

MARANA ORDINANCE NO. 2014.002

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 23.9 ACRES OF LAND FROM 'C' (LARGE LOT ZONE) AND 'E' (TRANSPORTATION CORRIDOR ZONE) TO 'HI' (HEAVY INDUSTRY) FOR THE MARANA TECHNOLOGY CAMPUS LOCATED ON THE SOUTHWEST CORNER OF TANGERINE ROAD AND BREAKERS ROAD

WHEREAS Northwest Storage Group, L.L.C. and Steven Rakower Separate Property Trust are the property owners ("Owners") of approximately 23.9 acres of land located on the southwest corner of Tangerine Road and Breakers Road in a portion of Section 5, Township 12 South, Range 12 East, G&SRB&M, as depicted on Exhibit "A" attached to and incorporated by this reference in this ordinance (the "Rezoning Area"); and

WHEREAS the Marana Planning Commission held a public hearing on January 29, 2014, and voted to recommend, by a unanimous 7-0 vote, that the Town Council approve a rezoning of the Rezoning Area to 'HI' (Heavy Industry) with the recommended conditions (this "Rezoning"); and,

WHEREAS the Marana Town Council held a public hearing on this Rezoning at the regular February 18, 2014 Town Council meeting 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. This Rezoning complies with the Town of Marana General Plan.

Section 2. The zoning of the Rezoning Area is hereby changed from 'C' (Large Lot Zone) and 'E' (Transportation Corridor Zone) to 'HI' (Heavy Industry).

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), and which shall be binding on the Owners and their successors in interest (all of whom are collectively included in the term "Owners" in the following conditions):

1. Compliance with all provisions of Town Codes, ordinances, and policies of the General Plan current at the time of development including, but not limited to, requirements for public improvements.

2. A traffic impact study, to include analysis of all phases of this project, will be required at the development plan stages of the project. The design and construction of any roadway improvements found by Town staff to be warranted based on the findings of the study, shall be the responsibility of the developer.
3. Prior to any dedication of rights-of-way to the Town, a Phase 1 Environmental Site Assessment that is less than 180 days old must be submitted to the Town at the Owners' expense.
4. The Owners shall dedicate 30 feet of additional right-of-way for Breakers Road along the entire eastern property line of the Rezoning Area upon demand of the Town or prior to approval of any development plan having frontage on Breakers Road.
5. The Owners shall dedicate 125 feet of additional right-of-way for Tangerine Road (for a total 175-foot half right-of-way from the Tangerine Road centerline and section line) for any portion of a development plan having frontage on Tangerine Road or the Owners shall dedicate 125 feet of additional right-of-way for Tangerine Road (for a total 175-foot half right-of-way from the Tangerine Road centerline and section line) along the entire northern property line of the Rezoning Area upon demand of the Town.
6. Prior to the Town's issuance of a Certificate of Occupancy for any structure within the Rezoning Area as part of a development plan having access on Breakers Road, Breakers Road shall be constructed with a cross-section acceptable to the Town Engineer from Tangerine Road to the development plan's southernmost access point.
7. The Owners shall connect to municipal water and/or sewer lines once water and/or sewer lines are located within 400 feet of the Rezoning Area. This connection shall be done at the Owners' expense.
8. No new lots or parcels shall be created in the Rezoning Area unless they are created by a Town-approved subdivision plat.
9. No approval, permit or authorization by the Town of Marana authorizes the Owners to violate any applicable federal or state law or regulation or relieves the Owners from the responsibility to ensure compliance with all applicable federal and state laws and regulations, including but not limited to the Endangered Species Act, Clean Water Act and the State Historic Preservation Act of 1982. The Owners are advised to retain an appropriate expert and/or consult with federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
10. The Rezoning Area shall not be used for a solid-waste transfer facility.
11. The Rezoning Area shall be annexed into a fire district prior to the approval of any development plan within the Rezoning Area.
12. Any wireless communication towers in the Rezoning Area are subject to the design and approval procedures set forth in Title 23 of the Marana Land Development Code.
13. A 100% desert tortoise survey shall be completed by a qualified biologist at the Owners' expense and approved by the Town prior to the issuance of any grading permits in the Rezoning Area.
14. The Plant Inventory Methodology will be utilized for compliance with a native plant permit prior to the issuance of any grading permits in the Rezoning Area.
15. All phases of construction within the Rezoning Area shall comply with the Commercial Design Standards set forth in Title 8 of the Marana Land Development Code.
16. If any human remains or funerary items are discovered anywhere during construction, or at any time, all work must stop in the area of the remains and the Repatriation

Coordinator shall be contacted immediately at (520) 621-4795, pursuant to A.R.S. § 41-865.

17. If there is disturbance within a jurisdictional wash, a Corps of Engineers 404 Clean Water Permit is required, which creates a federal nexus so that all cultural resource reviews must go to the State Historic Preservation Office (SHPO); grading permits will not be issued until it is determined that all federal permit requirements have been met.
18. The set-aside area depicted on the Tentative Development Plan shall be fenced or walled during all phases of construction and in perpetuity unless the Town grants written permission to remove the barriers.

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.

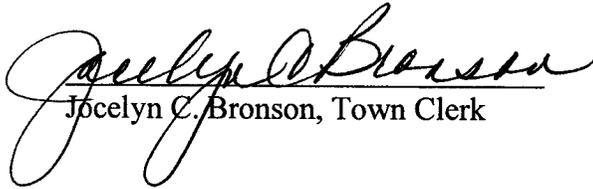
Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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



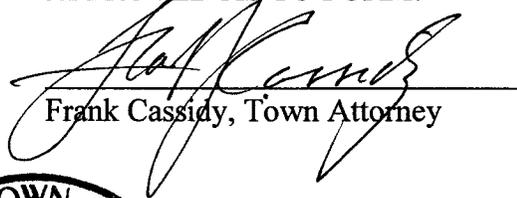
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney





EXHIBIT A

LEGAL DESCRIPTION FOR MARANA TECHNOLOGY CAMPUS

A portion of the Northeast Quarter of Section 5, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, AZ described as follows:

Parcel 1

The Northeast quarter and the West half of the Northwest quarter of Lot 2 of Section 5, Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Parcel 2

The East Half of the West Half of the South Half of Lot 2 of Section 5, Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

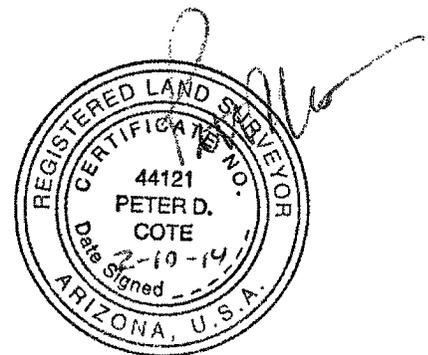
Parcel 3

The North Half of the East Half of the South Half of Lot 2 of Section 5, Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County,

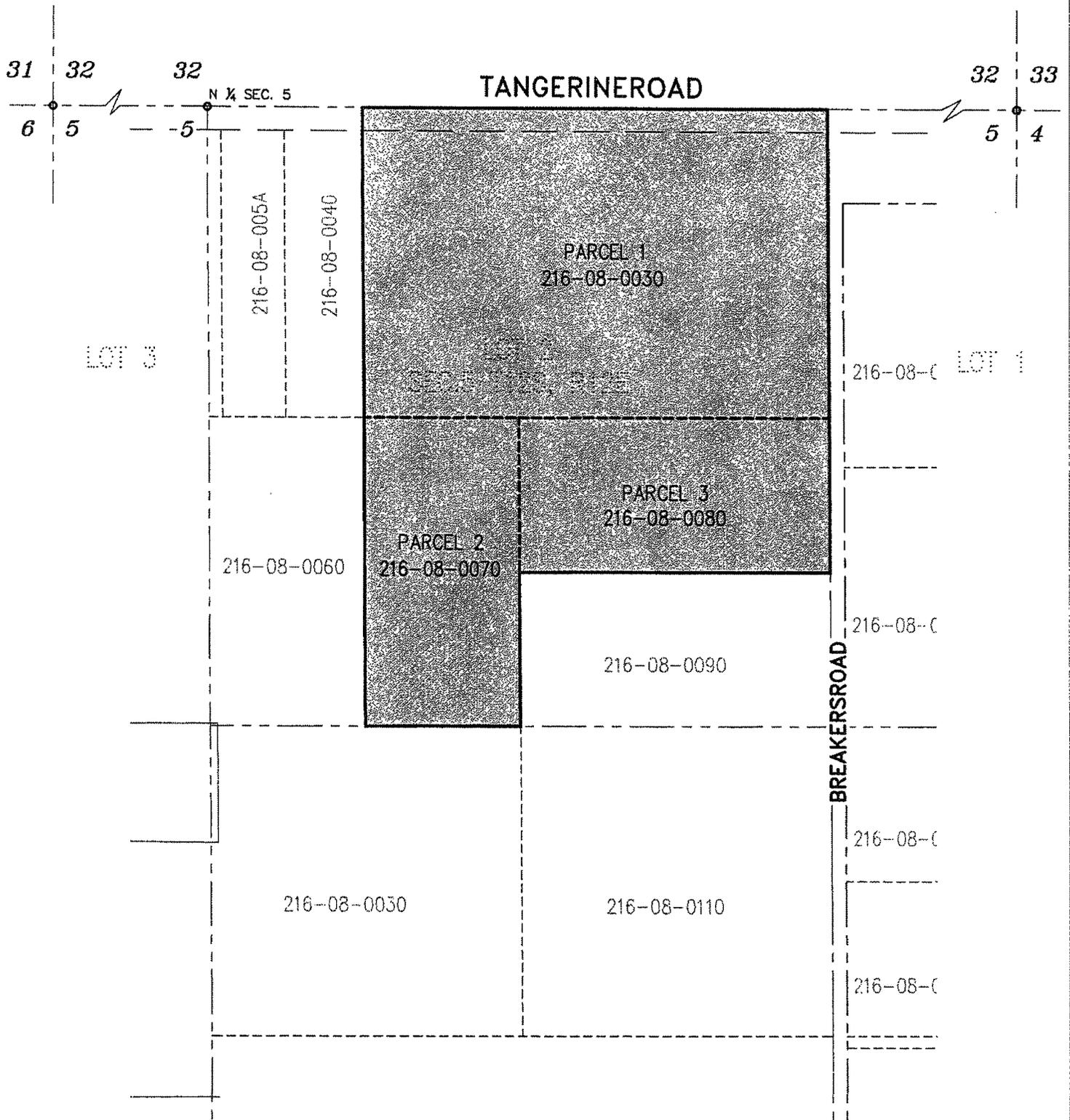
Prepared By:

THE WLB GROUP, INC.

Peter D. Cote, RLS 44121



EXPIRES 3-31-2015



**EXHIBIT TO ACCOMPANY DESCRIPTION OF
PARCELS OF LAND**

A.P.N. 218-08-0030

A.P.N. 218-08-0070

A.P.N. 218-08-0080

**LOT 2, SEC. 5 T. 12 S., R. 12 E., G.S.R.M.,
PIMA COUNTY, ARIZONA**

WLB No. 113033-xxx-1003

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