

MARANA ORDINANCE NO. 2016.013

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 36.79 ACRES OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF TWIN PEAKS ROAD AND OASIS ROAD, FROM 'R-144' RESIDENTIAL TO 'F' SPECIFIC PLAN FOR THE PURPOSE OF CREATING THE TWIN PEAKS OASIS SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS AJS OASIS, LLC (collectively the “Property Owners”) own approximately 36.79 acres of land located on the Northeast corner of Twin Peaks Road and Oasis Road, in Section 14, 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 submitted an application to rezone the Rezoning Area from 'R-144' Residential to 'F' Specific Plan (“this Rezoning”), and to amend the 2010 Marana General Plan from Low Density Residential (LDR) to Master Planning Area (MPA); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on June 29, 2016, 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 August 2, 2016 and determined that the requested Specific Plan amendment 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-144' Residential to 'F' Specific Plan.

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 Planning 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. The maximum number of residential lots within the Rezoning Area shall not exceed 74.
2. Homes on lots 1-7, 22, 23, 37-58, 68, 69 and 74 as designated on Exhibit III.D.1: Tentative Development Plan shall be single-story.
3. The maximum number of two-story homes within the Rezoning Area shall not exceed 25.

4. The maximum building height of single-story homes within the Rezoning Area shall not exceed 20 feet.
5. This Rezoning is subject to the design standards outlined in the Twin Peaks Corridor Study adopted by Marana Resolution 2014-013.
6. The Property Owners shall dedicate land at the southwest corner of the Rezoning Area to the Town for the purpose of siting the Twin Peaks Gateway Monument, approximate location as depicted on Exhibit III.D.1: Tentative Development Plan.
7. The Property Owners shall construct the Twin Peaks Gateway Monument.
8. Before the Town issues the first residential building permit for the Rezoning Area, the Property Owners shall make pavement structural section improvements to that portion of Oasis Road located within the "Annexation Area" as defined in Marana Ordinance 2013.024. The pavement structural section improvements to Oasis Road shall be consistent with the Town-approved findings of a site geotechnical investigation submitted by the Property Owners.
9. The Property Owners shall install a four (4) foot wall at the south end of Street E, at the edge of the cul-de-sac, and a five (5) foot wall on the south side of Lot 58 extending to and adjoining the four (4) foot wall, as shown on Exhibit III.D.1 - Tentative Development Plan.
10. The Property Owners shall provide enhanced landscaping on Oasis Road, as shown on Exhibit III.D.1: Tentative Development Plan. The number of landscape buffer plantings shall be greater than the required plantings cited in the Town of Marana Land Development Code 17.03.07. This enhanced vegetation shall be achieved through consultation with the Landscape Architect prior to the Landscape Plan submittal.
11. 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.
12. 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.
13. 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.
14. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Mountain Vista Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
15. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
16. 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.

17. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the Marana Utilities 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.
18. 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.
19. 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.
20. 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.
21. A 100% desert tortoise survey shall be completed by a qualified biologist at the Property Owners’ expense and approved by the Town prior to the issuance of any grading permits in the Rezoning Area. Any Sonoran Desert tortoises found on the Rezoning Area shall be relocated at the Property Owners’ expense.
22. The Property Owners shall submit an annual report within 30 days of the anniversary of the Town Council’s approval of the Twin Peaks Oasis Specific Plan in accordance with the requirements defined in the Land Development Code.
23. 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.

24. 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.
25. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Planning Department with 10 bound copies, three electronic CD copies in PDF format which will also include graphics of the tentative development plan in JPEG or other suitable format of the Twin Peaks Oasis Specific Plan as amended by this ordinance.

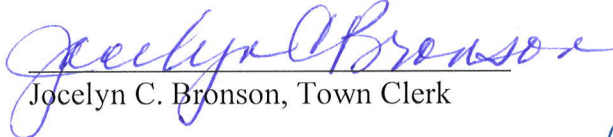
Section 4. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

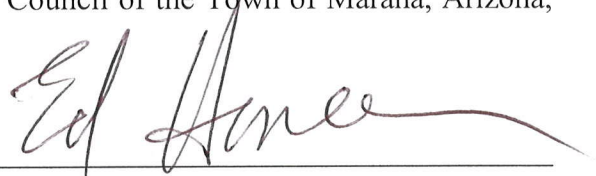
Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 2nd day of August, 2016.



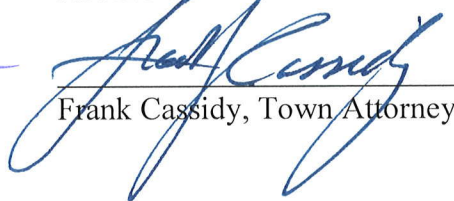
ATTEST:


Jocelyn C. Bronson, Town Clerk



Mayor Ed Honea

APPROVED AS TO FORM:


Frank Cassidy, Town Attorney