

# ZONE CHANGE

## REPORT TO THE PLANNING AND ZONING COMMISSION

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1     **Case:**                                 **FS16-391**  
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3     **Project Name:**                     175<sup>th</sup> & Sweetwater Rezone  
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5     **Council District:**                 3  
6  
7     **Meeting Date:**                   **January 5, 2017** (Continued from December 15, 2016)  
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9     **Planner:**                             Robert H. Kuhfuss, AICP  
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12    **Owner:**                               A & B Investments  
13  
14    **Applicant:**                         Mark Reddie of LVA Urban Design Studio on behalf of AZ Community  
15   Development, LLC  
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17    **Request:**                             Zone change from RR to RM-9 PUD  
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19    **Site Location:**                    Generally between Cotton Lane and 175<sup>th</sup> Avenue, Waddell Road to  
20   Cactus Road  
21  
22    **Site Size:**                            9.9 acres (approx.)  
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24    **Density:**                             5.0 DU/Ac  
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26    **General Plan Conformance:**     The proposal is consistent with the Surprise General Plan 2035  
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28    **Support/Opposition:**               None known  
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30    **Staff Recommendation:**           **Approve**, subject to stipulations 'a' through 'c'  
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40 **Introduction:**

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42 Mark Reddie of LVA Urban Design Studio, on behalf of AZ Community Development, LLC, seeks  
43 approval of five (5) separate requests relating to the proposed development in what is currently a  
44 county island located in the western portion of Surprise, near Sarah Ann Ranch. These five requests  
45 are listed below, with the subject request highlighted in **bold font**; however, this report should be  
46 read in the context of the other four requests.

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48 Case FS16-391 – 175<sup>th</sup> & Sweetwater

- 49 • **Zone Change from RR to RM-9 PUD**
- 50 • Preliminary Plat

51 Case FS16-392 – Magnolia

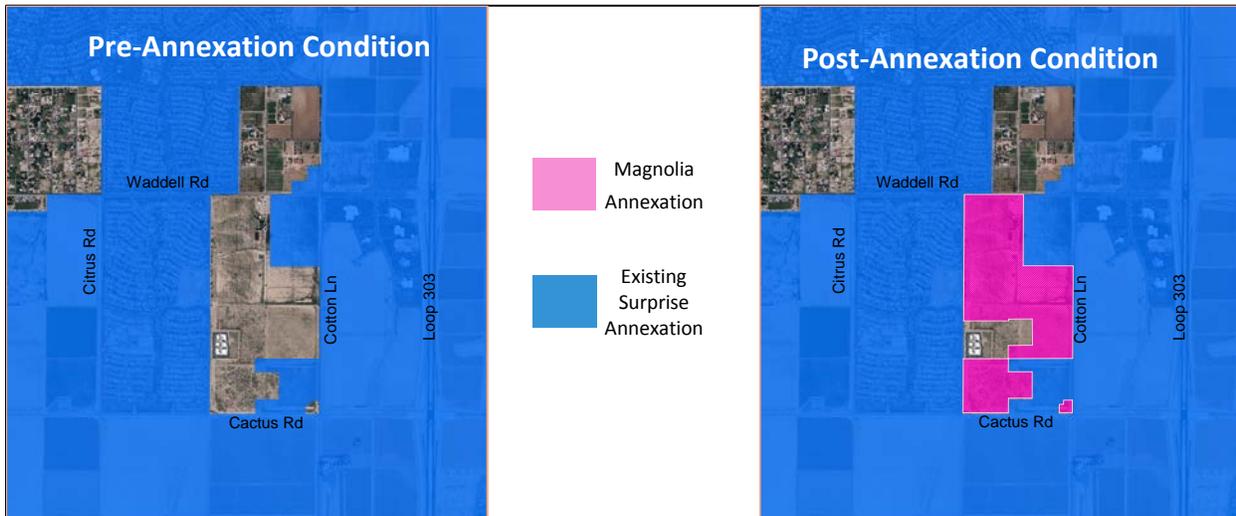
- 52 • Rezone from RR to RM-6 PUD; from RR to RM-9 PUD; from RH PUD to RM-9 PUD; from RR  
53 to RH PUD with Flex Zone; from RR to CR PUD with Flex Zone and from RR to CR PUD.
- 54 • Preliminary Plat

55 Case FS16-427 – Annexation\*, \*\*

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57 Four of the five aforementioned requests will first be presented to the Planning and Zoning  
58 Commission, who will make a recommendation to the City Council. The first of the five requests  
59 involves the actual annexation of the property and will only be heard by the City Council. It is  
60 envisioned that all five requests will be presented to the City Council on January 17, 2017.

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62 The following map depicts the county island status as currently existing and post-annexation.

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66 \* The annexation request was initially tied to FS16-391 and FS16-392; however, due to the differing land masses  
67 involved, the annexation was broken out from the other two cases and assigned its own case number.

68 \*\* The blank petition relating to the proposed annexation was reviewed and heard by the City Council during a public  
69 hearing conducted on November 15, 2016 and is tentatively scheduled for final action by the City Council on January 17,  
70 2017 together with the other related requests. Information regarding the proposed annexation may be found on-line at  
71 <https://agenda.surpriseaz.gov>.

72 **Project Description:**

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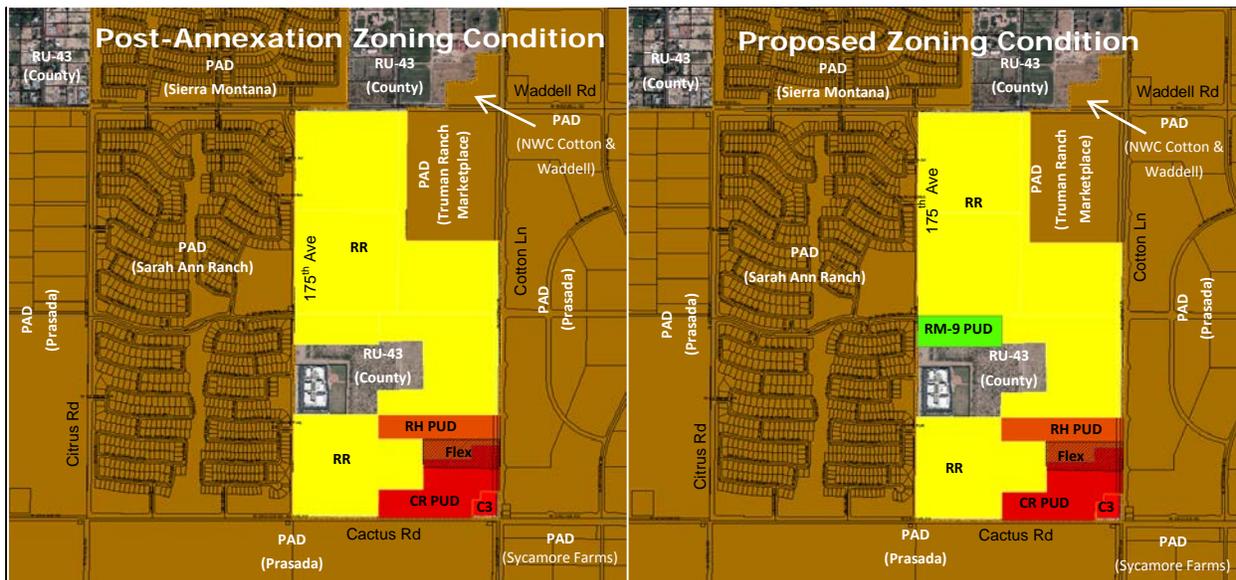
74 The subject request involves the rezoning of approximately 10 acres of currently unincorporated  
75 land from Residential Ranch (RR) to RM-9 with a PUD Overlay to allow deviations from the base  
76 development standards. The rezone follows a related annexation case and precedes a related  
77 Preliminary Plat.

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79 **Surrounding Land Zoning:**

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81 The aforementioned annexation covers essentially all of the unincorporated land located within the  
82 affected county island with the exception of any land located north of Waddell Road as well as the  
83 Paradise Honors school campus; however, the subject zone change request only covers a portion of  
84 the annexation area. The following two maps depict the post-annexation zoning condition and the  
85 proposed zoning included in the subject request.  
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89 **Background:**

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91 **July 28, 2016:** Staff met with the applicant to discuss the project during a regularly scheduled  
92 Concept Review meeting under CR16-305.

93

94 **August 8, 2016:** Staff met with the applicant to discuss annexation logistics.

95

96 **August 23, 2016:** Staff met with the applicant to discuss product design.

97

98 **September 12, 2016:** The applicant filed a request for a Zone Change from R1-43 to RM-6, RM-9,  
99 RH and CR, each with a PUD Overlay, under case FS16-392, the subject case. Said case also included  
100 a Preliminary Plat, to be discussed under separate cover.

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102 **September 12, 2016:** The applicant filed a request for a Zone Change from R1-43 to RM-9 with a  
103 PUD Overlay, together with a Preliminary Plat, under case FS16-391, which is a companion to the  
104 subject case.

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106 **September 28, 2016:** On behalf of the applicant, staff opened case FS16-427 relating to the  
107 annexation of the subject property in addition to other properties that are not associated with the  
108 subject case.

109  
110 **October 19, 2015:** The applicant held a neighborhood outreach meeting to discuss the project.

111  
112 **October 31, 2016:** Staff met with the applicant to discuss review comments.

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114 **November 8, 2016:** The applicant filed their second submittal for the subject case.

115  
116 **November 15, 2016:** The City Council approved the blank annexation petition relating to the  
117 annexation of the subject property as well as other proximal properties under case FS16-427.

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119 **December 1, 2016:** Staff met with the applicant to discuss the Final Plat relating to the project.

120  
121 December 15, 2016: The Commission continued the case to a date-certain of January 5, 2017 due  
122 to an advertising error.

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124 **Citizen Outreach:**

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126 The site was posted in accordance with the SUDC and state statute. The City of Surprise also sent  
127 notices via First Class mail in accordance with the SUDC and state statute. The applicant held a  
128 citizen outreach meeting on October 19, 2016, which was well attended. While staff has received  
129 no items of opposition or support for the project, the applicant's Citizen Participation Final Report  
130 indicates one (1) member of the public offered positive feedback and two (2) members of the  
131 public offered negative feedback. The summary report also indicated that seven (7) people offered  
132 neutral comments and suggestions. The body of the summary report is included as an attachment  
133 to this report.

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144 **Analysis and Discussion:**

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 146 The subject zone change request contemplates a change from RR to RM-9 PUD. Unlike typical  
 147 “PAD” zoning, the subject request falls under the current SUDC. As such, the uses associated with  
 148 each of the proposed zoning districts are per Section 122-43 of the SUDC. The proposed PUD  
 149 Overlay, however, will allow certain deviations from the development standards as specified in the  
 150 SUDC. The following table as taken from the zoning narrative expresses the proposed residential  
 151 development standards applicable to the site. Those items expressed in red font deviate from the  
 152 base standard. Also of note are several footnotes which serve to clarify how certain development  
 153 standards are to be applied.  
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**Table 1: RM-9 PUD Development Standards**

Development Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Number of Units	N/A	525
Maximum Density	9.0	9.0
Minimum Lot Area (sf)	4,500	3,000
Minimum Lot Width (ft)	40	40
Minimum Lot Depth (ft)	100	60
Minimum Front Yard Setback (ft) (1) (2)	12/20	8/20
Minimum Side Yard Setback (ft) (3)	TBD	5
Minimum Rear Yard Setback (ft)	20	13
Maximum Building Height (ft)	35	35
Footnotes:		
(1) Front facing garages shall have a minimum 20' front yard setback where facing a public street. Livable space, front porches, courtyards and side entry garage shall have a minimum 8' setback (unless adjacent to a PUE, in which case the minimum front setback shall be 10').		
(2) Where an 8' PUE is provided adjacent to a front yard, a minimum 10' front setback is required to provide a minimum 2' separation between the PUE and the building.		
(3) For side yards abutting a public street, a minimum 5' landscape tract shall be provided between the right-of-way and the lot. Coupled with the minimum 5' side yard setback, this will provide for a minimum of 10' between the ROW and the building where adjacent to a public street.		

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 156  
 157 Another feature of the zoning and tied to the PUD Overlay is the wall configuration. Figure 5 of the  
 158 zoning narrative depict wall heights that exceed the limitations as specified in the SUDC, but is  
 159 intended to be consistent with the wall design proposed under the Magnolia Rezone (Fs16-392).  
 160 Staff believes these features add to the amenity value of the community and exceed the  
 161 requirements of the SUDC.  
 162

163 Figure 3 of the narrative depicts the anticipated lotting for the project. This lotting configuration is  
164 expressed in the related Preliminary Plat which is discussed under separate cover; however, staff  
165 notes that Figure 3 is intended to be a conceptual design and could change as long as such changes  
166 are implemented through the platting process.

167

168 **Utility and Services Table:**

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Electric:	Arizona Public Service
Water:	EPCOR
Wastewater:	City of Surprise
Refuse:	TBD
Natural Gas:	Southwest Gas
Irrigation:	Maricopa Water District
Schools:	Dysart USD

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171 **Conformance with Adopted Plans:**

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173 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject property as lying  
174 within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac  
175 or more, provided appropriate transitions are made between the various Neighborhood types  
176 included within the character area. The subject proposal contemplates up to 55 dwelling units,  
177 which equates to approximately 5.5 DU/Ac. As such the proposed zoning most closely aligns with  
178 the Suburban Neighborhood type and is consistent with the General Plan in this regard.

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180 **Reviewing Agencies:**

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182 **Luke Air Force Base (LAFB):** In a letter dated October 3, 2015 (attached), LAFB indicated that the  
183 subject development met the Graduated Density Concept and would not interfere with flight  
184 operations. LAFB also requested a robust notification program.

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186 **Arizona Department of Transportation (ADOT):** In an email dated September 20, 2016 (attached),  
187 ADOT indicated the proposed development would not affect any ADOT highway facilities.

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189 **Maricopa Water District (MWD):** In a memo dated October 19, 2016 (attached), MWD indicated  
190 the property covered by this application is subject to certain MWD interests including existing  
191 facilities and other property interests. MWD requires that prior to Final Plat approval, certain  
192 comments must be addressed.

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199 **Summary:**

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201 The 175<sup>th</sup> & Sweetwater project is very well designed and is consistent with the General Plan and  
202 SUDC. The proposed development standards requested under the PUD Overlay will allow the  
203 applicant to develop the site in a creative manner in keeping with the intent of the SUDC.  
204 Amenities included will provide recreational opportunities for the residents of the community.  
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206 **Findings:**

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  - The proposed zone change is consistent with the Surprise General Plan 2035.
  - The proposed development standards will allow the property to be reasonably developed.

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211 **Recommendation:**

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213 Based on the findings noted above, staff recommends the Commission move to recommend  
214 **approval** of the subject rezone request to the City Council, subject to stipulations ‘a’ through ‘c’ as  
215 outlined below:  
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- 217
  - a. Development and use of the site shall be in substantial conformance with the project  
218 narrative entitled “175<sup>th</sup> & Sweetwater”, prepared by LVA Urban Design Studio, dated  
219 revised December 2016 and stamped received December 6, 2016, except as modified by  
220 the following stipulations.  
221
  - b. Approval of this zone change request presumes the successful annexation of the subject  
222 property as being processed under FS16-427. Should said annexation request fail, the  
223 zoning of the property granted under the subject approval is null and void.  
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  - c. Non-compliance with the stipulations of approval of this case will be treated as a violation in  
226 accordance with the provisions of Article XIV of the Surprise Unified Development Code.  
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229 However, should the Commission wish to recommend denial of the request, the Commission  
230 should make its own findings and base its decision on those alternative findings.  
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232 **Attachments:**

- 233  
234 01 Case Map (1 page)  
235 02 Vicinity Map (1 page)  
236 03 Project Narrative (27 pages)  
237 04 Citizen Participation Final Report (excerpt, 6 pages)  
238 05 Luke AFB comments (2 pages)  
239 06 ADOT comments (1 page)  
240 07 MWD comments (1 page)