

1     **Case:**                                 **FS16-392**  
2  
3     **Project Name:**                     Magnolia Rezone  
4  
5     **Council District:**                 3  
6  
7     **Meeting Date:**                    **January 17, 2017**  
8  
9     **Planner:**                             Robert H. Kuhfuss, AICP  
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11  
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 175<sup>th</sup> Avenue, Waddell Road to  
22   Cactus Road  
23  
24    **Site Size:**                             181 acres (approx.)  
25  
26    **Density:**                               5.0 DU/Ac  
27  
28    **General Plan Conformance:**       The proposal is consistent with the Surprise General Plan 2035  
29  
30    **Support/Opposition:**               None known  
31  
32    **Staff Recommendation:**            **Approve**, subject to stipulations ‘a’ through ‘c’  
33  
34    **Commission**  
35    **Recommendation:**                 Unknown as of the writing of this report  
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37  
38  
39

40 **Introduction:**

41  
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 – 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\*<sup>†</sup> \*\*

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.

63



64  
65  
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.

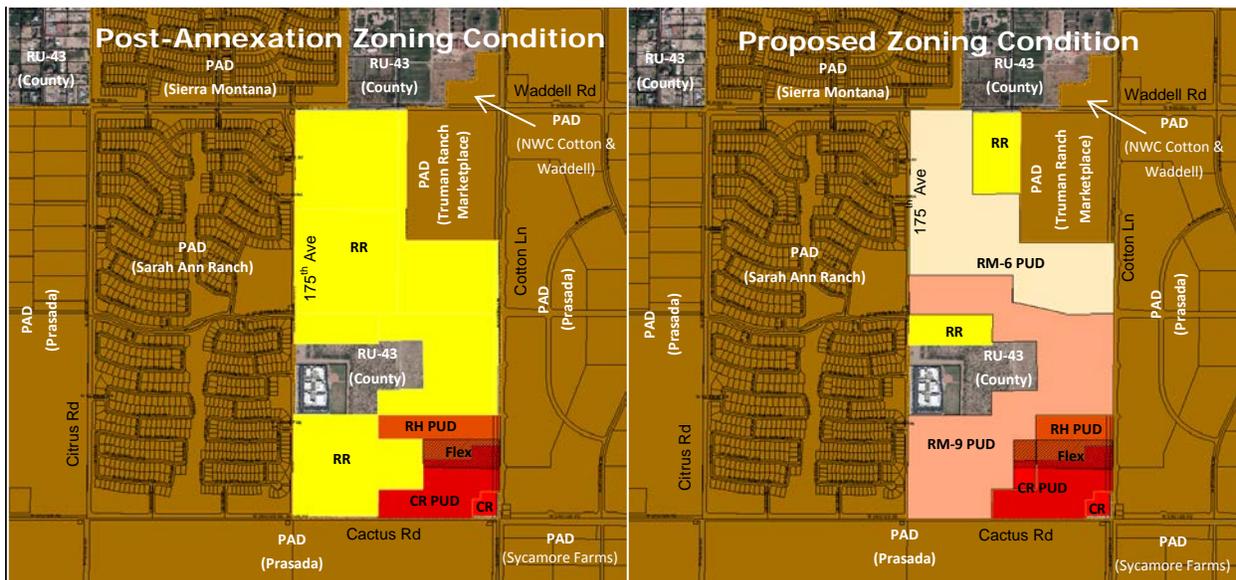
78

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 (2) maps depict the post-annexation zoning condition and  
85 the proposed zoning included in the subject request.

86



87

88

89 **Background:**

90

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 and Preliminary Plat under  
99 case FS16-391. The applicant filed a second request for a companion Zone Change and Preliminary  
100 Plat under case FS16-392. The latter also included an annexation request.

101  
102 **September 28, 2016:** On behalf of the applicant, staff opened case FS16-427 relating to the  
103 annexation of the subject property.  
104  
105 **October 19, 2015:** The applicant held a neighborhood outreach meeting to discuss the project.  
106  
107 **October 31, 2016:** Staff met with the applicant to discuss review comments.  
108  
109 **November 8, 2016:** The applicant filed their second submittal for the subject case.  
110  
111 **November 15, 2016:** The City Council approved the blank annexation petition relating to the  
112 annexation of the subject property as well as other proximal properties under case FS16-427.  
113  
114 **December 1, 2016:** Staff met with the applicant to discuss the Final Plat relating to the project  
115 during a regularly scheduled Concept Review meeting under CR16-511.  
116  
117 **December 15, 2016:** The Commission continued the case to a date-certain of January 5, 2017 due  
118 to an advertising error.  
119  
120 **January 5, 2017:** The Zone Change and Preliminary Plat requests being processed under FS16-391  
121 and FS16-392 are scheduled for review by the Planning and Zoning Commission; however, the  
122 Commission’s recommendation is unknown as of the writing of this report.

123  
124 **Citizen Outreach:**

125  
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.

134  
135 **Analysis and Discussion:**

136  
137 The subject zone change request contemplates a change to four separate zoning districts: RM-6,  
138 RM-9, RH and CR (each with a PUD Overlay). As shown on Figure 2 of the zoning narrative, the RM-  
139 6 PUD portion will occupy the northern portion of the site. RM-9 PUD will occupy the majority of  
140 the balance of the site, with the exception of a small area located near the southeast, which will  
141 become RH PUD and CR PUD with a “Flex Zone” covering most of that area.  
142

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

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.

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

158  
 159 Another feature of the zoning and tied to the PUD Overlay is the entry monument and wall  
 160 configuration. Figures 6 through 7A of the zoning narrative depict walls and monuments that  
 161 exceed the height limitations as specified in the SUDC and/or set a particular tone for the project  
 162 through the use of decorative wrought iron, medallions, faux stone and concrete caps. Staff  
 163 believes these features add to the amenity value of the community and exceed the requirements of  
 164 the SUDC.  
 165

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

170

171 **Utility and Services Table:**

172

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

173

174 **Conformance with Adopted Plans:**

175

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

182

183 **Reviewing Agencies:**

184

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

188

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

191

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

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202 **Summary:**

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204 The Magnolia project is very well designed and is consistent with the General Plan and SUDC. The  
205 proposed development standards requested under the PUD Overlay will allow the applicant to  
206 develop the site in a creative manner in keeping with the intent of the SUDC. Amenities included  
207 will provide recreational opportunities for the neighborhood residents.  
208

209 **Findings:**

- 210
- 211 • The proposed zone change is consistent with the Surprise General Plan 2035.
  - 212 • The proposed development standards will allow the property to be reasonably developed.
- 213

214 **Recommendation:**

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216 Based on the findings noted above, staff recommends the Commission move to recommend  
217 **approval** of the subject rezone request to the City Council, subject to stipulations ‘a’ through ‘c’ as  
218 outlined below:  
219

- 220 a. Development and use of the site shall be in substantial conformance with the project  
221 narrative entitled “Magnolia”, prepared by LVA Urban Design Studio, dated revised  
222 December 2016 and stamped received December 6, 2016, except as modified by the  
223 following stipulations.  
224
- 225 b. Approval of this zone change request presumes the successful annexation of the subject  
226 property as being processed under FS16-427. Should said annexation request fail, the  
227 zoning of the property granted under the subject approval is null and void.  
228
- 229 c. Non-compliance with the stipulations of approval of this case will be treated as a violation in  
230 accordance with the provisions of Article XIV of the Surprise Unified Development Code.  
231

232 However, should the Commission wish to recommend denial of the request, the Commission  
233 should make its own findings and base its decision on those alternative findings.  
234

235 **Attachments:**

- 236
- 237 01 Vicinity Map (1 page)
  - 238 02 Case Map (1 page)
  - 239 03 Project Narrative (27 pages)
  - 240 04 Citizen Participation Final Report (excerpt, 6 pages)
  - 241 05 Luke AFB comments (2 pages)
  - 242 06 ADOT comments (1 page)
  - 243 07 MWD comments (1 page)
  - 244 08 Draft Adopting Ordinance w/ Exhibits (12 pages)