

## ORDINANCE 2017-03

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RESIDENTIAL RANCH (RR) TO RESIDENTIAL MEDIUM DENSITY 6 DU/AC PLANNED UNIT DEVELOPMENT (RM-6 PUD); FROM RESIDENTIAL RANCH (RR) AND RESIDENTIAL HIGH DENSITY PLANNED UNIT DEVELOPMENT (RH-PUD) TO RESIDENTIAL MEDIUM DENSITY 9 DU/AC PLANNED UNIT DEVELOPMENT (RM-9 PUD); FROM RESIDENTIAL RANCH (RR) TO RESIDENTIAL HIGH DENSITY PLANNED UNIT DEVELOPMENT (RH PUD) WITH FLEX ZONE; FROM RESIDENTIAL RANCH (RR) TO REGIONAL COMMERCIAL PLANNED UNIT DEVELOPMENT (CR PUD) WITH FLEX ZONE AND FROM RESIDENTIAL RANCH (RR) TO REGIONAL COMMERCIAL PLANNED UNIT DEVELOPMENT (CR PUD); FOR THE PROJECT KNOWN AS "MAGNOLIA", GENERALLY BOUNDED BY COTTON ROAD, 175<sup>TH</sup> AVENUE, CACTUS ROAD AND WADDELL ROAD.**

**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 generally bounded by Cotton Road, 175<sup>th</sup> Avenue, Cactus Road and Waddell Road;

**WHEREAS**, portions of the subject site were annexed into the City of Surprise under Ordinance # 2017-01 and currently enjoy Residential Ranch (RR) zoning as a result of that annexation;

**WHEREAS**, certain portions of the subject site were not included in the aforementioned annexation and are currently zoned RH PUD;

**WHEREAS**, the proposed use of the subject property requires modification of the applicable zoning regulations;

**WHEREAS**, the proposed Rezoning 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 January 5, 2017, the Planning and Zoning Commission recommended approval of the Magnolia development.

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

**Section 1.** *Rezoning.* The below described parcels shall be rezoned as indicated in sections 1A, 1B, and 1C.

**Section 1A.** The parcel legally described on Exhibit A1 and depicted on Exhibit A2 is rezoned from Residential Ranch (RR) to Residential Medium Density, maximum six dwelling units per gross acre, planned unit development (RM-6 PUD) in a manner consistent with the Zoning Map included in Exhibit A2, subject to the stipulations contained within Section 2 herein.

**Section 1B.** The parcel legally described on Exhibit B1 and depicted on Exhibit B2 is rezoned from Residential Ranch (RR) and Residential High Density planned unit development (RH-PUD) to Residential Medium Density, maximum nine dwelling units per gross acre, planned unit development (RM-9 PUD) in a manner consistent with the Zoning Map included in Exhibit B2, subject to the stipulations contained within Section 2 herein.

**Section 1C.** The parcels legally described on Exhibit C1 and depicted on Exhibit C2 are rezoned from Residential Ranch (RR) on Parcel 1 to residential high density planned unit development with flex zone (RH PUD with Flex Zone), from Residential Ranch (RR) on Parcel 2 to regional commercial planned unit development with flex zone (CR PUD with Flex Zone), and Residential Ranch (RR) on Parcel 3 to regional commercial planned unit development (CR PUD) applied in a manner consistent with the Zoning Map included in Exhibit C2, subject to the stipulations contained within Section 2 herein.

**Section 2.** The following stipulations of approval shall apply:

- a. Development and use of the site shall be in substantial conformance with the project narrative entitled "Magnolia", prepared by LVA Urban Design Studio, dated revised December 2016 and stamped received December 6, 2016, except as modified by the terms of this Ordinance.
- b. Approval of this zone change request presumes the successful annexation of the subject property as being processed under FS16-427. Should said annexation request fail, the zoning of the property granted under the subject approval shall not take effect and this Ordinance shall be null and void.
- c. 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.

**Section 3.** *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Sections 1A, 1B and 1C above.

**Section 4.** *No Codification.* This Ordinance is not of a general nature and shall not be codified.

**Section 5.** *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 6.** *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 7.** *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 "A1"

### DESCRIPTION

#### MAGNOLIA ZONE CHANGE from RR to RM-6 PUD

A portion of the northeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

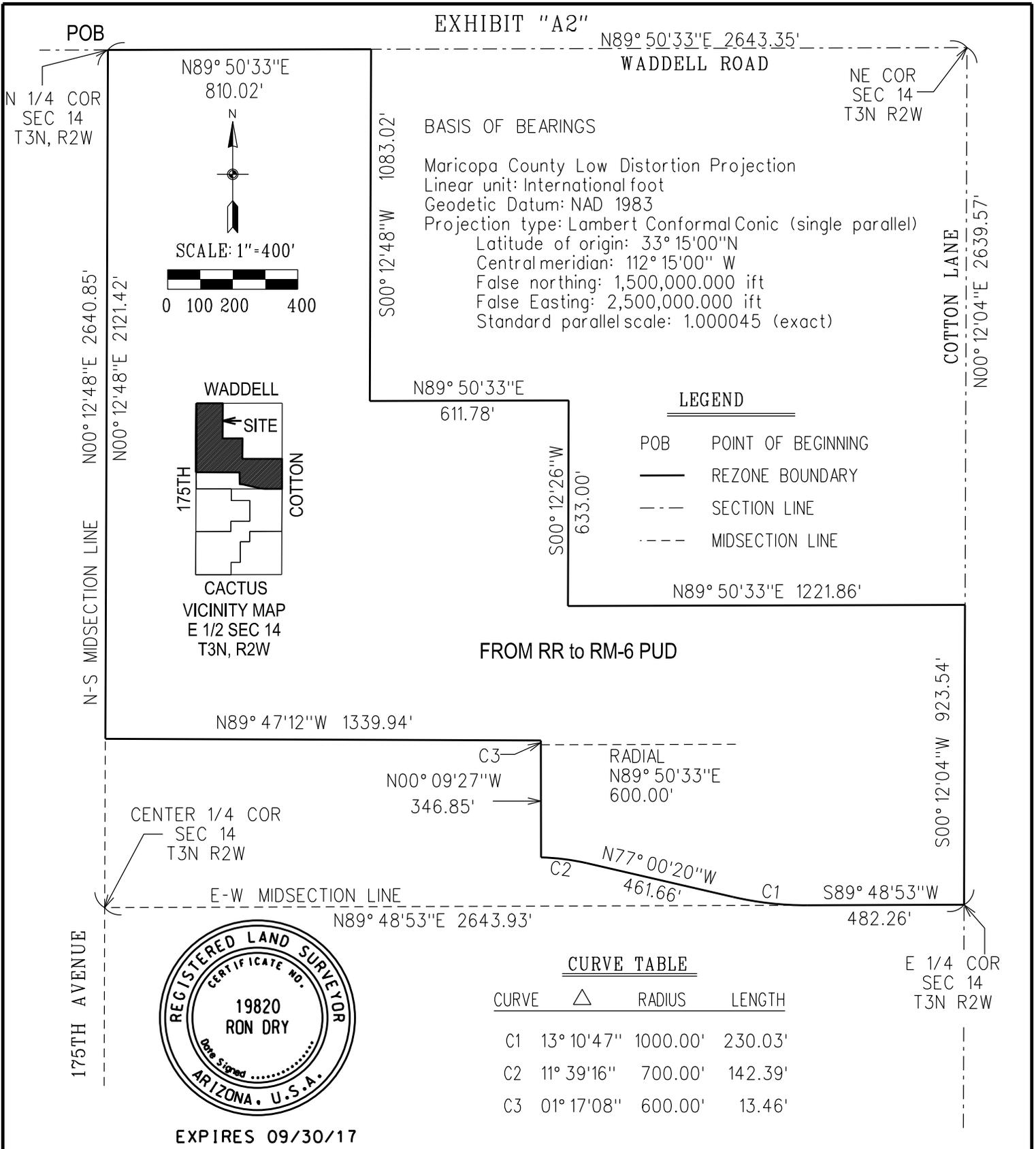
BEGINNING at the north quarter corner of said Section 14, from which the northeast corner of said Section 14 lies North 89°50'33" East 2643.35 feet;  
Thence along the north line of said northeast quarter North 89°50'33" East 810.02 feet;  
Thence South 00°12'48" West 1083.02 feet;  
Thence North 89°50'33" East 611.78 feet;  
Thence South 00°12'26" West 633.00 feet;  
Thence North 89°50'33" East 1221.86 feet to the east line of said northeast quarter;  
Thence along said east line South 00°12'04" West 923.54 feet to the east quarter corner of said Section 14;  
Thence along the east-west midsection line of said Section 14 South 89°48'53" West 482.26 feet to the beginning of a tangent curve, concave northerly, having a radius of 1000.00 feet;  
Thence departing said midsection line westerly along the arc of said curve through a central angle of 13°10'47" a distance of 230.03 feet;  
Thence North 77°00'20" West 461.66 feet to the beginning of a tangent curve, concave southerly, having a radius of 700.00 feet;  
Thence westerly along the arc of said curve through a central angle of 11°39'16" a distance of 142.39 feet;  
Thence North 00°09'27" West 346.85 feet to the beginning of a tangent curve, concave easterly having a radius of 600.00 feet;  
Thence northerly along the arc of said curve through a central angle of 01°17'08" a distance of 13.46 feet;  
Thence North 89°47'12" West 1339.94 feet to a point on the north-south midsection line of said Section 14;  
Thence North 00°12'48" East 2121.42 feet to the POINT OF BEGINNING.

Attached is EXHIBIT "A2" and by this reference is made a part hereof.

End of description

EXPIRES 09-30-2017

EXHIBIT "A2"



MAGNOLIA ZONE CHANGE  
 from RR to RM-6 PUD

**SURPRISE** ARIZONA  
**CITY OF SURPRISE**  
**LAND SURVEY DEPARTMENT**

PROJECT # 16034

DRAWN BY RCD

DATE 01-11-17

SHEET 1 OF 1

## EXHIBIT "B1"

### DESCRIPTION

#### MAGNOLIA ZONE CHANGE from RR to RM-9 PUD and from RH PUD to RM-9 PUD

Portions of the east half of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

#### RR to RM-9 PUD

BEGINNING at the south quarter corner of said Section 14, from which the southeast corner of said Section 14 lies North 89°48'58" East 2645.51 feet;  
Thence along the north-south midsection line of said Section 14 North 00°12'46" East 1332.63 feet;  
Thence departing said midsection line North 89°48'58" East 1077.57 feet to POINT "A" for purposes of this description;  
Thence North 00°11'02" West 316.90 feet;  
Thence North 89°48'58" East 584.03 feet;  
Thence North 00°11'02" West 633.80 feet;  
Thence South 89°48'58" West 570.97 feet;  
Thence North 00°11'02" West 357.04 feet to a point on the east-west midsection line of said Section 14;  
Thence South 89°48'53" West 1081.58 feet to the center quarter corner of said Section 14;  
Thence along said north-south midsection line North 00°12'48" East 519.43 feet;  
Thence departing said midsection line South 89°47'12" East 1339.94 feet to the beginning of a non-tangent curve, concave easterly, the center of which lies South 88°52'19" East 600.00 feet;  
Thence southerly along the arc of said curve through a central angle of 01°17'08" 13.46 feet;  
Thence South 00°09'27" East 346.85 feet to the beginning of a non-tangent curve, concave southerly, the center of which lies South 01°20'24" West 700.00 feet;  
Thence easterly along the arc of said curve through a central angle of 11°39'16" a distance of 142.39 feet;  
Thence South 77°00'20" East 461.66 feet to the beginning of a tangent curve, concave northerly, having a radius of 1000.00 feet;  
Thence easterly along the arc of said curve through a central angle of 13°10'47" a distance of 230.03 feet to a point on the east-west midsection line of said Section 14;  
Thence along said midsection line North 89°48'53" East 482.26 feet to the east quarter corner of said Section 14;  
Thence along the east line of the southeast quarter of said Section 14 South 00°10'43" West 1307.81 feet;  
Thence departing said east line South 89°48'58" West 908.17 feet;

DESCRIPTION continued on page 2 of 2

DESCRIPTION (continued from page 1 of 2)

Thence South 00°11'02" East 316.90 feet;  
Thence South 89°48'58" West 287.98 feet;  
Thence South 00°11'02" East 633.80 feet;  
Thence South 89°48'58" West 285.54 feet;  
Thence South 00°11'02" East 348.90 feet to a point on the south line of the southeast quarter of said Section 14;  
Thence along said south line South 89°48'58" West 1089.24 feet to the POINT OF BEGINNING.

EXCEPT

BEGINNING at the aforementioned POINT "A";  
Thence North 89°48'58" East 575.97 feet;  
Thence South 00°11'02" East 316.90 feet;  
Thence South 89°48'58" West 575.96 feet;  
Thence North 00°11'02" West 316.90 feet to the POINT OF BEGINNING.

**RH PUD to RM-9**

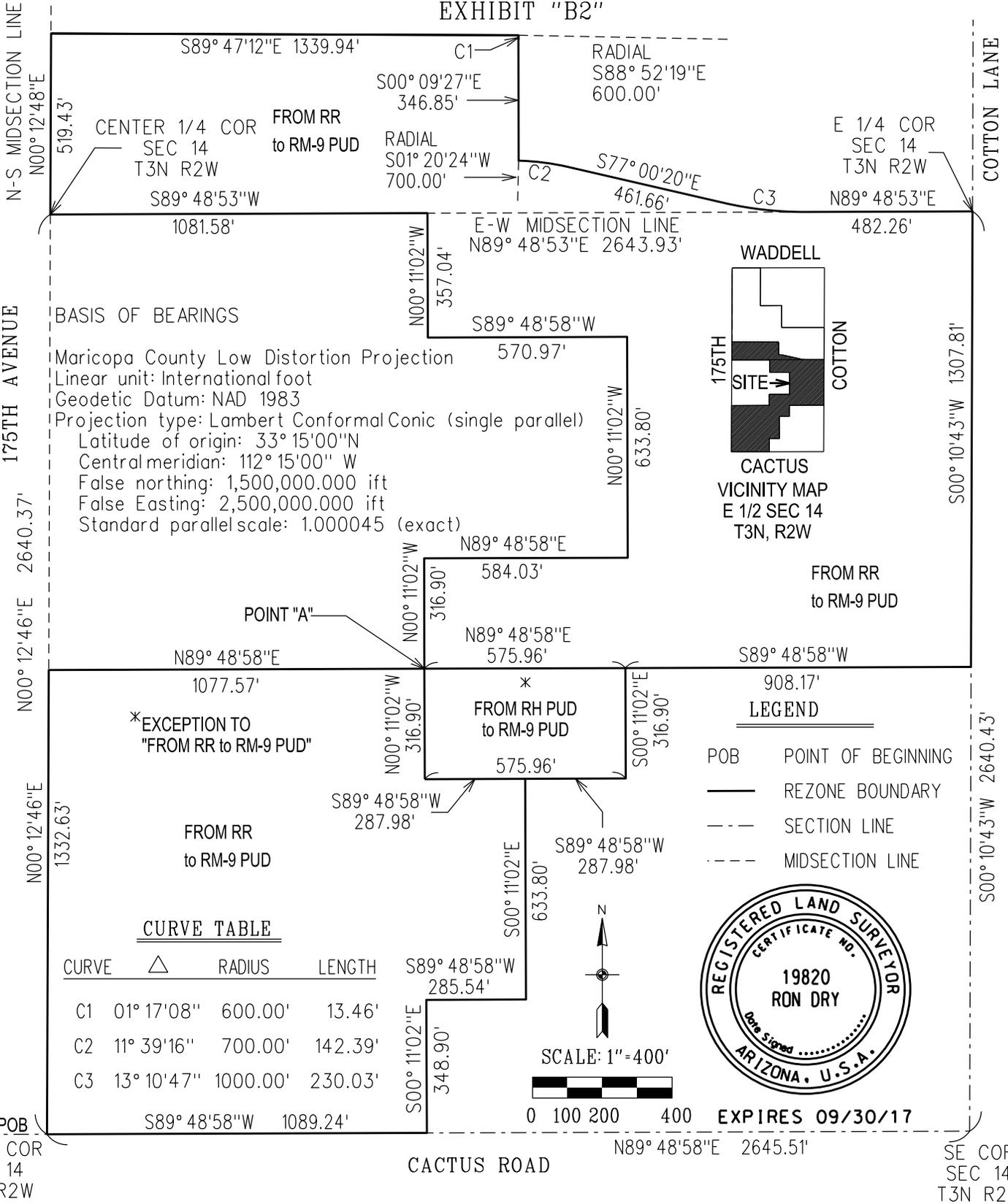
BEGINNING at the aforementioned POINT "A";  
Thence North 89°48'58" East 575.97 feet;  
Thence South 00°11'02" East 316.90 feet;  
Thence South 89°48'58" West 575.96 feet;  
Thence North 00°11'02" West 316.90 feet to the POINT OF BEGINNING.

Attached is Exhibit "B2" and by this reference is made a part hereof.

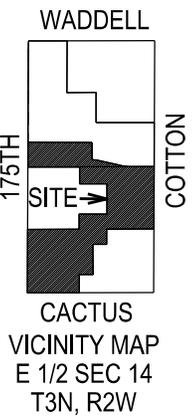
End of description

EXPIRES 09-30-2017

EXHIBIT "B2"



**BASIS OF BEARINGS**  
 Maricopa County Low Distortion Projection 570.97'  
 Linear unit: International foot  
 Geodetic Datum: NAD 1983  
 Projection type: Lambert Conformal Conic (single parallel)  
 Latitude of origin: 33° 15' 00" N  
 Central meridian: 112° 15' 00" W  
 False northing: 1,500,000.000 ft  
 False Easting: 2,500,000.000 ft  
 Standard parallel scale: 1.000045 (exact)



- LEGEND**
- POB POINT OF BEGINNING
  - REZONE BOUNDARY
  - - - SECTION LINE
  - - - MIDSECTION LINE



**CURVE TABLE**

CURVE	△	RADIUS	LENGTH
C1	01° 17' 08"	600.00'	13.46'
C2	11° 39' 16"	700.00'	142.39'
C3	13° 10' 47"	1000.00'	230.03'



MAGNOLIA ZONE CHANGE  
 from RR to RM-9 PUD  
 and from RH PUD to RM-9 PUD



CITY OF SURPRISE  
 LAND SURVEY DEPARTMENT

**EXHIBIT "C1"**

**DESCRIPTION**

**MAGNOLIA ZONE CHANGE from RR to RH PUD FLEX, CR PUD FLEX,  
& CR PUD**

Portions of the southeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

**PARCEL 1 RR to RH PUD FLEX**

COMMENCING at the south quarter corner of said Section 14 from which the southeast corner of said Section 14 lies North 89°48'58" East 2645.51 feet;  
Thence along the south line of said southeast quarter of said Section 14 North 89°48'58" East 1089.24 feet;  
Thence departing said south line North 00°11'02" West 348.90 feet;  
Thence North 89°48'58" East 285.54 feet;  
Thence North 00°11'02" West 365.80 feet to the POINT OF BEGINNING;  
Thence North 00°11'02" West 268.00 feet;  
Thence North 89°48'58" East 287.98 feet;  
Thence South 00°11'02" East 268.00 feet;  
Thence South 89°48'58" West 287.98 feet to the POINT OF BEGINNING.

**PARCEL 2 RR to CR PUD FLEX**

COMMENCING at the south quarter corner of said Section 14 from which the southeast corner of said Section 14 lies North 89°48'58" East 2645.51 feet;  
Thence along the south line of said southeast quarter of said Section 14 North 89°48'58" East 1089.24 feet;  
Thence departing said south line North 00°11'02" West 348.90 feet;  
Thence North 89°48'58" East 285.54 feet;;  
Thence North 00°11'02" West 277.00 feet to the POINT OF BEGINNING;  
Thence North 00°11'02" West 88.80 feet;  
Thence North 89°48'58" East 287.98 feet;  
Thence South 00°11'02" East 88.80 feet;  
Thence South 89°48'58" West 287.98 feet to the POINT OF BEGINNING.

**DESCRIPTION continued on page 2 of 2**

**DESCRIPTION continued from page 1 of 2**

**PARCEL 3 RR to CR PUD**

COMMENCING at the south quarter corner of said Section 14 from which the southeast corner of said Section 14 lies North 89°48'58" East 2645.51 feet;  
Thence along the south line of said southeast quarter of said Section 14 North 89°48'58" East 1089.24 feet;  
Thence departing said south line North 00°11'02" West 348.90 feet;  
Thence North 89°48'58" East 285.54 feet to the POINT OF BEGINNING;  
Thence North 00°11'02" West 277.00 feet;  
Thence North 89°48'58" East 287.98 feet;  
Thence South 00°11'02" East 277.00 feet;  
Thence South 89°48'58" West 287.98 feet to the POINT OF BEGINNING.

Attached is Exhibit "C2" and by this reference is made a part hereof.

End of description

EXPIRES 09-30-2017

EXHIBIT "C2"

E 1/4 COR  
SEC 14  
T3N R2W

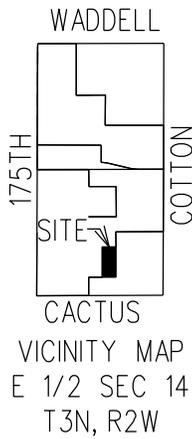
LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- REZONE BOUNDARY
- SECTION LINE
- MIDSECTION LINE

N00° 12' 46" E

175TH AVENUE

N-S MIDSECTION LINE



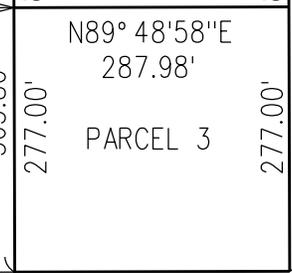
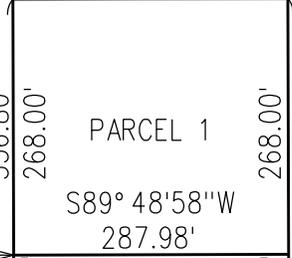
SCALE: 1"=200'



N00° 11' 02" W 633.80'

POB  
PARCEL 1  
POB  
PARCEL 2

N89° 48' 58" E  
287.98'



S00° 11' 02" E 633.80'

N89° 48' 58" E

N00° 11' 02" W 348.90'

285.54'

POB  
PARCEL 3  
S89° 48' 58" W  
287.98'

- PARCEL 1 RR to RH PUD FLEX
- PARCEL 2 RR to CR PUD FLEX
- PARCEL 3 RR to CR PUD

S00° 10' 43" W 2640.43'

COTTON LANE

POC  
N89° 48' 58" E 1089.24'

S 1/4 COR  
SEC 14  
T3N, R2W

BASIS OF BEARINGS

CACTUS ROAD

S89° 48' 58" W 2645.51'

SE COR  
SEC 14  
T3N R2W

Maricopa County Low Distortion Projection  
Linear unit: International foot  
Geodetic Datum: NAD 1983  
Projection type: Lambert Conformal Conic (single parallel)  
Latitude of origin: 33° 15' 00" N  
Central meridian: 112° 15' 00" W  
False northing: 1,500,000.000 ift  
False Easting: 2,500,000.000 ift  
Standard parallel scale: 1.000045 (exact)



EXPIRES 09/30/17

MAGNOLIA ZONE CHANGE  
FROM RR TO RH PUD FLEX,  
CR PUD FLEX & CR PUD



CITY OF SURPRISE  
LAND SURVEY DEPARTMENT

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SHEET 1 OF 1