

## MARANA ORDINANCE NO. 2014.003

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RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 26 ACRES OF LAND LOCATED WEST OF TWIN PEAKS ROAD, SOUTH OF POTVIN LANE, AND EAST OF DECKER DRIVE FROM 'R-36' (RESIDENTIAL) TO 'F' (SPECIFIC PLAN) FOR THE PURPOSE OF CREATING THE TWIN PEAKS VISTA SPECIFIC PLAN AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN

WHEREAS Richard and Trudy Neter (the "Property Owners") own approximately 26 acres of property located west of Twin Peaks Road, south of Potvin Lane, and east of Decker Drive within a portion of Section 11, 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 submitted an application to rezone the 26 acres from 'R-36' (Residential) to 'F' (Specific Plan) ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing on October 30, 2013 and voted 6-1 to continue this Rezoning until the Commission had the opportunity to hear a presentation regarding the Twin Peaks corridor study; and

WHEREAS the Marana Planning Commission held another public hearing on January 29, 2014 and voted 6-1 to recommend that the Town Council approve this Rezoning with an amendment to eliminate Lot 1 and Lot 28 from the plan; and

WHEREAS the Marana Mayor and Town Council held a public hearing on February 18, 2014 and determined that this Rezoning should be approved, with the elimination of Lot 1 and Lot 28 as recommended by the Marana Planning Commission.

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 Twin Peaks Vista 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 developer shall submit a Traffic Statement to the Town when a subdivision plat is submitted for any portion of the Rezoning Area.
3. The Twin Peaks Vista Specific Plan requires the developer of the Rezoning Area to construct the Potvin Lane connection to Twin Peaks Road. If a traffic signal has been constructed by others at the Twin Peaks/Camino de Mañana intersection before the developer of the Rezoning Area constructs the Potvin Lane connection to Twin Peaks Road, the developer of the Rezoning Area shall construct or acquire and install all required traffic signal equipment and shall provide a new traffic signal phasing/timing plan to accommodate the Potvin Lane approach of the intersection.
4. A drainage report must be submitted by the Developer and accepted by the Town Engineer prior to Town approval of the preliminary plat.
5. The preliminary plat shall be in substantial conformance with the Land Use Concept Plan of Twin Peaks Vista Specific Plan.
6. The maximum number of residential units for the project shall not exceed 58. The developer shall eliminate Lots 1 and 28 as depicted in the "Land Use Concept (Tentative Development Plan)" attached as Exhibit T to the Twin Peaks Vista Specific Plan document as presented to Council and included in the Council's February 18, 2014 agenda materials.\*
7. Lots 2 through 6, 26, 27, and 29 through 35 as depicted in the "Land Use Concept (Tentative Development Plan)" attached as Exhibit T to the Twin Peaks Vista Specific Plan document as presented to Council and included in the Council's February 18, 2014 agenda materials shall be limited to single-story residences not to exceed 25 feet in height.\*
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, 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.
9. 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.
10. The Property Owners 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

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

shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.

11. 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.
12. Development within the Rezoning Area shall conform to and comply with design standards adopted by the Town Council that are applicable to future development along the Twin Peaks corridor.
13. 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.
14. 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.
15. Upon adoption of the rezoning ordinance by the Mayor and Council approving the Twin Peaks Vista 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.

**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.

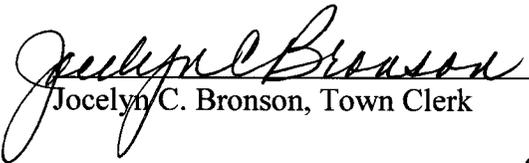
**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

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

  
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Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

  
Jocelyn C. Bronson, Town Clerk

  
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Frank Cassidy, Town Attorney





**EXHIBIT A**

**LEGAL DESCRIPTION FOR TWIN PEAKS VISTA**

A portion of the Northeast One Quarter (NE1/4) of the Southeast One Quarter (SE1/4) of Section 11; Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona, said portion being described as follows;

**COMMENCING** at the East One Quarter (E1/4) corner of said Section 11, from which the Southeast corner of the Northeast One Quarter (NE 1/4) of the Southeast Quarter (SE1/4) of said Section 11 bears S 02°02'18" E a distance of 1344.46 feet;

**THENCE** S 02°02'18" E, along the East line of said Southeast Quarter, a distance of 30.05 feet;

**THENCE** S 89°40'14" W a distance of 75.03 feet to a point on the Westerly right-of-way line of Twin Peaks Road, said road described in Docket 11616 at Page 263 in the office of the Pima County, Arizona Recorder, said point being the **TRUE POINT OF BEGINNING**;

**THENCE** S 02°02'18" E along said Westerly right-of-way line, a distance of 487.74 feet to the beginning of a curve, concave to the Northwest, having a radius of 880.00 feet;

**THENCE** Southwesterly along said curve, through a central angle of 66°25'43", a distance of 1020.27 feet to a point of non-tangency, a radial line passing through said point bears S 25°36'35" E, said point also being on the South line of the South One Half (S 1/2) of the Northeast One Quarter (NE1/4) of Southeast Quarter (SE1/4) of said Section 11;

**THENCE** N 89°55'03" W along said South line, a distance of 671.17 feet to a point on the Easterly right-of-way line of Decker Drive, said Decker Drive established in proceeding number 2806 and recorded in Docket 9406 at Page 1021 in said Records Office;

**THENCE** N 01°21'03" W along said Easterly right-of-way line, a distance of 666.93 feet to a point on the North line of the South One Half (S1/2) of the Northeast One Quarter (NE1/4) of Southeast Quarter (SE1/4) of said Section 11;

**THENCE** N 89°51'23" E along said North line, a distance of 603.44 feet to the Southwest corner of the Northeast One Quarter (NE1/4) of the Northeast One Quarter (NE1/4) of the Southeast One Quarter (SE1/4) of said Section 11;

**THENCE** N 01°42'19" W along the West line of said Northeast One Quarter (NE1/4) of the Northeast One Quarter (NE1/4) of the Southeast One Quarter (SE1/4) of said Section 11, a distance of 639.98 feet to a point on a line 30.00 feet Southerly and parallel with the North line

of said Northeast One Quarter (NE1/4) of the Northeast One Quarter (NE1/4) of the Southeast One Quarter (SE1/4) of said Section 11;

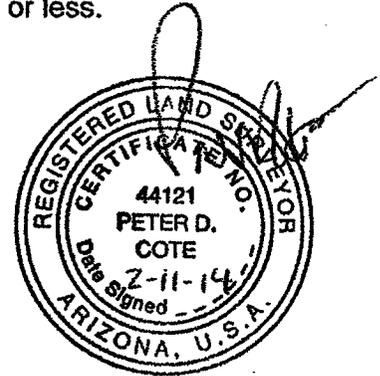
THENCE N 89°40'14" E along said parallel line, a distance of 584.24 feet to the TRUE POINT OF BEGINNING.

Containing 1,051,381 square feet or 24.14 acres more or less.

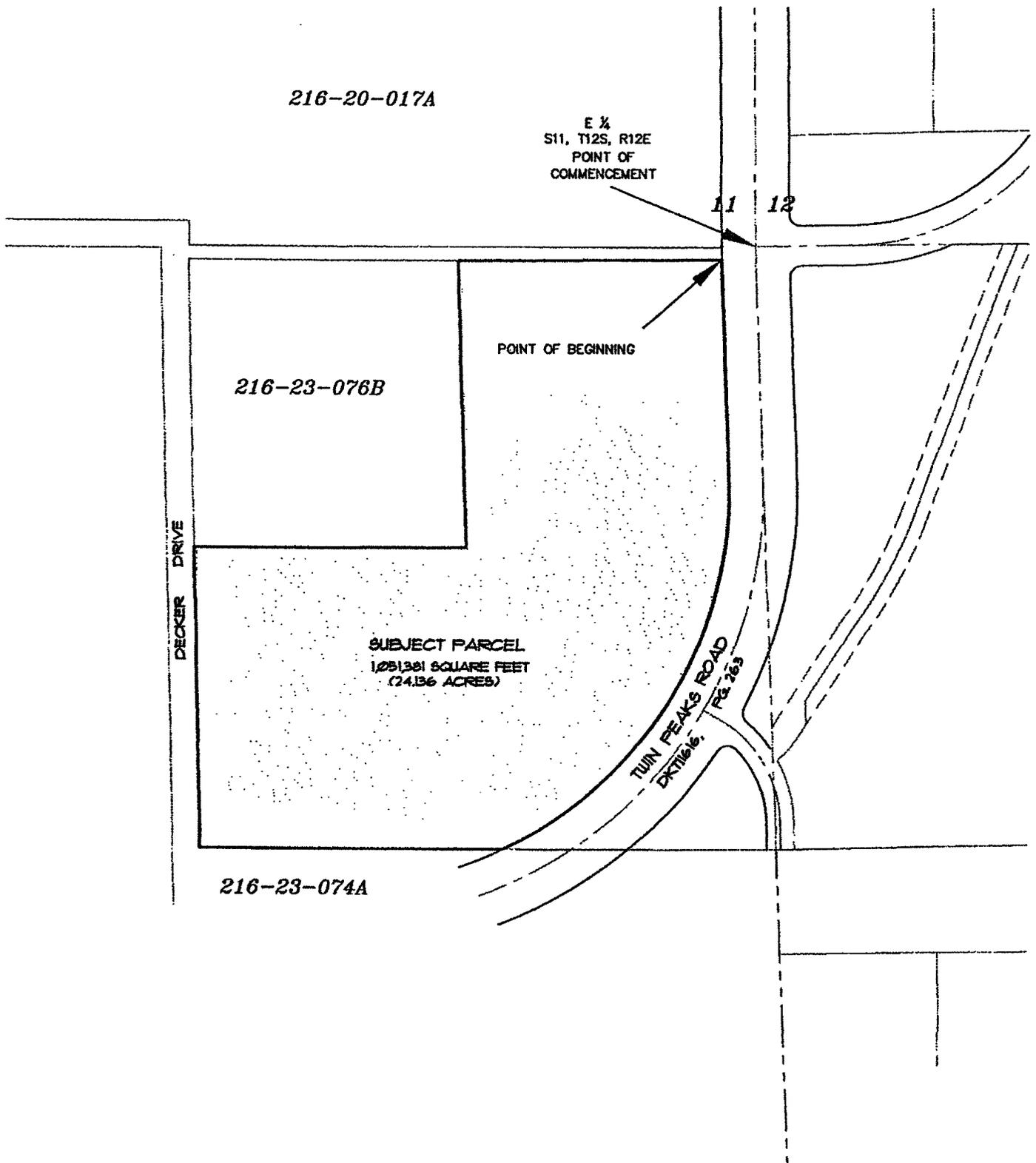
Prepared by:

THE WLB GROUP, INC.

Peter D. Cote, RLS 44121



EXPIRES 3-31-2015



**EXHIBIT TO ACCOMPANY DESCRIPTION OF  
PARCEL OF LAND  
TWIN PEAKS VISTA  
SECTION 11 T. 12 S., R. 12 E., G.S.R.M.,  
PIMA COUNTY, ARIZONA**

