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

ORDINANCE NO. 2025-PZ-017-24

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING THE REZONING OF CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF E. BARTLETT ROAD AND N. CLEMANS ROAD IN SECTION 31, TOWNSHIP 5 SOUTH RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, FROM GR GENERAL RURAL ZONE TO I-3 INDUSTRIAL ZONING DISTRICT IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. PZ-017-24; ESTABLISHING AN EFFECTIVE DATE AND DIRECTING ITS PUBLICATION

WHEREAS, the Pinal County Board of Supervisors (the "**Board**") is authorized pursuant to Arizona Revised Statutes § 11-814 and the Pinal County Development Services Code § 2.166.010 to approve rezoning in order to conserve and promote the public health, safety, convenience and general welfare; and,

WHEREAS, on October 7, 2024, the Pinal County Community Development Department (the "**Department**") received an application from Pew & Lake, PLC on behalf of the applicant, Gregory C. and Loralee Wuertz Family Trust, the landowner of certain property located at the northwest corner of E. Bartlett Road and N. Clemans Road, identified as Pinal County Assessor parcel no. 202-35-0040 and legally described in the attached **Exhibit "A"** (the "**Property**"), requesting approval to rezone the Property (constituting an area of 160 ± acres) from GR General Rural Zone to I-3 Industrial Zoning District (the "**Rezoning Application**"); and,

WHEREAS, the Department designated the Rezoning Application as Case No. PZ-017-24; and,

WHEREAS, on February 20, 2025 the Pinal County Planning and Zoning Commission (the "**Commission**") held a public hearing on the Rezoning Application, under Case No. PZ-017-24 (the "**Public Hearing**"), whereat the Department staff presented the matter to the Commission for consideration, together with twenty-one (21) stipulations of approval (the "**Commission Stipulations**"); and,

WHEREAS, following the Public Hearing the Commission voted 5-2 in favor of forwarding a recommendation of denial of the Rezoning Application to the Board; and,

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ORDINANCE NO. 2024-PZ-017-24

WHEREAS, on April 30, 2025 the department staff presented the Rezoning Application to the Board with revisions to the Commission Stipulations by removing stipulations two (2) and sixteen (16), revising stipulations one (1) and thirteen (13), and by adding an additional stipulation, and for a total of twenty (20) stipulations as set forth on the attached "**Exhibit B**" (the "**Amended Stipulations**"); and,

WHEREAS, the Board finds that the request to rezone the Property as set forth in the Rezoning Application and herein, and subject to the Amended Stipulations attached hereto as **Exhibit "B"**, is in the best interest of Pinal County and is consistent with, and conforms to, the adopted comprehensive plan and the general purposes of Pinal County's Zoning Ordinance.

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

Section 1: Subject to the Amended Stipulations set forth at **Exhibit "B",** the Rezoning Application requesting approval to rezone the Property legally described in the attached **Exhibit "A"** from GR General Rural Zone to I-3 Industrial Zoning District is hereby approved and the Property is accordingly rezoned.

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 Pinal County seat after its adoption.

PASSED AND ADOPTED THIS 30th DAY OF APRIL, 2025, 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. 2025-PZ-017-24

[LEGAL DESCRIPTION]

APN: 202-35-0040

LOCATED WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 9 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1 INCH IRON PIPE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 9 EAST FROM WHICH A FOUND 2 INCH IRON PIPE, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 9 EAST, THEREOF BEARS S89°23'24"E A DISTANCE OF 2569.97 FEET;

THENCE, N00° 14'24"E A DISTANCE OF 33.01 FEET TO THE **POINT OF BEGINNING**;

THENCE, N00°14'24"E A DISTANCE OF 2630.19 FEET;

THENCE, S89°37'47"E A DISTANCE OF 2613.33 FEET;

THENCE, S0l 052'38"W A DISTANCE OF 2641.72 FEET;

THENCE, N89°23'24"W A DISTANCE OF 2537.90 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 6,788,152 SQUARE FEET OR 155.83 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

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

EXHIBIT "B"

TO

ORDINANCE NO. 2025-PZ-017-24

[STIPULATIONS]

1. Approval of this case (PZ-017-24) 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;
2. Operation & Maintenance Building and/or any structure on site will trigger full commercial standards that will include a dust palliative parking lot acceptable to the County Public Works Director;
3. Landscape and irrigation plans will be required at site plan submittal and shall be in substantial compliance with the submitted PAD document;
4. Applicant to provide 6-foot high CMU masonry walls adjacent to all residential zoned areas in Pinal County.
5. The Solar Panels and equipment will be constructed 100 feet minimum from the edge of all property boundaries as shown on the site plan provided;
6. All disturbed areas outside the solar panel area that have been disturbed as part of the construction process, shall be re-seeded with native seed mix, similar in composition to the surrounding Sonoran Desert environment;
7. All salvaged plants shall be planted on site to remediate the effects of disturbed areas;
8. The proposed Site Plan shall have an all-weather treatment to be dust palliative for the use of emergency vehicles for the off-site arterial road access to the project from all directions,
9. The proposed site plan shall have a dust palliative treatment for parking lots and all roadways onsite as approved by the County Engineer and be reapplied at the request of the County Engineer when needed;
10. Air quality dust registration is required if the earthmoving activity causes 0.1 acres or more of land disturbance. Refer Pinal County Air Quality Code of Regulations Chapter 4, Article 3;
11. All Construction activity must conform to the earthmoving activity requirements in accordance with Section 4-3-160 thru 190 of Pinal County's Air Quality Code of Regulations;
12. Any communication with ADOT regarding the alignment for the North-South Freeway, shall be shared with the Development Services Department of Pinal County.

13. Since Clemans Road is situated on a section line, it is designated as a minor arterial street. According to the Subdivision & Infrastructure Design Manual (S&IDM), minor arterial half-street right-of-way widths, such as those found on section lines, must be a minimum of 55’ wide. Therefore, the owner needs to dedicate the entire 55' dedication at no cost to the County, and dedicate the right-of-way unencumbered through Warranty Deed prior to issuance of any permits on the rezoned land.

14. A drainage report will be required to be submitted to the County Engineer at the time of Site Plan 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 Site Plan 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;

15. A Traffic Impact Analysis (TIA) or Traffic Impact Statement (TIS) will be required to be submitted to the County Engineer at the time of Tentative Plat or Site Plan 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 approval;

16. 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.

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

18. Any roadway sections, alignments, access locations, and access movements shown in the rezoning application are conceptual only and have not been approved by the Pinal County Engineer;

19. Drainage/irrigation canals/ditches in project-dedicated Right of Way, will be required to be under grounded prior to dedication;

20. If offsite improvements are required to be completed by the project per the Traffic or Drainage report, an offsite plan for the improvement is required with the first submittal of the site plans;

[END]