

MARANA ORDINANCE NO. 2017.003

RELATING TO DEVELOPMENT; APPROVING AN AMENDMENT TO THE FOOTHILLS SPECIFIC PLAN INCLUDING COMPREHENSIVE REVISIONS TO DEVELOPMENT STANDARDS AND DESIGN GUIDELINES, AND A NAME CHANGE OF THE PLAN TO TAPESTRY SPECIFIC PLAN, FOR APPROXIMATELY 395 ACRES OF PROPERTY LOCATED WEST OF THORNYDALE ROAD AND APPROXIMATELY ONE QUARTER MILE NORTH OF MOORE ROAD

WHEREAS Tapestry Properties III, L.L.C., an Arizona limited liability company, (the “Property Owner”), owns approximately 395 acres of property located west of Thornydale Road and approximately a quarter mile north of Moore Road within Section 30, Township 11 South, and 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 Owner has authorized the Planning Center to submit an application for rezoning (“this Rezoning”) to amend the Foothills Specific Plan and make comprehensive revisions to the development standards and design guidelines as well as change the name of the plan to Tapestry Specific Plan; and

WHEREAS the Marana Planning Commission held a public hearing on December 21, 2016, and voted 5 to 0 to recommend that the Town Council approve this Rezoning subject to the recommended conditions and additional conditions; and

WHEREAS further adjustments and clarifications have been made to the development standards and grammatical corrections made within the document since the public hearing before the Marana Planning Commission; and

WHEREAS the Planning Director has determined that the adjustments and revisions proposed since the Marana Planning Commission’s December 21, 2016 public hearing do not individually or collectively constitute a substantial change to this Rezoning as heard by the Marana Planning Commission; and

WHEREAS the Marana Mayor and Town Council held a public hearing on January 17, 2017 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 Foothills Specific Plan is hereby amended and renamed the “Tapestry Specific Plan,” whose terms and provisions are set forth in an approximately 169-page document which is hereby adopted and establishes the zoning regulations applicable to the Rezoning Area.

Section 2. 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 Owner and its successors in interest (all of whom are collectively included in the term “Property Owner” 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 conceptual 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 Owner 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 water infrastructure and phasing plan (WIP) must be submitted by the Property Owner and accepted by Tucson Water (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 Owner 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 Owner 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 Owner must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
6. The Property Owner 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), 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 lots within the Rezoning Area shall be consistent with the approved specific plan and the Foothills / Tapestry Procedural Development Agreement and Conditional Settlement Agreement.

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 Owner 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 Owner 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 Owner 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 Owner 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 Owner 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 Owner's 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 Owner shall immediately notify the Town and the AZGFD, and the tortoise shall be moved in accordance with the most current *AZGFD Tortoise Handling Guidelines* at the Property Owner's expense.
13. The Property Owner shall not cause any lot split of any kind without the written consent of the Town of Marana.
14. A Native Plant Program (NPP) in accordance with the Marana Land Development Code must be submitted and approved by the Town of Marana during the review of subdivision plats for the Rezoning Area.
15. A natural bufferyard at a depth varying between 20 feet and 30 feet shall be provided along the west property boundary adjacent to existing residential development in The Bluffs at Dove Mountain Phase II.
16. The Rezoning Area shall have a minimum of 45% open space, with a target of 50% open space. Before the Town issues a building permit for the 300th residential unit on the Rezoning Area, the Property Owner shall submit to the Planning Director documentation showing how the project will achieve 50% open space, or shall provide evidence satisfactory to the Planning Director and Town Engineer that 50% open space is not practicable based on the site constraints of the property and the ability to achieve the lot yield as set forth in paragraph 1.1.2 of the Foothills/Tapestry Procedural Development Agreement and Conditional Settlement Agreement (“Settlement Agreement”). For purposes of this paragraph, open space shall be determined as set forth in paragraph 1.1.3 of the Settlement Agreement.

17. The intersections of Thornydale Road/Moore Road and Dove Mountain Boulevard/Heritage Club Boulevard shall be re-analyzed at the development plan stage to determine if further intersection improvements are required.
18. The Property Owner shall construct Cayton Road as a two-lane strip-paved roadway (asphalt over base course in accordance with the approved geotechnical report; no curbs or sidewalks) between the east boundary of the Rezoning Area and Thornydale Road.
19. Final agreements with all neighboring property owners shall be incorporated into the Tapestry Specific Plan document and the development standards, including agreed upon setbacks and building height restrictions, shall be updated accordingly.
20. Within 60 days after the adoption of this ordinance, the Property Owner shall provide the Planning Department with ten bound copies and three electronic CD copies in PDF format of the Tapestry Specific Plan document as amended by this ordinance and by the Marana Town Council action approving this ordinance.

Section 3. 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 4. 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 hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of January, 2017.



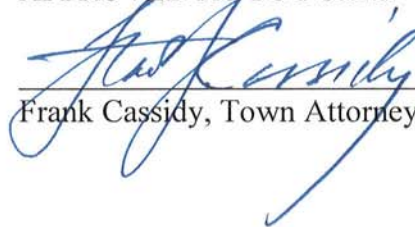
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

