

## ORDINANCE # 2017-07

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE OF 29.6 ACRES OF THE 878.7 ACRE PLANNED AREA DEVELOPMENT KNOWN AS ZANJERO TRAILS GENERALLY NORTH OF PEORIA AVENUE AND WEST OF PERRYVILLE ROAD FROM MULTIFAMILY (R-2) AND NEIGHBORHOOD COMMERCIAL (C-1) TO SINGLE FAMILY RESIDENTIAL 3.5 DWELLING UNITS PER ACRE.**

**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 in the vicinity of the northwest corner of Peoria Avenue and Perryville Road, Parcels 16 and 17 of the Zanjero Trails Planned Area Development;

**WHEREAS**, the subject site is zoned Zanjero Trails Planned Area Development (PAD) and will continue to be zoned PAD with the underlying zoning districts changing;

**WHEREAS**, the proposed rezone from multifamily residential and neighborhood commercial to single-family residential which will decrease the overall density of the PAD satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

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

**WHEREAS**, on February 2, 2017, the Planning and Zoning Commission recommended approval of the amendment to the Zanjero Trails PAD.

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

**Section 1. Rezoning.** The parcel legally described on Exhibit A and depicted on Exhibit B, as Parcel 16 -17 is rezoned by retaining the PAD zoning and modifying the underlying zoning districts from multifamily residential and neighborhood commercial to single-family residential, 3.5 dwelling units per acre, as set forth in that document entitled "Zanjero Trails PAD07-341 PAD Amendment Parcels 16 and 17", dated "Revised December 16, 2016," subject to the following stipulations:

- A. Development and use of the PAD shall be in substantial conformance with the project narrative entitled "Zanjero Trails PAD07-341 PAD Amendment Parcels

16 and 17", prepared by Hilgart/Wilson, consisting of 13 pages dated Revised December 16, 2016.

- B. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- C. The Property owner and successors waive claim for diminution in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.

**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 \_\_\_\_\_ 2017.

\_\_\_\_\_  
Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Sherry Aguilar, City Clerk

\_\_\_\_\_  
Robert Wingo, City Attorney

EXHIBIT A – LEGAL DESCRIPTION FOR PROPERTY

**EXHIBIT "A"**  
**ZANJERO TRAILS**  
**PARCEL 16-17**  
**LEGAL DESCRIPTION**

A parcel of land being situated within the Southeast Quarter of Section 21, Township 3 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

**COMMENCING** at a found brass cap flush accepted as the Southeast corner of said Section 21 from which a found brass cap flush accepted as the South Quarter corner of said Section 21 thereof bears North 89°42'03" West, 2639.43 feet;

Thence North 89°42'03" West, 551.50 feet along the south line of the Southeast Quarter of said Section 21;

Thence leaving said south line, North 00°17'57" East, 68.00 feet to the northerly Right-of-Way line of Peoria Avenue as recorded in Book 1282, Page 7 records of Maricopa County, Arizona to the **POINT OF BEGINNING**;

Thence North 89°42'03" West, 258.71 feet along said northerly Right-of-Way;

Thence continuing along said northerly Right-of-Way, North 85°07'37" West, 25.08 feet;

Thence continuing along said northerly Right-of-Way, North 89°42'03" West, 203.05 feet;

Thence leaving said northerly Right-of-Way, North 00°00'01" East, 443.44 feet;

Thence North 00°00'00" East, 965.90 feet to the southerly Right-of-Way of Desert Cove Road as recorded in Book 1282, Page 7 records of Maricopa County, Arizona;

**THENCE THE FOLLOWING 6 COURSES ALONG SAID SOUTHERLY RIGHT-OF-WAY;**

Thence North 78°21'17" East, 282.52 feet to the beginning of a tangent curve, concave southerly, having a radius of 460.00 feet;

Thence easterly along said curve, through a central angle of 27°57'09", an arc length of 224.42 feet to a tangent line;

Thence South 73°41'35" East, 169.65 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 600.00 feet;

Thence southeasterly along said curve, through a central angle of 15°58'29", an arc length of 167.29 feet to a tangent line;

Thence South 89°40'04" East, 148.82 feet;

Thence South 44°40'04" East, 22.63 feet to the westerly Right-of-Way line of Perryville Road as recorded in Book 1282, Page 7 records of Maricopa County, Arizona;

Thence leaving said southerly Right-of-Way, South 00°19'56" West, 843.18 feet along said westerly Right-of-Way;

Thence continuing along said westerly Right-of-Way, South 01°18'50" West, 82.08 feet;

Thence leaving said westerly Right-of-Way, North 89°59'48" West, 495.41 feet;

Thence South 00°17'54" West, 447.96 feet to the **POINT OF BEGINNING**.

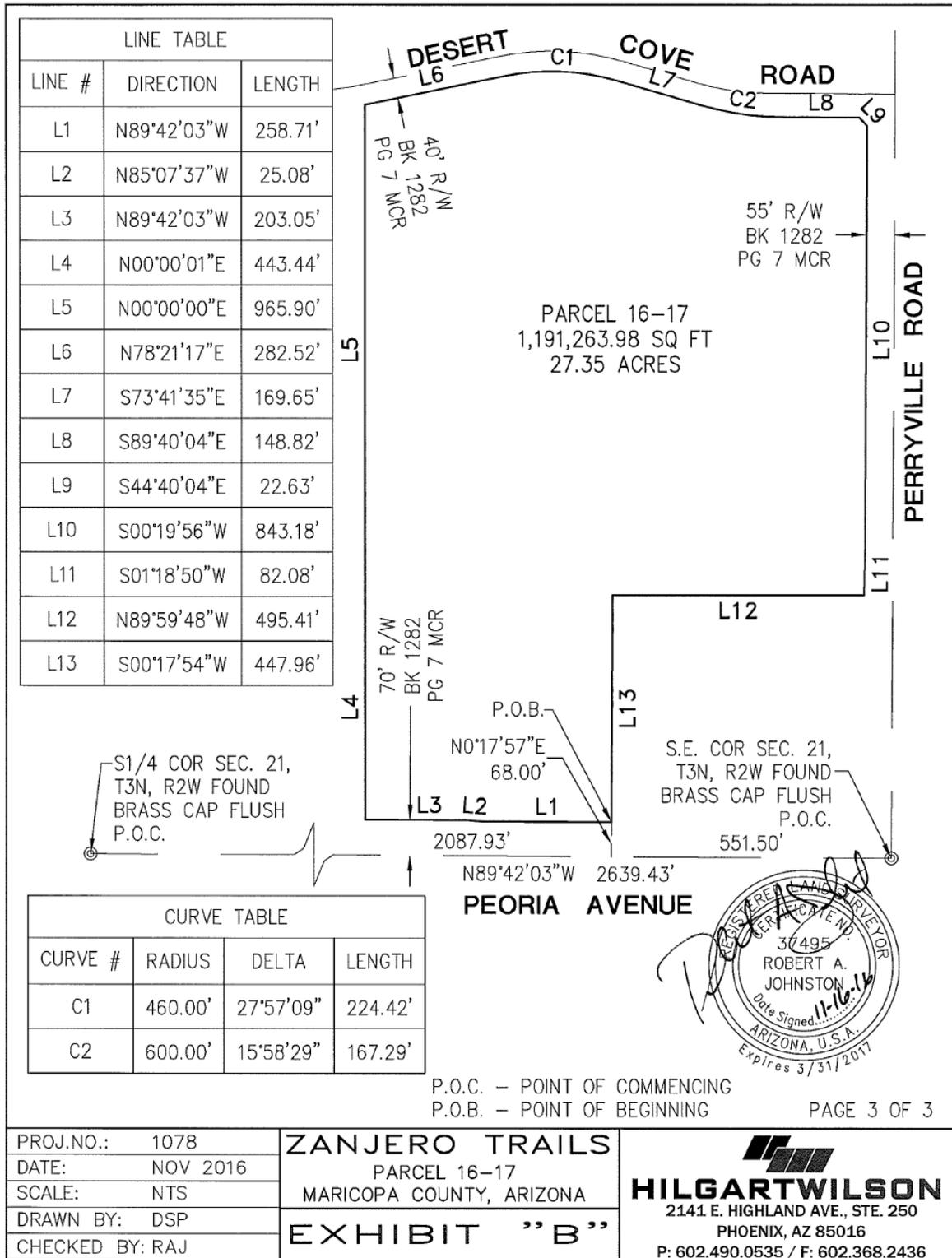
Said parcel of land containing 1,191,263.98 sq.ft., or 27.348 acres, more or less and being subject to any easements, restrictions, and/or rights-of-way.

This description shown hereon is not to be used to violate subdivision regulations of the state, county and/or municipality of any other land division restrictions.

Prepared by: HILGARTWILSON, LLC  
2141 E. Highland Avenue, Suite 250  
Phoenix, AZ 85016  
Project No.: 1078  
Date: Nov 2016



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



Ordinance No. 2017-07  
 RFLS #5483  
 Rev 01/17