

MARANA ORDINANCE NO. 2021.018

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 281 ACRES OF LAND LOCATED ALONG THE WEST SIDE OF INTERSTATE 10 APPROXIMATELY 575 FEET NORTHWEST OF THE TANGERINE ROAD AND INTERSTATE 10 INTERCHANGE, FROM F-SPECIFIC PLAN: SHOPS AT TANGERINE & 1-10 MOTORPLEX SPECIFIC PLAN TO SP-SPECIFIC PLAN: CROSSROADS AT GLADDEN SPECIFIC PLAN

WHEREAS Westcor Marana L.L.C, (the "Property Owner") owns 281 acres of land located along the west side of Interstate 10 approximately 575 feet northwest of the Tangerine Road and Interstate 10 interchange within a portion of Section 36, Township 11 South, Range 11 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 Planning Center to submit an application to rezone the Rezoning Area from 'F - Specific Plan: Shops at Tangerine & I-10 Motorplex Specific Plan' to 'SP- Specific Plan: Crossroads at Gladden Specific Plan' ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on July 28, 2021, and voted five to zero (with two Commissioners absent) to recommend that the Town Council approve this Rezoning, subject to the recommended conditions and an additional condition requiring that building heights in the Rezoning Area must be graduated, from lower heights to higher heights from west to east, from Clark Farms Boulevard east to Interstate 10; and

WHEREAS the Marana Mayor and Town Council held a public hearing on August 17, 2021 and determined that the application for 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 'F - Specific Plan: Shops at Tangerine & I-10 Motorplex Specific Plan' to 'SP - Specific Plan: Crossroads at Gladden Specific Plan' creating the Crossroads at Gladden Specific Plan. The Crossroads at Gladden Specific Plan, one electronic and one printed copy of which are 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. 2021-119, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. The purpose of this Rezoning is to allow the use of the Rezoning Area for a variety of residential, commercial, office and commerce park land uses, subject to the following conditions and which shall be binding on the Property Owner and its successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions), the violation of which shall be treated in the same manner as a violation of the Town Code (but which shall not cause a reversion of this Rezoning):

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. Within 60 calendar days of the sale or transfer of ownership of the Rezoning Area or any portion of the Rezoning Area, as evidenced by the recording of a deed transferring title, or within one year after Council adoption of this ordinance, whichever occurs first, the Property Owners shall pay to the Town of Marana the costs and payment conditions attributable to Westcor Marana L.L.C. for modifications to the Tangerine Farms Improvement District roadway project that were outside the original scope of work and that provided a direct benefit to and/or were requested by Westcor Marana L.L.C., in the amount of \$321,503.77. If the Property Owners do not make the required payment within the time period set forth within this condition #2, the Town may initiate the necessary action to revert the Rezoning Area to the previous zoning upon action by the Town Council.
3. The development proposed by this Rezoning shall be consistent with a Development Agreement which shall be adopted prior to approval of any plat or development plan for any portion of the Rezoning Area.
4. The Property Owners shall dedicate, or cause to have dedicated, the necessary right-of-way for Clark Farms Boulevard, with the final block plat or upon request of the Town.
5. The Property Owners shall commission and pay for a master traffic impact analysis (TIA), which must be accepted by Town staff prior to the approval of any plat or development plan for any portion of the Rezoning Area. The TIA may identify traffic improvements required to serve the Rezoning Area, and the Development Agreement required by condition #3 above will address the timing and obligations for any such traffic improvements.
6. Pursuant to the Development Agreement required by condition #3 above, which shall set forth the timing or trigger for these requirements, or the master TIA, or other applicable Town of Marana codes or regulations, the Property Owners shall submit additional traffic studies and shall:

- a. Design and construct improvements to the Tangerine TI, frontage roads, ramps, and adjacent roadways as recommended by the Town and ADOT based on the traffic studies submitted by the developer.
 - b. Design and construct Clark Farms Boulevard from Tangerine Road to Mike Etter Boulevard as a four lane divided road compliant with Town standard 120-1, as recommended by the Town based on an approved traffic study.
7. Pursuant to the Development Agreement required by condition #3, above, which shall set forth the timing or trigger for these requirements, the Property Owners shall commission and pay for a new master TIA, which must be accepted by the Town, identifying any additional traffic improvements that must be in place prior to the issuance of any Certificate of Occupancy for any portion of the Rezoning Area.
8. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
9. The Property Owners shall install a non-potable system to serve the common open space areas and other landscaped amenities, as accepted by the Cortaro-Marana Irrigation District.
10. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by Marana Water and Water Reclamation (the "water provider") prior to approval of any 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.
11. A master sewer plan must be submitted by the Property Owners and accepted by the Marana Water and Water Reclamation Department (the "wastewater utility") prior to the approval of any final plat or development plan for any portion of 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.
12. 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 any plat or development plan for any portion of the Rezoning Area or as set forth in the Development Agreement required by condition #3 above.

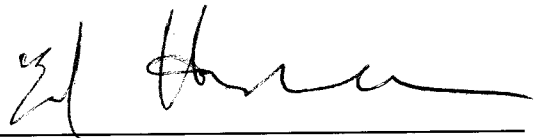
13. The Property Owners shall record an avigation easement with the recording of any final plat for any portion of the Rezoning Area or by separate instrument if a plat is not processed.
14. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of any plat or development plan for any portion of the Rezoning Area.
15. 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.
16. 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.
17. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
18. Any plat or development plan for any portion of the Rezoning Area shall be in general conformance with the conceptual land use plan presented to and approved by the Town Council as part of this Rezoning.
19. The property contains potentially suitable habitat for the burrowing owl. Please note that the Western Burrowing Owl is protected under the Federal Migratory Bird Treaty Act of 1918 and State Law Titles 17-101 and 17-235. Per the Act and state law, a qualified biologist (certified by AZ Game & Fish Dept. - AZGFD) must perform a survey 30 days prior to the start of grading. If a burrowing owl is detected during the survey, AZGFD will coordinate with the property owner to exclude or move the owls without causing delay to the project.
20. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Planning Department with two bound copies, two electronic CD copies in PDF format which will also include graphics of the conceptual land use plan in JPEG or other suitable format of the Crossroads at Gladden Specific Plan.

21. Building heights in the Transitional (TR) and Commercial (C) land use designations require a minimum 1:1 ratio of building height to building setback from the Clark Farms Boulevard right-of-way.

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.

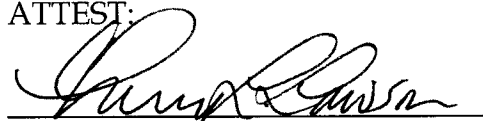
Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of August, 2021.



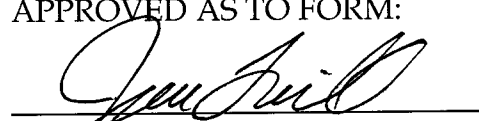
Mayor Ed Honea

ATTEST:



Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney



EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIMA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1

THAT PORTION OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 11 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 36;

THENCE NORTH $00^{\circ} 42' 58''$ WEST, UPON THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 42.46 FEET TO A POINT UPON THE SOUTHWESTERLY LINE OF THAT PROPERTY DESCRIBED IN DOCKET 2020, PAGE 284;

THENCE NORTH $41^{\circ} 44' 02''$ WEST, UPON SAID SOUTHWESTERLY LINE, A DISTANCE OF 29.96 FEET TO THE POINT OF BEGINNING LYING 65.00 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, AS MONUMENTED BY A $5/8$ " REBAR TAGGED "RLS 18557";

THENCE SOUTH $89^{\circ} 27' 19''$ WEST, UPON A LINE 65.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 2,626.63 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 36, MONUMENTED BY A $5/8$ " REBAR TAGGED "RLS 18557";

THENCE SOUTH $89^{\circ} 27' 45''$ WEST, UPON A LINE 65.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 1,269.15 FEET TO A POINT 52.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, MONUMENTED BY A $5/8$ " REBAR TAGGED "RLS 18557";

THENCE SOUTH $00^{\circ} 36' 56''$ EAST, UPON A LINE 52.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 21.00 FEET TO A POINT LYING 44.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER, MONUMENTED BY A $5/8$ " REBAR TAGGED "RLS 18557";

THENCE SOUTH $89^{\circ} 27' 45''$ WEST, UPON A LINE 44.00 FEET NORTHERLY AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, A DISTANCE OF 1,373.10 FEET TO A POINT ON THE WEST LINE OF SECTION 36, MONUMENTED BY A $5/8$ " REBAR TAGGED "RLS 18557";

THENCE NORTH 00° 38' 23" WEST, UPON THE WEST LINE OF SECTION 36, A DISTANCE OF 2,601.04 FEET TO THE WEST QUARTER CORNER OF SECTION 36;

THENCE NORTH 00° 38' 15" WEST, UPON THE WEST LINE OF SECTION 36, A DISTANCE OF 2,107.99 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCKET 2020, PAGE 284, MONUMENTED BY A 5/8" REBAR TAGGED "RLS 18557";

THENCE SOUTH 50° 15' 37" EAST, UPON THE SOUTHWESTERLY LINE OF SAID PROPERTY DESCRIBED IN DOCKET 2020, PAGE 284, A DISTANCE OF 480.90 FEET TO A POINT MONUMENTED BY A 5/8" REBAR TAGGED "RLS 18557";

THENCE SOUTH 50° 15' 43" EAST, UPON SAID SOUTHWESTERLY LINE, A DISTANCE OF 2,780.32 FEET TO A POINT ON THE EAST-WEST CENTERLINE OF SECTION 36, BEING THE NORTHWESTERLY CORNER OF THAT PROPERTY DESCRIBED IN DOCKET 2000, PAGE 547, MONUMENTED BY A 1/2" REBAR TAGGED "RLS 4527";

THENCE SOUTH 50° 15' 47" EAST, UPON THE SOUTHWESTERLY LINE OF SAID PROPERTY DESCRIBED IN DOCKET 2000, PAGE 547, A DISTANCE OF 210.02 FEET TO THE SOUTHWESTERLY CORNER OF SAID PROPERTY, MONUMENTED BY A 5/8" REBAR TAGGED "RLS 18557";

THENCE SOUTH 50° 15' 47" EAST, UPON THE SOUTHWESTERLY LINE OF SAID PROPERTY DESCRIBED IN DOCKET 2020, PAGE 284, A DISTANCE OF 1,207.90 FEET TO A POINT MONUMENTED BY A 1/2" REBAR TAGGED "RLS 4527";

THENCE SOUTH 50° 13' 06" EAST, UPON THE SOUTHWESTERLY LINE OF SAID PROPERTY, A DISTANCE OF 703.66 FEET TO A POINT MONUMENTED BY A 5/8" REBAR TAGGED "RLS 18557";

THENCE SOUTH 46° 58' 10" EAST, UPON THE SOUTHWESTERLY LINE OF SAID PROPERTY, A DISTANCE OF 545.49 FEET TO A POINT MONUMENTED BY A 5/8" REBAR TAGGED "RLS 18557";

THENCE SOUTH 45° 14' 55" EAST, UPON THE SOUTHWESTERLY LINE OF SAID PROPERTY, A DISTANCE OF 584.33 FEET TO A POINT MONUMENTED BY A 5/8" REBAR TAGGED "RLS 18557";

THENCE SOUTH 41° 44' 02" EAST, UPON THE SOUTHWESTERLY LINE OF SAID PROPERTY, A DISTANCE OF 553.22 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO TOWN OF MARANA, RECORDED IN DOCKET 12837, PAGE 5258.



N.T.S.

SEC. 36

DKT. 2020
PG. 284

DKT. 2020
PG. 547

DKT. 2020
PG. 284

DKT. 12837
PG. 5250

APN: 217-55-012A

APN: 217-55-013F

APN: 217-55-013B

APN: 217-55-012D

INTERSTATE

10

TANGERINE

ROAD

POINT OF
COMMENCEMENT
SE COR. SEC. 36

SUBJECT PARCEL
(SHADED)

FUTURE CLARK FARMS BOULEVARD

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION WITHIN
A PORTION OF THE SOUTH HALF SECTION 36,
TOWNSHIP 11 SOUTH, RANGE 11 EAST, G&SRM,
TOWN OF MARANA, PIMA COUNTY, ARIZONA



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