



CITY OF SURPRISE
Planning and Zoning Commission Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Thursday, May 20, 2021 @ 6:00 PM
COUNCIL CHAMBERS

- 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 approve or disapprove the May 6, 2021 Planning and Zoning Commission Minutes. | Ashley Labhart
Community
Development |
| 2. | Internal | Consideration and action to approve or disapprove the May 6, 2021 Planning and Zoning Executive Session Minutes. | Ashley Labhart
Community
Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|--|---|
| 3. | District 6 | Consideration and action to approve or disapprove a Conditional Use Permit with Site Plan for a new Automobile Washing Establishment entitled "3 Minute Express Car Wash" located west of the southwest corner of Waddell Road and Litchfield Road. Case FS20-762. | Sergio Angulo
Community
Development |
| 4. | District 1 | Consideration and action to approve or disapprove a Conditional Use Permit for a Vehicle Fueling Station, Drive-Through Facility, and Site Plan for Fry's Asante Retail Center. Case FS20-712. | Sergio Angulo
Community
Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

5. District 1 Presentation and action pertaining to the Preliminary Plat for Desert Oasis (Lancer Parcel-Phase 1, Tracts A and R), generally located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane. Case FS20-826. Sergio Angulo
Community
Development

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: May 13, 2021 at 12:15 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: May 20, 2021 Contact Person: Ashley Labhart
Submitting Department: Community Development District: Internal
Staff Recommendations:

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

Agenda Wording:

Consideration and action to approve or disapprove the May 6, 2021 Planning and Zoning Commission Minutes.

Motion:

Consideration and action to approve or disapprove the May 6, 2021 Planning and Zoning Commission Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 5-6-21 PZ MIN
-

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

May 6, 2021 / 6:00 PM

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

CALL TO ORDER.

Chair Dennis Bash 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 May 6, 2021.

A. ROLL CALL

In attendance was Chair Dennis Bash, Vice Chair Matthew Keating, Commissioner Scott Krous, Commissioner Kevin Sartor, Commissioner Dennis Smith, Commissioner Mitchell Rosenbaum, and Commissioner Ken Chapman.

STAFF PRESENT:

Ellen VanRiper, Chief Deputy City Attorney; Chris Boyd, Community Development Director; Mike Gent, Deputy City Manager; Lloyd Abrams, Assistant Director of Community Development; Robert Kuhfuss, Current Planning Supervisor; Sergio Angulo, Current Planner; Shirley Phan, Current Planner and Ashley Labhart, Planning and Zoning Secretary.

COUNCIL MEMBERS PRESENT:

Vice Mayor Duffy

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

None.

D. STAFF REPORT

None.

CALL TO THE PUBLIC:

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

Hearing no requests, Chair Bash closed the call to the public.

CONSENT AGENDA:

Item 1 – Internal – Consideration and action to approve or disapprove the April 15, 2021 Planning and Zoning Commission Minutes.

Commissioner Smith made a motion to approve the April 15, 2021, Planning and Zoning Commission Minutes as presented.

Commissioner Rosenbaum seconded the motion. Motion passes with 7 votes in favor.

Item 2 – Internal – Consideration and action to approve or disapprove the April 15, 2021 Planning and Zoning Executive Session Minutes.

Commissioner Sartor made a motion to approve the April 15, 2021, Planning and Zoning Executive Session Minutes as presented.

Vice Chair Keating seconded the motion. Commissioner Krous abstained. Motion passes with 6 votes in favor.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

ITEM: 3 – District 3 - Consideration and action to approve or disapprove a Conditional Use Permit to allow a new automotive washing establishment, generally located south of Greenway Road and west of Cotton Lane, Case FS20- 643.

Robert Kuhfuss, Current Planning Supervisor, presented item 3 to Commission.

Chair Bash opened the public hearing.

Chair Bash, on behalf of the Commission, acknowledged receipt and review of written comments received from the public pertaining to the project and advised they were to be added to the case record.

Andy Cepon – Surprise, AZ - Expressed concern with potential noise, light pollution, water, and trash with regard to the proposed CUP

Hearing no additional comments, Chair Bash closed the public hearing.

Dallas Hakes of LoneStar Builders provided feedback and information in response to questions and comments received.

The Commission discussed the following:

- Sound
- Location

Commissioner Smith made a motion to disapprove the Conditional Use Permit for Quick Quack Car Wash at Sierra Montana because of noise concerns.

Commissioner Chapman seconded the motion. Motion passes with 7 votes in favor.

ITEM: 4 – District 6 - Consideration and action to approve or disapprove a Conditional Use Permit for a new Self-Storage Facility and Site Plan, entitled “Site Plan for Litchfield Self Storage”, date received March 10, 2021, located on the northwest corner of Sweetwater Avenue and Litchfield Road. Case FS20-609.

Commissioner Krous recused himself and did not participate in or vote upon this agenda item.

Chair Bash called for an Executive Session at 6:22 P.M.

Commissioner Chapman seconded the motion. All voted in favor.

Chair Bash made a motion to adjourn from Executive Session and resume the regular meeting.

Commissioner Smith seconded the motion.

The Planning & Zoning regular meeting reconvened at 6:31 P.M.

Sergio Angulo, Current Planner, presented item 4 to Commission.

Chair Bash opened the public hearing.

Chair Bash, on behalf of the Commission, acknowledged receipt and review of written comments received from the public pertaining to the project and advised they were to be added to the case record.

Hearing no additional comments, Chair Bash closed the public hearing.

Michael Buschbacher of Hunter Engineering provided feedback and information in response to questions and comments received.

The Commission discussed the following:

- Wall height
- RV dump station and odor mitigation

Vice Chair Keating made a motion to approve the Conditional Use Permit for a new Self-Storage Facility, and Site Plan entitled "Site Plan for Litchfield Self Storage", date received March 10, 2021, subject to stipulations "A" through "F" as memorialized in the staff report.
Chair Bash seconded the motion. Motion passes with 6 votes in favor.

ITEM: 5 – District 4 - Consideration and action to approve or disapprove a Conditional Use Permit for a Recreational Vehicle Storage Facility, and Site Plan, entitled "Wanderland RV Storage", dated March 4, 2021, generally located north of Bell Road and east of Dysart Road. Case FS20-755.

Sergio Angulo, Current Planner, presented item 5 to Commission.

Chair Bash opened the public hearing.

Abel Morales – Sun City West, AZ – Questions regarding possible odor emitting from RV dump station and the proposed landscaping

Hearing no additional comments, Chair Bash closed the public hearing.

Axel Anderson of Vintage Group provided feedback and information in response to questions and comments received.

The Commission discussed the following:

- Location

Commissioner Rosenbaum made a motion to approve the Conditional Use Permit for a Recreational Vehicle Storage Facility, and Site Plan entitled "Wanderland RV Storage", dated March 4, 2021, subject to stipulations "A" through "E" as memorialized in the staff report.
Commissioner Krous seconded the motion. Motion passes with 7 votes in favor.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

ITEM: 6 – District 6 - Consideration and action to approve or disapprove a Site Plan for a new office and warehouse facility on Lot 5 of Skyway Business Park II, generally located south of Cactus Road and west of Dysart Road. Case FS19-413.

Shirley Phan, Current Planner, presented item 6 to Commission.

Commissioner Chapman made a motion to approve the Site Plan for Skyway Commons Phase II Building C, subject to stipulations “A” through “E”.

Commissioner Smith seconded the motion. Motion passes with 7 votes in favor.

ITEM: 7 – District 3 - Consideration and action to approve or disapprove a Site Plan entitled “Zanjero Trails Commercial,” generally located at the northwest corner of Perryville Road and Peoria Avenue. Case FS20-669.

Robert Kuhfuss, Current Planning Supervisor, presented item 7 to Commission.

Chair Bash acknowledged there were members present from the public wishing to offer comment which would be heard even though the agenda item did not require a public hearing.

Chair Bash opened the opportunity for public comments.

Chair Bash, on behalf of the Commission, acknowledged receipt and review of written comments received from the public pertaining to the project and advised they were to be added to the case record.

Ruth Bavin – Surprise, AZ – Conveyed opposition for the proposed site plan, offered comments on demographics related to the proposed business in the area

Lynne Suidinski – Surprise, AZ – Conveyed opposition for the proposed site plan and offered comments regarding crime concerns, traffic impacts, the proximity to the nearby school and alternate development options

Marcie Shorts – Surprise, AZ – Conveyed opposition for the proposed site plan and offered comments regarding the proposed business and concerns of fit with the existing community, effects on traffic in the area and alternate commercial development options

Tony Zaffuto – Surprise, AZ – Conveyed opposition for the proposed site plan and offered comments regarding crime concerns as a result of the demographic believed to be associated with this type of retail and the proximity to a school

Hearing no additional requests, Chair Bash closed the public comment opportunity.

Ben Millick of SimonCRE provided feedback and information in response to questions and comments received, as well as offered a short presentation to the Commission.

The Commission discussed the following:

- Crime concerns
- Proposed store products
- Exterior building materials
- Number of stores currently in Arizona
- Location selection
- Loitering and mitigation

- Future development in the surrounding area
- Access points
- Stigma

Vice Chair Keating made a motion to approve the Site Plan entitled, “Zanjero Trails Commercial” for a property generally located at the northwest corner of Perryville Road and Peoria Avenue, subject to stipulations “a” through “d”.

Commissioner Smith seconded the motion. Commissioner Sartor voted against. Motion passes with 6 votes in favor.

ITEM: 8 – District 6 - Consideration and action to approve or disapprove a Site Plan to allow a new office and warehouse facility, generally located north of Rioglass Road and west of 132nd Avenue, Case FS20-710.

Shirley Phan, Current Planner, presented item 8 to Commission.

Commissioner Smith made a motion to approve the Site Plan for Rio Glass & 132nd Avenue, subject to stipulations “A” through “E”.

Commissioner Rosenbaum and Commissioner Krous seconded the motion. Motion passes with 7 votes in favor.

OTHER BUSINESS:

Item G – Other Business and Future Agenda Items.

Chair Bash announced he will be absent for the May 20, 2021 Planning and Zoning Meeting.

ADJOURNMENT:

Hearing no further business, Chair Bash made a motion to adjourn. Commissioner Rosenbaum seconded the motion. All voted in favor.

Meeting adjourned at 7:41 P.M.

Dennis Bash
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: _____
Ashley Labhart, Commission Secretary

DATE: _____



CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: May 20, 2021 Contact Person: Ashley Labhart
Submitting Department: Community Development District: Internal
Staff Recommendations:

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

Agenda Wording:

Consideration and action to approve or disapprove the May 6, 2021 Planning and Zoning Executive Session Minutes.

Motion:

Consideration and action to approve or disapprove the May 6, 2021 Planning and Zoning Executive Session Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: May 20, 2021 Contact Person: Sergio Angulo
Submitting Department: Community Development District: District 6
Staff Recommendations:

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

Agenda Wording:

Consideration and action to approve or disapprove a Conditional Use Permit with Site Plan for a new Automobile Washing Establishment entitled “3 Minute Express Car Wash” located west of the southwest corner of Waddell Road and Litchfield Road. Case FS20-762.

Motion:

I move to approve/disapprove the Conditional Use Permit for a new Automobile Washing Establishment, and Site Plan entitled “3 Minute Express Car Wash” subject to stipulations “a” through “e” as memorialized in the staff report.

Background:

James Day with James M Day & Associates LTD, requests approval of a Conditional Use Permit and Site Plan for a new Automobile Washing Establishment in the Marley Park PAD. The subject property is zoned PAD – Employment/Mixed-Use and is located west of the southwest corner of Waddell Road and Litchfield Road.

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 - FS20-762 - Staff Report - REVISED
 2. 01 - FS20-762 - Vicinity Map
 3. 02 - FS20-762 - Site Plan
 4. 03 - FS20-762 - Landscape Plan
 5. 04 - FS20-762 - Building Elevations
 6. 05 - FS20-762 - Noise Impact Study
 7. 06 - FS20-762 - Citizen Participation Report-Redacted
 8. FS20-762 - PowerPoint
 9. Letter from MP Park Square II to Karl Gashler 05.10.21 (003)
 10. FS20-762 JMDA RESPONSE TO DECLARANT LETTER 5 10 2021 - Redacted
 11. FS20-762 Public Comments-Objection-Redacted
-

Conditional Use Permit

REPORT TO THE PLANNING AND ZONING COMMISSION

1 **Case:** FS20-762

2
3 **Project Name:** 3 Minute Express Car Wash - Marley Park Square

4
5 **Council District:** 6 – Palo Verde

6
7 **Meeting Date:** May 20, 2021

8
9 **Planner:** Sergio Angulo

11
12 **Owner:** 3 Minute Waddell LLC

13
14 **Applicant:** James Day with James M Day & Associates LTD

15
16 **Request:** Conditional Use Permit with Site Plan for a new Automobile
17 Washing Establishment in Marley Park.

18
19 **Site Location:** West of the southwest corner of Waddell Road and Litchfield
20 Road

21
22 **Site Size:** 1.6 Acres (approx.)

23
24 **General Plan**
25 **Conformance:** The proposal is consistent with the Surprise General Plan 2035.

26
27 **Support/Opposition:** Residents from the vicinity attended the applicant's
28 Neighborhood Outreach Meeting on February 10, 2021. During
29 the meeting, there were questions regarding noise and
30 environmental impacts. Overall there was no opposition to the
31 project.

32
33 **Staff Recommendation:** Staff recommends the Commission **approve** case FS20-762,
34 subject to stipulations 'a' through 'e'.

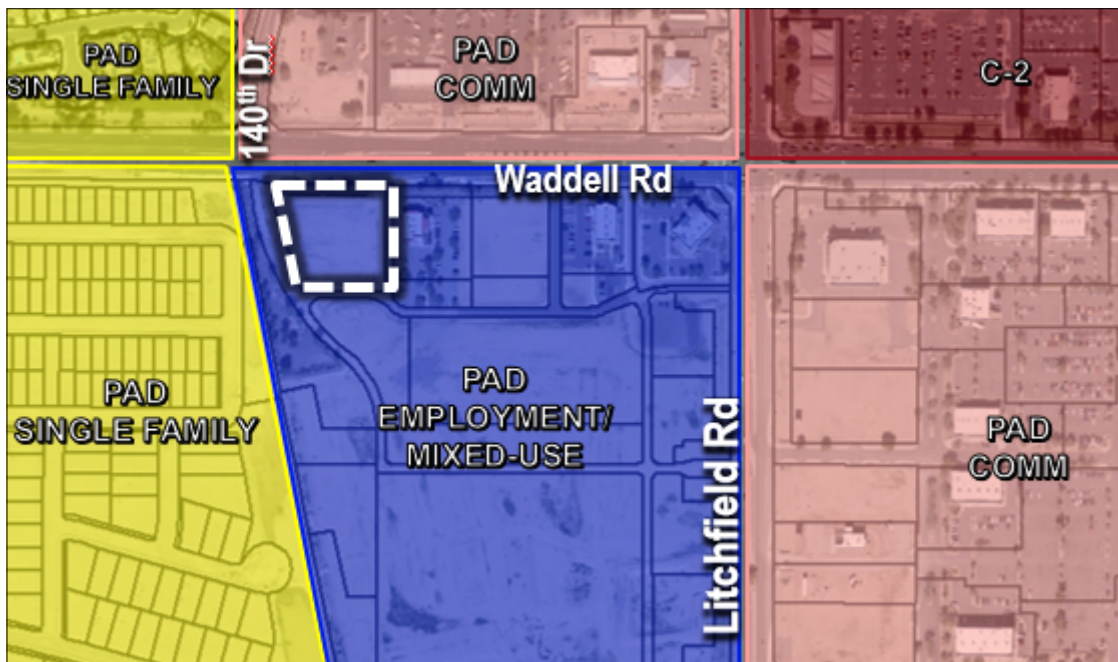
35 **Project Description:**

James Day with James M Day & Associates LTD, requests approval of a Conditional Use Permit and Site Plan for a new Automobile Washing Establishment in the Marley Park PAD.

The subject site is approximately 1.6 acres and is located on the southeast corner of Waddell Road and 140th Drive. The site will have two (2) access points from Waddell Road and additional access from shared driveways that lead to Litchfield Road to the east. Access into the washing establishment will be from west side where clients will have the option to move towards the paying station lanes or to the self-service vacuum stations. The pay lanes queue along the south side of the property and has queuing space for a total of 27 vehicles. After paying, vehicles then continue north to enter the washing tunnel and exit to the west. Adjacent to the exit of the tunnel there is 10' high sound wall to help reduce the noise of the fans coming from the washing tunnel.

The project provides 23 parking vacuum stations and three (3) parking spaces for staff, which are located at the center of the site. Counting the vacuum stations, the site provides a total of 26 parking spaces meeting the minimum parking spaces requirement of the SUDC (12 spaces).

Existing Zoning:



PAD – Single Family	PAD – Commercial	PAD – Employment/Commercial
PAD –Single Family	PAD – Employment/Mixed-Use	PAD – Employment/Commercial
PAD – Single Family	PAD – Employment/Commercial	PAD – Employment/Commercial

History:

57
58 **October 25, 2000:** The Mayor and City Council approved the Planned Area Development
59 for Marley Park.

60
61 **November 9, 2000:** The subject property was annexed into the City of Surprise by the Mayor
62 and City Council.

63
64 **June 25, 2020:** Staff met with the applicant to discuss the project during a regularly
65 scheduled Concept Review meeting under CR20-388.

66
67 **December 2, 2020:** The applicant filed a request for a Conditional Use Permit and Site Plan
68 approval for a new Automobile Washing Establishment under FS20-762, the subject request.

69
70 **February 10, 2021:** The applicant hosted a Neighborhood Outreach meeting.

71
72 **Neighborhood Meeting:**

73
74 The applicant held a Neighborhood Outreach Meeting on **February 21, 2021**, which was
75 properly advertised. Residents from the vicinity attended the meeting to learn about the
76 project and express their opinions and concerns on the project. During the meeting, a
77 resident of the area had concerns regarding the noise impacts this project can cause on the
78 nearby residential properties. The applicant provided a noise impact study that shows
79 minimum noise impact on the adjacent residential properties. There were also concerns
80 regarding water and possible soil contamination. The applicant explained that the facility uses
81 a water recycling system and that they are required to export any contaminated soil off-site.
82 Overall there was no major opposition on the project. See the attached Citizen Participation
83 Report.

84
85 **Analysis:**

86
87 The subject property is zoned Planned Area Development (PAD) with an employment/mixed-
88 use land use designation. The Marley PAD lists the uses allowed in the employment/mixed-
89 use parcel as those uses permitted in the Neighborhood Commercial (C-1), Community
90 Commercial (C-2), Regional Commercial (C-3), Light Industrial (I-1), and Business Park (BP)
91 zoning district. Title 17 lists Automobile Washing Establishment as Conditionally Permitted in
92 C-2 zoning districts.

93
94 Automobile Washing Establishments require an analysis of the proposed Conditional Use to
95 be based on the use specific standards listed under section 17.28.080.C.2. These standards
96 include the following:

97 **2. Automobile washing establishments:**
98

- 99 a. Automobile washing establishments shall be subject to the same limitations
100 and conditions as are specified heretofore in subsections (C)(1)(a), (b), (c)
101 and (e) of this section.
102

103 *1. Automobile service stations*
104

- 105 a. *Site improvements such as buildings or structures (permanent or*
106 *temporary) shall be separated from any residential zone by at least*
107 *fifty feet. Parking areas shall be separated from any residential zone*
108 *by at least fifteen feet.*
109
110 b. *The total site area shall not be less than twelve thousand square feet.*
111
112 c. *Pump islands shall be set back not less than twenty-five feet from any*
113 *street right-of-way line, not less than forty feet from any non-street*
114 *property line and not less than seventy-five feet from any residential*
115 *zone boundary.*
116
117 d. *Interior curbs of not less than six inches in height shall be constructed*
118 *to separate driving surfaces from sidewalks, landscaped areas and*
119 *street rights-of-way.*
120
121 b. Sufficient off-street area to provide space for not less than ten automobiles
122 waiting to be washed or three waiting spaces per washing stall, whichever is
123 greater, shall be provided. A space twenty feet by nine feet shall be deemed
124 adequate for each such required space.
125
126 c. All washwater disposal facilities including sludge, grit removal and disposal
127 equipment shall be subject to the approval of the city engineer, and shall
128 conform with all city ordinances regarding sewage and health and shall be
129 designed so as not to detrimentally affect the city sewer system.
130

131 This Conditional Use Permit application has been reviewed against these standards and staff
132 finds that this Conditional Use Permit application conforms to the requirements set under this
133 section of Title 17.
134

135 In addition to the requirements set in Title 17, staff also requested a noise impact study, which
136 the applicant provided. This noise study takes into consideration the anticipated noise levels
137 at adjacent properties including the closest residential lots in Marley Park to the west and
138 southwest, and in Sierra Verde to the northwest. The noise impact study provided by the
139 applicant shows the noise levels at the closest residential lots ranging from 40 to 56 decibels,
140 which per Table A1 of the noise impact study, is equivalent to the noise in a library, in an
141 office, or noise from a normal conversation at three (3) feet.

142 The application also includes a lighting photometric study with this application which meets
143 the lighting requirements of the SUDC.
144

The proposed design will complement this area as it uses similar materials and design components as the ones used on the existing adjacent developments. The proposed landscape meets the requirements of the Marley Park PAD and the SUDC. The project proposes screen walls and additional trees along the south, east, and west boundaries to provide additional screening from the adjacent properties.

Reviewing Agencies:

In addition to the standard city internal reviewing departments, the Maricopa County Flood Control District, Maricopa Water District, and Luke AFB were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Summary:

Staff believes by accepting and incorporating stipulations 'a' through 'e', the proposed Site Plan will meet the requirements of the Marley Park PAD, the SUDC, and the General Plan.

Findings:

- The proposed Conditional Use Permit is consistent with the Surprise General Plan 2035.
- The proposed Conditional Use Permit meets the provisions of the Marley Park PAD and the LDO as applicable.

Recommendation:

Based on the findings noted above, staff recommends the Commission **approve** case FS20-762, subject to stipulations 'a' through 'e' as outlined below:

- a. Development and use of the site shall be consistent with the Site Plan entitled "3 Minute Express Car Wash" prepared by James M Day & Associates, Ltd. dated March 4, 2021.
- b. Landscaping associated with the site shall be consistent with the Landscape Plan entitled "3 Minute Express Car Wash" prepared by James M Day & Associates, Ltd. dated March 4, 2021.
- c. Building Elevations shall be consistent with the Building Elevations entitled "3 Minute Express Car Wash" prepared by James M Day & Associates, Ltd. dated January 26, 2021.
- d. This Conditional Use Permit is valid for one (1) year after approval by the Planning and Zoning Commission. This Conditional Use Permit shall expire on the one (1) year anniversary of approval, unless construction commences prior to that date.

187 e. Non-compliance with the stipulations of approval of this case will be treated as
188 a violation in accordance with the provisions of Article XIV of the Surprise
189 Unified Development Code.

190 However, should the Commission wish to **deny** the request, the Commission should make
191 its own findings and base its decision on those alternative findings.

192
193 **Attachments:**

194
195 01 Vicinity Map
196 02 Site Plan
197 03 Landscape Plan
198 04 Building Elevations
199 05 Noise Impact Study
200 06 Citizen Participation Report



FS20-762 VICINITY MAP



September 17, 2020, *Revised January 29, 2021*

Mr. Karl Gashler
3 Minute Express Car Wash Marley Park Square
840 N Estrella Parkway
Goodyear, AZ 85338

**Re: 3-Minute Express Car Wash, Marley Park Square – Surprise, AZ (#20076)
CENSEO Report #1 – Acoustical Noise Impact Study, Revision 2**

Dear Mr. Gashler,

The Marley Park Square 3-Minute Express Car Wash is a proposed new car wash located at 14073 W Waddell Road in Surprise, Arizona. In accordance with Community Development requirements in the City of Surprise, this noise study is designed to assess the potential impact of noise transmission from the car wash to the surrounding areas, with particular emphasis on the nearby Marley Park and Sierra Verde residential communities. An overview of the surrounding areas and car wash building location is provided in Figure 1.

This noise impact study is focused on noise levels created by the operational car wash transmitted to the surrounding residential and commercial areas. The study does not address noise generated during the construction of the facility. Noise data for the car wash equipment was provided by the equipment manufacturers and the analysis is based on this provided noise data.

The primary noise impact from the 3-Minute Express Car Wash is the noise from the car wash equipment itself. The car wash entrance, dryer system at the car wash exit and the vacuuming systems located south of the car wash building are the dominant noise sources. Analysis of the expected impact of noise generated by additional vehicular traffic to the car wash site is also provided below. Appendix A details relevant acoustical terminology and metrics used in this study impact study.

This report has been revised to adjust the extents of the planned noise barrier wall for the car wash exit and include a noise contour map (as shown in Figure 2).

Case # FS20-762



Figure 1: Proposed Car Wash Site Location

Noise Level Requirements

City of Surprise Noise Ordinance

Noise regulations for the City of Surprise are listed in Section 34-105 of the Code of Ordinances. This noise ordinance relates to public loudspeakers, construction equipment, and sound amplified devices but does not list a requirement for stationary mechanical equipment noise. Similarly, the State of Arizona does not have designated limits for noise from stationary mechanical equipment. As a best practice we will look to the noise ordinance requirements from the nearby town of Tempe, Arizona. Section 20-6a of the City of Tempe Municipal Code has a daytime noise limit of 55 dBA for residential properties and 65 dBA for commercial properties. The noise standard is considered enforceable if the noise measured at the receiver property line exceeds

these limits by 5 dBA or more. These limits will be used as the design criteria in this noise study as best practice limits.

Potential Noise Sources

The car wash building has multiple noise emitting pieces of equipment. The primary noise sources are the dryer system located near the exit of the car wash building, and the vacuum systems located south of the car wash building.

Car Wash Equipment

Table 1 shows the sound pressure levels (L_p) provided by the supplier of the dryer system, Sonny's Enterprises, along with the measurement distance for these sound pressure levels. Due to the age of the noise data available from the manufacturer, field testing verification of the equipment after installation is advised to confirm noise levels.

Table 1: Dryer System Generated Noise (L_p)

Equipment	Measurement Distance [ft]	Measured L_{eq} [dBA]
Sonny's Air Dryer	10	90
	20	86
	50	79
	100	75

Vacuum Systems

Noise levels were measured near similar vacuum systems at an existing 3-Minute Express Car Wash in Surprise, Arizona. The measurements were conducted with approximately 9 of the vacuums operating. The extrapolated sound pressure level listed in Table 2 represents the worst-case noise situation of all 24 vacuums operating simultaneously at the proposed project site.

Table 2: Vacuum System Generated Noise (L_p)

Equipment	Measurement Distance [ft]	Estimated L_{eq} [dBA]
3-Minute Express Car Wash Vacuum System (Qty. 24)	50	64

Noise Impact Analysis

Car Wash Noise

Noise from the car wash air dryer is transmitted to the surrounding residential and commercial areas. Due to the proximity to the nearest Marley Park residential area, a 10' noise barrier wall is planned to block line-of-sight between the car wash exit and the Marley Park neighborhood. An existing 3'6" wall is located on the north side of the

property, along W. Waddell Road. Additional 3'6" screen walls are planned on the east and south sides of the property. This analysis includes barrier effects from buildings.

Analysis of the noise impact from the planned car wash includes both primary noise sources and noise barrier wall mitigation. Table 3 provides the results of the noise impact analysis for this project. The approximate distance shown in the table below was measured from the exit opening of the car wash to the nearest residential/commercial building. The results of the noise impact analysis are also presented in Figure 2 as a noise contour map which is a graphical representation of the predicted noise levels.

Table 3: Predicted Car Wash and Vacuum Noise

Nearest Receiver	Approx. Distance to Car Wash [ft]	10' Noise Barrier Wall	Best Practices Noise Limit L_{eq} [dBA]	Car Wash Only L_{eq} [dBA]	Vacuum Only L_{eq} [dBA]	Predicted Combined L_{eq} [dBA]
Marley Park Home	185	Yes	55	56	46	56
Sierra Verde Home	395	No	55	53	32	53
Freddy's Frozen Custard	240	No	65	53	46	53
Fry's Fuel Center	340	No	65	47	30	47

The predicted noise transmitted from the car wash facility to each of the commercial buildings and the Sierra Verde nearest residence is within the best practice limits. The predicted noise transmitted to the nearest Marley Park residence is 1 dB above the best practices noise limit. However, excessive noise is only considered a violation if it is 5 dBA more than the stated limit and 1 dBA is considered undetectable by the human ear.

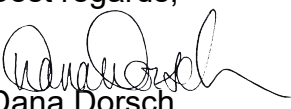
Vehicular Traffic Noise

The project site is located at the intersection of 140th Drive and Waddell Road. Daily traffic along these roads is approximately 20,000 daily trips. Excess vehicular traffic along these roads to the proposed project site is predicted to be 456 new additional daily trips (per the Traffic Impact Study for this project). Typically, a doubling of traffic volume is required to have a perceptible, i.e., 3 dB, increase in noise. The increase in traffic noise is considered to be unnoticeable and will not impact the surrounding areas.

Noise Mitigation Recommendations

No noise mitigation is required at this required at this time.

Best regards,



Dana Dorsch
Senior Project Manager
CENSEO AV+Acoustics

Appendix A: Acoustic Terminology

Sound Pressure Level

Sound, or noise, is the term given to variations in air pressure that are capable of being detected by the human ear. Small fluctuations in atmospheric pressure (sound pressure) constitute the physical property measured with a sound pressure level meter. Because the human ear can detect variations in atmospheric pressure over such a large range of magnitudes, sound pressure is expressed on a logarithmic scale in units called decibels (dB). Noise is defined as “unwanted” sound.

Technically, sound pressure level (SPL) is defined as:

$$\text{SPL} = 20 \log (P/P_{\text{ref}}) \text{ dB}$$

where P is the sound pressure fluctuation (above or below atmospheric pressure) and P_{ref} is the reference pressure, 20 μPa , which is approximately the lowest sound pressure that can be detected by the human ear.

The sound pressure level that results from a combination of noise sources is not the arithmetic sum of the individual sound sources, but rather the logarithmic sum. For example, two sound levels of 50 dB produce a combined sound level of 53 dB, not 100 dB. Two sound levels of 40 and 50 dB produce a combined level of 50.4 dB.

Human sensitivity to changes in sound pressure level is highly individualized. Sensitivity to sound depends on frequency content, background noise, time of occurrence, duration, and psychological factors such as emotions and expectations. However, in general, a change of 1 or 2 dB in the level of sound is difficult for most people to detect. A 3 dB change is commonly taken as the smallest perceptible change and a 6 dB change corresponds to a noticeable change in loudness. A 10 dB increase or decrease in sound level corresponds to an approximate doubling or halving of loudness, respectively.

A-Weighted Sound Level

Studies have shown conclusively that at equal sound pressure levels, people are generally more sensitive to certain higher frequency sounds (such as made by speech, horns, and whistles) than most lower frequency sounds (such as made by motors and engines) at the same level. To address this preferential response to frequency, the A-weighted scale was developed. The A-weighted scale adjusts the sound level in each frequency band in much the same manner that the human auditory system does. Thus, the A-weighted sound level (read as “dBA”) becomes a single number that defines the level of a sound and has some correlation with the sensitivity of the human ear to that sound. Different sounds with the same A-weighted sound level are perceived as being equally loud. The A-weighted noise level is commonly used today in environmental noise analysis and in noise regulations. Typical values of the A-weighted sound level of various noise sources are shown in Table A1.

Equivalent Sound Level

The Equivalent Sound Level (L_{eq}) is a type of average which represents the steady level that, integrated over a time period, would produce the same energy as the actual signal. The actual *instantaneous* noise levels typically fluctuate above and below the measured L_{eq} during the measurement period. The A-weighted L_{eq} is a common index for measuring environmental noise.

Table A1: Common Sound Levels in dBA

Common Outdoor Sounds	Sound Pressure Level (dBA)	Common Indoor Sounds	Subjective Evaluation
Auto horn at 10' Jackhammer at 50'	100	Newspaper press Textile mill	Deafening
Gas lawn mower at 4' Pneumatic drill at 50'	90	Auditorium during applause Food blender at 3'	Very Loud
Concrete mixer at 50' Jet flyover at 5000'	80	Telephone ringing at 8' Vacuum cleaner at 5'	
Large dog barking at 50' Large transformer at 50'	70	Electric shaver at 1' Clothes washer at 2'	Loud
Automobile at 55 mph at 150' Urban residential	60	Normal conversation at 3' Window air conditioning unit	
Birds at 25' Small town residence	50	Office noise Conference room background	Moderate
Wind in trees (5 mph) Farm valley	40	Soft stereo music in residence Library	
Rustling leaves	30	Average bedroom at night Soft whisper at 3'	Faint
Quiet rural nighttime	20	Broadcast and recording studio	
	10	Human breathing	Very Faint
	0	Threshold of hearing (audibility)	

FIGURE 2 - NOISE CONTOUR MAP

Future Noise Impact due to Car Wash

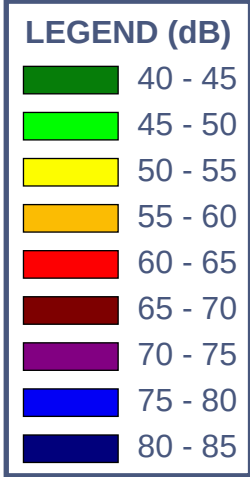
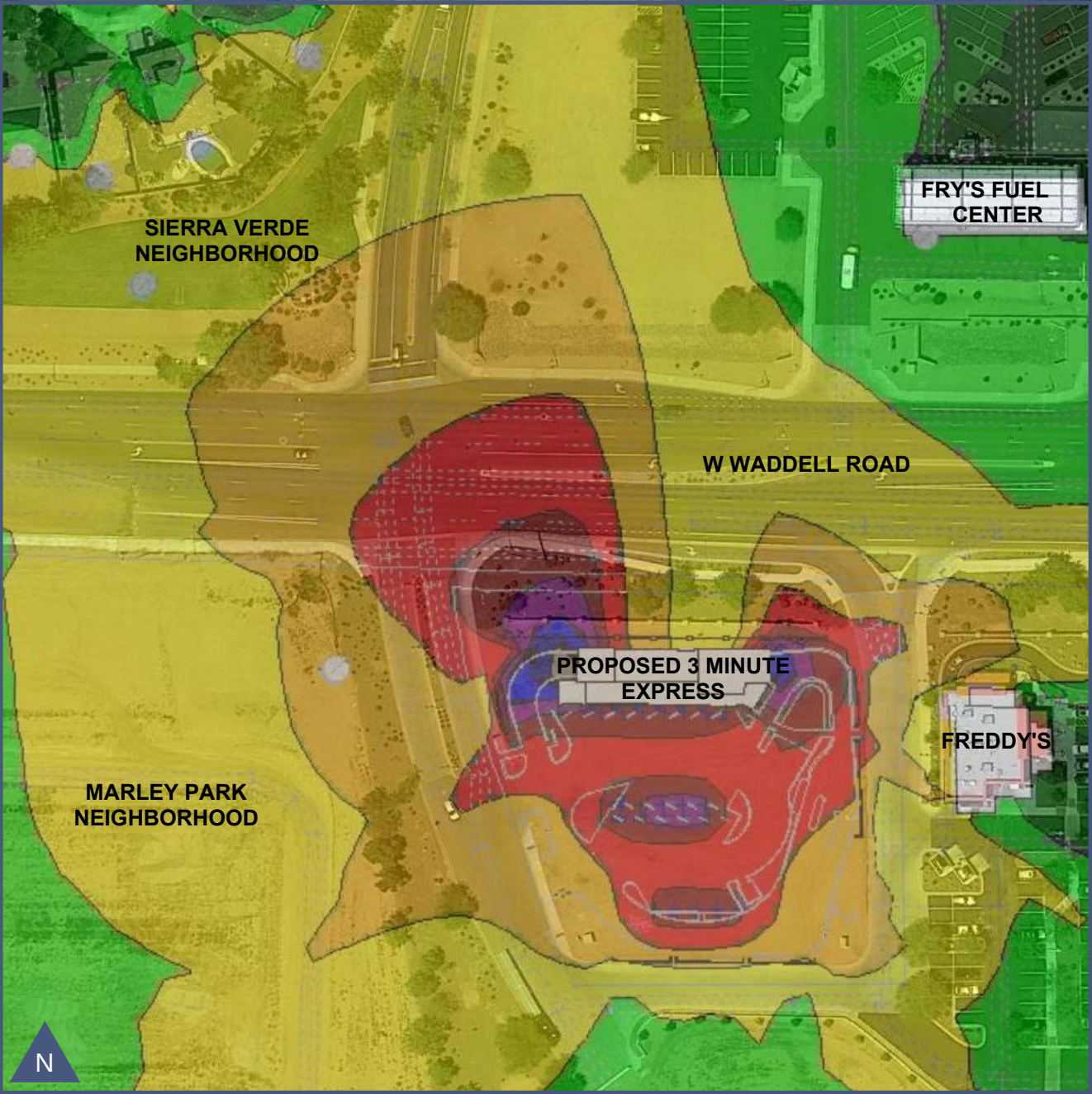
3 Minute Express Car Wash, Surprise, AZ

01/29/2021

CASE #
FS20-762



CENSEO
AV+Acoustics



James M Day, Architect

Email j-day@jmda-architects.com
Phone 623-271-7705
Fax 623-271-7707

Mailing Address
8194 W Deer Valley Rd
Suite 106-321
Peoria, AZ 85382



February 10, 2021

COMMUNITY OUTREACH MEETING – 3 MINUTE CAR WASH MARLEY PARK SQUARE

PARTICIPATION REPORT

The developer, 3 MINUTE EXPRESS CAR WASH, of the proposed express car wash for 14073 West Waddell Road, Surprise, Arizona, also known as Lot 4 of “MARLEY PARK SQUARE AMENDED, a Subdivision in the City of Surprise, Arizona, held a Community Outreach Meeting Wednesday, February 10, 2021 at 6:00 PM.

DETAILS OF THE MEETING

The community was informed by;

- Sign posting per the City of Surprise standards on January 13, 2021.
- The City of Surprise provided publication at least once in a newspaper of general circulation publish or circulated in the municipality at least fifteen (15) days prior to the meeting date.
- Mailing, by the City of Surprise, to all real property owners within a 200’ or 300’ radius of the project property. The distance was determined by the City of Surprise. The first class mailing occurred no less than seven (7) days prior to the hearing.
- The mailing was sent to village committees, special community groups, and the heads of homeowner associations or registered neighborhoods within the public notice area.
- The meeting was arranged by James M Day & Associates, and 3 Minute Express Car Wash, as a ZOOM meeting held Wednesday, February 10, 2021 at 6:00 PM.

Team architecture with the client’s goals in mind

Residential Commercial TI/Remodel Commercial Ground Up Interior Design

Those in attendance;

James Day, Architect

Karl Gashler, 3 Minute Express Car Wash

Duane Hager, 3 Minute Express Car Wash

Sergio Angulo, City of Surprise, Planning

Rob Kuhfuss, City of Surprise, Planning

Lloyd Abrams, City of Surprise, Planning

Ralph, Marley Park Square

John Perez, [REDACTED], Surprise, [REDACTED]

Ralph Bednar [REDACTED]

Kim / Marie ? [REDACTED]

The meeting started about 6:10 PM, allowing for people to log onto the meeting.

Introductions were made by the Developer, City representatives, and the Architect.

Mr. Angulo provided a description of what this community outreach is about.

Mr. Hager provided an overview of the proposed Car Wash project.

Mr. Day presented and described the project with the following exhibits; City Notice and Project Location, project site plan and use of the site, an update rendering of the building, noise impact site plan, common sound level exhibit, and noise contour map.

Mr. Day then entertained questions and comments from the community members, in attendance.

Mr. Perez asked about possible environmental impacts to the community.

- We had already reviewed the noise issue that was proactively approached with the noise report and the 80 foot long 10 high sound wall.
- We discussed the infrastructure provided for water recycling, and its reduction of water usage and reduced impact on the waste treatment system.
- We discussed the Phase II soil contamination issue and the requirement to export any contaminated soil.

No other questions or comments were posed by attendees.

The meeting lasted about 30 minutes.

We encouraged the attendees to make note of contact information for Mr. Angulo and Mr. Day, so that they may contact us at a later date with any questions.

END



FS20-762

Self-Storage Facility

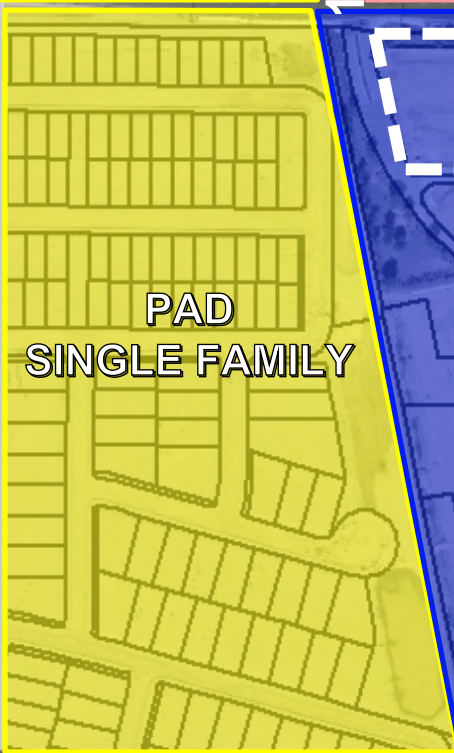
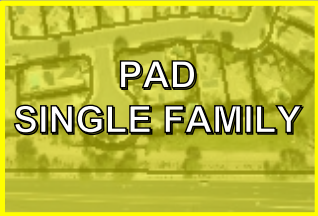
Conditional Use Permit

Planning & Zoning Commission

May 20, 2021

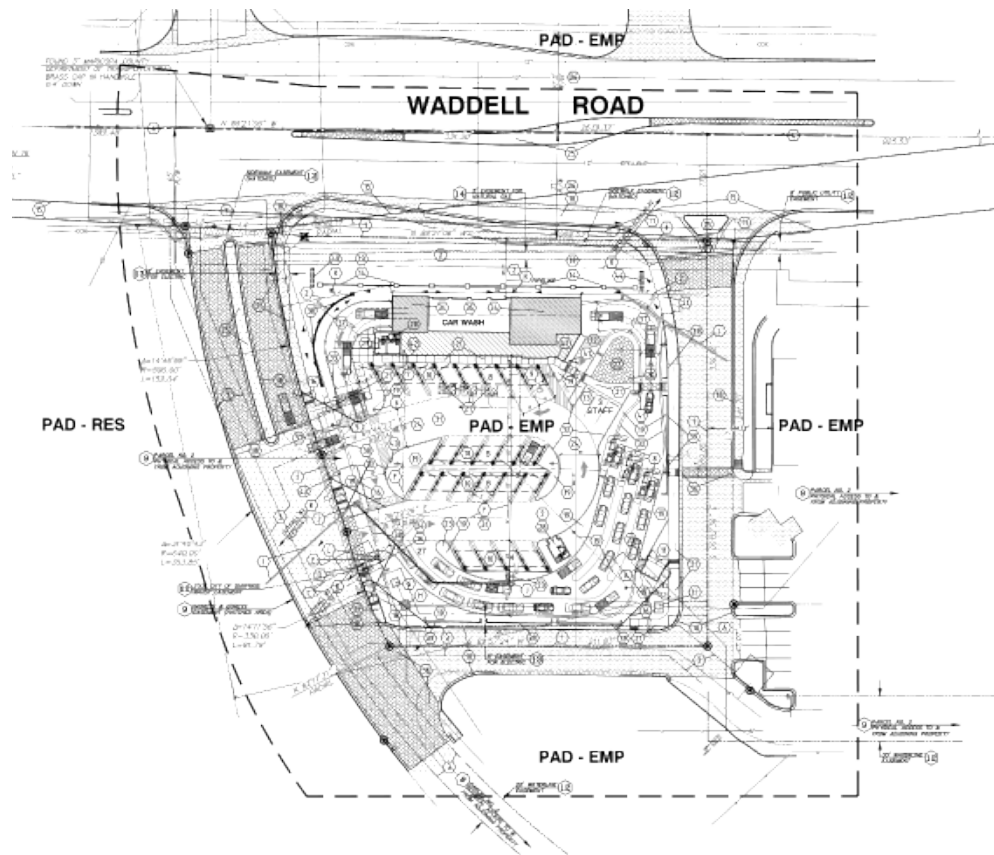


FS20-762 VICINITY MAP



FS20-762 ZONING





FS20-762 SITE PLAN



8 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



D EXTERIOR ELEVATION - WEST
1/8" = 1'-0"



F EXTERIOR ELEVATION - WEST - WITH SOUND WALL



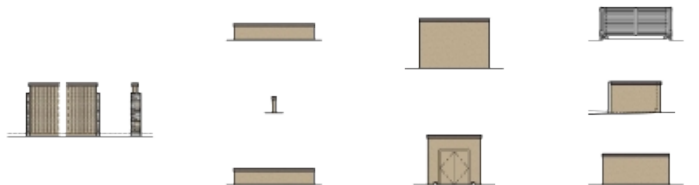
A EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"



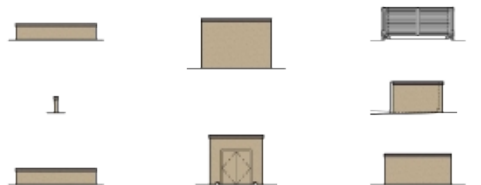
③ EXTERIOR ELEVATION - SOUTH
10' x 10'



E EXTERIOR ELEVATION - SOUTH - WITH VACUTECH STANCHIONS
1/8" = 1' - 0"



① ELEVATION - SOUND WALL
12' x 12' EAST FACE



(H) ELEVATIONS - SCREEN WALL
S/W = 1'-0"



(G) ELEVATIONS - WASTE ENCL
1" = 1'-0"



1-26-2021

CH ₂	88.028-3
CH ₂	70.846, 69.8
CH ₂	67.6
CH ₂	67.6-69.8, 67.7-68.4



NAME: CATALAN-RODRIGUEZ
PCRB#: 00000768
DATE: 09/01/2010
FBI PCRB OFFICE
BUREAU
PHONE: 408-291-1000

Open
journals on May 16, 2004 at 10:00 AM EDT

LET'S EXCHANGE CAR PLATES
BY MAIL REGULARLY
at 1000 GILL ROAD
PO BOX 100000 SEATTLE WA 98108

3 MINUTE EXPRESS
CAR WASH

CONTRACT NO.
202009

9-88774-0

433

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043

BRUNO L. J. VAN
DEN KAMP

100

FS20-762 ELEVATIONS



RECOMMENDATION

Staff recommends the Commission Approve Case FS20-762 subject to stipulations 'a' – 'e'.



QUESTIONS OR COMMENTS?

Thank You

MP PARK SQUARE II, LLLP

NOTICE OF OBJECTION: CASE NO: FS20-762

VIA EMAIL: KGASHLER@3MINCARWASH.COM

May 10, 2021

Mr. Karl Gashler
3 Minute Carwash

Re: **Case FS20-762:** Application for Approval of Conditional Use Permit for a new Automobile Washing Establishment as requested by James M Day & Associates, Ltd. for that certain real property located in the Marley Park Planned Area Development more commonly known as Lot 4 of Marley Park Square in Surprise, Arizona pursuant to that certain City of Surprise Public Notice of a Public Hearing (the “Public Notice”) to be held by the City of Surprise Planning and Zoning Commission:

Date: May 20, 2021

Time: 6:00 p.m.

Place: Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ 85374

Dear Mr. Gashler:

We are in receipt of the above-referenced Public Notice of the Public Hearing to be held by the City of Surprise Planning and Zoning Commission at the time and place set forth above, regarding the request for approval of a Conditional Use Permit for property owned by you, which is located in Marley Park Square and more commonly known as “Lot 4” (referred to herein, interchangeably, as “Lot 4” and/or “the Property”). A copy of the referenced Public Notice is attached hereto. It is our understanding that the application was submitted on your behalf by architect, James M. Day & Associates, Ltd.

As you may or may not be aware, MP Park Square II, LLLP is the current “Declarant” under the Common Operation and Reciprocal Easement Agreement for Marley Park Square recorded on December 15, 2006 in the Official Records of Maricopa County, Arizona as Instrument No. 2006-1639748, as thereafter supplemented and amended from time to time (collectively, the “COREA”). All owners in Marley Park Square are subject to the terms and provisions of the COREA.

The COREA expressly provides, among other things, that Declarant reserves the right to review and approve construction and development plans of each owner for all parcels within the development. (See *Section 4.3* of the COREA). As such, the COREA further provides at *Section 4.4* that prior to any construction or placement of any building or other improvement on a parcel, including without limitation exterior alterations or additions to existing buildings, **each owner agrees to submit to Declarant for approval, prior to or concurrently with a similar submission to the City of Surprise,** preliminary plans for all proposed improvements to such owner’s parcel, including, without limitation, two (2) sets of the following: site plan (including without limitation an indication of the building footprint, parking, exterior lighting and the proposed improvements in the common areas), grading and drainage plan, building

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Phoenix, AZ 85085
Adalessandro@transconprop.com

elevations (including, without limitation, a color and material sample board and a colored rendering of all sides of all buildings), signage, parking, exterior lighting and accompanied by an architectural review and processing fee in the amount set forth in the Marley Park Square Design Guidelines to defray the cost of architectural review. All preliminary plans for buildings and other improvements upon the parcels must at a minimum conform to the requirements of the COREA and the Marley Park Square Design Guidelines. Declarant further reserves the right to impose design standards and requirements that are more stringent than those set forth in the Design Guidelines. Additionally, *Section 4.9* of the COREA provides that in the event of a conflict between the requirements set forth in the COREA and the requirements of the City, the more stringent restrictive requirements will be controlling.

In addition to Declarant's right to review and approve all construction and development plans prior to any such construction, Article 11 of the COREA, and related Exhibit C, strictly prohibit certain uses, specifically a **"business which creates strong, unusual or offensive odors, fumes, dusts or vapors, as a public nuisance, emits noise or sounds which are objectionable due to intermittence, beat, frequency, shrillness or loudness . . ."** and provides that **"without the prior written consent of Declarant, which consent Declarant may withhold in its sole, absolute and unfettered discretion, no Owner may use or permit the use of all or any portion of such Owner's Parcel for any of the business or purpose(s) described on Exhibit C . . ."** Please also take note of *Section 11.2* of the COREA, which pertains to drive-through facilities and related design requirements.

Thus, not only is a thorough review by Declarant of the site plan, building plan, grading and drainage plan necessary to determine, among other things, the impact of the release of water and other chemicals onto the site and potential traffic implications, a use such as the car wash use proposed by the request for the conditional use permit at issue simply cannot be approved without a thorough and complete analysis by Declarant of its suitability and compatibility with and impact upon the entire Marley Park Square as a whole.

Please also be advised that pursuant to the COREA, Declarant further reserves the right, prior to any such construction on an owner's parcel, to require the owner to construct, **at such owner's cost and expense**, "Circulation Drives," "Circulation Drive Lights," and/or "Retention Area(s)" – collectively the "Common Elements" (all capitalized terms are defined terms within the COREA), as designated by Declarant, located or to be located on such owner's parcel. [A copy of the pertinent pages from the COREA as referenced herein pertaining to parcel development is attached hereto for your convenience. As previously noted above, a complete copy of the COREA, together with any and all amendments and supplements thereto, of which your Property is subject to, can be found in the Maricopa County public records.]

You were previously informed via a letter dated February 8, 2021 from Main Street Real Estate Advisors ("MSREA"), the property manager for Marley Park Square, of the COREA requirements and Declarant's right to review and approve your proposed development at the Property. You were further advised to provide the property manager with all of the pertinent documents related to your proposed development at Lot 4 for Declarant's review and comments. To date, no such documents have been received by either MSREA or Declarant. As such, please be advised that you are currently in breach of the COREA.

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Phoenix, AZ 85085
Adalessandro@transconprop.com

Mr. Karl Gashler
May 10, 2021
Page 3

This Notice of Objection shall constitute Declarant MP Park Square II, LLLP' formal objection and related comments to the request submitted by James M. Day & Associates, Ltd. to the City of Surprise for approval of a Conditional Use Permit for a new Automobile Washing Establishment (Case No. FS20-762) at the Property. A copy of this Notice of Objection is being concurrently provided to the City of Surprise to be made a part of the City record.

Sincerely,

Anna Dalessandro

Anna M. D'Alessandro, Esq.,
Authorized Agent on behalf of
MP Park Square II, LLLP

Encl. as stated

cc: Sergio Angulo, City of Surprise via email only: Sergio.angulo@surpriseaz.gov

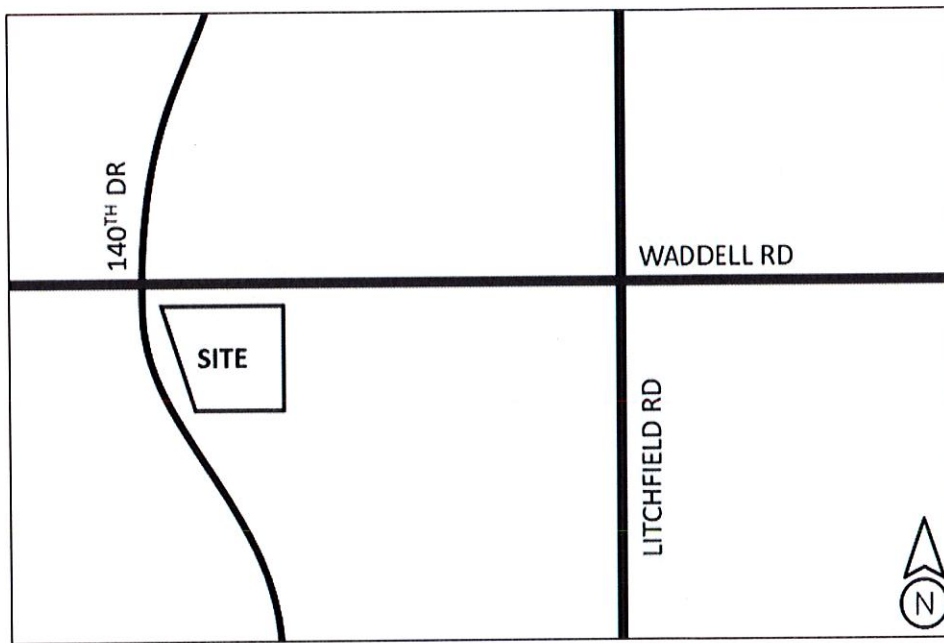
34406 N. 27th Drive, Suite 140
Phoenix, AZ 85085
Adalessandro@transconprop.com

**CITY OF SURPRISE
PUBLIC NOTICE**

Take notice that at the date, time, and place listed below, the City of Surprise Planning and Zoning Commission will hold a Public Hearing at the request of James M Day & Associates, LTD, for approval of a Conditional Use Permit for a new Automobile Washing Establishment (case FS20-762) located on the southeast corner of Litchfield Road and 140th Drive in the Marley Park Planned Area Development.

Legal Description: Located in a portion of Section 16, Township 3 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, City of Surprise, Arizona.

Project Location:



Planning and Zoning Commission

Date: **May 20, 2021**

Time: 6:00 p.m.

Place: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

At this meeting any member of the public may appear and be heard relative to this request or may submit written comments at any time prior to the Public Hearing. All written comments regarding this request will be made part of the record of the City. Any interested party may obtain an agenda 24 hours prior to the Public Hearing at the Surprise City Hall. Please note that this item will be placed on the next available agenda should the meeting be canceled or quorum be lost. Contact Sergio Angulo with the City of Surprise at 623-222-3155 or sergio.angulo@surpriseaz.gov for additional information.

FIRST AMERICAN TITLE

Recording Requested By and
When Recorded, Return to:

Michael N. Widener, Esq.
Bonnett, Fairbourn, Friedman &
Balint, P.C.
2901 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

773-212464-PHX3
6/7

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

20061639748 12/15/2006 02:11
ELECTRONIC RECORDING

212464-60-8-7--
Gonzalesj

COMMON OPERATION
AND RECIPROCAL EASEMENT AGREEMENT
FOR MARLEY PARK SQUARE
SURPRISE, ARIZONA

13778-0015 V3 06-23-06

Secondary CC&R's or a written supplement to this Agreement signed and recorded by MP while MP is the Owner of such Parcel.

3.6 Rules and Regulations. Declarant may at any time and from time to time, by written notice to all Owners, establish and thereafter supplement, modify or amend, reasonable and nondiscriminatory rules and regulations for the use of the Common Areas, which must be complied with by all Owners and their respective Permittees, and which may include, but not be limited to, the temporary closure of all or any portion of the Common Areas as may be legally necessary, in the opinion of Declarant or its legal counsel, to prevent a dedication of the Common Areas or the accrual of any prescriptive rights therein to any Person or the public, but may not otherwise adversely affect vehicular parking, ingress or egress.

3.7 Commercial Use of Common Areas Restricted. Except as expressly permitted by (a) the prior Declaration, or (b) MP in writing (including pursuant to Secondary CC&R's), no sale, lease, or display of merchandise may be made, conducted or permitted in the Common Areas or otherwise outside the exterior walls of any Building in the Development, and no portion of such areas may be used for commercial purposes by any Owner or Permittee (including outside dining areas), except as specifically permitted by this Agreement or in Secondary CC&Rs. Further, no traveling carnivals, fairs, rides, auctions, shows, performances, kiosks, booths or lots for the sale of fireworks or Christmas trees, sales by transient merchants from vehicles or booths, fund-raisers or other charitable events are permitted in the Common Areas without the prior written consent of Declarant. No Owner may cause, permit or undertake any posting of advertisements on vehicles or Buildings other than advertisements placed by an Owner or its Permittees on the Buildings located upon its own Parcel related to the business purposes conducted thereon and in compliance with this Agreement and all applicable law. No political demonstration or rally, promotions outside of Buildings, sidewalk sales or similar activities are permitted in the Development without the prior written consent of Declarant.

3.8 Vending Machines. Except as expressly permitted by (a) the Prior Declaration, or (b) MP in writing (including pursuant to Secondary CC&Rs), no vending machines or other retail fixtures or equipment of any kind may be located in the Common Areas or on any sidewalk within the Development (whether said sidewalk is considered a part of Building Envelope or Common Areas). Any such consent may be conditioned upon, such items being screened from view consistent with first class neighborhood retail and office developments in the metropolitan Phoenix, Arizona area. The foregoing prohibition shall not apply to ATM/banking facilities approved in writing by Declarant.

ARTICLE 4 DEVELOPMENT CONTROL

4.1 Building Envelopes. Without the prior written consent of Declarant, Buildings may only be constructed or placed upon the respective Parcels within Building

Envelopes indicated on the Site Plan, unless Declarant gives its prior written consent to the location of Building(s) outside of a Building Envelope. Declarant's consent to the location of a Building outside of a Building Envelope indicated on the Site Plan shall be evidenced by a written supplement to this Agreement filed within a reasonable time after the completion of construction of said Building (but such failure to file such supplement shall not nullify the Declarant's consent). Canopies and below ground areas may encroach from the Building Area over the Common Area and canopy support columns, and below ground areas may encroach onto the Common Area provided that the canopies, support columns and below ground areas do not interfere with the normal use of the Common Area. Canopies, support columns and below ground areas will be considered part of the Buildings to which they are attached and not part of the Common Areas. All construction within Building Envelopes must conform with this Agreement and all applicable law. Nothing contained in this Agreement prohibits the construction by an Owner within a Building Envelope of Improvements commonly found in Common Areas, in which event such areas will thereupon be deemed Common Areas for purposes of this Agreement during such time as such Improvements are located therein.

4.2 Maximum Building Coverage and Building Height. Notwithstanding the size of any Building Envelope indicated on the Site Plan, without the prior written consent of Declarant, the total square footage of floor area and maximum height (measured in accordance with City ordinances and guidelines) of all Buildings to be constructed within the Building Envelope on a Parcel may not exceed the maximum limitations, if any, set forth in the Prior Declaration, this Agreement or in Secondary CC&R's, or as shown on the Site Plan or designated by MP in a written supplement to this Agreement while MP is still the Owner of such Parcel. Any below ground areas for a tire service center and/or other automotive service repair facility on a Parcel shall be excluded from the calculation of Building Area for that Parcel.

4.3 Review and Approval of Plans. In order to achieve and maintain a harmonious and uniform quality of development for all Parcels within the Development, MP reserves the right to review and approve construction and development plans of each Owner.

4.4 Submission of Preliminary Plans. Prior to construction or placement of any Building or other Improvement on a Parcel, including, without limitation, exterior alterations or additions to existing Buildings, or reconstruction following casualty, the Owner thereof agrees to submit to MP for approval, prior to or concurrently with a similar submission to the City, preliminary plans for all proposed Improvements to such Owner's Parcel, including, without limitation, two (2) sets of the following: site plan (including, without limitation, an indication of Building footprint, parking, exterior lighting and other proposed Improvements in the Common Areas) grading and drainage plan, Building elevations (including, without limitation, a color and material sample board and a colored rendering of all sides of all Buildings), signage, parking, exterior lighting and landscaping and other proposed Improvements ("Preliminary Plans"). If it is expressly required by MP, submission of Preliminary Plans, to be complete, must also be

accompanied by an architectural review and processing fee in the amount set forth in the Design Guidelines to defray the cost of architectural review. All Preliminary Plans for Buildings and other Improvements upon the Parcels must at a minimum conform to the requirements of this Agreement and the Design Guidelines, but MP expressly reserves the right to impose design standards and requirements that are more stringent than those set forth in the Design Guidelines. All Buildings and other Improvements constructed upon the Parcels must be of first quality construction and be architecturally designed so that the exterior elevations of Buildings (including, without limitation, color, materials, texture and signage) and Common Area Improvements will be architecturally compatible and harmonious with all other Buildings and Improvements in the Development, as determined by MP in its sole and absolute discretion.

4.5 Approval/Final Plans. If, within thirty (30) days following MP's actual receipt from an Owner of Preliminary Plans satisfying the requirements of paragraph 4.4 above, MP does not object to or make a proposal that would add to or modify such Preliminary Plans, the submitting Owner must give written notice to MP making reference to this Agreement and this paragraph 4.5, and advising MP that MP's failure to respond within an additional ten (10) days after such notice is given will result in such Preliminary Plans being deemed approved by MP. If MP does not object to or make a proposal that would add to or modify the Preliminary Plans within such additional ten (10) day period, the Preliminary Plans will be deemed approved and satisfactory for further development, provided that such Preliminary Plans otherwise comply with this Agreement and the Design Guidelines (the "Approved Preliminary Plans"). Two (2) sets of final working drawings, plans and specifications (the "Final Plans") must conform to the Approved Preliminary Plans and be completed and submitted to MP prior to commencement of construction. Such Final Plans are subject to MP review and approval on the same basis as is set forth in this paragraph 4.5 with respect to the Preliminary Plans. The Final Plans as approved in writing by MP are herein referred to as the "Approved Final Plans." In no event does MP's approval of any Owner's drawings, plans, specifications, calculations or work constitute an implication, representation or certification of any kind by MP that said items are in compliance with all applicable law, and MP is not liable for any defect in any structure constructed in accordance therewith, whether or not in accordance with the Final Plans. The Owner assumes all risk and responsibility with respect to the plans and other drawings and specifications submitted to MP and agrees to indemnify, defend and hold harmless MP for, from and against any and all losses, claims, damages, obligations, liabilities, costs and expenses (including reasonable attorneys' fees and costs) arising therefrom or related thereto.

4.6 No Alterations. Once MP has reviewed and approved the Final Plans for the construction of Buildings and other Improvements on a Parcel, such Buildings and Improvements must be constructed in accordance therewith, and any further modification thereof requires the prior written approval of MP. The provisions of the immediately preceding sentence shall not be construed so as to require the submission of "minor modifications" to the Approved Final Plans to MP for approval. For the purposes of this paragraph 4.6, "minor modifications" are modifications that (i) do not

affect the exterior colors, materials or appearance of the Buildings and improvements on a Parcel, (ii) do not result in an increase or decrease in construction cost of more than Twenty-Five Thousand and No/100 Constant Dollars (\$25,000.00), (iii) do not result in the Approved Final Plans, as modified, no longer being in substantial conformance with the Approved Final Plans approved by MP, and (iv) do not result in the Final Plans, as modified, no longer being in conformance with the Design Guidelines. Once constructed, any alteration, addition, repainting, remodeling or reconstruction to or of any existing Building which involves any change in the exterior appearance thereof, or any material alteration of the Common Areas including, but not limited to, alteration of the layout of driveways or parking spaces, shall require the prior written consent of MP. No changes or alterations to the Circulation Drives or Circulation Drive Lights as originally designated by MP and constructed on any Parcel not owned by MP may be made without the prior written consent of (i) those Persons necessary to effect an amendment of this Agreement under Article 17 below and (ii) the Declarant under the 2006 Prior Declaration.

4.7 Sprinklers/Fire Rating. Unless otherwise approved by MP, each Building constructed in the Development must either be (a) equipped with such automatic sprinkler systems as meet all requirements of the Fire Insurance Rating Authority (or other similar organization having jurisdiction), or (b) constructed, maintained and used so as to be fire rated as a separate and distinct unit from every other Building constructed in the Development.

4.8 Party Walls. No party walls (in which the Owners of Buildings share a common wall along the boundary of their respective Parcels) are permitted in the Development except with the prior written consent of MP and the Owners of the affected Parcels. Any agreement between such Owners regarding party walls may be contained in Secondary CC&R's.

4.9 City Design Review. Compliance with the requirements of this Article 4 is in addition to, not in lieu of, compliance with the requirements of the Prior Declaration and the requirements of the City, including, without limitation, any design review process of the City, which is the responsibility of each Owner. In the event of conflict between the requirements of the City and the requirements of this Agreement, the more restrictive requirements are controlling.

4.10 Common Elements Plans. Notwithstanding anything to the contrary contained in this Agreement, MP reserves the right, upon written notice to an Owner given at any time and from time to time prior to the constructing Owner's commencement of construction of Buildings on such Owner's Parcel, to require the Owner to construct at such Owner's cost and expense Circulation Drives, Circulation Drive Lights and/or Retention Area(s) (collectively, "Common Elements") designated by MP and located or to be located on such Owner's Parcel; provided, however, without the consent of such Owner, MP may not require that such common elements be constructed beneath the building envelope for such Parcel. With reasonable diligence and in any event within sixty (60) days following such notice, the Owner agrees to

cause to be prepared and submitted to MP for approval plans and specifications for the Common Elements so designated by MP, including, without limitation, paving sections, curbs, striping plan, grading and drainage plan, lighting specifications and the like, to the extent applicable (the "Common Elements Plans"). The Common Elements Plans must conform to the Design Guidelines and any other paving section, curb, striping, drainage, lighting and other specifications established by MP or the City at the time such plans are submitted for approval. So long as all timetables for completion of construction described in Article 5 below are met, the Common Elements Plans may (but need not) be submitted as a part of the preliminary plans under paragraph 4.4 above, as the requirements of this Section 4.10 are separate from and in addition to any other obligations or requirements set forth in this Agreement.

ARTICLE 5 PARCEL CONSTRUCTION

5.1 Initial Construction of Buildings and Improvements. Except as otherwise provided in paragraph 5.2 below, unless Declarant otherwise consents in writing, once construction is commenced (following written approval by MP of the Approved Final Plans for the initial construction of Buildings and other Improvements on a Parcel), the Owner of such Parcel agrees to proceed to construct or cause to be constructed such Buildings and Improvements with reasonable diligence, subject to Force Majeure, at such Owner's sole cost and expense, in a good and workmanlike manner, in accordance with the Final Plans and free and clear of all liens and encumbrances. Such construction shall not unreasonably interfere with the use of the Common Areas by any other Owner or its Permittees. All such construction must in any event be completed within twelve (12) months following the date of commencement of such construction, unless otherwise agreed by MP.

5.2 Initial Construction of Common Elements.

(a) Following approval by MP of the Common Elements Plans, the Owner obligated to prepare such plans agrees to proceed to construct or cause to be constructed the Common Elements designated by MP with reasonable diligence, at such Owner's sole cost and expense, in a good and workmanlike manner, in accordance with the approved Common Elements Plans, and free and clear of all liens and encumbrances. All such construction must in any event be completed within four (4) months following the approval by MP of the Common Elements Plans, unless otherwise agreed by MP.

(b) If expressly required by MP in order to obtain economies of scale and consistency of design and construction, and to the extent construction timetables can be reasonably coordinated, an Owner obligated to construct Common Elements agrees to cooperate with any adjoining Owner (including, without limitation, MP) also constructing Common Elements (as, for example, where each Owner is constructing one-half of a Circulation Drive, or where Retention Area improvements continue from one Parcel to another) to use a contractor acceptable to MP to concurrently construct

those portions of Common Elements located on the respective adjoining Parcels of such Owners, and to pay such contractor in proportion to the respective Common Elements constructed on each Owner's Parcel.

5.3 Right of MP to Complete.

(a) If any Owner fails to complete construction of Buildings and Improvements within the time period required under paragraph 5.1 above, upon thirty (30) days' written notice to such Owner, MP is entitled, but not obligated, to enter upon such Owner's Parcel and cause the completion of all or portions of such construction in accordance with the Final Plans, at such Owner's sole cost and expense.

(b) If any Owner fails to complete construction of the Common Elements for which it is obligated within the time period required under paragraph 5.2 above, upon ten (10) days' written notice to such Owner, MP is entitled, but not obligated, to enter upon such Owner's Parcel and cause the completion of all or portions of such construction in accordance with the approved Common Elements Plans (or in the absence thereof, in accordance with such plans and specifications as MP approves), at such Owner's sole cost and expense.

5.4 Initial Construction of Common Areas. Notwithstanding the foregoing provisions of this Agreement to the contrary, in order to achieve architectural harmony, uniformity of appearance and coordination of the initial construction of Improvements to the Common Areas of the Development in connection with the initial construction of Buildings and other Improvements (including Common Elements) on a Parcel by an Owner, MP may undertake the responsibility for the construction of all or any portion of the Common Area Improvements for such Parcel on such terms and conditions as MP and such Owner mutually agree in writing.

5.5 General Provisions Regarding Construction. All construction, alteration or repair work undertaken by an Owner must be accomplished in an expeditious and efficient manner, in accordance with all applicable law, and in a good and workmanlike manner using first-class materials, free and clear of liens and encumbrances. All construction work must be accomplished in such a manner as to minimize any damage or adverse effect that might be caused by such work to any other Owner or its Permittees.

5.6 Covenant to Maintain.

(a) Until such time as Improvements are constructed on a Parcel, the Owner thereof, at its expense, agrees to take such measures as are reasonably necessary to control weeds, and blowing dirt, sand and refuse on or from such Owner's Parcel and to maintain the Parcel in compliance with all applicable law.

(b) Each Owner agrees to operate, maintain, repair and replace, at its sole cost and expense, all Buildings, other Improvements, and Common Areas located on its

the City, a copy of which may be obtained from Declarant.

ARTICLE 10 CONDEMNATION

If all or any part of the Development is taken by eminent domain, condemnation or similar process by a duly constituted authority, the entire award for the value of the land and Improvements so taken belongs to the Owner of the Parcel so taken (and to such Owner's mortgagees and tenants, as their interests may appear), and no other Owner has a right to claim any portion of the award by virtue of any interest created by this Agreement. Any Owner of a Parcel that is not the subject of such taking (and such Owner's mortgagees and tenants, as their interests may appear) may, however, file a separate claim with the condemning authority (but not against the Owner of the Parcel so taken) for the loss of easement or other rights to the extent of any damage resulting from the severance of the land or Improvements so taken. In the event of a partial taking, the Owner of the portion of the Development so taken agrees to restore the Improvements located on the Common Areas of such Owner's Parcel as nearly as possible to the condition existing prior to the taking to assure the continued ingress and egress to, from and between all areas of the Development to the extent reasonably feasible, without contribution from any other Owner.

ARTICLE 11 RESTRICTIONS

11.1 General Limitation on Uses. All Parcels within the Development may only be used for lawful purposes in conformance with all restrictions imposed by all applicable law. No portion of the Development may be used for residential purposes without the prior written consent of Declarant. Without the prior written consent of Declarant, which consent Declarant may withhold in its sole, absolute and unfettered discretion, no Owner may use or permit the use of all or any portion of such Owner's Parcel for any of the businesses or purpose(s) described on Exhibit C or for any purpose(s) prohibited by the Prior Declaration.

11.2 Drive-Through Facilities. Facilities, if any, constructed on a Parcel for vehicular drive-up or drive-through in which the stopping or standing of motor vehicles in line at a location for drop-off or pickup is intended (as, for example, at a restaurant, pharmacy or bank), must be designed, constructed, used and operated in such a manner that motor vehicles in line at such facility do not stop or stand in or across a Circulation Drive, pharmacy and/or parking areas, or onto any portion of another Parcel, or otherwise interfere with the normal pattern and flow of pedestrian or vehicular traffic on and across the Parcels.

11.3 Future Additional Use Restrictions. To promote and protect a diversity of uses within the Development, in connection with the development of any Parcel for a particular use (the "Benefited Parcel"), MP reserves the right to impose future additional

use restrictions on all or any portion of the remainder of the Development to prohibit the same or similar uses; provided, however:

(a) if at any time after the imposition of future additional use restrictions in favor of the Benefited Parcel, the Benefited Parcel is thereafter not used and operated for such purposes for a continuous period of eighteen (18) consecutive months or more for any reason other than (i) strike, lockout or other labor difficulty, fire or casualty, condemnation, war, riot, insurrection, act of God, or other temporary closure beyond the reasonable control of the Owner of the Benefited Parcel, (ii) temporary closure due to the restoration, reconstruction, expansion, alteration or remodeling of the Building or Improvements located on the Benefited Parcel, or (iii) governmental restrictions, then the future additional use restrictions imposed for the benefit of the Benefited Parcel are void and of no further force or effect at the expiration of said eighteen (18) month period;

(b) no future additional use restrictions may be imposed on a Parcel under this paragraph 11.3 at a time when such Parcel is then being used legitimately for a purpose that would otherwise be expressly prohibited thereby;

(c) all future additional use restrictions imposed under this paragraph 11.3 will be limited to a term not to exceed twenty-five (25) years following the imposition thereof in each instance, after which such future additional use restrictions will expire and be of no further force or effect; and

(d) future additional use restrictions imposed by MP will be effective as against all or any portion of the Development upon recordation by MP in the official records of Maricopa County, Arizona, of one or more supplements to this Agreement (or Secondary CC&Rs) setting forth such future additional use restrictions.

11.4 Environmental Restrictions. Each Owner agrees that such Owner's Parcel and any and all facilities located or operations conducted on such Parcel will not be used to generate, manufacture, refine, transport, treat, store, handle, dispose of, transfer, produce or process hazardous, toxic or regulated substances or solid wastes of any kind, except in compliance with all applicable law. Each Owner agrees to indemnify, defend, and hold harmless Declarant and each and every other Owner for, from and against any and all actions, causes of action, claims, liabilities, damages, costs, expenses and losses (including reasonable attorneys' fees and costs) of any nature whatsoever, arising from a breach by the indemnifying Owner of this covenant.

ARTICLE 12 **ENFORCEMENT**

12.1 Remedies. If an Owner or its Permittees breaches or threatens to breach this Agreement, Declarant or any one or more of the other Owners are entitled to any or all remedies available at law or in equity including, without limitation, the right to collect

EXHIBIT "C"**Use Restrictions**

In no event may any Parcel be used for (i) an auditorium or other similar place of general assembly; (ii) an indoor flea market; (iii) a secondhand store, thrift store, swap shop, liquidation outlet or used clothing store, including any business that regularly sells merchandise referred to as "odd lot", "cancellation", "second", "factory reject", "sample", "floor model", "floor demonstrator", "obsolescent", "distressed", "salvage" or "damaged"; (iv) a massage parlor; (v) a cemetery/crematorium; (vi) a so-called "head shop" or facility for the sale, rental, distribution or display of drug paraphernalia such as roach clips, bongs, water pipes, coke spoons, cigarette wrapping papers, pipes and/or syringes; (vii) a facility for the sale, rental, display or distribution of pornographic, lewd, sexually explicit or so-called adult material; (viii) an off-track betting parlor, bowling alley, billiard parlor, pool room, game room, amusement arcade or gaming hall; (ix) an automobile body shop, truck stop, junk yard or motor vehicle dismantling operation; (x) a recycling facility, except as required pursuant to governmental restrictions; (xi) a stock yard; (xii) a traveling carnival, circus or fair; (xiii) coin operated laundry or dry cleaner; (xiv) sale, rental or storage of motor vehicles; (xv) shows; (xvi) booths for the sale of fireworks; (xvii) churches, temples or other houses of religious worship; (xviii) any establishment conducting games of chance; (xix) a pawn shop; (xx) a bingo hall; (xxi) a rehabilitation center for physical, mental or substance abuse rehabilitation or treatment; (xxii) a funeral home or funeral parlor; (xxiii) a business which creates strong, unusual or offensive odors, fumes, dusts or vapors, as a public nuisance, emits noise or sounds which are objectionable due to intermittence, beat, frequency, shrillness or loudness, or creates a hazardous condition; (xxiv) the dumping or disposing of garbage or refuse; (xxv) offices, except as may be incidental to a retail operation or as expressly permitted where shown on the Site Plan as "Office"; (xxvi) any residential production, manufacturing, industrial or storage use of any kind or nature except for storage and/or assembly of products incidental to an otherwise permitted use; (xxvii) check cashing services, but this shall not be applicable to the operation of a branch bank; (xxviii) the conduct of any auction, loss of lease, fire, bankruptcy or going out of business sale; (xxix) a school, including the operation of a preschool or day care center; (xxx) a theatre; (xxxi) a "tattoo parlor" or "piercing parlor," so called; (xxxii) the outdoor housing of animals; (xxxiii) cocktail lounge, bar, tavern, or nightclub; (xxxiv) a financial institution that accepts deposits from customers, other than on Pad D (excluding from this definition a stock brokerage or insurance company, or an enterprise that requires escrowed client deposits in connection with committing to lending transactions); (xxxv) any business the principal purpose of which is sales of one or more of the following classes of merchandise: hardware, electrical, plumbing, paint, lawn and garden supplies, and tools for construction and repairs and the rental thereof, except where shown on the Site Plan as "Major C"; (xxxvi) an automatic teller machine, but this shall not be applicable to the operation of a branch bank located on Pad D, to a market, to any building marked "Office" on the Site Plan, or to any retail business that exceeds 10,000 square feet of floor area; or (xxxvii) any governmental use.

v2 05-23-06 MNW

James M Day, Architect

Email j-day@jmda-architects.com
Phone 623-271-7705
Fax 623-271-7707

Mailing Address

8194 W Deer Valley Rd
Suite 106-321
Peoria, AZ 85382



May 10, 2021

Mr. Karl Gashler
Mr. Duane Hager
3 Minute Express Car Wash
[REDACTED]
Goodyear, AZ

Dear Karl and Duane,

I am writing in response to the letter you have transmitted to me from Anna D'Alessandro, Esq., on behalf of MP Park Square II, LLLP, "Notice of Objections Case No: FS20-762, dated May 10, 2021.

Please note the following outline of events for the subject property at Marley Park Square known as Lot 4.

I had to do some research to find who was to review our design materials for Lot 4 and was directed to DMB Associates. I was in contact with the following representatives.

DMB ASSOCIATES

Aaron Macneil, SVP of Operations
Dan Kelly, General Manager

Following submittal of preliminary design materials we received the following;

October 29, 2020 Approval building elevations, colors and materials, site plan, and landscape plan.

(2020 10 29 DMB APPROVAL)

November 19, 2020 Approval building signage. Final approval remains subject to monument site approval.

(2020 11 19 DMB APPROVAL)

We then proceeded with the CUP process with the City of Surprise. The City of Surprise publicized the Citizen Outreach Meeting.

(2021 2 2 FS20-762 CITIZEN OUTREACH)

Team architecture with the client's goals in mind

Residential Commercial TI/Remodel Commercial Ground Up Interior Design

The City of Surprise mailed the materials to the required parties. Note that Marley Park West, LLC, 34406 N 27th Drive Ste 140, Phoenix, AZ 85085, was notified.

(2021 2 2 FS20-762 CITIZEN OUTREACH – MAILERS)

Following the mailing you (Karl and Duane) received an email from Heide Summers, senior property manager, Main Street Real Estate Advisors. Subject: Letter from Declarant (Marley Park Management) – request for documents, dated February 8, 2021.

(2021 2 8 MARLEY PARK SQUARE – CAR WASH MATERIALS CHAIN)

I, James Day, responded with two emails. The first with the design materials requested, and the second clarifying a question by Ms. Summers.

(2021 2 8 MARLEY PARK SQUARE LOT 4 RESPONSE)

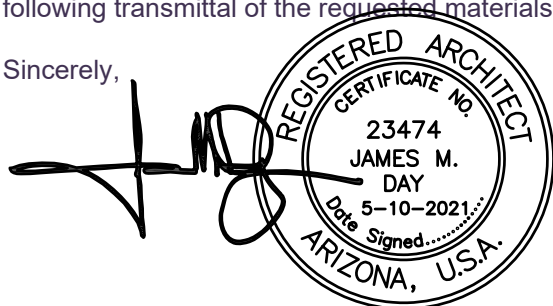
(2021 2 8 MARLEY PARK SQUARE – CAR WASH MATERIALS CHAIN) in the chain 2021 2 9

We held the Citizens Outreach Meeting via ZOOM on the date and time indicated in the advertisement. I provided a Participation Report to the City of Surprise. Due to most people not being clear as to who they are and who they represent, I sent a draft to the planner. The planner clarified that “Ralph” represented Marley Park Square. I do not recall any interaction with Ralph during the meeting.

(2021 2 10 3 MINUTE EXPRESS CAR WASH MARLEY PARK – COMMUNITY MEETING)

I think it is important to note that we responded promptly when contacted by Heide Summers, senior property manager, Main Street Real Estate Advisors. To our knowledge Marley Park Declarant was represented by Ms. Summers and “Ralph”. We have received no communication other than the letter received today from Anna D’Alessandro, Esq., on behalf of MP Park Square II, LLLP. We still have not had a review or comment directly from the Declarant, which we welcome, three months following transmittal of the requested materials.

Sincerely,



James M Day, architect Expires 09-30-2023

Enclosures; 2020 10 29 DMB APPROVAL
2020 11 19 DMB APPROVAL
2021 2 2 FS20-762 – CITIZEN OUTREACH MAILERS
2021 2 2 FS20-762 - CITIZEN OUTREACH
2021 2 8 MARLEY PARK SQUARE CAR WASH MATERIALS CHAIN
2021 2 8 MARLEY PARK SQUARE LOT 4 EMAIL RESPONSE
2021 2 10 3 MINUTE EXPRESS CAR WASH MARLEY PARK COMMUNITY MEETING



October 29, 2020

Mr. James Day
James M. Day & Associates, Inc.
8194 W. Deer Valley Road 106-321
Peoria, AZ 85383

RE: 3 Minute Express Car Wash - Preliminary Design Review Approval

Dear Jim:

Please consider this letter DMB's Preliminary Design Review approval for your building elevations, colors and materials, site plan, and landscape plan.

Final Approval is subject to a completed and approved sign package for this location.

A subsequent approval letter will be issued for signage upon final review and approval. Please contact me if you have any questions or need additional information.

Sincerely,

Aaron Macneil
SVP of Operations
DMB Associates, Inc.

c: Dan Kelly, General Manager, DMB Associates
Steven Loken, Lexikon Advisors LLC
James Day, JMDA Architects



November 19, 2020

Mr. James Day
James M. Day & Associates, Inc.
8194 W. Deer Valley Road 106-321
Peoria, AZ 85383

RE: Marley Park - 3 Minute Express Car Wash
Building Signage Approval

Dear Jim:

This letter is to confirm the Building Signage Approval for the 3 Minute Express Car Wash.
Final approval remains subject to monument sign approval.

Sincerely,

Aaron Macneil
SVP of Operations
DMB Associates, Inc.

Enclosure

c: Dan Kelly, General Manager, DMB Associates
Steven Loken, Lexikon Advisors LLC

6263 N. Scottsdale Road, Suite 330
Scottsdale, Arizona 85250

Phone: 480.367.7000
www.Verrado.com



ATKINS TAUSHA

[REDACTED]

SURPRISE, AZ 85379

GIBSON KATHLEEN E

[REDACTED]

SURPRISE, AZ 85379

IWATA SHAYLA KAANOI SACHI

[REDACTED]

SURPRISE, AZ 85379

MARLEY PARK WEST LLC

[REDACTED]

PHOENIX, AZ 85085

MYERS RYAN/VICKI

[REDACTED]

SURPRISE, AZ 85379

RIVADENEYRA MARIA A/PEREZ JOHN A

[REDACTED]

SURPRISE, AZ 85379

UNITY QS LLC

[REDACTED]

FAIRFIELD, CA 94534

CHARLENE R THOMAS FAMILY TRUST

[REDACTED]

SURPRISE, AZ 85379

HAGELE MICHAEL N/TAYLOR M

[REDACTED]

SURPRISE, AZ 85379

LDR-NWC WADDELL & LITCHFIELD LLC

[REDACTED]

PHOENIX, AZ 85014

MASON FEULNER AMBER/FISHER
JAMAR

[REDACTED]

SURPRISE, AZ 85379

QUIKTRIP CORPORATION

[REDACTED]

TEMPE, AZ 85282

SIERRA VERDE COMMUNITY
ASSOCIATION

[REDACTED]

PHOENIX, AZ 85048

FENNO DEBORAH

[REDACTED]

SURPRISE, AZ 85379

HOMESTEAD AT MARLEY PARK
COMMUNITY ASSOCIATION

[REDACTED]

TEMPE, AZ 85281-1854

LITCHFIELD WADDELL FITNESS LLC

[REDACTED]

PHOENIX, AZ 85016

MERITAGE HOMES OF ARIZONA INC

[REDACTED]

SCOTTSDALE, AZ 85260

REED DIANE LOPEZ

[REDACTED]

SAN DIEGO, CA 92117

SMITHS FOOD & DRUG CENTERS INC

[REDACTED]

TOLLESON, AZ 85353

CITY OF SURPRISE
CITIZEN REVIEW MEETING

Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. Due to the current COVID-19 public health emergency, the meeting will be conducted electronically. By using a computer and the access information provided below, any member of the public may participate and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planner: Sergio Angulo, 623-222-3155, sergio.angulo@surpriseaz.gov

CITIZEN REVIEW MEETING DETAILS

DATE: Wednesday, February 10, 2021

TIME: 6:00 PM

ONLINE ACCESS: Online Zoom Meeting:

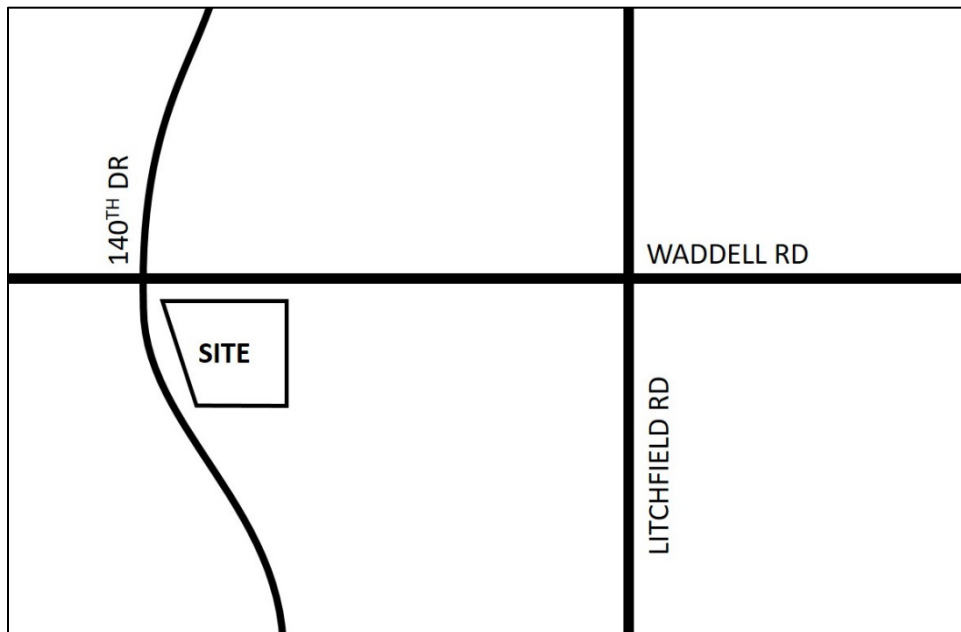
<https://us02web.zoom.us/j/89193150269?pwd=ZVBpRkVndTlkL2wrMEYrWDdhS3VCUT09>

Phone Access: +1 346 248 7799

Meeting ID (access code): 891 9315 0269

Passcode: 770581

Project Location



PROJECT DESCRIPTION: Approval of a new Vehicle Washing Facility (case FS20-762) in Marley Park Square. Generally located south of Waddell Road and west of Litchfield Road in the Marley Park Planned Area Development.

From: [Zach Pace](#)
To: [JAMES DAY](#)
Subject: RE: MARLEY PARK SQUARE - CAR WASH MATERIALS
Date: Thursday, February 11, 2021 1:36:49 PM

Ok....thanks for the feedback.

Zachary Pace | *Senior Vice President*
Direct [REDACTED]
[REDACTED] Phoenix, AZ 85016
[Download vCard](#)
www.phoenixcommercialadvisors.com



CONFIDENTIALITY NOTE: The information above has been obtained from sources believed reliable. While we do not doubt its accuracy, we have not verified it and make no guarantee, warranty or representation about it. It is your responsibility to independently confirm its accuracy and completeness. Any projections, opinions, assumptions or estimates used are for example only, and do not represent the current or future performance of the property. This e-mail does not constitute formal advice or commitment by the sender or Phoenix Commercial Advisors.

From: JAMES DAY [REDACTED] >
Sent: Thursday, February 11, 2021 1:23 PM
To: Zach Pace [REDACTED] >
Subject: RE: MARLEY PARK SQUARE - CAR WASH MATERIALS

Zach
I think it went fine.
I had 3 bodies from the city on the zoom.
I had 3 community people and only one asked any questions.
He seemed to be ok with it all.

Never saw Heide

Jim

From: Zach Pace <[REDACTED]>
Sent: Thursday, February 11, 2021 10:13 AM
To: JAMES DAY [REDACTED] >
Cc: 'Duane Hager' <[REDACTED]>; 'Karl Gashler' [REDACTED] >
Subject: RE: MARLEY PARK SQUARE - CAR WASH MATERIALS

James,

Greg Laing in my office was able to tune in to this. I had a conflict and was

unable to attend.

How did it go?

Zachary Pace | *Senior Vice President*

Direct [REDACTED]

[REDACTED] Phoenix, AZ 85016

[Download vCard](#)

www.phoenixcommercialadvisors.com



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From: JAMES DAY <[REDACTED]>

Sent: Tuesday, February 9, 2021 7:20 AM

To: [REDACTED]

Cc: 'Duane Hager' [REDACTED] >; 'Karl Gashler' [REDACTED] >; Zach Pace [REDACTED] >

Subject: MARLEY PARK SQUARE - CAR WASH MATERIALS

Importance: High

Hi Heidi,

Office

3 Minute Express Car Wash
840 N Estrella Parkway
Goodyear, AZ 85338

Site

Marley Park Square
Lot 4
14073 W Waddell Road
Surprise, AZ 85379

ZOOM MEETING

Topic: 3 MINUTE EXPRESS CAR WASH - COMMUNITY MEETING
Time: Feb 10, 2021 06:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/89193150269?pwd=ZVBpRkVndTlkL2wrMEYrWDdhS3VCUT09>

Meeting ID: 891 9315 0269

Passcode: 7gGQvF

One tap mobile

+13462487799,,89193150269#,,, *770581# US (Houston)

+16699009128,,89193150269#,,, *770581# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 891 9315 0269

Passcode: 770581

Find your local number: <https://us02web.zoom.us/j/89193150269?pwd=ZVBpRkVndTlkL2wrMEYrWDdhS3VCUT09>

Sincerely

James M Day

james m day & associates

Architectural Studio Peoria, Arizona

j-day@jmda-architects.com

623.271.7705 voice

623.271.7707 fax

602.799.6868 cell

Member of BUSINESS NETWORKING ASSOCIATES

Member of KIWANIS INTERNATIONAL - NORTH PHOENIX KIWANIS

...ask me about ELIMINATE !



Before printing this e-mail, think if it is necessary. Think Green!

From: [REDACTED]

Date: February 8, 2021 at 2:47:17 PM MST

To: [REDACTED]

Subject: Letter from Declarant (Marley Park Management) - request for documents

Hi Duane,

Please send your physical address please.

Heidi Summers

Senior Property Manager

Main Street Real Estate Advisors

[REDACTED]

Scottsdale, AZ 85258

[REDACTED]

[REDACTED]

[REDACTED]

This email has been checked for viruses by Avast antivirus software.

www.avast.com

[REDACTED]

From: [JAMES DAY](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: MARLEY PARK SQUARE LOT 4
Date: Monday, February 8, 2021 5:03:00 PM
Importance: High

Hi Heidi,

I just received information about your request today.

I was not aware of a submittal to Main Street Real Estate Advisors, or you would have received this material some time ago.

DMB has received and approved the project.

We are in the CUP review process with the City of Surprise.

These drawings reflect the City feed back on their first review.

The meeting February 10 is a Community Outreach Meeting by the Developer.

I have attached the DROPBOX link below. After review you may call me with any questions.

https://www.dropbox.com/sh/tlo9jssnxb7fbkg/AAAG20Lx_EROKQC4eUf13BPYa?dl=0

Sincerely

Jim

james m day & associates

Architectural Studio Peoria, Arizona

j-day@jmday-architects.com

623.271.7705 voice

623.271.7707 fax

602.799.6868 cell

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Member of KIWANIS INTERNATIONAL - NORTH PHOENIX KIWANIS

...ask me about ELIMINATE !



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James M Day, Architect

Email j-day@jmday-architects.com
Phone 623-271-7705
Fax 623-271-7707

Mailing Address
8194 W Deer Valley Rd
Suite 106-321
Peoria, AZ 85382



February 10, 2021

COMMUNITY OUTREACH MEETING – 3 MINUTE CAR WASH MARLEY PARK SQUARE

PARTICIPATION REPORT

The developer, 3 MINUTE EXPRESS CAR WASH, of the proposed express car wash for 14073 West Waddell Road, Surprise, Arizona, also known as Lot 4 of “MARLEY PARK SQUARE AMENDED, a Subdivision in the City of Surprise, Arizona, held a Community Outreach Meeting Wednesday, February 10, 2021 at 6:00 PM.

DETAILS OF THE MEETING

The community was informed by;

- Sign posting per the City of Surprise standards on January 13, 2021.
- The City of Surprise provided publication at least once in a newspaper of general circulation publish or circulated in the municipality at least fifteen (15) days prior to the meeting date.
- Mailing, by the City of Surprise, to all real property owners within a 200’ or 300’ radius of the project property. The distance was determined by the City of Surprise. The first class mailing occurred no less than seven (7) days prior to the hearing.
- The mailing was sent to village committees, special community groups, and the heads of homeowner associations or registered neighborhoods within the public notice area.
- The meeting was arranged by James M Day & Associates, and 3 Minute Express Car Wash, as a ZOOM meeting held Wednesday, February 10, 2021 at 6:00 PM.

Team architecture with the client’s goals in mind

Residential Commercial TI/Remodel Commercial Ground Up Interior Design

Those in attendance;

James Day, Architect

Karl Gashler, 3 Minute Express Car Wash

Duane Hager, 3 Minute Express Car Wash

Sergio Angulo, City of Surprise, Planning

Rob Kuhfuss, City of Surprise, Planning

Lloyd Abrams, City of Surprise, Planning

Ralph, Marley Park Square

John Perez, [REDACTED], Surprise, AZ 85379

Ralph Bednar [REDACTED]

Kim / Marie ? [REDACTED]

The meeting started about 6:10 PM, allowing for people to log onto the meeting.

Introductions were made by the Developer, City representatives, and the Architect.

Mr. Angulo provided a description of what this community outreach is about.

Mr. Hager provided an overview of the proposed Car Wash project.

Mr. Day presented and described the project with the following exhibits; City Notice and Project Location, project site plan and use of the site, an update rendering of the building, noise impact site plan, common sound level exhibit, and noise contour map.

Mr. Day then entertained questions and comments from the community members, in attendance.

Mr. Perez asked about possible environmental impacts to the community.

- We had already reviewed the noise issue that was proactively approached with the noise report and the 80 foot long 10 high sound wall.
- We discussed the infrastructure provided for water recycling, and its reduction of water usage and reduced impact on the waste treatment system.
- We discussed the Phase II soil contamination issue and the requirement to export any contaminated soil.

No other questions or comments were posed by attendees.

The meeting lasted about 30 minutes.

We encouraged the attendees to make note of contact information for Mr. Angulo and Mr. Day, so that they may contact us at a later date with any questions.

END

From: [Sergio Angulo](#)
To: [REDACTED]
Subject: FW: Public Comments/Objection re City of Surprise Case No. FS20-762
Date: Wednesday, May 12, 2021 5:07:56 PM
Attachments: [JMDA RESPONSE TO DECLARANT LETTER 5.10.2021.pdf](#)

From: Karl Gashler <[REDACTED]>
Sent: Monday, May 10, 2021 8:30 PM
To: Anna D'Alessandro <[REDACTED]>
Cc: Sergio Angulo <[REDACTED]>; Aaron Macneil <[REDACTED]>;
[REDACTED]; [REDACTED]; Duane Hager <[REDACTED]>; James M
Day <[REDACTED]>; Stanton Johnson <[REDACTED]>
Subject: Re: Public Comments/Objection re City of Surprise Case No. FS20-762

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Anna,

We received your Notice of Objection letter today (attached). It appears there is a misunderstanding here. We have been in regular and timely communication with DMB and Marley Park during the entire development, and we have received declarant approvals as required. Please see the attached letter from our architect outlining the timeline of events and providing copies of the relevant documentation. This should help to clear things up. We look forward to continuing working with the declarant on this development.



Karl Gashler
Owner
[REDACTED] | 3mincarwash.com

On Mon, May 10, 2021 at 12:37 PM Anna D'Alessandro <[REDACTED]>
wrote:

Please see attached Notice of Objection to Request for Conditional Use Permit, Case No. FS20-762 in connection with Public Hearing scheduled for May 20, 2021.

Best Regards,

Anna M. D'Alessandro, Esq.
General Counsel
MP Park Square II, LLLP

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CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: May 20, 2021 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 to approve or disapprove a Conditional Use Permit for a Vehicle Fueling Station, Drive-Through Facility, and Site Plan for Fry's Asante Retail Center. Case FS20-712.

Motion:

I move to approve/disapprove a Conditional Use Permit for a Vehicle Fueling Station, Drive-Through Facility, and Site Plan entitled "Site Plan Asante Retail Center" subject to stipulations "a" through "e" as memorialized in the staff report.

Background:

Sustainability Engineering Group, on behalf of Smiths Food & Drug Centers Inc. and Barclay Holdings C LLC, requests approval of a Conditional Use Permit with Site Plan to allow for a new Fry's grocery store with a drive-through pharmacy and a vehicle fueling station, to be located on the northwest corner of Pat Tillman Boulevard and 163rd Avenue in the Asante PAD.

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 - FS20-712 - Staff Report
 2. 01 - FS20-712 - Vicinity Map
 3. 02 - FS20-712 -Site Plan
 4. 03 - FS20-712 - Landscape Plan
 5. 04 - FS20-712 - Building Elevations
 6. 05 - FS20-712 - Citizen Participation Report
 7. FS20-712 - PowerPoint
-

Conditional Use Permit

REPORT TO THE PLANNING AND ZONING COMMISSION

1 **Case:** **FS20-712**
2
3 **Project Name:** Fry's Asante Retail Center
4
5 **Council District:** 1 – Acacia
6
7 **Meeting Date:** May 20, 2021
8
9 **Planner:** Sergio Angulo
10
11
12 **Owners:** Smiths Food & Drug Centers Inc.
13 Barclay Holdings C LLC
14
15 **Applicant:** Jason Sanks with Sustainability Engineering Group
16
17 **Request:** Conditional Use Permit and Site Plan for Fry's Asante
18
19 **Site Location:** Northwest corner of Pat Tillman Boulevard and 163rd Avenue.
20
21 **Site Size:** 21.97 Acres (approx.)
22
23 **General Plan**
24 **Conformance:** The proposal is consistent with the Surprise General Plan 2035.
25
26 **Support/Opposition:** Residents from the vicinity attended the Neighborhood Outreach
27 Meeting. Although there was no major opposition to the project,
28 there were concerns regarding traffic.
29
30 **Staff Recommendation:** Staff recommends the Commission **approve** case FS20-712,
31 subject to stipulations 'a' through 'f'.

32 **Project Description:**
33

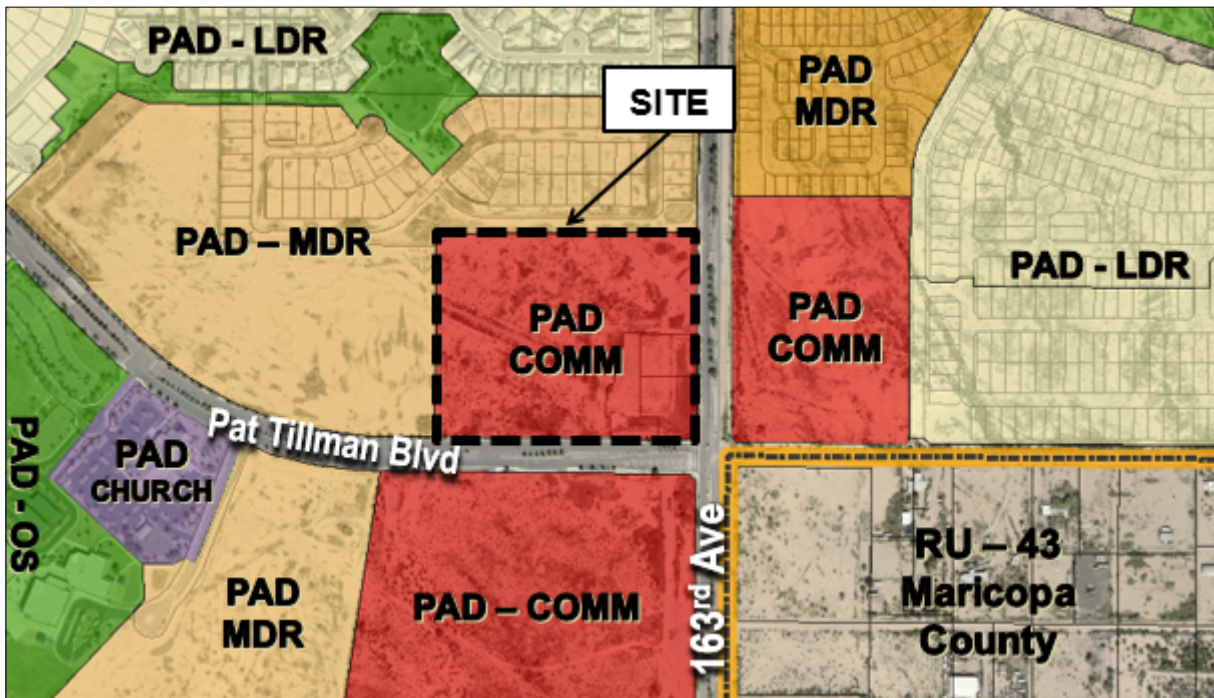
Sustainability Engineering Group, on behalf of Smiths Food & Drug Centers Inc. and Barclay Holdings C LLC, requests approval of a Conditional Use Permit with Site Plan to allow for a new Fry's grocery store with a drive-through pharmacy and a vehicle fueling station, located on the northwest corner of Pat Tillman Boulevard and 163rd Avenue in the Asante PAD.

The subject site is approximately 21.97 acres and will have two (2) access points from 163rd Avenue and two (2) more from Pat Tillman Boulevard. The site plan shows good pedestrian connectivity within the site and also to the residential development to the west. These pedestrian pathways also provide connectivity to the sidewalks in the right-of-way of Pat Tillman Boulevard and 163rd Avenue.

The proposed development includes a 123,800 sq. ft. Fry's grocery store building with a drive-through pharmacy and a vehicle fueling station. This development also includes an additional 14,074 sq. ft. attached shops building (Shops A). The associated Final Plat also designates four (4) additional lots for future development.

The grocery and shops building sits on the north side of the property with the front facing south. The site includes 676 parking spaces that are distributed on the south, east and west sides of the building. Twenty-five (25) of those parking spaces are ADA accessible spaces and will be located near the front entrance of the building. The site meets the minimum parking requirement (461 spaces) of the SUDC.

Existing Zoning:



PAD – MDR	PAD – MDR	PAD – Commercial
-----------	-----------	------------------

PAD – MDR	PAD – Commercial	PAD – Commercial
PAD – Commercial	PAD – Commercial	Maricopa County RU-43

History:

November 3, 1988: The subject property was annexed into the City of Surprise by the Mayor and City Council.

November 24, 2004: The Mayor and City Council approved the Asante Planned Area Development.

September 3, 2020: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR20-529.

November 2, 2020: The applicant filed a request for a Conditional Use Permit with Site Plan, as well as a Final Plat, for Fry's Asante under case FS20-712, the subject case.

March 11, 2021: The applicant held a Neighborhood Outreach Meeting, which was properly advertised. Residents from the vicinity attended the meeting to learn about the project and voice their concerns. Attached you will find a copy the Citizen Participation Report.

Neighborhood Meeting:

The applicant held a Neighborhood Outreach Meeting on **March 11, 2021**, which was properly advertised. Residents from the vicinity attended the meeting to learn about the project and express their opinions and concerns on the project. During the meeting, there were concerns regarding traffic and questions on a potential traffic signal located at Pat Tillman Boulevard and 163rd Avenue and improvements to the intersection of 163rd Avenue and Grand Avenue. A traffic signal is planned for Pat Tillman Boulevard and 163rd Avenue but is currently not warranted. Regarding the concerns at the intersection of 163rd Avenue and Grand Avenue, the City continues to work with ADOT to find a solution for the vehicle queue spillover into Grand Avenue.

Analysis:

The subject property is zoned Planned Area Development (PAD) with a Commercial (C-2) land use designation. The Surprise Unified Development Code (SUDC) lists retail as a permitted use, while drive-through facilities and vehicle fueling stations are listed as Conditionally Permitted uses. Drive-through uses and vehicle fueling stations require an analysis of the proposed Conditional Uses to be based on the use specific standards listed under section 122-78 (for a drive-through) and 122-106 (for vehicle fueling stations) of the SUDC. These standards include the following:

Sec. 122-78. Drive-through facilities.

When allowed, drive-through facilities shall be subject to the following requirements:

- a) Drive-through facilities shall be located a minimum of 150 feet from any other drive-through facility, except for banks. Car washes or restaurants with drive-through facilities located within the same building as gasoline service stations shall also be exempted from this requirement.
- b) Drive-through facilities shall be located a minimum of 25 feet from a public right-of-way and a minimum of 75 feet from a residential district.
- c) Drive-through aisles shall be clearly identified through the use of striping, landscaping, signs and shall be designed to:
 - 1) Contain aisles that are a minimum 11 feet wide. Any curved sections shall be a minimum of 12 feet wide with a minimum radius of 25 feet on curved section;
 - 2) Minimize the conflict between pedestrians, parking and the building entrance. Pedestrian walkways should not intersect the drive-through aisles, but where they do; they shall have a minimum of 15 feet clear visibility and be emphasized with enhanced paving. Appropriate pedestrian crossing signs shall be visible from both the vehicle drive aisle and the pedestrian walkway; and
 - 3) Be integrated with the on-site circulation of the larger development. Drive-through aisles shall not exit directly onto a public right-of-way.
- d) The drive-through stacking lane before the first stopping point (i.e. restaurant menu board, teller machine) shall be separated physically from the user's parking lot and shall include the following capacity requirements:
 - 1) Banking establishments. [omitted for brevity]
 - 2) Restaurants. [omitted for brevity]
 - 3) Photo uses. [omitted for brevity]
 - 4) Pharmacy. Stacking lanes shall have a minimum capacity of 40 feet per lane.
 - 5) Self-service automatic carwashes. [omitted for brevity]
 - 6) Full-service carwashes. [omitted for brevity]
- e) Drive-through speakers shall not be audible from the right-of way or adjacent residential uses. Additional landscaping, sound attenuation walls, or other mitigation measures may be required to reduce the sound level.

- 139 f) Drive-through shall orient pick-up windows away from adjacent
140 residential uses.
- 141 g) Drive-through lanes shall be screened from the right-of-way and adjacent
142 uses through the incorporation of a landscaped berm with continuous,
143 dense landscaping at least four feet in height to effectively conceal the
144 lower portion of the vehicles in line. In cases when a berm may not be
145 feasible because of space constraints, a screen wall may be used in
146 connection with landscaping.
- 147 h) It is strongly recommended that drive-through facilities incorporate an
148 attached canopy over the drive-through window area or teller area of the
149 facility. The canopy shall not exceed 14 feet in height, measured from the
150 ground to underside of the canopy. If canopy support pillars are used,
151 they shall be finished with the same body and accent materials as the
152 primary building. All lighting fixtures in the canopy area shall be recessed.
- 153 i) The architecture of drive-through uses shall reflect the architecture of the
154 principal building and shall be compatible and harmonize with that of the
155 shopping center motif or immediate neighborhood in terms of building
156 color, materials, mass, scale and form.

157
158 Sec. 122-106. Vehicle fueling stations.
159

160 When allowed, vehicle fueling stations shall be subject to the following requirements:
161

- 162 a) All activities and operations shall be conducted entirely within an
163 enclosed structure, except as follows:
- 164 1) The dispensing of petroleum products, water, and air from pump
165 islands;
- 166 2) The provision of emergency service of a minor nature.
- 167 b) The total site area shall not be less than 20,000 square feet unless it is
168 planned to be part of a functionally integrated commercial complex.
- 169 c) All structures shall be of a unique design character that is appropriate to
170 the area. If present, pump island canopies shall be an integral part of the
171 main structure unless otherwise approved through the site plan review
172 process.
- 173 d) Landscaping shall account for a minimum of 15 percent of the site. For
174 sites that are located at intersections, a landscaped area shall be
175 provided at the intersection and shall extend a minimum of 150 feet in
176 both directions from the street corner. Additional standards shall be
177 required for sites located at arterial intersections as set forth in

178 engineering development standards. Paving shall be limited to functional
179 vehicle and pedestrian areas. All unpaved areas shall be maintained with
180 landscaping.

181 e) Sites located on arterial intersections or in other areas of significant
182 pedestrian use shall include substantial buffering to minimize the
183 environmental presence of vehicle use. Pump islands and queuing lines
184 for the islands shall be located away from intersections, sidewalks and
185 other pedestrian areas.

186 f) Site improvements such as buildings or structures (permanent or
187 temporary) shall be separated from any residential property line by a
188 minimum of 75 feet. Parking areas shall be separated from any
189 residential property line by at least 25 feet.

190 g) Pump islands shall be located a minimum of 50 feet from a street right-
191 of-way line or non-residential property line and 75 feet from a residential
192 property line.

193 h) All sources of artificial light shall be concealed and shall be attached to
194 the main structure, unless otherwise specifically approved. All lighting
195 shall be designed so there is no glare or spillover on adjacent properties
196 and roadways.

197 i) No vehicle shall be parked on the premises for the purposes of offering
198 the vehicle for sale.

199 j) Noise from bells or loudspeakers shall not be audible beyond the property
200 line at any time.

201 k) Interior curbs of not less than six inches in height shall be constructed to
202 separate driving surfaces from sidewalks, landscaped areas, and street
203 rights-of-way.

204 l) Driveways for fueling stations shall be developed in conjunction with
205 adjacent uses and shall be located as part of the total circulation element
206 of such adjacent uses. Single use driveways for fueling station use will
207 only be allowed when environmental or topographic constraints prohibit
208 such shared driveway access.

209 m) Lighting shall not exceed 50 foot-candles under gasoline pump island
210 canopies.

n) No existing service station or abandoned service station may be converted to any other use unless the following standards are met:

1) All pumps, pump islands, canopies, signs, insignia, and corporate trademarks, supporting structures, mountings, and foundations, and all other aboveground improvements which are uniquely associated with service station operations shall be taken down, dismantled, and removed from the site.

All gasoline storage tanks, fuel lines, pumps, and other below ground apparatus related to the delivery or disposal of petroleum products shall be excavated and removed from the site or filled in accordance with the provisions of the Fire Code as currently adopted by the city and all other applicable law.

2) Upon the removal of the tanks, structures, and apparatus specified in subsections a and b of this subsection, the proposed converted service station site shall be resurfaced and landscaped in a manner appropriate to the proposed commercial or industrial use.

o) If fuel canopies are fronting on an arterial and/or parkway, a minimum of 3.5 kv photovoltaic shall be required to be placed on the top of the canopy.

This Conditional Use Permit application has been reviewed against these standards and staff finds this Conditional Use Permit application conforms to the requirements set forth under these sections of the SUDC, with the exception of Section 122-106.o. which requires 3.5 kv photovoltaic panels to be placed on the top of the canopy of a fueling station. This requirement has been waived for previous fueling stations.

The proposed landscape meets the requirements of the Asante PAD and the SUDC. The landscape onsite will continue the same planting pattern used in the adjacent developments.

The proposed building elevation design will complement this area as it uses similar materials and colors as the recently approved multi-family residential development west of the subject site. The proposed building elevations meet with the requirements of the Asante PAD.

The applicant also included a lighting photometric study with this application which meets the lighting requirements of the SUDC.

This Conditional Use Permit with Site Plan application is in conjunction with a related Final Plat to rearrange the lot lines on the subject site. The Final Plat will be heard by the City Council on June 1, 2021. This Conditional Use Permit with Site Plan is deemed not approved until said Final Plat is approved by the City Council.

253 **Reviewing Agencies:**

254
255 In addition to the standard city internal reviewing departments, the Arizona Department of
256 Transportation, Maricopa Water District, and Luke AFB were included in the routing of this
257 request. None of the reviewing agencies indicated any concerns over the request.

258
259 **Summary:**

260
261 Staff believes by accepting and incorporating stipulations 'a' through 'e', the proposed Site
262 Plan will meet the requirements of the Asante PAD, the SUDC, and the General Plan.

263
264 **Findings:**

- 265
266
 - The proposed Site Plan is consistent with the Surprise General Plan 2035.
 - 267 • The proposed Site Plan meets the provisions of the Asante PAD and the SUDC as
 - 268 applicable.

269
270 **Recommendation:**

271
272 Based on the findings noted above, staff recommends the Commission **approve** case FS20-
273 712, subject to stipulations 'a' through 'f' as outlined below:

- 274
275 a. Development and use of the site shall be consistent with the Site Plan entitled
276 "Site Plan Asante Retail Center" prepared by SEG dated March 31, 2021.
277 b. Landscaping associated with the site shall be consistent with the Landscape
278 Plan entitled "Asante Retail Center" prepared by Greey Pickett dated March 24,
279 2021.
280 c. Building Elevations shall be consistent with the Building Elevations entitled
281 "Asante Retail Center" prepared by CR architecture and design dated April 7,
282 2021.
283 d. This Conditional Use Permit is valid for one (1) year after approval by the
284 Planning and Zoning Commission. This Conditional Use Permit shall expire on
285 the one (1) year anniversary of approval, unless construction commences prior
286 to that date.
287 e. Non-compliance with the stipulations of approval of this case will be treated as
288 a violation in accordance with the provisions of Article XIV of the Surprise
289 Unified Development Code.
290 f. This Conditional Use Permit and Site Plan is deemed not approved until the
291 Final Plat entitled "Re-Plat of Lot 1 through 7 of Surprise Spectrum" is approved
292 by the City Council

293 However, should the Commission wish to **deny** of the request, the Commission should make
294 its own findings and base its decision on those alternative findings.

297 **Attachments:**

298

299 01 Vicinity Map

300 02 Site Plan

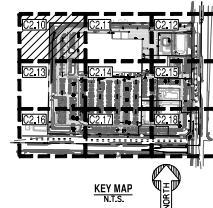
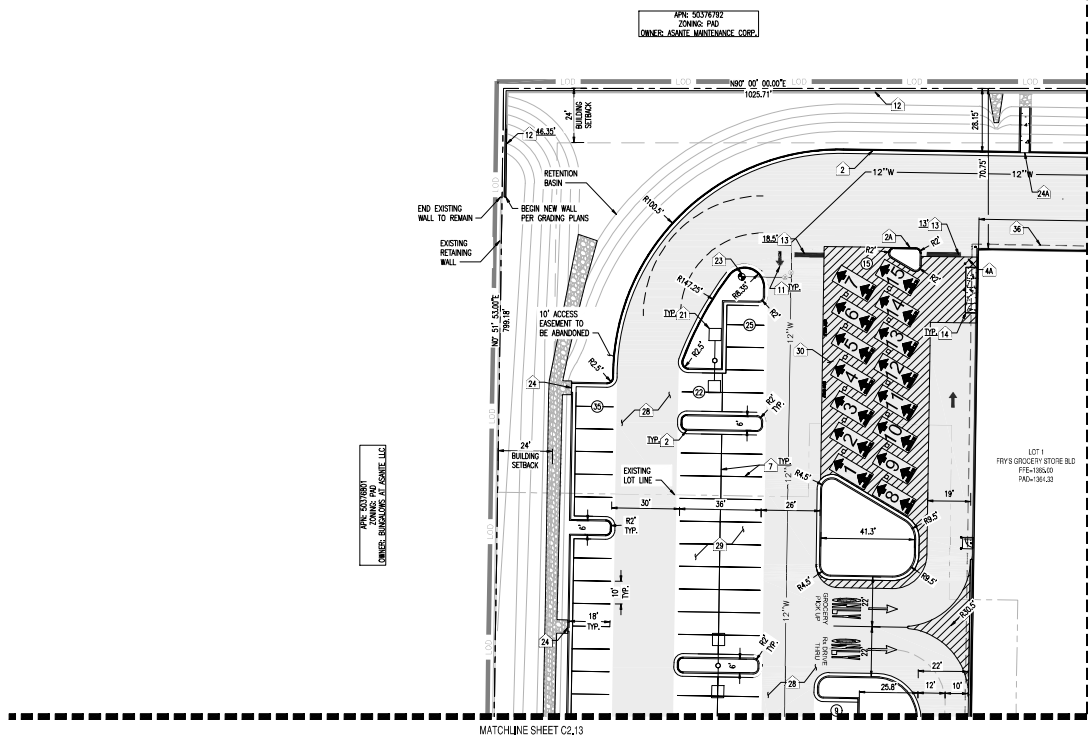
301 03 Landscape Plan

302 04 Building Elevations

303 05 Citizen Participation Report



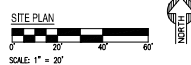
FS20-712 VICINITY MAP



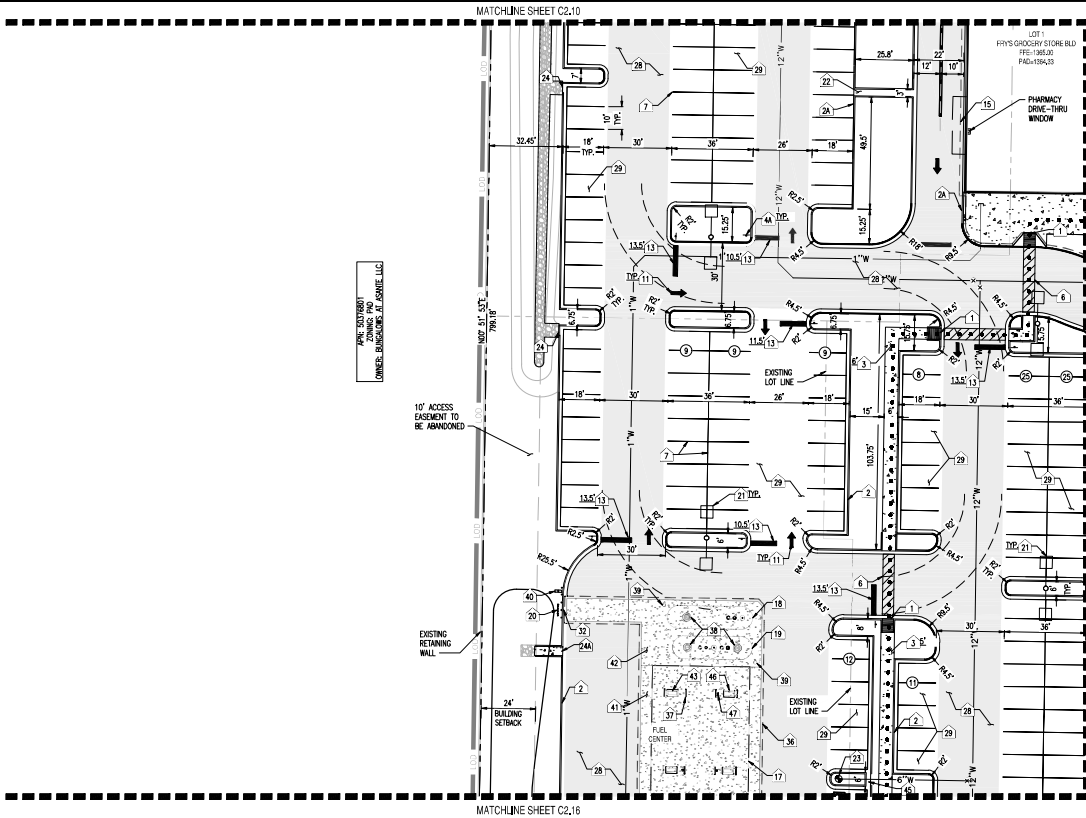
- ### SITE PLAN KEY NOTES:
- (2) CONSTRUCT CURB AND GUTTER, PER GRADING PLANS.
 - (3) CONSTRUCT VERTICAL CURB, PER GRADING PLANS.
 - (4) INSTALL STOP SIGN, PER DET. 3/22.1. TYPE 1 UNLESS OTHERWISE NOTED ON PLAN.
 - (7) PROVIDE 4" WIDE WHITE PAINTED STRIPING.
 - (11) PROVIDE DIRECTIONAL LANE PAVERMENT MARKINGS PER DET. 3/22.22.
 - (12) CONSTRUCT 6" HIGH SIDE WALL, LENGTH PER PLAN, PER LANDSCAPE PLAN.
 - (13) PROVIDE 24" WIDE WHITE PAINTED STOP BAR PER DET. 1/22.22, LENGTH PER PLAN.
 - (14) 84" HIGH MACULE FLUORESC WHITE POLYMER SYSTEM, PER DET. 6/22.20.
 - (21) SITE LIGHTING PER ELECTRICAL PLANS.
 - (23) PROVIDE NEW FIRE HYDRANT.
 - (24) CONSTRUCT RIP-RAP CURB OPENING PER GRADING PLANS, PER DET. 12/22.1.
 - (24A) CONSTRUCT CURB OPENING WITH CONCRETE SPILLWAY PER GRADING PLANS PER DET. 12A/23.21.
 - (28) CONSTRUCT HEAVY DUTY PAVEMENT, PER GRADING PLANS DET. 9/23.20.
 - (29) CONSTRUCT LIGHT DUTY PAVEMENT, PER GRADING PLANS DET. 9/23.20.
 - (50) ORDER PICK UP AREA, PER DET. 1/22.1.
 - (56) SITE CONTRACTOR LIMIT OF RESPONSIBILITY (BACK OF CURB).

- PROPOSED LEGEND:**
- | | | | |
|---|---------------------------|---|--------------------------|
| | PROPERTY LINE | | CONCRETE PAVEMENT |
| | CURB AND GUTTER | | HEAVY DUTY PAVEMENT |
| | ACCESSIBLE ROUTE FROM ROW | | LIGHT DUTY PAVEMENT |
| | FIRE LANE, RED PIT CURB* | | PAVEMENT STRIPING |
| | VERTICAL CURB | | LOD LIMIT OF DISTURBANCE |

-  FIRE HYDRANT
  EASEMENT LINE AS NOTED
  EXISTING STREET LIGHT
-  FIRE DEPARTMENT CONNECTION
  EXISTING FIRE HYDRANT
  EXISTING TREE
-  BACK FLOW PREVENTER
  EXISTING SIGN
-  PARKING COUNT

[illegible]

PROJECT ASANTE RETAIL CENTER	LOCATION	100 N. US HWY 89 APT. 201 TULLMAN BOULEVARD, SURPRISE, ARIZONA 85075
	DRAWN	JULIA 10/23/2021
	DESIGN	PG.M 10/23/2021
	GC	SC 03/21/2022
	FINAL GC	NE 03/29/2022
PGK. MGR.	NE	03/21/2022
DATE: 05/31/2021		
ISSUED FOR: DEVELOPMENT PLAN REVIEW		
JOB NO:	200711	
SHEET TITLE:		
SITE PLAN		
PAGE NO:	3 OF 15	SHEET NO: C2.10

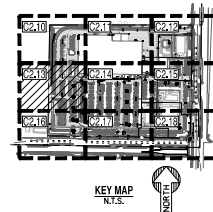
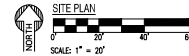


PROPOSED LEGEND:

- | | | | |
|-----------|---------------------------|---|----------------------|
| — — — — — | PROPERTY LINE |  | CONCRETE PAVEMENT |
| ===== | CURB AND GUTTER |  | HEAVY DUTY PAVEMENT |
| • • • — | ACCESSIBLE ROUTE FROM ROW |  | LIGHT DUTY PAVEMENT |
| ===== | FIRE LANE, RED PIT CURB* |  | PAVEMENT STRIPING |
| ===== | VERTICAL CURB | — LOD — | LIMIT OF DISTURBANCE |

EXISTING LEGEND:

- FIRE HYDRANT
  FIRE DEPARTMENT CONNECTION
  BACK FLOW PREVENTER
 PARKING COUNT
- EASEMENT LINE AS NOTED
 EXISTING FIRE HYDRANT
 EXISTING SIGN
- EXISTING STREET LIGHT
 EXISTING TREE



SITE PLAN KEY NOTES:

- 1) CONSTRUCT ACCESSIBLE RAMP, PER GRADING PLANS.
- 2) CONSTRUCT CURB AND GUTTER, PER GRADING PLANS.
- 3) CONSTRUCT VERTICAL CURB, PER GRADING PLANS.
- 4) CONSTRUCT NEW CONCRETE SIDEWALK PER MAC STD. DET. 230, WITH PLANTING STRIPS.
- 5) INSTALL STOP SIGN, PER 3/C2.21. TYPE 1 UNLESS OTHERWISE NOTED ON PLAN.
- 6) PROVIDE 5" WIDE ASILE FOR PAINTED STRIPPING.
- 7) PROVIDE 4" WIDE WHITE PAINTED STRIPPING.
- 8) PROVIDE DIRECTIONAL LINE PAINTMENT MARKINGS PER DET. 3/C2.22.
- 9) PROVIDE 24" WIDE WHITE PAINTED STOP BAR PER DET. 1/C2.22, LENGTH PER PLAN.
- 10) PROVIDE 4' X 8' ATTACHED CANOPY OVER DRIVE-THROUGH WINDOW.
- 11) TANK VENT RISER STACK.
- 12) SITE LIGHTING PER ELECTRICAL PLANS.
- 13) CONSTRUCT PASS THRU, CURB ISLAND OPENING PER DET. 2/C2.22.
- 14) PROVIDE NEW FIRE HYDRANT.
- 15) CONSTRUCT RIP-RAP CURB OPENING PER GRADING PLANS, PER DET. 12/C3.21.
- 16) CONSTRUCT CURB OPENING WITH CONCRETE SPILLWAY PER GRADING PLANS PER DETAL 12/C3.21.
- 17) CONSTRUCT HEAVY DUTY PAVEMENT, PER GRADING PLANS DET. 9/C3.20.
- 18) CONSTRUCT LIGHT DUTY PAVEMENT, PER GRADING PLANS DET. 9/C3.20.
- 19) COORDINATE CONSTRUCTION EFFORTS WITH FUTURE FUEL CENTER. IF CURB IS NOT REQUIRED FOR UNDERGROUNDING TANKS, LEAVE 15' OPENING FOR FUEL PIPING TO FUTURE RISER STACK.
- 20) SITE CONTRACTOR LIMIT OF RESPONSIBILITY (BOX OF CURBS).
- 21) WAREHOUSING SHEDS TO BE CONSTRUCTED TO FULL WITH CONCRETE.
- 22) FILL MANNING ON TANK (TYP. 3).
- 23) INSPECT WELL.
- 24) OVERFILL ALARM LOCATION.
- 25) 6" THICK CONCRETE SLAB UNDER CANOPY WITH 2" CHAMFER CORNERS.
- 26) 6" THICK CONCRETE SLAB OVER TANKS WITH 2" CHAMFER CORNERS.
- 27) MULTI-PRODUCT DISPOSER EQUIPMENT (TYP. 9).
- 28) DISPOSER SLAB (TYP. 8).
- 29) CANOPY STEEL CLADDING WITH CONCRETE BASE (TYP. 10) REFER TO ARCHITECTURAL DRAWINGS.

REVISIONS BY THE CITY OF SUDBURY		
	NEW DESCRIPTION	NEW DATES (A-D)
△		
△		
△		
△		

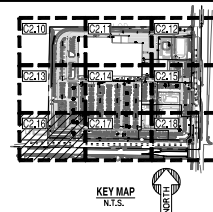
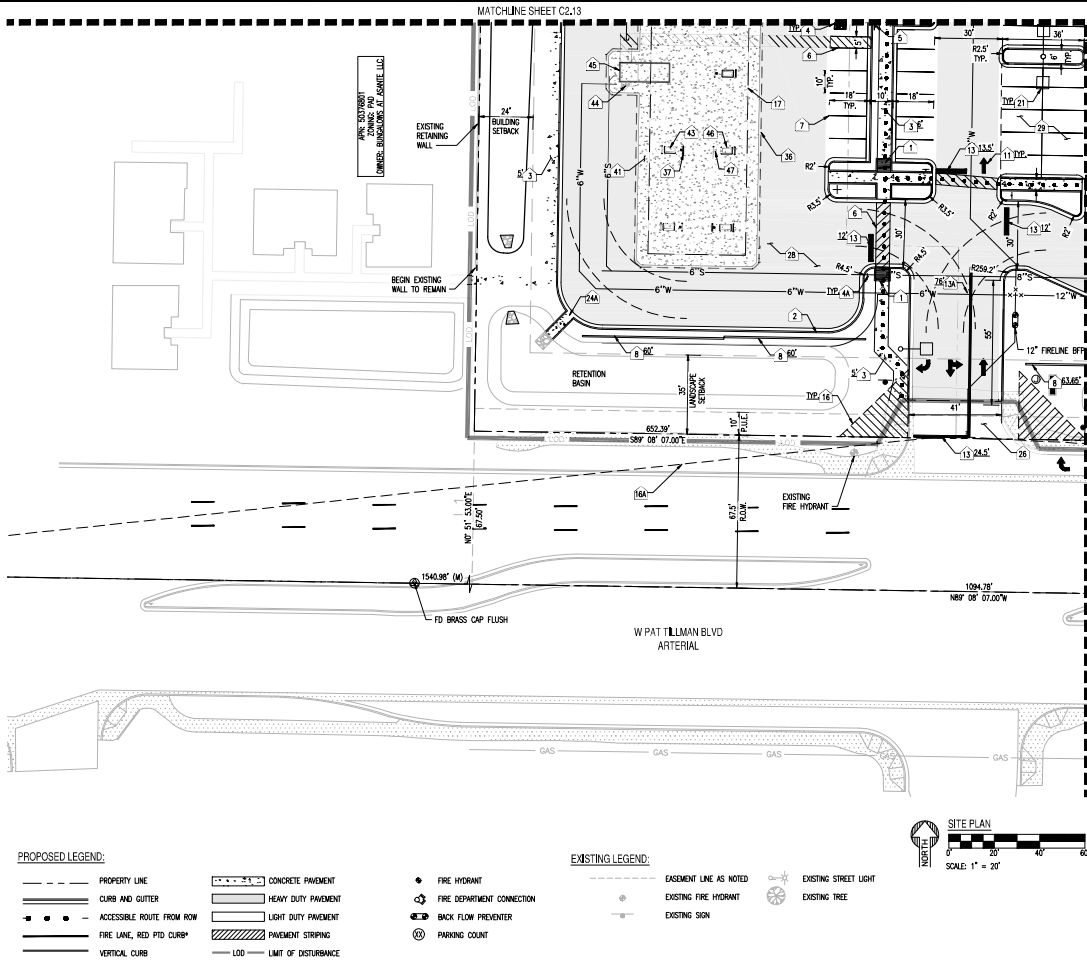


ASANTE RETAIL CENTER		LOCATION	
AK	AK, LA	10/23	10/23
AK	PG, TM	10/23	10/23
AK	SC	08/19	08/19
AK	NE	03/09	03/09
AK	NE	03/19	03/19

03/31/2021
DEVELOPMENT PLAN REVIEW
200711

SITE PLAN

NO. OF 15	SHEET NO. C2.13
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SITE PLAN KEY NOTES

- 1) CONSTRUCT ACCESSIBLE PAVEMENT, PER GRADING PLANS.
- 2) CONSTRUCT CURBS AND GUTTERS, PER GRADING PLANS.
- 3) CONSTRUCT CURB AND GUTTER, PER GRADING PLANS.
- 4) CONSTRUCT NEW CONCRETE SIDEWALK PER M&S STD. DET. 230, WITH PAVEMENT.
- 5) PROVIDE SYMBOL OF ACCESSIBILITY, PER DET. 1/C2.20.
- 6) INSTALL STOP SIGN, PER DET. 3/C2.21, TYPE 1 UNLESS OTHERWISE NOTED ON PLAN.
- 7) INSTALL ACCESSIBLE PARKING STALL SIGN, PER DET. 3/C2.20.
- 8) PROVIDE 5' WIDE ASILE FOR ACCESSIBILITY, 4" WIDE YELLOW PAINT STRIPING, 2" OC. @ 45°.
- 9) PROVIDE 4" WIDE WHITE PAINTED STRIPING.
- 10) CONSTRUCT 3' HIGH SCREEN WALL, PER PLAN, PER LANDSCAPE PLANS.
- 11) PROVIDE DIRECTIONAL LANE PAVEMENT MARKINGS PER DET. 3/C2.22.
- 12) PROVIDE 24" WIDE WHITE PAINTED STOP BAR PER DET. 1/C2.22, LENGTH PER PLAN.
- 13) PROVIDE DOUBLE 4" WIDE YELLOW PAINTED STRIPING, LENGTH PER PLAN.
- 14) 30'X30' S&T, PER EDS STD. DET. 4-02.
- 15) SIGHT DISTANCE REQUIREMENT FOR INTERFERAL & COLLECTOR STREETS PER EDS STD. DET. 4-01.
- 16) 6.880 SF CANOPY.
- 17) SITE LIGHTING PER ELECTRICAL PLANS.
- 18) CONSTRUCT CURB OPENING WITH CONCRETE SPILLWAY PER GRADING PLANS PER DET. 12A/C3.21.
- 19) EXISTING DRIVEWAY.
- 20) CONSTRUCT HEAVY DUTY PAVEMENT, PER GRADING PLANS DET. 9/C3.20.
- 21) CONSTRUCT LIGHT DUTY PAVEMENT, PER GRADING PLANS DET. 9/C3.20.
- 22) SITE CONTRACTOR LIST OF RESPONSIBILITY (BACK OF CURB).
- 23) IMBEDDED U-SHAPED STEEL PIPE GUARD POST (TYP. 19). REFER TO DET. 5/C3.20, CONSTRUCTION TO FILL WITH CONCRETE.
- 24) 6" THICK CONCRETE SLAB UNDER CANOPY WITH 2" CHAMFER CORNERS.
- 25) MULTI-PRODUCT DISPENSER EQUIPMENT (TYP. 9)
- 26) FLOC LOCATION.
- 27) WALK-IN KIOSK (174 SF).
- 28) CONSTRUCT ISLAND (TYP. 9)
- 29) CANOPY STEEL COLUMN WITH CONCRETE BASE (TYP. 10) REFER TO ARCHITECTURAL DRAWINGS.

REVISIONS BY THE CITY OF SUDBURY	
REV. DESCRIPTION	REVISION DATED
Δ	
Δ	
Δ	
Δ	



PROJECT		LOCATION
OWNER	ASIAN RETAIL CENTER	NBC N. 163RD & W.
DESIGNED	PGM	PAT TILLMAN BOULEVARD
SC	SC	
FIN. CO.	AF	
PROJ. MGR.	AF	

ISSUED FOR:	
DEVELOPMENT PLAN REVIEW	
DB No:	200711
SHEET TITLE:	
SITE PLAN	
AGE No:	SHEET No:
9 OF 15	C2.1

OWNER/DEVELOPER
BARCLAY GROUP
2415 E. CHANDLER BLVD, SUITE 900,
PHOENIX, AZ 85016
PHONE: 480-596-8399
ATtn: COLBY FINCHAM

ANCHOR STORE ARCHITECT:
OR ARCHITECTURE + DESIGN
600 Vine Street, Suite 2210
Cincinnati, OH 45202
PHONE: 513-721-8080
ATtn: ANTHONY FREY

CIVIL ENGINEER
SUSTAINABILITY ENGINEERING GROUP
8090 E. GILBERT DR., SUITE 101
SCOTTSDALE, ARIZONA 85260
PHONE: 480-237-2507
ATtn: ALI FAKHRI

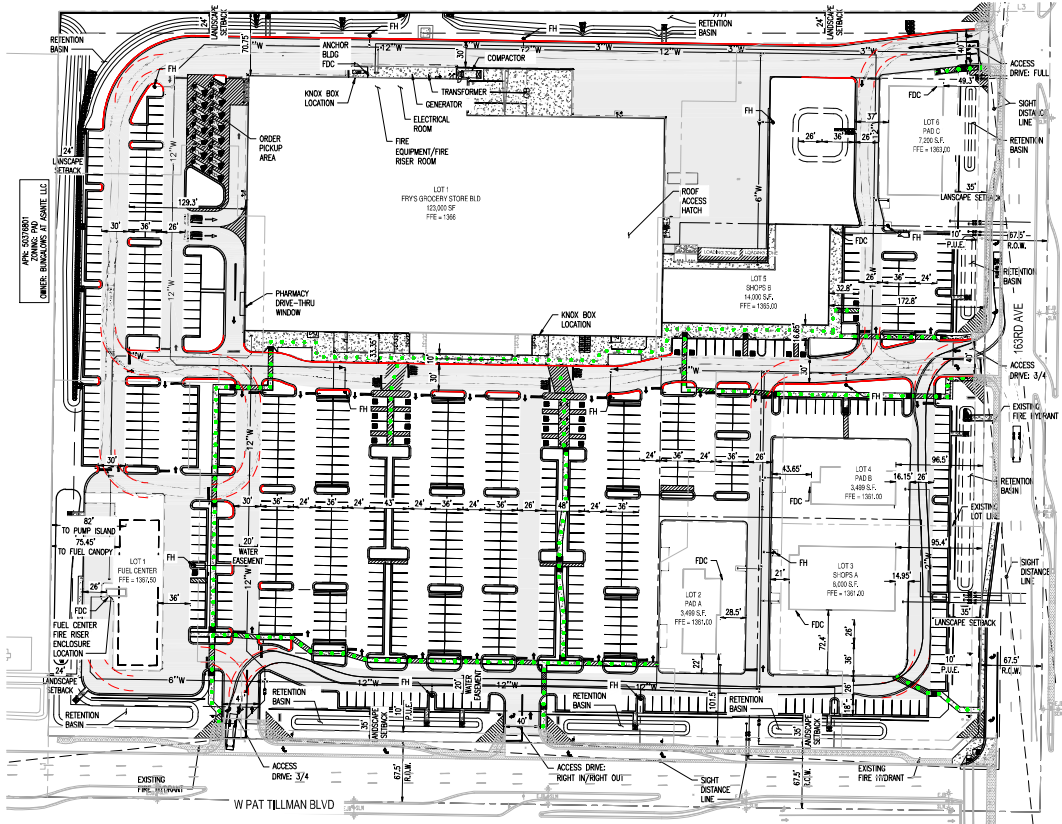
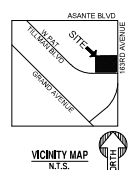
DEVELOPMENT SHOPS ARCHITECT:
ARCHON ARCHITECTURE & INTERIORS, L.C.
5265 E. WASHINGTON ST.
PHOENIX, AZ 85034
PHONE: 602-222-4266

ELECTRICAL ENGINEER
WRIGHT ENGINEERING CORPORATION
1815 EAST OXLEY DRIVE
CHANDLER, ARIZONA 85225
PHONE: 480-497-5807
ATtn: AMON KUTCHINSKY

LANDSCAPE ARCHITECT:
GREY PICKETT
7144 E. STETSON DRIVE, SUITE 205
SCOTTSDALE, AZ 85251
PHONE: 480-609-0009
CONTACT: MICHAEL PICKETT

PUBLIC SAFETY SITE PLAN ASANTE RETAIL CENTER

163RD AVE & W. PAT TILLMAN, SURPRISE, AZ 85387



PROJECT DATA TABLE:	
PROJECT ADDRESS	SURPRISE, AZ
163RD AVE. & PAT TILLMAN AVE.	
LEGAL DESCRIPTION	
FORM 4.4 OF THE SUBDIVISION PLAT, ASANTE PHASE ONE, AS RECORDED IN	
BOOK 906 OF MAPS, PAGE 13 IN THE OFFICE OF THE MARICOPA COUNTY	
PROJECT LOCATION	NEIGHBORHOOD: GROCERY STORE, FUEL CENTER, SHOPS, AND PARKS
DEVELOPMENT INFORMATION:	
PROPOSED LOTS AND USES	
LOT 1: GROCERY STORE	388,448 SF 3.88 AC
LOT 2: FUTURE USE TBD	38,845 SF 0.89 AC
LOT 3: RETAIL/SHOPS/THRU	26,662 SF 0.61 AC
LOT 4: FUTURE USE TBD	44,980 SF 1.03 AC
LOT 5: RETAIL	76,662 SF 1.75 AC
LOT 6: RETAIL/SHOPS/THRU	38,845 SF 0.89 AC
PROPOSED ZONING:	NORTH
ADJACENT ZONING:	PAVD
CONSTRUCTION TYPE:	PAVD
SOIL TYPE:	PAVD
OCCUPANCE:	PAVD
BUILDING AREA SUMMARY:	
LOT 1: GROCERY	388,448 SF
LOT 2: FUTURE USE TBD	38,845 SF
LOT 3: RETAIL/SHOPS/THRU	26,662 SF
LOT 4: FUTURE USE TBD	44,980 SF
LOT 5: RETAIL	76,662 SF
LOT 6: RETAIL/SHOPS/THRU	38,845 SF
TOTAL BUILDING AREA	574,442 SF
LOT COVERAGE:	38%
BUILDING HEIGHT:	15' ALLOWED: 15'
PROPOSED BUILDING COVERAGE:	38%

EXISTING LEGEND:

EXISTING LOT LINE

EXISTING FIRE HYDRANT

PROPOSED LEGEND:

PROPERTY LINE

ACCESSIBLE ROUTE FROM ROW

FIRE LANE, RED PAINTED CURB

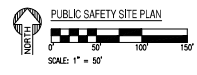
FIRE HYDRANT (FH)

FIRE DEPARTMENT CONNECTION (FDC)

BACK FLOW PREVENTER

AGM10 SU-40

FIRE TURNING TEMPLATE
(NFS)

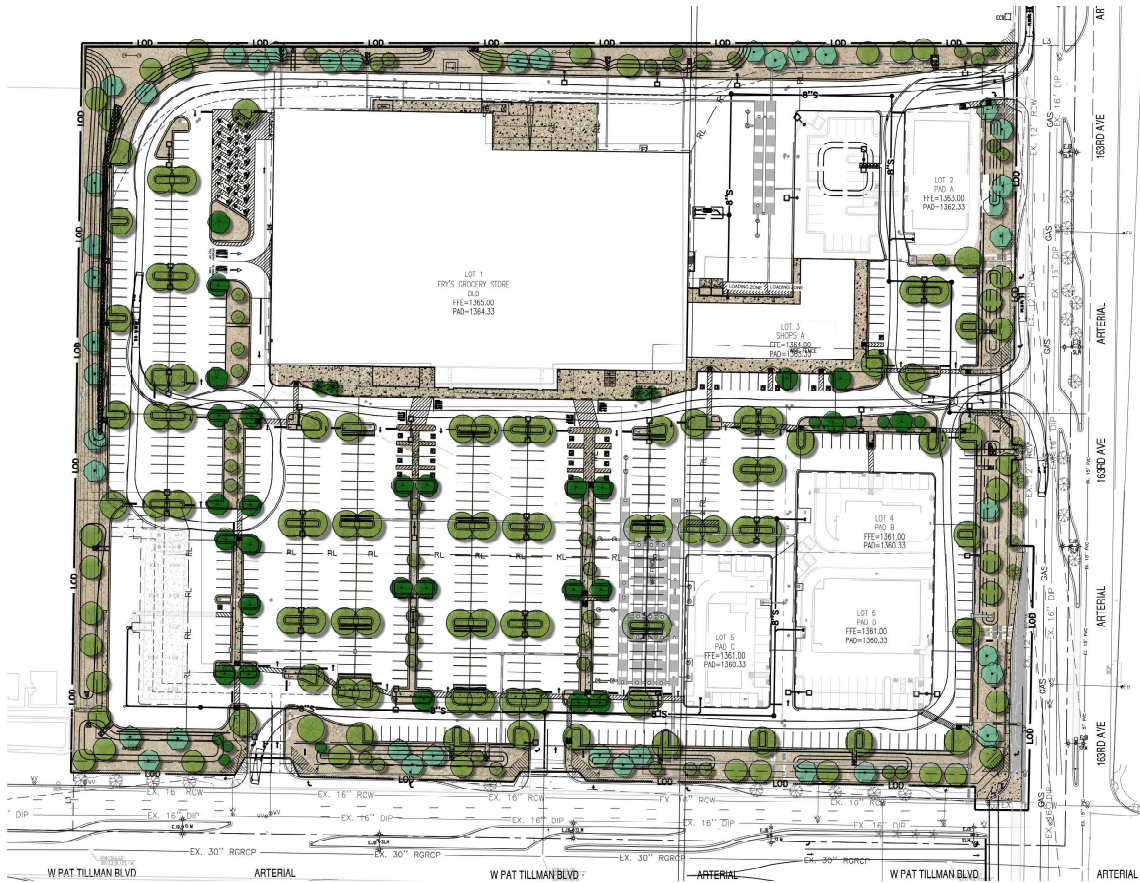


SCALE: 1" = 50'

DATE	BY	REVISION
03/01/2021	ALF	1
03/01/2021	ALF	2
03/01/2021	ALF	3
03/01/2021	ALF	4
03/01/2021	ALF	5



PROJECT	ASANTE RETAIL CENTER
LOCATION	163RD AVE. & W. PAT TILLMAN AVE., SURPRISE, ARIZONA 85387
DATE	03/01/2021
ISSUED FOR	DEVELOPMENT PLAN
JOB NO.	200711
PROJECT NO.	
PAGE NO.	15 OF 15
PROJECT NO.	C2.30



LANDSCAPE PLAN ASANTE



Date: April 21, 2021
GREENPICKETT

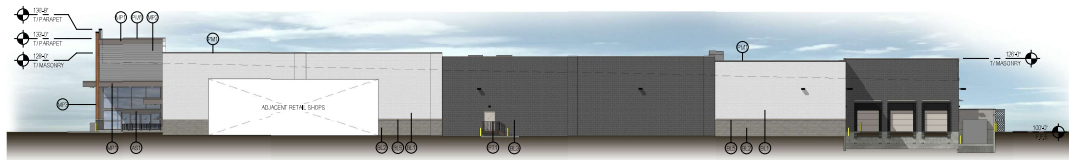
THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF COLLIER CLARK ARCHITECTS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF COLLIER CLARK ARCHITECTS, INC.



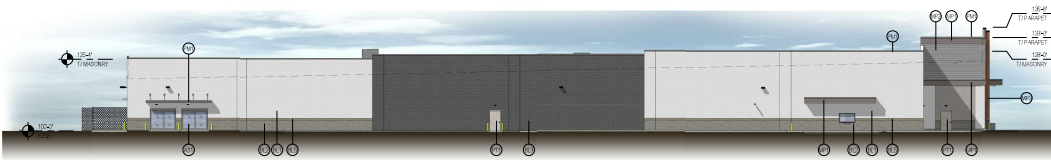
SOUTH ELEVATION



NORTH ELEVATION



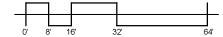
EAST ELEVATION



WEST ELEVATION

EXTERIOR MATERIAL LEGEND

- ① Concrete Block - Colored CMU - Smooth Face
- ② Silver Stainless Steel - Smooth
- ③ Concrete Block - Colored CMU - Smooth Face
- ④ Silver Stainless Steel - Smooth
- ⑤ Concrete Block - Colored CMU - Smooth Face
- ⑥ Silver Stainless Steel - Smooth
- ⑦ Concrete Block - Colored CMU - Smooth Face
- ⑧ Silver Stainless Steel - Smooth
- ⑨ Concrete Block - Colored CMU - Smooth Face
- ⑩ Silver Stainless Steel - Smooth
- ⑪ Concrete Block - Colored CMU - Smooth Face
- ⑫ Silver Stainless Steel - Smooth
- ⑬ Concrete Block - Colored CMU - Smooth Face
- ⑭ Silver Stainless Steel - Smooth
- ⑮ Concrete Block - Colored CMU - Smooth Face
- ⑯ Silver Stainless Steel - Smooth
- ⑰ Concrete Block - Colored CMU - Smooth Face
- ⑱ Silver Stainless Steel - Smooth
- ⑲ Concrete Block - Colored CMU - Smooth Face
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- ㊻ Silver Stainless Steel - Smooth
- ㊼ Concrete Block - Colored CMU - Smooth Face
- ㊽ Silver Stainless Steel - Smooth
- ㊾ Concrete Block - Colored CMU - Smooth Face
- ㊿ Silver Stainless Steel - Smooth



DESIGNED BY: JC
REVIEWED BY: AP

OWNER: FRYS STORES
PROJECT: ASANTE RETAIL CENTER
DATE: 04/07/2021



OWNER: FRYS STORES



DATE: 04/07/2021

SCALE: 1/8" = 1'-0"

PROJECT INFO

ASANTE RETAIL CENTER

Frys Stores

PROJECT NO: 211331

DATE: 04/07/2021

PROJECT TYPE: EXTERIOR ELEVATIONS

SHEET NO: A2.0

DATE: 04/07/2021



RENDERING - SOUTHEAST VIEW



SHOPS B
NWC 163RD AVE & W. PAT TILLMAN BLVD.
SURPRISE, AZ

PROJECT NUMBER: 20151010-01
PROJECT MANAGER: ARCHICON
DRAWN BY: JF
CHECKED BY: JF
DATE: 10/05/2020



ARCHICON
ARCHITECTURE & INTERIORS, L.L.C.
5055 E. Washington Street
Suite 200
Phoenix, Arizona 85034
P: 602.222.4266
www.archicon.com



RENDERING - SOUTHWEST VIEW

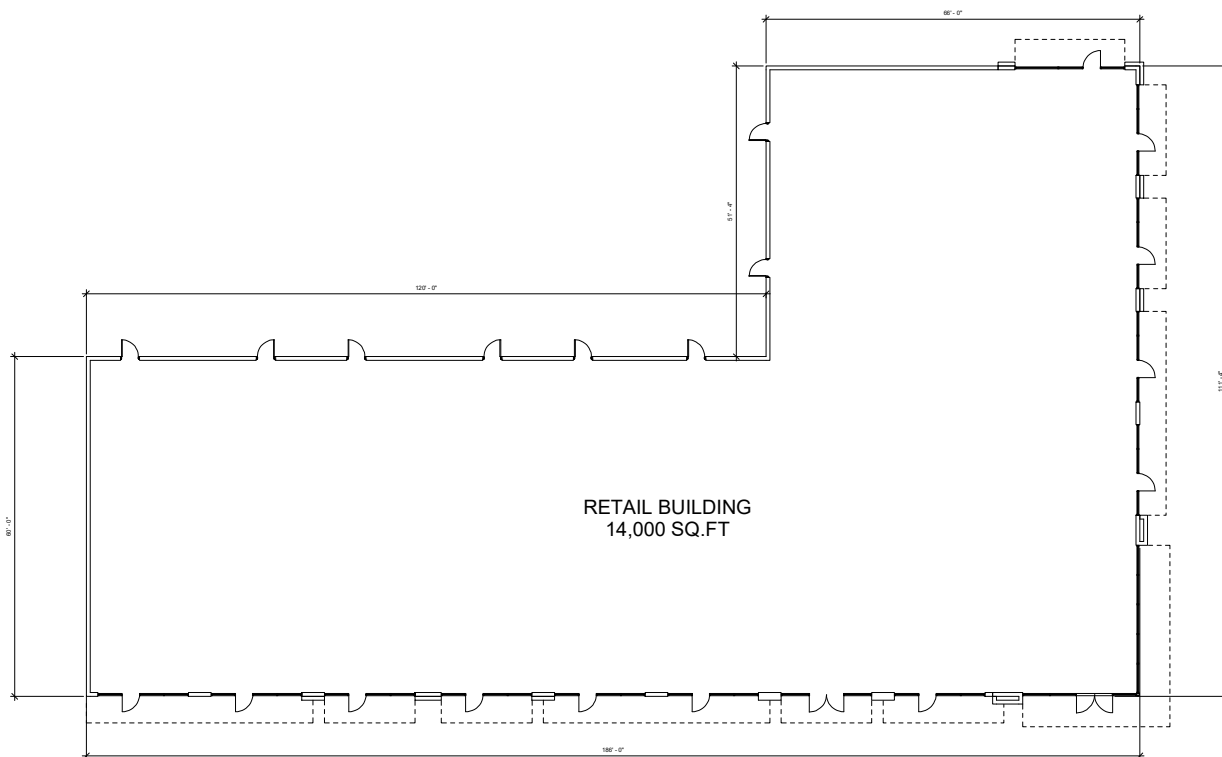


SHOPS B
NWC 163RD AVE & W. PAT TILLMAN BLVD.
SURPRISE, AZ

PROJECT NUMBER: 20151010-01
PROJECT MANAGER: ARCHICON
DRAWN BY: JF
CHECKED BY: JF
DATE: 10/05/2020



ARCHICON
ARCHITECTURE & INTERIORS, L.L.C.
5055 E. Washington Street
Suite 200
Phoenix, Arizona 85034
P: 602.222.4266
www.archicon.com



1 FLOOR PLAN
1/8" = 1'-0"



SHOPS B

NWC 163RD AVE & W. PAT TILLMAN BLVD.
SURPRISE, AZ

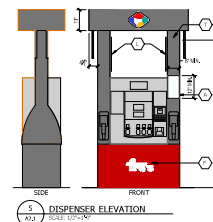
PROJECT NO. 201510-01
PROJECT MGR. -
DRAWN BY: -
CHECKED BY: -
DATE: 10/10/2015



ARCHICON
Architecture & Interiors, L.L.C.
805 E. BROADWAY STREET
SUITE 200
PHOENIX, ARIZONA 85001
PH: 602.334.4300
FAX: 602.334.4305
www.ARCHICON.COM



EQUIPMENT SCHEDULE						
ITEM	DESCRIPTION	COLOR	MANUFACTURER	MODEL	FURNISHED BY	NOTED BY
A	STATIC WINDMILL (SILVER, 12" H X 9" W)	HAIR		DISPERSE MANUFACTURER	DISPERSE MANUFACTURER	
B	GRAND	HAIR		GRAND MANUFACTURER	GRAND MANUFACTURER	
C	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
D	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
E	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
F	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
G	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
H	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
I	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
J	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
K	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
L	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
M	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
N	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
O	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
P	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
Q	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
R	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
S	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
T	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
U	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
V	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
W	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
X	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
Y	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	
Z	100% THERMOPLASTIC (RED, 12" H X 9" W)	HAIR		100% THERMOPLASTIC MANUFACTURER	100% THERMOPLASTIC MANUFACTURER	



REVIEWED BY THE CITY OF SUDBURY	
WFL DESCRIPTION	MONTH CHRG. DATED
△	
△	
△	
△	



SEG
SUSTAINABILITY
ENGINEERING
GROUP



PROJECT ASANTÉ RETAIL CENTER		LOCATION 16300 & TILLMAN SURFEDGE, ARIZONA 85307
DRAWN _____	LA	04/25/2021
DESIGNED _____	TM	04/25/2021
CC _____	SC	10/21/2020
CA _____	AF	10/21/2020
PROJ. MGR. _____	AF	10/21/2020
DATE: 1/21/2021		
ISSUED FOR: DEVELOPMENT PLAN REVIEW		
JOB NO.: 200719		
SHEET TITLE: CANOPY ELEVATIONS		
PAGE NO.: OF 5		SHEET NO.: A2.1

Asante Retail Center

Citizen Participation Final Report

NWC of N. 163rd Ave. & W. Pat Tillman Blvd
(Parcels 503-76-814B, 503-76-817A, 503-76-814A, 503-76-818,819,820)

Case Number: FS20-712

Development Plan Review (Site Plan) Approval
Conditional Use Permit for Fuel & Drive-Through Facilities
Final Plat of Asante Retail Commercial Corner

Concept Meeting Submittal: August 19, 2020

1st Submittal: October 30, 2020

2nd Submittal: January 21, 2021

3rd Submittal: March 02, 2021

4th Submittal: April 12, 2021

Asante Retail Center

NWC N. 163rd Ave. & W. Pat Tillman Blvd
(Parcels 503-76-814B, 503-76-817A, 503-76-814A, 503-76-818,819,820)

Date: April 27, 2021

Contact:

Ali Fakh – Principal
Kevin Zenk – Entitlements Coordinator
8280 E. Gelding Drive, Suite 101
Scottsdale, Arizona 85260
(480) 588-7226
email: kevin@azseg.com

- A. Purpose:** The purpose of this Citizen Participation Plan is to inform citizens, property owners, neighborhood associations, agencies, schools, and businesses in the vicinity of the proposed development of an application for a new neighborhood development.

The associated application is for the development of a grocery anchored retail shopping center to be built on vacant land currently located within the Surprise Spectrum Commercial Plat (Lots 1-7) located at the northwest corner of the N. 163rd Ave. & W. Pat Tillman Blvd. intersection. The Subject Property consists of six Maricopa County parcels located in the City of Surprise, Arizona. This Participation Plan will ensure that those affected by the application have been properly noticed, and that they will be given an adequate opportunity to learn about and comment on the proposal.

- B. Notification for Neighborhood Meeting:** The applicant was directed to setup and host an online Neighborhood Meeting. Notification of the neighborhood meeting included letters and newspaper posting and was coordinated by the City once the Meeting Date/Time was established. The City gathered the mailing addresses of surrounding property owners within 300' of the subject properties and prepared a notification letter of the Applicant's intent to develop the property. A brief description of the proposal, the development process, and an aerial photo identifying the location, was included in the letter and was sent to the identified local businesses and residents.

- C. Identification Signage:** SEG coordinated a Sign Posting of the Neighborhood Meeting details using the required Sign Posting Template provided by the City. A copy of the Sign Posting Affidavit as well as pictures of the sign posting were sent to the City as part of the 3rd DPR Application Package. A photograph of the sign and an Affidavit of Posting have been included in this report. The Sign was built and posted to show the overall intent of the Application as well as the online meeting details for the following 1) Neighborhood Meeting Date/Time, 2) PZ Hearing Date/Time and 3) City Council Date/Time. Location of posting can be viewed in **Appendix I – Sign Posting Documents**

Neighborhood Meeting: In order to provide effective citizen participation in conjunction with the application, the applicant held a virtual meeting at 6:00 pm on March 11th to inform nearby residents of the projects details and to provide them with the ability to give public input on this project.

D. Neighborhood Meeting Minutes:

Host: Sustainability Engineering Group, LLC

of Attendees (City Staff, Neighbors and Developer): Approx. 20 Persons

Council Members Present: Ronald F. Winters Jr. (District 1)

Planning Commission Members Present: Mathew Keating

The neighborhood meeting started at approximately 6:00pm and was held via Zoom. Staff members from SEG provided an overview of the following items:

± Minute 0:03:40 – Ali Fakh (SEG) addressed attendees and discussed waiting a few more minutes to ensure all attendees.

± Minute 0:06:23 – Ali Fakh (SEG): Introduction of project’s development team and explanation of meeting intention, rules, and conduct.

± Minute 0:08:37 – Ali Fakh (SEG): General description and introduction of development project and scope of request entailed in the DPR application for the grocery store, fuel center operations and future commercial pads.

± Minute 0:10:06 – Kevin Zenk (SEG): Explanation of the project request for Conditional Use Permit related to the drive-through facilities and fuel center.

± Minute 0:11:22 – Ali Fakh (SEG): Overview of scope’s historical context and original site plan intent and the overall changes in the proposed Site Plan from the 2004 Master Site Plan. Presentation of proposed site plan, building elevations and materials being used for the grocery store, fuel center and shops. Presented off

± Minute 0:14:34 – Ali Fakh (SEG): Overview of offsite improvements and presentation of street and traffic improvements including right-lane decel on 163rd Ave.

± Minute 0:16:01 – Colby Fincham (Barclay Group): Introduction and description of historical context related to the property. Discussed projected construction and opening timelines.

± Minute 0:17:47 – Chester (Neighbor): Had questions related to traffic, wanted to know “how are they [project] are going to mitigate traffic [on 163rd Ave] coming off of Grande Ave. Expressed minor concern about increased traffic due to the new retail center.

± Minute 0:18:15 – Ali Fakh (SEG): Responded by advising neighbor that a traffic study was performed that showed/projected that the existing infrastructure on 163rd Ave could handle the increased traffic. Explained to the neighbor that this traffic study was presented to the City for review. Advised neighbor that SEG would continue to work with traffic engineer and the City’s engineer to address neighbor’s concerns.

± Minute 0:20:11 – Ron Winters (Council Member): Question about the original site plan from 2004. Wanted to know about the proposed decel lane on 163rd Ave turning right onto Pat Tillman Road.

± Minute 0:21:00 – Ali Fakh (SEG): Responded to Council Member’s question by showing the proposed site plan and explaining the property’s location within the greater Asante PAD Master Plan. Further explanation of the new site plan including grocery store , fuel center location and future retail use for the remaining pads.

± Minute 0:24:08 – Kevin Rhea (Neighbor): Question asked, “Are you planning to build out the auxiliary pads at the same time we are building out the shopping center?”

± Minute 0:24:08 – Colby Fincham (Barclay Group): Responded to neighbor by advising the ideal development process would be to build out the auxiliary pads at the same time however this is dependent

on the individual user pads and that the goal is to have the entire commercial center open around the same time.

± Minute 0:25:37 – Ron Winters (Council Member): Question about how traffic was going to be mitigated on 163rd Ave.

± Minute 0:24:08 – Colby Fincham (Barclay Group): Responded to Council Member by advising that the City had plans in their regional improvement to build a signal at the intersection of 163rd Ave and Pat Tillman and that our development would be paying a contribution towards the signalization at this intersection however timeline was dependent on the City's schedule to construct and pay for the signal.

± Minute 0:26:47 – Matt Keating (Planning Commissioner): Question about what kind of Fry's Grocery store this would be (i.e., Fry's Marketplace) and how many additional shops could open within the square footage that is proposed.

± Minute 0:27:25 – Colby Fincham (Barclay Group): Described to Commissioner that he could not advise on behalf of the tenant what kind of grocery store was being built but noted that this was considered a large retail store with 14,000 SF of additional space next to the anchor and could potentially provide tenant/pad user for several users. The developer advised that negotiations were underway and more announcements would be followed up with.

± Minute 0:28:43 – Matt Keating (Planning Commissioner): Wanted to know approximation of how many tenants could fit in 14,000 SF.

± Minute 0:27:25 – Colby Fincham (Barclay Group): Responded by advising 8-10 tenants could fit in the additional 14,000 SF with some larger tenants and some smaller tenants.

± Minute 0:28:43 – Matt Keating (Planning Commissioner): Expressed that a lot of residents within this area have been waiting on this project to go through and that there is some invested interest from neighbors in retail and amenities being provided for this area.

± Minute 0:31:29 – Matt Keating (Planning Commissioner): Conversation led into Commissioner wanting to know what the City was going to do about infrastructure off of Grand Avenue and 163rd Avenue and wanted a timeline of signalization for the intersection of Pat Tillman and 163rd Ave.

± Minute 0:33:00 – Unknown Person (Neighbor): Expressed concern of traffic already building up on Grand Avenue where it turns right unto 163rd Ave. Noted that traffic in the Grand Ave right turn lane going unto 163rd Ave is not long enough, and this causes cars to build up into the other lanes. This comment was directed toward Planning Commissioner and City Council on how the City was going to address this issue with the new grocery store going in.

± Minute 0:33:44 – Ali Fakh (SEG): Responded to neighbor's concern by advising that a traffic study had been conducted and was submitted to the City for review.

± Minute 0:34:20 – Matt Keating (Planning Commissioner): Advised neighbor that he would contact planning director at the City to discuss City answers for how traffic will be handled when it comes to Grand Ave and 163rd Ave. Advised that the City would need to have conversation with ADOT to address budget and timeline concerns related to ADOT's jurisdiction over Grand Ave.

± Minute 0:34:20 – Lloyd Abrams (Asst. Planning Director): Advised that Planning Department will continue to work with ADOT to address the traffic off of Grand Ave.

± Minute 0:36:18 – Kevin Rhea (Neighbor): Question about the semi delivery routine on the north side of the property. Expressed concerns regarding noise as he is located adjacent north to the Site Location. Wanted to know what mitigation techniques there would be.

± *Minute 0:36:58* – Ali Fakh (SEG): Responded to neighbor’s concern by advising that the grocery tenant does not intend to create an inconvenience route, however, should this occur the site plan was shown to show the buffer distance and landscaping screening that would help to minimize noise and activity concerns.

± *Minute 0:37:54* – Kevin Rhea (Neighbor): Was appreciative of answer and satisfied with the screening and buffer techniques that were being proposed.

± *Minute 0:38:25* – Chester (Neighbor): Asked question of the proposed setback from the back grocery store building to the residential property line.

± *Minute 0:39:19* – Debbie (Neighbor): Wanted to know how traffic coming into and out of the facility was going to be managed.

± *Minute 0:39:55* – Ali Fakh (SEG): Advised Debbie that the proposed development would be contributing to the signalization cost based on the City’s regional traffic plan. Expressed that in the meantime a right turn lane would be built as part of the offsite development. The PPT presentation was also brought up to show where the development’s ingresses/egresses were located and how the medians, signage and striping would help to direct traffic coming in and out of the retail center. Ali Fakh further explained how stacking and “throat” entrance into the development would help ease the flow of incoming traffic.

± *Minute 0:44:15* – Ali Fakh (SEG): Responded to neighbor’s question about the existing setback. Setback is 75’ from back of grocery store building to north property line.

± *Minute 0:46:02* – Ron Winters (Council Member): Council member expressed excitement for the residences that will be getting a new grocery store in the area. Wants to work on the traffic concerns so development can have more support.

± *Minute 0:52:35* – Ms. Clemens (Neighbor): Also expressed support of the project.

± *Minute 0:52:45* – Closing discussion about excitement of the proposed project and reiteration of the project’s ability to address concerns regarding traffic.

± *Minute 0:58:50* – Meeting concluded.

Meeting Conclusion

The meeting ended with strong support from neighbors and city staff. SEG advised that they would follow up with the City’s Traffic Engineer and Planner to discuss future traffic concerns. A meeting is scheduled for Wednesday, April 21, 2021 at 2:00pm to discuss the traffic analysis report that was submitted to the City and the City’s future improvement plans for the intersection of 163rd Ave & Pat Tillman Blvd.

- E. Planning & Zoning Commission & City Council Hearings:** The Planning and Zoning Commission hearing is scheduled for May 20, 2021 at 6:00pm with the City Council Meeting scheduled for hearing on June 1, 2021 (6:00pm) in the City Hall Council Chambers. The City of Surprise is responsible for sending out notification letters. Invoice for the notification letters has been paid. SEG has coordinated with the sign posting provider, Dynamite Signs, to update the sign posting with the PZ & City Council Hearing information. The affidavit of posting is provided and can be viewed in **Appendix I – Sign Posting Documents**.

This report is concluded. A hardcopy of this Citizen Participation Report was sent to the City of Surprise, along with a hardcopy package of the final plat, and site plan package on April 28, 2021.

APPENDIX I

Sign Posting Documents

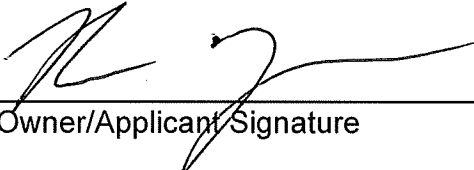
AFFIDAVIT OF POSTING

Case Number FS20-712
Project Name: Fry's Asante Retail Center
Project Location: NWC of 163rd Ave and Pat Tillman
Date Site Posted: 02/18/2021 (updated 04/21/2021)

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing shall erect two (2) signs providing notice of the date, time, and place of the scheduled hearing(s). These signs must be erected not less than fifteen (15) calendar days prior to the date of the first hearing. The signs shall also include the description of the request as contained on the formal development application. The size and format of this sign shall meet requirements established by the city (see example).

Such notice shall be clearly legible and placed at a prominent location on the site, generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property, as well as the information on the sign, until final disposition of the case.

I confirm that the site has been posted as required, for the case noted above. Photographs of the site posting, and any subsequent changes/updates made to the sign, have also been submitted.



Owner/Applicant Signature

04/22/2021

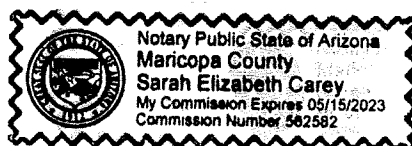
Date

This instrument was acknowledged before me this 22nd day of APRIL,
2021 by KEVIN ZENK



Notary Public

My Commission Expires:



SIGN POSTING LOCATION MAP





SITE POSTING REQUIREMENTS

Sign Specifications:

1. 4' x 8' in size
2. Signs must be double sided and attached to two (2) - 4" x 4" x 8' wood posts
3. Laminated plywood or MDO board
4. Front, back, and all edgers painted with two coats of white exterior acrylic enamel
5. Black lettering sized to scale (per example attached)
6. Signs are to be placed perpendicular to the streets
7. Signs are to be outside of AASHTO visibility triangle and city right of way

Site Posting Instructions:

1. Post site at least fifteen (15) days **prior** to date of first hearing. Maintain posting until the **final** hearing.
2. The two (2) signs shall be placed on the property in the most visible location available and in such a manner that no landscaping or other obstruction would impair the visibility of the signs from the street.
3. The applicant must remove the signs one (1) week after the final planning and zoning commission or city council meeting, whichever is applicable.
4. You may use the sign vendor of your choice.
5. Prior to the hearing, the applicant must provide the following information:
 - Notarized affidavit of posting
 - Photo of signs posted on site and additional photos of any update of dates/times made to signs.



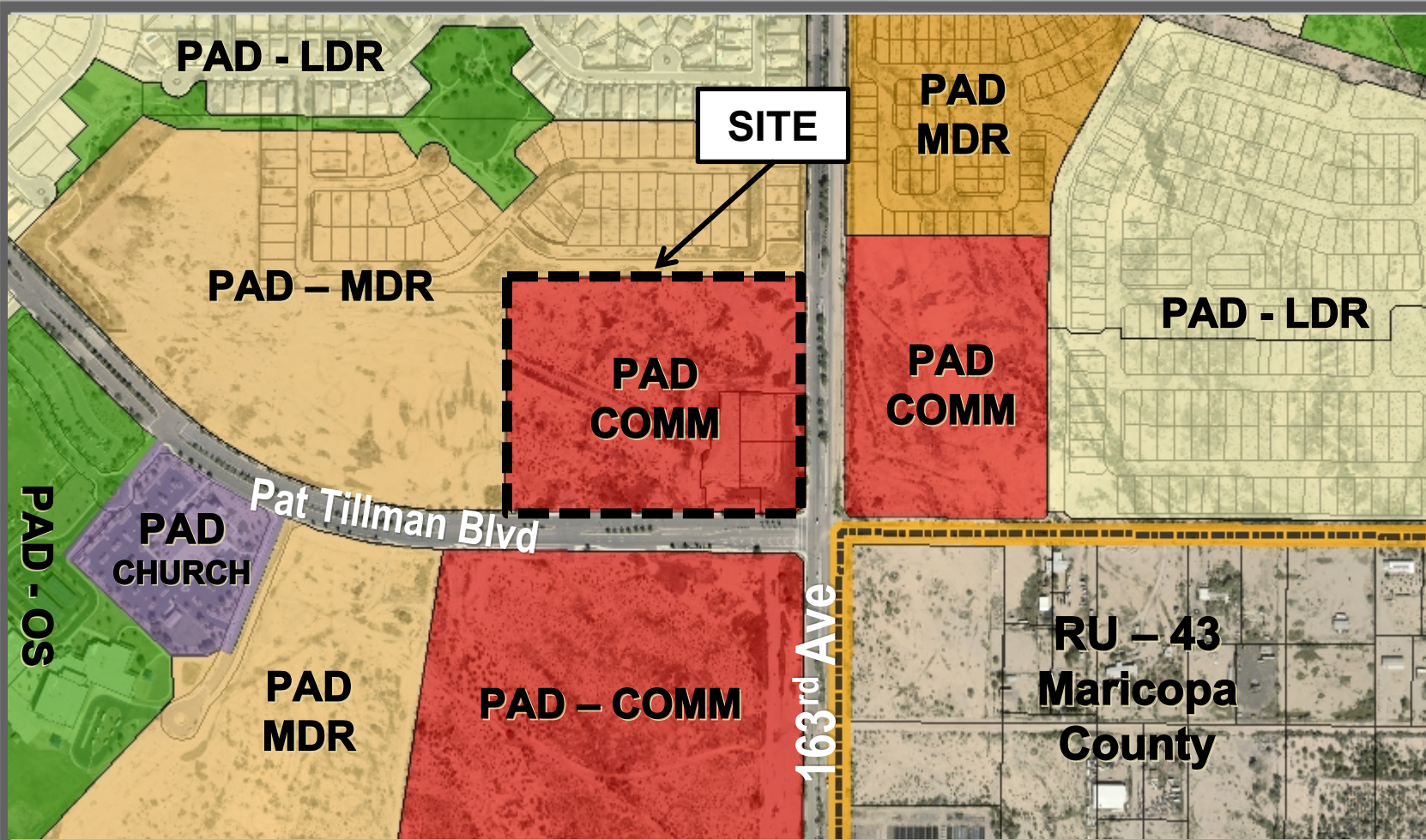
FS20-712
Fry's Asante
Conditional Use Permit w/ Site Plan

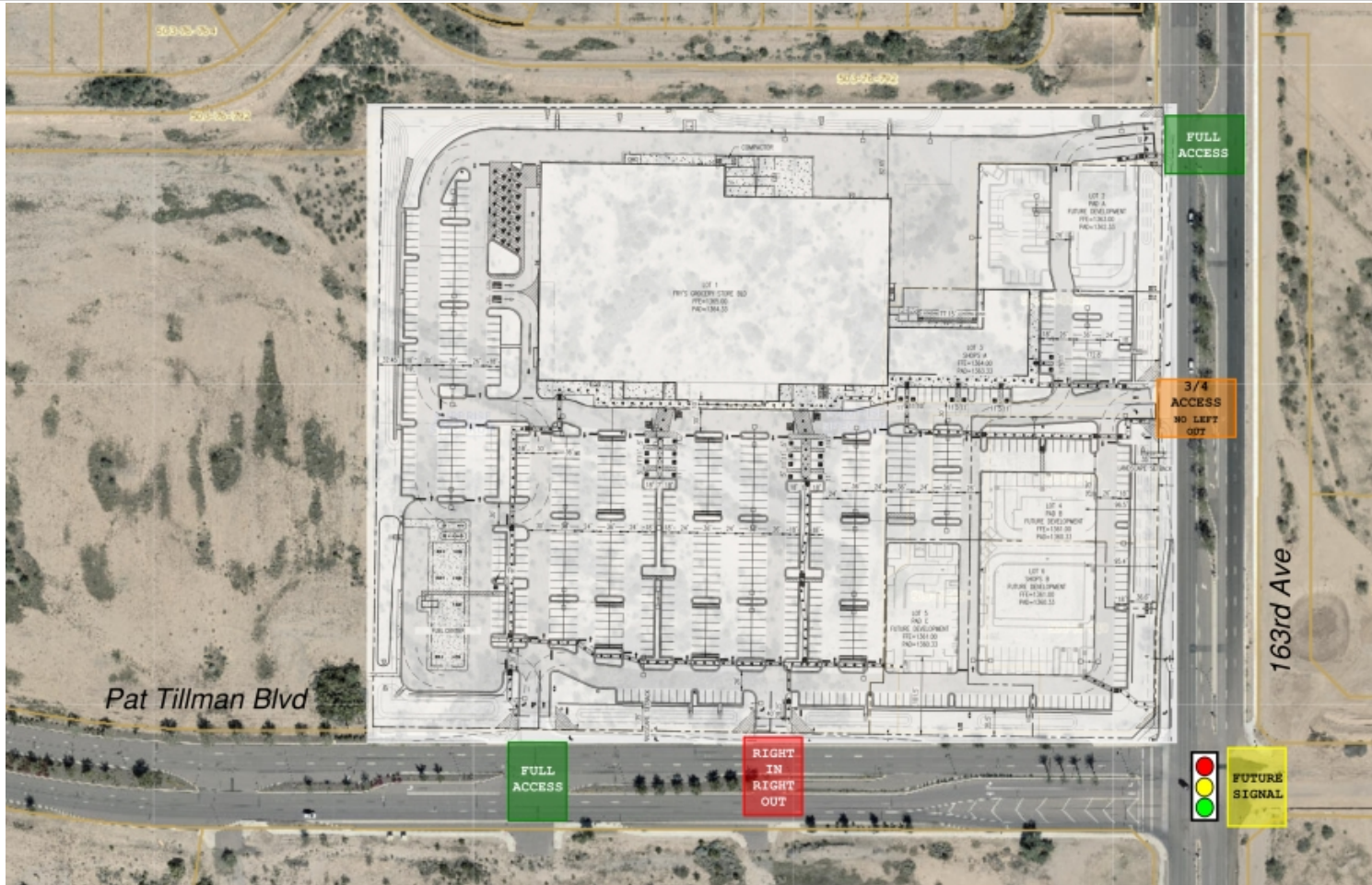
Planning & Zoning Commission

May 20, 2021



FS20-712 VICINITY MAP





FS20-712 ACCESS



DOWNLOADS BY
GREENPICKETS



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

LEGEND

- (1) Concrete masonry block (CMU) - 8 inch
- (2) Concrete masonry block (CMU) - 12 inch
- (3) Concrete masonry block (CMU) - 16 inch
- (4) Concrete masonry block (CMU) - 20 inch
- (5) Concrete masonry block (CMU) - 24 inch
- (6) Concrete masonry block (CMU) - 28 inch
- (7) Concrete masonry block (CMU) - 32 inch
- (8) Concrete masonry block (CMU) - 36 inch
- (9) Concrete masonry block (CMU) - 40 inch
- (10) Concrete masonry block (CMU) - 44 inch
- (11) Concrete masonry block (CMU) - 48 inch
- (12) Concrete masonry block (CMU) - 52 inch
- (13) Concrete masonry block (CMU) - 56 inch
- (14) Concrete masonry block (CMU) - 60 inch
- (15) Concrete masonry block (CMU) - 64 inch
- (16) Concrete masonry block (CMU) - 68 inch
- (17) Concrete masonry block (CMU) - 72 inch
- (18) Concrete masonry block (CMU) - 76 inch
- (19) Concrete masonry block (CMU) - 80 inch
- (20) Concrete masonry block (CMU) - 84 inch
- (21) Concrete masonry block (CMU) - 88 inch
- (22) Concrete masonry block (CMU) - 92 inch
- (23) Concrete masonry block (CMU) - 96 inch
- (24) Concrete masonry block (CMU) - 100 inch



STATE OF NEW YORK

DEPARTMENT OF STATE

OFFICE OF THE STATE ARCHITECT

100 NASSAU ST., 10TH FLOOR, NEW YORK, N.Y. 10038

TELEPHONE: (212) 463-3000

FAX: (212) 463-3000

WWW.STATEARCHITECT.NY.GOV

DATE: 01/11/2011

PROJECT: FS20-712

ARCHITECT: CR

ARCHITECTURE + design

100 NASSAU ST., 10TH FLOOR, NEW YORK, N.Y. 10038

TELEPHONE: (212) 463-3000

FAX: (212) 463-3000

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ARCHITECT: CR

ARCHITECTURE + design

FS20-712 ELEVATIONS



OUTREACH

March 11th

- Traffic Signal at 163rd Ave & Pat Tillman Blvd
- Intersection at 163rd Ave & Grand Ave





RECOMMENDATION

Staff recommends the P&Z Commission to Approve FS20-712 subject to stipulations 'a' – 'f'.



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Planning and Zoning Commission Meeting

Council Meeting Date: May 20, 2021 Contact Person: Sergio Angulo
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Agenda Wording:

Presentation and action pertaining to the Preliminary Plat for Desert Oasis (Lancer Parcel-Phase 1, Tracts A and R), generally located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane. Case FS20-826.

Motion:

I move to recommend approval of the Preliminary Plat entitled "Preliminary Plat for Desert Oasis", dated February 22, 2021, subject to stipulations "a" through "d" as memorialized in the staff report.

Background:

3 Engineering LLC, on behalf of 175th & Straight Arrow LLC, requests approval of a Preliminary Plat to allow for the development of two (2) 3-lot single-family residential subdivisions on approximately 3.38 acres located in the vicinity of Parcels L13 and L14 of Desert Oasis at Surprise. The sites are located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane.

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 - FS20-826 - Staff Report - PZ
 2. 01 - FS20-826 - Vicinity Map Plat - PZ
 3. 02 - FS20-826 - Preliminary Plat - PZ
 4. 03 - FS20-826 - Preliminary Landscape Plans - PZ
 5. FS20-826 - PowerPoint - PZ
-

PRELIMINARY PLAT

REPORT TO THE PLANNING AND ZONING COMMISSION

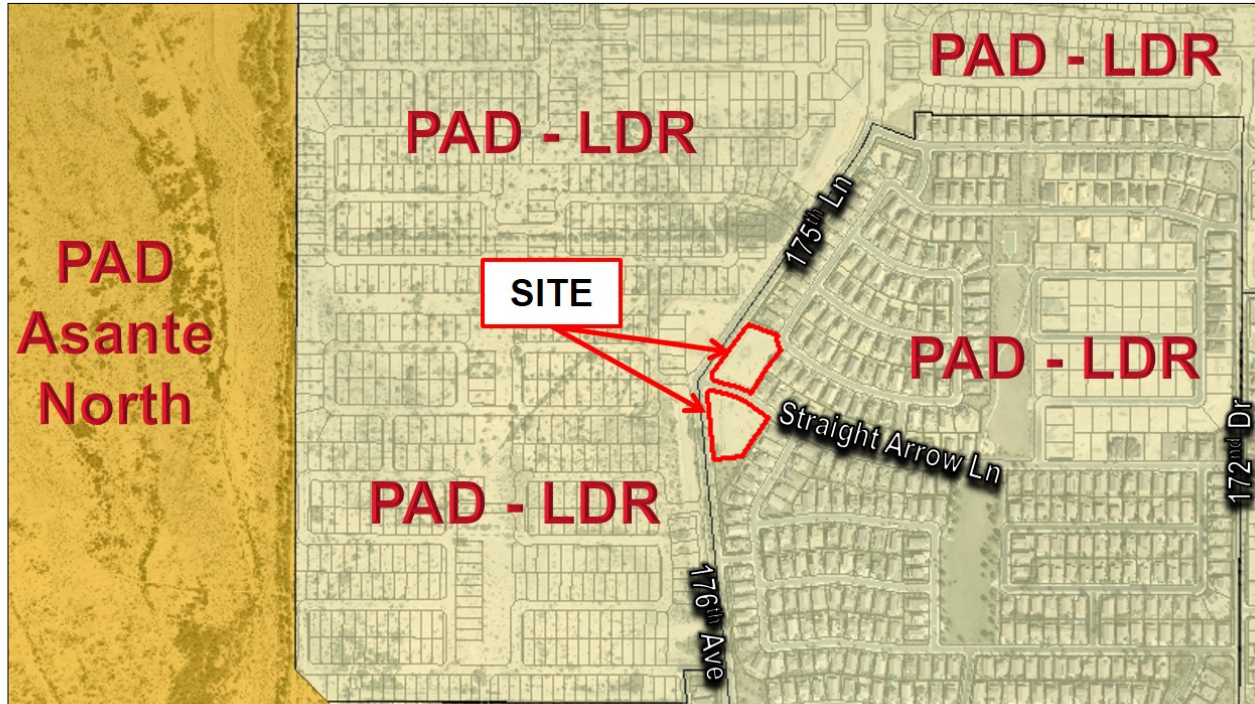
1 **Case:** FS20-826
2
3 **Project Name:** Desert Oasis Lancer Parcel – Phase 1, Tracts A and R
4
5 **Council District:** 1
6
7 **Meeting Date:** May 20, 2021
8
9 **Planner:** Sergio Angulo
10
11
12 **Owner:** 175th & Straight Arrow LLC
13
14 **Applicant:** Matthew Mancini with 3 Engineering LLC
15
16 **Request:** Preliminary Plat for 6 Lots
17
18 **Site Location:** Located on the northeast and southeast corners of 176th Avenue and
19 Straight Arrow Lane.
20
21 **Dwelling Units:** 6 Units
22
23 **Site Size:** 3.38 acres (approx.)
24
25 **Density:** 1.78 DU/Ac
26
27 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
28
29 **Support/Opposition:** None known
30
31 **Staff Recommendation:** Staff recommends the Commission move to recommend **approval** to
32 the Mayor and City Council, case FS20-826, subject to stipulations ‘a’
33 through ‘d’.

34 **Project Description:**
35

36 3 Engineering LLC, on behalf of 175th & Straight Arrow LLC, requests approval of a Preliminary Plat to
 37 allow for the development of two (2) 3-lot single-family residential subdivisions on approximately
 38 3.38 acres located in the vicinity of Parcels L13 and L14 of Desert Oasis at Surprise. The sites are
 39 located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane.

40

41 **Surrounding Land Zoning:**



PAD - LDR	PAD - LDR	PAD - LDR
PAD - LDR	PAD - LDR	PAD - LDR
PAD - LDR	PAD - LDR	PAD - LDR

42 **Background:**

43

44 **October 12, 2000:** The subject property was annexed into the City of Surprise by the Mayor and City
 45 Council.

46

47 **November 24, 2004:** The Mayor and City Council approved The Desert Oasis at Surprise Planned Area
 48 Development (PAD).

49 **January 26, 2006:** The City Council approved a Map of Dedication (MOD) for Desert Oasis at Surprise
 50 Lancer Parcel-Phase 1. This MOD was recorded on March 3, 2006 under Book 819, Page 49 MCR and
 51 served to create the two Tracts that are the subject of the current request.

52 **June 25, 2020:** A Concept Review meeting was held for the current proposal under case CR20-390.

December 30, 2020: The applicant filed a related request for a Preliminary Plat under case FS20-826, the subject case.

Citizen Outreach: N/A

Analysis and Discussion:

The subject property is zoned Planned Area Development (PAD) with a Low Density Residential land use designation. The two parcels that are the subject of this request were created by the recordation of the original Map of Dedication (MOD) for Desert Oasis Lancer Parcel-Phase 1. One parcel is located on the northeast corner of 175th Lane and Straight Arrow Lane, and the other is located on the southeast corner of 176th Avenue and Straight Arrow Lane.

This development proposes three (3) single-family residential lots for each of the two original Tracts created by the aforementioned MOD. Collectively, the site is approximately 3.38 acres and offers a total density of 1.78 DU/Ac, which is consistent with the approved PAD. The typical lot sizes proposed on site vary from 65' to 103' wide lots.

Lot 1 will be accessed from Bent Tree Drive at the interior of the existing subdivision for Parcel L13B of Desert Oasis, while Lots 2 – 6 will have access from Straight Arrow Lane.

This development dedicates approximately 0.44 acres (13.02%) for open space, most of which is intended for storm water retention. The developer plans to have these lots incorporated into the existing Desert Oasis HOA to give the residents of these lots access to the existing amenities in Desert Oasis. Stipulation 'c' ensures that the developer provide proof of an agreement between the existing HOA and the developer, prior to the approval of the Final Plat.

Development Standards Table:

Development Standard:	Desert Oasis PAD Zoning:	
Minimum Lot Area:	7,450 sq. ft.	9,000 sq. ft.
Minimum Lot Width:	65'	75'
Minimum Lot Depth:	115'	120'
Minimum Front Setback (livable):	12'	12'
Minimum Front Setback (garage):	18'	18'
Minimum Side Yard Setback:	5'/10'	5'/10'
Minimum Street Side Yard Setback:	10'	15'
Minimum Rear Yard Setback:	15'	20'
Maximum Lot Coverage:	40%	40%

Utility and Services Table:

Water:	City of Surprise
Wastewater:	City of Surprise
School District:	Nadaburg Unified School District

Conformance with Adopted Plans:

Surprise General Plan 2035: The proposal is consistent with the Surprise General Plan 2035.

Reviewing Agencies:

In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke Air Force Base, Maricopa Water District, and Maricopa County Flood Control District were included in the routing of this case. These agencies also indicate no objections.

Summary:

The proposed Preliminary Plat meets the requirements of the Desert Oasis at Surprise PAD, the Surprise Municipal Code, and the General Plan.

Findings:

- The proposed Preliminary Plat is consistent with the Surprise General Plan 2035
- The proposed Preliminary Plat is consistent with the Desert Oasis at Surprise PAD.
- The reviewing agencies have indicated no objections to the request.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to recommend **approval** to the Mayor and City Council, the Preliminary Plat case FS20-826, subject to stipulations 'a' through 'd' as outlined below:

- a. Development and use of the site shall be consistent with the Preliminary Plat entitled "Preliminary Plat for Desert Oasis" prepared by 3 Engineering and dated February 22, 2021.
- b. Landscaping, walls, and amenities associated with the site shall be consistent with the Preliminary Landscape Plan entitled "Desert Oasis" prepared by Design Ethic and dated March 24, 2021.
- c. Prior to approval of the Final Plat, the developer shall provide a statement from the existing HOA stating that these properties will be incorporated into the existing HOA.

116 d. Non-compliance with the stipulations of approval of this case will be treated as a
117 violation in accordance with the provisions of Article XIV of the Surprise Unified
118 Development Code.

119

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

122

123 **Attachments:**

124

125 01 Vicinity Map

126 02 Preliminary Plat

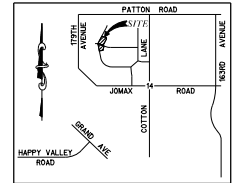
127 03 Preliminary Landscape Plans



FS20-826 VICINITY MAP

PRELIMINARY PLAT
FOR
DESERT OASIS
SURPRISE, ARIZONA 85388

LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP

CLIENT/DEVELOPER:
175TH & STRAIGHT ARROW, LLC
4540 E. HOGAN SCHOOL ROAD,
SUITE 200
PHOENIX, ARIZONA 85008
CONTACT: JASON ELWOOD
PHONE: (602) 438-1381
EMAIL: JELWOOD@175THANDSA.COM

ENGINEER:
N.T.S.
3 ENGINEERING
6375 E. THOMAS ROAD, SUITE 200
SCOTTSDALE, ARIZONA 85251
CONTACT: MATTHEW J. MANING, P.E.
PHONE: (602) 334-1381
EMAIL: MATT@3ENGINEERING.COM

PROJECT DESCRIPTION:
THIS PROJECT IS PROPOSED AS A
DETACHED SINGLE-FAMILY RESIDENTIAL
DEVELOPMENT WITH A DENSE DENSITY
PROPOSES A TOTAL OF 6 LOTS WITH
PUBLIC STREETS, AND PUBLIC
UTILITIES.

UTILITIES:
TELEPHONE - CENTURY LINK / COX COMMUNICATIONS
ELECTRIC - ARIZONA PUBLIC SERVICE
GAS - SOUTHWEST GAS COMPANY
CABLE TV - CENTURY LINK / COX COMMUNICATIONS
SEWER - CITY OF SURPRISE
WATER - CITY OF SURPRISE
POLICE - CITY OF SURPRISE
FIRE - CITY OF SURPRISE
REFUSE - CITY OF SURPRISE

BENCHMARK:
CITY OF SURPRISE BENCHMARK 52-1
BRASS CAP FLUSH STAMPED BM 52-1
ELEV: 4663.30 NAVD 83

BASIS OF BEARING:
BASIS OF BEARING: THE MONUMENT
LINE OF 17TH AVENUE USING A
BEARING OF NORTH 04 DEGREES
00 MINUTES 37 SECONDS WEST,
FOR THE DESERT OASIS AT
SURPRISE LANCER PARCEL -
PHASE 1 MAP OF DEDICATION
RECORDED IN BOOK 819, PAGE 49,
M.C.C.

SITE DATA:
PARCEL: 175TH & STRAIGHT ARROW, LLC
TOTAL LOTS: 6
GROSS AREA INCLUDING
ADJACENT R/W: 5.36 ACRES
DENSITY: 1.78 DU/AC (GROSS) 2.35 DU/AC (NET)
MAX. ALLOWED HEIGHT: 35' 10" STORY
STITCHES: SEE TYPICAL LOT DETAIL THIS SHEET
AREA OF LOTS: 2.71 ACRES
AREA OF OPEN SPACE: 0.44 ACRES (13.02% GROSS) (17.25% NET)
AREA OF PUBLIC R/W: 0.83 ACRES
LOT LAYOUT PROPOSED: YES
ZONING: N.T.S.

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
PS001	COVER SHEET
PS002	PRELIMINARY PLAT
PS003	PRELIMINARY GRADING & DRAINAGE PLAN
PS004	PRELIMINARY UTILITY PLAN
PS005	PRELIMINARY SECTIONS

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION:

COMMUNITY NUMBER	PANEL NUMBER	PANEL DATE	SUFFIX	FIRM DATE	FIRM ZONE	BASE FLOOD ELEVATION
040053	1205	OCTOBER 16, 2013	L	OCTOBER 16, 2013	X	N/A

LEGAL DESCRIPTION

TRACTS A & B, DESERT OASIS AT SURPRISE LANCER PARCEL - PHASE 1, ACCORDING TO THE PLAT OF
RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK
819 OF MAPS, PAGE 49, CERTIFICATE OF CORRECTION RECORDED IN DOCUMENT NO. 2008-005088.

SITE PLAN NOTES:

SEE SHEET 2 FOR NOTES

SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS									
Min. Standard	MDR	LDR Lot Category							
Lot Category	N/A	B	C	D	E	F	G	H	I
Width Range	50'-57'	58'-62'	63'-67'	68'-74'	75'-82'	83'-9'	87'-85'		
Minimum Width	50'	55'	60'	65'	70'	75'	80'		
Min. Lot Area	17,940'	6,000'	6,000'	7,450'	8,650'	9,000'	9,350'		
Min. Lot Depth	75'	110'	120'	113'	113'	130'	120'		
Front Setback (Livable)	10'	12'	12'	12'	12'	12'	14'		
Front Setback (Curb)	10'	10'	10'	10'	10'	10'	12'		
Rear Setback (House)	10'	13'	13'	13'	13'	20'	20'		
Rear Setback (Garage)	3'	3'	3'	3'	3'	4'	4'		
Side Setback (House)	5'7 1/2"	5'8"	5'8"	5'10"	5'10"	5'10"	5'10"		
Side Setback (Garage)	3'	3'	3'	3'	3'	4'	4'		
Street Side House	7'	10'	10'	10'	13'	13'	13'		
Street Side Garage	3'	3'	3'	3'	3'	3'	3'		
Building Coverage	55%	40%	40%	40%	40%	40%	40%		
Average Density	6.0	4.3	3.9	3.7	3.5	3.4	3.75		

LOTS 4-6 **LOTS 1-3**

1. The Development Standards for the LDR lots meet or surpass the minimum standards for the Design Guidelines with the exception of garage side and rear setbacks.

2. Unconventional Lots (Medium Density Residential) MDR and Design Guidelines category is used to lots that have the option of alley access to rear garages to reduce the impact of garages on the streetscape.

3. "Grassy Area" shall be defined over rear detached garages.

¹ Change front setback may be less than livable area as side-loaded garage only. Otherwise, minimum of 10' behind sidewalk.

² Other setbacks may be increased by the owner and they remain up to the jurisdiction.

³ Side lot setback may be increased by the owner and they remain up to the jurisdiction.

⁴ Rear lot setback may be increased by the owner and they remain up to the jurisdiction.

⁵ Building height shall not exceed 35 feet in height to the top of the roof, up to 10' foot.

⁶ Front or rear lot setback may be less than 10' foot.

⁷ Front or rear lot setback may be less than 10' foot.

⁸ Front or rear lot setback may be less than 10' foot.

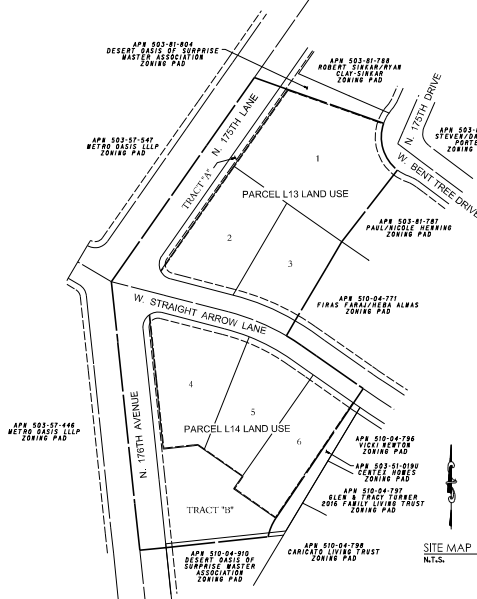
⁹ Front or rear lot setback may be less than 10' foot.

¹⁰ Front or rear lot setback may be less than 10' foot.

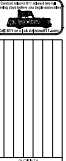
TRACT AREA AND USE TABLE		
TRACT	AREA	USE
A	0.07 AC	LANDSCAPE, PUE
B	0.37 AC	LANDSCAPE, RETENTION, DRAINAGE, PUE
TOTAL	0.44 AC	

RETENTION SUMMARY			
AREA	VOLUME	VOLUME	EXCESS
IN (CU FT)	IN (CU FT)	IN (CU FT)	IN (CU FT)
A	4,026	8,494	4,468
TOTAL	4,026	8,494	4,468

DESERT OASIS LOT AREA TABLE (ALL LOTS ARE PAD)		
LOT NO.	AREA (SF)	AREA (AC)
1	24,110	0.55
2	14,549	0.33
3	11,388	0.26
4	15,516	0.35
5	13,093	0.30
6	12,255	0.28



SITE MAP



0 100 FEET

DESERT OASIS
CAREFREE, ARIZONA 85377
PRELIMINARY PLAT



09/08/2013 12/12/2013

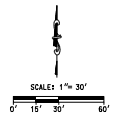
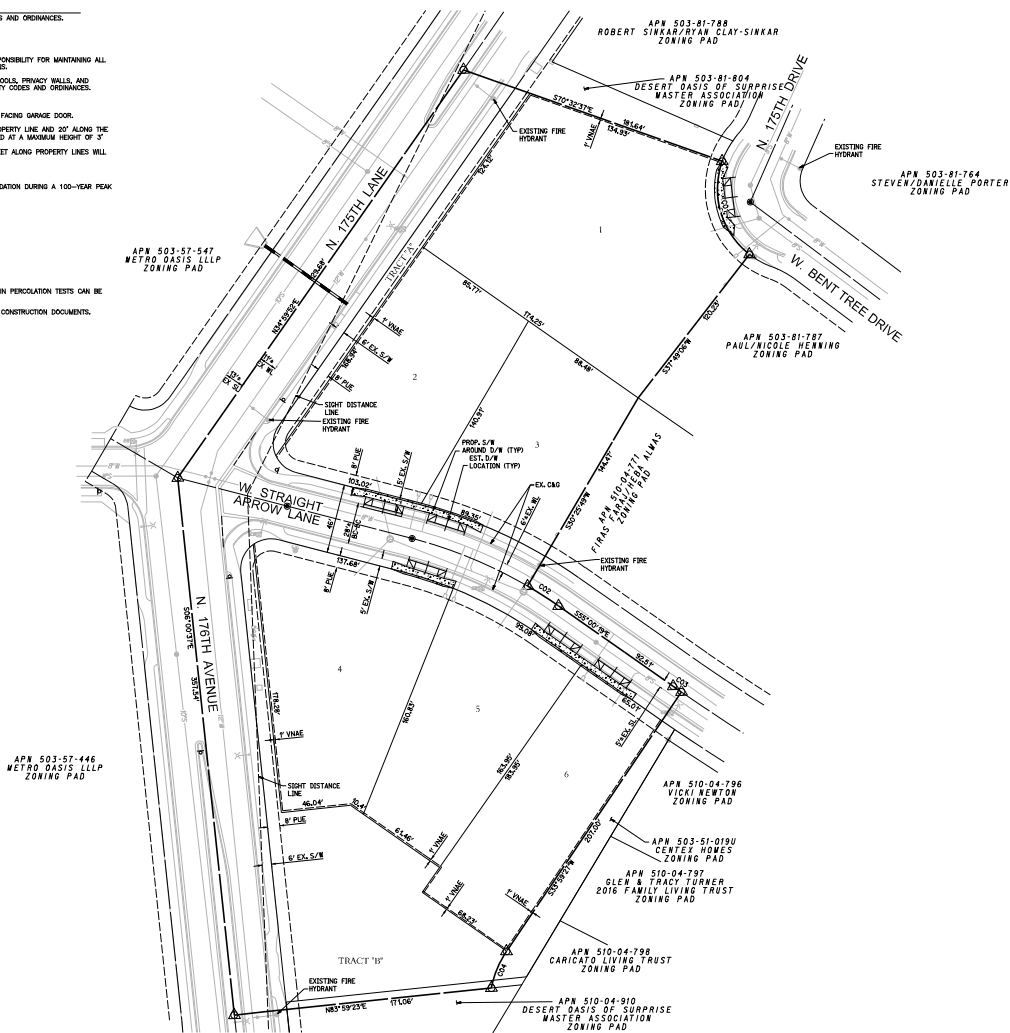
3eengineering
REGISTERED PROFESSIONAL ENGINEER
MATTHEW J. MANING, P.E.
STATE OF ARIZONA
LICENSE NO. 12345
DATE: 09/08/2013
EXPIRY: 12/12/2013
PROJECT NO. 15184
SHEET NO. 1 OF 5

PRELIMINARY PLAT NOTES:

DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
 ALL NEW OR REDUCED UTILITIES WILL BE PLACED UNDERGROUND.
 ALL SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS.
 OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAYS IN ACCORDANCE WITH APPROVED PLANS.
 EACH LOT CONSTITUTES A BUILDING ENVELOPE AND ACCESSORY USES SUCH AS POOLS, PRIVACY WALLS, AND ACCESSORY STRUCTURES ARE PERMITTED AS OTHERWISE REGULATED BY OTHER CITY CODES AND ORDINANCES.
 EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT.
 A MINIMUM 20-FOOT SETBACK SHALL BE PROVIDED TO THE FACE OF THE FRONT FACING GARAGE DOOR.
 STRUCTURES AND LANDSCAPING WITHIN A TRUNKLE MEASURED 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAYS ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
 STRUCTURES AND LANDSCAPING WITHIN A TRUNKLE MEASURING 30-FOOT X 30-FOOT ALONG PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 5-FEET.
 THERE WILL BE NO ON LOT RETENTION FOR THIS PROJECT.
 ALL FINISHED FLOOR ELEVATIONS OF ANY STRUCTURE SHALL BE FREE FROM INUNDATION DURING A 100-YEAR PEAK RAINFALL EVENT.
 RETAINING WALLS TO BE DETERMINED AT FINAL DESIGN.
 STREET LIGHTS TO BE DETERMINED AT FINAL DESIGN.
 NATIVE PLANT INVENTORY TO BE COMPLETED DURING FINAL DESIGN.
 WATER IS PROVIDED BY THE CITY OF SURPRISE.
 SEWER IS PROVIDED BY THE CITY OF SURPRISE.
 ALL CONSTRUCTION SHALL ADHERE TO WAD AND CITY STANDARDS.
 DRYWELLS SHALL BE DESIGNED AT A RATE OF 0.5 GPM. POST CONSTRUCTION BISHN PERCOLATION TESTS CAN BE COMPLETED TO DETERMINE IF DRYWELLS CAN BE REDUCED OR ELIMINATED.
 DRIVEWAYS TO BE DETERMINED DURING FINAL DESIGN, AND SHALL BE SHOWN ON CONSTRUCTION DOCUMENTS.
 DRIVEWAYS SHALL BE BASH STD. 255-1.

DESERT OASIS LOT AREA TABLE (ALL LOTS ARE PAD)		
LOT NO.	AREA (SQ. FT.)	
1	24,710	
2	14,549	
3	11,388	
4	17,210	
5	14,235	
6	12,255	

CURVE TABLE			
NO.	DELTA	RADIUS	LENGTH
CO1	Δ=71°31'13"	55.00'	68.65'
CO2	Δ=04°39'38"	300.00'	24.40'
CO3	Δ=00°17'48"	1298.00'	6.73'
CO4	Δ=22°37'44"	87.00'	26.46'



3ae engineering
 15184
 PP02
 2 of 5

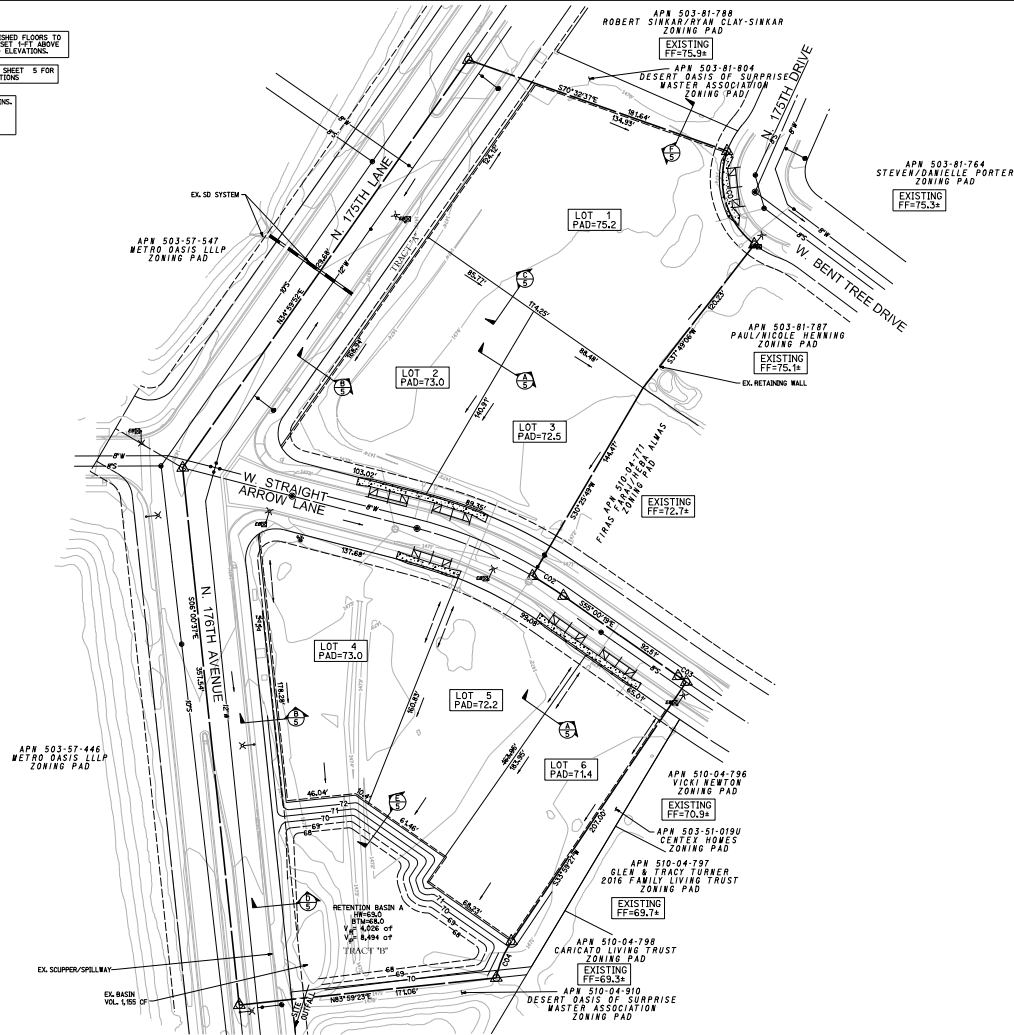
DESERT OASIS
 CAREFREE, ARIZONA 85337
 PRELIMINARY SITE PLAN

RETENTION BASIN VOLUME TABLE

RETENTION BASIN	VOLUME REQUIRED (CF)	VOLUME PROVIDED (CF)	DRYWELLS
A	4,026	8,494	0 (1-FT BASIN)

FINISHED FLOORS TO BE SET 1/4" ABOVE PAD ELEVATIONS.
SEE SHEET 5 FOR SECTIONS

NOTE: NORTH LOTS (LOTS 1-3) DRAIN TO STREETS THAT GO TO EXISTING BASINS.
NOTE: SOUTH LOTS (LOTS 4-6) DRAIN TO EXISTING BASIN.
NOTE: EXISTING BASIN TO BE INCREASED BY 2,471 CF MIN.
NOTE: EX. BASIN VOLUME (PER CAD) = 1,185 CF
VOL. REQUIRED = 4,026 CF



DESERT OASIS
CAREFREE, ARIZONA 85337
PRELIMINARY GRADING PLAN

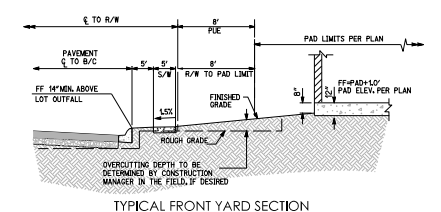
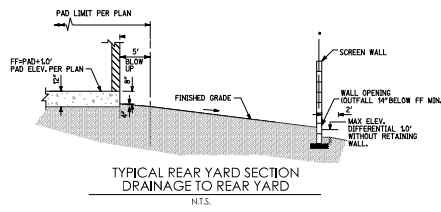
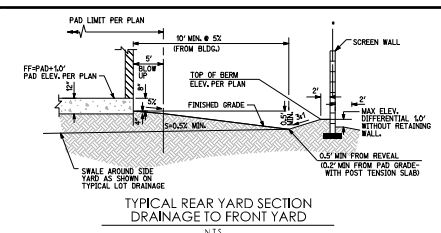
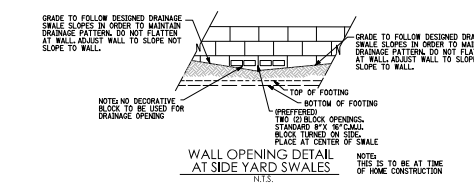
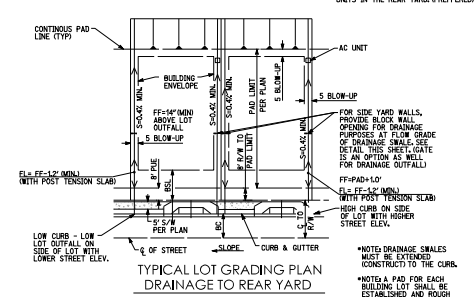
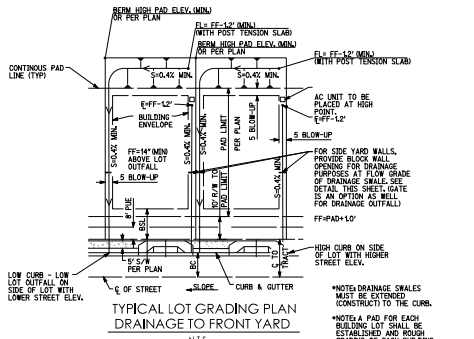
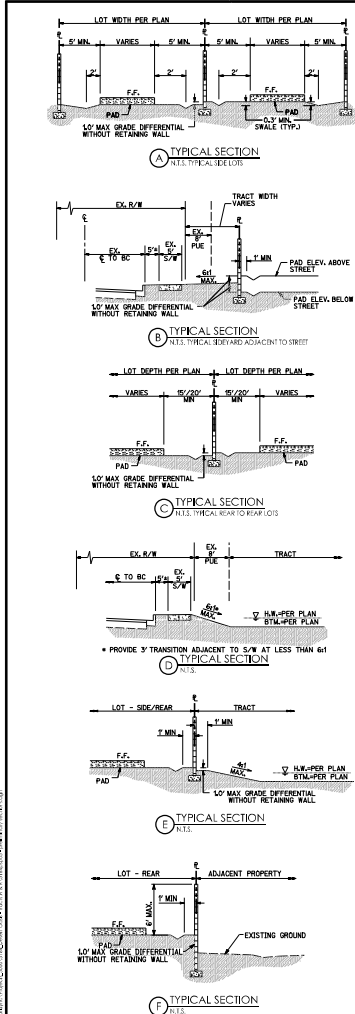
3ae engineering
15151 N. 176TH AVENUE, SUITE 100, CAREFREE, AZ 85337
TEL: 480-287-1111 FAX: 480-287-1112
WWW.3AEENGINEERING.COM

DATE: 12/17/2021
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

5184
PP03
3 of 5

FS20-4526

SCALE: 1" = 30'
0' 15' 30' 60'



WALL NOTE:
THE HEIGHT OF A RETAINING WALL SHALL BE NO HIGHER THAN SIX FEET MEASURED FROM THE SIDE THAT HAS THE HIGHEST GRADE. IN NO CASE SHALL THE HEIGHT OF EITHER SIDE OF THE WALL EXCEED FOUR FEET.

DESERT OASIS
CAREFREE, ARIZONA 85377

PRELIMINARY SECTIONS

3aeengineering
DESIGN • ENGINEERING • CONSTRUCTION

DATE: 03/01/2021
DRAWN BY: JLD
CHECKED BY: JLD
PROJECT: 5184
SHEET: 5 OF 5

DESERT OASIS - PARCEL SUBDIVISION

project consultants

DESIGN ETHIC, LLC
7555 EAST 17TH AVENUE
SCOTTSDALE, ARIZONA 85261
PHONE: 480.223.7077
EMAIL: bpolifieldesignethic.net

landscape architect

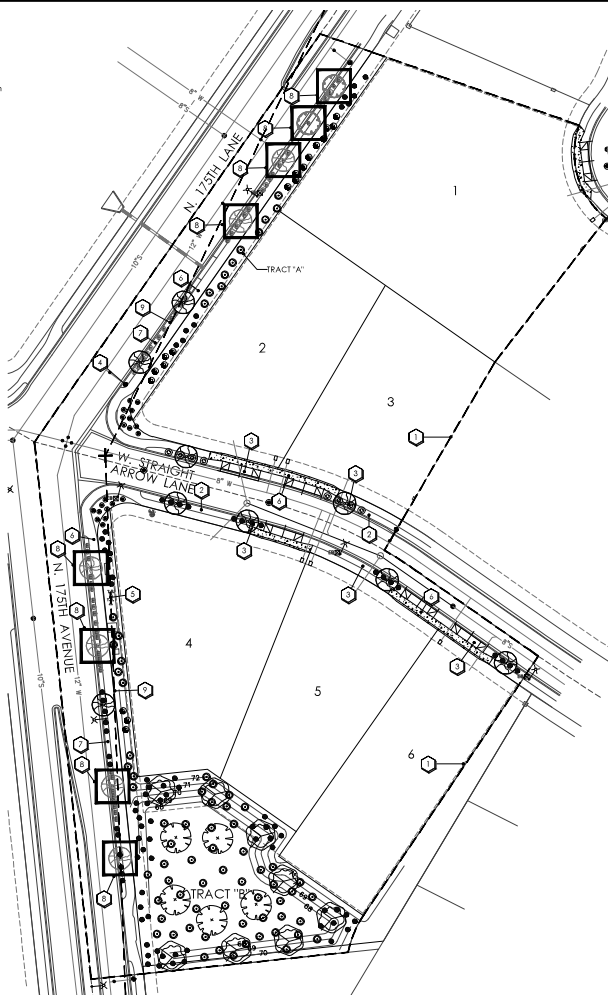
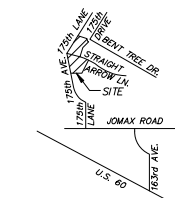
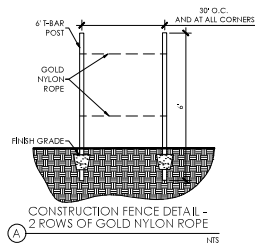
DESIGN ETHIC, LLC
7555 EAST 17TH AVENUE
SCOTTSDALE, ARIZONA 85261
PHONE: 480.223.7077
EMAIL: bpolifieldesignethic.net

irrigation data

TURF LANDSCAPE AREA: 0.51 F.
NON-TURF LANDSCAPE AREA: 1.87 F.
TURF PEAK GPM DEMAND: 0 GPM
NON-TURF PEAK GPM DEMAND: 49 GPM
ANNUAL TOTAL DEMAND: 73,117 GAL

city of surprise general notes

- ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF WATER RESOURCES' WATER CONSERVATION GUIDELINES. PLANT MATERIAL SHALL BE SELECTED FROM THE APPROVED DWR PLANT LIST.
- NO LANDSCAPED AREAS SHALL BE USED FOR THE PARKING OF VEHICLES OR THE STORAGE OR DISPLAY OF MATERIALS, SUPPLIES OR MERCHANDISE.
- ALL LANDSCAPING MATERIALS AND EQUIPMENT AS PROVIDED FOR ON THE APPROVED FINAL LANDSCAPE PLAN FOR ANY RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENT, OR IN THE CASE OF PHASED DEVELOPMENT, FOR THE PARTICULAR PHASE, SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT, UNLESS A FINANCIAL GUARANTEE IN THE AMOUNT OF ONE HUNDRED FIFTY PERCENT OF THE COST OF THE MATERIALS AND LABOR IS SUBMITTED TO THE CITY. FINANCIAL GUARANTEES SHALL BE OF THE TYPE AND FORM AS PROVIDED IN CHAPTER 16.24 OF THE CITY CODE. IN THE EVENT THAT A CASH DEPOSIT IS MADE FOR THE PURPOSE OF A FINANCIAL GUARANTEE, NO INTEREST SHALL BE PAID BY THE CITY. UNLESS SPECIFIC ARRANGEMENTS ARE MADE FOR SUCH INTEREST TO BE PAID, PRIOR TO CITY ACCEPTANCE OF THE DEPOSIT. (ORD. 97-16 5.22, 1997; ORD. 86-68-603, 1986)
- TREE ROOT BARRIERS ARE REQUIRED PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARDS DETAIL 6-4 WHEN TREES ARE WITHIN THREE FEET OF SIDEWALKS, CURBS, PAVEMENT OR WALLS.



existing plant legend

botanical name	common name	emitters	size	qty	comments
ACACIA ANEURA	MESQUITE	(5 @ 1.0 GPH)	24" BOX	2	H. W. CAL. STAKE IN PLACE
ACACIA SALICINA	WILLOW ACACIA	(5 @ 1.0 GPH)	24" BOX	6	H. W. CAL. STAKE IN PLACE
BREMONTIA SP.	VALENTINE	(1 @ 1.0 GPH)	5 GAL.	4	PLANT AT 4 O.C.
HEPERALOE PARVIFLORA	RED YUCCA		5 GAL.	14	PLANT AT 3 O.C.
LANIANA NEW GOLD	NEW GOLD LANIANA		1 GAL.	32	PLANT AT 4 O.C.

plant legend

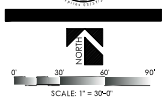
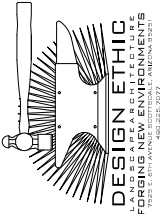
botanical name	common name	emitters	size	qty	comments
ACACIA FARNESIANA	SWEET ACACIA	(5 @ 1.0 GPH)	24" BOX	5	H. W. CAL. STAKE IN PLACE
ACACIA SALICINA	WILLOW ACACIA	(5 @ 1.0 GPH)	24" BOX	9	H. W. CAL. STAKE IN PLACE
PARBEGONIA PRAECOX	PALE BREA	(5 @ 1.0 GPH)	24" BOX	8	H. W. CAL. STAKE IN PLACE
BREMONTIA SP.	VALENTINE	(1 @ 1.0 GPH)	5 GAL.	18	PLANT AT 4 O.C.
NERJUM OLEANDER	PETITE PINK OLEANDER	(1 @ 1.0 GPH)	5 GAL.	8	PLANT AT 5 O.C.
HEPERALOE PARVIFLORA	RED YUCCA	(1 @ 1.0 GPH)	5 GAL.	97	PLANT AT 3 O.C.
MONENBERGIA ROBENS	DEER GRASS		5 GAL.	71	PLANT AT 3 O.C.
LANIANA NEW GOLD	NEW GOLD LANIANA		1 GAL.	20	PLANT AT 4 O.C.
TABLE MESA BROWN	TABLE MESA BROWN	1" MINUS 5 F.	2" MINIMUM ALL PLANTERS		

planting key notes

- PROPERTY LINE / RIGHT OF WAY LINE LIMITS OF CONSTRUCTION
- EXISTING TRANSFORMER.
- EXISTING SIDEWALK.
- EXISTING LANDSCAPE TO REMAIN.
- TEMPORARY FENCING - SEE DETAIL 4-01 ON THE SHEET.
- SHOT DISTANCE LINES PER TABLE A IN SURPRISE EDS DETAIL 4-01.

existing landscape & irrigation notes

- SITE VERIFY ALL EXISTING CONDITIONS PRIOR TO BIDDING. ANY DEFICIENCIES ARE TO BE BROUGHT TO THE LANDSCAPE ARCHITECT'S ATTENTION WITHIN 24 HOURS OF THE OBSERVATION.
- CONTRACTOR TO INSPECT EXISTING IRRIGATION SYSTEM AND VERIFY THAT THE SYSTEM IS WORKING PROPERLY.
- ALL PLANT MATERIAL DESIGNATED AS 'EXISTING TO REMAIN' SHALL BE PROTECTED DURING ALL PHASES OF CONSTRUCTION. ANY TREES THAT DIE DUE TO LACK OF WATER, LACK OF MAINTENANCE OR CARE, NEGLIGENCE OR VANDALISM SHALL BE REPLACED BY A SIMILAR SPECIES OF TREE (MINIMUM 48" BOX) AT NO ADDITIONAL COST TO OWNER. PALMS THAT DIE SHALL BE REPLACED WITH LIKE TYPE, HEIGHT AND SIZE. ALL SHRUBS AND GROUNDCOVER SHALL BE REPLACED WITH 5 GAL. ON PLANTS.
- LANDSCAPE AREAS DISTURBED BY NEW CONSTRUCTION SHALL BE REPAIRED WITH SOD IN TURF AREAS AND NEW DECOMPOSED GRANITE MATCHING EXISTING. BLEND ALL DISTURBED AREAS WITH UNDISTURBED SO THERE IS A SMOOTH TRANSITION BETWEEN ALL EDGES. REPLACE ALL DISTURBED, BROKEN OR DAMAGED HEADGUTS WITH MATCHING TYPE.
- ALL EXISTING PLANT MATERIAL AND ADJACENT PLANT MATERIAL SHALL HAVE UNINTERRUPTED WATERING DURING ALL PHASES OF CONSTRUCTION. THE SHALL INCLUDE BUT NOT BE LIMITED TO: HAND WATERING, TEMPORARY ABOVE GROUND IRRIGATION, SPRINKLER SYSTEM, ETC.
- THE EXISTING IRRIGATION SYSTEM SHALL BE PROTECTED, MAINTAINED AND REPAIRED DURING ALL PHASES OF CONSTRUCTION. ALL EQUIPMENT SUCH AS MAINLINE, WRIS, LATERAL HEADS AND ETC. SHALL BE REPAIRED AND REPLACED TO MAINTAIN CONTINUOUS WATER.
- PROVIDE NEW SCHEDULE 40 SLEEVES AT ALL NEW DRIVES. (SEE SLEEVE SCHEDULE FOR SEE) ANY EXISTING IRRIGATION SYSTEMS TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND GUARANTEE 100% COVERAGE.
- EXISTING TREES TO REMAIN SHALL BE SELECTIVELY PRUNED PER LANDSCAPE ARCHITECT INSTRUCTIONS.
- TREES, SHRUBS, AND OTHER LANDSCAPING ARE PERMITTED WITHIN THE SIGHT VISIBILITY TRIANGLE PROVIDED LIMITS, LEAVES, NEEDLES OR OTHER FOLIAGE ARE KEPT BELOW 30 INCHES OR ABOVE 14 INCHES, PER SURPRISE EDS DETAIL 4-01.
- SIGHT VISIBILITY WITHIN THE UNOCCUPIED VEHICLE AREA AND IN FRONT OF STOP SIGNS MUST MEET OR EXCEED REQUIREMENTS IN SURPRISE DETAILS 4-01 AND 4-02.

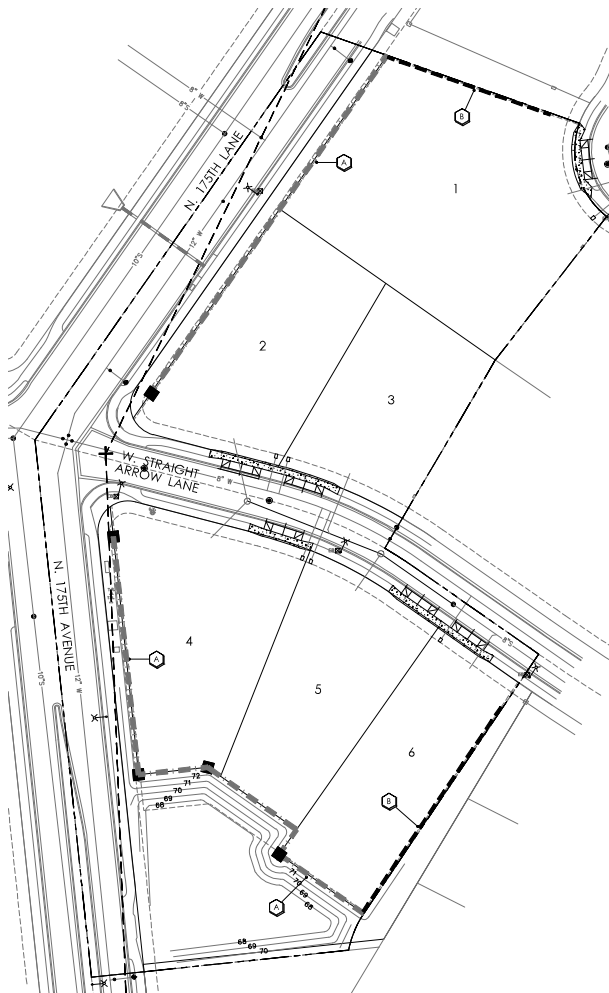


DESERT OASIS
175TH AVE & BROKEN ARROW LN
SURPRISE, AZ

PROJECT: DESERT OASIS
SHEET TITLE: COVER SHEET & NOTES

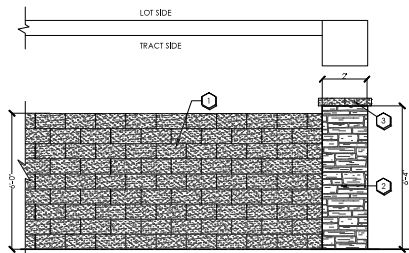
JOB NO: 20-102
DATE: 8. PAUL
DRAWN BY: 03.24.2021
SUBMITTED: 03.24.2021
REVISED:

SHEET
L.01 of L.02
FS20-826



Wall Key Notes

- 1 6" HIGH 8" X 8" X 16" SPLIT FACE BLOCK WALL
SEE SHEET L.02, DETAIL 'A',
638 L.F.
- 2 6" HIGH PARTIAL VIEW WALL
SEE SHEET L.02, DETAIL 'B',
278 L.F.
- 3 24" X 24" CMU COLUMN WITH STACKED STONE.
SEE SHEET L.02 DETAIL 'A',
5 TOTAL



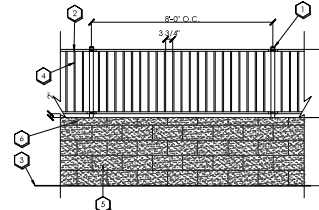
Key Notes

- 1 8" X 8" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR: TO MATCH EXISTING COMMUNITY COLOR
- 2 6" SPLIT FACE CAP, COLOR TO MATCH
ESTABLISHED COMMUNITY BLOCK COLOR
- 3 STACKED STONE FACING ON COLUMN.
STONE MANUFACTURER AND STYLE TO
MATCH EXISTING COMMUNITY COLUMNS

PERIMETER THEME WALL WITH COLUMN ELEVATION

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

SCALE: 1/2" = 1'-0"



Key Notes

- 1 2" X 2" STEEL POSTS 14 GAUGE W/ CAST IRON
FLAT CAP, SPACING 96" OR AS PER PLAN
- 2 1" X 1" SQ. TUBULAR STEEL RAIL
- 3 FINISH GRADE
- 4 3/4" X 3/4" SQ. TUBULAR STEEL PICKETS
AT 36" O.C. MAXIMUM SPACING
- 5 8" X 8" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR: TO MATCH EXISTING COMMUNITY COLOR
- 6 8" X 4" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR: TO MATCH EXISTING COMMUNITY COLOR

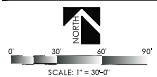
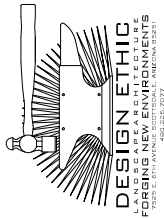
3'-0" CMU WALL W/ 3'-0" VIEW FENCE

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

SCALE: 1/2" = 1'-0"



EXISTING WALL & COLUMN



DESERT OASIS 175TH AVE & BROKEN ARROW LN SURPRISE, AZ

COVER SHEET & NOTES

PROJECT: 175TH AVE & BROKEN ARROW LN
SHEET TITLE: COVER SHEET & NOTES

JOB NO: 204-02
DATE: 03/24/2021
DRAWN BY: B. PAUL
SUBMITTED: 03/24/2021
REVISED:

SHEET

L.02 of L.02
FS20-826



FS20-826

**Desert Oasis Lancer Parcel-Phase 1, Tracts A & R
Preliminary Plat**

Planning & Zoning Commission

May 20, 2021



FS20-826 VICINITY MAP

PAD
Asante
North

PAD - LDR

PAD - LDR

SITE

PAD - LDR

PAD - LDR

Straight Arrow
Ln

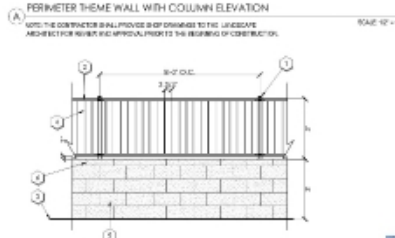
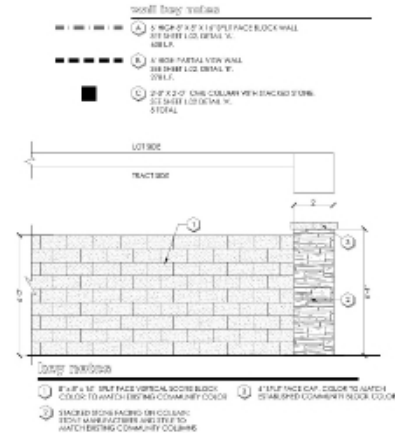
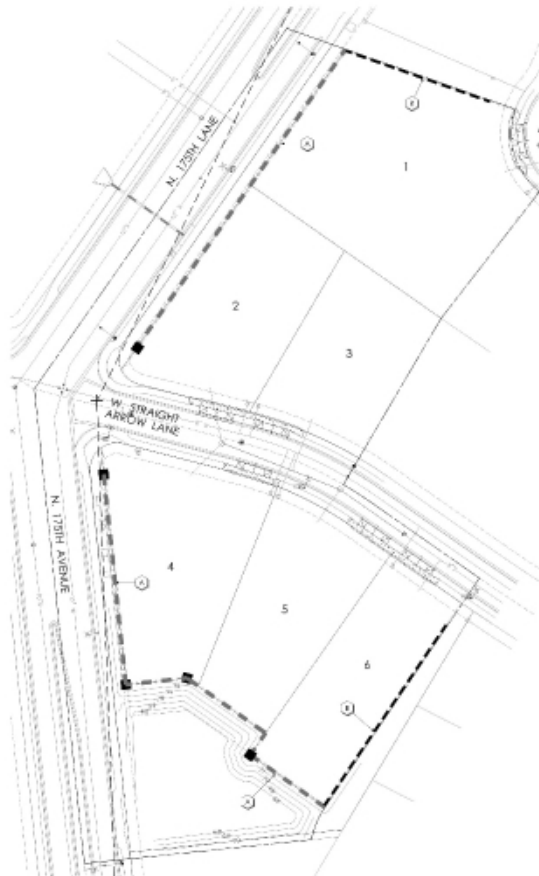
176th Ave

175th Ln

172nd Dr

FS20-826 ZONING

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EXISTING WALL & COLUMN



DESERT OASIS
175TH AVE & BROKEN ARROW LN
SURPRISE, AZ

COVER SHEET & NOTES

JOB NO. 28-102
DATE
DRAWN BY: S. PULL
REVIEWED: 03.24.2011

SHEET
L.02 of L.02
FS20-826

FS20-826 WALL PLAN



RECOMMENDATION

Staff recommends the P&Z Commission to Recommend Approval to the Mayor and City Council subject to stipulations 'a' – 'd'.



QUESTIONS OR COMMENTS?

Thank You