

1     **Case:**                                 **FS16-392**  
2  
3     **Project Name:**                     Magnolia Rezone  
4  
5     **Council District:**                 3  
6  
7     **Meeting Date:**                   **February 7, 2017** (continued from January 17, 2017)  
8  
9     **Planner:**                             Robert H. Kuhfuss, AICP  
10  
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:**                 **Approve**, subject to stipulations ‘a’ through ‘c’  
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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\*, \*\*

56

57 Four of the five aforementioned requests were presented to the Planning and Zoning Commission,  
58 who made a favorable recommendation to the City Council. The City Council heard the four  
59 requests on January 17, 2017, but continued same to a date-certain of February 7, 2017 at the  
60 applicant’s request. The fifth request involves the actual annexation of the property and was  
61 approved by the City Council on January 17, 2017.

62

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

64



65

66

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

69 \*\* The blank petition relating to the proposed annexation was reviewed and heard by the City Council during a public  
70 hearing conducted on November 15, 2016. The City Council approved the annexation on January 17, 2017. Information  
71 regarding the proposed annexation is discussed under separate cover.

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.

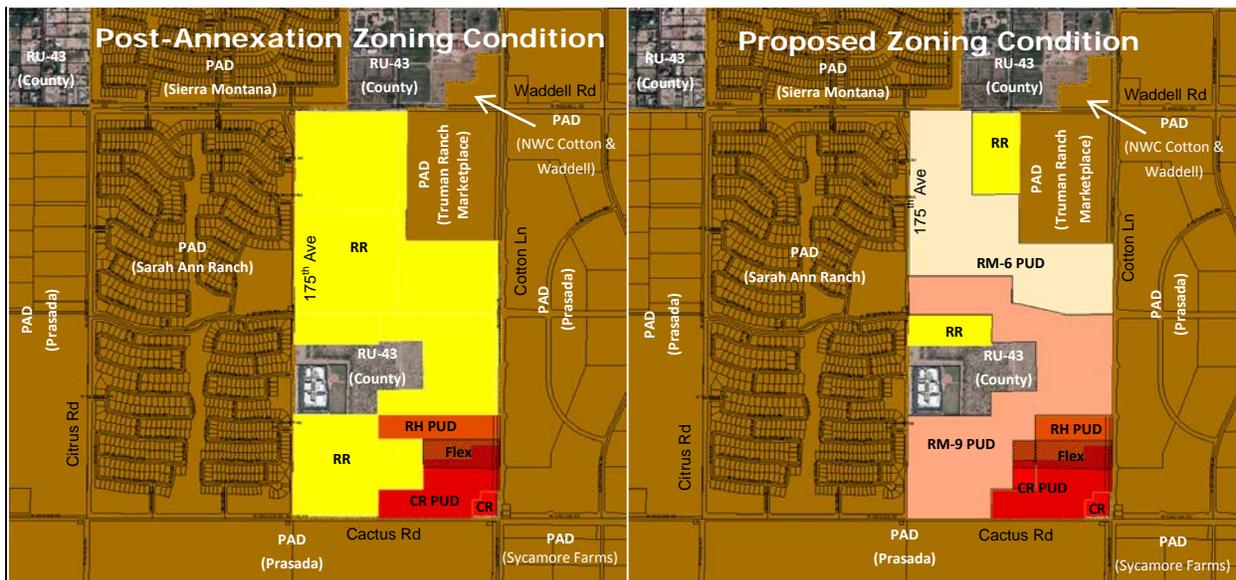
78

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 Planning and Zoning Commission recommended approval of the requested  
121 zone change subject to staff-recommended stipulation “a” through “c”.  
122  
123 **January 17, 2017:** The City Council continued the subject request to a date-certain of February 7,  
124 2017 at the applicant’s request.  
125  
126 **Citizen Outreach:**  
127  
128 The site was posted in accordance with the SUDC and state statute. The City of Surprise also sent  
129 notices via First Class mail in accordance with the SUDC and state statute. The applicant held a  
130 citizen outreach meeting on October 19, 2016, which was well attended. While staff has received  
131 no items of opposition or support for the project, the applicant’s Citizen Participation Final Report  
132 indicates one (1) member of the public offered positive feedback and two (2) members of the  
133 public offered negative feedback. The summary report also indicated that seven (7) people offered  
134 neutral comments and suggestions. The body of the summary report is included as an attachment  
135 to this report.  
136  
137 **Analysis and Discussion:**  
138  
139 The subject zone change request contemplates a change to four separate zoning districts: RM-6,  
140 RM-9, RH and CR (each with a PUD Overlay). As shown on Figure 2 of the zoning narrative, the RM-  
141 6 PUD portion will occupy the northern portion of the site. RM-9 PUD will occupy the majority of  
142 the balance of the site, with the exception of a small area located near the southeast, which will  
143 become RH PUD and CR PUD with a “Flex Zone” covering most of that area.

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

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.

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

159  
 160 Another feature of the zoning and tied to the PUD Overlay is the entry monument and wall  
 161 configuration. Figures 6 through 7A of the zoning narrative depict walls and monuments that  
 162 exceed the height limitations as specified in the SUDC and/or set a particular tone for the project  
 163 through the use of decorative wrought iron, medallions, faux stone and concrete caps. Staff  
 164 believes these features add to the amenity value of the community and exceed the requirements of  
 165 the SUDC.  
 166

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

171

172 **Utility and Services Table:**

173

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

174

175 **Conformance with Adopted Plans:**

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

183

184 **Reviewing Agencies:**

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

189

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

192

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

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202

203 **Summary:**

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

209

210 **Findings:**

211

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

214

215 **Commission Recommendation:**

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217 The Planning and Zoning Commission recommended **approval** of the subject rezone request to the  
218 City Council, subject to stipulations ‘a’ through ‘c’ as 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 The Council is free to accept the Commission’s findings and recommendation; however, should the  
233 City Council wish to deny the request, the Council should make its own findings and base its  
234 decision on those alternative findings.

235

236 **Attachments:**

237

- 238 01 Vicinity Map (1 page)
- 239 02 Case Map (1 page)
- 240 03 Project Narrative (27 pages)
- 241 04 Citizen Participation Final Report (excerpt, 6 pages)
- 242 05 Luke AFB comments (2 pages)
- 243 06 ADOT comments (1 page)
- 244 07 MWD comments (1 page)
- 245 08 Adopting Ordinance w/ Exhibits