



MEETING DATE: JUNE 5, 2024

TO: PINAL COUNTY BOARD OF SUPERVISORS

CASE NO.: IUP-004-22 (Rolling Plains Construction)

CASE COORDINATOR: VAL LUJAN

Executive Summary:

Pew & Lake, PLC –as the agent- on behalf of landowner, Shippy’s Properties, LLC. is requesting approval of an Industrial Use Permit (IUP) to operate an established materials processing and treatment facility at the Rolling Plains site (26.19 acres) located north of W. Guadalupe Road, between S. Warner Road & S. Pinal Drive in an unincorporated area of Apache Junction.

If This Request is Approved:

The IUP will be applied to all subject parcels. Proceeding BOS, for any changes or additions within the site the applicant will be required to undergo a site plan review process.

Staff Recommendation/Issues for Consideration/Concern:

Staff recommends APPROVAL of the request.

LEGAL DESCRIPTION:

Several parcels involved. Legal descriptions provided within package submitted to the Board.

TAX PARCELS: 104-63-005J, 104-63-009N, 104-63-009P, 104-63-009Q, 104-63-012W, 104-63-012S, & 104-63-009M.

APPLICANT/AGENT:

Shippy’s Properties, LLC. (owner)
Pew & Lake, PLC. (agent/applicant)

REQUESTED ACTION & PURPOSE:

IUP-004-22 – PUBLIC HEARING/ACTION: Pew and Lake, PLC. (applicant/agent) on behalf of Shippy’s Properties LLC (owner), requesting approval of an Industrial Use Permit to add onto and continue operating an established materials processing and treatment facility, on a ±26.19 acre parcel in the Industrial Zoning District (CI-2); tax parcels 104-63-005J, 104-63-009N, 104-63-009P, 104-63-009Q, 104-63-012W, 104-63-012S, 104-63-009M – legals on file – situated in a portion of Section 06, Township 01 South, Range 08 East, of the G.S.R.B.&M., Pinal County, Arizona, located north of W. Guadalupe Road, between S. Warner Road & S. Pinal Drive in an unincorporated area of Pinal County.

COMPREHENSIVE PLAN: The existing Comprehensive Plan land use designation for the subject site is Employment.

EXISTING ZONING AND LAND USE: The subject parcels are currently General Rural (GR), and is undeveloped.

SURROUNDING ZONING AND LAND USE:

North: Industrial Zone (CI-2); Industrially developed parcels
South: Industrial Zone (CI-2); Industrially developed parcels

COMMUNITY DEVELOPMENT
Planning Division

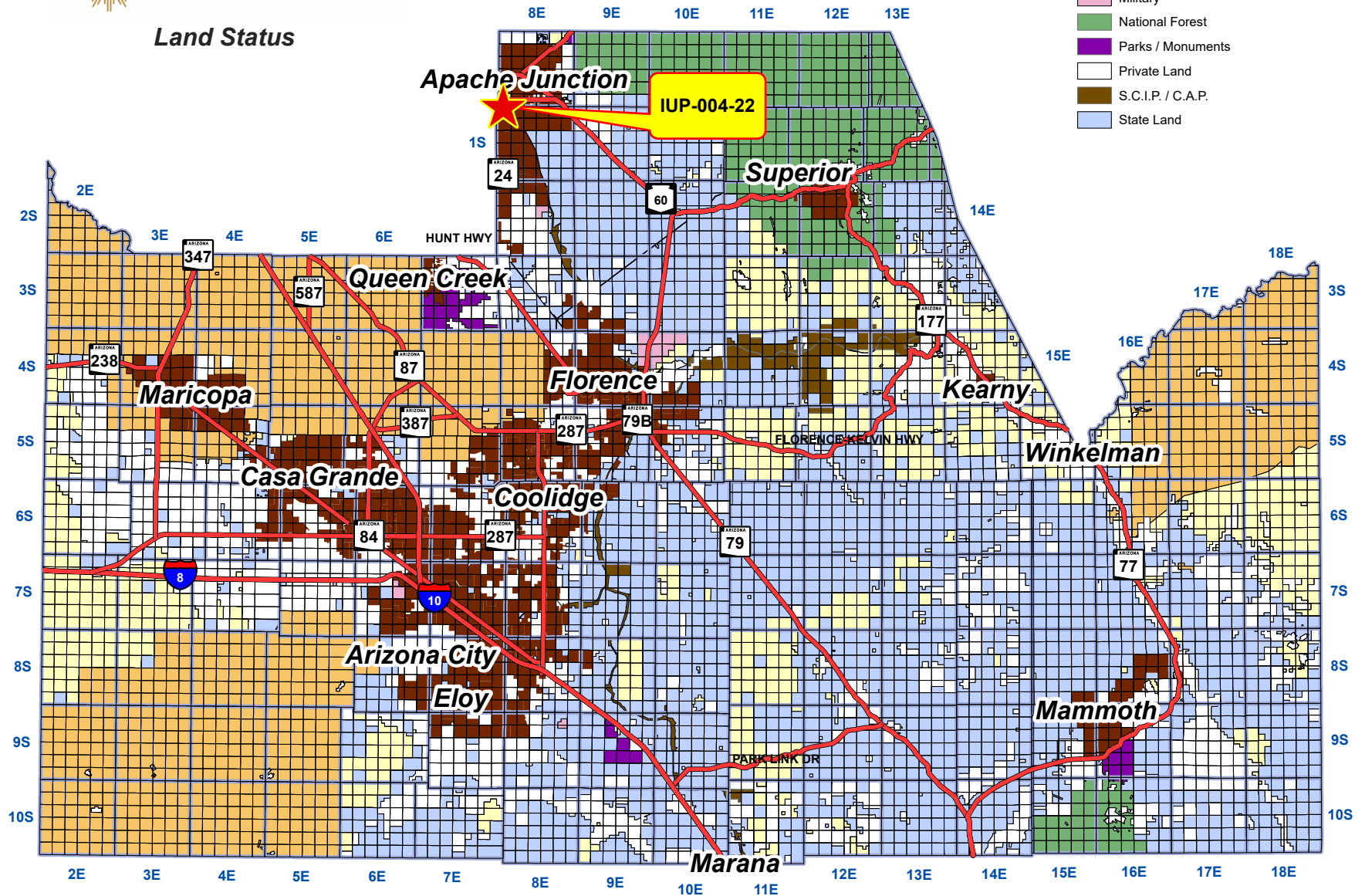


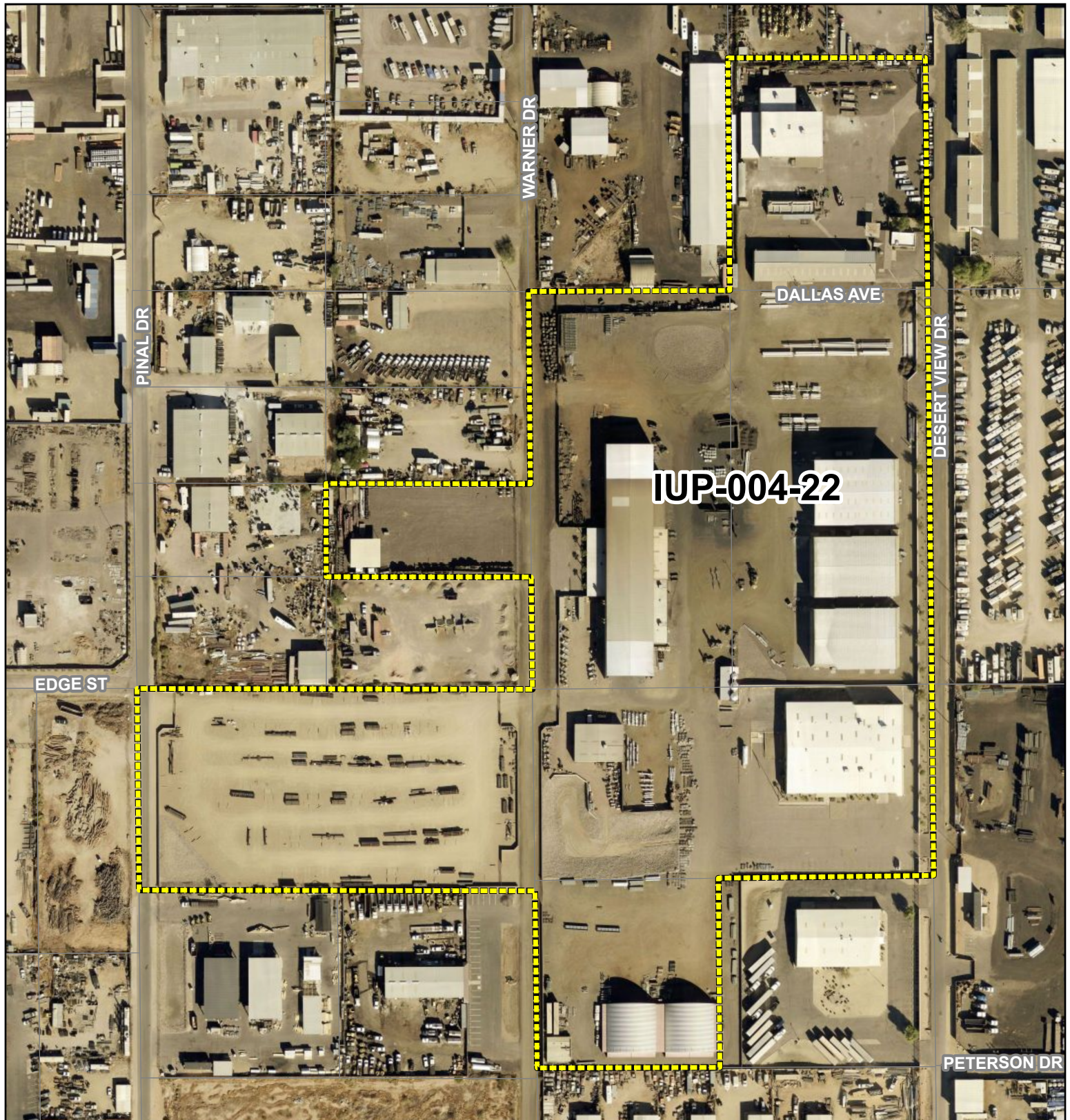
PINAL COUNTY
WIDE OPEN OPPORTUNITY

Land Status

Legend

- B.L.M.
- Indian Community
- Military
- National Forest
- Parks / Monuments
- Private Land
- S.C.I.P. / C.A.P.
- State Land



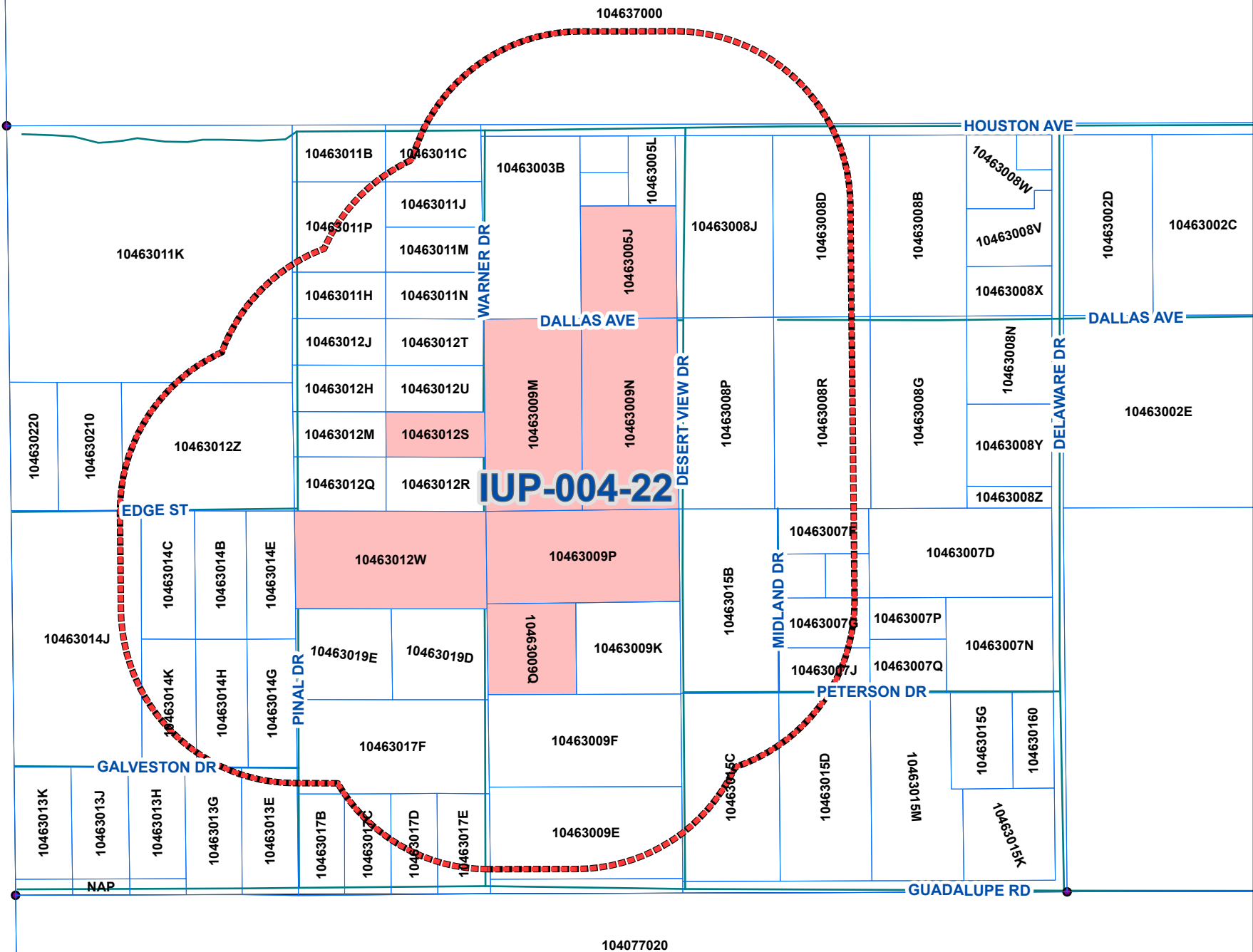


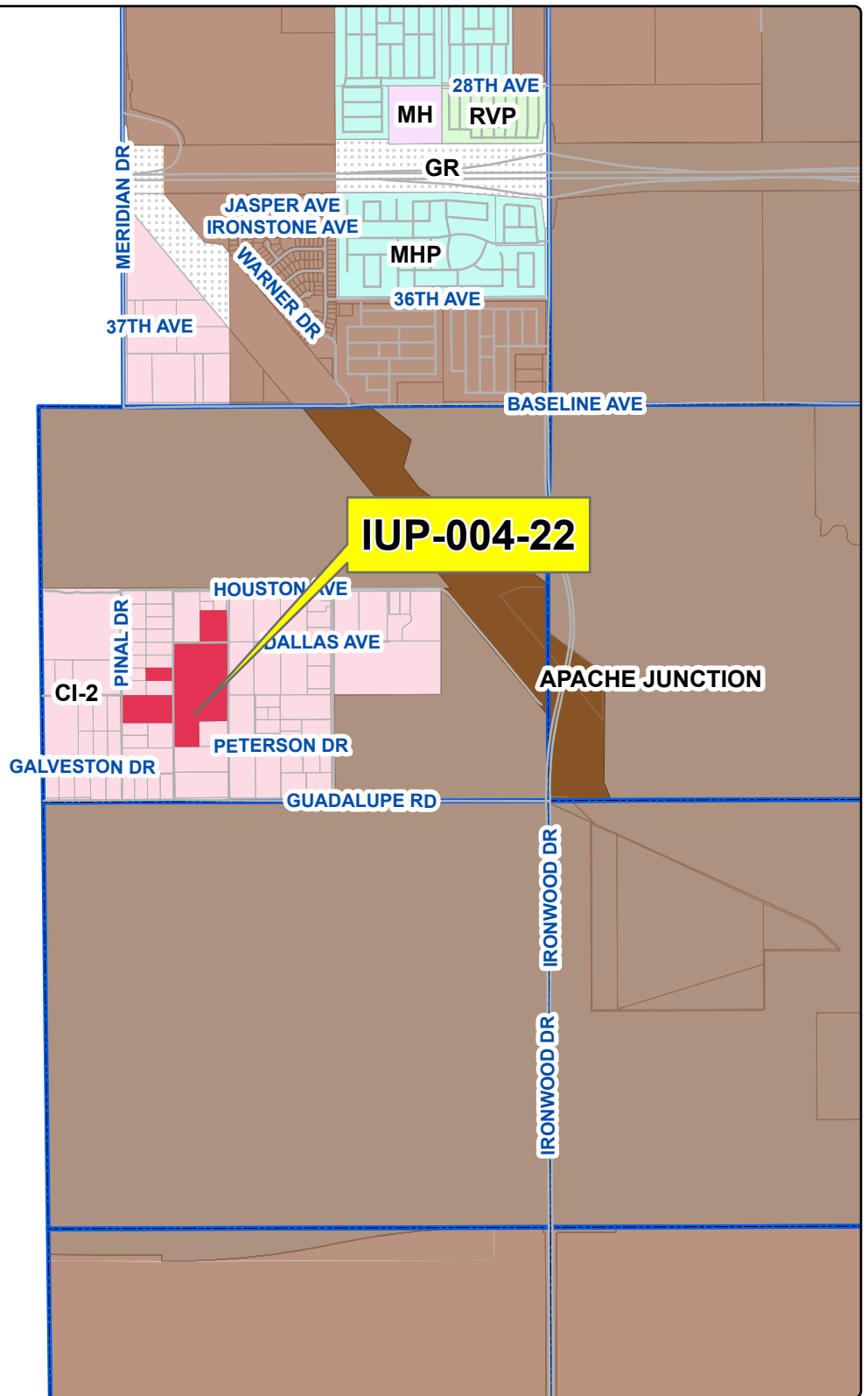
Industrial Use Permit



PINAL COUNTY
WIDE OPEN OPPORTUNITY

IUP-004-22





Community Development



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Situated in a portion of Section 06, Township 01 South, Range 08 East, of the G.S.R.B.&M., Pinal County, Arizona, located north of W. Guadalupe Road, between S. Warner Road & S. Pinal Drive in an unincorporated area of Pinal County.

SEC 06, TWN 01S, RNG 08E



Owner/Applicant: SHIPPY'S PROPERTIES LLC, OWNER
PEW AND LAKE, PLC, AGENT

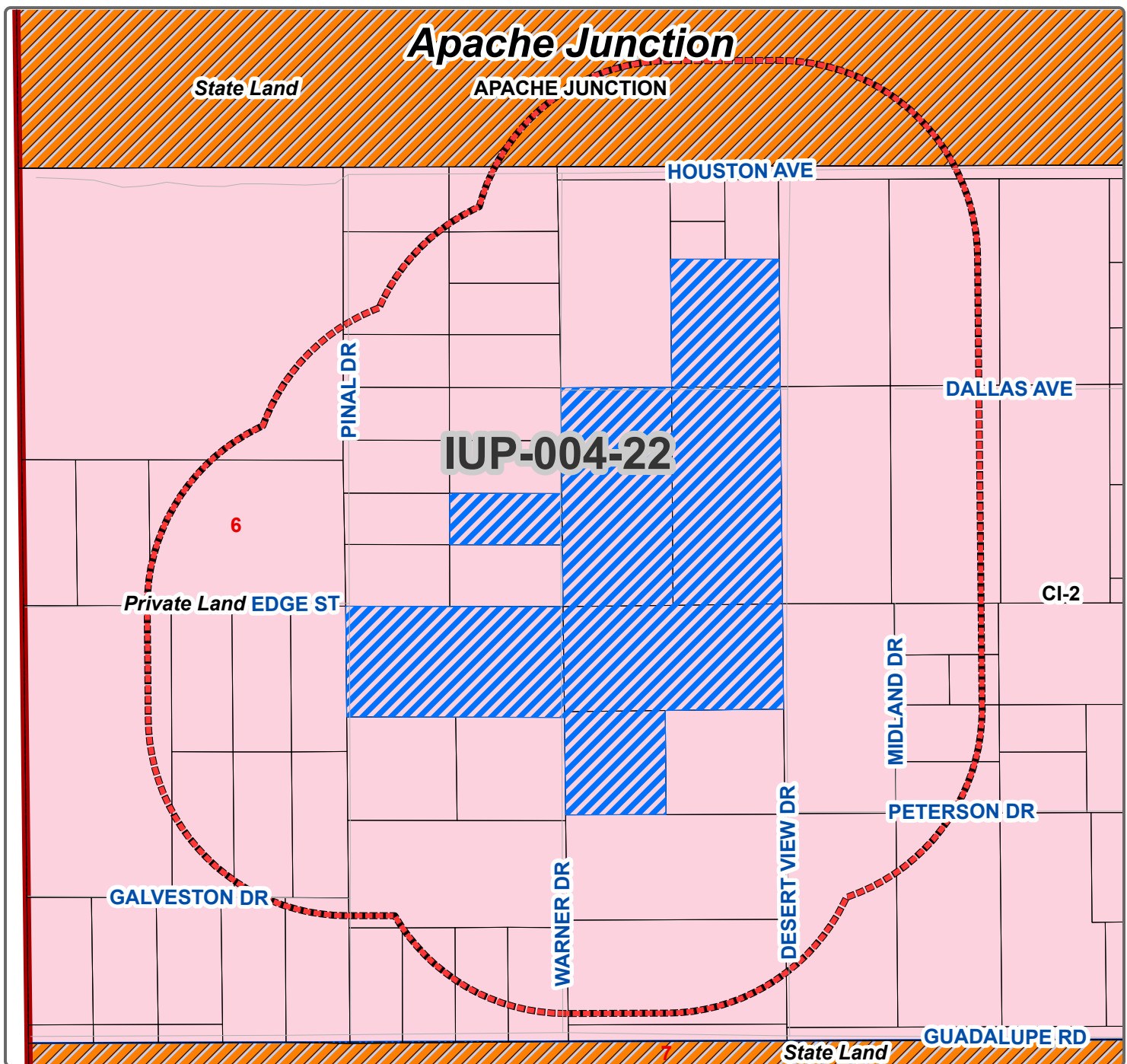
Drawn By: GIS / IT / SAH Date: 05/13/2024

Sheet No.

Section 06 Township 01S Range 08E

1 of 1

Case Number: IUP-004-22



Community Development

IUP-004-22 – PUBLIC HEARING/ACTION: Pew and Lake, PLC. (applicant/agent) on behalf of Shippy's Properties LLC (owner), requesting approval of an Industrial Use Permit to add onto and continue operating an established materials processing and treatment facility, on a ±26.19 acre parcel in the Industrial Zoning District (CI-2); tax parcels 104-63-005J, 104-63-009N, 104-63-009P, 104-63-009Q, 104-63-012W, 104-63-012S, 104-63-009M – legals on file – situated in a portion of Section 06, Township 01 South, Range 08 East, of the G.S.R.B.&M., Pinal County, Arizona, located north of W. Guadalupe Road, between S. Warner Road & S. Pinal Drive in an unincorporated area of Pinal County.

Current Zoning: CI-2

Request: Industrial Use Permit

Current Land Use: EMPLOYMENT



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Situated in a portion of Section 06, Township 01 South, Range 08 East, of the G.S.R.B.&M., Pinal County, Arizona, located north of W. Guadalupe Road, between S. Warner Road & S. Pinal Drive in an unincorporated area of Pinal County.

SEC 06, TWN 01S, RNG 08E



Owner/Applicant:

SHIPPY'S PROPERTIES LLC, OWNER PEW AND LAKE, PLC, AGENT

Drawn By:

GIS / IT / SAH

Date:

05/13/2024

Sheet No.

1 of 1

Section

01

Township

01S

Range

08E

Case Number:

IUP-004-22

East: Industrial Zone (CI-2); Industrially developed parcels
West: Industrial Zone (CI-2); Industrially developed parcels

PUBLIC PARTICIPATION:

Neighborhood Meeting(s): September 12, 2023
Agency Mail out, County: March 25, 2024
Property Mail out, Applicant: March 26, 2024
Newspaper Advertising: March 18, 2024 & May 06, 2024
Site posting, Applicant: March 27, 2024
Site posting, County: March 28, 2024 & May 15, 2024

COMMISSION ACTION/RECOMMENDATION (IUP-004-22): At the hearing, after discussion with staff and the Commission, together with evidence presented & public testimony, the Commission voted 10-0, to amend two (2) stipulations and remove (1) stipulation, for the recommendation of approval of **(IUP-004-22)** based upon the record with ten (10) stipulations.

IUP-004-22 STIPULATIONS:

1. Approval of this Industrial Use Permit (IUP-004-22) 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. All new development of buildings shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building Safety Department. Future site plan approvals may require evidence of building permits or new building permits;
3. All proposed outdoor lighting must conform to the designated Lighting Zone for the Zoning District as set by requirements of the Pinal County Development Services Code;
4. Any noise brought about by the project shall be in conformance to the Noise Ordinance as adopted by the Board of Supervisors;
5. Any coating, fireproofing, and intumescent application is to be conducted in accordance with PCDEQ;
6. Subject parcel(s) that may undergo the Pinal County Site Plan Review process will need to meet all requirements, and receive APPROVAL prior to construction/addition to project site;
7. A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Site Plan Review. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to approval of the Site Plan. 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;
8. A drainage report will be required to be submitted to the County Engineer at the time of Site Plan Review. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to approval of the Site Plan. The approved drainage report shall provide retention for storm waters in an on-site retention area or as approved by the County Engineer;
9. All right-of-way dedication shall be free and unencumbered; AND
10. All Pinal County Environmental Health inclusive but not limited to Air Quality Control District requirements must be adhered to and permits be valid and maintained.

Date Prepared: 5/20/24 –val

Date Revised: 5/22/24 -val

COMMUNITY DEVELOPMENT
Planning Division

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M ON THE **5TH DAY OF JUNE 2024**, AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR AN **INDUSTRIAL USE PERMIT** IN THE UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA.

IUP-004-22 – PUBLIC HEARING/ACTION: Pew and Lake, PLC. (applicant/agent) on behalf of Shippy's Properties LLC (owner), requesting approval of an Industrial Use Permit to add onto and continue operating an established materials processing and treatment facility, on a ±26.19 acre parcel in the Industrial Zoning District (CI-2); tax parcels 104-63-005J, 104-63-009N, 104-63-009P, 104-63-009Q, 104-63-012W, 104-63-012S, 104-63-009M – legals on file – situated in a portion of Section 06, Township 01 South, Range 08 East, of the G.S.R.B.&M., Pinal County, Arizona, located north of W. Guadalupe Road, between S. Warner Road & S. Pinal Drive in an unincorporated area of Pinal County.

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AND SPEAK AT THE PUBLIC HEARING AT THE DATE, TIME, AND PLACE DESIGNATED ABOVE.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE AT:

<https://www.pinal.gov/236/Notice-of-Hearings>

DATED THIS **28th** DAY OF **APRIL 2024**, by Pinal County Development Services

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT **MUST** CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and property tax parcel number (**Print or type**)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not you wish to appear and be heard at the hearing

ANY WRITTEN STATEMENTS ARE ACCEPTED ON AN ONGOING BASIS, BUT WRITTEN STATEMENTS DESIRED TO BE A PART OF THE CASE PACKET FORWARDED TO THE BOARD OF SUPERVISORS IS REQUESTED TO BE PROVIDED TO STAFF BY THE TIMEFRAME SET BELOW:

PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 749 (85 N. FLORENCE STREET)
FLORENCE, AZ 85132

NO LATER THAN 4:00 PM ON WEDNESDAY, MAY 29, 2024

Contact for this matter: Val Lujan, Planner

E-mail address: valerie.lujan@pinal.gov

Phone # (520) 866-6667

[Anything below this line is not for publication.]

PUBLISHED ONCE:
Arizona Republic



Arizona
GANNETT

PO Box 677595 Dallas, TX 75267-7595

AFFIDAVIT OF PUBLICATION

Vanessa MacDonald
Pew & Lake Plc
1744 S Val Vista DR # 217
Mesa AZ 85204-7366

STATE OF WISCONSIN, COUNTY OF BROWN

The Arizona Republic, a newspaper published in the city of Phoenix and general circulation in the counties of Maricopa, Coconino, Pima and Pinal, State of Arizona, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

05/06/2024

and that the fees charged are legal.
Sworn to and subscribed before on 05/06/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1790.00

Order No: 10134846

Customer No: 1388757

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M. ON THE 5TH DAY OF JUNE 2024, AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR AN INDUSTRIAL USE PERMIT IN THE UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA.

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ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AND SPEAK AT THE PUBLIC HEARING AT THE DATE, TIME, AND PLACE DESIGNATED ABOVE. DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE P&Z COMMISSION AT: <https://www.pinal.gov/236/Notice-of-Hearings>

DATED THIS 28th DAY OF APRIL 2024, by Pinal County Development Services

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

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PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 749 (85 N. FLORENCE STREET)
FLORENCE, AZ 85132

NO LATER THAN 4:00 PM ON WEDNESDAY, MAY 29, 2024

Contact for this matter: Val Lujan, Planner
E-mail: valerie.lujan@pinal.gov address:
Phone # (520) 866-6667
Pub: May 6, 2024

CERTIFICATION OF POSTING

I hereby certify that the notice(s) shown below was/were posted on the property described in the notice on 5/15/24.

COMMUNITY DEVELOPMENT DEPARTMENT

BY:



[signature]

Cody Supra, Planning Technician

[print name and title]

DATED: 5/20/2024

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M ON THE **5TH DAY OF JUNE 2024**, AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR AN **INDUSTRIAL USE PERMIT** IN THE UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA.

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NO LATER THAN 4:00 PM ON WEDNESDAY, MAY 29, 2024

Contact for this matter: Val Lujan, Planner

E-mail address: valerie.lujan@pinal.gov

Phone # (520) 866-6667

[Anything below this line is not for publication.]

PUBLISHED ONCE: Arizona Republic

When recorded return to:
Clerk
Pinal County Board of Supervisors
P.O. Box 827
Florence, AZ 85132

**CONSENT TO SCHEDULE FOR DEVELOPMENT/CONDITIONS/STIPULATIONS AND WAIVER OF
CLAIMS FOR DIMINUTION IN VALUE**

This Consent to Schedule for Development and Conditions/Stipulations and Waiver of Claims for Diminution in Value ("Consent and Waiver") is made in favor of Pinal County (the "County") by Shippy Properties LLC ("Owner").

Owner warrants and represents that Owner is the fee title owner of the property described herein, and that no other entity or person has an ownership interest in the property. Prior to Owner's transfer, sale or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the County's approval of Owner's application described herein, Owner shall notify the County of said transfer, sale or conveyance and shall require the new Owner to execute and agree to this Consent and Waiver as part of any transfer, sale or conveyance of the property described herein.

Owner acknowledges that A.R.S. § 12-1134 of the Arizona Private Property Rights Protection Act provides in some cases that a county is required to pay just compensation to a landowner if the County approves a land use law that reduces the fair market value of the owner's property. Owner further acknowledges that A.R.S. § 12-1134 authorizes a private property owner to waive any claim for diminution in value of property in connection with any action proposed by a county or any action requested by the property owner.

Owner has submitted an application to Pinal County ("County") requesting the County approve a Industrial Use Permit for development of the following described property ("Property"):

LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT "A."

By signing below, Owner agrees and consents to all conditions/stipulations/Schedule for Development imposed by Pinal County in conjunction with the approval of the Industrial Use Permit, Case No. IUP-004-22, which are attached hereto as EXHIBIT B.

By signing below, Owner acknowledges that the approval of the Industrial Use Permit, Case No. IUP-004-22, might affect existing rights to use, divide, sell or possess the Property.

By signing below, Owner hereby waives any and all rights to claim compensation for diminution in value pursuant to A.R.S. §12-1134 that may now or in the future exist as a result of the approval of the Industrial Use Permit, Case No. IUP-004-22, and the Schedule for Development and conditions/stipulations imposed in conjunction with the approval. Owner waives any and all rights to claim compensation for diminution in value for any action taken by the County to rescind approval of Industrial Use Permit in Case No. IUP-004-22 because of non-compliance with the Schedule for Development and/or any of the approved conditions/stipulations.

This Consent and Waiver shall run with the land and shall be binding upon all present and subsequent property owners.

Owner consents to the recordation of this Consent and Waiver after approval of the above-referenced case by the County. If Owner withdraws its application prior to final action of the County or the County denies the application, Owner is released from this Consent and Waiver.

OWNER: Shippy Properties LLC
[Print Entity Name]

OWNER: _____
[Print Entity Name]

RS
Signature

Signature

Its: Managing Member
[Title, if applicable]

Its: _____
[Title, if applicable]

Dated: 4/30/2024

Dated: _____

INDIVIDUAL ACKNOWLEDGMENT: *[To be filled out if NOT a corporation, partnership, or trust]*

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by

[Insert Name of Signor(s)]

Notary Public

My commission expires: _____

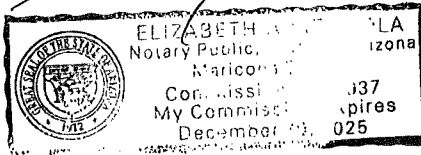
CORPORATION, OFFICER, PARTNER OR TRUSTEE ACKNOWLEDGMENT: *[To be filled out if a corporation, partnership, or trust]*

STATE OF Arizona)
) ss.
COUNTY OF Pinal)

The foregoing instrument was acknowledged before me, this 30 day of April,
2024, by Robert Shippy as
[Insert Name of Officer]
Managing Member of Shippy Properties LLC,
[Insert Title] Limited Liability [Insert Name of Company]
an Arizona Company, who being authorized to do so, executed the
[Insert State of Incorporation]
foregoing instrument on behalf of said entity for the purposes stated therein.

Notary Public

My commission expires: 12-30-2025



ACKNOWLEDGMENT: *[Use only when a second company is signing on behalf of owner:]*

STATE OF Arizona)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, this ____ day of _____, 20____, by
____ as
[Insert Signor's Name] [Insert Title]
of _____, an _____ corporation,
[Insert Name of Second Company] [Insert State of Incorporation]
as _____ for _____
[i.e. member, manager, etc.] [Owner's Name]
who being authorized to do so, executed the foregoing instrument on behalf of said entities for the purposes
stated therein.

Notary Public _____

My commission expires: _____

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

RESOLUTION NO. 2024-IUP-004-22

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING AN INDUSTRIAL USE PERMIT FOR CERTAIN PROPERTY LOCATED NORTH OF W. GUADALUPE ROAD, BETWEEN S. WARNER ROAD AND S. PINAL DRIVE (TAX PARCELS 104-63-005J, 104-63-009N, 104-63-009P, 104-63-009Q, 104-63-012W, 104-63-012S, 104-63-009M) TO ALLOW FOR A MATERIALS PROCESSING AND TREATMENT FACILITY, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. IUP-004-22

WHEREAS, the Pinal County Board of Supervisors (the “**Board**”) is authorized pursuant to the Pinal County Development Services Code § 2.110.010(D) to approve industrial use permits in order to conserve and promote the public health, safety, convenience and general welfare; and,

WHEREAS, on October 26, 2022, the Pinal County Community Development Department (the “**Department**”) received an application from Sarah Prince of Pew and Lake, PLC, on behalf of Shippy’s Properties, LLC, landowner of tax parcels: 104-63-005J, 104-63-009N, 104-63-009P, 104-63-009Q, 104-63-012W, 104-63-012S, 104-63-009M (legally described in the attached **Exhibit “A”** (the “**Property**”)) for an industrial use permit requesting approval to continue operating an established materials processing and treatment facility on a total of a ±26.19 acres in the Industrial Zoning District (CI-2), which the Department designated as Case No. IUP-004-22 (the “**IUP Application**”); and,

WHEREAS, on April 18, 2024 the Department staff presented the IUP Application to the Pinal County Planning and Zoning Commission (the “**Commission**”) at a public meeting and following public hearing voted 10-0 in favor of forwarding a recommendation of approval of the IUP Application to the Board with ten (10) stipulations as set forth in the attached **Exhibit “B”** (the “**Stipulations**”).

NOW, THEREFORE, BE IT RESOLVED by the Pinal County Board of Supervisors that the IUP Application submitted on behalf of landowner Shippy’s Properties, LLC requesting an industrial use permit to continue operating an established materials processing and treatment facility on the Property legally described in **Exhibit “A”** consisting of ±26.19 acres is hereby approved subject to the Stipulations set forth in **Exhibit “B”**.

[Signatures appear on the following page.]

RESOLUTION NO. 2024-IUP-004-22

PASSED AND ADOPTED this 5th day of June 2024, by the PINAL COUNTY BOARD OF SUPERVISORS.

Chairman of the Board

◀ **SIGN** HERE

◀ **SIGN** HERE

ATTEST:

Clerk/Deputy Clerk of the Board

◀ **SIGN** HERE

◀ **SIGN** HERE

APPROVED AS TO FORM:



Deputy County Attorney

EXHIBIT "A"
TO RESOLUTION 2024-IUP-004-22
[LEGAL DESCRIPTION]

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6, BEING MARKED BY A GLO BRASS CAP, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 6, BEING MARKED BY A PINAL COUNTY BRASS CAP FLUSH WITH PAVEMENT, BEARS SOUTH 89 DEGREES 56 MINUTES 06 SECONDS EAST, A DISTANCE OF 3612.04 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 06 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 1631.76 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF GOVERNMENT LOT 13 OF SAID SECTION 6;

THENCE NORTH 00 DEGREES 00 MINUTES 20 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 685.85 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 300.53 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 52 SECONDS WEST, A DISTANCE OF 659.95 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, A DISTANCE OF 335.29 FEET;

THENCE SOUTH 89 DEGREES 55 MINUTES 06 SECONDS EAST, A DISTANCE OF 659.93 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 181.37 FEET;

THENCE NORTH 89 DEGREES 43 MINUTES 34 SECONDS WEST, A DISTANCE OF 338.29 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 26 SECONDS WEST, A DISTANCE OF 159.46 FEET;

THENCE SOUTH 89 DEGREES 43 MINUTES 34 SECONDS EAST, A DISTANCE OF 338.30 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 319.99 FEET;

THENCE SOUTH 89 DEGREES 55 MINUTES 05 SECONDS EAST, A DISTANCE OF 330.08 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 45 SECONDS WEST, A DISTANCE OF 370.04 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 41 SECONDS EAST, A DISTANCE OF 330.25 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 1348.66 FEET;

THENCE NORTH 89 DEGREES 55 MINUTES 41 SECONDS WEST, A DISTANCE OF 358.40 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 43 SECONDS WEST, A DISTANCE OF 317.92 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 43 SECONDS WEST, A DISTANCE OF 317.92 FEET;

THENCE NORTH 89 DEGREES 55 MINUTES 50 SECONDS WEST, A DISTANCE OF 301.54 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 1,139,368 SQUARE FEET OR 26.1563 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

EXHIBIT “B”
TO RESOLUTION 2024-IUP-004-22
[STIPULATIONS OF APPROVAL]

1. Approval of this Industrial Use Permit (IUP-004-22) 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. All new development of buildings shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building Safety Department. Future site plan approvals may require evidence of building permits or new building permits;
3. All proposed outdoor lighting must conform to the designated Lighting Zone for the Zoning District as set by requirements of the Pinal County Development Services Code;
4. Any noise brought about by the project shall be in conformance to the Noise Ordinance as adopted by the Board of Supervisors;
5. Any coating, fireproofing, and intumescent application is to be conducted in accordance with PCDEQ;
6. Subject parcel(s) that may undergo the Pinal County Site Plan Review process will need to meet all requirements, and receive APPROVAL prior to construction/addition to project site;
7. A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Site Plan Review. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to approval of the Site Plan. 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;
8. A drainage report will be required to be submitted to the County Engineer at the time of Site Plan Review. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to approval of the Site Plan. The approved drainage report shall provide retention for storm waters in an on-site retention area or as approved by the County Engineer;
9. All right-of-way dedication shall be free and unencumbered; AND
10. All Pinal County Environmental Health inclusive but not limited to Air Quality Control District requirements must be adhered to and permits be valid and maintained.

PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 249810)

Regular Meeting

9:00 a.m.

Thursday, April 18, 2024

Emergency Operations Center

301 E. 11th Street, Florence, Arizona

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TRANSCRIPTION PROVIDED BY

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ORIGINAL PREPARED FOR:

PINAL COUNTY, ARIZONA

IUP-004-22 CASE BEGIN

1 behalf of the Planning Division for case **IUP-004-22**, and that
2 is regarding the Rolling Plains Construction site for an
3 industrial use permit. So an overview of the case. So the
4 request is from Pew & Lake as the applicant and agent, and
5 they're seeking approval of an IUP for the continued operation
6 of an established materials processing and treatment facility.
7 And we'll refer to it as Rolling Plains. Some additional site
8 information. As far as the size, it is about 26.19 acres and
9 consists of seven parcels. The location there provided for
10 you is north of West Guadalupe Road between South Warner Road
11 and South Pinal Drive in an unincorporated portion of Apache
12 Junction. The owner is Shippy's Properties LLC, we do have
13 their authorization on file. And as stated before, the
14 applicant and agent is Pew & Lake. Providing you the County
15 map that shows where the site is located in the context of the
16 full County. Some zoning context for you providing you to the
17 left the full map, and then zooming in just to show the more
18 immediate area. Area map conveying what the development
19 currently looks like in the area. This is our notice map and
20 this shows the extent of our outreach from the County and also
21 by the applicant for the surrounding properties within the 600
22 foot buffer. Now this is a rather large site, but some photos
23 that were captured for you are here. Along the site for
24 notice of hearing purposes there were about, I believe, six
25 broadcast signs that were posted so that we were sure to go

1 ahead and put those in correct locations where folks - where
2 there will be visibility for folks to engage if they desire
3 to. Some additional photos for you. And some site history.
4 So this site is zoned CI-2, which is an industrial zone and
5 this zoning was afforded to the site and the surrounding area
6 through case PZ-C-043-81. So since '81 it has maintained that
7 zoning. So it is a long existing industrial site. This site,
8 along with other sites as well in its area have existed prior
9 to the introduction of the site plan review process. We're
10 currently here - the applicant's currently here seeking an IUP
11 due to a code compliance case that has now been dismissed, as
12 the applicant has shown in good faith to be working with the
13 County to rectify that issue. It does have an approved site
14 plan already for SPR-032 in year 2020. And in the visuals
15 I'll show you what area that site plan covers.

16 RIGGINS: Okay, thank you. Commission Members -

17 LUJAN: Oh, I'm not done. I'm sorry.

18 RIGGINS: Oh, I'm sorry.

19 LUJAN: No worries.

20 RIGGINS: You had a pause. You had a pause, I'm
21 sorry. I'm sorry.

22 LUJAN: So this is a site plan, it's pretty
23 detailed. So in the next few visuals I'll go into more
24 specific areas and what they entail. So some highlights of
25 that site plan is the site is inaccessible to the general

1 public just as a safety precaution. Parking, it does provide
2 four paved parking areas. There's adequate gate and fencing
3 across the site as a way of vehicular and pedestrian
4 circulation, and also an additional safety measure. Some of
5 the fire protection aspects, that there is a 1,500 gallon
6 water truck on site at all times, extinguishers are provided
7 at building entrances and across the site, and office
8 buildings have auto sprinkler systems. So this is more of the
9 site layout. So the overall operations as stated before, they
10 specialize in fireproofing of materials. That area one in
11 that green, lime green color is where the previously mentioned
12 approved SPR covers. And within that area it's the main
13 office, has a staff break room, a parking area, some site
14 equipment for repair and storage is there as well, and
15 preparation and coating of materials takes place there. For
16 Area 2, that - sorry, the first area consists of four parcels.
17 Area 2 is one parcel and that is the laydown yard. So
18 material drop-off, staging and storage takes place there. In
19 blue we have area 3, that is also just one parcel. There's no
20 buildings, there's currently a shade structure that exists
21 there, and the area is pretty much vacant, used for additional
22 storage as needed. For area 4, it is one parcel that consists
23 of office space, some more warehousing, equipment for repair
24 and parts storage, and an additional parking area as well. So
25 some items of consideration is that it is an established

1 permitted use within the zoning district, and it conforms to
2 the land use designation of employment. So within the
3 employment land use designation we usually look for these
4 types of uses for compatibility. The applicant has submitted
5 all necessary documentation required of this IUP and has
6 willingly worked with staff so that they can go ahead and
7 clear that code compliance case. The applicant has begun the
8 site plan review process for the additions, and as stated
9 before, it does have a approved site plan for that larger area
10 1 that was shown to you. So when we get industrial use
11 permits, one of the main things staff looks for is the impact
12 on quality of life. So we didn't identify any incompatible
13 uses within the immediate area. The site is centrally
14 located, so it's surrounded by other industrial uses. Impacts
15 typical of this use are things such as noise, lighting, other
16 environmental health considerations, but have been stipulated
17 for continued compliance. And so with that, the risk and any
18 reduction in the quality of life is considered to be low. So
19 as with other cases, we went ahead and initiated all of the
20 County divisions. No adverse impacts were identified by
21 County staff that would prevent this case from being heard by
22 you all. A preliminary traffic and drainage report has been
23 provided, and further review of that will proceed at the SPR
24 level, and it has been stipulated as so from those divisions.
25 And we do have an air quality permit on file just showing

1 another aspect of that compliance piece that the site is in
2 compliance with. So we did receive one communication. So it
3 was a concern of adequate fire measures, resources and access.
4 So some of those measures were previously mentioned, such as
5 the fire truck on site, kept by an onsite water well, fire
6 extinguishers and fire sprinklers. It's also important to
7 note with that prior approved SPR for the largest area of this
8 site, it does go through signature by the fire jurisdiction
9 within that area. So, just so you all know that has been
10 approved with the fire signature on it, so there has been a
11 review for that main component. The site is accessible from
12 Desert View Drive, Warner Drive and Pinal Drive. The access
13 gates are 32 to 40 feet in width. Drive aisles within the
14 site are sufficiently paved and also 24 feet wide and adequate
15 turning radii for emergency vehicles. So staff
16 recommendation, so we do recommend approval with two adjusted
17 stipulations and one remove stipulations, and I'll go over
18 those to hopefully provide some clarity. And so in total it
19 would be 10. So there's adjusted stipulations for number two,
20 and that's just regarding some of those fire code
21 requirements. I mean only because it was worded in a way that
22 wouldn't uphold what we typically ask of applicants, this kind
23 of covers that it would need to meet the requirements for all
24 international fire code, whereas before there were some
25 specifics listed in there and it just kind of covers all the

1 bases that it broadly addresses the International Fire Code
2 altogether, which is then seen by our Pinal County Building
3 Safety Department. And number 6, there was some - I
4 misunderstood what was provided within the narrative of where
5 these specific operations would be held, and so it had read
6 previously to be held in an enclosed building; however, we are
7 adjusting that to be in accordance with the ADEQ air quality
8 permit which is more appropriate because they are the ones
9 that regulate where these types of actions would occur, and
10 they do have an active compliance permit in regards to that on
11 file. I made sure to check with our air quality division.
12 And then the stipulation that would be removed is in regards
13 to the operation hours. So again, there was a
14 misinterpretation by staff as to when that site would be
15 functioning. It was mentioned to be from 4 a.m. to 10 p.m.,
16 however the applicant did notify that this is actually a 24
17 hour (inaudible). It's not the County's intent to limit any
18 type of operation, especially considering that this has been
19 in existence for several decades. And so with that, we are
20 willing to go ahead and remove that stipulation.

21 RIGGINS: Okay.

22 LUJAN: Sorry. The original stipulations there are
23 listed for you, underlining the ones that we are adjusting,
24 and in red is the one we are striking out. And so with that,
25 I'll take any questions.

1 RIGGINS: We should leave that on the screen for
2 when the motion is made.

3 LUJAN: Okay.

4 RIGGINS: There you are. Very good, any questions
5 on the staff report? Anybody at all? All right, doesn't seem
6 to be. Thank you very much.

7 LUJAN: Thank you.

8 RIGGINS: Could the applicant please come up?

9 LAKE: Thank you Val. Appreciate the opportunity to
10 be here. My name is Sean Lake, 1744 South Val Vista here on
11 behalf of Rolling Plains. Val did an excellent job and I've
12 got a very detailed explanation and presentation, but I'm not
13 sure I'm going to take the time to do it. I mean it's been a
14 long day so I'm going to hit some of the highlights if that's
15 okay with the Board. This industrial project was originally
16 started when I was in elementary school. Now I know you think
17 that's not that long ago, but my grandchildren would disagree
18 with you.

19 RIGGINS: Not necessarily we'd disagree.

20 LAKE: Point taken. This has been - this industrial
21 park has been around for a very long time. This project is
22 right in the heart of an industrial project, and every
23 community needs places for people to work and go to work, and
24 some work is dirty, and this is just happens to be one of
25 those areas in this industrial permit, or industrial area. We

1 think this is the perfect place for Rolling Plains to be and
2 to be doing their fireproofing. What they do is they
3 fireproof like stadiums. When you go into a stadium and you
4 expect to be safe, they go in and they do the process and the
5 mixture and the components necessary to fireproof these
6 stadiums that we all go and enjoy these sporting events.
7 That's an important part of our community, that's - it's
8 something that needs to happen, and it needs to happen
9 somewhere, and this is the great place because it's surrounded
10 by industrial. So we've worked with staff. Industrial's been
11 here a long time, Rolling Plains has been up and operating
12 here for about five years. We view this IUP as kind of a
13 cleanup item of what was already approved. A lot of buildings
14 on this site have been permitted and remodeled and permitted
15 with the County. We do have - and let me just clarify in
16 condition number 6, I think it was, we do have a Pinal County
17 Department of Environmental Quality air quality permit, not an
18 ADEQ. And that was my error that I just wanted to clarify.
19 So we do have permits from the County for this operation and
20 air quality and everything's in place, we're just cleaning
21 this up from a planning standpoint. So we think this is a
22 good use. We held a neighborhood meeting, didn't have anybody
23 attend. It's industrial surrounded by industrial, and they do
24 industrial use. It's a good, clean operation. Since they've
25 taken over about five years ago with this site, they've

1 actually cleaned up and they've paved areas and they've made
2 it better. So this is a good operation, a good facility that
3 we think is deserving of this industrial use permit to clean
4 up, we think, from a zoning perspective what is already
5 happening on the site. So we would urge your support of this
6 and I'd be happy to answer any questions.

7 RIGGINS: Commissioners, any questions of the
8 applicant? Any questions at all? Well very good, I thank you
9 for your presentation.

10 LAKE: Thank you.

11 RIGGINS: At this point in time we'll open the
12 public participation portion of this case and ask if there's
13 anybody that would like to come up and speak to it. Anybody
14 at all. There none being, I'll close the public participation
15 portion of this case and turn it back to the Commission for
16 questions of staff or discussion among ourselves, or a motion.

17 JOHNSON: Do you want us to read in the stipulation
18 changes, or how would you like us to do that?

19 RIGGINS: I believe they're on our screens right
20 here, and I think whoever makes the motion can make the
21 changes.

22 JOHNSON: Okay.

23 RIGGINS: And read them in.

24 JOHNSON: Okay, as long as we get the clarification
25 from the ADEQ and then -

1 RIGGINS: Right, well it's right here for them to
2 see it when they make it, so (inaudible) get it done.

3 JOHNSON: Thank you Mr. Chairman.

4 LUJAN: Sorry, just to interrupt really quick. I
5 think within there it does state - I don't have the thing on
6 me - it does - I think it says ADEQ permit, it should read
7 Pinal County air quality permit.

8 RIGGINS: Okay.

9 ??: (Inaudible).

10 RIGGINS: Okay, where do we have the -

11 LUJAN: So right there, number 6. So it should read
12 Pinal County air quality permit, striking out that ADEQ,
13 because it's Pinal County. I guess ADEQ delegates that
14 authority to Pinal County, and they're the ones that provide
15 that permit.

16 BILLINGSLEY: So for whoever makes the motion,
17 you're going to be amending stip 2 per the staff proposal, and
18 we can read that into the record if you want. We're going to
19 remove number 5 and we're going to amend number 6, to change
20 out ADEQ for PC - what'd you say Sean? PCDEQ.

21 MENNENGA: All right, I'll give it a try.

22 RIGGINS: Vice Chair Mennenga.

23 MENNENGA: It's late in the day. Let's see. I move
24 that Pinal County Planning and Zoning Committee send a
25 approval to the Board of Supervisors for case IUP-004-22 with

1 the number 2 being revised, number 5, change in number 6,
2 amended to PCDEQ.

3 ??: Did you want to read those in?

4 RIGGINS: And you will need to read those, and
5 you're talking about stipulation number 5 being deleted?

6 MENNENGA: Yes.

7 RIGGINS: And you're going to read number - the new
8 number 2, and the number 6 into the record.

9 MENNENGA: Number 2, all new development of
10 buildings shall meet the requirements of the International
11 Fire Code as adopted by the Pinal County, administered by
12 Pinal County Building Safety Department. Future site plan
13 approvals may be required evidence of building permits or the
14 new building permits. And number 6, any coating, fireproofing
15 or - into said application is to be conducted in accordance
16 with PCDEQ permit.

17 RIGGINS: That was Pinal County -

18 MENNENGA: Air quality permits.

19 RIGGINS: Okay, that's satisfactory. We have a
20 motion, do we have a second? Commissioner Hartman seconds,
21 all those in favor signify by saying aye.

22 COLLECTIVE: Aye.

CASE IUP-004-22 ENDS

23 RIGGINS: Any opposed? It passes unanimously. So
24 thank you very much. All right, our last new case is PZ-052-
25 23.