

MARANA ORDINANCE NO. 2023.030

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 4.1 ACRES OF LAND GENERALLY LOCATED APPROXIMATELY 800 FEET SOUTH OF THE INTERSECTION OF INA ROAD AND SILVERBELL ROAD, ON THE WEST SIDE OF SILVERBELL ROAD, FROM R-144 (SINGLE FAMILY RESIDENTIAL) TO VC (VILLAGE COMMERCIAL); AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (C)

WHEREAS 7065 N. Silverbell Road LLC (the "Property Owners") owns approximately 4.1 acres of land generally located approximately 800 feet south of the intersection of Ina Road and Silverbell Road, on the west side of Silverbell Road, in Section 2, Township 13 South, Range 12 East, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized The Planning Center to submit an application to rezone the Rezoning Area from R-144 (single family residential) to VC (Village Commercial) ("this Rezoning"), and to request a minor amendment to the Marana General Plan changing the land use category designation for the Rezoning Area from Low Density Residential (LDR) to Commercial (C); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on August 30, 2023, and voted unanimously 6-0 with one Commissioner absent to recommend that the Town Council approve this Rezoning and minor General Plan amendment subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on September 19, 2023, and determined that this Rezoning and minor General Plan amendment should be approved, with three additional rezoning conditions proposed by the Property Owners at the September 19, 2023 public hearing, listed as conditions 16-18 in Section 3 below.

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 (single family residential) to VC (Village Commercial).

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan land use designation of the Rezoning Area from Low Density Residential (LDR) to Commercial (C).

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 Marana Town 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 conceptual land use 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 plan for any portion of the Rezoning Area.
4. A detailed traffic impact analysis (TIA) has been submitted by the Property Owners and accepted by Town staff. The Property Owners may be required to submit an updated TIA or updated traffic studies when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by Tucson Water (the "water provider") prior to approval of a preliminary plat or development plan 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.
6. A master sewer plan must be submitted by the Property Owners and accepted by Pima County Regional Wastewater (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.

7. 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.
8. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
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 the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for 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 water provider 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. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
13. The Property Owners shall dedicate, or cause to have dedicated, a total of 45 feet along the entire eastern property line to complete Silverbell Road's western Right of Way limit with recording of a plat or within 60 days of demand by the Town. The 45-foot area to be dedicated as Right of Way shall be inclusive of the existing 20-foot Public Roadway Easement previously granted to the Town, and the Easement shall be extinguished by merger of title.
14. The Property Owners shall comply with Arizona state law and Marana Town Code Chapter 17-12 regarding the protection of cultural resources in the Rezoning Area.
15. Drive-through facilities are prohibited in the Rezoning Area.

16. A four-foot-tall screen wall shall be installed along the back side of the row of parking proposed along the southern boundary. The screen wall is to ensure headlights do not shine directly onto the adjacent planned Silverbell Ridge Subdivision.
17. An additional screening element (trellis, metal banding, vegetation, etc.) two feet in height shall be attached to the top of the screen wall for the portion of the bufferyard adjacent to the nearest lot within Silverbell Ridge.
18. In addition to the southern bufferyard, trees shall be planted on the south side of the two apartment buildings to screen views from these buildings onto the adjacent residential lots along the southern property line.

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 19th day of September 2023.




 Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:



 David L. Udall, Town Clerk



 Jane Fairall, Town Attorney



EXHIBIT A to Marana Ordinance No. 2023.030

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED TUCSON, IN THE COUNTY OF PIMA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

That portion of the Northwest quarter of the Northeast quarter of Section 2, Township 13 South, Range 12 East of the Gila and Salt River Base and Meridian, Pima County, Arizona, more particularly described as follows:

Commencing at a point on the North - South Mid-Section line of said Section 2, which point is 36.35 feet Southerly from the North quarter corner thereof, said point also being the intersection of said North - South Mid-Section line and the Southwest right of way line of Pima County Silverbell Road;

Thence in a Southeasterly direction along said Southwest right of way line of Silverbell Road, a distance of 779.94 feet to the True Point of Beginning;

Thence continuing Southeasterly along said Southwest right of way line, a distance of 379.01 feet to a point;

Thence South 89 degrees 51 minutes 30 seconds West parallel with the North line of said Section 2, a distance of 770.26 feet to a point on the North - South Mid-Section line of section 2;

Thence North 01 degrees 01 minutes 45 seconds West along said Mid-Section line, a distance of 279.50 feet to a point;

Thence North 89 degrees 51 minutes 30 seconds East, a distance of 518.57 feet to the True Point of Beginning.

APN: 214-04-0450