

SMARA
TOWN OF MARANA
PICKUP



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NO. PAGES: 4
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MARANA ORDINANCE NO. 2020.014

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 9.38 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF TANGERINE ROAD, APPROXIMATELY 1,200 FEET EAST OF THE INTERSECTION OF TANGERINE ROAD AND CAMINO DE OESTE, FROM 'R-144' RESIDENTIAL TO 'F' DOVE MOUNTAIN SPECIFIC PLAN AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS Rita Land Corporation and DM Phase IV Investment LLC (collectively the "Property Owners") are the owners of approximately 9.38 acres of land generally located on the north side of Tangerine Road, approximately 1,200 feet east of the intersection of Tangerine Road and Camino de Oeste, in Section 31, Township 11 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 Owners have submitted an application to rezone the Rezoning Area from 'R-144' Residential to 'F' Dove Mountain Specific Plan ("this Rezoning"), and amend the 2040 Marana General Plan designation for the Rezoning Area from Low Density Residential (LDR) to Master Plan Area (MPA); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on September 30, 2020, and voted 6 to 0, with one Commissioner absent, to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on October 20, 2020 and determined that this 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 amended Dove Mountain Specific Plan, adding the Rezoning Area to the specific plan boundary with a land use designation of Mixed Use Commercial (MUC), and rezoning the Rezoning Area from 'R-144' Residential to 'F' Dove Mountain Specific Plan, one electronic and one printed copy of which is on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by, and is attached as, Exhibit A to Marana Resolution No. 2020-117, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from Low Density Residential (LDR) to Master Plan Area (MPA).

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 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. Any preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the tentative development 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 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
4. 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.
5. 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.
6. 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.

7. 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.
8. The final design of required streets and circulation facilities, including gated access (if applicable) and emergency access, must be in conformance with applicable fire codes 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 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.
10. 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.
11. A 100% clearance survey for the desert tortoise shall be completed by a qualified biologist at the Property Owners' 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 Owners 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 Owners' expense.
12. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
13. Compliance with all provisions of the Town's Codes, Street Standards, and Ordinances, current at the time of any subsequent development, including, but not limited to, requirements for public improvements.
14. Upon adoption of the ordinance by the Mayor and Council approving the amendment to the Dove Mountain Specific Plan, the applicant shall provide the Planning Department with three paper copies and one digital copy of the specific plan with the appropriate changes made, within 60 days of the adoption.
15. This specific plan amendment shall not confer any impact fee exemptions previously agreed to through the Dove Mountain Development Agreement(s).

16. All open space easements, public trails and/or wildlife corridors shall be dedicated to the applicable entity at the time of platting, and no construction shall be permitted in the delineated Floodplain without the consent of the Development Services Administrator.
17. Prior to approval of a subdivision plat or development plan, within the Rezoning Area, the applicant shall provide written verification that the site has been annexed in the Northwest Fire District.

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.

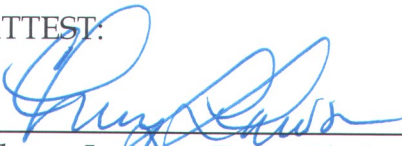
Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of October, 2020.



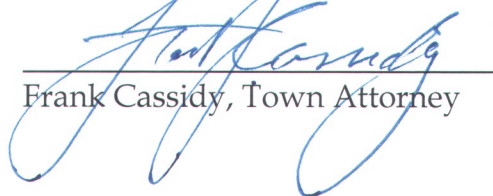
Mayor Ed Honea

ATTEST:



Cherry Lawson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

MARANA RESOLUTION NO. 2020-117

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDED DOVE MOUNTAIN SPECIFIC PLAN ADOPTED BY ORDINANCE NO. 2020.014

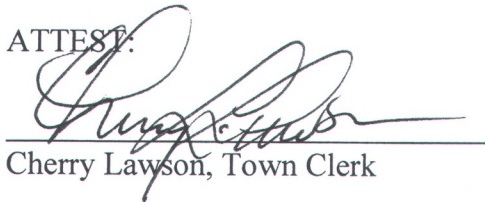
BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the amended Dove Mountain Specific Plan adopted by Ordinance No. 2020.014 and attached to and incorporated in this resolution as Exhibit A, one electronic and one paper copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of October, 2020.

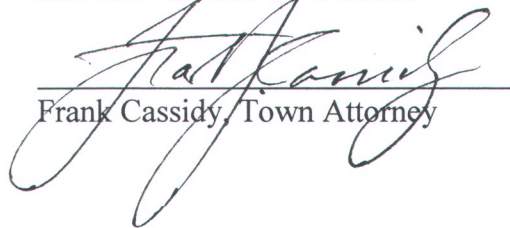


Mayor Ed Honea

ATTEST:


Cherry Lawson, Town Clerk

APPROVED AS TO FORM:


Frank Cassidy, Town Attorney

On Point Surveying, PLLC
onpointsurveygroup@gmail.com
(520)490-2467

EXHIBIT A
Legal Description &
Map Exhibit

LEGAL DESCRIPTION

PARCEL 1

A portion of those certain Parcels of land described in Sequence Numbers 20163191105 and 20193571053 in the Office of the Pima County Recorder, situated in the Southeast Quarter of the Southwest Quarter of Section 31, Township 11 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

BEGINNING at the southeast corner of said Parcel described in Sequence Number 20193571053, which is on the north right of way of Tangerine Road monumented by a 2 inch aluminum capped rebar stamped RLS 58199, from which the northeast corner of said Parcel monumented by a 5/8 inch rebar tagged LS 4680, bears North $00^{\circ}10'24''$ West, a distance of 811.46 feet;

Thence South $89^{\circ}48'45''$ West, upon said north right of way, a distance of 197.25 feet to a point of curvature, monumented by a 2 inch aluminum capped rebar stamped RLS 58199;

Thence upon said curve to the right, with a radius of 3350.00 feet, through a central angle of $00^{\circ}03'52''$, and an arc length of 3.76 feet, to the southwest corner of said Parcel described in Sequence Number 20193571053, monumented by a 2 inch aluminum capped rebar stamped RLS 58199;

Thence continuing upon said curve to the right, with a radius of 3350.00 feet, through a central angle of $03^{\circ}26'07''$, and an arc length of 200.86 feet, to the southwest corner of said Parcel described in Sequence Number 20163191105, monumented by a 2 inch aluminum capped rebar stamped RLS 58199, hereinafter known as **Point A**;

Thence North $00^{\circ}12'15''$ West, upon the west line of said Parcel, a distance of 805.53 feet, to the northwest corner of said Parcel, monumented by a 5/8 inch rebar;

Thence North $89^{\circ}45'58''$ East, upon the north line of said Parcel, a distance of 149.41 feet;

Thence South $33^{\circ}16'19''$ West, a distance of 243.88 feet;

Thence North $89^{\circ}49'31''$ East, a distance of 387.18 feet, to the east line of said Parcel described in Sequence Number 20193571053;

Thence South $00^{\circ}10'24''$ East, upon the east line of said Parcel, a distance of 608.03 feet, to **THE POINT OF BEGINNING**.

Excepting From the Following Described Parcel:

A portion of that certain Parcel of land described in Sequence Numbers 20163191105 in the Office of the Pima County Recorder, situated in the Southeast Quarter of the Southwest Quarter of Section 31, Township 11 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

COMMENCING at aforementioned **Point A**;

Thence North 00°12'15" West, upon the west line of said Parcel, a distance of 9.13 feet;

Thence North 89°47'45" East, a distance of 135.80 feet, to a ½ inch rebar tagged LS 10046, also being **THE POINT OF BEGINNING**;

Thence North 00°09'39" West, a distance of 70.02 feet, to a ½ inch rebar tagged LS 10046;

Thence North 89°51'34" East, a distance of 49.94 feet, to a ½ inch rebar tagged LS 10046;

Thence South 00°10'46" East, a distance of 69.99 feet, to a ½ inch rebar tagged LS 10046;

Thence South 89°49'10" West, a distance of 49.97 feet, to a ½ inch rebar tagged LS 10046, also being **THE POINT OF BEGINNING**.

Parcel 1 contains 257204.4 square feet, or 5.90 acres more or less as described.

PARCEL 2

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIMA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

That portion of the East half of the Southwest quarter of Section 31, Township 11 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

Beginning at the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 31;

Thence North 0 degrees 10 minutes 11 seconds West along the West line of said Southeast quarter of the Southwest quarter, 50 feet to the North line of Tangerine Road as said road is shown in Book 7 of Road Maps at Page 83, said point being the **TRUE POINT OF BEGINNING**;

Thence continue North 0 degrees 10 minutes 11 seconds West along the West line of said Southeast quarter of the Southwest quarter and its Northerly projection, 1367.91 feet to a point 99 feet Northerly of the Northwest corner of said Southeast quarter of the Southwest quarter of said Section 31;

Thence North 89 degrees 49 minutes 19 seconds East parallel to the North line of said Southeast quarter of the Southwest quarter, 662.67 feet;

Thence South 0 degrees 10 minutes 11 seconds East, parallel to the West line of the Southeast quarter of the Southwest quarter, 1367.98 feet to the North line of Tangerine Road;

Thence South 89 degrees 49 minutes 40 seconds West along the North line of said Tangerine Road, 662.67 feet to the True Point of Beginning.

EXCEPT the following described property as conveyed by Deed recorded in Docket 5156 page 218, Pima County Records:

That portion of the East half of the Southwest quarter of Section 31, Township 11 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

Beginning at the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 31;

Thence North 0 degrees 10 minutes 11 seconds West along the West line of said Southeast quarter of the Southwest quarter and its northerly prolongation, 1417.91 feet to a point 99.0 feet Northerly of the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 31;

Thence North 89 degrees 49 minutes 19 seconds East parallel to the North line of said Southeast quarter of the Southwest quarter, 402.41 feet, said point being the TRUE POINT OF BEGINNING;

Thence continue North 89 degrees 49 minutes 19 seconds East, 260.2 feet;

Thence South 0 degrees 10 minutes 11 seconds East parallel to the West line of the Southeast quarter of the Southwest quarter, 684.00 feet;

Thence South 89 degrees 49 minutes 40 seconds West, 260.26 feet;

Thence North 0 degrees 10 minutes 11 seconds East parallel to the West line of the Southeast quarter of the Southwest quarter, 683.97 feet to the True Point of Beginning.

EXCEPT the following described property as conveyed by Deed recorded in Docket 7774 page 1342, Pima County Records:

That portion of the East half of the Southwest quarter of Section 31, Township 11 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

Beginning at the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 31;

Thence North 0 degrees 10 minutes 11 seconds West along the West line of said Southeast quarter of the Southwest quarter, 50.0 feet to the North line of Tangerine Road as said Road is shown in Book 7 of Road Maps at page 83, said point being the TRUE POINT OF BEGINNING;

Thence continue North 0 degrees 10 minutes 11 seconds West along the West line of said Southeast quarter of the Southwest quarter and its Northerly projection 1367.91 feet to a point 99.0 feet Northerly of the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 31;

Thence North 89 degrees 49 minutes 19 seconds East parallel to the North line of said Southeast quarter of the Southwest quarter, 402.41 feet;

Thence South 0 degrees 10 minutes 11 seconds East parallel to the West line of the Southeast quarter of the Southwest quarter, 1367.95 feet to the North line of Tangerine Road;

Thence South 89 degrees 49 minutes 40 seconds West along the North line of said Tangerine Road to the True Point of Beginning.

EXCEPT the following described property as conveyed by Warranty Deed recorded in Document No. 20170530379 and Affidavit of Scrivener's Error in Document No. 2017270080, Pima County Records: A portion of the property described in Docket 7657, page 269, recorded in the Pima County Recorder's Office, Pima County, Arizona, located in the Southwest quarter of Section 31 of Township 11 South, Range 13 East,

Gila and Salt River Meridian, Pima County, Arizona, lying South of a line that lies 150.00 feet north of and parallel with the South line of said Section;

Secondarily described as follows:

BEGINNING at the Southeast corner of that property described in Sequence 20160820628, recorded in the Pima County Recorder's Office, Pima County, Arizona, upon the South line of said property described in Docket 7657, page 269, monumented by a 5/8 inch rebar with tag marked "LS 4680";

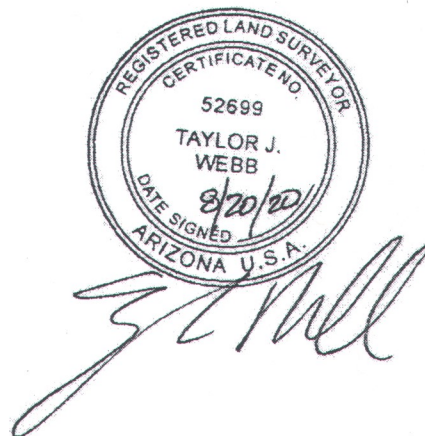
Thence upon the East line of the property described in Sequence 20160820628, North 0 degrees 36 minutes 23 seconds West, a distance of 100.09 feet to a line 150.00 feet North of and parallel with the South line of said Southwest quarter;

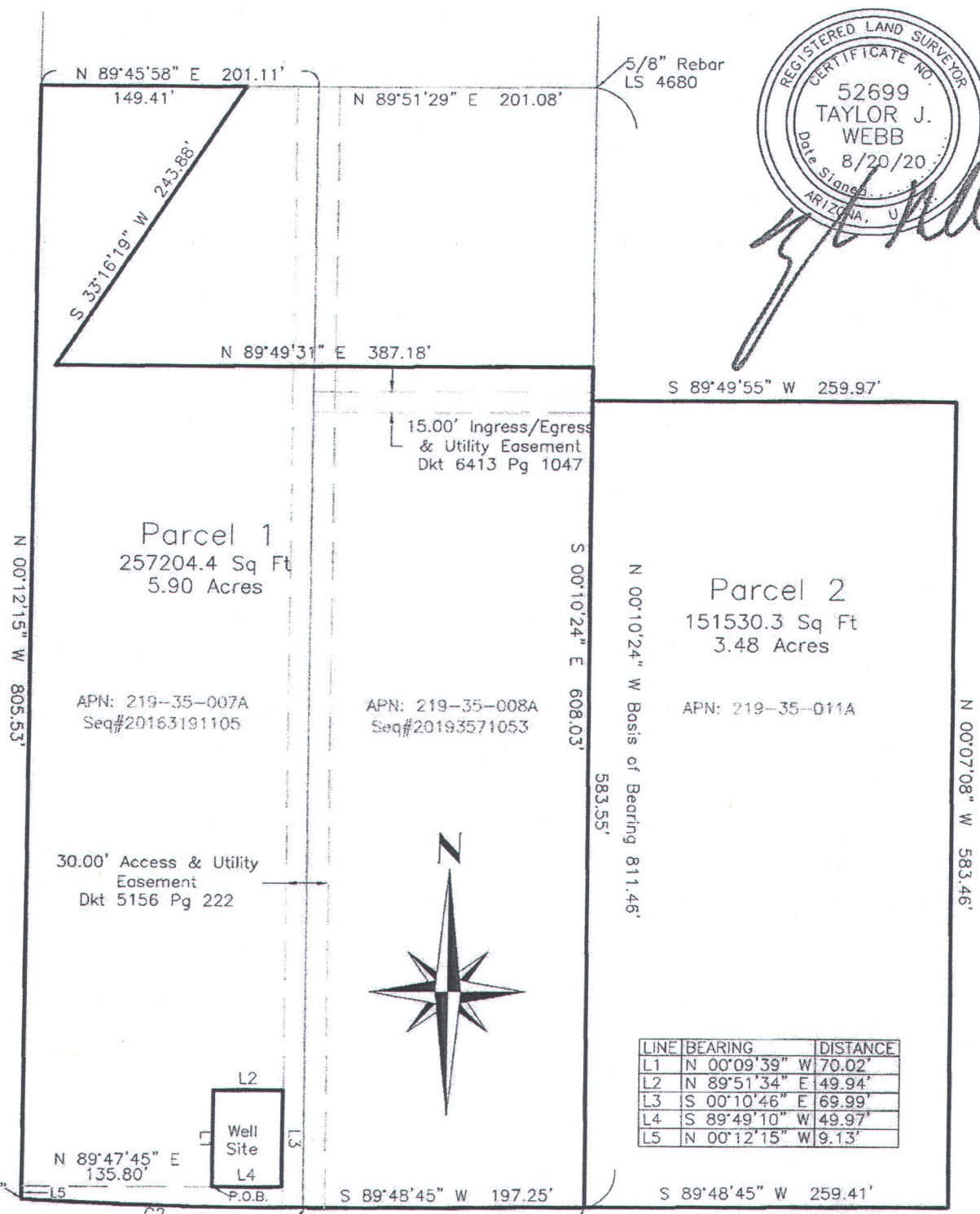
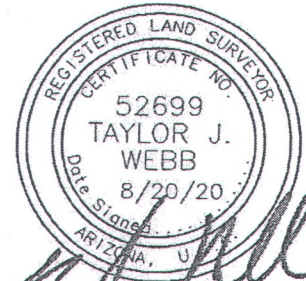
Thence upon said line, North 89 degrees 24 minutes 13 seconds East, a distance of 260.12 feet to the West line of that property described in Sequence 20160780293, recorded in the Pima County Recorder's Office, Pima County, Arizona;

Thence upon said West line, South 0 degrees 36 minutes 53 seconds East, a distance of 100.07 feet to the Southwest corner of the property described in Sequence 20160780293, and the South line of the property described in Docket 7657, page 269, monumented by a 1/2 inch rebar with tag marked "RLS 19316";

Thence upon said South line, South 89 degrees 23 minutes 57 seconds West, a distance of 260.14 feet to the Point of Beginning.

Parcel 2 contains 151530.3 square feet, or 3.48 acres more or less as described.





5/8" Rebar
LS 4680

S 89°49'55" W 259.97'

15.00' Ingress/Egress
& Utility Easement
Dkt 6413 Pg 1047

Parcel 1
257204.4 Sq Ft
5.90 Acres

Parcel 2
151530.3 Sq Ft
3.48 Acres

APN: 219-35-007A
Seq#20163191105

APN: 219-35-008A
Seq#20193571053

APN: 219-35-011A

30.00' Access & Utility
Easement
Dkt 5156 Pg 222



LINE	BEARING	DISTANCE
L1	N 00°09'39" W	70.02'
L2	N 89°51'34" E	49.94'
L3	S 00°10'46" E	69.99'
L4	S 89°49'10" W	49.97'
L5	N 00°12'15" W	9.13'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	3350.00'	3.76'	0°03'52"
C2	3350.00'	200.86'	3°26'07"

A Portion of the Southeast Quarter of
the Southwest Quarter of Section 31,
Township 11 South, Range 13 East,
Gila and Salt River Meridian,
Pima County, Arizona

**On Point Surveying,
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onpointsurveygroup@gmail.com