

MARANA ORDINANCE NO. 2017.013

Relating to Development; Approving a rezoning of approximately 103.2 acres of land located at the west terminus of Pima Farms Road, west of the Scenic Drive Alignment, from RR (Resort and Recreation) to F (Specific Plan) for the purpose of establishing the Lazy K Bar Ranch Specific Plan; Approving a minor amendment to the general plan; And approving and authorizing the Mayor to sign the Lazy K Bar Ranch Development Agreement.

WHEREAS LKB Ranch, LLC, LKB Hotel, LLC, and LKB Retained Land, LLC (collectively the “Property Owners”) own a total of 138.2 acres of property located at the west terminus of Pima Farms Road, west of the Scenic Drive alignment, within a portion of Section 29, Township 12 South, Range 12 East (the “Larger Parcel”), and desire to change the zoning of 103.2 acres of the total property owned, described and depicted on Exhibit A attached to and incorporated in this Ordinance by this reference (the “Rezoning Area”); and

WHEREAS the Property Owners have authorized The Planning Center to submit applications to rezone the Rezoning Area from RR (Resort and Recreation) to F (Specific Plan) (“this Rezoning”), amend the Marana General Plan from Rural Density Residential (RDR) to Master Plan Area (MPA), and to process a development agreement for the Rezoning Area; and

WHEREAS the Marana Planning Commission held a public hearing on April 26, 2017, and voted 4 to 1 to recommend that the Town Council approve this Rezoning and its associated General Plan amendment, subject to the recommended conditions and an additional condition; and

WHEREAS Town staff has negotiated the terms of the Lazy K Bar Ranch Development Agreement with the Property Owners to address matters associated with this Rezoning and governing the development of the Larger Parcel; and

WHEREAS the Marana Mayor and Town Council finds that the Lazy K Bar Ranch Development Agreement, provided in the agenda materials associated with this Council agenda item, is consistent with the Marana General Plan, this Rezoning, the prior development agreement applicable to that portion of the Larger Parcel not included in this Rezoning, and all other applicable Town regulations and policies; and

WHEREAS the Marana Mayor and Town Council find that this Rezoning, its associated General Plan Amendment, and the Lazy K Bar Ranch Development Agreement are in the best interest of the Town and its citizens and 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 RR (Resort and Recreation) to F (Specific Plan), creating the Lazy K Bar Ranch Specific Plan, attached to and incorporated in this Ordinance by this reference.

Section 2. A minor amendment to the General Plan is hereby approved, changing the land use plan category for the Rezoning Area from Rural Density Residential (RDR) to Master Plan Area (MPA).

Section 3. The Lazy K Bar Ranch Development Agreement is hereby approved in the form provided in the agenda materials associated with this Council agenda item, and the Mayor is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

Section 4. 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 Owners and their successors in interest (all of whom are collectively included in the term “Property Owners” 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 Land Use Concept 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 Owners 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 Owners and accepted by Marana Water Department (the “water provider”) prior to approval of any preliminary plat or development plan 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 Owners 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 Owners 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 Owners must enter into a sewer

service agreement with the wastewater utility consistent with the accepted master sewer plan.

6. The Property Owners 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 not exceed 178.
9. All lots within the Rezoning Area shall be limited to one-story construction in accordance with the Lazy K Bar Ranch Specific Plan.
10. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners 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 Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
11. The Property Owners 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 Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
12. Prior to the issuance of any grading permits, the Property Owners 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.
13. A 100% clearance survey for the desert tortoise shall be completed by a qualified biologist at the Property Owners' 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 Owners 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 Owners' expense.
14. The Property Owners shall not cause any lot split of any kind on the Rezoning Area without the written consent of the Town of Marana.
15. A Native Plant Program (NPP) in accordance with the Marana Land Development Code must be submitted and approved by the Town of Marana during the review of subdivision plats for the Rezoning Area.

16. Development of the Rezoning Area shall be subject to the terms, restrictions and requirements of the Lazy K Bar Ranch Development Agreement.
17. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Planning Department with ten bound copies and three electronic copies (on CD) in PDF format of the Lazy K Bar Ranch Specific Plan document as amended by this ordinance and by the Marana Town Council action approving this ordinance.

Section 5. 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 6. 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 of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of May, 2017.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney