PINAL COUNTY
WIDE OPEN OPPORTUNITY

PZ-046-23 & PZ-PD-001-23

BOARD OF SUPERVISORS

2/7/2024

Community Development Department

PZ-046-23 & PZ-PD-001-23

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Proposal:

- **PZ-046-23 – PUBLIC HEARING/ACTION:** Fern Vasi, owner, Jessica Sarkissian – Upfront Planning and Entitlements LLC, agent/applicant, requesting an approval of a rezone of 2.65± acres from from GR (General Rural Zone) to C-3 (General Commercial Zoning District), to allow development of a commercial complex; situated in Section 20, T02S, R08E G&SRB&M; Tax parcels 104-22-041A and104-22-041B (legal on file), located on the southwest corner of Ocotillo Rd and Kenworthy Rd in San Tan Valley, in Pinal County.
- **PZ-PD-001-23 – PUBLIC HEARING/ACTION:** Fern Vasi, owner, Jessica Sarkissian – Upfront Planning and Entitlements LLC, agent/applicant, requesting approval of a Planned Area Development (PAD) Overlay District, to apply C-3 PAD development standards on 2.65± acres, situated in the Northern quarter of Section 20, T02S, R08E G&SRB&M, tax parcels 104-22-041A and 104-22-041B (legal on file), located on the southwest corner of Ocotillo Rd and Kenworthy Rd in San Tan Valley, in Pinal County.

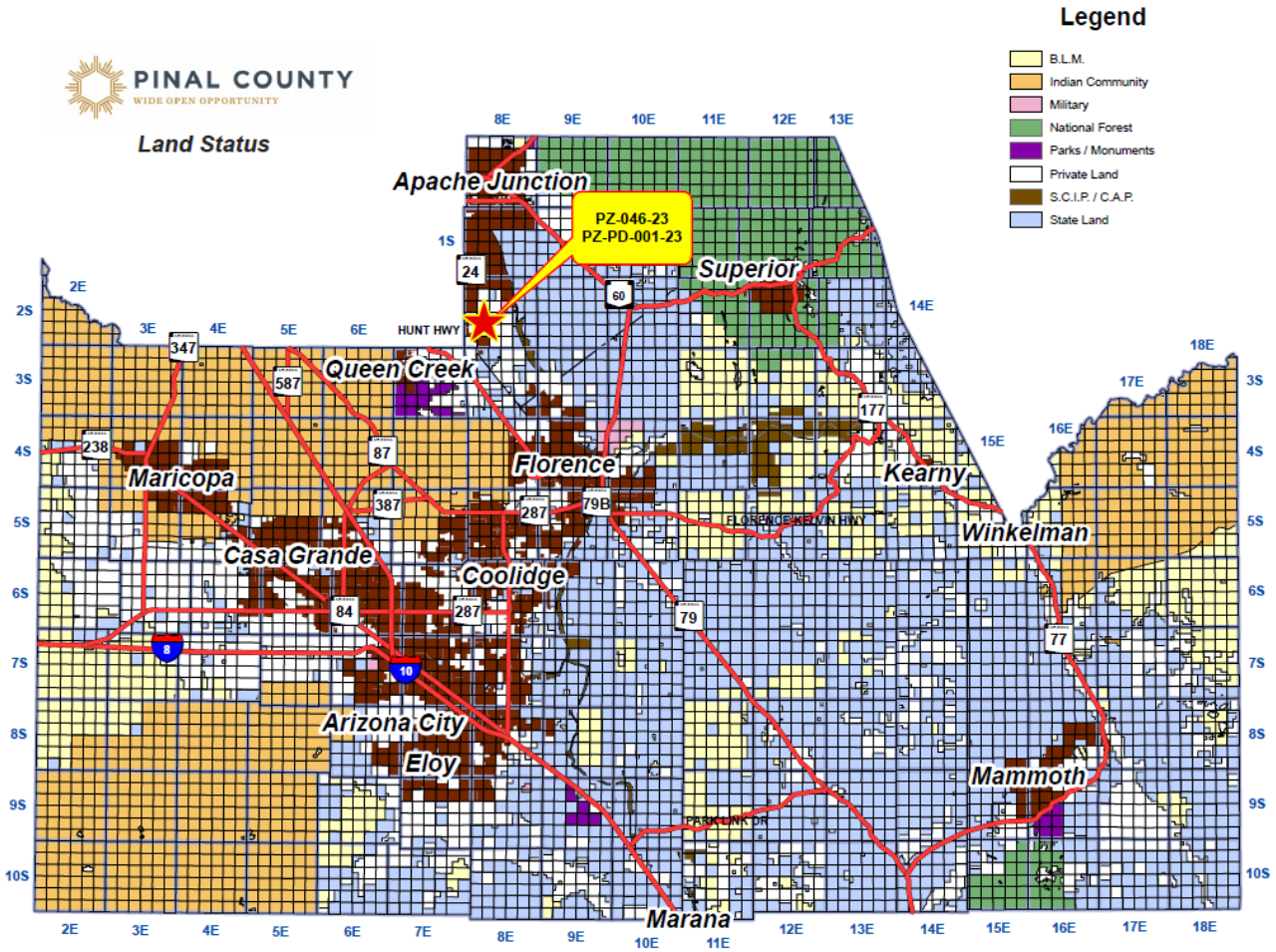
PZ-046-23 & PZ-PD-001-23

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- **Location:**
  - The subject site is located on the Southwest corner of E Ocotillo Rd and N Kenworthy Rd, approximately 1-mile East of Incorporated Queen Creek within San Tan Valley.
- **Landowner:**
  - Fern Vasi
- **Agent/Representative:**
  - Jessica Sarkissian – Upfront Planning and Entitlements LLC.

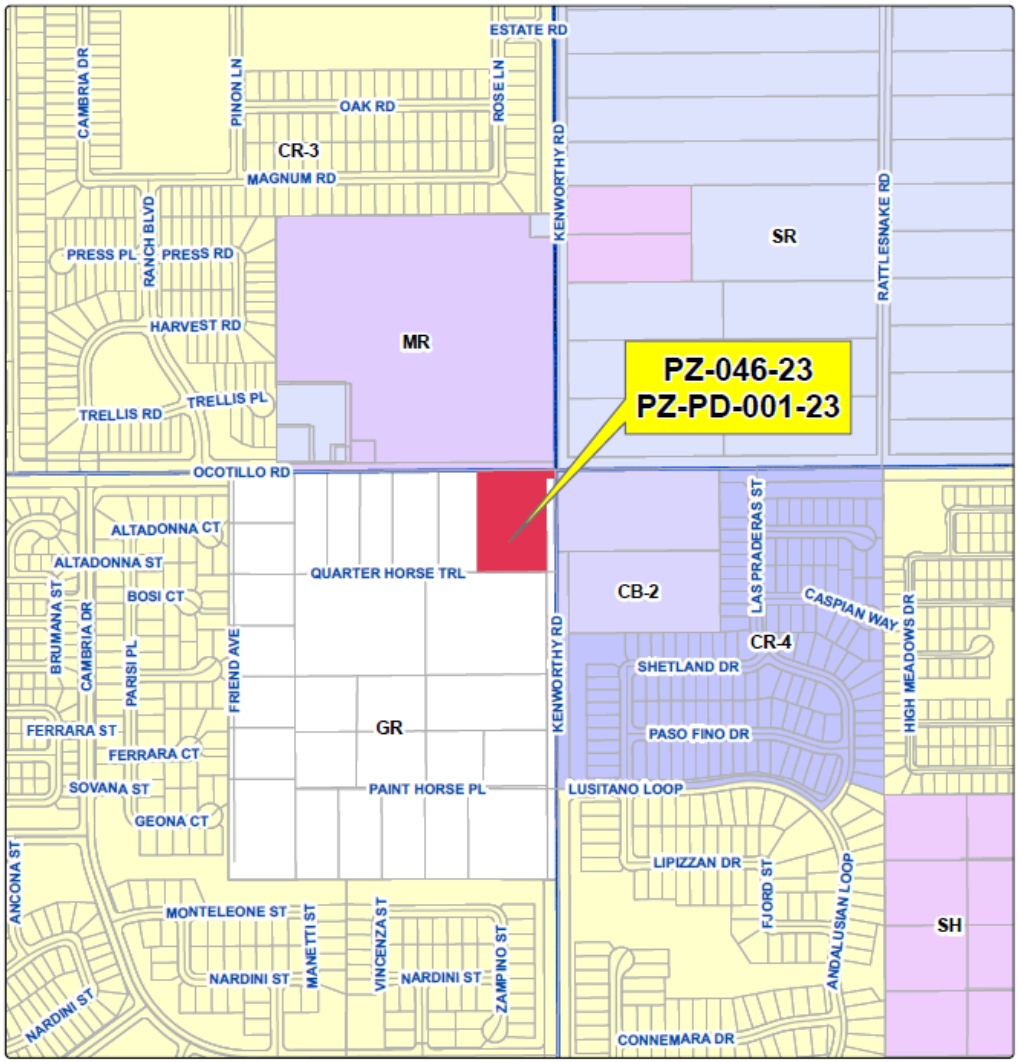
County Map

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Vicinity Map

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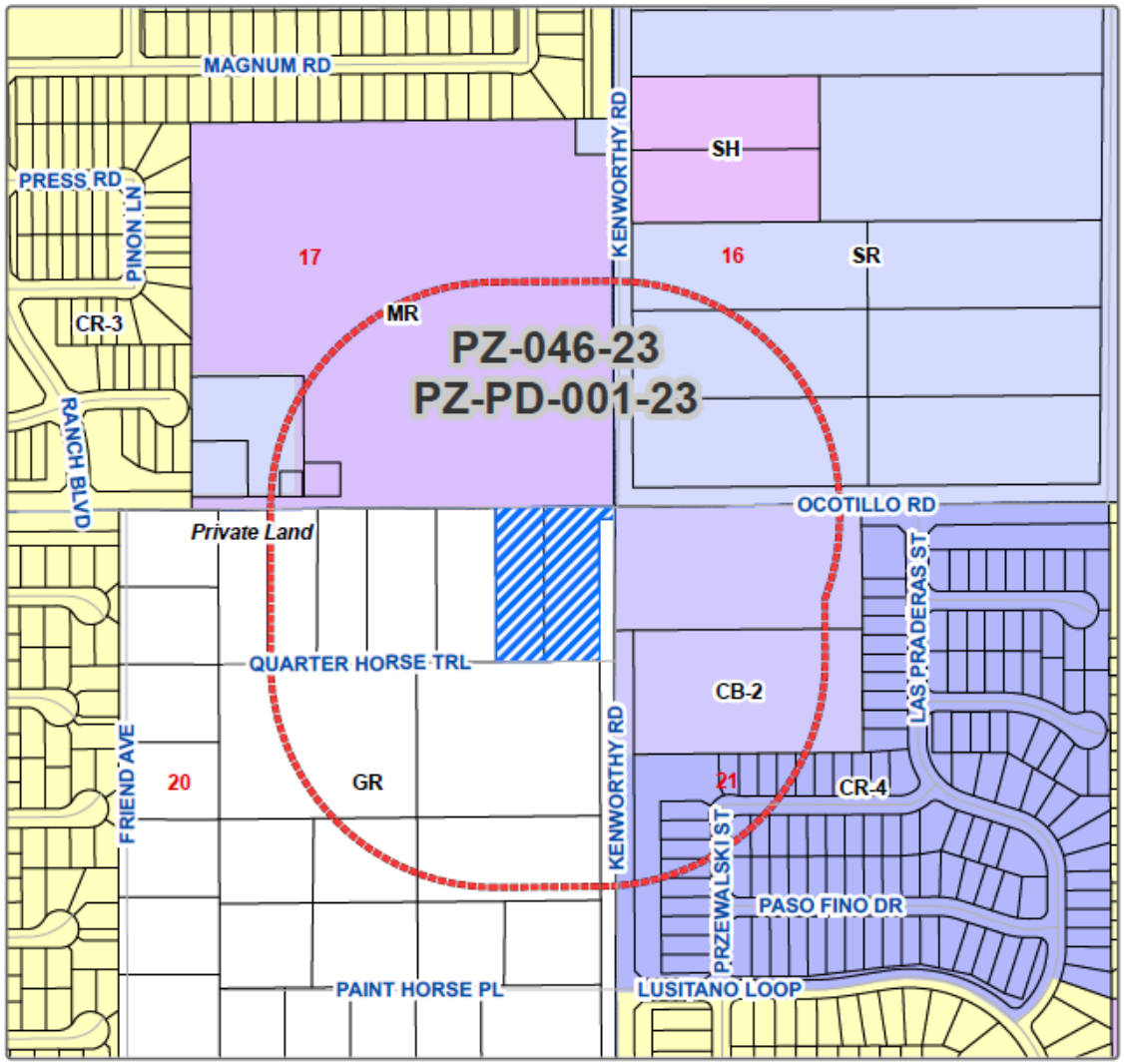
Aerial Map

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Zoning

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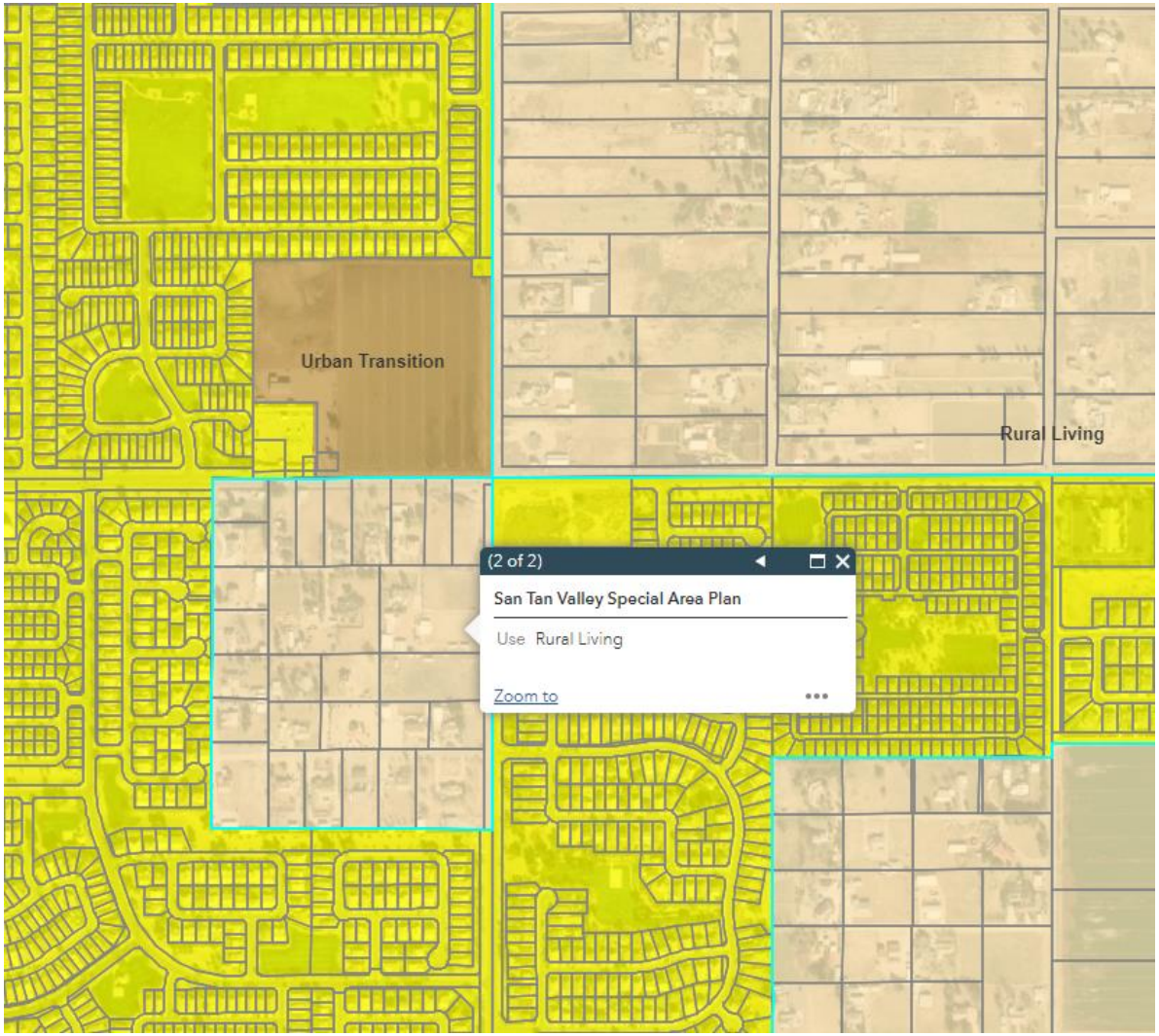


Current Zoning:
General Rural
(GR)

Proposed Zoning:
General Commercial Zone
(C-3/PAD)

San Tan Valley Special Area Plan

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Special Area Plan:

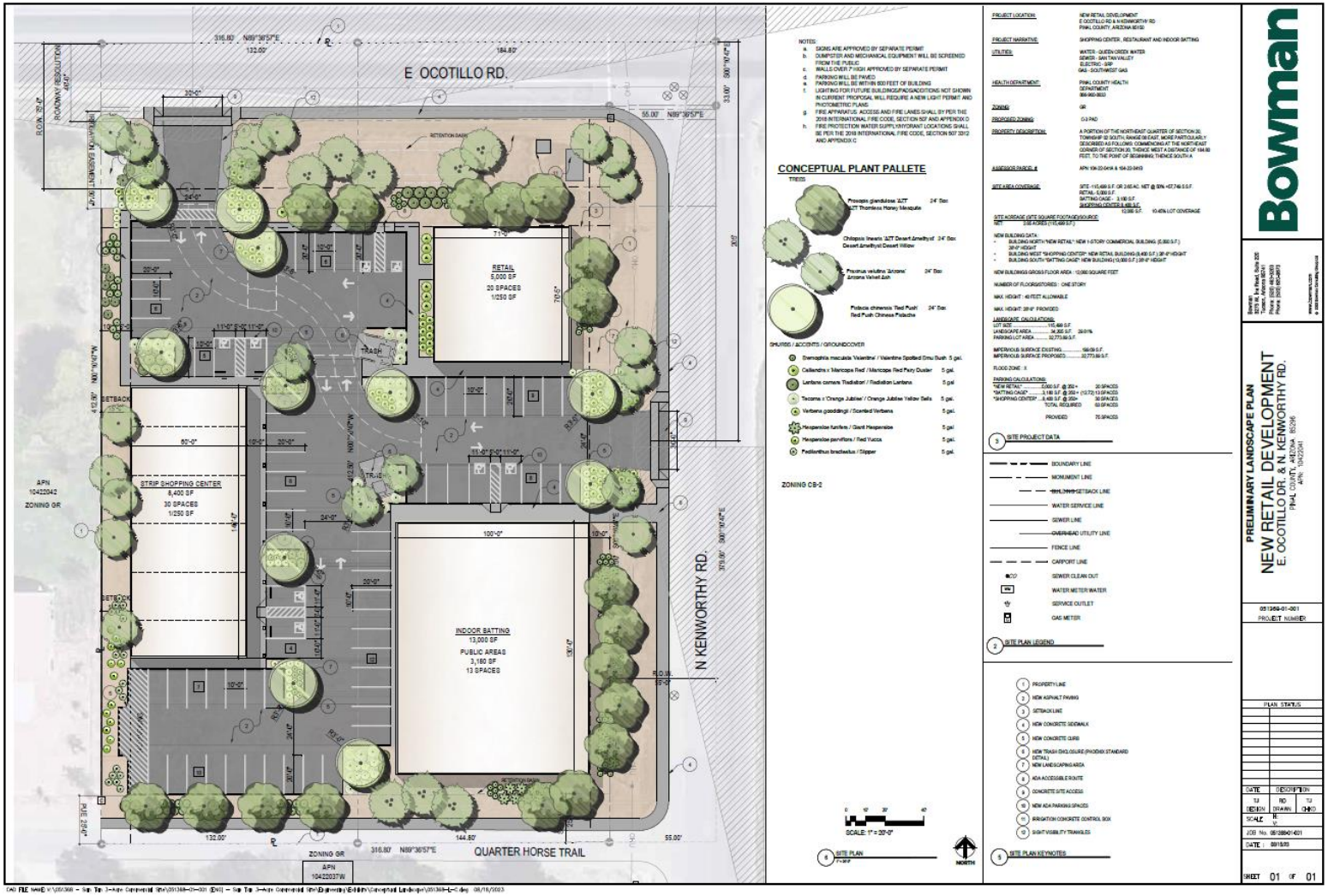
Rural Living:

0-1dwelling units per acre for Single Family Residential

Commercial uses are allowed in service of rural residents. Maximum of 5 acres in size along collector or higher roadway classifications.

San Tan 3

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Table 3 – Proposed C-3 Commercial Development Standards

Development Standards	C-3 Development Standards	Proposed C-3 Development Standard
Front Yard	20-feet	**10-feet**
Side Yard	0 feet 25 feet for rural/ residential 7 feet for detached accessory dwellings	0 feet **10 feet for rural/ residential** 7 feet for detached accessory dwellings
Rear Yard Setback	25 feet	25 feet
Lot Coverage	NA	NA
Maximum Height	40-feet	40-feet
Wall Heght	Minimum six-foot wall between this zone and a rural or residential zone; minimum ten-foot landscape strip between the wall and any use in this zone, including parking. The landscape strip shall be planted with trees 30 feet on center and with mature trees next to any existing homes.	Minimum six-foot wall between this zone and a rural or residential zone; minimum ten-foot landscape strip between the wall and any use in this zone, including parking. The landscape strip shall be planted with trees 30 feet on center and with mature trees next to any existing homes.
Mimimum distance between main buildings:	None; 14 feet between detached accessory building and commercial	None; 14 feet between detached accessory building and commercial
Detached accessory buildings • Min distance to Main building	 7-feet 15-feet	 7- feet 15-feet
• Min distance to front lot line • Min distance to side lot line • Min distance to reat lot line • Maximmum height • Maximum lot coverage	0-feet/ 15- feet abutting rural or residential 4-feet 20' within required rear yard / 35' within the buildable area 40% of the min rear yard and any additional space within the buildable area	0-feet/ 15- feet abutting rural or residential 4-feet 20' within required rear yard / 35' within the buildable area 40% of the min rear yard and any additional space within the buildable area

San Tan 3

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Table 4 - C-3 PAD General Commercial Permitted Uses

Use Description	Principally Permitted	Specially Permitted
Amusements such as billiard or pool hall, bowling alley, theaters, gymnasium, arcade, shooting gallery, skating rink, archery range, miniature golf or practice driving or putting range, games of skill or science, swimming pool, or tennis	X	
Assisted living facility	X	
Automotive repair, garages, welding shops, machine shops, outdoor storage or sales	X	
Bar, cocktail lounge, night club, or tavern, not within a restaurant, dance floor permitted	X	
Builders' supplies including sales of lumber	X	
Child care center	X	
Church, subject to the requirements set forth in PCDSC 2.150.220	X	
College and arts, business, technical, and trade schools	X	
Community service agency, library or museum	X	
Government structures, fire district stations, sheriff's facilities, and their accessory uses	X	
Health club or fitness center	X	
Hospital, health care facility or urgent care facility	X	
Light manufacturing or assembling incidental to retail sales by business engaged in manufacturing, processing, assembling, treatment, installation and repair of products	X	
Motel or hotel with accessory uses, including restaurant, incidental retail sales and services, personal services and recreational facilities	X	
Offices	X	
One dwelling unit, conventional construction, as an accessory to an established use	X	
Parks	X	

San Tan 3

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Private club or lodge, fraternal and service organizations (nonprofit)	X	
Private schools	X	
Restaurant. This allows the following: Indrro and outdoor food service with or without alcoholic beverage service at the table; indoor and outdoor live entertainment; and Drive-through food service for food and nonalcohoic beverages	X	
Restaurant, including a cocktail lounge or bar; dance floor permitted	X	
Retail sales establishments	X	
Sale, rental or display of: automobiles, airplanes, boats, trucks, recreational vehicles, travel trailers, motor homes, manufactured homes, motorcycles and accessories, agricultural supplies and machinery; barber's supplies or beauty shop equipment, boats, clothing or accessories (wholesale), feed (wholesale), garage equipment, hardware (retail or wholesale), household appliances, sewing machines, etc., office equipment (safes, business machines, etc.), orthopedic appliances (trusses, wheelchiars, etc.), painting equipment or supplies (paint, varnish, etc.), pet (no boarding or hospital), tents or awnings (wholesale), secondhand goods: personal, furniture, books, magazines, automobiles, but not secondhand auto parts	X	
School or college (operated as a commercial enterprise for dancing or musical instruction; industrial or trade school teaching operations or occupation permitted in this zone)	X	

San Tan 3

PINAL COUNTY
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Service establishments	X	
arterial or collector streets; all access lanes within the facility shall be of paved or concrete surface; there shall be a landscaped buffer setback with a minimum six-foot or maximum eight-foot decorative masonary wall; there shall be no razor or barbed wire; and the light source of any outdoor security lighting shall not be visible from adjoining residential properties	X	
Some uses are allowed in all zoning districts based on statutory exemptions or because a governmental entity or governmental agency is performing a governmental function	X	
Veterinary hospitals or kennels, provided no building or structure housing animals is within 40 feet of any site boundary abutting property in a rural or residential zone.	X	
Wireless communication facilities		X

*Note: The permitted uses listed herein shall also include all associated accessory building and uses. *Uses not listed within the table are not permitted

North

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North

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South

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South

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East

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East

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West

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West

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PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
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- **Items for Board Consideration:**
  - The submitted applications for this land use request are for approval of a rezoning, and a PAD amendment.
  - If the applications are approved, the subject property will be rezoned from GR to C-3/PAD and allow a commercial development on 2.65± acres of land.
  - The property has legal access and functional circulation.
  - The project provides for commercial services targeted towards surrounding existing and developing residential uses. The approved Multi-Family development to the north introduces a need for new commercial developments in this area.

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- **Items for Board Consideration:**
  - Ocotillo Rd and Kenworthy Rd both classify as principal arterials roadways. Meets the San Tan Valley Special Area Plan check for commercial compatibility in Rural Living designations.

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
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- **Items for Board Consideration:**
  - To date, eight residents have expressed opposition to the County. The following concerns were expressed:
    - Desire for rural housing.
    - Concern over rural setting loss.
    - Decline of property values.
    - Opposition to commercial development in this location.
    - Increases in traffic in the area.
    - Concern over road maintenance.
    - Concern with residential and commercial mixed development.

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- **Items for Board Consideration:**
  - An additional concern was raised regarding Notice of Hearing language and the applicability of a deadline for public comment submittals. These concerns were addressed with neighbors when raised, and clarification was made that staff receives all comments up until time of the hearing. Changes to future Notice of Hearing documents have been adopted by staff to limit future misunderstandings.

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
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- **Items for Board Consideration:**
  - At the December 21st Planning and Zoning Commission, the commission forwarded this case with no recommendation due to two separate failed motions for denial and approval tied 4-4 both times.

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
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- Approval:

  PZ-046-23 (1 stipulation)

  PZ-PD-001-23 (11 stipulations)

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Approval:

  PZ-046-23 (1 stipulation)

- 1. Approval of this zone change (PZ-046-23) will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals.

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
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- Approval:

  PZ-PD-001-23 (11 stipulations)

- 1. The stipulations herein pertain to the area described in case PZ-PD-001-23;
- 2. Approval of this PAD (PZ-PD-001-23) will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;
- 3. San Tan 3 Planned Area Development (PAD) Overlay District (PZ-PD-001-23) is to be developed as shown by the site plan/development plan dated August 2023, along with the other supplementary documentation in accordance with the applicable criteria set forth in Chapter 2.176 of the Pinal County Development Services Code;
- 4. Approval of this Planned Area Development (PAD) Overlay District is contingent upon the Board of Supervisors zone change approval as set forth in Planning Case PZ-046-23;

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- 5. The applicant/property owner shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building Safety Department;
- 6. A dust registration permit from the Pinal County Air Quality Control District shall be obtained prior to the disturbance of 0.1 acres or more;
- 7. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to the Tentative Plat being scheduled for the Planning & Zoning Commission;

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- 8. A drainage report will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the Site Plan approval. The approved Drainage Plan shall provide retention for storm waters in an onsite retention/common retention area or as approved by the County Engineer;
- 9. All right-of-way dedication shall be free and unencumbered;
- 10. Any roadway sections, alignments, access locations and access movements shown in the PAD are conceptual only and have not been approved by the Pinal County Engineer;

PZ-046-23 & PZ-PD-001-23

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- 11. The following listed uses are permitted for development within this PAD: A. Amusements such as billiard or pool hall, bowling alley, theaters, gymnasium, arcade, shooting gallery, skating rink, archery range, miniature golf or practice driving or putting range, indoor batting cages, games of skill or science, swimming pool, or tennis court. B. Assisted living facility. C. Builders' supplies including sale of lumber. D. Child care center. E. Church, subject to requirements set forth in PCDSC 2.150.220. F. College and arts, business, technical, and trade schools. G. Community service agency, library or museum. H. Government structures, fire district stations, sheriff's facilities, and their accessory uses. K. Health club or fitness center. L. Hospital, health care facility or urgent care facility. M. Light manufacturing or assembling incidental to retail sales by business engaged in manufacturing, processing, assembling, treatment, installation and repair of products. N. Offices. O. Parks. P. Private club or lodge, fraternal and service organizations (nonprofit). Q. Private Schools. R. Restaurants allowing the following: 1. Indoor food service with or without alcoholic beverage service at the table; and 2. Indoor live entertainment. S. Retail sales establishments. T. Service establishments. U. Veterinary hospitals or kennels, provided no building or structure housing animals is within 40 feet of any site boundary abutting property in a rural or residential zone. All other uses not listed are prohibited.