

## MARANA ORDINANCE NO. 2017.008

---

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 34 ACRES OF LAND LOCATED EAST OF TWIN PEAKS ROAD AND NORTH OF THE LAMBERT LANE ALIGNMENT FROM R-144 (SINGLE-FAMILY RESIDENTIAL) TO R-6 (SINGLE-FAMILY RESIDENTIAL)

WHEREAS Chun-Ying Frank Lin (the “Property Owner”) owns approximately 34 acres of property located on the east side of Twin Peaks Road north of the Lambert Lane alignment within Section 11, Township 12 south, Range 12 East, described and depicted on Exhibit “A” attached to and incorporated in this ordinance by this reference (the “Rezoning Area”); and

WHEREAS the Property Owner has authorized The WLB Group to submit an application to rezone the Rezoning Area from R-144 (Single-Family Residential) to R-6 (Single-Family Residential), (“this Rezoning”); and

WHEREAS the Marana Planning Commission held a public hearing on March 29, 2017, and voted 7-0 to recommend that the Town Council approve this Rezoning, subject to the recommended conditions with the deletion of one condition; and

WHEREAS the Marana Mayor and Town Council held a public hearing on April 4, 2017 and determined that this Rezoning should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

**Section 1.** The zoning of the Rezoning Area is hereby changed from R-144 (Single-Family Residential) to R-6 (Single-Family Residential).

**Section 2.** This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owner and its successors in interest (all of whom are collectively included in the term “Property Owner” in the following conditions):

1. Compliance with all applicable provisions of the Town’s codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. Any preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the conceptual development plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owner and accepted by the Town Engineer prior to Town approval of a preliminary plat or development plan for any portion of the Rezoning Area.

4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owner and accepted by the Marana Water Department (the “water provider”) prior to approval of a preliminary plat for any portion of the Rezoning Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Property Owner must enter into a water service agreement with the water provider consistent with the accepted WIP.
5. A master sewer plan must be submitted by the Property Owner and accepted by Pima County Regional Wastewater Reclamation Department (the “wastewater utility”) prior to the approval of any final plat or development plan for the Rezoning Area. The master sewer plan shall identify all on-site and off-site wastewater facilities needed to serve the proposed development, and shall include all information required by the wastewater utility. If the wastewater utility requires a sewer service agreement as a condition of service to the proposed development, the Property Owner must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
6. The Property Owner must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Rezoning Area.
7. The final design of all streets and circulation facilities, including gated access (if applicable), must be accepted by Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
8. The maximum number of residential lots within the Rezoning Area shall be 59.
9. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owner from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Property Owner should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
10. The Property Owner shall transfer to Marana, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for the Town providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the Town and the Property Owner shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
11. Prior to the issuance of any grading permits, the Property Owner shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and

the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.

12. A 100% clearance survey for the desert tortoise shall be completed by a qualified biologist at the Property Owner's expense and a survey report shall be submitted to the Town and to the Arizona Game and Fish Department (AZGFD) prior to issuance of any grading permits. If a desert tortoise is found during the survey or at any time during construction, the Property Owner shall immediately notify the Town and the AZGFD, and the tortoise shall be moved in accordance with the most current AZGFD Tortoise Handling Guidelines at the Property Owner's expense.
13. The Property Owner shall not cause any lot split of any kind without the written consent of the Town of Marana.
14. Lots 6 through 15 and 43 through 59 as shown on the site plan presented to the Town Council shall be limited to one-story construction.
15. At the time a final subdivision plat is submitted for the Rezoning Area, the Property Owner shall dedicate additional right-of-way to provide a total half-width of 75 feet for Lambert Lane along the entire south boundary of the Rezoning Area. Where 30 feet of right-of-way width currently exists, an additional width of 45 feet will be dedicated. Where no right-of-way currently exists, the entire 75 feet will be dedicated. In lieu of requiring an additional permanent waterline easement in the Rezoning Area, the Town shall accommodate the placement of Metropolitan Domestic Water Improvement District water facilities within the dedicated Lambert Lane right-of-way.
16. At the time a final subdivision plat is submitted for the Rezoning Area, the Property Owner shall dedicate 30 feet of right-of-way along the entire east boundary of the Rezoning Area for Blue Bonnet Road.
17. The Property Owner shall dedicate a public sewer easement through the Rezoning Area extending from the Twin Peaks Road right-of-way to the 40-foot sewer easement along the east property boundary, enabling sewer facilities to be provided to future development west of Twin Peaks Road.
18. During construction of the subdivision, the Property Owner shall grade the Lambert Lane access drive from the west property boundary of Parcel No. 216-32-021C east to the Blue Bonnet Road alignment.

**Section 3.** All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona,  
this 4<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jocelyn C. Bronson, Town Clerk

\_\_\_\_\_  
Frank Cassidy, Town Attorney