

MARANA ORDINANCE NO. 2020.014

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 9.38 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF TANGERINE ROAD, APPROXIMATELY 1,200 FEET EAST OF THE INTERSECTION OF TANGERINE ROAD AND CAMINO DE OESTE, FROM 'R-144' RESIDENTIAL TO 'F' DOVE MOUNTAIN SPECIFIC PLAN AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS Rita Land Corporation and DM Phase IV Investment LLC (collectively the "Property Owners") are the owners of approximately 9.38 acres of land generally located on the north side of Tangerine Road, approximately 1,200 feet east of the intersection of Tangerine Road and Camino de Oeste, in Section 31, Township 11 South, Range 13 East, 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 submitted an application to rezone the Rezoning Area from 'R-144' Residential to 'F' Dove Mountain Specific Plan ("this Rezoning"), and amend the 2040 Marana General Plan designation for the Rezoning Area from Low Density Residential (LDR) to Master Plan Area (MPA); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on September 30, 2020, and voted 6 to 0, with one Commissioner absent, to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on October 20, 2020 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 amended Dove Mountain Specific Plan, adding the Rezoning Area to the specific plan boundary with a land use designation of Mixed Use Commercial (MUC), and rezoning the Rezoning Area from 'R-144' Residential to 'F' Dove Mountain Specific Plan, one electronic and one printed copy of which is on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by, and is attached as, Exhibit A to Marana Resolution No. 2020-117, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from Low Density Residential (LDR) to Master Plan Area (MPA).

Section 3. 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 tentative 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 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 detailed traffic impact analysis must be submitted by the Property Owners and accepted by Town staff prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by 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 Owners must enter into a water service agreement with the water provider consistent with the accepted WIP.
6. A master sewer plan must be submitted by the Property Owners and accepted by the 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.

7. 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.
8. The final design of required streets and circulation facilities, including gated access (if applicable) and emergency access, must be in conformance with applicable fire codes prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
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 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.
10. 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.
11. 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 AZGFD, and the tortoise shall be moved in accordance with the most current AZGFD Tortoise Handling Guidelines at the Property Owners' expense.
12. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
13. Compliance with all provisions of the Town's Codes, Street Standards, and Ordinances, current at the time of any subsequent development, including, but not limited to, requirements for public improvements.
14. Upon adoption of the ordinance by the Mayor and Council approving the amendment to the Dove Mountain Specific Plan, the applicant shall provide the Planning Department with three paper copies and one digital copy of the specific plan with the appropriate changes made, within 60 days of the adoption.
15. This specific plan amendment shall not confer any impact fee exemptions previously agreed to through the Dove Mountain Development Agreement(s).

16. All open space easements, public trails and/or wildlife corridors shall be dedicated to the applicable entity at the time of platting, and no construction shall be permitted in the delineated Floodplain without the consent of the Development Services Administrator.
17. Prior to approval of a subdivision plat or development plan, within the Rezoning Area, the applicant shall provide written verification that the site has been annexed in the Northwest Fire District.

Section 4. 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.

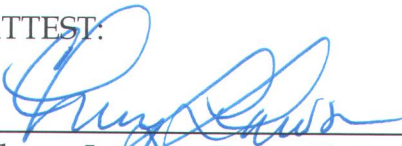
Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of October, 2020.



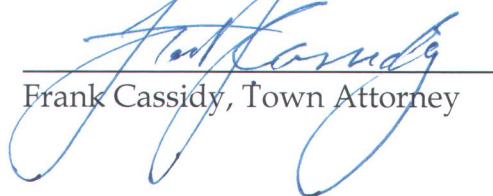
Mayor Ed Honea

ATTEST:



Cherry Lawson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney