

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

1 **Case:** **FS16-392**
2
3 **Project Name:** Magnolia Rezone
4
5 **Council District:** 3
6
7 **Meeting Date:** **January 5, 2017** (Continued from December 15, 2016)
8
9 **Planner:** Robert H. Kuhfuss, AICP
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12 **Owner:** S & S Cotton, LLC et. al.
13
14 **Applicant:** Mark Reddie of LVA Urban Design Studio on behalf of AZ Community
15 Development, LLC
16
17 **Request:** Rezone from RR to RM-6 PUD; from RR to RM-9 PUD; from RH PUD to
18 RM-9 PUD; from RR to RH PUD with Flex Zone; from RR to CR PUD
19 with Flex Zone and from RR to CR PUD.
20
21 **Site Location:** Generally between Cotton Lane and 175th Avenue, Waddell Road to
22 Cactus Road
23
24 **Site Size:** 181 acres (approx.)
25
26 **Density:** 5.0 DU/Ac
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28 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
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30 **Support/Opposition:** None known
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32 **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.

47
48 Case FS16-391 – 175th & 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*, **

56
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.

61
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:**

73

74 The subject request involves the rezoning of approximately 181 acres of currently unincorporated
75 land to various zoning districts, each 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.

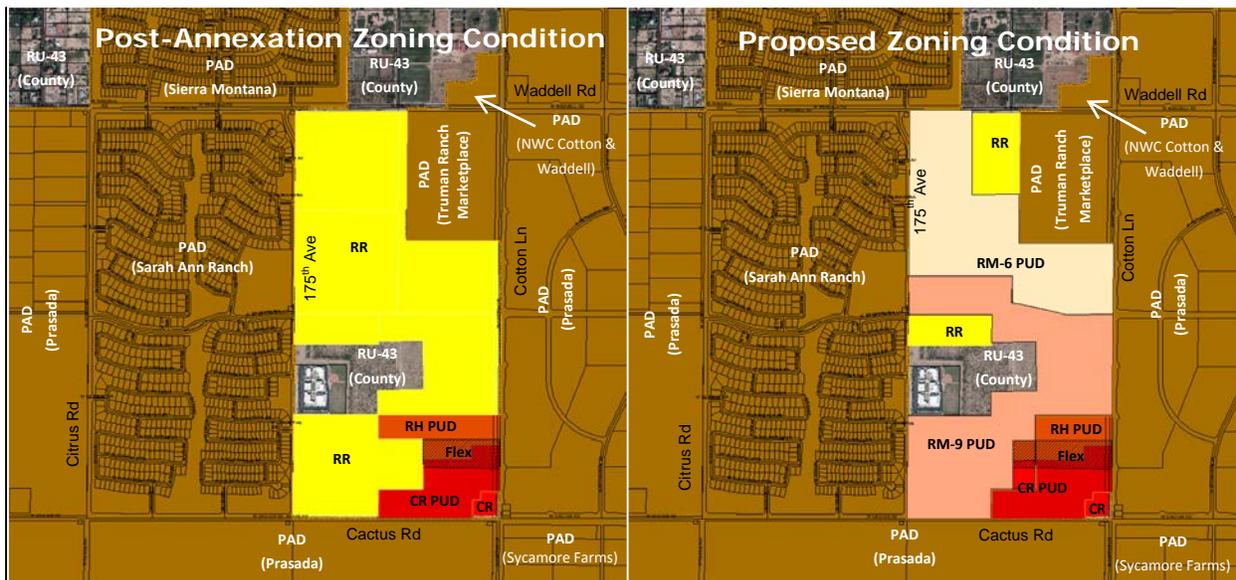
78

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.

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

104
105 **September 28, 2016:** On behalf of the applicant, staff opened case FS16-427 relating to the
106 annexation of the subject property in addition to other properties that are not associated with the
107 subject case.

108
109 **October 19, 2015:** The applicant held a neighborhood outreach meeting to discuss the project.

110
111 **October 31, 2016:** Staff met with the applicant to discuss review comments.

112
113 **November 8, 2016:** The applicant filed their second submittal for the subject case.

114
115 **November 15, 2016:** The City Council approved the blank annexation petition relating to the
116 annexation of the subject property as well as other proximal properties under case FS16-427.

117
118 **December 1, 2016:** Staff met with the applicant to discuss the Final Plat relating to the project.

119
120 **December 15, 2016:** The Commission continued the case to a date-certain of January 5, 2017 due
121 to an advertising error.

122
123 **Citizen Outreach:**

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

133
134 **Analysis and Discussion:**

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136 The subject zone change request contemplates a change to four separate zoning districts: RM-6,
137 RM-9, RH and CR (each with a PUD Overlay). As shown on Figure 2 of the zoning narrative, the RM-
138 6 PUD portion will occupy the northern portion of the site. RM-9 PUD will occupy the majority of
139 the balance of the site, with the exception of a small area located near the southeast, which will
140 become RH PUD and CR PUD with a "Flex Zone" covering most of that area.

141

142 Unlike typical “PAD” zoning, the subject request falls under the current SUDC. As such, the uses
 143 associated with each of the proposed zoning districts are per Section 122-43 of the SUDC. The
 144 proposed PUD Overlay, however, will allow certain deviations from the development standards as
 145 specified in the SUDC. The following table as taken from the zoning narrative expresses the
 146 proposed residential development standards applicable to the site. Those items expressed in red
 147 font deviate from the base standard. Also of note are several footnotes which serve to clarify how
 148 certain development standards are to be applied.
 149

Table 1: RM-6 PUD and RM-9 PUD Development Standards

Development Standard	RM-6 City Base Standard	Proposed RM-6 PUD Standard	RM-9 City Base Standard	Proposed RM-9 PUD Standard
Maximum Number of Units	N/A	375	N/A	525
Maximum Density	6.0	6.0	9.0	9.0
Minimum Lot Area (sf)	6,000	4,900	4,500	3,000
Minimum Lot Width (ft)	50	45	40	40
Minimum Lot Depth (ft)	100	100	100	60
Minimum Front Yard Setback (ft) (1)(2)	12/20	12/20	12/20	8/20
Minimum Side Yard Setback (ft) (3)	TBD	5	TBD	5
Minimum Rear Yard Setback (ft) (4)	20	15/20	20	13
Maximum Building Height (ft) (5)	35	35	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 12' setback for RM-6 and 8' setback for RM-9 (unless adjacent to a PUE, in which case the minimum front setback for RM-9 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.

(4) For RM-6 PUD, single-story minimum setback is 15', and two-story minimum setback is 20'.

(5) For cluster product in the RM-9 PUD district, the rear two units within each cluster shall be single story, unless the builder chooses to fire sprinkler those homes, in which case two story units shall be permitted.

150
 151
 152 The aforementioned RH PUD / CR PUD / Flex Zone portion is discussed in Section 1.10 of the zoning
 153 narrative and is intended to mimic the existing zoning of the adjacent property located to the east
 154 and south. The rationale for this component of the zone change is to allow for the “swapping” of
 155 land in order to better integrate the otherwise discontinuous parcels, while keeping both parties
 156 whole with respect to development rights.

157
 158 Another feature of the zoning and tied to the PUD Overlay is the entry monument and wall
 159 configuration. Figures 6 through 7A of the zoning narrative depict walls and monuments that
 160 exceed the height limitations as specified in the SUDC and/or set a particular tone for the project
 161 through the use of decorative wrought iron, medallions, faux stone and concrete caps. Staff
 162 believes these features add to the amenity value of the community and exceed the requirements of
 163 the SUDC.
 164

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

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170 **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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173 **Conformance with Adopted Plans:**

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175 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject property as lying
176 within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac
177 or more, provided appropriate transitions are made between the various Neighborhood types
178 included within the character area. The subject proposal contemplates up to 900 dwelling units,
179 which equates to approximately 5 DU/Ac. As such the proposed zoning most closely aligns with the
180 Suburban Neighborhood type and is consistent with the General Plan in this regard.

181

182 **Reviewing Agencies:**

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

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

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

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201 **Summary:**

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203 The Magnolia project is very well designed and is consistent with the General Plan and SUDC. The
204 proposed development standards requested under the PUD Overlay will allow the applicant to
205 develop the site in a creative manner in keeping with the intent of the SUDC. Amenities included
206 will provide recreational opportunities for the residents of the community.

207

208 **Findings:**

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

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213 **Recommendation:**

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215 Based on the findings noted above, staff recommends the Commission move to recommend
216 **approval** of the subject rezone request to the City Council, subject to stipulations ‘a’ through ‘c’ as
217 outlined below:

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- 219 a. Development and use of the site shall be in substantial conformance with the project
220 narrative entitled “Magnolia”, prepared by LVA Urban Design Studio, dated revised
221 December 2016 and stamped received December 6, 2016, except as modified by the
222 following stipulations.
- 223
- 224 b. Approval of this zone change request presumes the successful annexation of the subject
225 property as being processed under FS16-427. Should said annexation request fail, the
226 zoning of the property granted under the subject approval is null and void.
- 227
- 228 c. Non-compliance with the stipulations of approval of this case will be treated as a violation in
229 accordance with the provisions of Article XIV of the Surprise Unified Development Code.

230

231 However, should the Commission wish to recommend denial of the request, the Commission
232 should make its own findings and base its decision on those alternative findings.

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234 **Attachments:**

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- 236 01 Case Map (1 page)
- 237 02 Vicinity Map (1 page)
- 238 03 Project Narrative (27 pages)
- 239 04 Citizen Participation Final Report (excerpt, 6 pages)
- 240 05 Luke AFB comments (2 pages)
- 241 06 ADOT comments (1 page)
- 242 07 MWD comments (1 page)