

## MARANA ORDINANCE NO. 2014.004

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RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 100 ACRES OF LAND LOCATED EAST OF CAMINO DE MAÑANA AND APPROXIMATELY A QUARTER MILE NORTH OF LAMBERT LANE FROM 'R-36' (RESIDENTIAL) TO 'F' (SPECIFIC PLAN) FOR THE PURPOSE OF CREATING THE PRESERVE AT TWIN PEAKS SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS ABIG Manana, LLC (Fidelity National Title Trust 60175), and ABIGER Manana, LLC, (the "Property Owners") collectively own approximately 100 acres of property located east of Camino de Mañana and a quarter mile north of Lambert Lane within a portion of Section 12, Township 12 South, Range 12 East, as described on Exhibit "A" attached to and incorporated in this Ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized Joel Abrams (the "Applicant") to submit an application to rezone the 100 acres from 'R-36' (Residential) to 'F' (Specific Plan) ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing on August 28, 2013 to consider an application to rezone the Rezoning Area as part of a larger rezoning of approximately 145 acres from 'R-36' (Residential) to 'F' (Specific Plan) and voted 6-0 to recommend approval; and

WHEREAS due to circumstances affecting the proposed acreage of the project and the Town's desire to complete a Twin Peaks corridor design study, the Marana Planning Commission held a second public hearing on January 29, 2014 and voted 7-0 to recommend that the Town Council approve this Rezoning; and

WHEREAS the Marana Mayor and Town Council held a public hearing on February 18, 2014 and determined that this 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 Rezoning Area is hereby changed from 'R-36' (Residential) to 'F' (Specific Plan) creating The Preserve at Twin Peaks 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) 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 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. The following conditions pertain to the design and construction of transportation improvements:
  - a. The developer shall design and construct a right turn (deceleration) lane on Camino de Mañana at its intersection with project’s southernmost driveway prior to occupancy of the first dwelling unit. The right turn lane shall be designed and constructed to Pima County standards.
  - b. The developer shall design and construct a traffic control signal at the Twin Peaks Road/ Camino de Mañana intersection. The traffic signal shall be designed as a four-legged intersection and built as such if the intersection has four legs at the time of construction. Otherwise, the signal shall be built for a three-legged intersection. The traffic signal shall be constructed and made operational prior to the Town’s issuance of the 101st building permit for the Rezoning Area.
3. A drainage report must be submitted by the developer and accepted by the Town Engineer prior to Town approval of the preliminary plat.
4. The final design of all streets and circulation facilities, including the gated access (if applicable) and emergency access, must be accepted by the Mountain Vista Fire District prior to the Town Council’s consideration of the final plat.
5. The preliminary plat shall be in substantial conformance with the Land Use Concept Plan of The Preserve at Twin Peaks Specific Plan.
6. The maximum number of residential units for the Rezoning Area shall not exceed 195.
7. No approval, permit or authorization by the Town of Marana authorizes violation of any Federal or State law or regulation or relieves the applicant, the Property Owners, or the developer 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.
8. The property is within the intended water service area of the Town. Prior to approval of the preliminary plat, the developer shall submit a Water Infrastructure and Phasing Plan (WIP), identifying water use, fire flow requirements, and all major on-site and off-site water facilities needed to serve the development including, but not limited to, well source, reservoir, and booster station infrastructure. This plan will be the basis for a Water Service Agreement for the project.
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. Section IV.F “Twin Peaks Corridor Design Standards” of the Preserve at Twin Peaks Specific Plan document as presented to Council and included in the Council’s February 18, 2014 agenda materials shall be amended to comply with the standards set forth in the Twin Peaks Corridor Study adopted on February 18, 2014 by Marana Resolution No. 2014-013. The amended Preserve at Twin Peaks Specific Plan language shall be reviewed and approved by the Planning Director.\*
12. 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.
13. Before the Town issues grading permits for this project, the developer shall submit evidence to the Town that a 100 percent area survey has been completed by a qualified wildlife biologist for the Sonoran Desert Tortoise. Any Sonoran Desert Tortoises found on the site shall be relocated at the developer’s expense.
14. The developer shall submit an annual report within 30 days of the anniversary of the Town Council’s approval of The Preserve at Twin Peaks Specific Plan in accordance with the requirements defined in the Land Development Code.
15. Upon adoption of the Rezoning Ordinance by the Mayor and Council approving The Preserve at Twin Peaks Specific Plan, the applicant shall provide the Planning Department with the following: One non-bound original; twelve bound copies; and, ten electronic copies on CD in PDF format.
16. The following lots depicted on the “Land Use Concept (Tentative Development Plan)” included on page 48 of the Preserve at Twin Peaks Specific Plan document as presented to Council and included in the Council’s February 18, 2014 agenda materials shall be restricted to single-story residences: Lots designated with an “S,” plus the four lots not designated with an “S” whose side (long) lot boundary follows and is parallel to the north boundary of the Rezoning Area. The applicant shall modify the “Land Use Concept” map of the approved Preserve at Twin Peaks Specific Plan document to designate these four lots with an “S.”†

**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.

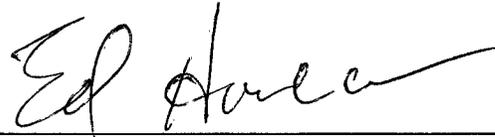
**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

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\* [Town Attorney’s note: Revised per the February 18, 2014 Town Council action approving this ordinance.]

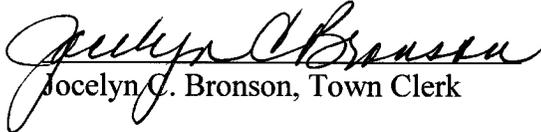
† [Town Attorney’s note: Added per the February 18, 2014 Town Council action approving this ordinance.]

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Marana, Arizona, this 18<sup>th</sup> day of February, 2014.



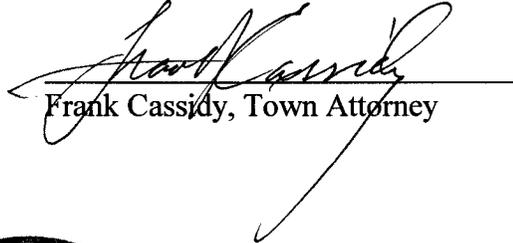
\_\_\_\_\_  
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



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Frank Cassidy, Town Attorney



**EXHIBIT A**

February 10, 2014

WLB No. 112026-A-002-1003

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**LEGAL DESCRIPTION  
THE PRESERVE AT TWIN PEAKS**

A portion of the West half of Section 12, Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

**COMMENCING** at a found 5/8" pin tagged "LS 26932" at the South quarter corner of said Section 12;

**THENCE** N 00°38'42" W, along the East line of the Southwest quarter of said Section 12, a distance 1320.54 feet to a found ½" pin tagged "RLS 4680" at the Southeast corner of the North half of the Southwest quarter of said Section 12 and the **POINT OF BEGINNING**;

**THENCE** N 00°38'42" W along said East line, a distance of 1320.54 feet to the center of said section 12 being marked with a ½" pin;

**THENCE** N 00°38'08" W continuing along said East line, a distance of 659.28 feet to the Northeast corner of the South half of the South half the Northwest quarter of said section 12;

**THENCE** S 89°21'57" W along the North line of said South half of the South half, a distance of 1764.42 feet to the Easterly right-of-way line of Camino De Manana;

**THENCE** S 20°53'26" W along said Easterly line, a distance of 708.91 feet to the North line of the Southwest quarter of said Section 12;

**THENCE** S 89°21'38" W, along said North line, a distance of 32.25 feet to the former center line of an abandoned portion of Camino De Manana;

**THENCE** S 20°48'47" W, along said former centerline, a distance of 662.91 feet to the beginning of a tangent curve concave to the Northwest;

**THENCE** along said former center line, along the arc of said curve, having a radius of 955.40 feet, the chord of which bears S 29°04'49" W, a distance of 274.74 feet, for an arc length of 275.70 feet to a point of non-tangency;

**THENCE** S 33°01'12" W, along said former centerline, a distance of 189.58 feet to the Easterly right-of-way line of Twin Peaks Road;

**THENCE** S 02°02'18" E, along said right-of-way, a distance of 52.24 feet to the beginning of a tangent curve concave to the Northwest;

**THENCE** along said right-of-way, along the arc of said curve, having a radius of 190.50 feet, the chord of which bears S 41°59'13" W, a distance of 59.43 feet, for an arc length of 59.68 feet to beginning of a non-tangent curve concave to the Southwest;

**THENCE** along said right-of-way, along the arc of said curve, having a radius of 292.00 feet, the chord of which bears S 15°09'38" E, a distance of 132.60 feet, with a radial bearing in of S 61°42'57" W and radial bearing out of N 87°57'46" E, for an arc length of 133.76 feet to a point of tangency marked with a found 5/8" pin tagged "LS25071";

**THENCE** S 02°04'06" E, along said right-of-way, a distance of 71.58 feet marked with a found 5/8" pin tagged "LS25071";

**THENCE** N 88°50'31" E, leaving said right-of-way, along the South line North half of the Southwest quarter of said Section 12, a distance of 2567.88 feet to the **POINT OF BEGINNING**;

Containing: 4,367,389 sq. ft. or 100.26 acres, more or less.

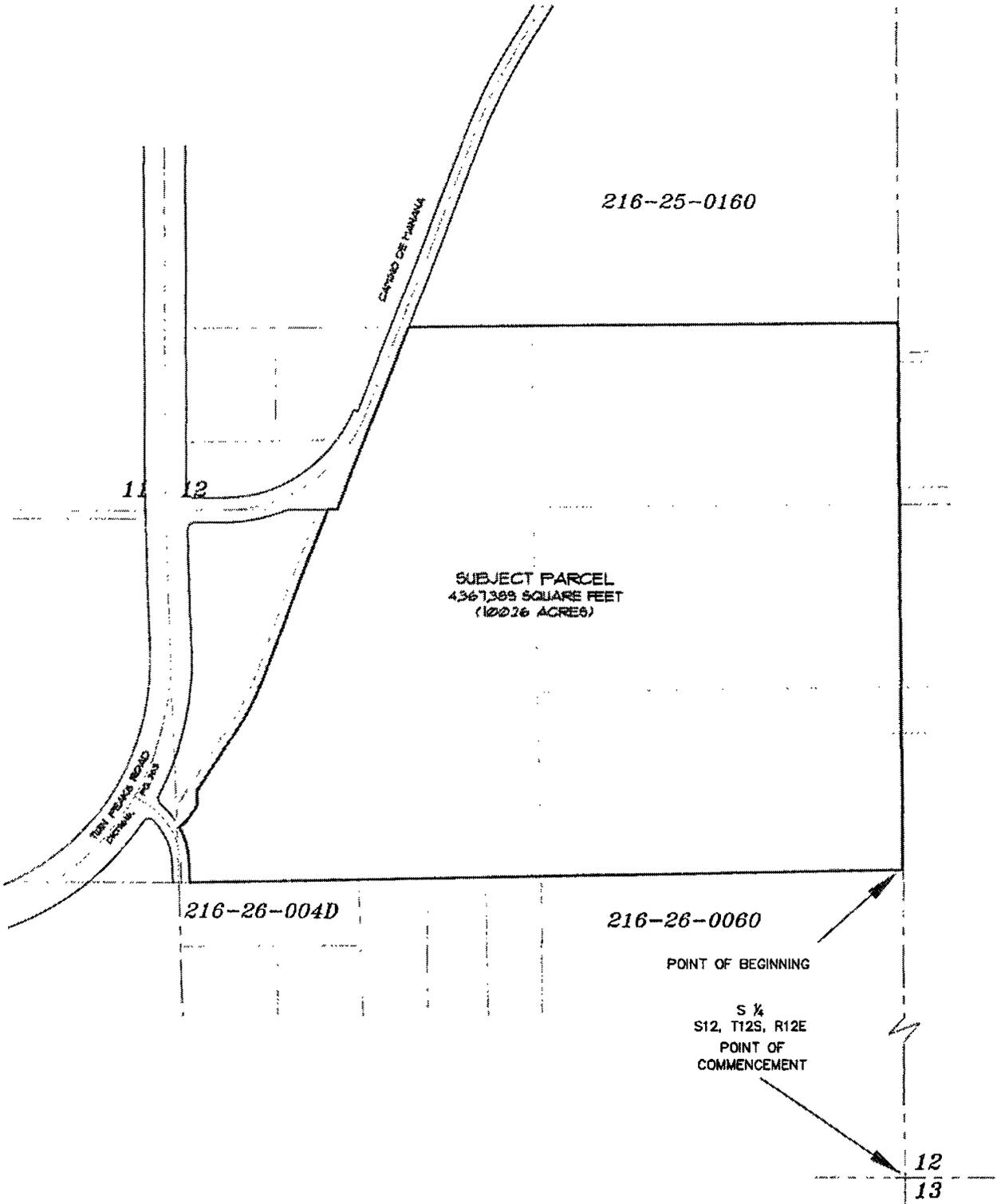
Prepared By:

THE WLB GROUP, INC.

Peter D. Cote, RLS 44121



EXPIRES 3-31-2015



**EXHIBIT TO ACCOMPANY DESCRIPTION OF  
PARCEL OF LAND  
THE PRESERVE AT TWIN PEAKS  
SECTION 12 T. 12 S., R. 12 E., G.S.R.M.,  
PIMA COUNTY, ARIZONA**

WLB No. 110047-B001-1003  
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