

MARANA ORDINANCE NO. 2020.005

RELATING TO DEVELOPMENT; AMENDING MARANA ORDINANCE NO. 2017.008, WHICH APPROVED THE REZONING OF APPROXIMATELY 34 ACRES OF LAND LOCATED EAST OF TWIN PEAKS ROAD AND NORTH OF THE LAMBERT LANE ALIGNMENT, BY REVISING THE CONCEPTUAL DEVELOPMENT PLAN AND INCREASING THE MAXIMUM NUMBER OF LOTS FROM 59 TO 62

WHEREAS Chun-Ying Frank Lin (the "Property Owner") owns approximately 34 acres of property previously entitled as R-6 (Single-Family Residential) zoning by the adoption of Ordinance No. 2017.008 by the Mayor and Council on April 4, 2017, and located on the east side of Twin Peaks Road north of the Lambert Lane alignment within Section 11, Township 12 South, and Range 12 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Marana Town Council approved a rezoning from R-144 (Single-Family Residential) to R-6 (Single-Family Residential) April 4, 2017; and

WHEREAS the Property Owner has authorized Paradigm Land Design, LLC and Meritage Homes to submit an application to amend Marana Ordinance 2017.008 (the "Amendment") revising the conceptual development plan and increasing the maximum number of lots from 59 lots to 62 lots; and

WHEREAS the Marana Town Council held a public hearing to consider this Amendment on March 17, 2020 and determined that the Amendment is in the best interest of the Town of Marana and the general public.

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

Section 1. Marana Ordinance No. 2017.008 is hereby amended, revising the conceptual development plan for the Rezoning Area and increasing the maximum number of lots from 59 lots to 62 lots.

Section 2. This Amendment is subject to the following conditions, which replace the conditions listed in Section 2 of Ordinance No. 2017.008, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code, 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. 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 development plan presented to and approved by the Town Council as part of this Amendment.
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 Owner and accepted by the Marana Water Department (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 Owner 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 Owner and accepted by the Marana Water 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 Owner must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
6. The Property Owner 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) and emergency access, must be accepted by the applicable fire service provider(s) prior to Town Council consideration of a final plat for any portion of the Rezoning Area.

8. The maximum number of residential lots within the Rezoning Area shall be 62.
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 Owner 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 Owner 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. The Property Owner shall transfer to Marana, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for the Town 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 Town and the Property Owner shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
11. Prior to the issuance of any grading permits, the Property Owner 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.
12. A 100% clearance survey for the desert tortoise shall be completed by a qualified biologist at the Property Owner's 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 Owner shall immediately notify the Town and the AZGFD, and the tortoise shall be moved in accordance with the most current AZGFD Tortoise Handling Guidelines at the Property Owner's expense.
13. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
14. Lots 5 through 13 and 41 through 62 as shown on the conceptual development plan presented to and approved by the Town Council as part of this Amendment shall be limited to one-story construction.
15. At the time a final subdivision plat is submitted for the Rezoning Area, the Property Owner shall dedicate additional right-of-way to provide a total half-width of 75 feet for Lambert Lane along the entire south boundary of the Rezoning Area. Where 30 feet of right-of-way width currently exists, an additional width of 45 feet will be dedicated. Where no right-of-way currently exists, the entire 75 feet will be dedicated. In lieu of requiring an additional permanent waterline easement in the Rezoning Area, the Town shall accommodate the placement of Metropolitan Domestic Water Improvement District water facilities within the dedicated Lambert Lane right-of-way.

16. At the time a final subdivision plat is submitted for the Rezoning Area, the Property Owner shall dedicate 30 feet of right-of-way along the entire east boundary of the Rezoning Area for Blue Bonnet Road.
17. The Property Owner shall dedicate a public sewer easement through the Rezoning Area extending from the Twin Peaks Road right-of-way to the 40-foot sewer easement along the east property boundary, enabling sewer facilities to be provided to future development west of Twin Peaks Road.
18. During construction of the subdivision, the Property Owner shall grade the Lambert Lane access drive from the west property boundary of Parcel No. 216-32-021C east to the Blue Bonnet Road alignment.

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 March, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney



Exhibit "A"

PARCEL 1:

That portion of the South half of the Southwest quarter of the Southeast quarter of Section 11, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, lying Southeasterly of the Camino de Manana Road No. 220, as recorded in Book of Maps at page 2, in the office of the Pima County Recorder, Pima County, Arizona.

EXCEPT that portion conveyed in Docket 13648 at page 2596 and re-recorded in Docket 13663 at page 3648, and also recorded in Docket 13688 at page 23, described as follows:

COMMENCING at the Southeast corner of said Section 11, being a found 1-1/4 inch open iron pipe with a nail inside;

THENCE North 89 degrees 29 minutes 27 seconds West upon the South line of said Southeast Quarter, a distance of 1580.19 feet to the POINT OF BEGINNING;

THENCE continuing North 89 degrees 29 minutes 27 seconds West upon said South line, a distance of 92.95 feet to the Southeasterly right of way of Camino de Manana, as recorded in Book 2 of Road Maps at page 1, Pima County Recorder's office, Pima County, Arizona;

THENCE North 25 degrees 10 minutes 27 seconds East upon said right of way, a distance of 670.91 feet to a point of curvature of a tangent curve concave Southeasterly;

THENCE Northeasterly upon said right of way and upon the arc of said curve, to the right, having a radius of 1402.50 feet and a central angle of 1 degrees 58 minutes 02 seconds for an arc length of 48.15 feet to a point on the Westerly right of way line of Decker Drive as recorded in Book 23 of Road Maps at page 40, Pima County Recorder's office, Pima County, Arizona;

THENCE South 01 degree 19 minutes 42 seconds East upon said right of way line, a distance of 6.37 feet;

THENCE South 01 degrees 22 minutes 22 seconds East upon said right of way line, a distance of 186.45 feet to a point on a line 87.00 feet Southeast of and parallel with said Southeasterly right of way of Camino de Manana;

THENCE South 25 degrees 10 minutes 27 seconds West upon said parallel line, a distance of 424.68 feet to a point of curvature of a tangent curve concave Northwesterly;

THENCE Southwesterly upon the arc of said curve, to the right, having a radius of 1364.00 feet and a central angle of 3 degrees 29 minutes 32 seconds for an arc length of 83.14 feet to the POINT OF BEGINNING.

(JV Arb 105)

PARCEL 2:

A portion of the property described in Docket 462 at page 330 in the Southeast quarter of Section 11, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

The West 60 feet of the East half of the Southeast quarter of said Section 11 lying South of the new alignment of Camino de Manana/Dove Mountain Boulevard Extension as shown in the Town of Marana Right of Way Plans, Project No. 2001-52, further described as follows:

COMMENCING at the Southeast corner of said Section 11 being a found 1 ¼ inch open iron pipe with a nail inside, bearing South 89 degrees 29 minutes 27 seconds East a distance of 2701.63 feet from the South quarter corner of Section 11, a stone marked 1/4 on the North face;

THENCE North 89 degrees 29 minutes 27 seconds West upon the South line of said Southeast quarter a distance of 1290.84 feet to the POINT OF BEGINNING;

THENCE continuing North 89 degrees 29 minutes 27 seconds West upon said South line, a distance of 60.03 feet to the East one-sixteenth corner of the Southeast quarter of Section 11;

THENCE upon said sixteenth line North 01 degrees 22 minutes 22 seconds West, a distance of 460.63 feet to a point on the Southeasterly line of said new right-of-way alignment;

THENCE upon said right-of-way line North 25 degrees 10 minutes 27 seconds East a distance of 134.25 feet to a point on a line 60.00 feet East of and parallel with said sixteenth line;

THENCE upon said parallel line South 01 degrees 22 minutes 22 seconds East a distance of 582.70 feet to the POINT OF BEGINNING.

(JV Arb 297)

PARCEL 3:

All that portion of the Southeast quarter of the Southeast quarter of Section 11, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona lying South of the South right-of-way line of Camino de Manana;

EXCEPT the West 60 feet and the South 30 feet thereof;

FURTHER EXCEPT that portion conveyed in Docket 13586 at page 3811 and described as follows:

That portion of the parcel described in Docket 6210 at page 825, records of Pima County, Arizona Recorder, located in the Southeast Quarter of the Southeast Quarter of Section 11, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, lying Northwesterly of the Southeasterly right of way of Camino de Manana as proposed by the Town of Marana Project No. 2001-52, described as follows:

BEGINNING at the Northeast corner of the parcel described in Docket 6210 at page 825, also being the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 11, from which Southeast corner of Section 11 bears South 02 degrees 02 minutes 10 seconds East;

THENCE North 89 degrees 54 minutes 28 seconds West, along the North line of the parcel, a distance of 327.83 feet to the point of beginning on the proposed Southeasterly right of way;

THENCE continuing along the North line of the parcel, North 89 degrees 54 minutes 28 seconds West, a distance of 124.20 feet to a point on the Southeasterly right of way of Camino de Manana as it exists;

THENCE along the existing right of way, South 67 degrees 06 minutes 42 seconds West, a distance of 357.43 feet to the beginning of a tangent curve concave to the Southeast;

THENCE Southwesterly along the curve having a radius of 686.80 feet and a central angle of 24 degrees 55 minutes 02 seconds, an arc distance of 298.68 feet;

THENCE South 42 degrees 11 minutes 40 seconds West, tangent to the curve, a distance of 238.18 feet;

THENCE South 34 degrees 10 minutes 56 seconds West, a distance of 68.79 feet to the beginning of a tangent curve concave to the Southeast;

THENCE Southwesterly along the curve having a radius of 1402.70 feet and a central angle of 2 degrees 55 minutes 50 seconds, an arc distance of 71.75 feet to the West line of the parcel described in Docket 6210 at page 825;

THENCE South 01 degrees 20 minutes 54 seconds East, a distance of 146.28 feet to the

proposed right of way of Camino de Manana;

THENCE along the proposed right of way, North 25 degrees 10 minutes 27 seconds East, a distance of 91.35 feet to the beginning of a tangent curve concave to the Southeast;

THENCE Northeasterly, along the curve having a radius of 880.00 feet and a central angle of 41 degrees 56 minutes 15 seconds, an arc distance of 644.11 feet;

THENCE North 67 degrees 06 minutes 42 seconds East tangent to the curve, a distance of 196.11 feet to the beginning of a tangent curve concave to the Northwest;

THENCE Northeasterly, along a curve having a radius of 1030.00 feet and a central angle of 16 degrees 40 minutes 36 seconds, an arc distance of 299.80 feet to the POINT OF BEGINNING.

(JV Arb 102)