

ORDINANCE # 2021-25

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PAD AMENDMENT TO THE BENDALIN FARMS PAD, A.K.A. SURPRISE POINTE INDUSTRIAL/COMMERCE PARK, TO ADD C-2 AND C-3 USES TO THE WESTERN PORTION OF PARCEL 6 AND AMEND THE DEVELOPMENT STANDARDS.

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

WHEREAS, the subject site is located at the southwest corner of Waddell Road and Dysart Road;

WHEREAS, the subject site is zoned Bendalin Farms PAD, also known as Surprise Pointe Industrial/Commerce Park;

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

WHEREAS, the proposed use changes and development standards are in harmony with the purposes and intent of the Bendalin Farms PAD; and

WHEREAS, on November 4, 2021, the Planning and Zoning Commission recommended approval of the Bendalin Farms, AKA Surprise Pointe Industrial/Commerce Park, PAD amendment.

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

Section 1. *Major PAD Amendment.* The parcel legally described on ***Exhibit A*** and depicted on ***Exhibit B***, known as “Level Crossing Phase 2” is rezoned from I-1 PAD to C-2/C-3/I-1 PAD subject to the following stipulations:

- a. Development and use of the site shall be consistent with the zoning document titled “PAD Zoning Amendment – FS20-749 5th Amendment to the Bendalin Farms, AKA Surprise Pointe Industrial/Commerce Park”, received May 11, 2021.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

Section 2. *Amendment of the development standards.* The Bendalin Farms, AKA Surprise Pointe Industrial/Commerce Park, PAD Amendment for Level Crossing Phase 2 is herewith amended to reflect the change in districts referred to in Section 1 above.

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

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in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

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

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

PASSED AND ADOPTED this 7 day of December, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTY

EXHIBIT B
DEPICTION OF THE PROPERTY TO BE RE-ZONED