



MARANA PLANNING COMMISSION
REGULAR COMMISSION MEETING

REVISED

NOTICE AND AGENDA

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 25, 2023, at or after 6:00 PM

Thomas Schnee, Chairman
Ronald Hill, Vice Chair
David Bowen, Commissioner
John Flint, Commissioner
John McIntyre, Commissioner
Joseph Parsons, Commissioner
Sharon Tyson, Commissioner

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Planning Commission and to the general public that the Planning Commission will hold a meeting open to the public on October 25, 2023, at or after 6:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COMMISSION ON ANY ITEM LISTED ON THIS AGENDA.

Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

Marana Planning Commission

Welcome to this public meeting of the Marana Planning Commission. The Commission consists of seven citizens who are appointed by the Town Council and serve without pay. For the most part, the Commission acts in an advisory capacity to the Town Council on matters related to land use planning and zoning. Citizens are encouraged to address the Commission with their concerns on agenda items during the public testimony portions of the meeting, or other issues at the Call to the Public.

Meeting Times

Regular Commission meetings are usually held on the last Wednesday of each month at 6:00 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places.

Speaking at Meetings

If you are interested in speaking to the Commission during the Call to the Public or Public Hearings, you must fill out a speaker card (located inside the Council Chambers) and deliver it to the Planning Commission Secretary prior to the convening of the meeting.

All persons attending the Commission meeting, whether speaking to the Commission or not, are expected to observe the Commission rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed

from the meeting and will not be allowed to return.

Accessibility

To better serve the citizens of Marana and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas

Copies of the Agenda are available the day of the meeting inside the Council Chambers or online at www.maranaaz.gov.

This Notice and Agenda posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov.

Public Comments

Please submit public comments to tbyler@maranaaz.gov. Any submitted comments from the public will be provided to the Commission and included within the Commission packet file and a summary of the comments submitted will be reflected in the official Commission meeting minutes of that meeting. All emailed comments must be received by the Town no later than 12:00 p.m. (noon) on the day of the meeting to be included.

REGULAR COMMISSION MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION/MOMENT OF SILENCE

ROLL CALL

CALL TO THE PUBLIC

At this time, any member of the public is allowed to address the Planning Commission on any issue within the jurisdiction of the Planning Commission, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three (3) minutes to speak. Any persons wishing to address the Commission must complete a speaker card (located at the rear of the Commission Chambers) and deliver it to the Commission Secretary prior to this agenda item being called. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda. However, members of the Commission shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

APPROVAL OF AGENDA

ANNOUNCEMENTS

GENERAL ORDER OF BUSINESS

- A. Approval of the August 30, 2023 Meeting Minutes**
- B. Public Hearings**
 - 1. PCZ23039-003: Silverbell Nelson Rezone:** A request for a recommendation to the Marana Town Council for approval to rezone approximately 3.9 acres of land located at 9996 N. Silverbell Road, on the east side of N. Silverbell Road, approximately one tenth of a mile south of N. Coachline Boulevard, from Zone C (Large Lot) to R-36 (Residential) (Scott S. Radden)
- C. Commission Action**

Opening remarks by an applicant should not exceed ten minutes. Comments by others should not exceed three minutes.
- D. Informational Items/Possible Action Items**
 - 1. Discussion and possible rescheduling or cancelation of the *November 29, 2023 and December 27, 2023 Planning Commission Meetings.*** (Jason Angell)

FUTURE AGENDA ITEMS

EXECUTIVE SESSIONS

Pursuant to A.R.S. 38-431.03, the Planning Commission may vote to go into executive session, which will not be open to the public, to discuss certain matters.

Executive Session pursuant to A.R.S. §38-431.03 (A), Planning Commission may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

ADJOURNMENT

Planning Commission - Regular Meeting

Meeting Date: 10/25/2023

To: Planning Commission

From: Terri Byler, Executive Assistant

Date: October 25, 2023

Subject: Approval of the August 30. 2023 Meeting Minutes

Attachments

August 30, 2023 Planning Commission Summary Minutes



**MARANA PLANNING COMMISSION
REGULAR MEETING**

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, August 30, 2023, at or after 6:00 P.M.

Thomas Schnee, Chairman
Ronald Hill, Vice Chair
David Bowen, Commissioner
John Flint, Commissioner
John McIntyre, Commissioner
Joseph Parsons, Commissioner
Sharon Tyson, Commissioner

SUMMARY MINUTES

CALL TO ORDER

Chairman Schnee called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION/MOMENT OF SILENCE: led by **Chairman Schnee**.

ROLL CALL

Chairman Schnee directed the Planning Commission secretary to call roll. Commissioner Tyson was absent. The Planning Commission secretary stated a quorum was present.

CALL TO THE PUBLIC

APPROVAL OF AGENDA

Commissioner Flint moved to approve the agenda as presented. Commissioner McIntyre seconded the motion. Motion passed, 6-0.

ANNOUNCEMENTS

GENERAL ORDER OF BUSINESS

Approval of the Regular Planning Commission Meeting Summary Minutes of July 26, 2023.

Vice Chair Hill moved, and Commissioner Flint seconded, the motion approving the minutes. Motion passed, 6-0.

PUBLIC HEARING

1. CUP2308-001: The Marana Pumpkin Patch; A request for approval of a conditional use permit to allow continued outdoor amusement use and/or an expansion of other proposed uses including, but not limited to: concerts, community gatherings, carnivals, circuses, rodeos, amusement parks and other retail uses and activities, generally located southeast of the intersection of W Hardin Road and N Trico Road. (Scott S. Radden)

Senior Planner, Scott Radden presented on this item.

Brief overview of the request:

- Applicant - Post Land Company, LLC.
- Location - Southeast of Hardin Road and Trico Road intersection. Totalling 370 acres.
- Request - A conditional use permit to allow the continuation of outdoor amusement, special event venue, rodeo grounds, campground, RV park, petting zoo, and other associated retail uses and activities, approved under Section 17-4-2 Use Matrix, Table 2.
- Rural Homestead (RH) in Pima County; Annexed into Marana as Agricultural (AG), approved by Ord. No. 2023.027 on 8/22/2023.
- AG Zoning District permitted uses: single-family residential, community recreation, corral or barn, farming, nursery, riding arena, bed & breakfast, golf course, farmers market, public park or playground, or accessory uses.
- The property is surrounded by agriculture to the north and east, the Santa Cruz River and undeveloped desert lands to the south and west.

Mr. Radden noted, the Planning Commission may grant, grant with conditions, or deny the application. The Planning Commission may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the town as a whole.

Jon Post, applicant, stated that he was looking forward to annex into the Town of Marana. He felt that this use would be a good fit for Marana.

Chairman Schnee opened the public hearing at 6:08 PM. **Chairman Schnee** closed the public hearing at 6:08 PM.

There were no questions or concerns from the Commission.

Motion to approve subject to the recommended conditions by Chairman Schnee seconded by Commissioner Flint. Motion passed, 6-0.

2. PCM2304-001: The Place at Ina Crossroads Zoning Ordinance Condition Modification; A request for a recommendation to the Town Council approving a modification of a rezoning condition of Marana Ordinance No. 2006.29, which rezoned approximately 9.95 acres of land generally located at the southwest corner of the Ina Road and Silverbell intersection, removing zoning conditions that were intended to only allow a retail shopping center on the site. (Scott S. Radden)

Senior Planner, Scott Radden presented on this item.

Mr. Radden noted this is a modification of Section 3 of Ordinance No. 2006.29, adopted September 19, 2006; approving a rezoning for 9.95-acre Silverbell Crossroads development.

Proposed modification to Section 3 of Ordinance No. 2006.29:

~~Section 3. The intent of the rezoning is to allow for the development of a retail shopping center. 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 provisions of Town's Codes, Ordinances, and policies of the General Plan current at the time of development including, but not limited to, requirements for public improvements.~~

~~2. Compliance with Title 24.S.Use Regulations in the Silverbell Road Commercial Overlay District of the Land Development Code with the following exemptions:~~

~~a. Allow one bank drive-through location and facility generally as shown in the tentative development plan.~~

~~b. Allow one restaurant drive-through location and facility generally as shown in the tentative development plan.~~

~~3. The developer shall provide enhanced landscape and/or hardscape to ensure that headlights from cars entering the drive-through lanes do not shine onto adjacent property.~~

~~4. The developer shall be responsible for all improvements needed onsite and for the offsite driveway connections and sewerage. The developer shall be responsible for making a monetary contribution to the Town to in an amount sufficient to cover the cost of the design and construction of a northbound left turn lane in Silverbell Road at the south driveway and a westbound left turn lane in Ina Road at the west driveway to be incorporated into the Silverbell Road improvement project.~~

~~5. The Town of Marana shall not issue a certificate of occupancy for any commercial use in the proposed shopping center until the Town's capital improvement project on Silverbell Road is substantially completed.~~

2. Any plat or development plan for any portion of the property submitted after the effective date of this ordinance shall be in general conformance with the conceptual land use plan attached to and incorporated in this ordinance by this reference as Exhibit 1: Conceptual Land Use Plan.

3. Drive-throughs are prohibited in the Rezoning Area.

Brian Underwood, The Planning Center, noted they are incorporating both the change of ordinance and the rezoning request in one presentation, since they are one project.

Development Services Director, Jason Angell explained that this item is for the change of condition consideration. The next item on the agenda is the rezoning for the property to the south. Both items need separate action.

Mr. Angell added that condition #4 talked about the requirement for offsite improvements to the intersection; which were completed as part of the Amazon facility. That condition is no longer relevant.

Chairman Schnee opened the public hearing at 6:16 PM.

A number of neighboring residents spoke in opposition of the ordinance condition modification. The residents live SW of Ina Road and Silverbell Road in the county.

General concerns related to traffic, water supply/usage, and potential traffic accidents west of Silverbell Road Ina Road narrows to one lane at the county line and is a potential cause for accidents. A traffic signal was request at the Ina Rd and Broom Tail Dr. cross-street by one of the residents.

Chairman Schnee closed the public hearing at 6:40 PM.

Chairman Schnee asked staff if the Town could facilitate something with the county regarding the traffic concern and possible traffic signal.

Traffic Manager, Diahn Swartz stated she would share the concerns of the residents with Pima County; however, there are certain requirements that need to be met to warrant a traffic signal.

Motion to approve subject to the recommended conditions by Commissioner Flint, seconded by Commissioner McIntyre. Motion passed, 6-0.

3. PCZ2304-001: A request for a recommendation to the Marana Town Council for approval to rezone approximately 4.1 acres of land from R-144 (minimum lot size 144,000 square feet, single family residential) to Village Commercial (VC) as well as a minor amendment to the Make Marana 2040 General Plan land use designation from Low Density Residential (LDR) to Commercial (C). The property is generally located 800' south of the intersection of W Ina Rd and N Silverbell Rd, on the west side N. Silverbell Road in Section 2, Township 13 South, Range 12 East, Pima County, Arizona. (Scott S. Radden)

Senior Planner, Scott Radden presented on this item.

A brief overview of the request:

- Applicant - The Planning Center.
- Request -
 - Rezone from R-144 Single Family Residential to Village Commercial (VC).
 - Minor amendment the Marana 2040 General Plan
- Size and Location - Approximately 4.1 acres, south of Ina Road and Silverbell Road
- Current Zoning - R-144 Single Family Residential
- 2040 General Plan - Land use designation - Low Density Residential (LDR)

Brian Underwood, The Planning Center noted, the total area consists of 13.4 acres. There are 8 multi-family buildings, 1 leasing center/clubhouse and 1 maintenance building proposed. There are a total of 240 units and 625 parking spaces planned.

Mr. Underwood noted the varying density of uses around Ina Road and Silverbell Road The intent for amending the General Plan is to allow for a commercial designation on the rezoning portion and to ensure consistency on both properties. The main point of access will be on Silverbell Road There will be one "exit only" egress to Ina Road

A neighborhood meeting was held - where The Planning Center presented the project, detailing the proposed conceptual land use plan. Two neighbors attended the meeting. **Mr. Underwood** stated they are working with neighbors to the south on their concerns relating to vegetation buffers/screening.

They have also been working with the property owners to the south of the project - Silverbell Ridge Estates – roughly 60 acres with 7 homes proposed.

There were three main request from Mr. Cardinal and Mr. Donley.

- Install a 6-ft. wall along the southern boundary.
- Add vegetation and buffers along the southern boundary.
- Reduce the height of buildings #7 and #8 from three-story to two-story.

Mr. Underwood stated they are meeting the Town of Marana landscape requirements, consisting of over-story trees, mid-story shrubs and ground cover plants. They are also happy to accommodate the request of 6-foot wall. Reducing the building height has serious implications on the feasibility of the project. A follow-up meeting with Mr. Cardinal and Mr. Donley has been scheduled for next week.

Chairman Schnee opened the public hearing at 7:08 PM.

A number of county residents spoke in opposition of the request to rezone. General concerns related to project not being a good fit for the location, traffic, safety, views, lighting, noise, property values and wildlife.

Chairman Schnee closed the public hearing at 7:32 PM.

Mr. Angell noted the subject property would be served by Tucson Water

Addressing the county residents, **Commissioner Bowen** noted that he understood their concerns regarding the project but stated that this property owner also has rights. **Commissioner Bowen** felt this was a good project and would be voting in favor of it.

Chairman Schnee liked the landscaping and 6-ft. wall. He felt that Town Council should be the ones to decide whether they want to put any restrictions on the building height.

No further comments from the commission.

Motion to approve subject to the recommended conditions by Chairman Schnee, seconded by Commissioner Flint. Motion passed, 6-0.

4. PCM2308-001: Recommendation to the Town Council regarding revising Marana Town Code Title 17 (Land Development), chapter 17-4 (Zoning), section 17-4-3 (Use conditions matrix) to clarify that for home occupations, the use of amenities customarily incidental to a residential use is permitted subject to conditions. (Steven Cheslak)

Planning Manager, Steve Cheslak presented on this item.

A brief overview of the request:

- Based on recent home occupation business license activity regarding the use of backyard outdoor area.
- Intent to allow use of amenities customarily incidental to residential use - swimming pool, playground equipment, and other similar amenities.
- Business examples: private lessons for swimming, yoga, gardening and sports coaching.

Proposed changes to Section 17-4-3:

A modification that clarifies an existing condition:

~~Does not include~~ Additional conditions may apply for specific uses regulated by other provisions of this title.

The addition of the condition:

May include customary use of amenities customarily incidental to a residential use, such as a swimming pool, playground equipment, and other similar amenities, in the backyard only, and only during the hours of 8:00 AM to 5:00 PM.

Commissioner Flint asked about the parking.

Planning Manager, Steve Cheslak noted that the guests should use the driveway first and then on-street parking, if allowed. There should only be 1 to 2 vehicles at a time, at the most. Further noting, the Town does have code compliance requirements for those who would abuse the parking.

Chairman Schnee opened the public hearing at 7:48 PM. **Chairman Schnee** closed the public hearing at 7:48 PM.

Motion to approve subject to the recommended conditions by Commissioner McIntyre, seconded by Commissioner Flint. Motion passed, 6-0.

5. PCM2308-002: Recommendation to the Town Council regarding revisions to Marana Town Code (MTC) Title 17 (Land Development) related to transitional housing; Section 17-1-6 (Definitions), revising definitions for "Single-family dwelling" and "Transitional housing"; Section 17-4-2 (Use matrix) Table 2 - Use matrix, revising the permissiveness of transitional housing uses in several zoning districts from allowed upon approval of a conditional use permit to allowed upon meeting specified conditions; Section 17-4-3 (Use conditions matrix) Table 3 - Conditions per use, adding conditions per use for transitional housing in the allowed zoning districts; revising MTC Chapter 17-6 "General and Miscellaneous Development Regulations" to add new Section 17-6-12 (Transitional housing) establishing development regulations for transitional housing and a reasonable accommodation waiver process; providing that the revisions adopted by the ordinance shall apply to all specific plans in the Town that have more restrictive zoning requirements for transitional housing (Jane Fairall)

Town Attorney, Jane Fairall presented on this item.

Town Attorney, Jane Fairall noted The Fair Housing Act applies to municipalities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities. Under the law, persons with disabilities are individuals with mental or physical impairments, which substantially limit one or more major life activities, including person suffering from alcoholism or drug addiction and seeking recovery. Zoning practices that contribute to making housing unavailable or denying housing to disabled individuals can be discriminatory.

The Fair Housing Act makes it unlawful to, for example:

- Enforce an ordinance prohibiting housing for persons with a mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area
- Deny a building permit for a home because it was intended to provide housing for persons with mental retardation

- Refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy housing.
 - What constitutes a reasonable accommodation is a case-by-case determination.

Like the FHA, the American with Disabilities Act prohibits governmental entities from discriminating against disabled persons through zoning.

Current definition of single-family dwelling is already extremely broad. Staff is proposing to add “adult foster care home” and “assisted living home” to the definition, rather than regulating them separately.

The other definition change is to revise the definition of transitional housing”. The new definition will read:

*Transitional housing: A dwelling shared as a primary residence by adult persons **with disabilities, as that term is defined under federal law for purposes of the fair housing act**, who live together in an environment that may provide self-support or resident staff persons providing care, education, or activities for the residents. Transitional housing’s primary purpose is to provide shelter in a residential family-like environment.* Staff is removing references to “halfway houses” & “homeless shelters” from the transitional housing definition.

Ms. Fairall noted the definition of “transitional housing” – both in the current & proposed code – includes “sober living homes” as defined by state law:

“Sober living home” means any premises, place or building that provides alcohol-free or drug-free housing and that:

- Promotes independent living and life skills development.
- May provide activities that are directed primarily toward recovery from substance use disorders.
- Provides a supervised setting to a group of unrelated individuals who are recovering from substance use disorders.
- Does not provide any medical or clinical services or medication administration on-site, except for verification of abstinence.

Sober living homes are regulated by the state as far as their licensing, operation, staffing, room requirements...etc. They have also preempted cities and Towns from having the ability to regulate those areas.

The proposed zoning changes is to revise zoning for transitional housing to mirror the zoning allowed for single-family detached residential uses. For most residential districts, transitional housing will now be permitted upon meeting certain specified conditions, rather than allowed upon approval of a conditional use permit.

For Transitional Housing in the residential zones, the specified condition is:

“Must comply with all development standards for transitional housing, as set forth in new section 17-6-12.” The purpose is to permit persons with disabilities to reside in single-family residential neighborhoods in compliance with the FHA, while preserving the residential character of the neighborhood

Section 17-6-12 – Development Standards for Transitional Housing

1. Must have Town business license.
2. No more than 5 residents at a location.
3. No location shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.
4. A location can't be located on a lot that is within 1,200 feet from another transitional housing location.
5. Transitional housing locations shall have no identification from a public street by signage, graphics, display, or other visual means.
6. Transitional housing locations shall be in compliance with all applicable town codes, including building codes, fire safety regulations, zoning, and subdivision codes.
7. Any parking for a transitional housing location shall be maintained on-site and comply with requirements set forth chapter 17-9 of Land Development Code.
8. Transitional housing locations shall comply with any applicable licensing requirements.
9. Must comply with Town's Public Nuisance and Property Preservation code (Title 18).
10. All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the transitional housing location.
11. Large or multiple trash receptacles not usually found in the residential area where the transitional housing is located shall be blocked from public view.
12. If a transitional housing location ceases operation, the operator shall notify Development Services within 30 days.

Reasonable accommodation request must be in writing and filed with the Zoning Administrator, who shall make findings of fact in support of his or her determination and shall render a decision in writing.

To grant a reasonable accommodation waiver, the zoning administrator must make several affirmative findings as listed in the proposed ordinance and required by federal law.

Profitability or financial hardship of the owner/operator of a facility shall not be considered by the Zoning Administrator in determining whether to grant a reasonable accommodation waiver.

An appeal is to a hearing officer, appointed by the Town Manager.

Regarding specific plans: Section 5: "The [Marana Town Code] revisions adopted by this ordinance shall apply to all specific plans in the Town that have more restrictive zoning requirements for transitional housing than those set forth in revisions adopted by this ordinance."

Commissioner Flint asked - regarding Condition #4 – asked who would keep a record of where the transitional housing locations are in the Town?

Ms. Fairall noted the business licensing team would have a record of the locations. They will share that information with the necessary departments.

Chairman Schnee opened the public hearing at 8:06 PM. **Chairman Schnee** closed the public hearing at 8:06 PM.

Regarding Condition #2, **Commissioner Flint** asked how will the Town verify the number of residents for compliance.

Ms. Fairall noted that it will be difficult to know if they are in compliance, as the Town doesn't have the ability to enter the home for that reason. If there is an issue, there is the potential to obtain an administrative search warrant from a judge.

Commissioner Flint what is the process if the applicants' reasonable accommodation is denied by the hearing officer?

Ms. Fairall it would go to court.

Commissioner McIntyre are there any staffing requirements?

Ms. Fairall noted the staffing requirements are set by state law.

Commissioner Bowen asked if this is a common direction that the state is going in.

Ms. Fairall yes. In most cases, these types of homes are permitted in residential zoning districts.

Commissioner Bowen since the residential home is being fully operated as a business, are they not subject to any greater standard than an ordinary homeowner in the neighborhood?

Ms. Fairall not they would not be subject to a higher standard, except they have to have a business license. If they are violating our property preservation code or our public nuisance code, that would be a way the Town could take action with their business license, by revoking it.

Motion to approve subject to the recommended conditions by Chairman Schnee, seconded by Commissioner Flint. Motion passed, 6-0.

COMMISSION ACTION

INFORMATIONAL ITEMS/POSSIBLE ACTION ITEMS

FUTURE AGENDA ITEMS

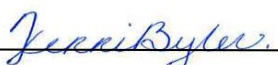
ADJOURNMENT

Chairman Schnee asked for a motion to adjourn the meeting.

Commissioner McIntyre moved to adjourn the meeting. Commissioner Flint seconded the motion. The motion passed, 6-0. The meeting adjourned at 8:23 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on August 30, 2023. I further certify that a quorum was present.



Terri Byler, Planning Commission Secretary

Planning Commission - Regular Meeting

Meeting Date: 10/25/2023

To: Planning Commission

Submitted For: Scott Radden, Senior Planner

From: Scott Radden, Senior Planner

Date: October 25, 2023

Strategic Plan Focus Area:

Not Applicable

Subject: **PC223039-003: Silverbell Nelson Rezone:** A request for a recommendation to the Marana Town Council for approval to rezone approximately 3.9 acres of land located at 9996 N. Silverbell Road, on the east side of N. Silverbell Road, approximately one tenth of a mile south of N. Coachline Boulevard, from Zone C (Large Lot) to R-36 (Residential) (Scott S. Radden)

Discussion:

Request

Lynn Hansen, representing the property owners Richard R. Nelson and Roseleta Harm, is requesting a recommendation to the Marana Town Council for approval to rezone approximately 3.9 acres of land from Zone C (Large Lot) to R-36 (Residential - 36,000 SF minimum lot size) with the intent to subdivide the parcel in the future. The property (APN# 22604027D) is located at 9996 N. Silverbell Road, on the east side of N. Silverbell Road, approximately one tenth of a mile south of N. Coachline Boulevard.

This is the second application for the rezoning of this parcel. The original request for a recommendation to the Marana Town Council for approval was unanimously approved by the Planning Commission on May 3, 2023. The rezoning request then failed a motion for adoption at the May 16, 2023, Town Council meeting by a vote of four council members against the motion and three in favor. Since the Town Council meeting in May, the applicant has learned additional information regarding the area surrounding the parcel and has decided to reapply for the rezoning of the parcel.

Marana 2040 General Plan

The Marana General Plan designates the proposed rezoning area with a land use category of Low Density Residential, allowing for semi-rural residential development of between one and two dwelling units per acre. The proposed rezoning to Residential R-36 is consistent with the existing land use designation.

History

The 3.9 acre proposed rezoning area was annexed into the Town of Marana in 1987 by Ordinance No.87.04. The existing Pima County zoning was translated to the Town zoning of "C" Large Lot zone (25 acre minimum lot size), creating a legal, non-conforming zoned parcel. The property has been occupied by a single, private residence since 2000.

Surrounding Land Use and Zoning

The property is surrounded by parcels zoned "C" Large Lot on the north, south and west sides with existing homes and vacant land. Further north, on the same side of Silverbell Road, is the Continental Ranch Sonoran Vista residential subdivision with an average lot size of 7,169 SF. To the east, the undeveloped property is zoned Specific Plan (SP), part of the Continental Ranch Specific Plan, which

includes the Los Morteros Conservation Area, a cultural and historical site. There are properties to the southwest, across Silverbell Road, that are zoned Residential R-144 with existing homes.

Access

The subject property is adjacent to Silverbell Road with direct driveway access.

Utilities

The rezoning area is located within the Marana Water service area and Pima County sewer service area. The rezoning area also lies within the service areas of Tucson Electric Power, Southwest Gas, Century Link and Xfinity/Comcast. The rezoning area is currently served by a private well and septic system.

Fire District Service

The rezoning area is within the Northwest Fire District Service Area, but is not annexed.

Citizen Participation

The applicant mailed a letter to each of the property owners within 300 feet of the subject property advising them of the application submitted to the Town. The letter provided the opportunity for the property owners to contact and meet with the applicants to discuss the project, if desired.

Public Notification

This public hearing was noticed in The Daily Territorial newspaper, and all property owners within 300 feet of the rezoning area were noticed by United States Mail of the date, time, and topic of the public hearing. Additional notice was posted at various locations within the community and on the Town's website. As of October 16, staff has not received any comments regarding the rezoning.

Case Analysis Review Criteria

Pursuant to Town Code section 17-3-1(D), the Planning Commission and Town Council shall consider the following questions, at a minimum, in reviewing an application for rezoning:

1. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development;

Based upon the requirements and conditions, the rezoning amendment does not appear to be detrimental to the character of the area due to installation of public facilities or any other rezoning changes.

2. The degree to which the proposed zoning will benefit the community; whether there will be benefits derived by the community, or area, by granting the proposed rezoning;

With the acceptance of the recommended conditions, this rezoning will benefit the community through infill and continuance of low density residential.

3. Whether the proposed rezoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such an excessive storm runoff, water, air, or noise pollution, excessive nighttime lighting, or other nuisances;

Based on the recommended requirements and conditions, the rezoning amendment is compatible with the surrounding area and does not appear to be adversely impact the adjacent street network or generate such excessive storm runoff, water, air, or noise pollution, excessive nighttime lighting, or other nuisances.

4. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the general plan, other adopted plans, and the goals, objectives and policies of the land development code, and other town regulations and guidelines, including goals and policies relating to economic development;

The rezoning amendment conforms to the goals and policies of the general plan, the land development

code, and other town regulations and guidelines.

5. The zoning districts and existing land uses of the surrounding properties;

Based on the recommended requirements and conditions, the rezoning amendment is compatible with the surrounding property zoning and existing land use.

6. Whether the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development;

With the acceptance of the recommended conditions, the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development.

7. Whether the existing and proposed utility infrastructure, public facilities, and public services are suitable and adequate to serve the proposed rezoning area;

Based upon the rezoning requirements and conditions, there is adequate utility infrastructure, public facilities, and public services in the area to serve the proposed rezoning area.

8. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;

Based upon the rezoning requirements and conditions, the subject property is suitable for the proposed uses.

9. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character;

Based upon the rezoning requirements and conditions, this rezoning amendment is compatible with the adjacent neighborhood in area stability and character.

10. If applicable, the length of time the subject property has remained vacant as zoned:

N/A

11. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs:

Based upon the rezoning subject area location, there is a limited supply of land available in the area and the surrounding community, but will accommodate the zoning and community needs by utilizing successful infill.

Staff Recommendation:

This is a discretionary item for the Planning Commission to consider. Should the Commission choose to recommend approval of this item to the Town Council, staff recommends it be based upon the recommended findings and subject to 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. 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.
3. 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.

4. 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.
5. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
6. The Property Owners shall dedicate the right-of-way necessary to construct Silverbell Road as a 90-foot collector cross-section, as determined by the Town, along the entire western property line of the Rezoning Area upon demand of the Town.

Suggested Motion:

I move to recommend to the Town Council, approval of PCZ2309-003 Silverbell Nelson Rezone subject to the recommended conditions.

Attachments

Silverbell Nelson Rezone Request

Location Map

Silverbell Nelson Rezone Maps

Application

05-16-2023 Town Council Meeting Summary Minutes

Comment Letter

August 29, 2023

Attached hereto is a Project Re-Application for the Silverbell Nelson project.

We hereby respectfully request the Mayor & Council to reconsider this Rezoning Request based on the following points:

1. This R36 Request complies with the Marana General Plan and Future Land Use maps.
2. This R36 Request makes an excellent and reasonable transition from the R144 across the street from the subject property to the R6 just North of the subject property.
- 3. This Request has already been unanimously approved by Planning & Zoning.**
4. This Request was denied by the Mayor and Council based on misunderstandings regarding the property to the East of the subject property.

The attached Project Re-Application and Narrative, details the above points.

Please advise how to proceed with this Request.

Thank you very much for your consideration,

Lynn Hansen

A handwritten signature in cursive script that reads "Lynn Hansen".

For Richard R Nelson

**PROJECT APPLICATION****APPLICATION TYPE**

- | | | | |
|--|---|--|---|
| ☐ Annexation | ☐ Development Plan | ☐ Development Plan Package | ☐ General Plan Amendment |
| ☒ Rezone | ☒ Minor Land Division | ☐ Translational Rezone | ☐ Conditional Use Permit |
| ☐ Specific Plan | ☐ Landscape Plan | ☐ Native Plant Plan/Exception | ☐ SWPP |
| ☐ Variance | ☐ Hydraulic Model | ☐ Sewer Capacity Assurance | ☐ Sign Program |
| ☐ Plat | ☐ Improvement Plan | ☐ Report (Type): _____ | ☐ Other: _____ |

PROJECT INFORMATION

Project Name: Silverbell Nelson Project

Description of Project: Rezoning and Minor Land Division

Number of Lots: 3

Parcel No.(s): 226-04-027D

Gross Area (Acres): 3.9

Project Address: 9996 N Silverbell Road

Ref. Project No.:

CONTACT INFORMATION**Owner:** Richard R Nelson & Roseleta Harm

Contact Name: Rick Nelson

Address: 9996 N Silverbell Road

City: Tucson

State: AZ

Zip: 85743

Email: nwelldrill@aol.com

Phone No.: (520) 682-8592

Applicant: Richard R Nelson (owner)

Contact Name: Rick Nelson

Address:

City: Tucson

State: AZ

Zip: 85743

Email:

Phone No.:

Consultant/Engineer: Lynn Hansen

Contact Name: Lynn Hansen

Address: PO Box 68511

City: Tucson

State: AZ

Zip: 85737

Email: lynnhanzenaz@gmail.com

Phone No.: (520) 360-2318

APPLICANT AUTHORIZATION

By signing below, I hereby acknowledge that I have read the information provided online at maranaaz.gov/arsnotice and certify that the information set forth in this application are true and correct to the best of my knowledge. I am either the owner of the property or I have been **authorized in writing** by the owner to file this application. (If the applicant is not the owner, attach [written authorization from the owner](#))

Lynn Hansen for Richard R Nelson

Applicant Name (PRINT)

Signature

8/28/23

Date

FOR OFFICIAL USE ONLY

Revision Date 05/16/2023

Project No. _____

Date Received _____

SILVERBELL NELSON PROJECT (a Resubmittal of a Rezoning Request)

REQUEST NARRATIVE

The PROPOSED USE of the subject property is to divide the 3.9 acre residential lot into three residential lots of approximately 1.3 acres each. The existing home will be on one of the lots. This cannot be done under the current (outdated) Marana C Zone. In order to complete a Minor Land Division to create the 3 lots, the property needs to be rezoned to R36.

This Rezoning Request complies with the Marana 2010 General Plan Land Use map and the Marana 2040 Future Land Use map. Both maps have the property designated as "Low Density Residential". This Rezoning Request to R36 not only complies with the town's Land Use Maps, but also makes an excellent transition from the R144 across the street to the R6 just north of the subject property. See attached map

Utilities: Water: Private Well with Shared Well Agreement (City Water also available)
 Electricity: TEP
 Sewer: Septic tank
 Gas: Southwest Gas
 Fire District: Not assigned

There will be no grading necessary except for the driveway easement to Lot 3.

Topography: Flat land, FEMA Flood Zone X, (above 500-year flood level).

This Rezoning Request was unanimously approved by Planning & Zoning on May 3, 2023 but was voted down by Mayor & Council on May 16, 2023. We believe it may have been voted down because of some misunderstandings that were inadvertently introduced regarding the adjoining land to the East of the subject parcel. That parcel is 50+ acres owned by Pima County Flood Control and has the remains of a Hohokam village site located somewhere on a portion of it. Because of that, Mr Nelson hired Desert Archeology to do a Cultural Resources Survey of the subject property prior to submitting the rezoning application. The results of that survey show that the subject property is not located on any part of that Hohokam Village. The following quotes are from the Results and Recommendations on page 19 of the Cultural Resources Survey:

"In short, there was no evidence to suggest the parcel should be considered part of AZ AA:12:57(ASM) or any other prehistoric or historic site."

"No adverse effects to cultural resources are considered likely through rezoning the property to higher density residential use and further ground disturbing development. Therefore, Desert Archeology Inc recommends the project proceed as planned." See attached

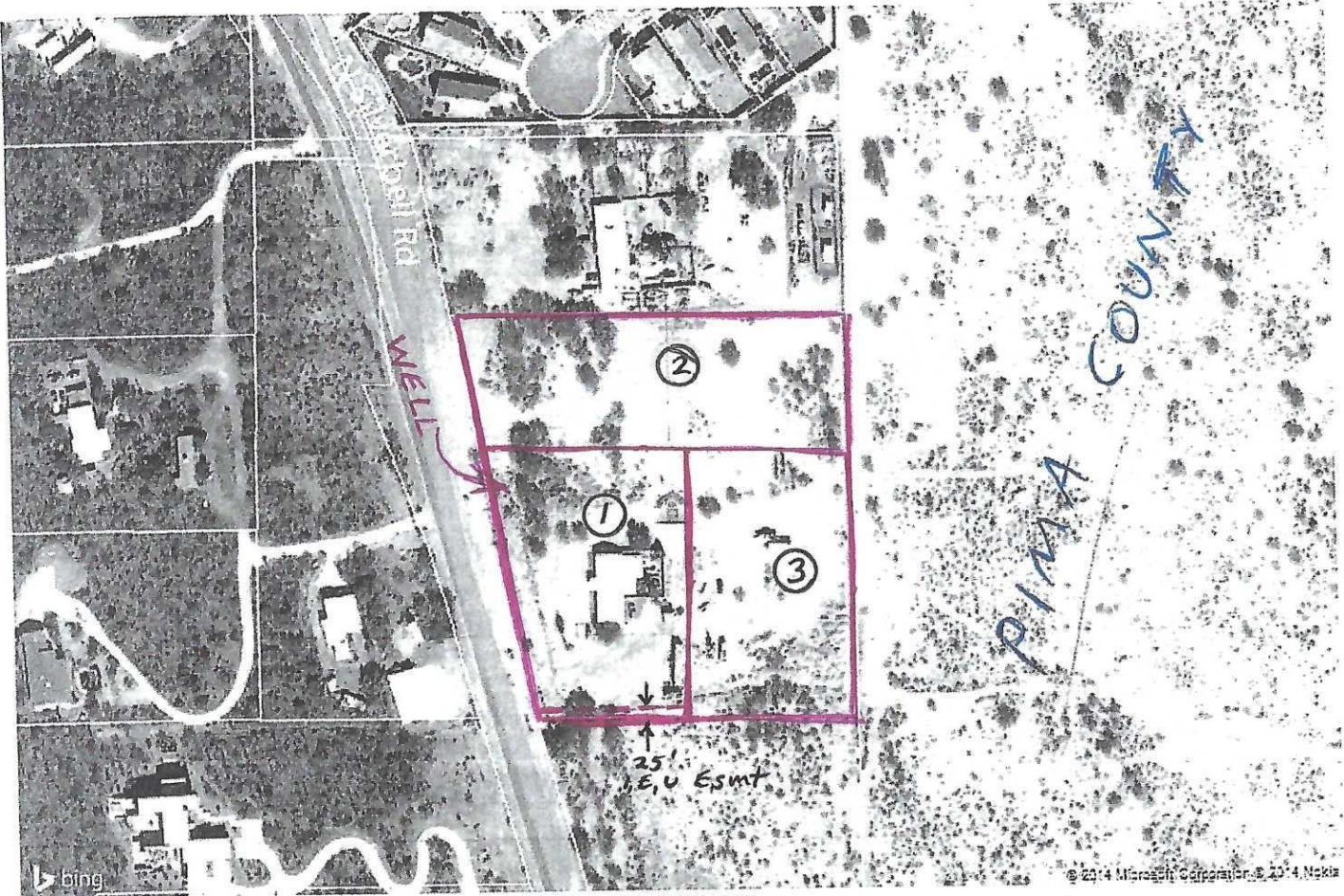
Map for Parcel Address: 9912 N Blue Crossing Way Tucson, AZ 85743-5199 Parcel ID: 226-07-1640



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Information Deemed Reliable But Not Guaranteed.

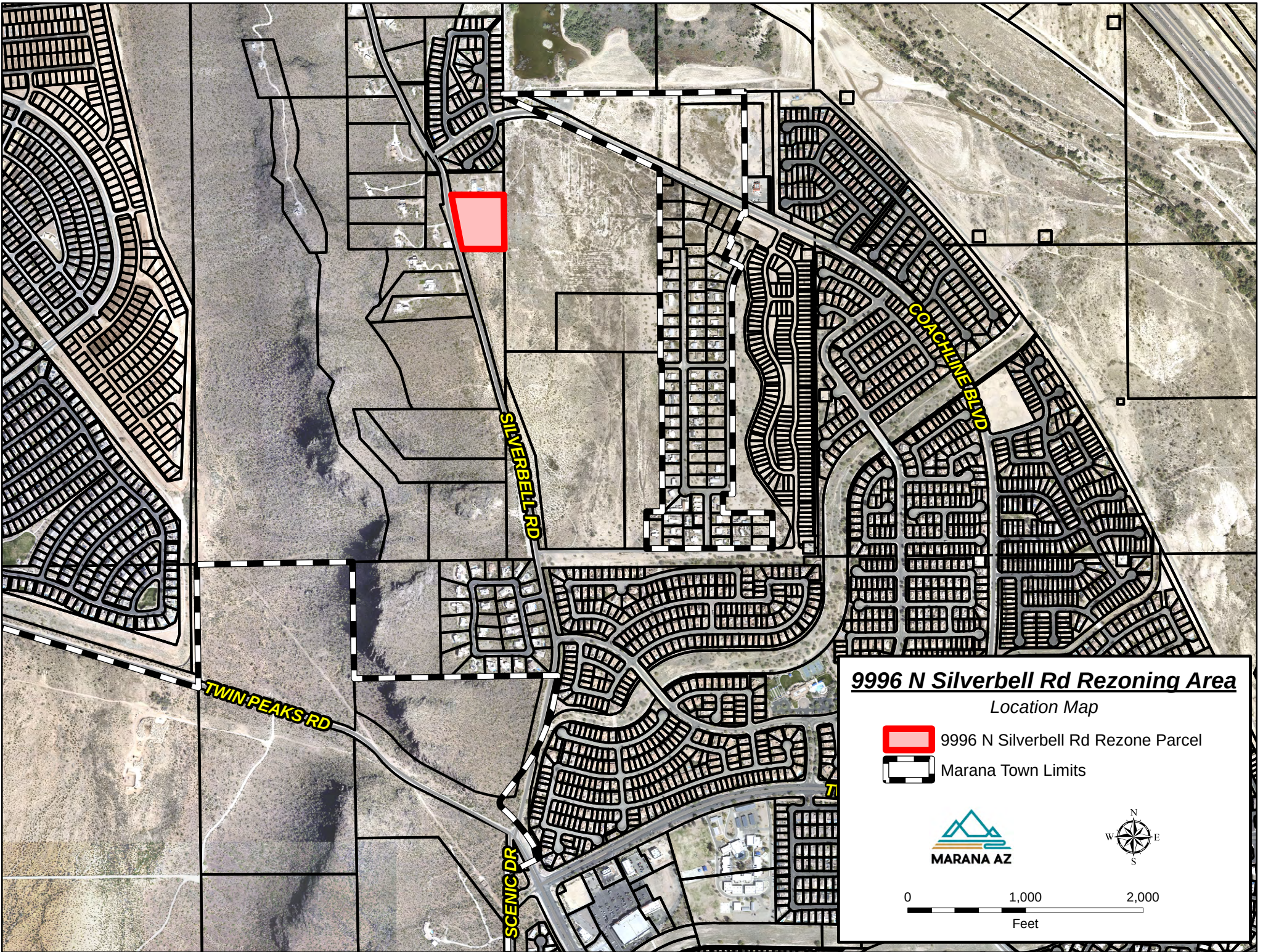
CRS PowerTool
Real Estate

CRS Bing™ Map



Map for Parcel Address: 9996 Silverbell Rd N Tucson, AZ 85743, Parcel ID: 226-04-027D

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Information Deemed Reliable But Not Guaranteed.
Contact Us at (800) 374-7488 ext 3 for Help.



9996 N Silverbell Rd Rezoning Area

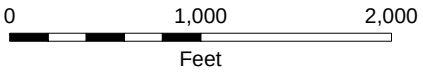
Location Map

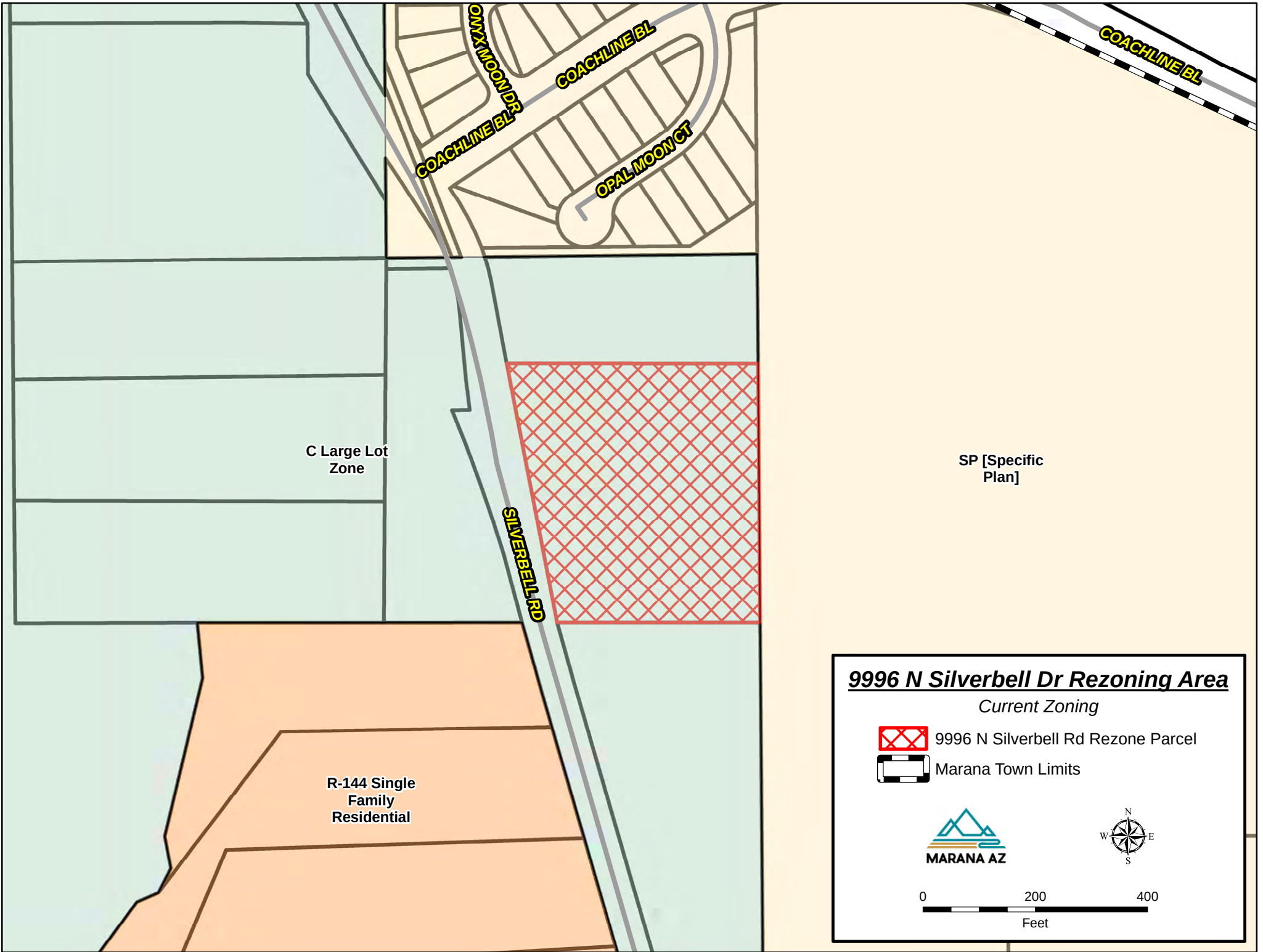


9996 N Silverbell Rd Rezone Parcel



Marana Town Limits





9996 N Silverbell Dr Rezoning Area

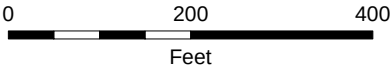
Current Zoning

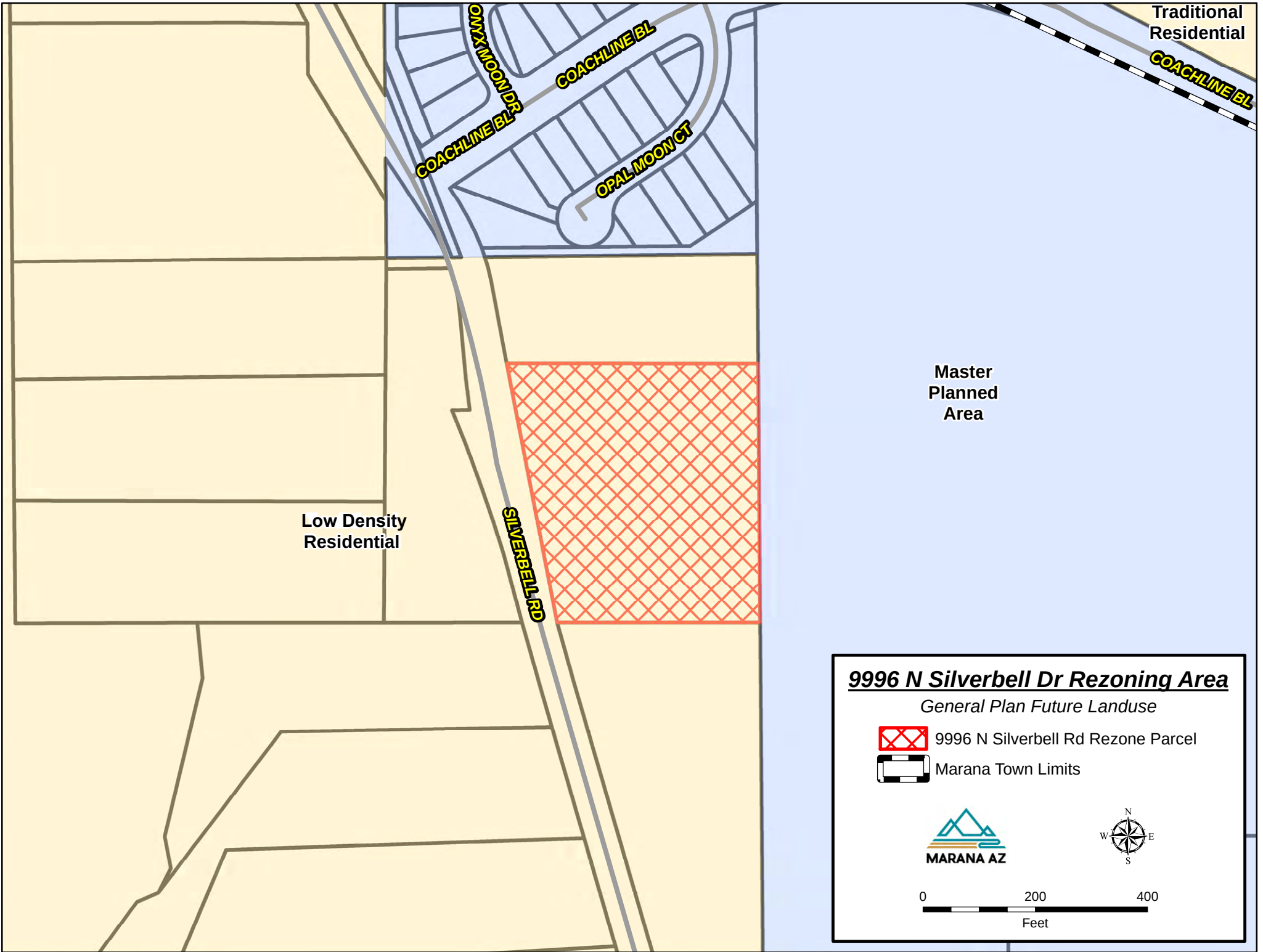


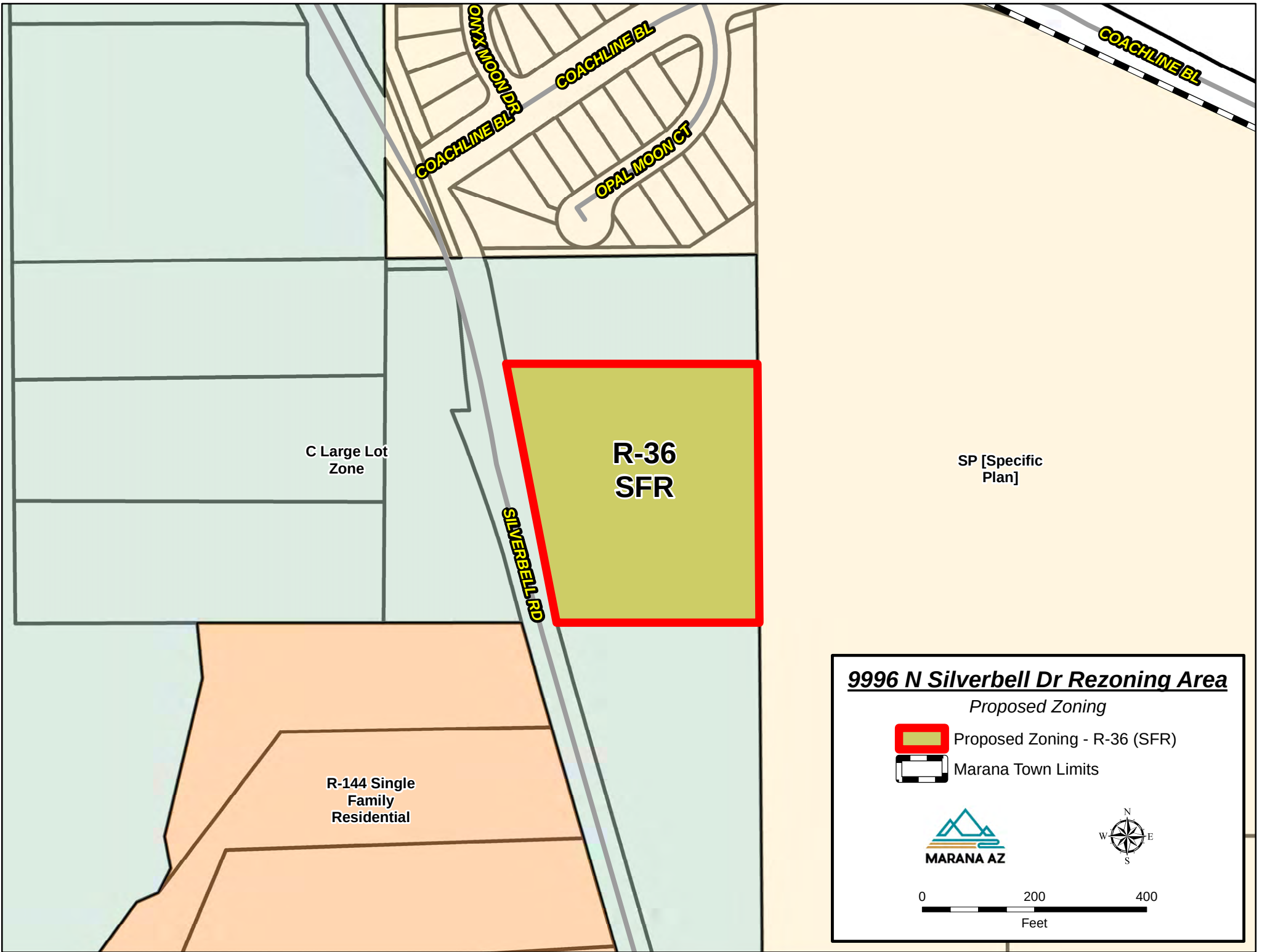
9996 N Silverbell Rd Rezone Parcel



Marana Town Limits







9996 N Silverbell Dr Rezoning Area

Proposed Zoning

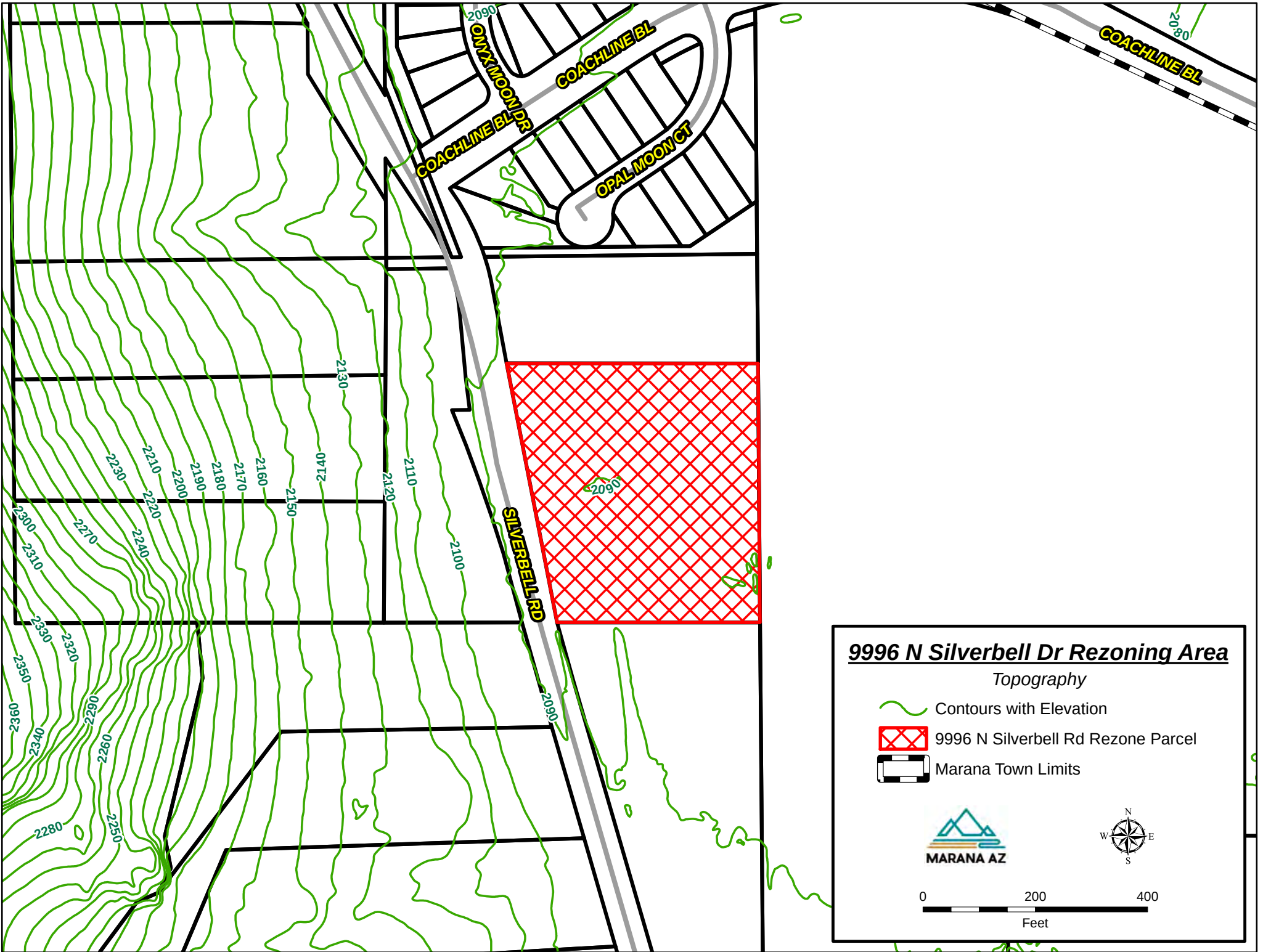
 Proposed Zoning - R-36 (SFR)

 Marana Town Limits

 **MARANA AZ**



0 200 400
Feet



**PROJECT APPLICATION****APPLICATION TYPE**

- | | | | |
|--|---|--|---|
| ☐ Annexation | ☐ Development Plan | ☐ Development Plan Package | ☐ General Plan Amendment |
| ☒ Rezone | ☒ Minor Land Division | ☐ Translational Rezone | ☐ Conditional Use Permit |
| ☐ Specific Plan | ☐ Landscape Plan | ☐ Native Plant Plan/Exception | ☐ SWPP |
| ☐ Variance | ☐ Hydraulic Model | ☐ Sewer Capacity Assurance | ☐ Sign Program |
| ☐ Plat | ☐ Improvement Plan | ☐ Report (Type): _____ | ☐ Other: _____ |

PROJECT INFORMATION

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CONTACT INFORMATION**Owner:** Richard R Nelson & Roseleta Harm

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Contact Name: Lynn Hansen

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City: Tucson

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Zip: 85737

Email: lynnhansenaz@gmail.com

Phone No.: (520) 360-2318

Consultant/Engineer: Lynn Hansen

Contact Name: Lynn Hansen

Address: PO Box 68511

City: Tucson

State: AZ

Zip: 85737

Email: lynnhansenaz@gmail.com

Phone No.: (520) 360-2318

APPLICANT AUTHORIZATION

By signing below, I hereby acknowledge that I have read the information provided online at maranaaz.gov/arsnotice and certify that the information set forth in this application are true and correct to the best of my knowledge. I am either the owner of the property or I have been **authorized in writing** by the owner to file this application. (If the applicant is not the owner, attach written authorization from the owner)

Lynn Hansen

Applicant Name (PRINT)

Lynn Hansen

Signature

9/19/23

Date

FOR OFFICIAL USE ONLY

Revision Date 05/16/2023

Project No. _____

Date Received _____



MARANA AZ

ESTABLISHED 1977

MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, May 16, 2023, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
Patti Comerford, Council Member
Jackie Craig, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Honea called the meeting to order at 6:00 PM and directed the Town Clerk to call the roll. All Council Members were present, constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by **Mayor Honea**.

APPROVAL OF AGENDA

Council Member Comerford moved to approve the agenda as presented. Vice Mayor Post seconded the motion. Motion passed, 7-0.

CALL TO THE PUBLIC

PROCLAMATIONS

PR1 Proclamation recognizing May 20, 2023 as Kids to Parks Day (David L. Udall)
The proclamation was entered into the record and delivered to its recipient.

PR2 Proclamation recognizing May 21-27, 2023, as National Public Works Week
(David L. Udall) **Town Clerk / Assistant Town Attorney David Udall** read the
proclamation as **Mayor Honea** presented it to its recipient.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Comerford attended an 88-Crime awards ceremony.

Mayor Honea attended an Arizona League of Cities and Towns meeting and provided an update on legislative activities at the state. He said personnel from Procter & Gamble came to meet with him, and that the company is looking for places for their employees to live. He also will be attending the Run for the Wall event this week.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema said there have been 44 single-family resident permits issued so far in May. He highlighted the Marana Unified School District El Rio Preserve field trip, Marana's new pickleball league, the upcoming Concerts in the Courtyard event, the Gladden Farms dog park and access road construction, the community center Real Talk with the Town podcast with **Parks and Recreation Director Jim Conroy**, and an upcoming Heritage Conservancy stake fry event. **Mr. Rozema** also provided an update on the Regional Transportation Authority (RTA) Next meetings.

PRESENTATIONS

P1 Relating to Budget; presentation of third quarter results (July-March) for the Town's General Fund and other selected major funds for the 2022-2023 fiscal year (Yiannis Kalaitzidis)

Finance Director Yiannis Kalaitzidis presented the third quarter results for the Town's general Fund and other selected funds for the 2022-2023 fiscal year. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for details regarding the presentation, including tables and graphical information.

Mayor Honea asked if the Town had grown enough to withstand a recession. **Mr. Kalaitzidis** said there is a possibility the impact of a recession will be minimal if businesses continue to open in Marana.

P2 Relating to Strategic Planning; presentation and discussion regarding the Town's progress in implementing the Marana Strategic Plan Five (Andrea Caicedo)

Assistant to the Town Manager Andrea Caicedo presented on the Town's progress in implementing Marana's Strategic Plan Five. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for details regarding the presentation, including graphical information. **Ms. Caicedo** and **Public Works Director Fausto Burruel** answered clarifying questions during the presentation.

Council Member Craig commented that the Coalition for Sonoran Desert Protection is raising money for a wildlife bridge over I-10 near the El Rio Preserve area. She said it would be good if the Town could support this project in some way.

Council Member Ziegler asked for a report of just the projects where there is "some disruption" noted.

Mr. Rozema commented on the progress the Town has made in tracking its progress on its strategic plan and on making it transparent to the community with the new software. He complemented **Ms. Caicedo** and Town staff for their work on this.

CONSENT AGENDA.

C1 Ordinance No. 2023.014: Relating to Elections; adopting revisions to Marana Town Code Title 2 (Mayor and Council), Chapter 2-2 (Council Election); revising Section 2-2-1 (Primary Election; Date; Declaration of Elected Candidate) to amend Paragraph B to expressly refer to A.R.S. § 9-821.01, which determines how to calculate a majority of votes cast; and designating an effective date (David L. Udall)

C2 Ordinance No. 2023.015: Relating to Special Events; adopting revisions to Marana Town Code Title 10 (Health and Sanitation), Chapter 6 (Special Events); revising Section 10-6-2 (Definitions) to add a major/minor event distinction to the definition of "Special Event"; and designating an effective date (David L. Udall)

C3 Resolution No. 2023-041: Relating to Development; approving the final plat for Remington Ranch, Lots 1-131, and Common Areas "A" through "J" (Recreation/Drainage/Utilities) and Blocks 1-3 generally located south of Barnett Road and east of Sanders Road within Section 28, Township 11 South and Range 11 East (Steve Cheslak)

C4 Resolution No. 2023-042: Relating to the Police Department; exempting undercover vehicles used by the Marana Police Department in felony investigations or activities of a confidential nature from Arizona state laws related to the designation of political subdivision motor vehicles; authorizing the Chief of Police to renew existing vehicle registrations for these undercover police vehicles and to obtain vehicle registrations for new undercover vehicles to be used in felony investigations or activities of a confidential nature (Libby Shelton)

C5 Approval of Regular Council Meeting Summary Minutes of May 2, 2023 (David L. Udall)

Council Member Ziegler moved to approve the consent agenda. Council Member Officer seconded the motion. Motion passed, 7-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

B1 Resolution No. 2023-047: Relating to Boards, Commissions and Committees; making an appointment to the Council Committee for Planning Commission and Board of Adjustment Appointments (David L. Udall)

Council Member Comerford moved to appoint Council Member Craig to the Council Committee for Planning Commission and Board of Adjustment Appointments. Vice Mayor Post seconded the motion. Motion passed, 7-0.

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2023.016: Relating to Development; approving a rezoning of approximately 3.9 acres of land located at 9996 N. Silverbell Road, on the east side of N. Silverbell Road, one tenth of a mile south of N. Coachline Boulevard, from Zone C (Large Lot) to R-36 (Residential) (Scott S. Radden)

Mayor Honea opened the public hearing at 6:39 PM.

Senior Planner Scott Radden presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for details regarding the presentation, including maps depicting the rezoning request.

Council Member Comerford asked how many lots would be allowed under the rezoning request. **Mr. Radden** said it could be broken into three lots and said that these were low-density lots. **Council Member Comerford** asked if the applicant reached out to neighbors, and **Mr. Radden** confirmed they had and that the Town had received feedback from them.

Council Member Craig expressed concern with the rezoning request in light of the surrounding area consisting of open space and/or large lots. She also highlighted the letters of opposition from surrounding neighbors.

Council Member Ziegler expressed concern that this rezoning would take place near El Rio Preserve and other open areas and highlighted the letters of opposition as well.

Mayor Honea closed the public hearing at 6:49 PM.

Vice Mayor Post moved to adopt Ordinance No. 2023.016. Council Member Officer seconded the motion. Mayor Honea called for a roll-call vote. Mayor Honea, Vice Mayor Post, and Council Member Officer voted in favor of the motion. Council Member Craig, Council Member Ziegler, Council Member Comerford, and Council Member Kai voted against the motion. Motion failed, 4-3.

A2 PUBLIC HEARING: Resolution No. 2023-043: Relating to Budget; adopting the fiscal year 2023-2024 tentative budget (Yiannis Kalaitzidis)

Mayor Honea opened the public hearing at 6:50 PM.

Mr. Kalaitzidis presented on this item. The presentation highlighted the changes that took place between the manager's recommended budget as presented during the April 18, 2023 Regular Town Council Meeting and the tentative budget presented at this meeting. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for details, including tables and graphical information. **Mr. Kalaitzidis**, **Deputy Town Manager Erik Montague**, and **Mr. Rozema** answered clarifying questions during the presentation. **Mr. Kalaitzidis** informed the Council that, if approved, Town staff would post the required notices and bring a final budget to Council for adoption on June 20, 2023.

Council Member Ziegler requested a point of privilege at this time. Regarding her Airport-related comments made at the May 2, 2023 Regular Council Meeting, she said she recognized **Mr. Burrue** had inherited issues at the Airport and that she did not intend to blame him for them. She said she would continue her investigation of the Airport.

Mayor Honea closed the public hearing at 7:13 PM.

Vice Mayor Post moved to adopt Resolution No. 2023-043. Council Member Kai seconded the motion. Motion passed, 7-0.

A3 Ordinance No. 2023.017: Relating to Finance; amending the Town of Marana Comprehensive Fee Schedule; and designating an effective date (Yiannis Kalaitzidis)

Resolution No. 2023-044: Relating to Finance; declaring as a public record filed with the Town Clerk the amendments to the Town of Marana Comprehensive Fee Schedule adopted by Ordinance No. 2023.017 (Yiannis Kalaitzidis)

Mr. Kalaitzidis presented on this item. He said the Comprehensive Fee Schedule amendment details were presented at the March 7, 2023 Regular Town Council Meeting. He said Town staff had since complied with the public notice requirements and reached out to stakeholders for comments. He corrected the agenda materials, which stated there were no comments received. **Mr. Kalaitzidis** said comments were received from the Southern Arizona Home Builders Association (SHABA), but none of them required adjustments to the proposed fee schedule.

Council Member Ziegler asked if SHABA's comments were available for inspection and inquired as to their nature. **Development Services Director Jason Angell** said the comments were development-related.

Vice Mayor Post moved to adopt Ordinance No. 2023.017 and Resolution No. 2023-044 . Council Member Officer seconded the motion. Motion passed, 7-0.

A4 Ordinance No. 2023.018: Relating to Offenses; revising Marana Town Code Title 11 (Offenses), chapter 11-5 (Noise), section 11-5-4 (Construction noise) to revise procedures for obtaining a special permit for extended work hours, and making other various revisions to section 11-5-4; and designating an effective date (Jane Fairall)

Town Attorney Jane Fairall presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for details on the Code changes. **Ms. Fairall** highlighted that the changes were focused on processes and procedures and not on the hours before which construction activities were prohibited from taking place. **Ms. Fairall, Mr. Angell, and Mr. Rozema** answered clarifying questions during her presentation.

Council Member Kai commented that people like to sleep in on Sundays and requested that the Sunday hour after which construction activities could start be moved to 9:00 AM.

Council Member Craig said Council Members have received emails complaining of construction noise and expressed concern that more emails would come with the proposed changes. **Ms. Fairall** clarified that the hours themselves would not be changed under this ordinance, and **Mr. Angell** clarified that permits are not issued for residential projects, only commercial.

Council Member Kai moved to adopt Ordinance No. 2023.018 as amended to amend the prohibition of site construction on Sundays to between 7:00 PM and 9:00 AM, instead of 7:00 AM, within 500 feet of a residence. Council Member Ziegler seconded the motion. Motion passed, 7-0.

[Note: A revised resolution reflecting the amendment was subsequently prepared and signed.]

A5 Resolution No. 2023-045: Relating to Water; adopting the updated Town of Marana Drought Preparedness Plan (Jing Luo)

Water Director Jing Luo presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. The proposed draft Drought Preparedness Plan (DPP) was presented before the Town Council during a Study Session on November 11, 2022 and again on March 15, 2023 during the Council Retreat. Please see the presentation slides for detailed information.

Council Member Craig asked what comments SHABA made that Town staff incorporated into the draft since the Council Retreat. **Dr. Luo** said SHABA recommended that the Town remove mandatory language requiring a development moratorium in Stage Three of the DPP.

Council Member Ziegler complemented **Dr. Luo** and the Water Department on an award received by the Water Department. **Dr. Luo** emphasized that the accomplishment was the result of a team effort.

Council Member Kai moved to adopt Resolution No. 2023-045. Council Member Comerford seconded the motion. Motion passed, 7-0.

A6 Resolution No. 2023-046: Relating to Personnel; approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 4 - Employment Benefits and Leaves by amending Section 4-1-3 "Rate of Accrual", Section 4-

1-4 "Maximum Accrued Hours Permitted", Section 4-2-7 "Payment of Sick Leave Upon Termination of Employment", and Section 4-3-9 "Termination of Employment" (Curry C. Hale)

Human Resources Director Curry Hale presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for tables and other details. **Mr. Hale** said these changes are in line with the local labor market and would provide incentives for employees to save leave time.

Councilmember Comerford complemented the changes.

Mayor Honea agreed with **Council Member Comerford** and said the payout percentages seemed low. He asked if they were comparable to other jurisdictions. **Mr. Hale** said they were comparable to surrounding jurisdictions.

Council Member Ziegler asked if employee health benefits could be extended to unmarried, same-sex partners living together. **Mr. Hale** explained that health benefits were extended to same-sex partners living together in the past before same-sex marriage was legal in Arizona, but that once the law changed to allow for same-sex marriages, those benefits went away.

Council Member Comerford moved to adopt Resolution No. 2023-046. Vice Mayor Post seconded the motion. Motion passed, 7-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Legislation and Government Actions; discussion and possible action or direction regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of other governmental bodies (Terry Rozema)

Mr. Rozema said the state budget was passed and signed by the Governor, and that it included \$10 million for the Cortaro Road / I-10 interchange design.

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

FUTURE AGENDA ITEMS

Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

Mayor Honea asked for future agenda items. There were no future agenda items.

ADJOURNMENT

Mayor Honea asked for a motion to adjourn the meeting.

Vice Mayor Post moved to adjourn the meeting. Council Member Comerford seconded the motion. Motion passed, 7-0. Meeting adjourned at 8:02 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the regular Town Council meeting held on May 16, 2023. I further certify that a quorum was present.



David L. Udall, Town Clerk



DyShaun Muhammad and Jeremy Black
9971 N Silverbell Road
Tucson, AZ 85743

October 17, 2023

To: Town of Marana Planning Commission
ATTN: Scott Radden – sradden@maranaaz.gov

Re: File Number PCZ2309-003 – Note of Protest for October 25 Public Hearing
Previously: File Number PCZ2303-001 – Note of Protest for May 3 Public Hearing

Marana Planning Commission,

This is a note in protest to the petition to rezone property owned by Richard R. Nelson located in a portion of the SE1/4 SE1/4 NW1/4 of Section 17, Township 12S, Range 12E per reference file PCZ2309-003.

As property owners within 300 feet of the subject parcel, we are opposed to rezoning this parcel from Large Lot Zone (C) to Residential R-36 due to the following:

- Inconsistency with the immediate area – properties adjacent to this parcel are both currently part of Large Lot Zone C and our property across the street is part of a R-144 zone which maintains a lower density profile. A change of zoning to this isolated parcel (with Large Lot Zone C on both sides) would disrupt the flow of the area. We believe the maintenance of the Large Lot Zone or a shift to R-144 like the immediate area is more appropriate.
- Disrupts/blocks off El Rio Preserve visibility and visual access to N Silverbell Road – The historic preserve and trail on county conservation land currently have strong visual interaction with the areas across N Silverbell Road. R-36 designation would enable extensive development of lots, housing, and other visual obstructions that would visually isolate the portion of the preserve south of Coachline and east of N. Silverbell.
- Sufficient R-36-type areas already exist in the vicinity – There is extensive active development and pre-existing zoned potential for the type of higher-density housing already available in the immediate area. This rezoning is not needed to provide additional housing in the area.

We are unable to attend the hearing to comment in person due to prior engagement. We ask that you accept these comments into the public record as an indication of our opposition to this application.

Please let us know when this issue, once decided upon by the Planning Commission, will also be considered by the Town Council.

Thank you for your attention.

DyShaun Muhammad & Jeremy P. Black
Homeowners, 9971 N. Silverbell Road