MARANA PLANNING COMMISSION
MEETING NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, December 6, 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 December 6, 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 October 25, 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)

2. **PCZ2309-004 NWC Oldfather - Ina Rezone**; A request for a recommendation to the Marana Town Council for approval to rezone approximately 1.5 acres of land located northwest of the intersection of West Ina and North Oldfather Roads from NC (Neighborhood Commercial) to VC (Village Commercial) (Scott S. Radden)

3. **A request for a recommendation to the Marana Town Council for approval of a minor amendment to the Marana 2040 General Plan** to amend Figure 2-4 (Future Circulation Map) to reduce the right-of-way width for Adonis Road from south of the San Lucas subdivision to Tangerine Road from 250 feet to 150 feet. (Jane Fairall)

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

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: 12/06/2023

To: Planning Commission

From: Terri Byler, Executive Assistant

Date: December 6, 2023

Subject: **Approval of the October 25, 2023 Meeting Minutes**

Attachments

Planning Commission Summary Minutes from October 25, 2023

MARANA PLANNING COMMISSION
REGULAR MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 25, 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

DRAFT

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. All commission members were present. The Planning Commission secretary stated a quorum was present.

CALL TO THE PUBLIC

APPROVAL OF AGENDA

Chairman Schnee made a motion to move Item D:1 Informational Items/Possible Action Items before B:1 Public Hearings. Commissioner McIntyre seconded the motion. Motion to approve the agenda, as amended passed, 7-0.

ANNOUNCEMENTS

GENERAL ORDER OF BUSINESS

Approval of the Regular Planning Commission Meeting Summary Minutes of August 30, 2023.

Commissioner Flint moved, and Commissioner McIntyre seconded the motion, approving the August 30, 2023 summary minutes. Motion passed, 7-0.

INFORMATIONAL ITEMS/POSSIBLE ACTION ITEMS

Discussion and possible rescheduling or cancellation of the November 29, 2023 and December 27, 2023 Planning Commission Meeting.

Motion to move the November 29, 2023 Planning Commission meeting to December 6, 2023 and cancel the December 27, 2023 Planning Commission meeting by Chairman Schnee, seconded by Commissioner Flint. Motion passed, 7-0.

PUBLIC HEARING

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, one tenth of a mile south of N. Coachline Boulevard, from Zone C (Large Lot) to R-36 (Residential) (Scott S. Radden)

Development Services Director, Jason Angell noted it was recently brought to staffs' attention that the applicant was unable to comply with the Towns' recently adopted Citizen Review Process. As part of that, for any public hearing item, an applicant is required to hold a public neighborhood meeting in advance of the actual public hearing taking place. In short, the applicant did not hold the neighborhood meeting in advance. The applicant has been made aware of this. Staff is requesting to continue this item to the December 6, 2023 Planning Commission meeting. This will give the applicant enough time to conduct the required neighborhood meeting.

Chairman Schnee opened the public hearing at 6:05 p.m.

Leslie Dennis spoke in opposition of the request with concerns related to zoning, traffic, density and property values. **Chairman Schnee** noted staff received a public comment from Brian Jones, opposing the rezone.

Chairman Schnee closed the public hearing at 6:08 p.m.

Chairman Schnee made a motion to continue the item to the December 6, 2023 Planning Commission meeting, The meeting will be held in the Town of Marana Council Chambers at 6:00 pm. The motion was seconded by Commissioner McIntyre. Motion passed, 7-0.

COMMISSION ACTION

DRAFT

FUTURE AGENDA ITEMS

ADJOURNMENT

Chairman Schnee asked for a motion to adjourn the meeting.

Commissioner Bowen moved to adjourn the meeting. Commissioner Flint seconded the motion The motion passed, 7-0. The meeting adjourned at 6:10 p.m.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on October 25, 2023. I further certify that a quorum was present.

Terri Byler, Planning Commission Secretary

DRAFT

Planning Commission Regular Meeting

Meeting Date: 12/06/2023

To: Planning Commission

Submitted For: Scott Radden, Senior Planner

From: Scott Radden, Senior Planner

Date: December 6, 2023

Strategic Plan Focus Area:
Not Applicable

Subject: **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)

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. The Town has received some letters from citizens regarding the proposed rezoning and they are included in the Commission packet.

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

Comment Letter

Comment Letter

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

Lynn Hansen

For Richard R Nelson

MARANA AZ

Development Services / maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641

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: 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 for Richard R Nelson	Lynn Hansen	8/28/23
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY **Project No.**_____ **Date Received**_____

Revision Date 05/16/2023

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.

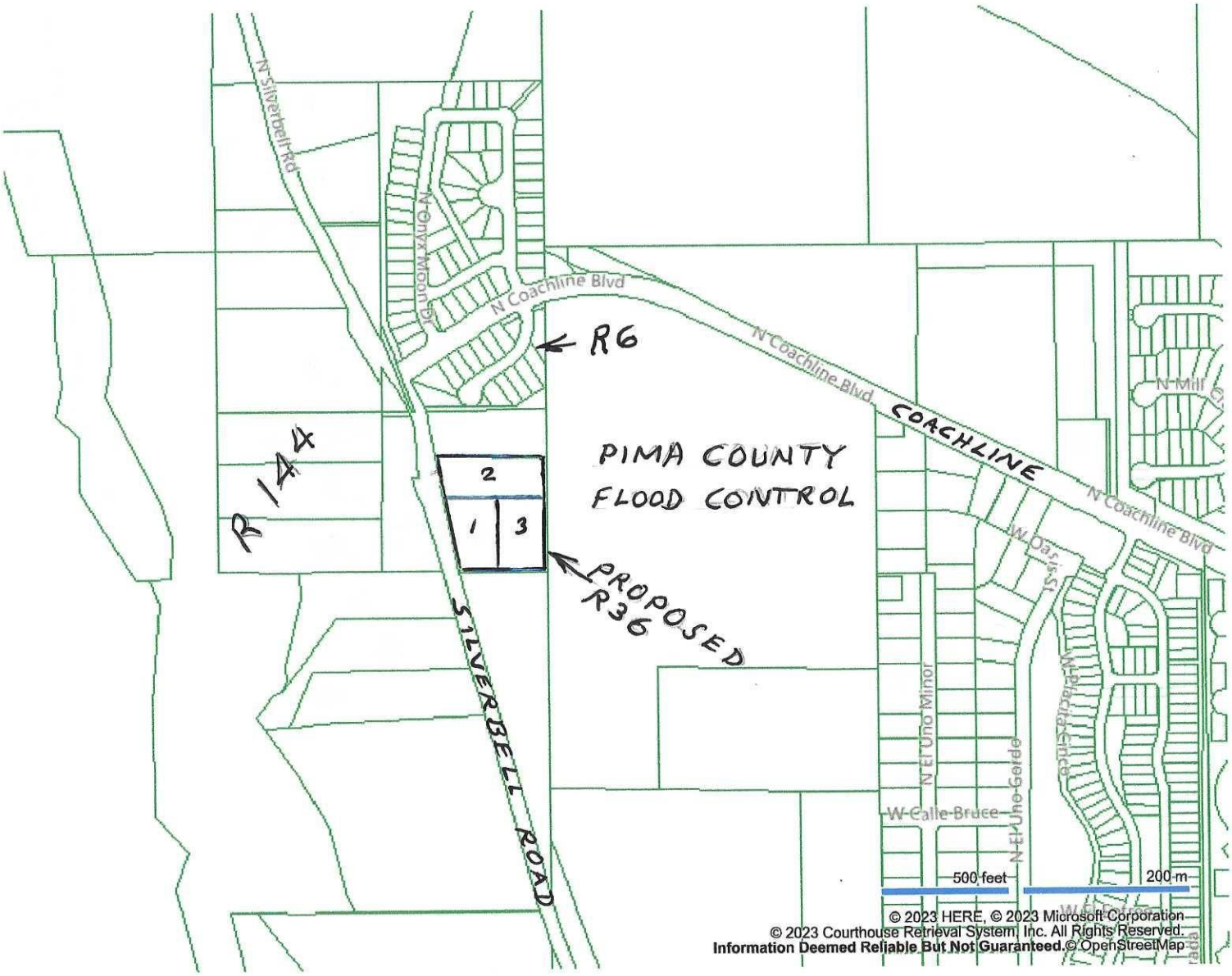
Topography: Flat land, FEMA Flood Zone X, (above 500-year flood level).

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

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

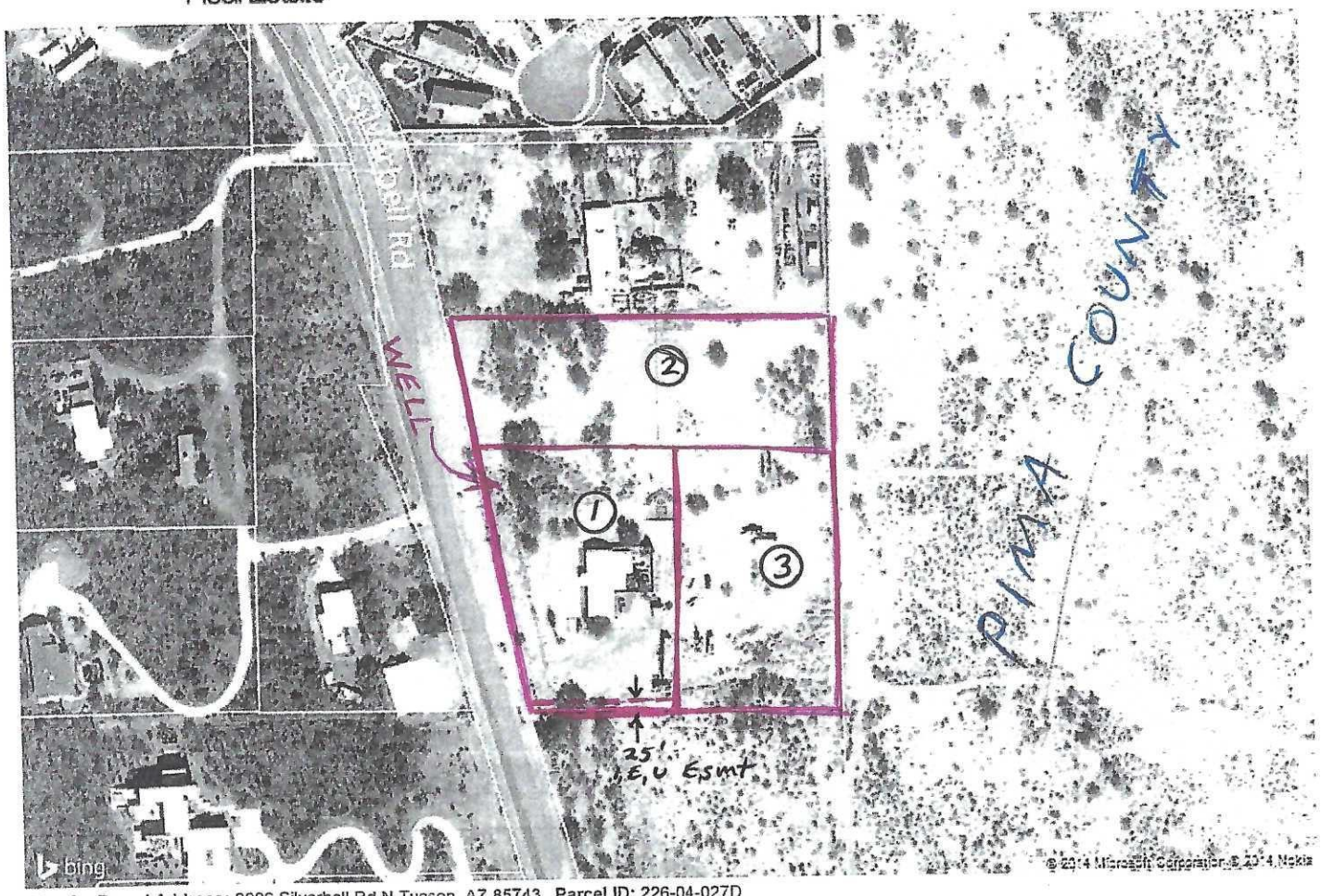


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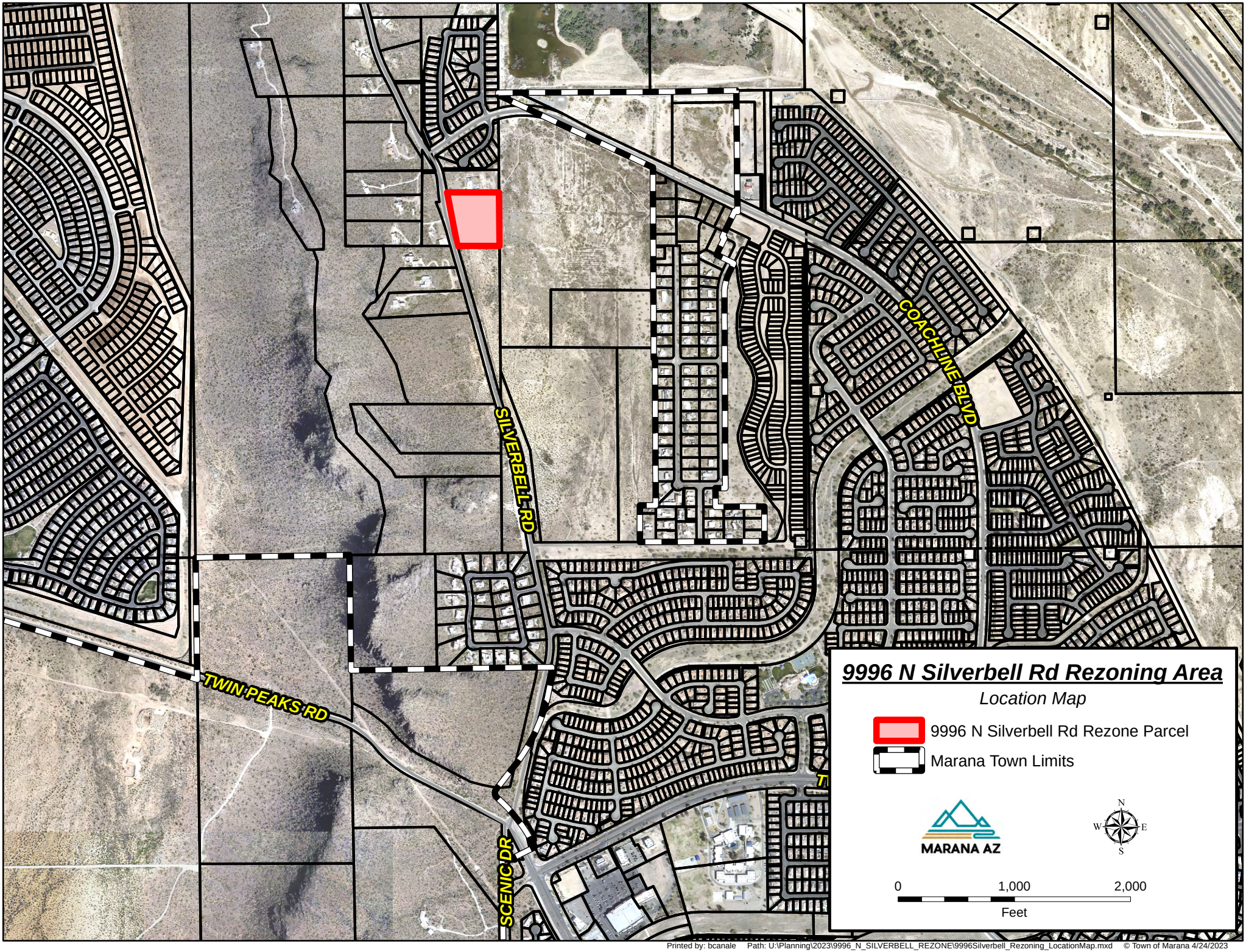
CRS PowerTool Real Estate

CRS Bing™ Map

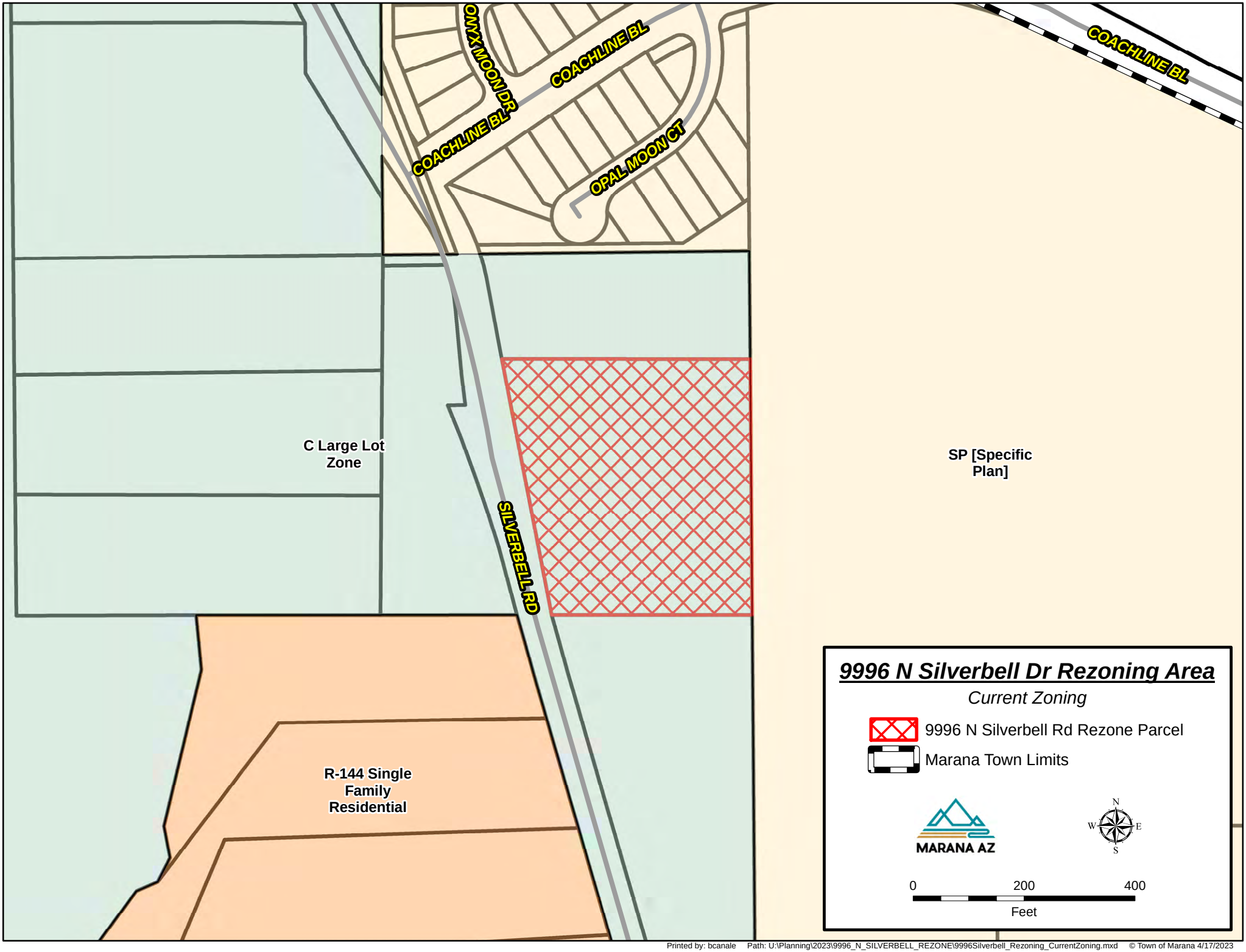


Map for Parcel Address: 9996 Silverbell Rd N Tucson, AZ 85743, Parcel ID: 226-04-027D

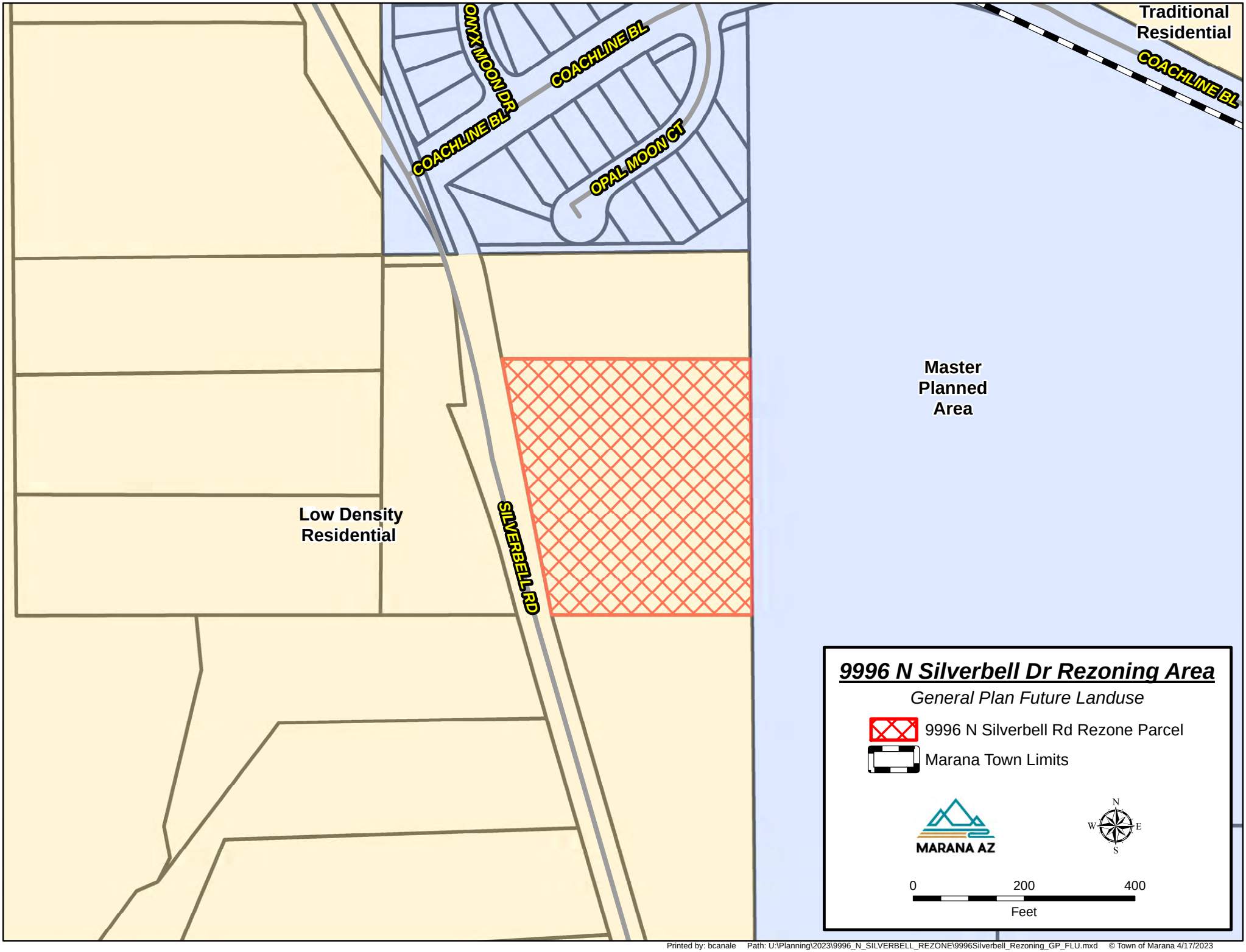
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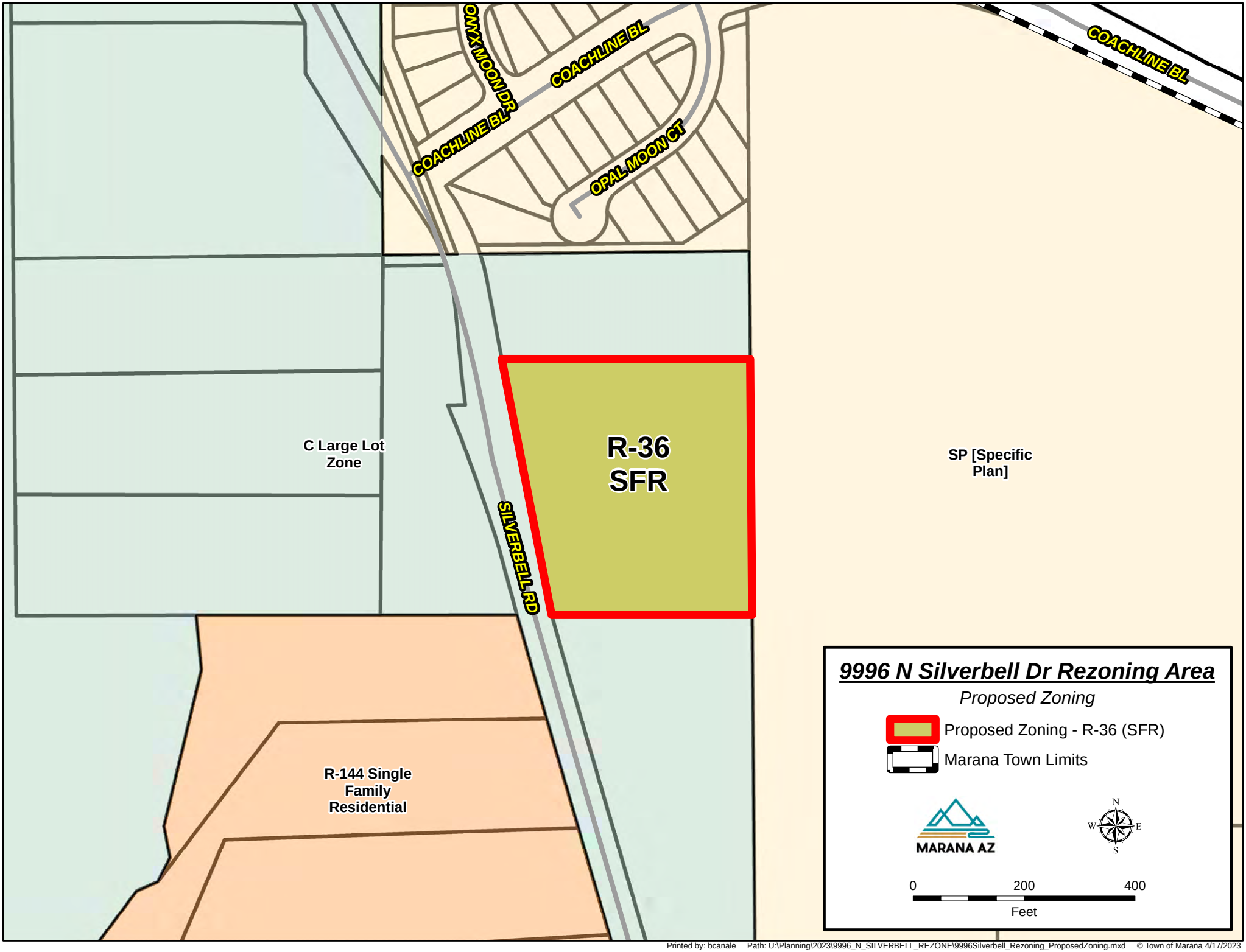
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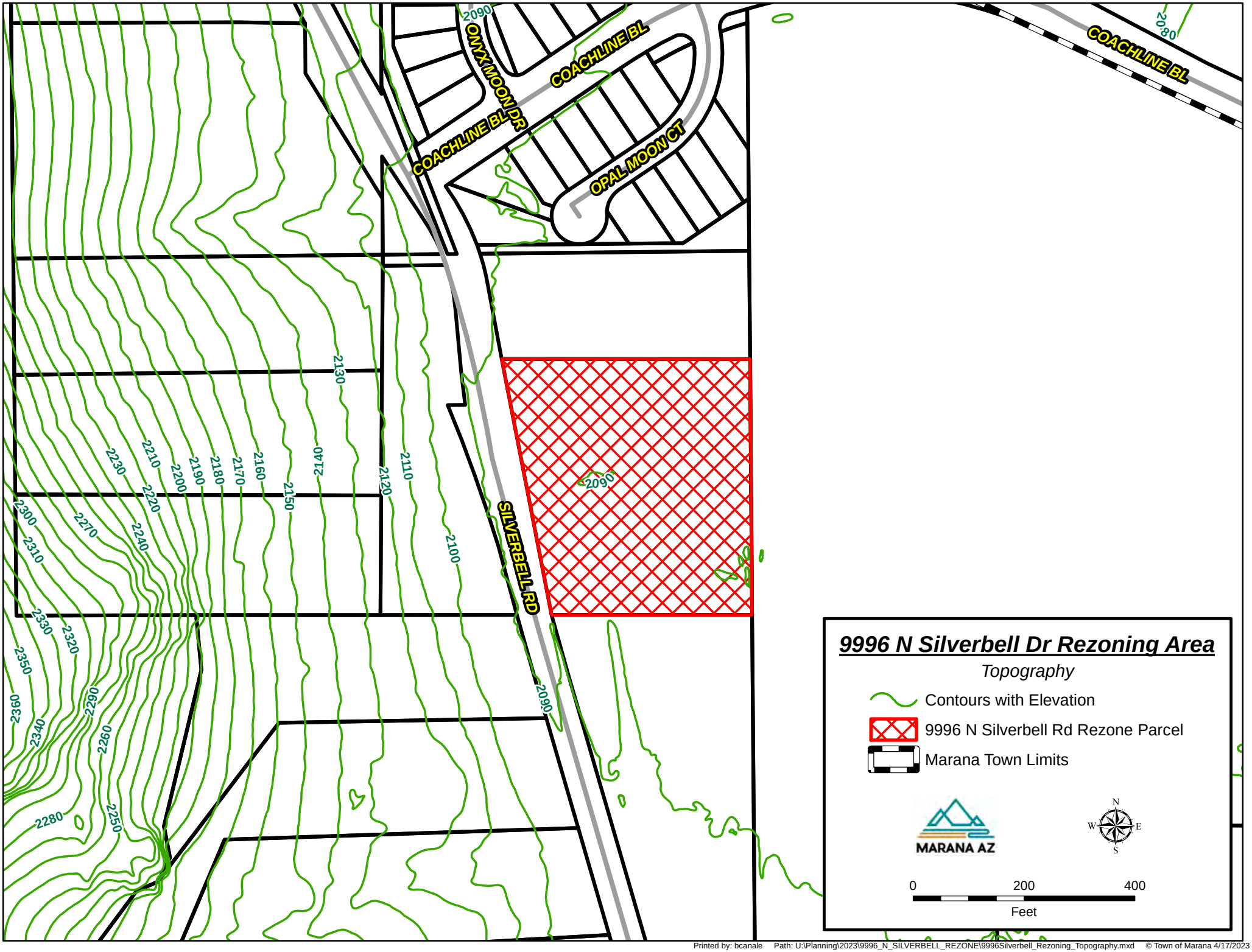
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MARANA AZ

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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: _____

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Applicant: Lynn Hansen	Contact Name: Lynn Hansen		
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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	Lynn Hansen	9/19/23
Applicant Name (PRINT)	Signature	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. Burruel** 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 afterwhich 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

MARANA AZ
ESTABLISHED 1977

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

Silverbell Rezone Comment Letter

All,

I spoke with Mr. Kauffman on 11/16/2023 concerning the proposed rezone to the east (across Silverbell) from his property. He would like to make a formal objection to the rezone PCZ2309-003. Mr. Kauffman stated that his water well is located just to the west of Silverbell and if Mr. Nelson splits his lot and puts two more houses on it (and ties into the existing well on the site), the potential for more stress from the same well water source is a major concern.

Please forward this to the Commission for their records.

Thank you,

Scott S. Radden
Senior Planner
11555 W. Civic Center Dr.
Marana, Arizona 85653
Office: (520) 382-2651

From: Julie Sanders <julieesanders@hotmail.com>
Sent: Wednesday, November 22, 2023 5:04 PM
To: lynnhansenaz@gmail.com
Subject: Rezoning of 9996 N Silverbell

Hello, Neighbor!

This email is in response to your letter, dated October 25, 2023, concerning the rezoning of the 3.9-acre parcel located at 9996 N Silverbell Road. We appreciate the detailed letter and map you sent to us explaining the rezoning plan. We do not have any objections to the rezoning.

Should you ever need to get ahold us, please do not hesitate to reach out to either of us at the phone numbers included in our signature line.

Best wishes to you and your family with the new construction.

Best,
Ben & Julie Sanders
10075 N. Silverbell Road
Tucson, AZ 85743
(614) 753-1780 Julie Cell
(614) 753-0003 Ben Cell

Julie E Sanders

Date: 11/28/2023

To: Marana Planning Commission and Council

Re: Request for re-zoning property at 9996 N Silverbell

Property at 9996 N Silverbell Road is a single-family home on 3.9 acres. A request has been submitted for re-zoning to subdivide into 3 lots with plans to build two additional homes. This area, our property at 10000 N Silverbell Road, and the area west of silverbell road are currently R144 and large lot housing zones. This current arrangement comes with a certain property value creating a rural atmosphere which is most desirable. The current zoning adds to the beauty of our residence AND to the Los Morteros conservation area immediately adjacent to these lots. Community members frequently use the path through Los Morteros to enjoy solitude, peace and a brief respite from busy, crowded, hectic city life. Additional homes surrounding this preserve will encroach upon this area detracting from its beauty and sense of escape from the busier city area.

A change in zoning to allow additional housing will significantly and permanently change the character, beauty and value of ALL surrounding lots. We personally will be affected by loss of property value, obstruction of the scenic views and decreased privacy. We paid a premium for our home on this lot. The large spacious lots and privacy were factored into the price of our home. We could not have anticipated a change in zoning that would significantly impact the value of our property.

Additionally, it is precisely these large lots, low density neighborhoods that attracted us to Marana. There is ample new construction of tract housing on smaller, closer lots in HOA settings and fewer and fewer of the larger more private lots that attract more people to Marana. These more desirable large lots seem to be less and less available and I believe they should be protected or at least not destroyed.

These are our concerns regarding the requested zone changes for the adjacent property at 9996 N Silverbell Road. We are uncomfortable with the proposed changes. If these changes are made, no one benefits except the applicant. It is not a benefit to the surrounding neighborhood, any of the immediate neighbors, or the community at large.

These changes are unacceptable.

Sincerely,

Homeowners : Dana and Joanne Rink @ 10000 N Silverbell Rd

Planning Commission Regular Meeting
Meeting Date: 12/06/2023

To: Planning Commission

Submitted For: Scott Radden, Senior Planner

From: Scott Radden, Senior Planner

Date: December 6, 2023

Strategic Plan Focus Area:
Not Applicable

Strategic Plan Focus Area Additional Info:

Subject: **PCZ2309-004 NWC Oldfather - Ina Rezone**; A request for a recommendation to the Marana Town Council for approval to rezone approximately 1.5 acres of land located northwest of the intersection of West Ina and North Oldfather Roads from NC (Neighborhood Commercial) to VC (Village Commercial) (Scott S. Radden)

Discussion:

Request

Lazarus & Silvyn, P.C., representing the property owner, LCC-Oldfather/Ina, LLC, is requesting a recommendation to the Marana Town Council for approval to rezone the subject parcel from Neighborhood Commercial (NC) to Village Commercial (VC) with the intent to match the adjacent zoning district, so similar land uses can be utilized.

Marana 2040 General Plan

The Marana General Plan designates the proposed rezoning area with a land use category of Commercial (C). The proposed rezoning to Village Commercial is consistent with this land use designation.

History

The 1.51 acre proposed rezoning area was annexed into the Town of Marana in 1993 by Ordinance No.93.12. The existing Pima County zoning was translated to the Town zoning of NC from County Business Zone 1 (CB-1). A mini-lube garage has existed on the property since 1989, prior to annexation. A self-service gas station and car wash were built after annexation. Currently, the mini-lube garage (Oilstop Drive Thru) is the only business still in operation.

Surrounding Land Use and Zoning

To the north of the subject property is a vacant lot zoned VC. Located to the east, across Oldfather Drive, is a Speedway gas station, zoned VC. Directly to the west of the property is a restaurant, zoned VC. On the south side of the property, across W Ina Rd, is a multi-tenant retail and service center, zoned VC.

Access and Circulation

The subject property has direct access to Ina Road on the south side, and Oldfather Drive on its east side.

Utilities

The rezoning area is located within the Tucson Water obligated water service and Pima County sewer service areas. The rezoning area lies within the service areas of Tucson Electric Power, Southwest Gas, Century Link and Xfinity/Comcast. The utilities are already serving the property.

Fire Service

The rezoning area is located within the Northwest Fire District service area.

Citizen Participation

The applicant mailed a letter to each of the property owners within 300 feet of the subject property informing them of the application submitted to the Town. The letter provided the opportunity for the owners to contact and meet with the applicants to discuss the project via a virtual Microsoft Teams meeting.

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 the property, various locations within the community and on the Town's website. As of November 22, 2023, staff had received no comments.

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:

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.

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 the extension of public utilities and sidewalks, as well as provide additional commercial options.

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 adversely impact the adjacent street network or generate such excessive storm runoff, water, air, or noise pollution, excessive nighttime lighting, or other nuisances.

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 guideline*s.

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.

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.

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.

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 uses permitted allowed within the VC Zoning District.

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.

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 potential redevelopment.

If applicable, the length of time the subject property has remained vacant as zoned:
Not applicable

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. 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 Obligated Service Area (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 or development plan 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.

Suggested Motion:

I move to recommend to the Town Council, approval of PCZ2309-004 NWC Ina Oldfather Rezone subject to the recommended conditions.

Attachments

NWC Oldfather_Ina Zoning Request
Location Map
NWC Oldfather_Ina_Rezoning Maps
Application

Law Offices of
Lazarus & Silvyn, P.C.

October 30, 2023

Mr. Steve Cheslak
Planning Manager
Town of Marana Development Services Department
11555 W. Civic Center Drive
Marana, AZ 85653

SUBJECT: PCZ2309-004 – NWC Oldfather/Ina Rezoning Request, 2nd submittal

Dear Mr. Cheslak:

LCC-Oldfather/Ina, LLC ("Owner") owns approximately 1.51 acres of property at 4202 W. Ina Road (Assessor Parcel No. 225-36-020D) at the northwest corner of Oldfather Road and Ina Road (the "Property") within the Town of Marana ("Town"). (See Location Map, provided as Attachment 1.) The Property is zoned Neighborhood Commercial ("NC") and is surrounded by Village Commercial ("VC") zoning. (See Attachment 2, Existing Zoning & Land Use Map.) This letter serves as a non-site analysis rezoning request from NC to VC, which will remove the island of NC zoning, and thereby create uniform zoning along this segment of the Ina Road corridor.

Rezoning Request

The Property is currently developed with an oil and lube shop, as well as an abandoned gas station. The oil and lube shop will continue to operate on the Property. The Owner is interested in rezoning to increase the Property's marketability and allow for the redevelopment of the Property with a future commercial use in conformance with VC zone. The existing vacant gas station structures may be utilized, depending on the feasibility of repurposing for the new use. The Property is an infill site served by existing utilities and public services with existing access to both Ina and Oldfather.

With the recent approval to rezone the adjacent property to the north,[1] this Property's existing NC zoning is an island on the zoning map, as shown on Attachment 3 (Ina Corridor Zoning). This request is to rezone the entire 1.51-acre Property to VC, which will establish a zoning designation consistent with the majority of the properties along Ina Road between Interstate 10 and Thornydale Road. VC zoning supports community- and regional-level commercial businesses, as well as higher-density residential uses. Ina Road is classified as an Urban Principal Arterial, and VC zoning is the appropriate designation for this area.

[1] PCZ2303-002, Ord. No. 2023.019

206 E. Virginia Avenue | Phoenix, AZ 85004-1110
602.340.0900 | Fax 602.340.8955

5983 E. Grant Road, Suite 290 | Tucson, AZ 85712-2365
520.207.4464 | Fax 520.300.9662

Marana's General Plan, *Make Marana 2040*, supports the rezoning request to VC. The General Plan's Future Land Use Map designates all properties on the north side of Ina Road within the Town's limits as Commercial, which is described as follows:

> *The Commercial category includes areas that comprise both community and regional commercial development… Commercial uses should be located along major arterials, at major intersections, and near highway interchanges…The existing zoning districts consistent with this land use category are: A, B, E, CO, NC, VC, RR, RC, RV, BU, DN, DT.*

In addition, the Property is within the Town's South Growth Area, an area that is largely built out and well-served by existing public infrastructure. Per the General Plan, the South Growth Area is *"envisioned to grow incrementally over time through infill development and redevelopment compatible with and that enhance existing residential neighborhoods."* Rezoning this infill Property to VC is in substantial conformance with *Make Marana 2040* and will benefit the Town by establishing a consistent zoning pattern that supports regional and community commercial development along the Ina Road corridor.

Conclusion

To increase marketability and lend flexibility to the redevelopment of the Property with an as-yet unknown commercial land use, we are requesting a rezoning of the Property from NC to VC zone to align with the zoning of properties along the Ina Road Corridor through the Town's non-site analysis rezoning process.

Enclosed is a letter from the Property owner authorizing the Project team to take actions necessary to obtain zoning entitlements and other development-related approvals. (See Attachment 4.) Thank you for your consideration. Please do not hesitate to contact me if you have any questions or require additional information: (520) 207-4464 or via email at RLarge@LSLawAZ.com.

Sincerely,

Robin M. Large
Senior Land Use Planner
Lazarus & Silvyn, P.C.

Enclosures:
1 – Location Map
2 – Existing Zoning & Land Use Map
3 – Ina Corridor Zoning Map
4 – Property Owner Authorization

cc: Mr. Tom Keating
Mr. Jamie Keating
Ms. Keri Silvyn, Esq.

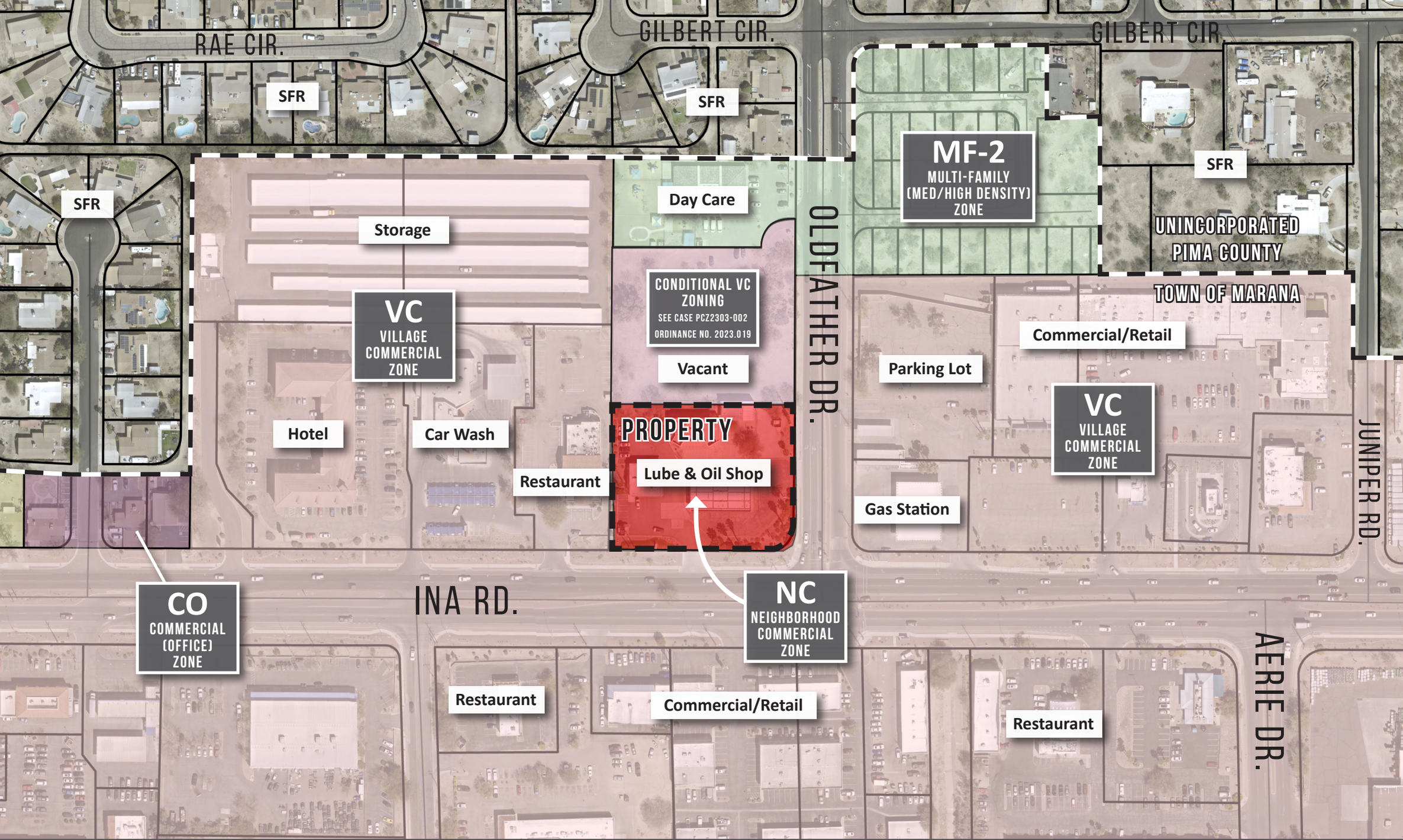


Attachment 1: Location Map

NORTH

DO NOT SCALE MAP - FOR REFERENCE ONLY

0 100 200 400 Feet

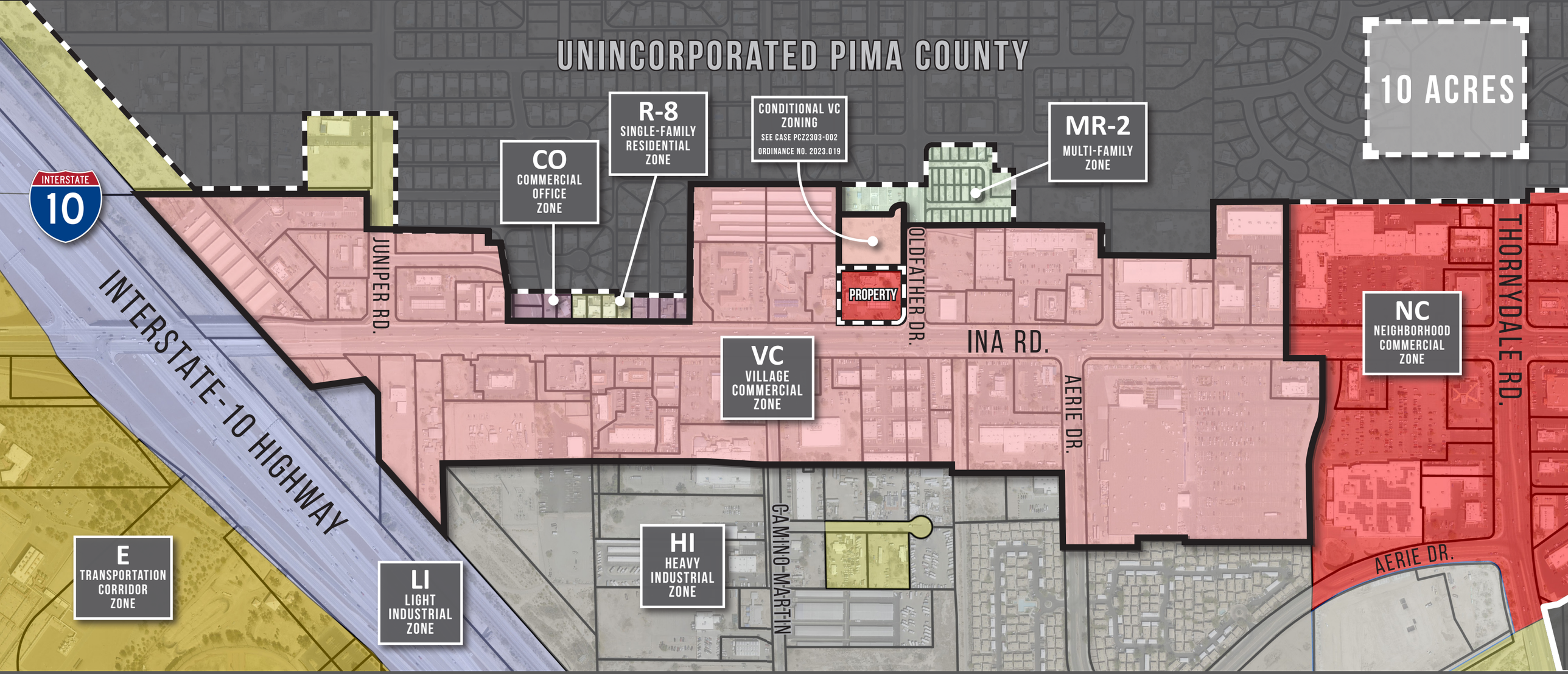


Attachment 2: Existing Zoning & Land Use Map

NORTH

DO NOT SCALE MAP - FOR REFERENCE ONLY

0 100 200 400 Feet



Attachment 3: Ina Corridor Zoning

NORTH

DO NOT SCALE MAP - FOR REFERENCE ONLY

0 250 500 1,000 Feet

DocuSign Envelope ID: C2C11B9F-13C0-4AE1-9AD6-8F9973B02BB0

August 7, 2023

Town of Marana
Development Services Department
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Property Owner Authorization – NWC Oldfather/Ina Rezoning

Dear Development Services Department:

The LCC-Oldfather/Ina, LLC, an Arizona Limited Liability Company, owns approximately 1.51 acres of property, Assessor Parcel No. 225-36-020D (the "Property"), located at the northwest corner of Oldfather Road and Ina Road within the Town of Marana ("Town").

The purpose of this letter is to authorize Lazarus & Silvyn, P.C. and their respective employees and other engaged consultants to take such action they deem advisable in order to obtain zoning entitlements and related approvals for the Property, including but not limited to, filing applications for a change of zoning, development plan/plat, grading permits and associated building permits.

Sincerely,

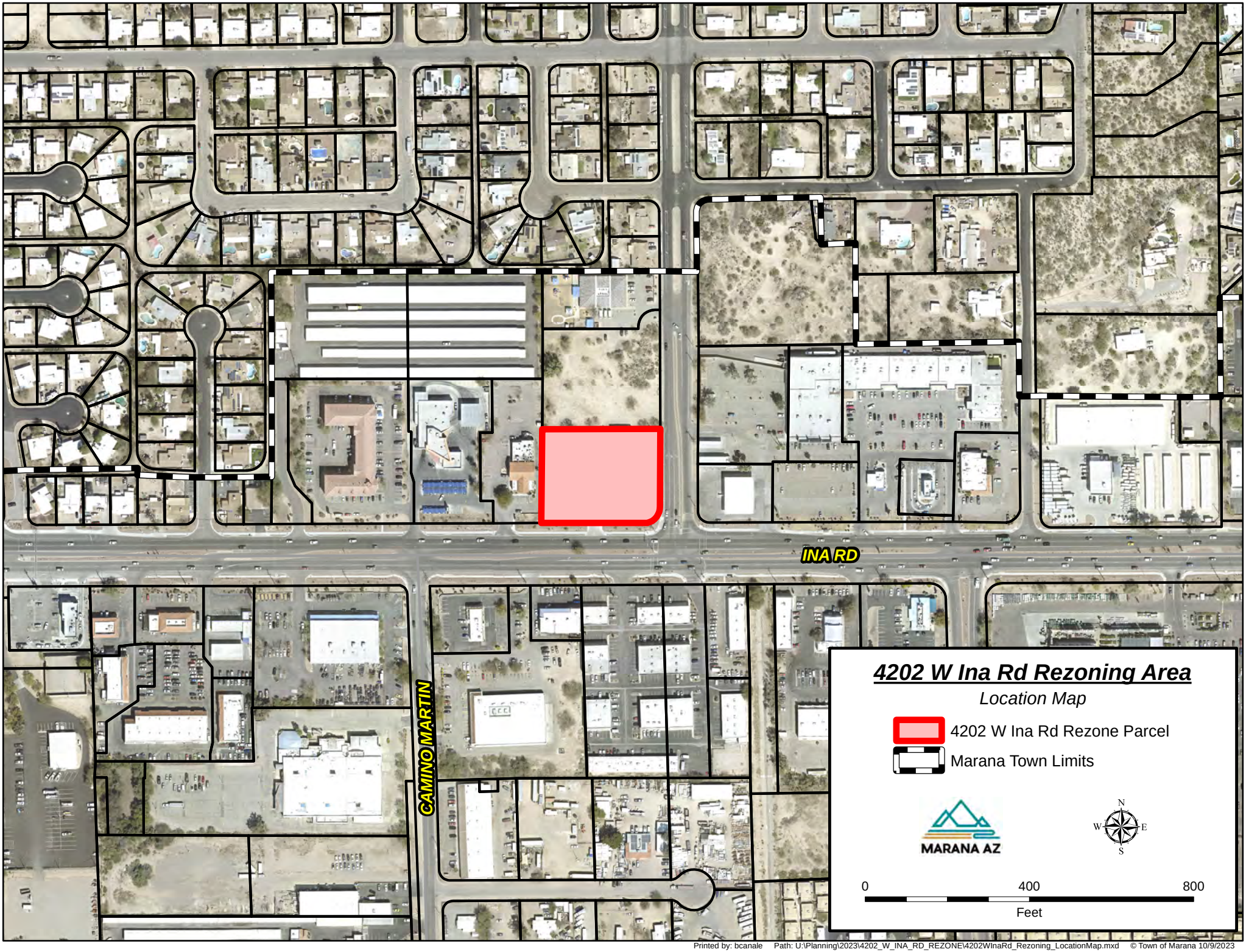
LCC Oldfather/Ina, LLC, an Arizona Limited Liability Company

By: DocuSigned by: Tom Keating 30E3FC7307514DB...

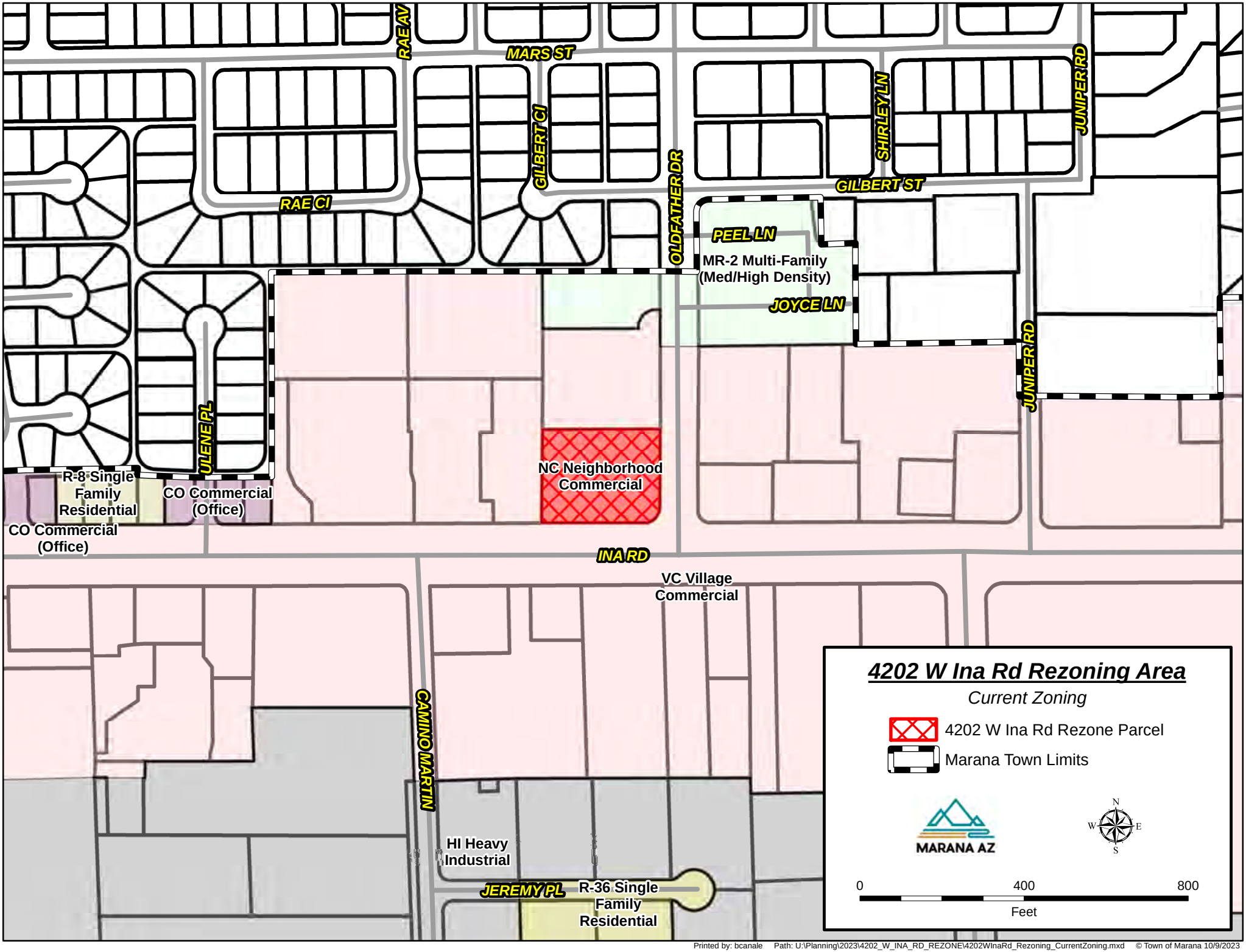
Name: Tom Keating

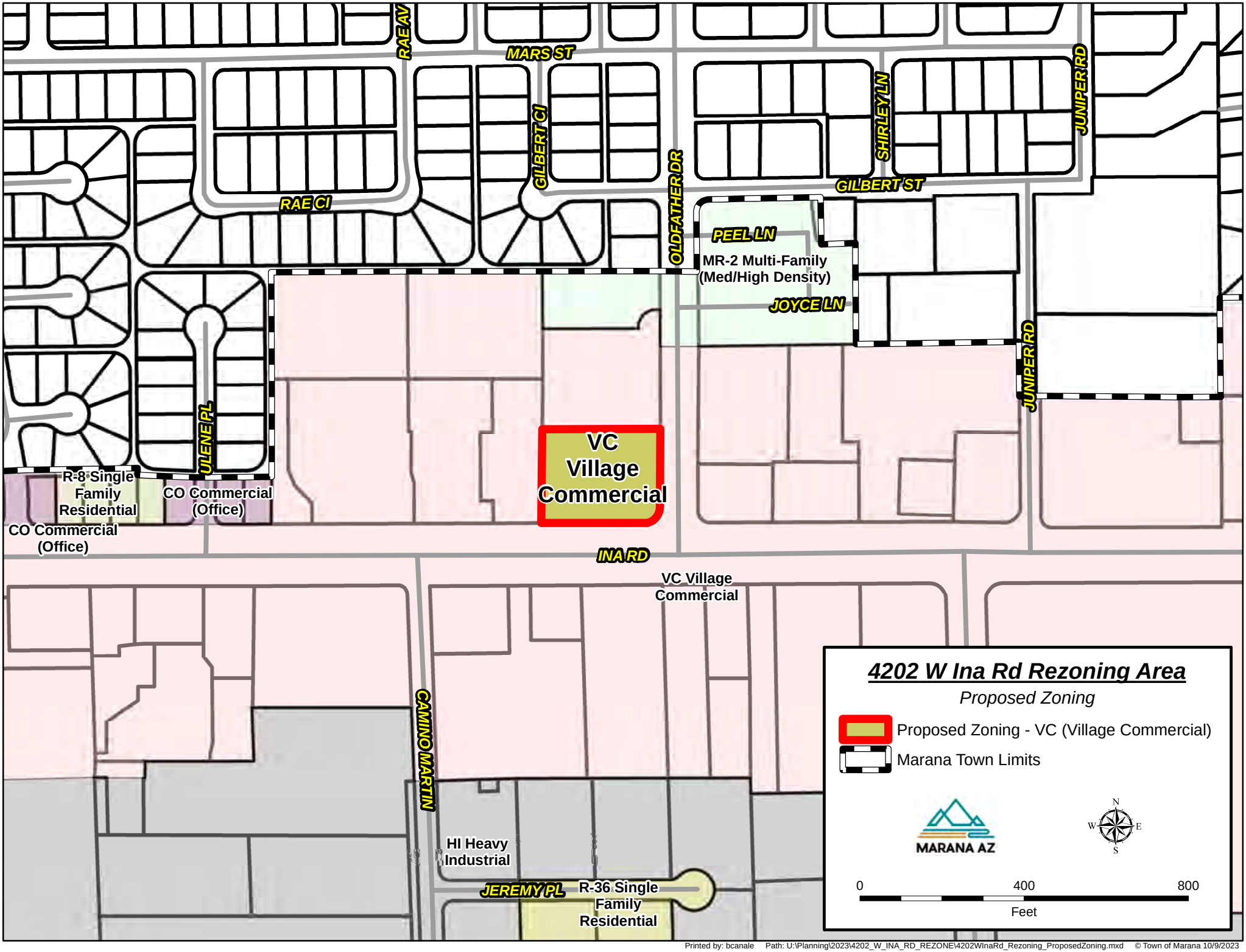
Its: owner

Date: 8/21/2023

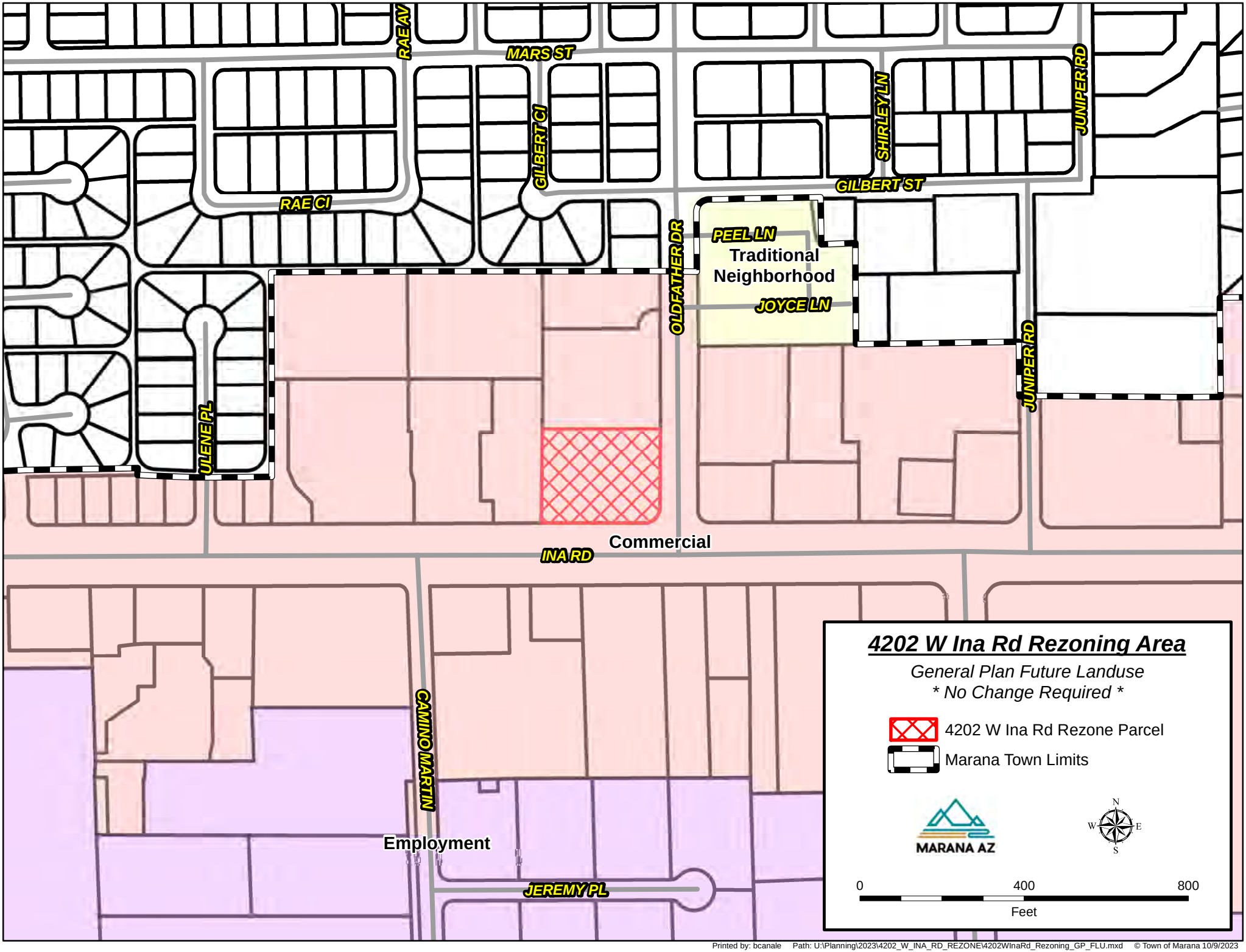


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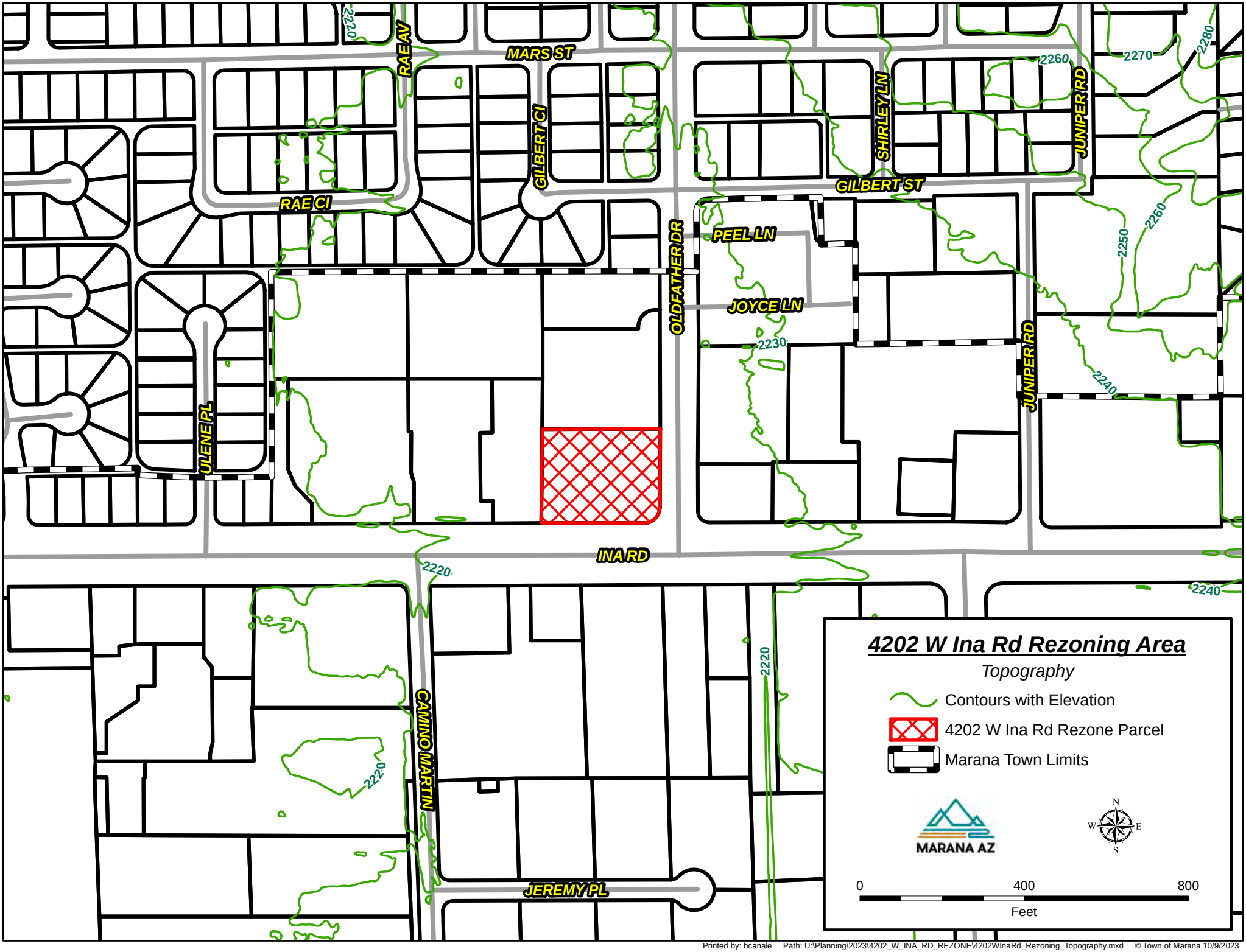

RAE AV
MARS ST
GILBERT CI
OLDFATHER DR
SHIRLEY LN
JUNIPER RD
GILBERT ST
RAE CI
PEEL LN
MR-2 Multi-Family
(Med/High Density)
JOYCE LN
JUNIPER RD
ULENE PL
NC Neighborhood
Commercial
R-8 Single
Family
Residential
CO Commercial
(Office)
CO Commercial
(Office)
INA RD
VC Village
Commercial
CAMINO MARTIN
HI Heavy
Industrial
JEREMY PL
R-36 Single
Family
Residential
4202 W Ina Rd Rezoning Area
Current Zoning
4202 W Ina Rd Rezone Parcel
Marana Town Limits
MARANA AZ
N
W
E
S
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Development Services / maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641

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:	
Description of Project:	Number of Lots:
Parcel No.(s):	Gross Area (Acres):
Project Address:	
Ref. Project No.:	

CONTACT INFORMATION

Owner:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Applicant:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Consultant/Engineer:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		

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)

Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

Project No._____ **Date Received**_____

Revision Date 05/16/2023

Planning Commission Regular Meeting

Meeting Date: 12/06/2023

To: Planning Commission

From: Jane Fairall, Town Attorney

Date: December 6, 2023

Strategic Plan Focus Area:
Not Applicable

Subject: **A request for a recommendation to the Marana Town Council for approval of a minor amendment to the Marana 2040 General Plan** to amend Figure 2-4 (Future Circulation Map) to reduce the right-of-way width for Adonis Road from south of the San Lucas subdivision to Tangerine Road from 250 feet to 150 feet. (Jane Fairall)

Discussion:

A general plan is an official planning policy document that is designed to help guide community growth and development. Pursuant to Arizona Revised Statutes (A.R.S.) §9-461.05, the State of Arizona requires all municipalities to adopt a general plan and update it every ten years. The Town of Marana updated its General Plan in December 2019, which was ratified by the voters in the 2020 election.

Town of Marana Resolution No. 2009-177 modified the right-of-way width for Adonis Road in the Marana Major Routes Plan from 250 feet to 150 feet from south of the San Lucas subdivision to Tangerine Road. The circulation element of the General Plan now serves as the Town's Major Routes Plan. The Future Circulation Map (Figure 2-4) in the Marana 2040 General Plan inadvertently provided the right-of-way width for Adonis Road from south of the San Lucas subdivision to Tangerine Road as the older width of 250 feet, necessitating an amendment to the Future Circulation Map. The General Plan defines any change to the Future Circulation Map as a minor amendment.

The proposed amendment, as set forth in the attached draft resolution, will amend the Future Circulation Map to provide for a 150 right-of-way width for Adonis Road in the noted location.

Proper notice of this public hearing was published in the Daily Territorial.

Staff Recommendation:

Staff recommends that the Commission recommend approval of this minor amendment to the Marana 2040 General Plan to the Town Council.

Suggested Motion:

I move to recommend to the Town Council approval of the minor amendment to the Marana 2040 General Plan.

Attachments

resolution

Figure 2-4 Future Circulation Map

resolution

MARANA RESOLUTION NO. 2023-XXX

RELATING TO DEVELOPMENT; ADOPTING A MINOR AMENDMENT TO THE MARANA 2040 GENERAL PLAN TO AMEND THE FUTURE CIRCULATION MAP (FIGURE 2-4) IN THE GENERAL PLAN TO REDUCE THE RIGHT-OF-WAY WIDTH FOR ADONIS ROAD FROM SOUTH OF THE SAN LUCAS SUBDIVISION TO TANGERINE ROAD FROM 250 FEET TO 150 FEET

WHEREAS Town of Marana Resolution No. 2009-177 modified the right-of-way width for Adonis Road in the Marana Major Routes Plan from 250 feet to 150 feet from south of the San Lucas subdivision to Tangerine Road; and

WHEREAS Town of Marana Resolution No. 2019-120 adopted the Marana 2040 General Plan and called for an August 4, 2020 primary election for voter ratification as required by A.R.S. § 9-461.06 paragraph M; and

WHEREAS the Marana 2040 General Plan was ratified by the voters on August 4, 2020; and

WHEREAS the General Plan is a dynamic document that establishes policies and goals to guide development within the community, and discusses strategies to guide elected and appointed officials and Town staff to achieve its defined goals; and

WHEREAS conditions or elements of the General Plan can change or become obsolete as the community develops; and

WHEREAS the circulation element of the General Plan now serves as the Town's Major Routes Plan; and

WHEREAS the Future Circulation Map (Figure 2-4) in the Marana 2040 General Plan inadvertently provided the right-of-way width for Adonis Road from south of the San Lucas subdivision to Tangerine Road as 250 feet; and

WHEREAS A.R.S. § 9-461.06 and the General Plan itself define a major amendment as a substantial alteration of the Town's land use mixture or balance as established in the General Plan land use element; and

WHEREAS the General Plan defines any change to the Future Circulation Map as a minor amendment; and

WHEREAS the General Plan amendment adopted by this resolution does not meet the definition of a major amendment; and

WHEREAS the Town of Marana has provided the notice and held the public hearings required for the adoption of the General Plan amendment adopted by this resolution; and

WHEREAS the Mayor and Council of the Town of Marana find that this resolution is in the best interests of the Town of Marana and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana 2040 General Plan Chapter 2 (Built Environment) Figure 2-4 (Future Circulation Map) is hereby amended to reduce the right-of-way width for Adonis Road from south of the San Lucas subdivision to Tangerine Road from 250 feet to 150 feet.

SECTION 2. The Town Manager and staff are hereby directed and authorized to modify the General Plan documentation and undertake all other and further tasks required or beneficial to carry out the terms and objectives of this resolution.

SECTION 3. All resolutions, orders, or actions of the Town, or parts thereof that are inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this _____ day of _____ 2024.

_____
Mayor Ed Honea

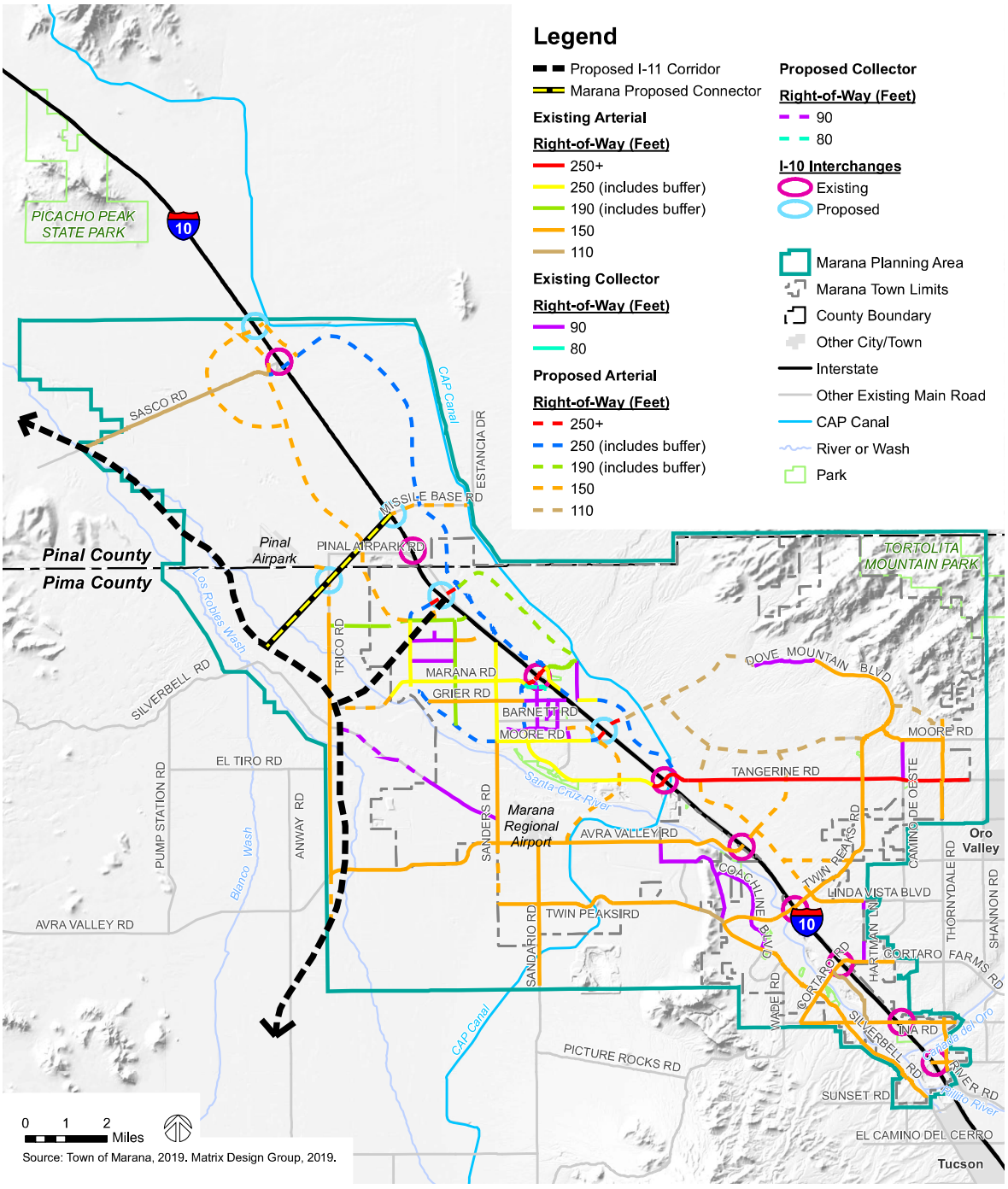
ATTEST:

_____
David L. Udall, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

DRAFT



Source: Town of Marana, 2019. Matrix Design Group, 2019.

Matrix

MAKE MARANA 2040 • GENERAL PLAN

The Town of Marana provides this map information "As Is" at the request of the user with the understanding that it is not guaranteed to be accurate, correct or complete and conclusions drawn from such information are the responsibility of the user. In no event shall The Town of Marana become liable to users of these data, or any other party, for any loss or direct, indirect, special, incidental, or consequential damages, including but not limited to time, money, or goodwill, arising from the use or modification of the data.

Map Revised: 1/13/2020

Figure 2-4
Future Circulation

MARANA RESOLUTION NO. 2009-177

RELATING TO STREETS; MODIFYING THE MARANA MAJOR ROUTES PLAN RIGHT-OF-WAY WIDTH FOR ADONIS ROAD TO ACCOUNT FOR THE RELOCATION OF THE LINEAR DRAINAGE BUFFER TO AN AREA ADJACENT TO THE UNION PACIFIC RAILROAD

WHEREAS Marana Resolution No. 2002-150 adopted the Marana Major Routes Plan, which establishes future right-of-way widths for major routes; and

WHEREAS the Marana Major Routes Plan right-of-way width for Adonis Road was 250 feet and included a 150-foot road right-of-way combined with a 100 foot linear drainage buffer; and

WHEREAS the Town plans to construct a channel along the current Barnett Road alignment, to be known as the Barnett Channel, that will provide a positive drainage from the east side of Interstate 10; and

WHEREAS since the collection point for the Barnett Channel will be just east of the Union Pacific Railroad at Barnett Road, the logical location for a linear drainage buffer to drain into Barnett Channel is adjacent to the railroad and not Adonis Road.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the Marana Major Routes Plan right-of-way width for Adonis Road from south of San Lucas to Tangerine Road is reduced to 150 feet, to account for the relocation of the 100-foot Adonis Road linear drainage buffer to the area adjacent to the Union Pacific Railroad in the same vicinity.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of October, 2009.

Mayor Ed Honea

TOWN OF MARANA CORPORATE SEAL ARIZ. 1977

ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney