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

Thursday, July 20, 2017 @ 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 only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

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	**Consideration and action approving the July 6, 2017 Planning and Zoning Commission minutes.**	Approve Lorraine Nevarez - Community Development
#2	District Internal	**Nomination and selection of the Planning and Zoning Commission Chair.**	Approve Eric Fitzer, Community Development
#3	District Internal	**Nomination and selection of the Planning and Zoning Commission Vice Chair.**	Approve Eric Fitzer, Community Development
#4	District 5	**Consideration and action on the Site Plan for a Comprehensive Sign Program to allow for a free-standing Monument Sign for Salad and Go generally located north of Bell Road and East of Litchfield Road.**	Approve Sergio Angulo - Community Development
#5	District Citywide	**Presentation and discussion regarding a proposed Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs.**	None Robert Kuhfuss - Community Development

REGULAR AGENDA ITEM - PUBLIC HEARING:

ITEM #	DISTRICT #	ITEM DESCRIPTION	STAFF RECOMMENDATION/ PRESENTED BY
#6	District 5	**Consideration and action pertaining to a Conditional Use Permit (CUP) for Surprise Christian Preschool, located at 14925 West Silverleaf Way in the Kingwood Parke Planned Area Development.**	Approve Hobart Wingard - Community Development
#7	District 1	**Consideration and action pertaining to a Major Amendment to the Asante Planned Area Development (PAD) to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed-Use PUD, generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.**	Approve Sergio Angulo - Community Development
#8	District 1	**Consideration and action pertaining to a Major Amendment to the Asante North Planned Area Development (PAD) to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD generally located northeast of Grand Avenue approximately 2.5 miles west of 163rd Avenue.**	Approve Sergio Angulo - Community Development
#9	District 1	**Consideration and action pertaining to a Planned Unit Development (PUD) Overlay District for approximately 453.5 acres of property proposed to be Rezoned (cases FS17-011 and FS17-012) from PAD to Residential Low Density (RL-5), Residential Medium Density (RM-9), Residential Medium Density (RM-6), and Mixed-Use (MU) generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.**	Approve Sergio Angulo - Community Development

#10	District 1	**Consideration and action regarding a Zone Change from Residential Ranch (RR) to Residential Medium Density (RM-6) with a PUD Overlay for Bonita Ranch Parcel A.**	Approve Robert Kuhfuss - Community Development
#11	District 1	**Consideration and action regarding a Zone Change from Residential Ranch (RR) to Residential Medium Density (RM-6) with a PUD Overlay for Bonita Ranch Parcels B and C.**	Approve Robert Kuhfuss - Community Development

OTHER BUSINESS:

#12	District Internal	**Discussion and direction pertaining to future agenda items.**	No Action Eric Fitzer - Community Development

ADJOURNMENT:

SHERRY ANN AGUILAR, CITY CLERK, CMC

POSTED:

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

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	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 July 6, 2017 Planning and Zoning Commission minutes.

Motion:

I move to approve the July 6, 2017 Planning and Zoning Commission minutes.

Background:

Financial Impact Statement:

No Financial Impact

ATTACHMENTS:

Click to download

- Minutes - July 6, 2017 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

July 6, 2017 / 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 July 6, 2017.

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

STAFF PRESENT:
Community Development Director Eric Fitzer, Deputy City Attorney Ellen Van Riper, Planner Robert Kuhfuss, 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

None.

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 July 6, 2017 Planning and Zoning Commission minutes.

Commissioner Norberg made a motion to approve the July 6, 2017 Planning and Zoning Commission minutes. Commissioner Bash seconded the motion. The motion passes with 6 votes in favor, 1 abstention (Commissioner Rosenbaum).

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Chair Chapman moved item 2 to follow after item 4.

Item 3 – DISTRICT 5 – Consideration land action on the Conditional Use Permit to allow for a new Burger King restaurant with a Drive-Thru Facility in Greenway Marketplace located on the southeast corner of Greenway Road and Reems Road.

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

The Commission discussed item 3:

- Traffic Lanes
- Number of employees Burger King hires

Chair Chapman opened the call to the public for item 3.

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

Commissioner Smith made a motion to approve the Conditional Use Permit to allow for a new Burger King restaurant with a Drive-Thru Facility in the Greenway Marketplace located on the southeast corner of Greenway Road and Reems Road, subject to stipulations ‘a’ and ‘b’ as listed in the staff report. Commissioner Rosenbaum seconded the motion. Motion passes 7 votes in favor.

Item 4 – DISTRICT 1 – Consideration and action regarding a Conditional Use Permit for an automotive service station in the Surprise Farms PAD, at the southwest corner of Bell Road and Loop 303 freeway.

Robert Kuhfuss, planner, presented item 4 to the Commission.

The Commission discussed item 4:

- Panels on side of building
- Type of sign being advertised
- Exist on east side near Bell & 303
- Alignment of roadway

Chair Chapman opened the call to the public for item 4.

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

Commissioner Rosenbaum made a motion to approve the Conditional Use Permit to allow for the Corner Store at Surprise Farms Gateway subject to staff recommended stipulations 'a' through 'e' with the additional of a new stipulation 'f' as follows: this Conditional Use Permit shall not take effect, or shall any related permits be issued, until the Lot Line Adjustment being processed has been approved and recorded. Commissioner Norberg seconded the motion. Motion passes 7 votes in favor.

Item 2 – Citywide – Presentation and discussion regarding a proposed Text Amendment to Chapter 113, Signs of the Surprise Municipal Code.

Robert Kuhfuss, planner, presented item 2 to the Commission.

The Commission discussed item 2:

- Placement of wall signs on the buildings
- Wall sign area increase
- Examples of sign sizes
- Multiple Rectangle Method vs. Multiple Geometry Method
- Promotional vs. permanent window signs
- Percentage (40%) of window pane that is covered
- Corporate signage
- Signs with speakers
- Class III Monument Signs to ambiguous
- Height of monument signs
- Roadway Arch Signs
- Perimeter Wall Signs

Chair Chapman opened the call to the public for item 4.

Nate Brill, business owner, shared with the Commission that the proposed Text Amendment to Chapter 13 would impact his business. Mr. Brill noted as a realtor, not allowing temporary signs will be detriment to his business and other types of similar business. Mr. Brill explained that depending on the location of the house, it may take more signs to advertise an "open house." Mr. Brill encourages the Commission to consider a fairer sign plan that will allow him to do his job.

Liz Recchia, West Maricopa Association of Realtors, shared that signs are the most cost effective and least expensive for business to advertise their services. Signs are the faces of business. It's important to have adequate visible signage. Limiting the number of signs a business can use could be detrimental to its viability. Without adequate, visible, legible signage business will not survive. Ms. Recchia also noted concerns regarding some of the arbitrary language used in the sign code.

Beverly Dragoo, broker/realtor, shared her concern regarding temporary signs.

James Carpentier would like to commend staff on the proposed text amendment. Roadway arch signs are a great addition. He suggested to simplify the administration process of the comprehensive sign plan.

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

OTHER BUSINESS:

Item 5 – INTERNAL - Discussion pertaining to future agenda items.

None.

ADJOURNMENT:

Hearing no further business, Chair Chapman adjourned the Planning and Zoning Commission meeting at 8:21 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

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Eric Fitzer, Community Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular x	Public Hearing	Report/Discussion

Agenda Wording:

Nomination and selection of the Planning and Zoning Commission Chair.

Motion:

I move to nominate (nominees name here) for the position of Chair for the Planning and Zoning Commission.

Background:

Financial Impact Statement:

No Financial Impact

ATTACHMENTS:

Click to download

- Election of Commission Chair

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

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

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT

Date: July 6, 2017

To: Planning and Zoning Commissioners

From: Eric Fitzer, Director

Re: Selection of Chair and Vice Chair

Introduction

The Planning and Zoning Commission members have the responsibility to elect a Chair and Vice Chair to preside over the meetings as indicated in the Surprise City Code Section 2-295 - Bylaws.

Please be prepared to discuss your interest and qualifications. Action will be taken during the July 20, 2017 meeting to elect a Chair and Vice Chair.

Recommendation

Selection of a Chair and Vice Chair

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Eric Fitzer, Community Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular x	Public Hearing	Report/Discussion

Agenda Wording:

Nomination and selection of the Planning and Zoning Commission Vice Chair.

Motion:

I nominate (nominees name here) for the position of Vice Chair for the Planning and Zoning Commission.

Background:

Financial Impact Statement:

No Financial Impact

ATTACHMENTS:

Click to download

- Election of Commission Vice Chair

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

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

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT

Date: July 6, 2017

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Introduction

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Please be prepared to discuss your interest and qualifications. Action will be taken during the July 20, 2017 meeting to elect a Chair and Vice Chair.

Recommendation

Selection of a Chair and Vice Chair

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Sergio Angulo - 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 on the Site Plan for a Comprehensive Sign Program to allow for a free-standing Monument Sign for Salad and Go generally located north of Bell Road and East of Litchfield Road.

Motion:

I move to approve/deny the Site Plan for a Comprehensive Sign Program to allow for a free-standing Monument Sign for Salad and Go generally located north of Bell Road and East of Litchfield Road.

Background:

On May 23, 2017 Arizona Commercial Signs, Inc. submitted a request for a Site Plan for a Comprehensive Sign Program to allow for a free-standing Monument Sign for Salad and Go generally located north of Bell Road and East of Litchfield Road.

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-FS17-261 - Salad to Go - CSP - Staff Report
- 01 - FS17-261 Salad and Go Comprehensive Sign Program - Vicinity Maps
- 02 - FS17-261 Salad and Go Comprehensive Sign Program - Zoning Maps
- 03 - FS17-261 Salad and Go Comprehensive Sign Program
- 04 - FS17-261 Salad and Go Comprehensive Sign Program - Presentation

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

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

Sergio Angulo, Planner

Site Plan (CSP)

REPORT TO THE PLANNING AND ZONING COMMISSION

Case:	**FS17-261**
Project Name:	Salad and Go Master (Comprehensive) Sign Program
Council District:	**5** – Palm
Meeting Date:	**July 20, 2017**
Planner:	Sergio Angulo

Owner:	Litchfield Bell/Grand LLC.
Applicant:	Gary Danks with Arizona Commercial Signs, Inc.
Request:	The applicant, on behalf of the owner, requests approval of a Site Plan (Comprehensive Sign Program) to allow for a new monument sign for Salad and Go.
Site Location:	Generally north of Bell Road and East of Litchfield Road.
Site Size:	32,249 sq. ft. (0.74 acres approx.)
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035.
Support/Opposition:	None Known.
Staff Recommendation:	Staff recommends the Commission approve of the Site Plan (Comprehensive Sign Program), Case FS17-261.

Project Description:

Gary Danks with Arizona Commercial Signs, Inc., requests a Site Plan review and approval of a Comprehensive Sign Program to allow for a new free standing monument sign for Salad and Go generally located north of Bell Road and East of Litchfield Road.

Surrounding Land Zoning:

PAD – Kingswood Park Commercial	PAD – West Point Towne Center Commercial	PAD – West Point Towne Center Commercial
PAD – Kingswood Park Commercial	**PAD - West Point Towne Center Commercial**	PAD – West Point Towne Center Commercial
PAD – Surprise Center Mixed Use	PAD – West Point Towne Center Commercial	PAD – West Point Towne Center Commercial

Background:

June 20, 1984: The subject parcel was annexed into the City.

October 26, 1995: The West Point Towne Center PAD was approved by the City Council.

April 5, 2005: The Comprehensive Sign Program for Surprise Village was approved by the Planning and Zoning Commission.

October 20, 2016: The Conditional Use Permit for Salad and Go was approved by the Planning and Zoning Commission.

May 4, 2017: Staff met with the applicant to discuss the project during a regularly scheduled Concept Review meeting under CR17-194.

May 23, 2017: The applicant filed a related request for a Site Plan (Comprehensive Sign Program) under case FS17-261, the subject case.

Analysis and Discussion:

Currently there is an existing Comprehensive Sign Program for Surprise Village which allows five (5) monument signs; three (3) along Bell Road and two (2) along Litchfield Road. All five (5) signs are 10' tall multi-tenant monument signs and have already been built. The closest existing sign is approximately 300' to the north of the Salad and Go Drive-Thru Restaurant. The applicant proposes approval of a new Comprehensive Sign Program which will allow Salad and Go to build a new freestanding monument sign on the subject property.

Section 113-129.(c).(2) of the sign code allows one (1) freestanding sign per street frontage, a maximum height of ten feet, and a maximum signage area of 36 sq. ft. The applicant is proposing one (1) freestanding monument sign with a height of eight (8) feet and a signage area of 32 sq. ft. which demonstrates compliance with the sign code.

The applicant is proposing to match the design and the colors of the existing signs as approved in the existing Comprehensive Sign Program for Surprise Village. This ensures that the proposed signage will stay consistent with the existing development.

Summary:

This proposed Site Plan (Comprehensive Sign Program) will allow for a new monument sign for Salad and Go located in Surprise Village in West Point Towne Center.

Findings:

- The Site Plan (Comprehensive Sign Program) is consistent with the Surprise General Plan 2035.
- The proposed Site Plan (Comprehensive Sign Program) is consistent with the Sign Code (Ch. 113 of the Municipal Code).

Recommendation:

Based on the findings noted above, staff recommends the Commission move to **approve** of the Site Plan (Comprehensive Sign Program) case **FS17-261**.

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

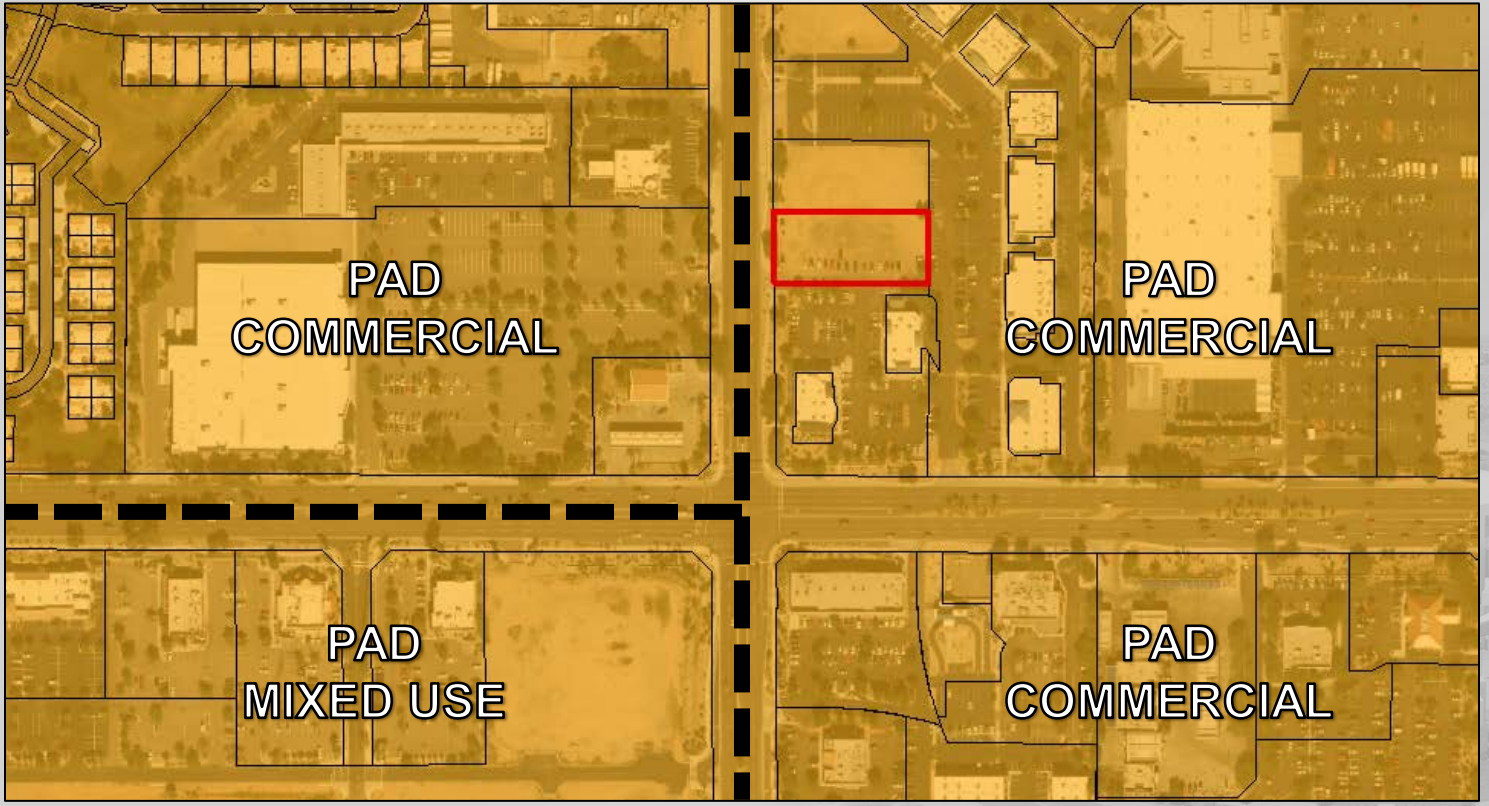
Attachments:

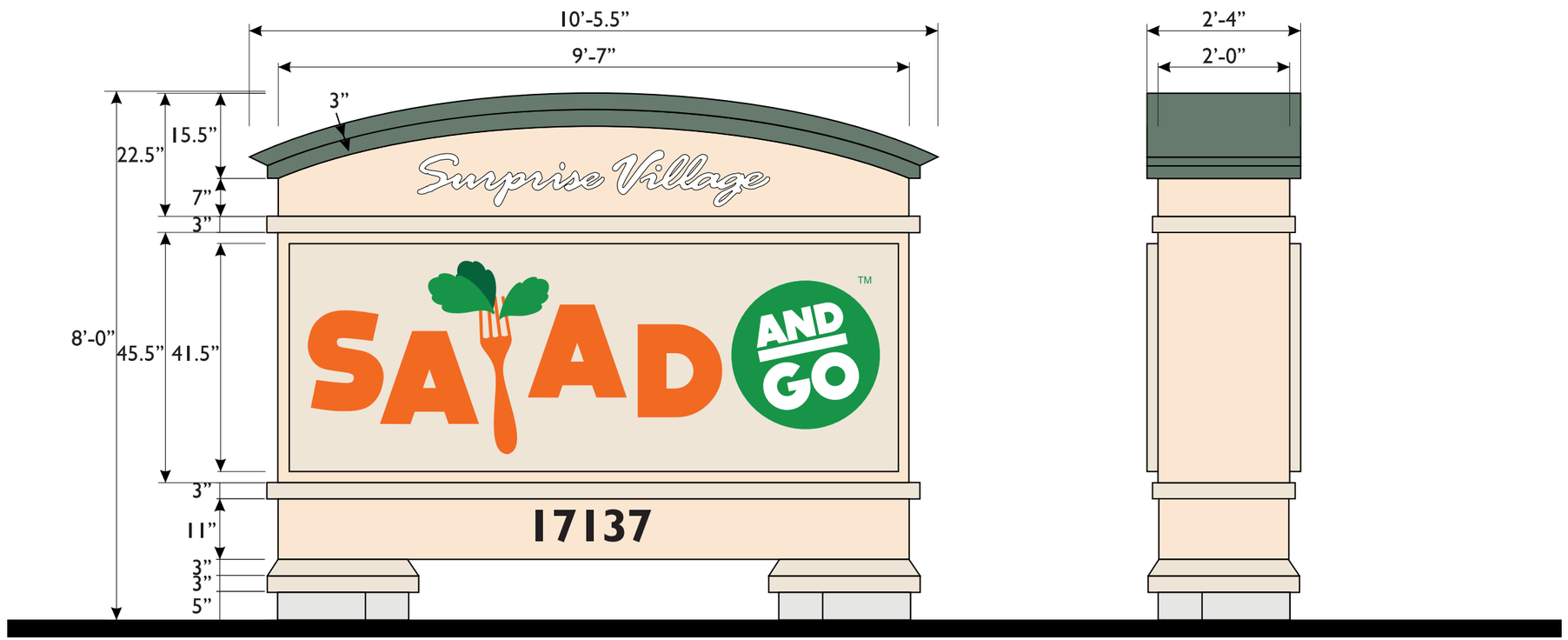
01 – Vicinity Map
02 – Zoning Map
03 – Comprehensive Sign Program Packet

VICINITY MAP

VICINITY MAP

Surrounding Zoning





A 8' D/F ILLUMINATED PAD SIGN

SCALE: 1/2" = 1'-0" 32.00 SQ.FT.

MANUFACTURE AND INSTALL (1) D/F ILLUMINATED PAD SIGN.
PAINT MAIN CABINET Mp25833 "BONE WHITE, CAP IS DE 5719 "ECOLOGY".
REVEALS ARE MP 55840 COOL GRAY

HEADER PANEL IS ROUTED OUT WITH BACK-UP WHITE LEXAN. ILLUMINATE WITH WHITE LEDS.

MAIN CABINET IS ALUMINUM, ILLUMINATE WHITE LEDS.

2" DEEP TENANT PANELS ARE PAINTED MP 55840 COOL GRAY, ROUTED OUT WITH WHITE BACK-UP LEXAN.
"SALAD & GO" HAS 3630-84 "TANGERINE", 3630-26 "GREEN" AND 3630-156 "VIVID GREEN" VINYL OVERLAYS.

BLOCK BASE TO MATCH EXISTING.

THIS DRAWING IS THE INTELLECTUAL PROPERTY OF ARIZONA COMMERCIAL SIGNS. REPRODUCTION IS PROHIBITED BY LAW - STATUTE: 17 U.S.C. §§ 101-810

www.arizonacommercialsigns.com
Arizona Commercial Signs
Nationwide Sign Systems
ARIZONA COMMERCIAL SIGNS
4018 E. WINSLOW • PHOENIX AZ 85040
OFFICE: (480) 921-9900 • FAX: (602)437-8073

PROJECT NAME:
SALAD & GO
17137 N. LITCHFIELD RD.
SURPRISE, ARIZONA 85374

CONTACT: TONY CHRISTOFELLIS
PHONE: 480-332-8709

CONTACT REP:
GARY DANKS 480-577-3363

DESIGNER:
JWALLACE

DESIGN NUMBER:
SALAD & GO 10-07-16-R4

SCALE:
AS NOTED

DATE:
10/07/16

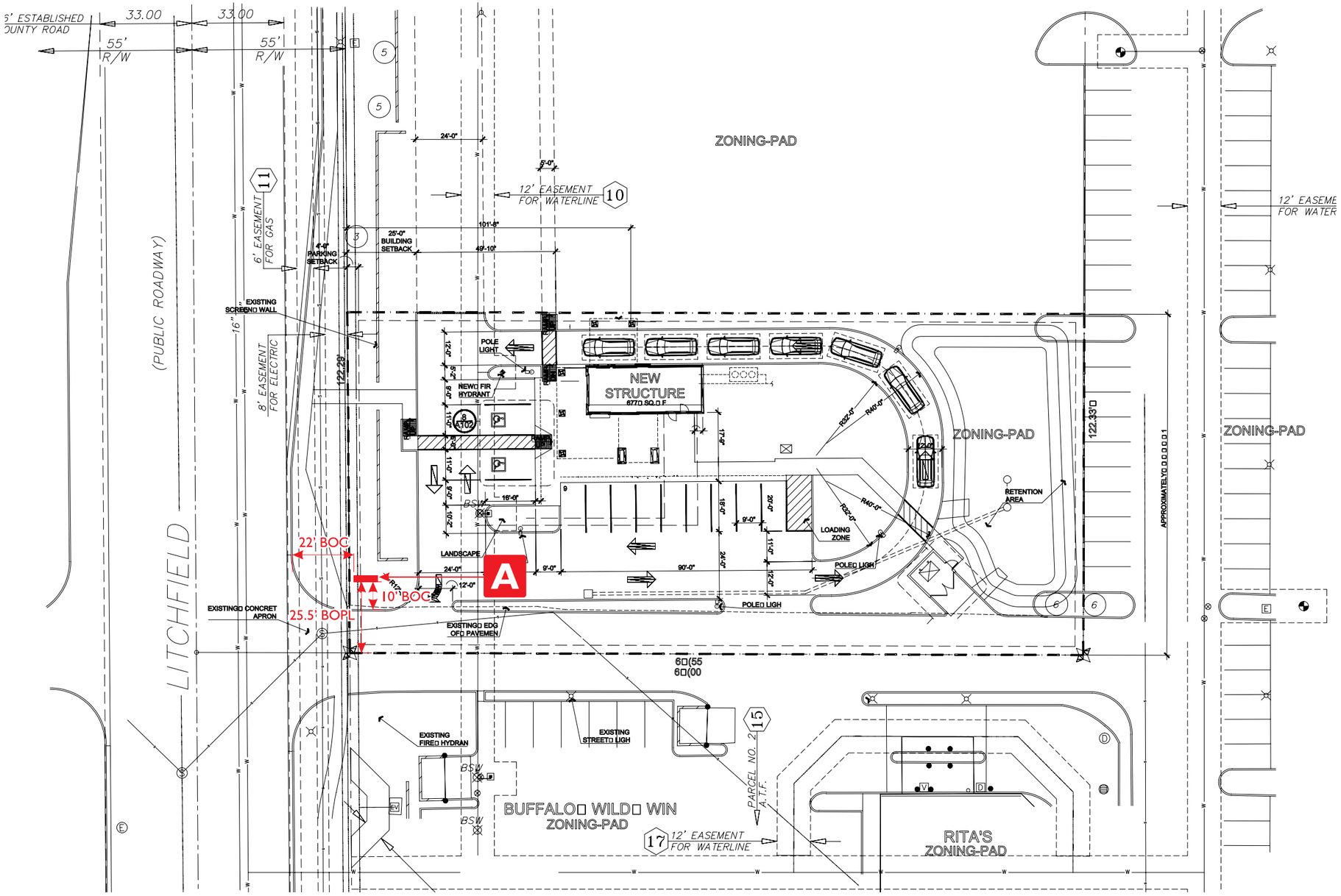
REVISIONS:

1	SQ.FT.	10/12/16	JW
2	MON. SQ.FT./LOCATION	02/28/17	JW
3	PER CITY	04/03/17	JW
4	MAKE 32.00 SQ.FT.	04/04/17	JW
5			

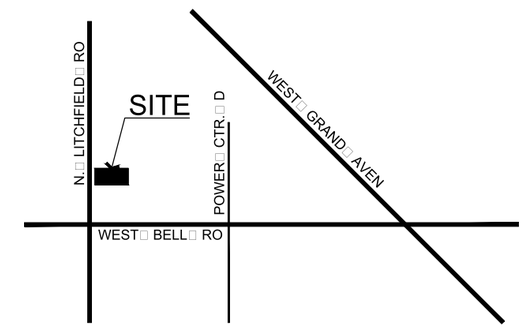
LANDLORD / DEVELOPER APPROVAL
SIGNATURE & DATE:

CUSTOMER APPROVAL
SIGNATURE & DATE:

SHEET:
2 OF 2
PERMIT



VICINITY MA



NARRATIVE

NEW CONSTRUCTION OF A QUICK SERVICE RESTAUR
PRESENTLY VACANT LAND. SALAD & GO DOES NOT HA
SEATING, AS IT IS STRICTLY DRIVE-THRU, GRAB

NORTH
SCALE: 1" = 40'

THIS DRAWING IS THE INTELLECTUAL PROPERTY OF ARIZONA COMMERCIAL SIGNS. REPRODUCTION IS PROHIBITED BY LAW - STATUTE: 17 U.S.C. §§ 101-810

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4018 E. WINSLOW • PHOENIX AZ 85040
OFFICE: (480) 921-9900 • FAX: (602)437-8073

PROJECT NAME:
SALAD & GO
17137 N. LITCHFIELD RD.
SURPRISE, ARIZONA 85374

CONTACT: TONY CHRISTOFELLIS
PHONE: 480-332-8709

CONTACT REP:
GARY DANKS 480-577-3363

DESIGNER:
JWALLACE

DESIGN NUMBER:
SALAD & GO 10-07-16-R4

SCALE:
AS NOTED

DATE:
10/07/16

REVISIONS:

1	SQ.FT.	10/12/16	JW
2	MON. SQ.FT./LOCATION	02/28/17	JW
3	PER CITY	04/03/17	JW
4	MAKE 32.00 SQ.FT.	04/04/17	JW
5			

LANDLORD / DEVELOPER APPROVAL
SIGNATURE & DATE:

CUSTOMER APPROVAL
SIGNATURE & DATE:

SHEET:
1 OF 2
PERMIT

SURPRISE
ARIZONA

FS17-261
Salad and Go CSP
Site Plan (CSP)

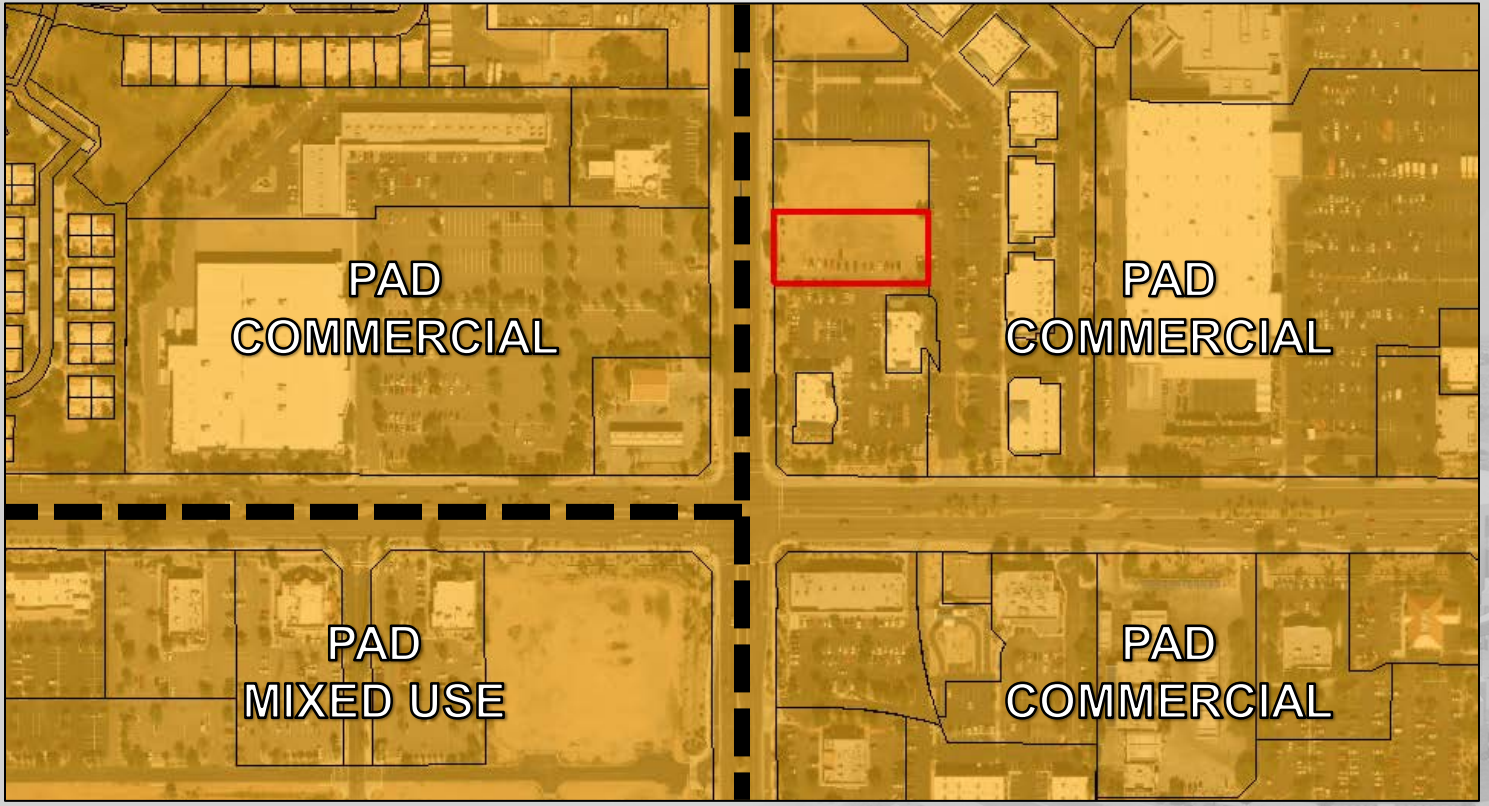
Planning and Zoning Commission

July 20, 2017

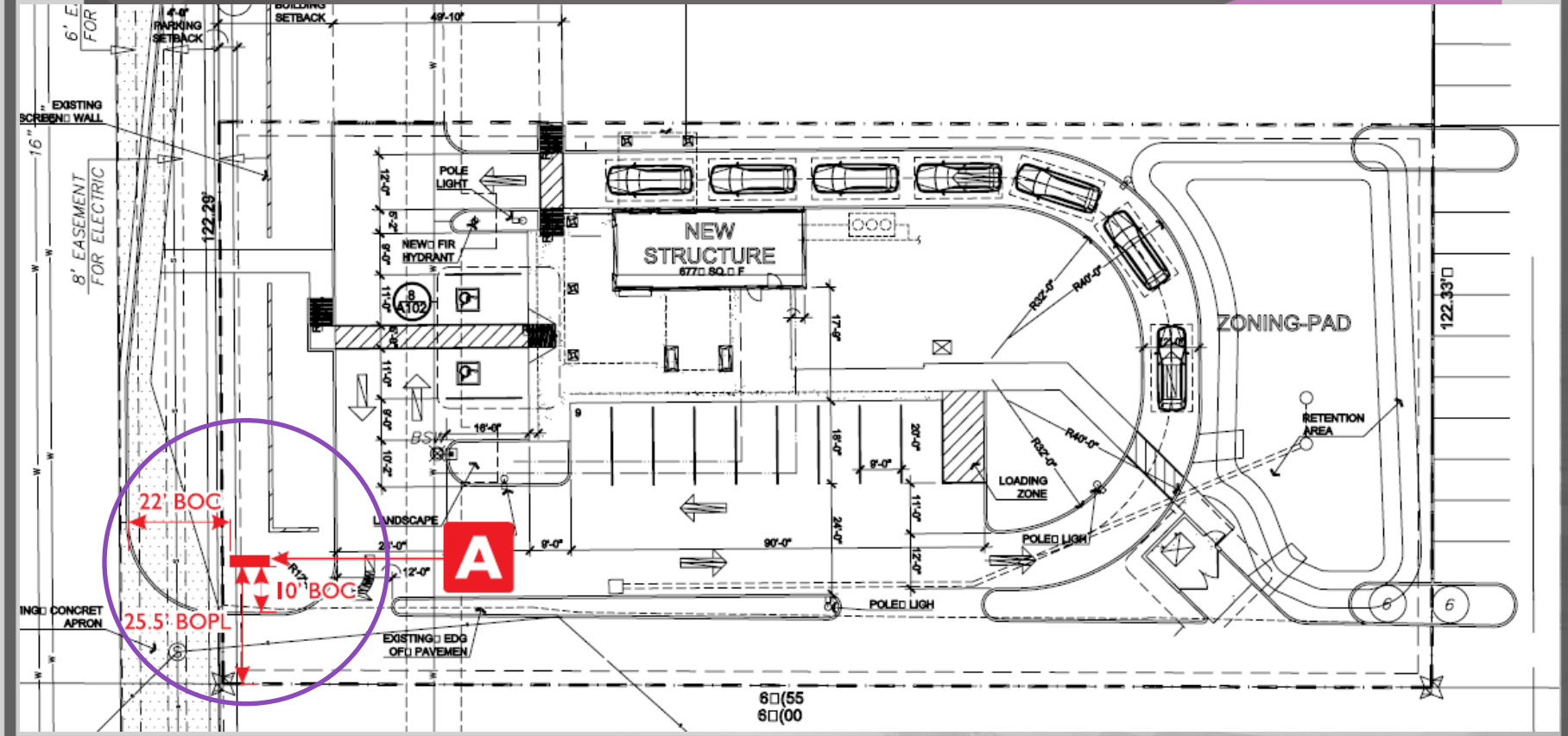
VICINITY MAP

VICINITY MAP

Surrounding Zoning



Site Plan


NEW STRUCTURE
677□ SQ.□F
ZONING-PAD
POLE LIGHT
NEW□ FIR HYDRANT
LOADING ZONE
RETENTION AREA
LANDSCAPE
POLE□ LIGH
EXISTING□ EDG OF□ PAVEMEN
EXISTING SCREEN□ WALL
8' EASEMENT FOR ELECTRIC
PARKING SETBACK
BUILDING SETBACK
122.29'
122.33'□
22' BOC
10' BOC
25.5' BOPL
A

Elevations

A 8' D/F ILLUMINATED PAD SIGN

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

32.00 SQ.FT.

STAFF RECOMMENDATION

Staff Recommendation:

- Approval

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:	CD Boards and Commissions	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	x	Public Hearing	Report/Discussion

Agenda Wording:

Presentation and discussion regarding a proposed Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs.

Motion:

Discussion only.

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

- 00 - FS15-311 - Sign Code Update - Staff Report
- 01 - FS15-311 - Sign Code Update - Public Review Version 1
- 02 - FS15-311 - Sign Code Update - Public Comment 1
- 03 - FS15-311 - Sign Code Update - Public Comment 2
- 04 - FS15-311 - Sign Code Update - Public Comment 3
- 05 - FS15-311 - Sign Code Update - Public Comment 4
- 06 - FS15-311 - Sign Code Update - Public Comment 5
- 07 - FS15-311 - Sign Code Update - 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

TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

Case:	**FS15-311**
Project Name:	Sign Code Update
Council District:	All
City Council Date:	**May 4, 2017**
Planner:	Robert H. Kuhfuss, AICP

Applicant:	City of Surprise
Request:	Text Amendment to Chapter 113 of the Surprise Municipal Code regarding Signs
Location:	City Wide
Support/Opposition:	Staff has received several items of input
Recommendation:	None – this is a discussion item only

Project Description:

The Surprise Community Development Department seeks an amendment to Chapter 113 of the Surprise Municipal Code regarding signs. This effort is associated with the larger zoning code update, which is in progress; however, with the recent U.S. Supreme Court decision regarding Reed v. Town of Gilbert, staff wishes to move forward with the sign code update in order to ensure the city's compliance with the 1st Amendment and applicable case law.

Background:

Staff introduced the sign code re-write in a general manner to the Planning and Zoning Commission as a discussion item on April 16, 2015 and again to the City Council on April 21, 2015. Staff then proceeded to capture photographic images of various sign conditions present in the west valley and to conduct additional research regarding signage in general. In the meantime, the U.S. Supreme Court issued a ruling on Reed v. Town of Gilbert, which significantly impacted the sign code effort. In response, staff attended several workshops and seminars regarding the Reed case, which culminated in a City Council Work Session on September 1, 2015. In response to feedback received, and research conducted, staff created the draft language as included as an attachment to this report, and presented the matter to the City Council as a discussion item on March 7, 2017. Staff is also presenting the matter to the

Planning and Zoning Commission on April 20, 2017; however, the results of that meeting are unknown as of the writing of this report.

Outreach:

Staff compiled a list of potential interested parties, which now includes 79 individual names, and conducted four outreach meetings during the month of March, 2017. Individuals were notified of the outreach meetings and were provided a link to the 1st draft of the proposed sign code. Attendance at the outreach meetings was varied; however, considerable feedback was received both verbally and written.

In addition, representatives from the International Sign Association and Daktronics provided a demonstration on Electronic Messaging Centers (EMCs) the evening of March 14, 2017. Staff also met with members of the International Sign Association and the Arizona Sign Association on March 31, 2017. These efforts resulted in additional feedback regarding the proposed code.

Staff also met separately with representatives of WeMAR, who issued a letter outlining their concerns (see attached).

This feedback has not been assimilated into the draft code as staff wishes to receive input from the Commission before proceeding further; however, the comments are summarized below with staff commentary added.

- **Section 113-01:** Staff received one general comment that the preamble language seems to be anti-business. Staff also received additional comment to the contrary.

    - ✓ Staff's intent was to not be anti-business, but to provide a solid foundation in the event the code is ever challenged. Staff will reconsider the wording of this section to ensure an appropriate balance between business and community needs are articulated.

- **Section 113-05 Definitions:** Staff received several comments regarding the definition section:

    - Several individuals commented that the illustrations and photographs are very helpful.

        - ✓ Staff appreciates the comment and will continue to find ways to provide clarity throughout the document.

    - The International Sign Association suggested deleting the definitions of Level 1 and Level 2 Electronic Messaging Centers, while leaving the base definition for Electronic Messaging Centers intact.

        - ✓ Staff is willing to explore this option.

- One individual offered comment regarding the definition of Class II Temporary Signs in that the standard height for an A-Frame sign is 45 inches.

  - ✓ Staff has no objection to this change.

- One individual expressed concerns over temporary signs in the street median.

  - ✓ Staff is amenable to including a definition for "Median Sign", which would be used in conjunction with other language to ensure such signs are not placed in the street median.

➢ **Section 113-06.A Permitted Signs by Zoning District:** General comments indicating the matrix is a useful tool.

  - ✓ Staff proposes no changes.

➢ **Section 113-06.F Prohibited Signs:** There were comments regarding the list of prohibited signs:

- Some individuals indicated a preference for off-premise advertising in certain situations and suggested that billboards be omitted from the list of prohibited uses so that individual billboard applications may be evaluated through a Comprehensive Sign Package on a case-by-case basis. This sentiment is offset by other members of the public who prefer to protect the view shed and dark sky through the continued prohibition of billboard signage.

  - ✓ Staff realizes that it is possible to erect a billboard that is aesthetically appropriate to the area and recognizes the economic benefit of such signs, but respects concerns over community aesthetics. Options include continued prohibition on billboards or the creation of specific billboard regions where billboards might be allowed if they met certain criteria.

- One member of the public expressed concerns over temporary signs in the street median.

  - ✓ Staff is amenable to adding a definition for "Median Signs" in Section 113-05 and including that sign type in the list of prohibited signs. This would be reinforced by additional language in 113-6.F that prohibits signs placed in hazardous locations.

- Concerns over prohibition on signs relating to garage sales, estates sales, and open houses.

  - ✓ These types of signs are considered "snipe signs", defined as follows:

    "Any *sign*, other than a *public sign*, that is posted on a tree, landscaping, utility pole or *structure*, streetlight, fence, fire hydrant, bridge, curb, sidewalk, park bench, parkway, street, or right-of-way."

While staff agrees these signs are useful to the general public in the promotion of these various events, with the Reed decision, we cannot differentiate between signs geared towards open house, estate sales, garage sales, or a local retailer. The prohibition on such signs is geared toward community aesthetics; however, if the Commission wishes to allow this type of sign, staff could generate some language that would allow "pin signs" as a sign type separate and apart from a snipe sign.

- **Section 113-07.A Permitting Requirements:** One individual expressed concern over requiring a permit for signs as this may constitute a prior constraint issue. Conversely, another individual saw the permitting requirement as a way to allow local small business temporary signage along the arterial street network.

  - ✓ The intent of this provision was to require a construction permit where the type of sign is affected by the building codes, not to place any particular sign copy under any sort of regulatory review. Staff does believe that evaluating a sign base on its sign copy would be in contradiction to the Reed decision and to require a permit for other than building code purposes would constitute prior constraint. Staff is amenable to making that clarification.

- **Section 113-07.B Sign Quality and Construction:** General comments received regarding the desire for increased aesthetics.

  - ✓ Staff agrees there is an opportunity to include language that speaks to increased aesthetics for both permanent and temporary signs; however, such language may be better suited elsewhere in the code so as to not be overlooked during the design and review process.

- **Section 113-07.D.1.a Unframed Signs:** Considerable discussion regarding the limitations imposed by the single-rectangle method for measuring sign area.

  - ✓ Staff is amenable to utilizing a methodology that will allow for greater creativity. This may include a "multiple-rectangle" or "multiple-geometry" methodology, provided said methodology does not adversely affect permit review times due to complicated calculation regimes. Other methodologies might include provisions for "ascenders" and "descenders" that do not contribute to the overall sign copy area, and bonuses for texture and relief as opposed to flat-surface signage.

- **Section 113-08.A.1.b Sign Classifications and Types (Temporary Signs, General Requirements):** Comment from the real estate industry to allow the name and phone number of the entity responsible for placing the sign in lieu of the actual person.

  - ✓ Staff has no objection to this change.

- **Section 113-08.A.2 Class I Temporary Signs:** Comment from the real estate industry that three (3) signs is likely inadequate to the task of providing wayfinding to real estate open houses.

  - ✓ This issue is among the most difficult to address in light of the Reed decision. While the Class I Temporary Sign was created to accommodate real estate open houses, as proposed, any "lawful temporary event" may utilize this type of sign. The number of signs that may be adequate to the task of providing wayfinding into a neighborhood for purposes of an open house may or may not be adequate to the task of providing wayfinding for another lawful temporary event. Further, absent a specific number of allowable signs, enforcement may seem arbitrary. One possible alternative might be to increase the number of signs to some number (to be determined) with a requirement that such signs be located within ½ mile radius of the lawful temporary event.

- **Section 113-08.A.3 Class II Temporary Signs:** Several small business owners expressed concerns that limiting the use of A-Frames to within 15' of the business entrance would not serve their needs.

  - ✓ This issue is directly related to the Reed decision. Staff's intent in the proposed language was to allow A-Frames in certain limited circumstances while serving to clean up the sign clutter that is prevalent in the city.

- **Section 113-08.A.6 Banner Signs:** Concerns regarding the "single-family use" exception for banner signs in that it is common for homeowners and residents to hang banners celebrating the arrival of a newborn child or a soldier returning from service.

  - ✓ The intent was to limit banner signs to the business community since they are most often utilized to advertise a special event or a grand opening. Since these types of uses are not associated with single-family residential uses, such signs would seem unnecessary; however, staff does not object to removing the single-family exemption provided the area of a banner sign associated with a single-family use is limited to a much smaller area such as 20 square feet.

- **Section 113-08.A.8 Teardrop Banner Signs:** Concerns from the real estate industry over the use of the phrase "vacant property" since that term can apply to a vacant house that is the subject of an open house being conducted as a lawful temporary event.

  - ✓ The intent was to prevent this type of sign from appearing on vacant land. Staff is amenable to replacing this language with the phrase "undeveloped land".

- **Section 113-08.B.1 Building Wall Signs:**

  - Concerns that said section does not allow for multi-tenant single-story applications.

    - ✓ Staff is amenable to removing the two-story limitation for multi-tenant buildings.

  - Concerns that said section does not allow for adequate signage for multiple users under a single roof e.g. tax service or coffee vendor located in a supermarket.

    - ✓ The current language relating to wall signs allows 1 square foot of sign area per 1 linear foot of primary elevation, with a provision for an additional 0.5 square foot of wall sign area per linear foot of secondary elevation. The proposed language provides for 1.5 square feet of wall sign area per linear foot of elevation, regardless of which elevation or the elevation's orientation to the street or parking lot (provided that wall signs in proximity of residential are not illuminated after 10:00 PM). This is a considerable increase in the amount of allowed signage and it would the responsibility of the building owner to allocate signage to meet their business needs.

  - Concerns over whether there is a compelling governmental interest in regulating wall signs.

    - ✓ It is common for jurisdiction to regulate building signage. To not regulate building signage would create an environment where any wall sign would be permitted regardless of size, location or type. Staff believes that since the proposed code does not attempt to regulate other than time, place and manner, the City has not exceeded its authority. Further, the proposed language provides for a reasonable amount of building signage and includes allowances for additional wall signage in certain circumstances such as buildings in excess of five stories or that are more than 600 feet from the street.

- **Section 113-08.B.6 Hanging Signs:** Concerns that propose language would inadvertently restrict overhead clearance signs associated with drive-through facilities such as car washes and fast food restaurants.

    - ✓ Staff is amenable to including language to clarify that vehicular overhead safety clearance signs would be exempt provided the sign included no advertising copy. This could include a new definition for such signs together with language in this section to clarify the exemption.

- **Section 113-08.B.7 Window Signs:** Question as to whether there is a compelling governmental interest in regulating window signs especially if windows may be completely covered by sun screen.

  - ✓ The current sign code language distinguishes between temporary window signs and permanent window signs, and allows that temporary window signs may occupy not more than 25% of the window area, while permanent window signs may occupy not more than 15% of the window area. Staff's intent with the new language was to remove the distinction between permanent and temporary window signs and to combine the sign area allowed at 40%. Staff believes there is a compelling government interest in regulating these types of signs on the basis of community aesthetics. Further, the principles of Crime Prevention Through Environmental Design (CPTED) suggest that window signs impede the ability of law enforcement being able to see into a building; however, this may seem counter-intuitive given there is no requirement to provide windows in commercial buildings and the fact that in a hot environment, sun screens are common.

- **Section 113-08.C.1 Class I and Class II Monument Signs:** Two comments received:

  - Section 113-08.C.1.c limits the sign area to 24 square feet, which according to the International Sign Association is too small. The ISA recommends not less than 32 square feet, but prefers 40 square feet.

    - ✓ Staff will explore this option in greater detail.

  - One comment expressing concerns over the audibility of menu boards in proximity to residential uses.

    - ✓ Section 113-08.C.1.d requires that a Class I Monument Sign not be audible from any residential use, hotel, or patient room overnight medical facility; however, staff will explore alternatives to a greater extent.

- **Section 113-08.C.3 Class IV Monument Signs:**

  - An observation that this type of sign may serve as a surrogate to the temporary A-Frame signs that many businesses rely upon to generate business.

    - ✓ Staff agrees with this observation.

  - Concerns over whether or not there is a compelling government interest in regulating directional signs.

- ✓ Sign codes commonly and historically address directional signs; however, jurisdictions may no longer regulate based on content. The proposed code language provides an opportunity for directional signage through the use of a Class IV Monument Sign. Staff believes that since the proposed code does not attempt to regulate other than time, place and manner, the City has not exceeded its authority.

- **Section 113-08.C.4 Class V Monument Signs:** Four specific concerns/comments were raised with regard to this type of sign.

  - Allow for placement of this type of sign in the PUE if the applicant signs a waiver acknowledging their responsibility to resolve utility conflicts;

    - ✓ Staff is willing to explore this option provided a minimum distance from the back of walk is maintained for CPTED purposes.

  - Allow for additional sign height for architectural embellishments if no sign copy included in the additional height;

    - ✓ Staff is willing to explore this option.

  - Omit the minimum width requirement of the sign to encourage more architectural interest.

    - ✓ Staff is willing to explore this option.

  - Require that vegetation be trimmed up so that the sign is visible;

    - ✓ Staff is amenable to including a provision requiring shrubs and ground covers in proximity of the sign to be trimmed up in order to ensure the sign area and address are visible.

- **Section 113-08.C.5 Class VI Monument Signs:** In addition to the three issues identified with Class V Monument Signs, three other concerns were raised with regard to this sign type:

  - If the locations are tied to driveways only, an unintended consequence could be for additional sign clutter;

    - ✓ Staff agrees with this observation. One alternative might be to tie the location to a specific separation distance from other Class V signs.

- If the sign is too tall, the street tree canopy may block the view of the sign from the street;

  - ✓ Staff agrees with this observation; however, this condition will be difficult to mitigate in that if the maximum sign height is reduced, less sign area will be available for advertising. Further, to remove the tree canopy runs against the city's stated desire to create walkable streets, in which a tree canopy plays a significant role. One possible mitigation methodology might be to establish sight visibility lines, provided that the tree canopy is maintained.

- Include an allowance for monument signs adjacent to freeways if tied to the height of the freeway paving surface;

  - ✓ This is essentially a Freeway Monument Sign. As currently proposed, this type of sign would not be allowed except as already approved through an existing Comprehensive Sign Program. Further, since Freeway Monument Signs were not included in the list of prohibitions, an applicant could file for a Comprehensive Sign Program where the situation warranted. An alternative might be to include specific language in the draft code that would articulate where and how such signs might be erected.

➢ **Section 113-08.C.6 Roadway Arch Signs:** Several comments that this type of sign is an interesting addition.

  - ✓ No changes proposed.

➢ **Section 113-09 Sign Illumination:** Four issues were raised with respect to sign illumination:

- Include language to require consistency in brightness of external lighting to minimize hot-spots or dead zones;

  - ✓ Staff is willing to explore this option.

- Include public nuisance language to aid in the enforcement of brightness levels or limit brightness based on luminance as measured in the number of nits.

  - ✓ Staff is willing to explore this option. United States Sign Council recommends a maximum of 750 nits. International Sign Association believes this issue is essentially self-policing.

- In environmentally sensitive areas, limit brightness as opposed to color in order to avoid conflicts with registered trademarks. Remove arbitrary language.

  - ✓ Staff is willing to explore this option.

- Clarity regarding types of illumination allowed for aesthetic purposes.

  - ✓ Staff wishes to be more specific with respect to what type of sign illumination is allowed.

- **Section 113-10 Electronic Messaging Centers (EMCs):** Four comments/suggestions were provided with respect to EMCs:

  - General comment that EMCs are an important sign option.

    - ✓ Staff does not disagree provided issues regarding EMCs can be appropriately mitigated.

  - General discussion regarding 8-second hold-time rule and moving the rule from the definitions section to Section 113-10.

    - ✓ Current language sets the hold time at 8 seconds; however, according to the International Sign Association, intervals of between 8 and 12 second are also considered appropriate.

  - In Section 113-10.A, delete one level of EMC as opposed to having two levels based on image color.

    - ✓ Staff is willing to explore this option. This would require that the definitions be changed and that the 8-second hold-time rule be relocated to Section 113-10.

  - In Section 113-10.B.4, limit the amount of sign area devoted to EMCs to between 50% and 75% of the allowed sign area as opposed to 100% as currently proposed.

    - ✓ Staff is willing to explore this option.

  - In Section 113-10.B.5, delete certification language in lieu of an affidavit of compliance that would require the owner of the sign to attest they have read and understand the operating requirements for EMCs and agree to abide by the city's standards or face enforcement action.

    - ✓ Staff is willing to explore this option.

- Include a requirement that the factory installed software be locked down to prevent end-user manipulation with respect to brightness setting.

  - ✓ According to the International Sign Association and Daktronics, such capabilities would not be possible as it would affect the ability of the sign's performance in jurisdictions that have little or no requirements limiting nighttime illumination levels.

- **Section 113-13 Flags and Flagpoles:** Two issues were raised with respect to this section:

  - In Section 113-13.B.2, the requirement limiting the location of a residential flagpole to the front yard unnecessarily limits the ability of a homeowner to fly their flag in the rear yard.

    - ✓ Staff has no objection to allowing flag poles to be located in the required front yard, required rear yard, or building envelope, but is reticent to allow flag poles in the required side yard.

  - In Section 113-13.B.3, a question was raised as to whether the height limitation unfairly infringes on the speaker's 1st Amendment rights.

    - ✓ A limitation on height is geared towards time, place and manner, which staff believes is consistent with the law.

- **Section 113-14 Comprehensive Sign Programs:** A concern was raised on two separate occasions that the Comprehensive Sign Program approval criteria are somewhat arbitrary as currently proposed.

  - ✓ Staff will consult with the City's legal staff in this regard and make any changes deemed necessary.

- **Section 113-15 Nonconforming Sign:** There were several issues or concerns raised with respect to nonconforming signs:

  - In Section 113-15.B.1.a, a concern was raised with respect to the 90-day timeframe for continued use of a non-conforming sign.

    - ✓ Staff does not disagree that 90-days is quite short; however, this timeframe is consistent with language elsewhere in the SUDC. If the Commission and City Council desire a longer timeframe in which to allow nonconforming uses including signs, this should be addressed here in addition to the larger SUDC re-write.

- Also in Section 113-15.B.1.a, there was a concern regarding the meaning of the word "abandoned".

  - ✓ If this section remains, staff will ensure that "abandoned" is clearly defined. This may include clarifications on words such as "occupied" and "vacant".

- In Section 113-15.B.1.b, a concern was raised with respect to the 10-year requirement to remove a nonconforming sign in that while 10-years may be ample time to amortize the initial investment, signs also provide business recognition, which may be inhibited with the erection of a new sign.

  - ✓ While the 10-year timeframe may seem short, the intent of including such language is to remedy nonconforming uses including signs. Further, there are very few instances where a currently existing sign would need to be removed 10 years after the adoption of this Code. In addition, this section, as proposed, provides for an appeal process in which the timeframe may be extended.

- One person expressed an opinion that Section 113-15.B should either deleted in its entirety of modified to more closely reflect the language pertaining to nonconforming uses in the SUDC.

  - ✓ Staff is willing to explore this option.

➢ **Section 113-16 Enforcement:** Several issues were raised with respect to enforcement:

- Concern that in Section 113-16.A, the possibility of being charged criminally for a sign violation seemed overbearing.

  - ✓ This provision was included in order to allow Code Enforcement staff the ability to seek criminal charges for egregious violations.

- Concerns that proposed code language does not afford opportunity for appeal of sign violations.

  - ✓ In the event of an alleged sign code or zoning code violation, City's Code Enforcement staff will seek voluntary compliance. This may be done through a conversation with the alleged offender and followed up with the issuance of a Notice of Violation. The entity receiving the Notice of Violation is given an opportunity to correct the violation; however, if the violation is not remedied, staff will issue an Order to Comply. If the alleged offender believes the notice and/or order to be issued in error, that entity has the right to challenge the matter in city court.

- Concerns that automatic discarding of signs after 5 business days may constitute a taking.

  - ✓ The proposed enforcement language allows the City to remove temporary signs in certain circumstances. The intent of the 5-day provision is to allow the owner of the sign a reasonable opportunity in which to retrieve said sign.

➢ **General comments:**

- Concerns that the economic benefit of signs are not being taken into consideration with the proposed code language.

  - ✓ Staff recognizes the economic benefit of signs and has attempted to write the proposed language in a manner that allows a reasonable level of signage while addressing issues regarding community aesthetics.

- Concerns that the proposed code does not address sign walkers.

  - ✓ Sign walkers are address in Section 113-08.A.9 of the proposed code. State statute limits the authority local jurisdictions have over sign walkers and there has been a considerable case law on the subject. The propose language is consistent with the limitations placed on jurisdictions by state statute and applicable case law.

- Concerns that the proposed code does not address political signs.

  - ✓ State statute limits the amount of authority local jurisdictions have over political signage. Shortly after the Reed decision was rendered, the City Council approved a Text Amendment removing all references to political signs from the existing code. The proposed code is also silent with respect to political signage.

- A provision for a minimum allowance for sign area.

  - ✓ Staff is willing to explore this option.

<u>Summary:</u>

While the Reed case dealt largely with temporary signs in the public right-of-way, the ruling raised the issue of "content-neutrality". Staff has endeavored to create a content-neutral sign code and wishes to present this matter to the Commission as a discussion item. Citizen outreach has begun in earnest, with considerable comment having been received. Upon receiving feedback from the Commission, staff will make revisions to the proposed sign code language for review and action by the Planning and Zoning Commission at a later date. Once acceptable to the Commission, staff will forward the Commission's recommendation to the City Council for their consideration.

Tentative dates are as follows (subject to change):

- May 4, 2017 – Planning and Zoning Commission discussion item
- June 1, 2017 – Planning and Zoning Commission public hearing
- June 20, 2017 – City Council discussion item
- August 1, 2017 – City Council public hearing
- September 1, 2017 – Effective date

Findings:

- None at this time

Attachments:

02 – FS15-311 Draft Sign Code Update Public Review Version 1
03 – FS15-311 Public Comment #1
04 – FS15-311 Public Comment #2
05 – FS15-311 Public Comment #3
06 – FS15-311 Public Comment #4
07 – FS15-311 Public Comment #5

PROPOSED TEXT AMENDMENT TO CHAPTER 113 OF THE SURPRISE MUNICIPAL CODE REGARDING SIGNS

CITY OF SURPRISE PLANNING CASE FS15-311

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Section 113-01 – Title; Findings and Purpose; Intent

A. **Title:** Chapter 113 of the Surprise Municipal Code may hereafter be referred to as the "City of Surprise Sign Code" or "Sign Code".

B. **Findings and Purpose:** *Signs* obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Chapter is to regulate the size, illumination, movement, materials, location, height and condition of all *signs* placed on private property for exterior observation, thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, and encouraging economic development. This Chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location and size of all *signs*. This paragraph shall not be construed as to exempt from regulation privately owned *signs* within the public right-of-way or on publicly owned land.

C. **Intent:** To safeguard the public interest from the negative impacts of *signs*, this Chapter establishes standards for the regulation of *signs* to:

1. Allow adequate signage for business identification while meeting public and private objectives. A *sign* placed on land or in a *building* for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or *building*. Therefore, the intent of this Chapter is to establish limitations on *signs* in order to ensure they are appropriate to the land, *building* or use to which they are appurtenant and are adequate for their intended purpose while balancing individual and community interests identified Subsection B herein.

2. Promote the free flow of traffic, while protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage. These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access.

3. Promote the use of *signs* that are well designed, of appropriate scale, structurally sound, and integrated with surrounding *buildings* and landscape in order to meet the community's desire for quality development.

4. Protect property values, the local economy, and the quality of life. These regulations are intended to preserve and enhance the appearance of the streetscape that affects the image of the city.

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5. Maintain acceptable outdoor lighting levels. These regulations are intended to enhance the livability of the community while respecting the natural habitat for animals and the desire for dark skies in environmentally sensitive areas.

6. Provide for adequate wayfinding through and within the city. These regulations are intended to aid motorists and pedestrians in navigating to local businesses and other points of interest safely.

7. Promote the health, safety, morals, and general welfare of the citizens of the City of Surprise.

D. **Limitations:**

1. These regulations do not regulate every form and instance of visual communication that may be displayed within the jurisdictional limits of the City of Surprise. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the stated purposes set forth.

2. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of *signs*. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by *signs*.

3. These regulations are not intended to and do not apply to *signs* erected, maintained or otherwise posted, owned or leased by this State, the federal government or the City of Surprise. The inclusion of "government" in describing some *signs* does not intend to subject the government to regulation, but instead helps illuminate the type of *sign* that falls within the immunities allowed for government speech.

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Section 113-02 – Applicability

The provisions of this Chapter apply to all incorporated areas within the City of Surprise and shall supersede all previous sign codes and references thereto adopted by the Surprise City Council as of the effective date of Ordinance [insert adopting Ordinance Number], except that where such land is located within an approved Planned Area Development (PAD), or is subject to an approved Comprehensive Sign Program (CSP) existing at the time of the adoption of this Ordinance, the time, place and manner provisions of said PAD or CSP shall apply. Whenever an approved PAD or CSP is silent on a matter relating to signage, the provisions of this Chapter shall apply to the extent that such provisions are not in conflict with the provisions of the approved PAD or CSP.

Section 113-03 – First Amendment Interpretation and Severability

This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Chapter which can be given effect without the invalid provision.

Section 113-04 – Rules of Interpretation

A. Words or phrases within this Chapter which are expressed using *italics* shall assume the meaning as ascribed in Section 113-05 of this Chapter. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included in Section 122-178 of the Surprise Municipal Code. Whenever the definition of a word or phrase used in this Chapter is in conflict with any word or phrase used elsewhere in the Surprise Municipal Code, the definitions of this Section shall apply for purposes of interpreting this Chapter.

B. Graphical representations are often used throughout this Chapter to further clarify the intent of the text; however, whenever there is a conflict between the text and the illustration, the language of the text shall prevail.

C. Words in singular form shall include the plural form and words in plural form shall include the singular form.

D. The word “shall” is mandatory and the word “may” is permissive.

E. The City of Surprise shall not evaluate any *sign* based on the message content of the *sign* provided the *sign copy* contains no vulgar or profane language, hate speech, or language intended to incite violence, in which case the *sign copy* shall not be permitted.

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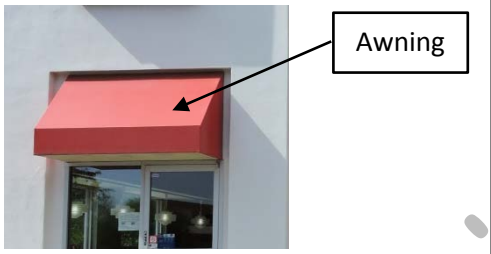
Section 113-05 – Definitions

Awning: An architectural projection, typically made of cloth or metal, which projects from and is supported by the walls of a *building* and is intended to provide shade or shelter above a window or door.

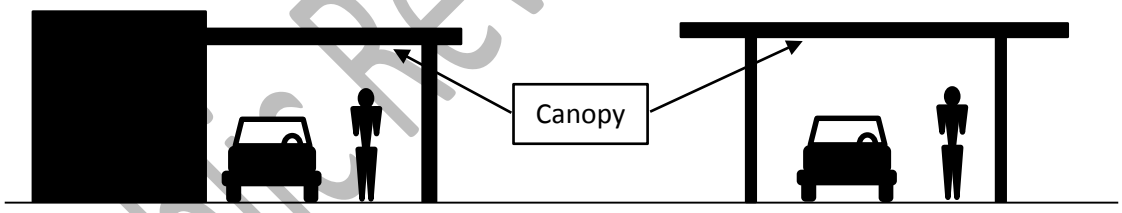


Awning

Blight: Unsightly conditions including but not limited to damage, tattered, faded, cracking, peeling, rusting or any other condition of disrepair, deterioration, or lack of maintenance.

Building: Any *structure* having a *roof* supported by walls or columns used for the shelter of persons, animals, or personal property.

Canopy: A *building* or portion thereof, which is open on not less than two (2) sides and is entirely or partially supported by the ground.



Canopy Not to Scale

Copy, changeable: *Sign copy* that is changed or capable of being changed at intervals of more than once per day.

Cottage industry: Specific to the Surprise Heritage District as outlined in Section 122-69.1 of the Surprise Municipal code, a *cottage industry* is a small business, owned and operated by the residential occupant, in a residential area, conducted within the dwelling or in an accessory building. The business may have employees and customers but must be clearly incidental and secondary to the use of the property for single-family residential purposes as well as adhere to the Use Specific Standards in Section 122-69.1(G) of the Surprise Municipal Code.

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Daylight hours: That portion of the day beginning when the sun breaks the morning horizon and ending when the sun falls below the evening horizon.

Drive-in business: A retail business establishment where on-site transactions may be conducted from the confines of a parked vehicle. See also *drive-through business*.

Drive-through business: A retail business establishment where on-site transactions may be conducted from the confines of a vehicle which is staged in a drive-through lane. See also *drive-in business*.

Electronic Messaging Center (EMC): A *sign* that utilizes computer-generated messages or some other electronic means of *changeable copy*. These *signs* include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

Electronic Messaging Centers, Level 1: An *EMC* that contains monochromatic static messages which may only be changed manually and which do not employ "scroll", "fade" or "dissolve" transitions, animation or video, or similar subtle transitions or frame effects which create the appearance of moving text or images.

Electronic Messaging Centers, Level 2: An *EMC* that contains monochromatic or full-color static messages which may be changed automatically at a rate not exceeding once every eight (8) seconds, and which do not employ "scroll", "fade" or "dissolve" transitions, animation, or similar subtle transitions or frame effects which create the appearance of moving text or images.

Flag: Any fabric or flexible material attached to or designed to be flown from a flagpole or similar device, but not including *banners*.

Illuminance: The amount of light falling upon a real or imaginary surface, measured in either foot-candles or lux. See also "*luminance*".

Illumination, bare-bulb: A type of *external illumination* consisting of light bulbs or a string of light bulbs, or takes on the appearance of such including LEDs.

Illumination, bent-tube: A source of light for *externally illuminated* graphics supplied by a glass tube that is bent to form letters, symbols, or other shapes and filled with a gas that when electrically charged emits light, or any other method or technology, such as but not limited to LED rope lighting, utilized to achieve the same effect.

Illumination, external: A light source that is separate and apart from the *sign*.

Illumination, internal: A light source that is concealed or contained within the *sign* and becomes visible in darkness through a translucent surface.

Public Review Version 1

Lawful temporary event: A use of land that is permitted by and in accordance with Section 122-105 of the Surprise Municipal Code.

Logo: A graphic symbol representing a business, activity or use.

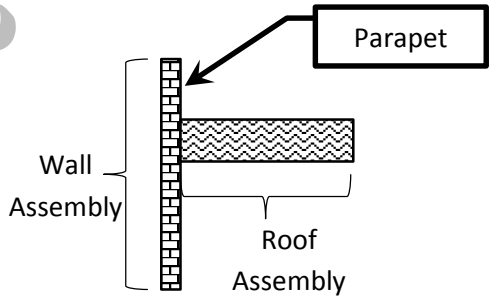
Luminance: The light that is emitted by a light source or reflected from a surface, measured in foot-Lamberts or Nits. See also "*illuminance*".

Maintenance: The replacing or repairing of a part or portion of a *sign* necessitated by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing *sign copy* without changing the wording, composition, design, original color or size of the *sign copy*.

Marquee: A type of *building* projection typically attached to and projecting from the front entrance of a hotel or theater, and intended to provide an opportunity for signage.

Marquee

Parapet: That portion of a *building*'s exterior wall which projects above the *roof* of the *building*.



Parapet

Public Review Version 1

Pennant: A type of *flag,* generally in the shape of a triangle and typically flown from a string.

Pennant

Roof: That portion of a *building's* exterior intended to provide overhead protection from the elements.

Roof, exposed pitch: Any *roof* where the pitch of the *roof* is visible from the ground.

Roofline: The highest point of the main *roof* or the highest point on a *parapet*, but not including cupolas, pylons, projections or minor raised portions of the *roof*.

Sign: Any device depicting written letters, words, numerals, figures, emblems, logos, trademarks, pictures, or any part or combination thereof used for visual communication that attracts the attention of the public and is visible from public or private rights-of-way or other properties, but not including athletic scoreboards when associated with a sanctioned athletic field.

Sign, 3-Dimensional: A *sign* in which is meant to be viewed from all angles.

3-Dimensional Sign

Public Review Version

Sign, abandoned: Any *sign* located on a vacant property or premises, which is vacant for a period of 90 calendar days, or a *sign* which is damaged, in disrepair, or vandalized and not repaired within 90 calendar days of the date of the damaging event.

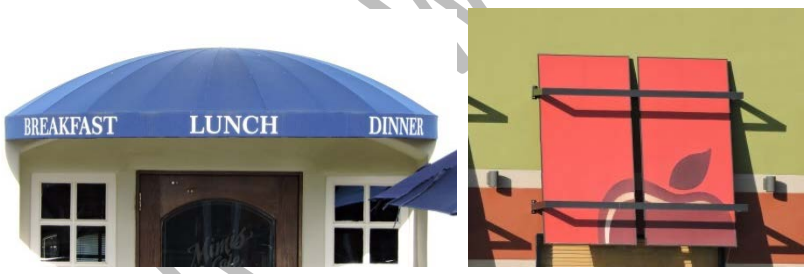
Sign, Address: A *sign* intended for the display of a property's address.

Sign, A-frame: A *portable sign* designed in the shape of the letter "A" consisting of two rigid surfaces joined along an adjacent edge.

Sign, animated: A *sign* which incorporates movement or the optical illusion of movement of any part of the *sign* or *sign structure*, including the flashing or varying of light intensity; or the automatic changing of all or any part of the *sign*; or any movement or rotation of the *sign* or any part of the *sign structure*.

Sign, area: The smallest rectangular area or areas of a 2-dimensional *sign* which can enclose all of the *sign copy*, or in the case of a 3-dimensional *sign*, 50% of the volume of the smallest cuboid which can enclose the *sign*.

Sign, Awning: Any information or graphics painted on or integrated into an *awning*.



Awning Sign

Sign, backlit: A *sign* typically utilizing opaque graphics, in which the light source is concealed or contained within the graphic thereby causing the graphic to become visible against the illuminated surface onto which the graphic is mounted.

Public Review Version 1

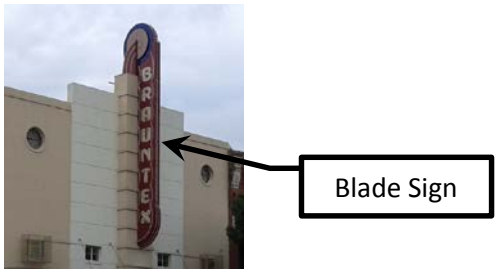
Sign, Banner: A *sign* consisting of fabric, paper, or other lightweight pliable material, either enclosed or not enclosed in a rigid frame, and secured or mounted to minimize movement in the wind, but not including *inflatable signs*.

Banner Sign

Sign, Billboard: A *sign* that advertises a business, commodity, service, entertainment, product or attraction which is sold, offered or existing elsewhere than on the property where the *sign* is located or which takes on the physical characteristics historically associated with such *signs*.

Billboard

Sign, Blade: A *sign* which stands off from the façade of the *building* and is designed to be read in a vertical manner.



Blade Sign

Public Review Version 1

Sign, Canopy: A type of *Building Wall Sign* that is mounted to the face of a *canopy*.

Canopy Sign

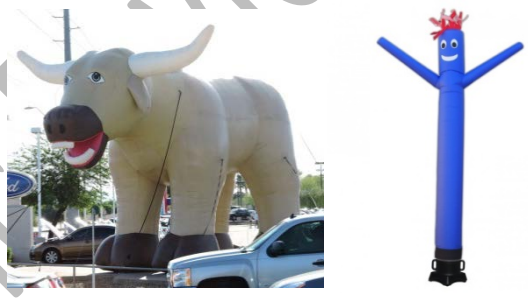
Sign copy: The letters, words or graphics used to convey information on a *sign*.

Sign, freestanding: A *sign* that is erected on its own self-supporting structure, detached from any supporting elements of a *building*.

Sign, Hanging: See "S*hingle Sign*".

Sign, illuminated: A *sign* of which the surface is artificially lighted either internally or externally. (See also "*illumination*" et. seq.)

Sign, inflatable: Any flexible fabric device which is filled with a gas or pressurized air that is tethered or anchored to the ground or other stationary object, or any device taking on such an appearance.



Inflatable Sign

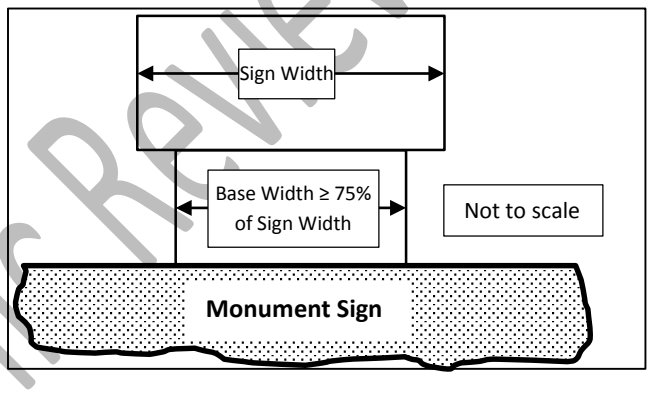
Sign, legal non-conforming: A *sign* lawfully erected and maintained prior to the adoption of the Ordinance from which this Chapter or amendments thereto is derived that does not conform to the requirements of this Chapter.

Public Review Version 1

Sign, Light Pole Banner: A fabric *sign* suspended between two horizontal supports, which are attached to a light pole for the purpose of supporting the *sign*.

Light Pole Banner

Sign, Monument: A *freestanding sign* with a base that is at least 75 percent of the width of the *sign*.



Public Review Version 1

Sign, Monument, Class I: Commonly referred to as a “menu sign”, a Class I Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is equipped with a loudspeaker and microphone for the purpose of placing and confirming an order.

Class I Freestanding Sign

Sign, Monument, Class II: Commonly referred to as a “preview sign”, a Class II Monument Sign is a *monument sign* associated with the drive-through lanes of a *drive-through business*, and which is not equipped with a loudspeaker or microphone.

Class II Freestanding Sign

Public Review Version 1

Sign, Monument, Class III: Commonly referred to as a "directional sign", a Class III Monument Sign is a *monument sign* typically associated with a multi-family, commercial or industrial driveway or drive aisle.

Class III Freestanding Sign

Sign, Monument, Class IV: Commonly referred to as a "directory sign", a Class IV Monument Sign is a *monument sign* typically associated with a pedestrian promenade or parking lot drive aisle.

Class IV Freestanding Sign

Sign, Monument, Class V: A *monument sign* associated with a High Volume Collector Street, Residential Collector Street, or Commercial Collector Street, as defined by the Surprise Engineering Design Standards, and provides the primary source of signage for the property served by the *sign*.

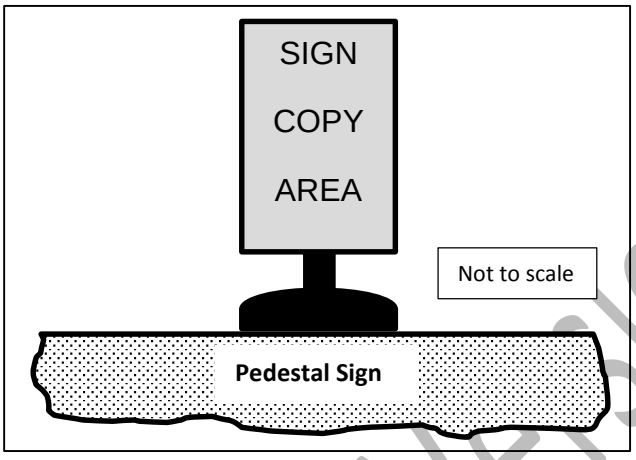
Sign, Monument, Class VI: A *monument sign* associated with a Parkway, Major Arterial, or Minor Arterial, as defined by the Surprise Engineering Design Standards, or Grand Avenue, and provides the primary source of signage for the property served by the *sign*.

Sign, non-conforming: A *sign* that does not conform to the requirements of this Chapter.

Public Review Version 1

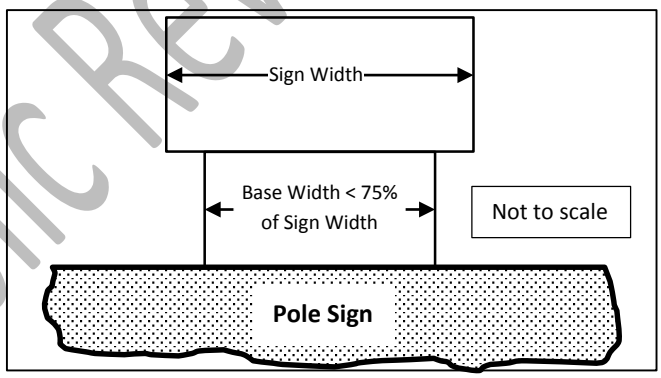
Sign panel: The surface on which *sign copy* is depicted.

Sign, Pedestal: A *portable sign* in which the *sign panel* is affixed to and supported by a weighted base.



Sign, permanent: A *sign* that due to its physical characteristics and method of attachment is intended for permanent display.

Sign, Pole: A *freestanding sign* where the width of the supporting poles, uprights or braces are collectively less than 75 percent of the width of the *sign*. For purposes of this Chapter, a *light pole banner* is not considered a pole sign. (See also "*Sign, Monument*" and "*Sign, Pylon*".)

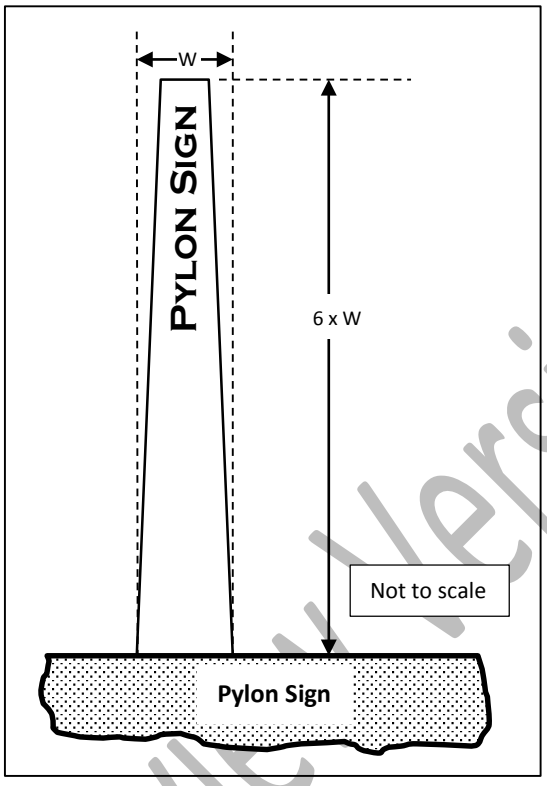


Sign, portable: A *temporary sign* that may be readily moved from location to location without the need of any specialized knowledge or equipment, and that is not affixed to the ground or any *structure*.

Sign, public: A *sign* erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

Public Review Version 1

Sign, Pylon: A *Monument Sign* in which the height of the *sign structure* is at least six (6) times the width of the base of the *sign structure*.

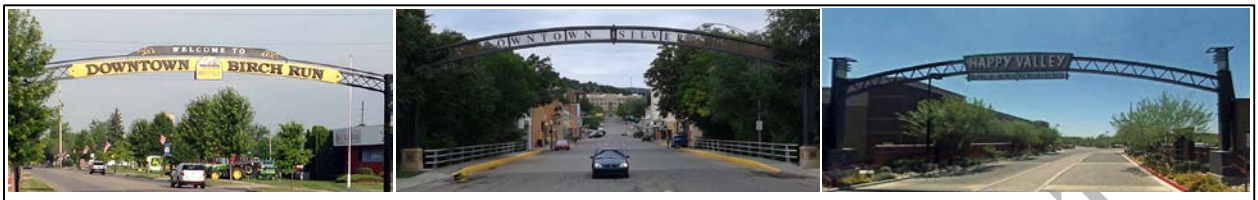


Sign, Reader Panel: A *sign* in which the individual characters of the *sign copy* may be changed manually and immediately, but not including Electronic Messaging.

Reader Panel

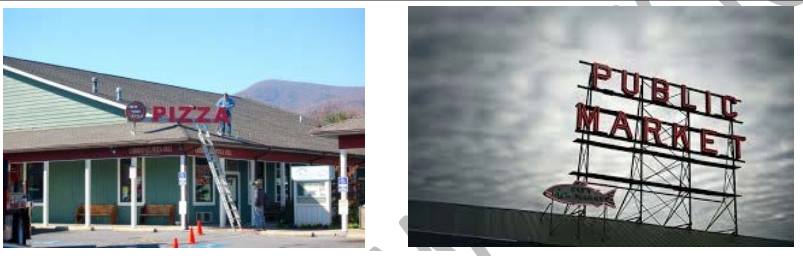
Public Review Version 1

Sign, Roadway Arch: A *sign* mounted to a *structure* that spans a roadway or commercial driveway in which the *structure* is intended for that sole purpose.



Roadway Arch Sign

Sign, Roof: A *building*-mounted *sign* that is attached to or extends above the *roof* of a *building*.



Roof Sign

Sign, Sandwich: A type of *A-Frame sign* designed to be worn by a person.

Sign, Shingle: A *sign* suspended from, and located entirely under a covered porch, walkway, *canopy* or *awning*.

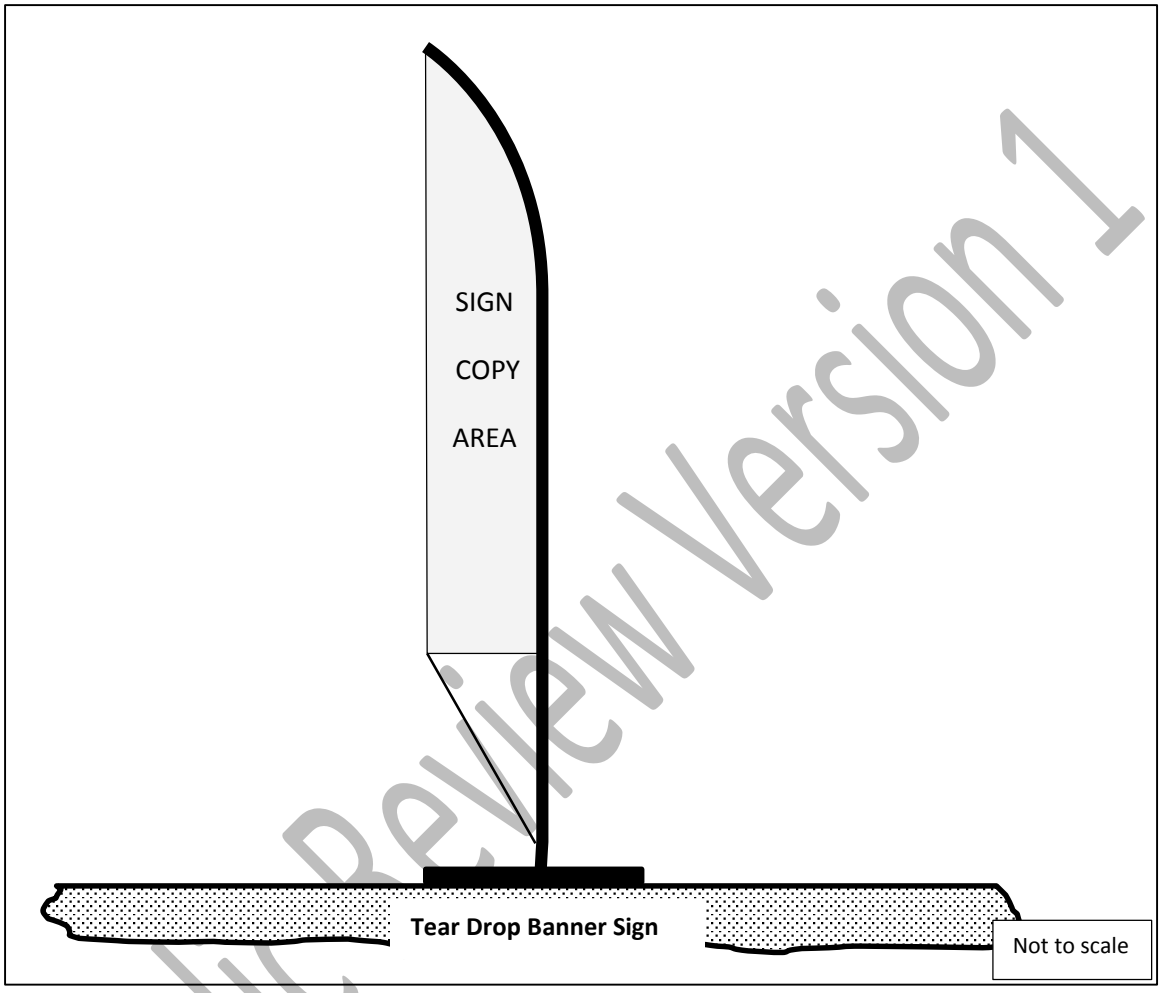
Shingle Sign

Sign, Snipe: Any *sign*, other than a *public sign*, that is posted on a tree, landscaping, utility pole or *structure*, streetlight, fence, fire hydrant, bridge, curb, sidewalk, park bench, parkway, street, or right-of-way.

Public Review Version 1

Sign structure: The supports and framework of a *sign*.

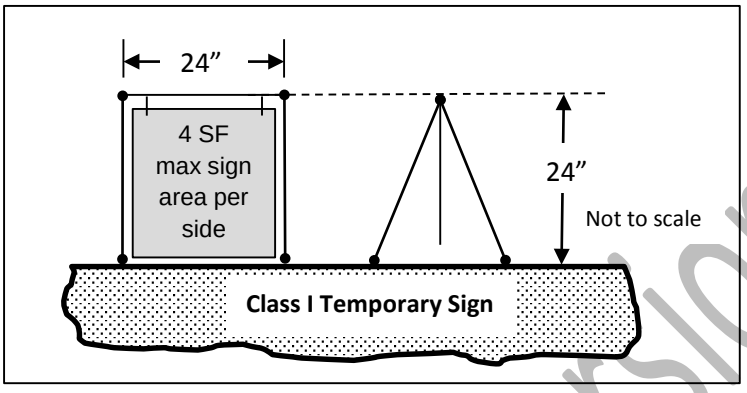
Sign, Teardrop Banner: A *sign* consisting of a narrow strip of fabric material which is attached to a flexible or partially flexible pole in a vertical manner.



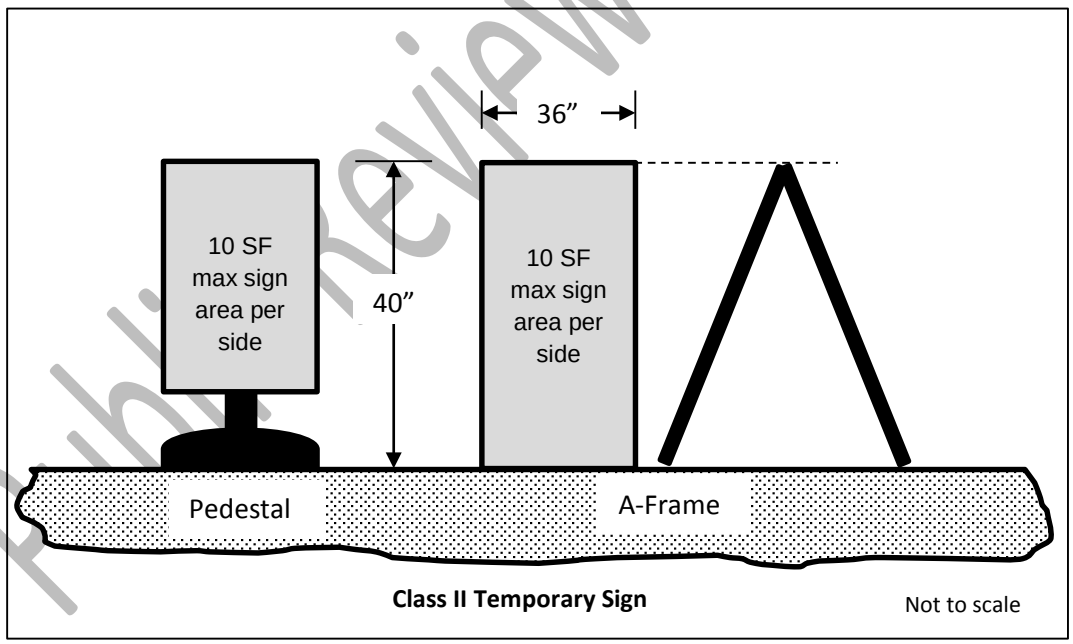
Sign, temporary: A *sign* that due to its physical characteristics and method of attachment is not intended for permanent display. See also "*sign, permanent*".

Public Review Version 1

Sign, Temporary, Class I (Small A-Frame Sign): A *temporary, portable sign* generally in the shape of the letter "A" in which the overall height of the *sign structure* does not exceed twenty-four (24) inches, the overall width of the *sign structure* does not exceed twenty-four (24) inches and which does not exceed eight (8) square feet of aggregate *sign area*.

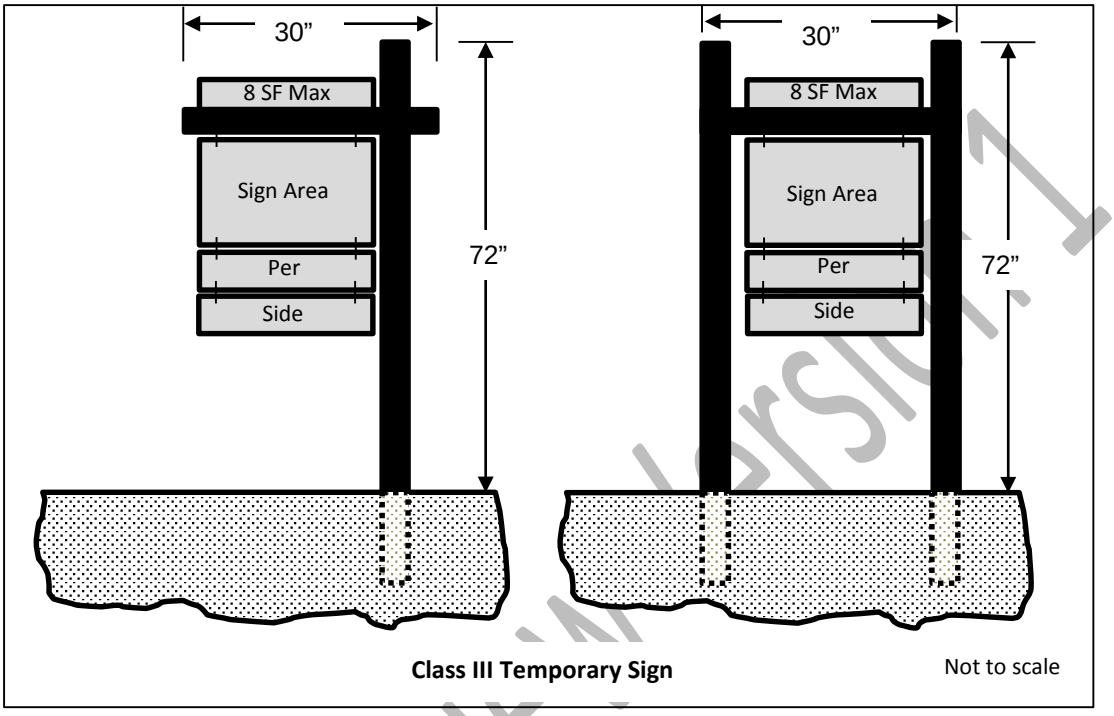


Sign, Temporary, Class II (A-Frame Sign and Pedestal Sign): A *temporary, portable sign* in which the overall height of the *sign structure* does not exceed forty (40) inches, the overall width of the *sign structure* does not exceed thirty-six (36) inches and which does not exceed twenty (20) square feet of aggregate *sign area*.



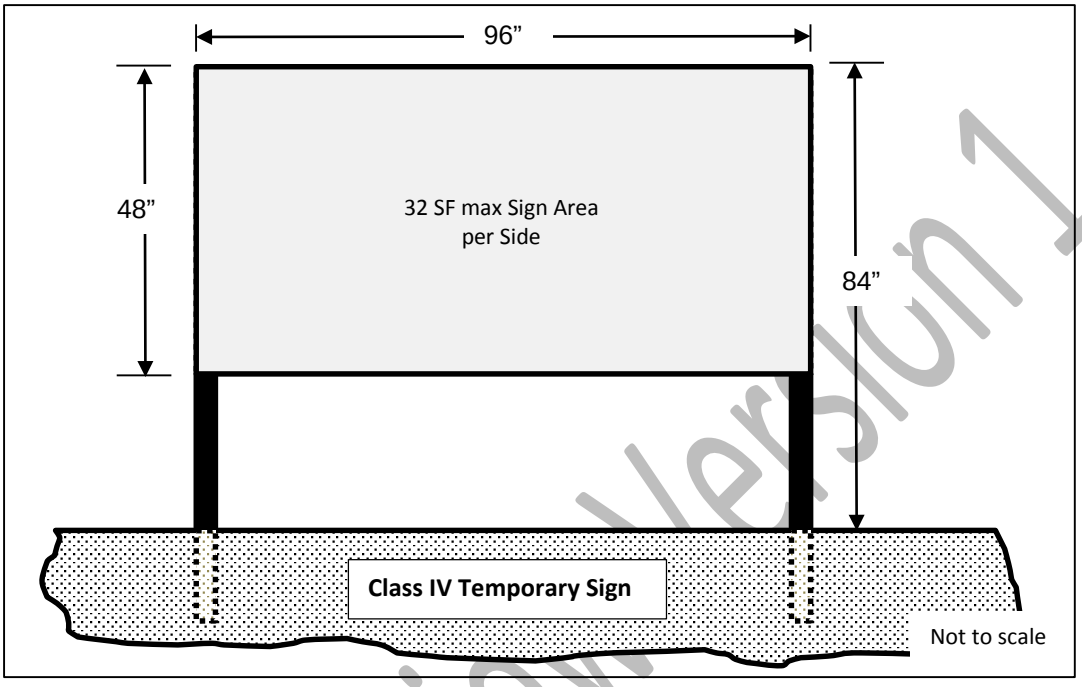
Public Review Version 1

Sign, Temporary, Class III (Small Post Sign): A *temporary sign* supported by one or more rigid posts in which the overall height of the *sign structure* does not exceed 72 inches, the overall width of the *sign structure* does not exceed thirty (30) inches, and the aggregate *sign area* does not exceed sixteen (16) square feet.



Public Review Version 1

Sign, Temporary, Class IV: A *temporary sign* supported by two (2) rigid posts in which the overall height of the *sign structure* does not exceed 84 inches, the overall width of the *sign structure* does not exceed 96 inches, and the aggregate *sign area* does not exceed 64 square feet.



Sign, Vehicle: Any *sign* mounted, painted, or otherwise erected on a *vehicle*.

Sign Walker: A live person carrying a *portable sign* intended to convey a message to motorists and passersby.

Sign Walker

Public Review Version 1

Sign, Wall, Building: A *sign* mounted flat against a *building wall* with the exposed face of the *sign* in a plane generally parallel to the face of the wall, but not including *Window Signs*.

Building Wall Sign

Sign, Wall, Subdivision Perimeter: A *sign* mounted or painted onto a *subdivision perimeter wall*.

Subdivision Perimeter Wall Sign

Public Review Version 1

Sign, Window: Any combination of decals, posters, murals or other media which are affixed to a window pane or otherwise intended to be viewed through the window pane from the exterior of the *building*, but not including merchandise normally displayed within a show window of a retail merchant shop.

Window Sign

Structure: Anything constructed or erected that requires attachment to the ground, or is structurally connected to something having attachment to the ground.

Vehicle: Any car, truck, motorcycle, All-Terrain Vehicle, Recreational Vehicle, boat, trailer, tractor, crane, mobile machinery, or similar.

Wall, building: A wall that is integral to a *building*.

Wall, subdivision perimeter: A freestanding wall that is located around a subdivision.

Public Review Version 1

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Public Review Version 1

Section 113-06 – Permitted and Prohibited Signs

A. **Permitted Signs by Zoning District** – Only those *sign* types and classes that are specifically listed in Table 113-06.A for each zoning district may be allowed, subject to the provisions outlined elsewhere in this Chapter.

TABLE 113-06.A – PERMITTED SIGNS (P=Permitted, shaded cell = Not Permitted)

Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
TEMPORARY SIGNS											
113-08.A.2	Class I Temporary Signs (Small A-Frame Signs)			P	P	P	P	P	P	P	P
113-08.A.3	Class II Temporary Signs (Large A-Frame Signs)			P	P	P	P	P	P	P	P
113-08.A.4	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P		P
113-08.A.5	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P		P
113-08.A.6	Banner Signs						P		P		P
113-08.A.7	Light Pole Banner Signs	P	P		P	P	P	P	P		P
113-08.A.8	Teardrop Banner Signs			P	P	P	P	P	P	P	P
113-08.A.9	Sign Walkers	P	P	P	P	P	P	P	P	P	P
BUILDING MOUNTED SIGNS											
113-08.B.1	Building Wall Signs			P	P	P	P		P		P
113-08.B.2	Blade Signs			P	P	P	P		P		P
113-08.B.3	Canopy Signs				P	P	P		P		P
113-08.B.4	Marquee Signs						P				P
113-08.B.5	Awning Signs						P		P		P
113-08.B.6	Hanging Signs					P	P	P	P		P
113-08.B.7	Window Signs and Sunscreens			P	P	P	P	P	P		P
FREESTANDING SIGNS											
113-08.C.1	Class I Monument Signs (Menu Signs)						P		P		
113-08.C.1	Class II Monument Signs (Preview Signs)						P		P		
113-08.C.2	Class III Monument Signs (Directional Signs)	P	P	P	P	P	P	P	P	P	P
113-08.C.3	Class IV Monument Signs (Directory Signs)				P	P	P		P		
113-08.C.4	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P		P
113-08.C.5	Class VI Monument Signs (Major Monument Signs)				P	P	P		P		P
113-08.C.6	Roadway Arch Signs	P	P				P		P		
113-08.C.7	Subdivision Perimeter Wall Signs			P	P	P	P				P
OTHER SIGNAGE											
113-10	Level 1 Electronic Messaging			P	P	P	P	P	P		P
113-10	Level 2 Electronic Messaging				P	P	P		P		P
113-11	Reader Panels			P	P	P	P	P	P		P
113-12	Address Identification			P	P	P	P	P	P	P	P
113-13	Flags and Flagpoles			P	P	P	P	P	P		P

Public Review Version 1

B. **Signs in the Public Street Right-of-Way:** *Signs* are permitted within the public street right-of-way regardless of the zoning of said right-of-way, only when erected by, or on behalf of, the City of Surprise, or as permitted under Section 113-08.A.2.b and 113-08.A.3.b below.

C. **Signs in the Private Street Right-of-way:** *Signs* are permitted within private street rights-of-way only when associated with an approved Planned Area Development (PAD) or Comprehensive Sign Program (CSP), or as required by the City of Surprise.

D. **Encroachments:** No portion of any *sign* erected on any property may encroach into the public right-of-way unless expressed written permission is granted by the City of Surprise to allow said encroachment.

E. **Signs as an Accessory Use:** All *signs* must be an accessory use to a primary use. In no case shall a *sign* be established as a primary use of the property; except that *temporary signs* as otherwise allowed within a given zoning district are exempt from this provision.

F. **Prohibited *Signs*** – the following *sign* types are specifically prohibited:

1. *Abandoned signs, Billboard Signs, Pole Signs* of a permanent nature*, Roof Signs and Snipe Signs;*

2. *Animated Signs*, flashing, blinking, or rotating *signs,* festoons*, Inflatable Signs* including latex or Mylar balloons*,* permanent *Banner Signs, Pennants,* searchlights, streamers*, signs* other than *Class 1 Monument Signs* that emit audible sound, and any clearly similar features*;*

3. *Vehicle Signs* when the *vehicle* is placed in a location not approved for vehicular parking or storage*;*

4. *Signs* containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;

5. Merchandise, equipment, products or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes;

6. *Signs* located on trees, utility poles, public benches, or any other form of public property, or within any public right-of-way, unless explicitly permitted by these regulations;

7. *Signs* containing vulgar or profane messages, hate speech, or language intended to incite violence.

Public Review Version 1

8. *Signs* greater than thirty (30) inches in height and which are located within any sight visibility triangle of any street or driveway intersection as required by the Surprise Engineering Design Standards.

9. *Signs* not expressly permitted as being allowed by right under this Chapter, or by specific requirements in another portion of this Chapter, or otherwise expressly allowed by the City of Surprise Board of Adjustment, are expressly prohibited.

G. **Signs Exempt from these Regulations** – The following *signs* are exempt from regulation under this Chapter:

1. Any public-purpose or public-safety *sign*, or any other notice or warning required by a valid and applicable federal, state or local law, regulation, or resolution, and posted by or on behalf of a governmental agency;

2. Any *sign* that is not visible from another property to the naked eye, provided said *sign* otherwise meets applicable Building Code requirements.

H. **Violation –** Any *sign* that is not in compliance with this Section is in violation of this ordinance.

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Section 113-07 – General Provisions

A. **Permitting Requirements:**

1. **Permits Required:** With the exception of those *sign* types listed in 113-07.A.3 below, a permit is required for all *signs* regulated by this Chapter and erected within the City of Surprise.

2. **Property Owner Authorization Required:** No *sign* regulated by this Chapter shall be erected on a property not owned by the person or entity erecting the *sign* without the expressed written permission from the property owner of the property onto which the *sign* is erected. Said written permission shall be made available to the City of Surprise upon request.

3. **Exceptions from the Permitting Requirement:** The following *sign* types are exempt from the permitting requirement:

   a) *Temporary Signs*

   b) *Sign Walkers*

   c) *Window Signs*, provided the *sign* is not electrically connected to the *building*

   d) Sun screens

   e) *Shingle Signs*, provided the *sign* is not electrically connected to the *building*

   f) *Address Signs* provided the *sign* is not electrically connected to the *building*

   g) *Flags* except that in the event the flagpole is greater than six (6) feet in length, then a permit is required for the flagpole

   h) *Signs* relating to citizen review or public hearings

B. **Sign Quality and Construction:**

Signs shall be designed in compliance with the applicable construction codes adopted by the City and in effect at the time of construction.

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C. **Sign Maintenance:**

1. All *signs* shall be maintained in a stated of good repair, operational, and free of *blight* and/or hazards. Weathered, sun damaged, tattered or faded *signs* or related components shall be repaired or replaced.

2. Whenever any *sign*, either legally conforming or legally nonconforming, is required to be removed for the purpose of repair, lettering or repainting, the same may be done provided;

   a) There is no alteration or remodeling to the *structure* or to the mounting of the *sign* itself;

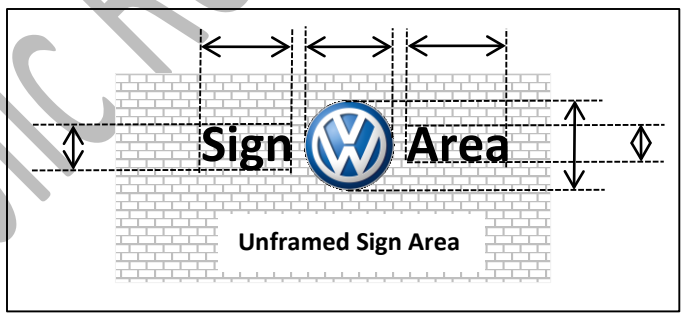
   b) There is no enlargement or increase in any of the dimensions of the *sign*, *sign copy,* or *sign structure*;

   c) The *sign* is an accessory to a legally conforming use, conditional use, or legally nonconforming use.

D. **Methods of Measurements:**

1. **Sign Area:**

   a) **Unframed Signs:** Where the individual letters, logos and graphics of a *sign* are mounted directly to a wall or *sign structure*, the *sign area* is determined by calculating the smallest rectangle or rectangles containing *sign copy*.



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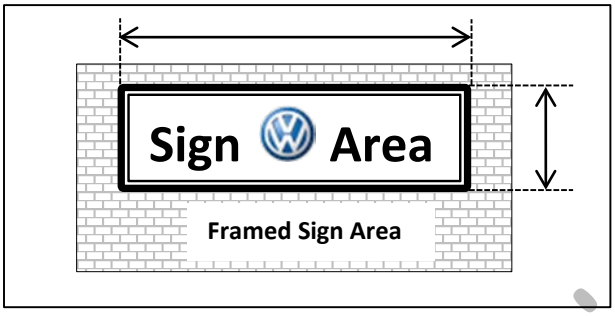
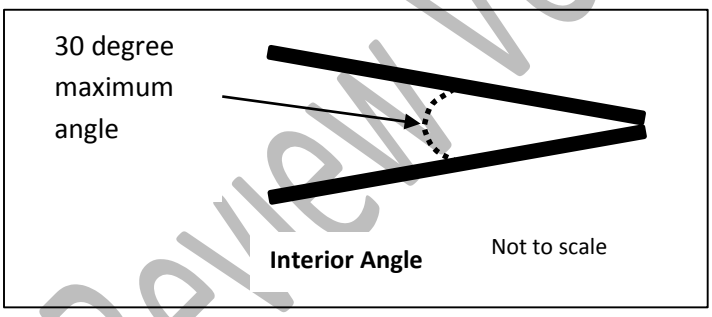
b) **Framed Signs:** Where the individual letters, logos and graphics are integral to a *sign panel*, or are framed in by an architectural element or contrasting color apart from the color of the wall or *sign structure*, the *sign area* shall be the area of the panel or frame.



c. **Double-Sided Signs:** Only one side of a double-sided *freestanding sign* shall be used to calculate the *sign area*, provided the interior angle between *sign* faces is not greater than 30 degrees. This provision does not apply to *A-Frame Signs*.



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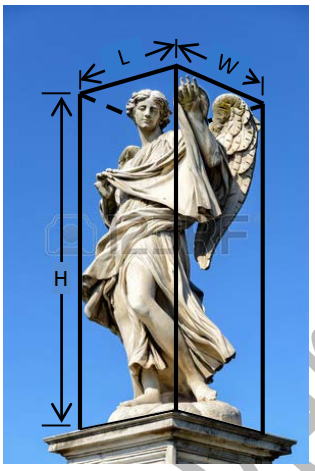
d. **3-Dimensional Signs:** Where a *sign* consists of a 3-dimensional, free-form, sculptural or other non-planar design, the *sign area* shall be calculated as 50% of the total volume of space contained within the smallest cuboid, which will enclose the *sign* structure.

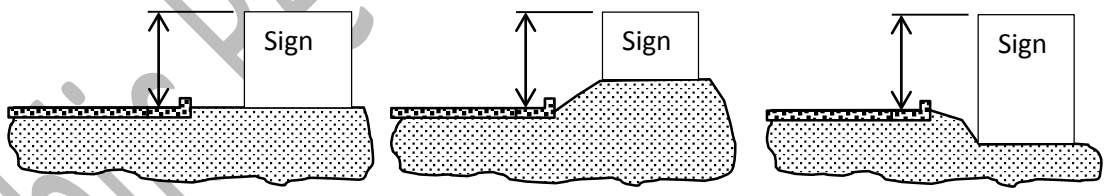
Sign Area of a 3-Dimensional Sign = Length x Width x Height x 50%



Not to scale

Volumetric Sign Calculation

2. **Monument Sign Height:** Unless otherwise noted, notwithstanding adjacent topography, the height of any class of *monument sign* shall be measured from the closest adjacent curb, or if no curb is present, the closest adjacent pavement.



Not to scale

Monument Sign Height

3. **Fractional Calculations:** When any requirement of Chapter 113 results in a fractional calculation, that fraction shall be rounded up to the nearest whole number.

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Section 113-08 – Sign Classifications and Types

The following *sign* classifications and types as defined in Section 113-05 are permitted in the City of Surprise as outlined in Table 113-06.A subject to the following "time, place and manner" restrictions.

A. ***Temporary Signs:*** When allowed, *Temporary Signs* shall conform to the following requirements:

1. **General Requirements:**

   a) *Temporary signs* shall not be illuminated in any manner except by ambient lighting present on the property.

   b) *Temporary signs* shall include the name and phone number of the contact person responsible for placing the *sign*.

   c) No *temporary sign* may interfere with the free movement of pedestrian or vehicular traffic through the site.

   d) The supporting elements for *Class III Temporary Signs* and *Class IV Temporary Signs* may be directly buried or inserted into the soil; however, in no case shall concrete, or other permanent attachments to the ground, or attachment to other permanent *structure(s)* be utilized.

2. ***Class I Temporary Signs* (Small A-Frame Signs):**

   a) Not more than three (3) *Class I Temporary Signs* are permitted in conjunction with a *lawful temporary event*, including those associated with *cottage industries*, but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class I Temporary Sign* be allowed on a vacant property.

   b) In no case shall a *Class I Temporary Sign* be located within a public right-of-way except as outlined in Section 113-06.B above or when associated with a *lawful temporary event*.

   c) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

   d) The *sign* may be weighted or ballasted; however, no such *sign* may be affixed to the ground or to any permanent *structure*.

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e) The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.

3. ***Class II Temporary Signs*** **(Large A-Frame Signs and Pedestal Signs):**

a) Not more than one (1) *Class II Temporary Sign* meeting the specific requirements outlined in this Section are permitted in conjunction with a lawful commercial use or a *lawful temporary event*, including those associated with *cottage industries* but not home occupations, subject to the specific requirements as outlined in this Section except that in no case shall a *Class II Temporary Sign* be allowed on a vacant property.

b) In no case shall a *Class II Temporary Sign* be located within a public right-of-way except as outlined in Section 113-07.B above, or when associated with a *lawful temporary event*, or when the customer entrance to the *building* served by the *Class II Temporary Sign* opens directly onto a public right-of-way.

c) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

d) The *sign* shall be placed within 15' of the customer entrance of the business served by the *sign*.

e) The *sign* shall not be located within any landscape area.

f) The *sign* may be weighted or ballasted; however, no such *sign* shall be affixed to the ground or to any *structure* or object.

g) The *sign* may be displayed only during the business hours of the business or temporary event served by the *sign*.

4. ***Class III Temporary Signs*** **(Small Post-Signs):**

a) Not more than one (1) *Class III Temporary Sign* meeting the specific requirements outlined in this Section is permitted per lot of record except that if said lot abuts more than one (1) street, one (1) additional *Class III Temporary Sign* meeting said requirements may be erected along each additional street frontage.

b) In the event a property is vacant, additional *Class III Temporary Signs* may be erected on said property provided the spacing between such *signs* is not less than 600 feet.

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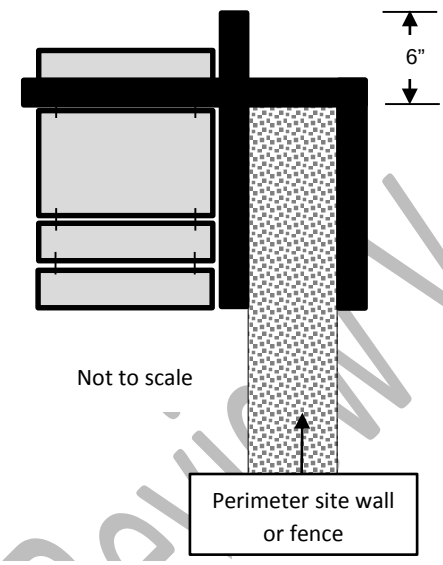
c) There is no limit to the number of *sign panels* per *sign structure* provided the defined height, width and *sign area* limitations are not exceeded.

d) In the event that a lot's *perimeter site wall* or fence is adjacent to or within twenty (20) feet of a street, the *Class III Temporary Sign* may be modified to allow the *sign* to be hung from but not attached to the *perimeter site wall* or fence provided the *sign* does not exceed the height of the wall or fence by more than six (6) inches and does not interfere with pedestrian movement.



Class III Temporary Sign Modified Design

5. ***Class IV Temporary Signs* (Large Post-Signs):**

a) Not more than one (1) *Class IV Temporary Sign* meeting the specific requirements outlined in this Section is permitted per lot of record except that if said lot abuts more than one street, one (1) additional *Class IV Temporary Sign* meeting said requirements may be erected along each additional street frontage.

b) In the event a *Class IV Temporary Sign* is associated with a public hearing, one (1) additional *Class IV Temporary Sign* is permitted for each 660 feet of right-of-way frontage.

c) The maximum number of *sign panels* per *sign structure* shall not exceed two (2).

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6. ***Banner Signs*:**

a) One (1) *Banner Sign* may be placed on any *building*, except those associated with a single-family use. If associated with an active construction project, the one (1) additional *Banner Sign* may be attached to the construction fence surrounding the construction site.

b) All four corners of a *Banner Sign* shall be securely attached to the *building* or fence.

c) The maximum area of a *Banner Sign* affixed to a *building* shall not exceed 1 square foot per linear foot of *building* elevation; not to exceed 500 square feet. The maximum area of a *Banner Sign* affixed to a construction fence shall not exceed thirty (30) square feet.

d) For a single-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the width of the *building* elevation onto which the *Banner Sign* is attached. For multi-tenant *building*, the width of the *Banner Sign* shall not exceed 80% of the leased tenant frontage.

e) *Banner Signs* shall be equipped with ventilation flaps.

7. **Light Pole Banner Signs:**

a) *Light Pole Banner Signs* may be attached to light poles when the pole is so equipped to receive such banner, except that in no case shall a *Light Pole Banner Sign* be affixed to a light pole in a public right-of-way without the expressed written permission from the City of Surprise.

b) The surface area of a single *Light Pole Banner Sign* shall not exceed eight (8) square feet as measured on a single side.

c) When two (2) *Light Pole Banner Signs* are affixed to a single light pole, both *Light Pole Banner Signs* shall be consistent with each other with respect to size and shape so as to create uniformity.

d) When the light pole onto which a *Light Pole Banner Sign* is placed is located within the paved portion of a parking lot, and the light pole base is unprotected from vehicular traffic, the bottom of the *Light Pole Banner Sign* shall be a minimum of fifteen (15) feet above the parking surface over which the banner is placed. If the base of the light pole is protected from vehicular traffic, this provision shall not apply.

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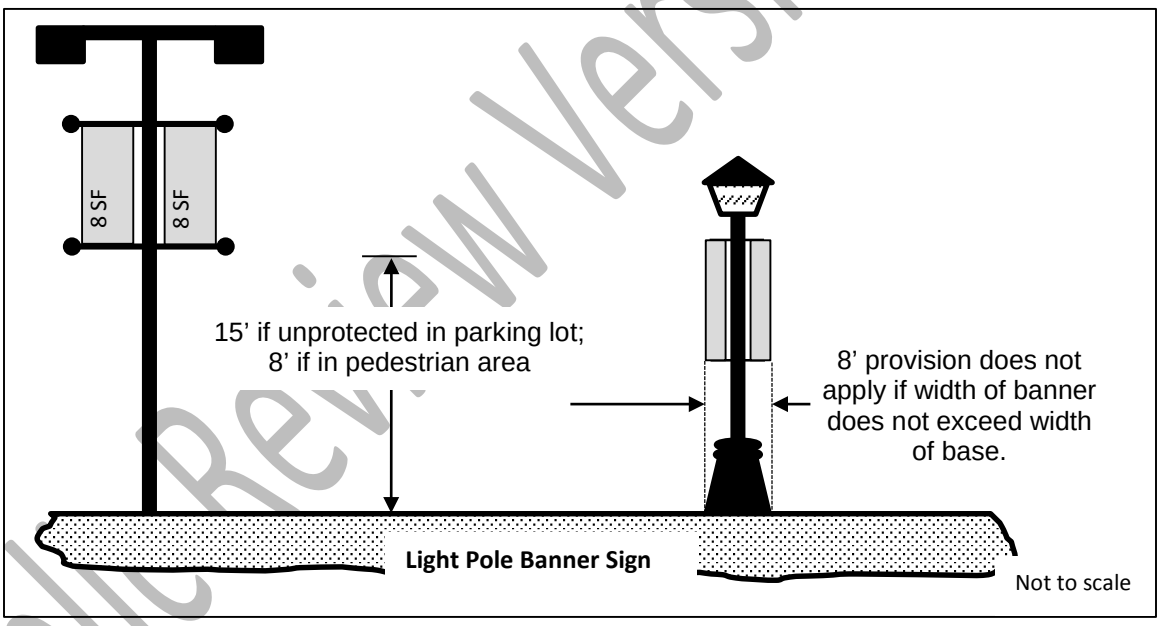
e) When the light pole is located within a pedestrian area, the bottom of the *Light Pole Banner Sign* shall be a minimum of eight (8) feet above the surface over which the *Light Pole Banner Sign* is placed, unless the *Light Pole Banner Sign* is sufficiently narrow so as to not extend beyond the base of the light pole.

f) Any horizontal supporting members shall either be removed when not in use or shall be of a hinged design and folded into a vertical position when not in use.

g) *Light Pole Banner Signs* shall not be illuminated in any manner except as incidental to the lighting fixture supported by the light pole.

h) Light Pole Banner Signs shall be equipped with ventilation flaps.



8. ***Teardrop Banner Signs***

a) Not more than two (2) *Teardrop Banner Signs* are permitted in conjunction with a *lawful temporary event* subject to the specific requirements as outlined herein except that in no case shall a *Teardrop Banner Sign* be allowed on a vacant property.

b) *Teardrop Banner Signs* may only be erected on the property on which the *lawful temporary event* is occurring. In no case shall a *Teardrop Banner Sign* be located within a public or private right-of-way.

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c) No *Teardrop Banner Sign* shall be located within fifteen (15) feet of a pedestrian path, sidewalk, or trail, whether public or private.

d) No *Teardrop Banner Sign* shall be located within fifteen (15) feet of any vehicular parking surface or driveway.

e) No *Teardrop Banner Sign* shall be located within fifty (50) feet of any public or private right-of-way.

f) The maximum height of the *sign structure* as measured from the nearest adjacent grade shall not exceed twelve (12) feet with the flag portion of the *sign* not exceeding sixteen (16) square feet.

g) The *Teardrop Banner Sign* shall be supported by a pedestal, which may be weighted or ballasted to prevent being overturned, but in no case shall the supporting *sign structure* be inserted into the ground.

9. ***Sign Walkers***: *Sign Walkers* are permitted to operate within the City of Surprise subject to the following restrictions:

a) *Sign Walkers* may only operate during *daylight hours*.

b) *Sign Walkers* may only operate on a sidewalk intended for pedestrian travel, but shall at no time block the free and unobstructed movement of pedestrians or vehicles.

c) *Sign Walkers* may carry a maximum of two (2) single-sided *signs* not exceeding three (3) square feet of *sign copy* each or one (1) double-sided *sign* not exceeding twelve (12) square feet of aggregate *sign copy*; however, in no case shall a S*ign Walker* carry any form of *electronic messaging*.

d) *Sign Walkers* shall not display a *sign* in any manner other than by personally holding or wearing said *sign*.

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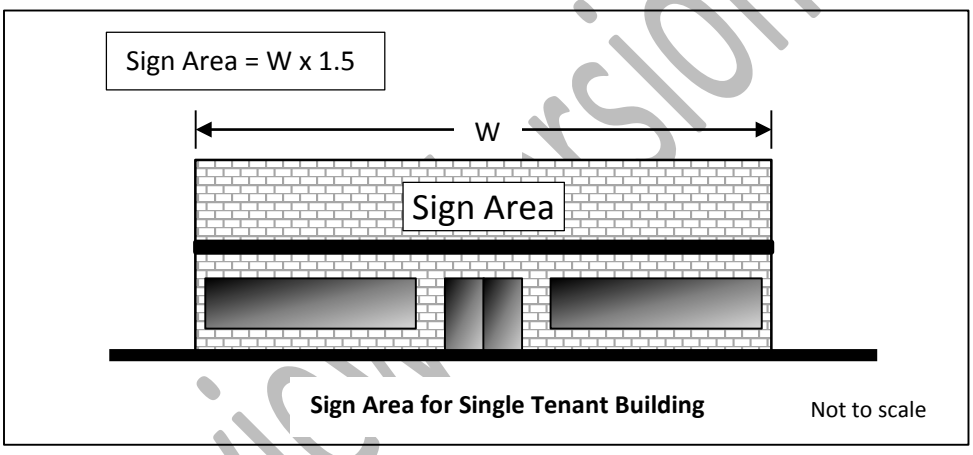
B. **Building-Mounted Signs*:***

1. ***Building Wall Signs*:**

In other than residential zoning, *Building Wall Signs* are permitted on any *building* elevation of any primary use *building*, regardless of orientation to the street or parking lot, subject to the following:

a) For single-tenant *buildings*, any number of *Building Wall Signs* may be affixed to any *building* elevation, provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of *building* elevation on which the *sign* is mounted.



b) For two-story multi-tenant office *building*s or two-story mixed-use *buildings*, each tenant who possesses leased tenant frontage on the exterior wall of the building may affix any combination of *Building Wall Signs* provided the aggregate *sign area* does not exceed one and one-half (1.5) square foot per one (1) linear foot of that tenant's leased frontage. In the event a tenant does not possess leased tenant frontage located along the exterior of the building, this provision does not apply.

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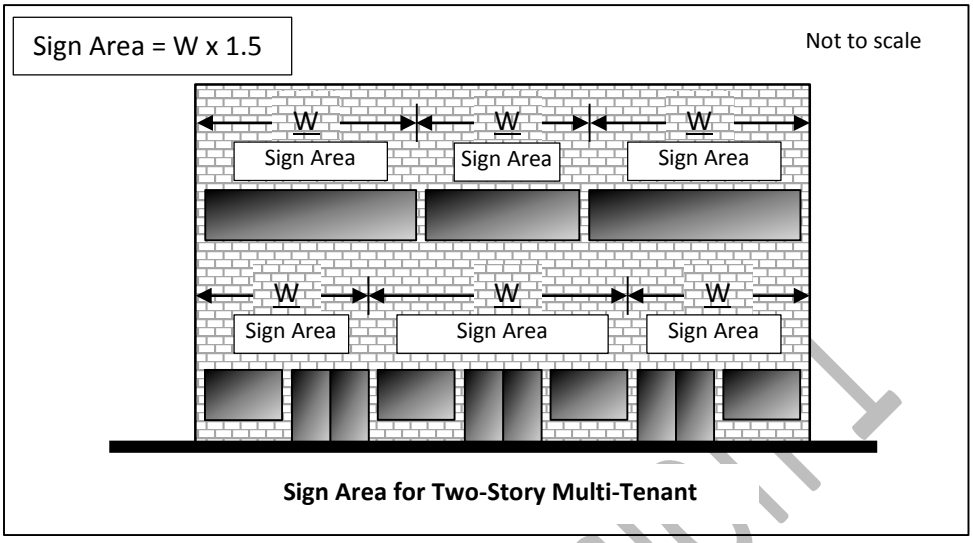
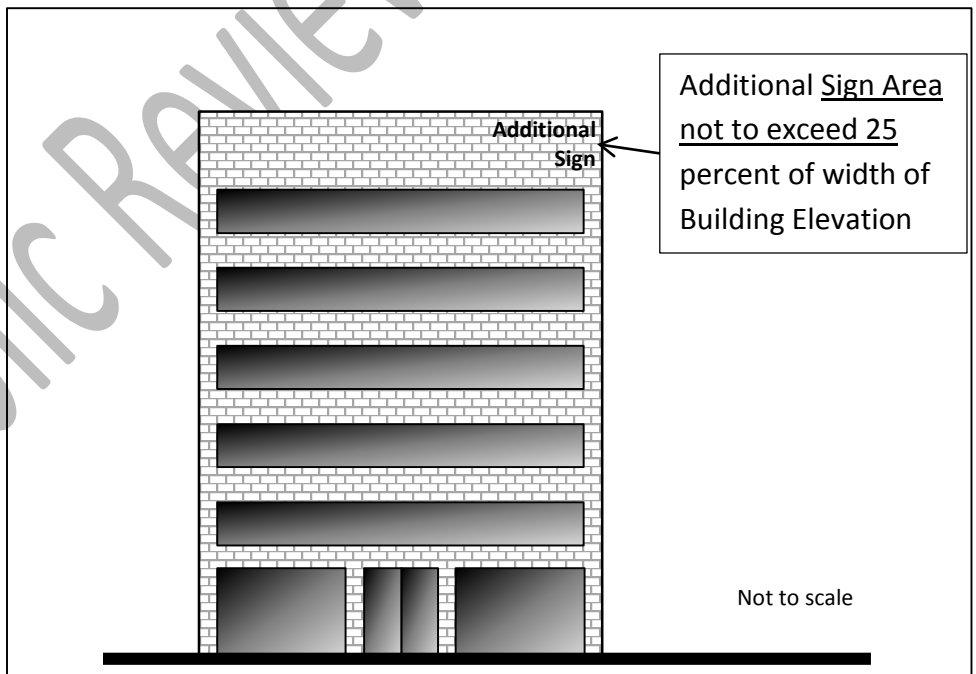


Sign Area for Two-Story Multi-Tenant

c) For multi-story *buildings* greater than five (5) one (1) additional *Building Wall Sign,* the area of which not exceeding 25 percent of the width of the elevation may be affixed to each *building* elevation at a location that is nearest the top of the *building* provided said *sign* does not extend above the *parapet*, or in the case of an *exposed pitch roof*, the drip line of the roof. In no case shall such signs be affixed to an elevator shaft or equipment screening.



Additional Sign for Multi-Story Building greater than 5 Stories

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d) The *sign area* of any *Building Wall Sign* may be increased by twenty-five (25) percent when the *building* is setback at least 600 feet from the public right-of-way and may be further increased an additional twenty-five (25) percent for each additional 200 feet of setback, up to a maximum of 100%, provided the increase in *sign area* does not cause the *sign* to be in violation with the other provisions of this Section.

e) The maximum width of a *Building Wall Sign* shall not exceed eighty (80) percent of the leased tenant frontage for a multi-tenant *building*, or *building* elevation for a single-tenant *building*.

f) *Building Wall Signs* shall be installed in a manner that does not obscure architectural features such as, but not limited to, pilasters, arches, windows, cornices, pop-outs, decorative trims, moldings, and frieze.

g) *Building Wall Signs* may be *internally illuminated*, externally illuminated, or *back-lit*, but may not include *electronic messaging* (EMCs). Further, illumination shall be in accordance with the requirements set forth in Section 113-09.

2. ***Blade Signs*:**

a) One (1) *Blade Sign* is permitted per primary use multi-story *building* located in multi-family, commercial, mixed-use or industrial zoning subject to the *specific* requirements outlined below.

b) When a *Blade Sign* extends over a pedestrian area a distance of six (6) inches or more, the bottom of the *sign* shall not be any closer than eight (8) feet above the walking surface over which the *sign* is placed. When a *Blade Sign* extends any distance over a parking lot or vehicular area, the bottom of the *sign* shall not be any closer than fifteen (15) feet above the paving surface over which the *sign* is placed.

c) The *Blade Sign* shall be mounted such that the top of the *sign* is not higher than forty (40) feet above the ground, sidewalk, or pavement surface above which the *sign* is mounted, except that in no case shall the *Blade Sign* extend above the *roof* of the *building* onto which the *sign* is mounted, or if mounted adjacent to a *parapet*, the *sign* shall not extend above the *parapet*.

d) The *Blade Sign* shall not project more than thirty-six (36) inches from the wall onto which the *Blade Sign* is mounted.

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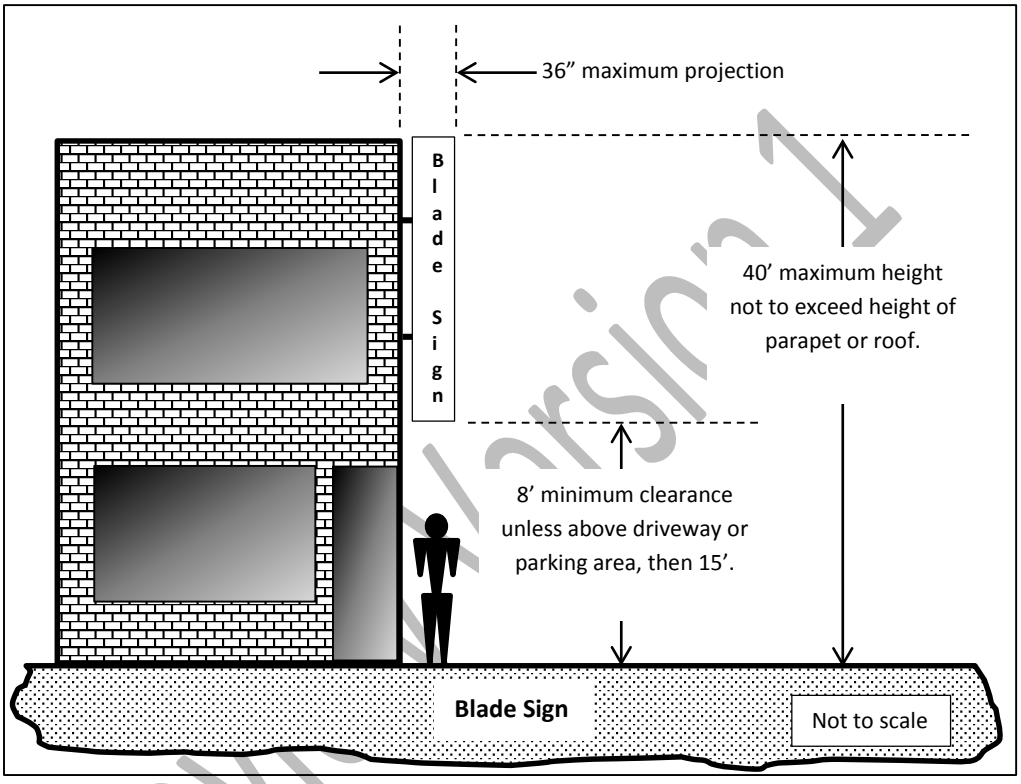
e) The *Blade Sign* shall not be *externally illuminated* in any manner except by ambient lighting as may be present on the property; however, *Blade Signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113-09.



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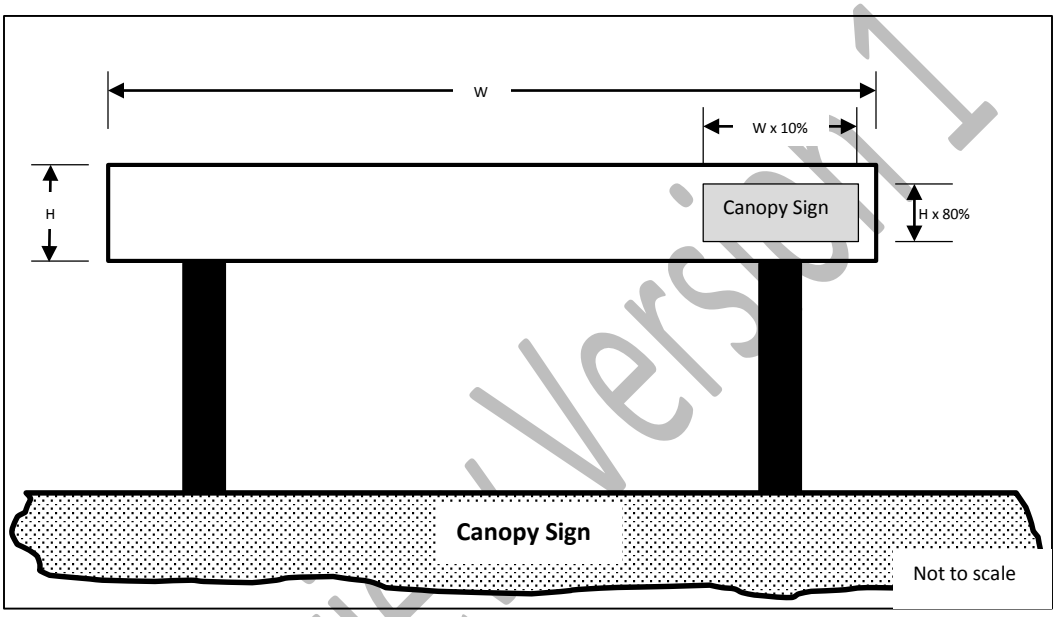
3. ***Canopy Signs:***

a) *Canopy Signs* shall not exceed 80% of the height of the face of the *canopy* onto which the *Canopy Sign* is mounted.

b) *Canopy Signs* shall not exceed ten (10) percent of the width of the face of the *canopy* onto which the *Canopy Sign* is mounted.



c) *Canopy Signs* may be *internally illuminated* or *back-lit* in accordance with the requirements set forth in Section 113.09. *Level 1 Electronic Messaging* is permitted on a *Canopy Sign*, subject to the provisions outlined in Section 113-10.

4. ***Marquee Signs*:**

a) The *Marquee Sign* shall be affixed to the face plane of the marquee and shall not extend above the uppermost or lowermost limits of the marquee.

b) The *Marquee Sign* shall not exceed eighty percent (80%) of the width of the face of the marquee onto which the *sign* is mounted.

c) *Marquee Signs* may be *internally illuminated* or *back-lit* in accordance with the requirements set forth in Section 113.09. *Level 1 Electronic Messaging* is permitted subject to the provisions outlined in Section 113-10.

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5. ***Awning Signs*:**

In mixed-use, commercial and industrial zoning districts, *awnings* may be integrated with *sign copy*, but shall not contribute towards the overall *Building Wall Sign area* of a particular *building*.

6. **Hanging Signs:**

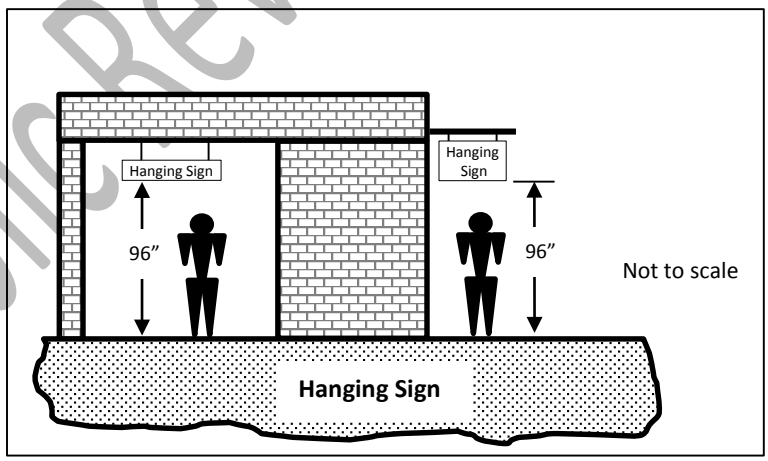
In mixed-use, commercial and industrial zoning districts, hanging signs are permitted subject to the following time, place, and manner restrictions:

a) Not more than one (1) *Hanging Sign* is permitted per customer entrance and shall be mounted above the customer entrance or as close as reasonably practicable.

b) The maximum *sign area* of the *Hanging Sign* shall not exceed six (6) square feet.

c) Where a *Hanging Sign* is erected above a pedestrian pathway, the bottom of the *sign* shall be not less than ninety-six (96) inches from the walkable surface above which the *Hanging Sign* is placed.

d) The *Hanging Sign* shall not be *externally illuminated* in any manner except by ambient lighting present on the property; however, such *signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113-09.



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7. ***Window Signs* and Sunscreens**:

a) *Window Signs* are allowed provided the combined s*ign area* for all *window signs* affixed to a particular window does not exceed forty (40) percent of the individual window pane. Etched or stained glass, when integral to the window, shall not be included in the *sign area* calculation.

b) Sunscreen material may cover 100 percent of the window pane, provided not more than forty (40) percent of the window pane is covered by any mural or other graphics.

c) *Window Signs* shall not contribute towards the aggregate *Building Wall Sign Area* of a *building*.

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C. Freestanding Signs

1. ***Class I Monument Signs* (Menu Signs) and *Class II Monument Signs (*Preview Signs) for *Drive-through Businesses*:**

Drive-through businesses may utilize one (1) *Class I Monument Sign* and one (1) *Class II Freestanding Sign* per drive-through lane subject to the following:

a) The bottom of the *sign copy* of a *Class I Monument Sign* or *Class II Monument Sign* shall not be less than two (2) feet above the adjacent drive-through lane's paved surface.

b) The overall height of the *sign structure* of a *Class I Monument Sign* or *Class II Monument Sign* shall not be more than six (6) feet above the adjacent drive-through lane's paved surface.

c) The *sign area* for an individual *Class I Monument Sign* or *Class II Monument Sign* shall not exceed twenty-four (24) square feet.

d) A *Class I Monument Sign* shall not be audible from any residential zoning district or residential use, hotel or motel room, or patient room of an overnight medical facility.

e) No *Class I Monument Sign* or *Class II Freestanding Sign* may be located within 100 feet of a residential zoning district or use.

f) *Class I Monument Signs* and *Class II Monument Signs* may be *internally illuminated* in accordance with the requirements set forth in Section 113.09.

g) *Level 2 Electronic Messaging* is permitted, subject to the provisions outlined in Section 113-10.

2. ***Class III Monument Signs* (Directional Signs):**

Class III Monument Signs are permitted along the street frontage in conjunction with a driveway serving any multi-family residential, commercial or industrial development, subject to the following:

a) The *Class III Monument Sign* shall not exceed thirty (30) inches in height as measured from the adjacent pavement surface of the roadway served by the *sign*;

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b) The *sign area* of a *Class III Monument Sign* shall not exceed six (6) square feet;

c) The *Class III Monument Sign* may be *internally illuminated*, *back-lit*, or *externally illuminated* provided the source of *external illumination* is not visible.

3. ***Class IV Monument Signs* (Directory Signs):**

Class IV Monument Signs are permitted within the interior of any multi-family residential, commercial or industrial development, subject to the following:

a) The *Class IV Monument Sign* shall not exceed six (6) feet in height as measured from the adjacent pavement surface of the roadway or sidewalk served by the *sign*;

b) The *sign area* of a *Class IV Monument Sign* shall not exceed twelve (12) square feet;

c) The *Class IV Monument Sign* may be *internally illuminated*, *back-lit*, or *externally illuminated* in accordance with the requirements set forth in Section 113-09 provided the source of *external illumination* is not visible.

4. **Class V Monument Signs (Minor Monument Signs)**

a) *Class V Monument Signs* are permitted in conjunction with non-residential uses in a residential zone, not including *cottage industries* or home occupations; or in multi-family uses in multi-family zoning; or in non-residential uses in a non-residential zone.

b) When allowed, one (1) *Class V Monument Sign* meeting the requirements outlined below is permitted for every driveway entrance providing access from the street to the business or complex served by the *sign*.

c) *Class V Monument Signs* shall only be located adjacent to a High Volume Collector street, Residential Collector street, or Commercial Collector street. The height of the *Class V Monument Sign* shall not exceed eight (8) feet as measured from the edge of pavement of the street being served by the *sign*, nor shall the width of the *Class V Monument Sign* exceed six (6) feet, nor shall the maximum *sign area* exceed 24 square feet. The bottom edge of the *sign copy* shall be no lower than four (4) feet above the adjacent edge of pavement of the street being served by the *sign*.

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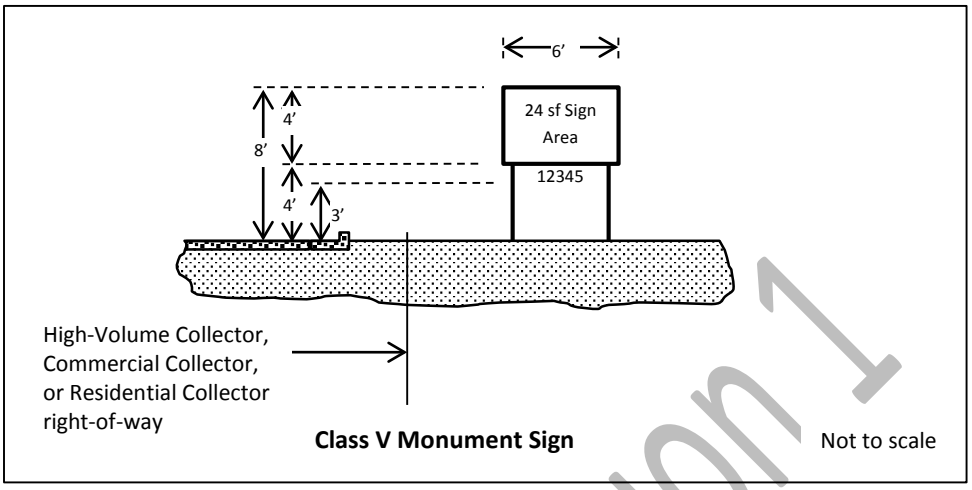

d) The base of a *Class V Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-12.

e) A *Class V Monument Sign* shall be located within a landscape area not less than 80 square feet.

f) *Class V Monument Signs* shall be setback not less than two (2) feet from the right-of-way line except that in the event a Public Utility Easement is present, in which case the *sign* shall be setback not less than two (2) feet from the easement.

g) *Class V Monument Signs* may be *internally illuminated*, *back-lit* or *externally illuminated* in accordance with the requirements set forth in Section 113.09.

h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Monument Sign*, subject to the provisions outlined in Section 113-10.

5. **Class VI Monument Signs (Major Monument Signs)**

a) *Class VI Monument Signs* are permitted in conjunction with non-residential uses in a residential zone, not including cottage industries or home occupations; or in multi-family uses in multi-family zoning; or in non-residential uses in a non-residential zone.

b) When allowed, one (1) *Class VI Monument Sign* meeting the requirements outlined below is permitted for every driveway entrance providing access from the street to the business or complex served by the *sign*.

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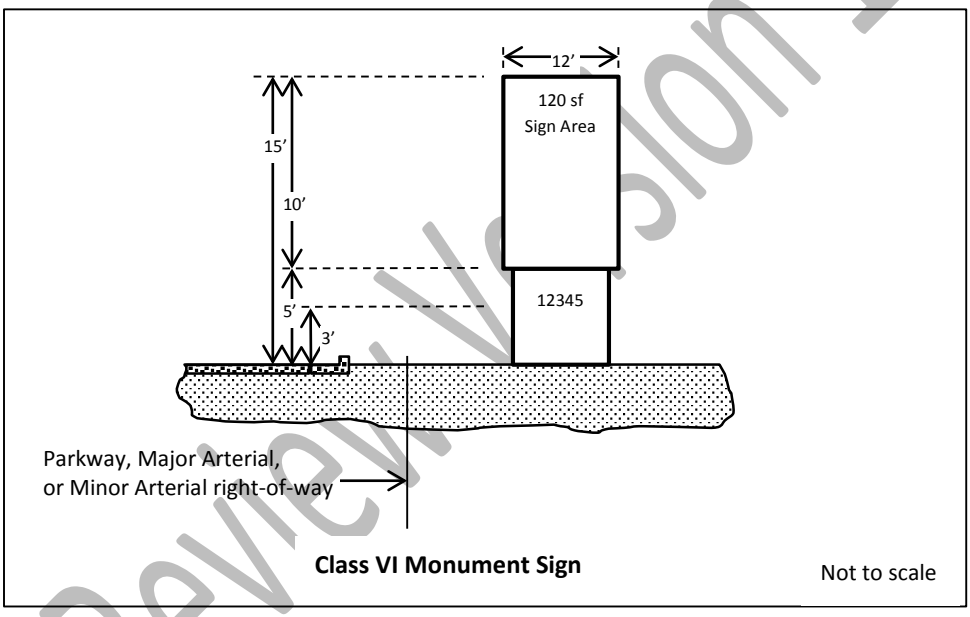
c) *Class VI Monument Signs* shall only be located adjacent to a Parkway, Major Arterial street, Minor Arterial street, or along Grand Avenue. *Class VI Monument Signs* shall not exceed fifteen (15) feet in height as measured from the edge of pavement of the street served by the *sign*, nor shall the width of the *Major Monument Sign* exceed twelve (12) feet, nor shall the maximum *sign area* exceed 120 square feet. The bottom edge of the *sign copy* shall be no lower than five (5) feet above the adjacent edge of pavement of the street being served by the *sign*.



d) The base of a *Class VI Monument Sign* shall be fitted with the address of the property or properties in a manner that is consistent with Section 113-12.

e) A *Class VI Monument Sign* shall be located within a landscape area not less than 120 square feet.

f) *Class VI Monument Signs* shall be setback not less than two (2) feet from the right-of-way line except that in the event a Public Utility Easement is present, in which case the *sign* shall be setback not less than two (2) feet from the easement.

g) *Class VI Monument Signs* may be *internally illuminated*, *back-lit* or *externally illuminated* in accordance with the requirements set forth in Section 113.09.

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h) *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging* are permitted on a *Class VI Monument Sign*, subject to the provisions outlined in Section 113-10.

6. ***Roadway Arch Signs*:**

Roadway Arch Signs may be erected within any commercial or industrial development subject to the following:

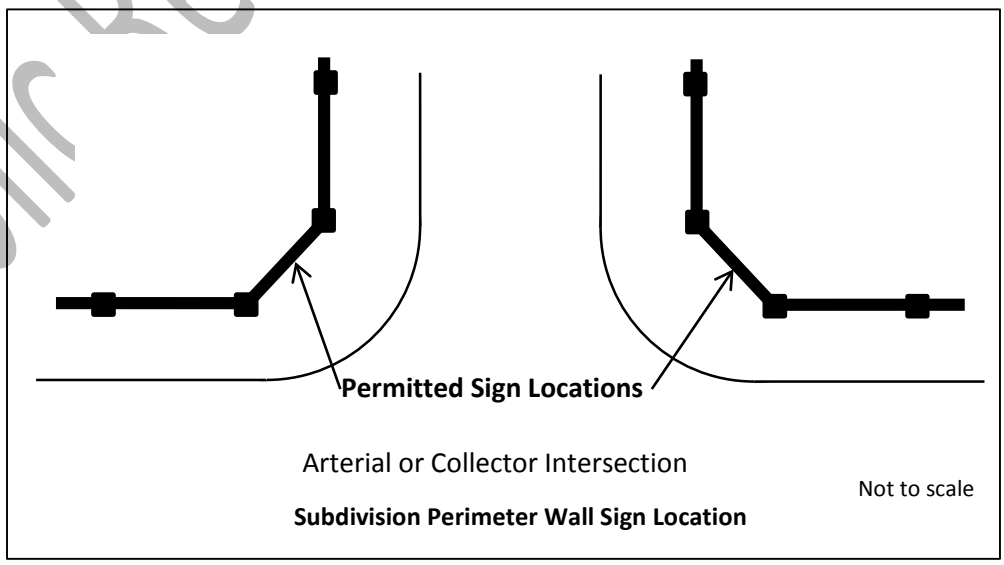
a) *Roadway Arch Signs* shall maintain a vehicular clearance of not less than fifteen (15) feet;

b) *Roadway Arch Signs* shall not interfere with pedestrian or vehicular movement.

c) *Roadway Arch Signs* may be *internally illuminated*, or *back-lit* in accordance with the requirements set forth in Section 113-09 except that if the *Roadway Arch Sign* is located adjacent to any residential zoning district or use, the *Roadway Arch Sign* shall not be illuminated.

7. ***Subdivision Perimeter Wall Signs:***

a) Where a *subdivision perimeter wall* is located adjacent to a street corner that intersects a collector or arterial street, one (1) *Subdivision Perimeter Wall Sign* may be affixed to the wall panel of the *subdivision perimeter wall* most closely oriented to the intersection, subject to the specific requirements outlined below.



b) The maximum *sign area* shall not exceed thirty-two (32) square feet.

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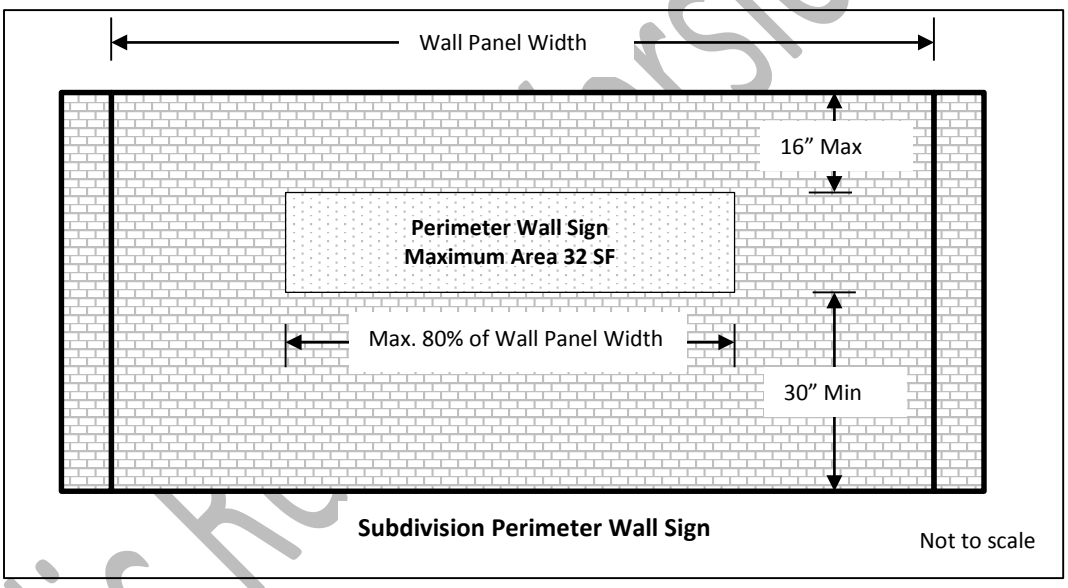
c) The width of the *sign* shall not exceed 80% of the width of the perimeter wall panel into which the *sign* is mounted.

d) The bottom of the *sign* shall be no lower than thirty (30) Inches from the adjacent grade.

e) The top of the *sign* shall be no higher than sixteen (16) inches from the top of the wall panel onto which the *sign* is mounted.

f) The *sign* may be *back-lit* or *externally illuminated* provided the source of illumination is not visible from the street or from the adjacent residential property and is otherwise in accordance with the requirements set forth in Section 113-09.



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Section 113-09 – Sign Illumination

A. Unless otherwise specified in this Chapter, *signs* may be *externally illuminated, internally illuminated* or *black-lit* provided;

1. The brightness and intensity is no greater than necessary to meet reasonable needs of the business or use being served;

2. The light sources are shielded from all adjacent *building*s and streets;

3. Lighting does not create excessive glare to pedestrians and/or motorists;

4. Lighting does not obstruct traffic control or any other *public sign*; and,

5. No "flashing", "blinking" or "chasing" lights are utilized.

B. In those areas of the city that are considered environmentally sensitive, the city may require the use of muted colors unless specific colors are included in a federally registered trademark. The city may also require reduced lighting intensities for those *signs* located within environmentally sensitive areas.

C. Unless otherwise stated in this Chapter, any *sign* that is within 100 feet of and visible from any single-family residential zoning district shall not be illuminated between the hours of 10:00 PM and 6:00 AM other than by ambient lighting present on the property.

D. Any *Building Wall Sign* associated with a multi-story office building greater than five (5) stories or a multi-story mixed use building greater than five (5) stories as outlined in Section 113-08.B.1.c that is located within 1,320 feet of and visible from any residential zoning district may not be illuminated in any manner between the hours of 10:00 PM and 6:00 AM except for ambient lighting present on the property.

Section 113-10 – Electronic Messaging Centers (EMCs)

A. **Levels of Electronic Messaging:** For purposes of this Chapter, *Electronic Messaging Centers* (EMCs) are divided into two (2) categories: *Level 1 Electronic Messaging* and *Level 2 Electronic Messaging*, as defined in Section 113-05.

B. **EMC Illumination:** The nighttime illumination of an *Electronic Messaging Center* shall conform to the criteria set forth in this Section.

1. **Illumination Measurement Criteria:** The *illuminance* of an *Electronic Messaging Center* shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. *Illuminance*

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shall be measured with the EMC turned off, and again with the EMC displaying a white image for a full color-capable *Electronic Messaging Center*, or a solid message for a single-color *Electronic Messaging Center*. All measurements shall be taken perpendicular to the face of the *Electronic Messaging Center* at the distance determined by the total square footage of the *Electronic Messaging Center* as set forth in Table 113-10.B below.

TABLE 113-10.B MEASUREMENT DISTANCE AS A FUNCTION OF SIGN AREA			
Area of Sign (sq. ft.)	**Measurement Distance (ft.)**	**Area of Sign (sq. ft.)**	**Measurement Distance (ft.)**
5	22	55	74
10	32	60	77
15	39	65	81
20	45	70	84
25	50	75	87
30	55	80	89
35	59	85	92
40	63	90	95
45	67	95	97
50	71	100	100
For EMCs with an area in square feet other than those specifically listed in this table, the measurement distance may be calculated using the following formula: Measurement Distance = √Area of sign sq. ft. x 100			

2. **EMC Illumination Limits:** The difference between the "off" and "solid-message" measurements using the Illumination Measurement Criteria outlined in Section 113-10.B.1 above shall not exceed 0.3 foot-candles at night.

3. **Dimming Capabilities:** All permitted *Electronic Messaging Centers* shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement criteria.

4. **EMCs as a Portion of Sign Area:** When allowed, *Electronic Messaging Centers* may comprise all or part of the allowable *sign area* of a particular *sign*, but shall in no case exceed the maximum allowable *sign area* for a particular *sign*.

5. **Certification:** Prior to the issuance of a permit relating to an *Electronic Messaging Center*, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not

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to exceed the levels specified within this ordinance, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Department Director.

Section 113-11 – Reader Panels

Wherever *Level 1 Electronic Messaging Centers* (EMCs) are allowed, *Reader Panels* may be substituted, provided:

A. The *Reader Panel* otherwise meets the provisions of Section 113-09; and,

B. The *Reader Panel* does not exceed the allowed *sign area* of the *sign* being replaced; and,

C. The *Reader Panel* is fitted with a clear acrylic cover or other suitable material to prevent the individual characters from being dislodged**.**

Section 113-12 – Address Identification

A. *Building* addresses shall be in accordance with Article 505.1 of the International Fire Code as amended by the Surprise City Council under Ordinance #2014-04, or as subsequently amended.

B. Where *Class V Monument Signs* or *Class VI Monument Signs* are located next to a street, said *signs* shall be affixed with the address number of the property or properties served by the *sign*. Said address number shall be nine (9) inches tall with a three (3) inch stroke. The bottom edge of the address numbers shall not be less than three (3) feet above the curb of the street from which the address is intended to be read.

C. Address numbers meeting the provisions of this Section shall not contribute to the aggregate *sign area*.

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Section 113-13 – Flags and Flagpoles

A. **All Zoning Districts** – The following provisions relating to all zoning districts within the City of Surprise shall apply:

1. All flagpoles and the installation therein shall comply with all applicable building codes in effect at the time of permit application.

2. *Flags* and flagpoles may be illuminated in accordance with Section 122-145 of the Surprise Municipal Code.

3. All *flags* and flagpoles shall be maintained so as to avoid a *blighted* appearance or being in a state of disrepair.

B. **Single-Family Zoning Districts**

1. Not more than one (1) freestanding flagpole per single-family lot ~~or parcel~~ of record is allowed except that when associated with an HOA-maintained open space tract, then three (3) such flagpoles are allowed.

2. A freestanding flagpole associated with a single-family residence may only be located in the front yard.

3. No freestanding flagpole shall exceed a maximum height of thirty (30) feet as measured at its base, unless associated with a Model Home Complex in which case the flagpole height may be increased to 45'.

4. One (1) flagpole not exceeding six (6) feet in length may be affixed to the front of the primary residence provided the flagpole does not extend above the height of the residence onto which it is affixed or otherwise extend beyond the limits of the property.

C. **Other Zoning Districts**

1. Not more than three (3) freestanding flagpoles per lot or parcel are allowed except that if any flagpoles are affixed to a *building*, the number of freestanding flagpoles shall be reduced by the number of *building*-mounted flagpoles.

2. No freestanding flagpole shall exceed a maximum height of 35 feet as measured at its base unless approved by the City Council through a Comprehensive Sign Program, Zone Change, or Major Amendment thereto.

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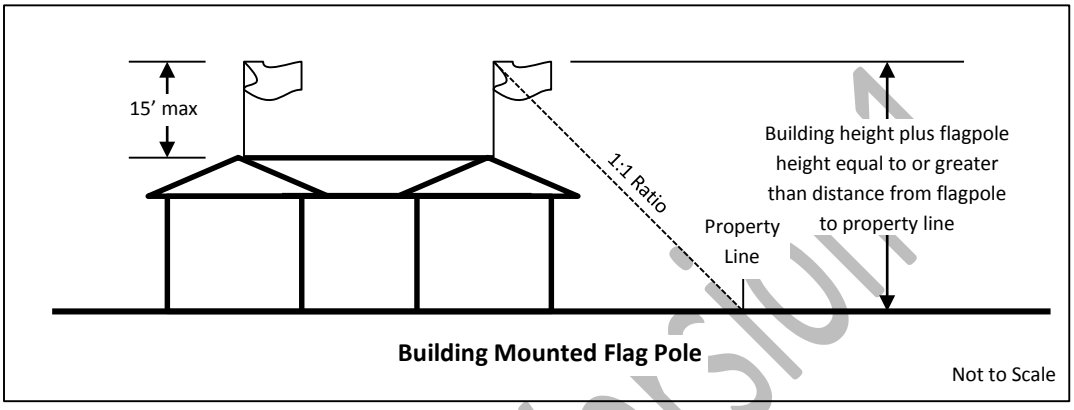
3. A maximum of two (2) flagpoles may be affixed to the primary *building* provided the top of the flagpole does not extend beyond fifteen (15) feet above the height of the *building* onto which it is affixed and the horizontal distance between the top of the flagpole and the closest property line ~~is~~ does not exceed the combined height of the *building* and flagpole below.



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Section 113-14 – Comprehensive Sign Programs

A. Purpose: The purpose of Comprehensive Sign Programs is to provide a mechanism by which a specific set of *sign* criteria may be approved for a specific property or geographic area in a manner that is appropriate to the character of the community in which the Comprehensive Sign Program will apply.

B. A Comprehensive Sign Program may be obtained for the following purposes:

1. To allow a deviation from the requirements applicable to a particular *sign* class or type, and/or;

2. To introduce a unique or creative *sign* type that is not listed as a permitted *sign* type in Section 113-06.A.

C. A Comprehensive Sign Program may not introduce a *sign* type that is specifically prohibited in Section 113-06.F.

D. The Comprehensive Sign Program must demonstrate that:

1. The proposed signage represents a material improvement over what is otherwise permitted in Chapter 113 of the Surprise Municipal Code, and;

2. The proposed signage is appropriate to the character of the development covered by the Comprehensive Sign Program, and;

3. The proposed signage is appropriate to the neighborhood in which the property is located, and;

4. The Comprehensive Sign Program creates a cohesive aesthetic that will apply to all signage covered by the Comprehensive Sign Program within the specific geographic area covered by the Comprehensive Sign Program.

E. A Comprehensive Sign Program may be included as part of a zone change request, or as an independent stand-alone document, in either case processed as a Type IV Application as outlined in Article XII of the Surprise Unified Development Code. The approval or denial of a proposed Comprehensive Sign Program is discretionary with the final approval authority lying with the Surprise City Council. A decision by the City Council to deny a proposed Comprehensive Sign Program shall not in any way be construed as a diminution of property values or a restraint of development rights.

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Section 113-15 – Nonconforming Signs

A. **General Provisions:**

1. *Nonconforming signs* shall be maintained in good condition pursuant to Section 113-07.C.

2. A *nonconforming sign* shall not be altered, modified or reconstructed except:

   a) When such alteration, modification or reconstruction would bring such *sign* into conformity with these regulations;

   b) When the existing use has a new ownership which results in a change to the name or *logo* of the use or business on the property, and such language complies with Section 113-15.A.2.d below;

   c) When the space is re-occupied by a similar use and the new occupant requires no external *building* or site renovation, and such change complies with Section 113-15.A.2.d below;

   d) Any alteration, modification, or reconstruction permitted in this section shall be limited to the replacement of a *sign panel*, replacing individual letters and logos within the same area or repainting the *sign* face, and does not permit changes to the structure, framing, erection, or relocation of the *sign* unless such changes otherwise conform to this Chapter.

B. **Limitations for *Nonconforming Signs*:**

1. A *nonconforming sign* shall be removed upon verification that any of the following conditions have been met:

   a) The use of the property or building on which the *nonconforming sign* is located has been abandoned for more than 90 consecutive days; or,

   b) The regulation or amendment to these regulations which made the *sign* non-conforming has been in effect for ten (10) years or more.

2. Extension of time to apply: The dates established in this Section for a *sign* to be brought into compliance with the requirements of these regulations may be expanded at the request of the sign owner or lessee. In evaluating the extension of time for a *non-conforming sign*, the City shall consider the following factors to determine whether the owner of the *sign* has had a reasonable amount of time to recuperate the initial investment:

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a) The value of the *sign* at the time of construction and the length of time the *sign* has been in place;

b) The life expectancy of the original investment in the *sign* and its true salvage value, if any;

c) The amount of depreciation and/or amortization of the *sign* already claimed for tax accounting purposes;

d) The length of current tenant lease or expected occupancy compared to the date the *sign* is to be brought into compliance;

e) The extent to which the *sign* is not in compliance with these regulations;

f) The degree to which the City determines that the *sign* is consistent with the purposes of these regulations; and,

g) Whether the *sign* has “historical” or “landmark” significance, and should therefore be exempt from amortization.

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Section 113-16 – Enforcement

A. **Penalties for Violation:** Any person, firm, or corporation who violates any provision of this Chapter or any provision of any code adopted by this Chapter may be charged with a civil or criminal violation.

B. **Notice of Violation:** Whenever the City Manager or designee determines there has been a violation of this Chapter, or has grounds to believe that a violation has occurred, notice shall be given in the following form and manner:

1. The Notice of Violation shall be given in writing;

2. The Notice of Violation shall include a description of the real property sufficient for identification;

3. The Notice of Violation shall include a statement of the violation or violations and why the Notice of Violation is being issued;

4. The Notice of Violation shall include a correction order allowing a reasonable time to remedy the violation.

5. The placement of any *sign* or substantially similar *sign* on the same premises after a Notice of Violation has been issued shall be deemed a continuation of the original violation.

6. A Notice of Violation is not required for any *Temporary Sign* that is in violation of this Chapter.

C. **Delivery of Notice:** A Notice of Violation shall be deemed as being properly served if a copy thereof is delivered personally by an employee of the City of Surprise having the authority to do so, or is sent by Certified Mail (Return Receipt Requested) addressed to the last known address. If a Notice of Violation is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous location on the property of the alleged violation.

D. **Removal of Signs:**

1. A Notice of Violation shall not be required to remove any *sign* that is identified in this Chapter as being prohibited, or that creates or has the potential to create a hazard to the public.

2. Any *Temporary Sign* not specifically listed as an allowed use is specifically not permitted and the City of Surprise may remove the *sign* or cause the *sign* to be removed.

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3. If a *Temporary Sign* which would otherwise be permitted by this Chapter does not include the contact information as required by 113-08.A.1.b above, the City of Surprise may remove the *sign* or cause the *sign* to be removed.

4. The City of Surprise shall have the right to contact the individual whose name appears on a *Temporary Sign* and/or the property owner of the property onto which the *Temporary Sign* is erected for the purpose of verifying property owner consent. If property owner consent cannot be verified, the City of Surprise may remove the *sign*.

5. Any *Temporary Sign* that is removed by the City of Surprise for being in violation of this Chapter may be discarded five (5) business days following removal.

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~~Chapter 113 - SIGNS[1]~~

~~ARTICLE I. - IN GENERAL~~

~~Sec. 113-1. - Purpose.~~

~~The purpose of this chapter is to safeguard the public interest by establishing standards for the regulation of signs within the City of Surprise. These standards are designed to:~~

~~(1) Allow adequate signage for business identification while meeting public and private objectives;~~

~~(2) Promote the free flow of traffic and protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage;~~

~~(3) Prevent property damage and personal injury as a result of improperly placed or poorly maintained signs:~~

~~(4) Promote the use of signs that are well designed, of appropriate scale, and integrated with surrounding buildings and landscape in order to meet the community's desire for quality development;~~

~~(5) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the city.~~

~~Sec. 113-2. - Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "lot" may also be used interchangeably with the words "plot" or "parcel"; the word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied":~~

~~*Abandoned sign:* Any sign located on a property or premises, which is vacant and unoccupied for a period of 30 calendar days, or a sign which is damaged, in disrepair, or vandalized and not repaired within 30 calendar days of the date of the damaging event.~~

~~*Above-roof sign:* A sign displayed above the peak or parapet of a building.~~

~~*Advertising copy:* Words, letters or graphics painted, carved, etched or mounted on the face of any sign used to advertise a business, product, service or place. Advertising copy shall not include the name of the business.~~

~~*Alteration:* Any change in architectural, structural or copy of an existing sign.~~

~~*Animated sign:* A sign which has movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or flashing or varying of light intensity; or the automatic changing of all or any part of the facing of a sign; or any movement or rotation of a sign or any part of the sign structure; or emits audible sound.~~

~~*Applicant:* Any person who applies for a sign permit in accordance with the provisions of this chapter.~~

~~*Arterial street:* Any principal, major, or minor arterial street as classified and designated in the city general plan and transportation plan.~~

~~*Awning sign:* Any sign with information painted or integrated into a structure covered with fabric, metal or other material and supported by a building at one or more points.~~

~~*Backlit sign:* A light source that is concealed or contained within the graphic and becomes visible in darkness through a translucent surface.~~

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~~*Banner:* A sign composed of a logo or design, which may include advertising copy, on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.~~

~~*Bare-bulb illumination:* An exposed light source that consists of light bulbs or a string of light bulbs.~~

~~*Billboard sign:* Any sign that advertises a business, commodity, service, entertainment, product or attraction sold, offered or existing elsewhere than on the property where the sign is located.~~

~~*Breakaway design feature:* A structural feature built into the sign, according to the state department of highways that allows the sign to collapse on impact.~~

~~*Building:* Any structure having enclosed space and a roof for the housing and enclosure of persons and animals, or chattels.~~

~~*Building wall:* The individual sides of a building.~~

~~*Business:* An establishment that engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services; or the maintenance or operation of offices or recreational or amusement enterprises.~~

~~*Business name:* The name by which a business is commonly recognized and used by the applicant but does not include slogans or product information.~~

~~*Canopy:* A structure other than an awning made of cloth, metal of other material with frames affixed to a building and carried by a frame that is supported by the ground.~~

~~*Changeable copy:* Text or graphics on signs that are changed at frequent intervals of more than once a day.~~

~~*Commercial farm or ranch sign:* A sign that identifies the name of any farm or ranch.~~

~~*Construction fence screen sign:* A temporary sign that identifies the future development and acts as a security barrier to the construction site.~~

~~*Development:* Any human-made change to improve or alter real estate, including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving or excavation drilling operations.~~

~~*Development sign:* A sign used to identify an approved future development.~~

~~*Directional sign:* An on-premises sign, other than a kiosk sign, that includes only information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit and one-way signs, and which do not display corporate colors, logos or other commercial messages.~~

~~*Directory sign:* Any sign, other than an identification sign, which is centrally located and lists only the names, uses or locations of the various businesses or activities conducted within a building or group of buildings.~~

~~*Emergency sign:* A sign erected by a governmental agency, a public utility company, or a contractor performing work within any right-of-way.~~

~~*External illumination:* Illumination of a sign that is affected by an artificial source of light not contained in the sign itself.~~

~~*Facade:* The side of a building below the eaves.~~

~~*Facade, blank:* The side of a building below the eaves that is blank and does not have windows or architectural detail.~~

~~*Fascia sign:* Any sign that is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.~~

~~*Flashing illumination:* Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a street graphic is illuminated, including illuminated lighting.~~

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~~*For sale, lease and rent signs:* Any temporary sign that indicates a single premises, building or vacant lot that is currently for sale, lease or rent.~~

~~*Freestanding sign:* A sign that is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.~~

~~*Freeway sign:* A freestanding single user or multi-tenant sign identifying an on-premise use, on property abutting or part of a complex/center abutting any freeway right-of-way, oriented to and intended to be read from the freeway. For the purposes of this section, a center/complex shall further be defined to include those projects under a common zoning case or development without regard to property ownership or individual parcel use.~~

~~*Front-lit sign:* A sign that is illuminated from a source placed in front of the graphic meant to illuminate only the graphic.~~

~~*Grand opening sign:* A temporary banner displayed on a premise on which a grand opening is in progress.~~

~~*Ground sign:* A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.~~

~~*Height:* The vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists.~~

~~*Home occupation sign:* A sign used to advertise a home-based business.~~

~~*Identification sign:* A sign that identifies only the business, place, organization, building, street address or person on the property on which it is located.~~

~~*Illuminated sign:* A sign on which the surface is artificially lighted internally or externally.~~

~~*Illumination* or *illuminated:* A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.~~

~~*Indirect illumination:* A source of external illumination located apart from the sign.~~

~~*Install:* The action of erecting, re-erecting, constructing, placing, and posting.~~

~~*Internal illumination:* A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.~~

~~*Kiosk sign:* A freestanding and multiple-sided structure, city regulated, and located in public rights-of-way that displays directional information to residential and commercial subdivisions.~~

~~*Lawn signs:* Any signs on private property with commercial messages.~~

~~*Logo:* A graphic symbol representing a business, activity or use.~~

~~*Maintenance:* The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing copy without changing the wording, composition, original color or size of the copy.~~

~~*Mansard sign:* A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.~~

~~*Marquee:* A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.~~

~~*Menu board sign:* A permanently mounted sign displaying the bill of fare for a drive-thru restaurant.~~

~~*Message board:* A portion of a sign displaying an electronic digital message that changes more than once a day.~~

~~*Modifier:* A word or graphic that explains the intended use without using brand names or advertising copy.~~

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~~*Monument:* A freestanding sign with a base at least 50 percent of the width of the sign.~~

~~*Multiple-tenant complex:* A nonresidential development where two or more separate businesses exist, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and designed to provide a single area where the public can obtain varied products and services.~~

~~*Neon tube illumination:* A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes.~~

~~*Noncommercial speech:* Constitutionally protected speech such as ideological speech that contains neither advertising copy nor obscene material or language. Signs containing only noncommercial speech shall always be considered on-premises.~~

~~*Nonconforming sign:* A sign lawfully erected and maintained prior to the adoption of the ordinance from which this chapter is derived that does not conform with the requirements of this chapter.~~

~~*Off-premises sign:* Any sign that is located on a property other than where a business is located, a product is sold, or a service is offered.~~

~~*On-premises sign:* Any sign that is within the legal boundaries of a parcel of property.~~

~~*Open house sign:* A temporary sign informing the public that prospective buyers may view available property, and the property owner's agent is on the premises during the time of the viewing.~~

~~*Parapet:* That portion of a building exterior wall projecting above the plate line of the building.~~

~~*Parcel:* A legal lot, plot, tract, or area of land having fixed boundaries.~~

~~*Peak:* The highest point on a roof or the highest point on another architectural element.~~

~~*Permanent sign:* Any sign that is constructed as lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.~~

~~*Planned area development (PAD):* A development pursuant to section 125-194 as it exists or as it may be amended.~~

~~*Pole sign:* A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.~~

~~*Portable sign:* Any sign not affixed to a structure or ground mounted on a site that does not meet the definition of sandwich sign.~~

~~*Project:* Any parcel of land with designated legal boundaries on which development action has been approved by the city.~~

~~*Projecting sign:* A sign attached to a building or other structure and extending in whole or in part beyond the building.~~

~~*Public sign:* A sign erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.~~

~~*Pylon sign:* A freestanding sign, larger than a monument sign, supported by a single pylon or supported by a maximum of two pylons.~~

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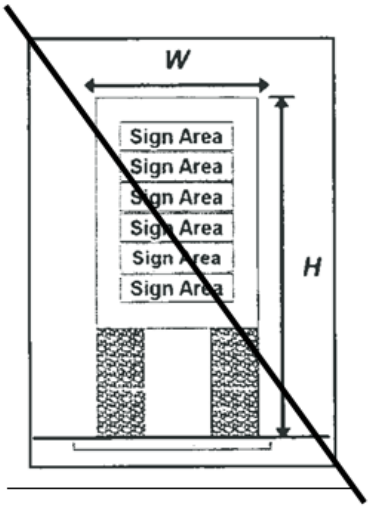

~~*Pylon Sign*~~

~~*Raceway cabinet:* An aluminum channel box not more than eight inches in depth used to mount signage to a wall or other structure.~~

~~*Reader panel:* That portion of any sign that permits a regular change of copy, including electronic copy, which does not change more than once a day.~~

~~*Real estate sign:* A temporary sign located on premises used to advertise the availability of real property.~~

~~*Residential entry sign:* A sign that is placed at the entrance to a multifamily or duplex development, manufactured home park, or single-family development only in order to identify the name of the development.~~

~~*Roof sign:* Any sign erected on a roof, or a sign that projects above the highest point of the roofline, parapet or fascia of the building.~~

~~*Roofline:* The highest point of the main roof structure or the highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.~~

~~*Sandwich sign* or *A-frame sign:* A double-faced, portable sign, which is not permanently ground-mounted or affixed to any structure on site, and is designed in the shape of an "A".~~

~~*Shingle sign:* any sign suspended from, and located entirely under a covered porch or walkway.~~

~~*Shopping center* or *plaza:* A commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.~~

~~*Sign:* Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication that attracts the attention of the public and is visible from public or private rights-of-way or other properties; but shall not include any flag, badge or insignia of any governmental unit.~~

~~*Sign copy:* The letters, words or graphics used to convey information on the sign.~~

~~*Sign structure:* The supports and framework of the sign.~~

~~*Sign walker:* An individual carrying a portable sign intended to convey an advertising message to vehicular traffic.~~

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~~*Signable area for projecting signs and awnings:* One area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.~~

~~*Signable area for roof and wall graphics:* One area free of architectural details on the facade of a building or part of a building, which shall include the entire area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.~~

~~*Snipe sign:* Any sign that is posted on trees, landscaping, utility poles or structures, streetlights, fences, fire hydrants, bridges, curbs, sidewalks, park benches parkways, streets, right-of-ways, or other locations on public property.~~

~~*Street number sign:* Any sign that gives the street address number of the building.~~

~~*Subdivision:* A subdivision pursuant to chapter 121.~~

~~*Temporary sign:* Any sign not permanently affixed and intended for a limited period of display.~~

~~*Time and temperature sign:* A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.~~

~~*Vehicle sign:* Any sign mounted upon, painted, or otherwise erected on trucks, cars, boats, trailers, other motorized vehicles or equipment.~~

~~*Wall sign:* A sign mounted flat against and projecting less than 14 inches from, or painted on, the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall, but not including window signs.~~

~~*Window sign:* Any sign, picture, symbol or combination thereof, that communicates information about an activity, business, commodity, event, sale or service, and is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Signs placed or hung in any manner within three feet of the windowpane shall be considered a window sign.~~

~~Sec. 113-3. - Conflict.~~

~~If any portion of this chapter is found to be in conflict with any other provisions of any zoning, building, fire, safety or health provisions of this Municipal Code, the provision that establishes the higher standard shall prevail.~~

~~Sec. 113-4. - Signs prohibited.~~

~~(a) No person shall erect, place, establish, paint, create or maintain a sign in the city except as provided in this chapter. All signs that are contrary to the provisions of this chapter are declared to be in violation, and as such may be abated as provided by law.~~

~~(b) The following signs are prohibited. Any:~~

~~(1) Abandoned sign;~~

~~(2) Animated sign, except as specified in this chapter;~~

~~(3) Billboard sign;~~

~~(4) Off-premises sign, except as permitted within this chapter;~~

~~(5) Portable sign;~~

~~(6) Sandwich sign, except as permitted within this chapter;~~

~~(7) Snipe sign;~~

~~(8) Sign which inhibits free ingress to or egress from any door, window or any exit way required by the International Building Code as adopted and amended by the city, or by fire department regulations;~~

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~~(9) Sign that may obstruct the line of sight of any authorized traffic sign, signal or other traffic control device; or any sign by reason of shape, color or position that interferes with or may be confused with any authorized traffic signal or device;~~

~~(10) Sign placed in a location that will obstruct vision of a vehicle operator while entering, exiting or traveling upon the public right-of-way;~~

~~(11) Sign located in a manner that interferes with pedestrian travel or poses a hazard to pedestrians;~~

~~(12) Vehicle sign when mounted or placed on any trailer, boat, or motor vehicle that is parked, stored or displayed in a manner to attract the attention of the public for advertising purposes;~~

~~(13) Sign with flashing, blinking, rotating lights, exposed neon or similar tube type illumination, bare incandescent, fluorescent, metal halide, or high or low pressure sodium light bulbs or mercury vapor light sources;~~

~~(14) Sign placed in rights-of-way, except as specified in this chapter;~~

~~(15) Message board;~~

~~(16) Roof-mounted sign;~~

~~(17) Any other sign that is not expressly permitted by this chapter;~~

~~(18) Home occupation sign;~~

~~(19) Pole-mounted banners, attention flags, wind-driven spinners, streamers, search lights, strobe lights, holographic projections, laser light displays, inflatable signs, or balloons;~~

~~(20) Any flag not associated with a governmental unit.~~

~~Sec. 113-5. - Signs in the right-of-way.~~

~~(a) It is unlawful for any person to install a sign in any public right-of-way, except for the following:~~

~~(1) Public signs;~~

~~(2) City-regulated kiosk signs;~~

~~(3) Emergency signs.~~

~~(b) The city manager or designee is authorized to immediately remove any illegal sign located in any public right-of-way.~~

~~Sec. 113-6. - Building identification.~~

~~(a) For all uses other than single-family residential:~~

~~(1) Numbers shall be provided on the front of the building unless an alternative location is approved by the city fire chief or designee.~~

~~(2) The numbers shall be visible and legible from the street fronting the property.~~

~~(3) All commercial and industrial uses shall be sized according to the following table:~~

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~~Building setback from main road~~	~~Minimum size address number~~
~~0 – 50'~~	~~9"~~
~~51 – 100'~~	~~12"~~
~~101' and above~~	~~15"~~

~~(b) For single-family residential, residential dwellings shall have four-inch high address numbers that are contrasting in color to the background color of the house.~~

~~Sec. 113-7. - Permits and licenses required.~~

~~No person shall erect, place, establish, paint, create or maintain any sign in the city without first obtaining all required permits and licenses as regulated by this chapter or any other laws.~~

~~Sec. 113-8. - Signs not requiring a permit.~~

~~No person shall be required to have a permit for the following signs; provided, however, that such signs shall be subject to any and all applicable provisions of this chapter or any other law:~~

~~(1) Public signs;~~

~~(2) Directional signs, when wall-mounted or, if detached, where not exceeding a height of three feet;~~

~~(3) Emergency signs;~~

~~(4) Portable electronic signs used by the city for special events;~~

~~(5) Way finding signs for public buildings and facilities;~~

~~(6) Development sign as described under section 113-158(b);~~

~~(7) Temporary window graphics, consistent with restrictions herein.~~

~~Sec. 113-9. - Maintenance.~~

~~Any individual, business or corporation who owns, erects, establishes, paints, creates or maintains any sign, including a nonconforming sign, shall maintain the sign in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose, dangling or torn materials. All lighting shall also be kept in good order, and burnt out bulbs shall be replaced.~~

~~Sec. 113-10. - Sign approval as part of site plan approval.~~

~~(a) For all developments requiring site plan approval, information on the proposed design and location of all permanent and temporary signs for the life of the project, subject to the guidelines presented herein, shall be submitted for review and approval by the planning and zoning commission.~~

~~(b) A site plan application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings, and shall be submitted in both paper and electronic format. The specific contents of the application shall be described in the application packet.~~

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(c) The site plan application shall not be accepted for processing until all required information as described in the application is provided to the community development department and appropriate fees are paid.

(d) Any amendment or modification to an approved site plan application shall be resubmitted for approval. All amendments shall be shown on a site plan amendment application.

Sec. 113-11. - Kiosk signs.

(a) *Purpose.* The purpose of a kiosk sign is to provide a uniform, coordinated method of offering developers a means of providing directional signs to their projects that are located within the city or the city's municipal planning area, while minimizing confusion among prospective buyers who wish to inspect development projects, while promoting traffic safety and reducing the visual blight of sign proliferation.

(b) *Authority to erect in rights-of-way.* The city is permitted to erect kiosk signs in the public right-of-way at sites approved by the city manager or designee.

(c) *Permit required.* The city shall review and approve all proposed locations prior to installation of kiosk signs.

Secs. 113-12—113-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 113-41. - Code administrator.

The city manager or designee shall be the authorized code administrator for the city. The city manager or designee shall implement, administer, and enforce this chapter, and may establish rules, regulations and procedures to implement, administer and enforce this chapter.

Sec. 113-42. - Sign permit applications.

(a) A sign permit application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the permit application packet.

(b) The city manager or designee shall not issue permits for the use, construction, reconstruction or alteration of any sign structure, until adequate information is submitted to determine the proposed action is in conformance with the provisions of these sign regulations.

(c) The city manager or designee may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of this chapter or this Code.

(d) No permit for a sign issued by the city shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.

(e) Whenever any sign for which a permit is required by this chapter has been placed, erected or displayed without first obtaining a permit, a special investigation shall be made before a permit may be issued. If a permit is obtained after a sign has been erected, the sign fee shall be doubled.

(f) Whenever any sign requires an electrical permit, both the sign permit and the electrical permit must be issued and obtained simultaneously or may be included under one sign permit.

Sec. 113-43. - Permit fees and refunds.

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(a) Before the city issues any sign permit required by this chapter, the applicant shall pay all fees in accordance with the schedule as set by city council resolution.

(b) For refunds, the applicant must submit a refund request form along with a copy of the sign permit to the city manager or designee. Refunds shall be permitted in accordance with the provisions of the International Building Code as adopted and amended by the city.

Sec. 113-44. - Variances, comprehensive sign programs and administrative appeals.

(a) An application requesting a variance from the provisions of this chapter shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.

(b) An application for a comprehensive sign program required by this chapter shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with the site plan process in section 125-33, as it exists or as it may be amended.

(c) An application for administrative appeal shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.

Sec. 113-45. - Violations and revocation of permits.

The city manager or designee may revoke any permit authorizing the erection of any sign that is in violation of the permit or this chapter. The following is the revocation process:

(1) Notice of the city manager or designee's decision to revoke a sign permit shall be served upon the applicant and/or business owner of such permit:

a. By delivering in person a copy of the notice to the applicant of the permit or to one of its officers;

b. By leaving a copy of the notice with any person in charge of the premises;

c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit; or

d. By posting a copy of the notice on the sign in violation and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit.

(2) The applicant of the permit may appeal the decision of the city manager or designee to revoke the permit to the board of adjustment, in writing, within 15 calendar days from the date when the notice was served.

(3) If no appeal has been taken at the end of 15 calendar days, the permit is revoked. The city manager or designee shall then initiate the process for the removal of the illegal sign in accordance with section 113-46.

Sec. 113-46. - Removal of signs.

(a) The city manager or designee is authorized to require removal of any illegal sign.

(b) Before bringing an action to require removal of any illegal sign, the city manager or designee shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specify the deficiencies or defects and what repairs, if any, will make the sign conform to the requirements of this chapter, and specify that the sign must be removed or made to conform with the provisions of this chapter with the notice period provided in subsection (c) of this section.

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~~(c) Notice period.~~

~~(1) The notice period for permanent signs shall be five calendar days.~~

~~(2) The notice period for temporary signs shall be 48 hours.~~

~~(3) Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.~~

~~(d) Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or the last known address.~~

~~(e) If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the city manager or designee that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, then the city manager or designee shall certify the violations to the city attorney for prosecution.~~

~~(f) The city manager or designee may remove any illegal sign which exists or has been re-erected after the expiration date of the notice period, if the owner or lessee of the premises has been issued a compliance notice at least once before for the same violation involving the same or similar sign.~~

~~(g) Notwithstanding the above, the city manager or designee may cause the immediate removal or repair (without notice to the owner of the sign, or of the property on which it is located) of any unsafe or defective sign or signs that creates an immediate hazard to persons or property, or of any sign which is placed in any right-of-way in violation of section 113-5.~~

~~(h) If the city removes an illegal sign pursuant to this section, the city may petition the court to recover the costs, expenses and attorney fees that the city incurred in removing the illegal sign and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the city is entitled to recover, the court may order the defendant to pay to the city the amount of the costs, expenses and attorney fees reasonably incurred by the city, and may enter judgment in favor of the city and against the defendant in that amount.~~

~~Sec. 113-47. - Penalties for violations.~~

~~Any person who violates any provision of this article or any provision of any code adopted by this article shall be guilty of a civil or criminal violation.~~

~~Sec. 113-48. - Liability for damages.~~

~~The provisions of this chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person which erects or owns any sign for personal injury or property damage caused by the sign; nor shall the provisions of this chapter be construed to impose upon the city's officers, city manager or the employees any responsibility or liability by reasons of the approval of any sign under the provisions of this chapter.~~

~~Secs. 113-49—113-69. - Reserved.~~

~~DIVISION 2. - NONCONFORMITIES~~

~~Sec. 113-70. - Maintenance.~~

~~Any person owning or maintaining a legal nonconforming sign shall maintain such sign in good condition pursuant to section 113-9.~~

~~Sec. 113-71. - Alterations.~~

~~It is unlawful for any person owning or maintaining a legal nonconforming sign or sign structure to alter, reconstruct, replace or relocate such sign. Reasonable repair and maintenance of said sign is~~

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~~limited to a maximum total of 50 percent of the sign's or structure's reproduction cost as determined from an appraisal by a competent appraiser.~~

~~Sec. 113-72. - Removal.~~

~~(a) Any person owning or maintaining a legal nonconforming sign shall remove or bring the sign into conformance with this chapter when:~~

~~(1) More than 50 percent of the reproduction cost of the sign or sign structure has been damaged or destroyed or by any means taken down;~~

~~(2) The condition of the sign has deteriorated to such an extent that the cost of repairs exceeds 50 percent of the reproduction cost of the sign or sign structure as determined from an appraisal by a competent appraiser;~~

~~(3) The use of the sign or the property on which it is located has ceased, become vacant or been unoccupied for a period of three months or more.~~

~~(b) In the event any of these should occur, the sign shall be presumed to be abandoned and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or structure upon which the sign or sign structure is erected within 30 calendar days after written notification from the community development director.~~

~~Secs. 113-73—113-102. - Reserved.~~

~~ARTICLE III. - LOCATION, DESIGN AND CONSTRUCTION SPECIFICATIONS~~

~~Sec. 113-103. - General regulations.~~

~~(a) All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of this Code.~~

~~(b) Signs are considered a component of the site's design and building architecture; and they shall be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting so that they are complimentary to the overall design of the building.~~

~~(c) The owner of any building shall identify every building or groups of buildings with a street number sign. The street number sign shall not be computed as part of the total of the sign area permitted and shall not require a permit. Refer to the Code section on Building identification for requirements.~~

~~(d) New development shall anticipate the need for signs and provide a comprehensive sign program that:~~

~~(1) Establishes a theme of conceptual master design for all signs within the comprehensive sign program;~~

~~(2) Allows for flexibility for new users as buildings are re-tenanted;~~

~~(3) Provides for convenient and attractive placement of signs;~~

~~(4) Specifies quality materials that complement the style, color, and materials of the building.~~

~~(e) New signs proposed for attachment to existing buildings must provide a compatible appearance with the building sign of other tenants and where multiple signs exist on a single building there shall be unifying elements such as size and/or color to reduce sign clutter and confusion.~~

~~(f) The use of metal is an acceptable material for signs; provided that it has been formed, etched, cast, engraved, and/or properly primed, treated, painted, or factory-coated to protect against corrosion.~~

~~(g) The use of wood is an acceptable material for signs; provided that it is compatible with architectural character of the development and it is properly scaled, primed, painted, or stained.~~

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(h) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(i) All sign supports shall be an integral part of the sign design. There shall be no visible angle iron supports, guy wires, braces, or other supports.

(j) Cabinet signs shall only be permitted when constructed with aluminum or other solid opaque face containing routed copy or letters mounted to the aluminum cabinet. Lexan, acrylic, or any other type of backlit material is not permitted except when used in individual routed lettering. The use of opaque vinyl on lexan, acrylic, or any similar material shall not be permitted as an acceptable face material except when used as individual lettering.

(k) Signs shall be placed so they are not obscured by landscaping when it has reached full maturity.

(l) Illuminated signs and flagpoles are permitted by this article unless otherwise specified. Illumination may be either by direct, internal or internal direct as allowed herein, and it is unlawful for any person to install illumination that creates any glare or reflection onto any adjacent property, or onto a street or alley, or into the night sky or so as to create a traffic hazard.

Sec. 113-104. Requirements and standards.

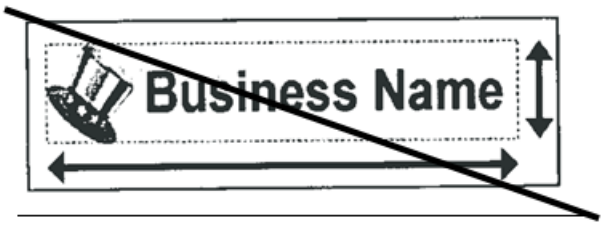
(a) *Sign measurement criteria.*

(1) *Area.* Sign area for all sign types is measured as follows:

Sign Area Measurement

a. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle that will enclose both the sign copy and the background.

b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle that will enclose each word and each graphic in the total sign.



Sign Area includes Logo

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c. Sign copy mounted, affixed, or painted on an illuminated surface, or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner board signs, and/or interior lit awnings.

d. Multi-face signs are measured as follows:

1. *Two face signs:* If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.

2. *Three or four face signs:* The sign area is 50 percent of the sum of the areas of all sign faces.

e. Spherical, free-form, sculptural, or other nonplanar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.

(b) *Sign illumination.* All permanent signs may be nonilluminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified.

(1) *Internal illumination.* Signs with internal illumination shall conform with dark sky principles and not cause glare or reflection onto any adjacent property, street, or alley, or so to create a traffic hazard.

(2) *External indirect illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down-directed and shielded light sources directed solely onto the sign. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

(3) *Neon and LED.*

a. Exposed neon tube illumination and LED is not permitted.

b. Visually exposed neon is permissible in the nonresidential districts as long as the neon has a clear plastic face to protect it from breakage and weather damage. Visually exposed neon and LED shall not be permitted on freestanding signs.

c. Neon illumination utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or other features, consistent with the definition of "sign" in section 113-2, shall be included in the total square footage of the sign.

d. Neon, LED or other forms of illumination shall not be used as a border or outline for any architectural element of the building.

(c) *Structure and installation.*

(1) *Raceway cabinets.* Raceway cabinets, where used as an element of building-mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway provides a contrast background to sign copy, the colored area is counted in the aggregate sign area permitted for the site or occupancy. Raceways shall not be used on roof-mounted signs, freestanding signs, or landscape wall signs.

(2) *Support elements.* The support elements for all signs shall appear to be free of any angle iron, bracing, guy wires or similar features.

(3) *Electrical service.* When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building-mounted signs, including conduit, housings, and wire, are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.

(4) *Permanent signs.* All permanent signs permitted by this chapter shall be constructed of durable material capable of withstanding continuous exposure to the elements and conditions of the urban environment.

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(d) *Sign maintenance.* It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signage thereon, in conformance with this Code. Failure to maintain signs and/or property constitutes a violation of this Code.

(1) *General maintenance.* Complete maintenance is required for all signs, whether or not in existence prior to the adoption of the ordinance from which this chapter is derived. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this chapter.

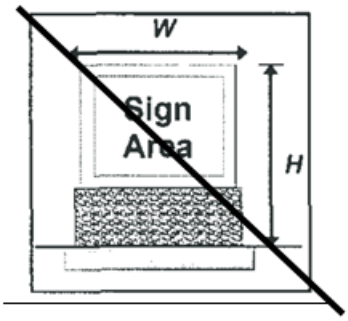
(2) *Landscape maintenance.* Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.

(3) *Removal of unused sign support structures.* Removal is required of any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs, which are not currently in use, or proposed for immediate reuse evidenced by a sign permit application for a permitted sign.

(4) *Removal of obsolete signs.* Signs which conform to the provisions of this chapter, but which reflect obsolete sign copy, may remain in place, provided that the sign copy is left unlit and/or blank for a time period up to 30 calendar days after the use or activity it identified has ceased and/or the property has become vacant. A one-time extension of 30 calendar days may be granted by the city manager or designee, provided the copy has been left unlit and/or blank, and when such extension is requested by the owner or person in control of the vacant property.

Sec. 113-105. - Sign height.

Sign heights shall be measured as follows:



Sign Measurements

(1) *Freestanding sign.* The height of all signs shall be the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

(2) *Wall, fascia, mansard and parapet-mounted signs.* Height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

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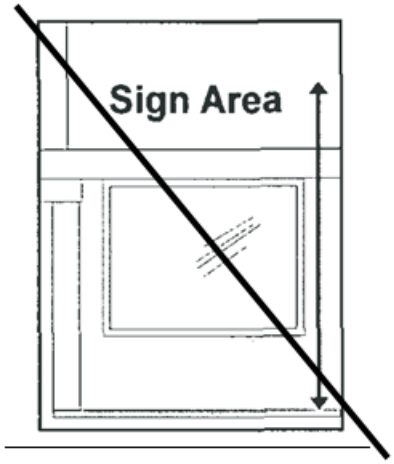

~~*Wall Sign*~~

~~Sec. 113-106. - Inspections.~~

~~All signs for which a permit is required shall be subject to the following inspections, unless waived by the city manager or designee:~~

~~(1) Footing inspections on all freestanding signs except freestanding signs that are five feet or less in height with a maximum area of 32 feet;~~

~~(2) Electrical inspections on all signs prior to placement;~~

~~(3) Final inspection that shall cover the sign location, structural members and placement of the inspection marker in accordance with this article.~~

~~Sec. 113-107. - Inspection markings.~~

~~Any person installing or erecting a permanent sign as regulated by this chapter shall ensure that such signs be marked with the maker's name and the person erecting such sign, the date of installation, and the permit number as approved by the city manager or designee.~~

~~Secs. 113-108—113-127. - Reserved.~~

~~ARTICLE IV. - ZONING DISTRICT RESTRICTIONS~~

~~Sec. 113-128. - Residential zones.~~

~~(a) Residential uses in residential zones.~~

~~(1) *Generally.*~~

~~a. *Applicable zones.* This subsection (a) applies to all signs for residential uses, and in all residential areas which are vacant or are in a planned area development (PAD) zone.~~

~~b. *Permitted signs.* Only signs that are specifically permitted by this subsection (a) are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.~~

~~c. *Aggregate sign area allowed.*~~

~~1. *Parcels less than or equal to two acres.* Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is less than two acres shall not exceed one and one-half square feet.~~

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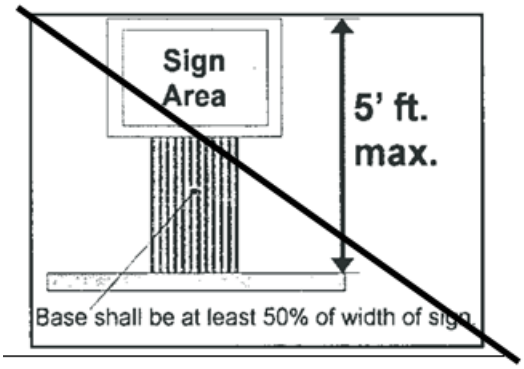
2. *Parcels larger than two acres.* Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is larger than two acres shall not exceed eight square feet.

(2) *Wall signs.* Wall signs are permitted, but shall not exceed a height of 15 feet.

(3) *Freestanding signs.*



Freestanding Sign

a. One freestanding sign shall be permitted on each parcel with a maximum height of five feet and a maximum area of one and one-half square feet.

b. A freestanding sign may include only the name of the occupant and the street address. Such sign shall not include any advertising copy.

c. The base shall have an aggregate width of at least 50 percent of the width of the sign.

d. Reader panels are not permitted.

(4) *Residential entry sign.* A maximum of two residential entry signs, placed at the entrance to a multifamily or duplex development, manufactured home park, or single-family development only in order to identify the name of the development, and with a maximum aggregate area of 48 square feet shall be permitted at each main entrance. The residential entry signs may be freestanding signs. The residential entry signs may include only the name of the development and the street address, and shall not include advertising copy.

(5) *Temporary signs.* Temporary signs are only permitted in accordance with article V of this chapter.

(b) *Nonresidential uses in residential zones.*

(1) *Generally.*

a. *Applicable zones.* This subsection (b) applies to all signs for nonresidential uses in residential zones which includes, but are not limited to, churches, schools, institutions, commercial farms or ranches, public facilities and similar activities which are located in R1-43, R1-18, R1-12, R1-8, R1-5, R-2 or R-3 zones and for all nonresidential uses in residential areas in a planned area development (PAD) zone.

b. *Permitted signs.* Only signs that are specifically permitted by this subsection (b) are allowed. Any sign that is not specifically permitted by this subsection (b) is prohibited.

c. *Maximum aggregate area.* The maximum aggregate area of all signs on a parcel shall not exceed 48 square feet.

(2) *Wall signs.* Wall signs are permitted.

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~~(3) *Freestanding signs.*~~

~~a. One freestanding sign shall be permitted on each parcel with a maximum height of ten feet and a maximum area of 24 square feet.~~

~~b. A freestanding sign may include only the name of the facility, building or organization it is intended to identify. Such sign shall not include any advertising copy. The sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.~~

~~c. The base shall have an aggregate width of at least 50 percent of the width of the sign.~~

~~(4) *Wall, fascia, mansard and parapet signs.* Wall, fascia, mansard and parapet signs are permitted, and may identify the facility, building or organization by name or by name and principal activity when the name alone does not identify the general nature of the use, and may include the street address.~~

~~(5) *Directional signs.* Directional signs are permitted when required to assist the flow of traffic. Directional signs shall not exceed six square feet in area or three feet in height. Off-site directional signs are prohibited.~~

~~(6) *Directory signs.* Directory signs are permitted for nonresidential uses in multi-residential developments and other multiple-tenant facilities. Directories shall be provided at all driveway entrances for all multi-residential developments, mobile home parks, or when required by the fire chief or designee.~~

~~a. Each directory shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet.~~

~~b. The number and location of the signs must be approved by the city manager or designee and the fire chief.~~

~~(7) *Reader panels.*~~

~~a. Reader panels shall only be permitted for schools and public facilities located in residential zone districts to identify school and community activities.~~

~~b. All electronic message displays shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. each day.~~

~~c. Fifty percent of the maximum sign area may be used for changeable copy whether it is LED, plastic zip track, or any method of replaceable lettering.~~

~~1. Any sign using plastic zip track or any other method of replaceable lettering shall have a secured, clear, plastic or lexan cover to mitigate the risk of potential vandalism.~~

~~2. Any sign using an electronic messaging system shall not be visible to any minor or major arterial street.~~

~~(8) *Temporary signs.* Temporary signs are only permitted in accordance with article V of this chapter.~~

~~Sec. 113-129. Nonresidential zones.~~

~~(a) *Generally.*~~

~~(1) *Applicable zones.* This section applies to all signs in nonresidential zones and in all nonresidential areas in a planned area development (PAD) zone, unless otherwise restricted.~~

~~(2) *Permitted signs.* Only signs that are specifically permitted by this section are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.~~

~~(3) *Aggregate sign area allowed.*~~

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a. Unless otherwise modified by this section, the maximum aggregate sign area for any business is one square foot of signage for each linear foot of the business wall elevation along the street frontage on which the sign is displayed. Businesses on a separate parcel or lot, or on a PAD site within a project of three or more businesses, shall be permitted sign area as described in subsection (a)(3)a of this section for any one elevation, with sign area on all other elevations not to exceed one-half square foot for each linear foot of elevation where the sign is displayed.

b. The total aggregate area excluding all freestanding signage shall not exceed 300 square feet and the maximum total sign area of any one elevation shall not exceed 200 square feet. Businesses that share a building structure and do not have a designated leased/owned frontage shall be considered one business for the purpose of determining total aggregate area of street graphics.

(b) *Wall, fascia, mansard, and parapet.*

(1) *Generally.*

a. Wall, fascia, mansard and parapet signs are allowed only on the exterior elevation of the space occupied by the business.

b. Wall, fascia, mansard or parapet signs may identify the individual businesses, building complex, or center, by name, and may identify up to three principal services when the name alone does not identify the general nature of the business. Any wall, fascia, mansard or parapet sign may include the street address, but shall not include advertising copy.

c. Units of information. Modifiers may be used on building wall signs only and shall be identical for each elevation in which the sign is displayed. The maximum height of the modifiers shall be subordinate to the vertical letter height of the business name, but shall not be less than 12 inches. Such signs shall be included when computing the sum total sign area allowed for each use.

(2) *Wall, fascia, mansard and parapet signs for theaters.*

a. One wall, fascia, mansard or parapet sign for a theater may contain the name of the theatre on the elevation where the sign is displayed. Such signs shall be permitted as described in subsection (a)(3)a of this section.

b. The reader panel shall be used exclusively for the purpose of identifying entertainment, motion pictures, or special events that occur on the premises. The sign area shall not exceed 48 square feet.

c. Exterior poster cases shall be limited to six per theatre. The cases will not count toward the aggregate sign area.

(3) *Shingle signs.*

a. One shingle sign that is designed and oriented primarily for the aid of pedestrians is permitted per business.

b. The minimum clearance between the bottom of the sign and the nearest grade or sidewalk shall be seven feet, six inches. The size shall be approved by the city manager or designee. The shingle sign shall not be calculated within the overall aggregate sign area.

c. A shingle sign must be located immediately adjacent to the business it identifies. The sign must be perpendicular to the store front.

(c) *Freestanding signs.*

(1) *Generally.*

a. Freestanding signs are permitted.

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b. The base of any freestanding sign shall have an aggregate width at least 50 percent of the width of the sign.

c. Any freestanding sign which identifies a single-tenant building shall only bear the name of the business or building it is intended to identify, and shall not include any advertising copy.

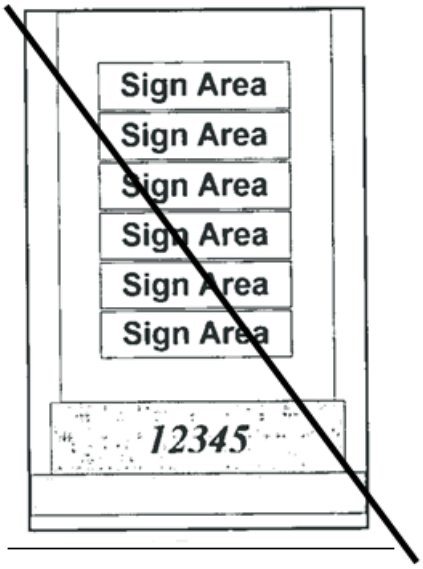
d. Any freestanding sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.

(2) *Maximum number and height of signs allowed.* One freestanding sign shall be permitted per single-tenant building or multiple-tenant complex, except on parcels with multiple street frontages. On parcels with multiple street frontages, one sign is permitted on each street. The freestanding sign shall not exceed a height of ten feet.

(3) *Aggregate sign area allowed.*

a. Freestanding signs in industrial zones or for multiple-tenant complexes. The maximum aggregate sign area allowed for all freestanding signs in industrial zones or for multiple-tenant complexes is 48 square feet on parcels up to ten acres, 60 square feet for parcels up to 20 acres, and 80 square feet on parcels over 20 acres.

b. Freestanding signs for single-tenant buildings. The maximum aggregate sign area allowed for all freestanding signs for single-tenant buildings in the C-1 zone is 12 square feet. The maximum aggregate sign area allowed for all freestanding signs in the C-2 and C-3 zones is 36 square feet on parcels up to two acres, and 48 square feet on parcels over two acres.



Multiple Tenant Sign

(4) *Identification of tenants in a multiple-tenant complex.* Any freestanding sign within the multiple-tenant building or shopping center may identify the name of the building, complex, or center and the names of tenants within the complex. Such signs shall not include any advertising copy. Modifiers are permitted.

a. Panels shall only contain the name of the business or logo. No more than six panels per side are allowed on multiple-tenant freestanding sign. All individual panels will require a permit.

b. Panels shall not display business telephone numbers.

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~~(d) *Directional signs.* Directional signs when required to assist the flow of traffic are permitted, but shall not exceed six square feet in area or three feet in height. Such sign may include business identification by word or symbol on up to 25 percent of the sign area.~~

~~(e) *Directory signs.* Directory signs when required to identify the location of the various buildings or businesses located within the center or complex are permitted as follows:~~

~~(1) Each directory sign shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet. Such directories are required at all driveway entrances and approved by the fire chief or designee.~~

~~(2) The number and location of the signs must be approved by the city manager or designee.~~

~~(f) *Noncommercial signs.* In all commercial and industrial zones, noncommercial signs shall have a maximum area of 12 square feet and a maximum height of five feet.~~

~~(g) *Permanent window signs.* Window signs may be internally illuminated only with the use of exposed neon and LED lighting. There shall be a maximum of one sign per business and such sign shall be limited to no more than 15 percent of the area of the window panel. The sign area shall be calculated against the square footage allowed the business/use. Sign copy shall be limited to business identification and a graphic symbol or any combination thereof. In no case shall product signs be allowed.~~

~~(h) *Reserved.*~~

~~(i) *Gasoline service stations.*~~

~~(1) One monument sign per right of way frontage up to two total signs shall be permitted with a maximum sign area of 24 square feet each with a maximum height of five feet. Fifty percent of the allowable sign area may be used to identify the current price of gas being sold and may have changeable copy such as LED or zip track. Such signs shall be placed within a landscaped setting containing not less than 240 square feet.~~

~~(2) Canopy signs.~~

~~a. Such signs shall identify the business only.~~

~~b. The maximum number of signs per canopy shall be two.~~

~~c. The maximum sign area for any one canopy sign shall not exceed six square feet.~~

~~d. Any canopy sign will be calculated against total sign area allowed.~~

~~(j) *Banks.*~~

~~(1) *Building wall signs.*~~

~~a. Such sign shall identify the business.~~

~~b. The maximum sign area allowed for one linear foot of building wall shall be one square foot. The sign area on all other elevations is one-half square foot for each linear foot of elevation where the sign is displayed.~~

~~c. When the wall on which the sign is placed is 200 or more feet from any public right-of-way, the maximum sign area for each one linear foot of building wall shall be one and one-half square feet.~~

~~d. No part of a building wall sign shall extend above a roofline.~~

~~e. Such sign shall be installed with the exposed face of the sign in a plane parallel to the face of the building wall.~~

~~f. No part of a building wall sign shall project from a building wall a distance greater than 12 inches.~~

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~~(2) *Freestanding business identification signs.* There shall be a maximum of one freestanding business identification sign per street.~~

~~a. *Ground signs.*~~

~~1. Such sign shall identify the business.~~

~~2. The maximum number of such signs per street shall be one sign.~~

~~3. Such signs shall be placed within a landscaped setting containing not less than 120 square feet.~~

~~4. The maximum area for such signs shall not exceed 12 square feet.~~

~~5. The maximum height of such signs shall be five feet.~~

~~6. Individual letters shall not cover a percentage of wall surface area greater than 50 percent.~~

~~b. *Monument signs.*~~

~~1. Such signs shall identify the business.~~

~~2. The maximum number of such signs per street front shall be one sign.~~

~~3. The maximum area of such signs shall be 24 square feet.~~

~~4. The maximum height of such signs shall be five feet.~~

~~5. The maximum vertical dimension of the cabinet or panel shall be four feet.~~

~~6. The maximum horizontal dimension of the cabinet or panel shall be ten feet.~~

~~7. Such signs shall be placed within a landscaped setting of not less than 240 square feet.~~

~~(3) *ATM (automated teller machine) signs.*~~

~~a. Such signs shall be located on the face of the machine.~~

~~b. Any such signs may identify the individual business name, logo, time, and principal services offered at the ATM.~~

~~c. The area of any such signs shall not exceed ten square feet.~~

~~d. The total sign area of all such signs at any one site shall not exceed 20 square feet.~~

~~e. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics.~~

~~f. The area of any ATM signage not visible beyond the boundaries of the property shall not be deducted from the sum total sign area permitted for the use.~~

~~g. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.~~

~~(4) *ATM (automated teller machine) directional signs.*~~

~~a. Such signs shall be located only on a site offering automated teller services.~~

~~b. The maximum height of such signs shall be three feet.~~

~~c. The maximum area of such signs shall be four square feet.~~

~~d. A maximum area for business name or logo shall be one square foot.~~

~~e. Time-related information and other information commonly used by a business to reference its particular ATM is allowed.~~

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f. The number and location of such signs shall be determined by the city manager or designee.

(k) *Regional commercial subdivisions (20 acres or more).*

(1) Entryway signs are allowed for commercial subdivisions.

(2) Such signs shall contain only the name of the subdivision.

(3) The maximum number of such signs for each entrance shall be two signs.

(4) The maximum number of such signs on each side of an entrance shall be one sign.

(5) The total area of such signs allowed at each entrance shall not exceed 24 square feet.

(6) The height of such sign shall not exceed five feet.

(l) *Temporary signs.* Temporary signs are permitted in accordance with section 113-157.

(m) *Menu boards.*

(1) Two menu boards are permitted per business. Such signs may be freestanding or wall-mounted.

(2) The maximum aggregate area for a menu board shall not exceed 24 square feet.

(3) The maximum height shall not exceed six feet.

(n) *Awning signs.*

(1) A maximum of 25 percent of the front face area of an awning may be used for signage.

(2) The sign area shall be measured according to section 113-104 unless a distinctive background is provided.

(3) If letters or graphics are placed on the valence, they shall not be placed elsewhere on the awning.

(4) Awning signs are allowed only on the exterior elevation of the space occupied by the business.

(5) Sign copy shall be limited to business name and/or logo.

Secs. 113-130—113-156. - Reserved.

ARTICLE V. - TEMPORARY SIGNS

Sec. 113-157. - Standards and regulations.

Temporary signs shall be allowed in accordance with the requirements of this chapter and the following provisions:

(1) *Duration.* Each parcel or business may have displayed upon it a temporary banner sign with the following limitations:

a. A temporary banner sign may not be displayed longer than 30 calendar days at a time.

b. A business is limited to two temporary sign banners per year with the exception of for sale, lease or rent signs, which may be displayed for a period of one year during the time the parcel is being sold, let or rented.

c. A new business may have an additional 30 calendar days beyond the limitations stated above for a grand opening sign.

d. Temporary banner signs must be attached to a building.

(2) *Residentially zoned parcels smaller than five acre.*

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a. *Number.* Each parcel shall be entitled to one temporary sign for every 50 linear feet of right-of-way frontage (minimum of one sign per parcel).

b. *Size and height.* The maximum height for all freestanding signs is five feet. For sale, lease or rent signs shall be a maximum of 12 square feet with a maximum height of eight feet.

(3) *Nonresidentially zoned parcels and residentially zoned parcels larger than five acres.*

a. *Number.* Each parcel shall be entitled to one temporary sign displaying a commercial message for each side of the parcel that has right-of-way frontage, up to two temporary signs displaying a commercial message per parcel. Additionally, each parcel shall be entitled to one temporary sign displaying a noncommercial message for every 50 linear feet of right-of-way frontage.

b. *Size and height.* The maximum height for all freestanding signs is eight feet. For sale, lease or rent signs shall be a maximum of 32 square feet with a maximum height of eight feet.

(4) *For multiple-tenant commercial or industrial parcels.*

a. Each tenant with less than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 12 square feet in size.

b. Each tenant with more than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 32 square feet in size.

(5) *Window signs.* Such signs shall be affixed only to the interior surface of the glass. No more than 25 percent of the window on the front elevation of any business may be used for window signage. Such signs shall be used for promotional purposes and will not require a permit.

(6) *Location.* Temporary signs shall not be placed in the following locations:

a. Off-premises.

b. Within five feet of the public right-of-way.

c. Within a site visibility triangle.

d. Within a public utility, water or sewer easement.

e. Within any parcel owned by the city, except for temporary signs placed by the city for city events.

f. Affixed to any light pole, street pole, electrical box, or other similar structure.

(7) *Permit.* A city-issued permit shall be required before installing any temporary sign displaying a commercial message.

(8) *Construction.* Temporary signs may be made of paper, plastic, cloth or any other pliable material. Window signs may be painted with water-soluble paint directly on the window.

(9) *Non-conforming temporary signs.* Temporary signs that become non-conforming after the adoption of the Code shall be removed within ten calendar days.

Sec. 113-158. - Development information temporary sign.

The purpose of the development information sign is to inform the public of the development name and future tenants on developments under construction. The city manager or designee may remove any development sign or construction fence screen sign if said sign violates City Municipal Code, is deemed a public or private nuisance, or is a hazard to public health and safety.

(a) *Applicability.*

(1) Development signs or a construction fence screen sign shall be erected within 30 calendar days of application for a building permit or grading permit.

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~~(2) The development sign or construction fence screen sign shall be maintained until all principle structures are completed in the designated construction area.~~

~~a. In cases where the initial building has been completed and subsequent permits for other principal buildings in the construction area have been applied for, the applicant for the latest building permit will maintain the sign.~~

~~b. Sign is to be removed after completion of all building permits posted on sign or as directed by the city manager or designee.~~

~~(3) Sign location to be submitted with new principle building permits.~~

~~(b) *Development information sign.*~~

~~(1) Duration.~~

~~a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.~~

~~b. Signs will be allowed for a period of one year.~~

~~(2) One sign per street frontage per construction area.~~

~~a. Construction area is to be determined by the city manager or designee.~~

~~(3) Freestanding sign size shall be 32 square feet.~~

~~(4) Maximum sign height shall not exceed eight feet.~~

~~(5) Signs must be updated for new projects in the construction area.~~

~~(6) Banner signs may be attached to a temporary construction fence.~~

~~(7) Sign text and graphics will follow City of Surprise development information sign format, unless modified by the city manager or designee.~~

~~(c) *Construction fence screen sign.*~~

~~(1) Duration.~~

~~a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.~~

~~b. Signs will be allowed for a period of one year.~~

~~(2) Maximum sign height shall not exceed eight feet.~~

~~(3) Sign must include:~~

~~a. Information provided in City of Surprise development information sign format (section 113-158(b)(7)) to exclude the elevation block.~~

~~b. Renderings or art relating to the site.~~

~~Secs. 113-159—113-182. - Reserved.~~

~~ARTICLE VI. - FLAGS AND FLAGPOLES~~

~~Sec. 113-183. - Regulations.~~

~~To regulate and control the use of permanent flagpoles on which a flag is located. It is unlawful for any person to place or install a flag in any zone except as follows: Any flag of the United States, or any state of the United States, foreign nations having diplomatic relations with the United States, the city, corporate flag, or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or any other flag whose display is authorized by the Constitution of the United States or the constitution of the state.~~

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~~The provisions are subject to the following conditions:~~

~~(1) Only one of each flag with a maximum of three flags on any one lot or parcel shall be allowed.~~

~~(2) Parcels zoned R1-43, R1-18, R1-12, R1-8, and R1-5 shall not have more than one flagpole per parcel.~~

~~(3) No flagpole shall exceed the following heights per specified zone:~~

~~a. Parcels zoned R1-43, R1-18, R1-12, R1-8 and R1-5 shall not exceed 30 feet.~~

~~b. Parcels zoned R-2 and R-3 shall not exceed 35 feet.~~

~~c. Parcels zoned C-1, C-2, and C-3 shall not exceed 35 feet.~~

~~d. Parcels zoned industrial and business park shall not exceed 35 feet.~~

~~(4) Flagpoles shall not be placed except within a landscaped setting of not less than 200 square feet.~~

~~(5) Illumination of any flags or flagpoles shall be in accordance with section 113-103.~~

~~(6) Nothing in this section shall apply to any flag or flagpole located on any parcel owned or operated by any federal, state or local government for a governmental purpose.~~

~~Secs. 113-184, 113-185. - Reserved.~~

~~ARTICLE VII. - FREEWAY MONUMENT SIGNS~~

~~Sec. 113-186. - General requirements.~~

~~(a) Freeway monument signs shall be allowed only on properties zoned for commercial or industrial uses;~~

~~(b) Buildings in excess of three stories shall be identified only by a freeway monument sign or a building-mounted wall sign and shall not be eligible for the construction of or inclusion of both types of signs;~~

~~(c) For the purposes of this section, the height of all freeway monument signs shall be measured as the vertical distance from the finished grade of the site to the highest point of the sign structure;~~

~~(d) Freeway monument signs shall not be counted as a portion of the total sign area of the user(s);~~

~~(e) Freeway monument signs shall be required to provide an architecturally enhanced treatment for the sign base, pole cover and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of 35 percent of the full sign width;~~

~~(f) Freeway monument signs shall require a landscaped area equal to four square feet of landscaping for each square foot of sign area and shall be located around the base of the sign;~~

~~(g) For the purpose of this section, such signs shall only identify the name of the business, the center/complex, or the place for which the sign is intended. Such signs shall not include any advertising copy;~~

~~(h) Freeway monument signs may be illuminated by externally illuminated indirect or internal lighting;~~

~~(i) Freeway monument signs shall not be allowed within a natural or manmade watercourse;~~

~~(j) Freeway monument signs shall be subject to all applicable Arizona Department of Transportation sign regulation standards;~~

~~(k) All freeway signage requests shall be processed administratively via site plan amendment process to determine conformity with the regulations within section [chapter] 113.~~

~~Sec. 113-187. - Location and size.~~

Public Review Version 1

~~(a) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 100 feet from any residentially zoned property;~~

~~(b) All freeway monument signs shall have a maximum height of 80 feet, and 750 square feet in total sign area, unless as modified below;~~

~~(c) All freeway monument signs shall be allowed an extra three feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development; Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than 20 percent of sign area;~~

~~(d) For every 880 linear feet of freeway frontage, one freeway monument sign shall be allowed per site, development, project, or center. Such signs shall not be located off-premise, except that a multi-tenant complex/center sign may identify users within the complex/center located on separate parcels;~~

~~(e) For the purpose of this section, multi-tenant freeway monument signs shall be allowed an extra 20 percent of sign area for identification of the center/complex;~~

~~(f) Freeway signs shall maintain a minimum of 880-foot spacing from any other freeway monument sign, or from the intersection of any arterial road with the freeway;~~

~~(g) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 200 feet from any residentially zoned property.~~

~~Secs. 113-188—113-194. - Reserved.~~

~~ARTICLE VIII. - COMPREHENSIVE SIGN PROGRAM~~

~~Sec. 113-195. - Regulations.~~

~~The comprehensive sign program is designed to allow signage which is appropriate to the character of the development, provide adequate identification and information, provide a good visual environment, promote traffic safety and regulate to the extent necessary to be consistent with the purpose and intent of the sign requirements.~~

~~(1) *Criteria.* Comprehensive sign programs shall only apply to commercial properties within redevelopment project areas, or to projects within planned area development zoning designations, approved by the planning and zoning commission and city council, and shall be prepared and reviewed concurrently with the planned area development documentation, or as a separate site plan amendment application for existing commercial centers.~~

~~a. Any request for approval of the comprehensive sign program shall be submitted on forms provided by the city. Such application shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with this section 113-195 of this chapter.~~

~~b. The comprehensive sign program shall not be applied to freeway monument signs.~~

~~c. Compatibility. The comprehensive sign program shall promote compatibility for all signs within a specific development. Architectural theme, materials and color should compliment the overall character.~~

~~(2) *Size and height.* Signs proposed under the comprehensive sign program shall be no larger than the maximum of 50 percent of the standards. The maximum height for freestanding signs is 15 feet with a maximum aggregate area of 160 square feet.~~

~~(3) *Offsite signs.* Projects, which have an approved commercial subdivision or final plat, may have offsite signage. The signs may be placed on parcels where an existing master site plan or residential development has been established.~~

Public Review Version 1

(4) *Placement.* Signs proposed under the comprehensive sign program shall be placed appropriately in areas visible and readable. Review of location is considered by traffic movement of surrounding streets, traffic volumes and access points, AASHTO and engineering standards, visibility triangles, sign orientation and topographic features.

Secs. 113-196—113-215. - Reserved.

ARTICLE IX. - SIGN WALKER

Sec. 113-216. - Regulations.

Regulations regarding sign walkers, as defined in this chapter, are designed to reduce potential traffic hazards.

(1) *Locations.* Sign walkers are only permitted in C-3, BP, I-1, I-2 and I-3 zoning districts. The sign walkers must operate only within the public right-of-way, exclusive of any paved street area or any landscaped area.

(2) *Hours of operation.* Sign walkers are limited to the following hours of operation: 9:00 a.m. to 3:00 p.m., Sunday through Saturday.

(3) *Permit required.* Sign walkers are required to obtain a permit.

(4) *Size of signs.* Sign walker signs are limited to four square feet.

(5) *Additional restrictions.* Sign walkers may not twirl, spin, throw into the air or cause to flash their portable signage.

Public Review Version 1

Robert Kuhfuss

From: JoAnna Mankiewicz <jodiemank@gmail.com>
Sent: Monday, March 13, 2017 8:37 PM
To: Robert Kuhfuss
Cc: Lloyd Abrams; Joshua Mike
Subject: Signage meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Rob,

It was nice to meet you last Wednesday at the library, and I thought that it was a good meeting, with great participation.

I know this is an extreme point of view, but I need to say it anyway. I don't like signs, period. They're usually tacky, and take away from the timeless design of a city or town, unless you are in Times Square in New York, or on the Vegas Strip, and of course, those are two places of extreme signage.

With that said, I would like to see Surprise be a real 21st Century city. If you see a classic European country village, there are few signs. If you see an artist's rendering of a futuristic city, there are NO signs, because of course all people in the future are telepathic and they know where all the burger joints are. Is that "food for thought"? But seriously, many important parts of our City are still a blank canvas, and we need someone like a city architect to supervise and advise on the design and placement. I don't have anything against logos on buildings, provided they meet a creative design code. My reasoning is as follows: How many of us really dislike commercials on TV? We will get up and do something else, fast-forward the recording, change channels, or mute it when playing, but try to ignore it in the end. I fear this is the end result of having a code that allows a lot of signs, provided they all minimally meet that code. People will drive through Surprise without looking.

My father worked in New York as a film editor, and did a lot of work in commercials, and he's the first one to say that the majority of commercials have few redeeming qualities, and are annoying to most viewers. I am not a snob, but I think there's got to be a better way, and I would know it if I heard it. What was presented at the meeting was a lot of the same-old, same-old. I would hope that we would do something better.

On another note, the Country Inn & Suites, although I feel bad for them, have a horrible location for a hotel, and again reflects poor planning. I realize the owners make these decisions without regard to the bigger picture. That's their own fault. I don't think theirs is a City signage issue as much as an ADOT issue, as they are located on a state highway, not a City street.

Again, I appreciate your efforts and those of your staff, and I hope to attend some additional meetings in the coming months.

Very truly yours
JoAnna Mankiewicz

Timeless Design

Renderings show an urban downtown that Surprise General Plan 2035 envisions for the future with improved transportation and connections between neighborhoods. Rendering Credit: City of Surprise (Arizona Builders Exchange - 2013 Re Surprise General Plan)
http://azbex.com/new-general-plan-approved-by-surprise-voters/

From:	Webmaster
To:	Robert Kuhfuss
Subject:	New Sign Code Public Comment
Date:	Monday, March 20, 2017 3:57:02 PM

A New Sign Code Public Comment as Been Received!

The comment:
Good Afternoon,

I'm sorry that I am not able to attend any of the future meetings concerning the new sign code in the city of Surprise. I am concerned with one aspect of the new sign code, that I think warrants a comment here however. The right to use an A frame sign should continue in my business/professional opinion. I see A frame signs everywhere across Arizona as well as places that would be considered much more intrusive to business rights and liberties like California and many places on the east coast. Beach towns, ritzy towns, upscale, downscale, everywhere I go, A frames are used to solicit business for business owners. They are not downscale. When presented properly they can be portrayed as being rather glamorous! I was putting balloons on mine which I think cheered people up. Why would balloons be illegal? I remember an event where the city released thousands of balloons into the sky. I'm not releasing them after. Why? No one I asked so far, thinks that balloons and a frame signage should be illegal. Please rethink these revisions. Please don't hesitate to have me answer any questions you might have.

Thank you in Advance,

William M. Bucur D.C.
GreenwayCotton Chiropractic
Prasada MarketPlace

was received on 03/20/2017 at 06:56 pm

Thank you,
Webmaster

From: Hans Koppenhoefer
To: Robert Kuhfuss
Subject: Signs - Comprehensive Sign Program
Date: Wednesday, April 22, 2015 1:49:53 PM
Attachments: CCF04222015_0001.pdf

Rob – Hope you're doing well. We worked together on various projects before you came to Surprise when I was at Pulte Homes. Glad to see that you've become a part of the Surprise team.

I've been following the process that you've been making on the sign ordinance and hope to offer some feedback on its impact to PADs in Surprise. This perspective is through the eyes of a master planned developer as it pertains to the current "Comprehensive Sign Program" (Article VIII).

First, I think the allowance of a Comprehensive Sign Program is a great tool that the City has in its code. I only had two suggestions that the City may consider in updating the verbiage.

1. Should only commercial PADs be allowed to have a comprehensive sign program after the initial zoning?
    a. While working on large master planned community projects in the past it has always been challenging to get directional signage to the master planned community. Based upon what I understand in the current code, only a commercial project is provided an opportunity for a comprehensive sign program. Non-commercial projects signage must be submitted with the initial PAD. In other words, there does not appear to be a comprehensive sign program option for a non-commercial PAD after initial approval.
    b. Timing challenge - The timing of a sign program as part of a master planned community is normally considered concurrent with the construction of the 1st phase of the master planned community. This could be many years after the initial PAD application.
    c. Suggest that verbiage be added to the Code to allow for PADs (commercial, residential or mixed-use) to process a Comprehensive Sign Program application after the initial PAD.

2. Should offsite signage only be limited to an "existing master site plan" or where "residential development has been established"?
    a. It is great that offsite signs are permitted but don't believe that those off-site signs should only be limited to projects that have an existing master site plan or residential development. Since all signs must be on private property should it matter if the property is entitled or improved?
    b. Suggest that the property owner's permission and City approval are only required approvals for an off-site sign (as part of a comprehensive sign program).

I've redlined the current code per the above suggestions and have attached a pdf. Thank you in advance for your consideration. I look forward to catching up with you sometime in the near future. Best regards -

Hans Koppenhoefer
Director of Land Operations
Courtland Homes, Inc.
4160 W. Kitty Hawk
Chandler, Arizona 85226
Phone: 480.893.7515
Cell: 602.885.1634

WeMAR
West Maricopa Association of REALTORS®

Dear Robert,

Thank you for the opportunity to participate in the March 22, 2017 public meeting and review of the proposed Surprise Sign Ordinance.

WeMAR appreciates the work that has gone into amending the sign ordinance and continues. It is our hope the remarks below will be of help and value as you and your staff go forward.

We were struck with surprise when we read pages 5&6. These two pages seem overly aggressive in their position that signs are undesirable and have only negative impacts. We believe signs are more properly treated as free speech, rather than land use, since they are a form of communication.

We are concerned that while sign walkers and political signs are not addressed by the proposed ordinance because of state laws, there may overlap in court interpretation, particularly the ability for the city to differentiate between commercial speech and political speech without discriminating based on content and/or speaker, and the posting of signs in the public right of way.

In general, we are concerned that permits are required for all signs. Since signs are a form of speech, this amounts to permitted speech which has been struck down by the courts.

Signs are still the most cost effective and least expensive method for businesses to advertise the goods and services they provide, as well as their location. Property owners wishing to sell personal or real property depend on signs to advertise the sale, and guide those interested to the property.

Individuals who start a business place their finances, savings, homes, assets and their family's future at stake. These individuals believe they can provide a product or service the market is interested in and willing to pay for, these businesses will fail if no one knows what they do, where they are or who they are. As an economic development issue and a free speech issue, this is of concern.

Property owners attempting to sell or lease their property will experience difficulty and time delays if they are limited to inadequate signage. Some properties will require very few signs to guide potential customers, other properties will require several signs. Inadequate signage frustrates real estate agents, property owners, neighbors and potential buyers. We suggest adequate signage for the task be the guide. For residents attempting garage sales, open houses or estate sales, inadequate signage will mean they are unable to conduct a successful sale.

9001 West Union Hills Drive, #8 | Peoria, Arizona 85382

Phone 623.931.9294 | Fax 623.931.1008 | www.wemar.org

REALTOR®

As to the question of temporary sign glut along main streets, Justice Alito suggested limiting the number of signs displayed by defining a particular number of signs allowed within a particular number of miles or feet. These limitations would need to be appropriate to the location of the property and street access. For example, a two-lane rural street may find adequate signage at a particular number of signs per ¼ or ½ mile. A busy suburban street may find adequate signage at a particular number of signs per feet of roadway or front footage.

Several small business owners and Ginger Zilk (branch manager at West USA Realty) spoke to A-frame signs outside their business on Bell Rd bringing in customers. One small business owner said he experienced 4-6 customers/day coming in from his A-frame sign at the driveway entrance to the shopping center he is located in. The small business owner of a Gelato shop stated her concerns that not having her one A-frame sign would have an adverse effect on her business. Both small business owners voiced concern that inadequate signage and an inability to post an A-Frame sign will mean they will be forced to close their businesses before the end of the year.

Ginger stated her office recorded 57 walk-ins' in 2016. People who found West USA Realty from driving by and seeing the A-frame sign at their entrance. That doesn't count members of the public who came by to get more information about Surprise, but did not purchase. Several real estate agents saw the A-frame sign, chose to drop in and eventually work, at West USA Realty in Surprise as well. West USA estimates each house they sell contributes $46,000 to Surprise in ancillary business (escrow, inspectors, appraisers, other services). That amounts to $2,622,000.00 in ancillary business and does not include the economic impact after escrow closes to area businesses and property taxes.

While West USA Realty is a large brokerage, each real estate agent is an independent contractor. They are the smallest of small business. Inadequate signage does not allow agents to advertise properties for lease or sale, and limits their ability to direct potential buyers or tenants to the property. This will restrict the ability of licensed real estate agents to conduct their business and serve their clients.

Studies from USD (University of San Diego) and the University of Cincinnati have shown adequate signage is a significant component of business success, no matter how big the business. They found a strong correlation between number of signs and sales increases, as well as transaction amount increases.

A small A-frame directional sign contributes 10% to weekly sales. The addition of one building sign contributed an increase of 4.75% to sales. For $500,000 of income, that translates to about a $23,750 increased. Increased income adds to the amount of sales tax the city receives. The USD study found 68% of customers used signs to find the business and were frustrated when they could not find a business because of inadequate signage. Surprise has several businesses located in retail, medical or industrial complexes with limited signage to the street and passersby.

We question the compelling government interest of limiting building signage, particularly on buildings facing more than one street or buildings that are part of an office/industrial complex. Building signage and directional signage should be adequate so as to allow patrons to easily identify the building and direction of travel they must follow to arrive safely and in a timely manner to their destination. We question the compelling government interest in limiting directional signage inside commercial and residential development.

In the public meeting, we asked why the difference between flagpole sizes for residential private parties versus residential model homes. On the surface this appears to discriminate based on the speaker. We were told it is a safety issue based on size of the lot and the fall arc of the flagpole. We suggest this restriction be articulated based on the safety issue, not the person.

We discussed the legibility and visibility of signs and the need for public safety reasons, as well as business reasons, to establish **minimum** sign sizes based on science of the visual arc, legibility and visibility. Busy streets with several lanes will need larger signs than small streets with little traffic.

In the proposal, temporary signs must all have the name and contact information of the person placing the sign. We suggested this statement be amended to read "person or entity" since the Designated Broker (DB) or Managing Broker is the responsible party in supervision of all real estate agents, and the broker is in the best position to make sure the offending sign is taken care of quickly.

Arizona State law already requires real estate brokerage signs on property listed for sale or lease, display the brokerage name and contact information. Requiring the agent name and contact number may not be possible with the limited sign space allocated by the proposed sign ordinance. An additional concern is that sign riders will not be possible under this code. Sign riders alert potential buyers not only of amenities, but legally required notifications such as agent owned property.

In the proposed ordinance, banner signs are limited to commercial districts only. We asked that this be amended to allow banner signs in residential areas as well. Frequently property owners will post a "New Baby", "Welcome Home" to the Military (or other family member), "Just Married", or some other personal message for a short period of time. We question the compelling government interest in limiting this speech. Personal property rights and free speech rights may be abridged with the proposed limitation.

In the meeting, we expressed concern and asked for clarification on Building Mounted Signs, item #1. We are concerned that businesses with more than one business under one roof will not have adequate signage. Example: Grocery store with a bank and a Starbucks, or a real estate brokerage with a title company or lender.

We are likewise concerned for the limit of window (40%) allowed for window signs. The window is part of the building the business either leases or owns. Many businesses express specials or product to the public with window signs. We question the compelling government interest in regulating this. Because sunscreens are allowed 100% of window space, the 40% limit appears to be arbitrary.

In Section 113-09 (Sign Illumination) we are concerned that limited visibility of the sign at night will create a public safety hazard and injure businesses who are unable to have visible and legible signage at night. The term "environmentally sensitive areas" is a legally specific term. It is our understanding from City comments at the meeting, that the City of Surprise has no legally recognized "environmentally sensitive areas" and therefore this term may be used in an arbitrary fashion.

We expressed our concerns on the Comprehensive Sign Program (CSP). The criteria specify the sign must be "appropriate to the character of the community". We are concerned this is an arbitrary measure. We are further concerned by item D and ask: How will the CSP measure and demonstrate a sign represents a "measurable improvement" to the community, is "appropriate to the character of the development", and that it is "appropriate to the neighborhood"? This appears to be an arbitrary measure and most likely will be determined by content or identity of the speaker.

The limitations for Non-Conforming signs is of concern to us as well. The methodology suggested is amortization. Signs are an expression of the business' identity and branding. Frequently customers will recognize a shape and color before reading the sign. Some signs have no words at all (example: McDonald's).

Signs are a business owner's expression of their business character and identity. The business "good will" that is part of the sign value, is in addition to the amortization and depreciation of the physical sign structure and frequently adds to the value of the business. We are concerned this proposal will essentially be a government taking without compensation and therefore unconstitutional. We further question the narrow government interest and constitutionality in mandating a business change their branding identity.

We are concerned the term "abandonment" of a sign is not defined and therefore subject to arbitrary determination. We are concerned the 90-day limit is unreasonable under special circumstances such as estate sale, bankruptcy, owner health issues, complicated and prolongated business sale or other circumstances in which a sign and business are not abandoned, but rather caught up in a process of property transfer outside their control.

Causing a well-recognized sign to be taken down would immediately devalue the business and the property it is located on, causing harm to the ownership interest. This could be argued as an unconstitutional government taking.

We are concerned about the enforcement provision. Charging a business owner who violates the sign ordinance with a criminal violation, punishable by jail, seems overly zealous and increases the risk of opening a business in Surprise. We ask the enforcement provision be much less injurious to the business owner and more appropriate to the nature of the violation.

We are further concerned with the apparent lack of due process afforded accused sign ordinance offenders. Nowhere in section 113-16 is a mechanism provided in which the accused sign owner may protest the notice of violation or protest the fine involved. The only method open to the sign owner is suing the City in court.

The automatic discarding of the City removed sign within 5 business days does not appear to give the sign owner adequate time to receive due process. The short time period does not allow adequate time for court proceedings, and therefore appears to be a government taking of property without compensation.

We hope you find these comments helpful. Thank you for the opportunity to provide input on the proposed sign ordinance.

Sincerely,

Liz Recchia
West Maricopa Association of REALTORS®
Government Affairs Director
April 6, 2017

From: Michael Fox [mailto:jfox@farmersagent.com]
Sent: Tuesday, April 18, 2017 10:44 AM
To: Robert Kuhfuss
Subject: Change in Sign Code

Good Morning Sir,

As a resident of Surprise (Rancho Gabriella) and a business owner of the
Farmers Insurance Michael Fox Agency located on West Bell RD just west of the 303 loop
I want to voice my opinion on the new code that becomes effective on April 23, 2017.
I have a building sign that was approved by the city of Surprise, AZ and farmers Insurance group which allows my office to have visibility from our north facing building but due to the number of cars
or what you call traffic patterns we have no street exposure. I have a new A frame sign that was professionally made due to Farmers Insurance strict codes as well. Currently I place this A-sign on the rock located right in front of my window with no sidewalk or public area risk. I then take this sign inside each evening at 5 PM with never a overnight or weekend/holiday exposure..
This sign is vital to my office visibility as many of my clients are seniors and the name and Logo assist them.

I would request to have this new code reviewed and if possible make exceptions for the business that respect the public view and also are not chained to a pole or tree. Our business elected to stay in Surprise during the economic 2009 downturn and feel that we would be granted a provision for regulated hours etc.

Thank you for this consideration and I trust this will cause you and your committee to reconsider this 100% removal.

Respectfully submitted

Michael Fox
President of Farmers Insurance/ Surprise AZ

J. Michael Fox, LUTCF
Member of Presidents Council
16920 W Bell Rd Ste 102, Surprise, AZ 85374
Office: (623) 582-2552 Fax: (623) 321-1880

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SURPRISE
ARIZONA

FS15-311 Sign Code Update

Planning and Zoning Commission

May 4, 2017

WHITE PINE
LUMBER
HEADLINER
AUTO
PART
Life Style
furn
PARK
HYATT
RESTAURANT
25
Chronicle / Michael Macor

Topics of Discussion

- Progress To-Date
- Public Outreach
- Reed v. Town of Gilbert
- Orientation to Structure of New Code
- Temporary Signs
- Building-Mounted Signs
- Freestanding Signs
- Pylon Signs and Billboards
- Electronic Messaging
- Next Steps

Progress to-date

- P&Z Commission discussion item April 16, 2015
- City Council work session April 21, 2015
- Research, imagery collection
- U.S. Supreme Court decision on Reed v. Town of Gilbert
- Workshops regarding Reed v. Town of Gilbert
- City Council discussion September 1, 2015
- Preparation of draft language
- City Council Discussion – March 7, 2017
- EMC Demonstration – March 14, 2017
- P&Z Discussion – April 20, 2017
- **P&Z Discussion – May 4, 2017**

Outreach Meetings

March 8, 2017 – Surprise Regional Library

March 15, 2017 – Surprise City Hall Community Room

March 22, 2017 – Surprise City Hall Community Room

March 29, 2017 – Surprise Regional Library

Reed v. Town of Gilbert

- Case brought by a church over weekend placement of directional signs.
- U.S. Supreme Court clarified that if the enforcement officer needs to read the words on the sign to enforce the ordinance, the ordinance is presumptively unconstitutional. (Content-Neutrality)
- Focus on *Content Neutral* topics such as size of signs, sign materials, lighting, moving parts, portability of the sign or the location (public or private property) of the sign.
- Establish regulations for important signs such as government directional signs and traffic control signs along roads.

http://www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf

Orientation to Structure of New Code

Section 113-01 – Title; Findings and Purpose; Intent; Limitations
Section 113-02 – Applicability
Section 113-03 – First Amendment Interpretation and Severability
Section 113-04 – Rules of Interpretation
Section 113-05 – Definitions
Section 113-06 – Permitted and Prohibited Signs
Section 113-07 – General Provisions
Section 113-08 – Sign Classifications and Types
Section 113-09 – Sign Illumination
Section 113-10 – Electronic Messaging
Section 113-11 – Reader Panels
Section 113-12 – Address Identification
Section 113-13 – Flags and Flagpoles
Section 113-14 – Comprehensive Sign Programs
Section 113-15 – Nonconforming Signs
Section 113-16 – Enforcement

Orientation to Structure of New Code

Section 113-01 – Title; Findings and Purpose; Intent; Limitations

Sets the legal stage for the rest of the document

Section 113-02 – Applicability

Makes the new sign code applicable city wide, but leaves intact all existing sign programs

Section 113-03 – First Amendment Interpretation and Severability

Reinforces ties to 1st Amendment and allows for severability in event of challenge

Section 113-04 – Rules of Interpretation

Italicized font used in body of text for any word or phrase included in definitions

Section 113-05 – Definitions

Content-neutral definitions with pictures and graphics

Orientation to Structure of New Code

Section 113-06 – Permitted and Prohibited Signs

- Includes Table 113-06.A Signs Permitted by Zoning District which serves as a quick glance reference tool
- Establishes that most signs must be accessory to the primary use
- Lists prohibited signs
- Establishes what signs are exempt from regulation

TABLE 113-06.A – PERMITTED SIGNS (P=Permitted, shaded cell = Not Permitted)

Code Reference	Sign Type	Location									
		Public Rights-of-Way	Private Rights-of-Way	Single-Family	Multi-Family	Mixed-Use	Commercial and Industrial	SHD-RO	SHD-CO	Open Space	PF
TEMPORARY SIGNS											
113-08.A.2	Class I Temporary Signs (Small A-Frame Signs)			P	P	P	P	P	P	P	P
113-08.A.3	Class II Temporary Signs (Large A-Frame Signs)			P	P	P	P	P	P	P	P
113-08.A.4	Class III Temporary Signs (Small Post Signs)			P	P	P	P	P	P		P
113-08.A.5	Class IV Temporary Signs (Large Post Signs)			P	P	P	P	P	P		P
113-08.A.6	Banner Signs						P		P		P
113-08.A.7	Light Pole Banner Signs	P	P		P	P	P	P	P		P
113-08.A.8	Teardrop Banner Signs			P	P	P	P	P	P	P	P
113-08.A.9	Sign Walkers	P	P	P	P	P	P	P	P	P	P
BUILDING MOUNTED SIGNS											
113-08.B.1	Building Wall Signs			P	P	P	P		P		P
113-08.B.2	Blade Signs			P	P	P	P		P		P
113-08.B.3	Canopy Signs				P	P	P		P		P
113-08.B.4	Marquee Signs						P				P
113-08.B.5	Awning Signs						P		P		P
113-08.B.6	Hanging Signs					P	P	P	P		P
113-08.B.7	Window Signs and Sunscreens			P	P	P	P	P	P		P
FREESTANDING SIGNS											
113-08.C.1	Class I Monument Signs (Menu Signs)						P		P		
113-08.C.1	Class II Monument Signs (Preview Signs)						P		P		
113-08.C.2	Class III Monument Signs (Directional Signs)	P	P	P	P	P	P	P	P	P	P
113-08.C.3	Class IV Monument Signs (Directory Signs)				P	P	P		P		
113-08.C.4	Class V Monument Signs (Minor Monument Signs)			P	P	P	P		P		P
113-08.C.5	Class VI Monument Signs (Major Monument Signs)				P	P	P		P		P
113-08.C.6	Roadway Arch Signs	P	P				P		P		
113-08.C.7	Freeway Pylon Signs						P				
113-08.C.8	Subdivision Perimeter Wall Signs			P	P	P	P				P
OTHER SIGNAGE											
113-10	Level 1 Electronic Messaging			P	P	P	P	P	P		P
113-10	Level 2 Electronic Messaging				P	P	P		P		P
113-11	Building Identification			P	P	P	P	P	P	P	P
113-12	Flags and Flagpoles			P	P	P	P	P	P		P

Orientation to Structure of New Code

Section 113-06 – Permitted and Prohibited Signs

- Prohibited signs include:

o *Abandoned signs, Billboard Signs, Pole Signs* of a permanent nature*, Roof Signs and Snipe Signs;*
o *Animated Signs*, flashing, blinking, or rotating *signs,* festoons*, Inflatable Signs including latex balloons,* permanent *Banner Signs, Pennants,* searchlights, streamers*, signs* other than *Class 1 Monument Signs* that emit audible sound, and any clearly similar features;
o *Vehicle Signs* when the *vehicle* is placed in a location not approved for vehicular parking or storage;
o *Signs* containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;
o Merchandise, equipment, products or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes;
o *Signs* located on trees, utility poles, public benches, or any other form of public property, or within any public right-of-way, unless explicitly permitted by these regulations;
o *Signs* containing vulgar or profane messages, hate speech, or language intended to incite violence;
o *Signs* greater than thirty (30) inches in height and which are located within any sight visibility triangle of any street or driveway intersection as required by the Surprise Engineering Design Standards;
o *Signs* not expressly permitted as being allowed by right under this Chapter, or by specific requirements in another portion of this Chapter, or otherwise expressly allowed by the City of Surprise Board of Adjustment, are expressly prohibited.

Orientation to Structure of New Code

Section 113-06 – Permitted and Prohibited Signs

- Establishes what signs are exempt from regulation

o Any public-purpose or public-safety *sign*, or any other notice or warning required by a valid and applicable federal, state or local law, regulation, or resolution, and posted by or on behalf of a governmental agency;

o Any *sign* that is not visible from another property to the naked eye, provided said *sign* otherwise meets applicable Building Code requirements.

Orientation to Structure of New Code

Section 113-07 – General Provisions

A - Permitting Requirements

1. **Permits Required:** With the exception of those *sign* types listed in 113-07.A.3 below, a permit is required for all *signs* regulated by this Chapter and erected within the City of Surprise.

2. **Property Owner Authorization Required:** No sign regulated by this Chapter shall be erected on a property not owned by the person or entity erecting the sign without the expressed written permission from the property owner of the property onto which the sign is erected. Said written permission shall be made available to the City of Surprise upon request.

Orientation to Structure of New Code

Section 113-07 – General Provisions

A - Permitting Requirements

3. **Exceptions from the Permitting Requirement:** The following *sign* types are exempt from the permitting requirement:
   a) *Temporary Signs*
   b) *Sign Walkers*
   c) *Window Signs*, provided the *sign* is not electrically connected to the *building*
   d) Sun screens
   e) *Shingle Signs*, provided the *sign* is not electrically connected to the *building*
   f) *Address Signs* provided the *sign* is not electrically connected to the *building*
   g) *Flags* except that in the event the flagpole is greater than six (6) feet in length, then a permit is required for the flagpole
   h) *Signs* relating to citizen review or public hearings

Orientation to Structure of New Code

Section 113-07 – General Provisions

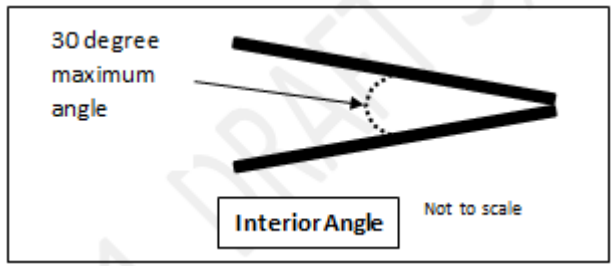
B - Sign Quality and Construction

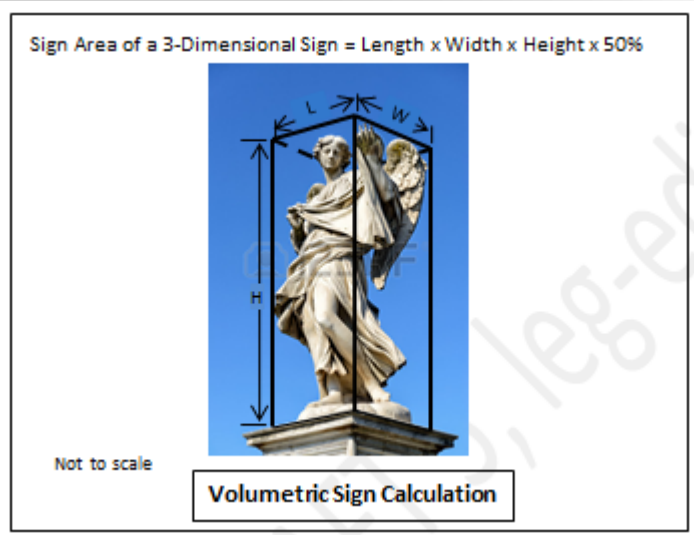
Signs shall be designed in compliance with the applicable construction codes adopted by the City and in effect at the time of construction.

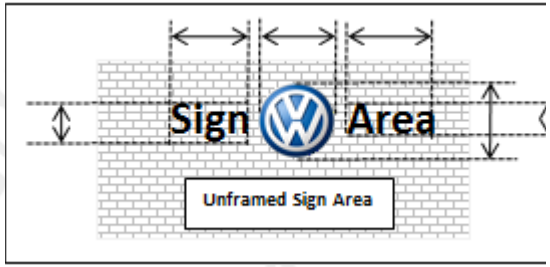
Orientation to Structure of New Code

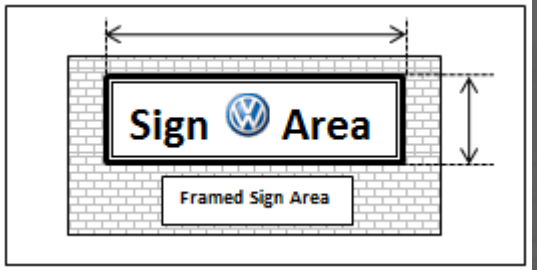
Section 113-07 – General Provisions

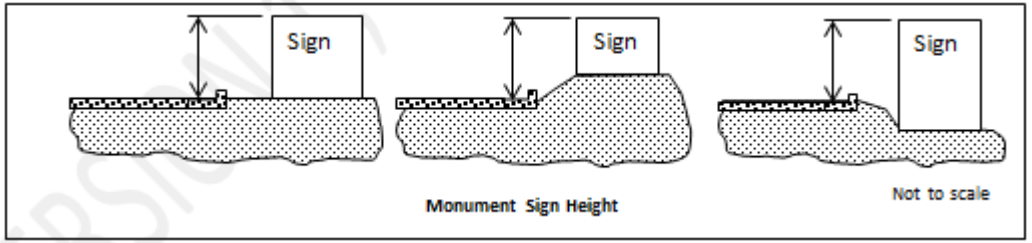
Methods of measurement







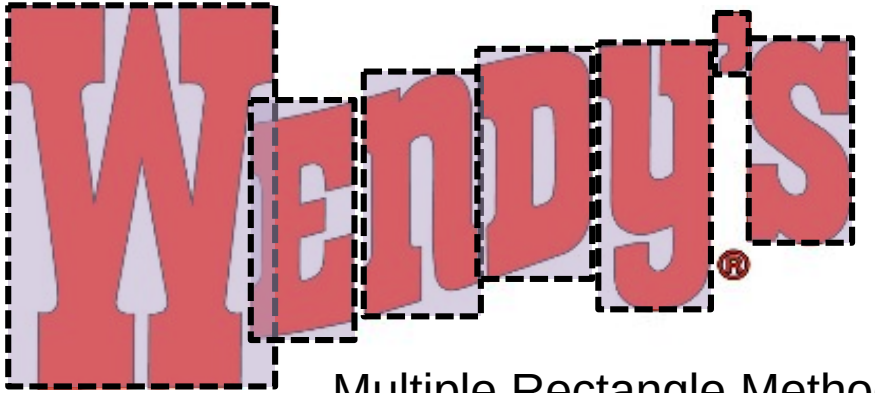




Scenario:

- Wendy's Restaurant
- Proposed Wall Sign
- 6 Square Feet of Sign Area Allowed

Single Rectangle Method



Multiple Rectangle Method

Scenario:

- Wendy's Restaurant
- Proposed Wall Sign
- 6 Square Feet of Sign Area Allowed

Different methodology results in larger sign but same Sign Area

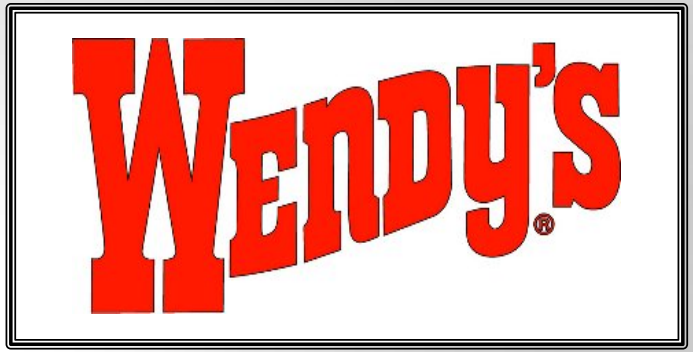
WENDY'S®

WENDY'S®

Scenario:

- Wendy's Restaurant
- Proposed Wall Sign
- 6 Square Feet of Sign Area Allowed

Single Rectangle Method



Framed sign would still be evaluated using Single Rectangle Method

Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

1 – General Requirements
2 – Class I Temporary Signs (Small A-Frame Signs)
3 – Class II Temporary Signs (Large A-Frame and Pedestal Signs)
4 – Class III Temporary Signs (Small Post-Signs)
5 – Class IV Temporary Signs (Large Post-Signs)
6 – Banner Signs
7 – Light Pole Banner Signs
8 – Teardrop Banner Signs
9 – Sign Walkers

Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

1 – General Requirements

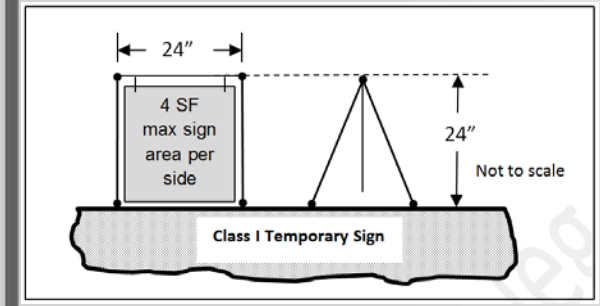
- Illumination by ambient lighting only
- Must include the name and phone number of the person responsible for placing the sign
- Cannot obstruct pedestrian or vehicular traffic
- May be buried or inserted (except for teardrop banners) but not cemented

Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05



Class I Temporary Signs (Small A-Frame Signs)

- 3 Class I Temporary Signs per “lawful temporary event”
- May not be located on vacant property
- Not allowed in public right-of-way except in conjunction with lawful temporary event
- No limit to number of sign panels provided sign copy does not exceed 8 square feet total
- May be weighed or ballasted but not affixed to ground or permanent structure
- May only be displayed during business hours

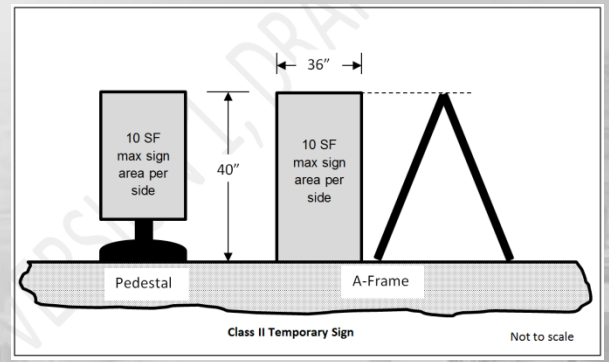
Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05

- 1 Class II Temporary Sign per commercial use or “lawful temporary event”
- May not be located on vacant property
- Must be located within 15’ of customer entrance
- May not be located within public right-of-way unless customer entrance is opens directly into right-of-way
- No limit to number of sign panels provided sign copy does not exceed 20 square feet
- May be weighed or ballasted but not affixed to ground or permanent structure
- May only be displayed during business hours



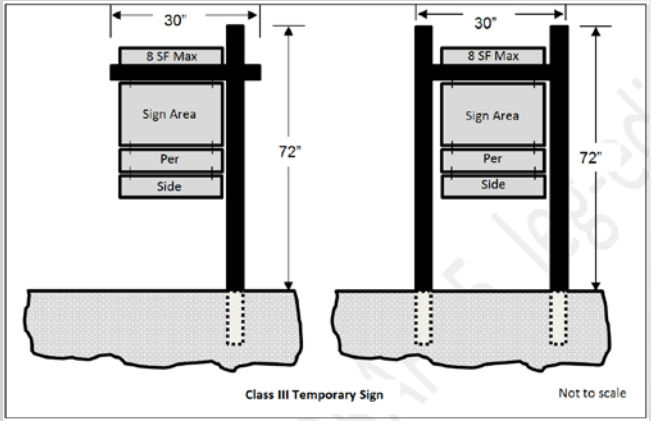
Class II Temporary Signs (Large A-Frame and Pedestal Signs)

Temporary Signs

Section 113-08 – Sign Classifications and Types

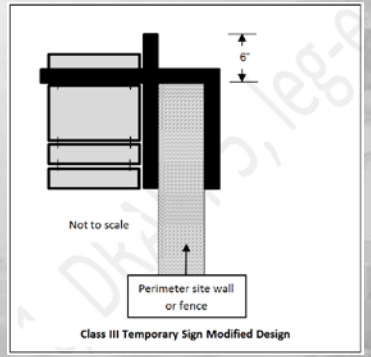
A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05



Class III Temporary Signs (Small Post-Signs)

- 1 Class III Temporary Sign per street frontage
- If located on vacant property, must be 600’ apart
- No limit to number of sign panels provided sign copy does not exceed 16 square feet total
- Includes provision for properties that back up to street



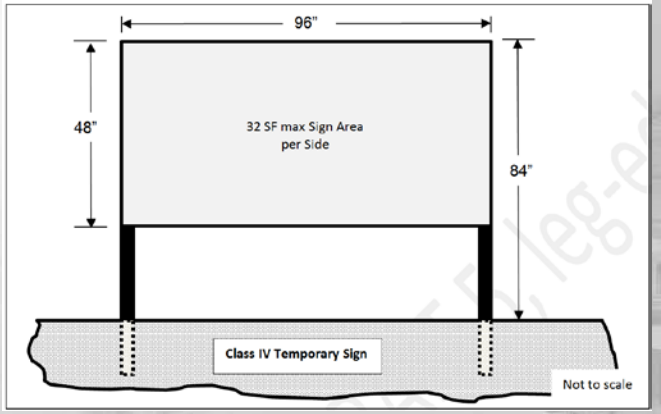
Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four “Classes” of Temporary Signs as defined in Section 113-05

- 1 Class IV Temporary Sign per street frontage
- 1 additional Class IV Temporary sign per 660’ of street frontage if associated with a public hearing
- Limited to 2 sign panels per sign at 32 square feet each



Class IV Temporary Signs (Large Post-Signs)

Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08

Light Pole Banners

Banners

Teardrop Banners

Sign Walkers

Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08
  - **Banners**

- 1 Banner Sign per building plus 1 additional Banner Sign on construction fence if associated with a construction project
- All four corners must be attached
- 1 square foot of sign area per lineal foot of elevation length not to exceed 500 square feet (30 square feet of associated with construction fence)
- Length limited to 80% of building elevation or leased tenant frontage
- Must have vent flaps

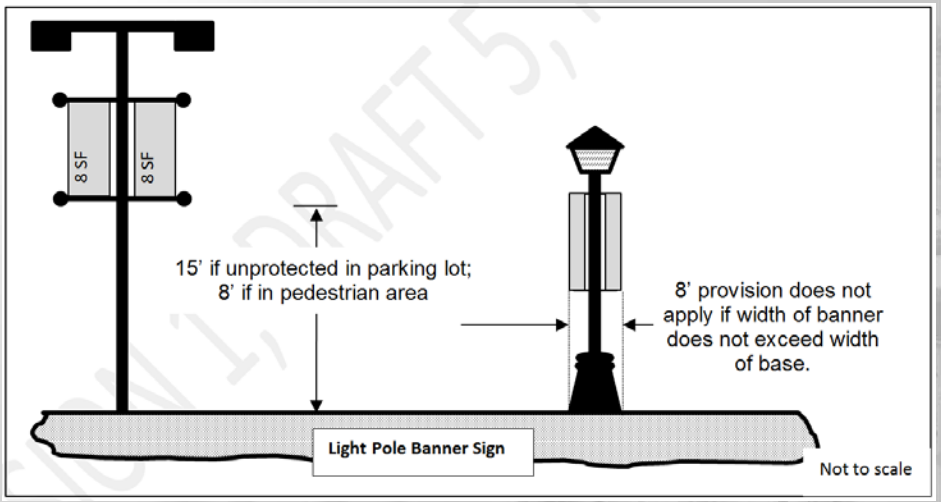
Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08
  - **Light Pole Banners**

- Light Pole Banner Signs allowed if pole is properly equipped
- 8 square feet of sign area per sign per side
- Paired signs must be uniformly sized
- 15' overhead clearance if unprotected in parking lot
- 8' overhead clearance if in pedestrian area (unless base of pole is wider than the signs)
- Horizontal supporting members must be removed or folded up when not in use
- Must have vent flaps



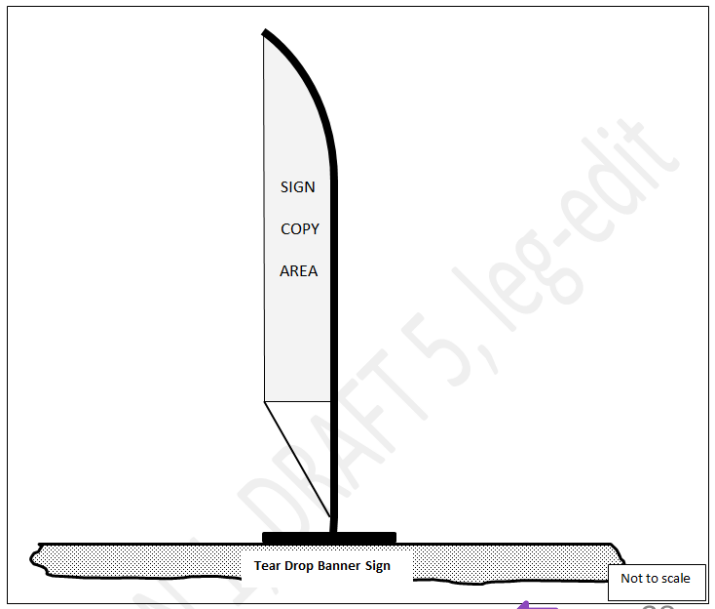
Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08
  - **Teardrop Banners**

- Two per lawful temporary event
- Must be located on the property of where the temporary event is occurring
- May not be located in a public right-of-way
- Must be 15’ away from pedestrian path, sidewalk, trail, vehicular parking surface or driveway
- Must be located 50’ from any public or private right-of-way
- Maximum height of 12’
- Maximum sign area of 26 square feet
- May be weighted or ballasted but not inserted into the soil



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Temporary Signs

Section 113-08 – Sign Classifications and Types

A – Temporary Signs

- Four additional categories of temporary signs as defined in Section 113-08
  - **Sign Walkers**

- May only operate during daylight hours
- May only operate on sidewalks
- May not obstruct pedestrian or vehicular traffic
- May carry 2 single-sided signs not exceeding 3 square feet each or 1 double-sided sign not exceeding 12 square feet
- Must wear or hold the sign

Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs
2 – Blade Signs
3 – Canopy Signs
4 – Marquee Signs
5 – Awning Signs
6 – Hanging Signs
7 – Window Signs and Sunscreens

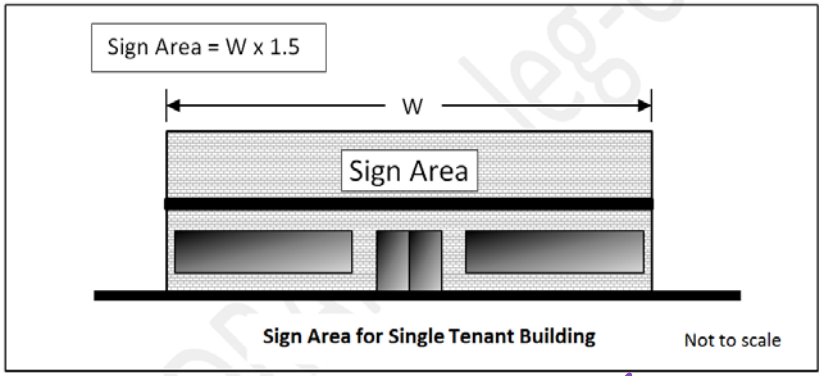
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- Allowed on any elevation of any primary use building regardless of orientation to the street or parking lot
- Single-tenant sign area is 1.5 square feet per 1 linear foot of elevation on which the sign is mounted
- Width of sign not to exceed 80% of width of building



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

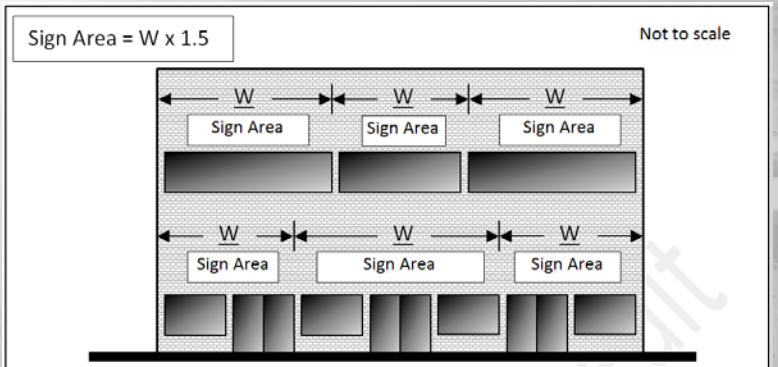
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- Allowed on any elevation of any primary use building regardless of orientation to the street or parking lot
- Multi-tenant sign area is 1.5 square feet per 1 linear foot of leased tenant frontage
- Width of sign not to exceed 80% of width of leased tenant space



Sign Area for Two-Story Multi-Tenant

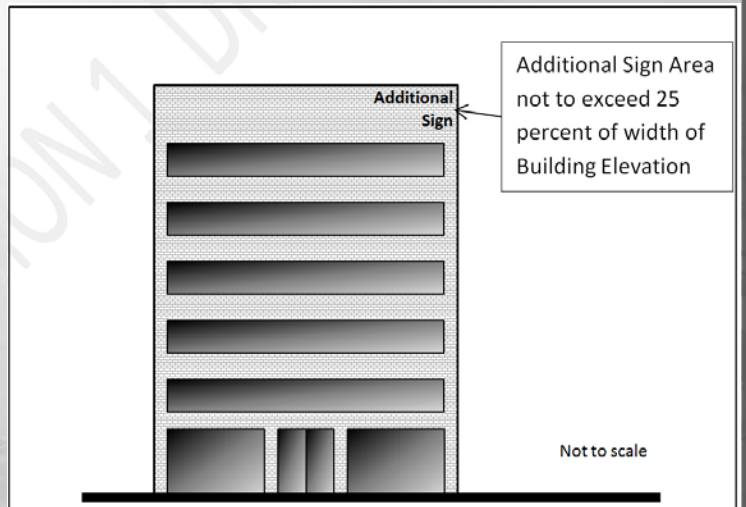
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- Allowed on any elevation of any primary use building regardless of orientation to the street or parking lot
- Multi-story building 5-stories or more get 1 additional sign near the top of the building
- Sign area not exceeding 25% of the width of the building
- Not allowed on elevation shaft or equipment screening



Additional Sign for Multi-Story Building greater than 5 Stories

Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

- May not obscure building's architecture

Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

1 – Building Wall Signs

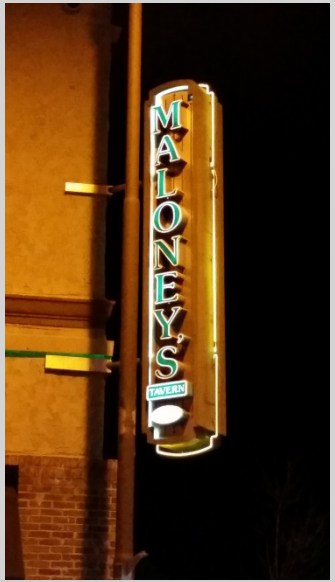
- Sign area may increase by 25% when building is setback 600’ from public right-of-way
- May increase an additional 25% for each additional 200’ of setback up to maximum of 100%
- Provided sign does not otherwise violate other provisions of the sign code

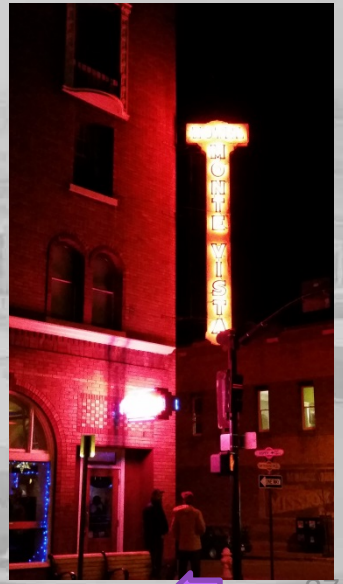
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

2 – Blade Signs





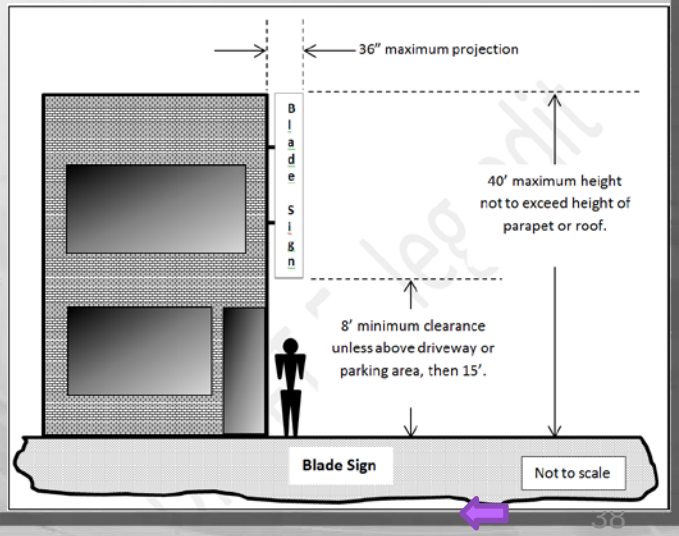
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

2 – Blade Signs

- 1 blade sign per primary use multi-story building in multi-family, commercial, mixed use or industrial zoning
- 8’ overhead clearance for pedestrian areas
- 15’ overhead clearance for vehicular areas
- Maximum height of 40’ NTE roof or parapet
- 36” projection from building face



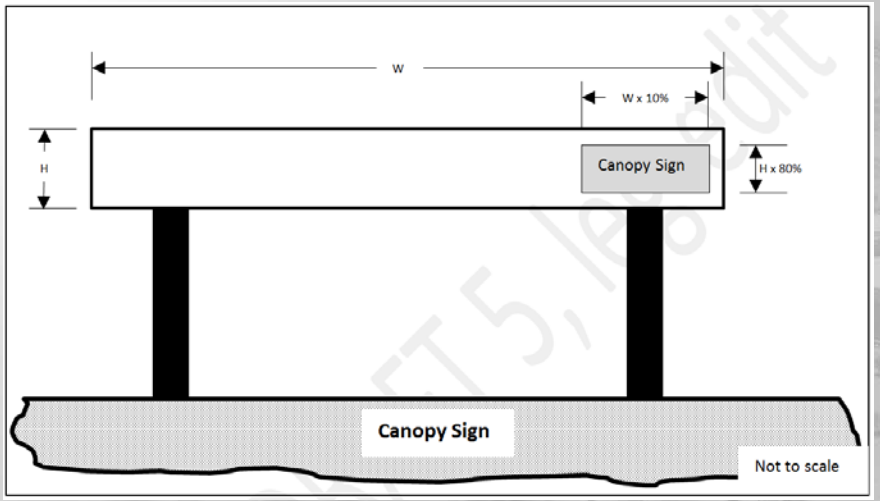
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

3 – Canopy Signs

- Height 80% of height of canopy face
- Width 10% of width of canopy



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

4 – Marquee Signs

- Height NTE height of marquee face
- Width 80% of width of marquee

Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

5 – Awning Signs

- Allowed in mixed-use, commercial and industrial zoning
- Does not contribute to aggregate sign area

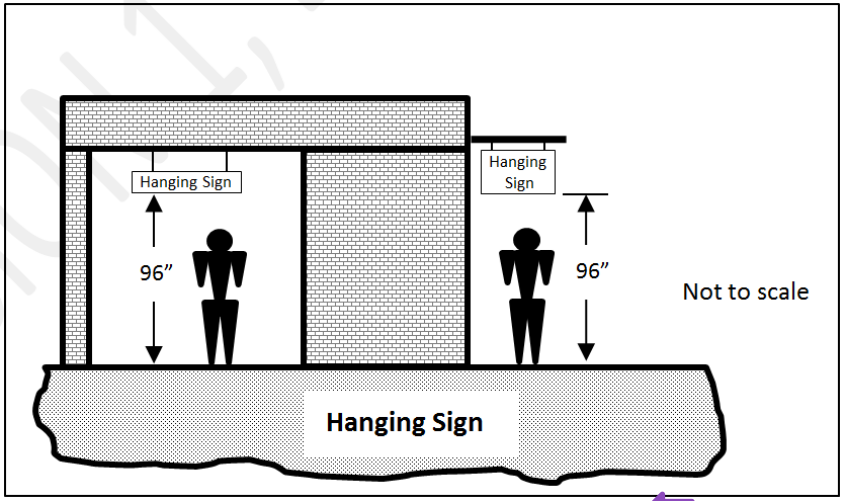
Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

6 – Hanging Signs

- 1 sign per customer entrance
- Max 6 square feet sign area
- 96” overhead clearance



Building-Mounted Signs

Section 113-08 – Sign Classifications and Types

B – Building-Mounted Signs

7 – Window Signs and Sunscreens

- May cover 40% of individual window pane
- Sunscreen may cover 100% of window pane but may only include 40% sign copy
- Does not contribute towards aggregate sign area
- Excludes etched or stained glass

Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

1 – Class I Monument Signs and Class II Monument Signs (Menu Signs and Preview Signs)
2 – Class III Freestanding Signs (Directional Signs)
3 – Class IV Freestanding Signs (Directory Signs)
4 – Class V Monument Signs (Minor Monument Signs)
5 – Class VI Monument Signs (Major Monument Signs)
6 – Roadway Arch Signs
7 – Subdivision Perimeter Wall Signs

Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

1 – Class I Monument Signs(Menu Signs)

Class II Monument Signs (Preview Signs)

- Associated with drive-through businesses
- Must be monument style vs. pole style
- Bottom of sign not less than 2’ above curb
- Max height of 6’
- Max area of 24 square feet
- Class I may not be audible from residential, hotel, motel, etc.
- Neither may be located within 100’ of a residential zoning district or use

Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

2 – Class III Freestanding Signs (Directional Signs)

- Associated with driveway serving multi-family, commercial, or industrial
- Max area of 6 square feet
- Max height of 30” (sight visibility)

Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

3 – Class IV Freestanding Signs (Directory Signs)

- Associated with the interior of a multi-family, commercial, or industrial
- Max area of 12 square feet

- Max height of 6’

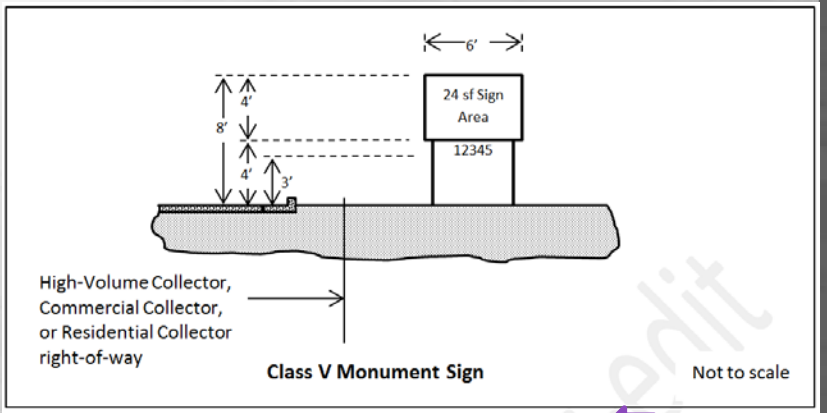
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

4 – Class V Monument Signs (Minor Monument Signs)

- Associated with a High Volume Collector, Residential Collector, or Commercial Collector
- 1 per driveway for non-residential uses in residential zone, multi-family, non-residential uses in non-residential zones



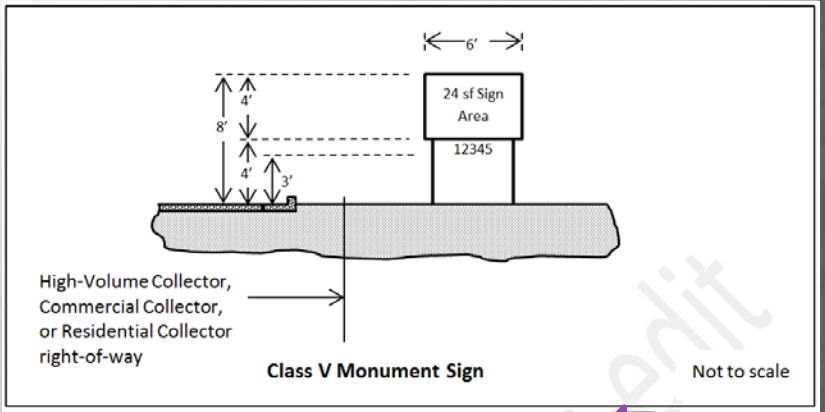
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

4 – Class V Monument Signs
(Minor Monument Signs)

- Max height of 8’
- Max width of 6’
- Bottom if sign not less than 4’
- Max sign area 24 square feet
- Must be fitted with address
- 80 square foot landscape area required
- Setback 2’ from ROW or PUE



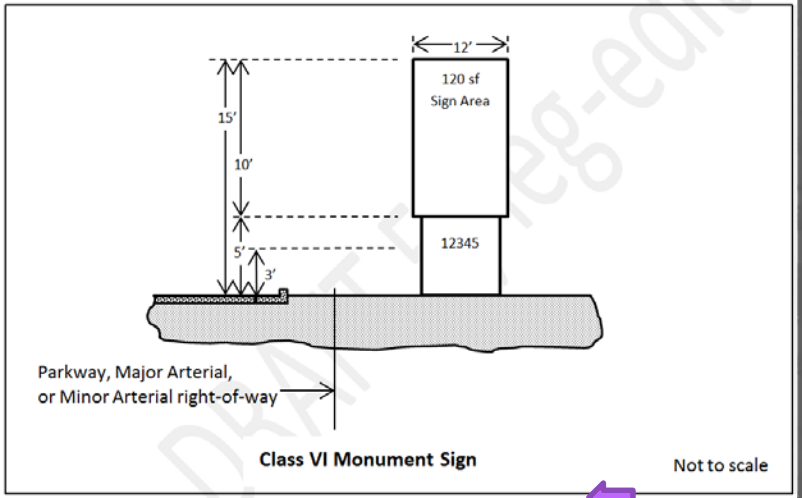
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

5 – Class VI Monument Signs (Major Monument Signs)

- Associated with a Parkway, Major Arterial, or Minor Arterial
- I per driveway for non-residential uses in residential zone, multi-family, non-residential uses in non-residential zones



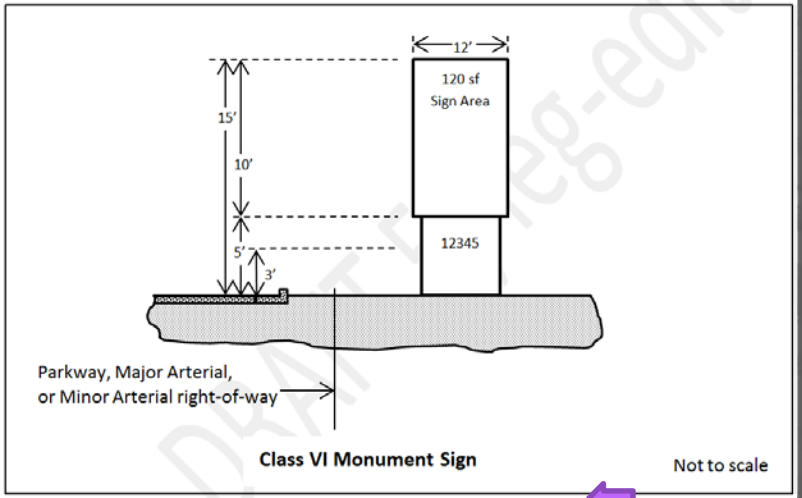
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

5 – Class VI Monument Signs
(Major Monument Signs)

- Max height of 15’
- Max width of 12’
- Bottom if sign not less than 5’
- Max sign area 120 square feet
- Must be fitted with address
- 120 square foot landscape area required
- Setback 2’ from ROW or PUE



Freestanding Signs

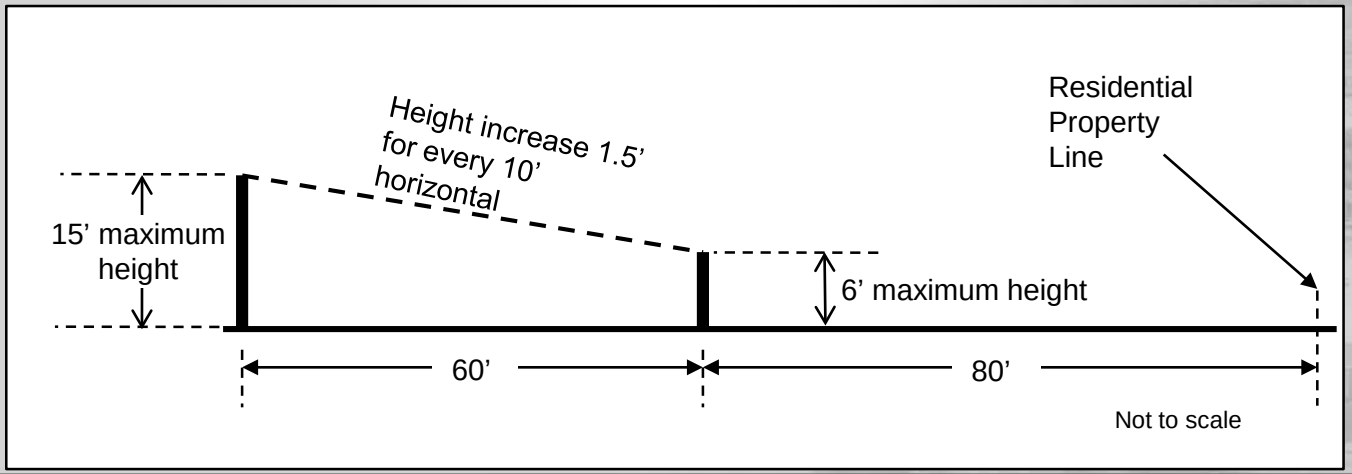
Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

5 – Class VI Monument Signs (Major Monument Signs)

Alternative methodology:

- 6’ increasing at 1-1/2:1 to max height of 15’



Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

6 – Roadway Arch Signs

- Allowed in commercial or industrial zoning
- 15’ overhead clearance

Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

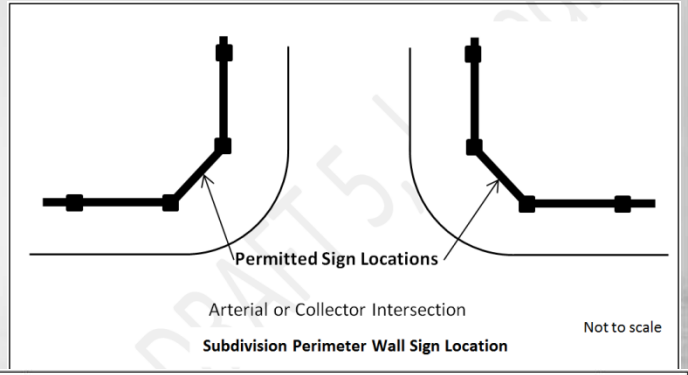
7 – Subdivision Perimeter Wall Signs

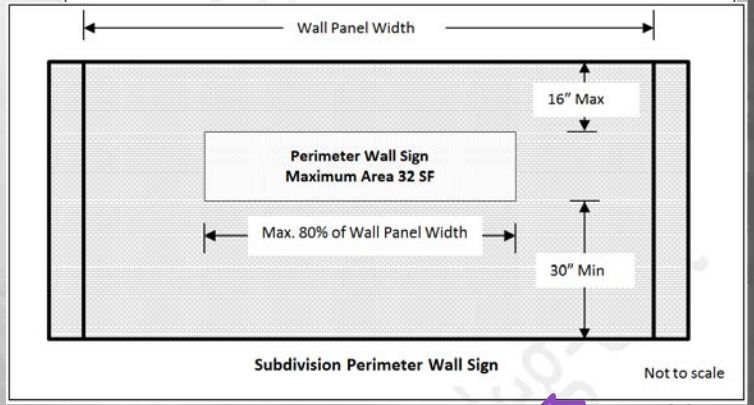
Freestanding Signs

Section 113-08 – Sign Classifications and Types

C – Freestanding Signs

7 – Subdivision Perimeter Wall Signs



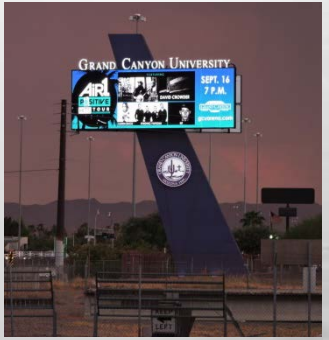


- 1 sign per collector or arterial street corner
- 32 square feet max
- Sign width NTE 80% of panel width
- Bottom no lower than 30”
- Top no higher that 16” below top of wall
- Back-lit or external lighting

Pylon Signs and Billboards

Billboards

Definition: A *sign* that advertises a business, commodity, service, entertainment, product or attraction which is sold, offered or existing elsewhere than on the property where the *sign* is located or which takes on the physical characteristics historically associated with such *signs*.



Pylon Signs and Billboards

Freeway Pylon Signs

Pylon Signs and Billboards

Pylon Signs and Billboards

Chapter 113 – Proposed Language. No provision for pylon signs. Would require Comprehensive Sign Program through P&Z and City Council.

Chapter 113 – Current Language. Allows freeway monument signs.

Prasada Pylons – Robust sign program approved by City Council. Allows for freeway signage up to 100' tall in specified locations.

Sycamore Farms – Defaults to Chapter 113. If language pertaining to freeway monument signs is not included in the re-write, then Sycamore Farms would not be allowed that type of signage.

County Pylons – Allows pylon signs in certain circumstances.

County Billboards – Allows billboards in certain circumstances.

Sign Lighting

Section 113-09 – Sign Illumination

- Signs may be externally illuminated, internally illuminated or back-lit unless otherwise specified.
- Brightness no more than necessary.
- Light sources must be shielded from view.
- No excessive glare.
- May not obstruct traffic control or other public signs
- May not utilize flashing, blinking or chasing lights.
- Provision for environmentally sensitive areas
- Any sign that is within 100 feet of and visible from any single-family zoning may not be illuminated between 10:00 PM and 6:00 AM
- Signs associated with the top of a 5-story+ building and located within1,320 feet of residential may not be illuminated between 10:00 PM and 6:00 AM

Sign Lighting

Section 113-09 – Sign Illumination

Illumination, internal: A light source that is concealed or contained within the *sign* and becomes visible in darkness through a translucent surface.

Sign Lighting

Section 113-09 – Sign Illumination

Illumination, external: A light source that is separate and apart from the *sign*.

Sign Lighting

Section 113-09 – Sign Illumination

Sign, backlit: A *sign* typically utilizing opaque graphics, in which the light source is concealed or contained within the graphic thereby causing the graphic to become visible against the illuminated surface onto which the graphic is mounted.

Sign Lighting

Section 113-09 – Sign Illumination

Illumination, bare-bulb: A type of *external illumination* consisting of light bulbs or a string of light bulbs, or takes on the appearance of such including LEDs.

Sign Lighting

Section 113-09 – Sign Illumination

Illumination, bent-tube: A source of light for *externally illuminated* graphics supplied by a glass tube that is bent to form letters, symbols, or other shapes and filled with a gas that when electrically charged emits light, or any other method or technology, such as but not limited to LED rope lighting, utilized to achieve the same effect.

Sign Lighting

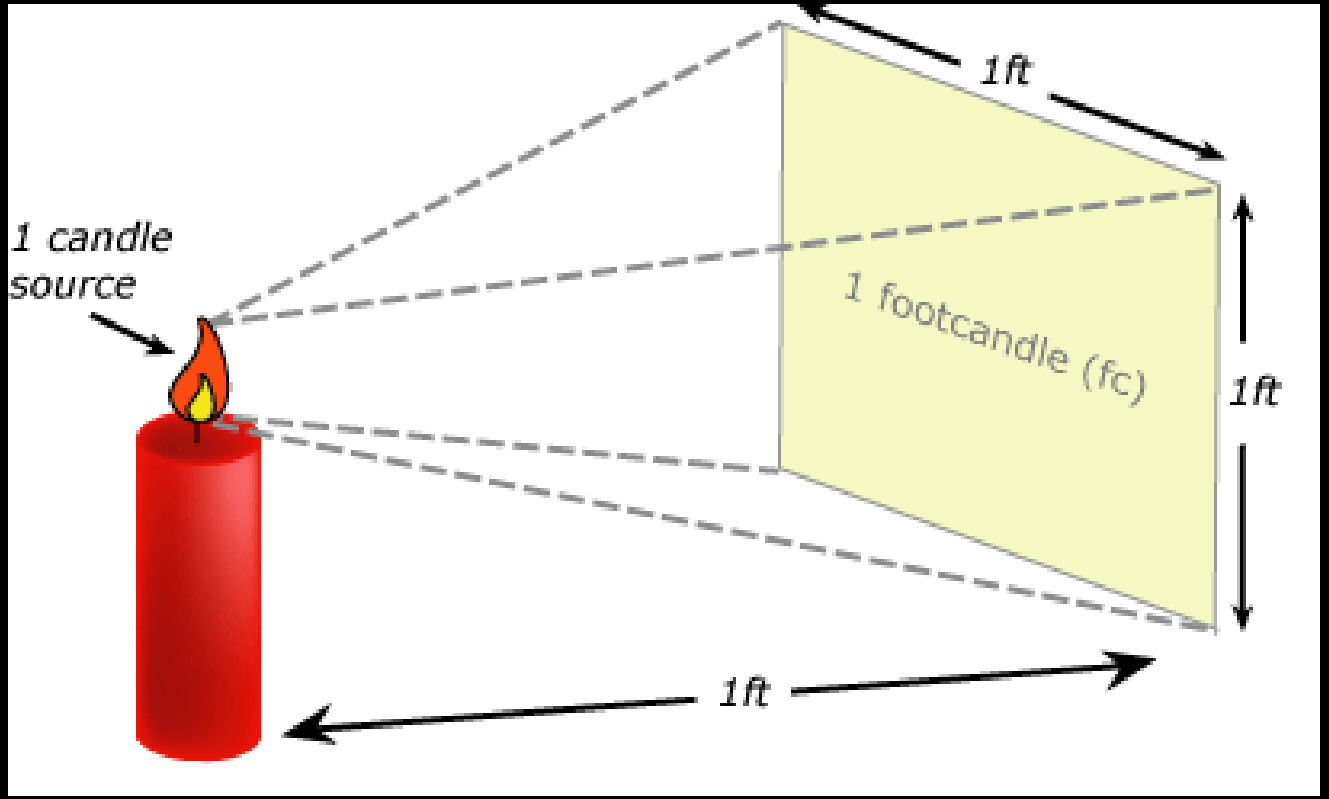
Section 113-09 – Sign Illumination

- Luminance - The light that is emitted by a light source or reflected from a surface, measured in foot-Lamberts or Nits. (Think of as the brightness of the light source)

- Illuminance - The amount of light falling upon a real or imaginary surface, measured in either foot-candles or lux. (Think of how much light actually reaches the eye)

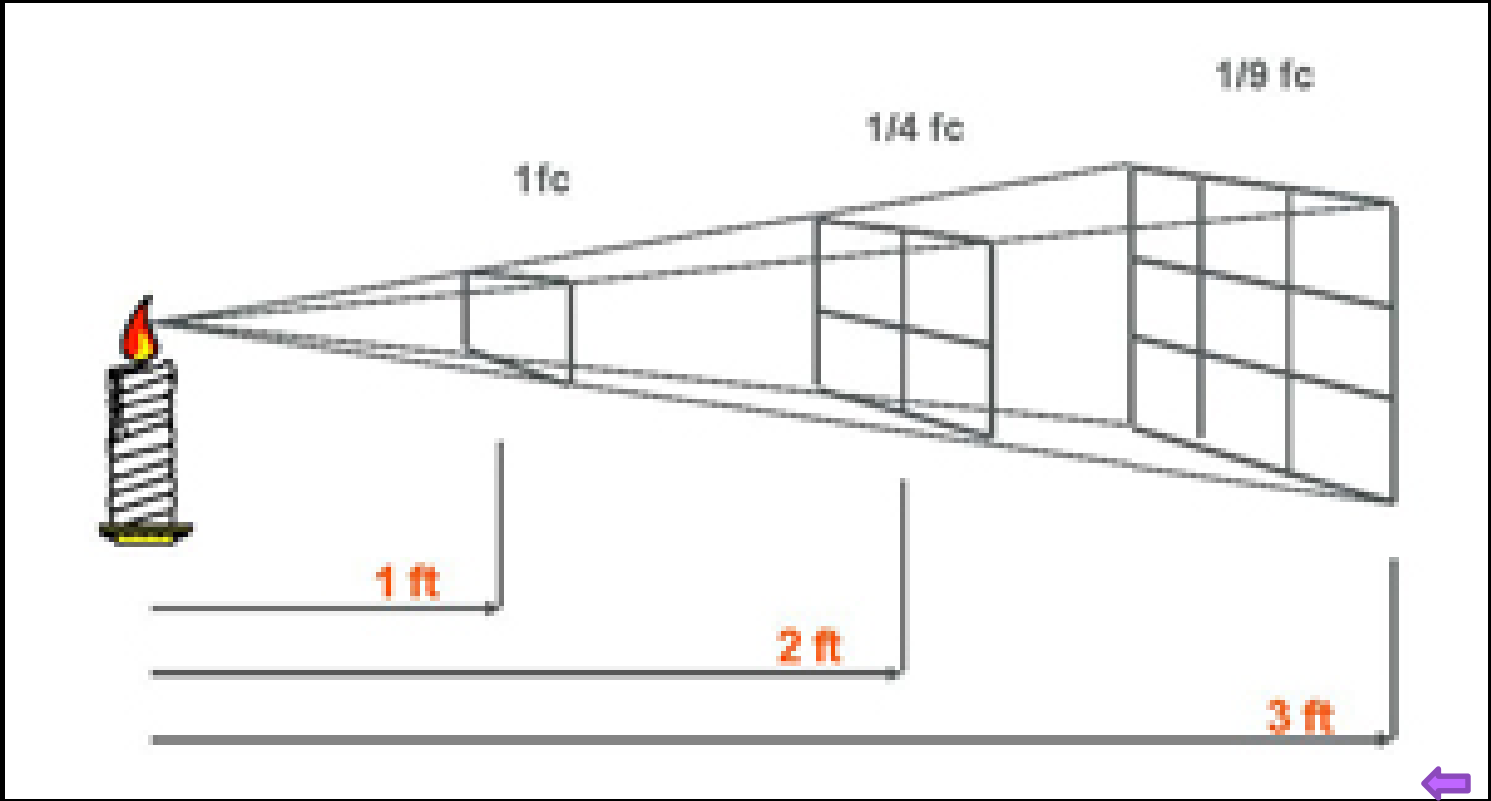
Sign Lighting

Section 113-09 – Sign Illumination



Sign Lighting

Section 113-09 – Sign Illumination



Electronic Messaging

Section 113-10 – Electronic Messaging

- Sets up two “levels” of electronic messaging:
  - Level 1 – static messaging with manual copy change
  - Level 2 – static messaging with automatic copy change and 8 second hang time

Electronic Messaging

Section 113-10 – Electronic Messaging

- Both may employ full color graphics
- Sign area cannot exceed what is outlined for any particular sign type
- Not allowed for sign walkers or wall signs
- Reader Panels may be substituted for Level 1

Electronic Messaging

Section 113-10 – Electronic Messaging

- Neither type may employ any form of movement e.g. fade, scroll, etc.

DSCN0296.MOV

Electronic Messaging

Section 113-10 – Electronic Messaging

- Brightness measured by illuminance meter set to measure foot-candles and accurate to 2 decimals
- Difference between “off” and “solid” NTE 0.3 foot-candles
- Must include written certification from manufacturer that light intensity levels are factory set and may not be manipulated by the end user.

Electronic Messaging

Section 113-10 – Electronic Messaging

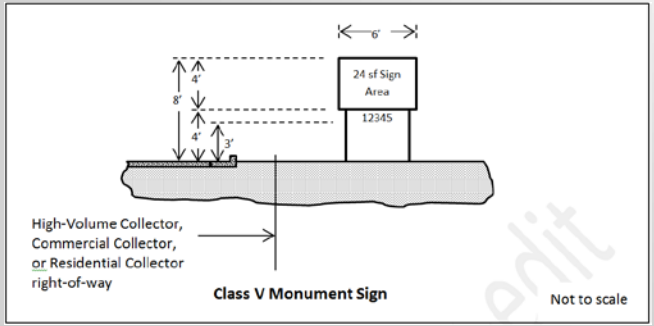
- Must be equipped with sensor or other device that automatically determines the ambient illumination level and automatically adjusts to 0.3 foot-candle requirement

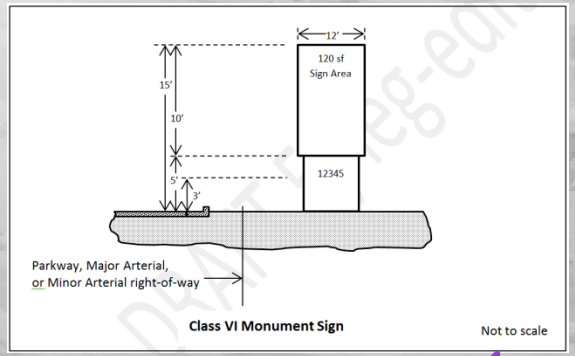
Addressing

Section 113-11 – Address Identification

- Defers largely to International Fire Code for building addresses

- Does speak to Monument Sign addresses
  - 9” tall numbers
  - 3” brush stroke
  - 3’ to bottom of numbers
  - Does not contribute to Sign Area





Flags and Flagpoles

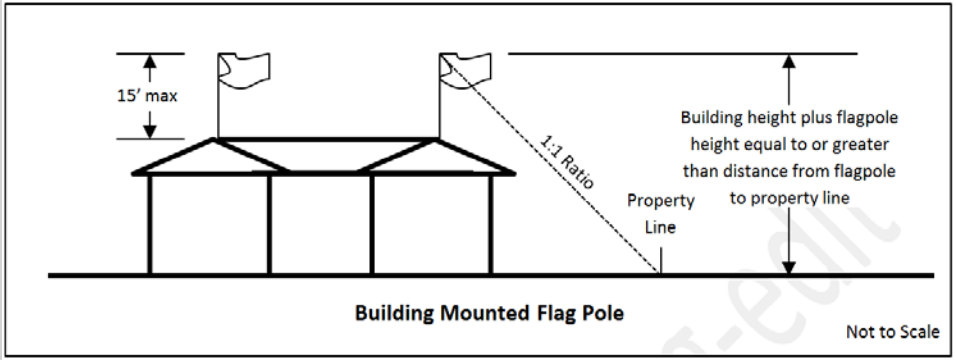
Section 113-12 – Flags and Flagpoles

- 1 freestanding flagpole per single-family lot of record
- Must be located in the front yard
- 30’ max height unless associated with a MHC
- 1 pole not exceeding 6’ in length may be attached to the house

Flags and Flagpoles

Section 113-12 – Flags and Flagpoles

- 3 freestanding flagpole per business
- 35’ max height unless approved by City Council
- 2 poles not exceeding 15’ in length may be attached to the building if 2:1 distance to height ratio is maintained



Comprehensive Sign Programs

Section 113-13 – Comprehensive Sign Programs

- May allow a deviation from the requirements applicable to a particular sign class or type, and/or;
- May introduce a unique or creative sign type that is not listed as a permitted sign type in Section 113-06.A.
- May not introduce a sign type that is specifically prohibited in Section 113-06.F.

Comprehensive Sign Programs

Section 113-13 – Comprehensive Sign Programs

- Must demonstrate:
  - Material improvement over what is otherwise allowed
  - Appropriateness to the character of the development
  - Appropriateness to the neighborhood
  - Provides a cohesive aesthetic to be applied to all areas covered by the CSP

- Process:
  - May be approved as stand-alone document or as part of rezone
  - Requires public hearings through P&Z and City Council
  - Approval is discretionary

Nonconforming Signs

Section 113-14 – Nonconforming Signs

- Nonconforming signs must be maintained in good condition

- May not be altered, modified, or reconstructed unless:
  - Bringing into conformance with the code
  - Changing sign copy

- Nonconforming signs must be remove if:
  - Use of property is abandoned for 90 consecutive days; or,
  - 10 years since nonconformity began

- May apply for time extension under certain circumstances

Enforcement

Section 113-15 – Enforcement

- Any sign that is not listed as allowed is specifically not allowed
- Notice of Violation not required to remove sign that is thought to be in violation
- Contact information required on sign or is automatically in violation
- COE may contact person responsible for the sign or the property owner to investigate
- City may discard a sign within 5 business days of removal

Next Steps (tentative)

- P&Z public hearing June 1, 2017
- City Council work session June 20, 2017
- City Council public hearing August 1, 2017

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD Boards and Commissions	District:	5
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion

Agenda Wording:

Consideration and action pertaining to a Conditional Use Permit (CUP) for Surprise Christian Preschool, located at 14925 West Silverleaf Way in the Kingwood Parke Planned Area Development.

Motion:

I move to approve a Conditional Use Permit for Surprise Christian Preschool.

Background:

The Surprise Christian Preschool seeks approval of a Conditional Use Permit to allow a preschool/daycare facility known as the Surprise Christian Preschool in an existing building within the Kingswood Parke Planned Area Development. The address of the facility is 14925 West Silverleaf Way. There will be no external improvements other than state mandated playground improvements to the site.

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 - FS17-244 - Surprise Christian Preschool CUP - Staff Report
- 01 - FS17-244 – Surprise Christian Preschool Conditional Use Permit (CUP) - Vicinity Maps
- 02 - FS17-244 – Surprise Christian Preschool Conditional Use Permit (CUP) - Applicant Narrative
- 03 - FS17-244 – Surprise Christian Preschool Conditional Use Permit (CUP) - Site Plan
- 04 - FS17-244 – Surprise Christian Preschool Conditional Use Permit (CUP) - Public Engagement
- 05 - FS17-244 – Surprise Christian Preschool Conditional Use Permit (CUP) - 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

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

Case:	**FS17-244**
Project Name:	Surprise Christian Preschool
Council District:	5 - Palm
Meeting Date:	**July 20, 2017**
Planner:	Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

---

Owner:	Surprise Church of Christ
Applicant:	Surprise Christian Preschool
Request:	Conditional Use Permit (CUP) for a preschool/daycare facility in the Kingswood Parke PAD zoning district.
Site Location:	The address of the existing worship facility where the preschool is to be located is 14925 West Silverleaf Way in the Kingswood Parke Planned Area Development (PAD).
Site Size:	A 2,700 square-foot space within a 3.86 acre worship facility site.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035.
Support/Opposition:	No indication of support or opposition was encountered.
Staff Recommendation:	Staff recommends the Commission **approve** the proposed Conditional Use Permit for the Surprise Christian Preschool.

PROJECT DESCRIPTION:

The Surprise Christian Preschool seeks approval of a Conditional Use Permit to allow a preschool/daycare facility known as the Surprise Christian Preschool in an existing building within the Kingswood Parke Planned Area Development. The address of the facility is 14925 West Silverleaf Way. There will be no external improvements other than state mandated playground improvements to the site.

EXISTING ZONING:

The following chart and associated map depict the existing zoning of the subject parcel and its adjacent development:

Kingswood Parke Residential PAD	Kingswood Parke Residential PAD	Kingswood Parke Residential PAD
Kingswood Parke Residential PAD	Kingswood Parke Residential PAD Existing Worship Facility	Kingswood Parke Residential PAD
Kingswood Parke Residential PAD	Kingswood Parke Residential PAD	Kingswood Parke Residential PAD

BACKGROUND:

June 20, 1984: The subject parcel was annexed into the City.

November 17, 1994: The City Council approved the Kingswood Parke Development Plan under Ordinance 94-17.

November 17, 1994: The Mayor and City Council approved an amendment to the Kingswood Parke PAD under Case PADA94-025.

February 20, 2001: The Planning and Zoning Commission approved the CUP for Surprise Church of Christ under Case CUP00-175.

November 1, 2012: The Planning and Zoning Commission approved a Site Plan Amendment to construct a fellowship hall for the Surprise Church of Christ under Case FS12-280.

April 6, 2017: Staff met with the applicant to discuss the proposal during a regularly scheduled Concept Review meeting under Case CR17-153.

May 16, 2017: The applicant filed a request for a Conditional Use Permit to allow a preschool/daycare facility under Case FS17-244, the subject case.

July 5, 2017: The applicant held a Citizen Review meeting at the worship facility where the preschool is to be located.

CITIZEN OUTREACH:

As noted above, the applicant held a Citizen Review meeting on July 5, 2017, which generated no input. The site was also posted and advertised in accordance with the Surprise Municipal Code.

ANALYSIS AND DISCUSSION:

The subject request involves a use that the Kingswood Parke PAD specifies requires a Conditional Use Permit (CUP) to operate. The code language associated with CUPs indicates certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances, be acceptable. When such circumstances exist, a CUP may be granted. The permit may be issued for a specified period of time with automatic cancellation at the end of that time unless it is renewed or conditions may be applied to the Issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person or firm.

The Planning and Zoning Commission shall consider the effect of the proposed use upon the health safety and general welfare of occupants of surrounding land, existing and anticipated traffic conditions Including parking facilities on adjacent streets and land, and the effect of the Commission may grant the application by motion Imposing such condition and safeguards as it deems necessary or it may deny the application.

The existing building in which Surprise Christian Preschool is proposed is located at 14925 West Silverleaf Way in the Kingswood Parke Planned Area Development (PAD). The facility will operate all activities within approximately 2,700 square-feet of the existing 11,814 square-foot church facility. The existing playground, located on the northwest edge of the building, may be modified to meet any state mandated requirements. Enrollments will not exceed 24 students. The facility will operate in concert with the Dysart School District schedule Monday through Friday from 8:30 am to 12:00 pm.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports the proposed use.

SUMMARY:

Staff believes the proposed Conditional Use Permit is consistent with the manner in which the Kingswood Parke PAD and the Surprise Church of Christ has developed, and will not have a detrimental effect of the overall Site Plan. The proposed CUP is required by the underlying PAD and is consistent with that zoning designation.

FINDINGS:

- The proposed Conditional Use Permit demonstrates compliance with the criteria set forth in the Kingswood Parke PAD.
- The proposed Conditional Use Permit demonstrates compliance with the Surprise General Plan 2035.
- The reviewing departments and agencies have indicated no objections to the request.

RECOMMENDATION:

Based on the findings noted above, staff recommends the Commission **approve** the subject Conditional Use Permit.

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

Attachments:

01 – Vicinity Maps
02 – Applicant Narrative
03 – Site Plan
04 – Public Engagement Form
05 – Citizen Participation Report

VICINITY MAP – FS17-244

VICINITY MAP – FS17-244

Surprise Christian Preschool will provide a half day preschool program for children ages 3-5 in order to prepare them for kindergarten. The existing space within Surprise Church of Christ will be used. No structural modifications will be made to this space, nor will any plumbing, mechanical, electrical or fire/sprinkler changes be made. Said space has already been approved by an architect with experience with Arizona State child care rules and guidelines.

The Preschool will be open and teachers and staff will be present from 8:00am until 12:30pm, Monday through Friday. Classes will run from 8:30am until 12:00pm, Monday through Friday. There will be no children present before or after these class times. No additional extended care will be provided for the students by the Preschool. Surprise Christian Preschool will follow the same schedule as Dysart Unified School District. As such, there will not be any children present during any scheduled days off or school breaks.

Surprise Christian Preschool will use existing space within the Surprise Church of Christ building. No modifications will be made to the structure.

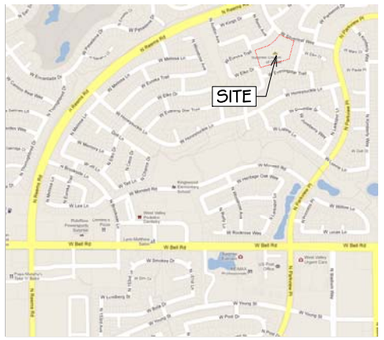
Students will be dropped off at the school by their parents/guardians approximately ten (10) minutes before the beginning of class. There are two (2) driveways that exit the property onto West Silverleaf Way. Both of these driveways have the space and ability to have vehicles arrive and leave at the same time. Both driveways also allow for left and right hand turns to be made onto West Silverleaf Way. West Silverleaf Way is a through street which does not have any private driveways, only entrances onto public streets. Reems Road is at one end of West Silverleaf Way and Parkview Place is at the other end. As such, any impact made to local residential traffic should be minimal.

The Preschool will allow parents/guardians to use both driveways to drop off and to pick up their children. There is ample parking in the lot at the back (south end) of the property. Parents/guardians will park in the rear lot and walk their children to the main entrance of the school where they will be checked in to the appropriate classroom. However, in the event of rain at pick up or drop off times, the west driveway will be used as an entrance only and the east driveway will be used as an exit only. Surprise Church of Christ has an overhead cover at the main entrance to their building. During inclement weather, the Preschool will use this area as its pick up and drop off location. In these times, parents/guardians will only enter the parking lot from the west entrance, they will drive around the back of the Church and enter the covered area, proceeding towards the east driveway. After dropping

off or picking up their child, they will exit the covered area and exit the parking lot via the east driveway and proceed onto West Silverleaf Way. (Diagrams attached.)

Parents/guardians will be made aware of the inclement weather pick up and drop off procedures in the Parent Handbook that they will receive at the beginning of the school year. They will also be reminded through school newsletters and postings. Signs may be used to guide parents/guardians to the proper entrance and exit during inclement weather. In addition, parents/guardians will be alerted by way of an email/text alert the day or time it is to be implemented.

Surprise Christian Preschool looks to open for the first day of school on Monday, August 7, 2017.



VICINITY MAP

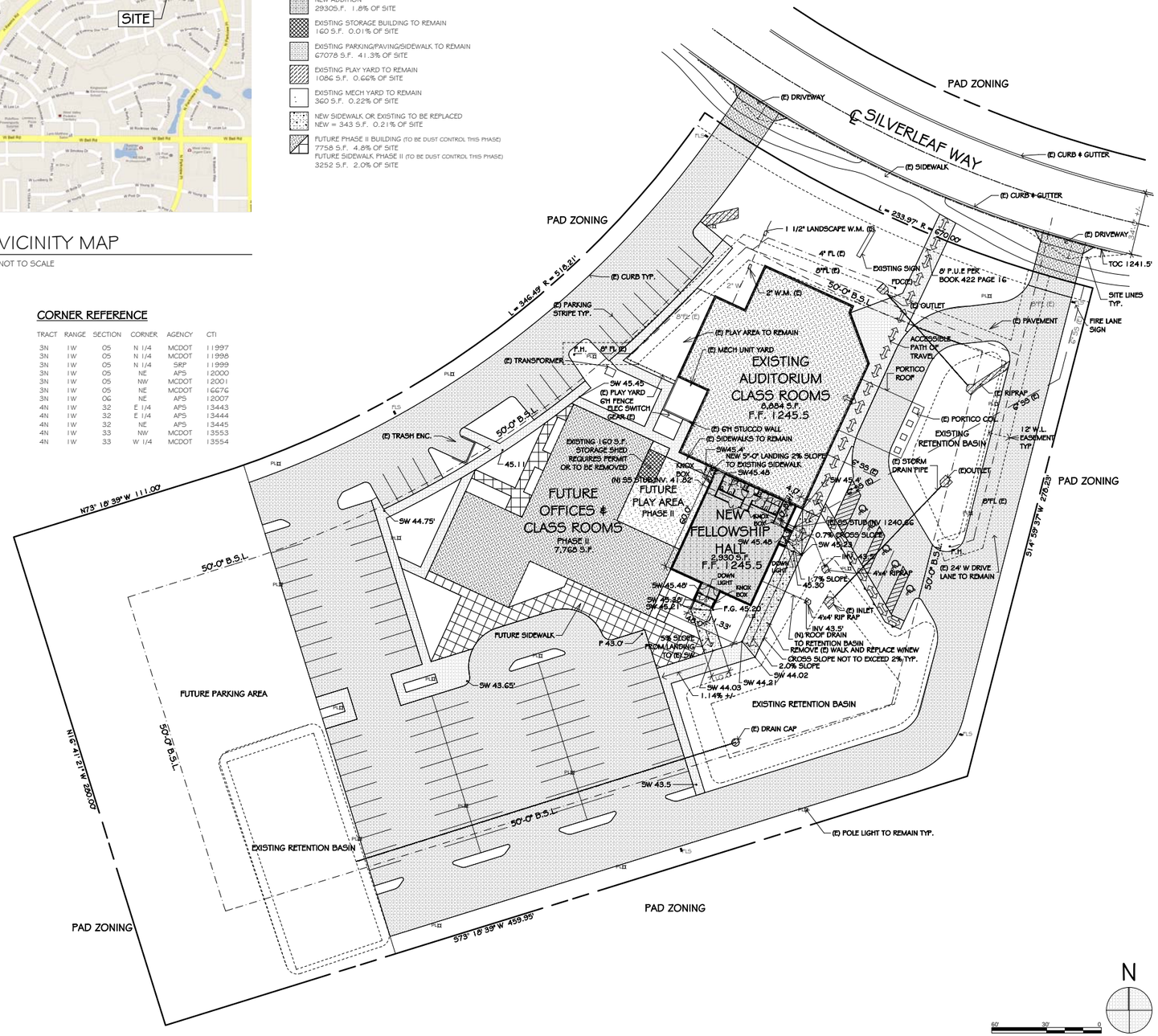
NOT TO SCALE

SITE SCHDEULES

- EXISTING BUILDING AND PORTIOC TO REMAIN
  9793 S.F. 6.03% OF SITE
- NEW ADDITION
  2930S.F. 1.8% OF SITE
- EXISTING STORAGE BUILDING TO REMAIN
  160 S.F. 0.01% OF SITE
- EXISTING PARKING/PAVING/SIDEWALK TO REMAIN
  67078 S.F. 41.3% OF SITE
- EXISTING PLAY YARD TO REMAIN
  1086 S.F. 0.66% OF SITE
- EXISTING MECH YARD TO REMAIN
  360 S.F. 0.22% OF SITE
- NEW SIDEWALK OR EXISTING TO BE REPLACED
  NEW = 343 S.F. 0.21% OF SITE
- FUTURE PHASE II BUILDING (TO BE DUST CONTROL THIS PHASE)
  7768 S.F. 4.8% OF SITE
  FUTURE SIDEWALK PHASE II (TO BE DUST CONTROL THIS PHASE)
  3252 S.F. 2.0% OF SITE

CORNER REFERENCE

TRACT	RANGE	SECTION	CORNER	AGENCY	CTI
3N	1W	05	N 1/4	MCDOT	11997
3N	1W	05	N 1/4	MCDOT	11998
3N	1W	05	N 1/4	SRP	11999
3N	1W	05	NE	APS	12000
3N	1W	05	NW	MCDOT	12001
3N	1W	05	NE	MCDOT	16676
3N	1W	06	NE	APS	12007
4N	1W	32	E 1/4	APS	13443
4N	1W	32	E 1/4	APS	13444
4N	1W	32	NE	APS	13445
4N	1W	33	NW	MCDOT	13553
4N	1W	33	W 1/4	MCDOT	13554



ARCHITECTURAL SITE PLAN

SCALE: 1" = 30'

PROJECT DATA

PROJECT/OWNER

PROJECT NAME: SURPRISE CHURCH OF CHRIST
PROJECT ADDRESS: 14925 W SILVERLEAF WY
SURPRISE, AZ 85374

OWNER: SURPRISE CHURCH OF CHRIST
14925 W SILVERLEAF WY
SURPRISE, AZ 85374

ARCHITECT: LARRY J WARNER RA
AGENT: L J WARNER ARCHITECT
10921 W HIBISCUS DR.
SUN CITY, AZ 85373
V- 623-328-8825
E-MAIL larry@ljwarner.com

CIVIL ENGINEER: VALLEY LAND PARTNERS
7025 W PONTIAC DR.
GLENDALE AZ 85308
V - 623-776-5757
E-MAIL dcaparros@vlpartners.net

SITE SUMMARY

GROSS AREA:

PARCEL A:	168,142 SF	3.86 ACRES
TOTAL PROJECT AREA:	168142 SF	3.86 ACRES
NET AREA:	168142 SF	3.86 ACRES
EXISTING ZONING:	PAD	
PROPOSED ZONING:	PAD	
EXISTING LAND USE:	CHURCH	
PROPOSED LAND USE:	CHURCH	

PROJECT REQUEST: ADDITION OF A NEW FELLOWSHIP HALL TO SUPPORT THE EXISTING MEMBERSHIP

LEGAL DESCRIPTION: SEE BELOW

BUILDING/SITE DATA

		OCC. TYPE	CONST TY
EXISTING BUILDING:			
AUDITORIUM & CLASSROOMS:	8,884 SF	A-3	II-B
NEW BUILDING:			
FELLOWHIP HALL:	2327 SF	A-3	II-B
RESTROOMS:	533 SF		
ENTRY VESTIBULE:	70 SF		
TOTAL FOOTPRINT:	2930 SF		
TOTAL AREA:	11,814 SF	A-3	II-B
FUTURE AREA:	7,768 SF		
TOTAL FOOTPRINT W/ FUTURE:	19,562		

LOT COVERAGE BASE:	7.03%	OF SITE
LOT COVERAGE W/ FUTURE:	11.65%	OF SITE

PARKING ANALYSIS 1/4 SEATS

REQUIRED: @212 SEATS	53 INCLUDING ACCESSIBLE SPACES
REQUIRED: @400 SEATS	100 INCLUDING FUTRE PHASE III
ACCESSIBLE SPACES:	2
LOADING SPACES:	N/A
PROVIDED:	
STANDARD:	97
ACCESSIBLE:	5
LOADING SPACES:	0
TOTAL PARKING CURRENT	102

SERVICES:

SCHOOL DISTRICT:	SURPRISE UNIFIED SHOOL DISTRICT
ELECTRIC:	APS
TELEPHONE:	COX COMMUNICATIONS
	CENTURY LINK
GAS:	NONE:
WASTE WATER:	SURPRISE
CABLE:	COX COMMUNICATIONS
POLICE:	CITY OF SURPRISE

L J WARNER ARCHITECT
A WARNER GROUP LLC COMPANY

ARCHITECTURE
ENGINEERING
CONSULTING
PLANNING
SPACE PLANNING

ARIZONA MAIN OFFICE
10921 W HIBISCUS DR
SUN CITY, AZ 85373
V-623-328-8825 F-623-255-6869
WWW.LJWARNER.COM
E-MAIL INFO@LJWARNER.COM

ARIZONA CALIFORNIA HAWAII
COLORADO TEXAS WASHINGTON

REGISTERED ARCHITECT
CERTIFICATE NO.
41452
LARRY
JAMES
WARNER
Date Signed 10-4-12
ARIZONA U.S.A.
EXPIRES 06/30/2013
LARRY J WARNER RA

CA C136689 AZ 41452 HI 13066 TX 20092 CO 401181 WA 9408

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CONSULTANTS

PROJECT
SURPRISE CHURCH OF CHRIST ADDITION

JOB SITE
14925 W, SILVERLEAF WY,
SURPRISE, AZ, 85374,

APN: 503-59-022B

CLIENT
DREW PICKENS
SURPRISE CHURCH OF CHRIST
14925 W. SILVERLEAF WY,
SURPRISE, AZ, 85374,

OWNER
SURPRISE CHURCH OF CHRIST
SURPRISE CHURCH OF CHRIST
14925 W. SILVERLEAF WY
SURPRISE, AZ 85374

REVISIONS

No.	Date	Description
1	08/25/12	REV. LANDING & SW , ADDED ELV.

DRAWING TITLE
ARCH SITE PLAN

Plan No.

Proj. No.
120821A

Drawn By:
LJW

Dwg. File
120821A-SCC-DD-1 ST PARAPET.pln
10/4/2012 7:07 AM

Printed
10/4/2012

Date
09/05/2012

Scale
AS NOTED

L J WARNER ARCHITECT
A WARNER GROUP LLC COMPANY

SHEET
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COPYRIGHT L J Warner ARCHITECT, LARRY J WARNER ARCHITECT and Warner Group LLC ALL RIGHTS RESERVED C:\Users\larry\+ L J WARNER RA\+ Projects\Commercial\2082 1A-Surprise Church of Christ\+ Models\Architecture\1 2082 1A-SCC-DD - 1 ST PARAPET.pln

PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Surprise Christian Preschool Conditional Use Permit (CUP)

OVERALL PUBLIC INVOLVEMENT LEVEL:

On July 5, 2017, the applicant held a Citizen Outreach Meeting at the Surprise Church of Christ at 6:00 PM. A Public Hearing with the Planning and Zoning Commission will be held on July 20, 2017. The public has been asked to provide input/feedback.

IDENTIFY STAKEHOLDERS:

Residents of the area, Surprise Church of Christ, and the public at large.

OBJECTIVES:

The purpose of the Public Hearing is to discuss operating a preschool/day care facility at the Surprise Church of Christ located in the Kingswood Parke Planned Area Development (PAD) at 14925 West Silverleaf Way .

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) July 5, 2017 at the Surprise Church of Christ at 6 PM
Future Council Work Session/Meetings target dates N/A
Election dates (if applicable) N/A
Project start/completion dates As soon as possible.

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

SURPRISE
ARIZONA

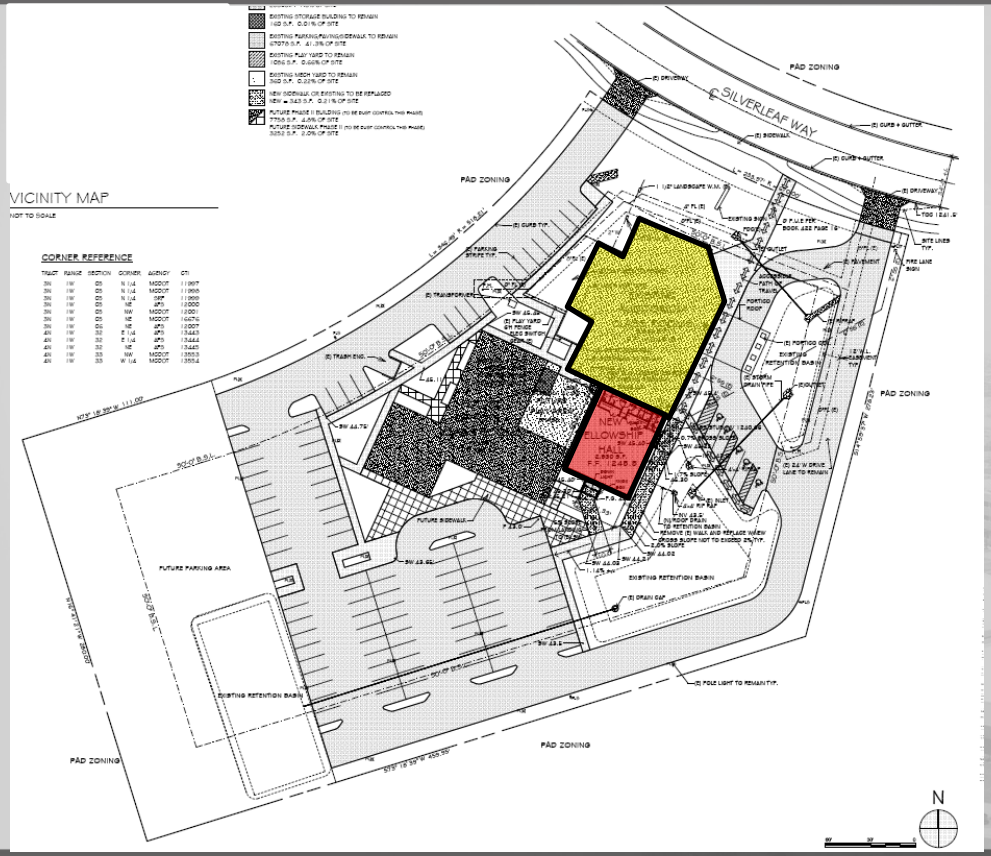
FS17-244
Surprise Christian Preschool at Kingswood Parke CUP

Planning and Zoning Commission - July 20, 2017

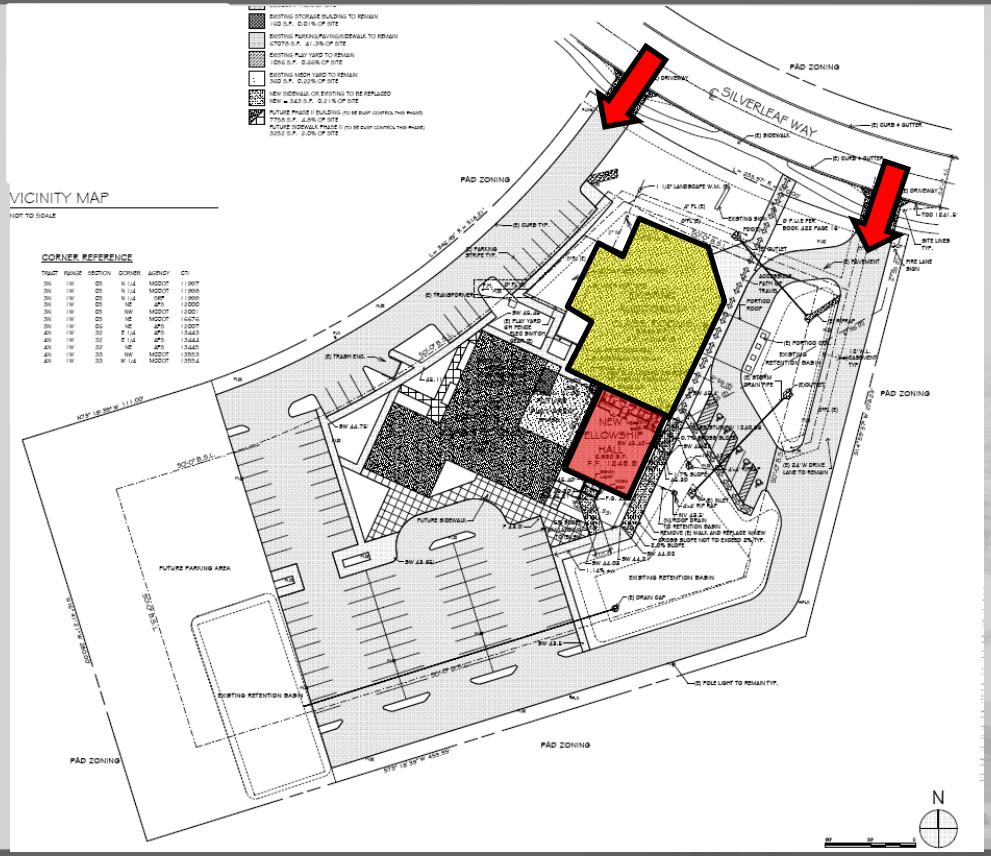
VICINITY MAP

VICINITY MAP

SITE PLAN


VICINITY MAP
NOT TO SCALE
CORNER REFERENCE
SILVERLEAF WAY
PAD ZONING
FUTURE PARKING AREA
EXISTING RETENTION BASIN
FUTURE SIDEWALK
N

SITE PLAN


VICINITY MAP
NOT TO SCALE
CORNER REFERENCE
SILVERLEAF WAY
PAD ZONING
NEW FELLOWSHIP HALL
FUTURE PARKING AREA
EXISTING RETENTION BASIN
N

SITE PLAN

VICINITY MAP
NOT TO SCALE
CORNER REFERENCE
SILVERLEAF WAY
PAD ZONING
NEW FELLOWSHIP HALL
FUTURE PARKING AREA
EXISTING RETENTION BASIN
N

REGULATORY AGENCIES

The Planning and Zoning Commission shall consider the effect of the proposed use upon the health safety and general welfare of occupants of surrounding land, existing and anticipated traffic conditions Including parking facilities on adjacent streets and land, and the effect of the Commission may grant the application by motion Imposing such condition and safeguards as it deems necessary or it may deny the application.

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Sergio Angulo - Community Development
Submitting Department:	CD Boards and Commissions	District:	1
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion

Agenda Wording:

Consideration and action pertaining to a Major Amendment to the Asante Planned Area Development (PAD) to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed-Use PUD, generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.

Motion:

I move to recommend approval/denial to the Mayor and City Council on a Major Amendment to the Asante Planned Area Development (PAD) to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed-Use PUD generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.

Background:

On January 6, 2017 Earl, Curley & Lagarde, P.C., submitted a request for a Major Amendment to the Asante Planned Area Development (PAD) to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed-Use PUD generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.

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 - FS17-011 - Asante - PADA - Staff REport
- 01 - FS17-011 Asante Major PAD Amendment - PAD Amendment Document
- 02 - FS17-011 Asante Major PAD Amendment - Citizen Participation Report

- ☐ 03 - FS17-011 Asante Major PAD Amendment - Luke AFB Comments
- ☐ 04 - FS17-011 Asante Major PAD Amendment - ADOT Comments
- ☐ 05 - FS17-011 Asante Major PAD Amendment - MWD Comments
- ☐ 06 - FS17-011 Asante Major PAD 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):

Sergio Angulo, Planner

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

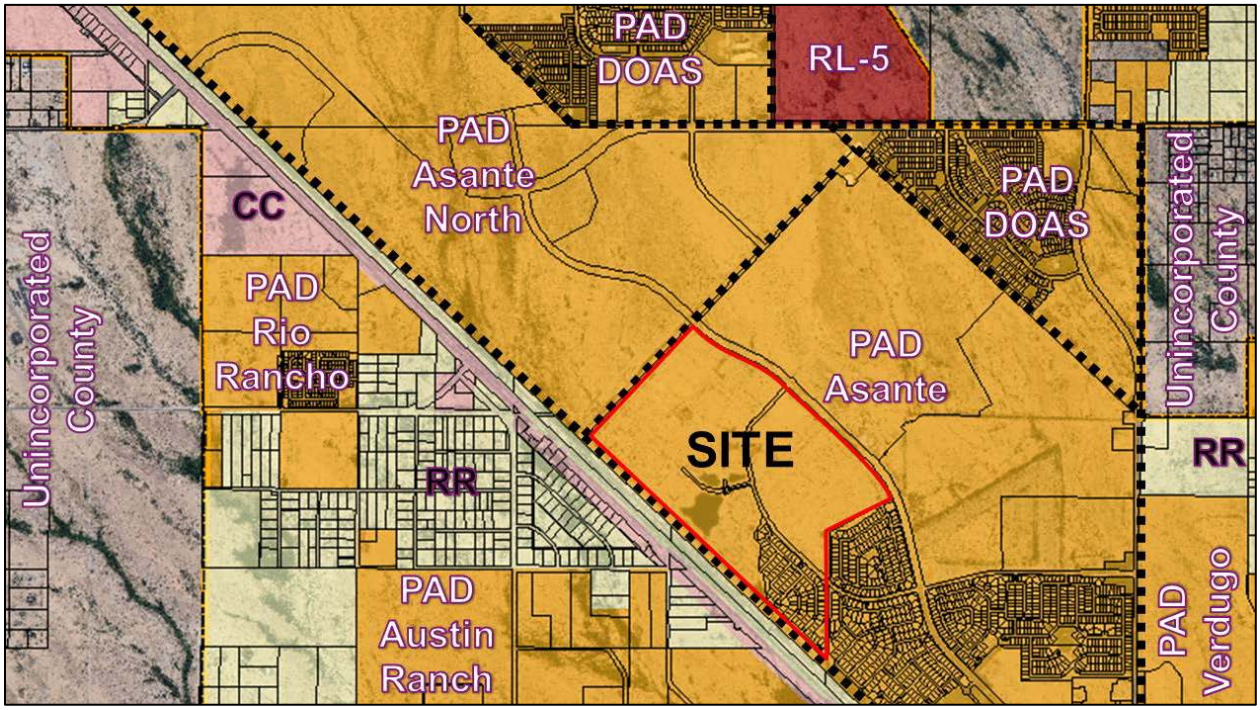
Case:	**FS17-011**
Project Name:	Asante Zoning Amendment
Council District:	**1** – Acacia
Meeting Date:	**July 20, 2017**
Planner:	Sergio Angulo

Owner:	LCD Asante, LLC and HE Capital Asante, LLC.
Applicant:	Stephen Earl with Earl, Curley & Lagarde, P.C.
Request:	The applicant, on behalf of the owner, requests a Major Amendment to the Asante Planned Area Development (PAD) to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed-Use PUD.
Site Location:	Generally northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.
Site Size:	Approximately 304.4 acres.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035.
Support/Opposition:	Both support and concerns was encountered during the Citizen Review meeting and are expanded upon in the Citizen Participation Report.
Staff Recommendation:	Staff recommends the Commission recommend approval of the Major Amendment to the Asante PAD, Case FS17-011, to the Mayor and City Council.

Project Description:

Stephen Earl with Earl, Curley & Lagarde, P.C., on behalf of LCD Asante, LLC and HE Capital Asante, LLC, requests a Major Amendment to the Asante Planned Area Development (PAD) to Rezone 304.4 acres (approx.) from PAD-Low Density Residential, PAD-Medium/High Density Residential, PAD-Commercial, PAD-School/Public Facilities to Low Density Residential (RL-5) with a Planned Unit Development Overlay, Medium Density Residential (RM-6) with a Planned Unit Development Overlay, Medium Density Residential (RM-9) with a Planned Unit Development Overlay, and Mixed-Use (MU) with a Planned Unit Development Overlay. This application is in conjunction with cases FS17-010 and FS17-012 which all together will allow for the development of a 453.5 acre (approx.) private active adult community.

Surrounding Land Zoning:



PAD Asante North	PAD Asante North	PAD Asante
Community Commercial	**PAD Asante**	PAD Asante
Community Commercial	Community Commercial	Community Commercial

Background:

November 3, 1988: A portion (1,325.26 acres approx.) of the subject property was annexed into the City of Surprise by the Mayor and City Council.

October 14, 2004: A portion (182.84 acres approx.) of the subject property was annexed into the City of Surprise by the Mayor and City Council.

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

September 15, 2016: A Concept Review meeting was held for the current proposal under case CR16-365.

January 6, 2017: The applicant filed a related request for a Major PAD Amendment under case FS17-011, the subject case.

May 15, 2017: The applicant held a citizen outreach meeting to discuss the project.

Citizen Outreach:

The site was posted and advertised for a Citizen Outreach meeting in accordance with the SUDC. The applicant held the meeting for the proposed PAD Amendment at Desert Moon Elementary School located at 23251 N 166th Drive at 6:00pm on May 15, 2017. Residents from the Asante and Desert Oasis communities and from around the subject property attended and voiced their support and concerns in regards to the proposed project. The majority of the attendees expressed their support of the project but a couple residents continue to express concerns in regards to how the increase in traffic will affect the existing and ongoing traffic issues along 163rd Avenue.

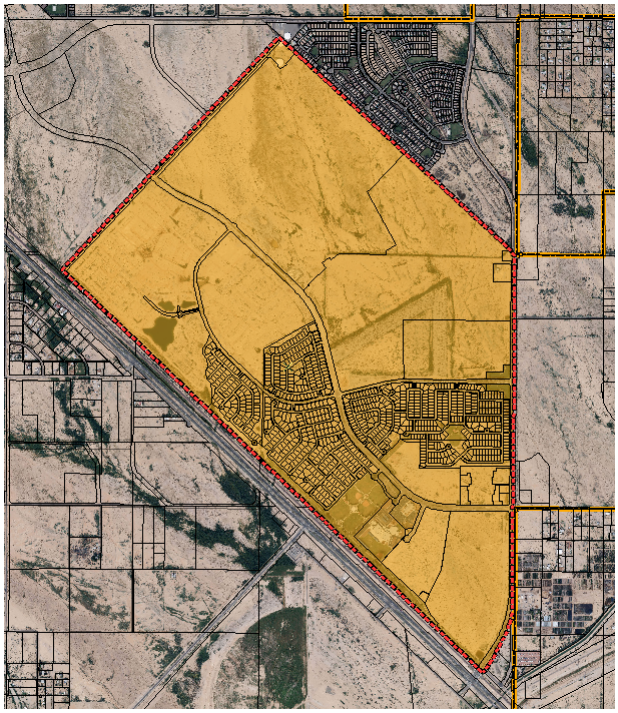
Analysis and Discussion:

The subject property is 304.4 acres (approx.) of vacant land generally located northeast of Grand Avenue and 1.5 miles (approx.) west of 163rd Avenue within the Asante PAD. The subject property is currently zoned PAD with portions of Low Density (LDR) and Medium/High Density (MDR/HDR) Residential, Commercial, and Open Space/Public Facility land use designation.

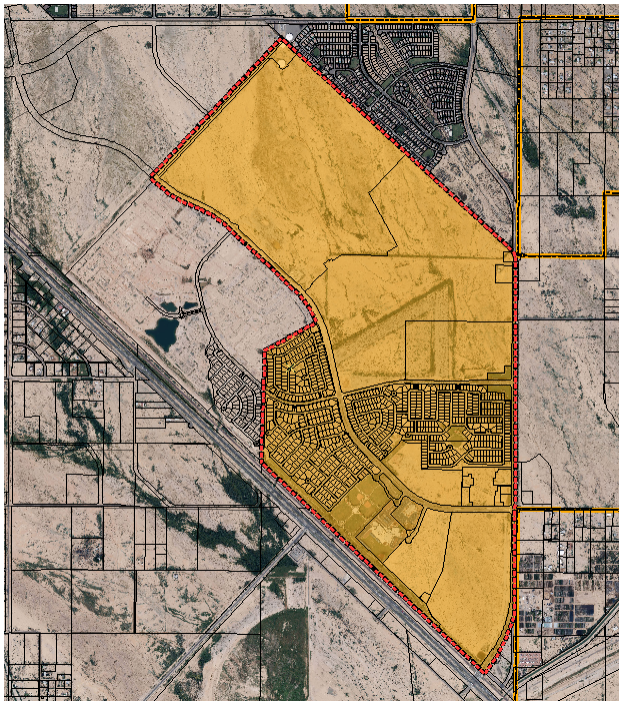
The site is surrounded by commercial zoned property south of Grand Avenue, residential land use property to the east and to the west, and to the north some commercial and residential land use property.

The Asante PAD is a 1,508.1 acre (approx.) Planned Area Development that designates 904 acres (approx.) as Low Density Residential, 347 acres (approx.) as Medium/High Density Residential, 117 acres (approx.) as Commercial, 31 acres (approx.) for an Elementary School, and 108 acres (approx.) as Open Space and Public Facilities. Originally the Asante PAD envisioned a total of 6,703 dwelling units and proposed a maximum allowed overall density of 4.4 dwelling units per acre.

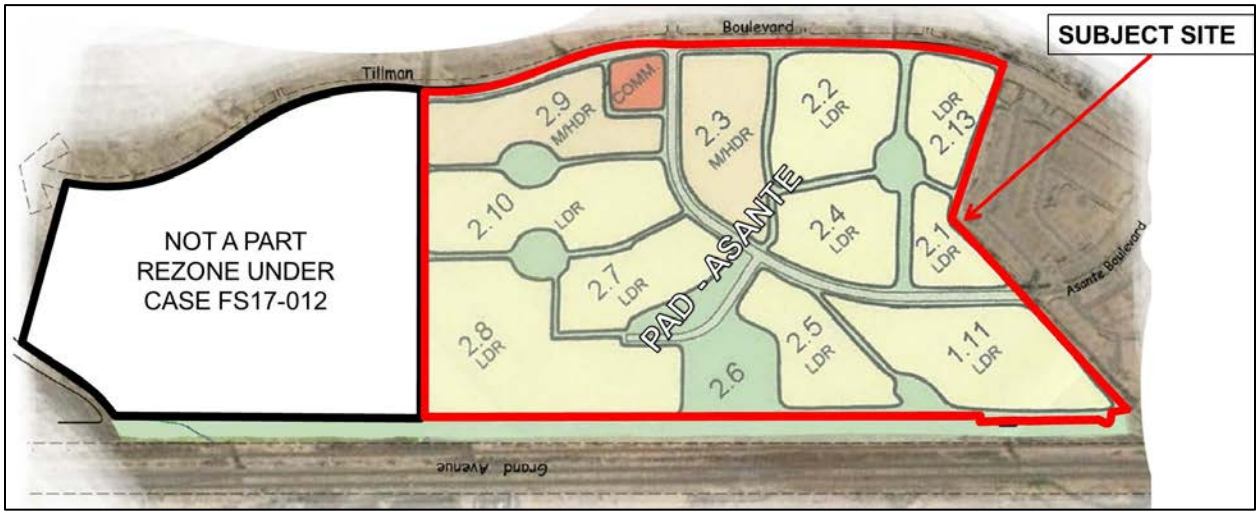
EXISTING ASANTE PAD BOUNDARY MAP



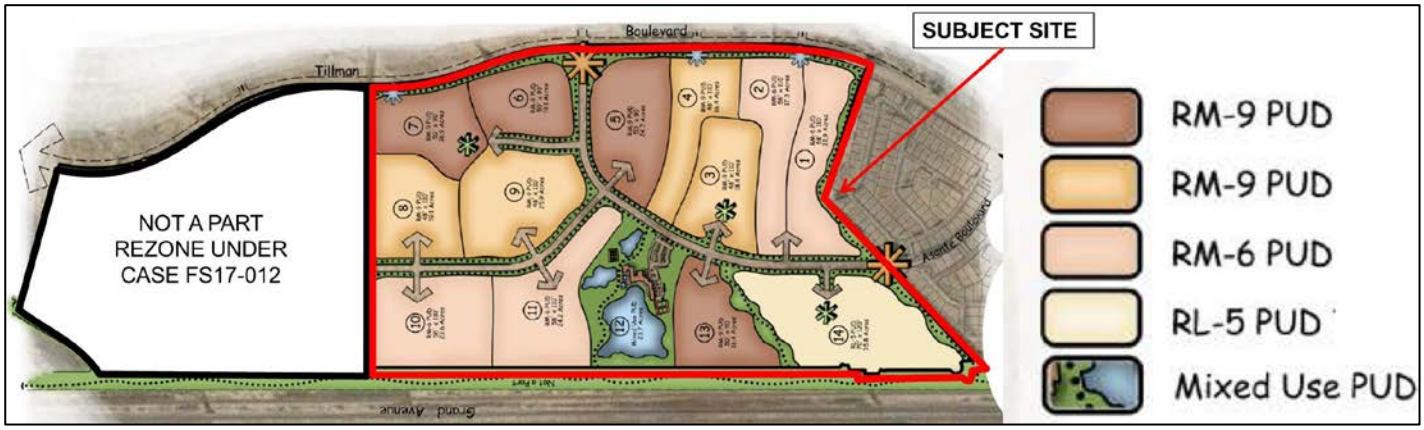
PROPOSED ASANTE NORTH PAD BOUNDARY MAP



EXISTING ZONING MAP



PROPOSED ZONING MAP



This proposed PAD Amendment will Rezone 304.4 acres (approx.) from PAD-LDR, PAD-M/HDR, PAD-Commercial, PAD-Elementary School, and PAD-Open Space/Public Facility to RL-5 PUD (35.8 acres approx.), RM-6 PUD (88 acres approx.), RM-9 PUD (156.9 acres approx.), and MU PUD (23.7 acres approx.). If approved, this PAD Amendment will reduce the overall acreage of the Asante PAD to 1,203 acres (approx.), the total number of dwelling units to 6,526, and the allowed overall density to 4.3 dwelling units per acre. The amount of land designated as Commercial will be reduced to 112 acres (approx.) and Open Space/Public Facilities to 89 acres (approx.). The amount of land designated for an Elementary School will remain as is.

The proposed PAD Amendment will also include language that will help better identify the difference between a Major PAD Amendment and a Minor PAD Amendment.

The proposed PAD Amendment does not propose any changes to the development standards or any other section of the Original PAD.

This Major PAD Amendment application is in conjunction with a two related cases; FS17-012 and FS17-010. Case FS17-012 proposes a Major PAD Amendment to the Asante North PAD to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD. Case FS17-010 proposes a Planned Unit Development Overlay District which will establish specific permitted land uses, design guidelines, and development standards to allow for the development of a 435.5 acres (approx.) private active adult community.

Surprise General Plan 2035:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which in a suburban neighborhood supports residential development between two and eight dwelling units per acre (2-8 DU/Ac). The proposed PAD Amendment proposes a density decrease from 4.4 DU/Ac to 4.3 DU/Ac which demonstrates consistency with this land use category.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Luke Air Force Base, ADOT, Maricopa Water District, and Dysart School District were included in the routing of this case and they indicate no objections to the requests.

Summary:

This proposed PAD Amendment will Rezone 304.4 acres (approx.) from PAD-LDR, PAD-M/HDR, PAD-Commercial, PAD-Elementary School, and PAD-Open Space/Public Facility to RL-5 PUD (35.8 acres approx.), RM-6 PUD (88 acres approx.), RM-9 PUD (156.9 acres approx.), and MU PUD (23.7 acres approx.) and reduce the overall density of the Asante PAD from 4.4 DU/Ac to 4.3 DU/Ac.

Findings:

- The proposed land use change is consistent with the Surprise General Plan 2035.
- The proposed density change is consistent with the Surprise General Plan 2035.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to recommend **approval** of the Major PAD Amendment case **FS17-011** to the Mayor and City Council.

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

Attachments:

01 - PAD Amendment Document
02 - Citizen Participation Report
03 - Luke AFB comments
04 - ADOT comments
05 - MWD comments

SURPRISE
ARIZONA

Asante

Amendment	Case Number	Approval Date	Approval Doc.	Page
Original PAD	PAD04-124	11/24/2004	Ordinance 04-41	2
Land Use Revision	PADA05-309	12/01/2005	Ordinance 05-57	102
Sign Program	PADA08-147	8/15/2008	Administrative	139
Home Product Change	PADA09-091	6/09/2009	Administrative	159
Map and Land Use Change	FS12-083	6/26/2012	Ordinance 2012-07	199
This Request- Land Use Map and acreage Change	FS17-011			

Asante

Planned Area Development
Amendment No. 5
Case No. FS17-011

Surprise, AZ

Lennar Arizona, Inc

Original Approval 11/24/2004 (Ordinance 04-41)

Submitted: January 6, 2017
Revised March 30, 2017
Revised April 27, 2017

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LAND USE PLAN…….. 3

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AMENDMENTS……..…… 5

CONCLUSION…….. 7

EXHIBITS

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COMMUNITY OPEN SPACE PLAN……. 9

PHASING PLAN…….. 10

LEGAL DESCRIPTION…….. 11

Asante Planned Area Development Amendment (PADA) - No. 5

INTRODUCTION

Asante is a 1,508-acre Planned Area Development ("PAD") by Lennar Arizona, Inc., which was approved by the City Council in November 2004 through adoption of Ordinance #04-41. Asante North, directly adjacent to and the north of Asante, is a 2,105-acre Planned Area Development ("PAD"), which was approved by the City Council in November 2006. Asante and Asante North function together as an overall master plan, which is located north and within the 'V' formed by the intersection of Grand and 163rd Avenues and the Central Arizona Project canal.

The original approval for Asante included 1,508.1 gross acres. This Asante master plan has been amended several times since the original approval in 2004 and now the overall development consists of +/-117.1 acres for commercial uses, approximately 1,251.7 gross acres planned for a variety of residential uses, ranging from low density single family to medium to high density detached and attached single family and multi-family housing, and approximately 139.3 gross acres is set aside for public parks/public facilities and school sites. As mentioned, due to the companion Paradiso Asante PUD zoning request some acreage from the overall Asante is being rezoned thus reducing the overall Asante PAD acreage. This amendment request therefore revises the Land Use Map and matrix and parcel acreages, to reflect the land going into Paradiso Asante. Except for the removal of the +/- 304.4 acres from Asante and +/- 149.1 acres from Asante North PADs to be rezoned into the active adult component and the addition of the Major and Minor Amendment criteria, no other changes are proposed to this PAD. The project has been designed to integrate open space and recreation to provide an exceptional quality of life for all of the future residents.

The Asante PAD remains committed to be a combination of commercial and residential uses planned in a comprehensive manner that will contribute to the quality of the city and provide nearby shopping and a quality residential living environment. The project is being developed over multiple phases by a number of developers and home builders, some of whom have not even yet been identified due to the size and complexity of the project. The master developer Lennar Communities Development, Inc., with both local and national experience and a reputation for outstanding quality of homes and communities will not only be offering its own range of housing products, but will also be teamed up with other established builders to strength their diversity and breath of housing product.

PURPOSE OF REQUEST

This amendment request simply seeks to rezone +/- 304.4 acres from the Asante Planned Area Development (PAD) to RM-6 PUD, RM-9 PUD, Mixed Use PUD, and RL-5 PUD, for a compatible 453.5 acre active adult component as a functional part of the overall Asante and Asante North master planned communities. This separate but companion PUD zoning request (Case No. FS17-010) seeks its own active adult Planned Unit Development zoning district for approximately 453.5 acres of land, which represents only 13% of the land, in the Asante and Asante North master plans. It is important to note, while the companion Paradiso Asante active adult PUD project seeks its own PUD zoning district, it is not requesting new or additional residential zoning in that it is simply rezoning land and related residential density from the approved PADs for Asante and Asante North into an "active adult/aged restricted housing" component of the overall Asante master planned communities. In fact, the potential total number of units has decreased from the original approvals. This PAD amendment and companion PUD Zoning will provide a better balance to the overall master plan concept with a full range of high quality living options for a full range and types of families.

The following information will demonstrate that the proposed Asante PAD amendment will continue to contribute to the orderly development of Surprise and meet the City's goals and policies as stated in the City of Surprise General Plan and applicable ordinances.

LAND USE TABULATION

Uses	Original Acres (gr)	Acreage Being Removed	New Acres	Target Density*	Max. Dwellings
LDR	904.3	-234.2	670.1	4.1 DU/ac	2,747.4 DU
M/HDR	347.4	-46.5	300.9	8.0 DU/ac	2,407.2 DU
COMMERCIAL	117.1	-5	112.1		
Elem. School	31.1	0	31.1		
Parks/ Facilities	108.2	-18.8	89.4		
Total	**1,508.1**	**-304.5**	**1203.6**		**5,154.6 DU**

*Target density is gross average density; however, individual parcels may be higher as long as overall allowed dwellings are not exceeded.

Total maximum dwellings proposed for both Mixed Use - Gateway and Low Density Residential areas: 6526 DU (4.3 DU/gross acre).

LAND USE PLAN

The overall land use plan is shown in Tab F. Break down of planning areas by use type is as follows.

Area	**Use***	**Area (Gr)****	**Base Zone*****	**Comment**
1.1	Comm	6.8 Ac	C-2	
1.2	Comm	93.6	C-2	
1.4	Comm	19.0	C-2	
1.5	M/HDR	24.3	R-1, R-2, R-3	
1.6	M/HDR	28.2	R-1, R-2, R-3	
1.7	LDR	59.4	R1-5	
1.9	LDR	31.5	R1-5	
1.10	LDR	40.3	R1-5	
1.11	LDR	33.1	R1-5	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
1.12	LDR	45.5	R1-5	
1.13	LDR	30.7	R1-5	
1.14	PP/F	57.2	R1-5	Urban Park
1.15	ES	16.1	R1-5	School Site
1.16	M/HDR	6.4	R-1, R-2, R-3	Church Site
1.17	M/HDR	32.8	R-1, R-2, R-3	
2.1	LDR	12.1	R1-5	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.2	LDR	21.9	R1-5	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.3	M/HDR	22.9	R-1, R-2, R-3	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.4	LDR	20.1	R1-5	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.5	LDR	19.2	R1-5	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.6	PP/F	15.3	R1-5	Linear Trail, Open Space, Park
2.7	LDR	19.0	R1-5	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.8	LDR	44.1	R1-5	***Removed. Now part of Padadiso***

				Asante PUD zoning request (Case No. FS17-010).
2.9	M/HDR	23.6	R-1, R-2, R-3	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.10	LDR	30.5	R-1, R-2, R-3	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.11	Comm	5.0	C-2	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
2.12	Comm	8.1	C-2	
2.13	LDR	15.5	R1-5	***Removed. Now part of Padadiso Asante PUD zoning request (Case No. FS17-010).***
3.1	M/HDR	21.2	R-1, R-2, R-3	
3.2	M/HDR	12.9	R-1, R-2, R-3	
3.3	LDR	19.0	R1-5	
3.4	LDR	34.1	R1-5	
3.5	PP/F	3.0	R1-5	Reservoir Site
3.6	LDR	28.0	R1-5	
3.7	LDR	46.41	R1-5	
3.8	LDR	31.9	R1-5	
3.9	LDR	15.8	R1-5	
3.10	LDR	15.1	R1-5	
3.11	LDR	36.0	R1-5	
3.12	M/HDR	21.0	R-1, R-2, R-3	
3.13	LDR	18.6	R1-5	
4.1	LDR	32.1	R1-5	
4.2	M/HDR	26.2	R-1, R-2, R-3	
4.3	M/HDR	21.6	R-1, R-2, R-3	
4.4	M/HDR	24.0	R-1, R-2, R-3	
4.5	LDR	35.157.3	R1-5	
4.7	M/HDR	28.3	R-1, R-2, R-3	
4.8	PP/F	2.9	R-1, R-2, R-3	Fire Station Site
4.9	LDR	21.1	R1-5	
4.10	ES	14.5	R1-5	School Site
4.11	LDR	47.3	R1-5	
4.12	LDR	22.0	R1-5	

*Uses: Comm = Commercial; M/HDR = Medium/High Density Residential; LDR = Low Density Residential; PP/F = Public Park/Public Facility; ES = Elementary School Site

**Gross areas are approximate and subject to verification at platting.

***All base districts are for reference, zoning is PAD.

ZONING

Other than removing +/- 304.4 acres to become part of Paradiso Asante, there are no changes proposed to the Asante PAD. The land use plan is implemented by City of Surprise zoning districts as shown in the following land use/zoning table.

Land Use Category	Zoning Districts*	Density Range	Target Density
Commercial, Regional	C-2	N/A	N/A
Commercial, Community (Grocery anchor)	C-2	N/A	N/A
Commercial, Neighborhood	C-2	N/A	N/A
Residential, Cluster Type, Townhouse, Z-Lot, Zero Lot Line,	R-1, R-2, R-3	6-20 DU/ac	8.0 DU/ac
Residential, Single Family	RI-5, RI-8	3-6 DU/ac	4.1 DU/ac

*Zoning Districts represent reference zoning. All zoning is PAD.

AMENDMENTS

Minor Changes

The City of Surprise Community Development Director may allow minor changes to the PAD, provided that such changes are not in conflict with the overall intent as expressed in the PAD document. The following items shall be considered as minor changes to the PAD:

- Changes in configuration of individual development parcels to include modifications to boundaries as long as there is no net loss of open space and no net increase in the total number of units or noncommercial acreage allowable within the PAD;

- Changes to the community infrastructure, such as drainage, water and sewer systems which do not have the effect of increasing or decreasing development capacity in the PAD, nor change the overall intent of the PAD;

- Changes or modifications in lot sizes and setbacks by up to 10% of the required development standard in order to accommodate for unique

circumstances or specific site constraints, so long as the change does not conflict with the City of Surprise Building Code or off -street parking requirements as defined within the PAD;

- Any analogous interpretations of the list of permitted, conditional and secondary uses of the property as set forth in the PAD, as determined by the Community Development Director;

- Changes in residential densities or unit count by up to 10% of the maximum allowable in each development parcel, provided the increase does not cause an increase in the total allowable unit count within the PAD or decrease the amount of open space within any development parcel;

- Minor modifications or adjustment to roadway alignments and/ or parcel configuration so long as the proposed modification does not change the overall intent of the PAD and the Surprise Transportation Plan;

- Minor modifications to the location and size of trails and pedestrian paths, so long as the modification meets the general intent of the PAD and the Parks and Trails Master Plan;

- Relocation of a park site, which either enhances the opportunity to create a sense of neighborhood and community or to better centralize the park site based on actual development densities, so long as the land uses and densities of the parcels proposed for the revision do not result in a net increase in total number of units and meets the intent of the Parks and Trails Master Plan.

- Other changes not identified above, but deemed appropriate by the Community Development Director, as long as the change does not impact the general health, safety, and welfare of the residents of the City of Surprise and does not impact the overall intent of the approved PAD.

Major Changes

- A Major change is a change that does not qualify as a minor change as defined above, and that significantly alters the intent of the approved PAD. Major Changes shall comply with the requirements set forth in Surprise Municipal Code and State Statute.

Upon the approval of any proposed amendment to the Planned Area Development (PAD), the amendment shall be attached to the PAD as an addendum and shall become a part thereof.

Administrative Interpretations

On occasion, it may be necessary to request a formal or informal interpretation from the City of Surprise Community Development Director related to the implementation and/or interpretation of the project intent, use, or development standards as may be applicable to the interpretation of the provisions of the City of Surprise Zoning Ordinance or to the interpretation of the intent of narrative descriptions/statements contained in this Asante PAD application. Such requests for interpretation to these provisions will be made in written form to the Community Development Director by the Master Developer or a member of the Asante Property Owners Association.

CONCLUSION

Asante PAD will continue to be an exceptional community that exemplifies the best of the City of Surprise. It will contribute to the orderly growth of the City and is providing an impetus to solve regional transportation and sewer service problems. It is consistent with the Surprise General Plan and applicable regulations. The commercial component will provide significant tax revenues to the City as well as convenient shopping for local citizens. The future residents will enjoy a comprehensive parks and open space system organized around the pedestrian. A variety of housing types and prices will meet diverse housing needs. We believe that Asante will contribute to the continued planned growth of the City of Surprise and contribute to its quality of life. We respectfully request approval of this PAD amendment and look forward to moving into project implementation.

O:\INDEX\LENNAR\Asante - Active Adult\Docs\PAD Amendment (ASANTE)(FINAL)(3rd Submittal-EXEC SUMMARY)_4.27.2017.docx

Asante

Existing Land Use Plan

North
N.T.S.

Job #2016.01
Date: 4/28/17

This plan is conceptual in nature and subject to engineering / agency review and revisions.

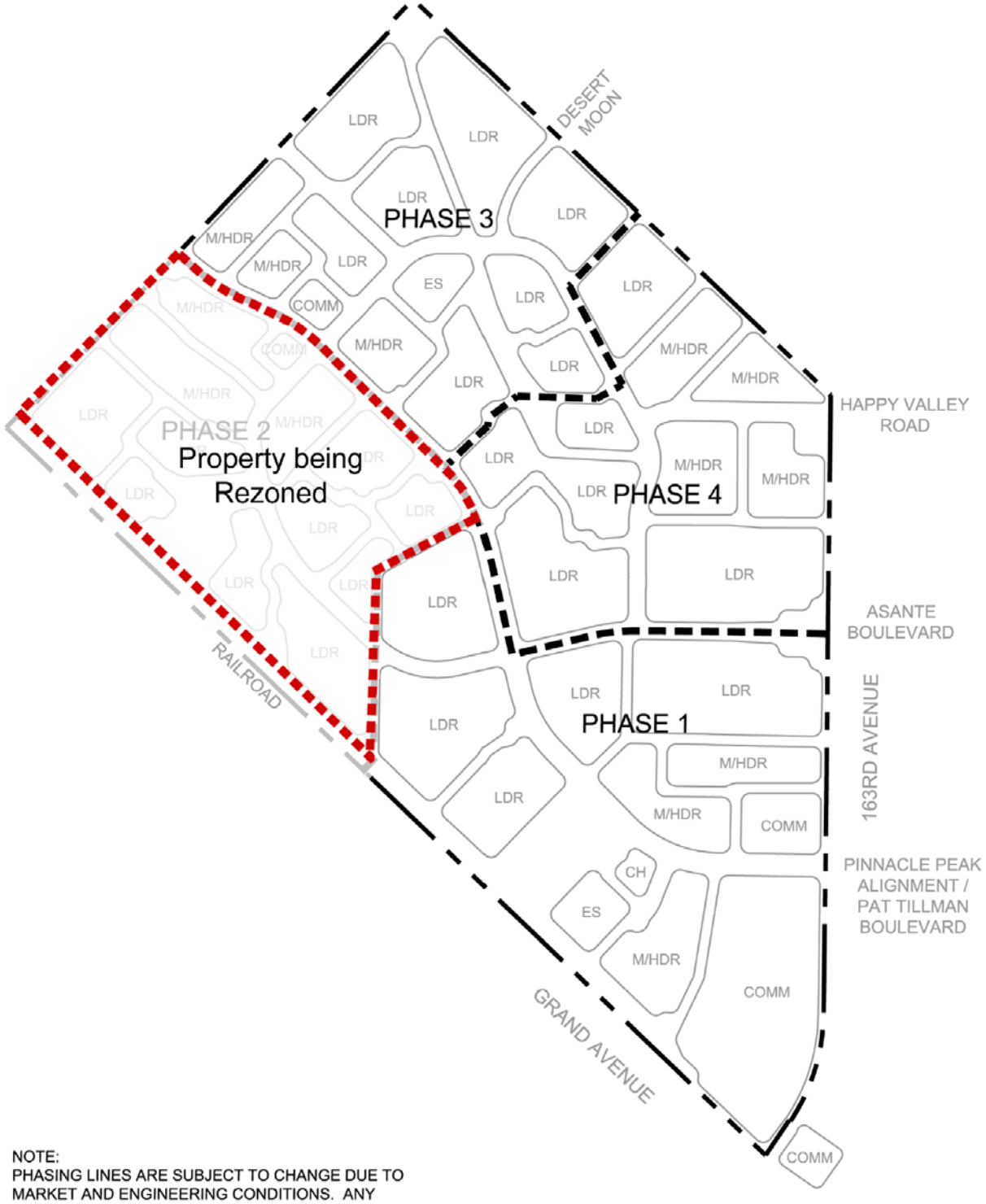
Asante

Community Open Space Plan

North
N.T.S.

Job #2016.01
Date: 4/28/17

This plan is conceptual in nature and subject to engineering / agency review and revisions.



NOTE:
PHASING LINES ARE SUBJECT TO CHANGE DUE TO MARKET AND ENGINEERING CONDITIONS. ANY CHANGES DO NOT CONSTITUTE A PAD AMENDMENT.

North
N.T.S.

Asante
Phasing Plan

Job #2016.01
Date: 4/28/17

This plan is conceptual in nature and subject to engineering / agency review and revisions.

Legal Description
Asante South

Job No. 16-009.001 05/30/17

Portions of Sections 1, 2, 11, 12 and 13, Township 4 North, Range 2 West of the Gila and Salt River Meridian, more particularly described as follows:

BEGINNING at the Northeast Corner of Said Section 12;

thence along the East line of the Northeast Quarter of said Section 12, South 0 degrees 45 minutes 04 seconds West, 2634.20 feet to the East Quarter Corner, thereof;

thence along the East line of the Southeast Quarter of said Section 12, South 0 degrees 45 minutes 18 seconds West, 2633.98 feet to the Southeast Corner thereof;

thence along the East line of the Northeast Quarter of said Section 13, South 0 degrees 45 minutes 24 seconds West, 2200.79 feet to the beginning of a non-tangent curve, concave Northwest, from which the radius point bears North 76 degrees 48 minutes 52 seconds West a distance of 2346.83 feet;

thence Southwesterly 843.48 feet along the arc of said curve to the right through a central angle of 20 degrees 35 minutes 34 seconds;

thence on a non-tangent line South 56 degrees 13 minutes 18 seconds East, 20.00 feet;

thence South 46 degrees 17 minutes 19 seconds East, 419.89 feet to the East line of the Southeast Quarter of said Section 13;

thence along said East line, South 0 degrees 45 minutes 27 seconds West, 302.31 feet;

thence North 86 degrees 39 minutes 12 seconds West, 84.93 feet;

thence South 36 degrees 23 minutes 43 seconds West, 229.50 feet to the Northeasterly line of the 200' wide Burlington Northern and Santa Fe Railroad Corridor;

thence along said Northeasterly line, North 46 degrees 13 minutes 34 seconds West, 12614.68 feet;

thence North 43 degrees 31 minutes 21 seconds East, 200.00 feet to a line 200.00 feet Northeast and parallel with the Northeasterly line of the 200' wide Burlington Northern and Santa Fe Railroad Corridor;

thence along said parallel line, South 46 degrees 13 minutes 34 seconds East, 4156.20 feet to the Southwesterly line of the Final Plat of 'Asante Phase One Unit Six', recorded in Book 888, Page 22 of Maricopa County Records;

thence along said Southwesterly line, South 46 degrees 51 minutes 59 seconds East, 149.56 feet;

thence continuing along said Southwesterly line, North 81 degrees 09 minutes 05 seconds East, 35.60 feet to the beginning of a non-tangent curve, concave Northeast, from which the radius point bears North 81 degrees 08 minutes 55 seconds East a distance of 55.00 feet;

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thence continuing along said Southwesterly line, Southeasterly 54.44 feet along the arc of said curve to the left through a central angle of 56 degrees 42 minutes 33 seconds;

thence continuing along said Southwesterly line, on a non-tangent line South 24 degrees 26 minutes 22 seconds West, 50.71 feet;

thence continuing along said Southwesterly line, South 46 degrees 13 minutes 34 seconds East, 140.00 feet;

thence continuing along said Southwesterly line, South 43 degrees 46 minutes 26 seconds West, 31.89 feet;

thence continuing along said Southwesterly line, South 46 degrees 13 minutes 34 seconds East, 120.00 feet;

thence continuing along said Southwesterly line, North 76 degrees 52 minutes 44 seconds East, 45.70 feet to the beginning of a non-tangent curve, concave Northeast, from which the radius point bears North 76 degrees 52 minutes 44 seconds East a distance of 55.00 feet;

thence continuing along said Southwesterly line, Southeasterly 48.43 feet along the arc of said curve to the left through a central angle of 50 degrees 26 minutes 47 seconds to a point of reverse curvature of a curve having a radius of 55.00 feet;

thence continuing along said Southwesterly line, Southeasterly 16.65 feet along the arc of said curve to the right through a central angle of 17 degrees 20 minutes 29 seconds;

thence continuing along said Southwesterly line, South 46 degrees 13 minutes 34 seconds East, 551.71 feet to the beginning of a curve, concave Southwest, having a radius of 55.00 feet;
thence continuing along said Southwesterly line, Southeasterly 41.61 feet along the arc of said curve to the right through a central angle of 43 degrees 20 minutes 30 seconds to a point of reverse curvature of a curve, concave Northerly, having a radius of 55.00 feet;

thence continuing along said Southwesterly line, Easterly 168.81 feet along the arc of said curve to the left through a central angle of 175 degrees 51 minutes 08 seconds;

thence continuing along said Southwesterly line, on a non-tangent line South 88 degrees 44 minutes 12 seconds East, 26.39 feet;

thence continuing along said Southwesterly line, South 51 degrees 13 minutes 03 seconds East, 99.51 feet to the Easterly line of said Final Plat;

thence along said Easterly line and a prolongation therefrom, North 0 degrees 43 minutes 44 seconds East, 1187.52 feet to the centerline of West Asante Boulevard as depicted in the Map of Dedication of 'Asante Phase One', recorded in Book 857, Page 17 of Maricopa County Records;

thence along said centerline, South 46 degrees 24 minutes 18 seconds East, 22.59 feet to a point on the Westerly line and the prolongation therefrom of the Final Plat of 'Asante Phase One Unit Five' recorded in Book 888, Page 20 of Maricopa County Records;

thence along said Westerly Line, North 0 degrees 42 minutes 32 seconds East, 848.21 feet;

thence along the Northwesterly line of said Final Plat, North 61 degrees 17 minutes 19 seconds East, 1017.55 feet;

thence continuing along said Northwesterly Line and the prolongation therefrom, North 66 degrees 31 minutes 54 seconds East, 265.92 feet to the centerline of Tillman Boulevard as depicted in the Map of Dedication of 'Asante Phase Two', recorded in Book 885, Page 46 of Maricopa County Records and the beginning of a non-tangent curve, concave Southwest, from which the radius point bears South 66 degrees 31 minutes 54 seconds West a distance of 2200.00 feet;

thence along said centerline, Northwesterly 883.50 feet along the arc of said curve to the left through a central angle of 23 degrees 00 minutes 34 seconds;

thence continuing along said centerline, North 46 degrees 28 minutes 39 seconds West, 1835.15 feet to the beginning of a curve, concave Southwest, having a radius of 2200.00 feet;

thence continuing along said centerline, Northwesterly 719.15 feet along the arc of said curve to the left through a central angle of 18 degrees 43 minutes 45 seconds;

thence continuing along said centerline, North 65 degrees 12 minutes 24 seconds West, 350.58 feet to the beginning of a curve, concave Northeast, having a radius of 2200.00 feet;

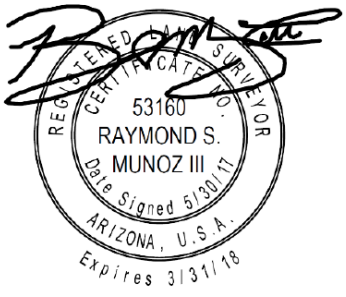
thence continuing along said centerline, Northwesterly 719.15 feet along the arc of said curve to the right through a central angle of 18 degrees 43 minutes 45 seconds;

thence continuing along said centerline, North 46 degrees 28 minutes 39 seconds West, 144.00 feet;

thence North 43 degrees 31 minutes 21 seconds East, 3940.63 feet to the Southwesterly line and the prolongation therefrom of the Map of Dedication of 'Desert Oasis of Surprise Baer Parcel', Final Plat of 'Desert Oasis of Surprise Parcel B5' and Final Plat of 'Desert Oasis of Surprise Parcel B6', recorded in Book 666, Page 8, Book 666, Page 7 and Book 665, Page 36 respectively;

thence along said Southwesterly line, South 46 degrees 28 minutes 39 seconds East, 6646.92 feet to the POINT OF BEGINNING.

Contains 1203.7299 acres, more or less.



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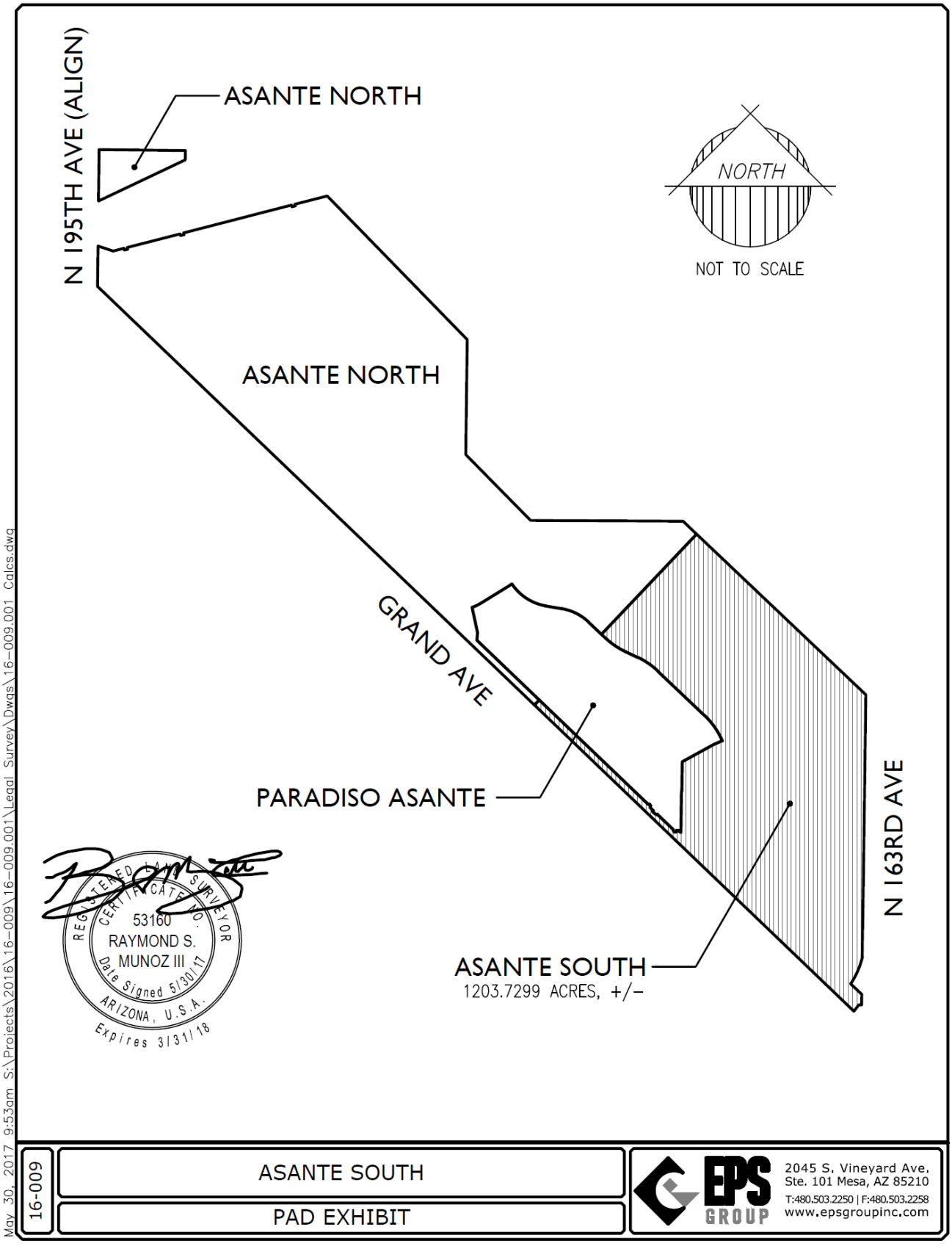
N 195TH AVE (ALIGN)
ASANTE NORTH
NORTH
NOT TO SCALE
ASANTE NORTH
GRAND AVE
PARADISO ASANTE
N 163RD AVE
ASANTE SOUTH
1203.7299 ACRES, +/-
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
53160
RAYMOND S.
MUNOZ III
Date Signed 5/30/17
ARIZONA, U.S.A.
Expires 3/31/18
May 30, 2017 9:53am S:\Projects\2016\16-009\16-009.001\Legal Survey\Dwgs\16-009.001 Calcs.dwg
16-009
ASANTE SOUTH
PAD EXHIBIT
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Citizen Participation Final Report

For

Paradiso Asante PUD Zoning (FS17-010)
Asante PAD Amendment (FS17-011)
Asante North PAD Amendment (FS17-012)

Northwest corner of 163rd Avenue and Grand Avenue

Prepared by:
EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Owner/Developer:
Lennar Arizona, Inc.
1725 W. Greentree Drive, #114
Tempe, Arizona 85284
Contacts: Jeff Gunderson, Sr. VP Land Acquisition & Development
Todd Skoro, Director of Land Acquisition
Telephone: (480) 345-0077
Fax: (480) 777-4696

Attorney
Earl, Curley & Lagarde P.C.
Contact: Stephen C. Earl
3101 North Central Avenue, Suite 1000
Phoenix, Arizona 85012

Prepared:
June 5, 2017

CITIZEN PARTICIPATION FINAL REPORT
for
Paradiso Asante PUD Zoning (FS17-010),
Asante PAD Amendment (FS17-011), and
Asante North PAD Amendment (FS17-012)
requests

PROJECT DESCRIPTION

Asante is a 1,508-acre Planned Area Development ("PAD") by Lennar Arizona, Inc., which was approved by the City Council in November 2004 through adoption of Ordinance #04-41. Asante North is directly adjacent and is a 2,105-acre Planned Area Development ("PAD"), which was approved by the City Council in November 2006 and is directly north of Asante. Lennar, one of America's leading homebuilding companies, is the master developer for both Asante and Asante North master planned communities totaling 3,613 acres.

Three companion zoning cases have been filed concurrently. The first case (FS17-010), in simple terms, is a request to rezoning 465.5 acres from the Asante and Asante North Planned Area Developments. The purpose of this request is to add a small complimentary active adult component within the Asante and Asante North master planned communities. This active adult component in Asante will be called ***Paradiso Asante***. This component represents only 13% of the land within the Asante and Asante North PADs and will slightly reduce the total number of homes from the original overall approvals. It should also be noted that the same development standards and design features are elements approved in the Asante and Asante North PADs are being utilized in this zoning request.

The second companion request simply seeks a PAD amendment to remove the 311.7 acres from the Asante PAD that are now being incorporated into Asante Paradiso. The third companion request simply seeks a PAD amendment to remove the 153.7 acres from the Asante North PAD that are being rezoned as part of case FS17-010. Except for the removal of the 311.7 acres from Asante and 153.8 acres from Asante North PADs being rezoned into the active adult component called Asante Paradiso and the addition of a Major and Minor Amendment criteria, no other changes are proposed.

The PUD Zoning and the PAD amendments will provide a better balance to the overall master plan concept with a full range of high quality living options for a full range and types of families and active adults.

This Citizen Partication Outreach Report provides a summary of the citizen partication and outreach for all three companion case (FS17-010, FS17-011, and FS17-012).

OVERVIEW OF ELEMENTS OF CITIZEN NOTIFICATION

The Citizen Participation Outreach Final Report was prepared in accordance with the City of Surprise Citizen Review Process requirements. It meets the City's requirements and the recommended notification area as identified by the Planning and Zoning Division. In accordance with requirements of the City, the following process was completed:

- A Neighborhood Meeting was deemed to be the most appropriate notification technique to inform the adjacent property owners/residents and/or interested parties of the request.

- In accordance with the City of Surprise's Citizen Review Process, Earl, Curley & Lagarde P.C. had a sign consultant install 6 double sided neighborhood meeting signs at 6 different locations to notify and inform those interested of the upcoming neighborhood meeting to discuss the applications. (See appendix for sign posting locations, photo of sign and affidavit of posting.)

- The signs were installed 20 days prior to the neighborhood meeting on April 25, 2017. The neighborhood meeting signs included the date, time and location of the neighborhood meeting, a brief description of the requests and case numbers of each of the three cases. It also included the planning division's phone number for those with questions and/or concerns, issues, or problems.

- The City's Notification requirements requires the notice of the citizen review meeting to also be provided by the Planning and Zoning Division in the following manner:

    1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality at least fifteen (15) days prior to the meeting date;
    2. For applications involving rezoning of land which abuts other municipalities or unincorporated areas of the country or a combination thereof, copies of the notice shall be transmitted to the planning agency of such governmental unit butting such land;
    3. For applications involving rezoning, subdividing, planned unit developments, site plans with uses permitted on a conditional basis, and legislative matters, all real property owners within a 200' or 300' radius, the city shall send copies of the notice by first class mail, no less than seven (7) days prior to the hearing;
    4. Any village committee or special community group which is located in the area of the proposed public hearing request or has considerable interest in the nature of the application;
    5. The head of any homeowners association or registered neighborhood within the public notice area established in item 3 indicated above.

- The Citizen Review Meeting letter, that was sent out by the City, invited residents to attend a neighborhood meeting in the area at Sundown Mountain School (Desert Moon) Cafeteria on Monday, May 15, 2017 from 6:00 PM to 7:00 PM. The letter provided a brief explanation of the proposed applications and explained the purpose of the meeting and included the boundaries of the requests and the location of the neighborhood meeting.

Neighborhood Meeting

- The neighborhood meeting was held on Monday, May 15, 2017 from 6:00 to 7:00 PM to inform those in attendance of the proposed applications. Approximately 25 individuals from the adjoining neighborhoods, Councilmember Roland Winters Jr., Councilmember Ken Remley, Planning Commissioner Vice Chair Matt Keating and Sergio Angulo, Planner, attended the meeting and they registered their attendance on the sign-in sheet (*see Appendix*). Additionally, two Lennar development representatives were in attendance to convey the vision of this community and respond to questions.

- The neighborhood meeting was set up in an open house format with 2 large stations. The first manned station included the following exhibits: 1) An aerial photo showing the three respective cases and their boundaries, and their proximity to the surrounding existing subdivisions and Grand Avenue; 2) An exhibit showing the overall master plan with the existing and proposed land uses and zoning inserted into the overall master plan; 3) An exhibit showing the total approved number of units and those proposed with the new PUD zoning case; and 4) An exhibit showing the existing and the proposed Zoning for the subject site.

- The second manned station included: 1) An aerial photo showing the three respective cases and their boundaries, and their proximity to the surrounding existing subdivisions and Grand Avenue; 2) A board showing representative examples of Recreational/Club house inspiration; 3) Two boards showing representative examples of house product; and 4) A board showing representative examples of house floor plans.

- Several members of the development team were at both stations to provide detailed information about the project and requests.

- Station 1: A brief review of the three companion requests was provided at the first station. The first case (FS17-010), in simple terms, is a request to rezoning 465.5 acres from the Asante and Asante North Planned Area Developments. The second companion request simply seeks a PAD amendment to remove the 311.7 acres that are being rezoned as part of FS17-010 case from the Asante PAD. And the third companion request simply seeks a PAD

amendment to remove the 153.7 acres that are being rezoned as part of FS17-010 case from the Asante North PAD.

- It was further explained the subject property is part of the Asante and Asante North PADs, and the proposed rezone and Planned Unit Development (PUD) Overlay will create a complementary active adult community representing only 13% of the land in the Asante and Asante North PADs and will reduce the total number of homes from the original approvals. It was also noted that the development standards and the same design features and elements that have been approved through the Asante and Asante North PADs will carry through in this zoning case.

- Station 2: Detailed information regarding the proposed active adult component was provided at station 2. It was explained that the primary reason of all three cases was just to add the complementary active adult component within the Asante and Asante North master planned communities. Example representations of Recreational/Club house inspiration, representative examples of house product and representative examples of house floor plans were shown to provide interested residents with an understanding of the feel and quality of this project.

- Exhibits were shown at each station to allow the attendees the opportunity to view the elements of the proposed project. The floor was opened for questions and comments from the attendees at each station.

- The majority of those that attended the meeting lived in either Desert Oasis subdivision just to the east of Asante or in the County island just south of the Central Arizona Canal.

- Reaction to the overall plan and requests was positive from those in attendance.

The questions from the neighborhood meeting consisted of:

Questions/Comments:	**Response:**
What are the requests? And why do we have three applications?	It was explained that three companion zoning cases are being filed concurrently. To simply add a complementary active adult component within the Asante and Asante North master planned communities. No additional residential density was being added by these actions. In fact, the total units would be less and all development would remain the same.
As question was raised regarding how the new component would function inside the master plan and how more external roadways	It was explained that the Asante Master Plan (including Asante and Asante North) included over 3,600 acres and had already been approved by the City for over 15,000 units. This request merely

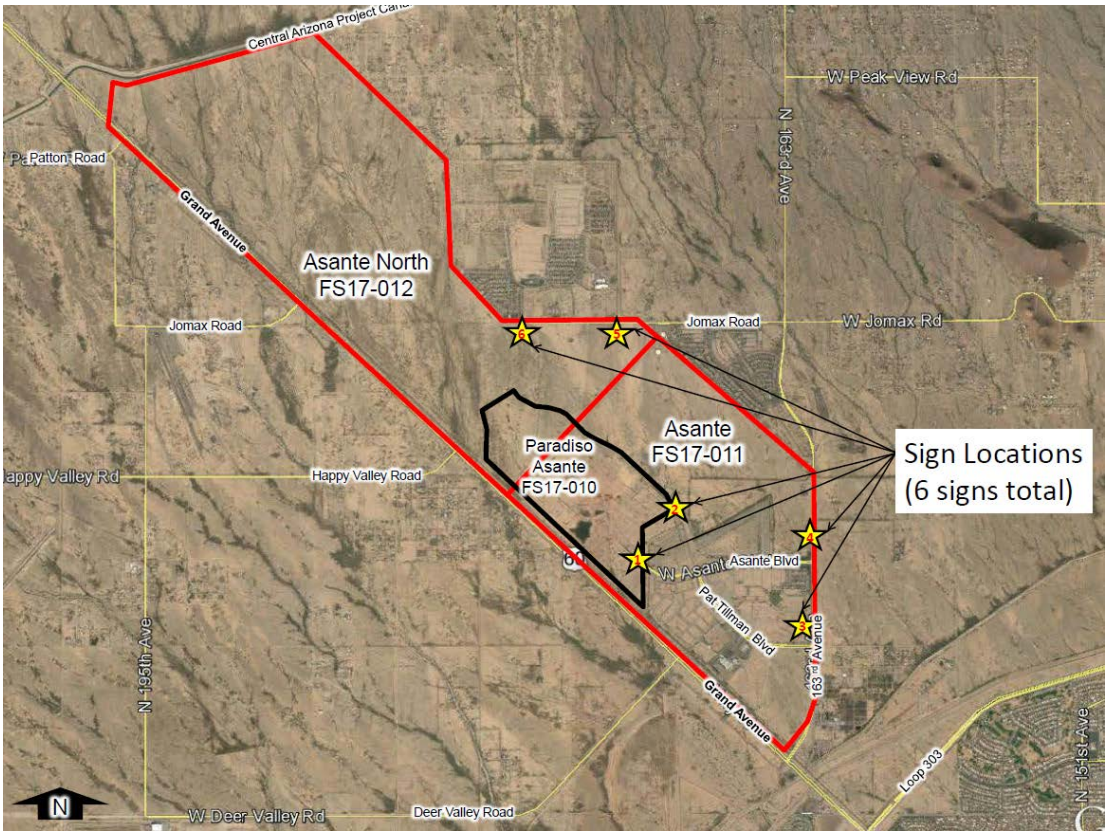
affected such as 163rd Avenue. They also wanted to know the timing of a second access to Grand Avenue.	created an active adult component within the Master Plan utilizing approximately 13% of the total acreage and 11.5% of the units. It was further explained that this request actually lowered the number of approved units by about 200. While this component would be for active adults and would be gated, all pedestrian ways would be unimpeded, including access to the linear park along the railroad tracks and access to the lakes. A future connection to Grand Avenue from either Jomax Road or Happy Valley Road alignments is planned to occur in the future according to the established phasing and infrastructure plan of Asante. This component will not negatively affect this timing.
A comment was made that this area has drainage and flooding problems during storm events. This was especially true of the County residents who do not have a storm water drainage system.	It was explained that when historic drainage flows enter the Asante Master Plan, they are properly handled pursuant to the City and County regulations, including appropriate storm water retention facilities. However, we have no control over drainage systems in the County exterior to the boundaries of Asante. They indicated that they had met with City and County officials on this issue and expressed their desire for the City to assist them. They realized this was not an Asante issue.
What are the home sizes?	It was conceptualized that the home sizes could range from 1,800 s.f. to over 2,700 s.f.
Several questions regarding the timing of the commercial development within Asante were asked.	It was explained that the commercial parcels are not owned or controlled by Lennar, however, Lennar is very supportive of commercial retail uses entering the Asante Master Plan to provide services for our residents. The timing of seeing commercial retail uses come will depend on home sales and projected future sales (i.e. rooftops) and we are hoping that by adding in a new, complimentary housing product within Asante, we will help to accelerate the residential development within Asante, which in turn will bring commercial uses to Asante.
Will this have a separate HOA?	It will be a sub-HOA within the master HOA. The sub-HOA will report to the master HOA and will pay dues like the rest of the members of the community. Additionally, because they will have private streets and their own separate amenities, they will also pay an additional HOA fee to maintain those amenities and assets.
Will it be gated?	Yes. It will be gated to restrict vehicular access but

	will be left open for pedestrian access.
Will it have a pool, as is being shown in the conceptual board?	It was explained, that the boards are conceptual only, showing what might be put in there. Because we are still at the zoning stage, we are still at the conceptual stage. We have not yet fully programmed that amenity space. But Lennar has devoted significant space and resources to the amenity package, which will include a clubhouse, along with other major amenities which could include a pool, ramadas, BBQs, walking trails and other elements.
Could a youth or child come and live long-term in one of these houses?	They would only be able to stay for a week similar to other prominent active adult community HOA rules.
What is the process?	Staff needs to complete their review. Once completed, they will schedule our requests for Planning Commission Hearing and final action by the City Council. After approvals, Lennar will submit their Preliminary and Final Plats for review and approval.

- Between May 15, 2017 and today's date June 5, 2017, there have been no other concerns, issues or problems expressed by any of the participating individuals. Since there were no concerns, issues, or problems raised by the adjacent property owners and other interested individuals, there was no need to hold a 2nd meeting to address public concerns.

- Should any adjacent property owners and/or other interested individuals raise any concern between now and the hearings, the Project Team will make every effort to address their concern in the appropriate manner, such as but not limited to personal visits, phone calls, or other acceptable means. Members of the Project Team are committed to working with the City of Surprise, surrounding neighbors, and any interested parties to ensure the compatibility and success of this application.

- This concludes the Citizen Participation Outreach Final Report for the proposed ***Paradiso Asante PUD (FS17-010), Asante PAD Amendment (FS17-011), and Asante North PAD Amendment (FS17-012)***.



Sign Posting Locations

Photo of 1 of the 6 signs posted.

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS17-010, FS17-011, FS17-012

Applicant Name: Earl, Curley and Lagarde

Location: NWC of Grand Ave and 163rd Ave

Date Site Posted: April 25, 2017

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

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

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

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

Meghan Liggett — 4/25/17

Applicant/Representative Signature — Date

This instrument was acknowledged before me on this 25th day of April, 2017, and by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

Mary Beth Conrad
Notary Public

10-25-20
My commission expires

MARYBETH CONRAD
Notary Public, State of Arizona
Maricopa County
My Commission Expires
October 25, 2020

CITY OF SURPRISE

Paradiso Asante, Asante and Asante North - Neighborhood Meeting
Paradiso Asante PUD zoning (FS17-010),
Asante PAD Amendment (FS17-011) and Asante North PAD Amendment (FS17-012)
Neighborhood Meeting-Monday, May 15, 2017, at 6:00-7:00 p.m.
at the Sundown Mountain Program (Desert Moon Elementary School) – CAFETERIA
23251 N. 166th Drive, Surprise, Arizona 85387

NAME	ADDRESS	CITY & ZIP	PHONE/E-MAIL
WELDON EMERY	25918 N 150TH AV	SURPRISE 85378	623 584 0333
JIM & CINDY ANGARELLA	25600 N. DESERT MESA DR	SURPRISE 85387	ANGARELLA@AOL.COM
Russ + Lisa Thayer	23918 N. 163RD DR	Surprise AZ 85387	RTLT2+aol.com
Stan Gutshall	29050 N. 163rd	Surprise Az. 85387	
MARTIN CASIAS	17777 W. MAYA WAY	SURPRISE AZ 85387	575 749-3296
Ellen Allen	Kenallen123@gmail.com 18124 W. Roy Rogers	Surprise AZ 85387	623-536-2829
Matt + Linda Keating	16423 W. Cielo Grande Ave	Surprise 85387	stayonthebike@yahoo.com
BRAD WEEKER	18410 W. Stanton Dr.	Surprise 85374	BRADWEEKER@GMAIL.com
Jacqueline Rea Carroll	28517 N 150th Av	Surprise 85387	623-544-6304

O:\INDEX\LENNAR\Asante - Active Adult\Docs\Neighborhood Meeting Attendance Sheet_5.15.2017.doc

Paradiso Asante, Asante and Asante North - Neighborhood Meeting
Paradiso Asante PUD zoning (FS17-010),
Asante PAD Amendment (FS17-011) and Asante North PAD Amendment (FS17-012)
Neighborhood Meeting-Monday, May 15, 2017, at 6:00-7:00 p.m.
at the Sundown Mountain Program (Desert Moon Elementary School) – CAFETERIA
23251 N. 166th Drive, Surprise, Arizona 85387

NAME	ADDRESS	CITY & ZIP	PHONE/E-MAIL
Susan + Steve Strong	26067 N. 163rd Dr.	Surprise, 85374	317-965-2446 Sty567@yahoo.com
Armando Bahr	16467 W. Paco Tr	Surprise 85387	419-215-7466 AJBahr@gmail.com
Bill + Paula Coughlan	17519 W. Buckhorn	Surprise	623-500-5482 Lois1n1946@gmail.com
Ed, Jill, Wendi Krotin	17539 W. Fetlock Tr.	Surprise	ekrotin@gmail.com
Christine Adair	16379 W. Cielo Grande Ave	Surprise 85387	1510 adair@gmail.com ~~1510~~
Diane Aden	16347 W. Cielo Grande Ave,	85387	
Sally + John Johnson	29222 N 163rd Ave	85387	JHSWjohnson@gmail.com 623-556 5908

O:\INDEX\LENNAR\Asante - Active Adult\Docs\Neighborhood Meeting Attendance Sheet_5.15.2017.doc

From: PLANTE, BARBARA S GS-12 USAF AETC 56 FW/CIT
To: Jamie Sullivan
Subject: Declined: CR16-365 Asante Active Adult

CR16-365
ASANTE ACTIVE ADULT
North and West of Asante Boulevard and Pat Tillman Boulevard Portion of 503-73-771 and 503-73-942A Major Zoning Amendment to PAD to allow active adult housing component

The site is located on 577 acres North and West of Asante Boulevard and Pat Tillman Boulevard and is part of the larger 3,613 total acres in the Asante and Asante North Master Plan community. The request is to rezone the 577 acres to accommodate an active adult house component with in the overall Asante master Plan. The site is located approximately .90 to 2.8 miles outside the Luke AFB Auxiliary Field #1 2004 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, 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 residents about Luke AFB operations.

v/r
Barbara

//SIGNED//

BARBARA S. PLANTE, GS-12, DAFC
56th Fighter Wing
Deputy Director, Community Initiatives Team
14185 W. Falcon Street
Luke AFB AZ 85309-1629
Phone: 623 856-9981

From:	Bob Patoni
To:	Jamie Sullivan
Cc:	Vanessa Nunez
Subject:	CR16-365
Date:	Friday, August 26, 2016 8:36:28 AM
Attachments:	image001.jpg

RE: CR16-365
Asanti Active Adult Housing Community
Proposed development adjacent to US-60 (Grand Avenue)
Major Zoning Amendment action

Attn: Jamie Sullivan

Thank you for the notice of major zoning amendment to PAD for the above-referenced development.
ADOT has no comment on zoning issues.
We appreciate the opportunity to review and comment.

Robert A. Patoni, SR/WA
Bob Patoni, SR/WA
Right of Way Project Coordinator
205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-6126
WWW.AZDOT.GOV

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.

From:	Debbie Trasancos
To:	Jamie Sullivan
Cc:	Chris Cain; Leslie Jarrell
Subject:	Declined: CR16-365 Asante Active Adult

Jamie,

Thank you for providing the Meeting Notification for Asante Active Adult (CR16-365).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thanks again,

Debbie Trasancos
Property & Contracts Specialist
Maricopa Water Disrict
14825 W. Grand Ave.
Surprise, AZ 85374
623/546-8266
fax 623/584-2536
HYPERLINK "mailto:debbiet@mwdaz.com" debbiet@mwdaz.com

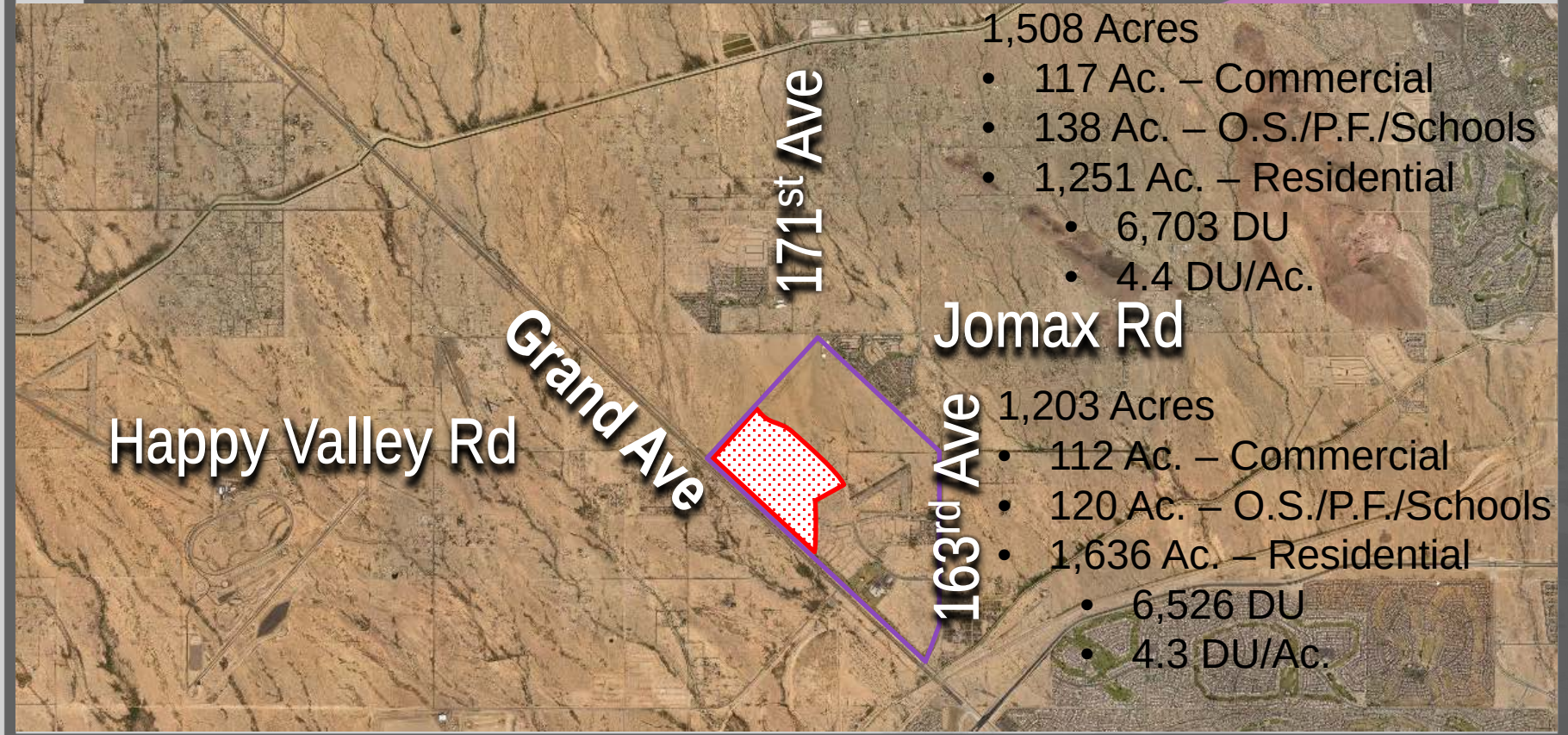
SURPRISE
ARIZONA

FS17-011
Asante
Major PAD Amendment

Planning and Zoning Commission

July 20, 2017

VICINITY MAP



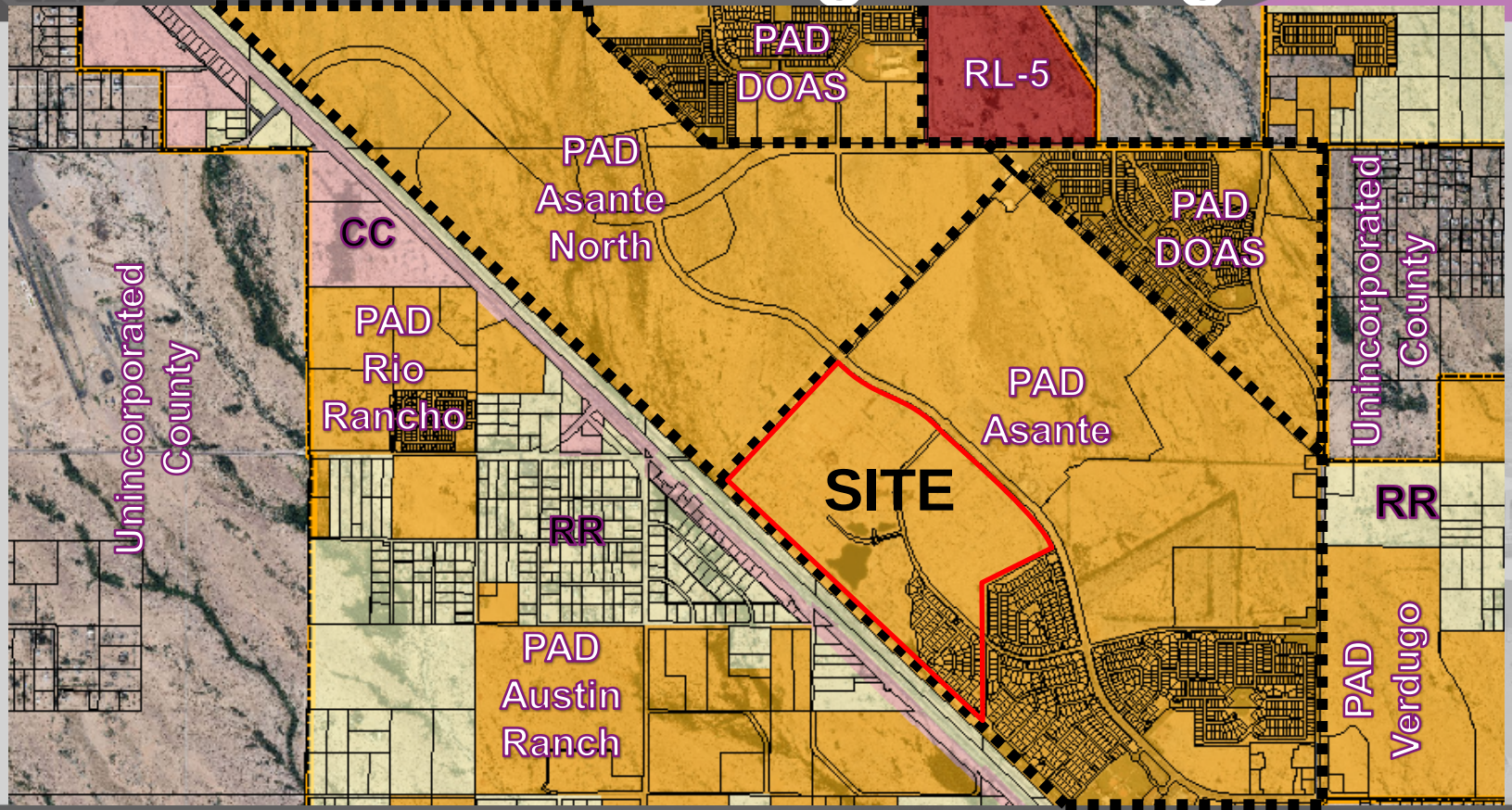
1,508 Acres

- 117 Ac. – Commercial
- 138 Ac. – O.S./P.F./Schools
- 1,251 Ac. – Residential
  - 6,703 DU
  - 4.4 DU/Ac.

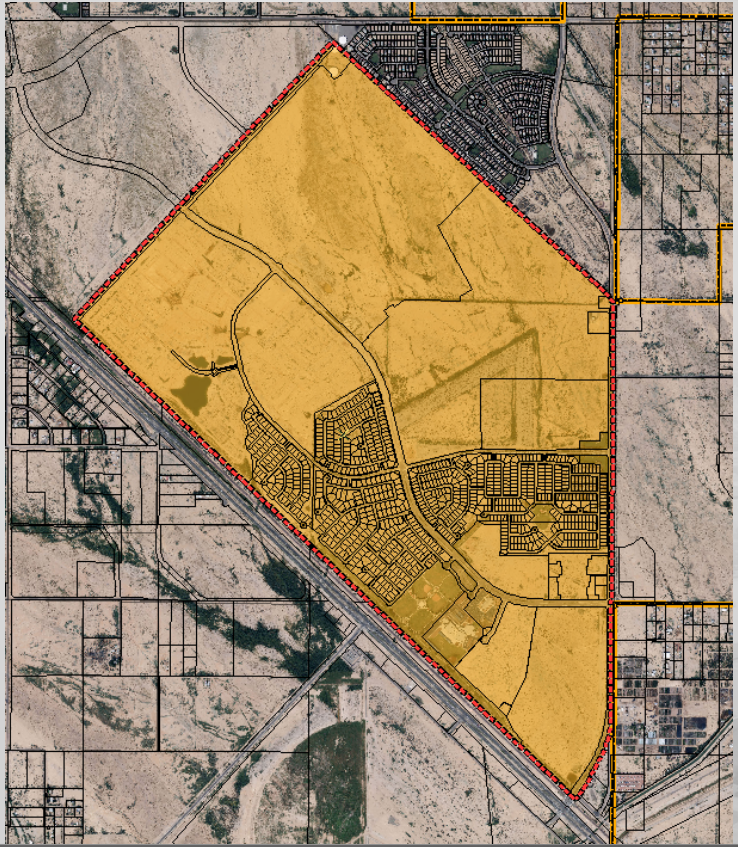
1,203 Acres

- 112 Ac. – Commercial
- 120 Ac. – O.S./P.F./Schools
- 1,636 Ac. – Residential
  - 6,526 DU
  - 4.3 DU/Ac.

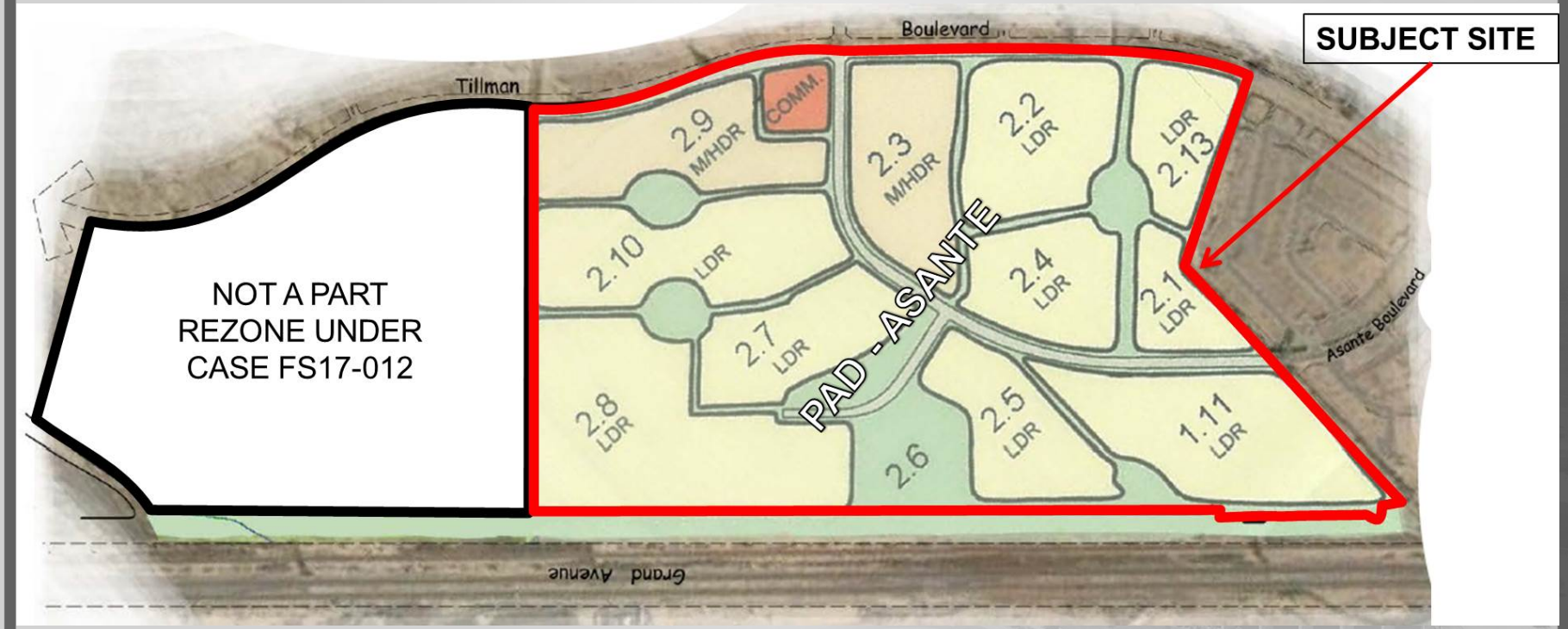
Surrounding Zoning



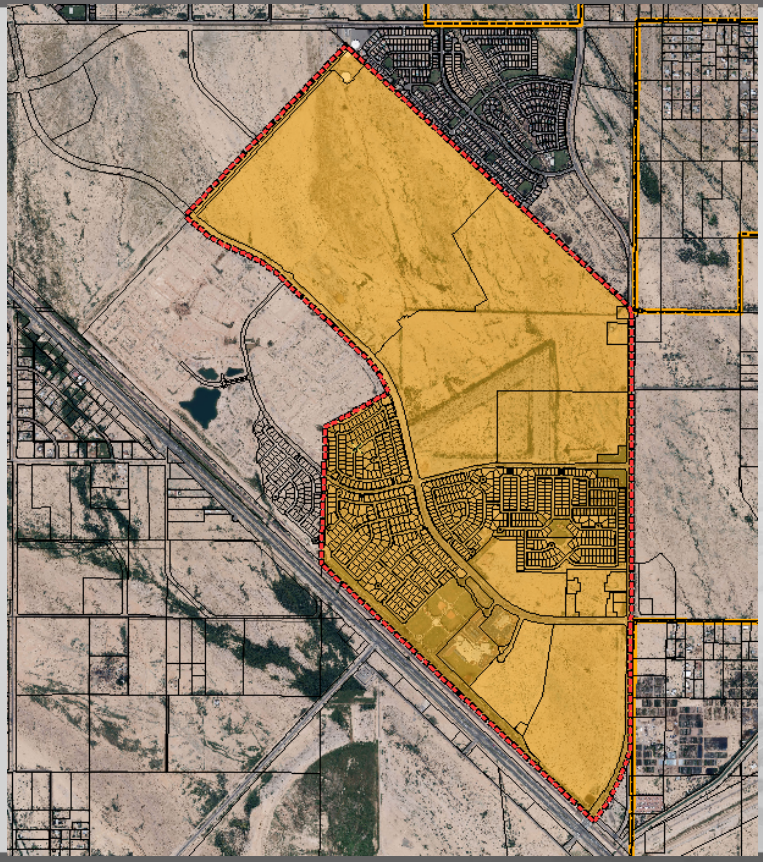
Existing Asante PAD Boundary



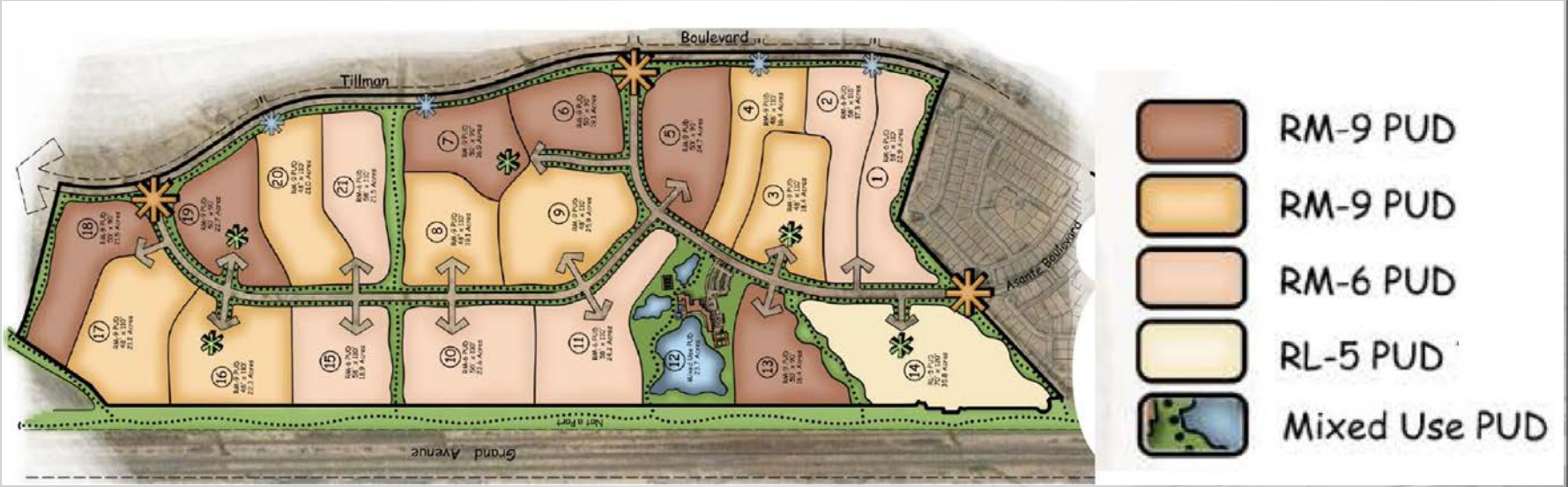
Existing Zoning



Proposed Asante North PAD Boundary



Proposed Zoning



CITIZEN OUTREACH

1st Citizen Outreach Meeting

- May 15, 2017

Comments/Concerns

STAFF RECOMMENDATION

<u>PAD Amendment Staff Recommendation</u>:

- Recommend Approval to the Mayor and City Council

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ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Sergio Angulo - Community Development
Submitting Department:	CD Boards and Commissions	District:	1
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion

Agenda Wording:

Consideration and action pertaining to a Major Amendment to the Asante North Planned Area Development (PAD) to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD generally located northeast of Grand Avenue approximately 2.5 miles west of 163rd Avenue.

Motion:

I move to recommend approval/denial to the Mayor and City Council on a Major Amendment to the Asante North Planned Area Development (PAD) to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD generally located northeast of Grand Avenue approximately 2.5 miles west of 163rd Avenue.

Background:

On January 6, 2017 Earl, Curley & Lagarde, P.C., submitted a request for a Major Amendment to the Asante North Planned Area Development (PAD) to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD generally located northeast of Grand Avenue approximately 2.5 miles west of 163rd Avenue.

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 - FS17-012 - Asante North PADA - Staff Report
- 01 - FS17-012 Asante North Major PAD Amendment Document
- 02 - FS17-012 Asante North Major PAD Amendment - Citizen Participation Report
- 03 - FS17-012 Asante North Major PAD Amendment - Luke AFB Comments

- ☐ 04 - FS17-012 Asante North Major PAD Amendment - ADOT Comments
- ☐ 05 - FS17-012 Asante North Major PAD Amendment - MWD Comments
- ☐ 06 - FS17-012 Asante North Major PAD Amendment - Presentation

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External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

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

Sergio Angulo, Planner

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

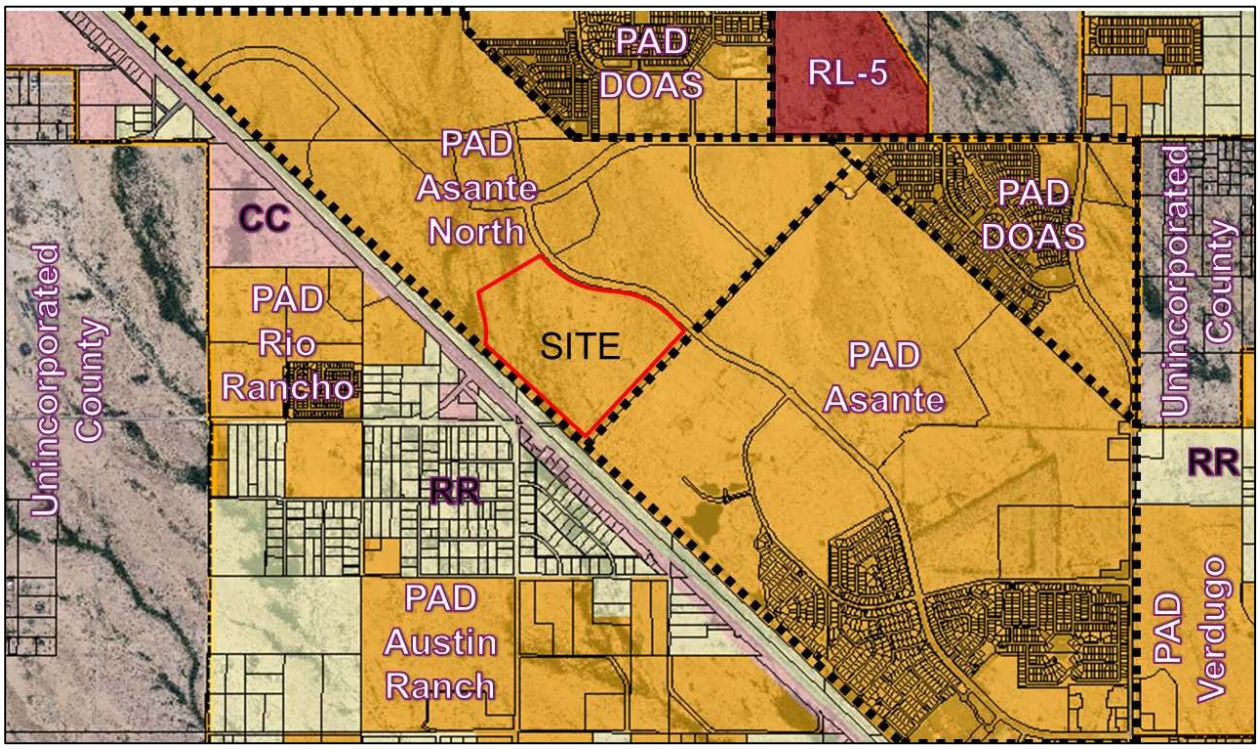
Case:	**FS17-012**
Project Name:	Asante North Zoning Amendment
Council District:	**1** – Acacia
Meeting Date:	**July 20, 2017**
Planner:	Sergio Angulo

Owner:	LCD Asante, LLC.
Applicant:	Stephen Earl with Earl, Curley & Lagarde, P.C.
Request:	The applicant, on behalf of the owner, requests a Major Amendment to the Asante North Planned Area Development (PAD) to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD.
Site Location:	Generally northeast of Grand Avenue approximately 2.5 miles west of 163rd Avenue.
Site Size:	Approximately 149.1 acres.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035.
Support/Opposition:	Both support and concerns was encountered during the Citizen Review meeting and are expanded upon in the Citizen Participation Report.
Staff Recommendation:	Staff recommends the Commission recommend approval of the Major Amendment to the Asante North PAD, Case FS17-012, to the Mayor and City Council.

Project Description:

Stephen Earl with Earl, Curley & Lagarde, P.C., on behalf of LCD Asante, LLC, requests a Major Amendment to the Asante North Planned Area Development (PAD) to Rezone 149.1 acres (approx.) from PAD – Residential to Medium Density Residential (RM-6) with a Planned Unit Development Overlay and Medium Density Residential (RM-9) with a Planned Unit Development Overlay. This application is in conjunction with cases FS17-010 and FS17-011 which all together will allow for the development of a 453.5 acre (approx.) private active adult community.

Surrounding Land Zoning:



PAD Asante North	PAD Asante North	PAD Asante
Community Commercial	**PAD Asante North**	PAD Asante
Community Commercial	Community Commercial	Community Commercial

Background:

July 27, 2006: The subject property was annexed into the City of Surprise by the Mayor and City Council.

July 27, 2006: The Mayor and City Council approved the Asante North Planned Area Development.

September 15, 2016: A Concept Review meeting was held for the current proposal under case CR16-365.

January 6, 2017: The applicant filed a related request for a Major PAD Amendment under case FS17-012, the subject case.

May 15, 2017: The applicant held a citizen outreach meeting to discuss the project.

Citizen Outreach:

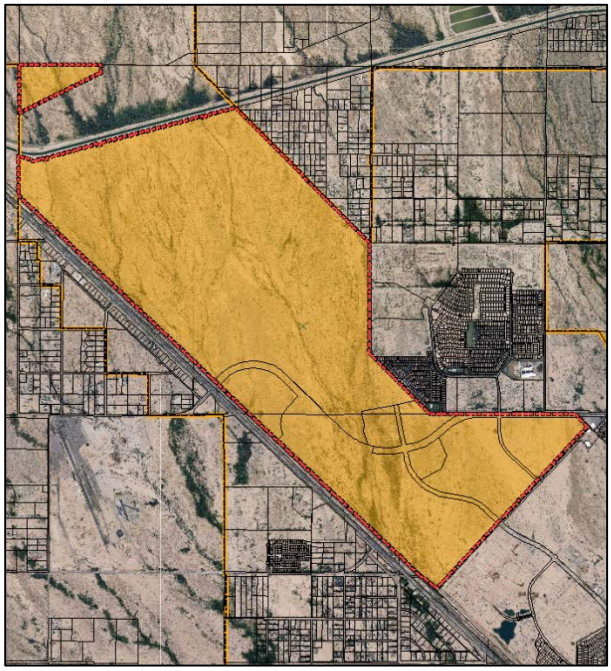
The site was posted and advertised for a Citizen Outreach meeting in accordance with the SUDC. The applicant held the meeting for the proposed PAD Amendment at Desert Moon Elementary School located at 23251 N 166th Drive at 6:00pm on May 15, 2017. Residents from the Asante and Desert Oasis communities and from around the subject property attended and voiced their support and concerns in regards to the proposed project. The majority of the attendees expressed their support of the project but a couple residents continue to express concerns in regards to how the increase in traffic will affect the existing and ongoing traffic issues along 163rd Avenue.

Analysis and Discussion:

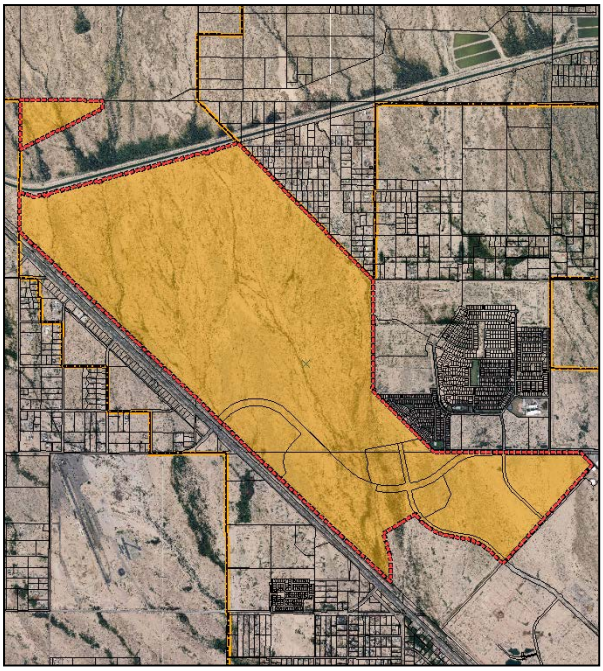
The subject property is 149.1 acres (approx.) of vacant land generally located northeast of Grand Avenue and 2.5 miles (approx.) west of 163rd Avenue within the Asante North PAD. The subject property is currently zoned PAD with a Residential land use designation.
The site is surrounded by commercial zoned property south of Grand Avenue, residential zoned property to the east and to the north, and to the west some commercial and residential zoned property.

The Asante North PAD is a 2,105 acre (approx.) Planned Area Development that designates 1,786 acres (approx.) as Residential, 183 acres (approx.) as Commercial, 48 (approx.) acres as Employment, and 88 acres (approx.) as Open Space/Schools and Public Facilities. Originally the Asante North PAD envisioned a total of 8,835 dwelling units and proposed a maximum allowed overall density of 4.2 dwelling units per acre.

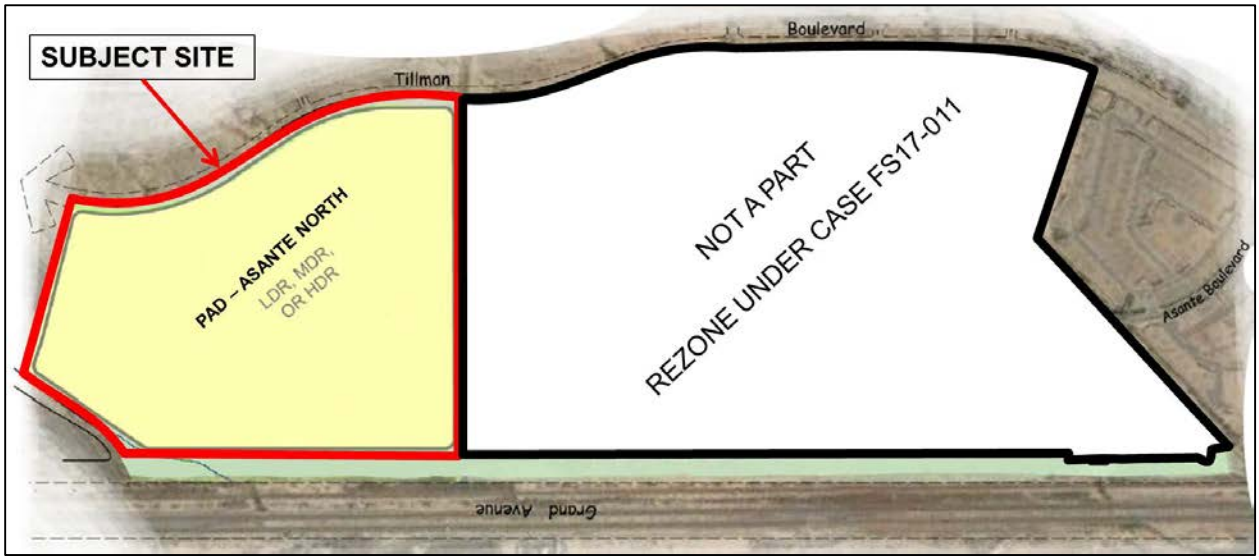
EXISTING ASANTE NORTH PAD BOUNDARY MAP



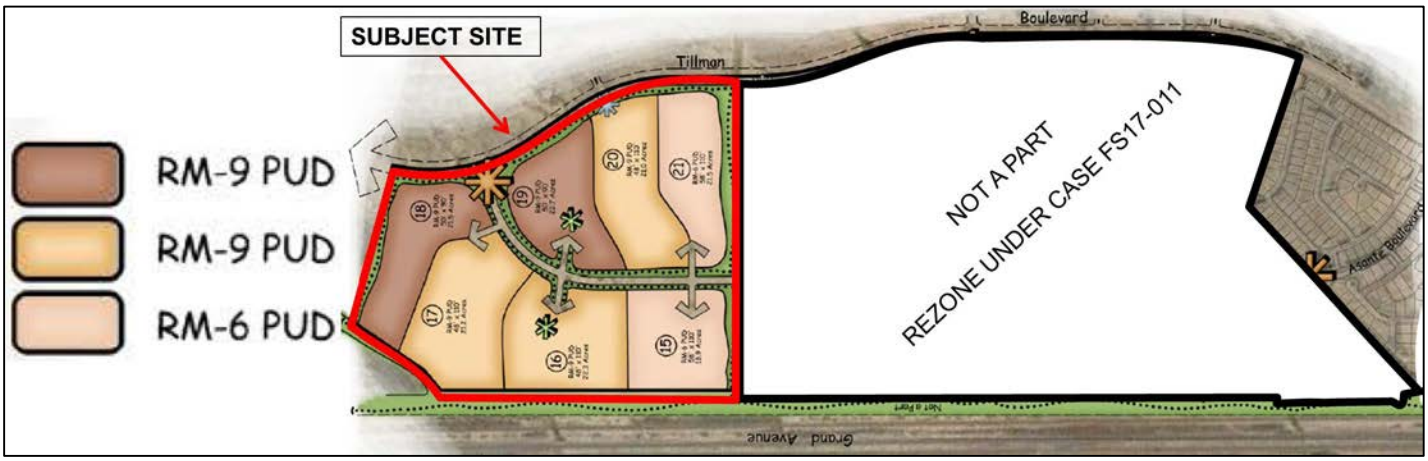
PROPOSED ASANTE NORTH PAD BOUNDARY MAP



EXISTING ZONING MAP



PROPOSED ZONING MAP



This proposed PAD Amendment will Rezone 149.1 acres (approx.) from PAD – Residential to RM – 9 PUD (108.7 acres approx.) and RM – 6 PUD (40.4 acres approx.). If approved, this PAD Amendment will reduce the overall acreage of the Asante North PAD to 1,955 acres (approx.), the total number of dwelling units to 8,173, and the allowed overall density to 4.18 dwelling units per acre. The amount of land designated as Commercial, Employment, and Open Space/Schools and Public Facilities will remain as is.

The proposed PAD Amendment will also include language that will help better identify the difference between a Major PAD Amendment and a Minor PAD Amendment.

The proposed PAD Amendment does not propose any changes to the development standards or any other section of the Original PAD.

This Major PAD Amendment application is in conjunction with a two related cases; FS17-011 and FS17-010. Case FS17-011 proposes a Major PAD Amendment to the Asante PAD to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed Use PUD. Case FS17-010 proposes a Planned Unit Development Overlay District which will establish specific permitted land uses, design guidelines, and development standards to allow for the development of a 435.5 acres (approx.) private active adult community.

Surprise General Plan 2035:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which in a suburban neighborhood supports residential development between two and eight dwelling units per acre (2-8 DU/Ac). The proposed PAD Amendment proposes a density decrease from 4.2 DU/Ac to 4.18 DU/Ac which demonstrates consistency with this land use category.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Luke Air Force Base, ADOT, Maricopa Water District, and Dysart School District were included in the routing of this case and they indicate no objections to the requests.

Summary:

This proposed PAD Amendment will Rezone 149.1 acres (approx.) from PAD – Residential to RM – 9 PUD (108.7 acres approx.) and RM – 6 PUD (40.4 acres approx.) and reduce the overall density of the Asante North PAD from 4.2 DU/Ac to 4.18 DU/Ac.

Findings:

- The proposed land use change is consistent with the Surprise General Plan 2035.
- The proposed density change is consistent with the Surprise General Plan 2035.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to recommend **approval** of the Major PAD Amendment case **FS17-012** to the Mayor and City Council.

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

Attachments:

01 - PAD Amendment Document
02 - Citizen Participation Report
03 - Luke AFB comments
04 - ADOT comments
05 - MWD comments

SURPRISE
ARIZONA

Asante North

Amendment	Case Number	Approval Date	Approval Doc.	Page
Original PAD	PAD06-045	7/27/2006	Ordinance 06-34	
This Request- Land Use Map and acreage Change	FS17-012			

Asante North

Planned Area Development
Amendment No. 1
Surprise, AZ

Zoning Case Number: FS17-012
(Original Case No. PAD06-045)

Lennar Arizona, Inc
Original Approval July 27, 2006 (Ordinance 06-34)

Submitted: January 6, 2017
Revised: March 30, 2017
Revised: May 1, 2017

Prepared For:
Lennar Arizona, Inc.
Alan Jones
Jeff Gunderson
Todd Skoro
1725 W Greentree Drive, Suite 114
Tempe, AZ 85284
Tel: 480-345-0077

Prepared By:
Earl, Curley & Lagarde
Stephen C. Earl
3101 N. Central Ave, Suite 1000
Phoenix, AZ 85012
Tel: 602-265-0094

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LEGAL DESCRIPTION……... 6

Asante North Planned Area Development Amendment (PADA) – No. 1

INTRODUCTION

Asante North is a 2,105-acre Planned Area Development ("PAD"), which was approved by the City Council in November 2006. Asante, directly adjacent to and south of Asante North, is a 1,508-acre Planned Area Development ("PAD") by Lennar Arizona, Inc., which was approved by the City Council in November 2004 through adoption of Ordinance #04-41. Asante and Asante North function together as an overall master plan, which is located north and within the 'V' formed by the intersection of Grand and 163rd Avenues and the Central Arizona Project canal.

The original approval for Asante North included 2,105.4 gross acres, of which, 183.5 gross acres are designated for commercial uses, 48.8 gross acres are for an Employment Center, and 1,786.4 gross acres are planned for a variety of residential types with both attached and detached single family residences. With approximately 9% of the site devoted to commercial uses and 2% devoted to employment, Asante North is in keeping with the land use projections for the City's General Plan. The northern portion of the site is planned be integrated with a proposed golf course and clubhouse. Four sites, totaling 26 gross acres, have been set aside to be used for establishments of community significance (i.e. churches, quasi-public, or private organizations). Additional amenities include a 6.6 gross acre fire station, a 3 gross acre water plant, two 15 gross acre school sites and one 21 gross acre combination school/park site. A minimum of 11% of the project area have been set aside for open space, buffer areas and linear parks. As mentioned, due to the companion Paradiso Asante PUD zoning request +/- 149.1 acreage from the overall Asante North is being rezoned thus reducing the overall Asante North PAD acreage. This amendment request therefore revises the Land Use Map and matrix and parcel acreages, to reflect the land going into Paradiso Asante. Except for the removal of +/-149.1 acres from Asante North and 304.4 acres from Asante PADs to be rezoned into the active adult component, no other changes are proposed to this PAD.

The proposed Asante North PAD remains committed to be a combination of commercial and residential uses planned in a comprehensive manner, which contribute a quality residential living environment and provide goods and services beneficial to the community as a whole. The project will be developed over multiple phases by a number of home developers and builders, some of whom have not even yet been identified due to the size and complexity of the project. The master developer Lennar Communities Development, Inc., with both local and national experience and a reputation for outstanding quality of homes and communities will not only be offering its own range of housing products, but will also be teamed up with other established builders to strength their diversity and breath of housing product.

This amendment seeks to round out the Asante master plan community by also offering, a small (13%) component for active adults who want to be close to family and services.

PURPOSE OF REQUEST

This amendment request simply seeks to rezone +/- 149.1 acres from the Asante North Planned Area Development (PAD) to RM-6 PUD and RM-9 PUD for a compatible 453.5 acre active adult component as a functional part of the overall Asante and Asante North master planned communities. This separate but companion PUD zoning request seeks its own active adult Planned Unit Development zoning district for approximately 453.5 acres of land, which represents only 13% of the land, in the Asante and Asante North master plans. It is important to note, while the companion Paradiso Asante active adult PUD project seeks its own PUD zoning district, it is not requesting new or additional residential zoning in that it is simply rezoning land and related residential density from the approved PADs for Asante and Asante North into an "active adult/aged restricted housing" component of the overall Asante master planned communities. This PAD amendment and companion PUD Zoning will provide a better balance to the overall master plan concept with a full range of high quality living options for a full range and types of families.

The following information will demonstrate that the proposed Asante North PAD amendment will continue to contribute to the orderly development of Surprise and meet the City's goals and policies as stated in the City of Surprise General Plan and applicable ordinances.

LAND USE CATEGORY SUMMARY

Land Use Category	**Gross Acres**	**DU (max.)**	**DU / AC**
Community Facilities	26	-	-
Commercial	183.5	-	-
Employment Center	48.8	-	
Fire	6.6	-	-
Park	5	-	-
Schools	46.1	-	-
Water Plant	3	-	-
Residential	1,636.9	8,173	-
TOTAL	**1,955.9**	**8,173**	**4.18**

Note: 1) The gross residential areas include the area designated for the potential Golf Course and Club House amenities.

2) 11% (approximately 215 acres) have been designated as Open Space. Open Space and Right-of-Way areas are located throughout the project within the gross acreage of the above mentioned Land Use categories.

AMENDMENTS

Minor Changes

The City of Surprise Community Development Director may allow minor changes to the PAD, provided that such changes are not in conflict with the overall intent as expressed in the PAD document. The following items shall be considered as minor changes to the PAD:

- Changes in configuration of individual development parcels to include modifications to boundaries as long as there is no net loss of open space and no net increase in the total number of units or noncommercial acreage allowable within the PAD;

- Changes to the community infrastructure, such as drainage, water and sewer systems which do not have the effect of increasing or decreasing development capacity in the PAD, nor change the overall intent of the PAD;

- Changes or modifications in lot sizes and setbacks by up to 10% of the required development standard in order to accommodate for unique circumstances or specific site constraints, so long as the change does not conflict with the City of Surprise Building Code or off -street parking requirements as defined within the PAD;

- Any analogous interpretations of the list of permitted, conditional and secondary uses of the property as set forth in the PAD, as determined by the Community Development Director;

- Changes in residential densities or unit count by up to 10% of the maximum allowable in each development parcel, provided the increase does not cause an increase in the total allowable unit count within the PAD or decrease the amount of open space within any development parcel;

- Minor modifications or adjustment to roadway alignments and/ or parcel configuration so long as the proposed modification does not change the overall intent of the PAD and the Surprise Transportation Plan;

- Minor modifications to the location and size of trails and pedestrian paths, so long as the modification meets the general intent of the PAD and the Parks and Trails Master Plan;

- Relocation of a park site, which either enhances the opportunity to create a sense of neighborhood and community or to better centralize the park site based on actual development densities, so long as the land uses and densities of the parcels proposed for the revision do not result in a net increase in total number of units and meets the intent of the Parks and Trails Master Plan.

- Other changes not identified above, but deemed appropriate by the Community

Development Director, as long as the change does not impact the general health, safety, and welfare of the residents of the City of Surprise and does not impact the overall intent of the approved PAD.

Major Changes

- A Major change is a change that does not qualify as a minor change as defined above, and that significantly alters the intent of the approved PAD. Major Changes shall comply with the requirements set forth in Surprise Municipal Code and State Statute.

Upon the approval of any proposed amendment to the Planned Area Development (PAD), the amendment shall be attached to the PAD as an addendum and shall become a part thereof.

Administrative Interpretations

On occasion, it may be necessary to request a formal or informal interpretation from the City of Surprise Community Development Director related to the implementation and/or interpretation of the project intent, use, or development standards as may be applicable to the interpretation of the provisions of the City of Surprise Zoning Ordinance or to the interpretation of the intent of narrative descriptions/statements contained in this Asante PAD application. Such requests for interpretation to these provisions will be made in written form to the Community Development Director by the Master Developer or a member of the Asante Property Owners Association.

CONCLUSION

Asante North PAD will continue to be an exceptional community that exemplifies the best of the City of Surprise. It will contribute to the orderly growth of the City and is providing an impetus to solve regional transportation and sewer service problems. It is consistent with the Surprise General Plan and applicable regulations. The commercial component will provide significant tax revenues to the City as well as convenient shopping for local citizens. The future residents will enjoy a comprehensive parks and open space system organized around the pedestrian. A variety of housing types and prices will meet diverse housing needs. We believe that Asante North will contribute to the continued planned growth of the City of Surprise and contribute to its quality of life. We respectfully request approval of this PAD Amendment and look forward to moving into project implementation.

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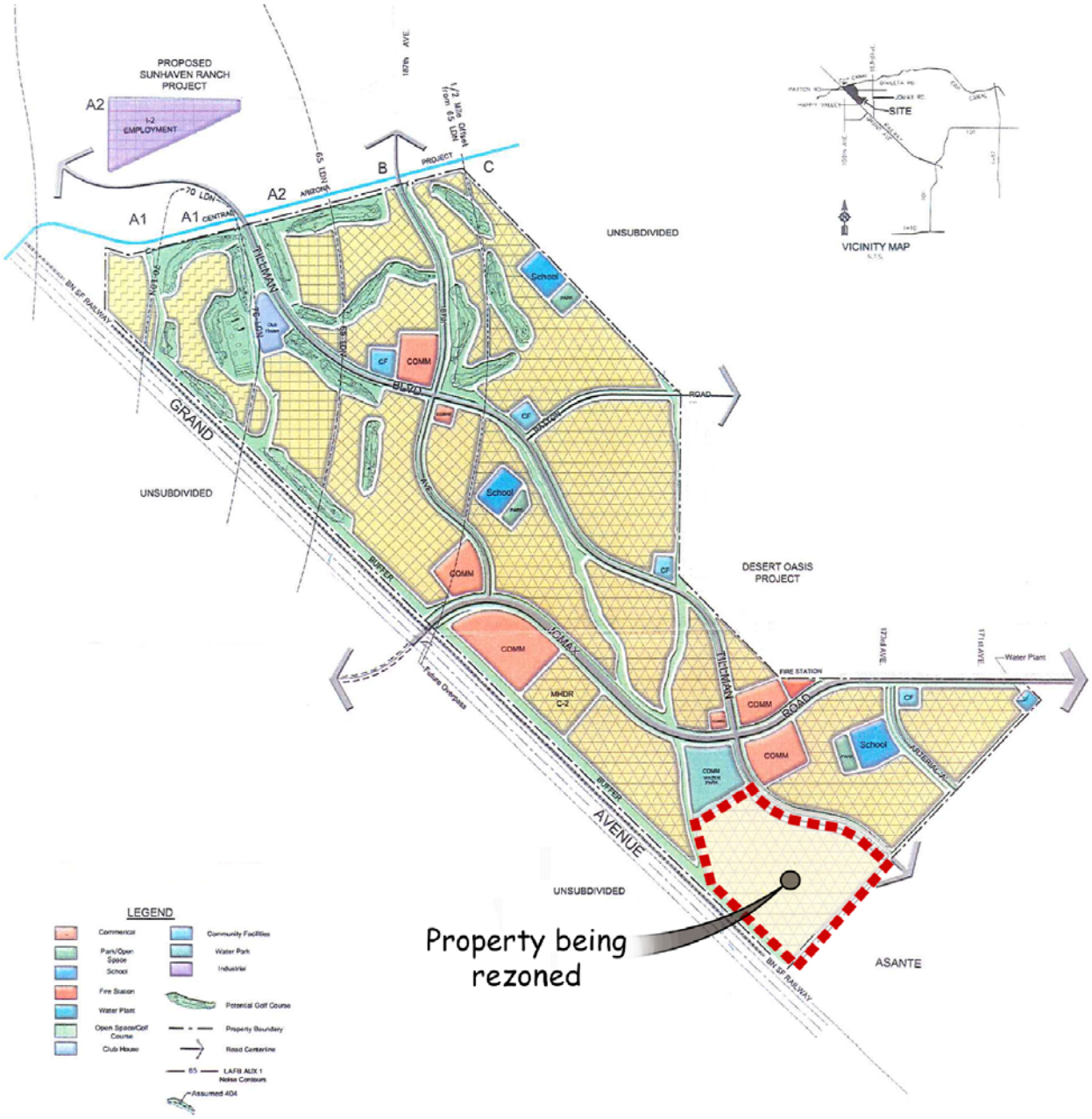

Asante North

Proposed Land Use Plan

Version 8 02-06-06

North
N.T.S.
Job #2016.01
Date: 5/2/17

This plan is conceptual in nature and subject to engineering / agency review and revisions.

Legal Description
Asante North

Job No. 16-009.001 05/30/17

Portions of Sections 27, 28, 33, 34 and 35, Township 5 North, Range 2 West and Sections 1, 2 and 3, Township 4 North, Range 2 West of the Gila and Salt River Meridian, more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 28, said point being on the Southerly line of the Central Arizona Project Canal;

thence along said Southerly line, South 71 degrees 52 minutes 05 seconds East, 455.43 feet;

thence continuing along said Southerly line, North 75 degrees 33 minutes 21 seconds East, 315.06 feet;

thence continuing along said Southerly line, South 15 degrees 09 minutes 15 seconds East, 50.31 feet;

thence continuing along said Southerly line, North 75 degrees 31 minutes 55 seconds East, 100.00 feet;

thence continuing along said Southerly line, North 14 degrees 27 minutes 32 seconds West, 50.01 feet;

thence continuing along said Southerly line, North 75 degrees 32 minutes 59 seconds East, 1557.21 feet;

thence continuing along said Southerly line, South 14 degrees 26 minutes 03 seconds East, 50.02 feet;

thence continuing along said Southerly line, North 75 degrees 32 minutes 30 seconds East, 100.02 feet;

thence continuing along said Southerly line, North 14 degrees 20 minutes 19 seconds West, 49.98 feet;

thence continuing along said Southerly line, North 75 degrees 32 minutes 52 seconds East, 3174.92 feet;

thence continuing along said Southerly line, South 14 degrees 30 minutes 24 seconds East, 49.97 feet;
thence continuing along said Southerly line, North 75 degrees 34 minutes 52 seconds East, 100.05 feet;

thence continuing along said Southerly line, North 14 degrees 30 minutes 53 seconds West, 50.05 feet;

thence continuing along said Southerly line, North 75 degrees 33 minutes 00 seconds East, 952.03 feet to a line determined by the Northwest Corner and the Southeast Corner of said Section 27;

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Tel (480) 503-2250 • Fax (480) 503-2258
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thence along said line, South 44 degrees 14 minutes 31 seconds East, 5719.02 feet to the Southeast Corner of said Section 27 and the Northeast Corner of said Section 34;

thence along the East line of the Northeast Quarter of said Section 34, South 0 degrees 40 minutes 33 seconds West, 2640.92 feet to the East Quarter corner thereof;

thence along the East line of the Southeast Quarter of said Section 34, South 0 degrees 40 minutes 19 seconds West, 632.58 feet;

thence along the Southwesterly lines and the prolongations therefrom of the final plats of 'Desert Oasis at Surprise Parcels L5-A' and 'Desert Oasis at Surprise Parcels L5-B', recorded in Book 822, Page 45 and Book 822, Page 47 of Maricopa County Records, respectively, South 44 degrees 30 minutes 32 seconds East, 2631.63 feet to the South line of the Southwest Quarter of said Section 35;

thence along said South line, South 89 degrees 41 minutes 53 seconds East, 786.16 feet to the South Quarter Corner of said Section 35;

thence along the South line of the Southeast Quarter of said Section 35, South 89 degrees 42 minutes 40 seconds East, 2653.20 feet to the Southeast Corner thereof;

thence South 89 degrees 37 minutes 54 seconds East, 907.37 feet to the Northeast Corner of said Section 2;

thence along the Southwesterly line and prolongation therefrom of the Map of Dedication of 'Desert Oasis of Surprise Baer Parcel', recorded in Book 666, Page 8 of Maricopa County Records, South 46 degrees 28 minutes 39 seconds East, 535.26 feet;

thence South 43 degrees 31 minutes 21 seconds West, 3940.63 feet to a point on the centerline of Tillman Boulevard as depicted in the Map of Dedication of 'Asante North – Phase One', recorded in Book 918, Page 8 of Maricopa County Records;

thence along said centerline line, North 46 degrees 28 minutes 39 seconds West, 511.74 feet to the beginning of a curve, concave Southwest, having a radius of 1450.00 feet;

thence continuing along said centerline, Northwesterly 850.21 feet along the arc of said curve to the left through a central angle of 33 degrees 35 minutes 44 seconds;

thence continuing along said centerline, North 80 degrees 04 minutes 23 seconds West, 488.17 feet to the beginning of a curve, concave Northeast, having a radius of 1450.00 feet;

thence continuing along said centerline, Northwesterly 1173.78 feet along the arc of said curve to the right through a central angle of 46 degrees 22 minutes 52 seconds;

thence on a non-tangent line South 56 degrees 18 minutes 29 seconds West, 68.00 feet to a point on the Southerly line of said Tillman Boulevard;

thence South 58 degrees 10 minutes 18 seconds West, 985.65 feet;

thence South 62 degrees 42 minutes 29 seconds West, 163.11 feet;

thence South 70 degrees 14 minutes 44 seconds West, 99.78 feet;

thence South 12 degrees 05 minutes 10 seconds East, 736.65 feet;

thence South 4 degrees 01 minutes 09 seconds West, 219.14 feet to a line 200.00 feet Northeast and parallel with the Northeasterly line of the 200′ wide Burlington Northern and Santa Fe Railroad Corridor;

thence along said parallel line, South 46 degrees 13 minutes 34 seconds East, 2459.43 feet;

thence South 43 degrees 31 minutes 21 seconds West, 200.00 feet to a point on the Northeasterly line of the 200′ wide Burlington Northern and Santa Fe Railroad Corridor;

thence along said Northeasterly line, North 46 degrees 13 minutes 34 seconds West, 17244.64 feet to the West line of the Southwest Quarter of said Section 28;

thence along said West line, North 0 degrees 40 minutes 59 seconds East, 1150.34 feet to the POINT OF BEGINNING.

Contains 1907.5552 acres, more or less.

Together with:

A portion of the Northwest Quarter of Section 28, Township 5 North, Range 2 West of the Gila and Salt River Meridian, more particularly described as follows:

BEGINNING at the Northwest Corner of said Section 28;

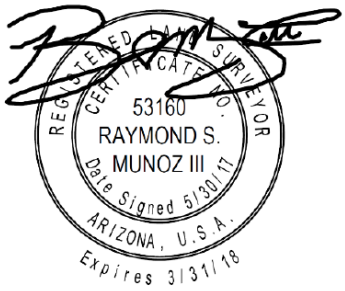
thence along the North line of said Northwest Quarter, South 89 degrees 14 minutes 38 seconds East, 2457.12 feet;

thence South 0 degrees 20 minutes 41 seconds West, 262.20 feet;

thence South 64 degrees 39 minutes 37 seconds West, 2736.04 feet to the West line of said Northwest Quarter;

thence along the West line of said Northwest Quarter, North 0 degrees 40 minutes 59 seconds East, 1465.70 feet to the POINT OF BEGINNING.

Contains 48.7593 acres, more or less.



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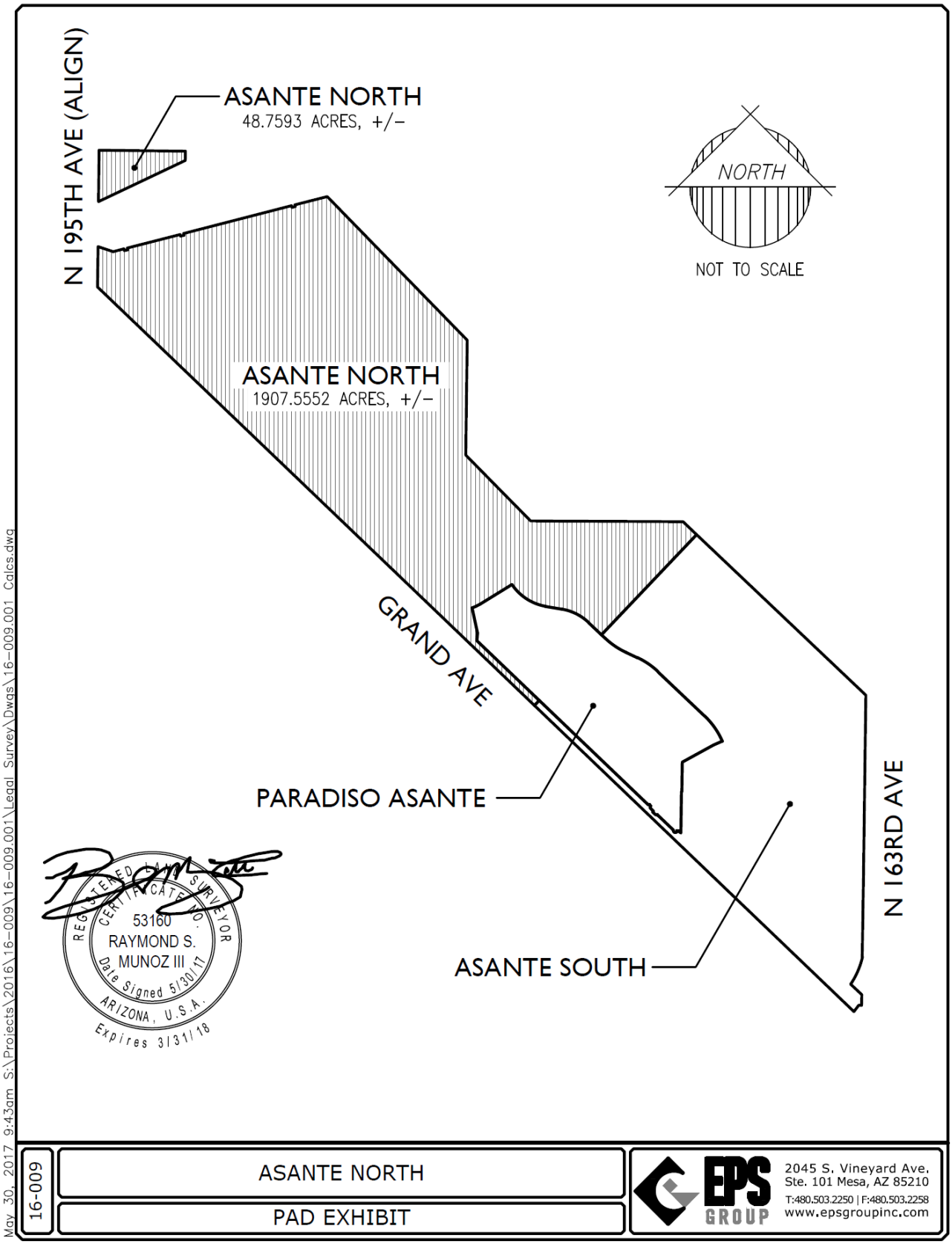

N 195TH AVE (ALIGN)
ASANTE NORTH
48.7593 ACRES, +/-
NORTH
NOT TO SCALE
ASANTE NORTH
1907.5552 ACRES, +/-
GRAND AVE
PARADISO ASANTE
N 163RD AVE
ASANTE SOUTH
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
53160
RAYMOND S.
MUNOZ III
Date Signed 5/30/17
ARIZONA, U.S.A.
Expires 3/31/18
May 30, 2017 9:43am S:\Projects\2016\16-009\16-009.001\Legal Survey\Dwgs\16-009.001 Calcs.dwg
16-009
ASANTE NORTH
PAD EXHIBIT
EPS GROUP
2045 S. Vineyard Ave.
Ste. 101 Mesa, AZ 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

Citizen Participation Final Report

For

Paradiso Asante PUD Zoning (FS17-010)
Asante PAD Amendment (FS17-011)
Asante North PAD Amendment (FS17-012)

Northwest corner of 163rd Avenue and Grand Avenue

Prepared by:
EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Owner/Developer:
Lennar Arizona, Inc.
1725 W. Greentree Drive, #114
Tempe, Arizona 85284
Contacts: Jeff Gunderson, Sr. VP Land Acquisition & Development
Todd Skoro, Director of Land Acquisition
Telephone: (480) 345-0077
Fax: (480) 777-4696

Attorney
Earl, Curley & Lagarde P.C.
Contact: Stephen C. Earl
3101 North Central Avenue, Suite 1000
Phoenix, Arizona 85012

Prepared:
June 5, 2017

CITIZEN PARTICIPATION FINAL REPORT
for
Paradiso Asante PUD Zoning (FS17-010),
Asante PAD Amendment (FS17-011), and
Asante North PAD Amendment (FS17-012)
requests

PROJECT DESCRIPTION

Asante is a 1,508-acre Planned Area Development ("PAD") by Lennar Arizona, Inc., which was approved by the City Council in November 2004 through adoption of Ordinance #04-41. Asante North is directly adjacent and is a 2,105-acre Planned Area Development ("PAD"), which was approved by the City Council in November 2006 and is directly north of Asante. Lennar, one of America's leading homebuilding companies, is the master developer for both Asante and Asante North master planned communities totaling 3,613 acres.

Three companion zoning cases have been filed concurrently. The first case (FS17-010), in simple terms, is a request to rezoning 465.5 acres from the Asante and Asante North Planned Area Developments. The purpose of this request is to add a small complimentary active adult component within the Asante and Asante North master planned communities. This active adult component in Asante will be called ***Paradiso Asante***. This component represents only 13% of the land within the Asante and Asante North PADs and will slightly reduce the total number of homes from the original overall approvals. It should also be noted that the same development standards and design features are elements approved in the Asante and Asante North PADs are being utilized in this zoning request.

The second companion request simply seeks a PAD amendment to remove the 311.7 acres from the Asante PAD that are now being incorporated into Asante Paradiso. The third companion request simply seeks a PAD amendment to remove the 153.7 acres from the Asante North PAD that are being rezoned as part of case FS17-010. Except for the removal of the 311.7 acres from Asante and 153.8 acres from Asante North PADs being rezoned into the active adult component called Asante Paradiso and the addition of a Major and Minor Amendment criteria, no other changes are proposed.

The PUD Zoning and the PAD amendments will provide a better balance to the overall master plan concept with a full range of high quality living options for a full range and types of families and active adults.

This Citizen Partication Outreach Report provides a summary of the citizen partication and outreach for all three companion case (FS17-010, FS17-011, and FS17-012).

OVERVIEW OF ELEMENTS OF CITIZEN NOTIFICATION

The Citizen Participation Outreach Final Report was prepared in accordance with the City of Surprise Citizen Review Process requirements. It meets the City's requirements and the recommended notification area as identified by the Planning and Zoning Division. In accordance with requirements of the City, the following process was completed:

- A Neighborhood Meeting was deemed to be the most appropriate notification technique to inform the adjacent property owners/residents and/or interested parties of the request.

- In accordance with the City of Surprise's Citizen Review Process, Earl, Curley & Lagarde P.C. had a sign consultant install 6 double sided neighborhood meeting signs at 6 different locations to notify and inform those interested of the upcoming neighborhood meeting to discuss the applications. (See appendix for sign posting locations, photo of sign and affidavit of posting.)

- The signs were installed 20 days prior to the neighborhood meeting on April 25, 2017. The neighborhood meeting signs included the date, time and location of the neighborhood meeting, a brief description of the requests and case numbers of each of the three cases. It also included the planning division's phone number for those with questions and/or concerns, issues, or problems.

- The City's Notification requirements requires the notice of the citizen review meeting to also be provided by the Planning and Zoning Division in the following manner:

    1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality at least fifteen (15) days prior to the meeting date;
    2. For applications involving rezoning of land which abuts other municipalities or unincorporated areas of the country or a combination thereof, copies of the notice shall be transmitted to the planning agency of such governmental unit butting such land;
    3. For applications involving rezoning, subdividing, planned unit developments, site plans with uses permitted on a conditional basis, and legislative matters, all real property owners within a 200' or 300' radius, the city shall send copies of the notice by first class mail, no less than seven (7) days prior to the hearing;
    4. Any village committee or special community group which is located in the area of the proposed public hearing request or has considerable interest in the nature of the application;
    5. The head of any homeowners association or registered neighborhood within the public notice area established in item 3 indicated above.

- The Citizen Review Meeting letter, that was sent out by the City, invited residents to attend a neighborhood meeting in the area at Sundown Mountain School (Desert Moon) Cafeteria on Monday, May 15, 2017 from 6:00 PM to 7:00 PM. The letter provided a brief explanation of the proposed applications and explained the purpose of the meeting and included the boundaries of the requests and the location of the neighborhood meeting.

Neighborhood Meeting

- The neighborhood meeting was held on Monday, May 15, 2017 from 6:00 to 7:00 PM to inform those in attendance of the proposed applications. Approximately 25 individuals from the adjoining neighborhoods, Councilmember Roland Winters Jr., Councilmember Ken Remley, Planning Commissioner Vice Chair Matt Keating and Sergio Angulo, Planner, attended the meeting and they registered their attendance on the sign-in sheet (*see Appendix*). Additionally, two Lennar development representatives were in attendance to convey the vision of this community and respond to questions.

- The neighborhood meeting was set up in an open house format with 2 large stations. The first manned station included the following exhibits: 1) An aerial photo showing the three respective cases and their boundaries, and their proximity to the surrounding existing subdivisions and Grand Avenue; 2) An exhibit showing the overall master plan with the existing and proposed land uses and zoning inserted into the overall master plan; 3) An exhibit showing the total approved number of units and those proposed with the new PUD zoning case; and 4) An exhibit showing the existing and the proposed Zoning for the subject site.

- The second manned station included: 1) An aerial photo showing the three respective cases and their boundaries, and their proximity to the surrounding existing subdivisions and Grand Avenue; 2) A board showing representative examples of Recreational/Club house inspiration; 3) Two boards showing representative examples of house product; and 4) A board showing representative examples of house floor plans.

- Several members of the development team were at both stations to provide detailed information about the project and requests.

- Station 1: A brief review of the three companion requests was provided at the first station. The first case (FS17-010), in simple terms, is a request to rezoning 465.5 acres from the Asante and Asante North Planned Area Developments. The second companion request simply seeks a PAD amendment to remove the 311.7 acres that are being rezoned as part of FS17-010 case from the Asante PAD. And the third companion request simply seeks a PAD

amendment to remove the 153.7 acres that are being rezoned as part of FS17-010 case from the Asante North PAD.

- It was further explained the subject property is part of the Asante and Asante North PADs, and the proposed rezone and Planned Unit Development (PUD) Overlay will create a complementary active adult community representing only 13% of the land in the Asante and Asante North PADs and will reduce the total number of homes from the original approvals. It was also noted that the development standards and the same design features and elements that have been approved through the Asante and Asante North PADs will carry through in this zoning case.

- Station 2: Detailed information regarding the proposed active adult component was provided at station 2. It was explained that the primary reason of all three cases was just to add the complementary active adult component within the Asante and Asante North master planned communities. Example representations of Recreational/Club house inspiration, representative examples of house product and representative examples of house floor plans were shown to provide interested residents with an understanding of the feel and quality of this project.

- Exhibits were shown at each station to allow the attendees the opportunity to view the elements of the proposed project. The floor was opened for questions and comments from the attendees at each station.

- The majority of those that attended the meeting lived in either Desert Oasis subdivision just to the east of Asante or in the County island just south of the Central Arizona Canal.

- Reaction to the overall plan and requests was positive from those in attendance.

The questions from the neighborhood meeting consisted of:

Questions/Comments:	**Response:**
What are the requests? And why do we have three applications?	It was explained that three companion zoning cases are being filed concurrently. To simply add a complementary active adult component within the Asante and Asante North master planned communities. No additional residential density was being added by these actions. In fact, the total units would be less and all development would remain the same.
As question was raised regarding how the new component would function inside the master plan and how more external roadways	It was explained that the Asante Master Plan (including Asante and Asante North) included over 3,600 acres and had already been approved by the City for over 15,000 units. This request merely

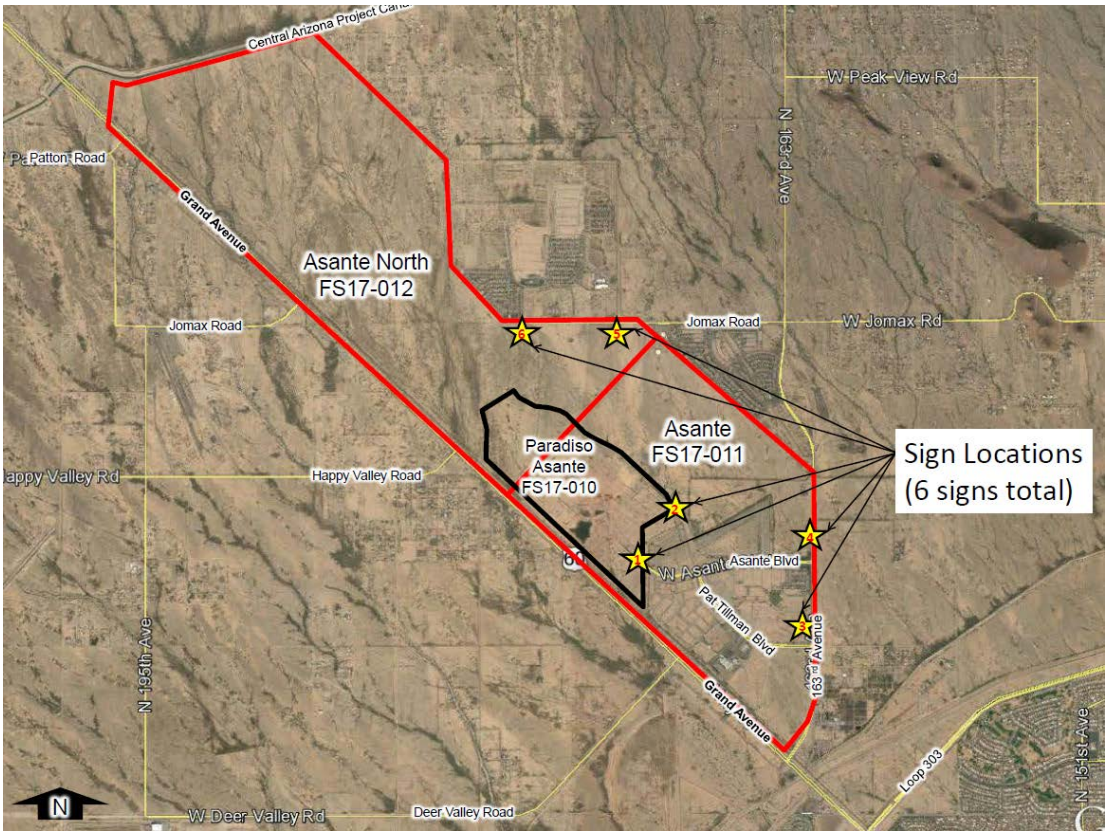
affected such as 163rd Avenue. They also wanted to know the timing of a second access to Grand Avenue.	created an active adult component within the Master Plan utilizing approximately 13% of the total acreage and 11.5% of the units. It was further explained that this request actually lowered the number of approved units by about 200. While this component would be for active adults and would be gated, all pedestrian ways would be unimpeded, including access to the linear park along the railroad tracks and access to the lakes. A future connection to Grand Avenue from either Jomax Road or Happy Valley Road alignments is planned to occur in the future according to the established phasing and infrastructure plan of Asante. This component will not negatively affect this timing.
A comment was made that this area has drainage and flooding problems during storm events. This was especially true of the County residents who do not have a storm water drainage system.	It was explained that when historic drainage flows enter the Asante Master Plan, they are properly handled pursuant to the City and County regulations, including appropriate storm water retention facilities. However, we have no control over drainage systems in the County exterior to the boundaries of Asante. They indicated that they had met with City and County officials on this issue and expressed their desire for the City to assist them. They realized this was not an Asante issue.
What are the home sizes?	It was conceptualized that the home sizes could range from 1,800 s.f. to over 2,700 s.f.
Several questions regarding the timing of the commercial development within Asante were asked.	It was explained that the commercial parcels are not owned or controlled by Lennar, however, Lennar is very supportive of commercial retail uses entering the Asante Master Plan to provide services for our residents. The timing of seeing commercial retail uses come will depend on home sales and projected future sales (i.e. rooftops) and we are hoping that by adding in a new, complimentary housing product within Asante, we will help to accelerate the residential development within Asante, which in turn will bring commercial uses to Asante.
Will this have a separate HOA?	It will be a sub-HOA within the master HOA. The sub-HOA will report to the master HOA and will pay dues like the rest of the members of the community. Additionally, because they will have private streets and their own separate amenities, they will also pay an additional HOA fee to maintain those amenities and assets.
Will it be gated?	Yes. It will be gated to restrict vehicular access but

	will be left open for pedestrian access.
Will it have a pool, as is being shown in the conceptual board?	It was explained, that the boards are conceptual only, showing what might be put in there. Because we are still at the zoning stage, we are still at the conceptual stage. We have not yet fully programmed that amenity space. But Lennar has devoted significant space and resources to the amenity package, which will include a clubhouse, along with other major amenities which could include a pool, ramadas, BBQs, walking trails and other elements.
Could a youth or child come and live long-term in one of these houses?	They would only be able to stay for a week similar to other prominent active adult community HOA rules.
What is the process?	Staff needs to complete their review. Once completed, they will schedule our requests for Planning Commission Hearing and final action by the City Council. After approvals, Lennar will submit their Preliminary and Final Plats for review and approval.

- Between May 15, 2017 and today's date June 5, 2017, there have been no other concerns, issues or problems expressed by any of the participating individuals. Since there were no concerns, issues, or problems raised by the adjacent property owners and other interested individuals, there was no need to hold a 2nd meeting to address public concerns.

- Should any adjacent property owners and/or other interested individuals raise any concern between now and the hearings, the Project Team will make every effort to address their concern in the appropriate manner, such as but not limited to personal visits, phone calls, or other acceptable means. Members of the Project Team are committed to working with the City of Surprise, surrounding neighbors, and any interested parties to ensure the compatibility and success of this application.

- This concludes the Citizen Participation Outreach Final Report for the proposed ***Paradiso Asante PUD (FS17-010), Asante PAD Amendment (FS17-011), and Asante North PAD Amendment (FS17-012)***.



Sign Posting Locations

Photo of 1 of the 6 signs posted.

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS17-010, FS17-011, FS17-012

Applicant Name: Earl, Curley and Lagarde

Location: NWC of Grand Ave and 163rd Ave

Date Site Posted: April 25, 2017

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

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

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

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

Meghan Liggett — 4/25/17

Applicant/Representative Signature — Date

This instrument was acknowledged before me on this 25th day of April, 2017, and by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

Mary Beth Conrad
Notary Public

10-25-20
My commission expires

MARYBETH CONRAD
Notary Public, State of Arizona
Maricopa County
My Commission Expires
October 25, 2020

CITY OF SURPRISE

Paradiso Asante, Asante and Asante North - Neighborhood Meeting
Paradiso Asante PUD zoning (FS17-010),
Asante PAD Amendment (FS17-011) and Asante North PAD Amendment (FS17-012)
Neighborhood Meeting-Monday, May 15, 2017, at 6:00-7:00 p.m.
at the Sundown Mountain Program (Desert Moon Elementary School) – CAFETERIA
23251 N. 166th Drive, Surprise, Arizona 85387

NAME	ADDRESS	CITY & ZIP	PHONE/E-MAIL
WELDON EMERY	25918 N 150TH AV	SURPRISE 85378	623 584 0333
JIM & CINDY ANGARELLA	25600 N. DESERT MESA DR	SURPRISE 85387	ANGARELLA@AOL.COM
Russ + Lisa Thayer	23918 N. 163RD DR	Surprise AZ 85387	RTLT2+aol.com
Stan Gutshall	29050 N. 163rd	Surprise Az. 85387	
MARTIN CASIAS	17777 W. MAYA WAY	SURPRISE AZ 85387	575 749-3296
Ellen Allen	Kenallen123@gmail.com 18124 W. Roy Rogers	Surprise AZ 85387	623-536-2829
Matt + Linda Keating	16423 W. Cielo Grande Ave	Surprise 85387	stayonthebike@yahoo.com
BRAD WEEKER	18410 W. Stanton Dr.	Surprise 85374	BRADWEEKER@GMAIL.com
Jacqueline Rea Carroll	28517 N 150th Av	Surprise 85387	623-544-6304

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Paradiso Asante, Asante and Asante North - Neighborhood Meeting
Paradiso Asante PUD zoning (FS17-010),
Asante PAD Amendment (FS17-011) and Asante North PAD Amendment (FS17-012)
Neighborhood Meeting-Monday, May 15, 2017, at 6:00-7:00 p.m.
at the Sundown Mountain Program (Desert Moon Elementary School) – CAFETERIA
23251 N. 166th Drive, Surprise, Arizona 85387

NAME	ADDRESS	CITY & ZIP	PHONE/E-MAIL
Susan + Steve Strong	26067 N. 163rd Dr.	Surprise, 85374	317-965-2446 Sty567@yahoo.com
Armando Bahr	16467 W. Paco Tr	Surprise 85387	419-215-7466 AJBahr@gmail.com
Bill + Paula Coughlan	17519 W. Buckhorn	Surprise	623-500-5482 Lois1n1946@gmail.com
Ed, Jill, Wendi Krotin	17539 W. Fetlock Tr.	Surprise	ekrotin@gmail.com
Christine Adair	16379 W. Cielo Grande Ave	Surprise 85387	1510 adair@gmail.com ~~1510~~
Diane Aden	16347 W. Cielo Grande Ave,	85387	
Sally + John Johnson	29222 N 163rd Ave	85387	JHSWjohnson@gmail.com 623-556 5908

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From: PLANTE, BARBARA S GS-12 USAF AETC 56 FW/CIT
To: Jamie Sullivan
Subject: Declined: CR16-365 Asante Active Adult

CR16-365
ASANTE ACTIVE ADULT
North and West of Asante Boulevard and Pat Tillman Boulevard Portion of 503-73-771 and 503-73-942A Major Zoning Amendment to PAD to allow active adult housing component

The site is located on 577 acres North and West of Asante Boulevard and Pat Tillman Boulevard and is part of the larger 3,613 total acres in the Asante and Asante North Master Plan community. The request is to rezone the 577 acres to accommodate an active adult house component with in the overall Asante master Plan. The site is located approximately .90 to 2.8 miles outside the Luke AFB Auxiliary Field #1 2004 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, 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 residents about Luke AFB operations.

v/r
Barbara

//SIGNED//

BARBARA S. PLANTE, GS-12, DAFC
56th Fighter Wing
Deputy Director, Community Initiatives Team
14185 W. Falcon Street
Luke AFB AZ 85309-1629
Phone: 623 856-9981

From:	Bob Patoni
To:	Jamie Sullivan
Cc:	Vanessa Nunez
Subject:	CR16-365
Date:	Friday, August 26, 2016 8:36:28 AM
Attachments:	image001.jpg

RE: CR16-365
Asanti Active Adult Housing Community
Proposed development adjacent to US-60 (Grand Avenue)
Major Zoning Amendment action

Attn: Jamie Sullivan

Thank you for the notice of major zoning amendment to PAD for the above-referenced development.
ADOT has no comment on zoning issues.
We appreciate the opportunity to review and comment.

Robert A. Patoni, SR/WA
Bob Patoni, SR/WA
Right of Way Project Coordinator
205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-6126
WWW.AZDOT.GOV

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.

From:	Debbie Trasancos
To:	Jamie Sullivan
Cc:	Chris Cain; Leslie Jarrell
Subject:	Declined: CR16-365 Asante Active Adult

Jamie,

Thank you for providing the Meeting Notification for Asante Active Adult (CR16-365).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thanks again,

Debbie Trasancos
Property & Contracts Specialist
Maricopa Water Disrict
14825 W. Grand Ave.
Surprise, AZ 85374
623/546-8266
fax 623/584-2536
HYPERLINK "mailto:debbiet@mwdaz.com" debbiet@mwdaz.com

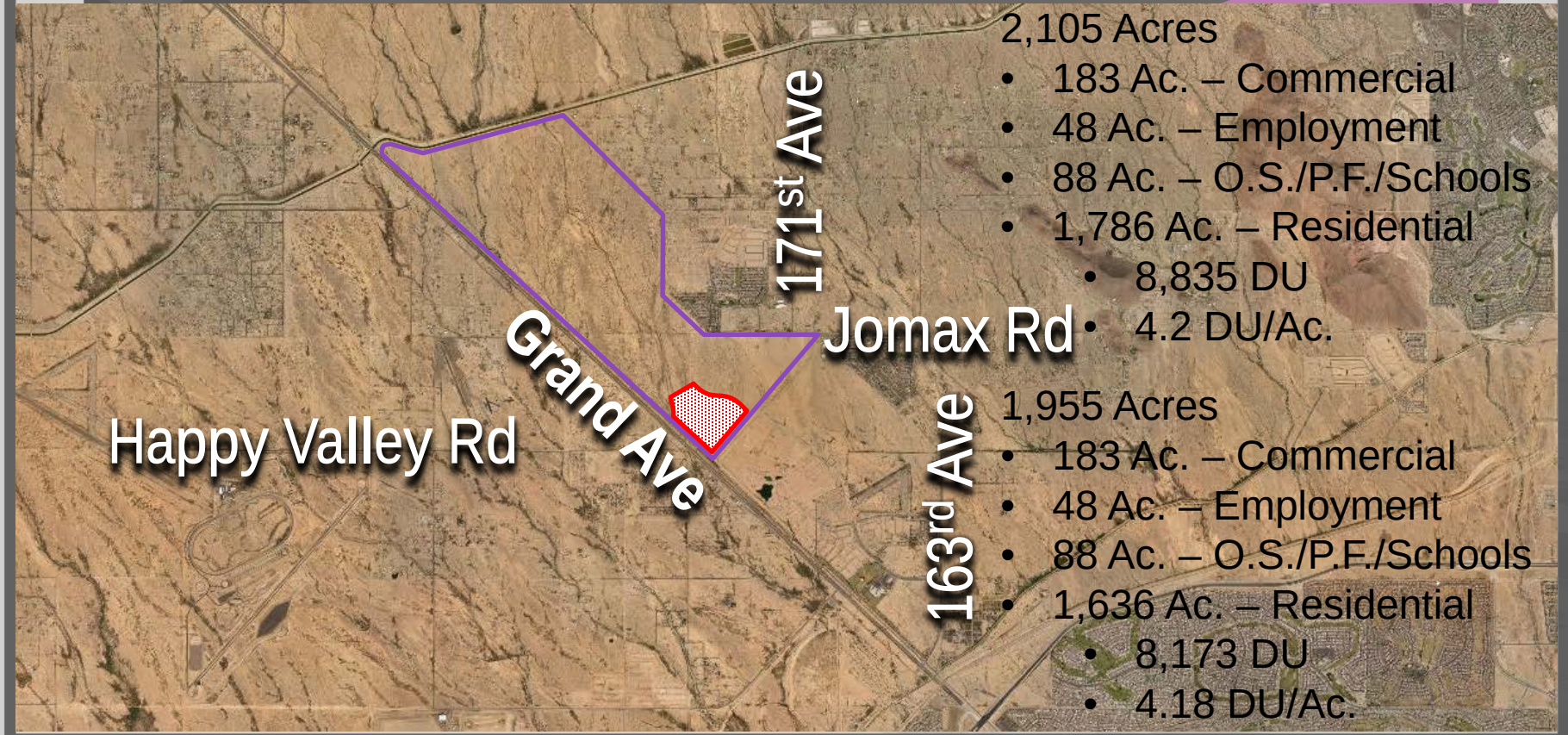
SURPRISE
ARIZONA

FS17-012
Asante North
Major PAD Amendment

Planning and Zoning Commission

July 20, 2017

VICINITY MAP



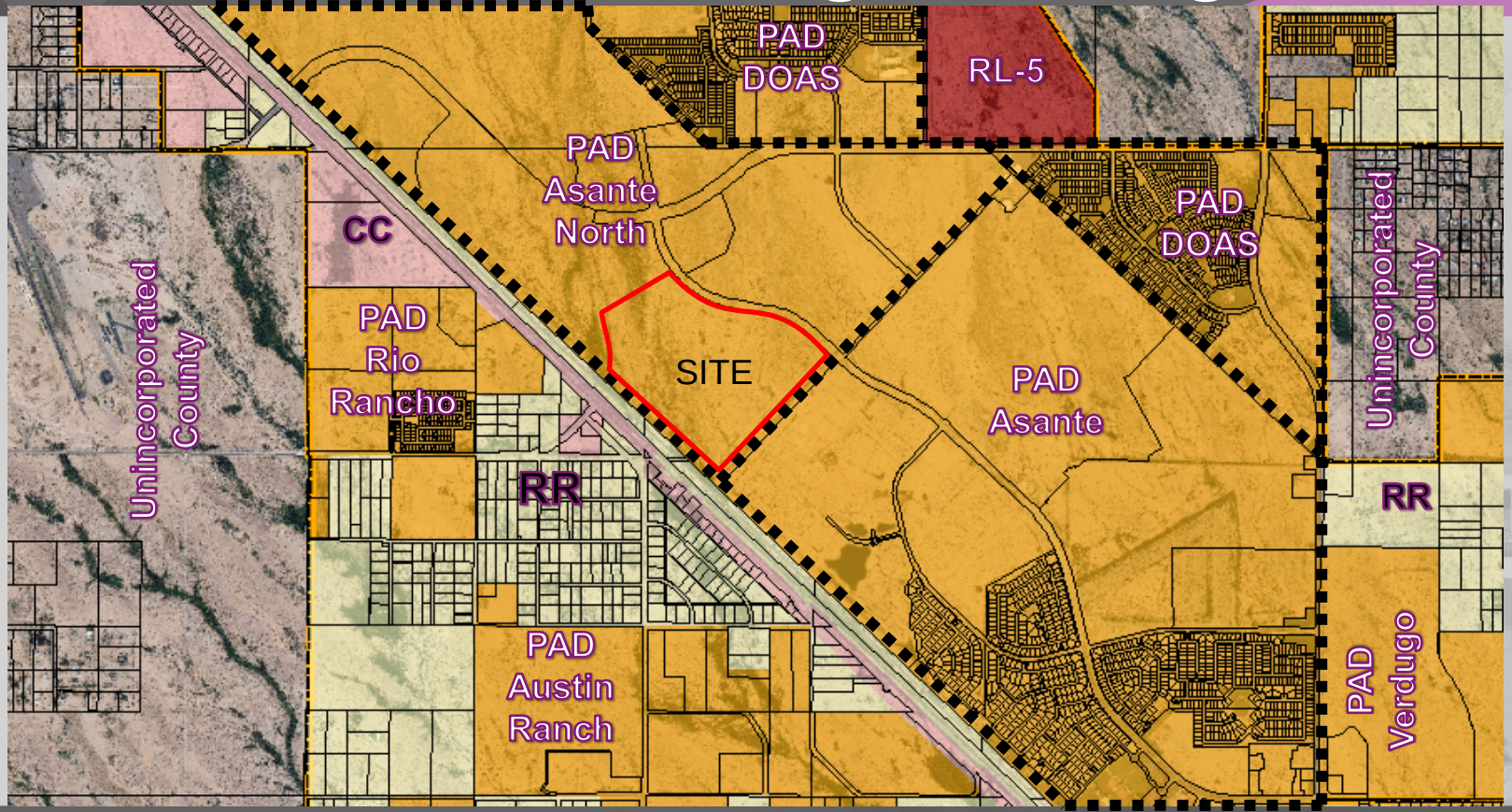
2,105 Acres

- 183 Ac. – Commercial
- 48 Ac. – Employment
- 88 Ac. – O.S./P.F./Schools
- 1,786 Ac. – Residential
  - 8,835 DU
  - 4.2 DU/Ac.

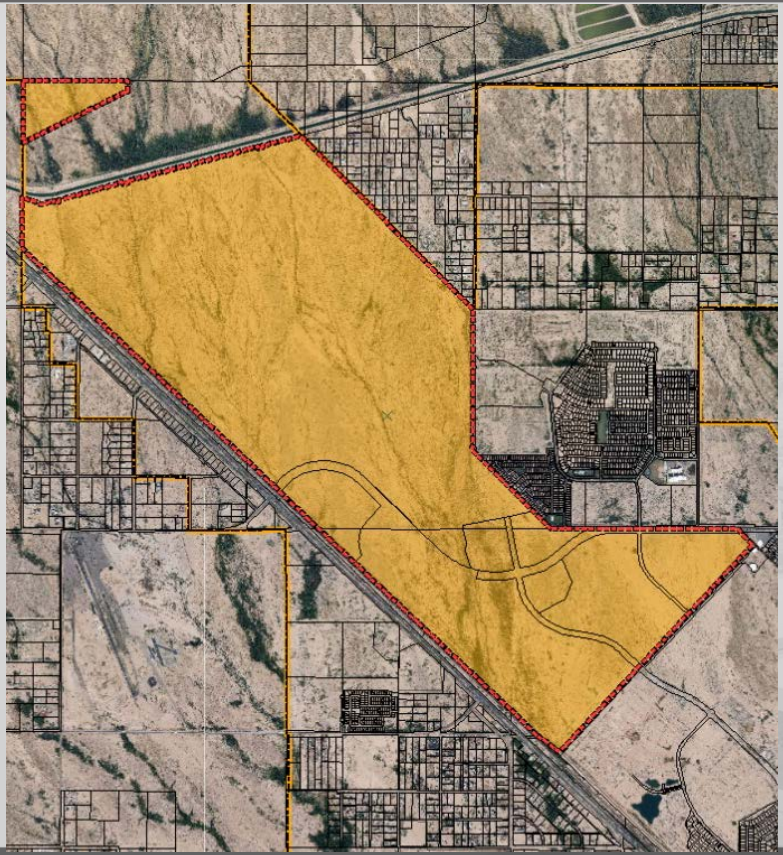
1,955 Acres

- 183 Ac. – Commercial
- 48 Ac. – Employment
- 88 Ac. – O.S./P.F./Schools
- 1,636 Ac. – Residential
  - 8,173 DU
  - 4.18 DU/Ac.

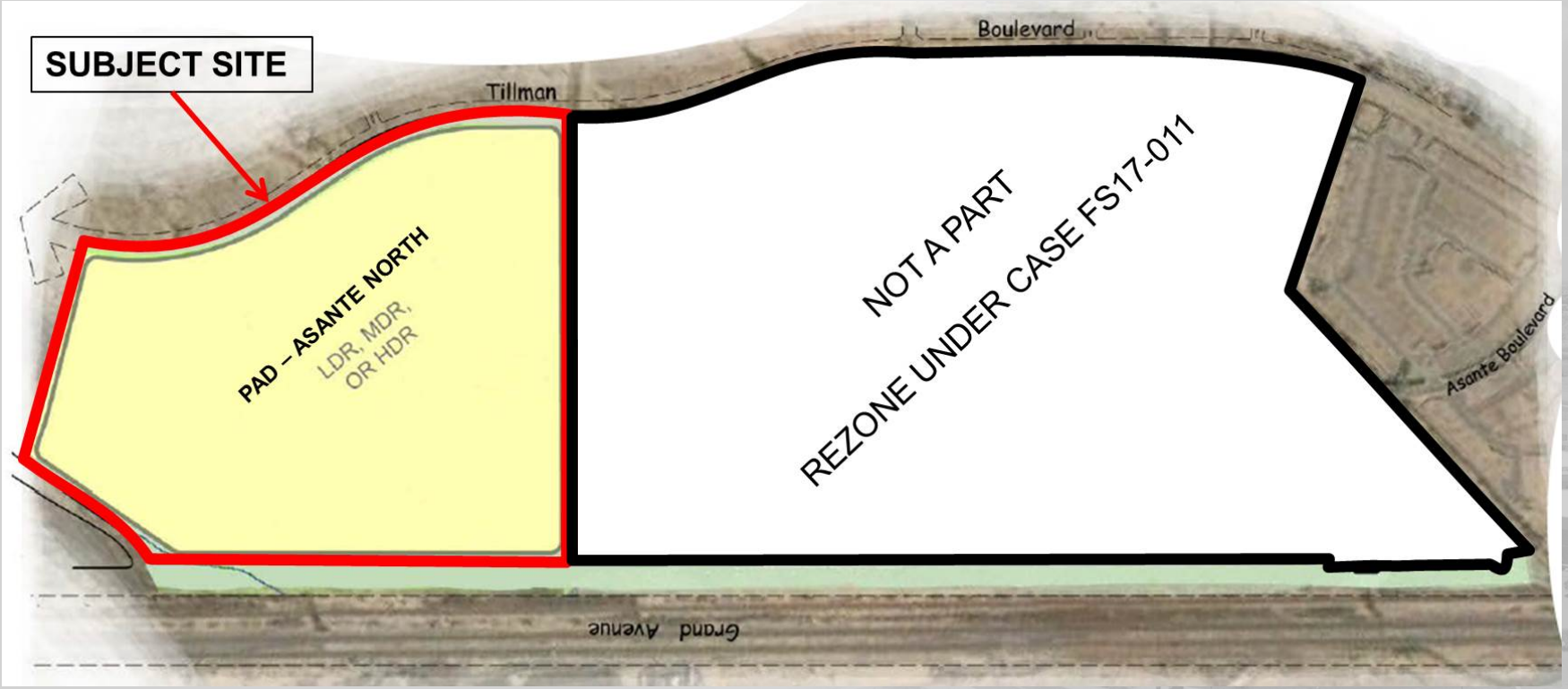
Surrounding Zoning



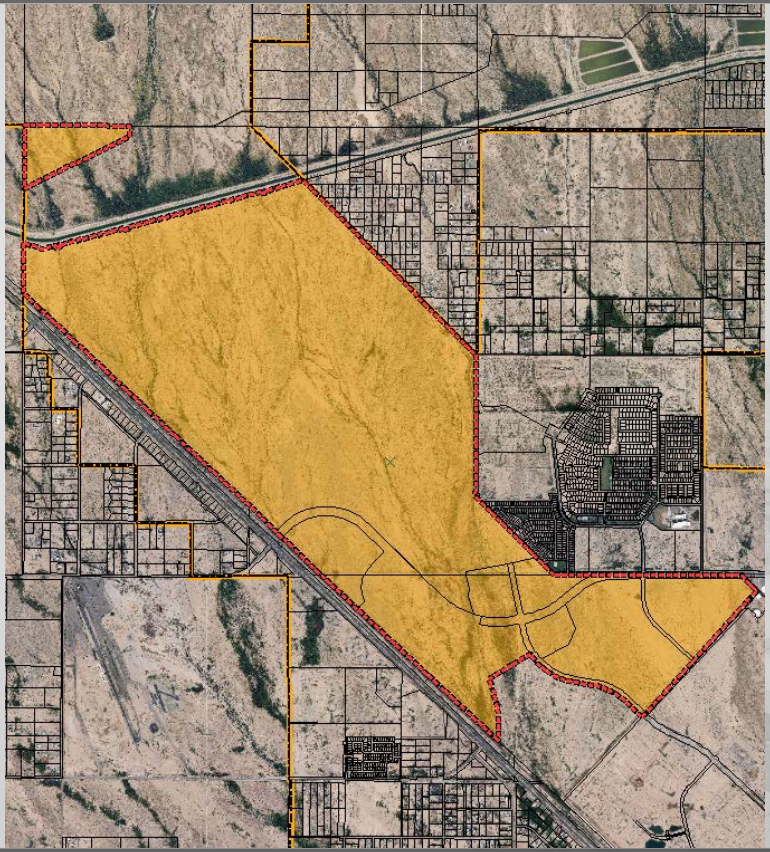
Existing Asante North PAD Boundary



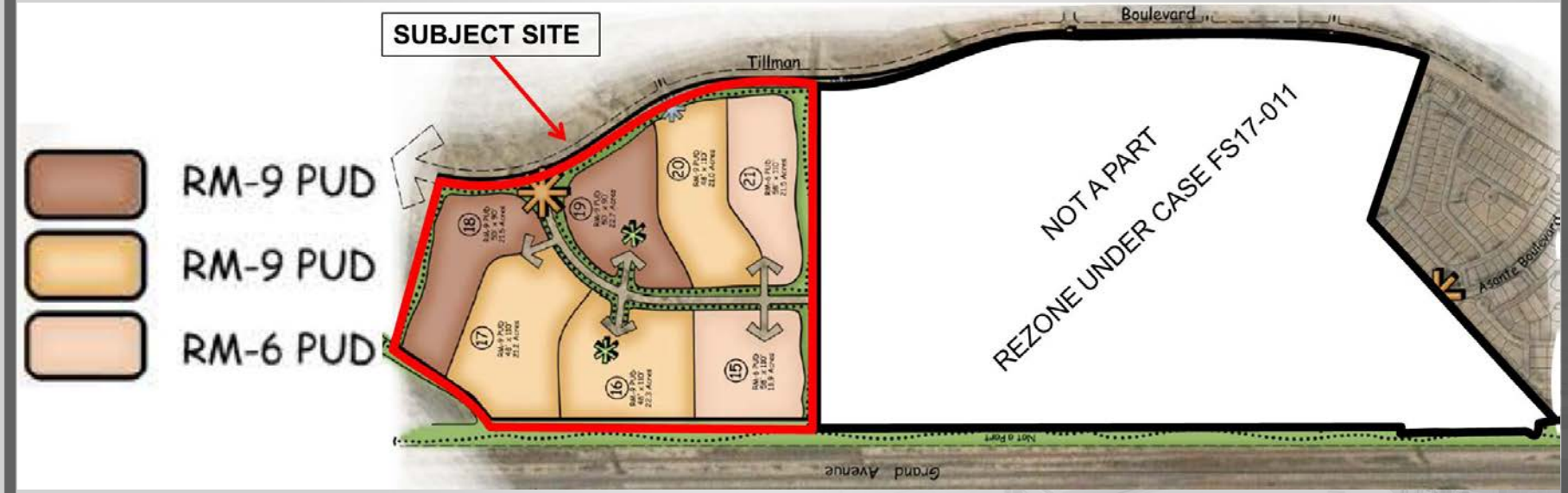
Existing Zoning



Proposed Asante North PAD Boundary



Proposed Zoning



CITIZEN OUTREACH

1st Citizen Outreach Meeting

- May 15, 2017

Comments/Concerns

STAFF RECOMMENDATION

<u>PAD Amendment Staff Recommendation</u>:

- Recommend Approval to the Mayor and City Council

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Sergio Angulo - Community Development
Submitting Department:	CD Boards and Commissions	District:	1
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion

Agenda Wording:

Consideration and action pertaining to a Planned Unit Development (PUD) Overlay District for approximately 453.5 acres of property proposed to be Rezoned (cases FS17-011 and FS17-012) from PAD to Residential Low Density (RL-5), Residential Medium Density (RM-9), Residential Medium Density (RM-6), and Mixed-Use (MU) generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.

Motion:

I move to recommend approval/denial to the Mayor and City Council on a Planned Unit Development (PUD) Overlay District over approximately 453.5 acres of property proposed to be Rezoned (cases FS17-011 and FS17-012) from PAD to Residential Low Density (RL-5), Residential Medium Density (RM-9), Residential Medium Density (RM-6), and Mixed-Use (MU) generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.

Background:

On January 6, 2017 Earl, Curley & Lagarde, P.C., submitted a request for a a Planned Unit Development (PUD) Overlay District over approximately 453.5 acres of property proposed to be Rezoned (cases FS17-011 and FS17-012) from PAD to Residential Low Density (RL-5), Residential Medium Density (RM-9), Residential Medium Density (RM-6), and Mixed-Use (MU) generally located northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.

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 - FS17-010 - Asante Paradiso - Planned Unit Development - Staff Report
- ☐ 01 - FS17-010 Asante Paradiso Planned Unit Development - PUD Document
- ☐ 02 - FS17-010 Asante Paradiso Planned Unit Development - Citizen Participation Report
- ☐ 03 - FS17-010 Asante Paradiso Planned Unit Development - Luke AFB Comments
- ☐ 04 - FS17-010 Asante Paradiso Planned Unit Development - ADOT Comments
- ☐ 05 - FS17-010 Asante Paradiso Planned Unit Development - MWD Comments
- ☐ 06 - FS17-010 Asante Paradiso Planned Unit Development - Presentation

---

External Attachment Links:

Meeting Requirements:

Powerpoint x Video x White Board x Other x

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

Sergio Angulo, Planner

SURPRISE
ARIZONA

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

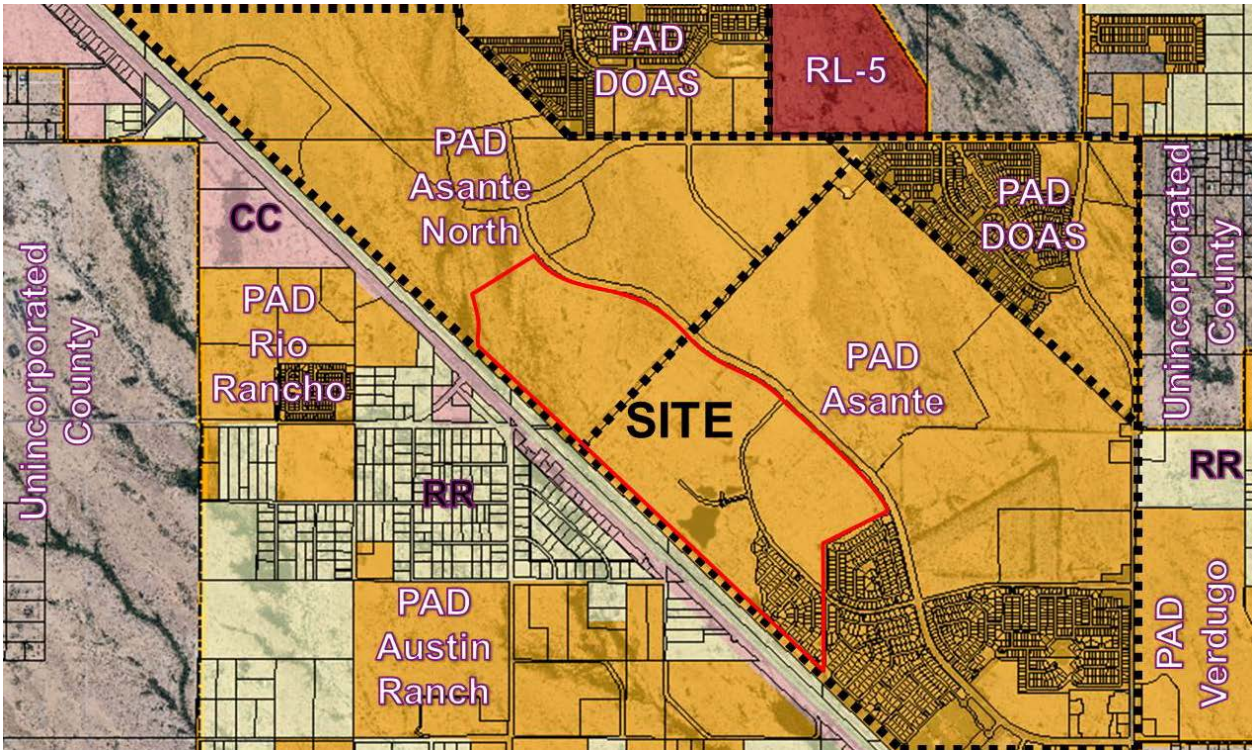
Case:	**FS17-010**
Project Name:	Asante Paradiso Adult Community PUD
Council District:	**1** – Acacia
Meeting Date:	**July 20, 2017**
Planner:	Sergio Angulo

Owner:	LCD Asante, LLC and HE Capital Asante, LLC.
Applicant:	Stephen Earl with Earl, Curley & Lagarde, P.C.
Request:	The applicant, on behalf of the owners, requests approval of a Planned Unit Development (PUD) Overlay District over approximately 453.5 acres of property proposed to be Rezoned (cases FS17-011 and FS17-012) from PAD to Residential Low Density (RL-5), Residential Medium Density (RM-9), Residential Medium Density (RM-6), and Mixed-Use (MU).
Site Location:	Generally northeast of Grand Avenue approximately 1.5 miles west of 163rd Avenue.
Site Size:	Approximately 453.5 acres.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035.
Support/Opposition:	Both support and concerns was encountered during the Citizen Review meeting and are expanded upon in the Citizen Participation Report.
Staff Recommendation:	Staff recommends the Commission recommend approval of the Planned Unit Development (PUD) Overlay District, Case FS17-010, to the Mayor and City Council.

Project Description:

Stephen Earl with Earl Curley & Lagarde, PC, on behalf of LCD Asante, LLC and HE Capital Asante, LLC, requests approval of a Planned Unit Development (PUD) Overlay District over approximately 453.5 acres of property proposed to be Rezoned (cases FS17-011 and FS17-012) from PAD to Residential Low Density (RL-5), Residential Medium Density (RM-9), Residential Medium Density (RM-6), and Mixed-Use (MU). This application is in conjunction with cases FS17-011 and FS17-012 which all together will allow for the development of a 453.5 acre (approx.) private active adult community.

Surrounding Land Zoning:



PAD Asante North	PAD Asante & Asante North	PAD Asante
PAD Asante North	**Currently PAD (Proposed Rezone) Asante & Asante North**	PAD Asante
Community Commercial	Community Commercial	Community Commercial

Background:

November 3, 1988: A portion of the Asante Planned Area Development was annexed into the City of Surprise by the Mayor and City Council.

October 14, 2004: Another portion of the Asante Planned Area Development was annexed into the City of Surprise by the Mayor and City Council.

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

July 27, 2006: The Asante North Planned Area Development was annexed into the City of Surprise by the Mayor and City Council.

July 27, 2006: The Mayor and City Council approved the Asante North Planned Area Development.

September 15, 2016: A Concept Review meeting was held for the current proposal under case CR16-365.

January 6, 2017: The applicant filed a related request for a Major PAD Amendment under case FS17-011, the subject case.

May 15, 2017: The applicant held a citizen outreach meeting to discuss the project.

Citizen Outreach:

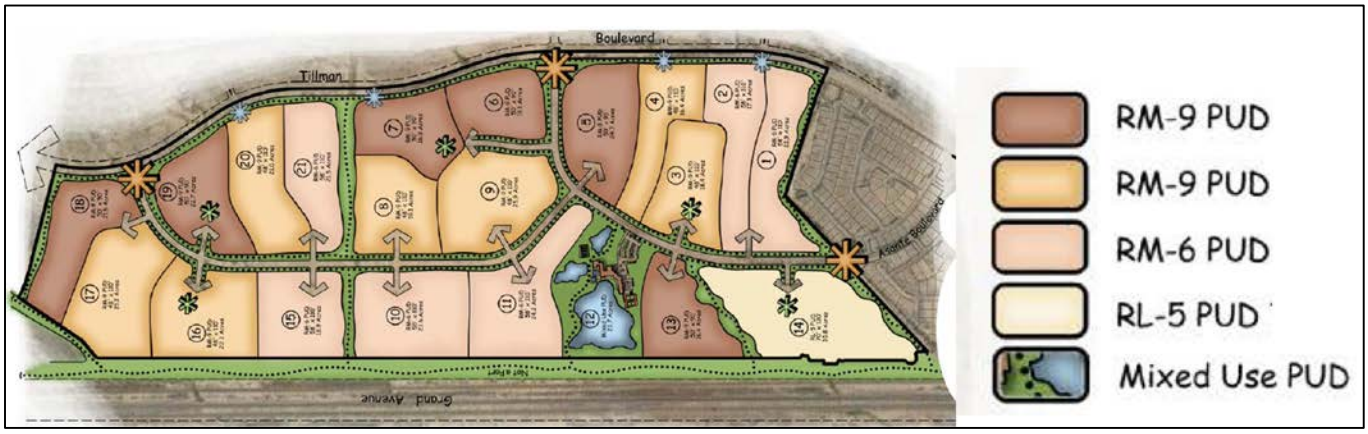
The site was posted and advertised for a Citizen Outreach meeting in accordance with the SUDC. The applicant held the meeting for the proposed PAD Amendment at Desert Moon Elementary School located at 23251 N 166th Drive at 6:00pm on May 15, 2017. Residents from the Asante and Desert Oasis communities and from around the subject property attended and voiced their support and concerns in regards to the proposed project. The majority of the attendees expressed their support of the project but a couple residents continue to express concerns in regards to how the increase in traffic will affect the existing and ongoing traffic issues along 163rd Avenue.

Analysis and Discussion:

The subject property is 453.3 acres (approx.) of vacant land generally located northeast of Grand Avenue and 1.5 miles (approx.) west of 163rd Avenue within the Asante and Asante North PADs. The subject property is currently zoned PAD with portions of Low Density (LDR) and Medium/High Density (MDR/HDR) Residential, Commercial, and Open Space/Public Facility land use designations. The subject property is also ongoing two (2) Major PAD Amendments to the Asante PAD (case FS17-011) and the Asante North PAD (case FS17-012). Under case FS17-011 the applicant is requesting to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed-Use PUD. Under case FS17-012 the applicant is requesting to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD.

The aforementioned PAD Amendments and this proposed PUD will allow for the development of a private active adult community which proposes approximately 1,781 dwelling units and a maximum density of 3.9 dwelling units per acre. Within this development the applicant is proposing a total of 21 different parcels. One (1) Mixed-Use zoned parcel (Parcel 12), and 20 residential zoned parcels with a varierty of four (4) different lot sizes; 48’ x 110’, 50’ x 90’, 58’ x 110’, and 70’ x 120’. Within the Mixed-Use parcel the applicant is proposing a Recreation Center, a Club House, and other small scale neighborhood services and commercial uses. The proposed PUD includes a specific list of allowed land uses in the Mixed-Use parcel to ensure that the future commercial uses benefit the future residents of this community.

ZONING MAP



Even though the proposed Asante Paradiso community will be private community, the applicant’s purpose is that it will complement the surrounding Asante and Asante North communities. For example, currently the Asante and Asante North PADs provide a public trail along Grand Avenue and the applicant proposes to keep that trail open to the public. Also, this proposed PUD Overlay will establish design guidelines and development standards similar to the ones set in the Asante and Asante North PADs.

The proposed PUD Overlay will also include language that will help better identify the difference between a Major PUD Amendment and a Minor PUD Amendment.

AS mentioned above, this Planned Unit Development application is in conjunction with a two related cases; FS17-011 and FS17-011. Case FS17-011 proposes a Major PAD Amendment to the Asante PAD to Rezone 304.4 acres (approx.) from PAD to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed Use PUD. Case FS17-012 proposes a Major PAD Amendment to the Asante North PAD to Rezone 149.1 acres (approx.) from PAD to RM-6 PUD and RM-9 PUD.

Surprise General Plan 2035:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which in a suburban neighborhood supports residential development between two and eight dwelling units per acre (2-8 DU/Ac). The proposed PUD will allow for a development with a density 3.9 DU/Ac. which demonstrates consistency with this land use category.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Luke Air Force Base, ADOT, Maricopa Water District, and Dysart School District were included in the routing of this case and they indicate no objections to the requests.

Summary:

This proposed Planned Unit Development Overlay District will establish specific permitted land uses, design guidelines, and development standards to allow for the development of a 435.5 acres (approx.) private active adult community.

Findings:

- The proposed land use change is consistent with the Surprise General Plan 2035.
- The proposed density change is consistent with the Surprise General Plan 2035.

Recommendation:

Based on the findings noted above, staff recommends the Commission move to recommend **approval** of the PUD Overlay District case **FS17-010** to the Mayor and City Council.

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

Attachments:

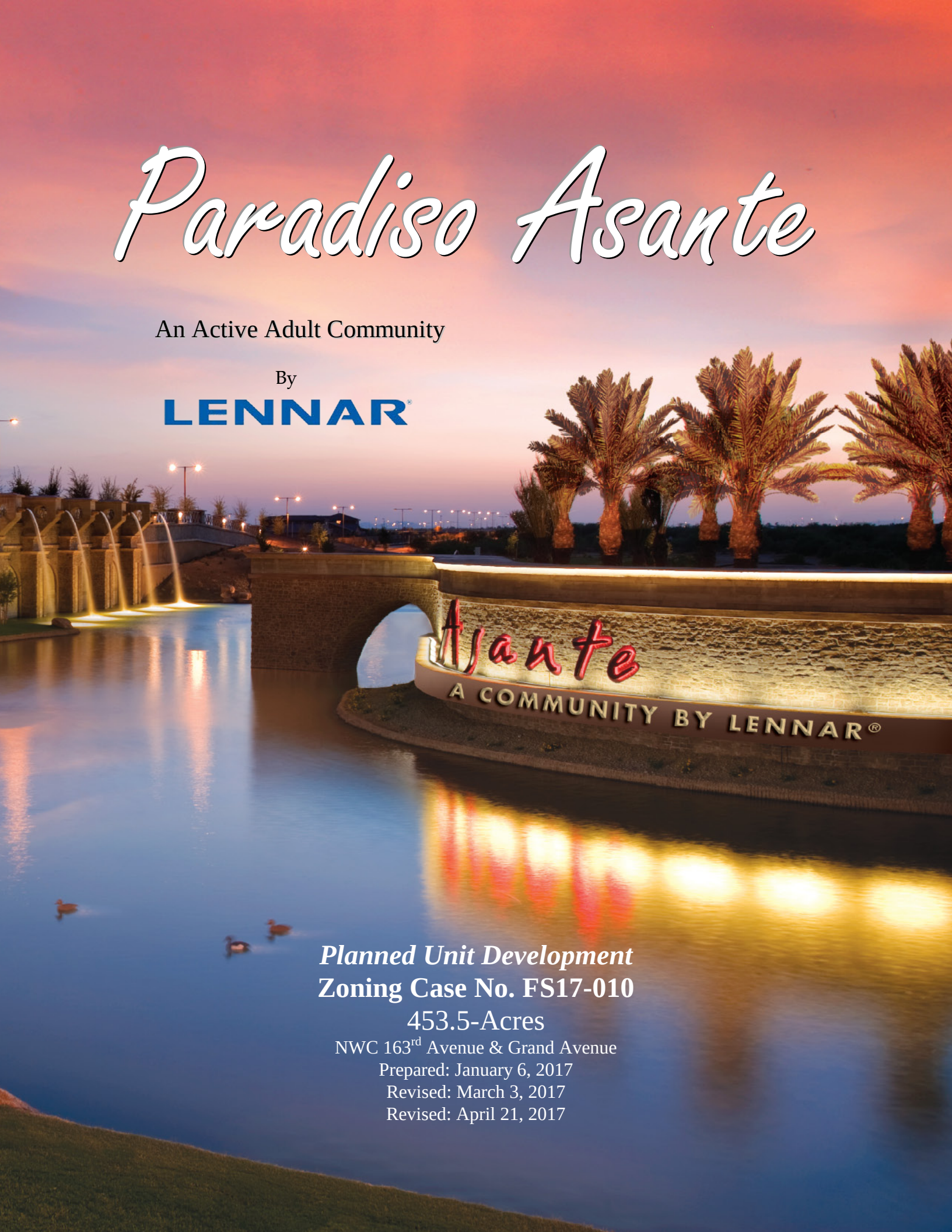
01 - PUD Document
02 - Citizen Participation Report
03 - Luke AFB comments
04 - ADOT comments
05 - MWD comments

Paradiso Asante

An Active Adult Community

By

LENNAR®



Planned Unit Development

Zoning Case No. FS17-010

453.5-Acres

NWC 163rd Avenue & Grand Avenue

Prepared: January 6, 2017

Revised: March 3, 2017

Revised: April 21, 2017

Paradiso Asante

An Active Adult Community
By LENNAR

Planned Unit Development
453.5-Acres

Zoning Case No. FS17-010
NWC 163rd Avenue and Grand Avenue
Surprise, Arizona

Owner/Developer:
LENNAR
Lennar Arizona, Inc.
1725 W. Greentree Drive, #114
Tempe, Arizona 85284
Contacts: Jeff Gunderson, Sr. VP Land Acquisition & Development
Todd Skoro, Director of Land Acquisition
Telephone: (480) 345-0077
Fax: (480) 777-4696

Attorney/Applicant:
EC&L
Earl, Curley & Lagarde, P.C.
ATTORNEYS AT LAW
3101 N. Central Avenue, Suite 1000
Phoenix, Arizona 85012
Attorney: Stephen C. Earl
Project Manager: Ricardo Toris
Telephone: (602) 265-0094
Fax: (602) 265-2195

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Exhibits

	Exhibit
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Paradiso Asante within Asante and Asante North Overall Land Use Map….	B
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Paradiso Asante Zoning Map……...	D
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Mixed-Use Development Standards…….…….....	Table D

Lists

Uses Permitted in Parcels 1-11 and 13-21……..…...	List A
Uses Permitted in Parcel 12…….……..…	List B

Attachments

Conceptual Representation of Recreational center……	Attachment A
Example Representation of Housing Product……..…….	Attachment B
Example Representation of Amenities for Recreational Center……...	Attachment C
Conceptual Representation of Pocket/Mini Park…….…….	Attachment D

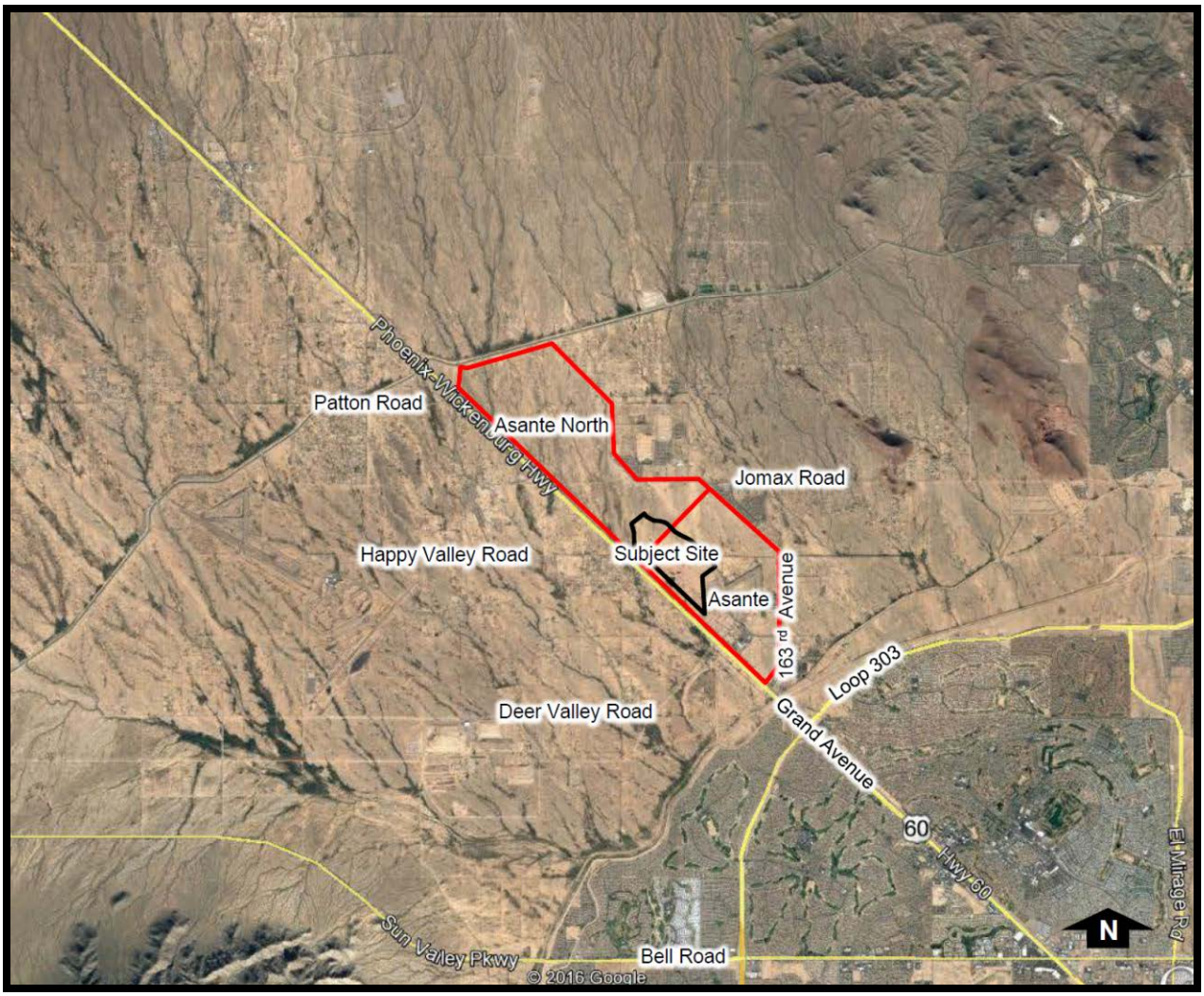
*** Exhibits are documents which establish requirements.**
***Attachments are documents which do not establish requirements.**

OVERVIEW

Lennar, one of America's leading homebuilding companies focusing on high quality residential development and master planned communities, is the master developer for both Asante and Asante North master planned communities totaling 3,613 acres. The purpose of this request is to add a complementary active adult component within the Asante and Asante North master planned communities. This active adult component in Asante will be called ***Paradiso Asante***.

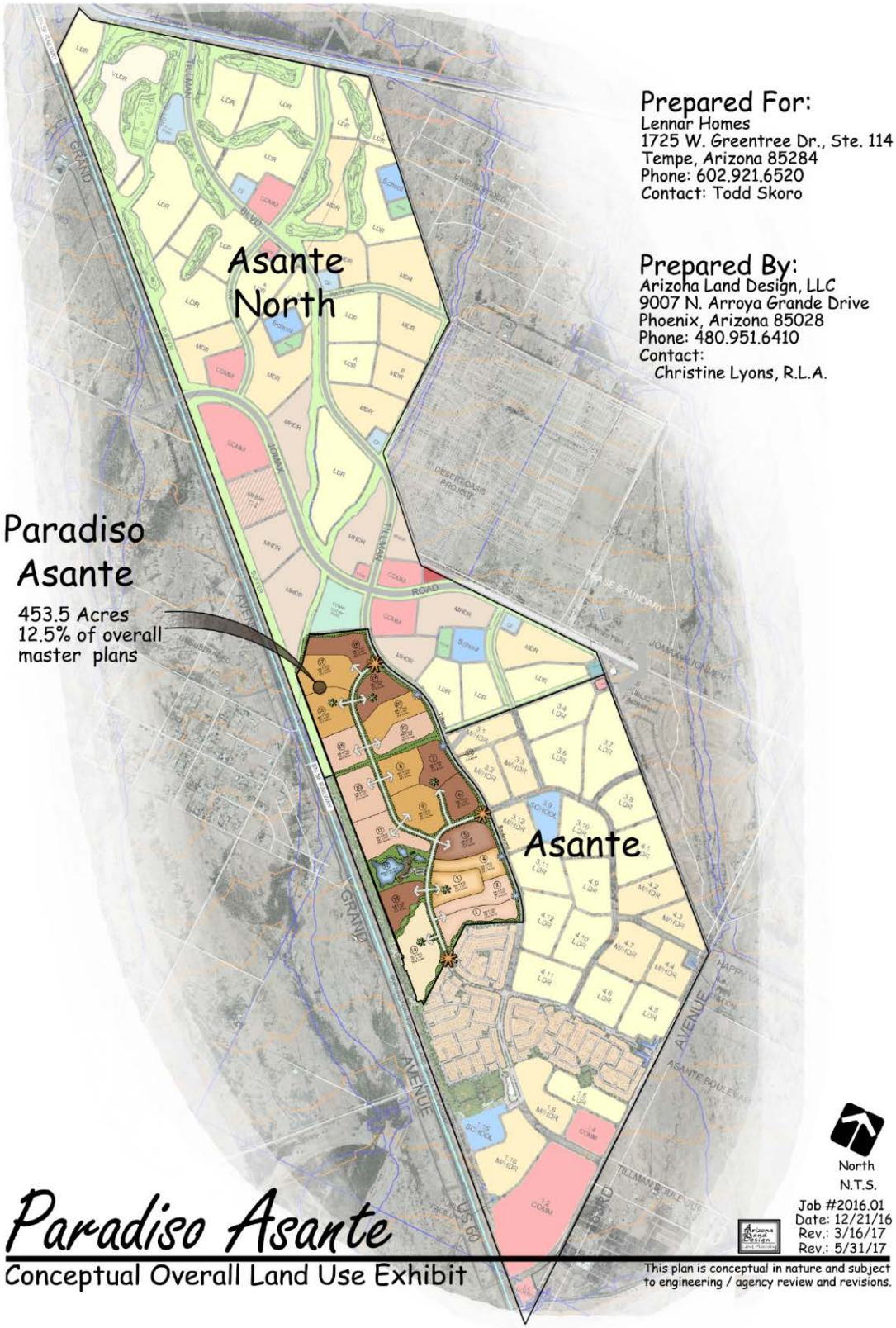
In simple terms, this request is rezoning 453.5 acres from Planned Area Development (PAD) to RL-5 PUD, RM-6 PUD, RM-9 PUD, and Mixed-Use PUD. Currently the subject property is part of the Asante and Asante North PADs, the proposed rezone and Planned Unit Development (PUD) Overlay will create a complementary active adult community. The approximately 453.5 acres of land represents only 13% of the land in these Asante and Asante North PADs. This request reduces the total number of homes from the original overall approvals. It should also be noted that the development standards and the same design features and elements that have been approved through the Asante and Asante North PADs will carry through in this zoning case. This request will provide a better balance to the overall master plan concept with a full range of high quality living options for families and active adults.

Asante is a 1,508-acre Planned Area Development ("PAD") by Lennar Arizona, Inc., which was approved by the City Council in November 2004 through adoption of Ordinance #04-41. Asante North is directly adjacent and is a 2,105-acre Planned Area Development ("PAD"), which was approved by the City Council in November 2006 and is directly north of Asante.



Aerial – Site Location – ***EXHIBIT A***

Paradiso Asante is a proposed 453.5 acre private, age-restricted master planned component by the Lennar designed to integrate with and be complementary to the existing Asante and Asante North Master Plans. ***Paradiso Asante*** site conforms to the land use and density requirements of the General Plan. The subject site is generally bounded by Grand Avenue/B.N.S.F. Rail Road right-of-way along the western boundary, Tillman Boulevard along the eastern boundary, and Parcel 1.2 and Parcel 1.10 in the existing Asante PAD along the south boundary.



Paradiso Asante within Asante and Asante North Overall Land Use Map – ***EXHIBIT B***

Prepared For:

Lennar Homes
1725 W. Greentree Dr., Ste. 114
Tempe, Arizona 85284
Phone: 602.921.6520
Contact: Todd Skoro

Prepared By:

Arizona Land Design, LLC
9007 N. Arroya Grande Drive
Phoenix, Arizona 85028
Phone: 480.951.6410
Contact:
Christine Lyons, R.L.A.

Asante North

Parcel	Use*	Area (Gross)**	Base Zone***
LDR, MDR or HDR	LDR, MDR or HDR	149.1	LDR, MDR or HDR

Asante South

Parcel	Use*	Area (Gross)**	Base Zone***	
1.11	LDR	33.1	R1-5	
2.1	LDR	12.1	R1-5	
2.2	LDR	21.9	R1-5	
2.3	M/HDR	22.9	R-1, R-2, R-3	
2.4	LDR	20.1	R1-5	
2.5	LDR	19.2	R1-5	
2.6	PP/F	39.3	R1-5	Community Park
2.7	LDR	19.0	R1-5	
2.8	LDR	44.1	R1-5	
2.9	M/HDR	23.6	R-1, R-2, R-3	
2.10	LDR	30.5	R-1, R-2, R-3	
2.11	Comm	5.0	C-2	
2.13	LDR	15.5	R1-5	

*Uses: Comm = Commercial; M/HDR = Medium/High Density Residential; LDR = Low Density Residential; PP/F = Public Park/Public Facility; ES = Elementary School Site
**Gross areas are approximate and subject to verification at platting.
***All base districts are for reference, zoning is PAD.

Existing Zoning Map – *EXHIBIT C*

REZONE with PLANNED UNIT DEVELOPMENT OVERLAY REQUEST

The ***Paradiso Asante*** project has been planned with an overall gross project density of slightly less than 3.9 dwelling units per acre, which is comparable to the surrounding Asante/Asante North developments. The ***Paradiso Asante*** project will be a private gated, active adult residential community within the Asante master planned community offering a range of housing on a variety of lot sizes. The lot size variation, combined with curvilinear streets, open space areas, a community recreation center and club house surrounded by lakes, and the multiple elevations and home designs will create a pleasant streetscape and a sense of neighborhood that is unique to the ***Paradiso Asante*** project. Approximately 1,781 dwelling units are proposed. As noted above, the project will be age-restricted.

The proposed residential lots will provide a variety of lot sizes ranging from 48' to 70' in width. See **EXHIBIT B** for overall Land Use Master Plan.

Each residential parcel shall contain features, which will provide a sense of neighborhood arrival, such as monument signage, decorative landscaping, specialty pavement, enhanced wall details, access to open space/trail system, at points at which a residential parcel may be entered from an arterial or collector streets. Strong landscape elements will be provided along arterial and collector roadway, as well as entrances into individual subdivisions to enhance the aesthetic streetscape appeal and soften the neighbor ambiance.

The wide open space corridor along the western boundary of the master plans will remain accessible to the general public.

The new recreational center and club house parcel, "Parcel 12" includes three lakes, open space, a recreational center and a recreation center and club house. The ***Paradiso Asante*** project recreation center and club house site is approximately 23.7 acres in size and will be zoned Mixed Use ("MU PUD") zoning. The recreation center and club house site has been planned to minimize the need to travel through the residential areas of the project to access the recreation center and club house amenities. The recreation center and club house site has been located adjacent to the main internal collector street to further buffer the residential areas of the project from vehicular traffic accessing the recreation center and club house. The recreation center and club house could also include a small 9-hole golf course or other recreational amenities for residents and may contain service amenities as listed under the List of Uses permitted in the MU PUD district.

Access to the ***Paradiso Asante*** project will be from Asante Boulevard and Tillman Boulevard. These three main entries will be gated. If required, all residential parcels will provide secondary ingress and egress points internal to the site onto Asante Boulevard. The ***Paradiso Asante*** community recreational center and club house ingress and egress access will be from Asante Boulevard. All internal local and collector streets within the ***Paradiso Asante*** development will be private streets owned and maintained by the ***Paradiso Asante*** Homeowners Association.

GENERAL PLAN CONSISTENCY

The original zoning of the Asante master plan community was reviewed under the Surprise General Plan 2020 which showed the property falling within the Low Density Residential (3-5 DU/Ac) Land Use Designation. The City's new General Plan, Surprise General Plan 2035 Foundation For The Future, was adopted December 19, 2015 through Resolution 2015-120. The location of the property in the context of the General Plan is shown in **EXHIBIT E** and is designated as part of the Neighborhood Character Area.

When the Asante and Asante North PAD zoning applications were approved by the City Council 2004 and 2006, a land use map was approved that designated a mix of commercial and residential land uses throughout the existing PADs. The new active adult component of the Asante communities simply adds another residential living component to complete the spectrum of housing options in the quality community.

PERMITTED LAND USES

Lennar, as the developer of the surrounding Asante and Asante North community, will design this active adult residential component with a unique recreation center and club house to be complimentary with and to architecturally blend seamlessly with the approved Asante developments surrounding the site. This new Paradiso Asante rezone with PUD Overlay component will use similar permitted uses as already approved for Asante, but expand the breath of residential market to also include those seeking to live in an active adult setting.

LIST A. USES PERMITTED in PARCELS 1-11, and 13-21.

1. Single Family Residential.
2. Accessory uses. The following accessory uses are permitted:
   (1) Private garage, carport, ramada, shed or workshop, Greenhouse;
   (2) Guest quarters may be allowed, provided the quarters meet the standards set forth in the Surprise Municipal Code;
   (3) In-home day care for four or fewer persons.
   (4) Home occupations, as set forth in the Surprise Municipal Code.
   (5) Temporary uses, as regulated in the Surprise Municipal Code.
   (6) Signs, provided they meet the requirements set forth in the Surprise Municipal Code.

LIST B. USES PERMITTED in PARCEL 12

1. Retail.
2. Recreation Center.
3. Club House.
4. Golf course with ancillary uses.
5. Administrative offices (marketing, managers, activity coordinator etc.), Home healthcare office, Professional, Medical or Dental offices.
6. Libraries and museums.
7. Restaurant, Bistro or Coffee Shop.
8. Movie Theatre, Theatre or assembly use.
9. Hair salon and barber shop.
10. Health and fitness (workout facility with classes and spa area).
11. Spa.
12. Bank.
13. Pharmacy.
14. Game Room/Arcade.
15. Communication center.
16. Live Music as an ancillary to principal use.
17. Accessory uses. The following accessory uses are permitted:
    (1) Parking lots.
    (2) Refuse and service areas, as regulated in the Surprise Municipal Code.
    (3) Accessory buildings, as regulated in the Surprise Municipal Code.
    (4) Temporary construction buildings.
    (5) Signs provided they meet the requirements set forth in chapter 113 of the Surprise Municipal Code.
    (6) Temporary uses, as regulated in article VI of the Surprise Municipal Code.

The city manager or designee shall determine if uses not expressly listed in the matrix are significantly similar or dissimilar to particular uses listed within this PUD. Uses that are found to be similar shall meet the same requirements as the related use listed in the matrix.

General regulations.

(1) Drive through uses shall be prohibited.
(2) Pedestrian access to adjacent neighborhoods shall be provided.
(3) No outdoor storage or display of goods shall be permitted except for outdoor dining.

Please refer to the ***Paradiso Asante*** TABLE A. Land Use Master Plan - Site Data for land use and zoning information and land use allocations.

LAND USE PLAN

The overall subject site is approximately 453.5 gross acres and is being zoned for a variety of detached single family residences, approximately 23.7 acres for a community recreation center and club house Mixed Use parcel.

Residential

The overall development provides three residential zoning categories (RM-9 PUD, RM-6 PUD, and RL-5 PUD) and one Mixed Use (MU PUD) category while providing four different residential lot sizes. Special attention has been placed to the orientation of this subject site to integrate an adult active community, while keeping strong pedestrian connections with each ***Paradiso Asante*** neighborhood community in the master plan and keeping the strong pedestrian connections to the adjacent Asante and Asante North residential communities. Appropriate landscaped buffers are being incorporated into the project to transition between the residential use and the adjacent Grand Avenue and Tillman Boulevard. Each parcel contains its own maximum dwelling unit limit.

Single-family residential development will be required to conform to residential design guidelines that promote community interaction, diversity of housing product, architectural embellishment, as well as promoting quality open space. The Land Use Master Plan - Site Data Table, lists the number of residential units by parcel within the ***Paradiso Asante*** development and provides for a unit cap of 1,781 dwelling units. Single Family homes will utilize current City of Surprise Design Guidelines.

Mixed Use Recreation Center and Club House

The proposed ***Paradiso Asante*** project by itself, at 1,781 units, will not generate sufficient market demand for large retail services other than retail/service amenities as listed under List B. The secluded location of the property (not within immediate proximity of a significant arterial intersection) also limits the potential success of such a large retail center. The recreation center and club house could provide neighborhood services for the community and guests. Any additional services would not be successful given the low overall density and lack of high volume arterial street exposure. These residents will therefore have easy access to and will

support the commercial uses located in the larger Asante community.

The following information has been included to demonstrate that the proposed ***Paradiso Asante*** neighborhood community will contribute to the orderly development of Surprise and meet the City's goals, policies, and objectives as stated in the City of Surprise General Plan and applicable ordinances. The overall land use plan is shown as **EXHIBIT B**. The parcels, land uses, parcel sizes, densities are as follows:

TABLE A. Land Use Master Plan - Site Data					
Parcel	**Zoning**	**Lot Size**	**Area (Gross)**	**Density**	**Yield**
1	RM-6 PUD	58' x 110'	22.9	3.1	71
2	RM-6 PUD	58' x 110'	17.3	3.9	68
3	RM-9 PUD	48' x 110'	18.4	4.1	75
4	RM-9 PUD	48' x 110'	16.4	4.9	80
5	RM-9 PUD	50' x 90'	24.7	4.6	114
6	RM-9 PUD	50' x 90'	19.1	4.3	83
7	RM-9 PUD	50' x 90'	16.9	4.0	67
8	RM-9 PUD	48' x 110'	19.1	5.8	110
9	RM-9 PUD	48' x 110'	25.9	4.7	121
10	RM-6 PUD	58' x 110'	23.6	4.6	108
11	RM-6 PUD	58' x 110'	24.2	4.1	99
12	Mixed-Use PUD		23.7	---	---
13	RM-9 PUD	50' x 90'	16.4	3.9	64
14	RL-5 PUD	70' x 120'	35.8	2.7	96
15	RM-6 PUD	58' x 110'	18.9	3.7	69
16	RM-9 PUD	48' x 110'	22.3	4.6	102
17	RM-9 PUD	48' x 110'	21.2	4.6	97
18	RM-9 PUD	50' x 90'	21.5	4.5	96
19	RM-9 PUD	50' x 90'	22.7	4.2	96
20	RM-9 PUD	48' x 110'	21.0	4.3	90
21	RM-6 PUD	58' x 110'	21.5	3.5	75
		Total	**453.5**	**3.9**	**1,781**

Upon final platting of individual parcels acreage of parcel may vary up to 5% to accommodate actual platting lines.

Site Data Chart

Parcel	Proposed Land Use/ Lot Size	Gross Area	Gross Density	Yield
1	RM-6 PUD / 58' x 110'	22.9	3.1	71
2	RM-6 PUD / 58' x 110'	17.3	3.9	68
3	RM-9 PUD / 48' x 110'	18.4	4.1	75
4	RM-9 PUD / 48' x 110'	16.4	4.9	80
5	RM-9 PUD / 50' x 90'	24.7	4.6	114
6	RM-9 PUD / 50' x 90'	19.1	4.3	83
7	RM-9 PUD / 50' x 90'	16.9	4.0	67
8	RM-9 PUD / 48' x 110'	19.1	5.8	110
9	RM-9 PUD / 48' x 110'	25.9	4.7	121
10	RM-6 PUD / 58' x 110'	23.6	4.6	108
11	RM-6 PUD / 58' x 110'	24.2	4.1	99
12	Mixed Use PUD	23.7	---	---
13	RM-9 PUD / 50' x 90'	16.4	3.9	64
14	RL-5 PUD / 70' x 120'	35.8	2.7	96
15	RM-6 PUD / 58' x 110'	18.9	3.7	69
16	RM-9 PUD / 48' x 110'	22.3	4.6	102
17	RM-9 PUD / 48' x 110'	21.2	4.6	97
18	RM-9 PUD / 50' x 90'	21.5	4.5	96
19	RM-9 PUD / 50' x 90'	22.7	4.2	96
20	RM-9 PUD / 48' x 110'	21.0	4.3	90
21	RM-6 PUD / 58' x 110'	21.5	3.5	75
Total		453.5	3.9	1,781

Proposed Paradiso Asante Zoning Map - ***EXHIBIT D***

DEVELOPMENT STANDARDS-SINGLE FAMILY RESIDENTIAL

A noted earlier, the development standards for Paradiso Asante remain the same as those established in the Asante and Asante North PADs. These standards as applied to the single family lot sizes in Paradiso Asante are set forth in this chart.

TABLE B. Single Family Residential				
Lot Category	**A**	**B**	**C**	**D**
Parcel Numbers	3, 4, 8, 9, 16, 17, 20	5, 6, 7, 13, 18, 19	1, 2, 10, 11, 15, 21	14
Typical Lot	48’ x 110’	50’ x 90’	58’ x 110’	70’ x 120’
% Distribution(1)	No more than 35%	No more than 27%	No more than 31%	No more than 9%
Min Area	5,280 sf	4,500 sf	6,380 sf	8,400 sf
Min. Width	48’	50’	58’	70’
Min. Depth	110’	90’	110’	120’
Building Setbacks(2)				
Front	20’/12’ for living area or side entry garage (6)	20’/12’ for living area or side entry garage (6)	20’/12’ for living area or side entry garage (6)	20’/12’ for living area or side entry garage (6)
Side	5’/8’	5’/8’	5’/8’	5’/8’
Street Side(3)	13’	13’	13’	13’
Rear	15’	10’	15’	15’
Rear Adj. to Arterial	20’	15’	20’	20’
Min. Distance between Houses	10’	10’	10’	10’
Bldg. Height	30’	30’	30’	30’
Lot Coverage	50%	70%	50%	50%

Notes:

1. Lot allocations may change areas to respond to market conditions as long as % allocations are not exceeded. Area changes do not require a PUD amendment. The lot count and lot mix will be required at Final build-out to comply with these numbers. Updates will be provided with every preliminary and final plat submittal to the City.
2. Non-structural elements such as fireplaces, bay windows, pop-outs, pergolas or patio covers may encroach no more than 3' into front and side setbacks and 10' into rear setbacks provided that a patio cover may not extend to a point closer than 10’ from the rear property line except for Cluster Type & Z Lot homes, see Table 2.
3. Does not apply if landscape tract used (8' min).
4. Two adjacent multi-story houses must be separated by not less than 13 feet, and a multi-story house and an adjacent single-story house must be separated by not less than 10 feet.

5. If any portion of a multi-story house has only one story adjacent to the side yard property line, the single-story setbacks will apply.

6. No driveway shall be less than 20 feet in length, as measured from face of garage to the back of sidewalk.

7. If the portion of a multi-story house or structure which abuts on an arterial street in the rear is single-story, then the rear setback shall not be less than 20 feet as measured from the property line.

8. If two adjacent houses or structures abut an arterial street in the rear, then the rear setbacks shall be staggered as follows:

   (a) If the adjacent houses or structures are both single-story, then the rear setback shall be 20-feet (20') for one and 25-feet (25') for the other; or

   (b) If the adjacent house or structures are both multi-story, then the rear setback shall be 25-feet (25') for one and 30-feet (30') for the other; or

   (c) If a multi-story house is adjacent to a single-story house, then the setbacks established in subsections 1and 2 shall apply; and

   (d) If three or more adjacent houses or structures abut an arterial street in the rear, then the rear setbacks shall be staggered as provided above so that not more than two adjacent house or structures may have the same rear setback.

9. If a landscape tract with the following dimensions is constructed between the rear property lines of adjacent lots which abut an arterial street in the rear, and the right-of-way of the arterial street, then the rear setbacks established in subsection 8. (d) of this section shall apply. The average width of such landscape tract shall not be less than 15-feet (15'). The narrowest part of the tract must be 10-feet (10') or greater in width. Not less than 50-percent (50%) of the landscape tract, as measured along the lineal boundary between the tract and the adjacent lots, must be 15-feet (15') in width or greater.

10. If a house or other structure abuts an arterial street on the side, then the wider of the two side setbacks applicable to the house or structure shall be on the side which abuts the arterial street and shall be increased by 5 additional feet (5'). For example, if the side setbacks of a house or structure which abuts an arterial street on the side would ordinarily be 8-feet (8') and 5-feet (5'), then the 8-feet (8') setback shall be increase to 13-feet (13') and shall apply to the side of the house or structure which abuts the arterial street, and the other side setback shall remain 5-feet (5').

11. In order to provide for unique or innovative site and building design, the Community Development Director may administratively modify any of the development standards up to 10% without a major amendment to this PUD.

DEVELOPMENT STANDARDS-MEDIUM/HIGH DENSITY RESIDENTIAL

We emphasize again that these standards apply to Medium/High Density single family residential and are the same as those standards set forth in Asante and Asante North. No changes are being proposed.

TABLE C. Medium/High Density Residential			
		Cluster Type Alley Loaded	Zero Lots Z-Lots
Minimum subdivision size		1-acre	N/A
Min. Lot Area – Square footage		1,200	2,730
Min. Lot Width – Interior Lot	(2)	20’	35’
Min. Lot Depth		60’	70’
Maximum Building Height		40’	30’
Minimum Yard Setbacks			
Front – Public Street	(1)	15’	10’
Front – Private Street		8’	8’
Front/Rear to Face of Garage Door – Public Street	(9)	20’	20’
Front/Rear to Face of Garage Door – Private Street		4’	N/A
Rear	(3)(5)	3’	5’
Sides	(4)	0’	0’/5’
Side – Aggregate	(8)	10’	10’
Minimum Distance Between Buildings	(6)(7)	10’	10’
Landscape Tracts			
Collector Street		10’	10’
Arterial Street		20’	20’

Notes:
1. May be reduced for auto-courts and landscaped tracts/easements.
2. In certain cases, flag lots may be designed. Flag lots shall be addressed during preliminary plat process.
3. Patio covers may encroach to within 5’ of the rear property line.
4. Non-structural architectural features such as fireplaces, bay windows, pergolas and pop-outs may encroach no more than 3’ into the side yard setback.

5. Where a rear yard setback is provided, it must be a minimum of 5'.
6. Minimum separation of buildings on same lot for cluster type is 10'.
7. Min. separation of buildings for cluster type on adjacent Lots 0'/10' if setback is provided on at least one lot.
8. Z-Lot properties to have sufficient access for property maintenance.
9. No driveway shall be less than 20 feet in length, as measured from face of garage to the back of sidewalk.

DESIGN STANDARDS

The following design standards are related to architectural design, which will be evaluated on a per parcel basis as specific site and home design are available.

A. Staggered Perimeter Wall: The Developer of a Residential Development shall construct a wall at the perimeter of the Project abutting an arterial street which contains staggered or offset sections and/or other breaks to relieve the linear character of the perimeter wall abutting the arterial street.

B. Adjacent Roof Lines: If two or more houses or structures abut an arterial street in the rear, then the rear elevations of such houses or structures shall be geometrically varied and not more than two adjacent houses of structures shall have the same roof line.

C. Off-street Parking/Driveway: There shall be space for two 20 foot parking spaces off-street, and outside of the garage if applicable, for all residential homes. Separate guest parking will be provided as appropriate for cluster type homes. Notwithstanding the above, no driveway shall be less than 20 feet in length, as measured from the back of sidewalk.

D. All corner lots to be expanded or include landscape tract.

E. Front setbacks shall be staggered in 3' increments.

F. Drainage ways and retention are to be integrated into HOA maintained greenbelts and parks that meander.

G. An interconnected system of Homeowner Association maintained landscaped open space will be visible from streets at key points within & between neighborhoods with Crime Prevention Through Environmental Design (CPTED) principles & natural surveillance encouraged.

H. No lots will be centered on 'T' intersections.

I. A combination of features will be used to visually break-up perimeter walls.

J. Private parks and open space will include adult recreation facilities.

K. A comprehensive open space/trail system was provided (see Tab J) of the Asante 2004 approval. This PUD does not encroach into the existing open space corridor along the entire Grand Ave. alignment. There will be smaller open space corridors, to be determined at platting, between various parcels. View fencing will be provided on the majority of lots backing up corridors. Parks will be installed by the developer and maintained by the HOA.

L. The three existing lakes will remain. The overall Asante master plan has a water feature at the project entry. A portion of this project may have an executive type golf course, but this is not shown at this time.

M. The landscaped open space may exceed 10%, however, this application exceeds the minimum allowed 10%.

DEVELOPMENT STANDARDS-MIXED USE

TABLE D. Mixed Use	
Lot Category	
Parcel Number	12
Zoning District	
Min Area	N/A
Min. Width	N/A
Min. Depth	N/A
Building Setbacks	
Front	20-Feet
Side	20-Feet
Street Side	20-Feet
Rear	20-Feet
Bldg. Height	40’
Lot Coverage	N/A

ARCHITECTURAL DESIGN

The development and preparation of the ***Paradiso Asante*** Master Plan is a positive step for the development of the Asante and Asante North site. Special attention has been placed on the integrated overall design character of the active adult community node to create the unique, upscale active adult residential community desired by the residential market that will also create a true mixture of housing for people to continue to live in the Asante community as they age. This design flair is evident in the attached site plan and architectural exhibits.

Residential Design:

The overall design theme will recognize the Arizona setting by utilizing climate appropriate design elements including mission, territorial, craftsman and Italianate that are consistent with the southwest lifestyle and complimentary of the approved Asante house plans. The overall residential community design will utilize open space and park areas as active and visual project amenities and contribute to the overall character and enjoyment of the community. Specific design elements are also demonstrated in the landscape character, especially at project entries in which strong stone and concrete forms provide a sense of permanence and stability.

The proposed homes include both one, two and, for selected cluster products, up to three story plans of a high quality of materials and design features.

Recreation Center and Club House Design:

See **ATTACHMENT A** for conceptual representation for design theme and amenities for Recreation Center and Club House parcel.

LANDSCAPE DESIGN/THEME OPEN SPACE/TRAILS

The Open Space and Trails Plan for this active adult community is intended to provide this community with a wide range of active and passive open space and recreational areas with facilities designed to service the active needs of an adult oriented neighborhood. The overall plan continues to provide the linear open space/trail system along the Grand Avenue/B.N.S.F. Rail Road right-of-way that was approved with the Asante and Asante North PADs. While this project is gated, it is primarily gated from vehicular traffic and not from pedestrian pathways or connections. The overall plan blends the overall Asante and Asante North linear trail/pathways and provides visual open spaces, lakes, storm water management, and landscape buffering into a well-designed and coordinated system of open space and trails. Not less than 10 percent of the Gross Acreage shall be open space. Private parks and greenbelts (owned and maintained by the Asante Homeowner's Association) make up the balance of the open space. These elements will consist of smaller neighborhood parks as well as linear greenways that connect neighborhood park together larger trails/pathways.

Conceptual Photo Representation of Landscape Design and Open Space Theme

The Grand Avenue/B.N.S.F. Rail Road right-of-way open space corridor system that was approved with the Asante and Asante North PADs will remain. This open space corridor averages 200-feet and provides a buffer from the railroad and provides a continuous trail link between important community wide recreational facilities. The attached exhibits illustrate the nature and scope of the amenitized pedestrian linkages between this project and the adjacent residential developments.

Required Open Space: Not less than 10 percent of the Gross Acreage of a Residential Development Project shall be open space, and not be less than 5 percent of such Gross

Acreage shall be open space which meets the requirements of Subsection 2 below. For purposes of meeting this requirement, open space shall include the following:

1. A storm water retention area;
2. A tract, other than a private street, which is owned and maintained by a homeowners association;
3. A power line corridor if the corridor is improved and maintained by a homeowners association;
4. A park if maintained by a homeowners association;
5. A lake;
6. A golf course;
7. A site on which a public school will be constructed, if the site is actually conveyed, and not merely reserved, to the entity responsible for construction of the public school; and
8. Any other similar area which, in the opinion of the City Council, provides a recreational, aesthetic, or other valuable benefit to the City of Surprise or to the Residential Development Project.

Project Entry: The Developer of a Residential Development Project shall construct an entry feature which provide a sense of neighborhood arrival, such as monument signage, decorative landscaping, specialty pavement, enhanced wall detail, immediate accessibility to open space/trail system, at all points at which a Residential Development Project may be entered from an arterial street.

DRAINAGE

Please refer to the Approved Asante and Asante North PADs for information on the overall Asante and Asante North master plans drainage concepts.

The site drains from northwest to southeast. Retention will be distributed throughout the project and stored in open spaces and recreation areas.

STREET CIRCULATION

The site is currently served by Asante Boulevard and Tillman Boulevard via 163rd Avenue, an existing 110' ROW, which intersects with Grand Avenue at the south end of the property. 163rd Avenue extends to Dove Valley Road to the north.

The commercial site is bi-sected by a new arterial street, the proposed Tillman Boulevard, which is proposed to link to 163rd Ave at the Pinnacle Peak Road alignment and continue to the

northwest generally parallel to Grand Avenue eventually connecting to Jomax Road.

No changes in street classification or rights-of-way approved as part of the Asante or Asante North PADs are proposed with this rezoning. The Street Classifications approved as part of the original zoning are as follows:

Major Arterial (163rd Ave and Tillman Boulevard):	135 ft. ROW
Residential Collector (Asante Boulevard):	70 ft. and 60 ft. ROW
Arterial (Happy Valley Road):	110 ft. ROW
Local Street:	50 ft. ROW

All cul-de-sac radius shall comply with the current City of Surprise Engineering Development Standards.

*See **EXHIBIT G** for proposed Street Sections.*

INFRASTRUCTURE IMPROVEMENTS

Please refer to the Approved Asante and Asante North Planned Area Development Plans for information on existing infrastructure improvements.

AMENDMENTS

Minor Changes

The City of Surprise Community Development Director may allow minor changes to the PUD, provided that such changes are not in conflict with the overall intent as expressed in the PUD document. The following items shall be considered as minor changes to the PUD:

- Changes in configuration of individual development parcels to include modifications to boundaries as long as there is no net loss of open space and no net increase in the total number of units or noncommercial acreage allowable within the PUD;

- Changes to the community infrastructure, such as drainage, water and sewer systems which do not have the effect of increasing or decreasing development capacity in the PUD, nor change the overall intent of the PUD;

- Changes or modifications in lot sizes and setbacks by up to 10% of the required development standard in order to accommodate for unique circumstances or specific site constraints, so long as the change does not conflict with the City of Surprise Building Code or off -street parking requirements as defined within the PUD;

- Any analogous interpretations of the list of permitted, conditional and secondary uses of the property as set forth in the PUD, as determined by the Community Development Director;

- Changes in residential densities or unit count by up to 10% of the maximum allowable in each development parcel, provided the increase does not cause an increase in the total allowable unit count within the PUD or decrease the amount of open space within any development parcel;

- Minor modifications or adjustment to roadway alignments and/ or parcel configuration so long as the proposed modification does not change the overall intent of the PUD and the Surprise Transportation Plan;

- Minor modifications to the location and size of trails and pedestrian paths, so long as the modification meets the general intent of the PUD and the Parks and Trails Master Plan;

- Relocation of a park site, which either enhances the opportunity to create a sense of neighborhood and community or to better centralize the park site based on actual development densities, so long as the land uses and densities of the parcels proposed for the revision do not result in a net increase in total number of units and meets the intent of the Parks and Trails Master Plan.

- Other changes not identified above, but deemed appropriate by the Community Development Director, as long as the change does not impact the general health, safety, and welfare of the residents of the City of Surprise and does not impact the overall intent of the approved PUD.

Major Changes

- A Major change is a change that does not qualify as a minor change as defined above and that significantly alters the intent of the approved PUD. Major Changes shall comply with the requirements set forth in Surprise Municipal Code and State Statute.

Upon the approval of any proposed amendment to the Planned Unit Development (PUD), the amendment shall be attached to the PUD as an addendum and shall become a part thereof.

Administrative Interpretations

On occasion, it may be necessary to request a formal or informal interpretation from the City of Surprise Community Development Director related to the implementation and/or interpretation of the project intent, use, or development standards as may be applicable to the interpretation of the provisions of the City of Surprise Zoning Ordinance or to the interpretation of the intent of narrative descriptions/statements contained in this PUD application. Such requests for interpretation to these provisions will be made in written form to the Community Development

Director by the Master Developer or a member of the Asante Property Owners Association.

CONCLUSION

The ***Paradiso Asante*** PUD is consistent with the Surprise General Plan and applicable regulations and will be an exceptional active adult Component element of the Asante master planned community that continues the principles of diversity and enduring quality. The proposed ***Paradiso Asante*** PUD is essentially shifting and rezoning some of the "non-aged restricted" single-family acreage from the Asante and Asante North PADs into this active adult "age restricted" component that will contribute to the blossoming of the Asante master plan. We believe that this rezoning will contribute positively to the well planned growth of the City of Surprise and its enviable quality of life. We respectfully request approval of this PUD and look forward to moving into project implementation.

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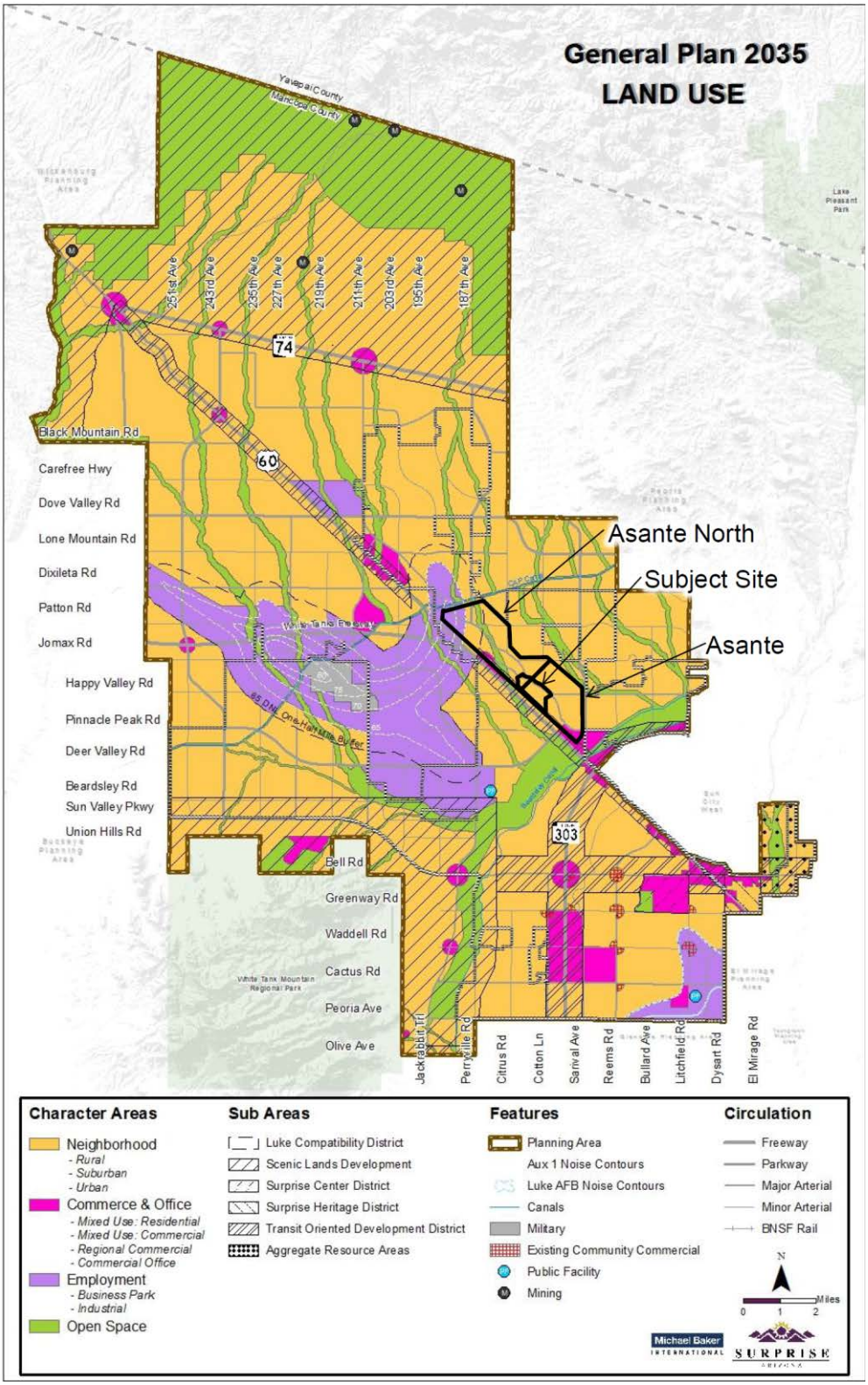
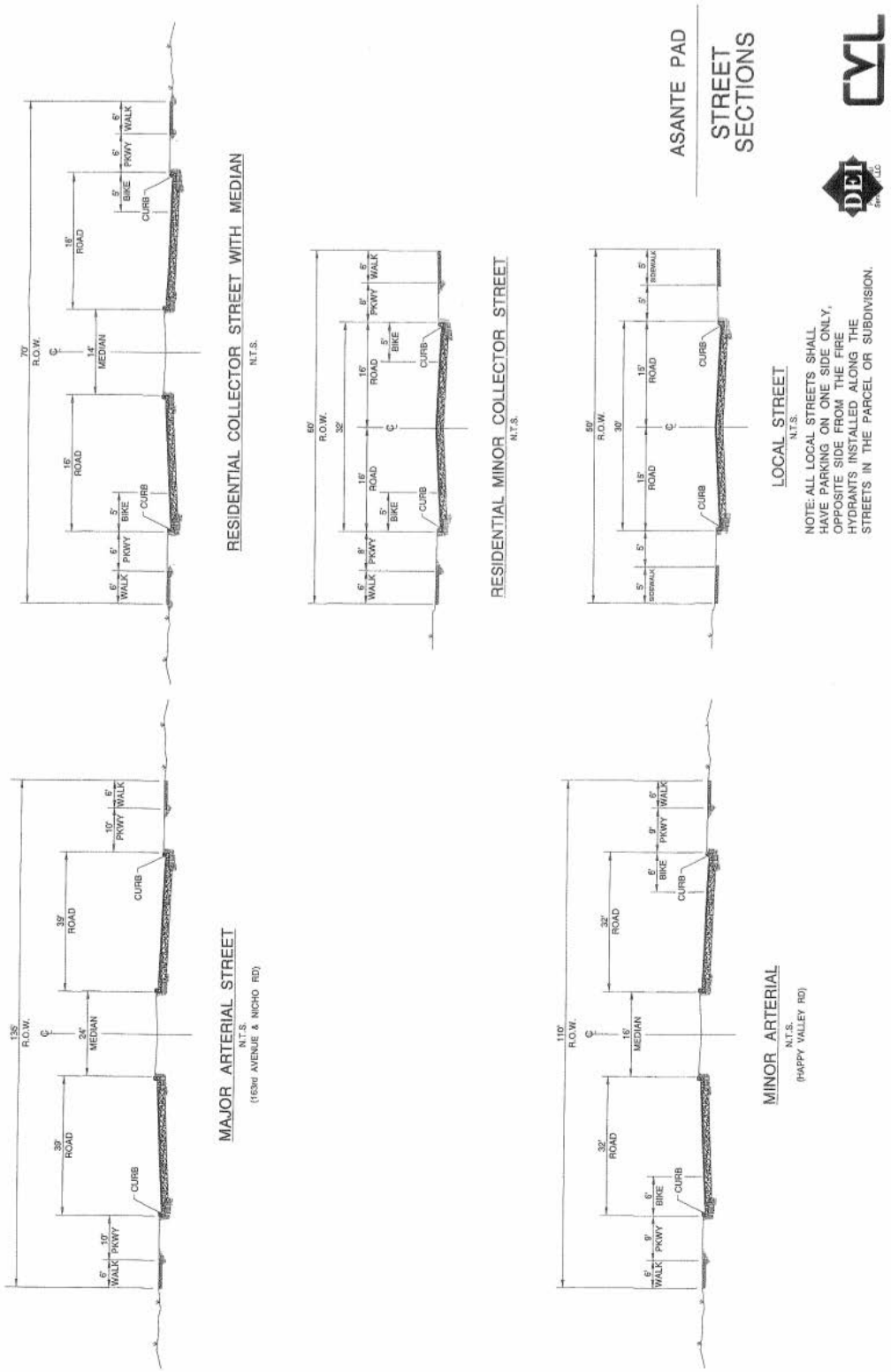


GENERAL PLAN LAND USE MAP- ***EXHIBIT E***

*Conceptual Representation of Open Space – **EXHIBIT F***



STREET CROSS SECTION – ***EXHIBIT G***

LEGAL DESCRIPTION - ***EXHIBIT H***

Legal Description
Paradiso Asante

Job No. 16-009.001 05/30/17

Portions of Sections 1, 2, 3, 11 and 12, Township 4 North, Range 2 West of the Gila and Salt River Meridian, more particularly described as follows:

COMMENCING at the West Quarter Corner of Section 28, Township 5 North, Range 2 West of the Gila and Salt River Meridian;

thence along the West line of the Southwest Quarter of said section 28, South 0 degrees 40 minutes 59 seconds West to a point on the Northeasterly line of the 200' wide Burlington Northern and Santa Fe Railroad Corridor;

thence along said Northeasterly line South 46 degrees 13 minutes 34 seconds East, 17244.64 feet;

thence North 43 degrees 31 minutes 21 seconds East, 200.00 feet to a line 200.00 feet Northeast and parallel with the Northeasterly line of the 200' wide Burlington Northern and Santa Fe Railroad Corridor and the POINT OF BEGINNING;

thence along said parallel line, North 46 degrees 13 minutes 34 seconds West, 2459.43 feet;

thence North 4 degrees 01 minutes 09 seconds East, 219.14 feet;

thence North 12 degrees 05 minutes 10 seconds West, 736.65 feet;

thence North 70 degrees 14 minutes 44 seconds East, 99.78 feet;

thence North 62 degrees 42 minutes 29 seconds East, 163.11 feet;

thence North 58 degrees 10 minutes 18 seconds East, 985.65 feet to a point on the Southerly line of Tillman Boulevard as depicted in the Map of Dedication of 'Asante North – Phase One', recorded in Book 918, Page 8 of Maricopa County Records;

thence North 56 degrees 18 minutes 29 seconds East, 68.00 feet to a point on the centerline of said Tillman Boulevard and the beginning of a non-tangent curve, concave Northeast, from which the radius point bears North 56 degrees 18 minutes 29 seconds East a distance of 1450.00 feet;

thence along said centerline, Southeasterly 1173.78 feet along the arc of said curve to the left through a central angle of 46 degrees 22 minutes 52 seconds;

thence continuing along said centerline, South 80 degrees 04 minutes 23 seconds East, 488.17 feet to the beginning of a curve, concave Southwest, having a radius of 1450.00 feet;

thence continuing along said centerline, Southeasterly 850.21 feet along the arc of said curve to the right through a central angle of 33 degrees 35 minutes 44 seconds;

thence continuing along said centerline and along the centerline of Tillman Boulevard as depicted in the Map of Dedication of 'Asante Phase Two', recorded in Book 885, Page 46 of Maricopa County Records, South 46 degrees 28 minutes 39 seconds East, 655.74 feet to the beginning of a curve, concave Northeast, having a radius of 2200.00 feet;

EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258
S:\Projects\2016\16-009\16-009.001\Legal Survey\Legals\LD_Paradiso Asante.docx

thence continuing along said centerline, Southeasterly 719.15 feet along the arc of said curve to the left through a central angle of 18 degrees 43 minutes 45 seconds;

thence continuing along said centerline, South 46 degrees 28 minutes 39 seconds East, 1835.15 feet to the beginning of a curve, concave Southwest, having a radius of 2200.00 feet;

thence continuing along said centerline, Southeasterly 883.50 feet along the arc of said curve to the right through a central angle of 23 degrees 00 minutes 34 seconds to a point on the Northwesterly line and the prolongation therefrom of the Final Plat of 'Asante Phase One Unit Five' recorded in Book 888, Page 20 of Maricopa County Records;

thence along said Northwesterly line, on a non-tangent line South 66 degrees 31 minutes 54 seconds West, 265.92 feet;

thence continuing along said Northwesterly line, South 61 degrees 17 minutes 19 seconds West, 1017.55 feet to a point on the Westerly line and the prolongation therefrom of said Final Plat;

thence along said Westerly line, South 0 degrees 42 minutes 32 seconds West, 848.21 feet to the centerline of West Asante Boulevard as depicted in the Map of Dedication of 'Asante Phase One', recorded in Book 857, Page 17 of Maricopa County Records;

thence along said centerline, North 46 degrees 24 minutes 18 seconds West, 22.59 feet to a point on the Easterly line and the prolongation therefrom of the Final Plat of 'Asante Phase One Unit Six', recorded in Book 888, Page 22 of Maricopa County Records;

thence along said Easterly line, South 0 degrees 43 minutes 44 seconds West, 1187.52 feet to a point on the Southwesterly line of said Plat;

thence along said Southwesterly line, North 51 degrees 13 minutes 03 seconds West, 99.51 feet;

thence continuing along said Southwesterly line, North 88 degrees 44 minutes 12 seconds West, 26.39 feet to the beginning of a non-tangent curve to the right, concave Northerly, from which the radius point bears North 88 degrees 44 minutes 12 seconds West a distance of 55.00 feet;

thence continuing along said Southwesterly line, Westerly 168.81 feet along the arc of said curve to the right through a central angle of 175 degrees 51 minutes 08 seconds to a point of reverse curvature of a curve having a radius of 55.00 feet;

thence continuing along said Southwesterly line, Northwesterly 41.61 feet along the arc of said curve to the left through a central angle of 43 degrees 20 minutes 30 seconds;

thence continuing along said Southwesterly line, North 46 degrees 13 minutes 34 seconds West, 551.71 feet to the beginning of a curve, concave Southwest, having a radius of 55.00 feet;

thence continuing along said Southwesterly line, Northwesterly 16.65 feet along the arc of said curve to the left through a central angle of 17 degrees 20 minutes 29 seconds to a point of reverse curvature of a curve having a radius of 55.00 feet;

thence continuing along said Southwesterly line, Northwesterly 48.43 feet along the arc of said curve to the right through a central angle of 50 degrees 26 minutes 47 seconds;

thence continuing along said Southwesterly line, on a non-tangent line South 76 degrees 52 minutes 44 seconds West, 45.70 feet;

thence continuing along said Southwesterly line, North 46 degrees 13 minutes 34 seconds West, 120.00 feet;

thence continuing along said Southwesterly line, North 43 degrees 46 minutes 26 seconds East, 31.89 feet;

thence continuing along said Southwesterly line, North 46 degrees 13 minutes 34 seconds West, 140.00 feet;

thence continuing along said Southwesterly line, North 24 degrees 26 minutes 22 seconds East, 50.71 feet to the beginning of a non-tangent curve, concave Northeast, from which the radius point bears North 24 degrees 26 minutes 22 seconds East a distance of 55.00 feet;

thence continuing along said Southwesterly line, Northwesterly 54.44 feet along the arc of said curve to the right through a central angle of 56 degrees 42 minutes 33 seconds;

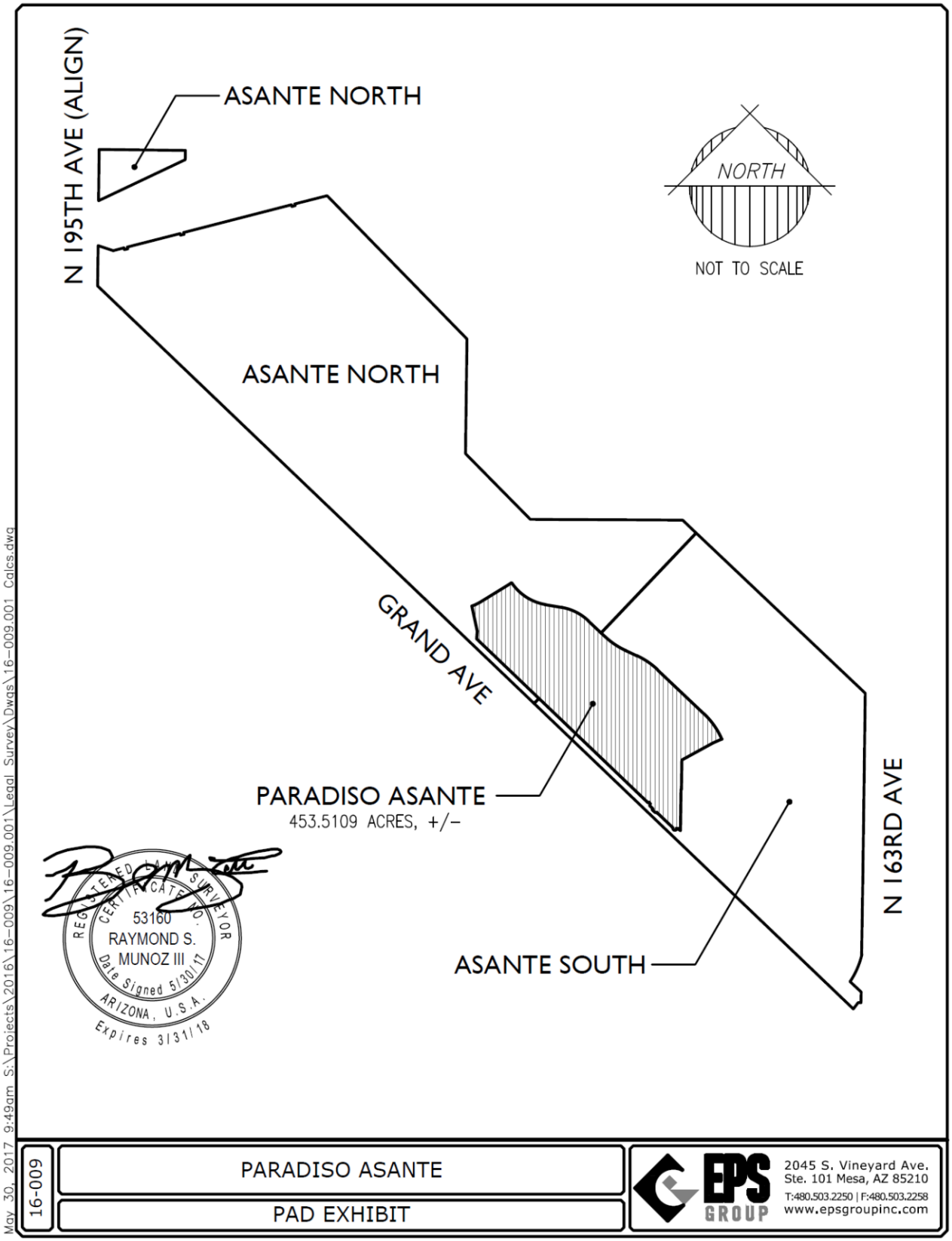
thence continuing along said Southwesterly line, on a non-tangent line South 81 degrees 09 minutes 05 seconds West, 35.60 feet;

thence continuing along said Southwesterly line, North 46 degrees 51 minutes 59 seconds West, 149.56 feet;

thence along a line 200.00 feet Northeast and parallel with the Northeasterly line of the 200' wide Burlington Northern and Santa Fe Railroad Corridor, North 46 degrees 13 minutes 34 seconds West, 4156.20 feet to the POINT OF BEGINNING.

Contains 453.5109 acres, more or less.

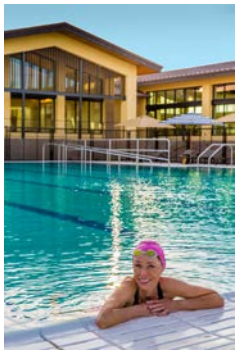
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
53160
RAYMOND S.
MUNOZ III
Date Signed 5/30/17
ARIZONA, U.S.A.
Expires 3/31/18


N 195TH AVE (ALIGN)
ASANTE NORTH
NORTH
NOT TO SCALE
ASANTE NORTH
GRAND AVE
PARADISO ASANTE
453.5109 ACRES, +/-
N 163RD AVE
ASANTE SOUTH
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
53160
RAYMOND S.
MUNOZ III
Date Signed 5/30/17
ARIZONA, U.S.A.
Expires 3/31/18
May 30, 2017 9:49am S:\Projects\2016\16-009\16-009.001\Legal Survey\Dwgs\16-009.001 Calcs.dwg
16-009
PARADISO ASANTE
PAD EXHIBIT
EPS GROUP
2045 S. Vineyard Ave.
Ste. 101 Mesa, AZ 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

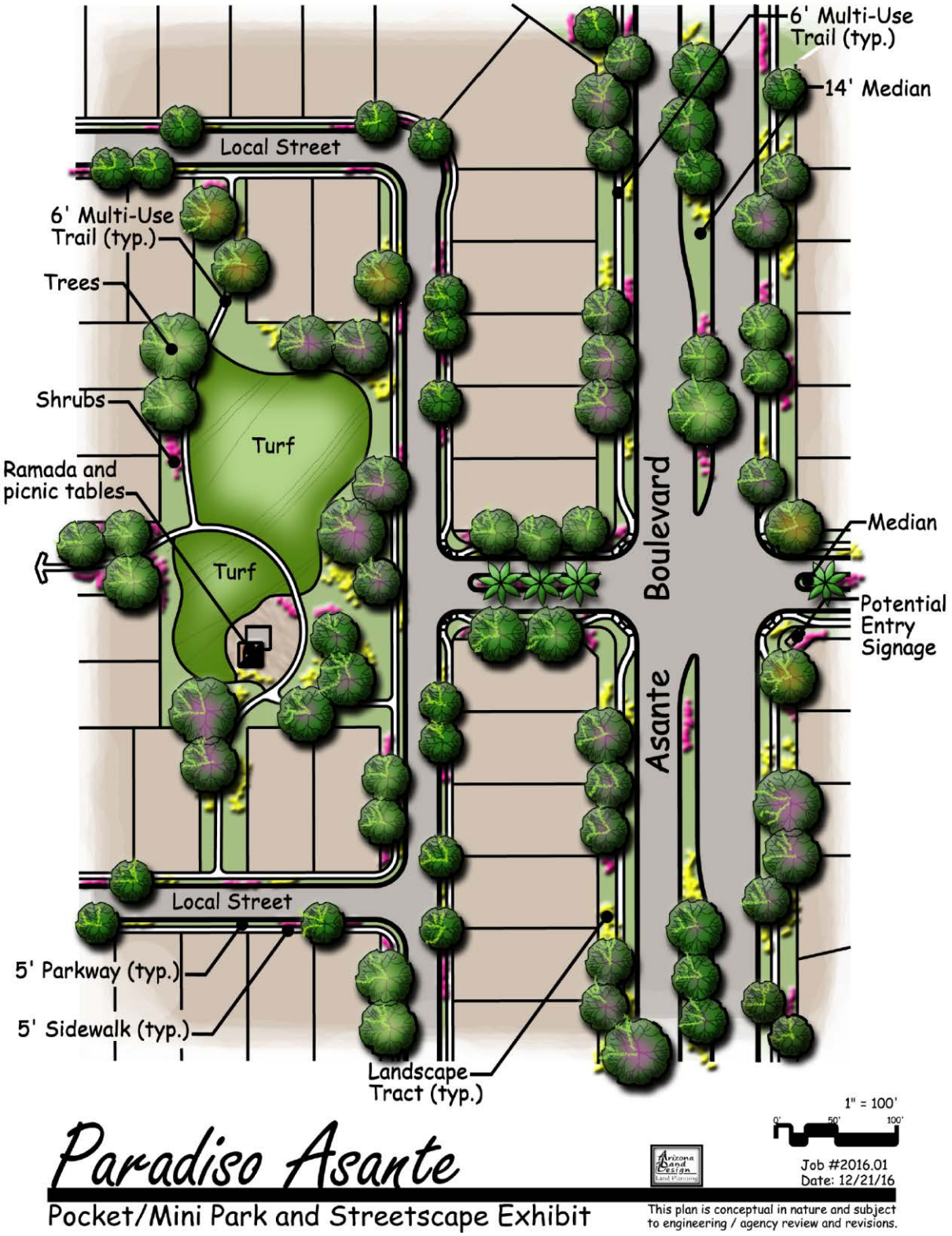
ATTACHMENTS

Conceptual Representation of Recreation Center and Club House Parcel – ***ATTACHMENT A***

*Example Representation of Housing Product – **ATTACHMENT B***



*Example Representation of Amenities for Recreation Center and Club House Parcel – **ATTACHMENT C***



*Conceptual Representation Pocket/Mini Park and Streetscape – **ATTACHMENT D***

Citizen Participation Final Report

For

Paradiso Asante PUD Zoning (FS17-010)
Asante PAD Amendment (FS17-011)
Asante North PAD Amendment (FS17-012)

Northwest corner of 163rd Avenue and Grand Avenue

Prepared by:
EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Owner/Developer:
Lennar Arizona, Inc.
1725 W. Greentree Drive, #114
Tempe, Arizona 85284
Contacts: Jeff Gunderson, Sr. VP Land Acquisition & Development
Todd Skoro, Director of Land Acquisition
Telephone: (480) 345-0077
Fax: (480) 777-4696

Attorney
Earl, Curley & Lagarde P.C.
Contact: Stephen C. Earl
3101 North Central Avenue, Suite 1000
Phoenix, Arizona 85012

Prepared:
June 5, 2017

CITIZEN PARTICIPATION FINAL REPORT
for
Paradiso Asante PUD Zoning (FS17-010),
Asante PAD Amendment (FS17-011), and
Asante North PAD Amendment (FS17-012)
requests

PROJECT DESCRIPTION

Asante is a 1,508-acre Planned Area Development ("PAD") by Lennar Arizona, Inc., which was approved by the City Council in November 2004 through adoption of Ordinance #04-41. Asante North is directly adjacent and is a 2,105-acre Planned Area Development ("PAD"), which was approved by the City Council in November 2006 and is directly north of Asante. Lennar, one of America's leading homebuilding companies, is the master developer for both Asante and Asante North master planned communities totaling 3,613 acres.

Three companion zoning cases have been filed concurrently. The first case (FS17-010), in simple terms, is a request to rezoning 465.5 acres from the Asante and Asante North Planned Area Developments. The purpose of this request is to add a small complimentary active adult component within the Asante and Asante North master planned communities. This active adult component in Asante will be called ***Paradiso Asante***. This component represents only 13% of the land within the Asante and Asante North PADs and will slightly reduce the total number of homes from the original overall approvals. It should also be noted that the same development standards and design features are elements approved in the Asante and Asante North PADs are being utilized in this zoning request.

The second companion request simply seeks a PAD amendment to remove the 311.7 acres from the Asante PAD that are now being incorporated into Asante Paradiso. The third companion request simply seeks a PAD amendment to remove the 153.7 acres from the Asante North PAD that are being rezoned as part of case FS17-010. Except for the removal of the 311.7 acres from Asante and 153.8 acres from Asante North PADs being rezoned into the active adult component called Asante Paradiso and the addition of a Major and Minor Amendment criteria, no other changes are proposed.

The PUD Zoning and the PAD amendments will provide a better balance to the overall master plan concept with a full range of high quality living options for a full range and types of families and active adults.

This Citizen Partication Outreach Report provides a summary of the citizen partication and outreach for all three companion case (FS17-010, FS17-011, and FS17-012).

OVERVIEW OF ELEMENTS OF CITIZEN NOTIFICATION

The Citizen Participation Outreach Final Report was prepared in accordance with the City of Surprise Citizen Review Process requirements. It meets the City's requirements and the recommended notification area as identified by the Planning and Zoning Division. In accordance with requirements of the City, the following process was completed:

- A Neighborhood Meeting was deemed to be the most appropriate notification technique to inform the adjacent property owners/residents and/or interested parties of the request.

- In accordance with the City of Surprise's Citizen Review Process, Earl, Curley & Lagarde P.C. had a sign consultant install 6 double sided neighborhood meeting signs at 6 different locations to notify and inform those interested of the upcoming neighborhood meeting to discuss the applications. (See appendix for sign posting locations, photo of sign and affidavit of posting.)

- The signs were installed 20 days prior to the neighborhood meeting on April 25, 2017. The neighborhood meeting signs included the date, time and location of the neighborhood meeting, a brief description of the requests and case numbers of each of the three cases. It also included the planning division's phone number for those with questions and/or concerns, issues, or problems.

- The City's Notification requirements requires the notice of the citizen review meeting to also be provided by the Planning and Zoning Division in the following manner:

    1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality at least fifteen (15) days prior to the meeting date;
    2. For applications involving rezoning of land which abuts other municipalities or unincorporated areas of the country or a combination thereof, copies of the notice shall be transmitted to the planning agency of such governmental unit butting such land;
    3. For applications involving rezoning, subdividing, planned unit developments, site plans with uses permitted on a conditional basis, and legislative matters, all real property owners within a 200' or 300' radius, the city shall send copies of the notice by first class mail, no less than seven (7) days prior to the hearing;
    4. Any village committee or special community group which is located in the area of the proposed public hearing request or has considerable interest in the nature of the application;
    5. The head of any homeowners association or registered neighborhood within the public notice area established in item 3 indicated above.

- The Citizen Review Meeting letter, that was sent out by the City, invited residents to attend a neighborhood meeting in the area at Sundown Mountain School (Desert Moon) Cafeteria on Monday, May 15, 2017 from 6:00 PM to 7:00 PM. The letter provided a brief explanation of the proposed applications and explained the purpose of the meeting and included the boundaries of the requests and the location of the neighborhood meeting.

Neighborhood Meeting

- The neighborhood meeting was held on Monday, May 15, 2017 from 6:00 to 7:00 PM to inform those in attendance of the proposed applications. Approximately 25 individuals from the adjoining neighborhoods, Councilmember Roland Winters Jr., Councilmember Ken Remley, Planning Commissioner Vice Chair Matt Keating and Sergio Angulo, Planner, attended the meeting and they registered their attendance on the sign-in sheet (*see Appendix*). Additionally, two Lennar development representatives were in attendance to convey the vision of this community and respond to questions.

- The neighborhood meeting was set up in an open house format with 2 large stations. The first manned station included the following exhibits: 1) An aerial photo showing the three respective cases and their boundaries, and their proximity to the surrounding existing subdivisions and Grand Avenue; 2) An exhibit showing the overall master plan with the existing and proposed land uses and zoning inserted into the overall master plan; 3) An exhibit showing the total approved number of units and those proposed with the new PUD zoning case; and 4) An exhibit showing the existing and the proposed Zoning for the subject site.

- The second manned station included: 1) An aerial photo showing the three respective cases and their boundaries, and their proximity to the surrounding existing subdivisions and Grand Avenue; 2) A board showing representative examples of Recreational/Club house inspiration; 3) Two boards showing representative examples of house product; and 4) A board showing representative examples of house floor plans.

- Several members of the development team were at both stations to provide detailed information about the project and requests.

- Station 1: A brief review of the three companion requests was provided at the first station. The first case (FS17-010), in simple terms, is a request to rezoning 465.5 acres from the Asante and Asante North Planned Area Developments. The second companion request simply seeks a PAD amendment to remove the 311.7 acres that are being rezoned as part of FS17-010 case from the Asante PAD. And the third companion request simply seeks a PAD

amendment to remove the 153.7 acres that are being rezoned as part of FS17-010 case from the Asante North PAD.

- It was further explained the subject property is part of the Asante and Asante North PADs, and the proposed rezone and Planned Unit Development (PUD) Overlay will create a complementary active adult community representing only 13% of the land in the Asante and Asante North PADs and will reduce the total number of homes from the original approvals. It was also noted that the development standards and the same design features and elements that have been approved through the Asante and Asante North PADs will carry through in this zoning case.

- Station 2: Detailed information regarding the proposed active adult component was provided at station 2. It was explained that the primary reason of all three cases was just to add the complementary active adult component within the Asante and Asante North master planned communities. Example representations of Recreational/Club house inspiration, representative examples of house product and representative examples of house floor plans were shown to provide interested residents with an understanding of the feel and quality of this project.

- Exhibits were shown at each station to allow the attendees the opportunity to view the elements of the proposed project. The floor was opened for questions and comments from the attendees at each station.

- The majority of those that attended the meeting lived in either Desert Oasis subdivision just to the east of Asante or in the County island just south of the Central Arizona Canal.

- Reaction to the overall plan and requests was positive from those in attendance.

The questions from the neighborhood meeting consisted of:

Questions/Comments:	**Response:**
What are the requests? And why do we have three applications?	It was explained that three companion zoning cases are being filed concurrently. To simply add a complementary active adult component within the Asante and Asante North master planned communities. No additional residential density was being added by these actions. In fact, the total units would be less and all development would remain the same.
As question was raised regarding how the new component would function inside the master plan and how more external roadways	It was explained that the Asante Master Plan (including Asante and Asante North) included over 3,600 acres and had already been approved by the City for over 15,000 units. This request merely

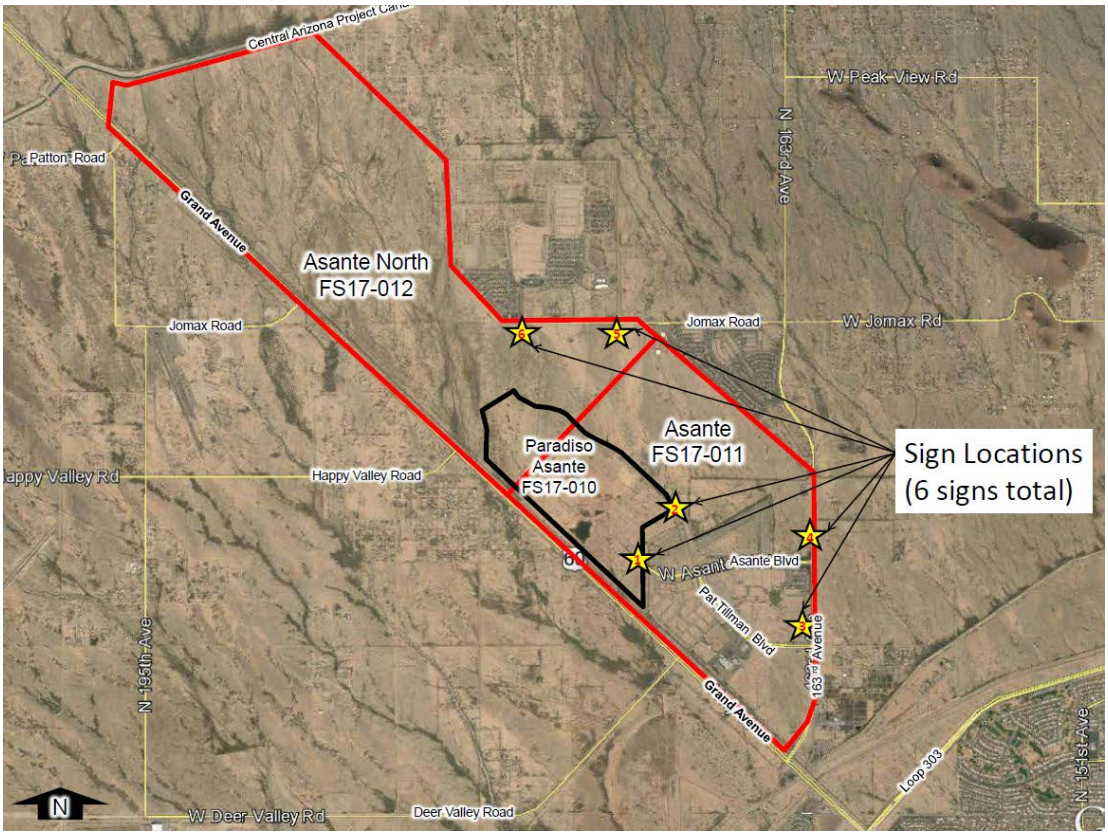
affected such as 163rd Avenue. They also wanted to know the timing of a second access to Grand Avenue.	created an active adult component within the Master Plan utilizing approximately 13% of the total acreage and 11.5% of the units. It was further explained that this request actually lowered the number of approved units by about 200. While this component would be for active adults and would be gated, all pedestrian ways would be unimpeded, including access to the linear park along the railroad tracks and access to the lakes. A future connection to Grand Avenue from either Jomax Road or Happy Valley Road alignments is planned to occur in the future according to the established phasing and infrastructure plan of Asante. This component will not negatively affect this timing.
A comment was made that this area has drainage and flooding problems during storm events. This was especially true of the County residents who do not have a storm water drainage system.	It was explained that when historic drainage flows enter the Asante Master Plan, they are properly handled pursuant to the City and County regulations, including appropriate storm water retention facilities. However, we have no control over drainage systems in the County exterior to the boundaries of Asante. They indicated that they had met with City and County officials on this issue and expressed their desire for the City to assist them. They realized this was not an Asante issue.
What are the home sizes?	It was conceptualized that the home sizes could range from 1,800 s.f. to over 2,700 s.f.
Several questions regarding the timing of the commercial development within Asante were asked.	It was explained that the commercial parcels are not owned or controlled by Lennar, however, Lennar is very supportive of commercial retail uses entering the Asante Master Plan to provide services for our residents. The timing of seeing commercial retail uses come will depend on home sales and projected future sales (i.e. rooftops) and we are hoping that by adding in a new, complimentary housing product within Asante, we will help to accelerate the residential development within Asante, which in turn will bring commercial uses to Asante.
Will this have a separate HOA?	It will be a sub-HOA within the master HOA. The sub-HOA will report to the master HOA and will pay dues like the rest of the members of the community. Additionally, because they will have private streets and their own separate amenities, they will also pay an additional HOA fee to maintain those amenities and assets.
Will it be gated?	Yes. It will be gated to restrict vehicular access but

	will be left open for pedestrian access.
Will it have a pool, as is being shown in the conceptual board?	It was explained, that the boards are conceptual only, showing what might be put in there. Because we are still at the zoning stage, we are still at the conceptual stage. We have not yet fully programmed that amenity space. But Lennar has devoted significant space and resources to the amenity package, which will include a clubhouse, along with other major amenities which could include a pool, ramadas, BBQs, walking trails and other elements.
Could a youth or child come and live long-term in one of these houses?	They would only be able to stay for a week similar to other prominent active adult community HOA rules.
What is the process?	Staff needs to complete their review. Once completed, they will schedule our requests for Planning Commission Hearing and final action by the City Council. After approvals, Lennar will submit their Preliminary and Final Plats for review and approval.

- Between May 15, 2017 and today's date June 5, 2017, there have been no other concerns, issues or problems expressed by any of the participating individuals. Since there were no concerns, issues, or problems raised by the adjacent property owners and other interested individuals, there was no need to hold a 2nd meeting to address public concerns.

- Should any adjacent property owners and/or other interested individuals raise any concern between now and the hearings, the Project Team will make every effort to address their concern in the appropriate manner, such as but not limited to personal visits, phone calls, or other acceptable means. Members of the Project Team are committed to working with the City of Surprise, surrounding neighbors, and any interested parties to ensure the compatibility and success of this application.

- This concludes the Citizen Participation Outreach Final Report for the proposed ***Paradiso Asante PUD (FS17-010), Asante PAD Amendment (FS17-011), and Asante North PAD Amendment (FS17-012)***.



Sign Posting Locations

Photo of 1 of the 6 signs posted.

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS17-010, FS17-011, FS17-012

Applicant Name: Earl, Curley and Lagarde

Location: NWC of Grand Ave and 163rd Ave

Date Site Posted: April 25, 2017

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

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

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

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

Meghan Liggett — 4/25/17

Applicant/Representative Signature — Date

This instrument was acknowledged before me on this 25th day of April, 2017, and by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

Mary Beth Conrad
Notary Public

10-25-20
My commission expires

MARYBETH CONRAD
Notary Public, State of Arizona
Maricopa County
My Commission Expires
October 25, 2020

CITY OF SURPRISE

Paradiso Asante, Asante and Asante North - Neighborhood Meeting
Paradiso Asante PUD zoning (FS17-010),
Asante PAD Amendment (FS17-011) and Asante North PAD Amendment (FS17-012)
Neighborhood Meeting-Monday, May 15, 2017, at 6:00-7:00 p.m.
at the Sundown Mountain Program (Desert Moon Elementary School) – CAFETERIA
23251 N. 166th Drive, Surprise, Arizona 85387

NAME	ADDRESS	CITY & ZIP	PHONE/E-MAIL
WELDON EMERY	25918 N 150TH AV	SURPRISE 85378	623 584 0333
JIM & CINDY ANGARELLA	25600 N. DESERT MESA DR	SURPRISE 85387	ANGARELLA@AOL.COM
Russ + Lisa Thayer	23918 N. 163RD DR	Surprise AZ 85387	RTLT2+aol.com
Stan Gutshall	29050 N. 163rd	Surprise Az. 85387	
MARTIN CASIAS	17777 W. MAYA WAY	SURPRISE AZ 85387	575 749-3296
Ellen Allen	Kenallen123@gmail.com 18124 W. Roy Rogers	Surprise AZ 85387	623-536-2829
Matt + Linda Keating	16423 W. Cielo Grande Ave	Surprise 85387	stayonthebike@yahoo.com
BRAD WEEKER	18410 W. Stanton Dr.	Surprise 85374	BRADWEEKER@GMAIL.com
Jacqueline Rea Carroll	28517 N 150th Av	Surprise 85387	623-544-6304

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Paradiso Asante, Asante and Asante North - Neighborhood Meeting
Paradiso Asante PUD zoning (FS17-010),
Asante PAD Amendment (FS17-011) and Asante North PAD Amendment (FS17-012)
Neighborhood Meeting-Monday, May 15, 2017, at 6:00-7:00 p.m.
at the Sundown Mountain Program (Desert Moon Elementary School) – CAFETERIA
23251 N. 166th Drive, Surprise, Arizona 85387

NAME	ADDRESS	CITY & ZIP	PHONE/E-MAIL
Susan + Steve Strong	26067 N. 163rd Dr.	Surprise, 85374	317-965-2446 Sty567@yahoo.com
Armando Bahr	16467 W. Paco Tr	Surprise 85387	419-215-7466 AJBahr@gmail.com
Bill + Paula Coughlan	17519 W. Buckhorn	Surprise	623-500-5482 Lois1n1946@gmail.com
Ed, Jill, Wendi Krotin	17539 W. Fetlock Tr.	Surprise	ekrotin@gmail.com
Christine Adair	16379 W. Cielo Grande Ave	Surprise 85387	1510 adair@gmail.com ~~1510~~
Diane Aden	16347 W. Cielo Grande Ave,	85387	
Sally + John Johnson	29222 N 163rd Ave	85387	JHSWjohnson@gmail.com 623-556 5908

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From: PLANTE, BARBARA S GS-12 USAF AETC 56 FW/CIT
To: Jamie Sullivan
Subject: Declined: CR16-365 Asante Active Adult

CR16-365
ASANTE ACTIVE ADULT
North and West of Asante Boulevard and Pat Tillman Boulevard Portion of 503-73-771 and 503-73-942A Major Zoning Amendment to PAD to allow active adult housing component

The site is located on 577 acres North and West of Asante Boulevard and Pat Tillman Boulevard and is part of the larger 3,613 total acres in the Asante and Asante North Master Plan community. The request is to rezone the 577 acres to accommodate an active adult house component with in the overall Asante master Plan. The site is located approximately .90 to 2.8 miles outside the Luke AFB Auxiliary Field #1 2004 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, 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 residents about Luke AFB operations.

v/r
Barbara

//SIGNED//

BARBARA S. PLANTE, GS-12, DAFC
56th Fighter Wing
Deputy Director, Community Initiatives Team
14185 W. Falcon Street
Luke AFB AZ 85309-1629
Phone: 623 856-9981

From:	Bob Patoni
To:	Jamie Sullivan
Cc:	Vanessa Nunez
Subject:	CR16-365
Date:	Friday, August 26, 2016 8:36:28 AM
Attachments:	image001.jpg

RE: CR16-365
Asanti Active Adult Housing Community
Proposed development adjacent to US-60 (Grand Avenue)
Major Zoning Amendment action

Attn: Jamie Sullivan

Thank you for the notice of major zoning amendment to PAD for the above-referenced development.
ADOT has no comment on zoning issues.
We appreciate the opportunity to review and comment.

Robert A. Patoni, SR/WA
Bob Patoni, SR/WA
Right of Way Project Coordinator
205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-6126
WWW.AZDOT.GOV

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From:	Debbie Trasancos
To:	Jamie Sullivan
Cc:	Chris Cain; Leslie Jarrell
Subject:	Declined: CR16-365 Asante Active Adult

Jamie,

Thank you for providing the Meeting Notification for Asante Active Adult (CR16-365).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thanks again,

Debbie Trasancos
Property & Contracts Specialist
Maricopa Water Disrict
14825 W. Grand Ave.
Surprise, AZ 85374
623/546-8266
fax 623/584-2536
HYPERLINK "mailto:debbiet@mwdaz.com" debbiet@mwdaz.com

SURPRISE
ARIZONA

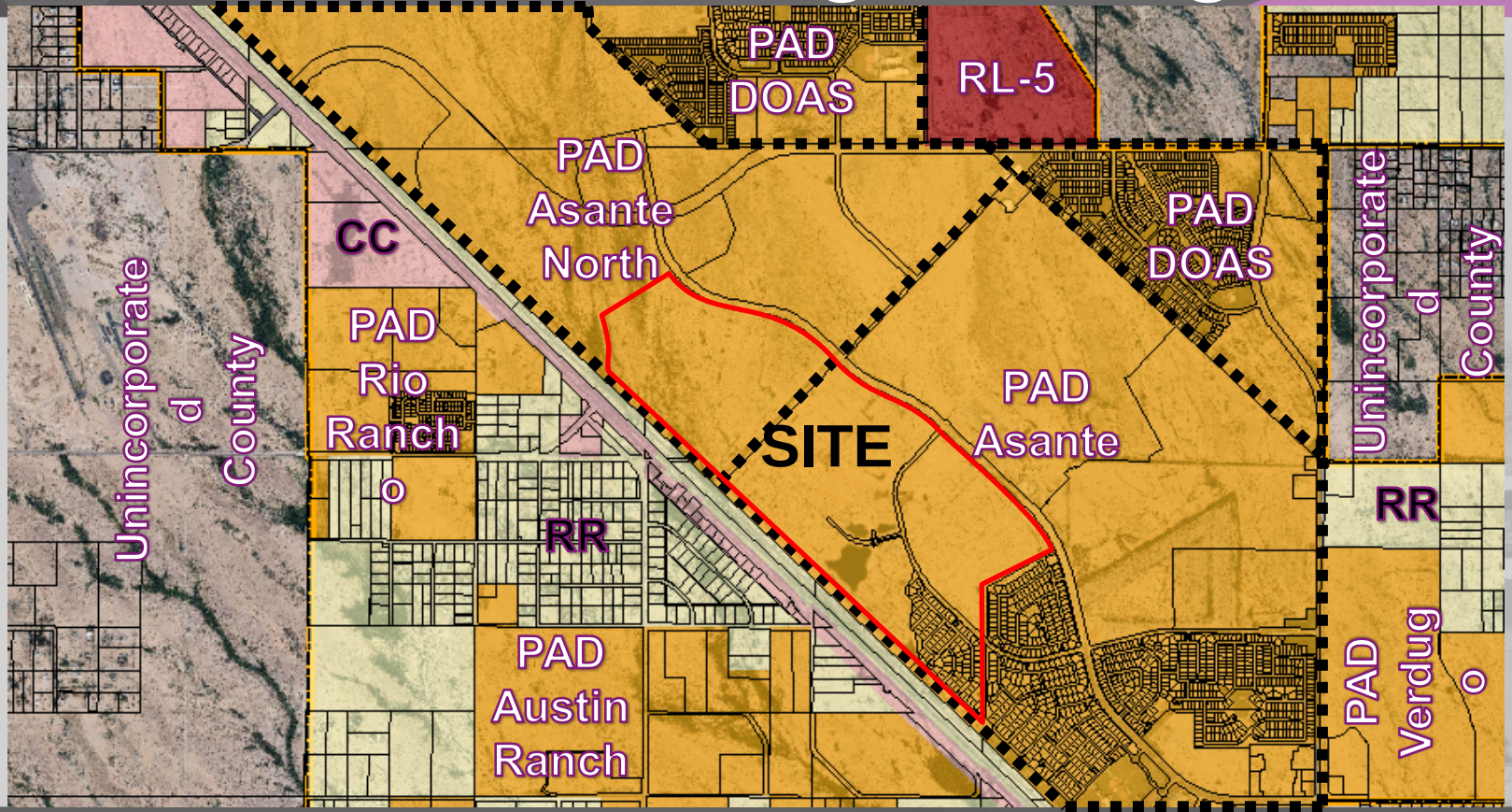
FS17-010
Asante Paradiso
Planned Unit Development

Planning and Zoning Commission

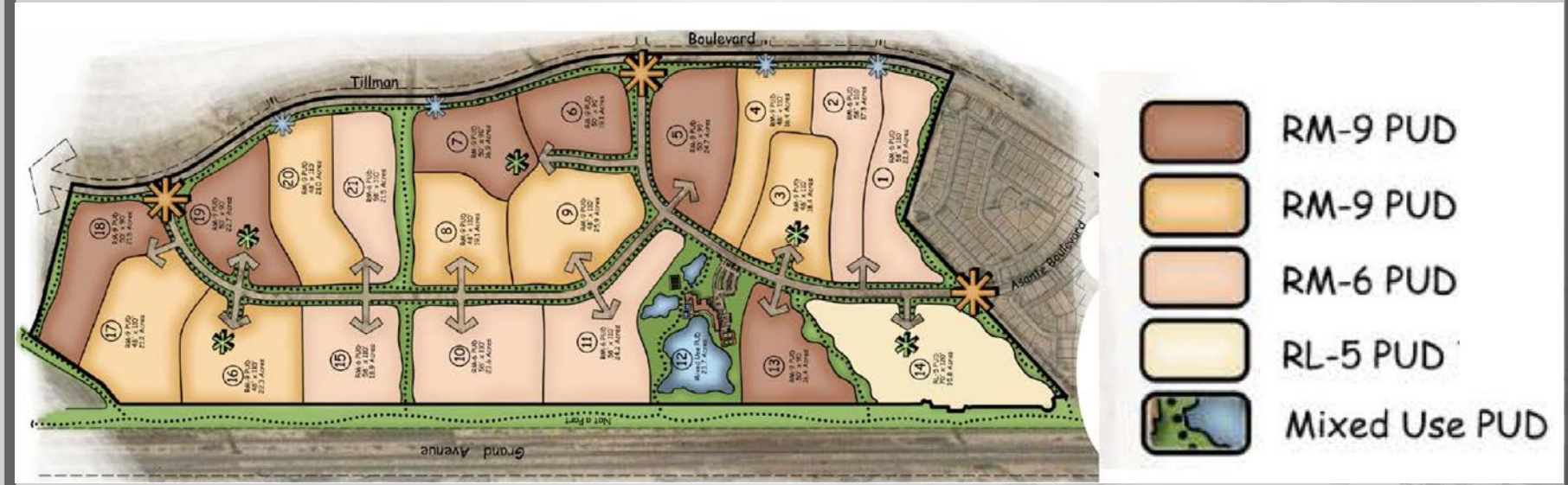
July 20, 2017

VICINITY MAP

Surrounding Zoning



Zoning


Grand Avenue
Tillman
Boulevard
Asante Boulevard
RM-9 PUD
RM-9 PUD
RM-6 PUD
RL-5 PUD
Mixed Use PUD

Land Uses - Residential

LIST A. USES PERMITTED in PARCELS 1-11, and 13-21.

1. Single Family Residential.
2. Accessory uses. The following accessory uses are permitted:
   (1) Private garage, carport, ramada, shed or workshop, Greenhouse;
   (2) Guest quarters may be allowed, provided the quarters meet the standards set forth in the Surprise Municipal Code;
   (3) In-home day care for four or fewer persons.
   (4) Home occupations, as set forth in the Surprise Municipal Code.
   (5) Temporary uses, as regulated in the Surprise Municipal Code.
   (6) Signs, provided they meet the requirements set forth in the Surprise Municipal Code.

Land Uses – Mixed Use

LIST B. USES PERMITTED in PARCEL 12

1. Retail.
2. Recreation Center.
3. Club House.
4. Golf course with ancillary uses.
5. Administrative offices (marketing, managers, activity coordinator etc.), Home healthcare office, Professional, Medical or Dental offices.
6. Libraries and museums.
7. Restaurant, Bistro or Coffee Shop.
8. Movie Theatre, Theatre or assembly use.
9. Hair salon and barber shop.
10. Health and fitness (workout facility with classes and spa area).
11. Spa.
12. Bank.
13. Pharmacy.
14. Game Room/Arcade.
15. Communication center.
16. Live Music as an ancillary to principal use.
17. Accessory uses. The following accessory uses are permitted:
    (1) Parking lots.
    (2) Refuse and service areas, as regulated in the Surprise Municipal Code.
    (3) Accessory buildings, as regulated in the Surprise Municipal Code.
    (4) Temporary construction buildings.
    (5) Signs provided they meet the requirements set forth in chapter 113 of the Surprise Municipal Code.
    (6) Temporary uses, as regulated in article VI of the Surprise Municipal Code.

Development Standards

TABLE B. Single Family Residential				
Lot Category	**A**	**B**	**C**	**D**
Parcel Numbers	3, 4, 8, 9, 16, 17, 20	5, 6, 7, 13, 18, 19	1, 2, 10, 11, 15, 21	14
Typical Lot	48' x 110'	50' x 90'	58' x 110'	70' x 120'
% Distribution(1)	No more than 35%	No more than 27%	No more than 31%	No more than 9%
Min Area	5,280 sf	4,500 sf	6,380 sf	8,400 sf
Min. Width	48'	50'	58'	70'
Min. Depth	110'	90'	110'	120'
Building Setbacks(2)				
Front	20'/12' for living area or side entry garage (6)	20'/12' for living area or side entry garage (6)	20'/12' for living area or side entry garage (6)	20'/12' for living area or side entry garage (6)
Side	5'/8'	5'/8'	5'/8'	5'/8'
Street Side(3)	13'	13'	13'	13'
Rear	15'	10'	15'	15'
Rear Adj. to Arterial	20'	15'	20'	20'
Min. Distance between Houses	10'	10'	10'	10'
Bldg. Height	30'	30'	30'	30'
Lot Coverage	50%	70%	50%	50%

Development Standards

TABLE C. Medium/High Density Residential			
		Cluster Type Alley Loaded	Zero Lots Z-Lots
Minimum subdivision size		1-acre	N/A
Min. Lot Area – Square footage		1,200	2,730
Min. Lot Width – Interior Lot	(2)	20'	35'
Min. Lot Depth		60'	70'
Maximum Building Height		40'	30'
Minimum Yard Setbacks			
Front – Public Street	(1)	15'	10'
Front – Private Street		8'	8'
Front/Rear to Face of Garage Door – Public Street	(9)	20'	20'
Front/Rear to Face of Garage Door – Private Street		4'	N/A
Rear	(3)(5)	3'	5'
Sides	(4)	0'	0'/5'
Side – Aggregate	(8)	10'	10'
Minimum Distance Between Buildings	(6)(7)	10'	10'
Landscape Tracts			
Collector Street		10'	10'
Arterial Street		20'	20'

Open Space

Tillman
Boulevard
Asante Boulevard
Grand Avenue
Not a Part
Collector Street 6.8 Acres
Neighborhood Park/ Club House 23.4 Acres
Asante Boulevard 6.6 Acres
15
11.4 Acres
6
MDR 50' x 90' 23.3 Acres
7
MDR 50' x 90' 14.8 Acres
5
MDR 50' x 90' 22.1 Acres
4
LDR 48' x 110' 18.3 Acres
2
LDR 56' x 110' 16.1 Acres
1
LDR 56' x 110' 21.2 Acres
3
LDR 48' x 110' 19.6 Acres
16
8
LDR 48' x 110' 21.3 Acres
9
LDR 48' x 110' 24.9 Acres
11
LDR 56' x 110' 20.5 Acres
12
13
MDR 50' x 90' 18.7 Acres
14
LDR 70' x 120' 34.3 Acres
10
LDR 56' x 110' 23.6 Acres
18
LDR 56' x 110' 18.7 Acres
24
LDR 56' x 110' 20.2 Acres
23
LDR 48' x 110' 19.6 Acres
22
MDR 50' x 90' 20.0 Acres
21
MDR 50' x 90' 20.0 Acres
19
LDR 48' x 110' 22.2 Acres
20
LDR 48' x 110' 21.1 Acres

CITIZEN OUTREACH

1st Citizen Outreach Meeting

- May 15, 2017

Comments/Concerns

STAFF RECOMMENDATION

PUD Staff Recommendation:

- Recommend Approval to the Mayor and City Council

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Planning and Zoning Commission

July 20, 2017 @ 6:00:00 PM

Back Print

Board Meeting Date:	July 20, 2017	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:	CD Boards and Commissions	District:	1
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion

Agenda Wording:

Consideration and action regarding a Zone Change from Residential Ranch (RR) to Residential Medium Density (RM-6) with a PUD Overlay for Bonita Ranch Parcel A.

Motion:

Motion to recommend approval of the requested Zone Change subject to stipulations “a” through “d”

Background:

Kent Xander, of KAX Group, on behalf of Pensco Trust Company requests approval of a Zone Change from Residential Ranch (RR) to Residential Medium Density (RM-6) with a PUD Overlay. This intent of the Zone Change and Overlay is to bring the property in line with the adjacent Rancho Mercado PAD. The property is approximately 2.49 acres and will integrate with the Rancho Mercado development.

Financial Impact Statement:

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

ATTACHMENTS:

Click to download

- FS17-108-Bonita Ranch Parcel A Zone Change - Staff Report
- 01 - FS17-108 - Bonita Ranch Parcel A Zone Change, RFLS #5717 - Vicinity Map
- 02 - FS17-108 - Bonita Ranch Parcel A Zone Change, RFLS #5717 - Case Map
- 03 - FS17-108 - Bonita Ranch Parcel A Zone Change, RFLS #5717 - Narrative
- 04 - FS17-108 - Bonita Ranch Parcel A Zone Change, RFLS #5717 - Luke AFB Comments
- 05 - FS17-108 - Bonita Ranch Parcel A Zone Change, RFLS #5717 - Public Engagement Form

☐ 06 - FS17-108 - Bonita Ranch Parcel A Zone Change, RFLS #5717 - Presentation

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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

SURPRISE
ARIZONA

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

Case:	**FS17-108**
Project Name:	Bonita Ranch Parcel A
Council District:	1
Meeting Date:	**July 20, 2017**
Planner:	Robert H. Kuhfuss, AICP

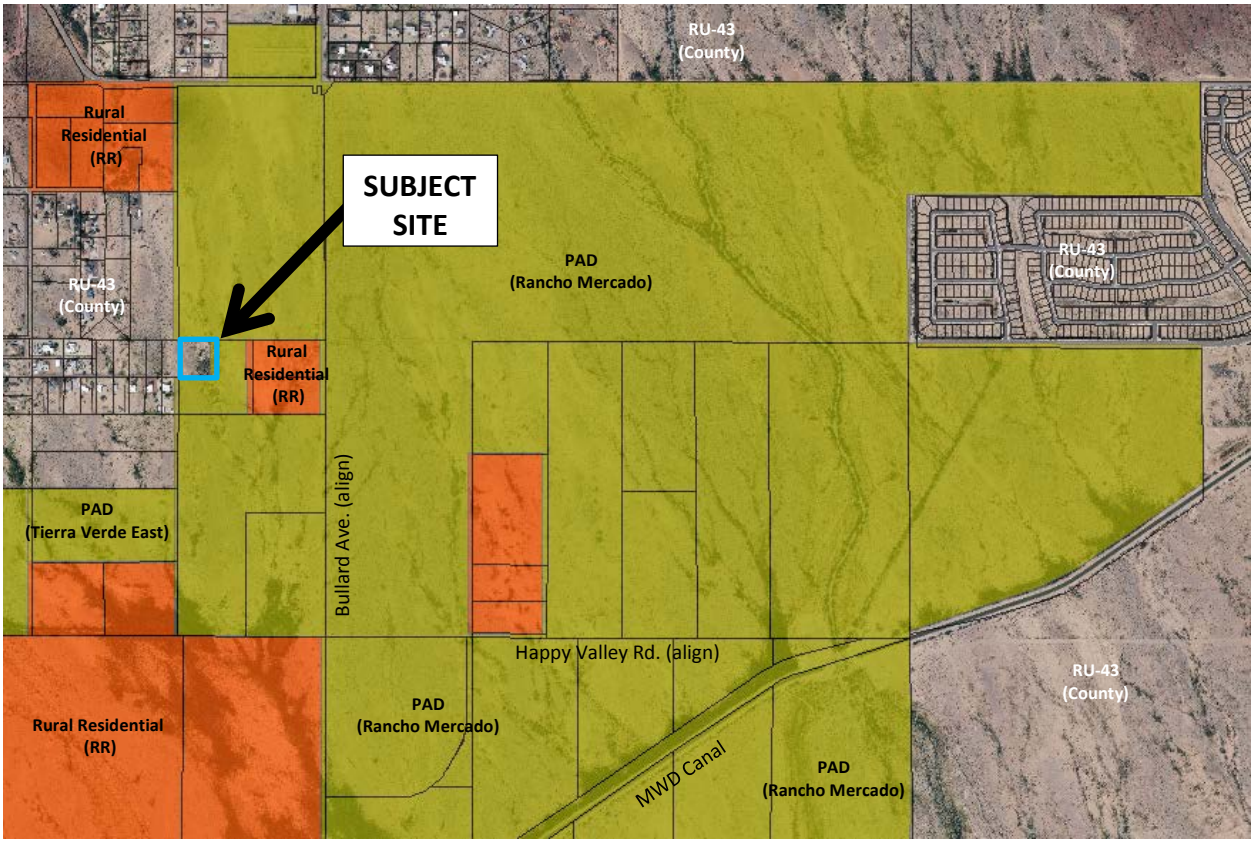
Owner:	Pensco Trust Company
Applicant:	Kent Xander of KAX Group
Request:	Zone Change from Residential Ranch (RR) to Residential Medium Density (RM-6) PUD
Site Location:	Generally south of Jomax Road and west of the 147th Avenue alignment
Site Size:	2.49 gross acres (approx.)
Density:	4.0 DU/Ac
General Plan Conformance:	The proposals advance the goals of the Surprise General Plan 2035.
Support/Opposition:	No items of support or opposition received.
Staff Recommendation:	Staff recommends the Commission vote to recommend **approval** of the proposed Zone Change to the City Council, subject to stipulations "a" through "d".

Project Description:

Kent Xander, of KAX Group, on behalf of Pensco Trust Company requests approval of a Zone Change from Residential Ranch (RR) to Residential Medium Density (RM-6) with a PUD Overlay. This intent of the Zone Change and Overlay is to bring the property in line with the adjacent Rancho Mercado PAD. The property is approximately 2.49 acres and will integrate with the Rancho Mercado development.

Existing Zoning:

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



BACKGROUND:

July 11, 2006: The Maricopa County Board of Supervisors approved a request for a Development Master Plan (DMP) and associated Zone Change for the Rancho Mercado project in what was then unincorporated Maricopa County.

October 11, 2007: The Surprise City Council approved the Rancho Mercado PAD under case PAD06-276, Ordinance #07-46.

November 10, 2007: The City of Surprise annexed the Rancho Mercado property into the City of Surprise via Ordinance # 2007-47.

January 5, 2016: The City Council approved a Preliminary Plat for Rancho Mercado Unit 1 under case FS15-069.

June 16, 2016: The Bonita Ranch project was discussed at a Concept Review meeting under case CR16-236.

February 21, 2017: The applicant filed a request for annexation of the subject property under case FS17-107.

February 21, 2017: The applicant filed a request for a Zone Change from RR to RM-6 PUD for Bonita Ranch Parcel A under case FS17-108, the subject case.

February 21, 2017: The applicant filed a request for a Zone Change from RR to RM-6 PUD for Bonita Ranch Parcels B and C under case FS17-109.

June 14, 2017: The applicant held a Citizen Outreach meeting regarding the subject request.

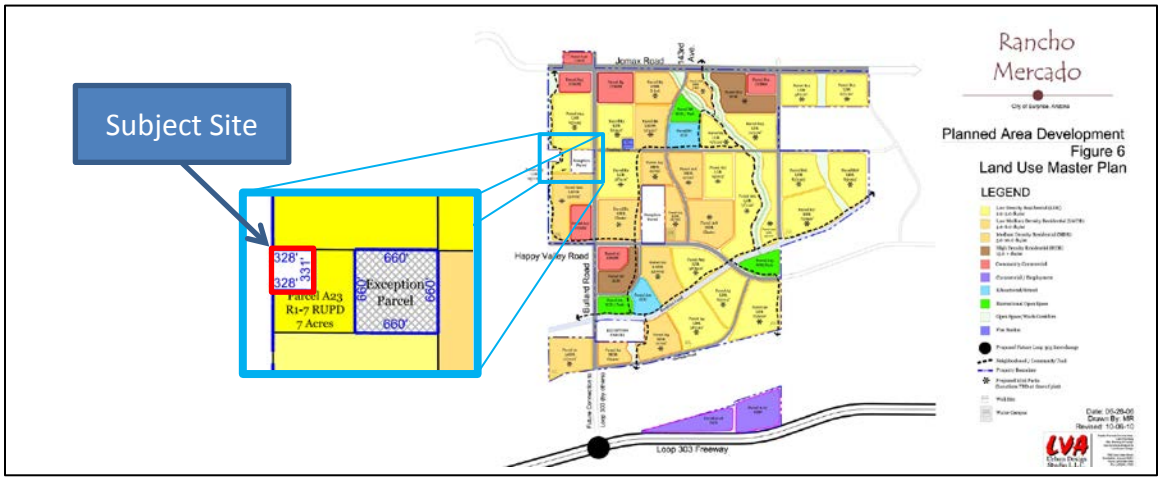
Citizen Outreach:

As noted above, the applicant held an outreach on June 14, 2016. The outreach meeting and associated hearings were advertised in accordance with the SUDC and state law. No support or opposition was received as a result of these efforts; however, concerns were expressed regarding domestic well draw-down, drainage and outdoor lighting. The applicant agreed to grant open space access to the neighboring residents and to limit the housing product to single-story along the west side of Parcel A.

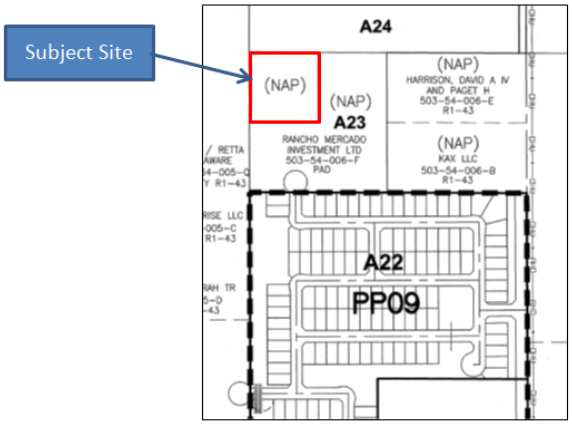
Analysis and Discussion:

The subject property is currently located in unincorporated Maricopa County and was an exception to the Rancho Mercado PAD. It is surrounded on the north, east and south by the Rancho Mercado PAD and by vacant, unincorporated, rural property to the west. For all intents and purposes, the subject property is an infill project.

The following Land Use map taken from the Rancho Mercado PAD is annotated to show the location of the subject property relative to the surrounding PAD. Note that the subject property is surrounded by Low Density Residential on the north, east and south, which will allow up to 5.0 DU/Ac. The ten acre "Exception Parcel" located to the east of Rancho Mercado Parcel A23 is an assemblage of properties that make up the proposed Bonita Ranch Parcels B and C, which are discussed under separate cover. The intent of the subject Zone Change is to allow development of the subject property to occur in a manner that is consistent with the surrounding PAD, while integrating Rancho Mercado Parcel A23 and Bonita Ranch Parcels B and C (the "Exception Parcel").

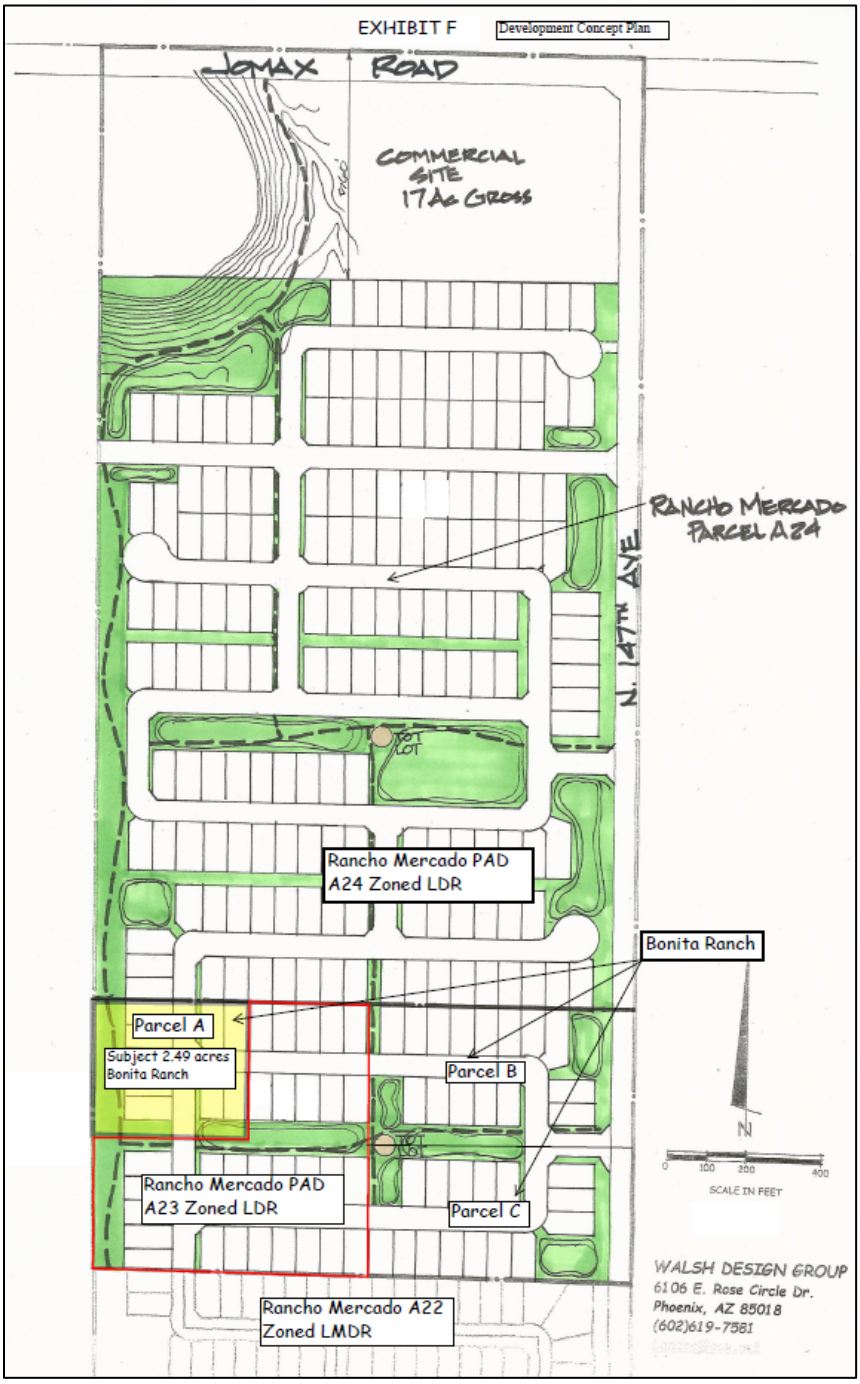


As noted previously, the City Council approved a Preliminary Plat for Rancho Mercado Unit 1. The following image, taken from that Preliminary Plat, shows the subject site in relation to the Rancho Mercado Unit 1 Preliminary Plat. Note that neither Rancho Mercado Parcel A23 nor Rancho Mercado Parcel A24 were included in the Unit 1 Preliminary Plat; therefore, the surrounding lotting has not been established.



[Continued on following page.]

While the lotting of Rancho Mercado Parcels A23 and A24 was not contemplated with the Unit 1 Preliminary Plat, provisions were made to accommodate future access to Rancho Mercado Parcel A23 from A22. The applicant is in discussion with the owner of Rancho Mercado Parcels A23 and A24, who collectively have proposed the following lotting arrangement as expressed in Exhibit F of the subject narrative report. While this arrangement may change between the time of the current zone change and the ultimate development of these parcels, staff is comfortable with the lotting as proposed.



It is envisioned that Bonita Ranch Parcels A, B and C will develop concurrently with Rancho Mercado Parcel A23. This will also develop concurrently with or subsequent to Rancho Mercado Parcel A22. Since Rancho Mercado Parcel A24 will lie north of a water pressure zone, that parcel will develop at a later date. Bonita Ranch Parcel A will extend a stub-out in that direction to accommodate the expansion of the roadway network into Parcel A24.

The base zoning will be RM-6, which would allow up to 6 dwelling units per acre (DU/Ac); however, through the PUD Overlay, the developer proposes not more than 10 dwelling units over approximately 2.5 acres for a gross density of 4.0 DU/Ac. While RL-5 might be closer to the proposed density, the development standards associated with the RM-6 zoning district are more in line with those of the PAD that surrounds the subject site, with certain deviations as articulated in the following table taken from Pages 6 and 7 of the attached Zoning Narrative.

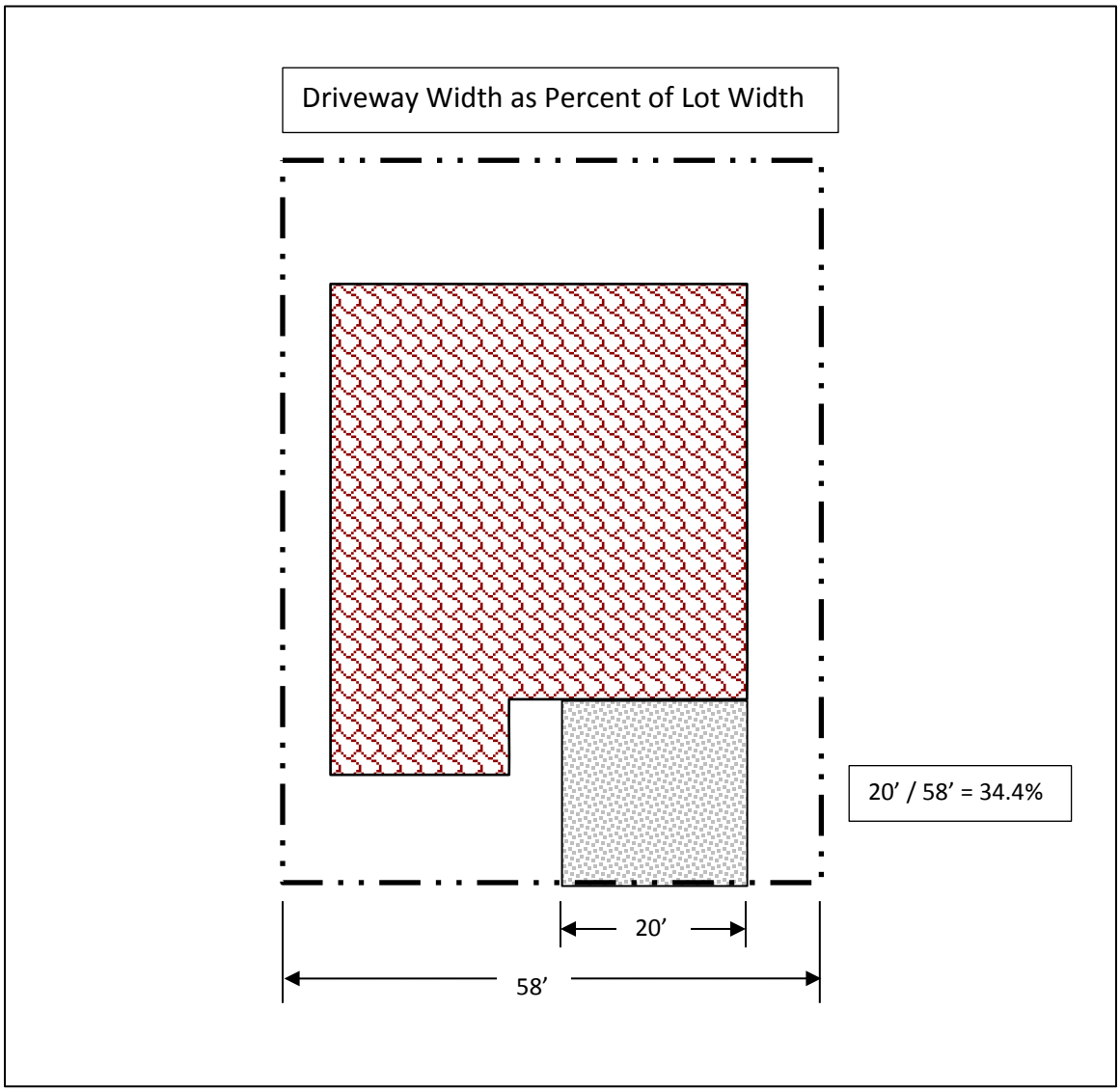
Table A
Proposed RM-6 PUD Development Standards

	Rancho Mercado PAD LDR Development Standards (2)(5)(7)	Proposed Bonita Ranch Parcel A RM-6 PUD Development Standards (2)(5)(7)	RM-6 City Base Development Standards
Lot Width (Min)	58′	58′	50′
Lot Area (Min)	6,300 SF	6,300 SF	Not Specified
Lot Area Per Dwelling Unit (Min)	Not Specified (8)	6,000 SF (8)	6,000 SF (8)
Lot Depth (Min)	110′ (3)	110′ (3)	100′
Front Setback (livable)	12′ (12)	12′ (12)	12′
Front Setback (garage)	18′ (7) (12)	20′ (1) (7) (12)	20′
Interior Side Setback	5′/8′	5′/8′	TBD at Pre-Plat
Aggregate Setback	Not Specified	13′	TBD at Pre-Plat
Corner Side Setback	8′	10′ (11)	Not Specified
Rear Setback	15′	15′	20′
Rear Setback (arterial street)	20′	20′ (11)	Not Specified
Maximum Width of Driveway as % of Lot Width	Not Specified	35% (6)	30%
Maximum Area of Driveway as % of Front Yard Area	Not Specified	35% (10)	30%
Building Height (Max)	30′	30′ (9)	35′
Building Coverage	TBD by building Envelope (4)	TBD by building Envelope (4)	Not Specified

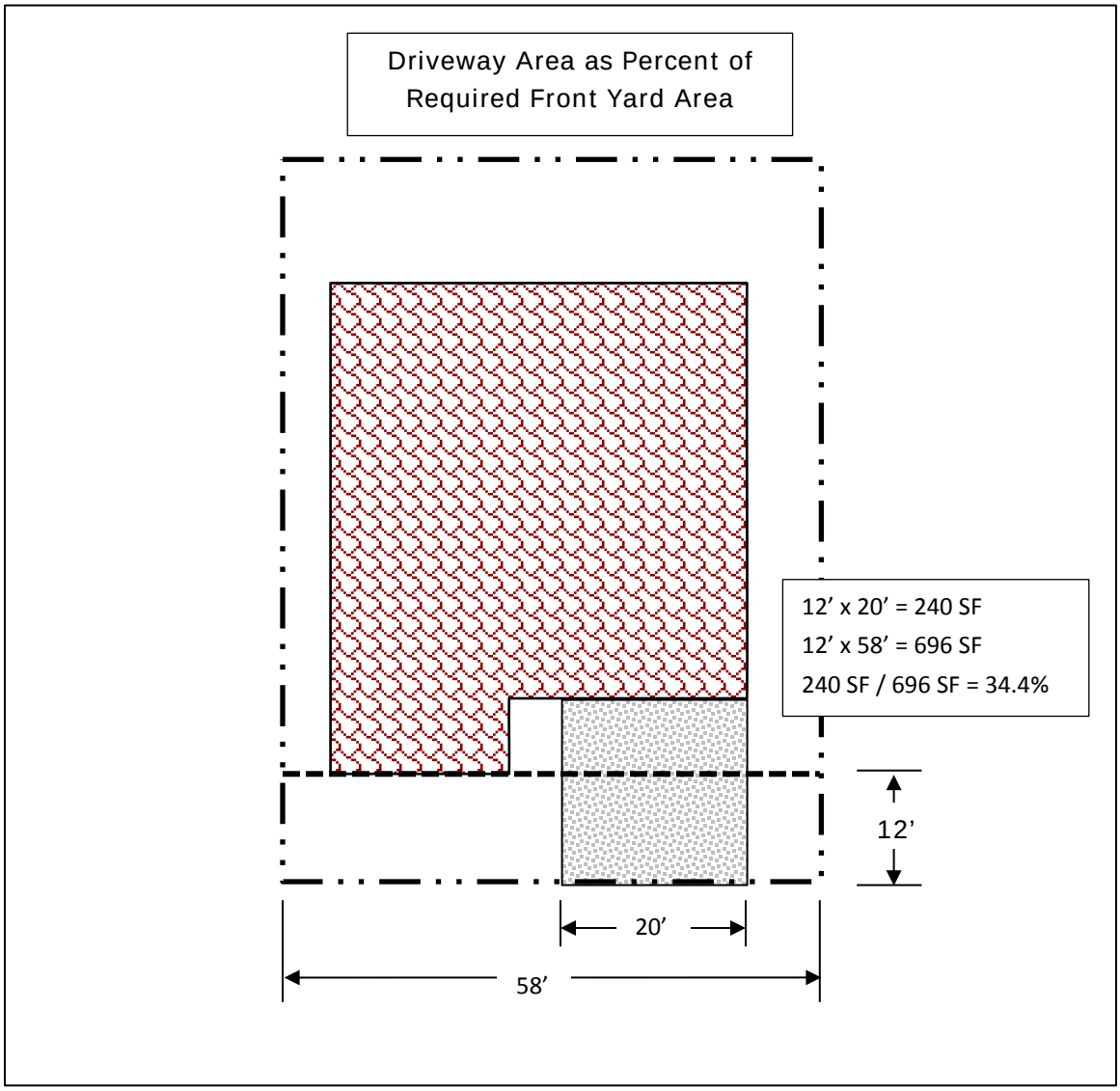
Footnotes:
(1) Garage front setbacks maybe less than livable as sided-loaded garage only. The reduced front setback also applies to livable area, extended front porches and walled courtyards. Otherwise, the garage front setback will be a minimum of 20' back-of-walk.
(2) Fireplace, pop-outs, bay windows, eaves, overhangs, porches/patios, 2nd story cantilevers, and/or other appendages may encroach 2.5' into the front, side, and rear yard setbacks, so long as they are not less than 3' from the property line.
(3) No minimum site depth required.
(4) Building lot coverage is established by the building envelopes created by the required setbacks and allowable projections as defined in Table A and Footnotes.
(5) Building setbacks apply equally to one and two story product.
(6) Increased from 30% to 35% (this will allow for 20' wide driveways).
(7) The Front Garage setback means back-of-walk to face of garage door only if the garage is located in the front yard.
(8) Site average area is defined as follows: Gross site area minus right-of-way divided by total number of lots.
(9) A Lot that backs up to a side yard of an adjacent lot, within the subdivision, shall be limited to single story.
(10) Increased from 30% to 35% (this will allow for 20' wide driveways garage doors on 58' wide lots).
(11) If a landscape tract of at least 10' in width is provided on an arterial street adjacent to a rear yard, or a landscape tract of at least 8' in width is provided adjacent to a side yard, then the standard rear and side setbacks apply. For side yards, the wider of the two side yards (where applicable) shall be located on the street side.
(12) Front setbacks measured from back-of-walk.

[Continued on following page.]

There is a provision in the current SUDC which limits the width of a residential driveway to 30% of the lot's width. The proposed minimum lot width is 58', which will only allow for a 17.4' wide driveway if held to the 30% rule. Since a typical garage is 20' wide, increasing the allowable driveway width from 30% to some higher number make sense. A standard garage door is 16' wide. Adding an additional 2' on each side brings the width of the driveway to 20', which would be 34.4% of the width of a 58' wide lot. Rounding up, this becomes 35%. Note that no such provision exists with the Rancho Mercado PAD.



There is also a provision in the current SUDC which limits the area of a residential driveway to 30% of the required front yard area, which is that area located between the front setback line and the front lot line. Again, the proposed minimum lot width is 58', while the proposed minimum front setback is 12', which calculates to 696 square feet. 30% of that area is 208 square feet, which is too small to accommodate the aforementioned 20' wide driveway. A 20' wide driveway occupying 12' of the front yard = 240 square feet of driveway area located in the required front yard, which is 34.4% of the required front yard area. Rounding up this becomes 35%. Again, no such provision exists with the Rancho Mercado PAD.



The SUDC currently requires landscape circles in the middle of any cul-de-sacs; however, this feature hinders the ability of fire apparatus to maneuver within the cul-de-sac. Further, this provision is not included in the Rancho Mercado PAD. Since the intent of the subject Zone Change is to align with the surrounding PAD, the applicant requests this provision be removed through the PAD Overlay. Staff agrees with this request.

The SUDC requires that not less than 20% of the "Net Residential Acreage" be set aside as open space. The narrative states the project will provide 15% open space; however, this is based on the gross area of the site. The Net Residential Acreage is essentially the total amount of land taken up by the individual lots combined with the total open space. Since the gross area of the site is 2.49 acres, there will be a minimum of 16,270 square feet of open space, based on the stated 15%. Combine this figure with the aggregate lot area figure of 63,000 square feet (10 lots at 6,300 square feet per lot) to get the Net Residential Acreage figure of 79,270 square feet. Dividing 16,270 square feet into the Net Residential Area yields 20.5% open space, which is consistent with 20% requirement set forth in the SUDC.

Lot Area = 10 lots x 6,300 SF per lot	63,000 SF	1.45 Acres
Open Space	16,270 SF	0.37 Acres
Net Residential Acreage = Lot Area + Open Space	79,270 SF	1.82 Acres
Open Space as % of NRA	20.05%	

The applicant proposes a front setback of 12' to livable and 20' to the face of garage. Typically, setbacks are measured from the lot line since that line is fixed per the Final Plat; however, the Rancho Mercado PAD measures the front setback from the back-of-walk. The applicant requests the same provision be included in the subject rezone since the intent is to align with the Rancho Mercado PAD. Staff has no objection to this provision.

The maximum building height is not called out in the Rancho Mercado PAD; however, the base RM-6 zoning will allow houses up to 35' in height. The applicant proposes that building heights be limited to 30', with a provision that further limits buildings for single story if the lot backs up to a side yard of another lot. Staff has no objection to this provision. As noted in the Outreach section above, however, the applicant also agreed to limit houses located along the west side of Parcel A to be limited to single-story. Staff recommends a stipulation to that effect be added as well.

As with other projects in this region, staff is concerned over the incremental increase in the number of platted lots since this region also suffers from a lack of connectivity to the surrounding area, with the majority of the traffic being funneled to the intersection of 163rd Avenue and Grand Avenue. Increasing the population within that area will only serve to increase the traffic congestion at that intersection until such time as alternative access to the region is established. The City of Surprise is working with another developer to the east, which will extend Happy Valley Road from 163rd Avenue in an easterly direction to connect with existing development occurring within the unincorporated area of Maricopa County; however, the extension of Happy Valley Road will only have minimal impacts to the congestion problem occurring at 163rd Avenue and Grand Avenue. The City is also discussing a future interchange at Litchfield Road and the Loop 303, which will ultimately reduce traffic congestion in the immediate area; however, that interchange might not be constructed until several years into the future. The City is also discussing a grade-separated crossing at Jomax Road and Grand Avenue, but this is well into the future and will have no impacts in the short run.

Having stated this, the City has little in the way of being able to limit development in the area or manage traffic, especially where existing zoning entitlements already grant the rights of the developer to proceed as currently approved. Additional rooftops in the region, however, will have the effect of incentivizing commercial retailers to establish much needed businesses in the area, which will have the effect of altering traffic patterns in the region.

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
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 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 4.0 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The General plan seeks appropriate buffers and transitions between the various Character Areas. To meet this guideline, an open space corridor will extend along the western side of the subject property, connecting to similar open space planned for Rancho Mercado Parcels A22, A23 and A24.

Reviewing Agencies:

The project was routed to the standard reviewing agencies who offered the following comments:

Arizona Department of Transportation (ADOT): In an email dated February 28, 2017, ADOT indicated no objection to the request.

Luke Air Force Base (LAFB): In a letter dated March 3, 2017, (attached), LAFB indicated the proposed development will not negatively affect operation at the base, but recommends appropriate sound attenuation.

Maricopa Water District (MWD): In an email dated March 6, 2017 (attached), MWD indicated the proposed project is outside their current boundaries.

Dysart Unified School District: The project was also routed to the Dysart Unified School District, who has not offered comment with respect to the subject proposal; however, the Rancho Mercado development includes a school site, which is located approximately ¼ mile south of the subject site. While the timing of construction of the school is unknown, children living in the proposed community will have the opportunity to attend school at that location once constructed.

Summary:

As an infill, the property is somewhat constrained; however, the intent of the proposed zone change is to set the stage to integrate the site with the adjacent Rancho Mercado project. The proposed zone change advances the goals and policies as established in the currently approved General Plan. While the development of this property will increase traffic congestion in the region, the likelihood of retailers entering the area is dependent upon increased residential.

Findings:

- The proposed zoning is consistent with the Surprise 2035 General Plan.
- The proposed zoning is consistent with the adjacent Rancho Mercado PAD.
- The proposed zoning is consistent with the Surprise Unified Development Code except as amended through the PUD Overlay.
- The reviewing agencies have indicated no concerns.

[Continued on following page.]

Recommendation:

Based on the findings noted above, staff recommends the Commission vote to recommend **approval** of the proposed Zone Change to the City Council, subject to stipulations "a" through "d" as follows:

a. Development and use of the site shall be in conformance with the project narrative entitled "Bonita Ranch Parcel A", prepared by KAX and Walsh Design Group as revised June 13, 2017 and stamped received June 13, 2017, except as modified below.

b. Within 30 days of City Council approval of the subject zone change request, the applicant shall submit to the Surprise Community Development Department a revised zoning narrative for Bonita Ranch Parcel A which limits houses located on any lot within 190 feet of the western boundary of Bonita Ranch Parcel A to single-story.

c. Any Preliminary Plat or Final Plat that includes Bonita Ranch Parcel A shall identify those lots that are limited to single-story.

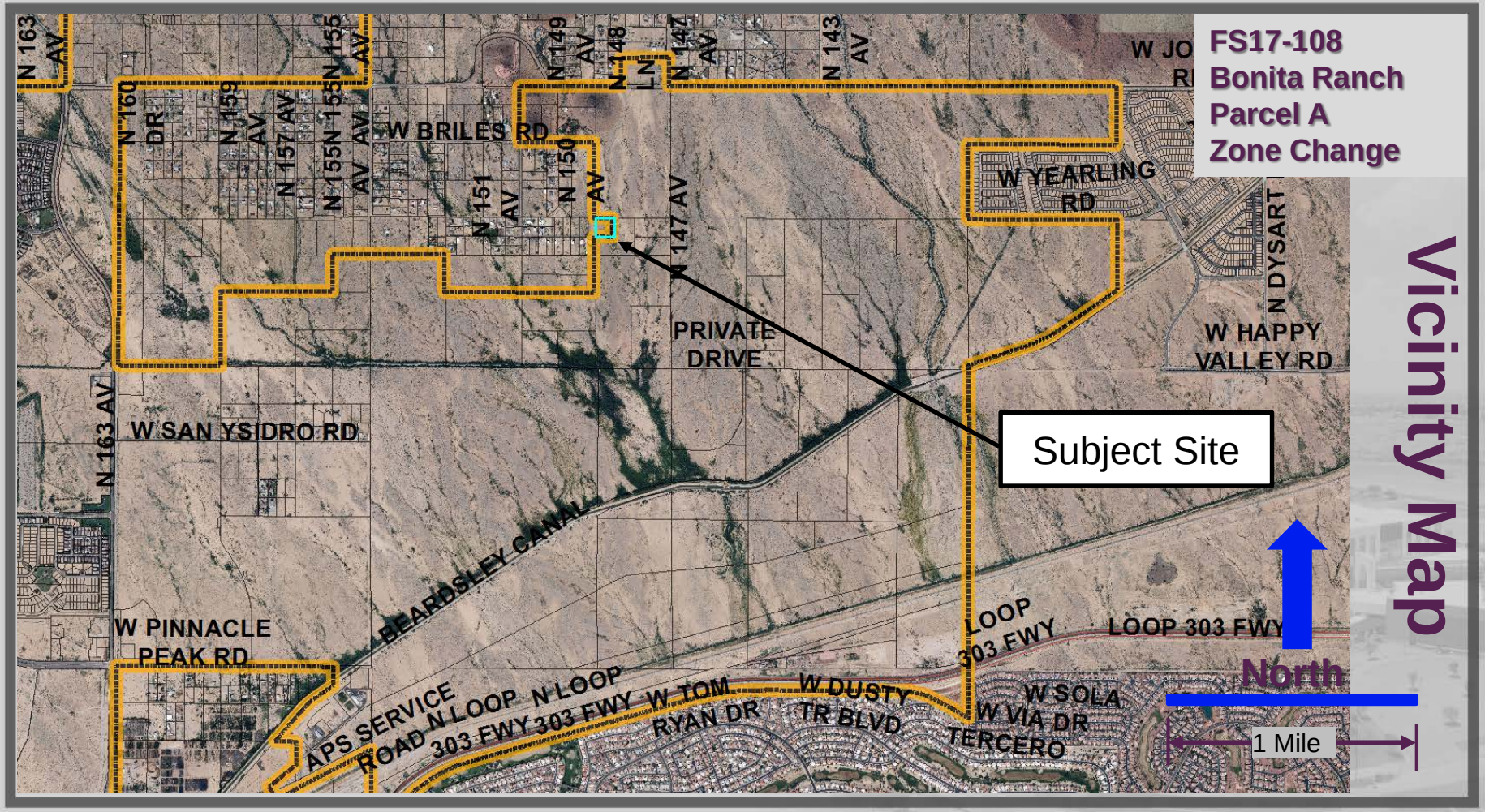
d. Approval of this zone change request presumes the successful annexation of the subject property as being processed under FS17-107. Should said annexation request fail, the zoning of the property granted under the subject approval is null and void.

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

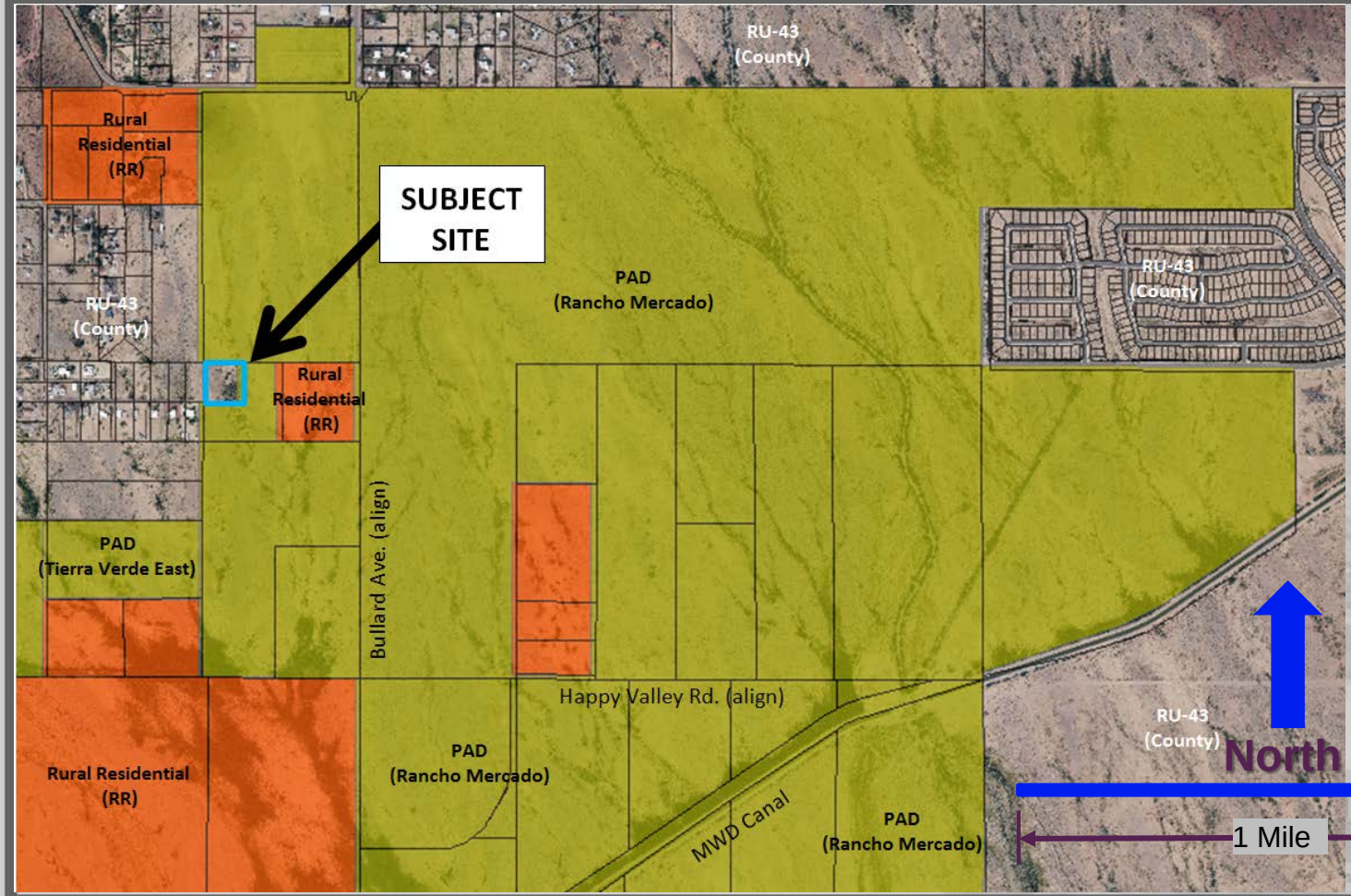
However, should the Commission wish to recommend denial of the request, the Commission should make its own findings and base its decision on those alternative findings.

Attachments:

01 – Vicinity Map
02 – Case Map
03 – Zoning Narrative
04 – Luke Air Force Base comments


FS17-108
Bonita Ranch
Parcel A
Zone Change
Vicinity Map
Subject Site
North
1 Mile
W BRILES RD
W YEARLING RD
W HAPPY VALLEY RD
W SAN YSIDRO RD
W PINNACLE PEAK RD
PRIVATE DRIVE
BEARDSLEY CANAL
LOOP 303 FWY
N 163 AV
N 160 DR
N 159 AV
N 157 AV
N 155 AV
N 151 AV
N 150 AV
N 149 AV
N 148 LN
N 147 AV
N 143 AV
N DYSART
APS SERVICE ROAD
N LOOP 303 FWY
W TOM RYAN DR
W DUSTY TR BLVD
W SOLA TERCERO
W VIA DR

FS17-108
Bonita Ranch
Zone Change



Vicinity Map

NORHWEST PORTION OF

BONITA RANCH PARCEL A

Case # FS17-108
Rezone APN # 503-54-006G from RR (Residential Ranch) to RM-6 (Residential Medium Density) with a PUD Overlay

2.49 Gross Acres

West of the Southwest corner of 147th Avenue (Bullard Road) and Yearling Road, Surprise, AZ

Prepared by: KAX and Walsh Design Group

Submitted To: City of Surprise, Arizona

Dated: June 13, 2017

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Proposed Zoning Map Exhibit…….....B

Legal Description and Map Exhibit…….....C

Rancho Mercado Open Space and Trails Master Plan Exhibit……D

Bonita Ranch Pedestrian Trail System Exhibit…….….E

Development Concept Plan Exhibit…..……F

Adjacent Rancho Mercado PAD Map……G

BONITA RANCH TEAM

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INTRODUCTION AND LOCATION

Parcel A of Bonita Ranch (Case # FS17-108) Bonita Ranch is a portion of a proposed subdivision located at the southwest corner of Yearling Road alignment and 147th Avenue (Bullard Road) consisting of 2.49 gross acres of vacant land, located in City of Surprise, and zoned RR (Residential Ranch). The Assessor Parcel Number is 503-54-006G. **A Vicinity Map on Page 4 illustrates Parcel A Bonita Ranch location.**

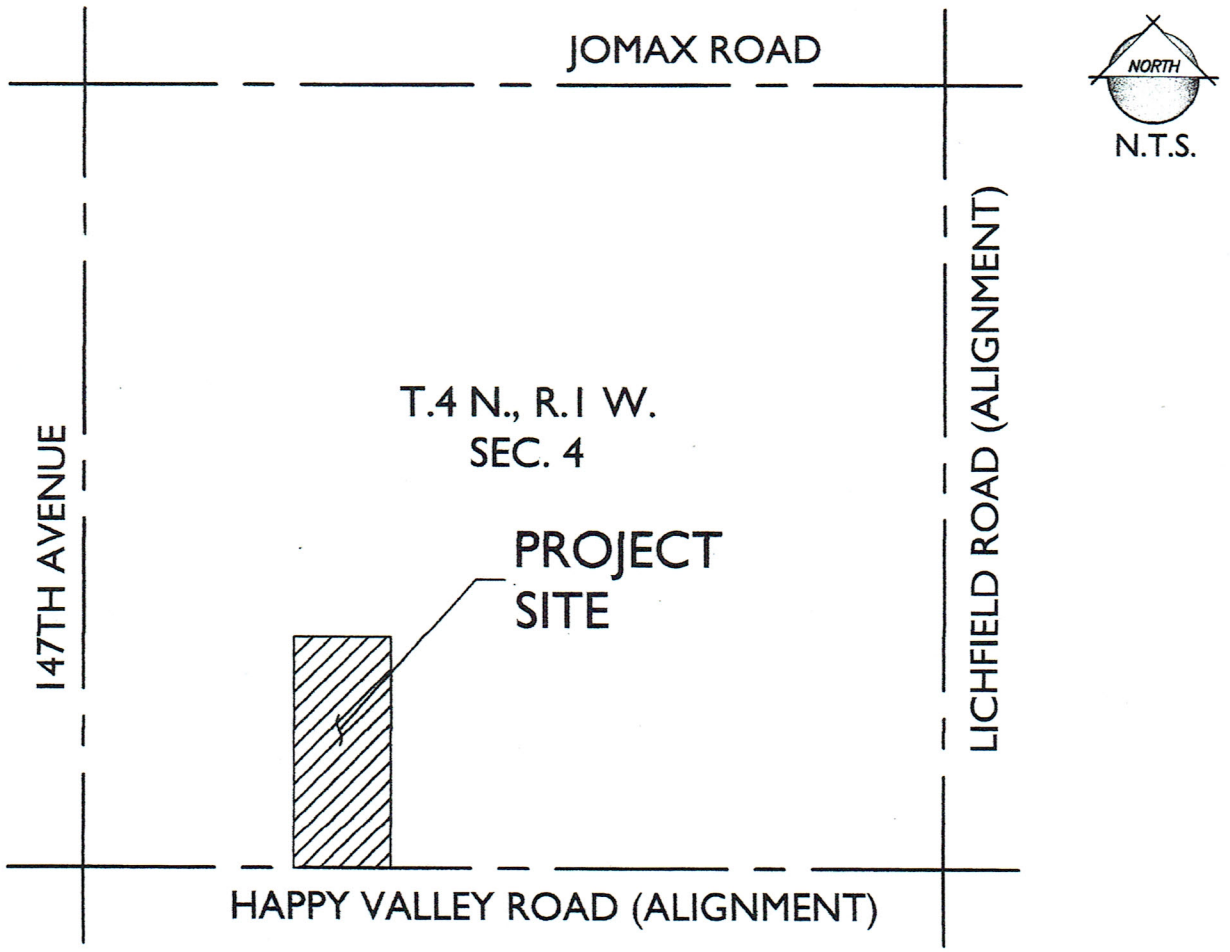
Bonita Ranch is surrounded on three sides by Rancho Mercado PAD06-276 and Minor Zoning Amendment FS10-210. See Exhibit G for "Rancho Mercado PAD". The specific adjacent zoning is as follows:

- North, Rancho Mercado PAD Parcel A-24, "PAD (LDR - 63' x 115' Lots)"
- East and South, Rancho Mercado PAD Parcel A-23, "PAD (LDR - 63' x 115' Lots)"
- West, RU-43, "(RU-43 – 1 acre Lots)"

The stated lot sizes are as noted in Rancho Mercado PAD; however, the Rancho Mercado PAD will allow a variety of lot sizes including 58' x 110' as proposed for Bonita Ranch

See Exhibit A for "Existing Zoning" Map and Exhibit G "adjacent Rancho Mercado PAD Map".

VICINITY MAP



DESCRIPTION OF REQUEST

Zoning

Bonita Ranch is a proposed subdivision located at the southwest corner of Yearling Road alignment and 147th Avenue (Bullard Road) consisting of 2.49 gross acres of vacant land, located in City of Surprise, and zoned RR (Residential Ranch). The Assessor Parcel Number is 503-54-006G. **The legal description and Map is described in Exhibit C.**

Request

The purpose of this request is to rezone the subject property from RR (Residential Ranch) to RM-6 (Residential Medium Density) with a PUD (Planned Unit Development) Overlay, thereby incorporating certain development standards, as well as other variations from the requirements of the Surprise Unified Development Code (SUDC) necessary to bring the site into alignment with the Rancho Mercado PAD, and limiting the maximum overall density of the subject site to not more than 4.0 dwelling units per acre. **See Exhibit B for proposed Zoning Map.**

DEVELOPMENT STANDARDS

It is the intent of Bonita Ranch to follow the "Single-Family" LDR Development Standards that are the same as those approved for Rancho Mercado under PAD06-276 and Minor Zoning Amendment FS10-210 adjacent to the Project, except that; 1.) the front garage setback as described in Rancho Mercado PAD LDR Development Standards Table A will be 20' as measured from back of sidewalk to face of garage door as opposed to Rancho Mercado PAD 18' from back of sidewalk to face of garage door, 2.) The Site Average Area per Dwelling Unit as described in Rancho Mercado PAD LDR Development Standards Table A will be 6,300 square feet as opposed to Rancho Mercado PAD 6,000 square feet; and 3.) The proposed Bonita Ranch RM-6 PUD Maximum Building Height is 30 feet as opposed to Rancho Mercado PAD having a Maximum Building Height of 35'.

See Table A page 6-7 for the proposed Bonita Ranch RM-6 PUD Development Standards and Footnotes.

SUDC AMENDED REQUIREMENTS

It is the intent of Bonita Ranch to follow SUDC Requirements, except as follows: 1.) Bonita Ranch proposes to delete the landscape circles at the ends of all cul-de-sacs as opposed to Rancho Mercado PAD that has landscape circles. 2.) The SUDC requirement that any Medium Density Residential project with more than 60 residential units include a community pool unless one is included as part of the overall development shall be deleted to be in alignment with Rancho Mercado PAD.

See page 7 for the proposed Surprise Uniform Development Code (SUDC) Amended Sections.

Table A
Proposed RM-6 PUD Development Standards

	Rancho Mercado PAD LDR Development Standards (2)(5)(7)	Proposed Bonita Ranch Parcel A RM-6 PUD Development Standards (2)(5)(7)	RM-6 City Base Development Standards
Lot Width (Min)	58’	58’	50’
Lot Area (Min)	6,300 SF	6,300 SF	Not Specified
Lot Area Per Dwelling Unit (Min)	Not Specified (8)	6,000 SF (8)	6,000 SF (8)
Lot Depth (Min)	110’ (3)	110’ (3)	100’
Front Setback (livable)	12’ (12)	12’ (12)	12’
Front Setback (garage)	18’ (7) (12)	20’ (1) (7) (12)	20’
Interior Side Setback	5’/8’	5’/8’	TBD at Pre-Plat
Aggregate Setback	Not Specified	13’	TBD at Pre-Plat
Corner Side Setback	8’	10' (11)	Not Specified
Rear Setback	15’	15’	20’
Rear Setback (arterial street)	20’	20’ (11)	Not Specified
Maximum Width of Driveway as % of Lot Width	Not Specified	35% (6)	30%
Maximum Area of Driveway as % of Front Yard Area	Not Specified	35% (10)	30%
Building Height (Max)	30’	30’ (9)	35’
Building Coverage	TBD by building Envelope (4)	TBD by building Envelope (4)	Not Specified

Footnotes:
(1) Garage front setbacks maybe less than livable as sided-loaded garage only. The reduced front setback also applies to livable area, extended front porches and walled courtyards. Otherwise, the garage front setback will be a minimum of 20' back-of-walk.
(2) Fireplace, pop-outs, bay windows, eaves, overhangs, porches/patios, 2nd story cantilevers, and/or other appendages may encroach 2.5' into the front, side, and rear yard setbacks, so long as they are not less than 3' from the property line.
(3) No minimum site depth required.
(4) Building lot coverage is established by the building envelopes created by the required setbacks and allowable projections as defined in Table A and Footnotes.
(5) Building setbacks apply equally to one and two story product.
(6) Increased from 30% to 35% (this will allow for 20' wide driveways).
(7) The Front Garage setback means back-of-walk to face of garage door only if the garage is located in the front yard.
(8) Site average area is defined as follows: Gross site area minus right-of-way divided by total number of lots.
(9) A Lot that backs up to a side yard of an adjacent lot, within the subdivision, shall be limited to single story.
(10) Increased from 30% to 35% (this will allow for 20' wide driveways garage doors on 58' wide lots).
(11) If a landscape tract of at least 10' in width is provided on an arterial street adjacent to a rear yard, or a landscape tract of at least 8' in width is provided adjacent to a side yard, then the standard rear and side setbacks apply. For side yards, the wider of the two side yards (where applicable) shall be located on the street side.
(12) Front setbacks measured from back-of-walk.

Proposed Surprise Uniform Development Code (SUDC) Amended Sections

There are aspects of the SUDC that need to be amended and incorporated into the PUD Overlay Development Standards of Bonita Ranch so they align with Rancho Mercado PAD. The following proposed deviations to the SUDC will be part of the Bonita Ranch PUD Overlay Development Standards.

Landscaping.

1. SUDC Section 122-130(c) requires landscape circles at the ends of all cul-de-sacs. Bonita Ranch proposes to delete this Section 122-130(c).

   "**Delete requirement SUDC Section 122-130(c) because the Fire Department has indicated concerns over their use.**"

Community Pool.

2. SUDC Section 122-137(r) requires that any Medium Density Residential project with more than 60 residential units include a community pool unless one is included as part of the overall development. Bonita Ranch proposes to amend this Section as follows:

   "Bonita Ranch shall not develop a community pool."

   When a house is built at Bonita Ranch subdivision, the potential Buyer of the home would be able to construct a private pool in the backyard.

OPERATIONAL ASPECT OF USE

The primary access to Bonita Ranch will be at 147th Avenue (Bullard Avenue). Other access will be on the north side of Bonita Ranch adjacent to Rancho Mercado PAD Parcels A22, A23, and A24.

The primary amenity area will follow SUDC 122-137(o) including a Ramada, seating areas, tot lot, with a turf area providing play opportunities for all ages and shaded seating areas.

Parcel A Bonita Ranch proposes 15% open space spread over the site to connect all pedestrian trails with Rancho Mercado. It is the intention to join Rancho Mercado HOA so Bonita Ranch will have access to all local parks. Ranch Del Rey shall develop a mini park as noted in **Exhibit D**, make pedestrians connection to adjacent land, and use the same landscaping quantity, quality, and materials as used for Rancho Mercado PAD mini parks.

It is the intention of Bonita Ranch to join Rancho Mercado HOA.

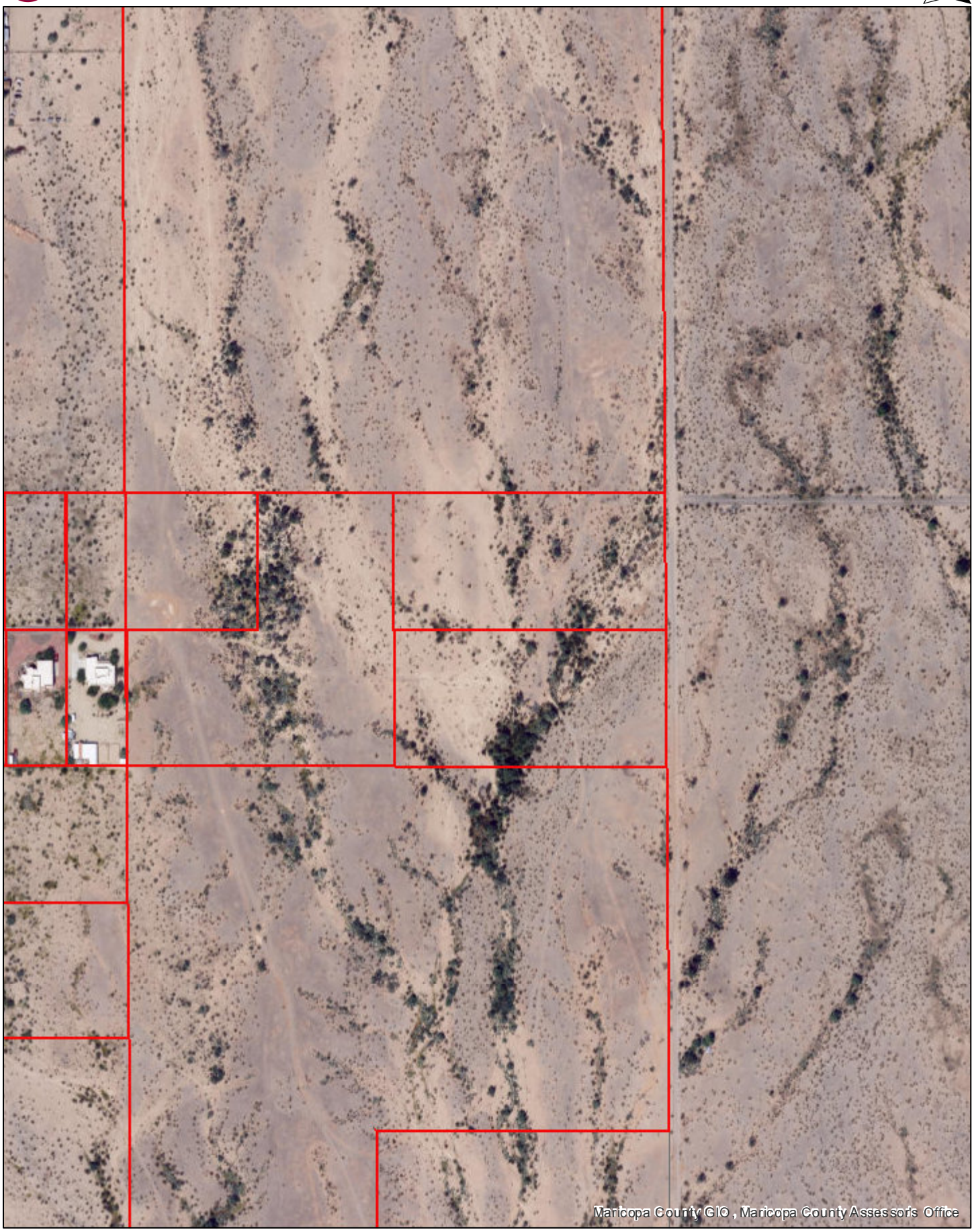
In addition to the primary amenity, interconnecting pedestrian trails within Bonita Ranch, noted on **Exhibit E**, the pedestrian trails will connect with Rancho Mercado Master Trail system as shown on **Exhibit D**.

INFRASTRUCTURE, ROADS, PROPOSED DEVELOPMENT PLAN

- Upon development of Bonita Ranch, all necessary utilities for Bonita Ranch will be extended from adjacent Rancho Mercado PAD Development into Bonita Ranch. Bonita Ranch is to be included into Rancho Mercado PAD 1st phase Water Campus located next to Rancho Mercado Parcel A14 on Happy Valley Road to the southeast. Bonita Ranch will purchase sewer capacity pursuant to SPA 2 Water Reclamation Facility Capacity Allocation Agreement. Bonita Ranch will have onsite 55' wide public streets to be constructed to City standards within Bonita Ranch.

- Offsite 147th Avenue (Bullard Road) – Along 147th Avenue, it is the intention of Bonita Ranch to dedicate a 55' offsite half street right of way upon Final Plat and construct its required adjacent ½ street improvements on 147th Avenue.

Existing Zoning Map

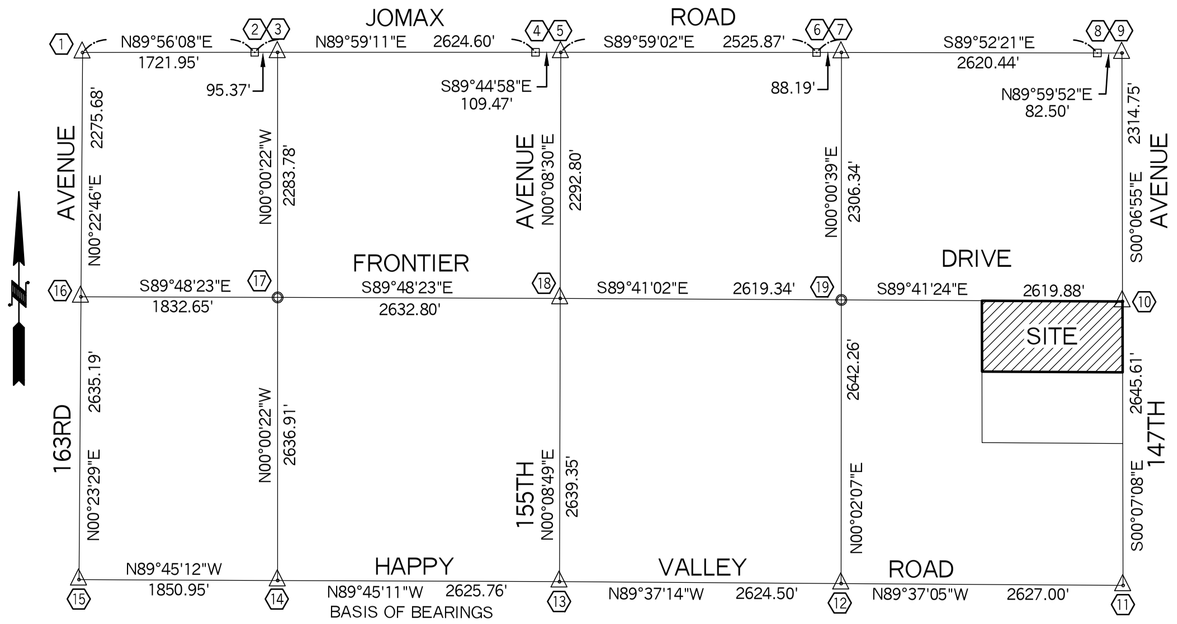


1/5/2017 10:33:29 AM

Zoning Exhibit "A"

1/5/2017 12:10:48 PM

SECTIONS 5 & 6, T4N, R1W



MONUMENT DESCRIPTIONS

1	NE CORNER SEC 6	BRASS CAP IN HANDHOLE
2	ANGLE POINT	2" ALUM CAP "M.C. LS 37934"
3	N1/4 COR SEC 6	BRASS CAP IN HANDHOLE 0.3' S. OF LINE
4	ANGLE POINT	2" ALUM CAP "M.C. LS 37934"
5	NE CORNER SEC 6	
	NW CORNER SEC 5	BRASS CAP IN HANDHOLE
6	ANGLE POINT	2" ALUM CAP "M.C. LS 35832"
7	N1/4 COR SEC 5	2" ALUM CAP "M.C. LS 35832" 0.15' N. OF LINE
8	ANGLE POINT	CALC'D POSITION. NOTHING FND
9	NE COR SEC 5	2" ALUM CAP CAP IN HANDHOLE 0.15' N. OF LINE
10	E1/4 COR SEC 5	2" ALUM CAP "M.C. LS 35832"
11	SE COR SEC 5	3" ALUM CAP "LS 33307"
12	S1/4 COR SEC 5	2" ALUM CAP "M.C. LS 35832"
13	SW COR SEC 5	
	SE COR SEC 6	2" ALUM CAP "LS 36562" (SEE NOTE BELOW)
14	S1/4 COR SEC 6	U.S.D.I. B.L.M. BRASS CAP
15	SW COR SEC 6	2" ALUM CAP "M.C. LS 35832"
16	W1/4 COR SEC 6	2" ALUM CAP
17	CENTER SEC 6	1/2" REBAR W/TAG "LS 13554" W/CAP "LS 32226"
18	E1/4 COR SEC 6	
	W1/4 COR SEC 5	2" ALUM CAP "M.C. LS 37934"
19	CENTER SEC 5	"BRASS CAP IN CONC. "LS 9753"

NOTE: IN PREVIOUS SURVEYS IN THIS AREA SINCE 2000, THIS SURVEYOR FOUND A U.S.D.I. B.L.M. BRASS CAP IN THIS LOCATION. THIS NEW ALUMINUM CAP IS 0.3' SOUTH OF THE PREVIOUS LOCATION. ALL MEASUREMENTS ON THIS SURVEY ARE BASED ON THE PREVIOUS LOCATION OF THE BRASS CAP.

NOTES

1. This survey is based upon a title commitment prepared by First American Title Insurance Company, Title No. NCS-778839-PHX1, dated February 24, 2016.
2. The Surveyor has relied on said title commitment to disclose all matters of record affecting the subject property. The Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other matters that may affect the property.
3. This property lies in Flood Zone X-Shaded according to FIRM No. 04013C1210L as published by FEMA on October 16, 2013.
4. Parcels 1, 2 and 3 zoned P.A.D. by the City of Surprise. Parcel 4 is zoned Rural-43 by Maricopa County.
5. There are no buildings on this property.
6. The Basis of Bearings shown hereon is the South line of the Southeast quarter of Section 6, being North 89° 45' 11" West as taken from GDACS map per Book 1049 of Maps, page 26.
7. © Copyright 2016. These drawings are an instrument of service and are the property of Land Survey Services, PLC. No reproduction or use of design concepts are allowed without written permission of Land Survey Services. Any violation of this copyright shall be subject to legal action.

CERTIFICATION

To First American Title Insurance Company, Pensco Trust Company FBO Kent A. Xander IRA, KAX, L.L.C., David A. Harrison, IV and Paget H. Harrison, his wife, as joint tenants with right of survivorship and Rancho Mercado Investment Limited Partnership, an Arizona limited partnership:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a)(b1)(c1), 8, 9, 11(a), 14, 16 and 20 from Table A thereof. The field work was completed on February 16, 2016.

Thomas L. Rope, R.L.S. No. 21081

LEGAL DESCRIPTIONS

PARCEL A:

The Northwest quarter of the Northwest quarter of the Northeast quarter of the Southeast quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL A23:

The North 660 feet of the East half of the Southeast quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the Northwest quarter of the Northwest quarter of the Northeast quarter of the Southeast quarter; and

EXCEPT the East 660 feet.

PARCEL B:

The East 660 feet of the North 660 feet of the East half of the Southeast quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the Southeast quarter of the North 660 feet of the East half of the Southeast quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL C:

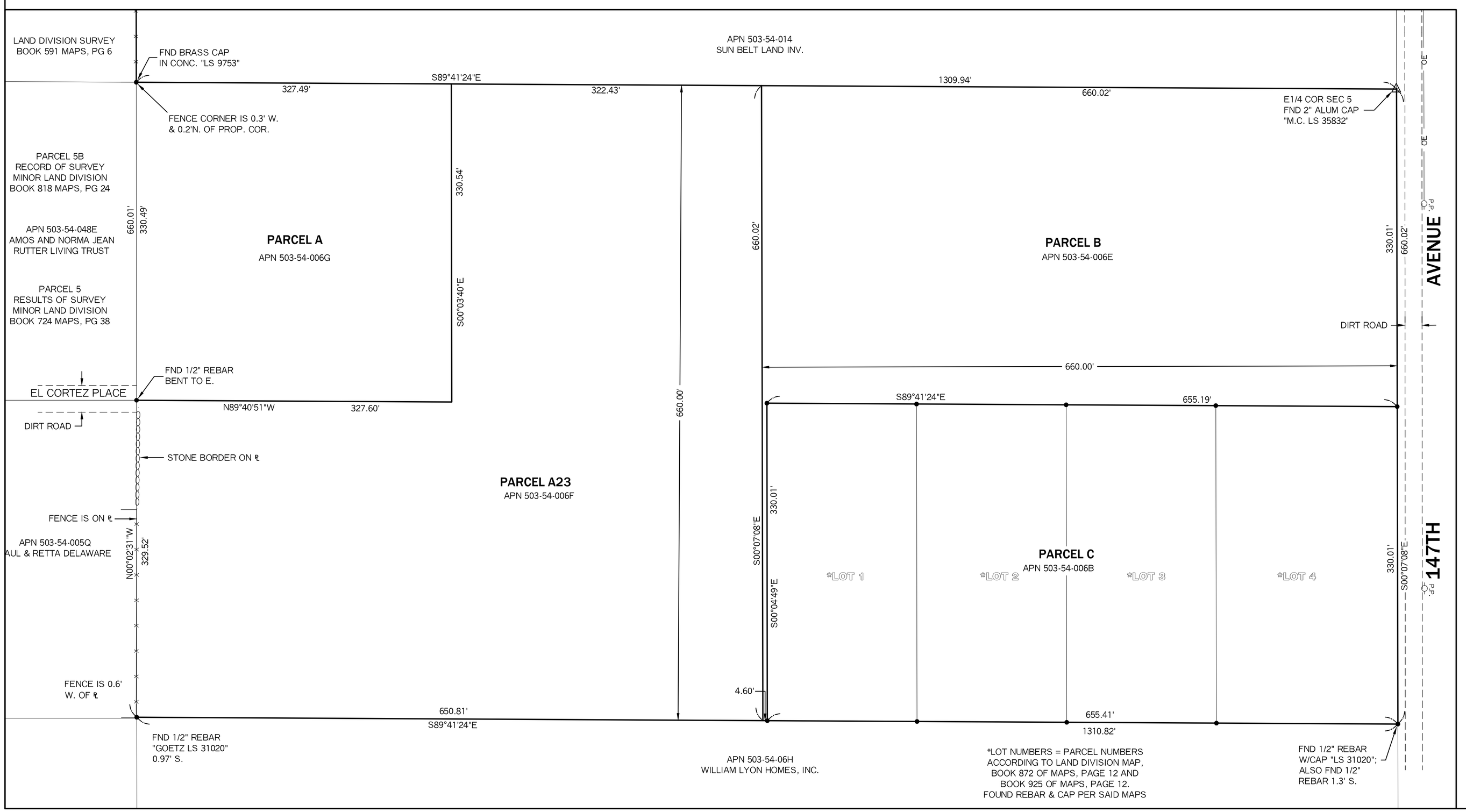
The Southeast quarter of the North 660 feet of the East half of the Southeast quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

AREAS

PARCEL NO. 1:	4.9644 AC.
PARCEL NO. 2:	5.0359 AC.
PARCEL NO. 3:	7.3688 AC.
PARCEL NO. 4:	2.4852 AC.
TOTAL AREA:	19.8543 AC.

SCHEDULE B EXCEPTIONS

1. Taxes for the full year of 2016. (The first half is due October 1, 2016 and is delinquent November 1, 2016. The second half is due March 1, 2017 and is delinquent May 1, 2017 .)
2. Reservations or Exceptions in Patents, or in Acts authorizing the issuance thereof.
3. The terms and provisions contained in the document entitled "Interim Agreement" recorded December 19, 1986 as 86-704416 of Official Records. (Affects Parcel No. 4)
4. The terms and provisions contained in the document entitled "Rancho Mercado Pre-Annexation Development Agreement" recorded July 12, 2007 as 2007-0794202 of Official Records. (Affects Parcel No. 3)
5. All matters as set forth in Boundary Survey, recorded as Book 841 of Maps, Page 49. (Affects Parcels No. 1 and 2)
6. All matters as set forth in Land Division, recorded as Book 872 of Maps, Page 12 and in Book 925 of Maps, Page 12. (Affects Parcel No. 1)
7. Lack of a right of access to and from the land.
8. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. §§499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.
9. The rights of parties in possession by reason of any unrecorded lease or leases or month to month tenancies affecting any portion of the within described property. NOTE: This matter will be more fully set forth or deleted upon compliance with the applicable requirement(s) set forth herein.
10. Any facts, rights, interests or claims that may exist or arise by reason of the following matters disclosed by an ALTA/ACSM survey made by _____ on _____, designated Job Number _____:



LEGEND

△	SECTION CORNER
◻	ANGLE POINT
○	CENTER OF SECTION
●	REBAR/CAP "LS 31020" UNLESS NOTED OTHERWISE
PP ○	POWER POLE
— — — —	EDGE OF DIRT ROAD
—x——x—	WIRE FENCE

60 0 30 60 120
(IN FEET)
1 inch = 60 ft.

Land Survey Services PLC
Thomas L. Rope, R.L.S.
3160 North 302nd Lane
Buckeye, AZ 85396-3196
Phone No. 602.703.7010
LandSurveyServices@cox.net

ALTA/ACSM LAND TITLE SURVEY

A PART OF THE SOUTHEAST QUARTER OF SECTION 5, T4N, R1W, G.&S.R.B.M., MARICOPA COUNTY, ARIZONA

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
21081
THOMAS L.
ROPE
4/11/17
ARIZONA U.S.A.

EXPIRES 3/31/2019

Drawn By:	Thomas Rope
Date:	MAR 2016 Revised 4/11/17
Job No.:	16017
Sheet No.:	1 of 1

Rancho Mercado

City of Surprise, Arizona

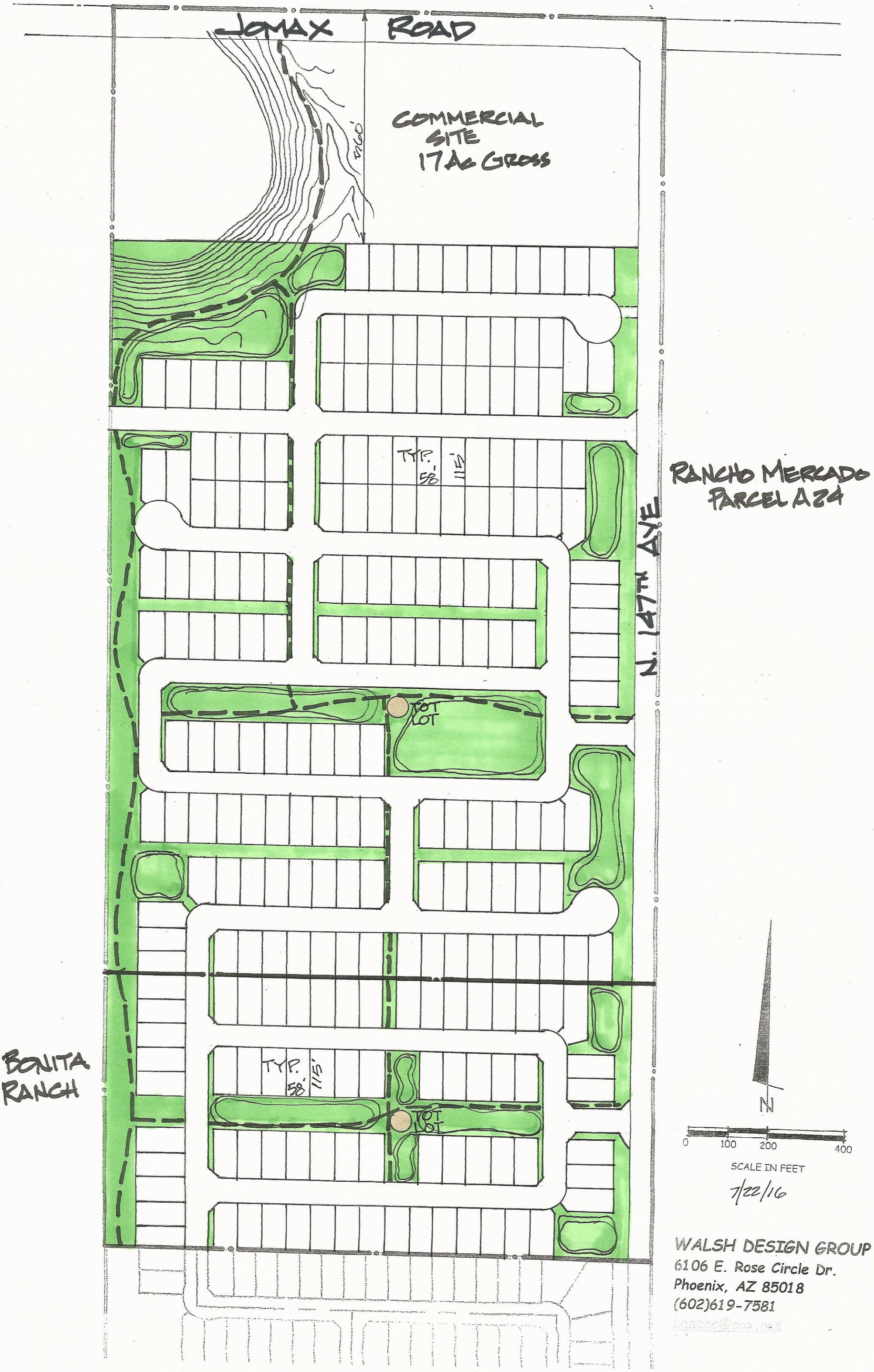
Planned Area Development
Figure 7
Open Space and Trails Master Plan

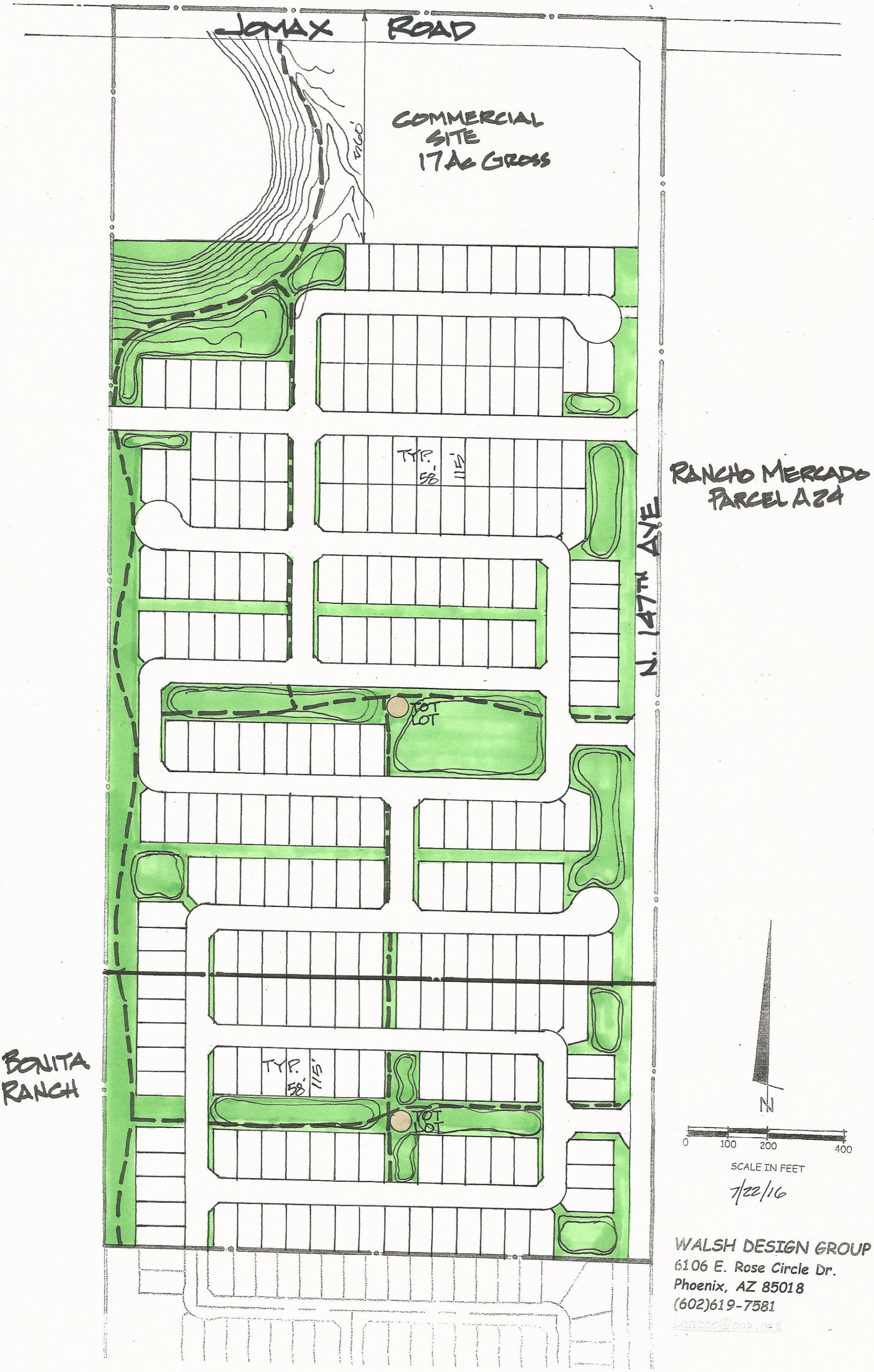
LEGEND

- Recreational Open Space
- Open Space/Wash Corridors
- Fire Station
- Proposed Future Loop 303 Interchange
- Neighborhood / Community Trail
- Property Boundary
- Proposed Mini Parks (Locations TBD at time of plat)
- Well Site
- Water Campus
- Monument Signs

Date: 06-26-06
Drawn By: DM
Revised: 10-06-10

LVA Urban Design Studio L.L.C.


JOMAX ROAD
COMMERCIAL SITE 17 Ac GROSS
160'
TYP. 58' 115'
TOT LOT
N. 147TH AVE
RANCHO MERCADO PARCEL A24
BONITA RANCH
TYP. 58' 115'
TOT LOT
N
0 100 200 400
SCALE IN FEET
7/22/16
WALSH DESIGN GROUP
6106 E. Rose Circle Dr.
Phoenix, AZ 85018
(602)619-7581


JOMAX ROAD
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BONITA RANCH
TYP. 58' 115'
TOT LOT
N
0 100 200 400
SCALE IN FEET
7/22/16
WALSH DESIGN GROUP
6106 E. Rose Circle Dr.
Phoenix, AZ 85018
(602)619-7581

Rancho Mercado

City of Surprise, Arizona

Planned Area Development
Figure 6
Land Use Master Plan

LEGEND

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

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

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Fax (480)994-7332
www.lvadesign.com

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

3 March 2017

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: FS17-107, 108 & 109; Bonita Ranch

Dear Ms. Donaldson

Thank you for the opportunity to comment on the applications for Annexation and Rezone with PUD overlay of Parcels A, B and C at Bonita Ranch. The specific actions evaluated are as follows:

FS17-107: Annexation Parcel A: The property consists of 2.5 acres, ½ mile north of Happy Valley Road, ¼ mile west of Bullard Road (147th Avenue) in an unincorporated area of Maricopa County. The request is to have the City of Surprise Annex APN # 503-54-006G which is currently vacant land.

FS17-108: Rezone Parcel A: The property consists of 2.5 acres, ½ mile north of Happy Valley Road, ¼ mile west of Bullard Road (147th Avenue) in an unincorporated area of Maricopa County. If the Annexation is approved the request is to rezone the parcel from Single Family Residential (R-43) to Residential Medium Density (RM-6).

FS17-109: Rezone Parcel B & C: The property consists of 10 square gross acres of vacant land at the Southwest corner of 147th Avenue (Bullard Road) and Yearling Road in Surprise AZ. The request is to rezone the parcels from Residential Ranch (RR), to RM-6.

Bonita Ranch development will be approximately 5.3 miles outside the Luke AFB Auxiliary Field #1 2004 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

This request as stated in the applications will not negatively impact the flying operations at Luke AFB. Since Bonita Ranch will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential residents about Luke AFB operations.

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

Sincerely

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

PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Bonita Ranch Parcel A Rezone

OVERALL PUBLIC INVOLVEMENT LEVEL:

This activity will follow the citizen outreach and public hearing notification processes as outlined in state statute and the SUDC.

IDENTIFY STAKEHOLDERS:

Impacted residents; schools; churches; businesses; public at-large; property owners?

OBJECTIVES:

What is the purpose of the project/service/program and why is it needed? What are the impacts if the project/service/program is not achieved?

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:
Public outreach time frame (when to when)
Future Council Work Session/Meetings target dates
Election dates (if applicable)
Project start/completion dates

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

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FS17-108 Bonita Ranch Parcel A Zone Change
FS17-109 Bonita Ranch Parcel B & C Zone Change

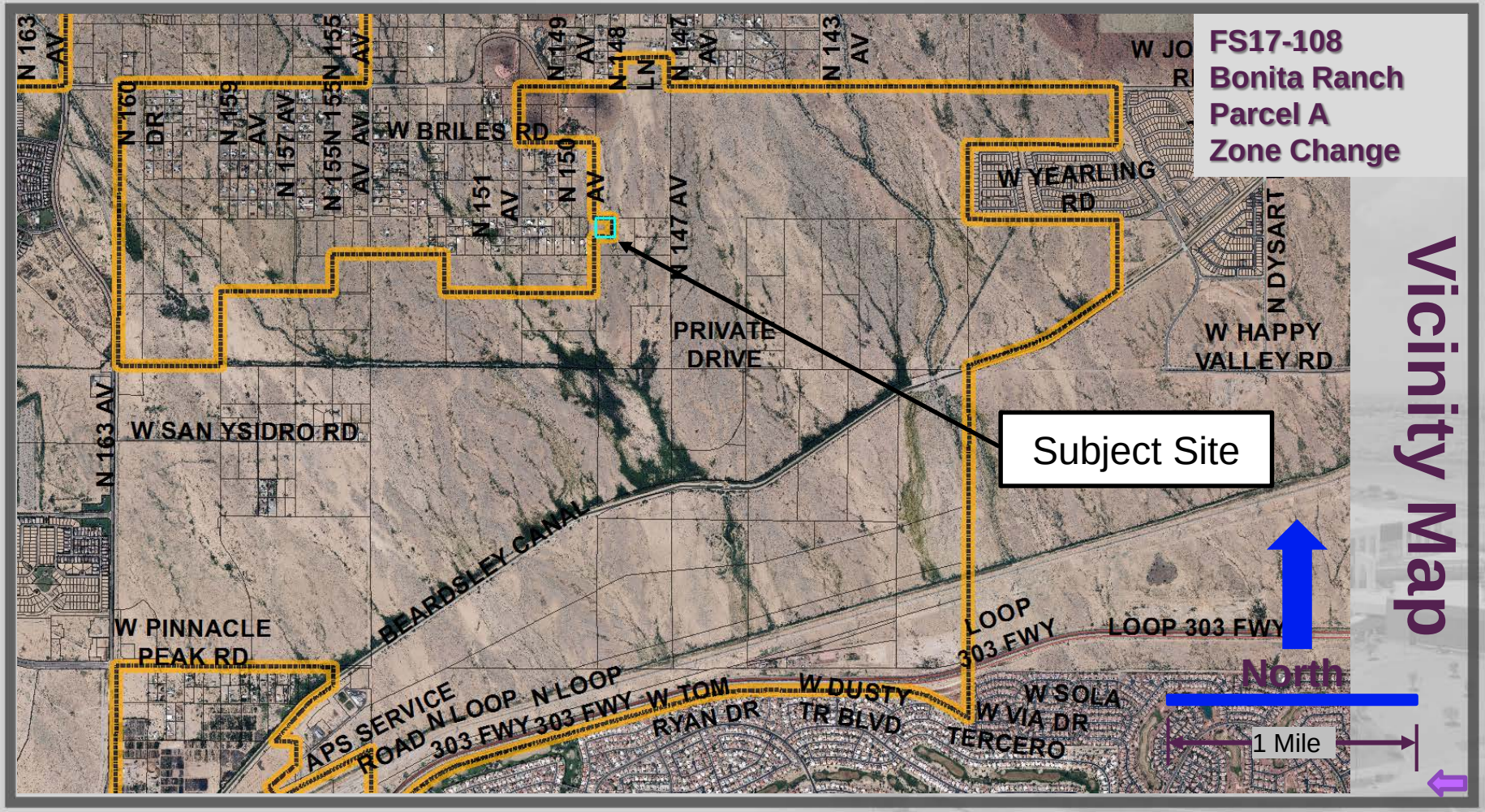
Planning and Zoning Commission

July 20, 2017

Topics of Discussion

Bonita Ranch
Parcel A, B & C
Zone Change

- FS17-108 Vicinity Map
- FS17-109 Vicinity Map
- FS17-108 Case Map
- FS17-109 Case Map
- Exhibit D – Rancho Mercado
- Table A – Development Standards
- Exhibit F – Conceptual Development Plan
- Recommendations
- Questions or Comments


FS17-108
Bonita Ranch
Parcel A
Zone Change
Vicinity Map
Subject Site
North
1 Mile
W BRILES RD
W YEARLING RD
W HAPPY VALLEY RD
N DYSART
PRIVATE DRIVE
W SAN YSIDRO RD
N 163 AV
BEARDSLEY CANAL
W PINNACLE PEAK RD
APS SERVICE ROAD
N LOOP 303 FWY
W TOM RYAN DR
W DUSTY TR BLVD
W SOLA TERCERO
W VIA DR
LOOP 303 FWY
N 147 AV
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N 157 AV
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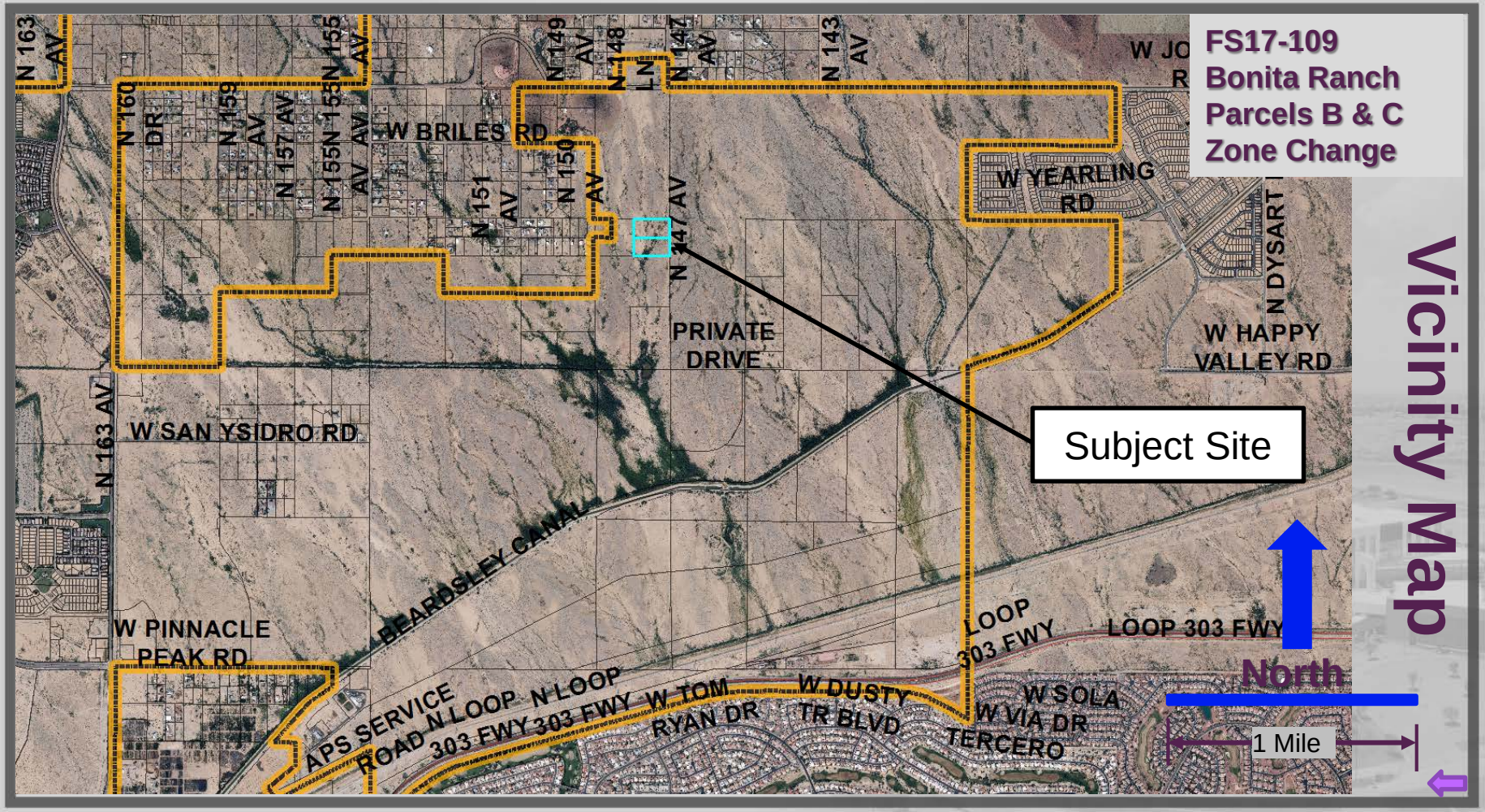
N 160 DR
N 155 AV
N 149 AV
N 148 LN
N 147 AV
N 143 AV
N 163 AV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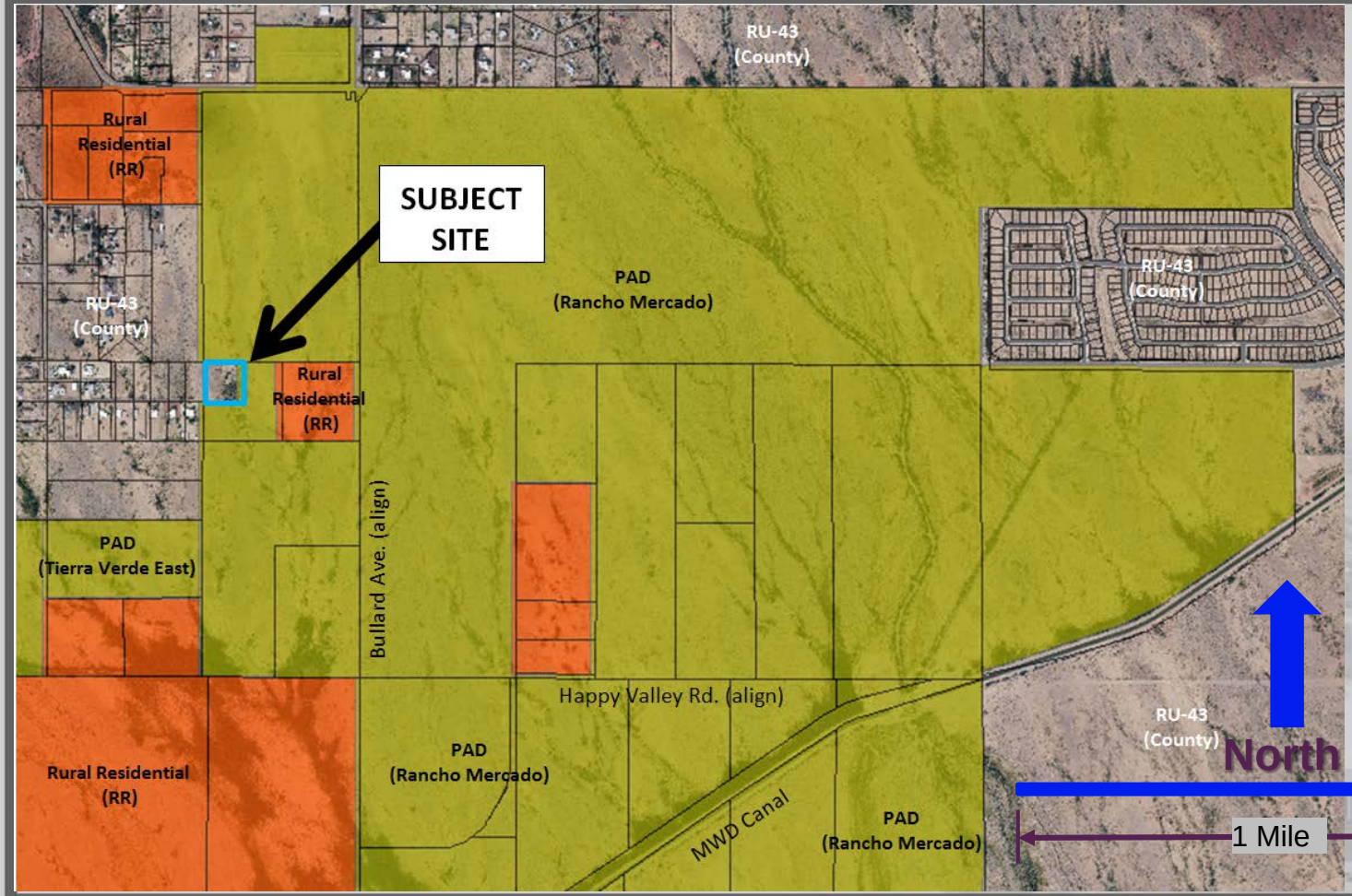
FS17-108
Bonita Ranch
Parcel A
Zone Change

Case Map



FS17-109
Bonita Ranch
Parcels B & C
Zone Change

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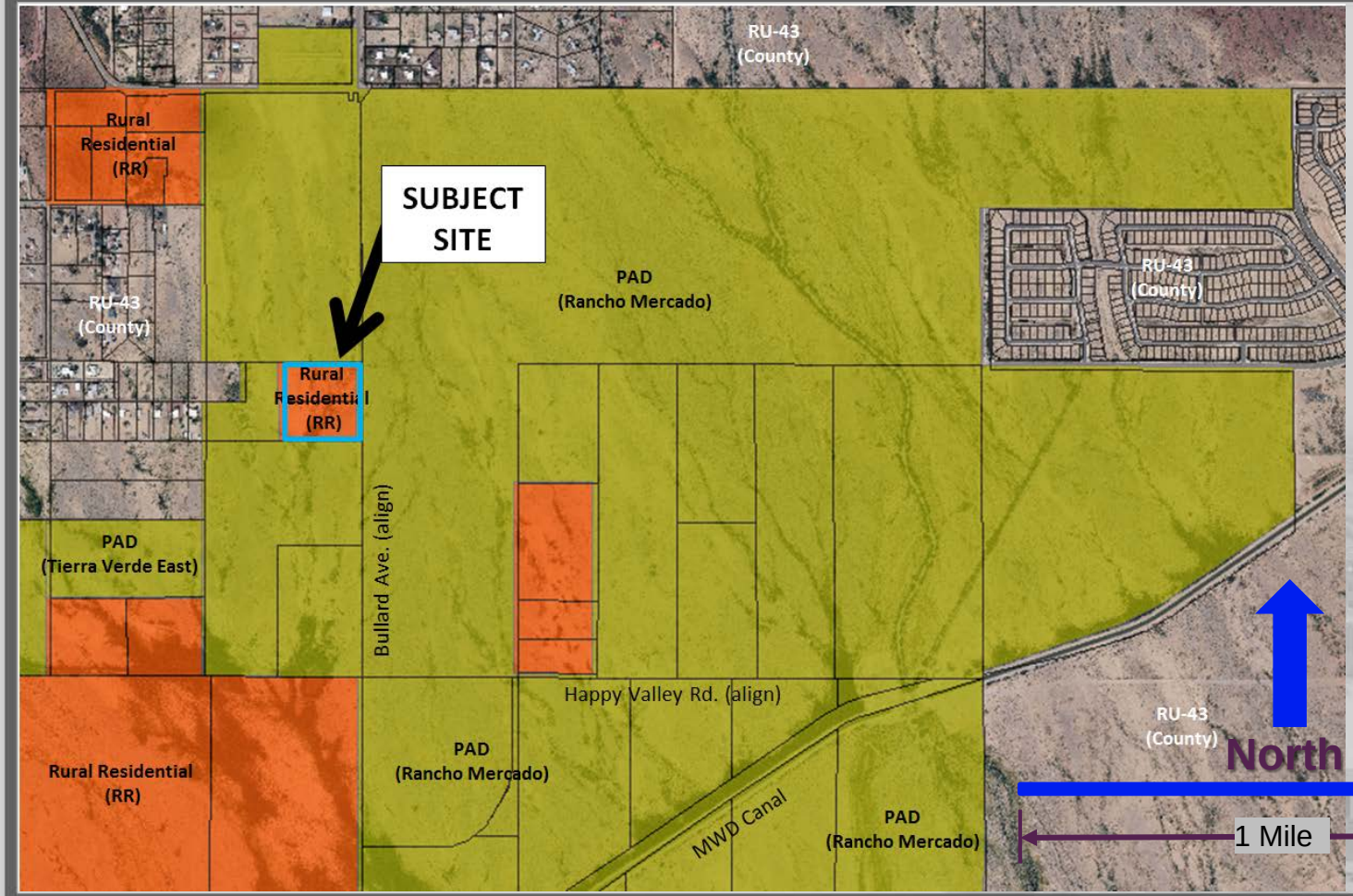

Bonita Ranch Parcel A, B & C Zone Change

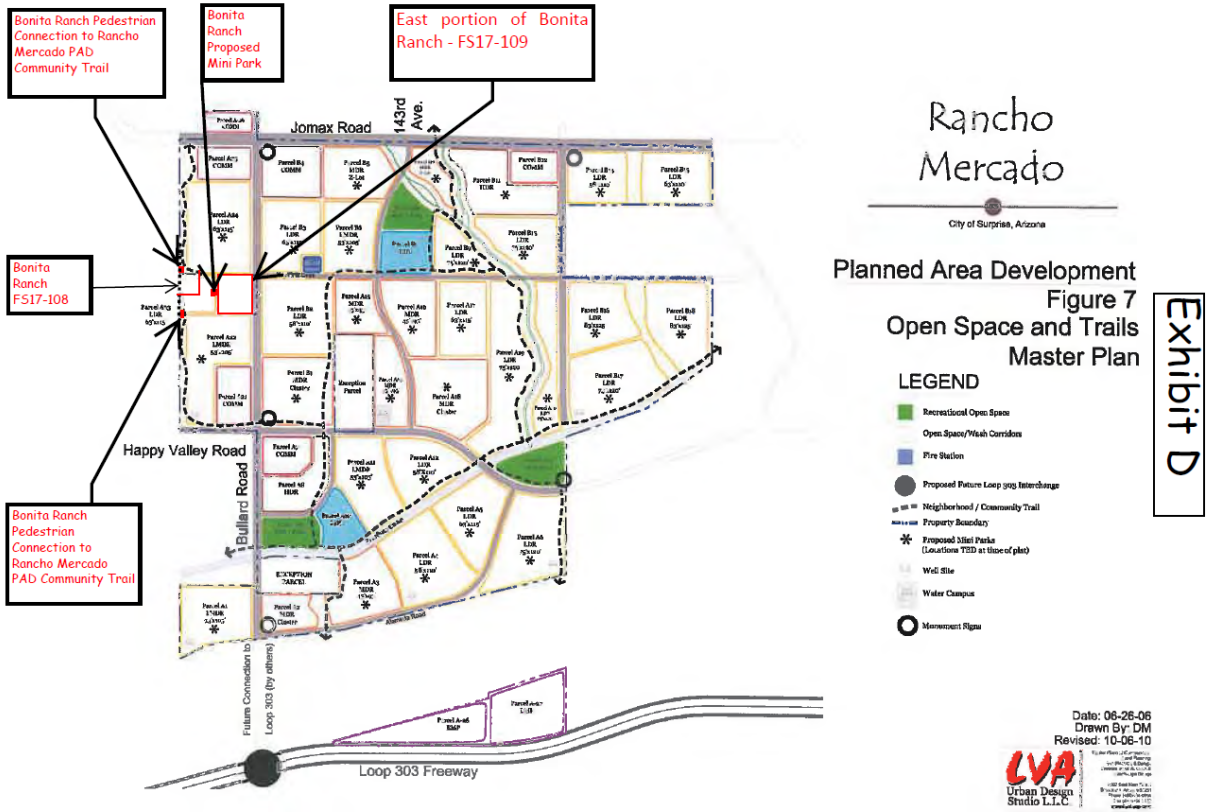

Exhibit D

Bonita Ranch Parcel A, B & C Zone Change

Development Standards

Table A
Proposed RM-6 PUD Development Standards

	Rancho Mercado PAD LDR Development Standards (2)(5)(7)	Proposed Bonita Ranch Parcel A RM-6 PUD Development Standards (2)(5)(7)	RM-6 City Base Development Standards
Lot Width (Min)	58′	58′	50′
Lot Area (Min)	6,300 SF	6,300 SF	Not Specified
Lot Area Per Dwelling Unit (Min)	Not Specified (8)	6,000 SF (8)	6,000 SF (8)
Lot Depth (Min)	110′ (3)	110′ (3)	100′
Front Setback (livable)	12′ (12)	12′ (12)	12′
Front Setback (garage)	18′ (7) (12)	20′ (1) (7) (12)	20′
Interior Side Setback	5′/8′	5′/8′	TBD at Pre-Plat
Aggregate Setback	Not Specified	13′	TBD at Pre-Plat
Corner Side Setback	8′	10′ (11)	Not Specified
Rear Setback	15′	15′	20′
Rear Setback (arterial street)	20′	20′ (11)	Not Specified
Maximum Width of Driveway as % of Lot Width	Not Specified	35% (6)	30%
Maximum Area of Driveway as % of Front Yard Area	Not Specified	35% (10)	30%
Building Height (Max)	30′	30′ (9)	35′
Building Coverage	TBD by building Envelope (4)	TBD by building Envelope (4)	Not Specified

Table A
Proposed RM-6 PUD Development Standards

	Rancho Mercado PAD LDR Development Standards (2)(5)(7)	Proposed Bonita Ranch Parcel B and C RM-6 PUD Development Standards (2)(5)(7)	RM-6 City Base Development Standards
Lot Width (Min)	58′	58′	50′
Lot Area (Min)	6,300 SF	6,300 SF	Not Specified
Lot Area Per Dwelling Unit (Min)	Not Specified (8)	6,000 SF (8)	6,000 SF (8)
Lot Depth (Min)	110′ (3)	110′ (3)	100′
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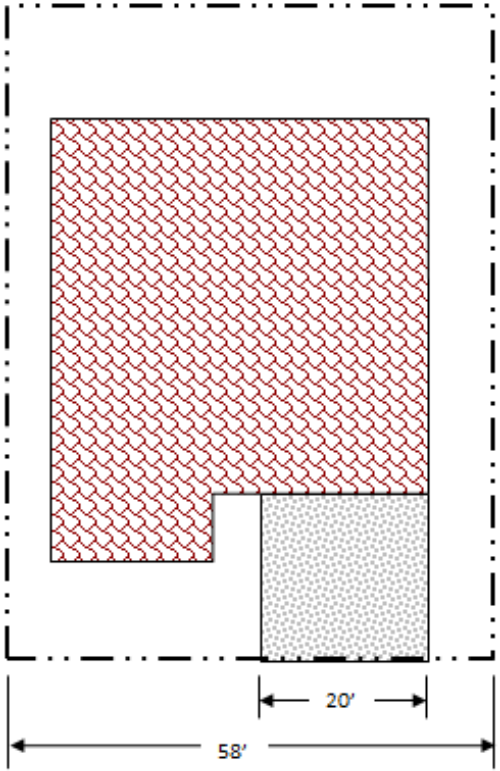
Bonita Ranch Parcel A, B & C Zone Change

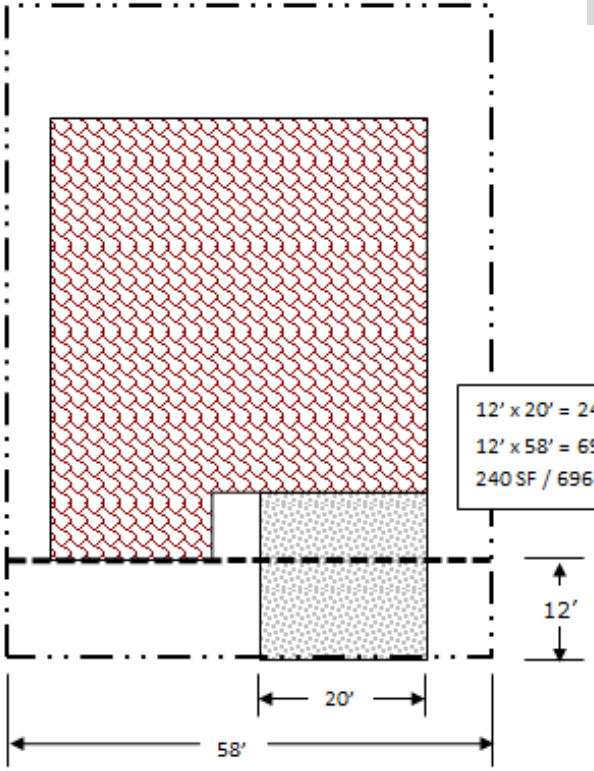
Development Standards

Driveway Width as Percent of Lot Width



20' / 58' = 34.4%

Driveway Area as Percent of Required Front Yard Area



12' x 20' = 240 SF

12' x 58' = 696 SF

240 SF / 696 SF = 34.4%

Bonita Ranch Parcel A, B & C Zone Change

Exhibit F

Outreach meeting on June 14, 2017

FS17-108 Bonita Ranch Parcel A

Approve

Subject to Stipulations “a” – “c”

Staff Recommendation

Staff Recommendation

FS17-109 Bonita Ranch Parcels B & C

Approve

Subject to Stipulations “a” – “b”

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QUESTIONS OR COMMENTS?

Thank You