

MARANA ORDINANCE NO. 2021.012

RELATING TO DEVELOPMENT; APPROVING A MODIFICATION OF A REZONING CONDITION OF MARANA ORDINANCE NO. 2011.19, WHICH CREATED THE RANCHO PALOMITAS SPECIFIC PLAN, TO ALLOW THE DEVELOPER TO CONTRIBUTE FUNDING TO THE TOWN FOR DESIGN AND CONSTRUCTION OF TURN LANES ON TANGERINE ROAD IN LIEU OF THE DEVELOPER DESIGNING AND CONSTRUCTING THE TURN LANES

WHEREAS the Mayor and Council of the Town of Marana adopted Ordinance No. 2011.19 on August 2, 2011, approving a rezoning of approximately 78 acres of land to "F - Specific Plan" creating the Rancho Palomitas Specific Plan ("Rancho Palomitas"); and

WHEREAS approval of the rezoning was subject to a number of conditions, including condition 6 which provides that the developer/owner is responsible for the design and construction of the eastbound deceleration (right-turn) lane(s) and continuous center left-turn lane on Tangerine Road at its intersections with the project's two access streets; and

WHEREAS the developer/owner of Rancho Palomitas has not yet constructed the required turn lanes on Tangerine Road; and

WHEREAS the Regional Transportation Authority (RTA) plan includes funding for a roadway corridor improvement project for the widening of Tangerine Road, including the portion of Tangerine Road adjacent to Rancho Palomitas, currently scheduled to begin design in fiscal year 2022 and construction in fiscal year 2023; and

WHEREAS construction of the RTA Tangerine Road project would result in the removal and replacement of any turn lanes designed and constructed by the developer/owner on Tangerine Road; and

WHEREAS it is more efficient for the developer/owner to contribute to the cost of design and construction of the turn lanes in satisfaction of Ordinance No. 2011.19, Section 3, condition 6, rather than designing and constructing turn lanes that will be removed and replaced in the near future; and

WHEREAS the Marana Planning Commission held a public hearing on October 27, 2021, and voted 6-0 to recommend that the Town Council approve the requested modification; and

WHEREAS the Mayor and Council of the Town of Marana find that the modification adopted by this ordinance 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. 2011.19, Section 3, condition 6 is hereby amended as follows (with deletions shown with ~~strikethroughs~~ and additions shown with double underlining):

~~The developer/owner shall be responsible for the~~ In lieu of design and construction of the eastbound deceleration (right-turn) lane(s) and continuous center left-turn lane on Tangerine Road at its intersections with the project's two access streets, the developer/owner shall pay to the Town a contribution of \$275,694.84 toward the design and construction costs for the described improvements.

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 16th day of November, 2021.

Mayor Ed Honea

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

