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

ORDINANCE NO. 2024-PZ-PD-007-24

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT (PZ-PD-007-24) FOR CERTAIN PROPERTY LOCATED NORTHWEST OF RAHMA STREET AND AZ 238 IN PINAL COUNTY, ARIZONA (TAX PARCEL NUMBERS 510-07-0200, 510-07-0190, 510-07-0150 & 510-07-013A) CONSISTING OF 24.74± ACRES, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. PZ-PD-007-24; ESTABLISHING AN EFFECTIVE DATE AND DIRECTING ITS PUBLICATION.

WHEREAS, consistent with its authority to rezone property pursuant to Arizona Revised Statutes § 11-814, the Pinal County Board of Supervisors (the "**Board**") is authorized pursuant to Pinal County Development Services Code ("**PCDSC**") Chapter 2.176 to approve a Planned Area Development Overlay Zoning District ("**PAD**") in order to allow flexibility in the development standards of underlying zoning districts consistent with the goals, objectives and policies of the Pinal County Comprehensive Plan and the Pinal County Zoning Ordinance (see PCDSC § 2.176.020); and,

WHEREAS, on June 12, 2024, the Pinal County Community Development Department (the "**Department**") received an application from Omar Abdallah as the agent/applicant for Islamic Community Center of Tempe, the owner of property located to the northwest of Rahma Street and AZ 238 (tax parcels 510-07-0200, 510-07-0190, 510-07-0150 & 510-07-013A), legally described in the attached **Exhibit "A"** (the "**Property**") requesting a PAD in conjunction with a concurrently filed request to rezone the Property for the intended development of a cemetery (the "**PAD Application**"); and,

WHEREAS, on October 3, 2024, the Pinal County Planning and Zoning Commission (the "**Commission**") held a public hearing on the PAD Application (designated by the Department as Case No. PZ-PD-007-24), 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; and,

WHEREAS, following the public hearing, the Commission voted 8 to 0 in favor of forwarding a recommendation of approval of the PAD Application to the Board with ten (10) Stipulations of Approval set forth in the attached **Exhibit "B"** (the "**Stipulations of Approval**"); and,

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WHEREAS, approving the PAD application is consistent with the goals, objectives and policies of the Pinal County Comprehensive Plan and the Pinal County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board as follows:

Section 1: The PAD Application requesting a PAD on the Property legally described and depicted in the attached **Exhibit "A"** is hereby approved subject to the 10 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 20th 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

LEGAL DESCRIPTION

PZ-PD-007-24

EXHIBIT "A" – Legal Description



PARCEL 1 (APN 510070200) - Existing Cemetery:
The Northeast quarter of Lot Nineteen (19), Section 18, Township 4 South, Range 2 East Gila and Salt River Base and Meridian, Pinal County, Arizona. EXCEPT the North one-third thereof.

PARCEL 2 (APN 510070190) – Existing Cemetery:
The North one-third of the following described property:
The East half of the North half of Lot Nineteen (19), Section 18, Township 4 South, Range 2 East Gila and, Salt River Base and Meridian, Pinal County, Arizona.

PARCEL 3 (APN 510070150)
The North half (N 1/2) of the West half (W 1/2) of Lot Twenty (20) of Section Eighteen (18), Township Four (4) South, Range Two (2) East, of the Gila and Salt River Base and Meridian, Except the 20 feet along the West line of said Lot for Road Purposes.

PARCEL 4 (APN 51007013A)
The North Half of the Northwest Quarter of Lot 19, Section 18, Township 4 South, Range 2 East, Gila and Salt River Base and Meridian, Pinal County, Arizona. Except the West 15 feet thereof for road purposes.

EXHIBIT B
TO
ORDINANCE NO. 2024-PZ-PD-007-24

[Stipulations of Approval]

1. The stipulations enumerated herein pertain to the area described in case PZ-013-24 & PZ-PD-007-24;
2. Approval of this PAD (PZ-PD-007-24) 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. Al Rahma Muslim Cemetery Planned Area Development (PAD) Overlay District (PZ-PD-007-24) is to be developed as shown by the conceptual site plan/development plan dated July 22, 2024, 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-013-24;
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 construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
8. 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; and
9. The Al Rahma Muslim Cemetery development shall comply with all current codes, regulations, and County requirements, as confirmed through the site plan approval process. Said codes etc. shall supersede any deficiencies as stated in materials provided by the applicant.
10. Parcels 510-07-013A, 510-07-0190, and 510-07-0200 shall be combined through the Planning Division's Minor Land Division/Lot Combination process prior to site plan approval.