



**CITY OF SURPRISE**  
**Planning & Zoning Commission**  
**16000 N. Civic Center Plaza**  
**Surprise, AZ 85374**  
Thursday, May 15, 2025 @ 6:00 PM  
**COUNCIL CHAMBERS**

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

**CALL TO THE PUBLIC:**

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

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

**CONSENT AGENDA:**

- |    |          |                                                                                                                      |                                            |
|----|----------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. | Internal | Consideration and action to approve or disapprove the April 17, 2025 Planning and Zoning Commission Meeting Minutes. | Renee PuigHink<br>Community<br>Development |
|----|----------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------|

**REGULAR AGENDA ITEM - PUBLIC HEARING:**

- |    |            |                                                                                                                                                                                                                                                                                                                                                                                                      |                                              |
|----|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 2. | District 1 | Consideration and action pertaining to a rezone of approximately 295 gross acres from Rural Residential (RR) to Residential Low Density (R-1) and Residential High Density (R-3), on four (4) parcels generally bounded by Central Arizona Project (CAP) Canal to the north, future 251st Avenue alignment to the east, Beardsley Road to the south, and the City of Buckeye to the west. FS23-0350. | Christina Sexton<br>Community<br>Development |
| 3. | District 4 | Consideration and action regarding a Conditional Use Permit (CUP) with Site Plan for a Big O Tires Minor Vehicle Service Facility, generally located on the northwest corner of Grand Avenue and Mountain View Boulevard. Surprise Planning Case # FS24-1457.                                                                                                                                        | Leslie Carnie<br>Community<br>Development    |
| 4. | District 6 | Consideration and action regarding a Conditional Use Permit (CUP) with Site Plan for a Smoking Lounge with Liquor License known as Fox Cigar Bar. The site is an existing building generally located on the southeast corner of Litchfield Road and Waddell Road. Surprise Planning Case FS24-0622.                                                                                                  | Leslie Carnie<br>Community<br>Development    |

**REGULAR AGENDA ITEM - NON-PUBLIC HEARING:**

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

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

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

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

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

I. Adjournment

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KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, May 8th, 2025 @ 3:00 PM

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





**CITY OF SURPRISE**  
**Planning & Zoning Commission**

Council Meeting Date: May 15, 2025

Contact Person: Renee PuigHink, Administrative  
Assistant - Senior

Submitting Department: Community Development District: Internal

Staff Recommendations:

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Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

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**Agenda Wording:**

Consideration and action to approve or disapprove the April 17, 2025 Planning and Zoning Commission Meeting Minutes.

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**Motion:**

I move to approve/disapprove the March 20, 2025 Planning and Zoning Commission Regular Meeting Minutes.

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**Background:**

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**Objective Analysis:**

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**Policy Compliant:**

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**Financial Impact:**

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**Budget Impact:**

**FTE Impact:**

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**ATTACHMENTS:**

1. 4-17-2025 MINS
-

**CITY OF SURPRISE  
PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**April 17, 2025 / 6:00 PM**

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

**CALL TO ORDER.**

Vice Chair 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 April 17, 2025.

**A. ROLL CALL**

In attendance were, Commissioner Kevin Perry, Commissioner Anthony Spata, Commissioner Jay Leonard, Vice Chair Ken Chapman, Commissioner Matthew Keating, and Commissioner Dennis Bash. Chair Jared Holland arrived at the meeting at 6:03 p.m.

**STAFF PRESENT:**

Jeffrey Murray, Interim City Attorney; Lloyd Abrams, Director of Community Development; Tiffany Copp, Assistant Director; Christina Sexton, Planner, Sr.; Tanner Wessel, Planner II; Renee Puig-Hink, Administrative Specialist, Sr.

**COUNCIL MEMBERS PRESENT:**

- None

**B. PLEDGE OF ALLEGIANCE**

**C. CURRENT EVENTS REPORT**

- None

**D. STAFF REPORT**

- Director Abrams gave a presentation on Preliminary Plats under review.

**CALL TO THE PUBLIC:**

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

- None

Chair Holland closed the call to the public.

## CONSENT AGENDA:

### **Item 1 – Consideration and action to approve or disapprove the March 20, 2025, Planning and Zoning Commission Regular Meeting Minutes.**

Commissioner Keating made a motion to approve the March 20, 2025, Planning and Zoning Commission Regular Meeting Minutes as presented. Commissioner Bash seconded the motion. Motion passed with 7 votes in favor.

## REGULAR AGENDA ITEM – PUBLIC HEARING:

### **Item 2 – Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to amend the Planned Unit Development (PUD) Overlay code to facilitate infill development. Case FS24-1431.**

Christina Sexton, Planner, Sr., presented item 2 to the Commission.

Chair Holland opened the public hearing.

- None

Hearing no further requests, Chair Holland closed the public hearing.

The Commission discussed the following:

- None

Commissioner Keating made a motion to recommend approval of Zoning Text Amendment, Greenway Road and 140<sup>th</sup> Drive, Case FS24-1431. Commissioner Bash seconded the motion. Motion passed with 7 votes in favor.

### **Item 3 – Consideration and action pertaining to a Rezone from Sierra Verde Planned Area Development (PAD) with an underlying of commercial to Residential Medium Density (R-2) with a Planned Unit Development (PUD) overlay, located at the southwest corner of Greenway Road and 140th Drive. Case FS24-0503.**

Christina Sexton, Senior Planner, presented item 3 to the Commission.

Brennan Ray of Ray Law Firm, representative for the applicant, presented additional information to the Commission.

Chair Holland opened the public hearing.

- None

Hearing no further requests, Chair Holland closed the public hearing.

The Commission discussed the following:

- Guest Parking
- Location not best suited for commercial use
- Efforts made to seek out commercial interest
- Traffic Study
- U-Turns on Greenway Road

- Units for rent or for sale
- Signed agreement by residents to park in garage only

Commissioner Leonard made a motion to recommend approval of the Rezone for Greenway Road and 140<sup>th</sup> Drive, Case FS24-0503, subject to stipulations 'a' and 'b' as outlined in the staff report. Commissioner Perry seconded the motion. Motion passed with 7 votes in favor.

**OTHER BUSINESS AND FUTURE AGENDA ITEMS:**

- None

**ADJOURNMENT:**

Hearing no further business, Chair Holland called for a motion to adjourn. Commissioner Keating made a motion to adjourn. Commissioner Leonard seconded the motion. All voted in favor.

Meeting adjourned at 6:36 pm.

\_\_\_\_\_  
Jared Holland  
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: \_\_\_\_\_  
Renee Puig-Hink, Secretary

DATE: \_\_\_\_\_



## CITY OF SURPRISE Planning & Zoning Commission

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Council Meeting Date: May 15, 2025      Contact Person: Christina Sexton  
Submitting Department: Community Development      District: District 1  
Staff Recommendations:

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

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### **Agenda Wording:**

Consideration and action pertaining to a rezone of approximately 295 gross acres from Rural Residential (RR) to Residential Low Density (R-1) and Residential High Density (R-3), on four (4) parcels generally bounded by Central Arizona Project (CAP) Canal to the north, future 251st Avenue alignment to the east, Beardsley Road to the south, and the City of Buckeye to the west. FS23-0350.

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### **Motion:**

I move to recommend approval of the Surprise 295 Rezone, case FS23-0350, to the City Council.

I move to recommend denial of the Surprise 295 Rezone, case FS23-0350, to the City Council because *[insert reason]*.

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### **Background:**

RVi Planning + Landscape Architecture, the applicant, on behalf of Old Westbury Land & Cattle Co., LLC, the owner, requests a rezone of approximately 295 gross acres from Rural Residential (RR) to Residential Low Density (R-1) and Residential High Density (R-3), to accommodate future development, on four (4) parcels generally bounded by Central Arizona Project (CAP) Canal to the north, future 251st Avenue alignment to the east, Beardsley Road to the south, and the City of Buckeye to the west.

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### **Objective Analysis:**

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### **Policy Compliant:**

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### **Financial Impact:**

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

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### **Budget Impact:**

### **FTE Impact:**

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**ATTACHMENTS:**

1. 00 - FS23-0350 Surprise 295 Rezone - Staff Report
  2. 01 - FS23-0350 Surprise 295 Rezone - Vicinity Map
  3. 02 - FS23-0350 Surprise 295 Rezone - Existing Zoning Map
  4. 03 - FS23-0350 Surprise 295 Rezone - Proposed Zoning Map
  5. 04 - FS23-0350 Surprise 295 Rezone - Narrative Document
  6. 05 - FS23-0350 Surprise 295 Rezone - Citizen Participation Plan
  7. 06-FS23-0350 Surprise 295 Rezone - Affidavit of Posting
  8. 07-FS23-0350 Surprise 295 Rezone - Luke AFB Letter
  9. FS23-0350 Surprise 295 Rezone - PowerPoint
-

**Case:** **FS23-0350**

**Project Name:** Surprise 295 - Rezone

**Council District:** 1 – Acacia

**Meeting Date:** **May 15, 2025**

**Planner:** Chris Sexton, Senior Planner

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**Owner:** Old Westbury Land & Cattle Co., LLC

**Applicant:** Mark Reddie with RVi Planning + Landscape Architecture

**Request:** Rezone from Rural Residential (RR) to Residential Low Density (R-1) and Residential High Density (R-3)

**Site Location:** Generally bounded by Central Arizona Project (CAP) Canal to the north, future 251st Avenue alignment to the east, Beardsley Road to the south, and the City of Buckeye to the west

**Site Size:** 295 gross acres (approx.)

**General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2040

**Support/Opposition:** See attached Citizen Participation Report

**Staff Recommendation:** Staff finds that the request is in compliance with the City of Surprise Municipal Code and consistent with the General Plan.

32 **Project Description:**

33 RVI Planning + Landscape Architecture, the applicant, on behalf of Old Westbury Land &  
34 Cattle Co., LLC, the owner, requests a rezone of approximately 295 gross acres from  
35 Rural Residential (RR) to Residential Low Density (R-1) and Residential High Density (R-  
36 3), to accommodate future development, on four (4) parcels generally bounded by Central  
37 Arizona Project (CAP) Canal to the north, future 251st Avenue alignment to the east,  
38 Beardsley Road to the south, and the City of Buckeye to the west.

39  
40 **Background:**

41 **June 8, 1989:** Two parcels (APNs: 503-83-022J & 503-82-001B) were annexed into the City  
42 of Surprise under Ordinance 89-05.

43  
44 **September 22, 2022:** Staff met with the applicant to discuss the project during a regularly  
45 scheduled Concept Review meeting under CR22-1026.

46  
47 **April 25, 2023:** The applicant filed a request for a rezone from RR to R-1 and R-3 under  
48 FS23-0350, the subject case.

49  
50 **August 10, 2023:** The applicant held a neighborhood outreach meeting to discuss the  
51 project.

52  
53 **March 4, 2025:** City Council approved the annexation of two (2) 55-foot wide parcels (APNs:  
54 503-82-001A & 503-83-022H).

55  
56 **Neighborhood Meeting Summary:**

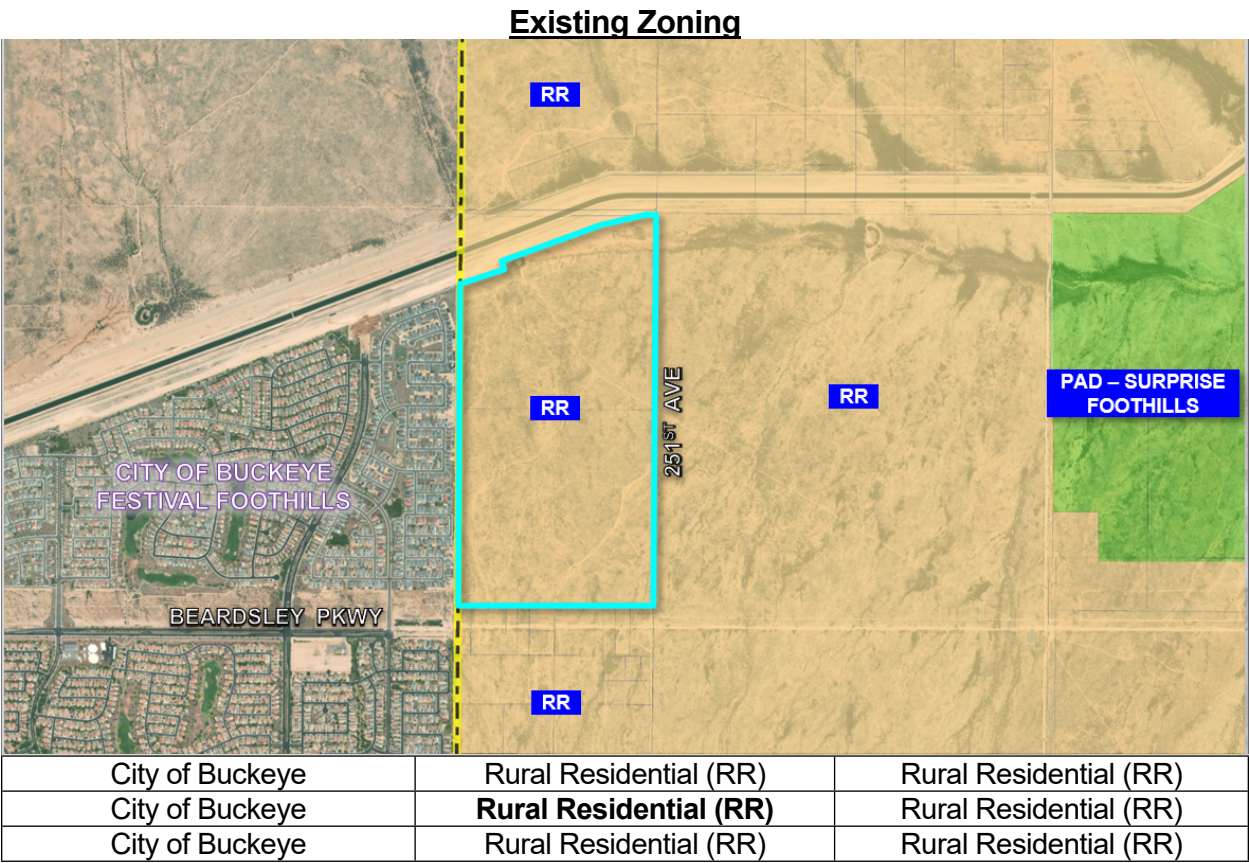
57 The applicant held a neighborhood outreach meeting on August 10, 2023, that was properly  
58 advertised per the requirements of the LDO. The meeting took place in-person at Willow  
59 Canyon High School. During this meeting, residents from the vicinity expressed their  
60 concerns regarding access, infrastructure, development standards, and more. See the  
61 attached Citizen Participation Report for a detailed summary of the meeting.

62  
63 **Analysis and Discussion:**

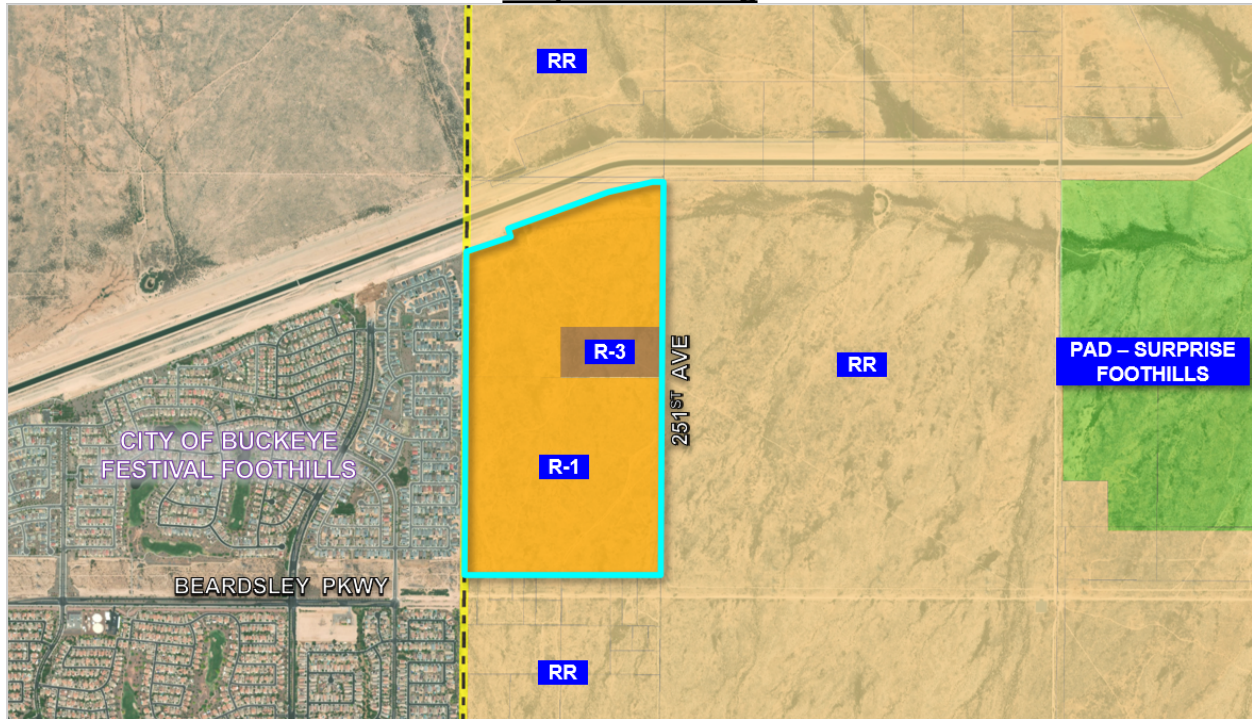
64 The subject properties, which encompass approximately 295 gross acres, are currently  
65 zoned Rural Residential (RR). The applicant requests to rezone approximately 272 acres to  
66 Residential Low Density (R-1) and 23 acres of Residential High Density (R-3) to  
67 accommodate a combination of future single-family and multi-family developments.



70 The existing and proposed zonings are shown below.  
71

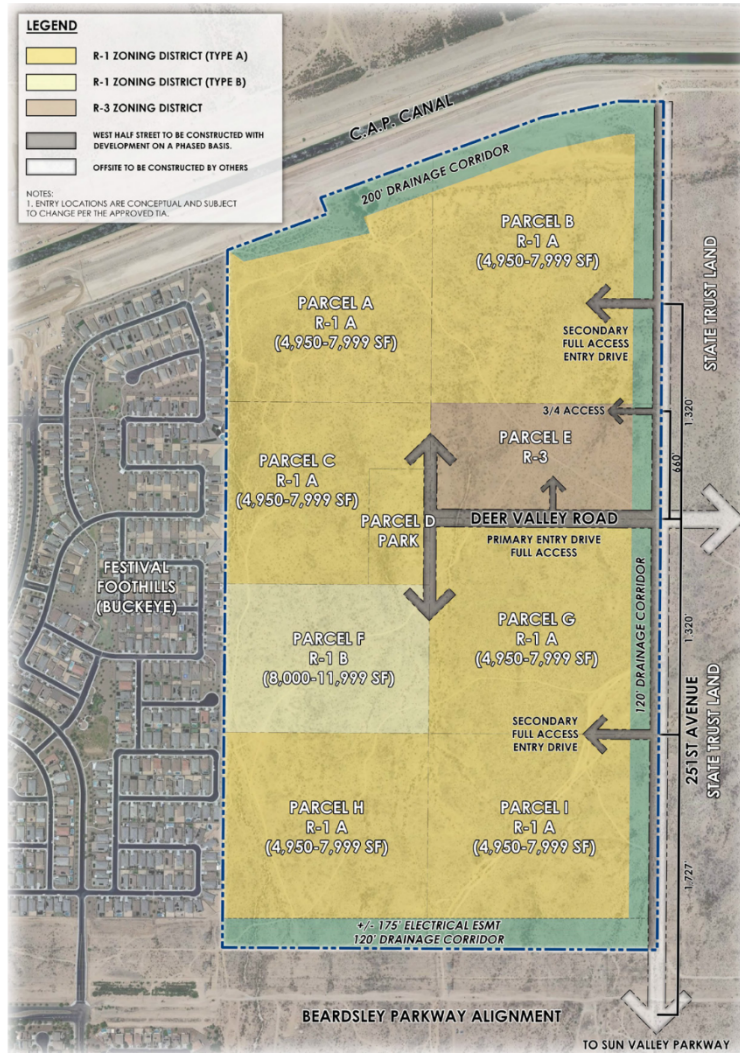


## Proposed Zoning



|                 |                                                                          |                        |
|-----------------|--------------------------------------------------------------------------|------------------------|
| City of Buckeye | Rural Residential (RR)                                                   | Rural Residential (RR) |
| City of Buckeye | <b>Residential Low Density (R-1)/<br/>Residential High Density (R-3)</b> | Rural Residential (RR) |
| City of Buckeye | Rural Residential (RR)                                                   | Rural Residential (RR) |





### Development Plan:

The applicant is requesting a rezone for a combination of single-family and multi-family with a majority of the site being rezoned to R-1. The site layout and zoning categories proposed are influenced by the future roadway network and existing drainage conditions. The proposed R-3 portion of the project is located in the mid-easterly section of the project located near an arterial road.

Landscape buffers will be provided along each specific zoning district and along adjacent roadways in compliance with the LDO.

### Development Standards:

The applicant is not requesting a deviation from the development standards of the LDO, PEDS, or City Code to facilitate the rezone. Furthermore, future development within the subject property will adhere to the applicable development standards of the R-1 and R-3 zoning districts.

**Open Space & Amenities:**

Utilizing the information known at this time, the applicant provided the conceptual open space plan (see below) to depict where open space and amenities may develop within the subject site. The future developments that locate here will be subject to the requirements of the LDO, PEDS, and the General Plan 2040 with regards to open space minimums, landscaping, buffering, and amenities. These elements will be reviewed in detail at the time of preliminary plats and site plans.



**Roadways:**

The subject site is bounded by CAP Canal to the north, future 251st Avenue alignment to the east, future Beardsley Road alignment to the south, and the City of Buckeye development to the west. Deer Valley Road, in the future, will extend to the site from the east but will terminate at 251st Avenue as it enters the property and will not extend into the City of Buckeye. Improvements to the roadways will occur as development occurs, in addition to the internal circulation of this area.

**Utility and Services Table:**

|              |                            |
|--------------|----------------------------|
| Electric:    | APS                        |
| Water:       | City of Surprise           |
| Wastewater:  | City of Surprise           |
| Refuse:      | City of Surprise           |
| Natural Gas: | Southwest Gas              |
| Schools:     | Wickenburg School District |

**Conformance with Adopted Plans:**

**Surprise General Plan 2040:** The Surprise General Plan 2040 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. As such, the proposed rezone demonstrates consistency with this land use category.

**Reviewing Agencies:**

In addition to the standard City reviewing agencies, Maricopa Water District and Luke AFB were included in the routing of this request. These agencies indicated no objections to the request.

**Summary:**

The proposed Rezone from Rural Residential (RR) to Residential Low Density (R-1) and Residential High Density (R-3) is consistent with the Surprise General Plan 2040 and will be developed under the provisions of the LDO.

**Findings:**

- The proposed rezone is consistent with the Surprise General Plan 2040.
- The proposed rezone is consistent with the City of Surprise.
- The reviewing agencies have indicated no objections to the request.

**Recommendation:**

Based on the findings noted above, staff finds that the request is in compliance with the City of Surprise Municipal Code and consistent with the General Plan, if the Commission wishes to recommend approval. 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.

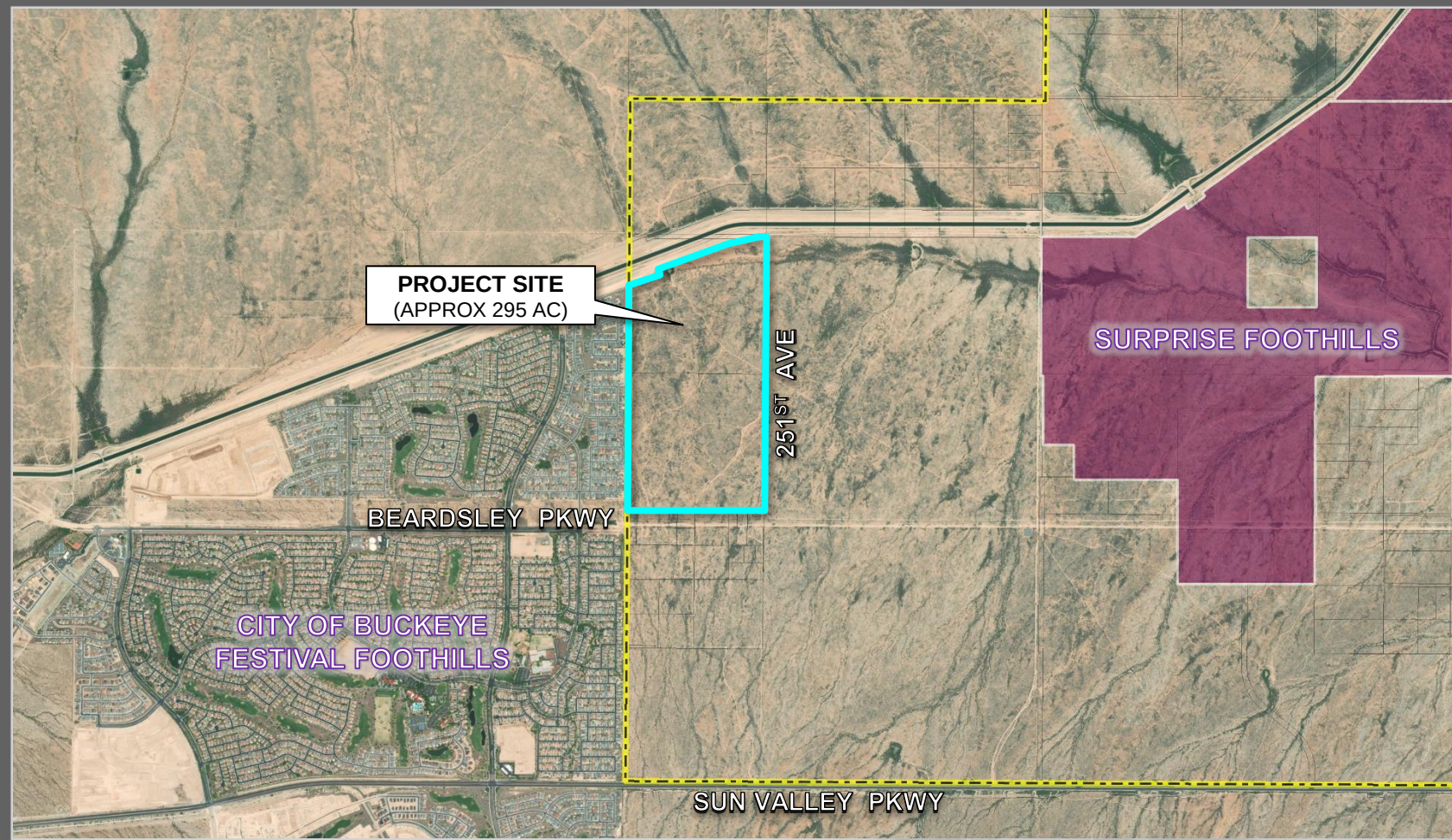
**Recommended Motions:**

I move to recommend approval of the Surprise 295 Rezone, Case FS23-0350.

I move to recommend denial of the Surprise 295 Rezone, Case FS23-0350, because insert reason.

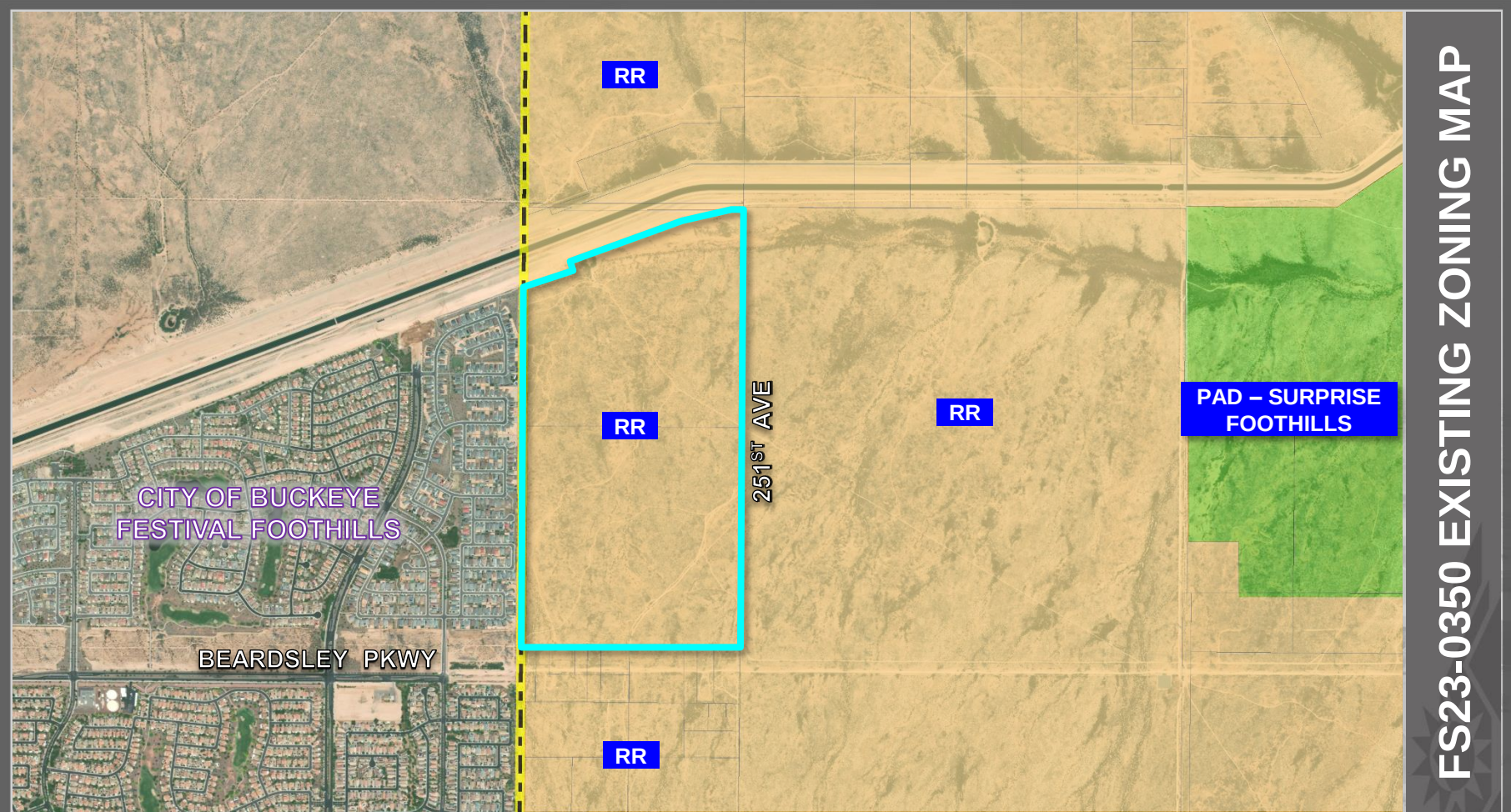
146  
147 **Attachments:**  
148 01 Vicinity Map  
149 02 Existing Zoning Map  
150 03 Proposed Zoning Map  
151 04 Rezone Narrative Document  
152 05 Citizen Participation Report  
153 06 Affidavit of Posting  
154 07 Luke AFB Comments  
155 PPT





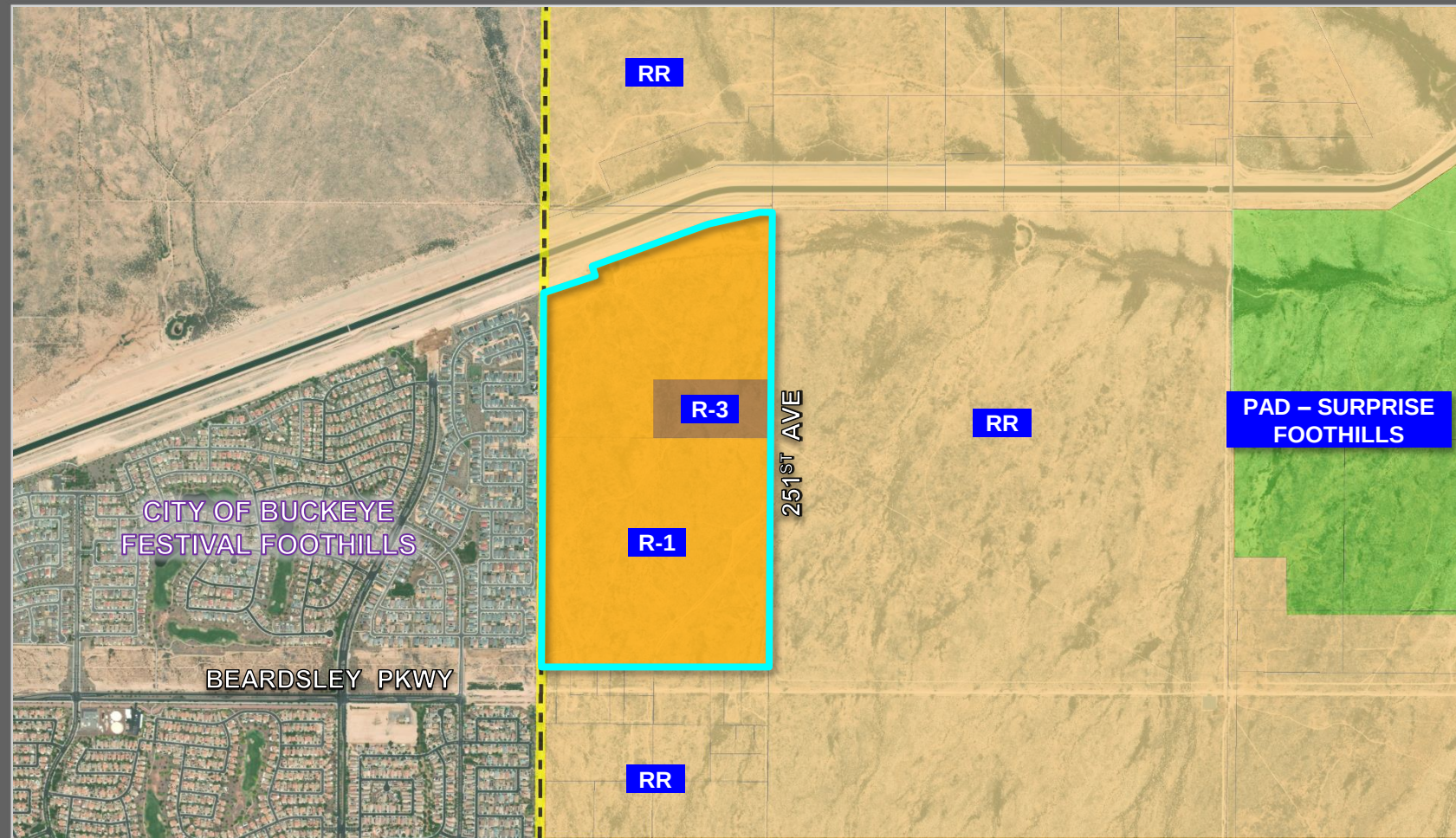
# FS23-0350 VICINITY MAP





# FS23-0350 EXISTING ZONING MAP





# FS23-0350 PROPOSED ZONING MAP



# SURPRISE 295

## REZONING NARRATIVE

Site Analysis | Proposed Zoning and Conceptual Land Use Plan | Regulatory Development Standards

CASE: FS23-0350

FINAL SUBMITTAL: SEPTEMBER, 2023



PRESENTED BY:



# APPLICANT TEAM

## PROPERTY OWNER

### **The Hampton Group, Inc.**

John Berry  
8432 E. Shea Boulevard, Suite 100  
Scottsdale, AZ 85260  
Phone: 480.348.0300  
Email: jhb@hamptonaz.com

## LAND PLANNING

### **RVi Planning + Landscape Architecture**

Mark Reddie  
4900 N. Scottsdale Road, Suite 1200  
Scottsdale, AZ 85251  
Phone: 480.994.0994  
Email: mreddie@rviplanning.com

## ENGINEER

### **Atwell, LLC**

Casey Pennington  
4700 E. Southern Avenue  
Mesa, AZ 85206  
Phone: 602.350.0311  
Email: cpennington@atwell-group.com

## TRAFFIC ENGINEER

### **CivTech Inc.**

Dawn Cartier, P.E., PTOE  
10605 N. Hayden Road, Suite 140  
Scottsdale, AZ 85260  
Phone: 480.659.4250  
Email: dcartier@civtech.com

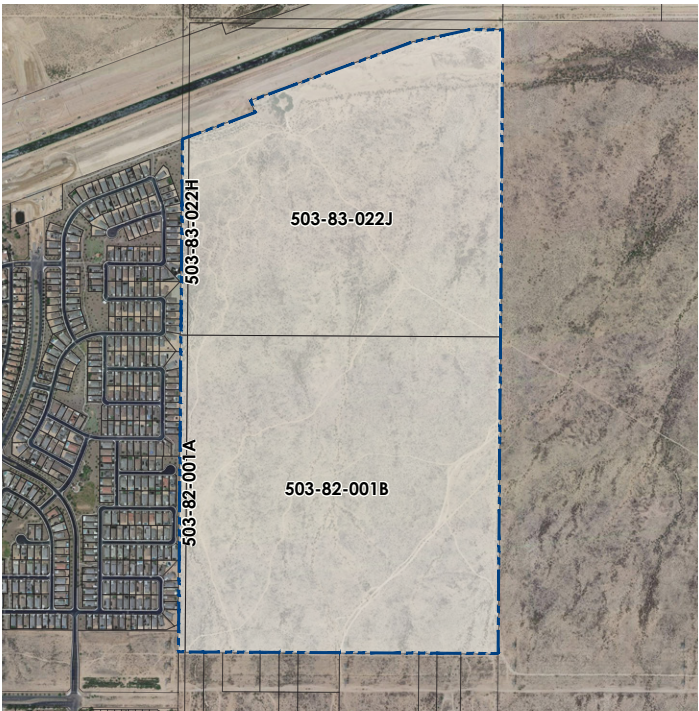
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# 1. PROJECT INTRODUCTION

RVi Planning + Landscape Architecture, on behalf of The Hampton Group, is pleased to submit this rezoning application for Surprise 295 (Subject Site) to change the existing zoning from Rural Residential (RR) to a combination of single-family and multi-family residential zoning districts on multiple parcels comprising approximately 295 gross acres, located just north of the northwest corner of the future Beardsley Parkway and 251st Avenue alignments. The APNs associated with this request are 503-83-022J, 503-82-001B, 503-83-022H, and 503-82-001A.



Assessor Parcel Map

This rezoning narrative will provide the framework for future development of the Subject Site. In the following sections, additional information will be provided as it relates to the following items:

- Site Analysis
- Proposed Development Plan
- Regulatory Development Standards

The proposed development complies with the 2035 General Plan and does not include deviations to the land use and regulatory development provisions outlined in the Surprise Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS) Manual.

## 2. SITE ANALYSIS

### Site Location

The Property's western edge shares a municipal boundary with the City of Buckeye and the Festival Foothills Planned Community, a portion of the 10,000+ acre Festival Ranch Community Master Plan, with lot sizes ranging from 5,175-7,800 SF. See **Exhibit 1: Regional Vicinity Map**. Properties located north, south and east of the subject site are within the City of Surprise jurisdictional boundary but are currently vacant/undeveloped. The property immediately east of the site is State Land. There are many properties starting one mile east of the Subject Site that are planned and entitled with development plans in various stages of review, approval and construction, including Surprise Foothills, Surprise 320, Buena Vista Ranch, Rancho Vista, and Mesquite Mountain Ranch. See **Table 1: Existing and Surrounding Land Uses** below.

TABLE 1: EXISTING AND SURROUNDING LAND USES

| LOCATION | GENERAL PLAN                       | EXISTING ZONING             | LAND USE           |
|----------|------------------------------------|-----------------------------|--------------------|
| Site     | Neighborhoods                      | Rural Residential (RR)      | Vacant             |
| North    | Neighborhoods                      | Rural Residential (RR)      | CAP Canal, Vacant  |
| South    | Neighborhoods                      | Rural Residential (RR)      | Vacant             |
| West     | Master Planned Community (Buckeye) | Planned Community (Buckeye) | Festival Foothills |
| East     | Neighborhoods                      | Rural Residential (RR)      | Vacant             |



## General Plan Land Use and Zoning Designations

The City of Surprise 2035 Land Use Map designates the Subject Site as Neighborhood Character Area with the underlying development type as Suburban Neighborhoods. The Suburban Neighborhoods category (2-8 du/ac) is meant to represent the transition area between rural settings and urban environments. These neighborhoods reflect the most common pattern of development in the City and where Surprise's future population growth will be concentrated. Suburban Neighborhoods include predominantly medium-density residential housing types. The proposed development plan shall comply with the Aesthetics and Built Form as prescribed in the General Plan which includes the following elements:

- Residential building setbacks from the front property line should vary to create a more interesting and attractive streetscape.
- Residential buildings should de-emphasize front load garages by providing a mix of garage orientations including, side or angle entry, rear load with alley access, or front load with a set back from the primary living space.
- The placement of non-residential buildings should be pushed close to the primary roadway, and parking areas should be encouraged to the sides and/or rear of buildings.
- New subdivisions should be connected to existing adjacent developments, or provide stub streets to future development areas, to allow for strong internal pedestrian, bicycle, and automobile connectivity. Cul-de-sacs should only be reserved for use when physical site constraints are present.
- All major residential development shall include active and passive open space areas designed, located, and oriented to provide high pedestrian accessibility within and around the development, and buffer between less developed and more urban developed areas. The design and placement of public off-street pedestrian trail connections to adjacent development is highly encouraged.

- A traditional grid pattern street network is encouraged. Streets with curvilinear design are also encouraged where local topography and protection of natural features warrant such design.
- The incorporation of "complete streets" should be utilized to enable safe, attractive, and comfortable travel for all users, including automobiles, pedestrians, bicyclists, and transit.

All surrounding developments within the City of Surprise are zoned either Rural Residential or PAD. The nature of the surrounding area is reserved for residential and neighborhood commercial development which is consistent with the proposed rezoning for the Subject Site. See **Exhibit 2: General Plan Land Use Map** and **Exhibit 3: Existing Zoning Map**.

## Existing Pre-Development Conditions

The site is relatively flat and contains multiple washes running south to northeast throughout with no major defined wash corridors extending through the property. Portions of the site are within a designated floodplain, and a network of drainage channels is being considered to route the off-site drainage flows around the perimeters of the property to remove the property from the floodplain. A solution for stormwater management is currently being studied to evaluate the requirements that may include 404, LOMR, and Floodplain Use Permits. The Subject Site is currently vacant and does not have built roadways or infrastructure to serve the site.

**Drainage:** The site area falls within a region that is currently being studied by the Maricopa County Flood Control District (MCFCD), more specifically within the Whitman ADMS (Area Drainage Master Study) area, and is partially within another active study known as the Sun Valley ADMS. The Whitman ADMS contains ongoing hydrologic analyses of the area but has not yet undergone hydraulic delineation of the washes, floodways and floodplains therein.

Based on current records for Maricopa County, as well as the current FEMA FIRM Map (#04013C1190L effective 10/16/2013 and 04013C1180M effective 11/4/2015), the property falls within floodplain Zone Shaded 'X' as well as Zone 'A'. "Area of Minimal Flood Hazard."

Special Flood Hazard Zone “A” is defined as: “Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood, no base flood elevations determined.”

According to FEMA there is only a zone A floodplain located on the southern and eastern portions of the site. In addition to this floodplain limit, the MCFCD is also showing a floodway Zone AAFF on the western portion of the site. This floodway is effective for MCFCD but not approved by FEMA.

The 100-year return period design flow was approximated to be  $Q_{100}=1,500$  cfs for the FEMA Zone A floodplain, and  $Q_{100}=400$  cfs for the westerly floodway area. At the northwest corner of the project site, the westerly floodway combines with offsite flow of  $Q_{100}=900$  cfs and flows east along the northern boundary of the site with a total of  $Q_{100}=1,300$  cfs. This information is better represented in Exhibit 3.

The FLO2D model used for the white tanks mountain will be used as the base and updated using the latest version of FLO2D. This update may modify the existing condition results, and needs to be discussed with MCFCD. The impacts to the wash on the north side of the property will be done using either the FLO2D model or the HEC2 model, updated to the latest version of HEC-RAS.

**School Districts:** The Subject Site is in the Wickenburg Unified #9 School District. The closest public elementary school within this district is the Festival Foothills Elementary School located at 26252 W Desert Vista Blvd, Buckeye, Arizona, 85396 and is less than one mile from the Subject Site. The closest middle school is the Vulture Peak Middle School, located at 920 S Vulture Mine Rd, Wickenburg, AZ 85390. The closest high school is Wickenburg High School, located in Wickenburg at 1090 South Vulture Mine Road with Dysart Unified School District as an option.

**Water and Sewer Service:** Surprise 295 is located within Special Planning Area 3 (SPA-3) in the City of Surprise, Arizona. SPA-3 is generally located north of Bell Road, west of Beardsley Canal, south of Grand Avenue and Central Arizona Project Aqueduct, east of 259th Avenue and encompasses approximately 59 square miles.

**Electricity:** APS is the service provider in the area. There is no existing service for this site, although APS has approved two new sub-station locations to help serve the northwest Surprise area. The closest sub-station is located approximately four (4) miles west of the property. These improvements are planned to be built as development occurs in this area. An additional substation is under construction on the east side of 227th Avenue directly north of the wash that intersects Mesquite Mountain Ranch

There is an existing WAPA utility easement totaling approximately 175-feet in width oriented in an east/west direction through the southern portion of the Subject Site. These power line easements house existing 500 KV power lines.

**Existing Roads, ROW and Utilities:** The Subject Site is located just north of the northwest corner of the future Beardsley Parkway and 251st Avenue alignments. Currently no partially or fully improved roadway network exists adjacent to the Subject Site except for Sun Valley Parkway, which is currently a four-lane divided roadway with access limited to median breaks at approximately one-mile intervals, and the portion of Beardsley Parkway going through Festival Foothills to the west. All other roadways in the study area are unimproved and without full right-of-way dedication necessary for development according to the Surprise 2035 General Plan's roadway classification map. There is no existing ROW near the Subject Site.

### 3. PROPOSED DEVELOPMENT PLAN

In accordance with the Surprise LDO, the proposed project seeks to establish residential zoning districts throughout the site to be consistent with the LDO. No deviations are proposed as part of this application and all development will follow the LDO and PEDS Manual as prescribed.

#### Conceptual Development and Open Space Plan

The Subject Site is laid out in consideration with the natural drainage constraints and roadway network proposed throughout the site. The multi-family parcel is located near the major roadway corridors to provide an appropriate balance and transition to the remainder of the residential development

throughout the site. Landscape buffers will be provided along the boundaries of each specific zoning district and along adjacent roadways in compliance with the LDO. In addition to the primary entry located at the Deer Valley Road and 251st Avenue intersection, two full access entryways will be provided with 1/4 mile spacing along 251st Avenue. It is also anticipated that the proposed R-3 parcel will include a restricted secondary access point along 251st Avenue. The conceptual location of these future intersections are depicted on **Exhibit 5: Conceptual Development Plan**.

The Subject Site should include numerous opportunities for active and passive recreation through open space, drainage corridors, developed parks, and trails throughout the community. These will be incorporated and detailed further during the preliminary and final plat process as development occurs. The open space program will likely include one central community park that is approximately six acres and will be located at the terminus of Deer Valley Road. The community and neighborhood parks are envisioned to be tied together by open space corridors providing a distinguishing usable open space area that serves the entire development. Several smaller local parks/active open space areas that are integrated into each neighborhood and generally within a ¼ to ½ mile walking distance to all residents within the community will also be provided. Neighborhood parks will include a combination of passive and active amenity types that may include shaded seating areas, limited turf areas, dog parks, sport courts, ramadas, bbqs, tot lots, and walking paths.

The remaining multi-family parcel will include a combination of usable open spaces and private amenities. Pedestrian connections to the collection of parks and usable open spaces will be evaluated in future phases of development. See **Exhibit 6: Conceptual Open Space Plan** which shows the proposed locations of usable open space.

All required minimum open space requirements will be met and all design and development elements will be in accordance with the Surprise LDO and PEDS requirements as prescribed, which includes a minimum of 20% open space for the overall development despite the differing lot categories provided. The articles within the PEDS shall apply where applicable, based on the specific zoning and land use, and will govern the general site design and development, open space design, circulation design, landscape, and streetscape design, building form and architecture of a development in addition to other elements as required within the LDO.

Three trail types are proposed for the development, including a Regional Path, Community path, and Local Paths. The Regional Path is a 12' concrete path located along the northern perimeter of the property adjacent to the CAP Canal. This will provide future regional trail connections to the east and west of the property. The Community Path is a 10' concrete path running north/south through the site, connecting from the Regional Path to the various residential parcels and the neighborhood park within the development. The Local Paths are 6' concrete paths and will provide additional connectivity within the individual subdivisions to the Community Path. All three trail types are visually represented on Exhibit 6, Conceptual Open Space Plan.

### **Zoning Base Districts**

There are two zoning districts proposed for the property that will be in conformance with the General Plan and LDO for the property. These districts include R-1 single family residential and R-3 multi-family residential. Detailed descriptions of each of these districts are provided below and defined in Table 3. See **Exhibit 4: Proposed Zoning Map** and **Exhibit 5: Conceptual Development Plan**.

This development proposes an estimated unit count of 1,185 with an overall gross density of 4.0 du/ac; though the overall unit count and density will be regulated by the LDO in accordance with the R-1 and R-3 zoning district requirements. This falls within the Suburban Neighborhood category's allowed density range of 2.0 to 8.0. See **Table 2: Proposed Zoning Districts**.

**TABLE 2: PROPOSED ZONING DISTRICTS**

| PARCEL       | ZONING DISTRICT | GROSS ACRES  | LAND USE % | ESTIMATED NET DENSITY | ESTIMATED UNIT COUNT |
|--------------|-----------------|--------------|------------|-----------------------|----------------------|
| 1            | R-1             | 272.8        | 92         | 3.5 DU/AC             | 945                  |
| 2            | R-3             | 22.8         | 8          | 11.9 DU/AC            | 240                  |
| <b>TOTAL</b> | <b>-</b>        | <b>295.6</b> | <b>100</b> | <b>-</b>              | <b>1,185</b>         |

**Notes:**

- Density and unit count is estimated across each Zoning District and may be exceeded on a parcel to parcel basis, as permitted within each district.
- Net density calculations do not include areas of the property identified for perimeter roadways.

**Residential – Single Family**

The Residential Low Density (R-1) zoning district provides areas for single-family homes on varying lot sizes and a mix of densities with schools, parks, and other public services necessary for suburban residential neighborhoods. The proposed zoning will allow for the following lot categories:

- A (suburban 4,950-7,999 sf lot area)
- B (suburban 8,000-11,999 sf lot area)

These categories are compatible with the Suburban land use character as outlined in the 2035 General Plan and the LDO. The project proposes approximately 273 acres of low density residential uses throughout the site. The Subject Site is anticipated to have multiple lot types which may include but are not limited to 48' x 115' (5,520 square feet), 53'x120' (6,360 square feet), 58' x 120' (6,960 square feet) and 65' x 125' (8,125 square feet). The estimated proposed unit count allowed within the R-1 zoning district parcels is 945 (3.5 du/ net ac). The actual density per each of the seven development parcels may vary and will be determined during the preliminary and final platting of the property.

**Residential – Multi-Family**

The R-3 zoning district reflects the Urban Development Type and is allowed in the Neighborhood Character area in accordance with the General Plan. Multi-family residential shall have a minimum of four dwelling units per lot and a net residential density of more than eight dwelling units per acre. The minimum lot size for R-3 zoning is one acre. The Subject Site will permit a variety of uses including but not limited to build-to-rent, duplexes, and multi-story assisted living facilities. This development parcel is intentionally located centrally along the east edge of

the site north of the Deer Valley Road alignment, to place these higher density uses adjacent to a future arterial roadway and provide buffer to existing single family residential uses located west of the subject property. The project proposes approximately 23 acres of multi-family residential uses as shown by the proposed zoning map, built-in accordance with the character areas outlined in the 2035 General Plan and the LDO.

**Proposed Regional Transportation Improvements**

In discussion with the City of Surprise and in conformance with the City's 2035 General Plan, the following is a summary of the regional roadways within or adjacent to the Subject Site. See **Exhibit 7: Proposed Regional Transportation Plan**.

**Deer Valley Road:** The City of Surprise Roadway Plan shows Deer Valley Road extending to the Site from the east, but will terminate at 251st Avenue as it enters the property and will not extend into the City of Buckeye due to the Festival Foothills project blocking future access. Through the development of neighboring projects, it has been determined that Deer Valley Parkway will veer off the existing alignment immediately west of 227th Avenue and run diagonally through Surprise Foothills, and Deer Valley Road will continue as a minor arterial with 110-feet of total right-of-way west of 231st Avenue. Festival Foothills was built with lots backing the entire western edge of the Subject Site, with no available connection points to their internal street network. Due to this, Deer Valley Road will terminate within the Subject Site. As this road serves as the main access to this development, the developer will be required to obtain an access easement from the state land department to extend Deer Valley east from 243rd Avenue.



| TABLE 3: ROADWAY CLASSIFICATION |                        |              |
|---------------------------------|------------------------|--------------|
| ROADWAY                         | ROADWAY CLASSIFICATION | PROPOSED ROW |
| Deer Valley Road                | Minor Arterial         | 110'         |
| 251st Avenue                    | Minor Arterial         | 110'         |

Note: Where the project perimeter is adjacent to the roadway alignments, only half street dedications will be provided. Final determination and details of roadway improvements shall be consistent with the approved TIA.

**251st Avenue:** 251st is designated as a minor arterial with 110-feet of total ROW (55-feet west half street), connecting south from Sun Valley Parkway and running along the eastern boundary of the property.

In summary, the proposed regional transportation network follows the 2035 General Plan Street Transportation Map and as provided above and in **Table 3: Roadway Classification**. All roads immediately adjacent to and within the project will be designed and constructed per City of Surprise standard cross sections at the time of preliminary plat review.

**Utilities & Services**

**Drainage:** The proposed drainage solution consists of a rock trapezoidal perimeter channel. The channel conveys the floodway combined with the offsite floodplain at southerly portion of the site.

To create the largest dry area possible for potential development, both offsites flows entering the south property line are collected in one channel and routed to the east and north along the south and east property line respectively.

**Water & Sewer:** Both the water and sewer for the project will be served by the City of Surprise. Due to the remote nature of the subject property, significant offsite infrastructure will be required to physically provide the services necessary. Based on available records and through discussions with City staff, it was determined that the nearest water campus is WSF-3, which is located roughly 2-miles due east of the project along the north side of the W. Deer Valley Road alignment. This campus is being developed in part with the Surprise Foothill subdivision and will be expanded as needed to serve the area. It is anticipated that a new 24" water main will be installed

beneath the Deer Valley Road extension to connect the project to the City water system and will be the primary supply for water service at the project site. The project interior distribution network is expected to be made up of 6" – 24" main sizes to support the demands. Water supply to serve the project will be determined as the project continues due to varying needs and new projects in the vicinity. Due to the uncertainty of demand conditions in the future, the extent of water campus expansion or production well additions are currently unknown.

Based on a meeting with City of Surprise Water Resources Department staff on August 17, 2023, several specific requests were made as it pertains to continued development requirements for this project. Those additional requirements are identified as follows: the project is required to initiate discussions with the City of Buckeye to try and get a valve-controlled interconnect between Surprise and Buckeye water systems (for emergency purposes only), the project will be required to make two or more connections to the offsite public portion of the water main for redundancy, a 150'x150' future well site will need to be provided within the subdivision, a transmission main connecting the well site to WSF-3 will be added to the offsite infrastructure, and the City wishes to establish groundwater recharge basins with projects adjacent to the CAP Canal, where feasible. With respect to the Buckeye/ Surprise interconnect and the desire for recharge basins, these are currently only requests by staff and will require further investigation and negotiations with outside sources to determine feasibility and viability for the future.

The nearest sewer treatment facility is SPA3-WRF, which is located approximately 9-miles southeast of the project. The City has indicated that there is currently no sewer main extended in the vicinity, so the project will need to provide offsite improvements along Deer Valley Road to connect the subdivision to the treatment plant. At this time, it is anticipated that an offsite collection main will be constructed ahead of this project and consist of 24" – 48" sewer mains that are expected to extend to near the WSF-3 water campus to serve Surprise Foothills. With this, the project is currently only anticipating a need to extend approximately 2-miles of sewer main to physically serve the project. The onsite collection

system is projected to include 6" – 18" sewer mains. Treatment capacity at the plant is provided on a first come, first served basis, and will likely be established as a phased approach which will be dependent on other improvements and projects in the area when final design is being prepared.

Both water and sewer systems being connected to were constructed by private developers and have been/will be turned over to the City ultimately (if not so already). It is known that the developers of the infrastructure have provisions in place to sell and allocate openly available capacities for water and sewer demands in the area. Discussions have been initiated with the controlling parties to determine and acquire the necessary assurances for water and sewer service for the subject project.

It should be noted that both the water and sewer extensions along the Deer Valley Road alignment cross State Trust Land and will require the transfer or acquisition of land for public R/W along the proposed route.

**Refuse:** The Subject Site and surrounding areas are currently vacant with no existing refuse collection service. However, as the property is entirely within the City of Surprise jurisdictional limits, Surprise will provide refuse collection service once development occurs.

**Fire & Police:** The City of Surprise will provide fire and police protection service to the property. The closest existing fire station is Fire Station #2, located approximately 14 miles from the property at Union Hills and Grand Avenue, but a new fire station is proposed as part of the Surprise Foothills development two miles to the east. The closest police station is located at 13063 West Bell Road at Dysart Road, approximately 15 miles from the property.

#### **Environmental Inventory Plan**

An Environmental Inventory Plan will be provided in the Preliminary Plat stage to identify the extent of environmentally sensitive features present on the site that are to be protected.

## **4. REGULATORY DEVELOPMENT STANDARDS**

This section contains the land use and regulatory development provisions to implement the Subject Site in accordance with the Surprise LDO and PEDS manual. These provisions constitute the primary tool for use by the City and the Developer to ensure that Subject Site develops in conformance with this document. Furthermore, this section includes information relating to the required development standards as prescribed by the base zoning districts outlined above including permitted uses, setbacks, heights, coverage, and general standards. All development within the project area shall conform to all City of Surprise Codes, Policies, and Regulations.

### **Residential Low Density (R-1)**

The (R-1) zoning district reflects the Suburban Development Type and is allowed in the Neighborhood Character area in accordance with the General Plan with a maximum of one (1) dwelling unit per lot of record. The development of the Subject Site will vary but is anticipated to include multiple lot categories as defined by the LDO.

**Development Standards:** Table 106-2c within the Surprise LDO identifies the required development standards for the Residential Low Density (R-1) zoning district. All development shall follow as prescribed by the LDO.

**Permitted Uses:** Permitted uses shall conform to Table 106-1c and Table 106-1d within the Surprise LDO.

### **Residential High Density (R-3)**

The (R-3) zoning district reflects the Urban Development Type and is allowed in the Neighborhood Character area in accordance with the General Plan. Multi-family residential shall have a minimum of four dwelling units per lot and a net residential density of more than eight (8) dwelling units per acre. The minimum lot size for parcels within the R-3 zoning district is one (1) acre.

**Development Standards:** Table 106-2e within the Surprise LDO identifies the required development standards for the Residential High Density (R-3) zoning district. All multi-family parcels designated on the proposed zoning map and as described above shall follow the LDO as prescribed.

**Permitted Uses :** Permitted uses shall conform to Table 106-1c and Table 106-1d within the Surprise LDO.

### **General Development Standards**

All general development standards within the Surprise LDO will shall govern the Subject Site, including the City of Surprise Planning and Engineering Design Standards (PEDS), as referenced in Chapter 107, Article 1. The Articles within the PEDS shall apply where applicable, based on the specific zoning and land use, and will govern the general site design and development, open space design, circulation design, landscape, and streetscape design, and building form and architecture of a development in addition to those listed within the LDO.

## **5. CONCLUSION**

The proposed rezoning application seeks to encourage future development consistent with the City's 2035 General Plan, current market demands for the area, and surrounding developments. The project team has coordinated with City staff regarding the regional transportation system in a rapidly growing area of the City of Surprise. The proposed development plan and zoning is designed to offer a broad mix of housing types appropriate for the area with a range of densities permitted within the neighborhoods land use designation. The proposed project evaluated all the existing and proposed conditions of the site and surround area to ensure compatibility while establishing a well thought out land use plan within this growing area of Surprise.



EXHIBIT 1 | REGIONAL VICINITY MAP

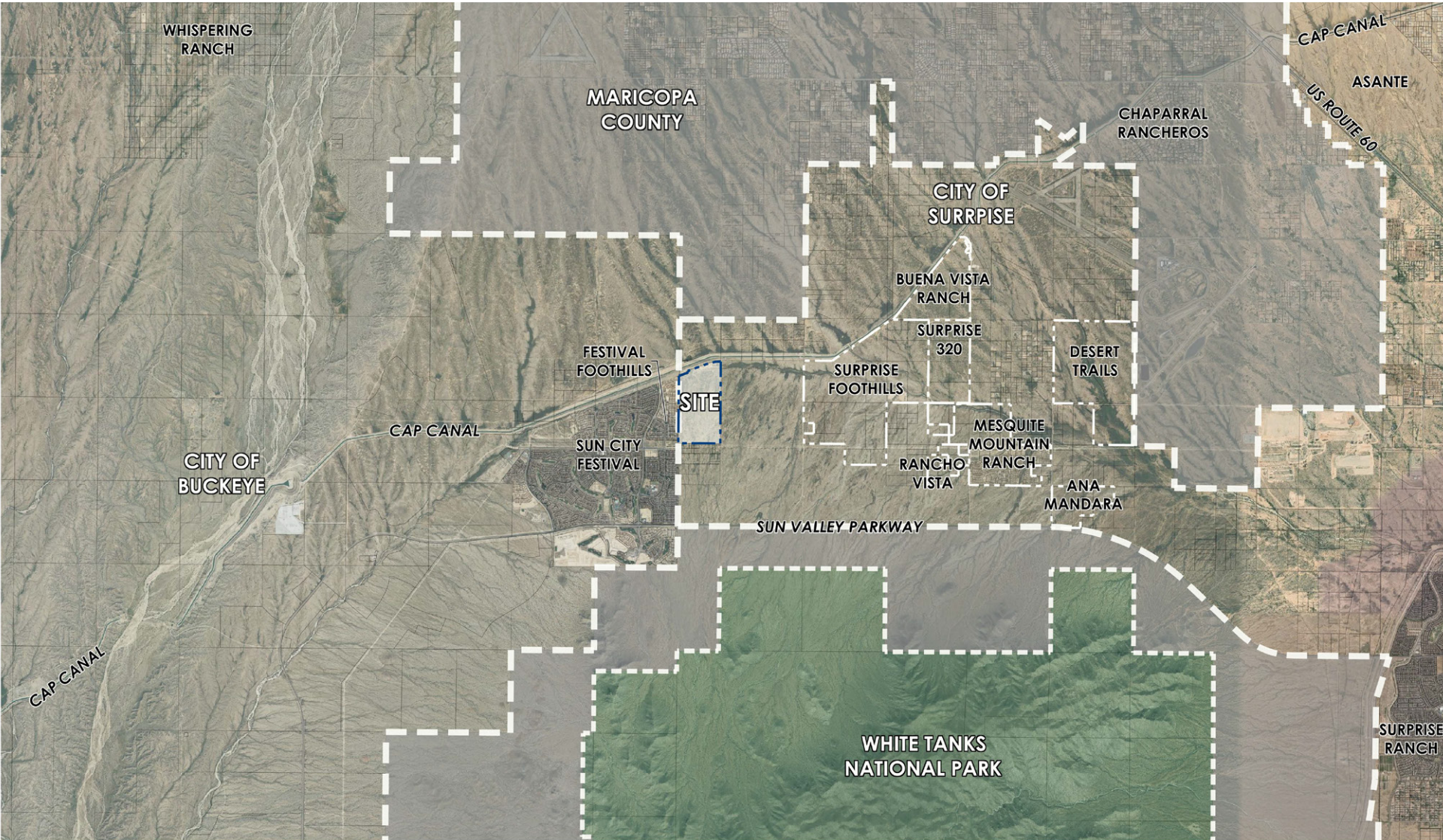




EXHIBIT 2 | GENERAL PLAN LAND USE MAP

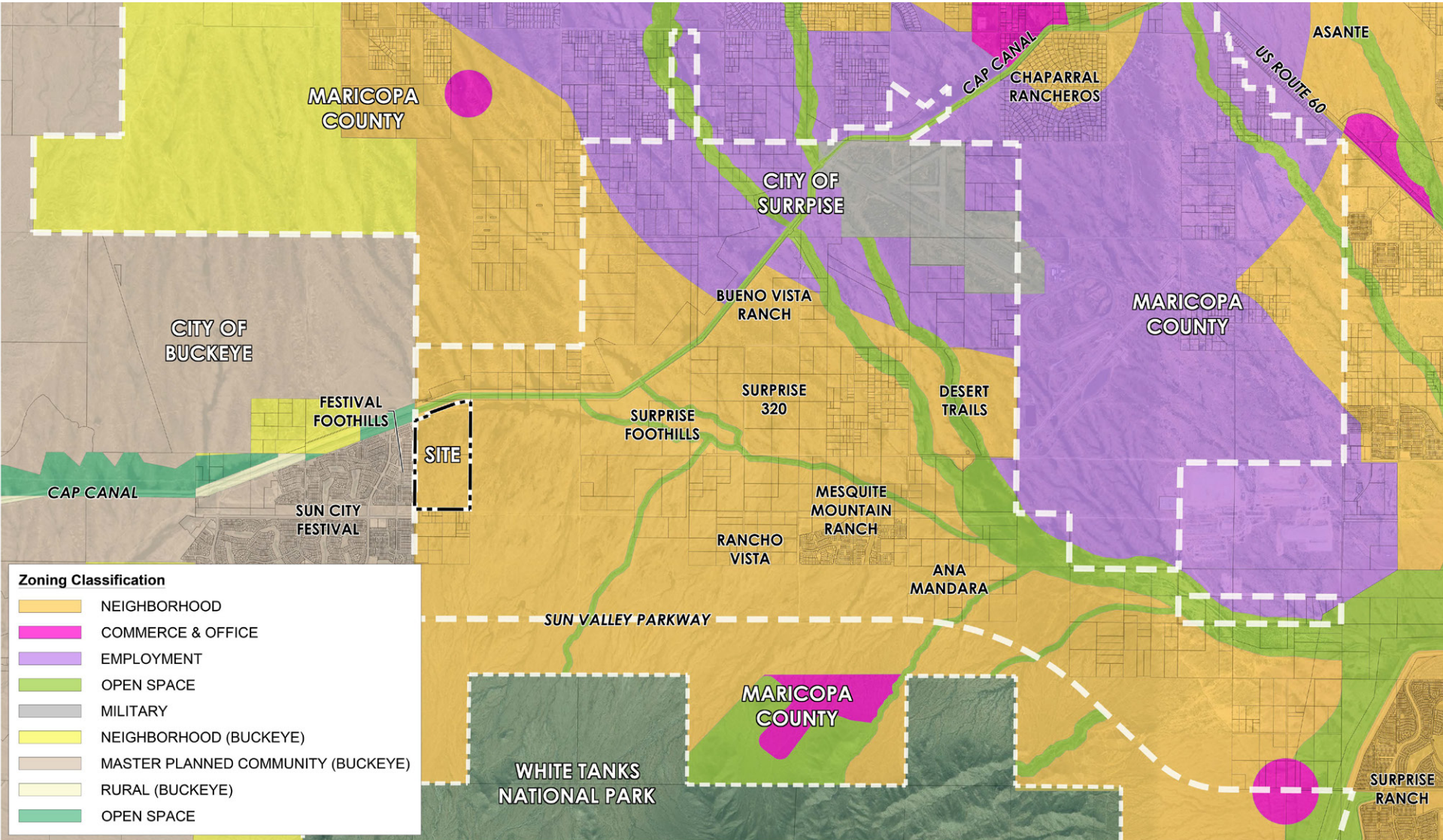




EXHIBIT 3 | EXISTING ZONING MAP

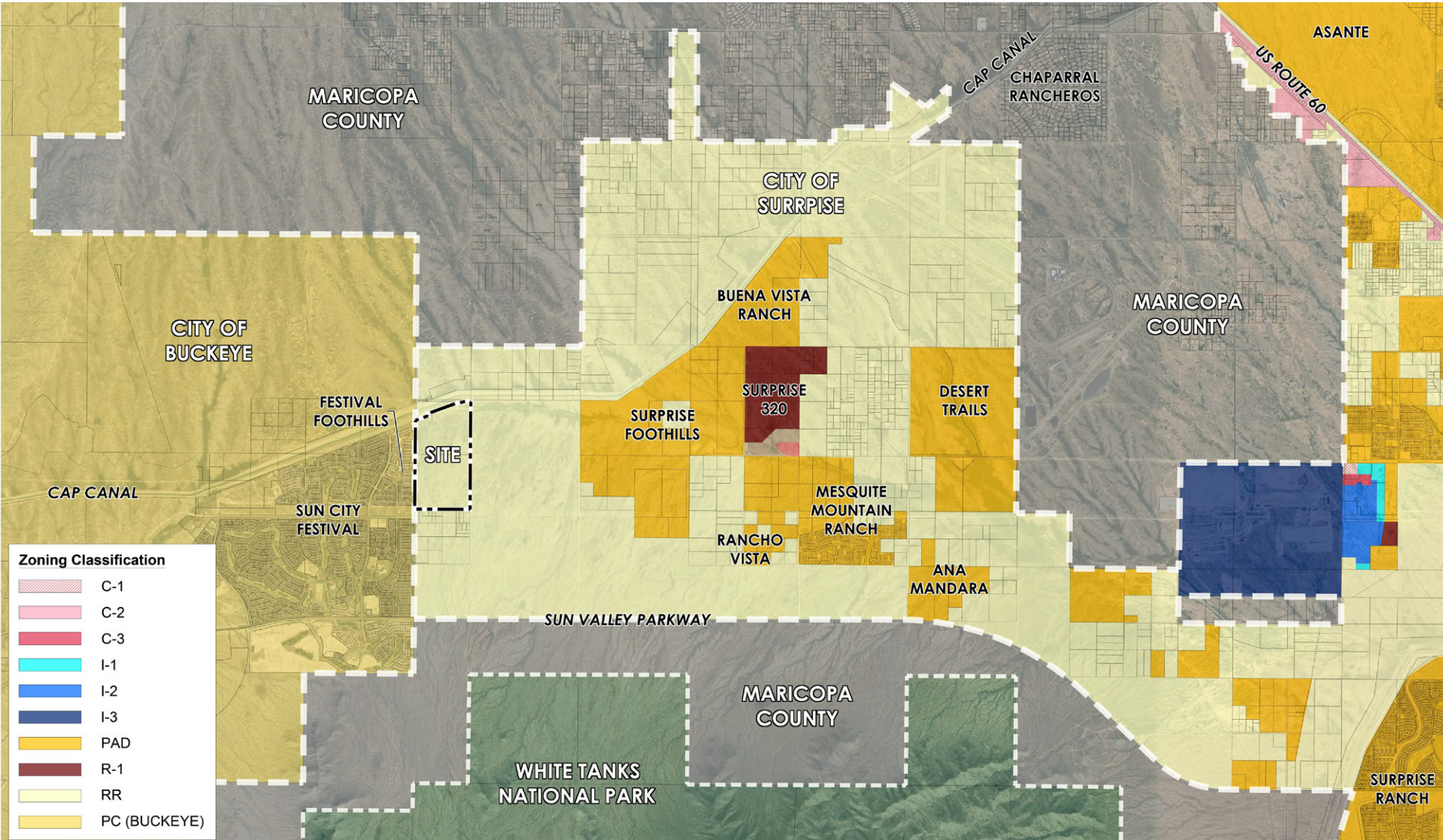




EXHIBIT 4 | PROPOSED ZONING MAP

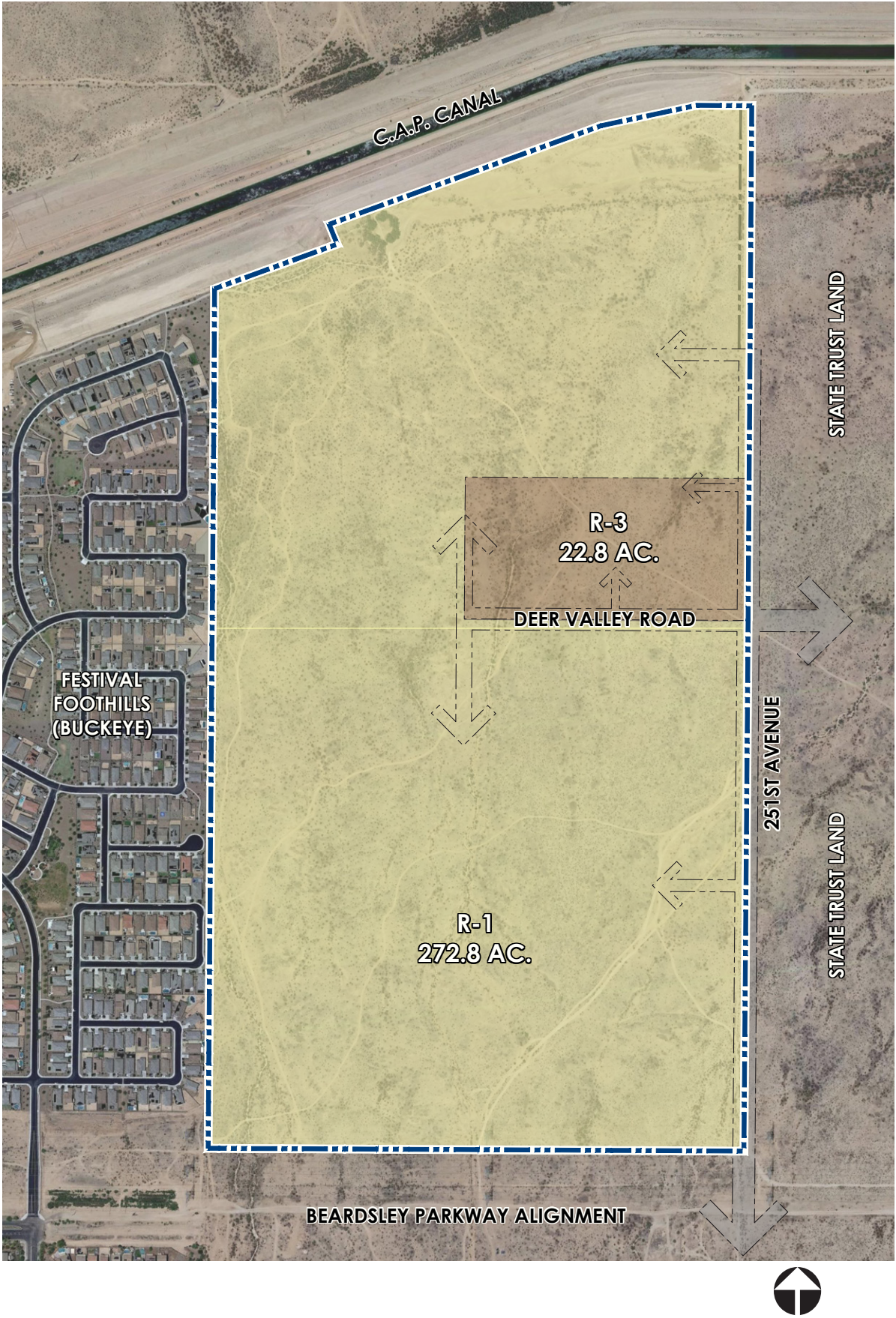




EXHIBIT 5 | CONCEPTUAL DEVELOPMENT PLAN

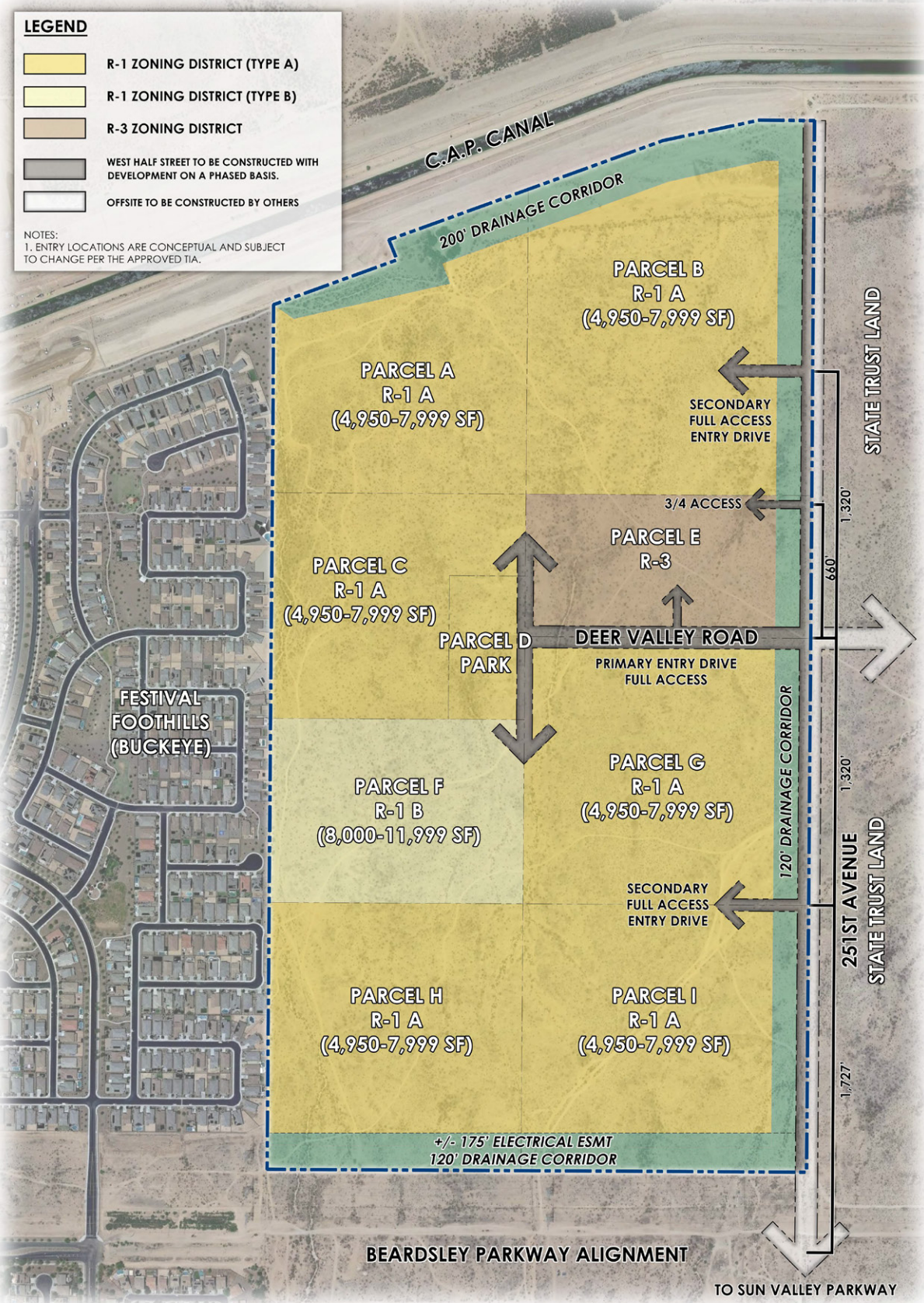
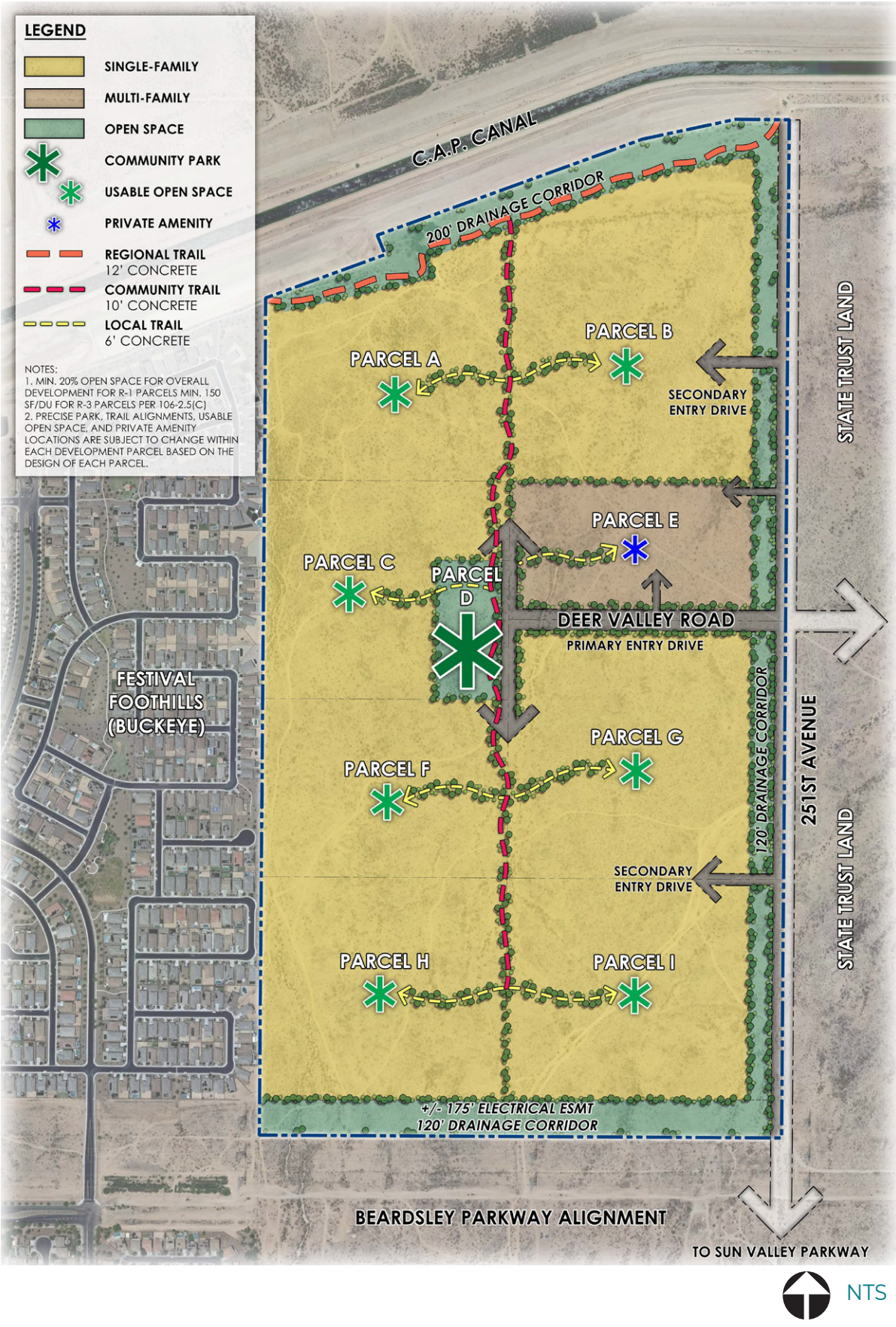


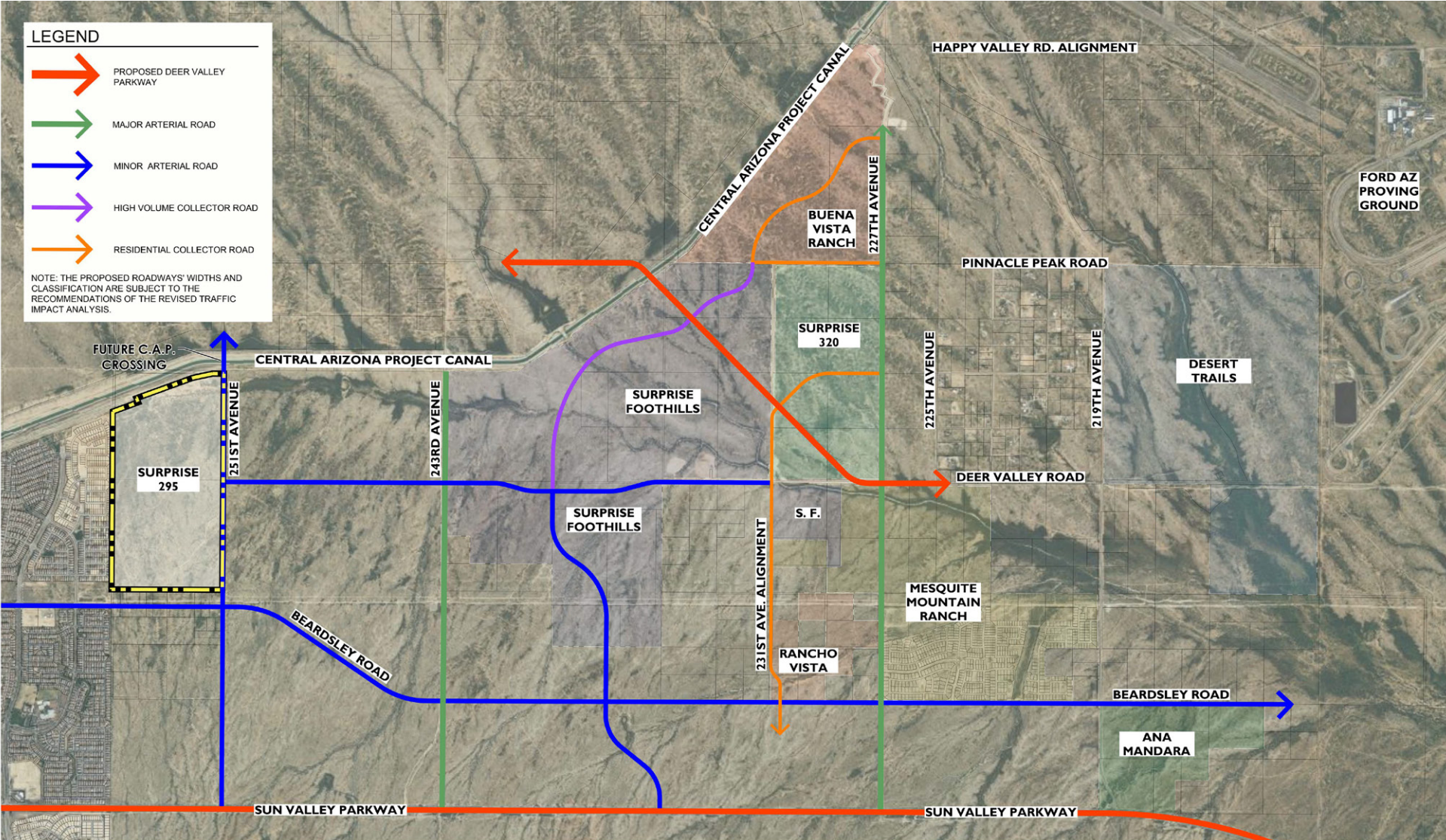


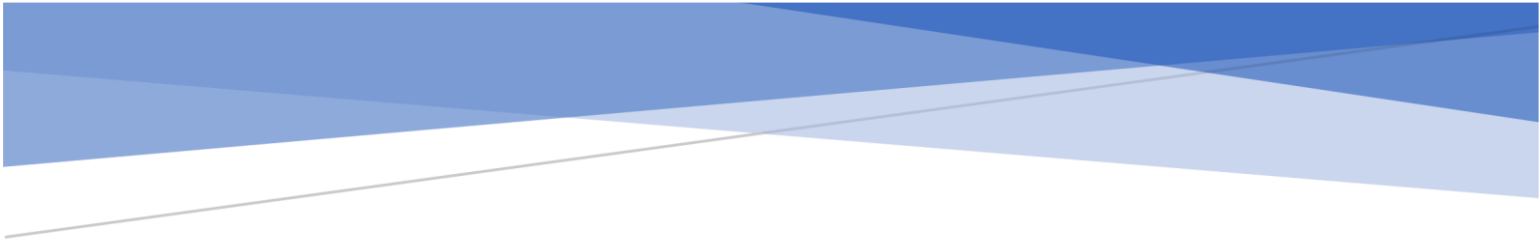
EXHIBIT 6 | CONCEPTUAL OPEN SPACE PLAN





# EXHIBIT 7 | REGIONAL TRANSPORTATION PLAN





# CITIZEN PARTICIPATION PLAN

Surprise 295 Rezoning

Surprise, AZ  
August, 2023  
FS23-0350





## Introduction

Every Type 3 development application (which includes rezoning applications) in the City of Surprise requires a neighborhood meeting. As such, these applications also require a Citizen Participation Report designed to detail the results of the citizen participation effort prior to the notice of public hearing. The following sections document the public outreach as it relates to the Surprise 295, case number FS23-0350.

## Public Outreach

One neighborhood meeting was held for this project on August 10, 2023 in accordance with City LDO requirements. Notices for the neighborhood meeting were mailed to residents and neighborhood associations fifteen (15) days prior by City staff in accordance with the LDO. The meeting details have been included below.

Location: Willow Canyon High School – Collaborative Commons  
17901 W Lundberg St.  
Surprise, AZ 85388

Date and Time: Thursday August 10, 2023 – 6:00 PM

Additionally, the following exhibits are included as part of the Citizen Participation Report:

- Sign-in sheet as **Exhibit A: Neighborhood Meeting Sign in Sheet**
- Citizen Comment Cards as **Exhibit B: Comment Cards**
- Site posting affidavit and photos as **Exhibit C: Sign Posting Affidavit & Photos**
- Exhibits presented at the Meeting as **Exhibit D: Meeting Presentation Exhibits**

## Summary of Neighborhood Outreach Efforts

The neighborhood meeting was held at a public place in general vicinity of the subject site in compliance with the recommendations of City staff. The applicant conducted the meeting in an open house fashion for the first fifteen minutes, allowing the residents to view the project boards up close and ask questions. Around 6:15 the applicant gave a brief presentation, giving an overview of the project and explanations for all of the boards on display. Upon conclusion of the formal presentation, the applicant answered questions from the attendees. The following section highlights the questions asked and the responses from the applicant.

## Meeting Documentation

The meeting began at 6:00 PM. There were 13 people in attendance. The following section includes the list of questions that were asked, and the responses given by the applicant and The City.

Where is access coming from for this site?

**Response: Access will be provided from 251<sup>st</sup> Avenue at Sun Valley Parkway. Additional access will come from an extension of Deer Valley Road through the adjacent State Land, and south to Sun Valley Parkway on Foothills Parkway through the Surprise Foothills Development.**

Where will the new resident's children be going to school?

**Response: A school is planned as part of the Surprise Foothills development, and the long-term plan is for new residents of this area to be attending that school. The site is within the Wickenburg Unified School District.**

What is the project timeline?

**Response: We anticipate completing the zoning by the end of the year or early 2024. If the zoning is approved, we will begin marketing the project to builders, and anticipate construction could commence in early to mid-2025, based on market conditions.**

Will there be any roadway connections to the existing Festival Foothills development?

**Response: We are not planning any specifically, but Lloyd Abrams, Planning Director reminded citizens that Surprise and Buckeye are in a joint emergency response agreement and at the time of platting, there could be some necessary emergency access connections from a public safety standpoint, but that would be determined later.**

Who will the service providers be for things like internet?

**Response: City will provide water, sewer, fire and police services. APS will provide power. We have not reached out to internet service providers yet, but many are available via the wireless services so there will likely be various options for residents.**

Who is building 251<sup>st</sup> Avenue?

**Response: The developer for the project will be required to build the west half-street of 251<sup>st</sup> Avenue based on requirements of an approved traffic report on a phased basis. Necessary ROW will need to be acquired from the State Land Department for portions of the roadway.**

Does the Trilby wash cross the property? How will you the developer be protecting it?

**Response: The Trilby wash does not cross the property, but small tributaries may be within the development. All off-site flows will be channelized along the southern, northern and eastern boundaries of the property and release at the northeast portion of the property to its historical flow locations.**

What is the difference between lot categories A and B?

**Response: Within the City of Surprise LDO, each residential zoning district has distinct lot categories related to lot size. The majority of the subject site is to be zoned R-1, and we are preliminary showing both lot category A (4,950-7,999 SF) and category B (8,000-11,999 SF).**

Will the homes be solar accessible?

**Response: Most likely, but that is up to the home builder(s) developing the property.**

Can we restrict the homes on the western edge to 1-story?

**Response: We are proposing R-1 zoning per the City of Surprise Land Development Ordinance which does allow up to 2-stories and we are not proposing to modify any standards, so this would**

**be something that would need to be negotiated with an end user/builder, but not something we plan to restrict through zoning.**

Can we restrict the R-3 development to 1 and 2-story development?

**Response: Our intent is 1-2 story multi-family development, but R-3 does allow 3-stories and we are not restricting that with rezoning at this time. The R-3 zoning is ¼ mile away from the Festival Foothills property, so there is a large buffer between their properties and the proposed R-3 parcel.**

Other general concerns:

**Some residents requested that we e-mail the graphic exhibits we presented, and we provided those materials as requested.**

## Ongoing Coordination

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



## Exhibit A: Sign-In Sheets from May 25<sup>th</sup> Neighborhood Meeting

Project: Surprise 295 - Neighborhood Meeting

Location: Willow Canyon High School – Collaborative Commons  
17901 W Lundberg St.  
Surprise, AZ 85388

Date and Time: Thursday August 10th, 2023 – 6:00 PM

NEIGHBORHOOD MEETING SIGN-IN SHEET

| NAME                        | ADDRESS | PHONE | EMAIL |
|-----------------------------|---------|-------|-------|
| JAMES SCHMUKI               |         |       |       |
| Eddy Edens                  |         |       |       |
| Brad Miner                  |         |       |       |
| David Hinson                |         |       |       |
| Brian Wade                  |         |       |       |
| Debra Burt                  |         |       |       |
| STEVE & PEGGY ARNESON       |         |       |       |
| Nadine Soto/Stephanie Teale |         |       |       |

Project: Surprise 295 - Neighborhood Meeting

Location: Willow Canyon High School – Collaborative Commons  
17901 W Lundberg St.  
Surprise, AZ 85388

Date and Time: **Thursday August 10th, 2023 – 6:00 PM**

**NEIGHBORHOOD MEETING SIGN-IN SHEET**

| NAME          | ADDRESS | PHONE | EMAIL |
|---------------|---------|-------|-------|
| Thomas Ansell |         |       |       |
| Mary Ansell   |         |       |       |
|               |         |       |       |
|               |         |       |       |
|               |         |       |       |
|               |         |       |       |
|               |         |       |       |

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## Exhibit B: Comment Cards

**COMMENT CARD**

Surprise 295  
Neighborhood Meeting – August 10<sup>th</sup>, 2023

Brian Groude

Name

Street Address

Email Address

Phone Number

**COMMENTS / CONCERNS:**

Concern of 2 story Homes Along Border of Festival  
If possible ONLY 1 story Along that Border



**COMMENT CARD**

Surprise 295  
Neighborhood Meeting – August 10<sup>th</sup>, 2023

Mary Ansell

Name

Street Address

Email Address

Phone Number

**COMMENTS / CONCERNS:**

16 Send Everything



**COMMENT CARD**

Surprise 295

Neighborhood Meeting – August 10<sup>th</sup>, 2023

Nadine Soto

[REDACTED]

Name

Street Address

[REDACTED]

[REDACTED]

Email Address

Phone Number

**COMMENTS / CONCERNS:**

Pulte home area we are in was only single level homes. Two stories or at a different area. It would be nice if ~~the~~ other developer would adhere to same guidelines of single level homes. Would hate to move again.

**COMMENT CARD**

Surprise 295  
Neighborhood Meeting – August 10<sup>th</sup>, 2023

JAMES SCHMUKI

Name

Street Address

Email Address

Phone Number

**COMMENTS / CONCERNS:**

R1 APPROVE R3 DENSITY & HEIGHT ON EASTSIDE OF PROPERTY  
WATER & SEWER CONNECTIONS ?  
ACCESS

**COMMENT CARD**

Surprise 295

Neighborhood Meeting – August 10<sup>th</sup>, 2023

*Brad Miner*

[REDACTED]

Name

Street Address

[REDACTED]

Email Address

Phone Number

**COMMENTS / CONCERNS:**

*I would request no connection between the communities. I live on a cul de sac and I do not want it to become a thru street*



## Exhibit C: Sign Posting Affidavit and Photos

**AFFIDAVIT OF POSTING**

Application No: FS23-0350  
Applicant Name: RVi Planning & Landscape  
Architecture  
Location: SWC 251st ave & Deer Valley (alignments)  
Date Site Posted: 7/24/2023

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.

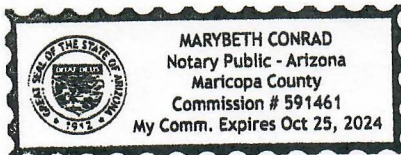
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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  
Applicant/Representative Signature

7/24/2023  
Date

This instrument was acknowledged before me on 7/24/2023, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



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

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

# Notice of Public Hearing

## City of Surprise

### Neighborhood Meeting

Date: August 10th, 2023  
Time: 6:00 P.M.  
Location: Willow Canyon High School  
Collaborative Commons  
17901 W Lundberg St.  
Surprise, AZ 85388

### Planning & Zoning

Date: TBD  
Time: 6:00 P.M.  
Location: Council Chambers  
16000 Civic Center Plaza  
Surprise, AZ 85374

### City Council

Date: TBD  
Time: 6:00 P.M.  
Location: Council Chambers  
16000 Civic Center Plaza  
Surprise, AZ 85374

Case Number: **FS23-0350**

**PROJECT DESCRIPTION:** A rezoning application for Surprise 295 to change the existing zoning from Rural Residential (RR) to a combination of R-1 single-family and R-3 multi-family residential zoning districts on multiple parcels comprising approximately 295 gross acres.

For more information, call: 623-222-3011 [www.surpriseaz.gov](http://www.surpriseaz.gov)

#### VICINITY MAP



Jul 24, 2023 02:25PM  
21101 N 259th Ave  
Maricopa County



# Notice of Public Hearing City of Surprise

## Neighborhood Meeting

Date: August 10th, 2023

Time: 6:00 P.M.

Location: Willow Canyon High School  
Collaborative Commons  
17901 W Lundberg St.  
Surprise, AZ 85388

## Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers  
16000 Civic Center Plaza  
Surprise, AZ 85374

## City Council

Date: TBD

Time: 6:00 P.M.

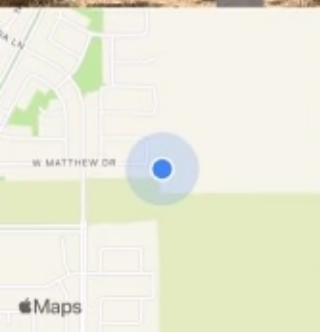
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16000 Civic Center Plaza  
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**VICINITY MAP**



Jul 24, 2023 02:25PM

21101 N 259th Ave

Maricopa County

# Notice of Public Hearing

## City of Surprise

### Neighborhood Meeting

Date: August 10th, 2023  
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**VICINITY MAP**



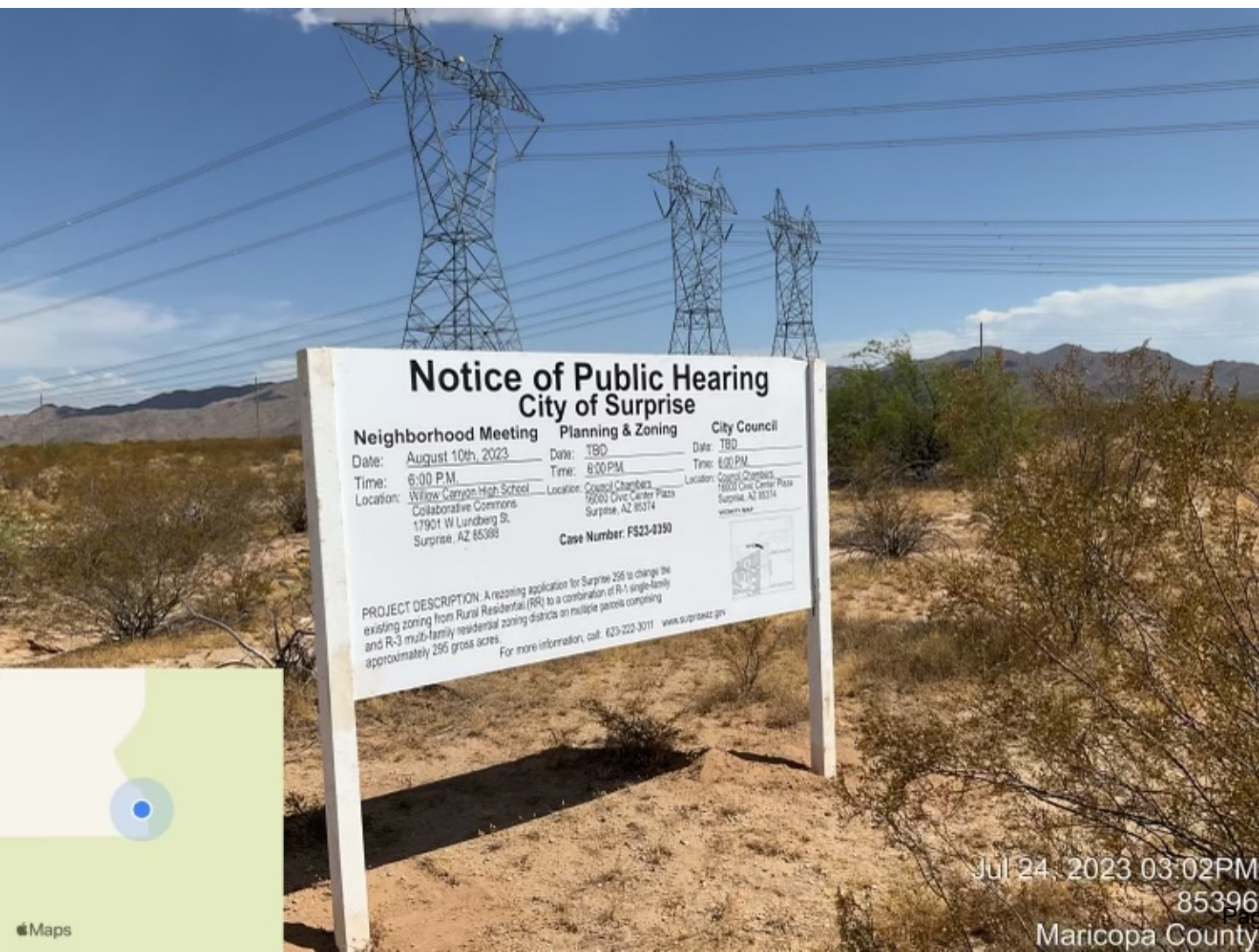
For more information, call: 623-222-3011 [www.surpriseaz.gov](http://www.surpriseaz.gov)

Jul 24, 2023 03:02PM

85396

Maricopa County





## Notice of Public Hearing City of Surprise

| Neighborhood Meeting                                                                                    | Planning & Zoning                                                            | City Council                                                                 |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Date: August 10th, 2023                                                                                 | Date: TBD                                                                    | Date: TBD                                                                    |
| Time: 6:00 P.M.                                                                                         | Time: 6:00 P.M.                                                              | Time: 6:00 P.M.                                                              |
| Location: Willow Canyon High School Collaborative Commons<br>17901 W Lundberg St.<br>Surprise, AZ 85399 | Location: Council Chambers<br>16000 Civic Center Plaza<br>Surprise, AZ 85374 | Location: Council Chambers<br>16000 Civic Center Plaza<br>Surprise, AZ 85374 |

Case Number: FS23-0359

**PROJECT DESCRIPTION:** A rezoning application for Surprise 256 to change the existing zoning from Rural Residential (RR) to a combination of R-1 single-family and R-3 multi-family residential zoning districts on multiple parcels comprising approximately 295 gross acres.

For more information, call: 623-223-3011 [www.surpriseaz.gov](http://www.surpriseaz.gov)



Jul 24, 2023 03:02PM

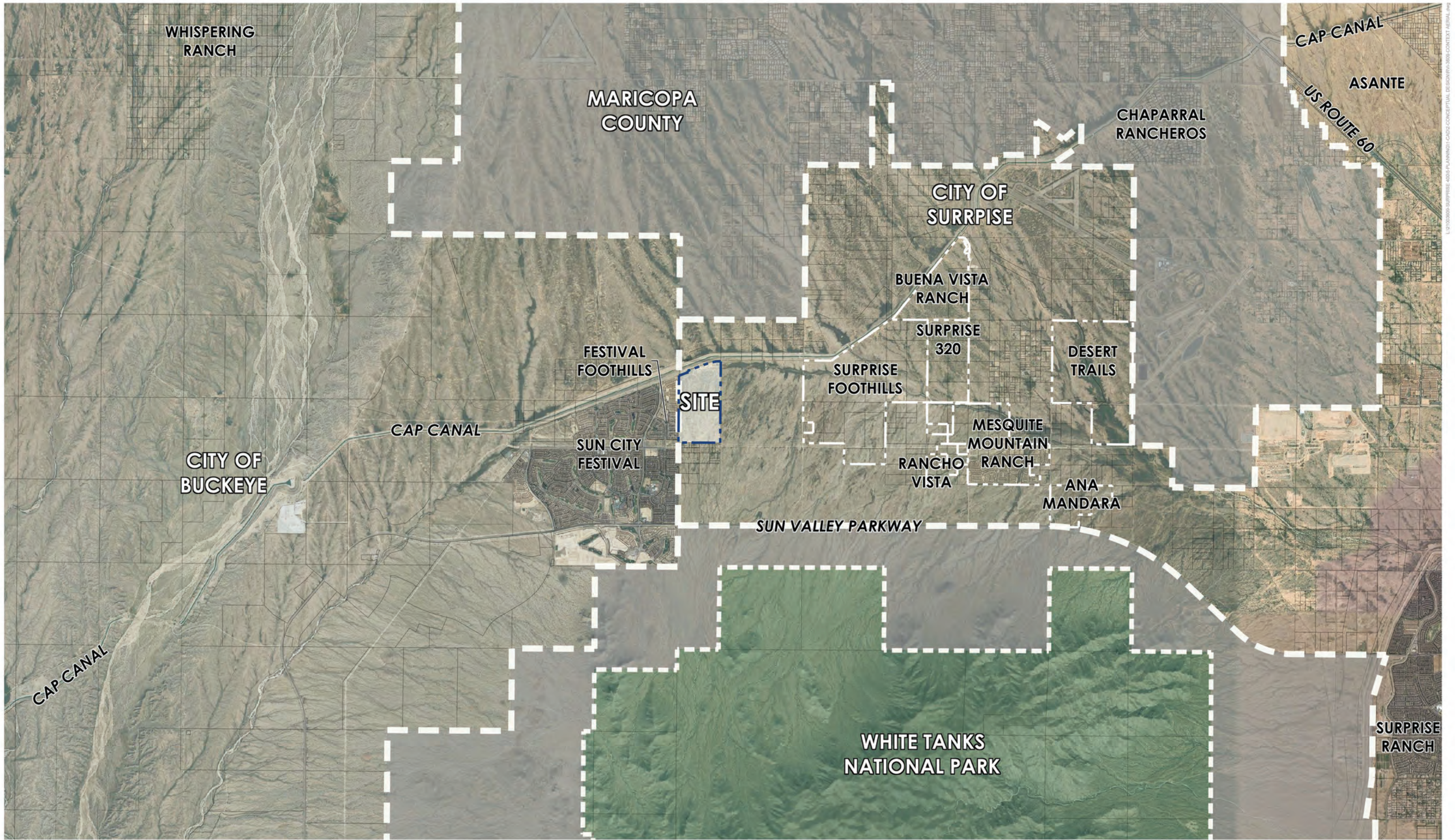
85396

Maricopa County

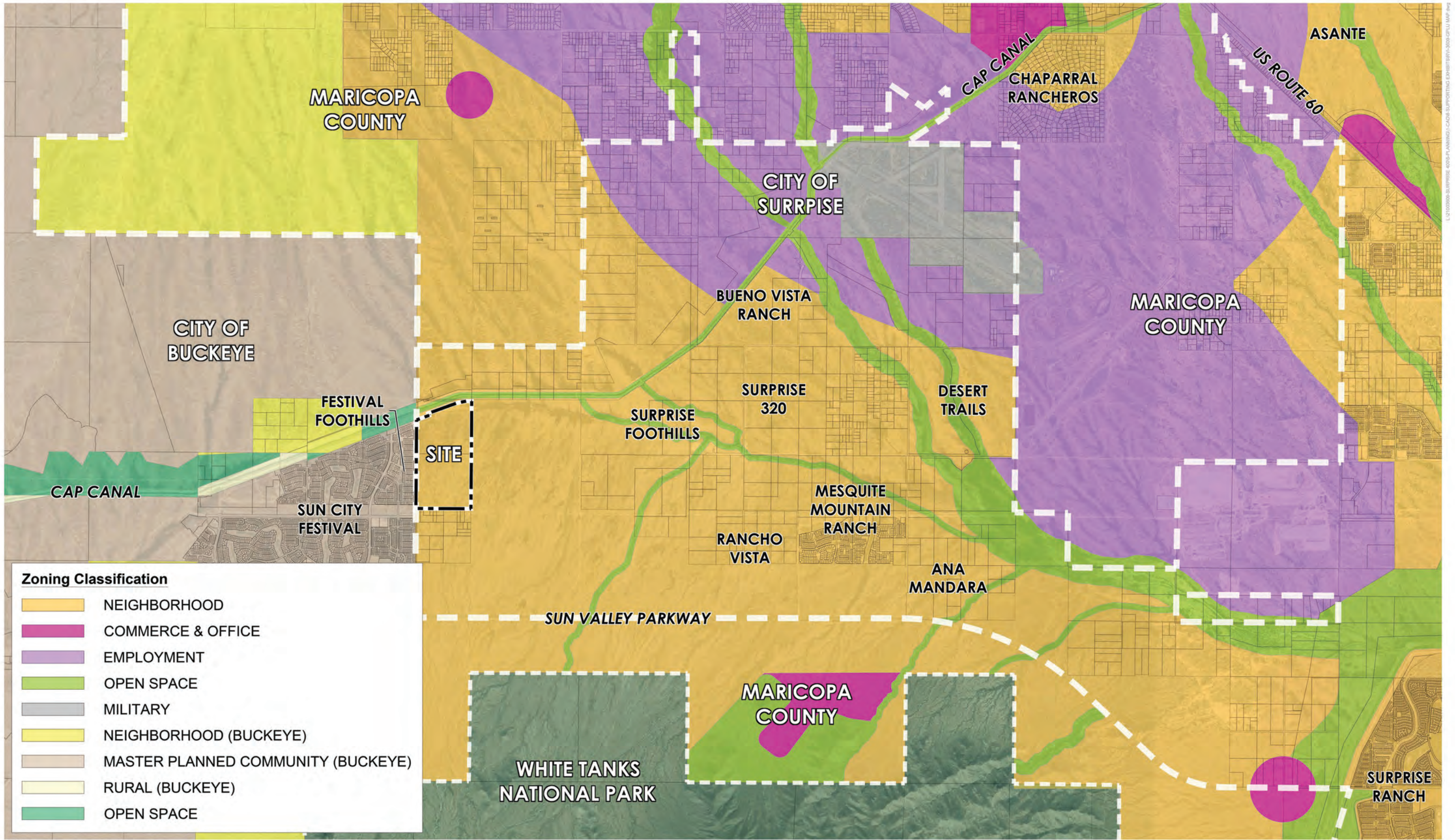


## Exhibit D: Meeting Presentation Exhibits

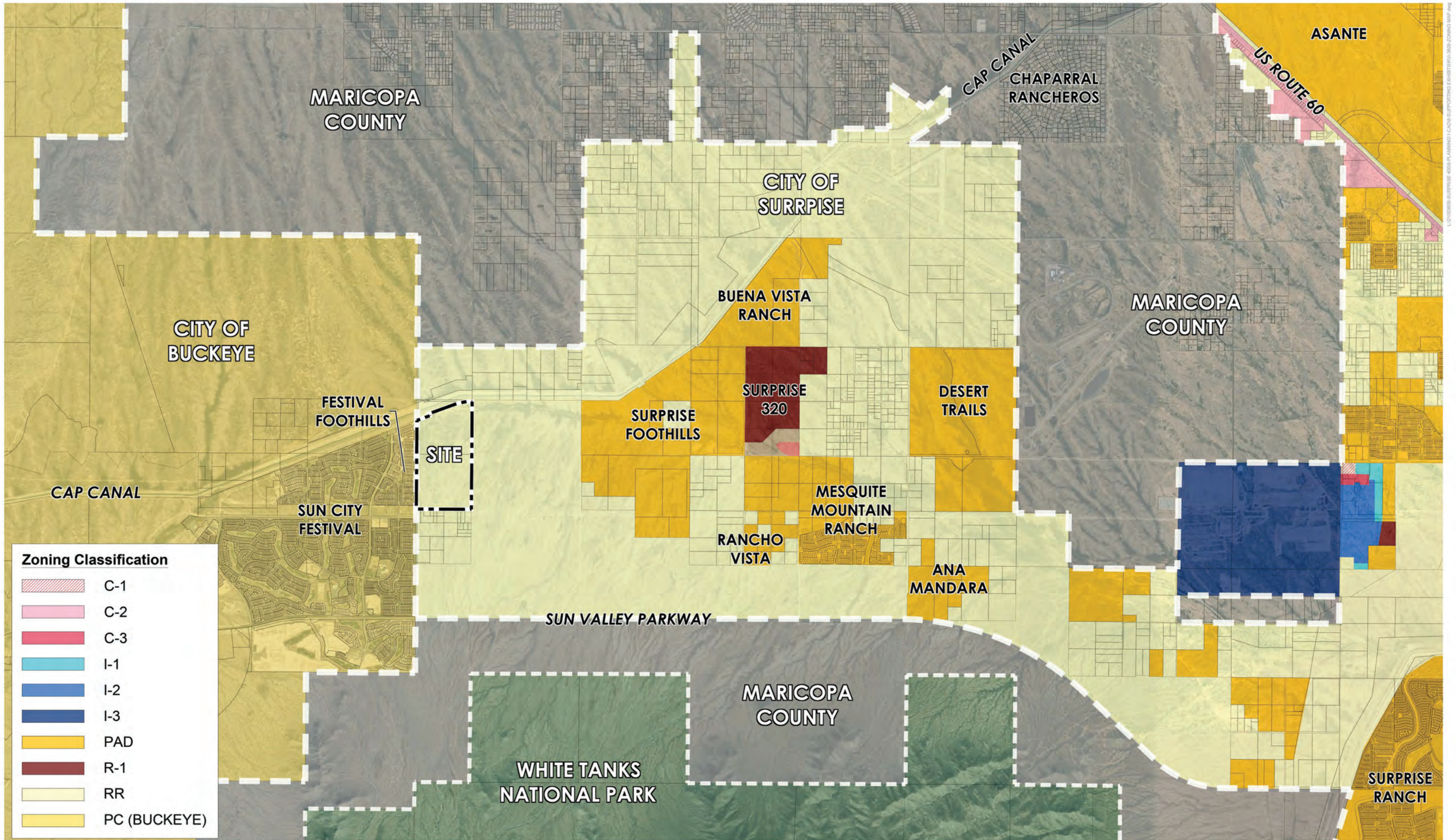




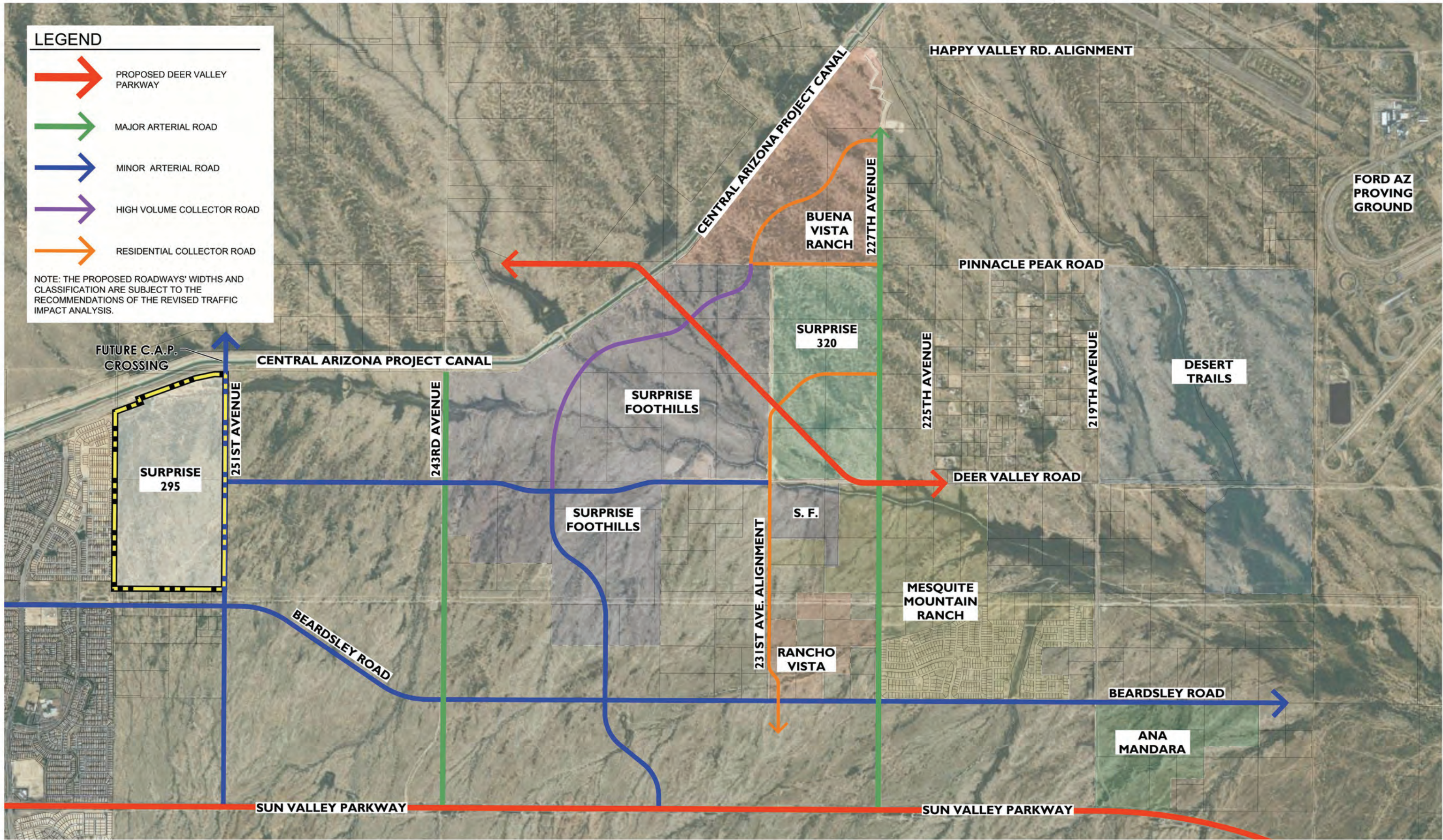
















Copyright RVI

R

V

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4900 N. Scottsdale Rd, Suite 1200

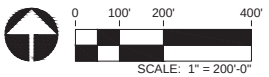
Scottsdale, Arizona 85251

Tel: 480.594.0294

www.rviplanning.com

SURPRISE 295 • PROPOSED ZONING

- SURPRISE, AZ
- 2023-06-26
- 21003609
- HAMPTON GROUP



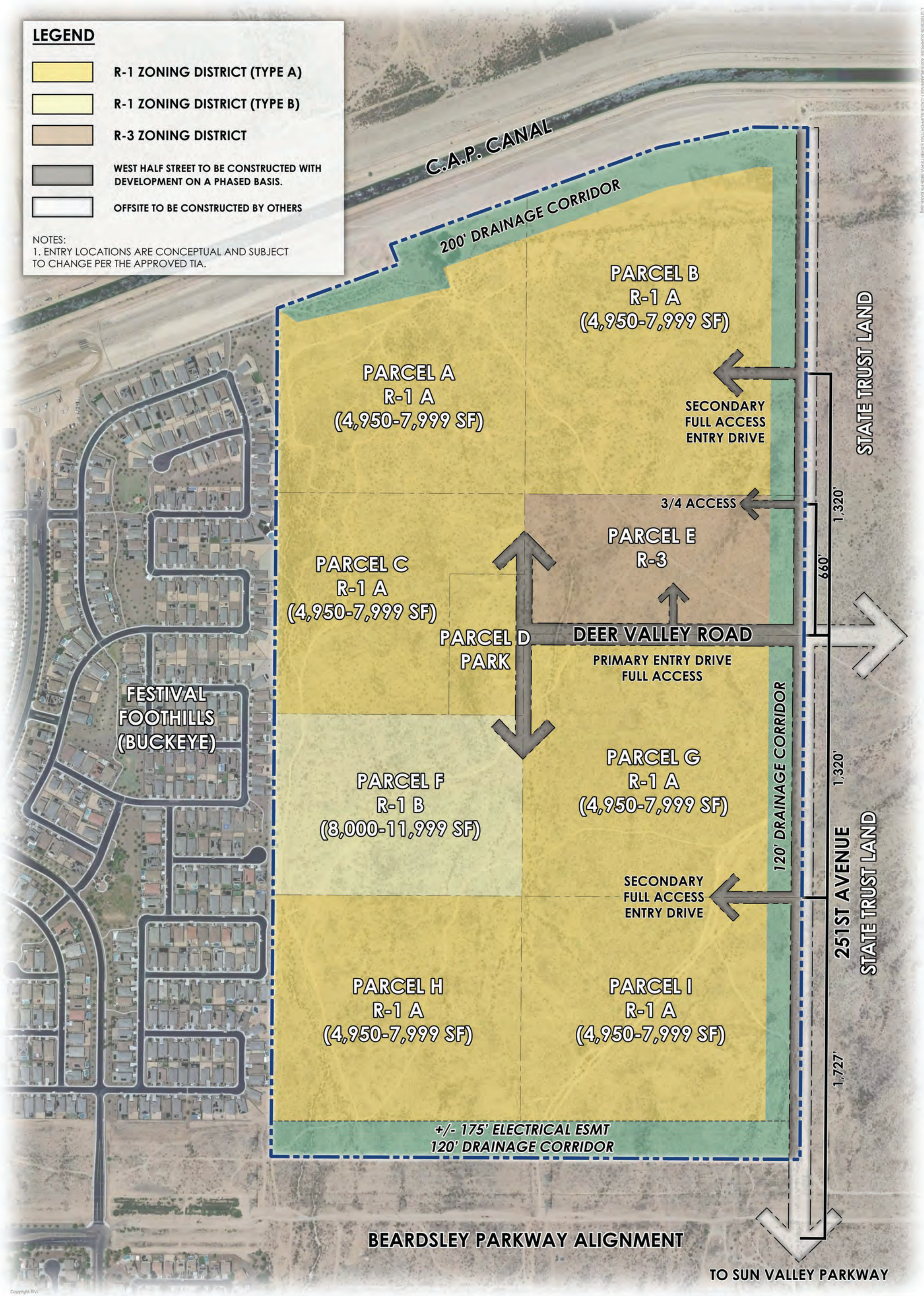
Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



LEGEND

- R-1 ZONING DISTRICT (TYPE A)
- R-1 ZONING DISTRICT (TYPE B)
- R-3 ZONING DISTRICT
- WEST HALF STREET TO BE CONSTRUCTED WITH DEVELOPMENT ON A PHASED BASIS.
- OFFSITE TO BE CONSTRUCTED BY OTHERS

NOTES:  
1. ENTRY LOCATIONS ARE CONCEPTUAL AND SUBJECT TO CHANGE PER THE APPROVED TIA.

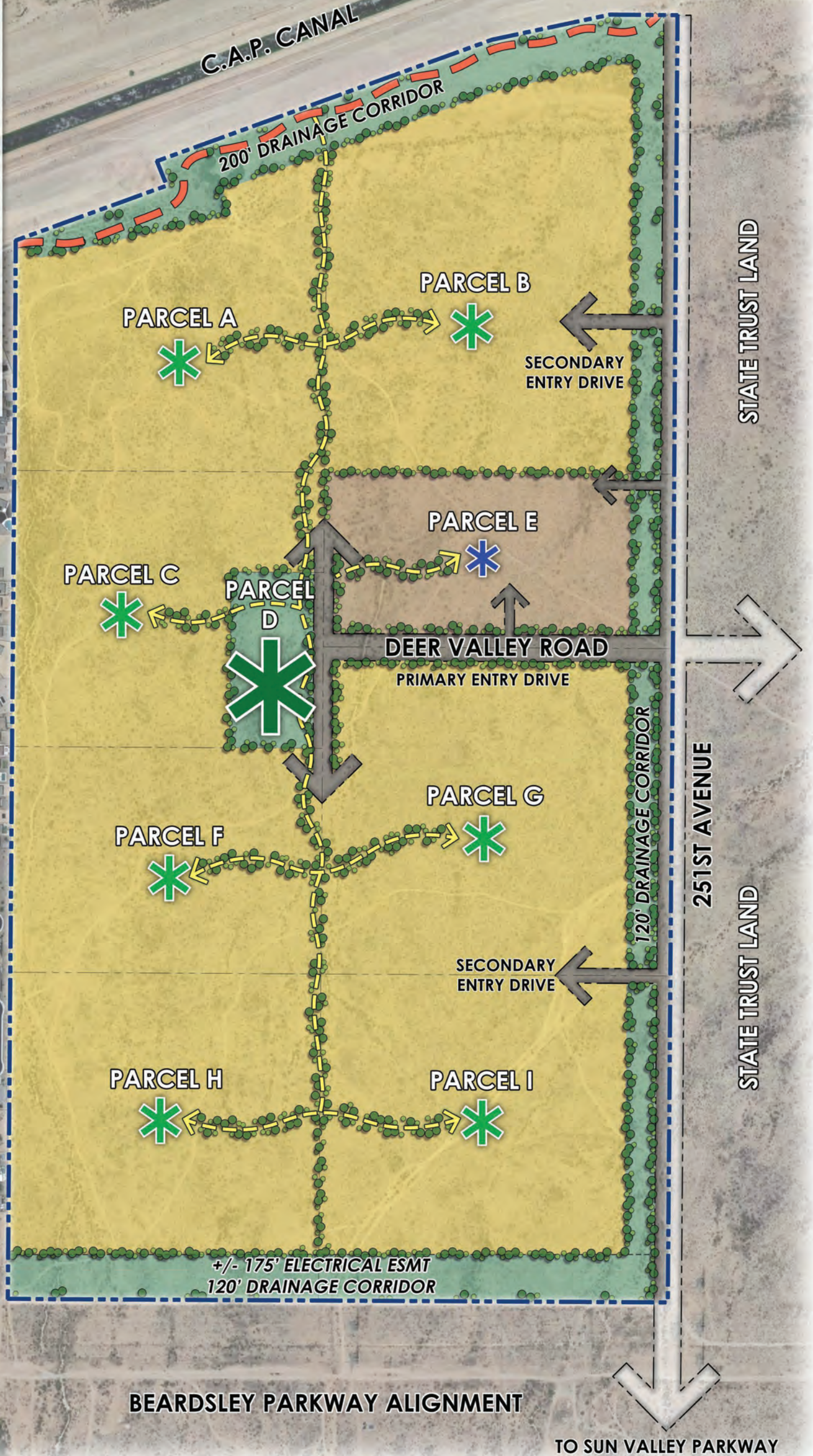




LEGEND

- SINGLE-FAMILY
- MULTI-FAMILY
- OPEN SPACE
- COMMUNITY PARK
- USABLE OPEN SPACE
- PRIVATE AMENITY
- REGIONAL TRAIL
- LOCAL TRAIL (APPROX. ALIGNMENT)

NOTES:  
1. MIN. 20% OPEN SPACE FOR OVERALL DEVELOPMENT FOR R-1 PARCELS MIN. 150 SF/DU FOR R-3 PARCELS PER 106-2.5(C)  
2. PRECISE PARK, USABLE OPEN SPACE, AND PRIVATE AMENITY LOCATIONS ARE SUBJECT TO CHANGE WITHIN EACH DEVELOPMENT PARCEL BASED ON THE DESIGN OF EACH PARCEL.





**AFFIDAVIT OF POSTING**

Application No: FS23-0350

Applicant Name: RVI Planning

Location: SWC 251st ave & Deer Valley (alignments)

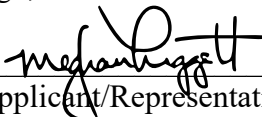
Date Site Posted: 04/30/25

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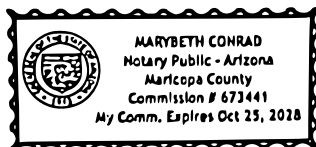
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on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

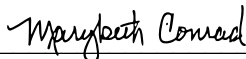
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I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 April 30, 2025  
Applicant/Representative Signature Date

This instrument was acknowledged before me on 04/30/25, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



  
Notary Public  
10-25-28  
My commission expires

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

# Notice of Public Hearing

## City of Surprise

### Neighborhood Meeting

Date: August 10th, 2023

Time: 6:00 P.M.

Location: Willow Canyon High School  
Collaborative Commons  
17901 W Lundberg St.  
Surprise, AZ 85388

### Planning & Zoning

Date: May 15, 2025

Time: 6:00 P.M.

Location: Council Chambers  
16000 Civic Center Plaza  
Surprise, AZ 85374

### City Council

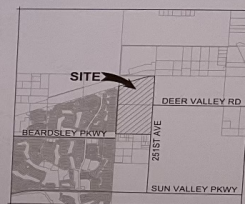
Date: June 17, 2025

Time: 6:00 P.M.

Location: Council Chambers  
16000 Civic Center Plaza  
Surprise, AZ 85374

**Case Number: FS23-0350**

#### VICINITY MAP



**PROJECT DESCRIPTION:** A rezoning application for Surprise 295 to change the existing zoning from Rural Residential (RR) to a combination of R-1 single-family and R-3 multi-family residential zoning districts on multiple parcels comprising approximately 295 gross acres.

For more information, call: 623-222-3011 [www.surpriseaz.gov](http://www.surpriseaz.gov)

April 30, 2025 at 10:17 AM  
+33.675746,-112.608311  
21101 N 259th Ave  
Surprise AZ 85396  
United States



# Notice of Public Hearing

## City of Surprise

### Neighborhood Meeting

Date: August 10th, 2023

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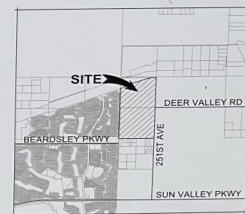
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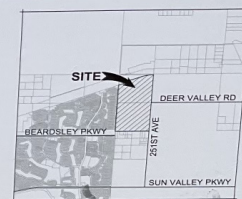
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**VICINITY MAP**



April 30, 2025 at 10:32 AM  
+33.675971,-112.599820  
North 251st Avenue  
Surprise AZ 85396  
United States



# Notice of Public Hearing

## City of Surprise

### Neighborhood Meeting

Date: August 10th, 2023

Time: 6:00 P.M.

Location: Willow Canyon High School  
Collaborative Commons  
17901 W Lundberg St.  
Surprise, AZ 85388

### Planning & Zoning

Date: May 15, 2025

Time: 6:00 P.M.

Location: Council Chambers  
16000 Civic Center Plaza  
Surprise, AZ 85374

### City Council

Date: June 17, 2025

Time: 6:00 P.M.

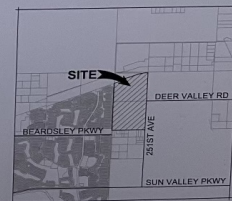
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#### VICINITY MAP



April 30, 2025 at 10:33 AM  
+33.675971, -112.599820  
North 251st Avenue  
Surprise AZ 85396  
United States

## Christina Sexton

---

**From:** RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE <jennifer.rahm@us.af.mil>  
**Sent:** Wednesday, April 26, 2023 12:24 PM  
**To:** Tierney Farago  
**Cc:** JAMES, MARK C CIV USAF AETC 56 FW/CVE; 56 FW/CIT Community Initiative  
**Subject:** RE: FS23-0350 Surprise 295 New Digital Submittal 04.25.23

**Importance:** High

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

Good afternoon Ms. Farago,

Thank you for the opportunity to provide comments on the rezoning proposal for Surprise 295. The site sits on approximately 295 acres of vacant land located at Deer Valley Road west of 251<sup>st</sup> Avenue in Surprise AZ. The proposal is to rezone the acreage from Rural Residential to Single-Family and Multi-Family residential zoning. The site falls approximately 3.2 miles outside the Luke AFB AUX-1 2004 JLUS 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.

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

The project, as described, should not have a negative impact on Luke AFB flight operations due to the fact that it is outside the GDC. However, Luke AFB reserves the right to review/comment on final plans submitted to Surprise. The site is located within the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights a day. If this development is approved, we recommend a strong notification program on the part of the applicant is to inform future occupant(s) about Luke AFB operations.

V/r,

*Jenn Rahn*

Senior Planner, Community Initiatives Team  
56th Fighter Wing  
Luke AFB AZ 85309  
Office: 623-856-9981  
DSN: 896-9981

**From:** Tierney Farago <Tierney.Farago@surpriseaz.gov>

**Sent:** Tuesday, April 25, 2023 3:28 PM

**To:** 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Aspasia Angelou (Nadaburg School District) <aangelou@nadaburgsd.org>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Darren Gerard <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce



# FS23-0350

## Surprise 295

### Rezone

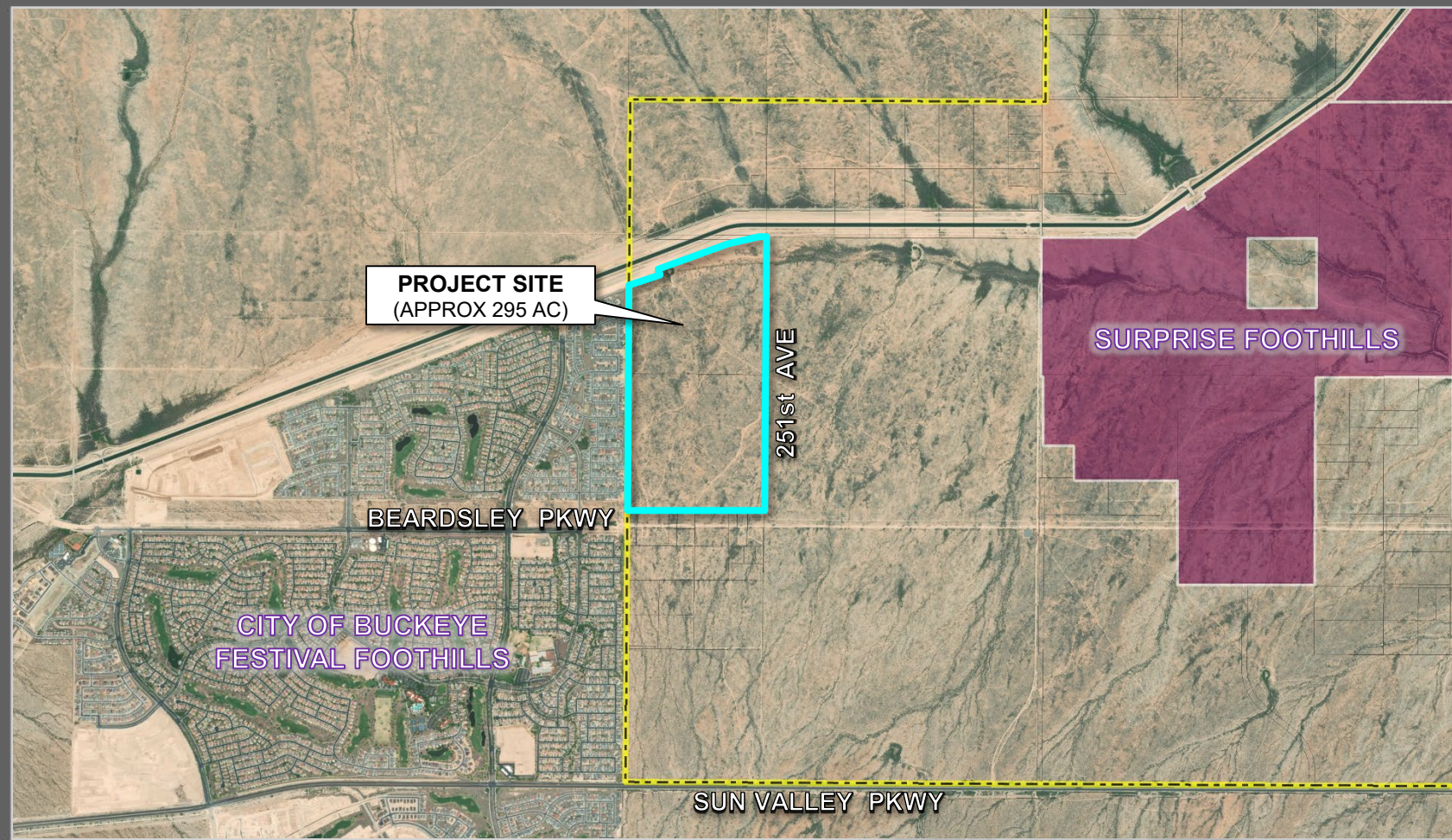
Planning & Zoning Commission

May 15, 2025



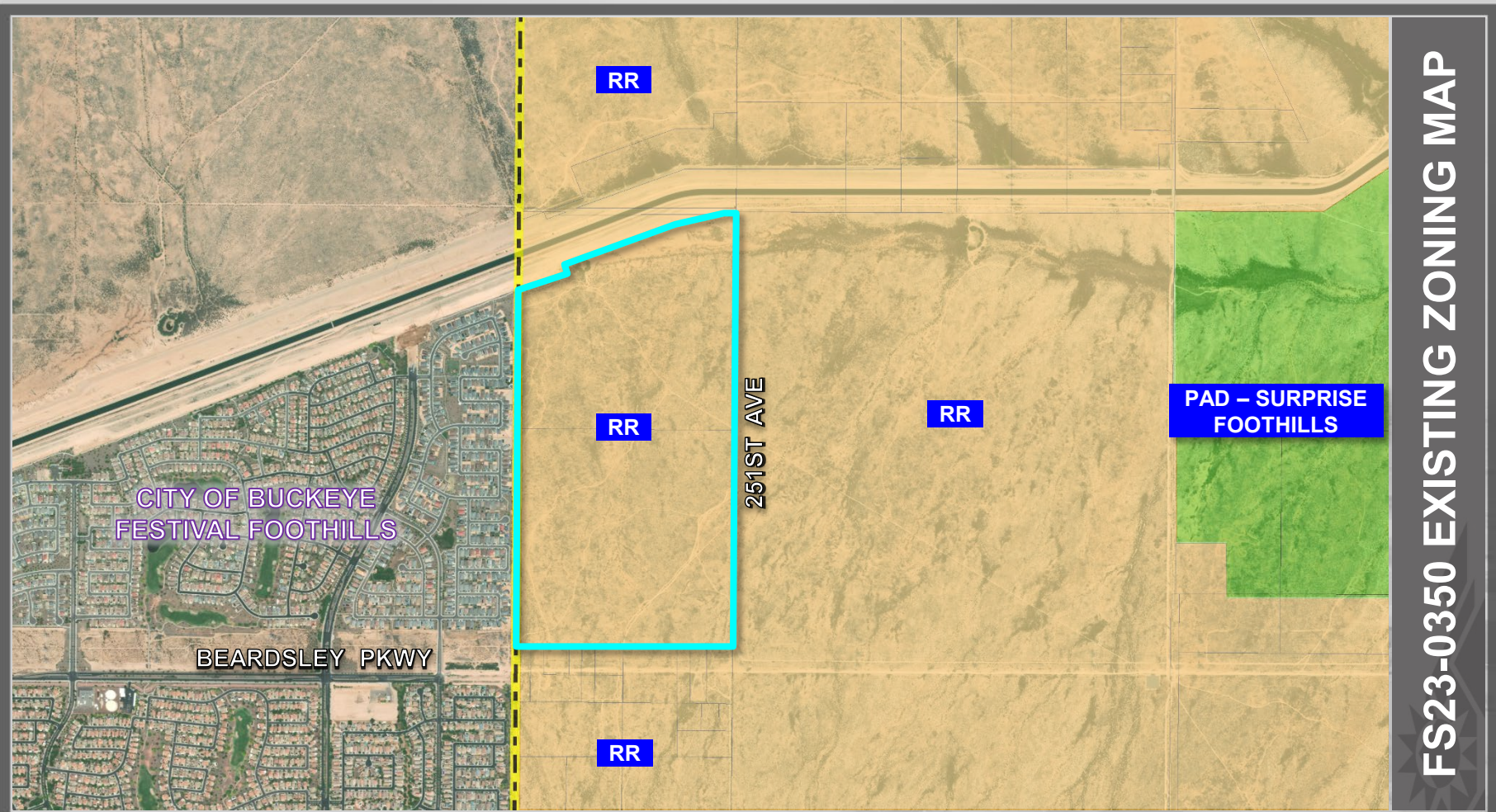
**SURPRISE**

APR 2025  
Page 71 of 184



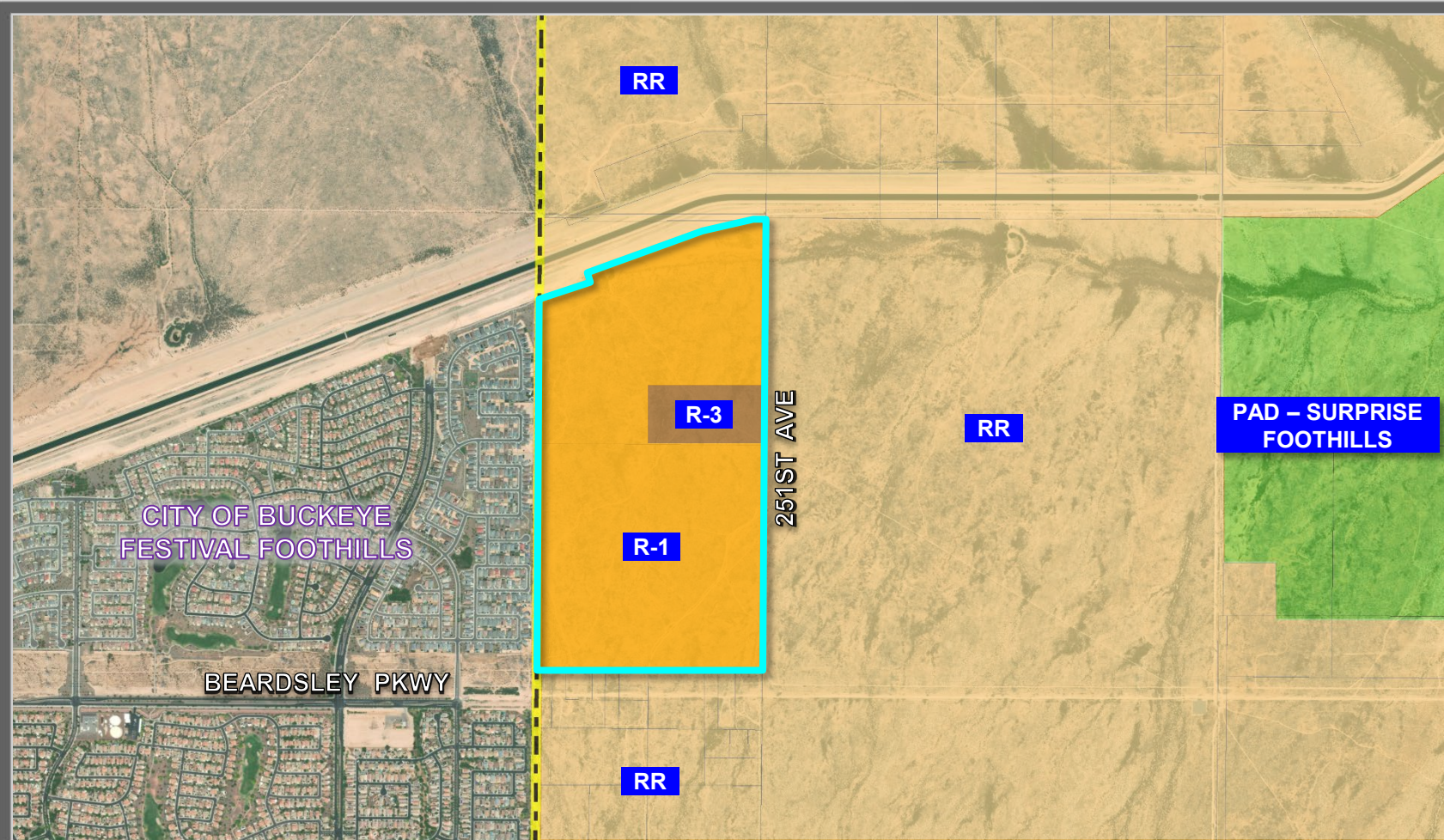
# FS23-0350 VICINITY MAP



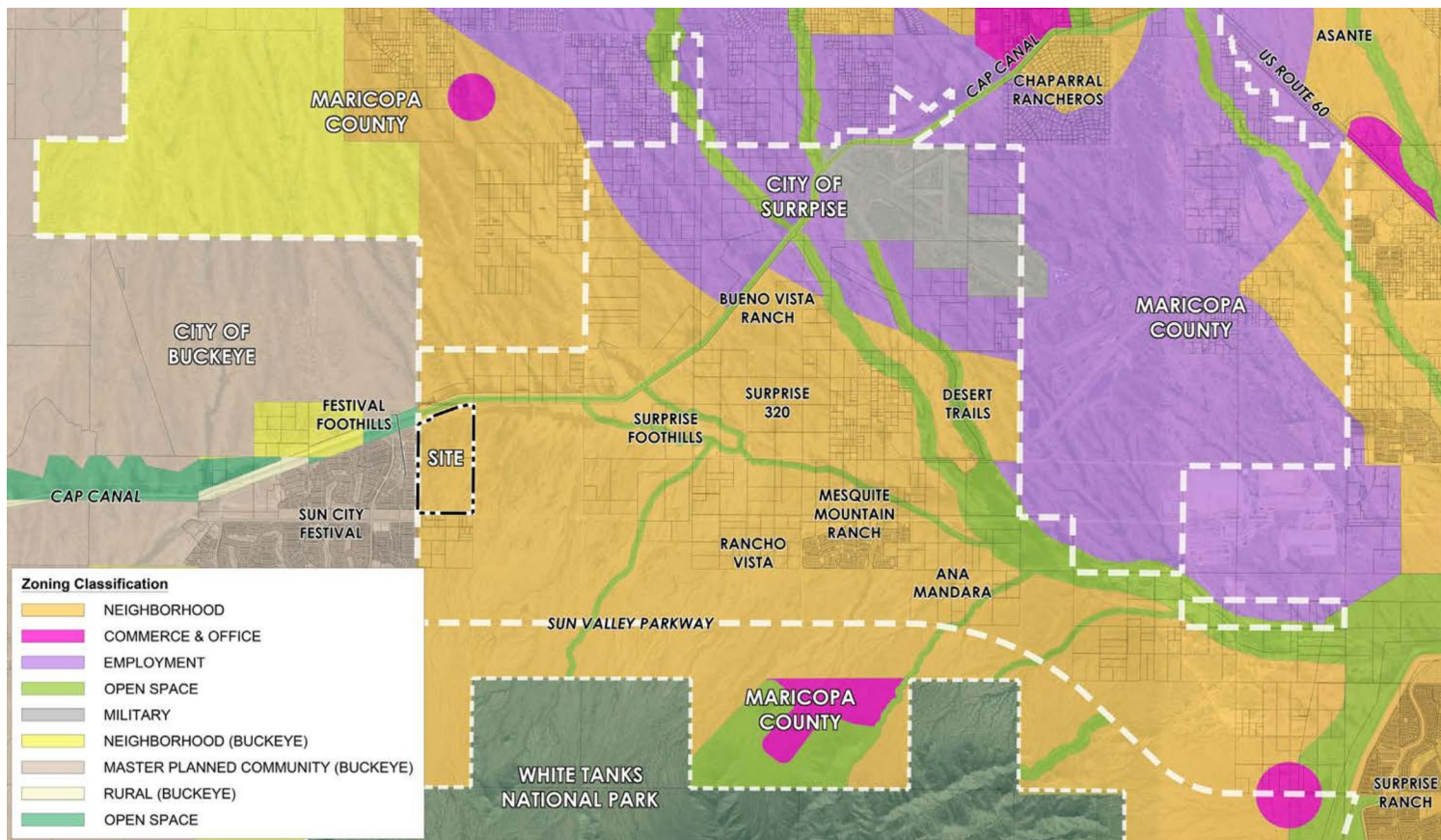


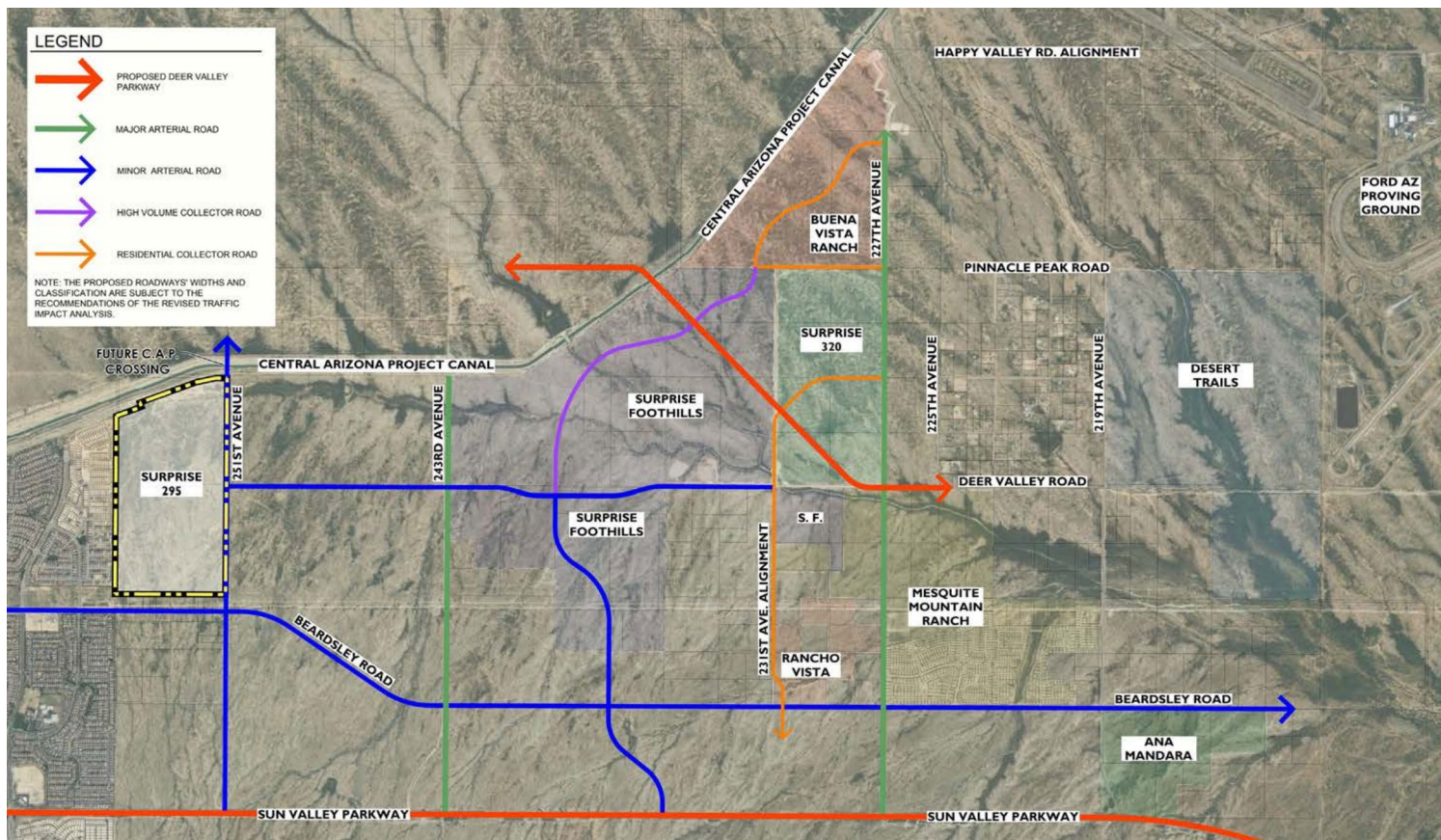
FS23-0350 EXISTING ZONING MAP



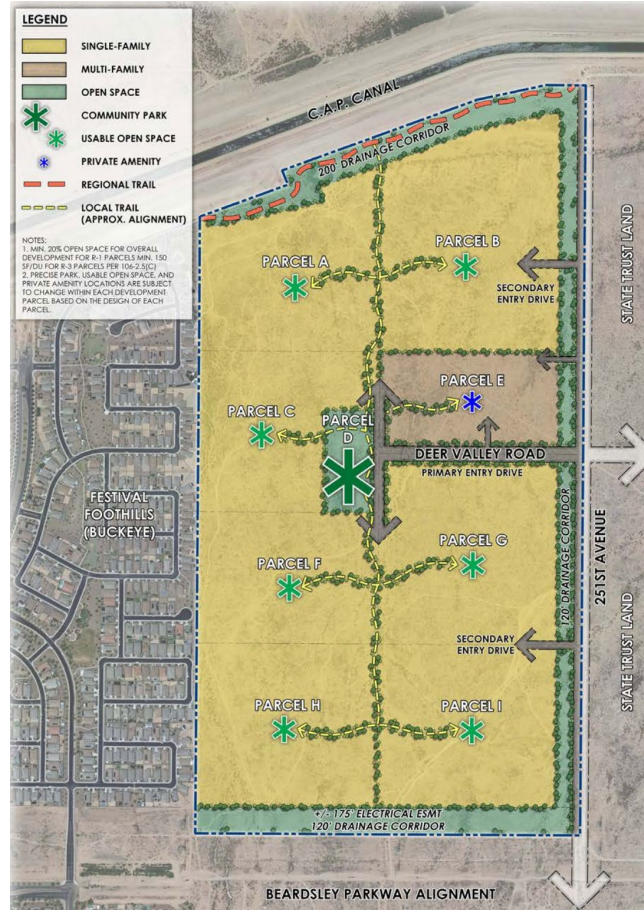












# CONCEPTUAL OPEN SPACE

# OUTREACH

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- Citizen Participation Meeting - August 10, 2023
  - 13 attendees
- Site Posting, 300' Mailers, & Newspaper Publishing's
- Concerns: access, infrastructure, development standards



# RECOMMENDATION

---

Staff finds that the request is in compliance with the City of Surprise Municipal Code and consistent with the General Plan, if the Commission wishes to recommend approval

# Questions or Comments?

THANK YOU



**SURPRISE**

Page 80 of 184





**CITY OF SURPRISE**  
**Planning & Zoning Commission**

---

Council Meeting Date: May 15, 2025      Contact Person: Leslie Carnie  
Submitting Department: Community Development      District: District 4  
Staff Recommendations:

---

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

---

**Agenda Wording:**

Consideration and action regarding a Conditional Use Permit (CUP) with Site Plan for a Big O Tires Minor Vehicle Service Facility, generally located on the northwest corner of Grand Avenue and Mountain View Boulevard. Surprise Planning Case # FS24-1457.

---

**Motion:**

I move to **approve** the Conditional Use Permit with Site Plan for a Minor Vehicle Service Facility, Case# FS24-1457, subject to stipulations 'a' through 'e' as outlined in the staff report.

I move to **deny** the Conditional Use Permit with Site Plan for a Minor Vehicle Service facility, Case# FS24-1457, because *[insert reason]*.

---

**Background:**

The subject request involves Conditional Use Permit with Site Plan for a new 6,339 square-foot Big O Tires shop with six service bays. The vacant 0.76-acre parcel is zoned C-2 and is generally located on the northwest corner of Grand Ave. and Mountain View Blvd.

---

**Objective Analysis:**

---

**Policy Compliant:**

---

**Financial Impact:**

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

---

**Budget Impact:**

**FTE Impact:**

---

**ATTACHMENTS:**

1. 00 - FS24-1457 Big O Tire - Staff Report

2. 01 – FS24-1457 Big O Tire – Vicinity Map
  3. 02– FS24-1457 Big O Tire – Zoning Map
  4. 03 – FS24-1457 Big O Tire – Site Plan
  5. 04 – FS24-1457 Big O Tire – Landscape Plan
  6. 05 – FS24-1457 Big O Tire – Elevations
  7. 06– FS24-1457 Big O Tire – Luke AFB Comments
  8. 07 - FS24-1457 Big O Tire– Citizen Outreach Report & Affidavit of Posting
  9. 08 - FS24-1457 Big O Tire– Affidavit of Posting
  10. FS24-1457 Big O Tire - Presentation
-



# CONDITIONAL USE PERMIT

---

REPORT TO THE PLANNING AND ZONING COMMISSION

**Case:** FS24-1457

**Project Name:** Big O Tires – CUP with Site Plan

**Council District:** 4 – Mulberry

**Meeting Date:** May 15, 2025

**Planner:** Leslie Carnie, Planner II

---

**Owner:** Big O Tires

**Applicant:** Kristen Luciano of Synectic Design, Inc.

**Request:** Minor Vehicle Service Facility Conditional Use Permit (CUP) with Site Plan for a Big O Tires store

**Site Location:** Generally located on the northwest corner of Grand Ave. and Mountain View Blvd.

**Site Size:** 0.76 acres (approx.)

**General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2040

**Support/Opposition:** Refer to the attached Citizen Participation Report

**Staff Recommendation:** If the Commission approves the CUP with Site Plan, staff recommends the Commission **approve** the subject CUP with Site Plan, case **FS24-1457**, subject to stipulations ‘a’ through ‘e’.

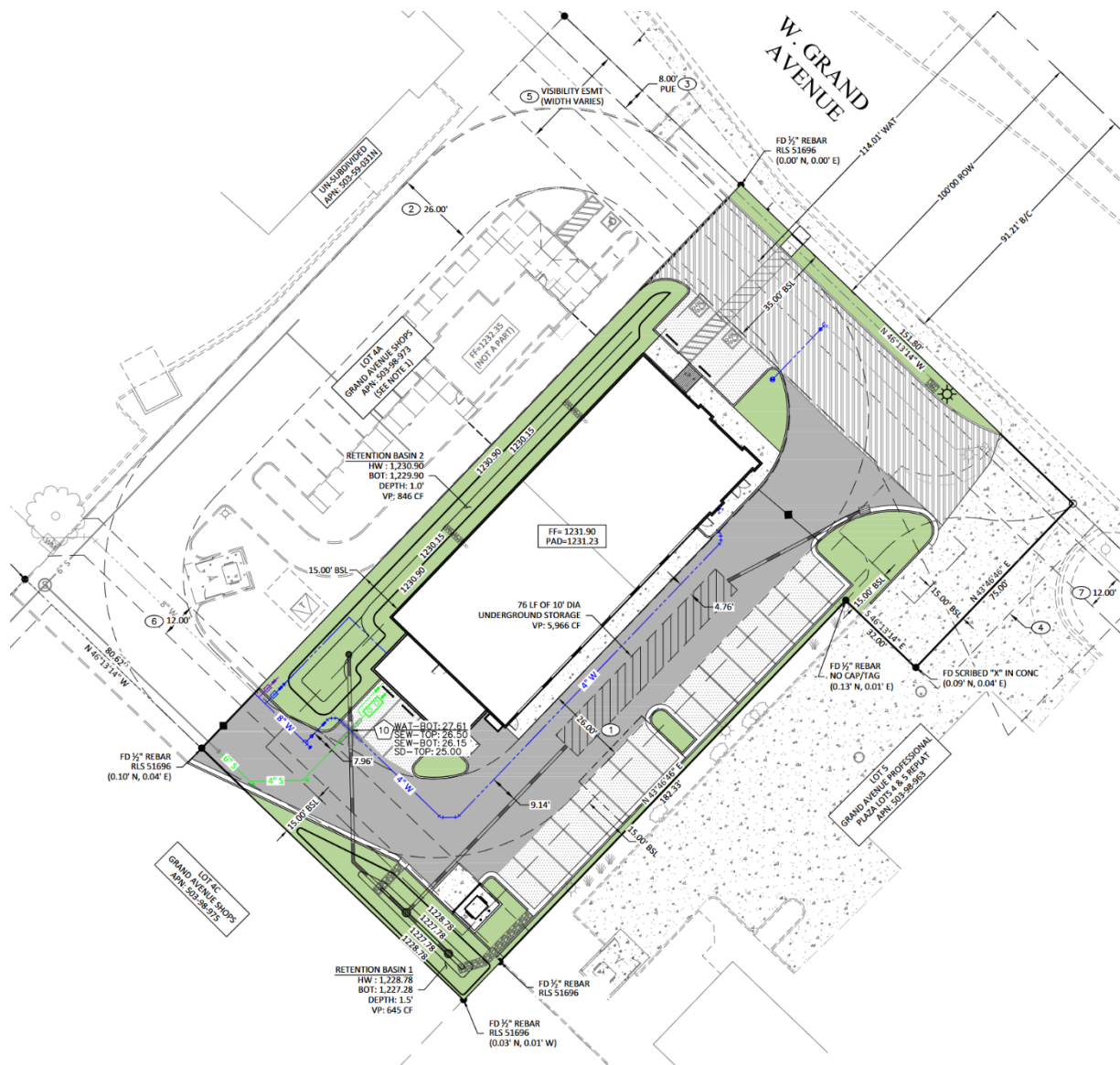
**FINDINGS:**

- The proposed CUP with Site Plan is consistent with the Surprise General Plan 2040.
- The proposed CUP with Site Plan is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

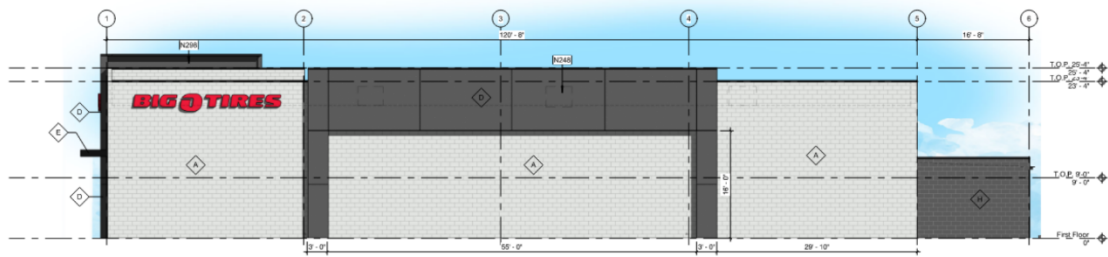
## PROJECT DESCRIPTION:

The subject request involves Conditional Use Permit with Site Plan for a new 6,339 square-foot Big O Tires shop with six service bays. The vacant 0.76-acre parcel is zoned C-2 and is generally located on the northwest corner of Grand Ave. and Mountain View Blvd.

This development requires 13 parking spaces and 22 have been provided. Access to Grand Avenue is provided via a shared right in, right out driveway. There are two additional internal access points that are provided to the adjacent development. The proposed Big O Tires store meets the required Minor Vehicle Service Facility use specific standards pursuant to Section 106-10.51B of the LDO, discussed further in the "Evaluation Criteria" section of this report.



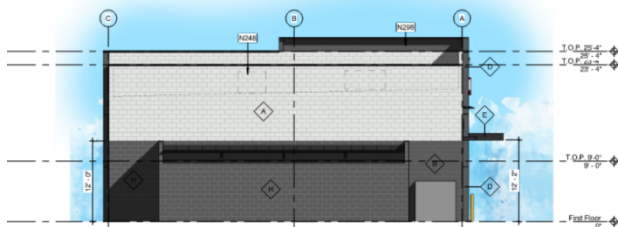




④ WEST ELEVATION - COLOR  
1/8" = 1'-0"



③ EAST ELEVATION - COLOR  
1/8" = 1'-0"



② SOUTH ELEVATION - COLOR  
1/8" = 1'-0"



① NORTH ELEVATION - COLOR  
1/8" = 1'-0"

The proposed architecture meets the 360-degree architecture requirements set forth in the PEDs and LDO. The building is constructed using a combination of CMU finishes and EIFS in a stucco finish. A neutral color palette compliments existing adjacent developments.

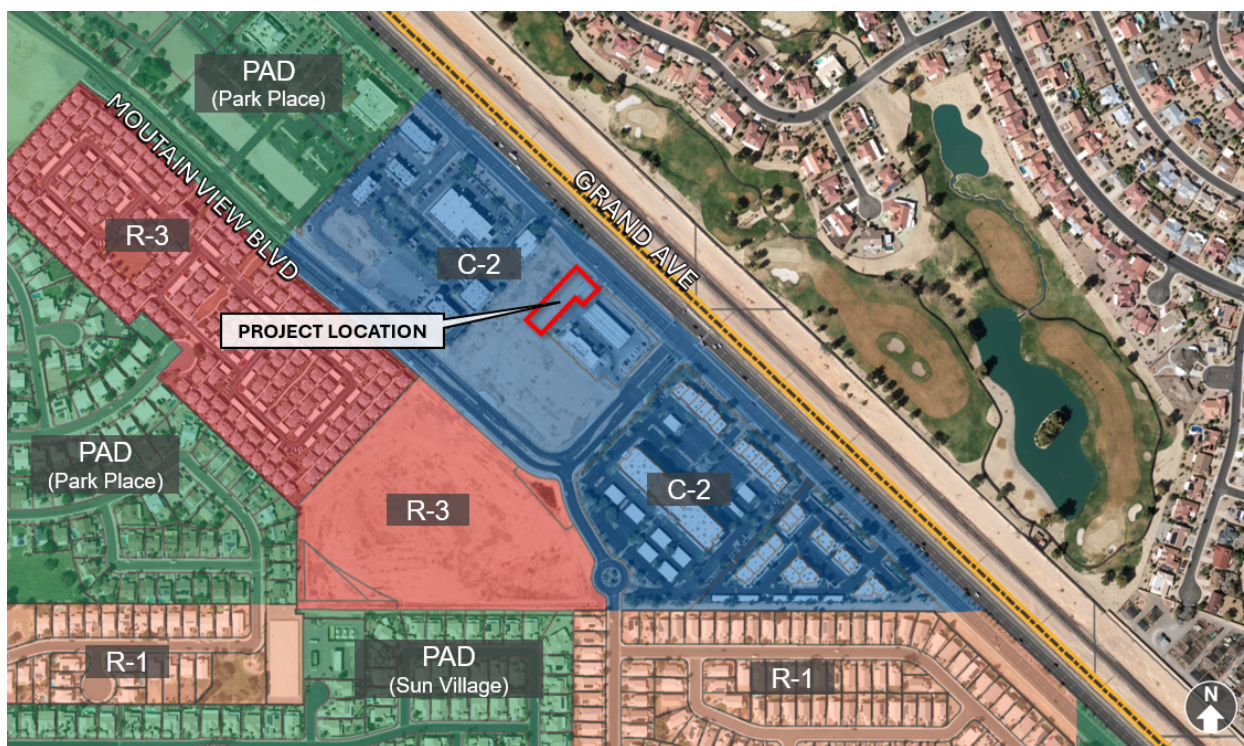


The proposed landscape meets the LDO requirements and utilizes drought tolerant, low water use plants.

### **EXISTING ZONING:**

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





|     |                            |                            |
|-----|----------------------------|----------------------------|
| C-2 | Grand Ave/BNSF<br>Corridor | Grand Ave/BNSF<br>Corridor |
| C-2 | <b>C-2</b>                 | C-2                        |
| C-2 | C-2                        | C-2                        |

## **BACKGROUND:**

**November 9, 1978:** The subject parcel was annexed into the City of Surprise under Ordinance 78-36.

**December 12, 2021:** The Planning and Zoning Commission Approved a Use Only CUP for a Dunkin Donuts and Frederico's Drive through Facility under case FS21-546.

**November 11, 2024:** A Site Plan for Dunkin Donuts and Frederico's was approved under case FS22-0705.

**October 31, 2024:** The applicant filed a request for a Conditional Use Permit with Site Plan for the subject project.

**Citizen Participation Meeting:** The applicant held a Citizen Participation Meeting for the subject project at the Residence Inn on April 8th, 2025. There were no members of the public present. The outreach meeting, along with the subject Planning and Zoning Commission hearing, were advertised in accordance with state and local requirements. The Outreach Summary is included as an attachment to this report.

97 **ANALYSIS AND DISCUSSION:**

98  
99 **Evaluative Criteria**

100 Analysis of the proposed conditionally permitted use is to be based on the use specific  
101 standards listed under Section 106-10.51B of the LDO. These standards include the  
102 following:

- 103 1. *If an installation service is offered, the service shall be restricted to the*  
104 *installation of minor parts only, including batteries, windshield wipers, hoses,*  
105 *fuses, lights, radios, tires and similar minor elements, but excluding engine,*  
106 *transmission and differential service, or similar installation.*

107  
108 **Analysis:** Big O offers the installation of tires.  
109

- 110 2. *All repair and service work shall be performed within a completely enclosed*  
111 *building with the exception of gasoline sales.*  
112

113 **Analysis:** All service is conducted indoors.  
114

- 115 3. *Service bays shall not face public rights-of-way and shall be designed to*  
116 *minimize the noise and visual intrusion into adjoining properties.*  
117

118 **Analysis:** Service bays are oriented away from all public rights-of-way and  
119 internal to the overall commercial area.  
120

- 121 4. *No new stock, or used or discarded automotive parts or equipment, shall be*  
122 *located or stored in any open area outside of the enclosed building.*  
123

124 **Analysis:** New stock is stored indoors and discarded tires are stored in a recycling  
125 enclosure.  
126

- 127 5. *No dismantling, remanufacturing or rebuilding shall be permitted.*  
128

129 **Analysis:** The only services provided are tire repair and installation.  
130

- 131 6. *All vehicles waiting for repair shall be screened from view through the use of a*  
132 *landscape screen such as berms and dense landscaping.*  
133

134 **Analysis:** Vehicles are not stored for repair.  
135

- 136 7. *Outdoor storage and displays are prohibited.*  
137

138 **Analysis:** All displays and storage areas are indoors.  
139  
140  
141



142 **CONFORMANCE WITH ADOPTED PLANS:**

143  
144 **Surprise General Plan 2040:** The Surprise General Plan 2040 shows the subject property  
145 as lying within the Commercial and Office Character Area which supports uses such as that  
146 proposed.

147  
148 *The proposed development adheres to the Commercial and Office Character Area by*  
149 *providing commercial services to support nearby higher intensity residential developments.*

150  
151 *The proposed development adheres to the General Plan Development Guidelines common*  
152 *to all Community Commercial Types. The rooftop components and parking areas are*  
153 *properly screened. The site plan exhibits adequate parking lot and accessible pedestrian*  
154 *circulation.*

155  
156 **REVIEWING AGENCIES:**

157 In addition to the standard city reviewing agencies, who indicate no objections to the  
158 requests, Luke Air Force Base and Maricopa Water District (MWD) were included in the  
159 routing of this case. These agencies also indicate no objections.

160  
161 **Transportation:**

162 The CUP with Site Plan application was reviewed and approved by Transportation staff.

163  
164 **Summary:**

165 The proposed CUP with Site Plan is consistent with, and meets the requirements of, the  
166 Surprise General Plan 2040 and the Surprise Municipal Code.

167  
168 **Recommendation:**

169 Based on the findings noted above, if the Commission wishes to approve the subject CUP  
170 with Site Plan, case FS24-1457, staff recommends the Commission approve subject to  
171 stipulations 'a' through 'e' as outlined below:

- 172
- 173 a. Development and use of the site shall be consistent with the Site Plan entitled "Big  
174 O Tires – Grand Avenue Architectural Site Plan", prepared by Synectic Design,  
175 and received March 13, 2025.
  - 176
  - 177 b. Landscaping of the site shall be consistent with the Landscape Plan entitle "Big O  
178 Tires – Grand Avenue Landscape Plan", prepared by TJ McQueen and  
179 Associates, and received March 13, 2025.
  - 180
  - 181 c. Building Architecture shall be consistent with the Elevations entitle "Big O Tires –  
182 Grand Avenue Exterior Elevations", prepared by Synectic Design, and received  
183 April 03, 2025.
  - 184
  - 185 d. The applicant shall obtain a building permit for the subject facility within one (1)  
186 year of the effective date of approval of this Site Plan. If the applicant does not  
187 obtain said building permit within the specified time, this Site Plan shall be deemed  
188 null and void.

- 189 e. Non-compliance with the stipulations of approval of this case will be treated as a  
190 violation in accordance with the applicable provisions of the Surprise Municipal  
191 Code.

192  
193 However, should the Commission wish to **deny** the request, the Commission should make  
194 its own findings and base its decision on those alternative findings.

195  
196 **RECOMMENDED MOTIONS:**

197  
198 I move to **approve** the Conditional Use Permit with Site Plan for a Minor Vehicle Service  
199 facility, Case# FS24-1457, subject to stipulations 'a' through 'e' as outlined in the staff  
200 report.

201  
202 I move to **deny** the Conditional Use Permit with Site Plan for a Minor Vehicle Service  
203 facility, Case# FS24-1457, because *[insert reason]*.

204  
205  
206 **Attachments:**

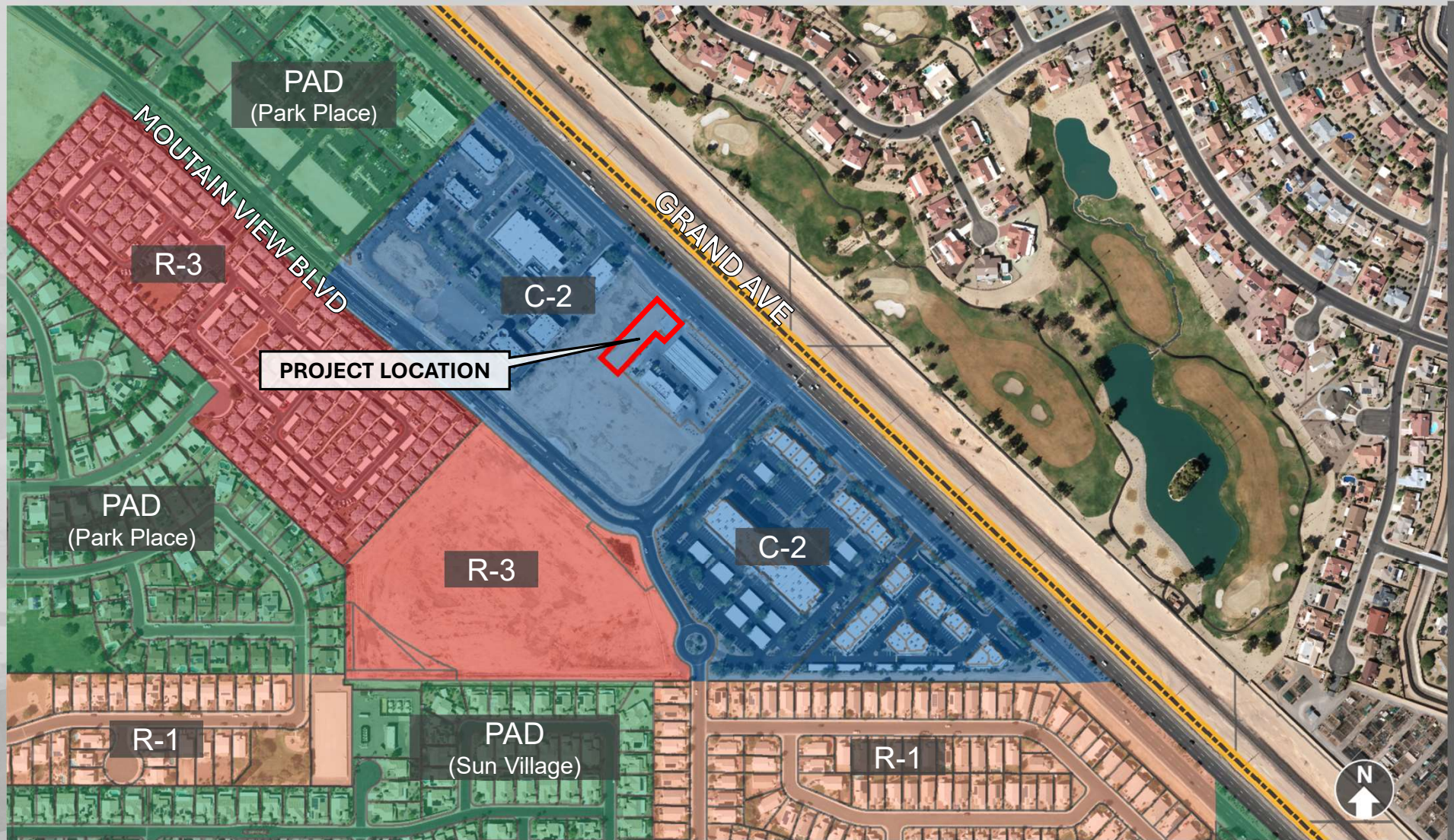
207 01 Vicinity Map  
208 02 Zoning Map  
209 03 Site Plan  
210 04 Landscape Plan  
211 05 Elevations  
212 06 Luke AFB Comments  
213 07 Citizen Outreach Report - REDACTED  
214 08 Affidavit of Posting  
215 PPT





# VICINITY MAP

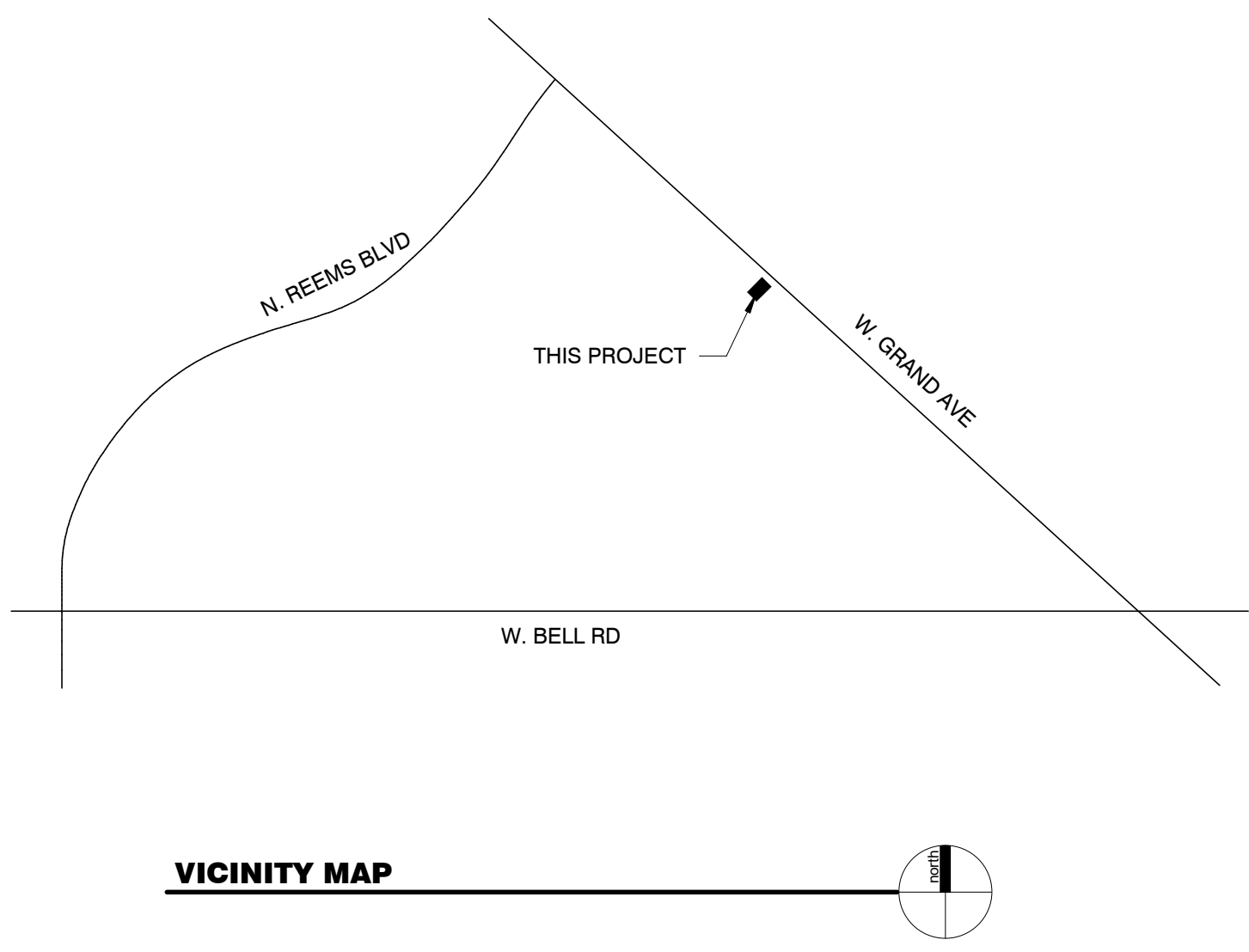
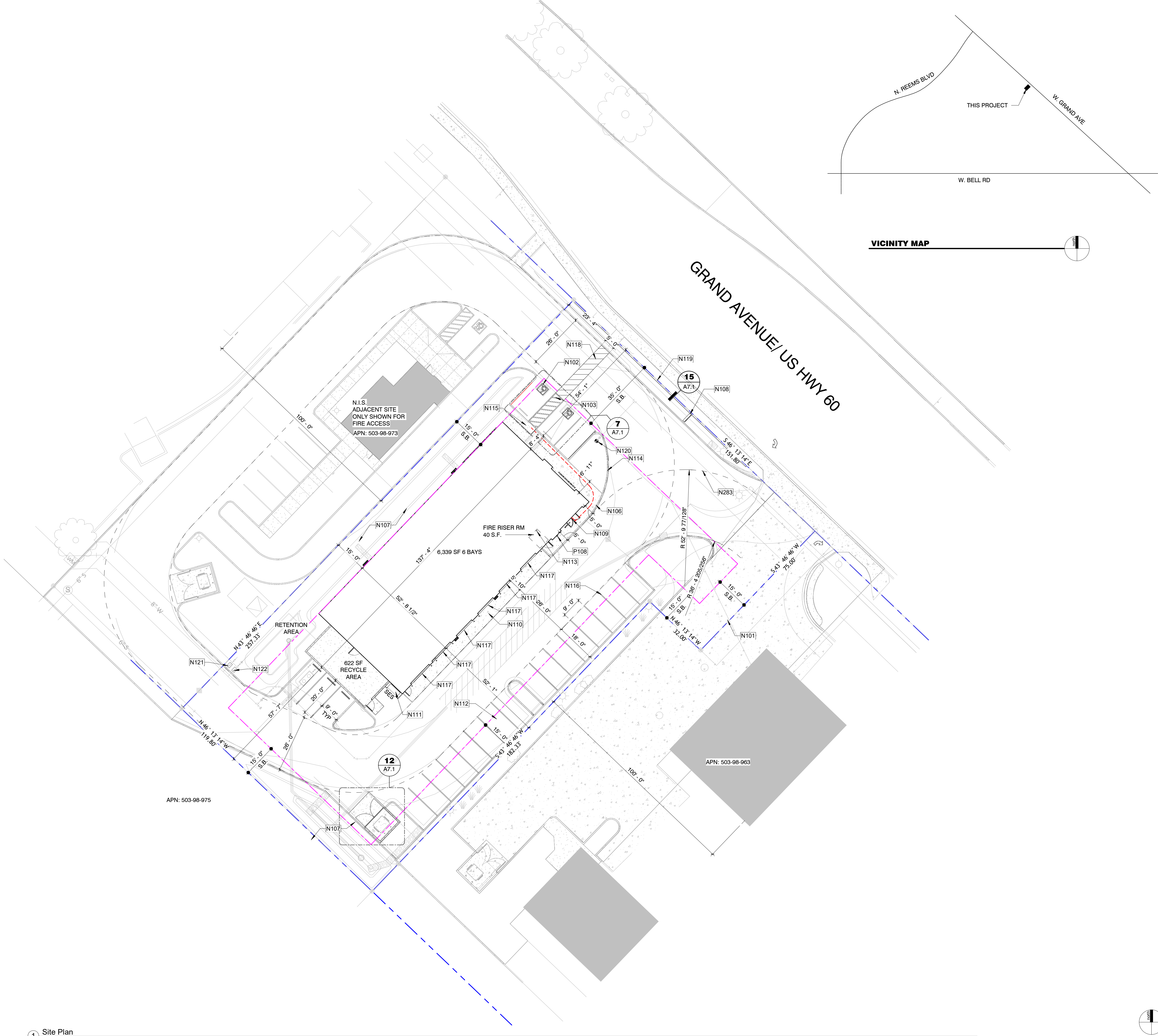




# ZONING MAP



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Autodesk Docs://4420 Big O Tires - Grand Ave./4420 Big O Tires - Grand Ave Central 2024.rvt



**SHEET KEYED NOTES**

- N101 PROPERTY LINE, SEE CIVIL DRAWINGS  
N102 ACCESSIBLE PARKING STALL WITH SIGNAGE  
N103 PAINTED PARKING STRIPING PER CITY STANDARDS  
N106 ACCESSIBLE PATH OF TRAVEL, 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE, SEE CIVIL DRAWINGS.  
N107 LANDSCAPE AND RETENTION AREA  
N108 CONCRETE MONUMENT SIGN WITH GROUND MOUNTED ILLUMINATION. SIGN AND LOCATION TO BE APPROVED THROUGH SEPARATE PERMIT.  
N109 BUILDING ENTRY  
N110 HEAVY DUTY CONCRETE PAVING  
N111 SES, SEE ELECTRICAL DRAWINGS  
N112 SETBACK LINE  
N113 FIRE RISER  
N114 CONCRETE CURB  
N115 ACCESSIBLE CONCRETE SIDEWALK  
N116 9'-0" X 18'-0" PARKING STALL PER CITY STANDARDS  
N117 SERVICE BAY DOOR  
N118 ACCESSIBLE ROUTE TO PUBLIC WAY  
N119 3'-4" HIGH CMU SCREEN WALL TO ALIGN AND BE CONSISTENT WITH ADJACENT PROPERTY WALL.  
N120 FIRE HYDRANT PER CIVIL DRAWINGS  
N121 LANDSCAPE WATER METER, REFER TO LANDSCAPE DRAWINGS  
N122 DOMESTIC WATER METER, REFER TO CIVIL DRAWINGS  
N283 DASHED LINE INDICATES FIRE LANE  
P108 FIRE DEPARTMENT CONNECTION F.D.C.

**PROJECT DATA**

**BUILDING AND SITE BASICS:**

PROJECT ADDRESS: 14031 W. GRAND AVE  
SURPRISE, AZ 85374  
ASSESSORS PARCEL #: 503-98-974  
LOT AREA: 33,228 S.F., .76 ACRES

**SITE INFORMATION:**

ZONING: C-2  
SETBACKS:  
ARTERIAL R.O.W. 35'  
ADJACENT TO NON-RES 15'  
MAX HEIGHT: 40'

**REQUIRED PARKING:**

VEHICLE SERVICE: MINOR REPAIR  
1 PER 500 SF OF GFA

6,339 GSF / 500SF = 13 REQUIRED PARKING SPACES

**PER CITY OF SURPRISE ZONING:**

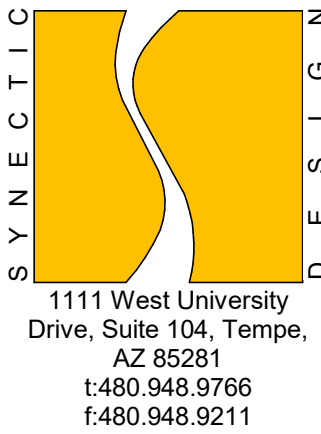
SIZE OF PARKING SPACE: 9'-0" X 18'-0" W/O WHEEL STOP OR OVERHANG

- PARKING ISLANDS:  
• REQUIRED EVERY 10 SPACES & END OF PARKING ROW  
• MINIMUM SIZE: 6'-0" X 15'-0" TO BACK OF CURB

| Parking - Provided           |             |
|------------------------------|-------------|
| TYPE OF SPACE                | # OF SPACES |
| ADA Space                    | 2           |
| Unreserved Guest Spaces      | 18          |
| Unreserved Guest Spaces 20x9 | 2           |
| TOTAL                        | 22          |

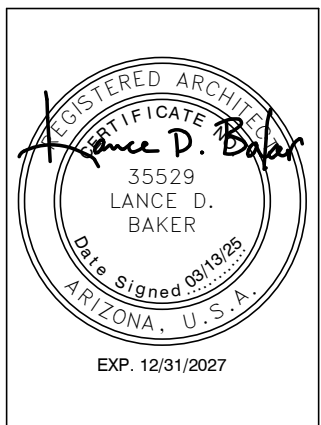
**SITE PLAN GENERAL NOTES**

- REFER TO LANDSCAPE DRAWINGS FOR CONCRETE WALKS, PAVING, BERMS, LANDSCAPING AND IRRIGATION.
- REFER TO CIVIL DRAWINGS FOR SITE GRADING, DRAINAGE, CATCH BASINS, PAVING DETAILS, SITE UTILITIES, CURB AND GUTTER SWALES, FIRE HYDRANT LOCATIONS AND HORIZONTAL CONTROL DIMENSIONS.
- REFER TO CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS.
- ALL DIMENSION ON SITE PLAN ARE TO BE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB, PROPERTY LINE OR CENTERLINE OF PARKING STALL, UNLESS OTHERWISE NOTED.
- FIRE HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL FIRE DEPARTMENT STANDARDS.
- ALL PARKING STALL STRIPING SHALL BE PER LOCAL JURISDICTION STANDARDS.
- CONCRETE WALK SHALL RECEIVE EXPANSION JOINTS AT 50'-0" O.C MAX, AND CONTROL JOINTS AT 5'-0" O.C MAX, BETWEEN EXPANSION JOINTS, UNLESS NOTED OTHERWISE.



**BIG O TIRES - GRAND AVENUE**

14023 W. GRAND AVE.  
SURPRISE, AZ 85374



| REVISIONS |                                     |
|-----------|-------------------------------------|
| 1         | 2025/02/10 Civil Review Comments    |
| 2         | 2025/02/12 Building Review Comments |
| 3         | 2025/02/19 Design Review Comments   |
| 4         | 2025/03/13 Design Review Comments   |

Phase: CD  
Drawn By: KML  
Reviewed By: LDB  
SDI Project No: 4420  
Date: 03/13/2025

Sheet:

**A1.1**  
ARCHITECTURAL SITE  
PLAN

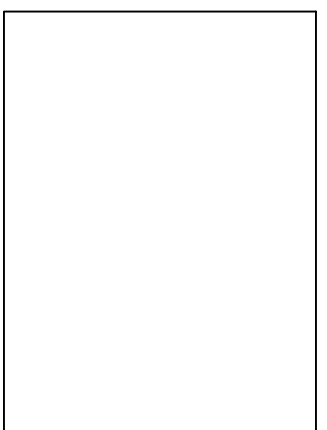
FS24-1457





BIG O TIRES - GRAND AVENUE

SURPRISE, ARIZONA



| REVISIONS |  |
|-----------|--|
|           |  |

Phase: SITE

Drawn By: AWM

Reviewed By: TJM

SDI Project No: 4420

Date: 10/30/2024

Sheet:

La.01

Landscape

NOTES:

1. MATURE PLANTS IN THE SIGHT VISIBILITY TRIANGLE WILL NOT BE OVER 30" IN HEIGHT.
2. REFERENCE COS EDS DETAILS 4-01 AND 4-02 TO ENSURE SITE DISTANCE REQUIREMENTS
3. ALL IRRIGATION SYSTEMS WILL BE INSTALLED WITH PURPLE PIPE.
4. TREE ROOT BARRIERS ARE REQUIRED PER CITY OF SURPRISE EDS DETAIL 8-14 WHEN TREES ARE WITHIN THREE FEET OF SIDEWALKS, CURBS, PAVEMENT, OR WALLS
5. PER CITY OF SURPRISE EDS CHAPTER 8, ALL LANDSCAPING SHALL BE LOCATED A MIN. FIVE (5) FEET FROM ANY FIRE HYDRANT, WATER METER OR VAULT
6. "SIGHT DISTANCE REQUIREMENTS ON ARTERIALS AND COLLECTORS WILL ADHERE TO SURPRISE DETAIL 4-01. SIGHT VISIBILITY WITHIN THE UNOBSTRUCTED VIEW EASEMENT AREA AND IN FRONT OF STOP SIGNS MUST MEET OR EXCEED REQUIREMENTS IN SURPRISE DETAIL 4-01 AND 4-02. TREES, SHRUBS, AND OTHER LANDSCAPING ARE PERMITTED WITHIN THE SIGHT VISIBILITY TRIANGLE PROVIDED LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ARE KEPT BELOW 30 INCHES OR ABOVE 84 INCHES, PER SURPRISE EDS DETAIL 4-01."
7. IN ACCORDANCE WITH SEC.107-2.2.H OF THE SURPRISE MUNICIPAL CODE PLANT MATERIAL SHALL NOT BE SEVERELY PRUNED BUT RATHER MAINTAINED BASED ON THE SPECIFIC PLANT SPECIES SUCH THAT THE NATURAL GROWTH PATTERN, FLOWERING CYCLE AND CHARACTERISTIC FORM ARE NOT SIGNIFICANTLY ALTERED. REFER TO THE AZ LANDSCAPE CONTRACTORS ASSOCIATION (ALCA) FOR BEST PRACTICES.

ADDITIONAL NOTES:

- ALL IRRIGATION SYSTEMS WILL BE INSTALLED WITH PURPLE PIPE.
- DRIP IRRIGATION EMITTERS MUST CONTAIN BUILT IN PRESSURE COMPENSATION
- US ENVIRONMENTAL PROTECTION AGENCY (EPA) LABELED, OR EQUIVALENT WEATHER BASED SMART IRRIGATION CONTROLLER MUST BE USED,



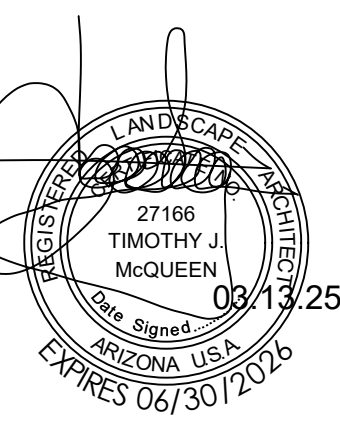
FS24-1457

T.J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE  
URBAN DESIGN  
SITE PLANNING

10446 N. 74th Street, Suite 150  
Scottsdale, Arizona 85258  
P.(602)265-0320

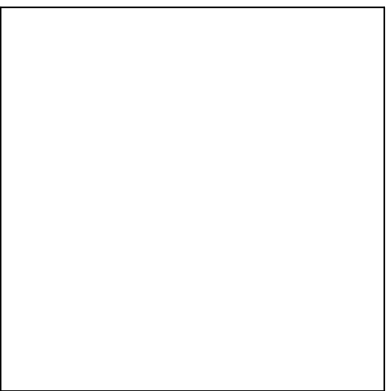
EMAIL: timmqueen@tjmla.net



T.J. McQUEEN & ASSOC., INC. LANDSCAPE ARCHITECTURE, ITA-AI EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT & OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION & CONSENT FROM T.J.A.



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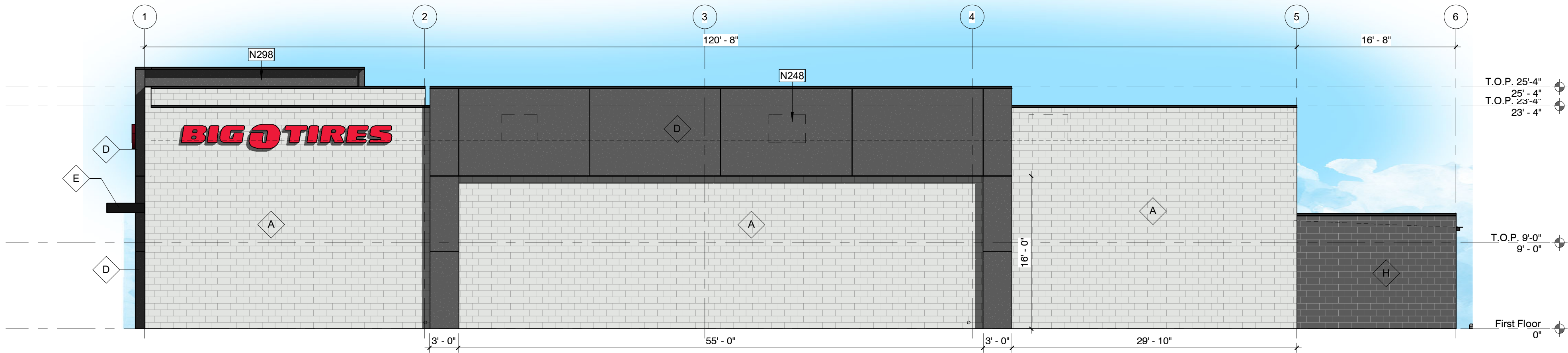


SYNECTIC  
DESIGN  
1111 West University  
Drive, Suite 104, Tempe,  
AZ 85281  
480.948.9766  
480.948.9211

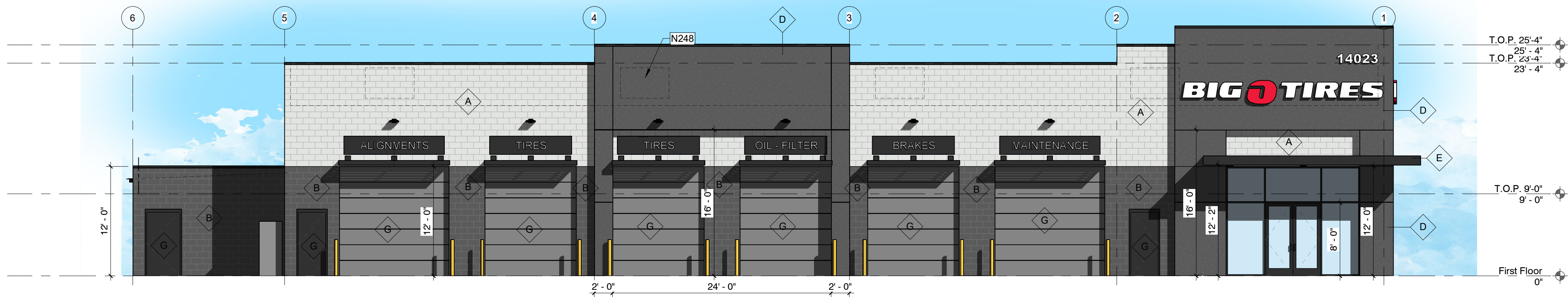
**rbi**  
RELIANCE BUILD, INC.

**SHEET KEYED NOTES**

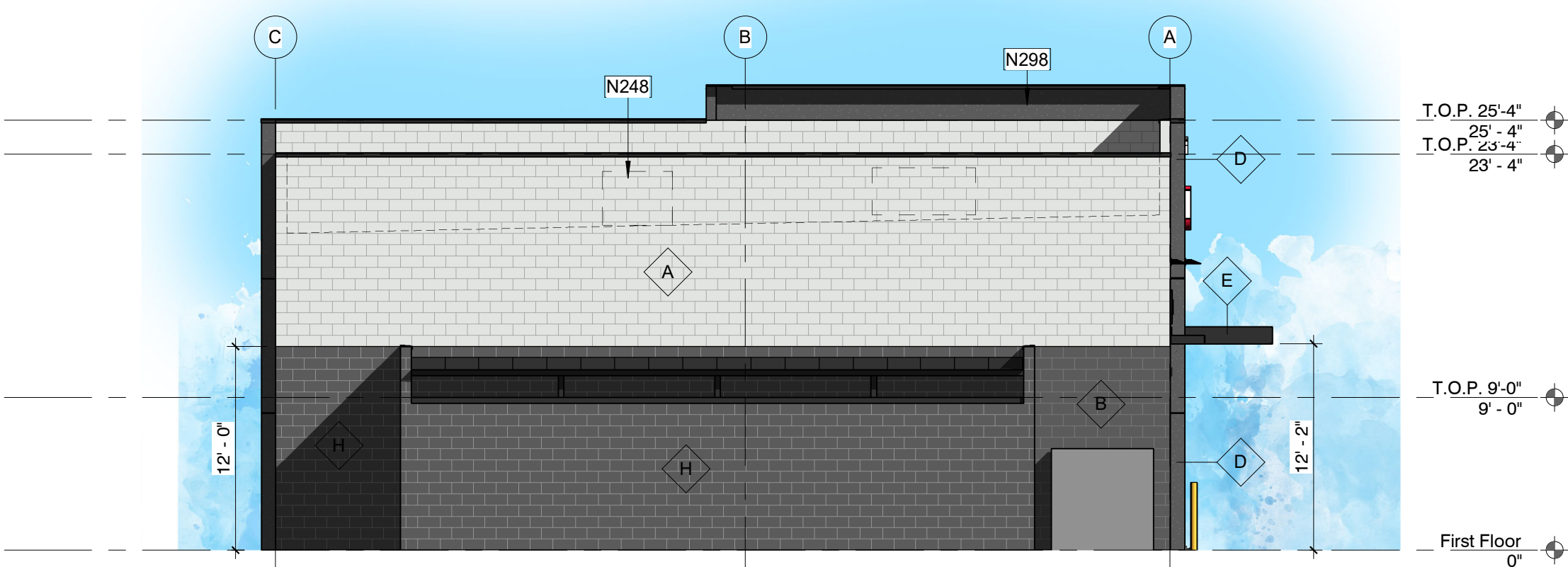
- N248 ROOF MOUNTED MECHANICAL UNITS TO BE FULLY SCREENED BY THE PARAPET WALL  
N298 WHERE BACK OF PARAPET WALL IS VISIBLE, THE BACK MUST HAVE THE SAME FINISH AS THE FRONT



④ WEST ELEVATION - COLOR  
1/8" = 1'-0"



③ EAST ELEVATION - COLOR  
1/8" = 1'-0"



② SOUTH ELEVATION - COLOR  
1/8" = 1'-0"



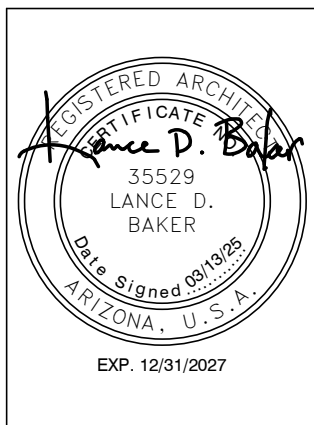
① NORTH ELEVATION - COLOR  
1/8" = 1'-0"

**EXTERIOR FINISH LEGEND**

|             |                                     |  |
|-------------|-------------------------------------|--|
| DESCRIPTION | PAINTED CMU                         |  |
| MFR         | SHERWIN WILLIAMS                    |  |
| COLOR       | SW7064 PASSIVE GRAY                 |  |
| DESCRIPTION | PAINTED SPLIT FACE CMU              |  |
| MFR         | SHERWIN WILLIAMS                    |  |
| FINISH      | SW7674 PEPPERCORN                   |  |
| DESCRIPTION | OMIT                                |  |
| MFR         |                                     |  |
| COLOR       |                                     |  |
| DESCRIPTION | PAINTED EIFS FINISH, COMPLY WITH    |  |
| MFR         | ICC ESR-1720 OR EQUAL               |  |
| COLOR       | SHERWIN WILLIAMS                    |  |
| FINISH      | SW7674 PEPPERCORN                   |  |
| DESCRIPTION | PREFINISHED STEEL CANOPY - PAINTED  |  |
| MFR         | SHERWIN WILLIAMS                    |  |
| FINISH      | SW6258 TRICORN BLACK                |  |
| DESCRIPTION | BLACK ALUMINUM STOREFRONT SYSTEM    |  |
| MFR         | 1" INSULATED/THERMAL GREY SOLARBAND |  |
| COLOR       | TEMPERED GLASS                      |  |
| DESCRIPTION | PAINT - METAL DOORS                 |  |
| MFR         | SHERWIN WILLIAMS                    |  |
| COLOR       | SW6258 TRICORN BLACK                |  |
| DESCRIPTION | PAINTED CMU                         |  |
| MFR         | SHERWIN WILLIAMS                    |  |
| COLOR       | SW7674 PEPPERCORN                   |  |

**BIG O TIRES - GRAND AVENUE**

14023 W. GRAND AVE.  
SURPRISE, AZ 85374



| REVISIONS |                                     |
|-----------|-------------------------------------|
| 2         | 2025/02/12 Building Review Comments |
| 4         | 2025/03/13 Design Review Comments   |

Phase: CD  
Drawn By: KML  
Reviewed By: LDB  
SDI Project No: 4420  
Date: 03/13/2025

Sheet:

**A3.2**  
EXTERIOR ELEVATIONS -  
COLOR

## Leslie Carnie

---

**From:** JAMES, MARK C CIV USAF AETC 56 FW/CVE <mark.james.14@us.af.mil>  
**Sent:** Monday, December 9, 2024 10:36 AM  
**To:** Linsey Carlos  
**Cc:** 56 FW/CIT Community Initiative; BINKLEY, ERIC S CIV USAF AETC 56 FW/CVE  
**Subject:** RE: FS24-1457 BIG O TIRES - NEW DIGITAL SUBMITTAL 112524

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

Hi Linsey,

Thank you for allowing Luke AFB to comment on the BIG O TIRES application. The request, as described, will not have a negative impact on Luke AFB flight operations. The site is located within the “territory in the vicinity of a military airport,” and may be subjected to approximately 170 over flights per day.

Respectfully,

Mark James  
Interim Director  
56 FW Community Initiatives Team  
Luke AFB, Arizona  
623-856-6175

---

**From:** Linsey Carlos <Linsey.Carlos@surpriseaz.gov>  
**Sent:** Monday, November 25, 2024 3:07 PM  
**To:** 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Aspasia Angelou (Nadaburg School District) <aangelou@nadaburgsd.org>; Barbara J Remondini, Ph.D. (Wickenburg School District) <bremondini@wusd9.org>; Bryce Christo (bchristo@cityofelmirage.org) <bchristo@cityofelmirage.org>; Chris Cain (Maricopa Water District) <chris@mwdaz.com>; Darren V Gerard (Maricopa County Planning) <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Douglas Kirkland (Epcor) <dkirkland@epcor.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Fahmida Maula <Fahmida.Maula@Maricopa.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; John Willett (City of Buckeye) <jwillett@buckeyeaz.gov>; Jorge Gastelum (City of El Mirage) <jgastelum@cityofelmirage.org>; Judy Lopez - Beardsley Water Company <managefnm365@aol.com>; Kaitlin Mckibben (FCD) <kaitlin.mckibben@maricopa.gov>; Kevin Shipman <kevin.shipman@dysart.org>; klaabs@nadaburgsd.org; Leslie - MWD <lesliej@mwdaz.com>; JAMES, MARK C CIV USAF AETC 56 FW/CVE <mark.james.14@us.af.mil>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; MCDOT (MCDOTPlanning@maricopa.gov) <MCDOTPlanning@maricopa.gov>; Michael Norris <Michael.Norris@Maricopa.Gov>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Rovell Foggy (Liberty Utilities) <Rovell.Foggy@libertyutilities.com>; Shelby Rios (MWD) <shelbyr@mwdaz.com>; Stacey Lapp <Stacey.Lapp@Maricopa.Gov>; Tasha Aldeguer (FCD) <tasha.aldeguer@maricopa.gov>; tfarrington@nadaburgsd.org; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>  
**Cc:** Alyssa Lester <Alyssa.Lester@Surpriseaz.gov>  
**Subject:** [Non-DoD Source] FS24-1457 BIG O TIRES - NEW DIGITAL SUBMITTAL 112524

Good afternoon:



Attached please find the **application, narrative**, and CUP w/**site plan** for the above referenced project.

Please feel free to contact us should you have any questions.

Best regards,

Linsey Carlos  
Design Review Project Coordinator  
City of Surprise Community Development  
16000 N. Civic Center Plaza Surprise, AZ 85374  
Office: 623.222.3244 | Main: 623-222-3000

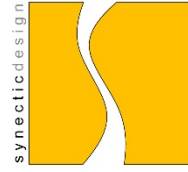


**\*Please note effective 8/3/22, we will be adding a 2-business day out-processing for ALL notices**

---

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0.1



April 10, 2025

**To: Leslie Carnie, Planner II**

City of Surprise

Community Development

**RE: Citizen Participation Report**

1. Details of the techniques used to involve the public:
  - a. Date and location of the neighborhood meeting – the meeting was Tuesday, April 8<sup>th</sup> at 6 pm at Residence Inn, 16418 N. Bullard Avenue, Surprise, AZ 85374.
  - b. Open House sign-in sheet – please find attached.
  - c. Completed affidavit of sign postings with a time/ date stamped photo – please find attached.
2. Content, dates mailed, and numbers of mailings including letters, newsletters and other publications.
  - a. Notice of the citizen review meeting was to be provided by the planning and zoning division in the form of a public notice.
3. A Summary of concerns, issues and problems expressed during the process.
  - a. No citizens attended our neighborhood meeting or have called our office with questions or concerns.

If you need any additional information, please let us know.

Sincerely,

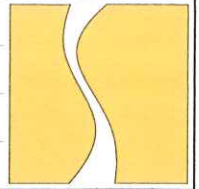
Lance D. Baker, AIA  
President  
Synectic Design, Inc.



Date: 4/8/25

Project #: 4420

Project Name: BIG O SURPRISE



Desiree ELLIOTT - Big O TIRES

SHAWN TUCKER BIG O TIRES

Conrad Wilkerson Via One

Leslie Carnie

City of Surprise

Kirsten Luciano

SDI

LANE BAKER

SYNECTIC DESIGN INC.

**AFFIDAVIT OF POSTING**

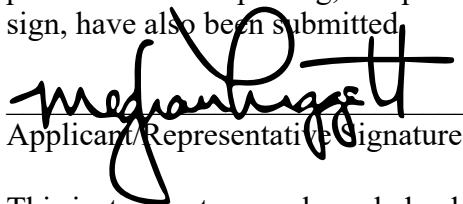
Application No: FS24-1457  
Applicant Name: Synectic Design  
Location: SWC US-60 and Mountain View  
Date Site Posted: 03/21/25

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.

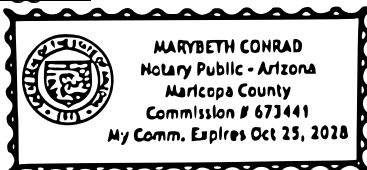
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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.

  
Applicant/Representative Signature

3-21-25  
Date

This instrument was acknowledged before me on 03/21/25, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



  
Notary Public  
10-25-28  
My commission expires

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



# Notice of Public Hearing City of Surprise

## Neighborhood Meeting

Date: Tuesday, April 8, 2025

Time: 6:00 P.M.

Location: Residence Inn  
16418 N. Bullard Ave  
Surprise, AZ 85374

## Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers  
16000 N. Civic Center Plaza  
Surprise, AZ 85374

## City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers  
16000 N. Civic Center Plaza  
Surprise, AZ 85374

Surprise Case Number: FS24-1457

Request: A request for a conditional use permit (CUP) to allow a new building for Big O Tires located on lot 4B of Grand Avenue shops. The current zoning will remain.

For more information, call:  
**623-222-3011**

[www.Surpriseaz.gov](http://www.Surpriseaz.gov)



March 21, 2025 at 7:50 AM  
+33.649603, -112.365290  
14031 W Grand Ave  
Surprise AZ 85374  
United States

# Notice of Public Hearing City of Surprise

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Date: Tuesday, April 8, 2025

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+33 649603 -112.365290  
14031 W Grand Ave  
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Date: TBD

Time: 6:00 P.M.

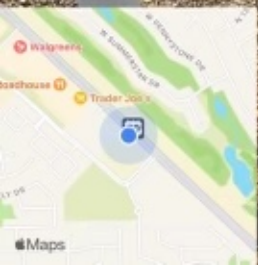
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March 21, 2025 at 7:47 AM  
+33 649949 -112 365200  
14031 W Grand Ave  
Surprise AZ 85374  
United States

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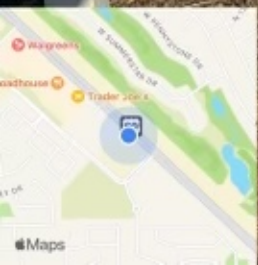
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[www.Surpriseaz.gov](http://www.Surpriseaz.gov)



March 21, 2025 at 7:47 AM  
+33.649884,-112.365092  
14031 W Grand Ave  
Surprise AZ 85374  
United States



**AFFIDAVIT OF POSTING**

Application No: FS24-1457

Applicant Name: Synectic Design

Location: SWC US-60 and Mountain View

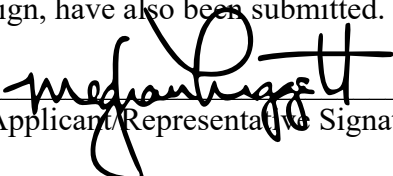
Date Site Posted: 04/16/25

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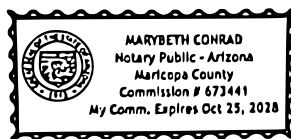
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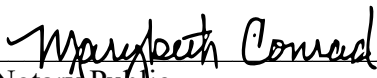
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I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 \_\_\_\_\_  
Applicant/Representative Signature Date April 16, 2025

This instrument was acknowledged before me on 04/16/25, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



 \_\_\_\_\_  
Notary Public  
10-25-28 \_\_\_\_\_  
My commission expires

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

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Date: Tuesday, April 8, 2025

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## Planning & Zoning

Date: Thursday, May 15, 2025

Time: 6:00 P.M.

Location: Council Chambers  
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Surprise, AZ 85374

## City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers  
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For more information, call:  
**623-222-3011**

[www.surpriseaz.gov](http://www.surpriseaz.gov)



April 16, 2025 at 10:19 AM  
+33 649583 -112.365232  
14031 W Grand Ave  
Surprise AZ 85374  
United States



# Notice of Public Hearing City of Surprise

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April 16, 2025 at 10:19 AM  
+33.649549, -112.365111  
14007 W Grand Ave  
Surprise AZ 85374  
United States

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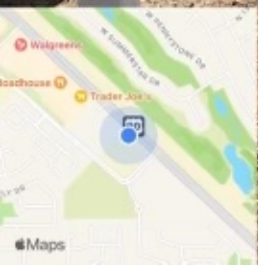
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**623-222-3011**

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April 16, 2025 at 10:15 AM  
+33,649875 -112,365215  
14031 W Grand Ave  
Surprise AZ 85374  
United States



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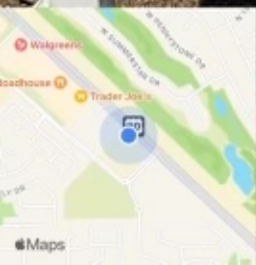
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April 16, 2025 at 10:15 AM  
+33.649875, -112.365215  
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United States

# FS24-1457

## BIG O TIRES

Conditional Use Permit with Site Plan

Planning & Zoning Commission

May 15, 2025



**SURPRISE**

ARIZONA

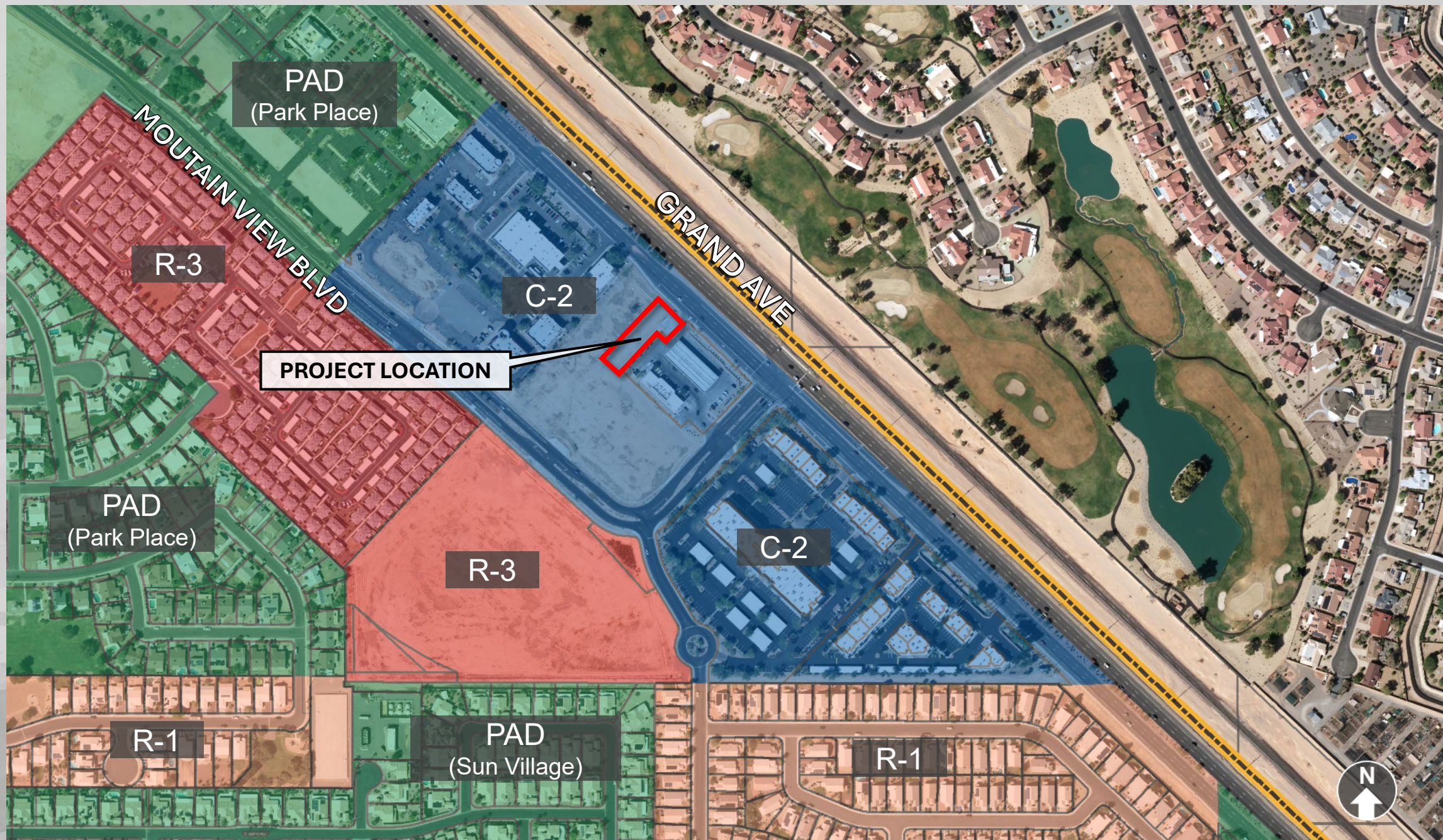
Page 110 of 184





# VICINITY MAP

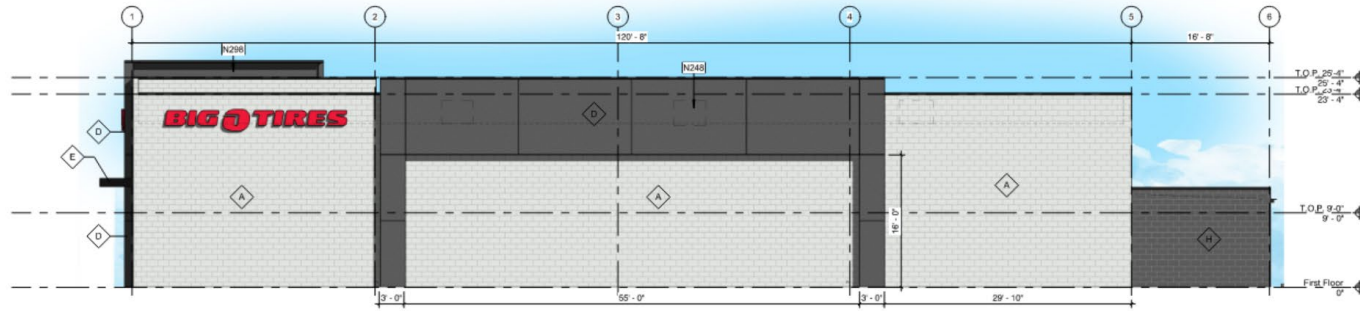




# ZONING MAP



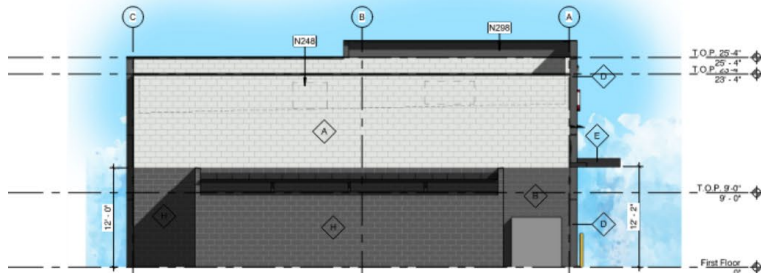




④ WEST ELEVATION - COLOR  
1/8" = 1'-0"



③ EAST ELEVATION - COLOR  
1/8" = 1'-0"



② SOUTH ELEVATION - COLOR  
1/8" = 1'-0"



① NORTH ELEVATION - COLOR  
1/8" = 1'-0"

## EXTERIOR FINISH LEGEND

|   |                              |                                                                                                    |  |
|---|------------------------------|----------------------------------------------------------------------------------------------------|--|
| Ⓐ | DESCRIPTION<br>MFR<br>COLOR  | PAINTED CMU<br>SHERWIN WILLIAMS<br>SW7064 PASSIVE GRAY                                             |  |
| Ⓑ | DESCRIPTION<br>MFR<br>FINISH | PAINTED SPLIT FACE CMU<br>SHERWIN WILLIAMS<br>SW7674 PEPPERCORN                                    |  |
| Ⓒ | DESCRIPTION<br>MFR<br>COLOR  | OMIT                                                                                               |  |
| Ⓓ | DESCRIPTION<br>MFR<br>COLOR  | PAINTED EIFS FINISH, COMPLY WITH<br>ICC ESR-1720 OR EQUAL<br>SHERWIN WILLIAMS<br>SW7674 PEPPERCORN |  |
| Ⓔ | DESCRIPTION<br>MFR<br>FINISH | PREFINISHED STEEL CANOPY - PAINTED<br>SHERWIN WILLIAMS<br>SW6258 TRICORN BLACK                     |  |
| Ⓕ | DESCRIPTION                  | BLACK ALUMINUM STOREFRONT SYSTEM<br>1" INSULATED/THERMAL GREY SOLARBAND<br>TEMPERED GLASS          |  |
| Ⓖ | DESCRIPTION<br>MFR<br>COLOR  | PAINT - METAL DOORS<br>SHERWIN WILLIAMS<br>SW6258 TRICORN BLACK                                    |  |
| Ⓗ | DESCRIPTION<br>MFR<br>COLOR  | PAINTED CMU<br>SHERWIN WILLIAMS<br>SW7674 PEPPERCORN                                               |  |





## LANDSCAPE LEGEND



PROSOPIS 'RIO-SALADO'  
HYBRID THORNLESS MESQUITE  
24" BOX (1)

QUERCUS VIRGINIANA  
LIVE OAK  
24" BOX (6)

CAESALPINIA CACALACO  
CASALOTE 'SMOOTHIE'  
24" BOX (12)

TECOMA 'SPARKY'  
RED TECOMA  
5 GALLON (15)

EREMOPHILA MACULATA  
VALENTINE EMU BUSH  
5 GALLON (29)

HESPERALOE PARVIFLORA  
RED YUCCA  
5 GALLON (31)

LANTANA MONTEVIDENSIS  
'DALLAS RED'  
1 GALLON (16)

LANTANA MONTEVIDENSIS  
TRAILING PURPLE  
1 GALLON (28)

1/2" SCREENED (COLOR TO MATCH ADJACENT)  
DECOMPOSED GRANITE  
2" DEPTH IN ALL LANDSCAPE AREAS



# EVALUATION CRITERIA

---

## LDO Section 106-10.51B

- ✓ Installation service is limited to minor parts (Tires)
- ✓ All repair services are conducted indoors.
- ✓ Service bays are oriented away from public ROW.
- ✓ No outdoor storage or displays.



# OUTREACH

---

## Neighborhood Meeting

- April 08, 2025
- Residence Inn
- No attendees

# RECOMMENDATION

---

If the Commission approves the CUP with Site Plan, staff recommends the Commission approve the subject CUP with Site Plan, case FS24-1457, subject to stipulations ‘a’ through ‘e’.



# Questions or Comments?

THANK YOU



**SURPRISE**

ARIZONA

# STIPULATIONS

---

- a. Development and use of the site shall be consistent with the Site Plan entitled “Big O Tires – Grand Avenue Architectural Site Plan”, prepared by Synectic Design, and received March 13, 2025.
- b. Landscaping of the site shall be consistent with the Landscape Plan entitle “Big O Tires – Grand Avenue Landscape Plan”, prepared by TJ McQueen and Associates, and received March 13, 2025.
- c. Building Architecture shall be consistent with the Elevations entitle “Big O Tires – Grand Avenue Exterior Elevations”, prepared by Synectic Design, and received April 03, 2025.
- d. The applicant shall obtain a building permit for the subject facility within one (1) year of the effective date of approval of this Site Plan. If the applicant does not obtain said building permit within the specified time, this Site Plan shall be deemed null and void.
- e. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.





**CITY OF SURPRISE**  
**Planning & Zoning Commission**

Council Meeting Date: May 15, 2025      Contact Person: Leslie Carnie  
Submitting Department: Community Development      District: District 6  
Staff Recommendations:

---

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

---

**Agenda Wording:**

Consideration and action regarding a Conditional Use Permit (CUP) with Site Plan for a Smoking Lounge with Liquor License known as Fox Cigar Bar. The site is an existing building generally located on the southeast corner of Litchfield Road and Waddell Road. Surprise Planning Case FS24-0622.

---

**Motion:**

I move to **approve** the Conditional Use Permit with Site Plan for a Smoking Lounge with Liquor License, Case# FS24-0622, subject to stipulations 'a' through 'e' as outlined in the staff report.

I move to **deny** the Conditional Use Permit with Site Plan for a Smoking Lounge with Liquor License, Case# FS24-0622, because [*insert reason*].

---

**Background:**

The subject request involves CUP with Site Plan for a Smoking Lounge with Liquor License to allow for the development of a Fox Cigar Bar with patio addition. The site is an existing multi-tenant building generally located on the southeast corner of Litchfield Road and Waddell Road.

---

**Objective Analysis:**

---

**Policy Compliant:**

---

**Financial Impact:**

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

---

**Budget Impact:**

**FTE Impact:**

---

**ATTACHMENTS:**

1. 00-FS24-0622 Fox Cigar CUP - Staff Report

2. 01 – FS24-0622 Fox Cigar CUP – Vicinity Map
  3. 02 – FS24-0622 Fox Cigar CUP – Zoning Map
  4. 03 – FS24-0622 Fox Cigar CUP – CUP Narrative and Smoke Mitigation Plan
  5. 04 – FS24-0622 Fox Cigar CUP – Site Plan
  6. 05 – FS24-0622 Fox Cigar CUP – Landscape Plan
  7. 06 – FS24-0622 Fox Cigar CUP – Elevations
  8. 07 – FS24-0622 Fox Cigar CUP - Luke AFB Comments
  9. 08 – FS24-0622 Fox Cigar CUP - Public Outreach Report REDACTED
  10. 09 – FS24-0622 Fox Cigar CUP - Affidavit of Posting
  11. FS24-0622 Fox Cigar CUP - Presentation
-



# CONDITIONAL USE PERMIT

---

REPORT TO THE PLANNING AND ZONING COMMISSION

**Case:** FS24-0622

**Project Name:** Fox Cigar Bar – CUP with Site Plan

**Council District:** 6 – Palo Verde

**Meeting Date:** May 15, 2025

**Planner:** Leslie Carnie, Planner II

---

**Owner:** Fox Properties Surprise, LLC.

**Applicant:** Justin Gregonis of Upward Architects

**Request:** Conditional Use Permit (CUP) with Site Plan for a Smoking Lounge with Liquor License known as Fox Cigar Bar

**Site Location:** Generally located on the southeast corner of Litchfield Road and Waddell Road

**Site Size:** 3.17 acres (approx.)

**General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2040

**Support/Opposition:** Refer to the attached Citizen Participation Report

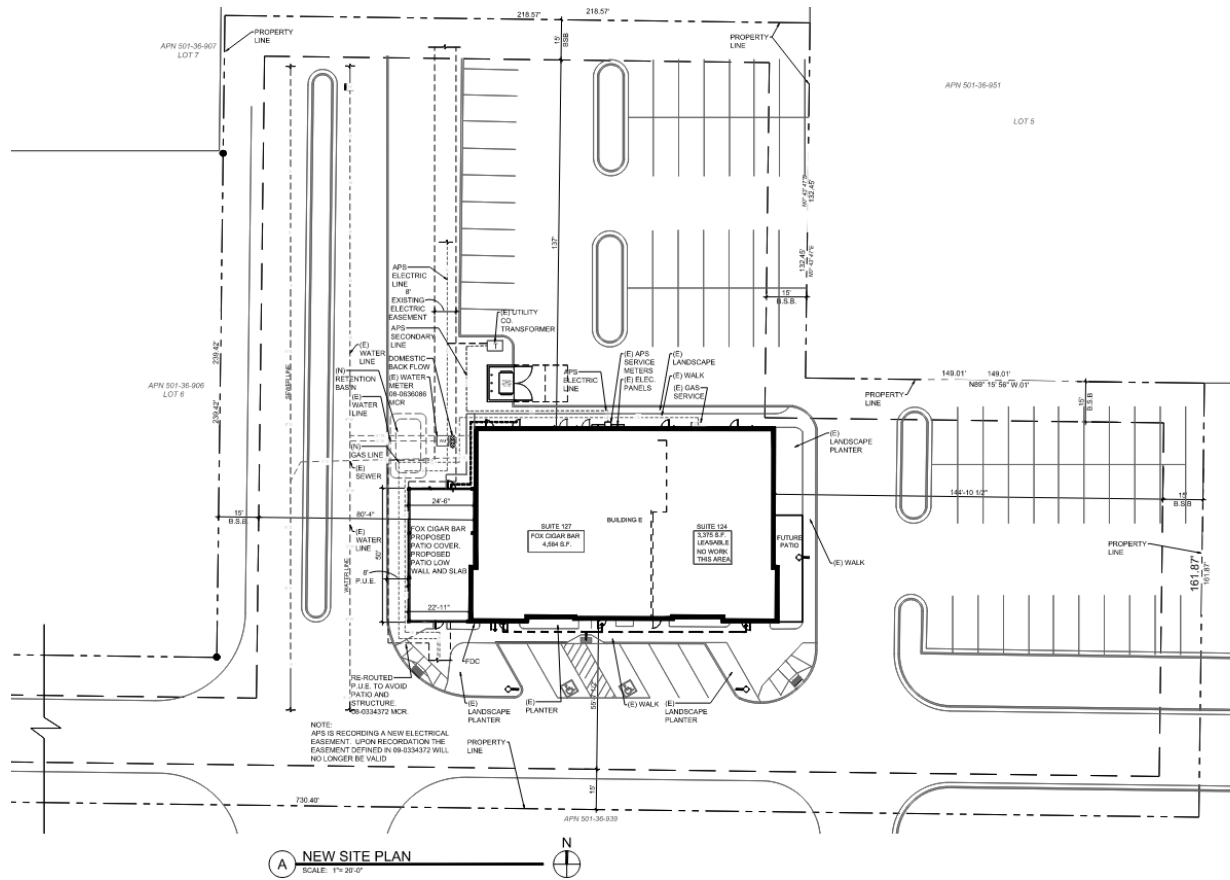
**Staff Recommendation:** If the Commission approves the CUP with Site Plan, staff recommends the Commission **approve** the subject CUP with Site Plan, case **FS24-0622**, subject to stipulations 'a' through 'g'.

**FINDINGS:**

- The proposed CUP with Site Plan is consistent with the Surprise General Plan 2040.
- The proposed CUP with Site Plan is consistent with the Surprise Pointe Planned Area Development (PAD)
- The proposed CUP with Site Plan is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

## PROJECT DESCRIPTION:

The subject request involves CUP with Site Plan for Smoking Lounge with Liquor License to allow for the development of a Fox Cigar Bar with outdoor patio addition. The site is an existing multi-tenant building generally located on the southeast corner of Litchfield Road and Waddell Road.



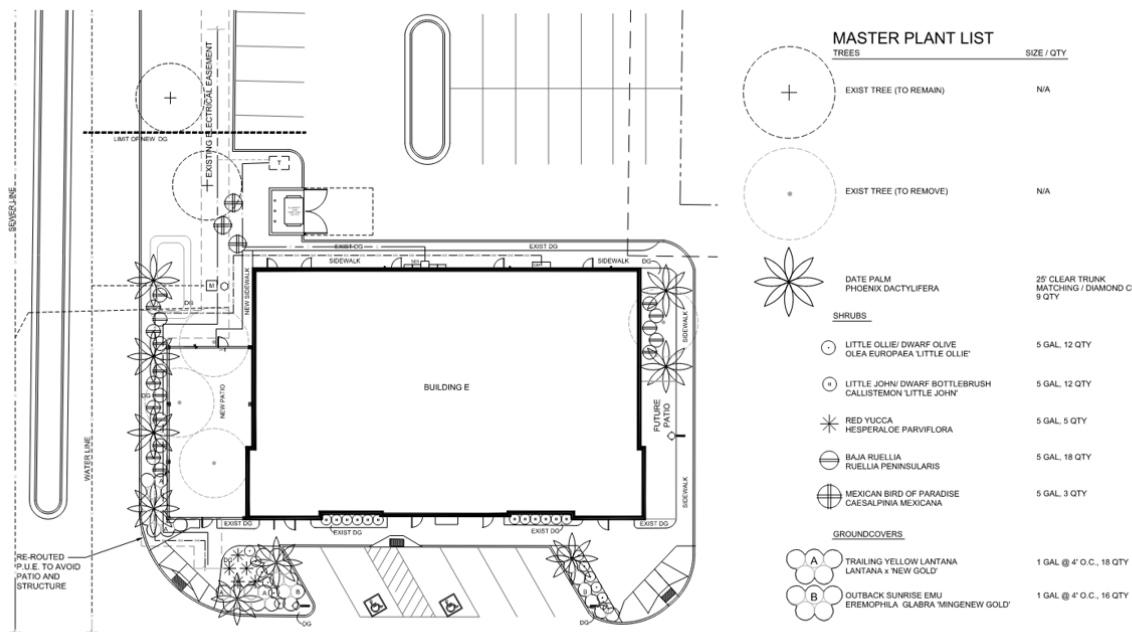
The proposed use is consistent with the approved Shoppes at Surprise Master Site Plan's designation for building H, therefore no adjustments to shared parking calculation for the overall commerce center are required. Primary access to the site is provided from Litchfield Road via a shared three-quarter access driveway. Additionally, there are two internal access points to provide adequate circulation.

The proposed Smoking Lounge with Liquor License meets the required Smoking Lounge use specific standards pursuant to Section 106-10.42 of the LDO, discussed further in the "Evaluation Criteria" section of this report.





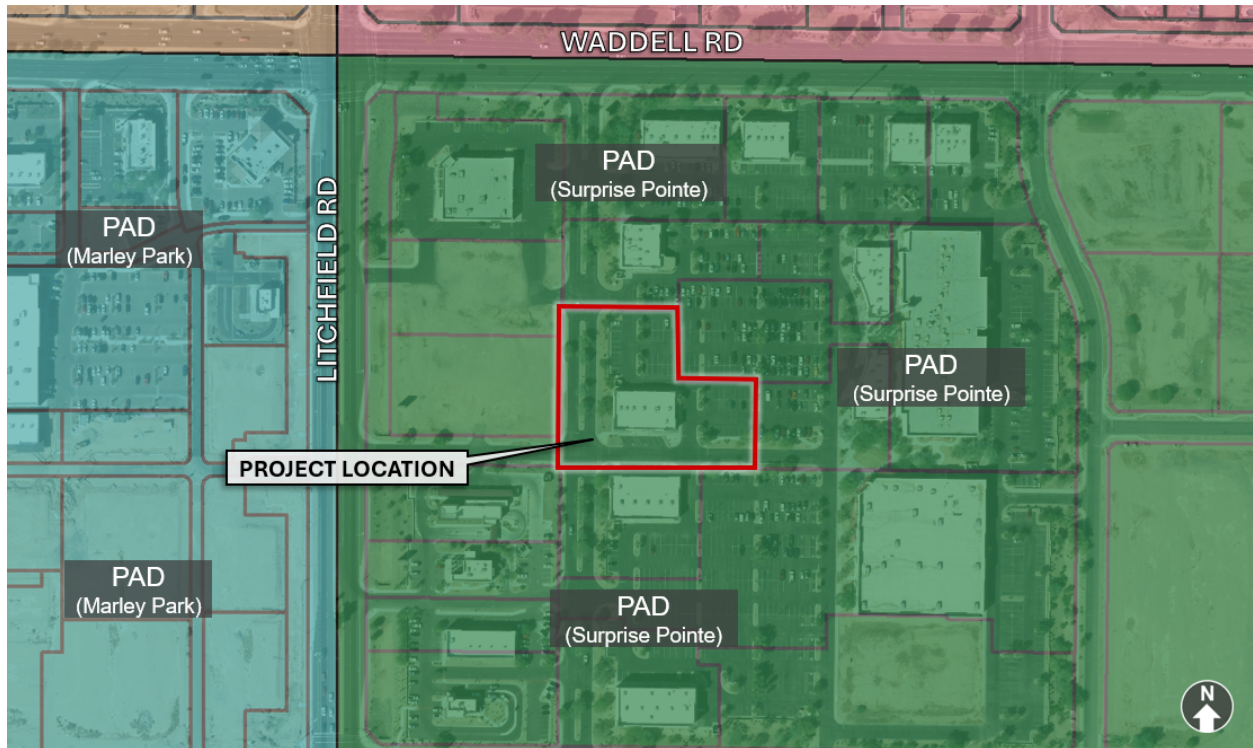
The proposed modifications to building's exterior provide an updated look and remain cohesive with the existing buildings throughout the commerce center. The building will be repainted in a neutral complimentary color palette, light fixtures and awnings will be updated, and the stone veneer added to the building will match the existing stone veneer used throughout the center.



The applicant is proposing the replacement of the existing landscaping. The new plantings are in conformance with Title 17 code and cohesive with the existing landscape in the commerce center. The low water use plant palette and addition of nine 25' diamond cut date palms will create an elevated aesthetic to the site.

**EXISTING ZONING:**

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



|                          |                                  |                          |
|--------------------------|----------------------------------|--------------------------|
| PAD<br>(Surprise Pointe) | PAD<br>(Surprise Pointe)         | PAD<br>(Surprise Pointe) |
| PAD<br>(Surprise Pointe) | <b>PAD<br/>(Surprise Pointe)</b> | PAD<br>(Surprise Pointe) |
| PAD<br>(Surprise Pointe) | PAD<br>(Surprise Pointe)         | PAD<br>(Surprise Pointe) |

**BACKGROUND:**

**September 29, 2005:** The City Council approved an annexation for the subject property under Ordinance 05-42.

**February 23, 2006:** The City Council approved a PAD for Bendalin Farms, also known as Surprise Pointe, under Case PAD05-282.

**November 7, 2006:** The Planning and Zoning Commission approved a master site plan for Surprise Pointe under Case SP06-299.

**January 25, 2024:** Staff met with the applicant to discuss the subject project during a regularly scheduled Concept Review meeting under Case CR24-0010.



**May 04, 2024:** The applicant filed a request for a Conditional Use Permit with Site Plan under Case FS24-0622, **the subject case**.

**June 20, 2024:** The applicant filed a request for a Zoning Text Amendment (ZTA) to the LDO to allow Smoking Lounges to include outdoor patio areas as part of their business operations, under Case FS24-0782.

**September 17, 2024:** City Council approved a Zoning Text Amendment (ZTA) to the LDO to allow Smoking Lounges to include outdoor patio areas as part of their business operations, under Case FS24-0782.

**Citizen Participation Meeting:** The applicant held a Citizen Participation Meeting for the subject project at the Hilton Garden Inn on October 10th, 2024. One member of the public was in attendance and expressed concerns regarding the impact of secondhand smoke on the surrounding area. The outreach meeting, along with the subject Planning and Zoning Commission hearing, were advertised in accordance with state and local requirements. The Outreach Summary is included as an attachment to this report.

## **ANALYSIS AND DISCUSSION:**

### **Evaluative Criteria**

Analysis of the proposed conditionally permitted use is to be based on the use specific standards listed under Section 106-10.42 of the LDO. These standards include the following:

*A. A smoking lounge is as defined in Section 101-2.2, and includes, in part, "a business establishment that is dedicated, in whole or part, to the smoking of any lighted tobacco product, including cigars, cigarettes, pipe tobacco, and any other lighted tobacco product."*

*Non-alcoholic beverages may be served on the premises; however, alcoholic beverages shall not be sold or consumed on the premises, except when a conditional use permit is issued and in conjunction with the issuance of a liquor license.*

*B. No persons under twenty-one (21) years of age shall be permitted within the business.*

**Analysis:** The establishment is restricted to patrons 21 and older.

*C. All business-related activities shall be conducted on the premises of the business.*

**Analysis:** Smoking is only permitted in the indoor lounge and designated outdoor patio.

*D. Any outdoor patio or seating area shall be in conformance with Section 106-10.30 and this Section 106-10.42.*

**Analysis:** The patio has been designed in compliance with section 106-10.30 and requires a separate building permit review to ensure compliance with all applicable building codes.

- E. *Adequate ventilation shall be provided for the heating of coals in accordance with all requirements imposed by the city fire department, or as otherwise required by state or federal laws.*

**Analysis:** The indoor smoking lounge will feature nine (9) high-capacity LakeAir smoke eaters, each equipped with a three-stage filtration system. Based on the square footage and expected air turnover needs, The system will be capable of handling 17,000 CFM (cubic feet per minute) of smoke removal, well above industry standards. The system will be further reviewed for conformance with all applicable fire and building safety codes under the applicant's Tenant Improvement (TI) building permit review.

- F. *The ventilation and filtration system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building in the vicinity of the smoking lounge.*

**Analysis:** In addition to the new indoor air filtration system, the patio is to be equipped with an additional 4,500 CFM of LakeAir smoke and odor removal equipment, intended for semi-open environments, the system is designed to direct smoke away from non-smoking areas and eliminate odor and airborne pollutants. The proposed smoke mitigation infrastructure, outlined in the applicant's Smoke Mitigation Plan, will be further reviewed by Building Safety for conformance under the applicant's TI building permit application.

- G. *Smoke mitigation plan. A smoke mitigation plan shall be submitted to the city at the time of site plan review. Any such plan shall include all infrastructure, as well as any plans, policies, and/or procedures, that will be installed and/or implemented to minimize the impact of outdoor smoking. The smoke mitigation plan shall demonstrate that the entire smoking lounge premises is in compliance with the Smoke-Free Arizona Act, A.R.S. § 36-601.01, and addresses the elements listed below:*

1. *In accordance with subsection G. herein, smoke shall not migrate or otherwise enter areas where smoking is prohibited.*

**Analysis:** The plan that the installation of smoke mitigation infrastructure, physical separation, and ongoing staff training will prevent the smoke migration.

2. *In accordance with subsection G. herein, ventilation infrastructure and filtration, and any other necessary measures, shall be utilized to prohibit smoke migration.*

**Analysis:** Section III of the Smoke Mitigation Plan outlines the infrastructure and filtration system that will be installed to prevent smoke migration.

3. *The training and procedures that smoking lounge staff shall implement to effectively operate and enforce the smoke mitigation plan.*



**Analysis:** The Smoke Mitigation Plan outlines a comprehensive training program to ensure plan implementation. All new employees will receive training during onboarding and be required to attend a refresher course every 12 months. The plan outlines the following training sections:

- Smoke Mitigation Systems Orientation
- Zoning Awareness and Guest Communications
- Conflict De-escalation Techniques
- Incident Reporting

4. *Responsible party to contact for any complaints.*

**Analysis:** The plan designates Mitchell Fox and Samantha Flynn as the parties responsible for addressing complaints.

*H. Loitering. The smoking lounge owner or operator shall prohibit loitering by persons outside the smoking lounge either on the premises or within fifty (50) feet of the premises.*

**Analysis:** All staff will be trained in safety and security procedure to ensure no loitering or illegal activity takes place on the premises.

*I. The business shall also be in conformity with all other city, state and federal laws.*

**Analysis:** The lounge is to operate in full compliance with local, state, and federal laws.

*J. Non-compliance with the provisions herein, including non-compliance with the approved smoke mitigation plan, will be treated as a violation of this ordinance and shall be subject to zoning enforcement, in addition to any applicable civil or criminal penalties under relevant state or local laws.*

#### **CONFORMANCE WITH ADOPTED PLANS:**

**Surprise General Plan 2040:** The proposal is consistent with the Surprise General Plan 2040. The subject property is within the Employment Character Area, which supports uses such as that proposed.

The proposed development adheres to the Employment Character Area Development by providing supporting commercial uses to serve workers and patrons of the Surprise Pointe development.

#### **REVIEWING AGENCIES:**

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

#### **Transportation:**

The CUP with Site Plan application which was reviewed and approved by Transportation staff.

243 **SUMMARY:**

244 The proposed CUP with Site Plan is consistent with, and meets the requirements of, the  
245 Surprise General Plan 2040, the Surprise Pointe/ Bendalin Farms PAD and the Surprise  
246 Municipal Code.

247  
248 **RECOMMENDATION:**

249 Based on the findings noted above, if the Commission wishes to approve the subject CUP  
250 with Site Plan, case FS24-0622, staff recommends the Commission approve subject to  
251 stipulations 'a' through 'g' as outlined below:

- 252
- 253 a. Development and use of the site shall be consistent with the CUP Narrative  
254 entitled, "Fox Cigar Bar Conditional Use Permit Application Narrative", prepared  
255 by Rose Law Group, Inc, and received April 09, 2025.  
256
  - 257 b. Development and use of the site shall be consistent Smoke Mitigation Plan entitled  
258 "Fox Cigar Bar Surprise, AZ Smoke Mitigation Plan", prepared by Rose Law  
259 Group, and received April 09, 2025.  
260
  - 261 c. Development and use of the site shall be consistent with the Site Plan entitled "Fox  
262 Cigar Bar Site Plan", prepared by Upward Architects, and received April 09, 2025.  
263
  - 264 d. Landscaping of the site shall be consistent with the Landscape Plan entitled "Fox  
265 Cigar Bar Landscape Plan", prepared by G.K. Flanagan Associates, Inc, and  
266 received April 09, 2025.  
267
  - 268 e. Building Architecture shall be consistent with the Elevations entitle "Fox Cigar Bar  
269 Elevations", prepared by Upward Architect, and received April 17, 2025.  
270
  - 271 f. The applicant shall obtain a building permit for the subject facility within one (1)  
272 year of the effective date of approval of this Site Plan. If the applicant does not  
273 obtain said building permit within the specified time, this Site Plan shall be deemed  
274 null and void.  
275
  - 276 g. Non-compliance with the stipulations of approval of this case will be treated as a  
277 violation in accordance with the applicable provisions of the Surprise Municipal  
278 Code.  
279

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

282  
283 **RECOMMENDED MOTIONS:**

284  
285 I move to **approve** the Conditional Use Permit with Site Plan for a Smoking Lounge with  
286 Liquor License, Case# FS24-0622, subject to stipulations 'a' through 'g' as outlined in the  
287 staff report.  
288



289 I move to **deny** the Conditional Use Permit with Site Plan for a Smoking Lounge with  
290 Liquor License, Case# FS24-0622, because [*insert reason*].  
291

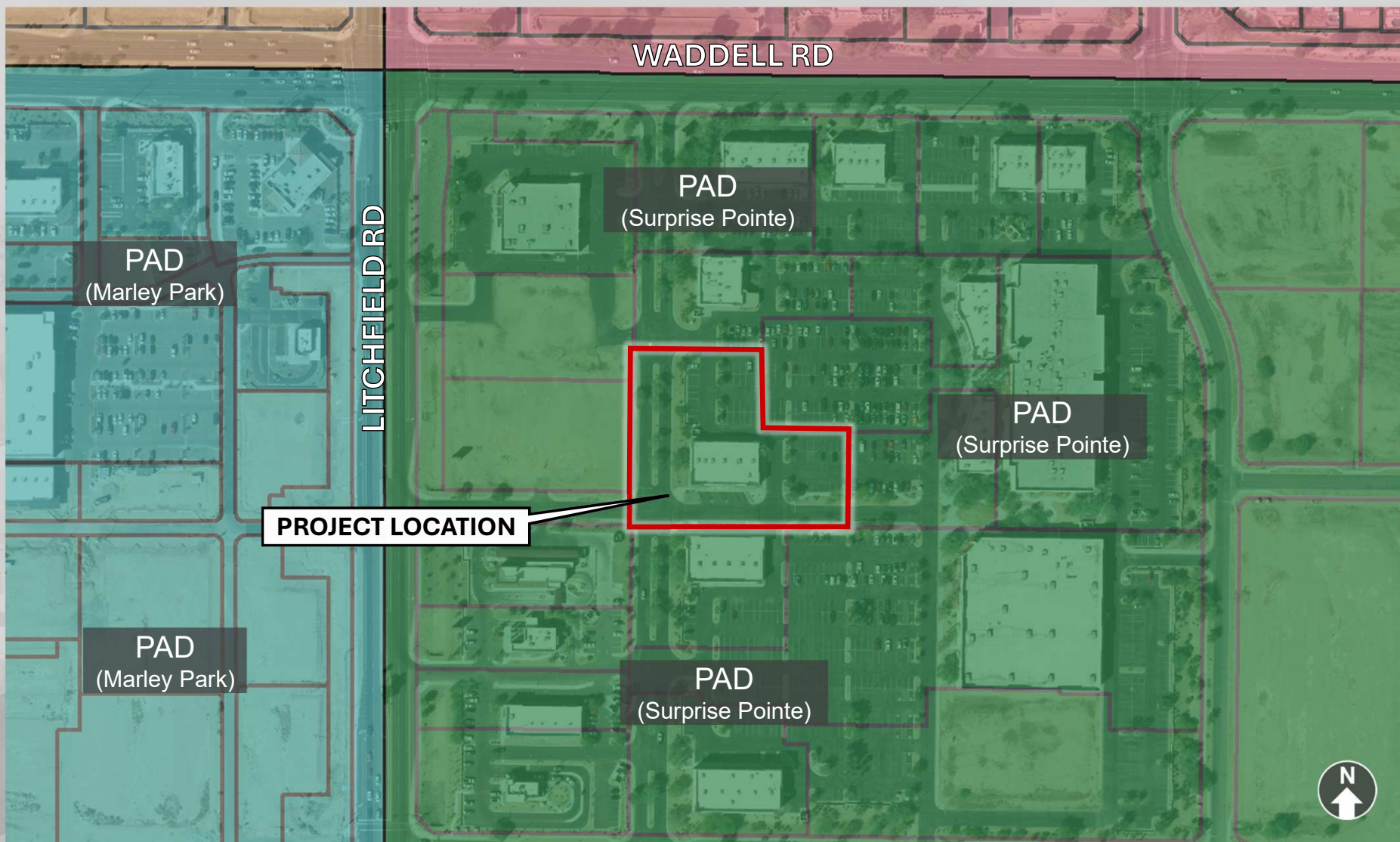
292 **Attachments:**

293 01 Vicinity Map  
294 02 Zoning Map  
295 03 CUP Narrative & Smoke Mitigation Plan  
296 04 Site Plan  
297 05 Landscape Plan  
298 06 Elevations  
299 07 Luke AFB Comments  
300 08 Public Outreach Report - REDACTED  
301 09 Affidavit of Site Posting  
302 PPT



# VICINITY MAP





# ZONING MAP

December 19, 2024

Lloyd Abrams  
Surprise Community Development  
16000 N Civic Center Plaza  
Surprise, AZ 85374-7463

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**RE: Fox Cigar Bar Conditional Use Permit Application Narrative**

Rose Law Group pc, representing Fox Cigar Bar (the “**Applicant**”), is excited to present this Application for a Conditional Use Permit (CUP). The purpose of this request is to authorize the service of alcohol at a "smoking lounge" per section Sec. 106-10.42 of the Surprise Development Code (the “**Code**”). This narrative is intended to discuss the parameters, requirements, and any potential concerns related to the proposed use within the designated area. Seeking clarity and guidance through this process will aid in ensuring compliance with all relevant regulations and in addressing any community concerns associated with the proposed service of alcohol in the specified setting.

The proposed project site is situated on approximately 3.17 gross acres at the southeast corner of Litchfield Rd. and Waddell Rd. (APN 501-36-954) (the “**Property**”) Refer to Exhibit1 – Site Aerial. The Property is zoned Surprise Pointe/Bendalin Farms PAD<sup>1</sup> with an underlying zoning of Commercial (C-2) (refer to Exhibit 2 – Zoning Context Map). Situated within the City of Surprise (the “**City**”).

The Land Development Ordinance allows smoking lounges to serve alcoholic beverages with the approval of a CUP. This narrative will outline that the proposed CUP for alcohol service ensures the appropriateness of the use at this location by satisfying all the approval criteria listed in section 102.6.3 of the Code. It will detail how the project aligns with the surrounding area's character and zoning requirements, addresses any potential impacts on the community, and adheres to all relevant regulations.

**APPROVAL CRITERIA**

The Surprise Development Code delineates nine (9) approval criteria in Sec. 102-6.3[d] that the applicant must demonstrate compliance with. This section will address the applicability of each criterion and outline how the proposed project meets or exceeds the requirements outlined in each criterion.

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

---

<sup>1</sup> [Surprise Pointe Bendalin Farms PAD](#)



This location within the Surprise Pointe/Bendalin Farms PAD imposes no burden or conflict on any surrounding uses. The primary establishments nearby consist of entertainment and dining facilities, predominantly restaurants, bars, and similar venues. (See Exhibit 3 – Neighborhood Context Map).

The addition of a new entertainment and dining experience will enhance the commercial character of the area. By integrating seamlessly into the existing landscape, the proposed establishment will contribute positively to the neighborhood's vibrancy and diversity of offerings, enriching the overall community experience.

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

The Applicant proposes an upscale cigar lounge, akin to permitted bar uses. This venture promises a sophisticated cigar and whiskey experience, aspiring to house one of the largest scotch and bourbon collections in Arizona. Targeting a sophisticated clientele, the business aims to draw patrons from across the Phoenix metro area.

Backed by an experienced hospitality operator, the Applicant prioritizes responsible neighborly and business conduct. With a reputation for high-end establishments, the business model hinges on maintaining an upscale image, emphasizing safety, security, and adherence to loitering provisions in the Surprise Development Code.

The Applicant is the owner and operator of a well-respected cigar bar in the heart of downtown Scottsdale. Their establishment stands as an example for hospitality service, recently honored with the prestigious PCA Best Cigar Bar Award. This accolade demonstrates their commitment to delivering unparalleled professionalism and top-notch customer service, all in pursuit of enhancing the cultural landscape of the City of Surprise.

This project will enhance the character of the commercial area and will be a leader in safety, cleanliness, and public health by employing the strictest standards including high-quality surveillance cameras both inside and outside the premises to monitor activities and ensure a secure environment, employing trained security personnel to maintain order, enforce safety protocols, and handle any potential incidents effectively, and implementing responsible alcohol service practices. By incorporating these safety measures, the upscale cigar lounge will prioritize the well-being of its patrons and uphold the highest standards of safety and security within the establishment.

***Criteria #3: The proposed use shall conform to the goals and policies of the General Plan;***

The establishment of a sophisticated cigar bar at the Southwest Corner of Litchfield Rd/Waddell Rd (C-2) aligns seamlessly with key elements of the Surprise General Plan, reflecting a strategic contribution to the city's growth, appropriate land use, economic development, employment, and enhancement of arts and culture.

The proposed CUP, will allow the applicant to curate the largest selection of scotch and bourbon in the region, not only caters to collectors and connoisseurs but also serves as a catalyst for economic vitality.

Growth: The introduction of an upscale cigar bar dovetails with the city's growth objectives by adding a unique and desirable entertainment option. This establishment is anticipated to attract patrons from across the Phoenix metro area, contributing to the growth and diversification of Surprise's hospitality sector.

Appropriate Area Land Use: The general plan's community commercial and employment center positions this location as a suitable locale for commercial activities. The sophisticated cigar bar is consistent with the envisioned land use, providing an upscale and refined offering that complements the character of the area.

Economic Development and Employment: As a high-end establishment, the proposed cigar bar anticipates creating employment opportunities and stimulating economic growth. It is poised to become a thriving business, adding to the city's economic landscape and fostering job creation within the community.

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

The Site is located within an Employment General Plan character area. The Property is also located within the Railplex Employment Growth Area (the “**Growth Area**”) adopted by the 2035 General Plan. The purpose of the Growth Area is to encourage appropriate development of compatible and sustainable land uses, with specific consideration for the surrounding areas. The Property is located within both an employment land use designation and an employment growth area, ideal for a vibrant new hospitality use. The General Plan states that the Railplex growth area should focus on supporting a variety of employment types.

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

The Surprise Pointe/Bendalin Farms PAD defaults to the current C-2 use standards outlined in the City's Development Ordinance. Smoking lounges are a permitted use in the C-2 zoning district. Smoking Lounges, defined as “[a] business establishment that is dedicated, in whole or part, to the smoking of any lighted tobacco product, including cigars, cigarettes, pipe tobacco, and any other lighted tobacco product.” Within the use standards for smoking lounges the ordinance states “Non-alcoholic beverages may be served on the premises; however, alcoholic beverages shall not be sold or consumed on the premises, except when a conditional use permit is issued and in conjunction with the issuance of a liquor license.” The service of alcoholic beverages will be in full conformance with the applicable use standards as the Applicant will have a liquor license approved in conjunction with the CUP.



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

- (1) Site and building design,*
- (2) Sensitivity to existing natural features,*
- (3) Volume or character of traffic,*
- (4) Circulation patterns,*
- (5) Connectivity,*
- (6) Parking and loading,*
- (7) Screening and buffering of uses Landscaping,*
- (8) Exterior lighting, Signage,*
- (9) Stormwater retention and drainage,*
- (10) Nuisance arising from noise, smoke, odor, dust, vibration, or illumination,*
- (11) A demonstrated need for such use.*

This new high-end cigar bar not only meets but exceeds the criteria outlined for its proposed use within the existing PAD. The project adheres to the development standards of the zoning district and integrates naturally into the surrounding environment. Through careful consideration of site and building design, it enhances the area's aesthetic appeal while respecting existing natural features, including considerations for exterior lighting and signage.

Traffic volume and circulation patterns are addressed to ensure minimal disruption to the neighborhood, with ample parking and loading facilities provided to accommodate patrons.

Moreover, the cigar bar incorporates screening and buffering techniques, as well as landscaping elements, to mitigate any potential impact on neighboring properties. The Applicant is an experienced hospitality operator and understands the importance of ensuring positive relationships with neighbors and within the business community.

Stormwater retention and drainage systems are implemented to maintain environmental sustainability. Additionally, the establishment's operation is mindful of potential nuisances such as noise, smoke, and odor, ensuring a beneficial relationship with the community. Lastly, the presence of this upscale cigar bar fulfills a demonstrated need within the area, enriching the local social scene and contributing positively to its economic vitality.

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

The Property is suited to facilitate smooth ingress and egress for both commercial and hospitality purposes, as well as efficient pedestrian and traffic circulation. Its design appropriately allocates space for vehicular access points, ensuring convenient entry and exit routes for businesses and patrons alike. Pedestrian pathways are integrated to encourage foot traffic flow, enhancing accessibility, and fostering a safe environment. Moreover, the layout incorporates dedicated lanes and signage to streamline traffic movement within the parcel, minimizing congestion and maximizing efficiency.

***Criteria #8-9: Adequate utilities, access roads, drainage sanitation; and/or necessary facilities will be provided and the use will not contribute toward an overburdening of municipal services.***

The site for the proposed project has the requisite utility infrastructure and sanitation provisions, the Site is fully equipped to support the establishment's operational needs without imposing any additional burden on city services. With all the necessary utilities already in place, including water, electricity, and sewage systems, the site is ready for immediate occupancy and operation. Superficial changes will be minimal, ensuring a swift and seamless transition for the new establishment. Furthermore, the physical building and responsible operation of the bar will ensure that the business will not contribute to overburdening municipal services.

### **Compliance with Use-Specific Standards in Section 106-10.42**

A smoking lounge, as defined in Section 101-2.2, is “a business establishment dedicated, in whole or in part, to the smoking of any lighted tobacco product, including cigars, cigarettes, pipe tobacco, and other lighted tobacco products.” This business will operate as a high-end lounge where premium cigars will be sold and enjoyed throughout the premises. To ensure compliance with applicable regulations, the entire establishment will be restricted to patrons aged 21 and older.

In alignment with the Smoke-Free Arizona Act and the Surprise Land Development Ordinance, the lounge will feature robust smoke mitigation infrastructure and operational policies designed to prevent smoke migration. These measures also address fire safety concerns. Detailed information regarding the building’s design and smoke mitigation systems can be found in the attached Smoke Mitigation Plan. All staff will be trained in safety and security procedure to ensure no loitering or illegal activity takes place on the premises. RE: EXHIBIT 4

Additionally, the premises include a patio area designed in compliance with Section 106-10.30, as outlined in the associated site plan. The outdoor space is specifically designed to meet local code requirements and enhance the overall experience for guests while maintaining adherence to all applicable standards.

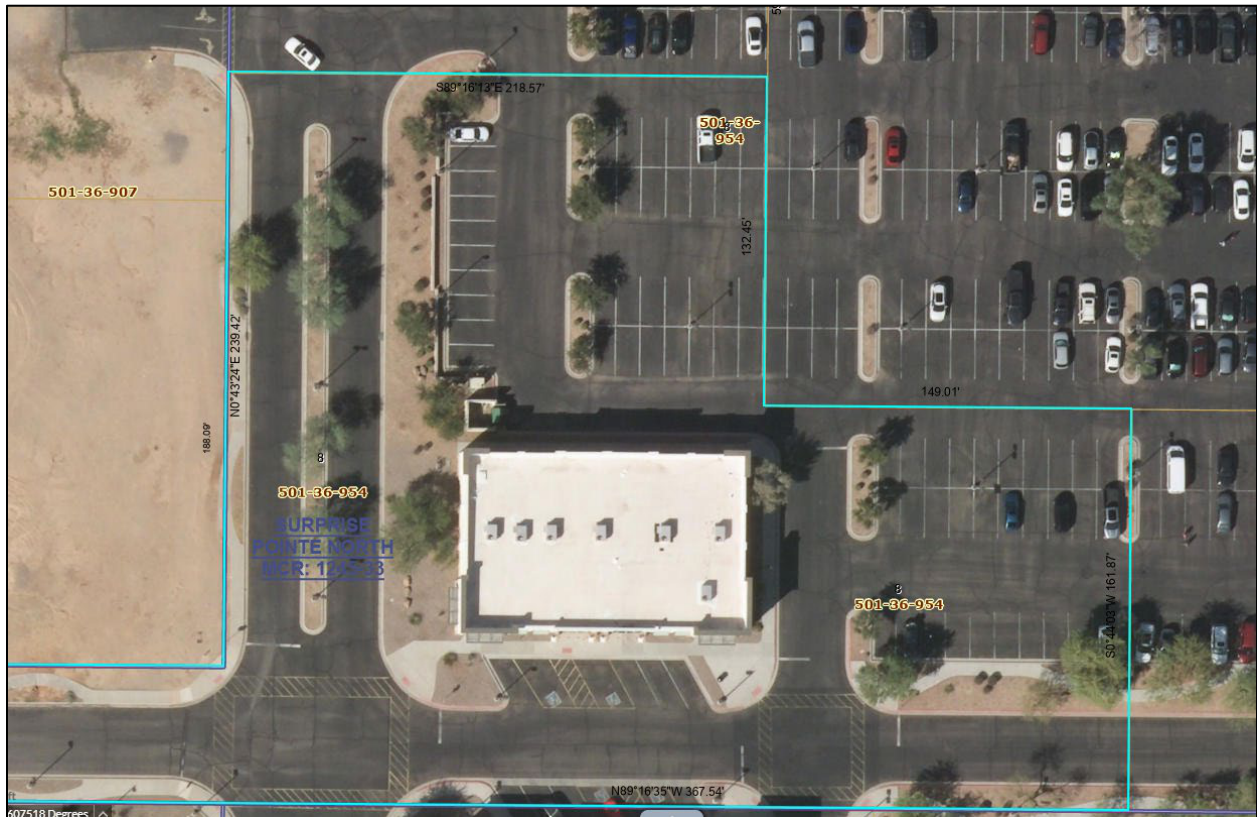
This approach ensures the lounge operates in full compliance with local and state regulations while providing a safe and enjoyable environment for its patrons.

### **CONCLUSION**

This request for a CUP to allow alcoholic beverage service in a smoking lounge not only meets but exceeds all CUP approval criteria. By facilitating the development of a high-end establishment, this initiative will significantly enhance the character of the area and contribute to economic growth in Surprise. The proposal aligns seamlessly with the objectives outlined in the Land Development Ordinance, General Plan, and CUP criteria, underscoring the Project’s importance and positive impact on the community's evolution. With careful consideration of all relevant factors, this request will bring both economic development to the region, reflecting an integration of business and community interests.



## EXHIBIT 1



Sierra Verde PAD

Residential Low Density (R-1)

Community Commercial (C-2)

Marley Park PAD

Surprise Pointe/Bendalín Farms PAD

Subject Property



The map shows a commercial area in Phoenix, Arizona, with various businesses and landmarks. The map includes labels for Fry's Food Stores, McDonald's, Safeway, Sonic, Native Grill & Wings, AMC Theatres, Dutch Bros, and Crescent Crown Distributing. A red box highlights a specific area on N Litchfield Rd, and a red 'F' logo is also visible.

Fox Cigar Bar  
Surprise, AZ

# Smoke Mitigation Plan



Case No.: CR24-0010  
13601 N. Litchfield Road



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## **Fox Cigar Bar Surprise – Smoke Mitigation Plan**

### **I. Introduction**

Fox Cigar Bar Surprise (the “Applicant” or “Business Owner”) is pleased to submit this smoke mitigation plan in conformance with Sec. 106-10.42(h) of the Surprise Land Development Ordinance.

Backed by an experienced hospitality operator, the Applicant prioritizes responsible business and neighborly conduct. The business model is built around an upscale, high-end environment that emphasizes safety, security, and compliance with city and state regulations. The Applicant currently owns and operates a well-respected cigar bar in downtown Scottsdale, recently honored with the Prestigious PCA Best Cigar Bar Award. This recognition reflects the commitment to exceptional hospitality, professionalism, and customer service, which will be upheld at the Surprise location as well.

The Applicant is dedicated to ensuring a safe and inviting environment for patrons while also mitigating any potential impact on neighbors and the City of Surprise community. This smoke mitigation plan has been carefully developed to comply with Smoke-Free Arizona (A.R.S. § 36-601.01) and local ordinances by ensuring that:

1. Smoke does not migrate into areas where smoking is prohibited.
2. Proper ventilation, filtration, and infrastructure are in place to eliminate smoke migration.
3. Staff are trained in procedures to effectively enforce smoke mitigation.
4. A designated responsible party is available to address any concerns or complaints.

### **II. Compliance with Smoke-Free Arizona (A.R.S. § 36-601.01)**

Fox Cigar fully complies with the Smoke-Free Arizona Act, which permits designated smoking areas, including indoor smoking lounges and outdoor patios. These areas are constructed to ensure that smoke does not migrate into any non-smoking zones, in accordance with the law.

Key compliance measures include:

- Infrastructure featuring high-grade ventilation systems, physical separation, and smoke filtration.
- Strategic site selection to prevent external impact on neighbors—the nearest occupied building is over 90 feet away.
- Ongoing staff training on health and safety protocols to uphold all regulations.

Fox Cigar's compliance strategy ensures all smoke is effectively contained, making it a model of responsible and lawful cigar lounge operation.

### **III. Infrastructure & Filtration System**

Fox Cigar is committed to exceeding baseline regulatory requirements for smoke mitigation by using LakeAir's state-of-the-art air purification systems. These commercial-grade units are engineered to remove airborne particulates, eliminate cigar odors, and prevent smoke migration beyond designated areas.

#### Indoor Filtration System

Fox Cigar's indoor smoking lounge features nine (9) high-capacity LakeAir smoke eaters (see Exhibit B), each equipped with a three-stage filtration system:

- a. Prefilter (Stage 1) – Captures large smoke particles and airborne ash before they reach the primary filters.
- b. True HEPA Filter (Stage 2) – Removes 99.97% of airborne particles as small as 0.1 microns, effectively eliminating cigar smoke haze.
- c. Activated Carbon Filter (Stage 3) – Utilizes virgin coconut shell carbon, designed to adsorb odors and volatile organic compounds (VOCs) such as benzene and formaldehyde.

These filtration units are compliant with ASHRAE air quality standards and are specifically designed to maintain a clean, smoke-free atmosphere inside the lounge.

#### Outdoor Patio Filtration

The outdoor smoking patio is equipped with an additional 4,500 CFM of LakeAir smoke and odor removal equipment, designed for semi-open environments. These systems ensure that:

- a. Smoke is directed away from non-smoking areas via high-volume axial fans.
- b. Carbon filtration modules eliminate odor and airborne pollutants.
- c. Equipment is weatherproof, ensuring continuous operation.

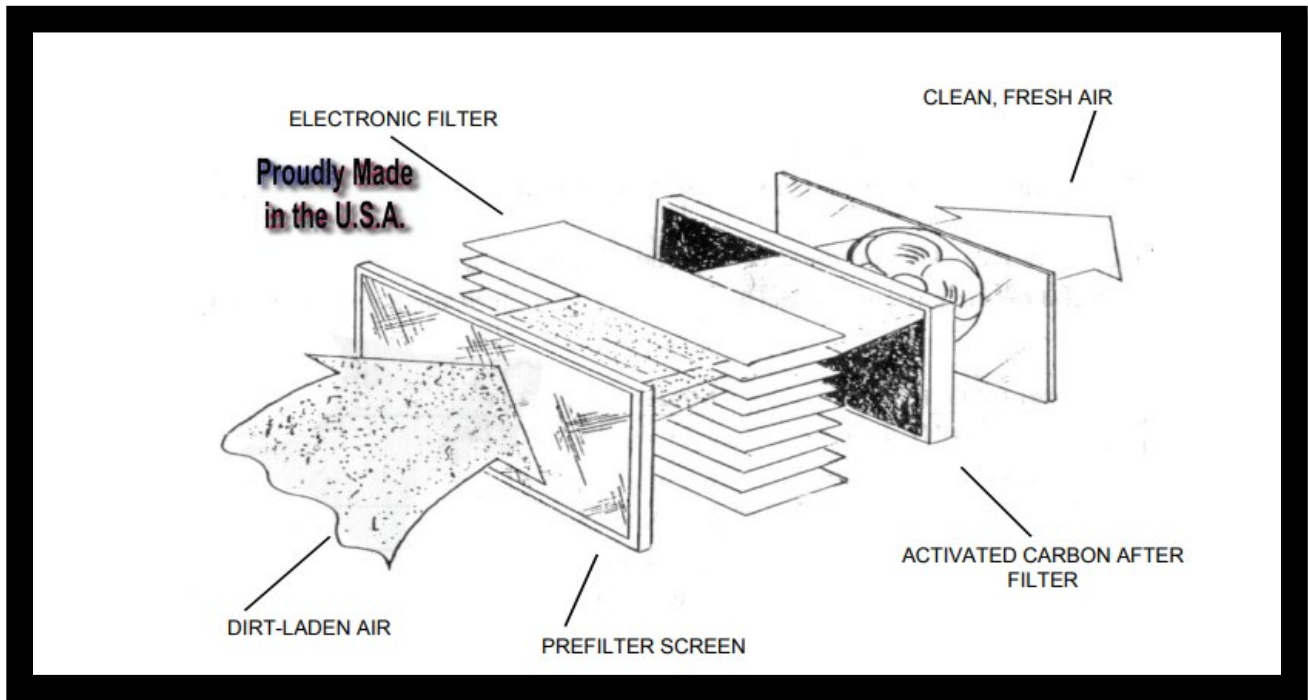
#### Ventilation & Airflow Capacity

Based on the square footage and expected air turnover needs, Fox Cigar has installed a system capable of handling 17,000 CFM (cubic feet per minute) of smoke removal, well above industry standards.



Key ventilation design features include:

- a. Absorption-Based Filtration: Unlike basic absorption filters, LakeAir's activated carbon filtration captures smoke molecules on a microscopic level. See the diagram below.
- b. Honeycomb Carbon Filters: Maximizes surface area for superior VOC and odor removal.
- c. Optimized Airflow: Multiple strategically placed filtration units ensure uniform air movement throughout the space.



### Maintenance & Compliance Plan

Fox Cigar has engaged with RK Venture and LakeAir to ensure all equipment operates at peak efficiency. The maintenance schedule includes:

- Inspections of airflow output and motor performance.
- Prefilter replacement to maintain optimal airflow.
- HEPA and Carbon filter replacement as needed.
- Air quality monitoring using particulate sensors to ensure compliance.

## **IV. Staff Training and Operational Procedures**

To ensure compliance with the City's requirements and to maintain a comfortable and safe environment for all guests, staff will be thoroughly trained on the cigar lounge's Smoke Mitigation Plan. The purpose of this section is to ensure both staff and guests understand and follow policies related to smoking behavior, ventilation protocols, and prohibited activities.

### Training Frequency:

- All new employees will receive training during onboarding.
- All staff will attend a refresher course every 12 months.
- Emergency policy refreshers will be issued immediately if any ongoing violations occur that result in neighbor or city complaints.

### Training Sections:

1. Smoke Mitigation Systems Orientation
  - Understanding of HVAC system design, air filtration units, negative pressure zones, and sealed entry/exit protocol.
  - Training on how to recognize irregularities (e.g. door held open too long, unusual smoke accumulation).
2. Zoning Awareness & Guest Communication
  - Clear understanding of which areas are smoking-permitted vs. non-smoking.
  - Training on how to politely but clearly explain policies to guests.
3. Conflict De-escalation Techniques
  - Techniques to handle resistance from guests who violate smoking policies.
  - Step-by-step protocol on involving management or security.
4. Incident Reporting
  - Training on logging guest warnings, documenting repeat violations, and generating internal reports for management review.

### Guest Communication Protocol and General Policy Communication

Guests will be informed of smoking rules through a combination of:

- Verbal reminders by staff when necessary
- Clear signage placed at all transition points (entry, patio, lounge access points)
- Menus and printed materials that outline smoking etiquette
- Environmental design (e.g., door signage, visual cues, natural barriers) that encourages compliance intuitively
- Online materials (e.g., website, reservations, confirmation emails) to help set expectations in advance.



Key Rules to Communicate:

- Smoking is only allowed in the indoor lounge and designated outdoor patio.
- Lit cigars must remain in permitted areas.
- Doors to smoking areas must remain closed to maintain air quality.
- Repeated violations may result in the loss of smoking privileges.
- Aggressive behavior or intentional non-compliance will never be tolerated – customers will be immediately asked to leave the premises. The violation system outlined below only applies to customers making good faith effort to comply with smoke mitigation protocol.

Violation Response Protocol

***First Violation*** – Courtesy Reminder

- a. Situation: Guest is found smoking in a restricted area or not following access rules (e.g. propping doors open)
- b. Staff Response: Calm and direct approach:
  - i. “Please keep lit cigars in the lounge or patio—this area isn’t designated for smoking.”
  - ii. “I’ll need to ask you to close the door—keeping it open interferes with the ventilation system.”
- c. Documentation: Record the incident in the internal log with:
  - i. Time and date
  - ii. Violation observed
  - iii. Guest description or name
  - iv. Name of staff member who intervened

***Second Violation*** – Final Warning

- d. Manager Response:
  - i. “This is your second policy violation. If there’s another issue, we’ll have to pause your smoking access for the rest of your visit.”
- e. Update the log and notify other team members as appropriate

***Third Violation*** – Smoking Privilege Revoked

- f. Manager/Security Response:
  - i. “Due to repeated violations, we’re ending smoking privileges for the rest of your visit. You’re welcome to remain, but the lounge and patio are now off-limits for smoking.”
  - ii. Offer to store cigars or accessories behind the bar for safekeeping

***Refusal to Comply*** – Escalation Procedure (Staff may escalate to this level at any point based on customer behavior and response to reminders)

- g. Alert the on-duty manager. If needed, politely ask the guest to leave the premises
- h. Log full details of the incident, including behavior and all staff interactions

### Staff Training & Conduct Expectations

All staff are trained in:

- Arizona and city-specific smoking regulations, including:
  - Smoke-Free Arizona (A.R.S. § 36-601.01)
  - Surprise Land Development Ordinance (Sec. 106-10.42)
  - This Smoke Mitigation Plan
- Operation of the building's ventilation systems
- How to clearly explain rules without overexplaining or inviting debate
- De-escalation techniques and respectful enforcement

### Staff are always expected to:

- Maintain consistency and calm in all enforcement situations
- Avoid lengthy explanations, be direct and firm
- Log incidents accurately and notify management when needed
- Work together to support a clean, compliant, and high-end environment

## **V. Responsible Party & Complaint Resolution**

Fox Cigar has designated a responsible party to handle any concerns regarding smoke mitigation. Any complaints will be promptly addressed by:

- Investigating and documenting the issue
- Adjusting ventilation settings if necessary.
- Conducting additional filtration maintenance if required.

A direct contact for smoke mitigation inquiries:

Mitchell Fox  
480-421-8429  
[mitchell@foxcigar.com](mailto:mitchell@foxcigar.com)

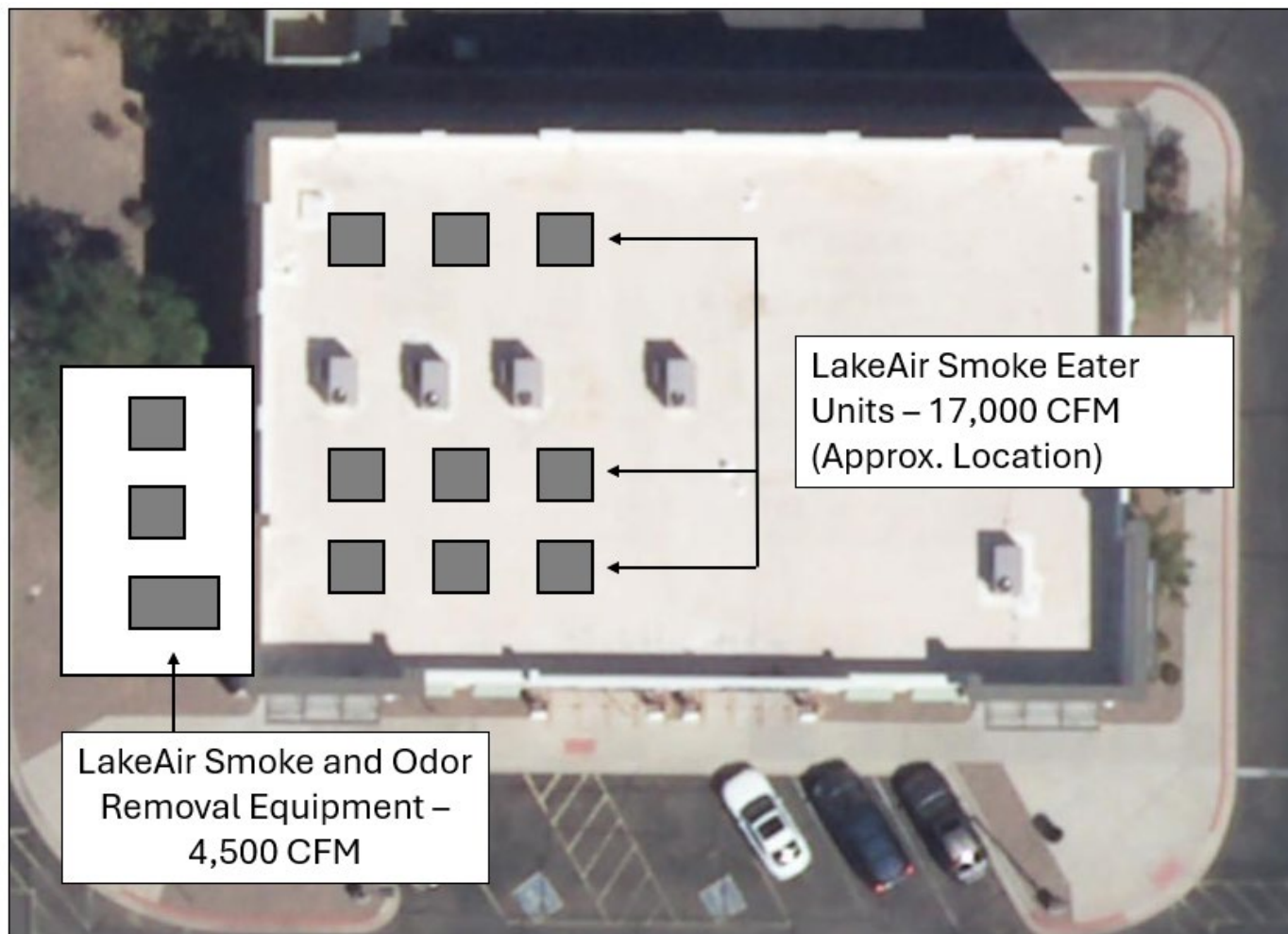
Samantha Flynn  
480-489-2180  
[samantha@foxcigar.com](mailto:samantha@foxcigar.com)



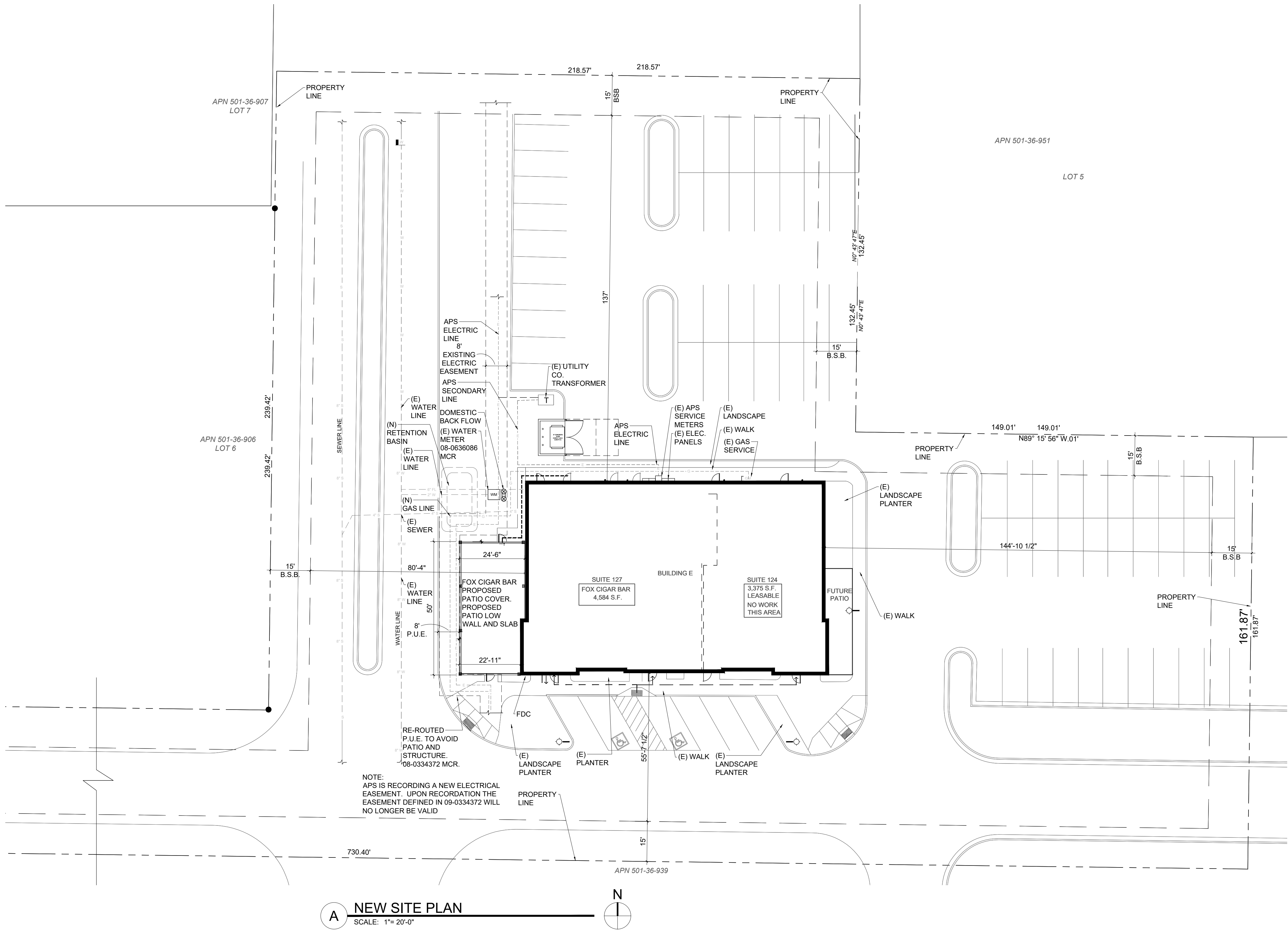
## Exhibit A – Permitted Smoking Areas Map



## EXHIBIT B — Smoke System Locations







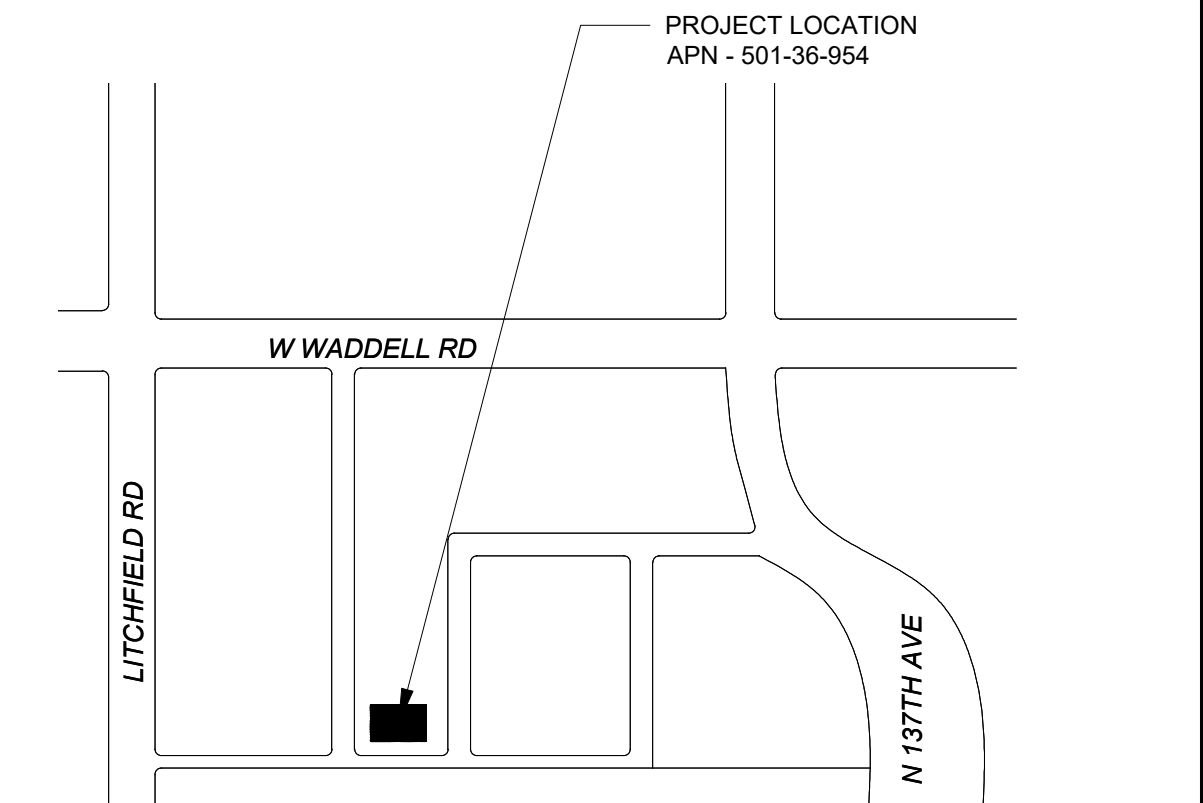
SITE DATA

|                                                                                                                                                                                                                                                                 |                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| PROPERTY ADDRESS:                                                                                                                                                                                                                                               | 13601 N LITCHFIELD ROAD<br>SURPRISE, AZ 85379 |
| PROPERTY DESCRIPTION                                                                                                                                                                                                                                            | LOT 8, SURPRISE POINTE NORTH                  |
| APN:                                                                                                                                                                                                                                                            | 501-36-954                                    |
| MCR:                                                                                                                                                                                                                                                            | 124533                                        |
| LOT SIZE:                                                                                                                                                                                                                                                       | 138, 298 S.F.                                 |
| ZONING:                                                                                                                                                                                                                                                         | PAD (C2)                                      |
| SUBDIVISION NAME:                                                                                                                                                                                                                                               | SURPRISE POINTE NORTH                         |
| STR:                                                                                                                                                                                                                                                            | 15 3N 1W                                      |
| JURISDICTION:                                                                                                                                                                                                                                                   | SURPRISE, ARIZONA<br>MARICOPA COUNTY          |
| CONSTRUCTION TYPE:                                                                                                                                                                                                                                              | VB FIRE SPRINKLERED                           |
| STORIES (EXISTING):                                                                                                                                                                                                                                             | 1 STORY                                       |
| OCCUPANCY/USE:                                                                                                                                                                                                                                                  | BUSINESS - B                                  |
| OCCUPANCY TYPE                                                                                                                                                                                                                                                  | A2 TAVERN LOUNGE                              |
| SETBACKS                                                                                                                                                                                                                                                        |                                               |
| FRONT:                                                                                                                                                                                                                                                          | EXISTING TO REMAIN                            |
| REAR :                                                                                                                                                                                                                                                          | Not applicable (Existing To Remain)           |
| SIDE INTERIOR LOT :                                                                                                                                                                                                                                             | 15'-0" S.B.                                   |
| BUILDING HEIGHT:                                                                                                                                                                                                                                                |                                               |
| ALLOWABLE BLDG HEIGHT: 2 STORIES:                                                                                                                                                                                                                               | 35'-0"                                        |
| EXISTING HEIGHT:                                                                                                                                                                                                                                                | 25'-8" NO CHANGE                              |
| BUILDING AREA :                                                                                                                                                                                                                                                 |                                               |
| BUILDING SIZE:                                                                                                                                                                                                                                                  | 8,009 S.F.                                    |
| PROPOSED COVERED PATIO AREA WEST                                                                                                                                                                                                                                | - 1,200 S.F.                                  |
| PROPOSED COVERED PATIO AREA EAST                                                                                                                                                                                                                                | - 375 S.F.                                    |
| LOT COVERAGE                                                                                                                                                                                                                                                    | 5.8%                                          |
| PARKING CALCULATIONS                                                                                                                                                                                                                                            |                                               |
| AUTO SPACE REQUIRED                                                                                                                                                                                                                                             |                                               |
| SPACE REQUIRED                                                                                                                                                                                                                                                  | 32                                            |
| SPACE PROVIDED                                                                                                                                                                                                                                                  | 38                                            |
| ACCESSIBLE REQUIRED                                                                                                                                                                                                                                             | 2                                             |
| ACCESSIBLE PROVIDED                                                                                                                                                                                                                                             | 2                                             |
| Additional Parking for Bldg adequate per the city for shared parking. PAD zoning                                                                                                                                                                                |                                               |
| SITE PLAN NOTES:                                                                                                                                                                                                                                                |                                               |
| 1) THIS PLAN IS FOR PLANNING AND DESIGN PURPOSE ONLY.<br>2) VERIFY ALL DIMENSIONS IN FIELD.<br>3) REFER CIVIL SURVEY DOCUMENTS FOR MORE DETAILS.<br>4) REVIEW ARCHITECTURAL PLANS FOR NEW WORK INFORMATION.<br>5) NO NATIVE PLANTS ARE TO BE DISTURBED ON SITE. |                                               |

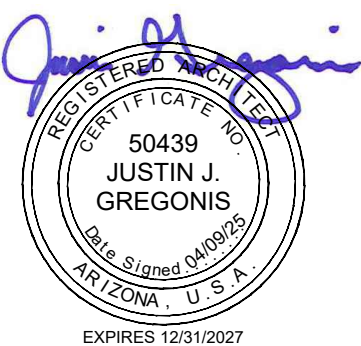
PROJECT TEAM

|                                                                                                                                                                              |                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| ARCHITECT                                                                                                                                                                    | OWNER/DEVELOPER                                                                                                          |
| UPWARD ARCHITECTS<br>1155 W. RIO SALADO PARKWAY, SUITE B-101<br>TEMPE, AZ 85281<br>PHONE: 602-753-5320<br>FAX:<br>E-MAIL: SCOTT@upwardarchitects.com<br>CONTACT:SCOTT PUENTE | FOX PROPERTIES SURPRISE L.L.C.<br>13601 N LITCHFIELD ROAD<br>SURPRISE, AZ 85379<br>PHONE:<br>FAX:<br>E-MAIL:<br>CONTACT: |

VICINITY MAP



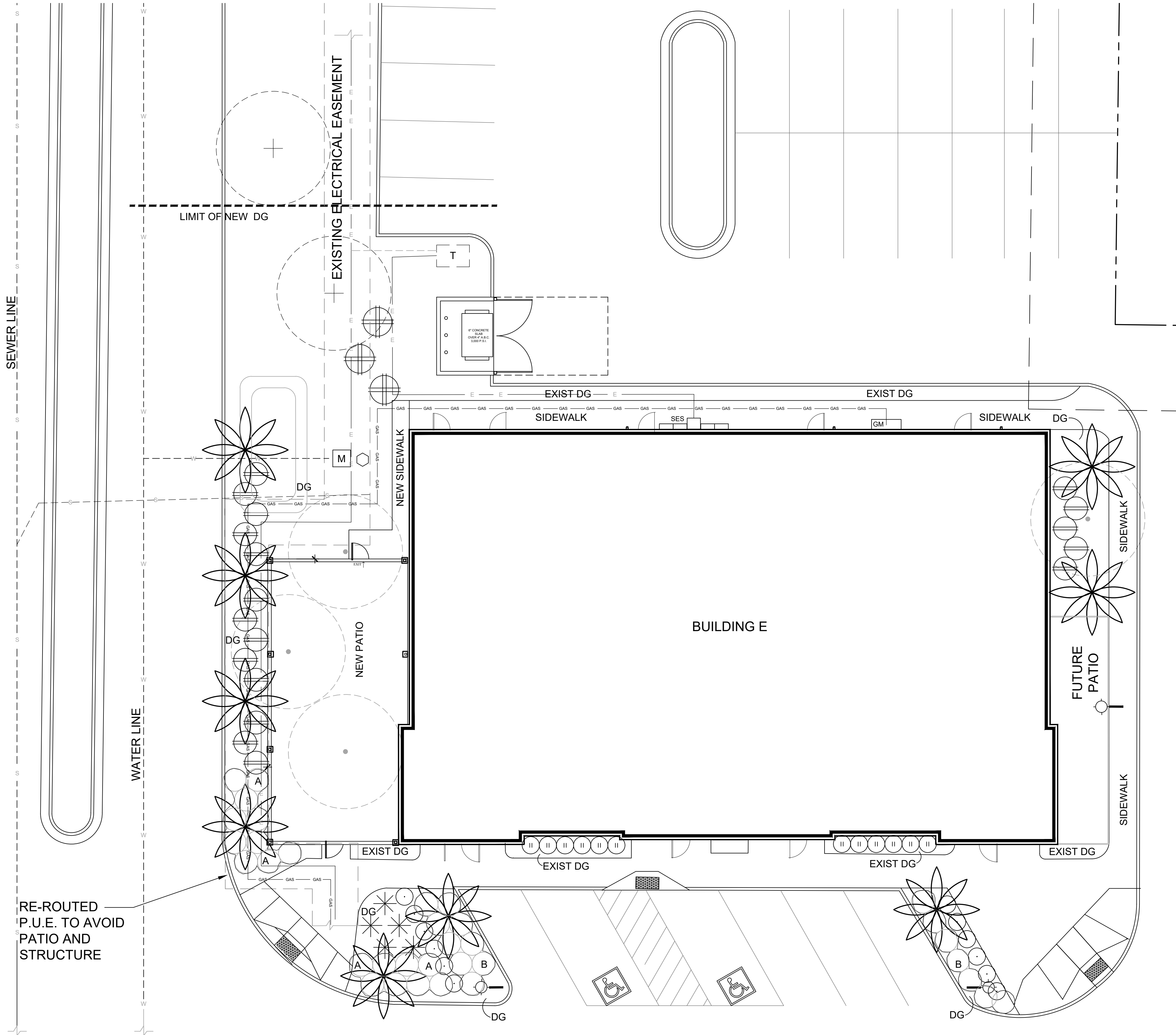
FOX CIGAR BAR  
13601 N. LITCHFIELD ROAD  
SURPRISE , AZ. 85379



UPWARD  
ARCHITECTS

1155 W. Rio Salado Parkway, Suite B-101  
Tempe, AZ 85281  
Ph 602.753.5222 www.upwardarchitects.com





**G.K. FLANAGAN ASSOCIATES**  
4626 N. 44th Street  
PHOENIX, AZ 85018  
602 . 912 . 9691  
602 . 912 . 9693 fax  
GREG@GKFASSOCIATES.COM

Contact Arizona 811 at least two full working days before you begin excavation

**ARIZONA811**  
Call 811 or click Arizona811.com

MASTER PLANT LIST

| TREES                                                                        | SIZE / QTY                                           |
|------------------------------------------------------------------------------|------------------------------------------------------|
| EXIST TREE (TO REMAIN)                                                       | N/A                                                  |
| EXIST TREE (TO REMOVE)                                                       | N/A                                                  |
| DATE PALM<br>PHOENIX DACTYLIFERA                                             | 25' CLEAR TRUNK<br>MATCHING / DIAMOND CUT /<br>9 QTY |
| SHRUBS                                                                       |                                                      |
| LITTLE OLLIE/ DWARF OLIVE<br>OLEA EUROPAEA 'LITTLE OLLIE'                    | 5 GAL, 12 QTY                                        |
| LITTLE JOHN/ DWARF BOTTLEBRUSH<br>CALLISTEMON 'LITTLE JOHN'                  | 5 GAL, 12 QTY                                        |
| RED YUCCA<br>HESPERALOE PARVIFLORA                                           | 5 GAL, 5 QTY                                         |
| BAJA RUELLIA<br>RUELLIA PENINSULARIS                                         | 5 GAL, 18 QTY                                        |
| MEXICAN BIRD OF PARADISE<br>CAESALPINIA MEXICANA                             | 5 GAL, 3 QTY                                         |
| GROUNDCOVERS                                                                 |                                                      |
| TRAILING YELLOW LANTANA<br>LANTANA x 'NEW GOLD'                              | 1 GAL @ 4' O.C., 18 QTY                              |
| OUTBACK SUNRISE EMU<br>EREMOPHILA GLABRA 'MINGENEW GOLD'                     | 1 GAL @ 4' O.C., 16 QTY                              |
| INERTS                                                                       |                                                      |
| DG NEW DECOMPOSED GRANITE TO MATCH<br>EXISTING DG IN SIZE AND COLOR OF FIELD |                                                      |
| EXIST DG EXISTING DECOMPOSED GRANITE TO<br>REMAIN IN PLACE                   |                                                      |

PLANTING PLAN



**FOX CIGAR BAR — SURPRISE**  
13601 N LITCHFIELD ROAD, BUILDING E  
SURPRISE, AZ 85379

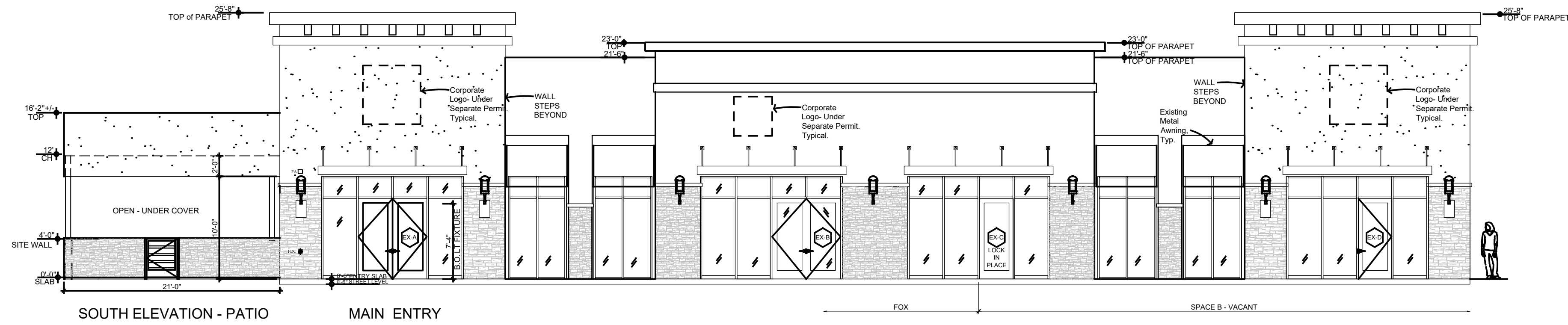
**G.K. FLANAGAN ASSOCIATES, INC**  
LANDSCAPE ARCHITECTURE  
PLANNING  
4626 N. 44th STREET PHOENIX, AZ 85018  
602 . 912 . 9691 tel  
602 . 912 . 9693 fax



|            |               |
|------------|---------------|
| revisions: |               |
| date:      | 04.10.2025    |
| contents:  | PLANTING PLAN |
| sheet no.  | L-1<br>2 OF 3 |

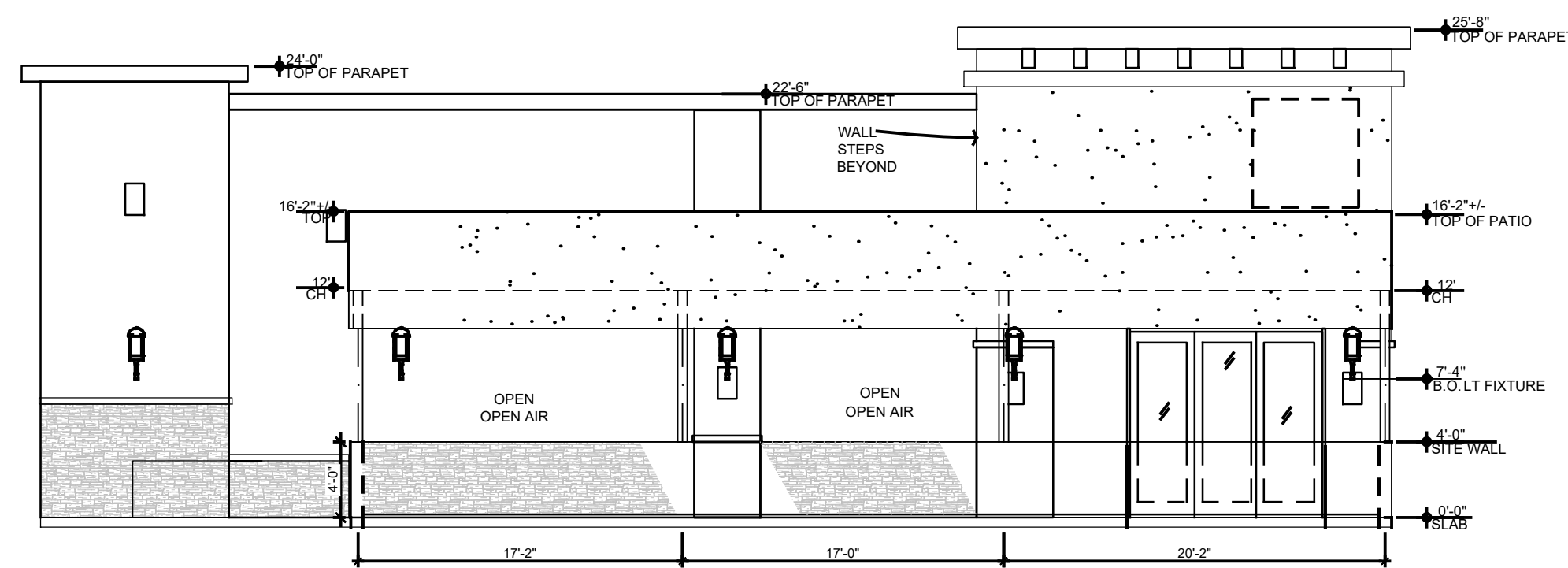
#FS24-0622





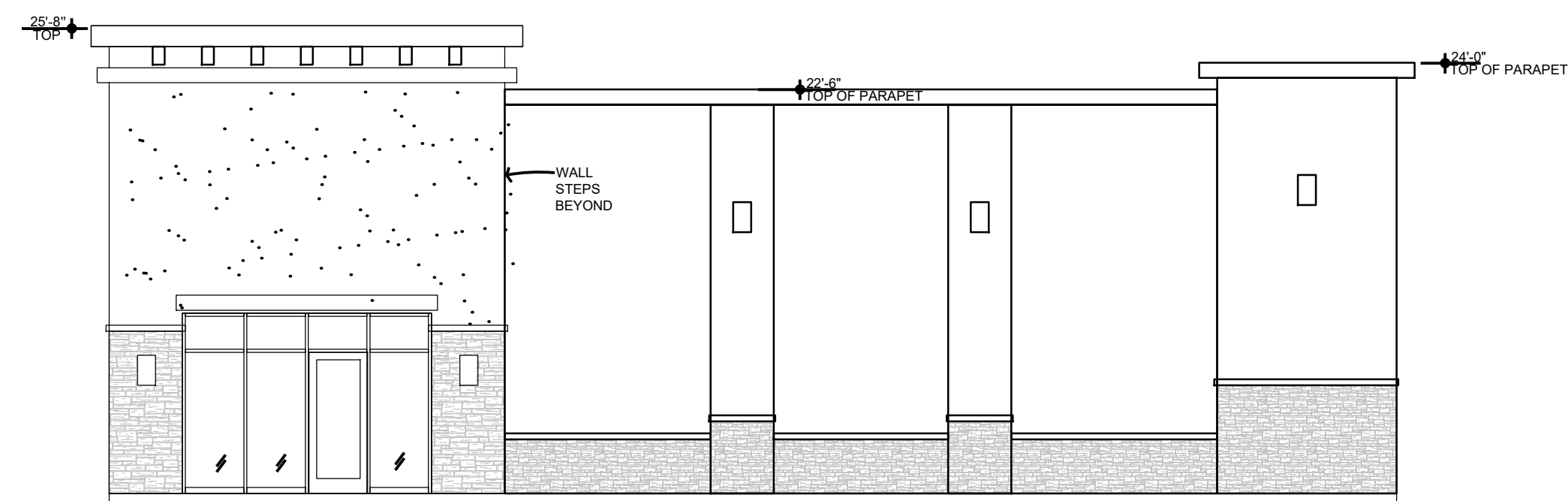
**A BUILDING NORTH ELEVATION  
PROPOSED**

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



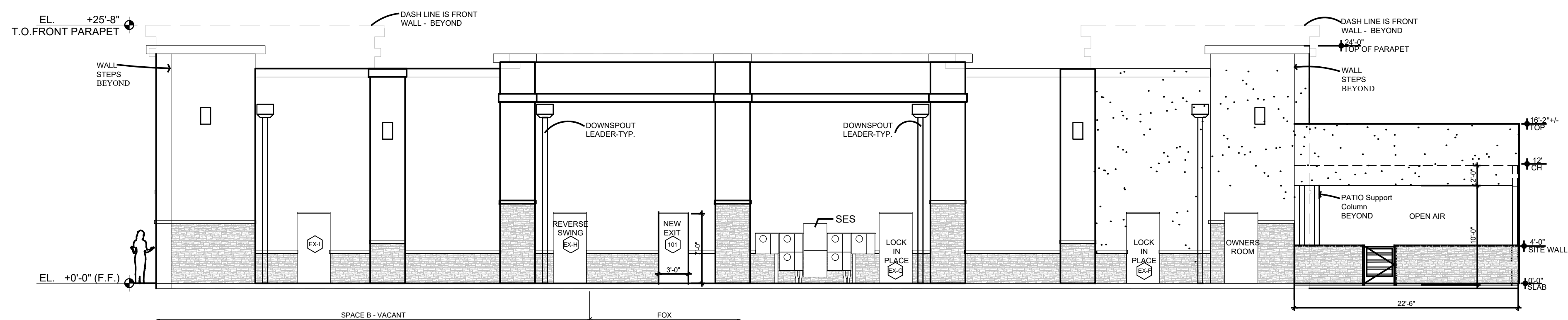
**B BUILDING WEST ELEVATION - PATIO  
PROPOSED**

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



**C BUILDING EAST ELEVATION  
PROPOSED**

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



**D BUILDING SOUTH ELEVATION  
PROPOSED**

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

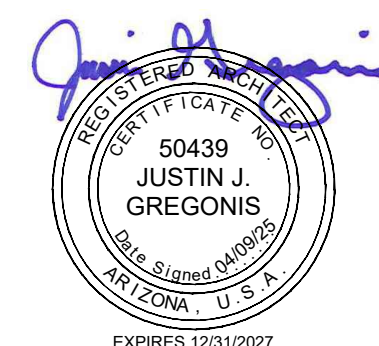
**GENERAL NOTES:**

- GENERAL CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO START OF CONSTRUCTION & REVIEW WITH OWNER.
- ALL NEW MECHANICAL EQUIPMENT INSTALLED WILL BE FULLY SCREENED BY THE PARAPET WALL.

**FINISH NOTES:**

FIELD COLOR : DUNN EDWARDS. "CREAM"  
ACCENT COLOR : DUNN EDWARDS. "BROWN"  
EXISTING METAL COLOR. DARK ANODIZED -BROWN  
NEW LEDGESTONE - MATCH EXISTING BUILDING  
NEW METAL TRIM - DARK ANODIZED BROWN

**FOX CIGAR BAR**  
13601 N. LITCHFIELD ROAD  
SURPRISE , AZ. 85379



**UPWARD  
ARCHITECTS**

1155 W. Rio Salado Parkway, Suite B-101  
Tempe, AZ 85281  
Ph 602.753.5222 www.upwardarchitects.com

04.09.25  
PROJECT NO. 25036

## Leslie Carnie

---

**From:** 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>  
**Sent:** Tuesday, January 9, 2024 9:23 AM  
**To:** Nichole Flores  
**Cc:** 56 FW/CIT Community Initiative  
**Subject:** RE: CR24-0010 Fox Cigar Bar Surprise

Good morning Ms. Flores,

Thank you for allowing Luke AFB to make comments on the concept review application for Fox Cigar Bar. This application proposes the development of an approximately 8,009 SF cigar bar with liquor license and a future coffee shop and grab-and-go food retailer. This proposed development would be within an existing building. The site is located at the southeast corner of Litchfield Road and Waddell Road in Surprise, AZ. It is inside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the application, this request will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights per day. 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 future tenant(s) about Luke AFB operations.

Respectfully,

*Jenn Rahn*

Senior Planner, Community Initiatives Team  
56th Fighter Wing  
Luke AFB AZ 85309  
Office: 623-856-9981  
DSN: 896-9981

-----Original Appointment-----

**From:** Nichole Flores <Nichole.Flores@surpriseaz.gov>

**Sent:** Tuesday, January 2, 2024 9:06 AM

**To:** Alyssa Carpenter; Amanda Lacey; Amy Peterson; Armando Lopez; Carl Montgomery; Chris Tovar; Christina Sexton; Christopher Thomas; Dana Owsiany; Eric Boyles; Gustavo Garcia; Hip Terrazas; Hobie Wingard; Ivan Lopez; Jacob Moreno; James Stewart; Jamie Sullivan; Jani Wertin; Jason Moquin; Jeffrey Murray; Jennifer Sandusky; Johnathan Futch; Joseph Zak; Joshua Vig; Justin Williams; Kathleen Crutchfield; Keith Tanner; Kirsten Hall; Kristin Tytler; Lana Collins; LariBeth Kirkendall; Leslie Carnie; Leticia Hodnett; Lloyd Abrams; Luis Lopez; Maolin Zheng; Marcia Sorensen; Michael Boule; Michael Knihnisky; Michelle Espie; Nuning Lemka; Paul Frie; Randy De La Garza; Ravi Sharma; Ron Dry; Russell Baker; Shirley Phan; Sophie Cole; Stephen Chang; Steven Faraclas; Tanner Wessel; Tierney Farago; Tiffany Copp; Tito Solis; Todd Halverson; Tracie Busby; Tracy Mills; Travis Samuelson; Trevor Fleetham; Warren Bert; Zacharia Scott

**Cc:** 56 FW/CIT Community Initiative; Alex Garza (Maricopa Assoc of Governments); Aspasia Angelou (Nadaburg School District); Barbara J Remondini, Ph.D. (Wickenburg School District); Bryce Christo (bchristo@cityofelmirage.org); Chris Cain (Maricopa Water District); Darren V Gerard (Maricopa County Planning); Debbie Trasancos (Maricopa Water District); Douglas Kirkland (Epcor); Ernest (USPS); Eva Pierce; Gregory McDowell (MCDOT); Ibeth - USPS; RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE; Jerome Choy (ADOT); John Willett (City of Buckeye); Jorge Gastelum (City of El Mirage);



Judy Lopez - Beardsley Water Company; Kevin Shipman; Leslie - MWD; Mary Orta - Surprise Chamber; MCDOT (MCDOTPlanning@maricopa.gov); Raoul Sada - Surprise Chamber; Rovell Foggy (Liberty Utilities); Shelby Rios (MWD); Tasha Aldeguer (FCD); Victor.Schaum; Yvonne Aguirre  
**Subject:** [Non-DoD Source] CR24-0010 Fox Cigar Bar Surprise  
**When:** Thursday, January 25, 2024 9:30 AM-10:15 AM (UTC-07:00) Arizona.  
**Where:** #Conference Room - CH 1F N1-150 Lobby / Webex Meeting

CR24-0010 Fox Cigar Bar Surprise  
13601 N Litchfield Rd, Suites 100, 123 & 126  
APN: [501-36-954](#)

#### SCOPE

The goal is to establish an upscale Surprise location for our customers to enjoy fine cigars and spirits. The ambiance will be sophisticated, relaxing, and lively – all at the same time. It will be a great place for a date, after dinner drink, or anytime you want to sit, relax, and carry on a conversation. Our indoor lounge will be thoughtfully appointed with comfortable leather seating, multiple flat-screen televisions, and a brilliant sound system in an effort to provide our customers the perfect setting in which to relax with their favorite cigar and a cocktail. There will be a large bar top with plenty of seating along with ADA accessible tables for so all our patrons will feel welcome and relaxed. And we don't want to choose between quality and quantity, so we just will do both, featuring a bar stocked with over 400 premium spirits, craft beers on tap and in bottles and one of Arizona's largest walk-in humidors. The location is 8,000 square feet building at the Surprise Pointe North center, 13601 N. Litchfield Rd, Suite 100/123/126. This is building E of the center's plan. A Series 6 liquor license will be obtained. A spacious outdoor seating area of approximately 800 square feet will allow a great time year-round. Heaters will keep patrons comfortable when it's cold out, and 360-degree misters will keep it cooled off when it's warm and there will be televisions for entertainment. This will be the third Fox location and the first in the West Valley. The first location is in Gilbert and the second location is in Old Town Scottsdale. Fox Cigar Bar has been in operation since 2010. Project timing is essential to our team. We would like to get through our due diligence and planning requirements in an expeditious manner. Construction documents for the tenant improvement will be moving forward in parallel with the planning side of things. Exterior modifications will involve some paint accent updates, reflecting the standard color palette in place. Additionally, we are proposing an outdoor patio on the west side of the building. Three sides of the building will have minor paint upgrades. The front elevation will reflect a few new trellis updates from the existing wood to metal. There are designs on the sister building across the street Bldg. D, which we may pick up for shade canopies. All of which are part of the design approvals done when the development was built, and are indicated in the case file.

A Liquor license will be part of the project, which will require a CUP (conditional use permit).

#### QUESTIONS

No questions at this time. Any information to assist in a smooth approval process.

---

-- Do not delete or change any of the following text. --

**When it's time, join your Webex meeting here.**

**Join meeting**

**More ways to join:**

**Join from the meeting link**

<https://surpriseaz.webex.com/surpriseaz/j.php?MTID=m2ca1dc7870f48b3ef3af32b620de54e9>

**Join by meeting number**

Meeting number (access code): 2495 183 0451

Meeting password: 3p22uNQGrZD

**Tap to join from a mobile device (attendees only)**

[+1-408-418-9388](tel:+14084189388),,[24951830451##](tel:+124951830451) United States Toll

[+1-602-666-0783](tel:+16026660783),,[24951830451##](tel:+124951830451) United States Toll (Phoenix)

**Join by phone**

+1-408-418-9388 United States Toll

+1-602-666-0783 United States Toll (Phoenix)

[Global call-in numbers](#)

**Join from a video system or application**

Dial [24951830451](tel:+124951830451)@[surpriseaz.webex.com](https://surpriseaz.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

If you are a host, [click here](#) to view host information.

Need help? Go to <https://help.webex.com>

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0.1



# ***Public Outreach Report***

***October 30, 2024***

---

**FOR**  
**Conditional Use Permit**  
**(Fox Cigar Bar)**  
**CASE # FS24-0622**

## **Applicant:**

Rose Law Group pc

### **Henry Hardy:**

Email: [hhardy@roselawgroup.com](mailto:hhardy@roselawgroup.com)

Phone: 480-291-0743

### **Ty Utton:**

Email: [tutton@roselawgroup.com](mailto:tutton@roselawgroup.com)

Phone: 480-944-4189

## **Public Outreach Report**

This document serves as the Public Outreach Report for Fox Cigar Bar's Conditional Use Permit application. All processes and procedures outlined in the application were diligently followed, and the results of those efforts are detailed below.

On Thursday, October 10, 2024, the Applicant hosted a neighborhood outreach meeting at the Hilton Garden Inn, located at 16601 N. Stadium Way, Surprise, AZ, 85374. The meeting was open to the public, and a notice sent out to adjacent property owners, two sign posting were posted on the property (signed affidavit attached as Exhibit A), and was posted in the local newspaper, as required by the Surprise Land Development Ordinance. The event was coordinated with Surprise Planning Staff to ensure all guidelines and protocols were met.

It was attended by members of the Surprise Planning Staff and the Planning and Zoning Commission. One member of the public was present and expressed general concerns about the health risks associated with smoking and the potential impact of secondhand smoke on the surrounding area. The sign in sheet is attached as Exhibit B. In response, the Applicant addressed these concerns by explaining safety procedures and the security measures in place to ensure a safe and healthy environment for both patrons and the broader community.

The last portion of the public participation outreach for this project, is to update the sign postings with the hearing dates once scheduled.

Should any further comments or concerns be raised, the applicant will promptly notify Planning Staff prior to the next public meeting. This process ensures that all feedback is carefully considered and incorporated, promoting transparency and meaningful community engagement throughout the planning process.



## Exhibit A

**AFFIDAVIT OF POSTING**

Application No: FS24-0622  
Applicant Name: Rose Law Group  
Location: SEC Litchfield Rd and Waddell Rd  
Date Site Posted: 09/23/24

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* 09/23/24  
Applicant/Representative Signature Date

This instrument was acknowledged before me on 09/23/24, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



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

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



# Notice of Public Hearing

## Neighborhood Meeting

Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

## Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

## City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

Surprise Case #: FS24-0662

Request: Conditional Use Permit (CUP) to authorize the service of alcohol at a "smoking lounge" as defined by the Surprise Development Code



For more information, call: 623-222-3011  
[Surpriseaz.gov](http://Surpriseaz.gov)



September 23, 2024 at 8:03 AM

+33-608892-112-358978

13601 N Litchfield Rd

Surprise AZ 85379

United States

The Boulevard at Surprise Pointe



# Notice of Public Hearing

## Neighborhood Meeting

Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

## Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

## City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
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September 23, 2024 at 8:03 AM  
+33.608892 -112.358978  
13601 N Litchfield Rd  
Surprise, AZ 85379  
United States  
The Boulevard at Surprise Pointe



# Notice of Public Hearing

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Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

## Planning & Zoning

Date: TBD

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Council Chambers  
16000 N Civic Center Plaza

## City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

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For more information, call: 623-222-3011  
[Surpriseaz.gov](http://Surpriseaz.gov)



September 23, 2024 at 7:04 AM

+33.607333,-112.358977

13601 N Litchfield Rd

Surprise AZ 85379

United States

The Boulevard at Surprise Pointe



# Notice of Public Hearing

## Neighborhood Meeting

Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

## Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

## City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

Surprise Case #: FS24-0662

Request: Conditional Use Permit (CUP) to authorize the service of alcohol at a "smoking lounge" as defined by the Surprise Development Code



For more information, call: 623-222-3011  
[Surpriseaz.gov](http://Surpriseaz.gov)



September 23, 2024 at 7:04 AM

+33 607333 -112 358977

13601 N Litchfield Rd

Surprise AZ 85379

United States

The Boulevard at Surprise Pointe



## **Exhibit B**

16601 N. Stadium Way, Surprise, AZ 85374 | Thursday, October 10, 2024 at 6pm | Case #FS24-0622

| Name          | Address          | Email                        | Phone | Y/N to receive project updates |
|---------------|------------------|------------------------------|-------|--------------------------------|
| Leslie Carnie | City of Surprise | leslie.carnie@surpriseaz.gov |       |                                |
| Suzan Draper  |                  |                              |       |                                |
|               |                  |                              |       |                                |
|               |                  |                              |       |                                |
|               |                  |                              |       |                                |
|               |                  |                              |       |                                |
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|               |                  |                              |       |                                |



**AFFIDAVIT OF POSTING**

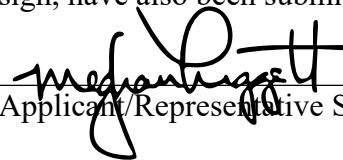
Application No: FS24-0622  
Applicant Name: Rose Law Group  
Location: SEC Litchfield Rd and Waddell Rd  
Date Site Posted: 04/29/25

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).

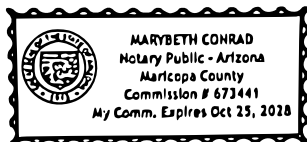
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on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

 April 29, 2025  
Applicant/Representative Signature Date

This instrument was acknowledged before me on 04/29/25, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



  
Notary Public  
10-25-28  
My commission expires

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

AZ, Surprise, N Litchfield Rd  
N 3719608 E 373944  
04/29/2025 16:53

## Notice of Public Hearing

### Neighborhood Meeting

Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

### Planning & Zoning

Date: May 15, 2025

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

### City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

Surprise Case #: FS24-0662

Request: Conditional Use Permit (CUP) to authorize the service of alcohol at a "smoking lounge" as defined by the Surprise Development Code



For more information, call: 623-222-3011  
[Surpriseaz.gov](http://Surpriseaz.gov)



AZ, Surprise, N Litchfield Rd  
N 3719606 E 373953  
04/29/2025 16:52

## Notice of Public Hearing

### Neighborhood Meeting

Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

### Planning & Zoning

Date: May 15, 2025

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

### City Council

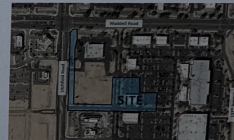
Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

Surprise Case #: FS24-0662

Request: Conditional Use Permit (CUP) to authorize the service of alcohol at a "smoking lounge" as defined by the Surprise Development Code



For more information, call: 623-222-3011  
[Surpriseaz.gov](http://Surpriseaz.gov)



AZ, Surprise, N Litchfield Rd  
N 3719424 E 373936  
04/29/2025 16:49

## Notice of Public Hearing

### Neighborhood Meeting

Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

### Planning & Zoning

Date: May 15, 2025

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

### City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

Surprise Case #: FS24-0662

Request: Conditional Use Permit (CUP) to authorize the service of alcohol at a "smoking lounge" as defined by the Surprise Development Code



For more information, call: 623-222-3011  
[Surpriseaz.gov](http://Surpriseaz.gov)



AZ, Surprise, N Litchfield Rd  
N 3719424 E 373936  
04/29/2025 16:48

## Notice of Public Hearing

### Neighborhood Meeting

Date: October 10, 2024

Time: 6:00 P.M.

Location: Hilton Garden Inn  
16601 N. Stadium Way

### Planning & Zoning

Date: May 15, 2025

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

### City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall  
Council Chambers  
16000 N Civic Center Plaza

Surprise Case #: FS24-0662

Request: Conditional Use Permit (CUP) to authorize the service of alcohol at a "smoking lounge" as defined by the Surprise Development Code



For more information, call: 623-222-3011  
[Surpriseaz.gov](http://Surpriseaz.gov)

# **FS24-0622**

## **FOX CIGAR BAR**

Conditional Use Permit with Site Plan

Planning & Zoning Commission

May 15, 2025



**SURPRISE**

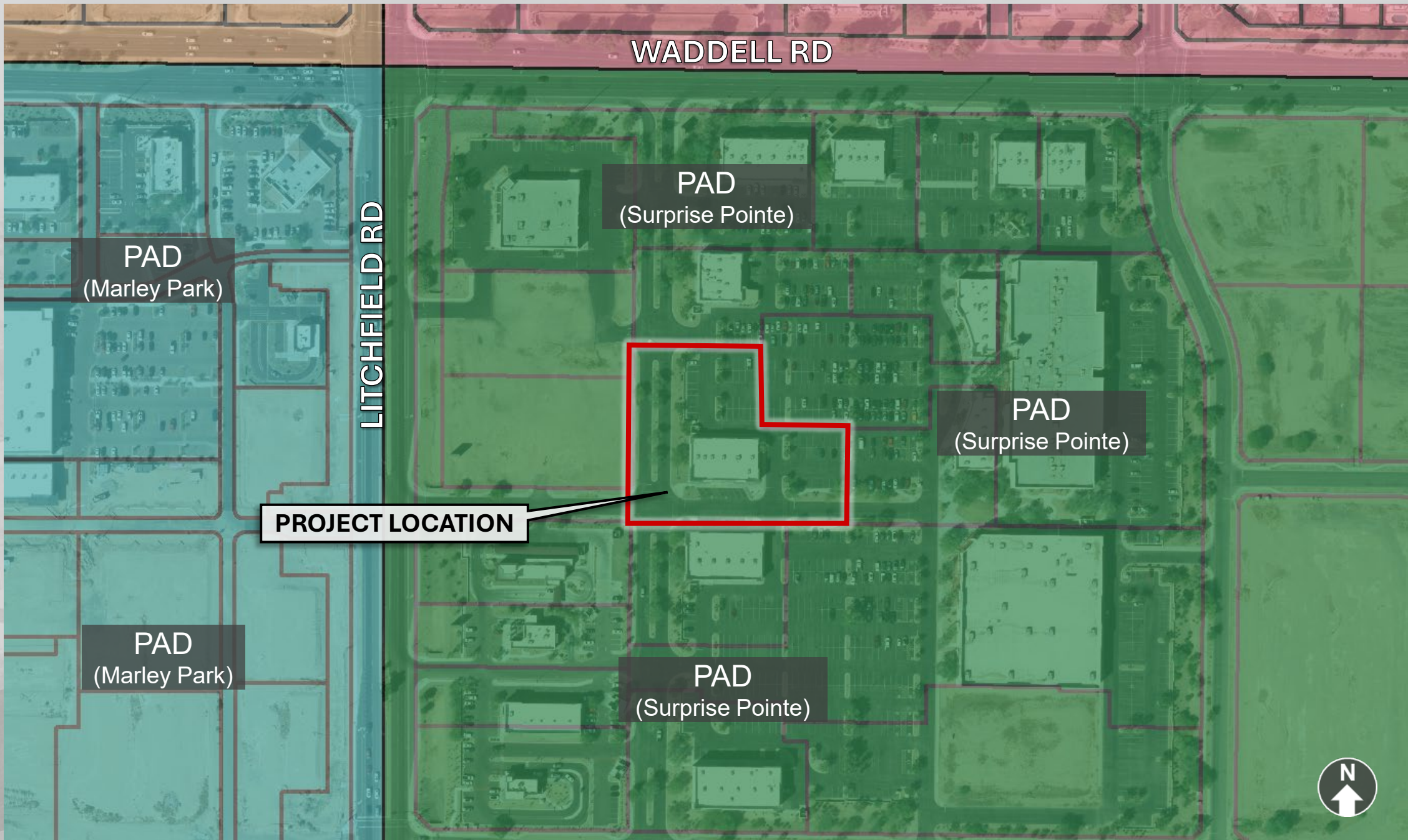
ARIZONA





# VICINITY MAP

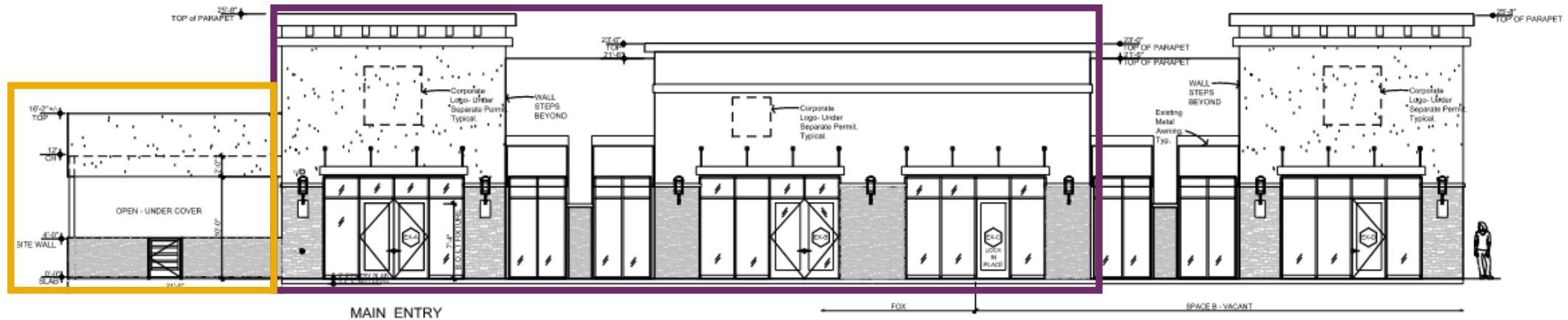
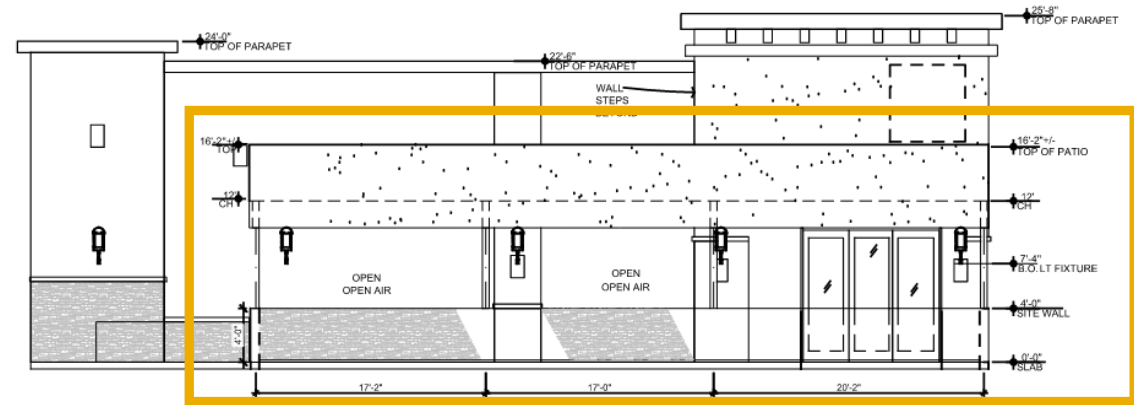




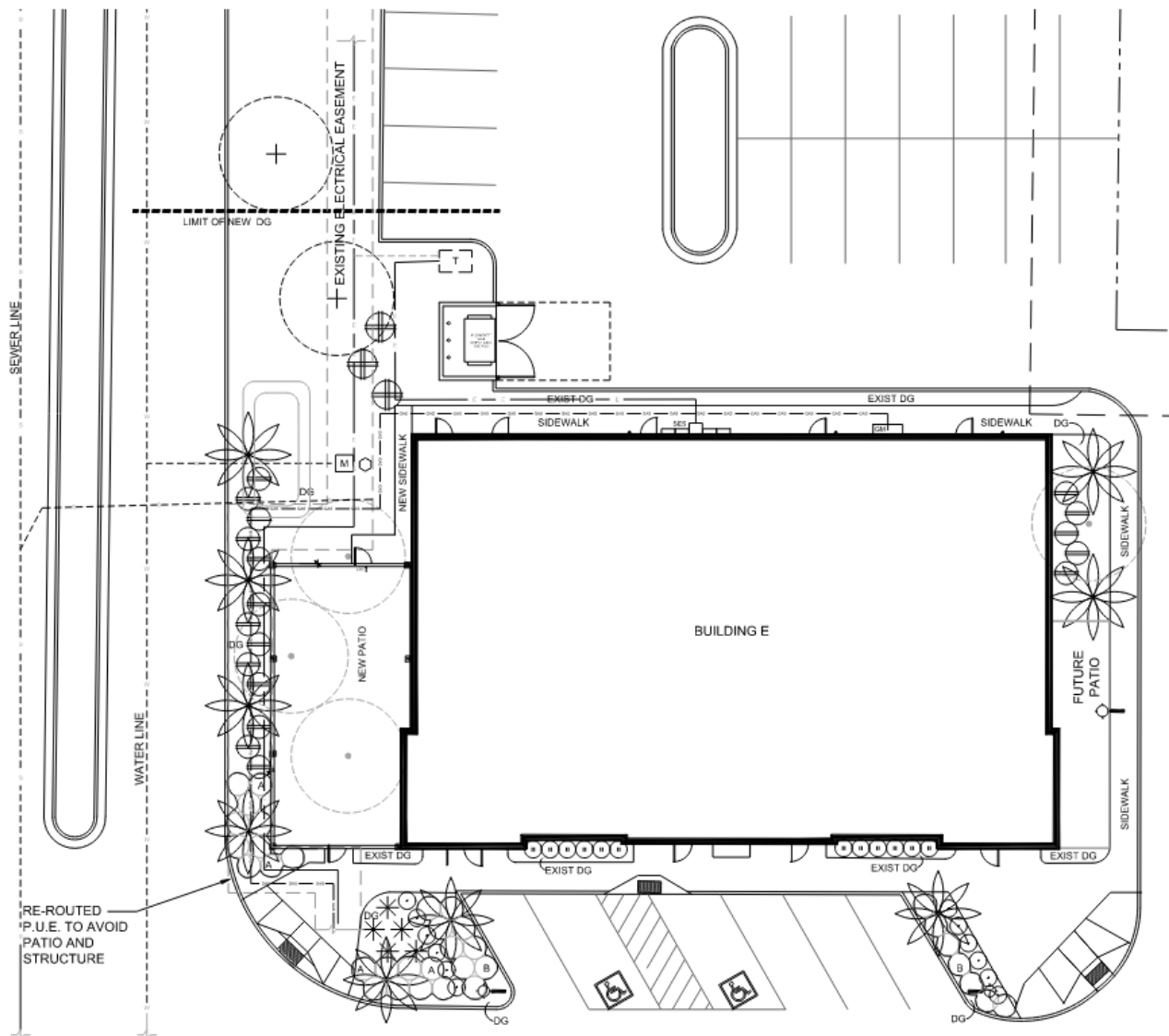
# ZONING MAP



## 1,200 S.F Covered Patio Addition



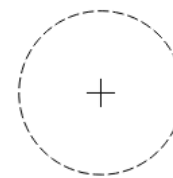
# PATIO ADDITION



## MASTER PLANT LIST

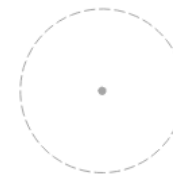
### TREES

### SIZE / QTY



EXIST TREE (TO REMAIN)

N/A



EXIST TREE (TO REMOVE)

N/A



DATE PALM  
PHOENIX DACTYLIFERA

25' CLEAR TRUNK  
MATCHING / DIAMOND CUT /  
9 QTY

### SHRUBS



LITTLE OLLIE/ DWARF OLIVE  
OLEA EUROPAEA 'LITTLE OLLIE'

5 GAL, 12 QTY



LITTLE JOHN/ DWARF BOTTLEBRUSH  
CALLISTEMON 'LITTLE JOHN'

5 GAL, 12 QTY



RED YUCCA  
HESPERALOE PARVIFLORA

5 GAL, 5 QTY



BAJA RUELLIA  
RUELLIA PENINSULARIS

5 GAL, 18 QTY



MEXICAN BIRD OF PARADISE  
CAESALPINIA MEXICANA

5 GAL, 3 QTY

### GROUNDCOVERS



TRAILING YELLOW LANTANA  
LANTANA x 'NEW GOLD'

1 GAL @ 4' O.C., 18 QTY



OUTBACK SUNRISE EMU  
EREMOPHILA 'GLABRA' 'MINGENW GOLD'

1 GAL @ 4' O.C., 16 QTY





# ELEVATION CHANGES

## Multi-Tenant Building

- Awnings
- Light fixtures
- Paint scheme complimentary to existing
- Additional stone veneer to match existing
- Signage to be reviewed under a separate building permit

Existing Site



Conceptual  
Render



# EVALUATION CRITERIA

## Conformance with LDO Section 106-10.42

- ✓ The establishment is restricted to patron's aged 21 and older.
- ✓ Smoking is only permitted in the indoor lounge and designated outdoor patio.
- ✓ The Patio is designed in conformance with Section 106-10.30 and 106-10.42.
- ✓ The air ventilation and filtration system is designed to meet the Fire Department's requirements for the heating of coals.
- ✓ The air ventilation and filtration system is designed to prevent smoke migration.
- ✓ The Smoke Mitigation Plan submitted demonstrates compliance with Smoke-Free Arizona Act, , A.R.S. § 36-601.01, and addresses the following:
  - The plan outlines that the installation of smoke mitigation infrastructure, physical separation, and ongoing staff training will prevent the smoke migration.
  - The plan outlines a comprehensive training program to ensure plan implementation.



# OUTREACH

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## Neighborhood Meeting

- October 10, 2025
- Hilton Garden Inn
- One member of the public in attendance
  - Concerns regarding the impact of secondhand smoke on the surrounding area

# RECOMMENDATION

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If the Commission approves the CUP with Site Plan, staff recommends the Commission approve the subject CUP with Site Plan, case FS24-0622, subject to stipulations ‘a’ through ‘g’.



# Questions or Comments?

THANK YOU



**SURPRISE**

ARIZONA



**SURPRISE**  
ARIZONA



# STIPULATIONS

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- a. Development and use of the site shall be consistent with the CUP Narrative entitled, “Fox Cigar Bar Conditional Use Permit Application Narrative”, prepared by Rose Law Group, Inc, and received April 09, 2025.
- b. Development and use of the site shall be consistent Smoke Mitigation Plan entitled “Fox Cigar Bar Surprise, AZ Smoke Mitigation Plan”, prepared by Rose Law Group, and received April 09, 2025.
- c. Development and use of the site shall be consistent with the Site Plan entitled “Fox Cigar Bar Site Plan”, prepared by Upward Architects, and received April 09, 2025.
- d. Landscaping of the site shall be consistent with the Landscape Plan entitled “Fox Cigar Bar Landscape Plan”, prepared by G.K. Flanagan Associates, Inc, and received April 09, 2025.

# STIPULATIONS

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- e. Building Architecture shall be consistent with the Elevations entitle “Fox Cigar Bar Elevations”, prepared by Upward Architect, and received April 17, 2025.
- f. The applicant shall obtain a building permit for the subject facility within one (1) year of the effective date of approval of this Site Plan. If the applicant does not obtain said building permit within the specified time, this Site Plan shall be deemed null and void.
- g. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.