

CITY OF SURPRISE
Planning and Zoning Commission Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Thursday, April 2, 2020 @ 6:00 PM
COUNCIL CHAMBERS



**Changes to public participation during
Planning & Zoning meetings effective March 18**

<http://bit.ly/33zgqWv>

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Planning and Zoning Commission Agenda:

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

CONSENT AGENDA:

- | | | | |
|----|----------|--|--|
| 1. | Internal | Consideration and action to review and approve or disapprove the March 19, 2020, Planning and Zoning Commission Minutes. | Nichole Flores
Community
Development |
|----|----------|--|--|

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|--|---|
| 2. | District 1 | Consideration and action pertaining to the Zone Change for Windstone Ranch of 19.92 acres from RR to RM-9 PUD, located on the northeast corner of the Happy Valley Road and 151st Avenue alignments. (Case FS19-263) | Sergio Angulo
Community
Development |
|----|------------|--|---|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2));

or discussion or consultation for legal advice with the attorney or attorneys of the public body (A.R.S. §38-431.03(A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: March 25, 2020 at 1:15 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: April 2, 2020 Contact Person: Nichole Flores
Submitting Department: Community Development District: Internal
Staff Recommendations:

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to review and approve or disapprove the March 19, 2020, Planning and Zoning Commission Minutes.

Motion:

I move to approve/disapprove the March 19, 2020, Planning and Zoning Commission minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 03-19-20 PZ MIN
-

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

March 19, 2020 / 6:00 PM

**COUNCIL CHAMBERS
16000 North Civic Center Plaza
Surprise, AZ 85374**

CALL TO ORDER.

Chair Matthew Keating called the Planning and Zoning Commission Meeting to order at 6:00 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on March 19, 2020.

A. ROLL CALL

In attendance were Chair Matthew Keating, Vice-Chair Dennis Bash, Commissioner Scott Krous, Commissioner Mitchell Rosenbaum, Commissioner Ken Chapman and Commissioner Dennis Smith. Commissioner Gisele Norberg had an excused absence.

STAFF PRESENT:

Robert Wingo, City Attorney; Chris Boyd, Community Development Director; Lloyd Abrams, Assistant Community Development Director; Robert Kuhfuss, Current Planning Supervisor; Nichole Flores, Planning and Zoning Secretary and Ashley Labhart, Senior Administrative Specialist.

COUNCIL MEMBERS PRESENT:

None.

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

Mr. Boyd stated representative's for item #2 are available via phone due to Council Chambers being closed to the public. Discussed CD related staffing changes.

D. STAFF REPORT

None.

CALL TO THE PUBLIC:

Chair Keating opened the call to the public to discuss any items not listed on the agenda.

Hearing no comments, Chair Keating closed the call to the public.

CONSENT AGENDA:

Item 1 – Internal – Consideration and action to review and approve or disapprove the March 5, 2020, Planning and Zoning Commission Minutes.

Commissioner Chapman made a motion to approve the March 5, 2020, Planning and Zoning

Commission Minutes as presented. Commissioner Smith seconded the motion. Motion passes with 5 votes in favor.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

None.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

Item 2 – District 6 – Consideration and action on the Site Plan to allow for a new Goodwill store in a portion of Parcel 13 of the Rancho Gabriela PAD generally located south of Cactus Road and east of Reems Road.

Robert Kuhfuss, Current Planning Supervisor, presented item 2 to the Commission.

Vice-Chair Bash made a motion to approve the Site Plan to allow for a new Goodwill store in a portion of Parcel 13 of the Rancho Gabriela PAD generally located south of Cactus Road and east of Reems Road as stated in the staff report subject to stipulations “A” through “E”. Commissioner Chapman seconded the motion. Motion passes with 6 votes in favor.

OTHER BUSINESS:

Item G – Other Business and Future Agenda Items.

None.

ADJOURNMENT:

Hearing no further business, Chair Keating made a motion to adjourn the Planning and Zoning Commission meeting. Commissioner Smith seconded the motion.

Meeting adjourned at 6:06 P.M.

Matthew Keating
Planning and Zoning Commission Chair

The foregoing instrument is a full, true and correct copy of the original document on file in the office of the City Clerk, City of Surprise, Arizona.

ATTEST BY: _____
Nichole Flores, Commission Secretary

DATE: _____



CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: April 2, 2020 Contact Person: Sergio Angulo
Submitting Department: Community Development District: District 1
Staff Recommendations:

Consent: No Regular: No Public Hearing: Yes Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the Zone Change for Windstone Ranch of 19.92 acres from RR to RM-9 PUD, located on the northeast corner of the Happy Valley Road and 151st Avenue alignments. (Case FS19-263)

Motion:

I move to recommend approval/denial to the Mayor and City Council of the Zone Change of 19.92 acres from RR to RM-9 PUD, located on the northeast corner of the Happy Valley Road and 151st Avenue alignments.

Background:

Kent Xander of DKJ Desert Oasis, LLC on behalf of Kent A. Xander IRA and Pensco Trust Company, LLC, requests a Zone Change for Windstone Ranch of 19.92 acres (approx.) of Residential Ranch (RR) to Residential Medium Density (RM-6) with a Planned Unit Development (PUD) Overlay to allow certain deviations from the base RM-9 development standards.

Objective Analysis:

Policy Compliant:

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 00 - FS19-263 - Staff Report
 2. 01 - FS19-263 - Vicinity Map
 3. 02 - FS19-263 - Zone Change Document - Reduced
 4. 03 - FS19-263 - Luke Air Force Base Comments
 5. 04 - FS19-263 - Dysart Unified School District Comments
 6. 05 - FS19-263 - Neighborhood Meeting Report
 7. FS19-263 - PowerPoint
-

ZONE CHANGE

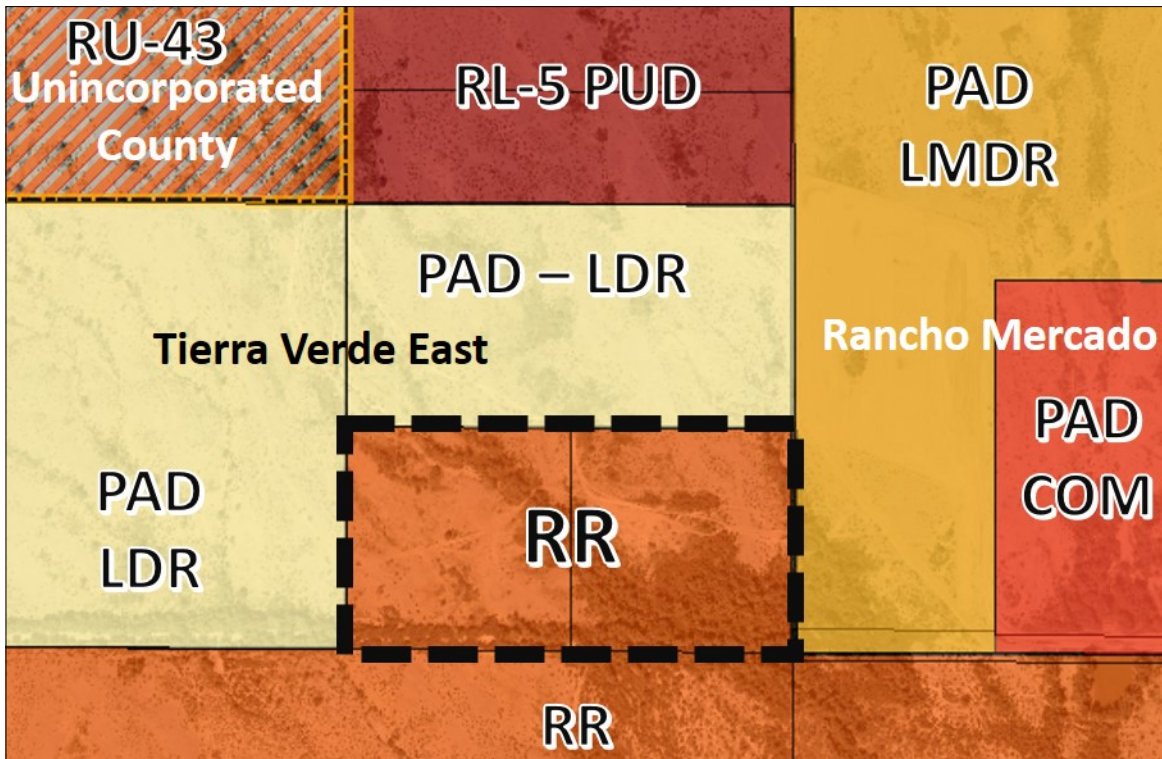
REPORT TO THE PLANNING AND ZONING COMMISSION

1 **Case:** **FS19-263**
2
3 **Project Name:** Windstone Ranch
4
5 **Council District:** 1 – Acacia
6
7 **Meeting Date:** **April 2, 2020**
8
9 **Planner:** Sergio Angulo, Planner II
10
11
12 **Owner:** Kent A. Xander IRA and Pensco Trust Company, LLC
13
14 **Applicant:** Kent Xander of DKJ Desert Oasis, LLC
15
16 **Request:** Zone Change from Residential Ranch (RR) (19.92) to Residential
17 Medium Density (RM-9) with a Planned Unit Development (PUD)
18 Overlay to allow deviations from the base development standards.
19
20 **Site Location:** Northeast corner of the Happy Valley Road and 151st Avenue
21 alignments in a portion of the southeast quarter of Section 5,
22 Township 4 North, Range 1 West, of the Gila and Salt River Base and
23 Meridian, Maricopa County, Arizona.
24
25 **Dwelling Units:** 79 Units
26
27 **Site Size:** 19.92 acres (approx.)
28
29 **Density:** 3.96 DU/Ac
30
31 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan.
32
33 **Support/Opposition:** No known opposition/support.
34
35 **Staff Recommendation:** Staff recommends the Commission move to recommend **approval** of
case **FS19-263** to the City Council, subject to stipulations 'a' and 'b'.
36 **Project Description:**
37

38 Kent Xander of DKJ Desert Oasis, LLC on behalf of Kent A. Xander IRA and Pensco Trust Company, LLC,
39 requests a Zone Change of 19.92 acres (approx.) of Residential Ranch (RR) to Residential Medium
40 Density (RM-6) with a Planned Unit Development (PUD) Overlay to allow certain deviations from the
41 base RM-9 development standards for a 79-lot single-family residential development, located on the
42 northeast corner of the Happy Valley Road and 151st Avenue alignments. The proposed Zone Change
43 request anticipates the eventual development of the property into a 79-lot, single-family residential
44 subdivision.

45

46 **Surrounding Land Zoning:**



PAD – LDR	PAD – LDR	PAD – LMDR
PAD – LDR	RR	PAD – LMDR
RR	RR	RR

47 **Background:**

48

November 10, 2007: The City Council approved the annexation (Ordinance 07-47) of the subject property.

February 28, 2019: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR19-103.

April 5, 2019: The applicant filed a related request for a Zone Change from RR to RM-9 PUD for approximately 19.92 acres under case FS19-263, the subject case.

February 19, 2020: The applicant held a neighborhood outreach meeting to discuss the project.

Citizen Outreach:

As noted above, the applicant held a Citizen Review meeting on February 19, 2020, which was advertised per state law and SUDC requirements. No members from the general public attended the meeting.

Analysis and Discussion:

The applicant requests to rezone the subject property from Residential Ranch (RR) to Residential Medium Density (RM-9) with a PUD Overlay. In the RM-9 zoning district, the SUDC allows for a maximum density of 9 dwelling units per acres; however, this PUD Overlay will cap the density at 3.96 dwelling units to the acre. The proposed density and unit count also allows for an increase in open space from 20% to 44.6% of the Net Residential Acreage (NRA). The proposed PUD Overlay also proposes certain deviations from the base RM-9 development standards as shown in the development standards table below.

Development Standards Table:

DEVELOPMENT STANDARDS FOR WINDSTONE RANCH		
Development Standard:	RM-9 Base Zoning:	RM-9 PUD Zoning*:
Minimum Lot Area:	4,500 sq. ft.	4,500 sq. ft.
Minimum Lot Width:	40'	40'
Minimum Lot Depth:	100'	100'
Minimum Front Setback (livable/side garage):	12'	12'
Minimum Front Setback (garage):	21'	21'
Minimum Side Yard Setback:	Determined at Pre-Plat	5'
Minimum Rear Yard Setback:	20'	20'
Maximum Building Height:	35'	35'
Minimum Open Space	20%	44.6%
Maximum Density	9 DU/Ac	3.93 DU/Ac

*Items in **bold font** are different than the base standard.

As part of the proposed Zone Change the applicant requests to deviate from certain requirements set in the SUDC for Medium Density Residential development as follows:

79

80 The first is the requirement for a community swimming pool in developments with 60 residential
81 units or more, found in Section 122-137(r) of the SUDC. The applicant believes that the proposed 20'
82 rear yard building setback will give the homeowner the necessary space to build a swimming pool in
83 the backyard if they choose to do so.

84

85 The applicant also requests to amend the provisions in Section 122-121 (h)(3)c. – d. which limits the
86 driveways to 30% of the front yard area and 30% of the lot width. Given the proposed minimum lot
87 width for this development, these provisions take away the possibility to have a driveway wide
88 enough to accommodate a two (2) car garage or two (2) vehicles parked on the driveway. To allow
89 for adequate on-site parking, the applicant proposes to increase the driveway allowance from 30%
90 to 40% of the total front yard area and of the width of the lot.

91

92 Section 122-137(p)(1) requires not less than one (1) turf recreational field per 700 dwelling units with
93 each required field being not less than 3.5 acres. As an alternative, the applicant seeks to amend the
94 turf area requirement by spreading the required acreage throughout the subdivision in three
95 separate fields.

96

97 Section 122-137(o)(3) further requires that every subdivision be amenitized with not less than one
98 tot-lot each having the following features:

99

- 100 • One shade covered play structure consistent with ADA requirements
- 101 • One swing set
- 102 • Three benches
- 103 • Two trash receptacles
- 104 • One drinking fountain
- 105 • Two ramadas
- 106 • Two picnic tables
- 107 • Two barbeque grills

108

109 Through the PUD Overlay, the applicant proposes that the amenities listed above would be spread
110 out over the three (3) aforementioned turf areas as opposed to each turf area being outfitted with
111 the complete list of amenities.

112

113 **Utility and Services Table:**

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
Schools:	Dysart Unified School District

114 **Conformance with Adopted Plans:**

April 2, 2020 P&Z

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Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which in a suburban neighborhood supports residential development between two and eight dwelling units per acre (2-8 DU/Ac). The proposed Zone Change and PUD Overlay will allow for a development with a maximum density of 3.96 DU/Ac. which demonstrates consistency with this land use category.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Arizona Department of Transportation, Maricopa Water District, Dysart School District, and Luke AFB were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Summary:

This proposed Zone Change and PUD Overlay will reduce the maximum allowed density and amend certain development standards to allow for the development of Windstone Ranch.

Findings:

- The proposed Zone Change and density are consistent with the Surprise General Plan 2035.
- The proposed Zone Change is consistent with the Surprise Unified Development Code, except as amended through the PUD Overlay.
- The SUDC allows for the modification of development requirements through the PUD Overlay process.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to recommend **approval** of case **FS19-263** to the City Council, subject to stipulations 'a' and 'b' as outlined below:

- a. Development and use of the site shall be in substantial conformance with the Zone Change document entitled "Windstone Ranch Zone Change", prepared by Kent A. Xander, dated revised January 6, 2020 and stamped received January 8, 2020.
- 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.

However, should the Commission wish to recommend denial of the request to the City Council, the Commission should make its own findings and base its decision on those alternative findings.

155 **Attachments:**

156

157 01 Vicinity Map

158 02 Zone Change Document

159 03 Luke AFB comments

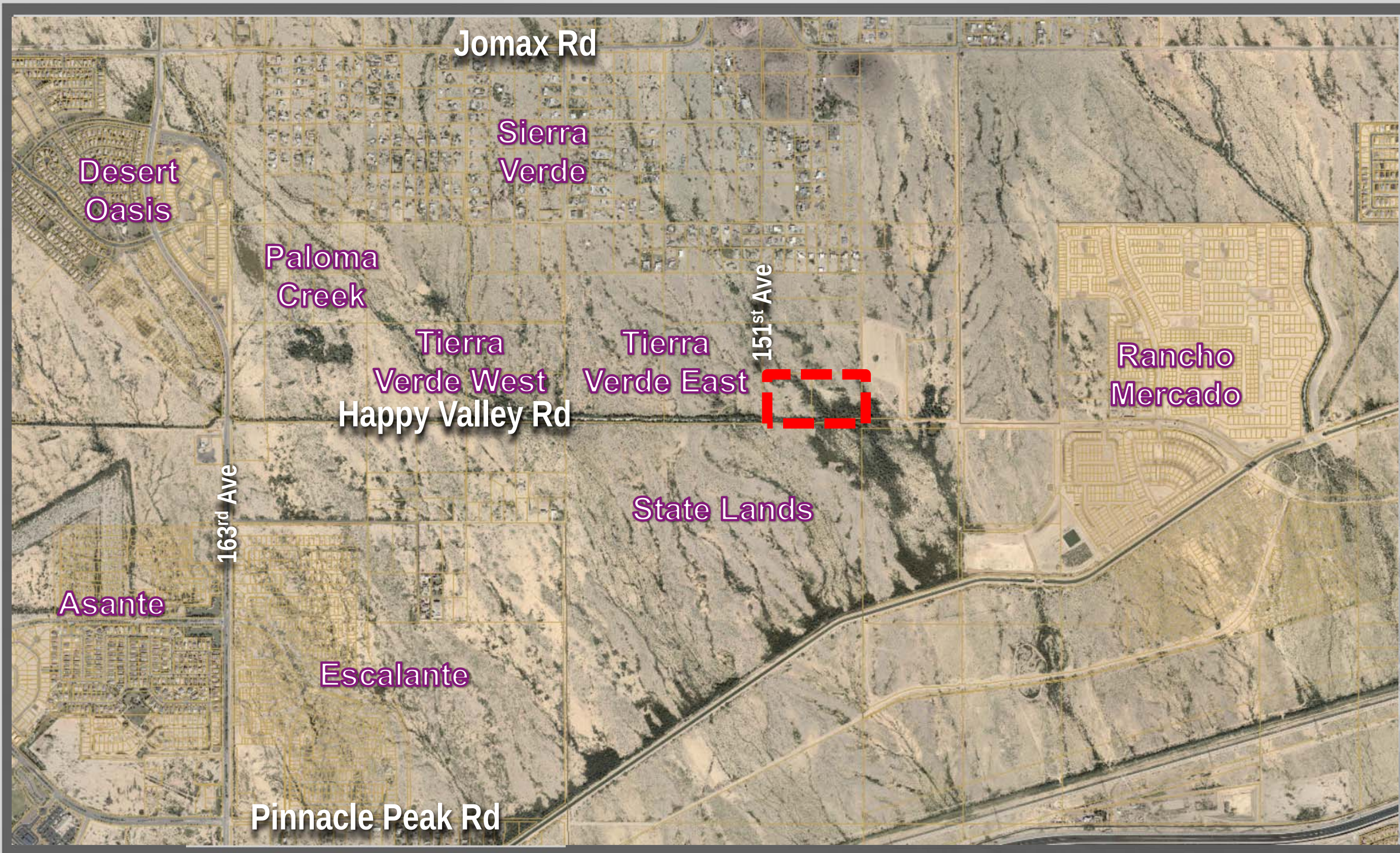
160 04 Dysart Unified School District

161 05 Neighborhood Meeting Report

April 2, 2020 P&Z

Case: FS19-263

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VICINITY MAP

WINDSTONE RANCH ZONE CHANGE

Case File # FS19-263
Zone Change from Residential Ranch (RR) to
RM-9 (Residential Medium Density) with a Planned Unit
Development (PUD) Overlay

19.92 Gross Acres

Northeast corner Happy Valley Road and 151st Avenue
Surprise, Arizona

Prepared by: Kent A. Xander

Submitted To: City of Surprise, Arizona

Dated: February 7, 2019
Revised: April 5, 2019
Revised: June 3, 2019
Revised: January 6, 2020

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Legal Description and Map.....	Exhibit C
Development Concept Plan.....	Exhibit D
Adjacent Rancho Mercado PAD Map.....	Exhibit E
General Plan 2035 Land Use Map.....	Exhibit F

Windstone Ranch Team:

Applicant:

Kent A. Xander
kxander@kaxgroup.com
10973 N. 138th Way
Scottsdale, Arizona 85259
(602) 499-9305

Engineer:

Atwell, LLC - Ted Northrop
tnorthrop@atwell-group.com
4700 E. Southern Avenue
Mesa, AZ 85206
(480) 586-2104

Location and Introduction:

A Vicinity Map is shown on page 4 illustrating Windstone Ranch location (NEC Happy Valley Road and 151st Avenue (alignments)).

Windstone Ranch is a 19.92 gross acre proposed single-family residential subdivision adjacent to Rancho Mercado PAD Parcel A22 and Tierra Verde East PAD Parcel 3 and Parcel 4 all zoned for an allowed density of 3.1 – 3.7 units per acre. The subject property is adjacent to unincorporated vacant land to the south (south of Happy Valley Road alignment) owned by Arizona State Land Department. There are no homes within ¼ mile of Windstone Ranch. One of the development constraints of this property is the offsite drainage which traverses from northwest to southeast. This project includes working with and the cooperation with the north property owner (Tierra Verde East PAD Parcel 4) to formulate a cohesive development plan working out circulation, utilities and drainage (including a drainage report and CLOMR). When Windstone Ranch is developed, the adjacent half street improvements on 151st Avenue shall be constructed by the developer subject to City of Surprise and Maricopa County Flood Control requirements. The Conceptual Plan shown in **Exhibit D**, provides for a 79-lot single-family residential subdivision on 19.92 gross acres that has 44.6% net residential acreage open space.

Exhibit A depicts a map of the existing zoning of the subject property, adjacent PAD's, and vacant land. Existing homes are ¼ mile north of Windstone Ranch. The adjacent specific zoning and land uses are as follows:

East

- Rancho Mercado PAD Parcel A22 41.7 Acres 149 lots (53' x 105')

North

- Tierra Verde East PAD Parcel 4 19.6 Acres 61 lots (60' x 115')

West

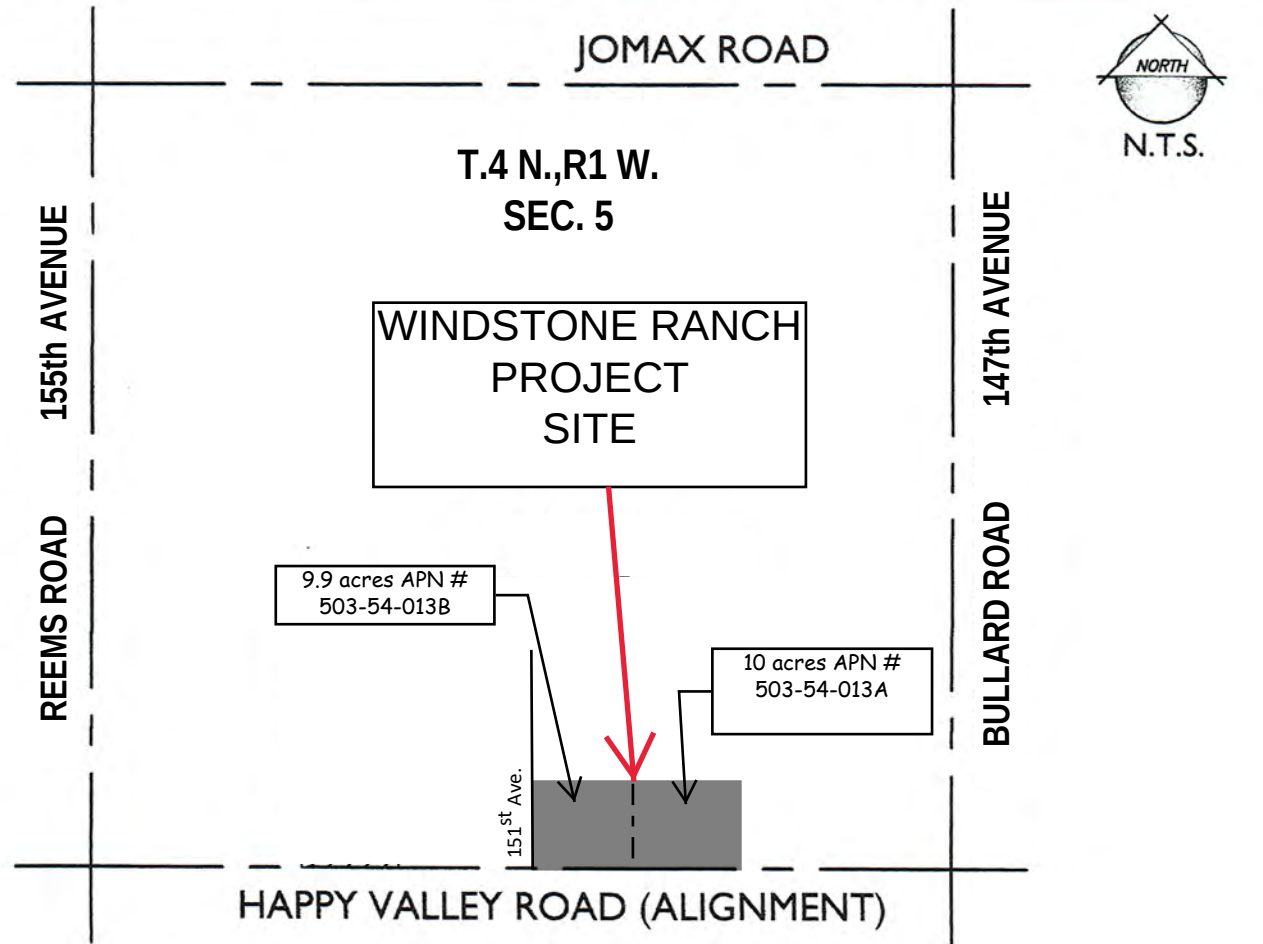
- Tierra Verde East PAD Parcel 3 39.48 Acres 144 lots (50' x 120')

South

- Residential Ranch (RR) Vacant Land State Land Trust

Exhibit E shows the relationship of the Subject Property to the Adjacent PAD's on Rancho Mercado's Planned Area Development Map.

VICINITY MAP



Description of Request:

Applicant, requests approval of a Zone Change (Case# FS19-263) regarding 19.92 gross acres vacant land from Residential Ranch (RR) to Residential Medium Density (RM-9) with a PUD Overlay.

See Exhibit B for Proposed Zoning Map and See Exhibit C for Legal Description and Map Exhibit.

Base zoning RM-9 allows up to 9 dwelling units per acre (DU/Ac); however, through the PUD Overlay, the subject property proposes not more than 79 dwelling units over approximately 19.92 gross acres for a maximum gross density of 3.96 DU/Ac.

With a cap on density, the applicant believes the development standards associated with the RM-9 with a PUD Overlay zoning district are in line with those of the adjacent PAD's to the subject property, with certain deviations as articulated in **Table A** of the Windstone Ranch Narrative.

Windstone Ranch proposed zoning district and lot sizes provides for an excellent transition subdivision located on Happy Valley Road Arterial to buffer the larger lots to the north from Happy Valley Road. Windstone Ranch zoning district will be designed to allow flexibility per the PUD Overlay while maintaining an environment and pedestrian access compatible with adjoining neighborhoods and provide standards to ensure compatibility and transportation access.

Windstone Ranch Development Concept Plan shown on **Exhibit D** shows this project working with and the cooperation with the north property owner (Tierra Verde East PAD Parcel 4) to formulate a cohesive development plan working out circulation, utilities and drainage issues (including a drainage report and CLOMR). Exhibit D is a conceptual design and the final design will be determined by a final plat.

Section 122-137(r) of the SUDC requires a community swimming pool for Medium Density Residential projects of 60 or more units. The Applicant proposes the deletion of this requirement through the PUD Overlay. The rationale being that as a single-family development with 20' rear setbacks, ample space will be available on each lot to accommodate a private pool requirement.

There is a provision in the current SUDC which limits the width of a single-family residential driveway to 30% of the lot width. The proposed minimum lot width is 40' for the RM-9. If the RM-9 is limited to 30%, the driveways would only be 12.5' wide. Since a minimum width of a parking space is 9 feet, the driveway to accommodate a 2-car garage will be a minimum of 18 feet wide.

There is a provision in the current SUDC which limits the area of a residential driveway to 30% of the required front area, which is that area located between the front setback line and the front lot line. The proposed minimum lot width is 40', while the proposed minimum front setback is 12'. The existing standard 30% of the resulting area will not accommodate a driveway. Since a minimum width of a parking space is 9 feet, the driveway to accommodate a 2-car garage will be a minimum of 18 feet wide.

Section 122-137(p)(1) requires one (1) turf recreational field per 700 residential units in single-family zoning, with each field having a minimum turf area of not less than 3.5 acres. The Applicant proposes the removal of the 3.5-acre minimum size requirement, based on the proportionate size of the field relative to the proposed single-family development of a maximum of 79 dwelling units. The applicant instead proposes three (3) separate fields that are spread out within the single-family development. The following amenities shall be spread out over the three (3) fields:

- One shade covered play structure consistent with ADA requirements;
- One swing set;
- Three benches;
- Two trash receptacles;
- One drinking fountain;
- Two ramadas;
- Two picnic tables; and
- Two barbeque grills.

The SUDC requires that not less than 20% of the “net residential acreage” be set aside as open space. The Applicant proposes an increase to 44.6% of the net residential area as open space, which exceeds the 20% requirement set forth in the SUDC.

Open Space	304,920 SF	7.000 Acres
Net Residential Acreage = Lot Area + Open Space	684,328 SF	15.71 Acres
Open Space as % of NRA	<u>44.6%</u>	

In addition to the above Windstone Ranch amenities and interconnecting pedestrian trails, Windstone Ranch pedestrian trail system will connect with Rancho Mercado PAD Parcel A22 and Tierra Verde East PAD Parcel 4 trail systems to gain access to the Cities regional trail system and future bus stops and schools. See Development Concept Plan **Exhibit E** for pedestrian access and trails.

Table A Residential Medium Density RM-9 PUD Overlay Development Standards Comparison Table:

Development Standard	City Base RM-9 Development Standards	Proposed RM-9 PUD Development Standards
Net Residential Acreage Open Space	20%	44.6%
Maximum Density	9.0	3.96
Minimum Lot Area (sf)	4,500	4,500
Minimum Lot Width (ft)	40	40
Minimum Lot Depth (ft)	100	100
Minimum Front Yard Setback (ft) (livable area / front -facing garage)	12/20 ⁽¹⁾	12/21 ^{(1) (2)}
Minimum Side Yard Setback (ft)	- ⁽³⁾	5
Minimum Rear Yard Setback (ft)	20	20 ⁽⁵⁾
Maximum Building Height (ft)	35	35
Driveway Width Percentage	30%	40%
Driveway Area Percentage	30%	40%
Street Side/Corner Lot (ft)	- ⁽⁴⁾	5

- (1) Front facing garages shall have a minimum 21-foot front yard setback measured from back of sidewalk.
(2) 12-foot livable front setback is measured from back of right of way.
(3) To be determined at Site Plan or Preliminary Plat Review.
(4) There is not a street side setback requirement in the SUDC.
(5) Porches/patios may encroach 2.5' into the rear yard setbacks.

The result of the Windstone Ranch Zone Change with a PUD Overlay would be:

- Windstone Ranch will be in conformance with the adopted Surprise General Plan 2035 as noted below.
- The development of Windstone Ranch will occur in a manner that is consistent with the surrounding PAD's and PUD' and share in City major infrastructure sustainable costs with other adjacent projects.
- The development will have seamlessly been integrated and aligned with adjacent zoning, open space, pedestrian trails, drainage tracts, roads, and, utilities with adjacent Rancho Mercado PAD Parcel A22 and Tierra Verde East PAD Parcel 4.
- Unless specified in this Zoning Document, all development shall comply with the development standards and design guidelines set in the Surprise Municipal Code at the time of development.

Conformance with the adopted Surprise General Plan 2035:

The Surprise General Plan 2035 (see **Exhibit F**) shows the subject property as lying within the Neighborhood Land Use Character Area, which in a Suburban Neighborhood supports residential development of up to 8 DU/Acre or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. The proposed 3.96 DU/Ac is consistent with the General Plan's allowed density and allowed transition of density policy. The proposed RM-9 PUD component will be buffered from Happy Valley Road by a large open space and the project is consistent with the General Plan in this regard. The General plan seeks appropriate buffers and transitions between the various Character Areas. To meet this guideline, the lots along the south side of the subject property will be set back off Happy Valley Road with open space and pedestrian trails through the property and connecting to the open space planned for Rancho Mercado Parcels A22, and Tierra Verde East PAD Parcels 3 and 4.

Ingress/Egress/Access:

1. Access is driven by the timing of Tierra Verde and Rancho Mercado development schedule.
2. Primary access is on 151st Avenue from Happy Valley Road to Windstone Ranch.
3. Secondary access is through Tierra Verde Parcel 4 and Rancho Mercado Parcel 22.

While the lotting of Tierra Verde East PAD Parcel 4 was not contemplated with the Rancho Mercado Parcel A22, provisions have been always made to accommodate future access to and from Tierra Verde East PAD Parcel 4 via W. Bronco Lane to Rancho Mercado Parcel A22. Applicant is in discussion with the owners of Rancho Mercado Parcel A22 and Tierra Verde East PAD Parcel 4 regarding the lotting arrangement as expressed in **Exhibit D**. While this arrangement may slightly change between the time of the current zone change and the ultimate development of these parcels, applicant is comfortable with the lotting as proposed.

Transportation/Traffic and Utilities

- Upon development of Windstone Ranch, all necessary utilities for Windstone Ranch will be extended from adjacent Rancho Mercado Parcel A22 and Tierra Verde East Parcel 3 and 4.
- Windstone Ranch is working with other projects in this area to develop the water and water resources necessary to service this project.
- Windstone Ranch will purchase sewer capacity pursuant to SPA 2 Water Reclamation Facility Capacity Allocation Agreement.
- Onsite streets shall be constructed to meet City standards at the time of construction.
- City of Surprise 151st Avenue right of way. Windstone Ranch shall dedicate to the City of Surprise a half street width of a Collector street along the entire project at Final Plat recording.
- The relocation of the wash adjacent on the east side of 151st Avenue is subject to CLOMR approval.



Exhibit A Existing Zoning Map

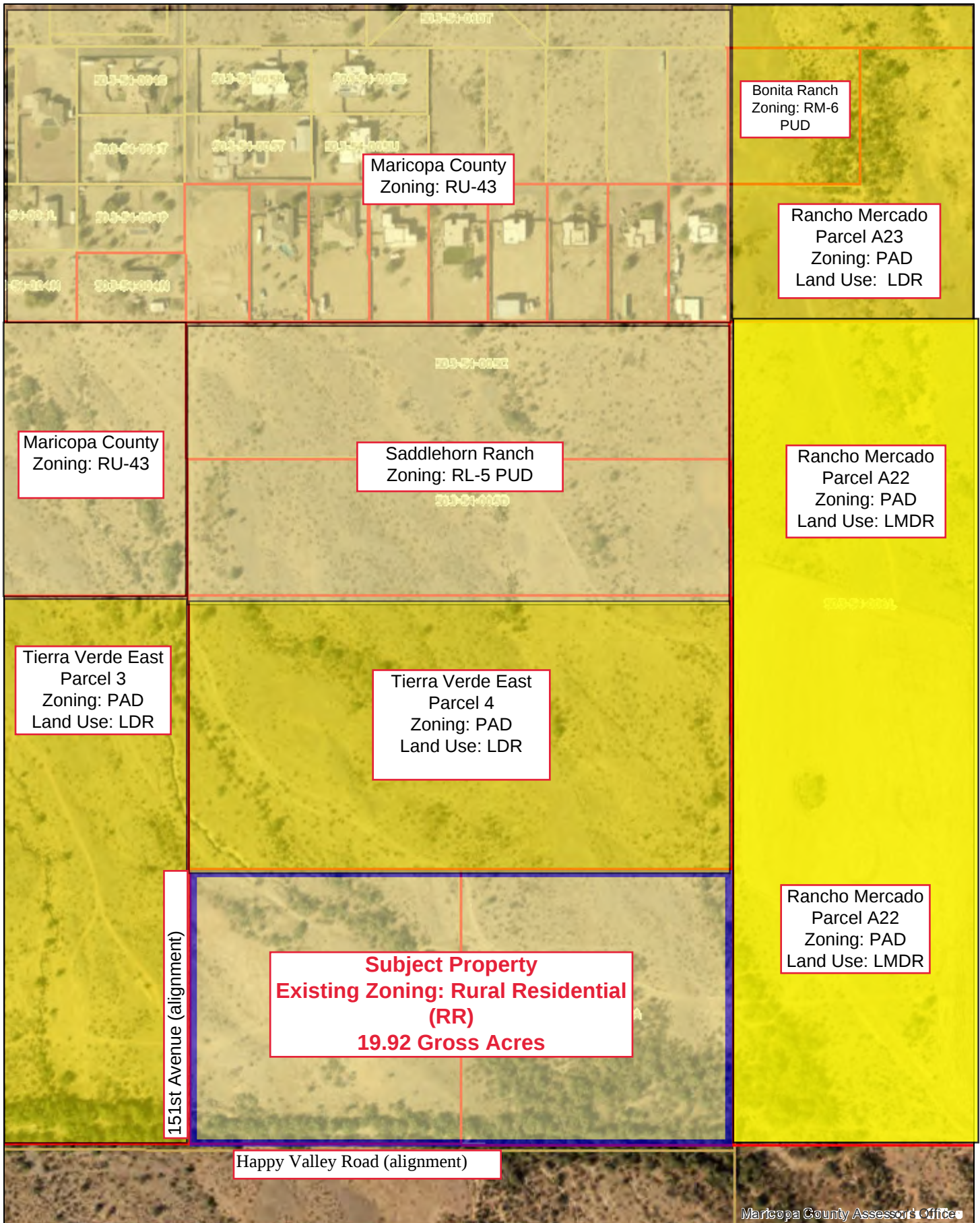
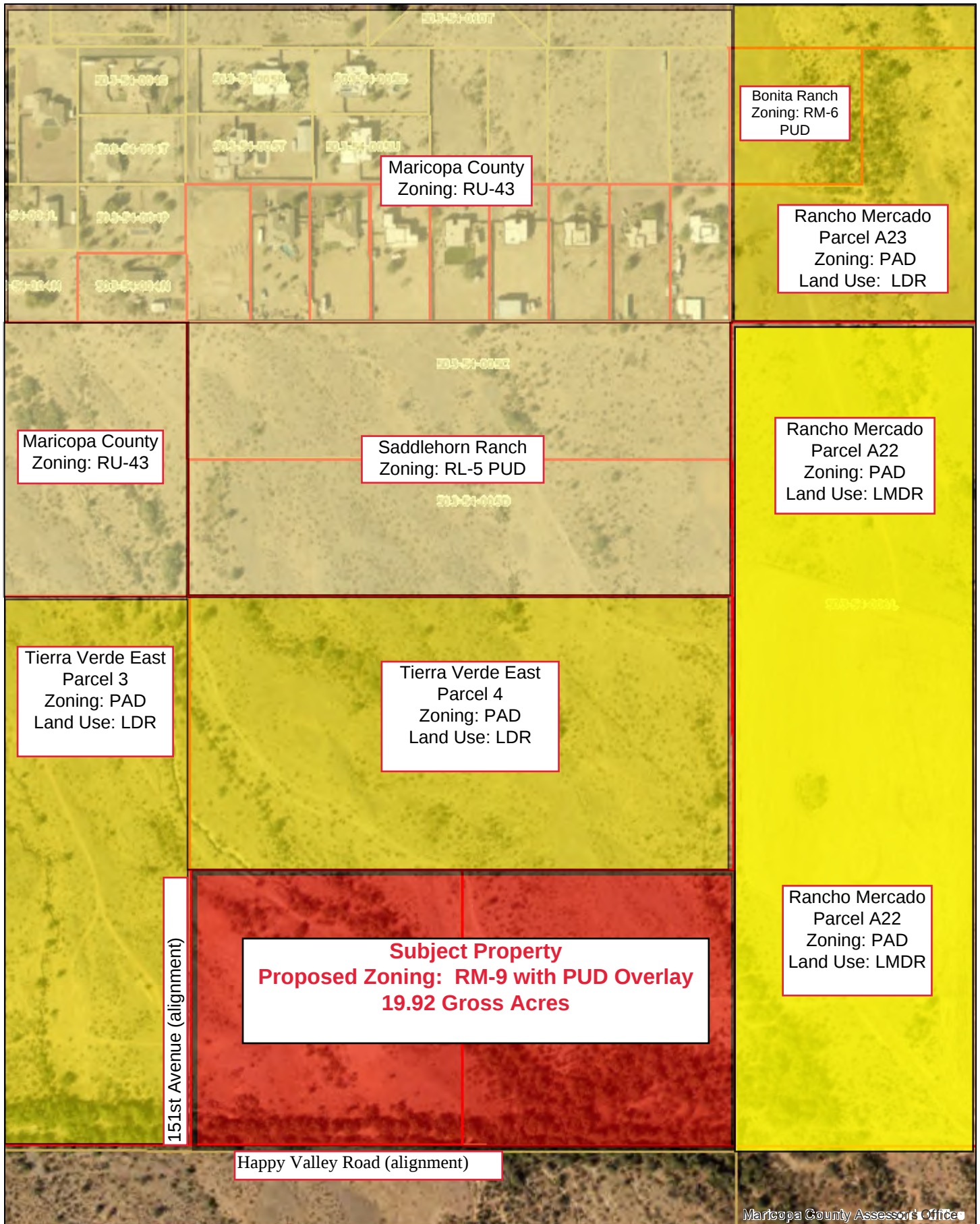




Exhibit B Proposed Zoning Map



**EXHIBIT C, PAGE 1
LEGAL DESCRIPTION**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2" ALUMINUM CAP STAMPED MARICOPA COUNTY RLS 35832 2003, ACCEPTED AS THE WEST QUARTER CORNER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 WEST, FROM WHICH A FOUND 3" BRASS CAP IN HANDHOLE STAMPED MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION 36770, ACCEPTED AS THE EAST QUARTER CORNER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 WEST, THEREOF BEARS S89°46'48"E A DISTANCE OF 5255.54 FEET;

THENCE, ALONG THE EAST LINE OF SAID SECTION 5, S00°07'05"E A DISTANCE OF 2645.63 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 5;

THENCE, ALONG THE SOUTH LINE OF SAID SECTION 5, N89°36'55"W A DISTANCE OF 1313.47 FEET TO THE **POINT OF BEGINNING**;

THENCE, CONTINUING ALONG THE SOUTH LINE OF SAID SECTION 5, N89°36'55"W A DISTANCE OF 1313.47 FEET;

THENCE, LEAVING THE SOUTH LINE OF SAID SECTION 5, N00°01'59"E A DISTANCE OF 660.55 FEET;

THENCE, S89°38'02"E A DISTANCE OF 1312.60 FEET;

THENCE, S00°02'31"E A DISTANCE OF 660.98 FEET TO THE SOUTH LINE OF SAID SECTION 5, ALSO BEING THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 867,588 SQUARE FEET OR 19.917 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 19000032.00:03
JUNE 5TH, 2019



EXHIBIT C, PAGE 2
PARCEL MAP CHECK REPORT

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 19000032.00:03
JUNE 5TH, 2019

Name: PENSICO TRUST COMPANY LLC

North: 986610.0910' East: 558609.1815'

Segment #1 : Line

Course: N89°36'54.601"W Length: 1313.4711'

North: 986618.9130' East: 557295.7400'

Segment #2 : Line

Course: N0°01'58.660"E Length: 660.5461'

North: 987279.4590' East: 557296.1200'

Segment #3 : Line

Course: S89°38'01.913"E Length: 1312.6044'

North: 987271.0712' East: 558608.6976'

Segment #4 : Line

Course: S0°02'31.000"E Length: 660.9803'

North: 986610.0910' East: 558609.1815'

Perimeter: 3947.6020' Area: 867587.79 Sq. Ft.

Error Closure: 0.0000 Course: N14°46'33.818"E

Error North: 0.00003 East: 0.00001

Precision 1: 3947601900.0000



CENTER OF SEC 5, T.4N., R.1W
 FOUND BRASS CAP FLUSH
 STAMPED LS 9753
 N89°41'19"W 2619.85'
 E1/4 COR SEC 5, T.4N., R.1W.,
 W1/4 COR SEC 4, T.4N., R.1W.,
 FND 2" ALUM CAP STAMPED
 MARICOPA COUNTY LS 35832 2003
 BASIS OF BEARING
 YEARLING ROAD
 S89°46'48"E
 5255.54' M
 E1/4 COR SEC 4, T.4N., R.1W
 FND 3" BRASS CAP IN HANDHOLE
 STAMPED MARICOPA COUNTY DEPARTMENT OF
 TRANSPORTATION LS 36770
 FOUND 1/2" REBAR
 YPC LS 36562
 VOYAGER SURPRISE 20 LLC
 A.P.N. 503-54-013C
 S89°38'02"E
 1312.60'
 THIS SITE
 PENSICO TRUST COMPANY, LLC
 N89°36'55"W 2626.94'
 HAPPY VALLEY ROAD
 S1/4 COR SEC 5, T.4N., R.1W
 FOUND ALUMINUM CAP IN HANDHOLE
 STAMPED 1/4 5/6 2003 LS 35832
 ARIZONA STATE LAND
 SE COR SEC 5, T.4N., R.1W.,
 SW COR SEC 4, T.4N., R.1W.,
 FOUND 2" ALUM CAP
 STAMPED LS 33307 2011
 N00°02'15"E
 1321.12'
 N00°01'59"E 1321.09'
 660.55'
 660.55'
 660.98'
 S00°02'31"E
 WILLIAM LYON HOMES INC
 A.P.N. 503-54-006L
 S00°07'05"E 2645.63'
 1313.47'
 POB
 Scale: 1"=300'
 PROFESSIONAL LAND SURVEYOR
 CERTIFICATE NO.
 22282
 JAMES G. SPRING
 Date Signed: 6/5/19
 ARIZONA, U.S.A.

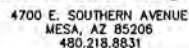


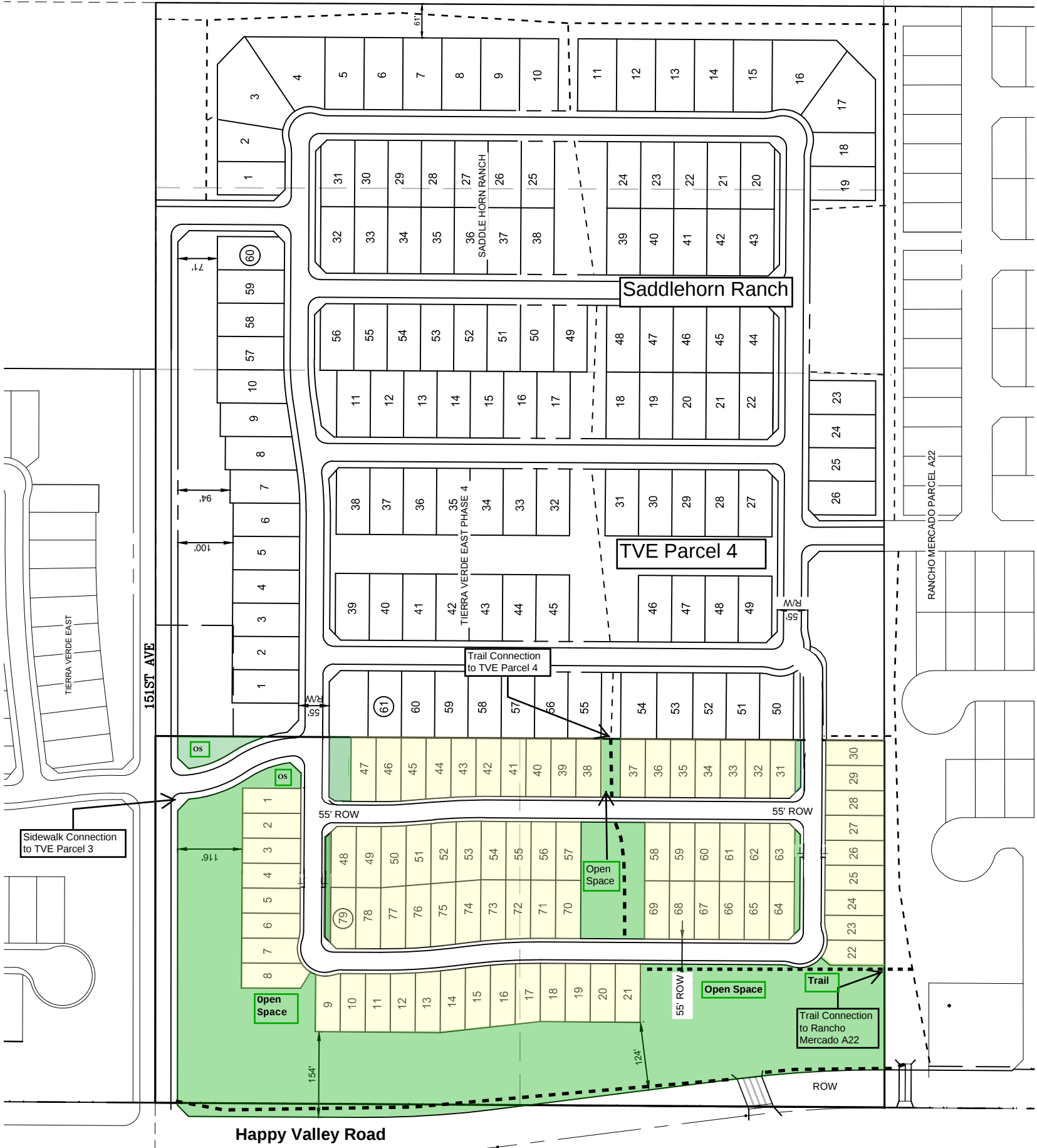
EXHIBIT C 6-5-2019
PENSICO TRUST COMPANY, LLC
CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

Exhibit D

Windstone Ranch

Conceptual

Development Plan



This is a conceptual design and the final design will be determined by a final plat.

Rancho Mercado

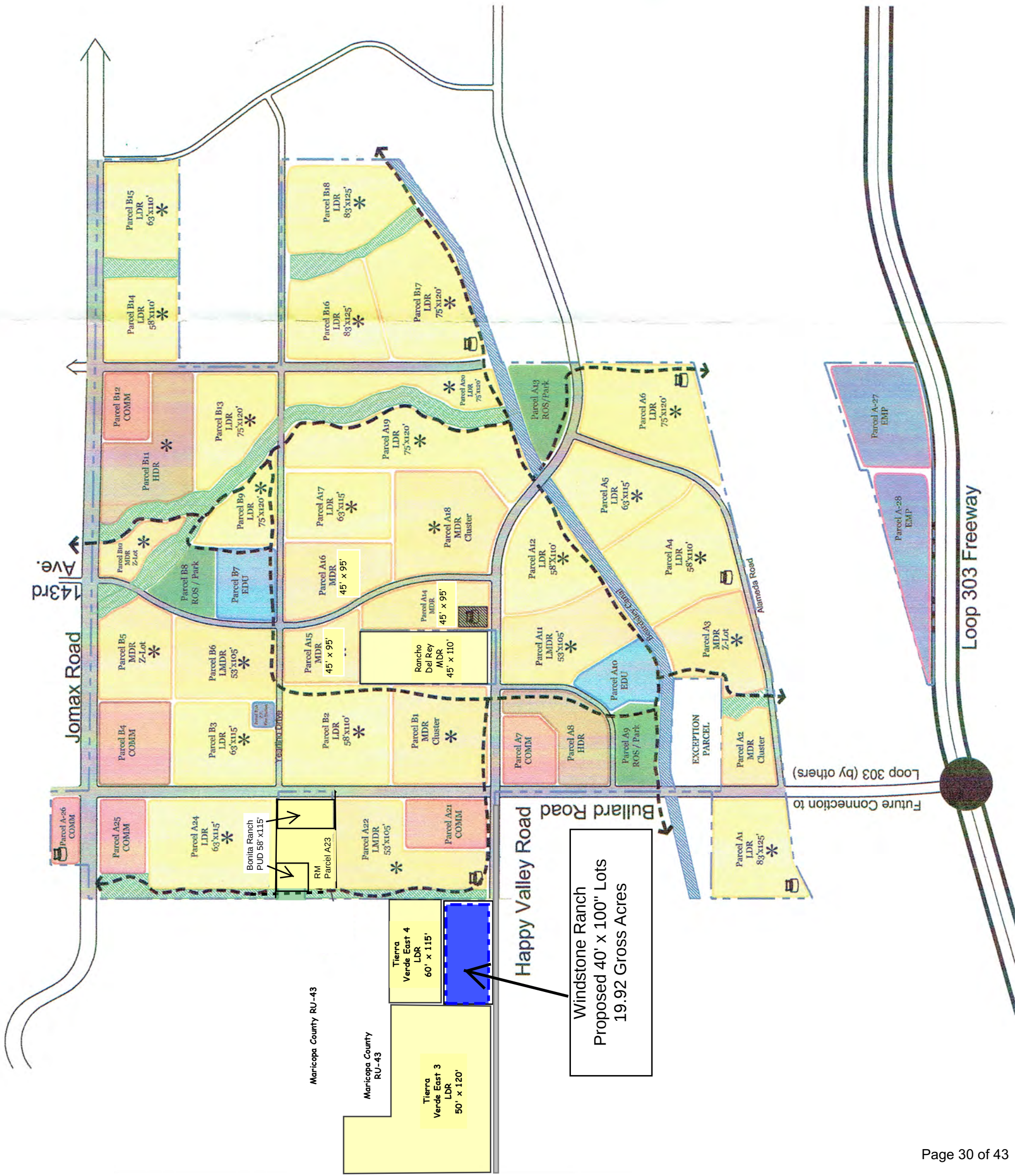
City of Surprise, Arizona

Planned Area Development

Windstone Ranch proposed (RM-9)
PUD pedestrian access and trails.

LEGEND

- Low Density Residential (LDR) 2.0-5.0 du/ac
- Low Medium Density Residential (LMDR) 4.0-6.0 du/ac
- Medium Density Residential (MDR) 5.0-10.0 du/ac
- High Density Residential (HDR) 15.0 + du/ac
- Community Commercial
- Commercial / Employment
- Educational / School
- Recreational Open Space
- Open Space/Wash Corridors
- Fire Station
- Proposed Future Loop 303 Interchange
- Neighborhood / Community Trail
- Property Boundary
- Proposed Mini Parks (Locations TBD at time of plat)
- Well Site
- Water Campus

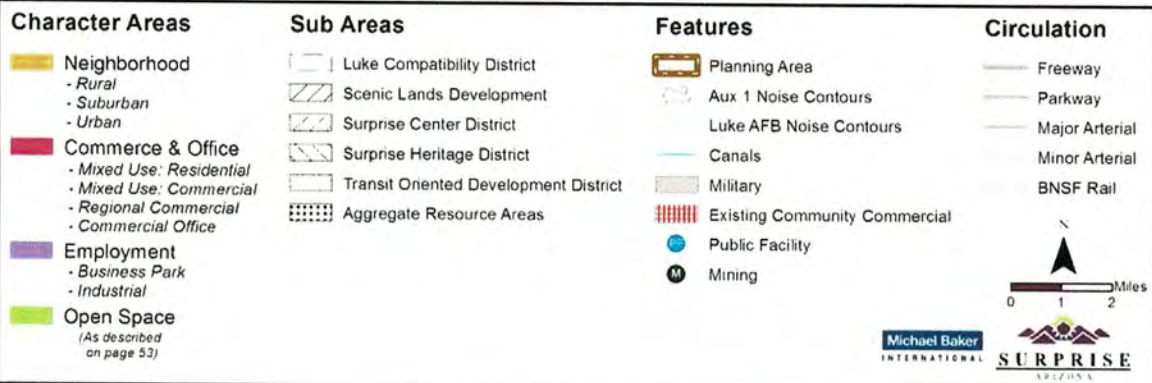
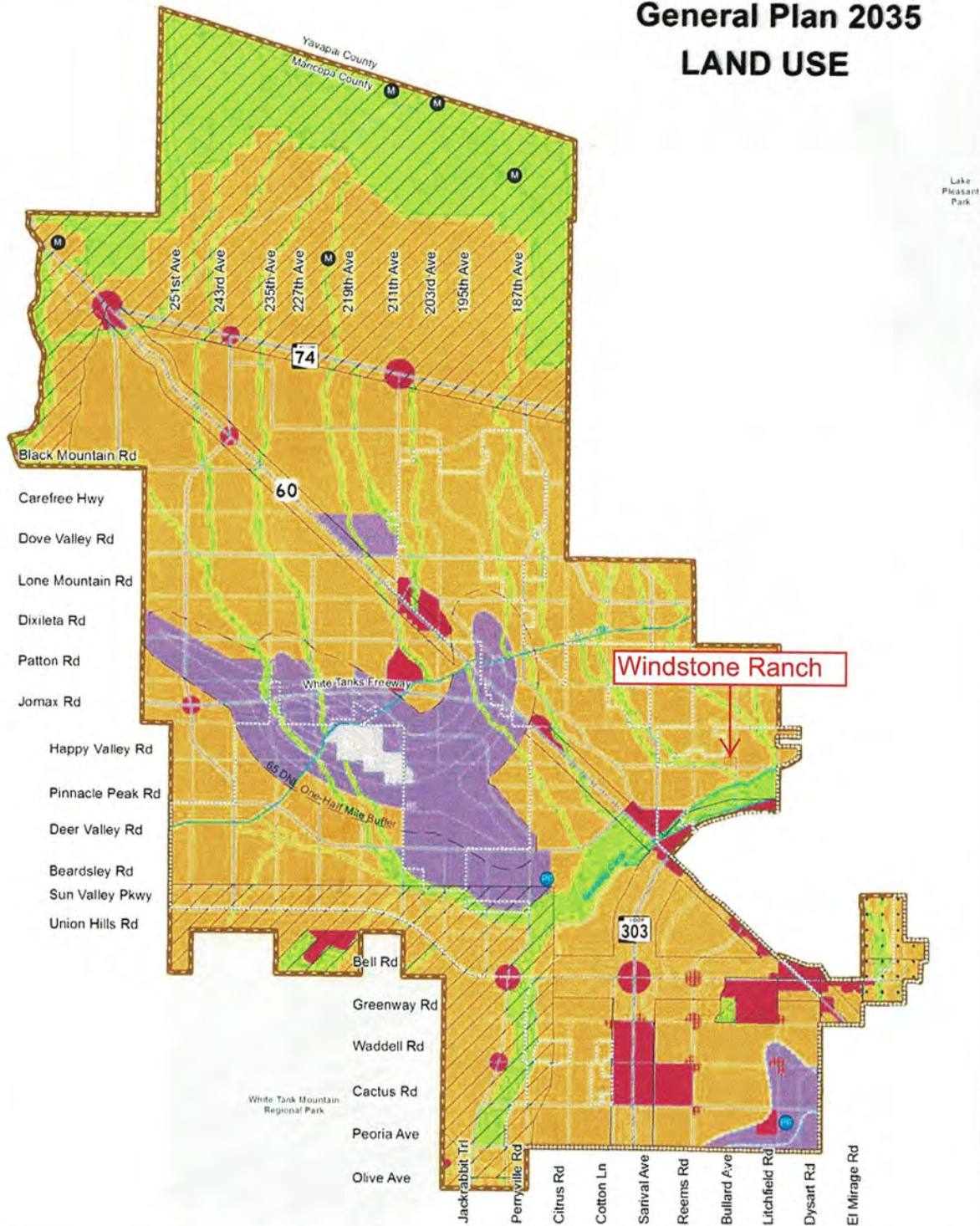


Date: 06-26-06
Drawn By: MR
Revised: 02-23-07



Exhibit F

General Plan 2035 LAND USE



From: [TOALE, CHRISTOPHER P GS-13 USAF AETC 56 FW/CVE](#)
To: [Allysa Robinson](#)
Cc: [TOALE, CHRISTOPHER P GS-13 USAF AETC 56 FW/CVE](#)
Subject: RE: FS19-263 Windstone Ranch Rezone w/PUD Overlay New Submittal 040819 (APNs 503-54-013A/B)
Date: Monday, April 8, 2019 2:22:16 PM
Attachments: [smime.p7s](#)
[ATT00001.txt](#)
[ATT00002.htm](#)

Ms. Robinson,

Thank you for allowing Luke AFB to make comments for the rezoning with PUD overlay application for the Windstone Ranch project located on undeveloped land on the NE corner of Happy Valley Road and 151st Ave in Surprise, AZ. This application is to change the zoning from Residential Ranch (RR) to Residential Medium Density (RM-9) with a PUD Overlay. The site is located 4.9 miles outside of the Luke AFB Aux-1 2004 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the narrative, this request at the location above, will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights per day, as low as 1,500 feet above the ground. When building we recommend you review the sound attenuation requirements found in A.R.S. § 28-8482.

Regards,

Christopher Toale

Deputy Director

Community Initiatives Team

Luke AFB, AZ

From: Allysa Robinson

Sent: Monday, April 8, 2019 9:47 AM

To: 'Bob Woodring - TEMPX' ; 'Chris Cain - MWD' ; TOALE, CHRISTOPHER P GS-13 USAF AETC 56 FW/CVE ; Christina Betz ; Daniel Trujillo ; 'Debbie Trasancos - MWD' ; 'Don Romero - USPS' ; Donna Miller ; 'Ernest (USPS)' ; 'Eva Pierce' ; Greg Welch ; 'Ibeth - USPS' ; 'Kevin Shipman' ; 'Leslie - MWD' ; 'Mark Frago' ; 'Mary Orta - Surprise Chamber' ; 'Peter Hughes - FCDX' ; 'Project Coordinator' ; 'Raoul Sada - Surprise Chamber' ; 'Richard Hammitt' ; Sandy Simmons ; 'Vern Wolfley - MAG' ; 'Victor.Schaum' ; 'Yvonne Aguirre'

Cc: Lloyd Abrams ; Sergio Angulo

Subject: [Non-DoD Source] FS19-263 Windstone Ranch Rezone w/PUD Overlay New Submittal 040819

Attached please find the **application**, **narrative**, and **site plan** for the above referenced project. Please feel free to contact us with any questions.

Best regards,

Allysa Robinson

Project Coordinator

City of Surprise | Community Development

16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

Phone: 623-222-3099

Fax: 623-222-3001

Allysa.Robinson@surpriseaz.gov

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

08 Apr 2019 16:47:25 -0000

From: [Shipman, Kevin](#)
To: [Allysa Robinson](#)
Cc: [Kent A. Xander](#)
Subject: Re: CR19-103 Windstone Ranch Rezone
Date: Tuesday, February 19, 2019 3:43:15 PM

RE: Windstone Ranch Rezone

This proposed development doesn't warrant additional capacity concerns for Dysart Unified School District. We have no objections to the project as proposed. We do stress the importance of connectivity; as does the project narrative. We have two school sites identified in Rancho Mercado and significant growth and need forecast in the area. Allowing pedestrians from Windstone Ranch access to trail system to get to potential schools and bus stops is requested. More direct access is preferred whenever possible.

Thanks!

Kevin Shipman

Planning Administrator

Planning Department

Dysart Unified School District

p: 623-876-7976 **m:** 623-688-4051

a: 15802 N. Parkview Place, Surprise, AZ 85374

w: dysart.org

On Mon, Feb 11, 2019 at 3:35 PM Allysa Robinson <Allysa.Robinson@surpriseaz.gov> wrote:

Windstone Ranch

CR19-103

NEC of 151st Ave and Happy Valley Rd

APNs: 503-54-013A and 503-54-013B

Rezone 19.92 acres from RR to RM-9 with PUD Overlay

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under

Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

11 Feb 2019 22:35:30 -0000

--

Kevin Shipman

Planning Administrator

Planning Department

Dysart Unified School District

p: 623-876-7976 **m:** [623-688-4051](tel:623-688-4051)

a: [15802 N. Parkview Place, Surprise, AZ 85374](https://www.google.com/maps/place/15802+N+Parkview+Place,+Surprise,+AZ+85374/@33.3258333,-112.3458333,15z)

w: dysart.org



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KAX Group, LLC

WINDSTONE RANCH

City of Surprise Zone Change Case# FS19-263

Neighborhood Meeting Minutes

February 19, 2020 6:00pm-7:00pm

Applicant Attendees:

KAX Group, LLC - Kent A. Xander

City Representatives:

Roland Winter Jr., Council Person
Lloyd Abrams, Assistant Director Planning
Rob Kuhfuss, Planning Supervisor
Sergio Angulo, Planner I

Meeting Summary:

On Wednesday, February 19, 2020, a neighborhood meeting was held at Asante Preparatory Academy – 23251 N. 166th Drive, Surprise, AZ to discuss a proposed rezone from Residential Ranch (RR) to Residential Medium Density (RM-9) regarding 20 gross acres.

The 20-acre vacant land site is located at the NWC of Saddlehorn Road and 151st Avenue alignments ¼ mile north of Happy Valley Road.

No neighbors attended the meeting.

Conclusion:

No public comments.



Windstone Ranch Zone Change

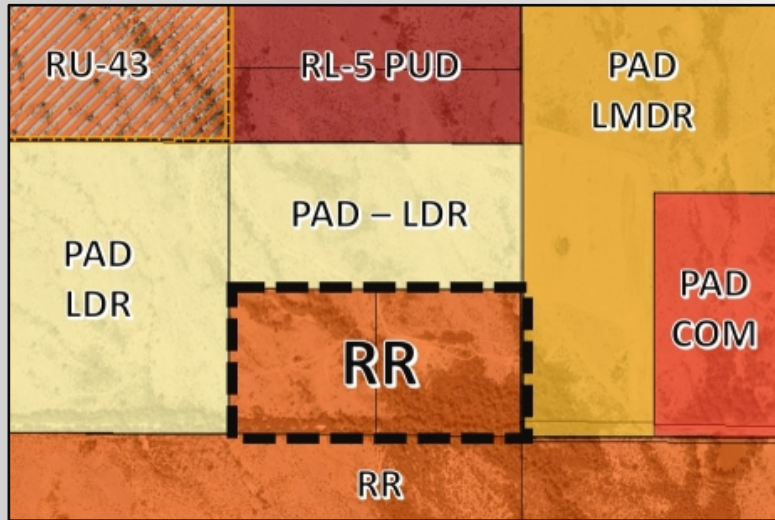
Planning & Zoning Commission

April 2, 2020

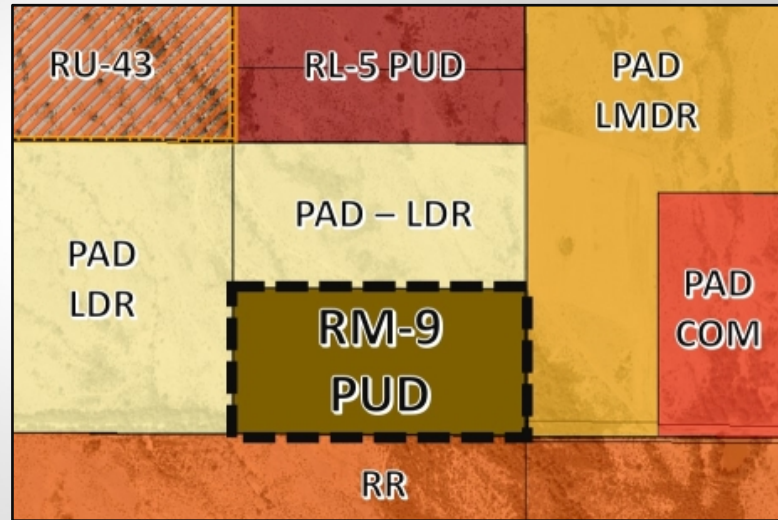


VICINITY MAP

EXISTING



PROPOSED



DEVELOPMENT STANDARDS

Development Standard	City Base RM-9 Development Standards	Proposed RM-9 PUD Development Standards
Net Residential Acreage Open Space	20%	44.6%
Maximum Density	9.0	3.96
Minimum Lot Area (sf)	4,500	4,500
Minimum Lot Width (ft)	40	40
Minimum Lot Depth (ft)	100	100
Minimum Front Yard Setback (ft) (livable area / front -facing garage)	12/20 (1)	12/21 (1) (2)
Minimum Side Yard Setback (ft)	5 (3)	5
Minimum Rear Yard Setback (ft)	20	20 (5)
Maximum Building Height (ft)	35	35
Driveway Width Percentage	30%	40%
Driveway Area Percentage	30%	40%
Street Side/Corner Lot (ft)	5 (4)	5

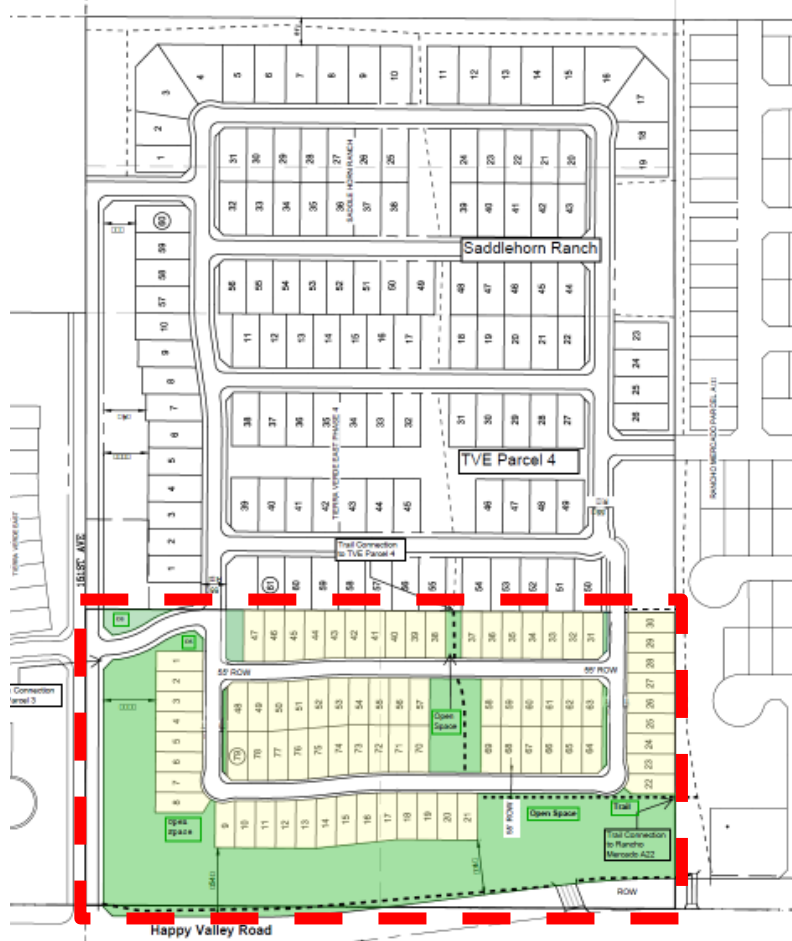
(1) Front facing garages shall have a minimum 21-foot front yard setback measured from back of sidewalk.

(2) 12-foot livable front setback is measured from back of right of way.

(3) To be determined at Site Plan or Preliminary Plat Review.

(4) There is not a street side setback requirement in the SUDC.

(5) Porches/patios may encroach 2.5' into the rear yard setbacks.





RECOMMENDATION

Recommend approval to the City Council subject to Stipulations 'a' and 'b'.



QUESTIONS OR COMMENTS?

Thank You