

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

ORDINANCE NO. 2022-PZ-040-21

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS, APPROVING THE REZONING FOR CERTAIN PROPERTY, LOCATED ALONG HUNT HIGHWAY ABOUT 1,100 FEET SOUTHEAST OF THE INTERSECTION OF HUNT HIGHWAY WITH THOMPSON ROAD, IN PINAL COUNTY, (TAX PARCELS: 509-02-9260 & 509-02-9290), FROM CB-2 AND CR-5 TO C-3, MR, AND R-7, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-040-21**; ESTABLISHING AN EFFECTIVE DATE AND DIRECTING ITS PUBLICATION.

WHEREAS, the Pinal County Board of Supervisors (“Board”) is authorized pursuant to Arizona Revised Statutes § 11-814 to rezone property in order to conserve and promote the public health, safety, convenience and general welfare; and

WHEREAS, on September 22, 2021 the Pinal County Community Development Department (“Department”) received an application from Borgata Ventures LLC & SkyHi Holdings LLC, landowner and applicant and Iplan Consulting--Greg Davis agent, of property along Hunt Highway, about 1,100 feet southeast of the intersection of Hunt Highway with Thompson Road, in Pinal County, (tax parcels: 509-02-9260 & 509-02-9290), legally described in the attached Exhibit A (the “Property”) to rezone the Property from CB-2 and CR-5 to C-3, MR, and R-7, (Case No. **PZ-040-21**); and

WHEREAS, on April 21, 2022, the Pinal County Planning and Zoning Commission (“Commission”) held a public hearing on Case No. **PZ-040-21**, giving no less than 15-day notice by publication in a newspaper of general circulation in the county seat and by duly posting the area included in the proposed Amendment; and

WHEREAS, following the public hearing, the Commission voted 8-0 in favor of forwarding a recommendation of approval to the Board with 1 Stipulation of Approval set forth in the attached Exhibit B (the “Stipulations”); and

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

Section 1: The rezoning of the property legally described in the attached Exhibit A from CB-2 and CR-5, to C-3, MR, and R-7, and is hereby approved subject to 1 Stipulation 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 8TH DAY OF JUNE, 2022, 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. 2022-PZ-040-21**

**LEGAL DESCRIPTION
FOR
BORGATA AT SAN TAN**

PROPOSED ZONING: C-3 (GENERAL COMMERCIAL)

APNS: 509-02-9260 AND 509-20-9290

A PORTION A PARCEL OF LAND AS DESCRIBED PER DOCUMENT 2004-013482 AND 2004-013481 PINAL COUNTY RECORDERS (PCR) LOCATED IN THE SOUTH HALF OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE SOUTH QUARTER CORNER OF SAID SECTION 2, FROM WHICH A PINAL COUNTY HIGHWAY DEPARTMENT BRASS CAP FLUSH AT THE SOUTHWEST CORNER OF SAID SECTION 2, BEARS SOUTH 89 DEGREES 45 MINUTES 04 SECONDS WEST, 2651.52 FEET (BASIS OF BEARING);

THENCE NORTH 89 DEGREES 45 MINUTES 44 SECONDS EAST, 133.17 FEET;

THENCE NORTH 00 DEGREES 14 MINUTES 16 SECONDS WEST, 1144.75 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 49 DEGREES 23 MINUTES 03 SECONDS WEST, 1022.69 FEET;

THENCE NORTH 40 DEGREES 36 MINUTES 57 SECONDS EAST, 711.02 FEET;

THENCE SOUTH 49 DEGREES 23 MINUTES 11 SECONDS EAST, 1758.61 FEET;

THENCE SOUTH 40 DEGREES 36 MINUTES 46 SECONDS WEST, 357.62 FEET;

THENCE NORTH 52 DEGREES 18 MINUTES 40 SECONDS WEST, 794.93 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEAST, FROM WHICH THE RADIUS POINT BEARS SOUTH 53 DEGREES 47 MINUTES 23 SECONDS EAST, A DISTANCE OF 1500.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 12 DEGREES 10 MINUTES 36 SECONDS, AN ARC DISTANCE OF 318.79 FEET TO THE POINT OF BEGINNING.

CONTAINS 993,241 SQUARE FEET OR 22.8017 ACRES, MORE OR LESS.

PROPOSED ZONING: MR (MULTIPLE RESIDENCE)

APNS: 509-02-9260 AND 509-02-9290

A PORTION OF LAND WITHIN A PARCEL OF LAND AS DESCRIBED PER DOCUMENT 2004-013482 AND 2004-013481 PINAL COUNTY RECORDERS (PCR) LOCATED IN THE SOUTH HALF OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE SOUTH QUARTER CORNER OF SAID SECTION 2, FROM WHICH A PINAL COUNTY HIGHWAY DEPARTMENT BRASS CAP FLUSH AT THE SOUTHWEST CORNER OF SAID SECTION 2, BEARS SOUTH 89 DEGREES 45 MINUTES 04 SECONDS WEST, 2651.52 FEET (BASIS OF BEARING);

THENCE NORTH 89 DEGREES 45 MINUTES 44 SECONDS EAST, 7.79 FEET;

THENCE NORTH 00 DEGREES 14 MINUTES 16 SECONDS WEST, 675.00 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, WITH RADIUS OF 1500.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 7 DEGREES 16 MINUTES 18 SECONDS, AN ARC DISTANCE OF 190.37 FEET;

THENCE ON A NON-TANGENT LINE, SOUTH 89 DEGREES 45 MINUTES 30 SECONDS WEST, 394.11 FEET;

THENCE NORTH 49 DEGREES 22 MINUTES 57 SECONDS WEST, 1306.93 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWEST, WITH RADIUS OF 260.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 40 DEGREES 42 MINUTES 38 SECONDS, AN ARC DISTANCE OF 184.74 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 25 SECONDS WEST, 246.82 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEAST, WITH RADIUS OF 165.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 45 DEGREES 49 MINUTES 21 SECONDS, AN ARC DISTANCE OF 131.96 FEET TO THE BEGINNING OF REVERSE CURVE WITH RADIUS OF 30.00 FEET;

THENCE WESTERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89 DEGREES 36 MINUTES 07 SECONDS, AN ARC DISTANCE OF 46.92 FEET;

THENCE ON A NON-TANGENT LINE, NORTH 43 DEGREES 52 MINUTES 21 SECONDS WEST, 55.00 FEET;

THENCE NORTH 46 DEGREES 07 MINUTES 39 SECONDS EAST, 82.26 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 59 SECONDS EAST, 796.15 FEET;

THENCE NORTH 40 DEGREES 36 MINUTES 07 SECONDS EAST, 903.93 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 31 DEGREES 44 MINUTES 49 SECONDS WEST, A DISTANCE OF 1859.99 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 8 DEGREES 53 MINUTES 08 SECONDS, AN ARC DISTANCE OF 288.45 FEET;

THENCE ON A NON-TANGENT LINE SOUTH 49 DEGREES 23 MINUTES 11 SECONDS EAST, 138.79 FEET;

THENCE SOUTH 40 DEGREES 36 MINUTES 57 SECONDS WEST, 711.02 FEET;

THENCE SOUTH 49 DEGREES 23 MINUTES 03 SECONDS EAST, 1022.69 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEAST, FROM WHICH THE RADIUS POINT BEARS SOUTH 65 DEGREES 57 MINUTES 59 SECONDS EAST, A DISTANCE OF 1500.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12 DEGREES 10 MINUTES 36 SECONDS, AN ARC DISTANCE OF 318.79 FEET;

THENCE ON A NON-TANGENT LINE, SOUTH 52 DEGREES 18 MINUTES 40 SECONDS EAST, 794.93 FEET;

THENCE NORTH 40 DEGREES 36 MINUTES 46 SECONDS EAST, 357.62 FEET;

THENCE SOUTH 49 DEGREES 23 MINUTES 11 SECONDS EAST, 1787.61 FEET;

THENCE SOUTH 40 DEGREES 36 MINUTES 35 SECONDS WEST, 33.00 FEET; THENCE NORTH 49 DEGREES 23 MINUTES 11 SECONDS WEST, 607.77 FEET; THENCE SOUTH 40 DEGREES 35 MINUTES 24 SECONDS WEST, 22.00 FEET; THENCE SOUTH 49 DEGREES 23 MINUTES 11 SECONDS EAST, 57.08 FEET; THENCE SOUTH 40 DEGREES 36 MINUTES 23 SECONDS WEST, 93.23 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES 44 SECONDS WEST, 1011.41 FEET;

THENCE NORTH 0 DEGREES 14 MINUTES 16 SECONDS WEST, 395.00 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES 44 SECONDS WEST, 974.42 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,299,360 SQUARE FEET OR 52.7860 ACRES, MORE OR LESS.

PROPOSED ZONING: R-7 (SINGLE RESIDENCE)

APNS: 509-02-9260 AND 509-02-9290

A PORTION A PARCEL OF LAND AS DESCRIBED PER DOCUMENT 2004-013482 PINAL COUNTY RECORDERS (PCR) LOCATED IN THE SOUTH HALF OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE AT THE SOUTH QUARTER CORNER OF SAID SECTION 2, FROM WHICH A PINAL COUNTY HIGHWAY DEPARTMENT BRASS CAP FLUSH AT THE SOUTHWEST CORNER OF SAID SECTION 2, BEARS SOUTH 89 DEGREES 45 MINUTES 04 SECONDS WEST, 2651.52 FEET (BASIS OF BEARING);

THENCE NORTH 00 DEGREES 10 MINUTES 30 SECONDS WEST, 529.50 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE EASTERLY, FROM WHICH THE RADIUS POINT BEARS NORTH 89 DEGREES 48 MINUTES 47 SECONDS EAST, A DISTANCE OF 1500.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05 DEGREES 34 MINUTES 00 SECONDS, AN ARC DISTANCE OF 145.74 FEET;

THENCE ON A NON-TANGENT LINE NORTH 89 DEGREES 45 MINUTES 44 SECONDS EAST, 974.42 FEET;

THENCE SOUTH 00 DEGREES 14 MINUTES 16 SECONDS EAST, 395.00 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 44 SECONDS EAST, 1011.41 FEET;

THENCE NORTH 40 DEGREES 36 MINUTES 23 SECONDS EAST, 93.23 FEET;

THENCE SOUTH 49 DEGREES 23 MINUTES 11 SECONDS EAST, 535.89 FEET TO THE NORTH LINE OF SAN TAN HEIGHTS PARCEL K PER DOCUMENT 2003-048378 PINAL COUNTY RECORDERS;

THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 45 MINUTES 44 SECONDS WEST, 2459.94 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,035,918 SQUARE FEET OR 23.7814 ACRES, MORE OR LESS.

**EXHIBIT B
TO
ORDINANCE NO. 2022-PZ-040-21**

[Stipulation of Approval]

1. Approval of this zone change (PZ-040-21) 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.

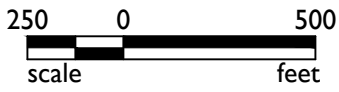
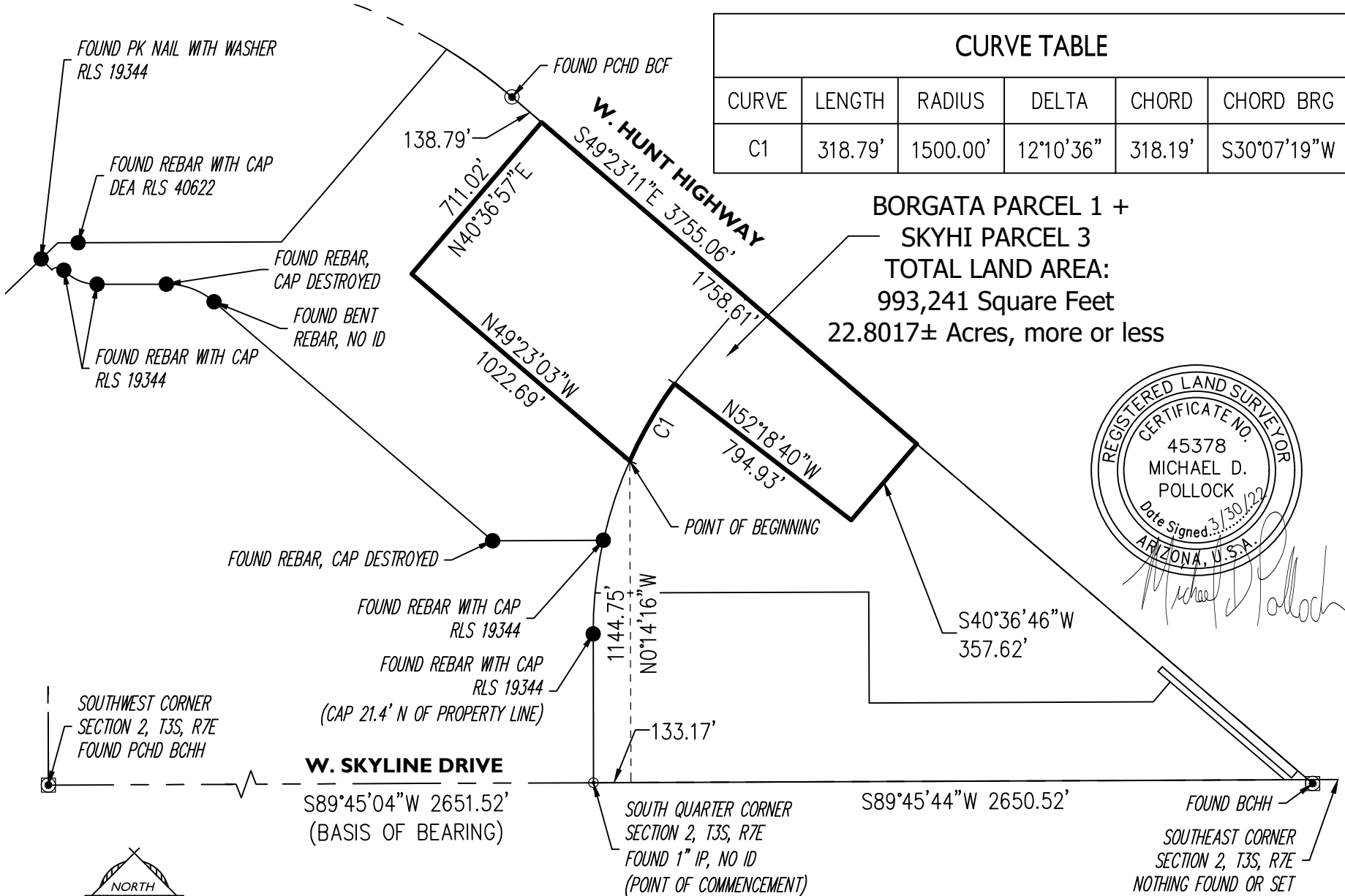
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	318.79'	1500.00'	12°10'36"	318.19'	S30°07'19"W

**BORGATA PARCEL 1 +
SKYHI PARCEL 3
TOTAL LAND AREA:
993,241 Square Feet
22.8017± Acres, more or less**



Michael D. Pollock



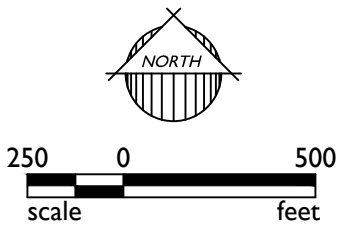
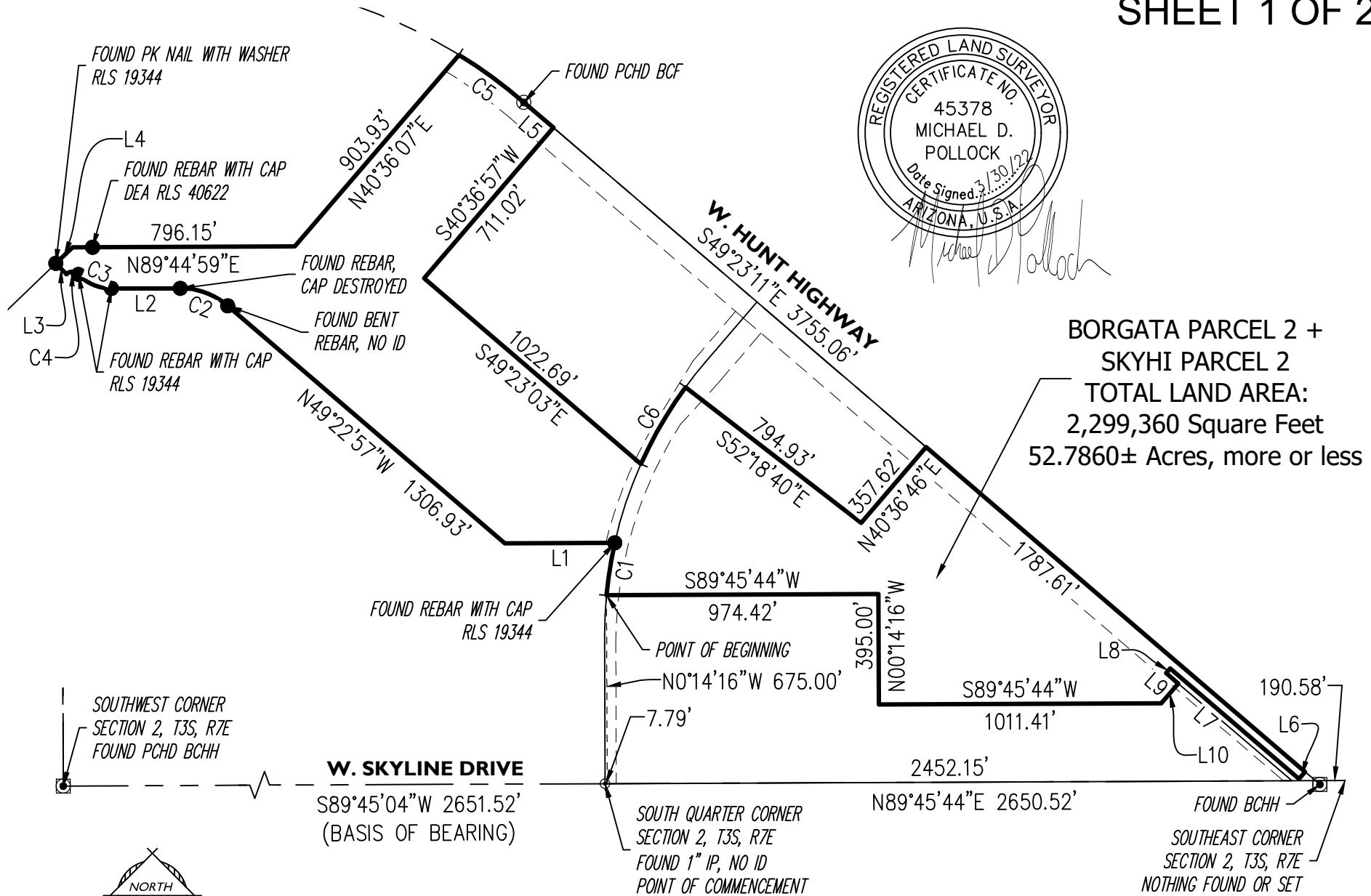
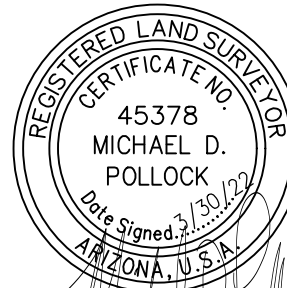
21-0512

BORGATA AT SAN TAN
BORGATA VENTURES & SKYHI HOLDINGS

PROPOSED ZONING: PAD - C-3 (GENERAL COMMERCIAL)



1130 N ALMA SCHOOL RD
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.835.1799
www.epsgroupinc.com



21-0512

BORGATA AT SAN TAN
BORGATA VENTURES & SKYHI HOLDINGS

PROPOSED ZONING: PAD - MR (MULTIPLE RESIDENCE)

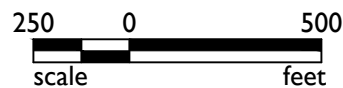
1130 N ALMA SCHOOL RD
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LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°45'30"W	394.11'
L2	S89°54'25"W	246.82'
L3	N43°52'21"W	55.00'
L4	N46°07'39"E	82.26'
L5	S49°23'11"E	138.79'
L6	S40°36'35"W	33.00'
L7	N49°23'11"W	607.77'
L8	S40°35'24"W	22.00'
L9	S49°23'11"E	57.08'
L10	S40°36'23"W	93.23'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	190.37'	1500.00'	7°16'18"	190.24'	N09°00'57"E
C2	184.74'	260.00'	40°42'38"	180.88'	N69°44'16"W
C3	131.96'	165.00'	45°49'21"	128.47'	N67°10'55"W
C4	46.92'	30.00'	89°36'07"	42.28'	N89°04'18"W
C5	288.45'	1859.99'	8°53'08"	288.16'	S53°48'37"E
C6	318.79'	1500.00'	12°10'36"	318.19'	N30°07'19"E



Michael D. Pollock



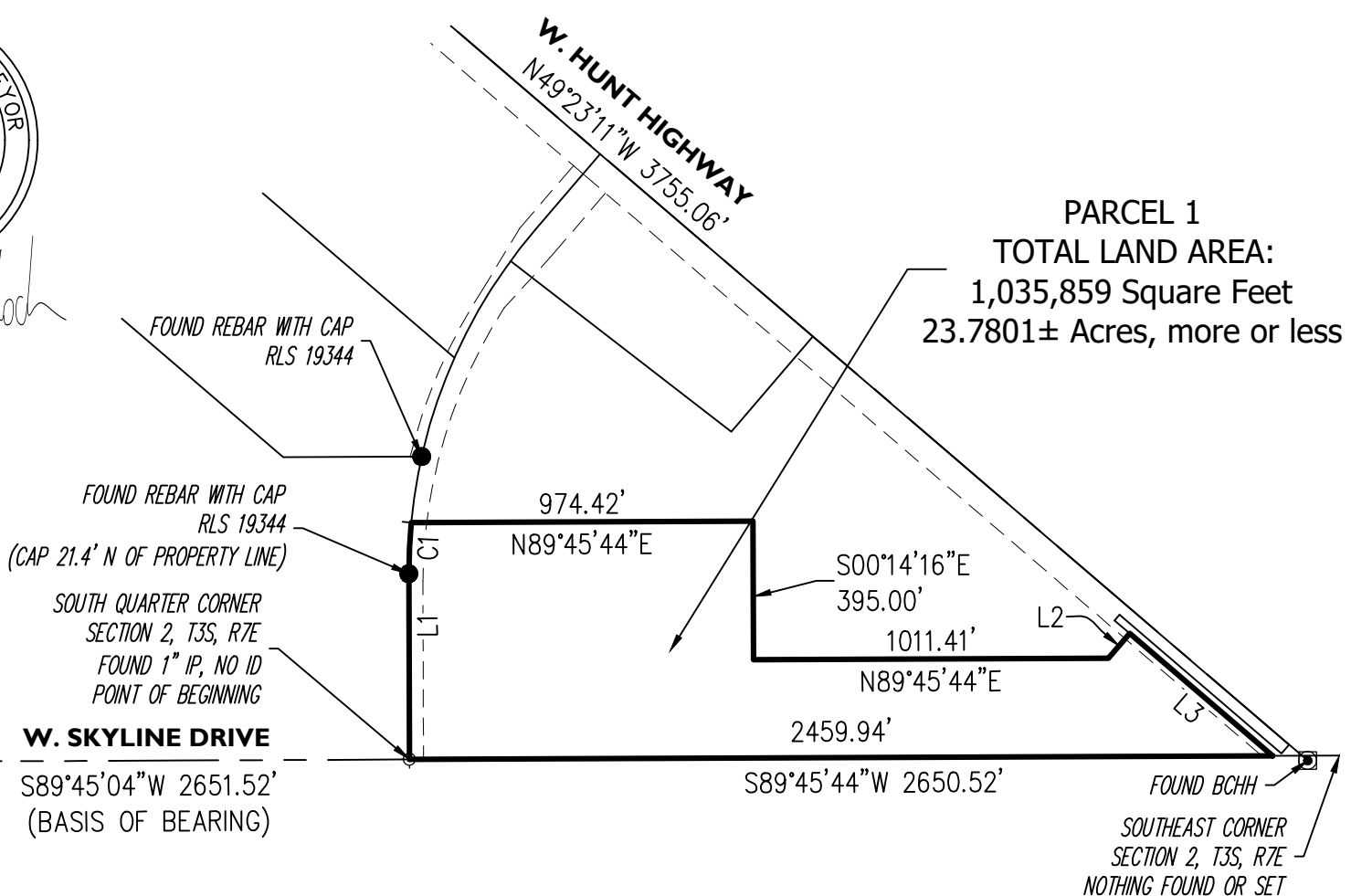
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BORGATA AT SAN TAN
BORGATA VENTURES & SKYHI HOLDINGS

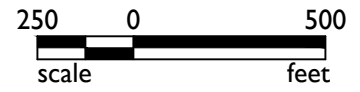
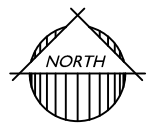
PROPOSED ZONING: PAD - MR (MULTIPLE RESIDENCE)



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PARCEL 1
TOTAL LAND AREA:
 1,035,859 Square Feet
 23.7801± Acres, more or less



21-0512

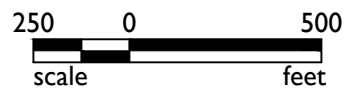
BORGATA AT SAN TAN - SKYHI HOLDINGS

PROPOSED ZONING: PAD - R-7 (SINGLE RESIDENCE)

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LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°10'30"W	529.50'
L2	N40°36'23"E	93.23'
L3	S49°23'11"E	535.89'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	145.74'	1500.00'	5°34'00"	145.68'	N02°35'48"E



21-0512	BORGATA AT SAN TAN - SKYHI HOLDINGS
	PROPOSED ZONING: PAD - R-7 (SINGLE RESIDENCE)



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