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

**ORDINANCE NO. 2024-PZ-PD-009-24**

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING THE AMENDMENT OF A PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT TO ABANDON AND REMOVE THE PAD FROM CERTAIN PARCELS DESCRIBED BELOW AND IN PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. PZ-PD-018-01, WHICH PARCELS ARE GROUPED ON TWO NEIGHBORING PROPERTIES, WITH ONE OF SUCH PROPERTIES BEING LOCATED EAST OF NORTH WAGON WHEEL ROAD AND SOUTH OF WEST SUNDANCE DRIVE (COMPRISING THE SOUTH PARCELS SUBJECT TO THIS ORDINANCE) AND THE OTHER PROPERTY BEING LOCATED APPROXIMATELY 500 FEET NORTH OF WEST SUNDANCE DRIVE (COMPRISING THE NORTH PARCELS SUBJECT TO THIS ORDINANCE), IN THE SAN TAN VALLEY AREA, PINAL COUNTY, ARIZONA, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-PD-009-24**; ESTABLISHING AN EFFECTIVE DATE; AND DIRECTING ITS PUBLICATION

WHEREAS, in order to conserve and promote the public health, safety, convenience and general welfare, the Pinal County Board of Supervisors (the "**Board**") is authorized pursuant to Pinal County Development Services Code Chapters 2.175 and 2.176 to approve the amendment of a Planned Area Development (PAD) Overlay Zoning District ("**PAD**") to abandon and remove a PAD from subject properties (PZ-PD-018-01); and,

WHEREAS, on August 21, 2024, the Pinal County Community Development Department (the "**Department**") received an application from Encanto Vista, LLC, Richard K. Le, Jason & Traci Hamilton, Tara Land Holdings, LLC, Nexstar Homes, LLC, Jesse Allan & Thai Phuong Quynh Trinh, Dale & Kristen Schell, Sean & Rachael Austin, Sunwest Pools and Landscaping LLC, landowner(s)/applicant(s), Chris Webb from Rose Law Group, PC, agent, to amend an existing PAD overlaying certain Pinal County Assessor tax parcels as hereinafter described (the "**Existing PAD**") by abandoning and removing the Existing PAD, which parcels cumulatively comprise approximately 105 ± acres (described in case PZ-PD-018-01) and which are grouped on two neighboring properties: **(1)** the first property being located east of North Wagon Wheel Road and south of West Sundance Drive consisting of the following tax parcels: 509-06-0920, 509-06-0930, 509-06-0940, 509-06-0950, 509-06-0960, 509-06-0970, 509-06-0980, 509-06-0990, 509-06-1000, 509-06-1010, 509-06-1020, 509-06-1030, 509-06-1040, 509-06-1050, 509-06-1060, 509-06-1070, 509-06-1080, 509-06-1090, 509-06-1100, 509-06-1110, 509-06-1120, 509-06-1130, 509-06-1140, 509-06-1150, 509-06-1160, 509-06-1170, 509-06-1180, 509-06-1190, 509-

06-1200, 509-06-1210, 509-06-1220, 509-06-1230, 509-06-1240, 509-06-1250, 509-06-1260, 509-06-1270, 509-06-1280, 509-06-1290, 509-06-1370, 509-06-1380 and 509-06-1390 (the "**South Parcels**"); and **(2)** the second property being located approximately 500 feet north of West Sundance Drive consisting of the following tax parcels: 509-06-136G, 509-06-136H, 509-06-136J, 509-06-136K, 509-06-136C, 509-06-136B, 509-06-136E, and 509-06-136F (the "**North Parcels**"); and,

WHEREAS, the application to amend the Existing PAD to abandon and remove the PAD was designated as Department case no. PZ-PD-009-24; and,

WHEREAS, the South Parcels and the North Parcels are legally described in the attached **Exhibit "A**" (cumulatively, the "**Properties**"); and,

WHEREAS, the underlying zoning for the Properties is GR General Rural Zone; and,

WHEREAS, on October 17, 2024, the Pinal County Planning and Zoning Commission (the "**Commission**") held a public hearing on Department Case No. **PZ-PD-009-24**, giving no less than 15-days' notice by publication in a newspaper of general circulation in the county seat and by duly posting the area included in the proposed PAD amendment to abandon and remove the Existing PAD; and,

WHEREAS, following the public hearing, the Commission voted 8 to 1 in favor of forwarding a recommendation of approval of the request to amend the Existing PAD by abandoning and removing the PAD to the Board with four (4) stipulations of approval; and,

WHEREAS, Department staff has recommended an additional stipulation of approval, totaling five (5) stipulations of approval, all as set forth in the attached **Exhibit "B"** (the "**Stipulations**").

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

**Section 1**: Subject to the Stipulations set forth on the attached **Exhibit "B"**, The Existing PAD overlaying the Properties as described in case PZ-PD-018-01 and set forth on the attached **Exhibit "A"** is hereby amended by abandoning the Existing PAD, resulting in its removal from the Properties; the Properties shall retain the underlying zoning classification of GR General Rural Zone.

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

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**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 6TH DAY OF NOVEMBER, 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-009-24**

**LEGAL DESCRIPTION**
**GOLDMINE MOUNTAIN ESTATES**

**(NORTH PARCELS)**

A PORTION OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 7 EAST, GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE EAST QUARTER CORNER OF SAID SECTION 5, MONUMENTED BY A PK NAIL AND WASHER STAMPED "RLS 59228", FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 5, MONUMENTED BY A PINAL COUNTY ALUMINUM CAP BEARS, AS A (**BASIS OF BEARINGS**), SOUTH 00 DEGREES 10 MINUTES 42 SECONDS EAST, 2,639.70 FEET;

THENCE, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, NORTH 00 DEGREES 11 MINUTES 29 SECONDS WEST, 495.00 FEET TO A REBAR AND CAP STAMPED "RLS 59228", ALSO BEING THE **POINT OF BEGINNING**;

THENCE, SOUTH 89 DEGREES 41 MINUTES 48 SECONDS WEST, 1319.36 FEET TO A PK NAIL AND TAG;

THENCE, NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, 827.07 FEET, TO THE NORTHEAST 1/16TH CORNER OF SAID SECTION 5, MONUMENTED BY A PK NAIL AND TAG STAMPED "RLS 59228";

THENCE, NORTH 89 DEGREES 39 MINUTES 27 SECONDS EAST, 1319.30 FEET, TO THE NORTH 1/16TH CORNER OF SAID SECTION 5, MONUMENTED BY REBAR WITH CAP STAMPED "RLS 59228";

THENCE, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, SOUTH 00 DEGREES 11 MINUTES 29 SECONDS EAST, 827.97 FEET TO THE **POINT OF BEGINNING.**

SAID PORTION OF LAND CONTAINING 1**,091,773** SQUARE FEET, OR **25.0637** ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

## LEGAL DESCRIPTION

## (GRAPHICAL REPRESENTATION- NORTH PARCELS)

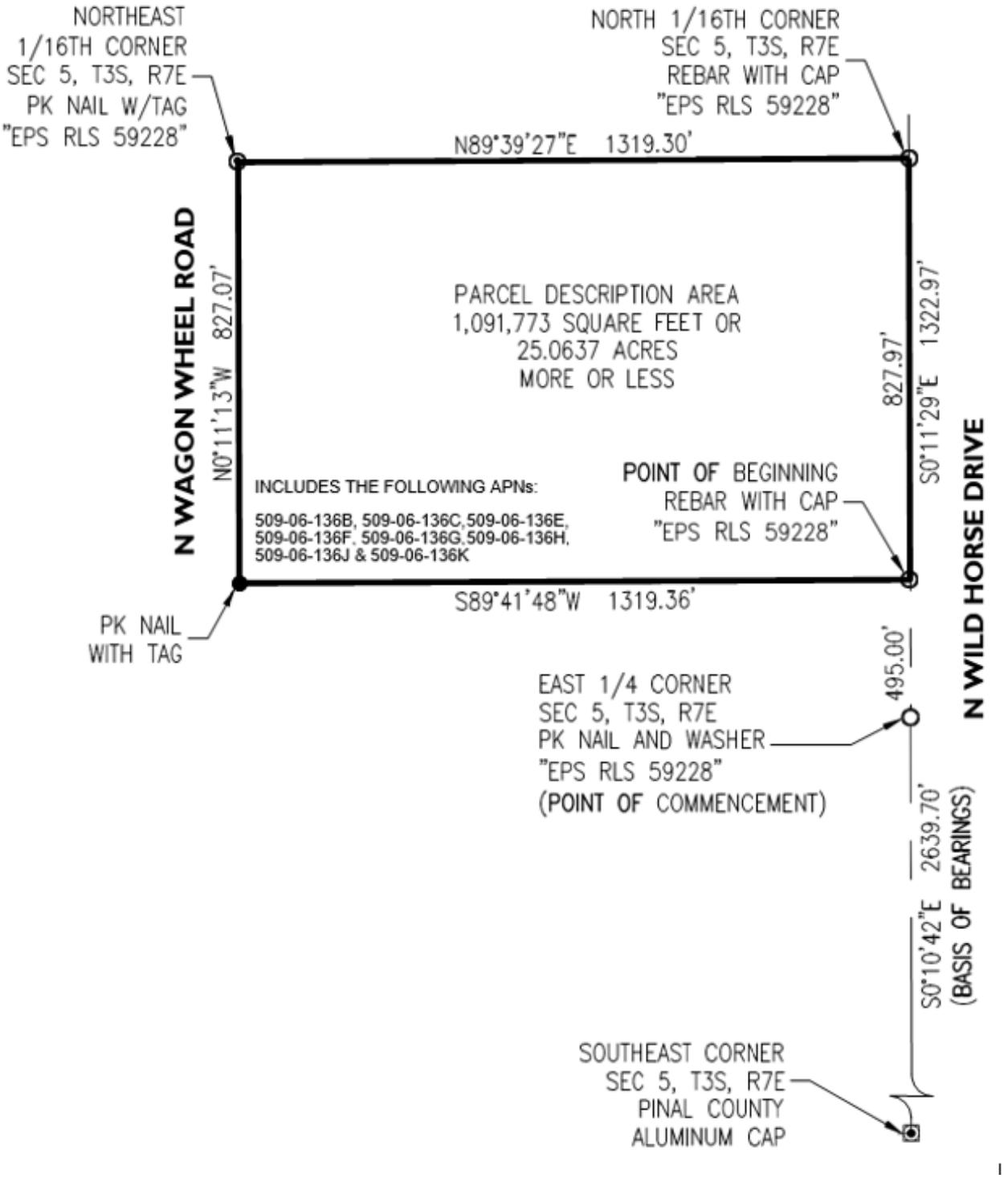


**EXHIBIT A**
**TO**
**ORDINANCE NO. 2024-PZ-PD-009-24**

**LEGAL DESCRIPTION**
**GOLDMINE MOUNTAIN ESTATES**

**(SOUTH PARCELS)**

A PORTION OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 7 EAST, GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHEAST CORNER OF SAID SECTION 5, MONUMENTED BY A PINAL COUNTY ALUMINUM CAP;

THENCE, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SOUTH 89 DEGREES 39 MINUTES 18 SECONDS WEST, 1,318.49 FEET, (BASIS OF BEARINGS) TO THE EAST 1/16TH CORNER OF SAID SECTION 5, MONUMENTED BY A REBAR AND CAP "LS 16097";

THENCE, DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 10 MINUTES 33 SECONDS WEST, 1,320.05 FEET, TO THE SOUTHEAST 1/16TH CORNER OF SAID SECTION 5, MONUMENTED BY A REBAR AND CAP "RLS 59228";

THENCE, NORTH 00 DEGREES 13 MINUTES 13 SECONDS WEST, 1,320.61 FEET, TO THE CENTER-EAST 1/16TH CORNER OF SAID SECTION 5, MONUMENTED BY A REBAR AND CAP "RLS 59228";

THENCE, NORTH 89 DEGREES 41 MINUTES 48 SECONDS EAST, 1,319.40 FEET, TO THE EAST QUARTER CORNER OF SAID SECTION 5, MONUMENTED BY A PK NAIL AND WASHER "EPS RLS 59228";

THENCE, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, SOUTH 00 DEGREES 10 MINUTES 42 SECONDS EAST, 2,639.70 FEET, TO THE **POINT OF BEGINNING.**

SAID PORTION OF LAND CONTAINING 3,481,569 SQUARE FEET, OR 79.9258 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

**LEGAL DESCRIPTION**

**(GRAPHICAL REPRESENTATION- SOUTH PARCELS)**

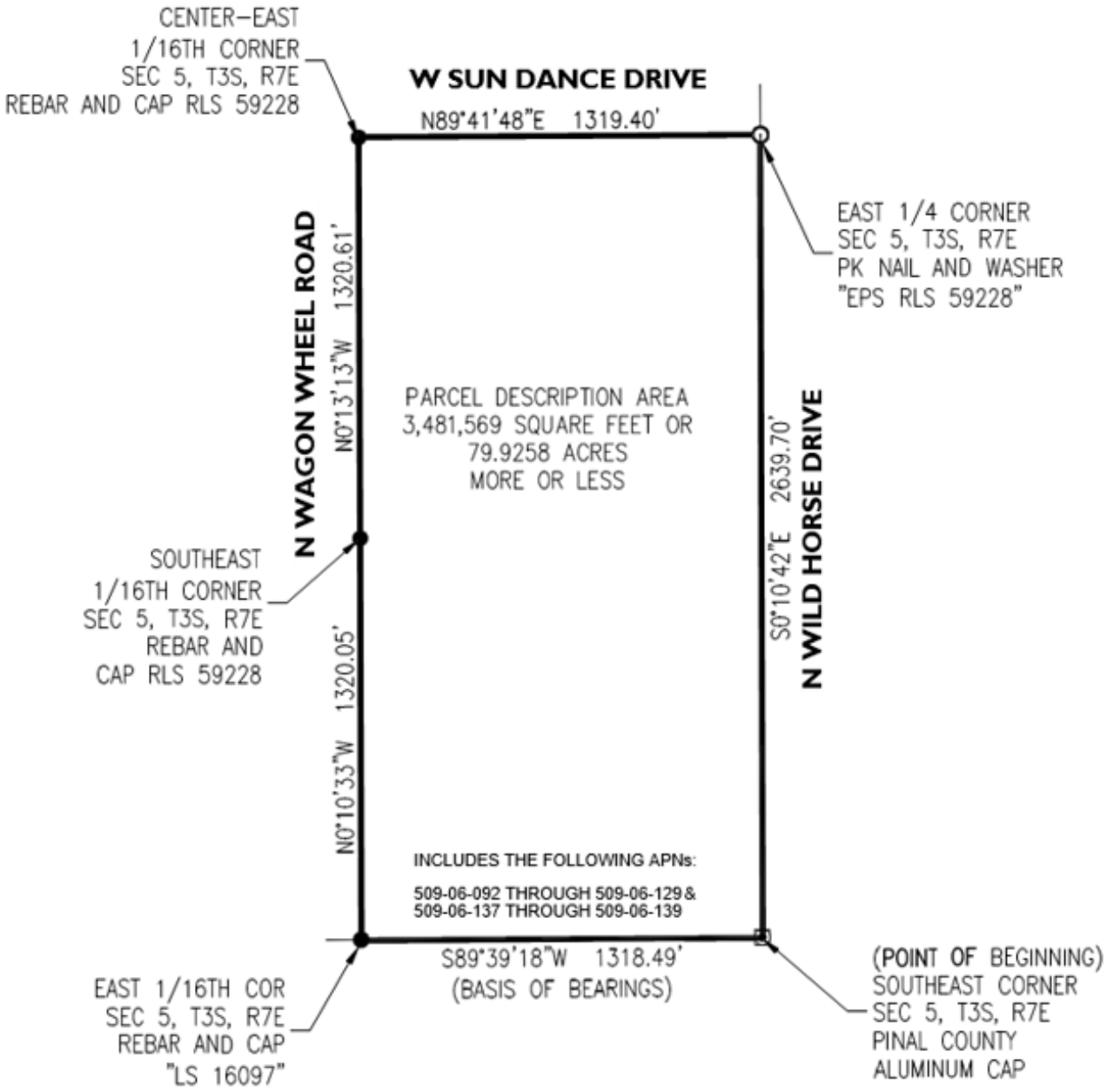


**EXHIBIT B**
**TO**
**ORDINANCE NO. 2024-PZ-PD-009-24**

**[Stipulations of Approval]**

1) Stipulations one through eighteen (1-18) of the original case for Goldmine Mountain Estates PAD (PZ-PD-018-01) will not be valid for the parcels within 105 ± acres.

2) The property (north and south parcels) will follow all development standards per the General Rural zoning stated under Chapter 2.40 of the Pinal County Development Services Code.

3) Applicants will be required to apply for Flood Plain permits for parcels that have floodplain designations to maintain historic drainage conditions;

4) Applicant can split the parcels with minimum lot size of one and quarter acre up to 5 parcels as stated under the Minor Land Division Development Services code Chapter 4.05. Greater than five parcels would constitute a subdivision and would be governed under PCDSC Title 3 for Subdivisions.

5) Applicant to combine all 41 parcels locate in the south property (79.2 acres) of the Goldmine Estates PAD prior to development of subject site(s)/building permits.