

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

1 **Case:** **FS16-350**
2
3 **Project Name:** Bola Tie LLC Rezone
4
5 **Council District:** 6 – Palo Verde
6
7 **Meeting Date:** **November 03, 2016**
8
9 **Planner:** Hobart Wingard, hobart.wingard@surpriseaz.gov, 623.222.3156
10

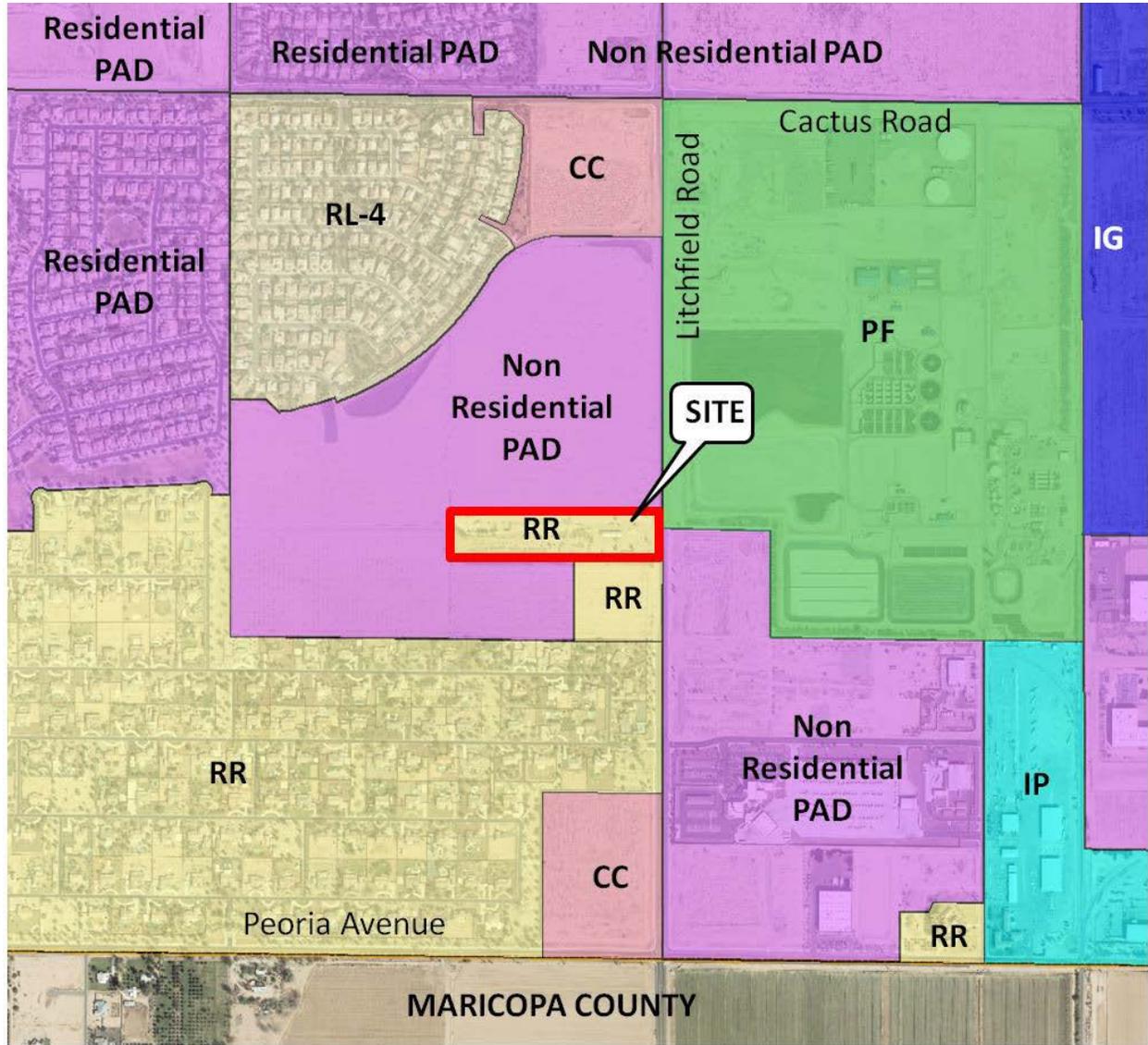
11
12 **Owner:** Peter Smith of Bola Tie LLC
13
14 **Applicant:** George Quinif of Peak Group LLC
15
16 **Request:** The applicant, on behalf of the owner, requests a rezone of
17 approximately 8.1 acres in from Rural Residential (RR) to Business
18 Park (BP).
19
20 **Site Location:** Generally on the west side of Litchfield Road ½ mile north of Peoria
21 Avenue
22
23 **Site Size:** approximately 8.1 acres
24
25 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
26
27 **Support/Opposition:** Both support and opposition was encountered during the Public
28 Review meeting and are expanded upon in the Citizen Participation
29 Report.
30
31 **Staff Recommendation:** Staff recommends the Commission recommend approval of the Bola
32 Tie Rezone, Case FS16-350, to the Mayor and City Council, subject to
33 stipulations ‘a’ through ‘c’
34
35
36
37
38
39

40 **Project Description:**

41
42 George Quinif of Peak Group LLC, on behalf of Peter Smith of Bola Tie LLC, requests a Zone Change
43 from Rural Residential (RR) to Business Park (BP). The subject 8.1 acre parcel is currently located
44 beneath the Luke Air Force Base (AFB) 65 Day-Night Average Sound Level (Ldn) noise contour. This
45 designation does not allow for residential uses in this area.

46
47 **Surrounding Land Zoning:**

48



49
50

Kenly Farms Non-Residential PAD	Kenly Farms Non-Residential PAD	Public Facilities (PF)
Kenly Farms Non-Residential PAD	Rural Residential (RR)	Public Facilities (PF)
Kenly Farms Non-Residential PAD	Kenly Farms Non-Residential PAD	Rural Residential (RR)

51 **Background:**

52

53 **August 10, 1995:** The subject property was annexed into the City of Surprise by the Mayor and City
54 Council.

55 **September 11, 2015:** A Concept Review meeting was held for the current proposal under case
56 CR15-361.

57 **August 10, 2016:** The applicant filed a related request for a Zone Change from Rural Residential
58 (RR) to Business Park (BP) for approximately 8.1 acres under case FS15-350, the subject case.

59 **September 19, 2016:** The applicant held a neighborhood outreach meeting to discuss the project.

60

61 **Citizen Outreach:**

62

63 The site was posted and advertised for a Citizen Review meeting in accordance with the SUDC. The
64 applicant held a meeting for the proposed Rezone at the Rancho Gabriella School located at 15272
65 West Gabriella Drive from 6:00pm to 8:00pm on September 19, 2016. The applicant hosted the
66 event along with a representative from the City of Surprise. Several residents from around the
67 subject parcel attended and voiced concern over the uses of this and the currently zoned Kenly
68 Farms PAD. A concern over industrial uses of adjacent parcels seemed to cause apprehension.

69

70 **Analysis and Discussion:**

71

72 The Zone Change from Rural Residential (RR) to Business Park (BP) for this 8.1 acre parcel would
73 more closely integrate the zoning of this property with the surrounding parcels. The subject parcel
74 is located beneath the Luke Air Force Base (AFB) 65 Ldn noise contour which does not allow for
75 residential uses upon this parcel.

76

77 **Surprise General Plan 2035:**

78

79 The Surprise General Plan 2035 shows the subject property as lying within the Commerce and
80 Office Character Area. The proposed Site Plan demonstrates consistency with this land use
81 category.

82

83

84

85 **Reviewing Agencies:**

86
87 In addition to the standard city reviewing agencies, who indicate no objections to the requests,
88 Luke Air force Base, Maricopa Water District, EPCOR Water, ADOT, and Maricopa Association of
89 Governments (MAG) were included in the routing of this case.

90
91 **Summary:**

92
93 The subject request is for a Zone Change from Rural Residential (RR) to Business Park (BP). The
94 subject 8.1 acre parcel is currently located beneath the Luke Air Force Base (AFB) 65 Ldn noise
95 contour. This noise contour designation does not allow for residential uses in this area and the BP
96 zone would closely integrate the zoning of this property with the surrounding parcels.

97
98 **Findings:**

- 99
100
 - The proposed zone change is consistent with the Surprise General Plan 2035
 - The proposed zone change will advance the goals of the City Council Strategic Plan.

101
102
103 **Recommendation:**

104
105 Based on the findings noted above, staff recommends the Commission move to recommend
106 **approval** of case **FS16-350** to the Mayor and City Council, subject to stipulations ‘a’ through ‘c’ as
107 outlined below:

- 108
109
 - a. Development and use of the site shall be in substantial conformance with the project
110 narrative entitled “Rezone Request for: Owner: Bola Tie, LLC Peter Smith”, prepared by Peak
111 Group LLC, consisting of 26 pages dated September 15, 2016 and stamped received
112 September 16, 2016, except as modified by the following stipulations.
 - b. Non-compliance with the stipulations of approval of this case will be treated as a violation in
113 accordance with the provisions of Article XIV of the Surprise Unified Development Code.
 - c. The Property owner and successors waive claim for diminution of in value if the City takes
114 action to rescind approval of this zone change request due to non-compliance with the
115 stipulations of approval.

116
117
118 However, should the Commission wish to recommend denial of the request, the Commission
119 should make its own findings and base its decision on those alternative findings.

120
121
122
123 **Attachments:**

- 124
125
126 01 - Vicinity Maps
127 02 - Rezone Document

- 128 03 - Citizen Participation Report
- 129 04 - Public Engagement Form
- 130 05 - Luke AFB comments