

MARANA ORDINANCE NO. 2021.020

RELATING TO DEVELOPMENT; APPROVING AN AMENDMENT TO THE GLADDEN FARMS II SPECIFIC PLAN TO REVISE THE LAND USE DESIGNATION OF BLOCK 38B AND BLOCK 43, GENERALLY LOCATED NORTH OF TANGERINE ROAD AND WEST OF THE CLARK FARMS ROAD ALIGNMENT, FROM COMMERCIAL (C) TO HIGH-DENSITY RESIDENTIAL (HDR); APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE SIXTH AMENDMENT TO THE GLADDEN FARMS II DEVELOPMENT AGREEMENT AND THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING DEVELOPMENT IMPACT FEE CREDITS FOR GLADDEN FARMS II

WHEREAS, on March 7, 2006, the Mayor and Town Council adopted the Gladden Farms II Specific Plan by Ordinance 2006.03; and

WHEREAS, on December 19, 2006, the Mayor and Town Council adopted the first amendment to the Gladden Farms II Specific Plan by Ordinance 2006.35; and

WHEREAS, on March 6, 2018, the Mayor and Town Council adopted the second amendment to the Gladden Farms II Specific Plan by Ordinance 2018.006; and

WHEREAS Crown West Realty LLC (the "Property Owner") owns the land described and depicted on Exhibit A attached to and incorporated in this ordinance by this reference, located within the Amended Gladden Farms Block Plat, a subdivision of the Town of Marana, according to the plat recorded in Pima County Recorder's Office at Sequence No. 20181100137, (the "Rezoning Area"); and

WHEREAS the Property Owner has authorized The Planning Center Inc. (the "Applicants") to submit an application to amend the Gladden Farms II Specific Plan to revise the land use designation of Block 38B and Block 43, generally located north of Tangerine Road and west of the Clark Farms Road alignment, from Commercial (C) to High-Density Residential (HDR); and

WHEREAS the Marana Planning Commission held a public hearing on this Specific Plan Amendment on August 25, 2021, and voted seven to zero to recommend that the Town Council approve the amendment, subject to the recommended conditions; and

WHEREAS at the time of the Planning Commission's review of this application, the Applicants were projecting an increase of 100 housing units to the development as a result of the proposed amendment; the Applicants have now revised that number

upward, projecting an increase of 222 housing units due to this Specific Plan Amendment; and

WHEREAS the Town and the Property Owner's predecessor in interest entered into the Gladden Farms II Development Agreement recorded in the Pima County Recorder's office on March 10, 2006, at Docket 12758, Page 2249 (Sequence 20060470594), which has been amended from time to time, most recently via adoption of the Fifth Amendment to the Gladden Farms II Development Agreement recorded in the Pima County Recorder's office on December 21, 2020, at Sequence 20203560542; and

WHEREAS the Town and the Property Owner's predecessor in interest entered into the Development Agreement Regarding Development Impact Fee Credits for Gladden Farms II recorded in the Pima County Recorder's office on November 9, 2012, at Sequence 20123140233; and

WHEREAS Town staff has negotiated the terms of the Sixth Amendment to the Gladden Farms II Development Agreement and the First Amendment to the Development Agreement Regarding Development Impact Fee Credits for Gladden Farms II (the "Amendments") to address matters associated with this Specific Plan Amendment, specifically the increased number of projected housing units for the development; and

WHEREAS the Mayor and Town Council finds that the Amendments are consistent with the Marana General Plan, this Specific Plan Amendment, and all other applicable Town regulations and policies; and

WHEREAS the Town Council held a public hearing to consider this Specific Plan Amendment on September 21, 2021, and determined that the amendment should be approved.

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

Section 1. The Gladden Farms II Specific Plan is hereby amended to revise the land use designation of Block 38B and Block 43 from Commercial (C) to High-Density Residential (HDR). The Gladden Farms II Specific Plan, as amended by this Amendment #3, 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. 2021-131, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. This amendment 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 Town Code (but which shall not cause a reversion of this amendment), 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. All of the rezoning conditions of Ordinance No. 2006.03, Ordinance No. 2006.35, and Ordinance No. 2018.006 remain applicable to the Rezoning Area and to the Gladden Farms II project except for any conditions that have been modified by this amendment in which case the modified condition will take precedence.
2. 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.
3. The ultimate development proposed by this amendment shall be consistent with the adopted development agreement as it may be amended.
4. 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.
5. Within 60 days after the adoption of this ordinance, the Property Owner shall provide the Planning Department with two bound copies and 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 Gladden Farms II Specific Plan, as amended by this Amendment #3.
6. The Property Owner shall design and construct to Town standards the following infrastructure and amenities on or before December 31, 2022:
 - a. A dog park adjacent to the new soccer fields currently under construction at Gladden Farms Community Park, with additional parking to accommodate the amenity.
 - b. A loop road from the current terminus of the access road near the Circle K at 11403 W. Tangerine Rd, around the diamond fields at Gladden Farms Community Park, and connecting to the new soccer field access road.
 - c. A sidewalk or similar hardscape from the soccer field area at Gladden Farms Community Park to connect to the Circle K.

Section 3. The Sixth Amendment to the Gladden Farms II Development Agreement and the First Amendment to the Development Agreement Regarding Development Impact Fee Credits for Gladden Farms II, attached to and incorporated within this ordinance by this reference as Exhibits B and C, respectively, are hereby approved and the Mayor is hereby authorized and directed to execute them.

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 21st day of September, 2021.



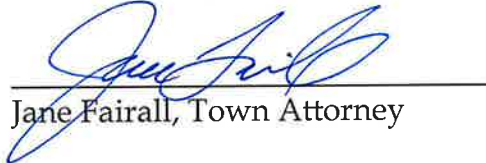
Mayor Ed Honea

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:

Parcel 38B, A Minor Land Division of Block 38, as shown in Record of Survey recorded in Recording No. 20190530030, records of Pima County, Arizona;

ALSO DESCRIBED AS:

Block 38, AMENDED FINAL BLOCK PLAT GLADDEN FARMS, a subdivision of Town of Marana, according to plat recorded in Recording No. 20181100137 and Declaration of Scrivener's Errors recorded in Recording No. 20183180122, records of Pima County, Arizona;

EXCEPTING THEREFROM that portion of Block 38, described as follows:

COMMENCING at the Westerly common corner of said Block 38 and Block 43 of said Gladden Farms Subdivision; THENCE the following 8 courses and distances or arcs upon the West, North and East boundary of said Block 38; North 00 degrees 37 minutes 34 seconds West 574.62 feet upon the West line of said Block 38 to the POINT OF BEGINNING;

THENCE continue North 00 degrees 37 minutes 34 seconds West, 612.91 feet;

THENCE South 75 degrees 28 minutes 29 seconds East, 147.57 feet to a curve concave Northerly;

THENCE Easterly upon the arc of said curve to the left, having a radius of 845.00 feet and a central angle of 32 degrees 20 minutes 27 seconds, for an arc distance of 476.96 feet to a line;

THENCE North 72 degrees 11 minutes 04 seconds East, 411.60 feet to a curve concave Southwesterly;

THENCE Southeasterly upon the arc of said curve to the right, having a radius of 35.00 feet and a central angle of 93 degrees 17 minutes 58 seconds, for an arc distance of 56.99 feet to a point of compound curvature of a curve concave Westerly;

THENCE Southerly upon the arc of said curve to the right, having a radius of 1425.00 feet and a central angle of 13 degrees 52 minutes 18 seconds, for an arc distance of 345.00 feet to a line;

THENCE South 00 degree 38 minutes 40 seconds East, 337.34 feet;

THENCE South 89 degrees 21 minutes 20 seconds West, 1092.34 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

Block 43, AMENDED FINAL BLOCK PLAT GLADDEN FARMS, a subdivision of Town of Marana, according to plat recorded in Recording No. 20181100137 and Declaration of Scrivener's Errors recorded in Recording No. 20183180122, records of Pima County, Arizona.

PARCEL NO. 3:

A perpetual, non-exclusive easement for normal and reasonable vehicular and pedestrian ingress, egress, and access over the Common Driveway as set forth in Reciprocal Easement Agreement recorded December 29, 2017 in Recording No. 20173630470, records of Pima County, Arizona.

APN: 217-54-342A, 217-54-3440

MARANA RESOLUTION NO. 2021-131

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDED GLADDEN FARMS II SPECIFIC PLAN ADOPTED BY ORDINANCE NO. 2021.020

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the amended Gladden Farms II Specific Plan adopted by Ordinance No. 2021.020 and attached to and incorporated in the resolution as Exhibit A, one electronic and one paper copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 21st day of September, 2021.



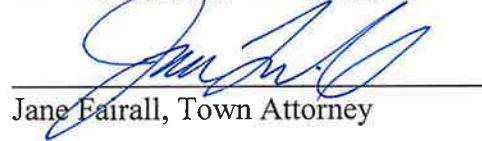
Mayor Ed Honea

ATTEST:



Cherry Lawson, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney

