

## ORDINANCE # 2023-11

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT TO THE SYCAMORE FARMS PAD TO REVISE THE LAND USE PLAN, DEVELOPMENT STANDARDS, AND DWELLING UNIT COUNTS FOR THE AREA GENERALLY BOUNDED BY CACTUS ROAD, SARIVAL AVENUE, PEORIA AVENUE, AND COTTON LANE.**

**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 generally bounded by Cactus Road, Sarival Avenue, Peoria Avenue, and Cotton Lane, and is legally described in the attached ***Exhibit A*** and depicted in the attached ***Exhibit B***;

**WHEREAS**, the subject site is zoned Sycamore Farms PAD pursuant to PAD03-153 approved on July 22, 2004;

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

**WHEREAS**, this PAD amendment is in harmony with the purposes and intent of the Sycamore Farms PAD, the zoning ordinance, and the Surprise General Plan; and

**WHEREAS**, on April 6, 2023, the Planning and Zoning Commission recommended approval of the subject Sycamore Farms PAD amendment only as it pertains to Parcels 11A and 11B, as identified in the PAD Amendment document entitled "Sycamore Farms Planned Area Development 5<sup>th</sup> Amendment," prepared by Withey Morris, PLC and dated March 3, 2023.

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

**Section 1.** *Major PAD Amendment.* The "Sycamore Farms PAD" is herewith amended to reflect the proposed development changes to only Parcels 11A and 11B, subject to the following stipulations, with Parcels 1, 6, and 16 remaining unchanged and as currently zoned:

- a. Development and use of the site shall be consistent with the PAD Amendment document entitled "Sycamore Farms Planned Area Development 5<sup>th</sup> Amendment," prepared by Withey Morris, PLC and dated March 3, 2023, as revised pursuant to stipulation i.

- b. The required landscape setback for Parcel 11B, adjacent to Parcel 12, shall be a minimum 45 feet. Within the landscape setback adjacent to Parcel 12, enhanced landscaping shall be provided, including tree plantings as follows:
  - i. Minimum 2-inch caliper (50% of required trees)
  - ii. Minimum 3-inch caliper (50% of required trees)
  - iii. Tree spacing 25-feet on center or in equivalent groupings
- c. Building height for Parcel 11B shall be limited to a maximum of three stories; and, any three story structures shall be set back a minimum of 100 feet from the property line adjacent to Parcel 12.
- d. Parcel 11B shall be limited to a maximum density of 328 units.
- e. A single, 6-foot-wide concrete pedestrian trail shall be provided within Parcel 11B to provide a north/south connection from the residential subdivisions south of Parcel 11B to the northern property line between Parcel 11B and Parcel 11A (the "Pedestrian Trail").
- f. The developer shall design and construct a traffic signal at the intersection of Jenan Drive and Sarival Avenue.
- g. A right-in/right-out driveway, centered between Jenan and the commercial driveway to the north shall be provided from Parcel 11B to Sarival Avenue, with final placement and design to be approved by the City of Surprise Transportation Department.
- h. 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.
- i. The applicant shall submit a revised PAD amendment document reflecting the approved changes within sixty (60) days of approval. The revised PAD amendment document shall, among other things, modify Table 2 to add a footnote to "Min Area" on the third line of the table after the header that states: "This minimum area requirement applies to entire development parcels and not to individual lots/units, such as commercial pad sites within a shopping center." If the applicant does not submit said revised PAD amendment document within the specified time, this Ordinance shall be deemed null and void.

**Section 2.** *Codification.* This Ordinance is not of a general nature and shall not be codified.

**Section 3.** *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 4.** *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 5.** *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of June, 2023.

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Skip Hall, Mayor

Attest:

Approved as to form:

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Sherry Aguilar, City Clerk

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Robert Wingo, City Attorney

EXHIBIT A

LEGAL DESCRIPTION FOR PROPERTY

**EXHIBIT "A"**  
**SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST DESCRIPTION**

SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SECTION 24, BEING MARKED BY A BRASS CAP FLUSH, FROM WHICH A BRASS CAP IN HANDHOLE, MARKING THE NORTH QUARTER CORNER OF SAID SECTION 24, BEARS SOUTH 89 DEGREES 55 MINUTES 32 SECONDS EAST, 2627.83 FEET;

THENCE SOUTH 89 DEGREES 55 MINUTES 32 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, 2627.83 FEET TO A BRASS CAP IN HANDHOLE, MARKING THE NORTH QUARTER CORNER OF SAID SECTION 24;

THENCE DEPARTING SAID NORTH LINE, SOUTH 89 DEGREES 55 MINUTES 47 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, 2627.02 FEET TO A BRASS CAP IN HANDHOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 24;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 08 MINUTES 05 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, 2637.85 FEET TO A BRASS CAP IN HANDHOLE, MARKING THE EAST QUARTER CORNER OF SAID SECTION 24;

THENCE DEPARTING SAID EAST LINE, SOUTH 00 DEGREES 07 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, 2640.94 FEET TO BRASS CAP FLUSH MARKING THE SOUTHEAST CORNER OF SAID SECTION 24;

THENCE DEPARTING SAID EAST LINE, NORTH 89 DEGREES 55 MINUTES 23 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, 2631.67 FEET TO A BRASS CAP IN HANDHOLE, MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 24;

THENCE DEPARTING SAID SOUTH LINE, NORTH 89 DEGREES 58 MINUTES 57 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, 2632.26 FEET TO BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 24;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, 2641.41 FEET TO A BRASS CAP FLUSH, MARKING THE WEST QUARTER CORNER OF SAID SECTION 24;

THENCE DEPARTING SAID WEST LINE, NORTH 00 DEGREES 12 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, 2639.70 FEET TO SAID NORTHWEST CORNER AND THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 27,763,175 SQUARE FEET OR 637.3548 ACRES, MORE OR LESS.



## EXHIBIT B

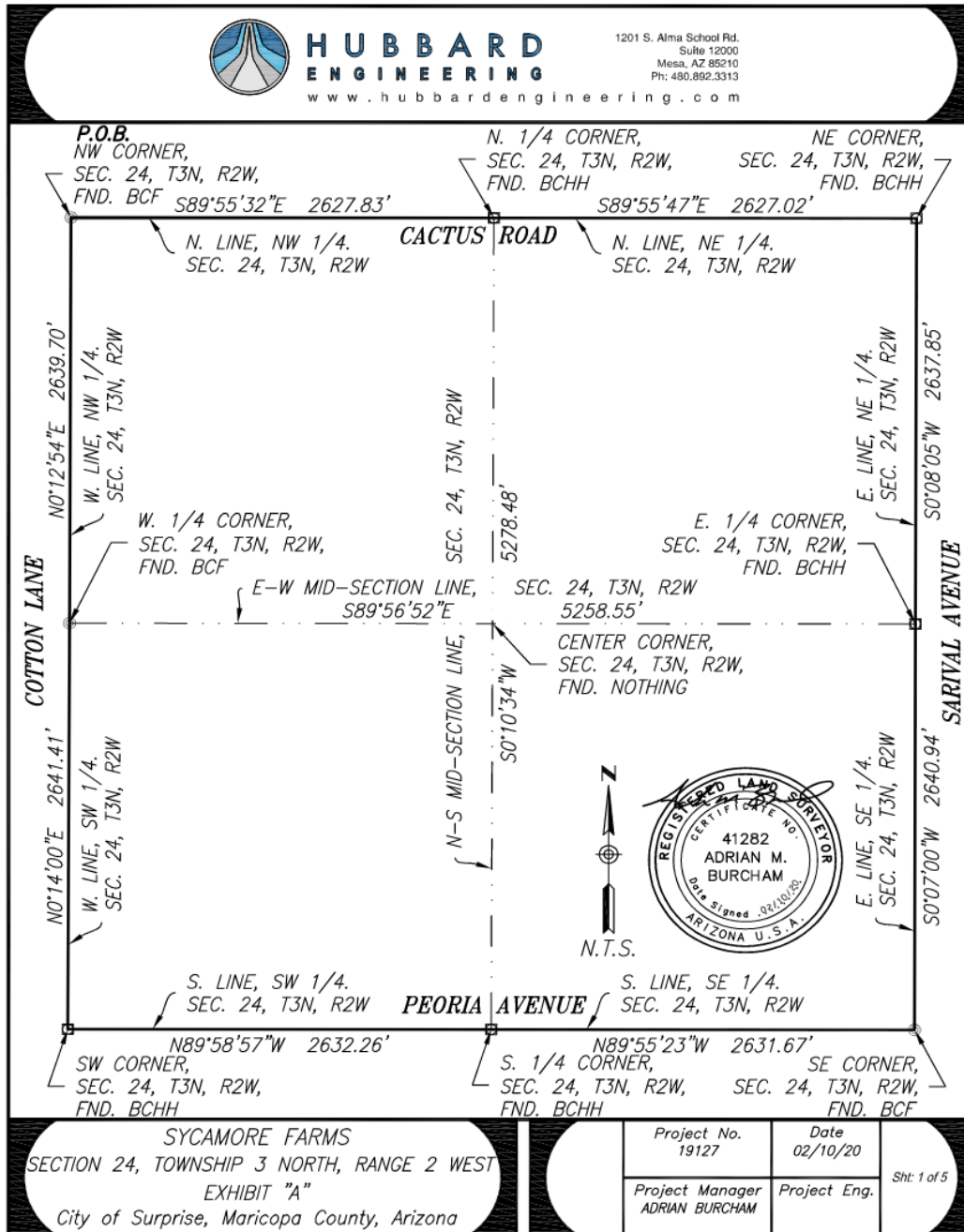
### DEPICTION OF PROPERTY SUBJECT TO THE PAD AMENDMENT



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**EXHIBIT BB: LEGAL DESCRIPTION, CONTINUED**

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