

***AMENDED 06/05/12, 9:00 A.M.**
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
June 6, 2012
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

SWEARING IN OF NEW COUNCILMEMBERS WITH TERMS EFFECTIVE JUNE 6, 2012 TO JUNE 8, 2016

ROLL CALL

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

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

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

INFORMATIONAL ITEMS

1. Amphitheater Governing Board Commendation to the Town of Oro Valley and Oro Valley Police Department
2. Police Department Appreciation Letter
3. Letter of thanks to Development & Infrastructure Services Department

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

PRESENTATIONS

1. Proclamation - Ventana Medical Systems Day
2. Presentation from Arizona Department of Transportation (ADOT) regarding Oracle Road noise walls and other issues

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - November 2, 2011, April 11 and May 16, 2012
- B. Cancellation of the July 18, 2012 Regular Session Town Council Meeting
- C. Tucson Regional Economic Opportunities, Inc. Quarterly Report: January 1, 2012 - March 31, 2012
- D. ~~*Appointment of Vice Mayor Waters and Councilmember Snider to a Council Subcommittee on Arts and Culture~~ (Removed from agenda on 6/5/12 at 9:00 a.m.)
- E. Resolution (R)12-30 Authorizing and Approving the First Amendment to the Intergovernmental Agreement between the Town of Oro Valley and the Town of Marana for Reciprocal Hearing Officer Services under Arizona Revised Statutes section 9-500.12
- F. Resolution No. (R)12-31, authorizing and approving the naming of a currently unnamed wash located at Lambert Lane, west of Congressional Way, extending through the Villages at La Cañada and ending at the confluence of the Canyon del Oro Wash as the "KC Carter Wash"

REGULAR AGENDA

1. REQUEST FOR APPROVAL OF A PAD EXEMPTION AND MASTER SIGN PROGRAM FOR ROONEY RANCH AREA D, LOCATED ON THE WEST SIDE OF ORACLE ROAD BETWEEN FIRST AVENUE AND PUSCH VIEW LANE
2. PUBLIC HEARING: ORDINANCE NO. (O)12-08, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 23, ZONING DISTRICTS, SECTION 23.6, PROPERTY DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS
3. SECTION 22.2 OF THE ORO VALLEY ZONING CODE REVISED AND THE GENERAL PLAN RELATIVE TO GENERAL PLAN AMENDMENTS
 - a. RESOLUTION NO. (R)12-32, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK
 - b. PUBLIC HEARING: ORDINANCE NO. (O)12-09, AND RESOLUTION NO. (R)12-33, AMENDING SECTION 22.2 OF THE ORO VALLEY ZONING CODE REVISED AND THE GENERAL PLAN TO UPDATE PROCEDURES RELATIVE TO GENERAL PLAN AMENDMENTS
4. DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF COUNCIL LIAISON TO THE BOARD OF ADJUSTMENT (BOA) FOR FISCAL YEAR 2012/2013

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: 5/29/12 at 5:00 PM by ms
AMENDED AGENDA POSTED: 6/5/12 at 9:30 AM by jkb

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 office of the Town Clerk between the hours of 8:00 a.m. – 5:00p.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 Chair.

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

Meeting Date: 06/06/2012

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

SWEARING IN OF NEW COUNCILMEMBERS WITH TERMS EFFECTIVE JUNE 6, 2012 TO JUNE 8, 2016

RECOMMENDATION:

At the regular meeting on April 4, 2012 Council adopted the Official Canvass of the Vote for the March 13, 2012 Primary Election, at which all three available Council seats were filled. The Oath of Office will be administered by the Town Clerk to two of the newly elected Councilmembers - Bill Garner and Mike Zinkin. Newly elected Councilmember Brendan Burns is attending the meeting via telephone. The Oath of Office was administered to Councilmember Burns prior to tonight's meeting and will be administered in public at the June 20, 2012 Council meeting.

EXECUTIVE SUMMARY:

The new Councilmembers will serve four year terms effective June 6, 2012 to June 8, 2016.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A



Town Council Regular Session

Item # 1.

Meeting Date: 06/06/2012

Submitted By: Catherine Hendrix, Police
Department

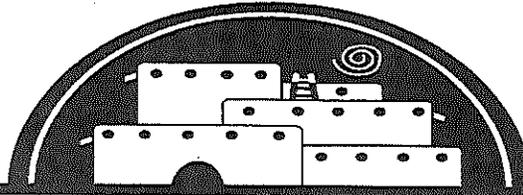
Information

Subject

Amphitheater Governing Board Commendation to the Town of Oro Valley and Oro Valley Police Department

Attachments

[Amphi Commendation](#)



AMPHITHEATER

P u b l i c S c h o o l s

The Amphitheater Governing Board commends

***Town of Oro Valley and
Oro Valley Police Department***

*In Appreciation of your dedication to the Students
of the Amphitheater School District
in Implementing Praiseworthy Programs
in Support of Drug Abuse Prevention and Awareness*

**We recognize you as the
PRIDE OF AMPHI**

May 8, 2012

Diana L. Boros

Diana L. Boros, President

Kent Barrabee

Kent Paul Barrabee, Member

Linda Loomis

Linda Loomis, Ph.D., Member

Susan Zibrat

Susan Zibrat, Vice President

Jeff Grant

Jeff Grant, Member



Town Council Regular Session

Item # 2.

Meeting Date: 06/06/2012

Submitted By: Catherine Hendrix, Police
Department

Information

Subject

Police Department Appreciation Letter

Attachments

[PD Appreciation Letter](#)

1846 East Buck Ridge Place
Oro Valley, Arizona 85737
23 May 2012

Daniel Sharp
Chief of Police
11000 North La Canada
Oro Valley, Arizona 85737

Re: Annual Report

Thank you very much for the excellent annual report to the city for the Oro Valley Police Department. It was very well done, complete and interesting to read. You surely are justifiably proud of your department and all that you do for the community.

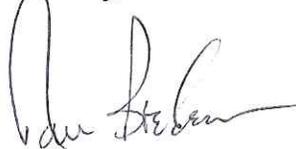
We are in our second year as "snowbirds" in Oro Valley. During the course of my career in public finance, I was fortunate to serve as a police commissioner in my hometown of Minnetonka, Minnesota, and to serve the State of Minnesota as a six year member of the State Board on Judicial Standards.

My professional experience brought me in contact with multiple public jurisdictions, including state, county, city and special districts. I have never seen a better organized and functioning community than Oro Valley, Arizona.

Again, special congratulations and thanks to you on a job well done. This is an outstanding community.

Please let me know if I can ever be of help to you in any way.

Cordially,



Thomas R. Bredeson

cc: Mayor Satish Hiremath

Received by

MAY 25 2012

Oro Valley Police Dept.



Town Council Regular Session

Item # 3.

Meeting Date: 06/06/2012

Submitted By: Julie Bower, Town Clerk's Office

Information

Subject

Letter of thanks to Development & Infrastructure Services Department

Attachments

Letter

From: All-Sure LLC [mailto:tiffanykarash@gmail.com]
Sent: Thursday, May 24, 2012 7:26 AM
To: King, Chuck
Cc: Caton, Greg
Subject: 11801 N Robi Place Oro Valley Az 85737

Sean Ryan Paris
1308 S. Avenida Sirio
Tucson Az 85710
520-610-3785
Tiffanykarash@gmail.com

05-23-2012
Chuck King
Building Official Inspection and Compliance Manager
Town Of Oro Valley
11000 N. La Canada Drive
Oro Valley, Az 85737

Dear Mr King,

I wanted to take the time to Thank you and your staff for the work that you all have demonstrated on permits for 11801 N. Robi Place Oro Valley Az.

As you may remember, this property has been a major eyesore for the Town of Oro Valley from what it appeared for many years, then I purchased the property and had work completed without permits, making the situation worse, I started with a grading violation and moved onto a building violation.

First I want to, thank you and your office staff as they were always Professional, even when I wasn't, sensible even when I wasn't , and were knowledgeable even when I wasn't.

I would like you to use this letter whenever it is needed, in any situation that your Job includes.

As I have stated before to you, the Town of Oro Valley on every department has a very bad reputation of being very strict and very unfair, as you will see below, I want you to understand no matter what, I do believe your department and your town is very Firm, but very Fair and that is what has made The Town of Oro Valley, such a beautiful place to live and one of the strongest city in America.

First I want to mention, your Zoning and Grading staff Patty Hayes and Marvin Miller, they have a expertise that no other town, city or county has and assisted making the front and rear yard beautiful and it was more economical completing it up to the city ordinance versus what I would have completed myself, and even looked better.

Second I want to mention, is your Code Compliance Dept. Marsha Hanna, The professionalism was and is unpeakable and deserves a pat on the pack, she has a very tough job and really performs it with kid gloves, and with the assistance of Jonathan Lew, made this part of the permit a smooth transition.

Third is your Plan review staff, there help with a non-architect and someone who had a very hard time understanding a simple drawing, David Laws, and Dave Willett, they used their professionalism and experience in such a way that they deserve a medal.

Fourth is your Inspection staff which included yourself, Erik Munson and I believe all of the 3 other inspectors, This staff was amazing professional, never unreasonable or questionable and if there were additional items with questions you Mr. King were there to answer them, every time.

I wanted to let you know that, I am a person with a lot of construction knowledge and the owner of 3 companies that thought your department was just unapproachable, unreasonable and just down right unfair, and as we got into every angle of this project, my feelings become stronger, and more real, as my emotions become stronger you entire staff never allowed it to interfere with the main goal and that was a safe structure and to build Oro Valley into the number one city.

As much as I complained about the fees and the time and opening walls and having to pay for more contractors bills, I came to a very real realization during this entire process, by me not pulling a permit even with all the construction knowledge and codes knowledge that I have, I was placing myself, my family, friends, future home owners at risk.

The reason I also came to this realization was two reason first when Erik had my helper pull off the stove outlet to see how the outlet was wired and what was discover was just disgusting, there was a copper jumper to aluminum wiring, the second reason was when Erik requested every can light that the drywall be opened up, I kicked, fought, and even stated that those were ICC can lights and there was no reason to open up the ceilings that were so beautiful as the first one we opened had no insulation around them, he would not back down and was relentless and so we opened them up, and what we found was insulation in contact with every can light, and then there was a very real problem with the cans lights, they were non-icc can light (as the electrician believed) and they had evidence that the new insulation had already started to burn around the can lights and showed real evidence that both of these items would have in a matter of time burned that beautiful ceiling and remodel to the ground.

Your staff places on very tough shoes every day, I want to apologize for the tough times that it took to complete this permit, I apologize to the City of Oro Valley for not pulling permits. I am forever great-full to you and your staff for not only correcting me and saving my family from a deadly disaster.

You guys have a very unthankful job, but this guy is THANKING YOU.

Thanks again Sean Ryan Paris

520.610-3785 (phone)

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any reliance thereon) is prohibited. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.



Town Council Regular Session

Item # 1.

Meeting Date: 06/06/2012

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Proclamation - Ventana Medical Systems Day

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

Proclamation

Office of the Mayor
Oro Valley, Arizona
Proclamation

VENTANA MEDICAL SYSTEMS DAY
June 7, 2012

WHEREAS, passionately pursuing their mission to improve the lives of all patients afflicted with cancer, the people of Ventana Medical Systems, Inc. discover, develop and deliver medical diagnostic systems and biopsy-based cancer tests that are shaping the future of healthcare; and

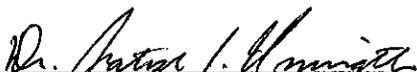
WHEREAS, as the leading supplier of cancer diagnostic systems to the pathology market, Ventana manufactures over 200 cancer tests with related instruments right here in southern Arizona for 56 countries, and most importantly, for 4 million people afflicted with cancer yearly around the world; and

WHEREAS, Ventana is a shining example of the creative synergy and impact that can come about when an individual at the University of Arizona has the opportunity to take an idea into the private sector and found a business that benefits the world community.

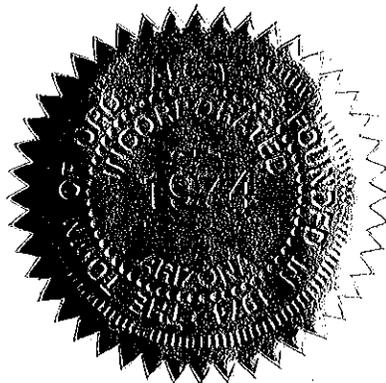
NOW, THEREFORE, I, Dr. Satish I. Hiremath, Mayor of Oro Valley, in honor of Ventana Medical Systems' 25th anniversary, do hereby proclaim June 7, 2012 as **Ventana Medical Systems Day** in the Town of Oro Valley.

Dated this 6th day of June, 2012

ATTEST:


Dr. Satish I. Hiremath, Mayor


Julie K. Bower, Town Clerk





Town Council Regular Session

Item # 2.

Meeting Date: 06/06/2012

Presentation by ADOT

Information

Subject

Presentation from Arizona Department of Transportation (ADOT) regarding Oracle Road noise walls and other issues

Summary

N/A



Town Council Regular Session

Item # A.

Meeting Date: 06/06/2012

Requested by: Julie K. Bower, Town Clerk

Submitted By:

Tracey Gransie, Town
Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - November 2, 2011, April 11 and May 16, 2012

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 November 2, 2011, April 11 and May 16, 2012 minutes.

Attachments

11/2/11 Minutes

4/11/12 Minutes

5/16/12 Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
NOVEMBER 2, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION

CALL TO ORDER

Mayor Hiremath called the meeting to order at 5:00 p.m.

ROLL CALL

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

ABSENT: Bill Garner, Councilmember

EXECUTIVE SESSION

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to go into Executive Session pursuant to A.R.S. section 38-431.03(A)(3) for legal advice relating to 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, and pursuant to A.R.S. section 38-431.03(A)(4) to consider the Council's position and instruct its attorneys regarding the Reflections at the Buttes v. Town of Oro Valley litigation.

MOTION carried, 6-0.

Mayor Hiremath noted that the following staff members would join Council in Executive Session: Interim Town Manager Greg Caton, Town Attorney Tobin Rosen, Finance Manager Stacey Lemos, and Deputy Town Clerk Mike Standish. The Mayor also reserved the right to call staff members Paul Keesler, David Williams, and Chad Daines in for the second item.

RESUME REGULAR SESSION

CALL TO ORDER

Mayor Hiremath reconvened the meeting at 6:00 p.m.

ROLL CALL

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

ABSENT: Bill Garner, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Misti Nowak announced the upcoming town meetings and events.

COUNCIL REPORTS

Councilmember Gillaspie announced that he would be attending the upcoming National League of Cities Conference to attend the Information Technology & Communication Subcommittee meeting.

Councilmember Hornat announced that he attended the Safe Treats event that was sponsored by the Police Department Explorers and the Citizen Volunteer Assistant's Program (CVAP) members. He thanked Chili's for their participation and the CVAP volunteers for providing a presence in the community on Halloween night.

Vice Mayor Snider announced that she would also be at the National League Conference attending a session on youth commissions.

DEPARTMENT REPORTS

There were no department reports from the Directors in attendance.

ORDER OF BUSINESS

The Mayor kept the order of the agenda as numbered.

CALL TO AUDIENCE

Don Bristow, resident, remarked that the new Code for free-standing banners called for a particular perimeter frame and presented various pictures that he had taken in town of banners that he felt did not meet Code.

CONSENT AGENDA

Consent Agenda items (C), (D), (E), (H) and (I) were pulled at the request of Council.

- A. Minutes - September 21, 2011
- B. Fiscal Year 2011/12 Financial Update Through August 2011
- F. Request to change the start time of the December 7, 2011 Council meeting to 5:00 p.m.
- G. Resolution No. (R)11-68, Authorizing and approving an Easement Acquisition Agreement between the Town Of Oro Valley And Oro Valley Retirement Residence, LLC for a portion of Parcels 224-30-3610, 224-30-367f And 224-30-360a for the Lambert Lane Project between La Cañada Drive and Pusch View Lane
- J. Resolution No. (R)11-71, Authorizing and approving a Grant-in-Aid agreement between the Town of Oro Valley and the Tohono O'odham Nation for funding the Steam Pump Ranch Heritage Gardens Project
- K. Resolution No. (R)11-72, Authorizing and approving a grant contract between the Oro Valley Police Department and the Governor's Office of Highway Safety (G.O.H.S.) for funding personnel services and equipment to enhance DUI enforcement

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Hornat to approve Consent Agenda items (A), (B), (F), (G), (J), and (K).

MOTION carried, 6-0.

- C. **Acceptance of the Water Utility Commission Water Rates Analysis Report dated November 2, 2011 (PULLED FOR DISCUSSION BY VICE MAYOR SNIDER)**

Vice Mayor Snider commended the town for not having a water rate increase.

Water Utility Director Philip Saletta explained the reasons as:

- Reduced debt to service coverage ratio
- Reclaimed water usage increase
- Interim delivery of Central Arizona Project (CAP) water
- Operations and maintenance savings

Vice Mayor Snider also announced that the Water Utility Commission would sponsor an Open House on November 14, 2011.

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

MOTION carried, 6-0.

D. Request for authorization to use Contingency Reserve funds for improvements to the Oro Valley Municipal Pool to meet Federal Americans with Disabilities Act (ADA) requirements (PULLED FOR DISCUSSION BY COUNCILMEMBER HORNAT)

Councilmember Hornat questioned where the \$10,000 lift would go in the pool and Aquatics Manager Catherine Vorrasi answered that it would be located at the north side, shallow end of the pool between both sets of stairs.

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

MOTION carried, 6-0.

E. Request for authorization to use contingency reserve funds for improvements to the Town Council Chambers audio system (PULLED FOR DISCUSSION BY COUNCILMEMBER WATERS)

Councilmember Waters stated that a professional sound system was necessary in the Chambers and questioned the \$2K outside services.

Information Technology Director Kevin Verville explained that it was for items such as installation that internal staff could not perform, and fine-tuning the system once it was completed.

Councilmember Hornat inquired as to when the installation would take place and Mr. Verville answered that it would be during the Council's winter break time.

Councilmember Hornat asked if there would be different microphones and Mr. Verville confirmed that there would be completely different mics that would be live all the time, but would automatically turn themselves off if they were not in use.

Councilmember Gillaspie inquired if the town would go out to bid for the system and Mr. Verville stated that everything would be purchased through a GSA state contract.

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

MOTION carried, 6-0.

H. Resolution No. (R)11-69, Approving the Granting of a Utility Easement to the Town of Oro Valley from Patrick J. and Antoinette V. Robinson for the purpose of constructing water utility facilities (PULLED FOR DISCUSSION BY COUNCILMEMBER HORNAT)

Councilmember Hornat announced that he pulled Consent Agenda items H and I together, and asked Water Utility Director Philip Saletta if the water service lines that were promised was a stub-out until the lines were ready to connect.

Mr. Saletta confirmed that it was a short-water service line to the property and stated that it was something that was put in along with construction of the 16" line as a cost effective measure when done together.

I. Resolution No. (R)11-70, Approving the Granting of a Utility Easement to the Town of Oro Valley from Timothy L. Milbourn and Susan E. La Chat-Milbourn for the pupose of constructing water utility facilities (PULLED FOR DISCUSSION BY COUNCILMEMBER HORNAT)

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Snider to approve Consent Agenda items (H) and (I).

MOTION carried, 6-0.

REGULAR AGENDA

1. PUBLIC HEARING: ORDINANCE NO. (O)11-28, AMENDING ORO VALLEY TOWN CODE SECTION 11-3-4, "SPEED LIMITS", DELETING SECTION 11-3-4(M)

Town Engineer Craig Civalier explained that the action was a bookkeeping item to remove inconsistent language in the Town Code to amend speed limits to 45 miles per hour on La Cañada Drive. He stated that the Police Chief and the Town Attorney were in concurrence with the Ordinance, and the Town Engineer recommended approval.

Mayor Hiremath opened the public hearing. There were no speaker requests and Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to adopt Ordinance No. (O)11-28, amending Oro Valley Town Code Section 11-3-4 "Speed Limits," deleting Section 11-3-4(M).

MOTION carried, 6-0.

2. DISCUSSION AND POSSIBLE ACTION REGARDING ARTS AND CULTURE IN RELATION TO ECONOMIC DEVELOPMENT

Economic Development Manager Amanda Jacobs stated that the item was requested by Vice Mayor Snider and Councilmember Waters and that together they had looked at programs, policies and special events that were currently in Oro Valley.

Ms. Jacobs noted the following:

- The ninth element of the General Plan covered arts and culture
- The recently formed Conceptual Design Review Board has two members with an art background
- There was a 1% for Public Art fee for public and commercial projects
- On October 5, 2011 the Public Art Review criteria was updated

She also listed events in Oro Valley:

- 16th Annual Arts in the Park (sponsored by the Southern Arizona Arts & Cultural Alliance - SAACA)
- Oro Valley Holiday Festival of the Arts (sponsored by SAACA)
- Oro Valley Arts in the Park Fine Arts and Jazz Festival
- Ventana Medical Systems created the largest gallery free of charge in Southern Arizona for local artists to showcase their work

Ms. Jacobs discussed how partnerships could be enhanced and that there was a lack of music in Oro Valley. She proposed that, in conjunction with SAACA, a Riverfront Park concert series could be brought back for \$32K through bed tax and economic funds, but that different locations would be scouted while the park was under construction. She remarked that SAACA had a partnership with Marana, and that SAACA helped them with staffing and bringing more events to the community. Lastly, she discussed the lack of a Fourth of July celebration in recent years which she felt encouraged residents and visitors to spend money outside of Oro Valley.

Kate Marquez, Executive Director of the Southern Arizona Arts & Culture Alliance, reported on her organization's activities and pointed out that SAACA events had generated \$118K in sales tax revenue for Oro Valley over the past 15 years. She suggested that for a fee of \$10-15K, SAACA could assist with a Fourth of July signature concert at the Hilton El Conquistador Country Club which would be open to Pima County residents.

Councilmember Waters noted that one of the recommendations at Arizona Town Hall was to have a seat for arts & culture on the new Arizona Commerce Authority. Ms. Marquez commented that it would make arts & culture more of a priority for governments in the way of economic development.

Councilmember Solomon stated that the fee for SAACA to assist with Fourth of July seemed like a cost-effective approach to put on the event.

Councilmember Waters expressed that it was his intention to open the dialogue and have Council agree that arts & culture was a significant economic driver, and that the events discussed would initiate the change process.

Vice Mayor Snider acknowledged that it was important to know the cost of an event, but that it was also important to focus on the payoff. She added that visitors staying in Oro Valley for the summer were going to Tucson and Marana for the Fourth of July.

Mayor Hiremath opened the floor to public comment.

Bill Adler, resident, stated that arts & culture as an economic driver necessitated the need for a facility in Oro Valley and that a shell or a platform would be something professional to provide to artists.

There were no other speaker requests and Mayor Hiremath closed the floor to public comments.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Gillaspie to:

1. Authorize the Town Manager to enter into a Memorandum of Understanding between the Town of Oro Valley and SAACA (and the feasibility of this); and
2. Direct staff to use \$3,200 from the Bed Tax Fund to bring the Riverfront Concert Series back to Oro Valley; and
3. Direct staff to determine the feasibility of hosting a 4th of July Celebration

Councilmember Hornat asked that the name "Oro Valley" be put into the Riverfront Concert Series for branding purposes.

MOTION carried, 6-0.

3. **POSSIBLE DIRECTION TO TOWN ATTORNEY REGARDING THE REFLECTIONS AT THE BUTTES V. TOWN OF ORO VALLEY LITIGATION**

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Gillaspie to direct the Town Attorney to proceed as discussed in Executive Session.

MOTION carried, 6-0.

FUTURE AGENDA ITEMS

Councilmember Hornat asked if adding "Oro Valley" to park signage and advertisements required Council action.

Town Attorney Tobin Rosen answered that adding the "Oro Valley" verbiage to park entrance signs, in advertising, press releases, etc. could be done by directing the Town Manager and staff. If the Council wanted to explore naming policies further, then that could be brought back as an agenda item.

CALL TO AUDIENCE

Nancy Freeman, Green Valley resident, represented the Groundwater Awareness League and brought a map with her of the Rosemont Project that showed areas where trees would be destroyed and would affect watershed. She added that the total mining jobs available in the state were 355 and that 105 of those were in Tucson, with the same statistics in New Mexico.

Bill Adler, resident, reported that the Governor's Statewide Development Conference had troubling comments that were paraphrased at the last Planning & Zoning Commission meeting. He stated that the Town should not give in to developers who expected incentives to build in the town.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to adjourn the meeting at 6:57 p.m.

MOTION carried, 6-0.

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 2nd day of November, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2012.

Julie K. Bower, MMC
Town Clerk

DRAFT

**MINUTES
ORO VALLEY TOWN COUNCIL
BUDGET STUDY SESSION
APRIL 11, 2012
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

BUDGET STUDY SESSION

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT:

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

Councilmember Garner attended the meeting via telephone.

1. Presentation of Town Benefit Plan Renewals for FY 2012/13

Interim Town Manager Greg Caton explained why the town was looking at self funding and Finance Director Stacey Lemos introduced Oscar Diaz from CBIZ Benefits and Insurance Services, who explained how the medical self-funded methodology worked.

Mayor Hiremath recessed the meeting at 7:40 p.m. and resumed the meeting at 7:48 p.m.

2. FY 2012/13 Town Manager's Recommended Budget Department Overviews

Interim Town Manager Greg Caton commented that the General Fund budget was 1.8% above the current fiscal year's budget, exclusive of contingencies, and that the departments had held the line with their own budgets. He stated that the major operational departments would be presenting their budgets to Council, as well as the Economic Development division.

Chief Sharp spoke first regarding the Police Department and commended his staff for providing the services they did in relation to the high expectations of the community. He

stated that RICO (Racketeer Influenced and Corrupt Organizations) funds allowed them to add three frozen positions back into the budget.

Ainsley Legner, Director of the Parks, Recreation, Library and Cultural Resources Department gave information on her budget including Honey Bee Park, Steam Pump Ranch, the archery range, and the Oro Valley Recreation Room.

Mayor Hiremath recessed the meeting at 7:40 p.m. and the meeting resumed at 7:48 p.m.

Paul Keesler, Development and Infrastructure Services Director, reviewed the highlights of his budget, which had decreased by 5.4% from the previous year. He explained that Transit Services had increased by 13.9%, but those funds were being reimbursed by the Regional Transportation Authority.

- Philip Saletta, Water Utility Department Director, reviewed the recommended budget for the Water Utility Enterprise and explained that they received all revenue from rates and fees, and nothing from the General Fund. The operating fund budget for the Water Utility amounted to \$14,610,541.

Amanda Jacobs, Economic Development Manager, also presented the highlights of her budget for the coming year. She explained that her division focused on three areas which included business attraction, business retention and project management and that the division had not been staffed to full capacity since 2007. She noted that the two proposed FT positions would assist the division to be more proactive in the community, and assist with branding, arts and culture, and the OV concert series.

The following person commented on the proposed budget:

Bill Adler, Oro Valley resident

FUTURE AGENDA ITEMS

There were no future requested agenda items.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to adjourn the meeting at 8:44 p.m.

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 Budget Study Session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 11th day of April 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2012.

Julie K. Bower, MMC
Town Clerk

DRAFT

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
May 16, 2012
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Bill Garner, Councilmember
Barry Gillaspie, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember (via telephone)
Steve Solomon, Councilmember

PLEDGE OF ALLEGIANCE

Onita Davis, President of the Oro Valley American Legion Auxiliary unit 132, led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Economic Development Manager Amanda Jacobs announced the upcoming Town meetings.

COUNCIL REPORTS

Vice Mayor Waters spoke about the Arts and Culture brainstorming session that was held yesterday and said that the session focused on what was wanted within the community regarding arts and culture.

DEPARTMENT REPORTS

Parks, Recreation, Library & Cultural Resources Director Ainsley Legner announced that the movie Hugo would be featured at James D. Kriegh Park on Saturday at 7:00 p.m. on field #4.

Ms. Legner invited the public to attend the ribbon cutting for the Keg playground at James D. Kriegh Park on Friday, June 1st at 9:00 a.m.

Management Assistant Catherine Vorrasi spoke on the aquatics center expansion project and encouraged everyone to become a "friend" by donating \$250 or more.

Contractor Simply Bits became a gold sponsor of the pool by donating five years of wireless service for the facility at a cost of approximately \$50,000.

Arizona Swimming Association accepted the Town's bid and the Town was awarded the 8 and under State Championship swim meet which was scheduled to be held in March, 2013.

Ms. Jacobs announced the next Oro Valley Concert Series would be held tomorrow, Thursday, May 17 at the Oro Valley Marketplace from 6:00 - 7:30 p.m. and will feature the group Retro Swing Seven.

CALL TO AUDIENCE

No comments were received.

ORDER OF BUSINESS

Mayor Hiremath stated that presentation #3 would be heard after regular agenda item #4.

INFORMATIONAL ITEMS

1. Public Safety Providers Quarterly Reports - Third Quarter FY 2011/12 (Jan - Mar 2012)

PRESENTATIONS

1. Proclamation - Oro Valley American Legion Auxiliary Poppy Days

Mayor Hiremath proclaimed May 25th through May 27th as Oro Valley American Legion Auxiliary Poppy Days.

Onita Davis, President of the Oro Valley American Legion Auxiliary Unit 132, spoke on the sacrifices made by our Armed Forces to preserve the freedom for all Americans and encouraged the public to support the members of our Armed Forces by wearing a red remembrance poppy this Memorial Day weekend.

2. Presentation of Plaques of Appreciation to Mike Zinkin for his service on the Board of Adjustment from January 5, 2011 to March 31, 2012 and to Mark Napier for his service on the Planning and Zoning Commission from October 27, 2010 to March 31, 2012

Mayor Hiremath presented a plaque of appreciation to Mark Napier for his service on the Planning and Zoning Commission and to Mike Zinkin for his service on the Board of Adjustment.

CONSENT AGENDA

Councilmember Garner requested that item (F) be removed from the Consent Agenda for discussion.

- A. Minutes - March 7, April 4, April 18 & May 2, 2012
- B. Police Department Statistics - March 2012
- C. Appointment to the Tucson-Pima County Bicycle Advisory Committee
- D. Fiscal Year 2011/12 Financial Update through March 2012
- E. Resolution No. (R)12-25, Amendment No. 1 to the Intergovernmental Agreement for the Provision of Animal Control Services between the Town of Oro Valley and Pima County

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Hornat to approve Consent Agenda items (A)-(E).

MOTION carried, 7-0.

- F. **Resolution No. (R)12-26, authorizing and approving a Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce (Chamber) (PULLED FOR DISCUSSION BY COUNCILMEMBER GARNER)**

Councilmember Garner requested clarification regarding the proposed changes to the Financial Participation Agreement.

MOTION: A motion was made by Councilmember Garner and seconded by Vice Mayor Waters to approve Resolution No. (R)12-26, authorizing and approving a Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce with the following changes:

Add the following language to Section 2, item b. THE FINAL DRAFT OF THE SHOP ORO VALLEY COUPON BOOK WILL BE COORDINATED BETWEEN

THE CHAMBER PRESIDENT/CEO AND THE ECONOMIC DEVELOPMENT MANAGER.

Add the following language to Section 2, item c. THE CHAMBER WILL HAVE 5 NEW OV DOLLARS CARD ACTIVATIONS EACH QUARTER.

Add the following language to Section 2, item d. AND ANY OTHER ECONOMIC DEVELOPMENT RELATED MATERIALS AS DEEMED APPROPRIATE BY THE CHAMBER PRESIDENT/CEO AND ECONOMIC DEVELOPMENT MANAGER.

MOTION carried, 6-1 with Councilmember Gillaspie opposed.

REGULAR AGENDA

- 1. PUBLIC HEARING: RESOLUTION NO. (R)12-27, APPROVING REQUEST FOR A CONDITIONAL USE PERMIT FOR A PROPOSED FRY'S GAS STATION IN THE MERCADO AT CANADA HILLS, NORTH OF THE NORTHEAST CORNER OF LA CANADA DRIVE AND LAMBERT LANE**

Planning Manager David Williams gave an overview of the item and outlined the following:

- Proposed location
- Proposed Site Plan
- Public participation process
- Issues/concerns

Development and Infrastructure Services Director Paul Keesler discussed neighborhood traffic issues.

Staff recommended approval subject to the modified staff conditions.

Jeff Guyette, Representative of Fry's Food Stores, gave an overview of the proposed Fry's gas station.

Mayor Hiremath opened the public hearing.

The following individuals opposed item #1.

Oro Valley resident John Musolf
Oro Valley residents Ken and Debra Popelas
Oro Valley resident Jim Harrison
Oro Valley resident Donald Bristow
Oro Valley resident Bill Adler
Oro Valley resident Bill Paulos

The following individuals supported item #1.

Larry Russell, Manager of Fry's Food & Drug Store at Lambert Lane and La Cañada Drive
Oro Valley resident Richard Tracy, Sr.
Oro Valley resident Hugh Mosher

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Waters to approve Resolution No. (R)12-27, approving a request for a Conditional Use Permit for a proposed Fry's gas station in the Mercado at Canada Hills finding that the request meets the criteria for a Conditional Use Permit and subject to the conditions as modified and presented by staff and that the operation hours shall be from 5:00 a.m. to 11:00 p.m.

EXHIBIT A
Staff Modified Conditions
Fry's Gas Station in the Mercado

3. Total Merchandise display ~~area may occupy no more than half the total facade length of the kiosk building~~ MUST COMPLY WITH THE TOWN'S STANDARDS FOR OUTDOOR DISPLAY.
4. Landscape planters must be provided at the north, west, and east ~~elevations~~ SIDES of the kiosk building.
8. Provide a ~~landscape buffer~~ TREES on both sides of La Canada Drive as determined appropriate by staff.
9. Limit hours of operation to 5 a.m. to 11 p.m.
10. An attendant shall occupy the kiosk during hours of operation.
11. Illumination shall meet IES standards for lighting or the Town's minimum requirements, whichever is less.

MOTION carried, 7-0.

2. REQUEST FOR APPROVAL OF CONCEPTUAL SITE PLAN AND CONCEPTUAL ARCHITECTURE FOR A PROPOSED FRY'S GAS STATION IN THE MERCADO AT CANADA HILLS, NORTH OF THE NORTHEAST CORNER OF LA CANADA DRIVE AND LAMBERT LANE

Mr. Williams gave an overview of the item and outlined the following:

- Location
- Conceptual Site Plan
- Circulation
- Landscape areas
- Conceptual Architecture

Staff recommended approval subject to staff modified conditions.

Jeff Guyette, Representative of Fry's Food Stores, spoke on the staff modified conditions and requested that staff conditions #6 and #7 be removed.

Mayor Hiremath opened the floor for public comments.

The following individuals opposed item #2.

Oro Valley resident Tom Crozier

Oro Valley resident Jim Harrison

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to approve the Conceptual Site Plan for the proposed Fry's gas station in the Mercado at Canada Hills directly north of the northeast corner of La Canada Drive and Lambert Lane subject to conditions in Attachment 2, Part 1 and deleting Planning Condition #6, finding that the Conceptual Site Plan meets applicable design principles and standards.

**Attachment 2
Conditions of Approval
Fry's Gas Station at the Mercado**

Part I: Conceptual Site Plan

Engineering:

1. As currently designed, the access aisle for the accessible parking space is positioned within the P.A.A.L. Relocate the access aisle so that it does not require a disabled individual to load and unload within the an unprotected P.A.A.L. This can be accomplished in the following manner:

-Provide a sidewalk within the raised island located adjacent to the north side of the parking space. This will require that the island be widened to 6' to fit a 5'-wide sidewalk.

-Extend the curb return to the east so that the bull nose lines up with the curb line to the north. Provide a 45 degree transition for access into the accessible parking space.

-Provide a 5'-wide crosswalk from the raised island to the kiosk area.

-Stripe the pavement on the west side of the accessible parking space as shown to delineate the vehicular path from the parking area. See redlines on sheet 1 for additional information.

2. Provide an accessible route from within the boundary of the site that connects with the rest of the site and the public right-of-way.
3. Provide appropriate sight visibility triangles (SVT's) at PAAL intersections on the Conceptual Site Plan and the Conceptual Landscape Plan. Refer to the redlined Conceptual Site Plan drawings for locations and dimensions of SVT's required for this project.
4. Indicate the location of the proposed trash enclosure on the site plan.

Planning:

1. A sidewalk shall be added to the northern and western ~~elevations~~ SIDES of the proposed restaurant.
2. The Conceptual Site Plan shall be revised to indicate a six foot wide landscape/pedestrian area around the kiosk.
3. Outdoor seating area that provides at least a shaded bench must be provided for the restaurant.
4. A shared ~~refuse storage area~~ DUMPSTER with a six foot high ~~screen wall~~ TRASH ENCLOSURE must be provided in conjunction with the restaurant and located so that it would be shielded from view from the roadway by the future restaurant building.
5. A note shall be added to the Conceptual Site Plan indicating that merchandising displays around the kiosk are limited to two feet wide.
- ~~6. Planters are required at the north, east, and west elevations of the kiosk building, and adjacent to the pumps.~~
7. If construction costs for Lots 3, Lot 8, and Lot 9 exceed \$1,034,403, the applicant must submit a proposal for additional public art.
8. The Conceptual Site Plan PARKING CALCULATIONS must be revised to reflect 26 required parking spaces, and 20 provided spaces.
9. The five foot wide separation area between the restaurant and gas station should be lengthened and landscaped.
10. A ten foot wide landscape area must be included at ON the northern, southern, and western ~~elevations~~ SIDES of the proposed restaurant. For the kiosk, this requirement may be met by providing a six foot wide stamped concrete area around the building.
11. Four bicycle parking spaces located on Lot 9 in previously approved

DP/Preliminary Plat must be included.

12. Final Site Plan must be incorporated into the previously approved Development Plan/Preliminary Plat as an "Amended Development Plan," and include a cover sheet, updated layout for the Mercado at Canada Hills Center, and updated parking analysis.

13. Additional information items must be added to the Final Site Plan, as noted in the March 9, 2012 comment letter and Conceptual Site Plan submittal checklist.

14. Final Site Plan must include ~~an updated parking analysis and provide~~ A REVISED open space CALCULATION for the Mercado at Canada Hills Center.

15. Final Site Plan must address comments from Golder Ranch Fire District dated February 29, 2012, and Oro Valley Water dated February 13, 2012.

16. An amended Final Plat must be submitted for revision of the location of the lot line between lots 8 & 9.

MOTION carried, 6-1 with Councilmember Garner opposed.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to reconsider Regular Agenda item #1.

MOTION carried, 5-2 with Councilmember Garner and Councilmember Gillaspie opposed.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to remove the condition for planters by the pumps from the Conditional Use Permit and retain the planters around the kiosk.

MOTION carried, 5-2 with Councilmember Garner and Councilmember Gillaspie opposed.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to approve the Conceptual Architecture for a proposed Fry's gas station in the Mercado at Canada Hills directly north of the northeast corner of La Canada Drive and Lambert Lane subject to the conditions in Attachment 2, Part 2, finding that the Conceptual Architecture meets applicable design principles and standards and to include the following modifications: Strike Conceptual Architecture Condition #7 and clarify that there shall be no signage or logo on the west side of the canopy.

**Attachment 2
Conditions of Approval
Fry's Gas Station at the Mercado**

Part 2: Conceptual Architecture

1. The projecting flags shall be replaced with another method for labeling pump number.
2. A paint color for the gas station canopy roof shall be provided to minimize reflectivity and blend with the paint color of the side of the structure.
3. The height of the architectural elements on the gas station canopy ~~must be confirmed~~ SHALL NOT EXCEED ONE (1) FOOT IN HEIGHT.
4. Light Reflectivity Values shall be provided for all paint colors.
5. Specifications for the slump block shall be provided to match the block of the existing Mercado at Canada Hills Center.
6. ARCHITECTURAL ELEMENTS SHALL BE ADDED TO THE WEST AND EAST ELEVATIONS THAT ARE CONSISTENT WITH THE FEATURES ON THE NORTH AND SOUTH ELEVATIONS.
- ~~7. TAPERED COLUMNS CONSISTENT WITH THE CENTER'S ARCHITECTURE SHALL BE INCORPORATED INTO THE GAS STATION CANOPY ARCHITECTURE.~~

MOTION carried, 6-1 with Councilmember Garner opposed.

Mayor Hiremath recessed the meeting at 8:05 p.m.

Mayor Hiremath reconvened the meeting at 8:14 p.m.

3. EL CORREDOR PLANNED AREA DEVELOPMENT

- A. RESOLUTION NO. (R)12-28, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED EL CORREDOR PLANNED AREA DEVELOPMENT FOR 20 ACRES LOCATED ON THE NORTHEAST CORNER OF LINDA VISTA BOULEVARD AND ORACLE ROAD FOR HIGH DENSITY RESIDENTIAL AND COMMERCIAL/OFFICE USES**

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Garner to approve Resolution No. (R)12-28, declaring as a public record that certain document entitled El Corredor Planned Area

Development for 20 acres located on the northeast corner of Linda Vista Boulevard and Oracle Road for High Density Residential and Commercial/Office uses.

MOTION carried, 6-0 with Councilmember Snider absent from the vote due to a technological issue.

B. PUBLIC HEARING: ORDINANCE NO. (O)12-07, APPROVING THE EL CORREDOR PLANNED AREA DEVELOPMENT FOR 20 ACRES LOCATED ON THE NORTHEAST CORNER OF LINDA VISTA BOULEVARD AND ORACLE ROAD FOR HIGH DENSITY RESIDENTIAL AND COMMERCIAL/OFFICE USES

Mr. Williams gave an overview of the item and outlined the following:

- Location
- Rezoning from C-1 to Planned Area Development (PAD)
- Development concept
- Conceptual Site Plan
- Future transportation improvements
- Public input process
- Agreements with neighbors
- PAD criteria conformance

Mike Grassinger of the Planning Center gave an overview of the proposed El Corredor PAD.

Mayor Hiremath opened the public hearing.

The following individuals spoke in opposition to item #3.

Oro Valley resident Dan Zespy
Oro Valley resident Gary Flynn

The following individuals expressed concerns regarding item #3.

Oro Valley resident Maria Oertle
Oro Valley resident Bill Adler

Mayor Hiremath closed the public hearing.

Applicant Ross Rulney gave an overview of the proposed El Corredor PAD.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to adopt Ordinance No. (O)12-07, approving the El Corredor Planned Area Development for 20 acres located on the northeast

corner of Linda Vista Boulevard and Oracle Road for High Density Residential and Commercial/Office uses subject to the Conditions of Approval in Exhibit B and that one (1) convenience use with drive-through and one additional convenience use subject to a Conditional Use Permit shall be allowed.

Exhibit B
Conditions of Approval
El Corredor PAD
OV912-001

Planning Conditions

1. Address all redline comments, which include language "clean up" and edits rather than substantive edits.
2. All permitted and conditional uses in the C-1 (Development Area A) and R-6 (Development Area B) zoning districts, as shown in Table 23-1, *Table of Permitted Uses*, in Chapter 23 of the zoning code shall be enabled, with the following modifications:
 - a. Development Area A (C-1)
The following uses shall be added as permitted ("P") or conditional ("C"), as indicated:
 - Full service restaurant with alcohol-(P)
 - One (1) convenience use with drive-through-(P); additional convenience uses shall require a CUP
 - b. Development Area B (R-6)
The following uses shall be added as permitted ("P") or conditional ("C"), as indicated:
 - Short term rental properties-(P)
 - Model homes-(P)
 - Temporary real estate offices-(P)
 - Restaurant, café or delicatessen as an accessory use to the multi-family residential, with or without alcohol-(C)
3. The design of the overflow trail parking shall be reviewed and approved by the Parks, Recreation, Library and Cultural Resources Department.
4. Buildings within 100' of Oracle Road shall be limited to 18' or 1 story.

Engineering Traffic Impact Analysis (TIA) Conditions

1. An updated Traffic Impact Analysis will be required with any future site plan submittal.

2. Provide additional information related to recommend improvements that will be required along Linda Vista Boulevard and Oracle Road. This shall include preliminary geometric recommendations due to turn lane warrant and queuing analyses to be completed as a part of the TIA.
3. Verify whether left-turn storage is required at that Oracle Road/Linda Vista Boulevard and Linda Vista Boulevard/Driveway 3 intersections, and if so, whether there is adequate spacing for back-to-back left turns and associated tapers.
4. Provide additional information to address the south leg of the Pusch Ridge Christian Academy driveway. Indicate what improvements may be necessary to mitigate any safety concerns (e.g. crosswalk, signage, etc). Also, verify that the volumes created by the school have been incorporated within the functional volumes of the Oracle Road/Linda Vista Boulevard intersection improvements.
5. Provide a level of service analysis for each traffic movement at the Linda Vista Boulevard/Oracle Road intersection; it was only provided for the overall intersection.

MOTION carried, 7-0.

Councilmember Garner was excused from the meeting at 9:38 p.m.

4. PUBLIC HEARING: RESOLUTION NO. (R)12-29, APPROVING THE ADOPTION OF THE FINAL BUDGET OF THE TOWN OF ORO VALLEY FOR THE FISCAL YEAR 2012/2013

Finance Director Stacey Lemos presented the item and discussed the following:

- FY 2012/13 Budget Timeline
- FY 2012/13 Final Budget

Mayor Hiremath opened the public hearing.

The following individuals spoke on the budget.

Oro Valley resident Joleen Meyer
Oro Valley resident Sheryl Forte
Oro Valley resident John Musolf
Oro Valley resident Bill Adler
Dave Perry, Oro Valley resident and President of the Greater Oro Valley Chamber of Commerce
Oro Valley resident Vera Shury

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Solomon to approve Resolution No. (R)12-29, approving the adoption of the final budget of the Town of Oro Valley for the Fiscal Year 2012/13 and further Move to approve the Town of Oro Valley Capital Improvement Plan for FY 2012/13 through FY 2016/17.

MOTION carried, 6-0 with Councilmember Garner absent.

3. Presentation of Plaques of Appreciation to Councilmember Barry Gillaspie for his service on the Oro Valley Town Council from June 4, 2004 to June 6, 2012 and to Councilmember Steve Solomon for his service on the Oro Valley Town Council from June 2, 2010 to June 6, 2012

Mayor Hiremath presented Plaques of Appreciation to Councilmembers Barry Gillaspie and Steve Solomon for their service on the Oro Valley Town Council.

FUTURE AGENDA ITEMS

Councilmember Gillaspie requested a future agenda item be placed on the June 20th Council agenda regarding an Economic Expansion Zone, seconded by Mayor Hiremath.

Mayor Hiremath requested a future agenda item regarding the Naranja Town Site, seconded by Councilmember Hornat.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Gillaspie to adjourn the meeting at 10:25 p.m.

MOTION carried, 6-0.

Prepared by:

Michael Standish, CMC
Deputy 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 16th day of May 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2012.

Julie K. Bower, MMC
Town Clerk

DRAFT



Town Council Regular Session

Item # B.

Meeting Date: 06/06/2012

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Cancellation of the July 18, 2012 Regular Session Town Council Meeting

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

At its regular meeting on November 16, 2011, Council approved the 2012 Regular Town Council Meeting Schedule. The adopted schedule included the cancellation of the first meeting in July because it falls on the July 4th holiday and no meetings were scheduled in August to accommodate a summer break.

Currently, there is no business scheduled for the July 18, 2012 regular Town Council meeting. In the event that the Mayor and Town Council would like to cancel the July 18th 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 July 18th Regular Town Council Meeting.



Town Council Regular Session

Item # C.

Meeting Date: 06/06/2012

Requested by: Amanda Jacobs

Submitted By:

Amanda Jacobs, Town
Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Tucson Regional Economic Opportunities, Inc. Quarterly Report: January 1, 2012 - March 31, 2012

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

The 2011/12 Financial Participation Agreement (FPA) between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc. (TREO) stipulates that a quarterly report be compiled by TREO and submitted to the Economic Development division and the Town Council. The enclosed report satisfies the FPA requirement for the third quarter of FY 11/12.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 11/12 FPA between the Town of Oro Valley and TREO is \$41,011.

SUGGESTED MOTION:

This report is for information only.

Attachments

TREO FPA

TREO Third Quarter Report

Town of Oro Valley FINANCIAL PARTICIPATION AGREEMENT

THIS AGREEMENT is made and entered into this 15th day of June, 2011, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Tucson Regional Economic Opportunities, Inc.**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

WHEREAS, it has been determined that the activities of Agency are in the public interest, and are such as to improve and promote the public welfare of the Town; and

WHEREAS, the Mayor and Council have determined that to financially participate in the promotion of the activities of Agency is a public purpose in that the activities confer direct benefit of a general character to a significant part of the public.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

Section 1: Statement of Purpose

Agency shall oversee the implementation of the Economic Blueprint for the region to ensure and improve the vitality of the larger community, including the Town, by complementing the community's economic development resources. Agency shall support the Town's goals as stated in its Community Economic Development Strategy (CEDs).

Section 2: Services to be Performed by Agency

Agency performance measures for Fiscal Year 2011/12 are as follows:

1) Facilitate High Wage Job Creation and Capital Investment

Strategies:

- Attend 2 sales mission/trade shows related to the bioscience and/or the aerospace defense industry.
- Conduct 4 outreach meetings with regional primary employers to discuss current and future issues associated with operations, workforce, sales, local government, and other important matters. These meetings will focus on businesses within the four targeted industries and primary employers which produce goods and services in excess of what can be consumed by the local market.

2) National / International Marketing of Region

Strategies:

- Host 2 site selectors regionally, including presentation of Oro Valley.
- Communicate with Oro Valley on TREO initiatives via the "Monday Memo" and monthly meetings with the Economic Development Manager.
- Continue national public relations outreach to position TREO, and the region as a business center, by conducting 2 press trips, one out-bound and one in-bound.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

3) Advocacy on Competitiveness Issues

Strategies:

- Update the regional Economic Blueprint and appoint one Town official to participate on the Steering Committee.
- TREO will pay for one Town official's participation in any Leadership Exchange Trip conducted in FY 11-12.

Section 3: Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Forty One Thousand and Eleven Dollars (\$41,011) shall be allocated to Agency.

Section 4: Responsibility for Open Records

Agency agrees to open to the public all records relating to any funds directly received from the Town that Agency distributes to any organization and/or individual.

Section 5: Evaluation Criteria and Reporting

In order to assess the impact of Agency, the Town reserves the right to evaluate performance, and to have access to all pertinent information necessary to make evaluations.

- A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of Agency in achieving its Program of Work. Reports shall be submitted within thirty (30) working days of the end of each calendar quarter.
- B. Agency agrees to give explanations for any variance in the expected performance for each measure.
- C. Agency agrees to give projected performance for each measure through the end of the fiscal year (June 30th).
- D. Agency agrees to review and present such reports to the Town Council in open meetings on an "as requested" basis.

Section 6: Accountability

Agency shall maintain a true and accurate accounting system which meets generally accepted accounting principles, and which is capable of properly accounting for all expenditures and receipts of Agency on a timely basis. In addition, Agency shall maintain evidence of its compliance with the nondiscrimination provisions of this Agreement.

Agency's accounting system shall permit separate, identifiable accounting for all funds provided by the Town pursuant to this Agreement.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Agency shall provide the Finance Department of the Town, within four (4) months after the close of Agency's fiscal year, a copy of the financial audit of Agency's operations by an independent certified public accountant, along with any management letter and, if applicable, Agency's plan for corrective action.

If Agency does not have an audit, it shall submit within three (3) months after the close of its fiscal year, a complete accounting of Town funds received. This accounting must be approved by the Finance Department of the Town as sufficiently descriptive and complete.

If for good reason Agency cannot meet the times established for submission of financial reporting, Agency shall notify the Finance Department in writing the reason for the delay, provide an expected completion date and request a waiver of the due date.

At any time during or after the period of this Agreement, the Town Finance Department and/or a Town agent may audit Agency's overall financial operation or compliance with the nondiscrimination clause of this Agreement for the Agreement period. Agency shall provide any financial reports, nondiscrimination policies and procedures or other documentation necessary to accomplish such audits.

Section 7: Matching Grants

Agency agrees to obtain Mayor and Council approval prior to applying for any matching grants involving the commitment of Town funds.

Section 8: Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 9: Sub-recipient Funding Agreements

Agency agrees to include in all of its sub-recipient funding agreements the nondiscrimination provisions contained in Section 8 herein.

Town of Oro Valley FINANCIAL PARTICIPATION AGREEMENT

Section 10: Term of Agreement

This Agreement shall be effective from July 1, 2011 through June 30, 2012. This Agreement may be extended at the sole option of the Town for additional fiscal year(s) only under the following conditions:

- A. The Mayor and Council of the Town determine the services of Agency are in the public interest and allocate funds therefore; and
- B. The parties mutually agree to a scope of services to be provided by Agency in any subsequent fiscal year.

Any extension of this Agreement shall be memorialized in writing and signed by the Parties.

Section 11: Payment Withholding, Reduction, or Termination

The Town may withhold whole or part of the scheduled payment, reduce, or terminate funding allocations to Agency if:

- A. Services are not rendered.
- B. Agency fails to supply information or reports as required.
- C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
- D. Agency fails to make required payments to subcontractors.
- E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.
- F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

Such payment reductions or payment termination may result in Agency receiving a lesser total Town allocation under this Agreement than the maximum funding allocated. If reasons for withholding payments other than non-appropriation of funds have been corrected to the satisfaction of the Town, any amounts due shall be processed.

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2012.

Section 12: Termination of Agreement

This Agreement may be terminated at any time by mutual written consent, or by either party giving thirty (30) days written notice to the other party or at such time, as in the opinion of the Town, Agency's performance hereunder is deemed unsatisfactory.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 13: Method of Payment

The parties have agreed that Agency will receive up to \$41,011, which is based on the 2010 Census population for Oro Valley (41,011) and a per capita rate of \$1. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2011. Payments are to be made within forty (40) days after the close of each preceding quarter.

Section 14: Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 15: Independent Contractor

The parties stipulate and agree that Agency is not an employee of the Town and is performing its duties hereunder as an Independent Contractor, supplying its own employees and maintaining its own insurance, workers' compensation insurance and handling all of its own internal accounting. The Town in no way controls, directs or has any responsibility for the actions of Agency.

Section 16: Insurance

Agency agrees to:

- A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.
- B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.

**Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT**

C. Agency will provide and maintain minimum insurance limits as follows:

COVERAGE AFFORDED	LIMITS OF LIABILITY
1. Workers' Compensation	Statute
2. Employer's Liability	\$100,000
3. Comprehensive General Liability Insurance -- Including: (1) Products and Completed Operations (2) Blanket Contractual	\$1,000,000 - Bodily Injury and Combined Single Limit \$100,000 Property Damage

D. Agency shall adequately insure itself against claims based upon unlawful discrimination and violation of civil rights. The cost of this insurance shall be borne by Agency.

Section 17. Use of the Town Logo

The Town Logo shall be used for the recognition of the Town's contribution to Agency only.

Section 18: Conflict of Interest

This Agreement is subject to the conflict of interest provisions of A.R.S. § 38-511, *et seq.*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF ORO VALLEY, a municipal corporation



Dr. Satish I. Hiremath, as Mayor
and not personally

ATTEST:



Julie K. Bower, as Town Clerk
and not personally

Date: 6/21/11

APPROVED AS TO FORM:



Tobin Rosen, as Town Attorney
and not personally

Date: 6/15/11

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC., a non-profit Corporation

Agency Representative
and not personally

Title CEO / President

State of Arizona)
) ss.
County of PIMA)

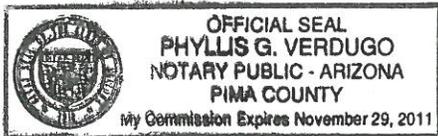
On this 13 day of JULY, 2011, JOESNELL, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on JULY 13, 2011.

Phyllis G. Verdugo

Notary

My Commission Expires: 11-29-11



Oro Valley Report
Activity for the Period
Jan 1, 2012-March 31, 2012

1) Facilitate High Wage Job Creation and Capital Investment

Strategies:

- Attend 2 sales mission/ trade shows related to the bioscience and/or the aerospace defense industry.
 - TREO staff attended Medical Device & Manufacturing/ Aerocon Conference in Anaheim/CA. During the conference, TREO Business Development staff met with multiple prospects. Two additional meetings were set up during the conference. As a result, Project Semisweet was opened. The client company engineers and manufactures custom made magnetic components mainly for the semiconductor industry, but also for the aerospace and defense industry
- Conduct 4 outreach meetings with regional primary employers to discuss current and future issues associated with operations, workforce, sales, local government, and other important matters. These meetings will focus on businesses within the four targeted industries and primary employers which produce goods and services in excess of what can be consumed by the local market.
 - Project Surge - TREO is working with a local electronics company to double their operations in Tucson and has held discussions with the County to explore FTZ status and streamline their permitting process. TREO is also assisting with the permit review process.
 - David Welsh and Amanda Jacobs conducted a site visit with Ventana/Roche and met the new Chief Financial Officer, Ann Fonfara.
 - Project Revival/ Project Revival 2 - Bombardier announced that its Tucson Service Center is expanding, adding 200 new jobs. The jobs will be comprised of airplane mechanics, production line and other highly-skilled technical positions. There has been an additional meeting between TREO, Bombardier and Pima County officials to discuss future expansion plans.
 - Project Bruker Nano - Bruker Nano, a nano-technology company, moved into its new 45,000-sf facility and expanded its workforce by 10 employees bringing total employee number to 90. TREO provided technical assistance for this expansion, including connections with the City of Tucson. TREO is providing ongoing assistance related to talent recruitment.

- Project Yellow - This project could be the region's largest expansion in recent history. Project Caterpillar/Tucson is a manufacturing company looking for a location to construct a new facility to assemble two product lines. Caterpillar already has a proving ground operation in Sahuarita which could give us a competitive advantage over other regions. This project requires 75+ acres with the projected hiring of 1,000 manufacturing jobs over a three-year ramp up period. Total capital investment is projected to be \$500 million. TREO has put together a comprehensive proposal package which was sent in December and followed up with an additional information package since.
- Project Fresh Start - TREO staff met with jurisdictions to assist with permitting. Staff also provided intensive research results regarding workforce and TANF benefits and real estate assistance.
- Project Life – This is a Fortune 100 company considering a move out of the market. In an effort to retain this company, TREO is assisting with workforce training programs and other support. This project would retain 60 jobs. It is a direct lead.
- Target – TREO staff attended a tour of the Target.com facility along with 25 commercial and industrial brokers in January. The tour was led by the new General Manager of the facility, Winnie Wintergrass. Discussion centered on the success of the facility and ways TREO can assist with growth and expansion.

2) National / International Marketing of Region

Strategies:

Host 2 site selectors regionally, including presentation of Oro Valley.

- Project Memory: TREO representatives met with Amanda Jacobs, Economic Development Manager and David Williams, Planning Manager to discuss potential Oro Valley sites and zoning requirements with the client.

Communicate with Oro Valley on TREO initiatives via the “Monday Memo” and monthly meetings with the Economic Development Manager.

- Monthly meeting held on 01/03 between David Welsh and Amanda Jacobs
- Monthly meeting held on 02/07 between David Welsh and Amanda Jacobs
- Meeting held on 02/09 with Town Manager Greg Caton
- Monthly meeting held on 03/06 between David Welsh and Amanda Jacobs
- Quarterly Economic Development Update with Public Sector partners held on 03/21/2012

- Continue national public relations outreach to position Tucson Region as a business center by conducting 2 press trips, one out-bound and one in-bound.
 - At its annual meeting in September of 2011, TREO unveiled its promotional video entitled “Tucson – What makes a great place” TREO’s goal was to visually showcase Southern Arizona’s considerable assets – both its natural beauty as well as its industry strengths – in order to promote the area as a desirable location for new and expanding businesses. This project originated in-house, with TREO internally planning a creative strategy and specific project goals and parameters. We set out to make a short but memorable video that would show off the Tucson region and highlight our strengths in research innovation, available workforce, and downtown revitalization.

From its debut in front of nearly 600 local business and community leaders at TREO’s Annual Luncheon, we’ve had very enthusiastic response from the community. This video has already received broad exposure through our network of regional partners (Pima County, Oro Valley and Metropolitan Tucson Convention & Visitors Bureau) which have showcased it on their own websites. In addition, one of the region’s largest bioscience employers, Ventana Medical Systems, a member of the Roche Group, has placed this video on their corporate website as a powerful recruitment tool. The video had been showcased on other websites throughout the community as well - commercial brokers, sports retailers, realtors, and technology parks - providing a polished common touch point for branding of the Tucson business community

3) Advocacy on Competitiveness Issues

- Update the regional Economic Blueprint and appoint one Town official to participate on the Steering Committee
 - TREO staff continues to work with the Pima County Bond Advisory Council (PCBAC) to advocate for the inclusion of infrastructure and other investments necessary for primary job creation and economic vitality in any future bond packages. TREO commissioned the report entitled, “*Implications of Aerospace Industry Trends on Pima County.*” The analysis provides an overview of projected major growth in the commercial aerospace industry and what is necessary for the Tucson region to take advantage of the potentially substantial economic opportunities that growth represents. The analysis was distributed to the Pima County Bond Advisory Council as well as the TREO Board of Directors, Pima County Board of Supervisors, and regional partners.

Last year, TREO led a delegation to Huntsville to learn how the public sector supports key industries and what the Tucson region can do in the future to aggressively compete for growth and expansion. Following that trip and after discussions with TREO's board, the Pima County Board of Supervisors voted unanimously to acquire adequate land around Raytheon to provide a buffer for its testing operations. This was a key demonstration of the region's support and recognition of Raytheon's importance to the local economy. It will contribute to the community's efforts to retain this vital piece of our economic base. The importance of this vote cannot be overstated. It shows the national and international business world that we support our major industries and are willing to provide adequate infrastructure for growth and expansion.

- TREO will pay for one Town official's participation in any Leadership Exchange Trip conducted in FY 11-12.



Town Council Regular Session

Item # D.

Meeting Date: 06/06/2012

Requested by: Mayor Hiremath

Submitted By:

Julie Bower, Town Clerk's
Office

Department: Town Clerk's Office

Information

SUBJECT:

Appointment of Vice Mayor Waters and Councilmember Snider to a Council Subcommittee on Arts and Culture

RECOMMENDATION:

Mayor Hiremath has requested that Council approve the appointment of Vice Mayor Waters and Councilmember Snider to a Council Subcommittee on Arts and Culture.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to appoint Vice Mayor Waters and Councilmember Snider to the Council Subcommittee on Arts and Culture.



Town Council Regular Session

Item # E.

Meeting Date: 06/06/2012

Requested by: Tobin Rosen

Submitted By:

Tobin Rosen, Legal

Department: Legal

Information

SUBJECT:

Resolution (R)12-30 Authorizing and Approving the First Amendment to the Intergovernmental Agreement between the Town of Oro Valley and the Town of Marana for Reciprocal Hearing Officer Services under Arizona Revised Statutes section 9-500.12

RECOMMENDATION:

Staff recommends adoption of the attached resolution amending the Intergovernmental Agreement (IGA).

EXECUTIVE SUMMARY:

There is an IGA in place between the Town of Oro Valley and the Town of Marana providing for the respective Town Attorneys of each town to serve as a hearing officer for the other town in the event of zoning or land use appeals. Marana has recently enacted a massage parlor ordinance which provides for appeals to a hearing officer in the event of denial or termination of a massage license. Marana has requested that Oro Valley amend the existing IGA to provide for the Oro Valley Town Attorney to serve as the hearing officer for those appeals.

BACKGROUND OR DETAILED INFORMATION:

The original IGA between Oro Valley and Marana for reciprocal hearing officer services was entered into on November 18, 2003. Since that time, very few instances have arisen under which the services of the respective Town Attorneys under this agreement as hearing officers for land use matters have actually been required.

With the recent adoption by the Town of Marana of its new massage establishment ordinance, Marana anticipates that the need for a hearing officer may at some point arise under the provision of the new ordinance for denial, suspension, revocation or nonrenewal of a massage establishment license. Marana has requested that the existing IGA providing for reciprocal hearing officer services between the two towns be amended to allow the Oro Valley Town Attorney to serve as the hearing officer in the event of any such appeal. In the interest of cooperation between the two neighboring jurisdictions, the Oro Valley Town Attorney is willing to serve in this capacity if and when needed.

FISCAL IMPACT:

None.

SUGGESTED MOTION:

I move to (approve/deny) Resolution (R)12-30 Authorizing and Approving the First Amendment to the Intergovernmental Agreement between the Town of Oro Valley and the Town of Marana for Reciprocal Hearing Officer Services under Arizona Revised Statutes section 9-500.12.

Attachments

Resolution No. (R)12-30

Amendment No. 1

RESOLUTION NO. (R) 12-30

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE TOWN OF MARANA FOR RECIPROCAL HEARING OFFICER SERVICES UNDER ARIZONA REVISED STATUTES SECTION 9-500.12

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. § 11-951, *et seq.*, the Town of Oro Valley (“Town”) and the Town of Marana (“Marana”) are authorized to enter into intergovernmental agreements for joint and cooperative action; and

WHEREAS, on November 18, 2003, the Town and Marana approved the Intergovernmental Agreement for reciprocal hearing officer services under A.R.S. 9-500.12; and

WHEREAS, Marana recently adopted an amendment to the Marana Town Code, adding Chapter 9-4, Massage Establishments, of which Section 9-4-15, Procedure for denial, suspension, revocation or nonrenewal; appeals, provides for appeals to a hearing officer; and

WHEREAS, the Town and Marana desire to amend the Intergovernmental Agreement to provide that the Oro Valley Town Attorney serve as a hearing officer for appeals sought under Chapter 9-4 of the Marana Town Code regarding massage establishments; and

WHEREAS, it is in the best interest of the Town to approve Amendment No. 1 to the Intergovernmental Agreement, attached hereto as Exhibit “A” and incorporated herein by this reference, for reciprocal hearing officer services to provide that the Oro Valley Town Attorney serve as a hearing officer for any appeals regarding massage establishments.

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

1. Amendment No. 1 of the Intergovernmental Agreement, attached hereto as Exhibit “A” and incorporated herein by this reference, between the Town of Oro Valley and the Town of Marana to provide for the Oro Valley Town Attorney to serve as a hearing officer for any appeals sought under Chapter 9-4 of the Marana Town Code regarding massage establishments is hereby authorized and approved.

2. The Mayor of the Town of Oro Valley and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Amendment.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 6th day of June, 2012.

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”

**AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF ORO VALLEY AND THE TOWN OF MARANA
FOR RECIPROCAL HEARING OFFICER SERVICES UNDER ARIZONA
REVISED STATUTES § 9-500.12**

THIS AMENDMENT NO. 1 is made between the Town of Marana, Arizona (“Marana”) and the Town of Oro Valley, Arizona (“Oro Valley”) for reciprocal hearing officer services under Arizona Revised Statutes (A.R.S.) § 9-500.12.

WHEREAS, the Intergovernmental Agreement between Marana and Oro Valley for reciprocal hearing officer services under A.R.S. § 9-500.12 was approved on November 18, 2003; and

WHEREAS, Marana recently adopted an amendment to the Marana Town Code, adding Chapter 9-4, Massage Establishments, of which Section 9-4-15, Procedure for denial, suspension, revocation or nonrenewal; appeals, provides for appeals to a hearing officer; and

WHEREAS, both Parties desire to enter into an amendment to the intergovernmental agreement for reciprocal hearing officer services under A.R.S. § 9-500.12 to provide that the Town Attorney for Oro Valley will serve as a hearing officer for appeals sought under Chapter 9-4 of the Marana Town Code regarding massage establishments.

NOW THEREFORE, in consideration of the foregoing, the Parties agree that:

1. In the event of any appeals arising under Chapter 9-4 of the Marana Town Code, the Oro Valley Town Attorney shall serve as the hearing officer to hear such appeals.
2. All other provisions of the Intergovernmental Agreement not specifically revised by this Amendment No. 1 shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 as of the last date set forth below their respective signatures, which shall be the effective date of this Amendment.

TOWN OF MARANA

TOWN OF ORO VALLEY

Ed Honea, Mayor

Dr. Satish I. Hiremath, Mayor

ATTEST:

Jocelyn C. Bronson, Town Clerk

Julie K. Bower, Town Clerk

Date: _____

Date: _____

INTERGOVERNMENTAL AGREEMENT DETERMINATION

The foregoing Amendment No. 1 to the Intergovernmental Agreement between the Town of Oro Valley and the Town of Marana has been reviewed pursuant to A.R.S. § 11-952 by the undersigned, who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

Frank Cassidy, Town Attorney
Marana

Tobin Rosen, Town Attorney
Oro Valley



Town Council Regular Session

Item # F.

Meeting Date: 06/06/2012

Requested by: Paul Keesler

Submitted By:

Paul Jungen, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)12-31, authorizing and approving the naming of a currently unnamed wash located at Lambert Lane, west of Congressional Way, extending through the Villages at La Cañada and ending at the confluence of the Canyon del Oro Wash as the "KC Carter Wash"

RECOMMENDATION:

The Stormwater Utility Commission recommends approval.

EXECUTIVE SUMMARY:

Kenneth "KC" Carter passed away on Saturday, April 14, 2012. KC served on the Oro Valley Town Council between 2004 and 2010. He is remembered fondly because of his devotion to the Oro Valley community. The Town would like to honor his service by naming a currently unnamed wash after him.

BACKGROUND OR DETAILED INFORMATION:

The preferred location for the KC Carter memorial is currently an unnamed wash that begins at Lambert Lane, just west of Congressional Way. The wash runs through the Villages at La Canada, ending at the confluence of the Canyon Del Oro Wash. A memorial sign identifying the wash as "KC Carter Wash" would be erected adjacent to the multi-use path on the south side of Lambert Lane.

The Villages at La Canada Homeowners Association has expressed their support for this proposal.

FISCAL IMPACT:

Staff estimates a fiscal impact of approximately \$500 to the Stormwater Utility fund. This includes the cost of purchasing and installing a memorial sign.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)12-31, AUTHORIZING AND APPROVING THE NAMING OF A CURRENTLY UNNAMED WASH LOCATED AT LAMBERT LANE, WEST OF CONGRESSIONAL WAY, EXTENDING THROUGH THE VILLAGES AT LA CAÑADA AND ENDING AT THE CONFLUENCE OF THE CANYON DEL ORO WASH AS THE "KC CARTER WASH."

Attachments

Resolution No. (R)12-31

KC Carter Wash Location

KC Carter Wash ortho photo

RESOLUTION NO. (R)12-31

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING THE NAMING OF A CURRENTLY UNNAMED WASH LOCATED AT LAMBERT LANE, WEST OF CONGRESSIONAL WAY, EXTENDING THROUGH THE VILLAGES AT LA CAÑADA AND ENDING AT THE CONFLUENCE OF THE CANYON DEL ORO WASH AS THE “KC CARTER WASH”

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, Kenneth “KC” Carter, a former member of the Town Council, recently passed away; and

WHEREAS, Mr. Carter served on the Oro Valley Town Council between 2004 and 2010 and was fondly remembered for his devotion to the Oro Valley community; and

WHEREAS, the Town desires to name a currently unnamed wash located at Lambert Lane, West of Congressional Way, extending through The Villages at La Cañada and ending at the confluence of the Canyon Del Oro Wash as “KC Carter Wash” to honor Mr. Carter.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that naming the wash located at Lambert Lane, West of Congressional Way extending through The Villages at La Cañada and ending at the confluence of the Canyon Del Oro Wash as “KC Carter Wash” is hereby authorized and approved.

BE IT FURTHER RESOLVED that the Mayor and any other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to carry out the terms of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 6th day of June, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

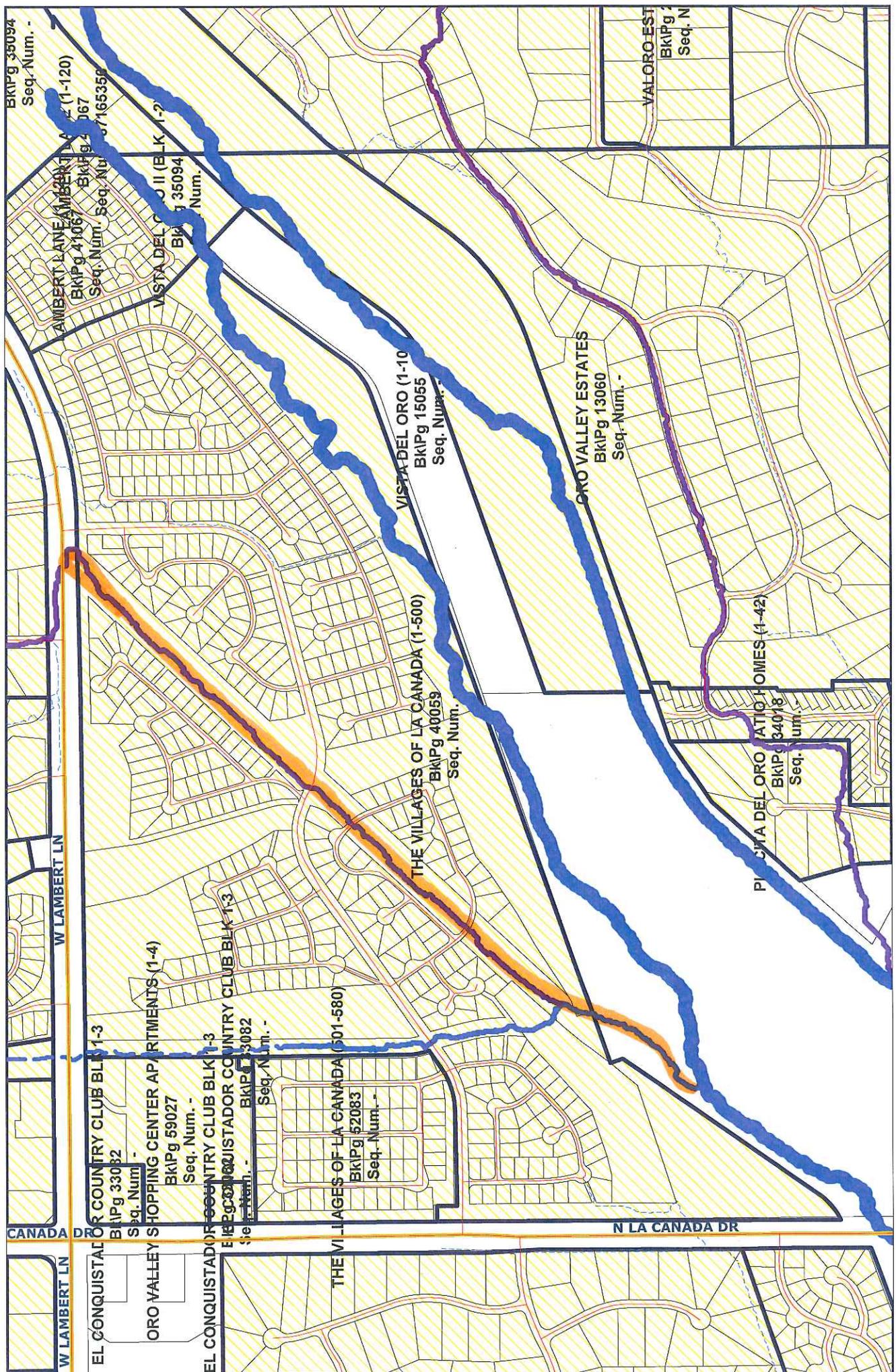
APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____



BKIPg 35094
Seq. Num. -

W LAMBERT LN
AMBERT LAINE (AMBERT I)
BKIPg 41057
Seq. Num. -

VISTA DEL ORO II (BLK 1-2)
BKIPg 35094
Seq. Num. -

VALORO EST
BKIPg 2
Seq. N

VISTA DEL ORO (1-10)
BKIPg 15055
Seq. Num. -

ORO VALLEY ESTATES
BKIPg 13060
Seq. Num. -

THE VILLAGES OF LA CANADA (1-500)
BKIPg 40059
Seq. Num. -

PICOTA DEL ORO RATIO HOMES (1-42)
BKIPg 34018
Seq. Num. -

W LAMBERT LN

EL CONQUISTADOR COUNTRY CLUB BLK 1-3
BKIPg 33082
Seq. Num. -

ORO VALLEY SHOPPING CENTER APARTMENTS (1-4)
BKIPg 59027
Seq. Num. -

EL CONQUISTADOR COUNTRY CLUB BLK 1-3
BKIPg 33082
Seq. Num. -

THE VILLAGES OF LA CANADA (501-580)
BKIPg 52083
Seq. Num. -

CANADA DR

N LA CANADA DR

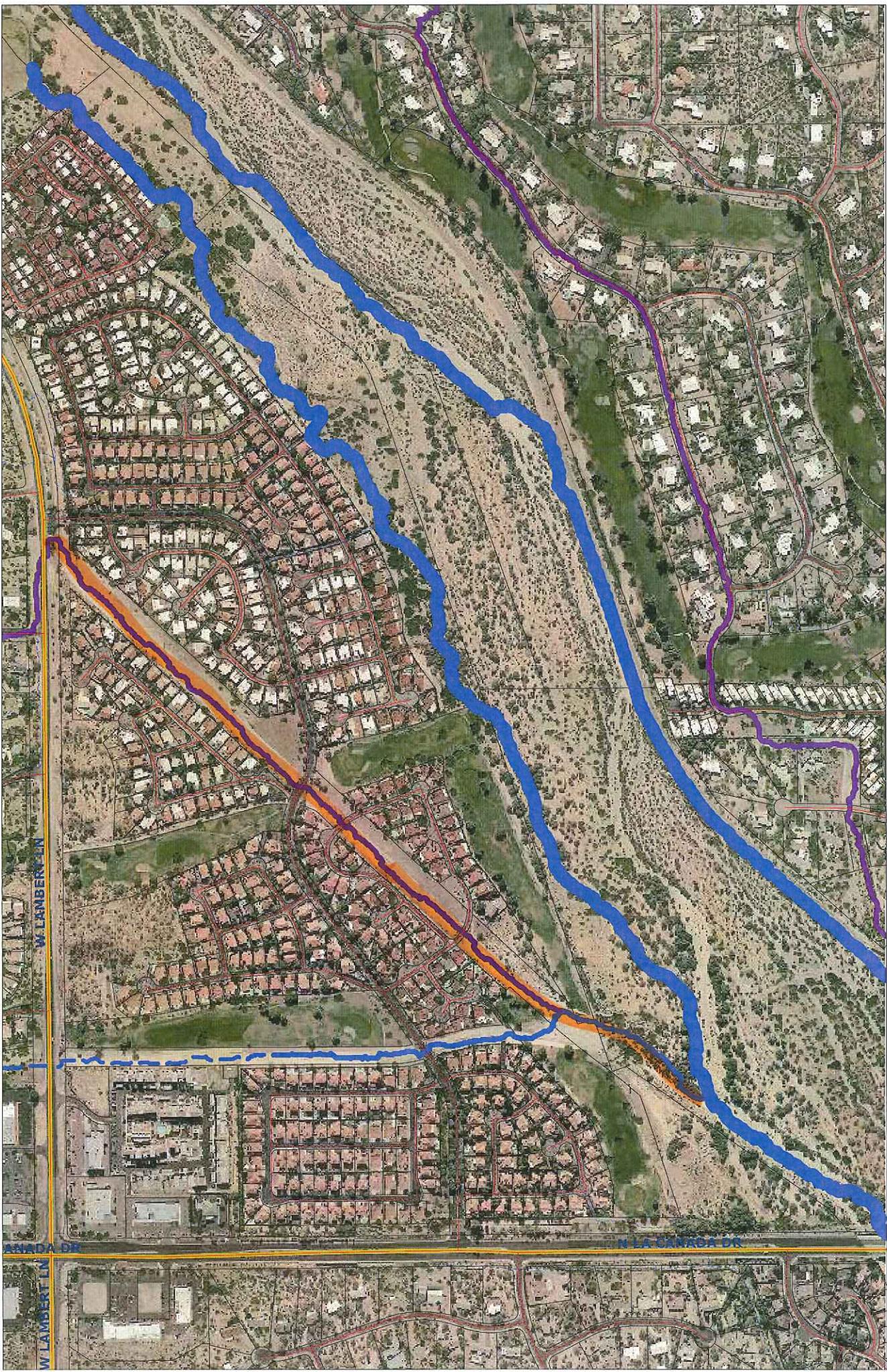
W LAMBERT LN

EL CONQUISTADOR COUNTRY CLUB BLK 1-3
BKIPg 33082
Seq. Num. -

ORO VALLEY SHOPPING CENTER APARTMENTS (1-4)
BKIPg 59027
Seq. Num. -

EL CONQUISTADOR COUNTRY CLUB BLK 1-3
BKIPg 33082
Seq. Num. -

THE VILLAGES OF LA CANADA (501-580)
BKIPg 52083
Seq. Num. -





Town Council Regular Session

Item # 1.

Meeting Date: 06/06/2012

Requested by: David Williams

Submitted By:

Matt Michels, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

REQUEST FOR APPROVAL OF A PAD EXEMPTION AND MASTER SIGN PROGRAM FOR ROONEY RANCH AREA D, LOCATED ON THE WEST SIDE OF ORACLE ROAD BETWEEN FIRST AVENUE AND PUSCH VIEW LANE

RECOMMENDATION:

The CDRB recommends approval of the PAD Exemption and Master Sign Program subject to the conditions in Attachment 1.

EXECUTIVE SUMMARY:

Applicant's Request

Rooney Ranch Planned Area Development (PAD) Area D is currently regulated by a set of sign guidelines (see Attachment 3) that provide specific standards for sign size, color, character height, illumination, logo size, and sign construction. The applicant wishes to propose a more updated set of criteria to reflect current Town Sign Code and current industry practice, including updated standards for monument signs and a revised color palette. This change requires a PAD Sign Exemption and Master Sign Program (MSP), which are both described below.

PAD Sign Exemption

A PAD Exemption allows a project that is subject to PAD sign standards to operate under a portion or all of the Town sign standards. In this case, the PAD Exemption would exempt all businesses within Rooney Ranch Area D from the aforementioned sign guidelines and would allow the applicant to propose a MSP to regulate signs in Area D. Please note that the Zoning Code does not contain specific criteria to evaluate PAD Sign Exemptions.

Master Sign Program (MSP) (see Attachment 2)

A MSP is an alternative to the Town's sign regulations that provides latitude in order to achieve "variety and good design." A MSP functions much like a PAD for signs by providing sign standards that are "custom tailored" to the unique needs of the development, while still maintaining the intent of the Town's Sign Code. According to the applicant, the objective of the MSP is to utilize more modern standards, such as the movement away from copper patina treatments, and to integrate current Zoning Code sign standards, such as monument sign area and height.

A more detailed discussion of the specific elements of the applicant's MSP proposal are contained in the *MSP Zoning Code Conformance* section, below.

BACKGROUND OR DETAILED INFORMATION:

Background

Site Conditions

- Rooney Ranch Area D is a 41 acre commercial center, anchored by Target and Fry's, with thirteen lots
- The center is comprised of major shops, in-line tenants, and freestanding building pads
- Three existing monument signs

Proposed Standards

- Standards for wall, monument, traffic & pedestrian directional, and directional signs
- Revised color palette for wall sign text, including copper patina
- Updated "topper" design to refurbish existing, double-faced monument signs, design for new monument signs, and design for traffic & pedestrian and directional signs
- Proposed brushed aluminum material for freestanding sign panels
- Sign construction is pan channel or reverse channel for letters, and cabinets for logos
- Illumination is interior, backlit, or combination of both
- Prohibition of temporary signs, including banners

The proposed MSP proposes a number of standards that are greater than the existing Area D Sign Guidelines, including a revised color palette derived from the Oro Valley Marketplace and increased character height for anchor tenants (from 4'-8" to 6') and a number of standards that are consistent with Zoning Code standards, including the number of signs and the types of illumination allowed. A table comparing the proposed MSP standard with Zoning Code standards is attached for your reference (Attachment 5).

MSP Zoning Code Conformance

Evaluation of the MSP is guided by the following:

- Sign Criteria/Master Sign Program standards in Section 28.2.B.4 of the Zoning Code
- Sign Code Purpose Statements
- Conceptual Site Design Principles
- Addendum A Design Standards

A detailed discussion of conformance with these standards is contained in the April 10 CDRB report (see Attachment 6).

CDRB Action

On April 10, 2012, the CDRB voted to recommend approval of the PAD Exemption and MSP, finding that the MSP meets applicable Conceptual Site Design Principles and the MSP Criteria contained in Chapter 28 of the Zoning Code. The recommendation for approval is subject to the conditions of Attachment 1.

Summary

The MSP provides an opportunity for Rooney Ranch Area D businesses to utilize current Zoning Code standards while maintaining a number of the existing PAD standards. If approved, existing businesses may continue to use their approved signs. Any new signs would be subject to the new MSP standards. As discussed, the CDRB recommends conditional approval of the PAD Sign Exemption and the MSP, subject to the conditions in Attachment 1.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

PAD Exemption

I MOVE to (approve or deny) the PAD Exemption for the Rooney Ranch Area D Sign Guidelines, subject to the Conditions in Attachment 1.

Master Sign Program

I MOVE to approve the Master Sign Program for Rooney Ranch Area D, subject to the Conditions in Attachment 1, finding that:

- The Master Sign Program meets the applicable Conceptual Site Design Principles.
- The Master Sign Program meets the Chapter 28 Master Sign Program criteria.

or

I MOVE to deny the Master Sign Program for Rooney Ranch Area D, finding that:

- The proposal does not meet the Conceptual Site Design Principles or Master Sign Program criteria, specifically _____.

Attachments

Attachment 1 - Conditions of Approval-CDRB Recommended

Attachment 2 - Applicant's Submittal

Attachment 3 - Existing Rooney D Sign Guidelines

Attachment 4 - Rooney Ranch D Map

Attachment 5 - Comparison Table

Attachment 6 - 4/10/12 CDRB Report

Attachment 7 - 4/10/12 DRAFT CDRB Minutes

**Attachment 1
CDRB-Recommended Conditions of Approval**

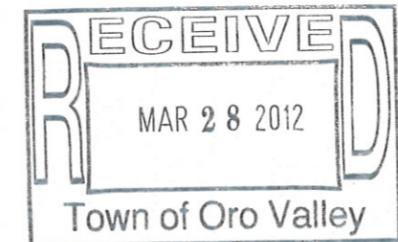
**Rooney Ranch Area D
Request for Approval of PAD Exemption/Master Sign Program
OV311-06, OV312-001
April 10, 2012**

1. The Master Sign Program shall not become effective unless the proposed PAD Exemption for Rooney Ranch Area D is approved.
2. On page 4 of the Master Sign Program, 1.D. should be revised to read: "No signage will be allowed on the rear of Anchor, Major, and Minor Buildings."
3. On page 3, "B" shall be removed from the title and from the first paragraph text.
4. On page 4, the phrase "Freestanding Signage" in the first heading should be removed.
5. On page 5, the first paragraph is repeated; one should be removed.
6. On page D-5a, "Anchor Tenant – Color," the phrase "Commercial color specifications to be provided" should be deleted.
7. All sign areas shall meet Oro Valley Zoning Code standards.

ROONEY RANCH

(PARCEL D)

Master Sign Program Presentation



ROONEY RANCH PARCEL D

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ROONEY RANCH PARCEL D & B

The Master Sign Program prepared for Rooney Ranch Parcel D & B will establish a uniform set of sign criteria to maintain continuity of quality and aesthetics throughout Rooney Ranch for the benefit of all tenants and the Town of Oro Valley. Based on the Oro Valley Zoning Code (OVZC), Chapter 28 and the Town's Design Standards Addendum A, for signage, the Master Sign Program will provide for signage that will vary throughout the development and will permit national and specialty retailers to identify their business utilizing recognized trademarks, logos, and color palettes.

The Master Sign program will establish design guidelines for all tenants to follow. It will also establish a hierarchy of freestanding signs that will be used as an effective wayfinding system. All freestanding signs will follow a thematic design integrating the current elements of existing freestanding architectural elements into future freestanding signs as the center is brought up to date.

The objective of the Master Sign Program is to create guidelines that will enable Rooney Ranch to update the current signage away from the Copper Patina that was required in the past and to be able to utilize some of the more modern methods and materials that are available. This will enable the signage to become a unique and integrated component of the development, to maintain an attractive and appealing environment consistent with the Oro Valley community. To continue to provide the services to the residents of the Town of Oro Valley in a way that is harmonious with other retail centers in the surrounding area.

We would also like to make note of the fact that plans are being made for a re-paint of Rooney Ranch property some time in the near future. The designs and the colors that have been used in the Master Sign program for the freestanding signs will be incorporated into the building architecture in order to keep a consistent theme throughout Rooney Ranch.

We trust this submittal meets with your expectations and approval.

ROONEY RANCH PARCEL D

General Requirements / Freestanding Signage

These criteria have been established by the developer for the purpose of maintaining updating the current signage and also to plan for future development of Rooney Ranch. as used herein, the term "Developer" shall also include all future successors. Assigns, and or designated agent. At such time if and when the signs are changed at Rooney Ranch the Town of Oro Valley will use this criteria to conduct there review.

1. GENERAL REQUIREMENTS

A. The Town of Oro Valley shall review all freestanding signs for conformance with the criteria and OVZC. In the event that this criteria is silent and fails to address a specific sign type, definition or specification pertaining to a sign installation, and/or operation and maintenance of a sign, the OVZC shall regulate.

B. Advertising devices such as attraction boards, posters, banners and flags shall not be permitted in addition to all prohibited sign types regulated by the OVZC.

C. All Tenant signage shall be in accordance with the approved Master Sign Program

D. No signage will be allowed on the rear of the Anchor and Minor tenant buildings

2. SPECIFICATIONS – FREESTANDING SIGN

A. General specification

1. All electrical cabinets, conductors, transformers and other equipment required to illuminate a freestanding sign shall be concealed.

3. GENERAL CONSTRUCTION and MAINTENANCE REQUIREMENTS

A. All exterior signs shall be secured by concealed mounting mechanisms using non-corrosive fasteners.

B. All signs shall be fabricated in a manor that prevents light leaks.

C. All sign installation shall be neatly sealed in a watertight condition.

D. No labels or other identification shall be permitted on the Exposed surface of signs except those required by local ordinance. This shall be in an inconspicuous location.

E. Each sign shall be maintained in a new or like new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community

3. FREESTANDING SIGN DESIGN REQUIREMENTS

A. Sign Type/ Parcel D

1. The refurbished double face signs (RDF) one at Pusch View Lane and Oracle Rd. and at the Wells Fargo entrance along Oracle Rd. also know as parcel "D". The project shall be identified with individual reverse pan channel illumination reading "Rooney Ranch" utilizing white LED's concealed within the pan channel letterform. Tenant signage will consist of routed out pan with a brushed aluminum overlay where only the characters may emit light. Tenant colors to follow freestanding matrix

A. Sign Type/ Parcel D

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2. The new double face sign (NDF) located at the main entrance on 1st Avenue. This sign will be identified with either reverse pan channel, push thru acrylic letters or routed out copy with the brushed aluminum finish reading "Rooney Ranch" utilizing white LED's. Tenant colors to follow freestanding matrix.
- 2a. The new double face Theatre sign (NDF Theatre) is to be located along Oracle Road at an entrance point. This sign will use the same techniques as the (NDF) with the addition of an Electronic Message center at a size to be approximately 18"x 120" this will be a red grayscale LED. Tenant colors to follow freestanding matrix.
It is important to note this particular sign will not be constructed until a dinner theatre restaurant concept is built in Parcel D.

3. Traffic & Pedestrian Directional Sign (TPD)

shall be located throughout the project. They are intended to be placed at traffic intersections and driveways as required to direct vehicular traffic throughout the project. The displays will include vehicular oriented "wayfinding" information such as Tenant listings with directional arrows. All copy will be reflective 3M Scotchlite. the locations and quantities illustrated on the site plan illustrate typical placements. Actual quantities and placement may vary with a maximum of six (6) for Parcel D.

4. Traffic Directional Sign (TD)

Shall be located at entry points in the property to direct delivery trucks to the rear of the property. The display will include vehicular oriented "wayfinding" information such as deliveries, shipping or receiving with a directional arrow. All copy will be reflective 3M Scotchlite. The locations and quantites illustrated on the site plan illustrates typical placements. Actual quantities and placement may vary with a maximum of two (2) for parcel D

ROONEY RANCH (PARCEL D) Monument Sign



REFURBISHED VIEW of EXISTING D/F TENANT MONUMENT SIGN
Refurbish Double Face Tenant Monument Sign
 Pusch View Lane

SCALE: 1/2"=1'-0"

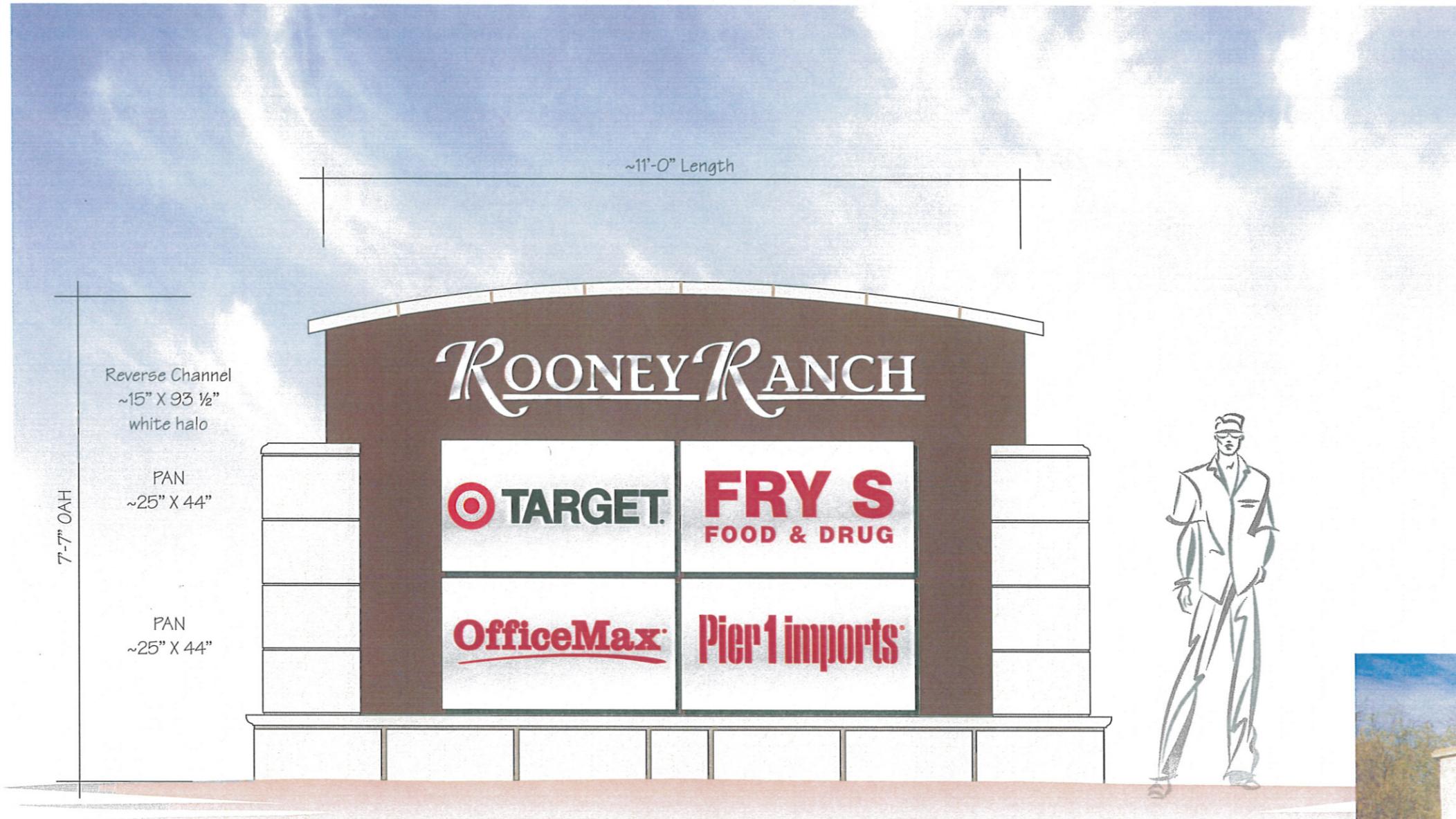
(RDF)

EXISTING D/F TENANT MONUMENT SIGN

D-1

ROONEY RANCH

ROONEY RANCH (PARCEL D) Monument Sign



REFURBISHED VIEW of EXISTING D/F TENANT MONUMENT SIGN
Refurbish Double Face Tenant Monument Sign
Oracle Rd.

SCALE: 1/2"=1'-0"

(RDF)



EXISTING D/F TENANT MONUMENT SIGN

D-2

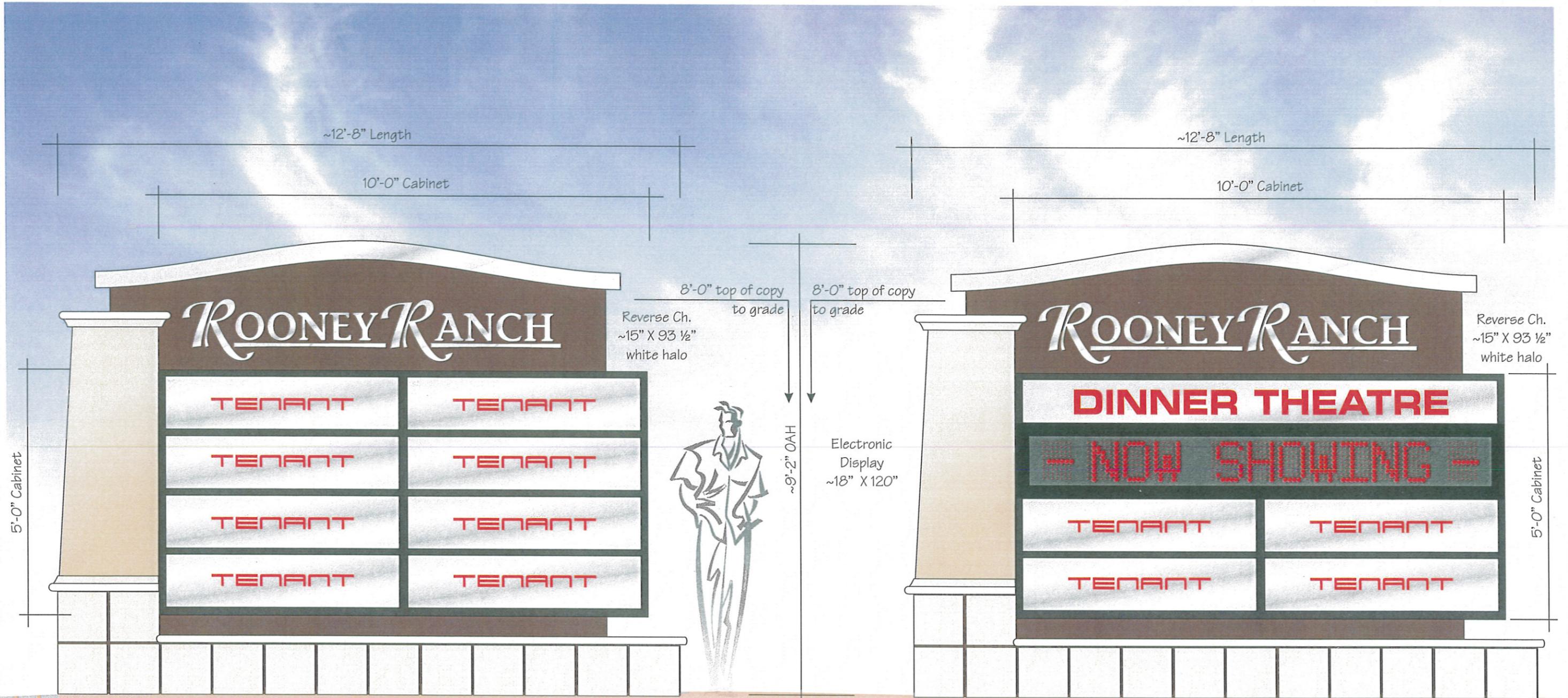
ROONEY RANCH

Oro Valley, Arizona

Refurbish Existing Double Face Tenant Monument Sign



ROONEY RANCH (PARCEL D) Monument Signs



**New Double Face Monument Sign
(NDF)**

**New Double Face LED Dinner Theater Monument Sign
(NDF) Theatre**

ROONEY RANCH

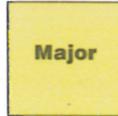
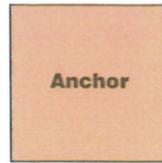
SCALE: 1/2"=1'-0"

D-3

ROONEY RANCH (PARCEL D) Monument & Directional Signs

10551 N. Oracle Rd. - Oro Valley, Az.

BUILDING COLOR LEGEND



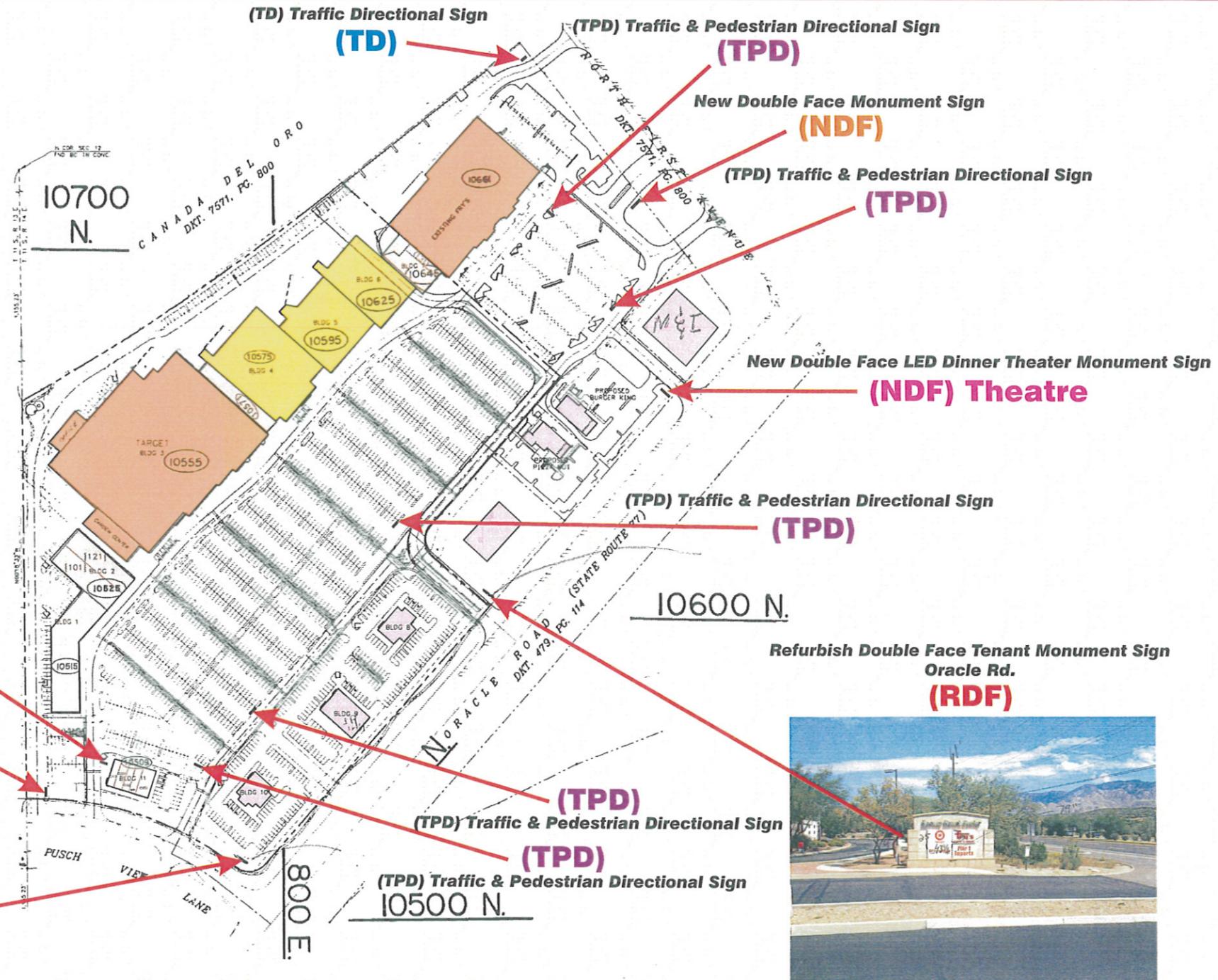
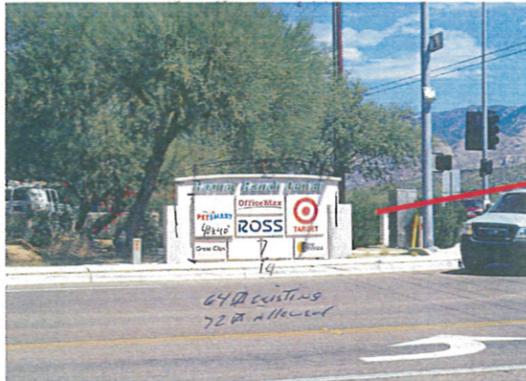
Shop Tenant



(TPD) Traffic & Pedestrian Directional Sign
(TPD)

(TD) Traffic Directional Sign
(TD)

Refurbish Double Face Tenant Monument Sign
Pusch View Lane
(RDF)



ROONEY RANCH

ROONEY RANCH (PARCEL D) Sign Guidelines

10551 N. Oracle Rd. - Oro Valley, Az.

ROONEY RANCH STANDARDS FOR PARCEL D: WALL SIGNS

USER	SIGN AREA ALLOWANCE	COLOR	MAX. Char. Ht.	illumination	Max logo size	Sign Construction/Location
Anchor Tenant (over 60,000 sqft.)	1.5 sqft.for each linear foot of bldg. frontage on which the sign is to be placed, not to exceed 500 sqft. for any single user. Must face a street.	Logo-any 1 Text- any from approved color pallette.Commerical color specifications to be provided	6'	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	36 sqft. 5' 3" in height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Major Tenant (15,000-59,999 sqft.)	1.5 sqft.for each linear foot of bldg. frontage on which the sign is to be placed, not to exceed 300 sqft. for any single user. Must face a street.	Logo-any 1 Text- any from approved color pallette	4'	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	18 sqft. not to exceed max. character height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Minor Tenant (7,500-14,999 sqft.)	1 sqft for each linear foot of bldg. frontage, or if the space is more than 300 feet from the road they may use 1.5 sqft for each linear foot of bldg. frontage.	Logo-any 1 Text- any from approved color pallette	4'	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	14 sqft not to exceed max character height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Shop Tenant (0-7,499 sqft.)	1 sqft for each linear foot of bldg. frontage, or if the space is more than 300 feet from the road they may use 1.5 sqft for each linear foot of bldg. frontage.	Logo-any 1 Text- any from approved color pallette	36 inches for single line 24 inches each for two lines	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	12 sqft. not to exceed max. character height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Pad Building	1 sqft.for each linear foot of bldg frontage on which the sign is to be placed.	Logo-any 1 Text- any from approved color pallette	36 inches for single line 24 inches each for two lines	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	20 sqft. not to exceed max. character height	<ul style="list-style-type: none"> • Pan channel or Reverse channel for letters/Cabinets for logos (8 in deep max) text and logos. •Aluminum, Acrylic, Painted, Metal, Flexface material •If a single tenant occupies a pad (freestanding Building) there may be signs on 3 elevations; only two (2) maybe illuminated. If multiple tenants occupy a pad, no more than 2 elevations may contain a wall sign.

- 1 except fluorescents or iridescents
- 2 Internally illuminated signs may use LED's
- 3 No Signs on Raceways
- 4 No exposed neon

D-5a

ROONEY RANCH (PARCEL D) Sign Guidelines

10551 N. Oracle Rd. - Oro Valley, Az.

ROONEY RANCH PARCEL D STANDARDS FOR MONUMENT SIGNS, TRAFFIC/ PEDESTRIAN DIRECTIONAL, & THEATER SIGN

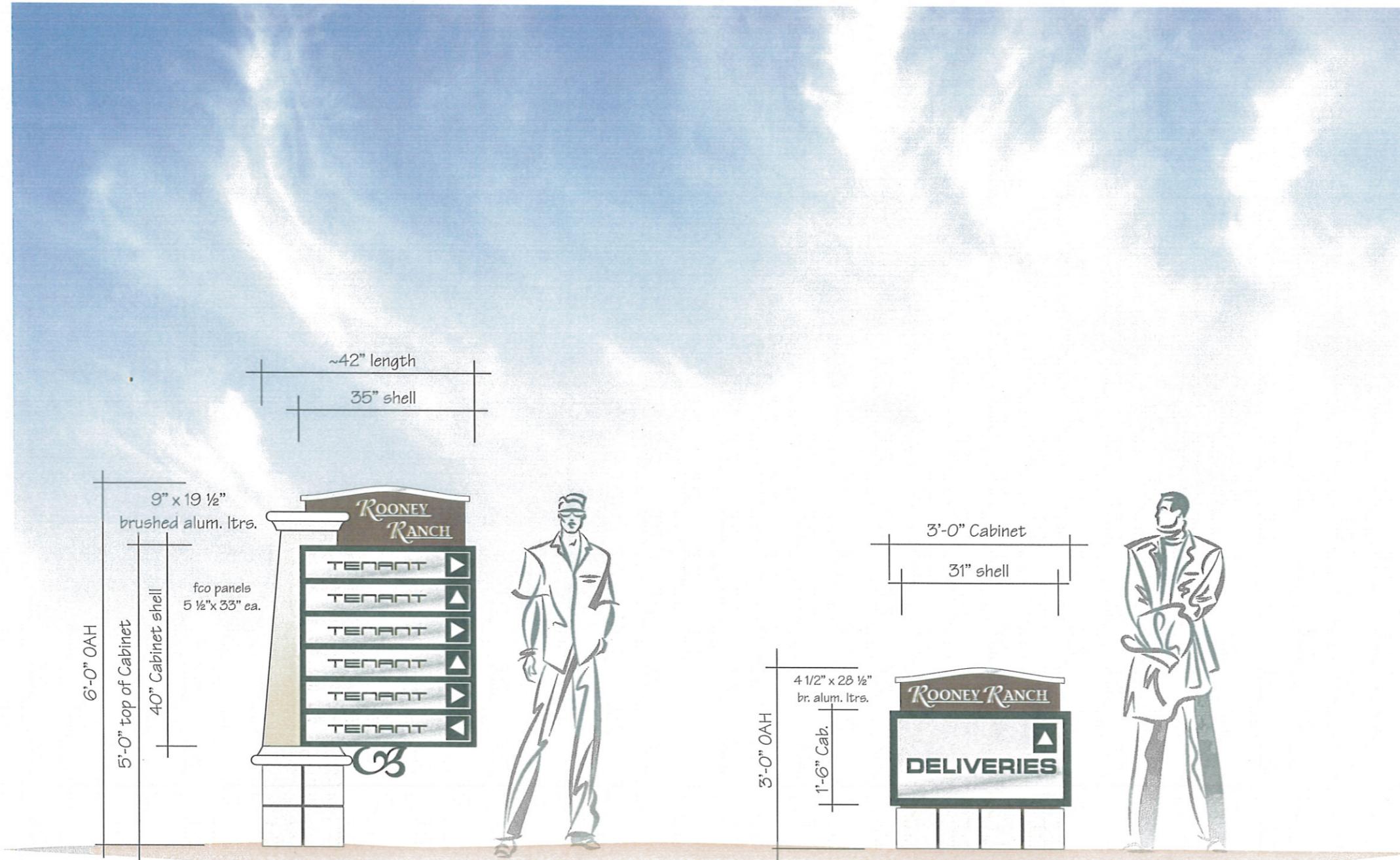
SIGN TYPE	QUANTITY	COLOR	ILLUMINATION	AREA	SIGN CONSTRUCTION
New double face Monument Signs (NDFM)	Parcel D: One (1)	Logo and text any from approved color palette approved corporate colors for anchors	Halo illumination or push thru letters for center name internal illumination for tenant panels only characters may emit light.	72 sqft of sign area including logo	Reverse channel or push thru for center name. tenant panels brushed aluminum opaque background only characters may emit light
Monument Signs NDF THEATRE SIGN	Parcel D: One (1)	Logo and text any from approved color palette	Halo illumination or push thru letters for center name internal illumination for tenant panels only characters may emit light.	72 sqft of sign area including logo	Reverse channel or push thru for center name. 1' x 9'5" Display area for Red Grayscale LED changeable graphics.
Refurbished Monument Signs for Parcel D (RDF)	all existing signs to remain as is until center is re-modeled	Logo and text any from approved color palette	Halo illumination or push thru letters for center name internal illumination for tenant panels only characters may emit light.	N/A	Refurbished signs to follow criteria set out for refurbished double face monument signs as shown on the approved MSP drawings for Parcel D. If sign is completely replaced it will meet the guidelines for a new double face monument sign.
Traffic & Pedestrian Directional Sign (TPD)	5 permitted for Parcel D max height 6 feet	Same as Monuments	Internal illumination only characters may emit light	N/A	Maybe internal illumination or non illumination
Traffic Directional Sign (TD)	3 permitted for Parcel D max height 3 feet	Same as Monuments	Internal illumination only characters may emit light	N/A	Maybe internal illumination or non illumination

1 Monument signs to be placed in landscaping setting



D-5b

ROONEY RANCH (PARCEL D) Directional Signs



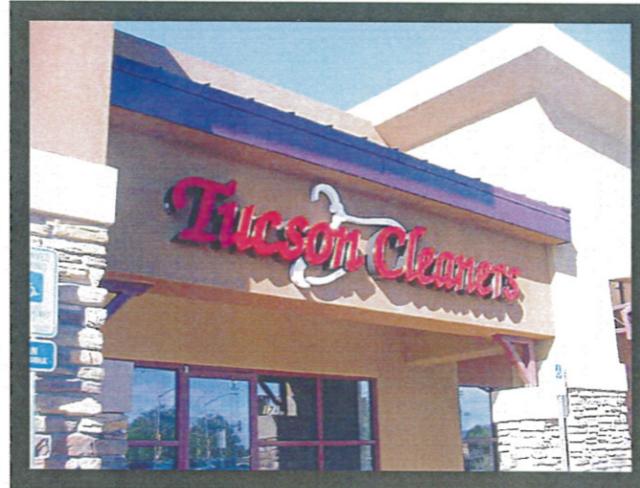
(TPD) Traffic & Pedestrian Directional Sign
(TPD)

(TD) Traffic Directional Sign
(TD)

SCALE: 1/2"=1'-0"

ROONEY RANCH

ROONEY RANCH (PARCEL D & B) Various Sign Type Elevations



ROONEY RANCH

The vinyl colors shown are representative herein and to be used on all tenant signage not protected by trademark.

Tenants with trademarked copy and/or logos shall be permitted to utilize any vinyl/or acrylic color(s) necessary to duplicate the trademark and are not subject to limitations or restrictions to the color palette within the permitted logo size allowance.

3M™ Scotchcal™ Translucent Graphic Films

White 3630-20, 3632-20	Shadow Grey 3630-71 PANTONE 409 C	DELETED	Vivid Rose 3630-78 PANTONE 205 C	DELETED	Kumquat Orange 3630-74 PANTONE 1375 C	DELETED	Bright Jade Green 3630-116	Intense Blue 3630-127, 3632-127 PANTONE 300 C	
Ivory 3630-005	Silver Grey 3630-51 PANTONE 430 C	DELETED	Rose Mauve 3630-68 PANTONE 190 C		Marigold 3630-75		Green 3630-26, 3632-26+ PANTONE 349 C	Bright Blue 3630-167, 3632-167+ PANTONE 2945 C	
Light Beige 3630-149 PANTONE® 458 C	Slate Grey 3630-61		TARGET Cardinal Red 3630-53, 3632-53		Sunflower 3630-25, 3632-25 PANTONE 123 C		Holly Green 3630-76, 3632-76+	Bristol Blue 3630-97, 3632-97 PANTONE 294 C	
Silver 3630-121 PANTONE 877 C	Black 3630-22*, 3632-22* PANTONE Process Black C		Dark Red 3630-73, 3632-73+		Golden Yellow 3630-125 PANTONE 1285 C		Dark Emerald Green 3630-126, 3632-126 PANTONE 3435 C	Sultan Blue 3630-157, 3632-157 PANTONE 288 C	
Gold Nugget 3630-141	Duranodic 3630-68* PANTONE Black C	DELETED	Red 3630-33, 3632-33		Yellow 3630-015, 3632-015 PANTONE 109 C		Turquoise 3630-236 PANTONE 3282 C	European Blue 3630-137 PANTONE 281 C	
Gold Metallic 3630-131 PANTONE 873 C	Dark Brown 3630-59 PANTONE 4625 C		Regal Red 3630-83, 3632-83 PANTONE 187 C	DELETED	Light Lemon Yellow 3630-115 PANTONE 3935 C		Teal Green 3630-246, 3632-246 PANTONE 822 C	Blue 3630-36, 3632-36+ PANTONE 281 C	
Bronze 3630-123 PANTONE 471 C	Rust Brown 3630-63 PANTONE 483 C		Poppy Red 3630-143		Brilliant Green 3630-106 PANTONE 378 C		Evening Blue 3630-317 PANTONE 658 C	Royal Blue 3630-67, 3632-67 PANTONE 274 C	
Brushed Alum. vinyl	Light Rust Brown 3630-109 PANTONE 181 C		Light Tomato Red 3630-43, 3632-43		Lime Green 3630-136 PANTONE 368 C		Light European Blue 3630-147	Plum Purple 3630-128 PANTONE 2622 C	
	Burgundy 3630-48, 3632-49+ PANTONE 188 C		HOME DEPOT Orange 3630-44, 3632-44 PANTONE 1655 C		Vivid Green 3630-156, 3632-156 PANTONE 355 C		Olympic Blue 3630-57	DELETED	Intense Magenta 3630-118 PANTONE 241 C
	Raspberry 3630-133 PANTONE 220 C	DELETED	Tangerine 3630-84 PANTONE 151 C		Light Kelly Green 3630-146 PANTONE 347 C		Process Blue 3630-337	DELETED	Pink 3630-108 PANTONE 224 C

Translucent Films for backlit sign applications

Note that the elements used in sign construction, including sources of illumination, adhesives and substrates, can affect color. In most instances, color variation is slight, but certain elements will have a more noticeable effect, particularly on shades of white. PANTONE® color numbers are based on reflective light measurements of product samples applied to a standard white substrate.

3M Light Management Films

3M™ Dual-Color Film White 3635-211**
3M™ Dual-Color Film Black 3635-222**
3M™ Light Enhancement Film Matte White 3635-103***
3M™ Diffuser Film White (40% light transmission) 3635-307***
3M™ Diffuser Film White (60% light transmission) 3635-217***
3M™ Day/Night Film Smoke Grey 3635-91
3M™ Day/Night Film Dark Grey 3635-0171
3M™ Blockout Film White Matte 3635-21E
3M™ Blockout Film Black Matte 3635-22E

The colors shown are representative herein and to be used on all monument signs & wall signs.

(Lt. Beige) Match Building Colors	(Dk. Beige) Match Building Colors	(Beige) Match Tile Color	(Brown) Match PMS 476C	(Duranodic Bronze) MAP 41-313	(Anodic Black) MAP 41-335	(Wrisco) Brushed Aluminum	(Treated or Painted) Copper Patina



ORO VALLEY CENTER, PARCEL D SIGN GUIDELINES

EXHIBIT "A"

User	Size	Color	Max. Char. Ht.	Illumination	Max. Logo Size	Sign Construction
Anchor Tenant (over 60,000 sq. ft.)	1.5 sq. ft. per bldg. façade on which the sign is to be placed, not to exceed 500 sq. ft., for any single user facades must face a street	Logo – any ¹ Text – cardinal red	4' 8"	Halo-illuminated text, internally illuminated logos; Cabinets may be used for logos, provided only characters emit light	36 sq. ft., 5' 3" in height	Pan channel Cabinets for logos (8 in. deep max.)
Major Tenant (15,000-59,999 sq. ft.)	1.5 sq. ft. per bldg. façade on which the sign is to be placed, not to exceed 300 sq. ft., for any single user facades must face a street	Logo – any ¹ Text – copper patina	4 feet	Halo-illuminated text, internally illuminated logos; Cabinets may be used for logos, provided only characters emit light	16 sq. ft., not to exceed max. character ht.	Pan Channel Cabinets for logos (8 in. deep max.)
Minor Tenant (7,500-14,999 sq. ft.)	1.5 sq. ft. per bldg. façade on which the sign is to be placed, not to exceed 200 sq. ft., for any single user facades must face a street	Logo – any ¹ Text – copper patina	4 feet	Halo-illuminated text, internally illuminated logos; Cabinets may be used for logos, provided only characters emit light	12 sq. ft., not to exceed max. character ht.	Pan channel Cabinets for logos (8 in. deep max.)
ShopTenant (0-7,499 sq. ft.)	80% of bldg. front foot	Logo – any ¹ Text – copper patina	36 in. for single line, 24 in. ea for two lines	Halo-illuminated text and logos	10 sq. ft., not to exceed max. character ht.	Pan Channel text and logos
Pad Building	1 sq. ft. per bldg. façade on which the sign is to be placed, any 2 sides facing a street	Logo – any ¹ Text – copper patina	36 in. for single line, 24 in. ea for two lines	Halo-illuminated text, internally illuminated logos; Cabinets may be used for logos, provided only characters emit light	20 sq. ft., not to exceed max. character ht.	Pan Channel Cabinets for logos (8 in. deep max.)
Monument Sign 1 ^{3,4}	2 permitted on Oracle, max. ht. 8 ft., 1 permitted on First, 6 ft. max. ht.	Logo – any ¹ Text – corporate colors of anchors	N/A	Halo-illuminated text, internally illuminated logos; only characters may emit light	64 sq. ft. of sign area	Pan Channel Cabinet may display logos of anchors
Monument Sign 2 ^{2,3,4}	Max. ht. 8 ft.	Logo – any ¹ Text – copper patina	N/A	Halo illuminated text, internal illumination for change panel movie marquee	25 sq. ft. for name of complex; 6 sq. ft. per theater screen, on 8 foot tall monument	Pan Channel Change panel for Theater
Directionals	Max. ht. 3 ft., 4 sq. ft.	N/A	N/A	Halo or Internal, only characters may emit light	Not permitted except on ATM canopies	Pan Channel or Cabinet

¹ except fluorescents or incandescents
² only for a theater use and subject to staff approval
³ monument signs to be placed in a landscaped setting

⁴ DRB design approval required
⁵ Illumination only when the business/Center are open

NOTE: DRB TO APPROVE ALL LOGOS, WHICH DO NOT MATCH ACCOMPANYING SIGN TEXT.
 INTERNALLY ILLUMINATED SIGNS MAY USE ONLY 15MM WHITE NEON TUBING

ROONEY RANCH AREA D

Request applies to all properties in Area D.



**Table Comparing Proposed Rooney Ranch Area D Sign Standards
With Zoning Code Standards**

Category	MSP standard	Zoning Code standard
Wall Signs		
Sign size	Pad, shop and minor tenant: 1 square foot for each linear foot of building frontage, or 1.5 square feet if more than 300 feet from road	Consistent with Zoning Code
	<ul style="list-style-type: none"> Major, Anchor tenant: 1.5 square feet for each linear foot of building frontage Not to exceed 500 square feet (existing standard from PAD guideline) 	Zoning Code permits 1.5 square feet only if business is more than 300 feet from road Maximum size is 300 square feet
Logo size	Standard varies from 14 feet to 36 square feet, depending on user. Logo is included in the permitted sign area.	No limitation on logo size
Illumination	<ul style="list-style-type: none"> Halo or internal illumination in any color from approved palette Both may be used in a sign, but each character, symbol, or logo may use only one type 	Consistent with Zoning Code
Number	<ul style="list-style-type: none"> Only 2 elevations may have a wall sign If a single tenant occupies an end unit of pad, 3 elevations may have a wall sign 	Consistent with Zoning Code
Monument Sign		
Area	72 square feet for multiple tenant, including logo	72 square feet for multiple tenant, including logo
Height	Not to exceed 8 feet from grade; architectural features may add 25%	Not to exceed 8 feet from grade; architectural features may add 25%
Traffic & Pedestrian Directional		
Area	21 feet	Determined on individual project basis
Height	6 feet	8 feet

TOWN OF ORO VALLEY

CONCEPTUAL DESIGN REVIEW BOARD

MEETING DATE: April 10, 2012

TO: CONCEPTUAL DESIGN REVIEW BOARD

FROM: Karen Berchtold, AICP, Project Manager, kberchtold@orovalleyaz.gov, 229-4814

SUBJECT: Request for approval of Planned Area Development (PAD) Exemption for Rooney Ranch Oro Valley Center Area D from PAD Sign Guidelines and approval of a Master Sign Program for Rooney Ranch Oro Valley Center Area D. OV311-006, OV312-001.

SUMMARY:

The applicant has requested approval of a PAD Exemption from Rooney Ranch Area D Sign Guidelines, and approval of a Master Sign Program for Rooney Ranch Area D (*Attachment 2*).

The Rooney Ranch Planned Area Development (also referred to as Oro Valley Center) includes specific Sign Guidelines which currently apply to Area D (*Attachment 3*). The PAD Sign Exemption and proposed Master Sign Program (MSP) are being concurrently reviewed; however, approval of the MSP is contingent upon approval of the PAD Exemption.

A Planned Area Development (PAD) with its own sign standards may request to operate under the requirements of Zoning Code Chapter 28, Signs, or propose a Master Sign Program. The applicant notes that the reason for the request is that the Sign Criteria for the Area D was approved in 1998, and is now outdated. In addition, recent changes in the Zoning Code sign standards will permit tenants to utilize these new standards. The PAD Exemption would apply to all businesses in Rooney Ranch Area D (*Attachment 4*). The Zoning Code does not include criteria for evaluating a PAD Exemption request.

Under Zoning Code Chapter 28.2.B.2, a MSP is defined as, "an alternative to the sign regulations...which provides latitude in order to achieve variety and good design...MSP requires review by the Conceptual Design Review Board and approval by the Town Council."

Per the Zoning Code, review shall be guided by Master Sign Program Criteria, which also reference the Design Standards and Purpose statements for Chapter 28, Signs.

The applicant's submittal notes that the objective of the MSP is to move away from the copper patina treatment currently in use at the Center, and to utilize new methods and materials. The Zoning Code Sign standards were revised in 2011. The MSP incorporates some of these revised standards.

Site Conditions

- Rooney Ranch Area D is a 41 acre commercial center with thirteen lots
- The Center has seven vehicular access points: three from Oracle Road; two from First Avenue; and two from Pusch View Lane
- The Center is comprised of major shops, in-line tenants, and freestanding building pads
- Cross access and common area of the center is controlled by Barclay Group
- Three existing monument signs

Proposed Standards

- Standards for wall, monument, traffic & pedestrian directional, and directional signs
- Revised color palette for wall sign text, including copper patina
- Updated "topper" design to refurbish existing, double-faced monument signs: design for new monument signs: and design for traffic & pedestrian and directional signs

- Proposed brushed aluminum material for freestanding sign panels
- Sign construction is pan channel or reverse channel for letters, and cabinets for logos
- Illumination is interior, backlit, or combination of both
- Prohibition of temporary signs, including banners

The Master Sign Program request applies to all businesses in Rooney Ranch Area D (*Attachment 4, Map*).

BACKGROUND:

Approvals to Date

- 1998: Town Council approved Final Plat for Oro Valley Retail Center, Blocks 1-8
- 1999: Town Council approved Rooney Ranch Parcel D Sign Guidelines.
- 1990: Town Council approved Rooney Ranch Oro Valley Center PAD.

Previous Sign Approvals in Rooney Ranch Area D

- 2008: Development Review Board approved two freestanding signs for Shell/Giant Gas Station

DISCUSSION:

The proposed Master Sign Program includes a map of all buildings in Area D, and a legend that defines a hierarchy for the businesses. An accompanying table defines standards for wall signs, the most prevalent type of signage used at the Center. Basically, the area of permitted wall sign is based on the linear feet of building frontage. The largest businesses and businesses located further from the road are permitted more signage.

Staff prepared a table that compares existing Rooney Ranch Area D Sign Guidelines, proposed Master Sign Program standards, and Zoning Code standards (*Attachment 5*.)

Zoning Code Section 28.2.B.4. notes that review of Sign Criteria/Master Sign Programs shall be guided by the following:

- a. *Overall character of the entire development, including landscaping, architecture, topography, uses and design.*

The Rooney Ranch Area D center is comprised of a mix of restaurant, shopping, and service uses. The current Sign Guidelines utilize copper patina for sign letters. Staff concur that the copper patina style is outdated. A more vibrant text style would enhance signage effectiveness by more clearly identifying the Center's individual businesses.

- b. *Compliance with the criteria specified in Addendum A Design Guidelines and the purpose statements of Chapter 28 of the OVZCR Signs.*

The proposed MSP incorporates only those sign types allowed by the Zoning Code.

- c. *Any other applicable information that may be useful in the overall presentation of the proposed criteria for the development.*

The proposed MSP significantly expands color choices for signs and illumination beyond what is permitted by the Rooney Ranch Area B Sign Guidelines, but consistent with the Zoning Code.

Section 28 Purpose Statements

b. Provide for an effective form of communication while preserving the scenic beauty of the desert environment. Ensure that the signage is clear; compatible with the adjacent architecture and neighborhoods; and provides the essential identity of, and direction to, facilities in the community.

The MSP includes a provision to prevent signage from being placed on the rear of the anchor and minor tenant buildings. This will prevent installation of signage at the Center as viewed along the CDO Wash.

Under the current PAD Sign Guidelines for Area B, only white, halo-illuminated text is permitted at night. The proposed MSP will permit both halo and internally illuminated text to be utilized, in a range of colors. The illumination types are consistent with what is permitted in the Zoning Code. The use of internal illumination in a range of colors provides a bolder sign that is more visible and easier to read during nighttime, whereas the halo illumination provides a more subdued effect.

d. Promote the effectiveness of signs by preventing sign over-concentration, improper placement, excessive clutter, size, and number.

The proposed MSP incorporates provisions to allow signs on two elevations of pad buildings, unless they are single tenant. End units may also have signs on three elevations, but not at the rear. This provision is consistent with the current Zoning Code. A new sign type, Tenant and Pedestrian signs, is now permitted in the center.

The proposed MSP will not result in a substantially larger number of signs, or substantial increase in allowed sign area.

Conceptual Site Design Principles

- *Signs: sign colors, design and placement shall be complementary and integral to the project's architectural and site design themes.*

The Rooney Ranch Area D is an existing commercial Center. The Center's architecture incorporates some mission style elements. The applicant notes that the building color may be updated sometime in the near future.

The proposed MSP introduces a wide range of new colors for sign text, whereas previously copper patina only was permitted, except for major tenants. The proposed color range is nearly consistent with the approved sign color palette for the Oro Valley Marketplace. Cardinal Red, the shade used for Target's sign, has been retained for the use of Target as part of their trademark colors. On page D-5a, under "Anchor Tenant – Color," the phrase "Commercial color specifications to be provided." It is recommended that this be removed, since any proposed colors must be included in the color palette for approval. A condition has been added to Attachment 1.

For wall signs, the proposed MSP incorporates sign area requirements that are consistent with the Zoning Code for pad buildings, shop tenants and minor tenants. For major tenants that have larger spaces of 15,000-59,999 square feet and are typically set back from the road, additional sign area is allowed. Staff supports these provisions of the MSP.

This MSP includes limitations on logo size, whereas the Zoning Code does not; this provision is a benefit since it helps balance text with logo area. The MSP includes modest increases in maximum logo size for Major, Minor, and Shop tenants. This will not result in larger sign area, but will allow a company logo to account for a slightly larger portion of overall sign area. Staff support this request.

The MSP introduces a wide array of new sign colors which may also be illuminated, whereas the existing illumination is white only. In the PAD Sign Guidelines, only white halo-illuminated text and internally illuminated logos are allowed. With the recent sign code update, illumination of all colors is now permitted, and the MSP incorporates that provision.

In addition, two illumination methods are permitted in the MSP: interior, halo illumination, or a combination of the two. The MSP includes a provision that limits each character, symbol, or logo to only one type of illumination. Combining the two types of illumination in this way is not common, but when it is used, it is typically for restaurants. Such signs may feature the name of the restaurant in halo illumination, with the type of restaurant in internal lighting below to create contrast.

Addendum A Design Standards

- Section 2.1.F.1. *Project identification and sign elements shall incorporate architectural treatment and project unifying elements which are integrated with the overall design of the project in terms of style materials, color and theme.*

The MSP introduces a new design style for monument and directional signs. The design incorporates a dark brown color and Rooney Ranch logo, is compatible with the project architecture and design, and will enhance the Center's updated monument signs.

- Section 2.1.F.14. *Location and placement of building mounted signs shall be integrated into building architecture. Building signs shall be consistent in terms of materials and construction.*

The MSP notes that sign construction will be pan channel or reverse channel for letters, with maximum 8 inch deep cabinets for logos. New monuments and directional signs will use brushed aluminum face for sign copy. These materials and construction methods are consistent across sign types, so the above standard is met.

PUBLIC NOTIFICATION AND COMMENT:

All property owners were provided with notice of the meeting, and notice was posted at Town Hall and on the Town website. To date, one sign company has called with questions about the request.

CONCLUSIONS/RECOMMENDATIONS:

PAD Exemption

This request for a PAD Exemption will provide an opportunity for Rooney Ranch Area D businesses to utilize the updated Zoning Code sign standards, and to propose modified standards in a Master Sign Program. In addition, the Town's new Design Standards may be utilized to review the Master Sign Program. Staff recommends approval of the request for a PAD Exemption.

Master Sign Program for Area D

This request for a Master Sign Program will provide an opportunity for Rooney Ranch Area D businesses to utilize the updated Zoning Code sign standards, while retaining some of the existing PAD standards for sign and logo area. If a new Master Sign Program for Area D is submitted and approved, businesses in the Center may choose to continue using their approved signs, but any new signs would need to comply with the Master Sign Program standards. Certain requested colors and increases in sign size and logo area are not consistent with Town Zoning standards. Staff recommends approval of the request for a Master Sign Program for Rooney Ranch Area D.

SUGGESTED MOTIONS:

Pad Exemption

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

- I move to recommend approval of the request for a PAD Exemption from the Rooney Ranch Area D Sign Guidelines with the Conditions in Attachment 1.

OR

- I move to recommend denial of the request for a PAD Exemption from the Rooney Ranch Area D Sign Guidelines.

Master Sign Program

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

I move to approve the Master Sign Program for Rooney Ranch Area D with the Conditions in Attachment 1, finding that:

- The Master Sign Program meets the applicable Conceptual Site Design Principles.
- The Master Sign Program meets the Chapter 28 Master Sign Program criteria.

OR

I move to deny the Master Sign Program for Rooney Ranch Area D, finding that:

- The proposal does not meet the Conceptual Site Design Principles or Master Sign Program criteria, specifically _____.

Attachments:

1. Conditions of Approval
2. Applicant's submittal
3. Rooney Ranch Area D Sign Guidelines
4. Map of Rooney Ranch Area D
5. Table Comparing Existing Sign Guidelines, Proposed MSP standards, and Zoning Code standards

Project Manager: Karen Berchtold, AICP, Senior Planner

David Williams, AICP, Planning Division Manager

Cc: File
Bob Austin, Barclay Group

**Attachment 1
Conditions of Approval**

**Rooney Ranch Area D
Request for Approval of PAD Exemption/Master Sign Program
OV311-06, OV312-001**

1. The Master Sign Program shall not become effective unless the proposed PAD Exemption for Rooney Ranch Area D is approved.
2. On page 4 of the Master Sign Program, 1.D. should be revised to read: "No signage will be allowed on the rear of Anchor, Major, and Minor Buildings."
3. On page 3, "B" shall be removed from the title and from the first paragraph text.
4. On page 4, the phrase "Freestanding Signage" in the first heading should be removed.
5. On page 5, the first paragraph is repeated; one should be removed.
6. On page D-5a, "Anchor Tenant – Color," the phrase "Commercial color specifications to be provided" should be deleted.

MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
APRIL 10, 2012
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

3. REVIEW AND POSSIBLE ACTION REGARDING:
 - a. PAD EXEMPTION FROM THE CURRENT SIGN GUIDELINES FOR ROONEY RANCH AREA D (OV311-005)
 - b. A MASTER SIGN PROGRAM FOR ROONEY RANCH AREA D (OV312-01)

Matt Michels, Senior Planner, presented the following:

- Request Summary: PAD Exemption & Master Sign Program (MSP)
- PAD Sign Exemption
- Rooney Ranch PAD
- Sign Code: PAD Exemption
- Conclusion/Recommendation

Mark Jones, applicant, representing Fluoresco Lighting and Signs, presented the following:

Current Signs
Proposed Signs
Site Plan
Sign Guidelines
Color Palette

MOTION: A motion was made by Harold Linton, Member and seconded by Nathan Basken, Member to defer any action until such time the applicant can present both Areas' at the same time.

MOTION failed, 2-5 with Nathan Basken, Member, and Harold Linton, Member. in favor.

MOTION: A motion was made by Gil Alexander, Member and seconded by Kit Donley, Member recommend approval of the request for a PAD Exemption from the Rooney Ranch Area D Sign Guidelines with the Conditions in Attachment 1 and to include the following condition: Sign areas should meet existing Oro Valley Code Standards.

Attachment 1
Conditions of Approval

**Rooney Ranch Area D
Request for Approval of PAD Exemption/Master Sign Program
OV311-06, OV312-001**

1. The Master Sign Program shall not become effective unless the proposed PAD Exemption for Rooney Ranch Area D is approved.
2. On page 4 of the Master Sign Program, 1.0. should be revised to read: "No signage will be allowed on the rear of Anchor, Major, and Minor Buildings."
3. On page 3, "B" shall be removed from the title and from the first paragraph text.
4. On page 4, the phrase "Freestanding Signage" in the first heading should be removed.
5. On page 5, the first paragraph is repeated; one should be removed.
6. On page D-5a, "Anchor Tenant- Color," the phrase "Commercial color specifications to be provided" should be deleted.

MOTION carried, 7-0.

MOTION: A motion was made by Gil Alexander, Member and seconded by Kit Donley, Member for approval of the request for the PAD Exemption from the Rooney Ranch Area D Sign Guidelines with the Conditions in Attachment 1 and to include the following condition: Sign areas should meet existing Oro Valley Code Standards.

**Attachment 1
Conditions of Approval
Rooney Ranch Area D
Request for Approval of PAD Exemption/Master Sign Program
OV311-06, OV312-001**

1. The Master Sign Program shall not become effective unless the proposed PAD Exemption for Rooney Ranch Area D is approved.
2. On page 4 of the Master Sign Program, 1.0. should be revised to read: "No signage will be allowed on the rear of Anchor, Major, and Minor Buildings."
3. On page 3, "B" shall be removed from the title and from the first paragraph text.
4. On page 4, the phrase "Freestanding Signage" in the first heading should be removed.
5. On page 5, the first paragraph is repeated; one should be removed.
6. On page D-5a, "Anchor Tenant- Color," the phrase "Commercial color specifications to be provided" should be deleted.

MOTION carried, 7-0.



Town Council Regular Session

Item # 2.

Meeting Date: 06/06/2012

Requested by: David Williams

Submitted By:

Chad Daines,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12-08, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 23, ZONING DISTRICTS, SECTION 23.6, PROPERTY DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS

RECOMMENDATION:

The Planning & Zoning Commission recommended approval of the proposed amendment as provided in Attachment 1, Exhibit "A".

EXECUTIVE SUMMARY:

OVZCR Section 23.6.A.3 establishes setbacks and other limitations relative to the placement of accessory buildings on single-family residential lots in most R1 Single-Family Residential zoning districts. Subsection b. establishes the following standard:

b. Accessory buildings shall not exceed the height of the main building nor be any closer to the front lot line than the main building.

This provision requires that accessory buildings must, at a minimum, maintain the same distance from the front lot line as the home. For low density residential zoning districts (R1-72 and above), homes are typically setback significantly further than the minimum and the existing provision restricts all of the property in front of the home from being used for any accessory buildings.

This standard has resulted in a number of variance applications to the Board of Adjustment seeking relief and allowance for reasonable use of property. The Board of Adjustment requested that staff analyze this issue to determine a possible remedy.

The proposed changes will allow for reasonable use of the front yard area in large-lot residential zoning districts, while providing appropriate restrictions to minimize impacts to the streetscape and adjacent residential properties. After consideration, the Planning & Zoning Commission recommended approval of the proposed amendment as provided in Attachment 1, Exhibit "A".

BACKGROUND OR DETAILED INFORMATION:

As stated above, the Board of Adjustment has considered 4 variance requests in the past year requesting relief from this provision of the Zoning Code. All of the requests have involved large residential lots (3.3 acres+) in the R1-144 zoning district with substantial front yards. In all 4 cases, the homes were built a significant distance from the front property line (160 to 330 feet) whereas the front setback line is 50 feet. Attachment 2 illustrates a typical large lot and the limitations under current Code language.

The proposed amendment (see Attachment 1, Exhibit "A") applies specifically to the R1-72 (72,000 sq. ft. or 1.65 acres minimum lot size) and R1-144 (144,000 sq. ft. or 3.3 acres minimum lot size) zoning districts. The R1-300 district already contains standards relative to the placement of accessory buildings which were specifically designed for large lot single-family residential lots. The current Ordinance language will remain in place for all other zoning districts based on the need for this restriction on smaller residential lots.

Planning & Zoning Commission Action:

The proposed amendment was considered by the Planning & Zoning Commission on April 3, 2012. One resident spoke in favor of the proposed amendment. At the conclusion of the public hearing, the Commission recommended approval of the amendment as provided in Attachment 1. The Planning & Zoning Commission staff report with additional detail is provided as Attachment 4 and the meeting minutes are provided as Attachment 5 for reference.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Ordinance No. (O)12-08, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 23, ZONING DISTRICTS, SECTION 23.6, PROPERTY DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS.

Attachments

Attachment 1 - Ordinance No. (O)12-08

Attachment 2 - Current Code Graphic

Attachment 3 - Proposed Code Graphic

Attachment 4 - April 3rd PZC Staff Report

Attachment 5 - April 3rd PZC Minutes

ORDINANCE NO. (O)12-08

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 23, ZONING DISTRICTS, SECTION 23.6, PROPERTY DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS; 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 March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, the proposed amendments to Chapter 23, Zoning Districts, Section 23.6C., R1-144, Single-Family Distinct and 23.6D., R1-72, Single-Family Residential District modify the setbacks and other development standards for accessory buildings in low density residential zoning districts; and

WHEREAS, the proposed amendments to Chapter 23, Zoning Districts, Section 23.6C., R1-144, Single-Family Distinct and 23.6D., R1-72, Single-Family Residential District, will allow for reasonable use of property in very low density residential areas while providing adequate protections for adjacent properties; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments to Chapter 23, Zoning Districts, Section 23.6C. R1-144, Single-Family Distinct and 23.6D., R1-72, Single-Family Residential District, at a duly noticed public hearing on April 3, 2012 in accordance with State Statutes and recommended approval to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 23, Zoning Districts, Section 23.6C. R1-144, Single-Family Distinct and 23.6D., R1-72, Single-Family Residential District, and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances.

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

SECTION 1. Chapter 23, Zoning Districts, Section 23.6C. R1-144, Single-Family Distinct and 23.6D., R1-72, Single-Family Residential District,, attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~strike through~~ text.

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 Council of the Town of Oro Valley, Arizona this 6th day of June, 2012.

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”

Chapter 23 ZONING DISTRICTS

Section 23.6 Property Development Standards for Single-Family Residential Districts

...

C. R1-144 Single-Family District

The provisions of Section [23.6.A](#) shall apply. The following additional requirements shall apply in this district:

1. Detached Accessory Buildings Setbacks.

Twenty (20) feet from side and forty (40) feet from rear if building is not used for poultry or animals; one hundred (100) feet if building is used for poultry or animals, except that it may be reduced to fifty (50) feet if a solid wall a minimum of six (6) feet high is provided to restrict view and sound.

2. ACCESSORY BUILDINGS ARE PERMITTED IN THE FRONT YARD, SUBJECT TO THE FOLLOWING:

- a. FRONT SETBACK: 50 FEET
- b. SIDE SETBACK: 20 FEET
- c. LOT COVERAGE: 20% OF FRONT YARD AREA
- d. BUILDINGS USED FOR LIVESTOCK OR POULTRY SHALL MAINTAIN 100 FOOT SETBACKS FROM ALL PROPERTY LINES, EXCEPT THAT IS MAY BE REDUCED TO FIFTY (50) FEET IF A SOLID WALL A MINIMUM OF SIX (6) FEET HIGH IS PROVIDED TO RESTRICT VIEW AND SOUND.
- e. NO MORE THAN TWO (2) ACCESSORY BUILDINGS ARE PERMITTED IN FRONT YARD.
- f. NO INDIVIDUAL ACCESSORY BUILDING MAY EXCEED 1,500 SQ. FT.
- g. ACCESSORY BUILDINGS SHALL NOT EXCEED 120% OF THE HEIGHT OF THE MAIN BUILDING, OR 18 FEET, WHICHEVER IS LOWER.
- h. SECTION 25.2.A.3. OF THE ZONING CODE SHALL NOT APPLY IN THIS DISTRICT.

D. R1-72 Single-Family Residential District

The provisions of Sections [23.4](#) and [23.6.A](#) shall apply. The following additional requirements shall apply in this district.

1. Detached Accessory Buildings Setbacks:

Side and rear: thirty-five (35) feet.

2. Grading Limits:

Twenty thousand (20,000) square feet.

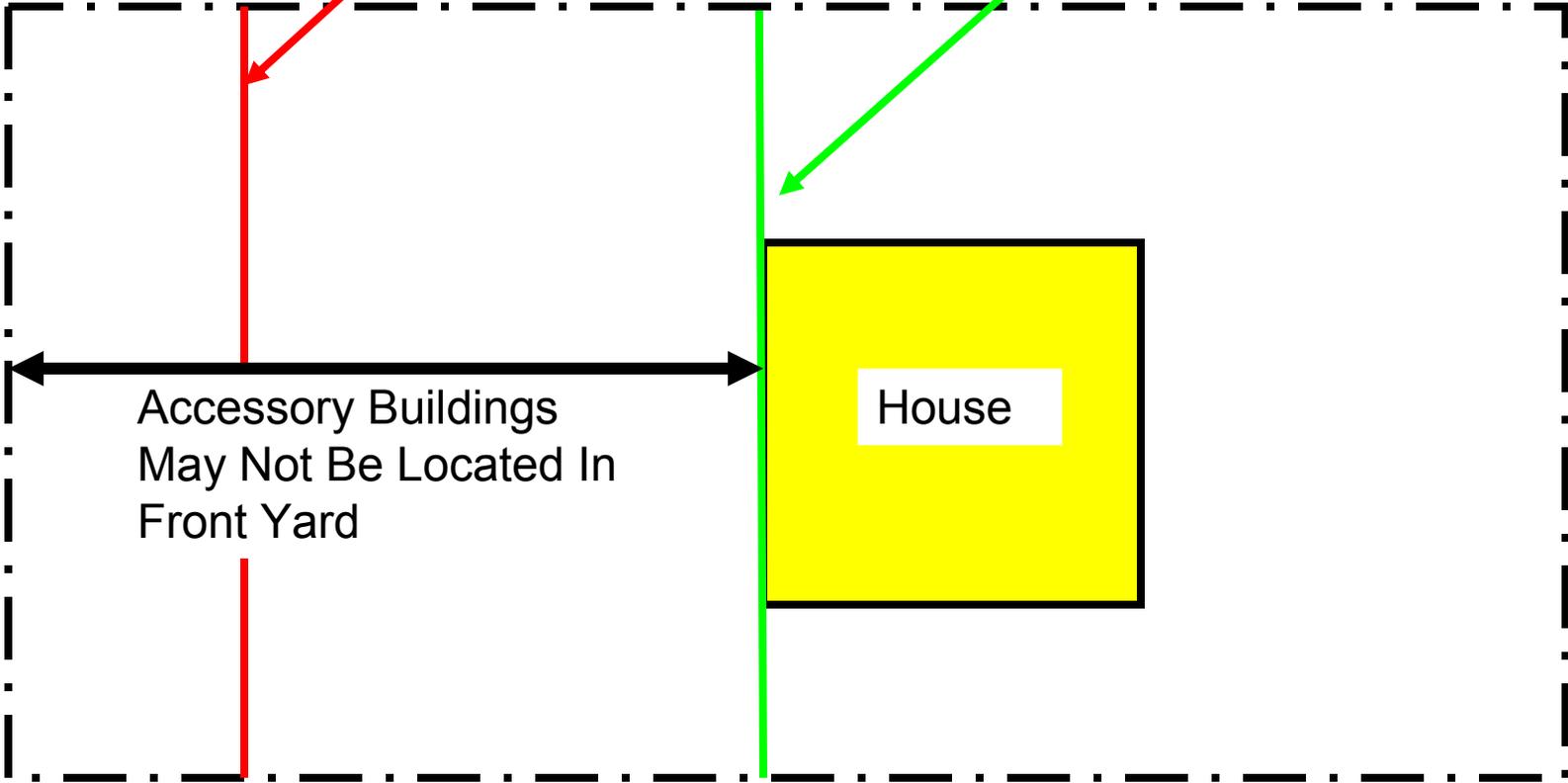
3. ACCESSORY BUILDINGS ARE PERMITTED IN THE FRONT YARD, SUBJECT TO THE FOLLOWING:

- a. FRONT SETBACK: 50 FEET
- b. SIDE SETBACK: 35 FEET
- c. LOT COVERAGE: 20% OF FRONT YARD AREA
- d. BUILDINGS USED FOR LIVESTOCK OR POULTRY, WHERE ALLOWED, SHALL MAINTAIN 100 FOOT SETBACKS FROM ALL PROPERTY LINES, EXCEPT THAT IS MAY BE REDUCED TO FIFTY (50) FEET IF A SOLID WALL A MINIMUM OF SIX (6) FEET HIGH IS PROVIDED TO RESTRICT VIEW AND SOUND.
- e. NO MORE THAN TWO (2) ACCESSORY BUILDINGS ARE PERMITTED IN FRONT YARD.
- f. NO INDIVIDUAL ACCESSORY BUILDING MAY EXCEED 1,500 SQ. FT.
- g. ACCESSORY BUILDINGS SHALL NOT EXCEED 120% OF THE HEIGHT OF THE MAIN BUILDING, OR 22 FEET, WHICHEVER IS LOWER.
- h. SECTION 25.2.A.3. OF THE ZONING CODE SHALL NOT APPLY IN THIS DISTRICT.

...

Required Front Setback Line

Extent of Front Yard



House

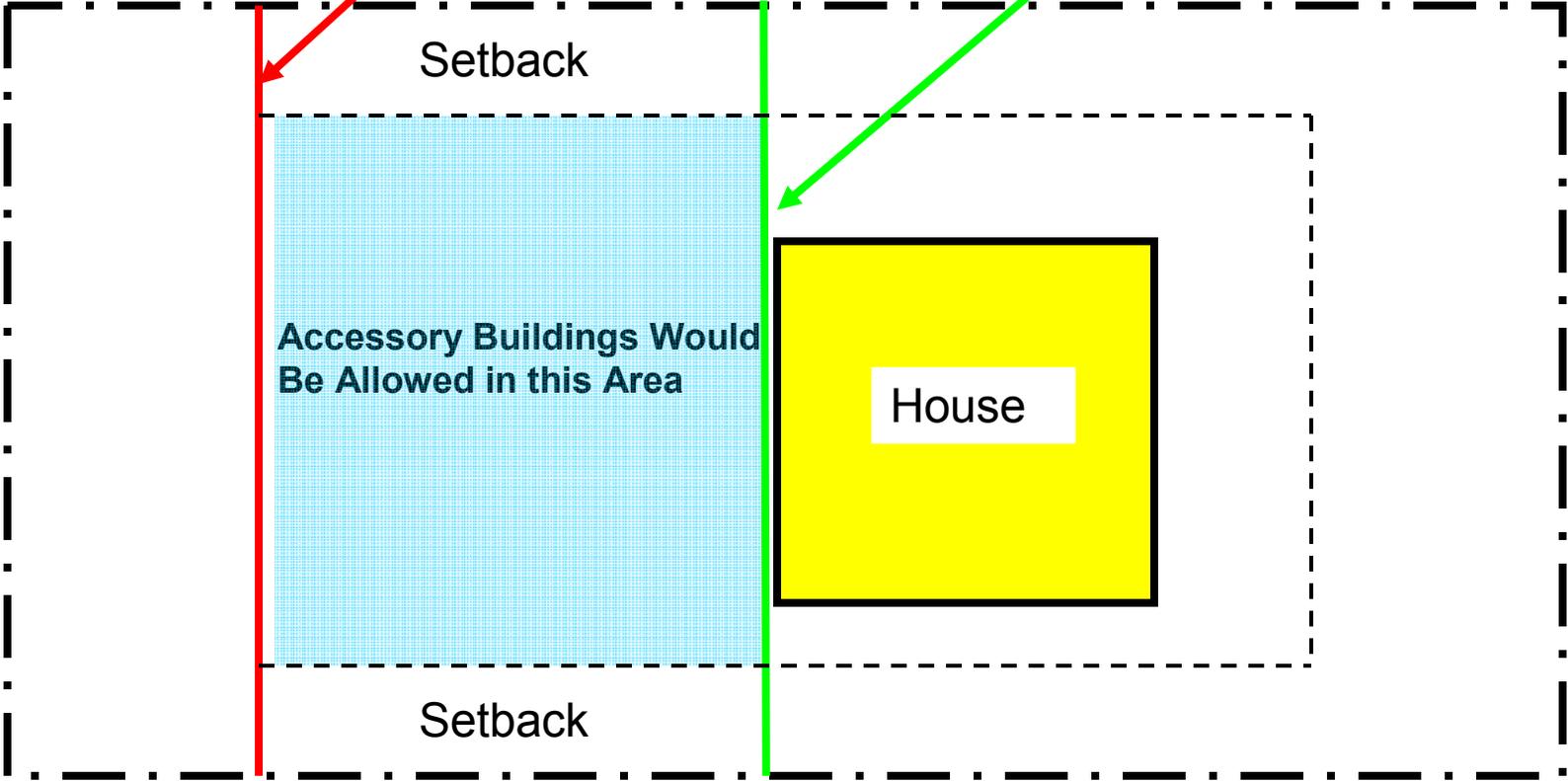
Accessory Buildings
May Not Be Located In
Front Yard

Current Zoning Code Limitation

Attachment 2

Required Front Setback Line

Extent of Front Yard



Attachment 3

Proposed Amendment

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: April 3, 2012

TO: PLANNING & ZONING COMMISSION

FROM: Chad Daines AICP, Principal Planner
cdaines@orovalleyaz.gov (520) 229-4896

SUBJECT: PUBLIC HEARING: Amendment to Section 23.6 of the Oro Valley Zoning Code Revised to modify the setbacks and other development standards for accessory buildings in low density residential zoning districts. (OV712-002)

SUMMARY

Section 23.6.A.3 establishes setbacks and other limitations relative to the placement of accessory buildings on single-family residential lots in most R1 Single-Family Residential zoning districts. Subsection b. establishes the following standard:

- b. Accessory buildings shall not exceed the height of the main building **nor be any closer to the front lot line than the main building.**

The underlined portion of the above provision requires that accessory buildings must, at a minimum, maintain the same distance from the front lot line as the home. This provision applies to all R1 residential zoning districts, except for R1-300. On smaller residential lots where homes are typically built right at the required front setback line, this provision is justified and necessary to maintain an open streetscape and to prevent an accessory building such as a tool shed from being built in a small front setback area in front of the house. For low density residential zoning districts (R1-72 and above), homes are typically setback significantly further than the minimum front setback and this provision restricts all of the lot area in front of the home from being used for any accessory buildings. In many cases, the lot area in front of the home is significant and therefore a sizable portion of the lot (the front yard) can only be used for driveway, landscaping and open space.

This standard has resulted in a number of variance applications to the Board of Adjustment seeking relief from this provision and allowance for reasonable use of property. The Board of Adjustment requested staff analyze this issue to determine a possible remedy. The Council Liaison to the Board of Adjustment and another Councilmember agreed and have initiated this amendment to resolve this issue.

BACKGROUND

As stated above, the Board of Adjustment has considered 4 variance requests in the past year requesting relief from this provision of the Zoning Code. All of the requests have involved large residential lots with substantial front yards. In all 4 cases, the homes were built a significant distance from the front property line and front setback line (typically 50 feet), resulting in the inability to construct an accessory building in the sizable lot area in front (or front yard) of the house. As information, the depth of the actual front setback for these 4 requests ranged from 160 feet to 330 feet, whereas the required front setback was 50 feet. Attachment 1 illustrates a typical large lot and the limitations under current Code language.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

The subject provision applies to all R1 single-family residential districts, with the exception of R1-300. The R1-300 zoning district was adopted following annexation of the La Cholla Airpark area. The R1-300 district was amended in 2010 to allow accessory buildings in the front yard, subject to the following provisions:

R1-300 Accessory Building Development Standards

- Front Setback: 50 Feet
- Side Setback: 20 Feet (when located in the front yard)
- Lot Coverage: 10% of front yard area
- Buildings for Livestock 100 feet setback from all property lines (50 feet if solid wall is used)
- No more than 2 accessory structures are permitted in front yard
- No individual structure may exceed 2,000 sq. ft.

As the R1-300 provisions relative to the placement of accessory buildings were specifically designed for large lot single-family residential lots, this district was used as a starting point for the proposed amendment.

The proposed amendment is provided as Attachment 2. The draft amendment applies specifically to the R1-72 (72,000 sq. ft. or 1.65 acres minimum lot size) and R1-144 (144,000 sq. ft. or 3.3 acres minimum lot size) zoning districts. The development standards for the R1-72 and R1-144 zoning districts are provided below for reference. The current Ordinance language remains applicable to zoning districts R1-43 and below based on the need for this restriction on smaller residential lots. The proposed amendment could be applied to the R1-43 zoning district if the Commission feels these standards are appropriate for one acre single-family lots. However, no variance requests have been generated from R1-43 areas.

Main Building Setbacks and Building Height in R1-72 and R1-144

	R1-72	R1-144
Building Height	22 feet	18 feet
Front	50 feet	50 feet
Side	35 feet	20 feet
Rear	50 feet	50 feet

The draft amendment allows up to 2 accessory structures to be located in the front yard area (see Attachment 3), subject to the following development standards:

- Front Setback: 50 feet
- Side Setback: R1-144 - 20 feet R1-72 – 35 feet
- Lot Coverage: 20% of front yard area
- Buildings for Livestock 100 feet setback from all property lines (50 feet if solid wall is used)
- Accessory Building Height Not to exceed 120% of the height of the main building, or 18 feet, whichever is lower.
- No individual structure may exceed 1,500 sq. ft.

Adjustments to lot coverage and building size standards reflect the smaller lot sizes allowed in the R1-72 and R1-144 zoning districts. The proposed side setbacks reflect the required side yard setbacks established by the respective zoning districts applicable to accessory buildings located elsewhere on the lot.

Any building used for livestock or poultry is required to maintain a 100 foot building setback from all property lines, which may be reduced to 50 feet if a solid wall is used to minimize view and sound impacts. As information, R1-144 permits livestock and poultry by right. The R1-72 zoning district does not specifically permit livestock and poultry, but these uses are allowed in some R1-72 zones based on pre-annexation agreements and therefore the livestock building standard has been included in the R1-72 district in the event this use is permitted by special exception. The accessory building height may not exceed 120% of the height of the main building, or 18 feet, whichever is lower.

In summary, the proposed changes will allow for reasonable use of the front yard area in low density residential zoning districts, while providing appropriate restrictions to minimize impacts to adjacent residential properties.

GENERAL PLAN

The General Plan does not contain any policies which provide specific guidance on the proposed amendment.

RECOMMENDATION

Staff recommends approval of the proposed amendment to Section 23.6 of the Oro Valley Zoning Code Revised to modify the setbacks and other development standards for accessory buildings in R1-72 and R1-144 residential zoning districts as provided on Attachment 2, based on the following finding:

- The proposed amendment will allow for reasonable use of property in very low density residential areas while providing adequate protections for adjacent properties.

SUGGESTED MOTION

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

I move to recommend approval of the proposed amendments to Section 23.6 of the Zoning Code as provided on Attachment 2, based on the finding that the proposed amendment will allow for reasonable use of property in very low density residential areas while providing adequate protections for adjacent properties.

OR

I move to recommend denial of the proposed amendments to Section 23.6 of the Zoning Code as the proposed amendment is not warranted at this time.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

Page 4 of 4

ATTACHMENTS:

1. Typical Large Lot Illustration – Current Code
2. Proposed Amendment
3. Typical Large Lot Illustration – Proposed Code

Project Manager:
Chad Daines
Principal Planner

David A. Williams, AICP, Planning Division Manager

3. PUBLIC HEARING: AMENDMENT TO SECTION 22.2 OF THE ORO VALLEY ZONING CODE REVISED AND A MINOR GENERAL PLAN AMENDMENT TO UPDATE THE PROCEDURES RELATIVE TO GENERAL PLAN AMENDMENTS (OV711-10 & OV1112-01)

Chad Daines, OV Principal Planner, presented the following:

- Amendment Background & Summary
- Current Ordinance Timing of Neighborhood Meetings
- Commission Discussion - Neighborhood Meetings
- Existing GPA Neighborhood Meetings
- Commission Preferred Alternative for Additional Neighborhood Meetings
- Major General Plan Amendment Statute
- Current OV Definition Major GPA
- Major Amendment Threshold
- Unclear language between the General Plan and Zoning Code
- Recommendation

Chair Swope opened the public hearing.

M. Camille McKeever, Oro Valley resident, spoke in opposition.

Bill Adler, Oro Valley resident, addressed the issue of the Zoning Code criteria in regards to determining major or minor uses.

John Musolf, OV resident, spoke in regard to understanding the definition of land usage before understanding what major and minor are.

Chair Swope closed the public hearing.

MOTION: A motion was made by Commissioner Rodman and seconded by Vice Chair Cox to adopt the recommendation with the change that we maintain the "like" land use if it is greater than or equal to 10 acres but not contiguous to a like land use designation it would require a major amendment.

MOTION carried, 5-1 with Chair Swope opposed.

4. PUBLIC HEARING: AMENDMENT TO SECTION 23.6 OF THE ORO VALLEY ZONING CODE REVISED TO MODIFY THE SETBACKS AND OTHER DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS (OV712-002)

Mr Daines, presented the following:

- Request Summary

- Amendment Background
- Large Lot Example
- Amendment Summary
- Current Zoning Code Limitation
- Proposed Amendment
- Recommendation

Chair Swope opened the public hearing.

Bill Adler, OV resident, spoke in favor of the amendment.

Chair Swope closed the public hearing.

MOTION: A motion was made by Commissioner Buette and seconded by Commissioner Leedy to recommend approval of the proposed amendments to Section 23.6 of the Zoning Code as provided on Attachment 2.

**Zoning Code Amendment – Accessory Buildings
OV 712-02
Attachment 2
Page 1 of 2**

Note: Additions to text are shown in ALL CAPS

C. R1-144 Single-Family District

The provisions of Section 23.6.A shall apply. The following additional requirements shall apply in this district:

1. Detached Accessory Buildings Setbacks.

Twenty (20) feet from side and forty (40) feet from rear if building is not used for poultry or animals; one hundred (100) feet if building is used for poultry or animals, except that it may be reduced to fifty (50) feet if a solid wall a minimum of six (6) feet high is provided to restrict view and sound.

2. ACCESSORY BUILDINGS ARE PERMITTED IN THE FRONT YARD, SUBJECT TO THE FOLLOWING:

- a. FRONT SETBACK: 50 FEET
- b. SIDE SETBACK: 20 FEET
- c. LOT COVERAGE: 20% OF FRONT YARD AREA
- d. BUILDINGS USED FOR LIVESTOCK OR POULTRY SHALL MAINTAIN 100 FOOT SETBACKS FROM ALL PROPERTY LINES, EXCEPT THAT IS MAY BE REDUCED TO FIFTY (50) FEET IF A SOLID WALL A MINIMUM OF SIX (6) FEET HIGH IS PROVIDED TO RESTRICT VIEW AND SOUND.



Town Council Regular Session

Item # 3. a.

Meeting Date: 06/06/2012

Requested by: David Williams

Submitted By:

Matt Michels, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)12-32, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This is a procedural item to declare the Zoning Code amendment for Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures, a matter of public record. The draft amendment is available for public inspection in the office of the Town Clerk. If adopted, the final version, as approved by Town Council, will be made available in the same manner.

BACKGROUND OR DETAILED INFORMATION:

This proposed resolution will become a public record upon adoption by Town Council. The Town will save on advertising costs, since if the Town Council adopts this resolution, the Town will forgo publishing the entire amendment (Attachment 2) in print form. The adopted version will be published on the Town website.

FISCAL IMPACT:

The Town will save on advertising costs by meeting publishing requirements by reference, without including the pages of amendments.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)12-32, declaring as a public record that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures.

Attachments

Attachment 1 - Resolution No. (R)12-32

Attachment 2 - Exhibit "A" -Zoning Code Amendment

RESOLUTION NO. (R)12-32

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures, attached hereto as Exhibit "A", three copies of which are on file in the Office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 6th day of June, 2012.

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”

EXHIBIT “A”

Zoning Code

Chapter 22

Review and Approval Procedures

...

Section 22.2 General Plan Amendment Procedures

A. Purpose

A General Plan amendment is any change that occurs between Comprehensive GENERAL Plan updates. Amendments may involve a change to the Land Use Map for specific properties or a change to the text. Requests for amendments, if approved, can effect change to any section of the document including, but not limited to, the various elements, policies, objectives or goals.

B. Rezoning Conformance with the General Plan

IN ACCORDANCE WITH STATE LAW, any zoning changes in land use must conform ~~in all respects~~ with the Town’s adopted General Plan and Land Use Map. See Section [22.3](#) for further information on rezoning compliance with the General Plan.

C. Types of Amendments to the General Plan

Text and land use map changes will be classified as follows:

1. Major Amendment

A substantial alteration of the land use mixture or balance that meets one or more of the following criteria:

a. A change in land use designation that is expressed as a major amendment in Table 22-1, unless the proposal ~~meets the criteria listed in Section 22.2.C.2.b or 22.2.C.2.c.~~ IS LESS THAN TWENTY ACRES, EXCEPT AS PROVIDED HEREIN.

b. IF THE PROPERTY IS GREATER THAN OR EQUAL TO 10 ACRES BUT THE NEW LAND USE DESIGNATION WOULD NOT BE CONTIGUOUS TO A LIKE LAND USE DESIGNATION, THEN A MAJOR GENERAL PLAN AMENDMENT IS REQUIRED.

- c.b. Amendments for properties beyond the General Plan Urban Services Boundary (USB).
- d.e. Text changes that add or rescind any element, policy, objective or goal to the Plan.
- e.d. Text changes that substantially alter the intent of any element, policy, objective or goal.

2. Minor Amendment

- a. Any change in land use designation that is expressed as a minor amendment in Table 22-1.
- b. All amendments that are LESS THAN ~~five~~ TWENTY acres. ~~or less in size and that are contiguous to like existing land use categories.,~~ EXCEPT AS PROVIDED BY SECTION 22.2.C.1.B.
- c. Amendments to the Land Use Map that achieve conformity with either existing land uses or Pima County zoning upon annexation.
- d. Text changes that clarify any portion of an element, policy, objective or goal without substantially altering the intent.
- e. Amendments that do not meet the criteria for a major amendment.

3. Exceptions

The following shall not require a formal amendment to the General Plan and SHALL be reviewed administratively.

- a. All scriveners' errors will be subject to administrative approval. Scrivener's errors are unintentional clerical mistakes made during the drafting, publishing, and copying process.
- b. Public schools are not subject to the amendment process.

TABLE 22-1 General Plan Amendment Matrix

Existing Designation ¹ (change from)	Proposed Designation (Change to)												
	R-LDR	LDR1	LDR2	MDR	HDR	MPC	RGC	NCO	CRC	COP	PSP& SCH	PARK	OS
R-LDR	✕	■	■	■	■	■	■	■	■	■	■		
LDR1		✕		■	■	■	■	■	■	■	■		
LDR2			✕	■	■	■	■	■	■	■	■		
MDR				✕		■			■	■	■		
HDR					✕	■			■				
MPC ²	See footnote #2 below												
RGC	■	■	■	■	■	■	✕		■	■			
NCO	■	■	■	■	■	■		✕	■	■		■	
CRC	■	■	■	■	■	■			✕		■		
COP				■	■					✕	■		
PSP and SCH ³						■					✕		
PARK	■	■	■	■	■	■		■	■	■	■	✕	
OS	■	■	■	■	■	■	■	■	■	■	■		✕

Major Amendment	■
Minor Amendment	
No Amendment	✕

1. For a complete definition of the land use designations, please refer to the General Plan.
2. Amendments to areas designated as MPC will be treated, per the General Plan Amendment Matrix Table, based on the land use and density of the MPC designation. If no specific land uses and densities are called out for the MPC, it will be treated, for the purpose of the amendment only, as MDR and NCO (no more than ten (10) percent).
3. Excluding public schools. Public schools are not subject to the amendment process.

D. General Plan Amendment Procedures

All minor and major amendments to the General Plan shall follow the procedures outlined below:

1. Application
 - a. Amendments to the Land Use Map may be initiated by the Town or by the landowner only.
 - b. Text amendments including, but not limited to, the General Plan elements, policies, goals, objectives and implementation strategies may be requested by any individual, whether a land holder in the Town or not, or by a Town Official or Town resident.
2. Review Process
 - a. Minor Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Amendments may be submitted any time of the year.
- iii. Neighborhood Meetings
 - a) At least one neighborhood meeting must be provided prior to submittal of a formal application for all proposed changes to the Land Use Map.
 - b) Town policies for notification of General Plan amendments must be followed to achieve a neighborhood meeting.
 - c) Additional meetings for text amendments may be required at the discretion of the Planning and Zoning Administrator.

b. Major Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Applications are accepted from January 1st to April 30th.
- iii. Neighborhood Meetings
 - a) At least two neighborhood meetings IN ACCORDANCE WITH SECTION 22.15 must be provided prior to submittal of a formal application for all changes to the Land Use Map. ~~If there are any substantive changes to the application after formal submittal, an additional neighborhood meeting will be required.~~
 - b) Neighborhood meetings must occur not more than two (2) months prior to submittal. The meetings must be facilitated by Town of Oro Valley staff.
 - c) Town policies for notification of General Plan amendments must be followed in notifying property owners of a neighborhood meeting.

D) A MINIMUM OF ONE ADDITIONAL NEIGHBORHOOD MEETING SHALL BE CONDUCTED DURING REVIEW OF THE APPLICATION AND PRIOR TO THE PLANNING AND ZONING COMMISSION HEARING ON AN APPLICATION. THE PLANNING AND ZONING ADMINISTRATOR MAY REQUIRE MULTIPLE MEETINGS FOR COMPLEX

PROJECTS OR TO PROVIDE ADEQUATE OPPORTUNITY FOR NEIGHBORHOOD INPUT.

- iv. All applications must be reviewed concurrently at a minimum of two public hearings by the Planning and Zoning Commission in different locations.
 - v. All major amendments are to be presented to the Council at a single public hearing prior to the end of the calendar year that the proposal is made.
 - vi. Public Notification for All Public Hearings. Public notification shall be given not less than fifteen (15) days prior to the scheduled hearing date and will include at a minimum:
 - a) Notice of the proposed amendment will be advertised a minimum of three (3) times in two (2) widely distributed newspapers.
 - b) All property owners within one thousand (1,000) feet of the subject property will be directly notified of the amendment when the amendment involves a change in land use ON THE FUTURE LAND USE PLAN. The Planning and Zoning Administrator may expand the notification area in accordance with Section [22.15.B.2.b](#).
 - c) All homeowner's associations registered in Oro Valley will be notified of the amendment.
 - d) Signs noticing the proposed amendment will be posted on the property on a sign or signs three (3) feet by four (4) feet in size, with white background and five (5) inch letters.
 - vii. Adoption of a major amendment requires a two-thirds (2/3) vote of the Town Council.
- c. Major General Plan Amendments for Immediate Review. The Town Council may initiate a major General Plan amendment at any time of the year outside of the application timeframe established by subsection D.2.b.ii of this section, subject to the following:
- i. The initiation of a major General Plan amendment pursuant to this section shall be at a noticed public hearing.
 - ii. The submittal content, public notice, neighborhood meeting public hearings and super majority approval requirements for a major General Plan amendment initiated pursuant to this section shall conform with the requirements of ~~subsection D of this sSECTION 22.2.D.~~

- iii. Town Council may initiate a major General Plan amendment pursuant to this section based on the following findings:
 - a) The applicant has demonstrated that waiting for the normal amendment period would deny substantial and significant benefits to the greater community.
 - b) The applicant has demonstrated that waiting for the normal amendment period would place the community at greater health and safety risks.

3. Adoption of Amendment

The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on compliance with the following criteria:

- a. The proposed change is necessary because conditions in the community have changed to the extent that the plan requires amendment or modification; and
- b. The proposed change is sustainable by contributing to the socio-economic betterment of the community, while achieving community and environmental compatibility; and
- c. The proposed change reflects market demand which leads to viability and general community acceptance; and
- d. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes.

The applicant for the amendment shall have the burden of presenting facts and other materials to support these criteria in writing, prior to any public hearings.

4. Another Application after Denial or Withdrawal

In the event that an application for General Plan amendment is denied by the Town Council or the application is withdrawn after the Planning and Zoning Commission hearing, the Planning and Zoning Department shall not have the authority to accept another application for the same amendment within a year of the date of the original Town Council hearing when the application was denied.



Town Council Regular Session

Item # 3. b.

Meeting Date: 06/06/2012

Requested by: David Williams

Submitted By:

Chad Daines, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12-09, AND RESOLUTION NO. (R)12-33, AMENDING SECTION 22.2 OF THE ORO VALLEY ZONING CODE REVISED AND THE GENERAL PLAN TO UPDATE PROCEDURES RELATIVE TO GENERAL PLAN AMENDMENTS

RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the amendments as provided in Attachment 1 and Attachment 2.

EXECUTIVE SUMMARY:

On December 6, 2011, the Planning & Zoning Commission initiated amendments to the Zoning Code and the General Plan to modify several aspects of the process and requirements for General Plan Amendments. These changes include the timing and number of required neighborhood meetings for Major General Plan Amendments; the acreage threshold for Major General Plan Amendments; and creating consistent language between the Zoning Code and the General Plan with regard to the amendment process and requirements.

Both the Zoning Code and the General Plan contain provisions relative to the General Plan Amendment process. This report addresses the changes needed in both documents to implement the amendments initiated by the Planning & Zoning Commission. The Zoning Code amendment is provided in Attachment 1 and the General Plan Amendment is provided in Attachment 2.

In summary, the changes involve adding a requirement for additional neighborhood meeting(s) closer to the public hearings on an amendment; raising the acreage threshold for Major General Plan Amendments from 5 acres to 20 acres (with exceptions); and creating consistent language between the Zoning Code and General Plan with regard to the amendment process and requirements.

BACKGROUND OR DETAILED INFORMATION:

The background section of this report addresses the three component areas of the amendment (Neighborhood Meetings, Acreage Threshold for Major General Plan Amendments and Eliminating Inconsistent Language between the Zoning Code and General Plan). The Planning & Zoning Commission Staff Report (Attachment 3) and meeting minutes (Attachment 4) are provided for more in-depth background on the amendments.

Neighborhood Meetings

Both the Zoning Code and General Plan outline the General Plan Amendment process, including the requirement for two neighborhood meetings. The current language requires neighborhood meetings to

occur prior to submittal of an application. For an application submitted in April, neighborhood meetings occur 7 to 9 months prior to the Planning & Zoning Commission and Town Council public hearings on an application. This long time frame disassociates public involvement in an application from the public hearing process and reduces effective public participation.

The original intent of the amendment was to move the neighborhood meetings to later on in the process, closer to the public hearings where citizens typically become involved. After consideration, the Commission felt it was important to retain the two neighborhood meetings prior to submittal because these meetings serve as an early notice to neighboring residents and are expected to provide the opportunity for valuable initial input prior to filing an application. The Commission agreed that it was also important to have neighborhood meeting(s) closer to the public hearing process in the latter part of the year. The proposed amendment retains the requirement for two neighborhood meetings (which can be combined) prior to submittal and adds the requirement to hold additional neighborhood meeting(s) during the review stage of the application and prior to the Planning & Zoning Commission and Town Council public hearings. A graphic depicting the proposed neighborhood meetings in relation to the entire amendment process is provided as Attachment 5. All neighborhood meetings are required to be conducted in accordance with Section 22.15 Public Participation.

Major General Plan Amendment Acreage Threshold

Currently, the Zoning Code and General Plan typically classify an amendment involving property more than 5 acres in size as a major amendment. In some cases, a one acre change is currently considered a major amendment. In formulating the proposed amendment, staff and the Commission considered the requirements for major amendments established by State Law. According to State Statute, "major amendment" means "a substantial alteration of the municipality's land use mixture or balance as established in the municipality's existing general plan land use element". Based on this description of Major Amendment in State law, staff recommended raising the Major General Plan Amendment threshold to 40 acres. The Commission also considered a survey of similar sized communities' thresholds for Major General Plan Amendments (Attachment 6). After consideration, the Commission recommended raising the threshold from 5 to 20 acres, with a notable exception: If the property is greater than or equal to 10 acres, but the new land use designation is not contiguous to a like land use designation, then a Major General Plan Amendment is required.

The proposed amendment brings Town requirements more in line with State Law and the practices of similar Arizona municipalities. The proposed amendment would enhance streamlining efforts while supporting projects that are aligned with the Town's development goals.

Inconsistent Language between the Zoning Code and General Plan

Both the Zoning Code and the General Plan contain General Plan amendment procedures and the language is not consistent between the two documents. The current Zoning Code language is provided as Attachment 7 and the current General Plan language is provided as Attachment 8. There are significant differences in the language between the two documents including the criteria which define Major and Minor General Plan Amendments, the neighborhood meeting requirements for Minor General Plan Amendments and the review criteria for Major General Plan Amendments.

As an Ordinance, the Zoning Code is the prevailing document. The proposed amendment deletes the inconsistent language in the General Plan and replaces it with the Zoning Code language. The end result is that the General Plan and Zoning Code will contain identical language relative to the amendment process, neighborhood meetings and review criteria.

Planning & Zoning Commission Action

The Planning & Zoning Commission considered the proposed amendments at their April 3rd meeting. Three residents spoke at the hearing, one of whom expressed opposition to the proposed changes.

Other resident comments on the proposed amendments included possibly using a measure of intensity in addition to the acreage threshold, and questions concerning the differences between major and minor amendments. At the conclusion of the hearing, the Commission voted to recommend approval of the proposed changes, as provided in Attachments 1 and 2.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Ordinance No. (O)12-09, and Resolution No. (R)12-33, amending the Zoning Code and General Plan as provided in Attachments 1 and 2, based on the following findings:

- The proposed amendment will provide more effective citizen involvement through the inclusion of additional neighborhood meetings closer to the public hearings for Major General Plan Amendments.
- The change in the acreage threshold for Major General Plan Amendments will better align the Town standard with State statute.
- Alignment of the amendment language between the General Plan and the Zoning Code will clarify Town procedures and requirements.

OR

I MOVE to deny the proposed amendments to the Zoning Code and General Plan as the proposed amendments are not warranted at this time.

Attachments

Attachment 1 - Ordinance No. (O)12-09

Attachment 2 - Resolution No. (R)12-33

Attachment 3 - April 3rd PZC Staff Report

Attachment 4 - April 3rd PZC Minutes

Attachment 5 - GPA Timeline

Attachment 6 - Threshold Comparison

Attachment 7 - Current Zoning Code Language

Attachment 8 - Current General Plan Language

ORDINANCE NO. (O)12-09

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES, OF THE ORO VALLEY ZONING CODE REVISED; 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 March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to amend Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures, to change the timing of required neighborhood meetings for General Plan Amendments; and

WHEREAS, the proposed amendments will require that neighborhood meetings not occur more than two (2) months prior to the submittal of any General Plan Amendment Application; and

WHEREAS, the proposed amendments also set the Minor General Plan Amendment acreage threshold at 20 acres; and

WHEREAS, revising Section 22.2, General Plan Amendment Procedures, will make this section consistent with the “Amending the Plan” section of the General Plan; and

WHEREAS, the Planning and Zoning Commission held a meeting on January 3, 2012 and voted to recommend conditional approval of amending Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s recommendation requiring that neighborhood meetings shall not occur more than two (2) months prior to any General Plan Amendment Application, and finds that they are consistent with the Town’s General Plan and other Town ordinances and are in the best interest of the Town.

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

SECTION 1. that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures, of the Oro Valley Zoning Code Revised,

attached hereto as Exhibit "A" and incorporated herein by this reference, requiring that neighborhood meetings shall not occur more than two (2) months prior to the submittal of any General Plan Amendment Application and declared a public record on June 6, 2012 is hereby adopted

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 the resolution or any part of the General Plan Amendment adopted herein 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 this 6th day of June, 2012.

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”

Zoning Code

Chapter 22

Review and Approval Procedures

...

Section 22.2 General Plan Amendment Procedures

A. Purpose

A General Plan amendment is any change that occurs between Comprehensive GENERAL Plan updates. Amendments may involve a change to the Land Use Map for specific properties or a change to the text. Requests for amendments, if approved, can effect change to any section of the document including, but not limited to, the various elements, policies, objectives or goals.

B. Rezoning Conformance with the General Plan

IN ACCORDANCE WITH STATE LAW, any zoning changes in land use must conform ~~in all respects~~ with the Town’s adopted General Plan and Land Use Map. See Section [22.3](#) for further information on rezoning compliance with the General Plan.

C. Types of Amendments to the General Plan

Text and land use map changes will be classified as follows:

1. Major Amendment

A substantial alteration of the land use mixture or balance that meets one or more of the following criteria:

a. A change in land use designation that is expressed as a major amendment in Table 22-1, unless the proposal ~~meets the criteria listed in Section [22.2.C.2.b](#) or [22.2.C.2.c](#)~~. IS LESS THAN TWENTY ACRES, EXCEPT AS PROVIDED HEREIN.

b. IF THE PROPERTY IS GREATER THAN OR EQUAL TO 10 ACRES BUT THE NEW LAND USE DESIGNATION WOULD NOT BE CONTIGUOUS TO A LIKE LAND USE DESIGNATION, THEN A MAJOR GENERAL PLAN AMENDMENT IS REQUIRED.

c.b. Amendments for properties beyond the General Plan Urban Services Boundary (USB).

d.e. Text changes that add or rescind any element, policy, objective or goal to the Plan.

e.d. Text changes that substantially alter the intent of any element, policy, objective or goal.

2. Minor Amendment

a. Any change in land use designation that is expressed as a minor amendment in Table 22-1.

b. All amendments that are LESS THAN ~~five~~ TWENTY acres. ~~or less in size and that are contiguous to like existing land use categories,~~ EXCEPT AS PROVIDED BY SECTION 22.2.C.1.B.

c. Amendments to the Land Use Map that achieve conformity with either existing land uses or Pima County zoning upon annexation.

d. Text changes that clarify any portion of an element, policy, objective or goal without substantially altering the intent.

e. Amendments that do not meet the criteria for a major amendment.

3. Exceptions

The following shall not require a formal amendment to the General Plan and SHALL be reviewed administratively.

a. All scriveners' errors will be subject to administrative approval. Scrivener's errors are unintentional clerical mistakes made during the drafting, publishing, and copying process.

b. Public schools are not subject to the amendment process.

TABLE 22-1 General Plan Amendment Matrix

Existing Designation ¹ (change from)	Proposed Designation (Change to)												
	R-LDR	LDR1	LDR2	MDR	HDR	MPC	RGC	NCO	CRC	COP	PSP& SCH	PARK	OS
R-LDR	■	■	■	■	■	■	■	■	■	■	■		
LDR1		■	■	■	■	■	■	■	■	■	■		
LDR2			■	■	■	■	■	■	■	■	■		
MDR				■	■	■	■	■	■	■	■		
HDR					■	■	■	■	■	■	■		
MPC ²	See footnote #2 below												
RGC	■	■	■	■	■	■	■	■	■	■	■		
NCO	■	■	■	■	■	■	■	■	■	■	■		
CRC	■	■	■	■	■	■	■	■	■	■	■		
COP				■	■	■	■	■	■	■	■		
PSP and SCH ³						■	■	■	■	■	■		
PARK	■	■	■	■	■	■	■	■	■	■	■	■	■
OS	■	■	■	■	■	■	■	■	■	■	■	■	■

Major Amendment	■
Minor Amendment	■
No Amendment	■

1. For a complete definition of the land use designations, please refer to the General Plan.
2. Amendments to areas designated as MPC will be treated, per the General Plan Amendment Matrix Table, based on the land use and density of the MPC designation. If no specific land uses and densities are called out for the MPC, it will be treated, for the purpose of the amendment only, as MDR and NCO (no more than ten (10) percent).
3. Excluding public schools. Public schools are not subject to the amendment process.

D. General Plan Amendment Procedures

All minor and major amendments to the General Plan shall follow the procedures outlined below:

1. Application
 - a. Amendments to the Land Use Map may be initiated by the Town or by the landowner only.
 - b. Text amendments including, but not limited to, the General Plan elements, policies, goals, objectives and implementation strategies may be requested by any individual, whether a land holder in the Town or not, or by a Town Official or Town resident.
2. Review Process
 - a. Minor Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Amendments may be submitted any time of the year.
- iii. Neighborhood Meetings
 - a) At least one neighborhood meeting must be provided prior to submittal of a formal application for all proposed changes to the Land Use Map.
 - b) Town policies for notification of General Plan amendments must be followed to achieve a neighborhood meeting.
 - c) Additional meetings for text amendments may be required at the discretion of the Planning and Zoning Administrator.

b. Major Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Applications are accepted from January 1st to April 30th.
- iii. Neighborhood Meetings
 - a) At least two neighborhood meetings IN ACCORDANCE WITH SECTION 22.15 must be provided prior to submittal of a formal application for all changes to the Land Use Map. ~~If there are any substantive changes to the application after formal submittal, an additional neighborhood meeting will be required.~~
 - b) Neighborhood meetings must occur not more than two (2) months prior to submittal. The meetings must be facilitated by Town of Oro Valley staff.
 - c) Town policies for notification of General Plan amendments must be followed in notifying property owners of a neighborhood meeting.

D) A MINIMUM OF ONE ADDITIONAL NEIGHBORHOOD MEETING SHALL BE CONDUCTED DURING REVIEW OF THE APPLICATION AND PRIOR TO THE PLANNING AND ZONING COMMISSION HEARING ON AN APPLICATION. THE PLANNING AND ZONING ADMINISTRATOR MAY REQUIRE MULTIPLE MEETINGS FOR COMPLEX PROJECTS OR TO PROVIDE ADEQUATE OPPORTUNITY FOR NEIGHBORHOOD INPUT.

- iv. All applications must be reviewed concurrently at a minimum of two public hearings by the Planning and Zoning Commission in different locations.
 - v. All major amendments are to be presented to the Council at a single public hearing prior to the end of the calendar year that the proposal is made.
 - vi. Public Notification for All Public Hearings. Public notification shall be given not less than fifteen (15) days prior to the scheduled hearing date and will include at a minimum:
 - a) Notice of the proposed amendment will be advertised a minimum of three (3) times in two (2) widely distributed newspapers.
 - b) All property owners within one thousand (1,000) feet of the subject property will be directly notified of the amendment when the amendment involves a change in land use ON THE FUTURE LAND USE PLAN. The Planning and Zoning Administrator may expand the notification area in accordance with Section [22.15.B.2.b.](#)
 - c) All homeowner's associations registered in Oro Valley will be notified of the amendment.
 - d) Signs noticing the proposed amendment will be posted on the property on a sign or signs three (3) feet by four (4) feet in size, with white background and five (5) inch letters.
 - vii. Adoption of a major amendment requires a two-thirds (2/3) vote of the Town Council.
- c. Major General Plan Amendments for Immediate Review. The Town Council may initiate a major General Plan amendment at any time of the year outside of the application timeframe established by subsection D.2.b.ii of this section, subject to the following:
- i. The initiation of a major General Plan amendment pursuant to this section shall be at a noticed public hearing.
 - ii. The submittal content, public notice, neighborhood meeting public hearings and super majority approval requirements for a major General Plan amendment initiated pursuant to this section shall conform with the requirements of subsection ~~D~~ of this ~~s~~SECTION 22.2.D.
 - iii. Town Council may initiate a major General Plan amendment pursuant to this section based on the following findings:
 - a) The applicant has demonstrated that waiting for the normal amendment period would deny substantial and significant benefits to the greater community.

- b) The applicant has demonstrated that waiting for the normal amendment period would place the community at greater health and safety risks.

3. Adoption of Amendment

The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on compliance with the following criteria:

- a. The proposed change is necessary because conditions in the community have changed to the extent that the plan requires amendment or modification; and
- b. The proposed change is sustainable by contributing to the socio-economic betterment of the community, while achieving community and environmental compatibility; and
- c. The proposed change reflects market demand which leads to viability and general community acceptance; and
- d. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes.

The applicant for the amendment shall have the burden of presenting facts and other materials to support these criteria in writing, prior to any public hearings.

4. Another Application after Denial or Withdrawal

In the event that an application for General Plan amendment is denied by the Town Council or the application is withdrawn after the Planning and Zoning Commission hearing, the Planning and Zoning Department shall not have the authority to accept another application for the same amendment within a year of the date of the original Town Council hearing when the application was denied.

RESOLUTION NO. (R)12-33

**A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA,
AMENDING THE “AMENDING THE PLAN” SECTION OF THE
GENERAL PLAN TO ADDRESS INCONSISTENCIES BETWEEN THE
ORO VALLEY ZONING CODE REVISED AND THE GENERAL PLAN**

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 of Oro Valley residents ratified the General Plan on November 8, 2005; and

WHEREAS, the Oro Valley Zoning Code Revised (OVZCR) and the General Plan are currently inconsistent regarding “Amending the Plan”; and

WHEREAS, the Town desires to amend the “Amending the Plan” section of the General Plan, attached hereto as Exhibit “A”, in order to address inconsistencies between the Oro Valley Zoning Code Revised and the General Plan regarding amendment timeframes, procedures and review criteria; and

WHEREAS, the Planning and Zoning Commission held a meeting on January 3, 2012 and voted to recommend conditional approval of the amendment to the “Amending the Plan” section of the General Plan, to address inconsistencies between the OVZCR and the General Plan regarding amendment timeframes, procedures and review criteria, and

WHEREAS, Mayor and Council duly considered the proposed amendment to the “Amending the Plan” section of the General Plan, address inconsistencies between the Oro Valley Zoning Code Revised and the General Plan regarding amendment timeframes, procedures and review criteria.

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

SECTION 1. The Mayor and Council hereby adopts the amendment to the “Amending the Plan” section of the General Plan, attached hereto as Exhibit “A”, address inconsistencies between the Oro Valley Zoning Code Revised and the General Plan regarding amendment timeframes, procedures and review criteria

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of the resolution or any part of the General Plan Amendment adopted herein 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 this 6th day of June, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

Date: _____

EXHIBIT “A”

General Plan OV 1112-001 Proposed Amendment

Amended Text shown in Strikeout and All Caps

Amending the Plan

For the purposes of this Plan, an amendment is any change that occurs between the scheduled Plan updates. Such amendments may involve a change to the Land Use Map for specific properties or a change to the text within an existing element of the Plan.

Each element of the Oro Valley General Plan includes an overarching statement that was created based upon prevailing needs, existing development pattern, underlying zoning classifications, considerations for man-made constraints, natural constraints, environmentally sensitive lands, opportunities for development, accepted planning practices, and considerable public input. Over a period of time, these variables are subject to change. Consequently, the General Plan must periodically be reviewed and amended to ensure that it remains an effective policy guide.

Amendments to the General Plan should never be allowed to occur in a haphazard manner. Amendments to the General Plan should only occur after careful review of the request, finding of fact (see *Adoption of Amendment* below), and public hearing(s) by the Planning and Zoning Commission and Town Council. The statutory requirements for the adoption of the General Plan shall be followed for all amendments as they pertain to public hearings and otherwise.

PURPOSE

A GENERAL PLAN AMENDMENT IS ANY CHANGE THAT OCCURS BETWEEN GENERAL PLAN UPDATES. AMENDMENTS MAY INVOLVE A CHANGE TO THE LAND USE MAP FOR SPECIFIC PROPERTIES OR A CHANGE TO THE TEXT. REQUESTS FOR AMENDMENTS, IF APPROVED, CAN EFFECT CHANGE TO ANY SECTION OF THE DOCUMENT INCLUDING, BUT NOT LIMITED TO, THE VARIOUS ELEMENTS, POLICIES, OBJECTIVES OR GOALS.

Types of Amendments to the General Plan

~~General Plan amendments may be classified as either “major” or “minor” amendments. Generally, amendments to the Plan will be changes to the Land Use Map. However, the same amendment procedure is to be utilized when processing a text amendment.~~

TEXT AND LAND USE MAP CHANGES WILL BE CLASSIFIED AS FOLLOWS:

1. Major Amendment

~~The Arizona Revised Statutes define a Major Amendment as “a substantial alteration of the municipality’s land use mixture or balance as established in the existing general plan land use element.” Oro Valley defines a Major Amendment as any change to the Land Use Map that meets one or more of the following criteria:~~

~~1. All amendments beyond the Urban Services Boundary (USB) will be major amendments.~~

~~2. All other amendments will be determined based on Table 1, the General Plan Amendment Matrix.~~

A SUBSTANTIAL ALTERATION OF THE LAND USE MIXTURE OR BALANCE THAT MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:

- A. A CHANGE IN LAND USE DESIGNATION THAT IS EXPRESSED AS A MAJOR AMENDMENT IN TABLE 22-1, UNLESS THE PROPOSAL IS LESS THAN TWENTY ACRES, EXCEPT AS PROVIDED HEREIN.
- B. IF THE PROPERTY IS GREATER THAN OR EQUAL TO 10 ACRES BUT THE NEW LAND USE DESIGNATION WOULD NOT BE CONTIGUOUS TO A LIKE LAND USE DESIGNATION, THEN A MAJOR GENERAL PLAN AMENDMENT IS REQUIRED.
- C. AMENDMENTS FOR PROPERTIES BEYOND THE GENERAL PLAN URBAN SERVICES BOUNDARY (USB).
- D. TEXT CHANGES THAT ADD OR RESCIND ANY ELEMENT, POLICY, OBJECTIVE OR GOAL TO THE PLAN.
- E. TEXT CHANGES THAT SUBSTANTIALLY ALTER THE INTENT OF ANY ELEMENT, POLICY, OBJECTIVE OR GOAL.

2. Minor Amendment

~~A minor amendment is defined as any text or map change that does not meet the criteria for a major amendment. Additional criteria for a minor amendment include:~~

~~1. All amendments that are five acres or less in size and that are contiguous to like existing land use categories will be minor amendments.~~

~~2. All amendments to the Land Use Map to bring its designations into conformity with either existing land uses or Pima County zoning at the time of the annexation to the Town of Oro Valley will be minor amendments.~~

- A. ANY CHANGE IN LAND USE DESIGNATION THAT IS EXPRESSED AS A MINOR AMENDMENT IN TABLE 22-1.
- B. ALL AMENDMENTS THAT ARE LESS THAN TWENTY ACRES, EXCEPT AS PROVIDED BY SECTION 22.2.C.1.B.

- C. AMENDMENTS TO THE LAND USE MAP THAT ACHIEVE CONFORMITY WITH EITHER EXISTING LAND USES OR PIMA COUNTY ZONING UPON ANNEXATION.
- D. TEXT CHANGES THAT CLARIFY ANY PORTION OF AN ELEMENT, POLICY, OBJECTIVE OR GOAL WITHOUT SUBSTANTIALLY ALTERING THE INTENT.
- E. AMENDMENTS THAT DO NOT MEET THE CRITERIA FOR A MAJOR AMENDMENT.

3. Exceptions

~~The following circumstances shall be handled administratively and shall not require a formal amendment to the General Plan.~~

- ~~1. All scriveners' errors will be subject to administrative approval.~~
- ~~2. Other corrections to the text or map will not be treated as General Plan amendments but will require Town Council approval.~~

THE FOLLOWING SHALL NOT REQUIRE A FORMAL AMENDMENT TO THE GENERAL PLAN AND SHALL BE REVIEWED ADMINISTRATIVELY.

- A. ALL SCRIVENERS' ERRORS WILL BE SUBJECT TO ADMINISTRATIVE APPROVAL. SCRIVENER'S ERRORS ARE UNINTENTIONAL CLERICAL MISTAKES MADE DURING THE DRAFTING, PUBLISHING, AND COPYING PROCESS.
- B. PUBLIC SCHOOLS ARE NOT SUBJECT TO THE AMENDMENT PROCESS.

GENERAL PLAN AMENDMENT MATRIX

Existing Designation ¹ (change from)	Proposed Designation (Change to)												
	R-LDR	LDR1	LDR2	MDR	HDR	MPC	RGC	NCO	CRC	COP	PSP& SCH	PARK	OS
R-LDR	✕	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪
LDR1	✕	✕	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪
LDR2	✕	✕	✕	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪
MDR	✕	✕	✕	✕	✕	▪	▪	▪	▪	▪	▪	▪	▪
HDR	✕	✕	✕	✕	✕	▪	▪	▪	▪	▪	▪	▪	▪
MPC ²	See footnote #2 below												
RGC	▪	▪	▪	▪	▪	▪	✕	✕	▪	▪	▪	▪	▪
NCO	▪	▪	▪	▪	▪	▪	✕	✕	▪	▪	▪	▪	▪
CRC	▪	▪	▪	▪	▪	▪	✕	✕	✕	▪	▪	▪	▪
COP	✕	✕	✕	▪	▪	▪	✕	✕	✕	✕	▪	▪	▪
PSP and SCH ³	✕	✕	✕	✕	✕	▪	✕	✕	✕	✕	✕	✕	✕
PARK	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	✕	✕
OS	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	✕

Major Amendment	▪
Minor Amendment	✕
No Amendment	✕

1. For a complete definition of the land use designations, please refer to the Land Use Element.
2. Amendments to areas designated as MPC will be treated, per the General Plan Amendment Matrix Table, based on the land use and density of the MPC designation. If no specific land uses and densities are called out for the MPC, it will be treated, for the purpose of the amendment only, as MDR and NCO (no more than ten (10) percent).
3. Excluding public schools. Public schools are not subject to the amendment process.

~~Procedures for Amending the Plan~~ **GENERAL PLAN AMENDMENT PROCEDURES**

~~Amendments to the Oro Valley General Plan may be initiated by the Town or by a landowner. Such amendments must be in accordance with the procedures set forth in the Arizona Revised Statutes and the Town of Oro Valley Zoning Code. Arizona State Law requires that all municipalities provide public review of General Plan amendments. All General Plan amendments will follow the additional public notification requirements listed below. All minor and major amendments to the General Plan shall follow the procedures outlined in the following flow diagram:~~

~~[General Plan Amendment Flow Diagram TO BE DELETED]~~

~~**Minor Amendment Procedure.** To coordinate the review of amendments to the General Plan, minor amendments may only be submitted during two, two-month periods of the year. They must include at least one neighborhood meeting early in the process for all changes to the Land Use Map.~~

~~**Major Amendment Procedure.** Major Amendments:~~

- ~~▪ May only be submitted at one time during the year;~~

- ~~Must go to two public hearings by the Planning and Zoning Commission (in different locations);~~
- ~~Shall include two neighborhood meetings, one prior to the Planning Commission and one prior to the Town Council;~~
- ~~Must be presented to the Council at a single public hearing during the calendar year that the proposal is made; and~~
- ~~Must be adopted by a two-thirds vote of the Town Council.~~

~~Text amendments may not require neighborhood meetings.~~

~~**Public Notification.** Major amendments will include a public involvement program consistent with state statutes. In addition, public notification for all General Plan amendments will be as follows:~~

- ~~Notice of the proposed amendment will be advertised a minimum of two times in two widely distributed newspapers.~~
- ~~All property owners within 1,000 feet of the subject property and all adjoining properties will be directly notified of the amendment.~~
- ~~All Homeowners Associations (as listed in the Town HOA database) will be notified of the amendment.~~
- ~~Signs noticing the proposed amendment will be posted on the property on a sign or signs 3'x4' in size, with white background and 5-inch letters.~~

ALL MINOR AND MAJOR AMENDMENTS TO THE GENERAL PLAN SHALL FOLLOW THE PROCEDURES OUTLINED BELOW:

1. APPLICATION

- A. AMENDMENTS TO THE LAND USE MAP MAY BE INITIATED BY THE TOWN OR BY THE LANDOWNER ONLY.
- B. TEXT AMENDMENTS INCLUDING, BUT NOT LIMITED TO, THE GENERAL PLAN ELEMENTS, POLICIES, GOALS, OBJECTIVES AND IMPLEMENTATION STRATEGIES MAY BE REQUESTED BY ANY INDIVIDUAL, WHETHER A LAND HOLDER IN THE TOWN OR NOT, OR BY A TOWN OFFICIAL OR TOWN RESIDENT.

2. REVIEW PROCESS

A. MINOR AMENDMENT

I. SUBMITTAL REQUIREMENTS ARE ESTABLISHED BY THE PLANNING AND ZONING ADMINISTRATOR. ADDITIONAL STUDIES OR OTHER MATERIALS MAY BE REQUIRED WHEN WARRANTED.

II. AMENDMENTS MAY BE SUBMITTED ANY TIME OF THE YEAR.

III. NEIGHBORHOOD MEETINGS

- A) AT LEAST ONE NEIGHBORHOOD MEETING MUST BE PROVIDED PRIOR TO SUBMITTAL OF A FORMAL APPLICATION FOR ALL PROPOSED CHANGES TO THE LAND USE MAP.
- B) TOWN POLICIES FOR NOTIFICATION OF GENERAL PLAN AMENDMENTS MUST BE FOLLOWED TO ACHIEVE A NEIGHBORHOOD MEETING.
- C) ADDITIONAL MEETINGS FOR TEXT AMENDMENTS MAY BE REQUIRED AT THE DISCRETION OF THE PLANNING AND ZONING ADMINISTRATOR.

B. MAJOR AMENDMENT

- I. SUBMITTAL REQUIREMENTS ARE ESTABLISHED BY THE PLANNING AND ZONING ADMINISTRATOR. ADDITIONAL STUDIES OR OTHER MATERIALS MAY BE REQUIRED WHEN WARRANTED.
- II. APPLICATIONS ARE ACCEPTED FROM JANUARY 1ST TO APRIL 30TH.
- III. NEIGHBORHOOD MEETINGS
 - A) AT LEAST TWO NEIGHBORHOOD MEETINGS IN ACCORDANCE WITH SECTION 22.15 OF THE ZONING CODE MUST BE PROVIDED PRIOR TO SUBMITTAL OF A FORMAL APPLICATION FOR ALL CHANGES TO THE LAND USE MAP.
 - B) NEIGHBORHOOD MEETINGS MUST OCCUR NOT MORE THAN TWO (2) MONTHS PRIOR TO SUBMITTAL. THE MEETINGS MUST BE FACILITATED BY TOWN OF ORO VALLEY STAFF.
 - C) TOWN POLICIES FOR NOTIFICATION OF GENERAL PLAN AMENDMENTS MUST BE FOLLOWED IN NOTIFYING PROPERTY OWNERS OF A NEIGHBORHOOD MEETING.
 - D) A MINIMUM OF ONE ADDITIONAL NEIGHBORHOOD MEETING SHALL BE CONDUCTED DURING REVIEW OF THE APPLICATION AND PRIOR TO THE PLANNING AND ZONING COMMISSION HEARING ON AN APPLICATION. THE PLANNING AND ZONING ADMINISTRATOR MAY REQUIRE MULTIPLE MEETINGS FOR COMPLEX PROJECTS OR TO PROVIDE ADEQUATE OPPORTUNITY FOR NEIGHBORHOOD INPUT.
- IV. ALL APPLICATIONS MUST BE REVIEWED CONCURRENTLY AT A MINIMUM OF TWO PUBLIC HEARINGS BY THE PLANNING AND ZONING COMMISSION IN DIFFERENT LOCATIONS.

- V. ALL MAJOR AMENDMENTS ARE TO BE PRESENTED TO THE COUNCIL AT A SINGLE PUBLIC HEARING PRIOR TO THE END OF THE CALENDAR YEAR THAT THE PROPOSAL IS MADE.
- VI. PUBLIC NOTIFICATION FOR ALL PUBLIC HEARINGS. PUBLIC NOTIFICATION SHALL BE GIVEN NOT LESS THAN FIFTEEN (15) DAYS PRIOR TO THE SCHEDULED HEARING DATE AND WILL INCLUDE AT A MINIMUM:
 - A) NOTICE OF THE PROPOSED AMENDMENT WILL BE ADVERTISED A MINIMUM OF THREE (3) TIMES IN TWO (2) WIDELY DISTRIBUTED NEWSPAPERS.
 - B) ALL PROPERTY OWNERS WITHIN ONE THOUSAND (1,000) FEET OF THE SUBJECT PROPERTY WILL BE DIRECTLY NOTIFIED OF THE AMENDMENT WHEN THE AMENDMENT INVOLVES A CHANGE IN LAND USE ON THE FUTURE LAND USE PLAN. THE PLANNING AND ZONING ADMINISTRATOR MAY EXPAND THE NOTIFICATION AREA IN ACCORDANCE WITH SECTION [22.15.B.2.B.](#) OF THE ORO VALLEY ZONING CODE REVISED.
 - C) ALL HOMEOWNER'S ASSOCIATIONS REGISTERED IN ORO VALLEY WILL BE NOTIFIED OF THE AMENDMENT.
 - D) SIGNS NOTICING THE PROPOSED AMENDMENT WILL BE POSTED ON THE PROPERTY ON A SIGN OR SIGNS THREE (3) FEET BY FOUR (4) FEET IN SIZE, WITH WHITE BACKGROUND AND FIVE (5) INCH LETTERS.
- VII. ADOPTION OF A MAJOR AMENDMENT REQUIRES A TWO-THIRDS (2/3) VOTE OF THE TOWN COUNCIL.
- C. MAJOR GENERAL PLAN AMENDMENTS FOR IMMEDIATE REVIEW. THE TOWN COUNCIL MAY INITIATE A MAJOR GENERAL PLAN AMENDMENT AT ANY TIME OF THE YEAR OUTSIDE OF THE APPLICATION TIMEFRAME ESTABLISHED BY SUBSECTION D.2.B.II OF THIS SECTION, SUBJECT TO THE FOLLOWING:
 - I. THE INITIATION OF A MAJOR GENERAL PLAN AMENDMENT PURSUANT TO THIS SECTION SHALL BE AT A NOTICED PUBLIC HEARING.
 - II. THE SUBMITTAL CONTENT, PUBLIC NOTICE, NEIGHBORHOOD MEETING PUBLIC HEARINGS AND SUPER MAJORITY APPROVAL REQUIREMENTS FOR A MAJOR GENERAL PLAN AMENDMENT INITIATED PURSUANT TO THIS SECTION SHALL CONFORM WITH THE REQUIREMENTS OF SECTION 22.2.D OF THE ZONING CODE.

III. TOWN COUNCIL MAY INITIATE A MAJOR GENERAL PLAN AMENDMENT PURSUANT TO THIS SECTION BASED ON THE FOLLOWING FINDINGS:

- A) THE APPLICANT HAS DEMONSTRATED THAT WAITING FOR THE NORMAL AMENDMENT PERIOD WOULD DENY SUBSTANTIAL AND SIGNIFICANT BENEFITS TO THE GREATER COMMUNITY.
- B) THE APPLICANT HAS DEMONSTRATED THAT WAITING FOR THE NORMAL AMENDMENT PERIOD WOULD PLACE THE COMMUNITY AT GREATER HEALTH AND SAFETY RISKS.

3. Adoption of Amendment

~~The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on:~~

- ~~1. The proposed change is sustainable by contributing to the socio-economic betterment of the Community, while achieving community and environmental compatibility; and,~~
- ~~2. The proposed change reflects market demand which leads to viability and general community acceptance; and,~~
- ~~3. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes..~~

~~The applicant for the amendment shall have the burden of presenting facts and other materials to support these conclusions.~~

THE DISPOSITION OF THE GENERAL PLAN AMENDMENT PROPOSED SHALL BE BASED ON CONSISTENCY WITH THE VISION, GOALS, AND POLICIES OF THE GENERAL PLAN, WITH SPECIAL EMPHASIS ON COMPLIANCE WITH THE FOLLOWING CRITERIA:

- A. THE PROPOSED CHANGE IS NECESSARY BECAUSE CONDITIONS IN THE COMMUNITY HAVE CHANGED TO THE EXTENT THAT THE PLAN REQUIRES AMENDMENT OR MODIFICATION; AND
- B. THE PROPOSED CHANGE IS SUSTAINABLE BY CONTRIBUTING TO THE SOCIO-ECONOMIC BETTERMENT OF THE COMMUNITY, WHILE ACHIEVING COMMUNITY AND ENVIRONMENTAL COMPATIBILITY; AND
- C. THE PROPOSED CHANGE REFLECTS MARKET DEMAND WHICH LEADS TO VIABILITY AND GENERAL COMMUNITY ACCEPTANCE; AND

D. THE AMENDMENT WILL NOT ADVERSELY IMPACT THE COMMUNITY AS A WHOLE, OR A PORTION OF THE COMMUNITY WITHOUT AN ACCEPTABLE MEANS OF MITIGATING THESE IMPACTS THROUGH THE SUBSEQUENT ZONING AND DEVELOPMENT PROCESSES.

THE APPLICANT FOR THE AMENDMENT SHALL HAVE THE BURDEN OF PRESENTING FACTS AND OTHER MATERIALS TO SUPPORT THESE CRITERIA IN WRITING, PRIOR TO ANY PUBLIC HEARINGS.

4. ANOTHER APPLICATION AFTER DENIAL OR WITHDRAWAL

IN THE EVENT THAT AN APPLICATION FOR GENERAL PLAN AMENDMENT IS DENIED BY THE TOWN COUNCIL OR THE APPLICATION IS WITHDRAWN AFTER THE PLANNING AND ZONING COMMISSION HEARING, THE PLANNING AND ZONING DEPARTMENT SHALL NOT HAVE THE AUTHORITY TO ACCEPT ANOTHER APPLICATION FOR THE SAME AMENDMENT WITHIN A YEAR OF THE DATE OF THE ORIGINAL TOWN COUNCIL HEARING WHEN THE APPLICATION WAS DENIED.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: April 3, 2012

TO: PLANNING & ZONING COMMISSION

FROM: Chad Daines AICP, Principal Planner
cdaines@orovalleyaz.gov (520) 229-4896

SUBJECT: PUBLIC HEARING: Amendment to Section 22.2 of the Oro Valley Zoning Code Revised and a Minor General Plan Amendment to update the procedures relative to General Plan Amendments. (OV711-10 & OV1112-01)

SUMMARY

On December 6, 2011, the Planning and Zoning Commission initiated an amendment to the Zoning Code and the General Plan to adjust the timing of required neighborhood meetings for Major General Plan Amendments. On January 3, 2012, the Planning and Zoning Commission discussed the proposed amendment further and provided additional direction regarding the timing of required neighborhood meetings, the acreage threshold for Major General Plan Amendments and creating consistent language between the Zoning Code and the General Plan with regard to General Plan Amendments. Based on that direction, staff is forwarding the formal amendment for consideration.

As the amendment affects both the Zoning Code and the General Plan, this staff report addresses the changes needed in both documents to implement the amendment. The Zoning Code amendment is provided as Attachment 1 and the General Plan Amendment is provided as Attachment 2.

BACKGROUND

Neighborhood Meetings

The Zoning Code and General Plan outline the General Plan Amendment process, including the requirement for two neighborhood meetings. The current language requires that these neighborhood meetings occur prior to submittal of an application.

Based on discussion at the January 3rd Commission meeting, a majority of the Commission members felt it was important to retain the requirement for neighborhood meetings prior to an application. These meetings serve as an early notice to area residents and can provide the opportunity for valuable initial input from these residents on an application. The Commission also agreed with the staff proposal for additional neighborhood meetings closer to the review of applications and the public hearing process in the latter part of the year. The proposed amendment retains the requirement for an educational meeting and project presentation meeting, and adds the requirement to hold additional neighborhood meetings during the review of the application and prior to the public hearings before the Planning and Zoning Commission. A graphic depicting the proposed neighborhood meetings in relation to the entire amendment process is provided on Attachment 3. All neighborhood meetings are conducted in accordance with Section 22.15 Public Participation.

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PLANNING & ZONING COMMISSION STAFF REPORT

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No change is proposed to the current structure of the neighborhood meeting process and therefore there will now be two windows for meetings for every Major General Plan amendment.

Major General Plan Amendment Acreage Threshold

Currently, the Zoning Code and General Plan classify an amendment involving property more than 5 acres in size as a major amendment, with a notable exception. Under the current language of the Zoning Code and the General Plan, if an amendment is less than 5 acres in size and not contiguous to a “like” land use category, then the amendment is classified as a Major Amendment. In order to be classified as a Minor Amendment, the property must be less than 5 acres and must be contiguous to a like land use category.

The Town’s General Plan references the statutory intent for major amendments established by State Law. According to State Statute, “major amendment” means “a substantial alteration of the municipality’s land use mixture or balance as established in the municipality’s existing general plan land use element.” The Commission discussed this issue at the January 3rd meeting. A comparison of thresholds from like sized communities was presented at the January 3rd meeting and is also provided as Attachment 4. Although the Commission did not arrive at a specific acreage amount, several Commissioner’s spoke in favor of raising the threshold from 5 to 20 acres.

Based on the general discussion at the January 3rd meeting, statutory intent and in light of the comparison of like size communities, staff suggests that the threshold be raised from 5 acres to 20 acres. In terms of the current language regarding being contiguous to a “like” land use designation, the connection to State Statute is weak. Staff’s research of other communities reveals that this is not a threshold used by any of the surveyed communities. This current language results in a 1 acre amendment being classified as Major if it is not contiguous to a like land use category, which is not a “substantial alteration of the municipality’s land use mixture or balance..”. Based on these reasons, this language has been deleted from the threshold. The resulting draft establishes a clear and concise threshold: changes of 20 acres or more are classified as Major, changes less than 20 acres are classified as Minor.

One Commissioner requested information relative to the size of remaining vacant parcels in Oro Valley to determine how many parcels this change would effect. Staff is preparing an analysis of this information for presentation at the meeting. It should be noted that many times an amendment is proposed for only a portion of a larger parcel of land and therefore definitive conclusions may be difficult to draw from the inventory for this reason. The proposed amendment is expected to reduce the number of major amendments, however, minor amendments follow essentially the same but somewhat shorter review process.

Inconsistent Language between the Zoning Code and General Plan

Both the Zoning Code and the General Plan contain General Plan amendment procedures and review criteria and the language is not consistent between the two documents. The current Zoning

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

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Code language is provided as Attachment 5 and the current General Plan language is provided as Attachment 6. As can be seen, there are significant differences in the language between the two documents including the criteria which defines Major and Minor General Plan Amendments, the neighborhood meeting requirements for Minor General Plan Amendments and the review criteria for Major General Plan Amendments.

As an Ordinance, the Zoning Code is the prevailing process language. The proposed amendment deletes the inconsistent language in the General Plan and replaces it with the Zoning Code language as updated in accordance with the preceding subsections of this report. The end result is that the General Plan and Zoning Code will contain identical language relative to the amendment process, neighborhood meetings and review criteria.

RECOMMENDATION

Staff recommends approval of the proposed amendment to the Zoning Code and the General Plan as provided on Attachments 1 and 2, based on the following findings:

- The proposed amendment will provide more effective citizen involvement through the inclusion of additional neighborhood meetings closer to the review and hearing process for Major General Plan Amendments.
- The increase in the threshold for Major General Plan Amendments will better align this threshold with the Statutory intent for Major General Plan amendments.
- Alignment of the amendment language between the General Plan and the Zoning Code will eliminate inconsistencies between the two documents.

SUGGESTED MOTION

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

I move to recommend approval of the proposed amendments to the Zoning Code and General Plan as provided on Attachment 1 and 2, based on the findings provided in the staff report.

OR

I move to recommend denial of the proposed amendments to the Zoning Code and General Plan as the proposed amendments are not warranted at this time.

ATTACHMENTS:

1. Zoning Code Amendment
2. General Plan Amendment
3. Proposed Timeline for Neighborhood Meetings
4. Acreage Threshold Comparison

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PLANNING & ZONING COMMISSION STAFF REPORT

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5. Existing Zoning Code Language
6. Existing General Plan Language

Project Manager:

Chad Daines
Principal Planner

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David A. Williams, AICP, Planning Division Manager

3. PUBLIC HEARING: AMENDMENT TO SECTION 22.2 OF THE ORO VALLEY ZONING CODE REVISED AND A MINOR GENERAL PLAN AMENDMENT TO UPDATE THE PROCEDURES RELATIVE TO GENERAL PLAN AMENDMENTS (OV711-10 & OV1112-01)

Chad Daines, OV Principal Planner, presented the following:

- Amendment Background & Summary
- Current Ordinance Timing of Neighborhood Meetings
- Commission Discussion - Neighborhood Meetings
- Existing GPA Neighborhood Meetings
- Commission Preferred Alternative for Additional Neighborhood Meetings
- Major General Plan Amendment Statute
- Current OV Definition Major GPA
- Major Amendment Threshold
- Unclear language between the General Plan and Zoning Code
- Recommendation

Chair Swope opened the public hearing.

M. Camille McKeever, Oro Valley resident, spoke in opposition.

Bill Adler, Oro Valley resident, addressed the issue of the Zoning Code criteria in regards to determining major or minor uses.

John Musolf, OV resident, spoke in regard to understanding the definition of land usage before understanding what major and minor are.

Chair Swope closed the public hearing.

MOTION: A motion was made by Commissioner Rodman and seconded by Vice Chair Cox to adopt the recommendation with the change that we maintain the "like" land use if it is greater than or equal to 10 acres but not contiguous to a like land use designation it would require a major amendment.

MOTION carried, 5-1 with Chair Swope opposed.

4. PUBLIC HEARING: AMENDMENT TO SECTION 23.6 OF THE ORO VALLEY ZONING CODE REVISED TO MODIFY THE SETBACKS AND OTHER DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS (OV712-002)

Mr Daines, presented the following:

- Request Summary

ATTACHMENT 5



Attachment 6

Acreage Threshold Comparison



City / Town	Threshold	Population	Square Miles
Oro Valley	5 acres	41,000	34
Marana	80 acres	35,000	121
Tucson	65 acres	520,000	227
Sahuarita	40 acres	25,000	30
Avondale	40 acres	76,000	41
Gilbert	40 acres	208,000	76
Scottsdale	10 or 15 ac. based on planning zones	240,000	184
Cave Creek	20 acres	5,000	38
Phoenix	3 sq. miles	1,450,000	475

Attachment 7

Existing Zoning Code Language

Page 1 of 3

D. General Plan Amendment Procedures

All minor and major amendments to the General Plan shall follow the procedures outlined below:

1. Application

- a. Amendments to the Land Use Map may be initiated by the Town or by the landowner only.
- b. Text amendments including, but not limited to, the General Plan elements, policies, goals, objectives and implementation strategies may be requested by any individual, whether a land holder in the Town or not, or by a Town Official or Town resident.

2. Review Process

a. Minor Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Amendments may be submitted any time of the year.
- iii. Neighborhood Meetings
 - a) At least one neighborhood meeting must be provided prior to submittal of a formal application for all proposed changes to the Land Use Map.
 - b) Town policies for notification of General Plan amendments must be followed to achieve a neighborhood meeting.
 - c) Additional meetings for text amendments may be required at the discretion of the Planning and Zoning Administrator.

b. Major Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Applications are accepted from January 1st to April 30th.
- iii. Neighborhood Meetings
 - a) At least two neighborhood meetings must be provided prior to submittal of a formal application for all changes to the Land Use Map. If there are any substantive changes to the application after formal submittal, an additional neighborhood meeting will be required.

Attachment 7

Zoning Code Language

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- b) Neighborhood meetings must occur not more than two (2) months prior to submittal. The meetings must be facilitated by Town of Oro Valley staff.
- c) Town policies for notification of General Plan amendments must be followed in notifying property owners of a neighborhood meeting.
- iv. All applications must be reviewed concurrently at a minimum of two public hearings by the Planning and Zoning Commission in different locations.
- v. All major amendments are to be presented to the Council at a single public hearing prior to the end of the calendar year that the proposal is made.
- vi. Public Notification for All Public Hearings. Public notification shall be given not less than fifteen (15) days prior to the scheduled hearing date and will include at a minimum:
 - a) Notice of the proposed amendment will be advertised a minimum of three (3) times in two (2) widely distributed newspapers.
 - b) All property owners within one thousand (1,000) feet of the subject property will be directly notified of the amendment when the amendment involves a change in land use. The Planning and Zoning Administrator may expand the notification area in accordance with Section [22.15.B.2.b](#).
 - c) All homeowner's associations registered in Oro Valley will be notified of the amendment.
 - d) Signs noticing the proposed amendment will be posted on the property on a sign or signs three (3) feet by four (4) feet in size, with white background and five (5) inch letters.
- vii. Adoption of a major amendment requires a two-thirds (2/3) vote of the Town Council.
- c. Major General Plan Amendments for Immediate Review. The Town Council may initiate a major General Plan amendment at any time of the year outside of the application timeframe established by subsection D.2.b.ii of this section, subject to the following:
 - i. The initiation of a major General Plan amendment pursuant to this section shall be at a noticed public hearing.
 - ii. The submittal content, public notice, neighborhood meeting public hearings and super majority approval requirements for a major General Plan amendment initiated pursuant to this section shall conform with the requirements of subsection D of this section.
 - iii. Town Council may initiate a major General Plan amendment pursuant to this section based on the following findings:

Attachment 7

Zoning Code Language

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- a) The applicant has demonstrated that waiting for the normal amendment period would deny substantial and significant benefits to the greater community.
- b) The applicant has demonstrated that waiting for the normal amendment period would place the community at greater health and safety risks.

3. Adoption of Amendment

The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on compliance with the following criteria:

- a. The proposed change is necessary because conditions in the community have changed to the extent that the plan requires amendment or modification; and
- b. The proposed change is sustainable by contributing to the socio-economic betterment of the community, while achieving community and environmental compatibility; and
- c. The proposed change reflects market demand which leads to viability and general community acceptance; and
- d. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes.

The applicant for the amendment shall have the burden of presenting facts and other materials to support these criteria in writing, prior to any public hearings.

4. Another Application after Denial or Withdrawal

In the event that an application for General Plan amendment is denied by the Town Council or the application is withdrawn after the Planning and Zoning Commission hearing, the Planning and Zoning Department shall not have the authority to accept another application for the same amendment within a year of the date of the original Town Council hearing when the application was denied.

Attachment 8 Existing General Plan Language

AMENDING THE PLAN

For the purposes of this Plan, an amendment is any change that occurs between the scheduled Plan updates. Such amendments may involve a change to the Land Use Map for specific properties or a change to the text within an existing element of the Plan. Each element of the Oro Valley General Plan includes an overarching statement that was created based upon prevailing needs, existing development pattern, underlying zoning classifications, considerations for man-made constraints, natural constraints, environmentally sensitive lands, opportunities for development, accepted planning practices, and considerable public input. Over a period of time, these variables are subject to change. Consequently, the General Plan must periodically be reviewed and amended to ensure that it remains an effective policy guide. Amendments to the General Plan should never be allowed to occur in a haphazard manner. Amendments to the General Plan should only occur after careful review of the request, finding of fact (see Adoption of Amendment below), and public hearing(s) by the Planning and Zoning Commission and Town Council. The statutory requirements for the adoption of the General Plan shall be followed for all amendments as they pertain to public hearings and otherwise.

Types of Amendments to the Plan

General Plan amendments may be classified as either “major” or “minor” amendments. Generally, amendments to the Plan will be changes to the Land Use Map. However, the same amendment procedure is to be utilized when processing a text amendment.

Major Amendment. The Arizona Revised Statutes define a Major Amendment as “a substantial alteration of the municipality’s land use mixture or balance as established in the existing general plan land use element.” Oro Valley defines a Major Amendment as any change to the Land Use Map that meets one or more of the following criteria:

1. All amendments beyond the Urban Services Boundary (USB) will be major amendments.
2. All other amendments will be determined based on Table 1, the General Plan Amendment Matix.

Minor Amendment. A minor amendment is defined as any text or map change that does not meet the criteria for a major amendment. Additional criteria for a minor amendment include:

1. All amendments that are five acres or less in size and that are contiguous to like existing land use categories will be minor amendments.

2. All amendments to the Land Use Map to bring its designations into conformity with either existing land uses or Pima County zoning at the time of the annexation to the Town of Oro Valley will be minor amendments.

Exceptions. The following circumstances shall be handled administratively and shall not require a formal amendment to the General Plan.

1. All scrivener's errors will be subject to administrative approval.
2. Other corrections to the text or map will not be treated as General Plan amendments but will require Town Council approval.

Table 1: General Plan Amendment Matrix

Procedures for Amending the Plan

Amendments to the Oro Valley General Plan may be initiated by the Town or by a landowner. Such amendments must be in accordance with the procedures set forth in the Arizona Revised Statutes and the Town of Oro Valley Zoning Code. Arizona State Law requires that all municipalities provide public review of General Plan amendments. All General Plan amendments will follow the additional public notification requirements listed below. All minor and major amendments to the General Plan shall follow the procedures outlined in the following flow diagram:

Flow Diagram

Minor Amendment Procedure. To coordinate the review of amendments to the General Plan, minor amendments may only be submitted during two, two-month periods of the year. They must include at least one neighborhood meeting early in the process for all changes to the Land Use Map.

Major Amendment Procedure.

Major Amendments:

- May only be submitted at one time during the year;
- Must go to two public hearings by the Planning and Zoning Commission (in different locations);
- Shall include two neighborhood meetings, one prior to the Planning Commission and one prior to the Town Council;
- Must be presented to the Council at a single public hearing during the calendar year that the proposal is made; and
- Must be adopted by a two-thirds vote of the Town Council.

Text amendments may not require neighborhood meetings.

Public Notification. Major amendments will include a public involvement program consistent with state statutes. In addition, public notification for all General Plan amendments will be as follows:

- Notice of the proposed amendment will be advertised a minimum of two times in two widely distributed newspapers.
- All property owners within 1,000 feet of the subject property and all adjoining properties will be directly notified of the amendment.
- All Homeowners Associations (as listed in the Town HOA database) will be notified of the amendment.
- Signs noticing the proposed amendment will be posted on the property on a sign or signs 3'x4' in size, with white background and 5-inch letters.

Adoption of Amendment. The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on:

1. The proposed change is sustainable by contributing to the socio-economic betterment of the Community, while achieving community and environmental compatibility; and,
2. The proposed change reflects market demand which leads to viability and general community acceptance; and,
3. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes..

The applicant for the amendment shall have the burden of presenting facts and other materials to support these conclusions.



Town Council Regular Session

Item # 4.

Meeting Date: 06/06/2012

Requested by: Mayor Hiremath & Councilmember Snider

Submitted By:

Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF COUNCIL LIAISON TO THE BOARD OF ADJUSTMENT (BOA) FOR FISCAL YEAR 2012/2013

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Town Council Policy #8 defines the position of Council Liaison to boards and commissions. The position of Council Liaison was created in order to allow Councilmembers the opportunity to bring Council adopted policies to a particular board or commission, and keep the Town Council informed as to the actions and issues of that advisory group.

BACKGROUND OR DETAILED INFORMATION:

The Council Liaison Assignments for Fiscal Year 2011/2012 were approved by Council on July 20, 2011. The previous Council liaison to the BOA was former Councilmember Barry Gillaspie. There is a vacancy on the BOA and the Clerk's office has received five applications from residents interested in serving on the board. The Council liaison is a member of the interview panel so in order to proceed with interviews, staff is requesting that Council appoint a liaison to the BOA.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE that _____ be appointed as Council liaison to the Board of Adjustment

or

I MOVE
