

**AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
NOVEMBER 16, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

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. Library Customer Feedback Form

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.

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

- A. April 20, 2011 Town Council Minutes
- B. Police Department Statistics - September 2011
- C. Fiscal Year 2011/12 Financial Update Through September 2011
- D. Cancellation of the December 21, 2011 regular Town Council Meeting
- E. Approval of 2012 Regular Town Council Meeting Schedule

- F. Resolution No. (R)11-73, Approving the Granting of a Utility Easement to the Town of Oro Valley from the Spiritual Assembly of the Baha'is of Oro Valley for the purpose of constructing water utility facilities
- G. Resolution No. (R)11-74, Authorizing and approving an access easement between the Town of Oro Valley and Ronald G. and Jolene Bishop for a secondary access to the Lambert Lane booster site
- H. Resolution No. (R)11-75, Authorizing and approving a grant in kind agreement between the Town of Oro Valley and the Arizona State Library, Archives and Public Records Division for the funding and implementation of a virtual workforce workstation

REGULAR AGENDA

- 1. PUBLIC HEARING: ORDINANCE NO. (O)11-29, AMENDING ORO VALLEY TOWN CODE ARTICLE 5-5, MAGISTRATE COURT FEES, SECTION 5-5-1(A)14, COURT SECURITY FEE
- 2. REQUEST FOR APPROVAL OF CONCEPTUAL SITE PLAN AND CONCEPTUAL ARCHITECTURE FOR ST. MARK CHURCH, LOCATED ON THE SOUTHEAST CORNER OF TANGERINE ROAD AND SHANNON ROAD
- 3. 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: 11/9/11 at 5:00 PM 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: 11/16/2011

Submitted By: Arinda Asper, Town Manager's
Office

Information

Subject

Library Customer Feedback Form

Attachments

Library Customer Feedback Form

OCT 21 2011

Customer Feedback Form

The Oro Valley Public Library staff welcomes your comments regarding the library.
Please complete this form and place in the Comments Box.

Date: October 13 2013 Time: 3:00 P.M.

Comments: I appreciate books that are on display, especially.
The changes give me the opportunity to choose books easily
also an excellent variety. I read hours at a time. My age 81

May we contact you regarding your comments? Why Not (All customer information is confidential.)

Please include your name and contact information:

Name: Emma Ruth Hartman Phone Number: 820-8779

E-mail: —



Thank you for taking the time to provide us with your comments.
We value your feedback. Customer feedback and library staff responses
will be made available to the public once a month.





Town Council Regular Session

Item # A.

Meeting Date: 11/16/2011

Requested by: Julie Bower, Town Clerk

Submitted By:

Tracey Gransie, Town
Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

April 20, 2011 Town Council Minutes

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with the following changes) the April 20, 2011 Town Council Regular Session minutes.

Attachments

4 20 11

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
APRIL 20, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION

CALL TO ORDER - 6:00 PM

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Mary Snider, Vice Mayor
Bill Garner, Councilmember
Barry Gillaspie, Councilmember
Joe Hornat, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Assistant Town Manager Greg Caton reviewed the upcoming meetings and events.

COUNCIL REPORTS

Councilmember Waters stated that he had attended the "Imagine Greater Tucson" event with Vice-Mayor Snider and Councilmember Gillaspie, and that it was a community project for the future growth of the metro Tucson area. Keri Silvyn, Chair of the Board for Imagine Greater Tucson, confirmed their website was www.imaginegreatertucson.org.

DEPARTMENT REPORTS - None

ORDER OF BUSINESS

The Mayor kept the order of the agenda as numbered.

INFORMATIONAL ITEMS

The Mayor congratulated Town Manager Watson for being awarded one of two scholarships from the Arizona City/County Management Association to attend Harvard University's John F. Kennedy School of Government.

CALL TO AUDIENCE

Conny Culver, resident of Oro Valley, stated that she represented the Politician Accountability Coalition for Oro Valley Recall, which was a Political Action Committee. She explained that they wanted to see a change in the budget process and read a quote from the book *Zero-Based Budgeting*.

Carol Ruehl, Oro Valley resident, stated that she was opposed to raising taxes and made it a point to not shop in Oro Valley.

Richard Tracy, Oro Valley resident, stated that he supported a reasonable tax increase for the services in the community, and he complimented Councilmember Garner on his Council-on-Your-Corner presentation.

Scott Leska, Oro Valley resident, reported that he was opposed to a tax increase because he wanted business growth in Oro Valley and higher taxes would drive businesses out.

Bill Adler, resident of Oro Valley, described a Community of Excellence as one that served the entire population, and stated that it's cheaper to maintain quality than it is to cut it and rebuild it.

Alex Heinze, Oro Valley resident, stated that he was opposed to a tax increase and asked to have every opportunity for cuts looked at.

George Craig, Oro Valley resident, spoke against any tax increase and asked the Council if lowered costs had been addressed.

Kevin Herring, Oro Valley resident, reported that his property tax had increased by 26% in the past year and that Arizona sales tax had increased by 18%. He stated that businesses and individuals could not survive in the economy without managed spending.

Ralph Kayser, Oro Valley resident, declared that he was shocked by the prospect of tax increases in Oro Valley and upset with the solar panels in the parking lot.

David Burford, Oro Valley resident, commented that he was retired and upset by the numerous rate increases he had experienced, and was against any sales or property tax.

Mayor Hiremath responded by saying that the Council was disappointed in citizens who believed that a Community of Excellence could be created by cutting services. He added that everyone had valid opinions, but that government was responsible for providing basic services at an affordable price and for providing opportunities to Oro Valley citizens.

Councilmember Solomon added that the General Fund had been cut from \$32.3M in 2009 to \$25.6M in 2011/12. He stated that 21% of the budget had been cut and the Council was still looking for more.

Councilmember Hornat stated that neither he nor the current Council had increased the property tax by 26%, that Marana had a 4% utility tax, and that Oro Valley staff had not received raises for years. He said that the state continued to sweep Oro Valley's funds and that Oro Valley had no real taxes for revenue.

PRESENTATIONS

1. Presentation of Certificates of Appreciation to the Sign Code Task Force Committee for their work on the Oro Valley Sign Code

The Mayor presented certificates to the following members of the Sign Code Task Force:

- Bob Semple, real estate agent and HOA Board member
- Bonnie Quinn, business rep
- Barry Kitay, commercial developer
- Mark Jones, sign industry rep
- Thomas Gribb, Development Review Board member
- Ramon Gaanderse, Chamber rep
- Mary Caswell, Citizen-at-large
- James Bowman, Citizen-at-large
- Zev Cywan, Citizen-at-large (posthumously)

2. Presentation of the 'Golden Axe' at the request of Golder Ranch Fire, related to a March 17, 2011 life saving incident by Oro Valley Police officers.

Golder Ranch Police Chief Randy Karrer announced that the "Golden Axe Award" was awarded to fire department personnel who performed actions above and beyond the call of duty, and that it was the first time the award was being presented to another organization. Golder Ranch Assistant Chief Pat Abel, Division Chief John Sullivan, and Oro Valley Police Chief Danny Sharp presented the "Golden Axe Award" and plaques to Commander Jason Larter, Sgt. Carmen Trevizo, Lead Police Officer Simon Emidy and Officer Matthew Roth who had saved the life of a disabled woman that was trapped in her van in a wash.

CONSENT AGENDA

Consent items (A), (C), and (G) were pulled at the request of Council.

- B. Fiscal Year 2010/11 Financial Update Through February 2011
- D. Council approval of security upgrades for Council Chambers
- E. Resolution No. (R)11-22, Authorizing and Approving a Line Extension Agreement for Construction of Protected Water Facilities Under Private Contract Between the Town of Oro Valley and Copper Canyon Development, LLC
- F. Resolution No. (R)11-23, Appointing Town Manager Jerene Watson as Applicant Agent for the Federal Emergency Management Agency, Arizona Department of Emergency Management, Lomas De Oro Wash Project

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Waters to approve Consent Agenda items (B), (D), (E), and (F).

MOTION carried, 7-0.

A. **Minutes - March 2, 2011 (PULLED FOR DISCUSSION BY COUNCILMEMBER GARNER)**

Councilmember Garner stated that there was an error on page 3 of the March 2, 2011 minutes, and that the resident's name should be shown in the record as Mr. Gil Alexander.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Hornat to approve Consent Agenda item (A) with the correction.

MOTION carried, 7-0.

C. **Police Department - February 2011 Statistics (PULLED FOR DISCUSSION BY COUNCILMEMBER HORNAT)**

Councilmember Hornat asked Chief Sharp if the dark house numbers had increased by 1,000 for the month. The Chief responded that as the weather warmed and snowbirds left, the numbers went up.

Councilmember Waters questioned why the number of citations in the Police Department's report had gone down, and Chief Sharp explained that his department was short-staffed by three motor officers, and that motor officers wrote the majority of the citations in the town.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to approve Consent item (C).

MOTION carried, 7-0.

G. Resolution No. (R)11-24 Authorizing and approving a first amendment to the lease for the Police Department substation located at Mountain View Plaza (PULLED BY COUNCILMEMBER GARNER)

Councilmember Garner stated that he pulled Item (G) because he did not have the full lease available to him for review as part of the packet. He added that a cost amount reflected in the amendment was incorrect.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Waters to continue the item to another meeting so that Council could review the first lease.

Councilmember Solomon questioned whether a continuance would harm negotiations with the landlord for a reduced lease rate. Chief Sharp stated that any delay would prolong payment of the lease at the current rate and not the reduced rate until the amendment was approved.

Vice Mayor Snider asked if the Town Attorney had reviewed the lease. Town Attorney Rosen confirmed that he had gone over the lease with Councilmember Garner, and that the amendment was in proper form with the correct rent reduction calculations. He added that the amendment showed the annualized rent amount, while the town paid rent monthly.

Councilmember Waters withdrew his second on the motion to continue the item to another meeting.

Councilmember Garner stated that he could not support a lease that was not privy to the general public, and that there were additional expenditures that the Council was not privy to.

Town Attorney Rosen communicated that there was not a conflict because the amendment reflected everything that was in the original lease that had been changed (which was the rental rate for the remaining term and the extended term).

Councilmember Gillaspie declared that he would like to know what the terms were in the original lease regarding termination, because he thought it was an additional cost that might be considered for elimination in the next budget.

Town Attorney Rosen stated that all town real estate leases contained an appropriation clause which specified that if the Council failed to appropriate funds, the lease could be terminated for that reason.

Councilmember Garner alleged that the amendment never went through the Procurement department; that he was concerned about the HVAC (heating, ventilation, and air conditioning) clause in the contract; and that he was concerned about entering into a lease without all of the information needed to make an accurate decision.

Councilmember Solomon reiterated that the town was already obligated to the current lease and that the amendment represented a reduction in the rent, which was also a savings to the town and could be cancelled at any time.

Town Attorney Rosen stated that there would be a net savings to the town if the amendment was passed, but that the lease would be extended for an additional four years over the original agreement, with a slight increase every year. He added that no other provisions of the lease could be changed until the lease expired.

Town Attorney Rosen confirmed that real estate leases and contracts did not go through Procurement as part of town code. He added that they were negotiated by the department that used the service, and then reviewed by Legal before they were taken to Council.

The Mayor asked for a second to continue the item to another meeting so that Council could review the first lease. Motion died for lack of a second.

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Snider to approve item (G).

MOTION carried, 6-1 with Councilmember Garner opposed.

REGULAR AGENDA

1. PUBLIC HEARING - ORDINANCE NO. (O)11-11, AMENDING THE STEAM PUMP VILLAGE PLANNED AREA DEVELOPMENT LOCATED ON THE WEST SIDE OF ORACLE ROAD BETWEEN RAMS FIELD PASS AND HANLEY BOULEVARD

Planning Division Manager David Williams stated that the public hearing was for the Steam Pump Ranch Planned Area Development amendment. He added that the Planning and Zoning Commission had unanimously approved the amendment and that the applicant was present to go into more detail. Mr. Williams reviewed the location map, showed nearby residences, and confirmed that staff had not received any protests regarding the case. Per Councilmember Hornat's request, he explained that notification was done through the public hearing process held by the Planning and Zoning Commission and a neighborhood meeting and that notices were sent to residents that were within 1000 feet of the property, and again to residents that were within 600 feet.

Mr. Williams outlined the property's General Plan designation and what changes were being made to the amendment which included development standards, free standing pads and convenience uses, and permitted uses. He stated that the gas station would not go through a separate conditional use permit review process but would go before the Conceptual Design Review Board.

Councilmember Waters questioned what kind of convenience uses would fit into the site. Mr. Williams answered that other than gas stations, a typical convenience use was fast-food and drug stores.

The developer's representative, Keri Silvyn of Lewis & Roca, stated that she would be speaking on behalf of Evergreen Devco and the Steam Pump Village project, and that several of the applicant's were also in the audience.

Ms. Silvyn reviewed the site layout and improvements that were made over the years, and explained that the current tenants suffered because of the lack of synergy within the center. She described the center's vision as a non-traditional, mixed-use development with office, retail and possibly residential components. Ms. Silvyn presented her proposal and specifically the building height increase to 49 feet along the back of the site and the 50 foot setback from the property line. She reported that the Wingate Hotel was 39 feet high and that the nearest resident's elevation was 1 foot below the top of the building if the height increased to 49 feet.

Vice Mayor Snider asked for the importance in use in going from 39 feet to 49 feet in height.

Ms. Silvyn responded that it allowed for flexibility in the number of stories, and confirmed that 49 feet was three stories in height.

Councilmember Gillaspie requested that Condition 1 regarding the proposed gas station be revised to reflect enhanced vegetation, and Ms. Silvyn agreed to additional landscaping in the area that was being created.

Councilmember Waters asked what type of convenience uses were being considered. Ms. Silvyn related that criteria was being examined because the Baggin's Gourmet Sandwich shop located in Steam Pump was considered to be a convenience use by Town code because of their amount of takeout.

Ms. Silvyn continued her presentation and showed Quik Trip renderings that were similar to what was on the agenda for approval that evening.

Mayor Hiremath opened the public hearing. There were no speaker request cards, so Mayor Hiremath closed the public hearing.

Ms. Silvyn confirmed for Councilmember Hornat that the amendment required only free-standing convenience use tenants to go through the Conditional Use Permit process.

Councilmember Garner questioned whether a canopy and a free-standing building counted as one, and Mr. Williams confirmed that it did (a canopy is not counted as a separate pad).

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to adopt Ordinance No. (O)11-11 amending the Steam Pump Village Planned Area Development with the conditions specified in Exhibit "A" with the following additions:

- 1) That a fourth bullet point be added that says the existing landscaping area along Oracle Road adjacent to the gas station side, and the landscaped areas along the gas station site perimeter, shall include trees and shrubs from the Town's approved plant list that substantially screen the gas station from use from surrounding uses and Oracle Road; and
- 2) On page 62, clarify that the proposed gas station included in this PAD amendment is the only gas station exempt from the Town's Conditional Use Permit process.

EXHIBIT "A"
STEAM PUMP VILLAGE
TOWN COUNCIL
APRIL 20, 2011

1. Revise Section 1.3.A.2(b) to include the following language regarding the gas station use:
 - No outside storage shall be permitted on site
 - No accessory uses such as propane tank filling will be permitted
 - If outdoor water and air service is available for patrons, this area shall be adequately screened from adjacent properties.
2. Steam Pump Village will pay its proportionate share, as defined below, for the traffic signal at the intersection of Oracle Road and Rams Field Pass when warrants are met and approved by the Town of Oro Valley and ADOT. Proportionate share shall be determined by The Town Engineer based on a traffic impact analysis report provided by a registered traffic engineer and assessing the traffic generated and trip distribution benefitting from the traffic signal with respect to the total traffic contribution at this intersection created by the ultimate build-out of both Steam Pump Village and Big Horn Commerce Center developments. The traffic signal shall be installed at no cost to the Town of Oro Valley when warrants are met.

MOTION carried, 7-0.

2. **PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE NO. (O)11-05, ADOPTING REVISIONS TO THE ORO VALLEY ZONING CODE REVISED (OVZCR) SECTION 26.5, PROVISION OF RECREATIONAL AREA, ATTACHED HERETO AS EXHIBIT "A"; AND**

AMENDING CHAPTER 31, DEFINITIONS

Planning Division Manager David Williams stated that the purpose of the amendment was to address the deficiencies in recreation areas within subdivisions, and he showed a presentation in which he answered questions from Councilmembers that were asked at a previous Town Council meeting.

Mr. Williams confirmed that Town staff, the Parks and Recreation Advisory Board, and the Planning and Zoning Commission all recommended adoption of the Code amendment, with the addition of one change on page 12 of 12 to item G from the word "property" to "park area," or "park areas."

Councilmember Solomon expressed his concern about the Federal Fair Housing Law regarding discrimination related to the Code's requirement for the applicant to submit a statement of an "anticipated demographic profile of the residents."

Town Attorney Rosen commented that if the developers were concerned about being faced with discrimination charges because of the statement, they could state that 100% of the subdivision was anticipated to be occupied by families with children and there would be no discriminatory intent. He added that the Town's zoning ordinance was not the basis for marketing the property, so he did not think that liability would follow the requirement.

Vice Mayor Snider echoed Councilmember Solomon's concern and suggested that the Town get an opinion from a real estate attorney, or eliminate the requirement of a demographic statement from the developer.

Councilmember Gillaspie asked if the point of the provision was to know up front what the developer's proposed product was going to be on the property, not the demographics of the population. He added that builders targeted a product for a certain property and developed a marketing and business plan that explained the people they would draw.

Mr. Williams agreed that builders knew their target market ahead of time. He also suggested that if the developer was seeking flexibility in the subdivision, a statement and supporting information could be provided to the Town that justified their request.

Councilmember Solomon requested that the developer not have to provide demographics, but rather have a discussion with staff regarding the physical type of housing and the appropriate type of recreational area that would serve the housing.

Town Attorney Rosen stated that the solution was to strike the phrase "demographic profile" wherever it appeared in the amendment, but still allowed the builders to submit statements to the Planning Division that described the subdivision and tailored the recreational amenities to the product.

Councilmember Solomon referred to page 2 of 12, item C.1, which required one acre to every 85 dwelling units and asked how the Town came up with that rule.

Mr. Williams replied that the requirement was a standard that was established 15 years ago and that he was not familiar with the basis of it, but said that it was 20% richer than Pima County standards.

Councilmember Solomon explained that if a developer were to build a subdivision with 85 lots (at a typical 6-7,000 square foot lot size) it would require a total of 14-15 acres, and that 1 acre equaled 6 lots or 10% of the developed area. He added that what the Town required was a significant amount to be set aside for parks, which was a cost that would be passed on to the residents.

Councilmember Solomon next referred to page 4 of 12, and asked to clarify whether item 2.C.I was supposed to have the word "passive" in the first sentence before "amenities", and whether item 2.C.II was supposed to have the word "active" in the first sentence before "amenities".

Mr. Williams confirmed that those were typographical errors that would be corrected.

Councilmember Solomon referred to page 5 of 12, item 2.E.III, which described an "enhanced amenity" as limited to 1/2 acre. He stated that the last sentence should be struck, and that staff and developers should determine the value of the enhancement.

Mr. Williams replied that the section was added at the request of the Metropolitan Pima Alliance's governmental group, which did not wipe out other facility requirements. He added that he was comfortable with changing the language as requested. He answered a question from Council that the 1/2 acre credit was solely a recommendation from staff and that it would create a disincentive to build an enhanced facility if the whole requirement could not be met.

Councilmember Solomon referred to page 7 of 12, items 4.A and 4.B and pointed out a discrepancy between the number of parking spaces necessary between 100 units and those with 100+ units. Mr. Williams confirmed that the correct rate of parking spaces for item 4.B was supposed to be at 4+1 per 40 dwelling units.

Mayor Hiremath opened the public hearing.

Bill Adler, Oro Valley resident, stated that he did not support in-lieu fees. He remarked that public park improvements were a capital improvement budget item for the Town and not the responsibility of the developer. Mr. Adler added that open space should not be removed from a subdivision and then have that money spent elsewhere.

Mayor Hiremath closed the public hearing.

Mayor Hiremath referred to in-lieu fees and the space that would have been required to house a park, and asked Mr. Williams what the requirement was of the developer for that open space.

Mr. Williams replied that the builder could use that land for development of lots, or whatever the project was.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to adopt Ordinance (O)11-05, adopting revisions to the Oro Valley Zoning Code Revised Section 26.5, Provision of Recreational Area, as shown in Exhibit "A," with the modifications that the wording "demographic profile" be stricken from the document and that the wording corrections discussed be included in the Ordinance.

Exhibit "A"
OV710-01 Amendment to Section 26.5 Provision of Recreational Area
Chapter 31, Definitions
2/16/11 DRAFT

NOTE: Language to be added is ALL CAPS. Language to be deleted is struck

A. Requirement APPLICABILITY

1. The provision of recreational facilities shall be required of all residential subdivisions, EXCEPT THOSE LOCATED WITHIN THE R1-36, R1-43, R1-144, AND R1-300 ZONING DISTRICTS.

B. Recreational Area Plan Submittal and Approval

1. The developer shall submit a Recreational Area Plan as part of the preliminary plat. This recreational plan shall include minimum improvements for recreational purposes as required by this Section D.
2. THE RECREATIONAL AREA PLAN SHALL BE SUBMITTED AT THE TIME OF PRELIMINARY PLAT SUBMITTAL AND SHALL BE REVIEWED BY TOWN COUNCIL CONCURRENT WITH THE PRELIMINARY PLAT.
3. Approval of the plan by the Town Council, after review and recommendations by the Parks and Recreation Advisory Board (for public recreational areas) and the CONCEPTUAL Development Review Board (for private recreational areas), shall be a prerequisite to approval of the final plat.
4. ALL RECREATIONAL AREA PLANS SHALL BE REVIEWED BY THE ORO VALLEY POLICE DEPARTMENT (OVPD) FOR CONFORMANCE TO CPTED DESIGN ELEMENTS CONTAINED IN SECTION D.5.

5. MODIFICATION OF FACILITIES AND AMENITIES DEPICTED ON THE APPROVED RECREATIONAL AREA PLAN
 - A. MODIFICATIONS DEEMED NECESSARY AND BENEFICIAL TO PROVIDE FOR THE RECREATIONAL NEEDS BASED ON THE DEMOGRAPHIC PROFILE OF RESIDENTS ARE SUBJECT TO APPROVAL BY THE PARKS, RECREATION, LIBRARY AND CULTURAL RESOURCES (PRLCR) DIRECTOR AND PLANNING DIVISION MANAGER.
 - B. ALL MODIFICATIONS SHALL CONFORM TO THE PROVISIONS OF THIS CODE.

C. Minimum Recreation Area Standards

1. An area shall be devoted to and designated as "recreational area" on the PRELIMINARY AND final subdivision plat which equals a ratio of one acre to EVERY 85 dwelling units.
2. The recreational area shall be usable and accessible by all subdivision residents. ~~Consideration shall be given to providing~~ AND SHALL PROVIDE amenities that best serve the needs of THE ANTICIPATED DEMOGRAPHIC PROFILE OF THE DEVELOPMENT.
3. Upon review and recommendations from the Parks and Recreation Advisory Board the Town Council may allow Environmentally Sensitive Open Space (ESOS) to be credited toward the recreation requirements of this section, subject to the provisions of Section 27.10.F.2.c of the code. ~~such as peaks, steep slopes or floodprone areas, to be protected and dedicated to the Homeowners' Association or the Town per the adopted Parks, Open Space and Trails Master Plan.~~ The applicant may receive a credit for this property at a ~~3:4~~ 1:1 ratio FOR A MAXIMUM OF ONE HUNDRED PERCENT (100%) of the required recreational area.
4. Credit may be obtained only when the following criteria are ARE met:
 - a. ~~The area is abutting a usable public park site FACILITY.~~
 - b. A. The area shall be determined a TO CONTAIN SIGNIFICANT, unique and desirable ENVIRONMENTAL, SCENIC OR CULTURAL featuresS for the Town and the public good.
 - B. THE ANTICIPATED DEMOGRAPHIC PROFILE OF THE SUBDIVISION INCLUDES GREATER THAN 66% HOUSEHOLDS WITHOUT CHILDREN.

- c. The area shall be delineated as Common Area, designated with a Conservation Easement, with ownership to be held in common by the Homeowners Association or the Town.
- D. THE AREA SHALL BE ACCESSIBLE VIA SIDEWALK, WALKING PATH, TRAIL, AND/OR BICYCLE OR SHARED USE PATH BY ALL RESIDENTS WITHIN THE PROJECT.

D. RECREATIONAL AREA PLAN STANDARDS

1. SITE LOCATION

- A. RECREATIONAL AREAS SHALL BE A FOCAL POINT FOR PASSIVE AND ACTIVE RECREATIONAL ACTIVITIES, AND PROVIDE A MEANINGFUL PLACE FOR NEIGHBORHOOD GATHERINGS AND ACTIVITIES. RECREATIONAL AREAS SHALL BE PLACED IN A HIGHLY VISIBLE AREA OF THE SUBDIVISION THAT IS ACCESSIBLE VIA SIDEWALK, WALKING PATH, TRAIL, AND/OR BICYCLE OR SHARED USE PATH BY ALL RESIDENTS WITHIN THE PROJECT.
- B. LINEAR PARKS, AS DEFINED BY THIS CODE AND DESCRIBED IN SECTION D.2.H, ARE ACCEPTABLE WHEN THEY SERVE TO IMPROVE ACCESS TO RECREATIONAL AMENITIES AND OPEN SPACE NETWORKS.
- C. PASSIVE RECREATION AREAS SHOULD BE LOCATED IN PROXIMITY TO NATURAL OPEN SPACE AREAS AND CONSERVED, ENVIRONMENTALLY SENSITIVE LANDS.

A. D. Recreational areas shall not include lands ~~DESIGNATED AS ENVIRONMENTALLY SENSITIVE OR OTHERWISE~~ determined unusable for recreational purposes by the ~~Mayor and Town Council~~ PLANNING DIVISION MANAGER (PDM). THE PDM SHALL CONSULT WITH THE TOWN ENGINEER AND PARKS, RECREATION, LIBRARY, AND CULTURAL RESOURCES DEPARTMENT (PRLCR) DIRECTOR PRIOR TO MAKING A DETERMINATION. Shallow retention basins (flood prone areas) may be accepted for use as recreational areas subject to ~~recommendations~~ TOWN ENGINEER APPROVAL and acceptance by the Town Council.

~~B. E. Upon review and recommendations from the parks and Recreation Advisory Board PDB, TOWN ENGINEER, AND CONCEPTUAL DEVELOPMENT REVIEW BOARD, the Town Council may allow environmentally sensitive areas, such as peaks, RIDGES, steep slopes (GREATER THAN 15%) or flood prone areas, to be protected and dedicated to the Homeowners Association or the Town per the CURRENTLY adopted Parks, Open Space and Trails Master Plan. The applicant may receive a credit for this property at a 3:1 ratio for a maximum of fifty percent (50%) of the required recreational area.~~

~~E. If the recreational area is to be held in private ownership, The plan shall show all recreational improvements, including structures and facilities. Recreational improvements shall provide amenities appropriate to the neighborhood character including but not limited to the following: Projected Demographic profile of the projected homeowners, accepted by the Planning and Zoning Administrator presented to the Conceptual Development Review Board for approval.~~

D. In cases where a subdivision RECREATIONAL AREA lies adjacent to a trail identified within the Eastern Pima County Trails System Master Plan AND/OR THE ORO VALLEY TRAILS TASK FORCE REPORT AND THEIR SUBSEQUENT UPDATES, a connection shall be provided between the recreational area and said trail.

2. RECREATIONAL FACILITIES IMPROVEMENT STANDARDS

A. RECREATIONAL AREA IMPROVEMENTS SHALL BE APPROPRIATE TO THE ANTICIPATED DEMOGRAPHIC PROFILE OF THE DEVELOPMENT. THE APPLICANT SHALL PROVIDE A STATEMENT DOCUMENTING THE ANTICIPATED DEMOGRAPHIC PROFILE OF RESIDENTS.

B. Equipment installed within the recreational areas shall comply with the provisions of the American with Disabilities Act (ADA).

C. Provision of one active and one passive area AMENITY for the first half-acre or portion thereof. For every additional half-acre (not fractions), an additional passive and active use shall be provided up to the maximum provided by the following Sections.

I. A SINGLE PARK AREA MAY CONTAIN UP TO FIVE AMENITIES. ~~Provision of one area for passive recreation for~~

~~each half acre (i.e., EXAMPLES OF PASSIVE AMENITIES INCLUDE turf areaS, benches, picnic tables, shade structures, barbecue grills, pathways, etc.). a maximum requirement of three areas per single park area.~~

~~i. II. A SINGLE PARK AREA MAY CONTAIN UP TO THREE AMENITIES. Provision of one area for active sports for each half acre, (i.e., EXAMPLES OF ACTIVE AMENITIES INCLUDE basketball courtS, volleyball courtS, bocce courtS, horseshoe pitS, softball field, swimming pool, par courseS, etc.), a maximum requirement of three areas per single park area.~~

~~d.-D. Address site lighting, security, restrooms, and drinking fountains, if provided. Detailed schematics shall be provided for each of these PROPOSED amenity provided WITH THE FINAL PLAT.~~

E. CREDIT FOR ENHANCES AMENITIES

CREDIT FOR THE ADDITIONAL COST OF ENHANCED RECREATIONAL AMENITIES, INCLUDING COMMUNITY SWIMMING POOLS, SPLASH PADS, SKATE/BMX PARKS, FULLY IMPROVED SPORTS FIELDS, AND OTHER AMENITIES APPROVED BY THE PLANNING DIVISION MANAGER, MAY BE OBTAINED AGAINST THE RECREATION AREA REQUIREMENT IN SECTION 26.5.C,1 BASED ON THE FOLLOWING CRITERIA:

I. THE APPLICANT SHALL SUBMIT A COST ESTIMATE SUMMARIZING THE FOLLOWING:

A. VALUE OF THE LAND AND COST OF THE IMPROVEMENTS AND AMENITIES THAT WOULD BE REQUIRED BY THIS CODE

B. VALUE OF THE LAND AND COST OF THE IMPROVEMENTS AND ENHANCED AMENITIES PROPOSED AS ALTERNATIVE MEANS OF COMPLIANCE.

II. CREDIT FOR THE ADDITIONAL COST OF THE ENHANCED AMENITIES MAY BE RECEIVED IN THE FORM OF A REDUCTION TO THE REQUIRED RECREATION LAND AREA.

- III. THE EXTENT OF THE CREDIT SHALL BE DETERMINED BY THE VALUE OF THE ENHANCED AMENITY AS DETERMINED BY THE TOWN. THE MAXIMUM REDUCTION OF RECREATION AREA REQUIREMENT IS ONE HALF (1/2) ACRE.
- F. CREDIT FOR IMPROVED INDOOR RECREATIONAL SPACE MAY BE OBTAINED SUBJECT TO THE FOLLOWING CRITERIA:
 - I. IMPROVED COMMUNITY RECREATION ROOMS, COMMUNITY CENTERS, GYMNASIUMS, PERFORMANCE SPACE, OR OTHER RECREATION SPACE ACCESSIBLE TO ALL RESIDENTS OF A DEVELOPMENT SHALL RECEIVE CREDIT AT A RATIO OF 3:1 AGAINST THE AREA REQUIREMENT CONTAINED IN SECTION B.1.
 - II. EACH ACTIVE AND PASSIVE AMENITY CONTAINED WITHIN AN INDOOR RECREATIONAL SPACE SHALL RECEIVE A CREDIT TO THE RECREATIONAL AMENITY REQUIREMENTS CONTAINED IN SECTION 2.B, 2.C, AND 2.D AT A 1:1 RATIO.
- G. FOR SUBDIVISIONS WITH AN ANTICIPATED DEMOGRAPHIC PROFILE THAT IS PROJECT TO INCLUDE AT LEAST 33% HOUSEHOLDS WITH YOUNG CHILDREN, TOT LOT AMENITIES ARE REQUIRED, INCLUDING AT A MINIMUM:
 - I. PLAY EQUIPMENT AREA
 - II. DRINKING FOUNTAIN
 - III. SEATING AREA (MAY INCLUDE BENCHES OR SEAT WALLS) ORIENTED TOWARDS THE PLAY EQUIPMENT
 - IV. TRASH RECEPTICLE(S)
 - V. BICYCLE PARKING WITH A 4-BICYCLE MINIMUM CAPACITY
 - VI. PICNIC TABLE
 - VII. LIMITED TURF AREA FOR ACTIVITY AREAS ONLY (<15% OF TOTAL RECREATIONAL AREA) MAY BE PROVIDED
- H. LINEAR PARKS MAY BE UTILIZED TO SATISFY THE RECREATIONAL REQUIREMENTS OF THIS SECTION. REQUIRED AMENITIES INCLUDING AT A MINIMUM:

- I. A SHARED USE PATH FOR PEDESTRIANS AND BICYCLISTS
- II. SEATING AREA
- III. LANDSCAPING
- IV. DRINKING FOUNTAIN, IF LOCATED WITHIN 100 FEET OF A POTABLE WATER LINE
- IV. TRASH RECEPTACLE(S)
- V. PET WASTE REMOVAL STATION(S).
- VII. EXERCISE STATIONS MAY BE LOCATED WITHIN LINEAR PARKS.

- I. THE LOCATION OF THE AMENITIES ALONG A LINEAR PARK IS SUBJECT TO THE APPROVAL OF THE PLANNING DIVISION MANAGER AND PRLCR DIRECTOR.

3. PLAY EQUIPMENT STANDARDS

- A. APPLICANT SHALL SUBMIT EVIDENCE THAT PLAY EQUIPMENT COMPLIES WITH THE CURRENT AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) SAFETY STANDARDS FOR PLAYGROUND EQUIPMENT
- B. PLAYGROUND SURFACE MATERIALS, INCLUDING CERTIFIED WOOD FIBER, SHREDDED RUBBER, POURED-IN-PLACE SURFACING, OR OTHER ACCEPTABLE MATERIAL APPROVED BY THE PRLCR DIRECTOR, SHALL BE PLACED AT A MINIMUM DEPTH OF TWELVE INCHES UNDER THE EQUIPMENT.
- C. NO PLAY EQUIPMENT SHALL BE LOCATED WITHIN 30 FEET OF ANY ROAD RIGHT-OF-WAY, DRIVEWAY OR ALLEYWAY, PARKING AREA, OR SINGLE-FAMILY RESIDENTIAL LOT OR SINGLE-FAMILY RESIDENTIAL ZONE UNLESS AN ACCEPTABLE BARRIER IS PROVIDED.
- D. PLAY EQUIPMENT OR APPARATUS WITH A FOOTPRINT OF 250 SQUARE FEET OR LESS MUST BE FULLY SHADED WITH A UV-RESISTANT SUN SHADE OR OTHER APPROPRIATE SHADING MATERIAL OR STRUCTURE AS APPROVED BY THE PLANNING DIVISION MANAGER AND PERMITTING DIVISION.
- E. AT LEAST FIFTY (50%) OF PLAY EQUIPMENT OR APPARATUS BE FULLY SHADED WITH A UV-RESISTANT SUN SHADE OR OTHER APPROPRIATE SHADING MATERIAL OR STRUCTURE AS PROVIDED BY THE PLANNING DIVISION MANAGER AND PERMITTING DIVISION. THIS REQUIREMENT SHALL BE

APPLIED ONLY TO PLAY EQUIPMENT OR APPARATUS WITH A FOOTPRINT OF 250 SQUARE FEET OR GREATER.

- F. TO MAXIMIZE THE SAFETY OF CHILDREN, PLAY SPACES SHALL BE LOCATED AS TO PROVIDE MAXIMUM VISIBILITY FROM SURROUNDING HOMES.
 - G. PLAY EQUIPMENT SHALL NOT BE LOCATED ON A SLOPE GREATER THAN FOUR PERCENT.
2. 4. ~~One Paved on-site OR ON-STREET parking space~~ ADJACENT TO THE RECREATION AREA ~~shall be installed by the developer~~ SHALL BE PROVIDED AS FOLLOWS:
- A. FOR DEVELOPMENTS OF 100 DWELLING UNITS OR LESS: ONE PARKING SPACE for every twenty (20) dwelling units or portion thereof.
 - B. FOR DEVELOPMENTS WITH MORE THAN 100 UNITS: ONE PARKING SPACE FOR EVERY FORTY (40) DWELLING UNITS OR PORTION THEREOF.
 - C. MOBILITY-IMPAIRED ACCESSIBLE SPACES SHALL BE PROVIDED AS REQUIRED IN SECTION 27.7.E OF THIS CODE.
 - e. ~~Provision of adequate off-street parking per the provisions of this Code.~~
5. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) ELEMENTS
- A. RECREATIONAL AREA DESIGN SHALL CONSIDER THE FOLLOWING CPTED ELEMENTS:
 - I. NATURAL SURVEILLANCE: EMPHASIS ON VISIBILITY OF THE RECREATIONAL FACILITIES, ALSO KNOWN AS "EYES ON THE STREET", TO DETER UNAUTHORIZED USERS AND ACTIVITIES.
 - II. ACCESS CONTROL: USE OF DESIGN ELEMENTS TO DENY ENTRANCE TO RECREATIONAL FACILITIES TO UNAUTHORIZED USERS AND ACTIVITIES.
6. ALL RECREATIONAL AREAS SHALL POST AT LEAST ONE SIGN AT THE PRIMARY ENTRANCE(S) STATING:

- A. HOURS OF OPERATION
 - B. PARK/RECREATIONAL AREA RULES.
 - C. TRESPASSING NOTICE FOR UNAUTHORIZED USERS, INCLUDING CITATION OF APPLICABLE ORDINANCES/STATUTES.
 - D. NOTICE THAT ALL DOGS MUST BE KEPT ON A LEASH (UNLESS AN APPROVED OFF-LEASH AREA HAS BEEN DESIGNATED).
 - E. EMERGENCY (911) CONTACT INFORMATION TO REPORT SUSPICIOUS OR CRIMINAL ACTIVITY.
 - F. IF RECREATIONAL AREA IS PRIVATELY OPERATED, HOMEOWNERS ASSOCIATION CONTACT INFORMATION TO REPORT MAINTENANCE OR SAFETY ISSUES.
- 7. IF A NEIGHBORHOOD WATCH EXISTS, A SIGN SHALL BE POSTED AT THE PRIMARY ENTRANCE(S) TO THE RECREATIONAL AREA.
 - 8. IF THE RECREATIONAL AREA ABUTS AN ENVIRONMENTALLY SENSITIVE LANDS (ESL) AREA, A SIGN SHALL BE POSTED EVERY 100 FEET AT THE BORDER OF THE ESL AREA. THE SIGN SHALL CONFORM TO THE ESL SIGN REQUIREMENTS PER SECTION 27.10 OF THIS CODE.
 - 9. IF PROVIDED, RESTROOM FACILITIES SHALL BE LOCATED IN A HIGHLY VISIBLE AREA AND SHALL BE FREE OF SHRUBS THAT REACH A MATURE HEIGHT GREATER THAN THREE (3) FEET.
 - 10. ALL LIGHTING SHALL BE CONSISTENT WITH THE STANDARDS OF SECTION 27.5 OF THE THIS CODE AND MUST BE TURNED OFF BY 10PM.
 - 11. IF NO LIGHTING IS PROVIDED, RECREATION AREA HOURS SHALL BE LIMITED TO DAYLIGHT HOURS ONLY AND SHALL BE POSTED ON THE INFORMATIONAL SIGN(S) AT THE PARK ENTRANCE(S) REQUIRED BY SECTION D.6.

E. Facilities Installation, Ownership and Maintenance

- 1. Private Recreational Facilities
 - a. In cases where the recreational facility is to be privately owned, recreational facilities and parking improvements shall be completed and in place by the time thirty-five (35) percent of the building permits are issued. Prior to release of the required bond or assurance, the developer shall provide written documentation to the

Town that all mechanisms are in place to protect the rights of the homeowners (i.e., liability insurance).

- b. Private recreational areas and improvements shall be owned and maintained by a mandatory membership Homeowners Association (HOA) created by covenants. If the HOA association fails to adequately maintain the required recreational facilities, the Town may cause the property to be maintained and may cause a lien to be placed on the property, subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record.

2. Public Park Facilities

- a. In cases where the required recreational area is at least three (3) acres in size and is located adjacent to a public thoroughfare, dedication to the Town may be accepted. In this case, the park land shall be owned and maintained by the Town. The subdivider shall, without credit:
 1. Provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, LIGHTING, street trees, and sidewalks to land which is dedicated pursuant to this Section
 2. Provide solid masonry fencing along the property line of that portion of the subdivided lots contiguous to the dedicated land
 3. Provide improved drainage through the site; and
 4. Provide other improvements AND AMENITIES THAT which the Town Council determines to be essential to the acceptance of the land for recreational purposes. Subsequent improvements, if any, shall be developed and maintained by the Town.
- b. When park land is dedicated to, and accepted by, the Town, the provisions of subsection B.2.1. shall not apply.

E. F. ~~Optional Method~~ IN-LIEU FEE OPTION

1. In lieu of the required private recreational area or public park land dedication AND REQUIRED RECREATIONAL FACILITIES, the Town Council may approve an alternative proposal FOR AN IN-LIEU FEE that aids in the development OR IMPROVEMENT of Town parks or recreational facilities. ALL SUBDIVISIONS CONTAINING 43 LOTS OR LESS MAY UTILIZE THE IN-LIEU FEE OPTION.

2. SUBDIVISIONS OF 85 LOTS OR MORE MAY ELECT TO UTILIZE THE IN-LIEU FEE OPTION FOR UP TO FIFTY (50%) PERCENT OF THE TOTAL COST OF RECREATION AREA IMPROVEMENTS AS DETERMINED BY THE RECREATION AREA IN-LIEU FEE CALCULATION DEFINITION. THE REMAINING PORTION OF THE RECREATION IMPROVEMENT OBLIGATION SHALL BE APPLIED TO ON-SITE RECREATION AREA(S) AND AMENITIES PER THE PROVISIONS OF THIS CODE.
3. IN-LIEU PROPOSALS SHALL MEET ALL OF THE FOLLOWING CONDITIONS:
 - A. The subdivision ~~is adjacent to~~ HAS OR CAN PROVIDE LEGAL AND PHYSICALLY-CONSTRUCTED ACCESS TO an existing Oro Valley public park, A PARK LOCATION IDENTIFIED IN THE TOWN PARKS, OPEN SPACE AND TRAILS MASTER PLAN, OR OTHER LOCATED APPROVED BY THE PRLCR DIRECTOR.
 - B. THE TOTAL AMOUNT OF THE IN-LIEU FEE DETERMINED BY THE RECREATION AREA IN-LIEU FEE CALCULATION IS, IN THE OPINION OF THE PLANNING DIVISION MANAGER (PDM) AND PRLCR DIRECTOR, SUFFICIENT TO FUND A SPECIFIC PARK DEVELOPMENT OR IMPROVEMENT PROJECT FOR AN EXISTING FACILITY.
4. The proposal shall be prepared by the applicant and submitted to the ~~Planning and Zoning Administrator~~ PDM AND PRLCR DIRECTOR who shall forward ~~his~~ THEIR recommendations to the Town Council for its action after an advertised public hearing.
5. The terms of the agreement shall be made a matter of public record and a condition of approval of any final plat or issuance of any permits for the subdivision.
6. In evaluating a proposal under this Section, the Town Council shall consider the impact on the property resulting from a change in the standard requirements for recreational space, the advantages and disadvantages of the proposed alternatives, the benefits afforded to the ~~housing project~~ SUBDIVISION from the alternative proposal and the relative values to the community afforded by the alternative proposal, as compared with the standard requirements.
7. The agreement shall provide for the FUNDING OF equivalent of park land and/or recreational facilities to the Town as would have been provided by ~~the provision of a recreational area in the subdivision.~~

6. ~~The in-lieu fee option shall only be available if there is no park or recreation facility designated in the Town, Parks, Open Space, and Trails Master Plan, to be located in whole or part within the proposed subdivision. To serve the immediate and future needs of the residents of the subdivision, the subdivider may, in lieu of dedicating land, pay a fee equal to the Fair Market Value definition. The fees shall be used for a local park that bears a relationship to serve the present and future residents of the area being subdivided.~~
7. ~~If the proposed subdivision contains twenty (20) parcels or less the subdivider should pay a fee equal to the land value, as determined by the Fair Market Value.~~
8. 7. If the subdivider objects to the determined fair market value, he/she may appeal to the Town Council who shall hear the appeal, with the burden of proof lying with the subdivider.
9. 8. For ~~required recreation areas less than one (1) acre in size,~~ The Town Council may waive the requirements for an appraisal when the subdivider provides acceptable alternative information to the Planning & Planning and Zoning Administrator DIVISION MANAGER (PDM), PRLCR DIRECTOR, and the Finance Director, as a means of determining the improved value and THAT is presented and accepted at a Town Council public hearing.
9. ~~If the proposed subdivision contains 85 or more lots, the subdivider shall provide the required recreational facility.~~

CHAPTER 31 DEFINITIONS

TOT LOT: A SMALL (TYPICALLY <1/2 ACRE) RECREATIONAL AREA PRIMARILY INTENDED FOR YOUNG CHILDREN (AGES 8 AND UNDER), WITH A PRIMARY EMPHASIS ON PLAYGROUND EQUIPMENT AND SUPPORTING AMENITIES AND INFRASTRUCTURE.

LINEAR PARK: A LINEAR PARK IS A PARK THAT HAS MUCH GREATER LENGTH THAN WIDTH. A LINEAR PARK TYPICALLY INCLUDES A SHARED USE PATH FOR PEDESTRIANS AND BICYCLES, AS WELL AS SEATING AREAS AND OTHER APPROPRIATE SUPPORTING AMENITIES TO PROVIDE ACTIVE AND PASSIVE RECREATIONAL OPPORTUNITIES.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CEPTED): A MULTI-DISCIPLINARY APPROACH TO DETERRING CRIMINAL BEHAVIOR THROUGH ENVIRONMENTAL DESIGN. THE ENVIRONMENTAL DESIGN SHOULD ENCOURAGE DESIRABLE BEHAVIOR AND FUNCTIONALITY. CEPTED

EMPHASIZES SURVEILLANCE, ACCESS CONTROL, AND DEFINITION OF OWNERSHIP.

126. Fair Market Value RECREATION AREA IN-LIEU FEE CALCULATION

The ~~fair market value~~ RECREATION AREA IN-LIEU FEE shall be determined by the Town, with a written appraisal report prepared by an appraiser acceptable to the Town. For the purposes of the Chapter, the determination of the ~~fair market value~~ RECREATION AREA IN-LIEU FEE, shall consider, but not necessarily be limited to, the following:

- a. Approval of and conditions of the preliminary plat
- b. The general plan
- c. Conditional zoning
- d. Property location
- e. Off-site improvements facilitating use of the property
- f. Site characteristics of the property
- g. The fair market value shall be based on the improved value of the land, ~~without~~ INCLUDING structures AND FACILITIES REQUIRED BY SECTION 26.5 OF THE ORO VALLEY ZONING CODE REVISED, DESIGN AND CONSTRUCTION COSTS ~~but~~ AND having the applicable infrastructure (roadways, drainage, water, electric, telephone and sewer) installed to the property.

MOTION carried, 7-0.

3. DISCUSSION AND POSSIBLE ACTION REGARDING DISPOSITION OF THE DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION

Transit Services Administrator Aimee Ramsey announced that it was recommended to move forward with Option C from the five options that were presented to Council at a previous meeting. She gave the following overview of Option C:

- Required \$76K from the General Fund for maintenance of effort required through legislation
- Allowed the two Sun Shuttle vehicles to continue running through a Regional Transportation Authority (RTA) contractor
- Required termination of the current intergovernmental agreement (IGA) with the Town and the issuance of a new IGA with the RTA
- Eliminated the Town's Coyote Run service and started the transition of certified ADA passengers over to Handi-car
- Started the process of educating the public on non-profit services in the community that were available to them

Ms. Ramsey explained the demographics of the Coyote Run users, the number of Coyote Run staff positions that would be eliminated, and the vehicle disposal cost breakdown. She stated that the elimination was consistent with the proposed Town

Manager's Recommended Budget for FY 2011/12, and she reviewed the timeline for publications and notifying the public.

Councilmember Waters requested the progress of the agencies that would be utilized by the Coyote Run riders, and asked if there would be a problem with residents who were wheelchair-bound.

Ms. Ramsey replied that the three services that would be utilized were:

- Sun Shuttle – provided curb-to-curb service for wheelchair-bound residents in Oro Valley
- Handi-Car – provided service to ADA (Americans with Disabilities Act) certified passengers outside of Oro Valley
- Interfaith Community Services - provided service to non-disabled, senior passengers outside of the area

Ms. Ramsey pointed out that the next two months would be an important time for the riders to make their challenges and concerns known in order for the Town and community agencies to help with mitigating them.

Vice Mayor Snider mentioned a conversation that she had with a Sun City resident who was a Coyote Run user. She stated that the concern was elimination of Coyote Run, and the Vice Mayor explained that it was a transition into a regional system because of the budget.

Councilmember Hornat acknowledged that the state had cut funding over a year ago and the Town had picked up the funding for 18 months. He stated that Councilmember Waters and Ms. Ramsey had done everything that they could to soften the blow for those that would be affected.

Councilmember Solomon added that the Town had found money a year ago to extend the program with no expectation of finding more, which gave time to adjust. He also inquired as to whether the transit employees would be transitioned into other departments in the town.

Development and Infrastructure Services Director Suzanne Smith responded that the Town would do everything that they could to make that happen, and mentioned the hiring freeze in place.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to direct staff to move forward with Option C as discussed on February 23, 2011 and begin the processes necessary to discontinue the Transit Services Division.

Councilmember Garner stated that he would vote against the motion for the following reasons:

- The program was not vetted properly

- The education progress needed to begin a year ahead of time for a successful transition
- The Council could find \$300K in the budget to fund transit

Councilmember Solomon asked Councilmember Garner how the Council was going to cut money out of the budget if he was going to vote against cost reductions.

Councilmember Garner responded that he had just received the budget and had not had time to digest it, that there were areas that had increased costs from the previous year, and that \$300K could be found for transit service.

Vice Mayor Snider commented that the timing was critical and that notice was given a year ago that there would not be money in the budget to fund transit again. She stated that the town had found a creative solution and involved both non-profit, community, and faith-based organizations to provide service to the residents without paying for it.

Councilmember Gillaspie expressed that the people who have less are the ones that get hammered and that if there was a way to get out of the budget mess, he would vote with Councilmember Garner against the motion. He stated that there was no going back from the decision the Council made because of the capital costs it would take to rebuild the service that was in place.

MOTION carried, 6-1 with Councilmember Garner opposed.

4. COUNCIL DISCUSSION AND POSSIBLE ACTION ON RECOMMENDED EMPLOYEE MEDICAL & ANCILLARY BENEFIT PROVIDERS FOR PLAN YEAR 2011-12

Mayor Hiremath recessed the meeting at 8:08 PM and resumed the meeting at 8:15 PM.

Human Resources Director Betty Dickens presented information on the recommended medical and ancillary benefit providers for town employees for plan year 2011-12.

She stated that competitive benefits helped the town with recruitment, retention, morale, and organizational success. Ms. Dickens noted that United Healthcare had presented the town with a 12% renewal rate in March, which would jump to 13% if the Wellness Program continued. She stated that in March her staff asked their broker, CBIZ Benefits & Insurance, Inc., to conduct a solicitation among local, major providers and the results were narrowed down between Aetna and United Healthcare of Arizona (UHC). Ms. Dickens pointed out that staff also took the time to compare benefits that were being provided in other public service organizations throughout Southern Arizona and confirmed that they mirrored Oro Valley's.

The Human Resources Director mentioned that there were 295 employees and 400 dependents that were members of the town's benefits package. She stated that staff

recommended shifting to Aetna for medical insurance which would result in only a 2% increase for the town or a \$43,406 budget impact. Ms. Dickens stated:

- Aetna would honor employee deductions that occurred between January 1 - June 30, 2011
- There were only 28 current providers that were not on the Aetna plan
- A 90%/10% coinsurance split was recommended in the shift
- Aetna would continue to fund the Wellness Program

Ms. Dickens reviewed the ancillary benefits and explained that there were no renewal changes in premiums or to the budget because there were no changes to the providers.

Mayor Hiremath asked the HR Director if Aetna had a dental option, and asked if it would be cheaper to get off of Principal and offer Aetna as a rider in tandem with the medical insurance.

Ms. Dickens responded that she did not know what Aetna would provide or if it would be comparable to what Principal provided. She added that most providers offered several different items under their coverage, for example Aetna probably had vision coverage but that it was not the same coverage that EyeMed offered.

The HR Director concluded that the staff recommendation was to move to Aetna at a 2% increase, and to offer employees a 90%/10% coinsurance split.

Councilmember Waters asked for an explanation of the Wellness Program.

Ms. Dickens replied that it was a program that encouraged employees to monitor their health habits in addition to:

- Providing pedometers to wear
- Providing nutritional education
- Providing a health coach once-a-week to meet for one-on-one counseling
- Providing a health coach to lead an exercise session once-a-week in a group session
- Providing annual biometrics screenings

Councilmember Hornat asked about the dental insurance and Ms. Dickens explained that there were two options that Principal provided the employee to choose from which cost the town \$126K per year. He then pointed out that if the Council stayed with the 80%/20% coinsurance and switched to Aetna Option 1, they would reduce their costs by \$43K.

Councilmember Garner questioned why there were three options for prescriptions and asked if the town had looked at retaining a pharmacy benefit manager for bulk discounts.

Ms. Dickens explained that the three levels ranged from generic to specialty drugs based on the type of prescription and condition that the employee had.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to return the item to staff to work on suggestions made by Council.

Vice Mayor Snider stated that there were opportunities for cost savings and that it would be great to return to 90%/10% coinsurance, if it could be done at no cost.

Councilmember Gillaspie remarked that the Council could be sending a mixed message about the employees being the town's primary assets. The town was unable to give bonuses, raises, and cost of living increases (COLA's), and should try to make the 90%/10% split happen to make the employees whole.

Councilmember Hornat emphasized that he was for any acceptable plan for the employees, but he was opposed to spending any additional monies on it.

Councilmember Solomon noted that Council had reviewed the materials regarding what percentages other municipalities covered for employee rates and asked if staff had the information on what their coinsurance splits were.

Ms. Dickens replied that of the four municipalities that were surveyed, two were coinsuring at 100%, one was at 90%/10%, and one was unknown.

Councilmember Hornat asked if the Council was under time constraints regarding a decision and Ms. Dickens responded that they were on a timeline in order to get a contract out with a provider, get materials ready for open enrollment scheduled for the middle of May, and get information loaded into the town's finance system and in place by June.

Councilmember Garner suggested that one of the scheduled study sessions should be made a special session just for the item at hand so that time could be given for costs to be brought in line.

Mayor Hiremath stressed that he would do everything he could to support town employees, but that the Council needed to be prudent in the decision regarding medical benefits.

MOTION carried, 7-0.

Mayor Hiremath added to the motion that the item would be brought back to a Special Session meeting.

FUTURE AGENDA ITEMS

Councilmember Garner requested to have an item brought back regarding the Procurement Division's review of all contracts, and to have Council receive a report of contracts that indicated cost savings, seconded by Councilmember Gillaspie.

CALL TO AUDIENCE

Gil Alexander, Oro Valley resident, complimented the Oro Valley Police Department for showing up in three minutes on a suspicious car call. He also stated there were many advantages for leaving the county and living in Oro Valley.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to adjourn the meeting at 8:16 PM.

MOTION carried, 7-0.

Prepared by:

Tracey L. Gransie
Assistant to the Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 20th day of April 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2011.

Julie K. Bower, MMC
Town Clerk



Town Council Regular Session

Meeting Date: 11/16/2011

Requested by: Daniel G. Sharp

Item # B.

Submitted By:

Catherine Hendrix, Police
Department

Information

SUBJECT:

Police Department Statistics - September 2011

Attachments

PD Statistics - September 2011

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	12634	1389	1407	1498	1327	1391	1268	1416	1541	1397			
Commercial Veh Enforcement	222	23	27	2	22	25	40	16	30	37			
Residential Burglaries****	69	3	4	9	6	5	6	10	19	7			
Non-Residential Burglaries****	15	0	1	0	4	2	5	1	0	2			
All Burglary Attempts****	12	2	1	2	0	1	0	2	3	1			
Thefts	447	69	37	50	41	52	43	49	52	54			
Vehicle Thefts****	22	4	4	2	3	1	1	4	3	0			
Recovered Stolen Vehicles****	5	2	0	0	0	0	1	1	0	1			
Attempted Vehicle Thefts****	3	0	0	0	1	0	0	0	2	0			
DUI	136	13	11	20	8	19	15	15	14	21			
Liquor Laws	44	5	4	2	5	7	5	4	9	3			
Drug Offenses	127	18	18	14	18	14	10	8	16	11			
Homicides	1	0	0	0	0	0	0	0	1	0			
Robbery	5	0	0	1	1	1	2	0	0	0			
Assault	114	6	13	16	16	8	11	12	20	12			
Total Arrests***	1470	180	165	164	175	174	145	164	138	165			
Assigned Cases	600	58	87	80	58	50	67	61	89	50			
Alarms (Residential)	619	47	65	57	63	72	74	97	81	63			
Alarms (Business)	351	38	30	33	23	35	28	76	48	40			
K9 Searches	220	37	14	24	0	16	27	33	34	35			
First Aid Calls	1892	189	235	230	230	218	173	200	228	189			
Accidents	369	54	39	39	48	35	40	31	50	33			
Citations (Traffic)**	2772	436	308	283	269	308	308	396	464	**			
Warnings	3736	515	368	338	271	447	408	472	483	434			
Repair Orders	572	60	103	27	77	73	51	60	52	69			
Public Assists*	1346	115	183	188	153	182	95	94	156	180			
Reserve Man Hours	0	0	0	0	0	0	0	0	0	0			
Dark House Checks*	13002	1027	1460	1062	935	1565	1447	1937	2059	1510			
Drug Task Force Arrest	57	9	8	19	16	2	1	0	0	2			
CVAP Dark House Cks	6898	176	683	291	410	945	826	1298	1395	874			
CVAP Public Assists	496	52	83	62	52	82	31	39	34	61			
CVAP Total Hours	10378.5	1010	1820	1245	1024.5	1095	855	989	1158.5	1181.5			

Arrest total updated 10/31/11

* 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.

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

	Jan-Sep 2009	Jan-Sep 2010	Jan-Sep 2011		September 2009	September 2010	September 2011
Total Calls	12510	12941	12634		1297	1468	1397
Commercial Veh Enforcement	##	136	222		##	57	37
Residential Burglaries	61	44	69		9	8	7
Non-Residential Burglaries****	11	15	15		2	0	2
All Burglary Attempts****	11	7	12		1	3	1
Thefts	390	483	447		36	64	54
Vehicle Thefts	16	21	22		2	1	0
Recovered Stolen Vehicles****	7	5	5		0	0	1
Attempted Vehicle Theft****	3	5	3		1	0	0
DUI	198	177	136		25	28	21
Liquor Laws	57	35	44		8	3	3
Drug Offenses	143	134	127		15	18	11
Homicides	0	0	1		0	0	0
Robbery	2	8	5		0	3	0
Assault	88	94	114		7	12	12
Total Arrests***	1854	1532	1470		178	168	165
Assigned Cases	576	557	600		59	67	50
Alarms (Residential)	724	674	619		70	66	63
Alarms (Business)	313	394	351		36	38	40
K9 Searches	209	214	220		25	35	35
First Aid Calls	1809	1769	1892		205	185	189
Accidents	403	365	369		38	50	33
Citations (Traffic)**	6156	5065	2772		510	548	**
Warnings	5389	5018	3736		587	539	434
Repair Orders	855	1082	572		135	242	69
Public Assists*	1624	1717	1346		212	167	180
Reserve Man Hours	1877	959	0		117.5	42	0
Dark House Checks*	10515	12750	13002		1753	1735	1510
Drug Task Force Arrest	303	91	57		19	5	2
CVAP Dark House Cks	5655	8037	6898		1177	988	874
CVAP Public Assists	597	672	496		85	40	61
CVAP Total Hours	10275.5	12928.5	10378.5		1088.5	1205.5	1181.5

*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. *Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts have and Stolen Vehicle

Recoveries have been separated from total counts as of August, 2010

New Category as of 01/01/10

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

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	307	57	14	19	4	31	42	90	50				
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	3	1	0	0	0	1	0	0	1				
INSURANCE VIOLATION	606	96	69	51	47	69	76	90	108				
REGISTRATION VIOLATION	335	68	41	30	37	32	47	36	44				
DRIVERS LICENSE VIOLATION	290	48	36	34	25	33	33	43	38				
DUI	115	13	11	20	8	19	15	15	14				
RECKLESS/AGGRESSIVE DRIVING	9	1	2	1	0	2	0	2	1				
SPEEDING	853	126	78	85	100	79	81	131	173				
LANE VIOLATIONS	132	13	18	16	16	14	14	13	28				
RED LIGHT	79	18	9	8	2	13	8	11	10				
STOP SIGN	39	10	3	1	4	4	4	5	8				
FAILURE TO YIELD	62	9	6	7	8	11	5	9	7				
SEATBELT VIOLATION	47	9	9	6	5	5	3	4	6				
CHILD RESTRAINT	5	0	0	2	0	1	2	0	0				
EQUIPMENT VIOLATIONS	54	2	11	6	7	5	4	11	8				
PARKING	14	6	0	1	0	1	1	4	1				
LITTERING	13	1	3	1	1	3	2	2	0				
ALL OTHER CITATIONS	116	15	12	14	9	16	13	20	17				
Total Citations	2772	436	308	283	269	308	308	396	464				

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

**ORO VALLEY POLICE DEPARTMENT
SEPTEMBER 2011**

Priority 1		# of calls	%	
Dispatch Time	< 1 minute	17	94%	
	> 1 minute	1	6%	
Travel Time	< 4 minutes	15	83%	
	> 4 minutes	3	17%	
Total Response Time				
		< 5 minutes	17	94%
		> 5 minutes	1	6%
Total Calls	18			

Average Overall Response Time 3:53

Priority 2		# of calls	%	
Dispatch Time	< 2 minute	66	97%	
	> 2 minute	2	3%	
Travel Time	< 6 minutes	52	76%	
	> 6 minutes	16	24%	
Total Response Time				
		< 8 minutes	56	82%
		> 8 minutes	12	18%
Total Calls	68			

Average Overall Response Time 5:07

Priority 3		# of calls	%	
Dispatch Time	< 5 minute	274	98%	
	> 5 minute	7	2%	
Travel Time	<10 minutes	255	91%	
	>10 minutes	26	9%	
Total Response Time				
		< 15 minutes	265	94%
		> 15 minutes	16	6%
Total Calls	281			

Average Overall Response Time 7:30

Priority 4		# of calls	%	
Dispatch Time	< 10 minute	737	96%	
	> 10 minute	31	4%	
Travel Time	< 20 minutes	754	98%	
	> 20 minutes	14	2%	
Total Response Time				
		< 30 minutes	751	98%
		> 30 minutes	17	2%
Total Calls	768			

Average Overall Response Time 8:27



Town Council Regular Session

Item # C.

Meeting Date: 11/16/2011

Requested by: Wendy Gomez

Submitted By:

Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2011/12 Financial Update Through September 2011

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Revised Format to Reports

The FY 2011/12 financial reports are presented in a slightly new format in response to Council requests for additional information related to the new categories of fund balance that are now in place per the Governmental Accounting Standards Board Statement 54 (GASB 54). The new layout also follows the format used in the preparation of the Town's audited financial statements, specifically the Statement of Revenues, Expenditures and Changes in Fund Balances.

All *REVENUES* are shown first, then *EXPENDITURES* are shown. The difference between the revenues and expenditures equals the *EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES*. Then, *TRANSFERS IN* and *TRANSFERS OUT* are listed. (These are amounts that are either transferred in from other Town funds or transferred out to other Town funds). The net total of *TRANSFERS IN* and *TRANSFERS OUT* is equal to *TOTAL OTHER FINANCING SOURCES (USES)*.

The combined total of *EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES* and *TOTAL OTHER FINANCING SOURCES (USES)* equals the *CHANGE IN FUND BALANCE*. At the bottom of the page, the entire *BEGINNING FUND BALANCE* as of July 1, 2011 is shown for each fund, separated by category as prescribed by GASB 54. Finally, the entire estimated *ENDING FUND BALANCE* for June 30, 2012 is shown. The *ENDING FUND BALANCE* is calculated by adding the *CHANGE IN FUND BALANCE* amount to the *BEGINNING FUND BALANCE* total.

Across the top of the table, the first column shows all actual amounts through the month of September 2011. The second column shows the adopted FY 2011/12 budget amounts. The third column is the percentage of revenues received and expenditures recorded through September compared to the budget amounts. The fourth column shows the year-end estimates for each category. The fifth column shows the dollar difference between the year-end estimates and the adopted budget amounts, and the last column shows the percentage difference between the year-end estimates and the adopted budget amounts.

General Fund

Attachment A shows General Fund revenues and expenditures through September as well as year-end estimates for each category. Through September, revenue collections, including transfers in, totaled

\$5,576,443, and expenditures, including transfers out, totaled \$5,483,676.

The General Fund budget for FY 11/12 included \$180,000 in unspent carryforward funds from the Capital Asset Replacement Fund (CARF) to be spent on computer network upgrades that are in process from last fiscal year. These unspent CARF funds were included in the General Fund beginning fund balance at 7/1/2011 and are expected to be fully spent during this fiscal year. This explains why the adopted budget column for the General Fund shows a planned \$180,000 decrease in fund balance.

The estimated **year-end** projections in the General Fund are as follows:

Revenues	\$25,237,552
<u>Less:</u>	
Expenditures	(25,631,246)
<u>Plus:</u>	
Other Financing Sources	<u>710,074</u>
Est. Increase in Fund Balance	\$ 316,380

General Fund Revenues

- Revenues through September total \$5,439,958 which represents 21.8% of the budgeted FY 11/12 revenues.
- Revenues are estimated to come in slightly over budget at this point. This is due to additional interest income, miscellaneous and farebox revenues, as well as the revenues from the Town's transit IGA with the RTA, which were not able to be budgeted for. This is a preliminary estimate only three months into the fiscal year. Staff will continue to monitor revenue collections and may adjust year-end estimates based on actual trends.
- Although the distribution by revenue category has changed, the total amount of General Fund revenues budgeted for this fiscal year is 10% below what was collected five years ago, in FY 06/07

General Fund Major Revenue Categories

Local Sales Tax

- Fiscal year to date General Fund collections are \$2,528,937 (15% less than FY 10/11 through September, due to differences in accruals)
- Estimated to come in on budget

State-Shared Revenues

- Income Tax - fiscal year to date is \$865,232 (9.8% decrease from FY 10/11 through September)
- Sales Tax - fiscal year to date is \$764,711 (7.7% increase from FY 10/11 through September)
- Vehicle License Tax - fiscal year to date is \$399,879 (0.6% decrease from FY 10/11 through September)

General Fund Expenditures

- Expenditures through September total \$5,483,676, which represents 21.0% of the budgeted FY 11/12 expenditures
- Expenditures are estimated to come in under budget by about \$459,000, or by about 1.8%
- Expenditure projection reflects estimated vacancy savings (savings from positions that will remain unfilled or will be refilled at a later date). **Note that vacancy savings are estimates and are subject to change.**

See Attachment A for additional detail on the General Fund, and Attachments B and C for additional detail on the Highway Fund and Bed Tax Fund. See Attachment D for estimated vacancy savings. See Attachment E for a fiscal year to date consolidated summary of all Town funds.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Information only.

Attachments

Attachment A - General Fund

Attachment B - Highway Fund

Attachment C - Bed Tax Fund

Attachment D - Vacancy Savings Report

Attachment E - Summary All Funds



Highway Fund

% Budget Completion through September --- 25%

REVENUES:

LOCAL SALES TAX	78,742	367,400	21.4%
LICENSES & PERMITS	10,968	42,000	26.1%
STATE GRANTS	-	487,000	0.0%
STATE/COUNTY SHARED	562,279	2,376,464	23.7%
CHARGES FOR SERVICES	3,750	15,000	25.0%
INTEREST INCOME	436	10,700	4.1%
MISCELLANEOUS	1,914	10,000	19.1%
TOTAL REVENUES	658,089	3,308,564	19.9%

Actuals thru 09/2011	Budget	% Actuals to Budget
78,742	367,400	21.4%
10,968	42,000	26.1%
-	487,000	0.0%
562,279	2,376,464	23.7%
3,750	15,000	25.0%
436	10,700	4.1%
1,914	10,000	19.1%
658,089	3,308,564	19.9%

Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
367,400	-	0.0%
42,000	-	0.0%
487,000	-	0.0%
2,376,464	-	0.0%
15,000	-	0.0%
10,700	-	0.0%
10,000	-	0.0%
3,308,564	-	0.0%

EXPENDITURES:

ADMINISTRATION	132,767	669,143	19.8%
TRANSPORTATION ENGINEERING	111,914	1,799,590	6.2%
PAVEMENT MANAGEMENT	30,495	175,336	17.4%
STREET MAINTENANCE	146,902	840,753	17.5%
TRAFFIC ENGINEERING	105,470	608,455	17.3%
TOTAL EXPENDITURES	527,549	4,093,277	12.9%

Actuals thru 09/2011	Budget	% Actuals to Budget
132,767	669,143	19.8%
111,914	1,799,590	6.2%
30,495	175,336	17.4%
146,902	840,753	17.5%
105,470	608,455	17.3%
527,549	4,093,277	12.9%

Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
669,143	-	0.0%
1,799,590	-	0.0%
126,611	(48,725)	-27.8%
840,753	-	0.0%
608,455	-	0.0%
4,044,552	(48,725)	-1.2%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES

130,540	(784,713)	(735,988)	48,725
----------------	------------------	------------------	---------------

TRANSFERS IN	-	-	0.0%
TRANSFERS OUT	-	-	0.0%
Twnwide Road Impact Fund - Lambert Ln	-	(400,000)	0.0%

Actuals thru 09/2011	Budget	% Actuals to Budget
-	-	0.0%
-	(400,000)	0.0%
-	(400,000)	0.0%

Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
-	-	0.0%
(400,000)	-	0.0%
(400,000)	-	0.0%

TOTAL OTHER FINANCING SOURCES (USES)

CHANGE IN FUND BALANCE

130,540	(1,184,713)	(1,135,988)	48,725
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BEGINNING FUND BALANCE **

Assigned - Comp. Absences & Unemploy Resrv	169,194	169,194	-
Committed	3,485,754	3,485,754	-
TOTAL BEGINNING FUND BALANCE	3,654,948	3,654,948	-

169,194	-	169,194	-
3,485,754	-	3,485,754	-
3,654,948	-	3,654,948	-

ENDING FUND BALANCE **

Assigned - Comp. Absences & Unemploy Resrv	169,194	169,194	-
Committed	2,301,041	2,349,766	48,725
TOTAL ENDING FUND BALANCE	2,470,235	2,518,960	48,725

169,194	-	169,194	-
2,349,766	48,725	2,349,766	48,725
2,518,960	48,725	2,518,960	48,725

* Year-end estimates are subject to further revision

** Fund balance amounts are unaudited estimates and are subject to further revision



Bed Tax Fund

% Budget Completion through September --- 25%

	Actuals thru 09/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
BED TAXES	154,030	899,626	17.1%	899,626	-	0.0%
INTEREST INCOME	1,674	1,800	93.0%	5,000	3,200	177.8%
TOTAL REVENUES	155,704	901,426	17.3%	904,626	3,200	0.4%

	Actuals thru 09/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ECONOMIC DEVELOPMENT	19,265	235,981	8.2%	235,981	-	0.0%
TOTAL EXPENDITURES	19,265	235,981	8.2%	235,981	-	0.0%

EXCESS (DEFICIENCY OF REVENUES OVER EXPENDITURES) **136,439** **665,445** **668,645** **3,200**

TRANSFERS IN	-	-	0.0%	-	-	0.0%
TRANSFERS OUT						
General Fund Allocation	(136,485)	(675,000)	20.2%	(675,000)	-	0.0%
Transit Subsidy - General Fund	-	(450,926)	0.0%	(258,426)	192,500	-42.7%
TOTAL OTHER FINANCING SOURCES (USES)	(136,485)	(1,125,926)	12.1%	(933,426)	192,500	-17.1%

CHANGE IN FUND BALANCE **(46)** **(460,481)** **(264,781)** **195,700**

BEGINNING FUND BALANCE **

Committed	840,705	840,705	-
TOTAL BEGINNING FUND BALANCE	840,705	840,705	-

ENDING FUND BALANCE **

Committed	380,224	575,924	195,700
TOTAL ENDING FUND BALANCE	380,224	575,924	195,700

* Year-end estimates are subject to further revision

** Fund balance amounts are unaudited estimates and are subject to further revision

FY 11/12 Town Vacancy Report as of Sept 30, 2011		
Fund	Vacant FTEs	Estimated FY 11/12 Savings
General Fund	7.88	658,702
		<i>Less Budgeted Vacancy Savings</i>
		<u>(154,356)</u>
Net General Fund		504,346
Highway Fund	1.00	69,647
		<i>Less Budgeted Vacancy Savings</i>
		<u>(20,922)</u>
Net Highway Fund		48,725
Stormwater Utility Fund	–	17,209

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH SEPTEMBER, 2011

ATTACHMENT E

Fund	Actual FY 11/12 Begin Bal. *	Revenue	Transfer In	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru Sep, 2011
General Fund - Unassigned	9,231,864	5,439,958	136,485	5,576,443	10,373	4,360,716	1,084,271	28,316	-	-	5,483,676	9,324,631
General Fund - Assigned	1,778,407											1,778,407
Highway Fund - Committed	3,485,754	658,089		658,089	-	438,080	89,379	90	-	-	527,549	3,616,294
Highway Fund - Assigned	169,194											169,194
Seizure & Forfeiture - State	168,592	9,997		9,997	-	-	2,342	-	-	-	2,342	176,247
Seizure & Forfeiture - Justice	457,506	72,946		72,946	-	-	4,910	3,971	-	-	8,881	521,572
Bed Tax Fund - Committed	840,705	155,704		155,704	136,485	3	19,262	-	-	-	155,750	840,659
RTA Fund	-	-		-	-	-	75	-	-	-	75	(75)
Impound Fee Fund	-	13,785		13,785	-	10,734	-	-	-	-	10,734	3,051
Municipal Debt Service Fund	1,501,084	22,176		22,176	-	-	2,173	-	-	464,386	466,559	1,056,701
Oracle Road Debt Service Fund	4,987	-		-	-	-	-	-	-	-	-	4,987
Alternative Water Resources Dev Impact Fee Fund	2,674,855	702,787		702,787	-	-	599	25,094	-	-	25,693	3,351,950
Potable Water System Dev Impact Fee Fund	7,295,885	192,069		192,069	-	-	-	164,356	-	-	164,356	7,323,597
Townwide Roadway Development Impact Fee Fund	2,496,546	126,362		126,362	-	-	-	176,887	-	115,467	292,354	2,330,555
Parks & Recreation Impact Fee Fund	323,843	39,953		39,953	-	-	-	-	-	-	-	363,796
Library Impact Fee Fund	83,211	10,278		10,278	-	-	-	-	-	-	-	93,489
Police Impact Fee Fund	73,379	8,220		8,220	-	-	-	-	-	-	-	81,599
General Government Impact Fee Fund	105,587	8,450		8,450	-	-	-	-	-	-	-	114,037
Naranja Park Fund	258,821	-		-	-	-	-	-	-	-	-	258,821
Water Utility	8,838,472	2,845,769		2,845,769	-	541,393	1,055,339	242,935	-	-	1,839,667	9,844,574
Stormwater Utility	368,172	150,308		150,308	1,781	54,209	54,459	101,830	-	-	212,278	306,202
Fleet Maintenance Fund	-	109,068		109,068	-	20,094	89,596	-	-	-	109,690	(622)
Total	40,156,864	10,565,918	136,485	10,702,403	148,638	5,425,229	2,402,405	743,479	-	579,853	9,299,604	41,559,664

* Beginning balances are unaudited estimates, subject to further revision.



Town Council Regular Session

Item # D.

Meeting Date: 11/16/2011

Requested by: Council

Submitted By:

Julie Bower, Town Clerk's
Office

Department: Town Clerk's Office

Information

SUBJECT:

Cancellation of the December 21, 2011 regular Town Council Meeting

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

In the event that the Mayor and Town Council would like to cancel the December 21st regular Town Council meeting, the Mayor and Council must take formal action to cancel this meeting.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to cancel the December 21st regular Town Council meeting.



Town Council Regular Session

Item # E.

Meeting Date: 11/16/2011

Requested by: Town Council

Submitted By:

Julie Bower, Town Clerk's
Office

Department: Town Clerk's Office

Information

SUBJECT:

Approval of 2012 Regular Town Council Meeting Schedule

RECOMMENDATION:

The attached document lists scheduled regular meetings of the Town Council for 2012.

EXECUTIVE SUMMARY:

If the Mayor and Council approves the 2012 Regular Town Council Meeting Schedule, the Council will meet on the dates listed in the attached meeting schedule.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the 2012 Regular Town Council Meeting Schedule as presented

or

I MOVE to approve the schedule with the following modifications....

Attachments

2012 Meeting Schedule

REGULAR TOWN COUNCIL MEETING SCHEDULE 2012

JANUARY 4, 2012
JANUARY 18, 2012

FEBRUARY 1, 2012
FEBRUARY 15, 2012

MARCH 7, 2012
MARCH 21, 2012

APRIL 4, 2012
APRIL 18, 2012

MAY 2, 2012
MAY 16, 2012

JUNE 6, 2012
JUNE 20, 2012

~~JULY 4, 2012~~
~~JULY 18, 2012~~

HOLIDAY – MEETING CANCELED

~~AUGUST 1, 2012~~
~~AUGUST 15, 2012~~

SUMMER BREAK – MEETING CANCELED
SUMMER BREAK – MEETING CANCELED

SEPTEMBER 5, 2012
SEPTEMBER 19, 2012

OCTOBER 3, 2012
OCTOBER 17, 2012

NOVEMBER 7, 2012
~~NOVEMBER 21, 2012~~

THANKSGIVING BREAK – MEETING CANCELED

DECEMBER 5, 2012
~~DECEMBER 19, 2012~~

WINTER BREAK – MEETING CANCELED



Town Council Regular Session

Item # F.

Meeting Date: 11/16/2011

Submitted By: Robert Jacklitch, Water

Department: Water

Information

SUBJECT:

Resolution No. (R)11-73, Approving the Granting of a Utility Easement to the Town of Oro Valley from the Spiritual Assembly of the Baha'is of Oro Valley for the purpose of constructing water utility facilities

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

On July 6, 2011 Mayor and Council approved an IGA under Resolution No. (R)11-50 between the City of Tucson and the Town of Oro Valley for delivery of Central Arizona Project (CAP) water. The Utility has completed pipeline design to convey and connect CAP water to our potable system. The proposed pipeline will be located on private property and the Town needs a Utility easement to construct the underground pipeline and associated water facilities and for access to operate, maintain and repair these facilities.

BACKGROUND OR DETAILED INFORMATION:

The Water Utility worked with the Baha'is in granting a no cost utility easement to the Town. We have completed design for a new 16-inch water main. The new main will be connected to our potable system on Naranja and to the Tucson Water facility on Vista Del Sol. Tucson Water has accepted our pipeline design and is designing a new pump and control system to convey CAP water to Oro Valley. As part of this project the Water Utility has agreed to install a water service line for future connection to serve this property when it is developed and water service connection is requested. This is a small diameter pipe that is installed for a short distance to the meter box (stub-out) for future water service to this property.

The Town has also agreed to repair any damage to the existing driveway, mailbox and landscape to their original condition prior to the installation of the proposed water main. The Town will provide ingress and egress to the Baha'is property at all times during the installation of the water main. The Town will return the existing graded road as close as possible to its condition prior to the installation of the water main.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)11-73, Approving the Granting of a Utility Easement to the Town of Oro Valley from the Spiritual Assembly of the Baha'is of Oro Valley for the purpose of constructing water utility facilities.

Attachments

Reso 11-73

Easement

RESOLUTION NO. (R) 11-73

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING THE GRANTING OF A UTILITY EASEMENT TO THE TOWN OF ORO VALLEY FROM THE SPIRITUAL ASSEMBLY OF THE BAHAI'S OF ORO VALLEY FOR THE PURPOSE OF CONSTRUCTING WATER UTILITY FACILITIES

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, pursuant to A.R.S. § 9-511, *et seq.*, the Town has the requisite statutory authority to acquire, own and maintain a water utility for the benefit of the landowners within and without the Town's corporate boundaries; and

WHEREAS, Spiritual Assembly of the Baha'is of Oro Valley ("Assembly") is the owner of certain real property (the "Property") located at 2500 W. Naranja, Oro Valley, Arizona 85737; and

WHEREAS, the Town needs a utility easement through the Property to construct underground water utility facilities and access for repair and maintenance of the facilities; and

WHEREAS, the Assembly desires to grant the Town a utility easement for the purposes of constructing underground water utility facilities through the Property and access for repair and maintenance of the facilities; and

WHEREAS, it is in the best interest of the Town to approve the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to allow the Town to construct water utility facilities.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley that the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to the Town of Oro Valley from the Spiritual Assembly of the Baha'is of Oro Valley for the purpose of constructing water utility facilities is hereby accepted and approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 16th day of November, 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”

UTILITY EASEMENT

Spiritual Assembly of the Baha'is of Oro Valley, Arizona, ("Grantor"), does hereby grant to the Town of Oro Valley, ("Grantee"), a perpetual easement and right-of way for ingress and egress and a utility easement on, over, under, and through the burdened land as legally described in Exhibit "A", attached hereto and incorporated herein by this reference. Grantee is hereby granted the right to lay, construct, operate, maintain, inspect, repair, replace, relocate and remove utility facilities and appurtenances on, over, under, and through the burdened land as shown in Exhibit "B", attached hereto and incorporated herein by this reference.

Grantee may enter the Property at all reasonable times necessary or convenient to accomplish the foregoing. Following entry for the above purposes, Grantee shall restore the Property to a good and clean condition, and if the property is paved, restore said pavement.

This easement is subject to the following conditions:

1. Grantor may use said right-of-way and easement for any purposes not inconsistent with actual use of said right-of-way and utility easement for the purposes herein granted, so long as Grantee's use and access to this right-of way and easement is not obstructed.
2. Grantor warrants that he/she holds good title to the burdened land, and thereby has the authority and right to enter into this agreement.
3. All easements and rights described herein are easements and rights running with the land, perpetually in force and effect, and at all times shall inure to the benefit of, and are binding on, Grantee and Grantor, their successors and assigns, respectively.
4. Any and all easements and rights granted herein shall be freely assignable by Grantee.
5. Reference in subsequent deeds of conveyance, or in any mortgage or deed of trust or other evidence of obligation, to the easements and rights described in this conveyance within any subsequent conveyance of the burdened land or assignment of easement and or easement rights shall be sufficient to create and reserve such easements and rights to the respective grantees, mortgagees, and trustees of such unit of ownership as fully and completely as though such easements and rights were recited fully and set forth in their entirety in such documents.

GRANTEE

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"

ACCESS AND UTILITY EASEMENT

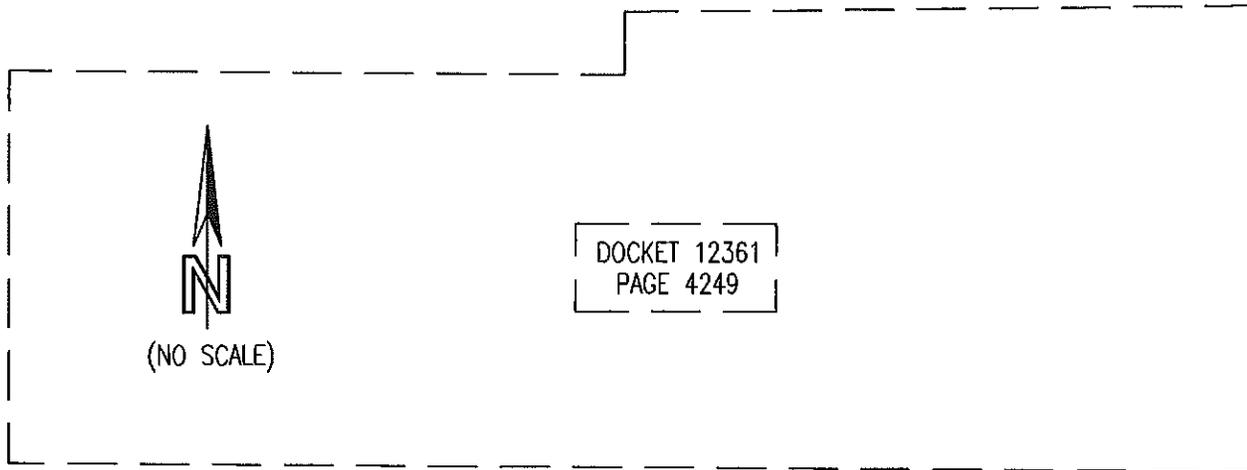
A 30-foot-wide easement for access and utilities in Section 4, Township 12 South, Range 13 East, Gila and Salt River Meridian, described as follows:

The West 30 feet of that parcel described in Docket 12905, Page 6360, recorded in the Office of the County Recorder of Pima County, Arizona.

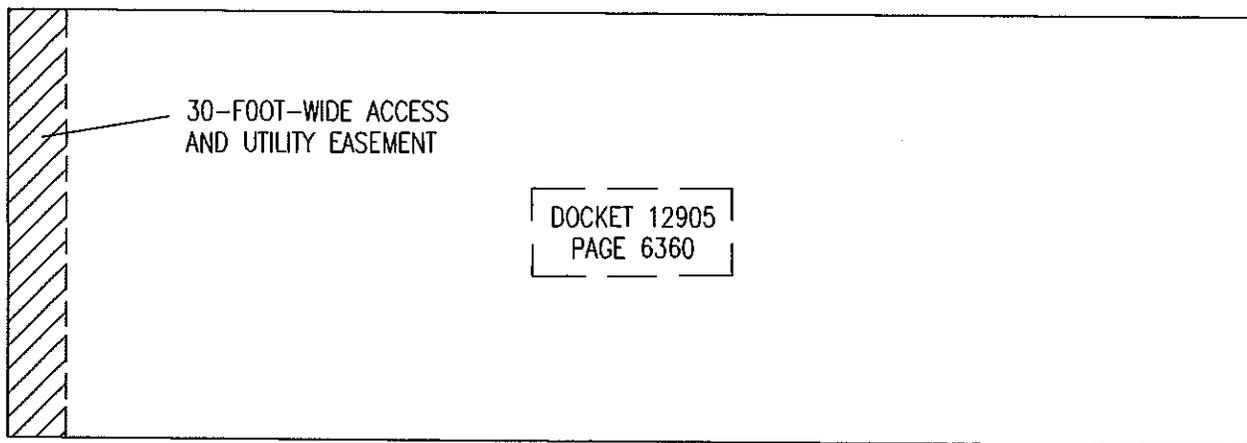


EXP. 03/31/12

EXHIBIT "B"



ASSESSOR'S PARCEL NO. 224-11-055E
(AUGUST 2011)



NARANJA DRIVE





Town Council Regular Session

Item # G.

Meeting Date: 11/16/2011

Requested by: Mark Moore

Submitted By:

Mark Moore, Water

Department: Water

Information

SUBJECT:

Resolution No. (R)11-74, Authorizing and approving an access easement between the Town of Oro Valley and Ronald G. and Jolene Bishop for a secondary access to the Lambert Lane booster site

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The attached resolution authorizes and approves the acquisition of an access easement from Ronald G. and Jolene Bishop through a portion of their property at 10415 North Pistachio Avenue in Oro Valley, Arizona. The easement will provide a secondary access to the Water Utility's existing Lambert Lane booster site. This access will be less intrusive to the public than the primary access to the site.

BACKGROUND OR DETAILED INFORMATION:

The Water Utility desires to gain a secondary access to its existing Lambert Lane booster site through the Bishop property. Staff has secured the easement from the Bishops and seeks approval from Council. The easement and accompanying dedication form are attached. This easement will document our ability to access this facility and is being accomplished as part of the Lambert Lane pipeline relocation. Access to the site is via an existing roadway and no new construction is required.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)11-74, Authorizing and approving an access easement between the Town of Oro Valley and Ronald G. and Jolene Bishop for a secondary access to the Lambert Lane booster site.

Attachments

Reso 11-74

Easement

RESOLUTION NO. (R) 11-74

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA AUTHORIZING AND APPROVING AN ACCESS EASEMENT BETWEEN THE TOWN OF ORO VALLEY AND RONALD G. AND JOLENE BISHOP FOR A SECONDARY ACCESS TO THE LAMBERT LANE BOOSTER SITE

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, pursuant to A.R.S. 9-511, *et seq.*, the Town has the requisite statutory authority to acquire, own and maintain a water utility for the benefit of the landowners within and without the Town's corporate boundaries; and

WHEREAS, Ronald G. and Jolene Bishop ("Bishops") desire to grant to the Town an access easement through their property to enable a secondary access to the Town's Lambert Lane booster site;

WHEREAS, it is in the best interest of the Town to accept the Access Easement from the Bishops' in order for the Town to gain a secondary access to its Lambert Lane booster site.

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

1. The Access Easement between the Town and Ronald G. and Jolene Bishop, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.
2. The Water Utility Director and any other administrative officials are hereby authorized to take such steps as necessary to implement easement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 16th day of November, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

ACCESS EASEMENT

Ronald G. Bishop and Jolene Bishop ("Grantors") do hereby grant to the Town of Oro Valley, a political subdivision of the State of Arizona ("Grantee") a non exclusive easement for entry upon and ingress and egress of the property as depicted on the map and legal description attached hereto as Exhibit "A", and incorporated herein by this reference.

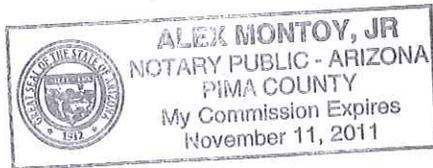
Grantee may use the Property for any purpose consistent with the terms of this easement.

THIS EASEMENT granted this 5th day of November, 2011.

GRANTOR:

Ronald G. Bishop

Ronald G. Bishop



State of Arizona)
) ss.
County of Pima)

On this 5th day of November, 2011, Ronald G. Bishop, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he executed the same for the purposes contained.

Given under my hand and seal on November 5th, 2011.

My Commission Expires: 11/11/2011

Notary

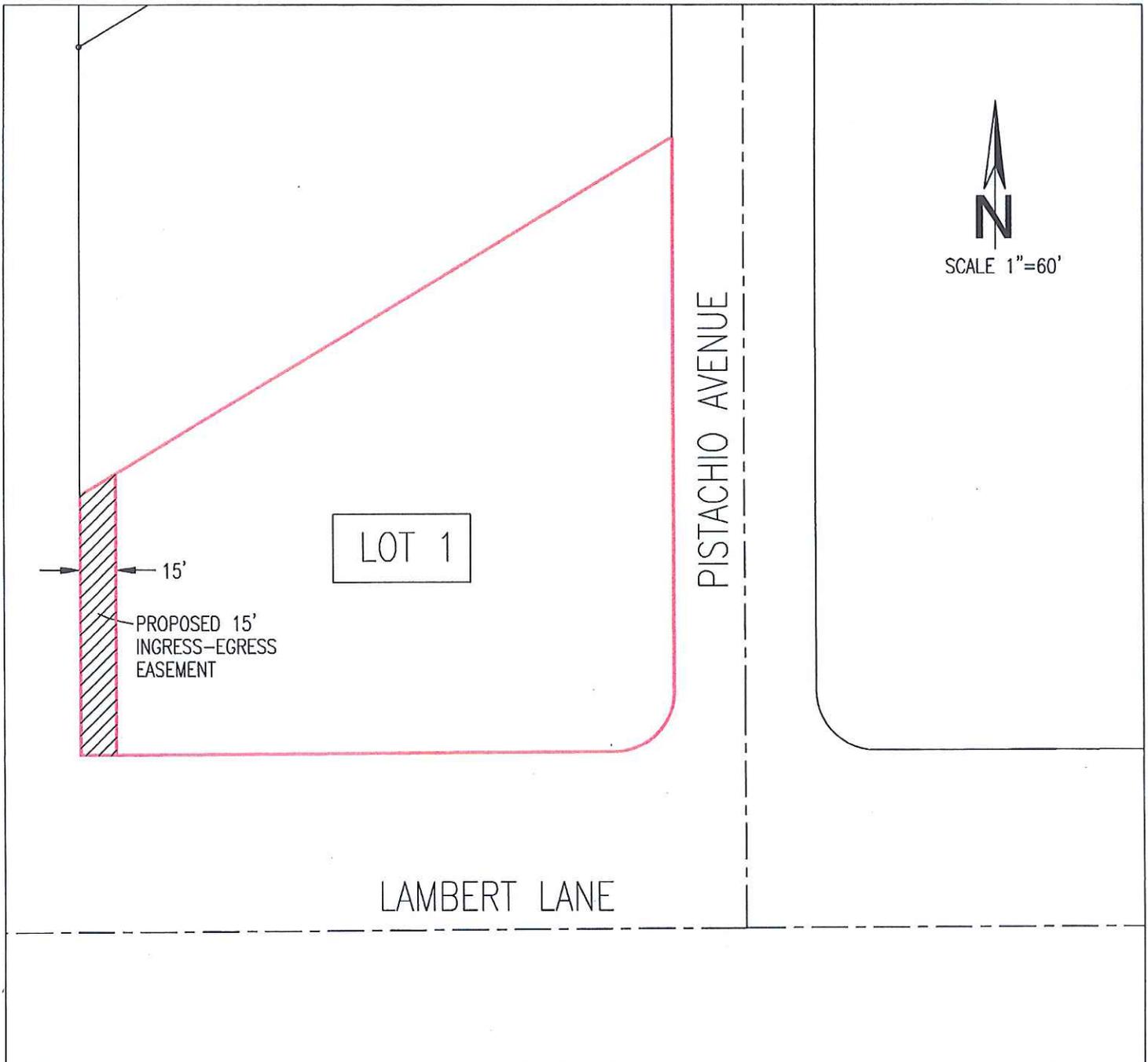
DESCRIPTION OF INGRESS-
EGRESS EASEMENT

The West 15 feet of Lot 1 in the MONTE DEL ORO subdivision recorded in Book 27 of
Maps and Plats at page 99 in the office of the Recorder, Pima County, Arizona.

Containing 1,718 square feet, more or less.



EXP. 03/31/2012




 SCALE 1"=60'

NOTE: THIS IS AN EXHIBIT DRAWING ONLY. REFER TO THE LEGAL DESCRIPTION FOR COMPLETE INFORMATION.

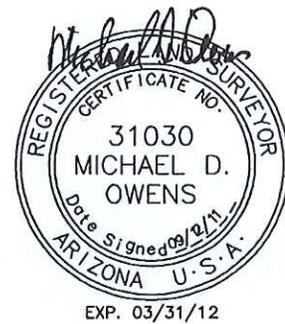


EXHIBIT DRAWING

September 12, 2011 Job 11-22

PROPOSED 15' INGRESS-EGRESS EASEMENT IN LOT 1
 MONTE DEL ORO SUBDIVISION (BK 27, PAGE 99 M&P)
 PIMA COUNTY, ARIZONA


**Cardinal
 Land Surveying**

425 S. Plumer, #102
 Tucson, Arizona 85719
 Tel. (520) 798-3803
 FAX (520) 798-3832



Town Council Regular Session

Item # H.

Meeting Date: 11/16/2011

Requested by: Jane Peterson

Submitted By:

Jane Peterson, Parks
Recreations Library CR

Department: Parks Recreations Library CR

Information

SUBJECT:

Resolution No. (R)11-75, Authorizing and approving a grant in kind agreement between the Town of Oro Valley and the Arizona State Library, Archives and Public Records Division for the funding and implementation of a virtual workforce workstation

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This is an agreement between the Town and the State Department of Library Archives and Public Records for funding of a dedicated computer terminal for job searching in the Oro Valley Library.

BACKGROUND OR DETAILED INFORMATION:

The Arizona State Library and Public Records Division has instituted a program to equip libraries throughout the state with dedicated computer terminals and printer/fax machines to assist Arizona residents with employment searches. The agreement with the State Library Division calls for the installation of the dedicated equipment at no cost to the Town, which equipment must be solely dedicated to employment searching functions for the general public.

FISCAL IMPACT:

The initial funding of the equipment is at no cost to the Town. In the unlikely event the equipment is lost or damaged, the Town may be responsible for the cost of acquiring replacement equipment for the remaining term of the agreement, which runs through June 28th, 2013. The total cost of the equipment would be about \$1,800.

SUGGESTED MOTION:

I MOVE to (approve, approve with modifications, or deny) Resolution No. (R)11-75, Authorizing and approving a grant In-kind agreement with the Arizona State Library, Archives and Public Records Division for the funding and implementation of a virtual workforce workstation.

Attachments

Reso 11-75

Virtual Workforce Workstations In Kind Grant

RESOLUTION NO. (R) 11-75

**A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA,
AUTHORIZING AND APPROVING A GRANT IN KIND
AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND
THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
RECORDS DIVISION FOR THE FUNDING AND
IMPLEMENTATION OF A VIRTUAL WORKFORCE
WORKSTATION**

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, the Town desires to enter into a grant in kind agreement with the Arizona State Library, Archives and Public Records Division for the funding and implementation of a Virtual Workforce Workstation (“VWW”); and

WHEREAS, the VWW allows patrons online access to search for or apply for jobs and obtain or improve job-related skills; and

WHEREAS, it is in the best interest of the Town of Oro Valley to enter into a Grant In Kind Agreement with the Arizona State Library, Archives and Public Records Division to fund and implement a VWW.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Town of Oro Valley, Arizona, that the Grant In Kind Agreement, attached hereto as Exhibit “A” and incorporated herein by this reference, between the Town of Oro Valley and the Arizona State Library, Archives and Public Records Division to fund and implement a Virtual Workforce Workstation is hereby authorized and approved.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 16th day of November, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

GRANT IN KIND
Between
ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS
and
Oro Valley Public Library

This Grant In Kind (“**AGREEMENT**”) is entered into by and between the State of Arizona, the Arizona State Library, Archives and Public Records, a division of the Arizona Secretary of State (“**ASLAPR**”) located at 1700 West Washington, Suite 200, Phoenix, Arizona, 85007 and **Oro Valley Public Library** (“**RECIPIENT**”), located at 1305 West Naranja Drive, Oro Valley, AZ 85737-9762.

This AGREEMENT is entered pursuant to A.R.S. §41-2701 et seq., authorizing the State of Arizona, Governor’s Office of Economic Recovery, contracting with ASLAPR, to execute and administer a specific federal grant, American Recovery and Reinvestment Act (ARRA) - PCC, AZ Job Help Hubs @ Your Library, CFDA number 11.557, award number 04-41-B10521, awarded July 2, 2010, herein referred to as Broadband Technology Opportunities Program Round 2 (“**BTOP II**”).

Whereas, A.R.S. § 41-151.05 and A.R.S. § 41-151.06 authorizes ASLAPR to execute and administer contracts. Whereas, A.R.S. § 9-420 authorizes RECIPIENT to enter into agreements with ASLAPR.

Therefore, it is agreed that ASLAPR shall provide equipment and funding to the RECIPIENT for implementation of Virtual Workforce Workstation (“**VWW**”) as defined under BTOP II and as established herein:

1. Purpose of the Agreement

The purpose of this AGREEMENT is to transfer ownership of the equipment and all responsibilities thereof to the RECIPIENT, have the RECIPIENT install and implement the equipment at **Oro Valley Public Library** (“**PARTICIPATING LIBRARY**”), located at 1305 West Naranja Drive, Oro Valley, AZ 85737-9762, have the RECIPIENT meet the programmatic objectives of the BTOP II Program as established by ASLAPR, and have RECIPIENT report on the utilization of this equipment, as specified by the BTOP II grant, until the TERMINATION DATE or until all grant requirements are met as required by ASLAPR.

A. The BTOP II Grant

The goal of the BTOP II grant is to address the increased demand by job-seekers on local libraries as a local resource where patrons can utilize internet access to search for or apply to jobs and also obtain or improve job-related skills. The BTOP II implementation has two components: (1) Job Help Hubs (“**JHH**”) and (2) Virtual Workforce Workstations (“**VWW**”). Together these are dubbed the Arizona Job Assistance Centers (“**AzJAC**”) project .

The JHH is a portable computer lab dedicated to assisting job seekers with skill assessments, skill development and adult education. At least one JHH will be located in each county and within those counties located in communities determined to have the greatest need. Although the JHH is delivered and associated with a specific library, the BTOP II grant encourages and supports utilization at venues other than the target library, such as community centers or faith-based sites, provided the use is in line with the job-seeker and adult education goals of the BTOP II grant.

The VWW is a single workstation dedicated to job seekers for job search and placement assistance, skill assessments, development of individual employment plans, and career planning. There are approximately 200 public libraries across Arizona receiving VWW as part of the BTOP II grant.

Pursuant to the goals of the BTOP II grant, **ASLAPR will purchase the computer equipment on the RECIPIENT's behalf and deliver this equipment to the RECIPIENT.** The RECIPIENT agrees to take ownership of the equipment and agrees to use the equipment as specified and report on that use as specified by ASLAPR in accordance with the BTOP II grant.

2. Effective Date/Term of Agreement

The term of the AGREEMENT shall commence on **November 1, 2011** ("EFFECTIVE DATE"), and shall remain in effect until June 28, 2013 ("TERMINATION DATE"), contingent upon federal funding availability, unless terminated or canceled as provided herein.

3. General Provisions

The parties mutually agree as follows:

A. Type of BTOP II RECIPIENT AGREEMENT

This AGREEMENT applies to a VWW implementation.

B. Equipment and Software List

Hardware List:

SIGNIFICANT ASSETS for VWW Recipients:			
<u>Quantity</u>	<u>Description</u>	<u>Unit Cost</u>	<u>Approximate Subtotal Value</u>
1	Desktop SFF; Dell Optiplex 780	\$ 855	\$ 855
1	Monitor: Dell E2211H, Widescreen, 21.5 in LCD		
1	All-in-one monochrome laser printer; Xerox Workcentre 3210N, C/P/S/F	\$ 245	\$ 245
Total Approximate Value:			\$ 1,100

Software List :

<u>Quantity</u>	<u>Description</u>	<u>Approximate Unit Cost</u>	<u>Not-To-Exceed Value</u>
1	Microsoft Office Standard (see Software Note 1 below)	\$ 350	\$ 400 each
1	Adobe Acrobat Standard (see Software Note 1 below)	\$ 250	\$ 300 each

Software Note 1: If the installed version of Microsoft Office is v2010 or later, then Adobe Acrobat Standard is not a requirement. For Office 2007 an add-in for creating Adobe documents must be installed. For versions of Office 2007 or older, Adobe Acrobat Standard would be a requirement and would have to be version 9 or 10.

C. Method and Terms of Receipt of Equipment

1. Upon receipt of the equipment at the location specified by the RECIPIENT, or their designee, the RECIPIENT agrees to take ownership of the equipment specified in Section 3.B, **Equipment and Software List**.
2. RECIPIENT, or their designee, agrees to notify ASLAPR within 5 business days of the receipt of any equipment for the BTOP II grant. Upon receiving notification of delivery, ASLAPR will, within 5 business days, provide by Email to the person designated by the RECIPIENT, an **Inventory Receipt Form** listing the items received.
3. The RECIPIENT, or their designee, shall complete and sign the **Inventory Receipt Form** and deliver to ASLAPR at the address provided at the bottom of this AGREEMENT.
4. Any incidental items supplied with the above equipment, such as USB printer cables, network cables, supplies (if any), or other non-essential items such as laptop cases, are not listed due to their relatively low value.
5. Any other equipment that may be supplied by ASLAPR as part of the BTOP II grant will be covered under separate agreement.

D. Software Requirements for BTOP II Computers

As part of the BTOP II grant, the items in the SOFTWARE LIST in Section 3.B, **Equipment and Software List**, are mandated to be installed on each computer listed in Section 3.B. The RECIPIENT is eligible to be reimbursed for the actual cost to acquire these software licenses should they elect to utilize the grant to cover such costs up to the "Not-To-Exceed Value" amount listed in Section 3.B. Software maintenance for the items in Section 3.B will be covered up to the end of the grant period, June 30, 2013. **In order to be eligible for reimbursement by ASLAPR, the RECIPIENT or the PARTICIPATING LIBRARY must have acquired, installed, and requested reimbursement for the software listed in Section 3.B prior to June 29, 2012.** The RECIPIENT shall comply with all ASLAPR reimbursement requirements, including, but not limited to, all supporting documentation required by ASLAPR.

E. Maintenance of Equipment and Software

1. Hardware Maintenance:

For the SIGNIFICANT ASSETS listed in Section 3.B, **Equipment and Software List**, ASLAPR will also purchase warranties that extend up to, or beyond, the end of the grant period, June 30, 2013. ASLAPR will have no obligation beyond June 30, 2013, to provide warranties and/or maintenance for any of the items referenced in this AGREEMENT.

2. Software Maintenance:

ASLAPR has no obligation to provide software maintenance beyond that provided as part of the initial software acquisition of the software specified in Section 3.B, **Equipment and Software List**, and up to the end of the grant period, June 30, 2013.

ASLAPR makes no promises or warranties as to the actual cost the RECIPIENT or the PARTICIPATING LIBRARY will incur to acquire the software listed in Section 3.B or the accuracy of the estimated value provided in Section 3.B.

4. GRANTOR's and RECIPIENT's Responsibilities

A. RECIPIENT, or their designee, agrees to:

- 3.** Install and implement the equipment referenced in Section 3.B, *Equipment and Software*, within 45 days of either (a) receipt of all listed equipment, or (b) EFFECTIVE DATE, whichever is the most recent, and according to the utilization requirements of the BTOP II grant as established by ASLAPR.
- 4.** Acquire and install the software on each computer provided as specified in Section 3.B, *Equipment and Software List*, within 30 days of implementation as per Section 4.A.1 above.
- 5.** Monitor and document use of the VWW equipment whether being utilized by the RECIPIENT, a designee of the RECIPIENT, or a designee of ASLAPR, or for any other use as permitted by the terms and conditions of the BTOP II grant.
- 6.** Provide monthly utilization reports as required by ASLAPR. Upon generating a duly signed AGREEMENT, ASLAPR will consult with the PARTICIPATING LIBRARY on the best practices for gathering utilization metrics. However, there are minimum requirements for the BTOP II grant that the RECIPIENT must meet.
- 7.** In consultation with ASLAPR, strive and aspire to maximize utilization of the VWW computer.

B. ASLAPR agrees to:

- 8.** Administer the AzJAC Project.
- 9.** Provide a project manager.
- 10.** Work closely with the RECIPIENT and/or the PARTICIPATING LIBRARY to assist in resolving any issues of space, connectivity, accessibility, designated use, maximizing utilization, and gathering metrics on utilization.
- 11.** Act as the fiscal agent for the project.
- 12.** Submit federal and state project reports.
- 13.** Communicate project status with libraries, when applicable.

5. Responsibility for Equipment

ASLAPR and the State of Arizona are not responsible for and will not cover any items referenced in this AGREEMENT for loss or damage. ASLAPR recommends that the RECIPIENT and the PARTICIPATING LIBRARY include the equipment in their loss prevention programs and/or policies.

In the event of loss of any items listed in Section 3.B, *Equipment and Software List*, the RECIPIENT agrees to report the loss to ASLAPR within five (5) business days of the loss. Because the RECIPIENT has a contractual responsibility to continue to provide the services required by the BTOP II grant and report on the use of the equipment, regardless of the circumstances of the loss, the RECIPIENT agrees to replace any items listed in Section 3.B, *Equipment and Software List*, that are designated as either SIGNIFICANT ASSETS or SOFTWARE within sixty (60) calendar days after the loss occurred.

The RECIPIENT must submit the specifications of the proposed replacement equipment and/or software to ASLAPR prior to purchasing or implementation, in case the RECIPIENT proposes using existing equipment or software. ASLAPR reserves the right to reject the proposed replacement equipment or software if ASLAPR determines that it will not sufficiently meet the capabilities or specifications of the original equipment or software. If the replacement equipment is not approved by ASLAPR prior to purchasing or implementation, the RECIPIENT is still liable for loss coverage should the equipment not meet the approval of ASLAPR.

Should the RECIPIENT elect not to replace equipment due to a loss, ASLAPR will consider the RECIPIENT in breach of this AGREEMENT and ASLAPR may terminate this AGREEMENT subject to Section 22, and may exercise any other remedy available by law.

6. Method and Terms of Reimbursement

Funds will be transferred to RECIPIENT on a cost reimbursement basis upon receipt and approval of a Reimbursement Request Form showing cumulative expenditures by line item. Items to be reported are; dollar amount requested, name of project worked on and project status compared to timeline submitted, if applicable. The RECIPIENT will be responsible for paying vendors associated with this project, when applicable. ASLAPR will reimburse expenses to RECIPIENT using a warrant, transfer, or by direct deposit of BTOP II funds. Method of payment will be at the discretion of ASLAPR and the RECIPIENT will allow thirty (30) calendar days for completion of payment of funds after ASLAPR's receipt of a Reimbursement Request Form. Any unspent funds associated with this AGREEMENT will be refunded to ASLAPR at completion of stated AGREEMENT term. Final payment for this AGREEMENT will be released upon receipt of any final reporting requirements which are yet to be determined, if applicable.

7. Reporting and Compliance Requirements

Payments by ASLAPR to the RECIPIENT shall be in strict compliance with OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (2 CFR 225 A-87) and shall adhere to the Federal Cash Management Improvement Act (CMIA) and comply with guidelines of the BTOP II grant.

In addition the Recovery Act specifically provides that funds may not be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

The RECIPIENT must be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds. Funds associated with this AGREEMENT shall only be used to reimburse the RECIPIENT for the purposes set forth on Section 3 of this AGREEMENT. The RECIPIENT must comply with all applicable Federal and State policies and procedures, and requirements related to Recovery Act and BTOP II monies.

8. Printed Material

It is agreed that any report or printed matter completed as a part of this AGREEMENT is a work for hire and shall not be copyrighted by the RECIPIENT. Any publicly printed material under this AGREEMENT shall state "This project was supported by ARRA funding in the form of a grant from the U.S. Department of Commerce and the Governor's Office of Economic Recovery."

9. Documents Incorporated by Reference

Incorporation by Reference into AGREEMENT as if fully set forth herein:

Title XIV of the American Recovery and Reinvestment Act (ARRA) of 2009, known as the State Fiscal Stabilization Fund (Public Law 111-5 (H.R. 1), February 17, 2009; 123 Stat. 115, as amended by Public Law 111-8 (H.R. 1105), the Omnibus Appropriations Act, 2009; Division A, Section 523; March 11, 2009; 123 Stat. 524), as administered by the U.S. Department of Education.

(Included as **Attachment 1** and accessible at:

<http://www2.ed.gov/policy/gen/leg/recovery/statutory/stabilization-fund.doc>).

It is the RECIPIENT's responsibility to obtain the most current revisions of this document.

10. Fiscal Responsibility

Should the project not be completed, be partially completed, or be completed at a lower cost than the original budget called for, the amount reimbursed to RECIPIENT shall be for only the amount of dollars actually spent by the RECIPIENT. For any funds received under this AGREEMENT for which expenditure is disallowed in an audit exception by the ASLAPR, the State of Arizona, or Federal government, the RECIPIENT shall reimburse said funds directly to the ASLAPR immediately within fifteen (15) business days, exclusive of state holidays.

11. Records and Audit Trails

Under A.R.S. § 35-214 and A.R.S. § 35-215, the RECIPIENT shall retain all data and other "records" relating to the performance of the AGREEMENT for a period of five (5) years after the closing of the federal grant. The RECIPIENT is subject to all audit oversight policies and procedures established by ASLAPR and/or the State of Arizona. The RECIPIENT shall flow down this requirement to all subcontractors utilized during the term of this AGREEMENT.

12. Amendments

This AGREEMENT may be modified, altered or amended only in writing signed by, or on behalf of, both parties.

13. Arbitration

This AGREEMENT is subject to arbitration to the extent required by A.R.S. § 12-1518, and any such proceeding shall be held in Phoenix, Maricopa County, Arizona.

14. Cancellation for Conflict of Interest

This AGREEMENT is subject to cancellation pursuant to A.R.S. § 38-511, the provisions of which are herein incorporated by reference.

15. Non-Discrimination

The RECIPIENT shall comply with State Executive Order No. 2009-09 and all other applicable Federal and State laws, rules and regulations, including the American with Disabilities Act. The RECIPIENT shall flow down this requirement to all subcontractors utilized during the term of this AGREEMENT.

16. Federal Immigration and Nationality Act

The RECIPIENT shall comply with all federal, state and local immigration laws and regulations relating to the immigration status of their employees during the term of the AGREEMENT. Further, the RECIPIENT shall flow down this requirement to all subcontractors utilized during the term of the AGREEMENT. The State shall retain the right to perform random audits of the RECIPIENT's and subcontractors' records or to inspect papers of any employee thereof to ensure compliance. Should the State determine that the RECIPIENT and/or any subcontractor be found noncompliant, the State may pursue all remedies allowed by law, including, but not limited to; suspension of work, termination of the AGREEMENT for default and suspension and/or debarment of the RECIPIENT.

17. E-Verify Requirements

In accordance with A.R.S. § 41-4404, the RECIPIENT warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with A.R.S. § 23-214, Subsection A. The RECIPIENT shall flow down this requirement to all subcontractors utilized during the term of this AGREEMENT.

18. Scrutinized Business

In accordance with A.R.S. § 35-931 and A.R.S. § 35-393, the RECIPIENT certifies that the RECIPIENT does not have scrutinized business operations in Sudan or Iran. The RECIPIENT shall flow down this requirement to all subcontractors utilized during the term of this AGREEMENT.

19. Renewal

This AGREEMENT will and shall not be renewed. Additionally, this AGREEMENT shall not bind nor purport to bind ASLAPR and/or the State of Arizona for any contractual commitment in excess of the original AGREEMENT period or amount. The AGREEMENT will terminate on the TERMINATION DATE and ASLAPR reserves the right to cancel prior to the TERMINATION DATE based on the cancellation criteria set forth in this AGREEMENT.

20. 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.

21. AGREEMENT Termination

A. Termination for Cause

ASLAPR reserves the right to cancel the whole or any part of the AGREEMENT due to failure of the RECIPIENT to carry out any term or condition of the AGREEMENT or failure to make satisfactory progress in performing this AGREEMENT.

If ASLAPR determines there is cause for cancellation, ASLAPR shall issue a written ten (10) day notice of default to the RECIPIENT and ASLAPR may cancel the AGREEMENT. If ASLAPR cancels AGREEMENT pursuant to this clause, the State reserves all rights or claims to damage for breach of contract.

B. Termination for Non-Availability of Funds

Obligations by ASLAPR for acquisition of equipment and software is conditioned upon the availability of funds appropriated or allocated for such obligations. If funds are not allocated and available for the continuance of this AGREEMENT, either party may terminate this AGREEMENT at the end of the period for which funds remain available. No liability shall accrue to ASLAPR or the State of Arizona in the event this provision is exercised, and neither ASLAPR nor the State of Arizona will be obligated or liable for any future commitment, obligations, or for any damages as a result of termination under this paragraph.

C. Termination by Notice

ASLAPR reserves the right to terminate the AGREEMENT at any time, for the convenience of ASLAPR, without penalty or recourse, by giving written notice to the RECIPIENT at least thirty (30) days prior to the effective date of such termination. In the event of termination pursuant to this paragraph, all documents, data, and reports prepared by the RECIPIENT under the AGREEMENT shall, at the option of ASLAPR, become property of the State of Arizona. The RECIPIENT shall be entitled to receive just and equitable compensation for that work completed prior to the effective date of termination.

22. Entire Agreement

This AGREEMENT contains the entire agreement and understanding of the parties hereto. There are no representations or provisions other than those contained herein, and this AGREEMENT supersedes all prior agreements between the parties, whether written or oral, pertaining to the same subject matter of this AGREEMENT.

23. No Waiver

Either party's failure to insist on strict performance of any term or condition of the AGREEMENT shall not be construed as a waiver of that term or condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

24. Partial Invalidity

The parties agree that, should any part of this AGREEMENT be held to be invalid or void, the remainder of the AGREEMENT shall remain in full force and effect and shall be binding upon the parties.

25. Governing Law

This AGREEMENT is made under, and shall be governed and interpreted by the laws of the State of Arizona. In the event of litigation arising out of, or relating to, this AGREEMENT, the RECIPIENT, ASLAPR, and the State of Arizona hereby stipulate to the exclusive jurisdiction and venue of the Maricopa County Superior Court in Phoenix, Arizona.

26. Counterparts

This AGREEMENT may be executed in any number of duplicate originals, photocopies or facsimiles, all of which (once each party has executed at least one such duplicate original, photocopy, or facsimile) will constitute one and the same document.

27. Interpretation

This AGREEMENT is not to be construed or interpreted for or against either of the parties on the grounds of sole or primary authorship or draftsmanship.

28. Paragraph Headings

The paragraph headings in this AGREEMENT are for convenience or reference only and do not define, limit, enlarge, or otherwise affect the scope, construction, or interpretation of this AGREEMENT or any of its provisions.

29. Notices

Any and all notices, requests or demands given or made upon the parties hereto, pursuant to or in connection with this AGREEMENT, unless otherwise noted, shall be delivered in person, fax, email, or sent by United States Mail, postage prepaid, to the parties at their respective addresses as set forth immediately below:

RECIPIENT:

Oro Valley Public Library
1305 West Naranja Drive
Oro Valley, AZ 85737-9762

Attn: Jane Peterson

GRANTOR:

**Arizona State Library,
Archive and Public Records**
1700 W. Washington, Suite 300
Phoenix, AZ 85007

Attn.: Laura Stone

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30. Authority to Execute this AGREEMENT

Each individual executing this AGREEMENT on behalf of the RECIPIENT and ASLAPR represents and warrants that he or she is duly authorized to execute this AGREEMENT.

IN WITNESS WHEREOF, the parties hereto agree to execute this AGREEMENT:

RECIPIENT:

Oro Valley Public Library
1305 West Naranja Drive
Oro Valley, AZ 85737-9762

Signature

Jane Peterson
Library Administrator

DATE: ____ / ____ / 2011

GRANTOR::

**Arizona State Library,
Archive and Public Records**
1700 W. Washington, Suite 200
Phoenix, AZ 85007

Signature

Jim Drake
Assistant Secretary of State

DATE: ____ / ____ / 2011

Any **Inventory Receipt Form** completed by RECIPIENT shall be delivered in person or sent by the United States Postal Service to the address below.

Arizona State Library

1700 W. Washington
Suite 200
Phoenix, AZ 85007

Attn.: Chris Guerra

Email: cguerran@lib.az.us

Telephone: (602) 926 - 3811

ATTACHMENT 1

**American Recovery and Reinvestment Act of 2009
Public Law 111-5 (H.R. 1), February 17, 2009; 123 Stat. 115**

**As amended by Public Law 111-8 (H.R. 1105), the Omnibus Appropriations Act, 2009;
Division A, Section 523; March 11, 2009; 123 Stat. 524**

Below are excerpts from Public Law 111-5, as amended by Public Law 111-8, that relate to the State Fiscal Stabilization Fund administered by the U.S. Department of Education. The U.S. Department of Education has posted this information as a courtesy to readers. The official (and controlling) texts of this material will be printed in those two Public Laws.

**DIVISION A, TITLE XIV – STATE FISCAL STABILIZATION FUND
DEPARTMENT OF EDUCATION
STATE FISCAL STABILIZATION FUND**

GENERAL PROVISIONS – THIS TITLE

SEC. 14001. ALLOCATIONS.

(a) Outlying Areas. From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to one-half of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this title under such terms and conditions as the Secretary may determine.

(b) Administration and Oversight. The Secretary may, in addition, reserve up to \$14,000,000 for administration and oversight of this title, including for program evaluation.

(c) Reservation for Additional Programs. After reserving funds under subsections (a) and (b), the Secretary shall reserve \$5,000,000,000 for grants under sections 14006 and 14007.

(d) State Allocations. After carrying out subsections (a), (b), and (c), the Secretary shall allocate the remaining funds made available to carry out this title to the States as follows:

(1) 61 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 39 percent on the basis of their relative total population.

(e) State Grants. From funds allocated under subsection (d), the Secretary shall make grants to the Governor of each State.

(f) Reallocation. The Governor shall return to the Secretary any funds received under subsection (e) that the Governor does not award as subgrants or otherwise commit within two years of receiving such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

SEC. 14002. STATE USES OF FUNDS.

(a) Education Fund.

(1) In general. For each fiscal year, the Governor shall use 81.8 percent of the State's allocation under section 14001(d) for the support of elementary, secondary, and postsecondary education and, as applicable, early childhood education programs and services.

(2) Restoring state support for education.

(A) In general. The Governor shall first use the funds described in paragraph (1)—

(i) to provide the amount of funds, through the State's primary elementary and secondary education funding formulae, that is needed—

(I) to restore, in each of fiscal years 2009, 2010, and 2011, the level of State support provided through such formulae to the greater of the fiscal year 2008 or fiscal year 2009 level; and

(II) where applicable, to allow existing State formulae increases to support elementary and secondary education for fiscal years 2010 and 2011 to be implemented and allow funding for phasing in State equity and adequacy adjustments, if such increases were enacted pursuant to State law prior to October 1, 2008.

(ii) to provide, in each of fiscal years 2009, 2010, and 2011, the amount of funds to public institutions of higher education in the State that is needed to restore State support for such institutions (excluding tuition and fees paid by students) to the greater of the fiscal year 2008 or fiscal year 2009 level.

(B) Shortfall. If the Governor determines that the amount of funds available under paragraph (1) is insufficient to support, in each of fiscal years 2009, 2010, and 2011, public elementary, secondary, and higher education at the levels described in clauses (i) and (ii) of subparagraph (A), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(C) Fiscal year. For purposes of this paragraph, the term "fiscal year" shall have the meaning given such term under State law.

(3) Subgrants to improve basic programs operated by local educational agencies.--After carrying out paragraph (2), the Governor shall use any funds remaining under paragraph (1) to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.

(b) Other Government Services.

(1) In general. The Governor shall use 18.2 percent of the State's allocation under section 14001(d) for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education, and for modernization, renovation, or repair of public school facilities and institutions of higher education facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(2) Availability to all institutions of higher education. A Governor shall not consider the type or mission of an institution of higher education, and shall consider any institution for funding for modernization, renovation, and repairs within the State that—

(A) qualifies as an institution of higher education, as defined in subsection 14013(3); and

(B) continues to be eligible to participate in the programs under title IV of the Higher Education Act of 1965.

(c) Rule of Construction. Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14003. USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES.

(a) In General. local educational agency that receives funds under this title may use he funds for any activity authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) ("SEA"), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ("IDEA"), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins Act") or for modernization, renovation, or repair of public school facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) Prohibition. A local educational agency may not use funds received under this title for—

(1) payment of maintenance costs;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) purchase or upgrade of vehicles; or

(4) improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities.

(c) Rule of Construction. Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14004. USES OF FUNDS BY INSTITUTIONS OF HIGHER EDUCATION.

(a) In General. A public institution of higher education that receives funds under this title shall use the funds for education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students, or for modernization, renovation, or repair of institution of higher education facilities that are primarily used for instruction, research, or student housing, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) Prohibition. An institution of higher education may not use funds received under this title to increase its endowment.

(c) Additional Prohibition. No funds awarded under this title may be used for—

(1) the maintenance of systems, equipment, or facilities;

(2) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(3) modernization, renovation, or repair of facilities—

(A) used for sectarian instruction or religious worship; or

(B) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

SEC. 14005. STATE APPLICATIONS.

(a) In General. The Governor of a State desiring to receive an allocation under section 14001(d) shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

- (b) Application. In such application, the Governor shall—
- (1) include the assurances described in subsection (d);
 - (2) provide baseline data that demonstrates the State's current status in each of the areas described in such assurances; and
 - (3) describe how the State intends to use its allocation, including whether the State will use such allocation to meet maintenance of effort requirements under the ESEA and IDEA and, in such cases, what amount will be used to meet such requirements.
- (c) Incentive Grant Application. The Governor of a State seeking a grant under section 14006 shall—
- (1) submit an application for consideration;
 - (2) describe the status of the State's progress in each of the areas described in subsection (d), and the strategies the State is employing to help ensure that students in the subgroups described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)) who have not met the State's proficiency targets continue making progress toward meeting the State's student academic achievement standards;
 - (3) describe the achievement and graduation rates (as described in section 1111(b)(2)(C)(vi) of the ESEA (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations) of public elementary and secondary school students in the State, and the strategies the State is employing to help ensure that all subgroups of students identified in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2)) in the State continue making progress toward meeting the State's student academic achievement standards;
 - (4) describe how the State would use its grant funding to improve student academic achievement in the State, including how it will allocate the funds to give priority to high-need local educational agencies; and
 - (5) include a plan for evaluating the State's progress in closing achievement gaps.
- (d) Assurances. An application under subsection (b) shall include the following assurances:
- (1) Maintenance of effort.
 - (A) Elementary and secondary education. The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for elementary and secondary education at least at the level of such support in fiscal year 2006.
 - (B) Higher education. The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at least at the level of such support in fiscal year 2006.
 - (2) Achieving equity in teacher distribution. The State will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the ESEA (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.
 - (3) Improving collection and use of data. The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871).
 - (4) Standards and assessments. The State—
 - (A) will enhance the quality of the academic assessments it administers pursuant to section 1111(b)(3) of the ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) of such Act (20 U.S.C. 7301a(a));
 - (B) will comply with the requirements of paragraphs (3)(C)(ix) and (6) of section 1111(b) of the ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of the IDEA (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments; and
 - (C) will take steps to improve State academic content standards and student academic achievement standards consistent with section 6401(e)(1)(A)(ii) of the America COMPETES Act.
 - (5) Supporting struggling schools. The State will ensure compliance with the requirements of section 1116(b)(7)(C)(iv) and section 1116(b)(8)(B) of the ESEA with respect to schools identified under such sections.

SEC. 14006. STATE INCENTIVE GRANTS.

- (a) In General.
- (1) Reservation. From the total amount reserved under section 14001(c) that is not used for section 14007, the Secretary may reserve up to 1 percent for technical assistance to States to assist them in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(2) Remainder. Of the remaining funds, the Secretary shall, in fiscal year 2010, make grants to States that have made significant progress in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(b) Basis for Grants. The Secretary shall determine which States receive grants under this section, and the amount of those grants, on the basis of information provided in State applications under section 14005 and such other criteria as the Secretary determines appropriate, which may include a State's need for assistance to help meet the objective of paragraphs (2), (3), (4), and (5) of section 14005(d).

(c) Subgrants to Local Educational Agencies. Each State receiving a grant under this section shall use at least 50 percent of the grant to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

SEC. 14007. INNOVATION FUND.

(a) In General.

(1) Eligible entities. For the purposes of this section, the term "eligible entity" means—

- (A) a local educational agency; or
- (B) a partnership between a nonprofit organization and—
 - (i) one or more local educational agencies; or
 - (ii) a consortium of schools.

(2) Program established. From the total amount reserved under section 14001(c), the Secretary may reserve up to \$650,000,000 to establish an Innovation Fund, which shall consist of academic achievement awards that recognize eligible entities that meet the requirements described in subsection (b).

(3) Basis for awards. The Secretary shall make awards to eligible entities that have made significant gains in closing the achievement gap as described in subsection (b)(1)—

- (A) to allow such eligible entities to expand their work and serve as models for best practices;
- (B) to allow such eligible entities to work in partnership with the private sector and the philanthropic community; and
- (C) to identify and document best practices that can be shared, and taken to scale based on demonstrated success.

(b) Eligibility. To be eligible for such an award, an eligible entity shall—

(1) have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2));

(2) have exceeded the State's annual measurable objectives consistent with such section 1111(b)(2) for 2 or more consecutive years or have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section through another measure, such as measures described in section 1111(c)(2) of the ESEA;

(3) have made significant improvement in other areas, such as graduation rates or increased recruitment and placement of high-quality teachers and school leaders, as demonstrated with meaningful data; and

(4) demonstrate that they have established partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale.

(c) Special Rule. In the case of an eligible entity that includes a nonprofit organization, the eligible entity shall be considered to have met the eligibility requirements of paragraphs (1), (2), (3) of subsection (b) if such nonprofit organization has a record of meeting such requirements.

SEC. 14008. STATE REPORTS.

For each year of the program under this title, a State receiving funds under this title shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes—

(1) the uses of funds provided under this title within the State;

(2) how the State distributed the funds it received under this title;

(3) the number of jobs that the Governor estimates were saved or created with funds the State received under this title;

(4) tax increases that the Governor estimates were averted because of the availability of funds from this title;

(5) the State's progress in reducing inequities in the distribution of highly qualified teachers, in implementing a State longitudinal data system, and in developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;

(6) the tuition and fee increases for in-State students imposed by public institutions of higher education in the State during the period of availability of funds under this title, and a description of any actions taken by the State to limit those increases;

(7) the extent to which public institutions of higher education maintained, increased, or decreased enrollment of in-State students, including students eligible for Pell Grants or other need-based financial assistance; and

(8) a description of each modernization, renovation and repair project funded, which shall include the amounts awarded and project costs.

SEC. 14009. EVALUATION.

The Comptroller General of the United States shall conduct evaluations of the programs under sections 14006 and 14007 which shall include, but not be limited to, the criteria used for the awards made, the States selected for awards, award amounts, how each State used the award received, and the impact of this funding on the progress made toward closing achievement gaps.

SEC. 14010. SECRETARY'S REPORT TO CONGRESS.

The Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, not less than 6 months following the submission of State reports, that evaluates the information provided in the State reports under section 14008 and the information required by section 14005(b)(3) including State-by-State information.

SEC. 14011. PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE.

No recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools, unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 14012. FISCAL RELIEF.

(a) In General. For the purpose of relieving fiscal burdens on States and local educational agencies that have experienced a precipitous decline in financial resources, the Secretary of Education may waive or modify any requirement of this title relating to maintaining fiscal effort.

(b) Duration. A waiver or modification under this section shall be for any of fiscal year 2009, fiscal year 2010, or fiscal year 2011, as determined by the Secretary.

(c) Criteria. The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State receiving such waiver or modification will not provide for elementary, secondary, and public higher education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State than the percentage provided for such purpose in the preceding fiscal year.

(d) Maintenance of Effort. Upon prior approval from the Secretary, a State or local educational agency that receives funds under this title may treat any portion of such funds that is used for elementary, secondary, or postsecondary education as non-Federal funds for the purpose of any requirement to maintain fiscal effort under any other program, including part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), administered by the Secretary.

(e) Subsequent Level of Effort. Notwithstanding (d), the level of effort required by a State or local educational agency for the following fiscal year shall not be reduced.

SEC. 14013. DEFINITIONS.

Except as otherwise provided in this title, as used in this title—

(1) the terms "elementary education" and "secondary education" have the meaning given such terms under State law;

(2) the term "high-need local educational agency" means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line;

(3) the term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term "Secretary" means the Secretary of Education;

(5) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(6) any other term used that is defined in section 9101 of the ESEA (20 U.S.C. 7801) shall have the meaning given the term in such section.

[END]



Town Council Regular Session

Item # 1.

Meeting Date: 11/16/2011

Requested by: George Dunscomb, Magistrate

Submitted By:

Heidy Kinwald, Magistrate
Court

Department: Magistrate Court

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)11-29, AMENDING ORO VALLEY TOWN CODE ARTICLE 5-5, MAGISTRATE COURT FEES, SECTION 5-5-1(A)14, COURT SECURITY FEE

RECOMMENDATION:

Staff recommends that Council adopt the attached Ordinance to offset a recent decrease in the state court surcharge.

EXECUTIVE SUMMARY:

On March 24, 2010, the Council adopted Ordinance (O)10-3, establishing a Court Security Fee of \$13.58, which, when the required 84% State surcharges are added, totals \$25.00. The Legislature (HB2355) reduced the total surcharges the Oro Valley Magistrate Court must assess from 84% to 83% effective January 1, 2012. To keep the total fee charged at \$25.00, the Court must adjust the fee up to \$13.66.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The Court assessed the \$13.58 Court Security Fee on 4793 cases in F/Y 2010/2011. Raising the fee from \$13.58 to \$13.66 will generate approximately \$383.44 each year based on the same number of cases per year. Not changing the ordinance would require the Magistrate Court to: 1) reprint all of the "bond schedules" the police officers give to each individual stopped for a traffic offense, 2) change the information on the court web site and 3) increase the amount of clerk time to enter the fees on each defendant's case in the case management system.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Ordinance No. (O)11-29, AMENDING ORO VALLEY TOWN CODE ARTICLE 5-5, MAGISTRATE COURT FEES, SECTION 5-5-1(A)14, COURT SECURITY FEE.

Attachments

Ord 11-29

ORDINANCE NO. (O)11-29

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY TOWN CODE ARTICLE 5-5, MAGISTRATE COURT FEES, SECTION 5-5-1(A)14, COURT SECURITY FEE; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER.

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, on February 19, 2003, the Town Council approved Ordinance Number (O)03-05, which adopted that certain document entitled, "Oro Valley Town Code", Article 5-5, Magistrate Court Fees, in order to provide a mechanism for the Oro Valley Magistrate Court to recoup incurred costs; and

WHEREAS, on March 24, 2010, the Town Council approved Ordinance No. (O)10-3A, which amended Oro Valley Town Code, Article 5-5, Magistrate Court Fees, to add Section 5-5-1(A)14, Court Security Fee; and

WHEREAS, the Arizona State Legislature passed House Bill 2355, effective January 1, 2012, that decreases by one percent (1%) any surcharge levied on fines, penalties and forfeitures imposed and collected by the courts for criminal and civil offenses; and

WHEREAS, the Town desires to increase the payment of a court security fee from \$13.58 to \$13.66 to offset the one percent (1%) surcharge decrease.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, that certain document known as the "Oro Valley Town Code", Section 5-5-1(A), Fees is hereby amended as follows:

SECTION 1. Oro Valley Town Code Section 5-5-1(A), Fees, shall be amended to read as follows, with additions in all CAPS and deletions in ~~strikethrough text~~:

Section 5-5-1(A) Fees

...

14. Court Security Fee: The court shall order the payment of a ~~\$13.58~~ \$13.66 court security fee by each defendant at the time the fine or sanction on a case

is assessed. The court may waive the fee in cases where the defendant is indigent or in the interests of justice.

...

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions 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 Town Council of the Town of Oro Valley, Arizona this 16th day of November, 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: _____



Town Council Regular Session

Item # 2.

Meeting Date: 11/16/2011

Requested by: David Williams

Submitted By:

Matt Michels, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

REQUEST FOR APPROVAL OF CONCEPTUAL SITE PLAN AND CONCEPTUAL ARCHITECTURE FOR ST. MARK CHURCH, LOCATED ON THE SOUTHEAST CORNER OF TANGERINE ROAD AND SHANNON ROAD

RECOMMENDATION:

CONCEPTUAL SITE PLAN:

At the October 11, 2011 meeting, the Conceptual Design Review Board (CDRB) voted to recommend approval, subject to the conditions shown in Attachment 1.

CONCEPTUAL ARCHITECTURE:

At the October 11, 2011 meeting, the CDRB voted to recommend approval, subject to the conditions shown in Attachment 1.

EXECUTIVE SUMMARY:

The applicant requests approval of a Conceptual Site Plan (Attachment 4) and Conceptual Architecture (Attachment 5). This project entails development of a church sanctuary (Phase I), a social hall and religious education/administration building (Phase II), and conversion of the existing sanctuary to a recreation building (Phase III).

Access to the site is from an existing driveway on Tangerine Road, a proposed additional driveway on Tangerine Road, and a future driveway from Shannon Road. Public art was previously approved by the Art Review Commission (ARC) (Attachments 9 and 10).

BACKGROUND OR DETAILED INFORMATION:

Under the new Conceptual Design Review process, the Conceptual Design Principles (Zoning Code Section 22.9.D.5) are utilized as primary guidance and the new Addendum A Design Standards provide secondary guidance, as appropriate. (See Attachment 3, CDRB Staff Report and Attachment 4, Draft CDRB Minutes).

SITE CONDITIONS:

- Zoning is PS, Private Schools District
- Site is 16.87 acres
- Proposed use is church, education/administration bldg and social hall
- Eastern portion of property has existing church office (3,500 s.f.) and sanctuary (8,500 s.f.).

Remainder of property is currently vacant and undeveloped

- Site slopes from the northeast to the southwest corner, resulting in approximately 20 feet of grade change

PROPOSED IMPROVEMENTS:

- Three new buildings: Phase I-Main Sanctuary (29,632 s.f.); Phase II-Religious Education/Administration Bldg. (18,380 s.f.) and Social Hall Bldg. (15,660 s.f.). Total square footage is 63,672 s.f.
- Allowed height: 24' and one story by right.
- 35' for sanctuary with 10' architectural features was approved by the CDRB.
- Education/Administration Bldg and Social Hall will be 16'-24' and one story.
- The project is in conformance with the PS zoning district setback requirements, specifically a 50' side and rear setback.
- Nearest residential home south of the proposed sanctuary building is 140'. All other new buildings are approximately 250' or further away
- Courtyard/plaza area and recreation area
- Preservation and enhancement of existing riparian area
- Required buffer plantings for front, side, and rear of property
- Five foot high screen wall at rear property line
- Landscaped plaza area

CONCEPTUAL SITE PLAN:

The CDRB finds that, with the incorporation of the conditions in Attachment 1, the Conceptual Site Plan will be in conformance with Design Principles and applicable Design Standards. The Conceptual Site Plan is in conformance with the Council-approved Tentative Development Plan that accompanied the rezoning (Attachment 6) and the rezoning conditions of approval (Attachment 7).

CONCEPTUAL ARCHITECTURE:

The CDRB finds that, with the incorporation of the conditions in Attachment 1, the Conceptual Architecture will be in conformance with the Design Principles and Design Standards. Citing a concern with the dark colors proposed, the CDRB recommends a condition (Conceptual Architecture Condition #3 in Attachment 1) that the applicant use a lighter color palette for the sanctuary building.

PUBLIC NOTIFICATION AND COMMENT:

Notice has been provided to property owners within 600 feet of the subject property.

A neighborhood meeting was held July 28, 2011. Approximately 10 residents attended from the church. To date, no additional comments have been received regarding the Conceptual Site Plan or Architecture. However, numerous comments were received at previous neighborhood meetings and public hearings during the rezoning process. A list of neighborhood concerns (Attachment 8) with the applicant's response/mitigation is attached for your reference. One resident spoke at the CDRB meeting with concerns regarding traffic generation.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

CONCEPTUAL SITE PLAN:

I MOVE to (approve, approve with conditions, or deny) the Conceptual Site Plan for St. Mark Church, subject to the conditions in Attachment 1.

CONCEPTUAL ARCHITECTURE:

I MOVE to (approve, approve with conditions, or deny) the Conceptual Architecture for the St. Mark Church sanctuary building, subject to the conditions in Attachment 1.

Attachments

Attachment 1 - Conditions of Approval

Attachment 2 - 10-11-11 CDRB Report & Conditions of Approval

Attachment 3 - DRAFT 10-11-11 CDRB Minutes

Attachment 4 - Conceptual Site Plan & Conceptual Landscape Plan

Attachment 5 - Conceptual Architecture

Attachment 6 - Rezoning Tentative Development Plan

Attachment 7 - Rezoning Conditions of Approval

Attachment 8 - Rezoning Neighborhood Issues Table

Attachment 9 - Public Art Renderings

Attachment 10 - 5-10-11 Art Review Commission Report

**Attachment 1
Conditions of Approval
St. Mark Catholic Church
OV1211-11**

Part I: Conceptual Site Plan

Engineering:

1. The developer may provide an in-lieu fee to the Town as an alternative to constructing the multi-use path along Tangerine Road. An estimate provided by the developer for the constructed cost of the multi-use path shall be reviewed and approved by Town staff prior to submittal of the in-lieu fee.

Planning:

1. All previous rezoning conditions (OV910-02; Ord. (O) 11-12) shall be met with the final site plan.
2. A separate recreation area plan shall be submitted at time of development.
3. A complete Conceptual Site Plan is required prior to submittal of the Final Site Plan

Part II: Conceptual Architecture

1. (ADDED BY CDRB) The applicant shall work with staff to use a lighter color palette.

TOWN OF ORO VALLEY

CONCEPTUAL DESIGN REVIEW BOARD

MEETING DATE: October 11, 2011

TO: CONCEPTUAL DESIGN REVIEW BOARD

FROM: David A. Williams, AICP, Planning Division Manager

SUBJECT: Conceptual Site Plan and Conceptual Architecture for St. Mark Catholic Church, located on the southeast corner of Tangerine Road and Shannon Road, OV1211-11

SUMMARY:

This project entails development of a church sanctuary (Phase I), a social hall and religious education/administration building (Phase II), and conversion of the existing sanctuary to a recreation building (Phase III). Access to the site is from an existing driveway on Tangerine Road, a proposed additional driveway on Tangerine Road, and from a future driveway from Shannon Road.

This review entails both the Conceptual Site Plan and Conceptual Architecture. Conceptual public art is not included in this review as it was previously approved by the Art Review Commission (ARC; OV511-02). The ARC staff report and approved renderings are attached for your reference (see Attachment #6) The CDRB review is focused on the fundamental elements of the design, including: site layout; circulation; parking; landscape concept; and conceptual grading and drainage information. The information must be sufficient to demonstrate that the design concept is achievable and to ensure community fit.

Many important design issues raised by Town staff and the neighbors, including conformance to the Tangerine Road Scenic Corridor Overlay District (TRCOD), building height, site layout, viewshed protection, lighting, bufferyards, and access, were evaluated as part of the rezoning of this property from R1-144 (Single Family Residential, 144,000 Square Foot Minimum Lot Size) to P-S (Private Schools) and have been integrated into the design of the project. Some of the requirements, such as lighting pole height, will be evaluated during the Final Design phase. The Conceptual Site Plan and Conceptual Architecture have been evaluated for conformance to the approved Tentative Development Plan (TDP, see Attachment #4) and the Design Principles and Design Standards.

This report contains staff analysis, proposed conditions of approval and suggested motions for the Conceptual Site Plan and Conceptual Architecture. The Conceptual Design Principles in Section 22.9.D.5 of the Zoning Code are utilized as primary guidance for Staff and CDRB evaluation of the applications. The Addendum A Design Standards are used as secondary guidance, as appropriate.

SECTION I: BACKGROUND

Site Conditions

- Zoning is PS, Private Schools
- Site is 16.87 acres
- Proposed use is church, education/administration bldg and social hall
- Eastern portion of property has existing church office (3,500 s.f.) and sanctuary (8,500 s.f.). Remainder of property is currently vacant and undeveloped
- Site slopes from the northeast to the southwest corner, resulting in approximately 20 feet of grade change

Proposed Improvements

- Three new buildings: Phase I-Main Sanctuary (29,632 s.f.); Phase II-Religious Education/Administration Bldg. (18,380 s.f.) and Social Hall Bldg. (15,660 s.f.). Total square footage is 63,672 s.f.
- Allowed height:
 - 24’ and one story by right.
 - 35’ for sanctuary with 10’ architectural features can be approved by the CDRB.
- Education/Administration Bldg and Social Hall will be 16’-24’ and one story
- The project is in conformance with the PS zoning district setback requirements, specifically a 50’ side and rear setback. The following setbacks are proposed on the south side of the property:
 - Social hall: 73’
 - New sanctuary: 83’
 - Existing sanctuary: 60’
 - Religious education/administration: 192’
 - Nearest residential home south of the proposed sanctuary building is 140’. All other new buildings are approximately 250’ or further away
- 390 parking spaces (81 existing spaces + 309 new spaces)
- Courtyard/plaza area and recreation area
- Preservation and enhancement of existing riparian area
- Landscape concept includes:
 - Native plants salvaged from the site, including two saguaros
 - Required buffer plantings for front, side, and rear of property
 - Five foot high screen wall at rear property line
 - Landscaped plaza area
- Rainwater harvesting basins located west of Bldg. 5, north and east of Bldg 3, and in landscaped parking islands

Approvals to Date

- Development plan previously approved for existing buildings in Pima County
- June 15, 2011: Property was rezoned from R1-144 (Single Family Residential-144,000 s.f. Minimum Lot size) to PS (Private Schools), OV910-02, Ordinance (O) 11-12.

Surrounding Land Uses

Direction	Zoning	Land Use
North	R1-144, Single Family Residential	Existing single family homes (across Tangerine Road)
South	R1-144, Single Family Residential	Existing single family home
East	R1-144, Single Family Residential	Existing single family home
West	Pima Co. S-R, Suburban Ranch	Pima County Jurisdiction – State Land (across Shannon Road)

SECTION II: CONCEPTUAL SITE PLAN

A. Oro Valley Zoning Code Conceptual Site Design Principles, Section 22.9.D.5.a.

The Conceptual Site Plan is in substantial conformance with all applicable Zoning Code requirements, including the following Conceptual Site Design Principles. Following are key Design Principles (*in italics*), followed by staff evaluation of how the site design addresses the principles:

1. *Building orientation: the location, orientation and size of structures shall promote a complementary relationship of structures to one another.*

The new buildings have been placed and oriented on the site to maximize accessibility and to focus attention to the sanctuary building. There are practical as well as religiously symbolic reasons for the placement of the sanctuary building. The placement of the buildings serves to frame and define the plaza area. There will be a public entryway to the existing building from the plaza.

2. *Drainage/grading: site grading shall minimize impacts on natural grade and landforms and provide for subtle transitions of architectural elements to grade. Significant cuts and fills in relation to natural grade shall be avoided or minimized to the extent practical given property constraints.*

The site slopes from northeast to southwest. No major cuts or fills will be required.

3. *Connectivity: strengthen the usability and connectivity of the pedestrian environment internally and externally by enhancing access to the public street system, transit, adjoining development and pedestrian and bicycle transportation routes. Where appropriate, buildings and uses should provide access to adjacent open space and recreational areas.*

The internal pedestrian facilities for this project are intended to bring visitors from the parking areas to the main entry ways located in proximity to the plaza area. Sidewalks will be provided along Tangerine Road with paved pedestrian connection from the sidewalk to the site. There are no adjacent open space or recreational resources in the vicinity of the site.

B. Addendum A Design Standards

The following Design Standards are particularly relevant to this project:

- Section 2.1.B.e. *Building orientation, Massing, and View Preservation: Building to create protected outdoor dining or public gathering spaces between buildings.*

The buildings will not result in significant loss of views towards Pusch Ridge, which is the primary viewshed, for adjacent residences. Views of the Tortolita Mountains to the north may be compromised with this development for several residences to the south of the church. A large plaza is proposed in front of the sanctuary and will provide a meaningful gathering place as well as serve as a central hub to access the sanctuary, religious education/administration building, and the social hall.

- Section 2.1.C.1., *Developments shall provide well defined major entrances to enhance circulation, establish unified project identity and create a sense of arrival.*

The project will utilize a new entrance from Tangerine road with a landscaped median and will utilize a modified "roundabout" and "pork chop" traffic control devices to direct the flow of traffic in and out of the site. The project entry is well defined and will help to define the project identity and create a sense of arrival with the extensive themed landscaping elements. The entry has been designed with

consideration of the user base and efforts have been made to minimize points of vehicular conflict at the entryway.

- Section 2.3.B. *Landscape Themes and Character. Landscaping shall enhance visual character and provide amenities for pedestrians.*

The Landscape Plan meets this standard by the following: utilizing salvaged native specimen plants; accentuating building and project entrances with landscaping; and using trees and plant materials to create shade for pedestrians. Overall, the project will provide a substantial number of canopy shade trees and understory plants to soften the appearance of the project, provide shade, and help mitigate view impacts from adjacent properties.

- Section 2.2.G. *Public art shall be integrated into the overall design of the project and shall be located in areas of high visibility and use.*

The public art for the project is a 7 foot bronze statue of St. Mark atop a stone base and concrete pedestal. It will be located at the front of the main sanctuary in the plaza which is a highly visible and central location for viewing. Please refer to the Art Review Commission staff report (Attachment #5) and the approved public art renderings (Attachment #6).

C. Engineering Division Comments

Drainage:

Existing runoff generally flows through the site in a northeast to southwest direction. The eastern portion of the property is fully developed with existing structures, a detention basin, and paved parking lots and drives. An existing natural wash separates the remaining undeveloped property to the west.

The drainage design for the proposed improvements shall be designed to meet the requirements of the Town's Drainage Criteria Manual and Floodplain Ordinance. Stormwater runoff will be conveyed to a number of detention basins located throughout the site. The detention basins will attenuate stormwater discharge so that there is no increase in peak flows or negative impacts to downstream areas. The use of rainwater harvesting basins and first flush treatment will also be incorporated into the final design in accordance with Town requirements. First flush treatment is designed to capture sediment, debris, trash, oils, and grease within runoff discharging from parking areas and access drives.

Grading:

A Type 2 Grading Permit will be required for construction of building pads, drainage structures, utilities, parking areas, and all other elements requiring grading on the project site. The grading represented within the Conceptual Site Plan conforms to the requirements of the Town Zoning Code (Section 27.9, Grading) and the Town Subdivision Street Standards and Policies Manual.

Traffic:

The proposed development will ultimately utilize three access driveways to spread traffic for improved circulation; a new main driveway at Tangerine Road, a new driveway at Shannon Road, and the existing driveway at Tangerine Road. The proposed driveway improvements will be constructed in phases. The initial construction phase will include the new main access driveway consisting of an ingress/egress lane and the widening of Tangerine Road for left- and right-turn lanes. An additional ingress/egress lane will be constructed for the main access driveway as part of the church's ultimate future expansion.

The new driveway connection to Shannon Road is proposed to occur after the Tangerine Road RTA Improvement Project is underway. The developer will be responsible for improving Shannon Road along the project frontage to Tangerine Road. The Shannon Road improvements shall include widening to accommodate additional traffic lanes. If the project requires the Shannon Road connection to be constructed

prior to the RTA expansion of Tangerine Road, the developer will be responsible for re-constructing the intersection to mitigate existing sight distance safety issues and drainage.

All proposed off-site roadway improvements shall be the responsibility of the developer. All improvements and construction within the public right-of-way shall require highway permit(s) issued from the Town Engineer's office.

CONCLUSION/RECOMMENDATION:

Based on a review of relevant standards, staff finds that the Conceptual Site Plan is in substantial conformance with the Design Principles and applicable Design Standards. The proposed development is adequately screened from the homes to the south by a meandering curvilinear wall, enlarged setback and landscaping, and will be generally compatible with the existing area. Staff recommends approval of the Conceptual Site Plan subject to the attached conditions in Part I of the Conditions of Approval (see Attachment #1).

SUGGESTED MOTION:

The CDRB may wish to consider one of the following suggested motions:

I move to recommend [approval, approval with conditions, OR denial] Conceptual Site Plan for St. Mark Catholic Church, subject to the conditions of Part I in Attachment #1.

SECTION III: MAIN SANCTUARY CONCEPTUAL ARCHITECTURE

A. Oro Valley Zoning Code Conceptual Architectural Design Principles, Section 22.9.D.5.b.

The Conceptual Architecture for the main sanctuary is in substantial conformance with the Conceptual Architectural Design Principles. Please note that the Phase II buildings will be required to submit conceptual architecture at the time of development. Staff have proposed conditions to meet Conceptual Architectural Design Principles and Standards. Following are the Design Principles (*in italics*) followed by staff evaluation of how the architecture conforms and responds to the principles:

1. *Design: building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence.*

The sanctuary building incorporates traditional Southwestern elements, shapes, and textures, including Mission style domes, arched windows, and the use of Spanish style roof tile and stucco finish. The front entry (west elevation) is well defined with the use of precast concrete arches. Overall, the architectural design is appropriate for the area and is compatible with surrounding development.

2. *Scale, height and mass: building scale, height and mass shall be consistent with the town-approved intensity of the site, designated scenic corridors, and valued mountain views. Buildings shall be designed to respect the scale of adjoining areas and should mitigate the negative and functional impacts that arise from scale, bulk and mass.*

The project area is currently predominantly low density single-family residential. However, the church development is appropriate for the type of facility and use on the site. The applicant has worked with the neighbors to mitigate impacts of the development. The primary views from adjacent homes are towards the Catalinas and Pusch Ridge to the east-southeast. The proposed sanctuary building will not impede these primary views from adjacent residences. While the scale of the sanctuary building is significantly larger than surrounding residences, the Tangerine Corridor, which is planned to be a four-

lane divided desert highway, will likely include extensive commercial and office development in the future which may be of a similar scale to the church.

3. *Façade articulation: all building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to; overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contribute to a building's character.*

All elevations of the building façade are adequately articulated through the use of varying roof and wall planes and surface articulation around windows and door openings.

4. *Screening: building design and screening strategies shall be implemented to conceal the view of loading areas, refuse enclosures, mechanical equipment, appurtenances, and utilities from adjacent public streets and neighborhoods.*

All mechanical units will be screened by a stucco screen wall on the north side of the sanctuary. No mechanical equipment, refuse enclosures, appurtenances, or utilities will be visible from adjacent residences. A landscaped, five foot high screen wall is included to screen parking from neighbors to the south.

Refuse areas must be screened with a 6-foot opaque screen painted to match the buildings. The design does not include details for this screening. A condition has been added to address this requirement.

B. Addendum A Design Standards

The following Design Standards are relevant to this project:

- Section 2.2.A.1.a.1. and 2., *Buildings shall be designed at the ground or pedestrian level to provide human scale. This may be achieved by using the appropriate sizing and locations of openings, level of architectural detail, articulation and use of textures.*

Building design shall reflect consideration of superior and desirable design elements of adjacent development when applicable and appropriate.

The new sanctuary features a large colonnade in front of the primary building façade with arches and concrete and stone elements. This feature will provide a pedestrian level focal point around the plaza and entry of the building and will help define the plaza area.

- Section 2.2.A.1.b. *Project design shall consider and integrate all elements by: (1) Provide consistent architectural treatments, articulation, and fenestration to present a coherent design theme for all sides of a building.*

The overall design of the sanctuary building present a coherent theme on all four sides of the building. There is some concern that the lack of stone around the side elevations of the sanctuary, which will be expanded later, will result in a somewhat blank façade. The applicant has stated that they do not wish to add additional materials or architectural details since the sides will be expanded in the future and for additional cost considerations. Staff recommends adding stone, other accent material, or other architectural embellishment or façade articulation to add visual interest and break up the mass on the sides of the building. A condition has been added to Part II of the Conditions of Approval.

- Section 2.2.B.1, *Variations in roof lines shall be used to add interest and reduce the scale of larger buildings...*

The sanctuary building incorporates a sloped roof with flat roof elements around the perimeter of the building. The design adds visual interest and variety to the building.

The conceptual elevations do not indicate where rooftop mechanical equipment will be installed and how it will be screened. A rooftop parapet is provided, and must be sufficient to conceal the mechanical equipment from view from residences and public streets. Staff added a condition to require that this be added.

- Section 2.2.E12, *At least three (3) substantially different materials shall be utilized on all facades of the building.*

Three (3) substantially different materials are proposed: painted EIFS, precast concrete, and cultured stone. The variation in materials adds variety and texture to the elevations and improves the overall appearance of the building.

CONCLUSION/RECOMMENDATION:

The Conceptual Architecture is not in substantial conformance with the Design Standards. Any recommendation for approval should be subject to the attached conditions.

SUGGESTED MOTION:

The CDRB may wish to consider one of the following suggested motions:

I move to recommend [approval, approval with conditions, OR denial] Conceptual Architecture for St. Mark the Evangelist Catholic Church, subject to Part II in Attachment #1.

SECTION IV: PUBLIC NOTIFICATION AND COMMENT:

Notice to the public was provided consistent with Town-adopted noticing procedures, which includes the following:

- Notification of residents within 600 feet
- Posting at Town Hall
- All registered HOA's

A neighborhood meeting was held on July 28, 2011. No residents attended the meeting. To date, no additional comments have been received regarding the Conceptual Site Plan or Architecture. However, numerous comments were received at previous neighborhood meetings and public hearings during the rezoning process. A list of neighborhood concerns (Attachment #7) with the applicant's response/mitigation is attached for your reference.

Attachments:

1. Conditions of Approval
2. Conceptual Site Plan & Conceptual Landscape Plan
3. Conceptual Architecture
4. Tentative Development Plan
5. Art Review Commission report
6. Public Art Renderings

7. Rezoning Conditions of Approval
8. Rezoning neighborhood issues

cc: Mitch Lorenz, ML2 Consulting, mitch@ml2management.com
Cliff True, BCDM Arch, ctrue@bcdm.net
Dennis Morneau, dmorneau@comcast.net
Ron Staub, rsa@comcast.net
Matt Moutafis, mattart777@cs.com

Project Manager: Matt Michels, AICP, Senior Planner

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David Williams, AICP, Planning Division Manager

**Attachment 1
Conditions of Approval
St. Mark Catholic Church
OV1211-11**

Part I: Conceptual Site Plan

Engineering:

1. Address all redlined comments within the Conceptual Site Plan and Traffic Impact Analysis.
2. Conceptual Site Plan, Sheet 3: Depict the required westbound left-turn lane along Tangerine Road at the new driveway location. Refer to the project Traffic Impact Analysis for the minimum required storage length.
3. The Traffic Impact Analysis provides a warrant analysis that indicates a westbound left-turn lane is required for the 2012 opening year at the new driveway location. Revise the report where redlined to indicate that the left-turn lane is a requirement to be constructed during the phase 1a improvements. The timing of the future RTA Tangerine Road improvements is unknown at this time. Improvements to Tangerine Road are expected to begin in 2016 but the extent of the phase 1 construction limits is to be determined.

Planning:

1. A variance is required for driveway separation on Oracle (1,000'). Approval of the Conceptual Site Plan will be conditional on the achievement of this variance.
2. All previous rezoning conditions (OV910-02; Ord. (O) 11-12) shall be met with the final site plan.
3. A separate recreation area plan shall be submitted at time of development.
4. Provide a list of all utility providers
5. Note square footage of plaza
6. Label building setbacks

Part II: Conceptual Architecture

1. The final architectural plans shall include details for screening for refuse areas with a 6-foot opaque screen of materials and colors that match the buildings.
2. Add stone, other accent material, or an additional architectural embellishment or façade articulation to add visual interest and break up the mass on the sides of the building.

DRAFT Minutes
October 11, 2011, CDRB Meeting

**ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
October 11, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

2. [Conceptual Site Plan and Conceptual Architecture for St. Mark Catholic Church, located on the southeast corner of Tangerine Road and Shannon Road.](#)

Member Linton asked if the project being proposed was a voluntary submission on the part of the church because it is outside of the Oro Valley boundaries. Mr. Michels clarified that the project is within the Town of Oro Valley boundaries. Member Linton went on to ask if there are any plans to improve the intersection of Shannon Road and Tangerine. David Laws, Interim Permitting Manager, responded that in terms of the Shannon Road Improvements, that is not proposed with this project.

Member Atler was curious about the multi use plan and is the project required to do this. Mr. Laws responded that the Town is okay with the applicant doing an in-lieu fee. The applicant will be required to submit an estimate from there engineer, staff will have to approve that estimate with the funds being applied to the Tangerine project. Member Atler inquired why a variance is not required. Mr. Michels said that is had to do with spacing requirement. Staff as determined that a variance along Tangerine is not necessary to meet the spacing requirements.

Matt Michels, Senior Planner, presented the following

- Request
- Conceptual Architecture
- Conceptual Architectural Design Principles
- North & West Elevations
- Samples of Materials
- Design Principle: All facades shall be fully articulated
- Public Input
- Summary/Recommendation

Mitch Lorenz, from ML2 Consulting, representing the applicant, presented the following:

- Contents of Presentation
- Conceptual Design Coordination
- Conceptual Site Layout

Chad Daines, Principal Planner, clarified that phase one architecture was only being proposed and the expansion areas are not included in the packet material.

The sanctuary expansion will have to come back before the board for conceptual approval.

Cliff True, from BCDM Architecture, presented the designs for the building:

- Facade Articulation
- Building size & mass
- Building material & colors
- Design Intent

Member Alexander commented that phase one B and C walls being plain and can something be done about it. Mr. Lorenz responded that he is rather confident that something can be done to break up the mass with some simple design.

Member Eggerding commented that this is one of the finest additions to the Town that he has seen in twenty-four years he has been here.

Member Lockett commented that is a fine project, the articulation of all the surfaces is done very nicely. Member Lockett added that he had a problem with the darker colors on the body of the building. The lighter colors would be more symbolic and a better representation of a religious facility of this quality. Member Lockett asked the applicant if they would have a problem reversing the colors. Mr. True replied that there were three stucco colors that were being utilized and the darkest is used along the base and along the elements that come up along the transepts.

Chairman Sakellar open the public hearing.

Bill Rodman, Oro Valley resident, commented on the traffic associated with the church. One of Mr. Rodman's concerns is the new left turn lane going into the main entrance butting up into the existing left turn lane that goes into the existing entrance. Another of his concerns is the 2100 square foot metal roof.

Chairman Sakellar closed the public hearing.

Mr. Daines suggested a recommendation to the motion striking condition number 1 of Attachment 1, Conditions of Approval, Planning, relevant to the variance.

Member Alter and Member Lockett both accepted the friendly amendment.

Member Eggerding commented on his confusion regarding Mr. Lockett's comments about the colors. He doesn't totally disagree but wondering about the magnitude of effort required to comply with the motion. Chairman clarified that the applicant's intent is to look at and study with staff Member Lockett's concerns.

GENERAL NOTES:

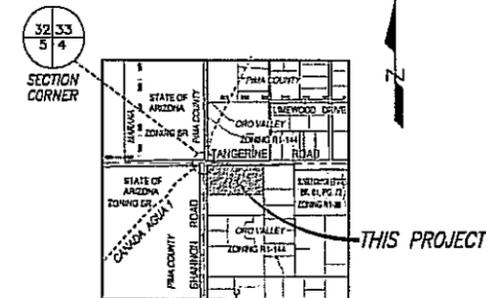
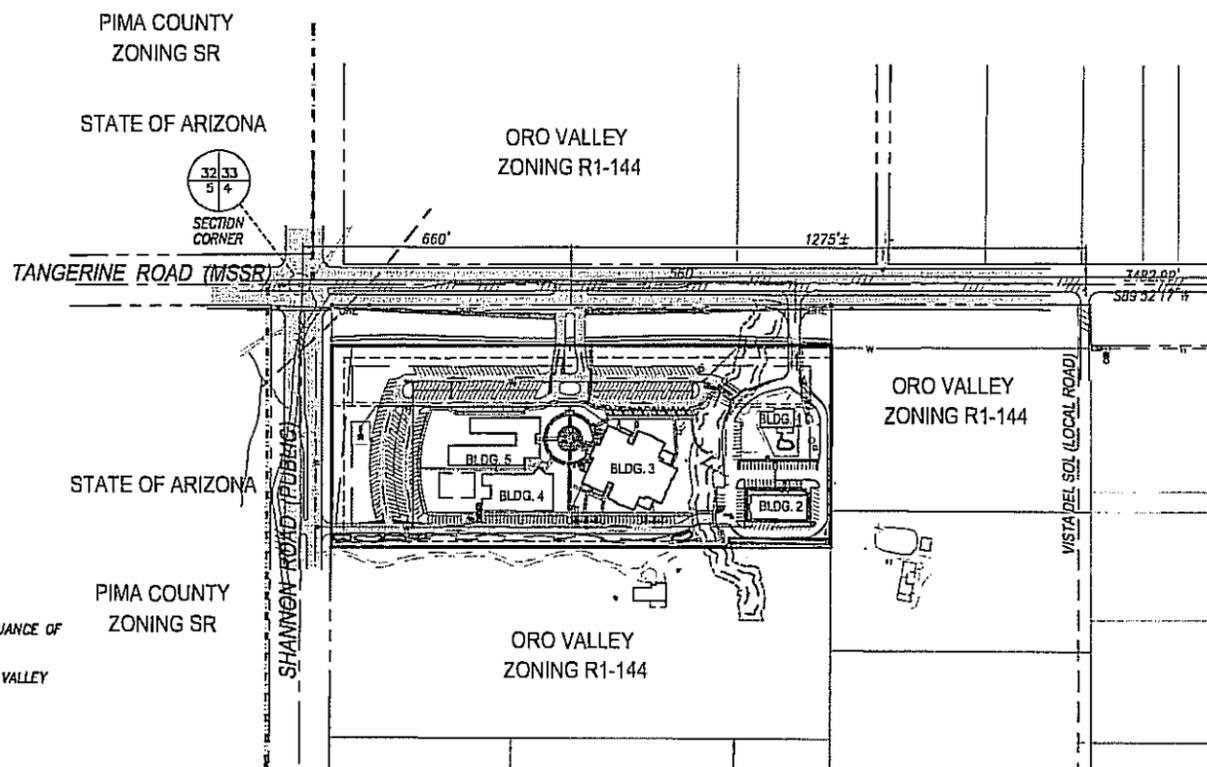
- GROSS AREA OF DEVELOPMENT = 16.87 ACRES
- EXISTING ZONING IS PS PER ORO VALLEY REZONING CASE #OV910-002 ORD.(O)11-12, DATED JUNE 15, 2011.
- FLOOR AREA RATIO: MAXIMUM =0.50, PROVIDED =(1.74/14.04) =0.12
- BUILDING HEIGHTS: MAXIMUM BUILDING HEIGHT ALLOWED =45'
SANCTUARY=45'; EDUCATION BLDG.=16'; SOCIAL HALL=24'
(SANCTUARY IS 35' PLUS 10' FOR ARCHITECTURAL FEATURES)
- BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT	50'	175'
SIDE	50'	290'(WEST)
REAR	50'	85'
- PARKING SPACES:
TOTAL PARKING SPACES REQUIRED - 1 PER 4 SEATS + 2 PER 3 EMPLOYEES:
(.25 X 1551 SEATS + 3 X .67) =390 REQUIRED
TOTAL PARKING SPACES PROVIDED =390 PROVIDED (309 NEW SPS. 81 EXIST. SPS.)
TOTAL HANDICAP PARKING SPACES REQUIRED =9, TOTAL HANDICAP PARKING SPACES PROVIDED =28
- AREA OF UNDISTURBED NATURAL OPEN SPACE =3.51 ACRES
- TOTAL MEANINGFUL OPEN SPACE PROVIDED =2.40 ACRES
- MINIMUM REQUIRED OPEN SPACE (14.04 x .25) =3.51 ACRES
OPEN SPACE PROVIDED =3.51 ACRES
- 100 YEAR FLOODPLAIN WILL REMAIN IN NATURAL STATE
- THE WATER SERVICE PROVIDER FOR THIS PROJECT IS ORO VALLEY WATER UTILITY
- THE GENERAL PLAN DESIGNATION FOR THIS PROJECT IS PUBLIC/SEMI/PUBLIC.
- TOTAL BUILDING AREAS FOR THIS PROJECT:
RELIGIOUS EDUCATIONAL/ADMIN. BLDG. =18,350 S.F. (BLDG. 5)
MAIN SANCTUARY =29,632 S.F. (BLDG. 3)
SOCIAL HALL =15,660 S.F. (BLDG. 4)
EXISTING CHURCH OFFICE =1,500 S.F. (BLDG. 1)
EXISTING SANCTUARY =8,500 S.F. (BLDG. 2)
TOTAL BUILDING AREAS =75,672 S.F.
- GROSS AREA OF ALL IMPERVIOUS SURFACES =359,900 S.F.
- TOTAL MILES OF NEW PUBLIC STREETS IS 0.
- TOTAL MILES OF NEW PRIVATE STREETS IS 0.
- ASSURANCES FOR SITE IMPROVEMENTS, LANDSCAPING AND REVEGETATION BONDS MUST BE POSTED PRIOR TO ISSUANCE OF GRADING PERMITS.
- ALL PUBLIC ART REQUIREMENTS MUST BE MET PRIOR TO FINAL CERTIFICATE OF OCCUPANCY ISSUANCE, PER ORO VALLEY ZONING CODE REVISED SECTION 27.3
- ALL SIGNAGE AND LIGHTING TO BE ADDRESSED AS PART OF A SEPARATE REVIEW AND APPROVAL PROCESS
- DESIGN VEHICLE IS WB-40. DESIGN SPEED IS N/A.
- ALL NEW PUBLIC ROADS WITHIN AND ADJACENT TO THIS PROJECT WILL BE CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS. SEPARATE PUBLIC IMPROVEMENT AND CONSTRUCTION PLANS WILL BE SUBMITTED TO THE TOWN ENGINEER'S OFFICE FOR REVIEW AND APPROVAL
- ANY RELOCATION OR MODIFICATION OF EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS NECESSITATED BY THE PROPOSED DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC
- 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
- DRAINAGE STRUCTURES MUST BE CONSTRUCTED AND INSTALLED ACCORDING TO TOWN STANDARDS AND PAID FOR BY THE DEVELOPER. ALL DRAINAGE STRUCTURES MUST BE DESIGNED TO CONVEY A Q100 FLOW
- ALL DRAINAGE FACILITIES WILL BE CONSTRUCTED ACCORDING TO APPROVED PLANS PRIOR TO THE ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY FROM THE BUILDING OFFICIAL FOR ALL AFFECTED BUILDINGS
- A PROPERTY OWNER'S ASSOCIATION WILL BE FORMED TO ACCEPT RESPONSIBILITY FOR MAINTENANCE, CONTROL, SAFETY AND LIABILITY OF PRIVATE DRAINAGEWAYS, DRAINAGE EASEMENTS AND COMMON AREAS
- THIS DEVELOPMENT MUST COMPLY WITH THE ORO VALLEY WATER UTILITY SPECIFICATIONS MANUAL DURING ALL PHASES OF CONSTRUCTION
- THIS PROJECT WILL BE SERVED BY ORO VALLEY WATER UTILITY WHICH HAS BEEN DESIGNATED AS HAVING AN ASSURED 100 YEAR WATER SUPPLY BY THE DIRECTOR OF WATER RESOURCES. ANY AND ALL WELLS MUST BE ABANDONED PER ADWR REGULATIONS
- A LINE EXTENSION AGREEMENT MUST BE IN PLACE PRIOR TO ANY WORK ON THE WATER INFRASTRUCTURE BEFORE THIS PROJECT BEGINS
- ALL METERS SHALL HAVE A BACKFLOW PROTECTION DEVICE INSTALLED ON THE CUSTOMER SIDE OF THE METER
- ALL FIRE SERVICES SHALL HAVE A BACKFLOW PROTECTION DEVICE INSTALLED ON THEM
- PROJECT IS IN CONFORMANCE WITH SECTION J, WASTEWATER, OF THE PIMA COUNTY DEVELOPMENT PLAN REQUIREMENTS AS REFERENCED IN 18.71.030.A
- SHOULD AN EASEMENT BE IN CONFLICT WITH ANY PROPOSED BUILDING LOCATION, VACATION OF THE EASEMENT IS TO OCCUR PRIOR TO ISSUANCE OF BUILDING PERMITS
- FIRE HYDRANTS CONNECTED TO AN APPROVED WATER SUPPLY OF 1500 GPM FOR FIRE PROTECTION MUST BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE. TEMPORARY CONSTRUCTION OFFICE TRAILERS ARE CONSIDERED COMBUSTIBLE MATERIAL
- APPROVED FIRE APPARATUS ACCESS ROADS MUST BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE

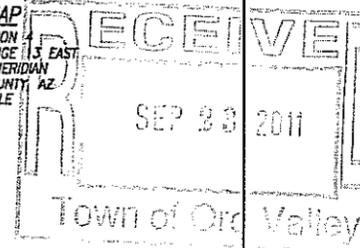
CONCEPTUAL SITE PLAN

ST. MARK THE EVANGELIST CATHOLIC CHURCH

OV1211-11



LOCATION MAP
N.W. CORNER SECTION 33
TOWNSHIP 12 SOUTH, RANGE 13 EAST
CILA & SALT RIVER MERIDIAN
ORO VALLEY, PIMA COUNTY, AZ
SCALE: 3"=1 MILE



SCALE: 1"=200'

LEGEND

- EXISTING CONTOUR LINE
- PROPERTY BOUNDARY
- SECTION LINE & STREET C/L
- RIGHT-OF-WAY LINE
- EASEMENT LINE AS NOTED
- BUFFERYARD BOUNDARY
- BUILDING SETBACK LINE
- 100 YEAR FLOODPLAIN AND XERORIPARIAN BOUNDARY
- RIPARIAN PROTECTIVE APRON
- PHASE LINE BOUNDARY
- JURISDICTIONAL BOUNDARY
- PROPOSED PAVEMENT
- EXISTING BUILDING
- NEW BUILDING
- NEW CONCRETE SIDEWALK
- EXISTING GAS LINE
- EXISTING SANITARY SEWER LINE
- EXISTING OVERHEAD ELECTRIC
- NEW WATER LINE
- NEW SEWER LINE
- NEW UNDERGROUND ELECTRIC
- SIGHT VISIBILITY TRIANGLE

GENERAL NOTES (CONTINUED):

- AN APPROVED AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT EACH BUILDING.
- TEMPORARY STREET SIGNS MUST BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION OF NEW ROADWAYS ALLOWS PASSAGE OF VEHICLES. ALL STRUCTURES UNDER CONSTRUCTION MUST BE CLEARLY IDENTIFIED WITH AN APPROVED ADDRESS
- THE INSTALLATION OF TRAFFIC CONTROL SIGNALING DEVICES AND/OR ELECTRICALLY OPERATED GATES ON FIRE APPARATUS ACCESS ROADS SHALL INCLUDE PREEMPTIVE CONTROL EQUIPMENT COMPATIBLE WITH THE FIRE DEPARTMENT'S EXISTING SYSTEM
- THIS PROJECT IS DESIGNED TO MEET THE TANGERINE CORRIDOR OVERLAY DISTRICT (TRCOD) CRITERIA EXCEPT AS NOTED BELOW:
 - A VARIANCE WILL BE REQUIRED FOR A NEW DRIVEWAY ALONG TANGERINE ROAD THAT CROSSES THE FRONTAGE TRACT WHEN WITHIN 1,000 FEET OF ANOTHER DRIVEWAY CROSSING.
 - A VARIANCE WILL BE REQUIRED FOR A NEW DRIVEWAY ALONG SHANNON ROAD THAT CROSSES THE ARTERIAL FRONTAGE TRACT WHEN WITHIN 660 FEET OF THE TANGERINE ROAD CENTERLINE.
- THIS PROJECT MEETS THE SIGNIFICANT RESOURCES AREA (SRA) CRITERIA.
- A LANDSCAPE ISLAND IS REQUIRED FOR EVERY NINE VEHICLE SPACES.
- A MITIGATION PLAN WILL BE REQUIRED FOR ANY DISTURBANCE WITHIN THE RIPARIAN BOUNDARIES OR TRCOD.
- EXHIBIT "A", CONDITIONS OF APPROVAL FOR REZONING, CASE OV910-02 SHALL APPLY.
- THE UTILITY PROVIDERS FOR THIS PROJECT ARE AS FOLLOWS: WATER - ORO VALLEY WATER UTILITY (OVWU); SEWER - (NONE - PRIVATE TREATMENT SYSTEM); ELECTRIC - TUCSON ELECTRIC POWER (TEP); CABLE - COMCAST; GAS - SOUTHWEST GAS; TELEPHONE - U.S. WEST
- THE PERCENTAGE OF SITE TO BE USED AS COURTYARD/PLAZA IS 3.12% OF NET SITE AREA.
- ALL OPEN SPACE AREAS SHALL BE DIMED AND MAINTAINED BY ST. MARK CATHOLIC CHURCH FOR THE PURPOSES OF CHURCH ACTIVITIES.

SHEET INDEX

- COVER SHEET
- MASTER PLAN
- PHASE 1 PLAN

APPROVAL	
BY _____ TOWN CLERK	DATE _____
BY _____ PLANNING DIVISION MANAGER	DATE _____
BY _____ TOWN ENGINEER	DATE _____
BY _____ ORO VALLEY WATER UTILITY DIRECTOR	DATE _____

PROPERTY OWNER:
ST. MARK CATHOLIC CHURCH
2727 West Tangerine Road
Oro Valley, AZ 85742-7700
CONTACT:
REV. LIAM LEAHY, PASTOR
STMARK0799@GMAIL.COM

ARCHITECT OF RECORD
BCDM ARCHITECTURE
1015 N. 98TH ST., SUITE 300
OMAHA, NE 68114
CONTACT:
CLIFF TRUE
CTRUE@BCDM.NET

RonStaubAssociates, LLC
2420 West Catalpa Road
Tucson, AZ 85742
(520) 954-2137
rso@comcast.net



CONCEPTUAL SITE PLAN
ST. MARK THE EVANGELIST CATHOLIC CHURCH

A PORTION OF THE N.W. CORNER SECTION 33
TOWNSHIP 12 SOUTH, RANGE 13 EAST CILA & SALT
RIVER MERIDIAN ORO VALLEY, PIMA COUNTY, AZ

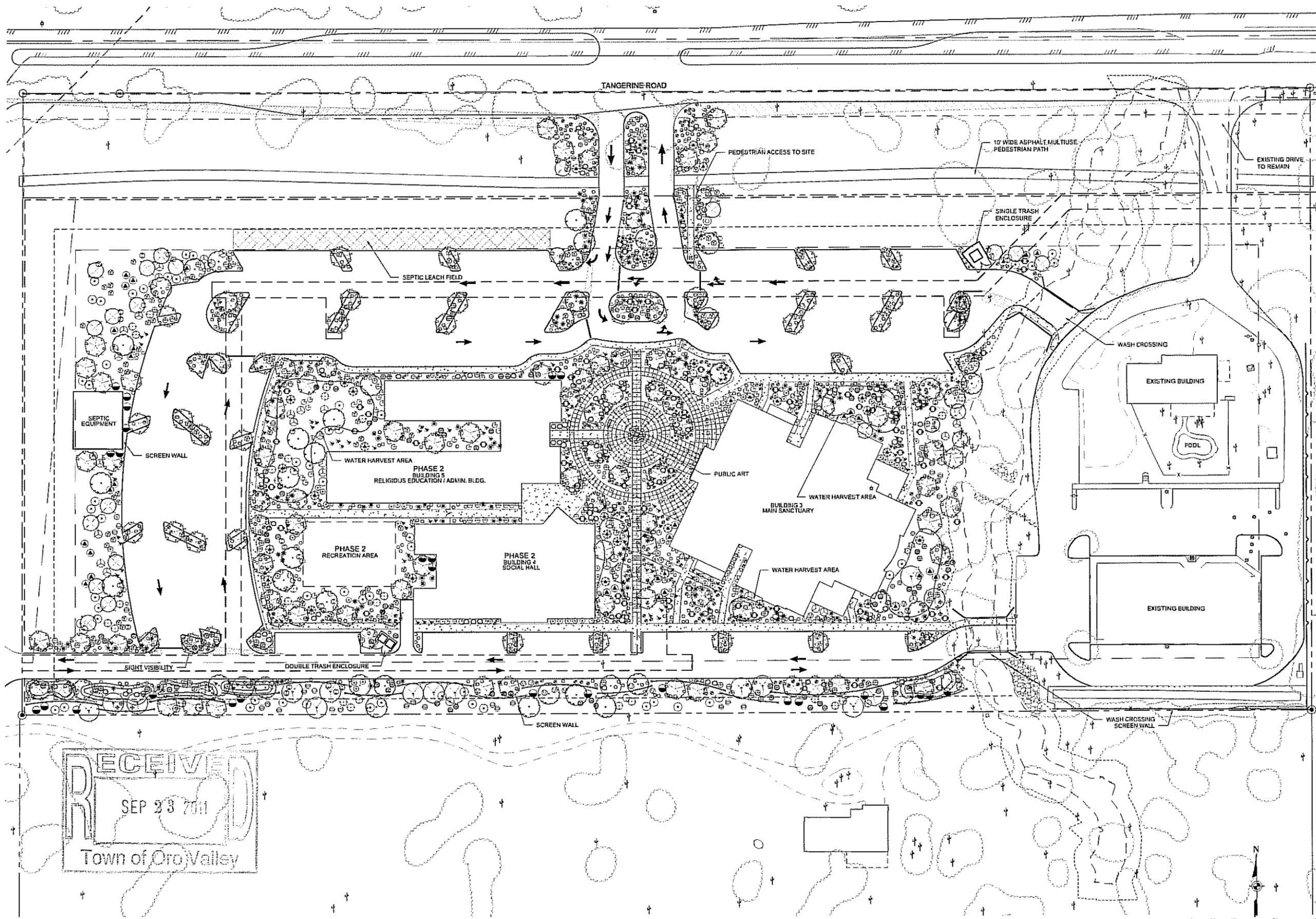
SCALE: 1"=200'
DATE: 8-11-2011

REF: OV910-002
OV1211-11

SHEET 1 OF 3



Neill/Vecchia
& Associates, Inc.
Landscape Architecture
Native Plant Analysis
Land Planning, Urban Design
4025 N. BIRDAWAYER, #11, SCOTTSDALE, AZ 85251
Phone: 480-348-3127 • Fax: 480-348-2055



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Town of Oro Valley

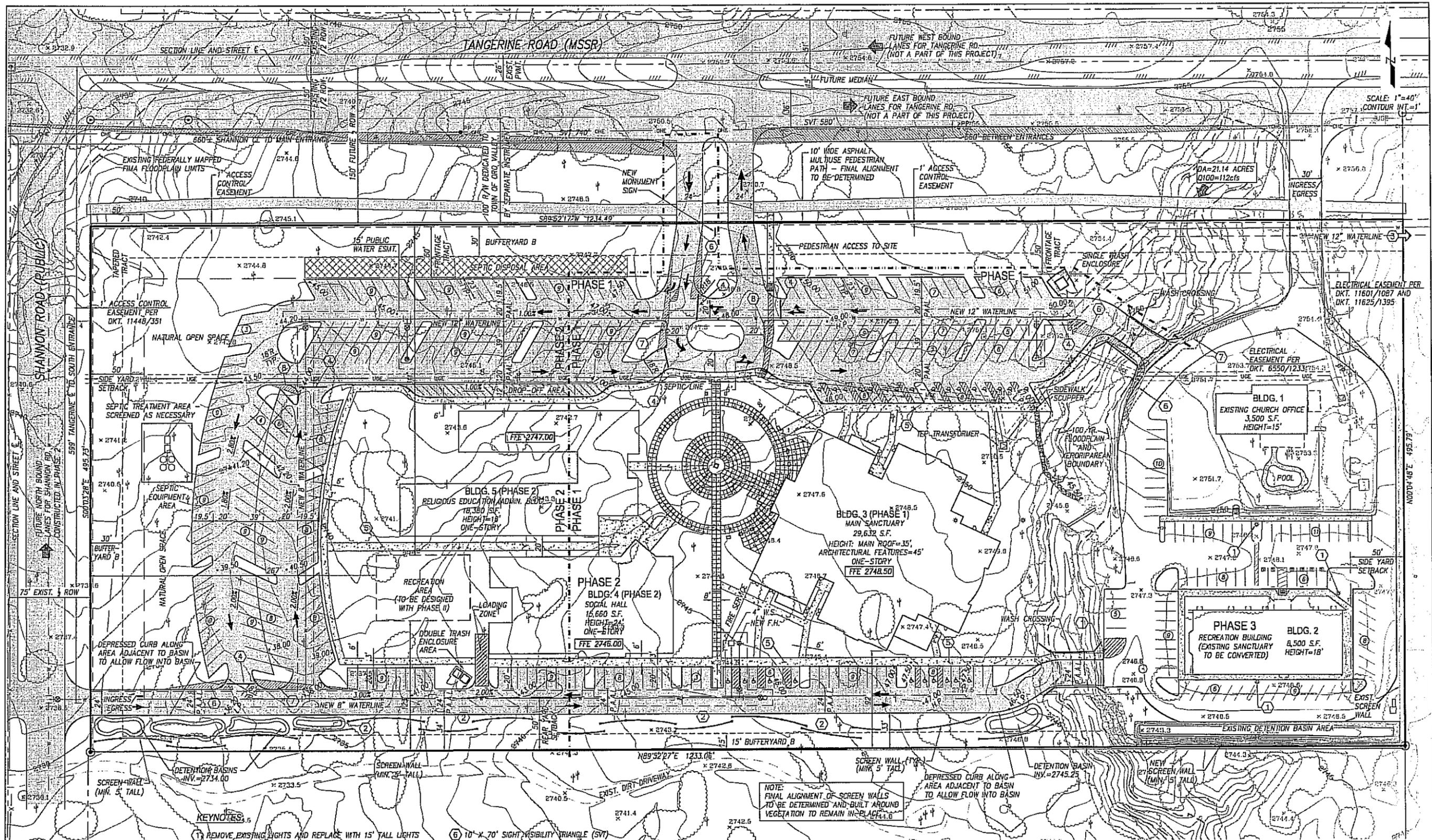
OVERALL CONCEPTUAL LANDSCAPE PLAN

Staff Review for Conceptual Design Review Board

ST. MARK CATHOLIC CHURCH

Oro Valley, Arizona

DESIGNED BY	KK
DRAWN BY	
CHECKED BY	
DATE	August 12, 2011
PROJECT BASE UPDATE	September 22, 2011



163 PARKING SPACES FRONT
227 PARKING SPACES BACK
TOTAL PARKING SPACES=390

- KEYNOTES:**
- REMOVE EXISTING LIGHTS AND REPLACE WITH 15' TALL LIGHTS MAXIMUM. HOUSE SHIELDS SHALL BE INSTALLED. ADDITIONAL LIGHTS MAY BE INSTALLED AS DEEMED NECESSARY BY OWNER
 - PARKING LOT LIGHTS ALONG SOUTH DRIVE LANE SHALL BE NO TALLER THAN 8 FT. AND FULLY SHIELDED
 - CONNECT NEW 12" WATERLINE TO EXISTING WATERLINE LOCATED NEAR INTERSECTION OF VISTA DEL SOL AND TANGERINE ROAD (APPROX. 620' EAST OF N.E. CORNER OF SITE) AND EXTEND TO N.W. CORNER OF SUBJECT PROPERTY AS SHOWN
 - NEW PAINTED WHITE STOP BAR AND STOP SIGN
 - NEW 8' WIDE CONCRETE SIDEWALK
 - 10' X 70' SIGHT VISIBILITY TRIANGLE (SVT)
 - 10' X 100' SIGHT VISIBILITY TRIANGLE (SVT)
 - 10' X 30' SIGHT VISIBILITY TRIANGLE (SVT)

NOTE: FINAL ALIGNMENT OF SCREEN WALLS TO BE DETERMINED AND BUILT AROUND VEGETATION TO REMAIN IN PLACE

RonStaubAssociates, LLC
2420 West Catalpa Road
Tucson, AZ 85742
(520) 954-2137
rsa@comcast.net



CONCEPTUAL SITE PLAN
ST. MARK THE EVANGELIST CATHOLIC CHURCH

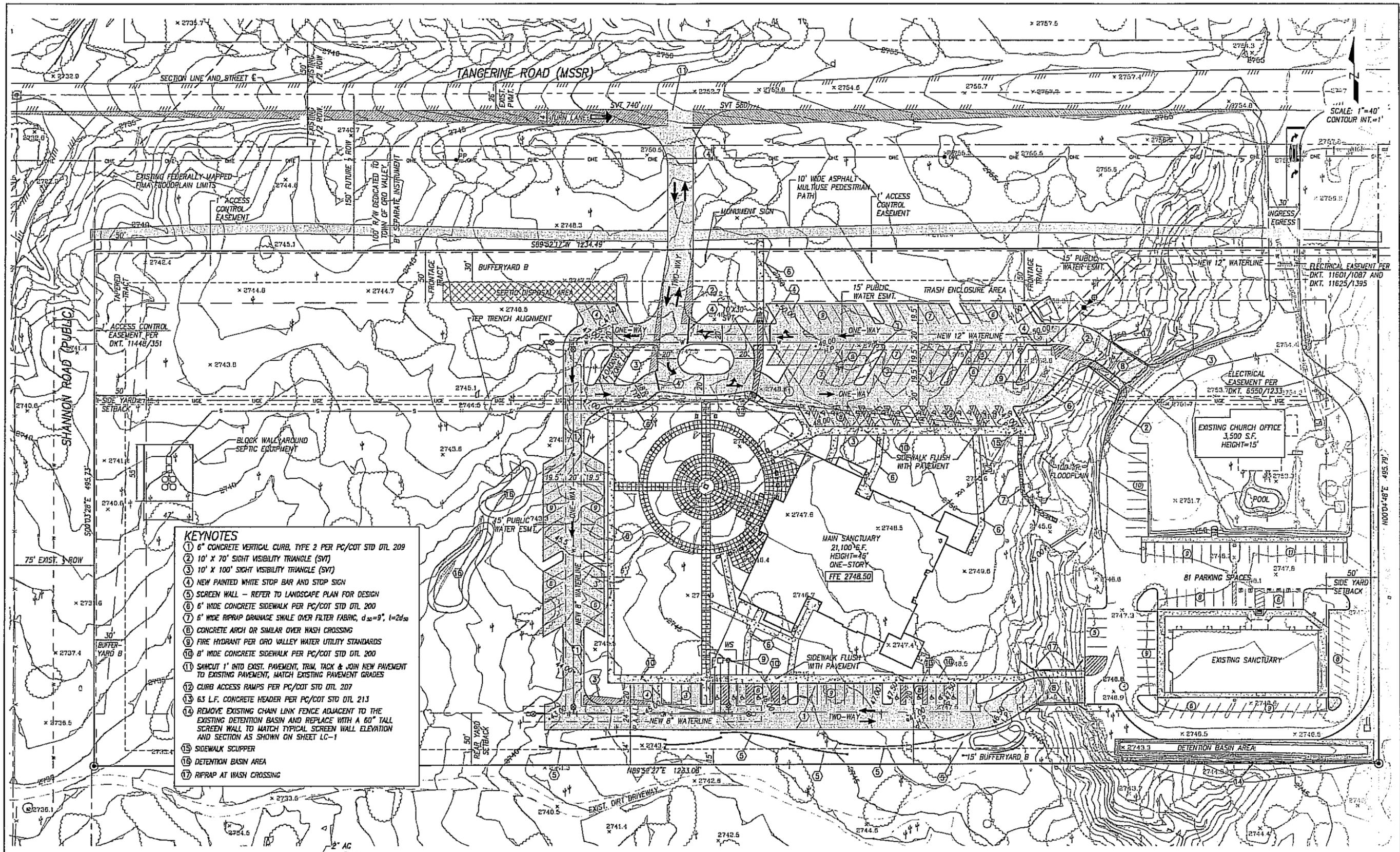
A PORTION OF THE N.W. CORNER SECTION 4
TOWNSHIP 12 SOUTH, RANGE 11 EAST CLM + BALD
TWIN MOUNTAIN CRO VALLEY, PIMA COUNTY, AZ

SCALE: 1"=40'
C.I.=5'

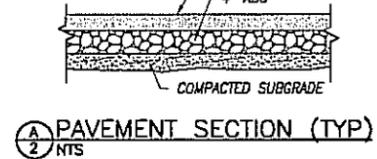
DATE: 8-11-2011

REF: OV910-002
OV1211-11

SHEET
2 OF 3



- KEYNOTES**
- 1 6" CONCRETE VERTICAL CURB, TYPE 2 PER PC/COT STD DTL 209
 - 2 10' X 70' SIGHT VISIBILITY TRIANGLE (SVT)
 - 3 10' X 100' SIGHT VISIBILITY TRIANGLE (SVT)
 - 4 NEW PAINTED WHITE STOP BAR AND STOP SIGN
 - 5 SCREEN WALL - REFER TO LANDSCAPE PLAN FOR DESIGN
 - 6 6' WIDE CONCRETE SIDEWALK PER PC/COT STD DTL 200
 - 7 6' WIDE RIPRAP DRAINAGE SWALE OVER FILTER FABRIC, $d_{50}=9"$, $l=2d_{50}$
 - 8 CONCRETE ARCH OR SIMILAR OVER WASH CROSSING
 - 9 FIRE HYDRANT PER ORO VALLEY WATER UTILITY STANDARDS
 - 10 8' WIDE CONCRETE SIDEWALK PER PC/COT STD DTL 200
 - 11 SAWCUT 1" INTO EXIST. PAVEMENT, TRIM, TACK & JOIN NEW PAVEMENT TO EXISTING PAVEMENT, MATCH EXISTING PAVEMENT GRADES
 - 12 CURB ACCESS RAMPS PER PC/COT STD DTL 207
 - 13 63 L.F. CONCRETE HEADER PER PC/COT STD DTL 213
 - 14 REMOVE EXISTING CHAIN LINK FENCE ADJACENT TO THE EXISTING DETENTION BASIN AND REPLACE WITH A 60" TALL SCREEN WALL TO MATCH TYPICAL SCREEN WALL ELEVATION AND SECTION AS SHOWN ON SHEET LC-1
 - 15 SIDEWALK SCUPPER
 - 16 DETENTION BASIN AREA
 - 17 RIPRAP AT WASH CROSSING



PHASE I NEW PARKING SPACES:
83 PARKING SPACES FRONT
141 PARKING SPACES BACK
TOTAL PARKING SPACES=224

PHASE I PLAN

REF: CVB10-002
OV1211-11

RonStaubAssociates, LLC
2420 West Catalpa Road
Tucson, AZ 85742
(520) 954-2137
rsa@comcast.net

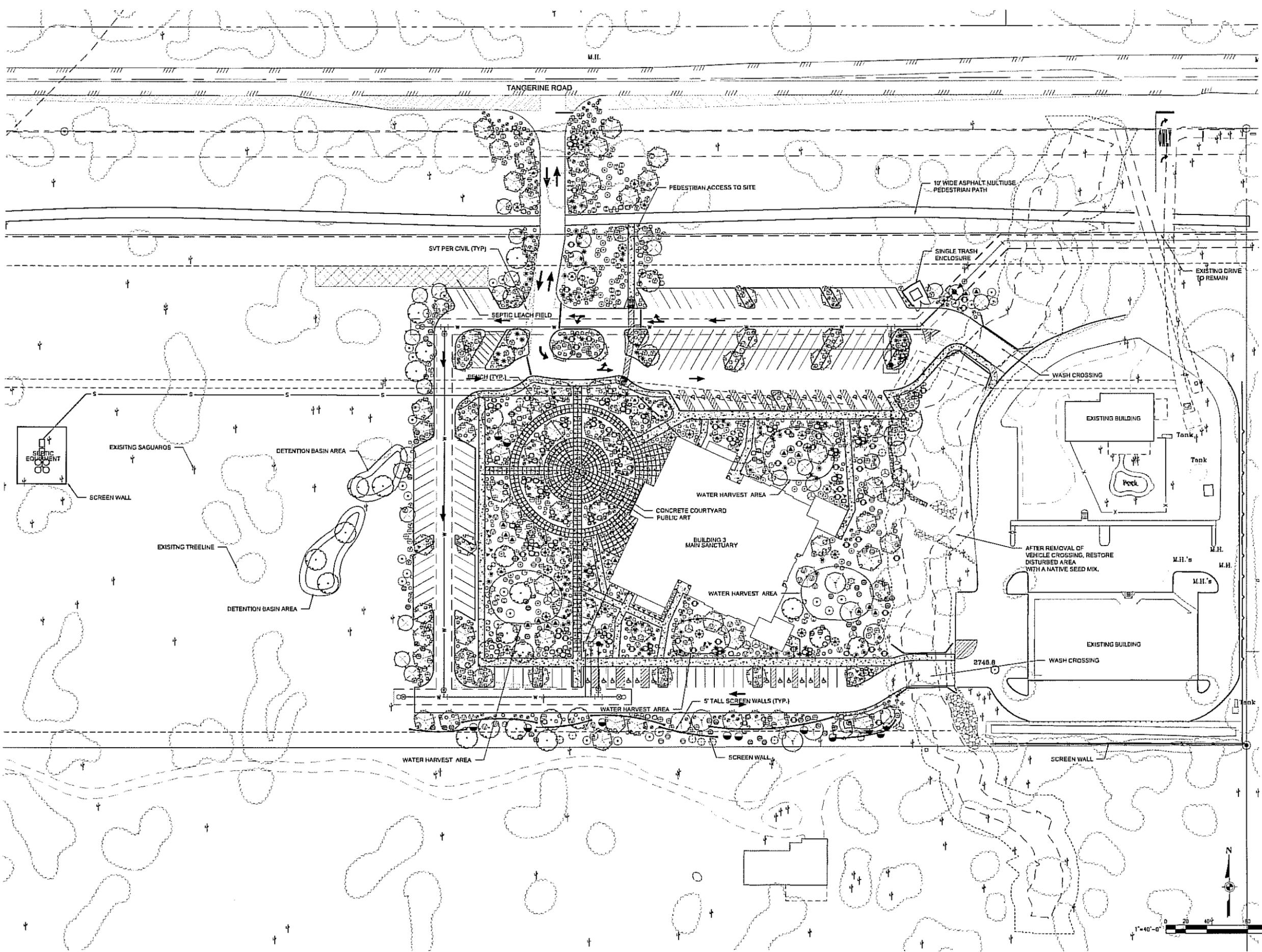


CONCEPTUAL SITE PLAN
ST. MARK THE EVANGELIST CATHOLIC CHURCH
A PORTION OF THE NW CORNER SECTION 4
TOWNSHIP 2 SOUTH, RANGE 6 EAST, CL-1 & BALD
JWEN MERIDIAN ORO VALLEY, PIMA COUNTY, AZ

SCALE: 1"=40'
C.I.=1'

DATE: 8-11-2011

SHEET
3 OF 3

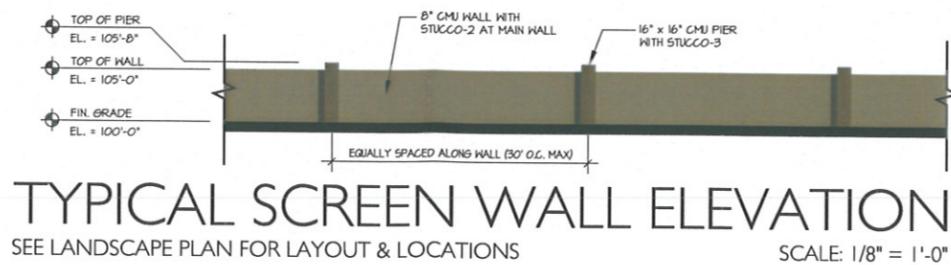
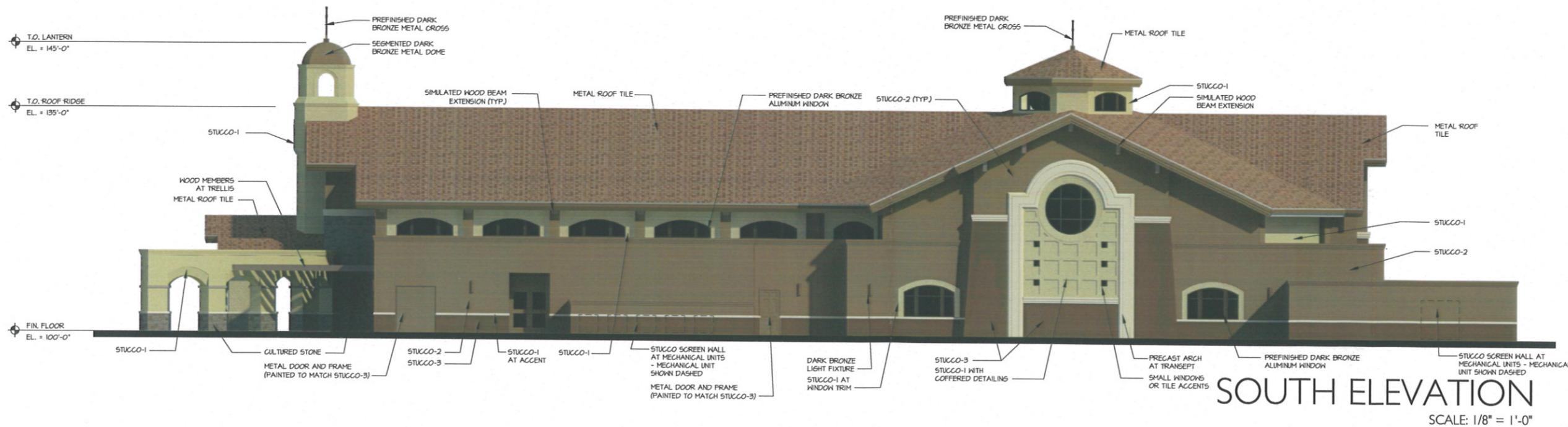
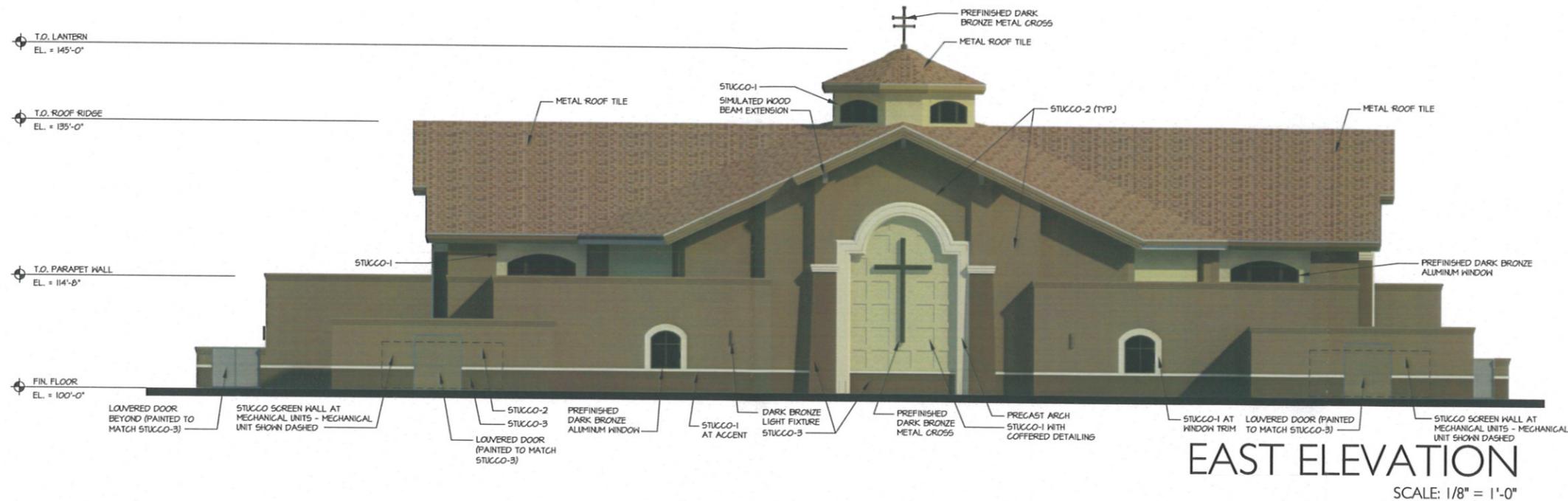


Neill/Vecchia & Associates, Inc.
 Landscape Architecture
 Interior Architecture
 Native Plant Analysis
 Land Planning Urban Design
 3200 N. BIRNBAUMER, #11 - SCOTTSDALE, AZ 85251
 Phone: 480-948-7127 • Fax: 480-948-2825

PHASE I CONCEPTUAL LANDSCAPE PLAN
 Staff Review for Conceptual Design Review Board
ST. MARK CATHOLIC CHURCH
 Oro Valley, Arizona

DESIGNED BY	KK
DRAWN BY	
CHECKED BY	
DATE	August 12, 2011
REVISION	Base Update September 22, 2011





SEE LANDSCAPE PLAN FOR LAYOUT & LOCATIONS

Building Elevations

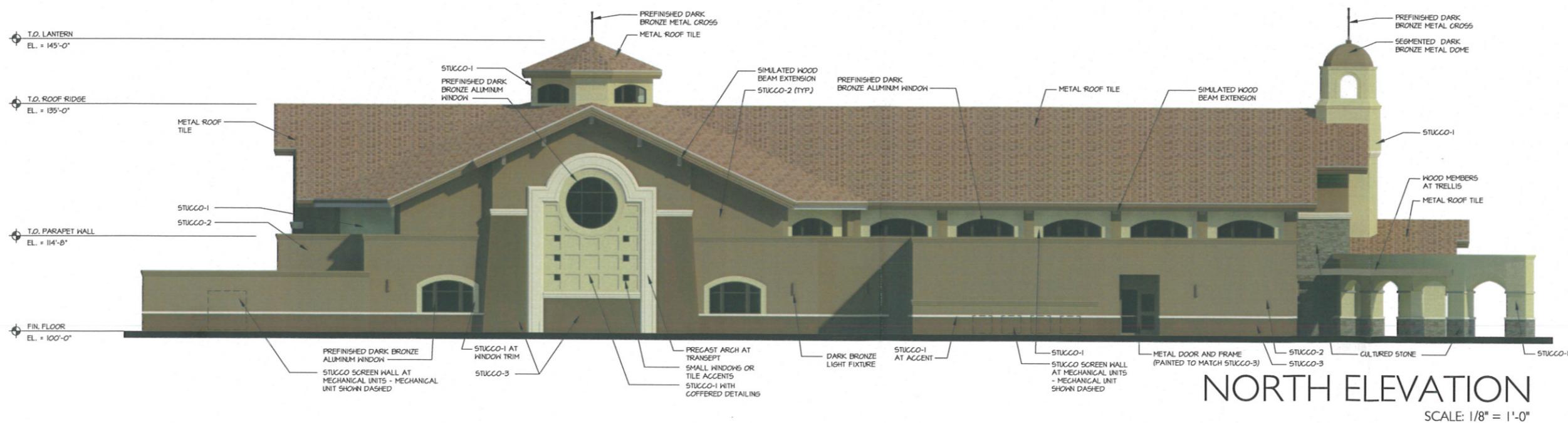
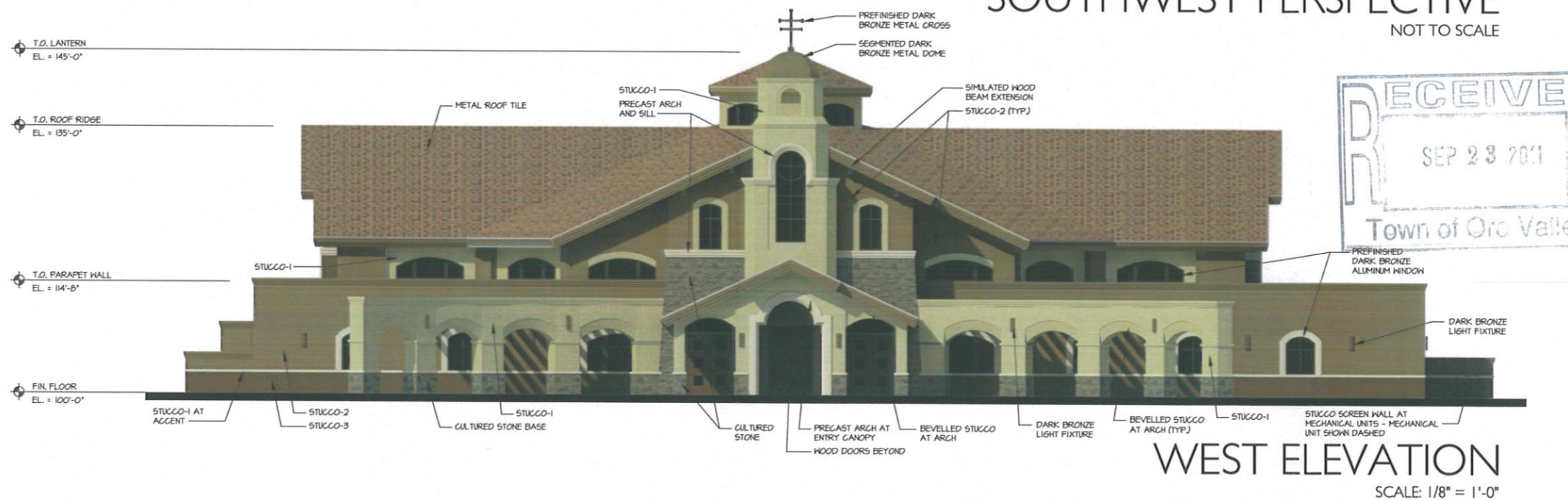
St. Mark Catholic Church

Beringer Ciaccio Dennell Mabrey
architecture • landscape architecture • interior design • construction management

Oro Valley, Arizona



SOUTHWEST PERSPECTIVE
NOT TO SCALE



Building Elevations

St. Mark Catholic Church

Beringer Ciaccio Dennell Mabrey
architecture • landscape architecture • interior design • construction management

Oro Valley, Arizona

EXHIBIT A
CONDITIONS OF APPROVAL
OV910-02
ST. MARK CHURCH

Planning

1. Provide the following as general notes on the cover sheet of the Tentative Development Plan (TDP):
 - Along the south buffer yard, screen walls shall be 5' high constructed of stucco with pier offsets and shall be located no closer than to south property line than shown on the TDP. All walls shall be contoured (not straight line)
 - The treatment of the detention basins must contain natural materials such as rock, decomposed granite and shall not be constructed of concrete.
 - On the southwest corner of property multiple smaller detention basins must be constructed. The detention basin associated with Phase 1 must be constructed similar in design.
 - All building lighting will be shielded in accordance with Town lighting code to achieve dark sky lighting.
 - The refuse container located on the southwest corner of building #4 must be enclosed as part of the loading zone area.
2. Revise general note #13 on the TDP as follows:
 - Existing site: Remove existing pole lights and replace with 15' tall shielded lights or at a lesser height consistent with zoning code requirements. All other building lights shall not exceed 9' and shall be shielded. Additional lights may be installed as required by Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
3. A mitigation/restoration plan must be submitted for the proposed septic system and associated leach area, encroaching within the natural open space area on the western portion of the site. Adequate screening of all mechanical equipment must be provided to minimize any impacts on the adjacent properties. Minimal disturbance must be achieved.

Oro Valley Water

4. The following are conditions of approval of this rezoning and must be acknowledged in writing.
 - The applicant must sign an exempt well draw down waiver. The form will be supplied by Oro Valley Water (condition has been met).
No new wells shall be drilled on the site
 - No expansion of what the existing well serves.
 - If the owner has Grandfathered water rights, they cannot sell or transfer them to any individual or entity within the Oro Valley Water service area.
 - A 12 inch main shall be extended west from the connection point at Tangerine and Vista Del Sol within a 15 foot wide easement that has as its northern boundary line the future southern right of way line of Tangerine Road. It shall be constructed to the western most entrance of the property with a Modified Drain Valve Assembly to the west.
 - An internal looped system will be required for the fully developed site and will include a modified Drain Valve Assembly in Shannon Road from the southern most Shannon Road entrance/exit of the site.

Planning & Zoning Commission Conditions:

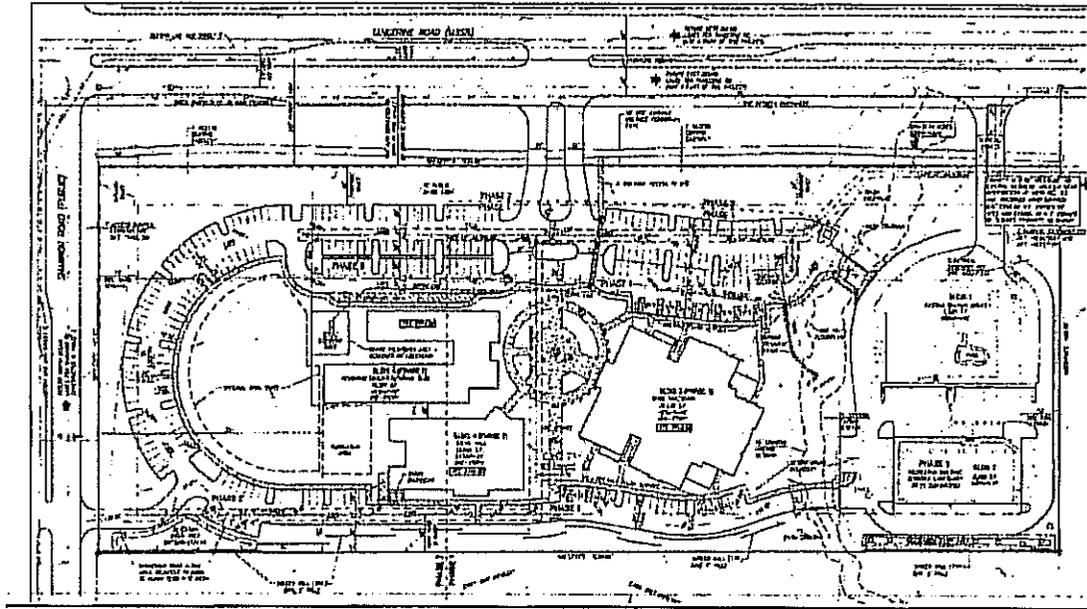
1. Revise the Phase 1 plan to match the tentative development plan, specifically the south buffer yard walls.
2. Revise the riparian boundaries delineated on the tentative development plan to reflect the correct adopted riparian boundaries.
3. In Exhibit 23, clarify what areas will be landscaped and what areas will remain as preserved and/or natural open space. Remove the term re-vegetated.
4. Provide a riparian mitigation plan for the roadway crossings. Correctly label the required 15' protective apron on the outer edges of the riparian boundaries.
5. The open space area west of building 5 must remain as "natural" open space.
6. The parking area that loops around the western portion of the property must be located closer to the building areas to minimize site disturbance. Revise the TDP accordingly.
7. Revise the TDP to distribute the parking to the sides and rear of building. No more than 50% of parking may be located in the front yard.
8. First through twelfth grade education is not a permitted use.
9. On the south buffer yard, replace the straight line walls with contoured walls similar to the section west of the wash, with the exception of the wall on the southwest corner of property (south of detention basin).
10. Existing site: Remove existing pole lights and replace with 15' tall shielded lights. All other building lights shall not exceed 9' and shall be shielded. Additional lights may be installed as required by Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
11. New Development: Parking lot lights along the south drive lane shall be no taller than 8' and shall be fully shielded. All other building lights shall not exceed 9' in height and shall be shielded. Additional lights may be installed as required per the Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
12. Screen walls shall be 5' high constructed of stucco with pier offsets and shall be located no closer than to south property line than shown on the TDP.
13. The treatment of the detention basins must contain natural materials such as rock, decomposed granite and shall not be constructed of concrete.
14. On the southwest corner of property multiple smaller detention basins must be used. The detention basin associated with Phase 1 must be constructed similar in design.
15. All building lighting will be shielded in accordance with Town lighting code to achieve dark sky lighting.
16. Relocate the refuse container away from the southern portion of the property, specifically within an enclosed area as part of the loading zone on the southwest corner of building #4.
17. Dedication of the northern 100' of the subject parcel to the Town for the purposes of Tangerine Road right of way.
18. A full Traffic Impact Analysis (TIA) shall be required as part of any future Development/Site plan submittal. This development shall be responsible to design and pay for any improvements to Tangerine Road as determined to be required by the TIA.
19. A full Drainage Report shall be required as part of any future Development Plan submittal. All post development flow shall be mitigated and released in the same manner and quantity as the existing condition.
20. Shannon Road shall provide a minimum of three lanes at the intersection of Tangerine road. These three lanes shall consist of:
 - a. One Southbound Thru Lane

- b. One Westbound Left Turn Lane
- c. One Eastbound Right Turn Lane

Shannon Road shall be constructed as a requirement for the Phase 2 expansion of the Development or as determined by the project TIA. This development shall be responsible for all construction costs associated with Shannon Road.

- 21. The construction of Shannon Road shall not occur until the sight distance safety issues and drainage mitigation have been rectified on Tangerine Road for this intersection. If this development requires the Shannon road connection to be constructed prior to the RTA expansion of Tangerine Road, the developer will be responsible for all associated design and construction costs.
- 22. This development must construct a 10' wide asphalt multiuse pedestrian path in the new ROW dedication and locate said path as far south as to accommodate the future expansion of Tangerine Road.
- 23. The tentative development plan (TDP) is conditionally accepted regarding driveway locations until a variance for said features is formally accepted and approved by the Town.
- 24. Update the TDP to map schematic hydrologic watershed boundary delineation, concentration points and general flow patterns for the developed condition on the TDP. This information need not be detailed any more than concept level.
- 25. For the Canada Agua 1 watershed, delineate the limits of the 100 year floodplain.

EXHIBIT B
SITE PLAN



Neighbor Concerns	Applicant's Response/Mitigation
1. Wall construction along south buffer (positioning, curvilinear design and treatment)	Provide 5' high screen stucco walls with accented piers every 30'-40'. Wall will provide only curved sections. A condition has added.
2. Provide restriction on school uses (pre-school/kindergarten thru 12th grade)	Restrict 1 st -12th grade education but allow pre-school/kindergarten. A condition has been added.
3. Open play area (proximity to south property line)	Play area is located 102' from residential property line and approximately 400' from closest home.
4. Southeast corner – buffer mitigation (detention basin & fence)	Existing detention basin will be vegetated and existing chain link fence will be replaced with 5' screen wall. General note provided on plan.
5. Dark sky lighting (height of building lights, parking light lights and shielding)	Provide restriction on height of existing lights and site lighting for building and parking areas along the south buffer yard. A condition has been added.
6. View shed (height of buildings obstructing views)	Reduced social hall building height from 28' to 24'. No buildings located on western portion of the site. Provided adequate setbacks from south property line in proximity to homes.
7. Drainage/Detention (aesthetics)	Provide drainage/basins to contain natural rock materials to blend in with natural environment. A condition has been added.
8. Vegetation (native plant inventory)	A general description of plant inventory is provided as part of the site analysis. A more detailed analysis will be provided as part of the Phase 1 development
9. South side landscape buffer (minimum of 25')	A buffer yard varying in width from 22-58' is provided. Parking spaces along south side were removed to increase buffer area.
10. Density (building mass on site)	A floor area ratio of .12 is proposed well below the maximum allowed of .50. A total of 25% open space is proposed.
11. Shannon Road entrance (limited access)	A variance will be required to allow this entrance.
12. Connection to Pima County sewer and OV water	No sewer is available in proximity to this site and will utilize septic system. OV Water has allowed existing water well to be used.
13. Dumpster locations	Dumpsters have been moved away from south side property line and will be adequately screened. A condition has been added.



DELICATE DRAWING OF ST. JOHN THE BAPTIST

© 12/19/10

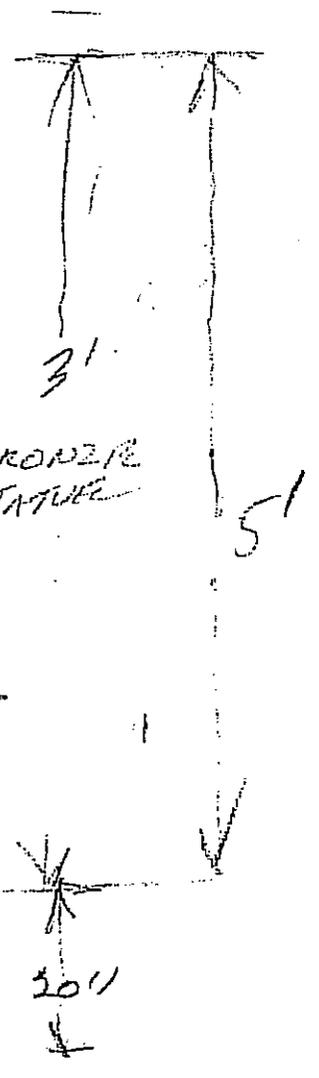
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STATUE
THE EVANGELIST

← 3 1/2 - 4' →

BACK &
SIDE VIEW.

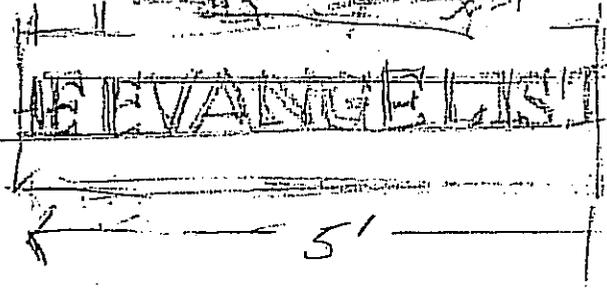
BACK
VIEW.



BRONZE
STATUE

ROCK

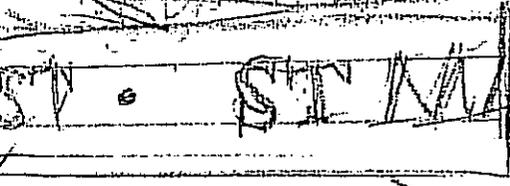
SIDE VIEW



STATUE



CK



PLATE

TOWN OF ORO VALLEY

ART REVIEW COMMISSION

MEETING DATE: May 10, 2011

TO: ART REVIEW COMMISSION

FROM: David Ronquillo, Senior Planner

SUBJECT: St. Mark Church request for conceptual and final approval of a public art proposal, located at 2727 W. Tangerine Road on the southeast corner of Shannon Road and Tangerine Road, OV511-002.

SUMMARY:

The artist, Matthew Moutafis, proposes a bronze statue by the entrance to the St. Mark Church. The statue will be of "St. Mark" and set on a rock formation on top of a concrete pedestal. The statue pedestal is centered on a 13' circular concrete element with benches within the courtyard area in front of the church. The artwork will be 7' high, with pedestal, and approximately 3 ½ - 4 feet wide (see attached renderings).

The proposed artwork will satisfy the art requirements for Phase 1 of this development. Additional artwork will be submitted as future phases are developed.

Site Conditions

- Site is 17 acres
- Zoning is R1-144, Single Family Residential (to be rezoned to PS, Private Schools)
- Two existing buildings on site totaling 12,000 square feet

Proposed Improvements

- New church sanctuary, social hall, religious education and administration buildings. Total square footage is 63,672
- Site to be built in 3 phases – phase 1 will consist of the new sanctuary
- Parking and passenger drop off areas
- Courtyard area and recreation
- Preservation of existing riparian area

BACKGROUND:

Zoning Code Compliance

The St. Mark Church building construction costs for Phase 1 will be \$3,703,000. A minimum public art budget of \$37,030 is required for Phase 1 and the applicant has provided a total of \$52,000. The amount proposed exceeds the 1% requirement for Phase 1 as specified in the Zoning Code. In the future, additional artwork will be necessary to fulfill the 1% requirement for the subsequent phases.

The art is located in an accessible area, is integrated with the surrounding landscape and is consistent with the project theme. The public art is in conformance with zoning code requirements.

The applicant must still conform to some outstanding items relating to the submittal of a maintenance plan, final artist contract and providing evidence of insurance. These items will be addressed as part of the final art certification. Conditions have been added for this to be achieved.

ENGINEERING:

Staff has found that all engineering related zoning code items and other engineering requirements have been satisfied.

CONCLUSION/RECOMMENDATION:

The proposed conceptual and final art for the St. Mark Church is in conformance with zoning code requirements. Staff recommends approval of phase 1 public art with the understanding that the applicant will have to return for future phase approvals, subject to the conditions in Exhibit A.

SUGGESTED MOTION:

The Art Review Commission may consider the following motions:

I move to [approve, approve with conditions or deny], **OV511-002**, request for conceptual and final approval of public art for Phase 1 of St. Mark Church, with the conditions in Exhibit A.

Attachment:

Applicant's Submittal

cc: Matthew Moutafis
Mitch Lorenz
David Ronquillo, OV Senior Planner



Town Council Regular Session

Item # 3.

Meeting Date: 11/16/2011

Requested by: David Williams

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.

Staff is recommending additional conditions in Exhibit C 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 Blvd. and Tangerine Road. Parcel 7-I is designated C-1 within the Rancho Vistoso PAD (Attachment 2). The applicant is requesting an amendment to the PAD to add a new policy which would permit multi-family (apartment) development on Parcel 7-I.

The request was considered by the Mayor and Council on October 19, 2011. At the conclusion of the public hearing, the case was continued to allow for Council to hold an Executive Session on the case and to allow time for the applicant to prepare a more detailed site plan on the proposed apartment complex.

BACKGROUND OR DETAILED INFORMATION:

The request was considered at a well attended public hearing on October 19, 2011. Twenty residents spoke in opposition and 2 speakers spoke in favor of the application. A summary of the issues discussed at the October 19, 2011, public hearing are as follows:

- Concerns with the impact of apartments on home values, crime and traffic
- Concern with the non-compatibility of apartments with the single-family character of Rancho Vistoso
- Concerns with Town noticing procedures
- Impact on the schools serving this area.
- Quality of the proposed apartments.
- Lack of demonstrated need from major employers in Oro Valley
- Other better suited sites closer to employment corridor
- Other general concerns with the perceived negative effects of apartment development.

At the conclusion of the public hearing, the case was continued to allow for an executive session to be held on the case and to allow time for the applicant to prepare a more detailed site plan on the

development to address concerns raised at the hearing.

The applicant is expected to present an updated Tentative Development Plan to address issues raised at the October 19, 2011 hearing. The presentation is expected to address open space, pedestrian connectivity, proposed exterior design of buildings, proposed amenities and quality assurance and view impacts from Tangerine Road

Based on discussion at the October 19, 2011 meeting, staff has developed additional/modified conditions for consideration (Attachment 1 - Exhibit C), The additional conditions address maximum number of units, limitation on building heights, increase in the percentage of open space, multi-modal connectivity, and requiring access to Woodburne Avenue.

The October 19, 2011 Town Council report is provided as Attachment 3 for reference and information. Attachments to the October 19, 2011 Council Report are provided in Attachment 4.

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 in Attachment 1, Exhibit A, subject to the conditions provided in Exhibits B and C.

Attachments

Ord 11-27

Attachment 2 - Zoning Map

Attachment 3 - October 19 Council Report

Attachment 4 - October 19 Council Attachments

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 16th day of November, 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.

...

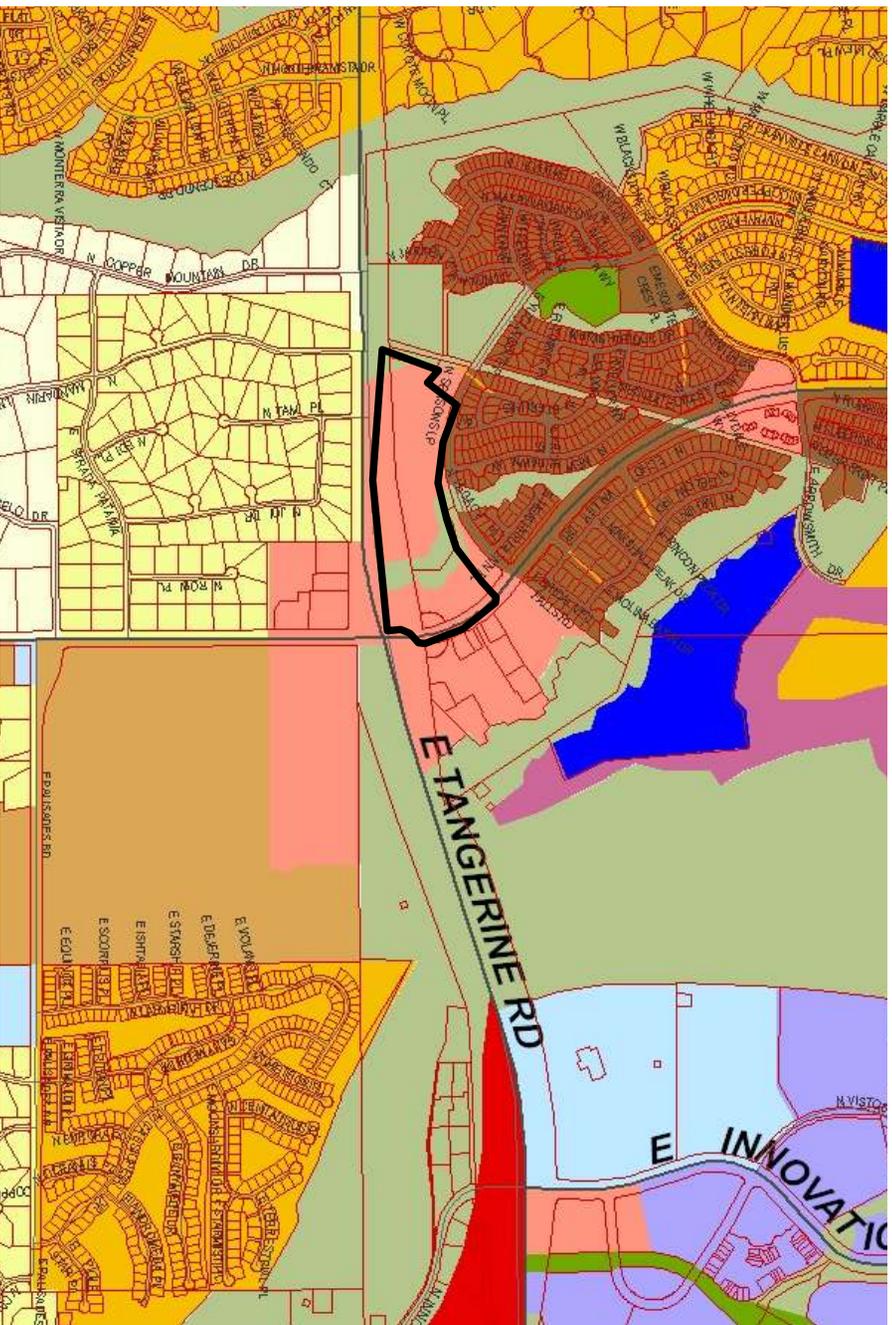
EXHIBIT “B”

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.

EXHIBIT C
ADDITIONAL CONDITIONS OF APPROVAL

1. The development shall provide vehicular access to Woodburne Avenue, as approved by the Town Engineer.
2. The development shall provide pedestrian and multi-modal access to Woodburne Avenue, as approved by the Town Engineer
3. The development shall provide integrated pedestrian and multi-modal connectivity within the site and from the apartment development to the future commercial project the east.
4. The project shall be limited to 256 dwelling units.
5. The project shall be limited to 4 three-story buildings and 10 two-story buildings (not to exceed 28 feet) in general location depicted on the Tentative Development Plan.
6. A minimum of 25% open space shall be provided for the multi-family project.
7. The apartment project shall contain a clubhouse with a minimum square footage of 6,000, included covered patio areas. At a minimum, the clubhouse shall contain a theater, fitness room and coffee bar with Wi-Fi capability.
8. The apartment development shall contain at least one pool area, a childrens' playground, 2 covered picnic ramadas, dog run and other passive open space areas.
9. Strike Planning & Zoning Commission Condition of Approval #5 in Exhibit B.



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

Town Council Regular Session

Meeting Date: 10/19/2011

Requested by: David Williams

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

[Ord 11-27](#)

[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](#)

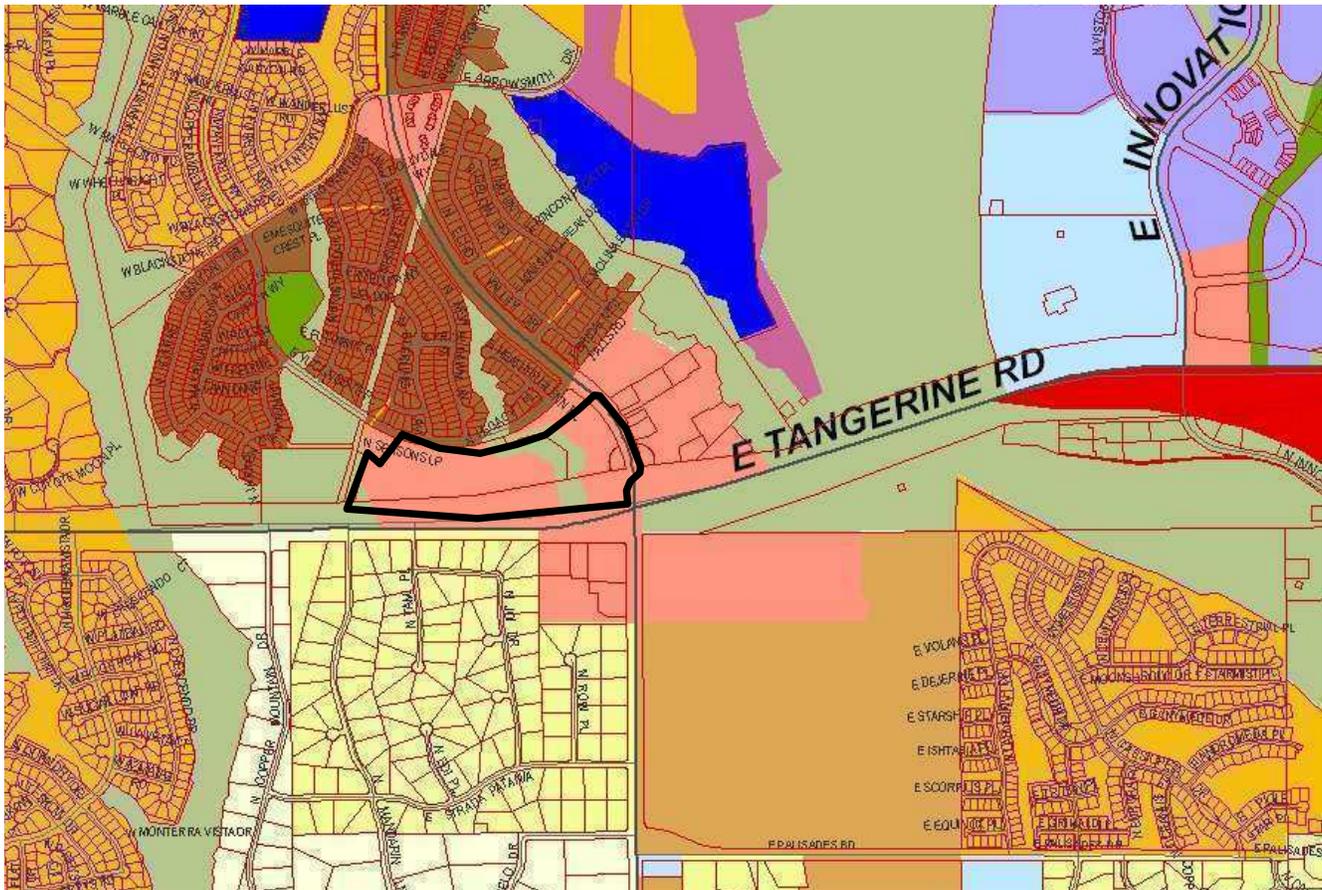
[Attachment 6 - Concept Sketch](#)

[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](#)



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 store;
 17. Art needlework or hand-weaving establishment;
 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 transplantation 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 0V9-95-2.
- 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 7-1 west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-1 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

Transit
(520) 229-4990

Caring for our heritage, our community, our future.

11000 N. La Cañada Drive • Oro Valley, Arizona 85737
fax: (520) 742-1022 • www.orovalleyaz.gov

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?



Attachment 6



1/8" = 1'-0" SCALE

HSL - TANGERINE / RANCHO VISTOSO





3000/40 SCALE
AUG 1, 2013

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

