

1 **Case:** **FS16-391**
2
3 **Project Name:** 175th & Sweetwater 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:** A & B Investments, Inc.
13
14 **Applicant:** Mark Reddie of LVA Urban Design Studio on behalf of AZ Community
15 Development, LLC
16
17 **Request:** Zone change from RR to RM-9 PUD
18
19 **Site Location:** Generally between Cotton Lane and 175th Avenue, Waddell Road to
20 Cactus Road
21
22 **Site Size:** 9.9 acres (approx.)
23
24 **Density:** 5.5 DU/Ac
25
26 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
27
28 **Support/Opposition:** None known
29
30 **Staff Recommendation:** **Approve**, subject to stipulations ‘a’ through ‘c’
31
32 **Commission**
33 **Recommendation:** **Approve**, subject to stipulations ‘a’ through ‘c’
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41 **Introduction:**

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

48

49 Case FS16-391 – 175th & Sweetwater

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

- 51 • Preliminary Plat

52 Case FS16-392 – Magnolia

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

- 55 • Preliminary Plat

56 Case FS16-427 – Annexation*, **

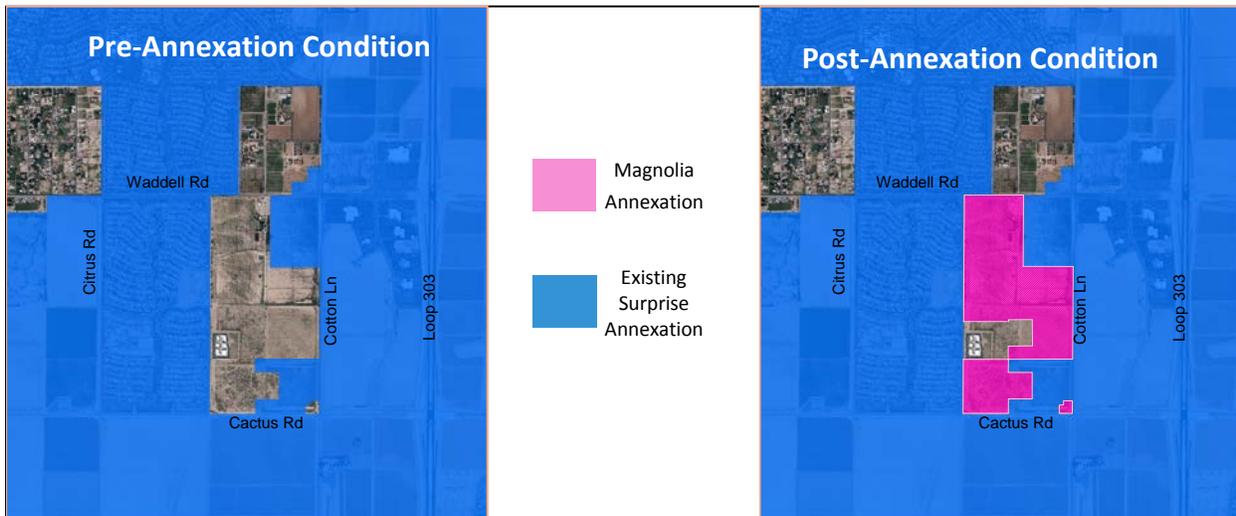
57

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

63

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

65



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67

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

70

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

74 **Project Description:**

75

76 The subject request involves the rezoning of approximately 10 acres of currently unincorporated
77 land from Residential Ranch (RR) to RM-9 with a PUD Overlay to allow deviations from the base
78 development standards. The rezone follows a related annexation case being processed under
79 FS16-427 and precedes a related Preliminary Plat being processed under FS16-391.

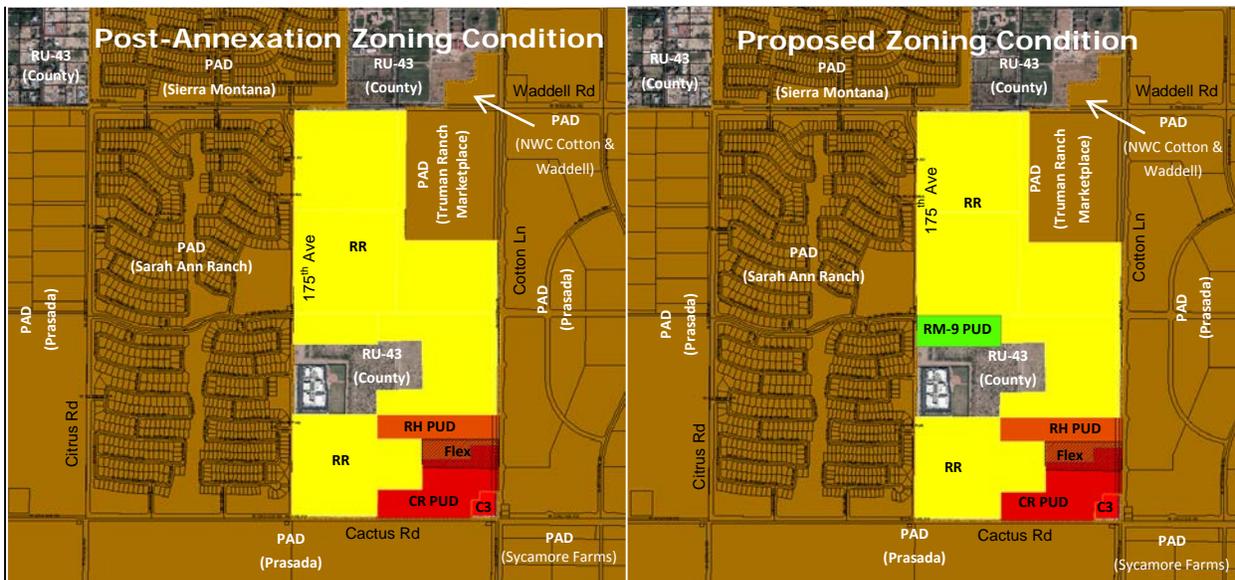
80

81 **Surrounding Land Zoning:**

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

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91 **Background:**

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

95

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

97

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

99

100 **September 12, 2016:** The applicant filed a request for a Zone Change and Preliminary Plat under
101 case FS16-391. The applicant filed a second request for a companion Zone Change and Preliminary
102 Plat under case FS16-392. The latter also included an annexation request.

103

104 **September 28, 2016:** On behalf of the applicant, staff opened case FS16-427 relating to the
105 annexation of the subject property.

106
107 **October 19, 2015:** The applicant held a neighborhood outreach meeting to discuss the project.
108

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

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

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

116 **December 1, 2016:** Staff met with the applicant to discuss the Final Plat relating to the project
117 during a regularly scheduled Concept Review meeting under CR16-511.
118

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

122 **January 5, 2017:** The Planning and Zoning Commission recommended approval of the requested
123 zone change subject to staff-recommended stipulation “a” through “c”.
124

125 **January 17, 2017:** The City Council continued the subject request to a date-certain of February 7,
126 2017 at the applicant’s request.
127

128 **Citizen Outreach:**
129

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

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

158

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.		

159

160

161 Another feature of the zoning and tied to the PUD Overlay is the wall configuration. Figure 5 of the
 162 zoning narrative depict wall heights that exceed the limitations as specified in the SUDC, but is
 163 intended to be consistent with the wall design proposed under the Magnolia Rezone (FS16-392).
 164 Staff believes these features add to the amenity value of the community and exceed the
 165 requirements of 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 55 dwelling units,
181 which equates to approximately 5.5 DU/Ac. As such the proposed zoning most closely aligns with
182 the 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.

197

198 **Summary:**

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

204

205 **Findings:**

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

209 **Commission Recommendation:**

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211 The Planning and Zoning Commission recommended **approval** of the subject rezone request to the
212 City Council, subject to stipulations ‘a’ through ‘c’ as outlined below:

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214 a. Development and use of the site shall be in substantial conformance with the project
215 narrative entitled “175th & Sweetwater”, prepared by LVA Urban Design Studio, dated
216 revised December 2016 and stamped received December 6, 2016, except as modified by
217 the following stipulations.

218

219 b. Approval of this zone change request presumes the successful annexation of the subject
220 property as being processed under FS16-427. Should said annexation request fail, the
221 zoning of the property granted under the subject approval is null and void.

222

223 c. Non-compliance with the stipulations of approval of this case will be treated as a violation in
224 accordance with the provisions of Article XIV of the Surprise Unified Development Code.

225

226 The Council is free to accept the Commission’s findings and recommendation; however, should the
227 City Council wish to deny the request, the Council should make its own findings and base its
228 decision on those alternative findings.

229

230 **Attachments:**

231

232 01 Vicinity Map (1 page)

233 02 Case Map (1 page)

234 03 Project Narrative (17 pages)

235 04 Citizen Participation Final Report (excerpt, 6 pages)

236 05 Luke AFB comments (2 pages)

237 06 ADOT comments (1 page)

238 07 MWD comments (1 page)

239 08 Adopting Ordinance w/ Exhibits