**Conceptual Open Space Treatment Along Hardbank**

Scale: 1" = 80'



**Section 'A' Typical Open Space Treatment Along Hardbank**

Scale: 1" = 20'



**Natural Trail Section**

Scale: 1" = 20'

### Notes

1. There shall be no trees within the clear zone.
2. Additional 6' DG adjacent to 10' paved trail is only required when the trail also functions as the sewer maintenance access road.

CMX Project Number: 6893

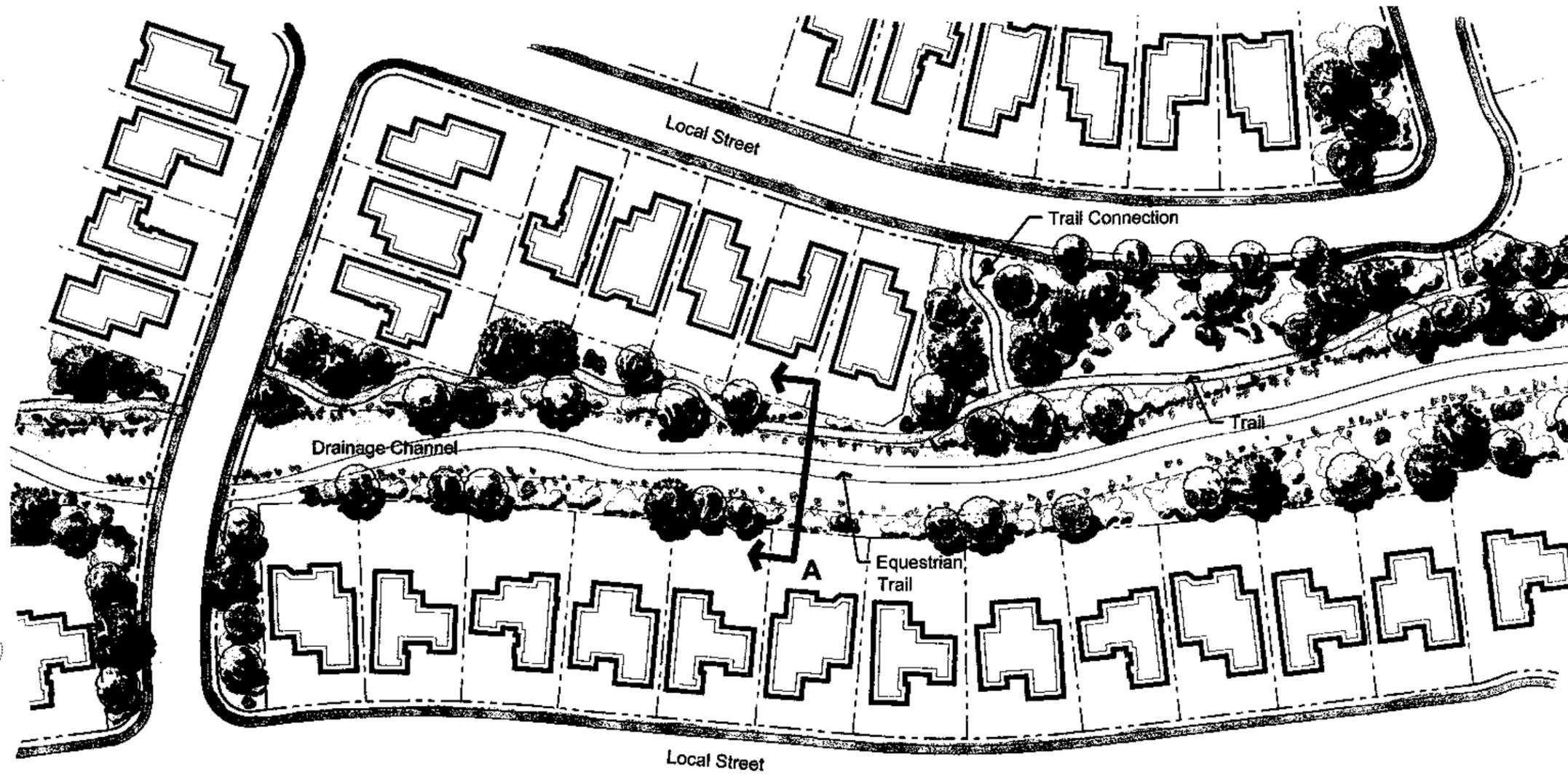
Original: Peoria Dec 2004  
Amendment: Dec 2004

Project Manager: V. Pilar P.E. / P. Newton AICP

Designed By: N. Bettini / A. Pangus

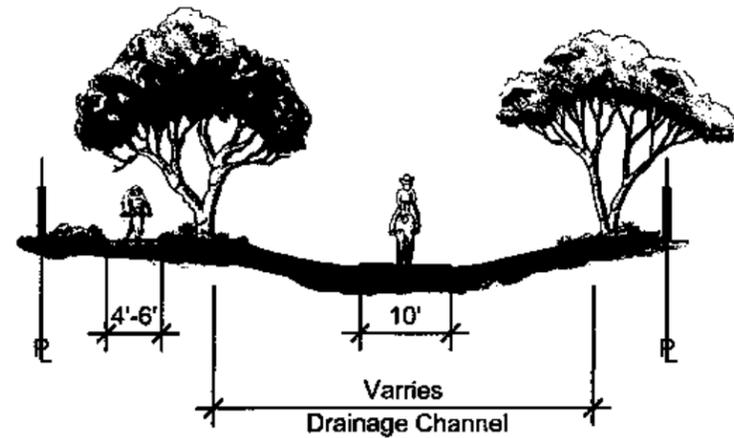
Drawn By: N. Bettini





**Conceptual Open Space Treatment Along Drainage Channels with Trails**

Scale: 1" = 80'



**Section 'A' - Typical Open Space Treatment Along Drainage Channels**

Scale: 1" = 20'

NOTE: ALL LANDSCAPING WITHIN THE RIGHT OF WAY SHALL COMPLY WITH SIGHT VISIBILITY STANDARDS.

CMX Project Number: 6893

Original: Peoria Dec 2004  
Amendment: Dec 2004

Project Manager: V. Pilar P.E. / P. Newton AICP

Designed By: N. Bettini / A. Pangus

Drawn By: N. Bettini

U:\68006893\Planning\Exhibits\Amendment-Peoria - PAD\Fig 10-Conceptual Landscape Details.dwg 01-25-2007 - 3:47 pm

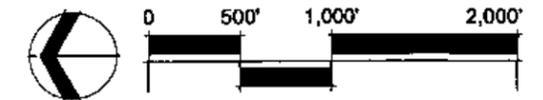


# Tierra del Rio

Peoria, Arizona PAD Amendment

## Proposed Drainage Plan

Figure 11



NORTH SCALE: 1" = 1,000'

### Legend

- Project Boundary
- - - Parcel Boundary
- Proposed JD Washes
- ..... Peoria Amendment Add Parcels 25, 26b, 28
- · - · - Proposed JD Limits of Agua Fria River
- - - Area above 15% slope line subject to hillside regulations.
- ..... Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4).
- █ Drainage Channels
- ▬ Piped Drainage
- Drainage Outfall Locations

# Tierra del Rio

Peoria, Arizona PAD Amendment

## Proposed Water Facilities Plan

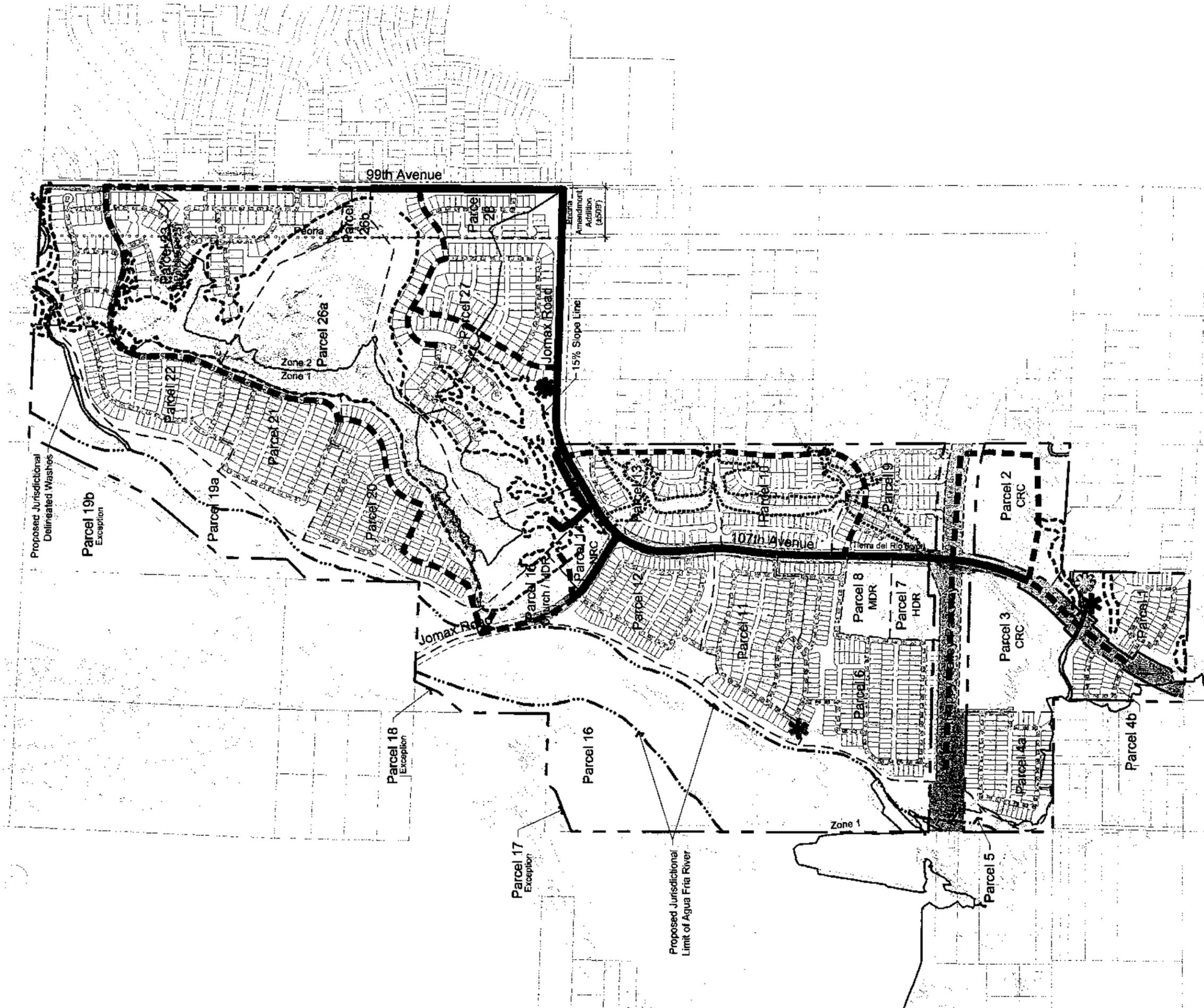
Figure 12



NORTH SCALE: 1" = 1,000'

### Legend

- Project Boundary
- Parcel Boundary
- Proposed JD Washes
- Peoria Amendment Add Parcels 25, 26b, 28
- Proposed JD Limits of Agua Fria River
- Area above 15% slope line subject to hillside regulations.
- Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4).
- 16" Water Pipe
- 12" Water Pipe
- 8" Water Pipe
- Pressure Zone
- Approximate Location of Water Pump
- Approximate Location of Well Site
- Approximate Location of Water Storage Tanks

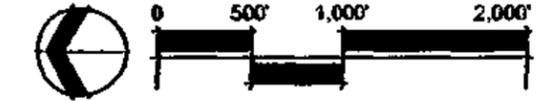
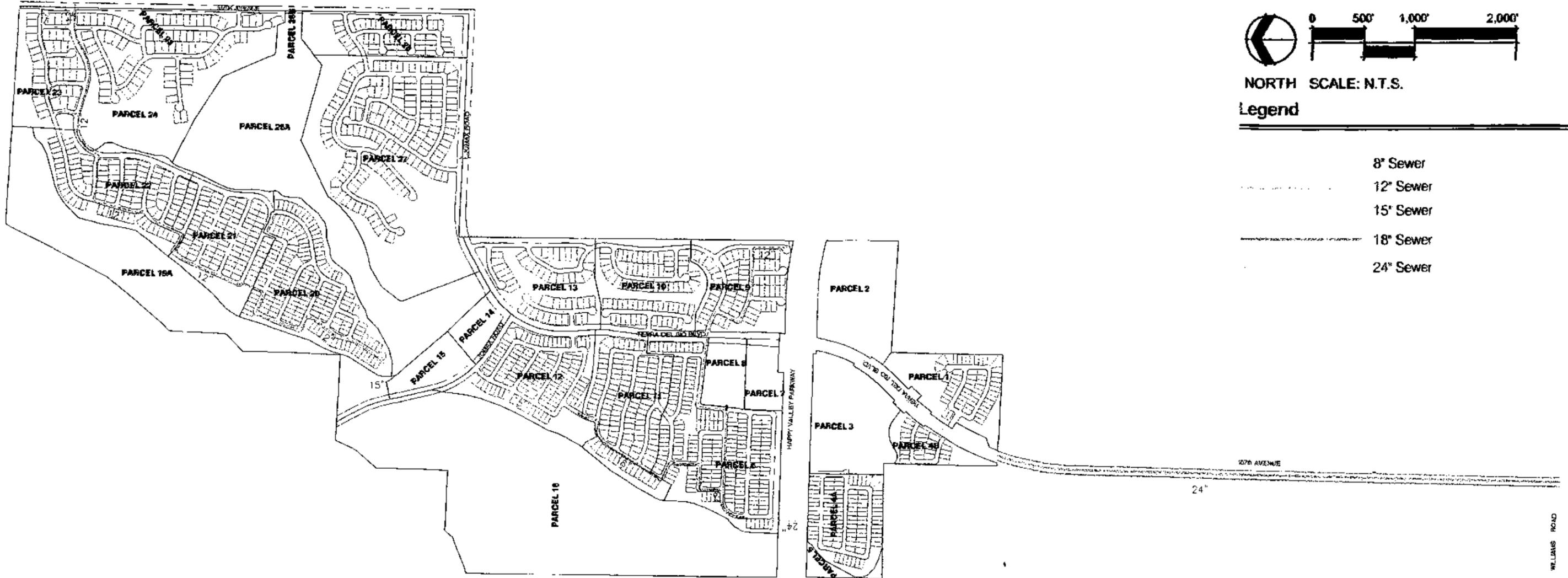


# tierra del Río

Peoria, Arizona PAD Amendment

## Proposed Wastewater Facilities Plan

Figure 13



NORTH SCALE: N.T.S.

### Legend

- 8" Sewer
- 12" Sewer
- 15" Sewer
- 18" Sewer
- 24" Sewer

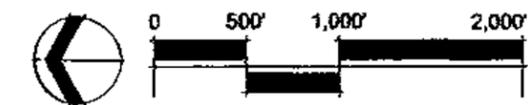
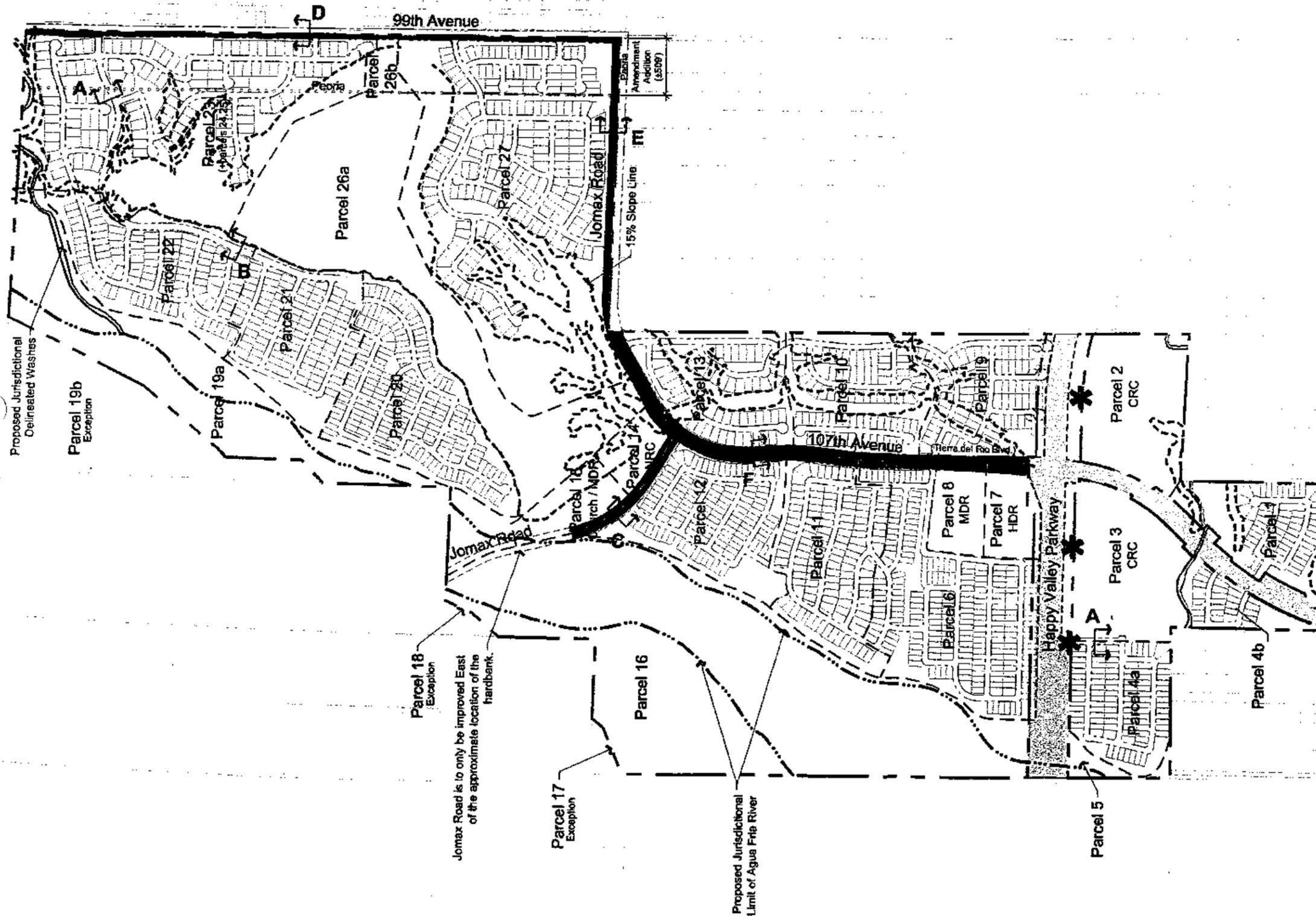
This Figure is superceded by "Exhibit C" in the Transportation and Sewage Service Agreement dated November 16, 2004

CMX Project Number: 6893  
 Project Manager: V. Pilar P.E. / P. Newton AICP  
 Designed By: N. Bettini / A. Pargus  
 Drawn By: N. Bettini



## Proposed Circulation Plan

Figure 14



NORTH SCALE: 1" = 1,000'

### Legend

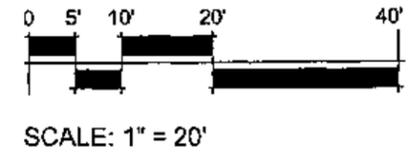
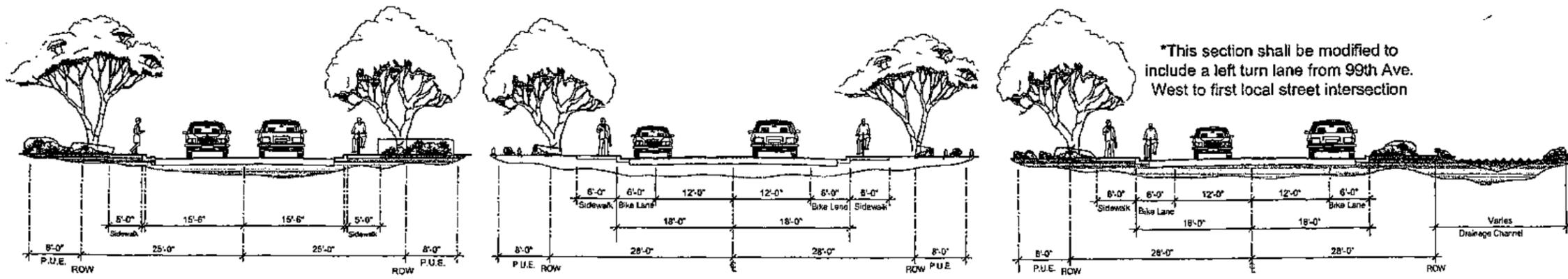
- Project Boundary
- Parcel Boundary
- Peoria Amendment Add Parcels 25, 26b, 28
- Proposed JD Washes
- Proposed JD Limits of Agua Fria River
- Area above 15% slope line subject to hillside regulations.
- Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4).
- Major Arterial
- Minor Arterial
- Minor Collector
- See Figure 17 for corresponding roadway sections
- Potential Access from Happy Valley Parkway, (Determined upon submittal of site plans and traffic impact analysis)

# Tierra del Río

Peoria, Arizona PAD Amendment

## Street Cross-Sections

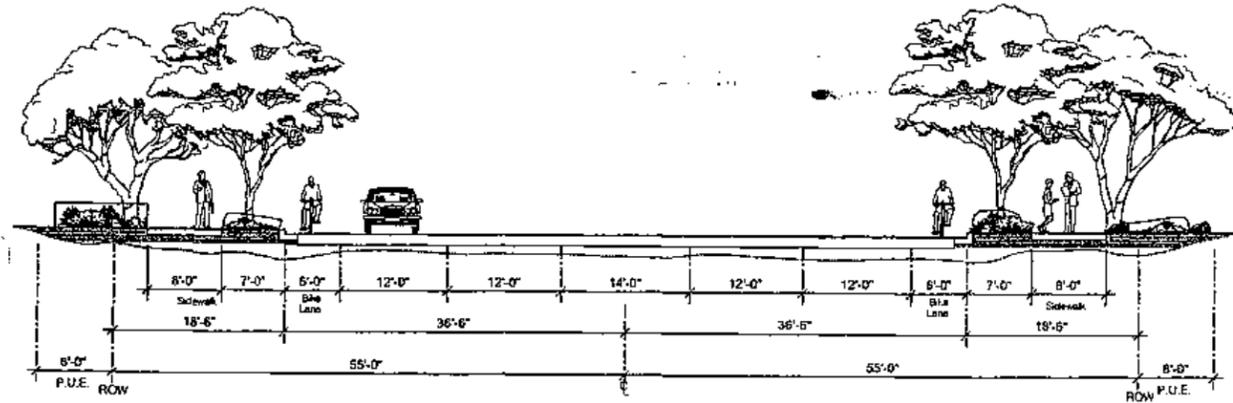
Figure 15



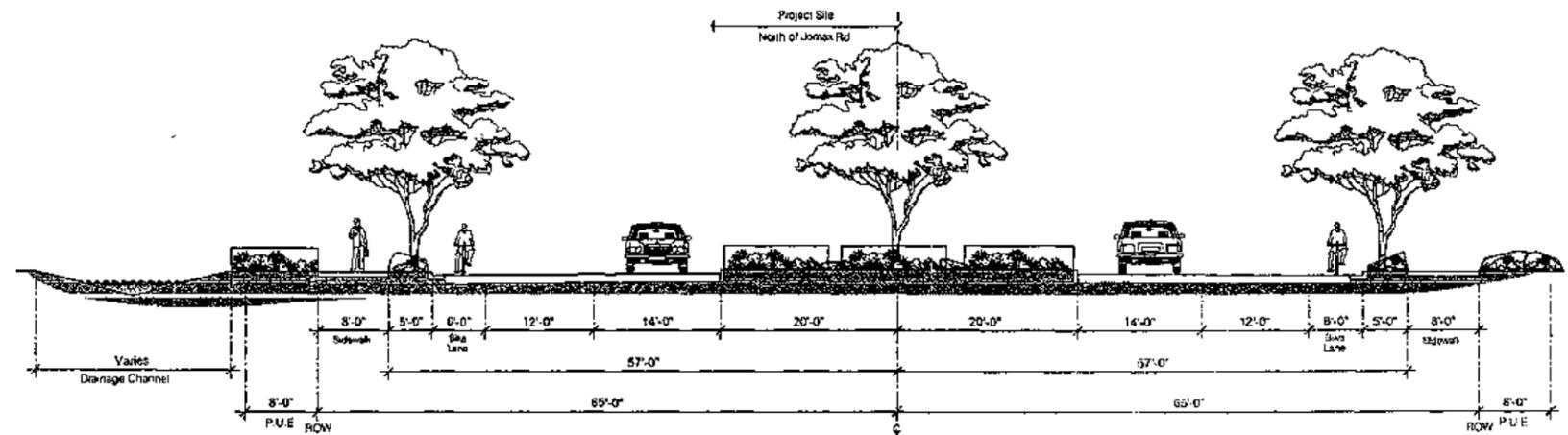
Local Street

Section 'A' Minor Collector

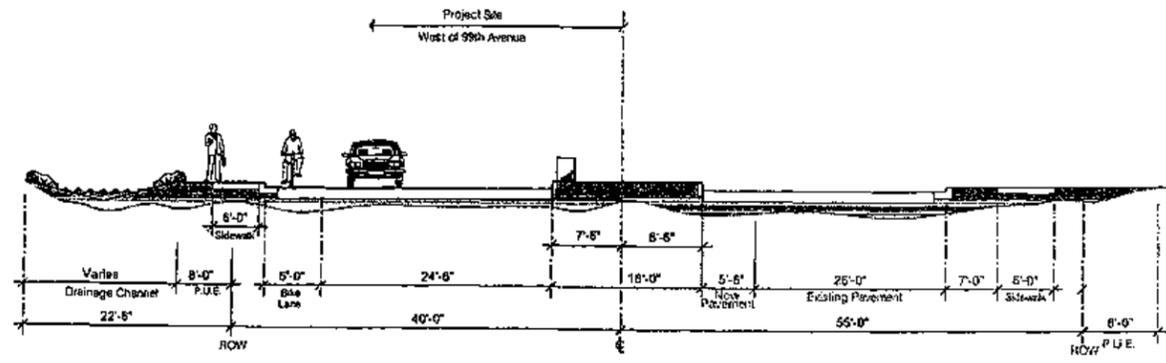
Section 'B' Minor Collector  
Adjacent to Drainage Channel and Open Space



Section 'C' Minor Arterial  
Jomax (West of 107th to Approximate Location of Hardbank)

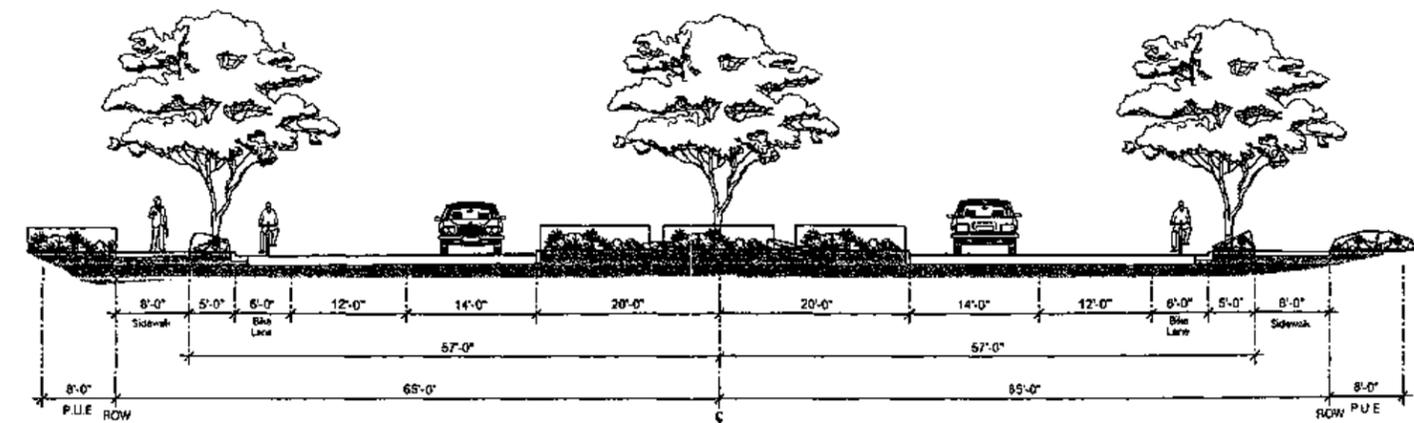


Section 'E' Major Arterial  
Jomax Rd. (99th Ave. to 103rd Ave.)



Section 'D' Minor Arterial  
99th Avenue (City of Peoria)

\*Final section to be determined during preliminary plat review process



Section 'F' Major Arterial  
107th Avenue, (Tierra del Río Boulevard)

CMX Project Number: 6893

Original: Peoria Dec 2004  
Amendment: Dec 2004

Project Manager: V. Pilar P.E. / P. Newton AICP

Designed By: N. Bettini / A. Pangus

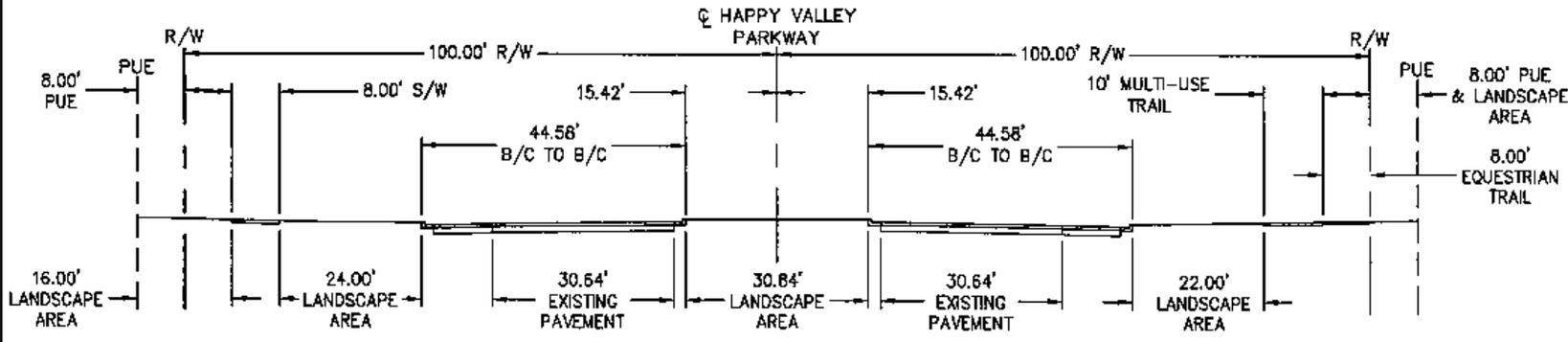
Drawn By: N. Bettini

X:\6800\6893\Planning\Exhibits\Amendment-Peoria - PAD\Fig 15-Street Sections.dwg 01-04-2005 - 9:10am





WEST VALLEY OFFICE  
 16165 N. 83rd AVE. STE. 201  
 PEORIA, AZ 85382  
 PH (623) 466-6040  
 FAX (623) 466-6041  
 www.cmxinc.com



**PROPOSED HAPPY VALLEY PARKWAY CROSS SECTION**

LOOKING WEST  
 SCALE: 1" = 30'

**TIERRA DEL RIO**  
 HAPPY VALLEY PARKWAY &  
 107TH AVENUE

**FIGURE 15B**

CMX PROJ.	6893
DATE:	1-25-2007
SCALE:	1" = 30'
DRAWN BY:	CMX
CHECKED BY:	CMX

G:\Documents and Settings\CMX EMPLOYEE\Desktop\Tierra Del Rio\VIP-Section.dwg 01-25-2007 - 8:43am

# Tierra del Rio

Peoria, Arizona PAD Amendment

## Open Space and Agreed Hillside Disturbance

Figure 17



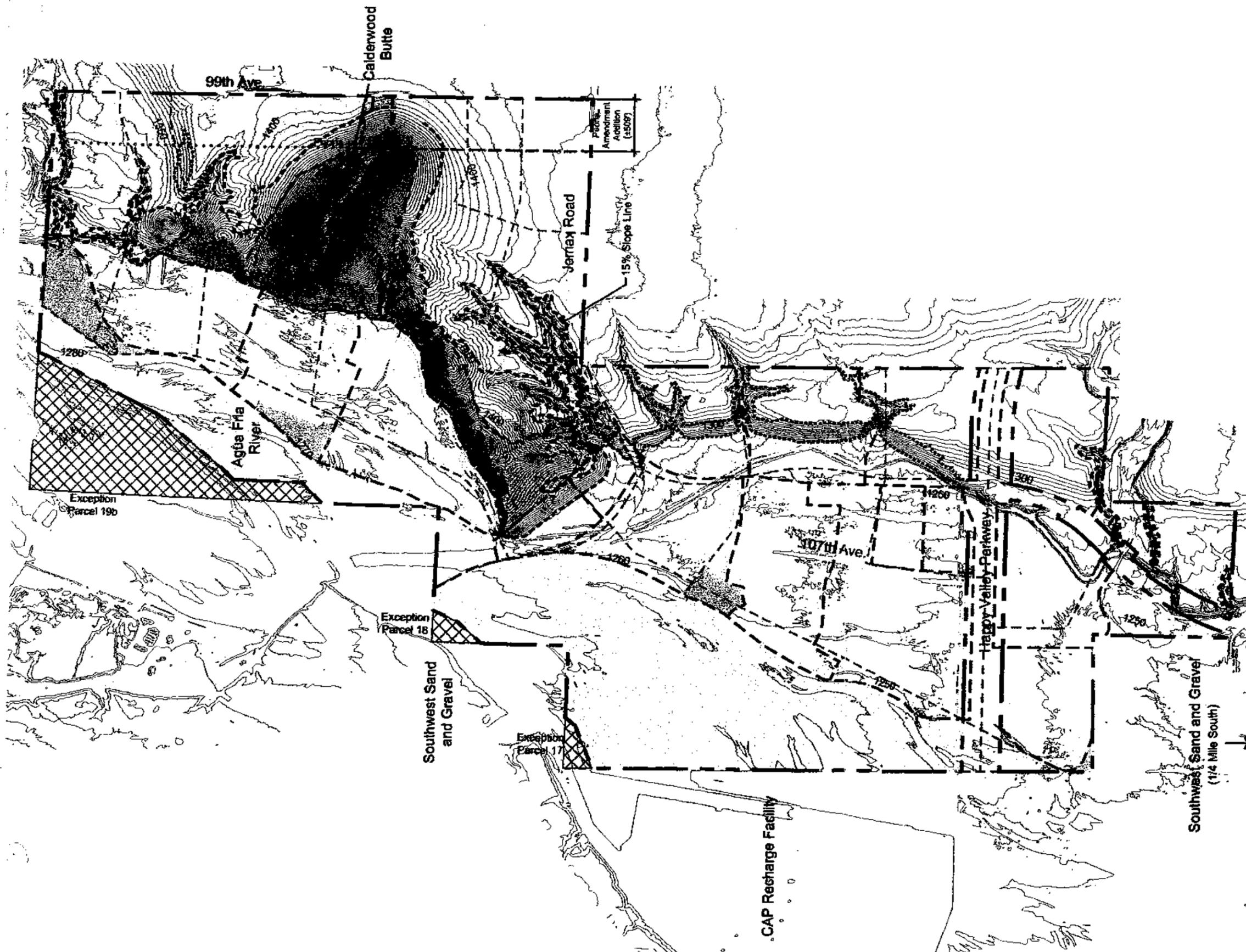
NORTH SCALE: 1" = 1,000'

### Legend

- Project Boundary
- Peoria Amendment Add Parcels 25, 26b, 28
- Exception Parcels
- Neighborhood Parks
- Landscaped Areas
- Open Space (Preserved above 15% slope)
- Natural Open Space in Washes and Agua Fria River
- Mountain Preserve
- Area above 15% slope line subject to hillside regulations.
- Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4) per agreement (Darren Gerard)

### Site Data

Open Space Parcels:	Area
In RUPD and PAD (Parcels 5, 16, 19a, 19b, 26a, 26b)	323 ac. ±
In PAD Amendment (Parcels 5, 16, 19a, 26a, 26b)	-280 ac. ±
(Parcel 19b)	43 ac. ±
Exception Parcel (Open Space) (Parcels 17, 18, 19b)	47 ac. ±



CMX Project Number: 6893

Original: Peoria Dec 2004  
Amendment: Dec 2004

Project Manager: V. Pilar P.E. / P. Newton AICP

Designed By: N. Bettini / A. Pangus

Drawn By: N. Bettini



# Tierra del Rio

Typical Lot Layout by Zoning District

PEORIA, ARIZONA PAD Amendment

## Single Family Residential

Parcels 23, 24, 25 PAD

Figure 18a



GMX

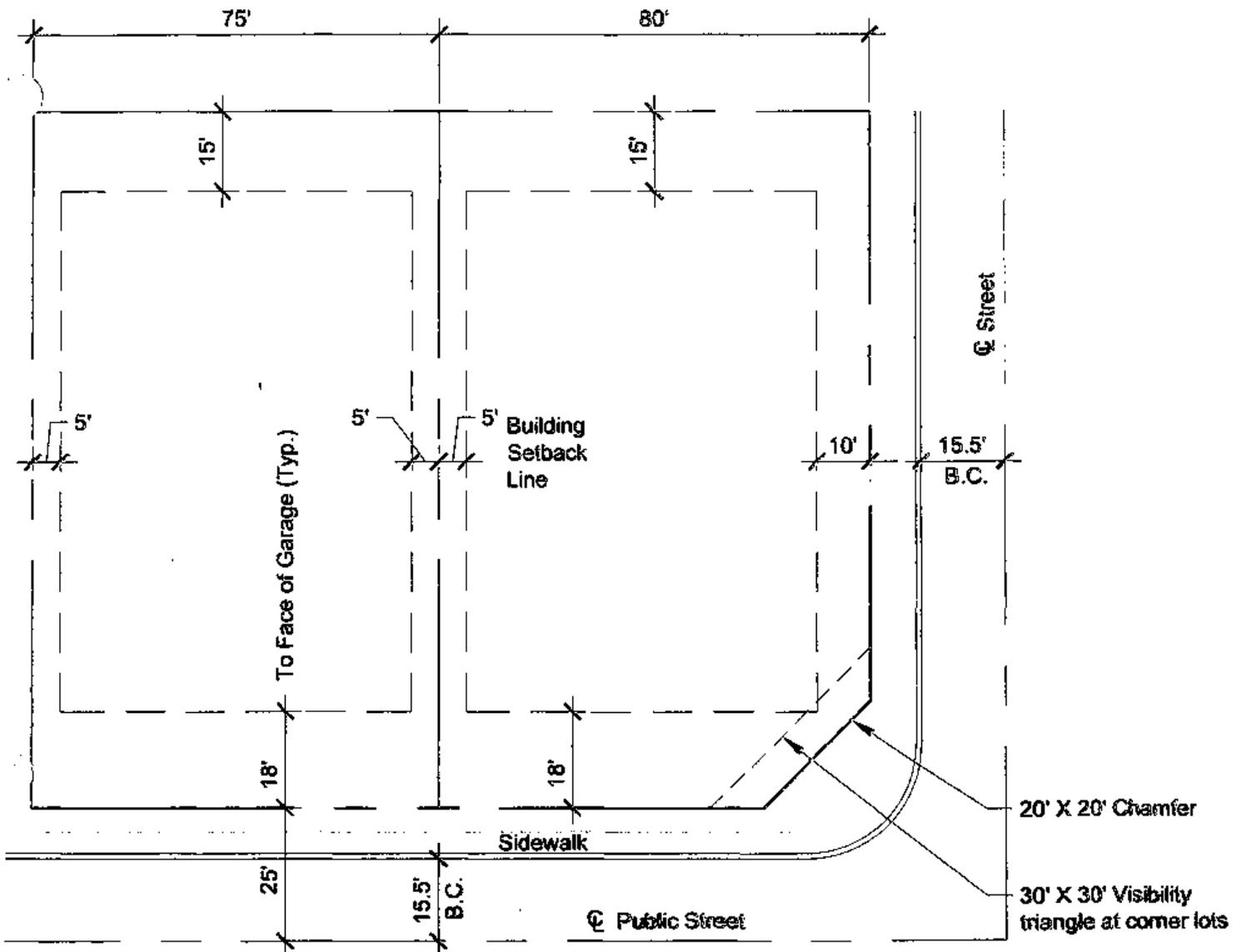
Scale: 1" = 30'

\\s0006693\Planning\Editables\Amendment-Peoria - PAD\Typical Lot Layout Fig. 18a-d.dwg 12-27-2004 - 1:19pm

### Notes:

Product/Lot styles provided to indicate standards and are not intended to limit development diversity.

Fireplaces, garages, planters, porches, pop-outs and other architectural features shall be allowed to extend up to 3 feet into the setback, except where a 3 foot setback is used.







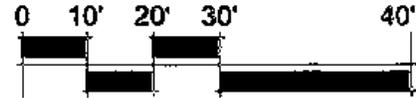
# Tierra del Rio

Typical Lot Layout by Zoning District

PEORIA, ARIZONA PAD Amendment

## Single Family Residential

Parcels 1,4a,4b,6,12,20 PAD Figure 18d



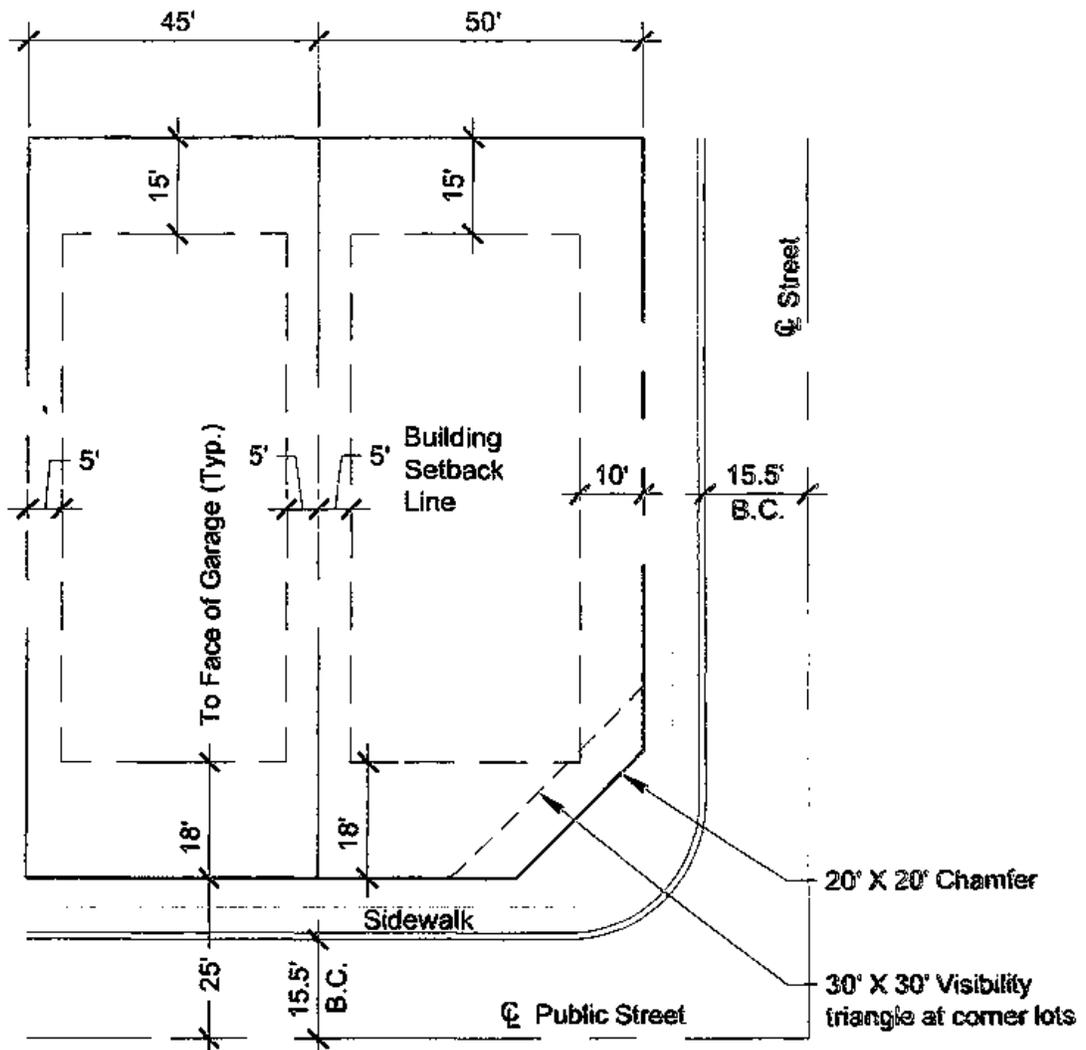
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X:\6800168931\Planning\Exhibits\Amendment-Peoria - PAD\Typical Lot Layout Fig. 18d-d.dwg 12-27-2004 - 1:19pm

### Notes:

Product/Lot styles provided to indicate standards and are not intended to limit development diversity.

Fireplaces, garages, planters, porches, pop-outs and other architectural features shall be allowed to extend up to 3 feet into the setback, except where a 3 foot setback is used.



# Tierra del Rio

Typical Lot Layout by Zoning District

PEORIA, ARIZONA PAD Amendment

## Detached Court Home

Multi-Family Parcels 8, 15

Figure 18e



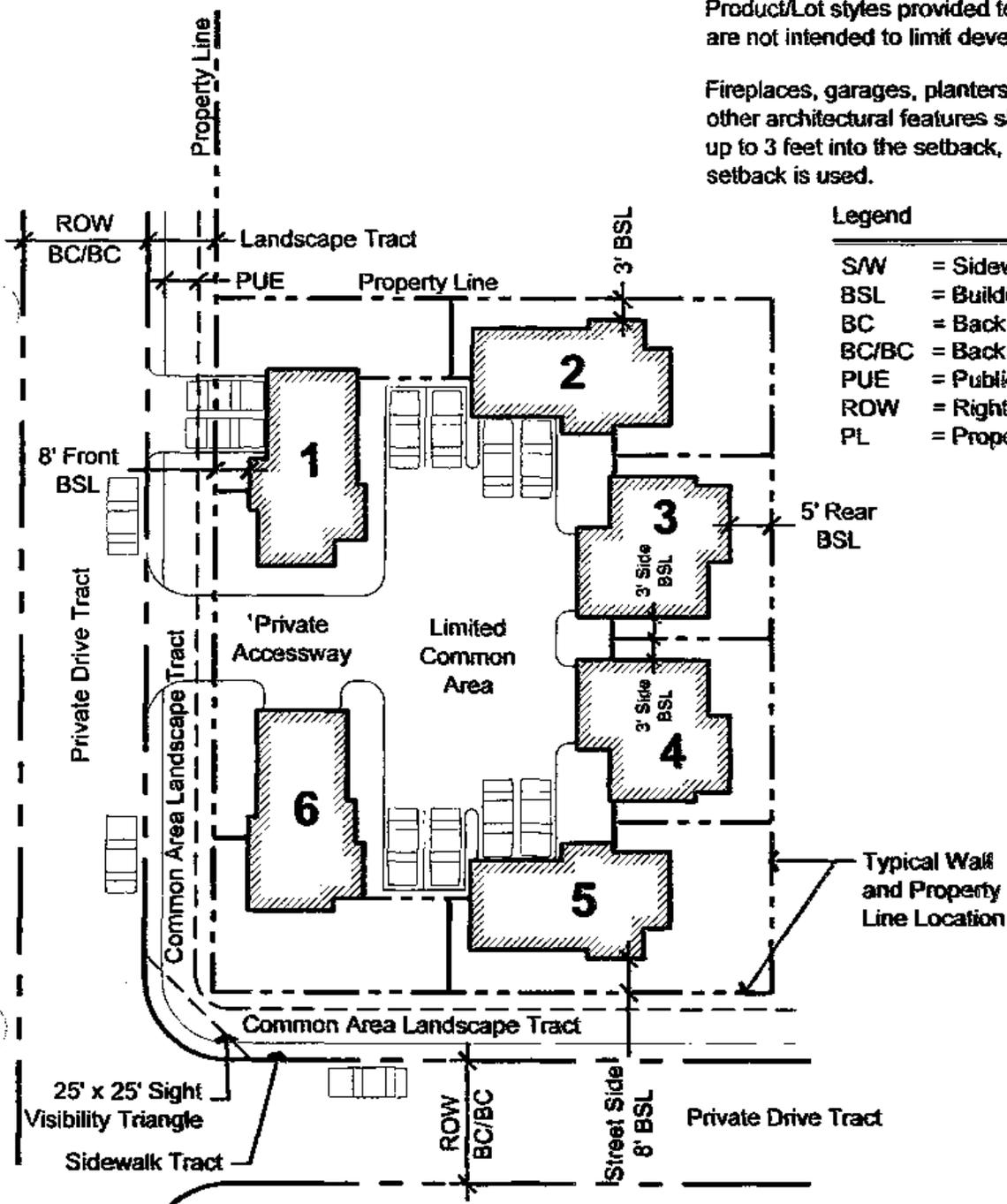
Scale: 1" = 40'

X:\6800\6813\Planning\Exhibits\Amendment-Peoria - PAD\Typical Lot Layout Fig. 18e.dwg 12-16-2004 - 6:57am

### Notes:

Product/Lot styles provided to indicate standards and are not intended to limit development diversity.

Fireplaces, garages, planters, porches, pop-outs and other architectural features shall be allowed to extend up to 3 feet into the setback, except where a 3 foot setback is used.



# Tierra del Rio

Typical Lot Layout by Zoning District

PEORIA, ARIZONA PAD Amendment

## Detached Z- Lot

Multi-Family Parcels 8, 15

Figure 18f



Scale: 1" = 30'

X:\00000093\Planning\Exhibits\Amendment Peoria - PAD\Typical Lot Layout Fig. 18f.dwg 12-16-2004 - 8:57am

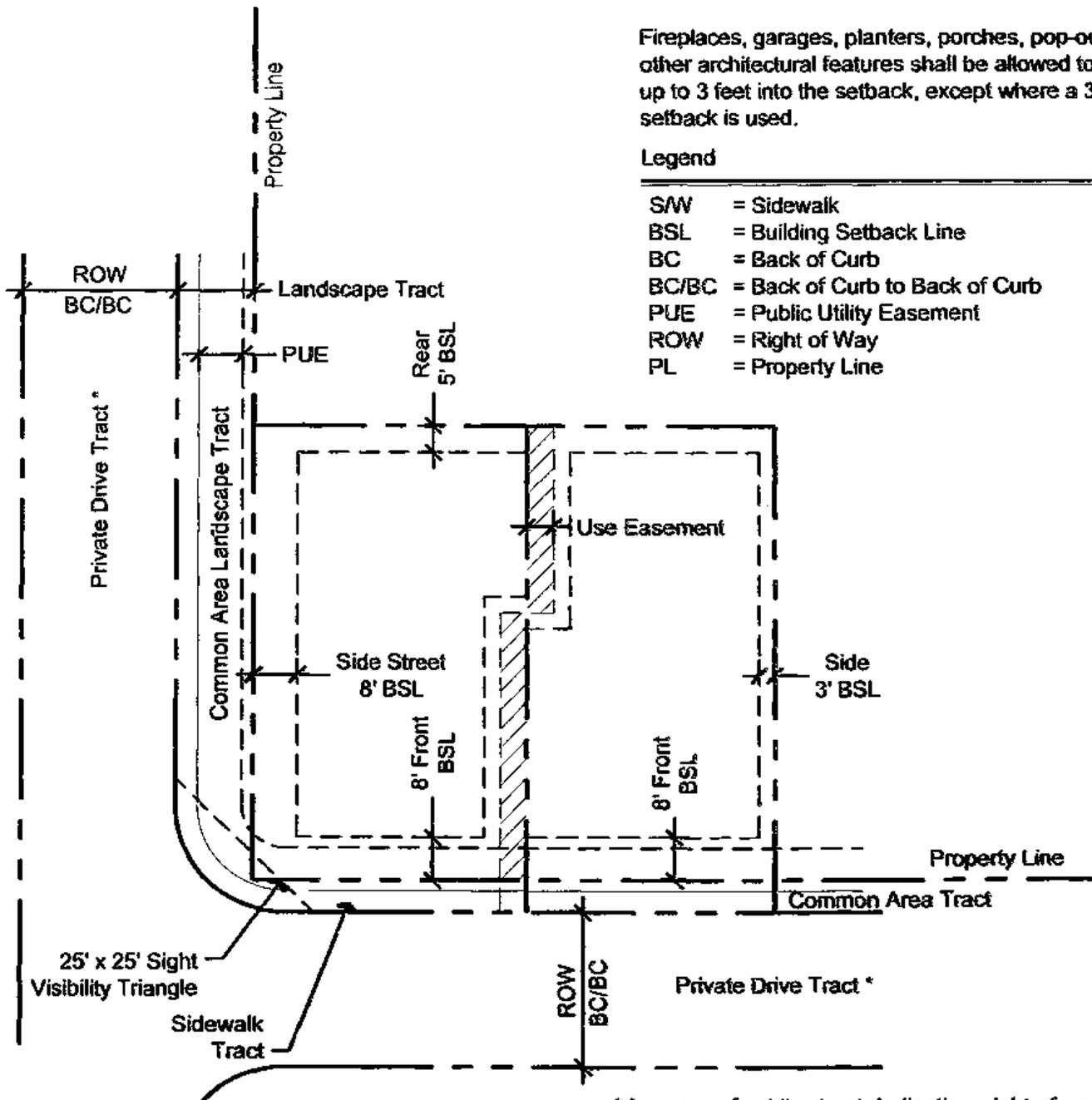
**Notes:**

Product/Lot styles provided to indicate standards and are not intended to limit development diversity.

Fireplaces, garages, planters, porches, pop-outs and other architectural features shall be allowed to extend up to 3 feet into the setback, except where a 3 foot setback is used.

**Legend**

- SAW = Sidewalk
- BSL = Building Setback Line
- BC = Back of Curb
- BC/BC = Back of Curb to Back of Curb
- PUE = Public Utility Easement
- ROW = Right of Way
- PL = Property Line



\* In cases of public street dedication, right-of-way shall be at property line along public street

# Tierra del Rio

Typical Lot Layout by Zoning District

PEORIA, ARIZONA PAD Amendment

## Attached or Detached Patiohome/Townhome

Multi-Family Parcels 8, 15

Figure 18g



Scale: 1" = 40'

X:\660016893\Planning\Exhibits\Amendment-Peoria - PAD\Typical Lot Layout Fig. 18g.dwg 12-27-2004 - 1:22am

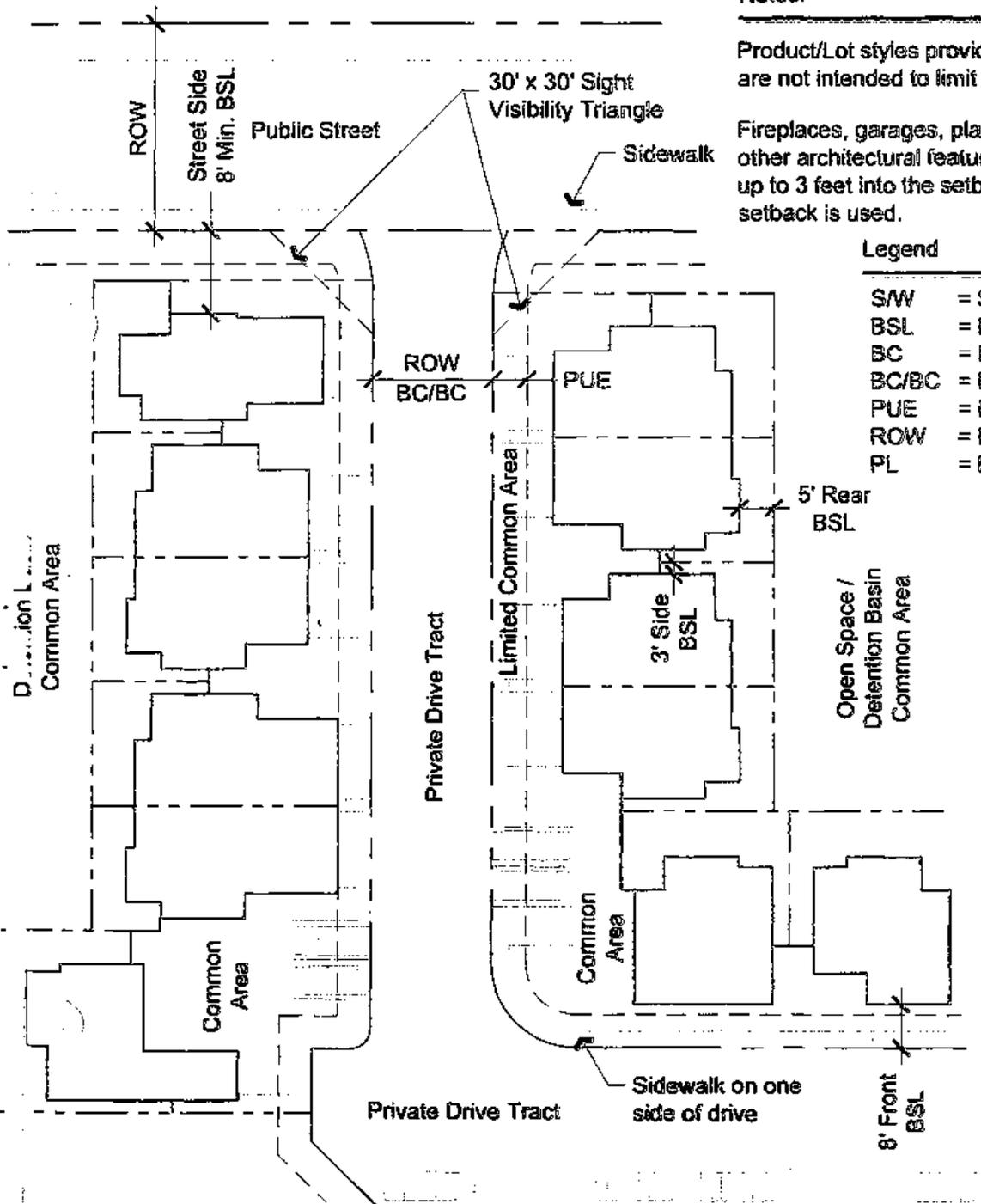
### Notes:

Product/Lot styles provided to indicate standards and are not intended to limit development diversity.

Fireplaces, garages, planters, porches, pop-outs and other architectural features shall be allowed to extend up to 3 feet into the setback, except where a 3 foot setback is used.

### Legend

- S/W = Sidewalk
- BSL = Building Setback Line
- BC = Back of Curb
- BC/BC = Back of Curb to Back of Curb
- PUE = Public Utility Easement
- ROW = Right of Way
- PL = Property Line



Notes:

- Finishes, garages, planters, porches, pop-outs and other architectural features shall be allowed to extend up to 3 feet into the setback.
- Height - 40' or three stories
- Distance between buildings on same lot (minimum) - 20'
- Lot width (minimum) - 60'
- Lot area (minimum) - 6,000 square feet
- Lot area (minimum) per dwelling unit - 2,000 square feet
- Lot coverage (maximum) - 50%
- Parking per dwelling unit (minimum) - 2
  - Guest parking - 20%
  - Handicapped spaces - 5%
- Screen or privacy wall height (maximum) - 9'
- Retaining wall height (maximum) - 6' (Allow a 6' wall with terracing at a minimum 4' intervals (c))

# Tierra del Rio

Typical Parcel Layout by Zoning District

PEORIA, ARIZONA PAD Amendment

## Attached or Detached Multifamily

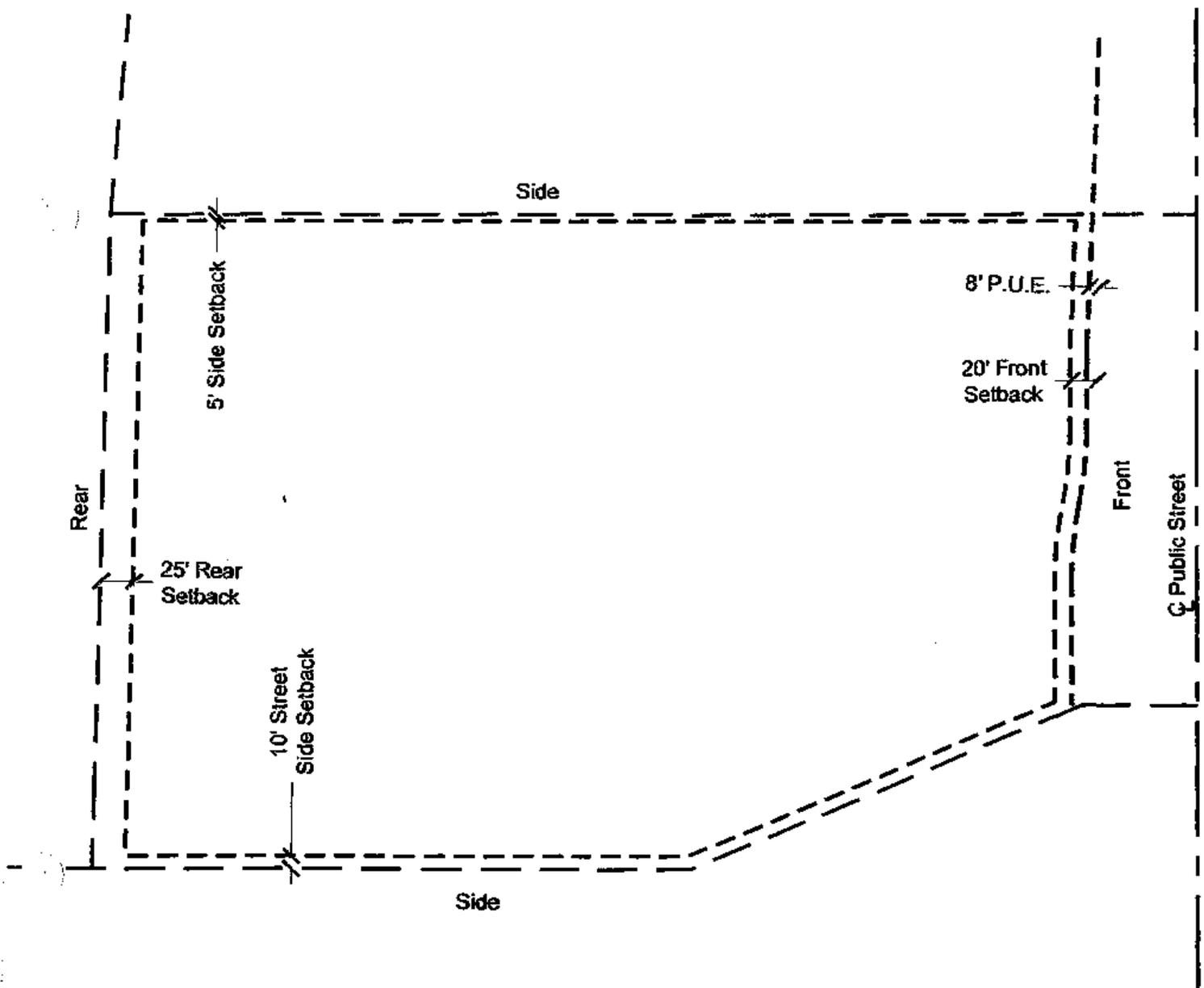
Multi-Family Parcel 7

Figure 18h



Scale: 1" = 120'

X:\9900\6893\Planning\Exhibits\Amendment-Peoria - PAD\Typical Lot Layout Fig. 18h.dwg 12-16-2004 - 8:56am



# Tierra del Rio

Typical Lot Layout by Zoning District

PEORIA, ARIZONA PAD Amendment

## Next Gen Single Family Residential

Parcel 2 PAD

Figure 18i

NTS Not To Scale

### Notes:

- Next Gen Homes are designed for only one extended family.
- The Next Gen home's physical design attributes are such that the second range/stove/oven or cooking facility is designed so that it is completely internal to the house itself (i.e. under the same roof with a connecting door just like other rooms in the house).
- Second cooking facility (i.e. range/stove/oven) shall be permitted in the Next Gen suite area of the Next Gen home in addition to the one typically found in the main kitchen.
- Only one yard is provided and allowed per lot.
- Only one driveway and curb cut is provided and allowed per lot.
- Only one water meter is provided and allowed per lot.
- Only one electric meter is provided and allowed per lot.
- Each house has only one address and mailbox.
- This unique home design feature dictates that the home will continue to be used as a single-family residential home and not as a separate rental.



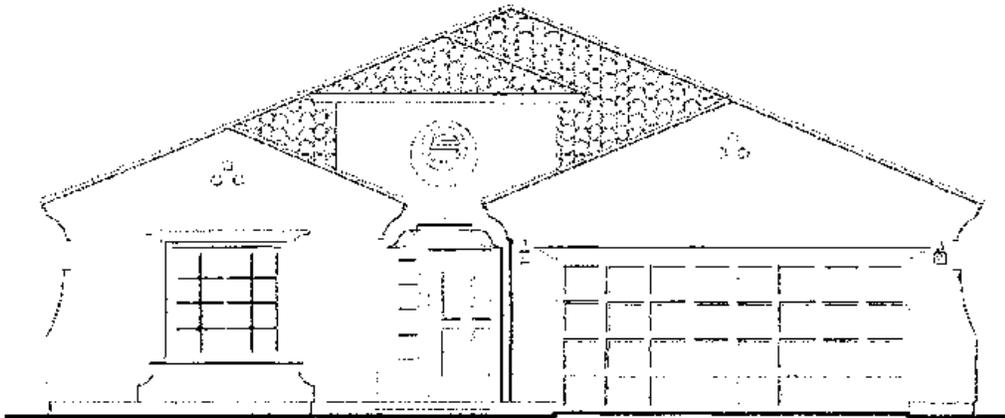


# Tierra del Rio

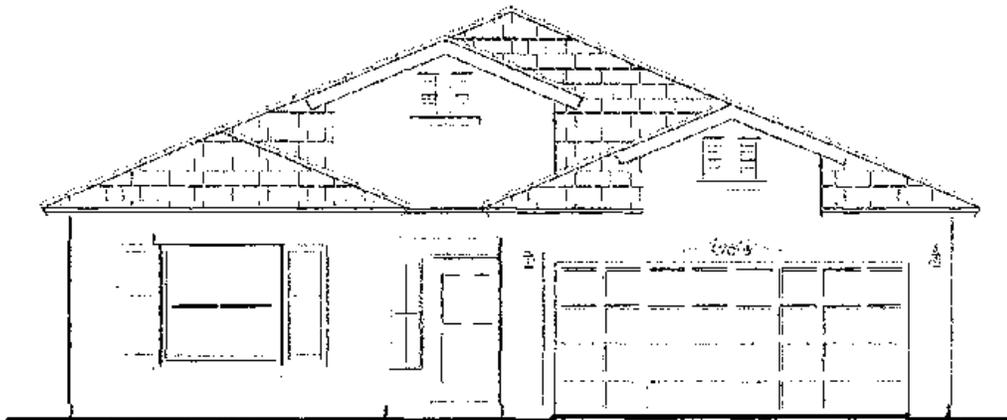
Conceptual Typical Single Family Elevation

PEORIA, ARIZONA PAD Amendment

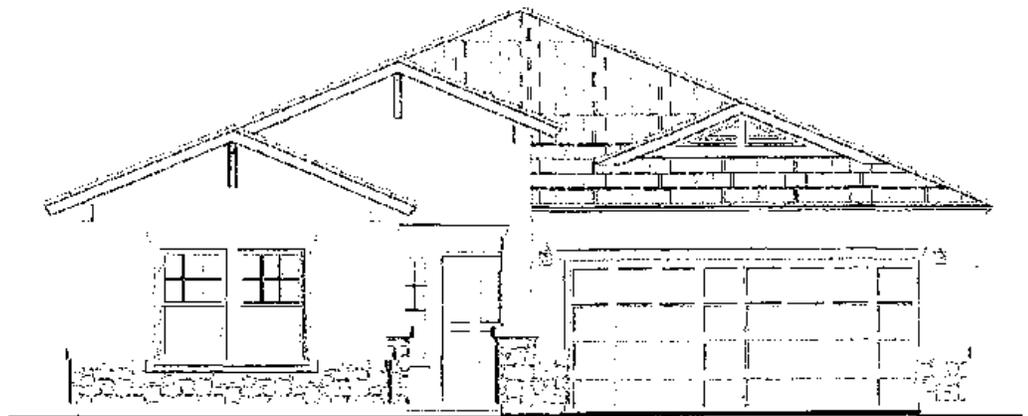
Figure 19a



Elevation "A"



Elevation "B"



Elevation "C"

**Note:** These elevations are conceptual representations of single family homes that may be utilized in the Tierra Del Rio Project, but should not be considered as final and are subject to change throughout the design and development process.

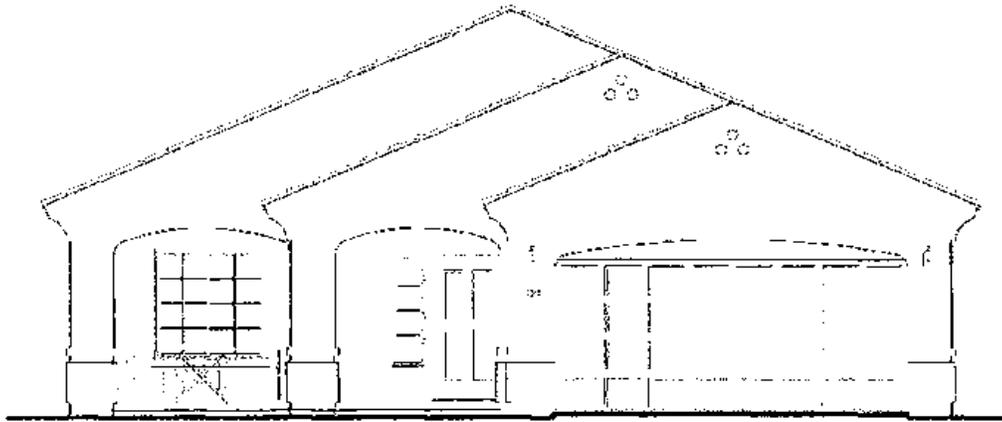


# Tierra del Rio

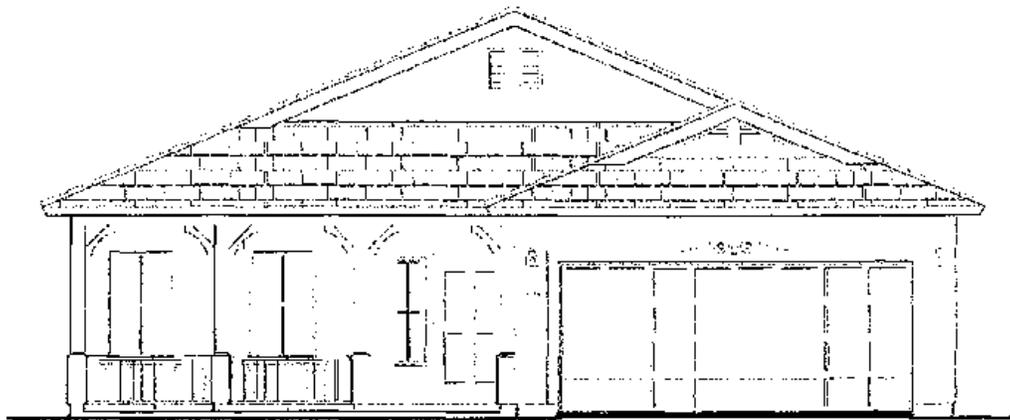
Conceptual Typical Single Family Elevation

PEORIA, ARIZONA PAD Amendment

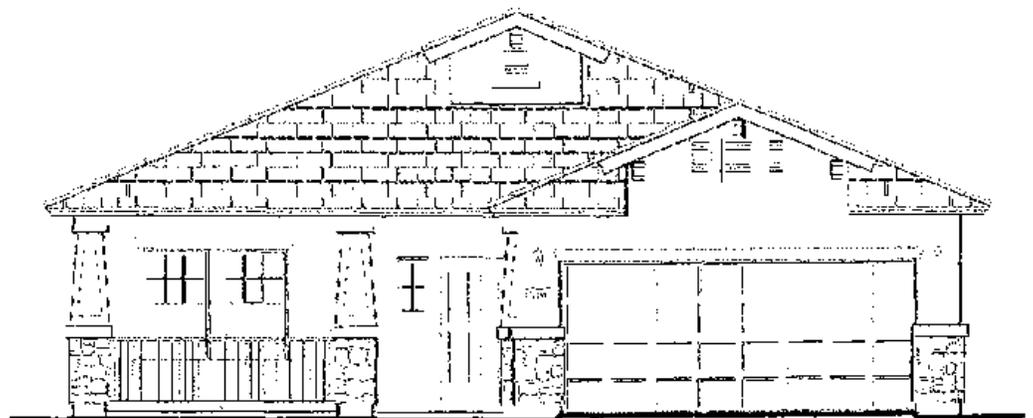
Figure 19b



Elevation "A"



Elevation "B"



Elevation "C"

**Note:** These elevations are conceptual representations of single family homes that may be utilized in the Tierra Del Rio Project, but should not be considered as final and are subject to change throughout the design and development process.

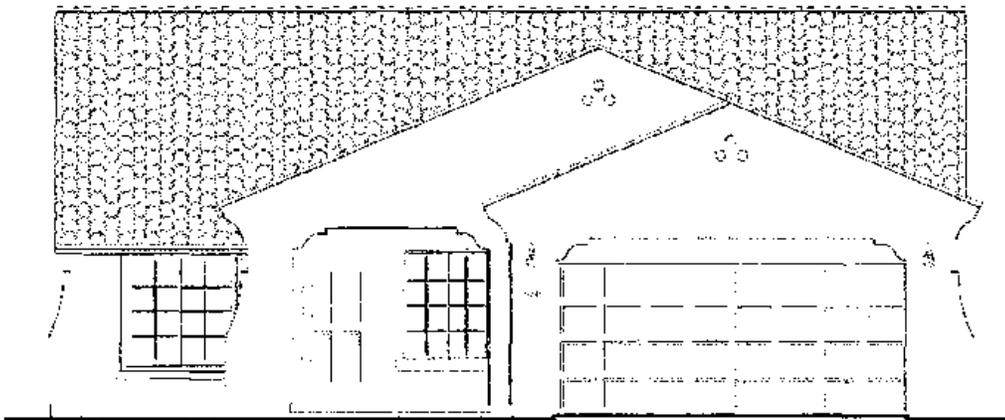


# Tierra del Rio

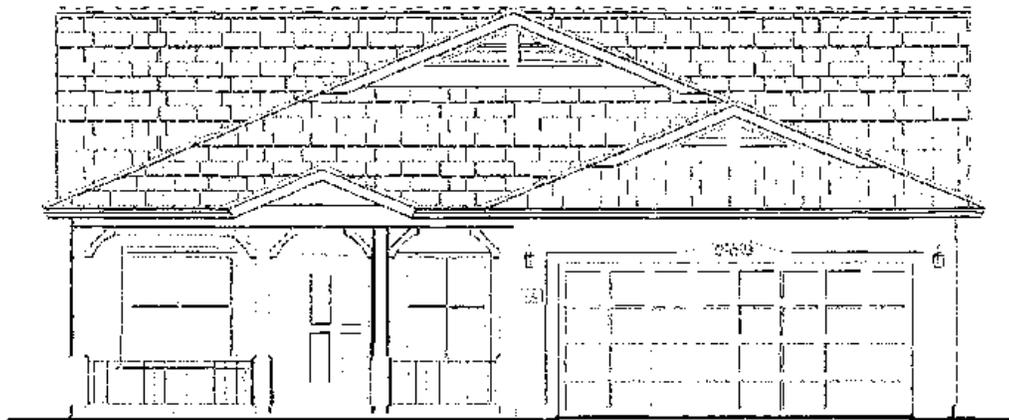
Conceptual Typical Single Family Elevation

PEORIA, ARIZONA PAD Amendment

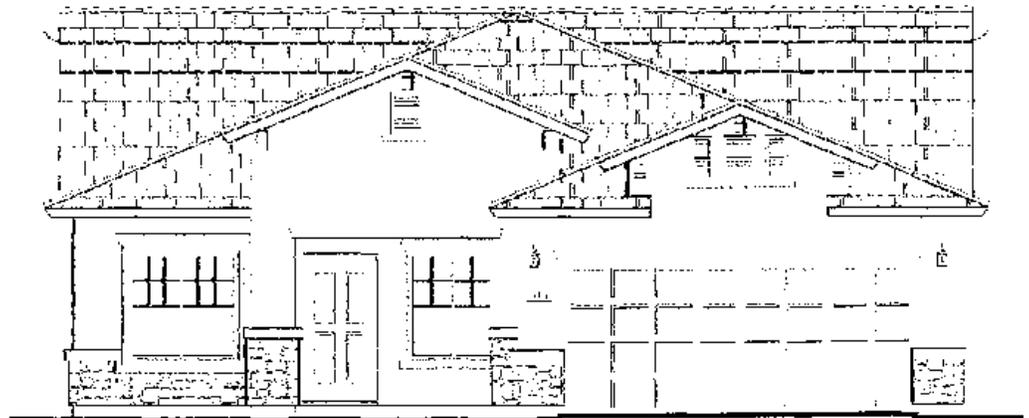
Figure 19c



Elevation "A"



Elevation "B"



Elevation "C"

**Note:** These elevations are conceptual representations of single family homes that may be utilized in the Tierra Del Rio Project, but should not be considered as final and are subject to change throughout the design and development process.

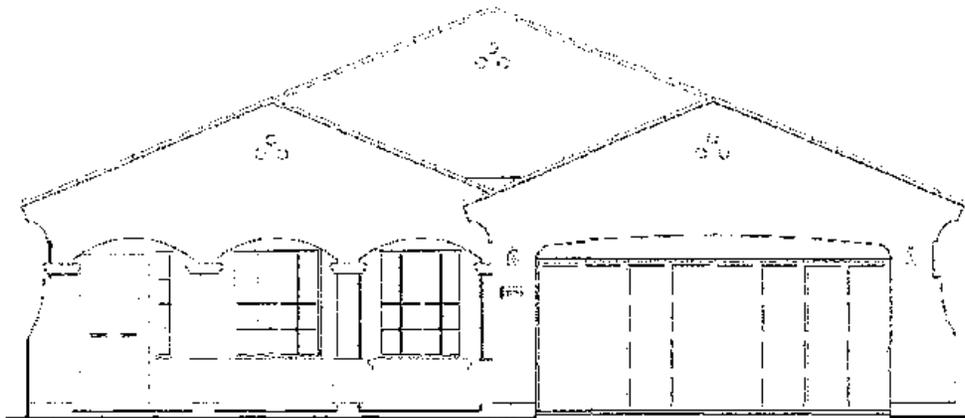


# Tierra del Rio

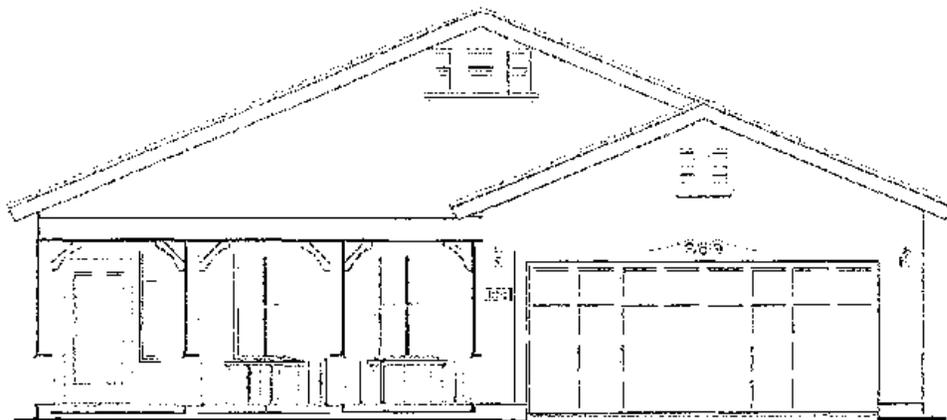
Conceptual Typical Single Family Elevation

PEORIA, ARIZONA PAD Amendment

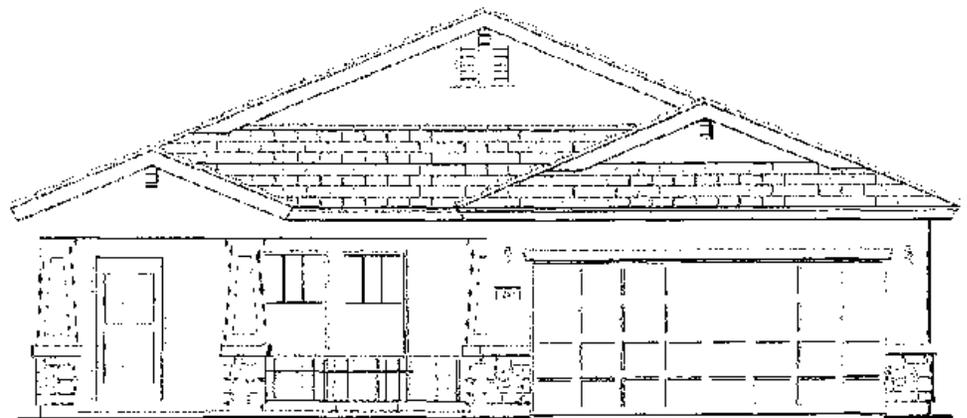
Figure 19d



Elevation "A"



Elevation "B"



Elevation "C"

Note: These elevations are conceptual representations of single family homes that may be utilized in the Tierra Del Rio Project, but should not be considered as final and are subject to change throughout the design and development process.



# Tierra del Rio

Conceptual Typical Multi-Family Elevation

PEORIA, ARIZONA PAD Amendment

Figure 20



**Note: These elevations are conceptual illustrations of Multi-Family products that may be utilized in the Tierra Del Rio Project, but should not be considered as final and are subject to change throughout the design and development process.**



# Tierra del Rio

Conceptual Typical Commercial Elevation

PEORIA, ARIZONA PAD Amendment

Figure 21



**Note:** These elevations are representations of Commercial products that may be utilized in the Tierra Del Rio Project, but should not be considered as final and are subject to change throughout the design and development process.

B

**Appendix B**

**Stipulations**

**DMP 99-05**

**DMP 2004002**

**Zoning Z 2004025**

BOARD OF SUPERVISORS' MEETING

PLANNING AND ZONING AGENDA

November 3, 2004

**CONSENT AGENDA:**

(Detailed below)

1. Z2004079, Rezone from R-4 to Rural-43, located at the northeast corner of Recker Rd. & Hunt Hwy. (in the Chandler Heights area) (District 1)
2. Z2004078, Special Use Permit (SUP) for a Cottage Industry-home-based woodworking shop in the Rural-43 zoning district, located at the northeast corner of Recker Rd. & Hunt Hwy. (in the Chandler Heights area) (District 1)

**REGULAR AGENDA:**

(Detailed below)

3. DMP2004002, Development Master Plan (DMP), Major Amendment, Tierra del Rio Development Master Plan, located west of 99<sup>th</sup> Ave. along the Agua Fria River on both sides of Jomax Rd. (in the Peoria area) (District 4)
4. Z2004025, Rezone from Rural-43 to R1-10 RUPD, R1-8 RUPD, R1-7 RUPD, R1-6 RUPD, R-4 RUPD, R-2 RUPD, C-2 CUPD, C-1 CUPD and Rural-43 all subject to a PAD overlay zone, located west of 99<sup>th</sup> Ave. along the Agua Fria River on both sides of Jomax Rd. (in the Peoria area) (District 4)
5. S2003053, Preliminary Plat with a road waiver in the Rural-43 zoning district, located at the southeast corner of 235<sup>th</sup> Ave. & Dixileta Dr., approx. 1-mile northwest of LAFB Aux. 1 (in the Wittmann/Surprise area) (District 4) (Continued from 10-06-04)

**CONSENT AGENDA DETAIL:**

1. **Z2004079** District 1

Applicant: Barry & Nancy Boyd

Location: Northeast corner of Recker Rd. & Hunt Hwy. (in the Chandler Heights area)

Request: Rezone from R-4 to Rural-43 - Boyd Woodworking Shop (1.25 ac.)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of **Z2004079**. Commissioner Aster

**seconded the motion, which passed with a unanimous vote of 8-0.**

2. **Z2004078** District 1

Applicant: Barry & Nancy Boyd

Location: Northeast corner of Recker Rd. & Hunt Hwy. (in the Chandler Heights area)

Request: Special Use Permit (SUP) for a cottage industry, home-based woodworking shop - Boyd Woodworking Shop (1.25 ac.)

**COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2004078, subject to the following stipulations "a" through "i". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.**

- a. Development of the site shall be in substantial conformance with the site plan entitled "Boyd Custom Woodworking Shop", consisting of one (1) full-size sheet, dated July 2004 and stamped received September 2, 2004, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Custom Woodworking Shop - Barry Boyd", consisting of four (4) pages, stamped received September 2, 2004, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for Hunt Highway and 40' for Recker Road shall occur within six (6) months of approval of this request by the Board of supervisors, and prior to zoning clearance
- d. The applicant shall discontinue use of the 12' dirt access road paralleling the south property line as shown on the site plan.
- e. The applicant shall pave the portion of the driveway leading to Hunt Highway within County right-of-way.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. Only sanitary sewage may be discharged into any on-site wastewater disposal system. Waste paints, solvents, lacquers and similar

woodworking materials must be appropriately disposed of in accordance with applicable federal, state and local regulations.

- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- j. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. Major changes to this Special Use Permit (site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

**REGULAR AGENDA DETAIL:**

**3. DMP2004002 District 4**

Applicant: Gallagher & Kennedy, P.A. for TDR, LLC

Location: West of 99<sup>th</sup> Ave. on both sides of Jomax Rd. (in the Peoria area)

Request: Major Amendment to a Development Master Plan (DMP 99-05) - Tierra del Rio (1,041 ac.)

**COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2004002, subject to the following**

**stipulations "a" through "jj". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.**

- a. Development shall comply with the Development Master Plan document entitled "Tierra del Rio Development Master Plan...", prepared by CML, Inc., et al, consisting of a number of pages including large-size and color exhibits all spiral-bound, dated revised August 23, 2002 and stamped received August 29, 2002, except as modified by the narrative report titled "Tierra del Rio Development Master Plan; A Planned Community in Maricopa County, Arizona" consisting of all pages, figures, exhibits, and attachments, 7<sup>th</sup> Revision dated July 22, 2004, and except as modified by the following stipulations. The request has been revised to include status as a Protected Development Rights Plan as per stipulation 'aa' below. At the time of preliminary plat, the site plan shall be revised to reflect locations of facilities for the Maricopa County Sheriff's Office and Rural/Metro Fire Department after consultation with those agencies.
- b. Major changes to the Tierra del Rio Development Master Plan with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Maricopa County Planning and Development Department may administratively approve minor changes to the Tierra del Rio Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines.
- c. Unless annexed by the city of Peoria, residential development shall be prohibited on hillside slopes of 15% or greater slope, except in limited areas of parcels 9, 10, and 13 as depicted on Exhibit I, Proposed Land Use Map, dated April, 2004. Limited wall encroachment will be allowed on specific lots identified in parcels 1, 19A, 23, 24, 25, and 27. Such lots shall be determined at preliminary plat, and the amount of encroachment allowed on such lots will be subject to approval by Maricopa County.
- d. The following Maricopa County Department of Transportation stipulations shall apply to development of Tierra del Rio:
  1. An approved traffic impact study (ITS) shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The analysis shall be updated with each phase to reflect existing conditions and any changes to the

development plan. The development must comply with all recommendations in MCDOT approved TIS.

2. The Developer shall contribute their proportionate share for off-site regional roadway improvements, based upon the number of residential units @ \$4,600 per unit with additional contribution for commercial areas based on use and intensity. The amount in this paragraph is based on contributions made in fiscal year 2003-2004. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Roadways shall meet County standards in effect at the time they are improved.
3. Maricopa County does not guarantee timing of regional roadway improvements. The developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be credited to the developer's contribution referred to in item 2 above.
4. All-weather access shall be provided to all lots and on all arterial roadways.
5. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
6. Private streets are required to meet minimum County standards, including rights-of-way, unless waived by the Planning and Zoning Commission at time of preliminary subdivision plats.
7. Happy Valley Parkway is a limited access roadway. The location of any connections shall be reviewed and approved by the Maricopa County Department of Transportation.
8. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
9. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.

10. If pre-high school site is required it shall not be located on arterial roads.
11. Provide neighborhood access to commercial areas by means other than using the arterial street network.
12. Use of neighborhood electric vehicles should be considered in this development to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
13. Bike lanes shall be included on all arterial and major collector alignments and meet county standards. A bicycle circulation plan shall be provided with each phase of development.
14. The development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site (i.e. bus bays, shared accommodations, internal trail systems, etc.)
15. If streetlights are provided, installation shall be at the Developer's expense. If streetlights are within public rights-of-way, a Street Light Improvement District or comparable authority must be established to provide operation and maintenance. Developer should contact the Office of the Superintendent of Streets to initiate Improvement District process (602) 506-8797. If the development is a private subdivision, operation and maintenance of streetlights will be the responsibility of the Home Owners Association.
16. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant.
17. A construction traffic circulation plan shall be provided and approved by Maricopa County Department of Transportation prior to commencing construction.
18. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.

19. This project is subject to the Arizona Pollutant Discharge Elimination System (AZPDES) requirements administered by the Arizona Department of Environmental Quality (ADEQ).
20. A development agreement shall be executed prior to any preliminary plat approval. This agreement shall further detail transportation issues, including improvement phasing and cost share contributions for offsite roadway improvements. This stipulation will help address regional transportation issues regardless of annexation into the City of Peoria.
21. Acceptable noise attenuation, in compliance with County noise policy shall be provided along the Happy Valley Parkway, at the discretion of the Maricopa County Department of Transportation.
22. The intersection of 107<sup>th</sup> Avenue and Happy Valley Parkway will be an at-grade intersection.
23. Dedication requirements for the half-width of perimeter arterial and collector alignments, and full-width for internal arterial and collector alignments, will be determined at the time of zoning. Dedication must occur prior to or concurrent with recordation of final subdivision plats for residential parcels, and prior to zoning clearance for commercial parcels.
24. The Developer shall be responsible for the cost of constructing Jomax Road as a minor arterial from 107<sup>th</sup> Avenue northwesterly, to the project's property line. However, due to part of the roadway being within the Agua Fria riverbed, the construction of that portion of Jomax Road west of the western most street connection for Parcel 12 (the Jomax Road Crossing) will not be required to be constructed until such time as the balance of the Agua Fria River crossing is to be completed by MCDOT or other parties. As a financial guarantee for the Developer's contribution for the Jomax Road Crossing, no building permits shall be issued for Parcel 15 until such time as the Jomax Road Crossing is completed. At such time as the Developer wishes to proceed with construction of Parcel 15, the Developer may provide financial assurance in a form and amount acceptable to the Maricopa County Department of Transportation in lieu of a hold on building permits. The financial obligation shall be limited to that required for

constructing a "wet crossing" minor arterial road, 73 feet of pavement (face of curb to face of curb), curbing and 5 foot wide sidewalks on each side of the roadway.

- e. The Tierra del Rio Development Master Plan includes a blanket road waiver to the provision of arterial routes along section line alignments and collector routes along mid-section line alignments as per the circulation element of the Development Master Plan referenced in stipulation 'a' above. Therefore, said road waiver requests will not be required as part of subsequent subdivision plats.
- f. The following Flood Control District of Maricopa County stipulations shall apply to development of Tierra del Rio:
  - 1. A final Master Drainage Report/Plan must be submitted by the applicant and approved by the Flood Control District prior to Planning and Zoning Commission approval of any preliminary plat for any parcel within the development.
  - 2. Tierra del Rio shall be compatible with the Agua Fria Watercourse Master Plan.
  - 3. A detailed design of the proposed hard-bank along the Agua Fria River must be determined and approved by the Flood Control District prior to preliminary plat approval.
  - 4. Prior to any development, the applicant must contact the Flood Control District concerning a Floodplain Use Permit for any development within the 100-year floodplain and appropriate submittals to the Federal Emergency Management Agency (FEMA).
  - 5. Prior to issuance of any building permits within the 100-year floodplain, the requirements for Floodplain Use Permits and FEMA submittals and approvals must be satisfied.
  - 6. Prior to issuance of building permits for individual buildings within the 100-year floodplain, individual Floodplain Use Permits must be obtained for each such building. Any building lots requiring a Floodplain Use Permit must be specifically identified on the Final Plat.
  - 7. A Conditional Letter of Map Revision (CLOMR) shall be prepared and submitted to the Federal Emergency Management Agency (FEMA) prior to approval of any Final

Plat. The Map Revision shall be concluded and accepted prior to occupancy of any residences or other buildings, unless flood insurance is paid.

8. Modification of the storm water retention requirements will require a grant of variance from the Drainage Regulations for Maricopa County. The request for variance must support a finding that all the following criteria specified in Section 503 of the Drainage Regulations are met:

- i. The grant will not result in an increase in the 100-year peak flow or discharge; and
- ii. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulations would deprive the property of privileges enjoyed by similar property; and
- iii. The variance would not constitute a grant of special privilege inconsistent with the limitations on similar property; and
- iv. The variance request is the minimum necessary, considering the flood hazard, to afford relief; and
- v. There is a showing of good and sufficient cause; and
- vi. Failure to grant the variance would result in exceptional hardship to the applicant; and
- vii. Granting the variance will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the variance does not conflict with existing local laws or ordinances.

9. completed prior to occupancy of any residences or other buildings, at the discretion of the Flood Control District. The applicant may be required to post bonds or other appropriate financial assurances to guarantee completion of necessary drainage infrastructure.

g. Master plans for the onsite and any required offsite water and sewer infrastructure must be approved by the Maricopa County Environmental Services Department (MCESD) prior to approval of

any preliminary plat of Tierra del Rio. This will require satisfactory resolution of the issues raised in the MCESD letter dated May 26, 2004 to CMX, L.L.C.

- h. An archaeological survey of the subject property shall be conducted, prior to the filing of the first preliminary plat, to locate and evaluate cultural resources that might be present. Once the survey is complete, a report of the results shall be sent to the Arizona State Historic Preservation Office for review and comment before any ground disturbing activities related to development are initiated. Since cultural resource sites are known to exist within the subject area, the applicant shall perform archaeological to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. Further, if Register eligible properties cannot be avoided by project activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the provisions of Section 106 of the National Historic Preservation Act.
- i. The identified Indian ruins located in the northeastern portion of the site shall be preserved and incorporated into the project's open space and trails system. The intent of this stipulation is specifically to preserve the cultural resource itself and not to prohibit development within the northeastern portion of the site.
- j. The total number of dwelling units for Tierra del Rio shall not exceed 2,102 unless modification approval is provided by the Maricopa County Board of Supervisors. The number of dwelling units (single-family and multi-family) shall be tracked on subdivision plats.
- k. The developer shall be responsible for construction of all public and private on-site roadways within the designated Tierra del Rio boundaries. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, trails, roadway median landscaping, landscaping within the public rights-of-way, and of pedestrian, bicycle, and multi-use pathways.
- l. All water for construction purposes and irrigation supplied to common areas and water used to fill or refill lakes and other types of water features shall be provided entirely by a renewable supply of water, such as treated effluent, surface water or CAP water,

upon completion of 2,000 units or within five (5) years after commencement of on-site development whichever comes first. Water for construction purposes and irrigation of common areas may be supplied by groundwater and shall be in direct compliance with prevailing ADWR and Active Management Area rules and regulations. However, groundwater shall not be used to fill lakes or other types of water features.

- m. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of potable water services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.
- n. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of liquid waste disposal services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.
- o. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of electric power services from Arizona Public Service. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona Public Service upon approval by the Maricopa County Planning and Development Department.
- p. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of fire protection services from the Rural/Metro Fire Department. Developer may submit a "will serve" letter from a different qualified public or private fire service in place of the Rural/Metro Fire Department upon approval by the Maricopa County Planning and Development Department.
- q. Unless annexed by the City of Peoria, prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Maricopa County Sheriff's Office addressing the items listed in the memorandum prepared by Ken Colbert #794, Deputy District Commander, District III to Chief L.

Black, Enforcement Bureau Commander consisting of two pages dated June 10, 2002.

- r. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for telephone services from Qwest Communications. Developer may submit a "will serve" letter from a different qualified public or private telephone company in place of Qwest Communications upon approval by the Maricopa County Planning and Development Department.
- s. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for cable television services from Cox Communications. Developer may submit a "will serve" letter from a different qualified public or private cable television company in place of Cox Communications upon approval by the Maricopa County Planning and Development Department.
- t. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for refuse collection services from a qualified public or private rubbish/trash/refuse removal company.
- u. Prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Peoria Unified School District.
- v. Unless annexed by the City of Peoria, should the developer elect to develop with natural gas service, then prior to the submittal of each preliminary plat, developer will provide a "will serve" letter for natural gas services from Southwest Gas Corporation. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Southwest Gas Corporation upon approval by the Maricopa County Planning and Development Department.
- w. Prior to approval of each preliminary plat, the developer will submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the development parcel, and which determines the preservation/disposition for each of the selected native trees and cacti to the Planning and Development Department. The project shall comply with all Arizona native plant laws.
- x. Unless annexed by the City of Peoria, a quality of life assessment of \$377 per unit shall be made available to the Maricopa County

Library District to be used for operational purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units.

- y. A quality of life assessment of \$150 per unit shall be made available to the Maricopa County Parks and Recreation Department to be used for park enhancement and capital improvement purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units. The Maricopa County Parks and Recreation Department will provide each residential dwelling unit in Tierra del Rio with a seventy-five dollar (\$75) voucher, good for one (1) year, for entrance into any regional park administered by the County, except Lake Pleasant Regional Park.
- z. The Tierra del Rio Development Master Plan shall expire on December 4, 2009 if a final subdivision plat has not been approved, in accordance with the Maricopa County Development Master Plan Guidelines. Any request for a time extension must be received at least six months prior to the expiration date.
- aa. The project shall be granted Protected Development Rights Plan status as per the letter of request authored by William F. Allison and dated September 20, 2002.
- bb. Subsequent final plats shall contain a note indicating that the site is in proximity to a Maricopa County Sheriff's Office firearms range and will be subject to the sounds of occasional gunfire. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.
- cc. The master developer shall notify future homeowners that they will be subjected to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base with the following language:

"You are buying a home that will be subject to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base. Your house should include sound attenuation measures as directed by state law.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft

transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please contact Luke Air Force Base or the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- dd. Subsequent final plats shall contain a note indicating that the site is in proximity to a mining and related operations along the Agua Fria River and may be subject to the noise, vibrations, dust, heavy truck traffic, etc. Similar note shall be placed in any required public disclosure reports to prospective homebuyers.
- ee. The east 133' of parcels 10 and 13 will be limited to a maximum density of 2.2 dwelling units per acre.
- ff. The Public Participation Plan for any zoning parcel shall include notification of all property owners of record within a 300' radius of the entire Development Master Plan area for Tierra Del Rio.
- gg. All stipulations of approval shall remain in effect in the event of a change in name of the Tierra del Rio Development Master Plan.
- hh. Prior to approval of any final plat, the master developer shall enter into a development agreement with Maricopa County that addresses short- and long-term service, infrastructure, operation, maintenance, and financial assurance needs of Maricopa County agencies necessary to provide adequate services and infrastructure to future residents of the Tierra del Rio Development Master Plan. Further, prior to approval of any final plat this development agreement shall be signed by both the master developer and the designated Maricopa

County representative(s) and provided to the Maricopa County Planning and Development Department for public record. Maricopa County reserves the right to modify the development agreement if it is determined that such changes are necessary due to changing circumstances or conditions, although such modifications are subject to Board of Supervisors approval. The master developer may also petition for modifications, which are also subject to Maricopa County Board of Supervisors approval.

- ii. Until annexation of the Tierra del Rio Development Master Plan occurs, the master developer shall notify all future residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government of their choosing. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs)

4. **Z2004025** District 4

Applicant: CMX, LLC for TDR, LLC

Location: West of 99<sup>th</sup> Ave. on both sides of Jomax Rd. (in the Peoria area)

Request: Rezone from Rural-43 to R1-10 RUPD, R1-8 RUPD, R1-7 RUPD, R1-6 RUPD, R-4 RUPD, R-2 RUPD, C-2 CUPD, C-1 CUPD & Rural-43 with a PAD overlay - Tierra del Rio (1,041 ac.)

**COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004025, subject to the following stipulations "a" through "ff". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 9-0.**

- a. Development and use of the site shall comply with the site plan/zoning exhibit entitled "Zone Change from Rural-43 to RUPD/PAD R-2, R-4, R1-10, R1-8, R1-7, R1-6 & Rural-43 PAD, CUPD/PAD C-1 & C-2, Tierra del Rio" consisting of twelve (12) full-size sheets dated revised August 24, 2004 and stamped received September 8, 2004, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the applicant

shall submit a revised Zoning Plan (Narrative Report with zoning exhibits) that revise the UPD Comparison Charts, primarily to eliminate the caveated variations, as follows:

- i. Delete aggregate side setback requirements;
  - ii. Delete requested sign variations;
  - iii. Lot width measurement to be taken at the foremost front setback line;
  - iv. Delete architectural pop-out variations; and
  - v. Delete caveats to the retaining wall variations.
- 
- b. As part of the Tierra del Rio zoning approval, Case Z 72-14, a Special Use Permit for a gun club in northern part of the project, shall be removed from Maricopa County's zoning atlas.
  - c. At the time of preliminary plat, the site plan shall be revised to reflect locations of facilities for the Maricopa County Sheriff's Office and Rural/Metro Fire Department after consultation with those agencies.
  - d. Development and use of the site shall comply with the narrative report entitled "Tierra del Rio RUPD/CUPD - PAD" a bound document with 44 pages including exhibits, dated revised August 2004 and stamped received August 30, 2004, except as modified by the following stipulations.
  - e. The zoning for Tierra del Rio shall expire in seven (7) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
  - f. Tierra del Rio shall be limited to a maximum of 2,102 dwelling units. The number of dwelling units (single-family and multifamily) shall be tracked on all subdivision plats.
  - g. The applicant shall provide a minimum of 323 acres of open space (This amount shall not be deemed to include the additional 181 acres of open space planned within the residential parcels). The amount and percentage of open space (including the residential parcels) shall be tracked on all subdivision plats.
  - h. A conceptual landscape and amenity (to include recreational amenities acceptable to the Planning and Development Department staff, such as trails, tot-lots, exercise stations, ball fields, and picnic ramadas with barbeque grills) plan shall be submitted concurrent with any preliminary plat for this development. Prior to or concurrent with the submittal of a final plat for any portion or

phase of this development, a final landscape and amenity plan (including narrative description) is to be submitted. Landscaping in common areas shall largely limit turfing areas to active recreational areas. Passive recreational areas shall largely use plants listed on the Phoenix Active Management Area Low Water Use Plant List.

- i. All irrigation of common areas shall be in compliance with Arizona Department of Water Resources regulations. When sufficiently available, all irrigation of common areas shall be done entirely with treated effluent.
- j. The Tierra del Rio Homeowners Association shall be responsible for the maintenance and upkeep of all public open spaces and facilities, parks, roadway landscaping, landscaping within the public right-of-way adjacent to all public and private roadways, and of pedestrian and bicycle paths.
- k. All signage and walls shall be consistent with the UPD standards as shown in the zoning exhibit. All signage and entry monumentation shall be included in the landscape plans as per stipulation 'g' above.
- l. Maricopa County Zoning Ordinance Hillside Regulations apply to the Tierra del Rio development unless varied in specific parcels as per DMP2004002 stipulations.
- m. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- n. Dedication of additional right-of-way to bring the ultimate half-width dedication to 65' or full-width of 130' for Jomax Road shall occur prior to zoning clearance.
- o. All interior streets within the proposed development are to be constructed to minimum County standards.
- p. A minimum of two access points shall be provided to each individual unit or phase of the development.
- q. All arterial and collector alignments shall be designed with bike lanes.
- r. The applicant shall meet the following Maricopa County Department of Transportation (MCDOT) requirements:
  - A development agreement shall be executed prior to a preliminary plat approval.
  - The developer shall contribute to off-site regional roadway improvements. The developer shall contribute \$4,600 per

each residential dwelling unit, and a proportionate amount per commercial use, based upon type of commercial use.

- Submit a revised Traffic Impact Study (TIS) to Maricopa County Department of Transportation for review prior to preliminary plat approval. Development must comply with all recommendations in MCDOT approved TIS.
- s. Master plans for the on-site and any required off-site water and sewer infrastructure must be approved by the MCESD prior to approval of any Preliminary Plat of Tierra del Rio. This will require satisfactory resolution of the issues raised in the MCESD letter dated May 26, 2004 to CMX, LLC.
- t. The applicant shall meet the following Flood Control District of Maricopa County (FCD) requirements:
- A Floodplain Use Permit will be required prior to development.
  - A Conditional Letter of Map Revision (CLOMR) will need to be prepared and submitted to the Federal Emergency Management Agency (FEMA) prior to approval of any Final Plat. The Map Revision will need to be concluded and accepted prior to occupancy of any residences or other buildings, unless flood insurance is paid.
- u. The master developer shall notify future homeowners that they will be subjected to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base with the following language:

"You are buying a home that will be subject to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base. Your house should include sound attenuation measures as directed by state law.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please contact Luke Air Force Base or the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- v. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- w. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- x. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- y. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any fissures that affect the site and that the report shall include suggested mitigation of those fissures. A note stating that earth fissures may be present on the site shall be included on the Final plat.
- z. The applicant shall continue to work with the Arizona State Historic Preservation Office (SHPO). Required plans (i.e. comprehensive preservation plan and petroglyph protection plan) shall be reviewed and approved by SHPO prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- aa. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.

- bb. Major changes to the RUPD/PAD plan (site plan and narrative report) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- cc. Noncompliance with the RUPD/PAD plan (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action for revocation of zoning approval in accordance with the Maricopa County Zoning Ordinance.
- dd. The project shall be granted Protected Development Rights Plan status as per the letter of request authored by William F. Allison and dated September 20, 2002.
- ee. Subsequent final plats shall contain a note indicating that the site is in proximity to a Maricopa County Sheriff's Office firearms range and will be subject to the sounds of occasional gunfire. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.
- ff. Subsequent final plats shall contain a note indicating that the site is in proximity to a mining and related operation along the Agua Fria River and may be subject to the noise, vibration, dust, heavy truck traffic, etc. Similar note shall be placed in any required public disclosure reports to prospective homebuyers.

5. **S2003053** District 4  
(Continued from 10-06-04)

Applicant: Evan Crane, Crane Associates for Peak View Ranch, LLC

Location: Southeast corner of 235<sup>th</sup> Ave. & Dixileta Dr. – approx. 1-mi. northwest of the LAFB Aux. 1 Airbase (in the Surprise/Wittmann area)

Request: Preliminary Plat in the Rural-43 zoning district, with a waiver to provision of an arterial right-of-way dedication - Peak View Ranch Units 2 & 3 (334.2 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend denial of S2003053. Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.



*D. DeLeon*  
Planning & Development  
Department



**FILE COPY**

December 12, 2002

Gallagher & Kennedy  
Dana Belknap  
2575 E. Camelback Road  
Phoenix, AZ 85016-9225

SUBJ: Maricopa County Development Master Plan Case Number: DMP 99-05

On December 4, 2002, the Maricopa County Board of Supervisors (BOS) approved your request for a Development Master Plan (D.M.P.), with Protected Development Rights status for Tierra del Rio. This site involves approximately 1,041.8 acres, is located west of Lake Pleasant Rd., and immediately west of the 99<sup>th</sup> Ave. alignment, on both sides of the Jomax Rd. crossing of the Agua Fria River, as shown on the attached case map.

Approval is subject to the following stipulations:

- a. Development shall comply with the Development Master Plan document entitled "Tierra del Rio Development Master Plan...", prepared by CML, Inc., et al, consisting of a number of pages including large-size and color exhibits all spiral-bound, dated revised August 23, 2002 and stamped received August 29, 2002, except as modified by the following stipulations. The request has been revised to include status as a Protected Development Rights Plan as per stipulation 'cc' below. At the time of zoning, the site plan shall be revised to reflect locations of facilities for the Maricopa County Sheriff's Office and Rural/Metro Fire Department after consultation with those agencies. The request shall be further revised in accordance with the letter from Steven A. Betts, Gallagher & Kennedy, P.A., consisting of three pages including exhibits, dated and stamped received December 3, 2002.
- b. Major changes to the Tierra del Rio Development Master Plan with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Maricopa County Planning and Development Department may administratively approve minor changes to the Tierra del Rio Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines.

411 North Central Avenue, 3<sup>rd</sup> Floor  
Phoenix, AZ 85004-2191  
(602) 506-7139  
(fax) (602) 506-8369

December 12, 2002

DMP 99-05

- c. Unless annexed by the City of Peoria, residential development shall be prohibited on hillside slopes of 15% or greater slope.
- d. The following Maricopa County Department of Transportation stipulations shall apply to development of Tierra del Rio:
  1. An approved Traffic Impact Analysis shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the off-site improvements necessary to accommodate the anticipated traffic demands. The analysis shall be updated with each phase to reflect existing conditions and any changes to the development plan.
  2. Developer contribution for proportionate share of off-site regional roadway improvements is based upon total residential units @ \$4,600 per lot with additional contribution for commercial areas based on use and intensity. The amount in this paragraph is based on contributions made in fiscal year 2002-2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Roadways shall meet County standards in effect at the time they are improved.
  3. Maricopa County does not guarantee timing of regional roadway improvements. Developer is responsible for assuring paved access to their site at the time of the first final plat. Any improvements to the regional system necessary to provide paved access shall be credited to the developer's contribution referred to in stipulation 'e.2' above.
  4. All-weather access shall be provided to all lots and on all arterial roadways except the Jomax Road river crossing.
  5. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
  6. Private streets are required to meet minimum County standards, including rights-of-way, unless waived by the Planning and Zoning Commission at time of preliminary subdivision plats.

7. Loop 303 is a limited access roadway. The location of any connections shall be reviewed and approved by the Maricopa County Department of Transportation.
8. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
9. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.
10. If pre-high school site is required it shall not be located on arterial roads.
11. Provide neighborhood access to commercial areas by means other than using the arterial street network.
12. Use of neighborhood electric vehicles should be considered in this development to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
13. Bike lanes shall be included on all arterial and major collector alignments. A bicycle circulation plan shall be provided with each phase of development.
14. Development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site (i.e. bus bays, shared accommodations, internal trail systems, etc.)
15. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
16. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant, except Loop 303.

17. A construction traffic circulation plan shall be provided for acceptance by the Maricopa County Department of Transportation prior to commencing construction.
  18. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
  19. This project is subject to the National Pollutant Discharge Elimination System (NPDES) Storm water requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. The Applicant is responsible for complying with these requirements.
  20. A development agreement or comparable document shall be executed within 90 days of DMP approval or prior to any rezoning or preliminary plat approval. This agreement shall further detail transportation issues, including improvement phasing and cost share contributions for offsite regional roadway improvements. This stipulation will help address regional transportation issues regardless of annexation into the City of Peoria.
  21. Acceptable Noise attenuation, in compliance with County noise policy shall be provided along the Loop 303 corridor, at the discretion of the Maricopa County Department of Transportation.
  22. The intersection of 107<sup>th</sup> Avenue and Loop 303 will be an at-grade intersection.
  23. Dedication requirements for the half-width of perimeter arterial and collector alignments and full-width for internal arterial and collector alignments will be determined by the Traffic Impact Analysis. Dedication must occur prior to or concurrent with recordation of final subdivision plats for residential parcels, and prior to zoning clearance for commercial parcels.
- e. The Tierra del Rio Development Master Plan includes a blanket road waiver to the provision of arterial routes along section line alignments and collector routes along mid-section line alignments as per the circulation element of the Development Master Plan referenced in stipulation 'a' above. Therefore, said road waiver requests will not be required as part of subsequent subdivision plats.
- f. The following Flood Control District of Maricopa County stipulations shall apply to development of Tierra del Rio:

1. A final Master Drainage Report/Plan must be submitted by the applicant and approved by the Flood Control District prior to Planning and Zoning Commission approval of any preliminary plat for any parcel within the development.
2. Tierra del Rio shall be compatible with the Agua Fria Watercourse Master Plan.
3. A detailed design of the proposed hard-bank along the Agua Fria River must be determined and approved by the Flood Control District prior to preliminary plat approval.
4. Prior to any development, the applicant must contact the Flood Control District concerning a Floodplain Use Permit for any development within the 100-year floodplain and appropriate submittals to the Federal Emergency Management Agency (FEMA).
5. Prior to issuance of any building permits within the 100-year floodplain, the requirements for Floodplain Use Permits and FEMA submittals and approvals must be satisfied.
6. Prior to issuance of building permits for individual buildings within the 100-year floodplain, individual Floodplain Use Permits must be obtained for each such building. Any building lots requiring a Floodplain Use Permit must be specifically identified on the Final Plat.
7. Modification of the storm water retention requirements will require a grant of variance from the Drainage Regulations for Maricopa County. The request for variance must support a finding that all the following criteria specified in Section 503 of the Drainage Regulations are met:
  - i. The grant will not result in an increase in the 100-year peak flow or discharge; and
  - ii. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulations would deprive the property of privileges enjoyed by similar property; and
  - iii. The variance would not constitute a grant of special privilege inconsistent with the limitations on similar property; and

- iv. The variance request is the minimum necessary, considering the flood hazard, to afford relief; and
  - v. There is a showing of good and sufficient cause; and
  - vi. Failure to grant the variance would result in exceptional hardship to the applicant; and
  - vii. Granting the variance will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the variance does not conflict with existing local laws or ordinances.
8. The proposed hard-bank along the Agua Fria River must be completed prior to occupancy of any residences or other buildings, at the discretion of the Flood Control District. The applicant may be required to post bonds or other appropriate financial assurances to guarantee completion of necessary drainage infrastructure.
- g. Unless annexed by the City of Peoria, prior to any preliminary plat being approved, a water and sewer master plan shall be submitted by the applicant for acceptance by the Maricopa County Environmental Services Department.
- h. An archaeological survey of the subject property shall be conducted, prior to the filing of the first preliminary plat, to locate and evaluate cultural resources that might be present. Once the survey is complete, a report of the results shall be sent to the Arizona State Historic Preservation Office for review and comment before any ground disturbing activities related to development are initiated. Since cultural resource sites are known to exist within the subject area, the applicant shall perform archaeological to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. Further, if Register eligible properties cannot be avoided by project activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the provisions of Section 106 of the National Historic Preservation Act.

page 7

December 12, 2002

DMP 99-05

- i. The identified Indian ruins located in the northeastern portion of the site shall be preserved and incorporated into the project's open space and trails system. The intent of this stipulation is specifically to preserve the cultural resource itself and not to prohibit development within the northeastern portion of the site.
- j. The total number of dwelling units for Tierra del Rio shall not exceed 2,102 unless modification approval is provided by the Maricopa County Board of Supervisors. The number of dwelling units (single-family and multi-family) shall be tracked on subdivision plats. The request shall be further revised in accordance with the letter from Steven A. Betts, Gallagher & Kennedy, P.A., consisting of three pages including exhibits, dated and stamped received December 3, 2002
- k. The developer shall be responsible for construction of all public and private on-site roadways within the designated Tierra del Rio boundaries. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, trails, roadway median landscaping, landscaping within the public rights-of-way, and of pedestrian, bicycle, and multi-use pathways.
- l. All water for construction purposes and irrigation supplied to common areas and water used to fill or refill lakes and other types of water features shall be provided entirely by a renewable supply of water, such as treated effluent, surface water or CAP water, upon completion of 2,000 units or within five (5) years after commencement of on-site development whichever comes first. Water for construction purposes and irrigation of common areas may be supplied by groundwater and shall be in direct compliance with prevailing ADWR and Active Management Area rules and regulations. However, groundwater shall not be used to fill lakes or other types of water features.
- m. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of potable water services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.

December 12, 2002

DMP 99-05

- n. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of liquid waste disposal services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.
- o. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of electric power services from Arizona Public Service. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona Public Service upon approval by the Maricopa County Planning and Development Department.
- p. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of fire protection services from the Rural/Metro Fire Department. Developer may submit a "will serve" letter from a different qualified public or private fire service in place of the Rural/Metro Fire Department upon approval by the Maricopa County Planning and Development Department.
- q. Unless annexed by the City of Peoria, prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Maricopa County Sheriff's Office addressing the items listed in the memorandum prepared by Ken Colbert #794, Deputy District Commander, District III to Chief L. Black, Enforcement Bureau Commander consisting of two pages dated June 10, 2002.
- r. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for telephone services from Qwest Communications. Developer may submit a "will serve" letter from a different qualified public or private telephone company in place of Qwest Communications upon approval by the Maricopa County Planning and Development Department.
- s. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for cable television services from Cox Communications. Developer may submit a "will serve" letter from a different qualified public or private cable television company in place of Cox Communications upon approval by the Maricopa County Planning and Development Department.

December 12, 2002

DMP 99-05

- t. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for refuse collection services from a qualified public or private rubbish/trash/refuse removal company.
- u. Prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Peoria Unified School District.
- v. Unless annexed by the City of Peoria, should the developer elect to develop with natural gas service, then prior to the submittal of each preliminary plat, developer will provide a "will serve" letter for natural gas services from Southwest Gas Corporation. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Southwest Gas Corporation upon approval by the Maricopa County Planning and Development Department.
- w. Prior to approval of each preliminary plat, the developer will submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the development parcel, and which determines the preservation/disposition for each of the selected native trees and cacti to the Planning and Development Department. The project shall comply with all Arizona native plant laws.
- x. Unless annexed by the City of Peoria, a quality of life assessment of \$377 per unit shall be made available to the Maricopa County Library District to be used for operational purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units.
- y. A quality of life assessment of \$100 per unit shall be made available to the Maricopa County Parks and Recreation Department to be used for park enhancement and capital improvement purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units. The Maricopa County Parks and Recreation Department will provide each residential dwelling unit in Tierra del Rio with a seventy-five dollar (\$75) voucher, good for one (1) year, for entrance into any regional park administered by the County, except Lake Pleasant Regional Park.

Page 10

December 12, 2002

DMP 99-05

- z. The Tierra del Rio Development Master Plan shall expire in seven (7) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved, in accordance with the Maricopa County Development Master Plan Guidelines. Any request for a time extension must be received at least six months prior to the expiration date.
- aa. The project shall be granted Protected Development Rights Plan status as per the letter of request authored by William F. Allison and dated September 20, 2002.
- bb. Subsequent final plats shall contain a note indicating that the site is in proximity to a Maricopa County Sheriff's Office firearms range and will be subject to the sounds of occasional gunfire. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.
- cc. Subsequent final plats shall contain a note indicating that the site is in the region of a military airbase and will likely be subject to military aircraft overflights and sound events. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.
- dd. Subsequent final plats shall contain a note indicating that the site is in proximity to a mining and related operations along the Agua Fria River and may be subject to the noise, vibrations, dust, heavy truck traffic, etc. Similar note shall be placed in any required public disclosure reports to prospective homebuyers.
- ee. The east 133' of parcels 10 and 13 will be limited to a maximum density of 2.2 dwelling units per acre.
- ff. The Public Participation Plan for any zoning parcel shall include notification of all property owners of record within a 300' radius of the entire Development Master Plan area for Tierra Del Rio.

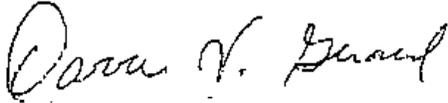
Enclosed is a copy of the narrative report, which have been stamped approved.

Please feel free to call me if you have any questions at (602) 506-7139.

Mar-18-03 01:43pm From-  
Page 11  
December 12, 2002  
DMP 99-05

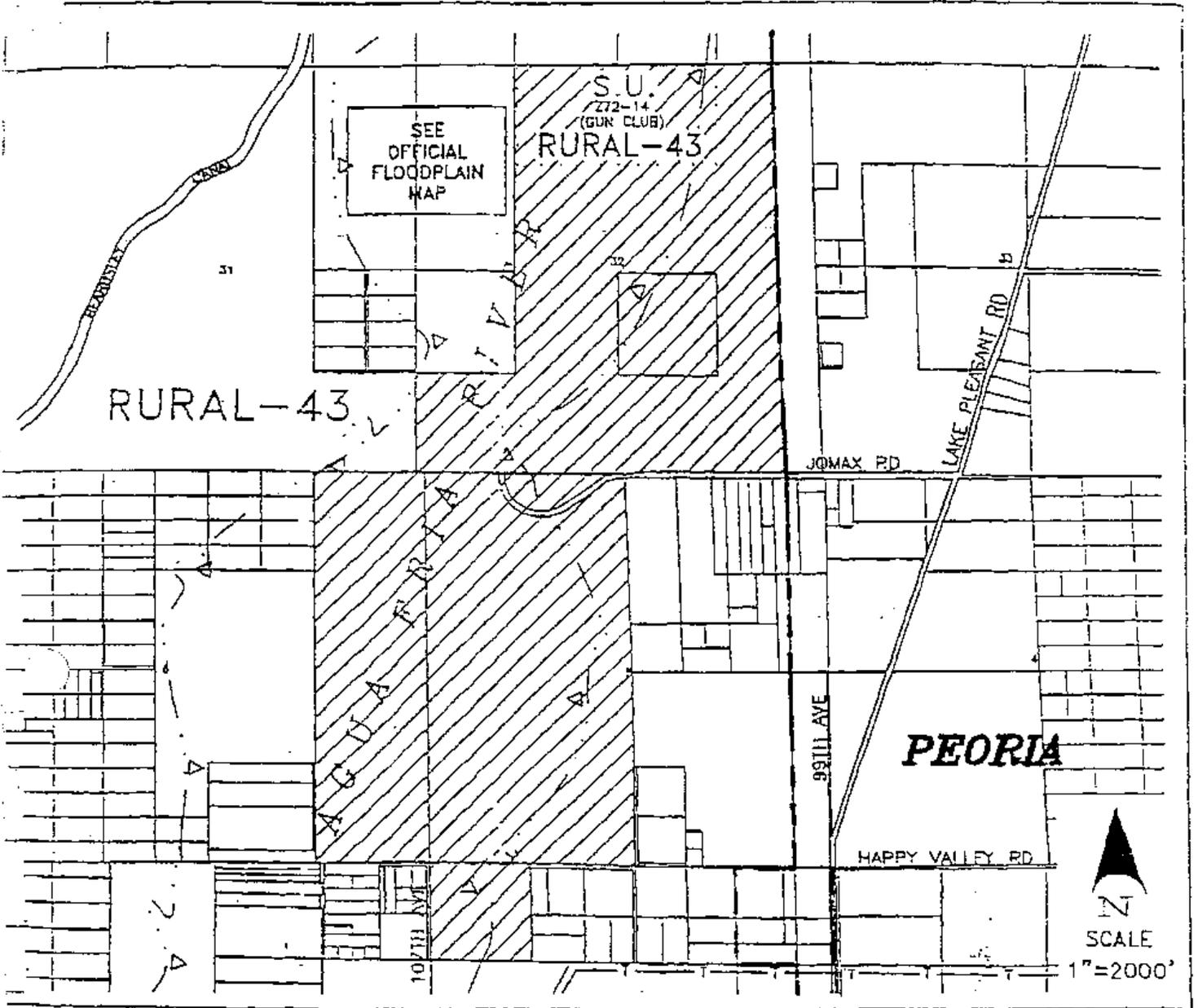
T-521 P.012/013 F-324

Sincerely,



Darren V. Gerard, AICP  
Principal Planner

411 North Central Avenue, 3<sup>rd</sup> Floor  
Phoenix, AZ 85004-2191  
(602) 506-7139  
(fax) (602) 506-8369



REQUEST:



TO APPROVE A DEVELOPMENT MASTER PLAN FOR TIERRA DEL RIO.(1041 ACRES)

MARICOPA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, PHOENIX, ARIZONA

DATE	CHECK REVISIONS	M.C.R. NO.	CONV. CHECK
2/13/99			
SEC-35	TOWNSHIP-RANGE	Z-MAP	APPLICANT
1,6,8,32 5N,4N 1E	A61,82		LAZARUS & ASSOC. FOR MOYLE INVESTMENT, INC.

APPROVED	DATE	EFFECTIVE

CASE NO. DMP99-5

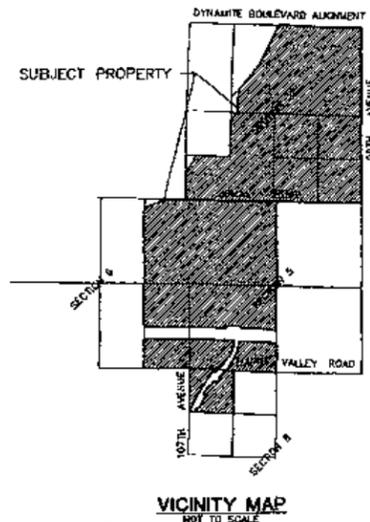
**Appendix C: Legal Description**



**Appendix C: Legal Description**

# ALTA/ACSM LAND TITLE SURVEY

PORTIONS OF SECTIONS 5, 6 AND 8, ALL IN TOWNSHIP 4 NORTH, RANGE 1 EAST AND A PORTION OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



## LEGAL DESCRIPTION

### PARCEL NO. 1:

THE WEST HALF OF SECTION 5, THE EAST HALF OF THE EAST HALF OF SECTION 6, AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, ALL IN TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE FOLLOWING PROPERTY DESCRIBED AS EXCEPTION NO. 1 THROUGH EXCEPTION NO. 4.

### EXCEPTION NO. 1:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 5;

THENCE SOUTH 88 DEGREES 03 MINUTES 32 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 5, A DISTANCE OF 823.15 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 42 DEGREES 57 MINUTES 13 SECONDS EAST A DISTANCE OF 145.69 FEET;

THENCE 380.96 FEET ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1338.57 FEET THROUGH A CENTRAL ANGLE OF 18 DEGREES 18 MINUTES 23 SECONDS;

THENCE SOUTH 63 DEGREES 21 MINUTES 10 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY FROM WHICH THE RADIUS POINT BEARS NORTH 63 DEGREES 21 MINUTES 10 SECONDS WEST A DISTANCE OF 1388.57 FEET;

THENCE NORTHEASTERLY, A DISTANCE OF 401.84 FEET, ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18 DEGREES 49 MINUTES 36 SECONDS;

THENCE NORTH 09 DEGREES 49 MINUTES 12 SECONDS EAST A DISTANCE OF 90.28 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF "ESTRELLA ROADWAY";

THENCE ALONG SAID SOUTH LINE, NORTH 89 DEGREES 50 MINUTES 30 SECONDS EAST A DISTANCE OF 132.30 FEET;

THENCE LEAVING SAID SOUTH LINE, SOUTH 09 DEGREES 49 MINUTES 12 SECONDS WEST A DISTANCE OF 116.67 FEET;

THENCE 584.05 FEET ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1518.57 FEET THROUGH A CENTRAL ANGLE OF 22 DEGREES 02 MINUTES 10 SECONDS;

THENCE SOUTH 56 DEGREES 08 MINUTES 38 SECONDS EAST A DISTANCE OF 25.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY FROM WHICH THE RADIUS POINT BEARS NORTH 56 DEGREES 08 MINUTES 38 SECONDS WEST A DISTANCE OF 1543.57 FEET;

THENCE SOUTHWESTERLY, A DISTANCE OF 268.66 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 99 DEGREES 53 MINUTES 52 SECONDS TO A POINT ON THE SOUTH LINE OF SAID SECTION 5;

THENCE ALONG SAID SOUTH LINE, NORTH 88 DEGREES 03 MINUTES 32 SECONDS WEST A DISTANCE OF 274.23 FEET TO THE POINT OF BEGINNING.

### EXCEPTION NO. 2:

A PORTION OF THE WEST HALF OF SECTION 5 AND THE EAST HALF OF THE EAST HALF OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE SOUTH 88 DEGREES 03 MINUTES 32 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 1328.43 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 6;

THENCE NORTH 03 DEGREES 18 MINUTES 15 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 904.29 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 01 DEGREES 16 MINUTES 15 SECONDS WEST, A DISTANCE OF 360.07 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 30 SECONDS EAST, A DISTANCE OF 2418.43 FEET;

THENCE NORTH 00 DEGREES 09 MINUTES 30 SECONDS WEST, A DISTANCE OF 85.62 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 30 SECONDS EAST, A DISTANCE OF 459.32 FEET;

THENCE SOUTH 00 DEGREES 09 MINUTES 30 SECONDS WEST A DISTANCE OF 65.82 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 30 SECONDS EAST, A DISTANCE OF 480.89 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 11 DEGREES 57 MINUTES 04 SECONDS AND A RADIUS OF 3080.00 FEET;

THENCE EASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 642.44 FEET TO THE 16th-SECTION LINE OF SAID SECTION 6;

THENCE SOUTH 01 DEGREES 27 MINUTES 51 SECONDS EAST ALONG SAID 16th-SECTION LINE, A DISTANCE OF 402.52 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 13 DEGREES 37 MINUTES 05 SECONDS AND WHOSE RADIUS BEARS SOUTH 13 DEGREES 47 MINUTES 36 SECONDS WEST, A DISTANCE OF 2684.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 653.54 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 89 DEGREES 50 MINUTES 30 SECONDS WEST, A DISTANCE OF 866.00 FEET;

THENCE NORTH 00 DEGREES 09 MINUTES 30 SECONDS WEST, A DISTANCE OF 36.00 FEET;

THENCE SOUTH 89 DEGREES 50 MINUTES 30 SECONDS WEST, A DISTANCE OF 2643.86 FEET TO THE POINT OF BEGINNING.

### EXCEPTION NO. 3:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8;

THENCE SOUTH 89 DEGREES 45 MINUTES 53 SECONDS EAST, A DISTANCE OF 496.65 FEET ALONG THE TOWNSHIP LINE;

THENCE SOUTH 39 DEGREES 01 MINUTES 10 SECONDS WEST, A DISTANCE OF 124.40 FEET;

THENCE SOUTH 66 DEGREES 58 MINUTES 28 SECONDS WEST, A DISTANCE OF 450.38 FEET TO THE 16th LINE;

THENCE NORTH 01 DEGREES 12 MINUTES 14 SECONDS WEST, A DISTANCE OF 276.79 FEET ALONG THE 16th LINE TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

### EXCEPTION NO. 4:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 13 MINUTES 27 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 1320.00 FEET;

THENCE SOUTH 89 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 24.09 FEET TO THE POINT OF BEGINNING, A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND WHOSE RADIUS POINT BEARS SOUTH 72 DEGREES 28 MINUTES 54 SECONDS EAST, A DISTANCE OF 2,972.14 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18 DEGREES 28 MINUTES 03 SECONDS, A DISTANCE OF 967.97 FEET;

THENCE NORTH 54 DEGREES 00 MINUTES 56 SECONDS WEST, ALONG A LINE NON-TANGENT TO SAID CURVE, A DISTANCE OF 25.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND WHOSE RADIUS POINT BEARS SOUTH 54 DEGREES 00 MINUTES 56 SECONDS EAST, A DISTANCE OF 2,972.14 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 11 MINUTES 46 SECONDS, A DISTANCE OF 271.81 FEET;

THENCE NORTH 48 DEGREES 48 MINUTES 24 SECONDS WEST, ALONG A LINE NON-TANGENT TO SAID CURVE, A DISTANCE OF 30.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND WHOSE RADIUS POINT BEARS SOUTH 48 DEGREES 48 MINUTES 22 SECONDS EAST, A DISTANCE OF 3,027.14 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREE 26 MINUTES 34 SECONDS, A DISTANCE OF 107.65 FEET;

THENCE NORTH 43 DEGREES 07 MINUTES 13 SECONDS EAST, A DISTANCE OF 63.39 FEET;

THENCE SOUTH 48 DEGREES 52 MINUTES 47 SECONDS EAST, A DISTANCE OF 35.00 FEET;

THENCE NORTH 43 DEGREES 07 MINUTES 13 SECONDS EAST, A DISTANCE OF 111.16 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL;

THENCE SOUTH 87 DEGREES 53 MINUTES 32 SECONDS EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL, A DISTANCE OF 270.14 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND WHOSE RADIUS POINT BEARS SOUTH 49 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 1,343.57 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREE 11 MINUTES 30 SECONDS, A DISTANCE OF 321.0 FEET;

THENCE SOUTH 43 DEGREES 07 MINUTES 13 SECONDS WEST ALONG A LINE TANGENT TO SAID CURVE, A DISTANCE OF 293.52 FEET;

THENCE SOUTH 48 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 50.00 FEET;

THENCE SOUTH 48 DEGREES 07 MINUTES 13 SECONDS WEST, A DISTANCE OF 66.90 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY AND WHOSE RADIUS POINT BEARS SOUTH 48 DEGREES 52 MINUTES 41 SECONDS EAST, A DISTANCE OF 2,737.14 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREE 54 MINUTES 36 SECONDS, A DISTANCE OF 81.25 FEET;

THENCE NORTH 48 DEGREES 48 MINUTES 24 SECONDS WEST, ALONG A LINE NON-TANGENT TO SAID CURVE, A DISTANCE OF 70.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, AND WHOSE RADIUS POINT BEARS SOUTH 48 DEGREES 47 MINUTES 53 SECONDS EAST, A DISTANCE OF 2,607.14 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04 DEGREES 24 MINUTES 38 SECONDS, A DISTANCE OF 716.35 FEET;

THENCE NORTH 52 DEGREES 42 MINUTES 48 SECONDS WEST, ALONG A LINE NON-TANGENT TO SAID CURVE, A DISTANCE OF 24.92 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY AND WHOSE RADIUS POINT BEARS SOUTH 53 DEGREES 12 MINUTES 54 SECONDS EAST, A DISTANCE OF 2,831.36 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06 DEGREES 10 MINUTES 58 SECONDS, A DISTANCE OF 312.12 FEET;

THENCE SOUTH 59 DEGREES 37 MINUTES 58 SECONDS EAST, ALONG A LINE NON-TANGENT TO SAID CURVE, A DISTANCE OF 80.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY AND WHOSE RADIUS POINT BEARS SOUTH 59 DEGREES 29 MINUTES 53 SECONDS EAST, A DISTANCE OF 2,742.14 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08 DEGREES 16 MINUTES 08 SECONDS, A DISTANCE OF 395.74 FEET;

THENCE SOUTH 68 DEGREES 12 MINUTES 02 SECONDS WEST, ALONG A LINE NON-TANGENT TO SAID CURVE, A DISTANCE OF 121.54 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY AND WHOSE RADIUS POINT BEARS SOUTH 69 DEGREES 34 MINUTES 41 SECONDS EAST, A DISTANCE OF 2,827.14 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02 DEGREES 01 MINUTES 37 SECONDS, A DISTANCE OF 100.01 FEET TO A POINT ON THE SOUTHERLY NON-TANGENT LINE OF SAID PARCEL;

THENCE NORTH 80 DEGREES 06 MINUTES 00 SECONDS WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 151.48 FEET TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

### PARCEL NO. 2:

THE NORTHEAST QUARTER, THE EAST HALF OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE FOLLOWING PROPERTY DESCRIBED AS EXCEPTION NO. 1 THROUGH EXCEPTION NO. 4.

### EXCEPTION NO. 1:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89 DEGREES 27 MINUTES 43 SECONDS EAST 309.28 FEET ALONG THE 16th LINE;

THENCE SOUTH 22 DEGREES 59 MINUTES 01 SECONDS WEST 263.52 FEET;

THENCE SOUTH 39 DEGREES 01 MINUTES 10 SECONDS WEST 318.70 FEET TO THE SECTION LINE;

THENCE NORTH 00 DEGREES 44 MINUTES 10 SECONDS WEST 493.42 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

### EXCEPTION NO. 2:

A PARCEL OF LAND WITHIN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION THAT BEARS SOUTH 89 DEGREES 18 MINUTES 10 SECONDS EAST 1312.15 FEET ALONG THE SECTION LINE FROM THE NORTHWEST QUARTER CORNER OF SAID SECTION;

THENCE SOUTH 89 DEGREES 17 MINUTES 04 SECONDS EAST 1311.53 FEET ALONG THE SECTION LINE TO THE NORTH QUARTER CORNER OF SAID SECTION;

THENCE SOUTH 89 DEGREES 18 MINUTES 42 SECONDS EAST 52.80 FEET ALONG THE SECTION LINE;

THENCE SOUTH 25 DEGREES 36 MINUTES 06 SECONDS WEST 416.59 FEET;

THENCE SOUTH 25 DEGREES 05 MINUTES 05 SECONDS WEST 927.04 FEET;

THENCE SOUTH 39 DEGREES 00 MINUTES 22 SECONDS WEST 673.68 FEET;

THENCE SOUTH 45 DEGREES 13 MINUTES 29 SECONDS WEST 386.41 FEET TO THE 16th LINE;

THENCE NORTH 00 DEGREES 12 MINUTES 18 SECONDS EAST 2190.02 FEET ALONG THE 16th LINE TO THE POINT OF BEGINNING.

### EXCEPTION NO. 3:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 16th CORNER THAT BEARS SOUTH 89 DEGREES 07 MINUTES 28 SECONDS EAST 1331.37 FEET ALONG THE 16th-SECTION LINE FROM THE WEST QUARTER CORNER OF SAID SECTION;

THENCE NORTH 00 DEGREES 12 MINUTES 18 SECONDS EAST 482.27 FEET ALONG THE 16th LINE;

THENCE NORTH 46 DEGREES 13 MINUTES 29 SECONDS EAST 282.73 FEET;

THENCE SOUTH 00 DEGREES 12 MINUTES 18 SECONDS WEST 884.17 FEET TO THE 16th-SECTION LINE;

THENCE NORTH 89 DEGREES 12 MINUTES 29 SECONDS WEST 200.00 FEET ALONG THE 16th-SECTION LINE TO THE POINT OF BEGINNING.

### EXCEPTION NO. 4:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION THAT BEARS SOUTH 89 DEGREES 07 MINUTES 28 SECONDS EAST 1331.37 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION;

THENCE SOUTH 89 DEGREES 12 MINUTES 29 SECONDS EAST 200.00 FEET ALONG THE 16th-SECTION LINE;

THENCE SOUTH 45 DEGREES 09 MINUTES 28 SECONDS WEST 279.68 FEET TO THE 16th LINE;

THENCE NORTH 00 DEGREES 28 MINUTES 51 SECONDS WEST 200.00 FEET ALONG THE 16th LINE TO THE POINT OF BEGINNING.

### EXCEPTION NO. 5:

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT 1/8TH OF ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER SUBSTANCES OF A GASEOUS NATURE, COAL, METALS, MINERALS, FOSSILS, FERTILIZER OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED BY THE LAWS OF THE UNITED STATES, OR OF THIS STATE, OR DECISIONS OF COURT TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF REASONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE.

## REFERENCES

REFERENCE 1 - OLD PLAT OF TOWNSHIP 4 NORTH, RANGE 1 EAST, FILED 5-20-1895 OLD SUPPLEMENT PLAT OF SECTIONS 4, 6, 7 & 16 OF TOWNSHIP 4 NORTH, RANGE 1 EAST, FILED 4-15-1950 OLD PLAT OF TOWNSHIP 5 NORTH, RANGE 1 EAST, FILED 3-18-1895

REFERENCE 2 - ALTA SURVEY BY COE & VAN LUD UNDER JOB NO. 08015-03 DATED 2-25-98

REFERENCE 3 - MARICOPA COUNTY GEODETIC IDENTIFICATION AND CADASTRAL SURVEY RECORDED IN BOOK 588, PAGE 3, RECORDS OF MARICOPA COUNTY, ARIZONA

## TITLE REFERENCE

THIS SURVEY IS BASED UPON THE TITLE COMMITMENT PREPARED BY LAWYERS TITLE INSURANCE CORPORATION NO. 0124888, DATED JUNE 3, 2003.

ONE LLC HAS REPLIED UPON THIS REPORT AND HAS NOT VERIFIED THE ACCURACY OR COMPLETENESS OF THIS PROVIDED TITLE REPORT.

## BASIS OF BEARING

BASES OF BEARING IS 8894487"E ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 5.

## NOTES

- TOTAL AREA IS 41,316,774 SQ. FT OR 948,5026 ACRES
- THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES. THE SURVEYOR MAKES NO GUARANTEE THAT ALL OF THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.
- DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF SURVEY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS WITHOUT WRITTEN PERMISSION OF THE SURVEYOR.
- THIS SURVEY IS VALID ONLY WHEN BEARING SEAL AND SIGNATURE OF SURVEYOR.
- NO VISIBLE EVIDENCE OF WASTE DUMP OR LANDFILL WAS NOTED ON THE SITE.

## SURVEYOR'S CERTIFICATION:

TO:  
1. NORTHWEST ADVISORS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY  
2. TOR, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY  
3. LAWYERS TITLE INSURANCE CORPORATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999 AND INCLUDES ITEMS 1, 2, 4, 15 (THIS SURVEYOR HAS NOT BEEN PROVIDED ANY INFORMATION REGARDING PROPOSED STREET RIGHT-OF-WAY LINE CHANGES. NO INQUIRY HAS BEEN MADE CONCERNING PROPOSED RIGHT-OF-WAY CHANGES) AND 16 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."



LARRY E. RICHARDSON  
RLS# 28729  
CAK, L.L.C.  
1515 E. MISSOURI AVENUE, #115  
PHOENIX, ARIZONA 85014  
PHONE: (602) 279-8436

FIELD VERIFIED 3/2003

**TIERRA DEL RIO**  
JOMAX ROAD & 103RD AVENUE  
MARICOPA COUNTY, ARIZONA

**ALTA/ACSM LAND TITLE SURVEY**

**CMX** 1515 E. MISSOURI STE. 115  
PHOENIX, AZ 85014  
PHONE: (602) 279-8436  
FAX: (602) 265-1191

CMX PROJ. 6893.DH DATE: 8/18/03 SCALE: 1"=300'  
DESIGNED: KCO DRAWN: CLK APPROVED: LER

REV. 7/17/03 REVISIONS PER ATTORNEY DWG. NO.  
7/17/03 REVISIONS PER ATTORNEY 1

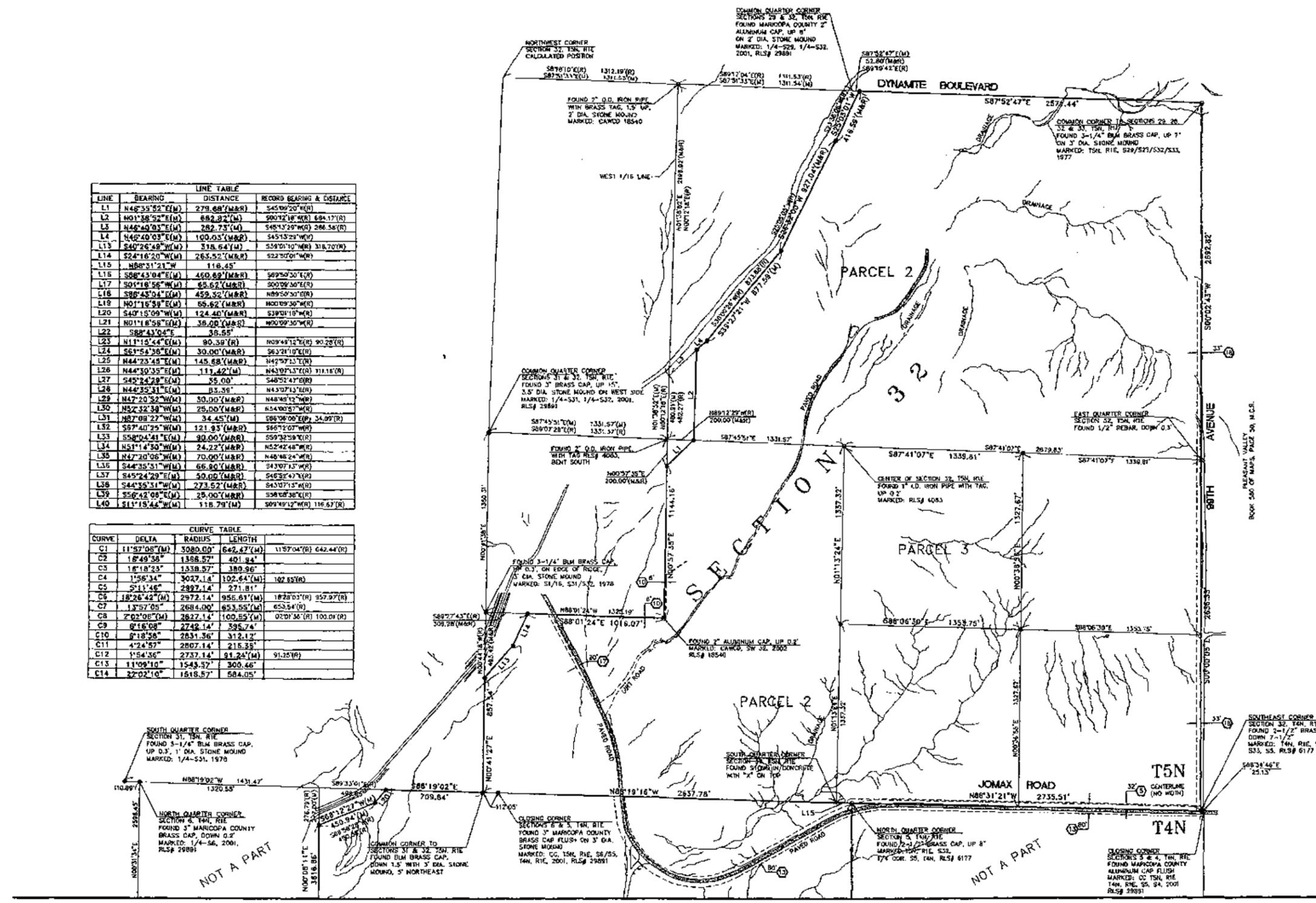
www.cmxinc.com TITLE COUNTY: 00124888 SHEET: 1 OF 3

UNRECORDED INSTRUMENT INFORMATION: THIS INSTRUMENT WAS FILED WITH THE MARICOPA COUNTY CLERK'S OFFICE ON 08/18/2003 AT 10:00 AM. THE INSTRUMENT IS NOT A PUBLIC RECORD. FOR MORE INFORMATION, CONTACT THE MARICOPA COUNTY CLERK'S OFFICE AT (602) 279-8436.

LINE	BEARING	DISTANCE	RECORD BEARING & DISTANCE
L1	N44°35'52"E(M)	278.68(M&R)	S45°09'20"W(R)
L2	N01°38'52"E(M)	682.92(M)	S90°12'18"W(R) 682.17(R)
L3	N44°40'33"E(M)	282.73(M)	S45°13'29"W(R) 288.36(R)
L4	N44°40'03"E(M)	100.05(M&R)	S45°13'23"W(R)
L13	S40°26'48"W(M)	318.64(M)	S59°01'04"W(R) 318.20(R)
L14	S24°16'20"W(M)	263.52(M&R)	S22°07'04"W(R)
L15	N88°31'21"W	118.45'	
L16	S88°43'04"E(M)	450.89(M&R)	S89°50'30"E(R)
L17	S01°16'56"W(M)	62.62(M&R)	S00°09'30"E(R)
L18	S88°43'04"E(M)	459.32(M&R)	N89°50'30"E(R)
L19	N01°16'58"E(M)	66.62(M&R)	N00°09'30"W(R)
L20	S40°15'09"W(M)	124.40(M&R)	S39°01'10"W(R)
L21	N01°16'58"E(M)	38.00(M&R)	N00°09'30"W(R)
L22	S88°43'04"E	38.55'	
L23	N11°14'44"E(M)	90.39(R)	N09°49'12"E(R) 90.28(R)
L24	S61°54'38"E(M)	30.00(M&R)	S61°21'01"E(R)
L25	N44°23'48"E(M)	145.68(M&R)	N42°47'33"E(R)
L26	N44°30'35"E(M)	111.42(M)	N43°07'33"E(R) 111.11(R)
L27	S42°24'28"E(M)	25.00'	S48°52'43"E(R)
L28	N44°35'31"E(M)	83.38'	N43°07'13"E(R)
L29	N42°20'52"W(M)	30.00(M&R)	N48°08'12"W(R)
L30	N52°32'38"W(M)	25.00(M&R)	S44°00'57"W(R)
L31	N87°08'27"W(M)	34.45(M)	S86°06'00"E(R) 34.09(R)
L32	S87°40'25"W(M)	121.93(M&R)	S86°12'07"W(R)
L33	S58°04'41"E(M)	90.00(M&R)	S59°32'59"E(R)
L34	N51°14'50"W(M)	24.22(M&R)	N52°42'48"W(R)
L35	N47°20'06"W(M)	70.00(M&R)	N48°48'24"W(R)
L36	S44°35'31"W(M)	66.90(M&R)	S43°07'13"W(R)
L37	S45°24'29"E(M)	50.00(M&R)	S46°52'47"E(R)
L38	S44°35'31"W(M)	273.52(M&R)	S43°07'13"W(R)
L39	S56°42'08"E(M)	25.00(M&R)	S58°08'38"E(R)
L40	S11°15'44"W(M)	118.79(M)	S09°49'12"W(R) 116.67(R)

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING & DISTANCE
C1	11°57'08"(M)	3080.00'	642.47'(M)	N157°04'(R) 642.44'(R)
C2	18°49'38"	1368.57'	491.84'	
C3	16°18'23"	1339.57'	389.96'	
C4	1°56'34"	3027.14'	102.64'(M)	102.65'(R)
C5	5°11'46"	2827.14'	271.81'	
C6	18°26'42"(M)	2972.14'	956.61'(M)	18°28'03"(R) 957.97'(R)
C7	13°57'05"	2684.00'	653.55'(M)	653.54'(R)
C8	2°02'08"(M)	2827.14'	100.55'(M)	02°01'36"(R) 100.01'(R)
C9	0°18'08"	2742.14'	395.74'	
C10	0°18'58"	2831.56'	312.12'	
C11	4°24'57"	2807.14'	216.35'	
C12	1°54'56"	2737.14'	81.24'(M)	91.25'(R)
C13	11°09'10"	1543.37'	300.46'	
C14	27°02'10"	1518.57'	584.05'	

ALTA/ACSM LAND TITLE SURVEY, 7/17/03 15:30:00, APPROVED 4:50 PM  
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**LEGEND**

- FOUND MONUMENT AS NOTED
- ⊕ FOUND BRASS CAP IN HAND HOLE
- ⊕ FOUND BRASS CAP FLUSH
- SET 1/2" REBAR PLS #19854 OR AS NOTED
- BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE
- (R) RECORD BEARING OR DISTANCE PER TITLE COMMITMENT
- (M) MEASURED BEARING OR DISTANCE

NOTE: DRAINAGES AND ROADWAYS ARE LOCATED FROM AERIAL MAPPING FROM COOPER AERIAL MAPPING COMPANY. THE DRAINAGES AND ROADWAYS WERE NOT SURVEYED.

- SCHEDULE "B" - EXCEPTIONS**
- 1) EASEMENT FOR ELECTRIC LINES (PARCEL 2) (NO WIDTH)
  - 2) EASEMENT FOR ROADWAY (PARCEL 1)
  - 3) EASEMENT FOR ELECTRIC LINES (PARCEL 2)
  - 4) EASEMENT FOR ELECTRIC LINES (PARCEL 1)
  - 5) EASEMENT FOR ELECTRIC LINES (PARCEL 1)
  - 6) EASEMENT FOR ELECTRIC LINES (PARCEL 1)
  - 7) EASEMENT FOR ROADWAY (PARCELS 1 & 2)
  - 8) EASEMENT FOR ROADWAY
  - 9) EASEMENT FOR ROADWAY
  - 10) THE FRONT OF THE STATE OF ARIZONA TO PROMPT, LIMIT, CONTROL OR RESTRICT ACCESS (PARCEL 1)

- DOCKET 3084, PAGE 453
- DOCKET 8460, PAGE 543
- DOCKET 10696, PAGE 739
- DOCKET 10828, PAGE 148
- DOCKET 13475, PAGE 266
- DOCKET 14304, PAGE 348
- DOCKET 16195, PAGE 395
- DOCUMENT NO. 97-0758969
- DOCUMENT NO. 2002-123197

- SCHEDULE "B" - ITEMS NOT SHOWN**  
(ALL ITEMS LISTED AFFECT UNLESS OTHERWISE NOTED)
- 1) EASEMENT FOR ELECTRIC TRANSMISSION LINE (PARCEL 1) (UNDEFINED LOCATION)
  - 2) EASEMENT FOR ELECTRIC LINES (PARCEL 1) NOT SHOWN (NO BASIS FOR BEARINGS)
  - 3) EASEMENT FOR ROADWAY (PARCEL 3)
  - 4) EASEMENT FOR ELECTRIC LINES (PARCEL 2)
  - 5) EASEMENT FOR ELECTRIC LINES (PARCELS 1) (NO BASIS FOR BEARINGS)
  - 6) EASEMENT FOR ELECTRIC LINES (PARCEL 2)
  - 7) RIGHT OF ENTRY (PARCEL 3) NOT SHOWN (NO BASIS FOR BEARINGS)
  - 8) FLOOD CONTROL DISTRICT

- BOOK 306 OF DEEDS, PAGE 345
- DOCKET 3084, PAGE 454 AND DOCKET 15391, PAGE 895
- DOCKET 3388, PAGE 557
- DOCKET 9988, PAGE 283
- DOCKET 15037, PAGE 1017
- DOCKET 15037, PAGE 1028
- DOCKET 15405, PAGE 529
- DOCUMENT NO. 2002-541312

**TIERRA DEL RIO**  
JOMAX ROAD & 103RD AVENUE  
MARICOPA COUNTY, ARIZONA

**ALTA/ACSM LAND TITLE SURVEY**

**CMX** 1515 E. MISSOURI STE. 115  
PHOENIX, AZ 85014  
PHONE: (602) 279-8436  
FAX: (602) 285-1191

CMX PROJ: 88930 | DATE: 6/18/03 | SCALE: 1"=300'  
DESIGNED: KCD | DRAWN: CLK | APPROVED: LER  
REV: 7/7/03 REVISIONS PER ATTORNEY | DWG. NO. 2  
7/17/03 REVISIONS PER ATTORNEY | SHEET 2 OF 3





**Appendix D: Will Serve Letters**

August 12, 2004



CMX.  
7740 N 16 St #100  
Phoenix, Az 85020

SUBJECT: Tierra Del Rio

Dear Vic Pilar, P.E.:

This letter is in response to your "Service Availability" request for the subject property Located in parcel of land located in Section 32, Township 4 North, Range 1 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The subject property is in the Qwest serving area therefore, service is available. The developer has specific requirements, which will be forwarded when appropriate. These requirements may be, but are not limited to, "support structure" on the property being developed. Once all requirements are completed, Qwest service will be available to the subject property on a service order basis, arranged by those who occupy the property.

The tariff Rates and Regulations prescribed for service to the project are on file with your State Utilities Commission, and may be examined at your local Qwest Business Office.

**Bringing the Telephone facilities to the entrance of the Subdivision in question is solely the responsibility of Qwest Communications at no cost to the Developer. Placing the Qwest Communications cable in the INTERIOR of the Subdivision is solely the responsibility of Qwest Communications at no cost to the Developer, unless the Arizona State CAP is exceeded (CAP is \$588.00 per lot). If this CAP is exceeded the Developer is responsible for paying the difference between the CAP and the actual cost of placing facilities inside the Subdivision. \*\*PLEASE SEE EXAMPLE NEXT PAGE. All cable is direct buried in a Developer Provided Trench at the Developer's expense. Developer will also be responsible for any conduit necessary inside the Subdivision at their own expense.**

**PROVISIONING AGREEMENT FOR HOUSING DEVELOPMENT (PAHD)  
COSTING TOOL:****\*\*Example 1:****Cost #1****Qwest estimated cost to provide facilities in this development is: \$126,459****Cost #2****Number of buildable lots (380 lots total) times state CAP \$588.00 \$223,440**

**In the above example 1, Cost #2 is equal to or greater than Cost #1, so there are no PAHD charges to developer.**

**\*\*Example 2:****Cost #1****Qwest estimated cost to provide facilities in this development is: \$230,000****Cost #2****Number of buildable lots (380 lots total) times state CAP \$588.00 \$223,440**

**In the above example 2 Cost #2 is less than Cost #1, so the developer will be required to pay the non-refundable difference which would be: \$6,660**

Sincerely,



Michael D. Walker  
N/W Subdivisions Manager  
6350 South Maple Av, Rm 125  
Tempe, Arizona 85283  
480-831-4871



## Arizona-American Water Company

12425 W. Bell Road • Suite C 306 • Surprise, Arizona 85374 • (623) 583-8448 • Fax (623) 583-1679

March 29, 2002

Mr. Cliff Loatherwood  
CML Inc.  
P.O. Box 5577  
Glendale, Az 85312

**Subject:** Tierra del Rio Wastewater Service

Dear Mr. Loatherwood:

As discussed in our meeting on March 25, 2002, Arizona-American Water Company (AAW) has a Certificate of Convenience and Necessity (CC&N) for potable water service that encompasses your project. A will serve letter regarding potable water service has been forwarded to you per your request. In addition, AAW is extremely interested in being the wastewater provider for your referenced project.

A 500 foot wide strip of land on the east side of section 32 is within the City of Peoria city limits. For this small piece, the City of Peoria will need to be involved in wastewater service discussions. The remaining portion of your project resides outside the city limits and within the unincorporated area of Maricopa County.

AAW is eagerly anticipating the submittal of the potable water and wastewater master plans outlining the discussions of our meeting based on AAW's master planning criteria. At that time, we can begin the Line Extension Agreement (LXA) and corresponding CC&N filing with the Arizona Corporation Commission (ACC) for wastewater service.

If you have any questions or require further assistance, please call me at 623-815-4318.

Sincerely,

Fred Schneider, P.E.  
Engineering Manager, Development



# Arizona-American Water Company

12425 W. Bell Road • Suite C 306 • Surprise, Arizona 85374 • (623) 563-8448 • Fax (623) 563-1679

March 29, 2002

Mr. Cliff Leatherwood  
CML Inc.  
P.O. Box 5577  
Glendale, AZ 85312

**Subject: Will Serve Letter for the Property described below referred to as  
Tierra del Rio.**

Dear Mr. Leatherwood

This letter is to verify that the Arizona Corporation Commission has issued Sun City Water Company a Certificate of Convenience & Necessity, allowing us to serve the subject property. We have reviewed our records and have verified that the subject property is within our existing service area. Water service will be provided in accordance with the rules and regulations on file with the Arizona Corporation Commission.

Property described as follows:

The West half of Section 5, the East half of the East half of Section 6, the Northwest quarter of the Northwest quarter of Section 8, all in Township 4 North, Range 1 East and the East half of Section 32 and the East half of the West half of Section 32 and the Southwest quarter of the Southwest quarter of Section 32, Township 5 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Sincerely,

Fred Schneider, P.E.  
Engineering Manager, Development

70401 N. 29th Ave.  
Phoenix, AZ 85077

June 26, 2002

Ms. Laurie L. Castillo  
Project Administrator  
Hunn & Associates, Inc.  
2901 N. Central Avenue, Suite 1644  
Phoenix, AZ 85012



Re: Tierra Del Rio, The West half of Section 5, the East half of East half of Section 6, the Northwest quarter of the Northwest quarter of Section 8, all in township 4 North, Range 1 East and the East half of Section 32 and the East half of the West half of Section 32 and the Southwest quarter of the Southwest, quarter of Section 32, Township 5 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

Dear Ms. Castillo:

This letter is to confirm that Cox Communications is the licensed cable television provider for the above area in the City of Peoria, and that service to a development with public streets and public utility easements, meeting the density requirement as stipulated in the license with the City, will be provided at no cost to the developer. Should the project not meet the density requirement, a capital contribution program is available.

Cox Communications will place its facilities in the joint utility trenches upon receipt of appropriate trench maps and placement time lines. The developer also has the option of providing service to the community at a reduced rate under the bulk discount program. Please contact me for additional information on the program.

For private communities (whether gated or not), our standard easement agreement will be required. Otherwise the same procedures apply.

Please call me at (623) 322-7842, if you require any additional information.

Yours truly,

Rhona Vilardi  
Contract Coordinator  
Sales & Operations Supporting NBD

**APS**  
**Arizona Public Service Company**  
P.O. BOX 53999 • PHOENIX, ARIZONA 85072-3999

June 26, 2002

Ms. Laurie L. Castillo  
Hunn and Associates, Inc.  
2901 N. Central Ave., Suite 1644  
Phoenix, AZ 85012

RE: Tierra Del Rio  
Electric Availability

Dear Laurie Castillo:

Thank you for the opportunity to provide information regarding electrical service to your new development. The above referenced development is in Arizona Public Service Company's electric service area. The Company extends its lines in accordance with the "Conditions Governing Extensions of Electric Distribution Lines and Services," Schedule #3, and the "Terms and Conditions for the Sale of Electric Service," Schedule #1, on file with the Arizona Corporation Commission.

Prior to construction, an advance payment will probably be required. The amount of advance payment cannot be determined until an economic analysis has been made, based in part on certain information you will be required to furnish. This payment may be refundable in accordance with Schedule #3.

In addition, you could also incur additional costs which are non-refundable. These costs will depend upon the extent of the construction you will require of APS. An annual facilities charge may also be required in addition to the standard rates for electric service. These non-refundable costs and annual charge will also be set forth in the Extension Agreement.

It is to be understood that this letter is intended only for your general information and does not constitute any type of agreement between us. If you have any questions, please feel free to contact me at 623-975-5725.

Sincerely,



Mark Gawlitta,  
Project Leader, Homebuilders West



Mr. Darren Gerard  
Principal Planner  
Maricopa County  
411 North Central Avenue, 3<sup>rd</sup> Floor  
Phoenix, AZ 85004

June 4, 2002

RE: DMP1999005 – Tierra del Rio

Dear Mr. Gerard,

The Peoria Unified School District has received the Development Master Plan for Tierra del Rio and would like to offer comments about it.

The District has met with the developer of Tierra del Rio on several occasions. Student generations produced by the project were discussed as were possible developer contributions to the District. Staff has calculated that Tierra del Rio will produce approximately 1000 to 1200 elementary students and 400 to 500 high school students. Although the elementary school student generation would fill an entire school, there is not one presently in the region and students would currently be bused to Zuni Hills Elementary School at 107<sup>th</sup> Ave. and Williams Rd. Also during our meetings, the developer was given a copy of our Developer Assistance Agreement for review.

Based on the information above, the District generally supports this project at the present time. Although no formal assistance agreement has been made with the developer, the feeling is that he is willing to work with the District. We appreciate the open discussion that has occurred with the developer and look forward to its continuation as the Tierra del Rio development progresses.

Sincerely,

*Janell Brandhorst*

Janell Brandhorst  
Office of Research, Planning and Assessment

DEC-09-2003 17:32

FILED SPECIAL ED

602 486 6090 P.62/09



December 8, 2003

RE: Tierra del Rio

Dear Mr. Jarvis,

This letter is intended to inform you that on November 26, 2002 the Governing Board of the Peoria Unified School District approved a Developer Assistance Agreement for Tierra del Rio located between the Agua Fria River and Lake Pleasant Road and approximately one mile north and south of Jomax Road. Because of this partnership between the developer and the school district, the District fully supports the development of Tierra del Rio.

Sincerely,

Janell Brandhorst  
Office of Research, Planning and Assessment

12/12/2003 12:32 4805568150

PAGE 03

Dec-02-03 11:58am From=Gallagher & Kennedy 24805

T-734 P.005/011 F-073

DEC-02-2003 17:32 PUSD SPECIAL ED

502 456 5030 P.03/05

When Recorded, Mail To:  
Peoria Unified School District No. 11  
6330 W. Thunderbird Rd.  
Glendale, AZ 85306  
Attn: Dept. of Research and Planning



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2003-1331834 09/23/03 10:32  
12 OF 22  
RECEIVED

**CAPTION HEADING: Developer Assistance Agreement  
Between Peoria Unified School District No. 11 and  
CML, Inc.**

**DO NOT REMOVE**

**This is part of the official document.**

0000000000

**DEVELOPER ASSISTANCE AGREEMENT**

This Agreement is entered into on Nov. 26, 2002, between the following parties:

**PEORIA UNIFIED SCHOOL DISTRICT NO. 11**  
(hereafter "PUSD")  
6330 West Thunderbird Road  
Glendale, Arizona 85306

and

**CML, INC.**  
(hereafter "Developer")  
6817 West Evans  
Peoria, Arizona 85381

Developer and PUSD shall be collectively referred to herein as "Parties".

**I. RECITALS**

- A. To improve PUSD and Developer cooperation in developing residential communities and the schools that serve those communities.
- B. To provide PUSD students with greater opportunities to learn based on enhanced resources provided by the development community.
- C. To strengthen linkages between PUSD and Developer.

**II. COVENANTS**

**A. PUSD's Obligations:**

- 1. PUSD would prepare an affirmative statement to Maricopa County and/or the City of Peoria acknowledging the Developer's assistance in the provision of resources to PUSD schools.
- 2. PUSD, through its Governing Board, shall approve Developer's plans and contributions to enhance the education of PUSD students.

Developer Assistance Agreement  
Page 2

2003121203

B. Developer's Obligations:

1. Developer agrees to perform/fulfill offers of assistance, in predetermined written detail, to PUSD as detailed in Exhibit "A."
2. Developer will secure approval from Developer's corporation and parent corporation of providing specific assistance to PUSD as is evidenced in writing.
3. Developer agrees to provide PUSD with adequate consideration, as defined by PUSD, in exchange for PUSD's cooperation with governmental entities and the Developer. That specific consideration is detailed in Exhibit "A" attached hereto. Under no circumstances shall this Agreement have any legal effect without the PUSD Governing Board approving the contents of Exhibit "A".
4. It is the Developer's obligation to provide PUSD with its specific and concrete details relative to consideration to be provided to PUSD in exchange for PUSD's consideration. PUSD is under no obligation to present any Agreement to its Governing Board absent a fully-executed, written Exhibit "A" attached hereto signed by the President of the Developer or another officer which has legal standing, under Arizona law, to bind the corporation, its officers, agents, principals and shareholders.

C. Default:

1. In the event PUSD defaults its performance under this Agreement, Developer shall be under no obligation to complete its obligations as discussed in Exhibit "A" attached hereto. However, the Developer cannot cease from providing its consideration absent a mutually agreed upon mediator or Arizona Superior Court determination that PUSD has breached the Agreement.
2. In the event Developer defaults its performance under this Agreement, PUSD shall be under no obligation to complete its obligations as discussed in Exhibit "A" attached hereto. However, PUSD cannot cease from providing its consideration absent a mutually agreed upon mediator or Arizona Superior Court determination that the Developer has breached the Agreement.
3. In the event the Developer breaches the Agreement, the Developer warrants that if a court of competent jurisdiction determines that the Developer breached the Agreement, the Developer waives any right to contest the propriety of attorney's fees and costs to the PUSD. This does not diminish the Developer's right to challenge the specific amount of attorney's fees and costs but rather creates a contractual obligation to pay reasonable attorney's fees and costs, thereby notifying the court this it is the parties' intent that Developer would have to pay the originally agreed obligation expressed in Exhibit "A" of the Agreement plus PUSD attorneys' fees and costs in the event the court determined the developer breached the Agreement.

Developer Assistance Agreement

Page 3

III. TERM

This Agreement shall begin immediately upon signature by both parties and it shall terminate on close of escrow of the last remaining home or lot or as otherwise terminated sooner by the parties. This Agreement may be renewed by the Parties consistent with Arizona law.

IV. MISCELLANEOUS

A. Successors and Assigns:

1. The terms and conditions of this Agreement shall inure to the benefit and be binding upon the heirs, personal representatives, successors in interest, assigns, and legal representatives of each party with respect to all provisions of this Agreement. No party shall assign, sublet, transfer or convey its interest in this Agreement without the prior written consent of the other party, which shall not be unreasonably withheld.
2. Both parties fully represent that their signatures hereto fully bind themselves, their partners, successors, assigns, legal representatives and those other to whom the benefits of this Agreement inure, to the terms of this Agreement and that the signators hereto have the appropriate authority by and which to bind the above.

B. Extent of Agreement:

The Agreement supersedes and replaces any oral or written agreement not incorporated herein, relating to the subject matter hereof entered into by the parties prior to the date of this Agreement. This Agreement contains and sets forth the entire Agreement between the parties. No modifications, deletions or additions to this Agreement will be binding unless in writing and signed by both parties except as herein otherwise provided. The waiver of any breach of this Agreement by any party hereto shall not constitute the same continuing waiver or waiver of any subsequent breach either of the same or of another provision of the Agreement. All promises, covenants and provisions contained in this Agreement are severable, and in the event that such covenant, promise or provision is held or adjudicated invalid by a court of competent jurisdiction, the remainder of this Agreement shall be of operative and binding effect.

C. Applicable Law:

This Agreement, and the rights and duties hereunder, shall be interpreted in accordance with the internal laws of the State of Arizona without regard to conflicts of laws principles. The situs of all litigation shall be exclusively the Arizona Superior Court in and for Maricopa County unless mutually determined otherwise in writing. By signing this Agreement, the parties acknowledge that this exclusive means of adjudication is entered into under the free will of both parties and in consideration of this Agreement.

D. Attorneys' Fees:

In the event any of the parties to this Agreement take legal action or other steps to enforce the terms of this Agreement, the prevailing party or parties shall be entitled to recover their

2001031004

Developer Assistance Agreement  
Page 4

expenditures, including but not limited to, reasonable attorneys' fees, costs of tests, inspections and reports by experts, costs of exhibit preparation, expert witness fees and court costs from the party or parties at fault.

DATED AND SIGNED BY:

THE PEORIA UNIFIED SCHOOL DISTRICT NO. 11

  
\_\_\_\_\_  
Its President  
On behalf of Governing Board

11-26-02  
Date

DEVELOPER

  
\_\_\_\_\_  
Its President  
On behalf of Developer

9/17/02  
Date

12/12/2003 12:32

Developer Assistance Agreement  
Page 5

7001301831

**EXHIBIT "A"**

**Developer's Consideration To Be Made To The District**

**Project Name:** Tierra del Rio

**Project Location:** Maricopa County--generally between the Agua Fria River and Lake Pleasant Road and approximately one mile north and south of Ironax Road

**Description of Consideration:** Developer hereby agrees to payment of a contribution for capital facilities to PUSD equal to the sum of \$1,000 per house for a maximum of approximately 2,300 homes in this master planned community. The total amount of the Contribution shall be adjusted at the rate of \$1,000 per home based on the actual number of homes constructed. The Contribution shall be payable no later than at the time each house closes escrow with a third party buyer and is to be used specifically to assist the current shortfall in funding for capital facilities in the Peoria Unified School District.

Notwithstanding any obligation to the contrary, PUSD shall release Developer from the voluntary assistance payment set forth under this Agreement in the event Developer is subject to any mandatory school related municipal impact fee, excluding taxes. Developer shall, however, remain liable to PUSD for the difference between any mandatory impact fee amount and the amount due PUSD under the terms of this Agreement, should the mandatory impact fee obligation be less than the amount due herein.

DEVELOPER



Its President  
On behalf of Developer

9/17/02  
Date

2601231891

**Legal Description of the Property**

**Parcel No. 1**

The West half of Section 5, the East half of the East half of Section 6, the Northwest quarter of the Northwest quarter of Section 8, all in Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**Parcel No. 2**

The Northeast quarter, the East half of the Northwest quarter, the Northeast quarter of the Southwest quarter, the South half of the Southwest quarter, the Northeast quarter of the Southeast quarter, and the South half of the Southeast quarter of Section 32, Township 5 North, Range 1 East, except for the east 510 feet of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**Parcel No. 3**

The Northwest quarter of the Southeast quarter of Section 32, Township 5 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Except 1/16<sup>th</sup> of all oil, gas, other hydrocarbon substances, helium or other substances of a gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description, together with all uranium, thorium or any other material which is or may be determined by the laws of the United States, or of this State, or decisions of Court to be peculiarly essential to the production of fissionable materials, whether or not of commercial value.



**Rural/Metro**  
**Fire Department**  
50 Years of Serving Others

**COPY**

6/28/02

Mr. Ed Reichenberg  
Stanley Consultants  
2929 E. Camelback Road Suite 130  
Phoenix, Arizona 85016

Dear Mr. Reichenberg:

Thank you for speaking with me regarding the Tierra del Rio DMP. As requested I am sending you information regarding establishment of fire department services for the development. I would also like to reiterate our interest in placing a fire station within the proposed development master plan.

Due to the increase of residential development in our service areas we have identified a need to build an additional fire station in the northwest valley corridor. This station will help best serve the community by reducing response times and increase fire protection and emergency services to the area. We have identified two prime locations for new stations in this area. Both locations are west of Lake Pleasant Road and north of Happy Valley Road. One of these locations we understand is being developed by you. We believe this site to be an ideal location for a fire station.

Rural/Metro fire department would like to occupy a temporary fire station within the development upon approval and completion of site preparation. We ask that the developer provide and lease to Rural/Metro a modular type structure for use as a fire station. The fire station would be manned 24 hours a day 7 days a week by an ALS (Paramedic) engine company. The fire engine would be manned by state certified fire fighters with a minimum of BLS (EMT) certifications and one Paramedic firefighter with a minimum ALS certification. We respectfully request that the developer donate at least 1/2 acre for the station location and prep the site by providing all utilities, grading and slabbing for the structure.

As we are not a tax based municipality we rely on subscriptions and master agreements to generate revenue to operate in the unincorporated areas of Maricopa County. We are dependent upon responsible developers such as yourselves to pre-plan and help support the fire departments in your community. By working with us you will not only be increasing the fire protection and life safety for the area, but will also make your development more attractive to potential buyers.

I would like to thank you for your interest and cooperation and I look forward to meeting with you and/or your representatives. Should you have any questions, I may be reached at (480) 627-6227.

Sincerely,  
  
Christopher E. Hancock  
Community Service Officer, RMPD

8401 E. Indian School Rd

Scottsdale, Arizona 85251

(480) 627-6227

(480) 627-6550 Fax

# RURAL/METRO FIRE DEPARTMENT

Client: Tierra Del Rio DMP c/o Stanley Consultants

T 05N R 01E S 032

Property Street Address: ACANT LAND 105th Ave & Jomax Rd

City: Peoria State: AZ Zip Code: 85382

Parcel # 201 17 003

Phone: 6029126579

Property ID # U00002863

Mailing Address: 929 E. Camelback Road Suite 130

Rep ID # 11063

Phoenix, AZ 85016

From: 7/1/2002 To: 6/30/2003

Membership Fee: \$908.37

Registration Fee: \$30.00

Account: \_\_\_\_\_

Total Amount: \$938.37

Additional Parcel #s: **\*\*\* See attached agreement addendum for Tierra Del Rio**



**Rural/Metro  
Fire Department**  
50 Years of Serving Others

If the property is sold, member is to include any remaining balance of the annual fee in the closing escrow to insure continuous coverage.

All structures and hazards located on member's premises must be included. WE, THE UNDERSIGNED, agree to the terms and conditions of this agreement as outlined on both sides hereof.

### NOTICE TO BUYER

Do not sign this agreement if any of the spaces intended for the agreed terms to the extent of then available information are left blank.

A copy will be returned to you.

You the Buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction.

**THIS AGREEMENT DOES NOT INCLUDE  
AMBULANCE TRANSPORTATION/SERVICE**

Payment Type:

Check # \_\_\_\_\_  Cash

Mastercard  Discover

Visa  American Express

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Name as appears on card \_\_\_\_\_

Property Characteristics:

Residence (Enclosed): \_\_\_\_\_

Usage: \_\_\_\_\_

Other (Describe): 1040.0 Acres VACANT

Residence (Total): \_\_\_\_\_

Insurance Co: \_\_\_\_\_

Insurance Agent: \_\_\_\_\_

As Member Rural/Metro Corporation's Representative:  
CHRISTOPHER E. HANCOCK (SO RMFD)

\_\_\_\_\_  
Member's Signature

ADDENDUM  
AGREEMENT FOR FIRE DEPARTMENT SERVICES  
FOR TIERRA DEL RIO DEVELOPMENT

This agreement is between Rural/Metro Fire Department and Tierra del Rio development. (CML, Inc. and Moyle Investment, Inc.) to establish emergency fire department services coverage to all commercial and residential properties located within the Tierra del Rio DMP, as recorded as portions of Sections 5, 6 and 8, all in T.4N, R.1E, and a portion of Section 32 within T.5N, R.1E of the G.&S.R. B.&M., Maricopa County, Arizona during development.

- ◆ This agreement is between Rural/Metro Fire Department and developers representing the Tierra del Rio development as indicated above. This agreement will take effect upon the commencement of construction within the Tierra del Rio development, date uncertain, to be announced.
- ◆ Upon commencement of this agreement all developers agree to a five year term. The agreement shall be reviewed and renewed annually by a representatives from Rural/Metro Fire Department, CML Inc., and Moyle Investment, Inc.
- ◆ Developers agree to and will be responsible for establishing Rural/Metro Fire Department coverage to all new structures within the Tierra del Rio DMP during development.
- ◆ Fire department coverage will remain in effect on each new structure from the time construction begins until the property has been completely developed and has closed escrow with the new property buyer.
- ◆ Each month the developers shall submit to Rural/Metro Fire Department a form identifying new residential and/or commercial lots that have begun construction to include street address, parcel number (APN), and total enclosed square footage of the structure being developed. (see exhibit 'A'.)
- ◆ Charges for fire department coverage for residential properties under development are based on the total enclosed square footage of the real property (including livable, storage, mechanical rooms and garage square footage). Developers will be charged an annual rate based on the total square footage of each property being covered for fire protection. This rate, minus any applicable discounts, will be based off of the attached rate schedule, (see exhibit 'B'.) Rates are subject to review annually.
- ◆ In consideration for a five year agreement, Rural/Metro Fire Department agrees to apply a <15%> discount off of the applicable rate schedule to all residential structures developed within the Tierra del Rio DMP.
- ◆ Charges for fire department coverage for commercial properties under development are based on the total enclosed square footage of the real property. Charges are applied annually based on the commercial rate categories, (see exhibit 'B'.) Developers are eligible for commercial safety discounts, if applicable.
- ◆ If under a separate agreement the developer agrees to provide Rural/Metro Fire Department with a ½ acre lot, improved with a temporary or permanent structure, to be used as a site for a Rural/Metro Fire Station, Rural/Metro Fire Department will agree to lease said site and will cover at no charge all commercial properties during construction for fire department services including emergency medical service, fire suppression, and plans review. Additionally, Rural/Metro Fire Department will waive all applicable fire department inspection and permit fees.

\_\_\_\_\_  
Christopher E. Hancock / CSO  
Rural/Metro Fire Department

\_\_\_\_\_  
Cliff Leatherwood  
CML, Inc. / Tierra del Rio Development

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# OFFICE OF THE SHERIFF

JOSEPH M. ARPAIO  
SHERIFF



## MEMORANDUM

Date: June 11, 2002

To: Darren Gerard, Senior Planner, Project Management  
Matthew Holm, Planner, Comprehensive Planning Division

From: Ian Thompson

Subject: Tierra del Rio Development

The Sheriff's Office District III Deputy District Commander has reviewed the above case known as Tierra del Rio for potential impact to this Office and his operations. As far as the Deputy District Commander can ascertain from the information provided by the developer, additional personnel and equipment will need to be added to our current operations to ensure this area is adequately covered with relatively short response times.

I am therefore returning all correspondence concerning this zoning application, together with this Office's requirements should this development proceed.

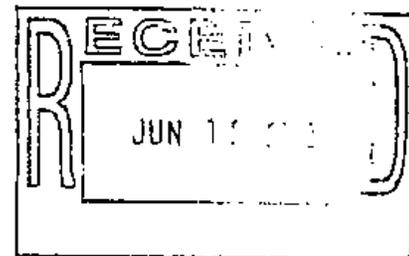
If you have any questions, or require any further information regarding this subject, please contact me at 256-1300 ext.4701.

Sincerely,

Joseph M. Arpaio  
Maricopa County Sheriff

A handwritten signature in cursive script, appearing to read "Ian Thompson".

Ian Thompson  
Division Commander  
New Building Construction Division



JMA:IT:lit

# MARICOPA COUNTY SHERIFF'S OFFICE

Memorandum



Distribution: Developmental Commands	Date: <u>April 27, 2002</u> Deputy District: <u>          </u> District: <u>          </u>
Distribution: Districts	Date: <u>          </u>

As requested, I have reviewed the proposal of the development of Tierra del Rio Development and made the following notations:

**PROPOSAL:**

Tierra del Rio Development

Proposed size: 1,041 acres, (approximately 1.626 square miles)

Estimated Population: 5,798-6,183 people (roughly the population of Youngtown)

Boundaries:  
 North/ 1 mile north of Jomax Road  
 South/ 1 mile south of Jomax Road  
 East/ Lake Pleasant Road  
 West/ Agua Fria River

Structures: Residential/ Commercial

Anticipated start date: 2002

**COMPARATIVE ANALYSIS FOR MANPOWER, FACILITIES AND EQUIPMENT NEEDS**

Data collected from: Arizona census bureau  
 City of Youngtown  
 City of Tolleson

In comparing geographic size and population of the Town of Youngtown to the proposed construction of the Tierra del Rio development the following similarities were noted.

	<u>TIERRA DEL RIO</u>	<u>TOWN OF YOUNGTOWN</u>
Geographic size:	1.626 sq. miles	1.31 sq. miles
Estimated Population:	5,798-6,183 residents	3,010 residents
Demographics:	Residential/ Commercial	Residential/ Commercial

**YOUNGTOWN POLICE DEPARTMENT:**

Operating budget 502,00.00

Dispatching contracted through El Mirage at a annual cost of \$50,000.00

- (10) Employees
- (9) Sworn Officers
- (1) Civilian employees
- (2) Volunteers

Although these figures do not reflect accurately on the operating costs for a Department that is already in existence with support personnel available, it does indicate the probability of increased responsibilities and expansion of already existing services.

Estimated requirements by Sheriff's Office to provide adequate services to meet the needs of this development:

**SWORN OFFICERS**

- (2) Deputies
- (1) Deputy (24) hour coverage, (7) days a week= 168 man hours, per week.
- (2) Beat areas x 168 man hours= 336 man hours, per week  
 336 man hours x 52 weeks per year= 17,472  
 Salaries including benefits \$43,302.72 per Deputy, per year x (2) Deputies= \$86,605.44

**VEHICLES/ EQUIPMENT:**

A total of (2) Sheriff's Vehicles would be necessary.

- (2) Fully marked patrol vehicles
- (1) Fully marked patrol car, including radios, cage and markings= \$44,275 x (2)= \$88,550.00

**RADIO EQUIPMENT:**

- (2) Portable Radios
- (1) Motorola XTS 3000 portable radio, \$4,401.38 x (2)= \$8,802.76

**COMPUTERS/ SOFTWARE/ ELECTRONIC EQUIPMENT:**

- (2) Laptop computers with software
- (1) Laptop computer with software, 3,566.22 x (2)= \$7,132.44

**ESTIMATED COST FOR THE FIRST YEAR:**

\$191,090.64

Upon initial start up, yearly operating costs will significantly change/decrease over the following years, based on salary increases and equipment wear out replacement costs.

**Appendix E: Declassification Notice for Happy Valley Parkway**

Unofficial  
Documents

2003-1333430 09/23/03 14:09  
1 of 3

RELINQUISH

When recorded return to:  
ADOT - RAW Acctg. - 612E  
205 S. 17th Avenue  
Phoenix, AZ 85007

SEPTEMBER 19, 2003

RES. NO. 2003-09-A-063  
PROJECT: 600-9-702 / 303LMA000H087901R  
HIGHWAY: ESTRELLA CORRIDOR  
SECTION: (115<sup>th</sup> Avenue - Lake Pleasant Road - 99<sup>th</sup> Avenue)  
ROUTE NO.: State Route 303 Loop  
ENG. DIST.: M  
COUNTY: Maricopa

RESOLUTION OF RESCISSION

VICTOR M. MENDEZ, Director, Arizona Department of Transportation, on September 19, 2003, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-7046, recommending the rescission of certain access control rights previously established by the Arizona Transportation Board for a portion of the Estrella Corridor, State Route 303 Loop.

The area of rescission is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona.

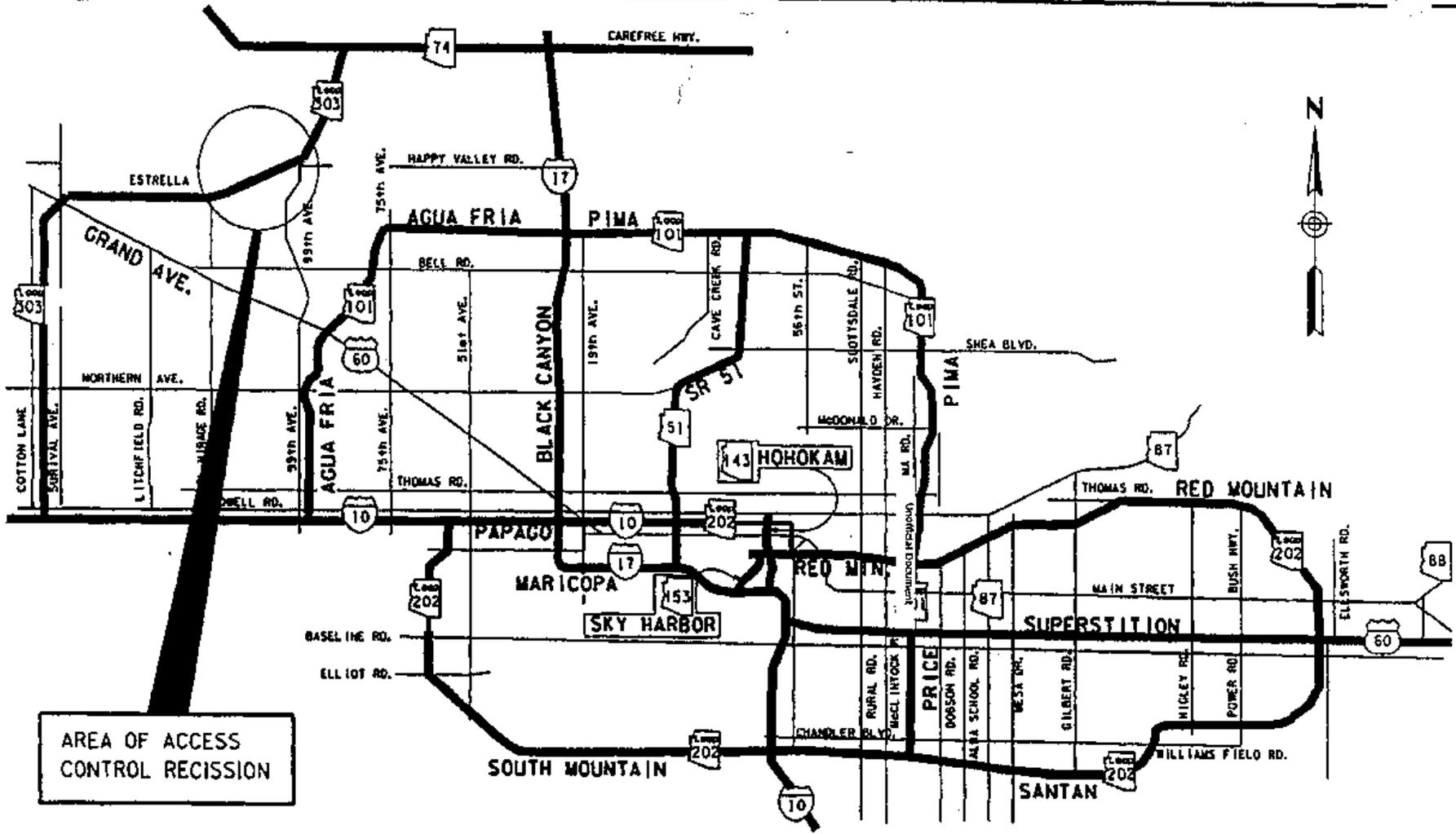
WHEREAS no right of way has been acquired by the Department for any portion of S.R. 303 Loop that is affected by this rescission; and

WHEREAS Maricopa County Department of Transportation has requested access control be rescinded in order to accommodate a current transportation project currently under construction by said County; and

WHEREAS public necessity and convenience require the recommended rescission of certain access control rights; therefore, be it

RESOLVED that the recommendation of the Director is adopted and made a part of this resolution, and that certain access control rights previously established as shown on Appendix "A" are hereby rescinded.

20031333430



AREA OF ACCESS CONTROL RECISSION

THIS PLAT WAS DIGITALLY PRODUCED FROM ARIZONA DEPARTMENT OF TRANSPORTATION GENERAL HIGHWAY MAP

RIGHT OF WAY PLANS SECTION  
REVISED NOVEMBER 15, 2000

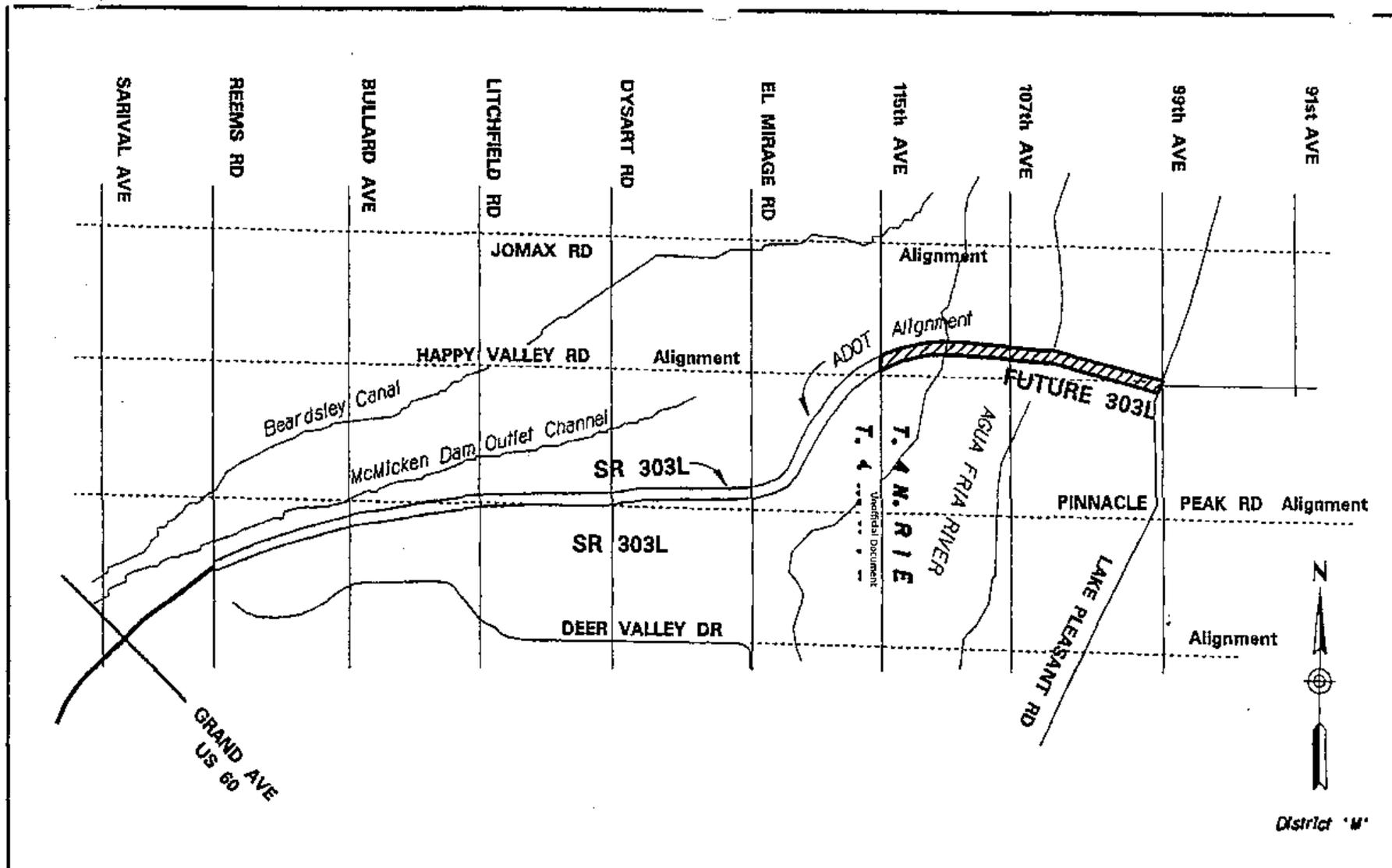
APPENDIX "A"

303L MA 000 H0879 01R / 600-9-702  
ESTRELLA CORRIDOR SR 303L  
(115th Ave - Lake Pleasant Road)  
Maricopa County

DATE: SEPT 19, 2003 SHEET: 1 OF 2

0575551800C

20031333430



THIS PLAT WAS DIGITALLY PRODUCED FROM ARIZONA DEPARTMENT OF TRANSPORTATION GENERAL HIGHWAY MAP

RIGHT OF WAY PLANS SECTION  
REVISED JULY 17, 2000

AREA OF ACCESS CONTROL RECISSION

APPENDIX "A"

303L MA 000 H0879 01R / 600-9-702  
ESTRELLA CORRIDOR SR 303L  
(115th Ave - Lake Pleasant Road)  
Maricopa County

DATE: SEPT 19, 2003 SHEET: 2 OF 2

20031333430

SEPTEMBER 19, 2003

RES. NO. 2003-09-A-063  
PROJECT: 600-9-702 / 303LMA000H087901R  
HIGHWAY: ESTRELLA CORRIDOR  
SECTION: (115<sup>th</sup> Avenue - Lake Pleasant Road - 99<sup>th</sup> Avenue)  
ROUTE NO.: State Route 303 Loop  
ENG. DIST.: M  
COUNTY: Maricopa

REPORT AND RECOMMENDATION  
Unofficial Document

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

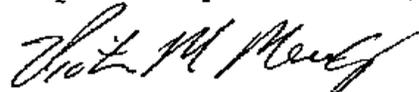
The Intermodal Transportation Division has made a thorough investigation concerning the rescission of certain access control rights previously established by the Arizona Transportation Board for a portion of the Estrella Corridor, State Route 303 Loop.

Right of way has not been acquired by the Department for any portion of S.R. 303 Loop that is affected by this rescission. The Maricopa County Department of Transportation has requested access control be rescinded in order to accommodate a current transportation project currently under construction by said County. Accordingly, I recommend that certain previously established access rights be rescinded.

The area of rescission is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona.

In the interest of public safety, necessity, and convenience, and pursuant to Arizona Revised Statutes Section 28-7046, I recommend the adoption of a resolution making this recommendation effective.

Respectfully submitted,



VICTOR M. MENDEZ, Director  
Arizona Department of Transportation

SEPTEMBER 19, 2003

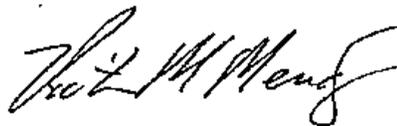
RES. NO. 2003-09-A-063  
PROJECT: 600-9-702 / 303LMA000H087901R  
HIGHWAY: ESTRELLA CORRIDOR  
SECTION: (115<sup>th</sup> Avenue - Lake Pleasant Road - 99<sup>th</sup> Avenue)  
ROUTE NO.: State Route 303 Loop  
ENG. DIST.: M  
COUNTY: Maricopa

Unofficial Document

CERTIFICATION

I, VICTOR M. MENDEZ, Director of the Arizona Department of Transportation, do hereby certify that the foregoing is a true and correct copy from the minutes of the Transportation Board made in official session on September 19, 2003.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on September 19, 2003.



VICTOR M. MENDEZ, Director  
Arizona Department of Transportation

**SCAN**

Unofficial Document

APPROVED

*Ron J. Aschenbach*

Assistant Attorney General  
Attorney for Department  
of Transportation

Date 9/9/03

**Appendix F: SSI Sites**

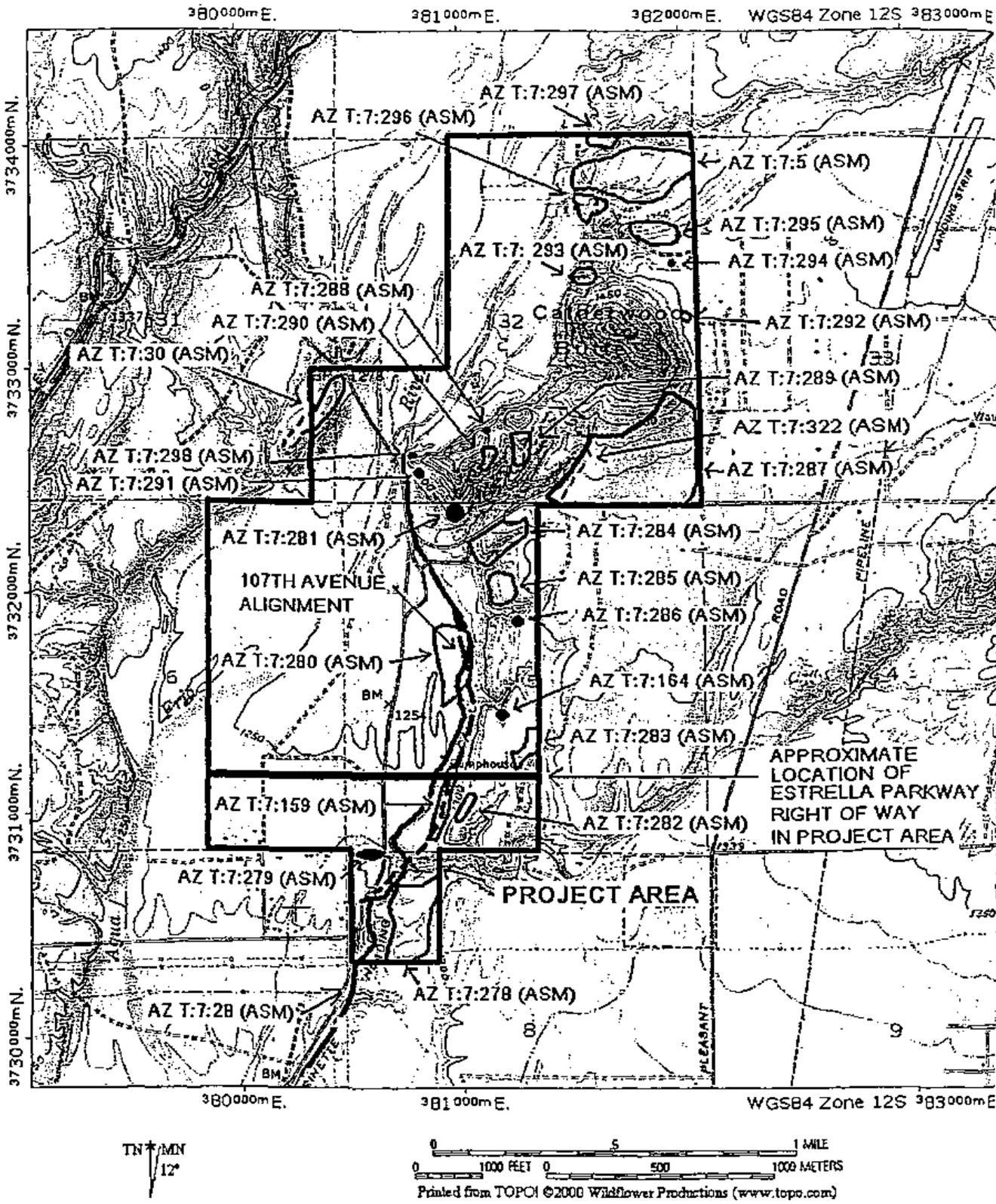


Figure 1. Project area map showing archaeological sites in the Tierra Del Rio project area and modern rights-of-way.

Table 1. Archaeological Sites in the Tierra Del Rio Project Area (Page 1 of 2).					
Site No. (ASM)	Description	Temporal/ Cultural Association	NRHP Eligible? (Yunker et al. 2004)	Data Recovery	Preservation/ Impact Status
AZ T:7:5	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:28	Marinette Canal	Historic European American	Yes	No	Extensively Documented Ferg (1977), Rodgers (1987), Landis (1988), Adams (1997), Shepard (1997), Cox et al. (2002), URS (in prep.)
AZ T:7:30	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:159	Resource Procurement	Prehistoric Hohokam	No	No	Excavated by URS/MCDOT (Doyel and Cox 2003)
AZ T:7:164	Resource Procurement	Prehistoric Hohokam	No	No	No Further Work Recommended
AZ T:7:278	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:279	Resource Procurement	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:280	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:281	Habitation/ Agricultural	Prehistoric Hohokam	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:282	Resource Procurement	Prehistoric Hohokam	No	No	No Further Work Recommended
AZ T:7:283	Agricultural	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development
AZ T:7:284	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:285	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:286	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:287	Agricultural	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development
AZ T:7:288	Petroglyph	Prehistoric Unknown	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:289	Habitation/ Agricultural	Prehistoric Hohokam	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:290	Habitation/ Agricultural	Prehistoric Hohokam	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:291	Petroglyph	Prehistoric	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:292	Campsite	Historic European American	No	No	No Further Work Recommended
AZ T:7:293	Petroglyph	Prehistoric Unknown	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:294	Petroglyph	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development

Table 1. Archaeological Sites in the Tierra Del Rio Project Area (Page 2 of 2).

Site No. (ASM)	Description	Temporal/ Cultural Association	NRHP Eligible? (Yunker et al. 2004)	Data Recovery	Preservation/ Impact Status
AZ T:7:295	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:296	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:297	Habitation	Prehistoric Hohokam	Yes	No	Preserved/Avoided Open Space
AZ T:7:298	Petroglyph	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development
AZ T:7:322	Trail System	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development

This document outlines the field and laboratory methods proposed to recover data from the 15 eligible sites that will be impacted by development and presents a general research design and data recovery plan. A preservation plan and petroglyph protection plan will be developed as part of the data recovery plan for those sites that will not be directly impacted by the proposed development.



**Appendix E: Declassification Notice for Happy Valley Parkway**

2003-1333430 09/23/03 14:09  
1 of 3

When recorded return to:  
ADOT - RAW Acctg. - 612E  
205 S. 17th Avenue  
Phoenix, AZ 85007

SEPTEMBER 19, 2003

REARIZE

RES. NO. 2003-09-A-063  
PROJECT: 600-9-702 / 303LMA000H087901R  
HIGHWAY: ESTRELLA CORRIDOR  
SECTION: (115<sup>th</sup> Avenue - Lake Pleasant Road - 99<sup>th</sup> Avenue)  
ROUTE NO.: State Route 303 Loop  
ENG. DIST.: M  
COUNTY: Maricopa

RESOLUTION OF RESCISSION

VICTOR M. MENDEZ, Director, Arizona Department of Transportation, on September 19, 2003, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-7046, recommending the rescission of certain access control rights previously established by the Arizona Transportation Board for a portion of the Estrella Corridor, State Route 303 Loop.

The area of rescission is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona.

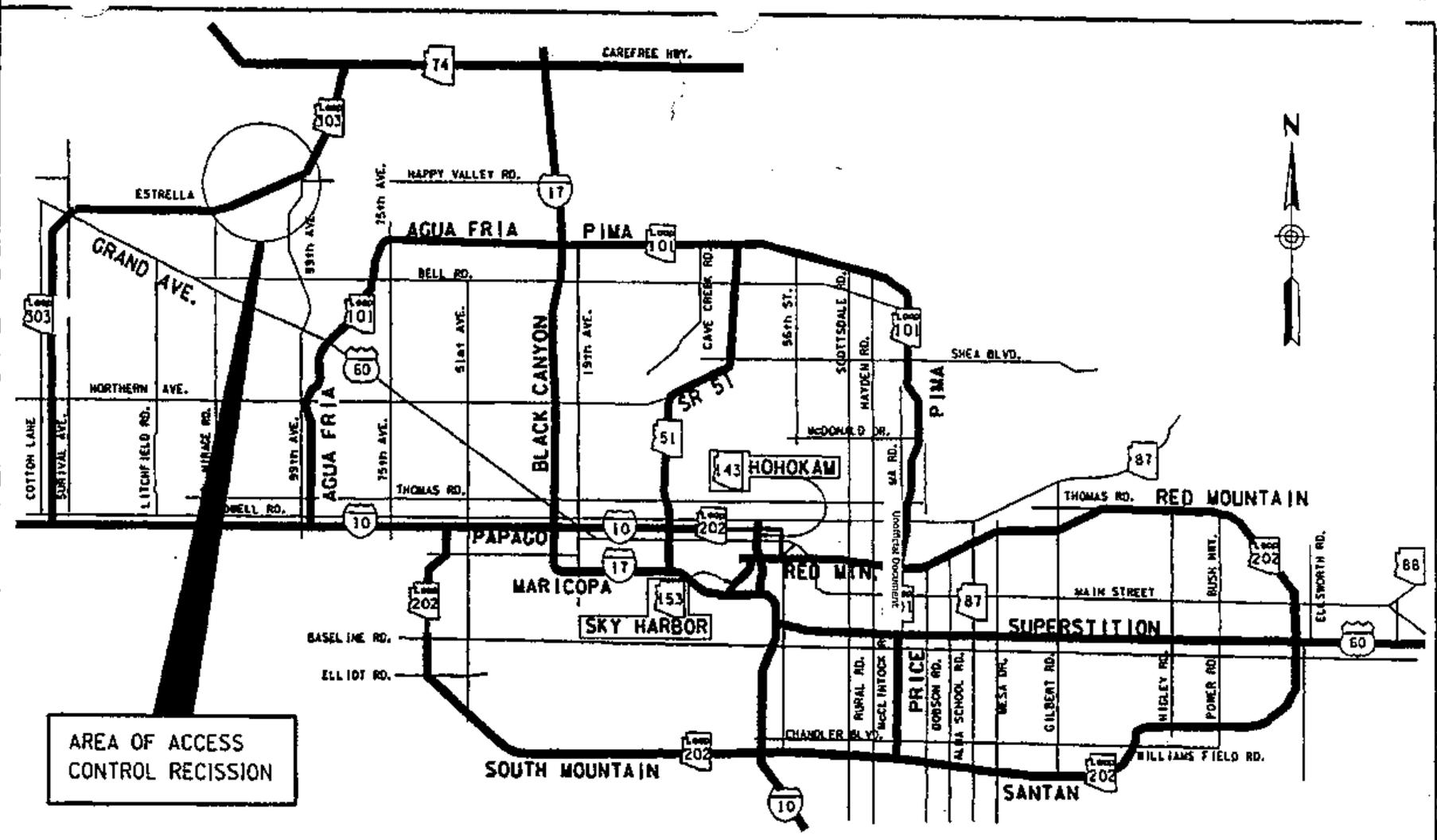
WHEREAS no right of way has been acquired by the Department for any portion of S.R. 303 Loop that is affected by this rescission; and

WHEREAS Maricopa County Department of Transportation has requested access control be rescinded in order to accommodate a current transportation project currently under construction by said County; and

WHEREAS public necessity and convenience require the recommended rescission of certain access control rights; therefore, be it

RESOLVED that the recommendation of the Director is adopted and made a part of this resolution, and that certain access control rights previously established as shown on Appendix "A" are hereby rescinded.

20031333430



AREA OF ACCESS CONTROL RECISSION

THIS PLAT WAS DIGITALLY PRODUCED FROM ARIZONA DEPARTMENT OF TRANSPORTATION GENERAL HIGHWAY MAP

RIGHT OF WAY PLANS SECTION  
REVISED NOVEMBER 15, 2000

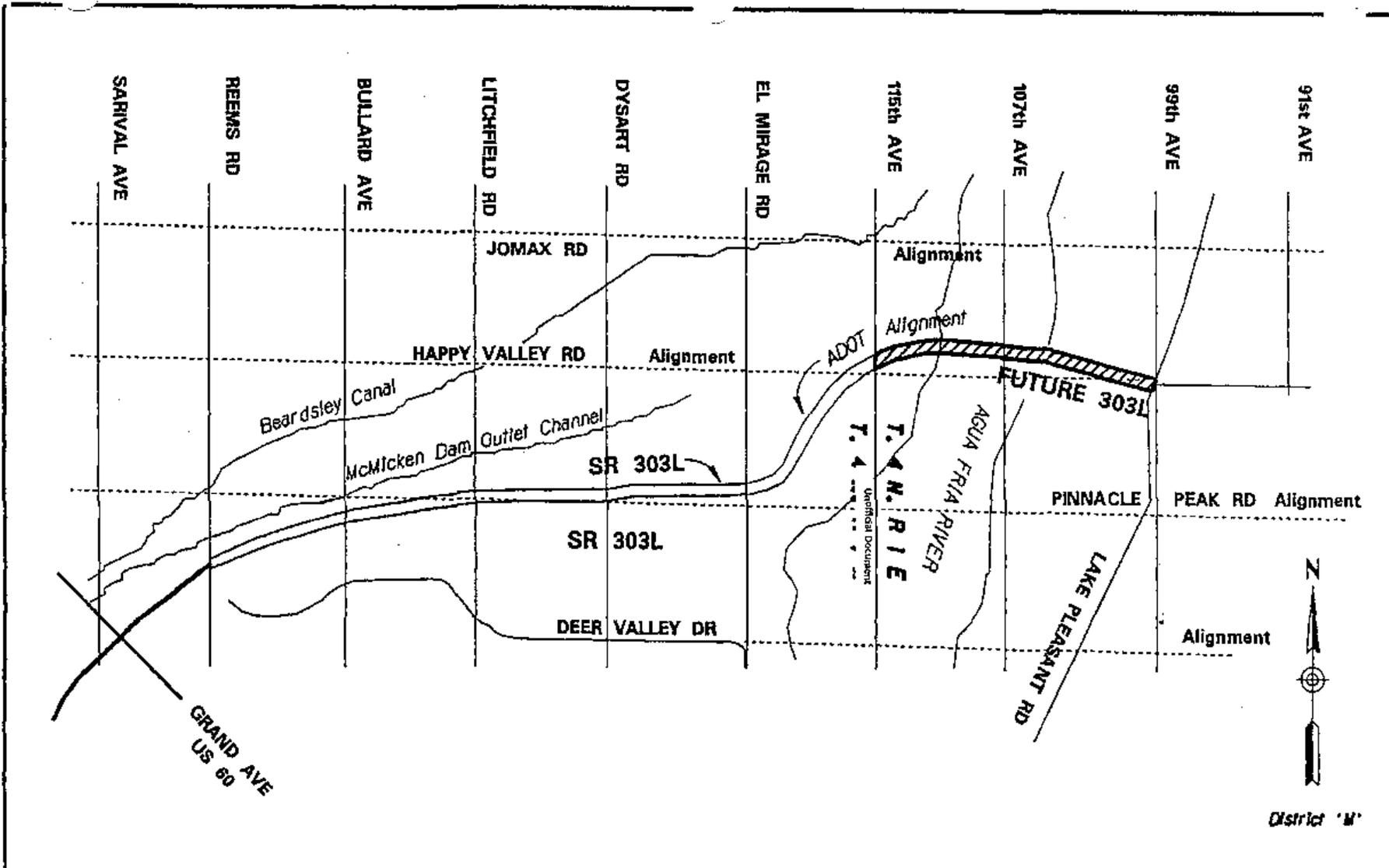
APPENDIX "A"

303L MA 000 H0879 01R / 600-9-702  
ESTRELLA CORRIDOR SR 303L  
(115th Ave - Lake Pleasant Road)  
Maricopa County

DATE: SEPT 19, 2003 SHEET: 1 OF 2

20031333430

20031333430



THIS PLAT WAS DIGITALLY PRODUCED FROM ARIZONA DEPARTMENT OF TRANSPORTATION GENERAL HIGHWAY MAP

RIGHT OF WAY PLANS SECTION  
REVISED JULY 17, 2000

AREA OF ACCESS CONTROL RECISSION

APPENDIX "A"

303L MA 000 H0879 01R / 600-9-702  
ESTRELLA CORRIDOR SR 303L  
(115th Ave - Lake Pleasant Road)  
Maricopa County

DATE: SEPT 19, 2003 SHEET: 2 OF 2

20031333430

SEPTEMBER 19, 2003

RES. NO. 2003-09-A-063  
PROJECT: 600-9-702 / 303LMA000H087901R  
HIGHWAY: ESTRELLA CORRIDOR  
SECTION: (115<sup>th</sup> Avenue - Lake Pleasant Road - 99<sup>th</sup> Avenue)  
ROUTE NO.: State Route 303 Loop  
ENG. DIST.: M  
COUNTY: Maricopa

REPORT AND RECOMMENDATION  
unofficial document

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

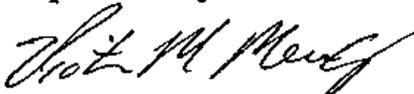
The Intermodal Transportation Division has made a thorough investigation concerning the rescission of certain access control rights previously established by the Arizona Transportation Board for a portion of the Estrella Corridor, State Route 303 Loop.

Right of way has not been acquired by the Department for any portion of S.R. 303 Loop that is affected by this rescission. The Maricopa County Department of Transportation has requested access control be rescinded in order to accommodate a current transportation project currently under construction by said County. Accordingly, I recommend that certain previously established access rights be rescinded.

The area of rescission is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona.

In the interest of public safety, necessity, and convenience, and pursuant to Arizona Revised Statutes Section 28-7046, I recommend the adoption of a resolution making this recommendation effective.

Respectfully submitted,



VICTOR M. MENDEZ, Director  
Arizona Department of Transportation

SEPTEMBER 19, 2003

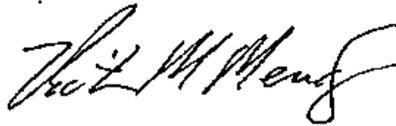
RES. NO. 2003-09-A-063  
PROJECT: 600-9-702 / 303LMA000H087901R  
HIGHWAY: ESTRELLA CORRIDOR  
SECTION: (115<sup>th</sup> Avenue - Lake Pleasant Road - 99<sup>th</sup> Avenue)  
ROUTE NO.: State Route 303 Loop  
ENG. DIST.: M  
COUNTY: Maricopa

Unofficial Document

CERTIFICATION

I, VICTOR M. MENDEZ, Director of the Arizona Department of Transportation, do hereby certify that the foregoing is a true and correct copy from the minutes of the Transportation Board made in official session on September 19, 2003.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on September 19, 2003.



VICTOR M. MENDEZ, Director  
Arizona Department of Transportation

**SCAN**

Unofficial Document

APPROVED

*Ron J. Aschenbach*

Assistant Attorney General  
Attorney for Department  
of Transportation

Date 9/9/03

20031333430



**Appendix F: SSI Sites**

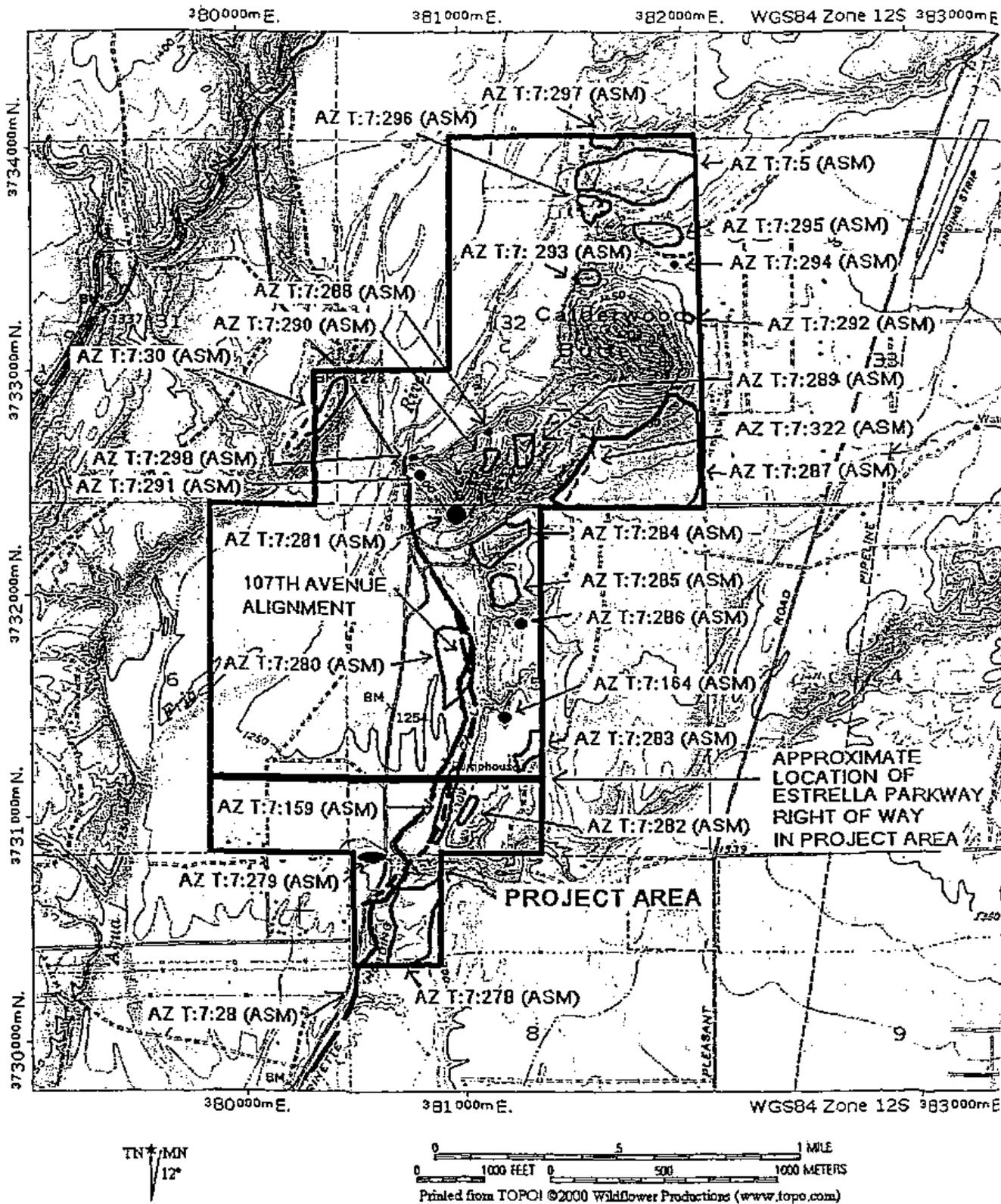


Figure 1. Project area map showing archaeological sites in the Tierra Del Rio project area and modern rights-of-way.

Table 1. Archaeological Sites in the Tierra Del Rio Project Area (Page 1 of 2).

Site No. (ASM)	Description	Temporal/ Cultural Association	NRHP Eligible? (Yunker et al. 2004)	Data Recovery	Preservation/ Impact Status
AZ T:7:5	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:28	Marinette Canal	Historic European American	Yes	No	Extensively Documented Ferg (1977), Rodgers (1987), Landis (1988), Adams (1997), Shepard (1997), Cox et al. (2002), URS (in prep.)
AZ T:7:30	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:159	Resource Procurement	Prehistoric Hohokam	No	No	Excavated by URS/MCDOT (Doyel and Cox 2003)
AZ T:7:164	Resource Procurement	Prehistoric Hohokam	No	No	No Further Work Recommended
AZ T:7:278	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:279	Resource Procurement	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:280	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:281	Habitation/ Agricultural	Prehistoric Hohokam	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:282	Resource Procurement	Prehistoric Hohokam	No	No	No Further Work Recommended
AZ T:7:283	Agricultural	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development
AZ T:7:284	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:285	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:286	Habitation/ Agricultural	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:287	Agricultural	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development
AZ T:7:288	Petroglyph	Prehistoric Unknown	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:289	Habitation/ Agricultural	Prehistoric Hohokam	Yes	No	Preserved/Avoided Above 15% Slope Line
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AZ T:7:291	Petroglyph	Prehistoric	Yes	No	Preserved/Avoided Above 15% Slope Line
AZ T:7:292	Campsite	Historic European American	No	No	No Further Work Recommended
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AZ T:7:294	Petroglyph	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development

Table 1. Archaeological Sites in the Tierra Del Rio Project Area (Page 2 of 2).					
Site No. (ASM)	Description	Temporal/ Cultural Association	NRHP Eligible? (Yunker et al. 2004)	Data Recovery	Preservation/ Impact Status
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AZ T:7:296	Habitation	Prehistoric Hohokam	Yes	Yes	Impacted by Proposed Development
AZ T:7:297	Habitation	Prehistoric Hohokam	Yes	No	Preserved/Avoided Open Space
AZ T:7:298	Petroglyph	Prehistoric Unknown	Yes	Yes	Impacted by Proposed Development
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This document outlines the field and laboratory methods proposed to recover data from the 15 eligible sites that will be impacted by development and presents a general research design and data recovery plan. A preservation plan and petroglyph protection plan will be developed as part of the data recovery plan for those sites that will not be directly impacted by the proposed development.

G

**Appendix G: Enhanced Guidelines**

NON RESIDENTIAL

NON RESIDENTIAL

**CITY COUNCIL**

John Keegan, Mayor

Ella Makula

Vicki Hunt

Ken Forgia

Bob Barrett

Pat Dennis

Carlo Leone

**CITY MANAGER**

Terrence L. Ellis

**DEPUTY CITY MANAGER**

Meredith Flinn

Prisila Ferreira



**PLANNING DIVISION**

Debra Stark, Community Development Director

Chad Daines, Planning Manager

Chris Jacques, Senior Planner

Phil Gardner, Senior Planner

Tim Loughrin, Planner

Adam Pruett, Planner

Karen Flores, Planner

Louisa Garbo, Planner

Tim Bolton, Associate Planner

Lou Brannick, Planning Technician

Stella Sheaves, Division Secretary

## TABLE OF CONTENTS

<b>Acknowledgments</b> .....	1
<b>Procedures</b>	
Staff Review / Approval .....	2
Review Process .....	3
Appeal Process.....	3
Establishing the Design Review Appeals Board.....	3
Amendments to the Design Review Manual .....	4
<b>Application</b>	
Introduction.....	5
Applicability for Non-Residential Development .....	5
Exemptions.....	5
<b>NON-RESIDENTIAL DESIGN</b>	
<b>Architectural Concepts</b>	
Fenestration / Wall Penetration .....	6
Façade Articulation.....	6
Building Orientation.....	6
Roof Planes .....	7
Building Mass.....	7
<b>Site Design and Pedestrian Areas</b>	
Pedestrian Amenities .....	9
Circulation .....	9
<b>Colors, Materials, and Design Standards</b>	
Overall Design Standards.....	11
Specific Color / Material Limitations .....	12
Shopping Centers, Office Complexes, and Other Commercial Centers Exceeding 50,000 Square Feet or 5 Acres.....	13
Gasoline Convenience Markets .....	14
Drive-Through and Drive-Up Facilities.....	14
<b>Thematic Elements</b>	
Walls.....	16
Entry Features .....	16
Signs and Lighting.....	16

## **ACKNOWLEDGMENTS**

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The City of Peoria would like to thank the various people and organizations and acknowledge their input for taking the time to help in the creating of this manual. Also listed are several cities whose various development review documents helped in providing the framework for the preparation of this document.

**CMX L.L.C., Ron Hilgart, P.E.**

**Carter-Burgess, Steven R. Bowser, P.E.**

**Robert Kubicek Architects and Associates Inc., Robert W. Kubicek, AIA**

**Robert Kubicek Architects and Associates, Harvey Unti, AIA**

**Coe & Van Loo Consultants Inc., Curt E. Johnson**

**The Orcutt / Winslow Partnership, Herman L. Orcutt, AIA**

**The Orcutt / Winslow Partnership, Thomas Pistorius**

**Arck Corporate Services, Rose Arck**

**Valley Partnership, Maeve Johnson**

**City of Scottsdale, Arizona**

**City of Chandler, Arizona**

**City of Mesa, Arizona**

**City of Gilbert, Arizona**

**City of Phoenix, Arizona**

**City of Surprise, Arizona**

**City of Tempe, Arizona**

**City of Colleyville, Texas**

**City of Lynnwood, Washington**

**American Planning Association**

**Arizona Planning Association**

**Maricopa Association of Governments**

**City of Peoria, Arizona - Current Planning Staff**

**Section  
20-70-2**

- Staff Review / Approval
- Time Limit on Approval
- Significance of Approval
- Non-Compliance

**PROCEDURES**

---

**A. Staff Review/Approval**

1. Approval

All applications for development shall be subject to all applicable design review requirements. All applications for design review may be approved, approved with modifications, conditionally approved, or denied by the Planning Manager. During construction and upon completion of construction, design review inspections and site inspections will be required as part of the Certificate of Occupancy.

2. Time Limit on Approval

All Design Review approvals shall run with site plan approvals. All site plan approvals shall be void after eighteen (18) months, unless a building permit has been issued. If eighteen (18) months has elapsed the applicant shall be required to re-submit for site plan and design review approval. Upon written request and with sufficient evidence, a one (1) year extension may be granted by staff. **The approval date of Design Review requirements shall be the date on which a Site Plan has been approved by staff or a Final Plat has been approved by the City Council.**

3. Significance of Approval

Approval of a design review application shall constitute planning approval of design review requirements only. Engineering issues and/or engineering requirements shall be reviewed and approved by the City Engineer. Should any standard or requirement of this Design Review Manual be in conflict with engineering requirements, engineering requirements shall take precedence.

4. Non-compliance

Failure to comply with design review requirements or an approved design review application shall constitute a violation of this Manual. Any violation of this Manual shall be handled in accordance with the City code provisions. All requests for amendment shall be approved or denied by staff.

**Section  
20-70-2**

- Review Process
- Appeal Process
- Design Review Appeals Board

**PROCEDURES**

---

**B. Review Process**

Rezoning requests may run concurrently with Design Review. The review and approval of all requests for compliance with design review requirements shall proceed through the following process:

1. Pre-application conference with the City (required)
2. Application for development (Design Review runs concurrently with all development applications, i.e. site plan, subdivision plat and building plan applications)
3. Staff review (Design Review runs concurrently with all planning review processes i.e. site plan, subdivision plat and building plan review processes)
4. Planning Manager approves or denies application in a formal internal meeting.
5. Approval/Denial of all other pertinent requirements, (i.e., Site Plan, Conditional Use, Subdivision Plat, Building Plan, etc...)
6. Planning Review/Design Review process complete

**C. Appeal Process**

The appeals process shall be governed by the following provisions: (Any approved modification or appeal approval shall run and expire with the site plan). **\*Engineering design appeals shall be referred to the City Engineer.**

1. Any recommendation made by staff on any design review item may be appealed to the Design Review Appeals Board by the applicant. The appeal shall be filed in writing with the City within ten (10) calendar days of the final recommendation by staff. Upon such request, the Design Review Appeals Board shall meet and render a decision on such written request within thirty (30) calendar days of the date of submission of the appeal.

**D. Establishing the Design Review Appeals Board**

1. Board Structure
  - a. The Design Review Appeals Board shall consist of a total of five (5) members appointed by the City Council.
  - b. Appointments to the Board and Board administrative procedures shall be as set forth in the City of Peoria City Code.
  - c. All meetings shall be noticed as required and set forth in the City of Peoria City Code.

**Section  
20-70-2**

- Review Process
- Appeal Process
- Design Review Appeals Board

**PROCEDURES**

---

2. Membership & Qualifications:

- a. One (1) member shall be a licensed Architect
- b. One (1) member shall be a licensed Landscape Architect
- c. One (1) member shall be a Professional Engineer
- d. One (1) member shall have background or experience in planning/urban design
- e. One (1) alternate member with at least one of the four (4) qualifications above
- f. One (1) member shall be selected from the community at large
- g. All Design Review Appeals Board members shall reside or have professional office in the City of Peoria.

**E. Amendments to the Design Review Manual**

All amendments to the Design Review Manual will be drafted by staff and presented to the Design Standards Advisory Board as established in Chapter 2, Section 2-152 and 2-153 of the Peoria City Code. The Board will then recommend to the City Council approval, approval with changes or denial of the proposed amendment.

**Section  
20-70-3**

- Introduction
- Applicability
- Exemptions

**APPLICATION**

---

**A. Introduction**

As development occurs it is important to maintain and preserve the natural environment, while encouraging the successful incorporation of the built environment. Therefore, it is the goal of these requirements to promote responsible and creative development in the City of Peoria.

**B. Applicability for Non-Residential Development**

The Non-Residential Design Review Requirements shall apply to the following non-residential development in all zoning districts:

1. All proposed non-residential development for new construction, excluding interior Tenant Improvements.
2. Alterations to the exterior facade of an existing building and/or suite/storefront including color or material changes or the use of exposed neon lighting. Cabinet or pan channel sign changes shall not constitute alterations under this section.
3. All such development meeting at least one the above criteria shall be subject to review and approval by the City for conformance with all applicable design requirements.
4. Interior alterations that combine one or more suite/storefront shall not be considered new construction or a new construction addition.

**C. Exemptions**

The following uses shall be held exempt from Design Review. Walls, color and screening landscape will be evaluated.

- Monopoles or other communications utility facilities.
- Utilities substations.
- Accessory fabric canopy structures (i.e. car wash type).
- Mini-storage facilities, excluding office and any visible elevations.

**Section  
20-70-4**

**• Architectural  
Concepts**

**NON-RESIDENTIAL DESIGN**

**1. ARCHITECTURAL CONCEPTS** – The intent of this section is to reduce the negative visual impacts of box-like buildings through architectural variation and building placement.

**A. Fenestration / Wall Penetration**

1. Windows should include visually prominent framing and accent elements.
2. Twenty-five percent (25%) of the primary entry façade shall be windows. Commercial developments in excess of 70,000 square feet shall provide fifteen percent (15%) of the primary entry façade in windows. Industrial developments shall provide ten percent (10%) of the entry façade in windows. Faux windows shall be permitted in all non-residential developments.

**B. Façade Articulation**

1. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No un-interrupted length of any facade shall exceed 100 horizontal feet. Architecturally integrated awnings and canopies may be counted toward façade articulation.
2. Building facades must include a repeating pattern that shall include the elements listed below. At least one of these elements shall repeat horizontally at appropriate intervals. Buildings with facades greater than 60 feet in length shall include both of the elements listed below with all elements repeating at intervals of no more than thirty (30) feet, either horizontally or vertically. Alternative lengths and intervals may be considered for approval.
  - a) Color change. Recognizable, not necessarily striking or strongly contrasting
  - b) Texture change
3. Monotonous building elevations shall be avoided through the use of facade articulation, building angles, eaves, parapets, window and door placement, and landscaping located at the foot of the building.
4. Alternative designs will be reviewed for consistency with the intent of this section.

**C. Building Orientation**

1. Loading and service bays shall be adequately screened.

**Section  
20-70-4**

**• Architectural  
Concepts**

**NON-RESIDENTIAL DESIGN**

---

2. Building design should encourage the efficient use of energy through building orientation and window and door placement or other means such as shade structures or canopies.
3. Site and landscape design shall not impede surveillance abilities.
4. Building design and location should consider the desert climate, view corridors and the orientation of buildings to street.
5. Mechanical equipment shall be screened from public view.

**D. Roof Planes**

1. Parapets concealing flat roofs. Such parapets shall feature three dimensional cornice treatment. The average height of such parapets shall not exceed four (4) feet in height. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.
2. Rooflines shall be varied in height, form, and materials. Parapet rooflines shall be varied by stepping up and down or incorporating pitched roof elements.
3. Rooflines shall incorporate treatments such as extended eaves and parapet walls with cornice treatments.
4. All box buildings should incorporate sloped-roof elements where appropriate.

**E. Building Mass**

1. Building mass shall be broken by dividing into smaller components and creating functional public space and pedestrian oriented areas between buildings.
2. Perceived building mass shall be reduced by dividing the building mass into small scale components by providing a well-defined base, middle and top to the building.
  - A solid building base may be achieved by elements such as low planters and walls, base planting, a base architectural veneer banding (wainscot) and treatments defined by a different material, texture or color.
  - A distinct building middle may be achieved by the addition of covered walkways, trellises or architectural awnings that provide deep shadow.
  - Using features such as distinct and multiple architectural roof forms, clearly pronounced eaves, and distinct parapet designs and cornice treatments

**Section  
20-70-4**

**• Architectural  
Concepts**

**NON-RESIDENTIAL DESIGN**

may achieve a well-defined building top.

3. Perceived building bulk shall be reduced by dividing the building into smaller masses, or as follows:
  - Variations in roof form and parapet heights
  - Incorporating clearly pronounced recesses and projections
  - Introduction of wall plane off-sets (dimension established by building module)
  - Use of other reveals and projections and subtle changes in texture and color of wall surfaces
  - Use of deep set windows with mullions
  - Use of ground level arcades and second floor galleries / balconies
  - Use of protected and recessed entries
  - Use of vertical focal points.

Successful Reduction of Building Mass



**Section  
20-70-5**

**• Site Design and  
Pedestrian Areas**

**NON-RESIDENTIAL DESIGN**

**2. SITE DESIGN AND PEDESTRIAN AREAS** – The intent of this section is to provide comfortable pedestrian amenities while adding to the appearance, safety and functionality of the overall site.

**A. Pedestrian Amenities**

1. Site design shall incorporate elements that enhance the pedestrian environment, such as features that reflect human scale, the use of covered walkways for the shelter and shade of the pedestrian, and richness of materials at the pedestrian level.
2. Customer entrances shall provide weather protection features such as awnings or arcades.
3. All on-site walkways shall provide no less than four feet of clear pedestrian access.
4. Walkways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light features, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.
5. All pedestrian refuge areas shall provide pedestrian scale lighting and concentrated landscaping where appropriate.
6. Regular and frequent placement of bench seating areas should be located along pedestrian routes where appropriate.

**B. Circulation**

1. All non-residential developments shall provide at least one contiguous pedestrian walkway from the right-of-way to the building entrance or sidewalk adjacent to the building. This walkway shall be separated from all vehicular movements except where drive aisle crossings are necessary.
2. All walkways and/or paths that traverse vehicle drive aisles shall be distinguished with various hardscape materials such as specialty pavers or stamped colored concrete.
3. Developments should limit sprawling complexes and maximize building densities to encourage increased pedestrian activities.
4. The use of landscaped pedestrian walkways, separated from vehicular movements in parking areas, should be maximized.
5. Interior public spaces should connect to pedestrian walkways.
6. When appropriate, walkways should provide shaded pedestrian refuge areas, which may consist of trees, benches, tables, shade structures or other appropriate

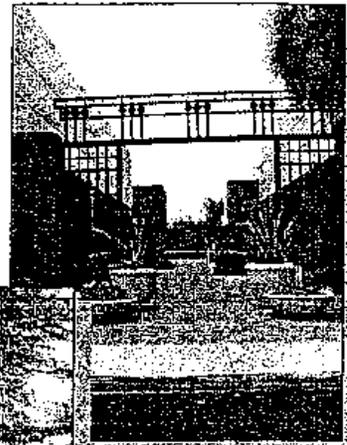
**Section  
20-70-5**

**• Site Design and  
Pedestrian Areas**

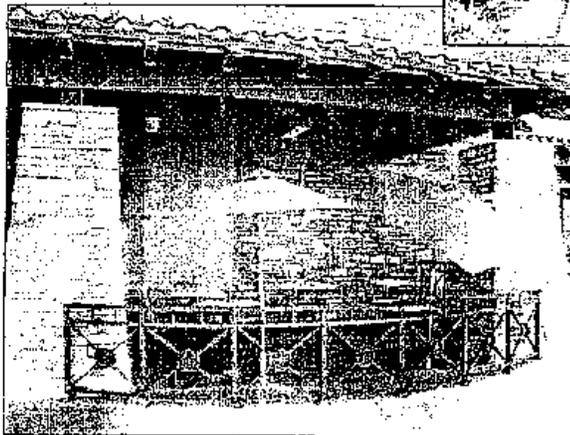
**NON-RESIDENTIAL DESIGN**

elements. Such areas shall be functional and integrated into the site.

7. When appropriate, allow access from adjacent residential areas by incorporating fence and landscape penetrations into the pedestrian circulation element.
8. Bicycle/Pedestrian paths and trails shall connect to existing/proposed paths, trails and existing and future commercial developments.



Examples of pedestrian oriented commercial development.



**Section  
20-70-6**

**• Colors, Materials,  
and Design  
Standards**

**NON-RESIDENTIAL DESIGN**

**3. COLORS, MATERIALS, AND DESIGN STANDARDS** – The intent of this section is to promote attractive architecture and design diversity in all non-residential developments.

**A. Overall Design Standards**

1. All development shall incorporate site lighting for security purposes (i.e. bollards). All lighting shall be properly shielded from adjacent residential properties.
2. Noise generating equipment and trash enclosures / compactors, shall be directed away from public spaces, pedestrian areas and residential uses.
3. Building architecture shall promote consistent architectural character and detail on all sides of structure, including the use of building materials and not merely limited to color changes only.
4. Buildings that are stylized in an attempt to identify a particular user or product sold shall be prohibited.
5. New development proposals shall coordinate and complement the architectural elements and other contextual influences of surrounding buildings. The new project shall substantially conform with the predominate architectural theme of the surrounding area in terms of style, materials, texture, color and scale.
6. The architectural design of buildings within a commercial center, including freestanding pad buildings shall conform to the architectural theme of the center in terms of style, materials, texture, color and scale. Buildings that derive their architectural style primarily from applied treatments that express corporate identity are discouraged.
7. When a freestanding pad building is proposed within a larger vacant commercial parcel, a conceptual architectural design theme for the future commercial center shall be established and shall be binding on the future commercial development.
8. The use of decorative pilasters, moldings, cornices, wainscots, and other similar facade treatments shall be required to enhance the building appearance.
9. The site design of free-standing pads, including but not limited to, parking, pedestrian and traffic circulation, driveways, fences, walls, theme elements, and lighting shall substantially conform to the existing center design.
10. Roof access ladders shall not be visible on any building elevation. Roof drainage shall utilize interior roof drains or be architecturally integrated into the building design.

**Section  
20-70-6**

**• Colors, Materials,  
and Design  
Standards**

**NON-RESIDENTIAL DESIGN**

Architecturally integrated roof drains shall require additional articulation beyond painted accents.

**B. Specific Color / Material Limitations**

1. The use of reflective surfaces shall be restricted to minor accent materials for architectural detail. Reflective windows with a reflective value of 75% or less shall be exempted from this provision.
2. Dark colors, non-earth tone hues, or vibrant primary and/or highly contrasting colors shall be restricted to accent colors only.
3. With the exception of signage, the use of corporate colors unrelated to the architecture of the building shall be prohibited. Color selection shall be coordinated with the predominate use of colors on adjacent buildings in the area.
4. Predominant exterior building materials shall be high quality materials. These include, but are not limited to:
  - Brick
  - Decorative CMU / Block
  - Natural stone
  - Colored, textured tilt-up concrete panels
  - Stucco
  - Metal roofs
  - Concrete and clay tile roofs
5. Predominant exterior building materials shall not include the following:
  - a. Un-textured tilt-up concrete panels.
  - b. Asphalt shingle roofs.
6. Pre-fabricated metal buildings shall be permitted as a principal building within the I-1 and I-2 Industrial Zoning Districts only. These buildings are to incorporate non-metal accents to add sufficient visual interest and to break up otherwise monotonous building elevations. Said accent materials may include stone, tile, CMU or other material as approved by the reviewing Planner. All pre-fabricated metal buildings shall be sufficiently screened from public view by 36" box trees. Metal buildings shall be allowed in the BPI and PI-1 Zoning Districts as accessory buildings and shall substantially match the principal building. All buildings shall be properly integrated with surrounding development. Integration shall include, but not be limited to, color palette, landscaping, and overall character. All other Design Review Criteria shall be applied.
7. Pre-fabricated metal buildings shall not be permitted in

**Section  
20-70-6**

**• Colors, Materials,  
and Design  
Standards**

**NON-RESIDENTIAL DESIGN**

industrial districts where the proposal would be adjacent to single-family or multi-family residential land uses.

**C. SHOPPING CENTERS, OFFICE COMPLEXES AND OTHER COMMERCIAL CENTERS EXCEEDING 50,000 SQUARE FEET (G.F.A.) OR 5 ACRES (NET) OVERALL:**

A minimum of four (4) of the following items shall be achieved in addition to the other required Design Review elements:

1. Provide at least two (2) unique freestanding architectural site features that reflect the building architecture in addition to the required special features, such as entry arches, fountains, formal entry aisles, obelisks, trellises, integrated artwork, clock towers, rail fencing, and other similar features.
2. Provide angled building orientation to achieve varied alignment of building fronts and site design features, that in turn create functional outdoor spaces, and / or enhanced intersection feature.
3. Provide tree-lined "Boulevard" at median break(s), with detached sidewalks and landscaping that lead directly into a pedestrian plaza or other amenity.
4. Install artwork in open public locations. Artwork must be consistent with the overall theme of the center / facility.
5. Stagger parking setback by at least five (5) feet or vary orientation of parking lot along arterial streetscape, while maintaining the minimum required setback from the right-of-way.
6. Incorporate unique planter and seating features in pedestrian areas through out site, including areas along the front of the buildings.
7. Develop an overall character theme that incorporates unique amenities (i.e. signage, light fixtures, screen walls / seat walls, etc.)
8. Develop unique landscape features in a pedestrian setting internal to the site development, in addition to the required special features.
9. Any other design amenity, which is otherwise not required but which meets the general intent for design innovation, may be substituted for any of the above additional quality standards.

**Section  
20-70-6**

**• Colors, Materials,  
and Design  
Standards**

**NON-RESIDENTIAL DESIGN**

**D. GASOLINE CONVENIENCE MARKETS:** All of the following items shall be achieved in addition to the other required Design Review elements:

1. Design of gas canopies shall be integrated with adjacent building architecture through the use of similar materials, colors and roof forms.
2. Multiple canopies that express differing architectural masses are encouraged.
3. Light fixtures mounted under canopies shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. The fascias of the canopy shall extend below the lens of the light fixtures 12 inches. Unless overlapping a portion of the principal building, gasoline canopies shall not exceed the height of the principal building.
4. Lighted bands, tubes, or corporate color shall be limited to accent elements and not be primary design features.
5. Lights shall not be mounted on the top or fascias of the canopy, and the fascias shall not be illuminated.
6. All gas tank vent piping shall be screened from arterial streets and public view.

**E. DRIVE-THROUGH OR DRIVE-UP FACILITIES:** All of the following items shall be achieved in addition to the other required Design Review elements:

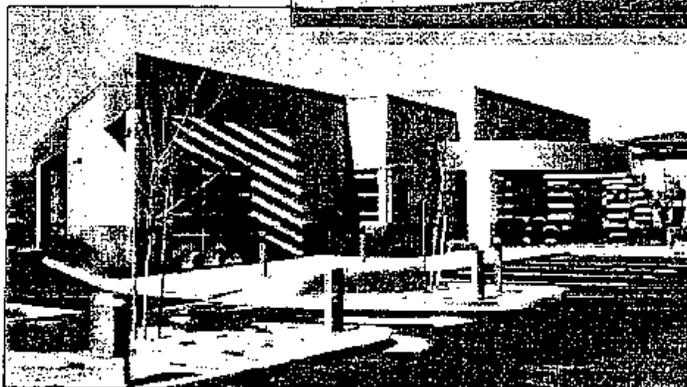
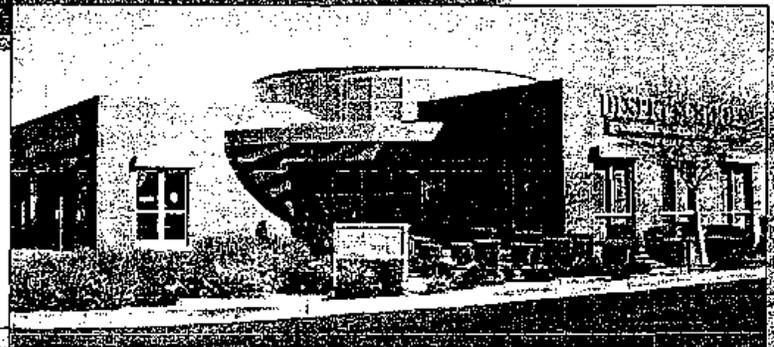
1. Drive-through menu boards shall be screened from street view, and architecturally integrated with building design through the use of common materials and colors.
2. All drive-through facilities, including drive-up lanes and queuing areas shall be adequately screened from street view by building orientation, landscaped berm or a screen wall measuring three (3) feet from grade of the driving lane, and situated so not to disrupt safe traffic flow.
3. Drive-through lane entry and exit shall be separated from vehicular parking areas, through curbing, landscaping, etc.
4. Drive-through windows shall be architecturally integrated into the building.

**Section  
20-70-6**

- Colors, Materials, and Design Standards

**NON-RESIDENTIAL DESIGN**

Examples of appropriate building orientation, color usage, and material selection.



Examples of appropriate roof planes, façade articulation, and color / material integration.

**Section  
20-70-7**

**• Thematic  
Elements**

**NON-RESIDENTIAL DESIGN**

**4. THEMATIC ELEMENTS** – The intent of this section is to aid in defining a unique identity for non-residential developments.

**A. Walls**

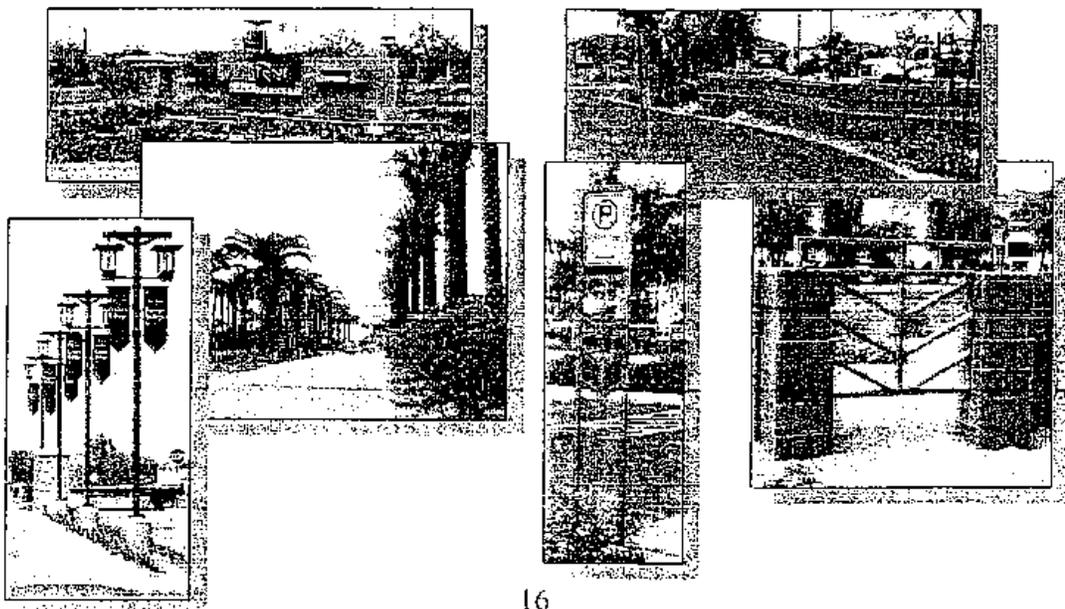
1. Screening walls should be compatible with buildings and should be softened with landscaping treatments.
2. Screening walls shall undulate a minimum of three (3) feet for every one-hundred (100) linear feet.
3. Common design elements found throughout a commercial center shall be incorporated into the perimeter screen walls.

**B. Entry Features**

1. Driveways should be appropriately emphasized with landscaping and entry features to provide focus and identification.
2. Paving changes shall be required at all ingress / egress points.

**C. Signs and Lighting**

1. Monument signage structures for any planned commercial complex shall incorporate thematic architectural elements from the center architecture into their design. All signage within commercial centers greater than 50,000 square feet shall be consistent with the center buildings in terms of materials, lighting and texture. *Approval of such signs shall include an agreement (note on approved plans) for the property owner to replace damaged signs or lighting standards based on original design.*



RESIDENTIAL

## **DETACHED SINGLE-FAMILY RESIDENTIAL DESIGN**

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### **A. Introduction**

The Phoenix metropolitan area has a positive reputation as a very livable community. Promoting this image has never been difficult with over 300 days of sunshine a year, a strong job market and affordable housing and considering the strength of our other intangible assets, such as, the many good-natured and helpful people already in the valley, this image is likely to continue indefinitely. As a result, the Phoenix metropolitan area consistently ranks as 1 of the top 10 most desired places to live in the United States and remains one of the fastest growing regions in the country.

As the detached single-family residential market continues to grow it is important to maintain and preserve the natural environment and encourage the successful incorporation of the built environment while at the same time promoting diversity in architecture, subdivision layout and lot layout, as well as, increasing the number of active and passive recreational opportunities for our growing number of residents.

### **B. Applicability for Residential Development**

The Detached Single-Family Residential Design Review Guidelines are intended to apply to all new detached single-family residential development in excess of 20 lots. This includes all principal and accessory structures/buildings in all zoning districts. All such development shall be subject to review and approval by the City for conformance with all applicable design requirements. Areas designated as Rural may be subject to additional Rural Standard requirements as set forth by the City Engineer.

For the purpose of determining compliance, the City of Peoria will monitor the buildout of each subdivision approved through the design review process for conformance to the approved design review application. The City of Peoria may withhold the release of building permits within a subdivision if, in the opinion of the City, the buildings within the subdivision do not conform to the standards set forth in the approved design review application.

Variations from the Detached Single-Family Residential Design Review Requirements and Considerations may be proposed through the Planned Area Development zoning process.

## **RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES**

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### **Qualitative Guidelines Description**

Qualitative Guidelines are guidelines that are widely regarded and understood as good sound development practices. These characteristics can be applied on a case by case basis. Qualitative Requirements are separated into three (3) categories:

- Architectural Design
- Plat/Lot Design
- Landscape/Perimeter Wall Design

Each category is divided into two subcategories, Requirements and Considerations. All Requirements must be met. Considerations are provided to help improve a project. In order to receive design review approval, each development shall demonstrate, in short abbreviated text, how design Requirements and Considerations in these three (3) categories have been addressed. ***No minimum score is required for Qualitative Guidelines.***

## **RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES**

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### **A. Architectural Design**

#### **1. REQUIREMENTS:**

- a. Development within any plan boundary shall conform to said plan.
- b. Exposed metal chimney flues which are not architecturally integrated shall be prohibited.
- c. Second story balconies shall be a minimum of fifteen (15) feet from any property line.
- d. Second story windows shall be a minimum of five (5) feet from any property line.
- e. The use of reflective surfaces, except windows, shall be prohibited.
- f. Roof mounted equipment, except solar panels and related equipment, shall be prohibited.
- g. All utilities and ground mounted mechanical equipment shall be fully screened from view and shall meet the setbacks as required in the Zoning Ordinance.
- h. Accessory structures 8 feet or more in height and/or 300 square feet or more in area shall substantially conform to the principal building in terms of color, exterior building materials and architectural style.
- i. Additions to principal buildings shall utilize like colors, materials and architectural style as the principal structure and shall conform to existing roof lines.
- j. All developments shall provide multiple elevations with distinctive differences for each standard floor plan within the subdivision.
- k. All developments shall provide multiple roof colors, roof styles and roof material types within the subdivision.
- l. All developments shall provide multiple exterior accent materials including, but not limited to, brick, stone and masonry.
- m. Multiple and varying roof elevations and roof lines shall be provided on all elevations adjacent to a collector or higher street classification.

### **Exceptions**

*Recreational Vehicle Canopies, provided that:*

1. Lot size shall be 18,000 square feet or larger.
2. Structure shall meet all required setbacks.
3. Limit of one (1) RV canopy onsite

4. Structure shall be constructed using 6" x 6" steel or aluminum vertical posts, painted to match the dominant color of the principal structure. Wood structures shall not be permitted.
5. Structure shall not exceed 13' in overall height and no greater than 450 square feet in area.
6. Top of structure shall be lattice, mesh or other semi-transparent material. No pitched or solid roofs shall be permitted.
7. No sidewalls, temporary or permanent, shall be permitted on the structure.

*Gazebos, ramadas, or other like structures, provided that:*

1. Structure shall not be for storage purposes.
2. Roof is constructed of lattice material or shall match roof material on principal building.
3. Structure shall be open on all sides. No walls shall be permitted.

*Play structures, barbecues, chimneys (not attached to principal building), sport courts and other like structures are exempt from Design Review.*

## RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
- a. For the purpose of promoting architectural diversity, the requirements set forth in Table 12.1 should be followed.

**Table 12.1**

<b>Proposed Number of Detached Single-Family Units</b>				
	20 - 49	50 - 99	100 - 199	200 or More
Number of roof colors required	Minimum of 2 different roof colors. One color may be utilized in not more than 60% of all units.	Minimum of 3 different roof colors. One color may be utilized in not more than 40% of all units.	Minimum of 4 different roof colors. One color may be utilized in not more than 30% of all units.	Minimum of 5 different roof colors. One color may be utilized in not more than 25% of all units.
Number of roof material types required	Minimum of 2 different roof material types. One type may be utilized in not more than 60% of all units.	Minimum of 2 different roof material types. One type may be utilized in not more than 60% of all units.	Minimum of 2 different roof material types. One type may be utilized in not more than 60% of all units.	Minimum of 3 different roof material types. One type may be utilized in not more than 40% of all units.
Number of different elevation types required	Minimum of 2 different architectural elevations. One elevation may be utilized in not more than 60% of all units.	Minimum of 3 different architectural elevations. One elevation may be utilized in not more than 40% of all units.	Minimum of 4 different architectural elevations. One elevation may be utilized in not more than 30% of all units.	Minimum of 5 different architectural elevations. One elevation may be utilized in not more than 25% of all units.

- b. All developments should incorporate a minimum of two (2) different roof styles. Roof styles should include, but not be limited to, pitched, hip, flat, gambrel, mansard, or other style roof.
- c. All developments should incorporate a minimum of two (2) different roof material types. All asphaltic shingles shall be considered one material type. Clay and concrete tiles shall be considered one material type, however, alternating tile types, e.g. flat tile and mission tile, shall be considered different roof material types.
- d. Principal building design should incorporate porches, patios, balconies, decks, seating areas or other amenities that may promote interaction with neighbors.
- e. Building design and location should consider the desert climate, view corridors and the orientation of buildings to street.

## RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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- f. The use of decorative pilasters, moldings, cornices and other facade treatments should be utilized to enhance the building appearance.
- g. Monotonous building elevations should be avoided through the use of facade articulation, building angles, eaves, parapets, window and door placement, and landscaping.
- h. Consideration should be given to window placement and window off-sets for the purpose of maximizing privacy on adjoining lots.
- i. For the purpose of increasing open space on each lot, garage locations should be grouped adjacent to common property lines and joint driveways should be utilized to the maximum extent possible.
- j. When joint driveways are not utilized, should consider alternative garage type such as, single-bay tandem garage or side entry garage and alternative location, such as, within the side or rear yard, attached or detached.
- k. Architectural embellishments should include, recessed windows or window projections, articulated facades and decorative moldings or pilasters for the purpose of creating shadow lines.
- l. Roof lines should vary from homes on adjacent lots and directly across the street.

## RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

### B. Plat/Lot Design

#### 1. REQUIREMENTS:

- a. All local residential streets in excess of 900 feet in length shall be curvilinear in design with a minimum radius of 150 feet and a minimum curve length equal to one-half of the radius.
- b. All collectors and lower classified streets in excess of 900 feet shall be designed for the purpose of reducing high-speed and/or cut-through traffic. Such measures shall include a curvilinear design combined with traffic circles, landscape planters or other similar Traffic Calming measures as approved by the City Engineer.
- c. Principal building placement on every other lot shall be staggered or off-set a minimum of five (5) feet so that not more than two (2) consecutive homes on the same side of a street shall have their principal structures placed on the same building line.
- d. To help implement this provision, upon the first building permit application, the developer shall provide a Setback Exhibit and the City shall approve or deny the exhibit.
- e. To help accommodate a staggered building placement on lots less than eleven thousand (11,000) square feet in area, the City may allow required front and rear yard setbacks to be reduced by not more than ten (10%) percent. The developer shall clearly delineate on a Setback Exhibit the exact lots on which this provision shall apply. The Setback Exhibit shall be approved, denied or approved with modifications by the City. Any appeal from this provision shall be done through the Board of Adjustment and the appeal process provided through such board.
- f. Side lot lines adjacent to a minor arterial or higher street classification shall be prohibited.
- g. Four-way intersections shall be prohibited on local-to-local street intersections, unless approved by the City Engineer.
- h. For the purpose of reducing neighborhood cut-through traffic, local streets traversing a collector or higher street classification shall be off-set at its intersection a minimum of three-hundred fifty (350) feet in the locking direction or one-hundred twenty-five (125) feet in the non-locking direction.
- i. When a cul-de-sac abuts a public or private right-of-way or a useable open space area, a landscaped access easement shall be provided. Said easement shall be a minimum of 20 feet wide of which a minimum of 10 feet shall be dedicated as a pedestrian path.

*Exceeds  
900'  
need to  
design  
+ characteristics*



*?*

*?*

## RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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2. CONSIDERATIONS: When reasonable and appropriate, the following guidelines should be taken into consideration:
- a. Lots should not be designed to center on a T-intersection.
  - b. For the purpose of increasing pedestrian safety and decreasing pedestrian exposure to traffic, curb radii should be maintained at the minimum standard as required by the City Engineer and Fire Department.
  - c. Retention areas and open space areas should be located adjacent to main entrance ways, schools and/or open space areas.
  - d. Open space and retention areas should be located and designed to act as a buffer between detached single-family residential units and non-residential uses and arterial streets.
  - e. Allow limited access from adjacent non-residential areas, including schools, by incorporating fence and landscape penetrations into the pedestrian circulation element.
  - f. Plats should be designed to integrate and/or continue existing or approved open space areas, pedestrian walkways and multi-use trails from adjacent developed and undeveloped areas.
  - g. In subdivisions with lots less than 18,000 square feet in area, multi-use trails/paths should not be located or designed to run adjacent to any front lot line.
  - h. In subdivisions with lots less than 10,000 square feet in area, should consider the reservation of a common area for the purpose of parking/storing boats, trailers, motor homes and other recreational vehicles.
  - i. Developments should consider alternative street cross-sections. Use of ribbon curbs, modified street lighting and reduction of pavement width for rights-of-way may be considered by the City Engineer.
  - j. For the purpose of increasing open space on each lot, garage locations should be grouped adjacent to common property lines and joint driveways should be utilized to the maximum extent possible.
  - k. When joint driveways are not utilized, should consider alternative garage type, such as, single-bay tandem garage or side entry garage and alternative location, such as, within the side or rear yard, attached or detached.
  - l. Developer should consider use of alternative street lighting standards in project theme. Maintenance and upkeep of alternative lighting standards shall be provided for by an established Homeowners Association and shall be approved by the City Engineer.

## RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

### C. Landscape/Perimeter Wall Design

1. REQUIREMENTS:

- a. There shall be a minimum amount of land area dedicated or reserved as Useable Open Space as set forth in Table 12.2 below:

**Table 12.2**

*Lot Size	Minimum amount of Useable Open Space required
Lots less than 10,000 square feet	9% of gross project area
Lots 10,000 to 18,000 square feet	7% of gross project area
Lots in excess of 18,000 square feet	5% of gross project area

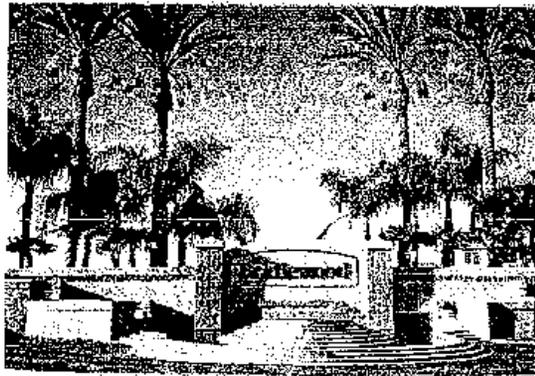
\*If development includes a mixture of lot sizes, the percentage of Useable Open Space required shall be based on the percentage of lots in each lot size category.

- b. Infill developments south of Bell Road that are not more than 50 residential lots or not more than 10 gross acres are exempt from Table 12.2. However, retention/detention areas, as required by the City Engineer, shall be improved with at least two of the amenities listed in 20-70-12.C.1.c & d below.
- c. Useable Open Space shall be clearly designated on the preliminary and final development plans. Areas that may be included in the calculation of open space shall include the following:  
Dedicated park sites; dedicated separate right-of-way for bike paths, equestrian and hiking trails; private park and recreation areas; reserved or dedicated steep slope areas; golf courses for not more than 50% of the required useable open space.
- d. Retention basins and floodway areas may be counted as Useable Open Space when improved with a combination of the following:  
Active play areas, including, but not limited to, Basketball/Tennis/Raquetball courts, Baseball/Softball/Soccer fields pedestrian/multi-use paths/trails, tot lot, barbecue areas, ramadas and bench seating areas.

## RESIDENTIAL DESIGN -- QUALITATIVE GUIDELINES

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- e. Useable Open Space shall not include any of the following:
  - Dedicated streets, alleys, and other public rights-of-way, except as provided above; vehicular drives, parking, loading and storage areas; required setback areas; reservation of park and school sites for which the City or school district shall be required to purchase; areas reserved for the exclusive use or benefit of an individual owner or tenant; concrete or rock lined areas designed primarily for the conveyance of water.
- f. Dedication Statement on final plat shall include provision dedicating all open space and retention areas as tracts, providing for the maintenance of such areas and adjacent right-of-way by an established home owners association, and precluding such areas from future development.
- g. Rights-of-way and retention areas shall be improved with landscaping as required by the City of Peoria Zoning Ordinance.
- h. Landscaping shall be provided on all interior and perimeter collector streets at a rate of 1 tree and 3 shrubs with vegetative ground cover for every thirty (30) feet of lineal street frontage. Landscaping provided under this requirement shall be located in a planter area directly adjacent to the back-of-curb. Planter area shall be a minimum of five (5) feet wide.
- i. For total landscaping, no one tree or shrub species may exceed 60% of the total proposed trees or shrubs.
- j. For total landscaping, decomposed granite may not exceed 60% of the total coverage area. Remaining 40% shall be coverage area of trees, shrubs and vegetative groundcover at maturity.
- k. Special features including, but not limited to, decorative entry signage, pedestrian areas with stamped concrete or speciality

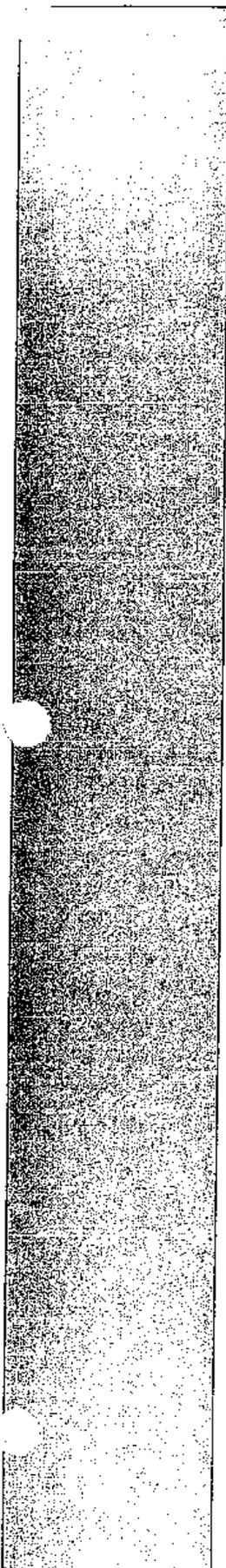


pavers, water features, sculptures, ramadas or public art shall be required for all projects in excess of one-hundred (100) detached single-family residential units.

## RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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- l. Entry signage, perimeter walls, and other appurtenances in community owned areas shall utilize common colors, materials and architectural style with the established theme within the subdivision or consistent with the surrounding area.
- m. Bicycle/Pedestrian paths and trails shall connect to existing/proposed paths, trails and existing and future commercial developments.
- n. All utilities and mechanical equipment shall be screened from view.
- o. Developments occurring north of Happy Valley Road shall provide a textual narrative detailing efforts to preserve existing vegetation and re-vegetate areas of pristine, undisturbed desert.
- p. All Developments shall offer landscape packages with front yard and street side yard landscaping.
- q. Perimeter walls shall meet the following requirements:
  - i. Stuccoed or constructed of decorative masonry block intended to be utilized without additional finish.
  - ii. Shall utilize one or more of the following: inlays, materials or color accents, capping, decorative pilasters, wrought iron, planters or other approved feature that adds visual interest.
  - iii. Perimeter walls adjacent to minor arterial or higher street classification shall be eight (8) feet in height with a horizontal and vertical undulating pattern. Horizontal undulations shall occur once every 100 feet or every other lot line, whichever is less, and shall be a minimum of 1 lot in length and shall meet a minimum off-set of 3 feet. Vertical undulations should also be incorporated. Horizontal undulations shall be reflected in the lot lines on preliminary plat and the final plat.
  - iv. Perimeter walls adjacent to collectors, retention areas or open space shall be six (6) feet in height with a horizontal and vertical undulating pattern. Horizontal undulations shall occur once every 100 feet or every other lot line, whichever is less, and shall be a minimum of 1 lot in length and shall meet a minimum off-set of 3 feet. Vertical undulations should also be incorporated. Horizontal undulations shall be reflected in the lot lines on the preliminary plat and final plat.
  - v. Elevations and locations of all perimeter walls shall be shown on preliminary and final landscape and grading and drainage plans.



## **RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES**

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- r. Chain link fences shall be prohibited. Wood or metal fences may be considered if integrated into an identifiable theme. Such theme may include rural/agrarian with the use of wooden picket fencing or a metal pole corral style open fencing.
- s. Landscape plans shall illustrate designated pedestrian circulation areas. Designated pedestrian circulation areas shall include, but not be limited to, sidewalks, pedestrian refuge areas, bench seating areas, landscaped walkways/paths and multi-use trails/paths.
- t. Cross-sections for walkways/trails/paths shall have a minimum overall width of 20 feet with a minimum of 10 feet dedicated to pedestrian circulation, exclusive of any vehicle overhangs and/or landscaped areas, and 10 feet dedicated to landscaping directly adjacent to walkway/trail/path. This provision does not apply to sidewalks.

## RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
- a. A thematic streetscape, including , but not limited to landscape theme; decorative street signage and street lamps; bench seating and pedestrian scale lighting, on all interior and perimeter collector streets should be considered. Maintenance and upkeep of the above elements shall be provided for by an established Homeowners Association and shall be approved by the City.
  - b. Artwork in open public locations should be encouraged.
  - c. Regular and frequent placement of bench seating areas should be located along trails/paths.
  - d. Pedestrian and multi-use walkways, paths and trails should provide shaded pedestrian refuge areas.
  - e. Plants should be grouped in settings commonly found in the natural environment.
  - f. Integration of landscaping and sign design is encouraged.
  - g. Landscape design should not impede surveillance abilities.
  - h. Main entryways should be appropriately emphasized with landscaping and entry features to provide focus and identification. Should consider the use of landscaped medians at main points of entry.
  - i. Screening walls should be compatible with buildings and development theme and should be softened with landscaping treatments.
  - j. Where appropriate, perimeter walls should incorporate the use of view fences.
  - k. Improved open space and retention areas should connect to existing and proposed pedestrian and multi-use walkways, paths and trails.
  - l. Useable open space areas should be combined with existing or planned park areas and vertical drops requiring protection.
  - m. Drainage crossings should utilize decorative railing.

MULTIPLE FAMILY

RESIDENTIAL

## **MULTI-FAMILY RESIDENTIAL DESIGN**

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### **A. Introduction**

As our population increases and job opportunities expand, it is important to offer a wide range of housing opportunities. A key element in offering a full range of housing opportunities is the availability of well-planned and well-maintained multi-family residential development.

Unlike most traditional subdivision developments, multi-family developments typically provide a wide array of recreational opportunities from pool and health club amenities to common gathering areas. These amenities help to promote resident interaction and build a strong sense of neighborhood.

In helping to assure a strong presence in the future for Peoria's multi-family housing stock it is important to encourage diversity in development while continuing to provide quality amenities. The multi-family residential design review requirements are set forth here to ensure quality multi-family development for all Peoria residents.

### **B. Applicability for Multi-Family Residential Development**

The Multi-Family Residential Design Review Guidelines shall apply to the following multi-family residential development in all zoning districts:

1. All proposed multi-family residential development, including attached single-family residential development, for new construction.
2. For existing multi-family development, including attached single-family residential development, all proposed new construction additions.
3. Alterations to the exterior facade of an existing building.
4. All such development meeting at least one the above criteria shall be subject to review and approval by the City for conformance with all applicable design requirements.
5. Interior alterations to any building or unit including interior alterations that combine one or more units shall not be considered new construction or a new construction addition.

## **MULTI-FAMILY RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES**

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### **Qualitative Guidelines Description**

Qualitative Guidelines are guidelines that are widely regarded and understood as good sound development practices. These characteristics can be applied on a case by case basis. Qualitative Requirements are separated into three (3) categories:

- Architectural Design
- Site Design
- Landscape Design

Each category is divided into two subcategories, Requirements and Considerations. All Requirements must be met. Considerations are provided as recommendations to improve a project. In order to receive design review approval, each development shall demonstrate, in short abbreviated text, how design Requirements and Considerations in these three (3) categories have been addressed. **No minimum score is required for Qualitative Guidelines.**

## MULTI-FAMILY RESIDENTIAL DESIGN -- QUALITATIVE GUIDELINES

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### A. Architectural Design

#### 1. REQUIREMENTS

- a. Development within any Specific Area Plan boundary or any other approved development plan boundary shall conform to said plan.
- b. Each project shall develop a unique architectural design theme consistent with the surrounding environment.
- c. To avoid repetitive and uninteresting design, architectural diversity in relation to surrounding development shall be encouraged. Architectural diversity can be achieved through varying the placement of window, doors, parapets and other architectural features. Diversity shall not result in poor or haphazard development resulting in extremely contrasting design to surrounding development.
- d. Buildings facades shall incorporate design elements that enhance the pedestrian environment.
- e. Building elevations facing residential areas shall consider and be sensitive to adjacent residential development.
- f. Loading and trash enclosure areas shall be screened and oriented away from arterial streets and residential areas.
- g. All roof mounted equipment shall be fully screened from view.
- h. All utilities and ground mounted mechanical equipment shall be fully screened from view.
- i. Ground mounted mechanical equipment shall meet all minimum yard setback requirements for principal buildings.
- j. Shade structures and screening shall be architecturally and functionally integrated with established design theme.
- k. Garages and storage/utility areas, whether attached or detached, shall be architecturally integrated with established design theme.
- l. Proposed colors and materials shall be shown on elevation plans. Materials, colors and construction shall be of highest quality.
- m. Buildings shall avoid a squared box building footprint.
- n. Windows and balconies shall be designed so that visual and auditory intrusions on private outdoor space of other units or adjacent development are minimized.
- o. Exterior stairways shall be designed with at least one 90 degree angle turn from floor to floor.
- p. Exposed chimney flues are prohibited.
- q. The use of reflective surfaces shall be discouraged.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
- a. Building entrances should be designed to give a human scale for pedestrian interest.
  - b. Building entrances should consider the location of pedestrian circulation routes and should also provide architectural relief and visual interest.
  - c. Building design should include porches, balconies, decks, seating areas or other pedestrian friendly amenities.
  - d. Building design and location should consider the desert climate, view corridors and the orientation of buildings to street.
  - e. Developments should limit sprawling complexes. Buildings should be grouped to maximize building densities and encourage increased pedestrian activities.
  - f. The use of decorative pilasters, moldings, cornices and other facade treatments is encouraged to enhance the building appearance.
  - g. Downspouts should be internalized.
  - h. Monotonous building elevations should be avoided through the use of facade articulation, building angles, eaves, parapets, window and door placement, and landscaping.
  - i. Consideration should be given to building materials that can withstand the desert environment.
  - j. Building colors should be sensitive to and compatible with the desert environment.
  - k. For safety purposes, exterior doors should be designed with a solid core, peep holes, deadbolt locks and reinforced with strike plates.
  - l. Stairways and balconies should be designed to prevent and discourage jumping from balcony to balcony or stairs to balcony.
  - m. Building heights should be varied.
  - n. Buildings over one-story in height should be terraced.
  - o. Roof lines within and between buildings should be varied.
  - p. Building footprint design should not exceed 8 units per floor.
  - q. Balconies and patios should be covered to protect from the weather.
  - r. Balconies and patios should be designed as an extension of the interior common living area.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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### B. Site Design

#### 1. REQUIREMENTS

- a. Developments shall utilize joint access and joint ingress/egress to the maximum extent possible or as determined by the City Engineer.
- b. All private driveways shall meet the minimum spacing requirements from other driveways and street intersections as determined by the City Engineer.
- c. Site area dedicated to on-site vehicle drive aisles and parking areas shall not exceed 30% of the net site area. Enclosed vehicle storage areas shall not be calculated towards this percentage.
- d. All parking areas shall be screened from the public right-of-way and shall meet all minimum yard setbacks for principal buildings.
- e. The edge of pavement for any, vehicle drive aisle, on-site parking area or any play area shall not be closer than 15 feet to any residential unit.
- f. Special features including, but not limited to, decorative entry signage, pedestrian areas with stamped concrete or speciality pavers, water features, sculptures, ramadas or public art shall be required for all projects of 50 or more units.
- g. All areas including pedestrian walkways/paths, active play areas and open space shall be adequately lighted and designed to assure safety and security. All lighting shall be properly shielded from adjacent properties.
- h. All utilities and mechanical equipment shall be screened from view.
- i. Active play areas shall be located so as to minimize their impact on adjacent uses and on-site residential units.
- j. Planned pedestrian walkways/paths traversing on-site vehicle drive aisles shall be constructed of alternative materials, such as, speciality pavers, stamped concrete or aggregate concrete.
- k. Site details such as, but not limited to, bench seating, pedestrian scale lighting, trash containers and mail boxes shall be incorporated into site design and architecturally and functionally integrated.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
- a. Utilize compact parking areas to the maximum extent possible.
  - b. Noise generating equipment should be located away from residential units, public spaces and pedestrian areas.
  - c. Active play areas should be located in centralized locations. Care should be taken to mitigate noise generation when locating adjacent to lower density uses and on-site residential units.
  - d. Consider cross-access to adjacent commercial areas by incorporating fence and landscape penetrations into the pedestrian circulation element.
  - e. Artwork in open public locations is encouraged.
  - f. Building design should encourage the efficient use of energy through building orientation and window and door placement.
  - g. For visual interest, site design could incorporate pads with varying grades. Grade difference, adjacent to single-family residential, should not exceed two (2) feet.
  - h. Avoid grouping buildings in rows, should vary building orientation.
  - i. Shade structures in excess of design review requirements is encouraged.
  - j. Trash enclosures should be located away from residential units.
  - k. Spacing between driveways and between driveways and street intersections should exceed one-hundred (150) feet.
  - l. Eliminate potential short-cut maneuvers through development by minimizing driveways and creative building design and location.
  - m. Site design should not impede surveillance abilities.
  - n. View corridors should be created to capitalize on off-site views such as, mountain vistas or points of interest.
  - o. Heavy landscape buffers should be utilized to screen unpleasant off-site views.
  - p. On-site vehicle and pedestrian circulation should be designed to take full advantage of on-site views such as special features, active play areas, clubhouse or other amenities.
  - q. On-site circulation should incorporate traffic calming devices and be designed to reduce vehicle/pedestrian conflicts.
  - r. Site design should encourage alternative modes of transportation. Such design considerations include connections to existing off-site trails/paths and bikeways, bicycle parking and storage areas and designs facilitating the use of mass transit.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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### C. Landscape Design

#### 1. REQUIREMENTS

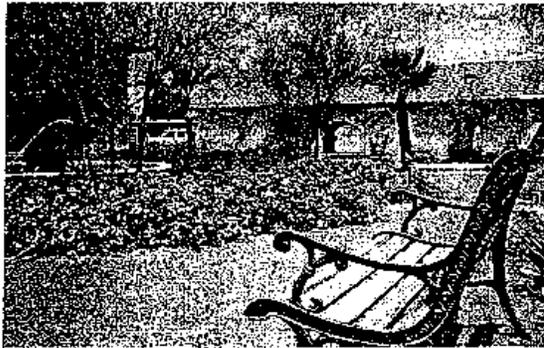
- a. All multi-family residential development between 10 and 50 units shall minimally provide at least 1 distinct active open space area in conjunction with passive open space areas and pedestrian walkways/paths. Total active and passive open space areas shall equal 10% or more of the net site area.
- b. All multi-family residential development between 51 and 150 units shall minimally provide at least 2 distinct active open space areas in conjunction with passive open space areas and pedestrian walkways/paths. Total active and passive open space areas shall equal 10% or more of the net site area.
- c. All multi-family residential development in excess of 150 units shall minimally provide at least 3 distinct active open space areas in conjunction with passive open space areas and pedestrian walkways/paths. Total active and passive open space areas shall equal 10% or more of the net site area.
- d. Active open space shall be clearly designated on the preliminary and final development plans. Areas that may be included as active open space shall include the following:  
Tot Lot; Pool/Jacuzzi area; on-site health club amenities; Basketball/Tennis/Racquetball courts; Baseball/Softball/Soccer fields; pedestrian/multi-use paths/trails; barbecue areas, ramadas with bench seating areas; dedicated separate right-of-way for bike paths, equestrian and hiking trails; dedicated park sites; private park and recreation areas; reserved or dedicated steep slope areas.  
**(Retention basins and floodway areas may be counted as active open space when improved with a combination of any of the above, provided that improvements are outside the high water elevation.)**
- e. All active and passive recreation/pedestrian areas shall provide pedestrian scale lighting.
- f. Bicycle/Pedestrian paths and trails shall connect to existing/proposed paths, trails and existing and future commercial developments.



## MULTI-FAMILY RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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- g. All multi-family residential developments shall provide at least one (1) pedestrian walkway/path from the right-of-way to the leasing office. Path shall be separated from all vehicular traffic movements except where drive aisle crossings are necessary.
- h. Pedestrian links between site components, i.e. parking, play areas, open space areas, storage areas and clubhouse shall be required.
- i. All site plans shall illustrate designated pedestrian circulation areas on the site plan. Designated pedestrian circulation areas shall include, but not be limited to, pedestrian walkways/paths, multi-use trails/paths, sidewalks, pedestrian refuge areas, bench seating areas.
- j. Landscaping shall be provided directly adjacent to all walkways/paths. All walkway/path cross-sections shall have a minimum width of ten (10) feet. Walkways shall have a minimum of five (5) feet dedicated to landscape planting areas adjacent to the walkway and five (5) feet dedicated to a pedestrian walkway. Pedestrian walkways shall be exclusive of any vehicle overhangs and/or landscaped areas.
- k. All walkways and/or paths that traverse vehicle drive aisles shall be distinguished with various hardscape materials such as, specialty pavers, aggregate concrete or stamped concrete.



- l. For total landscaping, decomposed granite may not exceed 60% of the total coverage area. Remaining 40% shall be coverage area of trees, shrubs and vegetative groundcover at maturity.
- m. All required minimum building setbacks shall be fully landscaped.
- n. Screening walls shall be compatible with buildings and shall be softened with landscape treatments.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

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2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
- a. Landscaping adjacent to buildings should promote energy efficiency.
  - b. Decomposed granite areas should be minimized and replaced with drought tolerant vegetative ground cover.
  - c. Pedestrian areas should be shielded from the sun.
  - d. Regular and frequent placement of bench seating areas should be located along pedestrian routes.
  - e. Interior public spaces should connect to pedestrian walkways.
  - f. Balconies, terraces, arcades and yards should be provided and connected to pedestrian walkways.
  - g. The use of landscaped pedestrian walkways/paths separated from vehicle movements in parking areas should be maximized.
  - h. Walkways should provide shaded pedestrian refuge areas.
  - i. Plants should be grouped in settings commonly found in the natural environment.
  - j. Integration of landscaping and sign design is encouraged.
  - k. Landscape design should not impede surveillance abilities.
  - l. Driveways should be appropriately emphasized with landscaping and entry features to provide focus and identification.
  - m. Landscaping should be provided at the foot of buildings to soften the transition between paved areas on the ground plane and building materials on the vertical plane.
  - n. Potted plants, excluding trees, may be utilized in courtyards and other hardscape areas, but generally are not recognized as part of the minimum required landscaped area. Trees should drain directly into the subsoil and should be protected by grating in hardscape areas.

## **MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES**

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### **Quantitative Guidelines Description**

Quantitative Requirements are requirements that are clearly formulated and expressed, design characteristics. These characteristics can be readily assessed in a quantifiable manner. In order to receive design review approval, each development shall meet a minimum score in the Quantitative Requirements section.

The overall minimum required score for each multi-family development will be dependent on the number and type of proposed buildings in the project. Each proposed development is scored in three (3) design categories, the minimum design score for each of these categories is shown below:

- Architectural Design
- Site Design
- Landscape Design

**MULTI-FAMILY DEVELOPMENT**

<b>Design Category</b>	<b>Minimum Required Score</b>
Architectural	varies, see section 20-70-23.A
Site	15
Landscape	5

Compliance with the Quantitative Requirements section shall be required prior to consideration for Design Review Approval.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

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**A. Architectural Design** - Each proposed building must meet a minimum design score for Architectural Design. Minimum required design score for each building is based on the type of primary use the building is intended for. Minimum required design score for each type of building is as follows:

Building Type	Minimum Required Score
Residential	30
Recreational/Office	25
Storage/Utility	15

The Architectural Design category consists of five (5) feature subcategories. The minimum required scores are achieved by evaluating the treatment of these five features within a project's design. *There is no minimum required score for any feature subcategory. However, to prevent an over-concentration in any one area, there is a maximum score for each feature subcategory.*

- Shade Coverage
- Fenestration
- Facade Articulation
- Vertical Departure
- Roof Planes

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### 1. Shade Coverage

**\*Objective - Gives points for pedestrian only shade covered areas.**

Maximum Allowed Score
15

Shade Coverage shall be determined by the following:

$$S = C/G * 100$$

where:

- S = Shade Coverage Score
- C = Covered outdoor area for pedestrian only usage, in square feet
- G = Floor area of interior of all floors of residential building, in square feet

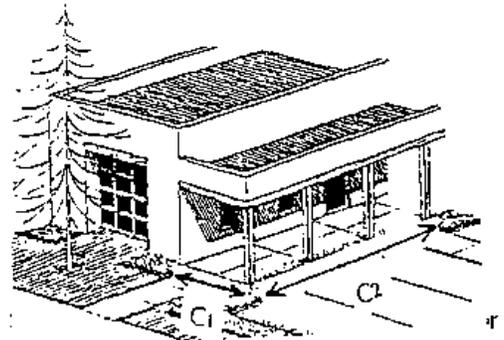
For the purpose of Shade Coverage Score:

- a. Floor area of balconies, canopies, porches and other pedestrian only shade oriented structural design features may be included in C, covered outdoor area.
- b. G, floor area, shall include the total gross floor area, in square feet, of the all floors.

Square footage of covered outdoor area for pedestrian only usage shall be determined using Figure 23.1 below:

### **\*Hint - How to Score**

- Increase covered pedestrian area adjacent to the building
- Use covered entryways
- Use covered courtyards



covered parking may be counted in the Site Design section of the Quantitative Requirements. See Section 20-70-23.B.2.d.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### 2: Fenestration

**\*Objective - Gives points for increasing the amount of building openings through which passive light may pass.**

Maximum Allowed Score
15

Fenestration shall be determined by the following:

$$F = O * .25$$

where:

F = Fenestration Score

O = Total framed openings through which passive light may pass

For the purpose of framed openings:

- Building openings must be framed by a minimum of 6 inches on all sides by structural building materials.
- Light must be able to pass through the framed opening, without actively opening, closing or otherwise altering any structural member.
- Openings into shaded pedestrian areas that are framed on the sides and top may also be counted as a fenestration unit.

Total framed openings through which passive light may pass shall be determined using Figure 23.2 below:

**FIGURE 23.2**



### **\*Hint - How to Score**

- Incorporate covered entryways
- Utilize framed building openings

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### 3. Facade Articulation

**\*Objective - Gives points for breaking long horizontal facades.**

Maximum Allowed Score
10

Facade Articulation shall be determined by the following:

$$A = (P/L) * 2$$

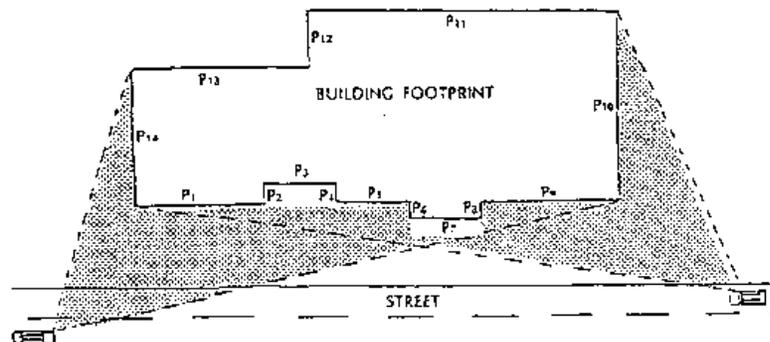
where:

- A = Facade Articulation Score
- P = Length in feet of building perimeter
- L = Length in feet of longest section of perimeter

For the purpose of P, building perimeter shall be calculated all 4 building sides. P shall be determined using Figure 23.3 below:

$$P = \text{Sum of } P_1 \text{ through } P_{14}$$

**FIGURE 23.3**



#### **\*Hint - How to Score**

- Break long flat walls with pop-outs, pilasters, step backs, etc...
- Avoid square/rectangular buildings
- Use alternating building materials on architectural embellishments

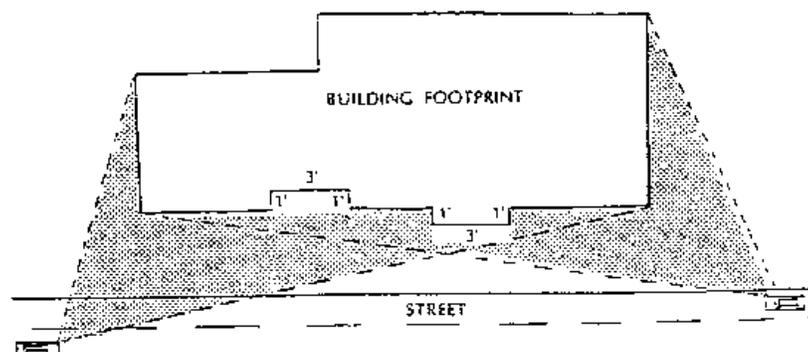
## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### Facade Articulation (cont.)

For the purpose of L, length in feet of longest section of perimeter :

- a. For two wall sections in the same plane to be considered separate wall sections, they must be separated by an articulation element measuring at least one (1) foot deep by three (3) feet wide, See Figure 23.4 below (Canopies or other shade or architectural features meeting the minimum dimensions below may be counted as an articulation element)
- b. For two wall sections in the same plane to be considered separate wall sections, the articulation element shall incorporate contrasting elements. Such contrasting elements may include, but not be limited to different building materials; providing porch, patio, deck covered entry, balcony, bay window or other accent elements; changing the roof line; incorporating landscape materials.
- c. If above two conditions are met, longest section of perimeter =  $P_{11}$  in Figure 23.3. If minimum dimensions are not met, Longest Section of Perimeter = Sum of  $P_1$  through  $P_6$  in Figure 23.3.

FIGURE 23.4



## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### 4. Vertical Departure

**\*Objective - Gives points for breaking the verticality of walls.**

Maximum Allowed Score
5

Vertical Departure shall be determined by the following:

$$V = (R/W) * 10$$

where:

V = Vertical Departure Score

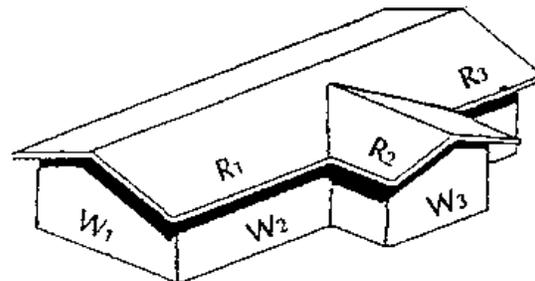
R = Total surface area, in square feet, of all sloping or other vertical departure surfaces

W = Total vertical surface area, in square feet, of all walls visible from the street. (For the purpose of W, vertical surface area shall be calculated on not less than 3 building sides)

Total surface area of all walls and total surface area of all sloping and other vertical departure surfaces shall be determined using Figure 23.5 below:

$$R = R_1 + R_2 + \dots + R_n$$
$$W = W_1 + W_2 + \dots + W_n$$

**FIGURE 23.5**



### **\*Hint - How to Score**

- Use pitched roofs
- Use building exterior
- Avoid arches in long vertical expanses of walls with no architectural features

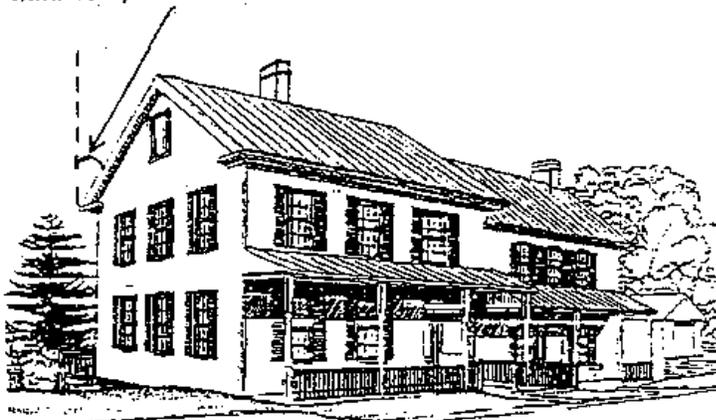
## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### Vertical Departure (cont.)

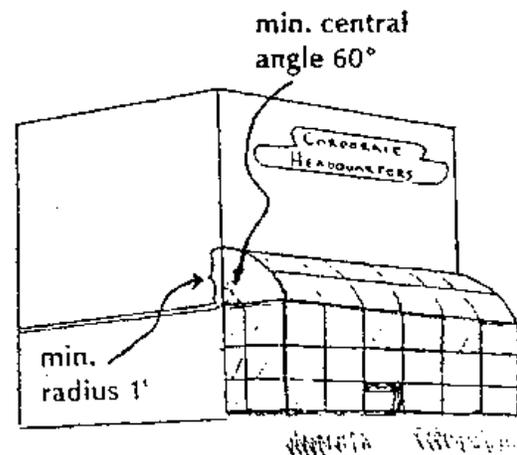
For the purpose of calculating R:

- a. A departure angle or roof slope must slope at an angle not less than 15 degrees nor more than 75 degrees from a vertical plane, see Figure 23.6.
- b. Circular convex or concave surfaces may also be included in the calculation of R if the radius of the curve is offset from the vertical surface a minimum of one (1) foot and the curve has a central angle not less than sixty (60) degrees, see Figure 23.7.

**FIGURE 23.6** departure angle  
min. 15° ; max. 75°



**FIGURE 23.7**



## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### 5. Roof Planes

**\*Objective - Gives points for creative treatment of roof lines.**

Maximum Allowed  
Score

5

Roof Planes shall be determined by the following:

$$N = E * .25$$

where:

N = Roof Planes Score

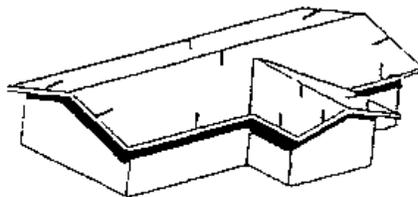
E = Total visible horizontal and diagonal eave, ridge and parapet planes

For the purpose of roof planes:

- Horizontal and diagonal eave planes shall overhang the vertical wall plane by at least eighteen(18) inches.
- Two eaves/parapets in the same horizontal plane shall be separated by at least two (2) feet to be considered separate planes. Separations not meeting this minimum dimension shall be considered one (1) plane.

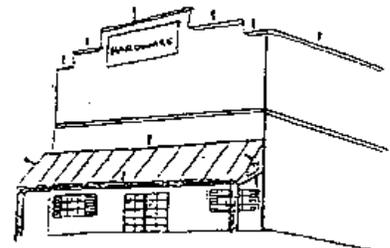
Total visible horizontal and diagonal eave, ridge and parapet planes shall be determined using Figures 23.8 and 23.9 below, where each tick mark represents a roof plane:

FIGURE 23.8



E = 13; N = 3.25

FIGURE 23.9



E = 11; N = 2.75

### \*Hint - How to Score

- Vary parapet roof lines by stepping up and down and providing cut outs
- Vary pitched roofs: provide alternating pitches and various styles
- Provide canopies over walkways
- Use combination pitch and parapet roof styles

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

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**B. Site Design** - The minimum design score for Site Design in Multi-Family developments shall be fifteen (15) points. The minimum design score shall be achieved by providing enhancements to the site design in five (5) subcategories.

The Site Design category consists of five (5) feature subcategories. The minimum required scores are achieved by evaluating the treatment of these five features in a project's design. *There is no minimum required score for any feature subcategory. However, to prevent an over-concentration in any one area, there is a maximum score of ten (10) for each feature subcategory.*

- Recreation/Pedestrian Amenities
- Traffic Circulation Elements
- Structure Locations
- Additional Architectural
- Additional Landscape

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

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### 1. Recreation/Pedestrian Amenities \*Objective - Promote resident amenities.

- a. Active Recreation/Passive Pedestrian Areas in excess of the minimum number and square footage requirements set forth in section 20-70-22.C.1. Max. five (5) points total per site allowed.

For the purpose of this category, Active Recreation Areas shall provide amenities as set forth in section 20-70-22.C.1.d. Passive Pedestrian Areas are areas of retreat primarily for pedestrian usage and shall minimally consist of fifty (50) square feet in area, one (1) seating bench, two (2) trees, six (6) shrubs and pedestrian scale lighting, (Shade canopies may be provided in lieu of trees, however, shrubs must still be provided). Each additional Recreation/Pedestrian Area must be separate and distinct.

Points shall be calculated using the following formula:

Number of Recreation/Pedestrian Areas provided, in excess of required (per section 20-70-22.C.1), divided by .002 = **X**  
**X** divided by Total Landscaping Required in square feet = **Y**  
**Y** times (x) 100 = **Points**

e.g. 1 Refuge Area provided

$$1 \div .002 = 500$$

$$500 \div 10,000 \text{ s.f. of Total Landscaping required} = .05$$

$$.05 \times 100 = 5 \text{ points}$$

- b. Pedestrian access from adjacent commercial areas. Max. five (5) points total per site allowed.

For the purpose of this category, pedestrian only access shall minimally consist of a wall penetration with landscaping and pedestrian scale lighting from area of penetration to multi-family residential building perimeter. Accesses meeting these standards may count for one-quarter (1/4) of a Recreation/Pedestrian Area.

Points shall be calculated using the Recreation/Pedestrian Area formula above.

e.g. 1 cross-access provided = 1/4th refuge area or .25

$$.25 \div .002 = 125$$

$$125 \div 10,000 \text{ s.f. of Total Landscaping required} = .0125$$

$$.0125 \times 100 = 1.25 \text{ points}$$

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

### Recreation/Pedestrian Amenities (cont.)

- c. Pedestrian walkways in excess of the minimum number required as set forth in section 20-70-22.C.1.h. Max. Five (5) points total per site allowed.

For the purpose of this category, pedestrian walkways shall conform with sections 20-70-22.C.1.h through l of this manual.

Walkways meeting these standards may count for one-quarter (1/4) of a Recreation/Pedestrian Area.

Points, for walkways in excess of those required, shall be calculated using the Recreation/Pedestrian Area formula above.

e.g. 2 additional walkways provided @ 1/4th refuge area or  
 $2 \times .25 = .50$

$$.50 \times 100 = 50$$

$$50 \div 10,000 \text{ s.f. of Total Landscaping required} = .005$$

$$.005 \times 100 = .5 \text{ points}$$

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

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### 2. Traffic Circulation/Parking \*Objective - Promote efficient traffic circulation and parking.

#### a. Parking at the sides and/or rear of a building.

For the purpose of this category, parking areas or spaces must not front on a major or minor arterial or on any street considered to be the main entrance. The main entrance shall be determined by staff. Points are based on a percentage of total spaces parked at the sides or rear of a building times five (5).

e.g. 50% of spaces located to the sides or rear of building  
 $.50 \times 5 = 2.5$  points

#### b. Spacing of driveways. Maximum of five (5) points total per site allowed.

For the purpose of this category, all driveways must be spaced a minimum of one-hundred fifty (150) feet from any other driveway for consideration of points. Points are determined by driveway spacing distance from nearest other driveway, in feet, minus one-hundred fifty (150), times one-tenth (.1).

e.g. Distance from nearest driveway = 162 feet  
 $162 (-) 150 = 12$  feet  
 $12 (x) .1 = 1.2$  points

#### c. Spacing of driveways from street intersections. Maximum of five (5) points total per site allowed.

For the purpose of this category, all driveways must be spaced a minimum of one-hundred fifty (150) feet from any street intersection for consideration of points. Points are determined by driveway spacing distance from nearest street intersection, in feet, minus one-hundred fifty (150), times one-tenth (.1).

e.g. Distance from nearest street intersection = 162 feet  
 $162 (-) 150 = 12$  feet  
 $12 (x) .1 = 1.2$  points

## **MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES**

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### Traffic Circulation/Parking (cont.)

d. Parking utilizing shade structures.

For the purpose of this category a parking space must be fully covered, 100 percent, by a shade structure. This excludes parking within the shadow of buildings or landscaping. Points are based on a percentage of total spaces utilizing shade times ten (10).

e.g. 36% of spaces covered by shaded a structure  
 $.36 \times 10 = 3.6$  points

e. Joint ingress/egress driveway. Two (2) points per driveway.

f. Joint access between parcels. One (1) point per access way.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

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### 3. Structure Locations \*Objective - Points for placement of structures.

- a. Buildings located on street property line or single-family residential property line. Max. Five (5) points total per site allowed.

For the purpose of credit in this category, all buildings must be setback a minimum of 150% of the required yard setback on all street and single-family residential property lines for consideration of points. Points are determined by building distance from nearest street or single-family residential setback line, in feet, minus 150% of required setback, times .05.

e.g. Building is one-hundred feet (100) feet from nearest street or single-family setback line, where closest minimum street or single-family setback is 20 feet, therefore;

$$20 \text{ feet times (x) } 150\% \text{ or } (20 \times 1.5 = 30 \text{ feet})$$

$$100 (-) 30 = 70$$

$$70 (x) .05 = 3.5 \text{ points}$$

- b. Refuse Area location. Maximum of five (5) points allowed.

For the purpose of this category, a trash enclosure area must be located a minimum of fifty (50) feet from any residential building for consideration of points. Points are determined by Refuse Area distance from nearest residential building, in feet, minus fifty (50), times one-tenth (.1)

e.g. Distance from nearest street line = 75 feet

$$75 (-) 50 = 25 \text{ feet}$$

$$25 (x) .1 = 2.5 \text{ points}$$

## **MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES**

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4. Additional Architectural    **\*Objective - Enhance architectural design.**
- a. All downspouts internalized. Two (2) points
  - b. Internal courtyard. One (1) point
  - c. Pedestrian entrances to non-residential buildings incorporating shade elements. One (1) point per building.
  - d. Terraced or stepped building elevations. Maximum five (5) points.  
For the purpose of this category, buildings greater than one (1) story in height may receive points for terracing the building for the purpose of reducing the apparent bulk of the building. Terraced portions must meet a minimum off-set of five (5) feet for every story over one (1). Points shall be determined by one (1) point per terraced level per building front.
5. Additional Landscape    **\*Objective - Points for additional landscape elements.**
- a. Landscaping provided at the foot of buildings. Maximum of five (5) points.  
For the purpose of this category, landscaped area shall be directly adjacent to or within ten (10) feet of the foot of a building and shall be a minimum of two (2) feet wide and provide one (1) tree and three (3) shrubs per thirty (30) lineal feet of building frontage adjacent to planting area.  
One (1) point per landscaped building frontage.
  - b. Screening parking areas with landscaped berms or combination screen wall/berm. Maximum of five (5) points.  
For the purpose of this category, earthen berm shall be a minimum of one and one-half (1.5) feet high and landscaping shall achieve same effect as required three (3) foot high screen wall. Points shall be determined by one (1) point for every thirty (30) lineal feet of landscaped berm provided for the purpose of screening parking area.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

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**C. Landscape Design** -The minimum design score for Landscape Design in Multi-Family developments shall be five (5) points. The minimum design score shall be achieved by providing enhancements to the site design in five (5) subcategories.

The Landscape Design category consists of five (5) feature subcategories. The minimum required scores are achieved by evaluating the treatment of these five features within a project's design. *There is a minimum required score for each feature subcategory, as well as a maximum score for each feature subcategory.*

Landscaping details are an important element in the design of all properties in the City. A well planned landscaping element will positively effect the quality of life by softening the environment for the project residents.

To this end, all development proposals will be reviewed for conformity with the minimum landscape standards in the City of Peoria Zoning Ordinance. Compliance with City of Peoria Zoning Ordinance requirements for landscaping will give the applicant the minimum required design score necessary for Landscape Design.

Additional points for Landscape Design are achieved by providing additional landscaping in one or all five (5) of the following selected feature subcategories:

- Total Landscaping
- Landscape at Parking
- Total Trees
- 24" Box Trees
- Total Shrubs

Points are achieved by dividing the total amount of landscaping provided by the total amount of landscaping required for that subcategory. The result is a ratio of landscaping provided to landscaping required. This is your score for that subcategory. An example of this scoring process is illustrated below in Table 23.1.

## MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES

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### Landscape Design (cont.)

A ratio of less than 1 indicates that you are not meeting your minimum requirements for Landscape Design. A ratio of more than one indicates that you are exceeding your minimum requirements for Landscape Design. A ratio of 1 indicates that you are exactly meeting your Landscape Design requirements. The minimum required score for each subcategory is 1.

Landscape requirements are based on project size and can be found in the City of Peoria Zoning Ordinance.

**MULTI-FAMILY RESIDENTIAL DESIGN – QUANTITATIVE GUIDELINES**

**Landscape Design (cont.)**

Landscape Design score shall be determined by the following:

$$Z = A/B$$

where:

Z = Landscape Design Score

A = Landscaping provided

B = Landscaping required

For the purpose of Landscape Design Scores:

- a. The following scores shall be the minimum required and the maximum allowed scores for each subcategory:

Subcategory	Min. Score	Max. Score
Total Landscape	1	2.5
Landscape at Parking	1	2.5
Total Trees	1	3
24" Box Trees	1	4
Total Shrubs	1	3
<b>Total</b>		<b>15</b>

Table 7.1 illustrates how Total Landscape Design score shall be determined:

**TABLE 23.1**

Subcategory	Provided (A)	Required (B)	Ratio/Score (Z=A/B)
Total Landscape	15,000 s.f.	10,000 s.f.	1.5
Landscape at Parking	2,000 s.f.	1,000 s.f.	2
Total Trees	24	15	1.6
24" Box Trees	12	4	3
Total Shrubs	78	45	1.73
		<b>Total Score</b>	<b>9.83</b>

H

**APPENDIX H: Minor Amendment Submitted August 2005  
(Z-04-34-A2)**



# City of Peoria

8401 West Monroe Street, Peoria, Arizona 85345

CMX  
SEP 26 2005

September 26, 2005

CMX, LLC  
Attn: Kimberly Acton  
7740 N. 16<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85020

RE: Z 04-34A.2 – minor amendment to the development standards for the single-family residential developments within the Tierra Del Rio PAD.

Dear Ms. Kimberly Acton:

The above mentioned minor amendment to the Tierra Del Rio Planned Area Development Standards and Guidelines Report has been approved by the City. The approval is subject to the following conditions:

1. The site shall be developed in accordance with the amended Tierra Del Rio PAD Standards and Guidelines approved September 26, 2005.
2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z 04-34A.1 or any successive amendments; those conditions shall remain in force for the PAD.

Should you have any questions regarding this approval letter, please contact the undersigned at 623-773-7173.

Sincerely,

A handwritten signature in cursive script that reads "Louisa Garbo".

Louisa Garbo, AICP, Planner

## TIERRA DEL RIO – MINOR PAD AMENDMENT NARRATIVE STATEMENT

The proposed Tierra Del Rio Planned Area Development Amendment was approved by the Peoria City Council on February 1, 2005 (Case # Z0434.A1).

Requested amendments to the PAD as part of this submittal include:

1. An increase of 5% of the maximum Lot Coverage for all Single Family Residential parcels.
2. An allowance for 3 lots in Parcel 27 to have a minimum lot area of 5,750 s.f. (for R1-6 product) and an additional 3 lots in Parcel 27 to have a minimum lot area of 7,200 s.f. (for R1-7 product).
3. An allowance for 3 lots in Parcel 27 to have a minimum lot width of 50' (for R1-6 product) and an additional 3 lots to have a minimum lot width of 60' (for R1-7 product).

Item number 1 will provide flexibility for the builders to offer an improved selection of floor plans and elevations for the community.

Items 2 and 3 will allow the models for all product sizes in the northern half of the project to be centrally located. The builder for the North half of the project is proposing 4 lot sizes and would like the model complex to be in a central location for sales. Three models of each lot size are proposed for the model complex, to be located at the southwest corner of Parcel 27. Parcel 27 is zoned PAD R18 with a minimum lot width of 65' and a minimum lot area of 8,000 s.f. The product representative of the R1-10 zoning regulations meets all of the minimum requirements for R1-8 zoning. The products representative of the R1-6 and R1-7 zoning regulations do not meet the minimum lot width or lot area requirements as stipulated for the R1-8 category in Parcel 27. The builder would like the model lots to be as representative of the actual product as possible to ensure buyer satisfaction. This amendment would allow 6 lots within Parcel 27 to have reduced minimum lot width and lot area requirements. Please refer to the attached exhibits for clarification.

In addition, clarification notes have been added to Table 2A regarding view fencing when combined with privacy and retaining walls.

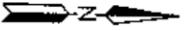
Please refer to the revised Table 2A, PAD Amendment Development Standards, included with this submittal.

**ZONING APPROVAL**

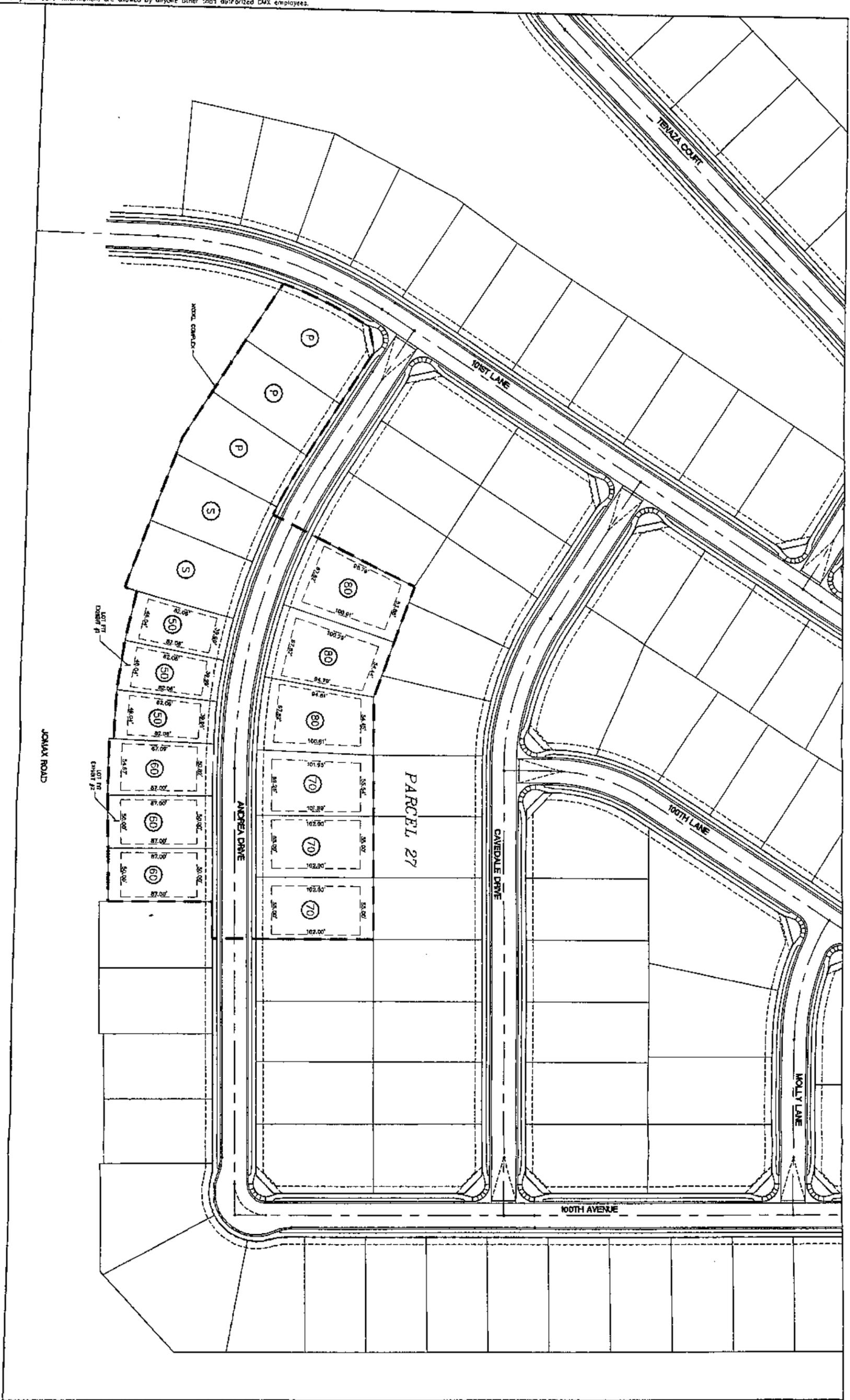
*[Signature]*  
Int.

*Sept 26 05*  
Date





- LEGEND**
- (P) PARKING
  - (S) SALES OFFICE



DWG. NO.	CMX PROJ: 5893	DATE: 6-6-05	SCALE: 1" = 50'
1	DESIGNED: CMX	DRAWN: CMX	APPROVED: CMX
SHT. 1 OF 1	REV.		

**TIERRA DEL RIO**  
 JOMAX ROAD & 99TH AVENUE  
 PEORIA, ARIZONA  
**PARCEL 27 LOT RE-LAYOUT**



7740 N. 16TH ST. STE. 100  
 PHOENIX, AZ 85020  
 PHONE: (602) 567-1900  
 FAX: (602) 567-1901  
 www.cmxinc.com