

## MARANA ORDINANCE NO. 2023.001

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RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 154.5 ACRES OF LAND GENERALLY LOCATED BETWEEN MARANA ROAD AND GRIER ROAD, EAST OF WENTZ ROAD FROM ZONE A - SMALL LOT ZONE TO R-4 RESIDENTIAL; AND APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE DEVELOPMENT AGREEMENT REGARDING STREETS DEVELOPMENT IMPACT FEE CREDITS FOR THE WENTZ 154 DEVELOPMENT PROJECT

WHEREAS MC RB LAND 154 Marana LLC (the "Property Owners") owns 154.5 acres of land located between Marana Road and Grier Road, east of Wentz Road, in the SW 1/4 of Section 20, Township 11S, Range 11E, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area;" also known as the "Wentz 154 Development Project"); and

WHEREAS the Property Owners have authorized Lazarus & Silvyn, P.C to submit an application to rezone the Rezoning Area from Zone A - Small Lot Zone to R-4 Residential ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on November 30, 2022, and voted 7-0 to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS Town staff has negotiated the terms of the Development Agreement Regarding Streets Development Impact Fee Credits for the Wentz 154 Development Project to address funding of the Marana Road/I-10 traffic interchange projects; and

WHEREAS the Marana Town Council finds that Development Agreement Regarding Streets Development Impact Fee Credits for the Wentz 154 Development Project, provided in the agenda materials associated with this Council agenda item, is consistent with the Marana General Plan, this Rezoning, and all other applicable Town regulations and policies; and

WHEREAS the Marana Mayor and Town Council held a public hearing to consider this Rezoning on January 17, 2023 and determined that this Rezoning and the Development Agreement Regarding Streets Development Impact Fee Credits for the Wentz 154 Development Project should be approved.

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

**Section 1.** The Development Agreement Regarding Streets Development Impact Fee Credits for the Wentz 154 Development Project 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 2.** The zoning of the Rezoning Area is hereby changed from Zone A - Small Lot Zone to R-4 Residential.

**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 Marana Town 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 plat or development plan for any portion of the Rezoning Area shall be in general conformance with the Conceptual 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 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 Marana Water Department prior to approval of a 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 Marana Water 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 Marana Water consistent with the accepted WIP.
6. A master sewer plan must be submitted by the Property Owners and accepted by the Marana Water Department (the "wastewater utility") prior to the approval of any 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 plat or development plan 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 applicable fire district prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
9. The maximum number of residential lots within the Rezoning Area shall not exceed 750.
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 the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for 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 water provider 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. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
14. The Property Owners shall provide a Phase I environmental site assessment to the Town for the entire Rezoning Area and any right-of-way prior to approval of any final plat for any portion of the Rezoning Area. The site assessment must be dated not more than 180 days prior to the recording of the final plat.

15. Except as otherwise set forth in this section, on or before issuance of the first building permit for the first habitable structure in the Rezoning Area, the Property Owners shall pay to the Town their proportionate financial share up-front for the costs to design, construct, or otherwise improve the circulation to and within the Marana Road/I-10 traffic interchange. The Property Owners' proportionate share will be determined based on the number of Equivalent Dwelling Units in the Rezoning Area and the assumptions in the Streets Facilities Infrastructure Improvements Plan approved by the Town of Marana Mayor and Council on September 20, 2022. As provided by A.R.S. § 9-463.05, the Property Owners' proportionate financial contribution shall be credited against the applicable impact fees payable for development within the Rezoning Area. If the improvements to the Marana Road/I-10 traffic interchange are completed before the first building permit is issued in the Rezoning Area, the Property Owners will not be required to pay their proportionate financial share up-front, but will be required to pay applicable development impact fees as the Rezoning Area is developed.

**Section 4.** All ordinances, resolutions, 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 17<sup>th</sup> day of January, 2023.



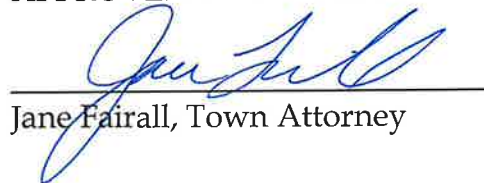
\_\_\_\_\_  
Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney



**EXHIBIT A to Marana Ordinance No. 2023.001**

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

THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 11 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA.

EXCEPT THAT PART OF THEREOF DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS 50.00 FEET NORTH AND 25.00 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 11 EAST;

THENCE RUNNING NORTHERLY 25.00 FEET FROM AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 50.00 FEET;

THENCE EASTERLY 100.00 FEET FROM AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 20, A DISTANCE OF 50.00 FEET;

THENCE SOUTHERLY 75.00 FEET FROM AND PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 20, A DISTANCE OF 50.00 FEET;

THENCE WESTERLY 50.00 FEET FROM AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 20, A DISTANCE OF 50.00 FEET THE POINT OF BEGINNING.

BEING SOMETIMES DESCRIBED AS MARANA WELL SITE-SITE NO. 7 AND;

FURTHER EXCEPT ANY ROADS OR ROADWAYS THEREOF.