

ORDINANCE NO. (O)16-04

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST BY THE WLB GROUP, INC, FOR A 141 ACRE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF LAMBERT LANE AND LA CHOLLA BOULEVARD TO BE REZONED FROM R1-144 TO R1-43 AND USE OF THE MINIMUM LOT SIZE AND BUILDING HEIGHT FLEXIBLE DESIGN OPTIONS

WHEREAS, the WLB Group, Inc., (the “Applicant”), applied for a rezoning from R1-144 to R1-43 for a property located near the southeast corner of Lambert Lane and La Cholla Boulevard; and

WHEREAS, the gross site of the proposed rezoning is 141 acres; 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 to R1-43 to develop 91 single-family homes with a minimum lot size of 10,000 square feet; and

WHEREAS, the Application also requests two flexible design options enabled by the Environmentally Sensitive Lands regulations: 1) minimum lot size of 10,000 square feet 2) increased building heights from 18 feet to 20 feet for 1-story homes and from 18 feet to 28 feet for 2-story homes;; 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 February 2, 2016, the Planning & Zoning Commission recommended approval subject to conditions for rezoning the property from R1-144 to R1-43 and two flexible design options with conditions; and

WHEREAS, the Town Council has duly considered the Applicant’s request for rezoning of for a 141 acre property located on the southeast corner of Lambert Lane and La Cholla Blvd.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the rezoning requested as described in Exhibit “A” and depicted in Exhibit “B” by Paul Oland of WLB Group, Inc., (the “Applicant”), applied for a rezoning and requested flexible design options for the property located near the southeast corner of Lambert Lane and La Cholla Blvd is hereby approved with the conditions attached hereto as Exhibit “C”.

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parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.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 4th day of May, 2016.

TOWN OF ORO VALLEY

ACTING Mayor Low Waters
FOR Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower
Julie K. Bower, Town Clerk

Tobin Sidles
Tobin Sidles, Legal Services Director

Date: 5/12/16

Date: 5/12/2016

PUBLISH: DAILY TERRITORIAL
MAY 12, 13, 16, 17, 2016

POSTED: 5/12/16 - 6/12/16

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

ALL of the Northwest Quarter of Section 15, Township 12 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona.

EXCEPT the North 75.00 feet and the West 30.00 feet thereof.

AND FURTHER EXCEPTING the following described parcel:

COMMENCING at the Northwest corner of said Section 15, from which the North quarter corner of said Section 15 bears N 89°23'46" W (Basis of Bearings) a distance of 2635.70 feet as shown on the Record of Survey recorded in Book 69, Page 4, Pima County Records;

THENCE N 89°23'46" W, along the North line of said Northwest quarter of said Section 15, a distance of 442.94 feet;

THENCE leaving said North line, S 00°06'14" E, a distance of 75.00 feet to the **POINT OF BEGINNING**;

THENCE S 03°47'03" W, a distance of 41.04 feet;

THENCE S 10°42'39" E a distance of 161.18 feet;

THENCE S 07°39'08" E, a distance of 98.87 feet;

THENCE S 06°57'06" E, a distance of 112.01 feet;

THENCE S 02°01'12" W, a distance of 80.84 feet;

THENCE S 23°15'19" W, a distance of 164.58 feet;

THENCE S 40°32'25" W, a distance of 86.34 feet;

THENCE S 44°13'17" W, a distance of 78.16 feet;

THENCE S 40°33'26" W, a distance of 101.11 feet;

THENCE S 35°50'26" W, a distance of 76.00 feet;

THENCE S 43°09'21" W, a distance of 128.34 feet;

THENCE S 39°33'40" W, a distance of 124.48 feet to a point on the East right-of-way line of La Cholla Boulevard;

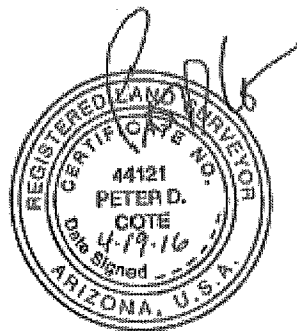
THENCE N 00°35'15" W, along said East line, a distance of 1085.86 feet to the South right-of-way line of Lambert Lane;

THENCE N 89°23'46" E, along said South line, a distance of 412.96 feet to the POINT OF BEGINNING.

Prepared by:

THE WLB GROUP, INC.

Peter D. Cote, RLS 44121



EXPIRES 3-31-2018

EXHIBIT "B"

MAP OF PROPERTY

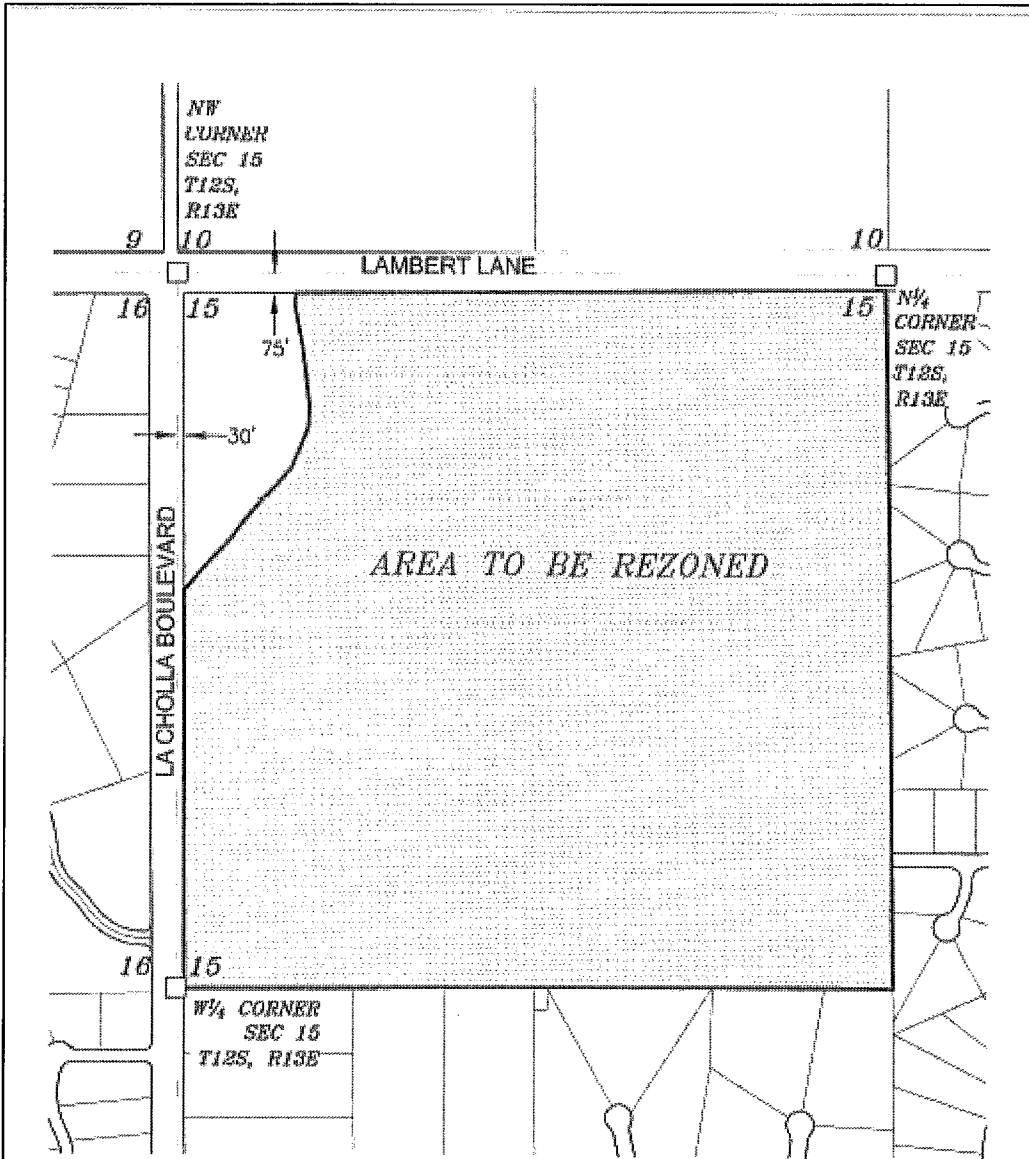


EXHIBIT TO ACCOMPANY DESCRIPTION OF
REZONING BOUNDARY

NORTHWEST QUARTER OF
SECTION 15, T-12S, R-12E, G.S.R.M.,
PIMA COUNTY, ARIZONA

WLB No. *****-1-***
N:*****.dwg



EXHIBIT "C"

CONDITIONS OF APPROVAL

Planning

1. The roadway crossing over the Lomas de Oro wash shall be designed to be a wildlife permeable bridge that does not impede wildlife movement within the wash.
2. The following General Notes listed on the Tentative Development Plan are conditions of approval:
 - a. Maximum number of lots: 91
 - b. Minimum lot size: 10,000 sq. ft.
 - c. Maximum number of 10,000 sq. ft. minimum lot size lots: 18
 - d. Minimum number of ½-acre minimum lot size lots: 73
 - e. Internal building setbacks
 - i. Front: 10 feet (minimum 20 feet for vehicle parking)
 - ii. Side: 7.5 feet
 - iii. Rear: 20 feet
 - f. Maximum building height
 - i. 1-story: 20 feet
 - ii. 2-story: 28 feet
 - g. Minimum percent of open space/common area: 75%
 - h. Minimum percent of Environmentally Sensitive Open Space: 71%
 - i. Corner lots restricted to single-story
 - j. No more than two 2-story homes shall be located side-by-side on the same street
 - k. Oro Valley Trail #161 will be protected as a non-motorized public access trail easement
 - l. No roadway connections will be allowed between this development and the Rancho Feliz neighborhood to the east
3. All proposed drainage basins to be landscaped to reduce the visibility of the disturbed areas.
4. The off-line drainage basin adjacent to the Critical Resource Area, must be thoroughly landscaped around the perimeter and internally, to reduce the visibility of the disturbed area.
5. Lots restricted to single-story are depicted on the Tentative Development Plan dated 5.10.2016.

Engineering

6. In accordance with Section 11.3.11 of the Town of Oro Valley Drainage Criteria Manual, the applicant shall reduce the post-development outflow of drainage from the Lomas de Oro and Canyon Shadows Washes, or provide other means as approved by the Town Engineer, to improve the existing drainage within the downstream area. The reduction shall be to an amount that has the effect of making existing residential structures located on immediately adjacent downstream properties, as shown on the Tentative Development Plan, eligible to be removed from the Town and FEMA floodplain.
 - a. The regional on-site detention depicted on the Tentative Development Plan and discussed in the Site Analysis shall be designed and constructed so that the existing 100-year Lomas de Oro Wash peak flow is reduced by 10% where it exits the project's southern boundary. Furthermore, the basin shall be dedicated by the developer to the Town of Oro Valley upon successful inspection and acceptance by the Town Engineer and prior to the release of building permits.
 - b. If the applicant is unable to construct the proposed off-site improvements depicted on the Tentative Development Plan and discussed in the Site Analysis, an on-site solution must be established and approved by the Town Engineer.
7. All critical drainage elements designed to protect downstream property owners must be in place by the onset of grading activities, as approved by the Town Engineer. The basins are to be in place and functional at the beginning of project construction to capture runoff and improve downstream conditions.
8. The applicant shall dedicate 55' of new right-of-way along the property's La Cholla Boulevard frontage.
9. The applicant shall provide a 30' easement along a portion of the new La Cholla Boulevard right-of-way for drainage improvements.
10. The applicant shall construct a controlled access intersection (e.g. right-in/out) or make other necessary improvements for safe sight visibility at the La Cholla access drive location as approved by the Town Engineer if this project is constructed prior to the La Cholla Boulevard widening project.
11. The applicant shall construct a multi-use path the length of the property's frontage along the south side of Lambert Lane.