

ORDINANCE NO. (O)14-09

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST BY THE WLB GROUP INC, TUCSON KOI AND WATER GARDENS WHICH IS THE 2.8 ACRES LOCATED ON THE EAST SIDE OF ORACLE ROAD, APPROXIMATELY ¼ MILE SOUTH OF MAGEE ROAD FROM R1-144 AND R-S TO C-N

WHEREAS, the WLB Group (the “Applicant”), applied for a rezoning from R1-144 and Residential Services (R-S) to Neighborhood Commercial (C-N) for an approximately 2.8 acre property located on the east side of Oracle Road approximately ¼ mile south of Magee Road. The property will be known as the Tucson Koi and Water Gardens, see map of property as depicted on Exhibit “A” attached hereto; and

WHEREAS, the subject property is traversed by a riparian corridor to be preserved as a natural open space; and

WHEREAS, the Applicant wishes to change the zoning to C-N which allows for uses which are complimentary to the surrounding residential uses; and

WHEREAS, the Applicant’s request for rezoning complies with the OVZCR; and

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

WHEREAS, on July 1, 2014, the Planning & Zoning Commission recommended approval for rezoning the property from R1-144 to R1-7 with conditions; and

WHEREAS, the Town Council has duly considered the Applicant’s request for rezoning of Tucson Koi and Water Garden’s property, which is located on the east side of Oracle Road approximately ¼ mile south of Magee Road.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the rezoning requested by the WLB Group to rezone the property, which is located on the east side of Oracle Road approximately ¼ mile south of Magee Road is hereby approved with the conditions attached hereto as Exhibit “B”.

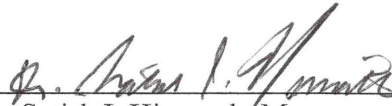
NOW THEREFORE BE IT FURTHER ORDAINED that:

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parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

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 3rd day of September, 2014.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:



Julie K. Bower, Town Clerk

Date: 9/5/14

**PUBLISH: DAILY TERRITORIAL
SEPTEMBER 8, 9, 10, 11, 2014**

APPROVED AS TO FORM:



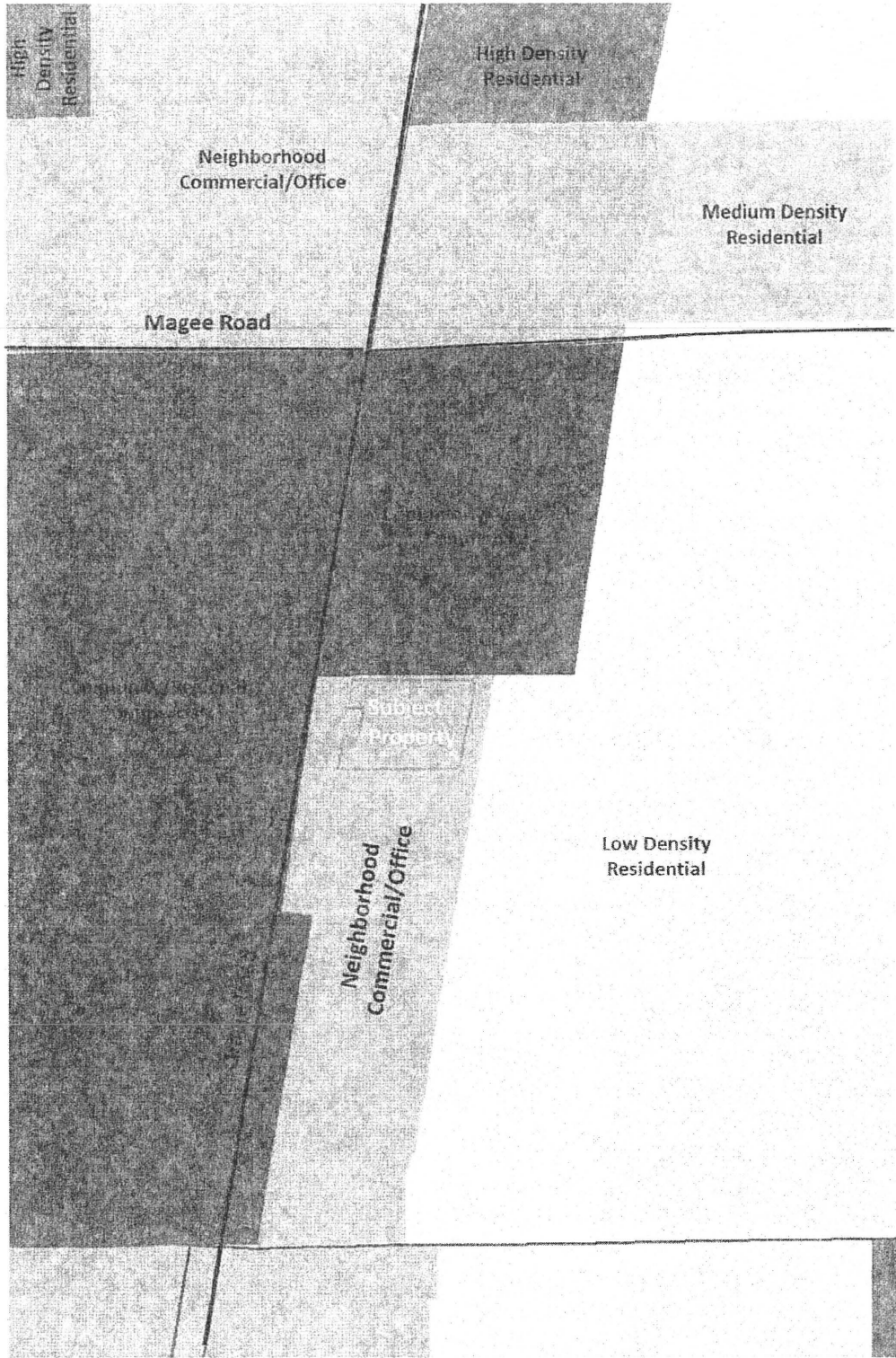
Tobin Sidles, Legal Services Director

Date: 9/4/14

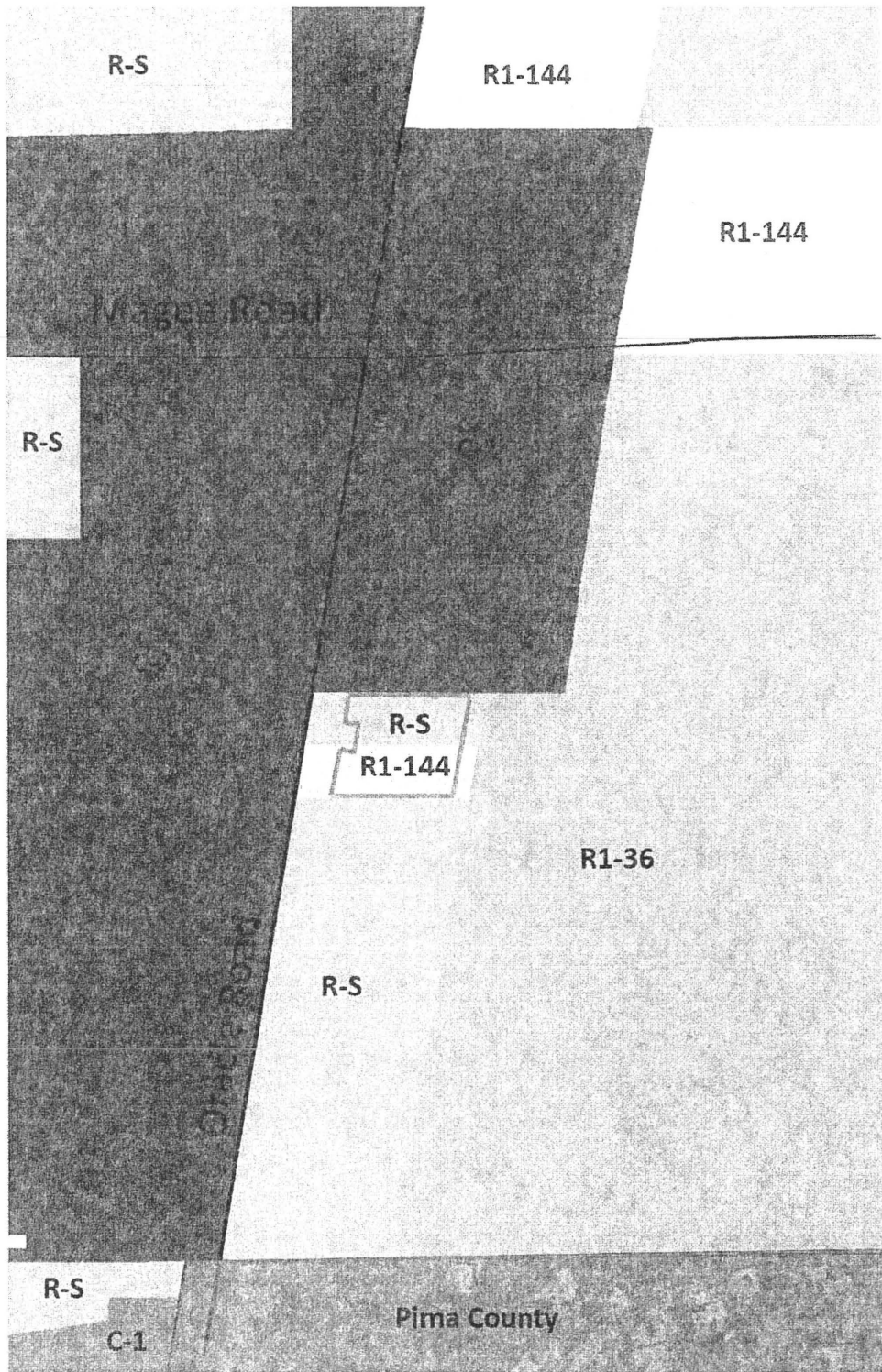
POSTED: 9/8/14 - 10/7/14

EXHIBIT "A"

MAP OF PROPERTY



GENERAL PLAN MAP
TUCSON KOI & WATER GARDENS (OV914-001)



ZONING PLAN MAP
 TUCSON KOI & WATER GARDENS (OV914-001)

EXHIBIT "B"

CONDITIONS OF APPROVAL

**Attachment 2
Conditions of Approval
Tucson Koi and Water Gardens
OV914-001
September 3, 2014, Town Council**

Planning

1. A cultural resource survey, in accordance with Section 27.10.D.3.e.v.b, must be completed prior to the approval of the Final Site Plan.
2. Relocate the proposed nursery showroom to maintain the minimum Critical Resource Area setback, per Section 27.10.F.3.b.i.b.
3. Add open space percentage to table on Tentative Development Plan.

Engineering

1. An in-lieu fee will be required for future construction of a 5' sidewalk along the Oracle Road frontage. An easement dedicated to the Town of Oro Valley will also be required for construction of the sidewalk. The fee and easement will need to be in place prior to issuance of a Certificate of Occupancy. The fee shall be held for a period of time not to exceed ten (10) years, after which, if the sidewalk has not been constructed, the in-lieu fee shall be returned to the applicant. (*Town Subdivision Street Standards: Sec 6.3.2*)
2. Revise the Tentative Development Plan to incorporate adequate off-street maneuvering area. (*Zoning Code: Sec. 27.7.H and 27.8.C*)
3. The sidewalk that is adjacent to the head in parking will be obstructed by the vehicle overhang from the parking space. Revise the TDP to incorporate an increased sidewalk width. (*Zoning Code: Sec. 27.7.H*)
4. Correct text to remove the language about providing a secondary access to the office complex to the south on page 27 of the Site Analysis.