



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 20, 2022 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

Childhood Cancer Awareness Month

E. City Manager Report

F. City Clerk Report

G. Call To The Public

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

[Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader)

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council 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.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|------------|---|---|
| 1. | Citywide | Consideration and action on the Regular City Council Work Session, the Regular City Council Meeting and the Executive Session Minutes of September 6, 2022. | None
Sherry Aguilar
City Clerk |
| 2. | District 1 | Consideration and action pertaining to the Final Plat entitled, "Williams 224" and dated July 20, 2022, a property generally located west of 219 th Avenue and north of Deer Valley Road; Case FS22-0483. | Trever Fleetham
Community
Development |
| 3. | District 3 | Consideration and action pertaining to the Final Plat entitled, "A Re-Plat of Lots 1, 3, 5, 9 and 10, of Prasada – Phase 1B South" and dated August 17, 2022, a property generally located at the northeast corner of Cactus Road and Loop 303; Case FS22-0102. | Trever Fleetham
Community
Development |
| 4. | Citywide | Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 budget by moving budget in the amount of \$1,600 within the Grants Fund to the Victim Rights Program (VRP) for acceptance of the grant; Resolution # 2022-92. | Robert Wingo
Legal |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|---|--|
| 5. | District 4 | Consideration and action pertaining to approval of a rezoning of property located at the northwest corner of Bell Road and Dysart Road from Regional Commercial (C-3) to Community Commercial (C-2); Case # FS22-0438; Ordinance #2022-19. | Chris Sexton
Community
Development |
| 6. | District 1 | Consideration and action pertaining to approval of an amendment to the Vistas Montanas Planned Area Development (PAD) increasing density, updating lot sizes and distribution, increasing open space allotment, and updating design option point system; Case #FS22-0180; Ordinance #2022-20. | Chris Sexton
Community
Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- I. Other Business and Future Agenda Items
- J. City Council Reports
- K. Executive Session

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or

- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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 by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

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

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: September 16, 2022 at 9:00 AM

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
Regular City Council Meeting

Council Meeting Date: September 20, 2022
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: September 20, 2022
Submitting Department: City Manager Office
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
Childhood Cancer Awareness Month

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: September 20, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Citywide

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

Agenda Wording:

Consideration and action on the Regular City Council Work Session, the Regular City Council Meeting and the Executive Session Minutes of September 6, 2022.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. DRAFT 9622 Regular City Council Work Session Minutes - Draft
 2. 9.6.22 Regular City Council Meeting Minutes - DRAFT
-

CITY OF SURPRISE
Regular City Council Work Session Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 6, 2022 @ 4:00PM

DRAFT

Call To Order

Roll Call

Mayor Hall called the Regular Work Session of September 6, 2022 at 4:00 PM. Also in attendance were Vice-Mayor Aly Cline, Council Members; Duffy, Remley, Judd and Hastings. Council Member Winters was excused.

Staff Present: City Manager, Bob Wingenroth; City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Regular City Council Work Session Agenda

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Presentation and discussion pertaining to the Proposition 400 Extension - NO ACTION

Intergov. Jodi Tas introduced representative Eric Anderson from Maricopa Association of Governments to give a powerpoint presentation on Prop 400 - Regional Transportation Network.

Topics included arterial impacts, transit funding, public transportation system needs, future of freeway expansion.

Councilmember Remley commented that this is the first time most of us have a good handle on what we have gotten and not received. One of your slides is obsolete, the funding will not be anywhere near what you have projected. This Council and staff are working as hard as we can to make our City one that we are proud of and help along the growth. What do we have to do to get noticed? These are serious problems.

Councilmember Hastings asked do you know how much more expensive light rail is over additional freeways?

Mayor Hall commented that we work at a different level than the State Legislators. There is a lot of misinformation out there, maybe you should do a presentation like this for the State Legislators.

Councilmember Duffy asked about a ramp on the 60, why weren't they done at the same time?

Councilmember Remley commented that you are doing a heck of a good job, I know more about transportation today, you bring a lot to the table.

2. Presentation and discussion regarding an update on the City's water resources - NO ACTION

Michael Boule, Assistant Director, Utility Operations gave a power point presentation on City's Water Resources.

Mr. Boule introduced Vineetha Kartha from Central Arizona Project continued with the powerpoint presentation.

Mayor Hall asked if we voluntarily left water at Lake Mead?
Mr. Boule commented, yes 500 acre feet.

Councilmember Judd asked what level will municipalities be at the next tier?

Mr. Boule continued discussion covering our portfolio, water resource master plan and drought preparedness plan.

Councilmember Judd asked for clarification on banked water, will this use the 16 years of stored water or is that separate?

Mr. Boule, That is separate.

Vice-Mayor Cline asked for clarification.

Councilmember Remley the most frequent question we get, with all the development going on here, do we have enough water for the growth?

Councilmember Duffy commented that we are going to be voting on a new pool tonight, I am being asked by residents if we should be doing this since we are in a drought.

Rick Openshane, EPCOR continued with the presentation.

Councilmember Judd - What happens to the stormwater? Water use indoors, what percentage that goes down the drain, make it back to the plant?

Councilmember Remley I have two things for you. 1) partnership with the HOA's, they are not doing the water reports. Do we have anyone that audits that? It is up to the State to police them. 2) Back when facility was expanded, nice entrance at Cactus, reminded planning & zoning of what kind of plants we are using. The plant scheme was changed. Consideration to change requirements for plants. Should this be brought to Planning & Zoning.

3. Presentation and discussion regarding the City Trail System - NO ACTION

Parks and Recreation Director, Holly Osborn introduced 2 staff members and continued with a powerpoint presentation.

Councilmember Judd - Trail systems, city maintained. Wildlife corridors.

Mayor asked when will the big part be done?

It is in two phases. January is estimated.

Adjournment

Council Member Judd made the motion to adjourn the Regular City Council Work Session of September 6, 2022 at 5:52 PM. Council Member Hastings seconded the motion. Six yes votes, one excused (Winters).

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, September 6, 2022.**

Sherry Ann Aguilar, City Clerk, MMC

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 6, 2022 @ 6:00PM

DRAFT

Call To Order

Invocation

Led by Mayor Hall.

Roll Call

Mayor Hall called the Regular Council Meeting of September 6, 2022 at 6:00 PM. Also in attendance were Vice-Mayor Aly Cline, Council Members; Duffy, Remley, Judd and Hastings. Council Member Winters was excused.

Staff Present: City Manager, Bob Wingenroth; City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Led by Shadow Ridge High School Student Council

Proclamation and Community Acknowledgements

Mayor Hall and City Council recognized Deputy City Clerk Linda Stevens on her upcoming retirement.

Hispanic Heritage Month Proclamation

Mayor Hall read the proclamation proclaiming September as Hispanic Heritage Month

City Manager Report

1. Reports

City Clerk Report

1. Reports

Call To The Public

Rachel Morales, firefighter for the City of Surprise, not being treated fairly, I have been sexually assaulted and harassed by my Captain.

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Hastings made the motion to approve the consent agenda, excluding item #5. Vice Mayor Cline seconded the motion. Six yes votes, one excused (Winters), motion carried.

1. Consideration and action on the Regular City Council Work Session, Regular Council Meeting and Executive Session minutes of August 16, 2022 - APPROVED

2. Consideration and action to approve a new application for a Series 12 (Restaurant) liquor license for Quench Taps and Tapas located at 14010 N. Litchfield Road, #212, Surprise, AZ 8537 - APPROVED

3. Consideration and action to approve a liquor license request for a series 12 (Restaurant) for Good Fortune located at 17014 W. Bell Road, #106 & #107, Surprise, AZ 85374 - APPROVED

4. Consideration and action pertaining to approval of the Final Plat entitled Kunz Estates Rural Subdivision and dated June 28, 2022, a property generally located northwest of Jomax Road and 155th Avenue; Case FS22-0693 - APPROVED

5. Consideration and action pertaining to acceptance of a Sewer Line Easement from Kent Xander and Wittrock Land 4 LLC, near San Ysidro and 156th Avenue - TABLED INDEFINITELY

Vice Mayor Cline made the motion to table item #5 indefinitely. Council Member Judd seconded the motion. Six yes votes, one excused (Winters), motion carried.

6. Consideration and action pertaining to amending the compensation eligibility for Presiding Judge Louis Dominguez; Resolution #2022-89 - APPROVED

7. Consideration and action pertaining to amending the compensation eligibility for Associate Judge Catherine Gaudgreau; Resolution #2022-90 - APPROVED

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

8. Consideration and action pertaining to approval of the Agreement Between the Greater Phoenix Economic Council and the City of Surprise for participation and support of regional economic development programs, in the amount of \$73,313 for Fiscal Year 2023 - APPROVED

Mayor Hall - See qualified goals for Surprise from Chris Camacho. We deserve a little bit better.

Vice Mayor Cline made the motion to approve the agreement with Greater phoenix Economic Council. Council Member Hastings seconded the motion. Six yes votes, one excused (Winters), motion carried.

9. Consideration and action pertaining to the approval of an amendment to Fiscal Year 2023 Budget by moving budget authority of \$30,000 within the Tourism fund from contingency to services to support expanding The Patriot All-America Golf Invitational to include a tournament field that would be located in the City of Surprise; Resolution #2022-91 - APPROVED

Kendra Pettis introduced Mark James of the West Valley Mavericks Foundation and outlined on a powerpoint presentation for this item.

Councilmember Duffy commented that he loves this event and thank you for coming here. We were pleased to have this and it is just the beginning.

Councilmember Remley asked what is the plan.

Council Member Duffy made the motion to approve Resolution 2022-91. Vice Mayor Cline seconded the motion. Six yes votes, one excused (Winters), motion carried.

10. Presentation and discussion pertaining to the FY2022 Financial Status Report through June 2022 - NO ACTION

Finance Director, Andrea Davis gave a presentation on this item.

11. Consideration and action pertaining to a recommendation of a preferred location for the new City of Surprise Pool - NO ACTION

Parks and Recreation Director, Holly Osborn gave a presentation on this item.

Council Member Remley - Did we go to other cities to see what their facilities were like.

Ms. Osborn - Goodyear and Avondale, newest trends.

Vice Mayor Cline thanked staff for their community outreach.

Ms. Osborne commented that we have 3 locations to select from, will give the pros and cons for each location.

175th Avenue & Sweetwater; Cactus & Perryville and Bell Road and McMicken Dam are the choices for locations.

Council Member Hastings - the best location by miles is Cactus and Perryville. The commission approved the Cactus and Perryville locations, we already own the land.

Council Member Duffy prefers the 175th & Sweetwater.

Council Member Judd prefers Cactus and Perryville. Swimming pools are noisy and this is away from residential areas.

Council Member Remley I wouldn't consider and IGA, we should consider a swap. Why can't we buy the land and give to them in exchange for this.

Mayor Hall commented that Perryville and Cactus is a no brainer to me. An IGA with Dysart could delay at least a year. The Cactus location could allow you to move forward with design, build, etc.,

Other Business and Future Agenda Items

Council Member Judd - Assured Water Supply Presentation

Vice Mayor Cline - Traffic Improvements Presentation

City Council Reports

Mayor and Council attended and/or reported on the following:

Council Member Hastings - Re-Election

Council Member Remley - Monthly Meetings in OTS

Council Member Judd - Meetings 3rd wed., of each month - Tap House

Vice Mayor Cline - 2 meetings this month, well attended. SC Grand AZ Traditions. Attended National League of Cities, Women in Government. Attended League of Cities Conference.

Mayor and Council entered into executive session at 7:50 PM.

Executive Session

1. Consideration and action to recess into executive session for discussion and consultation for legal advice with the City Attorney pertaining to City of Surprise v. Circle City Water Company LLC pursuant to A.R.S. 38-431.03(A)(3).

Councilmember Judd made the motion to approve entering E-Session for this item. Councilmember Duffy seconded the motion. 6 yes votes, 1 excused (Winters). Motion carried.

2. Consideration and action to recess into executive session to discuss and consider end of year personnel evaluations and Fiscal Year 2023 goals for the City Manager, City Clerk, City Auditor, and City Attorney pursuant to A.R.S. 38--431.03 (A)(1).

Councilmember Judd made the motion to approve entering E-Session for this item. Vice Mayor seconded the motion. 6 yes votes, 1 excused (Winters). Motion carried.

3. Consideration and action to recess into executive session for discussion and consultation for legal advice with the City Attorney pertaining to the City's administrative and legal obligations under Arizona Revised Statutes Title 19 pursuant to A.R.S. 38-431.03(A)(3).

Councilmember Judd made the motion to approve entering E-Session for this item. Vice Mayor Cline seconded the motion. 6 yes votes, 1 excused (Winters). Motion carried.

Adjournment

Council Member Judd made the motion to adjourn the Regular City Council Meeting of September 6, 2022 at 9:41 PM. Council Member Hastings seconded the motion. Six yes votes, one excused (Winters), motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, September 6, 2022.**

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 20, 2022

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the Final Plat entitled, "Williams 224" and dated July 20, 2022, a property generally located west of 219th Avenue and north of Deer Valley Road; Case FS22-0483.

Motion:

I move to approve the Final Plat entitled, "Williams 224" and dated July 20, 2022.

Background:

Richard Egly with Platinum Home Builders, on behalf of CJA Investments LLC (owner), requests approval of a final plat to accommodate single-family residential development. The subject plat seeks to subdivide approximately 4.76 acres of Rural Residential (RR) zoned property into four (4) lots, all of which exceed the minimum one (1) acre in size.

Objective Analysis:

The subject Final Plat meets the requirements of the Rural Residential (RR) zoning district, in addition to other applicable City of Surprise regulations. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The subject Final Plat is consistent with the Rural Residential (RR) zoning district and advances the goals and policies of the General Plan.

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:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 - FS22-0483 CJA 225 Final Plat - Staff Report 092022 CC
 2. 01 - FS22-0483 CJA 225 Final Plat - Vicinity Map
 3. 02 - FS22-0483 CJA 225 Final Plat - Zoning Map
 4. 03 - FS22-0483 CJA 225 Final Plat - Final Plat
 5. 04 - FS22-0483 CJA 225 Final Plat - Luke Letter
 6. 05 - FS22-0483 CJA 225 Final Plat Exhibit
 7. FS22-0483 CJA 225 Final Plat Presentation
-

FINAL PLAT

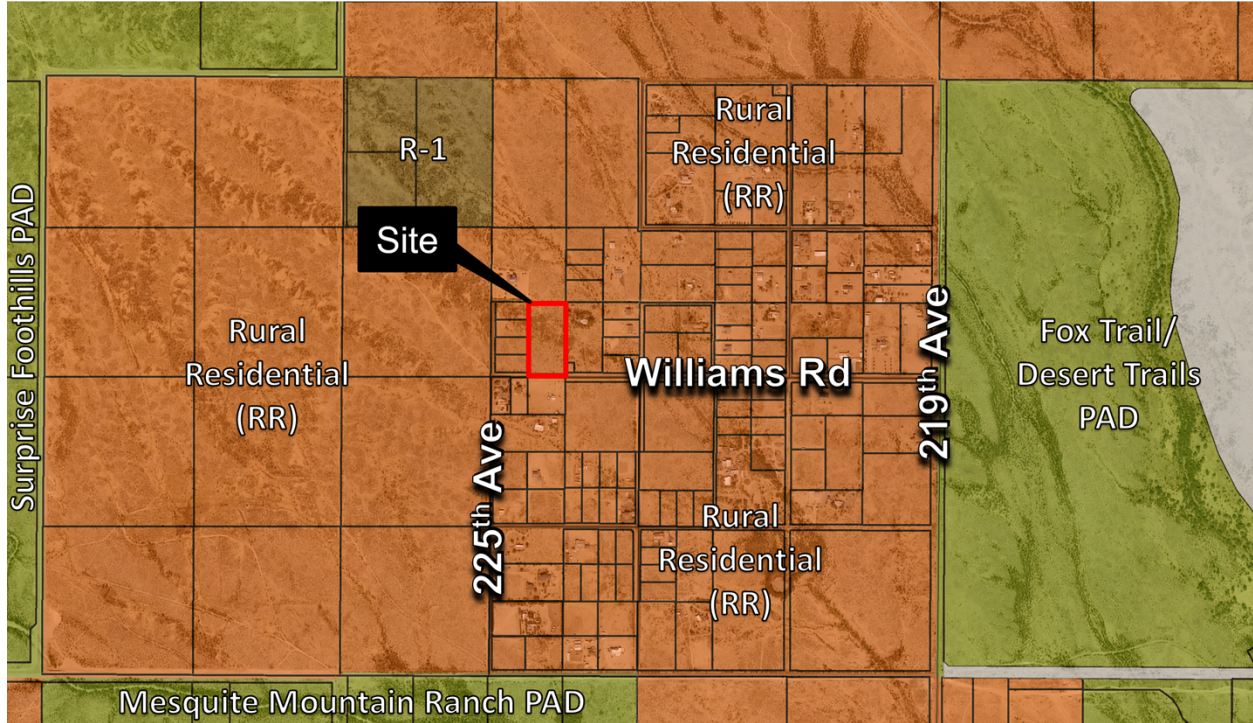
REPORT TO THE CITY COUNCIL

1	Case:	FS22-0483
2		
3	Project Name:	CJA 225 Final Plat
4		
5	Council District:	1 – Acacia
6		
7	Meeting Date:	September 20, 2022
8		
9	Planner:	Trever Fleetham, AICP
10		
11		
12	Owner:	CJA Investments LLC
13		
14	Applicant:	Richard Egly with Platinum Home Builders
15		
16	Request:	Final Plat for a four (4) lot single-family residential subdivision
17		
18	Site Location:	Generally located west of 219 th Avenue and north of Deer Valley Road
19		
20	Site Size:	4.76 acres (approx.)
21		
22	General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035
23		
24	Support/Opposition:	None known

25 **Project Description:**

Richard Egly with Platinum Home Builders, on behalf of CJA Investments LLC (owner), requests approval of a final plat to accommodate single-family residential development. The subject plat seeks to subdivide approximately 4.76 acres of Rural Residential (RR) zoned property into four (4) lots.

Surrounding Land Zoning:



Background:

June 8, 1989: The subject property was annexed into the City of Surprise under Ordinance #89-05.

December 9, 2021: The applicant discussed the proposed development with staff during a regularly scheduled Concept Review meeting under CR21-760.

March 31, 2022: The applicant filed a request for Final Plat approval for a four (4) lot subdivision under case FS22-0483, the subject case.

Analysis and Discussion:

The subject plat will divide a 4.76 acre parcel zoned Rural Residential (RR) into four (4) new lots. Said lots are planned to be developed with single-family residential homes and are each at minimum one (1) acre in size. As part of this plat, 10 feet of new right-of-way is being dedicated along the entire frontage of Williams Road for future roadway improvements. The four new lots will be accessed via a 27.5' ingress/egress easement located along the eastern boundary. While this area is not to be dedicated as right-of-way at this time, each of the lots will still meet the minimum lot size of one (1) acre if it were to be dedicated in the future. Each lot included within this plat have been found to meet the minimum standards for the Rural Residential (RR) zone of the Land Development Ordinance (LDO).

Conformance with Adopted Plans:

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

Reviewing Agencies:

The subject request was routed to the standard reviewing agencies, who expressed no concerns.

Summary:

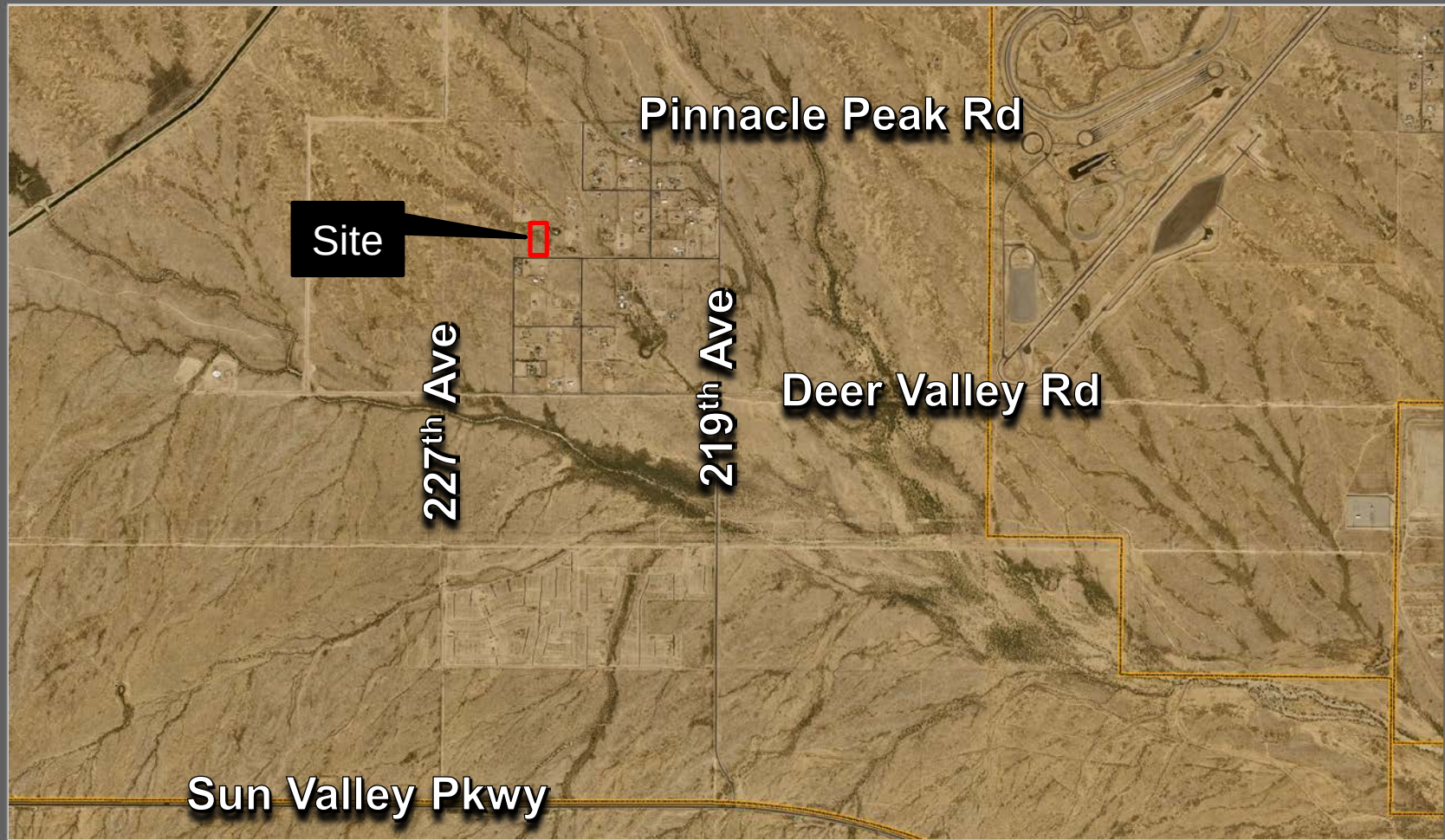
The subject Final Plat meets the requirements of the LDO and other applicable codes and standards. All city reviewing departments have reviewed the request and expressed no concerns.

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan.
- The proposed Final Plat is consistent with the LDO.
- The reviewing agencies have indicated no objections.

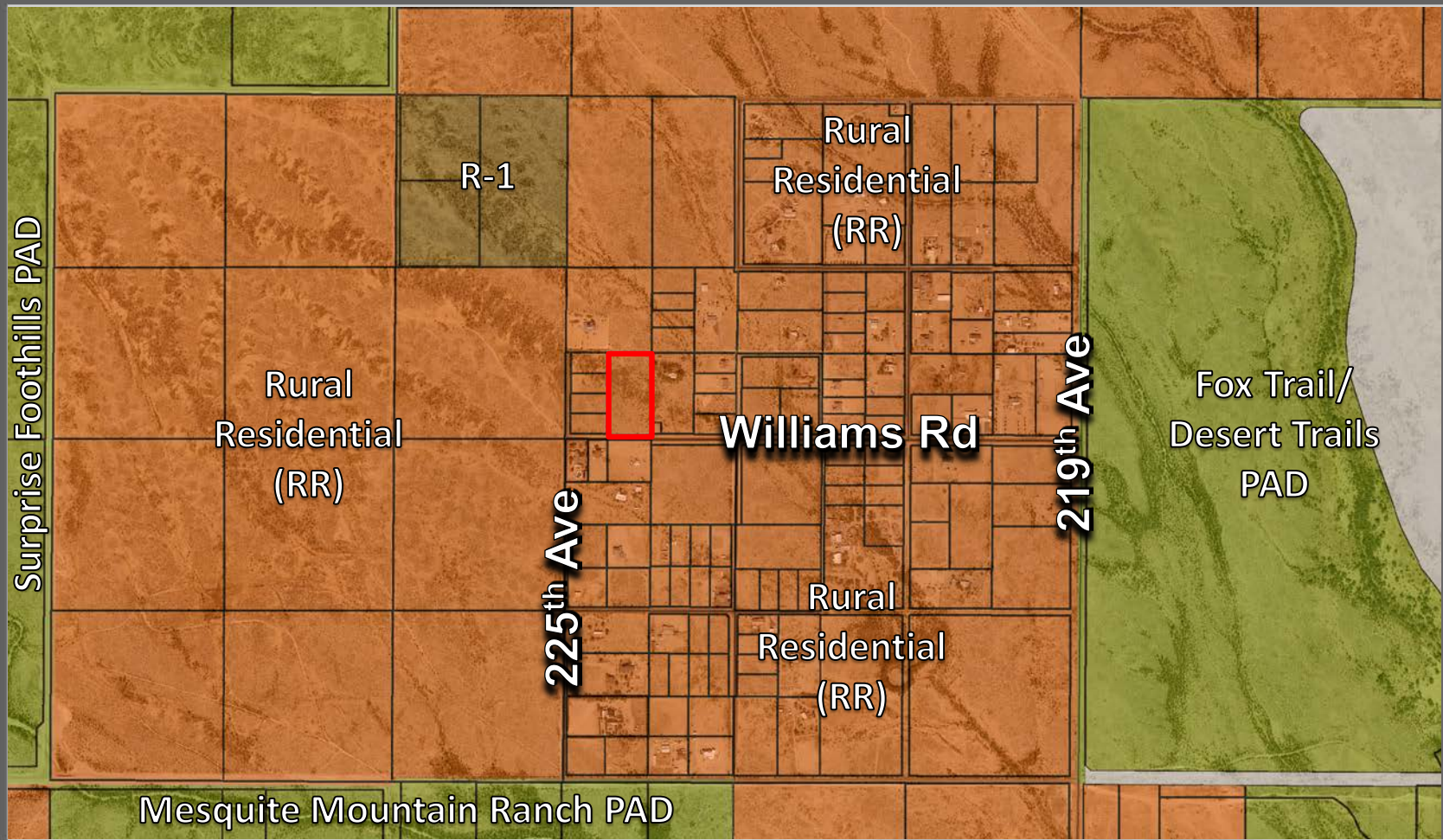
Attachments:

01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Luke AFB Comments
05 Final Plat Exhibit
PPT





FS22-0483 VICINITY MAP



DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }

KNOW ALL PERSONS BY THESE PRESENTS:

THAT CIA INVESTMENTS LLC, "OWNER", HAS SUBDIVIDED UNDER THE NAME WILLIAMS 224, A SUBDIVISION LOCATED IN A PORTION OF NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF WILLIAMS 224 AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND AUXILIARY FIELD.

OWNER HEREBY DEDICATES TO THE CITY OF SURPRISE FEE TITLE TO ALL PUBLIC RIGHTS-OF-WAY AS SHOWN ON THE PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

OWNERS HEREBY GRANT TO THE PUBLIC A NON-EXCLUSIVE EASEMENT OVER, UPON AND WITHIN THE AREAS DESIGNATED AS PUBLIC ACCESS EASEMENT/PUBLIC UTILITY EASEMENT AS SHOWN ON THE PLAT FOR THE PURPOSE OF PROVIDING THE PUBLIC WITH ACCESS, INGRESS AND EGRESS OVER AND WITHIN THE EASEMENT AREAS.

OWNER HEREBY GRANTS TO THE PUBLIC A PERPETUAL NON-EXCLUSIVE EASEMENT IN, UPON, OVER, UNDER, THROUGH, AND ACROSS THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF ACCESSING, INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING PUBLIC UTILITIES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE PEDESTRIAN ACCESS AND SIDEWALK CONSTRUCTION AND MAINTENANCE EASEMENT OVER, UPON, AND ACROSS THE AREAS DESIGNATED AS SIDEWALK EASEMENTS AS SHOWN ON THE PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UPON, AND ACROSS THE AREAS DESIGNATED AS SIGHT VISIBILITY TRIANGLES FOR THE PURPOSE OF ENSURING THAT THESE AREAS REMAIN FREE OF SIGHT VISIBILITY OBSTRUCTIONS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS, AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNERS WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

IN WITNESS WHEREOF, OWNER(S) HAS/HAVE HEREUNTO CAUSED HIS/HER/THEIR NAME(S) TO BE SIGNED, THIS ____ DAY OF _____, 2022

CIA INVESTMENTS LLC

BY: _____

ITS: _____

DEDICATION ACKNOWLEDGEMENT:

STATE OF ARIZONA

COUNTY OF MARICOPA

ON THIS ____ DAY OF _____, 2022 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

BY: _____
NOTARY PUBLIC MY COMMISSION EXPIRES _____

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL
DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____ DAY OF _____, 2022, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA. THIS ____ DAY OF _____, 2022.

ATTEST: _____

MAYOR DATE

CITY CLERK DATE

FINAL PLAT
"WILLIAMS 224"

A PORTION OF NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

PUBLIC NOTICE

THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED MAG NOISE CONTOURS IN RELATION TO THIS PLAT SHALL BE DISPLAYED IN ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

RELEASE OF LIABILITY

CIA INVESTMENTS LLC "OWNER" DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE USAF AND THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND ITS AUXILIARY FIELDS, THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

CIA INVESTMENTS LLC ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH THE AREAS LOCATED WITHIN THE NEWLY DEDICATED RIGHT-OF-WAY AS DEPICTED ON THIS PLAT UNTIL SUCH TIME THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARDS AND THOSE IMPROVEMENTS ARE APPROVED AND ACCEPTED BY THE CITY COUNCIL. THE MAINTENANCE OF THE AREA WITHIN ANY NEWLY DEDICATED RIGHT-OF-WAY AS SHOWN ON THIS PLAT SHALL BE THE RESPONSIBILITY OF THE ADJACENT OWNER/OR SUBSEQUENT ADJACENT OWNERS WITHIN THE BOUNDARY OF SAID PLAT UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

CITY OF SURPRISE PLAT NOTES

THE OWNER OR SUBSEQUENT OWNERS OF ANY EXISTING OR FUTURE WELLS ON THE LAND DESCRIBED IN THIS PLAT SHALL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS, AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

SPRINKLERS ARE REQUIRED IN ALL ONE- AND TWO-FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.

THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND ANY SALES CONTRACTS OR SALES REPORTS SHALL INCLUDE SUCH NOTE.

NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X AND AE," BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1185L, WITH A DATE OF IDENTIFICATION OF 10/16/2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

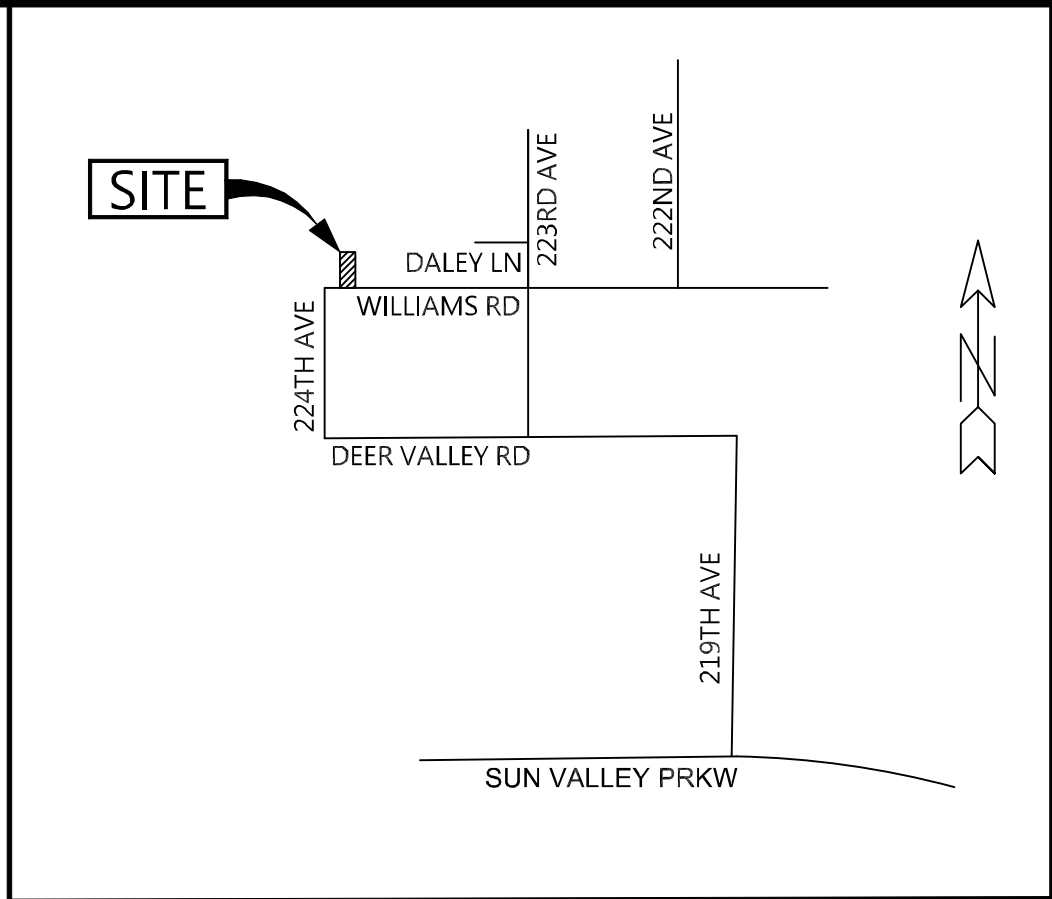
THE ROADS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES, INCLUDING, BUT NOT LIMITED TO, ROAD SIGNS, STRIPING, CURB AND GUTTER, AND SIDEWALKS ARE PRIVATE; SUCH ROADS AND APPURTENANCES ARE OWNED, MAINTAINED, AND REPAIRED BY OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE."

IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.

PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.

THE OWNERS AGREES TO DEDICATE THE AREA OF PUBLIC ACCESS EASEMENT TO THE CITY OF SURPRISE FOR PUBLIC ROADWAY PURPOSES, IF AND WHEN, THE CITY REQUESTS THE DEDICATION FOR THIS PURPOSE.

AT THE TIME OF BUILDING PERMIT, THE PROPERTY OWNERS WILL BE RESPONSIBLE FOR IMPROVING AND MAINTAINING THE ADJACENT SEGMENTS OF THE ROAD TO MCDOT RURAL ROAD STANDARDS AND MEET FIRE DEPARTMENT REQUIREMENTS.



VICINITY MAP N.T.S.

OWNER

CIA INVESTMENTS LLC
1110 W CREEK CANYON RD.
PHOENIX, AZ. 85086

SURVEYORS NOTES

- MONUMENTS FOUND DURING THIS FIELD SURVEY WERE ACCEPTED UNLESS OTHERWISE NOTED HEREIN.
- CURRENT MINERAL CLAIMS ON LANDS SHOWN IN THIS SURVEY ARE NOT KNOWN TO THIS SURVEYOR.
- IT IS RECOMMENDED THAT THE CLIENT RETAIN LEGAL CONSULTATION TO THOROUGHLY EXAMINE TITLE FOR ANY CLAIMS, DEFECTS OR LIABILITY UNDISCLOSED BY THIS SURVEY.
- THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUE AT THE SURVEY DATE WITH ITS ORIGINAL SEAL TO ENSURE THE ACCURACY OF THE INFORMATION AND TO FURTHER ENSURE THAT NO CHANGES, ALTERATIONS OR MODIFICATIONS HAVE BEEN MADE.
- THIS SURVEY WAS PERFORMED USING GPS (GLOBAL POSITIONING SYSTEMS) TO OPTIMIZE THE RELATIVE POSITIONING OF FOUND CORNERS. EXTREME CARE HAS BEEN TAKEN TO PRODUCE SURFACE MEASUREMENTS OF THE MONUMENTS FOUND.
- ALL BEARINGS AND DISTANCES SHOWN ARE MEASURED (M) FROM MONUMENT TO MONUMENT UNLESS OTHERWISE NOTED.
- EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO OR OBTAINED BY THIS SURVEYOR. NO ABSTRACT OF TITLE WAS FURNISHED TO THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PARCEL.

BASIS OF BEARING

THE SOUTH LINE OF THE NORTH HALF OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

BEARING = N 89°48'36" E (BOOK 1403 PG. 24 MCR)

PARENT PARCEL

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA;

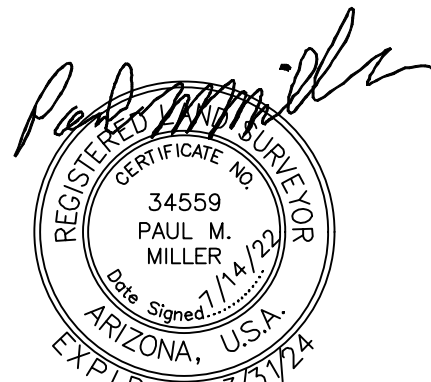
EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT TO SAID LAND.

ZONING

RURAL RESIDENTIAL (RR)

LAND SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND MAPPED HEREON WERE MADE UNDER MY DIRECTION DURING THE MONTH OF MAY 2021, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



REGISTRATION NO. 34559, AZ.
REGISTERED LAND SURVEYOR

FS22-0483

FINAL PLAT
"WILLIAMS 224"

A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

REVISIONS:	DESIGN BY: N/A DRAWN BY: MMM SCALE: N/A DATE: 7/14/22
REV. 1	
REV. 2	
REV. 3	JOB NO. 22-006
REV. 4	1 of 2

MILLER & SONS SURVEYING

2432 W PEORIA AVE. STE. 1302 BLDG 17 PHOENIX, AZ. 85029
PH: (623) 875-1200 F: (623) 875-3777
E-MAIL: PAUL@MILLERANDSONSSURVEYING.COM

NORTHWEST COR. SEC. 14,
T.4N., R.3W. FND. 5/8"
REBAR NO ID.

PINNACLE PEAK RD
N 89°41'58" W 2637.57'(M)

NORTH 1/4 COR. SEC. 14,
T.4N., R.3W. FND. GLO BRASS
CAP

FND 1/2" REBAR
& TAG IL

APN. 503-81-507
HEGER JAMES
A/DIANE S

27.50' PUBLIC INGRESS/EGRESS
AND PUBLIC UTILITY EASEMENT
DEDICATED HEREON PER THIS
FINAL PLAT

FND. 1/2" REBAR NO
ID. 1.51' N

APN. 503-81-031X
CJA INVESTMENTS
LLC

FND. 1/2" REBAR & CAP
LS. 21081 2.33'E

FND. 1/2" REBAR
LS. 9083

S 89°46'56" E 329.34'(C)

N 89°46'57" W 329.34'(C)

8.00' PUBLIC UTILITY EASEMENT
DEDICATE HEREON PER
THIS FINAL PLAT

1.00' NON VEHICULAR ACCESS
EASEMENT DEDICATE HEREON
PER THIS FINAL PLAT

PARCEL 4
GROSS
57780.25 Sq. Feet 1.33 Acres ±
NET
44655.29 SQ. FEET 1.03 ACRES ±

N 89°47'22" W 329.31'(C)

8.00'
PUBLIC UTILITY EASEMENT
DEDICATE HEREON
PER THIS FINAL PLAT

PARCEL 3
GROSS
48718.78 Sq. Feet 1.12 Acres ±
NET
44650.64 SQ. FEET 1.03 ACRES ±

N 89°47'47" W 329.28'(C)

APN. 503-81-031T
RICHARD A EGLY TRUST OF
2020/DBL INVESTMENTS
LLC

PARCEL 2
GROSS
48714.83 Sq. Feet 1.12 Acres ±
NET
44646.69 SQ. FEET 1.02 ACRES ±

27.50' PUBLIC INGRESS/EGRESS
AND PUBLIC UTILITY EASEMENT
DEDICATED HEREON PER THIS
FINAL PLAT

N 89°48'12" W 329.26'(C)

PARCEL 1
GROSS
48710.87 Sq. Feet 1.12 Acres ±
NET
44642.73 SQ. FEET 1.02 ACRES ±

8.00' PUBLIC UTILITY EASEMENT
DEDICATE HEREON PER
THIS FINAL PLAT

1.00' NON VEHICULAR ACCESS
EASEMENT DEDICATE HEREON
PER THIS FINAL PLAT

APN. 503-81-069
WHITE TANK WELL
INC.

30.00' R/W
DK. 2011-0729640 &
DK. 2011-0729630
MCR.

30.00' R/W
DK. 2011-0729640 &
DK. 2011-0729630
MCR.

10.00' R/W
DEDICATED HEREON
PER THIS FINAL PLAT

40.00'
R/W

WEST 1/4 COR. SEC. 14,
T.4N., R.3W. FND. 5/8"
REBAR NO ID

FND. BRASS
CAP FLUSH
2.06'E

S 89°48'36" E 1316.89'(M)

N 89°48'36" W 329.22'(M)

N 89°48'36" W 329.22'(M)

S 89°48'36" E 2633.77'(M)

WILLIAMS RD.

CENTER OF SEC. 14,
T.4N., R.3W.

SOUTH 1/4 COR. SEC. 14,
T.4N., R.3W. FND. 1" I.P.

FND. BRASS
CAP FLUSH
4.15'E

EAST 1/4 COR. SEC. 14,
T.4N., R.3W. BRASS CAP
FLUSH

GROSS AREA			
Area	Sq. Feet	Acres	
PARCEL 1	48710.87±	1.12±	
PARCEL 2	48714.83±	1.12±	
PARCEL 3	48718.78±	1.12±	
PARCEL 4	57780.25±	1.33±	
Total	203924.73±	4.68±	

LINE	BEARING	DISTANCE
L1	N 00°29'34" E	40.00'(M)
L2	N 00°28'57" E	40.00'(M)
L3	N 00°28'20" E	23.09'(M)

LINETYPE LEGEND (TYPICAL)

=====	PROPERTY LINE
-----	ADJACENT PROPERTY LINE
-----	ROAD CENTERLINE
-----	EASEMENT (AS NOTED)

SYMBOL LEGEND (TYPICAL)

●	BRASS CAP FLUSH (OR AS NOTED)
⊙	BRASS CAP IN HANDHOLE (OR AS NOTED)
○	FOUND REBAR (OR AS NOTED)
○	SET 1/2" REBAR W/ CAP LS # 34559 (OR AS NOTED)
□	NOTHING FOUND OR SET

ABBREVIATIONS LEGEND

SEC	SECTION
T # R #	TOWNSHIP # RANGE #
G. & S.R.M.	GILA AND SALT RIVER MERIDIAN
DOC # PG #	DOCKET # PAGE #
MCR	MARICOPA COUNTY RECORDER
LS	LAND SURVEYOR
(R)	RECORD DATA
(M)	MEASURED DATA
(C)	CALCULATED DATA
APN	ASSESSOR'S PARCEL NUMBER
PUE	PUBLIC UTILITY EASEMENT
FND	FOUND
R/W	RIGHT-OF-WAY
SRP	SALT RIVER PROJECT
AL	ALUMINUM CAP
R.R.	RAIL ROAD

REFERENCE DOCUMENTS

BOOK 950, PAGE 17, M.C.R.
BOOK 997, PAGE 07, M.C.R.
BOOK 1027, PAGE 39, M.C.R.
BOOK 1242, PAGE 35, M.C.R.
BOOK 1301, PAGE 28, M.C.R.
BOOK 1408, PAGE 35, M.C.R.



REGISTRATION NO. 34559, AZ.
REGISTERED LAND SURVEYOR

FS22-0483

FINAL PLAT "WILLIAMS 224"

A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3
WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

REVISIONS:

REV. 1
REV. 2
REV. 3
REV. 4

DESIGN BY: N/A

DRAWN BY: MMM

SCALE: 1" = 40'

DATE: 7/14/22

JOB NO.

22-006

2 of 2

MILLER & SONS SURVEYING



2432 W PEORIA AVE. STE. 1302 BLDG 17 PHOENIX, AZ. 85029
PH: (623) 875-1200 F: (623) 875-3777
E-MAIL: PAUL@MILLERANDSONSURVEYING.COM

From: [JAMES, MARK C GS-12 USAF AETC 56 FW/CVE](#)
To: [Lorraine Nevarez](#)
Cc: [56 FW/CIT Community Initiative](#)
Subject: RE: FS22-0483 CJA 225 - New Digital Submittal 03.31.22
Date: Tuesday, April 5, 2022 9:50:52 AM
Attachments: [smime.p7s](#)
[ATT00001.txt](#)
[ATT00002.htm](#)

Lorraine,

Thank you for allowing Luke AFB to make comments on the CJA 225 Application. This lot split application is to allow a lot split of 5-acres into four building lots for residential. The site is located at 225th Ave & Williams Rd in Surprise, AZ. It is approximately 1 miles outside the Aux-1 2004 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

In an effort to promote a more compatible co-existence, Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/ac from the 65 Ldn to 1/2 mile, a maximum of 4 du/ac from 1/2 to 1 mile, and a maximum of 6 du/ac from 1 to 3 miles. The proposal for the property as stated in the narrative, consisting of less than 1 du/ac on the property falls within the GDC.

As described in the application, this request will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights per day, as low as 1,500 feet above the ground. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenant about Luke AFB operations.

Respectfully,

Mark James

Planning Manager, Community Initiatives Team
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>
Sent: Thursday, March 31, 2022 4:03 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Maricopa) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza - MAG <AGarza@azmag.gov>; Bob Woodring - TEMPX <Bob.Woodring@mail.maricopa.gov>; Chris Cain - MWD <chrisc@mwdaz.com>; Debbie Trasancos - MWD <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; lbeth - USPS <lbeth.L.Roman@usps.gov>; Jerome Choy - ADOT <jchoy@azdot.gov>; Leslie - MWD <lesliej@mwdaz.com>; Lynndsay O'Neill, AICP, CFM <lynndsay.oneill@maricopa.gov>; Mark Frago

<fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber
<mary.orta@surpriseregionalchamber.com>; Peter Hughes - FCDX
<PeterHughes@mail.maricopa.gov>; Raoul Sada - Surprise Chamber
<raoul@surpriseregionalchamber.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre
<yvonne.aguirre@swgas.com>; bremondini@wusd9.org

Subject: [URL Verdict: Neutral][Non-DoD Source] FS22-0483 CJA 225 - New Digital Submittal
03.31.22

Attached please find the **application** and **fianl plat** for the above referenced project.

Please feel free to contact us with any questions.

Best regards,

Lorraine Nevarez

Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

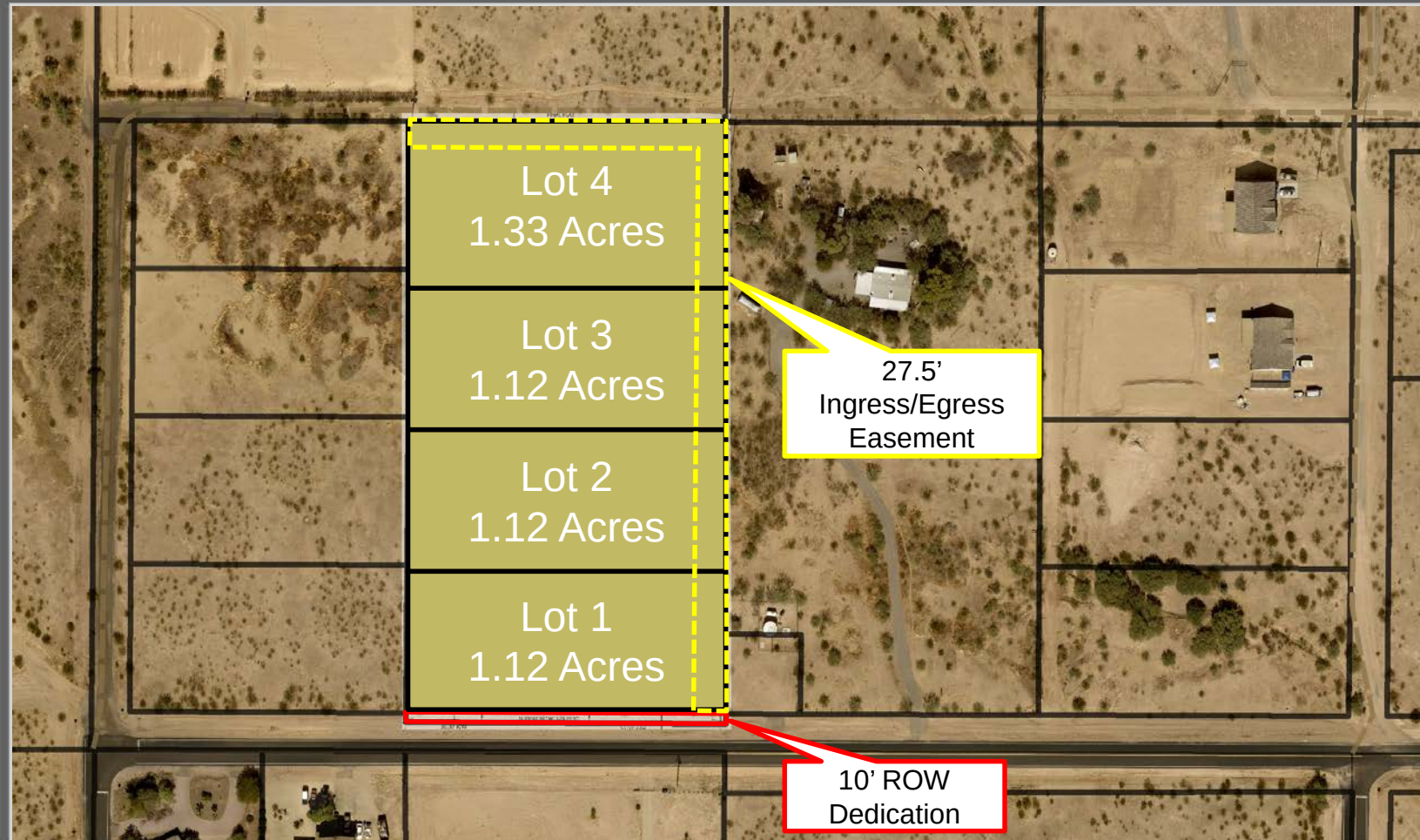
www.surpriseaz.gov

623.222.3154 t

623.222.3001 f

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FS22-0483

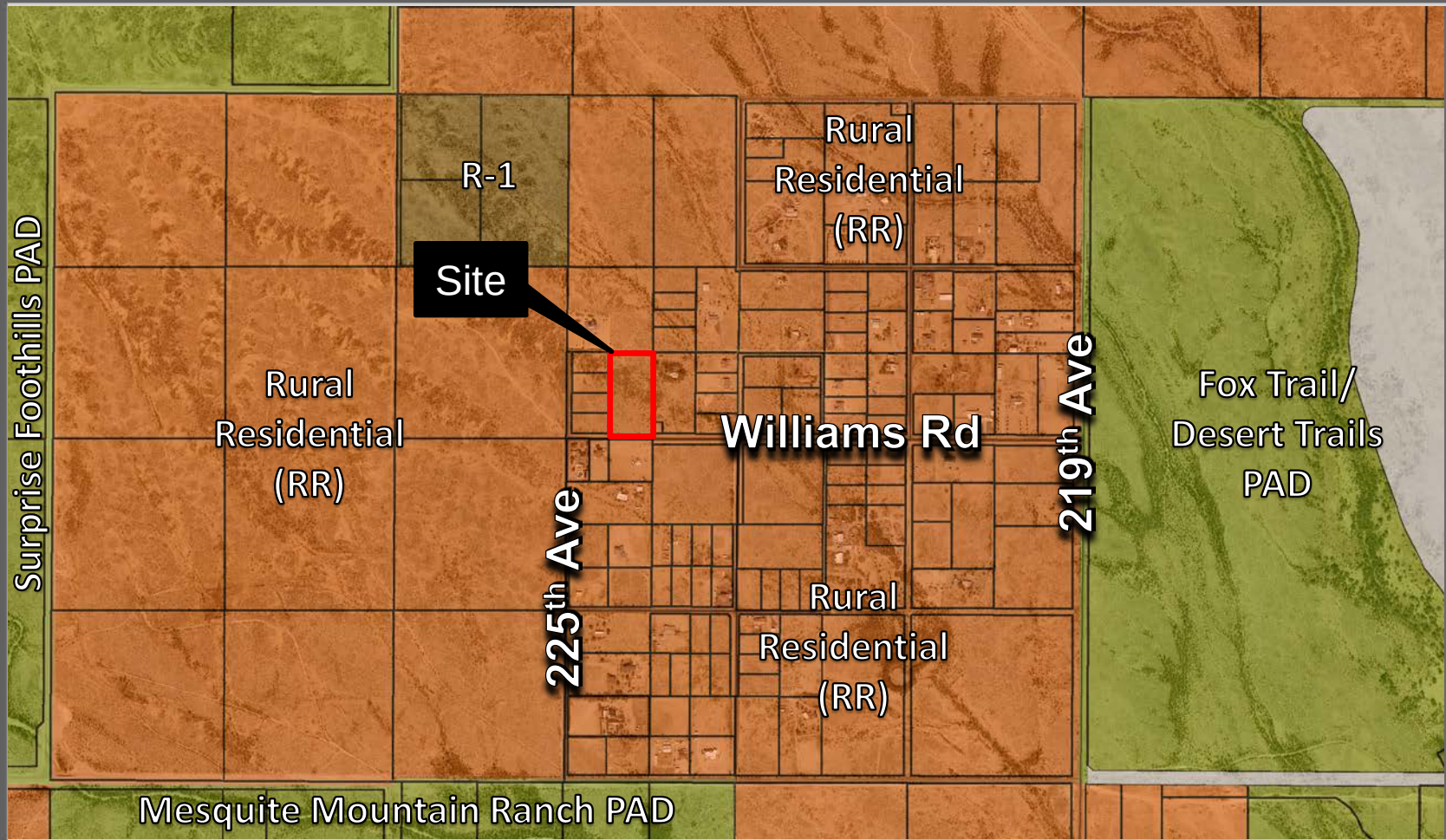
CJA225 Final Plat

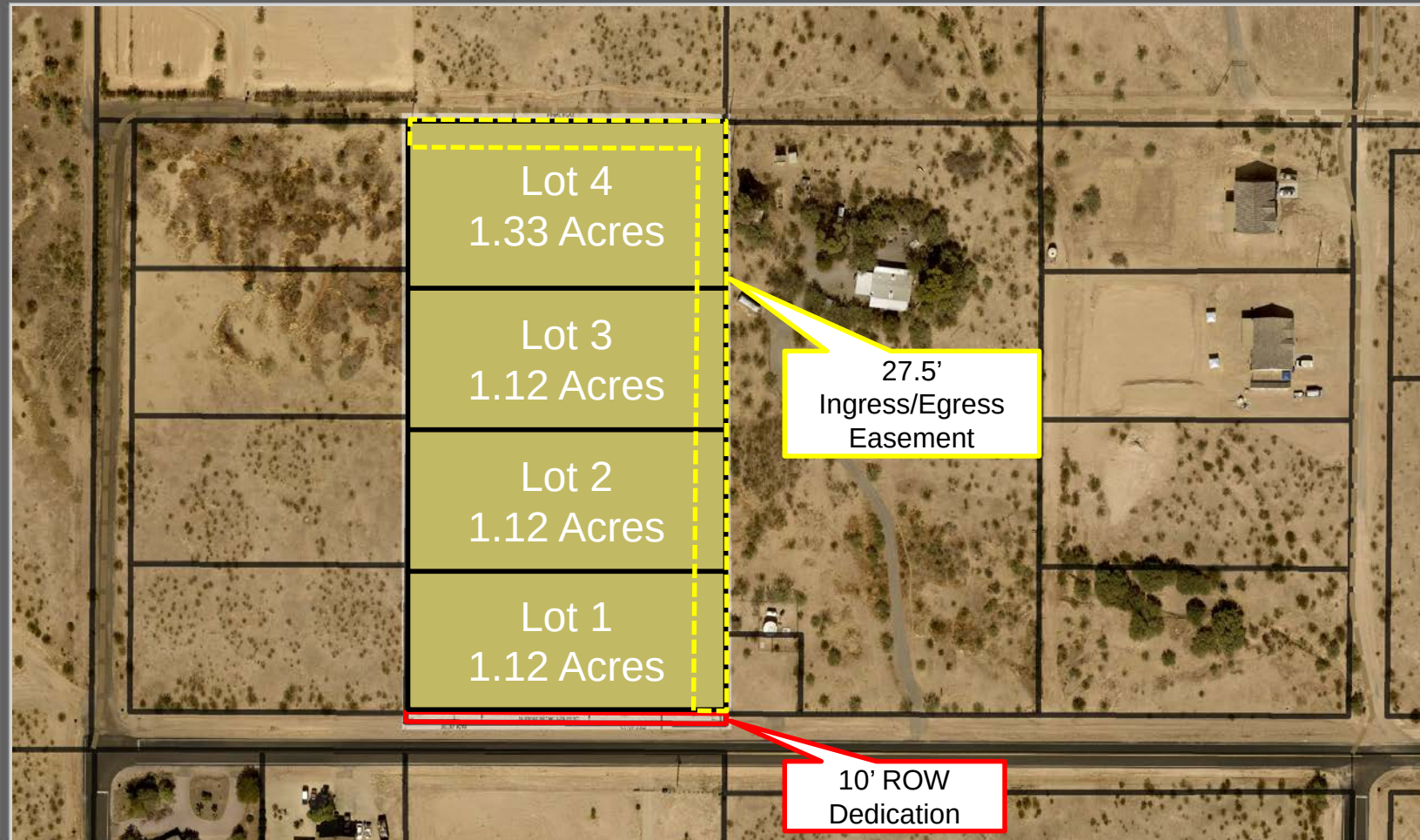
City Council
September 20, 2022





FS22-0483 VICINITY MAP







SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 20, 2022

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 3

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the Final Plat entitled, “A Re-Plat of Lots 1, 3, 5, 9 and 10, of Prasada – Phase 1B South” and dated August 17, 2022, a property generally located at the northeast corner of Cactus Road and Loop 303; Case FS22-0102.

Motion:

I move to approve the Final Plat entitled, “A Re-Plat of Lots 1, 3, 5, 9 and 10, of Prasada – Phase 1B South” and dated August 17, 2022.

Background:

The subject request involves a Final Plat to re-plat five (5) parcels into four (4) new lots to accommodate future industrial and commercial developments. This replat is for conveyance purposes only and as such there are no dedications of right-of-way involved.

Objective Analysis:

The subject Final Plat meets the requirements of the Prasada PAD, in addition to other requirements as set forth in the Surprise Municipal Code. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The requested Final Plat is consistent with the Prasada PAD and advances the goals and policies of the General Plan.

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:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 - FS22-0102 Cactus 303 Replat - Staff Report 092022 CC
 2. 01 - FS22-0102 Cactus 303 Replat - Vicinity Map
 3. 02 - FS22-0102 Cactus 303 Replat - Zoning Map
 4. 03 - FS22-0102 Cactus 303 Replat - Final Plat
 5. FS22-0102 Cactus 303 Replat - Presentation 092022 CC
-

Case: FS22-0102

Project Name: Cactus 303 Replat

Council District: 3 - Mesquite

Meeting Date: September 20, 2022

Planner: Trever Fleetham

Owner: Baker Development

Applicant: Toby Rogers with Butler Design Group

Request: Replat of approximately 81 acres

Site Location: Generally located at the northeast corner of Cactus Road and Loop 303

Area: 80.9 acres

Density: N/A

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

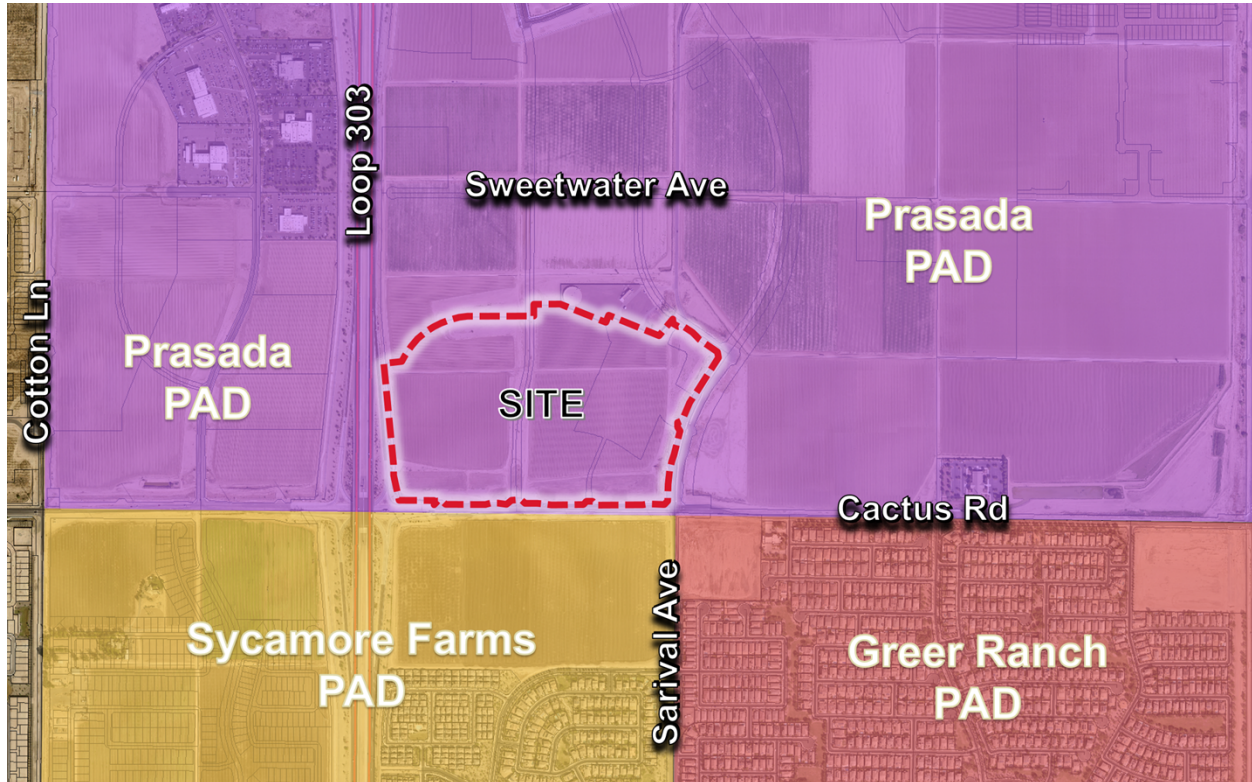
Support/Opposition: None known

Project Description:

The subject request involves a Final Plat to re-plat five (5) parcels into four (4) new lots to accommodate future industrial and commercial developments.

Surrounding Zoning:

The following map depicts the existing zoning of the subject site and its surroundings.



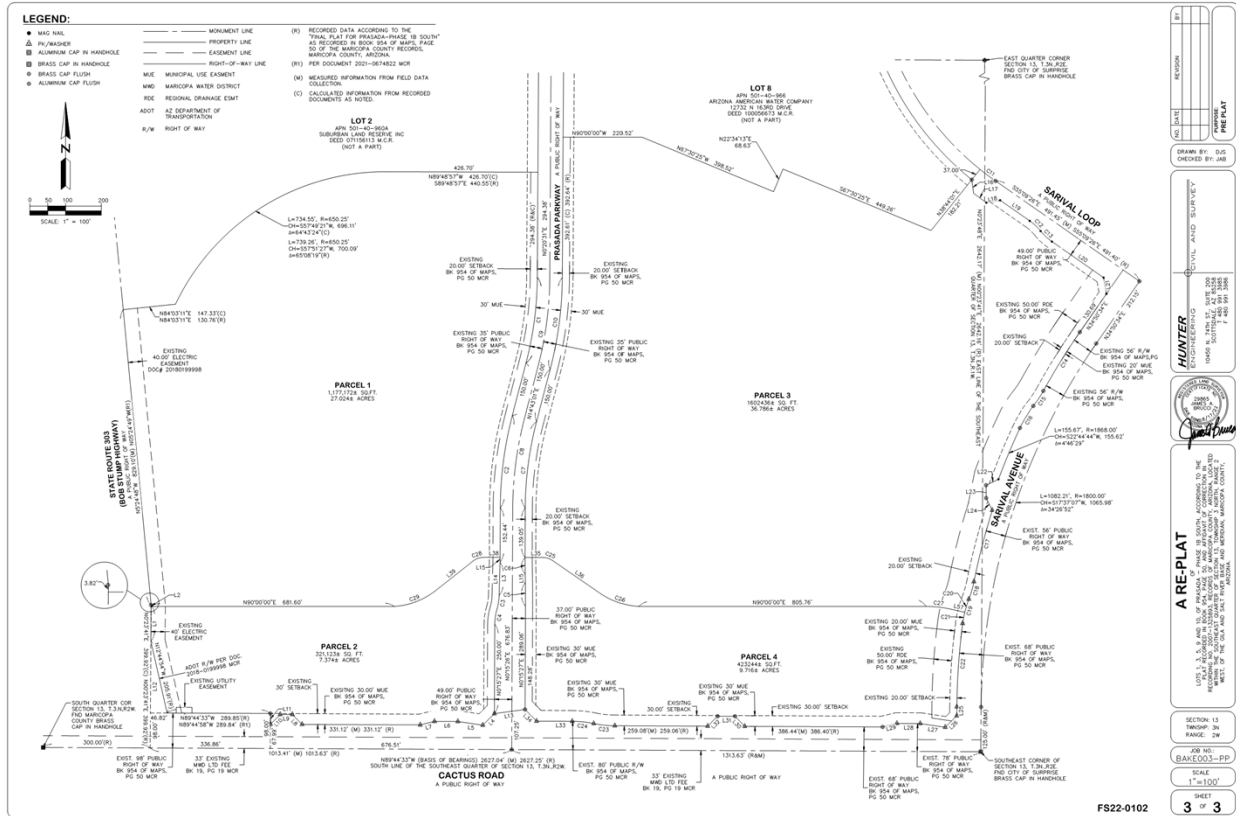
PAD (Prasada)	PAD (Prasada)	PAD (Prasada)
PAD (Prasada)	PAD (Prasada)	PAD (Prasada)
PAD (Sycamore Farms)	PAD (Sycamore Farms)	PAD (Green Ranch)

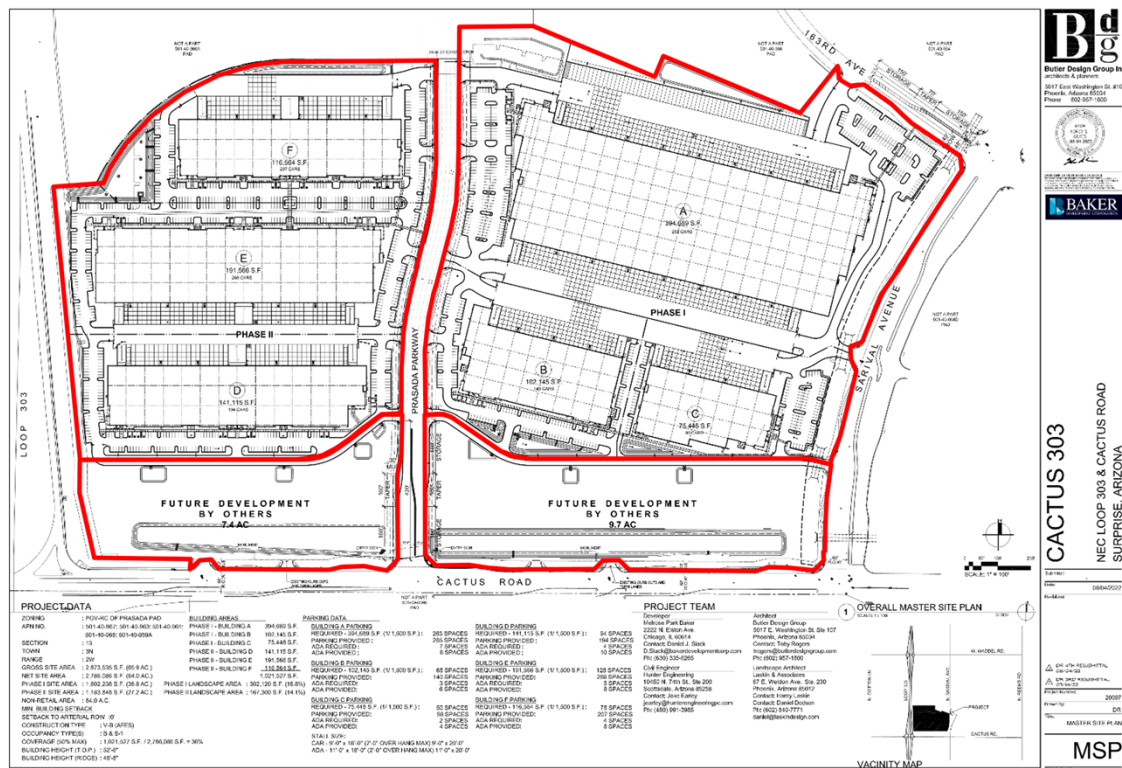
Analysis and Discussion:

The subject request aims to reconfigure lots for conveyance purposes to accommodate future industrial and commercial developments within the Prasada PAD. Five (5) existing parcels totaling approximately 81 acres will be replatted into four (4) new lots to match the Master Site Plan currently in review under the same case number, FS22-0102. Parcel 1 and Parcel 3 of the subject plat (27.024 acres and 36.786 acres respectively) are planned to be developed with industrial. Parcel 2 and Parcel 4 (7.374 acres and 9.716 acres respectively) are planned to be developed with a series of commercial.

The current owner of the subject site will be the developer for the industrial component (Parcels 1 and 3) and is requesting approval of this replat so that Parcels 2 and 4 can be conveyed to the commercial developer of those parcels. As this replat is for conveyance purposes only, property boundaries are reconfiguring but no dedications of right-of-way are involved.

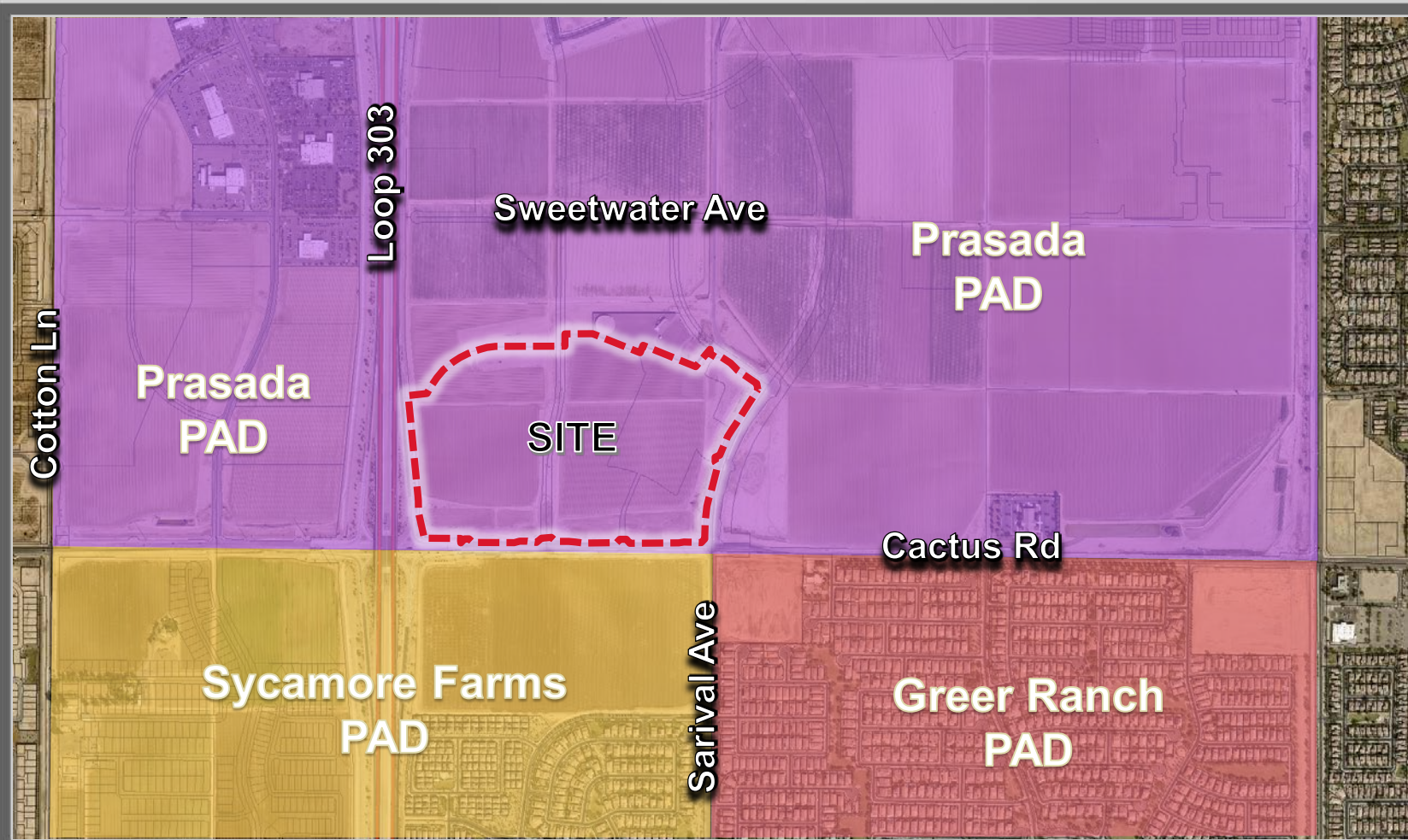
The subject plat and proposed Master Site Plan are shown below.







FS22-0102 VICINITY MAP



FS22-0102 ZONING MAP

A RE-PLAT

OF
LOTS 1, 3, 5, 9 AND 10, OF PRASADA – PHASE 1B SOUTH, ACCORDING TO THE PLAT RECORDED IN BOOK 954, PAGE 50, AND
AFFIDAVIT OF CORRECTION IN RECORDING NO. 2007-1325893, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE
SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEDICATION:

STATE OF ARIZONA)
) SS.
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

MELROSE PARK BAKER, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, MELROSE PARK WHB. LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, AS OWNERS, DO HEREBY PUBLISH THIS FINAL PLAT A REPLAT OF PRASADA LOTS 1, 3, 5, 9 & 10, OF PRASADA 1-B SOUTH, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON, AND HEREBY DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH OF THE STREETS, LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH OF THE STREETS, LOTS, TRACTS AND EASEMENTS SHALL BE KNOWN BY THE NAME, NUMBER, OR LETTER GIVEN TO IT RESPECTIVELY.

OWNERS HEREBY GRANTS TO THE PUBLIC A PERPETUAL NON-EXCLUSIVE EASEMENT IN, UPON, UNDER, THROUGH, AND ACROSS THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF ACCESSING, INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING PUBLIC UTILITIES.

OWNERS HEREBY GRANT TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT AN EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

OWNERS HEREBY GRANT TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND AUXILIARY FIELD.

OWNERS HEREBY GRANT TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE OPERATION AND MAINTENANCE OF THE CITY'S WATER RECLAMATION FACILITIES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE PEDESTRIAN ACCESS AND SIDEWALK CONSTRUCTION AND MAINTENANCE EASEMENT OVER, UPON, AND ACROSS THE AREAS DESIGNATED AS SIDEWALK EASEMENTS AS SHOWN ON THE PLAT.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS

_____ DAY OF _____, 2022.

MELROSE PARK BAKER, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY
BY: BAKER DEVELOPMENT CORPORATION, ITS MANAGER
NAME: _____

TITLE: _____

MELROSE PARK WHB, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY
BY: BAKER DEVELOPMENT CORPORATION, ITS MANAGER
NAME: _____

TITLE: _____

ACKNOWLEDGMENT:

STATE OF ILLINOIS

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ BY _____ (NAME OF OFFICER OR AGENT, TITLE OF OFFICER OR AGENT) OF _____ (NAME OF CORPORATION ACKNOWLEDGING) A _____ (STATE OR PLACE OF INCORPORATION) CORPORATION, ON BEHALF OF THE CORPORATION.

NOTARY PUBLIC
(SEAL)

PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

ACKNOWLEDGMENT:

STATE OF ILLINOIS

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ BY _____ (NAME OF OFFICER OR AGENT, TITLE OF OFFICER OR AGENT) OF _____ (NAME OF CORPORATION ACKNOWLEDGING) A _____ (STATE OR PLACE OF INCORPORATION) CORPORATION, ON BEHALF OF THE CORPORATION.

NOTARY PUBLIC
(SEAL)

PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

OWNER/SUBDIVIDER:

BAKER DEVELOPMENT CORPORATION

2222 N ELSTON AVE STE 100
CHICAGO IL, 60614
CONTACT: DANIEL J SLACK
PHONE: (773) 775-0600 EXT 220
EMAIL: D.SLACK@BAKERDEVELOPMENTCORP.COM

ENGINEER:

HUNTER ENGINEERING, INC.

10450 N. 74TH STREET, SUITE #200
SCOTTSDALE, ARIZONA 85258
CONTACT: JEFFREY HUNTER, PE
PHONE: (480) 991-3985
EMAIL: JHUNTER@HUNTERENGINEERINGPC.COM

SURVEYOR:

HUNTER ENGINEERING, INC.

10450 N. 74TH STREET, SUITE #200
SCOTTSDALE, ARIZONA 85258
CONTACT: JAMES A BRUCCI
PHONE: (480) 991-3985
EMAIL: JBRUCCI@HUNTERENGINEERINGPC.COM

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN SURPRISE, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

LOTS 1, 3, 5, 9 AND 10, OF PRASADA – PHASE 1B SOUTH, ACCORDING TO THE PLAT RECORDED IN BOOK 954, PAGE 50, AND AFFIDAVIT OF CORRECTION IN RECORDING NO. 2007-1325893, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION OF SAID LOT 1 CONVEYED TO THE STATE OF ARIZONA BY SPECIAL WARRANTY DEED IN RECORDING NO. 20110748125, LYING WESTERLY OF THE FOLLOWING NEW RIGHT-OF-WAY LINE:

NEW RIGHT OF WAY LINE DESCRIPTION:

COMMENCING AT A ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) ALUMINUM CAP MARKING THE SOUTH QUARTER CORNER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING NORTH 89 DEGREES 44 MINUTES 38 SECONDS WEST 2627.24 FEET FROM A 2003 MARICOPA COUNTY BRASS CAP 1.0 FOOT BELOW SURFACE STAMPED 'LS 29891' MARKING THE SOUTHEAST CORNER OF SAID SECTION 13;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 13 SOUTH 89 DEGREES 44 MINUTES 38 SECONDS EAST 636.90 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 22 SECONDS EAST 98.00 FEET TO THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF CACTUS ROAD, ALSO BEING POINT "A" FOR LATER IDENTIFICATION;

THENCE ALONG SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE OF CACTUS ROAD NORTH 89 DEGREES 44 MINUTES 58 SECONDS WEST 289.84 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 12 DEGREES 44 MINUTES 59 SECONDS WEST 205.94 FEET;

THENCE NORTH 00 DEGREES 23 MINUTES 40 SECONDS EAST 101.34 FEET;

THENCE NORTH 05 DEGREES 24 MINUTES 49 SECONDS WEST 1270.29 FEET;

THENCE NORTH 00 DEGREES 23 MINUTES 36 SECONDS EAST 977.43 FEET TO THE POINT OF ENDING ON THE EAST-WEST MIDSECTION LINE OF SAID SECTION 13, BEING NORTH 89 DEGREES 45 MINUTES 44 SECONDS WEST 2455.81 FEET FROM A 2003 MARICOPA COUNTY ALUMINUM CAP IN POT HOLE 0.2 FOOT BELOW SURFACE STAMPED 'LS 29891' MARKING THE EAST QUARTER CORNER OF SAID SECTION 13.

THE GRANTOR'S REMAINING LAND SHALL HAVE NO RIGHT OR EASEMENT OF ACCESS TO STATE ROUTE 303L (BOB STUMP MEMORIAL PARKWAY) AND TO SAID CACTUS ROAD, PROVIDING HOWEVER, THAT ACCESS SHALL BE PERMITTED TO CACTUS ROAD EASTERLY OF POINT "A" DESCRIBED ABOVE.

LEGAL DESCRIPTION NOTE:

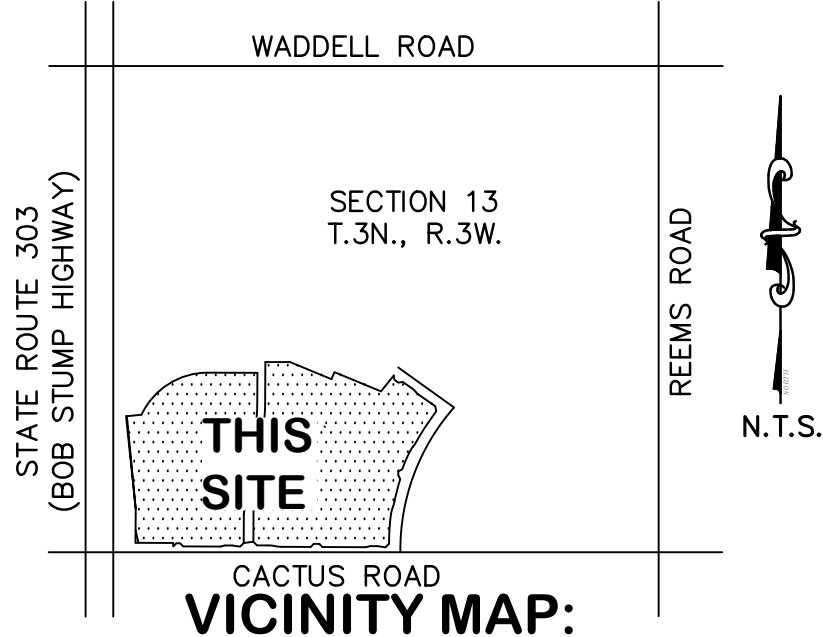
THE PROPERTY SURVEYED AND SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN THAT CERTAIN: (A) COMMONWEALTH LAND TITLE INSURANCE COMPANY ALTA COMMITMENT FOR TITLE INSURANCE ORDER NO. 21000407-040-DO-A98 EFFECTIVE APRIL 26, 2021; AND (B) SPECIAL WARRANTY DEED FROM SUBURBAN LAND RESERVE, INC. TO WESTCOR SURPRISE CPC LLC RECORDED WITH THE MARICOPA COUNTY RECORDER ON DECEMBER 27, 2007 AS DOCUMENT NO. 20071350428 AND SPECIAL WARRANTY DEED FROM TARGET CORPORATION TO WESTCOR SURPRISE CPC LLC RECORDED WITH THE MARICOPA COUNTY RECORDER ON JUNE 10, 2019 AS DOCUMENT NO. 20190430136."

LOT DATA TABLE:

PARCEL 1	1,177,172 SQ.FT.±	27.024 AC.±
PARCEL 2	321,123 SQ.FT.±	7.374 AC.±
PARCEL 3	1,602,436 SQ.FT.±	36.786 AC.±
PARCEL 4	423,244 SQ.FT.±	9.716 AC.±

SHEET INDEX:

SHEET 1-2 COVER SHEETS
SHEETS 3 PLAT SHEET



NOTES:

1. CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENTS EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION-TYPE FENCING UNLESS APPROVED OTHERWISE BY THE CITY OF SURPRISE.

2. ALL ELECTRIC AND COMMUNICATION LINES TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.

3. THIS SUBDIVISION IS LOCATED WITHIN CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.

4. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS, NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS DEVELOPMENT WITHOUT WRITTEN AUTHORIZATION OF THE CITY OF SURPRISE.

5. ALL UTILITIES SHALL BE PLACED UNDERGROUND.

6. THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT THE MAINTENANCE OF ANY PRIVATE STREETS, PRIVATE UTILITIES, PRIVATE FACILITIES AND LANDSCAPED AREAS WITHIN THE PROJECT.

7. ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING THE 100-YEAR, TWO-HOUR STORM WITHIN THIRTY-SIX (36) HOURS. OWNER(S) OF ANY BASIN FAILING TO MEET THIS REQUIREMENT MUST TAKE CORRECTIVE ACTION TO BRING THE BASIN INTO COMPLIANCE.

8. ALL DRYWELLS ON THIS PROJECT SHALL BE MAINTAINED BY THE OWNER(S) AND ARE TO BE REPLACED BY THE OWNER(S) WHEN THEY CEASE TO DRAIN THE SURFACE WATER IN A THIRTY-SIX (36) HOUR PERIOD. REGULAR MAINTENANCE OF THE DRYWELL SILTING CHAMBER IS REQUIRED TO ACHIEVE THE BEST OPERATION OF THE DRYWELL.

9. ALL INDIVIDUAL LOT PROPERTY CORNERS SHALL BE SET WITH 1/2" REBAR AND CAP BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.

10. NO ON SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

11. ALL COMMERCIAL/INDUSTRIAL BUILDINGS SHALL BE EQUIPPED WITH A FIRE SPRINKLING SYSTEM, SUBJECT TO THE REVIEW AND APPROVAL BY THE CITY OF SURPRISE FIRE CHIEF OR THE FIRE CHIEF'S DESIGNEE.

12. ZONING FOR THIS PROPERTY IS PAD (PGV-RC).

13. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1680L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

14. BASIS OF BEARING FOR THIS SURVEY IS A BEARING OF SOUTH 89°44'33" EAST, ALONG THE SOUTHEAST QUARTER SECTION LINE OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ACCORDING TO THE FINAL PLAT FOR "PRASADA –PHASE 1B SOUTH", BOOK 954, PAGE 50, RECORDS OF MARICOPA COUNTY, ARIZONA.

15. PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.

16. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.

17. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, AND RETENTION BASINS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE ASSOCIATION FORMED BY THE OWNER.

18. THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

19. LANDSCAPING MAINTENANCE WITHIN THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

APPROVALS:

CITY OF SURPRISE ENGINEER APPROVAL:

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2022 BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED: _____ CITY ENGINEER _____ DATE _____

CITY OF SURPRISE COUNCIL APPROVAL:

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA THIS

_____ DAY OF _____, 2022.

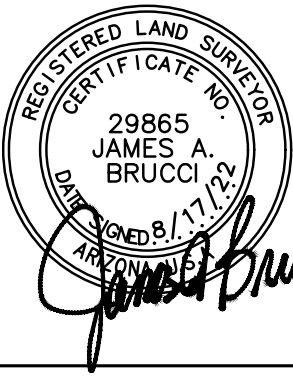
_____ MAYOR _____ DATE _____

ATTEST: _____ CITY CLERK _____ DATE _____

CERTIFICATE OF SURVEY:

I, JAMES A BRUCCI, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS FINAL PLAT CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS A SURVEY CONDUCTED UNDER MY SUPERVISION DURING THE MONTH OF OCTOBER, 2021, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JAMES A BRUCCI,
REGISTERED LAND SURVEYOR #29865



FS22-0102

NO.	DATE	REVISION	BY
PURPOSE: A RE-PLAT			

DRAWN BY: DJS
CHECKED BY: JAB

HUNTER ENGINEERING	CIVIL AND SURVEY	10450 N. 74TH ST., SUITE 200 SCOTTSDALE, AZ 85258 T 480 991 3985 F 480 991 3986

A RE-PLAT	OF	LOTS 1, 3, 5, 9 AND 10, OF PRASADA – PHASE 1B SOUTH, ACCORDING TO THE PLAT RECORDED IN BOOK 954, PAGE 50, AND AFFIDAVIT OF CORRECTION IN RECORDING NO. 2007-1325893, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SECTION: 13
TWNSHP: 3N
RANGE: 2W

JOB NO.:
BAKE003-FP

SCALE
NTS

SHEET
1 OF 3

A RE-PLAT

OF
LOTS 1, 3, 5, 9 AND 10, OF PRASADA – PHASE 1B SOUTH, ACCORDING TO THE PLAT RECORDED IN BOOK 954, PAGE 50, AND
AFFIDAVIT OF CORRECTION IN RECORDING NO. 2007–1325893, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE
SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA.

SOUND ATTENUATION AND OVERFLIGHT LANGUAGE:

PUBLIC NOTICE
THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND
MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE
CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF
SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED MAG NOISE CONTOURS IN RELATION TO THIS
PLAT SHALL BE DISPLAYED IN ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY
CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

RELEASE OF LIABILITY LANGUAGE:

RELEASE OF LIABILITY
MELROSE PARK BAKER, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, MELROSE PARK WHB. LLC, AN
ILLINOIS LIMITED LIABILITY COMPANY DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF
AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY,
DEFEND, AND HOLD HARMLESS THE USAF AND THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR
ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY
TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING
LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST,
FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION
OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND
ITS AUXILIARY FIELDS. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND
ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.
THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR
PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS
STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE
FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN
CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT–OF–WAY, UNTIL SUCH TIME
THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

NOTICE OF INTERGOVERNMENTAL AGREEMENT:

THE CITY OF SURPRISE ("CITY") AND MWD ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 8, 1997, AND RECORDED IN
THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997, UNDER DOCKET NO. 97–0231759 ("IGA"). CITY AND MWD HAVE FACILITIES
AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN CERTAIN SUBDIVISION PLATS OR, FOR LANDS NOT INCLUDED IN A
SUBDIVISION PLAT, DECLARATIONS OF TURF LANDS OR DECLARATIONS OF URBANIZED AREA, THAT HAVE PRIOR AND SUPERIOR RIGHTS TO
THE UTILITY SERVICE PROVIDERS, AS DEFINED IN THE IGA. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN
CERTAIN MWD PROPERTY INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS–OF–WAY. CITY AND MWD RIGHTS
WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS OF THE IGA.

IN LOCATIONS WHERE APPLICABLE, INCLUDING ANY AND ALL DEDICATIONS WITHIN A SUBDIVISION PLAT, MWD'S PRIOR AND SUPERIOR RIGHTS
OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND PROPERTY INTERESTS, SHALL BE SUBJECT TO THE TERMS AND
CONDITIONS OF THE IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL THE UTILITY SERVICE PROVIDER'S USE AND OCCUPANCY OF THESE EASEMENTS.
CITY REQUIRES THAT UTILITY SERVICE PROVIDERS CONSENT TO BE BOUND BY THE IGA PRIOR TO THE USE OR OCCUPANCY OF THE
EASEMENTS GRANTED UNDER THE IGA. SUCH USE OR OCCUPANCY OF THE EASEMENTS CONSTITUTES CONSENT OF THE UTILITY SERVICE
PROVIDERS TO BE BOUND BY THE IGA.

LINE TABLE (M)(C)		
LINE	BEARING	DISTANCE
L1	N00°23'45"E	97.47'
L2	N00°23'41"E	3.82'
L3	N01°30'29"E	93.25'
L4	S45°08'29"W	45.72'
L5	N81°36'45"W	70.71'
L6	N89°44'33"W	65.50'
L7	N76°13'16"E	41.23'
L8	N44°13'39"W	38.77'
L9	N89°44'33"W	34.00'
L10	S45°15'27"W	38.77'
L11	N00°10'21"E	30.00'
L12	N00°23'39"E	200.63'
L13	S82°18'50"W	86.83'
L14	N01°30'29"E	93.25'
L15	N00°15'27"E	13.53'
L16	N07°55'23"W	38.44'
L17	N53°17'45"W	44.01'
L18	S80°07'53"W	39.66'
L19	N55°09'26"W	101.17'
L20	N55°09'26"W	176.53'

LINE TABLE (M)(C)		
LINE	BEARING	DISTANCE
L21	N10°09'26"W	45.91'
L22	S64°23'18"W	38.52'
L23	S00°26'17"E	36.06'
L24	N26°40'07"W	38.31'
L25	N00°23'41"E	24.53'
L26	N45°07'58"E	45.98'
L27	S81°36'40"E	70.70'
L28	N89°44'33"W	65.51'
L29	N76°12'19"E	41.19'
L30	N44°06'43"W	39.17'
L31	N89°44'33"W	49.01'
L32	S44°40'32"W	39.19'
L33	N89°44'33"W	100.04'
L34	N44°42'45"W	45.87'
L35	N90°00'00"E	50.04'
L36	N55°28'31"W	166.65'
L37	S77°14'53"E	39.66'
L38	N90°00'00"W	46.12'
L39	S51°41'20"W	137.80'

CURVE TABLE (M)(C)					
CURVE	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	Δ =14°23'19"	965.00'	242.34'	N07°31'21"E	241.70'
C2	Δ =14°28'22"	1035.00'	261.44'	S07°29'38"W	260.75'
C3	Δ =15°00'35"	148.00'	38.77'	N09°00'47"E	38.66'
C4	Δ =16°15'37"	152.00'	43.14'	S08°23'16"W	42.99'
C5	Δ =1°16'23"	3000.00'	66.66'	N00°22'45"W	66.66'
C6	Δ =0°53'05"	3000.00'	46.33'	S00°34'09"E	46.33'
C7	Δ =14°28'45"	964.71'	243.79'	S07°29'32"W	243.14'
C8	Δ =14°28'23"	1000.00'	252.60'	S07°29'38"W	251.93'
C9	Δ =14°23'19"	1000.00'	251.13'	N07°31'21"E	250.47'
C10	Δ =14°23'19"	1035.00'	259.92'	N07°32'10"E	259.24'
C11	Δ =4°39'02"	669.93'	54.38'	S53°24'39"E	54.36'
C12	Δ =16°15'37"	147.42'	41.84'	N47°01'37"W	41.70'
C13	Δ =16°15'37"	152.58'	43.30'	S47°01'37"E	43.16'
C14	Δ =5°58'59"	1856.00'	193.81'	S31°51'04"W	193.72'
C15	Δ =9°45'47"	297.42'	50.68'	N33°44'28"E	50.62'
C16	Δ =13°29'22"	302.59'	71.24'	S31°52'41"W	71.08'
C17	Δ =6°22'00"	1856.00'	206.24'	S14°28'19"W	206.13'
C18	Δ =9°49'15"	297.42'	50.98'	N16°11'56"E	50.92'
C19	Δ =13°31'04"	297.59'	70.21'	S14°20'55"W	70.05'
C20	Δ =7°28'01"	297.59'	38.78'	S17°22'26"W	38.76'
C21	Δ =6°03'03"	297.59'	31.43'	S10°36'54"W	31.41'
C22	Δ =7°11'23"	1868.00'	234.40'	S03°59'22"W	234.25'
C23	Δ =11°28'42"	297.42'	59.58'	S84°00'12"E	59.48'
C24	Δ =11°28'42"	302.58'	60.62'	N84°00'12"W	60.52'
C25	Δ =34°31'29"	47.04'	28.35'	N72°44'15"W	27.92'
C26	Δ =30°20'16"	208.68'	110.49'	S71°42'53"E	109.21'
C27	Δ =12°45'07"	315.00'	70.11'	N83°37'26"W	69.96'
C28	Δ =38°18'40"	47.50'	31.76'	S70°50'40"W	31.17'
C29	Δ =33°36'04"	208.08'	122.03'	N69°40'33"E	120.29'

NO.	DATE	REVISION	BY
PURPOSE:			PRE PLAT

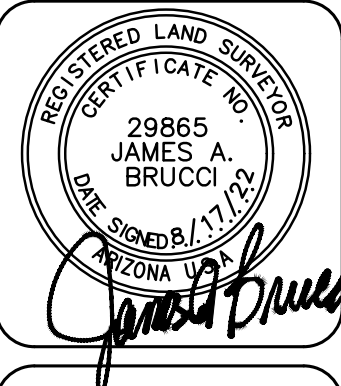
DRAWN BY: DJS
CHECKED BY: JAB

CIVIL AND SURVEY

HUNTER

ENGINEERING

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986



James A. Brucci

A RE-PLAT
OF
LOTS 1, 3, 5, 9 AND 10, OF PRASADA – PHASE 1B SOUTH, ACCORDING TO THE
PLAT RECORDED IN BOOK 954, PAGE 50, AND AFFIDAVIT OF CORRECTION IN
RECORDING NO. 2007–1325893, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED
WITHIN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2
WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA.

SECTION: 13
TOWNSHIP: 3N
RANGE: 2W

JOB NO.:
BAKE003–PP

SCALE
NTS

SHEET
2 OF 3

● MAG NAIL	_____	MONUMENT LINE	(R)	RECORDED DATA ACCORDING TO THE "FINAL PLAN FOR PRASADA—PHASE 1B SOUTH AS RECORDED IN BOOK 954 OF MAPS, PAGE 50 OF THE MARICOPA COUNTY RECORDS, MARICOPA COUNTY, ARIZONA.
△ PK/WASHER	_____	PROPERTY LINE		
⊠ ALUMINUM CAP IN HANDHOLE	_____	EASEMENT LINE		
⊙ BRASS CAP IN HANDHOLE	_____	RIGHT-OF-WAY LINE	(R1)	PER DOCUMENT 2021-0674822 MCR
⊙ BRASS CAP FLUSH	MUE	MUNICIPAL USE EASEMENT	(M)	MEASURED INFORMATION FROM FIELD DATA COLLECTION.
⊙ ALUMINUM CAP FLUSH	MWD	MARICOPA WATER DISTRICT	(C)	CALCULATED INFORMATION FROM RECORDED DOCUMENTS AS NOTED.
	RDE	REGIONAL DRAINAGE ESMT		
	ADOT	AZ DEPARTMENT OF TRANSPORTATION		
	R/W	RIGHT OF WAY		



DRAWN BY: DJS
CHECKED BY: JAB

SECTION: 13
TWSHP: 3N
RANGE: 2W

SCALE
1"=100'

SHEET
3 OF **3**



SURPRISE
ARIZONA

FS22-0102

Cactus 303

Replat

City Council
September 20, 2022

Cotton Ln

Loop 303

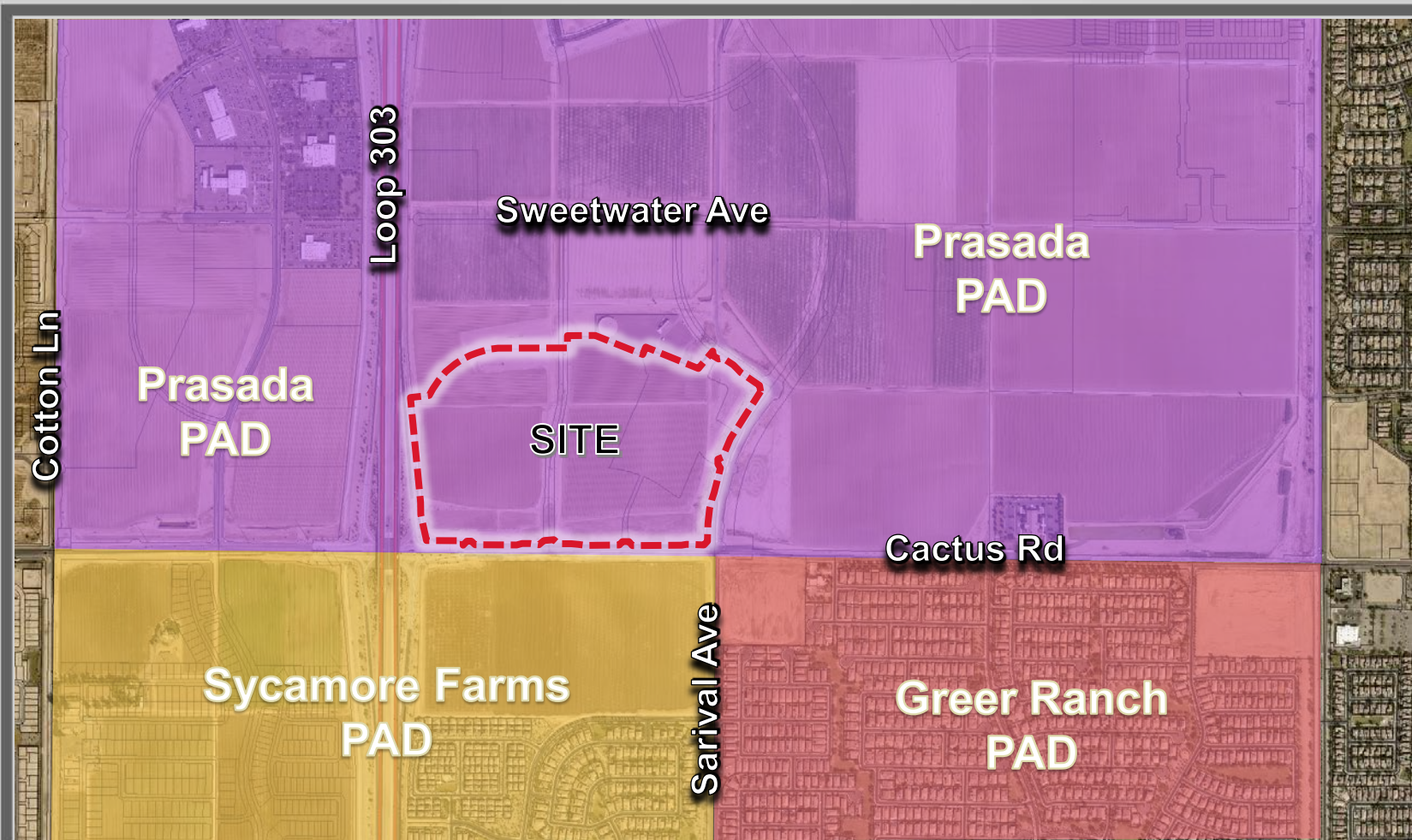
Sweetwater Ave

SITE

Sarival Ave

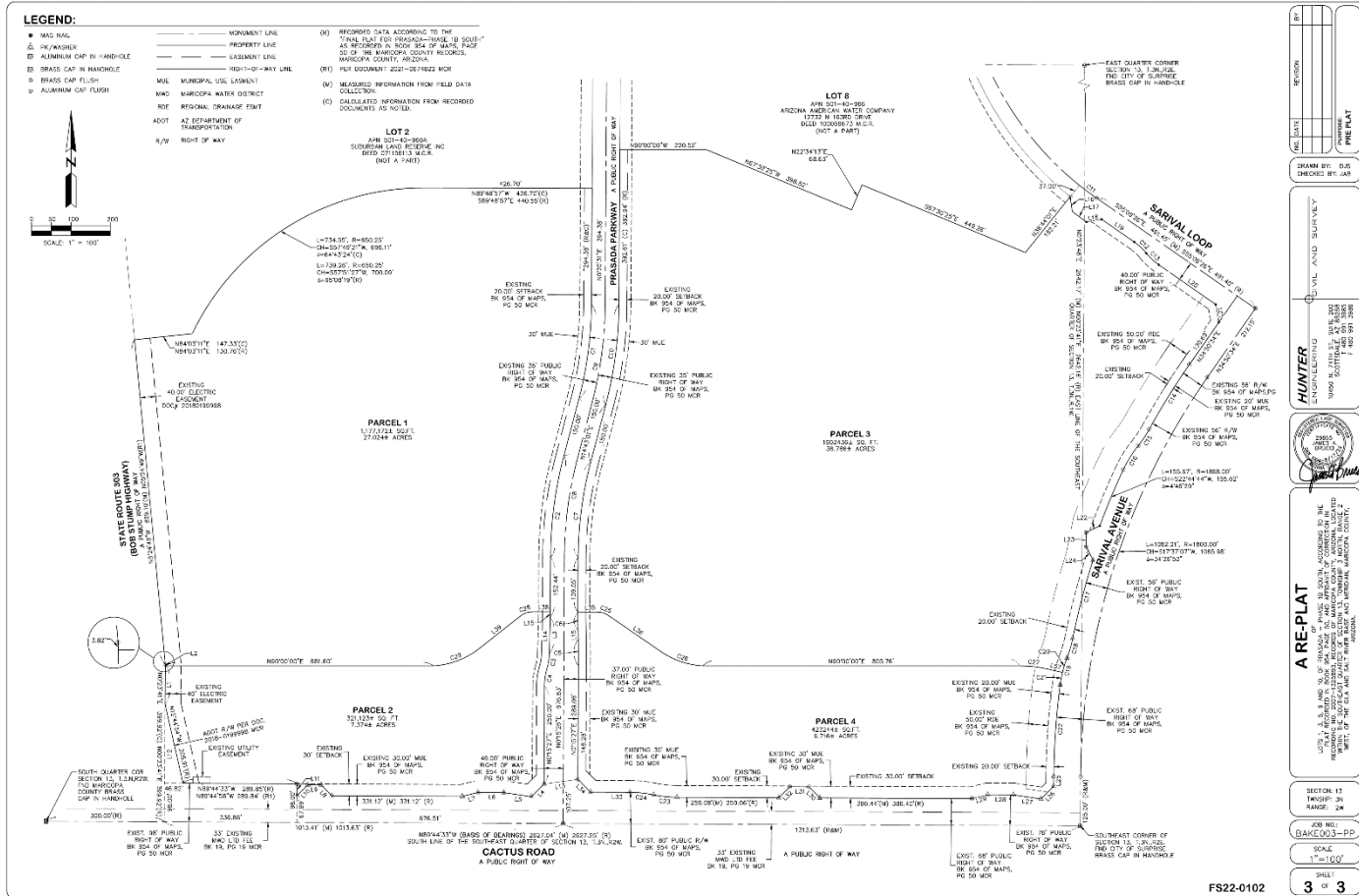
Cactus Rd

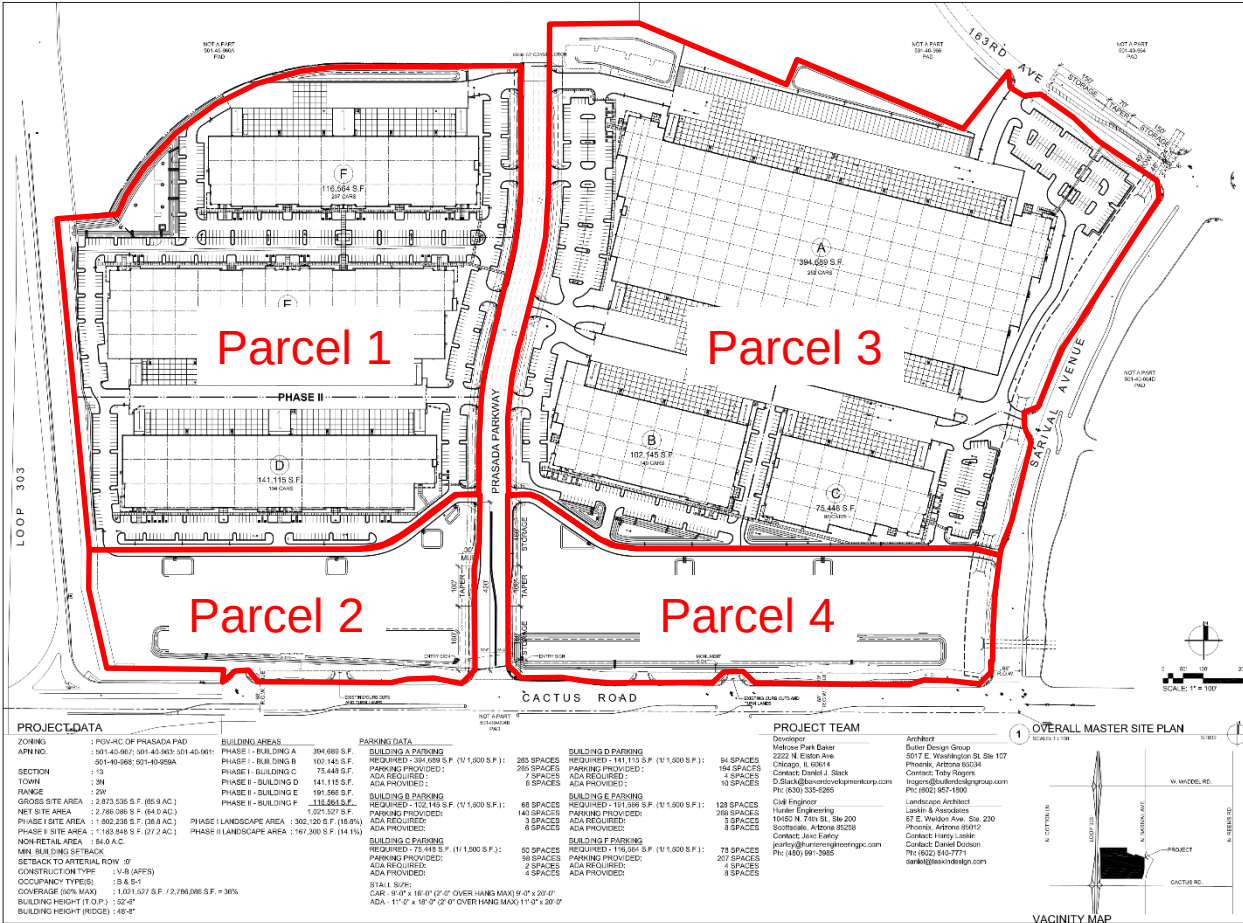
FS22-0102 VICINITY MAP



FS22-0102 ZONING MAP

FS22-0102 REPLAT





CACTUS 303
NEC LOOP 303 & CACTUS ROAD
SURPRISE, ARIZONA

DR 4TH REGISTRATION
DR 2ND REGISTRATION
DR 3RD REGISTRATION
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DR 98TH REGISTRATION
DR 99TH REGISTRATION
DR 100TH REGISTRATION

FS22-0102 MASTER SITE PLAN



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 20, 2022
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 budget by moving budget in the amount of \$1,600 within the Grants Fund to the Victim Rights Program (VRP) for acceptance of the grant; Resolution # 2022-92.

Motion:

I move to approve Resolution # 2022-92.

Background:

The City was awarded \$1,600 from the State of Arizona Office of Attorney General to be used for the Victims' Rights Program. The City of Surprise City Attorney Criminal Division, in its efforts to promote safety and wellness within the community, maintains a Victim Services Program. This program is designed to keep victims apprised of their rights during the pendency of the criminal proceedings and connect them with resources that may provide necessary support. The program relies heavily on grant funding to pay for supplies and other expenditures to carry out its function.

Objective Analysis:

Acceptance of these grant funds allows the City to continue the Victim Services program in the Prosecutor's office.

Policy Compliant:

This grant acceptance is consistent with City Council's directive to identify and utilize all available sources of funding, including grants, to maintain, improve, and expand City programs which do not generate funds of their own. The budget amendment is necessary to comply with financial policies adopted by Council.

Financial Impact:

Acceptance of this item will result in a one-time expenditure in the amount of \$1,600 for general office supplies, printer supplies/toner, printing and mailing costs mandated by state law. There is no city match required.

Budget Impact:

The FY23 adopted budget did not include this VRP grant, thus the movement of budget in the amount of \$1,600 from contingency within the Grants Fund to FY23 Victims' Rights Program is required. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

1. Resolution 2022-92 Victims' Rights Program
 2. VRPGrantAward Agreement
-

RESOLUTION # 2022-92

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING THE CONTRACT BETWEEN THE CITY OF SURPRISE AND THE STATE OF ARIZONA OFFICE OF THE ATTORNEY GENERAL; AUTHORIZING THE CITY TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$1,600; AND AMENDING THE FISCAL YEAR 2023 BUDGET BY MOVING BUDGET AUTHORITY OF \$1,600 WITHIN THE GRANTS FUND.

WHEREAS, the State of Arizona Office of the Attorney General Victims' Rights Program (VRP) has awarded the City of Surprise \$1,600 in grant funding to support and offset the costs associated with the Victim Assistance Program mandated under victims' rights laws;

WHEREAS, the FY2023 budget was adopted by Council Resolution #2022-56 on June 7, 2022;

WHEREAS, the budget authority for the grant award is not included as part of the FY2023 budget;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2022 through June 30, 2023.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

SIGNATURE ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

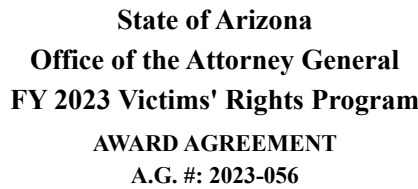
Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2022-92
Exhibit A

1. Appropriation - The allocations below represent the moving of budget authority in the amount of \$1,600 within the Grants Fund to support and offset the costs associated with the Victim Assistance Program. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	City Attorney	#G13085 FY23 Victims' Rights Program	E	-	1,600	1,600
Grants	City Attorney	#G13085 FY23 Victims' Rights Program	R	-	1,600	1,600
Grants/Contingency	General Operations	Contingency	E	3,335,600	(1,600)	3,334,000
Grants/Contingency	General Operations	Other	R	4,671,200	(1,600)	4,669,600
Expense Total				3,335,600	-	3,335,600
Revenue Total				4,671,200	-	4,671,200



<i>Name:</i>	Surprise City Attorney's Office
<i>Contact:</i>	Charity Collins
<i>Address:</i>	16081 N. Civic Center Plaza, Suite 104, Surprise, AZ 85374
<i>Award Amount:</i>	\$1,600.00
<i>Purpose:</i>	To support the direct costs of implementing victims' rights laws pursuant to those provisions of Arizona Revised Statutes Title 13, Chapter 40 and Title 8, Chapter 3, Article 7 impacting City Prosecutor as an entity type.

Page 59 of 195



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 20, 2022 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 4
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to approval of a rezoning of property located at the northwest corner of Bell Road and Dysart Road from Regional Commercial (C-3) to Community Commercial (C-2); Case # FS22-0438; Ordinance #2022-19.

Motion:

I move to approve Ordinance #2022-19.

Background:

The subject request involves a rezone from Regional Commercial (C-3) to Community Commercial (C-2) for approximately ten (10) acres generally located at the northwest corner of Bell Road and Dysart Road. The current zoning (C-3) supports the intended proposed use of commercial/retail and drive-through facility with the creation of five lots to accommodate the aforementioned uses; however, the lot sizes prescribed by the C-3 zone are not conducive to the development as proposed thereby warranting the zone change to C-2, which allows for smaller lot areas that are consistent and compatible with the surrounding developments. Case FS22-0438.

Objective Analysis:

The proposed rezoning is in harmony with the purposes and intent of the Land Development Ordinance, in addition to other applicable City of Surprise regulations. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The subject rezoning is consistent with the intent of the Land Development Ordinance and advances the goals and policies of the General Plan.

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:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 FS22-0438 Bella Fiesta Commerce Center - Staff report
 2. 01 - FS22-0438 Bella Fiesta Commerce Center Rezone - Vicinity Map
 3. 02 - FS22-0438 Bella Fiesta Commerce Center Rezone - Existing Zoning Map
 4. 03 - FS22-0438 Bella Fiesta Commerce Center Rezone - Proposed Zoning Map
 5. 04 - FS22-0438 Bella Fiesta Commerce Center - Rezone - Zone Change Document
 6. 06 - FS22-0438 Bella Fiesta Commerce Center - Affidavit of Sign Posting
 7. 07 - FS22-0438 Bella Fiesta Commerce Center Rezone - Citizen Participation Report
 8. 08 - FS22-0438 Bella Fiesta Commerce Center Rezone - Ordinance
 9. FS22-0438 Bella Fiesta Commerce Center Rezone - Presentation
-

ZONING CHANGE

REPORT TO CITY COUNCIL

Case: FS22-0438

Project Name: Bella Fiesta Commerce Center - Rezone

Council District: 4 – Mulberry

Meeting Date: September 20, 2022

Planner: Chris Sexton, Planner II

Owner: DT Moore Family Limited Partnership

Applicant: Benjamin Tate with Withey Morris, PLC

Request: Zone Change from Regional Commercial (C-3) to Community Commercial (C-2)

Site Location: Generally located at the northwest corner of Bell Road and Dysart Road

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

Support/Opposition: No residents from the vicinity attended the applicant’s Neighborhood Outreach Meeting on May 31, 2022. We have not received any correspondence pertaining to the project.

Commission Recommendation: The recommendation will be provided at the time of the City Council meeting.

Project Description:

Benjamin Tate with Withey Morris, PLC on behalf of DT Moore Family Limited Partnership, requests a Zone Change of approximately 10 acres from Regional Commercial (C-3) to Community Commercial (C-2). The project site is generally located at the northwest corner of Bell Road and Dysart Road. The current zoning (C-3) supports the intended proposed use of commercial/retail and drive-through facility with the creation of five lots to accommodate the aforementioned uses; however, the lot sizes prescribed by the C-3 zone are not conducive to the development as proposed thereby warranting the zone change to C-2. The C-2 zone allows for smaller lot areas that are consistent and compatible with the surrounding developments.

Background:

May 23, 1996: The subject parcel was annexed into the City under Ordinance 96-08.

November 18, 2021: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR21-653.

March 23, 2022: The applicant filed a request for a Zone Change from C-3 to C-2 under case FS22-0438, the subject case.

May 31, 2022: The applicant held a neighborhood outreach meeting to discuss the project.

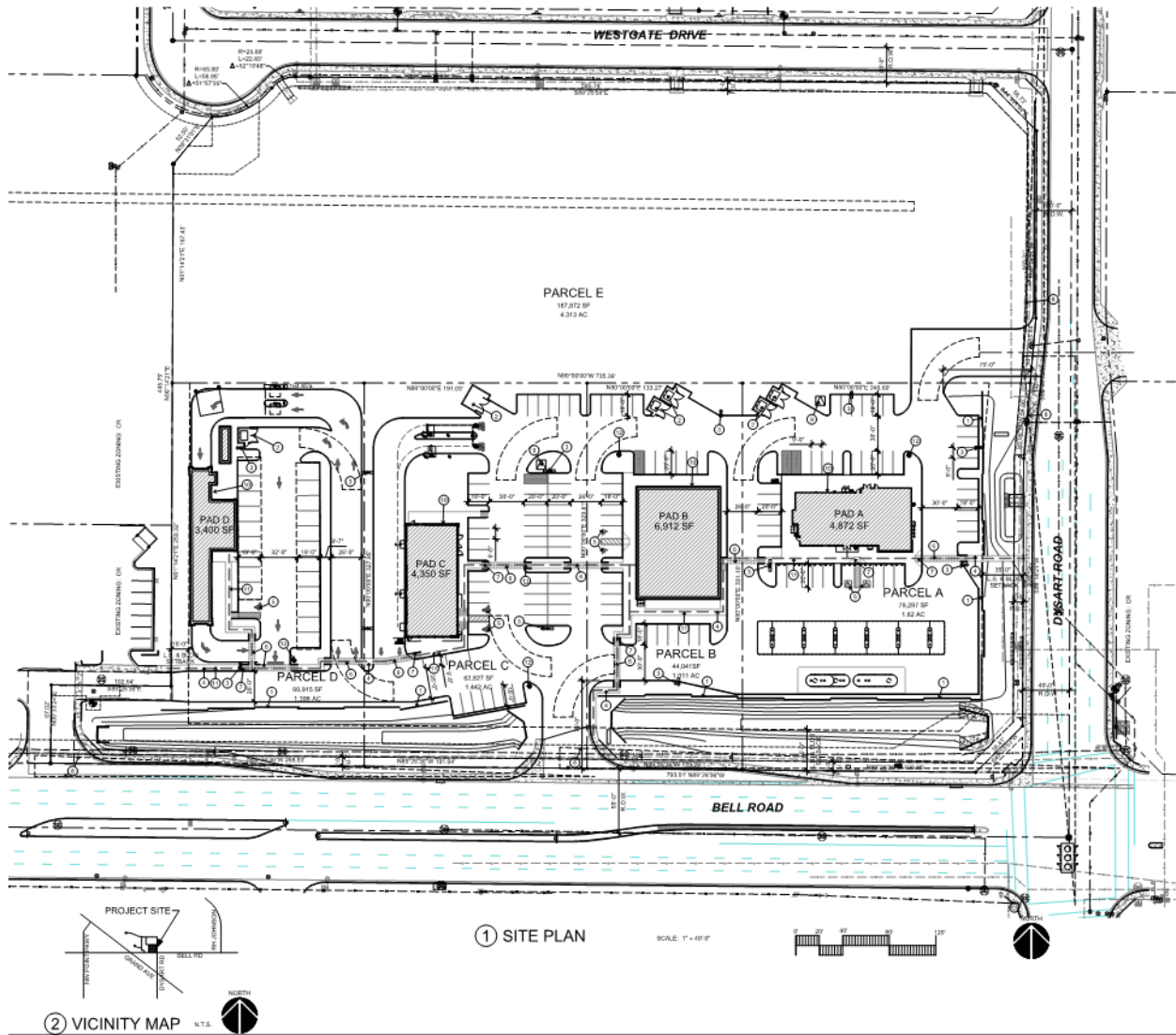
Neighborhood Meeting Summary:

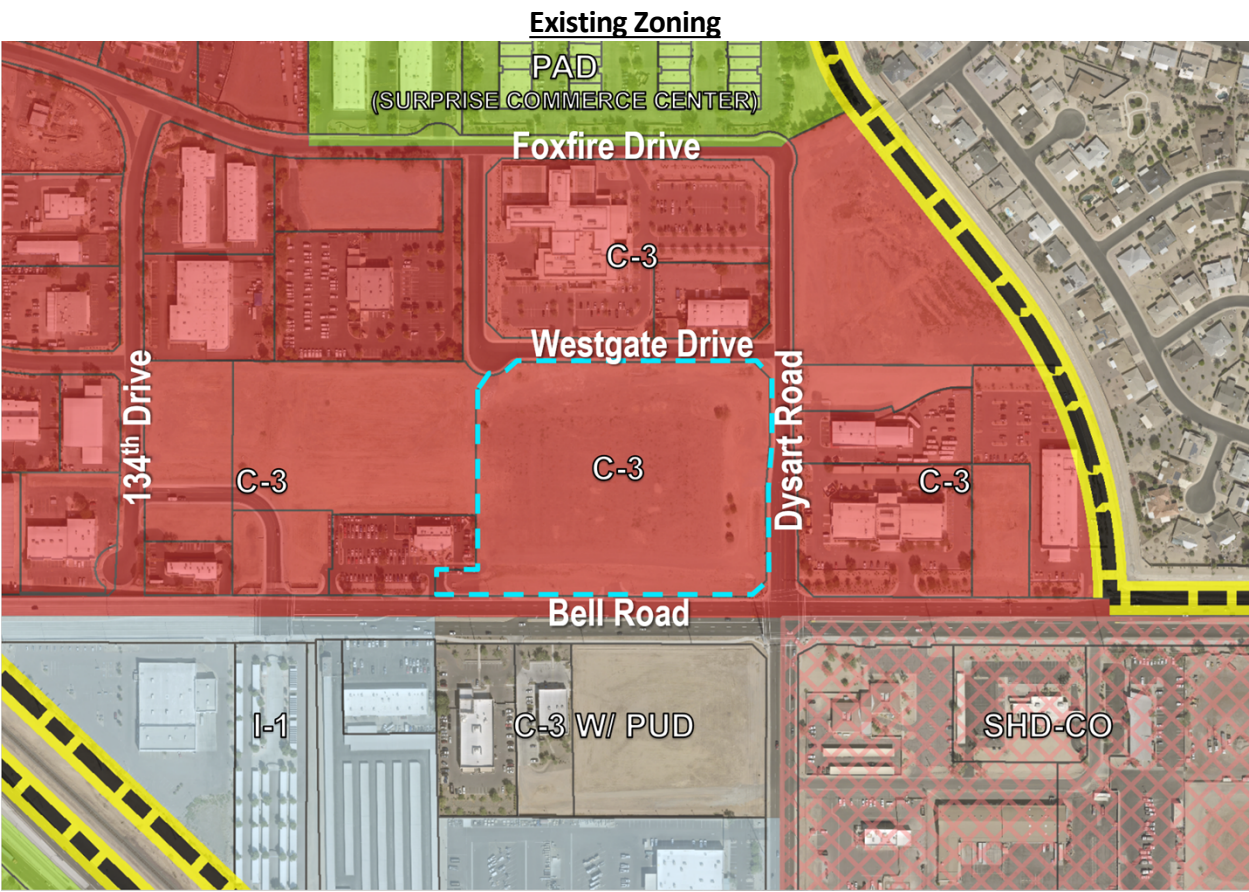
The applicant held a neighborhood outreach meeting on May 31, 2022, that was properly advertised per the requirements of the LDO. The meeting took place in-person and was available virtually via Zoom. During this meeting there were no attendees. See the attached Citizen Participation Report for a detailed summary of the meeting.

Analysis and Discussion:

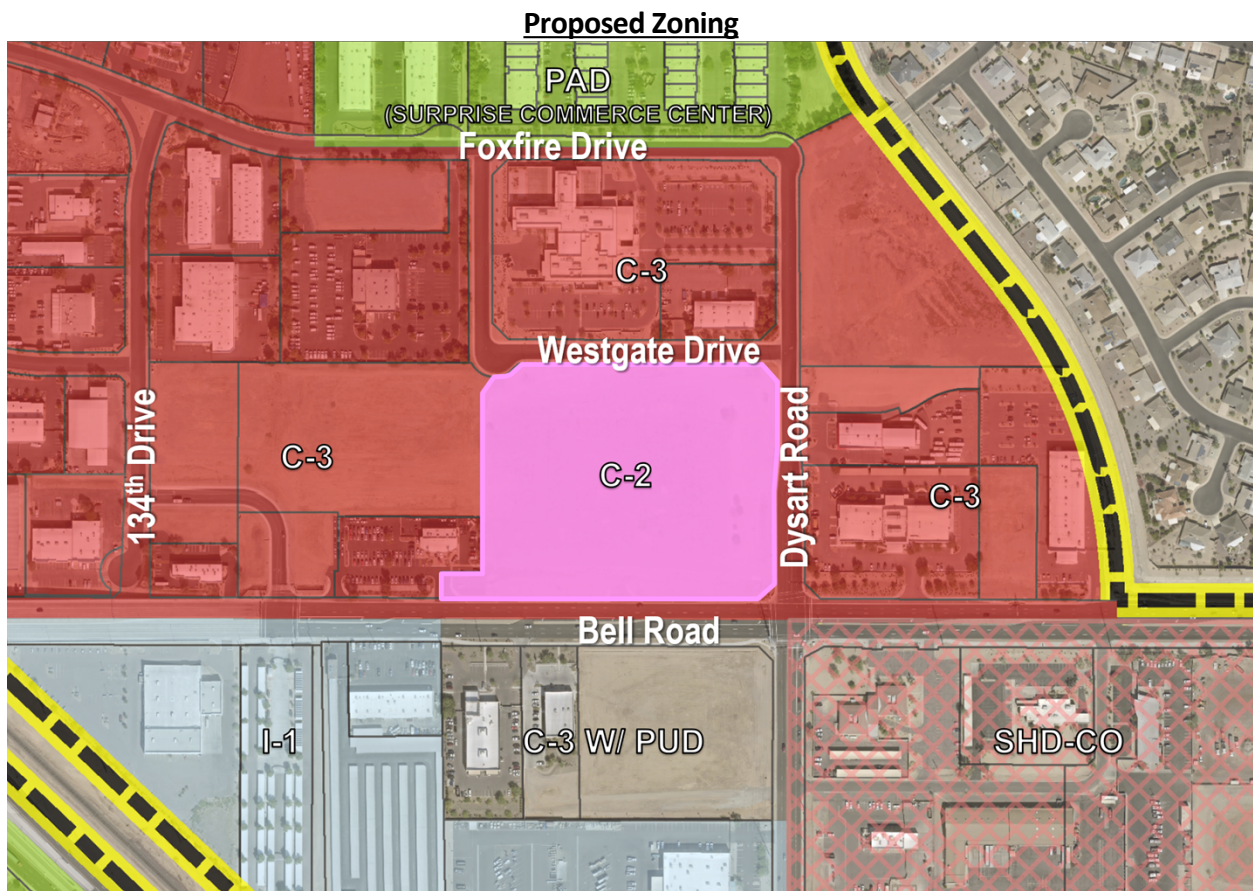
83 The applicant requests a rezone of approximately 10 acres from Regional Commercial (C-3) to
84 Neighborhood Commercial (C-2). The parcel's current zoning, C-3, supports the proposed commercial
85 uses for the development but will not meet the minimum lot size requirements under the C-3 zoning
86 as the developer wishes to subdivide one (1) lot into five (5) lots in the future. The minimum lot size
87 under the C-3 zoning is 90,000 square foot and under the C-2 zoning, the minimum lot size is 18,000
88 square feet which is more accommodating for the future four commercial pads. A Conditional Use
89 Permit (CUP) for a drive-through window/facility use only, case FS22-0441, is currently being
90 reviewed on the site. Below is the conceptual site plan that illustrates that the proposed
91 development will consist of four distinct commercial pads that will allow the development of
92 commercial uses. The proposed uses include a gas station (PAD A), small retail building (PAD B), and
93 restaurant with drive-through facility/window (PAD C), and a car wash (PAD D). As of now, there are
94 no proposed plans for Parcel E.

95
96 Access to the site is provided via three driveways. Two driveways are on Bell Road and one on Dysart
97 Road. The Dysart Road driveway is full access located in the far northeast corner of the site. On Bell
98 Road, access to the site will be provided by an existing right-in/right-out driveway with a dedicated
99 deceleration lane for westbound traffic. There is an existing median in Bell Road that prevents left-
100 in/left-out movements. The other access from Bell Road is provided by a three-quarter movement
101 driveway on the adjacent property to the west, with legal access from an existing cross-access
102 easement between the properties. This driveway provides access to the property from the eastbound
103 Bell Road via a dedicated left turn lane in the center median.





C-3	C-3	C-3
C-3	Regional Commercial (C-3)	C-3
I-1	C-3 with PUD	SHD-CO



C-3	C-3	C-3
C-3	Community Commercial (C-2)	C-3
I-1	C-3 with PUD	SHD-CO

Development Standards:

The proposed commercial projects will be developed per the current Surprise Land Development Ordinance (LDO) and specifically those prescribed in Table 106-6a for the Community Commercial (C-2) Zone as shown below.

Table 106-6a - Commercial Zoning Districts

	C-O	C-1	C-2	C-3
Minimum <i>Lot Area</i> (sf)	12,000	12,000	18,000	90,000 ¹
Min. <i>Setback</i> to Arterial <i>ROW</i>	35	35	35 ^{5,6}	35 ^{5,6}
Min. <i>Setback</i> to Collector and Local <i>ROW</i> (ft)	15	20	20 ^{5,6}	20 ^{5,6}
Min. <i>Setback Adjacent</i> to Residential <i>Zoning</i> (ft)	20	20	30 ^{5,6}	45 ^{5,6}
Min. <i>Setback Adjacent</i> to Non-Residential <i>Zoning</i> (ft)	15	15	15 ^{5,6}	15 ^{5,6}
Max. Bldg. <i>Height</i> (ft)	30	35 ²	40 ²	45 ²
Max. size per <i>use/tenant</i> (sf) ³	5,000	5,000	45,000	No limit
Max size per <i>Commerce center</i> (ac) ⁴	10	10	20	No limit

Notes:

1. Minimum *lot area* may be reduced to eighteen thousand square feet (18,000 sf) for *pad sites* within a *commerce center* with a minimum size of ninety thousand square feet (90,000 sf)
2. The *height* of any *structure*, or portions thereof, shall not exceed thirty feet (30') in *height* measured at the *setback* line when *adjacent* to Rural Residential (RR), Residential Low Density (R-1), and Residential Medium Density (R-2) *zoning*. The *height* increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* equal to the *zoning district*
3. Area combines the total square footage of the *use*, which may include but is not limited to the gross floor areas of the *building*, outdoor activities and dining areas (when allowed), storage areas, and all display or *sales areas*
4. Contain *uses* designed around common circulation, parking, and pedestrian connectivity, including but not limited to shared *access* or *access easements*
5. Projects designed as *commerce center* will comply with overall development standards regarding perimeter *setbacks* from *abutting* developments.
6. *Pad sites* within a *commerce center* may have reduced *setbacks* along boundaries internal to the master *site plan* if the whole development complies with parking and landscaping regulations. Approval by the Community Development Director or designee is required.

The comprehensive development of the project site is subject to review and approval of a comprehensive site plan, in which the site design, architecture, parking, setbacks, and landscaping will be reviewed in accordance with the requirements prescribed by the city's aforementioned LDO requirements and the adopted Planning and Engineering Design Standards (PEDS).

Utility and Services Table:

Electric:	APS
Water:	Epcor
Wastewater:	Epcor
Refuse:	City of Surprise

132 **Conformance with Adopted Plans:**

133
134 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject property as lying
135 within the Commerce and Office Character Area, which supports commercial development and the
136 proposed Zone Change will allow for a variety of commercial uses. The proposed Zone Change
137 demonstrates consistency with this land use category.

138
139 **Reviewing Agencies:**

140
141 The request was routed to internal and external agencies, who indicated no objections to the request.
142 The following agencies offered the following comments.

143
144 **Maricopa County Department of Transportation (MCDOT):** In an email dated April 8, 2022, MCDOT
145 indicated the following:

- 146
147
 - Applicant to notify ADOT of proposed development through the Red Letter Process, due
148 to proximity to US60.

149
150 **Maricopa Water District (MWD):** In an email dated March 23, 2022, MWD indicated that the subject
151 property is located outside of their service area and does not impact MWD.

152
153 **Luke Air Force Base (Luke AFB):** In an email dated August 24, 2021, Luke AFB indicated that the
154 subject request will not have a negative impact on flight operations, but is located within the 'territory
155 in the vicinity of a military airport' and that a strong notification program is essential.

156
157 **Summary:**

158
159 The proposed Zone Change from Regional Commercial (C-3) to Neighborhood Commercial (C-2) is
160 consistent with the General Plan and will be developed under the provisions of the LDO.

161
162 **Findings:**

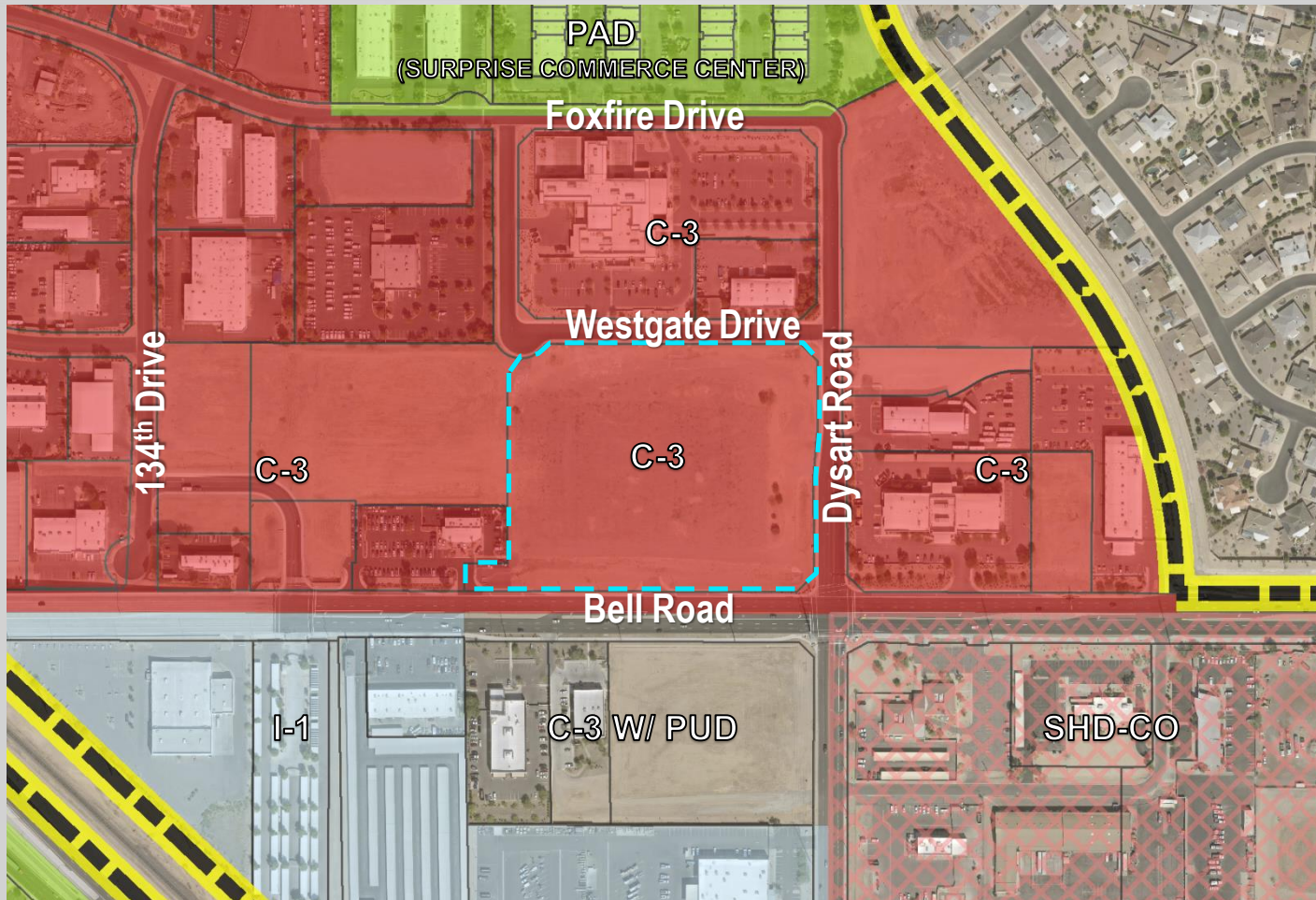
163
164 The proposed Zone Change and density is consistent with the Surprise General Plan 2035.

165
166 **Recommendation:**

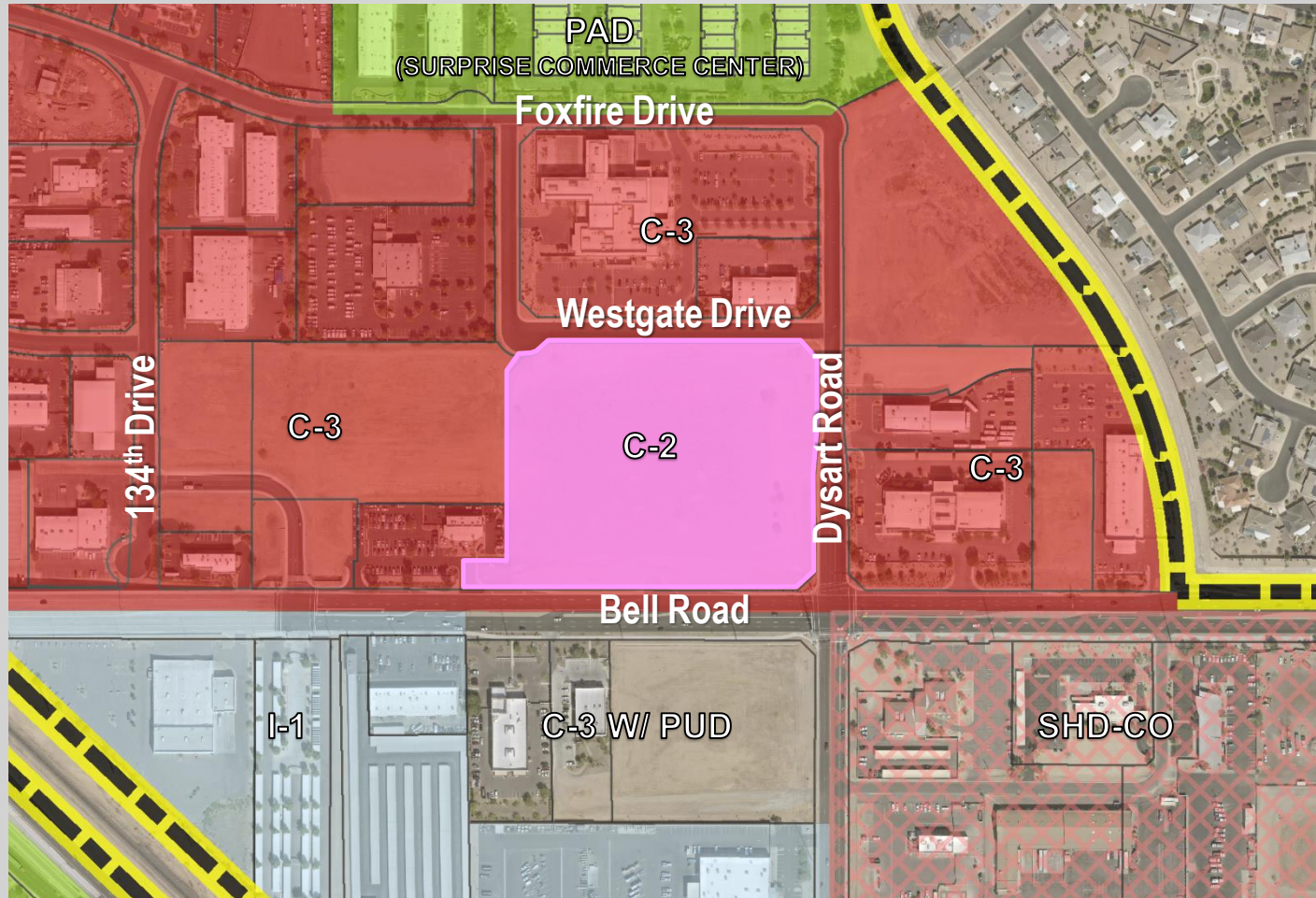
167
168 The recommendation will be provided at the time of the City Council meeting.

169	<u>Attachments:</u>
170	00 Staff Report
171	01 Vicinity Map
172	02 Existing Site Zoning
173	03 Proposed Site Zoning
174	04 Zoning Document
175	05 Master Site Plan
176	06 Affidavit of Site Posting
177	07 Citizen Outreach Report
178	08 Ordinance #2022-19
179	PPT





EXISTING ZONING



PROPOSED ZONING

BELLA FIESTA COMMERCE CENTER

NWC Bell Road & Dysart Road
FS22-0438

June 16, 2022

Development Team

DE RITO PARTNERS

Developer

DeRito Partners
9120 E Talking Stick Way Suite E1
Scottsdale, AZ 85250



Attorneys/Representative

Withey Morris, PLC
2525 E Arizona Biltmore Circle
Suite A-212
Phoenix, Arizona 85016



Architect

Archicon
5055 E. Washington St.
Suite #200
Phoenix, AZ 85034

Table of Contents

Introduction5

Site Overview.....5

Project Overview.....5

Development Standards6

Conditional Use Permit Analysis6

General Plan.....8

Summary9

Exhibits

Aerial Map..... Exhibit 1

Zoning Map..... Exhibit 2

General Plan Land Use Map..... Exhibit 3

Conceptual Site Plan Exhibit 4

Introduction

DeRito Partners, Inc. (“DeRito”) proposes to develop approximately 10 acres located at the northwest corner of Bell Road & Dysart Road (the “Property”) as shown on the Aerial Map at **Exhibit 1**. This application requests rezone the Property from C-3 (Regional Commercial) to C-2 (Community Commercial) with a Conditional Use Permit (CUP) for drive-through facilities to allow the development of a new commercial/retail center.

Site Overview

As noted above, the Property is approximately 10 acres of vacant land located at the northwest corner of Bell Road & Dysart Road in Surprise, Arizona. The Property is currently zoned C-3 as shown on the Zoning Map attached as **Exhibit 2**. The Property was originally part of the larger 7-parcel Bell & Dysart Commerce Center plat that is bounded by Dysart Road to the east, 134th Drive to the west, Westgate Drive to the north, and Bell Road to the south. Since the original plat was approved, ownership of the parcels has fragmented and precluded the possibility of unified development under the existing C-3 development standards. The Surprise General Plan designates the Property in the Commerce & Office character area as illustrated by the General Plan Map attached as **Exhibit 3**.

Surrounding Land Uses		
Area	Existing Use	Zoning
North	Healthcare Facility and Irrigation Supply Warehouse	CR
East	Rehabilitation Hospital and Auto Repair Facility	CR
South	Auto Parts Store, Collision Facility, and Vacant Land	CR-PUD
West	Auto Sales Facility and Vacant Land	CR

Project Overview

DeRito is proposing the rezone and development of the Property as Bella Fiesta Commerce Center – a four-pad commercial center on approximately 10 acres of vacant land. The Property’s current C-3 zoning supports the proposed uses for this development, but the minimum lot size and development standards cannot be accommodated by the undersized 10-acre site. Rezoning the site to C-2 will allow DeRito to proceed with master site planning and platting the Property for more appropriately scaled, multi-user Community Commercial Development. Accordingly, DeRito is requesting to rezone the Property to C-2 along with a CUP for drive-through facilities.

As the conceptual site plan illustrates, the proposed development will consist of four distinct commercial pads that will allow the development of in-demand commercial uses appropriate for a busy arterial intersection in terms of both intensity and scale. See Site Plan at **Exhibit 4**. Conceptually, proposed uses include a gas station (Pad

A), small-scale retail and personal services (Pad B), and restaurant with drive-through service (Pad C), and a car wash (Pad D).

Access to the Property is provided via three driveways: two on Bell Road and one on Dysart Road. The Dysart Road driveway is a full-access movement located in the far northeast corner of the site. On Bell Road, access to the site will be provided by an existing right-in/right-out driveway with a dedicated deceleration lane for westbound traffic. Left-in and left-out movements are prevented by an existing median in Bell Road. Additional access from Bell Road is provided by a three-quarter movement driveway on the neighboring property to the west, with legal access facilitated by an existing cross-access easement between the properties. This driveway provides access to the Property from eastbound Bell Road via a dedicated left turn lane in the center median.

Development Standards

	C-2 Development Standards	Proposed Site Plan
Minimum Lot Area	18,000 SF	18,000 SF
Min. Setback to Arterial ROW	35 FT	35 FT
Min. Setback to Collector and Local ROW	20 FT	20 FT
Min. Setback Adjacent to Non-Residential Zoning	15 FT	15 FT
Max Building Height	40 FT	40 FT
Max Size Per Use/Tenant	45,000 SF	45,000 SF
Max Size Per Commerce Center	20 AC	20 AC

Conditional Use Permit Analysis

As noted above, the proposed project will contain a restaurant with drive-through facilities (Pad C) on the west side of the site. Per Table 106-1c in the City of Surprise Land Development Ordinance, a Conditional Use Permit (CUP) is required for drive-through facilities in the C-2 zoning district. Section 102-6.3 provides the review criteria that must be met in order to approve a CUP for drive-through facilities. As described above, drive through

facilities are being proposed on Pad C of the conceptual site plan. An analysis of these criteria as they apply to the proposed project is provided below.

- 1. Location and character of the use shall not burden or conflict with the established uses of surrounding area. Commercial uses in residential zoning districts must have direct access or access through another commercial property to an arterial right-of-way;**

There are no residential properties or residential land uses adjacent to the Property. The Property has direct access to both Bell Road and Dysart Road.

- 2. The proposed use shall not impair the integrity or character of the community nor shall it be detrimental to the public health, safety or general welfare of the city;**

The proposed uses and drive-through facilities are consistent with established uses along this stretch of the Bell Road corridor. There are numerous examples of similar land uses within one mile of the Property along Bell Road.

- 3. The proposed use shall conform to the goals and policies of the General Plan;**

The proposed land uses and accessory drive-through facilities conform with the Commerce & Office Character Area land use designation for the Property.

- 4. The proposed use shall conform to the goals and policies of any specific district or plans for the area;**

The Property is not subject to any specific district or plans beyond the General Plan.

- 5. The proposed use shall conform to any applicable use specific standards outlined in Article X, Chapter 106 of this ordinance;**

The proposed drive-through facilities have been designed in compliance with Section 106-10.17 of the Surprise Land Development Ordinance.

- 6. The proposed use shall conform to the development standards of the zoning district and shall take into account the following factors:**

- a. **Site and building design;**
- b. **Sensitivity to existing natural features;**
- c. **Volume or character of traffic;**
- d. **Circulation patterns;**
- e. **Connectivity;**
- f. **Parking and loading;**
- g. **Screening and buffering of uses;**

- h. Landscaping;
- i. Exterior lighting;
- j. Signage;
- k. Stormwater retention and drainage;
- l. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
- m. A demonstrated need for such use.

The proposed drive through facilities have been configured and designed to incorporate and address the factors listed above. A subsequent Development Review application will address any factors not incorporated in the conceptual plans with this application.

7. The proposed use shall have adequate ingress and egress to property and proposed structures, pedestrian and vehicular circulation with particular reference to emergency service access;

As described above, the Property will provide two access points to Bell Road and one access point to Dysart Road to ensure appropriate access to surrounding arterial streets. Internal circulation has been designed to comply with City of Surprise development codes and regulations.

8. Adequate utilities, access roads, drainage sanitation; and/or

The Property has adequate water and sewer capacity for the proposed uses and on-site utilities will be designed to meet City of Surprise development codes and regulations.

9. Necessary facilities will be provided and the use will not contribute toward an overburdening of municipal services.

The Property is located at the intersection of two arterial streets with proposed uses that are less commercially intense than the current zoning. Consequently, the proposed project will not lead to any overburdening municipal services or facilities.

General Plan

Bella Fiesta Commerce Center fulfills many of the goals, policies, and objectives of the City of Surprise 2035 General Plan:

Growth Element Goal 1, Policy 5: Promote and provide incentives for infill development, redevelopment and growth in existing urbanized areas.

The Property, which sits at the hard corner of two busy arterial streets, is vacant, unimproved land and has never been developed despite the explosion of growth along the Bell Road corridor. This demonstrates that the current C-3 zoning has been an impediment to appropriately-scaled development and rezoning the Property to a more appropriate district that still conforms to the Commerce & Office General Plan Character Area is necessary to

develop the Property. The proposed project will offer in-demand community-scale commercial and retail uses at a high-traffic infill location.

Land Use Goal 1, Policy 1: The City will guide the pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context.

The proposed project offers retail/commercial opportunities at a scale and intensity appropriate for this intersection and compatible with surrounding land uses. For a variety of reasons including access, circulation, and traffic volume, the intersection of two arterial streets is the most appropriate location for a gas station. Accordingly, Pad A is located at the hard corner to ensure an appropriate and predictable pattern of development. The remaining pads and uses are consistent and compatible with development along this entire stretch of the Bell Road corridor from El Mirage Road to Reems Road.

Commerce & Office Character Area/Community Commercial

The General Plan describes this Character Area as unique areas within the City that can “comfortable accommodate a variety of land uses” due to their “broad development potential”. The General Plan notes that areas with this designation “contain the highest intensity of development in the City and are intended to provide opportunities for a mixture of commercial and retail uses, office, and employment areas, higher density housing, hospitality developments, government and civic uses, educational and medical campuses, and entertainment choices”. This Character Area supports both vertical and horizontal patterns of development depending upon the context of adjacent building form.

In short, the Commerce and Office Character Area provides considerable flexibility for developers to respond to both the context of the surrounding built environment and the market demand in the design and development of properties with this land use designation. The proposed four-pad commercial center conforms to these goals by offering in-demand, appropriately-scaled commercial, retail, and food and beverage opportunities on an undeveloped infill site at a busy arterial intersection.

Summary

This proposed rezoning of the Property from C-3 to C-2 along with a CUP for drive-through facilities will allow the development of site at a busy arterial intersection that has remained vacant despite tremendous growth along the Bell Road corridor. The proposal, which offers contextually appropriate, in-demand uses at a high-traffic arterial intersection is consistent with General Plan policies and Commerce & Office Character Area designation and aligned with development goals of the City of Surprise. Bella Fiesta Commerce Center is the solution for a parcel of vacant land that is long overdue for development along Surprise’s critically important Bell Road corridor.

TAB 1

Aerial Map



NWC Dysart Road & Bell Road – Surprise, AZ



N

TAB 2

Zoning Map

Zoning Map



Zoning Classification

BP	Mixed Use	RR
CN	PAD	RL-5
CC	PF	RL-4
CR	RM	SHD-CC
CR-PUD	RM-6	SHD-CR
IP	RM-9	SHD-CO
IG	RH	SHD-RL-5
ILM	RH-15	SHD-RO

AUX 1 F-16
LUKE AFB 1992
SECTION LINES
COUNTY

SURPRISE CORPORATE LIMITS
SURPRISE PLANNING AREA

Disclaimer:
This map is intended for reference purposes.
Please refer to approved ordinances, recorded
deeds, and recorded plats for specific property
legal descriptions and zoning district boundaries.

Last Update: 4-6-2020

1 0.5 0 1 Miles



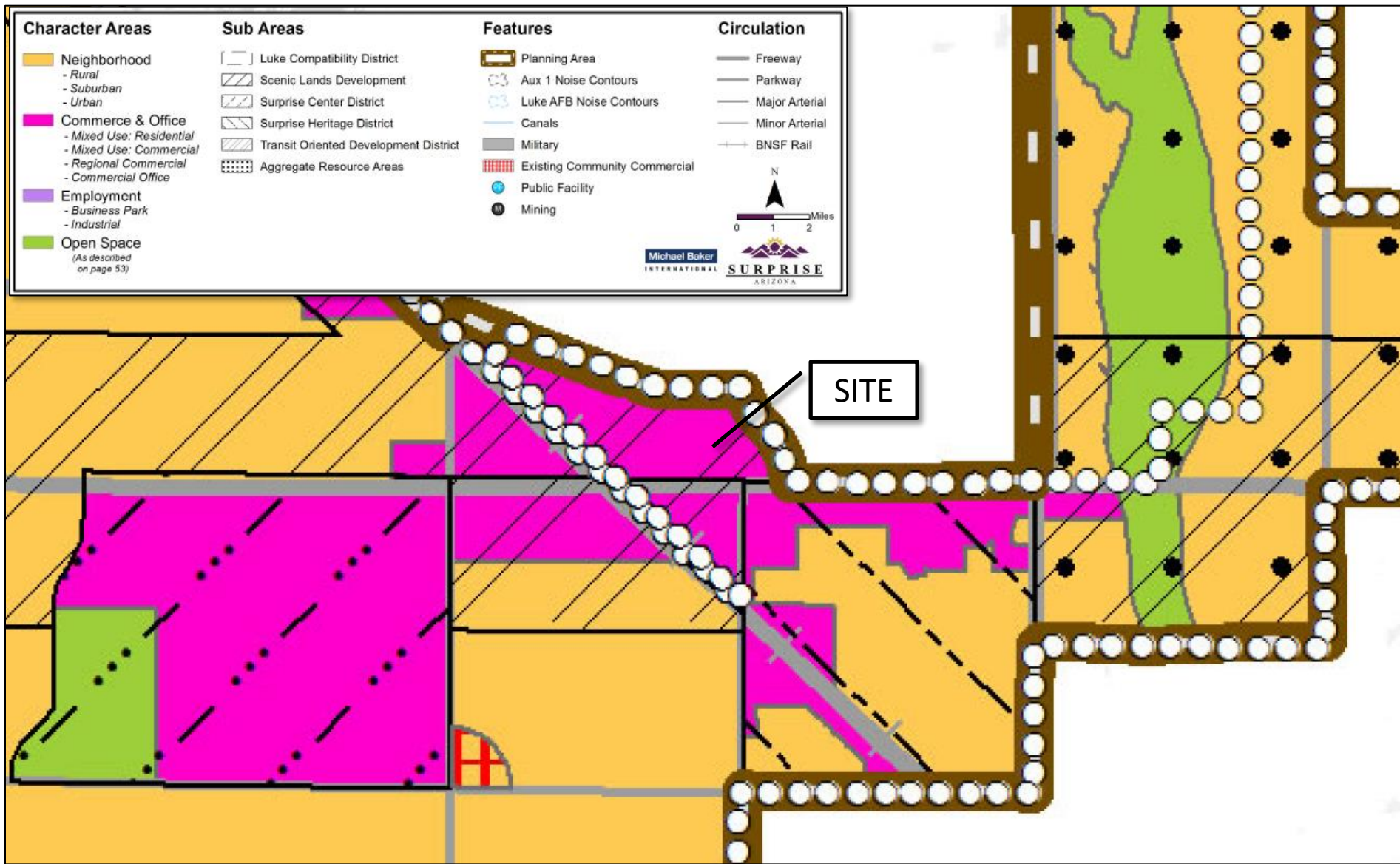
SITE

NWC Dysart Road & Bell Road – Surprise, AZ



TAB 3

General Plan Map

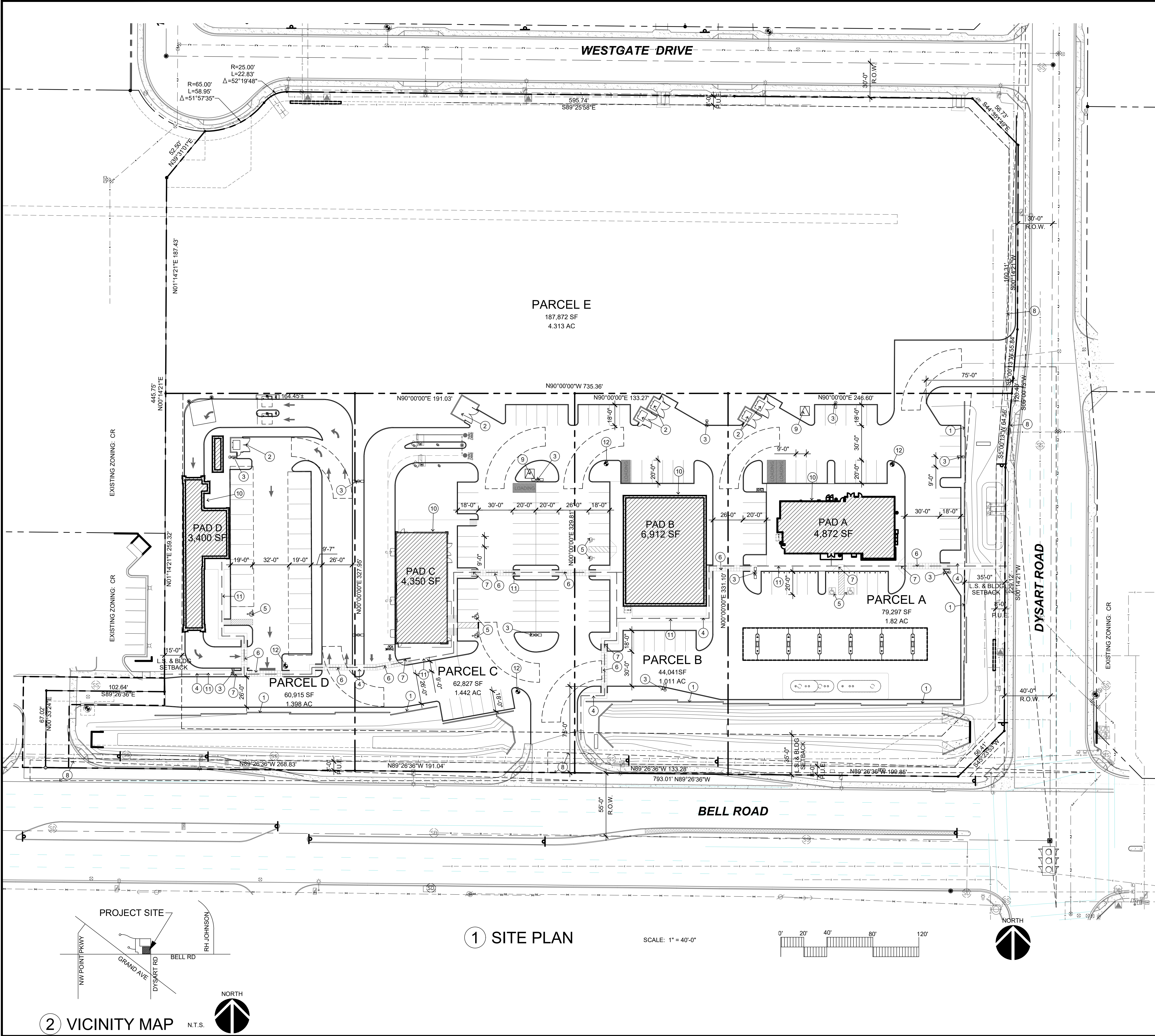


NWC Dysart Road & Bell Road – Surprise, AZ



N

TAB 4



OWNER:
DERITO DEVELOPMENT
9120 EAST TALKING STICK WAY
SUITE E1
SCOTTSDALE, ARIZONA
CONTACT: IVER BOWDEN
PH: 480.834.8500
EMAIL: iver.bowden@derito.com

ARCHITECT:
ARCHICON ARCHITECTURE
AND INTERIORS, L.C.
5055 E. WASHINGTON ST.
SUITE 200
PHOENIX, AZ 85034
CONTACT: JEFFREY A KOSKI
PH: 602.222.4266
EMAIL: jeffk@archicon.com

PROJECT DESCRIPTION:
THIS PROJECT WILL CONSIST OF 4 NEW GROUND UP BUILDINGS. A NEW C-STORE ALONG WITH THE ADDITION OF A GAS FUELING CANOPY, A RETAIL BUILDING, A FAST FOOD RESTAURANT WITH DRIVE-THRU AND A CAR WASH

EXISTING ZONING: C-3
APN: 503-66-596

PROJECT DATA			
APPROX. SITE AREA:	434,952.00	S.F.	NET ACRES
TOTAL BUILDING AREA:	23,076	S.F.	
APPROX % OF COVERAGE:	5.31	%	

PARKING			
TOTAL REQUIRED SPACES	81	SPACES	
TOTAL PROVIDED SPACES	144	SPACES	
PARKING RATIO	1 SPACE PER	160.3	S.F.
PARKING RATIO	6.24 / 1,000		S.F.

HANDICAPPED			
REQUIRED	7	SPACES	8.64%
PROVIDED	7	SPACES	8.64%

PARCEL DATA			
PAD A - CONVENIENCE STORE W/GAS FUEL CANOPY			
PARCEL AREA (APPROX.)	79,297.00	S.F.	1.82 AC.
BUILDING AREA	4,872	S.F.	
CANOPY AREA	3,542	S.F.	
COVERAGE	10.81	%	
TOTAL PARKING REQUIRED:	VEHICLE FUELING STATION 1 PER 300 SF RETAIL AREAS		
TOTAL PARKING REQUIRED	16.24	SPACES	
TOTAL PARKING PROVIDED	17	SPACES	
HANDICAP SPACES REQUIRED	2	SPACES	
HANDICAP SPACES PROVIDED	2	SPACES	4.76%
PARKING RATIO	1 SPACE PER	116.0	S.F.
PARKING RATIO	8.62 / 1,000		S.F.
BICYCLE PARKING REQUIRED	2.1	BIKES	
BICYCLE PARKING PROVIDED	3	BIKES	

PAD B - RETAIL BUILDING			
PARCEL AREA (APPROX.)	44,041.00	S.F.	1.01 AC.
BUILDING AREA	6,912	S.F.	
COVERAGE	15.69	%	
TOTAL PARKING REQUIRED:	RETAIL 1 PER 400 GFA		
TOTAL PARKING REQUIRED	17.28	SPACES	
TOTAL PARKING PROVIDED	18	SPACES	
HANDICAP SPACES REQUIRED	2	SPACES	
HANDICAP SPACES PROVIDED	2	SPACES	6.67%
PARKING RATIO	1 SPACE PER	230.4	S.F.
PARKING RATIO	4.34 / 1,000		S.F.
BICYCLE PARKING REQUIRED	1.50	BIKES	
BICYCLE PARKING PROVIDED	2	BIKES	

PAD C - FAST FOOD W/DRIVE-THRU			
PARCEL AREA (APPROX.)	62,827.00	S.F.	1.44 AC.
BUILDING AREA	4,350	S.F.	
COVERAGE	6.92	%	
TOTAL PARKING REQUIRED:	RESTAURANT 1 PER 100 FA		
TOTAL PARKING REQUIRED	43.50	SPACES	
TOTAL PARKING PROVIDED	44	SPACES	
HANDICAP SPACES REQUIRED	2	SPACES	
HANDICAP SPACES PROVIDED	2	SPACES	4.00%
PARKING RATIO	1 SPACE PER	87.0	S.F.
PARKING RATIO	11.49 / 1,000		S.F.
BICYCLE PARKING REQUIRED	2.5	BIKES	
BICYCLE PARKING PROVIDED	3	BIKES	

PAD D - CAR WASH			
PARCEL AREA (APPROX.)	60,915.00	S.F.	1.40 AC.
BUILDING AREA	3,400	S.F.	
COVERAGE	5.58	%	
TOTAL PARKING REQUIRED:	VEHICLE WASHING FACILITY 1 PER 300 OF OFFICE		
TOTAL PARKING REQUIRED	2	SPACES	
TOTAL PARKING PROVIDED	22	SPACES	
HANDICAP SPACES REQUIRED	1	SPACES	
HANDICAP SPACES PROVIDED	1	SPACES	4.55%
PARKING RATIO	1 SPACE PER	154.5	S.F.
PARKING RATIO	6.47 / 1,000		S.F.
BICYCLE PARKING REQUIRED	1.1	BIKES	
BICYCLE PARKING PROVIDED	2	BIKES	

PARCEL E - FUTURE DEVELOPMENT			
PARCEL AREA (APPROX.)	187,872.00	S.F.	4.31 AC.

- KEYNOTES:
- 3'-0" HIGH CMU SCREEN WALL
 - TRASH ENCLOSURE
 - PARKING LOT LIGHT POLE
 - CONCRETE SIDEWALK - 5'-0" WIDE
 - ADA PARKING SPACE
 - DECORATIVE PAVING CROSSWALK
 - ADA RAMP
 - SIGHT VISIBILITY TRIANGLE
 - TRANSFORMER LOCATION
 - SES LOCATION
 - ACCESSIBLE ROUTE (SHOWN DASHED)
 - FIRE HYDRANT

ARCHICON
Architecture & Interiors, L.C.
5055 E WASHINGTON STREET
SUITE 200
PHOENIX, ARIZONA 85034
(602) 222-4266
FAX (602) 279-4305
www.ARCHICON.COM

BELA FIESTA - RETAIL DEVELOPMENT
N.W.C. OF DYSART RD & BELL RD
SURPRISE, ARIZONA

PROJECT NUMBER:
PROJECT MANAGER:
DRAWN BY:
CHECKED BY:

NO	REVISION	DATE

SHEET DESCRIPTION
SITE PLAN

SHEET NO.



PA100

ISSUE DATE: 7 MAR 2022

AFFIDAVIT OF POSTING

Application No: FS22-438

Applicant Name: Withey Morris, PLC

Location: NWC Bell & Dysart

Date Site Posted: 07/28/22

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

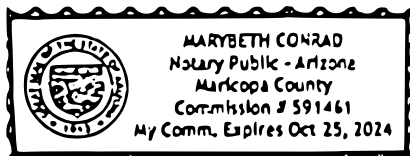
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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

Meghan Liggett 7/28/22
Applicant/Representative Signature Date

This instrument was acknowledged before me on 07/28/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



Marybeth Conrad
Notary Public
10-25-24
My commission expires

Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 31, 2022

Time: 6:00 P.M.

Location: Holiday Inn Express
Desert Cactus Meeting Room
16540 N Bullard Ave
Surprise, AZ 85374

Planning & Zoning

Date: August 18, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: September 20, 2022

Time: 6:00 P.M.

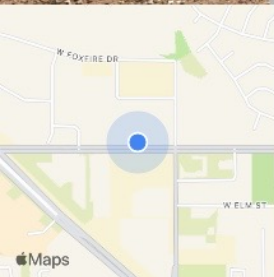
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Case number: FS22-438
Bella Fiesta Commerce Center

Request: A request to rezone approximately 10 acres at the northwest corner of Bell Road and Dysart Road from C-3 (CR) to C-2 for the future development of a four-pad retail and commercial center.



Please call to confirm dates: 623-222-3011 Surpriseaz.gov



Jul 28, 2022 11:41AM
13182-13200 W Bell Rd
Maricopa County

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 31, 2022

Time: 6:00 P.M.

Location: Holiday Inn Express
Desert Cactus Meeting Room
16540 N Bullard Ave
Surprise, AZ 85374

Planning & Zoning

Date: August 18, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: September 20, 2022

Time: 6:00 P.M.

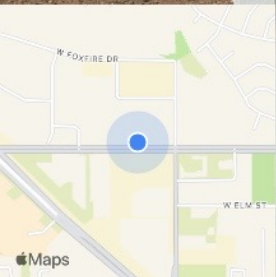
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Case number: FS22-438
Bella Fiesta Commerce Center

Request: A request to rezone approximately 10 acres at the northwest corner of Bell Road and Dysart Road from C-3 (CR) to C-2 for the future development of a four-pad retail and commercial center.



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Jul 28, 2022 11:40AM
13182-13200 W Bell Rd
Maricopa County

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 31, 2022

Time: 6:00 P.M.

Location: Holiday Inn Express
Desert Cactus Meeting Room
16540 N Bullard Ave
Surprise, AZ 85374

Planning & Zoning

Date: August 18, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: September 20, 2022

Time: 6:00 P.M.

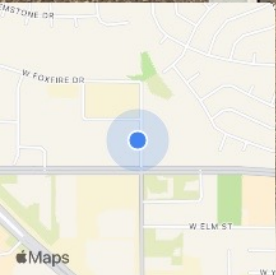
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Case number: FS22-438
Bella Fiesta Commerce Center

Request: A request to rezone approximately 10 acres at the northwest corner of Bell Road and Dysart Road from C-3 (CR) to C-2 for the future development of a four-pad retail and commercial center.



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Jul 28, 2022 11:32AM
17064-17088 N Dysart Rd
Maricopa County

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 31, 2022

Time: 6:00 P.M.

Location: Holiday Inn Express

Desert Cactus Meeting Room
16540 N Bullard Ave
Surprise, AZ 85374

Planning & Zoning

Date: August 18, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: September 20, 2022

Time: 6:00 P.M.

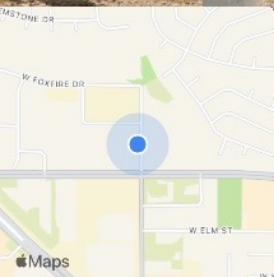
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Case number: FS22-438
Bella Fiesta Commerce Center

Request: A request to rezone approximately 10 acres at the northwest corner of Bell Road and Dysart Road from C-3 (CR) to C-2 for the future development of a four-pad retail and commercial center.



Please call to confirm dates: 623-222-3011 Surpriseaz.gov



Jul 28, 2022 11:32AM
17064-17088 N Dysart Rd
Maricopa County

BELLA FIESTA COMMERCE CENTER

NWC Bell Road & Dysart Road
FS22-0438
Citizen Participation Report

Project Overview

DeRito is proposing the rezone and development of a four-pad commercial center on approximately 10 acres of vacant land located at the northwest corner of Bell Road and Dysart Road in Surprise, Arizona (the “Property”). The Property’s current C-3 zoning supports the proposed uses for this development, but the minimum lot size and development standards cannot be accommodated by the undersized 10-acre site. Rezoning the site to C-2 will allow DeRito to proceed with master site planning and platting the Property for more appropriately scaled, multi-user Community Commercial Development. Accordingly, DeRito is requesting to rezone the Property to C-2 along with a CUP for drive-through facilities.

Notification Technique

The Property was posted with notification signs on May 13, 2022 for the following neighborhood meeting:

Date: May 31, 2022
Time: 6:00 PM
Location: Holiday Inn Express
Desert Cactus Meeting Room
16540 N Bullard Ave
Surprise, AZ 85374

Notification postcards were also mailed by the City of Surprise to surrounding property owners with the information to participate in the neighborhood meeting both in-person and virtually. The applicant did not receive any inquiries or responses to the notification.

Meeting Summary

The neighborhood meeting was not attended by any surrounding residents or property owners, neither virtually nor in-person.

ORDINANCE # 2022-19

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE REZONING FROM REGIONAL COMMERCIAL (C-3) TO COMMUNITY COMMERCIAL (C-2) FOR APPROXIMATELY TEN (10) ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF BELL ROAD AND DYSART ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located at the northwest corner of Bell Road and Dysart Road;

WHEREAS, the subject site is currently zoned Regional Commercial (C-3);

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

WHEREAS, the proposed rezoning to Community Commercial (C-2) satisfies the requirements set forth in the Surprise Land Development Ordinance (LDO);

WHEREAS, this rezoning is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on August 18, 2022, the Planning and Zoning Commission recommended approval of the subject rezoning request.

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

Section 1. *Rezoning.* The parcel legally described on ***Exhibit A*** and depicted on ***Exhibit B***, known as “Bella Fiesta Commerce Center” is rezoned from Regional Commercial (C-3) to Community Commercial (C-2) subject to the following stipulations:

- a. Development and use of the site shall be consistent with the narrative titled “Bella Fiesta Commerce Center”, dated June 16, 2022.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTY

**LEGAL DESCRIPTION
DYSART RD & BELL RD – BOUNDARY
SURPRISE, ARIZONA**

August 5, 2022
Job No. P6062
Page 1 of 1

LOT 1, BELL & DYSART COMMERCE CENTER, ACCORDING TO BOOK 881 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE ALONG SAID LOT 1 NORTH 0 DEGREES 33 MINUTES 24 SECONDS EAST, A DISTANCE OF 67.02 FEET;

THENCE SOUTH 89 DEGREES 26 MINUTES 36 SECONDS EAST, A DISTANCE OF 102.64 FEET;

THENCE NORTH 0 DEGREES 14 MINUTES 21 SECONDS EAST, A DISTANCE OF 446.75 FEET;

THENCE NORTH 39 DEGREES 31 MINUTES 1 SECOND EAST, A DISTANCE OF 52.50 FEET;

TO THE POINT OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, WITH A CHORD BEARING OF NORTH 64 DEGREES 13 MINUTES 1 SECOND EAST, A CHORD DISTANCE OF 56.95 FEET;

THENCE NORTHEASTERLY ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 65.00 FEET, THROUGH A CENTRAL ANGLE OF 51 DEGREES 57 MINUTES 35 SECONDS, A DISTANCE OF 58.95 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT;

THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 52 DEGREES 19 MINUTES 48 SECONDS, A DISTANCE OF 22.83 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 58 SECONDS EAST, A DISTANCE OF 595.74 FEET;

THENCE SOUTH 44 DEGREES 35 MINUTES 49 SECONDS EAST, A DISTANCE OF 56.73 FEET;

THENCE SOUTH 0 DEGREES 14 MINUTES 21 SECONDS WEST, A DISTANCE OF 160.31 FEET;

THENCE SOUTH 5 DEGREES 0 MINUTES 13 SECONDS WEST, A DISTANCE OF 120.40 FEET;

THENCE SOUTH 0 DEGREES 14 MINUTES 21 SECONDS WEST, A DISTANCE OF 229.12 FEET;

THENCE SOUTH 45 DEGREES 23 MINUTES 53 SECONDS WEST, A DISTANCE OF 56.41 FEET;

THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, A DISTANCE OF 793.01 FEET TO THE **POINT OF BEGINNING**.

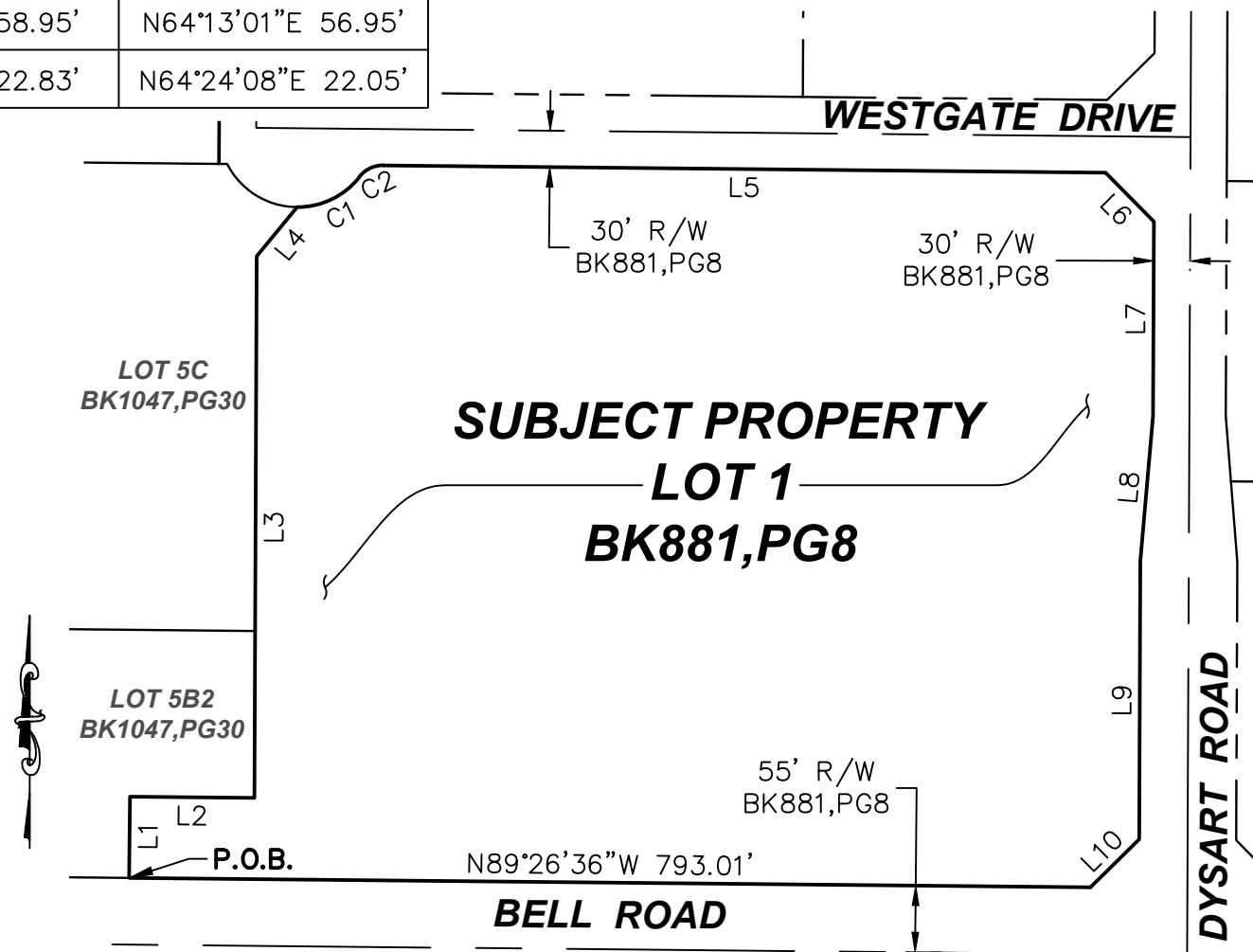
SAID PARCEL CONTAINS 434,952 SQUARE FEET OR 9.985 ACRES, MORE OR LESS.



EXHIBIT B
DEPICTION OF THE PROPERTY TO BE REZONED

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	51°57'35"	65.00'	58.95'	N64°13'01"E 56.95'
C2	52°19'48"	25.00'	22.83'	N64°24'08"E 22.05'

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N0°33'24"E	67.02'
L2	S89°26'36"E	102.64'
L3	N0°14'21"E	446.75'
L4	N39°31'01"E	52.50'
L5	S89°25'58"E	595.74'
L6	S44°35'49"E	56.73'
L7	S0°14'21"W	160.31'
L8	S5°00'13"W	120.40'
L9	S0°14'21"W	229.12'
L10	S45°23'53"W	56.41'



RICK
ENGINEERING COMPANY

22425 N 16TH STREET SUITE #1
PHOENIX, AZ 85024
480.922.0780

rickengineering.com

San Diego - Riverside - San Luis Obispo - Sacramento - Orange - Tucson - Phoenix - Las Vegas - Denver

LEGAL DESCRIPTION
DYSART RD & BELL RD
SURPRISE, ARIZONA

DRAWING:	6062_Overall Parcel.DWG			
JOB#	P6062	SCALE:	NTS	SHT: 1 OF 1
DRAFTER:	JME	CHK:	ELS	DATE: 8/5/2022

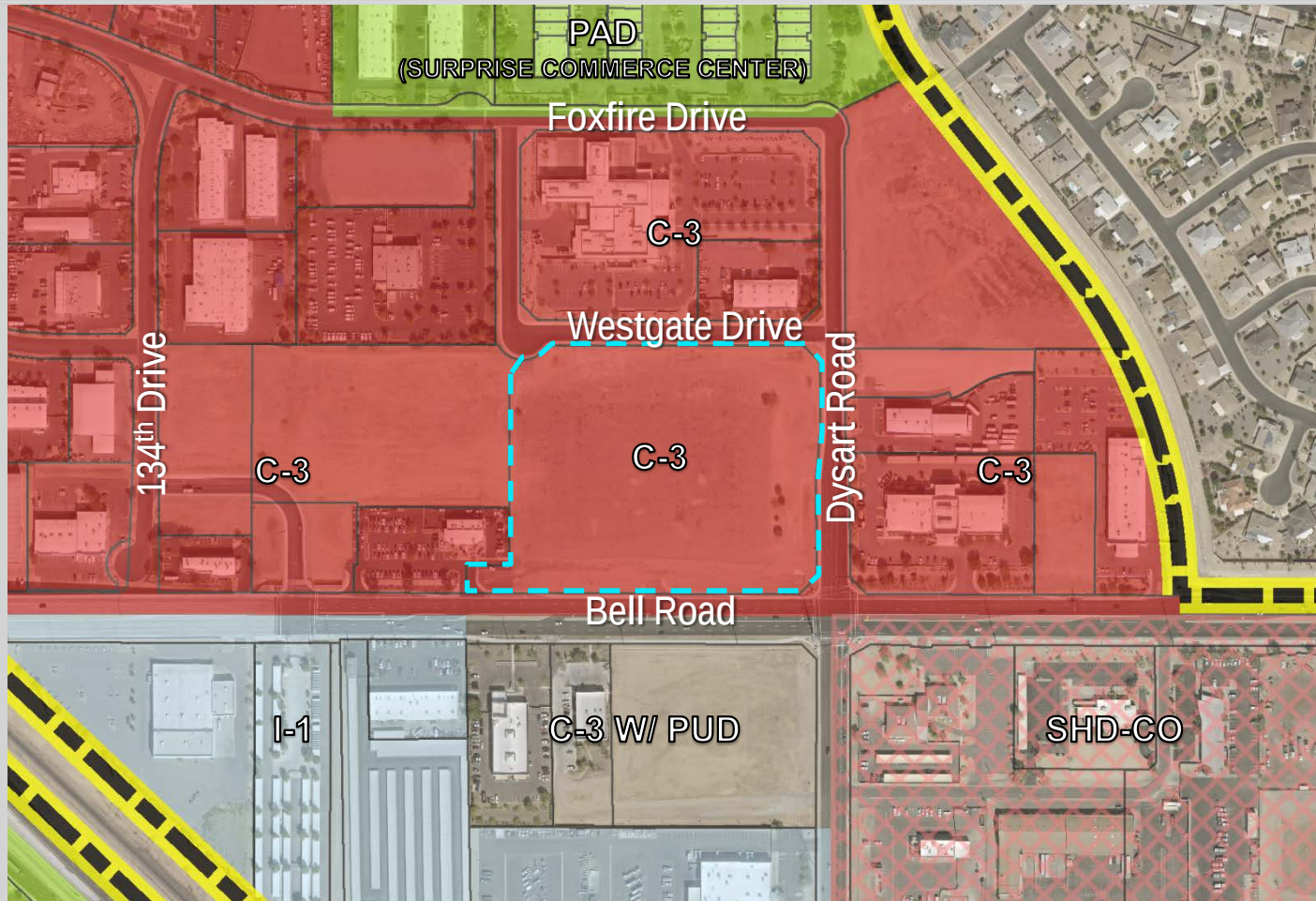


FS22-0438

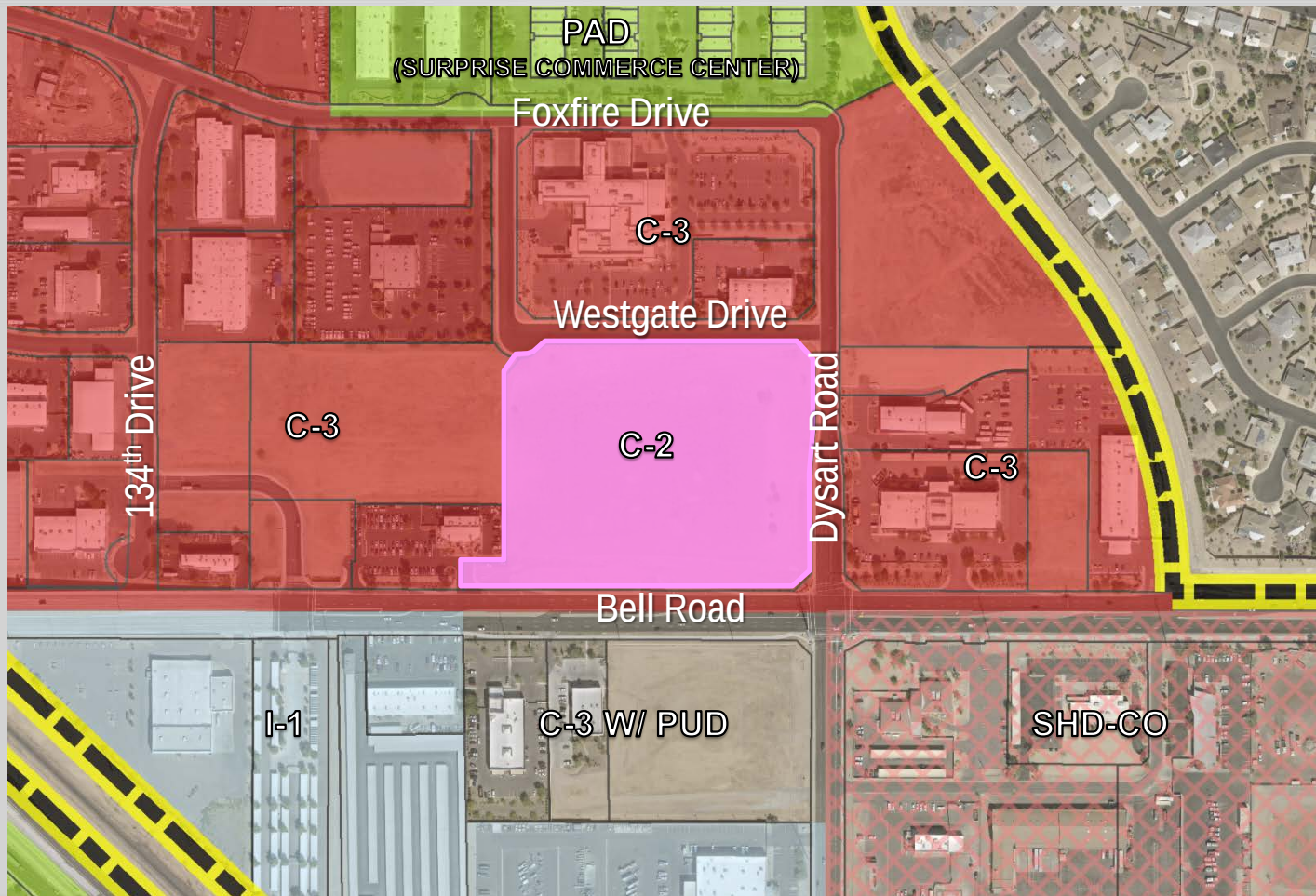
Bella Fiesta Commerce Center Rezone

City Council
September 20, 2022





EXISTING ZONING



PROPOSED ZONING

DEVELOPMENT STANDARDS

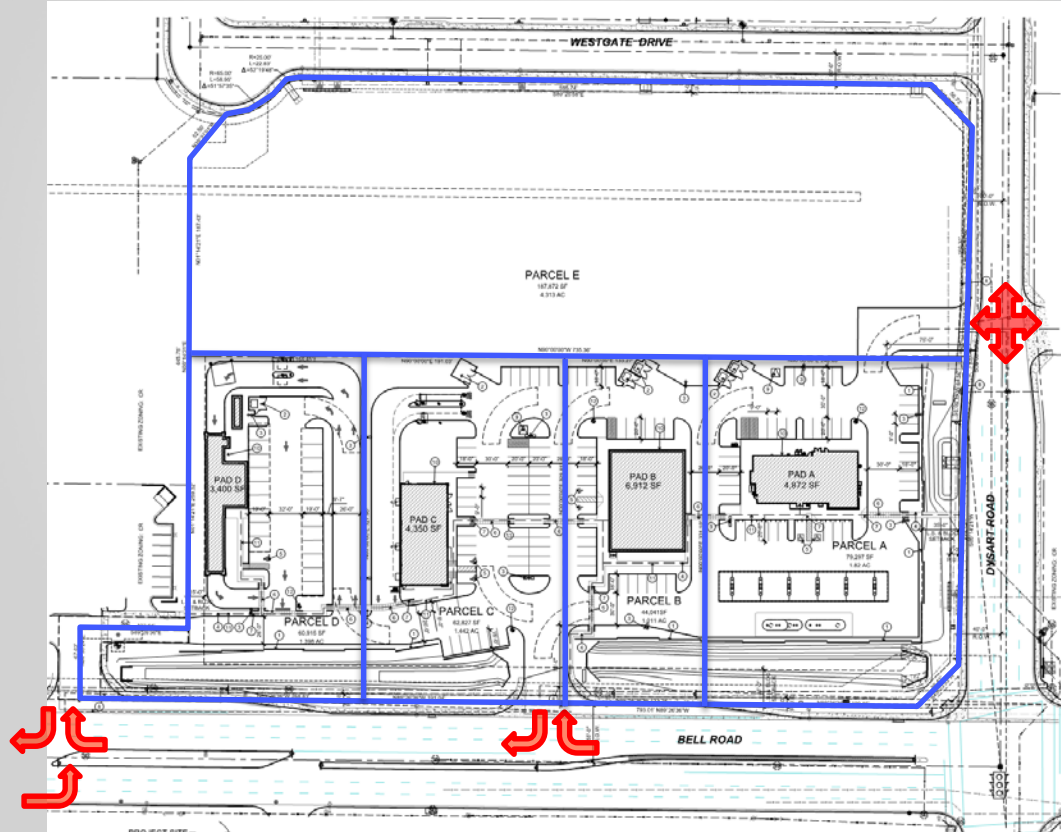
Table 106-6a - Commercial Zoning Districts

	C-O	C-1	C-2	C-3
Minimum <i>Lot Area</i> (sf)	12,000	12,000	18,000	90,000 ¹
Min. <i>Setback</i> to Arterial ROW	35	35	35 ^{5,6}	35 ^{5,6}
Min. <i>Setback</i> to Collector and Local ROW (ft)	15	20	20 ^{5,6}	20 ^{5,6}
Min. <i>Setback Adjacent</i> to Residential Zoning (ft)	20	20	30 ^{5,6}	45 ^{5,6}
Min. <i>Setback Adjacent</i> to Non-Residential Zoning (ft)	15	15	15 ^{5,6}	15 ^{5,6}
Max. Bldg. <i>Height</i> (ft)	30	35 ²	40 ²	45 ²
Max. size per <i>use/tenant</i> (sf) ³	5,000	5,000	45,000	No limit
Max size per <i>Commerce center</i> (ac) ⁴	10	10	20	No limit

Notes:

1. Minimum *lot area* may be reduced to eighteen thousand square feet (18,000 sf) for *pad sites* within a *commerce center* with a minimum size of ninety thousand square feet (90,000 sf)
2. The *height* of any *structure*, or portions thereof, shall not exceed thirty feet (30') in *height* measured at the *setback* line when *adjacent* to Rural Residential (RR), Residential Low Density (R-1), and Residential Medium Density (R-2) *zoning*. The *height* increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* equal to the *zoning district*
3. Area combines the total square footage of the *use*, which may include but is not limited to the gross floor areas of the *building*, outdoor activities and dining areas (when allowed), storage areas, and all display or *sales areas*
4. Contain *uses* designed around common circulation, parking, and pedestrian connectivity, including but not limited to shared *access* or *access easements*
5. Projects designed as *commerce center* will comply with overall development standards regarding perimeter *setbacks* from *abutting* developments.
6. *Pad sites* within a *commerce center* may have reduced *setbacks* along boundaries internal to the master *site plan* if the whole development complies with parking and landscaping regulations. Approval by the Community Development Director or designee is required.

CONCEPTUAL SITE PLAN





OUTREACH

- Site Posting, 300' Mailers, Newspaper Publishings
- Citizen Participation Meeting May 31, 2022
 - No attendees
 - No opposition or concerns





RECOMMENDATION

The recommendation from Planning and Zoning will be provided at the time of the City Council meeting.



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: September 20, 2022 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Vistas Montanas Planned Area Development (PAD) increasing density, updating lot sizes and distribution, increasing open space allotment, and updating design option point system; Case #FS22-0180; Ordinance #2022-20.

Motion:

I move to approve Ordinance #2022-20.

Background:

The subject request is a Major PAD Amendment to the Vistas Montanas Planned Area Development. This request is for the following: 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12 percent to 20 percent; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network. Case FS22-0438.

Objective Analysis:

The subject PAD Amendment is in harmony with the purposes and intent of the Vistas Montanas PAD, in addition to other applicable City of Surprise regulations. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The subject parcel is consistent with the intent of the Land Development Ordinance and advances the goals and policies of the General Plan.

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:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 - FS22-0180 Vista Montanas - Staff report
 2. 01 - FS22 0180 Vista Montanas PAD Amendment Vicinity Map
 3. 02 - FS22-0180 Vista Montanas PAD Amendment Zoning Map
 4. 03 - FS22-0180 Vista Montanas PAD Amendment Rezone Document
 5. 04 - FS22-0180 Vista Montanas PAD Amendment Luke AFB Letter
 6. 05 - FS22-0180 Vista Montanas PAD Amendment Citizen Participation Report dated 04.25.22
 7. 05 - FS22-0180 Vista Montanas PAD Amendment Citizen Participation Report dated June 13, 2022
 8. 06 - FS22-0180 Vista Montanas PAD Amendment - Affidavit of Posting
 9. 07 - FS22-0180 Vista Montanas PAD Amendment - Ordinance
 10. FS22-0180 Vista Montanas PAD Amendment - Presentation
-



Planned Area Development Amendment

REPORT TO THE CITY COUNCIL

Case: FS22-0180

Project Name: Vistas Montanas PAD Amendment

Council District: 1 - Acacia

City Council Date: September 20, 2022

Planner: Chris Sexton, Planner II

Owner: Omar Mirales with Surprise Land Holdings LLC

Applicant: Jeff Farr with RVI Planning & Landscape Architecture

Request: PAD Amendment to the Vistas Montanas PAD for the following: 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12 percent to 20 percent; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network.

Site Location: Generally located at the northeast corner of 179th Avenue and Peak View Road, between 179th Avenue and 173rd Avenue, south of Dixileta Road

Site Size: 179 acres (approx.)

Density: 2.9 dwelling units per acre

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

Support/Opposition: Two (2) outreach meetings were scheduled on April 25, 2022 and May 23, 2022, respectively are not considered valid outreach meetings as the applicant did not post the signs on the subject parcel within the required time as stated in the Land Development Ordinance.

One (1) outreach meeting was scheduled and held with the appropriate noticing and site posting on June 13, 2022.

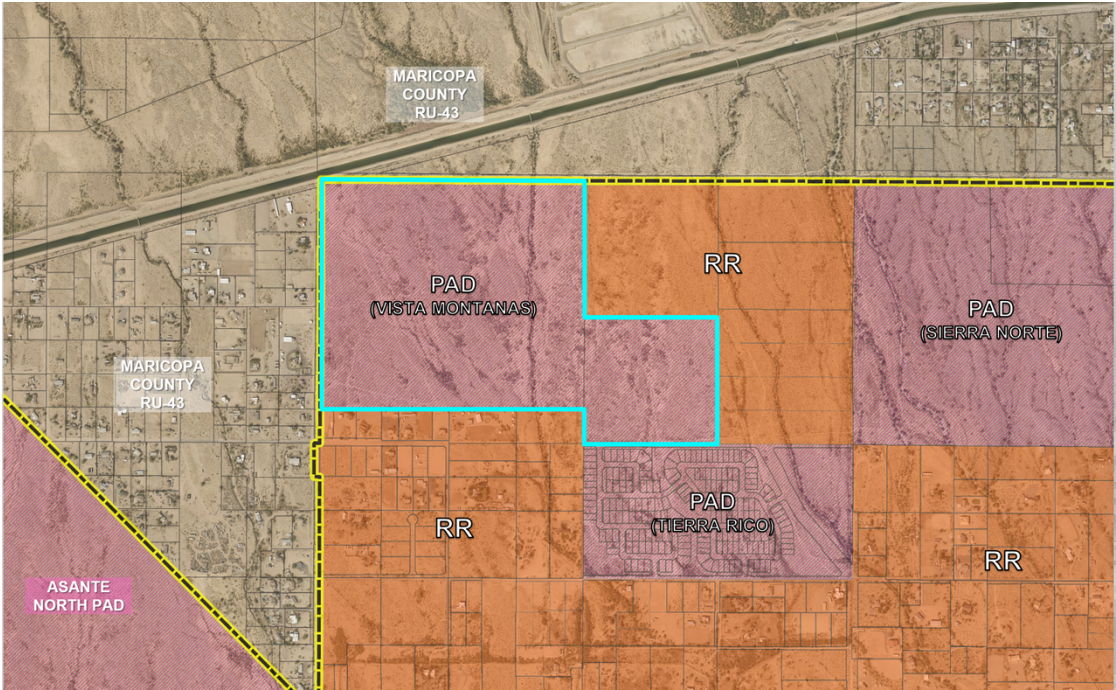
Commission

Recommendation: The recommendation from Planning and Zoning Commission will be provided at the time of the City Council meeting.

Project Description:

Jeff Farr with RVi Planning & Landscaping Architecture on behalf of Omar Mirales with Surprise Land Holdings LLC requests approval of a Major PAD Amendment to the Vistas Montanas Planned Area Development (PAD). This request is for the following: 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12 percent to 20 percent; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network.

Surrounding Land Zoning:



RU-43 – Maricopa County	RU-43 – Maricopa County	Rural Residential (RR)
RU-43 – Maricopa County	Vistas Montanas PAD	Tierra Rico PAD
Asante North PAD	Rural Residential (RR)	Rural Residential (RR)

Background:

November 3, 1988: The subject parcel was annexed into the City under Ordinance 88-24.

March 27, 2008: The Mayor and City Council approved a Planned Area Development for Vistas Montanas, under Case PAD 07-185.

December 17, 2020: A Concept Review meeting was held under case CR20-751.

January 25, 2022: A formal submittal to amend the Vistas Montanas PAD was submitted under case FS22-0180.

April 25, 2022: The applicant held a Neighborhood Meeting to discuss the project, however the sign was not posted in a timely manner to be considered valid.

May 23, 2022: The applicant held a Neighborhood Meeting to discuss the project, however the sign was not posted in a timely manner to be considered valid.

June 13, 2022: A properly noticed and posted Neighborhood Meeting was held.

Citizen Outreach:

On April 25, 2022, the applicant held a Neighborhood Meeting at Asante Preparatory Academy. The meeting was properly advertised per the requirements of the LDO in regards to legal advertising placed in the newspaper and mailers sent to property owners within 300 feet of the site. It was not discovered until the day after the meeting that the sign had not been properly posted on the site. During this meeting, there were approximately four (4) in-person attendees and three (3) virtual attendees from the neighboring communities. In general, the residents brought forth concerns pertaining to construction of roadways, who the homebuilder would be, the number of homes planned, questions regarding equestrian nature of the trail, surrounding development, CAP canal trail, lighting and time table for development. The developer addressed all concerns and questions.

A Neighborhood Meeting was scheduled on May 23, 2022. Legal advertising was placed in the newspaper and mailers were sent to property owners within 300' feet however staff discovered after speaking to the applicant that the signs were not posted within the appropriate timeframe therefore a meeting was not held.

On June 13, 2022, a Neighborhood Meeting was scheduled. The meeting was properly advertised and posted per the requirements of the LDO. The meeting was held at Asante Preparatory Academy. During this meeting there were two (2) in-person attendees and one (1) virtual attendee. The concerns that were brought forth were access to the site, road improvements, the number of homes proposed, fire access, and phasing of the site. The developer addressed all the concerns and questions.

Analysis and Discussion:

The applicant has submitted the PAD Amendment Document in support of a request for a Major PAD Amendment of the Vistas Montanas Planned Area Development. This request is for the following: 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12 percent to 20 percent; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network.

Increase in density and lot size changes

The proposed amended lot sizes range from 5,400 to 7,800 square feet results in an increase of density from 2.4 du/ac to 2.9 du/ac (430 lots to 533 lots).

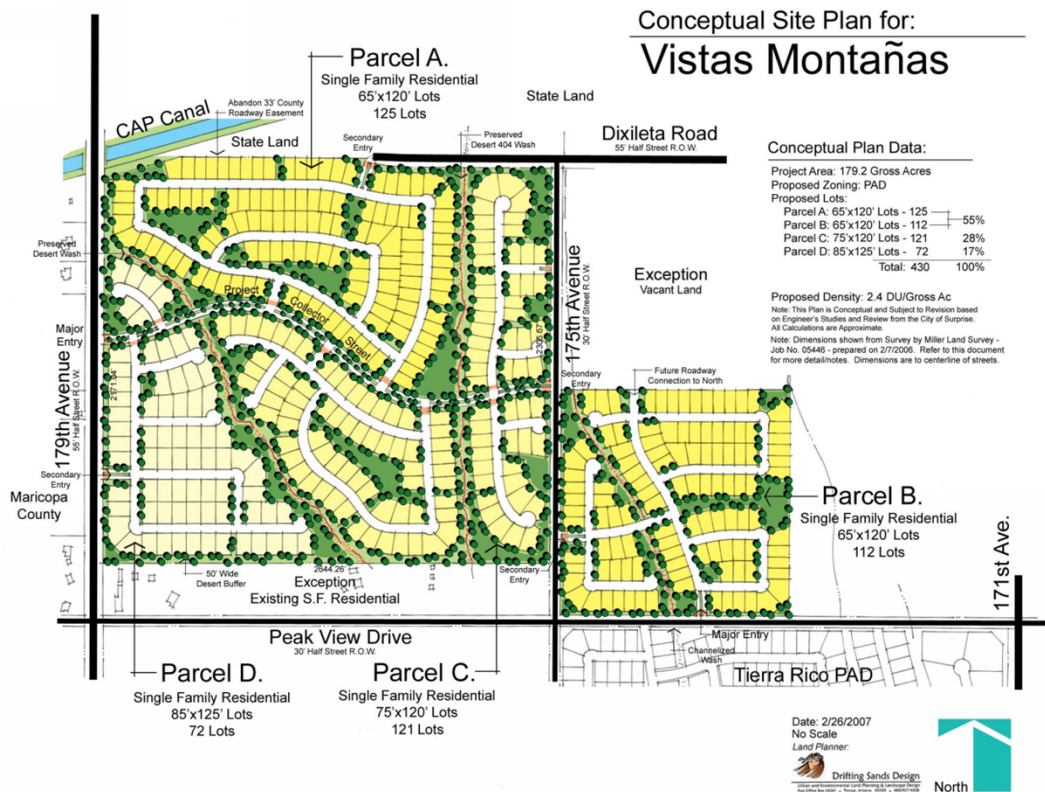
Currently, the PAD is divided into four parcel and consists of three-single-family detached, residential parcels with a variety of lot sizes. The current approved lot sizes are 65'x120', 75'x 120' and 85'x125' with an approved density of 2.4 du/ac. The amendment to the PAD is proposing five different parcels consisting of the following lot sizes: 45'x120', 55'x120', 65'x120' and 85'x125'.

TABLE 3 — PROPOSED PAD AMENDMENT LOT DISTRIBUTION					
APPROVED PAD			PROPOSED PAD AMENDMENT		
Lot Dimensions	Count	% of Total	Lot Dimensions	Count	% of Total
65' x 120'	137	55%	45' x 120'	177	33%
75' x 120'	121	28%	55' x 120'	121	30%
85' x 125'	72	17%	65' x 120'	209	38%
			85' x 125'	26	5%
Total	430	100%	Total	533	100%
Gross Density	2.4 du/ac	-	Gross Density	2.9 du/ac	-
Open Space	22.5 ac	12.6%	Open Space	35.9	20%

Note: These numbers are approximate and subject to change based on additional site studies, engineer studies, and City of Surprise review.

Parcel A is designed with 45'x120' lots which are situated at the north portion of the project. The lots will be situated away from the larger lots in the surrounding communities plus the additional wash corridors will provide a natural separation from 179th Avenue buffering the smaller lots. Parcels B and C are more centrally located and include a significant buffer along the southern portion of the project to the adjacent residential development. Parcel D is proposed to include 65'x125' lot sizes which are compatible with the adjacent Tierra Rico PAD development. Parcel E is reserved for the largest lots. The proposed lot sizes along the southwest corner of the site are sized 85'x125' and will be limited to single story in height.

EXHIBIT E: EXISTING CONCEPTUAL SITE PLAN



136
137

EXHIBIT F: AMENDED CONCEPTUAL SITE PLAN



Increase the Open Space percentage

The proposed amendment will increase the open space area from 12 percent to 20 percent. As currently designed six (6) pocket parks are strewn throughout the project. These parks will range in size with the smallest being approximately ¼ acre and the largest being approximately 1.3 acres. These parks will be located a short distance from each lot. These pocket parks will provide amenities such a playgrounds with shade structures, large turf areas, half basketball courts, sand volleyball and ramadas.

In addition to the pocket parks, there are additional open space areas located throughout the community. This provides passive open space which offers visual relief from homes and hardscape. The linear open space areas within the existing washes will provide connectivity via pedestrian paths to the various parks throughout the development.

Trails and paths utilized in the community will consists of both unpaved and paved surfaces. The washes located within the Vistas Montanas PAD will contain 10-foot concrete paths and all internal pedestrian pathways will contain 6-foot concrete paths. All trails will be constructed of a compacted natural looking material. The trails are expected to meander within the entire wash erosion hazard setback and the floodway boundaries.

A pedestrian trail is proposed along the northern perimeter of the site following Dixileta Drive alignment. This pedestrian path will extend all the way to 179th Avenue and connect to the future trail system planned around the Cap canal crossing.

Development standards

The applicant is requesting to modernize the development standards to match those of the LDO and PEDS manual. Development is proposed to occur in accordance with the R-1 Zoning District standards. Unless otherwise noted within this PAD, all future development shall follow Table 106-2c per the LDO as shown in the table below.

TABLE 4 — PROPOSED DEVELOPMENT STANDARDS			
	APPROVED	PROPOSED	
PARCELS	A-D	A-D	C, E
Lot Categories	NA	A ³	B
General Plan Compatibility	Suburban	Suburban	Suburban
Lot Area (sf)	7,800-10,625	4,950-7,999	8,000-11,999
Min Lot Width (sf)	65	45	70
Min. Front setback ¹ (ft)	18 to 24	12	12
Max. Front setback (ft)	NA	25	25
Min. Rear setback ¹ (ft)	15	15	20
Min. Side setback ¹ (ft)	5 & 8	5 & 8 ²	5 & 10
Min. Street side setback ¹ (ft)	15	10	10
Max. Bldg. Height (ft)	35	35	35
Open space (% of gross acres of residential development) ³	10%	20%	20%

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of 20' measured from any opposing property line, except rear *alley* loaded *garages*, which shall be setback nine feet from *alley* edge line.
2. May be reduced to 0' setback for *Single-family dwellings* as *attached building* and separated by a *common wall* along the property line. End units must maintain the larger *setback*.
3. The City requires *open space* on a subdivision or development site basis rather than on a *lot-by-lot* basis. Subdivisions with more than one lot category will provide the higher percentage of open space.
4. Residential projects shall contain no more than fifty percent 50% of lots less than 48' wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.

Roadway Network

The project is currently served by two primary entryways via 179th Avenue aligning with the existing roadway serving the residential to the west and Peak View Drive which will align with the Tierra Rico development. A third primary entryway will be provided off Dixileta Drive which will be improved as development progresses.

Neighborhood access is provided off the primary collector roadway running through the center of the site into multiple parcels that make up the conceptual plan. The individual parcels will have access to this residential collector and each parcel will have a minimum of two different means of access.

Peak View Drive will be constructed with a minimum of 26 feet of pavement of vehicular travel to and from the development from the east boundary to the west boundary of the PAD. 179th Avenue is planned to extend north from Peak View Drive to meet the future collector proposed through the center of the site running from 179th Avenue to 173rd Avenue.

The Developer will be responsible for the construction of the half street right-of-way road improvements for all roads adjacent to the site.

Conformance with Adopted Plans:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character of the General Plan 2035. The project is requesting a slight increase of density from 2.4 du/ac acre to 2.9 du/ac which is consistent with the density range in the Suburban Neighborhoods subcategory of 2 – 8 du/ac.

Reviewing Agencies:

The request was routed to internal and external agencies, who indicated no objections to the request. The following agencies offered the following comments.

Maricopa County Department of Transportation (MCDOT): In an email dated March 9, 2022, MCDOT indicated the following:

Any work connecting to, or which may impact, county right-of-way along Dixileta Drive will required a MCDOT right-of-way permit and review of the traffic study for potential offsite improvement requirements.

Maricopa Water District (MWD): In an email dated January 26, 2022, MWD indicated that the subject property is located outside of their service area and does not impact MWD.

Luke Air Force Base (Luke AFB): In an email dated February 3, 2022 (attached), Luke AFB indicated that the subject request meets the Graduated Density Concept (GDC) with the proposed 2.9 du/ac as the project is located approximately 1.2 to 2.1 miles outside the Aux-1 and will not have a negative impact on flight operations, but is located within the ‘territory in the vicinity of a military airport’ and that a strong notification program is essential.

Summary:

The proposed PAD Amendment is consistent with the manner and intent of the Vistas Montanas PAD and the Surprise Municipal Code, in which it occupies. If approved, the site will be allowed to be developed in accordance with the requirements of the City of Surprise.

221
222 **Findings:**
223

- 224 • The proposed PAD Amendment is consistent with the Surprise General Plan 2035
225 • The proposed PAD Amendment demonstrates compliance with the criteria set forth in the
226 Vistas Montanas PAD
227 • The reviewing agencies have indicated no objections to the request

228
229 **Commission Recommendation:**
230

231 The recommendation from Planning and Zoning Commission will be provided at the time of the City
232 Council meeting. Staff recommended the following stipulations for approval to the Commission:
233

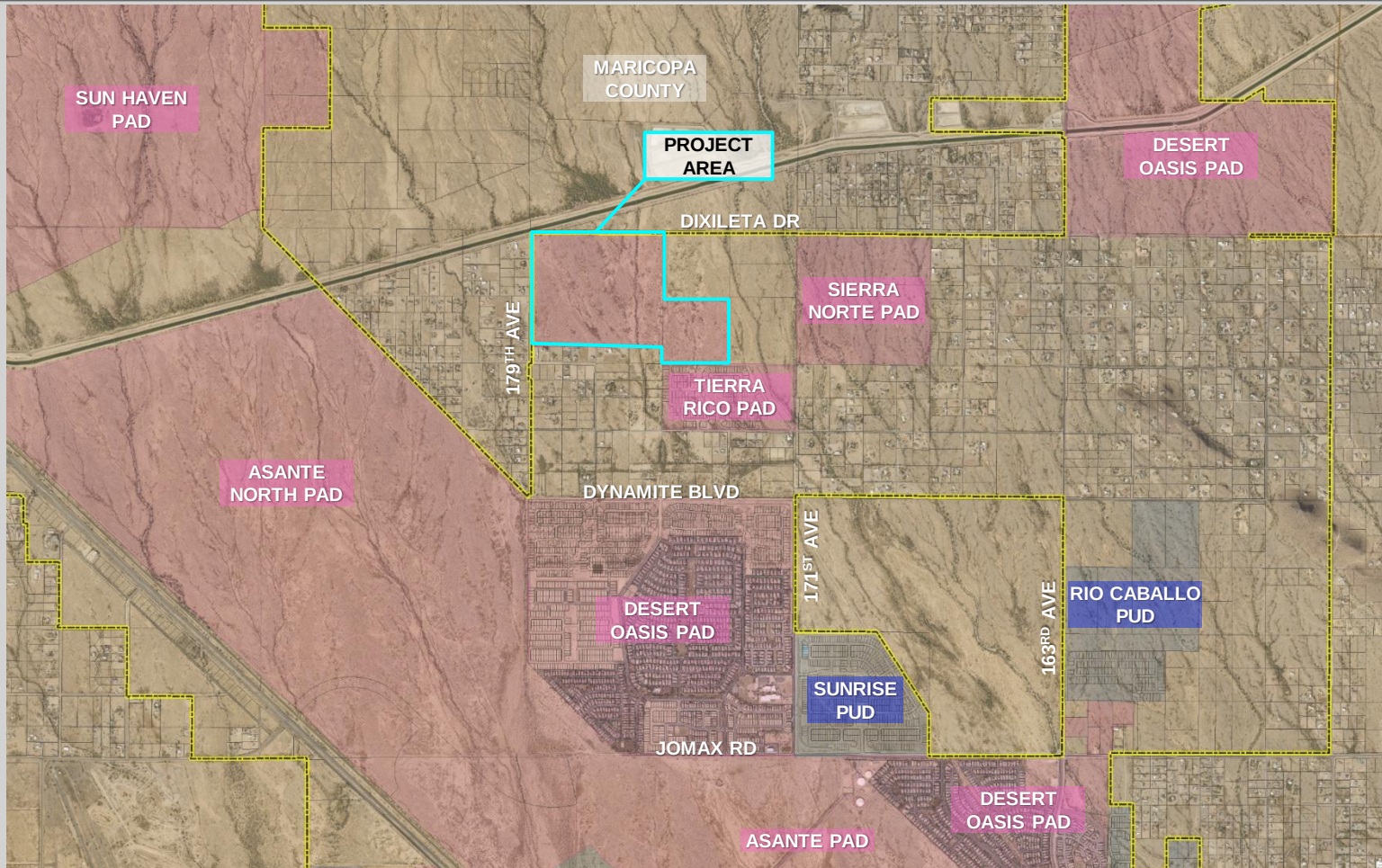
- 234 a. Development and use of the site shall be consistent with the narrative entitled “Vistas
235 Montanas PAD” dated June 16, 2022.
236
237 b. Non-compliance with the stipulations of approval of this case will be treated as a violation
238 in accordance with the applicable provisions of the Surprise Municipal Code.
239
240 c. The water solution to serve this development will need to be documented in a
241 development agreement before the City will approve a preliminary plat.
242
243 d. The developer must submit proof of sewer treatment capacity with final plat submittals.
244
245 e. The SPA 2 Water Reclamation Facility has a treatment capacity of 2 MGD and will treat
246 wastewater generated from this development. The current Phase I wastewater capacity
247 has been fully allocated in the form of EDUs of wastewater capacity totaling 9,524 per the
248 SPA 2 Water Reclamation Facility Capacity Allocation Agreement recorded as instrument
249 NO. 201503548465, Records of Maricopa County, Arizona dated 5/20/2015.
250 f. The developer must submit proof of payment for SPA 2 Sewer Interceptor Agreement
251 buy-in fee (MCR# 20090350621) prior to City approval of Final Plat.
252

253 However, should the Council wish to **deny** the request, the Council should make its own findings and
254 base its decision on those alternative findings.
255

256 **Attachments:**
257

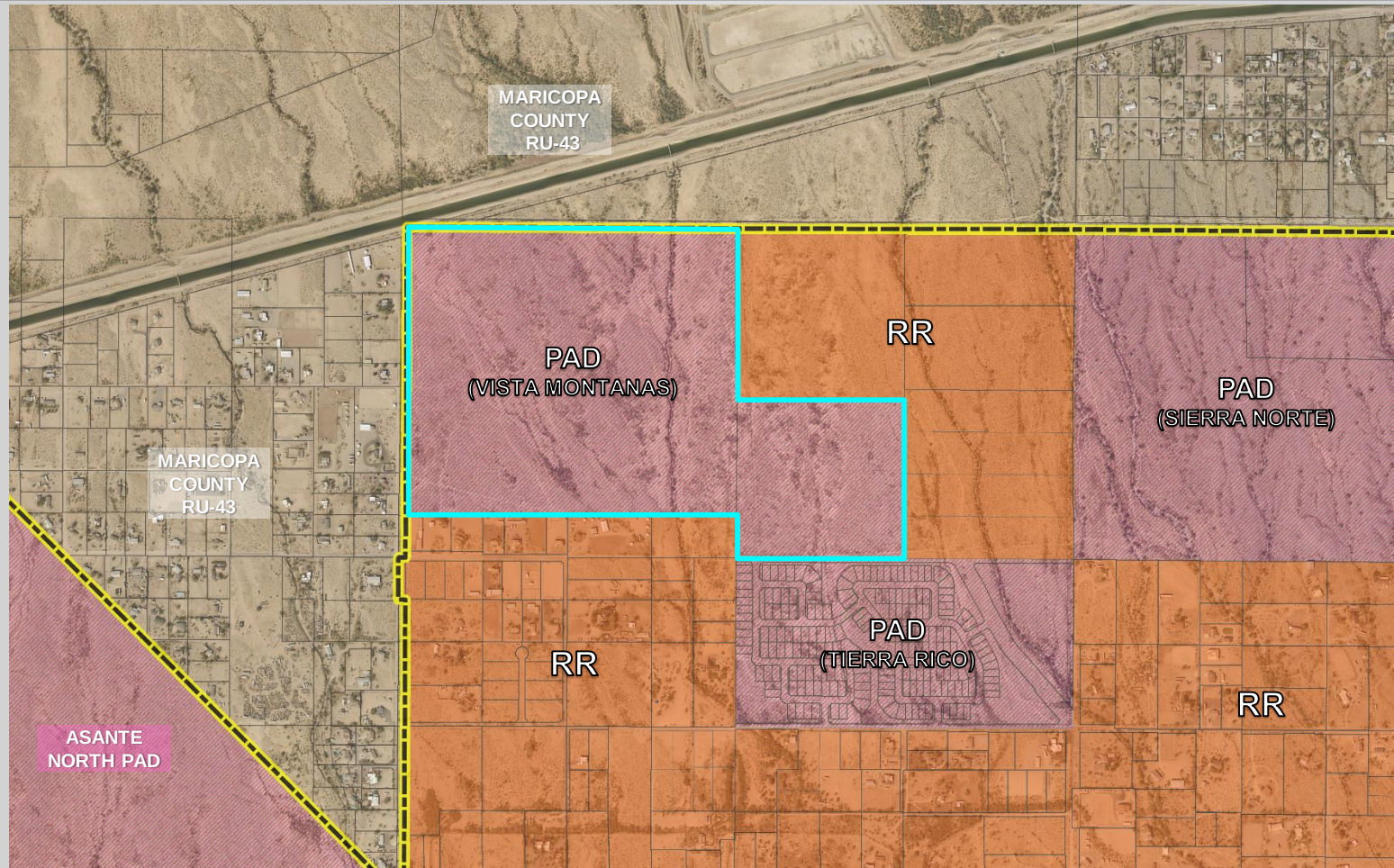
- 258 01 Vicinity Map
259 02 Zoning Map
260 03 Zoning Document
261 04 Luke AFB Letter

262 05 Citizen Participation Reports – REDACTED
263 April 25, 2022
264 June 13, 2022
265 06 Affidavit of Site Posting
266 07 Ordinance 2022-20
267 PowerPoint Presentation



VICINITY MAP





PLANNED AREA DEVELOPMENT **VISTAS MONTAÑAS**

1ST AMENDMENT



4th Submittal Draft: June 16, 2022
Case Number: FS22-0180

Proposed PAD Amendment for a development of approximately 179 acres, located at the northeast corner of 179th Avenue and Peak View Road, between 179th Avenue and 173rd Avenue, south of Dixileta Road in Surprise, Arizona

DEVELOPMENT TEAM

OWNER AND DEVELOPER

HSL Properties

Omar Mireles
3901 E. Broadway Blvd.
Tucson, AZ 85711
Phone: 520.322.6994 x113
Email: omar@hslproperties.com

ENGINEER

Atwell, LLC

Michael Park, P.E.
4700 E. Southern Ave.
Mesa, AZ 85206
Phone: 602.350.0311
Email: mikepark@atwell-group.com

PLANNER/LANDSCAPE ARCHITECT

RVi Planning + Landscape Architecture

Kyle Barichello
120 S. Ash Avenue
Tempe AZ 95006
Phone: 480.994.0994
Email: kbarichello@rviplanning.com

TRAFFIC ENGINEER

CivTech

Joseph Spadafino, P.E.
10605 North Hayden Road, Suite 140
Scottsdale, AZ 85260
Phone: 480.659.4250 ext. 20
Email: jspadafino@civtech.com

TABLE OF CONTENTS

1. INTRODUCTION	.1
2. PURPOSE OF REQUEST.	.1
3. LOCAL CONTEXT	.1
4. EXISTING SITE CONDITIONS.	.1
TOPOGRAPHY & DRAINAGE	2
GENERAL PLAN	5
5. EXISTING PAD AND CONCEPTUAL LAND USE PLAN .	6
6. PROPOSED PAD AMENDMENT	7
7. REGULATORY DEVELOPMENT STANDARDS	9
9. CONCLUSION	.10
EXHIBIT A: VICINITY MAP	.11
EXHIBIT B: REGIONAL CONTEXT AERIAL	.12
EXHIBIT C: GENERAL PLAN LAND USE MAP.	.13
EXHIBIT D: EXISTING ZONING MAP.	.14
EXHIBIT E: EXISTING CONCEPTUAL PLAN	.15
EXHIBIT F: AMENDED CONCEPTUAL PLAN	.16
EXHIBIT G: OPEN SPACE PLAN	.17
EXHIBIT H: LEGAL DESCRIPTION	.18

1. INTRODUCTION

RVi Planning + Landscape Architecture, on behalf of HSL Properties and Surprise Land Holdings, LLC is pleased to submit this Major Planned Area Development (PAD) Amendment to the Vistas Montañas PAD, approved per case no. PAD07-185 in 2008. The Vistas Montañas site is approximately 179 acres and is located at the northeast corner of 179th Avenue and Peak View Road, between 179th Avenue and 173rd Avenue, south of Dixileta Road. The subject site is currently vacant and has no approved final plats. The parcels associated with this request are APN's 503-51-010R, 503-51-008G, 503-51-008H and 503-51-008J. The site is in Special Planning Area Two (SPA2). There is currently no City of Surprise potable water infrastructure abutting the subject property.

2. PURPOSE OF REQUEST

Since the original PAD approval in 2008, the site has been vacant and no additional development applications have been submitted. The development team worked with a brokerage firm to better understand the current market conditions in this area. The analysis showed that to make this project economically feasible, an increase in the total number of lots and associated lot sizes was required to modernize the prior PAD. Additionally, the approval of the original PAD was received under a zoning ordinance that is now outdated, with design criteria that are no longer applicable with the adoption of the new Surprise Land Development Ordinance approved in 2020. However, most of the PAD elements, including the layout of the conceptual development plan as part of the original PAD remain similar. Where applicable, the proposed PAD amendment seeks to align more closely with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS) recently approved in 2021. The following sections outline changes to the original PAD and serve as a guide to future development in the PAD.

3. LOCAL CONTEXT

The parcels are located within the northwest quarter of section 26, Township 5 north, range 2 west of the Gila Salt River Base and Meridian, in the County of Maricopa, State of Arizona. The parcels associated with this request are APN's 503-51-010R, 503-51-008G, 503-51-008H and 503-51-008J. The property is described in greater detail as shown by the associated ALTA provided with this PAD amendment. See **Exhibit A: Vicinity Map and Exhibit B: Regional Context Aerial.**

The property is more than 20 miles from the main Luke Air Force Base (LAFB) and is located within approximately five miles from LAFB Auxiliary Field #1. However, according to the Luke Air Force Base Graduated Density Concept, this proposal is not considered to be located in the vicinity of LAFB or the Auxiliary Field. The property is between one and three miles beyond the 65-decibel noise contour, where the permitted density is limited up to 6 du/ac. The existing PAD and proposed amendment is well under the permitted density per the LAFB Graduated Density Concept.

4. EXISTING SITE CONDITIONS

The Vistas Montañas site is relatively flat and consists of native desert land with a slight slope generally from the north to the south. The property is comprised of sparse, natural vegetation, except for areas within the three washes traversing the site, where moderate desert vegetation exists. To date, improvements on the property have not occurred.

The property is native desert land that gently slopes from the north to the south at approximately one percent. The site is sparsely vegetated except for the slightly more vegetated washes traversing the site. The tributary area for the Vistas Montañas subdivision originates north of the Central Arizona Project Canal and flows north of the aqueduct ponds before flowing through over chutes. The flow joins the tributaries south of the canal and

one overchute supplies water to a wash running through the subject property.

Table 1, below, provides a breakdown of the surrounding land uses and zoning designations. The property immediately north and east are currently vacant and zoned Rural Residential (RR). Existing large lot residential development is located to the west and south. To the southeast is the Tierra Rico PAD which includes a single family development.

TOPOGRAPHY & DRAINAGE

Existing Conditions

The property is native desert land that slopes from the north to the south at approximately one percent. The site is sparsely vegetated except for the washes traversing the site, which are more vegetated than the majority of the site. The tributary area of the project originates north of the Central Arizona Project Canal. It flows north of the aqueduct ponds before flowing through a piped over-chute. This flow then joins small tributaries south of the canal, and supplies water to the main wash running through this project.

A significant wash traverses the property from north to south. Minor washes carry local flows. The significant wash is located west of 175th Avenue, and is known as Wash 5 East. Wash 5 East has been designated by the Army Corps of Engineers as a Section 404 wash. Activity in or around this wash is strictly monitored by the Federal Government. As a result, activities that require permitting from the Corps will be minimized.

Flood Zone

The project is located in Zone X and Zone AE and the associated flood way as depicted on the Federal Emergency Management Agency (FEMA) flood Insurance Rate Map (FIRM) numbers 04013C1135G, 04013C1130G, 04013C1115G and 04013C0720G, City of Surprise, Arizona, effective date September 30th, 2005. The Zone X classification is defined as “areas of 500-year flood, areas of 100-year flood with average depths of less than one foot, or with drainage areas less than one square mile, and areas protected by levees from the 100-year flood.” The Zone AE classification is defined as a special flood hazard area inundated by the 100-year flood with base flood elevations determined. If required, a Conditional Letter of Map Revision (CLOMR) will be submitted to Flood Control District

TABLE 1 — SURROUNDING LAND USE DESIGNATIONS

DIRECTION	GENERAL PLAN LAND USE	EXISTING ZONING	EXISTING USE
Property	Neighborhood, Open Space	PAD	Vacant, wash corridors
North	Neighborhood	RU-43 (Unincorporated Maricopa County)	Vacant, USA/BOR, CAP Canal
East	Neighborhood	Rural Residential (RR)	Vacant
South	Neighborhood	PAD	Tierra Rico PAD
West	Neighborhood	Rural Residential (RR)	Large Lot Residential

Streetlights and fire hydrants will be designed and installed per the City building codes and in accordance with the recommendations of the City Engineering and Fire Departments.

Potable Water System

Based on the City of Surprise Integrated Water Master Plan, June 2015, and the City of Surprise Water Infrastructure Master Plan, June 2004 ("City Master Plan"), Vistas Montana is located in zone 3A of the City of Surprise Special Planning Area two (SPA2). There is currently no City of Surprise potable water infrastructure abutting the property in question. The project site will ultimately be served by the Desert Oasis Water Campus (WSF-DO) for storage and pumping. For water supply, the project will need to construct wells, team with adjacent developers to install common wells, or buy into adjacent wells with capacity. Though the City has stated there is storage capacity at WSF-DO to temporarily service the project, the developer will need to pay an additional impact fee to the City to construct the ultimate storage and pumping for the site. The Tierra Rico project will construct a 12" water main stubbed at Peak View Drive and Tierra Rico Boulevard. The developer will need to connect to the 12" water main, and further extend water distribution mains in order to provide service to the Vista Montanas. According to the City's current master plan, this includes a 12" water main on Peak View Drive and Dixelata Drive, and a 24" water main on 179th Avenue.

Based on the PAD, Vista Montanas will have about 5330 lots with a density of approximately 3 du/ac, using 320 gpd/du, the Average Day Demand will be 171,560 gpd and the Peak Hour Demand will be 511,680. Detailed Basis of Design Reports shall be provided with final engineering documents, particularizing the final design of the Vista Montanas distribution system. This study will detail the necessary design to meet City of Surprise standards, account for other properties within the vicinity and provide a reliable potable water source to the future residents of Vista Montanas. The design criteria used for the proposed water

system will be taken from the the City of Surprise Integrated Water Master Plan, June 2015, and the City of Surprise Integrated Water Master Plan, June 2015 ("City Master Plan"). It is the intent of the developer to work closely with the City of Surprise in this endeavor to ensure that the project is part of a regional solution.

Sewer System

Based on the City of Surprise Water Infrastructure Master Plan, June 2004 ("City Master Plan"), Vistas Montañas is located in the City of Surprise Special Planning Area Two (SPA2). SPA2 of the sewer service area of the City of Surprise.

The design of the proposed on-site wastewater system will be based on the land uses, population projections and design criteria described in the City Master Plan, and will discharge at one outfall location at the southeast corner of the Project. The Tierra Rico project south of Peak View Drive is constructing sewer through the Tierra Rico project and will provide a stub on Peak View Drive. The sewer will be sized to accommodate the Vistas Montañas project. The sewer flow from Vistas Montañas will be conveyed through city streets to the SPA2 wastewater treatment plant. The developer must obtain capacity in the existing Treatment Plant or fund an expansion.

The final design, location and construction sequence of the wastewater system improvements will be defined in each parcel report and a detailed analysis of the wastewater collection system will be submitted to the City for approval with future development applications.

GENERAL PLAN

The City of Surprise General Plan 2035 identifies that the entire site be developed as neighborhood with a suburban neighborhood character. Neighborhood is defined as various neighborhoods that are predominantly residential areas that can also be supported by locally oriented commercial and public facilities and can range from established to emerging and urban to rural in nature. The current approved PAD has a 2.4 du/ac which is consistent with the density range found in the Suburban Neighborhood subcategory of between 2-8 du/ac. See **Exhibit C: General Plan Land Use Map** and **Exhibit D: Existing Zoning Map**.

The Planning and Zoning Department is routinely tasked with the review of development proposals for compliance with the City of Surprise General Plan 2035. To evaluate the quality and appropriateness of a development proposal, City staff will use the goals, policies, recommendations and guidelines outlined within each element of this plan. The following section provides compliance statements to the goals and objectives defined by the 2035 Surprise General Plan.

Does the proposed development carry forward the vision and relevant goals and policies expressed in the General Plan or adopted Sub-Area plans as applicable?

Response: Yes, the proposed development is consistent with the neighborhood, suburban designation including the du/ac range outlined in the General Plan. The proposed project gross density is 2.9 du/ac. No Sub-Area plans apply in this area of the City.

Does the proposed development adhere to the design guidelines of the applicable Character Area(s) and/or Development Type(s)?

Response: The proposed development is in compliance with the Suburban Character Area as defined by the Neighborhood category within the General Plan and meets the intent of the aesthetics and built form characteristics within the General Plan.

Does the proposed development strengthen or compromise the character of the area by adding to the mixture of uses?

Response: Most of the land around the proposed project is currently vacant and low-density residential. To help mitigate the added density, the proposed development includes large landscaping buffers and larger, exterior lots adjacent to the existing large lot single family development. Strategically placed open spaces help buffer the proposed development to existing residential. Residential is the only proposed development in this area. The project team worked with the City of Surprise to define the required roadway infrastructure in context with the future transportation plans and existing developments. All proposed development seamlessly connect to the existing and future transportation system within the area.

Does the proposed development maintain compatibility with or contribute to the quality of existing land uses in the surrounding area?

Response: The proposed development includes several development features that are consistent with the new developments throughout the City of Surprise per the recently approved LDO. Additionally, this PAD amendment updates the outdated design elements found in the previous PAD to help achieve a style that is modern and compatible with the rural development style that fits the low density feel of the area. Unless otherwise stated, the development of the PAD will be in compliance with the PEDS and LDO design criteria.

Does the proposed development offer a range of mobility options and promote connectivity to adjacent or future development?

Response: The proposed development has reviewed, and is consistent with, the PEDS outlined in the Surprise LDO Pedestrian connectivity is a key element of the proposed plan and has been carefully incorporated throughout the conceptual plan. Curvilinear streets, limited street lengths, connecting natural washes and open space, are few of the elements provided throughout the site to help create diversity. The streetscape will provide detached sidewalks and landscaping which will provide an attractive visual setting throughout the community. All street designs will be consistent with the City of Surprise Engineering and Planning Design Guidelines. At this time, no preliminary plats are associated with the requests and these details will be evaluated further at the future stage of development.

Does the proposed development preserve natural systems (i.e. washes, wildlife corridors) and/or promote environmentally conscious practices (i.e. protect natural terrain, vegetation, viewsheds)?

Response: The proposed land plan incorporates all-natural areas as part of the plan including the many washes that divide the property. The intent of the development plan “parcels” is to activate these areas to provide both active and passive open space areas and pedestrian connectivity throughout the development from parcel to parcel. Additionally, a pedestrian trail in accordance with the City of Surprise Parks and Recreation Master Plan is provided at the north perimeter of the site, creating a natural path from 173th Avenue to the CAP canal.

Does the proposed development improve and/or expand the existing infrastructure to the surrounding area?

Response: In coordination with the City of Surprise, this development will be consistent with the long-range transportation plans of the City including major collectors and providing a CAP Canal trail on

the north edge of the property. The development team has provided initial concepts to the City of Surprise and received valuable feedback that determined the proposed roadway system as part of the conceptual plan.

Does the proposed development further the provision of jobs in the surrounding area or the City as a whole?

Response: The proposed development consists of residential development only due to its location and no commercial development is proposed as part of the PAD amendment. However, the residential homes provided in this area will support the growing commercial base for the community allowing residents to live closer to amenities and job opportunities within the City of Surprise.

5. EXISTING PAD & CONCEPTUAL LAND USE PLAN

This PAD consists of three, single-family detached, residential parcels with a variety of lot sizes. The current approved lot sizes are 65'x120', 75'x120' and 85'x125' with an approximate density of 2.4 du/ac as shown by Table 2 below and **Exhibit E: Existing PAD Conceptual Site Plan**.

TABLE 2 — EXISTING LOT DISTRIBUTION		
LOT DIMENSIONS	COUNT	% OF TOTAL
65' x 120'	137	55%
75' x 120'	121	28%
85' x 125'	72	17%
Total	430	100%
Gross Density	2.4 du/ac	

The current plan is naturally divided into four parcels. The prior conceptual land use plan illustrates the lot categories proposed for the community. Due to the variety of lot categories, the Vistas Montañas PAD offers a series of neighborhoods consisting of a primary lot width and depth to meet the needs of a broad

range of homebuyers. The previously proposed neighborhood lots range from 7,800 to 10,625 square feet. While the existing single-family homes include varying lot sizes, the neighborhood parcels are not isolated from each other. The community is designed with natural open spaces, amenities and a trail and path system intended connect the parcels to create a single cohesive community.

The following section provides additional context relating to the changes to the development standards and conceptual land use plan as part of this PAD amendment.

6. PROPOSED PAD AMENDMENT

The proposed amendment seeks to maintain substantial conformance with the current PAD zoning for active and passive open spaces, community amenities and the roadway network design. Due to the market conditions, the proposed PAD amendment updates the approved plans to address the current market conditions and encourage development. Updates include:

- Increase the overall density from 2.4 du/ac to approximately 2.9 du/ac.
- Update the lot sizes and distribution of lots throughout the site.
- Increase the total open space allotment from 12% to 20%.
- Update the previous design option point

system to match the development standards consistent with the City of Surprise updated LDO and PEDS.

- Update conceptual development plan and roadway network.

The lotting layout and conceptual design of the PAD is proposed to remain relatively similar. Due to the washes that divide the site, natural separations occur between the multiple parcels as shown in the approved PAD plan and proposed PAD which were desired to be maintained. The wash areas will continue to be used as open space and provide connections throughout the development. As currently designed, there are multiple pocket parks dispersed throughout this Project. Most of which are large enough to provide amenities such as playgrounds with shade structures, large turf play areas, half basketball courts, sand volleyball and ramadas. In addition to the parks, smaller open space areas are located throughout the community to further enhance the potential for social interaction and offer visual relief from homes and hardscape. Additional details relating to the design and characteristics of these parks will be provided with the preliminary plat development applications.

Adjacency to the washes is an additional enhancement to all the parks and open space areas, providing easy access to the natural open space areas within the community. The linear open space areas within the existing washes provide connectivity among many of the various

TABLE 3 — PROPOSED PAD AMENDMENT LOT DISTRIBUTION					
APPROVED PAD			PROPOSED PAD AMENDMENT		
Lot Dimensions	Count	% of Total	Lot Dimensions	Count	% of Total
65' x 120'	137	55%	45' x 120'	177	33%
75' x 120'	121	28%	55' x 120'	121	30%
85' x 125'	72	17%	65' x 120'	209	38%
			85' x 125'	26	5%
Total	430	100%	Total	533	100%
Gross Density	2.4 du/ac	-	Gross Density	2.9 du/ac	-
Open Space	22.5 ac	12.6%	Open Space	35.9	20%

Note: These numbers are approximate and subject to change based on additional site studies, engineer studies, and City of Surprise review.

parks. All amenities and open space areas will be reviewed further with the intention to preserve existing designations which also includes the 50' landscape buffer to the existing single-family residential homes immediately south of the subject site. Table 3 provides a breakdown of the proposed amendment changes.

The proposed amended lot sizes range from 5,400 to 7,800 square feet resulting in an increase of 103 lots to a proposed gross density up to approximately 2.9 du/ac. In addition to the changes to the varying lot sizes, the neighborhood parcels are designed with natural open spaces, amenities, and a trail and path system that connect the parcels to create a single, cohesive community connected open spaces. As a result of the right sizing of lots throughout the subject site, the minimum open space has increased from 22.5 ac (12.6%) to 35.9 ac (20%) and provides more passive and active open space opportunities throughout the site.

Proposed Conceptual Plan

The proposed Vistas Montañas development plan is divided into five parcels. Parcel A is designed with 45' x 120' lots which are situated at the north end of the project. Care was taken to ensure this lot size was situated away from the larger lots in the surrounding communities. Additional wash corridors provide natural separation from 179th Avenue further buffering the smaller lots. Parcel E is reserved for the largest lot sizes, consistent with the previous proposed lot sizes in this area. The proposed lot sizes along the southwest corner of the site are sized 85' x 125' and will be limited to single story in height, as shown by the conceptual site plan. Parcels B and C are more centrally located and include a significant buffer along the southern perimeter to adjacent residential development. Parcel D is proposed to include 65'x125' lot sizes which are compatible with the adjacent Tierra Rico PAD development. See **Exhibit F: Amended Conceptual Site Plan**.

Conceptual Open Space Plan

As currently designed, six pocket parks are dispersed throughout this project. Most are large enough to provide amenities such as playgrounds with shade structures, large turf play areas, half

basketball courts, sand volleyball and ramadas. The pocket parks are intended to provide the community with smaller-scale amenities that provide children and families a place to play and socialize. These pocket parks will range in size with the smallest being approximately ¼ acre and the largest being approximately 1.3 acres. These parks will be located a short distance from each home. In addition to the parks, there are additional open space areas located throughout the community to further enhance the potential for passive open space which offer visual relief from homes and hardscape. The adjacency to the washes is an additional enhancement to all the parks and open space areas, providing easy access to the natural open space within the community. The linear open space areas within the existing washes will provide connectivity via pedestrian paths to the various parks throughout the development. These areas are included as part of the open space areas. Onsite drainage channels will not be designed as a trapezoidal concrete channel. They will be designed to resemble a natural wash and serve as a trail amenity for this development. See **Exhibit G: Open Space Plan**

Vehicular Circulation

This project is served by two primary entryways: one off 179th Avenue aligning with the existing roadway serving the residential to the west and an entry off Peak View Drive which will align with the Tierra Rico development. Peak View Drive will be constructed with a minimum of 26' of pavement for vehicular travel to and from the development from the east boundary to the west boundary of the PAD. 179th Avenue is planned to extend north from Peak View Drive to meet the future collector proposed through the center of the site running from 179th Avenue to 173rd Avenue. A third primary entryway will be provided off Dixileta Drive which will be improved as development progresses. Neighborhood access is provided off the primary collector roadway running through the center of the site into the multiple parcels that make up the conceptual plan. Each internal parcel will have access to this residential collector and each neighborhood will have a minimum of two

different means of access, in conformance with the City's policies and regulations. The Developer will be responsible for construction of the half street right-of-way improvements for all roads adjacent to the site.

Landscape tracts and open space areas surround both sides of the collector creating view corridors; hence, these landscape open space areas are visible from both arterials and local streets as well. Within the open space areas adjacent to the collector streets and arterial roads, sidewalks are detached from the curb to ensure separation of vehicular traffic from pedestrians.

Pedestrian Circulation

Trails and paths utilized in the community will consist of both unpaved and paved surfaces. The surface will depend on the location and type of trail or path within the community. The washes traversing Vistas Montañas will contain 10' concrete paths and all internal pedestrian pathways will contain 6' concrete paths. All trails will be constructed of a compacted natural looking material complimenting the natural landscaping of each wash. The trails are expected to meander within the entire wash erosion hazard setback and the floodway boundaries. If wash crossings are needed, they will be designed to minimize any impacts on the jurisdictional wash limits. It is anticipated that adjacent developments will connect into the wash trails to eventually create a network that extends beyond this community.

Paths internal to the community will run through open space tracts and along the front yards of many of the homes within the community. When local street sidewalks are utilized as part of the path system, the five-foot detached sidewalks will be delineated by using materials such as colored concrete or salt finished colored concrete. These paths are intended to provide safe connections between the homes and the open spaces such as the pocket parks and the wash trails. Additionally, a pedestrian trail in accordance with the City's Parks and Recreation Plan is proposed along the northern perimeter of the site following the Dixileta roadway alignment. This pedestrian path will extend all the way to 179th Avenue and connect to the future trail system planned around the CAP canal crossing. As development continues, the project team will

work with the CAP Canal representative to provide a pedestrian trail connection to the proposed regional trail along the canal.

All amenities within the community including paths, trails and other recreational facilities/equipment will be maintained by the Vistas Montañas HOA. The developer will work with City Staff during pre-plat to ensure that the path and trail standards for the project are consistent with the City of Surprise standards.

Development Phasing

While phasing is unknown currently, this project is likely to develop from the east at the southeast corner (Parcel D) and proceeding west. The Tierra Rico project south of Vistas Montañas has an approved pre-plat and Peak View Drive is on their north boundary for which they are responsible for building half street improvements. Because of the timing of that project and the cost to build infrastructure/roads, Peak View Road is likely to be the initial infrastructure constructed in this area. More details will be provided at the preliminary plat where a phasing plan will be included.

7. REGULATORY DEVELOPMENT STANDARDS

As part of this PAD amendment, the proposed project seeks to modernize the development standards to match those of the current Surprise LDO and PEDS manual. As such, development is proposed to occur in accordance with the following development standards.

R-1 Zoning District

The Residential Low Density (R-1) zoning district provides areas for single-family homes on varying lot sizes and a mix of densities together with schools, parks, and other public services necessary for suburban residential neighborhoods. Unless otherwise noted elsewhere within this PAD, all future development shall follow Table 106-2c per the LDO as shown by Table 4 below.

TABLE 4 — PROPOSED DEVELOPMENT STANDARDS

	APPROVED	PROPOSED	
PARCELS	A-D	A-D	C, E
Lot Categories	NA	A ³	B
General Plan Compatibility	Suburban	Suburban	Suburban
Lot Area (sf)	7,800-10,625	4,950-7,999	8,000-11,999
Min Lot Width (sf)	65	45	70
Min. Front setback ¹ (ft)	18 to 24	12	12
Max. Front setback (ft)	NA	25	25
Min. Rear setback ¹ (ft)	15	15	20
Min. Side setback ¹ (ft)	5 & 8	5 & 8 ²	5 & 10
Min. Street side setback ¹ (ft)	15	10	10
Max. Bldg. Height (ft)	35	35	35
Open space (% of gross acres of residential development) ³	10%	20%	20%

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of 20' measured from any opposing property line, except rear *alley* loaded *garages*, which shall be setback nine feet from *alley* edge line.
2. May be reduced to 0' setback for *Single-family dwellings* as *attached building* and separated by a *common wall* along the property line. End units must maintain the larger *setback*.
3. The City requires *open space* on a subdivision or development site basis rather than on a *lot-by-lot* basis. Subdivisions with more than one lot category will provide the higher percentage of open space.
4. Residential projects shall contain no more than fifty percent 50% of lots less than 48' wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.

8. CONCLUSION

In summary, the proposed PAD Amendment accomplishes the following:

- Redistributes specific lot types throughout the conceptual site plan to better align with the recently approved LDO standards.
- Increases the total open space allotment.
- Redefines the proposed roadway network and classifications through the site per City direction.
- Update the previous design option point system to more modern zoning standards consistent with the LDO and PEDS.
- Update development graphics and conceptual exhibits within the PAD as applicable.

EXHIBIT A: VICINITY MAP

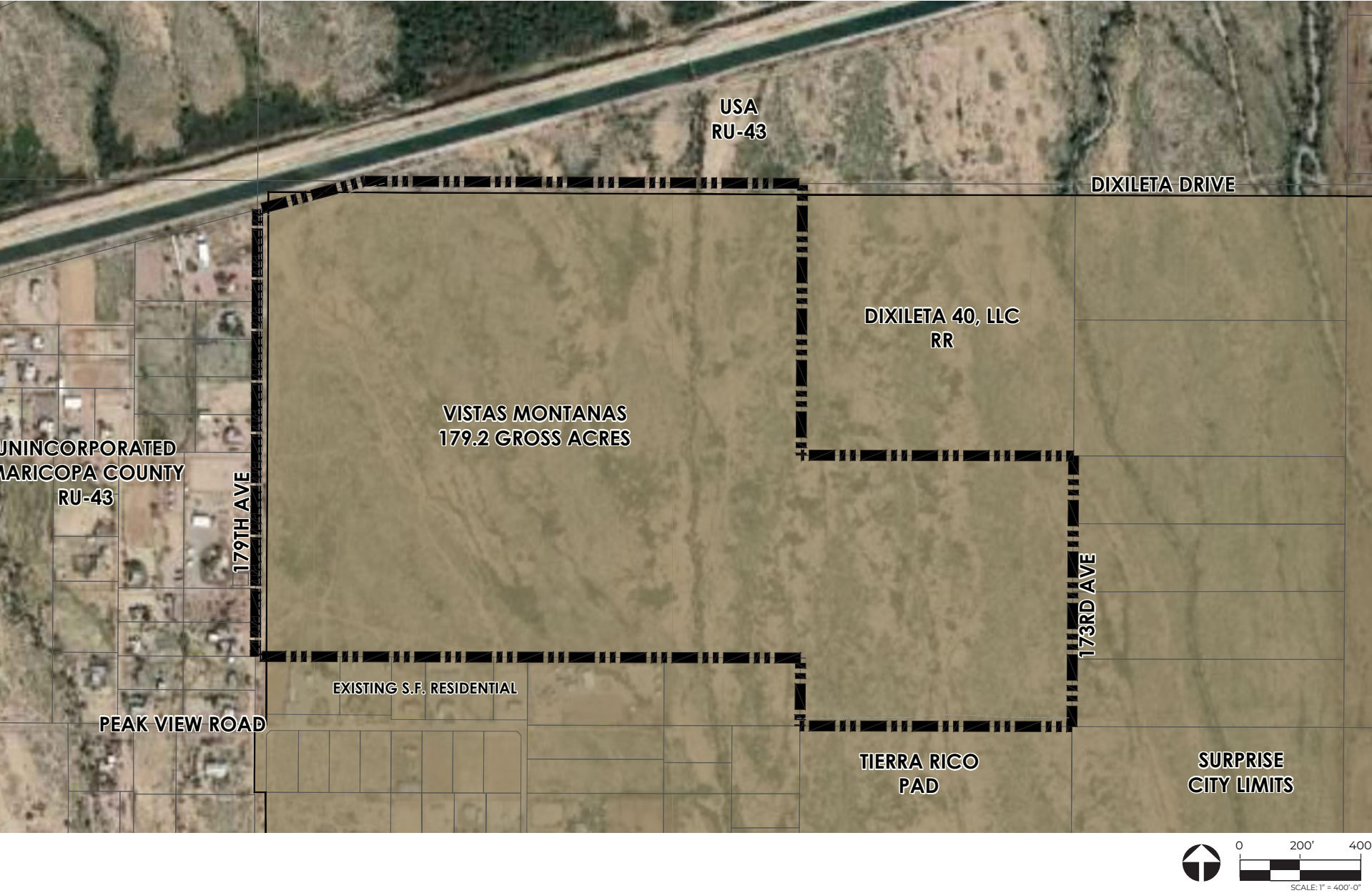


EXHIBIT B: REGIONAL CONTEXT MAP

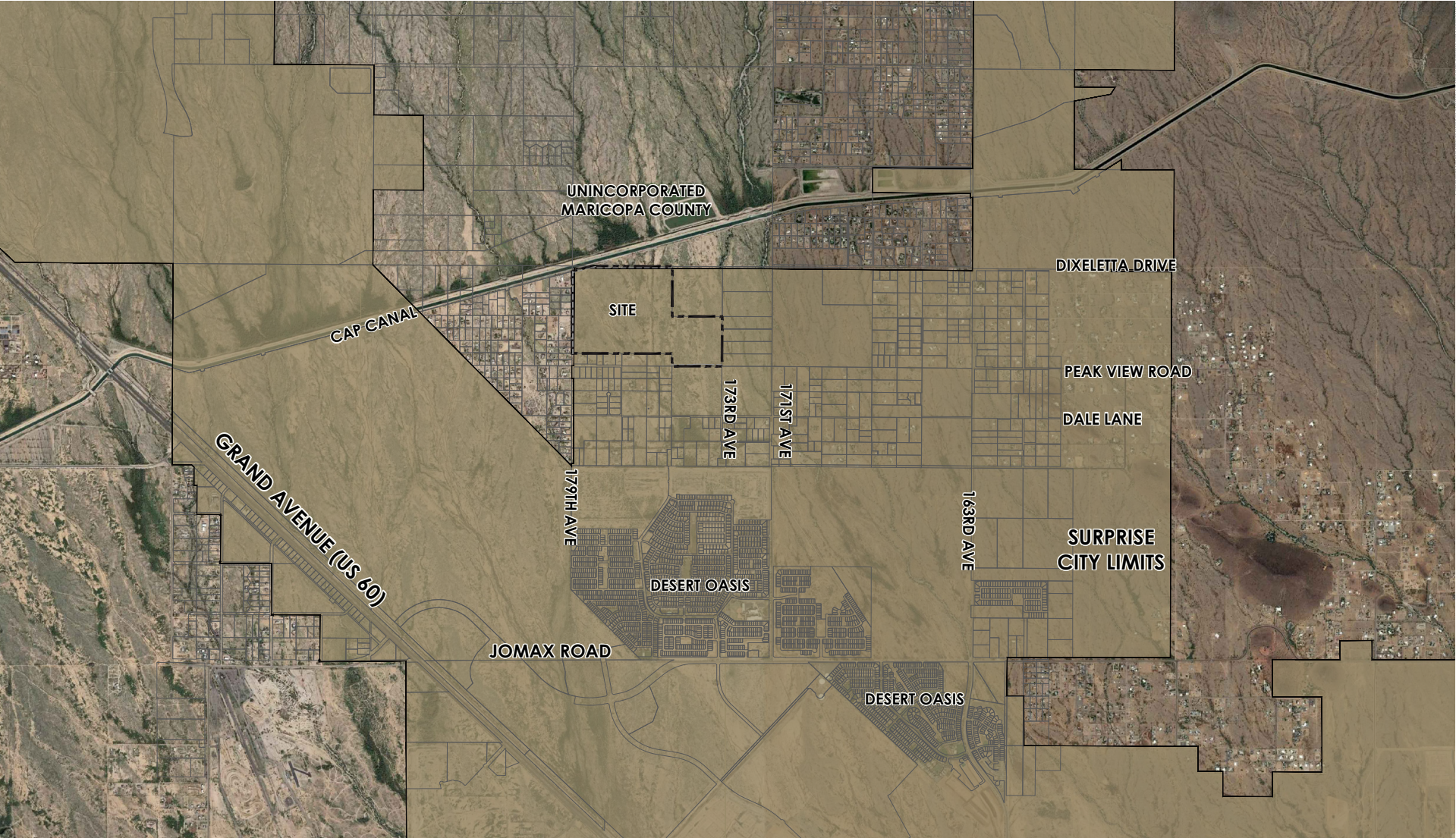


EXHIBIT C: GENERAL PLAN LAND USE MAP

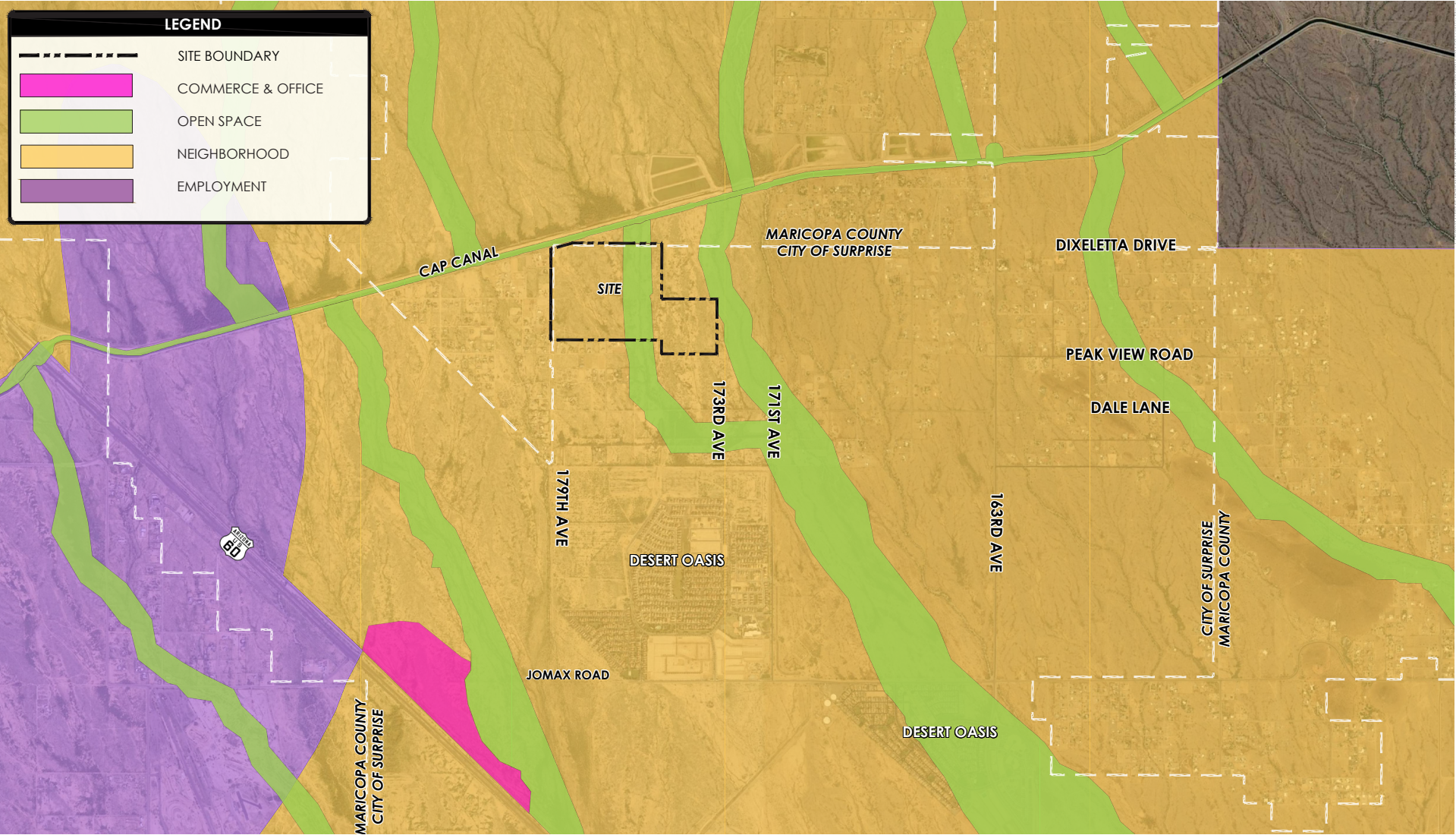


EXHIBIT D: EXISTING ZONING MAP

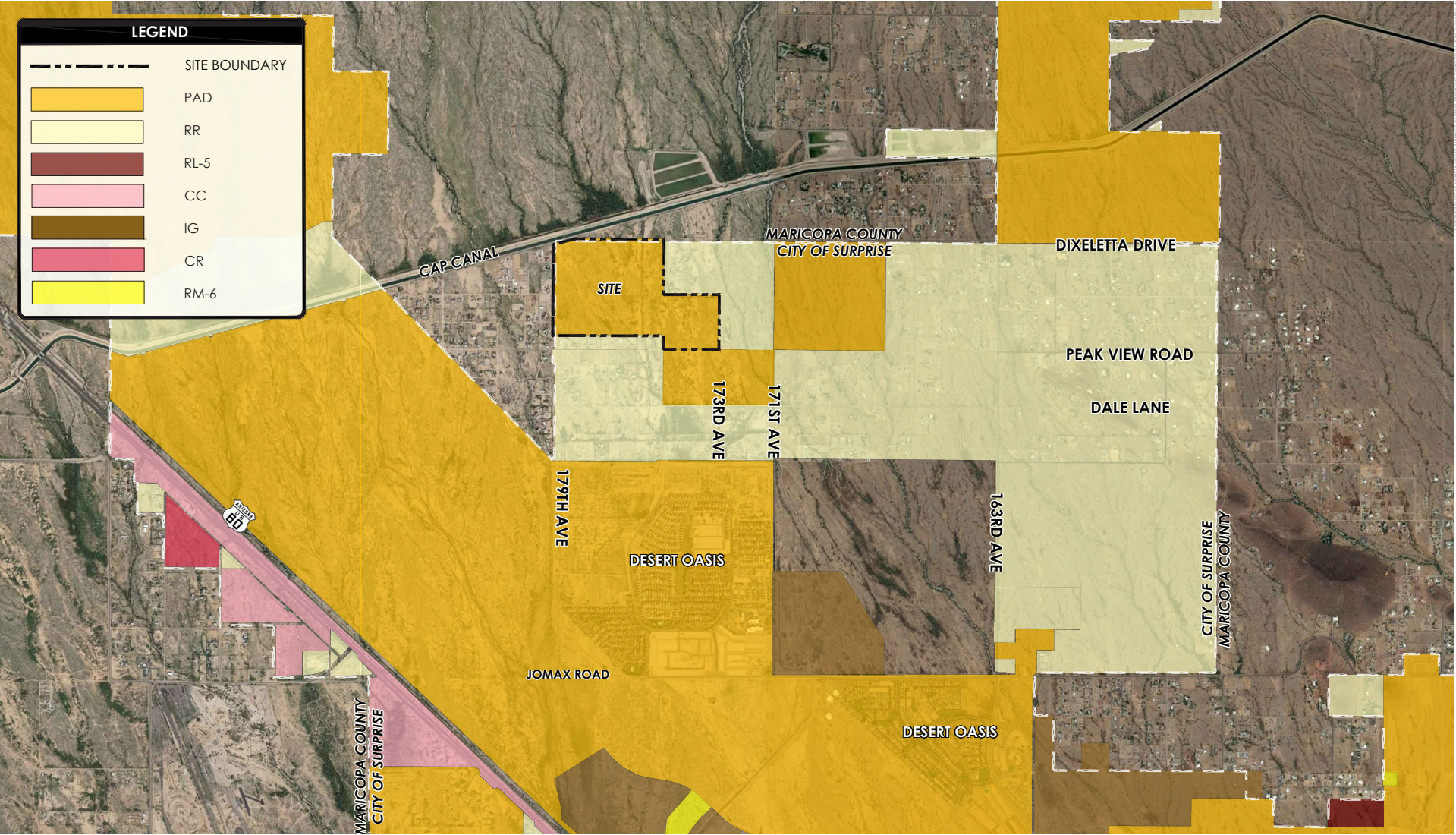
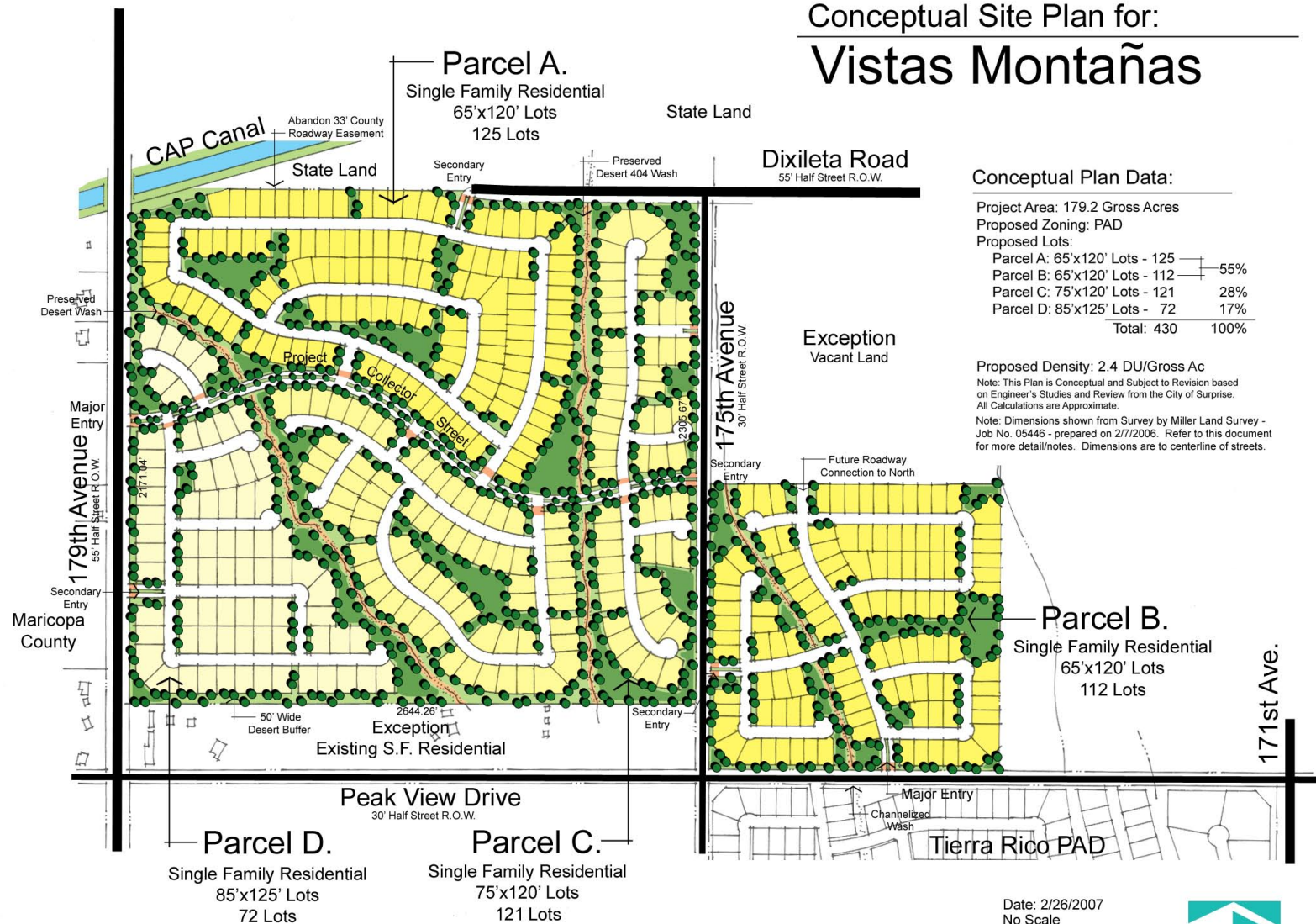


EXHIBIT E: EXISTING CONCEPTUAL SITE PLAN

Conceptual Site Plan for: Vistas Montañas



Date: 2/26/2007
No Scale
Land Planner:



Drifting Sands Design
Urban and Environmental Land Planning & Landscape Design
Post Office Box 24201 • Tempe, Arizona 85288 • 480/917-1008



EXHIBIT F: AMENDED CONCEPTUAL SITE PLAN



EXHIBIT G: OPEN SPACE PLAN

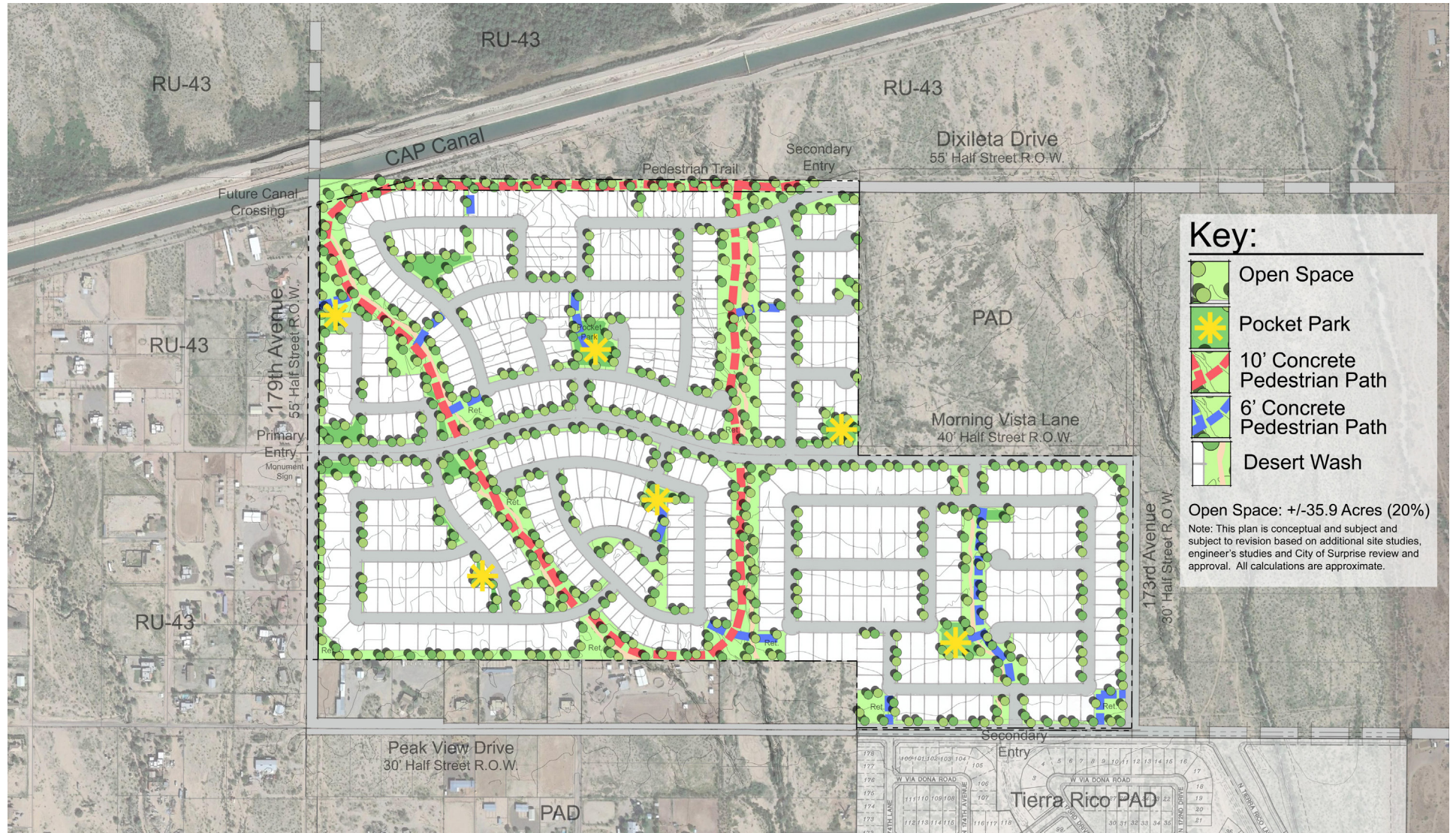


EXHIBIT H: LEGAL DESCRIPTION



ONE COMPANY.
INFINITE SOLUTIONS.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. A:

THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, IN THE COUNTY OF MARICOPA COUNTY, STATE OF ARIZONA;

EXCEPT THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF SECTION 26; AND

EXCEPT THAT PORTION THEREOF LYING NORTHWESTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE GRANITE REEF AQUEDUCT (REACH 9), AS CONVEYED TO THE UNITED STATES OF AMERICA BY THE INSTRUMENT RECORDED OCTOBER 17, 1979, IN DOCKET 13969, PAGE 220, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 26;

THENCE SOUTH 89° 41' 39" EAST ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 516.40 FEET;

THENCE SOUTH 75° 08' 46" WEST, A DISTANCE OF 534.91 FEET TO THE WEST LINE OF SAID SECTION 26;

THENCE NORTH 00° 15' 56" EAST ALONG SAID WEST LINE, A DISTANCE OF 139.88 FEET TO THE POINT OF BEGINNING; AND

EXCEPT ALL THE COAL AND OTHER MINERALS, AS RESERVED UNTO THE UNITED STATES OF AMERICA IN THE PATENT OF SAID LAND.

PARCEL NO. B:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ALL THE COAL AND OTHER MINERALS, AS RESERVED UNTO THE UNITED STATES OF AMERICA IN THE PATENT OF SAID LAND. APN NO. 503-51-010C0



Page 1 of 1



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

3 February 2022

Mr. Christopher P. Toale
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Lorraine Nevarez
Project Coordinator
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS22-0180: Vista Montana Major PAD (APNs: 503-51-010R, 503-51-008G, 503-51-008H & 503-51-008J)

Dear Ms. Nevarez

Thank you for the opportunity to provide comments on the Vista Montana Major PAD application. The request is for development of approximately 179 acres, located at the northeast corner of 179th Avenue and Peak View Road in Surprise, Arizona. The PAD states the development will consist of 430 single-family lots resulting in a 2.4 du/ac density. The site is approximately 1.2 to 2.1 miles outside the Aux-1 2004 JLUS 65 DNL, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

In an effort to promote a more compatible co-existence, Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 DNL as follows: a maximum of 2 du/ac from the 65 DNL to 1/2 mile, a maximum of 4 du/ac from 1/2 to 1 mile, and a maximum of 6 du/ac from 1 to 3 miles. The proposal for the property as stated in the narrative, consisting of 2.4 du/ac meets the GDC, therefore will not negatively impact the flying operations at Luke AFB.

Since the development will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Mr. Mark James, at (623) 856-9981.

Sincerely

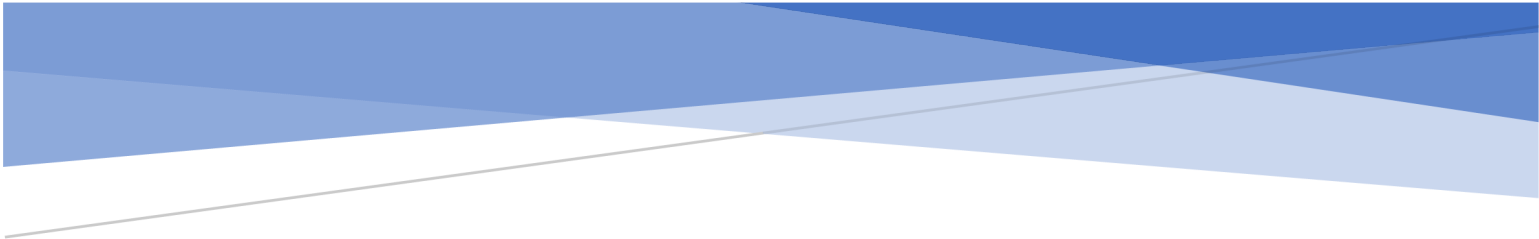
TOALE.CHRISTOPHER.P.10396
HER.P.1039696165
Digitally signed by
TOALE.CHRISTOPHER.P.10396
96165
Date: 2022.02.03 09:43:57 -07'00'

CHRISTOPHER P. TOALE

cc:

Colonel Luke B. Casper, Vice Commander, 56th Fighter Wing

Mr. Anthony C. Avitable, GS-13, General Law Attorney, 56th Fighter Wing



CITIZEN PARTICIPATION REPORT

Vistas Montanas PAD Amendment

Surprise, AZ
April 25, 2022
FS22-0180



Introduction

Every development application in the City of Surprise that requires a public hearing in shall be accompanied by a Citizen Participation Report designed to detail the results of their citizen participation effort prior to the notice of public hearing. The following sections document the first neighborhood meeting that was held as it relates to the Vistas Montanas PAD Amendment, FS22-0180.

Public Outreach

A neighborhood meeting was held for this project on April 25 in accordance with the City requirements. Notices were mailed to residents and neighborhood associations fifteen (15) days prior to the meeting by the City of Surprise using a mailing list generated by the City of Surprise for the following date and location:

April 25, 2022

6:00 pm

Asante Preparatory School

23251 N 166th Dr

Surprise, AZ 85387

Sign-In sheet at **Exhibit A: April 25th Neighborhood Meeting Sign in Sheet**

Additionally, this meeting was held virtually, and attendance details were provided on the neighborhood meeting letter notification mailout.

Summary of Neighborhood Meeting

The neighborhood meeting was held within proximity to the subject site at the Asante Preparatory Elementary School. The applicant introduced the project via a PowerPoint presentation and described the specifics of the project. Upon conclusion of the formal presentation, the applicant answered questions from the attendee(s). The following sections highlights the questions asked and the responses from the applicant at the neighborhood meeting held on April 25th.

There were four people who attended in person and another three that attended virtually. The meeting started at 6:05 PM.

Who is the homebuilder?

Response: The applicant is representing the property owner on this PAD zoning amendment and no builder has been selected for this site.

What are the roadways that will need to be built to access the site? What about Peak View Road across our frontage?

Response: The team explained the regional transportation network and how this site will have primary access of 179th Avenue. To achieve this, Peak View Road will need to be improved and ROW will need to be acquired from the property owners. This means that in the future, the City and the developer will need to work with the property owners along Peak View Road to acquire this ROW.

Additionally, the developer will need to improve 179th avenue and Dixelea Road to meet the requirements of the City.

How many homes are planned?

Response: There are 533 total homes planned for this site. This is an increase of 103 homes from the original approved plan in 2007.

There were questions about the equestrian nature of the area.

Response: The applicant team listened to the concerns of the residents and learned that a number of the existing residents use the subject property to ride their horses. The team explained that this is private property and when it is developed, this access will no longer be viable due to the development of the community. The HOA will maintain the pedestrian trail system within the community for the residents of the community. The project team also explained that there is a 50' buffer along the south property line that will remain as planned. This means there will be an adequate landscape buffer to help mitigate the impact of the development immediately adjacent to residents at the southern border of the site.

Concern was expressed about the buffer and what this looks like.

Response: The project team explained that the subdivision walls will be built 50' north of the property line and will not join the existing walls/fences of the existing residential at the south boundary line. This would allow some space between the two sites.

Concern was expressed about the washes that run through the property

Response: The project team explained that a few of these washes are federally designated meaning they have strict requirements that will need to be followed. The team explained the purpose of the drainage reports that are required and the City standards that need to be met. Through this, the development must not make any situation worse and retain a lot of the flows on site preventing further problems down stream. A more detailed analysis will come at the preliminary and final plat stage of the development.

Questions were asked about timing

The project team explained that there is no specific time table for development. Right now, the property owner is seeking entitlements and once obtained, they would begin to market the property for sale at a higher price point. It is estimated that it is at least 3-5 years before the first home is in the ground. A number of other roadway logistics/improvements will need to be worked out before development can commence which also takes significant time.

The adjacent property owners asked about the feasibility of an equestrian trail at the south border.

Response: The project team explained that they would look into this in greater detail and work with the City to see if there is a feasible option for this.

Questions were asked about the County lots to the west

Response: The project team explained the City's boundary and that the property owners to the west are unincorporated Maricopa County. This means that 179th Avenue also is owned and maintained by

the County which will require coordination between the City, developer, and the County in the future when development commences.

Question about the surrounding developments, including Tierra Rico

Response: The project team explained that they believe that Tierra Rico is in preliminary plat stages and is planned to have access off Peak View. The project team explained the regional outlook including a map that shows some of the existing and proposed development that is planned in the future.

Questions about timing of approval and next steps.

Response: The project team reiterated that this project requires a public hearing and additional notices from the City will be given once the project advances forward.

Questions were asked about the wildlife of the area

Response: The project team explained that an environmental inventory report must be provided at the preliminary plat stage to illustrate how the project is accommodating any endangered species or natural resources that need to be preserved. This is something that will commence in the next stage of the approval process.

The residents asked the City a number of questions relating to the roadway network and future plans for the bridge across the CAP Canal.

Response: It was explained that there is no timetable for a bridge across the CAP Canal and will be reviewed based on demand and future transportation capacity and long-range plans. This project does not generate enough traffic to justify construction of the bridge currently.

Additionally, the City explained the roads that are public and maintained by the City in the area.

Questions about notification process

Response: The project team explained the protocol of the City and responsibilities for notification procedure, which includes letters, site postings, and newspaper publishing to notify people within a specific radius around the subject site.

Questions about surrounding ownership and the CAP Canal trail

Response: The project team explained the surrounding ownership and stated that there is no existing CAP Canal trail currently but a Maricopa County Regional Trails Plan identified the CAP Canal as an opportunity for a regional trail. No additional details about the timing and look of this trail are known at this time.

Questions about whether this is public or private community

Response: All plans were developed and planned accordingly for public subdivision rather than private. This does not mean the developer in the future wont amend the plan to make this a private community.

Questions about dark skys and light pollution

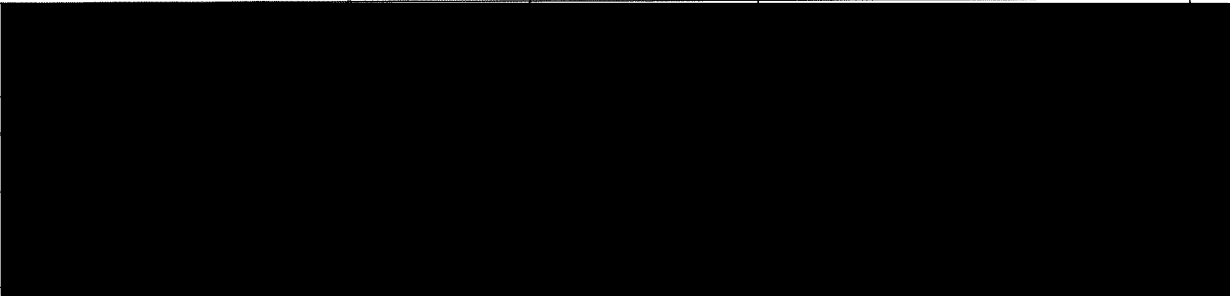
Response: The project team explained that the City of Surprise has engineering requirements relating to streetlights that will need to be followed. Thus, we would defer to them on whether or not the streetlights out here would be dark sky compliant. The team explained that it is unlikely that these requirements would render this subdivision as dark sky compliant due to these requirements.

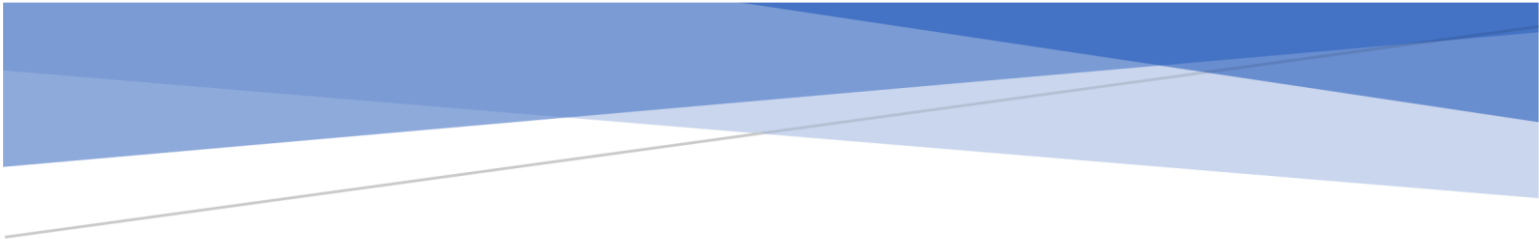
There were no questions asked from the residents attending virtually and the meeting commenced at approximately 7:05 PM.

Project: Vistas Montanas - Neighborhood Meeting

Location: Asante Preparatory Academy – Media Center
23251 N 166th Dr
Surprise, AZ 85387

Date and Time: Monday April 25, 2022 – 6:00 PM

NEIGHBORHOOD MEETING SIGN-IN SHEET			
NAME	ADDRESS	PHONE	EMAIL
Raymond Grom			
			
Rory & Norma PULAN			



CITIZEN PARTICIPATION REPORT

Vistas Montanas PAD Amendment

Surprise, AZ
June 13th 2022
FS22-0180



Introduction

Every development application in the City of Surprise that requires a public hearing shall be accompanied by a Citizen Participation Report designed to detail the results of their citizen participation effort prior to the notice of public hearing. The following sections documents the second neighborhood meeting that was held on Vistas Montanas PAD Amendment, case FS22-0180.

Public Outreach

A neighborhood meeting was held for this project on June 13th in accordance with the City requirements. Notices for the meeting were mailed to residents and neighborhood associations fifteen (15) days prior to the meeting by the City of Surprise using a mailing list generated by the City of Surprise for the following date and location:

June 13, 2022

6:00 pm

Asante Preparatory School

23251 N 166th Dr

Surprise, AZ 85387

Sign-In sheet at **Exhibit A: June 13th Neighborhood Meeting Sign in Sheet**

Additionally, the following exhibit is included as part of the Citizen Participation Report:

- Site posting for June 13th meeting at **Exhibit B: Sign Posting Affidavit**

This meeting was also held virtually, and attendance details were provided on the neighborhood meeting letter notification mailout.

Summary of Neighborhood Meeting

The neighborhood meeting was held within proximity to the subject site at the Asante Preparatory Elementary School. The applicant introduced the project via a PowerPoint presentation and described the specifics of the project. Upon conclusion of the formal presentation, the applicant answered questions from the attendee(s). The following section highlights the questions asked and the responses from the applicant at each neighborhood meeting.

The neighborhood meeting started at 6:00 pm. Three staff members of the City of Surprise Planning team, the District City Councilmember, and one member of the public attended the meeting in-person. One resident joined the meeting online. Two representatives of RVi hosted the meeting in-person, and one hosted the meeting online via zoom.

RVi welcomed everyone to the meeting and walked through a 9-slide presentation which went over the site's context/location, the existing and surrounding zoning, the proposed development and how it compares to the existing entitlement of the site, the open space plan, purpose of the request, and timeline of the public review process.

It is appreciated how engaged the two residents were in the meeting; below are the comments and questions they asked followed by answers from RVi:

The resident attending the meeting in-person shared that the majority of his neighbors are gone for the summer but that they have all been discussing the project together, and that his input is of his own as well as on behalf of those residents.

RVi noted this comment.

What is PAD?

PAD stands for Planned Area Development. It is a zoning district/overlay that property owners may propose to rezone to. PAD provides the option for developers to propose extra open space, specific design standards, or higher quality amenities in exchange for rezoning the property to a residential use. For example, this proposal has over 30 acres of open space, and certain homes, and certain homes are restricted to only being single-story.

How will the site be accessed?

There is a primary entrance on 179th Avenue, and secondary entrances from Dixileta Drive and Peak View Drive.

How will the roads be improved and how many lanes?

Dixileta: Dixileta is planned as a Minor Arterial providing 110' of ROW with a center lane median.

179th: 179th Avenue is planned as a Minor Arterial Roadway in accordance with the City of Surprise requirements and provided by the Traffic Impact Analysis. This results in 2 lanes in each direction.

Peak View Drive: Peak View Drive is planned as a collector with 60' of total ROW. This includes 38' feet of pavement and one lane in each direction.

How many homes are proposed?

533 single-family homes are proposed.

What will the border be between the proposed homes in Parcel C and the existing homes to the south along Peak View Drive? These existing homes do not have walls. These are large properties with metal rails / wire fencing along their rear property line for their animals. Will vandalism/trespassing be prevented?

The presentation included an exhibit showing a proposed 50' buffer between the rear walls of the proposed lots, and the rear property lines of the lots on Peak View Drive. The proposed lots will have a 6-foot-tall solid wall. The 50' buffer concept shows space for people to traverse the buffer, near the existing homes rear property line. Staff clarified that the 50-foot buffer will need to be vegetated to provide a transition/screening. The concept is to have this landscaping blend in with the surrounding desert.

We want an easier way to connect to the 60. We have big horse trailers, we don't want to have to use small curvy roads to get to the 60. We are looking for a better connection to the 60.

City staff provided information regarding 163rd eventually going north to connect to 74 and mentioned the existing connection of to the 60.

Will there be a fire access to the site?

The City requires that there be three points for emergency fire access.

One of the main concerns is the safety of children and our animals. We live a very different lifestyle than the residents of the proposed homes, and while we understand that development is inevitable, we want to make sure we can safely and comfortably continue our lifestyle and equally be respectful of theirs.

RVi agreed that safety and neighborly respect being important concerns.

Will the site be constructed in phases?

A home builder will determine if the project will be developed at one or in phases. At this time, a home building has not been identified for the site. RVi is hired by the property owner to provide land planning and entitlement services. After the site is entitled, a home builder may buy the site and then being to plan how construction will take place.

Any construction process (phased or all at once) will need to meet City criteria of what improvements may be required to be constructed prior to homes being built. (i.e streets, community entrances, fire access, community-wide open space/landscaping, retention etc.) While RVi is not the homebuilder, it was shared that based on the layout of the neighborhood, it could be imagined that it may be constructed from east to west.

At 6:34 pm, RVi in-person staff confirmed with the host of the online meter that there were no further questions. Everyone was thanked for attending the meeting and it was closed.

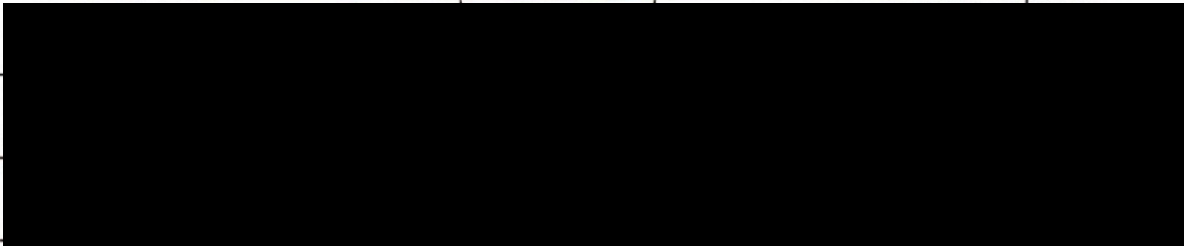
Ongoing Coordination

Throughout the processing of the rezoning application, the development team will engage with all interested parties to provide up to date information and tracking to the schedule public hearings. To date, no additional phone calls or email conversations have occurred as it relates to either application.

EXHIBIT A: JUNE 13TH NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Vistas Montanas - Neighborhood Meeting
Location: Asante Preparatory Academy – Media Center
23251 N 166th Dr
Surprise, AZ 85387

Date and Time: Monday June 13, 2022 – 6:00 PM

NEIGHBORHOOD MEETING SIGN-IN SHEET			
NAME	ADDRESS	PHONE	EMAIL
<i>Robert W. [unclear]</i>			
<i>CONRADO OCHOA</i>			
<i>Josue Morales</i>			

AFFIDAVIT OF POSTING

Application No: FS22-0180
Applicant Name: RVI
Location: NEC 179th Ave and Peak View Rd
Date Site Posted: 05/13/22

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

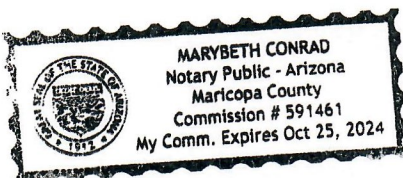
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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

Meghan Liggett 5/13/22
Applicant/Representative Signature Date

This instrument was acknowledged before me on 05/13/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



Marybeth Conrad
Notary Public
10.25.24
My commission expires

*Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).*

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

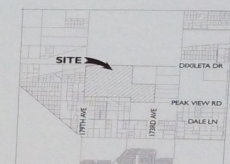
Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623-222-3600 or Surpriseaz.gov

VICINITY MAP



May 13, 2022 at 10:40:40 AM

City of Surprise

Neighborhood Meeting

Planning & Zoning

City Council

Date: TBDDate: TBD

Time: 6:00 P.M.

Time: 6:00 P.M.

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

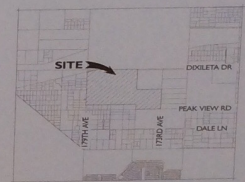
Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

VICINITY MAP



Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

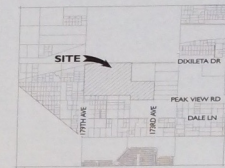
Passcode: 134220

Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

VICINITY MAP



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

May 13, 2022 at 10:27:51 AM

City of Surprise

Neighborhood Meeting

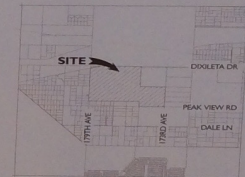
Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

- Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

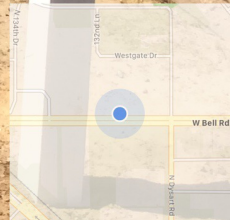
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Phone: 1-669-900-6833

VICINITY MAP



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



AFFIDAVIT OF POSTING

Application No: FS22-0180

Applicant Name: RVI

Location: NEC 179th Ave and Peak View Rd

Date Site Posted: 08/22/22

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It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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Meghan Liggett 8/22/22
Applicant/Representative Signature Date

This instrument was acknowledged before me on 08/22/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



Mary Beth Conrad
Notary Public
10-25-24
My commission expires

*Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).*

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Planning & Zoning

Date: September 15, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: September 20, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

Phone: 1-669-900-6833

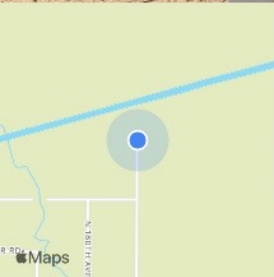
Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

VICINITY MAP



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Aug 22, 2022 11:19AM
29740-29754 N 179th Ave
Maricopa County

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: June 13, 2022

Date: September 15, 2022

Date: September 20, 2022

Time: 6:00 P.M.

Time: 6:00 P.M.

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

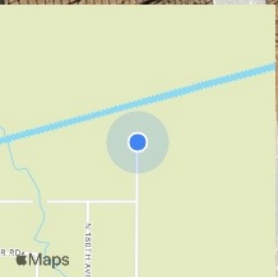
Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623- 222-3011 surpriseaz.gov

VICINITY MAP



Aug 22, 2022 11:19AM
29740-29754 N 179th Ave
Maricopa County

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: June 13, 2022

Date: September 15, 2022

Date: September 20, 2022

Time: 6:00 P.M.

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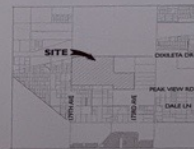
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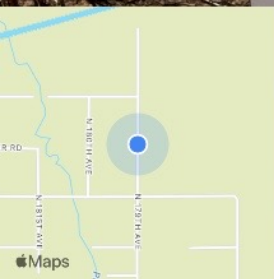
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VICINITY MAP



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Aug 22, 2022 11:14AM
29216 N 179th Ave
Maricopa County

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Planning & Zoning

Date: September 15, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: September 20, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

Phone: 1-669-900-6833

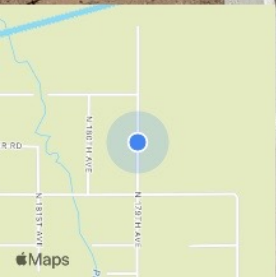
Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

VICINITY MAP



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Aug 22, 2022 11:14AM
29216 N 179th Ave
Maricopa County

ORDINANCE # 2022-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT FOR DEVELOPMENT STANDARDS FOR VISTA MONTANAS (PAD07-185), GENERALLY LOCATED AT THE NORTHEAST CORNER OF 179TH AVENUE AND PEAK VIEW ROAD, BETWEEN 179TH AVENUE AND 173RD AVENUE, SOUTH OF DIXILETA ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located generally at the northeast corner of 179th Avenue and Peak View Road, between 179th Avenue and 173rd Avenue, south of Dixileta Road;

WHEREAS, the subject site is zoned Vista Montanas PAD pursuant to PAD07-185 approved on March 27, 2008;

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

WHEREAS, this PAD amendment is in harmony with the purposes and intent of the Vistas Montanas PAD, the zoning ordinance, and the Surprise General Plan; and

WHEREAS, on August 18, 2022, the Planning and Zoning Commission recommended approval of the subject Vistas Montanas PAD amendment.

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

Section 1. *Major PAD Amendment.* The “Vistas Montanas PAD” is herewith amended to reflect the development changes subject to the following stipulations:

- a. Development and use of the site shall be consistent with the narrative entitled “Vistas Montanas PAD” dated June 16, 2022.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

- c. The water solution to serve this development will need to be documented in a development agreement before the City will approve a preliminary plat.
- d. The developer must submit proof of sewer treatment capacity with final plat submittals.
- e. The SPA 2 Water Reclamation Facility has a treatment capacity of 2 MGD and will treat wastewater generated from this development. The current Phase I wastewater capacity has been fully allocated in the form of EDUs of wastewater capacity totaling 9,524 per the SPA 2 Water Reclamation Facility Capacity Allocation Agreement recorded as instrument No. 201503548465, Records of Maricopa County, Arizona dated 5/20/2015.
- f. The developer must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to City approval of a final plat.

Section 2. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 3. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 4. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____ 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTY



ONE COMPANY.
INFINITE SOLUTIONS.

LEGAL DESCRIPTION
PAD EXHIBIT
VISTAS MONTANAS
APN 503-51-008J
CITY OF SURPRISE, ARIZONA

LOCATED WITHIN A PORTION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 5 NORTH,
RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ACCEPTED AS THE NORTH QUARTER CORNER OF SAID
SECTION 26 FROM WHICH A FOUND GLO BRASS CAP BEING THE NORTHEAST CORNER OF
SAID SECTION 26 THEREOF BEARS N89°50'39"E A DISTANCE OF 2645.11 FEET;

THENCE, LEAVING SAID NORTH LINE OF SAID SECTION 26, S00°00'15"W A DISTANCE OF
1317.13 FEET;

THENCE, N89°51'41"E A DISTANCE OF 1322.17 FEET;

THENCE, S00°02'29"W A DISTANCE OF 1317.48 FEET;

THENCE, S89°52'09"W A DISTANCE OF 1321.82 FEET;

THENCE, N00°01'34"E A DISTANCE OF 329.32 FEET;

THENCE, S89°52'57"W A DISTANCE OF 2644.58 FEET, TO A POINT ON THE WEST LINE OF SAID
SECTION 26;

THENCE ALONG SAID WEST LINE, N00°01'23"W A DISTANCE OF 2171.29 FEET;

THENCE, N74°51'15"E A DISTANCE OF 534.92 FEET TO A POINT ON THE NORTH LINE OF SAID
SECTION 26;

THENCE, S89°59'10"E A DISTANCE OF 2129.65 FEET ALONG SAID NORTH LINE TO THE **POINT
OF BEGINNING.**





ONE COMPANY.
INFINITE SOLUTIONS.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 7,811,448 SQUARE FEET OR 179.33 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

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

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 21001285
AUGUST 25TH, 2022



EXHIBIT B

DEPICTION OF PROPERTY SUBJECT TO THE PAD AMENDMENT

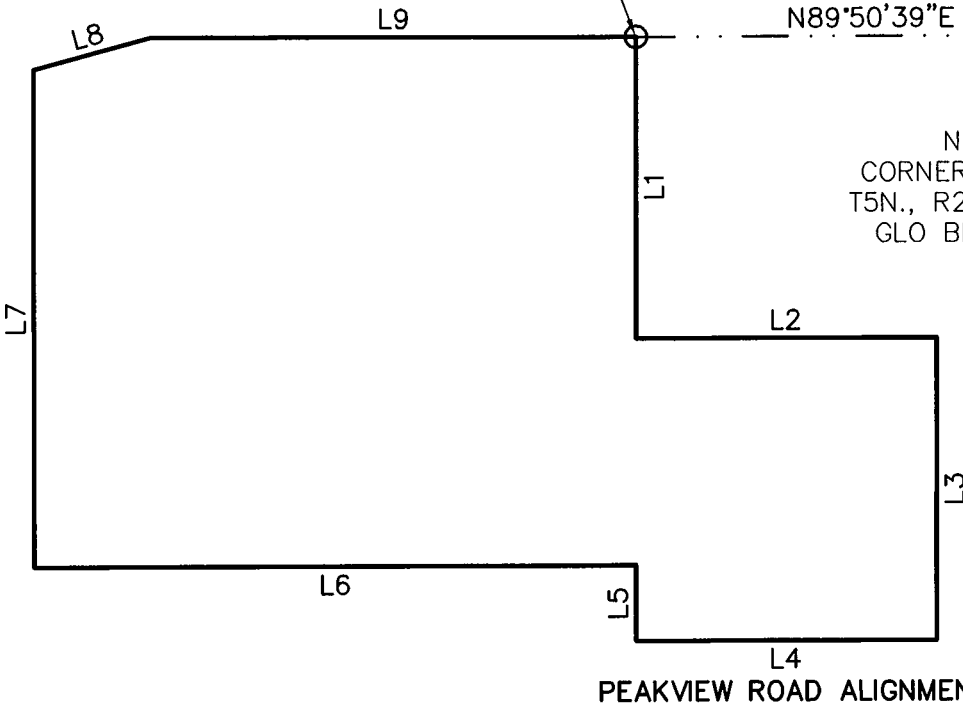
NORTH QUARTER CORNER SEC. 26, T5N.,
R2W, FOUND IRON PIPE IN HAND HOLE
POINT OF BEGINNING

BASIS OF BEARING
DIXILETA DRIVE ALIGNMENT

N89°50'39"E 2645.11'

NORTHEAST
CORNER SEC. 26,
T5N., R2W, FOUND
GLO BRASS CAP

179TH AVENUE

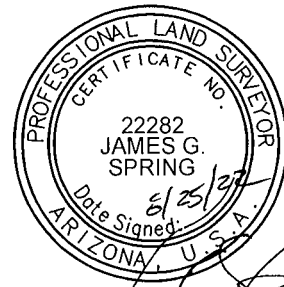


LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S00°00'15"W	1317.13'
L2	N89°51'41"E	1322.17'
L3	S00°02'29"W	1317.48'
L4	S89°52'09"W	1321.82'
L5	N00°01'34"E	329.32'
L6	S89°52'57"W	2644.58'
L7	N00°01'23"W	2171.29'
L8	N74°51'15"E	534.92'
L9	S89°59'10"E	2129.65'



Scale: 1"=800



JOB NO. 21001285 DATE: 08-25-2022 SHEET 3 OF 3



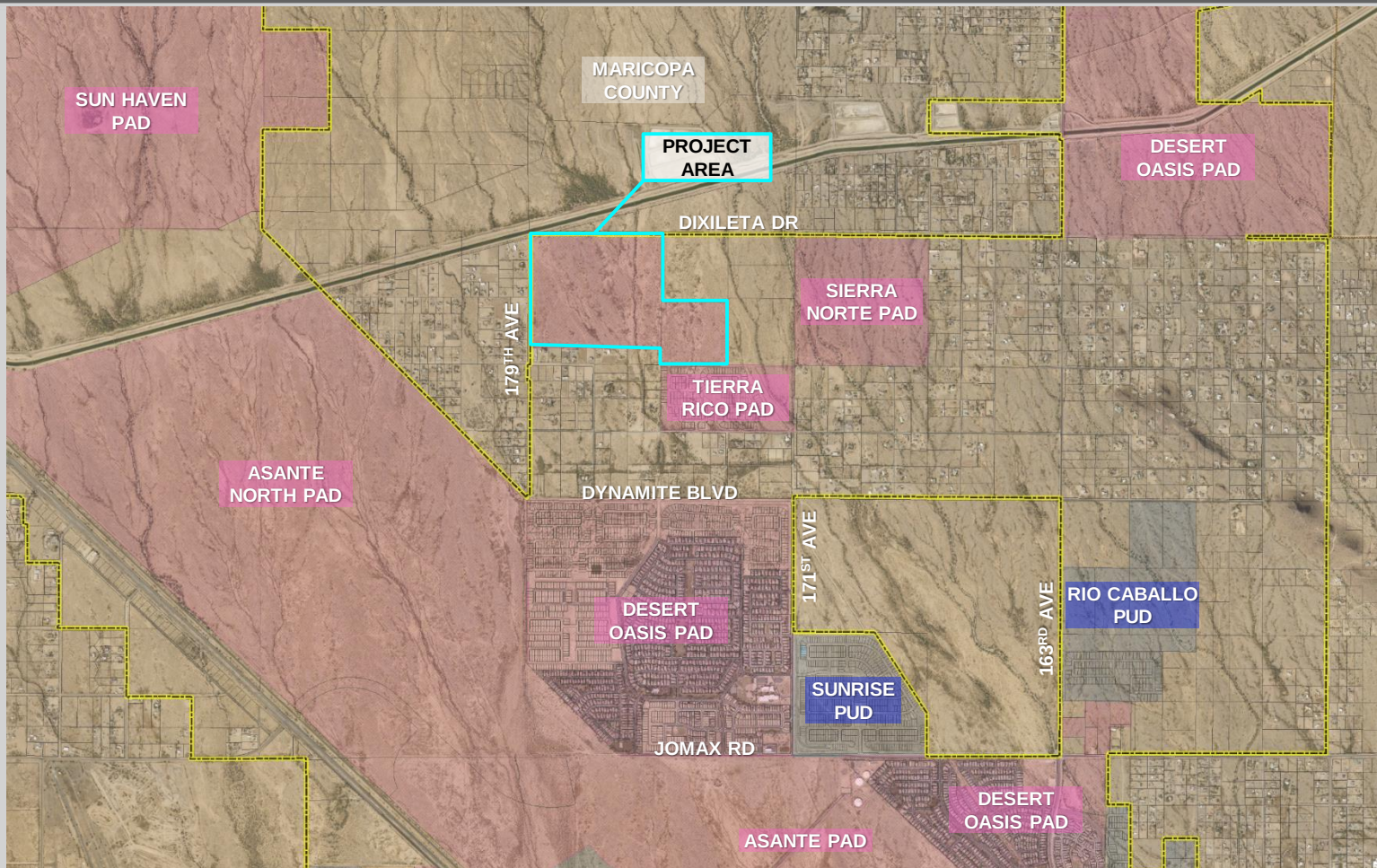
EXHIBIT "A"
PAD EXHIBIT
VISTAS MONTANAS
503-51-008J
CITY OF SURPRISE, ARIZONA

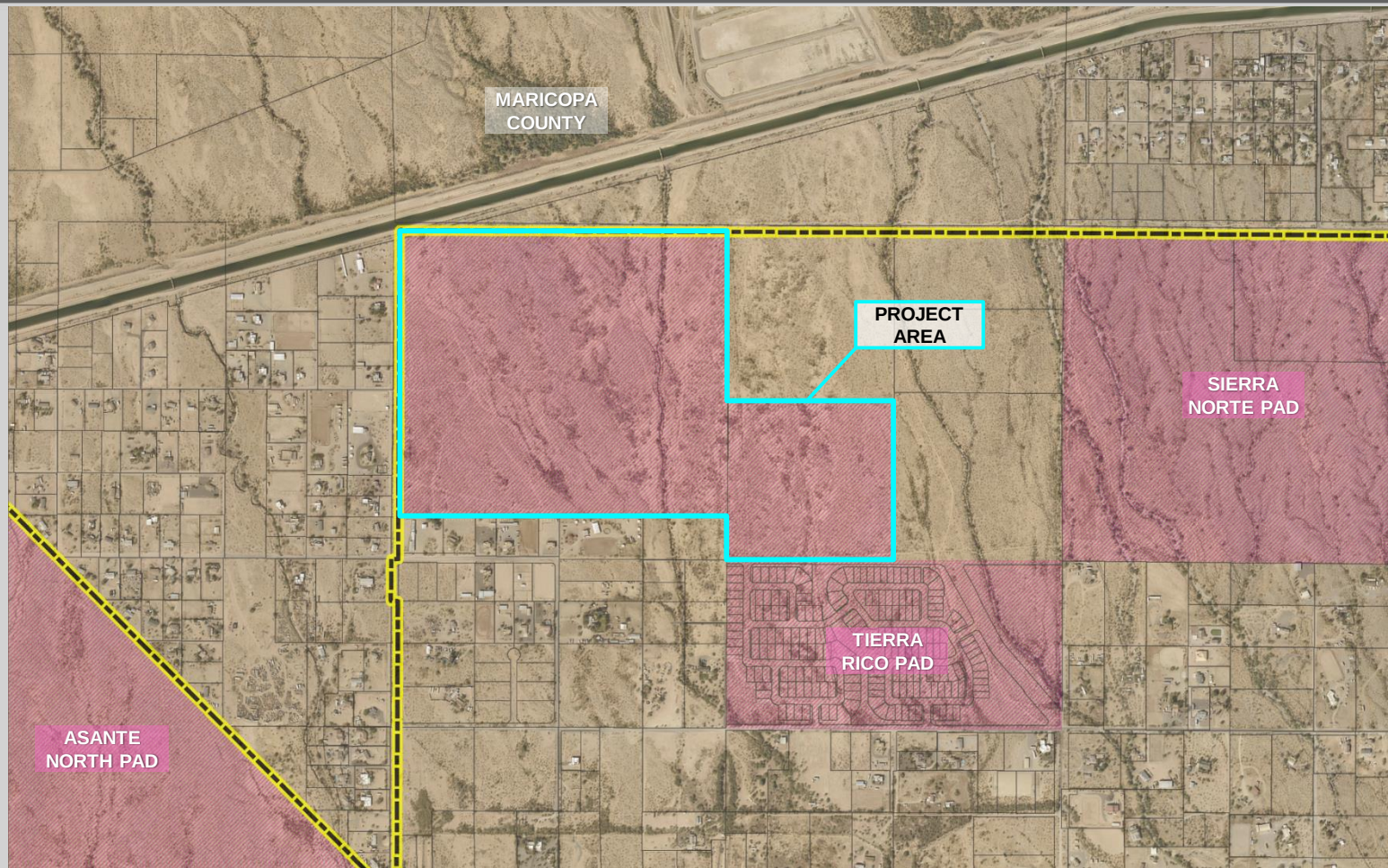


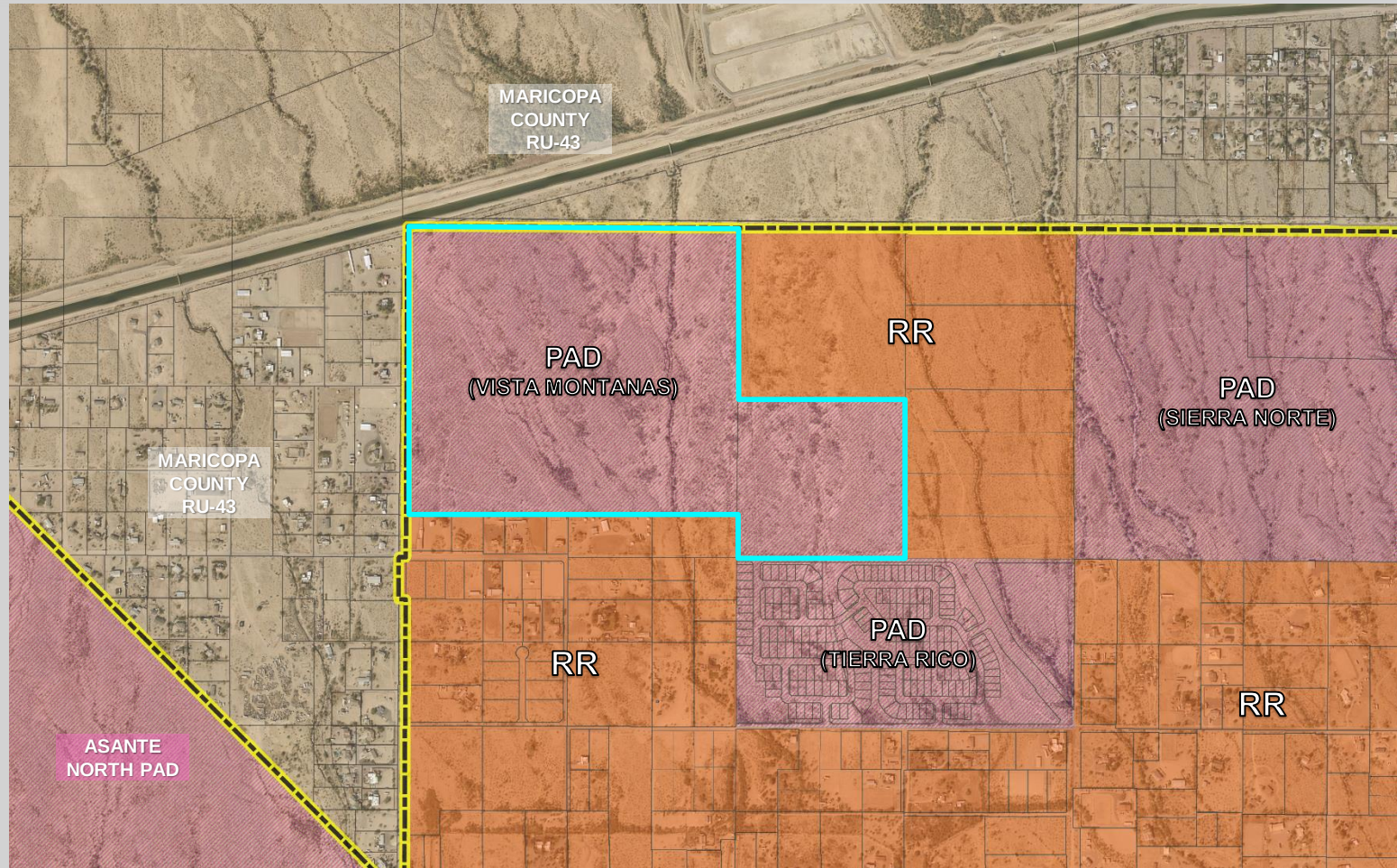
FS22-0180

Vista Montanas PAD Amendment

City Council
September 20, 2022









PAD Amendment Request

- Update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards
- Update the conceptual development plan and roadway network



PAD Amendment Request

- Increase the overall density from 2.4 du/ac to 2.9 du/ac
- Update the lot sizes and distribution of lots throughout the site
- Increase the percentage of open space from 12% to 20%

DEVELOPMENT STANDARDS

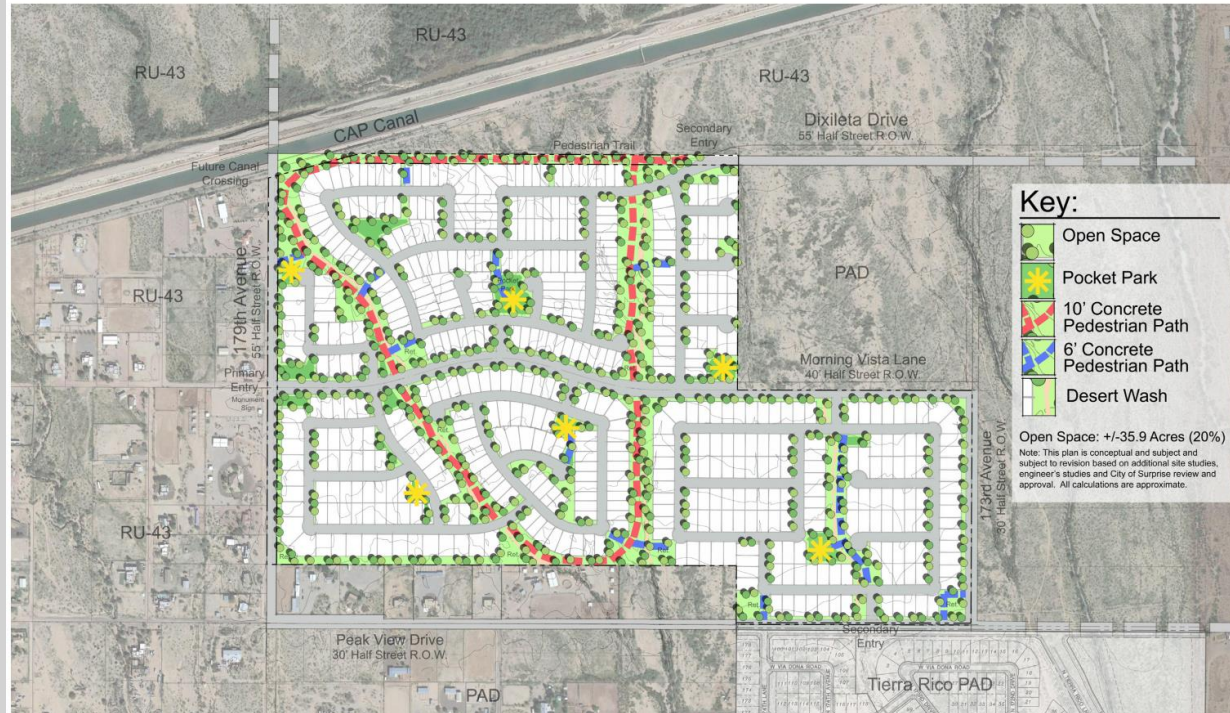
Proposed Development Standards			
	Approved	Proposed	
PARCELS	A-D	A-D	C, E
Lot Categories	NA	A ³	B
General Plan Compatibility	Suburban	Suburban	Suburban
Lot Area (sf)	7,800 – 10,625	4,950 – 7,999	8,000 – 11,999
Min Lot Width (sf)	65	45	70
Min. Front setback ¹ (ft)	18-24	12	12
Max. Front setback (ft)	NA	25	25
Min. Rear setback ¹ (ft)	15	15	20
Min. Side setback ¹ (ft)	5&8	5&8 ²	5 & 10
Min. Street Side setback ¹ (ft)	15	10	10
Max Building Height	35	35	35
Open Space (% of gross acres of residential development)	10%	20%	20%

Notes:

1. Garage face and embellishments shall be setback a minimum of 20' measured from any opposing property line, except rear alley loaded garages, which shall be setback nine feet from alley edge line.
2. May be reduced to 0' setback for single-family dwellings as attached building and separated by a common wall along the property line. End units must maintain the larger setback.
3. The City requires open space on a subdivision or development site basis rather than on a lot-by-lot basis. Subdivisions with more than one lot category will provide the higher percentage of open space.
4. Residential projects shall contain no more than fifty percent 50% of lots than 48' wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outlined in Chapter 108 of this ordinance.

Open Space Plan

EXHIBIT C: OPEN SPACE PLAN



Conceptual Plan Pocket Park A



Developer proposes the following amenities for Pocket Park A:

- Tot lot
- Ramada with seating
- BBQ grill
- Turf Play area



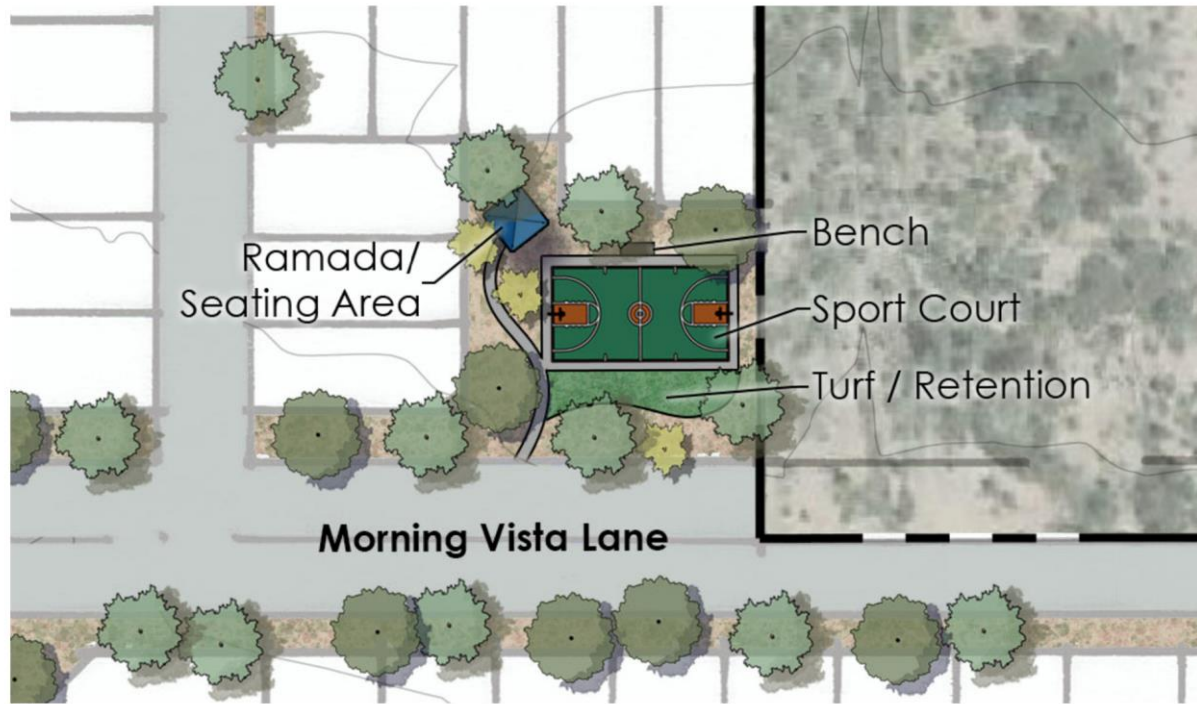
VISTAS MONTANAS • CONCEPTUAL POCKET PARK / AMENITY FOR PARCEL A

● SURPRISE, AZ
● 2022-08-08
● 2022-08-14
● SURPRISE LAND HOLDINGS, LLC



0 10 20 Feet
0 10 20 Meters
This plan is a conceptual drawing and does not represent a final design. It is for informational purposes only and should not be used for construction or other purposes without the approval of the relevant authorities.

Conceptual Plan Pocket Park B



Developer proposes the following amenities for Pocket Park B:

- Ramadas with seating
- Turf Play area
- Half basketball court



VISTAS MONTANAS • CONCEPTUAL POCKET PARK / AMENITY FOR PARCEL B

■ SURPRISE, AZ
■ 2020-08-08
■ 2020-08-08
■ SURPRISE LAND HOLDINGS, LLC



Pocket Park Amenity Calculations



PEDS requirement:
 533 DU x 3.8 persons/DU
 x 100 sf/persons
 Total – 4.66 acres
 (202,540 sq ft)

Proposed:
 A - 1.35 acres
 B - 0.64 acres
 C - 0.69 acres
 D - 0.79 acres
 E - 0.26 acres/.94 acres
 Total = 4.67 acres
 (203,425 sq ft)

Meets PEDS
 requirements



VISTAS MONTANAS • CONCEPTUAL POCKET PARK / AMENITY CALCULATIONS

11/17/2020
 2020-08-08
 2020-08-08
 2020-08-08
 SURPRISE LAND HOLDINGS, LLC





OUTREACH

Citizen Participation Meetings

- April 25, 2022 – 4 in-person/3 virtual attendees
- May 23, 2022 - meeting was not held
- June 13, 2022 – 2 in-person attendees/1 virtual attendee

Concerns – timing, access to site, homebuilder, equestrian nature of area, trails to CAP, construction of roadways, surrounding development.



RECOMMENDATION

The recommendation from Planning and Zoning will be provided at the time of the City Council meeting.



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



STIPULATIONS

- a. Development and use of the site shall be consistent with the narrative entitled “Vista Montanas PAD” dated June 16, 2022.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- c. The water solution to serve this development will need to be documented in a development agreement before the City will approve a preliminary plat.
Applicant must submit proof of sewer treatment capacity with final plat submittals.
- d. The SPA 2 Water Reclamation Facility has a treatment capacity of 2 MGD and will treat wastewater generated from this development. The current Phase I wastewater capacity has been fully allocated in the form of EDUs of wastewater capacity totaling 9,524 per the SPA 2 Water Reclamation Facility Capacity Allocation Agreement recorded as instrument NO. 201503548465, Records of Maricopa County, Arizona dated 5/20/2015.
- e. Applicant must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to City approval of Final Plat.