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

ORDINANCE NO. 2024-PZ-PD-001-23

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS TO ALLOW THE SAN TAN 3 PLANNED AREA DEVELOPMENT OVERLAY FOR 2.65 ACRES OF CERTAIN PROPERTY SOUTH OF WEST OCOTILLO ROAD AND WEST OF NORTH KENWORTHY ROAD IN UNINCORPORATED PINAL COUNTY (TAX PARCELS: 104-22-041A AND 104-22-041B IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NOS. **PZ-046-23 AND PZ-PD-001-23**; ESTABLISHING AN EFFECTIVE DATE; AND DIRECTING ITS PUBLICATION

WHEREAS, the Pinal County Board of Supervisors (the "**Board**") is authorized pursuant to Pinal County Development Services Code Chapter 2.176 to approve a Planned Area Development that allows certain flexibility in development standards while conserving and promoting the public health, safety, convenience and general welfare; and,

WHEREAS, on August 17, 2023, the Pinal County Community Development 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**"), for the San Tan 3 Planned Area Development Overlay (the "**PAD Application**"); and,

WHEREAS, on December 21, 2023, this matter appeared on the Pinal County Planning and Zoning Commission (the "**Commission**") agenda (identified as Case No. **PZ-PD-001-23)** to be heard in conjunction with its companion case (Case No. PZ-046-23) to rezone the Property from GR (General Rural) to C-3 (General Commercial) (the "**Rezoning Case**"), 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 Amendment (the "**12/21/23 P&Z Meeting**"); and,

WHEREAS, during the 12/21/23 P&Z Meeting, the Commission was unable to forward a recommendation of approval or denial of the underlying Rezoning Case (having twice voted 4-4 on separate failed motions), and, therefore, determined it would not be appropriate to vote on the PAD Application, effectively resulting in there being no recommendation in this matter from the Commission.

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

ORDINANCE NO. 2024-PZ-PD-001-23

Section 1: A PAD overlay shall be applied to the Property legally described and depicted in the attached Exhibit "A", subject to 11 stipulations of approval set forth in the attached Exhibit "B"

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. The stipulations listed 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;

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;

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;

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.