

ORDINANCE NO. (O)13-21

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST FOR A REZONING OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF TANGERINE ROAD AND LA CHOLLA BLVD KNOWN AS MERCADO MANDARINA FROM SINGLE FAMILY RESIDENTIAL (R1-144) TO NEIGHBORHOOD COMMERCIAL (C-N) AND COMMERCIAL (C-1)

WHEREAS, the WLB Group, Inc. (the “Applicant”), has requested that the property located at the northeast corner of Tangerine Road and La Cholla Blvd and known as Mercado Mandarina be rezoned from Single Family Residential (R1-144) to Neighborhood Commercial (C-N) and Commercial (C-1), as depicted on Exhibit “A” attached hereto; and

WHEREAS, the gross site of the requested rezoning of Mercado Mandarina is approximately 26.7 acres; and

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

WHEREAS, Planning and Zoning Commission reviewed the proposed rezoning at a duly noticed public hearing on October 15, 2013 in accordance with State Statutes and recommended approval of the proposed rezoning with conditions, attached hereto as Exhibit “B” and incorporated herein by this reference, to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed rezoning of the property located at the northeast corner of Tangerine Road and La Cholla Blvd and known as Mercado Mandarina be rezoned from Single Family Residential (R1-144) to Neighborhood Commercial (C-N) and Commercial (C-1), and the Planning and Zoning Commission’s recommendation and finds that it is consistent with the Town's General Plan and other Town ordinances.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona, that:


SECTION 1. Rezoning of the property located at the northeast corner of Tangerine Road and La Cholla Blvd and known as Mercado Mandarina be rezoned from Single Family Residential (R1-144) to Neighborhood Commercial (C-N) and Commercial (C-1), as depicted on Exhibit “A” attached hereto, subject to the conditions contained in Exhibit “B” attached hereof is hereby adopted.

SECTION 2. 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parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.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 3. 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 hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona on this 20th day of November, 2013.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:



Julie K. Bower, Town Clerk

Date: 11/25/13

PUBLISH: DAILY TERRITORIAL
DECEMBER 2, 3, 4, 5, 2013

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 11/21/13

POSTED: 11/27/13 - 12/27/13

*EXHIBITS "A" AND "B" ARE ON FILE IN THE TOWN CLERK'S OFFICE

EXHIBIT "A"
Proposed Rezoning
Mercado Mandarin
OV908-003

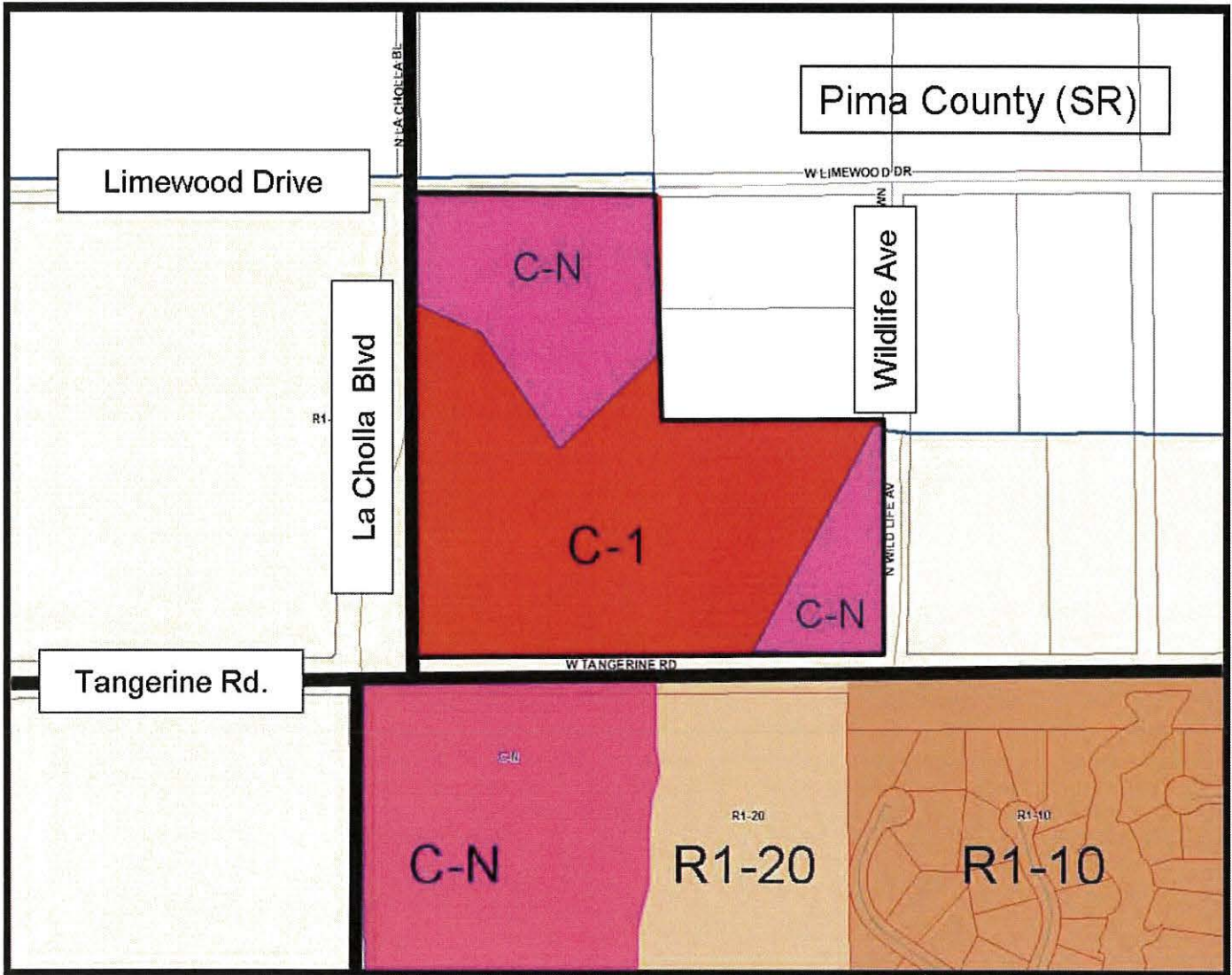


EXHIBIT "B"

**Conditions of Approval
Mercado Mandarinina Rezoning
OV908-003
November 20, 2013, Town Council**

Planning:

1. Provide a minimum 6-foot screen wall with additional vegetation, including trees, shrubs and understory plantings, along the northern property line adjacent to the proposed 14,000 square foot retail building.
2. A minimum fifty (50') foot natural open space buffer shall be provided along the northern property line adjacent to Limewood Rd.
3. No building shall be placed closer than ninety (90') feet from the Limewood Rd. right-of-way.
4. A transit stop shall be provided along the main internal drive. The exact location and design shall be approved by the Town Transit Administrator.
5. A ten (10') foot wide shared use path shall be provided along the full length of the Tangerine Rd. and La Cholla Blvd. frontages.
6. The Tentative Site Plan is illustrative only and does not constitute an approved Conceptual Site Plan.
7. The following uses shall be prohibited:
 - a. Fuel station
 - b. Assisted living and skilled nursing facilities

Engineering:

7. The southern 100 feet of the property shall be dedicated to the Town of Oro Valley for the purpose of additional public right-of-way for Tangerine Road.
8. Additional public right-of-way shall be dedicated to the Town of Oro Valley along La Cholla Blvd. to provide a minimum 150' of total public right-of-way.