

***AMENDED (10/11/12, 4:00 PM)**
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
October 17, 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

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. 2012 ASU 21st Century Border Trade Conference Trip Report

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

PRESENTATIONS

1. Presentation of National Purchasing Institute (NPI) Achievement of Excellence in Procurement Award to Brian Garrity, C.P.M., CPPB, Procurement Administrator

CONSENT AGENDA

(Consideration and/or possible action)

- A. Fiscal Year 2012/2013 Financial Update Through August 2012

REGULAR AGENDA

1. BUILDING SAFETY BOARD OF APPEALS
 - a. RESOLUTION NO. (R)12-57 DECLARING THE PROPOSED AMENDMENT TO CHAPTER 6, ARTICLE 6-9, ATTACHED HERETO AS EXHIBIT "A," AND FILED WITH THE TOWN CLERK, AS A PUBLIC RECORD
 - b. PUBLIC HEARING - ORDINANCE NO. (O)12-17 AMENDING CHAPTER 6, ARTICLE 6-9 ENTITLED "BUILDING SAFETY BOARD OF APPEALS"
2. PUBLIC HEARING: ORDINANCE NO. (O)12-18, AMENDING ORO VALLEY TOWN CODE SECTION 3-5-4 (A), CONCEPTUAL DESIGN REVIEW BOARD MEMBERSHIP
3. ~~*TOHONO CHUL PARK PLANNED AREA DEVELOPMENT~~
 - a. ~~*RESOLUTION NO. (R)12-58, DECLARING THAT CERTAIN DOCUMENT KNOWN AS THE TOHONO CHUL PARK PLANNED AREA DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD~~
(Removed from agenda on 10/11/12)
 - b. ~~*PUBLIC HEARING: ORDINANCE NO. (O)12-19, TOHONO CHUL PARK PLANNED AREA DEVELOPMENT FOR 48.5 ACRES LOCATED ON THE NORTHEAST CORNER OF INA ROAD AND PASEO DEL NORTE~~
(Removed from agenda on 10/11/12)

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

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

ADJOURNMENT

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

AMENDED AGENDA POSTED: 10/11/12 at 4:00 p.m. by ms

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

Item # 1.

Meeting Date: 10/17/2012

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

2012 ASU 21st Century Border Trade Conference Trip Report

Attachments

2012 ASU 21st Century Border Trade Conference Trip Report



Office of the Mayor & Town Council

Trip Report

Purpose: 2012 ASU 21st Century Border Trade Conference

Date: September 23 - 25, 2012

Location: Fiesta Resort Conference Center
Tempe, AZ

Attendees: Vice Mayor Lou Waters
Councilmember Joe Hornat

Summary:

The U.S.-Mexico border region is one of the most important trade corridors for North American businesses, representing a \$460 billion economic relationship between the two countries. The border region represents a critical staging point for U.S. commercial activity with Mexico where approximately 80 percent of U.S. exports pass through or originate in that region. It is, therefore, the key to unlocking the true potential of the U.S.-Mexico relationship.

As a means of facilitating a dialogue that will feed into ongoing border governors', legislators', mayors' and commissioners' policy making processes, the conference focused on identifying regional solutions to border related challenges and priorities such as: workforce needs and educational development; trade facilitation and supply chain solutions for cross-border trade; border infrastructure needs and regional border planning; public/private partnership opportunities and new innovative technologies; and identifying cross-border economic development and job creation strategies.

Highlights of the conference included a welcome reception and networking opportunities; panels and discussions to identify regional solutions to border related challenges and priorities; and a mayoral panel on best practices for export promotion.

The meeting agenda is attached.

Report submitted to the Town Clerk on September 27, 2012.

Caring for our heritage, our community, our future.

www.orovalleyaz.gov

11000 N. La Cañada Drive • Oro Valley, Arizona 85737

phone: (520) 229-4700 • fax: (520) 297-0428



Realizing the Economic Strength of Our 21st Century Border

Trade, Education, and Jobs

SUNDAY, SEPTEMBER 23

4:00 p.m. – 7:30 p.m.

Registration

Fiesta Resort Conference Center Lobby

6:00 p.m. – 8:00 p.m.

Welcome Reception (Hosted by the U.S. Chamber of Commerce)

Auditorium

Welcome & Introduction:

- Michael Camuñez, U.S. Assistant Secretary of Commerce for Market Access & Compliance (c)
- Rick Van Schoik, Director, North American Center for Transborder Studies at Arizona State University (c)

Speakers:

- Patrick Kilbride, Senior Director of the Americas, U.S. Chamber of Commerce (c)
- Laura F. Dogu, Deputy Chief of Mission, U.S. Embassy in Mexico (c)
- Henry Cuellar, U.S. House of Representatives, 28th District of Texas (c)

MONDAY, SEPTEMBER 24

8:00 a.m. – 5:00 p.m.

Registration

Fiesta Resort Conference Center Lobby

8:30 a.m. – 9:15 a.m.

Welcoming Remarks

Auditorium

Speaker:

- Greg Stanton, Mayor, City of Phoenix (c)

9:15 a.m. – 10:00 a.m.

Opening Keynote

Auditorium

Introduction:

- Rick Van Schoik, Director, North American Center for Transborder Studies at Arizona State University (c)

Speakers:

- Michael Crow, President, Arizona State University (c)
- Michael Camuñez, U.S. Assistant Secretary of Commerce for Market Access & Compliance (c)

10:00 a.m. – 11:00 a.m.

CEO Roundtable: Trade Facilitation and Value Chain Solutions for Crossborder Trade

Auditorium

Panelists:

- David Hester, President, Kyocera Mexicana S.A. de C.V. (c)
- Ronald Scruggs, President, Triumph Group Mexico (c)

Moderator:

- Ruben Barrales, President and CEO, San Diego Regional Chamber of Commerce (c)

11:00 a.m. – 11:15 a.m.	Coffee Break	<i>Lobby</i>
11:15 a.m. – 12:30 p.m.	Industry Sector Breakout Panels I	
AEROSPACE <i>Exploring Aerospace Opportunities in Mexico and the American Southwest</i> Redrock Room	<u>Panelists:</u> <ul style="list-style-type: none">• Marcelo Funes-Gallanzi, Director, AVNTK S.C. (c)• Stephan Hollman, Founder and President, Pacific Aviation and Lease Management (c)• Juan Nicolás Rhoads, Senior VP of Commercial Planning, Aeroméxico Airlines (c)• Madeleine Gray, Vice President of Business Technology Delivery, U.S. Airways (i) <u>Moderator:</u> <ul style="list-style-type: none">• Scott Miller, Chair of Aerospace Engineering Department, Wichita State University (c)	
ENHANCING TOURISM BETWEEN MEXICO AND THE UNITED STATES <i>U.S.-Mexico Crossborder Tourism</i> Tempe Room	<u>Panelists:</u> <ul style="list-style-type: none">• Luis Alfonso Lugo, Under Secretary of Tourism Operations, Mexico Ministry of Tourism (c)• John T. Reilly, President, SeaWorld San Diego (c)• Steve Moore, President & CEO, Greater Phoenix Convention & Visitors Bureau (c)• Erik Lee, Associate Director, North American Center for Transborder Studies at ASU (c) <u>Moderator:</u> <ul style="list-style-type: none">• Simon Rosenberg, President, New Policy Institute (c)	
ENERGY AND GREEN TECHNOLOGIES <i>Efficiency: Energy, Water, and Sustainable Infrastructure</i> Coronado Room	<u>Panelists:</u> <ul style="list-style-type: none">• David Muñoz Andrade, Director General, Baja California State Energy Commission (c)• Enrique Marroquin, Vice President, Hunt Power (c)• Christopher Gonzales, Plant Manager, General Electric Energy (c)• Crady deGolian, Director of the National Center for Interstate Compacts, Council of State Governments (c)• Erika Benson, Partner, Gardere Wynne Sewell LLP (c) <u>Moderator:</u> <ul style="list-style-type: none">• Rick Van Schoik, Director, North American Center for Transborder Studies at Arizona State University (c)	
ATTRACTING FOREIGN DIRECT INVESTMENT <i>Investment Strategies and Market Opportunities</i> Encantada Rooms	<u>Panelists:</u> <ul style="list-style-type: none">• Steve Olson, Executive Director, SelectUSA (c)• José Mario Juárez López de Nava, Trade Commissioner, ProMéxico (c)• Michael Treyger, Regional Director for International Business and Trade; Office of the Governor of Texas (c)• Eugenio Lagarde, President, Industrial Development Commission of Mexicali (c)• Luis Ricardo Rodríguez, International Trade, Customs, Location & Business Expansion, KPMG (c) <u>Moderator:</u> <ul style="list-style-type: none">• Patrick Kilbride, Senior Director of the Americas, U.S. Chamber of Commerce (c)	
1:00 p.m. – 2:15 p.m.	Keynote Luncheon	<i>Auditorium</i>

Introduction:

- Sethuraman Panchanathan, Senior Vice President of Knowledge Enterprise Development, Arizona State University (c)

Speakers:

- Raúl M. Grijalva, U.S. House of Representatives, 7th District of Arizona (c)
- Eloy Cantú, Mexican Chamber of Deputies, State of Nuevo León (c)
- Silvestre Reyes, U.S. House of Representatives, 16th District of Texas (c)

2:30 p.m. – 3:45 p.m.

Policy Breakout Panels II

**CROSSBORDER
ECONOMIC
DEVELOPMENT
AND JOB CREATION**

*Increasing Prosperity
and Competitiveness in
the Border Region*

Redrock Room

Panelists:

- Nelson Balido, President, Border Trade Alliance (c)
- James Clark, Director General of Mexico Business Center, San Diego Regional Chamber of Commerce (c)
- Jon Barela, Cabinet Secretary, New Mexico Economic Development Department (c)
- Bernardo Ayala, Vice President of Mexico Markets, Union Pacific (c)
- David Mayagoitia, President, Tijuana Economic Development Corporation (c)

Moderator:

- Luis Aguirre Lang, President of the Mexican Council of the Maquiladora Industry (c)

**WORKFORCE NEEDS AND
EDUCATIONAL
DEVELOPMENT**

*Building International
Education Networks and
Exchanges*

Tempe Room

Panelists:

- Rafael Rangel, Special Advisor to the President, Arizona State University and Former Rector, Tec de Monterrey System (c)
- Mark Cafferty, President & CEO, San Diego Regional Economic Development Corporation (c)
- Cecilia Levine, President, MFI International Manufacturing (c)
- Ambassador Charles Shapiro, President, Institute of the Americas (i)

Moderator:

- Maria Eugenia Calderon-Porter, Executive Director of U.S.-Mexico Relations, Texas A&M International University (c)

**PUBLIC PRIVATE
PARTNERSHIPS**

*Fostering Creative
Border Solutions*

Coronado Room

Panelists:

- Hank Marshall, Senior Vice President, Arizona Commerce Authority (c)
- Ruben Barrales, President and CEO, San Diego Regional Chamber of Commerce (c)
- Gerónimo Gutierrez, Managing Director, North American Development Bank (c)
- Basil Khalil, VP of Planning and Engineering, FedEx Latin America & Caribbean (c)
- David Ebbrecht, Executive Vice President & COO, Kansas City Southern (c)

Moderator:

- Christopher Wilson, Associate, Mexico Institute at the Woodrow Wilson Center (c)

4:00 p.m. – 5:30 p.m.

Roundtable Discussion: 21st Century Border Management Initiative

Auditorium

Panelists:

- Kevin K. McAleenan, Acting Assistant Commissioner of U.S. Customs and Border Protection, U.S. Department of Homeland Security (c)
- Rachel Poynter, U.S.-Mexico Border Coordinator, U.S. Department of State (c)
- Michael Camuñez, U.S. Assistant Secretary of Commerce for Market Access & Compliance (c)
- Eduardo Baca, Director General for North America, Mexican Secretariat of Foreign Relations (c)
- Juan Carlos Baker, Director General for Trade Negotiations, Mexican Secretariat of Economy (c)

Moderator:

- Gary Gallegos, Executive Director, San Diego Association of Governments (c)

<p>4:00 p.m. – 5:30 p.m.</p> <p>U.S. and Mexico Trade Workshops featured by U.S. Commercial Service and ProMexico</p>	<p>Business Workshop: Tips on How to Succeed Expanding Your Business Beyond Your Side of the Border</p> <p><u>Workshop Topics:</u></p> <ul style="list-style-type: none"> • Opportunities in an integrated market • Legal considerations • Cultural & regional nuances • Export & investment promotion programs <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Randy Avon, CEO, Asian Pacific Development Corporation (c) • Robert Brenner, Senior Vice President, Avnet Mexico (c) • J. Felipe Garcia, Senior Vice President, Tucson Convention & Visitors Bureau (c) • José Mario Juárez López de Nava, Trade Commissioner, ProMéxico (c) • Scott Still, President, Sargent Aerospace (i) <p><u>Moderator:</u></p> <ul style="list-style-type: none"> • Geoffrey Bogart, Commercial Officer, U.S. Commercial Service San Diego (c) <p style="text-align: right;"><i>Encantada Room</i></p>
<p>7:00 p.m. – 9:00 p.m.</p>	<p>Official Dinner: Realizing the Strength of the 21st Century Border</p> <p style="text-align: right;"><i>Auditorium</i></p>

- Introduction:
- Raul Rodriguez, Chairman of the Board of Advisors of the North American Center for Transborder Studies, Arizona State University (c)
- Keynote Remarks:
- Jerry Sanders, Mayor, City of San Diego, Chair, U.S.-Mexico Border Mayors Alliance (c)
 - Susana Martinez, Governor of the State of New Mexico, Chair, U.S.-Mexico Border Governors Conference (c)
- Recognition of Border Cooperation Award Winners:
- Rick Van Schoik, Director, North American Center for Transborder Studies at Arizona State University (c)

TUESDAY, SEPTEMBER 25

<p>9:30a.m. – 10:00 a.m.</p>	<p>Opening Remarks</p> <p style="text-align: right;"><i>Auditorium</i></p>
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- Introduction:
- Rick Van Schoik, Director, North American Center for Transborder Studies, Arizona State University (c)

<p>10:00 a.m. – 11:30 p.m.</p>	<p>Mayoral Panel: Best Practices for Trade and Economic Development</p> <p style="text-align: right;"><i>Auditorium</i></p>
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- Panelists:
- Carlos Bustamante, Mayor, City of Tijuana (c)
 - John Cook, Mayor, City of El Paso (c)
 - Arturo Garino, Mayor, City of Nogales (c)
 - Scott Smith, Mayor of Mesa, City of Mesa (c)
- Moderator:
- Ravi Agrawal, Correspondent, CNN (i)

<p>11:30 a.m. – 12:15 p.m.</p>	<p>Press Panel</p> <p style="text-align: right;"><i>Auditorium</i></p>
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Panelists:

- Don Henninger, Publisher, Phoenix Business Journal (c)
- Stephen Keppel, Director of Financial Content and Economics Editor, Univision Network (c)
- Keith Rosenblum, Freelance Journalist on Border Issues (c)

Moderator:

- Walter Bastian, Deputy Assistant Secretary for the Western Hemisphere (c)

12:30 p.m. – 2:00 p.m.

Keynote Luncheon

Auditorium

Keynote Speaker:

- Arnulfo Valdivia Machuca, President Elect Enrique Peña Nieto Transition Team (c)

2:00 p.m. – 2:15 p.m.

Closing Remarks

Auditorium

Speaker:

- Michael Camuñez, U.S. Assistant Secretary of Commerce for Market Access & Compliance (c)
- Rick Van Schoik, Director, North American Center for Transborder Studies, Arizona State University (c)

3:00 p.m. – 4:30 p.m.

Decision Theater Demonstration (By Invitation Only)

Arizona State University Campus

Theme:

- Roadmap to a Competitive North America: Challenges and Building Partnerships in Modeling U.S.-Mexico Crossborder Trade and Tourism

Facilitators:

- Rick Van Schoik, Director, North American Center for Transborder Studies, Arizona State University (c)
- Francisco Lara Valencia, Associate Professor, School of Transborder Studies, Arizona State University (c)

Registration Information

Please visit the conference website (www.regonline.com/ASUtradeconference) to register

Cost: \$225-general public; \$50-students

Conference Information

Start: Sunday, September 23, 2012 at 4:00 PM

End: Tuesday, September 25, 2012 at 5:00 PM

Location:

Fiesta Resort Conference Center

2100 South Priest Dr.

Tempe, AZ 85282

(480) 967-1441

Fiesta Resort provides free airport shuttles

Draft agenda is as of 9.26.2012. Program is subject to change. Simultaneous English /Spanish translation is available at all plenary and breakout sessions. (c) indicates a speaker has been confirmed. (i) indicates a speaker has been invited.



Town Council Regular Session

Item # 1.

Meeting Date: 10/17/2012

Requested by: Stacey Lemos

Submitted By: Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

Presentation of National Purchasing Institute (NPI) Achievement of Excellence in Procurement Award to Brian Garrity, C.P.M., CPPB, Procurement Administrator

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

For the fifth year in a row, Oro Valley's Procurement Division, headed by Brian Garrity, Procurement Administrator, has received national recognition. The National Purchasing Institute has honored the Town with its 17th annual Achievement of Excellence in Procurement (AEP) Award.

The AEP award is sponsored by every major public procurement association in the country and is recognized as the benchmark of excellence in the profession. This award is earned by those organizations that demonstrate excellence by obtaining a high score based on standardized criteria designed to measure innovation, professionalism, productivity, e-procurement and leadership attributes of the procurement organization.

The Town of Oro Valley is 1 of only 15 government agencies in Arizona and 1 of only 54 cities in the United States to receive the award.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A



Town Council Regular Session

Item # A.

Meeting Date: 10/17/2012

Requested by: Art Cuaron

Submitted By: Art Cuaron, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2012/2013 Financial Update Through August 2012

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

In the General Fund (please see attachment A), revenues collected through August totaled \$4.4 million, or 16.3% of the budget amount of \$26.7 million. Year to date expenditures through August totaled \$3.8 million, or 14.5% of the budget amount of \$26.3 million.

In the Highway Fund (please see attachment B), revenues collected through August totaled \$515,663, or 15.4% of the budget amount of \$3.3 million. Year to date expenditures through August totaled \$339,687, or 9.3% of the budget amount of \$3.7 million.

In the Bed Tax Fund (please see attachment C), revenues collected through August totaled \$104,305, or 13.2% of the budget amount of \$788,000. Year to date expenditures through August totaled \$30,954, or 6.6% of the budget amount of \$472,000.

BACKGROUND OR DETAILED INFORMATION:

Attachment A shows General Fund revenues and expenditures through August, as well as year-end estimates for each category. The estimated year-end projections in the General Fund are as follows:

Revenues	\$26,629,855
<u>Less:</u>	
Expenditures	(\$25,928,694)
<u>Less:</u>	
Other Financing Uses	(\$ 868,577)
Est. Decrease in Fund Balance	(\$ 167,416)

General Fund Revenues

- Revenues, with the exception of the Other Intergovernmental category, are estimated to come in on budget at this point in the fiscal year. The Other Intergovernmental category has been reduced by \$50,737 in the Pima County Library District Reimbursement line item to account for the vacancy savings in the Library budget. The Library personnel budget has been reduced by the same amount. Staff will continue to monitor revenue collections and may adjust the year-end estimates based on actual trends.
- Local sales tax collections in the General Fund total \$2,225,265, which is \$641,767 or 41% more than

the amount collected in FY 11/12 through August. This increase is due to the utility tax increase that became effective in August 2011.

- State shared revenue collections total \$1,526,225, which is \$171,385, or 13% more than the amount collected in FY 11/12 through August.

Highway Fund Revenues

- Construction tax revenues in the Highway Fund totaled \$60,270 for August, which is \$4,791 or 9% more than the amount collected in FY 11/12 through August.

- State shared highway user funds totaled \$396,160 for August, which is \$15,844 or 4% more than the amount collected in FY 11/12 through August.

Bed Tax Revenues

- Bed tax revenues totaled \$102,297 for August, which is \$12,612 or 11% less than the amount collected in FY 11/12 through August.

General Fund Expenditures

- Expenditures are estimated to come in under budget by \$336,297 or 1.3%, due to projected vacancy savings. Please note that vacancy savings are estimates and are subject to change.

Highway Fund Expenditures

- Expenditures are estimated to come in under budget by \$19,783 or 0.5%, due to projected vacancy savings.

Bed Tax Fund Expenditures

- Expenditures are estimated to come in under budget by \$33,741 or 7.2%, due to projected vacancy savings.

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

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

[Attachment A - General Fund](#)

[Attachment B - Highway Fund](#)

[Attachment C - Bed Tax Fund](#)

[Attachment D - Vacancy Savings Report](#)

Attachment E - Summary All Funds



General Fund

% Budget Completion through August --- 16.7%

REVENUES:

	Actuals thru 02/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
LOCAL SALES TAX	2,225,265	12,327,995	18.1%	12,327,995	-	0.0%
LICENSES & PERMITS	202,662	936,469	21.6%	936,469	-	0.0%
FEDERAL GRANTS	63,915	983,000	6.5%	983,000	-	0.0%
STATE GRANTS	68,371	1,014,042	6.7%	1,014,042	-	0.0%
STATE/COUNTY SHARED	1,526,225	9,175,117	16.6%	9,175,117	-	0.0%
OTHER INTERGOVERNMENTAL	-	613,413	0.0%	562,676	(50,737)	-8.3%
CHARGES FOR SERVICES	202,148	1,217,556	16.6%	1,217,556	-	0.0%
FINES	28,170	190,000	14.8%	190,000	-	0.0%
INTEREST INCOME	31,462	89,000	35.4%	89,000	-	0.0%
MISCELLANEOUS	8,298	134,000	6.2%	134,000	-	0.0%
TOTAL REVENUES	4,356,516	26,680,592	16.3%	26,629,855	(50,737)	-0.2%

EXPENDITURES:

	Actuals thru 02/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
COUNCIL	75,827	224,618	33.8%	224,618	-	0.0%
CLERK	48,874	322,779	15.1%	321,989	(790)	-0.2%
MANAGER	85,529	728,645	11.7%	638,568	(90,077)	-12.4%
HUMAN RESOURCES	61,354	496,156	12.4%	464,107	(32,049)	-6.5%
FINANCE	107,198	744,111	14.4%	735,131	(8,980)	-1.2%
INFORMATION TECHNOLOGY	182,102	1,213,633	15.0%	1,213,633	-	0.0%
GENERAL ADMINISTRATION	222,717	1,859,094	12.0%	1,859,094	-	0.0%
LEGAL	107,178	816,559	13.1%	768,813	(47,746)	-5.8%
COURT	111,889	757,629	14.8%	726,527	(31,102)	-4.1%
DEV & INFRASTRUCTURE SVCS	477,447	3,803,751	12.6%	3,779,448	(24,303)	-0.6%
PARKS, REC, LIBRARY, & CULT RSCS	416,577	2,630,112	15.8%	2,563,113	(66,999)	-2.5%
POLICE	1,912,292	12,667,904	15.1%	12,633,653	(34,251)	-0.3%
TOTAL EXPENDITURES	3,808,985	26,264,991	14.5%	25,928,694	(336,297)	-1.3%

**EXCESS (DEFICIENCY) OF REVENUES
OVER EXPENDITURES**

547,532 415,601 701,161 285,560

TRANSFERS IN

Bed Tax Fund - Gen Fund Allocation - 176,747 0.0%

TRANSFERS OUT

Aquatic Center Project Fund (910,000) (910,000) 0.0%

Debt Service Fund - (135,324) 0.0%

**TOTAL OTHER FINANCING
SOURCES (USES)**

(910,000) (868,577) 104.8%

CHANGE IN FUND BALANCE

(362,468) (452,976) (167,416) 285,560

BEGINNING FUND BALANCE

Assigned - CARF Carryforward - - -

Assigned - Comp. Absences & Unemploy Resrv 1,608,035 1,608,035 -

Unassigned 9,793,614 9,793,614 -

TOTAL BEGINNING FUND BALANCE 11,401,649 11,401,649 -

ENDING FUND BALANCE **

Assigned - CARF Carryforward - - -

Assigned - Comp. Absences & Unemploy Resrv 1,608,035 1,608,035 -

Unassigned 9,340,638 9,626,198 285,560

TOTAL ENDING FUND BALANCE ** 10,948,673 11,234,233 285,560

* Year-end estimates are subject to further revision

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



Highway Fund

% Budget Completion through August --- 16.7%

	Actuals thru 02/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	60,270	316,890	19.0%	316,890	-	0.0%
LICENSES & PERMITS	10,149	43,000	23.6%	43,000	-	0.0%
STATE GRANTS	8,395	260,000	3.2%	260,000	-	0.0%
STATE/COUNTY SHARED	396,160	2,480,005	16.0%	2,480,005	-	0.0%
CHARGES FOR SERVICES	38,249	229,493	16.7%	229,493	-	0.0%
INTEREST INCOME	1,201	7,000	17.2%	7,000	-	0.0%
MISCELLANEOUS	1,240	10,000	12.4%	10,000	-	0.0%
TOTAL REVENUES	515,663	3,346,388	15.4%	3,346,388	-	0.0%
EXPENDITURES:						
ADMINISTRATION	93,118	621,498	15.0%	621,498	-	0.0%
TRANSPORTATION ENGINEERING	83,605	1,616,873	5.2%	1,616,873	-	0.0%
PAVEMENT MANAGEMENT	14,558	102,051	14.3%	102,051	-	0.0%
STREET MAINTENANCE	82,500	784,005	10.5%	764,222	(19,783)	-2.5%
TRAFFIC ENGINEERING	65,906	545,402	12.1%	545,402	-	0.0%
TOTAL EXPENDITURES	339,687	3,669,829	9.3%	3,650,046	(19,783)	-0.5%
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	175,977	(323,441)		(303,658)	19,783	
TRANSFERS IN TRANSFERS OUT	-	-	0.0%	-	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	-	-	0.0%	-	-	0.0%
CHANGE IN FUND BALANCE	175,977	(323,441)		(303,658)	19,783	
BEGINNING FUND BALANCE						
<i>Restricted</i>		<u>3,017,431</u>		<u>3,017,431</u>	-	
TOTAL BEGINNING FUND BALANCE		3,017,431		3,017,431	-	
ENDING FUND BALANCE **						
<i>Restricted</i>		<u>2,693,990</u>		<u>2,713,773</u>	<u>19,783</u>	
TOTAL ENDING FUND BALANCE **		2,693,990		2,713,773	19,783	

* Year-end estimates are subject to further revision

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



Bed Tax Fund

% Budget Completion through August --- 16.7%

	Actuals thru 02/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
BED TAXES	102,297	782,283	13.1%	782,283	-	0.0%
INTEREST INCOME	2,008	5,700	35.2%	5,700	-	0.0%
TOTAL REVENUES	104,305	787,983	13.2%	787,983	-	0.0%

	Actuals thru 02/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ECONOMIC DEVELOPMENT	30,954	471,662	6.6%	437,921	(33,741)	-7.2%
TOTAL EXPENDITURES	30,954	471,662	6.6%	437,921	(33,741)	-7.2%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	73,351	316,321		350,062	33,741
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TRANSFERS IN					
TRANSFERS OUT					
General Fund/Debt Svc Transfer	-	(194,810)	0.0%	(194,810)	-
Aquatics Center Project Fund	(300,000)	(300,000)	100.0%	(300,000)	-
TOTAL OTHER FINANCING SOURCES (USES)	(300,000)	(494,810)	60.6%	(494,810)	-

CHANGE IN FUND BALANCE	(226,649)	(178,489)		(144,748)	33,741
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BEGINNING FUND BALANCE					
Committed		622,918		622,918	-
TOTAL BEGINNING FUND BALANCE		622,918		622,918	-

ENDING FUND BALANCE **					
Committed		444,429		478,170	33,741
TOTAL ENDING FUND BALANCE **		444,429		478,170	33,741

* Year-end estimates are subject to further revision

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

FY 12/13 Town Vacancy Report as of August 31, 2012		
Fund	Vacant FTEs	Estimated FY 12/13 Savings
General Fund	4.00	336,295
Highway Fund	0.00	19,783
Bed Tax Fund	0.00	33,741
Water Utility Fund	0.00	-
Stormwater Utility Fund	0.00	-

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH AUGUST 31, 2012

ATTACHMENT E

Fund	Actual FY 12/13 Begin Bal.	Revenue	Other Fin Sources/Tfrs	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru August 2012
General Fund - Unassigned	9,793,614	4,356,516		4,356,516	919,177	2,878,068	735,097	177,686	8,957		4,718,985	9,431,146
General Fund - Assigned	1,608,035											1,608,035
Highway Fund - Restricted	3,017,431	515,663		515,663		263,915	75,772	-	-		339,687	3,193,408
Seizure & Forfeiture - State	464,183	14,002		14,002		-	3,425				3,425	474,760
Seizure & Forfeiture - Justice	593,904	463		463			3,977				3,977	590,390
Bed Tax Fund - Committed	622,918	104,305		104,305	300,000	26,031	4,923				330,954	396,269
Impound Fee Fund	-	6,900		6,900		7,270					7,270	(370)
Municipal Debt Service Fund	1,164,733	32,941		32,941			1,800			477,045	478,845	718,829
Oracle Road Debt Service Fund	3,592	870		870							-	4,462
Alternative Water Resources Dev Impact Fee Fund	1,735,163	449,419		449,419							-	2,184,582
Potable Water System Dev Impact Fee Fund	3,379,205	82,889		82,889							-	3,462,094
Townwide Roadway Development Impact Fee Fund	2,228,996	42,988		42,988				351,726			351,726	1,920,258
Parks & Recreation Impact Fee Fund	112,053	13,902		13,902				90,099			90,099	35,856
Library Impact Fee Fund	110,192	2,552		2,552							-	112,744
Police Impact Fee Fund	102,329	7,411		7,411				58,869			58,869	50,870
General Government Impact Fee Fund	119,993	12		12							-	120,006
Naranja Park Fund	258,821	-		-	250,000						250,000	8,821
Aquatic Center Project Fund	3,122,332	4,354	1,460,000	1,464,354			60	571,684			571,744	4,014,942
Benefit Self Insurance Fund	-	348,304		348,304			196,533				196,533	151,771
Recreation In-Lieu Fee Fund	155,830	-		-				100			100	155,730
Water Utility	10,002,917	1,397,011		1,397,011		382,257	676,294	91,281			1,149,832	10,250,096
Stormwater Utility	539,948	56,458		56,458	95,512	40,158	76,815	26,563			239,048	357,358
Fleet Maintenance Fund	-	106,465		106,465		11,924	48,490				60,414	46,051
Total	39,136,190	7,543,427	1,460,000	9,003,427	1,564,689	3,609,623	1,823,186	1,368,009	8,957	477,045	8,851,509	39,288,107



Town Council Regular Session

Item # **1. a.**

Meeting Date: 10/17/2012
Requested by: Chuck King
Submitted By: Chuck King, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)12-57 DECLARING THE PROPOSED AMENDMENT TO CHAPTER 6, ARTICLE 6-9, ATTACHED HERETO AS EXHIBIT "A," AND FILED WITH THE TOWN CLERK, AS A PUBLIC RECORD

RECOMMENDATION:

Staff recommends approval of this resolution making Town Code Chapter 6, Article 6-9 a public record.

EXECUTIVE SUMMARY:

This is a procedural item to declare the Town Code, Article 6-9, 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 the Town Council. The Town will save on advertising costs if the Town Council adopts this resolution since the Town can forgo publishing the entire draft ordinance in print form. The adopted version will be published on the Town website. The current draft version of the ordinance has been posted on-line on the Town's website and a printed version is available for public inspection at the Town Clerk's office.

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)12-57, declaring as a public record that this certain document of the Oro Valley Town Code, Chapter 6, Article 6-9, entitled Building Codes Board of Appeals, attached hereto as Exhibit "A," and filed with the Town Clerk, as a public record.

Attachments

R12-57 Building Safety Board of Appeals
Exhibit A

RESOLUTION NO. (R)12-57

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT TO BE PLACED WITHIN CHAPTER 6, Article 6-9 OF THE ORO VALLEY TOWN CODE AND ENTITLED THE “BUILDING SAFETY BOARD OF APPEALS”;, 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 of the Oro Valley Town Code, entitled Chapter 6, Building, Article 6-9, entitled the Building Safety Board of Appeals” is 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 17th day of October, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Interim Town Attorney

Date: _____

Date: _____

EXHIBIT “A”

**Chapter 6
Building**

Article 6-9

~~BUILDING SAFETY~~ CODES BOARD OF APPEALS

Sections:

- [6-9-1](#) Organization
- [6-9-2](#) Meetings
- [6-9-3](#) ~~Official Records~~ **RESERVED**
- [6-9-4](#) Powers and Duties
- [6-9-5](#) Application and Appeals
- [6-9-6](#) Hearings
- [6-9-7](#) Findings and Decisions
- [6-9-8](#) ~~Rules~~ **RESERVED**

6-9-1 Organization

A. Membership; Term of Office. The Town of Oro Valley Building Safety ~~CODES~~ Board of Appeals (**HEREINAFTER “BOARD”**) shall be composed of ~~a total~~ **AT LEAST five (5) TO A MAXIMUM OF SEVEN (7)** members who shall be residents of Pima County, with preference given to Oro Valley residents; but not employees of the Town. The members shall be appointed by the Mayor and Council, and hold office at its pleasure. The members shall be qualified by experience and training to pass upon matters addressed by the Board as more specifically described hereunder **AND SHOULD INCLUDE WHERE POSSIBLE ALL OF THE FOLLOWING:**

1. Registered design professional with architectural experience, a builder, a superintendent of building construction, or such individual with comparable experience.
2. Registered design professional with structural engineering experience, or such individual with comparable experience.
3. Registered design professional with mechanical and plumbing engineering experience, a mechanical contractor, or such individual with comparable experience.
4. Registered design professional with electrical engineering experience, an electrical contractor, or such individual with comparable experience.
5. Registered design professional with fire protection engineering experience, a fire protection contractor, or such individual with comparable experience.
6. The term of office shall be for a period of two (2) years each ending on ~~July 31~~ **DECEMBER 31ST** of even numbered years. Vacancies ~~for any reason~~ shall be

filled by appointment by the Council for the remainder of the unexpired term. The term of all members shall extend until their successors are appointed. ~~If a member misses three (3) consecutive regular, or five (5) unexcused meetings within one (1) year, the Board may request that the Council appoint a new person to complete the term. In addition, the Board shall recommend an individual to serve as the representative of the consuming public.~~

B. **Officers.** The Board shall at the first regular meeting of each calendar year elect a ~~Chairman~~ and ~~Vice-Chairman~~ from among its members who shall serve for one (1) year.

1. The ~~Chairman~~ shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of the head of any similar organization. The ~~Chairman~~ may designate members of the Board to make personal inspections when necessary and, unless otherwise directed by a majority of the Board, shall appoint such sub-committees as may be ~~found~~ necessary.

2. The ~~Vice-Chairman~~ shall perform the duties of the ~~Chairman~~ in the absence of the ~~Chairman~~. If both ~~Chairman~~ and ~~Vice-Chairman~~ are absent from a meeting, the senior member of the Board shall preside. Vacancies ~~created by any cause~~ **IN THE CHAIR OR VICE-CHAIR** shall be filled for the unexpired term by a new election.

~~3.—The Presiding Officer, subject to these rules, shall decide all points of order unless otherwise directed by a majority of the members in attendance on motion duly made and approved.~~

C. **Secretary.** The Building **OFFICIAL** ~~Safety Administrator~~ shall act as Secretary to the Board. The Secretary shall provide ~~only~~ administrative support to the Board but will not be a member of the Board.

~~1.—Duties. It shall be the duty of the Secretary, or designee, to conduct all official correspondence of the Board, send out all notices required by law; to keep the minutes of the Board's proceedings; to perform all the customary duties of the office; to be the custodian of the records of the Board; to supervise the clerical work and technical preparations necessary to the disposition of business before the Board; and to perform all other duties required by law, ordinance, or these Rules of Procedure.~~

~~2.—Agenda. The Secretary shall prepare an agenda for each Board meeting, listing the matters of business in the following order:~~

~~a.—Call to order; recording of members present and absent.~~

~~b.—Minutes; submitted for approval and subject to changes as directed.~~

~~c.—Continued Hearings.~~

~~d.—New Hearings.~~

~~e.—Old Business; matters pending Board action or further report.~~

~~f.—Other Business; new business not part of a hearing.~~

~~g.—Adjournment~~

~~3.—Docket. The Secretary shall maintain a docket and minute book posted to date. In the docket book, the Secretary shall enter the number of the case, the name of the applicant, short description of appeal, street address and/or legal description of the premises in question, and the decision of the Board. All continuances, postponements, dates of sending notices, and other action shall be noted on the docket. The minutes for each case shall be kept on file in the office of the Town Clerk. The minutes shall reflect the decision relating to each case acted on together with the vote of each member on divided votes, those absent so marked, together with all other official actions of the Board.~~

~~D.—Town Attorney. The Town Attorney, or designee, shall attend all meetings of the Board and shall serve as legal counsel for the Board. The Town Attorney shall advise the Board on its jurisdiction, and give aid in interrogating witnesses. The Town Attorney shall also give legal advice to the Board which shall be received and entered in the minutes before disposition of any question or law or matter requiring legal interpretation.~~

6-9-2 Meetings

A. **Regular Meetings.** ~~The Town of Oro Valley Building Safety Board of Appeals may hold regular meetings, when necessary, at the Oro Valley Town Hall on the third (3rd) Tuesday of each calendar month and WHICH shall be duly noticed, in accordance with State law, as to the exact date and time. If there are not applications, hearings, or other agenda items to consider, the meeting may be omitted although the Board shall meet at least once annually. If it is a necessary to change the meeting, a notice of such change shall be posted at the official Town posting areas. All meetings shall be recorded and accurate minutes shall be approved by the Board.~~

~~Upon receipt of a Notice of Appeal, the Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties of interest and to the public.~~

~~B.—Special Meetings. Special meetings for good cause may be held by the Board on call of its Chairman or of a quorum of members, which call shall be filed with the~~

Secretary, or as may be scheduled by a majority of the members at any previous meeting. Notice to the public shall comply with the Arizona Open Meeting Law.

~~C. **Public Meetings.** All meetings and hearings of the Board, except Executive Sessions, shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.~~

~~D.B. **Site Inspections.** The Secretary shall conduct a site inspection for the Board members on all abatements and other matters deemed appropriate by the Chairman. The Board members who are unable to attend the group site inspection may visit the site individually. The notices of such inspections shall be as provided by law.~~

~~E. **Quorum and Voting.** Three Board members shall constitute a quorum. The affirmative vote of a majority of the members voting shall be required for passage of any matter before the Board. The minutes of the meetings shall reflect the matter before the Board. The minutes of the meetings shall reflect the “ayes” and “nays” cast on a particular measure and shall reflect the vote of each member present or if absent, or if failing to vote, shall indicate that fact. If a member declares a conflict of interest relative to a particular issue, the member will abstain both from voting and from the deliberations of the matter in question.~~

~~If a quorum is not present at a regular or special meeting, such meeting will be continued to a specific time. If hearings are pending, the continuance will be limited to one week or to the earliest date that a quorum can be obtained.~~

6-9-3 Official Records RESERVED

~~A. **Definitions.** The official records shall include the Town of Oro Valley Building Safety Board of Appeals Rules of Procedure, minutes of the Board, together with all findings, decisions, and other official actions and records.~~

~~B. **Files; Retention.** All matters before the Board shall be filed in the Town Building Safety division of the Community Development department in accordance with the department’s general filing system. The Secretary shall keep all official records as provided by the State’s Building Safety Records Retention Schedule. The Secretary shall keep all documents filed with, or issued by, the Board.~~

6-9-4 Powers and Duties

A. The Board has the authority to hear and decide appeals of orders, decisions, or determinations made by the Building **OFFICIAL** Safety Administrator relative to the application and interpretation of the technical codes and to determine the suitability of materials and methods or types of construction alternate to those allowed by the provisions of the technical codes enforced by the Town. No such alternate shall be permitted unless at least equivalent to the requirement or requirements ~~concerned~~

CONTAINED in such codes and ordinances of the Town in regard to suitability, strength, effectiveness, fire resistance, durability, safety, ~~and~~ **OR** sanitation. **THE TECHNICAL CODES SHALL BE DEFINED AS THE CURRENTLY ADOPTED EDITIONS OF THE RESIDENTIAL, BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, FUEL GAS, FIRE, ENERGY CONSERVATION, PROPERTY MAINTENANCE AND POOL & SPA CODES.**

B. The Board has the authority to provide for reasonable interpretations of the provisions of the technical codes enforced by the Town; to conduct such investigations, including but not limited to, tests of equivalency as the Board may deem proper and desirable; and to submit such recommendations and reports to the Mayor and Council as the Board deems necessary.

C. The Board shall have no authority relative to interpretation of the administrative provisions of the ~~Administrative Code~~ or the technical codes, nor shall the Board be empowered to waive requirements of ~~either the Administrative Code or~~ technical codes.

D. The Board has and shall exercise all power and jurisdiction reasonably implied by or necessarily inferred from the sources of express power identified herein. Such powers include, but are not limited to, power to determine whether a person, requested decision, subject matter, or issue falls within its jurisdiction; to determine the necessary form, extent, and detail of evidence to be received; to determine the extent and detail of its written findings and decisions or other legal actions taken; and to hear and determine appeals. **QUESTIONS OF JURISDICTION SHALL BE REFERRED TO THE TOWN ATTORNEY FOR FINAL DETERMINATION.**

6-9-5 Application and Appeals

A. Applications and/or appeals to the Board may be filed by any person aggrieved or affected by a decision or an interpretation by the Building **OFFICIAL Safety Administrator** in enforcing the various technical codes adopted by the Town or to request a variance denied by the Building **OFFICIAL Safety Administrator**.

B. Applications and appeals must be filed within thirty (30) days from the date the Building **OFFICIAL Safety Administrator** decides not to grant the permit requested or makes a decision from which the appeal is taken. Any communication purporting to be an application or an appeal shall be deemed a mere notice of intention to file and shall not be deemed a filing to comply with the requirements of timely filing.

C. Applications and appeals shall be made on forms provided by the ~~Board~~ **TOWN** through the Building **OFFICIAL Safety Administrator** **OR THE TOWN CLERK** and shall specify the nature of the matter. Copies of such forms are attached hereto, which by this reference are incorporated as part of ~~these Rules of Procedure~~ **THIS ORDINANCE.**

D. Each case shall be numbered serially and shall be the number of the last two digits of the **CURRENT** year ~~number~~ plus the number of the case filed for that calendar year. Example for the third case filed in the year ~~1992: 92-3.~~ **2012: 12-3.**

E. Materials and applications for the Board must be received at least twenty (20) calendar days prior to the next Board meeting. A case may be heard out of order upon motion of a Board member.

F. Failure to supply the required information within the time indicated ~~may~~ **SHALL** be considered by the Board as a failure to comply with ~~these Rules of Procedure~~ **THIS ORDINANCE** and the case ~~may~~ **SHALL** be dismissed for failure of timely filing.

G. An appeal shall stay all proceedings in the matter appealed from unless the officer from whom the appeal is taken certifies to the Board, that by reason of the fact stated in the certificate, the stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the officer from whom the appeal is taken.

6-9-6 Hearings

A. The Secretary **OR DESIGNEE** shall send notices of a hearing to the applicants ~~as well as~~ **AND** parties of interest. ~~Said n~~Notices shall be mailed not less than five (5) days prior to the hearing date. Notices of a hearing shall be advertised once in the local newspaper of general circulation not less than seven (7) days prior to the hearing date and posted as required by law.

B. The applicant and any person that may be affected by the decision may appear on their own behalf or be represented by counsel.

C. If no appearance is made at the hearing by the applicant, the Board may continue the hearing or dispose of the matter on the record before it and hear those who have appeared in response to the notice of hearing.

D. Hearings on cases shall normally follow this order: Building **OFFICIAL** Safety ~~Administrator~~ report; Advice from and questions to Town Attorney; Jurisdiction determination; Hearing of the Applicant; Hearing of those in support of Applicant; Hearing of protests; Rebuttals as permitted by the Board; and Closing Hearing.

E. In determining jurisdiction, the opinion of the Town Attorney ~~may or may not~~ **SHALL** be recorded in the case. ~~Whenever it appears of record that the Board may lack jurisdiction, the Chairman shall so advise interested parties present. If there is objection to the Town Attorney's opinion that jurisdiction is lacking, the Board may hear argument on the jurisdictional issues and may require the filing of written statements or briefs thereon. The Board may proceed with the hearing and reception of evidence in any event,~~

~~and may reserve its determination of the jurisdictional issue until after the hearing is closed, and make a decision on the merits as if it had jurisdiction.~~ If there is no objection to the Town Attorney's opinion that jurisdiction is lacking, the Board may make an immediate determination and close the hearing upon find**ING** that it lacks jurisdiction. If the Board determines by motion that it lacks jurisdiction, the Secretary shall record the motion as a decision to deny the appeal.

F. Orderly procedure requires that each side shall proceed without interruption by the other, that all arguments and pleadings shall be addressed to the Board, and that there be no questioning or argument between individuals.

G. During the hearing, the Chair**man**, Board members and members of the Staff may ask questions and make appropriate comments pertinent to the case; however, no member should debate or argue an issue with the applicant.

H. The Chair**man** and Board members may direct any question to the applicant or any person speaking in order to bring out all relevant facts, circumstances, and conditions affecting the case and may call for questions from members of the Staff.

I. All supporting evidence for and against each case shall be presented to the assembled Board. The applicant shall be responsible for the presentation of all information supporting the case.

J. The burden of proof ~~for satisfying the findings made by the Board shall rest with the prevailing party.~~ **SHALL BE THE RESPONSIBILITY OF THE APPLICANT.**

K. The Board may take a case under advisement for later consideration and determination, or may defer action whenever it concludes that additional evidence is needed or further study is required.

L. Cases may be postponed by prior arrangement with the Secretary.

6-9-7 Findings and Decisions

A. The Board shall decide any application or appeal immediately after the hearing or within a reasonable time thereafter at a Special meeting called for that purpose, but in no event shall the Board keep an appeal under consideration more than ~~five (5)~~ **SEVEN (7) CALENDAR** days after the meeting in which the hearing was conducted. After such notice and hearing, the decision of the Board shall be filed with the ~~Community Development~~ **AND INFRASTRUCTURE SERVICES** ~~Department.~~ ~~as elsewhere provided in these Rules of Procedure by the Secretary of the Board.~~ The Board shall render its decision and all findings of fact in writing, which shall be final, and shall transmit a copy to the Building **OFFICIAL** ~~Inspector involved~~, and a copy to the applicant.

~~B.~~ A majority of legal votes cast by those members present and voting, a quorum being present, shall be required in order to carry all motions, except as provided for herein. **A MAJORITY OF VOTES CAST BY THOSE MEMBERS PRESENT SHALL BE REQUIRED IN ORDER TO CARRY ALL MOTIONS.**

~~C.~~ A member may refrain from voting whenever there is a personal or monetary interest, or if it is believed that any conflict of interest exists, in the subject property. A member may refrain from voting whenever any applicant, or agent, has sought to influence the vote of the member, other than in the public hearing, on such case.

~~D.~~**C.** Alternate materials or alternate methods or types of construction requested by applicants or appellants shall not be granted unless the Board shall findS in writing upon sufficient evidence that such alternate is at least equivalent to the requirements of the technical codes concerned in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

~~E.~~**D.** The interpretation of any technical code provisions made subject of an application or appeal shall not be decided unless the Board shall findS in writing, upon sufficient evidence, that the provision in question is in fact ambiguous, and in what regard, and why the proposed interpretation will be reasonable.

~~F.~~**E.** The Board may prescribe any reasonable conditions or limitations in connection with the granting of any appeal, or in connection with its decision in any Order to Show Cause, which it may deem necessary to fully carry out its duties and to implement the provisions and intent of the technical code in question. At the same time, the Board may set forth the effect of a failure to comply with any of said conditions or limitations, including but not limited to declaring the grant of appeal or application void upon such failure.

~~G.~~**F.** No informal requests for advice or moot or hypothetical questions will be considered by the Board. Any advice, opinion, or information given by any Board member or the Secretary, or any other official or employee of the Town shall not be binding on the Board.

~~H.~~**G.** No action of the Board shall set a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

~~I.~~**H.** Any person aggrieved of any decision of the Board may file an action concerning the same in the Superior Court of Pima County. The complaint or petition therein shall allege that the decision was arbitrary, capricious, or otherwise unreasonable. Such action shall be commenced within thirty (30) days following delivery of the Board's decision to the office of the Building **OFFICIAL AND THE APPLICANT** Safety Administrator and not afterward.

~~6-9-8~~ Rules RESERVED

~~A.— Amendments, if any, to the Town of Oro Valley Building Safety Board of Appeals Rules of Procedure may be recommended by the Board and approved by Town Council. Any such amendment shall be proposed or submitted in writing at a meeting of the Board, and recorded in the minutes of such meeting or meetings. Action to recommend approval of such amendments may not be taken until the meeting following the proposal or submission in writing. Amendments adopted as above shall become effective at the next regular meeting of the Board.~~

~~B.— Roberts Rules of Order shall govern actions of the Board where they are not covered by these Rules of Procedure.~~



Town Council Regular Session

Item # **1. b.**

Meeting Date: 10/17/2012
Requested by: Chuck King
Submitted By: Chuck King, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O)12-17 AMENDING CHAPTER 6, ARTICLE 6-9 ENTITLED "BUILDING SAFETY BOARD OF APPEALS"

RECOMMENDATION:

Staff recommends approval of this proposal which amends Chapter 6, Article 6-9, of the Oro Valley Town Code, to conform to the current organizational structure and to clarify the function of the Building Safety Board of Appeals with regard to adopted building codes.

EXECUTIVE SUMMARY:

Approximately 10 years ago the Building Safety Board of Appeals was created to comply with the adopted Building code at that time, which mandated creation of a "board of appeals." The currently adopted codes have similar language as do subsequent editions being considered for adoption.

The intent of Building Safety Board of Appeals is to hear and decide appeals of decisions and interpretations made by the Building Official that a proponent may differ with.

The purpose of this item for consideration is to modify the current Town Code to conform with the current and next Building Code with respect to the subject of "board of appeals".

BACKGROUND OR DETAILED INFORMATION:

It is very important to have a board of appeals in place to hear appeals that may be presented, and to do so in an expedient manner. Since the original creation of the Building Safety Board of Appeals there have been no members seated. Staff believes that since the Board of Appeals exists in our adopted ordinances that it should also exist in practice.

With the adoption of these changes to the Town Code, a new board could be seated that conform to the current rules and policies of all other boards and commissions. The Town has been fortunate in that this board has not been required in the past. However, if the need arose, the time necessary to assemble a board would cause significant delays when decisions rendered are typically time sensitive. Neighboring jurisdictions currently have boards seated for this very purpose and these boards convene on a regular basis to hear appeals.

This amendment is also intended to provide "administrative cleanup" of the ordinance, such as correcting titles and reflecting current department structure. The amendment will also incorporate current "Parliamentary Rules and Procedures" that are applicable to all boards and commissions within the Town, but are currently not reflected in the ordinance.

FISCAL IMPACT:

None

SUGGESTED MOTION:

I MOVE to (adopt or deny) Ordinance No. (O)12-17, amending Chapter 6, Article 6-9, with the intent of aligning the ordinance administratively, and by having the ordinance reflect Parliamentary Rules and Procedures that are intended to apply to all boards.

Attachments

O12-17 Building Safety Board of Appeals

O12-17 Exhibit A

ORDINANCE NO. (O)12-17

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING CHAPTER 6, Article 6-9 ENTITLED “BUILDING SAFETY BOARD OF APPEALS”; AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; AND PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on December 6, 1995, the Town Council approved Ordinance No. (O) 95-85, which adopted that certain document entitled, “Oro Valley Town Code, Chapter 6, ”Building” as the sixth chapter of the official Town Code; and

WHEREAS, Chapter 6, Article 6-9 contains the Town of Oro Valley’s Building Safety Board of Appeals regulations; and

WHEREAS, on October 17, 2012, the Town Council adopted Resolution No. (R)12-57, making that certain document entitled the “Building Safety Board of Appeals” a public record; and

WHEREAS, the proposed changes to Chapter 6, Article 6-9 the “Building Safety Board of Appeals” are necessitated by the impending adoption of the 2012 version of the International Codes as well as recent changes to the rules and regulations that Town Boards and Commissions are required to follow .

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley that Oro Valley Town Code Chapter 6, Article 6-9, the Town of Oro Valley’s Building Safety Board of Appeals is hereby amended as provided in Resolution No. (R)12-57 having made that certain document entitled the “Building Codes Board of Appeals” into a public record:

PASSED AND ADOPTED by the Mayor and Town Council, of the Town of Oro Valley, Arizona, this 17th day of October, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Sidles, Interim Town Attorney

Date: _____

EXHIBIT "A"
"BUILDING CODES BOARD OF APPEALS"

**Chapter 6
Building**

Article 6-9

BUILDING SAFETY CODES BOARD OF APPEALS

Sections:

- 6-9-1 Organization
- 6-9-2 Meetings
- 6-9-3 ~~Official Records~~ **RESERVED**
- 6-9-4 Powers and Duties
- 6-9-5 Application and Appeals
- 6-9-6 Hearings
- 6-9-7 Findings and Decisions
- 6-9-8 ~~Rules~~ **RESERVED**

6-9-1 Organization

A. Membership; Term of Office. The Town of Oro Valley Building Safety ~~CODES~~ Board of Appeals (**HEREINAFTER “BOARD”**) shall be composed of ~~a total~~ **AT LEAST five (5) TO A MAXIMUM OF SEVEN (7)** members who shall be residents of Pima County, with preference given to Oro Valley residents; but not employees of the Town. The members shall be appointed by the Mayor and Council, and hold office at its pleasure. The members shall be qualified by experience and training to pass upon matters addressed by the Board as more specifically described hereunder **AND SHOULD INCLUDE WHERE POSSIBLE ALL OF THE FOLLOWING:**

1. Registered design professional with architectural experience, a builder, a superintendent of building construction, or such individual with comparable experience.
2. Registered design professional with structural engineering experience, or such individual with comparable experience.
3. Registered design professional with mechanical and plumbing engineering experience, a mechanical contractor, or such individual with comparable experience.
4. Registered design professional with electrical engineering experience, an electrical contractor, or such individual with comparable experience.
5. Registered design professional with fire protection engineering experience, a fire protection contractor, or such individual with comparable experience.
6. The term of office shall be for a period of two (2) years each ending on ~~July 31~~ **DECEMBER 31ST** of even numbered years. Vacancies ~~for any reason~~ shall be

filled by appointment by the Council for the remainder of the unexpired term. The term of all members shall extend until their successors are appointed. ~~If a member misses three (3) consecutive regular, or five (5) unexcused meetings within one (1) year, the Board may request that the Council appoint a new person to complete the term. In addition, the Board shall recommend an individual to serve as the representative of the consuming public.~~

B. **Officers.** The Board shall at the first regular meeting of each calendar year elect a ~~Chairman~~ and ~~Vice-Chairman~~ from among its members who shall serve for one (1) year.

1. The ~~Chairman~~ shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of the head of any similar organization. The ~~Chairman~~ may designate members of the Board to make personal inspections when necessary and, unless otherwise directed by a majority of the Board, shall appoint such sub-committees as may be ~~found~~ necessary.

2. The ~~Vice-Chairman~~ shall perform the duties of the ~~Chairman~~ in the absence of the ~~Chairman~~. If both ~~Chairman~~ and ~~Vice-Chairman~~ are absent from a meeting, the senior member of the Board shall preside. Vacancies ~~created by any cause~~ **IN THE CHAIR OR VICE-CHAIR** shall be filled for the unexpired term by a new election.

~~3.—The Presiding Officer, subject to these rules, shall decide all points of order unless otherwise directed by a majority of the members in attendance on motion duly made and approved.~~

C. **Secretary.** The Building **OFFICIAL** ~~Safety Administrator~~ shall act as Secretary to the Board. The Secretary shall provide ~~only~~ administrative support to the Board but will not be a member of the Board.

~~1.—Duties. It shall be the duty of the Secretary, or designee, to conduct all official correspondence of the Board, send out all notices required by law; to keep the minutes of the Board's proceedings; to perform all the customary duties of the office; to be the custodian of the records of the Board; to supervise the clerical work and technical preparations necessary to the disposition of business before the Board; and to perform all other duties required by law, ordinance, or these Rules of Procedure.~~

~~2.—Agenda. The Secretary shall prepare an agenda for each Board meeting, listing the matters of business in the following order:~~

~~a.—Call to order; recording of members present and absent.~~

b. ~~Minutes; submitted for approval and subject to changes as directed.~~

e. ~~Continued Hearings.~~

d. ~~New Hearings.~~

e. ~~Old Business; matters pending Board action or further report.~~

f. ~~Other Business; new business not part of a hearing.~~

g. ~~Adjournment~~

3. ~~Docket. The Secretary shall maintain a docket and minute book posted to date. In the docket book, the Secretary shall enter the number of the case, the name of the applicant, short description of appeal, street address and/or legal description of the premises in question, and the decision of the Board. All continuances, postponements, dates of sending notices, and other action shall be noted on the docket. The minutes for each case shall be kept on file in the office of the Town Clerk. The minutes shall reflect the decision relating to each case acted on together with the vote of each member on divided votes, those absent so marked, together with all other official actions of the Board.~~

D. ~~Town Attorney. The Town Attorney, or designee, shall attend all meetings of the Board and shall serve as legal counsel for the Board. The Town Attorney shall advise the Board on its jurisdiction, and give aid in interrogating witnesses. The Town Attorney shall also give legal advice to the Board which shall be received and entered in the minutes before disposition of any question or law or matter requiring legal interpretation.~~

6-9-2 Meetings

A. **Regular Meetings.** ~~The Town of Oro Valley Building Safety Board of Appeals may hold regular meetings, when necessary, at the Oro Valley Town Hall on the third (3rd) Tuesday of each calendar month and WHICH shall be duly noticed, in accordance with State law, as to the exact date and time. If there are not applications, hearings, or other agenda items to consider, the meeting may be omitted although the Board shall meet at least once annually. If it is a necessary to change the meeting, a notice of such change shall be posted at the official Town posting areas. All meetings shall be recorded and accurate minutes shall be approved by the Board.~~

~~Upon receipt of a Notice of Appeal, the Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties of interest and to the public.~~

B. **Special Meetings.** ~~Special meetings for good cause may be held by the Board on call of its Chairman or of a quorum of members, which call shall be filed with the~~

Secretary, or as may be scheduled by a majority of the members at any previous meeting. Notice to the public shall comply with the Arizona Open Meeting Law.

~~C. **Public Meetings.** All meetings and hearings of the Board, except Executive Sessions, shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.~~

~~D.B. **Site Inspections.** The Secretary shall conduct a site inspection for the Board members on all abatements and other matters deemed appropriate by the Chairman. The Board members who are unable to attend the group site inspection may visit the site individually. The notices of such inspections shall be as provided by law.~~

~~E. **Quorum and Voting.** Three Board members shall constitute a quorum. The affirmative vote of a majority of the members voting shall be required for passage of any matter before the Board. The minutes of the meetings shall reflect the matter before the Board. The minutes of the meetings shall reflect the “ayes” and “nays” cast on a particular measure and shall reflect the vote of each member present or if absent, or if failing to vote, shall indicate that fact. If a member declares a conflict of interest relative to a particular issue, the member will abstain both from voting and from the deliberations of the matter in question.~~

~~If a quorum is not present at a regular or special meeting, such meeting will be continued to a specific time. If hearings are pending, the continuance will be limited to one week or to the earliest date that a quorum can be obtained.~~

6-9-3 Official Records RESERVED

~~A. **Definitions.** The official records shall include the Town of Oro Valley Building Safety Board of Appeals Rules of Procedure, minutes of the Board, together with all findings, decisions, and other official actions and records.~~

~~B. **Files; Retention.** All matters before the Board shall be filed in the Town Building Safety division of the Community Development department in accordance with the department’s general filing system. The Secretary shall keep all official records as provided by the State’s Building Safety Records Retention Schedule. The Secretary shall keep all documents filed with, or issued by, the Board.~~

6-9-4 Powers and Duties

A. The Board has the authority to hear and decide appeals of orders, decisions, or determinations made by the Building **OFFICIAL** Safety Administrator relative to the application and interpretation of the technical codes and to determine the suitability of materials and methods or types of construction alternate to those allowed by the provisions of the technical codes enforced by the Town. No such alternate shall be permitted unless at least equivalent to the requirement or requirements ~~concerned~~

CONTAINED in such codes and ordinances of the Town in regard to suitability, strength, effectiveness, fire resistance, durability, safety, ~~and~~ **OR** sanitation. **THE TECHNICAL CODES SHALL BE DEFINED AS THE CURRENTLY ADOPTED EDITIONS OF THE RESIDENTIAL, BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, FUEL GAS, FIRE, ENERGY CONSERVATION, PROPERTY MAINTENANCE AND POOL & SPA CODES.**

B. The Board has the authority to provide for reasonable interpretations of the provisions of the technical codes enforced by the Town; to conduct such investigations, including but not limited to, tests of equivalency as the Board may deem proper and desirable; and to submit such recommendations and reports to the Mayor and Council as the Board deems necessary.

C. The Board shall have no authority relative to interpretation of the administrative provisions of the ~~Administrative Code~~ or the technical codes, nor shall the Board be empowered to waive requirements of ~~either the Administrative Code or~~ technical codes.

D. The Board has and shall exercise all power and jurisdiction reasonably implied by or necessarily inferred from the sources of express power identified herein. Such powers include, but are not limited to, power to determine whether a person, requested decision, subject matter, or issue falls within its jurisdiction; to determine the necessary form, extent, and detail of evidence to be received; to determine the extent and detail of its written findings and decisions or other legal actions taken; and to hear and determine appeals. **QUESTIONS OF JURISDICTION SHALL BE REFERRED TO THE TOWN ATTORNEY FOR FINAL DETERMINATION.**

6-9-5 Application and Appeals

A. Applications and/or appeals to the Board may be filed by any person aggrieved or affected by a decision or an interpretation by the Building **OFFICIAL Safety Administrator** in enforcing the various technical codes adopted by the Town or to request a variance denied by the Building **OFFICIAL Safety Administrator**.

B. Applications and appeals must be filed within thirty (30) days from the date the Building **OFFICIAL Safety Administrator** decides not to grant the permit requested or makes a decision from which the appeal is taken. Any communication purporting to be an application or an appeal shall be deemed a mere notice of intention to file and shall not be deemed a filing to comply with the requirements of timely filing.

C. Applications and appeals shall be made on forms provided by the ~~Board~~ **TOWN** through the Building **OFFICIAL Safety Administrator** **OR THE TOWN CLERK** and shall specify the nature of the matter. Copies of such forms are attached hereto, which by this reference are incorporated as part of ~~these Rules of Procedure~~ **THIS ORDINANCE.**

D. Each case shall be numbered serially and shall be the number of the last two digits of the **CURRENT** year ~~number~~ plus the number of the case filed for that calendar year. Example for the third case filed in the year ~~1992: 92-3-~~**2012: 12-3.**

E. Materials and applications for the Board must be received at least twenty (20) calendar days prior to the next Board meeting. A case may be heard out of order upon motion of a Board member.

F. Failure to supply the required information within the time indicated ~~may~~ **SHALL** be considered by the Board as a failure to comply with ~~these Rules of Procedure~~ **THIS ORDINANCE** and the case ~~may~~ **SHALL** be dismissed for failure of timely filing.

G. An appeal shall stay all proceedings in the matter appealed from unless the officer from whom the appeal is taken certifies to the Board, that by reason of the fact stated in the certificate, the stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the officer from whom the appeal is taken.

6-9-6 Hearings

A. The Secretary **OR DESIGNEE** shall send notices of a hearing to the applicants as well as **AND** parties of interest. ~~Said n~~Notices shall be mailed not less than five (5) days prior to the hearing date. Notices of a hearing shall be advertised once in the local newspaper of general circulation not less than seven (7) days prior to the hearing date and posted as required by law.

B. The applicant and any person that may be affected by the decision may appear on their own behalf or be represented by counsel.

C. If no appearance is made at the hearing by the applicant, the Board may continue the hearing or dispose of the matter on the record before it and hear those who have appeared in response to the notice of hearing.

D. Hearings on cases shall normally follow this order: Building **OFFICIAL** Safety ~~Administrator~~ report; Advice from and questions to Town Attorney; Jurisdiction determination; Hearing of the Applicant; Hearing of those in support of Applicant; Hearing of protests; Rebuttals as permitted by the Board; and Closing Hearing.

E. In determining jurisdiction, the opinion of the Town Attorney ~~may or may not~~ **SHALL** be recorded in the case. ~~Whenever it appears of record that the Board may lack jurisdiction, the Chairman shall so advise interested parties present. If there is objection to the Town Attorney's opinion that jurisdiction is lacking, the Board may hear argument on the jurisdictional issues and may require the filing of written statements or briefs thereon. The Board may proceed with the hearing and reception of evidence in any event,~~

~~and may reserve its determination of the jurisdictional issue until after the hearing is closed, and make a decision on the merits as if it had jurisdiction.~~ If there is no objection to the Town Attorney's opinion that jurisdiction is lacking, the Board may make an immediate determination and close the hearing upon find**ING** that it lacks jurisdiction. If the Board determines by motion that it lacks jurisdiction, the Secretary shall record the motion as a decision to deny the appeal.

F. Orderly procedure requires that each side shall proceed without interruption by the other, that all arguments and pleadings shall be addressed to the Board, and that there be no questioning or argument between individuals.

G. During the hearing, the Chair**man**, Board members and members of the Staff may ask questions and make appropriate comments pertinent to the case; however, no member should debate or argue an issue with the applicant.

H. The Chair**man** and Board members may direct any question to the applicant or any person speaking in order to bring out all relevant facts, circumstances, and conditions affecting the case and may call for questions from members of the Staff.

I. All supporting evidence for and against each case shall be presented to the assembled Board. The applicant shall be responsible for the presentation of all information supporting the case.

J. The burden of proof ~~for satisfying the findings made by the Board shall rest with the prevailing party.~~ **SHALL BE THE RESPONSIBILITY OF THE APPLICANT.**

K. The Board may take a case under advisement for later consideration and determination, or may defer action whenever it concludes that additional evidence is needed or further study is required.

L. Cases may be postponed by prior arrangement with the Secretary.

6-9-7 Findings and Decisions

A. The Board shall decide any application or appeal immediately after the hearing or within a reasonable time thereafter at a Special meeting called for that purpose, but in no event shall the Board keep an appeal under consideration more than ~~five (5)~~ **SEVEN (7) CALENDAR** days after the meeting in which the hearing was conducted. After such notice and hearing, the decision of the Board shall be filed with the ~~Community Development~~ **AND INFRASTRUCTURE SERVICES** ~~Department.~~ ~~as elsewhere provided in these Rules of Procedure by the Secretary of the Board.~~ The Board shall render its decision and all findings of fact in writing, which shall be final, and shall transmit a copy to the Building **OFFICIAL** ~~Inspector involved~~, and a copy to the applicant.

~~B.~~ A majority of legal votes cast by those members present and voting, a quorum being present, shall be required in order to carry all motions, except as provided for herein. **A MAJORITY OF VOTES CAST BY THOSE MEMBERS PRESENT SHALL BE REQUIRED IN ORDER TO CARRY ALL MOTIONS.**

~~C.~~ A member may refrain from voting whenever there is a personal or monetary interest, or if it is believed that any conflict of interest exists, in the subject property. A member may refrain from voting whenever any applicant, or agent, has sought to influence the vote of the member, other than in the public hearing, on such case.

~~D.~~**C.** Alternate materials or alternate methods or types of construction requested by applicants or appellants shall not be granted unless the Board shall findS in writing upon sufficient evidence that such alternate is at least equivalent to the requirements of the technical codes concerned in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

~~E.~~**D.** The interpretation of any technical code provisions made subject of an application or appeal shall not be decided unless the Board shall findS in writing, upon sufficient evidence, that the provision in question is in fact ambiguous, and in what regard, and why the proposed interpretation will be reasonable.

~~F.~~**E.** The Board may prescribe any reasonable conditions or limitations in connection with the granting of any appeal, or in connection with its decision in any Order to Show Cause, which it may deem necessary to fully carry out its duties and to implement the provisions and intent of the technical code in question. At the same time, the Board may set forth the effect of a failure to comply with any of said conditions or limitations, including but not limited to declaring the grant of appeal or application void upon such failure.

~~G.~~**F.** No informal requests for advice or moot or hypothetical questions will be considered by the Board. Any advice, opinion, or information given by any Board member or the Secretary, or any other official or employee of the Town shall not be binding on the Board.

~~H.~~**G.** No action of the Board shall set a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

~~I.~~**H.** Any person aggrieved of any decision of the Board may file an action concerning the same in the Superior Court of Pima County. The complaint or petition therein shall allege that the decision was arbitrary, capricious, or otherwise unreasonable. Such action shall be commenced within thirty (30) days following delivery of the Board's decision to the office of the Building **OFFICIAL AND THE APPLICANT** Safety Administrator and not afterward.

~~6-9-8~~ Rules RESERVED

~~A.— Amendments, if any, to the Town of Oro Valley Building Safety Board of Appeals Rules of Procedure may be recommended by the Board and approved by Town Council. Any such amendment shall be proposed or submitted in writing at a meeting of the Board, and recorded in the minutes of such meeting or meetings. Action to recommend approval of such amendments may not be taken until the meeting following the proposal or submission in writing. Amendments adopted as above shall become effective at the next regular meeting of the Board.~~

~~B.— Roberts Rules of Order shall govern actions of the Board where they are not covered by these Rules of Procedure.~~



Town Council Regular Session

Item # **2.**

Meeting Date: 10/17/2012
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12-18, AMENDING ORO VALLEY TOWN CODE SECTION 3-5-4 (A), CONCEPTUAL DESIGN REVIEW BOARD MEMBERSHIP

RECOMMENDATION:

This item is presented for informational purposes.

Since this is a public hearing, if the Council so desires, they may act tonight to amend the Town Code regarding the number of CDRB members.

EXECUTIVE SUMMARY:

The role of the CDRB is to promote harmonious, attractive and compatible development through the review of conceptual designs for site plans, architecture and public art. In addition to recommendations on conceptual designs, the Board is authorized to approve model home architecture, sign criteria (sign approvals for multi-tenant commercial projects), and certain aspects of wireless facilities.

With the exception of the CDRB, all Town advisory boards are composed of seven or five members. The CDRB was enlarged to nine members to ensure sufficient design expertise. As approved by Resolution No. (R)11-32 in July 2011, the CDRB membership is to include four design professionals, two public art experts and three at-large members. The purpose of this agenda item is to facilitate discussion and provide an opportunity for action.

BACKGROUND OR DETAILED INFORMATION:

The size of the CDRB presents unique challenges for this Board. Discussion on cases can be protracted as each of the nine members weighs in during deliberations at meetings. This has tended to extend meetings as observed by community members, applicants and elected officials during CDRB meetings. Of less importance, but still a consideration, the nine members are not all accommodated at the dais in the Council Chambers. When eight or more members are present, additional members are located in the staff seats adjacent to the dais.

There are currently two vacancies on the CDRB and two additional members have terms set to expire December 31, 2012. Richard Luckett resigned in June and Rachel Childers resigned effective July 31. The terms of Gil Alexander and Nathan Baskin expire in December.

If the Council desires to make any changes to the required professional expertise of members of the CDRB contained in the supplemental CDRB Rules & Operating Procedures, such changes can be acted on at a future Council meeting.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Ordinance No. (O)12-18, Amending Town Code Article 3-5-4, changing the size of the Conceptual Design Review Board (CDRB) from nine (9) to _____ members.

OR

I MOVE to deny Ordinance No. (O)12-18, Amending Town Code Article 3-5-4, finding that the amendment is not warranted at this time.

Attachments

O12-18 CDRB Membership

ORDINANCE NO. (O)12-18

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA
AMENDING ORO VALLEY TOWN CODE SECTION 3-5-4(A),
CONCEPTUAL DESIGN REVIEW BOARD MEMBERSHIP; AND
REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE
TOWN OF ORO VALLEY IN CONFLICT THEREWITH**

WHEREAS, on September 27, 1989, the Mayor and Council adopted Ordinance No. (O) 89-21, adopting that certain document entitled “Oro Valley Town Code, Chapter 3, Administration”; and

WHEREAS, the creation of the Conceptual Design Review Board (CDRB) and the design review process were approved by Mayor and Council on December 1, 2010; and

WHEREAS, the Town desires to amend the Oro Valley Town Code, Section 3-5-4(A), Conceptual Design Review Board Membership, to reduce the number of members of the CDRB from nine (9) to seven (7); and

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

SECTION 1. The certain document known as “Oro Valley Town Code, Section 3-5-4, Conceptual Design Review Board”, attached hereto as Exhibit “A” and incorporated herein by this reference, is amended with additions in ALL CAPS and deletions in ~~striketrough~~ 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 Town Council, of the Town of Oro Valley, Arizona, this 17th day of October, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Sidles, Interim Town Attorney

Date: _____

Exhibit "A"
Town Code Amendment
CDRB Membership
October 17, 2012

Note: Language to be added is in ALL CAPS. Language to be deleted has been ~~struck~~.

3-5-4 Conceptual Design Review Board

- A. There is hereby established a Conceptual Design Review Board (CDRB) for the Town of Oro Valley to consist of ~~up to nine (9)~~ SEVEN (7) (OR OTHER PREFERRED NUMBER) voting members, each of whom shall be a resident of the Town.



Town Council Regular Session

Item # **3. a.**

Meeting Date: 10/17/2012
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)12-58, DECLARING THAT CERTAIN DOCUMENT KNOWN AS THE TOHONO CHUL PARK PLANNED AREA DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This is a procedural item to declare the draft ordinance a matter of public record. The draft ordinance has been posted on-line and made available in the Town Clerk's office. 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 draft ordinance in print form. The adopted version will be published on the Town website. The current draft version of the ordinance has been posted on-line on the Town website and a printed version is available for public inspection at the Town Clerk's office.

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)12-58, declaring a document known as the Tohono Chul Park Planned Area Development, Attached Hereto as Exhibit "A", and filed with the Town Clerk, a public record.

Attachments

R12-58 Tohono Chul Park PAD
R12-58 Exhibit A - Tohono Chul Park PAD

RESOLUTION NO. (R)12-58

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS TOHONO CHUL PARK PLANNED AREA DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A".

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that certain document entitled Tohono Chul Park Planned Area Development, 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 and declaring an emergency to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 17th day of October, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Interim Town Attorney

Date: _____

Date: _____

9/7/12 DRAFT

TOHONO CHUL PARK PLANNED AREA DEVELOPMENT



September, 2012

Tohono Chul Park Planned Area Development 7366 N. Paseo Del Norte

Prepared for:

TOHONO CHUL PARK
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I. Site Analysis

A. Project Overview

The Tohono Chul Park Planned Area Development (PAD) encompasses approximately 48.5 acres located on to the northeast corner of Ina Road and Paseo Del Norte (See Exhibit 1: Regional Location). The project site is currently zoned Pima County CR-1 (Single Residence Zone) and CB-1 (Local Business Zone). The use of this site as a museum/botanical garden was permitted in accordance with non-conforming use permit #P99CP04979, issued on May 14, 1999. A change in zoning to Planned Area Development (PAD) is requested for future development of the site.

The mission of Tohono Chul Park is:

To enrich people's lives by providing them the opportunity to find peace and inspiration in a place of beauty, experience the wonders of the Sonoran Desert, and to gain knowledge of the natural and cultural heritage of this region.

The Park has grown and expanded over the years to become a nationally recognized showcase for Sonoran Desert and Southwest Region plants, arts, and culture.

Previous zoning and development approvals for the property include Pima County case numbers:

- Co9-71-73
- Co9-80-140
- Co9-84-13
- P1200-176

The purpose of the following Site Analysis is to identify the opportunities, constraints and physical characteristics of the site. The analysis is intended to guide future development in a manner that is sensitive and responsive to the physical conditions of the site. Since most of the site has already been developed, this Site Analysis will focus primarily on existing development and site conditions, including:

- Existing land uses
- Hydrology
- Scenic Resources
- Traffic Circulation
- Existing infrastructure

Exhibit 1: Regional Location

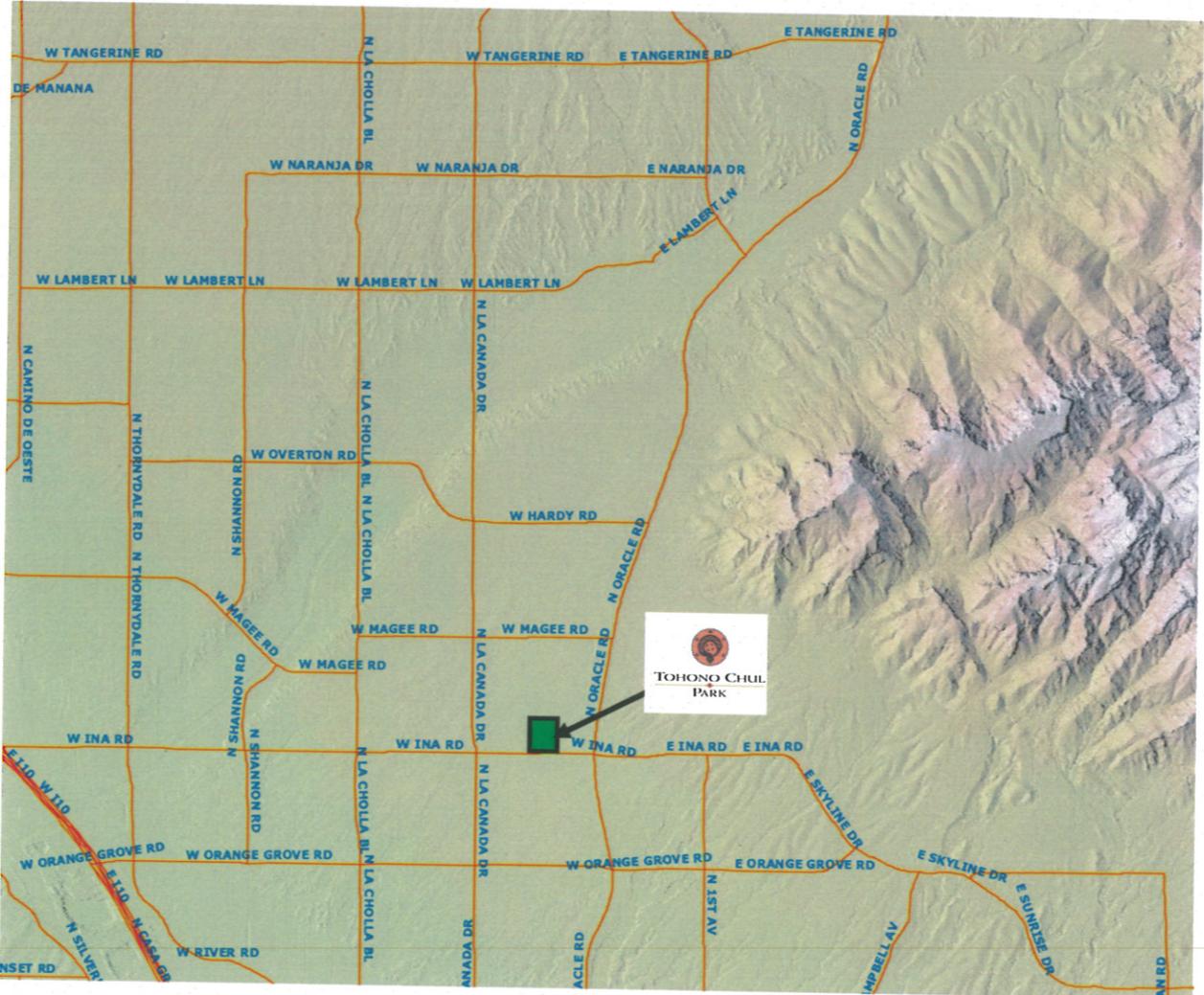


Exhibit 2: Aerial View



B. Existing Land Uses

This section identifies existing zoning, land use and structures on-site and on surrounding properties, as well as other proposed development in the project vicinity.

1. Existing On-Site Land Use & Zoning

The majority of the PAD District (approx. 47.2 acres) is currently zoned Pima County CR-1 (Single Residence Zone), which permits single-family residential development and ancillary uses. Approximately 1.42 acres of the eastern portion of the property is zoned Pima County CB-1 (Local Business Zone), which permits neighborhood scale commercial uses.

The site is composed primarily of undisturbed natural desert and cultivated gardens, with a number of accessory uses including:

- Plant nursery with retail sales
- Tea Room (restaurant)
- Visitor Center
- Book Store
- Educational facility with classrooms

There are currently approximately 40,320 square feet of structures on the property, including:

- Main Building- Including Exhibits & Museum Shop (6,441 square feet)
- Desert Discovery Education Center
- Offices (2,674 square feet)
- Tea Room (4,361 square feet)
- Book Shop (6,764 square feet)
- Wildlife observation structure (491 square feet)
- Shade structures, canopies, and ramadas (5,966 square feet total)
- Greenhouses and shade houses (5,560 square feet total)
- Meeting Rooms
- Maintenance Buildings

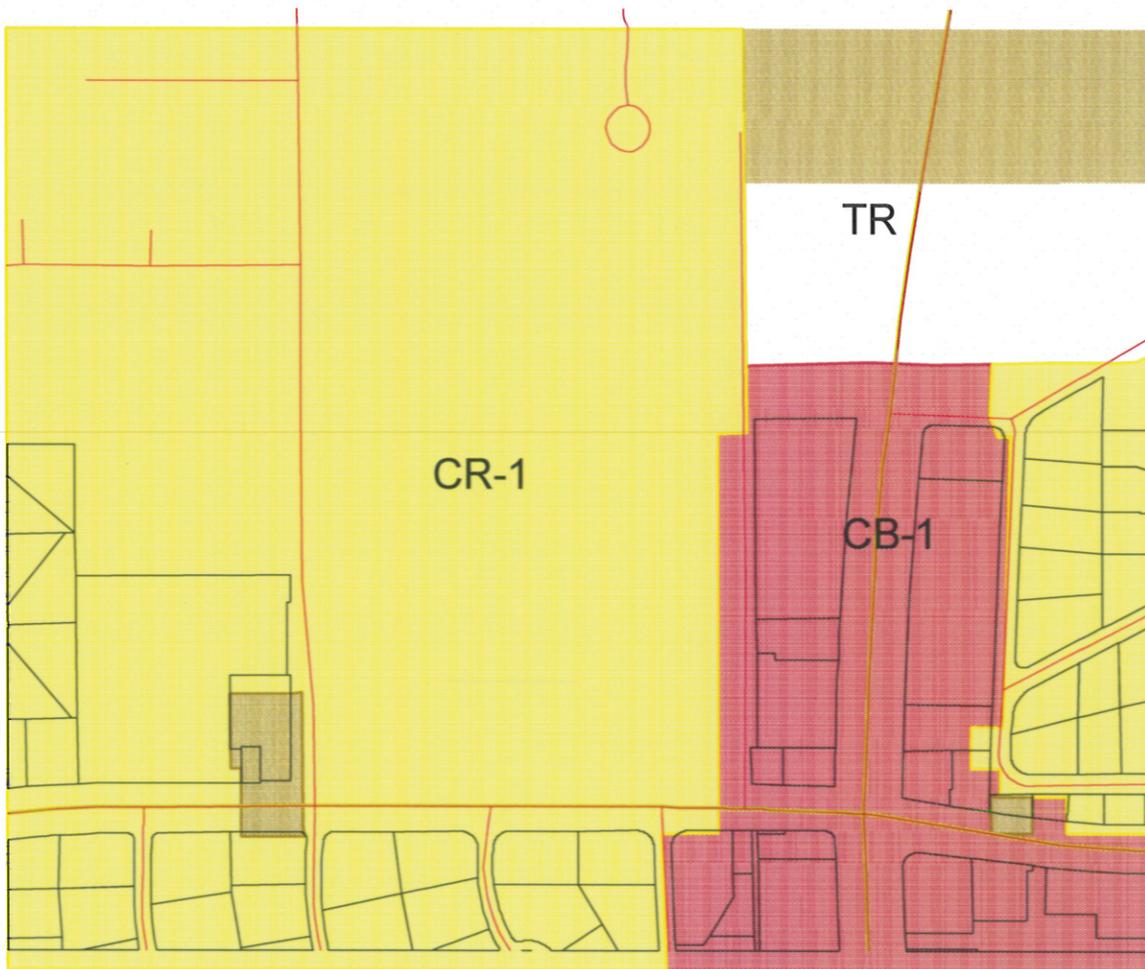
2. Existing Zoning on Properties within a One-Quarter Mile Radius

a. Zoning

The zoning designations of surrounding properties, as depicted in Exhibit 3, are as follows:

North:	Pima County CR-1 (Single Residence Zone) and Pima County SR (Suburban Ranch Zone)
South:	Pima County CR-1 (Single Residence Zone) and Pima County CB-1 (Local Business Zone)
East:	Pima County CB-1 (Local Business Zone) and Pima County TR (Transitional Zone)
West:	Pima County CR-1 (Single Residence Zone)

Exhibit 3: Existing Zoning

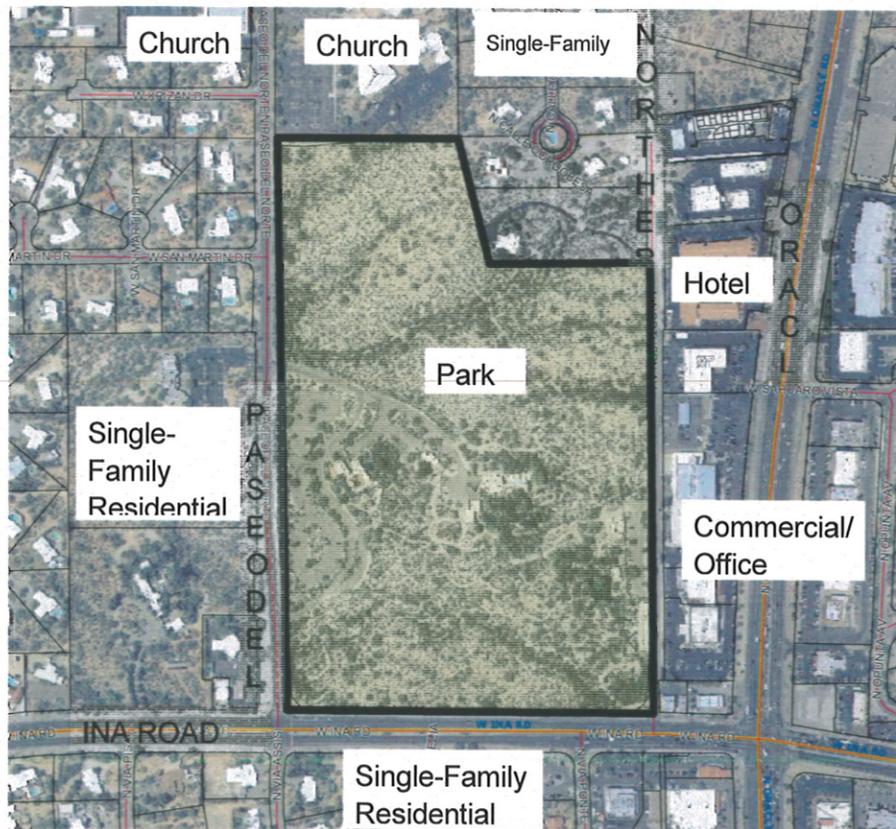


b. Land Use

The PAD District is surrounded by single-family homes to the north, west and south, and commercial development on the east and northwest. Exhibit 4: Existing Land Uses displays the following surrounding land uses:

- North: St. Odilia Roman Catholic Church and Single-Family Residences
- South: Ina Road: Single-Family Residences
- East: Northern Ave; Commercial Development
- West: Paseo Del Norte; Single-Family Residences & Commercial

Exhibit 4: Existing Land Uses



c. Pending and Conditional Rezoning

There are no pending or conditional rezonings within a one-quarter mile radius of the site.

d. Architectural Styles of Adjacent Development

The prevailing general architectural style for adjacent properties is Southwestern contemporary. Buildings typically feature flat roofs or gable and hip roofs with Spanish tile. Exterior stucco colors feature a range of light desert earth tones.

C. Hydrology

- 1. Off-Site Watersheds:** The subject property is impacted by four main off-site watersheds that drain mostly in an easterly to westerly direction. The off-site watersheds contribute to four main washes that drain through the subject property.
- 2. Off-Site Features:** Single family residential, commercial, and church uses exist adjacent to the upstream boundaries of the subject property. Northern Avenue separates the subject property from commercial development along the east boundary. Off-site flows enter the subject property from the adjacent uses, mostly through existing natural washes.
- 3. On-Site Hydrology:** There are five main watersheds located within the subject property. The watersheds drain to four main natural washes that slope in a mostly easterly to westerly direction. Three of the main washes convey 100-year peak flows of greater than 50 cfs and are considered local floodplains. The largest of the three washes is named the Nanini Wash and ultimately discharges into the Rillito River. The subject parcel is located in FEMA Zone X per FIRM Panel #04019C1680L; therefore, there are no areas of federally mapped floodways or floodplains located on the site.
- 4. Downstream Drainage Conditions:** The parcels to the west are separated from the subject property by Paseo Del Norte and have similar terrain and vegetation. The on-site drainage continues through the downstream properties within existing, natural drainageways.

D. Scenic Resources

1. Viewsheds

The site is highly visible from the southern boundary (Ina Road), western boundary (Paseo del Norte), and eastern boundary (Northern Avenue). However, the property is well buffered with vegetation and walls which effectively mitigate negative view impacts. The property appears as a unique "oasis" of gardens and open space amidst urban and suburban development.

2. Site Photos

As demonstrated in the photographs on the following pages (Exhibit 7: Site Photos) views of the Santa Catalina Mountains are prominent from the project site to the east. The Photo Key Map indicates the locations from which each of the photos was taken.

Exhibit 6: Site Photos



Photo 1: View looking south



Photo 2: View looking south



Photo 3: View looking east



Photo 4: View looking east



Photo 5: View looking east



Photo 6: View Looking northeast

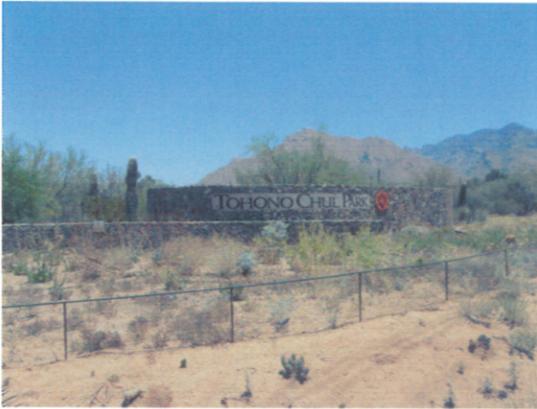


Photo 7: View looking northeast



Photo 8: View looking north



Photo 9: View looking north

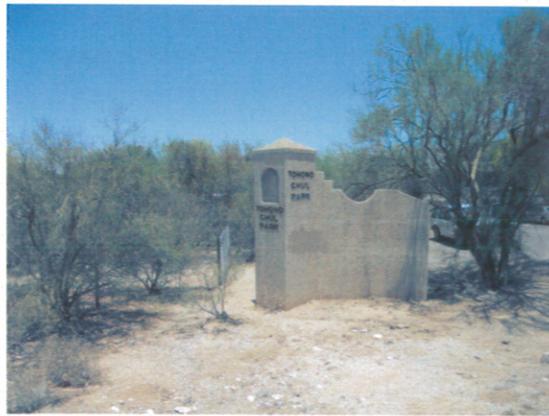


Photo 10: View looking northwest



Photo 11: View looking west



Photo 12: View looking west

E. Traffic Circulation and Road System

1. Existing Off-Site Streets

Paseo del Norte and Northern Avenue are currently the only roadways that provide access to Tohono Chul Park. Paseo del Norte runs north/south along the western border and Northern Avenue runs north-south along the eastern border the subject property. Ina Road is a major 4-lane arterial that runs east-west providing access from I-10 from the west and areas to the east such as the Catalina Foothills area.

Additional notable roadways within a one-mile vicinity of the site include Oracle Road to the east, La Canada Drive to the west, and Magee Road to the north.

Table E.1: Roadway Inventory gives details on the adjacent roadways within a one-mile radius of the project site.

	Paseo Del Norte	Northern Avenue	Ina Road
Major Routes Classification	Minor Collector	Minor Local	Major Arterial (PC Scenic Major Route)
Existing R.O.W. (feet)	Varies (70'-115')	60	150
Number of Lanes	2	2	4
Speed Limit	45	25	45
Ownership	Pima Co.	Pima Co.	Pima Co.
ADT (Source, Year)	Unavailable	Unavailable	29,000 (PAG 2010)
Surface Conditions	Paved w/ bike path and shoulders Fair	Paved with curbed edges Fair	Paved w/ bike path and shoulders Good

2. Roadway Improvements

The following surrounding roadway improvements are either underway or are listed in the PAG Transportation Improvement Plan:

- Oracle Road/Ina Road Intersection – Improvement to construct a "Michigan Left" at grade intersection improvement to increase capacity of the intersection. Construction is not yet underway but is scheduled to begin soon.
- Magee Road (La Canada to Oracle Road) – Improvement to construct a four lane divided roadway. Construction is not yet underway but is scheduled to begin soon.
- La Canada Road (River Road to Ina Road) – Improvement to construct a four lane divided roadway. Construction is currently underway.

3. Intersections

The intersections of Ina Road/Oracle Road, Ina Road/La Canada Drive, Ina Road/Northern Avenue, Ina Road/Paseo Del Norte and Magee Road/Paseo Del Norte are all located within one mile of the project site. The intersections of Ina Road/Oracle Road, Ina Road/Paseo Del Norte, and Ina Road/La Canada Drive are signalized.

4. Alternate Modes

Fixed-route transit stops are currently located on southbound Oracle Road at the Casas Adobes Plaza and on westbound Ina Road just west of Oracle Road.

The subject property is within the regional Sun Shuttle Dial-a-Ride service area.

Designated bike routes with striped shoulders run along both sides of Ina Road and Paseo Del Norte.

There are no sidewalks that connect to the subject property.

2. Water

Tohono Chul Park is located within the Metropolitan Water District. An assured water supply exists to serve the property.

II. Land Use Proposal

A. Planning Considerations

The Tohono Chul Park PAD is intended to provide a guide for the future expansion of park facilities consistent with the master plan.

1. Rationale for Use of a PAD

The Planned Area Development (PAD) zoning designation is intended to provide land use guidance for the future development of Tohono Chul Park. It will allow for the expansion of existing facilities and completion of additions included in the master plan. These improvements include:

Tea Room Addition & Remodel

New construction – Dining Room/ Service area	977 SF
Kitchen Addition	900 SF
Remodel Construction – Dining Room	640 SF
Covered Patios	560 SF

Retail Store Addition & Remodel

New Construction - Retail Store/ Entry Foyer	2669 SF
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New Group Entrance

New Shade Structure at Retail	610 SF
New Shade Structure at Bus Bay	530 SF

Performance Garden

New Storage Structure	352 SF
New Shade Structure	4,676 SF

Lomaki House

New Covered Patios	410 SF
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New Admin. Offices

New Offices for Admin.	2,730 SF
New Covered Breezeway	620 SF

Greenhouse Expansion (Northern)

New Retail Greenhouse Expansion	3,500 SF
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Exhibit House Patio

New Covered Patio Structure:	1175 SF
Catering/Delivery Area	650 SF

Total Planned New Construction Area:	20,999 SF
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The proposed additions represent an increase to the existing building area of approximately 53%. In addition, Tohono Chul Park proposes to incorporate a number of other improvements, including:

- New pathways and trails
- A children's ramada
- A catering area
- Covered patios
- Performance stage and seating
- Additional parking

The primary objective of the PAD is to ensure that Tohono Chul Park is able to develop in accordance with their master plan in an efficient, coordinated, and timely manner while ensuring that the development is context-sensitive and appropriate for the community. The following goals will guide future development:

- Protect the privacy and integrity of adjacent neighborhoods;
- Promote high aesthetic standards through the use of the Town's Addendum "A" Design Standards while providing latitude to maintain the unique qualities and character of the Park;
- Minimize adverse environmental impacts of development;
- Design circulation and access points to provide for safe vehicular and pedestrian interaction within the interior of the development and adjacent development.

2. Conformance with General Plan

The Oro Valley General Plan designates the property as Park, which denotes area that have been developed or set-aside as public/semi-public recreational facilities.

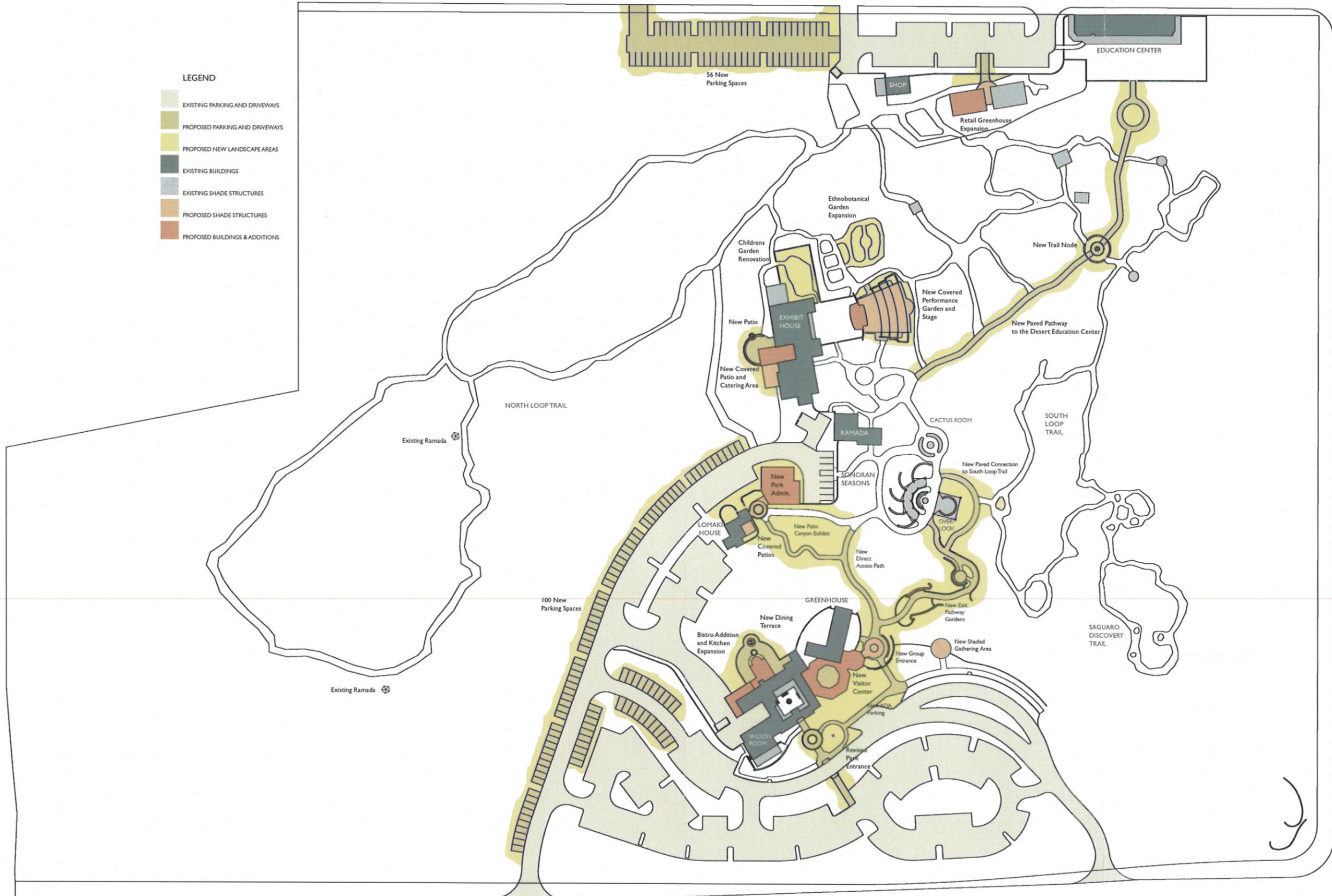
This PAD is consistent with the General Plan future land use designation and the long range vision for the Town.

3. Conceptual Land Use Plan

A Conceptual Land Use Plan is provided in *Exhibit 8: Conceptual Land Use Plan*. This plan depicts future expansion plans for the Park. It is intended to serve as a general guide and minor deviations shall be permitted, as determined by the Planning & Zoning Administrator. This illustration is not to scale and should not be relied upon to establish the relative locations of, or distances between, any depicted facilities. The plan does not include any engineering or hydrology features, is subject to change without notice, and must be in accordance with the rules and regulations of this PAD.

NORTHERN AVENUE

- LEGEND**
- EXISTING PARKING AND DRIVEWAYS
 - PROPOSED PARKING AND DRIVEWAYS
 - PROPOSED NEW LANDSCAPE AREAS
 - EXISTING BUILDINGS
 - EXISTING SHADE STRUCTURES
 - PROPOSED SHADE STRUCTURES
 - PROPOSED BUILDINGS & ADDITIONS



INA ROAD

PASEO DEL NORTE

TOHONO CHUL PARK
SITE MASTER PLAN

JOHN DOUGLAS ARCHITECTS
May 16, 2012

Exhibit 9: Future Expansion Concept



Exhibit 9-A: Visitor Center Overview

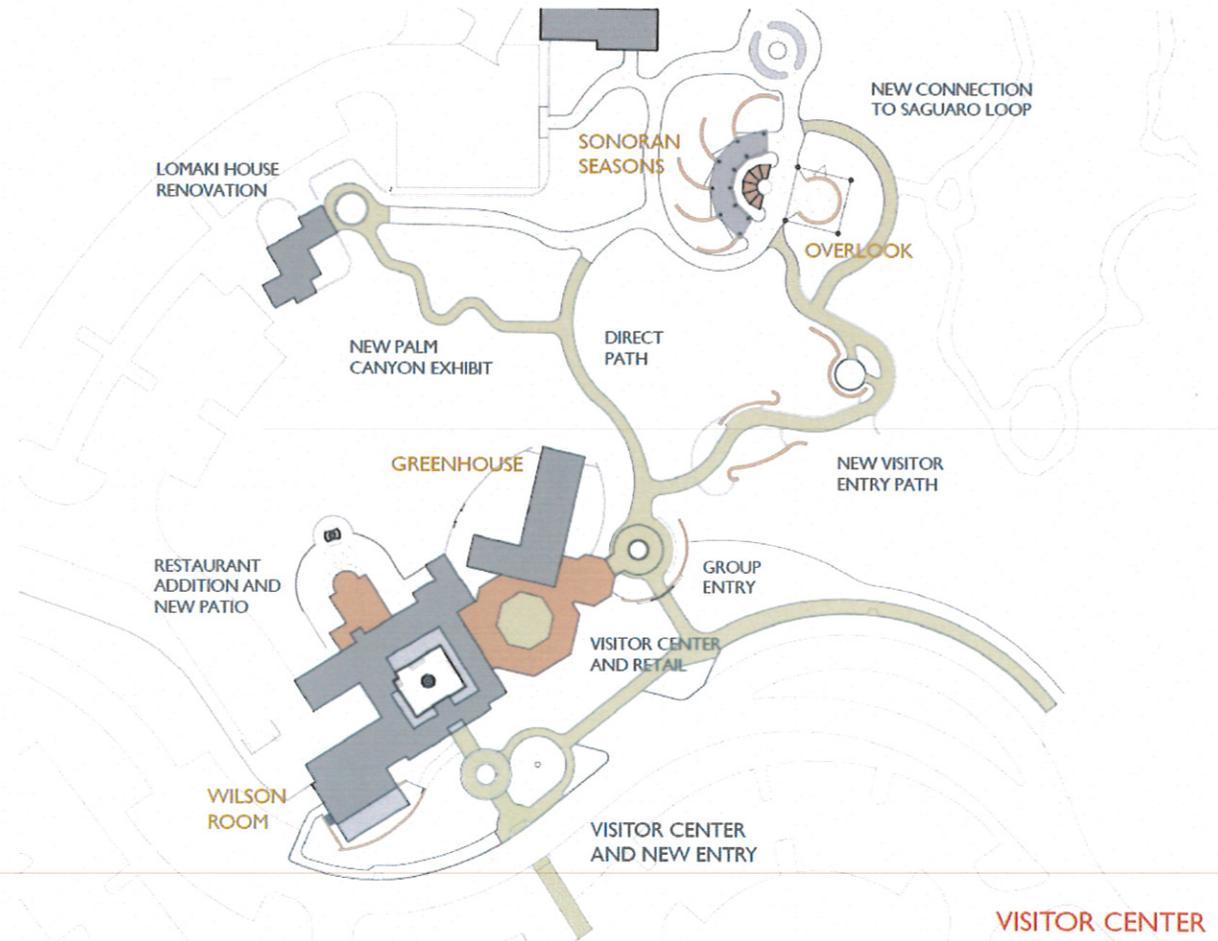


Exhibit 9-B: Visitor Center Conceptual Floor Plan

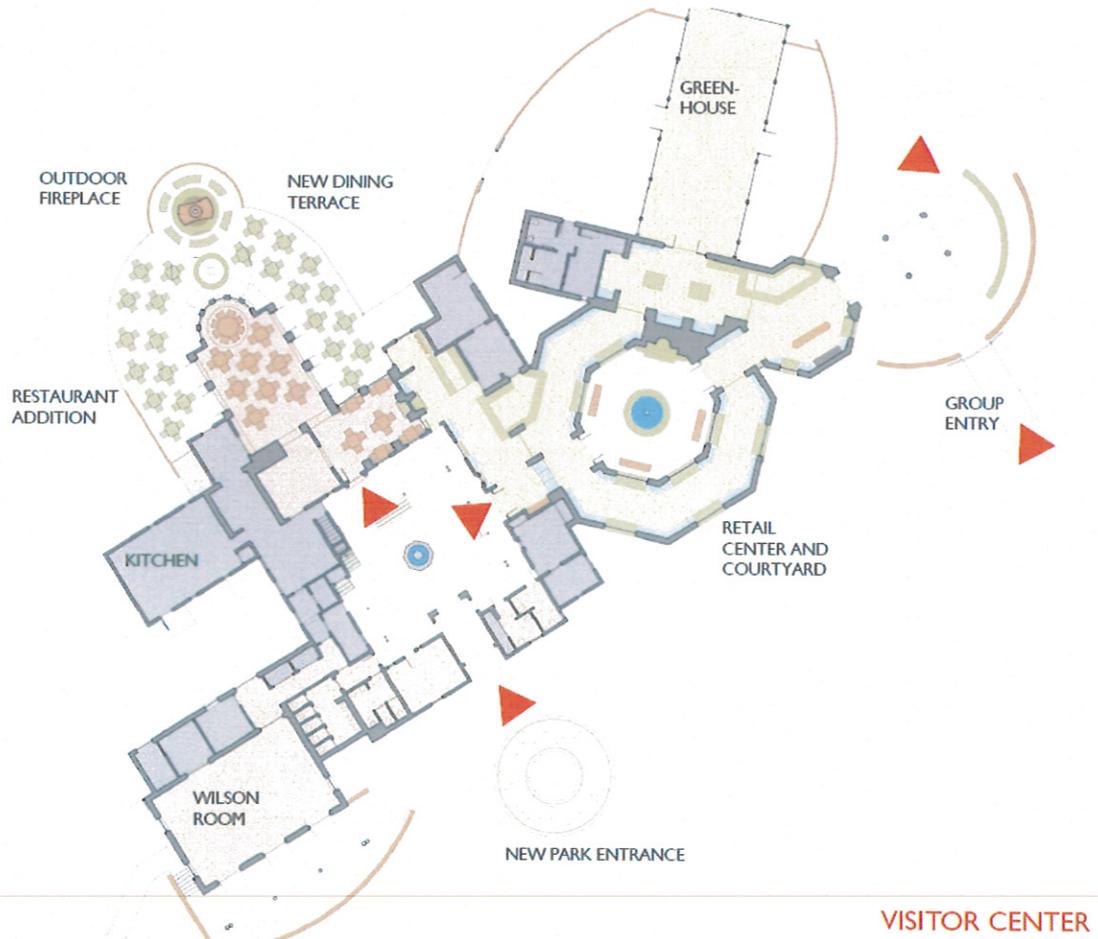
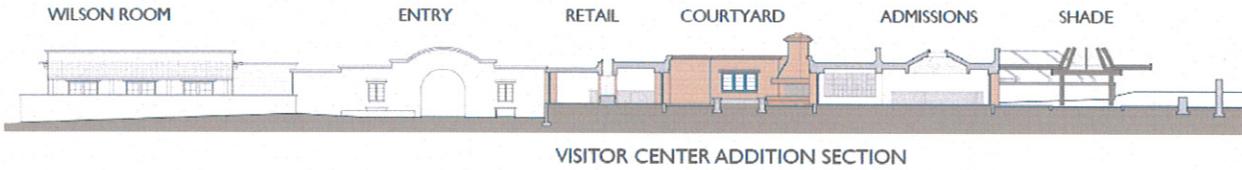
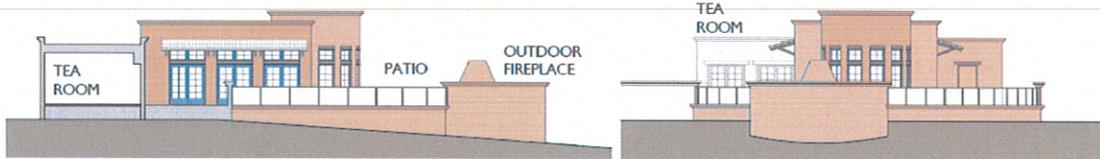


Exhibit 9-C: Visitor Center Conceptual Elevations



VISITOR CENTER



RESTAURANT ADDITION
SOUTH ELEVATION

RESTAURANT ADDITION
WEST ELEVATION



RESTAURANT ADDITION
NORTH ELEVATION

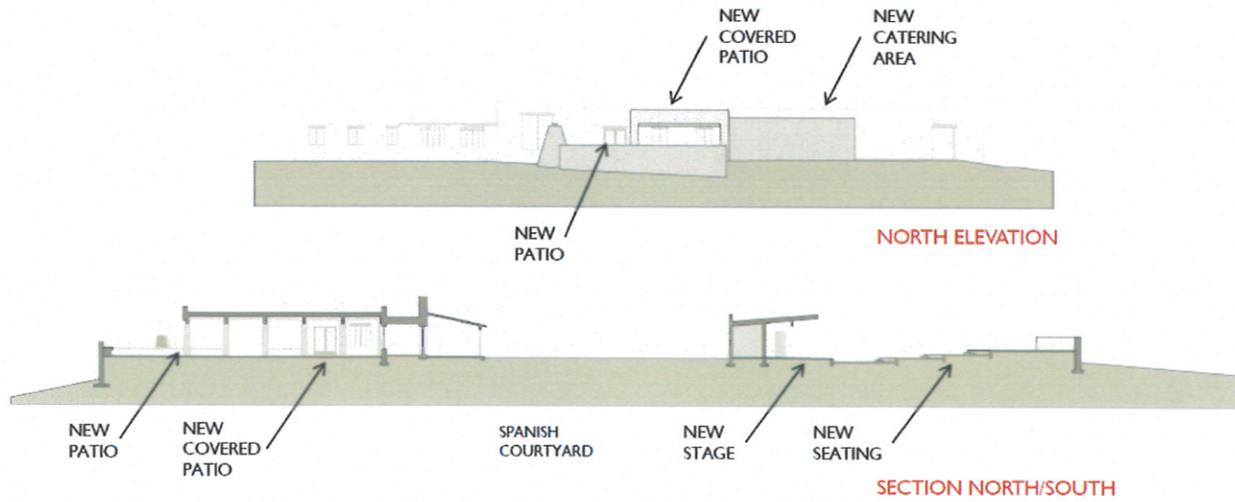
VISITOR CENTER

Exhibit 9-D: Center for the Arts Overview



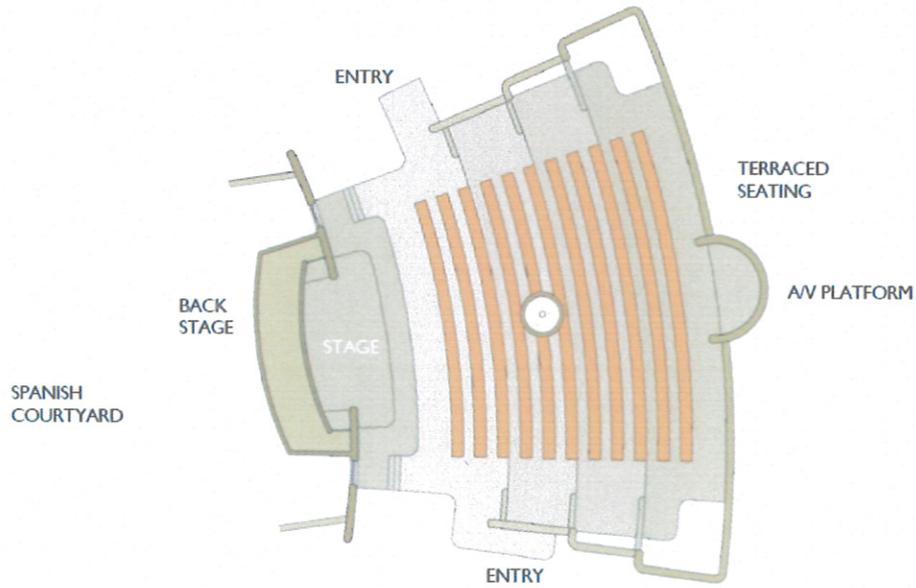
CENTER FOR THE ARTS

Exhibit 9-E: Center for the Arts Conceptual Elevations



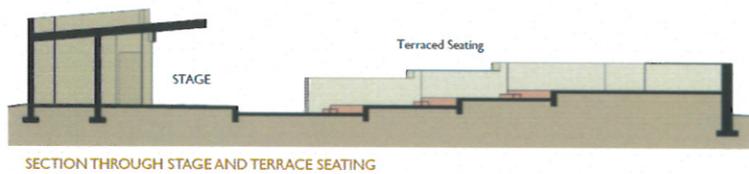
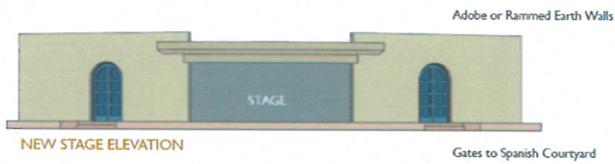
CENTER FOR THE ARTS

Exhibit 9-F: Center for the Arts Performance Garden Concept



PLAN AT STAGE AND TERRACED SEATING

PERFORMANCE GARDEN



PERFORMANCE GARDEN

B. Permitted and Excluded Uses

Tohono Chul Park proposes a single zoning district based on a modified Parks & Open Space (POS) zone to allow for the future expansion and growth of the park. The PAD shall include all those uses permitted by Town of Oro Valley Zoning Code Section 23.3 under POS zoning. All future development within the PAD shall conform to the regulations and standards set forth in this PAD. Where these regulations and standards vary from the Oro Valley Zoning Code or other City standards, the PAD regulations and standards shall prevail.

1. Permitted Uses

All POS permitted shall be allowed and subject to all use regulations found in Section 25 of the Town of Oro Valley Zoning Code.

2. Accessory Land Uses

The following uses shall be permitted, by right, in the PAD district:

- a. Restaurant, café, or delicatessen, with or without entertainment/alcohol
- b. Gift shop
- c. Book store
- d. Museum
- e. Studio for professional work or teaching of any form of commercial or fine arts
- f. Theater
- g. Plant nursery
- h. Art gallery
- i. Wedding chapel
- j. Education, conference, meeting and performing arts facilities

3. Excluded Land Uses

Land uses not listed as a Permitted use, or land uses that are not an accessory to the Primary Use are prohibited within the Tohono Chul Park PAD.

C. Development Standards

The PAD district shall be governed by the following development standards, which are derived from the Parks and Open Space (POS) District in Section 23.9 of the Oro Valley Zoning Code. Specific modification have been made to accommodate the unique programmatic needs of the Park and to ensure that development rights enjoyed in Pima County are preserved.

The PAD shall be considered a single parcel for the purpose of building setback, buffer requirements and other similar development standards that would otherwise apply to separately owned lots or parcels under the Oro Valley Zoning Code. All new development within the PAD shall conform to applicable building, fire and other life safety standards.

These development standards shall supersede the standards in the Town of Oro Valley Zoning Code Chapter 23, *Zoning Districts* and Chapter 25, *Use Regulations*, except where specific references to such standards are provided in this section of the document.

1. Site Development Standards

Development Standard	PAD Standard	Oro Valley POS Standard
Maximum Building Height	36 feet	25 feet/1 story Gymnasiums- up to 36 feet Community center auditoriums- up to 45 feet
Maximum Lot Coverage	20%,excluding parking areas	15%, excluding parking areas
Minimum Open Space	20% of gross acreage of PAD district	N/A

2. Vehicular Parking

The park currently has 303 regular parking spaces and 4 ADA accessible spaces. The master plan will add 156 new parking spaces, with 100 spaces accessible from Paseo del Norte and 56 spaces accessed from Northern Avenue.

ADA parking will be provided pursuant to Federal ADA Standards for Accessible Design, latest edition. Accessible spaces and "Van Accessible" spaces will connect to the accessible route as required by the ADA

Standards for Accessible Design. Newly constructed sidewalks and curb ramps will comply with accessibility requirements as required.

3. Lighting

All lighting shall be in conformance with the Oro Valley Lighting Code, Section 27.5.

4. Signage

The objectives of the Tohono Chul Park sign standards are to:

- Increase tourism
- Build community
- Increase community conservation efforts
- Increase awareness of local art & music offerings

All new permanent and temporary signs shall conform to the Town of Oro Valley Sign Code, Chapter 28, with the following exceptions:

a. Permanent Signage

Existing permanent signs include monument entry signs at Ina & Northern, at the Northern Avenue entrance and at the main entrance and exit on Paseo del Norte.

These signs may be replaced in the same locations with signs of the same size, area, height, and illumination.

b. Temporary Signage

Festival Banner Signs

Up to ten (10) light poles or banner mounting poles up to 20 feet shall be permitted on the south (Ina Rd.) and west (Paseo del Norte) perimeters of the property. The locations and pole height are subject to approval by the Planning & Zoning Administrator (PZA), the Town Engineer, and Tucson Electric Power (TEP). Additional poles may be located in the parking areas subject to PZA and Town Engineer approval.

Festival banner signs will be mounted on the poles, subject to the Festival Banner Sign Standards contained in this section. The signs will be replaced seasonally to reflect current offerings including classes, festivals, events and for general awareness. These signs shall be maintained in good condition and shall be removed or replaced if they are determined to be in disrepair by the Town.

Festival Banner Sign Standards

- Maximum Dimension: 54" x 18"
- An addition 18" x 18" area below the Park banner may be utilized by the Town to promote Oro Valley branding with cost share
- Cost share of associated expenses may include but are not limited to: design, printing, installation and equipment
- Each festival banner sign design shall be reviewed and approved by the Town prior to use
- Approved festival banner sign designs shall not expire or require additional permits once approved
- Banner signs may be replaced if Town light poles are replaced

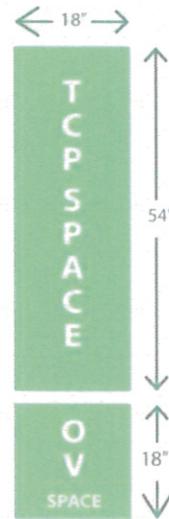
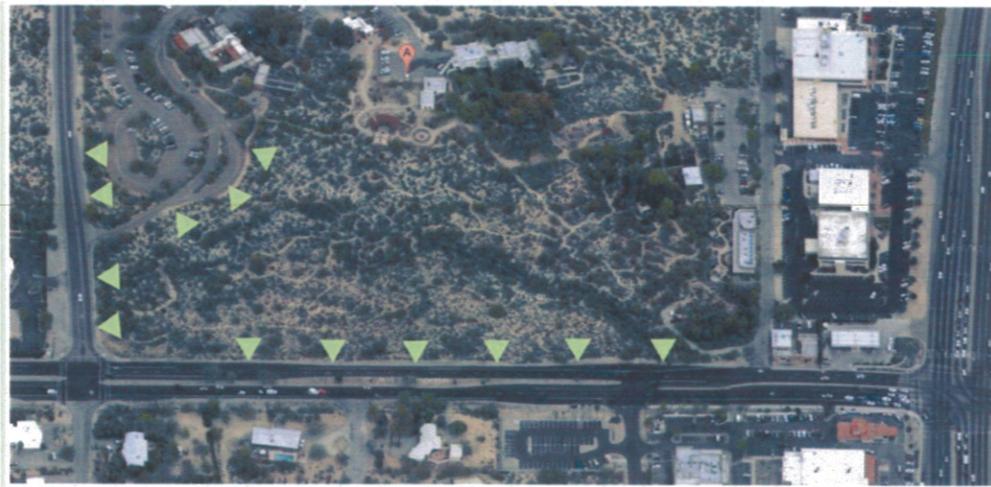


Exhibit 10: Map of Proposed Sign Placement



location map (approximate)

Exhibit 11: Mock up of Permanent Signage



C. Special Event Signage

Banner Signs

Banner signs shall be subject to the Town's sign code, with the following exceptions:

Quantity: Up to four (4) seasonal or event banners may be used at a time in the following locations:

- The intersection of Ina and Paseo del Norte
- The intersection of Ina and Northern Avenue
- Public entrance off of Paseo del Norte
- Delivery Entrance off of Paseo del Norte

Duration: Seasonal or event banners may be displayed for the duration of up to two weeks prior to the class, festival, or event being advertised, with a maximum period of 90 days.

A-Frame Signs

Up to three (3) A-frame signs may be used subject to the following standards:

1. The purpose of A-frame signs is to direct pedestrian traffic and shall not be oriented toward vehicular traffic.
2. Maximum height is 42" including sign legs.
3. Maximum sign area is 6 sq. ft.

4. Shall be located on private property or in the right of way.
5. Shall not be displayed in such a manner as to constitute a hazard to public safety.
6. Must allow for a 4' unobstructed pathway for pedestrians.
7. Signs shall be located within 20' of park entrances.
8. A-frame may be displayed during business hours only.
9. Fluorescent and iridescent colors are not allowed.
10. A-frame copy and graphics must be professionally designed and applied.
11. Hand lettered and hand painted signs are not permitted.
12. No illumination, noise or flashing, rotation, or moving elements are permitted.

D. Landscape Standards

Landscaping shall be in conformance with Oro Valley Zoning Code, Section 27.6 with the following exceptions:

1. Plant Palette

- a. Tohono Chul Park is an internationally-recognized botanical garden with a diverse palette of native and exotic plants. In order to remain a showcase for a diverse array of plants, the PAD district shall be exempt from the Oro Valley Approved native Plant List (Zoning Code Addendum C) and Prohibited Plant List (Zoning Code Addendum E).

Species listed in the USDA list of *Invasive and Noxious Weeds* (<http://plants.usda.gov/java/noxious?rptType=State&statefips=04>) shall be prohibited.

- b. In keeping with the intent of Section 27.6 of the Oro Valley Zoning Code, the plant palette will consist of predominately low water use, native and regionally adapted plants. The PAD district shall not be subject to the plant palette, prohibited plans, or native seed mix Zoning Code standards.

2. Bufferyards

Natural and landscaped bufferyards have been provided on all sides of the project site in order to screen uses from neighbors and enhance the "urban oasis" ambiance of the park.

No additional disturbance shall be allowed within a 20-foot buffer area on each side of the property, as measured from the property line, except for the

eastern side of the property (Northern Avenue frontage) that front commercial properties.

E. Open Space

Open space requirements shall be a minimum 20 percent of the gross area of the PAD District. Open space areas may include, but not limited to: general use pathways, ramadas, turf areas, patios, balconies, recreational areas, landscape bufferyards, hardscape courtyards, and landscaped areas. All open space areas shall be maintained by the property owner.

F. Water & Wastewater Plan

The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any expansion phase, no more than 90 days before submitting any Conceptual Site Plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

G. Infrastructure Phasing Plan

All necessary infrastructure will be provided to accommodate each phase of the development.

H. Design Review

The Conceptual and Final Site Plan, Conceptual and Final Architecture for each project or phase of future development, as shown on the Conceptual Site Plan and Master Plan exhibits (Exhibits 8&9-9F), shall be subject to administrative review and approval by the Planning & Zoning Administrator and Town Engineer. The PAD is exempt from the Oro Valley Addendum A Design Standards as the Future Expansion Concept set forth the design concepts for future expansions.

Significant deviations from the Conceptual Site Plan or Master Plan exhibits, as determined by the Planning & Zoning Administrator or Town Engineer, shall be subject to review by the Conceptual Design Review Board (CDRB) and approval by the Town Council.

Development within this PAD is not subject to Section 27.3, Public Art requirements as the Park makes a unique contribution to the community's arts and culture that exceeds the Town's requirements for number and quality of artworks.

I. Interpretations and Amendments

1. Interpretation

The regulations and guidelines provided within this PAD supersede existing regulations within the Town of Oro Valley Zoning Code. If an issue arises regarding definitions, conditions, standards and/or situations not addressed in this PAD, those in the Zoning Code, or other Town regulations shall prevail, as interpreted by the Planning & Zoning Administrator.

2. Amendments

Amendments to this PAD may be necessary over time to respond to the changing market or financial conditions, or to respond to the unanticipated needs of the Park. Non-substantial changes to the PAD shall be approved by the Town of Oro Valley Planning & Zoning Administrator may include the following:

- Modifications to the permitted and accessory uses that do not change the overall intent of the PAD.
- Modifications to the proposed site plan provided the Development Standards set forth in the PAD are maintained.



Town Council Regular Session

Item # **3. b.**

Meeting Date: 10/17/2012

Submitted By: Matt Michels, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12-19, TOHONO CHUL PARK PLANNED AREA DEVELOPMENT FOR 48.5 ACRES LOCATED ON THE NORTHEAST CORNER OF INA ROAD AND PASEO DEL NORTE

RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the proposed PAD, as shown in Attachment 1, Exhibit A, subject to two minor amendments to Section II.C.1, Site Development Standards. The proposed amendments are discussed in Attachment 6.

EXECUTIVE SUMMARY:

The Town is pursuing annexation of an area along its southern border, including Tohono Chul Park. As part of the effort to annex Tohono Chul Park (TCP), a Planned Area Development document has been developed to ensure that their long-term master plan can be achieved and their development rights currently enjoyed in Pima County are preserved.

As one step in the annexation process, Town zoning must be applied to areas that are annexed. If the property is successfully annexed, the Town is required to adopt Town zoning that is as close to the existing County zoning as possible. This is referred to as translational zoning. This item on tonight's agenda helps complete town preparations for this annexation. Tohono Chul requested the PAD be reviewed prior to final annexation action. The subsequent translational zoning for Tohono Chul Park upon annexation will be to PAD zoning. Formal action on the translational zoning will be scheduled following annexation completion.

The TCP PAD district consists of approximately 48.5 acres of property at the northeast corner of Ina Road and Paseo del Norte. TCP has developed a long-term master plan to expand and grow within their existing boundaries. This master plan envisions expansions totaling about 21,000 square feet. The PAD includes a Conceptual Site Plan Attachment 2 depicting the proposed Park master plan as well as proposed development standards and sign standards.

The PAD base zoning is the Parks and Open Space zoning district (POS; see Attachment 4 for base zoning standards), with specific modifications that will be discussed in this report. If approved, the PAD document will serve as the primary zoning document, with the Town Zoning Code prevailing where the PAD is silent. If the PAD is approved, new development will be subject to administrative review and approval.

The Planning and Zoning Commission held two public hearings; on September 18 and October 2. The Commission recommends approval subject to two minor amendments to Section II.C.1 of the PAD. These amendments are detailed in Attachment 6.

BACKGROUND OR DETAILED INFORMATION:

Site Conditions

- Property is approximately 48.5 acres
- Oro Valley General Plan designation is Park (P). Note: Although the property is outside of Town boundaries, it is within the Town's planning area.
- Pima County Zoning is CR-1 (Single Residence Zone) and CB-1 (Local Business Zone)
- Property is developed as a park and botanical garden with a number of accessory uses, including restaurant, educational facilities, gift shop, and administrative offices
- Pima County has permitted the continued expansion of the Park under a non-conforming use permit
- Master plan includes new or upgraded facilities, including the visitor center, park entrance, administration building, performance garden and stage, and other expansions of existing facilities

Proposed Improvements

- Approx. 20,999 s.f. of additional structures, including additions, remodels a new performance garden, exhibit house patio, and other improvements (see Section II.A.1 of the PAD for additional details)
- Other improvements include new pathways and trails, a children's ramada, a catering area, and additional parking

Please refer to the attached 9/18/12 PZ Commission report (Attachment 5) for additional background information.

ANALYSIS OF PROPOSED PAD

Section 24.4 of the Zoning Code provides the requirements for new PADs, including General Plan conformance and specific criteria required for PAD approval. A full analysis of the Zoning Code criteria is contained in Attachment 3. Following is a discussion of the proposed underlying zoning district and proposed modifications thereto. Please refer to the 9/18/12 PZ Commission report (Attachment 5) for a detailed discussion of the proposal.

UNDERLYING ZONING DISTRICT

According to the Zoning Code, all PADs shall include underlying zoning designations. The Tohono Chul Park PAD proposes a single zoning district based on a modified POS (Parks and Open Space) zoning district. The Park proposes several modifications to the base POS zoning standards to maintain development rights enjoyed in Pima County.

SIGNAGE

TCP has requested specific permanent and temporary sign standards to aid in the promotion of the Park and its programs and events (see Section II.C.4 of the PAD). The PAD would be subject to the Town Sign Code (Chapter 28) with several exceptions, including provisions for:

- Festival Banner Signs
- Special Event Banners
- A-Frame Signs

In sum, staff supports the proposed development standards as they serve to promote the long-term growth and expansion of an important regional asset while maintaining reasonable development standards that do not negatively impact the community. The unique aspects of the Park, including the role it would play in enhancing tourism and bolstering community image for the Town, justify the additional latitude requested.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Ordinance No. (O)12-19, Planned Area Development for Tohono Chul Park, as shown in Exhibit "A", finding that:

- All applicable General Plan criteria are met
- Required PAD findings are met
- PAD standards preserve character of the park
- PAD maintains zoning entitlements enjoyed in Pima County

and subject to the PZ Commission-recommended modifications to PAD Section II.C.1 contained in Attachment 6.

OR

I MOVE to deny Ordinance No. (O)12-19, approving a Planned Area Development for Tohono Chul Park, as shown in Exhibit "A", finding that the PAD does not meet all Zoning Code requirements.

Attachments

Attachment 1 - O12-19 Tohono Chul Park PAD

Attachment 2 - O12-19 Exhibit A

Attachment 3 - PAD Analysis

Attachment 4 - POS Standards

Attachment 5 - 9/18/12 PZC Staff Report

Attachment 6 - 10/2/12 PZC Staff Report

ORDINANCE NO. (O)12-19

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
APPROVING THE TOHONO CHUL PARK PLANNED AREA
DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A" FOR
48.5 ACRES LOCATED ON THE NORTHEAST CORNER OF INA
ROAD AND PASEO DEL NORTE.**

WHEREAS, the Applicant has requested that approximately 48.5 acres of real property as described in that document known as the Tohono Chul Park Planned Area Development, attached hereto as Exhibit "A," be rezoned from Pima County CR-1 and CB-1 to Planned Area Development (PAD) in accordance with the land use designations contained therein, said zoning to become effective in the event of annexation of the subject property into the Town; and

WHEREAS, the 47.2 acres of the subject property is currently zoned Pima County CR-1 (Single Residence Zone) and 1.42 acres of the eastern portion of the subject property is currently zoned Pima County CB-1 (Local Business Zone); and

WHEREAS, the Applicant's request for a rezoning to PAD complies with the Oro Valley Zoning Code Revised and is found to be in conformance with the Town's adopted General Plan, including future land use designations; and

WHEREAS, the Planning and Zoning Commission held duly noticed public hearings on September 18, 2012 and October 2, 2012 and voted to recommend approval to the Town Council with conditions, and

WHEREAS, the Town Council has duly considered the Applicant's proposal for the Tohono Chul Park Planned Area Development.

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

- Section 1. The Tohono Chul Park Planned Area Development, attached hereto as Exhibit "A" for 48.5 acres located on the northeast corner of Ina Road and Paseo del Norte, as authorized and approved.
- Section 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona on this 17th day of October, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Sidles, Interim Town Attorney

Date: _____

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

9/7/12 DRAFT

TOHONO CHUL PARK PLANNED AREA DEVELOPMENT



September, 2012

Tohono Chul Park Planned Area Development 7366 N. Paseo Del Norte

Prepared for:

TOHONO CHUL PARK
7366 North Paseo Del Norte
Tucson, AZ 85704

Prepared by:

Town of Oro Valley
11000 N. La Canada Dr
Oro Valley, AZ 85737

With assistance from:

John Douglas Architects
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535 W. Burton Dr.
Tucson, AZ 85704

September 2012

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I. Site Analysis

A. Project Overview

The Tohono Chul Park Planned Area Development (PAD) encompasses approximately 48.5 acres located on to the northeast corner of Ina Road and Paseo Del Norte (See Exhibit 1: Regional Location). The project site is currently zoned Pima County CR-1 (Single Residence Zone) and CB-1 (Local Business Zone). The use of this site as a museum/botanical garden was permitted in accordance with non-conforming use permit #P99CP04979, issued on May 14, 1999. A change in zoning to Planned Area Development (PAD) is requested for future development of the site.

The mission of Tohono Chul Park is:

To enrich people's lives by providing them the opportunity to find peace and inspiration in a place of beauty, experience the wonders of the Sonoran Desert, and to gain knowledge of the natural and cultural heritage of this region.

The Park has grown and expanded over the years to become a nationally recognized showcase for Sonoran Desert and Southwest Region plants, arts, and culture.

Previous zoning and development approvals for the property include Pima County case numbers:

- Co9-71-73
- Co9-80-140
- Co9-84-13
- P1200-176

The purpose of the following Site Analysis is to identify the opportunities, constraints and physical characteristics of the site. The analysis is intended to guide future development in a manner that is sensitive and responsive to the physical conditions of the site. Since most of the site has already been developed, this Site Analysis will focus primarily on existing development and site conditions, including:

- Existing land uses
- Hydrology
- Scenic Resources
- Traffic Circulation
- Existing infrastructure

B. Existing Land Uses

This section identifies existing zoning, land use and structures on-site and on surrounding properties, as well as other proposed development in the project vicinity.

1. Existing On-Site Land Use & Zoning

The majority of the PAD District (approx. 47.2 acres) is currently zoned Pima County CR-1 (Single Residence Zone), which permits single-family residential development and ancillary uses. Approximately 1.42 acres of the eastern portion of the property is zoned Pima County CB-1 (Local Business Zone), which permits neighborhood scale commercial uses.

The site is composed primarily of undisturbed natural desert and cultivated gardens, with a number of accessory uses including:

- Plant nursery with retail sales
- Tea Room (restaurant)
- Visitor Center
- Book Store
- Educational facility with classrooms

There are currently approximately 40,320 square feet of structures on the property, including:

- Main Building- Including Exhibits & Museum Shop (6,441 square feet)
- Desert Discovery Education Center
- Offices (2,674 square feet)
- Tea Room (4,361 square feet)
- Book Shop (6,764 square feet)
- Wildlife observation structure (491 square feet)
- Shade structures, canopies, and ramadas (5,966 square feet total)
- Greenhouses and shade houses (5,560 square feet total)
- Meeting Rooms
- Maintenance Buildings

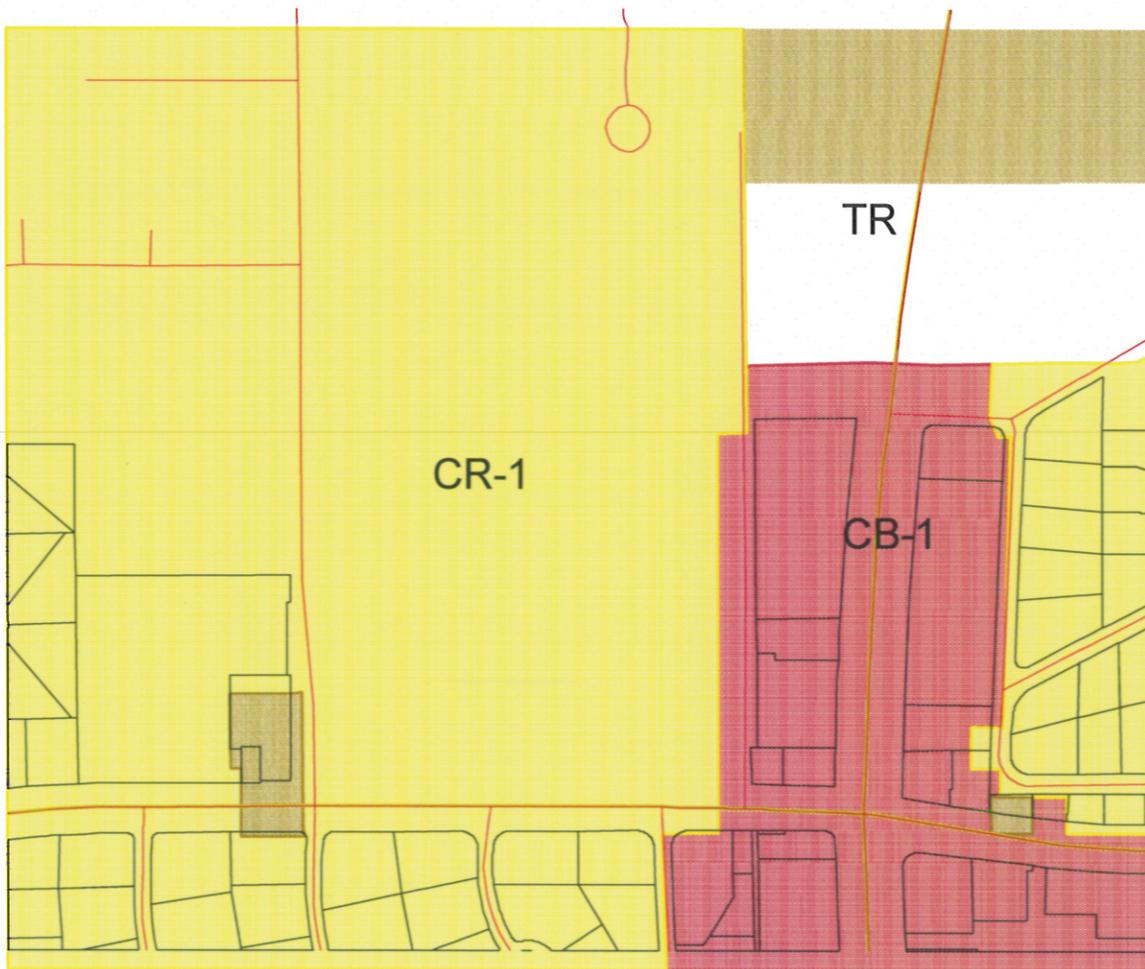
2. Existing Zoning on Properties within a One-Quarter Mile Radius

a. Zoning

The zoning designations of surrounding properties, as depicted in Exhibit 3, are as follows:

North:	Pima County CR-1 (Single Residence Zone) and Pima County SR (Suburban Ranch Zone)
South:	Pima County CR-1 (Single Residence Zone) and Pima County CB-1 (Local Business Zone)
East:	Pima County CB-1 (Local Business Zone) and Pima County TR (Transitional Zone)
West:	Pima County CR-1 (Single Residence Zone)

Exhibit 3: Existing Zoning



d. Architectural Styles of Adjacent Development

The prevailing general architectural style for adjacent properties is Southwestern contemporary. Buildings typically feature flat roofs or gable and hip roofs with Spanish tile. Exterior stucco colors feature a range of light desert earth tones.

C. Hydrology

- 1. Off-Site Watersheds:** The subject property is impacted by four main off-site watersheds that drain mostly in an easterly to westerly direction. The off-site watersheds contribute to four main washes that drain through the subject property.
- 2. Off-Site Features:** Single family residential, commercial, and church uses exist adjacent to the upstream boundaries of the subject property. Northern Avenue separates the subject property from commercial development along the east boundary. Off-site flows enter the subject property from the adjacent uses, mostly through existing natural washes.
- 3. On-Site Hydrology:** There are five main watersheds located within the subject property. The watersheds drain to four main natural washes that slope in a mostly easterly to westerly direction. Three of the main washes convey 100-year peak flows of greater than 50 cfs and are considered local floodplains. The largest of the three washes is named the Nanini Wash and ultimately discharges into the Rillito River. The subject parcel is located in FEMA Zone X per FIRM Panel #04019C1680L; therefore, there are no areas of federally mapped floodways or floodplains located on the site.
- 4. Downstream Drainage Conditions:** The parcels to the west are separated from the subject property by Paseo Del Norte and have similar terrain and vegetation. The on-site drainage continues through the downstream properties within existing, natural drainageways.

D. Scenic Resources

1. Viewsheds

The site is highly visible from the southern boundary (Ina Road), western boundary (Paseo del Norte), and eastern boundary (Northern Avenue). However, the property is well buffered with vegetation and walls which effectively mitigate negative view impacts. The property appears as a unique "oasis" of gardens and open space amidst urban and suburban development.

2. Site Photos

As demonstrated in the photographs on the following pages (Exhibit 7: Site Photos) views of the Santa Catalina Mountains are prominent from the project site to the east. The Photo Key Map indicates the locations from which each of the photos was taken.

Exhibit 6: Site Photos



Photo 1: View looking south



Photo 2: View looking south



Photo 3: View looking east



Photo 4: View looking east



Photo 5: View looking east



Photo 6: View Looking northeast

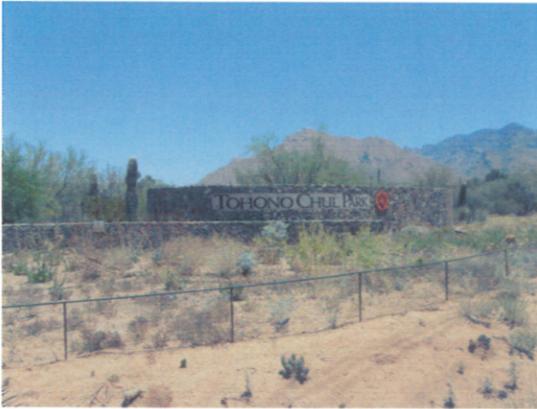


Photo 7: View looking northeast



Photo 8: View looking north



Photo 9: View looking north

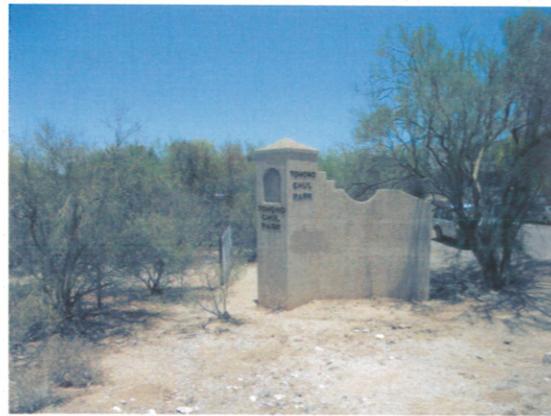


Photo 10: View looking northwest



Photo 11: View looking west



Photo 12: View looking west

E. Traffic Circulation and Road System

1. Existing Off-Site Streets

Paseo del Norte and Northern Avenue are currently the only roadways that provide access to Tohono Chul Park. Paseo del Norte runs north/south along the western border and Northern Avenue runs north-south along the eastern border the subject property. Ina Road is a major 4-lane arterial that runs east-west providing access from I-10 from the west and areas to the east such as the Catalina Foothills area.

Additional notable roadways within a one-mile vicinity of the site include Oracle Road to the east, La Canada Drive to the west, and Magee Road to the north.

Table E.1: Roadway Inventory gives details on the adjacent roadways within a one-mile radius of the project site.

	Paseo Del Norte	Northern Avenue	Ina Road
Major Routes Classification	Minor Collector	Minor Local	Major Arterial (PC Scenic Major Route)
Existing R.O.W. (feet)	Varies (70'-115')	60	150
Number of Lanes	2	2	4
Speed Limit	45	25	45
Ownership	Pima Co.	Pima Co.	Pima Co.
ADT (Source, Year)	Unavailable	Unavailable	29,000 (PAG 2010)
Surface Conditions	Paved w/ bike path and shoulders Fair	Paved with curbed edges Fair	Paved w/ bike path and shoulders Good

2. Roadway Improvements

The following surrounding roadway improvements are either underway or are listed in the PAG Transportation Improvement Plan:

- Oracle Road/Ina Road Intersection – Improvement to construct a "Michigan Left" at grade intersection improvement to increase capacity of the intersection. Construction is not yet underway but is scheduled to begin soon.
- Magee Road (La Canada to Oracle Road) – Improvement to construct a four lane divided roadway. Construction is not yet underway but is scheduled to begin soon.
- La Canada Road (River Road to Ina Road) – Improvement to construct a four lane divided roadway. Construction is currently underway.

3. Intersections

The intersections of Ina Road/Oracle Road, Ina Road/La Canada Drive, Ina Road/Northern Avenue, Ina Road/Paseo Del Norte and Magee Road/Paseo Del Norte are all located within one mile of the project site. The intersections of Ina Road/Oracle Road, Ina Road/Paseo Del Norte, and Ina Road/La Canada Drive are signalized.

4. Alternate Modes

Fixed-route transit stops are currently located on southbound Oracle Road at the Casas Adobes Plaza and on westbound Ina Road just west of Oracle Road.

The subject property is within the regional Sun Shuttle Dial-a-Ride service area.

Designated bike routes with striped shoulders run along both sides of Ina Road and Paseo Del Norte.

There are no sidewalks that connect to the subject property.

2. Water

Tohono Chul Park is located within the Metropolitan Water District. An assured water supply exists to serve the property.

II. Land Use Proposal

A. Planning Considerations

The Tohono Chul Park PAD is intended to provide a guide for the future expansion of park facilities consistent with the master plan.

1. Rationale for Use of a PAD

The Planned Area Development (PAD) zoning designation is intended to provide land use guidance for the future development of Tohono Chul Park. It will allow for the expansion of existing facilities and completion of additions included in the master plan. These improvements include:

Tea Room Addition & Remodel

New construction – Dining Room/ Service area	977 SF
Kitchen Addition	900 SF
Remodel Construction – Dining Room	640 SF
Covered Patios	560 SF

Retail Store Addition & Remodel

New Construction - Retail Store/ Entry Foyer	2669 SF
--	---------

New Group Entrance

New Shade Structure at Retail	610 SF
New Shade Structure at Bus Bay	530 SF

Performance Garden

New Storage Structure	352 SF
New Shade Structure	4,676 SF

Lomaki House

New Covered Patios	410 SF
--------------------	--------

New Admin. Offices

New Offices for Admin.	2,730 SF
New Covered Breezeway	620 SF

Greenhouse Expansion (Northern)

New Retail Greenhouse Expansion	3,500 SF
---------------------------------	----------

Exhibit House Patio

New Covered Patio Structure:	1175 SF
Catering/Delivery Area	650 SF

Total Planned New Construction Area:	20,999 SF
---	------------------

The proposed additions represent an increase to the existing building area of approximately 53%. In addition, Tohono Chul Park proposes to incorporate a number of other improvements, including:

- New pathways and trails
- A children's ramada
- A catering area
- Covered patios
- Performance stage and seating
- Additional parking

The primary objective of the PAD is to ensure that Tohono Chul Park is able to develop in accordance with their master plan in an efficient, coordinated, and timely manner while ensuring that the development is context-sensitive and appropriate for the community. The following goals will guide future development:

- Protect the privacy and integrity of adjacent neighborhoods;
- Promote high aesthetic standards through the use of the Town's Addendum "A" Design Standards while providing latitude to maintain the unique qualities and character of the Park;
- Minimize adverse environmental impacts of development;
- Design circulation and access points to provide for safe vehicular and pedestrian interaction within the interior of the development and adjacent development.

2. Conformance with General Plan

The Oro Valley General Plan designates the property as Park, which denotes area that have been developed or set-aside as public/semi-public recreational facilities.

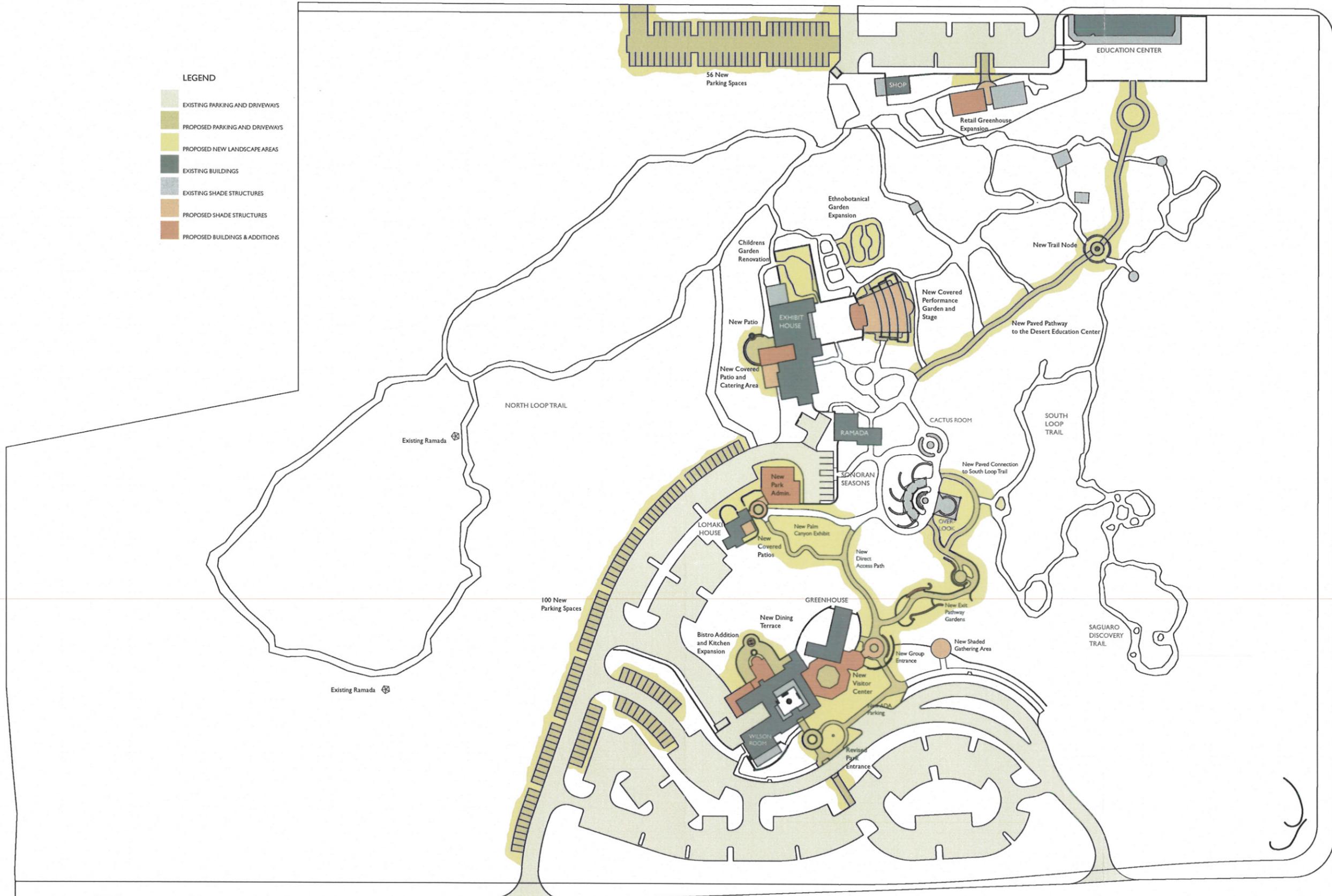
This PAD is consistent with the General Plan future land use designation and the long range vision for the Town.

3. Conceptual Land Use Plan

A Conceptual Land Use Plan is provided in *Exhibit 8: Conceptual Land Use Plan*. This plan depicts future expansion plans for the Park. It is intended to serve as a general guide and minor deviations shall be permitted, as determined by the Planning & Zoning Administrator. This illustration is not to scale and should not be relied upon to establish the relative locations of, or distances between, any depicted facilities. The plan does not include any engineering or hydrology features, is subject to change without notice, and must be in accordance with the rules and regulations of this PAD.

NORTHERN AVENUE

- LEGEND**
- EXISTING PARKING AND DRIVEWAYS
 - PROPOSED PARKING AND DRIVEWAYS
 - PROPOSED NEW LANDSCAPE AREAS
 - EXISTING BUILDINGS
 - EXISTING SHADE STRUCTURES
 - PROPOSED SHADE STRUCTURES
 - PROPOSED BUILDINGS & ADDITIONS



INA ROAD

PASEO DEL NORTE

TOHONO CHUL PARK
SITE MASTER PLAN

JOHN DOUGLAS ARCHITECTS  May 16, 2012

Exhibit 9: Future Expansion Concept



Exhibit 9-A: Visitor Center Overview

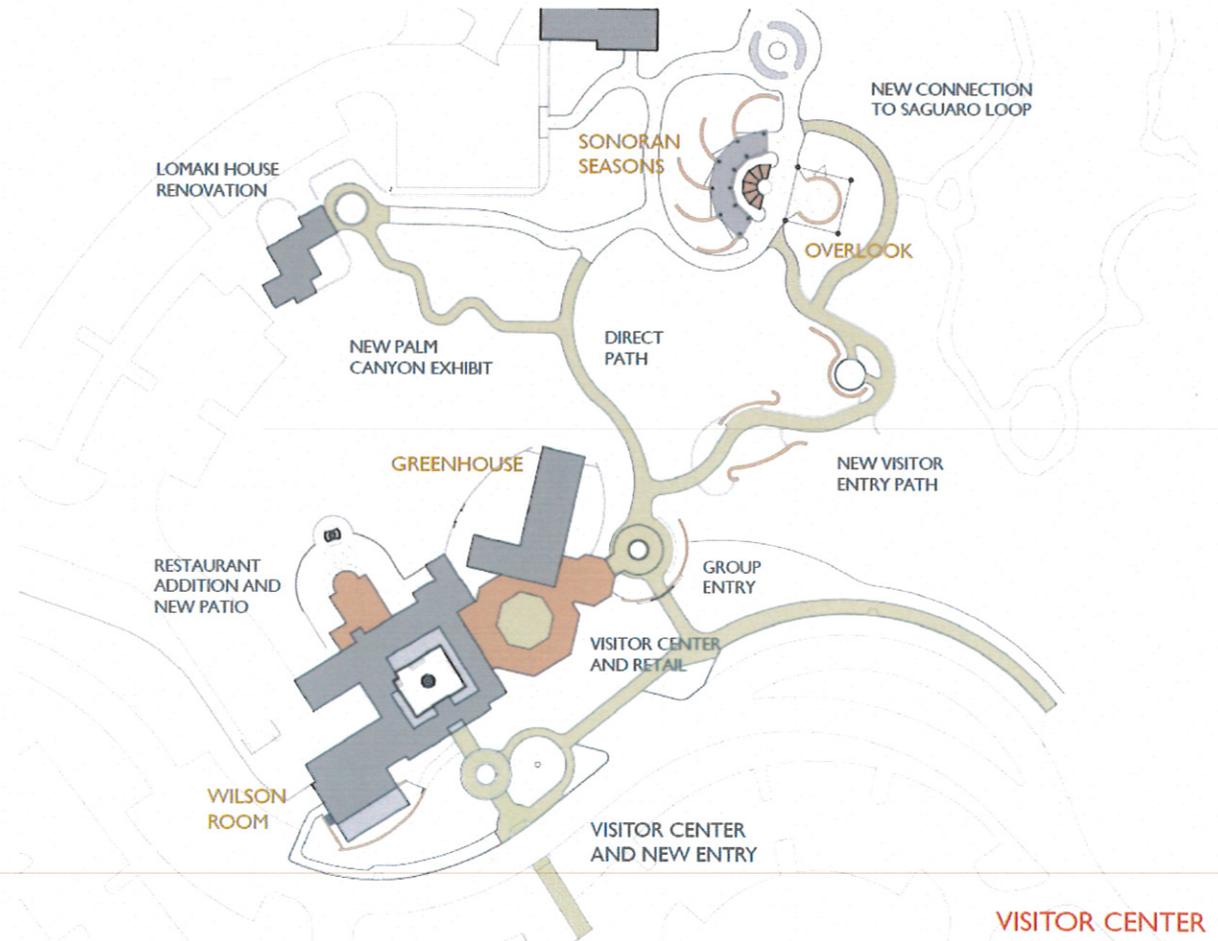


Exhibit 9-B: Visitor Center Conceptual Floor Plan

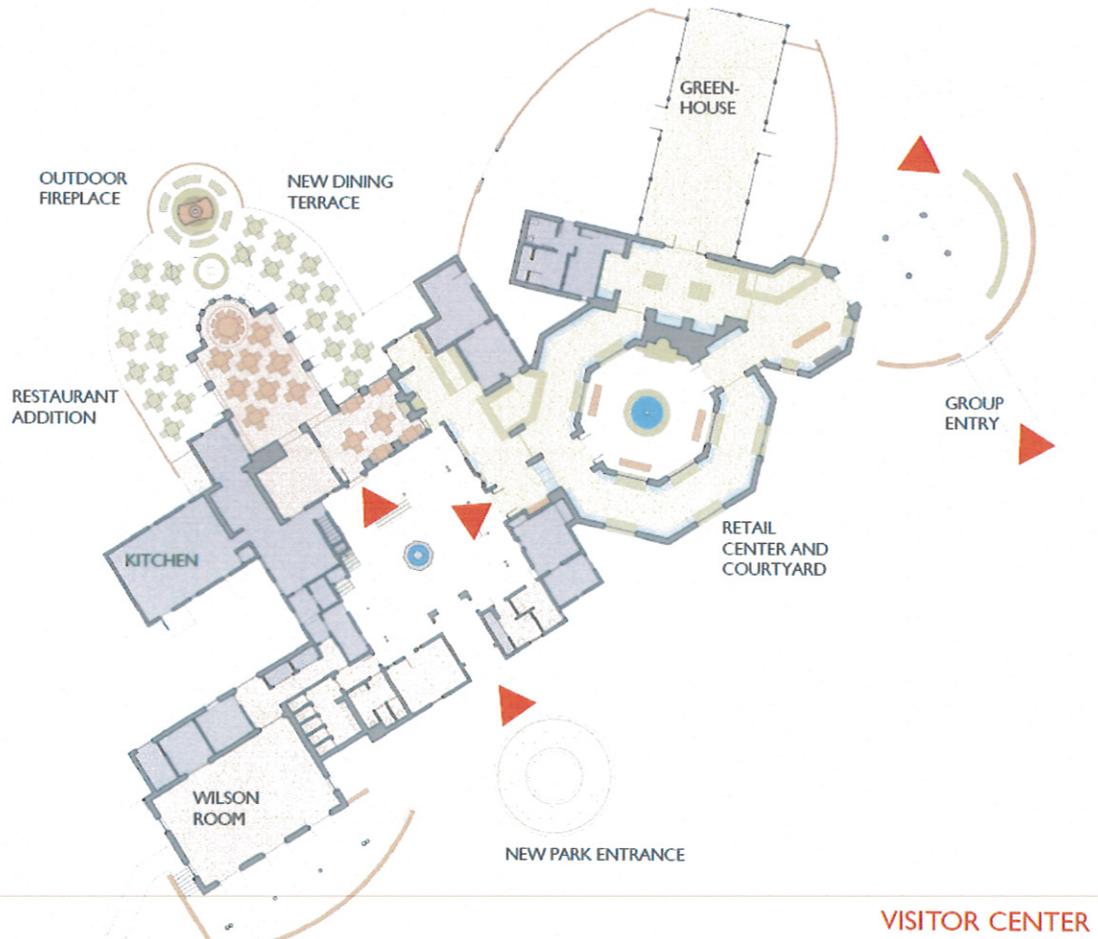
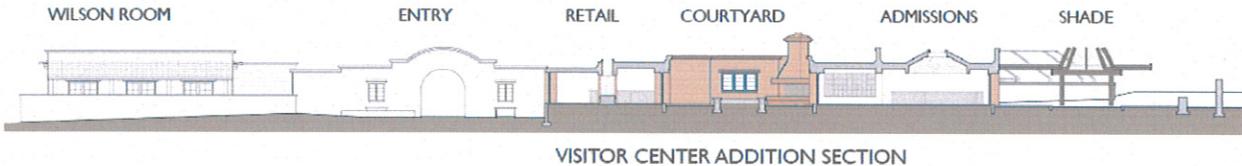


Exhibit 9-C: Visitor Center Conceptual Elevations

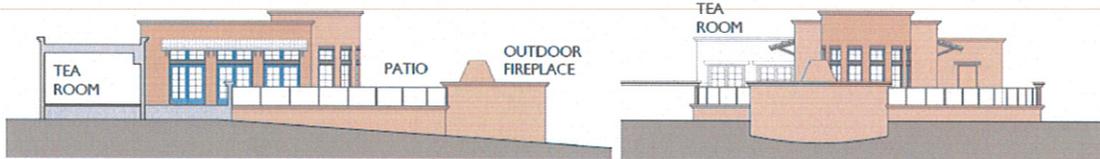


VISITOR CENTER ADDITION ELEVATION



VISITOR CENTER ADDITION SECTION

VISITOR CENTER



RESTAURANT ADDITION SOUTH ELEVATION

RESTAURANT ADDITION WEST ELEVATION



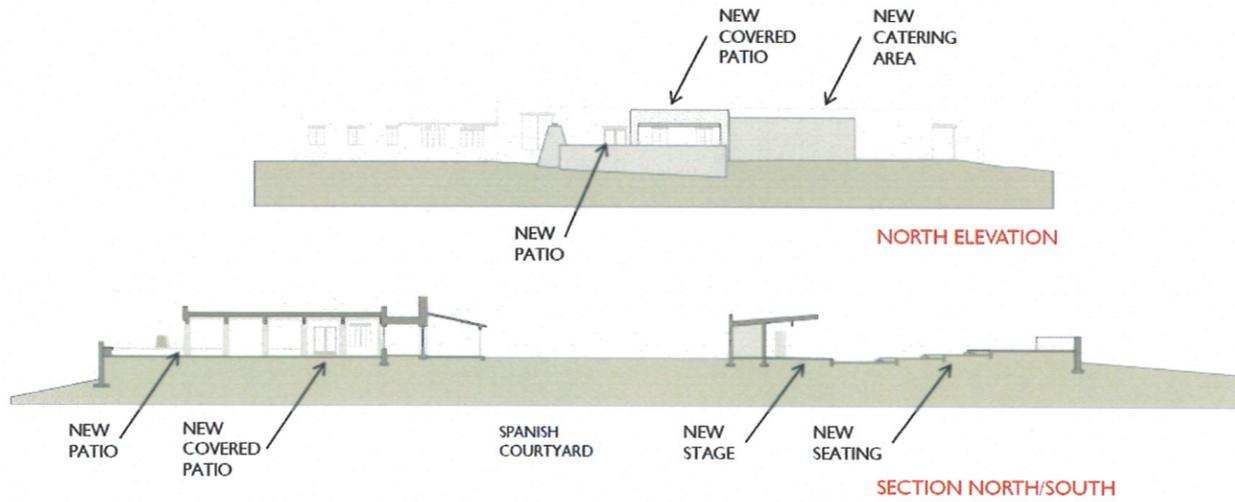
RESTAURANT ADDITION NORTH ELEVATION

VISITOR CENTER

Exhibit 9-D: Center for the Arts Overview

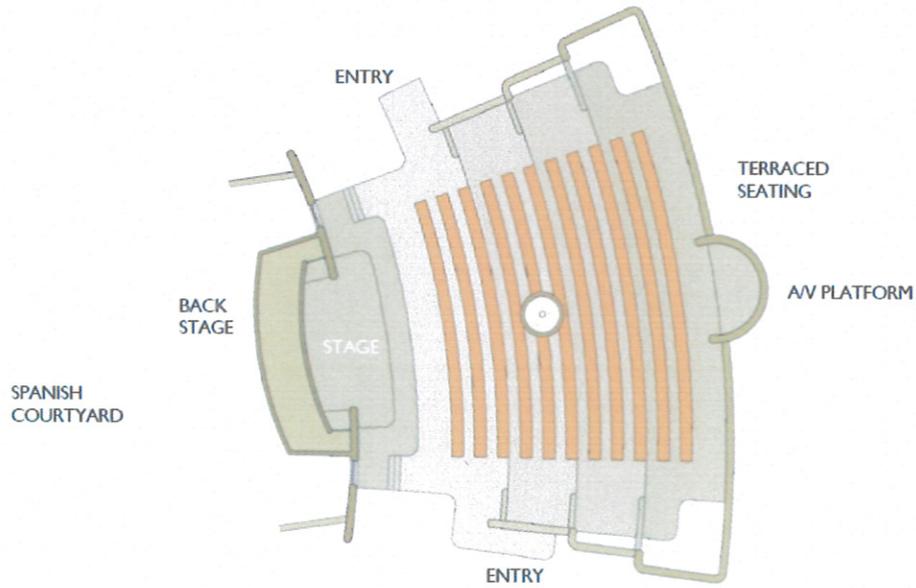


Exhibit 9-E: Center for the Arts Conceptual Elevations



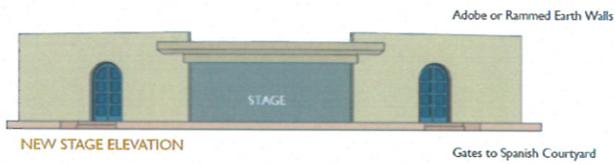
CENTER FOR THE ARTS

Exhibit 9-F: Center for the Arts Performance Garden Concept



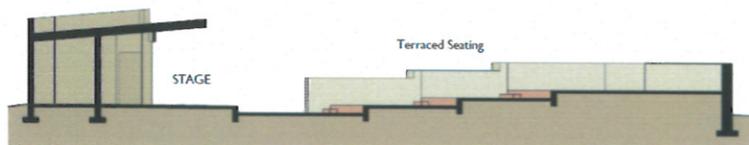
PLAN AT STAGE AND TERRACED SEATING

PERFORMANCE GARDEN



NEW STAGE ELEVATION

Gates to Spanish Courtyard



SECTION THROUGH STAGE AND TERRACE SEATING

PERFORMANCE GARDEN

B. Permitted and Excluded Uses

Tohono Chul Park proposes a single zoning district based on a modified Parks & Open Space (POS) zone to allow for the future expansion and growth of the park. The PAD shall include all those uses permitted by Town of Oro Valley Zoning Code Section 23.3 under POS zoning. All future development within the PAD shall conform to the regulations and standards set forth in this PAD. Where these regulations and standards vary from the Oro Valley Zoning Code or other City standards, the PAD regulations and standards shall prevail.

1. Permitted Uses

All POS permitted shall be allowed and subject to all use regulations found in Section 25 of the Town of Oro Valley Zoning Code.

2. Accessory Land Uses

The following uses shall be permitted, by right, in the PAD district:

- a. Restaurant, café, or delicatessen, with or without entertainment/alcohol
- b. Gift shop
- c. Book store
- d. Museum
- e. Studio for professional work or teaching of any form of commercial or fine arts
- f. Theater
- g. Plant nursery
- h. Art gallery
- i. Wedding chapel
- j. Education, conference, meeting and performing arts facilities

3. Excluded Land Uses

Land uses not listed as a Permitted use, or land uses that are not an accessory to the Primary Use are prohibited within the Tohono Chul Park PAD.

C. Development Standards

The PAD district shall be governed by the following development standards, which are derived from the Parks and Open Space (POS) District in Section 23.9 of the Oro Valley Zoning Code. Specific modifications have been made to accommodate the unique programmatic needs of the Park and to ensure that development rights enjoyed in Pima County are preserved.

The PAD shall be considered a single parcel for the purpose of building setback, buffer requirements and other similar development standards that would otherwise apply to separately owned lots or parcels under the Oro Valley Zoning Code. All new development within the PAD shall conform to applicable building, fire and other life safety standards.

These development standards shall supersede the standards in the Town of Oro Valley Zoning Code Chapter 23, *Zoning Districts* and Chapter 25, *Use Regulations*, except where specific references to such standards are provided in this section of the document.

1. Site Development Standards

Development Standard	PAD Standard	Oro Valley POS Standard
Maximum Building Height	36 feet	25 feet/1 story Gymnasiums- up to 36 feet Community center auditoriums- up to 45 feet
Maximum Lot Coverage	20%, excluding parking areas	15%, excluding parking areas
Minimum Open Space	20% of gross acreage of PAD district	N/A

2. Vehicular Parking

The park currently has 303 regular parking spaces and 4 ADA accessible spaces. The master plan will add 156 new parking spaces, with 100 spaces accessible from Paseo del Norte and 56 spaces accessed from Northern Avenue.

ADA parking will be provided pursuant to Federal ADA Standards for Accessible Design, latest edition. Accessible spaces and "Van Accessible" spaces will connect to the accessible route as required by the ADA

Standards for Accessible Design. Newly constructed sidewalks and curb ramps will comply with accessibility requirements as required.

3. Lighting

All lighting shall be in conformance with the Oro Valley Lighting Code, Section 27.5.

4. Signage

The objectives of the Tohono Chul Park sign standards are to:

- Increase tourism
- Build community
- Increase community conservation efforts
- Increase awareness of local art & music offerings

All new permanent and temporary signs shall conform to the Town of Oro Valley Sign Code, Chapter 28, with the following exceptions:

a. Permanent Signage

Existing permanent signs include monument entry signs at Ina & Northern, at the Northern Avenue entrance and at the main entrance and exit on Paseo del Norte.

These signs may be replaced in the same locations with signs of the same size, area, height, and illumination.

b. Temporary Signage

Festival Banner Signs

Up to ten (10) light poles or banner mounting poles up to 20 feet shall be permitted on the south (Ina Rd.) and west (Paseo del Norte) perimeters of the property. The locations and pole height are subject to approval by the Planning & Zoning Administrator (PZA), the Town Engineer, and Tucson Electric Power (TEP). Additional poles may be located in the parking areas subject to PZA and Town Engineer approval.

Festival banner signs will be mounted on the poles, subject to the Festival Banner Sign Standards contained in this section. The signs will be replaced seasonally to reflect current offerings including classes, festivals, events and for general awareness. These signs shall be maintained in good condition and shall be removed or replaced if they are determined to be in disrepair by the Town.

Festival Banner Sign Standards

- Maximum Dimension: 54" x 18"
- An addition 18" x 18" area below the Park banner may be utilized by the Town to promote Oro Valley branding with cost share
- Cost share of associated expenses may include but are not limited to: design, printing, installation and equipment
- Each festival banner sign design shall be reviewed and approved by the Town prior to use
- Approved festival banner sign designs shall not expire or require additional permits once approved
- Banner signs may be replaced if Town light poles are replaced

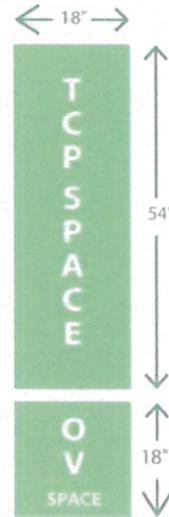
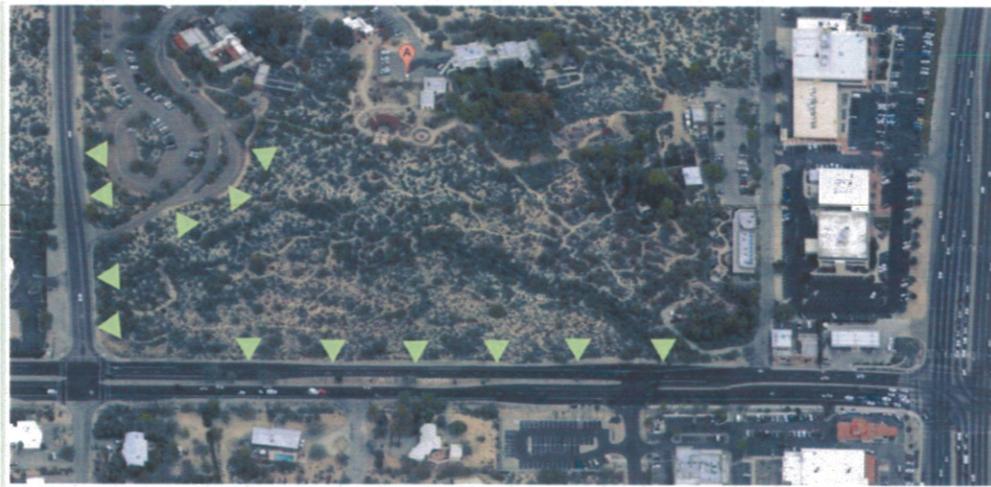


Exhibit 10: Map of Proposed Sign Placement



location map (approximate)

Exhibit 11: Mock up of Permanent Signage



C. Special Event Signage

Banner Signs

Banner signs shall be subject to the Town's sign code, with the following exceptions:

Quantity: Up to four (4) seasonal or event banners may be used at a time in the following locations:

- The intersection of Ina and Paseo del Norte
- The intersection of Ina and Northern Avenue
- Public entrance off of Paseo del Norte
- Delivery Entrance off of Paseo del Norte

Duration: Seasonal or event banners may be displayed for the duration of up to two weeks prior to the class, festival, or event being advertised, with a maximum period of 90 days.

A-Frame Signs

Up to three (3) A-frame signs may be used subject to the following standards:

1. The purpose of A-frame signs is to direct pedestrian traffic and shall not be oriented toward vehicular traffic.
2. Maximum height is 42" including sign legs.
3. Maximum sign area is 6 sq. ft.

4. Shall be located on private property or in the right of way.
5. Shall not be displayed in such a manner as to constitute a hazard to public safety.
6. Must allow for a 4' unobstructed pathway for pedestrians.
7. Signs shall be located within 20' of park entrances.
8. A-frame may be displayed during business hours only.
9. Fluorescent and iridescent colors are not allowed.
10. A-frame copy and graphics must be professionally designed and applied.
11. Hand lettered and hand painted signs are not permitted.
12. No illumination, noise or flashing, rotation, or moving elements are permitted.

D. Landscape Standards

Landscaping shall be in conformance with Oro Valley Zoning Code, Section 27.6 with the following exceptions:

1. Plant Palette

- a. Tohono Chul Park is an internationally-recognized botanical garden with a diverse palette of native and exotic plants. In order to remain a showcase for a diverse array of plants, the PAD district shall be exempt from the Oro Valley Approved native Plant List (Zoning Code Addendum C) and Prohibited Plant List (Zoning Code Addendum E).

Species listed in the USDA list of *Invasive and Noxious Weeds* (<http://plants.usda.gov/java/noxious?rptType=State&statefips=04>) shall be prohibited.

- b. In keeping with the intent of Section 27.6 of the Oro Valley Zoning Code, the plant palette will consist of predominately low water use, native and regionally adapted plants. The PAD district shall not be subject to the plant palette, prohibited plans, or native seed mix Zoning Code standards.

2. Bufferyards

Natural and landscaped bufferyards have been provided on all sides of the project site in order to screen uses from neighbors and enhance the "urban oasis" ambiance of the park.

No additional disturbance shall be allowed within a 20-foot buffer area on each side of the property, as measured from the property line, except for the

eastern side of the property (Northern Avenue frontage) that front commercial properties.

E. Open Space

Open space requirements shall be a minimum 20 percent of the gross area of the PAD District. Open space areas may include, but not limited to: general use pathways, ramadas, turf areas, patios, balconies, recreational areas, landscape bufferyards, hardscape courtyards, and landscaped areas. All open space areas shall be maintained by the property owner.

F. Water & Wastewater Plan

The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any expansion phase, no more than 90 days before submitting any Conceptual Site Plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

G. Infrastructure Phasing Plan

All necessary infrastructure will be provided to accommodate each phase of the development.

H. Design Review

The Conceptual and Final Site Plan, Conceptual and Final Architecture for each project or phase of future development, as shown on the Conceptual Site Plan and Master Plan exhibits (Exhibits 8&9-9F), shall be subject to administrative review and approval by the Planning & Zoning Administrator and Town Engineer. The PAD is exempt from the Oro Valley Addendum A Design Standards as the Future Expansion Concept set forth the design concepts for future expansions.

Significant deviations from the Conceptual Site Plan or Master Plan exhibits, as determined by the Planning & Zoning Administrator or Town Engineer, shall be subject to review by the Conceptual Design Review Board (CDRB) and approval by the Town Council.

Development within this PAD is not subject to Section 27.3, Public Art requirements as the Park makes a unique contribution to the community's arts and culture that exceeds the Town's requirements for number and quality of artworks.

I. Interpretations and Amendments

1. Interpretation

The regulations and guidelines provided within this PAD supersede existing regulations within the Town of Oro Valley Zoning Code. If an issue arises regarding definitions, conditions, standards and/or situations not addressed in this PAD, those in the Zoning Code, or other Town regulations shall prevail, as interpreted by the Planning & Zoning Administrator.

2. Amendments

Amendments to this PAD may be necessary over time to respond to the changing market or financial conditions, or to respond to the unanticipated needs of the Park. Non-substantial changes to the PAD shall be approved by the Town of Oro Valley Planning & Zoning Administrator may include the following:

- Modifications to the permitted and accessory uses that do not change the overall intent of the PAD.
- Modifications to the proposed site plan provided the Development Standards set forth in the PAD are maintained.

ATTACHMENT 3: ANALYSIS OF ZONING CODE SECTION 24.4.G & H PAD CRITERIA

SECTION 24.4.G: GENERAL PLAN CRITERIA

The Oro Valley Zoning Code states, “*In order to approve a PAD, the Town Council must find eighty percent (80%) of the applicable criteria are adequately addressed in the PAD plan and text documents.*”

Staff has reviewed the applicant’s responses to these criteria and finds that the PAD is in a high degree of conformance with applicable General Plan criteria.

In addition, staff has identified the following General Plan policies as being applicable for the Tohono Chul Park PAD. The numbers (e.g. 1.a) correspond to the numbering in Section 24.4.G of the Zoning Code.

All 5 policies determined applicable have been met, which equates to 100% conformance. This meets the requirement of Section 24.4.G.

1. Land Use Element
 - b. Site analysis information completely supports the land use proposals contained in the PAD.
2. Transportation Element
 - h. All new roadway and future pedestrian-bicycle improvements meet public design standards.
5. Community Design Element
 - a. Building height and bulk are moderate to low intensity, in harmony with individual site attributes.
 - b. Parking lots with greater than 20 car capacity are screened from adjacent uses and public thoroughfares.
7. Natural Resources Conservation Element
 - g. Indigenous (native desert) vegetation and riparian habitats are maintained and enhanced where possible.

SECTION 24.4.H.1: REQUIRED FINDINGS

In addition to General Plan Conformance required by Section 24.4.G, “*the Planning and Zoning Commission and Town Council shall make the following required findings.*” Following is a list of each required finding (***bold and in italics***) followed by staff’s analysis. The applicant’s response to each finding is contained in Attachment #2:

- ***The PAD demonstrates innovative design in site planning.***
Tohono Chul Park is widely renown for its create site design, which creates a peaceful “urban oasis” amidst the busy activity centers around Oracle and Ina Roads. The Park appears primarily as open space from the outside and

maintains a peaceful and tranquil ambiance inside. The master plan maintains this by maintaining large expanses of open space and buffering around the perimeter of the Park.

- ***The PAD fosters safe and efficient use of the land.***
The PAD conserves large areas of natural and landscaped open space. The proposed expansions shown in the Conceptual Site Plan (see Exhibit in the PAD) will significantly increase building footprint while not greatly increasing the overall development envelop.
- ***The development facilitates efficient design of public services and all infrastructure.***
Tohono Chul Park has adequate infrastructure to serve future growth.
- ***The development provides for adequate drainage and reduction of flood damage.***
All expansion phases will be required to conform with the Town's grading and drainage criteria.
- ***The PAD encourages reduction in automobile trip lengths and trip consolidation as measured against development under conventional zoning.***
- ***Public access to mass transit, pedestrian and bicycle circulation systems is provided and designed to assure that pedestrians can move safely and easily to properties and activities in the site and in the neighborhood.***
The site is highly accessible by alternative modes of transportation, including bus and bicycle, which reduces auto dependence. The Park is located in proximity to the Sun Tran bus stop on the northwest corner of Oracle and Ina, and is also served by the Sun Shuttle, Dial-a-Ride, and is along bicycle routes.
- ***The design and arrangement of elements of the site plan contribute to the overall reduction of energy use by the project as measured against development under conventional zoning.***
Tohono Chul Park is primarily a botanical garden which showcases best practices in desert landscaping. Development in the Park is context sensitive and the site layout and construction methods are appropriate for the Sonoran Desert environment and serve to conserve energy.
- ***The design and arrangement of elements of the site plan minimize adverse impacts to the existing natural topography, natural water courses, existing desirable vegetation, and views.***
The proposed development will not adversely impact natural features or views from nearby homes or roadways.

- ***The elements of the site plan display a rational relationship (e.g., buildings, circulation, open space, and landscaping) between land uses for the mutual benefit of the community and neighborhood.***

Tohono Chul Park is unique in that it is primarily “inward oriented” with virtually all development out of view from adjacent development and roadways. The expansion of the Park will be mostly internal to the site and will not directly impact the neighborhood or community.

- ***The PAD protects, in a manner equal or superior to existing zoning, existing neighborhoods from harmful encroachment by intrusive or disruptive development.***

The PAD will protect nearby neighborhoods from harmful encroachment as well or better than existing Pima County zoning by requiring that future development be designed in accordance with Future Expansion Concept (see PAD Exhibits 9-9f), as well as Town development standards and other zoning requirements, such as grading, sign regulations, lighting requirements, etc.

- ***Overall, the entire PAD represents an improvement to living, work, and recreational conditions superior to that which would be produced by development under conventional zoning districts.***

This standard is difficult to apply to Tohono Chul Park as it is not a multiple use development, but a single facility and because it is mostly built out. The PAD allows the Town to evaluate the Park’s master plan and require development standards to ensure high quality development. As discussed, the Park has already demonstrated a strong commitment to design excellence and is the finest facility of its kind in the community and region.

- c. The courtyard/mall requirement may be waived by Town Council based on a suitable alternative design solution being presented to and approved by the Conceptual Design Review Board.
4. Yards and Setbacks
 - a. Front Yard: A ratio of three to one (3:1) shall be used. For buildings less than a height of twenty-five (25) feet, a ratio of two to one (2:1) will be permitted.
 - b. Side and Rear Setbacks

Fifty (50) feet or a three to one (3:1) ratio (setback to building height), whichever is greater, where the lot abuts a residential district or abuts an alley that is adjacent to a residential district.

((O)11-15, Amended, 5/18/11; (O)11-01, Amended, 2/16/11)



G. Parks and Open Space District

1. Open Space Requirements

The aggregate area of the building(s) shall not occupy more than fifteen percent (15%) of the lot, excluding parking areas.

2. Building Height

No building shall exceed one (1) story and the exterior height shall not exceed twenty-five (25) feet. The following increased building heights are subject to DRB approval.

- a. Gymnasiums up to thirty-six (36) feet.
- b. Community center auditoriums up to forty-five (45) feet.

3. Setbacks

All recreational facilities (excluding trails, par courses, bikeways and similar amenities) and related apparatus shall be a minimum of fifty (50) feet from all property lines. When adjacent to preserved open space, the Town Council may reduce the setback to ten (10) feet.

((O)11-01, Amended, 2/16/11)

Section 23.9 Property Development Standards for Planned Districts

A. Common Regulations of Planned Districts

Alternative development standards in Section 27.10.B.3 (environmentally sensitive lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

(Ord. (O)11-01, Added, 2/16/11)

CHAPTER 23: ZONING DISTRICTS
Section 23.3 Table of Permitted Uses

USE CATEGORY		TABLE 23-1: PERMITTED USES																										
		Single-Family										Multi-Family						Commercial				Other						
SPECIFIC USE TYPE		R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	S	D	H	6	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P	Other	P	O	S	ADDDL REGS	
Retail Sales	Antique store																											
	Art gallery															C	C											
	Bicycle shop																											
	Book or specialty paper store																											
	Camera store																											
	Clothing store																											
	Convenience uses (not specifically addressed elsewhere)																											25.1.G
	Craft shop																											
	Drug store																											
	Fabric store																											23.8.B
	Florist																											
	Furniture store																											
	General merchandising, including variety and specialty stores																											
	Gift/hobby shop																											
	Hardware store																											
	Medical marijuana dispensary																											23.8.B
	Video store																											25.1.V

CHAPTER 23: ZONING DISTRICTS
Section 23.3 Table of Permitted Uses

USE CATEGORY		TABLE 23-1: PERMITTED USES																					
		Single-Family						Multi-Family				Commercial			Other								
SPECIFIC USE TYPE		R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	S	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P	P	O	S	ADDL REGS
	Private clubs without entertainment/alcohol																P						
	Rehabilitative care facility												C	C	C								
	Self storage																C						
	Sexually-oriented businesses																						
	Shoe repair shop															P	P	P					
	Skilled nursing care facility												C	C	C								
	Studio for professional work or teaching of any form of commercial or fine arts											P	P	P	P								
	Telephone answering service															P	P	P					
	Theater															C	P						
	Utility payment store														P	P	P						
Visitor Accommodation	Boarding house or lodging house												C	C	C								25.1.T
	Guest ranches												P										25.1.T
	Hotels/motels											P				C	P						25.1.T
	Resorts											P											25.1.T
	Short-term rental properties											C	C	C									
	Timeshare units											C	C	C									25.1.S
AGRICULTURE USES																							
Agriculture	Farms and ranches	C	P	C	C	C	C	C	C	C													
	Marketing of products raised on the premises		P																				25.1.M
	Medical marijuana dispensary off-site cultivation location															P	P						25.1.V

TABLE 23-1: PERMITTED USES

USE CATEGORY	SPECIFIC USE TYPE	Single-Family										Multi-Family				Commercial			Other		ADDL REGS			
		R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	R1-DH6	S	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P		P	O	S
	Medical marijuana designated caregiver cultivation location																P							25.1.V
	Medical marijuana designated qualifying patient cultivation location																P							25.1.V
	Plant nursery															C	C	P						
OTHER USES																								
Other	Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.1.F
	Major communications facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	25.1.F
	Minor communications facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.1.F
	Motion picture production																						P	
	Outdoor displays																A	A	A					25.1.A
ACCESSORY USES																								
Accessory Uses	Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.2

((O)11-23, Amended, 9/21/11; (O)11-02, Amended, 2/2/11; (O)10-13, Amended, 10/27/10; (O)07-33, Amended, 9/19/07)

* Code Reviser's Note: Ord. No. (O)11-23 provides that its amendments expire on February 1, 2013.

Section 23.4 Table of Dimensional Requirements

All primary and accessory structures shall be subject to the intensity and dimensional standards set forth in the following Tables 23-2. These intensity and dimensional standards may be further limited or modified by other applicable Sections of this Code. Additional regulations and rules of measurement are set forth immediately following the table. A "*" indicates that these additional regulations and rules of measurement are applicable.

TABLE 23-2A: DIMENSIONAL REQUIREMENTS (Residential)

Zoning District	Minimum Property Size	Minimum Lot Area (square feet)		Yard Setbacks (feet)			Building Height	Minimum Distance Between Bldgs (feet)	Addl Regs
		Area	Width	Front	Side	Rear			
R1-300	-	300,000	300	50	20	50	34	10	23.6.B
R1-144	-	144,000	150	50	20	50	18	10 *	23.6.C
R1-72	-	72,000	150	50	35	50	22	10 *	23.6.D
R1-43	-	43,560	150	30	20	40	18	10 *	23.6.E
R1-36	-	36,000	120	30	15	40	18	10 *	23.6.F
R1-20	-	20,000	80	30	15	30	18 ft. or 2 stories	10 *	23.6.G
R1-10	-	10,000	80	25	10	25	25 ft. or 2 stories	10 *	23.6.H
R1-7	-	7,000	70	20	7.5	20	25 ft. or 2 stories	10 *	23.6.I
SDH-6	-	6,000	50	20 *	15 * (1st side) 5 * (2nd side)	25 *	18 *	20 *	23.6.J
R-4	1 acre	*	-	*	*	*	25 feet or 2 stories	10 *	23.7.B
R-4R	50 acres prior to street dedications	*	-	*	*	*	34 feet	10 *	23.7.C
R-S	-	-	-	*	*	*	25 feet or 2 stories*	10 *	23.7.D 23.7.E
R-6	5 acres (residential) 1 acre (business and professional offices or other permitted or conditional use)	*	-	30	20	20	25 feet or 2 stories *	*	23.7.E

(Rev. 1/4/06 (O)06-02)

Zoning District	Minimum Property Size	Yard Setbacks (feet)			Maximum Building Height	Min. Open Space	Max. Floor Area Ratio	Addl Regs
		Front	Side	Rear				
CN	0 acres	20'	0-50'	0-50'	25 feet or 2 stories	25%	.25	23.8.B
C-1	5 acres	20	0-50'	0-50'	25 feet or 2 stories	20%	.30	23.8.C
C-2	10 acres	20	0-50'	0-50'	30 feet or 2 stories	20%	.40	23.8.D
PS	5 acres (schools only)	.	.	.	1 story and 24-45 feet *	25%		23.8.E
T-P	3 acres	3:1*	0-50'	0-50'	34 feet *	25%	.50*	23.8.F
POS		0-50*	0-50*	0-50*	1 story and 25-45 feet *	.	.15*	23.8.H

((O)11-02, Amended, 2/2/11; (O)07-33, Amended, 9/19/07)

Section 23.5 Measurements and Exceptions

A. Lots

1. Measurement

a. Lot Area

The same as "net lot area."

b. Net Lot Area

The area included within lot lines after all right-of-way dedications have been made as required by the Town.

c. Lot Width

The width of the lot is determined as follows:

- i. If the side property lines are parallel, the shortest distance between these side lines,
- ii. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the required front or rear building setback line whichever is the lesser. The axis of a lot shall be a line generally perpendicular to the fronting street, which divides the lot into two (2) equal parts.

d. Minimum lot width

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TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: September 18, 2012

TO: PLANNING & ZONING COMMISSION**FROM: Matt Michels, AICP, Senior Planner**
mmichels@orovalleyaz.gov**SUBJECT: Public Hearing: Tohono Chul Park Planned Area Development (PAD), located on the northeast corner of Ina Road and Paseo del Norte, OV912-002.****SUMMARY**

As part of the effort to annex Tohono Chul Park (TCP) into the Town, a Planned Area Development has been developed to ensure that their long-term master plan can be achieved. A PAD is a zoning tool permitted by the Zoning Code to provide for development proposals which are superior to that which may occur under conventional zoning regulations. A PAD is similar to a rezoning in that it establishes zoning districts, development standards, and provides a conceptual site plan depicting the proposed development. Unlike a rezoning, a PAD provides additional flexibility to modify certain development standards, such as permitted and conditional uses, density, building height, and standards for signage. The objective of the PAD is to ensure compatibility with adjacent uses and improve community fit as well as preserve development rights currently enjoyed in Pima County.

The TCP PAD district consists of approximately 48.5 acres of property at the northeast corner of Ina Road and Paseo del Norte. TCP has developed a long-term master plan to expand and grow within their existing boundaries. This master plan envisions a new visitor center, a new administration building, a new entrance, a new performance garden and stage, and a number of expansions of existing facilities. The PAD includes a Conceptual Site Plan (see Exhibit 8 in the PAD; Attachment 1) depicting the proposed Park master plan as well as proposed development standards and sign standards.

The PAD base zoning is Parks and Open Space (POS; see Attachment 2 for base zoning standards), with specific modifications that will be discussed in this report. If approved, the PAD document will serve as the primary zoning document, with the Town Zoning Code prevailing where the PAD is silent. If the PAD is approved, new development will be required to follow the Town's Design Review process for approval of each phase of the project.

BACKGROUNDSite Conditions

- Property is approximately 48.5 acres
- Oro Valley General Plan designation is Park (P). Note: Although the property is outside of Town boundaries, it is within the Town's planning area.
- Pima County Zoning is CR-1 (Single Residence Zone) and CB-1 (Local Business Zone)
- Property is developed as a park and botanical garden with a number of accessory uses, including restaurant, educational facilities, retail sales, and administrative offices
- Pima County has permitted the continued expansion of the Park under a non-conforming use permit

Proposed Improvements

- Approx. 20,999 s.f. of additional structures, including additions, remodels a new performance garden, exhibit house patio, and other improvements (see Section II.A.1 of the PAD for additional details)

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

Page 2 of 6

- Other improvements include new pathways and trails, a children's ramada, a catering area, and additional parking

Approvals to Date

Previous zoning and development approvals were all completed in Pima County, the most recent in 2000. See *Project Overview* in Section I.A of the PAD for additional details.

Surrounding Land Uses

North:	St. Odilia Roman Catholic Church and Single-Family Residences
South:	Ina Road, Single-Family Residences
East:	Commercial Development
West:	Paseo Del Norte; Single-Family Residences & Commercial

Process to Date and Projected Schedule

- Neighborhood Meeting September 13, 2012
- First P&ZC Public Hearing September 18, 2012
- Second P&ZC Public Hearing October 2, 2012
- TC Public Hearing October 17, 2012

Pima County Zoning

The majority of the site (47.2 acres) is zoned Pima County CR-1 (Single Residence Zone). This zone allows single-family homes, agricultural and horticultural activities, colleges, government facilities, and museums. The maximum building height in the district is 34'.

A small area (1.42 acres) of the eastern portion of the property is zoned Pima County CB-1 (Local Business Zone). This zone allows a variety of office, retail, and food service uses. The maximum building height in the district is 34'.

Although the permitted uses within these zoning districts differ somewhat from those found in Tohono Chul Park, they both provide for similar density and intensity as the Park proposes. The Park has been able to grow through the years in the County with a non-conforming use permit.

Existing General Plan Land Use Designations

The General Plan defines the land use category for the PAD area as follows:

- Park (P)
This designation denotes areas that have been developed or set-aside as public/semi-public recreational facilities

ANALYSIS OF PROPOSED PAD

Section 24.4 of the Zoning Code provides the requirements for new PADs, including General Plan conformance and specific criteria required for PAD approval. A full analysis of the Zoning Code criteria is contained in Attachment 3. Following is a discussion of the proposed underlying zoning district and proposed modifications thereto.

I. UNDERLYING ZONING DISTRICT

According to the Zoning Code, all PADs shall include underlying zoning designations. The underlying, or base, zoning districts are to be derived from existing Oro Valley zones and reflect the most logical designation in consideration of the proposed land use for a particular parcel. Further, *"The development standards of the underlying zoning districts will prevail where the PAD does not specifically modify said standards."*

The Tohono Chul Park PAD proposes a single zoning district based on a modified POS (Parks and Open Space) zone. Following is the purpose of the zoning district:

- The POS zoning district is *"primarily for those areas of the Town where it is desirable and necessary to provide permanent park, public open space, and in general, areas to be preserved in their present or managed state."*

The PAD proposes to include all those uses permitted by Zoning Code Section 23.3 under POS zoning (see Section II.B.1 of the PAD). Many of these uses, including restaurant and gift shop, are already established at the Park and are considered appropriate accessory uses in the POS zoning district.

Several currently existing and proposed uses, including the performance garden and stage, studios, theater, art gallery, and educational and performing arts facilities (see Section II.B.2 of the PAD), are not explicitly permitted in the POS zoning district, but are appropriate uses in the Park and are necessary amenities to achieve the Park's long-term development goals.

Staff supports the requested permitted and accessory uses as the Town and the neighborhood has been provided an opportunity to evaluate the appropriateness of the site for these uses and believes the range of uses is appropriate for this site.

II. MODIFICATIONS TO DEVELOPMENT STANDARDS

According to the Zoning Code, *"Modifications to the development standards of the underlying district may be permitted if they are found to offer a desirable improvement over the conditions produced by conventional zoning standards."*

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The applicant has requested changes to the following development standards, as shown on the following table:

	OV POS Zone	TCP PAD Requirements	Pima County CR-1 Zone
Building Height	25 feet/1 story Gyms up to 36 feet Comm. Ctr./Auditoriums up to 45 feet	36 feet	34 feet/2 stories
Max. Lot Coverage	15%, excluding parking areas	20%, excluding parking areas	N/A
Min. Open Space	N/A	20% of gross PAD district acreage	N/A

As shown, the proposed maximum building height of 36 feet is within the range of the POS zoning district. The maximum lot coverage is somewhat higher than the POS district, but TCP is a different type of park than the Zoning Code envisions and 20% is a reasonable lot coverage for a facility of this type. Further, the minimum 20% open space requirement helps to preserve the "oasis" ambiance the Park currently enjoys.

Signage

In addition, TCP has requested specific temporary sign standards to aid in the promotion of the Park and its programs and events (see Section II.C.4 of the PAD). The PAD would be subject to the Town Sign Code (Chapter 28) with the following exceptions:

Permanent Signs

Existing permanent signs include monument entry signs at Ina & Northern, at the Northern Avenue entrance and at the main entrance and exit on Paseo del Norte.

The applicant proposes that these signs may be replaced in the same locations with signs of the same size, area, height, and illumination, if needed. Staff supports this request as it doesn't add any additional sign area or increase illumination.

Temporary Signs

- Festival Banner Signs: Up to ten (10) Festival Banner signs would be permitted on light poles or banner mounting poles up to 20 feet would be permitted on the south and west perimeters of the property, as approved by the Planning & Zoning Administrator (PZA), the Town Engineer, and TEP. Additional poles could be placed in the parking lot subject to PZA and Town Engineer approval.
- Special Event Signage: Up to four (4) seasonal or event banners could be used at a time at four (4) designated locations (see Page 34 of the PAD), for a duration of up to 90 days for each event.
- A-Frame Signs: Up to three (3) A-frame signs may be used to direct pedestrian traffic and could be located in the right-of-way, subject to Town Engineer approval. The proposed sign standards are contained on Pages 34-35 of the PAD.

In sum, staff supports the proposed development standards as they serve to promote the long-term growth and expansion of an important regional asset while maintaining reasonable development standards that do not negatively impact the community. The unique aspects of the Park, including the role it would play in enhancing tourism and bolstering community image for the Town, justify the additional latitude requested.

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V. PUBLIC NOTICE AND COMMENT

This project has been noticed in accordance with Town procedures, which includes the following:

- Notification of all property owners within 600 feet
- Homeowners Association mailing
- Notice in The Daily Territorial newspaper
- Post on property
- Post at Town Hall and on website

A neighborhood meeting will be held on September 13, 2012. A summary of the neighborhood meeting will be provided prior to the September 18 hearing.

No correspondence has been received in support or opposition to the proposal to date.

SUMMARY/CONCLUSION

The proposed PAD has been evaluated using the criteria in Section 24.4 of the Zoning Code, including applicable General Plan goals and policies. Following is a summary of the factors for and against the proposal:

Factors for:

1. Tohono Chul Park has a well established track record as a good neighbor and important regional asset.
2. The PAD provides preserves the development rights enjoyed in Pima County and provides assurance that the Park's master plan can be achieved when annexed into the Town.
3. The requested development standards will not adversely impact neighboring properties.
4. The Park will be an important asset to bring tourism into the Town and bolster the Town's identity.

Factors Against:

1. None

RECOMMENDATION

The proposed PAD is in conformance with the Zoning Code PAD criteria. Future development will be evaluated using the PAD and Town Zoning Code to ensure that the impacts of the development, including views, noise, light, and traffic, will be mitigated and that the Park will continue to be a good neighbor. Staff recommends approval of the proposed PAD.

SUGGESTED MOTION

Two Planning & Zoning Commission public hearings are required by the Zoning Code. Therefore, no recommendation will be made at this meeting. Motions will be included in the October 2, 2012, report.

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Attachments:

1. PAD document
2. Parks & Open Space Zoning District Standards
3. Analysis of PAD Criteria

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Chad Daines, AICP, Principal Planner

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: October 2, 2012

TO: PLANNING & ZONING COMMISSION

FROM: Matt Michels, AICP, Senior Planner

SUBJECT: Public Hearing: Tohono Chul Park Planned Area Development (PAD), located on the northeast corner of Ina Road and Paseo del Norte, OV912-002.

SUMMARY

The Planning and Zoning Commission held the first of two required public hearings on September 18, 2012. No action was taken at that hearing. Several issues were discussed, including:

- Removing the minimum open space and maximum lot coverage standards (Section II.C.1). Staff supports removing these standards.
- Modifying the proposed maximum building height to 34' (from 36') to be in line with the existing Pima County CR-1 standard. Staff supports this change.

Please refer to the September 18, 2012 packet for additional background information and discussion of the PAD proposal. A recommendation to Town Council is requested at this hearing. Staff recommendation and suggested motions are provided below.

RECOMMENDATION

The proposed PAD is in conformance with the Zoning Code PAD criteria. Staff recommends approval of the proposed PAD.

SUGGESTED MOTIONS

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

I move to recommend approval of the Tohono Chul Park Planned Area Development (PAD) located on the northeast corner of Ina Road and Paseo del Norte, subject to the following conditions:

1. The minimum open space and maximum lot coverage standards contained in Section II.C.1 shall be removed
2. The maximum building height shown in Section II.C.1 shall be 34'

finding that:

- All applicable General Plan criteria are met
- Required PAD findings are met
- PAD standards preserve character of the park
- PAD maintains development rights enjoyed in Pima County

OR

I move to recommend denial of the Tohono Chul Park Planned Area Development (PAD) located on the northeast corner of Ina Road and Paseo del Norte, finding that the PAD does not meet all Zoning Code requirements.