

MARANA ORDINANCE NO. 2020.009

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 10.74 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF AERIE DRIVE AND THORNYDALE ROAD FROM 'NC - NEIGHBORHOOD COMMERCIAL' TO 'F - SPECIFIC PLAN' FOR THE PURPOSE OF CREATING THE ALEXANDER SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS I.T. Investments Three, L.L.C. (the "Property Owner") owns 10.74 acres of land located within the northeast portion of Section 6, Township 13 South, Range 13 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owner has authorized the Planning Center to submit an application to rezone the Rezoning Area from 'NC - Neighborhood Commercial' to 'F - Specific Plan' ("this Rezoning"), and to amend the 2010 Marana General Plan from 'C' Commercial to 'MPA' Master Plan Area; and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on June 24, 2020, and voted five to zero (with two Commissioners absent) to recommend that the Town Council approve this Rezoning, subject to the recommended conditions with an additional height stipulation added by the Planning Commission and incorporated into the specific plan document; and

WHEREAS the Marana Mayor and Town Council held a public hearing on July 21, 2020 and determined that the application for 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 'NC - Neighborhood Commercial' to 'F - Specific Plan,' creating the Alexander Specific Plan.

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from 'C' Commercial to 'MPA' Master Plan Area.

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 Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), 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 land use plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owner 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 detailed traffic impact analysis must be submitted by the Property Owner and accepted by Town staff prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owner and accepted by Tucson Water (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.
6. A master sewer plan must be submitted by the Property Owner 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 Owner must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
7. 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.

8. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
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. 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.
11. 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 AZGFD, and the tortoise shall be moved in accordance with the most current *AZGFD Tortoise Handling Guidelines* at the Property Owner's expense.
12. The Property Owner shall not cause any lot split of any kind without the written consent of the Town of Marana.
13. Within 60 days after the adoption of this ordinance, the Property Owner shall provide the Planning Department with two bound copies and two electronic copies on CD in PDF format, which will also include graphics of the conceptual land use plan in JPEG or other suitable format of the Alexander Specific Plan.
14. Based on the Town-accepted Traffic Impact Study's traffic data and findings, the developer of this project shall be responsible for the design and construction of the following off-site roadway improvements:
 - a. A directional median opening shall be constructed on Thornydale Road at the intersection with Aerie Drive that allows left turns from Thornydale Road (northbound and southbound), but prevents left turns from Aerie Drive onto Thornydale Road.
 - b. One of the existing two eastbound lanes on Aerie Drive shall be dropped, following engineering standards, so that there is a single eastbound lane on Aerie Drive at the intersection of Thornydale Road.

- c. The resulting single eastbound lane on Aerie Drive shall be designed to allow only right turns onto Thornydale Road.
 - d. The landscaped median shall be widened to incorporate any excess pavement width on Aerie Drive as a result of the lane drop and configured to force right turns onto Thornydale Road.
 - e. The existing landscaped median island on Aerie Drive shall be reconfigured at Driveway #2 to provide a dedicated left-turn lane for westbound Aerie Drive into Driveway #2.
15. The Alexander Connector Trail will be constructed by the developer unless other cost-sharing mechanisms are negotiated with Pima County and/or the Town of Marana when the eastern portion of the site is developed and only after the planned extension CDO River Park has been constructed.

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 July, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

