

## MARANA ORDINANCE NO. 2023.029

RELATING TO DEVELOPMENT; APPROVING MODIFICATIONS TO REZONING CONDITIONS OF MARANA ORDINANCE NO. 2006.29, WHICH REZONED APPROXIMATELY 9.95 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF INA AND SILVERBELL ROADS, TO DELETE ZONING CONDITIONS THAT WERE INTENDED TO ONLY ALLOW A RETAIL SHOPPING CENTER ON THE SITE AND TO REMOVE ZONING CONDITIONS RELATED TO THE NOW-COMPLETED SILVERBELL ROAD IMPROVEMENT PROJECT

WHEREAS the Mayor and Council of the Town of Marana adopted Ordinance No. 2006.29 on September 19, 2006, approving a rezoning of approximately 9.95 acres of land generally located at the southwest corner of the intersection of Ina and Silverbell Roads; and

WHEREAS approval of the rezoning was subject to a number of conditions, including conditions that were intended to only allow a retail shopping center on the site, and conditions related to the now-completed Silverbell Road improvement project; and

WHEREAS MC Companies recently purchased the four parcels comprising the 9.95-acre property and a 4.13-acre parcel to the south to develop the proposed The Place at Ina Crossroads, a 240-unit apartment community; and

WHEREAS MC Companies has applied to the Town to remove rezoning conditions from Ordinance No. 2006.29 that are no longer applicable to the site, due to the proposed apartment use of the site and due to changed circumstances since 2006; and

WHEREAS the Mayor and Council find that the condition modifications set forth in this ordinance are in the best interests of the Town and its citizens.

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

**Section 1.** Section 3 of Marana Ordinance No. 2006.29 is hereby revised as follows, with deletions shown with ~~strikeouts~~ and additions shown with double-underlining:

**Section 3.** ~~The intent of the rezoning is to allow for the development of a retail shopping center.~~ This rezoning 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

Land Development Code (but which shall not cause a reversion of this rezoning ordinance):

1. Compliance with all provisions of Town's Codes, Ordinances, and policies of the General Plan current at the time of development including, but not limited to, requirements for public improvements.

~~2. Compliance with Title 24.S. Use Regulations in the Silverbell Road Commercial Overlay District of the Land Development Code with the following exemptions:~~

~~a. Allow one bank drive-through location and facility generally as shown in the tentative development plan.~~

~~b. Allow one restaurant drive-through location and facility generally as shown in the tentative development plan.~~

~~3. The developer shall provide enhanced landscape and/or hardscape to ensure that headlights from cars entering the drive-through lanes do not shine onto adjacent property.~~

~~4. The developer shall be responsible for all improvements needed onsite and for the offsite driveway connections and sewerage. The developer shall be responsible for making a monetary contribution to the Town to in an amount sufficient to cover the cost of the design and construction of a northbound left turn lane in Silverbell Road at the south driveway and a westbound left turn lane in Ina Road at the west driveway to be incorporated into the Silverbell Road improvement project.~~

~~5. The Town of Marana shall not issue a certificate of occupancy for any commercial use in the proposed shopping center until the Town's capital improvement project on Silverbell Road is substantially completed.~~

2. Any plat or development plan for any portion of the Rezoning Area submitted after the effective date of this ordinance shall be in general conformance with the conceptual land use plan attached to and incorporated in this ordinance by this reference as Exhibit 1: Conceptual Land Use Plan.

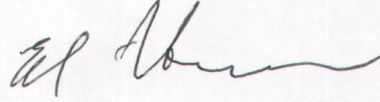
3. Drive-through facilities are prohibited in the Rezoning Area.

**Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed as of the effective date of this ordinance; provided, however, that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

**Section 3.** 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, the 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 19th day of September, 2023.



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Mayor Ed Honea

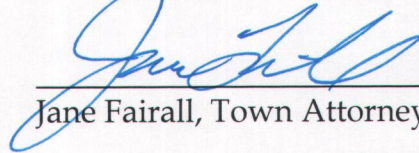
ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney



*Brathmore*  
WRITING 25% COTTON