

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

ORDINANCE NO. 2023-PZ-PD-046-22

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A PLANNED AREA DEVELOPMENT OVERLAY (PZ-PD-046-22) FOR CERTAIN PROPERTY LOCATED EAST OF SUNSHINE BLVD AND NORTH OF EARLEY ROAD, IN PINAL COUNTY (TAX PARCEL: 401-43-0090), PROVIDING FOR A PAD OVERLAY FOR A GENERAL RURAL ZONING DISTRICT (GR), IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-PD-046-22**; 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 a Planned Area Development (PZ-PD-046-22) in order to conserve and promote the public health, safety, convenience and general welfare; and

WHEREAS, on September 15, 2022, the Pinal County Community Development Department (“Department”) received an application from Viel Gluck, LLC, Far Marel LLC, Piemonteis Direct, LLC, and Ben Fatto, LLC, landowners, Pew and Lake, PLC, applicant, Ralph Pew, agent/representative, of property located east of Sunshine Blvd and north of Earley Road, in Pinal County, (tax parcels: 401-43-0090), legally described in the attached Exhibit A (the “Property”) for a Planned Area Development Overlay (the “PAD”) (Case No. **PZ-PD-046-22**); and

WHEREAS, on December 15, 2022, the Pinal County Planning and Zoning Commission (“Commission”) held a public hearing on Case No. **PZ-PD-046-22**, 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 PAD; and

WHEREAS, following the public hearing, the Commission voted 8-0 in favor of forwarding a recommendation of approval to the Board with 20 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: A PAD overlay shall be applied to the property legally described and depicted in the attached Exhibit A, and is hereby approved subject to 20 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 25TH DAY OF JANUARY, 2023, 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. 2023-PZ-PD-046-22**

**LEGAL DESCRIPTION
FOR
SUN ZIA CONVERTER STATION**

(TAX PARCEL: 401-43-0090)

The West 1/2 of the South Half of the South Half of Section 29, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

EXHIBIT B
TO
ORDINANCE NO. 2023-PZ-PD-046-22

(Stipulations of Approval)

1. Approval of this PAD (PZ-PD-046-22) 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. 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 Site Plan approval;
3. 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 comply with the current Pinal County Drainage Manual and shall be approved prior to the Site Plan approval. The approved Drainage Plan shall provide retention for storm waters in a common retention area or as approved by the County Engineer;
4. Half street right-of-way dedication will be required for EARLEY ROAD (southern boundary), and SUNSHINE BLVD (western boundary). The minimum required half street right-of-way for all three roadways is 55'. Any additional right-of-way 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.
5. All right-of-way dedications shall be free and unencumbered;
6. 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;
7. SunZia Converter Station Facility - PAD (PZ-PD-046-22) is to be developed as shown by the site plan/development plan submitted on December 2022, 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;
8. Approval of this Planned Area Development (PAD) Overlay District is contingent upon the Board of Supervisors minor comprehensive plan amendment for land-use change approval as set forth in Planning Case PZ-PA-014-22;

9. The property is to be developed with an approved Site Plan, in accordance with the applicable criteria set forth in Section 2.200.070 of the Pinal County Development Services Code (PCDSC) and the applicant's submittal documents;
10. 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
11. Applicant/developer to provide ADA compliant parking;
12. The SunZia Converter Station Facility shall meet the Lighting Zone 1 requirements of the Pinal County Development Services code;
13. Expansion of the facility will require the applicant to apply for a "Major PAD Amendment";
14. Facility shall employ the best available technology pertinent to sound mitigation, to the satisfaction of the Community Development Director;
15. Final Design of Fences, Walls and Screening will be subject to the approval of the Community Development Director;
16. Air quality dust registration is required if the earthmoving activity causes 0.1 acres or more of land disturbance as per Pinal County Air Quality Code of Regulations Chapter 4, Article 3;
17. All construction activity must conform to the earthmoving activity requirements in accordance with Section §4-3-160 through 190 of the Pinal County Air Quality Code of Regulations;
18. An air quality industrial permit would be required if generators are installed.
19. The proposed Site plan should have all weather road arterial access to the project, paved road access within the project and paved parking lots. Access and roads will be designed to accommodate for emergency vehicles.
20. Applicant to follow Noise Control Ordinance per ADEQ guidelines; applicant shall not create a sound level in excess of its ambient sound pressure level (Leq) limit, as provided in the Pinal County Zoning Ordinance. For General Rural (GR) Zoning, Leq levels may not exceed 65 dBA from 7:00 am to 9:00 pm and 60 dBA from 9:00 pm to 7:00 am at the property line. Sound levels shall be locally measurable and applied by the use of Leq levels as defined in Section 10-22 and measured in accordance with the methods set forth in section 10-23 of the Pinal County Zoning Ordinance for purposes of evaluating and alleged violation.