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Gabriella Cázares-Kelly Recorder
OFFICIAL RECORDS OF PIMA COUNTY, AZ

MARANA ORDINANCE NO. 2023.019

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 1.7 ACRES OF LAND, GENERALLY LOCATED APPROXIMATELY 300 FEET NORTHWEST OF THE INTERSECTION OF W. INA ROAD AND N. OLDFATHER ROAD, FROM MR-2 (MULTI-FAMILY RESIDENTIAL) AND NC (NEIGHBORHOOD COMMERCIAL) TO VC (VILLAGE COMMERCIAL)

WHEREAS 316-Ina, LLC (the "Property Owners"), own approximately 1.7 acres of land generally located approximately 300 feet northwest of the intersection of W. Ina Road and N. Oldfather Road, in Section 31, Township 12 South, Range 13 East, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized Lazarus & Silvyn, P.C. to submit an application to rezone the Rezoning Area from MR-2 (Multi-family Residential) and NC (Neighborhood Commercial) to VC (Village Commercial) ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning on May 3, 2023, and voted unanimously 7-0 to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on June 6, 2023 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 the Rezoning Area is hereby changed from MR-2 (Multi-Family Residential) and NC (Neighborhood Commercial) to VC (Village Commercial).

Section 2. 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), 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. A detailed traffic impact analysis must be submitted by the Property Owners and

accepted by Town staff prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area.

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 Rezoning Area.
4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by Tucson Water (the "water provider") prior to approval of a preliminary plat for any portion of the Rezoning 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 Pima County Regional Wastewater (the "wastewater utility") prior to the approval of any final plat or development plan for the Rezoning 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 Rezoning Area.
7. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
8. 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

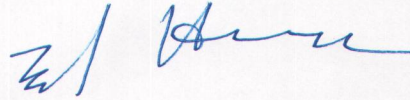
applicable laws and regulations.

9. The property owners shall transfer to the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for 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 water provider and the 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. 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 Rezoning Area.
11. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.

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.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of June, 2023.



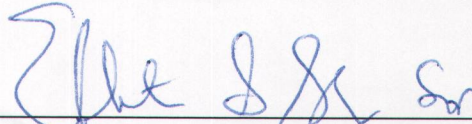
Mayor Ed Honea

ATTEST:



David L. Udall, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney



**EXHIBIT "A" to Marana Ordinance No. 2023.019
LEGAL DESCRIPTION**

THE WEST 285 FEET OF THE EAST 330 FEET OF THE NORTH 245 FEET OF THE SOUTH 550 FEET OF LOT 5, SECTION 31,
TOWNSHIP 12 SOUTH, RANGE 13 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA.

INCLUDING THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL SAID POINT BEING THE POINT OF
BEGINNING;

THENCE NORTH 89° 37' 49" WEST, A DISTANCE OF 52.50 FEET;

THENCE NORTH 00° 22' 11" EAST, A DISTANCE OF 5.81 FEET TO A POINT OF CURVATURE;

THENCE AROUND SAID CURVE TO THE RIGHT, WHOSE RADIUS IS 40.00 FEET AND HAS A CENTRAL ANGLE OF 89° 49' 42" A
DISTANCE OF 62.71 FEET TO POINT OF TANGENCY;

THENCE SOUTH 89° 48' 07" EAST, A DISTANCE OF 12.48 FEET TO POINT ON THE WEST RIGHT-OF-WAY LINE OF
OLDFATHER ROAD;

THENCE SOUTH 00° 11' 53" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 45.85 FEET TO THE POINT OF
BEGINNING.
