

**AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
October 19, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 P.M.

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION AT OR AFTER 5:00 P.M.

Pursuant to ARS 38-431.03(A)(7) - for discussion and consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the lease of real property.

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

ORDER OF BUSINESS: MAYOR WILL REVIEW THE ORDER OF THE MEETING

The Mayor and Council may consider and/or take action on the items listed below.

INFORMATIONAL ITEMS

1. Police Department Appreciation Letter(s)

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

PRESENTATIONS

1. Presentation from the Pima County Teen Court to Judge George Dunscomb and the Oro Valley Magistrate Court

**CONSENT AGENDA
(Consideration and/or possible action)**

- A. Police Department August 2011 Statistics
- B. Appointment of Paul Jungen (primary) and Phil Trenary (alternate) to the Pima County Regional Flood Control District Advisory Committee
- C. Resolution No. (R)11-67, Authorizing and approving an Intergovernmental Agreement between the Town of Oro Valley and the Pima County Recorder to provide election services for the March 13, 2012 Primary Election and the May 15, 2012 General Election
- D. Request for approval of a two-year extension of the Development Plan for Chop House Restaurant, Lot 3, Mercado del Rio subdivision, on the north side of E. Pusch View Lane between E. Lambert Lane and Oracle Road

REGULAR AGENDA

1. PUBLIC HEARING: ORDINANCE NO. (O)11-27, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT BY ADDING SPECIAL AREA POLICY 13 TO NEIGHBORHOOD POLICIES FOR NEIGHBORHOOD 7, LOCATED AT THE NORTHWEST CORNER OF RANCHO VISTOSO BLVD. AND TANGERINE ROAD

FUTURE AGENDA ITEMS (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H).

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

ADJOURNMENT

POSTED: 10/12/11 at 5:00 p.m. by tlg

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the Town Clerk's Office between the hours of 8:00 a.m. – 5:00 p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

INSTRUCTIONS TO SPEAKERS

Members of the public have the right to speak during any posted public hearing. However, those items not listed as a public hearing are for consideration and action by the Town Council during the course of their business meeting. Members of the public may be allowed to speak on these topics at the discretion of the Mayor.

If you wish to address the Town Council on any item(s) on this agenda, please complete a speaker card located on the Agenda table at the back of the room and give it to the Town Clerk. **Please indicate on the speaker card which item number and topic you wish to speak on, or if you wish to speak during “Call to Audience”, please specify what you wish to discuss when completing the blue speaker card.**

Please step forward to the podium when the Mayor announces the item(s) on the agenda which you are interested in addressing.

1. For the record, please state your name and whether or not you are a Town resident.
2. Speak only on the issue currently being discussed by Council. Please organize your speech, you will only be allowed to address the Council once regarding the topic being discussed.
3. Please limit your comments to 3 minutes.
4. During “Call to Audience” you may address the Council on any issue you wish.
5. Any member of the public speaking must speak in a courteous and respectful manner to those present.

Thank you for your cooperation.



Town Council Regular Session

Item # 1.

Meeting Date: 10/19/2011

Submitted By: Catherine Hendrix, Police
Department

Information

Subject

Police Department Appreciation Letter(s)

Attachments

October Appreciation Letter



OFFICE OF THE SHERIFF
Joseph Dedman, Jr., Sheriff
Apache County, Arizona



September 8, 2011

Chief Deputy
Brannon R. Eagar

District 1 & 2
Cmdr. Webb Hogle

District 3 & 4
Cmdr. Roscoe Herrera

Detention
Cmdr. Matrese Avila

ACCENT
Cmdr. James Womack

Oro Valley Police Dept
Chief Daniel G. Sharp
11000 N. La Canada Drive
Oro Valley, AZ 85737

Dear Chief Sharp:

On behalf of Apache County Sheriff's Office, we would like to express our sincere gratitude for you and your departments support during the Wallow Fire.

The Apache County Sheriff's Office knew it would need help with this enormous event and started calling our friends and neighbors to assist us. Without hesitation you sent to our aide officers that responded immediately to our needs. The response was so over whelming that we had to ask some agencies to hold back personnel until we could schedule them in.

Apache County experienced a tragic event that will forever change our County. The Wallow Fire, now known as the largest wildfire in the State of Arizona burned over 538,049 acres. It is with our deepest gratitude the Apache County Sheriff's Office extends to you and your office a heartfelt thank you.

Sincerely,

Joseph Dedman, Jr.
Apache County Sheriff

Brannon Eagar
Chief Deputy
Apache County Sheriff's Office

Sheriff
JOSEPH DEDMAN, Jr.
P.O. Box 518
370 S. Washington
St. Johns, AZ 85936
PHONE: (928) 337-4321
FAX: (928) 337-2709

Received by
OCT 06 2011
Oro Valley Police Dept.



Town Council Regular Session

Item # 1.

Meeting Date: 10/19/2011

Requested by: Pima County Teen Court

Submitted By:

Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Presentation from the Pima County Teen Court to Judge George Dunscomb and the Oro Valley Magistrate Court

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Adelita Grijalva, Associate Director of the Pima County Teen Court is presenting an award to Judge Dunscomb and the Magistrate Court in appreciation of Oro Valley's support of the Teen Court.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A



Town Council Regular Session

Meeting Date: 10/19/2011

Requested by: Daniel G. Sharp

Item # A.

Submitted By:

Catherine Hendrix, Police
Department

Information

SUBJECT:

Police Department August 2011 Statistics

Attachments

August 2011 Statistics

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	11237	1389	1407	1498	1327	1391	1268	1416	1541				
Commercial Veh Enforcement	185	23	27	2	22	25	40	16	30				
Residential Burglaries****	62	3	4	9	6	5	6	10	19				
Non-Residential Burglaries****	13	0	1	0	4	2	5	1	0				
All Burglary Attempts****	11	2	1	2	0	1	0	2	3				
Thefts	393	69	37	50	41	52	43	49	52				
Vehicle Thefts****	22	4	4	2	3	1	1	4	3				
Recovered Stolen Vehicles****	4	2	0	0	0	0	1	1	0				
Attempted Vehicle Thefts****	3	0	0	0	1	0	0	0	2				
DUI	115	13	11	20	8	19	15	15	14				
Liquor Laws	41	5	4	2	5	7	5	4	9				
Drug Offenses	116	18	18	14	18	14	10	8	16				
Homicides	1	0	0	0	0	0	0	0	1				
Robbery	5	0	0	1	1	1	2	0	0				
Assault	102	6	13	16	16	8	11	12	20				
Total Arrests***	1214	171	149	151	161	163	131	158	130				
Assigned Cases	550	58	87	80	58	50	67	61	89				
Alarms (Residential)	556	47	65	57	63	72	74	97	81				
Alarms (Business)	311	38	30	33	23	35	28	76	48				
K9 Searches	185	37	14	24	0	16	27	33	34				
First Aid Calls	1703	189	235	230	230	218	173	200	228				
Accidents	336	54	39	39	48	35	40	31	50				
Citations (Traffic)**	2308	436	308	283	269	308	308	396	**				
Warnings	3302	515	368	338	271	447	408	472	483				
Repair Orders	503	60	103	27	77	73	51	60	52				
Public Assists*	1166	115	183	188	153	182	95	94	156				
Reserve Man Hours	0	0	0	0	0	0	0	0	0				
Dark House Checks*	11492	1027	1460	1062	935	1565	1447	1937	2059				
Drug Task Force Arrest	55	9	8	19	16	2	1	0	0				
CVAP Dark House Cks	6024	176	683	291	410	945	826	1298	1395				
CVAP Public Assists	435	52	83	62	52	82	31	39	34				
CVAP Total Hours	9197	1010	1820	1245	1024.5	1095	855	989	1158.5				

(Arrest stats updated for the year 7/19/10)

* Total Includes CVAP

** Traffic data delayed 30 days due to data entry backlog

*** As of 1/1/09, "Total Arrests" are compiled through the Spillman database and include all cite and release arrests along with all physical arrests. Based on further investigation, actual classifications may change resulting in small variances of case counts.

**** As of August 2010, Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts and Stolen Vehicle Recoveries have been separated from total counts.

	Jan-Aug 2009	Jan-Aug 2010	Jan-Aug 2011		August 2009	August 2010	August 2011
Total Calls	11213	11473	11237		1464	1527	1541
Commercial Veh Enforcement	##	79	185		##	3	30
Residential Burglaries	52	36	62		8	6	19
Non-Residential Burglaries****	9	15	13		1	1	0
All Burglary Attempts****	10	4	11		3	0	3
Thefts	354	419	393		49	70	52
Vehicle Thefts	14	20	22		2	4	3
Recovered Stolen Vehicles****	7	5	4		2	1	0
Attempted Vehicle Theft****	2	5	3		0	0	2
DUI	173	149	115		25	17	14
Liquor Laws	49	32	41		8	5	9
Drug Offenses	128	116	116		15	12	16
Homicides	0	0	1		0	0	1
Robbery	2	5	5		0	2	0
Assault	81	82	102		15	16	20
Total Arrests***	1676	1364	1214		202	175	130
Assigned Cases	517	490	550		61	71	89
Alarms (Residential)	654	608	556		78	81	81
Alarms (Business)	277	356	311		48	43	48
K9 Searches	184	179	185		23	20	34
First Aid Calls	1604	1584	1703		213	209	228
Accidents	365	315	336		39	39	50
Citations (Traffic)**	5646	4517	**		576	623	**
Warnings	4802	4479	3302		681	590	483
Repair Orders	720	840	503		138	96	52
Public Assists*	1412	1550	1166		204	250	156
Reserve Man Hours	1759.5	917	0		250.5	81.5	0
Dark House Checks*	8762	11015	11492		1618	2684	2059
Drug Task Force Arrest	284	86	55		19	8	0
CVAP Dark House Cks	4478	7049	6024		1102	1925	1395
CVAP Public Assists	512	632	435		102	90	34
CVAP Total Hours	9187	11723	9197		1130	1727.5	1158.5

New Category as of 1/1/10

Note: Drug Task Force Arrests do not include Gang Task Force or JTTF arrests

Note: Citation counts adjusted to the correct monthly stat column for months Feb-Mar-Apr

* Totals include CVAP

** Traffic data delayed 30 days due to data entry backlog

*** As of 1/1/09, "Total Arrests" are compiled through the Spillman database and include all cite and release arrests along with all physical arrests. The "Total Arrests" line has been updated through this Spillman database method for previous years for comparison.

**** As of August 2010, Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts have and Stolen Vehicle Recoveries have been separated from total counts.

ORO VALLEY POLICE DEPARTMENT MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION

Citations 2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	257	57	14	19	4	31	42	90					
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	2	1	0	0	0	1	0	0					
INSURANCE VIOLATION	498	96	69	51	47	69	76	90					
REGISTRATION VIOLATION	291	68	41	30	37	32	47	36					
DRIVERS LICENSE VIOLATION	252	48	36	34	25	33	33	43					
DUI	101	13	11	20	8	19	15	15					
RECKLESS/AGGRESSIVE DRIVING	8	1	2	1	0	2	0	2					
SPEEDING	680	126	78	85	100	79	81	131					
LANE VIOLATIONS	104	13	18	16	16	14	14	13					
RED LIGHT	69	18	9	8	2	13	8	11					
STOP SIGN	31	10	3	1	4	4	4	5					
FAILURE TO YIELD	55	9	6	7	8	11	5	9					
SEATBELT VIOLATION	41	9	9	6	5	5	3	4					
CHILD RESTRAINT	5	0	0	2	0	1	2	0					
EQUIPMENT VIOLATIONS	46	2	11	6	7	5	4	11					
PARKING	13	6	0	1	0	1	1	4					
LITTERING	13	1	3	1	1	3	2	2					
ALL OTHER CITATIONS	99	15	12	14	9	16	13	20					
Total Citations	2308	436	308	283	269	308	308	396					

Based on further investigation and updating of information, actual classifications may change resulting in small variances in counts.

**ORO VALLEY POLICE DEPARTMENT
AUGUST 2011**

Priority 1		
	# of calls	%
Dispatch Time < 1 minute	21	88%
> 1 minute	3	13%
Travel Time < 4 minutes	18	75%
> 4 minutes	6	25%
Total Response Time		
< 5 minutes	20	83%
> 5 minutes	4	17%
Total Calls	24	

Priority 2		
	# of calls	%
Dispatch Time < 2 minute	74	99%
> 2 minute	1	1%
Travel Time < 6 minutes	66	88%
> 6 minutes	9	12%
Total Response Time		
< 8 minutes	73	97%
> 8 minutes	2	3%
Total Calls	75	

Priority 3		
	# of calls	%
Dispatch Time < 5 minute	337	99%
> 5 minute	4	1%
Travel Time < 10 minutes	315	92%
> 10 minutes	26	8%
Total Response Time		
< 15 minutes	332	97%
> 15 minutes	9	3%
Total Calls	341	

Priority 4		
	# of calls	%
Dispatch Time < 10 minute	853	98%
> 10 minute	16	2%
Travel Time < 20 minutes	845	97%
> 20 minutes	24	3%
Total Response Time		
< 30 minutes	852	98%
> 30 minutes	17	2%
Total Calls	869	



Town Council Regular Session

Item # B.

Meeting Date: 10/19/2011

Requested by: Paul Keesler

Submitted By:

Paul Jungen, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Appointment of Paul Jungen (primary) and Phil Trenary (alternate) to the Pima County Regional Flood Control District Advisory Committee

RECOMMENDATION:

Staff recommends appointment of Paul Jungen (primary) and Phil Trenary (alternate) to the Pima County Regional Flood Control District Advisory Committee.

EXECUTIVE SUMMARY:

In April 2008, Mayor and Council appointed Mr. Dave Parker, Storm Water Manager, as the primary Oro Valley representative to the Pima County Flood Control District Advisory Committee and Mr. Phil Trenary, Operations Division Manager, as the alternate. Since Mr. Parker resigned from his position in June 2011, it is necessary for the Council to appoint new members to the Advisory Committee.

The Advisory Committee is comprised of representatives of the respective jurisdictions in Pima County. Committee members advise and make recommendations to the Pima County Regional Flood Control District Board of Directors (Board of Supervisors). Committee members and their alternates representing incorporated jurisdictions have no set term but are subject to appropriate Town Council action.

Staff recommends that Mr. Paul Jungen, Storm Water Manager, be appointed primary Oro Valley Representative and Mr. Phil Trenary, Operations Division Manager, be appointed as alternate.

BACKGROUND OR DETAILED INFORMATION:

NA

FISCAL IMPACT:

NA

SUGGESTED MOTION:

I MOVE to appoint Mr. Paul Jungen as the primary and Mr. Phil Trenary as the alternate Town of Oro Valley representatives on the Pima County Regional Flood Control District Advisory Committee.



Town Council Regular Session

Item # C.

Meeting Date: 10/19/2011

Requested by: Town Clerk

Submitted By:

Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Resolution No. (R)11-67, Authorizing and approving an Intergovernmental Agreement between the Town of Oro Valley and the Pima County Recorder to provide election services for the March 13, 2012 Primary Election and the May 15, 2012 General Election

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The attached resolution authorizes and approves an IGA between the Town and Pima County for the County Recorder to provide election services for the Town's March 13, 2012 Primary Election and the May 15, 2012 General Election.

BACKGROUND OR DETAILED INFORMATION:

ARS § 16-408(D) permits the governing body to enter into an agreement with the County Board of Supervisors and Recorder for election services.

FISCAL IMPACT:

\$110,000 has been budgeted for the 2012 mail ballot primary and general elections in the General Fund, the Town Clerk's department budget - Elections.

SUGGESTED MOTION:

I MOVE to adopt Resolution No. (R)11-67, Authorizing and approving an Intergovernmental Agreement between the Town of Oro Valley and the Pima County Recorder to provide election services for the March 13, 2012 Primary Election and the May 15, 2012 General Election

Attachments

Reso 11-67

IGA for election services

RESOLUTION NO. (R)11-67

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND PIMA COUNTY FOR ELECTION SERVICES

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, Pima County is authorized under Arizona Revised Statutes, Sections 16-205(C), 16-408(D), 16-450, 11-251(3) and 11-951 *et. seq.* to perform services for any political subdivision regarding elections; and

WHEREAS, the Town of Oro Valley, Arizona is authorized under Arizona Revised Statutes, Title 9, Title 11 and Title 16 to call for elections; and

WHEREAS, Pima County and the Town of Oro Valley have determined that the use by the Town of Oro Valley of the services of the Pima County Recorder for the conduct of elections is in the public interest and Pima County has agreed to provide said services.

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

1. The Intergovernmental Agreement, attached hereto as Exhibit "A", between the Town of Oro Valley, Arizona and Pima County for Election Services is hereby approved.
2. The Mayor of the Town of Oro Valley and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Intergovernmental Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 19th day of October, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT “A”

PIMA COUNTY RECORDER 2012 ELECTION SERVICES WITH THE TOWN OF ORO VALLEY ESTIMATED INCOME: \$55,000.00* FUNDING: The Town of Oro Valley * estimated for each election within this IGA	 (STAMP HERE)
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INTERGOVERNMENTAL AGREEMENT

For Election Services
Among The Town of Oro Valley and Pima County

This Intergovernmental Agreement (IGA) is by and among THE TOWN OF ORO VALLEY OF PIMA COUNTY, ARIZONA, a municipal subdivision of the State of Arizona ("the TOWN") and PIMA COUNTY, a political subdivision of the State of Arizona ("the County"), on behalf of the PIMA COUNTY RECORDER ("the Recorder").

RECITALS

1. The Town, pursuant to A.R.S. §§ 9-231(A) and 16-409 will prepare for and conduct two All Ballot-by-Mail only elections: a Primary Election to be held on March 13, 2012; and a General Election to be held on May 15, 2012 if necessary for members of its common council.
2. A.R.S. §§16-205(C), 16-172, 11-251(3), 16-450, and 16-405 *et seq.* authorize the County to perform services for any political subdivision regarding elections.
3. A.R.S. §16-172 authorizes any political subdivision conducting elections to utilize the County registration rolls upon reimbursement to the Recorder for actual expenses in furnishing voter registration data to the subdivision.
4. A.R.S. §16-408(D) permits the governing body of any election district authorized to conduct an election to enter into an Agreement with the Board of Supervisors and Recorder for election services, with the contracted cost being a charge against the election district.
5. The parties are authorized to enter into an intergovernmental agreement pursuant to A.R.S. §11-952 *et seq.*
6. The TOWN desires to utilize the Pima County registration rolls and other election-related services provided by the Recorder for the Primary Election to be held on March 13, 2012 and a General Election to be held on May 15, 2012 for members of its common council.
7. The TOWN, the County and the Recorder have determined that it is in the best interest of the public for the TOWN to use the services of the Recorder in conducting the elections called for March 13, 2012 and May 15, 2012.

NOW, THEREFORE, the parties hereto agree as follows:

The purpose of this IGA is to set forth the duties and responsibilities of the Recorder and the TOWN with respect to the March 13, 2012 and May 15, 2012 elections to be held by the TOWN of Oro Valley.

ARTICLE I - TERM AND EXTENSION/RENEWAL/CHANGES

The term of this IGA shall be from February 1, 2012 through completion of all obligations and activities associated with the March 13, 2012 and May 15, 2012 All Ballot-By-Mail elections contemplated by this IGA, provided that the term shall continue through final resolution of any legal challenge to the election. Any modifications or time extension of this IGA shall be by formal written amendment and executed by the parties. Amendments to the Agreement must be approved by the Board of Supervisors as required by the Pima County Procurement code, before any work or deliveries under the Amendment commences.

ARTICLE II – SCOPE OF SERVICES

This Agreement establishes the agreement under which the County will provide the TOWN with Election services in accordance with the following:

County Recorder Services: The Recorder shall:

- (1) Mail ballots on February 16, 2012 for the March 13, 2012 Primary Election; and on April 19, 2012 for the May 15, 2012 General Election to all actively registered voters within the Town in compliance with A.R.S. §16-558.01. The Town will pay return postage for all voted ballots. Any materials to be included with the mailed ballots shall be provided to the Recorder's office no later than February 9, 2012 for the March 13, 2012 Primary Election; and no later than April 12, 2012 for the May 15, 2012 General Election.
- (2) Provide replacement ballots as required after February 16, 2012 for the March 13, 2012 Primary Election and after April 19, 2012 for the May 15, 2012 General Election until 7:00 p.m. on the actual election days, pursuant to the provisions of A.R.S. §16-558.02.
- (3) Provide sufficient ballots, equipment, materials and training to the Town staff to utilize an online voter computer system to allow the Town Clerk to issue replacement ballots and accept voted ballots at the Town Clerk's office located at 11000 N La Cañada Drive in Oro Valley, AZ.
- (4) Provide Deputy County Recorders for team early voting when necessary and give the TOWN notice of each request for team early voting.
- (5) Prepare and deliver a single invoice to the TOWN no later than 21 days after the final election date, containing a detailed breakdown of all Recorder costs for these elections.

TOWN Obligations. TOWN shall:

- (1) Notify the Recorder in writing, at least 120 days or at such other time as the parties may agree before any consolidated election date on which the TOWN wants services pursuant to this IGA, detailing the election-related services pursuant to this IGA.
- (2) Make all submissions required under Section 5 of the Voting Rights Act to the Department of Justice and provide timely notice to County of any pre-clearances required under Section 5 of the Voting Rights Act.
- (3) Prepare and distribute any requisite translation, printing, and mailing of all publicity pamphlets.

- (4) Should the election be challenged or questioned for any reason whatsoever, then the TOWN shall be solely responsible for defending, legally or otherwise, said elections. This duty shall survive the expiration of the IGA, provided that the County shall cooperate with the TOWN in making relevant information and witnesses available upon reasonable request.
- (5) Within 30 days of the date of each invoice, the TOWN shall reimburse the County, in full, for invoiced costs of election materials, supplies and equipment, and personnel required in direct support of the TOWN election, as set forth below.
- (6) Be responsible for the security of all ballots tabulated by officials and vendors other than Pima County's agents or employees and ensure that any functions performed by TOWN or its outside vendors comply with applicable law and procedures of the Secretary of State.
- (7) Furnish office space and staff to issue replacement ballots at the Town Offices and to accept voted ballots until 7:00 p.m. on the election days. The Town staff will notify the Recorder prior to delivery of any replacement ballots to any voter.
- (8) Arrange for and publish any and all notices of this election as required by law.
- (9) Prepare and timely submit the report required by A.R.S. § 16-409(B).

ARTICLE III – COMPENSATION AND PAYMENT

Within thirty (30) days of the date of invoice, TOWN will pay the Pima County Recorder:

- (1) \$1.95 for each ballot mailed.
- (2) \$0.75 for signature checking on each returned ballot.
- (3) \$3.00 for each replacement ballot issued by mail, \$1.25 for each replacement ballot issued at a satellite voting location.
- (4) Special Ballot Inserts: 2 cents per ballot for single page or 5 cents per ballot for multiple pages. Inserts may be no larger than 8½ inches by 4½ inches in size. Larger materials may be used, but must be folded prior to delivery to the Recorder's Office so that the final size does not exceed 8½ by 4½ inches. The Town shall be responsible for any additional postage costs resulting from including a special insert.
- (5) \$60.00 per request for Team Voting.
- (6) Computer programming as required for additional voter data at \$50.00 per hour, one hour minimum.
- (7) Any other costs associated with services provided for the conduct of the Election(s), as set forth in Pima County Fee Ordinance 2011-44, which is attached hereto as Exhibit A.
- (8) Invoices not paid within 30 days of billing date will accrue interest at the rate of 10% per annum.

ARTICLE IV – INSURANCE

All parties to this agreement are government entities. Neither entity is required to procure special insurance coverage for their obligations under this IGA.

ARTICLE V - INDEMNIFICATION

Each party (as Indemnitor) agrees to indemnify, defend and hold harmless the other party (as Indemnitee) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

ARTICLE VI - COMPLIANCE WITH LAWS

The parties shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this Agreement. The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this Agreement and any disputes hereunder. Any action relating to this Agreement shall be brought in an Arizona court in Pima County. Any changes in the governing laws, rules and regulations during the terms of this Agreement shall apply but do not require an amendment.

ARTICLE VII - INDEPENDENT CONTRACTOR

Each party shall comply with the notice of A.R.S. § 23-1022(E). For purposes of A.R.S. § 23-1022, each party shall be considered the primary employer of all personnel currently or hereafter employed by that party, irrespective of the operations of protocol in place, and such party shall have the sole responsibility of the payment of Worker's Compensation benefits or other fringe benefits of said employees.

ARTICLE VIII - ASSIGNMENT

The TOWN shall not assign its rights to this Agreement, in whole or in part, without prior written approval of the COUNTY. Approval may be withheld at the sole discretion of COUNTY, provided that such approval shall not be unreasonably withheld.

ARTICLE IX - NON-DISCRIMINATION

The TOWN shall not discriminate against any County employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out duties pursuant to this IGA. The TOWN shall comply with the provisions of Executive Order 2009-09, including flow down of all provisions and requirements to any subcontractors. Executive Order 2009-09 supersedes Executive order 99-4 and amends Executive Order 75-5 and may be viewed and downloaded at the Governor or the State of Arizona's website http://www.azgovernor.gov/dms/upload/EO_2990_90.pdf which is hereby incorporated into this Agreement by reference, as if set forth in full herein.

ARTICLE X - AMERICANS WITH DISABILITIES ACT

The parties shall comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

ARTICLE XI - AUTHORITY TO CONTRACT

No party warrants to any other party its legal authority to enter into this IGA. If a court, at the request of a third person, should declare that any party lacks authority to enter into this IGA, or any part of it, then the IGA, or parts of it affected by such order, shall be null and void, and no recovery may be had by any party against the other for lack of performance or otherwise.

ARTICLE XII - FULL AND COMPLETE PERFORMANCE

The failure of either party to insist on one or more instances upon the full and complete performance with any of the terms or conditions of this Agreement to be performed on the part of the other, or to take any action permitted as a result thereof, shall not be construed as a waiver or relinquishment of the right to insist upon full and complete performance of the same, or any other covenant or condition, either in the past or in the future. The acceptance by either party of sums less than may be due and owing it at any time shall not be construed as an accord and satisfaction.

ARTICLE XIII - CANCELLATION FOR CONFLICT OF INTEREST

This Agreement is subject to cancellation for conflict of interest pursuant to ARS § 38-511, the pertinent provisions of which are incorporated into this Agreement by reference.

ARTICLE XIV - TERMINATION FOR CONVENIENCE

Notwithstanding any other provision in this IGA, this IGA may be terminated if for any reason the County Board of Supervisors or the Oro Valley Town Council does not appropriate sufficient monies for the purpose of maintaining this IGA. In the event of such cancellation, neither the County, nor the County Recorder shall have any further obligation to the TOWN. In the event that the TOWN cancels, the TOWN shall be liable for any costs already incurred by the County or the County Recorder at the time of the notification of the cancellation.

ARTICLE XV - NOTICE

Any notice required or permitted to be given under this Agreement shall be in writing and shall be served by personal delivery or by certified mail upon the other party as follows:

PIMA COUNTY

F. Ann Rodriguez
Pima County Recorder
115 N Church Avenue
Tucson, AZ 85701
(520) 740-4356
Fax: (520) 623-1785

TOWN OF ORO VALLEY

Julie Bower,
Town Clerk
11000 N La Cañada Drive
Oro Valley, AZ 85737
(520) 229-4740
Fax: (520) 297-0428

Tobin Rosen, Esq.
Town Attorney
11000 N La Cañada Drive
Oro Valley, AZ 85737
(520) 229-4761
Fax: (520) 229-4774

ARTICLE XVI - NON-EXCLUSIVE AGREEMENT

Nothing in the provisions of this IGA is intended to create duties or obligations to or rights in third parties not parties to this IGA, or affect the legal liability of any party to the IGA by imposing any standard of care different from the standard of care imposed by law.

This IGA is not intended to, and this IGA shall not be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between County or Recorder and any TOWN employees, or between the TOWN and any County employees. No party shall be liable for any debts, accounts, obligations nor other liabilities whatsoever of any other party, including (without limitation) any other party's obligation to withhold Social Security and income taxes for itself or any of its employees.

ARTICLE XVII - REMEDIES

Either party may pursue any remedies provided by law for the breach of this Agreement. No right or remedy is intended to be exclusive of any other right or remedy and each shall be cumulative and in addition to any other right or remedy existing at law or at equity or by virtue of this Agreement.

ARTICLE XVIII - SEVERABILITY

Either party may terminate this IGA at any time by giving written notice of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. In the event of termination, any real or personal property belonging to either party and furnished pursuant to this IGA, shall be returned to the furnishing party. Any funds of TOWN paid to County in accordance with this IGA and not encumbered at the time of termination shall be refunded to TOWN.

ARTICLE XIX – LEGAL ARIZONA WORKERS ACT COMPLIANCE

The COUNTY and TOWN hereby warrant that they will at all times during the term of this Agreement comply with all federal immigration laws and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws").

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

ARTICLE XX - ENTIRE AGREEMENT

This document constitutes the entire agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This IGA shall not be modified, amended, altered or extended except through a written amendment signed by the parties.

IN WITNESS WHEREOF, the parties hereby have executed this Agreement on this _____ day of _____, 2011.

TOWN OF ORO VALLEY

PIMA COUNTY BOARD OF SUPERVISORS

By: _____
Mayor

By: _____
Chair

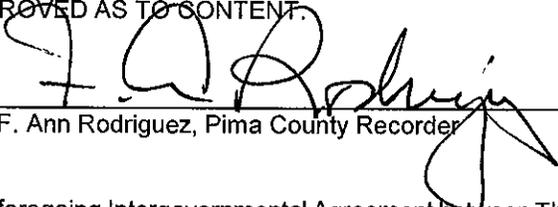
ATTEST:

ATTEST:

By: _____
Town Clerk

By: _____
Clerk of the Board of Supervisors

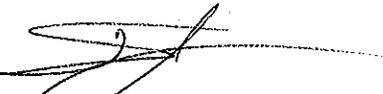
APPROVED AS TO CONTENT.

By: 
F. Ann Rodriguez, Pima County Recorder

The foregoing Intergovernmental Agreement between The Town of Oro Valley, Pima County and the Pima County Recorder has been reviewed pursuant to A.R.S. § 11-952 by the undersigned, who have determined that it is in the proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the Intergovernmental Agreement represented by the undersigned.

Pima County and Pima County Recorder

Town of Oro Valley


Deputy County Attorney

Attorney for the Town of Oro Valley



Town Council Regular Session

Item # D.

Meeting Date: 10/19/2011

Requested by: Karen Berchtold

Submitted By:

Karen Berchtold,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

Request for approval of a two-year extension of the Development Plan for Chop House Restaurant, Lot 3, Mercado del Rio subdivision, on the north side of E. Pusch View Lane between E. Lambert Lane and Oracle Road

RECOMMENDATION:

Staff has no objection to the request for a two-year extension of the Development Plan to September 6, 2013, subject to the conditions shown in Attachment 1.

EXECUTIVE SUMMARY:

The applicant requests a two-year extension of the Development Plan approval for this restaurant project. The Development Plan was originally approved by Town Council in 2006. The project comprises one parcel in a subdivision with sixteen parcels. To date, only four of the parcels have been developed. The current Development Plan approval expired on September 6, 2011.

Approvals to Date:

2006: Town Council approved Development Plan for Chop House Restaurant, Lot 3

2008: Town Council approved one-year extension of Development Plan approval

2009: Town Council approved two-year extension of Development Plan approval

BACKGROUND OR DETAILED INFORMATION:

The Applicant's request is included as Attachment 2, and involves an approved Development Plan (Attachment 3). The applicant submitted two previous requests to extend the Development Plan approval, and both were granted.

If the existing Development Plan approval is extended, the applicant will have an opportunity to develop the current Development Plan or utilize this administrative process for an amended plan. If the Development Plan approval lapses, the applicant must submit a Conceptual Site Plan for Conceptual Design Review Board recommendation, and Town Council approval, in order to develop the site.

Since the Development Plan was approved, the Town has adopted a new Landscape Conservation ordinance that includes a requirement for a Rainwater Harvesting Plan. Staff added a condition to Attachment 1 that the applicant shall be subject to the revised ordinance and current rainwater harvesting requirements.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with conditions, or deny) the request for approval of a two-year extension of the Chop House Restaurant Development Plan, from September 7, 2011 to September 6, 2013, Lot 3, Mercado del Rio subdivision, subject to the conditions in Attachment 1.

Attachments

Attachment 1 - Conditions of Approval

Attachment 2 - Applicant's Request

Attachment 3 - Development Plan

**ATTACHMENT 1
Conditions of Approval**

**CHOP HOUSE RESTAURANT,
MERCADO DEL RIO, LOT 3
Development Plan Extension Request
OV1206-09C**

1. The applicant shall be subject to revised Section 27.6, Landscape Conservation and current rainwater harvesting requirements at time of Development Plan or Improvement Plan submittal. A Rainwater Harvesting Plan shall be required in accordance with Zoning Code Section 27.6.D.4.a.

9-01-11

Honorable Mayor and Council Members
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley AZ 85737

Re: Development Plan Extension Request
OV-12-06-09

Dear Town Officials,

We respectfully request that Oro Valley Town Council extend the approved Development plan: OV-12-06-09. The address is 450 E. Vuelta Caminata Del Rio, Oro Valley AZ 85737 in the Mercado Del Rio Subdivision. We request a 24 month extension to the approved development plan for the following reasons.

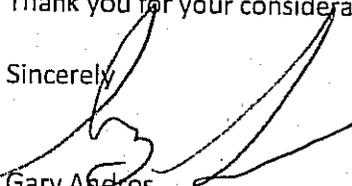
On May 14th 2010 we procured the property through trustee sale due to lack of performance by Mr. Bankowski. We have had financial challenges with the property as well as identifying its best use.

The current development plan shows a restaurant use on the property with the need to encroach onto the adjacent lot for additional required parking. We have not been successful with the adjacent lot owner. On April 27th, 2011 we had a positive meeting with The Town of Oro Valley staff in regard to modifying the development plan to accommodate a change to professional office use. We believe that the location, keeping parking requirements to our lot and with a minor change to the current development plan we can achieve a successful development.

The time extension will allow the owners to complete modifications to the current development plan, design working drawings for the building of the structure, and procure tenants. We understand that this would be the third extension to this property but under new ownership we would have the ability to overcome past shortcomings.

Thank you for your consideration

Sincerely,


Gary Andros
Designed Broker
Percentage owner of property

GENERAL NOTES

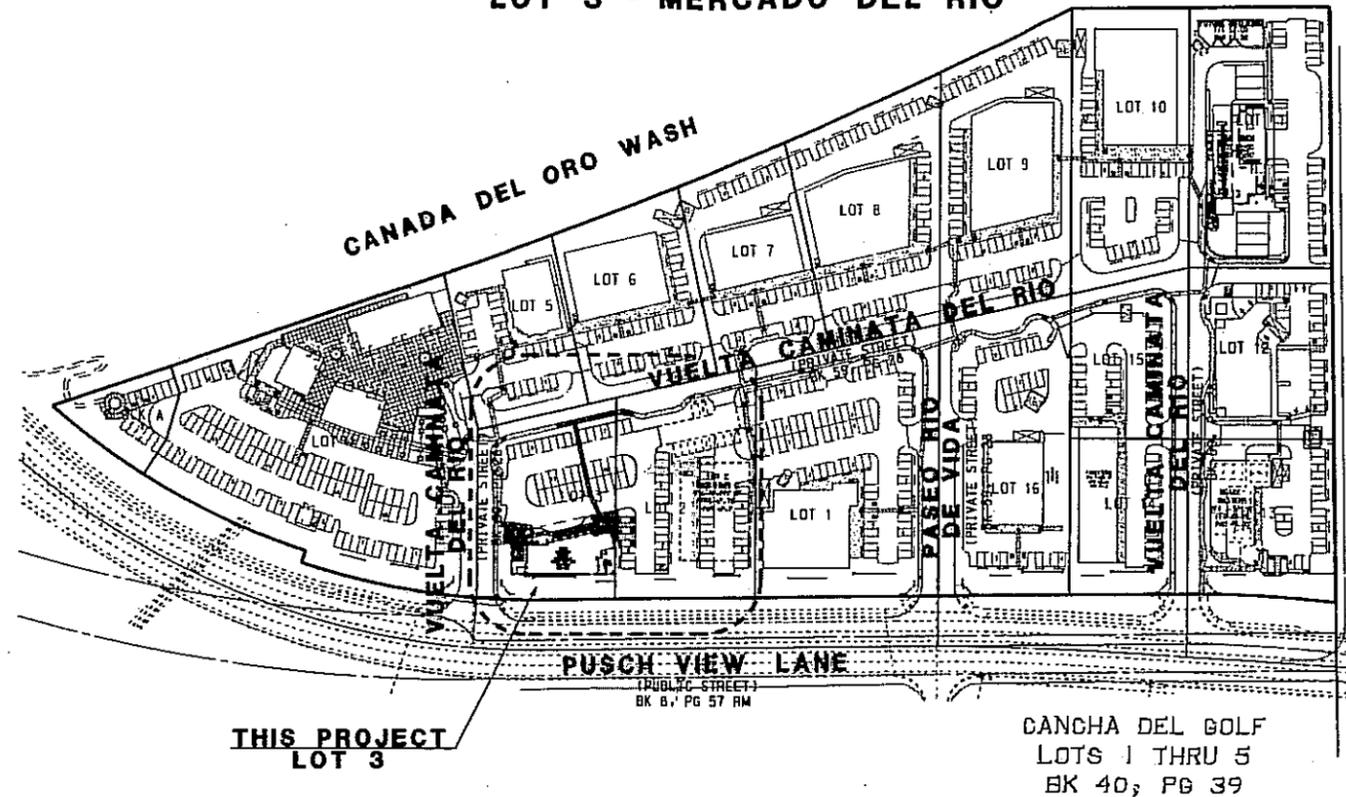
- DEVELOPER WILL COVENANT TO HOLD TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.
- DRAINAGE WILL NOT BE ALTERED, DISTURBED OR OBSTRUCTED WITHOUT THE APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
- ACCESS ACROSS FLOOD PRONE AREAS TO BUILDING SITES WILL BE APPROVED BY THE TOWN ENGINEER AND SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
- APPROVED IMPROVEMENT PLANS AND APPROVED ASSURANCES WILL BE REQUIRED PRIOR TO ISSUANCE OF GRADING PERMITS.
- THE WATER DISTRICT FOR THIS DEVELOPMENT IS THE ORO VALLEY WATER UTILITY COMPANY, WHICH HAS BEEN DESIGNATED AS HAVING AN ASSURED 100 YEAR WATER SUPPLY BY THE DIRECTOR OF WATER RESOURCES. THE PROJECT WILL BE SERVED BY AN EXIST 8" MAIN ON-SITE.
- ON-SITE SANITARY SEWERS WILL BE PRIVATE AND WILL BE CONSTRUCTED, OPERATED AND MAINTAINED ON A PRIVATE BASIS. THE LOCATION AND METHOD OF CONNECTION TO AN EXISTING PUBLIC SANITARY SEWER IS SUBJECT TO REVIEW AND APPROVAL BY THE PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT AT THE TIME OF SUBMITTAL OF PLUMBING OR BUILDING PLANS.
- MATERIALS WITHIN SIGHT VISIBILITY TRIANGLES SHALL BE PLACED SO AS NOT TO INTERFERE WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 30 INCHES AND 72 INCHES ABOVE FINISHED GRADE OF THE ROADWAY SURFACE.
- ANY WASTEWATER DISCHARGED INTO THE PUBLIC SANITARY SEWERAGE SYSTEM SHALL MEET THE REQUIREMENTS OF THE INDUSTRIAL WASTE ORDINANCE (PIMA COUNTY ORDINANCE NO. 1991-140, AS AMENDED).
- A PROJECT CONSTRUCTION PERMIT MUST BE SECURED FROM PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT BEFORE BEGINNING ANY WORK ON THIS PROJECT.
- DRAINAGEWAYS WILL BE CONSTRUCTED ACCORDING TO APPROVED PLANS PRIOR TO THE ISSUANCE OF ANY PERMITS FROM THE TOWN ENGINEER AND/OR BUILDING OFFICIAL FOR PARCELS AFFECTED. THIS PARCEL WILL BE IDENTIFIED EITHER BY NUMBER IN NOTE OR BY OUTLINE ON THE DEVELOPMENT PLAN.
- IF LOTS ARE TO BE SOLD WITHIN A COMMERCIAL SUBDIVISION: "PROPERTY'S ASSOCIATION WILL BE FORMED TO ACCEPT RESPONSIBILITY FOR MAINTENANCE, CONTROL, SAFETY AND LIABILITY OF PRIVATE DRAINAGEWAYS, DRAINAGE EASEMENTS AND COMMON AREAS".
- DESIGN SPEED IS 25 M.P.H., DESIGN VEHICLE IS SU-30.
- ANY RELOCATION, MODIFICATION, ETC. OF EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS NECESSITATED BY THE PROPOSED DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
- THE FOLLOWING UTILITIES WILL PROVIDE SERVICE TO THIS DEVELOPMENT:

(A) ELECTRIC	TUCSON ELECTRIC POWER COMPANY
(B) GAS	SOUTHWEST GAS COMPANY
(C) WATER	ORO VALLEY WATER UTILITY COMPANY
(D) SEWER	PIMA COUNTY WASTEWATER
(E) TELEPHONE	QUEST COMMUNICATIONS
(F) FIRE PROTECTION	GOLDER RANCH FIRE DEPARTMENT
(G) CABLE TELEVISION	COMCAST
- DRAINAGEWAYS WILL BE CONSTRUCTED ACCORDING TO APPROVED PLANS PRIOR TO THE ISSUANCE OF ANY PERMIT FROM THE TOWN ENGINEER AND /OR BUILDING OFFICIAL FOR LOTS 5 THRU 12.
- THIS PROJECT HAS 100 PROPOSED AND 0 EXISTING WASTEWATER FIXTURE UNIT EQUIVALENTS, PER TABLE 13.20.045(E)(1) IN PIMA COUNTY CODE 13.20.045(E).
- MAINTENANCE AND OPERATION OF THE PRIVATE SANITARY SEWER TO ITS POINT OF CONNECTION TO THE PUBLIC SEWER IS THE RESPONSIBILITY OF THE PROPERTY OWNER OR BUSINESS OWNER'S ASSOCIATION.
- THE PROPERTY OWNER, HIS SUCCESSORS OR ASSIGNS AGREE TO:
 - KEEP ALL REQUIRED LANDSCAPE AREAS MAINTAINED IN A WEED FREE, TRASH FREE CONDITION.
 - REPLACE ANY DEAD PLANT MATERIALS WITHIN 90 DAYS.
 - MAINTAIN THE IRRIGATION SYSTEM IN A PROPER WORKING ORDER.
- THE BASIS OF ELEVATION FOR THIS PROJECT IS PANEL POINT #31 IN CONCRETE DECK OF DRAINAGEWAY PER SAID RS ENGINEERING PLANS. SAID ELEVATION BEING 2533.52 (NAVD88 DATUM), SUBTRACT 2.1' FROM NAVD88 DATUM AS SHOWN HEREON TO ARRIVE AT FEMA DATUM PER FEMA REFERENCE MARK #347.
- THE BASIS OF BEARINGS FOR THIS PROJECT IS THE EAST LINE OF SECTION 12, BETWEEN THE SOUTHWEST CORNER AND THE EAST 1/4 CORNER THEREOF PER TOWN OF ORO VALLEY, PUSCH VIEW LANE EXTENSION PLANS BY RS ENGINEERING, JOB NO. 0204.00, SAID BEARING BEING NORTH 00°30'39" WEST.
- THE GROSS AREA OF THIS DEVELOPMENT IS: 38,467 SF OR 0.88 AC
NET BUILDING AREA IS: 5,844 SF TOTAL
- EXISTING ZONING IS C-2 (COMMERCIAL)
- PROPOSED USE: RESTAURANT - STANDARD
OCCUPANCY GROUP: A-2
TYPE OF CONSTRUCTION: V-B
- THE REQUIRED AMOUNT OF OPEN SPACES IS 10% OR 3,847 SF THE TOTAL AREA OF OPEN SPACES PROVIDED IS 3,850 SF
- DEVELOPMENT PLANS WILL BE SUBMITTED FOR COMMERCIAL LOTS OR PADS PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE TOWN ENGINEER AND/OR BUILDING OFFICIAL.

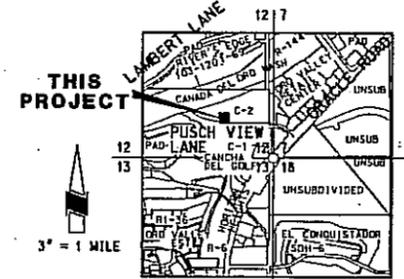
DEVELOPMENT PLAN FOR

Mike & Otto's
CHOP HOUSE

LOT 3 - MERCADO DEL RIO



SCALE: 1" = 100'



LOCATION MAP

SECTION 12, T 12 S, R 13 E
G & SW, TOWN OF ORO VALLEY
PIMA COUNTY, ARIZONA
LATITUDE 32°23'52"
LONGITUDE 110°57'48"
PIMA COUNTY DATUM

OWNER/DEVELOPER

PRIMETIME REAL ESTATE HOLDINGS, LLC
1685 WEST WINGLEDON WAY
TUCSON, AZ 85737
(520) 299-9317
ATTN: MIKE BARDOWSKI

LEGEND

ITEM	SYMBOL
SUBDIVISION BOUNDARY	---
PROPERTY LINE	---
EASEMENT BOUNDARY	---
EXIST CONTOUR LINE	--- 2750 ---
EXIST SPOT ELEVATION	x 2750.1
LANDSCAPE BUFFER/LIMITS	---
BUILDING SETBACKS	---
EXIST PAVEMENT EDGE	---
EXIST SEWER LINE W/VALVE	--- S ---
EXIST WATERLINE W/VALVE	--- W ---
EXIST UNDERGROUND LINE	---
EXIST GAS LINE	---
EXIST TELEPHONE/TV CABLE LINE	--- TEL/CATV ---
EXIST OVERHEAD ELECTRIC LINE	--- OHE ---
EXIST ELECTRIC/TELE LINE	--- E/T ---
FLOW ARROW WITH X GRADE	--- X ---
FLOW CONDITIONS	--- 0.00 = 15 cfs ---
FLOW ARROW FOR D ₁₀₀ = DISCHARGE	--- D ₁₀₀ ---
FINISHED FLOOR ELEVATION	FFE
BUILDING NUMBER	19
PARKING SPACES PROVIDED	5
HANDICAP PARKING	♿
RETAINING WALL	---
BASIN OUTLET STRUCTURE	---
PROPOSED SLOPE	--- S ---
APPROX FINISH GRADE	FG 00.0
CURB ACCESS RAMPS	---
SIGHT VISIBILITY TRIANGLE	---
TRASH ENCLOSURE	---
EXIST RETAINING WALL	---
6" CONCRETE VERTICAL CURB	---
PROPOSED STORM DRAIN	---
EXIST STORM DRAIN	---
EXIST SIDEWALK & CURB	---
FUTURE IMPROVEMENT	---
NEW PAVEMENT	---
RIGHT OF WAY LINE	---

GENERAL NOTES - CONTINUED

	REQUIRED/ALLOWED	PROPOSED
26. SITE/LOT AREA:	N/A	0.88 ACRES
BUILDING HEIGHT (H):	30' MAX	26'
SETBACK:		
NORTH: PRIVATE STREET	0'	---
EAST: PRIVATE STREET	0'	---
SOUTH: PUBLIC STREET	20' MIN	30'
WEST: PRIVATE STREET	0'	---
27. PARKING AND LOADING SPACES CALCULATIONS:		
VEHICLE:	PARKING REQUIRED	PARKING PROVIDED
RESTAURANT (STANDARD) 5,350 SF		
10/1000 SF x 5,844 SF =	58 SPACES	58 SPACES
HANDICAP: 51 TO 75 SPACES	3 SPACES	3 SPACES
VAN ACCESSIBLE	1 SPACE	1 SPACE
BICYCLE (1 PER EACH 20 SPACES REDUIRED)	3 SPACES	3 SPACES
LOADING SPACES: 5,000 TO 24,999 SF	1 SPACE	1 SPACE
* 33 SPACES ON LOT 3 AND 25 SPACES ON LOT 2 WITH A CROSS ACCESS AND PARKING AGREEMENT		
** ADDITIONAL BICYCLE PARKING SPACES ARE PROVIDED AT PUBLIC GATHERING AREAS IN ASSOCIATION WITH THE IMPROVEMENTS OF MERCADO DEL RIO		

ACCEPTED

I, *Kathryn E. Cavelier, CMC*, TOWN CLERK, TOWN OF ORO VALLEY, AZ DO HEREBY CERTIFY THAT THE DEVELOPMENT PLAN FOR *OV12-06-09* WAS APPROVED BY THE MAYOR AND COUNCIL ON THE *19* DAY OF *July* 2006, DATED THIS DAY OF *November* 2006.

Kaplan
ORO VALLEY TOWN CLERK

[Signature]
10-20-06
PIMA COUNTY WASTEWATER APPROVAL

TOWN OF ORO VALLEY
PROJ#: OV1206-09
ZONE: C-2
Adm. Address:
450 E. VUELTA CAMINATA DEL RIO

DEVELOPMENT PLAN FOR

Mike & Otto's
CHOP HOUSE

LOT 3 - MERCADO DEL RIO BK 59, PG 28

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 13 EAST, GILA & SALT RIVER MERIDIAN, TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA.

DATE: 06-22-2006

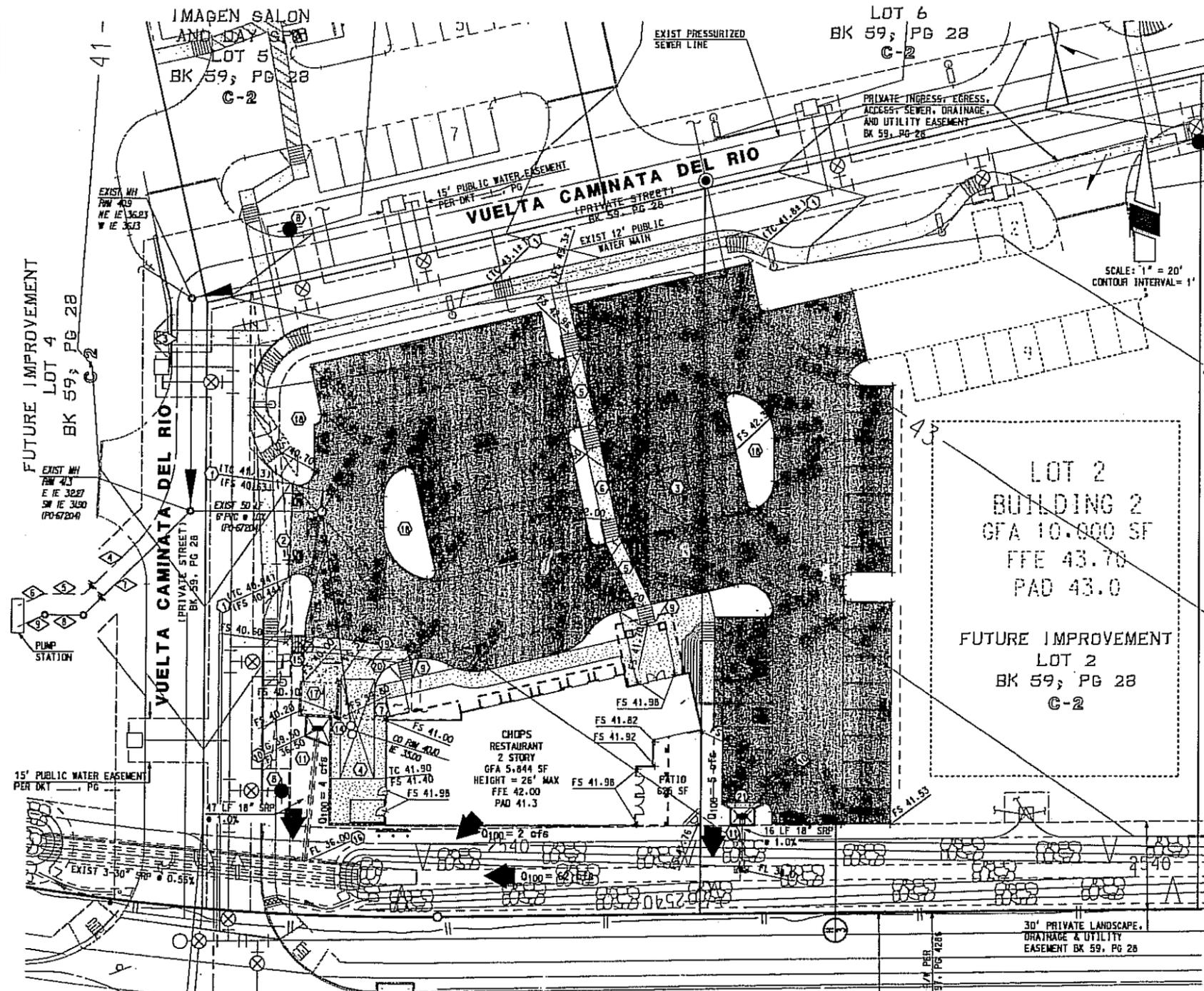
OV12-06-09
OV12-03-22 (PREVIOUS)

SCALE: 1" = 100' CONTOUR INTERVAL = 1'
SHEET 1 OF 3

RICK
ENGINEERING COMPANY
1745 EAST RIVER ROAD - SUITE 101
TUCSON, AZ 85718
520.793.1000
FAX 520.332.6556
rickengineering.com

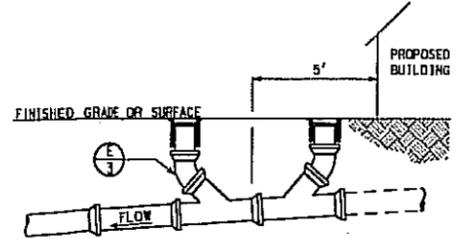
DP BK 31 PG 06 SHT 1 OF 3

FUTURE IMPROVEMENT



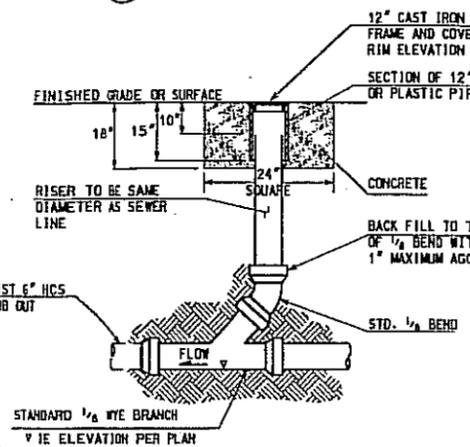
KEYNOTES

- ① MATCH EXIST TOP OF CURB PER SD 211
- ② SAWCUT AT 2' MINIMUM. REMOVE EXIST CURB AND PAVEMENT AS NECESSARY. TACK AND JOIN NEW PAVEMENT TO EXISTING PAVEMENT
- ③ HANDICAP AND STANDARD PARKING SPACE, TYP PER (A)
- ④ 12' x 35' LOADING ZONE
- ⑤ 5' COLORED CONCRETE PEDESTRIAN CROSS WALK
- ⑥ 5' WIDE MINIMUM CONCRETE SIDEWALK PER SD 200 (TYP)
- ⑦ 3 CLASS 11 BICYCLE PARKING SPACES
- ⑧ EXIST FIRE HYDRANT TO REMAIN
- ⑨ CURB ACCESS RAMP (TYP)
- ⑩ TYPE 4 DOUBLE CATCH BASIN W/2 EF1 GRATES PER SD 309 INCORPORATE FIRST FLUSH SYSTEM PER DETAIL
- ⑪ PROPOSED 18" SRP STORM DRAIN
- ⑫ EXIST VERTICAL CURB AND CONCRETE HEADER TO BE REMOVED
- ⑬ NEW 6" CONCRETE VERTICAL CURB PER SD 209
- ⑭ PROVIDE 3-8" x 32" WALL OPENING @ 48" O.C.
- ⑮ PROPOSED 1 1/2" BACKFLOW PREVENTER 1 1/2" DOMESTIC WATER LINE
- ⑯ NEW STORM DRAIN TO BE CONNECTED TO EXIST STORM DRAIN
- ⑰ TRASH ENCLOSURE W/72" SCREEN WALL AND SELF-CLOSING & SELF-LATCHING GATE
- ⑱ 6" MINIMUM DEPRESSED LANDSCAPE AREA.
- ⑲ PROPOSED 8" x 6" REDUCER AND BACKFLOW PREVENTER TO BE PROVIDED ON A EXISTING 8" FIRE SERVICE
- ⑳ PROPOSED 6" FIRE SERVICE
- ㉑ 14" CURB OPENING W/2 TYPE "B" POST BARRICADES



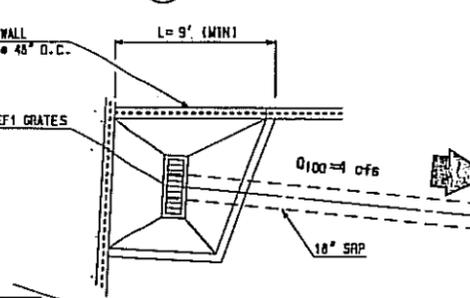
NOTES:
11 INSTALL A TWO-WAY CLEANOUT 5 FEET FROM BUILDING.
21 FOR CONTINUATION OF SEWER LINE INTO BUILDING, SEE ARCHITECT'S DRAWINGS.

D TWO WAY CLEANOUT NO SCALE



NOTE:
IN PAVED AREAS, USE TRAFFIC RATED BOX AND INTERLOCKING RING AND COVER PER DECTER FOUNDARY INC #1810 OR EQUIVALENT.

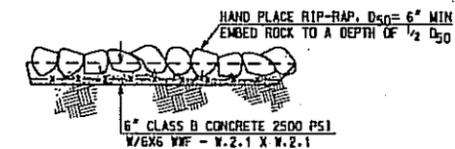
E CLEANOUT NO SCALE



NOTE:
THE CONTRACTOR SHALL EXCAVATE AND REMOVE THE SOIL UNDER THE RIP RAP PAD SO THAT THE TOP OF THE RIP RAP PAD WILL MATCH THE FINISHED ELEVATION CALLED OUT ON THE PLAN.

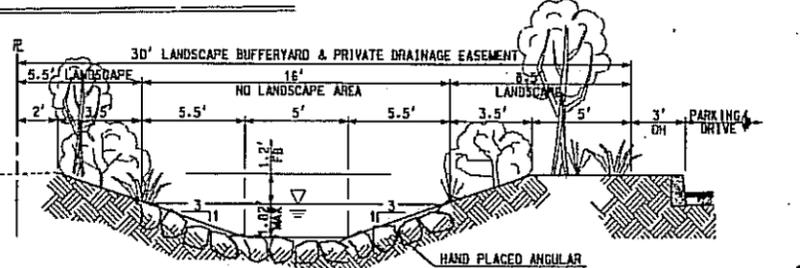
MODEL: FGP-1836F
CATCH BASIN SIZE: 18"x36" (10)
GRATE DIMENSION: 18"x40" (100)
CLEAN FLOW RATE = 1.6cfs

F FIRST FLUSH SYSTEM DETAIL NO SCALE



NOTE:
THE CONTRACTOR SHALL EXCAVATE AND REMOVE THE SOIL UNDER THE RIP RAP PAD SO THAT THE TOP OF THE RIP RAP PAD WILL MATCH THE FINISHED ELEVATION CALLED OUT ON THE PLAN.

G GROUDED RIP-RAP SLOPE TREATMENT/APRON NO SCALE



NOTE:
THE CONTRACTOR SHALL EXCAVATE AND REMOVE THE SOIL UNDER THE RIP RAP PAD SO THAT THE TOP OF THE RIP RAP PAD WILL MATCH THE FINISHED ELEVATION CALLED OUT ON THE PLAN.

H TYPICAL DRAINAGE CHANNEL SECTION NO SCALE

SEWER KEYNOTES

- ◇ 244.07 LF 4" PVC PRESSURE LINE
- ◇ 848.78 LF 4" PVC PRESSURE LINE
- ◇ 77.41 LF 4" PVC PRESSURE LINE
- ◇ 90.61 LF 4" PVC PRESSURE LINE
- ◇ 109.37 LF 4" PVC PRESSURE LINE
- ◇ 23.90 LF 4" PVC PRESSURE LINE
- ◇ 95.35 LF 8" PVC @ 1.28%
- ◇ 115.00 LF 8" PVC @ 1.00%
- ◇ 26.84 LF 8" PVC @ 0.50%

CANCHA DEL GOLF
LOTS 1-5
BK 40, PG 39
C-1

DP BK 31 PG 06 SHT 3 OF 3



DEVELOPMENT PLAN FOR
Alto & Otto's
CHOP HOUSE

LOT 3 - MERCADO DEL RIO BK 59, PG 28
LOCATED IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 12 SOUTH,
RANGE 13 EAST, GILA & SALT RIVER MERIDIAN, TOWN OF ORD VALLEY,
PIMA COUNTY, ARIZONA.
SCALE: 1" = 20' CONTOUR INTERVAL = 1'
SHEET 3 OF 3

DATE: 06-22-2006
OV12-06-09
OV12-03-22 (PREVIOUS)

RICK
ENGINEERING COMPANY
1748 EAST RIVER ROAD - SUITE 101
TUCSON, AZ 85718
520.795.1000
(702) 320.322.6956
richengineering.com



Town Council Regular Session

Meeting Date: 10/19/2011

Requested by: David Williams

Item # 1.

Submitted By:

Chad Daines,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)11-27, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT BY ADDING SPECIAL AREA POLICY 13 TO NEIGHBORHOOD POLICIES FOR NEIGHBORHOOD 7, LOCATED AT THE NORTHWEST CORNER OF RANCHO VISTOSO BLVD. AND TANGERINE ROAD

RECOMMENDATION:

The Planning and Zoning Commission has recommended approval of the requested Planned Area Development Amendment, subject to the conditions provided on Exhibit B of Attachment 1.

EXECUTIVE SUMMARY:

The Planned Area Development (PAD) amendment pertains to Rancho Vistoso Parcel 7-I, located at the northwest corner of Rancho Vistoso Boulevard and Tangerine Road. Parcel 7-I is designated C-1 within the Rancho Vistoso PAD (Attachment 2). Through reference, the PAD provides that multi-family residential uses may be permitted within areas designated C-1. The applicant is requesting an amendment to add a new policy to clarify that multi-family residential uses are permitted on Parcel 7-I.

BACKGROUND OR DETAILED INFORMATION:

Amendment Request

The subject property is designated C-1 in the Rancho Vistoso PAD document. The Rancho Vistoso C-1 purpose statement (Attachment 3) indicates that the district "may include uses associated with the central business district." Multi-family residential is one of the uses allowed within the central business district or Town Center portion of Rancho Vistoso. As this reference applies generally to all C-1 designated property within the PAD and uses the word "may," staff required the PAD amendment to clarify that multi-family residential uses are specifically allowed on Parcel 7-I. The applicant has submitted a policy for Parcel 7-I allowing multi-family residential uses on the 15.6 acre portion of the parcel west of the central wash. The balance of the property remains zoned for commercial development. The complete listing of policies for Parcel 7 are provided on Attachments 4-1 through 4-7. The new policy related to Parcel 7-I is listed on Attachment 4-7, and provides as follows:

13. Additional requirements related to the development of Parcel I:

a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD's High Density Residential development standards. Commercial portions of the development shall be designed

according to the PAD's Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

Site Conditions

- Parcel 7-I is 22.6 acres
- Western portion of Parcel 7-I (proposed multi-family site) is 15.6 acres
- Zoning is Rancho Vistoso C-1
- The property is currently vacant

Approvals to Date

The Rancho Vistoso PAD was originally adopted in June, 1987. There have been numerous amendments to the original PAD document as the master planned community has developed.

Surrounding Land Uses

<u>Direction</u>	<u>Zoning (Attachment 2)</u>	<u>Land Use</u>
North	Rancho Vistoso – High Density	Single-family Detached Residential
South	C-2 , R1-36	Commercial / Single-family Detached
Residential		
East	Rancho Vistoso C-1	Commercial / Vacant
West R1-144,	Rancho Vistoso Open Space	TEP Substation / Fire Station

General Plan Conformance

The property is designated Neighborhood Commercial / Office (NC/O) on the Oro Valley General Plan. As multi-family residential uses on this parcel are referenced in the policy statement and this amendment is intended only for clarification purposes, this application is not considered a significant land use change. The amendment was reviewed and is in conformance with notable general plan policies as provided in the Planning and Zoning Commission staff report (Attachment 10)

Neighborhood Meetings

The applicant conducted two neighborhood meetings on the project on March 24th and August 4th. Approximately 5 residents were in attendance for the March meeting and approximately 16 residents were in attendance for the second meeting. Issues raised at the neighborhood meeting included access to Tangerine Road, access to Woodburne Avenue, market demand for commercial and multi-family residential, impacts to views and impacts to property values. The summary notes from the neighborhood meetings provided on Attachment 5

Analysis of Proposed Amendment

The proposed amendment would add a special area policy further clarifying multi-family residential uses on the 15.6 acre western portion of this property. As stated previously, the narrow depth of the western portion of the parcel limits viability for commercial use which typically needs greater depth to accommodate typical commercial buildings and supporting parking areas. The development of multi-family residential on this parcel serves as a logical transition from the high intensity of Tangerine Road to the single-family residential areas to the north.

The applicant has provided a preliminary development concept sketch and preliminary building elevations for the subject property (Attachments 6, 7 and 8). A complete Conceptual Design submittal will be required should the requested PAD amendment be approved.

The proposed policy allows multi-family residential development in accordance with the PAD's High Density Residential Development Standards, which permits densities ranging from 8-17 du/ac. Development at the high end of the density range for the 15.6 acres would allow 265 units. The Commercial portion of the property east of the central wash would continue to be subject to the PAD's Community Commercial Development Standards.

The development would need to adhere to all provisions of the PAD relative to open space, setbacks and building heights, as well as any applicable provisions of TRCOD and the Zoning Code not specifically exempted.

Traffic and Circulation

As the application is a PAD text amendment, engineering comments relative to the case have been included as conditions of approval to be addressed during the design phases of the project.

Specifically, the conditions require a Traffic Impact Analysis (TIA) be prepared and submitted with the Conceptual and Final Design package. The preliminary concept sketch submitted as part of this application shows two points of access to Tangerine Road. Access to Tangerine Road is controlled by ADOT as this is a State Route. The TIA will need to address access and all potential impacts to Woodburne Avenue, with particular focus on the Woodburne Avenue and Rancho Vistoso Boulevard intersection as it relates to level of service, traffic signal needs and associated geometric requirements.

Staff recommends a connection onto Woodburne Avenue in addition to required roadway improvements as stipulated in the conditions of approval. Tangerine Road is classified as a Major Arterial which provides greater traffic volume at higher speeds, but with limited access. Woodburne Avenue is classified as a Residential Collector which provides for lower traffic volume at slower speeds, but with greater access. As proposed, localized impacts are expected as vehicles turn into and out of the development at slower speeds than through traffic. Land access to a roadway system should generally occur at a lower use classification level. This access management principle allows a roadway system to function in a safe manner while balancing the needs for capacity, speed and access.

Planning and Zoning Commission Action

The amendment was considered by the Planning and Zoning Commission on October 5, 2011. The meeting was attended by approximately 60 residents. Eighteen people spoke in opposition to the proposed apartment development. Concerns ranged from nuisance impacts associated with apartments, reduction in property values, increased crime, loss of views and concerns with access on Woodburne Avenue. Additional emails in opposition to the amendment are provided on Attachment 9. At the conclusion of the public hearing, the Commission voted 3-1 to recommend approval of the amendment. The Commission added a fifth condition which stated that "The amendment only be approved if access from Tangerine Road be granted by ADOT". The dissenting Commissioner expressed that he was supportive of the amendment, but not supportive of the fifth condition added by the Commission.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt, adopt with conditions, or deny) Ordinance No. (O)11-27, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT DOCUMENT BY ADDING SPECIAL AREA POLICY 13, as shown on Attachment 4-7, subject to the conditions provided on Attachment 1.

Attachments

Attachment 2 - Zoning Map

Attachment 3 - C-1 Purpose Statement

Attachments 4-1 thru 4-7 - Neighborhood 7 Policies

Attachment 5-1 - March 24th Neighborhood Meeting Summary

Attachment 5-2 - August 4th Neighborhood Meeting Summary

Attachment 6 - Concept Sketch

Attachment 7 - 2 Story Building Elevation

Attachment 8 - 3 Story Building Elevation

Attachment 9-1 thru 9-4 - Emails of Opposition

Attachment 10 - Planning and Zoning Commission Report

ORDINANCE NO. (O)11-27

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
AMENDING THE RANCHO VISTOSO PLANNED AREA
DEVELOPMENT DISTRICT BY ADDING SPECIAL AREA
POLICY 13 TO NEIGHBORHOOD POLICIES FOR
NEIGHBORHOOD 7, LOCATED ON THE NORTHWEST
CORNER OF RANCHO VISTOSO BLVD. AND TANGERINE
ROAD**

WHEREAS, the Rancho Vistoso Planned Area Development (PAD) was adopted by the Town Council on July 29, 1987; and

WHEREAS, the owner of Parcel 7-I of Rancho Vistoso has requested that the Town clarify that multi-family residential uses are specifically allowed on Parcel 7-I located on the northwest corner of Rancho Vistoso Blvd. and Tangerine Road; and

WHEREAS, on October 4, 2011, the Planning & Zoning Commission recommended approval for the Rancho Vistoso PAD amendment for the Rancho Vistoso Planned Area Development District, Neighborhood 7, by adding Policy 13, attached hereto as Exhibit “A” and with conditions, attached hereto as Exhibit “B”; and

WHEREAS, the Town Council has duly considered the amendment to the Rancho Vistoso Planned Area Development District, Neighborhood 7 Policy by adding Policy No. 13.

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

- Section 1. Rancho Vistoso Planned Area Development District, Rancho Vistoso Neighborhood 7 is hereby amended by adding Policy 13 as shown in Exhibit “A” to this Ordinance, and subject to the conditions contained in Exhibit “B” to this Ordinance.
- 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 thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona on this 19th day of October, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

ATTEST:

Julie K. Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT “A”

RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT

...

B. The Rancho Vistoso Planned Area Development Policies

...

3. Neighborhood Policies

...

Neighborhood 7

Special Land Use Policy – Parcel 7-1

...

13. Additional requirements related to the development of Parcel I:

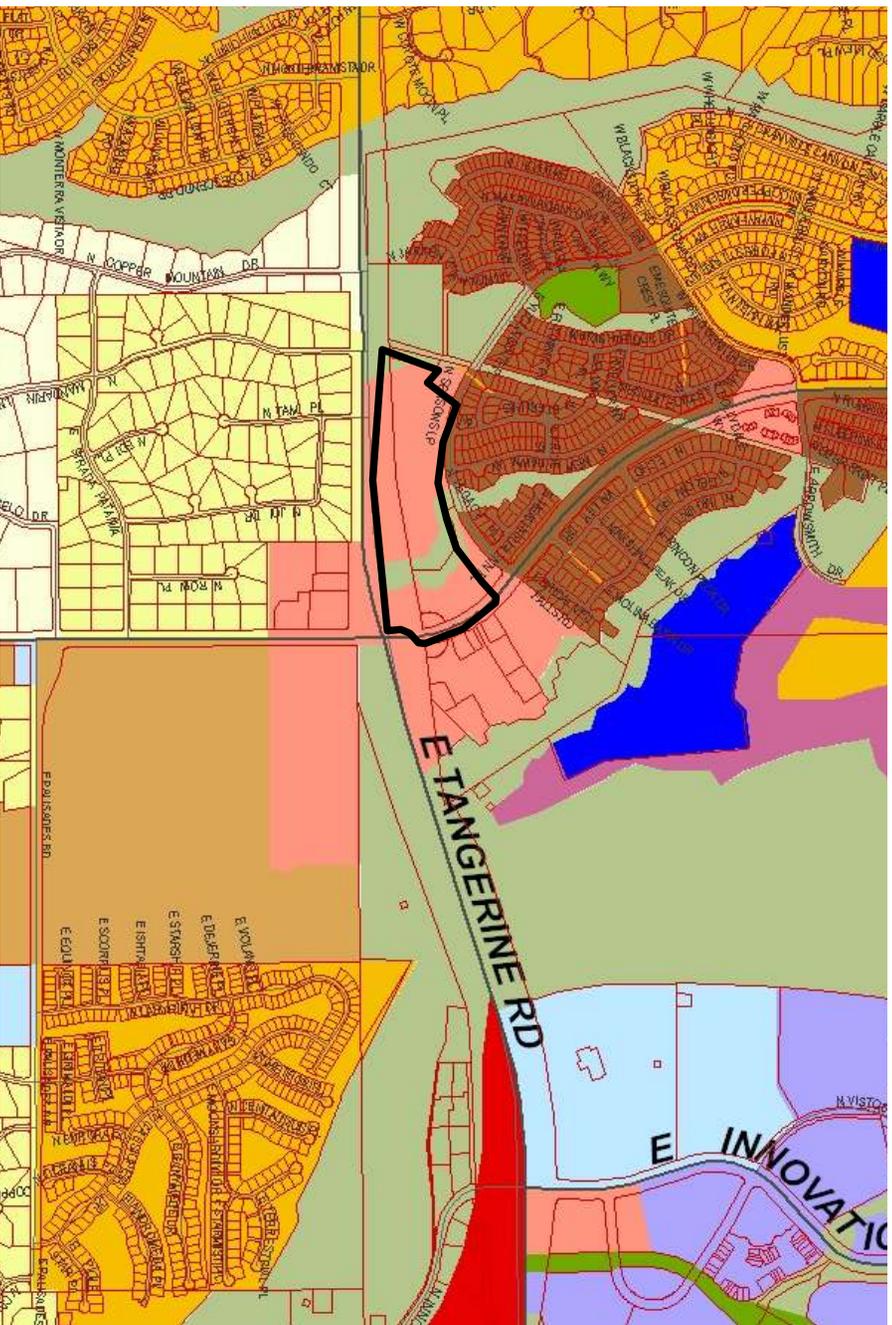
a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD’s High Density Residential development standards. Commercial portions of the development shall be designed according to the PAD’s Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

...

EXHIBIT “B”

CONDITIONS OF APPROVAL

1. A full Traffic Impact Analysis (TIA) prepared by an Arizona registrant shall be required for this project. A preliminary TIA is required to be submitted with the Conceptual Design package. A final version of the TIA will be required with the Final Design package. This development shall be responsible to design and pay for any improvements to Woodburne Avenue and Rancho Vistoso Boulevard as determined by the TIA.
2. If access to Woodburne is planned, the TIA shall address all potential impacts to Woodburne Avenue resulting from the project's generated traffic. Particular attention needs to focus on the Woodburne Avenue and Rancho Vistoso Boulevard intersection as it relates to level of service, traffic signal needs, and associated geometric requirements. If it is determined that a traffic signal is warranted, the applicant is encouraged to contact Safeway representatives regarding cost sharing opportunities for associated improvements that will benefit each development.
3. If access is provided onto Woodburne Avenue, a re-alignment of the road will be required at the Rancho Vistoso Boulevard intersection. The realignment will require the roadway to shift south to allow the vacant commercial property north of Safeway and existing Safeway commercial center to have access to the signalized intersection. This development shall be responsible to design and pay for any improvements associated with the realignment of the intersection.
4. Provide an accessible route from the project boundary to the Rancho Vistoso Boulevard sidewalk.
5. The amendment only be approved if access from Tangerine Road be granted by ADOT.



Legend

- Rural Low Density Residential (0 - 0.3 DU/AC)
- Low Density Residential (0.4 - 1.2 DU/AC)
- Low Density Residential (1.3 - 2.0 DU/AC)
- Medium Density Residential (2.1 - 5 DU/AC)
- High Density Residential (5+ DU/AC)
- Master-Planned Community
- Resort / Golf Course
- Neighborhood Commercial / Office
- Public / Semi-Public
- Community / Regional Commercial
- Commerce / Office Park
- School
- Open Space
- Park
- National Forest

A) COMMUNITY COMMERCIAL (C-1)

1) Purpose: This district is intended to provide both for neighborhood and community shopping. The district provides for retail and service establishments which supply commodities or perform services to meet the daily needs of the neighborhood and shall be in locations where analysis of residential population demonstrates that such facilities are justified. In addition, this district is intended to provide commercial activities designed to serve the community. It may include uses associated with the central business district.

2) Permitted Uses:

- a) Uses allowed in the C-1 district in Oro Valley
Zoning Code Revised
- b) Other Uses:
 - 1. Private school
 - 2. College or governmental structure
 - 3. Community service agency
 - 4. Library or museum
 - 5. Playground or athletic field
 - 6. Hospital or sanatorium
 - 7. Clinic or dispensary
 - 8. Club
 - 9. Private club or lodge (nonprofit)
 - 10. Child care center
 - 11. Professional or semi-professional office
 - 12. Real estate office
 - 13. Insurance adjuster's office, which may include a drive-through facility
 - 14. Motel or hotel, together with the following accessory uses located on the premises and having no exterior entrance closer than one hundred feet to a public street
 - a. Retail shops
 - b. Personal services
 - c. Recreational facilities
 - d. Restaurant
 - e. Beverage service
 - 15. Antiques stores
 - 16. Apparel stores;
 - 17. Art needlework or hand-weaving establishments;
 - 18. Art gallery or store: The "patio" architectural design concept is allowed;
 - 19. Art or drawing supply store;
 - 20. Auto mechanical repair: provided there is no

respective washes. In any event, no encroachment for road crossings shall be permitted into washes greater than 500 CFS which is designed for the purpose of reclaiming land for development.

11. Flood Control: All washes with a 100-year peak discharge which equals or exceeds 2,000 CFS must be dedicated to Pima County in fee simple. Other washes shall be evaluated in the subdivision platting process for dedication to Pima County.

NEIGHBORHOOD #7

1. This plan shall adhere to all Rancho Vistoso PAD general policies.
2. The dwelling unit cap for Neighborhood #7 is 1,707.
3. The number of dwelling units permitted within a planning unit is calculated as RAC (Residences per Acre) multiplied by the developable acreage of the planning unit.
4. Open space shall be dedicated to, and maintained by, the applicable homeowner's association.
5. Circulation:
 - a. All public streets, with the exception of Rancho Vistoso Boulevard, shall have adjoining sidewalks on both sides.
 - b. Paths and trails within a planning unit shall be constructed by the developer and maintained by the applicable homeowner's association.
 - c. Separate pedestrian paths shall be constructed by the developer along Rancho Vistoso Boulevard. Bike lanes shall be striped on collectors.
6. Recreation Areas: The recreation areas, as shown on the PAD Plan shall be built by the developer and dedicated to and maintained by the applicable homeowner's association.
7. Schools: One ten acre school site, as indicated on the PAD plan, shall be donated to the Amphitheater School District by the master developer of Rancho Vistoso.
8. Planning Unit Boundary: Planning unit boundaries are shown adjacent to R.O.W.s for graphic purposes. The actual boundary shall be the centerline of the R.O.W.
9. Transportation:
 - a. The ultimate cross-section of the entire roadway network shall be the responsibility of the owner/developer or its assigns, except in the following instance:
 - 1) The owner/developer shall only have the responsibility for constructing half of the roadway cross-section for that portion of the eastern north-south road where only half of the

right-of-way exists within the boundaries of Neighborhood Plan #7.

- b. The roads crossing over washes greater than 500 CFS shall be designed to span the 100-year floodplain with only minimum encroachment. Any proposed encroachment shall be reviewed in the subdivision platting process to insure protection of the integrity of the respective washes. In any event, no encroachment for road crossings shall be permitted into washes greater than 500 CFS which is designed for the purpose of reclaiming land for development.
10. Flood Control: All washes with a 100-year peak discharge which equals or exceeds 2,000 CFS must be dedicated to Pima County in fee simple. Other washes shall be evaluated in the subdivision platting process for dedication to Pima County.
11. Additional requirements related to the development of Parcel E
- a. All lots shall contain a minimum of 43,560 square feet.
 - b. Specific uses are limited to single family detached residences.
 - c. Density is limited to .50 RAC and/or 37 total dwelling units.
 - d. The preliminary plat and the final plat shall delineate the building envelopes. The building envelopes shall not exceed 15,000 square feet and are not to be located closer than 100 feet to the Highlands Wash 100-year floodprone limits.
- (Ord.95-16)
- e. Additional requirements pertaining to lots 1-13,16-21, 26-32, 37-41, and 85-89:
 - 1) Any building envelope, which exceeds 15,000 square feet, not including driveway, shall be subject to the approval of the Planning and Zoning Director. In no case, may the gradable area on any individual lot exceed 20,000 square feet, excluding driveway. Approval of any building envelope exceeding 20,000 square feet must be approved by the Town Council.
 - 2) Landscaping outside the gradable area may be permitted, subject to approval of the Homeowners' Association. In no case, however, may any existing living vegetation, including groundcovers and shrubs, be removed to make way for nursery-grown or transplanted plant specimens. Introduced plant materials shall be indigenous to the area.
 - 3) Prior to any site disturbance the Town Zoning Inspector shall evaluate the existing vegetation

within the area to be graded. At his discretion plants may be identified for salvage and transplanted on-site.

- 4) All areas not covered by improved yards, building footprint, paving and accessory structures shall be revegetated using native trees, shrubs and groundcovers indigenous to the area.
- 5) Temporary fencing shall be erected on the perimeter of the gradable area and said fencing shall remain in place to protect the area of non-disturbance for the duration of the construction project.

(Ord. 97-25)

- f. Surveyable envelopes shall be provided for each lot, for review and approval by the Planning and Zoning Director, prior to the issuance of a building permit.
- g. The maximum building height allowed within this amendment area shall be 20 feet.
- h. The applicant shall submit five copies of the corrected text and exhibits for the PAD, to the Planning and Zoning Department within no more than 30 days of the approval of OV9-95-2.
- i. This approval changes the designation for parcel E to VLDR and allows a maximum of 37 units. This approval reduces the maximum number of dwelling units in Neighborhood 7 to 1,673.
- j. All Saguaros shall be preserved in place or salvaged and re-planted on-site.
- k. Arizona Game and Fish Department's guidelines for handling desert tortoise specimens shall be followed, if these animals are encountered during development.
- l. Only native plant materials shall be used for the purposes of site revegetation.
- m. The 18.2 acre area of natural open space (the Highlands wash on the site) shall be protected from disturbance during construction by temporary fencing or signage to the satisfaction of the P&Z Director protected from disturbance during construction.
- n. A homeowners' association shall be formed for this subdivision, which shall be charged with preservation of the 62.2 acres of natural open space that is to be left in an undisturbed state.
- o. The preliminary and final plats for this subdivision shall be in substantial conformance with the tentative development plan approved by the Mayor and Council.

- p. Add building envelopes to all lots.
- q. A restoration bond shall be posted to protect the natural open space.
- r. Perform an on-the-ground survey for cultural resources prior to any ground disturbing, including vegetation salvage, activities.
- s. Significant and/or unique riparian habitat shall be maintained as natural open space.
- t. The Highlands Wash shall be preserved as natural open space due to the Planning Commission having found that one or all of the following criteria to exist:
 - 1) Uniquely high density and/or quality of vegetation
 - 2) High quality of wildlife habitat per the Arizona Department of Game and Fish
 - 3) Linkages to public preserves and major washes
 - 4) Continuity of the wash through developed areas

The area to be preserved shall include the 100 year floodplain unless otherwise stipulated in these conditions.
- u. Salvageable trees shall be either side-boxed or spaded and incorporated into the project landscaping.
- v. The Town of Oro Valley HDZ and Grading Ordinance shall apply.
- w. A final plat shall be approved by Council for this Planned Area Development Amendment within 2 years from the date of approval of this PAD Amendment by Town Council (4-4-95). If the specified time frame is not met and no extension is granted, this conditional approval shall lapse and the property shall revert back to the land uses originally approved. (Ord. 95-16)

12. Additional requirements related to the development of Parcel K:1

- a. The area dedicated as a park site, adjacent to the school site, shall be no less than 4.93 acres in size, and sufficient flexibility shall be provided to Staff to allow them to develop deed restrictions which will be compatible to the School District's needs. A covenant shall be recorded restricting this park site for public use.
- b. The developers shall work in good faith with the residents of Neighborhood 7, Unit 1, and the Oro Valley Parks Board to create recreational space and facilities

between Parcels G and H of Neighborhood 7 and a natural pathway along the power easement in lieu of a tot lot north of Arrowsmith Drive

- c. The upstream improvements, which reduce peak flows during the 100 year storm shall be completed prior to plat approval of Parcel K.
- d. The entire 15 acre school site shall be development simultaneously, to include the school and associated recreational facilities.
- e. A pedestrian trail shall be constructed through open space washes along the eastern edge of the site, as approved by the Planning and Zoning Director. Said trail shall be developed to the standards to be defined in the Oro Valley Parks, Open Space and Trails System Master Plan.
- f. A park site, minimum 4.93 acres in size, shall be dedicated abutting the elementary school site, to the Town of Oro Valley prior to the adoption of a final zoning ordinance. The Town intends to then convey this property to the Amphi School District with a deed restriction limiting use of the land to school and neighborhood serving recreational uses.
- g. Provide a TDP clear overlay and an aerial photo, which clearly depicts preservation of the riparian habitat lining the wash along the eastern portions of the site.
- h. Arizona Game and Fish Recommendations:
 - 1) Maximize the amount of inter-connected open space within the development.
 - 2) Utilize native plant species for all on-site vegetation and revegetation.
 - 3) A Desert Tortoise habitat study and survey shall be conducted on the property by a qualified biologist.
- i. Sidewalks shall be provided on both sides of all streets within this rezoning area.
- j. Front yard setbacks shall provide for a minimum of 20 feet between the sidewalk and the garage footprint.
- k. The southern 4.93 acres (minimum) of this property shall be dedicated for a park and a new tentative development plan be submitted to reflect this, through map and a general note.
- l. The natural open space associated with the wash shall be fenced off and protected from disturbance during construction.

- m. The first tier of lots, lots 95 through 98, shall be limited to single story structures.
- n. The typical roadway cross-section shall depict a 3 foot curbway between the sidewalk and the wedge curb.
- o. Significant and/or unique riparian habitat shall be maintained as natural open space.
- p. Salvageable trees shall be either side-boxed or spaded and incorporated into the project landscaping.
- q. Bicycle paths and pedestrian walkways or sidewalks shall be included in the development and shall be integrated with such facilities, existing or planned, on adjacent properties.
- r. The Tentative Development Plan or (PAD document) will be revised to incorporate the conditions specified by staff and the Planning Commission as approved by the Town Council prior to adoption of a final zoning ordinance.
(Ord. 94-15) (Ord. 96-39)
- s. A revegetation/landscape and irrigation plan shall be submitted for the entire utility easement between Woodburne Avenue and Rancho Vistoso Blvd., said plans to be approved by DRB and Town Council. A form of assurances satisfactory to the Town must be posted to guarantee implementation of said plans.
- t. No new grading shall occur on Parcel K prior to approval of a revised landscape plan, which incorporates a revegetation/retaining wall plan for that portion of the wash to be disturbed in the area of Lots 9 through 12 of Parcel K. Said plan must address a decorative treatment for the retaining wall, including a creative method for improving the aesthetics thereof. Said plans must be reviewed by DRB and approved by Town Council.
- u. Trees shall be native, transplanted specimens and/or nursery-grown. Of the nursery trees imported, 40% of the total number must be 24 inch box size, or greater.
- v. The larger trees salvaged from the area of encroachment shall be re-planted on-site.
- w. The existing trail in the subject wash shall be extended southward, as far as possible, toward Arrowsmith Dr.
- x. The applicant will work with neighbors on the eastern side of the wash to provide adequate revegetation and mitigation.
- y. The property owner shall be hereby authorized to process the preliminary and final plat for Parcel K concurrently.

(Ord. 96-39)

13. Additional requirements related to the development of Parcel I:
 - a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD's High Density Residential development standards. Commercial portions of the development shall be designed according to the PAD's Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

Rancho Vistoso Parcel March 24, 2011 7-I Neighborhood Meeting Summary

Q: Will the Arizona Department of Transportation (ADOT) grant access to Tangerine Road?

A: The applicant must obtain a permit to access Tangerine Road, which is restricted by specific driveway spacing and access management regulations to ensure traffic safety and efficiency.

Q: There have been previous unsuccessful proposals to develop this property by Vistoso Partners. What has changed?

A: This parcel has been zoned for commercial development since the creation of Rancho Vistoso in the late 1980's. Development of the parcel is driven by market demand as well as site constraints, including the elongated linear shape of the parcel, lack of existing access onto Oracle Road, and the presence of an adopted riparian area bisecting the property). The market demand or feasibility of commercial development on the parcel has not materialized. However, there currently appears to be a market for the development of higher-density housing which may be a more feasible use for Parcel 7-I than commercial.

Q: Will the site have access from Woodburne Avenue?

A: Yes, access points currently exist along Woodburne Avenue.

Q: Will the speed limit on Woodburne Avenue change when this site is developed?

A: The speed limit is based on a number of factors related to safety. The speed limit could change if the traffic impacts of development in the area, including the development of Parcel 7-I, necessitated it to ensure public safety.

Q: Why is this being proposed now?

A: This site has sat undeveloped for decades and there are currently residential developers interested in it to meet market demand for higher-density housing in the area.

Q: Who will restore the site if the project stalls or stops after the site has been graded?

A: The Town requires the developer to establish a restoration bond for the cost of restoring the site to its previous state if the project is not completed. As discussed at the meeting, the Town only uses these assurances as a last resort after the developer has exhausted all other options.

Q: Will this project impact property values?

A: It is difficult to speculate what effect, if any, the development of Parcel 7-I will have on adjacent residential property values. However, high quality development that does not negatively impact adjacent residences does not typically adversely affect property values.

Q: Will the development impact views?

A: Although the site is lower than adjacent neighborhoods, it will likely have some impact to views. Staff will work with the applicant and neighbors to minimize view disturbances, where possible, while still preserving the applicant's vested zoning rights, including a 34-foot (3 stories) height limit. In addition, the primary view is to the east/southeast toward Pusch Ridge and the Catalina Mountains. Development on Parcel 7-I, which lies to the south, will not likely impact these views.



Development and Infrastructure Services Department

**Rancho Vistoso – Parcel 7-I
OV 911-006
Neighborhood Meeting Summary
August 4, 2011**

Matt Michaels, Senior Planner presented the following:

Background
PAD Zoning
PAD Text Amendment
General Plan
Process

Paul Oleland, WLB presented an overview of the proposed development project and the need for a PAD amendment.

Approximately 16 residents were in attendance. Issues raised by residents during the meeting included:

Children generated by apartments – impact on school

Increase in crime associated with apartments

Access to Fire Station

Quality of apartments

Condo's vs. Apartments

Use of remainder parcel

Alignment of Tami, or off-set

Viewshed analysis

No access on Woodburne

Rents proposed?

Planning
(520) 229-4832

Permitting
(520) 229-4815

Inspection & Compliance
(520) 229-4815

Engineering
(520) 229-4894

Operations
(520) 229-5070

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(520) 229-4990

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No HUD project

Building Height – View Impacts

Screen wall / sidewalk on Woodburne

Access questions regarding Tangerine Road

Requirement for Traffic Impact Analysis – Woodburne / Rancho Vistoso intersection

Don't want to lose sidewalk on Woodburne

Will the project be gated?

Loss of commercial revenue

What happens if ingress not granted by ADOT?





1/8"=1'-0" SCALE

HSL - TANGERINE / RANCHO VISTOSO





Scale: 60 SCALE
AUG 1, 2011

HSL - TANGERINE / RANCHO VISTOSO
ELEVATION



Horned lizards ("horny toads") used to be a common sight throughout the Tucson area. Now they are relatively rare. The chief cause of their demise is loss of habitat. Large footprint structures are especially devastating, because they don't give animals a chance to find a safe habitat nearby.

Structures that obstruct washes are also devastating to wildlife. Washes are riparian habitats, and the presence of even seasonal water is a major factor in supporting animal and plant life. Many amphibians and birds depend on riparian areas, and when these areas are obstructed, those animals will probably not return.

Part of the charm of desert life is the diversity of unique life forms that cannot be found elsewhere. Please consider that construction of large structures may impact substantially on that charm.

Tom McDonald, Rancho Vistoso Resident
Biology Department
Pima Community College, West Campus
Tucson, AZ

Soap and education are not as sudden as a massacre, but they are more deadly in the long run.

Mark Twain

My name is Barbara Cherardi, 425 E. Heatherglenn Pl., Oro Valley 85755. I wish to inform you of my dissatisfaction about the new building codes your asking for on Tangerine and Woodburne. When I bought my home, it was told to me that that land is common ground and would stay as that. I think building apartments there would be terrible. It's close to schools and I think the traffic situation would not be good too. If anything has to be built, I would prefer individual homes. Apartments would change the whole look of this neighborhood. On Tangerine, probably at some time, there would be some businesses built in the near future. But that's on Tangerine, not on Woodburne. But the thought of two or three story apartments is not what I would like, that's for sure.

Sincerely
Barbara Cherardi

Dear Mr. Daines,

Please reconsider the proposed change to multi-family dwellings for Rancho Vistoso undeveloped land bordering Tangerine and Rancho Vistoso to Woodburne. It would not be consistent with the way the rest of Rancho Vistoso has been developed---low density single family and may adversely affect the property values in the area. Thank you for your attention to this.

Ann Ellsworth
13507 N. Tom Ryan's Way
Oro Valley, AZ 85755

Attachment 9-1

Mr. Daines,

I requested a form letter to express my opposition to the new apartments near Woodburne Dr. Who is promoting this bad idea? Can you let me know, so I can call or write them personally? Thank you very much for your WARNING Flyer.

Sincerely,

Brandon Jones

Praise the Lord, O my soul, and forget not all His benefits...who satisfies your desires with good things.
Psalm 103:2,5

October 1, 2011

**Att: Chad Daines
Town of Oro Valley
11000 N La Canada Dr
Oro Valley, AZ 85737**

Dear Mr Daines,

As a resident of Rancho Vistoso, I am opposed to the proposed amendment to the Rancho Vistoso Planned Area Development zoning standards that would permit multi-family residential use (apartments) on Parcel 7-1, generally located at the northwest corner of Rancho Vistoso Blvd and Tangerine Rd, (OV 911-06.)

This change will destroy the tranquility and single family residential character of our community. It is likely to negatively impact property values, mountain views, schools community services, wildlife patterns and our water supply. Further it is bound to create traffic congestion.

I respectfully ask that you do not approve this amendment and protect our nearly 23 acres of land as open space.

Sincerely,

**Carolyn Rashti
12179 N Kylene Canyon Dr
Oro Valley, AZ 85755**

Attachment 9-2

I just moved here in July, so maybe I don't have much right to complain.

I feel like I'm being blindsided. This project will completely destroy the small community around Sterling, Seasons Loop, and the other roads down to Rancho Vistoso Blvd. The traffic will increase exponentially. The peace and tranquility, not to mention the views, that we thought we were going to enjoy when we moved here, will be destroyed. Why not build, if you really have to, on Tangerine. Exit and entrance on Tangerine like the other development. The scope of this project is way too big for this area. I hope to see you on Oct. 4th.

Respectively, Brenda Kenfield N Seasons Loop.

October 1, 2011

Town of Oro Valley
11000 N. La Cañada Drive
Oro Valley AZ 85737

As a resident of Rancho Vistoso, I am opposed to the proposed amendment to the Rancho Vistoso Planned Area Development (PAD) zoning standards that would permit multi-family residential use (apartments) on Parcel 7-1, generally located at the northwest corner of Rancho Vistoso Blvd and Tangerine Rd, (OV 911-06.).

This change will destroy the tranquility and single family residential character of our community. It is likely to negatively impact property values, mountain views, schools, community services, wildlife patterns and our water supply. Further, it is bound to create traffic congestion.

Adding a large apartment complex to our neighborhood is not acceptable. A rental property right when you enter Rancho Vistoso will negatively impact our daily life. Our school cannot handle more students! When you look at Oro Valley's website, it brags on our "fine" schools. Think of what a large apartment complex will do to our schools! Class size will increase and our children will not get the "fine" education Oro Valley brags about. Traffic will be horrendous at that corner. And our property values will further decline. This is not what I wanted when I moved to Oro Valley!

This is not the right thing to do for the residents of Rancho Vistoso nor Oro Valley!

I respectfully ask that you do not approve this amendment and protect our nearly 23 acres of land as open space.

Sincerely,

Robin L Davis
200 W. Saddletree Place
Oro Valley, AZ 85755
520-883-9003

Attachment 9-3

Town of Oro Valley
11000 N. La Cañada Drive
Oro Valley AZ 85737

As a resident of Rancho Vistoso, I am opposed to the proposed amendment to the Rancho Vistoso Planned Area Development (PAD) zoning standards that would permit multi-family residential use (apartments) on Parcel 7-1, generally located at the northwest corner of Rancho Vistoso Blvd and Tangerine Rd, (OV 911-06.).

This change will destroy the tranquility and single family residential character of our community. It is likely to negatively impact property values, mountain views, schools, community services, wildlife patterns and our water supply. Further, it is bound to create traffic congestion.

Further, we chose to move to an older, established neighborhood in Oro Valley for the very reason that we did not want to deal with such issues. This is not a rental community. Having a large apartment complex near us is not acceptable. This will not help property values in this neighborhood. Adding a large apartment complex will further deplete our property value. We have a choice where we live. If this is approved and moves forward you will drive residents out of Oro Valley. Creating more empty homes and even further adding to the decline of property value in Rancho Vistoso.

I do not believe this is the right thing to do for the residents of Rancho Vistoso nor Oro Valley. The impact will only be negative to our daily lives and must be rejected.

I respectfully ask that you do not approve this amendment and protect our nearly 23 acres of land as open space.

Sincerely,

Glenn Davis
200 W Saddletree Pl.
Oro Valley, AZ 85755

Attachment 9-4

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: October 4, 2011

TO: PLANNING & ZONING COMMISSION

FROM: David Williams, Planning Division Manager

SUBJECT: Public Hearing: Amendment to the Rancho Vistoso Planned Area Development (PAD) zoning standards to clarify that multi-family residential uses (apartments) are permitted on Parcel 7-I, generally located at the northwest corner Rancho Vistoso Boulevard and Tangerine Road (OV 911-006).

SUMMARY:

The Planned Area Development (PAD) Amendment pertains to Rancho Vistoso Parcel 7-I, located at the northwest corner of Rancho Vistoso Boulevard and Tangerine Road (Attachment 1). Parcel 7-I is designated C-1 within the Rancho Vistoso PAD (Attachment 2). Through reference, the PAD provides that multi-family residential uses may be permitted within areas designated C-1. The applicant is requesting an amendment to add a new policy to clarify that multi-family residential uses are permitted on Parcel 7-I.

BACKGROUND:

Amendment Request

The subject property is designated C-1 in the Rancho Vistoso PAD document. The Rancho Vistoso C-1 purpose statement (Attachment 3) indicates that the district “may include uses associated with the central business district”. Multi-family residential is one of the uses allowed within the central business district. As this reference applies generally to all C-1 designated property within the PAD and uses the word “may”, staff required the PAD amendment to clarify that multi-family residential uses are specifically allowed on Parcel 7-I. The applicant has submitted a policy for Parcel 7-I allowing multi-family residential uses on the 15.6 acre portion of the parcel west of the central wash. The balance of the property remains planned for commercial development. The complete listing of policies for Parcel 7 are provided on Attachments 4-1 through 4-7. The new policy related to Parcel 7-I is listed on Attachment 4-7, and provided as follows:

13. Additional requirements related to the development of Parcel I:

- a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD’s High Density Residential development standards. Commercial portions of the development shall be designed according to the PAD’s Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

Site Conditions

- Parcel 7-I is 22.6 acres
- Western portion of Parcel 7-I (proposed multi-family site) is 15.6 acres
- Zoning is Rancho Vistoso C-1
- The property is currently vacant

Approvals to Date

The Rancho Vistoso PAD was originally adopted in June, 1987. There have been numerous amendments to the original PAD document as the master planned community has developed.

Surrounding Land Uses

Direction	Zoning (Attachment 2)	Land Use
North	Rancho Vistoso – High Density	Single-family Detached Residential
South	C-2 , R1-36	Commercial / Single-family Detached Residential
East	Rancho Vistoso C-1	Commercial / Vacant
West	R1-144, Rancho Vistoso Open Space	TEP Substation / Fire Station

General Plan Conformance

The property is designated Neighborhood Commercial / Office (NC/O) on the Oro Valley General Plan (Attachment 5). As multi-family residential uses on this parcel are referenced in the policy statement and this amendment is intended only for clarification purposes, this application is not considered a significant land use change. The following general plan policies are notable for this proposal:

- *Policy 1.3.2 The Town shall encourage new development to locate uses that depend on convenient transportation access (e.g. higher density residential and commercial) near major arterial streets.*

Rancho Vistoso Parcel 7-I is located at the intersection of two major arterial streets. Additionally, Tangerine Road is a State Route which accommodates regional traffic needs.

- *Policy 1.4.7 The Town shall ensure that increased densities approved for high density projects are based on reducing the negative impacts on adjacent lower density residential projects and providing additional landscaping, open space, and other amenities.*

This application is to clarify the use of a portion of the property for multi-family residential uses. As such, a detailed Conceptual Site Plan is not

required and has not been submitted. If this application is approved, the next step in the process would be submittal and review of the detailed Conceptual Site Plan to ensure adherence to this policy. The policy requires a minimum 20% open space be provided on the site and the site be integrated with pedestrian connections to the commercial area east of the central wash. The conceptual sketch plan submitted by the applicant is provided on Attachment 6.

- *Policy 1.5.4 The Town shall ensure that areas appropriately zoned and planned for neighborhood commercial uses are developed.*

The intent of this policy is to prevent rezoning of appropriately planned commercial areas to other uses. Although the property is zoned for commercial uses, the narrow depth of the property limits commercial development potential. Additionally, the applicant proposes to retain 7 acres of commercially zoned land at the intersection of Rancho Vistoso Boulevard and Tangerine Road.

Neighborhood Meetings

The applicant conducted two neighborhood meetings on the project on March 24th and August 4th. Approximately 5 residents were in attendance for the March meeting and approximately 18 residents were in attendance for the second meeting. Issues raised at the neighborhood meeting included access to Tangerine Road, access to Woodburne Avenue, market demand for commercial and multi-family residential, impacts to views and impacts to property values.

Analysis of Proposed Amendment

The proposed amendment would add a special area policy further clarifying multi-family residential uses on the 15.6 acre western portion of this property. As stated previously, the narrow depth of the western portion of the parcel limits viability for commercial use which typically needs greater depth to accommodate typical commercial buildings and supporting parking areas. The development of multi-family residential on this parcel serves as a logical transition from the high intensity of Tangerine Road to the single-family residential areas to the north.

The applicant has provided a preliminary development concept sketch and preliminary building elevations for the subject property (Attachments 6, 7 and 8). A complete Conceptual Design submittal will be required should the requested PAD amendment be approved.

The proposed policy allows multi-family residential development in accordance with the PAD's High Density Residential Development Standards, which permits densities ranging from 8-21 du/ac. A typical apartment development is generally 18 du/ac. The Commercial portion of the property east of the central wash would continue to be subject to the PAD's Community Commercial Development Standards.

In terms of the Tangerine Road Corridor Overlay District (TRCOD), the entire Rancho Vistoso PAD area was expressly exempted from a number of provisions of the TRCOD. The specific provisions

of TRCOD which are not applicable to this development include the 50 foot open space tract along Tangerine Road, the measurement of building setbacks from the 50 foot open space tract and building height limitations specific to TRCOD.

The development would need to adhere to all provisions of the PAD relative to open space, setbacks and building heights, as well as any applicable provisions of TRCOD and the Zoning Code not specifically exempted.

Traffic and Circulation

As the application is a PAD text amendment, engineering comments relative to the case have been included as conditions of approval (Attachment 9) to be addressed during the design phases of the project.

Specifically, the conditions require a Traffic Impact Analysis be prepared and submitted with the Conceptual and Final Design package. The preliminary concept sketch submitted as part of this application shows two points of access to Tangerine Road. Access to Tangerine Road is controlled by ADOT as this is a State Route. The TIA will need to address access and all potential impacts to Woodburne Avenue, with particular focus on the Woodburne Avenue and Rancho Vistoso Boulevard intersection as it relates to level of service, traffic signal needs and associated geometric requirements. If access is required on Woodburne Avenue, a realignment of the roadway will be required at the intersection. The realignment will require the roadway to shift south to allow the vacant commercial property north of Safeway and the existing Safeway commercial center to have access to the signalized intersection. Recommended conditions relative to these issues is provided on Attachment 9.

PUBLIC NOTIFICATION AND COMMENT

The PAD amendment has been noticed in accordance with Town requirements and no comments have been received.

CONCLUSION/RECOMMENDATION

Staff recommends approval, subject to the conditions provided on Attachment 9.

SUGGESTED MOTION

The Planning & Zoning Commission may wish to consider one of the following suggested motions:

I move to recommend [approval, approval with conditions, OR denial], OV911-006, approval of a PAD amendment to add a special area policy relative to Rancho Vistoso Parcel 7-l.

Attachments:

1. Attachment 1 – Location Map
2. Attachment 2 – Zoning Map
3. Attachment 3 – Purpose Statement
4. Attachment 4 – Neighborhood 7 Special Area Policies
5. Attachment 5 – General Plan Map
6. Attachment 6 – Concept Sketch
7. Attachment 7 – Concept Elevation 2 Story Buildings
8. Attachment 8 – Concept Elevation 3 Story Buildings
9. Attachment 9 – Conditions of Approval

cc: Prepared by: Chad Daines, AICP, Principal Planner

David Williams, AICP, Planning Division Manager

