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

ORDINANCE NO. 2024-PZ-PD-008-23

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING AN AMENDMENT TO AN EXISTING PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT (PAD) FOR CERTAIN PROPERTIES LOCATED ALONG THE SOUTHWEST CORNER OF VAL VISTA ROAD AND JOHN WAYNE PARKWAY IN THE MARICOPA AREA OF UNINCORPORATED PINAL COUNTY (TAX PARCELS: 510-48-018A, 510-48-019A, 510-48-019D, 510-48-020D, 510-48-021D), IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-PD-008-23**; 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 Overlay Zoning District ("**PAD**") in order to allow flexibility in the development standards of underlying zoning districts consistent with the goals, objective and policies of the comprehensive plan and the County Zoning Ordinance (*see* PCDSC § 2.176.20); and,

WHEREAS, pursuant to PCDSC § 2.176.260, the Board is authorized to amend an existing PAD; and,

WHEREAS, on April 20, 2023, the Pinal County Community Development Department (the "**Department**") received an application from M. Brennan Ray, Burch & Cracchiolo, P.A., as the agent for property owners Zeitlin Capital, Harry Zeitlin and HAM Sunset LLC (collectively, the "**Applicants**"), with respect to property located along the southwest corner of Val Vista Road and John Wayne Parkway in the Maricopa area of unincorporated Pinal County (Tax Parcels: 510-48-018A, 510-48-019A, 510-48-019D, 510-48-020D, 510-48-021D) (the "**Property**") to rezone the Property from Single Residence Zone (CR-3) and General Business Zone (CB-2) (each with an existing PAD), to Single Residence Zoning District (R-7) and Community Commercial Zoning District (C-2) as set forth in the legal descriptions attached hereto as **Exhibit "A"** (the "**Rezoning Application**"); and,

WHEREAS, the Applicants filed the Rezoning Application in conjunction with an application to amend the existing PAD overlaying the Property, which the Department designated as Case No. **PZ-PD-008-23** (the "**PAD Amendment Application**"); and,

WHEREAS, on October 17, 2024, the Pinal County Planning and Zoning Commission (the "**Commission**") held a public hearing on the PAD Amendment Application, 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; and,

WHEREAS, following the public hearing, the Commission voted 6-3 in favor of forwarding a recommendation of approval of the PAD Amendment Application to the Board with 21 stipulations of approval as set forth in the attached **Exhibit "B"** (the "**Stipulations of Approval**"); and,

WHEREAS, the Board believes that approving the PAD Amendment Application, subject to the Stipulations of Approval, is in the best interest of the Pinal County, will comply with the purpose and intent of the PCDSC and is consistent with the goals, objectives and policies of the comprehensive plan and the County Zoning Ordinance; and,

WHEREAS, the Board has separately approved the Rezoning Application this day, which the Applicants filed in conjunction with the PAD Amendment Application.

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

Section 1: The PAD Amendment Application is hereby approved and the existing PAD overlaying the Property is accordingly amended and shall be applied to the Property as set forth in the legal descriptions attached as **Exhibit "A"**, subject to the 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 4TH DAY OF DECEMBER, 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-008-23

LEGAL DESCRIPTION – SUNSET CANYON

R-7 ZONING

That part of Section 28, Township 5 South, Range 3 East, of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

Beginning at the 1/2" Rebar with no identification marking the Northwest Corner of said Section 28;

Thence North 89°58'45" East, along the North line of the Northwest Quarter of said Section 28, a distance of 2664.52 feet to the 1/2" Rebar with Cap LS#38582 marking the North Quarter Corner of said Section 28;

Thence North 89°58'45" East, along the North line of the Northeast Quarter of said Section 28, a distance of 2664.52 feet to the Arizona Department of Transportation Aluminum Cap in a hand hole marking the Northeast Corner thereof;

Thence South 00°15'50" West, along the East line of said Northeast Quarter, a distance of 2631.31 feet to the Brass Cap in hand hole marking the East Quarter Corner of said Section 28;

Thence South 00°15'57" West, along the East line of the Southeast Quarter of said Section 28, a distance of 320.00 feet;

Thence South 87°58'28" West, departing said East li ne, a distance of 5380.79 feet to a point on the West line of the Southwest Quarter of said Section 28;

Thence North 01°08'31" East, along said West line, a distance of 135.00 feet 1/2" Rebar with a Pinal County cap marking the West Quarter Comer of said Section 28;

Thence North 01°07'5I" East , along the West line of the Northwest Quarter of said Section 28, a distance of 3005.13 feet to the Point of Beginning.

Except therefrom:

That certain parcel of land as conveyed to Global Water-Santa Cruz Water Company as described in Fee Number 2007-104917, Records of Pinal County, Arizona, more particularly described as follows:

Commencing at the aforementioned Northwest Corner;

Thence North 88°52'19" West, along the West line of said Northwest Quarter, a distance of 63.00 feet;

Thence North 01°07'51" East, departing said West line, a distance of 1443.62 feet to the Point of Beginning;

Thence South 88°52'09" East, a distance of 5.00 feet; Thence South 59°15'37" East, a distance of 30.90 feet; Thence South 88°52'09" East, a distance of 20.17 feet; Thence South 01°07'51" West, a distance of 95.00 feet;

Thence North 88°52'09" West, a distance of 20.17 feet; Thence South 01°07'51" West, a distance of 45.00 feet; Thence South 61°07'51" West, a distance of 31.00 feet; Thence North 88°52'09" West, a distance of 5.02 feet;

Thence North 01°07'51" East, a distance of 170.77 feet to the Point of Beginning.

Except therefrom:

That part of the Northeast Quarter of Section 28, Township 5 South, Range 3 East, of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

Commencing at the 1/2" Rebar with cap LS#38582 marking the North Quarter Comer of said Section 28, from which the calculated position of the Center of said Section 28 bears South 00°43'50" West, a distance of 2818.16 feet;

Thence South 00°43'50" West, along the West line of said Northeast Quarter, a distance of 1514.09 feet;

Thence South 89°16'10" East, departing said West line, a distance of 312.35 feet to a point on a 1540.00 foot radius non-tangent curve, whose center bears North 02°52'07" West, being the Point of Beginning;

Thence Easterly, along said curve, through a central angle of 06°42'58", a distance of 180.52 feet; Thence North 80°24'55" East, a distance of 198.26 feet;

Thence South 09°35'05" East, a distance of 320.65 feet to the beginning of a tangent curve of 1500.00 foot radius, concave Westerly;

Thence Southerly, along said curve, through a central angle of 06°26'52", a distance of 168.81 feet;

Thence South 87°58'28" West, a distance of 51.56 feet to a point on a 42.00 foot radius non-tangent curve, whose center bears South 26°13'02" West;

Thence Westerly, along said curve, through a central angle of 56°29'06", a distance of 41.41 feet; Thence South 87°58'28" West, a distance of 345.12 feet;

Thence North 01°22'49" West, a distance of 446.83 feet to the Point of Beginning.

Containing 16,101,752 Square Feet or **369.645 Acres**, more or less.

R-7 ZONING PARCEL CLOSURE REPORT

BOUNDARY

N89°58'45.1035" E 2664.52
N89°58'45.1 035" E 2664.52
S00°15'50.2573" W 2631.31
S00°15'57.2351" W 320.00
S87°58'28.4926" W 5380.79
N0l° 08'31.0879"E 135.00
N01 ° 07'51.1 834" E 3005.13 to Area 16299065 sq ft, **374.175 AC**

Closing course: 323°43'19.1474" 0.010450, Misclosure: 1/1,000,000+
North Error: 0.008424
East Error: 0.006183

R-7 ZONING PARCEL EXCEPTION 1

N88°52'18.73" W 63.00
N01°07'51.18" E 1443.62

BOUNDARY
S88°52'09.00" E 5.00
S59°15'37.00" E 30.90
S88°52'09.00" E 20.17
S01° 07'51.00" W 95.00
N88°52'09.00" W20.17
S01° 07'51.00" W 45.00
S61° 07'51.00" W 31.00
N88°52'09.00" W 5.02
N01°07'51.00" E 170.77 to Area 6945 sq ft, **0.159 AC**

Closing course: 150°55'56.59" 0.003504, Misclosure: 1/120,735
North Error: 0.003062
East Error: 0.001702

R-7 ZONING PARCEL EXCEPTION 2

S00°43'49.86" W 1514.09
S89°16'10.14" E 312.35

BOUNDARY
RB = N02°52'06.82" W R = 1540.00
A= 180.52
C= 180.41
CB= N83°46'24.08" E D = 06°42'58.21"
T = 90.36
RB= S09°35'05.02" E

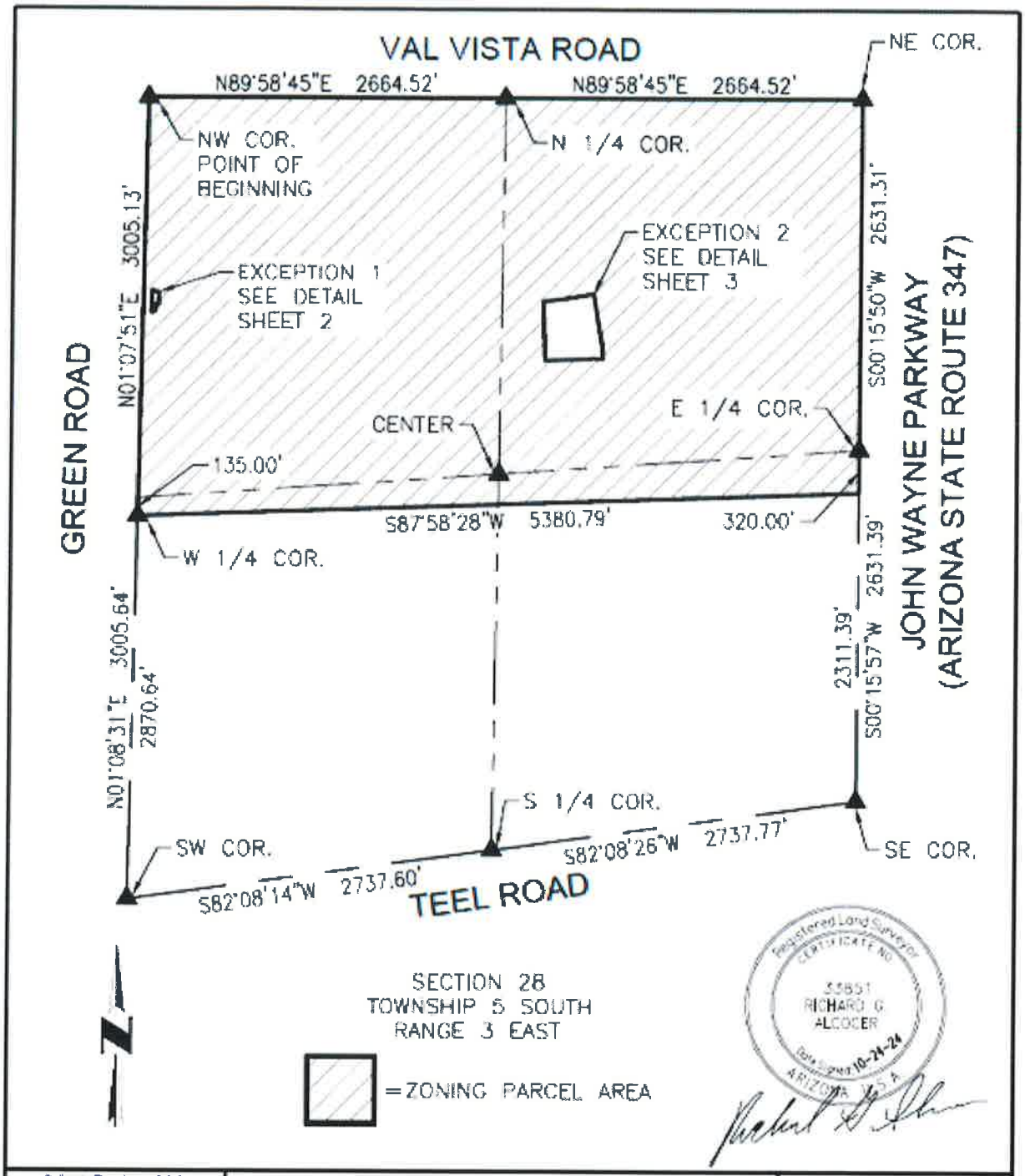
N80°24'54.98" E 198.26
S 09°35'05.02" E 320.65

RB= S80°24'54.98" W R = 1500.00
A= 168.81
C = 168.72
CB= S06°21'38.79" E
D = 06°26'52.46"
T = 84.49
RB= N86°5 1 '47.44" E

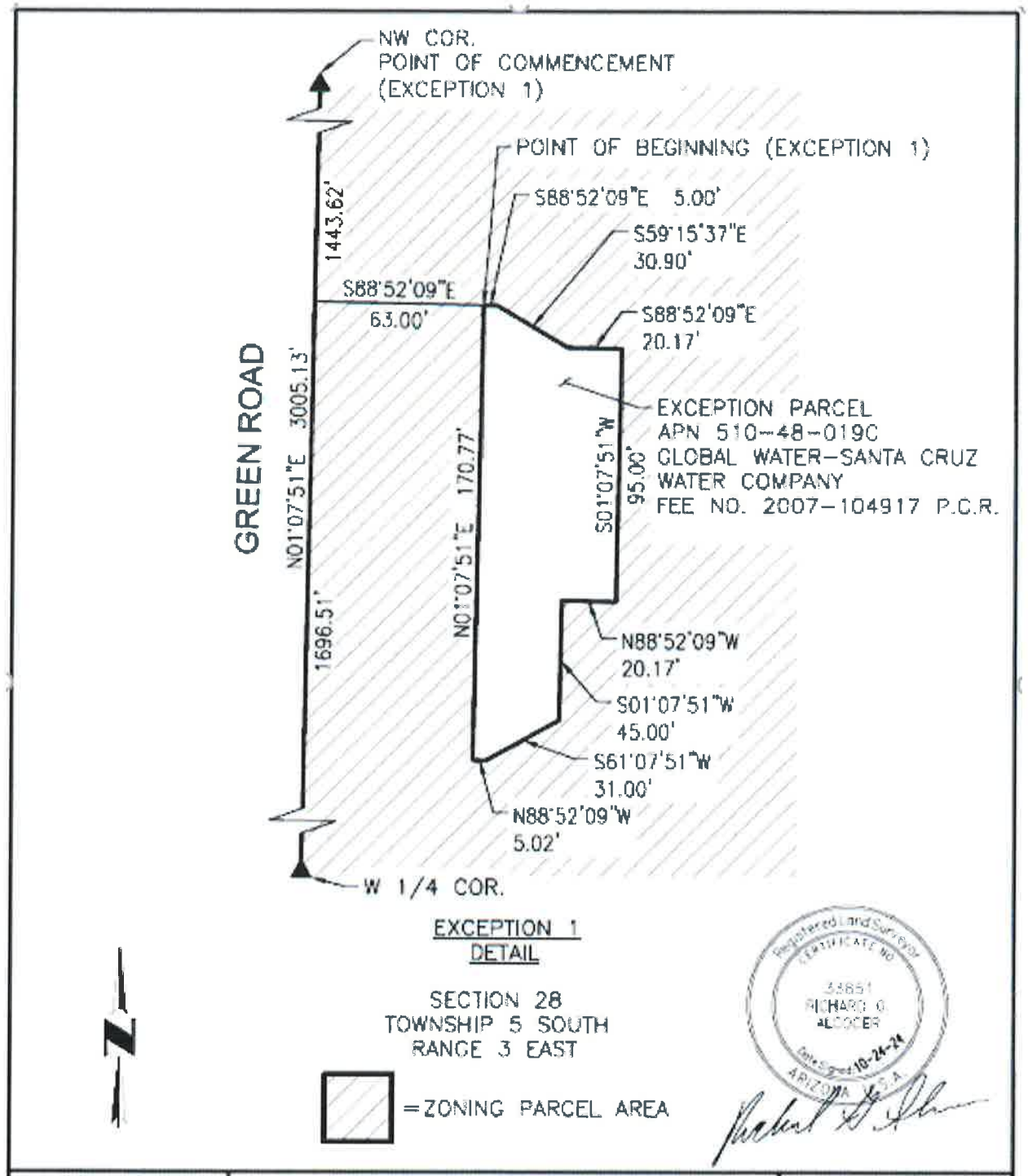
S87 °58'28.49" W 51.56

RB= S26°13'01.63" W R = 42.00
A= 41.41
C = 39.75
CB= S87°58'28.49" W D = 56°29'06.27"
T = 22.56
RB= N30°16'04.64" W

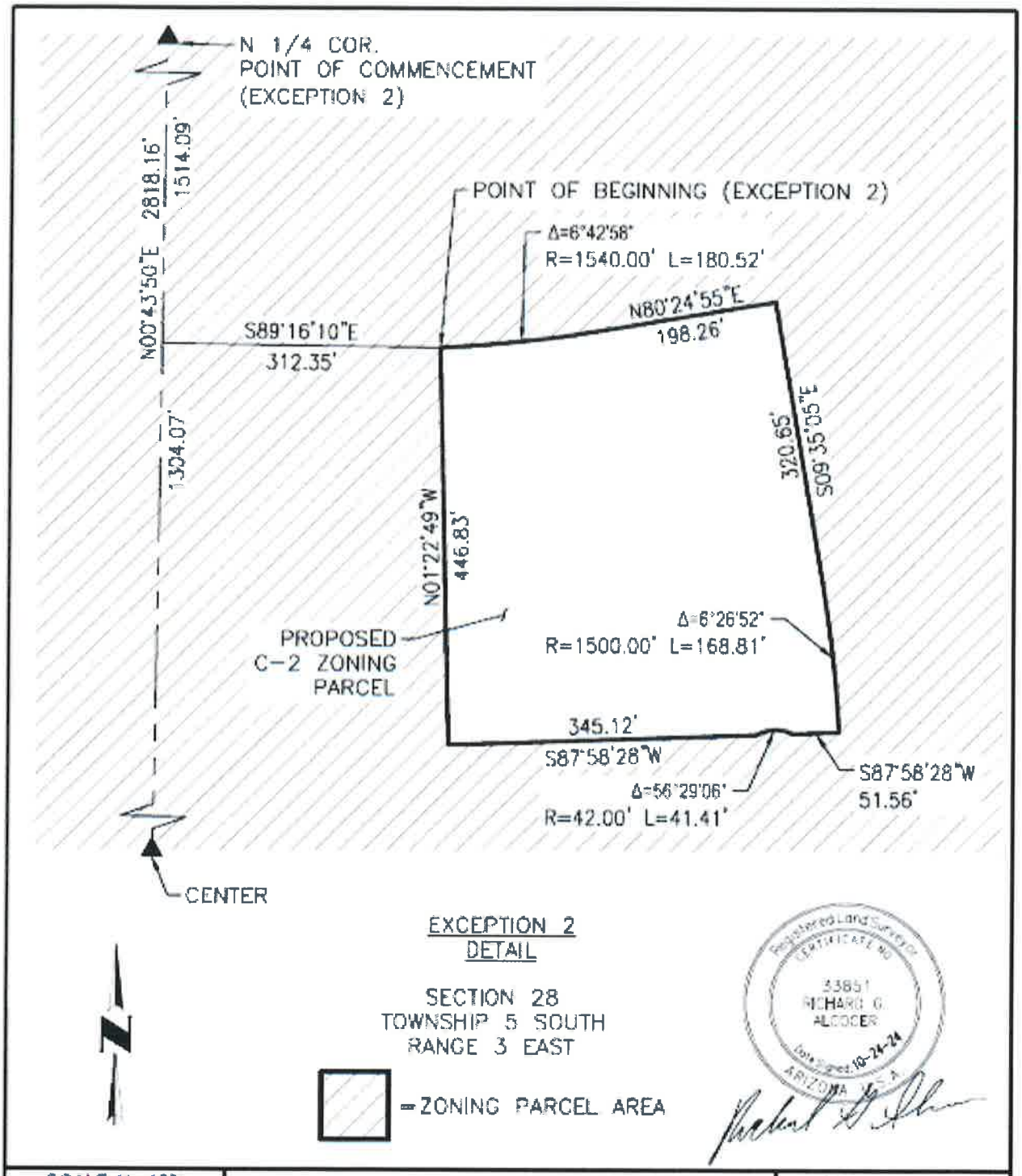
S87 °58'28.49" W 345.1 2
N01°22'48.69" W 446.83 to Area 190368 sq ft, **4.370 AC**



SCALE 1" =1000' EXHIBIT 4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com	SUNSET CANYON R-7 ZONING PARCEL	CVL CONSULTANTS 1 OF 3



SCALE 1" =50' EXHIBIT 4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com	SUNSET CANYON R-7 ZONING PARCEL	CVL CONSULTANTS 2 OF 3



SCALE 1" =150' EXHIBIT 4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com	SUNSET CANYON R-7 ZONING PARCEL	CVL CONSULTANTS 3 OF 3

LEGAL DESCRIPTION – SUNSET CANYON

C-2 ZONING

That part of the Northeast Quarter of Section 28, Township 5 South, Range 3 East, of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

Commencing at the 1/2" Rebar with cap LS#38582 marking the North Quarter Corner of said Section 28, from which the calculated position of the Center of said Section 28 bears South 00°43'50" West, a distance of 2818.16 feet;

Thence South 00°43'50" West, along the West line of said Northeast Quarter, a distance of 1514.09 feet;

Thence South 89°16'10" East, departing said West line, a distance of 312.35 feet to a point on a 1540.00 foot radius non-tangent curve, whose center bears North 02°52'07" West, being the Point of Beginning;

Thence Easterly, along said curve, through a central angle of 06°42'58", a distance of 180.52 feet;

Thence North 80°24'55" East, a distance of 198.26 feet;

Thence South 09°35'05" East, a distance of 320.65 feet to the beginning of a tangent curve of 1500.00 foot radius, concave Westerly;

Thence Southerly, along said curve, through a central angle of 06°26'52", a distance of 168.81 feet;

Thence South 87°58'28" West, a distance of 51.56 feet to a point on a 42.00 foot radius non-tangent curve, whose center bears South 26°13'02" West;

Thence Westerly, along said curve, through a central angle of 56°29'06", a distance of 41.41 feet;

Thence South 87°58'28" West, a distance of 345.12 feet;

Thence North 01°22'49" West, a distance of 446.83 feet to the Point of Beginning.

Containing 190,368 Square Feet or **4.370** Acres, more or less.

C-2 ZONING PARCEL CLOSURE REPORT

S00°43'49.86" W 1514.09
S89°16'10.14" E 312.35

BOUNDARY
RB = N02°52'06.82" W
R = 1540.00
A= 180.52
C = 180.41
CB= N83°46'24.08" E
D = 06°42'58.21"
T = 90.36
RB= S09°35'05.02" E N80°24'54.98" E 198.26

S09°35'05.02" E 320.65

RB= S80°24'54.98" W
R = 1500.00
A= 168.81
C = 168.72
CB= S06°21'38.79" E D = 06°26'52.46"
T = 84.49
RB = N86°51'47.44" E

S87°58'28.49" W 51.56

RB= S26°13'01.63" W R = 42.00
A= 41.41
C = 39.75
CB= S87°58'28.49" W
D = 56°29'06.27"
T = 22.56
RB= N30°16'04.64" W

S87°58'28.49" W 345.12
N0l °22'48.69" W 446.83 to Area 190368 sq ft, **4.370 AC**

Closing course: 359°32'01.54" 0.001514, Misclosure: 1/1,000,000+

North Error: 0.001514
East Error: 0.000012

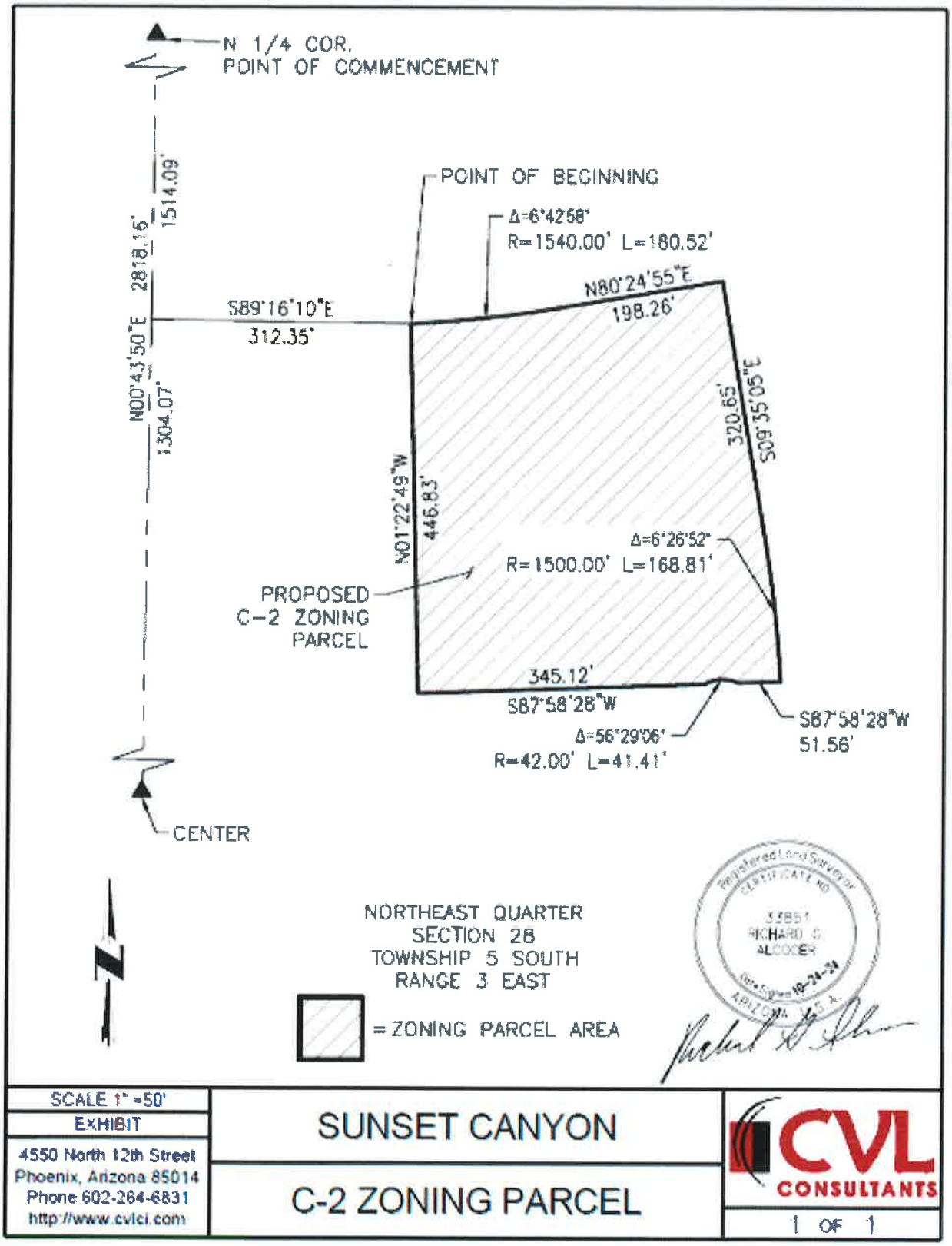

N 1/4 COR.
POINT OF COMMENCEMENT
POINT OF BEGINNING
Δ=6°42'58"
R=1540.00' L=180.52'
N80°24'55"E
198.26'
S89°16'10"E
312.35'
N00°43'50"E 2818.16'
1514.09'
1304.07'
320.65'
S09°35'05"E
N01°22'49"W
446.83'
Δ=6°26'52"
R=1500.00' L=168.81'
PROPOSED
C-2 ZONING
PARCEL
345.12'
S87°58'28"W
Δ=56°29'06"
R=42.00' L=41.41'
S87°58'28"W
51.56'
CENTER
N
NORTHEAST QUARTER
SECTION 28
TOWNSHIP 5 SOUTH
RANGE 3 EAST
= ZONING PARCEL AREA
Registered Land Surveyor
CERTIFICATE NO.
33851
RICHARD C.
ALCOCER
Date Signed 10-24-21
ARIZONA U.S.A.
SCALE 1" =50'
EXHIBIT
4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
http://www.cvlci.com
SUNSET CANYON
C-2 ZONING PARCEL
CVL
CONSULTANTS
1 OF 1

EXHIBIT "B"
TO
ORDINANCE NO. 2024-PZ-PD-008-23

[Stipulations of Approval]

1. Approval of Sunset Canyon PAD amendment (PZ-PD-008-23) 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. Sunset Canyon Planned Area Development (PAD) amendment overlay district (PZ-PD-008-23) is to be developed as shown by the site plan/development plan dated May, 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;

3. 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-034-23;

4. Val Vista Road and State Route 347 have been identified as "Routes of Regional Significance". Applicant will be required to comply with the "Regionally Significant Routes for Safety and Mobility (RSRSM), Final Report, December 2008" the 2020 RSRSM map update, and the current "Access Management Manual" which may specify limited or reduced access on these roads or as approved by the County Engineer;

5. Half-street right-of-way dedication and half-street improvements will be required for Greene Road (Western boundary). The required minimum half-street right-of-way is fifty-five feet (55ft) for Greene Road along the western boundary. Any additional right-of-way needed for any required infrastructure improvements (as identified in the approved Traffic Impact Analysis) shall be the responsibility of the applicant. All roadway and infrastructure improvements (public or private) shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;

6. Right-of-way dedication and street improvements will be required Val Vista Road. The required minimum right-of-way dedication is one-hundred and fifty feet (150ft) for the sections of Val Vista Road traversing trough the development and 75ft for the segments along the development's perimeter (northern boundary). Any additional right-of-way needed for any required infrastructure improvements (as identified in the approved Traffic Impact Analysis) shall be the responsibility of the applicant. All roadway and infrastructure improvements (public or private) shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;

7. 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 include a drainage plan that complies with the current Pinal County Drainage Manual and shall be approved prior to the Final Plat approval. The approved Drainage Report and drainage plan shall include provisions to accommodate offsite runoff and shall provide retention for storm waters in an onsite retention/common retention area or as approved by the County Engineer;

8. A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Tentative Plat 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 approval;

9. A Geotechnical Report shall submitted for review and approval at the time of Final Plat submittal. The report shall cover all recommended pavement sections for this development, include offsite and half-street pavement. The Geotechnical report shall be approved prior to the Final Plat and improvement plan approvals;

10. A minimum of two paved, permanent access points to be provided for ingress and egress from the development to existing public roads. Approval of adequate access by the County Engineer shall be a condition of approval of the plat by the Board.

11. Any additional right-of-way dedications needed for any required infrastructure improvements (as identified in the approved Traffic Impact Analysis) for any roadways shall be the responsibility of the applicant. All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer.

12. Any required contributions (design and construction costs) for future traffic signals, as identified in the approved Traffic Impact Analysis, shall be paid to the County prior to the final plat approval or as approved by the County Engineer;

13. Applicant to follow landscape standards per design guidelines set forth in the PAD narrative dated November 15, 2023. All plant material to follow Arizona low water use plant list per ADWR;

14. 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;

15. 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;

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

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

18. 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;

19. Prior to the time of making any lot reservations or subsequent sales agreements, the homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing

agricultural, ranchette, and animal privilege properties that may cause adverse noise, odors, dust, and other related externalities. The "Public Subdivision Report," "Purchase Contracts," CC&Rs, and final plat shall include a disclosure statement outlining that the site is adjacent properties that have agricultural, ranchette, and animal privileges and may therefore be subject to adverse noise, odors, dust, and other related externalities and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by Pinal County for receiving such notice;

20. Minimum side yard setbacks for all dwelling units shall be 5'; and

21. For all detached Accessory Buildings, minimum distance to the side and rear lot lines shall be 5'.