

ORDINANCE 2017-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE OF 266.7 ACRES OF THE 637.4 ACRE PLANNED AREA DEVELOPMENT KNOWN AS SYCAMORE FARMS GENERALLY BOUNDED BY CACTUS ROAD TO THE NORTH, SARIVAL AVENUE TO THE EAST, PEORIA AVENUE TO THE SOUTH, AND COTTON ROAD TO THE WEST BY MODIFYING COMMERCIAL LOT SET-BACKS, MODIFYING THE PARKS AND TRAILS REQUIREMENT, MODIFYING SIGN REGULATIONS, AND MODIFYING THE LAND USE MIX BY DECREASING THE OVER ALL DENSITY AND INTENSITY.

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 bounded by West Cactus Road to the north, North Sarival Avenue to the east, West Peoria Avenue to the south, and North Cotton Road to the west;

WHEREAS, the subject site is zoned Sycamore Farms Planned Area Development (PAD);

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations but will continue with PAD zoning;

WHEREAS, the proposed Rezone, 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 19, 2017, the Planning and Zoning Commission recommended approval of the amendment to the Sycamore Farms 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, known as "Sycamore Farms Planned Area Development" is rezoned by retaining the PAD zoning and modifying the land uses, certain commercial development standards, parks and trails requirements, and sign regulations as set forth in that

document entitled "Sycamore Farms Planned Area Development Major Amendment for PAD 03-153" dated "Revised December 2016," subject to the following stipulations:

- A. Development and use of the PAD shall be in conformance with the project narrative entitled "Sycamore Farms Planned Area Development Major Amendment for PAD03-153", prepared by Sustainability Engineering Group, consisting of 17 pages dated Revised: December 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

Pad Parcels (East of SR 303)

A portion of the southeast quarter of Section 24, Township 3 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of said Section 24, a Brass Cap Flush, from which the south quarter corner of said Section 24, a Brass Cap in Handhole, bears South 89 degrees 10 minutes 52 seconds West, a distance of 2631.55 feet;

Thence along the south line of said section, South 89 degrees 10 minutes 52 seconds West, a distance of 32.96 feet;

Thence leaving said south line, North 00 degrees 15 minutes 32 seconds East, a distance of 55.00 feet, to the northerly right of way line of Peoria Avenue and the **Point of Beginning**;

Thence along the northerly right of way line of Peoria Avenue, North 89 degrees 44 minutes 28 seconds West, a distance of 1225.30 feet;

Thence North 00 degrees 15 minutes 32 seconds East, a distance of 30.00 feet to the easterly right of way line of SR 303 as described in Document No. 2013-0473059, Maricopa County Records;

Thence along said easterly line, North 89 degrees 44 minutes 28 seconds West, a distance of 700.00 feet;

Thence North 01 degrees 14 minutes 30 seconds East, a distance of 25.00 feet;

Thence North 89 degrees 44 minutes 28 seconds West, a distance of 333.24 feet;

Thence North 12 degrees 45 minutes 01 seconds West, a distance of 41.18 feet;

Thence North 01 degrees 11 minutes 40 seconds West, a distance of 858.31 feet;

Thence North 06 degrees 40 minutes 23 seconds West, a distance of 472.08 feet;

Thence North 50 degrees 35 minutes 29 seconds West, a distance of 84.00 feet;

Thence North 03 degrees 12 minutes 21 seconds West, a distance of 5.80 feet;

Thence leaving said easterly right of way line, South 69 degrees 56 minutes 27 seconds East, a distance of 329.84 feet;

Thence North 55 degrees 43 minutes 57 seconds East, a distance of 439.57 feet;

Thence South 40 degrees 39 minutes 15 seconds East, a distance of 128.32 feet;

Thence South 49 degrees 01 minutes 57 seconds East, a distance of 192.03 feet;

Thence North 40 degrees 47 minutes 16 seconds East, a distance of 69.51 feet;

Thence South 49 degrees 12 minutes 55 seconds East, a distance of 104.27 feet;

Thence North 41 degrees 11 minutes 14 seconds East, a distance of 98.73 feet;

Thence North 00 degrees 14 minutes 16 seconds West, a distance of 124.35 feet;

Thence South 84 degrees 04 minutes 09 seconds East, a distance of 23.44 feet;

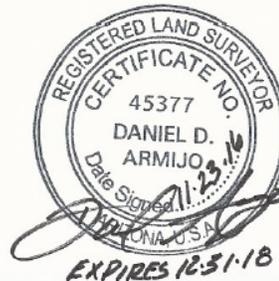
Thence North 00 degrees 18 minutes 05 seconds East, a distance of 77.10 feet;

Thence South 89 degrees 44 minutes 28 seconds East, a distance of 1299.34 feet, to the westerly right-of-way line of Sarival Road;

Thence along said westerly right of way line, South 00 degrees 18 minutes 05 seconds West, a distance of 1654.60 feet, to the **Point of Beginning**.

Containing 3,565,539.3 Square Feet or 81.854 Acres more or less.

Subject to easements, restrictions and rights of way of record.



**Pad Parcels
(West of SR 303)**

Lots 3044 (A-E), 3045 (A-E), 3046 (A-E), 3047 (A-E), 3048 (A-E), 3049 (A-E), 3050 (A-E), 3051 (A-E), 3068 (A-E), 3069 (A-E), 3070 (A-E), 3071 (A-E), 3072 (A-E), 3073 (A-E), 3074 (A-E), 3075 (A-E), 3076 (A-E), 3077 (A-E), 3078 (A-E), 3079 (A-E), 3080 (A-E), 3081 (A-E), 3082 (A-E), 3099 (A-E), 3100 (A-E), 3101 (A-E), 3103 (A-E), 3104 (A-E), 3105 (A-E) Inclusive and the west half of A of Lot 3106, as shown on the final plat of Unit 29 of Romola of Arizona Grapefruit Unit, recorded in Book 19 of Maps, Page 19, Maricopa County Records, lying within the northwest quarter of Section 24, Township 3 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Excepting therefrom portions of Lots 3075, 3099, 3100, 3101, 3102, 3103, 3104, 3105 and the west half of A of Lot 3106 lying within State Route 303 Bob Stump Memorial Parkway as described in Document Number 2009-0786048, Maricopa County Records.

Containing 6,066,368.1 Square Feet or 139.26 Acres more or less.
Subject to easements, restrictions and rights of way of record.

Together with:

Lots 3052 (A-E), 3053 (A-E), 3054 (A-D), 3065 (A-D), 3066 (A-E), 3067 (A-E), 3083 (A-E), 3084 (A-E), 3085 (A-E), 3086 (A-E), 3095 (A-E), 3096 (A-E), 3097 (A-E) and 3098 (A-E) Inclusive as shown on the final plat of Unit 29 of Romola of Arizona Grapefruit Unit, recorded in Book 19 of Maps, Page 19, Maricopa County Records, lying within the southwest quarter of Section 24, Township 3 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Excepting therefrom portions of Lots 3095, 3096, 3097 and 3098 lying within State Route 303 Bob Stump Memorial Parkway as described in Document Number 2013-0473059, Maricopa County Records.

Containing 2,626,916.5 Square Feet or 60.306 Acres more or less.
Subject to easements, restrictions and rights of way of record.



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



Land Use Plan
Sycamore Farms