

## MARANA ORDINANCE NO. 2020.001

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RELATING TO DEVELOPMENT; AMENDING THE UPTOWN AT MARANA SPECIFIC PLAN FOR APPROXIMATELY 205 ACRES OF LAND LOCATED NORTH OF MARANA ROAD AND EAST OF SANDERS ROAD; REVISING THE CONCEPTUAL LAND USE PLAN, THE LAND USE ALLOCATION, AND THE ASSOCIATED DEVELOPMENT STANDARDS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS 515-Marana, LLC, Boa Sorte Ltd. Partnership, et. al. (collectively the "Property Owners") own a total of 205 acres of land previously entitled as the Uptown at Marana Specific Plan by the adoption of Ordinance No. 2007.25 by the Mayor and Council on November 6, 2007, and located south of Marana Road and east of Sanders Road in a portion of Section 21, Township 11 South, Range 11 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Specific Plan Area"); and

WHEREAS the Property Owners have authorized Lazarus, Silvyn, and Bangs, P.C. to submit an application to amend the Uptown at Marana Specific Plan (the "Amendment") revising the conceptual land use plan, the land use allocation, and the associated development standards; and

WHEREAS the Marana Town Council held a public hearing to consider this amendment on January 21, 2020 and determined that the amendment is in the best interest of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

**Section 1.** The amended Uptown at Marana Specific Plan, revising the Conceptual Land Use Plan, the land use allocation, and the associated development standards, one electronic and one printed copy of which is on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by, and is attached as, Exhibit A to Marana Resolution No. 2020-003, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

**Section 2.** This Amendment is subject to the following conditions, which replace the conditions listed in Section 3 of Ordinance No. 2007.25, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code, and which shall be binding on the Property Owners and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

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 and payment of application fees and applicable development impact fees.
2. Any preliminary plat or development plan for any portion of the Specific Plan Area shall be in general conformance with the Conceptual Land Use Plan presented to, and approved by, the Town Council as part of this Amendment.
3. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of a preliminary plat or development plan for any portion of the Specific Plan Area.
4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the Marana Water Department (the "water provider") prior to approval of a preliminary plat for any portion of the Specific Plan Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Property Owners must enter into a water service agreement with the water provider consistent with the accepted WIP.
5. A master sewer plan must be submitted by the Property Owners and accepted by the Marana Water Department (the "wastewater utility") prior to the approval of any final plat or development plan for the Specific Plan Area. The master sewer plan shall identify all on-site and off-site wastewater facilities needed to serve the proposed development, and shall include all information required by the wastewater utility. If the wastewater utility requires a sewer service agreement as a condition of service to the proposed development, the Property Owners must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
6. The Property Owners must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Specific Plan Area.
7. The Property Owners shall dedicate, or cause to have dedicated, the necessary half-street rights-of-way for Marana Road, Sanders Road, Tangerine Farms Road, and no more than 1,000 square feet of right-of-way on the property for a Marana Road pedestrian connection, and contribute \$300,000 for pedestrian connection

improvements or downtown beautification, payable upon issuance of the first grading or building permit.

8. The Property Owners shall be responsible for the following specific off-site improvements, unless the improvements are completed by the Town or others under Marana's Streets Impact Fee Program:
  - a. Improvements identified by the Town in its Impact Fee Program at the Marana interchange to address frontage road and interchange ramp movements. Improvements shall be open to traffic before issuance of a certificate of occupancy for the 750<sup>th</sup> single-family residential unit (or equivalent trip generation).
  - b. Following the completion of the commercial portion of the project and/or before issuance of the 933<sup>rd</sup> building permit (or equivalent trip generation) the following improvements shall be open to traffic:
    - i. Reconstruction of Marana Road to a 4 lane section complying with the Town's arterial road standard from the western boundary of the property to the intersection with Tangerine Farms Road. A taper from 4 lanes to 2 lanes will be required beginning at the western boundary of the property.
    - ii. Construction of Tangerine Farms Road from the intersection of Marana Road to the Marana interchange as a 4 lane section complying with the Town's arterial road standard.
    - iii. Improvements necessary to realign Sandario Road with Tangerine Farms Road. The section shall comply with the Town's minor collector standard.
    - iv. A traffic signal at the intersection of Tangerine Farms Road and Marana Road.
    - v. A traffic signal at the intersection of Marana Road and the east access to the project.

As provided by A.R.S. § 9-463.05, the cost of any transportation improvements constructed by the Property Owners for which the Town has adopted a development impact fee shall be credited against transportation impact fees payable for development within the Specific Plan Area.

9. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the applicable fire service provider(s) prior to Town Council consideration of a final plat for any portion of the Specific Plan Area.
10. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners from responsibility to ensure compliance with all applicable federal and state laws and

regulations, including the Endangered Species Act and the Clean Water Act. The Property Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.

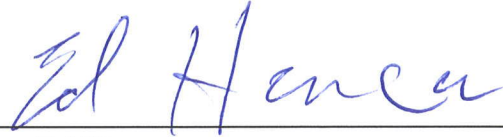
11. The Property Owners shall transfer to Marana, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for the Town providing designation of assured water supply and water service to the Specific Plan Area. If Type I or Type II is needed on the Specific Plan Area, the Town and the Property Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Specific Plan Area.
12. Prior to the issuance of any grading permits, the Property Owners 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, if federal permits are required for the development of the Specific Plan Area.
13. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
14. The Property Owners have voluntarily agreed to enter into a school contribution agreement with the Marana Unified School District providing for a contribution per residential unit to mitigate the effects of the proposed development.
15. The number of residential dwelling units shall be limited to 1,338. This includes 930 units approved by Marana Ordinance No. 2007.25 plus 408 additional units resulting from a Town standard conversion from commercial zoned or designated land to equivalent dwelling units (EDUs). This conversion equates one acre of commercial zoned or designated land to four residential dwelling units. The maximum number of single family residences (single family detached and single family attached combined) shall be limited to 930; the 1,338 residential dwelling unit limit may be reached with multi-family housing.
16. The minimum lot size for all single family detached residences shall be 4,000 square feet.
17. The development shall include a park of at least five acres in size, with a dog park and at least a half basketball court.

**Section 3.** 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 4.** 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.

**Section 5.** This ordinance is effective on February 27, 2020.<sup>1</sup>

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 21<sup>st</sup> day of January, 2020.



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

ATTEST:



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Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:



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Frank Cassidy, Town Attorney



<sup>1</sup> Originally written as February 21, 2020, but changed by the Town Attorney to February 27, 2020 to be the 31<sup>st</sup> day after the date this ordinance was signed by the Mayor.