

MARANA ORDINANCE NO. 2018.006

RELATING TO DEVELOPMENT; AMENDING THE GLADDEN FARMS II SPECIFIC PLAN TO REVISE THE LAND USE DESIGNATION OF BLOCK 35 FROM SINGLE FAMILY DETACHED 8 (SFD-8) TO SINGLE FAMILY DETACHED 6 (SFD-6) WITH AN AVERAGE LOT SIZE OF AT LEAST 6,600 SQUARE FEET; TO REVISE THE LAND USE DESIGNATION OF BLOCK 34 FROM COMMERCIAL (C) TO TRANSITIONAL ZONE (TR); TO REDUCE THE SIZE OF BLOCK 32 FROM 8.8 ACRES TO SIX ACRES AND INCORPORATE THE EXCESS ACREAGE INTO BLOCKS 31 AND 33 WITH THEIR CURRENTLY APPROVED SFD-6 LAND USE DESIGNATION; AND TO REVISE THE COLLECTOR ROADWAY NETWORK TO REALIGN THE EASTERN HALF OF MIKE ETTER BOULEVARD AND ELIMINATE PACHECO FARMS ROAD

WHEREAS the Gladden Farms II Specific Plan was adopted by the Mayor and Town Council March 7, 2006 by Ordinance 2006.03; and

WHEREAS the first amendment to the Gladden Farms II Specific Plan was adopted by the Mayor and Town Council Marana December 19, 2006 by Ordinance 2006.35; and

WHEREAS Crown West Realty LLC (the "Property Owner") owns approximately 435 acres of land located within portions of Section 34 and 35, Township 11 South, Range 11 East, depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owner has authorized Rick Engineering Company to submit an application to amend the Gladden Farms II Specific Plan; and

WHEREAS the particular elements of the application to amend the Gladden Farms II Specific Plan have been revised since its original submission; and

WHEREAS the current version of the application to amend the Gladden Farms II Specific Plan proposes to amend the Gladden Farms II Specific Plan to revise the land use designation of Block 35 from Single Family Detached 8 (SFD-8) to Single Family Detached 6 (SFD-6) with an average lot size of at least 6,600 square feet, to revise the land use designation of Block 34 from Commercial (C) to Transitional Zone (TR), to reduce the size of Block 32 (the park) from 8.8 acres to six acres and incorporate the excess acreage acres into Blocks 31 and 33 with their currently approved SFD-6 land use designation, and to revise the collector roadway network to realign the eastern half of Mike Etter Boulevard and eliminate Pacheco Farms Road; and

WHEREAS the Marana Planning Commission held a public hearing on November 29, 2017, and voted seven to zero to recommend that the Town Council approve this amendment as it was then presented; and

WHEREAS the Marana Town Council held a public hearing on February 20, 2018, where action on this amendment was continued to March 6, 2018, by unanimously-approved motion; and

WHEREAS the Marana Town Council considered this amendment at its meeting on March 6, 2018, and determined that this 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 Gladden Farms II Specific Plan's Land Use Concept Plan is hereby amended by changing the land use designation of Block 35 from Single Family Detached 8 (SFD-8) to Single Family Detached 6 (SFD-6) with an average lot size of at least 6,600 square feet and by changing the land use designation of Block 34 from Commercial (C) to Transitional Zone (TR) as depicted in the specific plan amendment, attached as Exhibit "A".

Section 2. The size of Block 32 is reduced from 8.8 acres to six acres and the excess acreage will be incorporated into Blocks 31 and 33 with their currently approved SFD-6 land use designation.

Section 3. The collector roadway network is revised to realign the eastern half of Mike Etter Boulevard and eliminate Pacheco Farms Road.

Section 4. This amendment 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 amendment), 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. All of the rezoning conditions of Ordinance 2006.03 and Ordinance 2006.35 remain applicable to this project except for any conditions that have been modified by this amendment in which case the modified conditions will take precedence.
2. 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 fees.
3. The ultimate development proposed by this amendment shall be consistent with the adopted development agreement as it may be amended.
4. 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. Appropriate experts should be retained and appropriate federal and state agencies should be consulted to determine any action necessary to assure compliance with applicable laws and regulations.
5. Within 60 days after the adoption of this ordinance, the Property Owner shall provide the Planning Department with ten bound copies and three electronic copies (on CD) in PDF format of the Gladden Farms II Specific Plan document as amended by this ordinance.

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 6th day of March, 2018.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney