

**ORDINANCE NO. (O)15-02**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,  
APPROVING A REZONING REQUEST BY PAUL OLAND OF  
WLB GROUP, INC, FOR A 149 ACRE PROPERTY ON THE  
SOUTHEAST CORNER OF TANGERINE ROAD AND FIRST  
AVENUE, ALSO KNOWN AS KAI-NORTH, FROM R1-144 TO R1-  
7 AND C-1**

**WHEREAS**, Paul Oland of the WLB Group, Inc., (the "Applicant"), applied for a rezoning from R1-144 to R1-7 and C-1 for approximately 149 acres located on the southeast corner of Tangerine Road and First Avenue, see map of property as depicted on Exhibit "A" attached hereto; and

**WHEREAS**, the subject property lies within the area known as Kai-Capri and has Special Area Policies that were established in the General Plan; 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 December 2, 2014, the Planning & Zoning Commission recommended approval for rezoning the property from R1-144 to R1-7 and C-1 for approximately 149 acres located on the southeast corner of Tangerine Road and First Avenue with conditions; and

**WHEREAS**, the Town Council has duly considered the Applicant's request for rezoning of 149 acres located on the southeast corner of Tangerine Road and First Avenue.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Town of Oro Valley, Arizona that the rezoning requested by Paul Oland of the WLB Group, Inc., (the "Applicant"), applied for a rezoning from R1-144 to R1-7 and C-1 for approximately 149 acres located on the southeast corner of Tangerine Road and First Avenue 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parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.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 21<sup>st</sup> day of January, 2015.

**TOWN OF ORO VALLEY**

  
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Dr. Satish I. Hiremath, Mayor

**ATTEST:**

  
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Julie K. Bower, Town Clerk

Date: 1/23/15

PUBLISH: DAILY TERRITORIAL  
JANUARY 27, 28, 29, 30, 2015

**APPROVED AS TO FORM:**

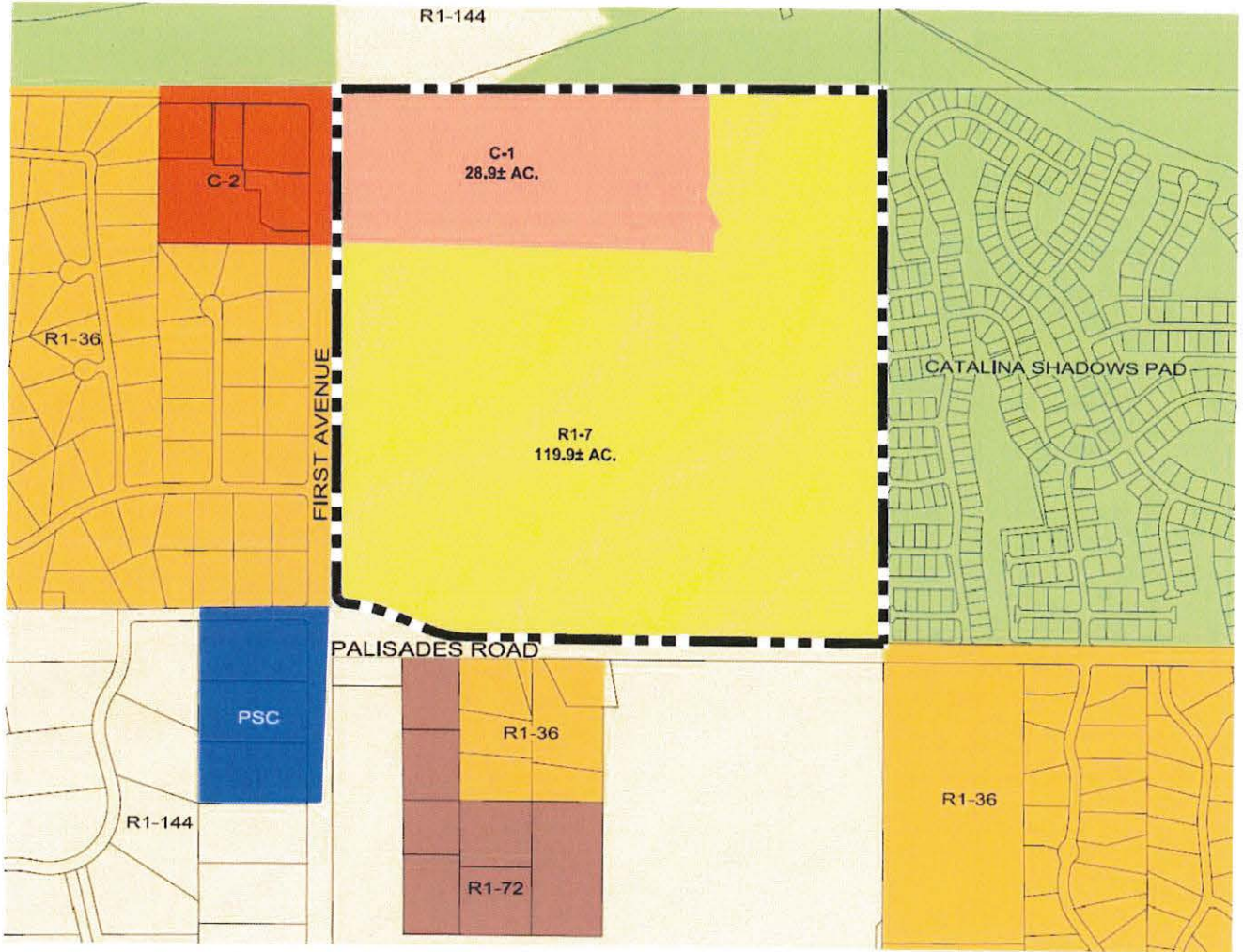
  
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Tobin Sidles, Legal Services Director

Date: 1/22/15

POSTED: 1/27/15 - 2/27/15

EXHIBIT "A"

MAP OF PROPERTY



## EXHIBIT "B"

### CONDITIONS OF APPROVAL

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#### *Planning Conditions*

1. All Kai-Capri Special Area Policies to be included as General Notes on Final Plat (Residential) and Final Site Plan (Commercial).
2. Indicate proposed setbacks for both residential and commercial. Commercial setbacks are as follows:
  - a. Front: 20 feet
  - b. Side: 50 feet or 3:1 (setback to building height ratio), whichever is greater
  - c. Rear: 50 feet or 3:1 (setback to building height ratio), whichever is greater
3. A minimum 15' buffer yard Type "B" is required along the eastern edge of the proposed commercial, per Table 27-7.
4. Homes on lots 5 through 12 are limited to one-story.
5. The following Environmentally Sensitive Lands Flexible Design Options are applicable:
  - a. Building Setback: Building setback reduction to no less than a five (5') foot side setback and no less than a ten (10') foot front setback so long as it doesn't result in an on-lot driveway of less than twenty (20') feet.
  - b. Landscape Buffer Yard: a reduction of no less than ten (10') feet. Not allowed along street frontages and adjacent to any existing and proposed residential.
  - c. Minimum lot size: A minimum lot size reduction to 5,500 square feet in accordance with the Conservation Subdivision Design lot reduction incentive.
  - d. Off-street parking modification: A modification for future development in accordance with Section 27.7.C.2 (Alternative Parking Ratio) of the Zoning Code.
  - e. Building Height: A building height increase from eighteen (18') feet to twenty (20') feet for *pitched roof* residential within 200 feet of North First Avenue, or within 150 feet of Palisades Road or existing development.
  - f. Recreation Area Credit: Active and Passive recreation area count towards the overall ESOS requirement.
  - g. Native Plant Preservation: the native plant salvage and mitigation requirements of Section 27.6 are waived for all development within development envelopes.

6. The rezoning shall not become effective until a Cultural Resources treatment plan is approved by the Planning and Zoning Administrator in accordance with Section 27.10.D.3.e. If the treatment plan requires a significant change to the Tentative Development Plan, reconsideration of the rezoning by Town Council will be required.

#### *Engineering Comments*

1. A multi-use path will be required to be constructed along the project's frontage with Palisades Road. The path is to be constructed during construction of the applicant's project to the south of Palisades Road or with this project, whichever is built first. This will fulfill the requirement for a sidewalk or multi-use path for both projects along the Palisades Road frontage.
2. When the commercial area is developed, appropriate traffic mitigation measures shall be implemented so the project drive located at the Oro Valley Retail Center intersection operates at an acceptable level of service with the addition of the commercial traffic.

#### *Parks and Recreation Conditions*

1. All trails to be dedicated as "non-vehicular permanent public recreation easements"