

ORDINANCE NO. (O) 08- 04

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
APPROVING A REZONING REQUEST BY THE PLANNING
CENTER REPRESENTING TARIQ KHAN FOR THE PROPERTY
LOCATED ON THE SOUTHEAST CORNER OF TANGERINE
ROAD AND LA CHOLLA BOULEVARD FROM R1-144 TO R1-20
AND C-N**

WHEREAS, the Planning Center (the "Applicant"), representing Tariq Khan, applied for a rezoning from R1-144 to R1-20 and C-N for the property located on the southeast corner of La Cholla Boulevard and Tangerine Road, as depicted on Exhibit "A"; and

WHEREAS, the gross area of the requested rezoning is approximately 70.42 acres which are currently vacant and generally flat; and

WHEREAS, the current zoning of R1-144 allows one lot per 144,000 square feet; and

WHEREAS, the Applicant wishes to change the zoning on approximately 60 acres of the area to R1-20, which would allow for low-density single family residential development with one lot per 20,000 square feet; and

WHEREAS, the Applicant wishes to change the zoning on approximately 10 acres located at the northwest corner of the property to C-N, which would allow for development of neighborhood commercial activities designed to offer basic goods and services to the adjacent residents; and

WHEREAS, this requested rezoning contains identified riparian habitats which will be preserved through redistribution of lot size in and around the riparian areas as provided in Section 24.7(E) of the Oro Valley Zoning Code Revised; and

WHEREAS, the Applicant's request for rezoning complies with the Oro Valley Zoning Code Revised; and

WHEREAS, the Applicant's request for rezoning complies with the applicable General Plan requirements; and

WHEREAS, on November 19, 2007, the Planning & Zoning Commission recommended approval for rezoning the property from R1-144 to R1-20 and C-N with conditions; and

WHEREAS, the Town Council has duly considered the Applicant's request for rezoning property located on southeast corner of La Cholla Boulevard and Tangerine Road.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the request by the Planning Center, representing Tariq Khan, to rezone property located on southeast corner of La Cholla Boulevard and Tangerine Road from R1-144 to R1-20 and C-N, as shown in Exhibit "A", is hereby approved with the conditions attached hereto as Exhibit "B".

NOW THEREFORE BE IT FURTHER ORDAINED that:

Section 1. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

Section 2. 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 thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona on this 20th day of February, 2008.

TOWN OF ORO VALLEY

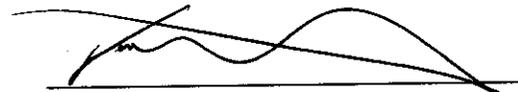

Paul H. Loomis, Mayor

ATTEST:


Kathryn E. Cuvelier, Town Clerk

Date: 3-19-08

APPROVED AS TO FORM:


Tobin Rosen, Town Attorney

Date: 3/19/08

Exhibits "A" and "B" are available for public review in the Office of the Oro Valley Town Clerk between the hours of 8:00 AM – 5:00 PM, Monday through Friday. The Town Hall Offices are located at 11,000 N. La Cañada Drive.

PUBLISH: Daily Territorial

Exhibit 'B'
OV9-06-03
Khan Property Rezoning
Conditions of Approval Recommended by P&ZC

Planning Conditions

1. All future development shall maintain the setbacks, bufferyards and site coverage boundaries as indicated on the Tentative Development Plan.
2. The C-N commercial zoning boundary shall conform to the General Plan land use map. All aspects of the commercial development shall be contained within the boundaries of the commercially-zoned area.
3. A pedestrian connection shall be provided between the two recreation areas.
4. All Standard Conditions per Resolution 90-21 for Non-PAD rezoning shall apply (attached).
5. Lighting on the back of the office retail facing lots 44, 45 and 46 is restricted to no higher than 10 feet.
6. Use is restricted as specified in the letter of May 9, 2003 from the Amphitheater School District sub-paragraph 1.
 - a. Prohibit hotels, motels, drive through restaurants, rehabilitation centers/halfway houses, 24 hour convenience stores, manufacturing of products involving toxic materials, gas stations, automotive tire sales, and big box retailers over 35,000 square feet.
 - b. 25 feet height restriction.
 - c. No access of commercial development onto and limited future residential access on to Glover Road.
 - d. 100 foot buffer zone adjacent to Wilson K-8 School.
 - e. No apartment developments.
 - f. 150 foot setback on La Cholla/Tangerine developments.

Tentative Development Plan (TDP)

1. Install right & left turn lanes on the intersection of the southern residential street and La Cholla Blvd.
2. Depict the continuous left turn lane configuration on Tangerine Road as dictated by the recommendations of the updated TIA.
3. Correct and identify the 100' future right-of-way dedication on the north side of this development along Tangerine Road. The quotation of BK 52 – PG 17 along the northern property line of this development is incorrect.
4. If the vehicular street connectivity to Mountain Laurel Drive is removed, provide a 10' pedestrian and bicycle multiuse path within a 50' wide common area that connects the internal ROW to Mountain Laurel Drive.*
5. Provide a 10' multiuse path from the northern end of the eastern cul-de-sac to Tangerine Road.*

6. Revise the western portion of this development to remove direct street ingress/egress to Glover Road adjacent to lot 68. Replace this with a combination of a standard dead end cul-de-sac for general internal street traffic and a gated emergency access drive to Glover Road. Said emergency access shall connect the southern end of the cul-de-sac to Glover Road and be contained within a 50' wide common area.*

Section II-E Hydrology

7. Revise this section and corresponding exhibits to reflect the current layout presented on the TDP.

Traffic Impact Analysis Report (TIA)

8. Revise the TIA to reflect the current layout as presented on the TDP. This includes traffic count projections to Mountain Laurel Drive
9. Provide a statement in the introduction which states that this traffic analysis will be reevaluated at the time of Preliminary Plat submittal. This is a preliminary Traffic Impact Analysis used to determine the regional improvements necessary by the development represented on the current TDP. At the time of Preliminary Plat submission a full TIA will be required, revised to match the actual development and updated to address the site traffic conditions at the time of development.
10. Revise the report to provide full right and left exclusive lanes for both La Cholla development intersections.
11. Section 4 Analysis of Existing Conditions, Page 10, Glover Road/La Cholla Boulevard – Revise the section to indicate that the intersection is currently unsignalized and the analysis of this report evaluates the post-development LOS under the existing condition. But also add that this intersection will be signalized in the future by the Town of Oro Valley.
12. Appendix B – revise the section cover to reference Glover/La Cholla Intersection as unsignalized.

* - Conditions that have been created due to coordination meetings post Planning & Zoning Commission presentation.