

MARANA ORDINANCE NO. 2016.001

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 155 ACRES OF LAND LOCATED ON LINDA VISTA BOULEVARD ABOUT A MILE EAST OF THE INTERSTATE 10/TWIN PEAKS ROAD INTERCHANGE FROM “R-6” RESIDENTIAL, “R-8” RESIDENTIAL, “C” LARGE LOT ZONE, “F” CASCADA SPECIFIC PLAN AND “F” MARANA SPECTRUM SPECIFIC PLAN TO “F” LINDA VISTA VILLAGE AT CASCADA SPECIFIC PLAN; APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM LOW DENSITY RESIDENTIAL TO MASTER PLAN AREA; AND APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE “AGREEMENT TO TERMINATE THE TALAVERA DEVELOPMENT AGREEMENT” FOR A PORTION OF THE REZONING AREA

WHEREAS FIDELITY NATIONAL TITLE AGENCY, INC., an Arizona corporation, as Trustee under Trust Nos. 60,299, 60,300, and 60,327, and the beneficiary of those trusts, PACIFIC INTERNATIONAL PROPERTIES, L.L.P., an Arizona limited liability limited partnership, all of whom are collectively referred to in this ordinance as the “Property Owners,” own approximately 155 acres of land located on Linda Vista Boulevard about a mile east of the Interstate 10/Twin Peaks Road interchange within Sections 14, 22 and 23, 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 authorized Norris Design to submit an application to rezone the Rezoning Area from “R-6” Residential, “R-8” Residential, “C” Large Lot Zone, “F” Cascada Specific Plan and “F” Marana Spectrum Specific Plan to “F” Linda Vista Village at Cascada Specific Plan (“this Rezoning”), and amend the 2010 Marana General Plan for a portion of the Rezoning Area from Low Density Residential to Master Plan Area; and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on December 16, 2015 and voted 6 to 1 to recommend that the Town Council approve this Rezoning and its associated General Plan Amendment subject to the recommended conditions; and

WHEREAS further adjustments in the areas of the various land use categories have and other revisions have been made since the Marana Planning Commission’s December 16 public hearing on this Rezoning; and

WHEREAS the Planning Director has determined that the adjustments and revisions proposed since the Marana Planning Commission’s December 16 public hearing on this Rezoning do not individually or collectively constitute a substantial change to the Rezoning as heard by the Marana Planning Commission; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on January 19, 2016 and determined that the requested Rezoning and its associated General Plan Amendment should be approved; and

WHEREAS the Talavera Development Agreement affects a portion of the Rezoning Area and implements a 1994 rezoning which is being superseded and replaced by this Rezoning; and

WHEREAS the Marana Town Council and the Property Owners desire to terminate the Talavera Development Agreement as it applies to the Rezoning Area by the execution and recording of the "Agreement to Terminate the Talavera Development Agreement."

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-6" Residential, "R-8" Residential, "C" Large Lot Zone, "F" Cascada Specific Plan and "F" Marana Spectrum Specific Plan to "F" Linda Vista Village at Cascada Specific Plan.

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

Section 3. This Rezoning is subject to the following conditions, the violation of which shall be treated in 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 for any portion of the Rezoning Area.
4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the Marana Water Department (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 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. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
8. The maximum number of residential dwelling units within the Rezoning Area shall not exceed 693.
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. 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.
11. 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.
12. 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 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 may be moved in accordance with the most current AZGFD Tortoise Handling Guidelines at the Property Owners’ expense.

13. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
14. Within 60 days after the adoption of this ordinance the Property Owners shall provide the Planning Department with ten bound copies and three electronic copies on CD in PDD format which will also include graphics of the tentative development plan in JPEG or other suitable format of the Linda Vista Village at Cascada Specific Plan.
15. An annual report shall be submitted within 30 days of the anniversary of the Town Council approval of the Linda Vista Village at Cascada Specific Plan in accordance with the requirements defined in the Land Development Code.
16. The Property Owners shall be responsible for the following conditions pertaining to the design and construction of off-site roadway improvements:
 - a. The Property Owners shall reconstruct Linda Vista Boulevard as a four-lane divided roadway from the point where the four-lane section currently ends eastward to approximately the northeast corner of the northwest quarter of the northwest quarter of Section 23, Township 12 South, Range 12 East.
 - b. The Property Owners shall install a traffic signal at the intersection of Linda Vista Boulevard and the main driveway depicted in the Linda Vista Village at Cascada Specific Plan (driveway 4S/4N in the traffic study), to include a westbound left turn lane on Linda Vista Boulevard.
 - c. The Property Owners shall construct right-turn lanes on eastbound Linda Vista Boulevard at all driveways from the Rezoning Area. At the Town's option, a continuous right turn lane may be required in lieu of individual right turn lanes.
 - d. At the point of 50% of build-out of the Linda Vista Village at Cascada Specific Plan (as determined by the Town's Planning Director), the Property Owners shall update the traffic study to verify that development is proceeding in accordance with the projections of the traffic study prepared for this Rezoning. The Property Owners shall construct additional improvements consistent with the findings of the updated traffic study.
17. The Property Owners shall dedicate the necessary rights-of-way for Linda Vista Boulevard with the recording of the first subdivision plat for any portion of the Rezoning Area or within 60 days of written request from the Town Engineer.
18. Public vehicular and utility access through Linda Vista Village at Cascada to the land located south of the Rezoning Area and consisting of the northwest quarter of the southwest quarter of Section 23, Township 12 South, Range 12 East (currently identified as the Interstate Industrial Associates property, Pima County Assessor's Parcel Number 221-06-0100) shall be dedicated when a subdivision plat is recorded or a development plan is approved for any portion of the Rezoning Area located south of Linda Vista Boulevard.
19. Planning Areas PA-7, PA-8 and PA-9 uses are limited to Medium Density Residential detached and attached Single Family Residential and Medium High Density Residential detached and attached Single Family Residential.

Section 4. The Mayor is hereby authorized and directed to execute and the Town Clerk is hereby authorized and directed to attest to, for and on behalf of the Town of Marana, the "Agreement to Terminate the Talavera Development Agreement" attached to and incorporated by this reference in this ordinance as Exhibit B.

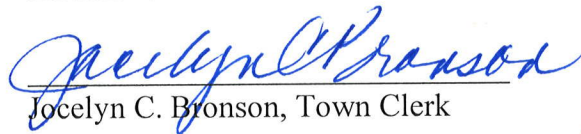
Section 5. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

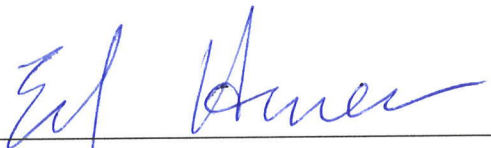
Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 19th day of January, 2016.



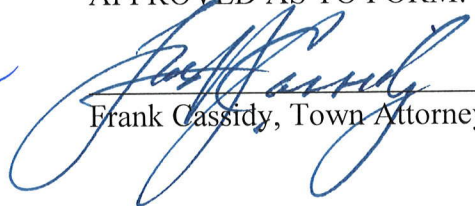
ATTEST:


Jocelyn C. Bronson, Town Clerk



Mayor Ed Honea

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney