

MARANA ORDINANCE NO. 2020.010

RELATING TO DEVELOPMENT; APPROVING AN AMENDMENT TO THE PIMA FARMS NORTH SPECIFIC PLAN - VILLAS AT SOMBRERO PEAK TO ADD APPROXIMATELY 0.68 ACRES OF LAND TO THE SPECIFIC PLAN BOUNDARY WITH A LAND USE DESIGNATION OF VILLAGE CORE - COMMERCIAL (C) LOCATED AT 8861 N. CONTINENTAL RESERVE LOOP, APPROXIMATELY 250 FEET SOUTH OF SILVERBELL ROAD, ON THE WEST SIDE OF CONTINENTAL RESERVE LOOP

WHEREAS, on May 30, 1989, the Town Council adopted Ordinance No. 89.20 approving the Pima Farms North Specific Plan; and

WHEREAS, on May 30, 1989, the Town Council adopted Ordinance No. 89.21 approving the Pima Farms Specific Plan; and

WHEREAS, on July 5, 2006, the Town Council adopted Ordinance No. 2006.19 approving the Pima Farms North Specific Plan - Villas at Sombrero Peak specific plan amendment, rezoning approximately 26 acres of land within the Pima Farms North Specific Plan with a land use designation of "C" Commercial; and

WHEREAS, on February 16, 2016, the Town Council adopted Resolution No. 2016-015 approving a final plat for Continental Crossing Lots 1-4 (the "Continental Crossing Final Plat") recorded in the Pima County Recorder's office on February 19, 2016, at Sequence 20160500157; and

WHEREAS Lot 3 of the Continental Crossing Final Plat ("Lot 3") was platted with a split zoning designation, with the northern 0.74 acres of Lot 3 located within the Pima Farms North Specific Plan - Villas at Sombrero Peak with a land use designation of Village Core - Commercial (C), and the southern 0.68 acres of Lot 3 located within the Pima Farms Specific Plan with a land use designation of Medium-High Density Residential (MHDR); and

WHEREAS DAZ7-Sombrero Peak LLC (the "Property Owner") owns Lot 3; and

WHEREAS the Property Owner has authorized the Planning Center to submit an application to amend the Pima Farms North Specific Plan - Villas at Sombrero Peak to add the southern 0.68 acres of Lot 3 that was located in the Pima Farms Specific Plan (the "Amendment Area") to the specific plan boundary for Pima Farms North Specific Plan - Villas at Sombrero Peak with a land use designation of Village Core - Commercial (C); and

WHEREAS the Marana Planning Commission held a public hearing on this specific plan amendment on August 26, 2020, and voted six to zero (with one Commissioner absent) to recommend that the Town Council approve the amendment, subject to the recommended conditions; and

WHEREAS the Town Council held a public hearing to consider this amendment on September 15, 2020 and determined that the amendment is in the best interest of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

Section 1. The amended Pima Farms North Specific Plan - Villas at Sombrero Peak, adding the Amendment Area to the specific plan boundary with a land use designation of Village Core - Commercial (C)., 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. 2020-104, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. This specific plan 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 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. All of the rezoning conditions of Ordinance No. 2006.19 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 impact fees.
3. The ultimate development proposed by this amendment shall be consistent with the adopted development standards as set forth in the specific plan amendment approved by Ordinance No. 2006.19.
4. 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 Lot 3.
5. A detailed traffic impact analysis must be submitted by the Property Owner and accepted by Town staff prior to approval of a preliminary plat or development plan for any portion of Lot 3.

6. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owner and accepted by the “water provider” prior to approval of a preliminary plat for any portion of Lot 3. 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, 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.
7. A master sewer plan must be submitted by the Property Owner 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 Lot 3. 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.
8. 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 Lot 3.
9. 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 Lot 3.
10. 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 Lot 3.
11. 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 AZGFD, and the tortoise shall be moved in accordance with the most current AZGFD Tortoise Handling Guidelines at the Property Owner’s expense.

12. 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.
13. Within 60 days after the adoption of this ordinance, the Property Owner shall provide the Planning Department with 3 paper copies and one digital copy of the specific plan with the appropriate changes made.

Section 3. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

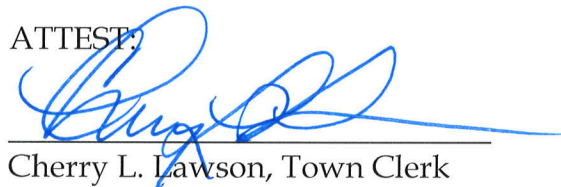
Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 15th day of September, 2020.



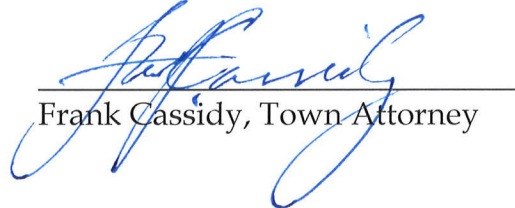
Mayor Ed Honea

ATTEST:



Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney