

ORDINANCE 2016-31

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT TO THE DESERT OASIS AT SURPRISE PAD TO REZONE 8.08 ACRES FROM PAD-COMMERCIAL TO PAD-MEDIUM DENSITY RESIDENTIAL WITHIN PARCEL L8, AND TO AMEND CERTAIN DIMENSIONAL STANDARDS WITHIN PARCEL L7 AND PARCEL L8-B, LOCATED ON THE NORTHWEST CORNER OF JOMAX ROAD AND 171ST AVENUE.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located on the northwest corner of Jomax Road and 171st Avenue;

WHEREAS, the subject site is zoned Planned Area Development (PAD);

WHEREAS, the land use designation of the subject site is Commercial and is being changed to Medium Density Residential;

WHEREAS, within Parcel L7 and Parcel L8, the required front setback for front-loaded garages will change from eighteen (18) feet to twenty (20) feet and the required front setback for side-loaded garages will change from eight (8) feet to ten (10) feet;

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, the proposed PAD Amendment satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

WHEREAS, this PAD Amendment is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on December 1, 2016, the Planning and Zoning Commission recommended approval of the Major PLANNED AREA DEVELOPMENT (PAD) Amendment to the Desert Oasis At Surprise PAD to REZONE 8.08 acres from PAD-COMMERCIAL to PAD-MEDIUM DENSITY RESIDENTIAL within PARCEL L8, and to increase certain front setbacks within Parcel L7 and Parcel L8-B.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. The parcel legally described on Exhibit A and depicted on Exhibit B, known as “Desert Oasis at Surprise Parcel L8-B” is rezoned from PLANNED AREA DEVELOPMENT (PAD) – COMMERCIAL to PLANNED AREA DEVELOPMENT (PAD) – MEDIUM DENSITY RESIDENTIAL and within Parcel L7 and Parcel L8-B, the required front setback for front-loaded garages will change from eighteen (18) feet to twenty (20) feet and the required front setback for side-loaded garages will change from eight (8) feet to ten(10) feet.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

APPROVED AND ADOPTED this _____ day of _____ 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A – LEGAL DESCRIPTION FOR PROPERTY

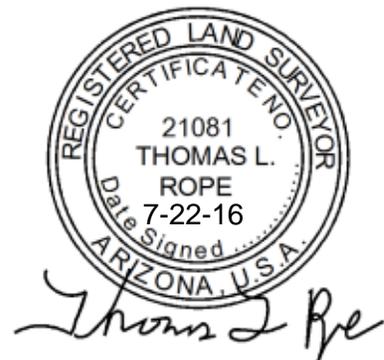
LEGAL DESCRIPTION

MIRANO COMMERCIAL DEVELOPMENT – ZONING AREA

That portion of Parcels L-7 & L-8 as shown on the “Desert Oasis at Surprise Lancer Parcel - Phase I Map of Dedication” as recorded in Book 819 of Maps, page 49, records of Maricopa County, Arizona and lying within the Southeast quarter of Section 35, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Southeast quarter corner of said Section 35, from whence the South quarter corner of Section 35 bears South 89° 36' 46" West (Basis of Bearings) a distance of 2652.66 feet;
Thence North 00° 13' 52" West along the East line of said Section 35 a distance of 1019.24 feet;
Thence South 89° 45' 12" West a distance of 55.00 feet to the West line of the East 55.00 feet of the Southeast quarter of said Section 35 and the **POINT OF BEGINNING**;
Thence South 00° 13' 52" East along said West line a distance of 569.38 feet;
Thence South 89° 36' 46" West a distance of 555.00 feet;
Thence South 00° 13' 52" East a distance of 365.00 feet to the North line of the South 85.00 feet of the Southeast quarter of Section 35;
Thence South 89° 36' 46" West along said North line a distance of 35.93 feet;
Thence North 00° 24' 31" West a distance of 935.83 feet;
Thence North 89° 45' 12" East a distance of 593.83 feet to the **POINT OF BEGINNING**.

Containing 8.0662 acres



Land Survey Services PLC
3160 N. 302nd Lane
Buckeye, AZ 85396

Expires 3-31-2019

Job No. 16009

EXHIBIT B – DEPICTION OF THE PROPERTY TO BE RE-ZONED

ZONING EXHIBIT

A PART OF THE SOUTHEAST QUARTER OF SECTION 35,
T5N, R2W, G.&S.R.B.M., MARICOPA COUNTY, ARIZONA

PREPARED BY:
LAND SURVEY SERVICES, PLC
3160 N. 302ND LANE
BUCKEYE, AZ 85396
PHONE 602.703.7010

E1/4 COR SEC 35
FND 2" BRASS
CAP "LS 37174"

S89°45'12"W
55.00'

N89°45'12"E 593.83'

ZONING: PLANNED AREA
DEVELOPMENT (PAD)

LAND USE: MEDIUM
DENSITY RESIDENTIAL
(MDR)

8.0662 ACRES

569.38'

S00°13'52"E

2475.27'

AVENUE

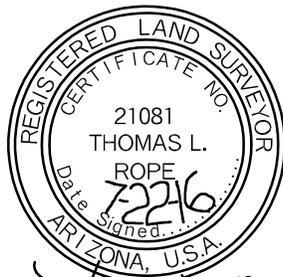
1019.24'

N00°13'52"W

171ST

935.83'

N00°24'31"W



Thomas L. Rope
Expires 3/31/2019

S89°36'46"W
35.93'

S00°13'52"E 365.00'

S89°36'46"W 555.00'

R=30.00'
T=29.92'

S89°36'46"W 525.08'

55'

85'

JOMAX

ROAD

85'

S1/4 COR SEC 35
FND 3" BRASS
CAP "LS 37934"

S89°36'46"W
BASIS OF BEARINGS

2652.66'

SE COR SEC 35
FND 2" BRASS
CAP "LS 37174"