

MARANA ORDINANCE NO. 2022.028

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY .53 ACRES OF BLOCK C OF THE FINAL BLOCK PLAT FOR WILLOW RIDGE, LOCATED AT THE SOUTHEAST CORNER OF CORTARO FARMS ROAD AND SANDY DESERT TRAIL, FROM R-16 (RESIDENTIAL) TO NC (NEIGHBORHOOD COMMERCIAL); APPROVING A MODIFICATION OF A REZONING CONDITION OF MARANA ORDINANCE NO. 2004.07, WHICH APPROVED THE REZONING FOR THE 104-ACRE WILLOW RIDGE DEVELOPMENT, TO DELETE A CONDITION THAT PROHIBITS TWO-STORY CONSTRUCTION WITHIN 300 FEET OF CORTARO FARMS ROAD AS IT APPLIES TO BLOCK C, A 3.81-ACRE PARCEL

WHEREAS the Mayor and Council of the Town of Marana adopted Marana Ordinance No. 2004.07 on April 20, 2004, approving a rezoning of approximately 104.6 acres of land located along the south side of Cortaro Farms Road east of Hartman Lane and west of Star Grass Drive, known as Willow Ridge, from R-144 (Residential, Single-Family) and R-36 (Residential, Single-Family) to NC (Neighborhood Commercial), R-6 (Residential, Single-Family), and R-16 (Residential, Single-Family); and

WHEREAS approval of the rezoning was subject to a number of conditions including Condition No. 6 which states "No two-story construction shall be provided within three-hundred (300) feet of Cortaro Farms Road on the north and along the westerly property line, as delineated in the site analysis and tentative development plan"; and

WHEREAS, on September 14, 2005, the Final Block Plat for Willow Ridge Blocks A through F was recorded in the office of the Pima County Recorder at Book 60 Maps and Plats Page 22; and

WHEREAS Block C of the Final Block Plat for Willow Ridge ("Block C") is a 3.81-acre parcel located south of Cortaro Farms Road and east of Sandy Desert Trail, of which approximately 3.28 acres is zoned NC (Neighborhood Commercial) and approximately .53 acres is zoned R-16 (Residential, Single-Family) per Ordinance No. 2004.07; and

WHEREAS Lazarus & Silvyn, P.C., representing an entity under contract to purchase Block C (the "Property Owner"), has submitted an application to rezone the R-16-zoned portion of Block C, as described and depicted in Exhibit 'A' attached to and incorporated in this ordinance by this reference (the "Rezoning Area"), to NC (this "Rezoning"); and

WHEREAS Lazarus & Silvyn, P.C., has also submitted an application to delete Condition No. 6 of Ordinance No. 2004.07 as it applies to Block C; and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning and condition modification on November 30, 2022, and voted unanimously 7-0 to recommend that the Town Council approve this Rezoning and condition modification; and

WHEREAS the Marana Mayor and Town Council held a public hearing on December 20, 2022, to consider this Rezoning and condition modification and determined that they 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 R-16 to NC.

Section 2. Except as set forth in Section 3 below, this Rezoning is subject to the conditions of Ordinance No. 2004.07, the violation of which shall be treated in the same manner as a violation of the Marana Town 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.")

Section 3. Section 2, Condition 6 of Marana Ordinance No. 2004.07 is hereby deleted only as it applies to Block C of the Final Block Plat for Willow Ridge Blocks A through F. The condition shall remain in place for all other portions of the Willow Ridge Final Block Plat that are subject to the condition.

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 20th day of December, 2022.



Mayor Ed Honea

ATTEST:



David L. Udall, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney

