



CITY OF SURPRISE
Planning and Zoning Commission Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Thursday, November 3, 2016 @ 6:00 PM
 COUNCIL CHAMBERS

+ [Back](#) [Print](#)

CALL TO ORDER.

- A. Roll Call
- B. Pledge of Allegiance
- C. Current Events and Reports – Pursuant to A.R.S. §38-431.02(k) the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that 1) The summary is listed on the agenda; and 2) The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.
- D. Staff Reports

Planning and Zoning Commission Agenda:

CALL TO THE PUBLIC:

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

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

- E. 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 Board\Commission. There will be no separate discussion on these items unless a board member or commissioner requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

ITEM #	DISTRICT #	ITEM DESCRIPTION	STAFF RECOMMENDATION/ PRESENTED BY
--------	------------	------------------	---------------------------------------

- | | | | |
|----|-------------------|--|---|
| #1 | District Internal | <u>Consideration and action approving the October 20, 2016 Planning and Zoning Commission minutes.</u> | Approve
Lorraine
Nevarez,
Community
Development |
| #2 | District 4 | <u>Consideration and action regarding a Site Plan for the Quik Trip located at the northeast corner of Bell Road and 115th Avenue.</u> | Approve
ROBERT
KUHFUSS -
COMMUNITY
DEVELOPMENT |
| #3 | District 5 | <u>Consideration and action item regarding a Site Plan for a medical and retail facility known as the Marketplace at the City in the Surprise Center Planned Area Development (PAD).</u> | Approve
Hobart Wingard -
Community
Development |
| #4 | District Internal | <u>Presentation and Discussion regarding the Laws applicable to Commissioners, and an overview of the general plan and SUDC.</u> | None
Eric Fitzer -
Community
Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

			STAFF RECOMMENDATION/
ITEM #	DISTRICT #	ITEM DESCRIPTION	PRESENTED BY
#5	District 6	<u>Consideration and Action on an Ordinance rezoning 8.1 acres of property located on the west side of Litchfield Road ½ mile north of Peoria Avenue from Rural Residential (RR) to Business Park (BP)</u>	Approve Hobart Wingard - Community Development

OTHER BUSINESS:

- | | | | |
|----|-------------------|--|---|
| #6 | District Internal | <u>Discussion and direction pertaining to future agenda items.</u> | No Action
Eric Fitzer,
Community
Development |
|----|-------------------|--|---|

ADJOURNMENT:

SHERRY ANN AGUILAR, CITY CLERK, CMC

POSTED: October 27, 2016 at 10:00 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
Planning and Zoning Commission

November 3, 2016 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 3, 2016	Contact Person:	Lorraine Nevarez, Community Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
---------	---------	---	----------------	-------------------

Agenda Wording:

Consideration and action approving the October 20, 2016 Planning and Zoning Commission minutes.

Motion:

I move to approve the October 6, 2016 Planning and Zoning Commission minutes.

Background:

Financial Impact Statement:

No Financial Impact

ATTACHMENTS:

Click to download

☐ [Minutes -October 20, 2016 Meeting](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

October 20, 2016 / 6:00 PM

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

CALL TO ORDER.

Chair Ken Chapman called the Planning and Zoning Commission Meeting to order at 6:00 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on Thursday, October 20, 2016.

A. ROLL CALL

In attendance were Chair Ken Chapman, Vice Chair Matthew Keating and Commissioners, Dennis Smith, Mitchell Rosenbaum, Dennis Bash and Eric Cultum.

STAFF PRESENT:

Community Development Director Eric Fitzer, Deputy City Attorney Donna Bronski, Planner Hobart Wingard, Planner Sergio Angulo and Planning and Zoning Commission Secretary Lorraine Nevarez.

COUNCIL MEMBERS PRESENT:

None.

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

D. STAFF REPORT

Eric Fitzer, Director, advised the commission that City Council passed an ordinance allowing the Planning and Zoning Commission to take on other duties. Currently, there are two boards - Board of Construction Review and Board of Adjustment. These two boards do not meet frequently. The ordinance states that the Planning and Zoning Commission can meet as those boards if there is a case. When a case comes in more information will be provided.

Mr. Fitzer noted at the November 3rd Planning and Zoning meeting there will be an overview of the Public Meeting Laws, Surprise Unified Development Code and General Plan for our new commissioners.

CALL TO THE PUBLIC:

Chair Chapman opened the call to the public to discuss any items not listed on the agenda. Hearing no comments, Chair Chapman closed the call to the public.

CONSENT AGENDA:

No items.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

Item 1 – Internal – Consideration and action pertaining to approval of the October 20, 2016 Planning and Zoning Commission minutes.

Commissioner Rosenbaum made a motion to approve the October 20, 2016 Planning and Zoning Commission minutes. Commissioner Cultum seconded the motion. The motion passes with 5 votes in favor, 1 abstention.

Item 2 – DISTRICT 2 – Consideration and action on Site Plan for an independent living facility at the Parkview Place Senior Village portion of the Park Place Planned Area Development (PAD), generally located south of the intersection of North Reems Road and West Mountain View Blvd.

Hobart Wingard, planner, presented item 2 to the Commission.

The Commission discussed item 2:

- Height of the building
- Luke AFB Comments

Commissioner Smith made a motion to approve the Site Plan for Park at Surprise Independent Living Facility at the Parkview Place Senior Village, subject to stipulations “a” through “c” as listed in the staff report. Commissioner Cultum seconded the motion. The motion passes with 6 votes in favor.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 3 – DISTRICT 5 – Consideration and Action on the Conditional Use Permit for a 667 sq. ft. Salad and Go Drive through/walkup restaurant in Surprise Village a West Point Towne Center, located north of Bell Road and East of Litchfield Road.

Sergio Angulo, planner, presented item 3 to the Commission.

The Commission discussed item 3:

- Stacking of vehicles

- Circulation of traffic
- Pedestrian safety
- Parking spaces

Chair Chapman opened the call to the public.

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

Commissioner Cultum made a motion to approve the Conditional Use Permit for 667 sq. ft. Salad and Go drive through/walkup restaurant in Surprise Village at West Point Towne Center. Vice Chair Keating seconded the motion. The motion passes with 6 votes in favor.

OTHER BUSINESS:

Item 4 – INTERNAL - Discussion pertaining to future agenda items.

None.

ADJOURNMENT:

Hearing no further business, Chair Chapman adjourned the Planning and Zoning Commission meeting at 6:32 p.m.

Eric Fitzer
Community Development Director

Ken Chapman
Planning and Zoning Commission Chair

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

ATTEST BY: _____
Lorraine Nevarez, Commission Secretary

DATE: _____



CITY OF SURPRISE
Planning and Zoning Commission

November 3, 2016 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 3, 2016	Contact Person:	ROBERT KUHFUSS - COMMUNITY DEVELOPMENT
Submitting Department:	CD Boards and Commissions	District:	4
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
---------	---------	---	----------------	-------------------

Agenda Wording:

Consideration and action regarding a Site Plan for the Quik Trip located at the northeast corner of Bell Road and 115th Avenue.

Motion:

I move to approve the Site Plan for the Quik Trip located at the northeast corner of Bell Road and 115th Avenue subject to stipulations "a" through "c" as listed in the staff report.

Background:

David Wanders of Quik Trip Corporation seeks approval of a Site Plan covering a currently vacant property located immediately west of the existing Quik Trip facility located at the northwest corner of Bell Road and Avenue of the Arts. The Site Plan encompasses a new paved driveway extending in a westerly direction from the existing Quik Trip facility to 115th Avenue, a new monument sign located along 115th Avenue, a pedestrian sidewalk located along the north side of the new driveway, pedestrian path lighting, and landscaping. The Site Plan also anticipates a new box culvert to accommodate regional drainage.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00 - FS16-278 QuikTrip 0494 - FP/SP - Staff Report](#)
- ☐ [01 - FS16-278 QuikTrip 0494 - FP/SP - Vicinity Map](#)
- ☐ [02 - FS16-278 QuikTrip 0494 - FP/SP - Case Map](#)
- ☐ [03 - FS16-278 QuikTrip 0494 - FP/SP - Narrative](#)

- ☐ [04 - FS16-278 QuikTrip 0494 - FP/SP - Site Plan](#)
- ☐ [05 - FS16-278 QuikTrip 0494 - FP/SP - Landscape Plan](#)
- ☐ [06 - FS16-278 QuikTrip 0494 - FP/SP - Sign Package](#)
- ☐ [07 - FS16-278 QuikTrip 0494 - FP/SP - Project Aesthetics](#)
- ☐ [08 - FS16-278 QuikTrip 0494 - FP/SP - Western Basalt Example](#)
- ☐ [09 - FS16-278 QuikTrip 0494 - FP/SP - Presentation](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Robert H. Kuhfuss, AICP

Case: **FS16-278**

Project Name: Quik Trip Site Plan

Council District: 4

Meeting Date: **November 3, 2016**

Planner: Robert H. Kuhfuss, AICP

Owner: Quik Trip Corporation

Applicant: David Wanders of Quik Trip Corporation

Request: Site Plan

Site Location: Northeast corner of 115th Avenue and Bell Road

Site Size: 2.17 acres (approx.)

Density: N/A

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

Support/Opposition: None known

Staff Recommendation: Staff recommends the Commission **approve** the proposed Site Plan subject to stipulations 'a' - 'c'.

30
31

David Wanders of Quik Trip Corporation seeks approval of a Site Plan covering a currently vacant property located immediately west of the existing Quik Trip facility located at the northwest corner of Bell Road and Avenue of the Arts. The Site Plan encompasses a new paved driveway extending in a westerly direction from the existing Quik Trip facility to 115th Avenue, a new monument sign located along 115th Avenue, a pedestrian sidewalk located along the north side of the new driveway, pedestrian path lighting, and landscaping. The Site Plan also anticipates a new box culvert to accommodate regional drainage.

40
41

42 The following chart and associated map depict the existing zoning of the subject site and its
43 surrounds.



PAD (Commercial)	PAD (Medium Density Residential)	PAD (Medium Density Residential)
PAD (Commercial)	PAD (Commercial)	PAD (Commercial)
Regional Commercial (CR)	C-3 (County)	C-3 (County)

45 **Background:**

46
47 **August 28, 1997:** The City Council approved the original Canyon Ridge PAD under case PAD97-006.

48
49 **September 27, 2007:** The City Council approved a Major PAD Amendment for the purpose of
50 changing the land use of the subject property from Community Commercial to High Density
51 Residential to accommodate The Seasons at Surprise Apartments under case PADA07-118.

52
53 **March 16, 2015:** The City Council approved a Major PAD Amendment / Rezone Quik Trip for the
54 purpose of changing the land use of the subject property from High Density Residential to
55 Community Commercial under case FS15-506.

56
57 **June 15, 2016:** The applicant filed a request for a Major Site Plan for Quik Trip under case FS16-278,
58 the subject case.

59
60 **Analysis and Discussion:**

61
62 The subject property is located immediately to the west of the existing Quik Trip located near the
63 northeast corner of Bell Road and 115th Avenue, and is currently undeveloped except for certain
64 infrastructure relating to regional drainage as well as several power lines. In addition, the site is
65 significantly encumbered by a number of electrical and drainage easements.

66
67 Since the site lies between the existing Quik Trip and 115th Avenue, and is otherwise unsuited for
68 most development, an opportunity exists to extend access from the existing Quik Trip to 115th
69 Avenue in order to capture some of the southbound traffic present on 115th Avenue. The applicant
70 would also like to erect a freestanding monument sign where the new driveway meets 115th
71 Avenue.

72
73 Landscaping will consist of a number of trees located along either side of the proposed driveway
74 east of the box culvert, along with small shrubs and ground covers located at either side of the
75 driveway where it intersects 115th Avenue. The site plan shows a strip of landscaping to be located
76 between the northern edge of the future sidewalk and the northern property line. The western end
77 of that landscape strip is approximately 7' wide; however, the driveway sweeps to the south in
78 order to increase the distance between the driveway and the newly-platted Lot 23 of the Southgate
79 at Canyon Ridge subdivision. Therefore, the eastern end of the landscape strip will be nearly 12'
80 wide. This was added in order to provide a buffer between the driveway and the adjacent lot.

81
82 Lighting will consist of a number of 12' tall fully cut-off light fixtures located along the proposed
83 pedestrian sidewalk. While staff would prefer bollard lighting, the SUDC will allow 12' tall poles in
84 this circumstance. That said, the poles should be powder-coated and the bases mortar-washed for
85 longevity and aesthetic reasons. Stipulation a.1 addresses this issue.

The cities of Surprise, El Mirage, Peoria and Maricopa County are in the process of finalizing their design for a regional drainage feature that will bisect the subject site. Of particular concern to the City Council during the rezoning of the property is how the box culvert associated with the proposed driveway will integrate aesthetically with the FCD improvements. The applicant has agreed to compliment the aesthetics of the FCD. To that end, the applicant included a note on Sheet C120 of the civil improvement plans regarding the wing walls of the box culvert; however, said plans are silent with regard to the actual box culvert itself. In order to provide clarity, staff recommends a stipulation requiring the color and texture of the box culvert and associated concrete work match the FCD plans, which are illustrated in the attachments to this report. Stipulation a.2 addresses this issue.

The applicant also proposes one (1) small monument sign to be located where the proposed driveway intersects 115th Avenue. As currently configured, any signs erected on the property would essentially be considered off-premise signage, which is not permitted within the City of Surprise. To remedy this situation, the applicant is processing a Final Plat with the subject case, which is scheduled for review by the City Council on November 15, 2016. The approval of the subject site plan anticipates the subsequent approval of said final plat, which is reflected in stipulation "c".

Utility and Services Table:

Electric:	APS
Water:	EPCOR
Wastewater:	EPCOR
Refuse:	City of Surprise
Natural Gas:	SWG
Irrigation:	N/A
Schools:	Dysart USD #89

Conformance with Adopted Plans:

Surprise General Plan 2035: The Surprise General Plan 2035, as recently amended, shows the subject property as lying within the Neighborhood Character Area, which supports convenience uses such as what exists to the east of the site and reinforced by the subject proposal. The subject property also lies within the Transit Oriented Development Sub Area. Although the proposed site plan does little to enhance the goals and policies of the Sub Area, the proposed site plan does not conflict with those goals and policies.

Reviewing Agencies:

The subject request was routed to the standard city reviewing agencies who indicate no objections to the requests.

120 **Summary:**

121
122 Staff believes the proposed Major Site Plan will allow the adjacent convenience market access to
123 115th Avenue in manner that does not interfere with proposed regional drainage improvements to
124 occur on said property, while providing a buffer between the future driveway and future residential
125 development top the north.

126
127 **Findings:**

- 128
129 • The proposed Major Site Plan is consistent with the Canyon Ridge PAD as amended by case
130 FS15-506.
131 • The reviewing agencies have indicated no objections to the request.
132

133 **Recommendation:**

134
135 Based on the findings noted above, staff recommends the Commission **approve** the Major Site Plan
136 proposed under case **FS16-278**, subject to stipulations 'a' through 'c' as outlined below:
137

- 138 a. The site plan prepared by Welch & Sandon Design, LLC, date received
139 September 16, 2016 will be revised and submitted for review to include the
140 following modifications:
141
142 1. All site lighting standards will be powder coated and the concrete basses
143 treated with a mortar washed finish.
144
145 2. Color and texture of any exposed concrete associated with the box
146 culvert to match flood control plans.
147
148 b. Non-compliance with the stipulations of approval for this case will be treated as
149 a violation in accordance with the provisions of Article XIV of the Surprise Unified
150 Development Code.
151
152 c. The approval of this site plan will be considered not approved until such time as
153 the Final Plat for the subject site is approved by the Mayor and City Council.
154

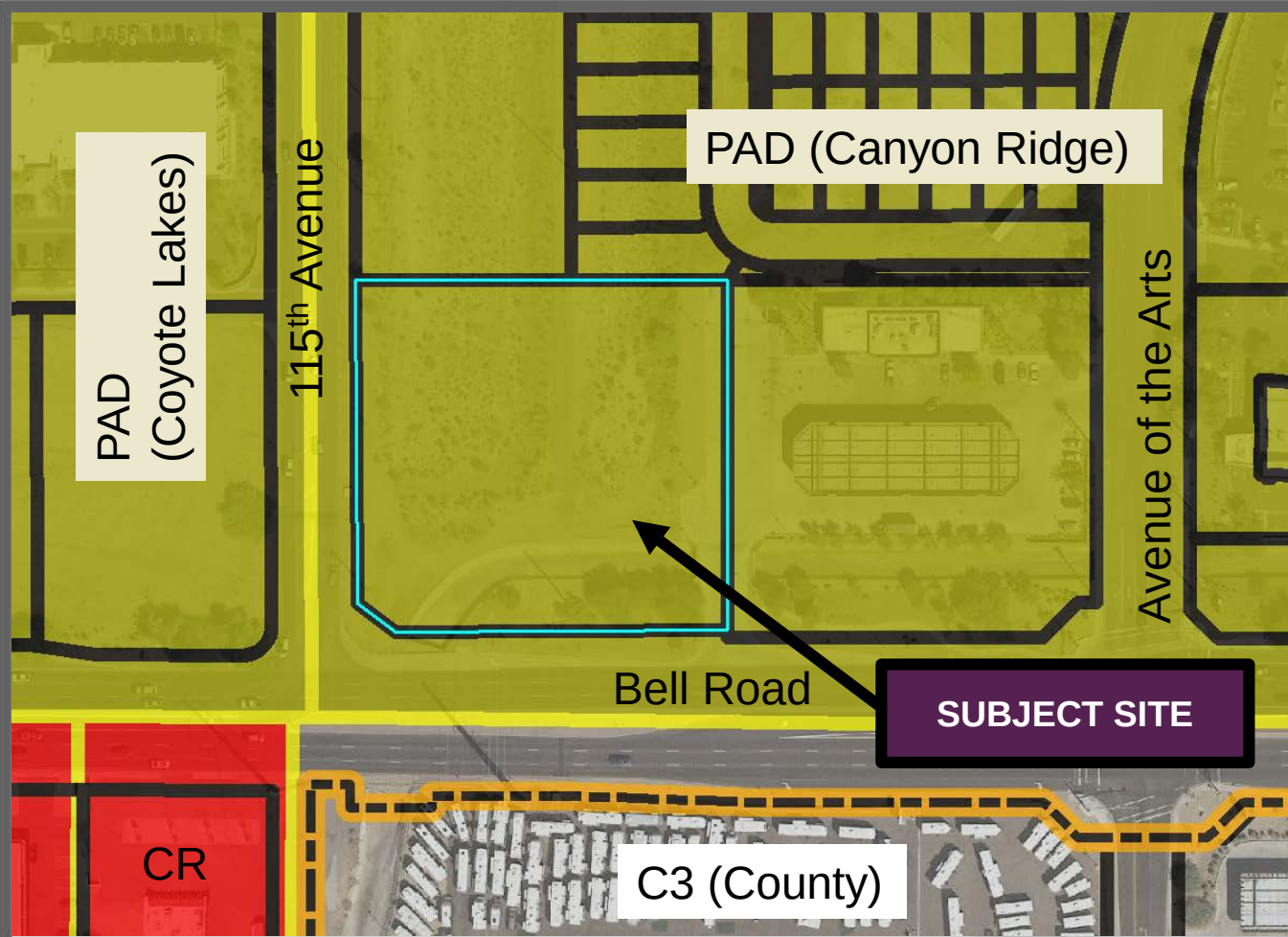
155 However, should the Commission wish to deny the request, the Commission should make its own
156 findings and base its decision on those alternative findings.
157
158
159
160
161
162
163

164	<u>Attachments:</u>
165	
166	01 – Vicinity Map (1 page)
167	02 – Case Map (1 page)
168	03 – Narrative (2 pages)
169	04 – Site Plan (1 page)
170	05 – Landscape Plan (1 page)
171	06 – Sign Exhibit (1 page)
172	07 – 115 th Avenue & Bell Road Drainage Project Aesthetics (1 page)
173	08 – Western Basalt Example (1 page)

Vicinity Map



▶



PAD
(Coyote Lakes)

115th Avenue

PAD (Canyon Ridge)

Avenue of the Arts

Bell Road

SUBJECT SITE

C3 (County)

FS16-278
Quik Trip at
Canyon Ridge
Site Plan



North



Case Map



Project Narrative

QuikTrip #494 11420 West Bell Road

1. Project Description

QuikTrip Corporation, a Fortune 500 company, has purchased approximately .43 ± acres of undeveloped land adjacent to the existing and operating QuikTrip #494, located at the northwest corner of 114th Avenue and Bell Road. QuikTrip proposes to develop this property with a wing road traveling east and west thus providing access to the existing parcel from 115th Avenue as well as a new monument sign adjacent to 115th Ave. The development of this site will allow for additional access for QT patrons that travel eastward on Bell Road, and would otherwise be median bound, giving the option of patronizing QuikTrip from northward travel on 115th Avenue. Additionally travelers heading west on Union Hills Drive, skipping 99th Avenue for a southern route, would have the wing road option coming south on 115th Avenue. The construction of the road will incorporate specifications provided by Maricopa County Flood Control indicating size and type of box culverts. Additionally construction will meet City of Surprise standards for safety, access, landscaping, and monument sign size and setback.

2. Site Use

The property is zoned PAD. It currently sits as open desert. High voltage transmission lines, lying within a large easement, run north and south through this area. Also, this undeveloped land serves as drainage for the areas to the north, and is part of the upcoming Maricopa County Flood Control District improvements. The proposed QuikTrip development of a wing road constructed east and west across this site required the parcel to be rezoned to commercial, then platted to the existing QT parcel to facilitate the monument sign on 115th Avenue. The property has very limited development potential thus is well suited for the proposed project.

3. Uses Adjacent to the Site

- The property to the west is zoned PAD. The use is open/undeveloped desert.
- The property to the north is zoned PAD. The use is open/undeveloped desert.
- The property to the east is the existing QuikTrip and is zoned commercial.
- The property to the south is zoned county C-3. The use consists of retail recreational vehicle sales.

4. Occupancy

Currently the property is only occupied by electrical transmission lines and flood control district improvements.



Project Narrative

Our project team will consist of the following:

<u>Developer</u> QuikTrip Corporation Attn: David Wanders, Real Estate Project Manager 1116 E. Broadway Road Tempe, AZ 85282 (480) 446-6376 (602) 317-0174 - mobile (480) 921-1927 – fax	<u>Architect</u> KDF Architectural Group, LLC Attn: Kim Filuk 300 W. Clarendon, Suite 320 Phoenix, AZ 85013 (602) 234-1868 (602) 234-1413
<u>Civil Engineer</u> The WLB Group Attn: Chuk Gideon 1600 W. Broadway Rd. Suite 150 Tempe, AZ. 85282 (480) 736-1600	<u>Zoning Attorney</u> Burch & Cracchiolo, P.A. Attn: Brian Greathouse 702 E. Osborn, Suite 200 Phoenix, AZ 85014 (602) 274-7611
<u>Legal</u> Mr. John Bethea Fennemore Craig 3003 N. Central Ave. Suite 2600 Phoenix, Arizona 85012-2913 (602) 916-5344 (602) 916-5544 - fax	

FACE COLOR:
AKZO NOBLE PAINT MATCH
3M CARDINAL RED #3632-53
TRANSLUCENT VINYL

FACE BACKGROUND COLOR:
AKZO NOBLE OPAQUE SILVER SIGN PANEL
BACKGROUND COLOR - APPLIED 2ND SURFACE
TO CLEAR POLYCARBONATE

AKZO NOBLE
TRANSLUCENT WHITE

 SIGN FRAME:
QT RED #SIGN9141 LOW GLOSS
AKZO NOBLE
POLYURETHANE

DIVIDER BAR/SIGN FRAME:
SILVER - LOW GLOSS
AKZO NOBLE POLYURETHANE

2016/05/17

2016/05/17

Gen 2.5
P10H2P-24SF
w/ Split-Faced Block base

Not to exceed 5' ht.

All sign modules constructed with removable aluminum face retainers and **Cyro: Acrylite Resist 65, .177" thickness**, face panels with 2nd surface painted background colors and graphics.

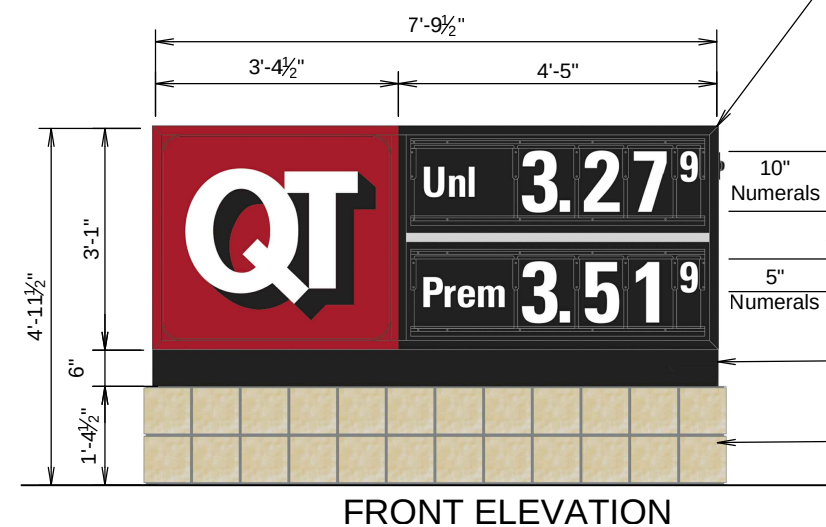
Note:

- All lighting to be LED
- Sign to attach to existing support column
- Sign to connect to existing electric supply

Flat .177" thick clear face with 2nd surface painted lines & background color, poly. mutual track attached to face with black polycarbonate rivets and chemical weld

—Fabricated Aluminum Reveal
to be Painted Black

— Tierra Brown Split Face Block



FRONT ELEVATION

QuikTrip.
4705 S. 129th E. Ave. • Tulsa, OK 74134-7008
P.O. Box 3475 • Tulsa, OK 74101-3475
p9181615.7700



Horizontal Modular Monument Sign

NOTES
DRAWN BY JK
ISSUE DATE 05.10.15

TYPEFACE	
INSIDE CAN	
ENTIRE SIGN	24

SALE:

$$3/8'' = 1'-0''$$

SERIAL NUMBER:

P10H2P24SF

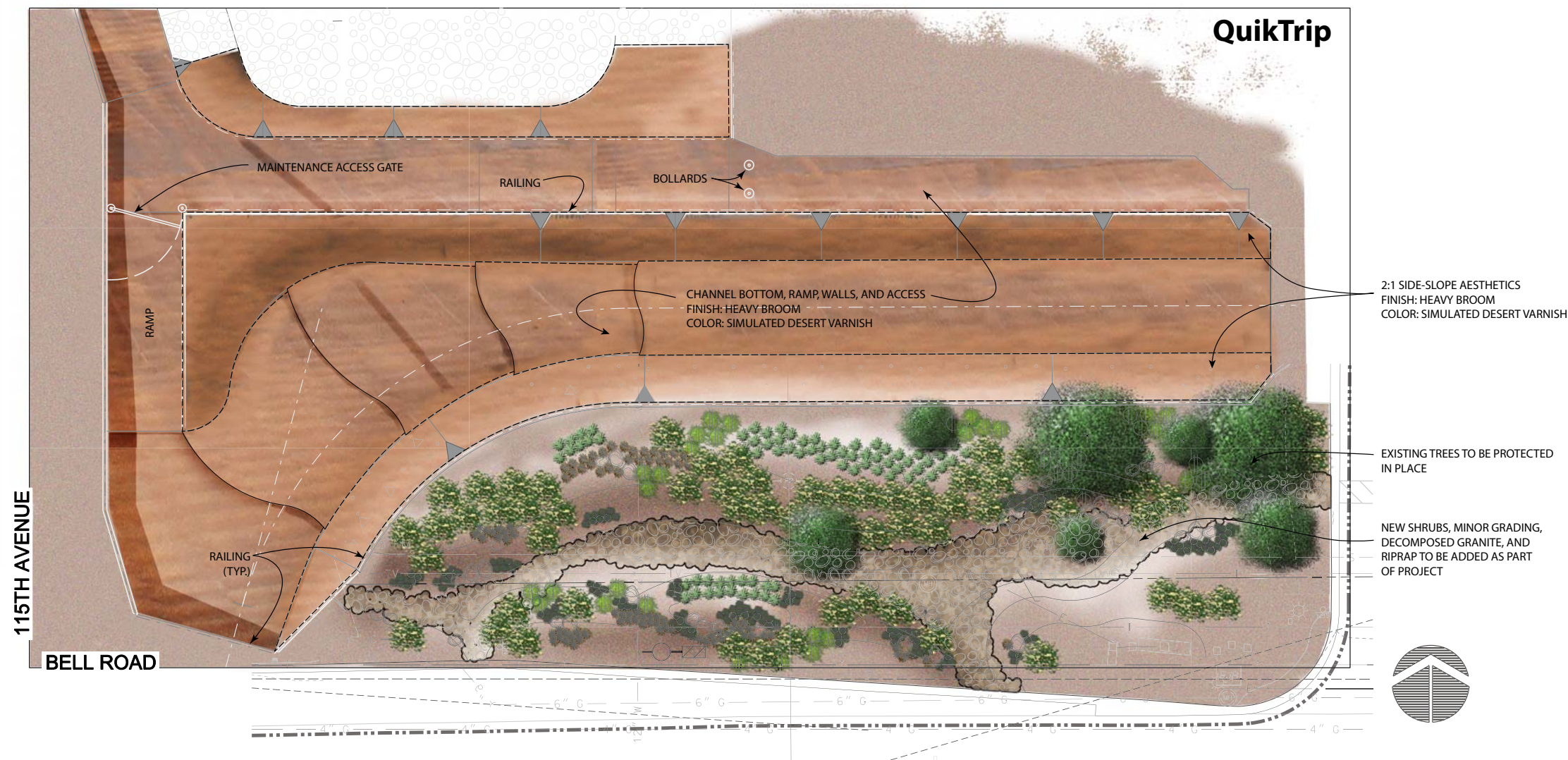
STORE NUMBER:

494



115th Avenue & Union Hills Drive Drainage Improvements Project

Phase I - Bell Road Aesthetics



SIMULATED DESERT VARNISH & STANDARD FORMLINER ON VERTICAL CONCRETE





SURPRISE
ARIZONA

FS16-278

Quik Trip at Canyon Ridge Site Plan

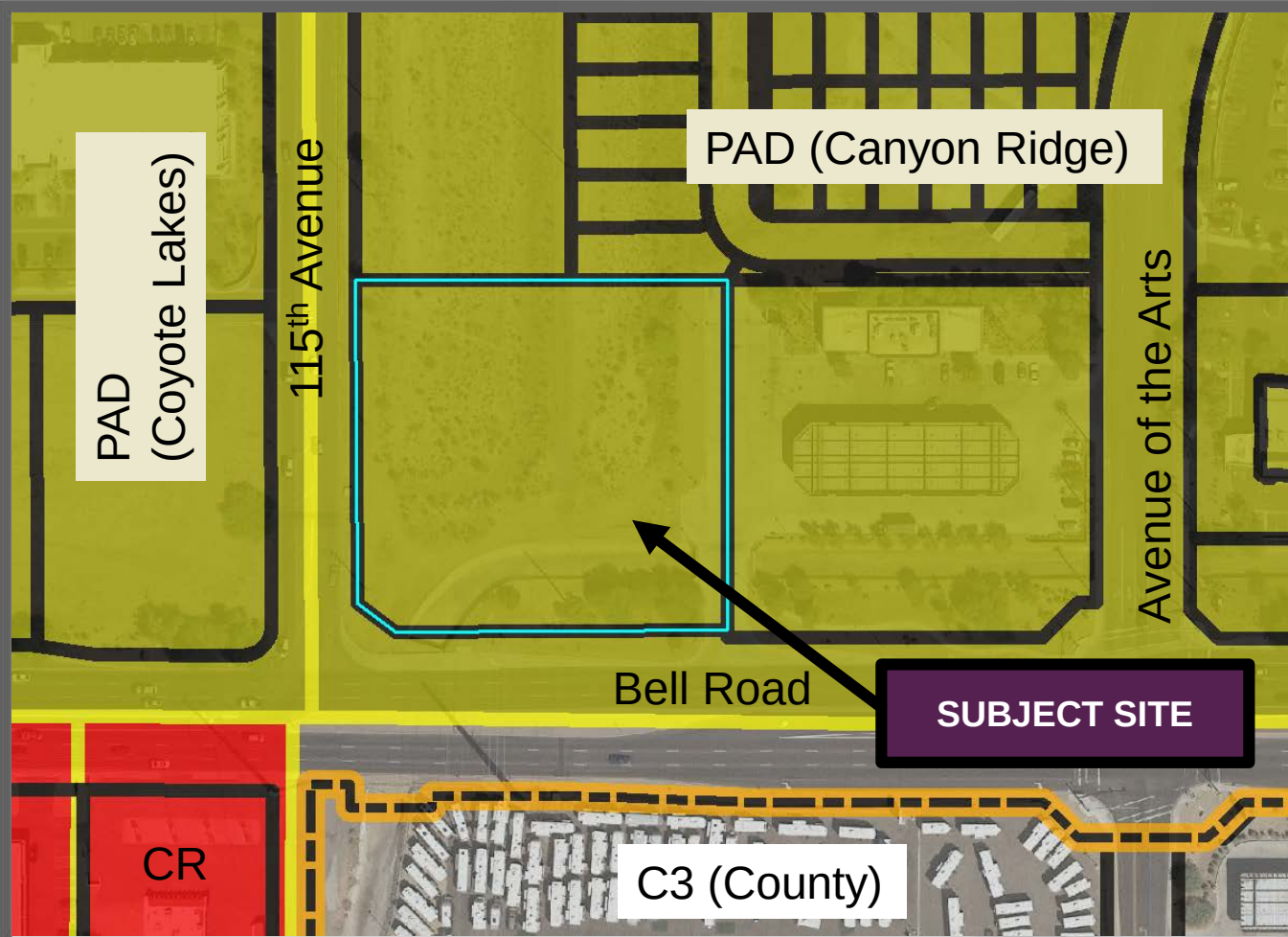
Planning and Zoning Commission

November 3, 2016

Vicinity Map



▶

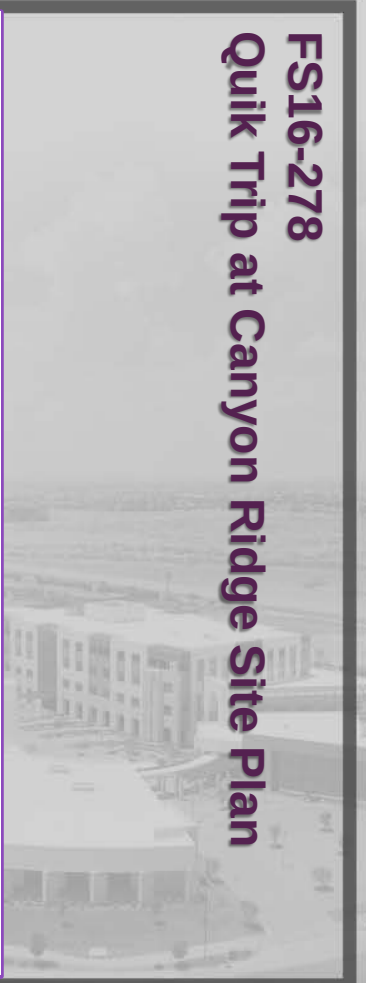


FS16-278
Quik Trip at
Canyon Ridge
Site Plan

Case Map

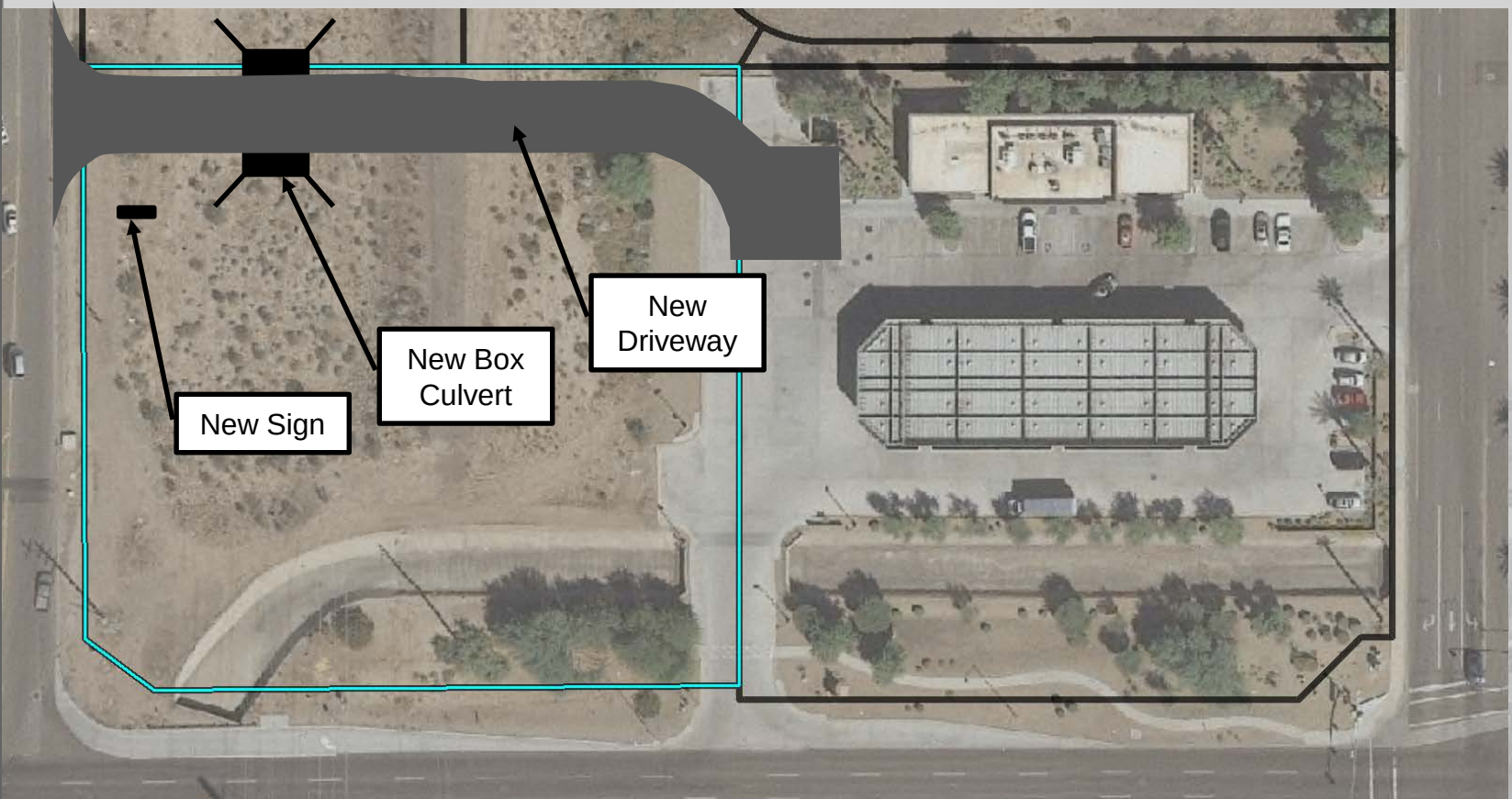


Quik Trip at Canyon Ridge Site Plan



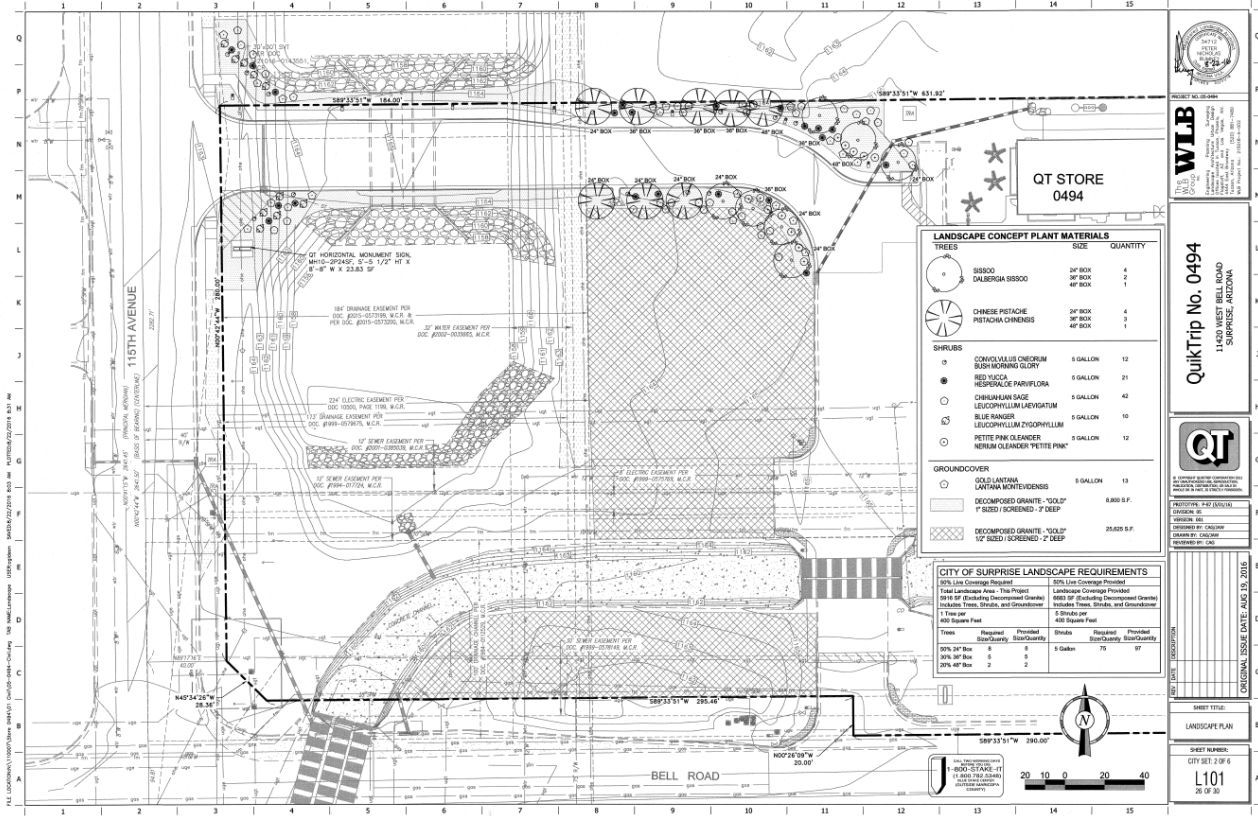
FS16-278

Quik Trip at Canyon Ridge Site Plan



FS16-278

Quik Trip at Canyon Ridge Site Plan



LANDSCAPE CONCEPT PLANT MATERIALS

TREES	SIZE	QUANTITY
1" SIBBOO	24" BOX	4
2" DALBERGIA SIBBOO	36" BOX	2
	48" BOX	1
CHRISTE PETITACHE	24" BOX	4
PISTACHIA CHINENSIS	36" BOX	3
	48" BOX	1

SHRUBS	SIZE	QUANTITY
1" CORAL VALLEY CORYMBUM	1 GALLON	13
BUSH MORNING GLORY	1 GALLON	21
RED RUCCA	1 GALLON	42
RESPONSE PAVIFLORA	1 GALLON	10
CHIRANGLAR SAGE	1 GALLON	10
LEUCOPHYLLUM LAEVIFOLIUM	1 GALLON	12
BLUE SANGER	1 GALLON	12
PETITE PINK OLIVIER	1 GALLON	12
NEPHELA OLIVIER "PETITE PINK"	1 GALLON	12

GROUND COVER	SIZE	QUANTITY
1" GOLD LANTANA	1 GALLON	13
LANTANA MONSIEUR	1 GALLON	13
DECOMPOSED GRANITE - "10L2"	8,800 S.F.	
1" SIZED / SCREENED - "2" DEEP	21,600 S.F.	
DECOMPOSED GRANITE - "10L2"	1" SIZED / SCREENED - "2" DEEP	

CITY OF SURPRISE LANDSCAPE REQUIREMENTS

10% Low Coverage Required
 20% Low Coverage Required
 30% Low Coverage Required
 40% Low Coverage Required
 50% Low Coverage Required
 60% Low Coverage Required
 70% Low Coverage Required
 80% Low Coverage Required
 90% Low Coverage Required
 100% Low Coverage Required

Trees	Required	Provided	Shrubs	Required	Provided
0.5% 24" Box	8	8	5 Gallons	70	97
0.5% 36" Box	8	8			
0.5% 48" Box	2	2			

WLB

WILLIAM L. BROWN
 LICENSED PROFESSIONAL ENGINEER
 LICENSE NO. 10000
 STATE OF ARIZONA

QuikTrip No. 0494

115TH AVENUE & BELL ROAD
 SURPRISE, ARIZONA

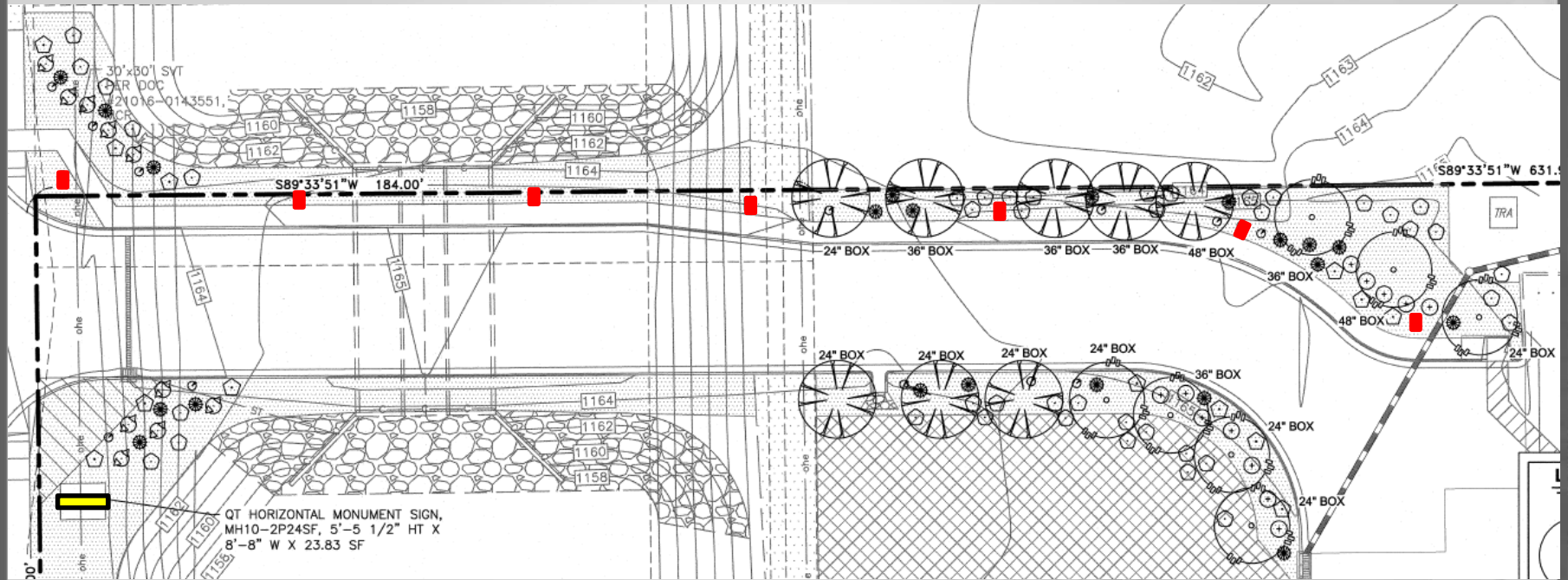
QT

QUICK TRIP
 115TH AVENUE & BELL ROAD
 SURPRISE, ARIZONA

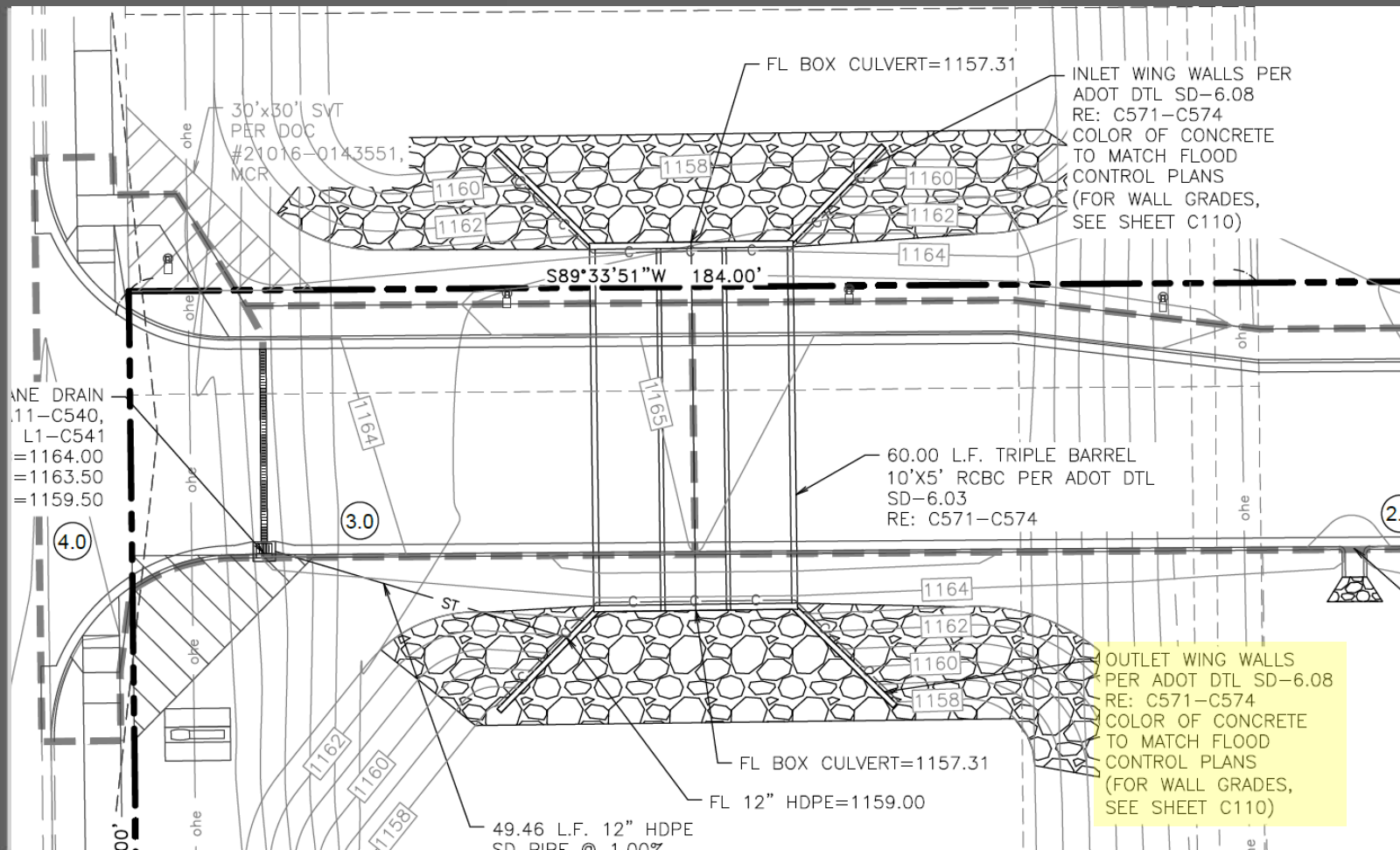
LANDSCAPE PLAN

SHEET NUMBER
L101
 28 OF 30

Quik Trip at Canyon Ridge Site Plan



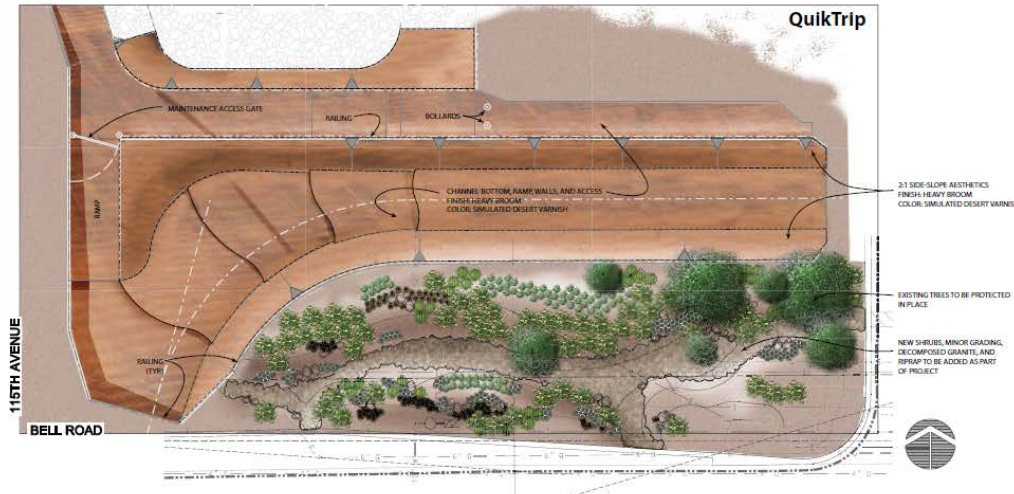
Quik Trip at Canyon Ridge Site Plan





115th Avenue & Union Hills Drive
Drainage Improvements Project

Phase I - Bell Road Aesthetics



SIMULATED DESERT VARNISH & STANDARD FORMLINER ON VERTICAL CONCRETE

FS16-278
Quik Trip at Canyon Ridge Site Plan

FS16-278

Quik Trip at Canyon Ridge Site Plan



Quik Trip at Canyon Ridge Site Plan

SCALE:
3/8" = 1'-0"
SERIAL NUMBER:
P10H2P24SF
STORE NUMBER:
494

494



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Planning and Zoning Commission

November 3, 2016 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 3, 2016	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD Boards and Commissions	District:	5
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
---------	---------	---	----------------	-------------------

Agenda Wording:

Consideration and action item regarding a Site Plan for a medical and retail facility known as the Marketplace at the City in the Surprise Center Planned Area Development (PAD).

Motion:

Staff recommends the Planning and Zoning Commission approve the site plan for the Marketplace at the City medical and retail facility, subject to stipulations a) through d) as listed in the staff report.

Background:

Matthew Budge of Matthew Budge and Associates, Inc., on behalf of the Marketplace at the City LLC, seeks approval of a Site Plan for a medical and retail facility to be known as the Marketplace at the City. The proposed 26,200 square foot facility will be comprised of a single story building located on a 4.53 acre site within the Surprise Center PAD.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00 - FS16-381 - Marketplace at the City - SITE PLAN - Staff Report](#)
- ☐ [01 - FS16-381 - Marketplace at the City - SITE PLAN - Vicinity Maps](#)
- ☐ [02 - FS16-381 - Marketplace at the City - SITE PLAN -](#)
- ☐ [03 - FS16-381 - Marketplace at the City - SITE PLAN - Elevations](#)
- ☐ [03 - FS16-381 - Marketplace at the City - SITE PLAN - Elevations](#)
- ☐ [04 - FS16-381 - Marketplace at the City - SITE PLAN - Landscape Plan](#)

☐ [05 - FS16-381 - Marketplace at the City - SITE PLAN - Presentation](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Hobart Wingard, Planner II

Case: FS16-381
Project Name: Marketplace at the City
Council District: 3 - Mesquite
Meeting Date: November 3, 2016
Planner: Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

Owner: Bill Molloy of Marketplace at the City LLC
Applicant: Matthew Budge of Matthew Budge and Associates, Inc.
Request: Site Plan approval of the Marketplace at the City Medical and Retail Facility within the Surprise Center Planned Area Development (PAD)
Site Location: Generally, on the southwest corner of Litchfield Road and Staler Blvd.
Site Size: Approximately 3.27 acres of the 86.68 acre southeastern portion of the Surprise Center PAD
General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035
Support/Opposition: No expressions of support or opposition were encountered
Staff Recommendations: Staff recommends the Commission move to **approve** the proposed Site Plan for the Marketplace at the City Medical and Retail Facility within the Surprise Center PAD subject to stipulations a) through d).

Project Description:

Matthew Budge of Matthew Budge and Associates, Inc., on behalf of the Marketplace at the City LLC, seeks approval of a Site Plan for a medical and retail facility to be known as the Marketplace at the City. The proposed 26,200 square foot facility will be comprised of a single story building located on a 4.53 acre site within the Surprise Center PAD.

Existing Zoning:

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

Vacant Surprise Center Mixed Use PAD	Vacant Surprise Center Mixed Use PAD	West Point Towne Center PAD
Surprise Center Mixed Use PAD	Surprise Center Mixed Use PAD	West Point Towne Center PAD
Vacant Surprise Center Mixed Use PAD	Vacant Surprise Center Mixed Use PAD	West Point Towne Center PAD

Background:

June 12, 1980: The subject parcel was annexed into the City of Surprise.

January 25, 2001: The Mayor and City Council approved a PAD for Surprise Center under case PAD00-105.

June 7, 2016: Staff met with the applicant to discuss the subject project during a regularly scheduled Concept Review meeting under CR16-263.

September 6, 2016: The applicant filed a request for a Site Plan for a medical and retail facility to be known as the Marketplace at the City under case FS16-381, the subject case.

September 15, 2016: The applicant filed a request for a Final Plat for a medical and retail facility to be known as the Marketplace at the City under case FS16-398.

Analysis and Discussion:

The proposed Marketplace at the City development is proposed to be a 26,200 square foot medical office/retail building to be located on a 3.27 acre site near the southwest corner of Statler Boulevard and Litchfield Road, adjacent to the existing Surprise Medical Plaza to the west. A shared drive with the existing Surprise Medical Plaza and entry drive along Litchfield Road, will serve this parcel as well as future development in the area.

The medical office/retail building will be a single-story building, with a central tower as a focal point. The medical portion will be located along the southern border of the property and the retail portion will parallel Litchfield Road. A pedestrian plaza will be located at the central tower of the "L" shaped building.

The building materials and massing will be similar to those on the Surprise Medical Plaza. The materials will include ground-face masonry block, sandstone, exterior insulation and finish system, storefront window system, and synthetic wood trellis structures/shading elements.

The parking improvements will be located on the westerly portion of the site, where they will be screened from Litchfield Road by this building. Approximately 130 vehicle spaces will be provided as well as bicycle parking. A loading area will be situated on the west side of the medical office/retail building.

Other site improvements will include sidewalks, water retention facilities, and desert tolerant landscaping. Sidewalks will extend into the plaza and building entry area from both Statler Boulevard and Litchfield Road. An eight (8) foot high matching masonry trash enclosure will be located towards the rear of the site.

Surprise General Plan 2035:

The Surprise General Plan 2035 shows the subject project as lying within the Commerce and Office Character Area. The proposed Site Plan demonstrates consistency with this land use category.

Reviewing Agencies:

In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke Air force Base, Maricopa Water District, EPCOR Water, ADOT, and Maricopa Association of Governments (MAG) were included in the routing of this case.

Summary:

Staff believes the proposed Site Plan will allow appropriate development on a vacant site within the Surprise Center PAD. The project is designed to complement the design of the existing uses surrounding the site and is consistent with the City's General Plan.

Findings:

- The proposed Site Plan is consistent with the Surprise General Plan 2035.
- The proposed Site Plan is consistent with the Surprise Center PAD.
- The reviewing agencies have indicated no objections to the request.

Recommendation:

Based on the findings noted above, staff recommends the Commission **approve** the proposed Site Plan for the Marketplace at the City Medical and Retail Facility under case **FS16-381**, subject to stipulations a) through d) as outlined below:

- a) The Site Plan prepared by Matthew Budge Associates, Inc., date received October 7, 2016, will be revised and submitted for review to include the following modifications:
 - 1) The proposed site plan cannot be deemed approved until all comments are addressed and the associated Final Plat under Case FS16-398 is approved by the Mayor and City Council.

- 2) When warrants are met with the next development a right-turn deceleration lane will be required to be located at the southeastern entrance of the site. The right-turn deceleration lane will be a minimum of 160 feet plus an appropriate, staff approved, transition distance.
- 3) A raised landscaped median along Litchfield Road adjacent to the property is required to ensure 3/4 access. The minimum storage length for the left turn lane on Litchfield Road is 160 feet. The developer will provide a cash-in-lieu payment for the raised median and landscaping along Litchfield Road street frontage.
- b) The elevations prepared by Matthew Budge Associates, Inc., date received October 7, 2016, will be revised and submitted for review to include the following modifications:
- 1) Staff will work with the applicant after consideration to ensure mutually acceptable materials and color tones are agreed upon and reflect the intent of the color elevations presented to the Planning and Zoning Commission.
- c) Approval of the Site Plan and all preliminary supporting civil documents does not include approval of the Civil Engineering Plans. Any proposed infrastructure elements and easements are subject to change pending final Civil Engineering Plans approved under FS16-399 and Final Plat Case FS16-398.
- d) Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

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

Attachments:

- 01 – Vicinity Maps
02 – Site Plan
03 – Elevations
04 – Landscape Plan

VICINITY MAP



VICINITY MAP



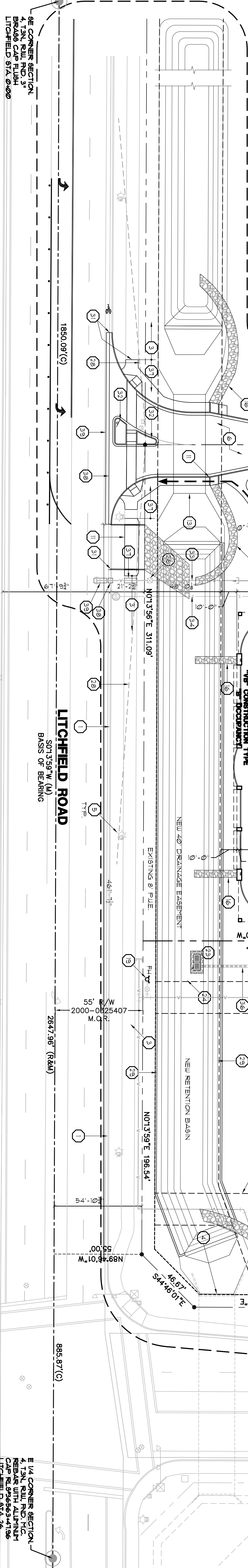
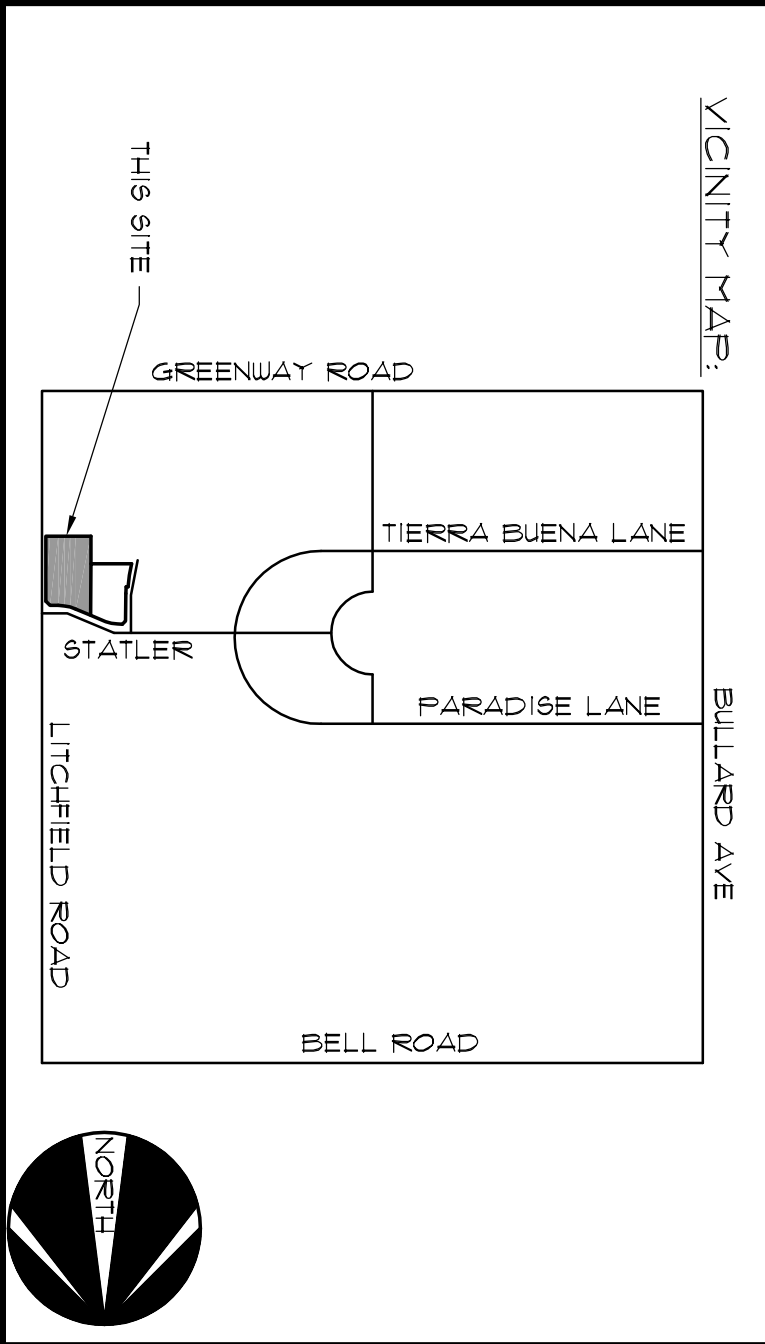
PROJECT DATA:

PROJECT LOCATION:
SOUTHWEST CORNER OF STATLER BOULEVARD AND LITCHFIELD ROAD,
SURPRISE, ARIZONA

PROJECT DESCRIPTION:
26,198 SQ. FT. SINGLE STORY MEDICAL OFFICE/RETAIL SELL BUILDING AND
ASSOCIATED SITE IMPROVEMENTS

PLANNING AND ZONING:

LAND USE:	PAD	MEDICAL OFFICE/RETAIL BUILDING
SITE AREA: LOT 2: TOTAL NET:	54,894.77 SF 142,370.09 SF 187,264.87 SF	126 ACRES 3.21 ACRES 4.53 ACRES
FLOOR AREA RATIO: SURFACE MEDICAL PLAZA: TOTAL: CUMULATIVE TOTAL:	36,000/189,722 26,198/135,428 62,198/325,150	ALLOWED 0.26 15 0.18
SETBACKS:	NONE	
BUILDING AREA:	26,200 SF	
VEHICLE PARKING: STANDARD 1:200: ACCESSIBLE: TOTAL:	126 5 131 SPACES	
LOADING:	1 SPACE	
BICYCLE PARKING 1:20:	1 SPACE	
REFUSE ENCLOSURE:	1	
BUILDING HEIGHT:	30'-0"	
CARPORTS/PARKING CANOPIES: CARPORTS/PARKING CANOPIES TO BE OBTAINED BY SEPARATE PERMIT		
SIGNAGE TO BE OBTAINED BY SEPARATE PERMIT		
EQUIPMENT: THE ROOF MOUNTED EQUIPMENT WILL BE SCREENED BY THE PARAPET MOUNTED EQUIPMENT: WALLS THAT WILL HAVE A HEIGHT EQUAL TO OR GREATER THAN THE ROOF NO GROUND MOUNTED EQUIPMENT THIS PROJECT		



NOTE: 1) UTILITIES AND STORM DRAIN FEATURES SHOWN FOR
REFERENCE ONLY. REFER TO CIVIL DRAWINGS.
2) ALL ON-SITE CONCRETE TO BE COLORED - TO
MATCH SURPRISE MEDICAL PLAZA.

PAD ZONE

PROJECT DIRECTORY:

DEVELOPER:

ARCHITECT:

LANDSCAPE ARCHITECT:

OWNER:

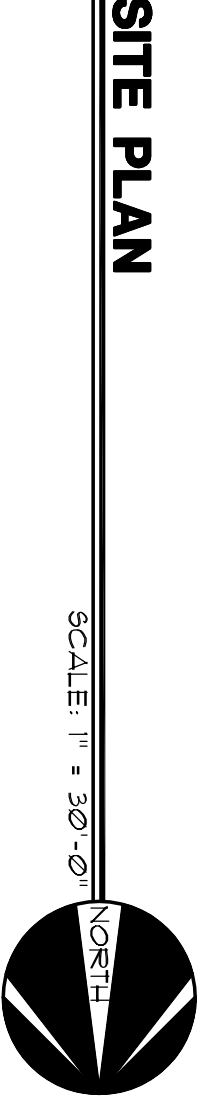
CIVIL ENGINEER:

ELECTRICAL ENGINEER:

KEYNOTES:

- EXISTING CONCRETE CURB AND GUTTER.
- EXISTING ASPHALT PAVEMENT.
- EXISTING CONCRETE SIDEWALK.
- EXISTING CONCRETE BOX CULVERT.
- EXISTING STREET LIGHT (TYP).
- NEW ASPHALT PAVEMENT.
- NEW 6" CONCRETE CURB.
- NEW 6" CONCRETE CURB AND GUTTER.
- NEW CONCRETE SIDEWALK.
- NEW CONCRETE VALLEY GUTTER.
- NEW CONCRETE SCUPPER.
- NEW CATCH BASIN.
- NEW CONCRETE BOX CULVERT.
- NEW SITE LIGHT/POST (TYP).
- NEW RIP-RAAP.
- NEW TRASH ENCLOSURE/CONCRETE PAD (SEE DETAIL /SHEET A-3).
- NEW RIP-RAAP GRILLUARY.
- PROPOSED LOT LINE BY SEPARATE DOCUMENT.
- NEW ELECTRICAL TRANSPORTER.
- NEW FIRE HYDRANT.
- NEW CONCRETE LANDSCAPE CURB.
- REMOVE EXIST. CURB AS REQUIRED FOR WIDENED DRIVE.
- REMOVE EXIST. SIDEWALK CURB, GUTTER AND ASPHALT AS REQUIRED FOR NEW ENTRY DRIVE, GRILLUARY AND SCUPPER.
- RECLAIMED GRAVITE.
- REGULATED WATER LINE.
- SEWER LINE.
- DOMESTIC WATER LINE.
- STORM DRAIN LINE.
- REMOVE AND REPLACE CONCRETE SIDEWALK.
- REMOVE AND REPLACE CONCRETE CURB AND GUTTER.
- REMOVE AND REPLACE ASPHALT.

SITE PLAN



E 1/4 CORNER SECTION
4.13N. RAIL RD. 3'
BRASS CAP FLUSH
LITCHFIELD 874.76

Revisions:

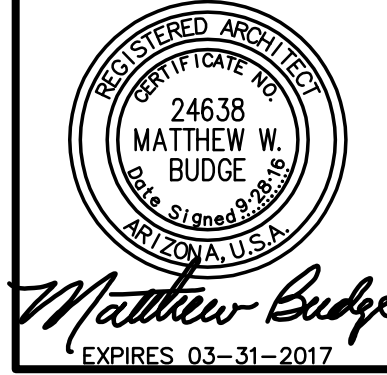
Date: 09-01-16
Scale: 1" = 30'-0"
Drawn by: J.D.
Approved: M.B.
Job number: 622
Contents: SITE PLAN

Sheet Number:

A-1

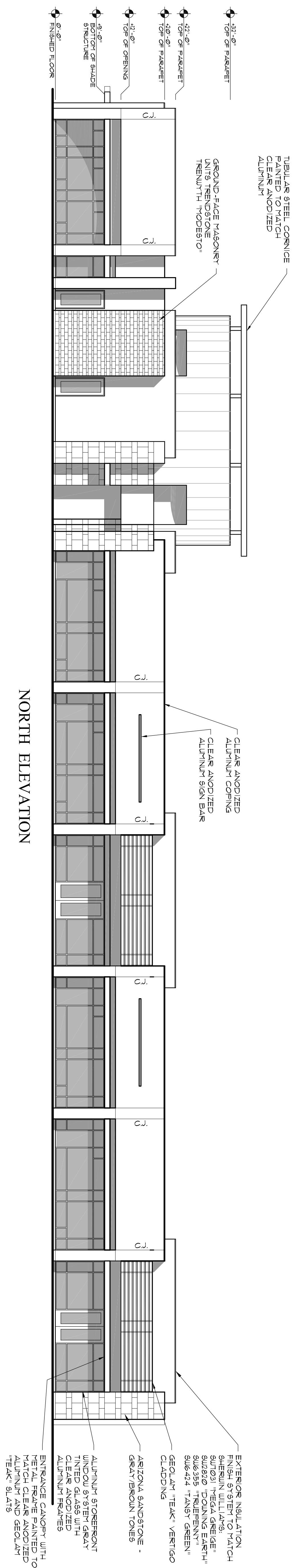
Matthew Budge Associates
Architects, Inc.

10105 East Via Linda, Suite 103
Scottsdale, Arizona 85258
Phone: (480) 874-2800 Fax: (480) 874-2844

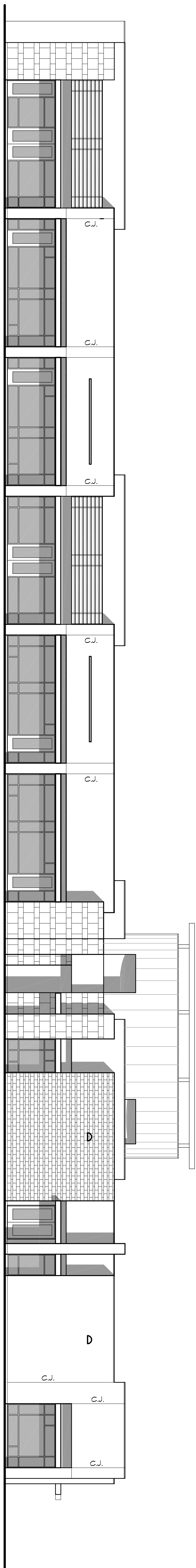


Marketplace at the City
Southwest Corner of Statler Blvd.
& Litchfield Road
Surprise, Arizona

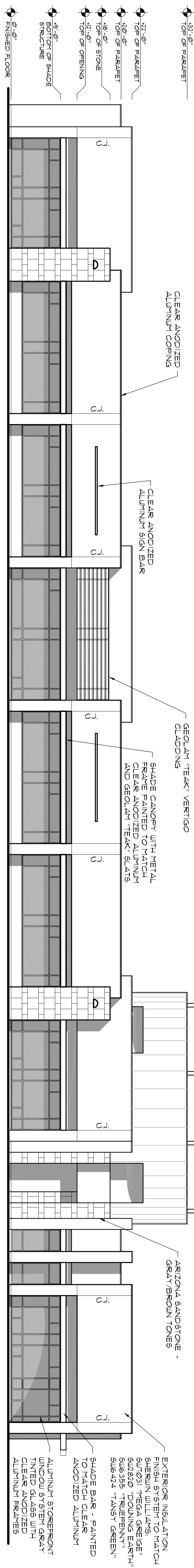
MB A



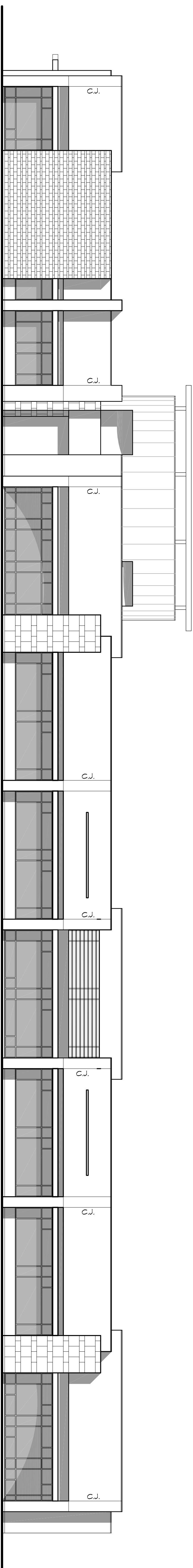
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



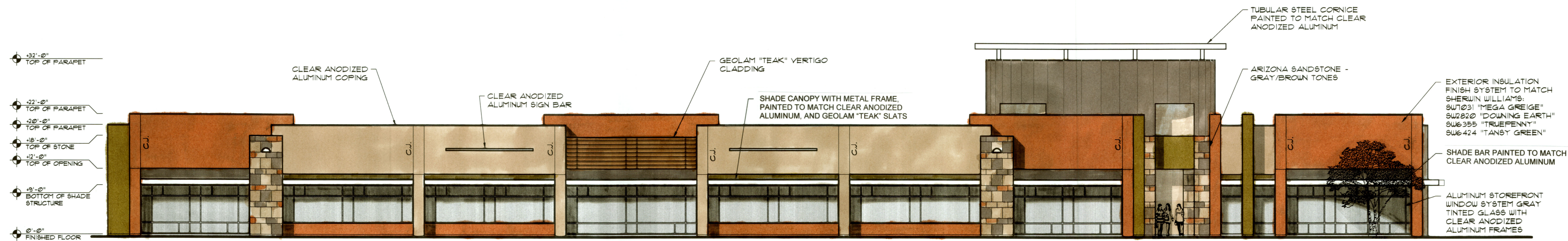
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

MASTER PLANT LIST

TREES

CERCIDIUM 'DESERT MUSEUM'	36" BOX / LOW BREAKER / 13 QTY
DESERT MUSEUM PALOVERDE	
CERCIDIUM 'DESERT MUSEUM'	24" BOX / LOW BREAKER / 24 QTY
DESERT MUSEUM PALOVERDE	
ULMUS PARVIFOLIA	36" BOX / STANDARD / 12 QTY
EVERGREEN ELM	
QUERCUS VIRGINIANA	48" BOX / LOW BREAKER / 13 QTY
SOUTHERN LIVE OAK	
CAESALPINIA MEXICANA	24" BOX / STANDARD / 4 QTY
MEXICAN BIRD OF PARADISE	

SHRUBS

LEUCOPHYLLUM LANGMANIAE	5 GAL, 48 QTY
'RIO BRAVO' SAGE	
NERIUM OLEANDER 'PETITE PINK'	5 GAL, 149 QTY
'PETITE PINK' DWARF OLEANDER	
MUHLENBERGIA RIGIDA	5 GAL, 57 QTY
NASHVILLE GRASS	
LEUCOPHYLLUM ZYGOPHYLLUM	5 GAL, 31 QTY
'CIMARRON' SAGE	
MYRTUS 'COMPACTA'	5 GAL, 19 QTY
COMPACT MYRTLE	
HESPERALOE PARVIFLORA	15 GAL, 21 QTY
RED YUCCA	
RUELLIA PENINSULARIS	5 GAL, 37 QTY
BAJA RUELLIA	

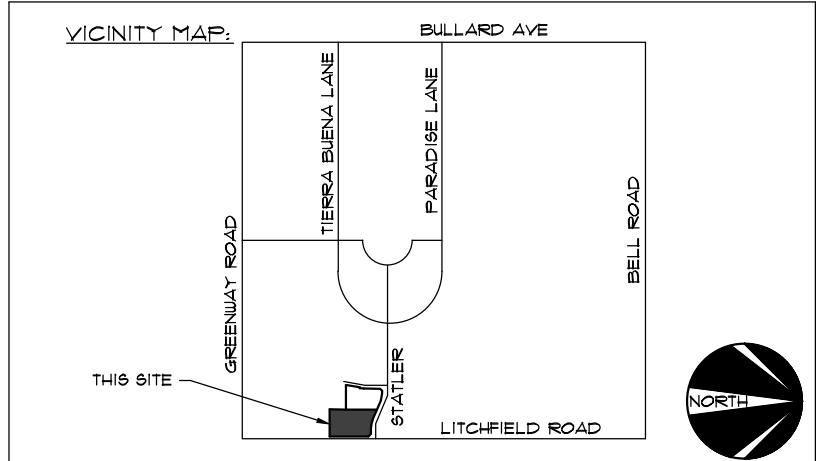
GROUNDCOVERS

ERICAMERIA LARICIFOLIA 'AGUIRRE'	1 GAL, 57 QTY
TURPENTINE BUSH	
HYMENOXYS ACAULIS	1 GAL, 120 QTY
ANGELITA DAISY	
LANTANA 'NEW GOLD'	1 GAL @ 3' O.C.
'NEW GOLD' LANTANA	147 QTY
JUSTICIA CALIFORNICA	1 GAL @ 3' O.C.
CHUPAROSA	465 QTY
WEDELIA TRILOBATA	5 GAL @ 3' O.C.
WEDELIA	131 QTY
CARISSA 'GREEN CARPET'	5 GAL @ 2.5' O.C.
'GREEN CARPET' NATAL PLUM	184 QTY
ACACIA 'DESERT CARPET'	1 GAL @ 4' O.C.
'DESERT CARPET' TRAILING ACACIA	152 QTY
LANTANA MONTEVIDENSIS	1 GAL @ 3' O.C.
TRAILING PURPLE LANTANA	51 QTY
CHRYSACTINIA MEXICANA	1 GAL @ 2.5' O.C.
DAMIANITA	210 QTY
DECOMPOSED GRANITE	2" DEPTH TYP.
EXPRESS GOLD 3/8" MINUS	

FRRACTURED GRANITE	4" DEPTH TYP.
1"-3" COLOR TO MATCH ADJACENT SITE	
TURF SOD	
MIDIRON HYBRID BERMUDA	

PLANT CALCULATIONS:

	24" BOX	36" BOX	48" BOX
TREE SIZE RATIO	28 QTY 42%	25 QTY 38%	13 QTY 20%
TOTAL TREES: 66			
LANDSCAPE AREA COVERAGE	REQUIRED 19,720 S.F. 10%	PROVIDED 58,483 S.F. 30%	
PERCENTAGE LOW-WATER USE (ADWR) PLANTS	ADWR REQUIRED 1,634 QTY 90%	ADWR PROVIDED 1,816 QTY 100%	
TOTAL PLANTS: 1,816			



GENERAL NOTES

- ALL PLANTING AREAS TO HAVE TOP DRESSING OF DECOMPOSED GRANITE, SIZE & COLOR TO MATCH EXISTING AT ADJACENT SITE TO THE WEST, 2" THICK, TYP. APPLIED OVER PRE-EMERGENT PER MFG. SPECS, 2 APPLICATIONS, MIN.
- VERIFY ALL CONDITIONS IN FIELD PRIOR TO BIDDING/ INSTALLATION. DISCREPANCIES SHALL BE BROUGHT TO THE LANDSCAPE ARCHITECT'S ATTENTION IN WRITING.
- NO PLANT SUBSTITUTION ALLOWED UNLESS APPROVED BY LANDSCAPE ARCHITECT.
- LANDSCAPE ARCHITECT TO APPROVE ALL TREES AND SHRUBS PRIOR TO DELIVERY TO SITE.
- LANDSCAPE ARCHITECT OR HIS REPRESENTATIVE RESERVE THE RIGHT TO REFUSE ANY PLANT HE/SHE DEEMS UNACCEPTABLE.
- FOR CLARIFICATION OF DISCREPANCIES BETWEEN THE DRAWINGS AND THE SITE, THEY SHOULD BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING WORK.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE TO TAKE PRECAUTIONS TO PROTECT ANY EXISTING IMPROVEMENTS.
- PLANT LIST/QTY'S PROVIDED FOR CONTRACTOR'S CONVENIENCE ONLY. PLANS TAKE PRECEDENCE.
- FINISHED GRADE BELOW ALL PLANTERS SHALL BE 1" BELOW ADJACENT HEADER, PAVING, CURBING, ETC.
- GROUNDCOVER AND/OR DG SHALL EXTEND UNDER SHRUBS UNLESS NOTED.
- ALL EARTHWORK IS TO BE DONE SO THAT ALL WATER DRAINS AWAY FROM ALL STRUCTURES.
- ALL UNDERGROUND CONDUITS/PIPES/UTILITIES ARE TO BE LOCATED PRIOR TO DIGGING.
- CONTRACTOR IS RESPONSIBLE FOR ALL REQUIRED SLEEVING WHETHER IT IS SHOWN ON THE PLANS OR NOT.
- ADJUST NEW LANDSCAPE TO ACCOMMODATE EXISTING LANDSCAPE TO REMAIN.
- LANDSCAPE CONTRACTOR RESPONSIBLE TO MAINTAIN EXISTING PLANT MATERIAL TO REMAIN IN GOOD, HEALTHY CONDITION DURING CONSTRUCTION.
- ANY EXISTING PLANT MATERIAL NOT SHOWN TO REMAIN IS TO BE REMOVED BY CONTRACTOR.
- ALL STEEL HEADER TO BE 3/16" THICK COLD ROLL STEEL 4" HIGH.
- ALL CONCRETE HEADER TO BE 'CREATIVE CURB' OR EQUAL.

PLANTING PLAN



CITY OF SURPRISE GENERAL NOTES

- ALL CHANGES TO BE APPROVED BY THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.
- SIGNS REQUIRE A SEPARATE PERMIT.
- ALL UTILITY BOXES AND STRUCTURES ARE TO BE SCREENED FROM VIEW.
- PLANT MATERIAL IS NOT TO BE LOCATED WITHIN 3 FEET OF ANY FIRE HYDRANT OR FIRE DEPARTMENT CONNECTION.
- TREES IN PAVED AREAS ARE TO HAVE ROOT BARRIERS.
- ALL PLANT MATERIAL SIZES ARE TO BE CONSISTENT WITH ANA STANDARDS.
- ALL PLANT MATERIAL LOCATED WITHIN AASHTO VISIBILITY TRIANGLES ARE TO BE MAINTAINED NO HIGHER THAN 2 FEET HIGH, AND HANG NO LOWER THAN 7 FEET FROM GROUND ELEVATION.
- A MINIMUM OF TEN (10) PERCENT OF THE SITE IS TO BE LANDSCAPED.
- ALL TREES AND PLANT MATERIAL SHALL CONFORM TO THE ARIZONA DEPARTMENT OF WATER RESOURCES PLANT MATERIALS LIST.
- 15 GALLON TREES WILL HAVE A MINIMUM TRUNK HEIGHT OF SIX (6) FEET AND A MINIMUM ONE AND ONE-HALF (1.5) INCH CALIPER MEASURED FOUR (4) FEET ABOVE THE GROUND. MULTI-TRUNK TREES WILL HAVE A MINIMUM TRUNK HEIGHT OF FIVE (5) FEET AND A MINIMUM AVERAGE CALIPER OF ONE (1) INCH.
- 24 INCH BOX TREES WILL HAVE A MINIMUM TRUNK HEIGHT OF EIGHT (8) FEET AND A MINIMUM TWO (2) INCH CALIPER MEASURED FOUR (4) FEET ABOVE THE GROUND. MULTI-TRUNK TREES WILL HAVE A MINIMUM TRUNK HEIGHT OF EIGHT (8) FEET AND A MINIMUM AVERAGE CALIPER OF ONE AND ONE HALF (1.5) INCHS.
- STREETSCAPE SHRUBBERY REQUIRES A MINIMUM SIZE OF FIVE (5) GALLONS.



SURPRISE
ARIZONA

MARKETPLACE AT THE CITY

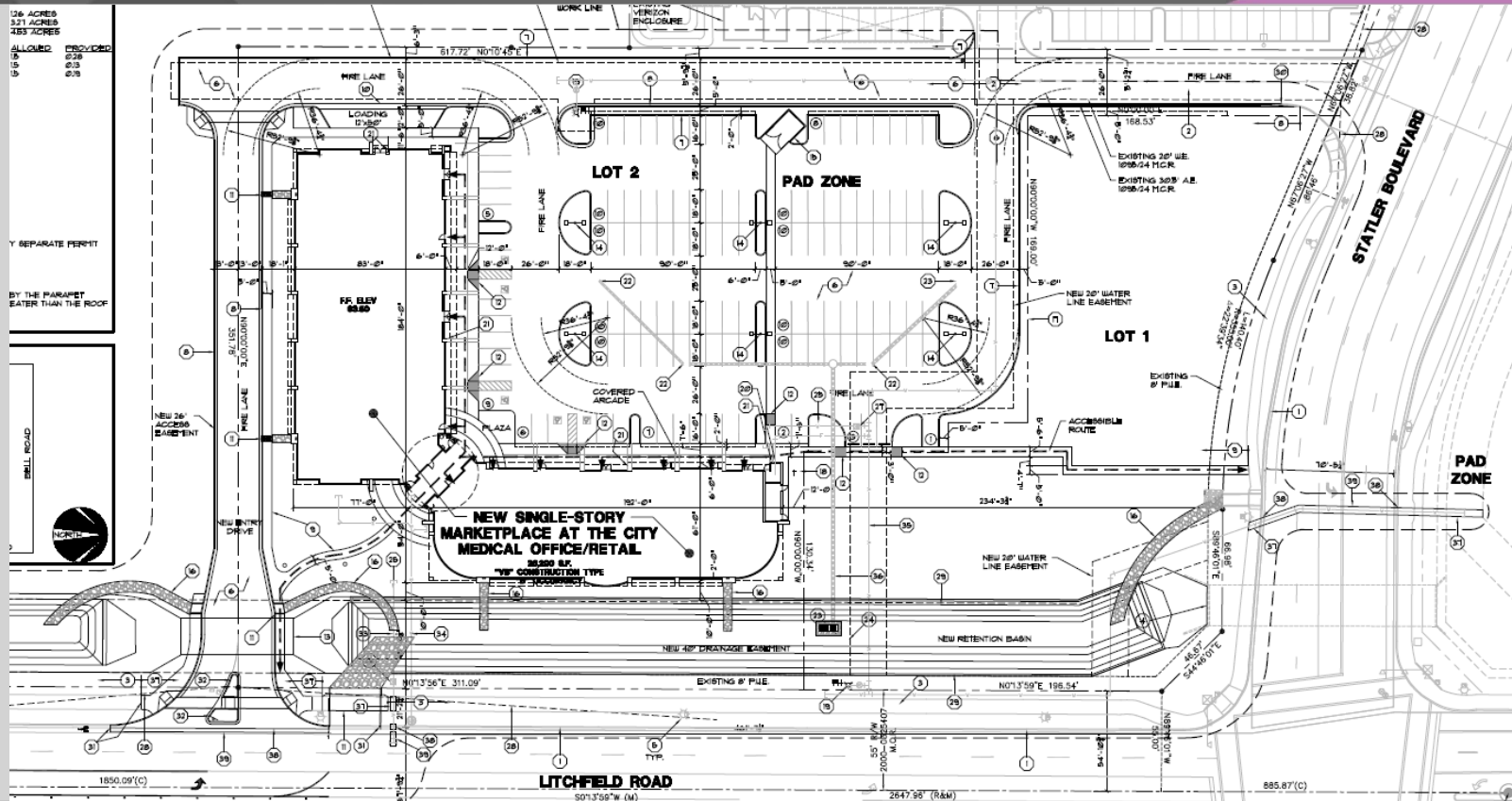
Site Plan – November 3, 2016

VICINITY MAP



VICINITY MAP





126 ACRES	
321 ACRES	
453 ACRES	
<u>ALLOWED</u>	<u>PROVIDED</u>
15	@25
15	@13
15	@19

BY THE PARAPET
EATER THAN THE ROOF

BELL ROAD



1850.09'(C)

LITCHFIELD ROAD

50°13'59"W (M)

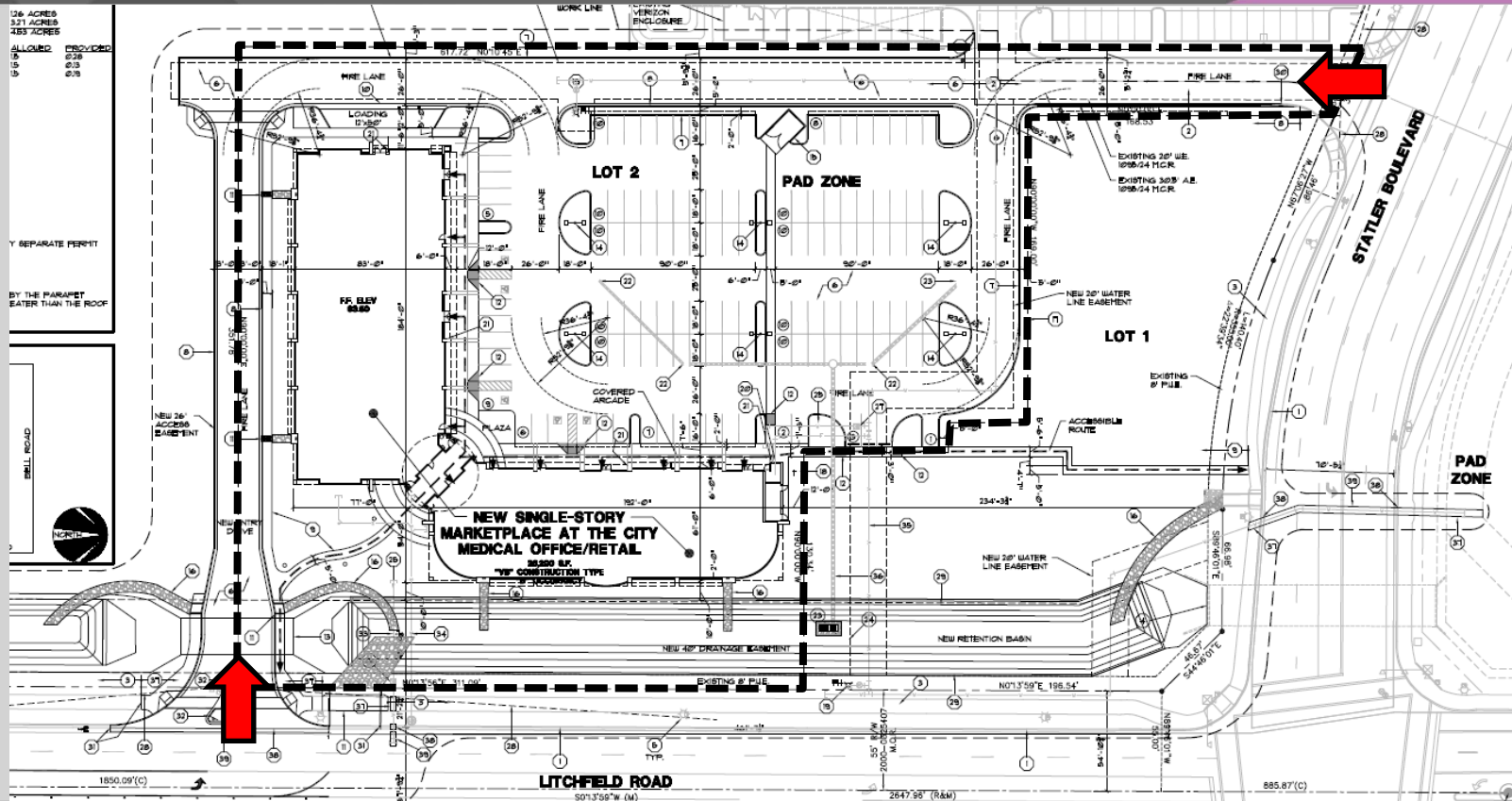
2647.96 (R&M)

885.87(C

STATLER BOULEVARD

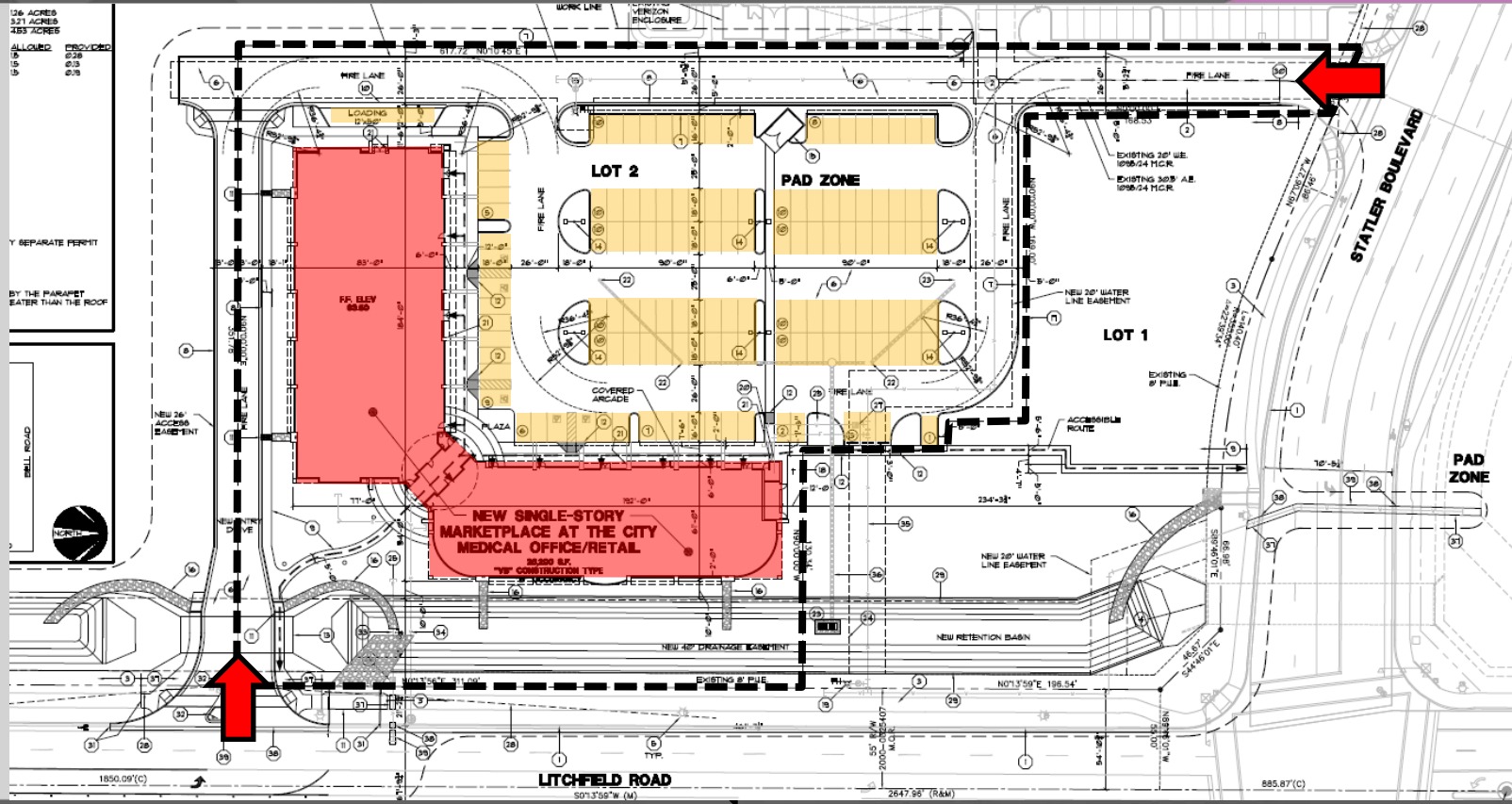
**PAD
ZONE**

SITE PLAN



126 ACRES	
327 ACRES	
453 ACRES	
<u>ALLOWED</u>	<u>PROVIDED</u>
15	0.28
15	0.13
15	0.18

BY THE PARAPET
EATER THAN THE ROOF



126 ACRES	
327 ACRES	
453 ACRES	
<u>ALLOWED</u>	<u>PROVIDED</u>
15	0.28
15	0.13
15	0.18

Y SEPARATE PERMIT

BY THE PARAPET
EATER THAN THE ROOF

Bell Road

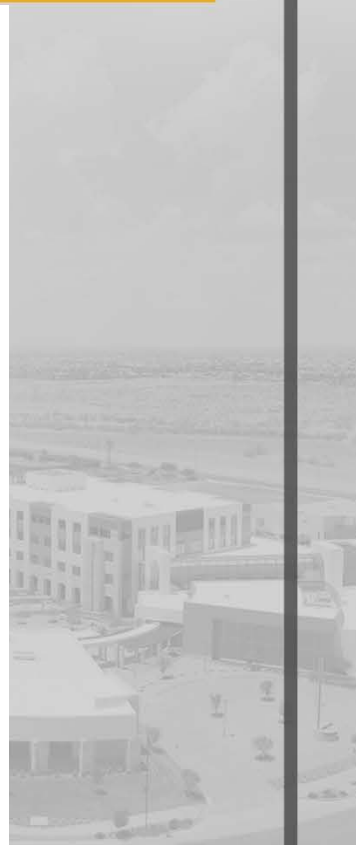
1850.09'(C)

LITCHFIELD ROAD
S013°59'W (M)

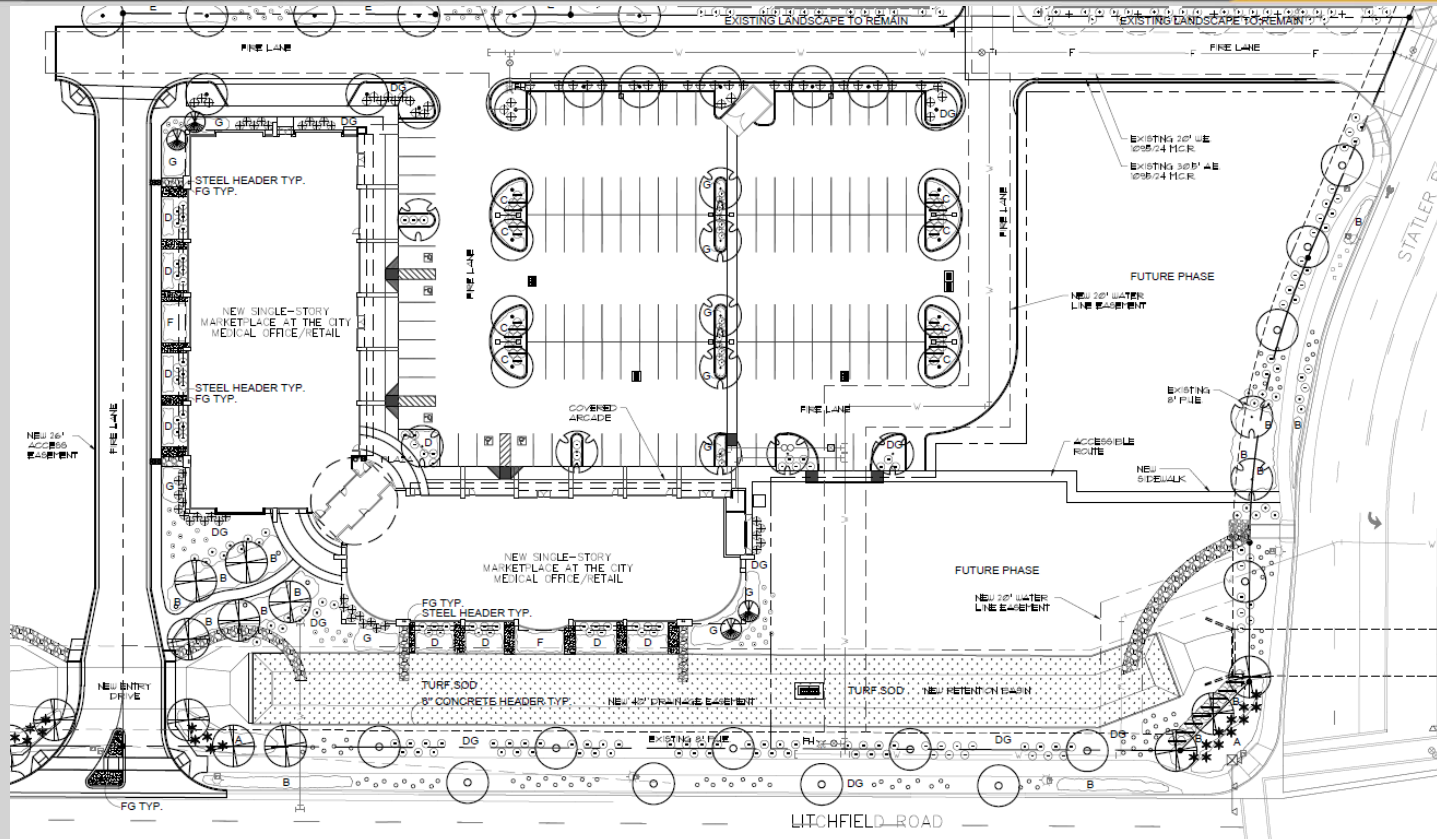
2647.96 (R&M)

885.87(C)

[illegible]

[illegible]

LANDSCAPE





SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Planning and Zoning Commission

November 3, 2016 @ 6:00:00 PM

+ Back Print

Board Meeting Date:	November 3, 2016	Contact Person:	Eric Fitzer - Community Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	None		

Consent	Regular	x	Public Hearing	Report/Discussion
---------	---------	---	----------------	-------------------

Agenda Wording:

Presentation and Discussion regarding the Laws applicable to Commissioners, and an overview of the general plan and SUDC.

Motion:

N/A

Background:

We have many new members of the Commission so this is a good time for a review of the applicable State and City laws.

Financial Impact Statement:

None

ATTACHMENTS:

Click to download

- ☐ [PowerPoint Presentation](#)
- ☐ [SMC for Powers and Duties](#)
- ☐ [Bylaws](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	x	White Board	x	Other	x
------------	---	-------	---	-------------	---	-------	---

Presentation Speaker Names (spelling and titles for TV captions):

Eric Fitzer, Community Development Director
Donna Bronski, Deputy City Attorney



PLANNING AND ZONING COMMISSION BASICS

November 3, 2017

PUBLIC BODY:

PLANNING & ZONING is a public body and you are now public officials – what does that mean?

- “Public bodies” are a group of elected or appointed members of the Legislature, City Council or their boards and commissions. A.R.S. §38-481.
- Members of public bodies are some of the many people called “public officials.”

PUBLIC OFFICIAL:

- As a Public Official, you take an oath to uphold the Constitution and Laws of the United States and the State of Arizona. A.R.S. §38-231.
- Once you take the oath you may begin your work as a commissioner.



The graphic features a dark grey header bar with a stylized sun and mountain icon on the left. The title 'OPEN MEETING LAW' is written in large, white, sans-serif capital letters. A purple triangular shape is on the right side of the header bar. The background of the slide is a light grey aerial view of a city with a large, modern building in the foreground.

OPEN MEETING LAW

Arizona Law States:

All meetings of any public body must be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies must occur during a public meeting. A.R.S. §38-431.01(A)

THE PUBLIC MEETING:

- A gathering, in person or through technological devices, of a **quorum** of members of a public body at which they discuss, propose or take legal action, including any deliberations by a **quorum** with respect to such action.
- You don't necessarily need to be present.
- A public meeting is not legal if not properly noticed.

WHAT IS A QUORUM?

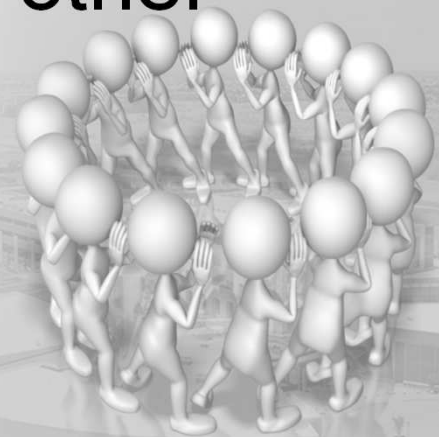
- A majority of the membership of the public body. If you do not have a quorum, you must adjourn the meeting.
 - Majority: more than half of the members present at the meeting.
 - Membership: filled positions on the public body, excludes vacancies.

DIFFERENT TYPES OF “MEETINGS”

1. Phone calls
2. Emails-be careful responding to emails. Using “Reply All” and Forwarding emails may lead to OML trouble.
3. Serial meeting-less than a quorum present. Later the same discussion is had with other members.
4. Social events-when in doubt, post as possible quorum.
5. Social media-be careful “liking” comments, emerging area of law.

What is a “Serial Meeting”?

- Less than a quorum present
- Later the same discussion with other members of the body
- Enough members to = quorum



“Reply All” and Forwarding = Trouble



COMMUNICATION WITH STAFF

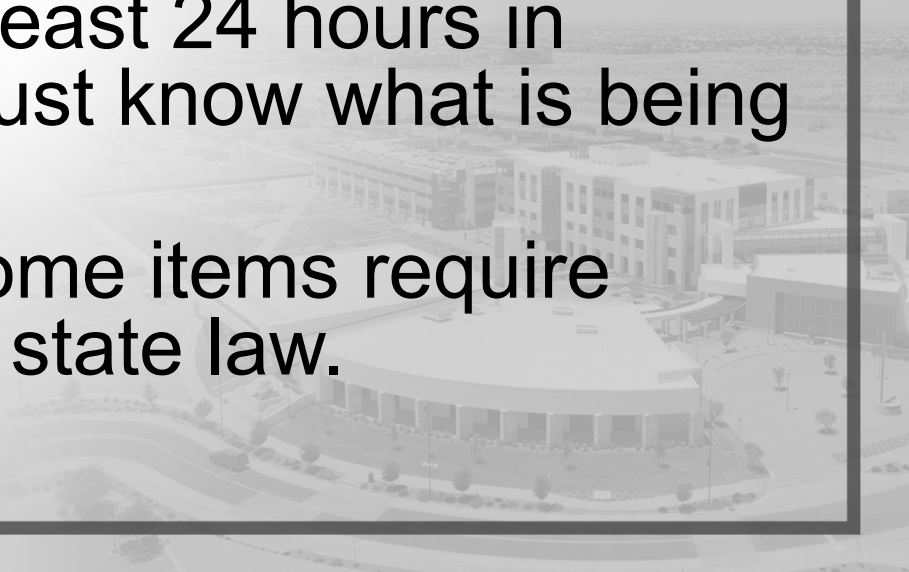
- Commissioners may communicate with staff.
- Staff may provide a commissioner with reports or other information outside a public meeting.
- Staff may not be used to side step the open meeting law.

Spoke and Wheel



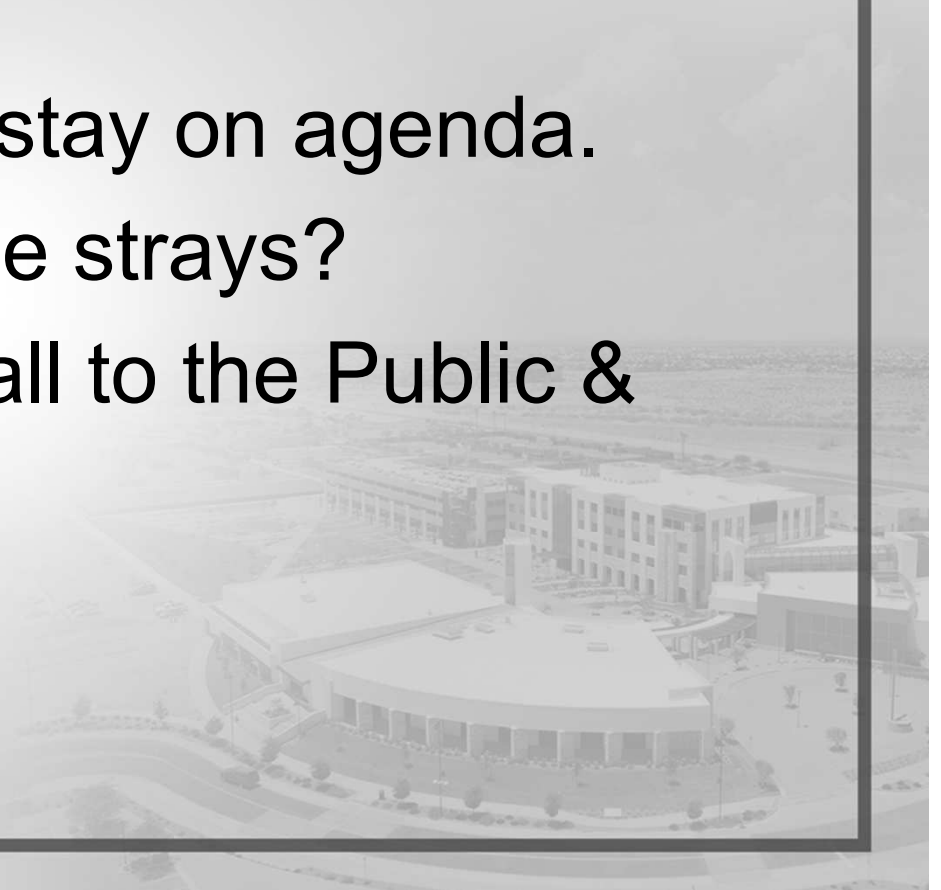


FIRST THINGS FIRST

- Staff must properly notice the meeting. The meeting notice must have the day, time and location of the meeting.
 - Publish the agenda at least 24 hours in advance. The public must know what is being discussed.
 - Public hearing items-some items require additional notice under state law.
- 

MUST STAY ON AGENDA!

- It's everyone's job to stay on agenda.
- What to do if someone strays?
- Limited Exception: Call to the Public & Reports.



ORDER OF AGENDA

Preliminary Matters:

Roll Call

Pledge of Allegiance

Current Events and Reports

Call to the Public



- Action Items:

- Consent Agenda

- Regular Discussion Items

- Non-public hearing

- Public hearing

- Statutorily required sub-part of meeting

- Opening and closing “Hearing”



Action items continued

- Motions-follow Parliamentary Procedure
- Future agenda items
- Adjournment: may vote or Chair may do so if no member raises an objection.

Basic Motion Steps

A member of the public body:

1. Addresses the chair
2. Waits for recognition
3. Makes the motion

A second member:

4. Seconds the motion



Motion Continued....

The chair:

5. States the motion
6. Opens & closes the public hearing (if applicable)
7. Calls for remarks
8. Puts the question/Calls for the vote
9. States the results (chair or clerk).

*April 2003 League of Arizona Cities and Towns, "What all Elected Officials Need to Know" <http://www.azleague.org/index.aspx?NID=114>



POWERS & DUTIES

- P&Z makes final decisions on some matters and is an advisor to the council on others.
 - Role of Advisor-City Council relies on the P&Z to help implement the vision of the General Plan.
- 

Mission

To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan....

SMC Sec. 2-301



Primary Powers and Duties

- Recommendations to council on General Plan, Land Use, Design, zoning classifications, building and development codes, HUD programs
- Decide outright: site plans

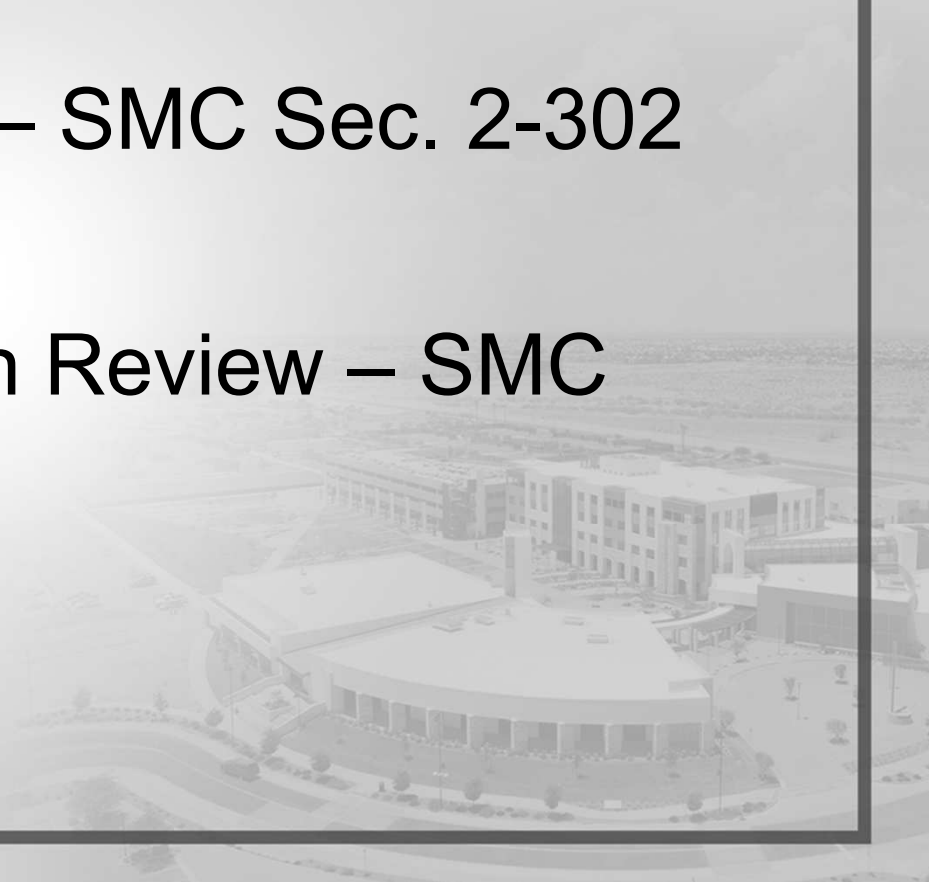


Bylaws

- SMC Sec. 2-295.
- Same bylaws for all Boards and Commissions in City
- 7 members/4 year terms
- Attendance/Removal

NEW DUTIES

- Board of Adjustment – SMC Sec. 2-302
- Board of Construction Review – SMC Sec. 2-303





CONFLICT OF INTEREST

Arizona statutory law requires public officers (or employee) who have a conflict of interest to do two things...

- 1) Disclose the interest
- 2) Refrain from **any** participation in the matter.

A.R.S. §§ 38-501 to 511.



RELATIVES

Your Spouse

Your children or step-children

Your parents or step-parents

Your in-laws

Your grandchildren

Your grandparents



What all elected officials need to know.

- Conflicts can happen-just don't try to influence the decision or vote. Always disclose the interest.
- When in doubt --- ASK!!
- What to do at the meeting when you have a conflict? – Refrain from participation.

PENALTIES

A **Knowingly or intentionally** violation of any provision of the conflict of interest laws is a class 6 felony.

Negligent or reckless violation of the law is a class 1 misdemeanor.

Forfeiture of Public Office

Cancellation of Contract



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

ORDINANCE 2016-27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SECTIONS 2-295, 2-301 THROUGH 2-303 OF THE SURPRISE MUNICIPAL CODE RELATING TO THE DUTIES, RESPONSIBILITIES, AND APPEAL PROCESS OF THE PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT AND THE BOARD OF CONSTRUCTION REVIEW; RENUMBERING SECTION 2-303-TOURISM ADVISORY COMMISSION TO SECTION 2-305; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City desires to create the opportunity to assign the duties of the Board of Adjustment and the Board of Construction Review to the Planning and Zoning Commission during times like the present when there are insufficient cases to ask for volunteers to serve on these boards;

WHEREAS, the City desires to retain the separate responsibilities of each board because they have different statutory processes and because in the future, require increased caseloads may make it advantageous to create separate boards again;

WHEREAS, the City also desires to allow appeals from the Board of Adjustment to the City Council prior to being heard by the Superior Court as allowed in A.R.S. 9-462.06 J.

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

Section 1. Chapter 2, Article VII. Boards, Committees and Commissions, Sections 2-295, 2-301 through 2-303 and renumbering section 2-303-tourism advisory commission to section 2-305 of the Surprise Municipal Code is hereby amended as described on attached Exhibit A, and incorporated by this reference.

Section 2. For the efficient and cost effective operation of the city, the city council hereby directs pursuant to new Sections 2-295, 2-301 through 2-303, that the Planning and Zoning Commission will sit as the Board of Adjustment and/or the Board of Construction Review to commence at the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law and shall be codified at that time.

Section 5. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed upon the effective date of this Ordinance.

PASSED AND ADOPTED this 4 day of October, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Sec. 2-295. - Bylaws.

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in this Code or in the resolution or ordinance creating the body:

- (1) *Offices.* The principal office of every public body will be the Surprise City Hall.
- (2) *Number.* Each body will consist of seven persons.
- (3) *Member qualifications, generally.*
 - a. Each member of the body must be a resident of the city and must remain so during the term of appointment.
 - b. Persons may serve on no more than two public bodies concurrently, ~~but~~AND NEITHER BODY may ~~not serve on a body that~~ reviews, considers, or ~~is made~~ MAKE recommendations TO THE OTHER BODY.~~by, a body on which the same member serves.~~ For example, a member. ~~of the planning and zoning commission cannot also serve on the board of adjustment and construction review.~~ MAY SERVE ON BOTH THE ARTS COMMISSION AND THE PLANNING COMMISSION, BECAUSE NEITHER COMMISSION “REVIEWS, CONSIDERS OR MAKES RECOMMENDATIONS TO THE OTHER” COMMISSION.
 - c. Individuals related by marriage, blood, or adoption, may not serve on the same public body.
 - d. Employees may not serve as members of any public body.
 - e. No city council member may serve as a member of any city public body other than city council.

The remainder of this section is unchanged.

Sec. 2-301. - Planning and zoning commission.

(a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. WHERE NECESSARY FOR THE EFFICIENT AND COST EFFECTIVE OPERATION OF THE CITY, THE CITY COUNCIL MAY DIRECT THAT THE PLANNING AND ZONING COMMISSION MAY ALSO SIT AS THE BOARD OF ADJUSTMENT AND/OR THE BOARD OF CONSTRUCTION REVIEW.

(b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in [section 2-295](#) apply.

(c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.

(d) *Powers, duties and responsibilities.* The commission will:

- (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;
 - (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.
- (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
- (f) APPEALS. WHEN SITTING AS EITHER THE BOARD OF ADJUSTMENT OR THE BOARD OF CONSTRUCTION REVIEW, ONLY DECISIONS OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED AS SET FORTH IN SECTION 2-303 OR 2-304 AS APPROPRIATE.

Sec. 2-302. - Board of adjustment. and construction review.

(a) *Mission.* To hear and decide requests for variances from zoning regulations, ~~and appeals of decisions of the administrative authority.~~ APPEALS OF ZONING ADMINISTRATOR DECISIONS AND SUCH OTHER POWERS AS MAY BE GRANTED BY CITY COUNCIL.

(b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in [section 2-295](#) apply.

(c) *Composition.* The board will consist of seven members. ~~At least two members must be a homebuilder or contractor (building, plumbing, mechanical, electrical or fire protection), but do not have to be residents of the City of Surprise. The remaining five members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.~~ FOR THE EFFICIENT AND COST EFFECTIVE OPERATION OF THE CITY, THE CITY COUNCIL MAY DIRECT THAT THE PLANNING AND ZONING COMMISSION MAY SIT AS THE BOARD OF ADJUSTMENT.

(d) *Powers, duties and responsibilities.*

(1) When acting in its role as a board of adjustment, as provided by the Arizona Revised Statutes, the board will hear and decide requests for variances from zoning regulations, appeals of zoning administrator decisions, and such other powers as may be granted by city council.

~~(2) When acting in its role as a construction review board, the board will hear and decide appeals of orders, decisions or determinations made by the building official concerning the application, interpretation, and enforcement of the adopted technical codes. The board is authorized to approve an alternate material or method of construction to that required by the relevant adopted codes, provided the board finds that the proposed design is satisfactory, complies with the intent of the requirements of the codes, and the material, method, or work to be provided meets the intended purpose and is at least the equivalent to that prescribed in the codes in quality, strength, effectiveness, fire resistance, durability, and safety. The board has no authority to waive or amend the requirements of any technical code adopted by the city.~~

(32) The board may adopt all rules and procedures necessary or convenient for the conduct of its business.

(e) *Appeals to the board.*

(1) APPEALS TO THE BOARD MAY BE TAKEN IN THE SAME MANNER AS SET FORTH IN STATE LAW, EXCEPT AS MODIFIED BY THE PROVISIONS OF THIS SECTION 2-302.

~~(42)~~ Appeals to the board may be ~~taken~~MADE by any person, or by any officer, department, board, or commission of the city affected by the decision being appealed. Such appeal must be taken within 30 (THIRTY)calendar days of the date of the determination being appealed by filing with the city CLERK manager a notice of appeal specifying the grounds for the appeal. The city

CLERKmanager will determine if the request is within the authority of the board and respond to the request in writing within ten working days.

~~(1)~~ (3) If the appeal is taken, the ~~administrative authority~~ ZONING ADMINISTRATOR will forthwith transfer to the board all of the documents and exhibits constituting the record upon which the appealed action is taken. The board will hear the appeal at the next regularly scheduled meeting, but not later than 60 SIXTY calendar days from the notice of appeal. The board will render all decisions and findings in writing to the appellant with a duplicate copy to the ~~administrative authority~~ ZONING ADMINISTRATOR.

~~(2)~~ (4) The board is authorized to overturn, uphold, or modify a determination of the ~~administrative authority~~ ZONING ADMINISTRATOR, and has the same authority as the official in so doing.

(f) CITY COUNCIL REVIEW. ANY PERSON AGGRIEVED BY THE DECISION OF THE BOARD, OR THE PLANNING COMMISSION SITTING AS THE BOARD, MAY APPEAL THE DECISION OF THE BOARD TO CITY COUNCIL WITHIN 15 CALENDAR DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER OR OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF CITY COUNCIL, MAY FILE AN APPEAL WHETHER OR NOT THEY WERE A PREVIOUS PARTY TO THE DECISION. APPEALS SHALL BE FILED IN WRITING WITH THE OFFICE OF THE CITY CLERK AND SHALL SPECIFY THE GROUNDS FOR THE APPEAL.

~~(fg) Court review. Any person aggrieved by the decision of the board CITY COUNCIL, MAY APPEAL THE DECISION OF THE CITY COUNCIL TO SUPERIOR COURT WITHIN 30 (THIRTY) DAYS AS PROVIDED BY STATE LAW. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER, OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF THE CITY COUNCIL, MAY FILE AN APPEAL whether or not a THEY WERE A previous party to the decision., or any municipal officer or official department of the city may, at any time within 30 calendar days after the filing of the board's CITY COUNCIL'S decision in the office of the city clerk, file an appeal in writing with the Maricopa County Superior Court by following the methods of appeal or review procedures in Arizona as set forth by the applicable statutes of the State of Arizona.~~

~~(gh) Enforcement. The city is authorized to enforce decisions of the board or, upon successful review, of THE CITY COUNCIL OR the Superior Court.~~

Sec. 2-3035. –Tourism advisory commission

All code sections under tourism advisory commission remain the same only renumbered to Sec. 2-305

Sec. 2-3032. - BOARD OF CONSTRUCTION REVIEW.

(A) *MISSION.* TO HEAR AND DECIDE REQUEST FOR APPEALS OF DECISIONS OF ADMINISTRATIVE AUTHORITY REGARDING MATTERS PERTAINING TO ENFORCEMENT, APPLICATION AND INTERPRETATION OF CONSTRUCTION CODES.

(B) *BYLAWS.* UNLESS OTHERWISE DELINEATED WITHIN THIS SECTION, THE BYLAWS CONTAINED IN SECTION 2-295 APPLY.

(C) *COMPOSITION.* THE BOARD WILL CONSIST OF 7 (SEVEN) MEMBERS. FOR THE EFFICIENT AND COST EFFECTIVE OPERATION OF THE CITY, THE CITY COUNCIL MAY DIRECT THAT THE PLANNING AND ZONING COMMISSION MAY SIT AS THE BOARD OF CONSTRUCTION REVIEW.

(D) *POWERS, DUTIES AND RESPONSIBILITIES.*

(1) THE BOARD WILL HEAR AND DECIDE APPEALS OF DECISIONS OF ADMINISTRATIVE AUTHORITY REGARDING MATTERS PERTAINING TO ENFORCEMENT, APPLICATION AND INTERPRETATION OF CONSTRUCTION CODES.

(2) THE COMMISSION SHALL BE AUTHORIZED TO APPROVE AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION TO THAT REQUIRED BY CONSTRUCTION CODES, PROVIDED THE COMMISSION FINDS THAT THE PROPOSED DESIGN IS SATISFACTORY, COMPLIES WITH THE INTENT OF THE REQUIREMENTS OF THE CODES, AND THE MATERIAL, METHOD, OR WORK TO BE PROVIDED MEETS THE INTENDED PURPOSE AND IS AT LEAST THE EQUIVALENT TO THAT PRESCRIBED IN THE CODES IN QUALITY, STRENGTH, EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY. THE BOARD HAS NO AUTHORITY TO WAIVE OR AMEND THE REQUIREMENTS OF ANY TECHNICAL CODE ADOPTED BY THE CITY.

(E) APPEALS TO THE BOARD. APPEALS TO THE BOARD MAY BE TAKEN IN THE SAME MANNER AS SET FORTH IN THE APPLICABLE TECHNICAL CODE IN THE FORM ADOPTED BY THE CITY, EXCEPT AS MODIFIED BY THE PROVISIONS OF THIS SECTION 2-303.

(1) APPEALS TO THE BOARD SHALL BE TAKEN WITHIN THIRTY CALENDAR DAYS OF THE DATE OF DETERMINATION BY FILLING WITH THE CITY CLERK A NOTICE OF APPEAL SPECIFYING THE GROUNDS FOR THE APPEAL. THE BUILDING OFFICIAL SHALL DETERMINE IF THE REQUEST IS WITHIN THE AUTHORITY OF THE BOARD AND RESPOND TO THE REQUEST IN WRITING WITHIN TEN WORKING DAYS. IF THE APPEAL IS

TAKEN, THE BUILDING OFFICIAL SHALL FORTHWITH TRANSFER TO THE BOARD ALL OF THE DOCUMENTS AND EXHIBITS CONSTITUTING THE RECORD UPON WHICH THE APPEALED ACTION IS TAKEN.

- (2) THE BOARD SHALL HEAR THE APPEAL AT THE NEXT REGULARLY SCHEDULED MEETING, OR NOT LATER THAN FORTY-FIVE CALENDAR DAYS FROM THE NOTICE OF APPEAL.
- (3) THE BOARD SHALL RENDER ALL DECISIONS AND FINDINGS IN WRITING TO THE APPELLANT WITH A DUPLICATE COPY TO THE ADMINISTRATIVE AUTHORITY.
- (4) THE BOARD, OR THE PLANNING AND ZONING COMMISSION SITTING AS THE BOARD OF CONSTRUCTION REVIEW, IS AUTHORIZED TO OVERTURN, UPHOLD, OR MODIFY A DETERMINATION OF THE BUILDING OFFICIAL, AND HAS THE SAME AUTHORITY AS THE OFFICIAL IN SO DOING. THE BOARD SHALL BE AUTHORIZED TO APPROVE AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION TO THAT REQUIRED BY TECHNICAL CODES OF THE CITY, PROVIDED THE BOARD FINDS THAT THE DESIGN IS SATISFACTORY, COMPLIES WITH THE INTENT OF THE REQUIREMENTS OF THE CODES, AND THE MATERIAL, METHOD, OR WORK TO BE PROVIDED MEETS THE INTENDED PURPOSE AND IS AT LEAST THE EQUIVALENT TO THAT PRESCRIBED IN THE CODES IN QUALITY, STRENGTH, EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY.
- (5) DECISIONS OF THE BOARD SHALL BE FINAL.

Sec. 2-304. – Audit Committee

Sec. 2-306—2-334. - Reserved

I. Surprise Municipal Code, downloaded on 10/25/2016

ARTICLE VIII. - BOARDS, COMMITTEES AND COMMISSIONS¹⁷¹

Sec. 2-295. - Bylaws.

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in this Code or in the resolution or ordinance creating the body:

- (1) *Offices.* The principal office of every public body will be the Surprise City Hall.
- (2) *Number.* Each body will consist of seven persons.
- (3) *Member qualifications, generally.*
 - a. Each member of the body must be a resident of the city and must remain so during the term of appointment.
 - b. Persons may serve on no more than two public bodies concurrently, but may not serve on a body that reviews, considers, or is made recommendations by, a body on which the same member serves. For example, a member of the planning and zoning commission cannot also serve on the board of adjustment and construction review.
 - c. Individuals related by marriage, blood, or adoption, may not serve on the same public body.
 - d. Employees may not serve as members of any public body.
 - e. No city council member may serve as a member of any city public body other than city council.
- (4) *Selection.* Selection and appointment for all vacancies will be in accordance with [section 2-296](#). In the event of the death, resignation, or removal of any member, a new member will be appointed to serve the unexpired portion of the term vacated, using the selection process described in [section 2-296](#). For purposes of this section, resignations must be in writing and are effective upon delivery to the city clerk.
- (5) *Volunteer service.* Each member of every public body serves on a voluntary basis and is not entitled to receive any compensation or benefits from the city for time spent or service performed as a member of a public body.
- (6) *Term of appointment.* Voting members will be appointed to staggered terms of four years, which will expire on June 30 of odd numbered years, with no term limits. The initial term of the majority of members will be a four-year term, and the minority of members a two-year term. Each subsequent term will be four years. The initial terms will be effective immediately, but end on June 30. Each subsequent term will commence on July 1.
- (7)

Political activity. No member of a public body may use membership on the body to advocate, campaign, or influence the outcome of an election. Violation of this section will be promptly referred to city council, and the member may be removed from the public body.

(8)

Attendance. If any member of a public body is absent from two consecutive meetings or three meetings in any six-month period, or repeatedly fails to respond to contact from city staff regarding body activity, the matter will be promptly referred to city council for action which may include removal of the member. If removed because of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months. Attendance by a member must be in person; attendance by telephone is not permitted.

(9)

Removal. Body members serve at the pleasure of city council and may be removed with or without cause by a majority vote of city council. The decision of city council is final and not appealable. At the time of removal, city council may establish a period during which the removed member is ineligible for reappointment to one or more public bodies.

(10)

Powers, duties, and responsibilities.

a.

Each public body has the powers, duties and responsibilities described in the resolution or ordinance creating the body.

b.

Each public body may consider, and make recommendations regarding, any item specifically referred to the body by city council.

c.

Public bodies may not create, appoint, or authorize any subcommittees or working groups unless specifically authorized in the resolution or ordinance creating the public body.

d.

Actions formulated or submitted by any commission or committee are advisory and are not binding on the city, city council, or city staff. Recommendations made to city council by any public body are advisory only and are not binding on city council.

(11)

Chair/vice-chair; elections.

a.

Each body must elect a chair and vice-chair each July from among its members.

b.

The vice-chair will act as chair in the chair's absence. In the absence of the chair and vice-chair, the body members in attendance must select a member to act as the chair for that meeting.

c.

Any vacancy for chair or vice-chair, as may occur for any reason, must be filled from the body membership at the next meeting where a quorum of the body is present.

d.

The chair or vice-chair may be removed from their positions as chair or vice-chair at any time by a three-fourths majority vote of the membership.

e.

The chair will preside at all meetings of the body, decide all points of order and procedure, and perform any duties required by law, ordinance, or resolution.

f.

The chair has the right to vote on all matters before the body and the right to make or second motions in the absence of a motion or a second made by another member.

(12)

Meetings.

a.

Regular meetings will be held as needed, but no less than once a year.

b.

Special meetings may be called by or at the request of the city manager or chair.

c.

Each body must establish an annual schedule for regular meetings designating the time, date and location for such regular meetings.

d.

Meetings must be held at a time and place designed to maximize public engagement in the business before the body. Regular meetings must be held in City Hall at 6:00 p.m. unless otherwise designated in the annual schedule.

(13)

Notice of Meetings. Meetings must be conducted in full compliance with Arizona Open Meeting Law, and material for the agenda delivered to the city clerk no later than five business days prior to the meeting date. Items on the agenda must be limited to items in furtherance of the body's purpose and mission.

(14)

Quorum. No action may be taken at any meeting in the absence of a quorum, except the taking of attendance and action to adjourn the meeting to a subsequent date.

(15)

Order of business.

a.

Meetings will generally be conducted consistent with Robert's Rules of Order, unless other procedural rules are adopted by city council.

b.

When a specific agenda item is open for public comment by the chair, members of the public may speak to an item under consideration upon being recognized by the chair and stating their name and address and the names of the persons on whose behalf they are appearing. Generally, matters of a personal nature such as employee discipline, disability, or retirement, should not be open for public comment.

(16)

Voting.

a.

Each member attending a meeting is entitled to one vote. The minutes of the proceedings will indicate the vote of every member on every matter acted upon and will indicate any absence or failure to vote.

b.

Each member must disqualify themselves and abstain from participating in the deliberation and voting whenever the member has a conflict of interest on the item under consideration, as described and provided for in Arizona Revised Statutes.

(17)

Retention of files. The official records of every public body will include the agendas and minutes of meetings, must be deposited with the city clerk's office, and will be available for public inspection during regular office hours in accordance with state law.

(18)

Staff liaison; Minutes. The city manager will appoint a staff liaison and ensure staff attendance at meetings of every public body, as necessary, for the purpose of taking minutes and/or audio recordation of the meeting. Minutes will comply with the Arizona Open Meeting Law.

(19)

Legal counsel. The city attorney will act as legal counsel to every public body and will attend meetings as necessary.

(20)

Duration. Each public body will remain in place until such time as city council elects to dissolve the body.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014; Ord. No. 2015-23, § 1, 12-1-15)

• **Sec. 2-296. - Member selection and replacement process.**

The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body:

(a)

Application process.

(1)

Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled.

(2)

The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.

(3)

All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk.

(4)

All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

(b)

Boards and commissions nominations committee.

(1)

The mayor will designate one city council member to serve as the chair of the nominations committee, who will serve on an ongoing basis until such time as the mayor makes a new designation.

(2)

The chair will select two additional city council members to serve on the nominations committee. At the discretion of the chair, the chair or designee of the respective public body may also serve on the nominations committee.

(3)

The nominations committee will interview all qualified applicants. All applicants will be asked the same questions in order to ensure that a fair assessment can be made of each applicant; however, additional questions may be asked for purposes of clarification after the standard questions have been asked.

(4)

The committee will submit the names of qualified applicants selected for nomination to a public body to the city clerk on an agenda action form.

(c)

Appointment.

(1)

The city clerk will place the nomination for appointment on the agenda for the next available regular city council meeting and provide the nominees with the date, time, location and any other appropriate information regarding the city council meeting at which their possible appointment will be discussed.

(2)

Appointment of any nominee requires an affirmative vote by a majority of city council in attendance at a properly noticed city council meeting.

(3)

The city clerk will swear in all newly appointed members prior to acting in the capacity as a body member.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-2014)

https://www.municode.com/library/az/surprise/codes/code_of_ordinances?nodeId=PTIG_EOR_CH1GEPR_S1-1DECICO

II. PLEASE ALSO REVIEW:



<http://www.azleague.org/ArchiveCenter/ViewFile/Item/177>



CITY OF SURPRISE
Planning and Zoning Commission

November 3, 2016 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 3, 2016	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD Boards and Commissions	District:	6
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
---------	---------	----------------	---	-------------------

Agenda Wording:

Consideration and Action on an Ordinance rezoning 8.1 acres of property located on the west side of Litchfield Road ½ mile north of Peoria Avenue from Rural Residential (RR) to Business Park (BP)

Motion:

I move to recommend approval of the Bola Tie Rezone to the Mayor and City Council, subject to stipulations a-c in the staff report.

Background:

Bola Tie LLC, Peter Smith & Margene Finamore, respectfully request a rezone of the approximately 8.1 acres on the west side of Litchfield Rd. ½ mile south of Cactus Rd. in Surprise, Arizona, Maricopa Assessor's Parcel Number 501-39-024R from Rural Residential (RR) to Business Park (BP). The property is located beneath the Luke Air Force Base (AFB) 65 Day-Night Average Sound Level (Ldn) noise contour. This designation does not allow for residential uses in this area.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [00 - FS16-350 - Bola Tie LLC - Rezone/Zoning Amendment - Staff Report](#)
- ☐ [01 - FS16-350 - Bola Tie LLC - Rezone/Zoning Amendment - Vicinity Maps](#)
- ☐ [02 - FS16-350 - Bola Tie LLC - Rezone/Zoning Amendment - Rezone Document](#)
- ☐ [03 - FS16-350 - Bola Tie LLC - Rezone/Zoning Amendment - Citizen Participation Report](#)

- ☐ [04 - FS16-350 - Bola Tie LLC - Rezone/Zoning Amendment - Public Engagement](#)
- ☐ [05 - FS16-350 - Bola Tie LLC - Rezone/Zoning Amendment - Luke Letter](#)
- ☐ [06 - FS16-350 - Bola Tie LLC - Rezone/Zoning Amendment - Presentation](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):

Hobart Wingard, Planner II

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS16-350

Project Name: Bola Tie LLC Rezone

Council District: 6 – Palo Verde

Meeting Date: November 03, 2016

Planner: Hobart Wingard, hobart.wingard@surpriseaz.gov, 623.222.3156

Owner: Peter Smith of Bola Tie LLC

Applicant: George Quinif of Peak Group LLC

Request: The applicant, on behalf of the owner, requests a rezone of approximately 8.1 acres in from Rural Residential (RR) to Business Park (BP).

Site Location: Generally on the west side of Litchfield Road ½ mile north of Peoria Avenue

Site Size: approximately 8.1 acres

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

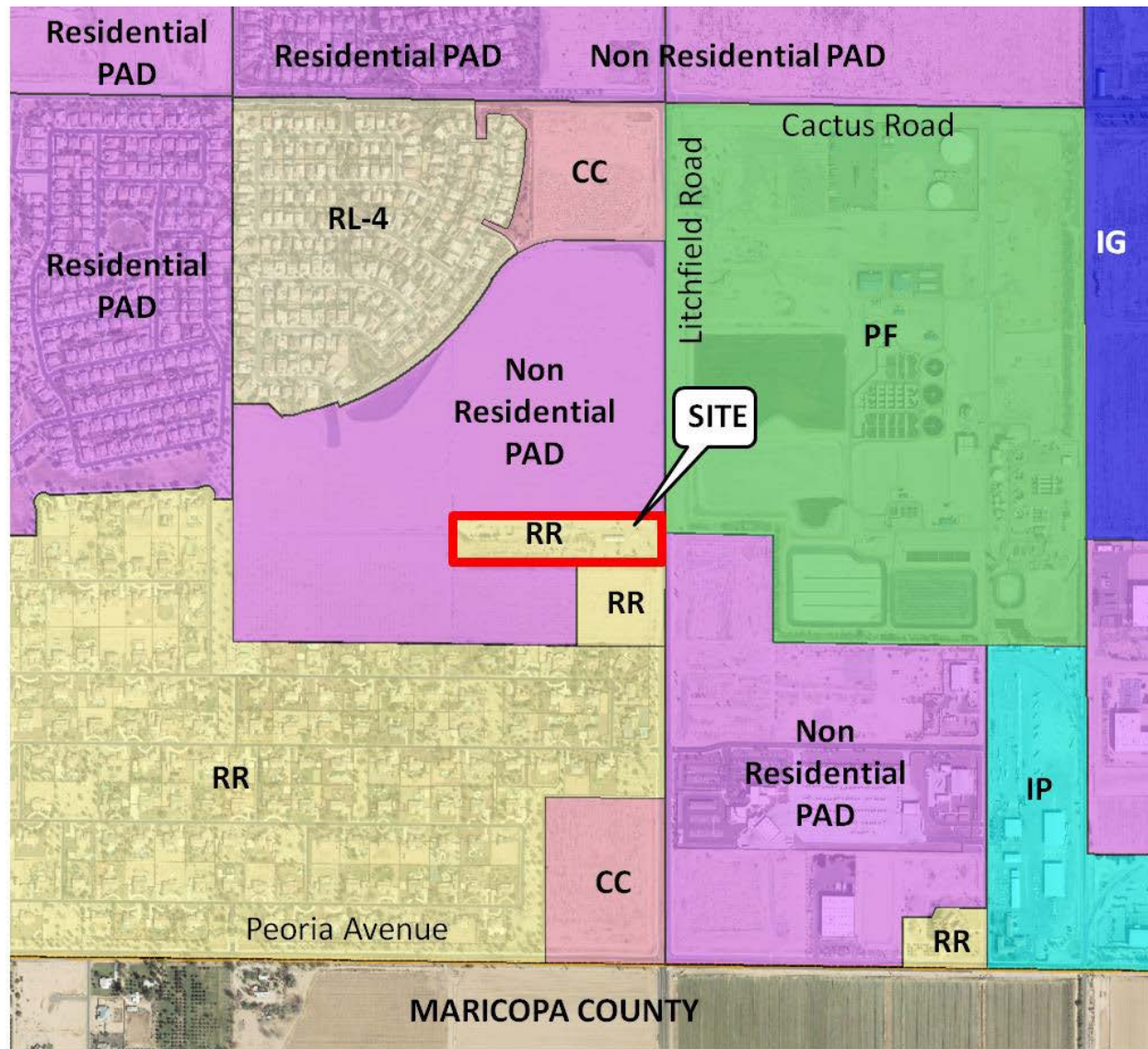
Support/Opposition: Both support and opposition was encountered during the Public Review meeting and are expanded upon in the Citizen Participation Report.

Staff Recommendation: Staff recommends the Commission recommend approval of the Bola Tie Rezone, Case FS16-350, to the Mayor and City Council, subject to stipulations 'a' through 'c'

Project Description:

George Quinif of Peak Group LLC, on behalf of Peter Smith of Bola Tie LLC, requests a Zone Change from Rural Residential (RR) to Business Park (BP). The subject 8.1 acre parcel is currently located beneath the Luke Air Force Base (AFB) 65 Day-Night Average Sound Level (Ldn) noise contour. This designation does not allow for residential uses in this area.

Surrounding Land Zoning:



Kenly Farms Non-Residential PAD	Kenly Farms Non-Residential PAD	Public Facilities (PF)
Kenly Farms Non-Residential PAD	Rural Residential (RR)	Public Facilities (PF)
Kenly Farms Non-Residential PAD	Kenly Farms Non-Residential PAD	Rural Residential (RR)

Background:

August 10, 1995: The subject property was annexed into the City of Surprise by the Mayor and City Council.

September 11, 2015: A Concept Review meeting was held for the current proposal under case CR15-361.

August 10, 2016: The applicant filed a related request for a Zone Change from Rural Residential (RR) to Business Park (BP) for approximately 8.1 acres under case FS15-350, the subject case.

September 19, 2016: The applicant held a neighborhood outreach meeting to discuss the project.

Citizen Outreach:

The site was posted and advertised for a Citizen Review meeting in accordance with the SUDC. The applicant held a meeting for the proposed Rezone at the Rancho Gabriella School located at 15272 West Gabriella Drive from 6:00pm to 8:00pm on September 19, 2016. The applicant hosted the event along with a representative from the City of Surprise. Several residents from around the subject parcel attended and voiced concern over the uses of this and the currently zoned Kenly Farms PAD. A concern over industrial uses of adjacent parcels seemed to cause apprehension.

Analysis and Discussion:

The Zone Change from Rural Residential (RR) to Business Park (BP) for this 8.1 acre parcel would more closely integrate the zoning of this property with the surrounding parcels. The subject parcel is located beneath the Luke Air Force Base (AFB) 65 Ldn noise contour which does not allow for residential uses upon this parcel.

Surprise General Plan 2035:

The Surprise General Plan 2035 shows the subject property as lying within the Commerce and Office Character Area. The proposed Site Plan demonstrates consistency with this land use category.

85 **Reviewing Agencies:**

86
87 In addition to the standard city reviewing agencies, who indicate no objections to the requests,
88 Luke Air force Base, Maricopa Water District, EPCOR Water, ADOT, and Maricopa Association of
89 Governments (MAG) were included in the routing of this case.

90
91 **Summary:**

92
93 The subject request is for a Zone Change from Rural Residential (RR) to Business Park (BP). The
94 subject 8.1 acre parcel is currently located beneath the Luke Air Force Base (AFB) 65 Ldn noise
95 contour. This noise contour designation does not allow for residential uses in this area and the BP
96 zone would closely integrate the zoning of this property with the surrounding parcels.

97
98 **Findings:**

- 99
100
 - The proposed zone change is consistent with the Surprise General Plan 2035
 - The proposed zone change will advance the goals of the City Council Strategic Plan.

101
102
103 **Recommendation:**

104
105 Based on the findings noted above, staff recommends the Commission move to recommend
106 **approval** of case **FS16-350** to the Mayor and City Council, subject to stipulations 'a' through 'c' as
107 outlined below:

- 108
109
 - a. Development and use of the site shall be in substantial conformance with the project
110 narrative entitled "Rezone Request for: Owner: Bola Tie, LLC Peter Smith", prepared by Peak
111 Group LLC, consisting of 26 pages dated September 15, 2016 and stamped received
112 September 16, 2016, except as modified by the following stipulations.
 - b. Non-compliance with the stipulations of approval of this case will be treated as a violation in
113 accordance with the provisions of Article XIV of the Surprise Unified Development Code.
 - c. The Property owner and successors waive claim for diminution of in value if the City takes
114 action to rescind approval of this zone change request due to non-compliance with the
115 stipulations of approval.

116
117
118 However, should the Commission wish to recommend denial of the request, the Commission
119 should make its own findings and base its decision on those alternative findings.

120
121
122 **Attachments:**

- 123
124
125
126 01 - Vicinity Maps
127 02 - Rezone Document

- 128 03 - Citizen Participation Report
- 129 04 - Public Engagement Form
- 130 05 - Luke AFB comments

LOCATION MAP



LOCATION MAP



REZONE REQUEST FOR:

Owner: BOLA TIE, LLC Peter Smith

Prepared by: Peak Group LLC, George Quinif

September 15, 2016

8.1 ACRES, 11294 N. LITCHFIELD RD.

SURPRISE, AZ 85379

TAX PARCEL – 501-39-024R

TABLE OF CONTENTS:

APPLICATIONS.....	Pages 3 and 4
NARRATIVE, REQUEST AND DESCRIPTION.....	Pages 5 and 6
AERIAL MAP OF SUBJECT PARCEL.....	Exhibit A
ORDINANCE 03-20	Exhibit B
EXISTING ZONING.....	Exhibit C
PROPOSED ZONING.....	Exhibit D
GENERAL PLAN GRAPHIC.....	Exhibit E
BOLA TIE 8.1 ACRE LEGAL DESCRIPTION.....	Exhibit F

Application Type Rezone Case Number FS16-350

Property owner Information:

Legal Owner: Bola Tie LLC, an Arizona limited liability company

Address: 14302 N 87th St. STE 104

City: Scottsdale State: AZ ZIP: 85260

Phone: _____ Fax: _____ E-mail: peter.d.smith@intel.com

Applicant Information:

Name: Bola Tie LLC c/o Peak Group LLC - George Quinif

Address: 5080 N. 40th St. # 205

City: Phoenix State: AZ ZIP: 85018

Phone: 602-952-0123 Fax: _____ E-mail: quinif@peakaz.com

Property Information:

Name of Development: 8.1 acres -11294 N Litchfield Rd.

Description of Request: Rezone from RR/R1-43 to Business Park - BP

Property Location/Address: 11294 N Litchfield Rd., Surprise, AZ

Parcel Numbers(s): 501-39-024R

Current Zoning: R1-43 Gross Acres: 8.1

Current Use: Vacant/Ag Proposed Use: none

Property owner and applicant authorization:

I (property owner) Peter D. Smith do hereby authorize
(applicant/agent) George Quinif to file this application on
all matters relating to this request with the City of Surprise. Additionally, I understand that any
verbal or written communications on said application to other members of the development team is
my responsibility. I request that all communications regarding this application be provided to the
applicant.

Owner signature: Peter D. Smith Digitally signed by Peter D. Smith
Date: 2016.08.08 14:43:09 -07'00' Date: 8/8/16

Proposition 207 Waiver:

In exchange for its processing of entitlements, the City of Surprise (the "City") requires that landowners execute a waiver of claims that may arise under Proposition 207 (A.R.S. §12-1134 *et seq.*). As a result of any requested City land use action. The waiver applies only to the action requested and does not diminish any other landowner rights that may exist prior to the request.

By signing this document, the undersigned owner(s) agree(s) and consent(s) to all the conditions imposed by the City of Surprise in conjunction with the approval of this application and acknowledge(s) that the approval might affect current or existing rights to use, divide, sell or possess the subject property, and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes §12-1134 that may now or in the future exist as a result of the approval of this application.

Owner Signature: Peter D. Smith Digitally signed by Peter D. Smith
Date: 2016.08.08 14:43:42 -07'00' Date: _____

Case Inactivity:

Cases which are not active within six (6) months will be considered inactive and closed by staff. To pursue entitlement after the closing of the case, a new application and associated fees will be required.

DEVELOPMENT APPLICATION

Request:

Title of project: 8.1 acres 11294 N Litchfield Rd

Description of request: Rezone from RR/R1-43 to Business Park - BP

Property Information:

Property address (if known): 11294 N Litchfield Rd. Surprise AZ 85379

Property location: West side of Litchfield Rd. 1/2 mile south of Cactus Rd.

Parcel numbers(s): 501-39-024R Size in acres: 8.1 acres Lot range:

Subdivision name: N/A

Current zoning: RR/R1-43 Related case(s):

Applicant Information:

Name: Bola Tie LLC c/o Peak Group LLC Contact: George Quinif

Address: 5080 N. 40th St. # 205

City: Phoenix State: AZ ZIP: 85018

Phone: 602-952-0123 Fax: 602-952-2033 E-mail: quinif@peakaz.com

Property owner information:

Name: Bola Tie LLC Contact: Peter Smith

Address: 14302 N 87th St. STE 104

City: Scottsdale State: AZ ZIP: 85260

Phone: Fax: E-mail: peter.d.smith@intel.com

Property owner and applicant authorization:

I (property owner) Peter Smith - Manager do hereby authorize (applicant/agent) George Quinif - Peak Group to file this application on all matters relating to this request with the City of Surprise. Additionally, I understand that any verbal or written communications on said application to other members of the development team is my responsibility. I request that all communications regarding this application be provided to the applicant.

Property owner signature: Peter D Smith Date: 10/21/15

BOLA TIE LLC – Also known as the Smith Property

8.1 acres at 11294 N Litchfield Road, APN 501-39-024R

PROJECT OVERVIEW:

Bola Tie LLC, Peter Smith & Margene Finamore, respectfully request a rezone of the approximately 8.1 acres on the west side of Litchfield Rd. ½ mile south of Cactus Rd. in Surprise, Arizona, Maricopa Assessor's Parcel Number 501-39-024R. (Exhibit A)

The subject 8.1 acre parcel is currently zoned Rural Residential (RR/R1-43). The property is located beneath the Luke Air Force Base (AFB) 65 Day-Night Average Sound Level (Ldn) noise contour. This designation does not allow for residential uses in this area.

The applicant is the current owner. The property has been owned by the Smith family over 40 years. The subject parcel was excluded from previous sales and rezoning because it was the original homestead for the Smith and Finamore predecessors.

EXISTING SITE CONDITIONS:

The site is primarily vacant land with a single metal structure used for storage of farm equipment. The parcel is currently partially fenced.

The 8.1 acres site is approximately 275 feet wide by 1275 feet deep. The narrow and deep configuration could limit desirability and create development challenges.

Utilities are available to the site. These include water along the west side of Litchfield Road, sewer along the east side. Electricity and Natural Gas are readily available.

SURROUNDING LAND USES:

North – Vacant Land part of Kenly Farms II – Zoned non-residential PAD.

Southwest – Vacant Land part of Kenly Farms II – Zoned non-residential PAD.

Southeast – Vacant land – Zoned Rural Residential (RR/R1-43) – Currently owned by a church organization that has abandoned plans to build a worship facility and is considering selling the site.

East – zoned Public Facility (PF) - City of Surprise Special Planning Area (SPA) one (1) Wastewater Treatment Facility.

West – Vacant Land part of Kenly Farms II – Zoned non-residential PAD.

The subject site is surrounded on three sides by the Kenly Farms II property that is zoned Non-residential PAD. The PAD allows uses consistent with C-2, C-3, BP, and I-1 as defined in the City of Surprise Ordinance number 03-20 (Exhibit B).

EXISTING AND PROPOSED ZONING:

The current zoning is Rural Residential (RR/R1-43). The site is located beneath the 65 Ldn Luke flight contours. Arizona State law (ARS 28-81) prohibits residential use under the Luke AFB noise contours. The proposed rezoning to Business Park (BP) zoning would make this a more desirable development site while maintaining consistency with the surrounding zoning. (Existing and proposed zoning are shown on Exhibits C and D)

Identified as a gateway and a designated growth area, architectural and landscape elements would be designed to enhance this significant entry designation.

Dimensional requirements will meet the City of Surprise Zoning Code in place of time of design and construction.

The applicant requests the subject property described in Exhibit A be rezoned from Rural Residential (RR/R1-43) (Single Family Residential) to Business Park (BP) with all permitted and conditional uses allowed as defined in the City of Surprise Municipal Code. All uses must also be deemed compatible with military operations of the Luke Air Force Base defined in Arizona Revised Statutes ARS 28-8481(K).

GENERAL PLAN CONFORMITY:

The subject parcel is designated as "Commerce & Office" as defined in the General Plan 2035. The zoning designation of Business Park (BP) is an allowed use in this designation. (Exhibit E)

PURPOSE OF REQUEST:

Residential uses are not allowed on the subject parcel yet it is still zoned Rural Residential (RR/R1-43). The owners desire to rezone the property enabling the property to be developed in harmony with the surrounding parcels. The owner has no immediate plans to develop the site. Once rezoned, the property will be marketed for appropriate uses.

[illegible]

Exhibit B

ORDINANCE NO. 03-20

AN ORDINANCE APPROVING THE REZONING RZ03-173, CONSISTING OF CHANGING THE ZONING OF APPROXIMATELY 105.69 ACRES FROM R1-43 TO PLANNED AREA DEVELOPMENT TO INCLUDE THE USES DESCRIBED IN ARS §28-8481(K) AND ALL OTHER USES DEEMED COMPATIBLE WITH MILITARY OPERATIONS BY THE CITY OF SURPRISE AND LUKE AIR FORCE BASE. THE SUBJECT SITE IS LOCATED SOUTH OF CACTUS ROAD, WEST OF LITCHFIELD ROAD.

WHEREAS, this Ordinance has been properly noticed for public hearing and the necessary hearings and opportunity for public input have been completed; and

WHEREAS, changes have occurred in the vicinity of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, which require that the zoning of a parcel of land in that area be changed; and

WHEREAS, rezoning of the subject property will not cause traffic congestion or depreciate surrounding property values and, at the same time is in harmony with the purposes and intent of the zoning ordinance, the plan for the area, and the Surprise General Plan 2020; and

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Surprise, Arizona, that:

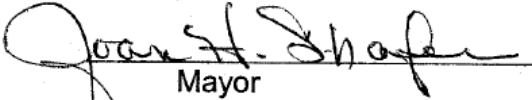
Section 1. This Ordinance is not of a general and permanent nature and shall not be codified.

Section 2. The property described in Exhibit A is rezoned from R1-43 (Single Family Residential) to Planned Area Development (PAD) zone with the uses described in Exhibit B, and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. The uses listed in Exhibit B are compatible with Arizona Revised Statutes §28-8481(K), and are consistent with those permitted in Commercial (2), Commercial (3), Business Park and Industrial (1) zones (per Title 17 of the Surprise Municipal Code).

Section 3. All present and future owners of the property described on Exhibit A shall develop the property only in accordance with the requirements of this Ordinance and the stipulations contained in Exhibit C.

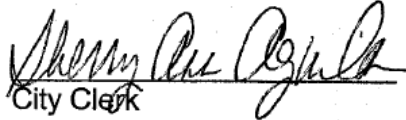
Section 4. This Ordinance shall become effective thirty-one (31) days after formal passage by the council.

PASSED AND ADOPTED THIS 24 day of July, 2003


Mayor

ATTEST:

APPROVED AS TO FORM:


City Clerk


City Attorney

YEAS: Mayor Shafer, Vice-Mayor Cox, Council Members; Allen,
Arismendez, Bails, & Sullivan. (Excused-Vukanovich)

NEAS: _____

LEGAL DESCRIPTION

PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SECTION 21;

THENCE SOUTH 00 DEGREES 06 MINUTES 00 SECONDS EAST, 2529.33 FEET;

THENCE NORTH 89 DEGREES 36 MINUTES 19 SECONDS WEST, 1309.76 FEET;

THENCE SOUTH 00 DEGREES 34 MINUTES 48 SECONDS EAST, 278.38 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES 07 SECONDS EAST, 771.96 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 518.71 FEET;

THENCE NORTH 89 DEGREES 20 MINUTES 46 SECONDS WEST, 2107.82 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 31 SECONDS WEST, 3332.49 FEET,

THENCE SOUTH 89 DEGREES 13 MINUTES 22 SECONDS EAST, 2640.91 TO THE TRUE POINT OF BEGINNING.

CONTAINING 187.27 ACRES OF LAND, MORE OR LESS.

EXCEPT 33 FEET THEREOF FOR ROAD PURPOSES ALONG THE NORTH AND EAST LINES OF SECTION 21;

AND EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 21 FROM WHICH THE CENTER QUARTER CORNER OF SECTION 21 BEARS SOUTH 00°01'20" EAST, A DISTANCE OF 2639.72 FEET;

THENCE SOUTH 00°01'20" EAST ALONG AND WITH THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 21, A DISTANCE OF 33.00 FEET, TO THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID SECTION LINE SOUTH 89°13'22" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CACTUS ROAD, A DISTANCE OF 1840.20 FEET;

LEGAL DESCRIPTION

THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 00°00'59" WEST, A DISTANCE OF 839.34 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 530.00 FEET, THE CENTER WHICH BEARS NORTH 06°36'13" EAST;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°49'02", A DISTANCE OF 72.31 FEET;

THENCE NORTH 75°34'45" WEST, A DISTANCE OF 83.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 12.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 85°33'20", A DISTANCE OF 17.92 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 530.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°01'17", A DISTANCE OF 46.45 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 1782.70 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°21'03", A DISTANCE OF 664.31 FEET;

THENCE SOUTH 46°34'56" WEST, A DISTANCE OF 83.68 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1782.70 FEET, THE CENTER WHICH BEARS NORTH 42°04'22" WEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°58'29", A DISTANCE OF 434.81 FEET;

THENCE SOUTH 63°05'02" WEST, A DISTANCE OF 73.55 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1782.70 FEET, THE CENTER WHICH BEARS NORTH 25°44'03" WEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°42'59", A DISTANCE OF 520.11 FEET TO A POINT OF REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 12.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°03'06", A DISTANCE OF 7.55 FEET;

THENCE NORTH 45°04'10" WEST, A DISTANCE OF 106.25 FEET;

LEGAL DESCRIPTION

THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 223.31 FEET TO A POINT ON THE AFORESAID NORTH-SOUTH MID-SECTION LINE;

THENCE NORTH 00°01'20" WEST ALONG AND WITH SAID MID-SECTION LINE A DISTANCE OF 1848.48 FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING 65.24 ACRES OF LAND, MORE OR LESS.

AND EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 21 FROM WHICH THE EAST QUARTER CORNER BEARS SOUTH 00°00'59" WEST 2635.01 FEET;

THENCE SOUTH 00°00'59" WEST ALONG AND WITH THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 32.56 FEET;

THENCE SOUTH 89°59'01" EAST, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LITCHFIELD ROAD AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°00'59" WEST, ALONG AND WITH SAID RIGHT-OF-WAY LINE, A DISTANCE OF 782.07 FEET;

THENCE DEPARTING AFORESAID RIGHT-OF-WAY LINE NORTH 89°13'22" WEST, A DISTANCE OF 717.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 470.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°40'18", A DISTANCE OF 54.73 FEET;

THENCE NORTH 00°00'59" EAST, A DISTANCE OF 778.89 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CACTUS ROAD;

THENCE SOUTH 89°13'22" EAST ALONG AND WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 772.07 FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING 13.86 ACRES OF LAND, MORE OR LESS.

TABLE OF COMPATIBLE USES FOR KENLY FARMS, PHASE II PAD

Transportation, communications, and utilities

Highway and street right-of-way	Communications (noise sensitive)
Motor vehicle parking	Utilities
Other transportation, communications and utilities	

Commercial/retail trade

Wholesale trade	Apparel and accessories-retail
Building materials-retail	Eating and drinking places
General merchandise-retail	Furniture and home furnishings-retail
Food-retail	Other retail trade
Automotive and marine	

Personal and business services

Finance, insurance and real estate	Contract construction services
Personal services	Indoor recreation services
Business services	Other services
Repair services	

Industrial/manufacturing

Food and kindred products	Stone, clay and glass products
Textile mill products	Furniture and fixtures
Apparel	Paper and allied products
Printing and publishing	Fabricated metal products
Professional, scientific and controlling instruments	Miscellaneous manufacturing

Public and quasi-public services

Government services	Nonprofit organizations
Cultural activities, including churches	Cemeteries
Medical and other health services	Other public and quasi-public services

Outdoor recreation

Playgrounds and neighborhood parks	Water based recreational areas
Community and regional	Auditoriums and concert halls
Nature exhibits	Golf courses
Other outdoor recreation	

Resource production, extraction, and open space

Agriculture (except livestock)	Forestry activities
Fishing activities and related services	Permanent open space

RECOMMENDATIONS: (RZ03-173)

Subject request is consistent with the Surprise General Plan 2020 and the approved Kenly Farms rezone. Approval of this request would allow for efficient and orderly development. Staff recommends that the Planning and Zoning Commission recommend approval of Rezone for Kenly Farms II (RZ03-173), subject to the following stipulations:

STANDARD STIPULATIONS:

- a) Major changes to this P.A.D. with regard to use and intensity, must be processed as a revised application with approval by the City Council upon recommendation of the Planning and Zoning Commission. Minor changes to this P.A.D. may be administratively approved by the City Manager and the Community Development Director.
-

REPORT TO THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL

PREPARED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

CASE NO.: RZ03-173

(Kenly Farms II, Rezone)

STIPULATIONS: a

PREPARED BY: Scott Phillips, 623.875.4318

Planning & Zoning Commission Hearing Date:

July 8, 2003

City Council Hearing Date:

July 10, 2003

APPLICANT:

City of Surprise

OWNER:

Western Rose Growers
8643 N. 14th Avenue
Phoenix, AZ 85021

REQUEST:

Approval of a Rezone from R1-43 to PAD
(employment)

SITE LOCATION:

Subject site is located south of Cactus Road, west of Litchfield Road and east of Bullard Avenue. It is located in the south east portion of Section 21, Township 3 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

SITE SIZE:

105.69 gross acres

CONFORMANCE TO ADOPTED LAND USE PLANS:

GENERAL PLAN:

If approved, this request would comply with the General Plan 2020 and the corresponding General Plan Land Use Map.

COMMENTING JURISDICTIONS:

Town of Buckeye:

No comments were received.

City of El Mirage:

No comments were received.

City of Peoria:

No comments were received.

Maricopa County:

No comments were received.

Dysart Unified School District:
Maricopa Water District:
Luke Air Force Base:

No comments were received.
No comments were received.
No comments were received.

DEPARTMENTAL REVIEW:

The **Engineering Department** has reviewed this application and has no additional comments.

The **Fire Department** has reviewed this application and no additional comments..

The **Public Works Department** has reviewed this application and has no additional comments.

The **Water Services Department** has reviewed this application and has no additional comments.

STAFF RECOMMENDATION:

Staff **recommends** that the Planning and Zoning Commission recommend **approval** of Kenly Farms II Rezone, (RZ03-173), subject to the stipulations listed under "Recommendations."

EXISTING AND SURROUNDING ZONING:

- | | | |
|----|----------|------------------------------|
| 1. | ON-SITE: | R1-43 |
| | NORTH: | R1-8 and C-2 (Kenly Farms I) |
| | EAST: | I-1 (City of Surprise) |
| | SOUTH: | R1-43 (Mountain Gate) |
| | WEST: | PAD (Mountain Gate) |

EXISTING AND SURROUNDING LAND USE:

- | | | |
|----|----------|-------------------------|
| 2. | ON-SITE: | Agriculture/Vacant Land |
| | NORTH: | Agriculture/Vacant Land |
| | EAST: | Vacant Land |
| | SOUTH: | Agriculture/Vacant Land |
| | WEST: | Agriculture/Vacant Land |

ADJACENT ROAD STATUS:

3.

Street Name	Right-of-	Pavement	Landscaping	# of Lanes in	Sidewalks
-------------	-----------	----------	-------------	---------------	-----------

	Way	Width		each direction	
Cactus Road	110 feet	30 feet	None	1lane	6' required
Litchfield Road	110 feet	30 feet	None	1 lane	6' required

EXISTING UTILITIES AND SERVICES STATUS:

4. **WATER** City of Surprise
5. **SEWER** City of Surprise
6. **FIRE PROTECTION** The Surprise Fire Department currently has fire stations located at: 15616 North Hollyhock Street, 18600 N. Reems Road, and a temporary station located at 22443 N. 163rd Avenue.
7. **POLICE PROTECTION** The Surprise Police Department currently has a station located at 12425 W. Bell Road and a substation located at 18600 Reems Road.

PLAN ANALYSIS:

PROPOSAL

8. The City Council has initiated a rezone of the Kenly Farms II piece in order to bring the property into compliance with the General Plan 2020.
9. The City is moving forward with a rezone to change the zoning of the property from a R1-43 zone (Single Family Residential) to a P.A.D. zone to include the uses described in ARS 28-8481(K) and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. Those uses are found within the C-2, C-3, BP and I-1 zones, as described in Title 17 of the Municipal Code.
10. The property described in Exhibit A is rezoned from R1-43 (Single Family Residential) to Planned Area Development (P.A.D.) zone with the uses described in Exhibit B, and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. The uses listed in Exhibit B are consistent with those permitted in C-2, C-3, BP and I-1 zones (per Title 17 of the Surprise Municipal Code), as well as those used deemed compatible in ARS 28-8481(K).

EXISTING CONDITIONS

11. The subject site has been farmed and is currently used for agricultural purposes.

12. This property is almost entirely flat with exception of a very gentle slope to the southeast of the property. The applicant has provided the required storm water retention areas within the project. The Engineering Department has reviewed the preliminary drainage information for the proposed project

KENLY FARMS DESIGN ELEMENTS

13. Any site plan for the site will be required to meet the criteria as set forth in the Planning and Design Guidelines Manual or any subsequent requirements as approved by the City of Surprise.

PHASING

14. No phasing plan is proposed at this time.

NOISE

15. This property is located within the noise contours of the 1988 JLUS (Joint Land Use Study) as recognized by the City of Surprise. Therefore, this property is subject to overflights from Luke Air Force Base and appropriate noise attenuation will be required in any construction.

CONCLUSION:

16. This property is proposed to be rezoned in order to protect the public health, safety and welfare. Additionally, the property is in compliance with the City of Surprise General Plan 2020.



**CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM**

#10

Meeting Type: Regular Meeting **Time Scheduled:** July 24, 2003 7:00 PM
If Special submit date time

Submitting Department: CEDD **Contact Person:** Phil Testa

Consent ☒ **Regular** ☐ **Requesting Action** ☒ **Report Only** ☐

Type of Document Needing Approval (Check all that apply):

☐ Public Hearing	☐ Resolution	☐ First Reading/Ordinance
☐ Agreement	☐ Emergency Clause	☒ Final Reading/Ordinance
☐ Special Consideration	☐ Grant	☐ Intergovernmental Agreement
☐ Acceptance	☐ Submission	☐ Liquor/Bingo License Application

Council Priority (Check Appropriate Areas):

☐ Education	☐ Public Fitness	☐ Neighborhood Revitalization
☐ Job Creation	☐ Quality Service Delivery	☐ Employment Infrastructure
☒ Public Safety	☐ Housing Rehabilitation	☐ Work Force Preparation
☐ Transportation	☐ Human Service Needs	☐ Parks, Recreation & Library
☐ City Elections	☐ Community Activities	☒ Community Growth

Regular Agenda Wording: Discussion, consideration and action to approve Ordinance No. 03-20;
An Ordinance approving the rezoning RZ03-173, consisting of changing the zoning of approximately 105.69 acres from R1-43 to Planned Area Development to include the uses described in ARS §28-8481(k) and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. The subject site is located south of Cactus Road, west of Litchfield Road.

Staff Recommendation: Approve **Fiscal Impact:** Yes If yes: Budget code: Additional new development will have long term financial implications for the City of Surprise.
Available:

Background Info: The Planning and Zoning Commission recommended approval on application RZ03-178, a rezone from R1-43 to PAD, on July, 8 2003.

List Attachments as Follows: Ordinance/Staff Report/Supporting Documentation.

Signatures of Submitting Officers (Sign Legibly):

Phil Testa

Department Head

Supervisor

Budget Authorization

[Signature]

Legal Review

[Signature]

City Manager/Designee

Distribution After Council Action: Council Action:

<i>Shelley H.</i>	Motion/Second	_____
<i>agenda file</i>	Shafer	_____
_____	Vukanovich	_____
_____	Arismendez	_____
_____	Cox	<u>5</u>
_____	Sullivan	_____

Results:

For	<u>6</u>
Against	<u>0</u>
Passed	☒
Failed	_____
Deny	_____
Continue	_____

**CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM**

Bails
Allen

M

Tabled
Absent
Other

1

(Vukanovich)

City Clerk: Originals Rosa

Sent Nex & DNS

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
City Clerk's Office
6235833396
Aug-4-03 12:48PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
775	8/ 4 12:42PM	0'00"	96238762589	Send	0		Remote Fax was Busy
775	8/ 4 12:46PM	1'59"	623 876 2589	Send	8/ 8	EC144	Completed

Total 1'59" Pages Sent: 8 Pages Printed: 0



SURPRISE
ARIZONA

Facsimile Transmittal - City Clerk's Office

To: Janet Gersler Fax: 623-876-2589
Attention: Daily News-Sun Phones: 623-876-2547
From: Rosa Herrera, Deputy Clerk Phones: 623-875-4213
Date: 08/04/03 Pages: 8
Re: Publication of Ordinance No. 09-20
☒ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Other

Please publish the above-mentioned ordinance on the following four (4) dates:

Thursday	08/07/03
Friday	08/08/03
Monday	08/11/03
Tuesday	08/12/03

Please call me to confirm receipt.

Thank you.

13425 W. Bell Road, Suite D-100, Surprise, AZ 85374, Fax (623) 583-3396

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
City Clerk's Office
6235833396
Aug-4-03 1:26PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
776	8/ 4 1:12PM	14'16"	206 343 3038	Send.....	26/26	EC 96	Completed.....
Total		14'16"	Pages Sent: 26	Pages Printed: 0			



SURPRISE
ARIZONA

Facsimile Transmittal – City Clerk's Office

To: Dave Holtzsch Fax: 1-425-460-6822
Attention: Matthew Bender & Co., Inc. Phones: 1-866-501-5155
From: Rosa Herrera, Deputy Clerk Phones: 623-875-4213
Date: 08/04/03 Pages: 26
RE: Ordinance Nos. 03-05, 03-11, 03-17, 03-18, 03-20

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Other

Attached is a copy of the above-mentioned ordinance:

Ord. #	# of pages
03-05	8
03-11	5
03-17	3
03-18	2
03-20	7

Status report as follows:

Ord. #	Description	Status
02-17	Theatres as Conditional Use	Pending
02-35	Noise Section of the Code	Pending
02-44	Amending Animal Control Section – SMC	Pending
03-02	Zoning Text Amendment – Setbacks	Pending
03-03	Appointments of certain Dept. Heads	Pending
03-19	Changing Vice Mayor term	Pending
03-21	Rezoning – Sierra Verde	Pending

If you have any questions, please call me at 623-875-4213. Thank you.

12426 W. Bell Road, Suite D-180, Surprise, AZ 85374, Fax (623) 583-3396

Exhibit C

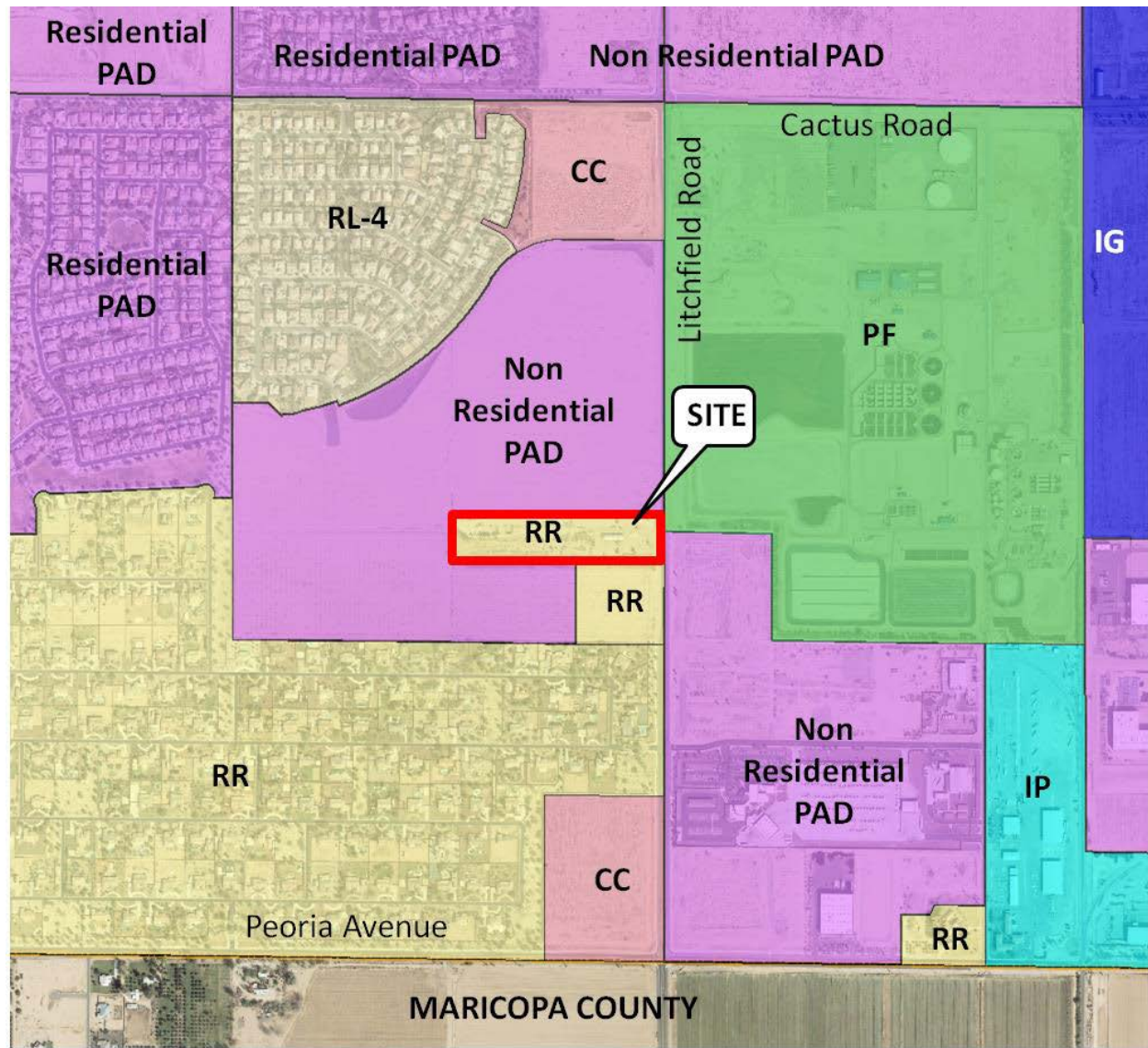


Exhibit D

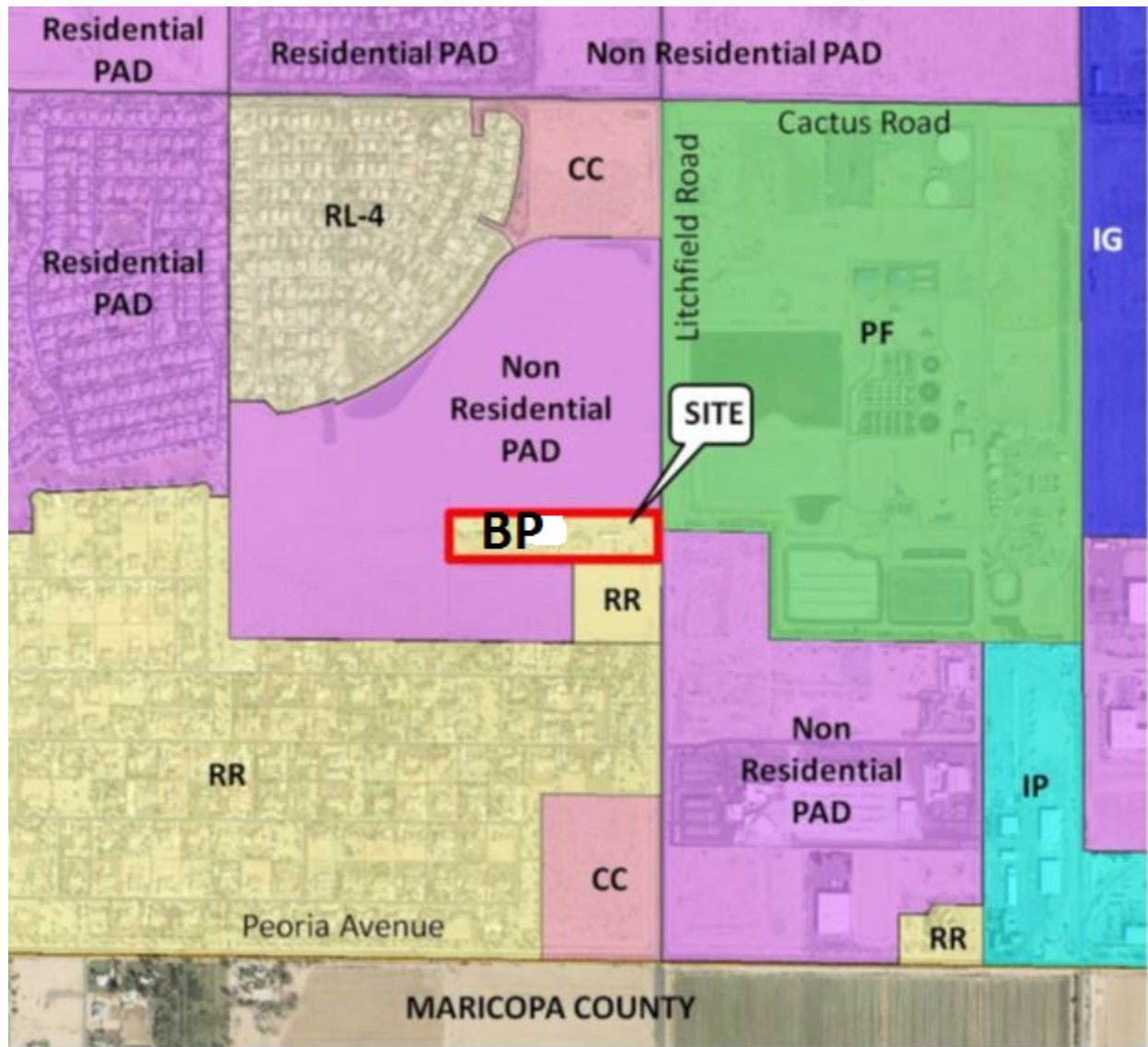


Exhibit E

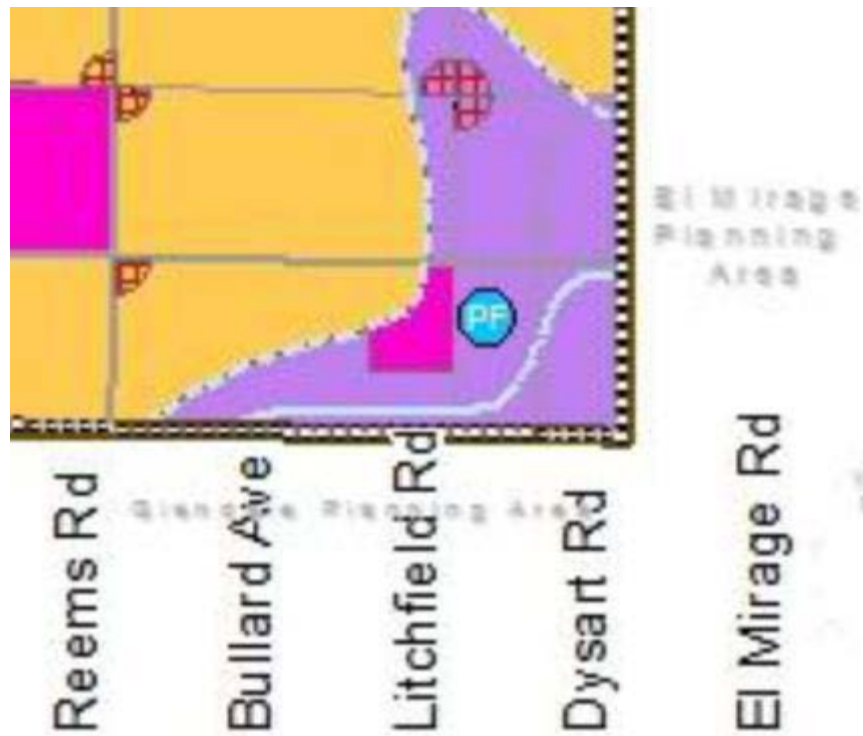


Exhibit F

EXHIBIT A BOLA TIE 8.1 ACRES

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, WHICH IS THE NORTHEAST CORNER OF PARCEL ONE OF THE GIFT DEED DATED MAY 24, 1994, AND RECORDED IN DOCUMENT 94-0419715, HEREIN REFERRED TO AS "PARCEL ONE OF THE GIFT DEED";

THENCE SOUTH 00°06'00" EAST (BASIS OF BEARINGS), 2529.33 FEET (SOUTH 00°06'00" EAST, 2529.94 FEET MEASURED), ALONG THE EAST LINE OF SECTION 21, TO THE SOUTHEAST CORNER OF PARCEL ONE OF THE GIFT DEED, ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°06'00" EAST, 105.11 FEET, ALONG THE EAST LINE OF SECTION 21, TO THE EAST QUARTER CORNER OF SECTION 21;

THENCE SOUTH 00°00'00" EAST, 169.89 FEET (SOUTH 00°06'12" EAST, 169.89 FEET MEASURED), ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TO THE NORTHEAST CORNER OF PARCEL TWO OF THE GIFT DEED DATED MAY 24, 1994, AND RECORDED IN DOCUMENT 94-0419715, HEREIN REFERRED TO AS "PARCEL 2 OF THE GIFT DEED";

THENCE NORTH 89°45'07" WEST, 1307.11 FEET (NORTH 89°51'21" WEST, 1307.23 FEET MEASURED), A LONG SAID NORTH LINE OF PARCEL 2 OF THE GIFT DEED TO THE NORTHWEST CORNER OF PARCEL 2 OF THE GIFT DEED;

THENCE NORTH 00°34'48" WEST, 278.38 FEET (NORTH 00°36'36" WEST, 278.36 FEET MEASURED), TO THE SOUTHWEST CORNER OF PARCEL 1 OF THE GIFT DEED;

THENCE SOUTH 89°36'19" EAST, 1309.76 FEET (SOUTH 89°42'30" EAST, 1276.76 FEET MEASURED), ALONG THE SOUTH LINE OF PARCEL 1 OF THE GIFT DEED TO THE TRUE POINT OF BEGINNING.

CONTAINS 352,927 SQUARE FEET OR 8.10 ACRES, MORE OR LESS.



EXPIRES: 09/30/2012



PEAK
GROUP, LLC
Real Estate Services

VIA EMAIL

September 21, 2016

Hobart Wingard
Planner II
City of Surprise

Re: RE: FS16-350 - Bola Tie LLC - Smith Property - 8.1 acres Bola Tie LLC
West side of Litchfield Rd.

Dear Hobart:

In accordance with the City's requirements for processing a rezoning application Peak Group LLC held a Public Meeting to present the requested zoning case. The City of Surprise issued a letter inviting the surrounding property owners within 500' to attend a Neighborhood Meeting. The meeting occurred on Monday September 19, 2016 at the Rancho Gabriella Elementary School library, which began at 6:00PM and we closed the library a little before at 8:00 PM. The format was an open house where we could meet with individuals or small groups. A quick presentation was given with questions and answers received from the participants. I am pleased to report that we had fourteen (14) attendees (copy of sign in sheet is attached). Hobart Wingard, Planner and Councilman Todd Tande also attended.

The reason given for the zoning request was because the property is non-conforming, zoned residential but in the Luke AFB so has to be other than residential. No user is currently in place. The zoning will allow the owners to sell the property.

We discussed the existing and proposed zoning, surrounding land uses, and a very general development description that could include the allowed uses in Business Park: commercial, office, multi-tenant business park, and light industrial. Our presentation emphasized the intent to obtain the Business Park zoning with an understanding that there would be subsequent applications for site plan review for individual projects.

Exhibits presented were: 1. an aerial picture highlighting the subject parcel also identifying the adjacent vacant land and 2. a copy of the land use matrix with the Business Park BP uses highlighted. I handed out my business cards.

Mr. Wingard also provided a copy of the General Plan and the Luke AFB noise contour lines. He also handed out business cards. Mr Wingard also fielded questions.

5080 North 40th Street, Suite 205 • Phoenix, AZ 85018

Tel: 602-952-0123 • Fax: 602-957-2033 • e-mail: quinif@peakaz.com • www.peakaz.com

- Initial questions were asking about allowed uses on the subject. The matrix was presented and reviewed. I did not receive any negative responses concerning the subject parcel.
- Primary concern from the participants at the meeting concerned the potential uses/issues on the KENLY FARMS property surrounding the subject parcel. They were informed by me the Kenly property is already zoned and not a part of this application. A long discussion followed on ability to limit the uses on the Kenly property. My comment was it is already zoned for commercial and industrial. I also commented any concern needs to be addressed to the City of Surprise.
- Comments were made that since the General Plan was newly adopted the requested zoning on the subject parcel would be more restrictive than that of the surrounding Kenly parcel.
- Comments were also made by Mr. Wingard and Mr. Tande that the General Plan was changed for this area to help protect the surrounding property owners from potentially undesirable uses on the Kenly parcel- I refrained from commenting on this point.

I believe this is a fair representation of the items presented, questions from the attendees, and our responses. We informed them that the property would be posted with dates for the public hearings, and if there were any questions that they may call or send an e-mail to me or Mr. Wingard. If you should have any questions about this event, please call.

Sincerely



George Quinif, Peak Group LLC

Name	Address	Phone	Email	Comments
Todd Tande	City Council		Todd.Tande@SURPRISEAZ.GOV	
Richard Houser	Surprise Cycling Club		mclrich1938@gmail.com	
Rose Marie Davis	14506 W. Becker Ln Surprise		ramblinrose527.com	
Laura Reith	14350 Wicholla St		Surprise AZ 6027089059 LREITH@COX.NET	
Tony Couch	14326 W CHALLAST		SURPRISE AZ 480-263-2618 tony@tccnetworkplace.com	
Jack Gentry	14225 W. SIERRA ST.		SURPRISE AZ 6 JGENT13@yahoo.com	
Jack Wolman	14290 W. HOPPE DR		SURPRISE AZ jwolman@aconnect.net	
Anita Bauman	14201 W DESERT COVE RD		AZ ANITA@LIVE.COM SURPRISE	
John & Rachel Heimann	14550 W. Becker		John14550@gmail.com	
Rev E Julie Mridh	14529 Carter W St		unitedexpressw.com	

BOLA TIE 8.1 ACRES

[illegible]

PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Bola Tie, LLC Rezone, FS16-350

OVERALL PUBLIC INVOLVEMENT LEVEL:

The proposed rezone has been notified in the local newspaper, by mail to all property owners within 300 feet of the property and by signs placed upon the site. Residents will be able to provide input at the Citizen Review meeting, the Planning and Zoning meeting, and the City Council meeting.

IDENTIFY STAKEHOLDERS:

Stakeholders for the proposed rezone include the residential subdivision to the south, the surrounding employment PAD, an adjacent church property zoned as residential, and the public at-large.

OBJECTIVES:

The purpose of this rezone is to take a currently Rural Residential (RR) zoned parcel and rezone it to Business Park (BP) Zoning. Because of the location of the lot beneath the Luke 65 dln Luke noise contours, a residence could not be built upon the parcel.

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) - Monday September 19, 2016 from 6:00 PM to 8:00PM

Future Council Work Session/Meetings target dates - December 6, 2016

Election dates (if applicable) - Not Applicable

Project start/completion dates - No development plans currently under review

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☒ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☐ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☒ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☒ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☐ Website updates



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

23 August 2016

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

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

Re: FS16-350; Bola Tie LLC – Smith Property

Dear Ms. Donaldson

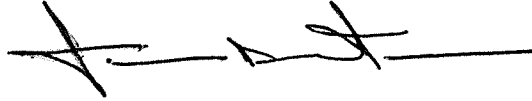
Thank you for the opportunity to comment on the Bola Tie LLC – Smith Property Rezone Application. The site is located on 8.1 acres at 11294 N. Litchfield Road in Surprise AZ. The request is to re-zone the site from Rural Residential R1-43 to Industrial Performance IP. The site is inside the 1988 JLUS 65 Ldn, “high noise or accident potential zone” as identified by A.R.S. § 28-8461 and inside the “territory in the vicinity of a military airport” also defined by A.R.S. § 28-8461.

As described, the change in zoning at the location stated above, will not negatively impact the flying operations at Luke AFB. However, without a precise Plan of Development we request the opportunity to make comments on the development as they begin to build specific facilities. This will ensure that detailed features and aspects of development, as they mature, will not negatively impact our flying operations.

Since the site will be located inside the “territory in the vicinity of a military airport,” it will be subjected to approximately 165 over flights per day, as low as 1,500 feet above the ground. When building we recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant would be essential to inform potential tenants about Luke AFB operations.

If you have any questions, please contact my Community Planner, Ms. Barbara Plante at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read 'J. Mitchell', with a long horizontal line extending to the right.

JAMES R. MITCHELL

cc:

Colonel David G. Shoemaker, Vice Commander, 56th Fighter Wing

Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing



BOLA TIE REZONE

COMMUNITY DEVELOPMENT – NOVEMBER 3, 2016

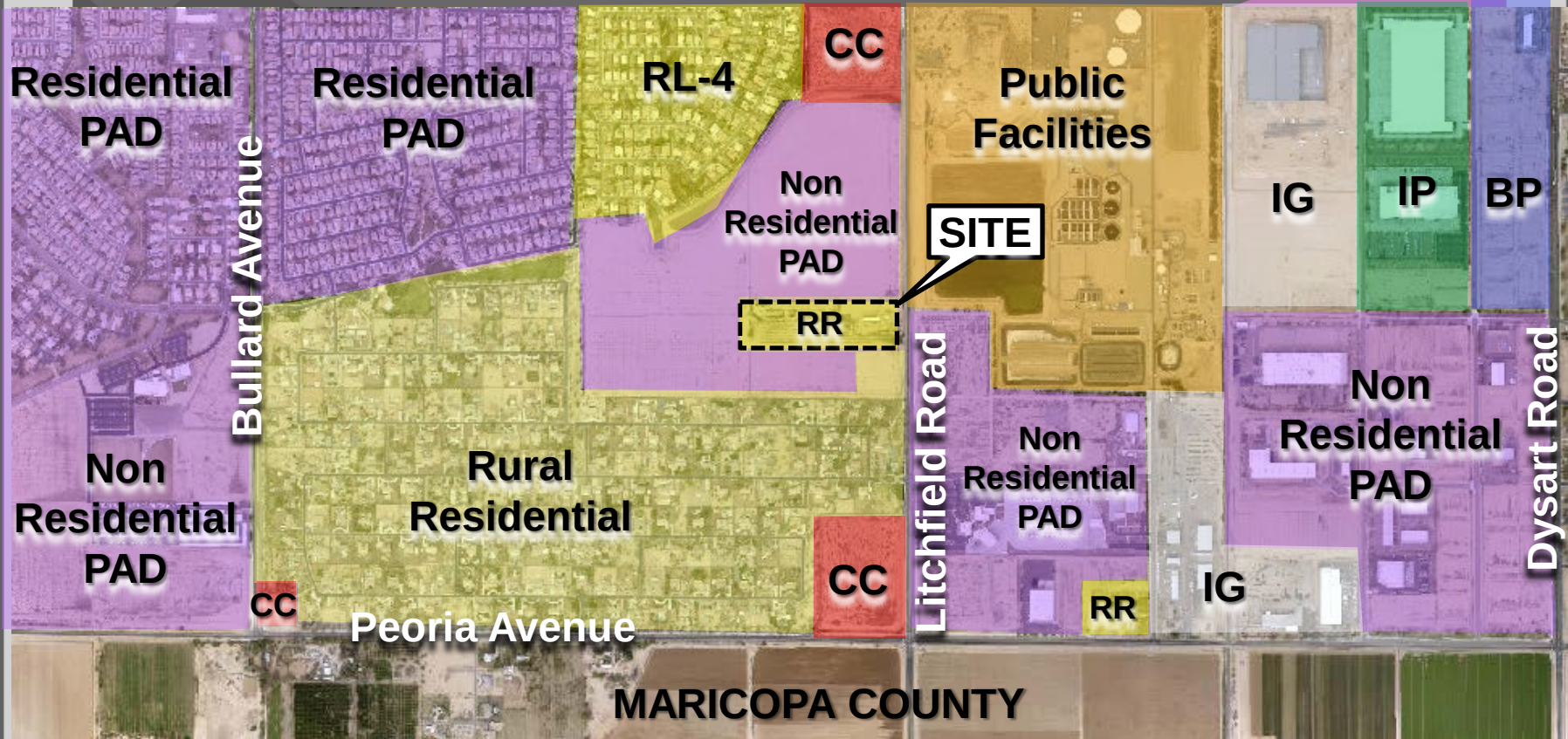
LOCATION MAP



LOCATION MAP



ADJACENT ZONING







SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Planning and Zoning Commission

November 3, 2016 @ 6:00:00 PM

Back Print

Board Meeting Date:	November 3, 2016	Contact Person:	Eric Fitzer, Community Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Discussion and direction pertaining to future agenda items.

Motion:

Background:

Financial Impact Statement:

No Financial Impact

ATTACHMENTS:

Click to download

No Attachments Available

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

Presentation Speaker Names (spelling and titles for TV captions):