

MARANA ORDINANCE NO. 2014.026

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 14.7 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF INA ROAD AND SILVERBELL ROAD FROM “R-36 RESIDENTIAL” TO “F” SPECIFIC PLAN FOR THE PURPOSE OF ESTABLISHING THE RIVERSIDE AT SILVERBELL SPECIFIC PLAN AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN TO AMEND THE LAND USE CATEGORY FROM COMMERCIAL (C) TO MASTER PLAN AREA (MPA)

WHEREAS The Planning Center represents Ina & Silverbell 1 Limited Partnership, referred to as the “Owner” of 14.7 acres of land located at the southeast corner of Ina Road and Silverbell Road (referred to in this Ordinance as the Rezoning Area), depicted on Exhibit “A” attached to and incorporated in this Ordinance by this reference; and

WHEREAS the Owner has authorized The Planning Center to submit applications to rezone 14.7 acres from “R-36 Residential” to “F” Specific Plan (“this Rezoning”) and amend the Marana 2010 General Plan from Commercial (C) to Master Plan Area (MPA); and

WHEREAS the Marana Planning Commission held a public hearing on September 24, 2014, and voted 5-0 to recommend that the Town Council approve the Specific Plan and minor General Plan Amendment, subject to the recommended conditions; and

WHEREAS the Marana Mayor and Town Council held a public hearing on October 21, 2014 and determined that the requested Specific Plan 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 “R-36 Residential” to “F” Specific Plan, creating the Riverside at Silverbell Specific Plan, attached to and incorporated in this Ordinance by this reference.

Section 2. The minor amendment to the 2010 General Plan is hereby approved, changing the land use category for the Rezoning Area from Commercial (C) to Master Plan Area (MPA).

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 Town of Marana Land Development Code (but which shall not cause a reversion of this Ordinance):

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.
2. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the applicant or the land 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.

3. A sewer service agreement and master sewer plan shall be submitted by the developer and accepted by the wastewater provider prior to the approval of any final plat or development plan.
4. A drainage report must be submitted by the developer and accepted by the Town Engineer at the development plan or platting stage of this project.
5. Drainage and landscaping will be designed to prevent impacts to and enhance the "The Loop" trail system and the Santa Cruz bank protection on the east side of the project site.
6. Native riparian vegetation will be used in conjunction with drainage improvements, "The Loop" trail system and the Santa Cruz River to enhance riparian habitat remaining on the site and/or mitigate that which has been disturbed.
7. The developer shall dedicate to the Town at no cost all necessary rights of way and easements as depicted on the Town's Ina Road, Silverbell Road to Star Commerce Way road improvement plans, including any reasonable adjustments to said rights of way and easements as a result of the road improvement plans being incorporated into the Arizona Department of Transportation's Ina interchange project.
8. The developer will be responsible for submitting to the Town additional traffic studies at the development plan or platting stage of this project.
9. The developer of this project will be responsible for the design and construction of eastbound right-turn (deceleration) lanes at each of the project's three driveways on Ina Road.
10. The developer of this project will be responsible for the design and provision of a southbound left turn lane on Silverbell Road at the project's driveway on that road.
11. If a traffic signal has been constructed by others at the intersection of Ina Road at this project's easternmost driveway (as shown on the accepted Traffic Impact Study) prior to the construction of said driveway, this project's developer shall be responsible for the construction of all required traffic signal equipment and provisions of new traffic signal/phasing/timing plan to accommodate the subject driveway's traffic.
12. This project is located within the South Marana Transportation and Marana Park Benefit Areas and will be subject to those fees at time of permitting.
13. An annual report shall be submitted within 30 days of the anniversary of the Town Council's approval of the Riverside at Silverbell Specific Plan in accordance with the requirements defined in the Land Development Code.
14. Upon adoption of the rezoning ordinance by the Town Council's approval of the Riverside at Silverbell Specific Plan, the applicant shall provide the Planning Department the following: one non-bound original; twelve bound copies and ten electronic copies on CD in PDF format.

15. The property owner shall not cause any lot split of any kind without the written consent of the Town of Marana.
16. 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 developer/Property Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
17. Before the Town issues grading permits for this project, the developer 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.
18. The development plan or plans shall be in substantial conformance with the Illustrative Site Plan of the Riverside at Silverbell Specific Plan.

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.

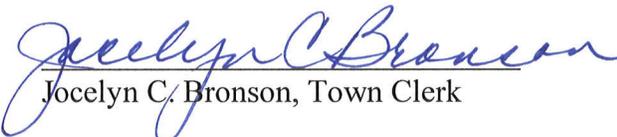
Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 21st day of October, 2014.



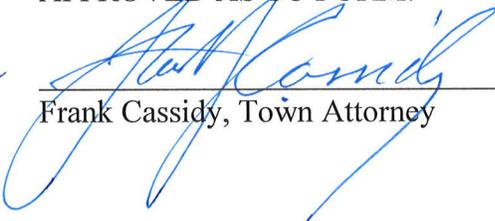
 Mayor Ed Honea

ATTEST:



 Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



 Frank Cassidy, Town Attorney

