

MARANA ORDINANCE NO. 2014.025

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 92 ACRES OF LAND LOCATED ON BOTH THE NORTHEAST AND NORTHWEST CORNERS OF INA AND SILVERBELL ROAD ONE MILE WEST OF INTERSTATE 10, WEST OF THE SANTA CRUZ RIVER, FROM 'ZONE A - SMALL LOT,' 'ZONE E – TRANSPORTATION CORRIDOR,' 'LI – LIGHT INDUSTRIAL,' 'NC – NEIGHBORHOOD COMMERCIAL,' 'VC - VILLAGE COMMERCIAL,' 'R-6 RESIDENTIAL,' 'R-10 RESIDENTIAL,' AND 'R-36 RESIDENTIAL' TO 'F' SPECIFIC PLAN FOR THE PURPOSE OF CREATING THE SILVERBELL GATEWAY SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS Shetland Properties Company, LLC, Prestwick Properties, LLC and Doornoch Properties, LLC, (the "Property Owners") collectively own approximately 92 acres of property located on both the northeast and northwest corners of Ina and Silverbell Road one mile west of Interstate 10, west of the Santa Cruz River, within a portion of the South half of Section 35, Township 12 South, Range 12 East, as described in 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 (the "Applicants") to submit an application to rezone the 92 acres from 'Zone A - Small Lot', 'Zone E – Transportation Corridor', 'LI – Light Industrial', 'NC – Neighborhood Commercial', 'VC - Village Commercial', 'R-6 Residential', 'R-10 Residential', and 'R-36 Residential' to 'F' (Specific Plan) ("this Rezoning"); and

WHEREAS, the Marana Planning Commission held a public hearing on September 24, 2014 to consider an application to rezone the Rezoning Area to 'F' and voted unanimously (6-0 with one vacant commission seat) to recommend that the Town Council approve this Rezoning; and,

WHEREAS, the Marana Mayor and Town Council held a public hearing on October 21, 2014 and determined that the application for rezoning 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 E – Transportation Corridor,' 'LI – Light Industrial,' 'NC – Neighborhood Commercial,' 'VC - Village Commercial,' 'R-6 Residential,' 'R-10 Residential,' and 'R-36 Residential' to 'F' Specific Plan, creating the Silverbell Gateway Specific Plan.

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from Low Density Residential (LDR), Commercial (C), and Industrial (I) to Master Planning 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 Rezoning):

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. Any preliminary plat or development plan shall be in general conformance with the Land Use Concept of the Silverbell Gateway Specific Plan.
3. Based on the Town-accepted Traffic Impact Study's traffic data and findings, the developer of this project shall be responsible for the design and construction of the following off-site roadway improvements:
 - a. Construction of the raised concrete median on Silverbell Road from the point where it currently terminates just north of Ina Road northward to the intersection with Driveway #1.
 - b. On Silverbell Road at Driveway #1: the installation of a traffic signal, construction of a northbound left-turn lane and right-turn lane, and the striping of a southbound left-turn lane.
 - c. On Silverbell Road at Driveway #2: the construction of a northbound and a southbound directional left-turn lane, and the construction of a northbound right-turn lane.
 - d. On Silverbell Road at Driveway #3: the construction of a northbound and a southbound directional left-turn lane, and the construction of a northbound right-turn lane.
 - e. On Silverbell Road at the signalized intersection with Ina Road: the construction of an additional southbound left-turn lane and the installation of all associated signage, striping, signal equipment and timings.
 - f. On Ina Road at Driveway #4: the construction of a westbound right-turn lane.
 - g. On Ina Road at Driveway #5: the installation of a traffic signal and the construction of a westbound right-turn lane.
 - h. On Ina Road at Driveway #6: the construction of an eastbound left-turn lane and a westbound right-turn lane.
 - i. The timing for the design and construction of the roadway improvements described above shall be determined by the Town based on the construction phasing for the project and the findings of additional traffic studies that will be required at the development plan stages of the project. Any further roadway improvements required based on the findings of the additional traffic studies shall be the responsibility of the developer.
4. The developer will be responsible for the design and construction of any other roadway improvements that the Town requires based on the data and findings of the accepted traffic impact analysis and other traffic studies that will be required at the platting or development plan stages of this project.
5. 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 (subject to any credits to be

determined in accordance with a development agreement currently under negotiation between the Developer and the Town).

6. 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. In any event, the Town shall determine and request such reasonable adjustments from the Developer no later than December 31, 2016, and the reasonable adjustments shall require the Developer to dedicate at no cost not more than 20 feet of additional right-of-way in fee along the rights of way depicted on the current plans and 50 feet of additional easements along the rights of way. Dedications that exceed these limitations shall require either just compensation or waiver of just compensation.
7. The property owner shall not cause any further lot split or lot line modification of any kind without the written consent of the Town of Marana.
8. 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.
9. 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.
10. 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.
11. 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.
12. The developer shall submit an annual report within 30 days of the anniversary of the Town Council's approval of the Silverbell Gateway Specific Plan in accordance with the requirements defined in the Land Development Code.
13. The Developer shall dedicate, or cause to have dedicated, the necessary rights-of-way for the Silverbell Gateway Specific Plan.
14. A drainage report must be submitted by the developer and accepted by the Town Engineer prior to Town approval of the preliminary plat.
15. A detailed traffic analysis shall be submitted and accepted by staff prior to approval of any preliminary plat or development plan.

16. Developer shall relinquish, either pursuant to a development agreement with the Town or by other documentation satisfactory to the Town Attorney, all of the Developer's rights under the development agreement dated April 17, 1991, and recorded in the office of the Recorder of Pima County, Arizona, on April 24, 1991, at Docket 9024, Page 1026, to the extent the said development agreement affects land included within the Silverbell Gateway Specific Plan.
17. Upon adoption of the Rezoning Ordinance by Mayor and Council approving the Silverbell Gateway Specific Plan, the applicant shall provide the Planning Department with the following: One non-bound original; 8 bound copies, and 8 electronic copies on CD in PDF format.

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.

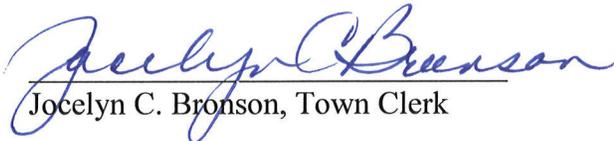
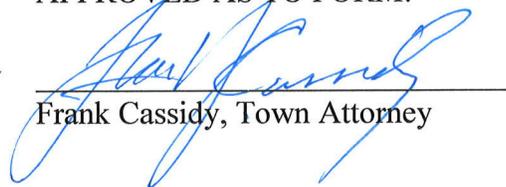
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Marana, Arizona, this 21st day of October, 2014.



Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:


Jocelyn C. Bronson, Town Clerk
Frank Cassidy, Town Attorney