When recorded return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

ORDINANCE NO. 2024-PZ-046-23

AN ORDINANCE OF THE PINAL COUNTY ARIZONA BOARD OF SUPERVISORS APPROVING THE REZONING FOR CERTAIN PROPERTY LOCATED SOUTH OF WEST OCOTILLO ROAD AND WEST OF NORTH KENWORTHY ROAD IN UNINCORPORATED PINAL COUNTY (TAX PARCELS: 104-22-041A AND 104-22-041B) FROM GR (GENERAL RURAL) TO C-3 (GENERAL COMMERCIAL) IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-046-23**; ESTABLISHING AN EFFECTIVE DATE; AND DIRECTING ITS PUBLICATION

WHEREAS, the Pinal County Board of Supervisors ("Board") is authorized pursuant to Arizona Revised Statutes § 11-814 to rezone property in order to conserve and promote the public health, safety, convenience and general welfare; and

WHEREAS, on August 17, 2023, the Pinal County Community Development Department ("Department") received an application from Upfront Planning and Entitlements LLC and Fern Vasi, landowners/applicants of certain property described in the attached **Exhibit "A"** which is incorporated herein by this reference (the "Property"), to rezone the Property from GR (General Rural) to C-3 (General Commercial) (Case No. PZ-046-23); and

WHEREAS, on December 21, 2023, the Pinal County Planning and Zoning Commission ("Commission") held a public hearing on Case No. **PZ-046-23**, giving no less than 15 days of notice by publication in a newspaper of general circulation in the county seat and by duly posting the area included in the proposed rezoning; and

WHEREAS, following the public hearing, the Commission was unable to garner a majority vote to either forward a recommendation of approval or denial of the case to the Board (having twice voted 4-4 on separate failed motions) and, therefore, having forwarded this case the Board without a recommendation;

NOW, THEREFORE, BE IT ORDAINED by the Pinal County Board of Supervisors as follows:

Section 1: The rezoning of the Property legally described and depicted in the attached Exhibit "A" from GR (General Rural) to C-3 (General Commercial), is hereby approved subject to one stipulation of approval set forth in Exhibit "B"

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Section 2: This Ordinance shall take effect 30 days after the date of its adoption.

Section 3: This Ordinance shall be published at least once in a newspaper of general circulation in the County seat after its adoption.

PASSED AND ADOPTED this 7th day of February, 2024, by the PINAL COUNTY BOARD OF SUPERVISORS.

_____
Chairman of the Board

ATTEST:

_____
Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

Exhibit "A"

PARCEL NO. 1:

A portion of the Northeast quarter of Section 20, Township 2 South, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona and more particularly described as follows:

Commencing at a Brass Cap, in hand hole, marking the Northeast corner of Section 20, from which a Pinal County Highway Department Brass Cap, flush to the pavement, marking the North quarter of Section 20, bears South 89 Degrees 36 Minutes 57 Seconds West, a distance of 2640.14 feet, and from which a ½ inche Rebar with tag, stamped R.L.S. #32778, marking the East quarter of Section 20, bears South 00 Degrees 10 Minutes 47 Seconds East, a distance of 2640.62 feet. Thence South 89 Degrees 36 Minutes 57 Seconds West, along the North Boundary of the Northeast quarter of Section 20, a distance of 184.80 feet to a Set P.K. Nail with tag, R.L.S. #49864, marking the Northeast corner of said Parcel "A" and also being the POINT OF BEGINNING;

Thence South 00 Degrees 10 Minutes 47 Seconds East parallel to and 184.80 feet West of the East Boundary of the Northeast quarter of Section 20, a distance of 412.50 feet to a Set PK Nail with tag R.L.S #49864, marking the Southeast corner of said Parcel "A";

Thence South 89 Degrees 36 Minutes 57 Seconds West parallel to and 412.50 feet South of the North boundary of the Northeast quarter of Section 20, a distance of 132.00 feet to a Set PK Nail with tag R.L.S. #49864, marking the Southwest corner of said Parcel "A";

Thence North 00 Degrees 10 Minutes 47 Seconds West parallel to and 316.80 feet West of the East boundary of the Northeast quarter of Section 20, a distance of 412.50 feet to a Set PK Nail with tag R.L.S. #49864, marking the Northwest corner of said Parcel "A";

Thence North 89 Degrees 36 Minutes 57 Seconds East along the North boundary of the Northeast quarter of Section 20, a distance of 132.00 feet to a Set PK Nail with tag R.L.S. #49864, marking the Northeast corner of said Parcel "A" and also being the POINT OF BEGINNING.

Parcel NO. 2:

A portion of the Northeast quarter of Section 20, Township 2 South, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona and more particularly described as follows:

Commencing at a Brass Cap, in hand hole, marking the Northeast corner of Section 20, from which a Pinal County Highway Department Brass Cap, flush to the pavement, marking the North quarter of Section 20, bears South 89 degrees 36 minutes 57 seconds West, a distance of 2640.14 feet, and from which a ½-inche Rebar, marking the East quarter of Section 20, bears South 00 Degrees 10 Minutes 47 Seconds East, a distance of 2640.62 feet. The said Brass Cap, in Hand hole, marking the Northeast corner of Section 20 is also the POINT OF BEGINNING;
Thence South 00 Degrees 10 Minutes 47 Seconds East along the East Boundary of the Northeast quarter of Section 20, a distance of 33.00 feet to a Set PK Nail with tag R.L.S. #49864, marking a corner of said Parcel "B";

Thence South 89 Degrees 36 Minutes 57 Seconds West parallel to and 33.00 feet South of the North boundary of the Northeast quarter of Section 20, a distance of 40.00 feet to a Set PK Nail with tag R.L.S. #49864, marking a corner of said Parcel "B";

Thence South 00 Degrees 10 Minutes 47 Seconds East parallel to and 40.00 feet West of the East boundary of the Northeast quarter of Section 20, a distance of 379.50 feet to a Set PK Nail with tag R.L.S. #49864, marking the Southeast corner of said Parcel "B";

Thence South 89 Degrees 36 Minutes 57 Seconds West parallel to and 412.50 feet South of the North boundary of the Northeast quarter of Section 20, a distance of 144.80 feet to a Set PK Nail with tag R.L.S. #49864, marking the Southwest corner of said Parcel "B";

Thence North 00 Degrees 10 Minutes 47 Seconds West parallel to and 184.80 feet West of the East boundary of the Northeast quarter of Section 20, a distance of 412.50 feet to a Set PK Nail with tag R.L.S. #49864, marking the Northwest corner of said Parcel "B";

Thence North 89 Degrees 36 Minutes 57 Seconds East along the North boundary of the Northeast quarter of Section 20 a distance of 184.80 feet to a Brass Cap, in hand hole, making the Northeast corner of Section 20, and also being the POINT OF BEGINNING.

Exhibit "B"

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.