

## MARANA ORDINANCE NO. 2024.012

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RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 19.6 ACRES OF LAND GENERALLY LOCATED APPROXIMATELY ONE-HALF MILE WEST OF THE INTERSECTION OF WEST GRIER ROAD AND NORTH WENTZ ROAD FROM ZONE A (SMALL LOT ZONE) TO NEIGHBORHOOD COMMERCIAL (NC); AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM TRADITIONAL NEIGHBORHOOD (TN) TO COMMERCIAL (C)

WHEREAS Cortaro Farms Ltd (the "Property Owners") owns approximately 19.6 acres of land generally located approximately one-half mile west of the intersection of West Grier Road and North Wentz Road, on the north side of Grier Road, in Section 19, Township 11 South, Range 11 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 Sonoran Land Resources, representing Tucson Electric Power (TEP) to submit an application to rezone the Rezoning Area from Zone A (Small Lot Zone) to NC (Neighborhood 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 Traditional Neighborhood (TN) to Commercial (C); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on April 24, 2024, and voted 5-2 to recommend that the Town Council approve this Rezoning and minor General Plan amendment subject to the recommended conditions and two additional conditions; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on May 21, 2024, and determined that this Rezoning and minor General 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 Zone A (Small Lot Zone) to NC (Neighborhood 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 Traditional Neighborhood (TN) 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. The Property Owners must design and construct any roadway or drainage 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 and the accepted master drainage study, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Rezoning Area.
6. 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.
7. The Town is not providing a designation of assured water supply and water service to the Rezoning Area at this time. If the Property Owners request a designation of assured water supply and water service to the Rezoning Area in the future, the Property Owners will be required to 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.
8. 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.

9. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
10. The Property Owners shall dedicate 45 feet of land for Grier Road right-of-way along the southern property line of the Rezoning Area upon demand of the Town.
11. The Rezoning Area lies within the Town's intended water service area. If a well is drilled to supply the Rezoning Area and that well later becomes a barrier for siting Town wells, the Property Owners shall work with the Town to arrive at an agreeable solution to allow the Town to site its wells.
12. Notwithstanding the conceptual land use plan presented to and approved by the Town Council as part of this Rezoning, the landscape buffer along the west side of the Rezoning Area shall be 20 feet.
13. In addition to general landscape requirements, the Property Owners shall coordinate with the residents to the west of the Rezoning Area to position 36-inch to 48-inch box trees on the west side of the Rezoning Area.

**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.

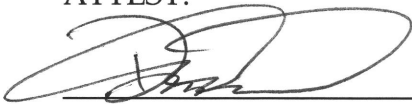
**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 21st day of May, 2024.



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Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney



Exhibit "A" to Marana Ordinance No. 2024.012

Legal Description

The East half of the Southeast quarter of the Southwest quarter of Section 19, Township 11 South, Range 11 East of the Gila and Salt River Base and Meridian, Pima County. Except any portion thereof lying within Grier Road, Trico - Marana Road, and Avra Road.