

MARANA ORDINANCE NO. 2022.014

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 50.92 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF THORNYDALE ROAD AND TANGERINE ROAD FROM R-144 (RESIDENTIAL) TO SP (SPECIFIC PLAN), CREATING THE SWC TANGERINE & THORNYDALE SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE MARANA GENERAL PLAN LAND USE DESIGNATION FROM COMMERCIAL (C) TO MASTER PLAN AREA (MPA)

WHEREAS H3T Partners, LLC, and Silverbell Properties, LLC (the "Property Owners"), own approximately 50.92 acres of land located at the southwest corner of Thornydale Road and Tangerine Road within Section 6, Township 12 South, and Range 13 East, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized Lazarus & Silvyn, P.C. to submit an application to rezone the Rezoning Area from R-144 (Residential) to SP (Specific Plan) ("this Rezoning"), and to request a minor amendment to the Marana General Plan changing the land use category for the Rezoning Area from Commercial (C) to Master Plan Area (MPA); and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning on August 31, 2022, and voted unanimously 7-0 to recommend that the Town Council approve this Rezoning and minor general plan amendment subject to the recommended conditions, plus additional conditions deemed appropriate by the Commission; and

WHEREAS the Marana Mayor and Town Council held a public hearing to consider this Rezoning on September 20, 2022, and determined that this Rezoning and minor general plan 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 zoning of the Rezoning Area is hereby changed from R-144 (Residential) to SP (Specific Plan), creating the SWC Tangerine & Thornydale Specific Plan. The SWC Tangerine & Thornydale 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. 2022-099, 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 land use designation of the Rezoning Area from Commercial (C) 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 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 preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the Conceptual Site Plan(s) 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 Tucson Water (the "water utility") prior to approval of a 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 the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
8. 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.
9. 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.
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. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
12. There shall be a minimum building setback, applicable to all structures, of 300 feet measured from a fixed point along the west and south property boundaries of the Rezoning Area nearest the existing residences in the Sky Ranch subdivision. An additional 100-foot setback, beyond the 300 feet, will apply to any two-story residence proposed to be constructed in this portion of the Rezoning Area. Additionally, there shall be a minimum 600-foot building setback, measured from the same fixed point on the west and south property boundaries, applicable to any apartment-style multi-family structure constructed in this portion of the Rezoning Area. These building setbacks are depicted on the Land Use Concept Plan and the Illustrative Concepts within the Specific Plan document.

13. Commercial development is prohibited west of the wash depicted as “open space” on the Land Use Concept Plan and Illustrative Concepts within the Specific Plan document.
14. Multi-family development is restricted to two stories throughout the Rezoning Area.
15. The wash depicted as “open space” on the Land Use Concept Plan and Illustrative Concepts within the Specific Plan document shall have a width of at least 150 feet.
16. No more than 50% of single-family residential structures may be two stories.
17. The approximately 24-armed Saguaro cactus, located approximately 175 feet south of the second Tangerine Road drainage structure east of the western property boundary of the Rezoning Area, shall be preserved in accordance with Town Code Chapter 17-11 and native plant preservation standards.
18. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Development Services Department with two bound copies, and two electronic CD copies in PDF format, which will also include graphics of the Conceptual Site Plan(s) plan in JPEG or other suitable format, of the SWC Tangerine & Thornydale Specific Plan.

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 September, 2022.



 Mayor Ed Honea

ATTEST:


 David Udall, Town Clerk

APPROVED AS TO FORM:


 Jane Fairall, Town Attorney

