

Paradise Acres Commercial Center Rezone with Planned Unit Development Overlay

FS16-153



Prepared By:

City of Surprise

16000 North Civic Center Plaza

Surprise, Arizona 85374-7470

623-222-3000

March 2, 2017

**Hobart
Wingard
- Planner
II**

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Surprise, ou=Community
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email=hobart.wingard@s
urpriseaz.gov, c=US
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Narrative

For many years the residents of the 75 acres located on Reems Road just south of Bell Road, commonly known as Paradise Acres, have struggled with developers, speculators, and even the City to maintain their rural lifestyle. Staff, as directed by City Council, has set out to provide a solution that will benefit and appease all parties involved. This PUD will rezone the 1,300 lineal feet abutting Reems Roads, approximately 15.76 acres, to a Neighborhood Commercial (C-1/CN) with a PUD overlay that will limit the uses and provide a buffer from the development going on along this corridor. The community is working with the property owners of the parcels along Reems road to provide a low intensity commercial center that will provide the buffer the residential portion desires. While this PUD will rezone and provide uses for these parcels, the development standards will stay consistent with the current and future zoning codes.

During the City Council meeting on August 18, 2014 regarding the rezone of one (1) of the parcels involved in this request, Council, at the suggestion from a resident of Paradise Acres, instructed staff to investigate the possibility of a PUD Overlay on the area adjacent to Reems Road. Staff was able to meet with, and gain authorization of, the property owners to request a City initiated rezone for a low intensity commercial use along the Reems Road arterial road.



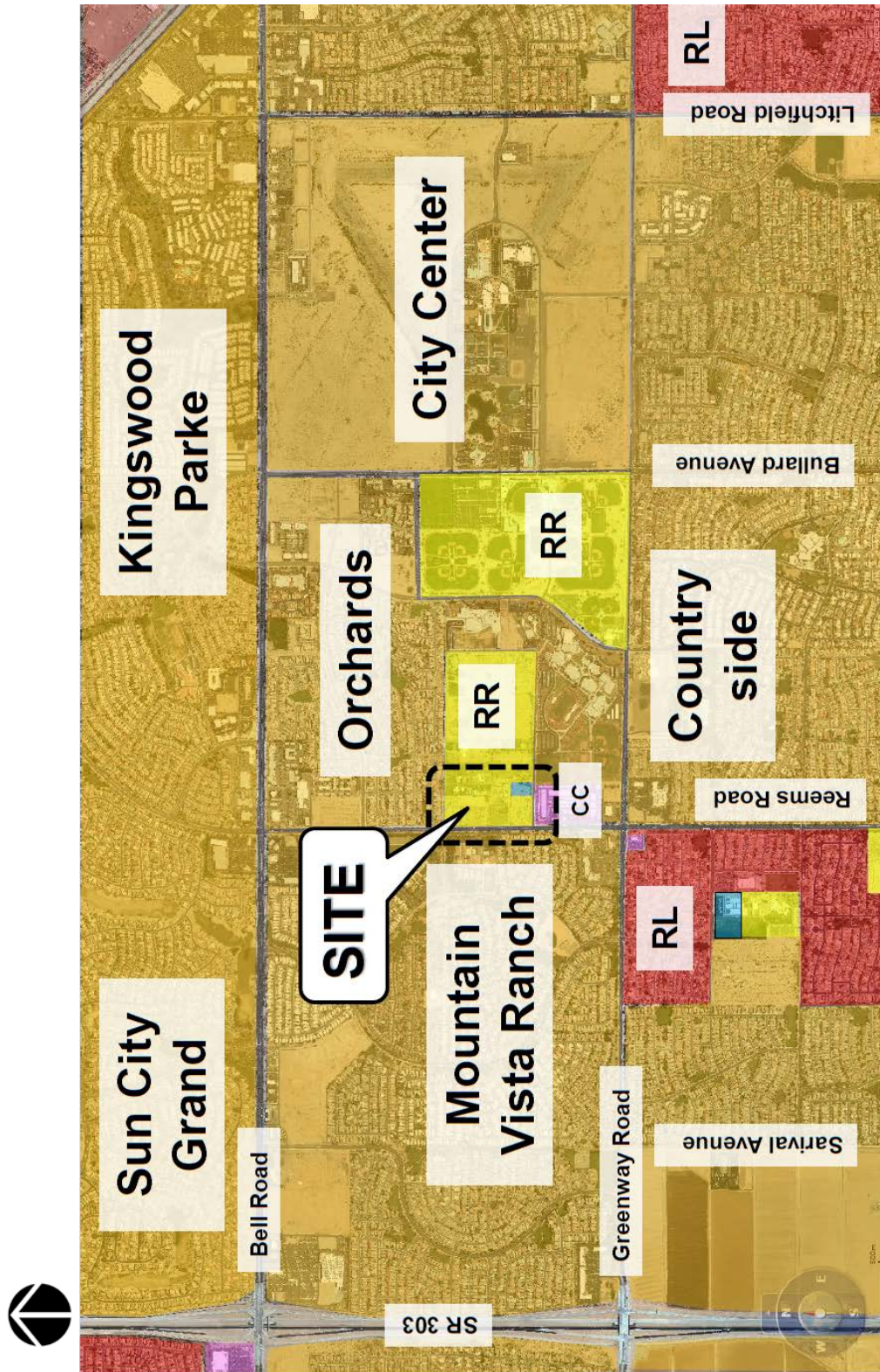
Location Map 1



Location Map 2



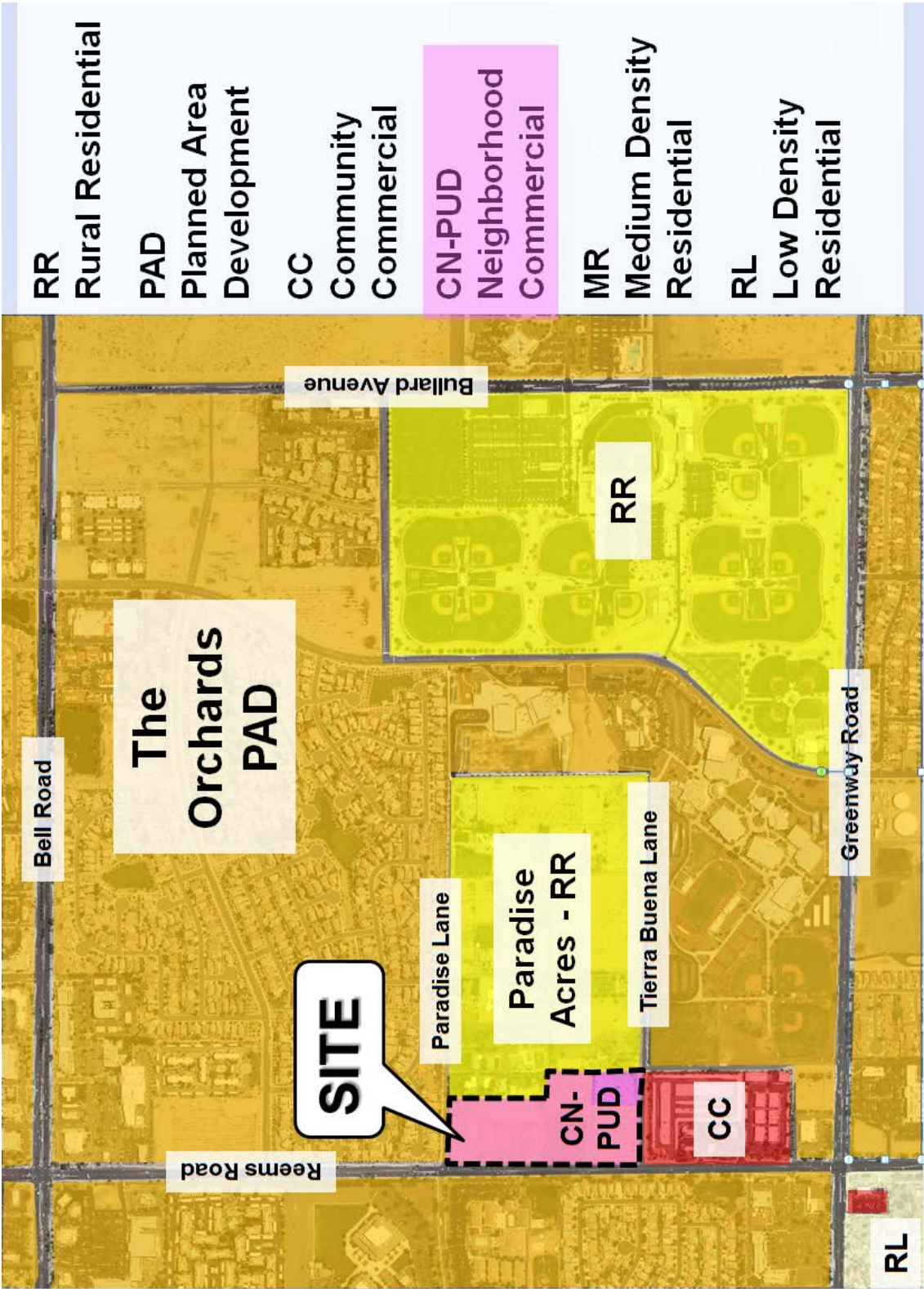
3 Mile Existing Zoning



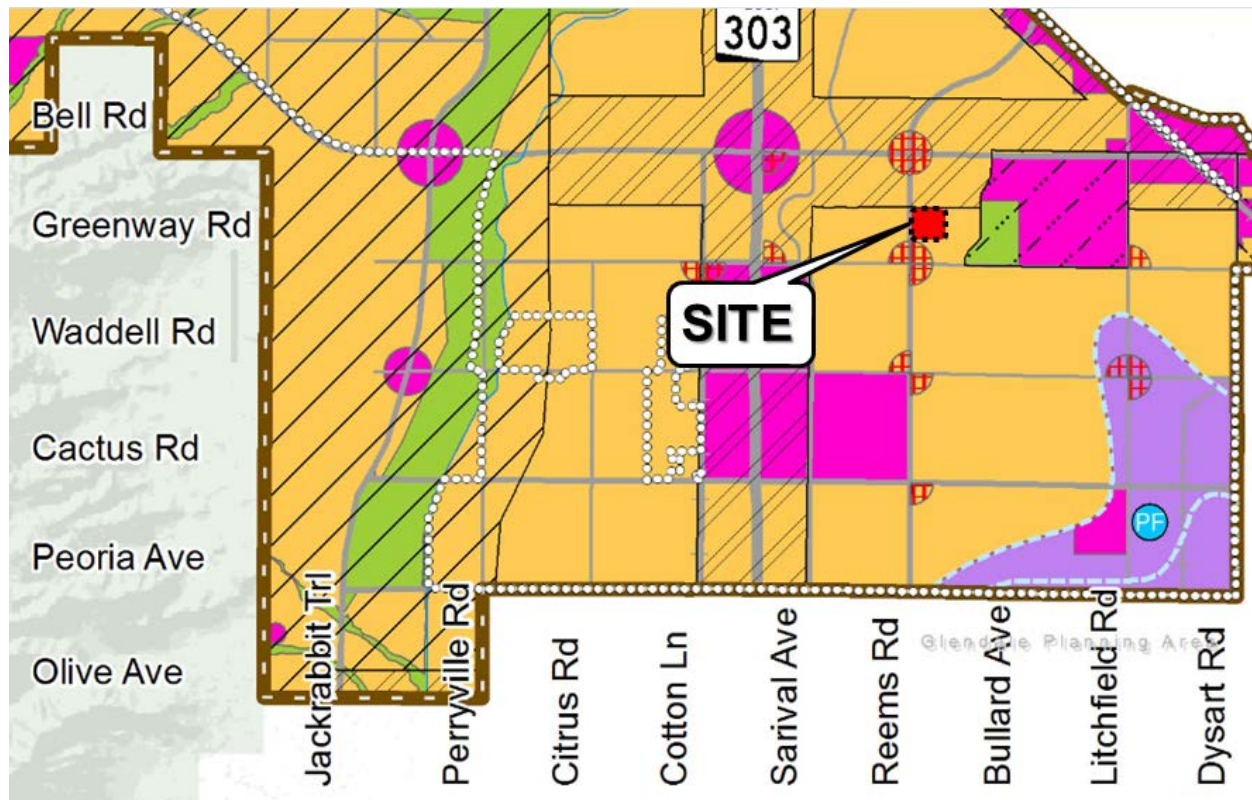
Existing Zoning



Proposed Zoning



Existing General Plan Land Use



Character Areas

- Neighborhood**
 - Rural
 - Suburban
 - Urban
- Commerce & Office**
 - Mixed Use: Residential
 - Mixed Use: Commercial
 - Regional Commercial
 - Commercial Office
- Employment**
 - Business Park
 - Industrial
- Open Space**

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character area. The proposed Rezone with PUD overlay demonstrates consistency with this land use category. While neighborhoods are predominantly residential, they can also be supported by locally oriented commercial and public facility uses.

Planned Unit Overlay (PUD)

The purpose of the PUD is to identify uses along the 1,300 feet of frontage property along the Major Arterial known as Reems Road. The neighbors in this 75 acre rural community known as Paradise Acres wish to keep their rural lifestyles while the urban environment closes in around them. To stay buffered from the growing development occurring along Reems Road, the community is working with the property owners of the parcels along Reems Road to provide a low-intensity commercial center that will provide the buffer the residential portion requires. While this PUD will rezone and provide uses for these parcels, the development standards will stay consistent with the current and future zoning codes.

Zoning Use Matrix

The purpose of the zoning use matrix is to classify uses on the basis of common functional characteristics and land use compatibility. The city manager or designee shall determine if uses not expressly listed in the matrix are significantly similar or dissimilar to particular uses.

LAND USE GROUP	ZONING DISTRICTS	
	Permitted Use	Conditional Use Permit Required
Arts and Craft Studios	Yes	--
Assisted Living Center	Yes	--
Athletic or Fitness Club, Commercial Recreation Facilities - Indoor	Yes	--
Banks – Without Drive Through Facilities	Yes	--
Barber/Beauty Shops	Yes	--
Funeral Home, Mortuary	--	Yes
Galleries and/or Museums	Yes	--

Medical Clinic or Laboratory	Yes	--
Medical Office	Yes	--
Medical Outpatient Facility	Yes	--
Office	Yes	--
Photo Studios	Yes	--
Places of Worship	Yes	--
Printing or Copy Shops	Yes	--
Tailors	Yes	--
Travel Agencies	Yes	--
Utility Equipment Infrastructure	Yes	--
Wireless Communication Systems	Refer to Current City of Surprise Code Language	

Conditions:

Funeral Home, Mortuary

1. All entries to employee and deceased building entry will be screened by a minimum six (6) foot decorative masonry wall.

Development Standards

Development Standards for the Paradise Acres Commercial Center will follow the development standards of the Neighborhood Commercial (C-1/CN) Zoning District at the time of project development. This will include, but not be limited to setbacks, landscaping, parking, loading, design, engineering standards and signage.

24 feet of landscaped buffer together with an eight (8) foot decorative wall will be required along the eastern border of this commercial center. The decorative wall will be no closer than 12 feet from the residential property line. No structures or paving of any kind, with the exception of the decorative wall, will be allowed in this buffer area.

Appendix

Legal Description

SPECIAL WARRANTY DEED 20140599001 M.C.R.

APN 501-17-979

The Northwest quarter of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 5, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 33 feet; and

EXCEPT the North 30 feet; and

EXCEPT the following described property:

A portion of that real property located in the Northwest quarter of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 5, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Northwest quarter of said real property, being 30 feet South of the North line and 33 feet East of the West line of said Southwest quarter of Section 5;

THENCE along the North line of said real property South $88^{\circ}44'21''$ East, a distance of 37.00 feet;

THENCE departing said North line South $45^{\circ}27'38''$ West, a distance of 51.59 feet to a point on the West line of said real property;

THENCE along the West line of said real property parallel with and 33 feet East of said West line of said Section 5, North $00^{\circ}20'41''$ West, a distance of 37.00 feet to the POINT OF BEGINNING.

TOGETHER WITH

WARRANTY DEED 20050114909 M.C.R.

APN 501-17-006X

The Southwest quarter of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 5, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian.

Together with a permanent easement for ingress, egress, irrigation and utilities over the North 30 feet and the South 20 feet of the East half of the Northwest quarter of the Northwest quarter of the Southwest quarter and over the East three-fourths of the North half of the North half of the Southwest quarter and for irrigation purposes over the West 10 feet of the Northeast quarter of the Northwest quarter of the Northwest quarter of the Southwest quarter, all in Section 5, Township 3 North, Range 1 West.

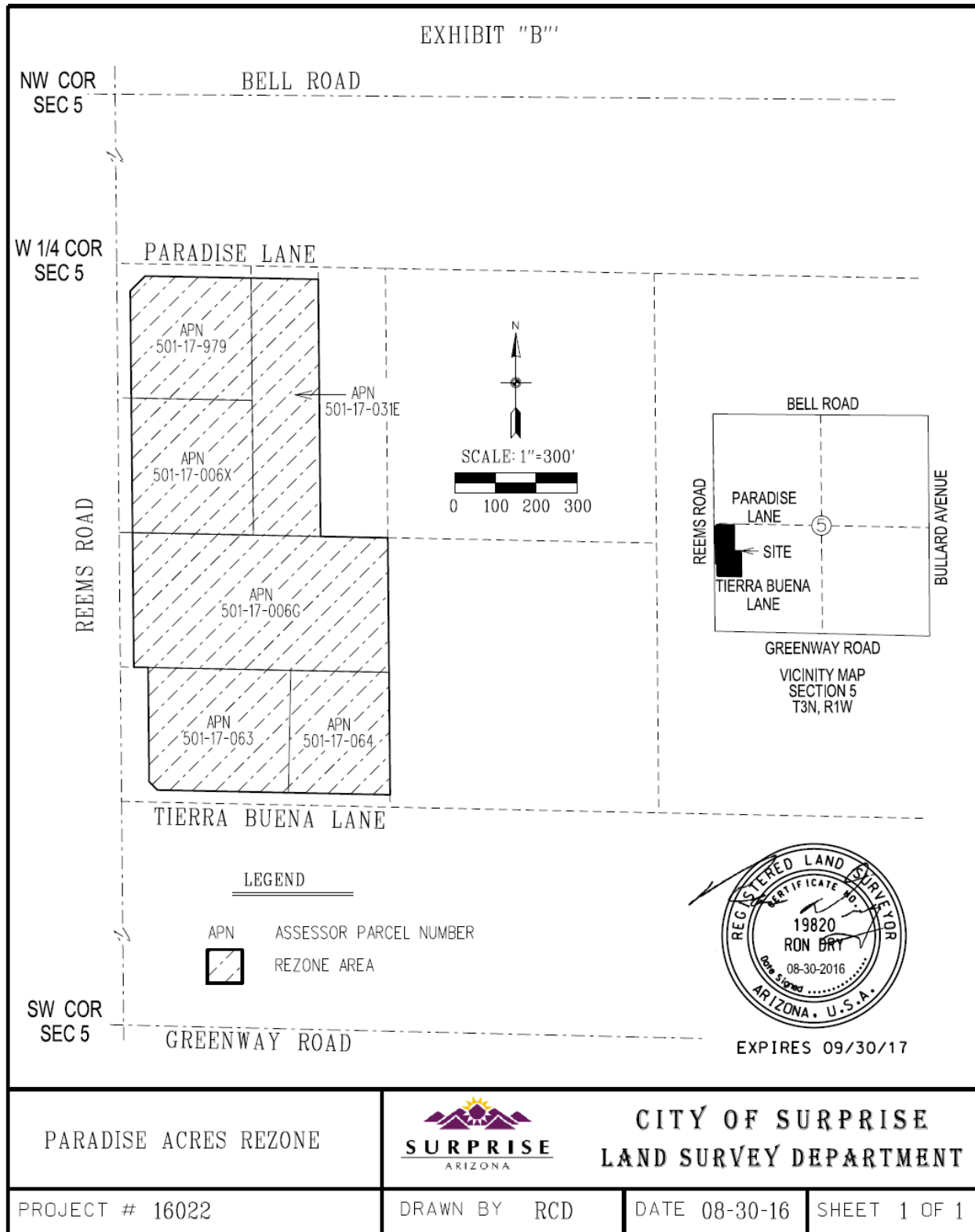
TOGETHER WITH

The North One-half of the Southwest One-quarter of the Northwest One-quarter of the Southwest One-quarter of Section Five (5) Township Three (3) North, Range One (1) West of the Gila and Salt River Base and Meridian, Except the West Thirty-three (33) feet thereof.

TOGETHER WITH

Lot 1 of the FINAL PLAT MARIPOSA ACRES as recorded in Book 1231 Page 38, Records of Maricopa County, Arizona.

Legal Description Graphic



Property Owners

JVM Investments Limited Partnership
16187 North Reems Road
Surprise, AZ 85374
APN 501-17-979 – 2.03 Acres
Zoned Rural Residential (RR/R1-43)

Advisory Board of the Arizona District Church
16051 North Reems Road
Surprise, AZ 85374
APN 501-17-006X – 2.55 Acres
Zoned Rural Residential (RR/R1-43)

Joseph W. Sr. and Carolyn S. Rosson
16005 North Reems Road
Surprise, AZ 85374
APN 501-17-006G – 4.69 Acres
Zoned Rural Residential (RR/R1-43)

King Over Pass LLC
158 West Tierra Buena Lane
Surprise, AZ 85374
APN 501-19-063 – 2.37 Acres
Zoned Rural Residential (RR/R1-43)

King Over Pass LLC
Address to be established
Surprise, AZ 85374
APN 501-19-064 – 1.68 Acres
Zoned Medium Density Residential (RM-12)

Marguerite Pleshe
14239 West Peoria Avenue
Waddell, AZ 85355
APN 501-17-031E – 2.44 Acres
Zoned Rural Residential (RR/R1-43)

Owner's Authorization Letters

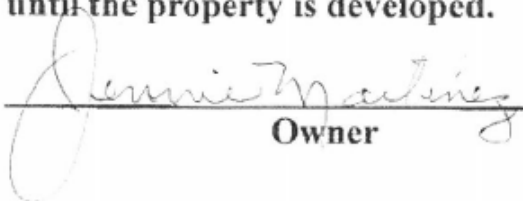
Date: 04/29/16

Mr. Hobart Wingard
Planning Department
City of Surprise

Mr. Wingard,

JVM Investments Limited Partnership owns the property on the corner of Reems Road and Paradise Lane, Surprise, AZ, identified as 501-17-979 Tax ID.

In response to your letter dated November 3, 2014, we are not opposed to a City initiated overlay of CN(C1) Neighborhood Commercial Zoning allowing such uses as indicated in the list attached to that letter, provided that the City of Surprise not require any improvements to be installed along each property's right-of-way until there is a change of use of the property. It is our understanding that it is the intent of staff to include as part of the overlay, a section that will allow existing uses to continue until the property is developed.



Owner

04/29/16

Date

Owner

Date

APN 501-17-979

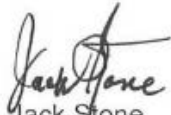
ARIZONA DISTRICT
C H U R C H O F T H E N A Z A R E N E

Hobart Wingard
Planner II
City of Surprise
Hobart.Wingard@surpriseaz.gov

August 4, 2016

City of Surprise,

The Advisory Board of the Arizona District Church of the Nazarene, representing Hope Community Church of the Nazarene, agrees to the rezoning of the property located on Reems Road to Neighborhood Commercial with an overlay. We understand that churches will still be allowed under this zoning.



Jack Stone

Assistant District Superintendent
jackstone@arizonadistrict.org

APN 501-17-006X

3180 NORTH ALMA SCHOOL ROAD • SUITE 2 • CHANDLER, ARIZONA 85224
PHONE 480-237-7000 • FAX 480-237-7777 • WEB SITE: WWW.ARIZONADISTRICT.ORG

Date: 4/22/16

Mr. Hobart Wingard
Planning Department
City of Surprise

Mr. Wingard,

Joseph W. & Carolyn Rossen are the owners of the property at 16005 N. Reems Road in Surprise, AZ, identified as 501- 17- 006 Tax ID.

In response to your letter dated November 3, 2014, we are not opposed to a City initiated overlay of CN(C1) Neighborhood Commercial Zoning allowing such uses as indicated in the list attached to that letter, provided that the City of Surprise not require any improvements to be installed along each property's right-of-way until there is a change of use of the property. It is our understanding that it is the intent of staff to include as part of the overlay, a section that will allow existing uses to continue until the property is developed.

Joseph W. Rossen
Owner

4/22/16
Date

Carolyn S. Rossen
Owner

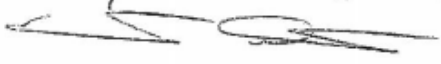
4/22/16
Date

April 8, 2016

Mr. Hobart Wingard
Planning Department
City of Surprise, Arizona

Mr. Wingard,

King Overpass LLC, the owner of the property described as Mariposa Acres MCR 1231-38 Lot 1 in Surprise, AZ, identified as Maricopa Assessor Parcel #501-19-063 (Tax ID), in response to your letter dated November 3, 2014, am not opposed to a City Initiated overlay of CN (C1) Neighborhood Commercial Zoning allowing such uses as indicated in the list attached to that letter, provided that the City of Surprise not require any improvements to be installed along each property's right-of-way until there is a change of use of the property. It is our understanding that it is the intent of staff to include as part of the overlay, a section that will allow existing uses to continue until the property is developed.

King Overpass LLC
Owner by Ennie Dutton LLC


4-8-16
Date

April 8, 2016

Mr. Hobart Wingard
Planning Department
City of Surprise, Arizona

Mr. Wingard,

King Overpass LLC, the owner of the property described as Mariposa Acres MCR 1231-38 Lot 2 in Surprise, AZ, identified as Maricopa Assessor Parcel #501-19-064 (Tax ID), in response to your letter dated November 3, 2014, am not opposed to a City Initiated overlay of CN (C1) Neighborhood Commercial Zoning allowing such uses as indicated in the list attached to that letter, provided that the City of Surprise not require any improvements to be installed along each property's right-of-way until there is a change of use of the property. It is our understanding that it is the intent of staff to include as part of the overlay, a section that will allow existing uses to continue until the property is developed. It is further understood that the deed restriction recorded for this property will limit the use of this property to assisted living.

King Overpass LLC
Owner- by Ernie Dutton, Mgr.



4-8-16
Date



Community Development
Development Services Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Ph 623-222-3156
Fax 623-222-3001
TTY: 623-222-1002

August 30, 2016

Marguerite Pleshe
14239 W Peoria Avenue
Waddell, AZ 85355
Re: Assessor's Parcel Number 501-17-031E

Good afternoon,

Below is a Proposition 207 waiver all property owners of lands to be rezoned are required to sign.

Proposition 207 Waiver:

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

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

Owner Signature: Marguerite M. Pleshe Trust
Dustin C. Vashan Trustee

Date: 9/7/16

An associated Legal description is attached to this document for reference:



**Community Development
Development Services Division**
16000 N. Civic Center Plaza
Surprise, AZ 85374
Ph 623-222-3156
Fax 623-222-3001
TTY: 623-222-1002

APN 501-17-031E

Quit Claim Deed 1993-0852333, Records of said Maricopa County

The West half of the East half of the Northwest quarter of the Northwest quarter of the Southwest quarter, of Section 5, Township 3 North, Range 1 West, of the Gila and Salt

River Base and Meridian, Maricopa County, Arizona.