

## MARANA ORDINANCE NO. 2015.002

---

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 3.2 ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE TWIN PEAKS ROAD AND TANGERINE ROAD INTERSECTION FROM “C” (LARGE LOT ZONE) TO “NC” (NEIGHBORHOOD COMMERCIAL)

WHEREAS TRP Twin Peaks LLC (collectively the “Property Owners”) own 3.2 acres of land located in Section 1, Township 12 South, 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 Property Owners have submitted an application to rezone the Rezoning Area from “C” Large Lot Zone to “NC” Neighborhood Commercial (“this Rezoning”); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on December 17, 2014, and voted 6 to 0 with one Commissioner absent to recommend that the Town Council approve this Rezoning, subject to the conditions recommended by staff and adding new condition 18 below; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on January 20, 2015 and determined that the requested Rezoning 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 “C” Large Lot Zone to “NC” Neighborhood Commercial.

**Section 2.** 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), 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. 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.
3. 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. The exact location and operations of any proposed driveways for the

development of the Rezoning Area will require the approval of the Town Engineer based on the findings of the traffic impact analysis.

4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by 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 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 the 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. 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.
8. The Property Owners 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 Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
9. 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.
10. A 100% desert tortoise survey shall be completed by a qualified biologist at the Property Owners’ expense and approved by the Town prior to the issuance of any grading permits in

the Rezoning Area. Any Sonoran Desert tortoises found on the Rezoning Area shall be relocated at the Property Owners' expense.

11. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
12. The Property Owners shall dedicate an additional 75 feet of land along the northerly property line of the Rezoning Area to the Town of Marana.
13. The Property Owners shall dedicate an additional 15 feet of land along a portion of the southerly property line of the Rezoning Area to the Town of Marana that will complete the full 60 foot half width of right of way for Hollywood Boulevard.
14. A cultural resources survey must be completed and submitted to the Town for review and approval prior to any site disturbance
15. Town staff is authorized to require minor grammatical and illustrative changes to the Rezoning Site Analysis document.
16. Before recordation of a final plat or the approval of a development plan, the Property Owners shall have completed or shall provide evidence to the Town's satisfaction that the Property Owners have made a diligent effort to complete the process of having the Rezoning Area annexed into a fire district or have otherwise provided for fire protection service to the Rezoning Area.
17. No residential uses shall be allowed in the Rezoning Area.
18. Development plans for the Rezoning Area shall require approval of the Planning Commission at a public hearing.

**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 20<sup>th</sup> day of January, 2015.

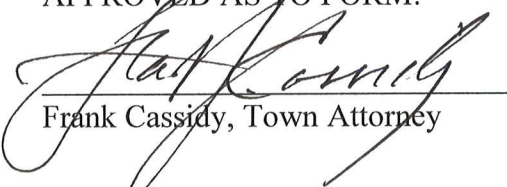


ATTEST:

  
Jocelyn C. Bronson, Town Clerk

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Frank Cassidy, Town Attorney