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

ORDINANCE NO. 2024-PZ-PD-009-23

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A PLANNED AREA DEVELOPMENT OVERLAY (PZ-PD-009-23) FOR CERTAIN PROPERTIES LOCATED THREE-QUARTERS OF A MILE SOUTH OF THE INTERSECTION OF SASCO ROAD AND AGUIRRE LANE, IN RED ROCK AREA (TAX PARCELS: 410-12-001D) PROVIDING FOR A PAD OVERLAY FOR A SINGLE RESIDENCE ZONING DISTRICT (R-7), IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-PD-009-23**; 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 April 26, 2023, the Pinal County Community Development Department ("Department") received an application from Robin Smith, Robert and Joan Rothberg, owners, Brian Underwood, The Planning Center, agent/applicant, of property located three-quarters of a mile south of the intersection of Sasco Road and Aguirre Lane in Red Rock area, in Pinal County (Parcel: 410-12-001D), legally described in the attached Exhibit A (the "Property") to rezone the Property from General Rural Zone (GR), to Single Residence Zoning District R-7 in conjunction with a PAD overlay (Case No. **PZ-PD-009-23**); and

WHEREAS, on December 21, 2023, the Pinal County Planning and Zoning Commission ("Commission") held a public hearing on Case No. **PZ-PD-009-23**, giving no less than 15-day notice by publication in a newspaper of general circulation in the county seat and by duly posting the area included in the proposed Amendment; and

WHEREAS, following the public hearing, the Commission voted 7-0 in favor of forwarding a recommendation of approval to the Board with 17 Stipulations of Approval set forth in the attached Exhibit B (the "Stipulations"); and

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

Section 1: A PAD overlay shall be applied to the property legally described and depicted in the attached Exhibit A, and is hereby approved subject to 17 Stipulations of Approval set forth in the attached Exhibit B.

(Signatures appear on the following page)

ORDINANCE NO. 2024-PZ-PD-009-23

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"
TO
ORDINANCE NO. 2024-PZ-PD-009-23

LEGAL DESCRIPTION (SMITH-ROTHBERG)

TAX PARCEL: 410-12-001D

The Land referred to herein below is situated in the County of Pinal, State of Arizona, and is described as follows:

A part of Section 9, Township 10 South, Range 10 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

COMMENCING at the Southeast corner of the Southeast one-quarter of said section;

THENCE North 89' 56' 53' West along the South line of the said Southeast one-quarter, a distance of 50.87 feet to the POINT OF BEGINNING on the West right-of-way line of Interstate 10;

THENCE continue North 89° 56' 53'' West, along the said South line, a distance of 1,700.25 feet to the East line of the El Paso Natural Gas easement;

THENCE North 37° 51' 09'' West along the said East line, a distance of 1,365.93 feet;

THENCE North 54° 37' 04'' East 1,444.28 feet to the said West right-of-way line;

THENCE South 35° 22' 56' East along the said West right-of-way line, a distance of 856.29 feet;

THENCE South 35° 22' 45'' East along the said West right-of-way line, a distance of 1,494.12 feet to the **POINT OF BEGINNING**

EXCEPT for a period of (99) ninety-nine years from March 27, 1989, an undivided one-eight of all minerals, including oil and gas that may be on, in, under, or produced from the property, as reserved in Deed recorded in Docket 1593, page 760, Records of Pinal County, Arizona.

GENERAL NOTES:

1. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH FIRST AMERICAN TITLE INSURANCE CO., FILE NO. 06199288-128-CM COMMITMENT DATE: JANUARY 28, 2022.

2. BASIS OF BEARINGS: IS THE NORTH LINE OF SECTION 8, TOWNSHIP 10 SOUTH, RANGE 10 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, AND BEARING BEING: S 89°45'51" W.

3. AREA OF THIS PARCEL = **60.128**± ACRES.

4. THIS IS AN ABOVE GROUND SURVEY. THE UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON INFORMATION PROVIDED BY THE VARIOUS UTILITY COMPANIES AND THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN ON THIS DRAWING.

5. THE WORD "CERTIFY" OR "CERTIFICATE" IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESS OR IMPLIED.

6. FLOOD ZONE DESIGNATION IS SHADED ZONE "X" PER FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NUMBER 04021C2400E, PANEL NUMBER 2400 OF 2575, EFFECTIVE DATE: DECEMBER 4, 2007.

7. NO BUILDINGS OBSERVED.

EXHIBIT "B"
TO
ORDINANCE NO. 2024-PZ-PD-009-23

[Stipulations of Approval]

1. Approval of this PAD (PZ-PD-009-23) 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

2. Smith Rothberg Planned Area Development (PAD) Overlay District (PZ-PD-009-23) is to be developed as shown by the site plan/development plan dated November 15, 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;

3. Applicant to follow landscape standards per design guidelines set forth in the PAD book submitted to the county dated November 15, 2023;

4. Applicant to develop 10 feet landscape border along S Aguirre lane. All plant material to follow Arizona low water use plant list per ADWR;

5. 100' buffer along 1-10 to be developed with a 10' landscaping abutting the residential lots;

6. 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-037-23;

7. A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Tentative Plat submittal for review and approval. 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 going before the Planning and Zoning Commission;

8. A drainage report will be required to be submitted to the County Engineer at the time of Tentative Plat submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the first Final Plat approval. The approved Drainage Plan shall provide retention for storm waters in a common retention area or as approved by the County Engineer;

9. Per Section 702.6 of the Pinal County Subdivision Regulations there shall be a minimum of two permanent access points to the subject property. Approval of adequate access or approval of a Waiver Request shall be approved by the County Engineer prior to the Tentative Plat going before the Planning and Zoning Commission;

10. 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;

11. Submit a copy of a Geotechnical Report to Pinal County Public Works for review;

12. 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;

13. All construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;

14. All right-of-way dedication shall be free and unencumbered; and

15. 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;

16. For detached accessory buildings, the setback distance for side and rear lot lines shall be a minimum of 5 feet;

17. Applicant shall add a second row of irrigated trees at spacing of 25 feet to offset the first row of irrigated trees on the east side of the PAD.