MARANA ORDINANCE NO. 2026.002

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 300.5 ACRES OF LAND LOCATED WEST OF INTERSTATE 10 ALONG NORTH LUCKETT ROAD AND JUST SOUTH OF THE PINAL COUNTY LINE IN A PORTION OF SECTION 1, TOWNSHIP 11, RANGE 10E, FROM R-144 (RESIDENTIAL) TO SP (SPECIFIC PLAN), CREATING THE LUCKETT ROAD NORTH SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM EMPLOYMENT TO MASTER PLANNED AREA

WHEREAS the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints (collectively the "Property Owners") own 300.5 acres of land located west of Interstate 10 along North Luckett Road and just south of the Pinal County line in Section 1, Township 11 South, Range 10 East, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized Lazarus & Silvyn, P.C. to submit an application to rezone the Rezoning Area from R-144 (Residential) to SP (Specific Plan) ("this Rezoning") and to amend the Make Marana 2040 General Plan (the "General Plan") land use category from Employment to Master Planned Area; and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning on December 10, 2025, and voted 6 to 0 with one Commissioner absent to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing to consider this Rezoning on January 6, 2026, and determined that this Rezoning should be approved.

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

Section 1. The zoning of the Rezoning Area is hereby changed from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road North Specific Plan. The Luckett Road North Specific Plan, one electronic and one printed copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by and is attached as Exhibit A to Marana Resolution No. 2026-005, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from Employment to Master Planned Area.

Section 3. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners, the applicant, and any other relevant parties involved in this particular rezoning and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. Any development plan for any portion of the Rezoning Area shall be in general conformance with the conceptual land use plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of a development plan for any portion of the Rezoning Area.
4. A detailed traffic impact analysis (TIA) must be submitted by the Property Owners and accepted by Town staff prior to approval of a development plan for any portion of the Rezoning Area. The Property Owners may be required to submit an updated TIA or updated traffic studies when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the Marana Water Department (the "water provider") prior to approval of a development plan 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. The Property Owners may be required to submit an updated WIP when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.
6. A master sewer plan must be submitted by the Property Owners and accepted by the Marana Water Department (the "wastewater utility") prior to the approval of any 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. The Property Owners may be required to submit an updated sewer plan when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.

7. 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 (if applicable), final plat, or development plan for any portion of the Rezoning Area.

8. The Property Owners shall install a non-potable water system for industrial and fire suppression uses, and to serve the common open space areas and other landscaped amenities, as accepted by the Cortaro-Marana Irrigation District.

9. 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.

10. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.

11. The Property Owners are responsible for paying the full costs of design and construction of Luckett Road to a two-lane rural collector, per Marana Standard Detail 110-1, from the southern boundary of the Rezoning Area north to Pinal Airpark Road (the "Luckett Road Extension"). The Property Owners' financial obligations under this condition include paying the full costs for the acquisition of any property rights associated with the improvements. The Town of Marana shall acquire any necessary property rights for the Luckett Road Extension from the Arizona State Land Department (ASLD), subject to full reimbursement by the Property Owners.

    a. Within 30 days after the issuance of any grading permit in the Rezoning Area, the Property Owners shall pay in cash to the Town a deposit in the full estimated acquisition amount for the acquisition of property rights from ASLD.

    b. Within 30 days after the issuance of any grading permit in the Rezoning Area and the Town providing Property Owners the full estimated costs of pre-construction and design services for the Luckett Road Extension, the Property

Owners shall pay in cash to the Town the full estimated cost of the pre-construction and design services.

c. The Property Owners may participate in and provide input into the design of the Luckett Road Extension.

d. Within 30 days after the Property Owners' receipt of a written engineer's estimate based on 100% design plans from the Town, the Property Owners shall pay in cash to the Town the full estimated cost of construction of the Luckett Road Extension. Property Owners shall be responsible only for actual construction costs by the contractor with no additional Town administrative or other fees. In lieu of providing payment to the Town for construction costs as described in this condition, the Property Owners may elect to construct the Luckett Road Extension, pursuant to the design procured by the Town, by providing the Town with written notice of their election within 30 days after the Town's delivery of the engineer's estimate to the Property Owners.

e. No later than 60 days after final completion of the Luckett Road Extension, the Town shall provide to the Property Owners an itemized statement of the Town's actual costs for the Luckett Road Extension and a check or invoice representing the difference between the Town's costs and the Property Owners' payments to the Town. If the Property Owners' payments to the Town were insufficient to cover the Property Owners' obligations pursuant to this ordinance, the Property Owners shall pay the Town the balance of the costs as set forth in the invoice within 30 days after the itemized statement and invoice are provided to the Property Owners. Any amounts unpaid after 30 days shall accrue simple interest at the rate of 10% per year until paid in full

f. The completion of the Luckett Road Extension is not a prerequisite for the Town to issue certificates of occupancy for structures in the Rezoning Area.

12. The Property Owners shall coordinate with the Town to manage construction traffic for the Rezoning Area consistent with the provisions of the TIA.

13. The Property Owners shall construct an 8-inch water main from the Rezoning Area southerly along Luckett Road, easterly along Hardin Road, southerly along Wentz Road, to the intersection of Wentz Road and Sagebrush Road. The final alignment will be determined by Town water modeling.

14. The Property Owners shall construct a new sewer force main aligning with the Luckett Road public right-of-way from the Rezoning Area southerly to a point of connection to the existing 27-inch gravity sewer at the intersection with Sagebrush Road.

15. The Property Owners shall construct a new sewer lift station to serve the Rezoning Area. Final location of the sewer lift station will be confirmed through the design process.

16. The Property Owners shall construct the portion of a drainage channel referred to in the Town of Marana Northwest Area Drainage Master Plan as the "10.5 Channel" that is located within the Rezoning Area (except as necessary to match current, offsite, downstream flow patterns) in conjunction with the owners of the property immediately to the south, identified as Assessor's Parcel Number (APN) 208-09-001E. The Property Owners shall design the entire 10.5 Channel, including the portions of the channel located outside the boundaries of the Rezoning Area, to 30% plans, which must be approved by the Town, and construct the portion of the 10.5 Channel that is in the Rezoning Area to those 30% plans. That constructed portion of the 10.5 Channel will have no outfall until construction of the 10.5 Channel is fully completed (by the Town). Until that occurs, the excavated channel segment in the Rezoning Area will serve as detention/retention for the onsite development. After offsite construction of the 10.5 Channel is complete, the onsite retention requirements will be accomplished via recharge within the 10.5 Channel and/or the Santa Cruz River. The Property Owners shall assign to the Town any and all of the Property Owners' rights to the 30% design plans. If APN 208-09-001E is not developed in conjunction with the Rezoning Area, the Property Owners shall not be required to construct the 10.5 Channel, but will still be required to design the 10.5 Channel to 30% plans, and shall construct the drainage infrastructure required to serve the Rezoning Area as determined by the master drainage study. Upon demand of the Town, the Property Owners shall dedicate to the Town at no cost the portion of the Rezoning Area where the 10.5 Channel is located or will be located, whether the channel has been constructed or not. At the time of the dedication, the Property Owners shall contribute their proportionate share of costs to convert the retention/detention system in the Rezoning Area to a conveyance system.

17. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Development Services Department with one electronic copy in PDF format which will also include graphics of the conceptual land use plan in JPEG or other suitable format of the Luckett Road North Data Center Specific Plan as amended by this ordinance.

18. This Rezoning is valid for five years from the date of Town Council approval; if the Property Owners fail to have a development plan approved prior to the end of the five-year time period, the Town may schedule a public hearing before the Town Council to take administrative action to extend, remove, or determine compliance with the schedule for development or legislative action to revert the property to the previous zoning (R-144).

19. If the data center use in the Rezoning Area is discontinued, the Property Owners must cause all data center hardware and infrastructure to be removed from the buildings' interior in compliance with all local, state, and federal regulations, and must establish and execute security protocols to ensure the safety and upkeep of the property within the Rezoning Area, including protocols in the event the property becomes vacant.

Section 4. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

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

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of January, 2026.

Mayor Jon Post

ATTEST:

Jill McCleary, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

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ALL OF SECTION 1, TOWNSHIP 11 SOUTH, RANGE 10 EAST, GILA AND SALT RIVER BASE AND MERIDIAN PIMA COUNTY, ARIZONA;

EXCEPT ALL SUBTERRANEAN PERCOLATING WATERS CONTAINED WITHIN, UNDERLYING AND WHICH MAY BE PRODUCED AS CONVEYED TO CORTARO-WATER USER'S ASSOCIATION BY DEED RECORDED IN BOOK 314 OF DEEDS, PAGE 445.

MARANA RESOLUTION NO. 2026-005

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE LUCKETT ROAD NORTH SPECIFIC PLAN ADOPTED BY ORDINANCE NO. 2026.002

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the Luckett Road North Specific Plan adopted by Ordinance No. 2026.002 and attached to and incorporated in this resolution as Exhibit A, one electronic and one paper copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of January, 2026.

Mayor Jon Post

ATTEST:

Jill McCleary, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

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