

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

ORDINANCE NO. 2022-PZ-PD-006-21

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING AN AMENDMENT TO A PORTION OF PAD OVERLAY (PZ-PD-043-98) FOR CERTAIN PROPERTY LOCATED NORTH OF COMBS ROAD AND EAST OF GANTZEL ROAD, IN PINAL COUNTY (TAX PARCELS: 510-48-0280, 510-48-027B, 510-48-027C, 510-48-027D AND 510-48-027E), PROVIDING FOR AN AMENDED PAD OVERLAY FOR 704.05 ACRES, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-PD-006-21**; ESTABLISHING AN EFFECTIVE DATE; AND DIRECTING ITS PUBLICATION

WHEREAS, the Pinal County Board of Supervisors (“Board”) is authorized pursuant to Pinal County Development Services Code Chapter 2.176 to approve an Amendment to a Planned Area Development (PZ-PD-043-98) in order to conserve and promote the public health, safety, convenience and general welfare; and

WHEREAS, on March 1, 2021, the Pinal County Community Development Department (“Department”) received an application from FB5 LLC, Entitlements LLC, Meridian 80 LLC, Tres Points LLC, landowners/applicants, W Holdings, Seth Keeler, agent/representative, of property located on west of N Highway 347 road north of W Louis Johnson Drive Road, in Pinal County (Parcels: 510-48-0280, 510-48-027B, 510-48-027C, 510-48-027D and 510-48-027E), legally described in the attached Exhibit A (the “Property”) for an amendment to a Planned Area Development Overlay (the “PAD”) (PZ-PD-043-98), (Case No. **PZ-PD-006-21**); and

WHEREAS, on April 21, 2022, the Pinal County Planning and Zoning Commission (“Commission”) held a public hearing on Case No. **PZ-PD-006-21**, 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 7-0-1 in favor of forwarding a recommendation of approval to the Board with 16 Stipulations 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: An amendment to the PAD overlay shall be applied to the property legally described and depicted in the attached Exhibit A, and is hereby approved subject to 16 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 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

LEGAL DESCRIPTIONS - MIDWAY

R-7 ZONE (SINGLE RESIDENCE ZONING DISTRICT)

A portion of land being situated within Section 33, Township 5 South, Range 3 East of the Gila and Salt River Meridian, Pinal County, Arizona, being more particularly described as follows:

COMMENCING at a found Pinal County Highway Department brass cap in hand hole stamped SW COR SEC 34, accepted as the Southeast corner of said Section 33 from which a found Arizona Department of Transportation (ADOT) brass cap flush accepted as the East quarter corner thereof, bears North 01°54'06" East, 3074.39 feet;

Thence South 89°52'40" West, 1528.66 feet along the south line of the Southeast quarter of said Section 33 to the **POINT OF BEGINNING**;

Thence continuing South 89°52'40" West, 1113.12 feet along said south line to a found 3 inch brass cap flush with sectional markings accepted as the South quarter corner of said Section 33

Thence South 89°54'35" West, 264.30 feet along the south line of said Section 33 to a found 2 inch aluminum cap RLS 18214 accepted as the North quarter corner of Section 5, Township 6 South, Range 3 East of the Gila and Salt River Meridian, Pinal County, Arizona;

Thence South 89°52'36" West, 2377.95 feet along the south line of said Section 33 to a found 3 inch brass cap flush with sectional markings accepted as the Southwest corner of said Section 33;

Thence North 00°39'59" East, 2705.61 feet along the west line of the Southwest quarter of said Section 33 to a found 1/2 inch rebar without identification accepted as the West quarter corner thereof;

Thence North 00°39'52" East, 2705.89 feet along the west line of the Northwest quarter of said Section 33 to a found 2 inch aluminum cap RLS 18214 accepted as the Northwest corner thereof;

Thence North 82°10'39" East, 2737.73 feet along the north line of the Northwest quarter of said Section 33 to a found 1/2 inch rebar without identification accepted as the North quarter corner thereof;

Thence North 82°10'45" East, 2737.80 feet along the north line of the Northeast quarter of said Section 33 to a found ADOT brass cap flush accepted as the Northeast corner of said Section 33;

Thence South 01°53'24" West, 3074.11 feet along the east line of the Northeast quarter of said Section 33 to a found ADOT brass cap flush accepted as the East quarter corner of said Section 33;

Thence South 01°54'06" West, 847.03 feet along the east line of the Southeast quarter of said Section 33;

Thence leaving said east line, North 88°06'12" West, 975.06 feet;

Thence North 85°45'33" West, 847.35 feet to a non-tangent curve, concave northeasterly, having a radius of 5006.25 feet, the center of which bears South 85°45'33" East;

Thence southeasterly along said curve, through a central angle of 17°32'46", an arc length of 1533.11 feet to a tangent line;

Thence South 13°18'20" East, 241.44 feet to the beginning of a tangent curve concave southwesterly, having a radius of 1500.00 feet;

Thence southeasterly along said curve, through a central angle of 13°11'00", an arc length of 345.14 feet to a tangent line;

Thence South 00°07'20" East, 225.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 27,032,665 sq. ft. (620.5846 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

MD (MIXED DWELLING ZONING DISTRICT)

A portion of land being situated within the Southeast Quarter of Section 33, Township 5 South, Range 3 East of the Gila and Salt River Meridian, Pinal County, Arizona, being more particularly described as follows:

COMMENCING at a found Pinal County Highway Department brass cap in hand hole stamped SW COR SEC 34, accepted as the Southeast corner of said Section 33 from which a found Arizona Department of Transportation (ADOT) brass cap flush accepted as the East quarter corner thereof, bears North 01°54'06" East, 3074.39 feet;

Thence North 01°54'06" East, 1303.83 feet along the east line of the Southeast Quarter of said Section 33 to the **POINT OF BEGINNING**;

Thence leaving said east line, North 82°09'45" West, 327.00 feet to the beginning of a tangent curve concave southerly, having a radius of 2000.00 feet;

Thence westerly along said curve, through a central angle of 16°16'39", an arc length of 568.19 feet to a tangent line;

Thence South 81°33'37" West, 867.77 feet to a non-tangent curve, concave northeasterly, having a radius of 5006.25 feet, the center of which bears North 81°34'29" East;

Thence northwesterly along said curve, through a central angle of 12°39'57", an arc length of 1106.69 feet to a non-tangent line;

Thence South 85°45'33" East, 847.35 feet;

Thence South 88°06'12" East, 975.06 feet to the east line of said Southeast quarter;

Thence along said east line, South 01°54'06" West, 923.54 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 1,718,236 sq. ft. (39.4453 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

MR (MULTIPLE RESIDENCE ZONE)

A portion of land being situated within the Southeast Quarter of Section 33, Township 5 South, Range 3 East of the Gila and Salt River Meridian, Pinal County, Arizona, being more particularly described as follows:

COMMENCING at a found Pinal County Highway Department brass cap in hand hole stamped SW COR SEC 34, accepted as the Southeast corner of said Section 33 from which a found Arizona Department of Transportation (ADOT) brass cap flush accepted as the East quarter corner thereof, bears North 01°54'06" East, 3074.39 feet;

Thence South 89°52'40" West, 915.01 feet along the south line of the Southeast quarter of said Section 33 to the POINT OF BEGINNING;

Thence continuing South 89°52'40" West, 613.66 feet along said south line;

Thence leaving said south line, North 00°07'20" West, 225.00 feet to the beginning of a tangent curve concave southwesterly, having a radius of 1500.00 feet;

Thence northwesterly along said curve, through a central angle of 13°11'00", an arc length of 345.14 feet to a tangent line;

Thence North 13°18'20" West, 241.44 feet to the beginning of a tangent curve concave northeasterly, having a radius of 5006.25 feet;

Thence northwesterly along said curve, through a central angle of 04°52'49", an arc length of 426.41 feet to a non-tangent line;

Thence North 81°33'37" East, 790.00 feet;

Thence South 08°26'23" East, 41.50 feet;

Thence South 00°07'24" East, 1294.21 feet to the POINT OF BEGINNING.

The above described parcel contains a computed area of 872,285 sq. ft. (20.0249 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

C-1 (NEIGHBORHOOD COMMERCIAL ZONING DISTRICT)

A portion of land being situated within the Southeast Quarter of Section 33, Township 5 South, Range 3 East of the Gila and Salt River Meridian, Pinal County, Arizona, being more particularly described as follows:

BEGINNING at a found Pinal County Highway Department brass cap in hand hole stamped SW COR SEC 34, accepted as the Southeast corner of said Section 33 from which a found Arizona Department of Transportation (ADOT) brass cap flush accepted as the East quarter corner thereof, bears North 01°54'06" East, 3074.39 feet;

Thence South 89°52'40" West, 915.01 feet along the south line of said Southeast quarter;

Thence leaving said south line, North 00°07'24" West, 1294.21 feet;

Thence North 08°26'23" West, 41.50 feet

Thence North 81°33'37" East, 77.77 feet to the beginning of a tangent curve concave southerly, having a radius of 2000.00 feet;

Thence easterly along said curve, through a central angle of 16°16'39", an arc length of 568.19 feet to a tangent line;

Thence South 82°09'45" East, 327.00 feet to the east line of said Southeast quarter;

Thence South 01°54'06" West, 850.54 feet along said east line;

Thence leaving said east line, South 89°52'40" West, 531.01 feet along the north line of that parcel as described in Fee No. 2015-006818 and the prolongation thereof to the northwest corner of said parcel;

Thence South 00°07'20" East, 420.00 feet along said westerly line to the southwest corner of said parcel;

Thence North 89°52'40" East, 516.17 feet along said southerly line and the prolongation thereof to the east line of said Southeast quarter;

Thence South 01°54'06" West, 33.02 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 1,045,296 sq. ft. (23.9967 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

**EXHIBIT B
TO
ORDINANCE NO. 2022-PZ-PD-006-21**

[Stipulations of Approval]

1. Approval of this PAD (PZ-PD-006-21) 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 supporting documentation and approvals including but not limited to zone change approval, PAD overlay district, site plan, walls/fencing, signage, lighting, and landscaping plans, as applicable;
2. Midway 1 PAD (PZ-PD-006-21) is to be developed in general conformance with the site plan/development plan submitted on July 2, 2019, along with the applicants 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-006-21;
4. The property is to be developed with an approved Midway 1 PAD Planned Area Development (PAD) (PZ-PD-006-21), in accordance with the applicable criteria set forth in Chapter 2.176 of the PCSDC and the applicant's submittal documents;
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. Dust registration is required if 0.1 acres or more land is disturbed.
7. All construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
8. 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 being scheduled for the Planning & Zoning Commission;
9. All infrastructure improvements shall be per the current Pinal County Standards and current MAG Uniform Standard Details for Public Works Construction or as approved by the County Engineer;

10. A drainage report will be required to be submitted to the County Engineer at the time of Final Plat submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the first Final Plat approval. The approved Drainage Plan shall provide retention for storm waters in a common retention area or as approved by the County Engineer;
11. Half street right-of-way dedication and road improvements will be required along JOHN WAYNE PARKWAY/SR347 (eastern boundary), LOUIS JOHNSON DRIVE (southern boundary, and GREEN ROAD (western boundary). The required minimum half street right-of-way is 100' for JOHN WAYNE PARKWAY/SR 347, 75' for LOUIS JOHNSON DRIVE, and 55' for GREEN ROAD. All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;
12. JOHN WAYNE PARKWAY/SR0347 and LOUIS JOHNSON DRIVE have been identified as a "Route of Regional Significance". Applicant will be required to comply with the "Regionally Significant Routes for Safety and Mobility, Final Report, December 2008" and the current "Access Management Manual" or as approved by the County Engineer;
13. A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Final Plat and/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 first Final Plat and/or Site Plan approval;
14. A drainage report will be required to be submitted to the County Engineer at the time of Final Plat submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the first Final Plat approval. The approved Drainage Plan shall provide retention for storm waters in a common retention area or as approved by the County Engineer;
15. All right-of-way dedication shall be free and unencumbered;
16. 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.

