

**AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 6, 2013
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION AT OR AFTER 5:00 PM - Pursuant to A.R.S. 38-431.03(A)(7) for consideration of a potential lease or sale of Town property

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

- Spotlight on Youth

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. Public Safety Providers Quarterly Report (2nd quarter FY 2012-2013)

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

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - December 5, 2012
- B. Appointment of Kelly Huber to the Conceptual Design Review Board (CDRB)

REGULAR AGENDA

1. FISCAL YEAR 2012/2013 MID-YEAR FINANCIAL UPDATE
2. REQUEST FOR PLANNED AREA DEVELOPMENT (PAD) EXEMPTION FROM THE EXISTING SIGN SYSTEM GUIDELINES FOR DIRECTIONAL SIGNAGE IN RANCHO VISTOSO
3. REQUEST FOR APPROVAL OF CONCEPTUAL PUBLIC ART FOR THE SAN DORADO COMMERCIAL DEVELOPMENT, LOCATED WITHIN THE ORO VALLEY TOWN CENTRE AT ROONEY RANCH PAD, ON THE EAST SIDE OF ORACLE ROAD AND FIRST AVENUE
4. RESOLUTION NO. (R)13-07, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO CVS PHARMACY FOR A DRIVE-THROUGH ON PAD A, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE
5. RESOLUTION NO. (R)13-08, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO PARADISE BAKERY FOR A DRIVE-THROUGH IN SHOPS B, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE

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: 1/30/13 at 5:00 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: 02/06/2013

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

Public Safety Providers Quarterly Report (2nd quarter FY 2012-2013)

Attachments

Public Safety Providers Quarterly Report (2nd quarter FY 2012-2013)

Golder Ranch Fire District - Oro Valley Call Summary Second Quarter FY 2012-2013 (Oct. – Dec. 2012)

Sun City Station 374	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	230	83%
Dispatch to At Scene <6:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time	4:11	

Woodburne Station 375	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	326	72%
Dispatch to At Scene <6:00 minutes -FIRE	1	0%
Average Dispatch to At Scene Time	4:55	

Lambert Station 376	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	146	64%
Dispatch to At Scene <6:00 minutes -FIRE	2	100%
Average Dispatch to At Scene Time	4:53	

Oracle Rd. Station 377	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	234	81%
Dispatch to At Scene <6:00 minutes -FIRE		
Average Dispatch to At Scene Time	4:37	

Average Total All Oro Valley Stations	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	936	75%
Dispatch to At Scene <6:00 minutes -FIRE	4	75%
Average Dispatch to At Scene Time	4:35	

Average Total All Oro Valley Stations -2nd Fire Unit	# of calls	%
2 nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	3	33%
Average Dispatch to At Scene Time for 2nd Fire Unit	8:22	

Golder Ranch - Oro Valley Call Load Breakdown
Second Quarter FY 2012-2013 (Oct. - Dec. 2012)
Final Type Reference

CALL TYPE	Sun City	Woodburne	Lambert	Oracle	TOTAL
Aircraft					
Brush / Vegetation	1		1		2
Building			1		1
Electrical / Motor				1	1
Fires - All Other	2		1	4	7
Gas Leak			3		3
Hazmat			1		1
Trash / Rubish	1				1
Unauthorized Burning					
Vehicle		1	1		2
Total Fire Calls	4	1	8	5	18
Animal Problem			1		1
Animal Rescue					
Assist -Other	10	9	6	4	29
Battery Change	29	30	30	10	99
Bee Swarm					
Defective Appliance	1	1			2
Invalid Assist	76	18	9	10	113
Snake	58	62	71	24	215
Lockout	2	1	4		7
Fire Now Out			1		1
Total Service Calls	176	121	122	48	467
Alarms (Fire, Smoke, CO)	8	8	8	13	37
Cancelled / Negative Incident	3	10	10	7	30
Smoke / Odor Investagation	1	5	2	1	9
Total Good Intent Calls	12	23	20	21	76
Motor Vehicle Accident	1	8	17	19	45
Rescue (high, trench, water)					
All Other EMS Incidents	229	318	129	215	891
Total EMS Type Calls	230	326	146	234	936
TOTAL ALL CALLS	422	471	296	308	1497

**Golder Ranch Fire District – Oro Valley
Detailed Fire Response Report
Second Quarter FY 2012-2013
Oct. – Dec. 2012**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
10/3/12	19921	HOUSE	01:31:05	EN376	01:32:13	01:36:00	4:55
St.376				LT375	01:33:03	01:39:00	7:55
<p>Caller reported alarms sounding and odor of smoke inside home. After investigation, nothing was found –false alarm. NEGATIVE INCIDENT.</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
10/20/12	21161	BUILD	02:50:50	EN376	02:52:07	02:56:42	5:52
St.376				EN377	02:52:17	03:59:06	8:16
<p>Oro Valley Police is on the scene of a restaurant with alarms sounding and smoke coming from back of building. Fire was found in the kitchen area and knocked down by the sprinkler system. EN377 had to travel through construction on Lambert to get to scene. WORKING INCIDENT.</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
11/10/12	22685	BUILD	09:10:10	LD375	09:11:03	09:17:32	6:22
St.375				EN376	09:11:19	09:19:12	9:02
<p>Shop inside Oro Valley Market Place reports what appears to be smoke coming from ceiling but no alarms sounding. Found only to be an electrical light malfunction. NEGATIVE INCIDENT</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/14/12	25113	HOUSE	16:06:40	LT375	16:08:22	16:10:35	3:55
St.374							
<p>One caller reported they see a house on fire. Upon arrival LT375 found resident burning a chimnea. NEGATIVE INCIDENT.</p>							

Golder Ranch Fire District - Second Quarter FY 2012-2013 (Oct. - Dec. 2012) - Oro Valley Report Summary

All GRFD Oro Valley Stations		Time	#of Calls	Adopted Standard %	Actual %	Description of Variance
Dispatch to At Scene - FIRE		< 6:00	4	90%	75%	Far end of first due
Time to achieve Adopted Standard of 90%		6:22				
Average Dispatch to At Scene Time		5:26				

Dispatch to At Scene - EMS		< 5:00		90%	75%	Far north in La Cholla Air Park
Time to achieve Adopted Standard of 90%		5:39				Responding from a public education event
						Delays from entering school zones
						Large parking lot
						Many speed bumps
						Lambert under construction
Average Dispatch to At Scene Time		4:35				

2nd Fire Unit Dispatch to At Scene		< 8:00		90%	33%	Lambert Lane construction zone
Time to achieve Adopted Standard of 90%		9:02				
Average Dispatch to At Scene Time		8:22				

SWA - Oro Valley Transport Units	Time	#of Calls	Adopted %	Actual %	Description of Variance
Dispatch to At Scene - ALS Transport Unit	< 8:00	350	90%	94%	Calls are in compliance
Time to achieve Adopted Standard of 90%	Achieved				
Average Dispatch to At Scene Time	7:34				

**Mountain Vista Fire District - Oro Valley
Call Summary
Second Quarter FY 2012-2013 (Oct. – Dec. 2012)**

MVFD Station 610	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	48	91%
Dispatch to At Scene <6:00 minutes -FIRE	2	100%
Average Dispatch to At Scene Time	4:28	

Average Total All Oro Valley Stations -2nd Fire Unit	# of calls	%
2 nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time for 2nd Fire Unit	3:44	

Other Miscellaneous Fire Calls – Oro Valley Stations	# of calls	%
Dispatch to At Scene <6:00 minutes -FIRE	0	0%
Average Dispatch to At Scene Time	0:00	

**Mountain Vista Fire District – Oro Valley
Detailed Fire Response Report
Second Quarter FY 2012-2013 (Oct. – Dec. 2012)**

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
10/23/12	89883	COMM STRUC FIRE	16:45:40	E610	16:47:38	16:50:38	4:29
St.610			16:45:40	L610	16:47:09	16:49:35	4:26
<p>Dispatched as Commercial Fire, crews arrived on the scene with nothing showing. E610 crew gained access and found an outlet sparking. Crew found the breaker box and secured electricity and the outlet was secured. No other issues noted</p>							

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
12/29/12	112783	RESID STRUC FIRE	11:00:13	L610	11:01:59	11:04:41	4:28
St.610							
<p>Dispatched as Residential Fire, crews arrived on the scene with light smoke showing from the rear of the house, upon investigation they found the home owner burning leaves. Home owner extinguished and the assignment was canceled. NEGATIVE INCIDENT.</p>							

MVFD Second Quarter FY 2012-2013 (Oct. -Dec. 2012) - Oro Valley Report Summary

MVFD	Time	#of Calls	Adopted Standard %	Actual %	Description of Variance
Dispatch to At Scene - FIRE	< 6:00	2	90%	100%	
Time to achieve Adopted Standard of 90%	achieved				
Average Dispatch to At Scene Time	4:28				

Dispatch to At Scene - EMS	< 5:00	48	90%	91%	
Time to achieve Adopted Standard of 90%	achieved				
Average Dispatch to At Scene Time	3:44				

2nd Fire Unit Dispatch to At Scene	< 8:00	0	90%	100%	
Time to achieve Adopted Standard of 90%	N/A				
Average Dispatch to At Scene Time					

SWA - Oro Valley Transport Units		Time	#of Calls	Adopted %	Actual %	Description of Variance
Dispatch to At Scene - ALS Transport Unit		< 8:00	35	90%	90%	
Time to achieve Adopted Standard of 90%		Achieved				
Average Dispatch to At Scene Time		6:44				



Town Council Regular Session

Item # A.

Meeting Date: 02/06/2013

Requested by: Julie Bower **Submitted By:** Mike Standish, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - December 5, 2012

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with the following changes) the December 5, 2012 minutes.

Attachments

12/5/12 Draft Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
December 5, 2012
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

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

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember
Bill Garner, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

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

COUNCIL REPORTS

• **Spotlight on Youth**

Councilmember Snider reported that the Spotlight on Youth update would be moved to the January 16th, 2013 agenda.

Councilmember Zinkin attended the 101st Arizona Town Hall on Civic Leadership event at Talking Stick Resort in Scottsdale Arizona.

DEPARTMENT REPORTS

Town Clerk Julie Bower announced that there was new artwork on display in the Council Chambers from artist Ellen Fountain.

Economic Development Manager Amanda Jacobs announced the start of the holiday "Shop Oro Valley" campaign which would run from November 1st to January 2nd 2013 and encouraged residents to shop locally and submit receipts of \$25 or more at the Town Hall Administration building for a chance to win weekly prizes.

Ms. Jacobs announced that the next Oro Valley Concert Series would be held Thursday, December 13th from 6:00 p.m. to 7:30 and would feature the band Coins of Catalina.

Thanks to the generous support of the Oro Valley Community Foundation and Oro Valley resident Bill Adler, the Saturday Concert Series would be funded for the next six months.

ORDER OF BUSINESS

Mayor Hiremath stated that the agenda would stand as posted.

CALL TO AUDIENCE

No comments were received.

PRESENTATIONS

1. Presentation of Certificates to graduates of the Community Academy - Local Governance 101 class

Mayor Hiremath presented Certificates of Completion to the following graduates of the Community Academy - Local Governance 101 class.

Karen Abrams	Marilyn Lane
Charlene Baker	Harold Linton
John Bohl	Lyn Mason
Laura Dore	Stephen Roach
Mary Kay Durfee	Jack Stinnett
Dawn Heinemann	Dean Strandkov
Kelly Huber	Richard Verlaque
Dan Huff	William Vicens
Dexter Kenfield	Clifton Wickstrom

CONSENT AGENDA

Councilmember Zinkin requested that items (C), (E) and (F) be removed from the Consent Agenda for discussion.

Councilmember Garner requested that items (H) and (I) be removed from the Consent Agenda for discussion.

- A. Minutes - October 3 & October 17, 2012
- B. Fiscal Year 2012/2013 Financial Update Through September 2012
- D. Police Department Statistics - September 2012
- G. Approval of 2013 Regular Town Council Meeting Schedule
- J. Resolution No. (R)12-64, Authorizing and approving a subgrantee agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to fund the purchase of equipment under the Operation Stonegarden program

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Snider to approve Consent Agenda items (A), (B), (D), (G) and (J)

MOTION carried, 7-0.

C. Fiscal Year 2012/2013 Financial Update Through October 2012

Councilmember Zinkin stated that the Bed Tax expenditures came in under budget by \$74,752 and inquired as to where the approximately \$30,000 additional savings was coming from.

Finance Director Stacey Lemos stated that new staff had been budgeted for at the mid-point of their pay grade to allow flexibility but that the new staff was hired below the mid-point of their respective pay grades which was where the additional savings came from.

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

MOTION carried, 7-0.

E. Greater Oro Valley Chamber of Commerce Quarterly Report: July 1, 2012 - September 30, 2012

Councilmember Zinkin asked what measurable outcomes could be expected for the remaining three quarters of the fiscal year.

Dave Perry, President and CEO of the Greater Oro Valley Chamber of Commerce, stated that a certain number of activities that were performed by the

Chamber were difficult to measure such as when the Chamber helped to mediate a positive resolution with Desert Springs Retirement over permitting and other issues with the Town.

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

MOTION carried, 7-0.

F. Metropolitan Tucson Convention and Visitors Bureau Quarterly Report: July 1, 2012 - September 30, 2012

Councilmember Zinkin complimented the MTCVB for their great work and asked if they were prepared to continue to provide a positive return on investment for the remaining term of the contract.

Brent DeRaad, President and CEO of MTCVB, stated that the positive return on investment would continue in the future.

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to accept item (F).

MOTION carried, 7-0.

H. (Re)appointments to various Boards and Commissions

Nathan Basken - CDRB
Ellen Guyer - HPC
Dean Strandskov - HPC
Mary Kay Durfee - PRAB
John Hickey - PRAB
John Buette - P & Z
Don Cox - P & Z
Bill Leedy - P & Z
Richard Honn - SWUC
Leo Leonhart - SWUC
Richard Reynolds - WUC
Michael Stankiewicz - SWUC
David Parker - SWUC
Jim Mikolaitis - SWUC
Richard Tracy - PSPRS

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Zinkin to approve the various appointments and reappointments as outlined in Consent Agenda item (H) with the exception that the

reappointment of Don Cox to the Planning and Zoning Commission be tabled until the next regularly scheduled meeting.

MOTION failed, 3-4 with Mayor Hiremath, Vice Mayor Waters, Councilmember Hornat, and Councilmember Snider opposed.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Snider to approve item (H).

MOTION carried, 4-3 with Councilmember Burns, Councilmember Garner, and Councilmember Zinkin opposed.

I. Resolution No. (R)12-63, Authorizing and approving a subgrantee agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to fund Overtime and Mileage under the Operation Stonegarden program

Councilmember Garner asked if the agreement was cost neutral to the Town and if this was the same agreement that was previously adopted by Council.

Police Chief Danny Sharp stated that the agreement was cost neutral to the Town and it was the same agreement that was approved by Council in February.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Snider to approve item (I).

MOTION carried, 7-0.

REGULAR AGENDA

1. DISCUSSION AND POSSIBLE ACTION - RESOLUTION NO. (R)12-65, AUTHORIZING AND APPROVING A PRE-ANNEXATION DEVELOPMENT AGREEMENT WITH TOHONO CHUL PARK, INC.

Mayor Hiremath stated that Tohono Chul Park had requested that Regular Agenda items (1), (2a) and (2b) be continued until a future date.

Michael Rossi, representative for Tohono Chul Park, said that there were still a few issues that needed to be worked out with the neighborhood which was why they had requested a continuance.

The following individual spoke in opposition to item #2.

Oro Valley resident Bill Adler

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Waters to continue Regular Agenda items (1), (2a) and (2b).

MOTION carried, 7-0.

2. TOHONO CHUL PARK PLANNED AREA DEVELOPMENT

- a. **RESOLUTION NO. (R)12-58, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS TOHONO CHUL PARK PLANNED AREA DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A"**

Item 2a was continued.

- b. **PUBLIC HEARING: ORDINANCE NO. (O)12-19, 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**

Item 2b was continued.

- 3. PUBLIC HEARING: RESOLUTION NO. (R)12-66, AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL, NEIGHBORHOOD COMMERCIAL / OFFICE, RESORT / GOLF COURSE TO LOW DENSITY RESIDENTIAL (1.3-2 DU/AC), MEDIUM DENSITY RESIDENTIAL (2.1 - 5 DU/AC), OPEN SPACE AND NEIGHBORHOOD COMMERCIAL /OFFICE (NC/O) AND AMEND THE SIGNIFICANT RESOURCE AREA AND SPECIAL AREA POLICIES AND TO AMEND THE URBAN SERVICES BOUNDARY FOR THE 110 ACRE PROPERTY KNOWN AS DESERT SPRINGS, LOCATED EAST OF THE INTERSECTION OF TANGERINE AND ORACLE ROADS**

Planning Manager David Williams provided a synopsis of the General Plan amendment process.

Principal Planner Chad Daines gave an overview of item #3.

Keri Silvyn with Lazarus, Silvyn & Bangs, P.C. and representing the property owners, gave an overview of the proposed Major General Plan Amendment and outlined the following:

- Proposed amendment
- Relationship to existing General Plan policies
- Recap of the Amendment process
- Key issues
- Conclusion

Rob Longaker, representing the WLB Group, outlined the boundaries of the Desert Springs property.

Michael Cross, representing Westland Resources, Inc., addressed concerns regarding potential project impacts to wildlife movements.

Mayor Hiremath recessed the meeting at 8:19 p.m.

Mayor Hiremath reconvened the meeting at 8:31 p.m.

Mayor Hiremath opened the public hearing.

The following individuals spoke on item #3.

Carolyn Campbell, representing the Coalition for Sonoran Desert Protection
Bryan Martyn, Executive Director of Arizona State Parks

The following individuals spoke in opposition to item #3.

Oro Valley resident Carl Boswell
Steven Wind
Oro Valley resident Jan Adams
Oro Valley resident Alan Rosenfeld
Statement prepared by Oro Valley resident Pat Spoerl and read by John Scheuring
Oro Valley resident Bill Adler
Oro Valley resident Kathy Pastryk
Oro Valley resident Jack Stinnett
Oro Valley resident John Musolf
Oro Valley resident Teree Bergman
Christina McVie representing the Tucson Audobon Society
Oro Valley resident Janice Thomas
Peggy Bendel
Oro Valley resident John DeCoville
Jan Johnson
Oro Valley resident Hector Conde
Pamela Ludwig, President of the Friends of Catalina State Park
Michael Racy on behalf of the homeowners of Talante Estates
Oro Valley resident Donald Bristow
Oro Valley resident Maya Serve

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to continue item #3 to no date certain.

MOTION carried, 7-0.

4. PUBLIC HEARING: RESOLUTION NO. (R)12-67, AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL/OFFICE FOR 8.6 ACRES OF THE 26.7 ACRE PROPERTY AND DESIGNATING THE ENTIRE PROPERTY A GENERAL PLAN GROWTH AREA FOR THE MERCADO MANDARINA PROPERTY, LOCATED ON THE NORTHEAST CORNER OF TANGERINE ROAD AND LA CHOLLA BOULEVARD

Senior Planner Matt Michels gave an overview of item #4.

Paul Oland, Project Manager for the WLB Group and representing the Mercado Mandarin property owners, provided an overview of the proposed General Plan Amendment.

Mayor Hiremath opened the public hearing.

The following individual spoke on item #4.

Oro Valley resident Bill Adler

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Garner to approve Resolution No. (R)12-67, a Major General Plan Amendment from Low Density Residential (1.3-2.0 du/ac) to Neighborhood Commercial/Office (NCO) for 8.6 acres and the designation as Growth Area for the property, except the northern 200 feet, of the Mercado Mandarin property as shown in Exhibits "A" and "B", finding that:

- The General Plan Amendment criteria have been met
- The Tangerine and La Cholla corridors are regionally-significant transportation corridors that are both identified for future expansion in the Regional Transportation Plan
- The property fronting on Tangerine Road is particularly suitable for planned multi-modal transportation and infrastructure expansion and improvements to support a planned concentration of a variety of commercial and office uses
- The proposed Growth Area configuration provides a transition to less intense uses moving away from Tangerine Road
- There are no commercial services in close proximity to the subject property and the project would provide services to nearby neighborhoods
- The negative impacts of the proposal can be substantially mitigated through sensitive design and buffering

MOTION carried, 7-0.

Mayor Hiremath recessed the meeting at 11:00 p.m.

Mayor Hiremath reconvened the meeting at 11:08 p.m.

5. PUBLIC HEARING: RESOLUTION NO. (R)12-68, AMENDING THE GENERAL PLAN TO ADD A NEW ENERGY ELEMENT AND ASSOCIATED UPDATES TO THE STRATEGIC IMPLEMENTATION PLAN

Conservation and Sustainability Manager Bayer Vella gave an overview of item #5.

Mayor Hiremath opened the public hearing.

The following individual spoke in support of item #5.

Oro Valley resident Bill Adler

The following individual spoke in opposition to item #5.

Oro Valley resident Shirl Lamonna

The following individual spoke on item #5.

Oro Valley resident David Godlewski representing the Southern Arizona Home Builders Association

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Waters to deny Resolution No. (R)12-68, amending the General Plan to add a new energy element and associated updates to the Strategic Implementation Plan.

MOTION failed, 2-5 with Mayor Hiremath, Vice Mayor Waters, Councilmember Burns, Councilmember Snider, and Councilmember Zinkin opposed.

MOTION: A motion was made by Councilmember Zinkin and seconded by Mayor Hiremath to approve Resolution No. (R)12-68, amending the General Plan to add a new energy element and associated updates to the Strategic Implementation Plan and instruct staff to replace the word "shall" with "should".

MOTION failed, 4-3 with Vice Mayor Waters, Councilmember Garner, and Councilmember Hornat opposed.

6. ***RESOLUTION NO. (R)12-69, AUTHORIZING THE EXECUTION OF THE UNDERGROUNDING AGREEMENT BETWEEN THE TOWN AND TUCSON ELECTRIC POWER COMPANY (TEP) FOR PAYMENT FOR INSTALLATION OF UNDERGROUND ELECTRIC FACILITIES ALONG ORACLE ROAD AND TANGERINE ROAD AND AUTHORIZING THE USE OF GENERAL FUND CONTINGENCY RESERVES FOR THIS PURPOSE (Item added on 12/3/12)**

Interim Town Attorney Tobin Sidles gave an overview of item #6.

Joe Salkowski, Manager of Government Relations for Tucson Electric Power (TEP), outlined the proposed electric facility projects along Oracle Road and Tangerine Road.

Cynthia Garcia, representing Design and Construction Services for TEP, stated that the 138K volt lines and poles would remain in place as is and separate lines and poles would be added if the underground option was not chosen.

Mayor Hiremath opened the public hearing.

The following individual spoke on item #6.

Oro Valley resident Gil Alexander

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Garner to continue item #6.

MOTION carried, 7-0.

7. ***DISCUSSION AND POSSIBLE ACTION REGARDING A MAY 21, 2013 SPECIAL ELECTION TO SEEK VOTER APPROVAL OF A FRANCHISE AGREEMENT WITH TUCSON ELECTRIC POWER (Item added on 12/3/12)**

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Hornat to continue item #7.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

Councilmember Zinkin requested a future agenda item to discuss the establishment of a renter's tax and to send such question to the voters on May 21, 2013, seconded by Councilmember Garner.

Councilmember Snider requested a future agenda item to amend the Environmentally Sensitive Lands Ordinance to address inconsistencies in applicability, seconded by Councilmember Burns.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat to adjourn the meeting at 1:09 a.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 5th day of December 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2013.

Julie K. Bower, MMC
Town Clerk



Item # **B.**

Town Council Regular Session

Meeting Date: 02/06/2013
Requested by: Vice Mayor Waters & Councilmember Hornat
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

Appointment of Kelly Huber to the Conceptual Design Review Board (CDRB)

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Vice Mayor Waters and Councilmember Hornat have requested that Council consider the appointment of Kelly Huber to the CDRB. Members of the CDRB serve 3-year terms. If Ms. Huber is appointed, it would be to a term expiring December 31, 2015.

BACKGROUND OR DETAILED INFORMATION:

Ms. Huber's application is attached.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve/deny) the appointment of Kelly Huber to the Conceptual Design Review Board for a term expiring December 31, 2015.

Attachments

Huber Application



**ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD**

Dear Oro Valley Citizen:

We appreciate your interest in the Town of Oro Valley. This informational form, when completed, will allow us to quickly process your application by assisting us in understanding your talents and experience. This application form is only for citizens interested in serving on the **Conceptual Design Review Board (CDRB)**. The CDRB conducts public meetings to review conceptual site design, architecture and public art, as well as permanent sign applications that vary from adopted codes.

There are seven (7) voting members on the CDRB. Three (3) members are at-large and four (4) members must practice (current or previous) in the field of art, architecture, planning, engineering, development, construction, or otherwise qualified by a similar design background, training and experience. Information reflecting the procedures surrounding the appointment process to Boards is also attached. If appointed, your term on the CDRB will be for three (3) years. Your application will remain on file for two years from the date of receipt. We thank you kindly for volunteering to serve the Town!

Please note: No volunteer shall serve on more than one standing Board at any time.

Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name Huber Kelly M
Last First Middle Suffix

Address 8434 Calle Tioga Tucson AZ 85704
Street City State Zip

Home Phone _____ Business Phone _____ Cellular Phone 520.870.4598

Number of Years in Oro Valley ~1 year Email Address Kelhuber@yahoo.com

Signature KMMHta Date 11.26.12

Listed below are fields of professional experience required for four (4) members of the CDRB. If you have relevant experience, please check all that apply and provide a generalized description of your professional design background. If you do not have the design related experience listed below, please continue to the following page.

Profession	Years of Experience	Description
<input checked="" type="checkbox"/> Art	7+	I have worked in Arts management in both visual and performance Art.
<input type="checkbox"/> Architecture		
<input type="checkbox"/> Planning		
<input type="checkbox"/> Engineering		
<input type="checkbox"/> Development		
<input type="checkbox"/> Construction		
<input checked="" type="checkbox"/> Other Design Background	3+	Worked as a public Art coordinator for the State of New Mexico

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

I attended the Community Academy and will complete it December 2012. I have also been volunteering with the Planning Department with David Williams & Roserel + Arellano. I attend many community events with my family in Oro Valley.

Please describe an issue or project you contributed to which related specifically to conceptual design?

As part of my volunteering with the planning department, I have reviewed the town public art policies, documents, and procedures. I am working with them to catalogue the public-private art to prepare for conservation.

Have you attended the Community Academy or CPI? yes What Year? 2012 If not, are you willing to attend? _____

Briefly describe your educational/vocational background.

I hold a M.S in Organizational Management (Non-profits) from the School for International Training, a B.A Spanish, B.S Environmental Science. I currently work at Compass Affordable

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

www.orovalleyaz.gov

Housing as a Program and Admin Director. Before moving back to Oro Valley, I was a public art coordinator for the State of New Mexico.

3/02/11

PROFESSIONAL PROFILE

- Highly effective program manager with the ability organize and follow through
- Strong ability to manage, motivate, delegate and work with diverse teams
- Strategic planner and thinker who has the ability to build collaborative and meaningful partnerships
- Skilled and successful grant writer and manager
- Excellent communication and presentation skills
- Self motivated and detail oriented with demonstrated ability to manage multiple tasks
- Strong computer abilities: MSOffice Suite, QuickBooks, Access, CAFÉ, skilled at social media, able to work with both Mac and PC.
- Language: Proficient in reading, writing, and speaking Spanish

EDUCATION

Master of Science in Organizational Management (Non-profit)

School for International Training (SIT), Brattleboro, Vermont (2005)

Bachelor of Science in Environmental Science

University of Arizona, Tucson, AZ (2001)

Bachelor of Arts in Spanish

University of Arizona, Tucson, AZ (2000)

PROFESSIONAL EXPERIENCE

Director of Programs and Administration (06/2012-present)

Compass Affordable Housing, Tucson, AZ

- Direct and manage all agency administration and program supervision
- Coordinate all community outreach efforts and strategic partnerships
- Manage and coordinate all volunteers and interns
- Write and manage all grant writing and development
- Act as the liaison for all marketing and public relations
- Work in a collaboration on a SAMSHA funded grant for pregnant and postpartum women to secure housing

Art in Public Places Project Coordinator (10/2010-05/2012)

New Mexico Arts, Santa Fe, NM

- Administer the biennial New Mexico Only Purchase and Acclaimed Artist Series purchase initiatives
- Coordinate the selection and acquisition of public art for 33 counties throughout New Mexico working with city, county, and state officials
- Administer and manage annually over 120 contracts between the state, artists and sites
- Conduct selection meetings and make presentation to regional buying committees and art community members.

Administrative and Development Director-Contractor (10/2011-02/2012)

Youth Media Project, Santa Fe, NM

- Coordinate human resources activities, including all service and employee contracts
- Manage financial operations and preparation of financial reports
- Identify and solicit donors, grants, sponsorships, and members to support the financial goals of the organization.
- Create fundraising initiatives and activities to ensure the organization operates within its budget

Executive Director (07/2005-08/2010)

Santa Fe Youth Symphony Association, Santa Fe, NM

- Oversaw all aspects of program management, coordination, and recruitment for seven youth ensembles and a public school outreach program
- Managed and coordinated all volunteer activities
- Managed all fundraising activities, grant writing, annual appeals, business sponsorships, personal asks, and special events
- Planned, managed and adhered to a budget of over \$200K
- Coordinated work flow, scheduling, and conflict resolution for a staff of nine employees
- Lead and executed strategic planning and development strategy sessions with the Board of Directors

Program Assistant (2004-2005)

Big Brothers Big Sisters of Windham County, Brattleboro, VT

- Aided executive director in management of various programmatic tasks
- Provided external consultation for strategic management and fundraising activities
- Community partnerships building with local businesses
- Performed various administrative duties including: creation of newsletter and other mailings
- Calling of volunteers, organization of activities, fundraisers and events

Math and Science Teacher (2002-2003)

Rochester School, Rochester, VT

- Taught Physics, Calculus, Algebra, Trigonometry; monitored home room activities
- Worked in a multi-age setting with grade 6-12

Lead Teacher, Science (2002), Special Education Teacher (2001-2002)

Mountain Rose Academy, Tucson, AZ

- Acted as administrator and supervisor during evening classes at charter high school
- Monitored academic progress of special education/special needs students

COMMUNITY AND PERSONAL INTERESTS

- Mental Health First Aid Certification, 2012
- Fundraising Committee, International School for Peace, 2012
- Board Member and Treasurer, Youth Media Project, 2010-2012
- Volunteer grant panelist for Santa Fe Arts Commission, 2011
- Volunteer Big Brothers Big Sisters of Santa Fe, 2006-2009
- Member Santa Fe Public Schools Music Task Force 2007-2010
- Volunteer grant panelist for New Mexico Arts, 2008, 2009
- Young Careerist runner-up, Capital City Business and Professional Women, 2006
- Enjoy outdoor activities, live music, and traveling



Town Council Regular Session

Item # 1.

Meeting Date: 02/06/2013

Requested by: Stacey Lemos

Submitted By: Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

FISCAL YEAR 2012/2013 MID-YEAR FINANCIAL UPDATE

RECOMMENDATION:

This item is for information only.

EXECUTIVE SUMMARY:

In the General Fund (please see attachment A), revenues collected through December totaled \$13.1 million, or 49.1% of the budget amount of \$26.7 million. Year to date expenditures through December totaled \$11.6 million, or 44.3% of the budget amount of \$26.3 million.

In the Highway Fund (please see attachment B), revenues collected through December totaled \$1.7 million, or 50.1% of the budget amount of \$3.3 million. Year to date expenditures through December totaled \$1.4 million, or 37.0% of the budget amount of \$3.7 million.

In the Bed Tax Fund (please see attachment C), revenues collected through December totaled \$336,322, or 42.7% of the budget amount of \$788,000. Year to date expenditures through December totaled \$145,680, or 30.9% of the budget amount of \$472,000.

In the Water Utility Fund (please see attachment D), revenues collected through December totaled \$6,596,026, or 53.4% of the budget amount of \$12,358,000. Year to date expenditures through December totaled \$4,784,498, or 32.7% of the budget amount of \$14,610,541.

In the Stormwater Utility Fund (please see attachment E), revenues collected through December totaled \$384,236, or 29.6% of the budget amount of \$1,299,800. Year to date expenditures through December totaled \$532,326, or 34% of the budget amount of \$1,565,449.

BACKGROUND OR DETAILED INFORMATION:

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

Revenues	\$27,187,179
<u>Less:</u>	
Expenditures	(\$25,823,049)
<u>Less:</u>	
Other Financing Uses	(\$ 868,577)
Est. Increase in Fund Balance	\$ 495,553

The financial condition in the General Fund has improved significantly over the past several fiscal years. This is due in part to a recovering economy, but more importantly, from structural changes made to the budget to reduce expenditures through such means as vacancy savings, transferring library operations to the Pima County Library District and partnering with the Regional Transportation Authority to expand transit services while reducing costs to the Town. For comparative purposes, the Fiscal Year 2010/11 mid-year update for the General Fund showed year-end revenues estimated at 7% below budget, and a year-end deficit estimated at nearly \$1.3 million. The actual FY 10/11 year-end deficit in the General Fund was \$897,291. Today, we are looking at a year-end estimated surplus in the General Fund of nearly \$500,000.

General Fund Revenues

- Local sales tax collections in the General Fund total \$6,217,530, which is \$485,849 or 8.5% more than the amount collected in FY 11/12 through December. This increase is due to the utility tax increase that became effective in August 2011, as well as increased construction and retail tax revenues. Sales tax collections in the General Fund are estimated to come in over budget by \$180,736.
- License and Permit revenues are estimated to come in over budget by \$378,746 due to higher than anticipated commercial and residential permit revenues.
- Charges for Services revenues are estimated to come in over budget by \$58,968 due to higher than anticipated recreation user fees.
- The Other Intergovernmental category has been reduced by \$179,036 in the Pima County Library District Reimbursement line item to account for anticipated savings in the Library budget. The Library budget has also been reduced to reflect these savings.
- State shared revenue collections total \$4,395,050 which is \$389,224, or 9.8% more than the amount collected in FY 11/12 through December.
- Staff will continue to monitor revenue collections and may adjust the year-end estimates based on actual trends.

Highway Fund Revenues

- Construction tax revenues in the Highway Fund totaled \$216,700 through December, which is \$66,606 or 44.4% more than the amount collected in FY 11/12 through December. Construction tax revenues in the Highway Fund are estimated to come in over budget by \$152,454. Staff will continue to monitor revenue collections and may adjust the year-end estimates based on actual trends.
- State shared highway user funds totaled \$1,202,028 through December, which is \$93,440 or 8.5% more than the amount collected in FY 11/12 through December.

Bed Tax Revenues

- Bed tax revenues totaled \$333,164 through December, which is \$22,148 or 7.2% more than the amount collected in FY 11/12 through December.

Water Utility Fund Revenues

- Revenues are estimated to come in nearly on budget at this time. Charges for Services revenues are trending above budget, due to increased construction activity, as well as an increase in the contract amount with Pima County for sewer fee collections. Water sales are estimated at \$11,554,000, or 1.3% below budget, due to slightly reduced water usage.

Stormwater Utility Fund Revenues

- Revenues are estimated at \$790,877, or 39.2% below budget, due to state grant capacity included in the budget for possible Flood Control District projects. Year end estimates for capital expenditures have been reduced correspondingly.

General Fund Expenditures

- Expenditures are estimated to come in under budget by \$441,942 or 1.7%, due to projected vacancy savings and Library 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 \$74,752 or 15.8%, due to projected vacancy savings and the discontinued contract payment to TREO.

Water Utility Fund Expenditures

- Expenditures are estimated to come in under budget by \$438,099, or 3%, due primarily to capital expenditure savings.

Stormwater Utility Fund Expenditures

- Expenditures are estimated to come in under budget by \$524,182, or 33.5%, due to capital capacity for possible Flood Control District projects, as mentioned earlier.

Please see Attachments A, B, and C for additional detail on the General Fund, Highway Fund and Bed Tax Fund. See Attachment D for the Water Utility Fund and Attachment E for the Stormwater Utility Fund. See Attachment F for estimated vacancy savings. See Attachment G 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 - Water Utility Fund](#)

[Attachment E - Stormwater Utility Fund](#)

[Attachment F - Vacancy Savings Report](#)

[Attachment G - Summary All Funds](#)



General Fund

% Budget Completion through December --- 50%

	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	6,217,530	12,327,995	50.4%	12,508,731	180,736	1.5%
LICENSES & PERMITS	777,457	936,469	83.0%	1,315,215	378,746	40.4%
FEDERAL GRANTS	259,310	983,000	26.4%	983,000	-	0.0%
STATE GRANTS	430,346	1,014,042	42.4%	1,040,479	26,437	2.6%
STATE/COUNTY SHARED	4,395,050	9,175,117	47.9%	9,175,117	-	0.0%
OTHER INTERGOVERNMENTAL	197,753	613,413	32.2%	434,377	(179,036)	-29.2%
CHARGES FOR SERVICES	611,727	1,217,556	50.2%	1,276,524	58,968	4.8%
FINES	84,072	190,000	44.2%	190,000	-	0.0%
INTEREST INCOME	49,479	89,000	55.6%	89,000	-	0.0%
MISCELLANEOUS	75,271	134,000	56.2%	174,735	40,735	30.4%
TOTAL REVENUES	13,097,996	26,680,592	49.1%	27,187,179	506,587	1.9%
EXPENDITURES:						
COUNCIL	122,042	224,618	54.3%	224,618	-	0.0%
CLERK	149,845	322,779	46.4%	321,989	(790)	-0.2%
MANAGER	284,031	728,645	39.0%	638,568	(90,077)	-12.4%
HUMAN RESOURCES	195,022	496,156	39.3%	464,107	(32,049)	-6.5%
FINANCE	337,320	744,111	45.3%	726,233	(17,878)	-2.4%
INFORMATION TECHNOLOGY	701,528	1,213,633	57.8%	1,213,633	-	0.0%
GENERAL ADMINISTRATION	713,531	1,859,094	38.4%	1,859,094	-	0.0%
LEGAL	336,358	816,559	41.2%	768,813	(47,746)	-5.8%
COURT	309,991	757,629	40.9%	726,527	(31,102)	-4.1%
DEV & INFRASTRUCTURE SVCS	1,502,389	3,803,751	39.5%	3,780,310	(23,441)	-0.6%
PARKS, REC, LIBRARY, & CULT RSCS	1,219,907	2,630,112	46.4%	2,465,504	(164,608)	-6.3%
POLICE	5,755,569	12,667,904	45.4%	12,633,653	(34,251)	-0.3%
TOTAL EXPENDITURES	11,627,533	26,264,991	44.3%	25,823,049	(441,942)	-1.7%
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	1,470,463	415,601		1,364,130	948,529	
TRANSFERS IN						
Bed Tax Fund - Gen Fund Allocation	-	176,747	0.0%	176,747	-	0.0%
TRANSFERS OUT						
Aquatic Center Project Fund	(910,000)	(910,000)	100.0%	(910,000)	-	0.0%
Debt Service Fund	-	(135,324)	0.0%	(135,324)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	(910,000)	(868,577)	104.8%	(868,577)	-	0.0%
CHANGE IN FUND BALANCE	560,463	(452,976)		495,553	948,529	
BEGINNING FUND BALANCE						
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 - Comp. Absences & Unemploy Resrv		1,608,035		1,608,035	-	
Unassigned		9,340,638		10,289,167	948,529	
TOTAL ENDING FUND BALANCE **		10,948,673		11,897,202	948,529	

* 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 December --- 50%

	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	216,700	316,890	68.4%	469,344	152,454	48.1%
LICENSES & PERMITS	42,918	43,000	99.8%	47,585	4,585	10.7%
STATE GRANTS	84,701	260,000	32.6%	260,000	-	0.0%
STATE/COUNTY SHARED	1,202,028	2,480,005	48.5%	2,480,005	-	0.0%
CHARGES FOR SERVICES	114,747	229,493	50.0%	229,493	-	0.0%
INTEREST INCOME	3,312	7,000	47.3%	7,000	-	0.0%
MISCELLANEOUS	12,576	10,000	125.8%	17,683	7,683	76.8%
TOTAL REVENUES	1,676,982	3,346,388	50.1%	3,511,110	164,722	4.9%

	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ADMINISTRATION	272,223	621,498	43.8%	621,498	-	0.0%
TRANSPORTATION ENGINEERING	554,474	1,616,873	34.3%	1,616,873	-	0.0%
PAVEMENT MANAGEMENT	45,790	102,051	44.9%	102,051	-	0.0%
STREET MAINTENANCE	294,508	784,005	37.6%	764,222	(19,783)	-2.5%
TRAFFIC ENGINEERING	192,116	545,402	35.2%	545,402	-	0.0%
TOTAL EXPENDITURES	1,359,111	3,669,829	37.0%	3,650,046	(19,783)	-0.5%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	317,872	(323,441)		(138,936)	184,505	
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TRANSFERS IN TRANSFERS OUT	-	-	0.0%	-	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	-	-	0.0%	-	-	0.0%

CHANGE IN FUND BALANCE	317,872	(323,441)		(138,936)	184,505	
BEGINNING FUND BALANCE						
<i>Restricted</i>		<u>3,017,431</u>		<u>3,017,431</u>	<u>-</u>	
TOTAL BEGINNING FUND BALANCE		3,017,431		3,017,431	-	
ENDING FUND BALANCE **						
<i>Restricted</i>		<u>2,693,990</u>		<u>2,878,495</u>	<u>184,505</u>	
TOTAL ENDING FUND BALANCE **		2,693,990		2,878,495	184,505	

* 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 December --- 50%

	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
BED TAXES	333,164	782,283	42.6%	782,283	-	0.0%
INTEREST INCOME	3,158	5,700	55.4%	5,700	-	0.0%
TOTAL REVENUES	336,322	787,983	42.7%	787,983	-	0.0%

	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ECONOMIC DEVELOPMENT	145,680	471,662	30.9%	396,910	(74,752)	-15.8%
TOTAL EXPENDITURES	145,680	471,662	30.9%	396,910	(74,752)	-15.8%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES **190,642** **316,321** **391,073** **74,752**

TRANSFERS IN						
TRANSFERS OUT						
General Fund/Debt Svc Transfer	-	(194,810)	0.0%	(194,810)	-	0.0%
Aquatics Center Project Fund	(300,000)	(300,000)	100.0%	(300,000)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	(300,000)	(494,810)	60.6%	(494,810)	-	0.0%

CHANGE IN FUND BALANCE **(109,358)** **(178,489)** **(103,737)** **74,752**

BEGINNING FUND BALANCE
Committed 622,918 622,918 -
TOTAL BEGINNING FUND BALANCE **622,918** **622,918** **-**

ENDING FUND BALANCE **
Committed 444,429 519,181 74,752
TOTAL ENDING FUND BALANCE ** **444,429** **519,181** **74,752**

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



Water Utility Fund

% Budget Completion through December --- 50%

FINANCING SOURCES	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
CHARGES FOR SERVICES	287,456	475,200	60.5%	575,400	100,200	21.1%
INTEREST INCOME	52,672	75,000	70.2%	75,000	-	0.0%
MISCELLANEOUS	15,743	-	0.0%	15,743	15,743	0.0%
WATER SALES	6,240,154	11,707,800	53.3%	11,554,000	(153,800)	-1.3%
OTHER FINANCING SOURCES	-	100,000	0.0%	100,000	-	0.0%
TOTAL FINANCING SOURCES	6,596,026	12,358,000	53.4%	12,320,143	(37,857)	-0.3%

FINANCING USES	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENSES:						
ADMINISTRATION	2,068,499	8,548,696	24.2%	8,548,696	-	0.0%
ENGINEERING AND PLANNING	1,202,484	2,827,321	42.5%	2,398,376	(428,945)	-15.2%
PRODUCTION	1,236,680	2,401,617	51.5%	2,392,463	(9,154)	-0.4%
DISTRIBUTION	276,834	830,588	33.3%	830,588	-	0.0%
OTHER FINANCING USES	-	2,319	0.0%	2,319	-	0.0%
TOTAL FINANCING USES	4,784,498	14,610,541	32.7%	14,172,442	(438,099)	-3.0%

ESTIMATED SURPLUS/(DEFICIT) 1,811,528 (2,252,541) (1,852,299) 400,242

Excludes non-cash outlays for depreciation & amortization

* Year-end estimates are subject to further revision



Stormwater Utility Fund

% Budget Completion through December --- 50%

FINANCING SOURCES	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
FEDERAL GRANTS	7,867	67,800	11.6%	7,867	(59,933)	-88.4%
STATE GRANTS	-	450,000	0.0%	-	(450,000)	-100.0%
INTEREST INCOME	135	500	0.0%	270	(230)	0.0%
MISCELLANEOUS	140	20,000	0.7%	20,140	140	0.7%
CHARGES FOR SERVICES	376,094	761,500	49.4%	762,600	1,100	0.1%
TOTAL FINANCING SOURCES	384,236	1,299,800	29.6%	790,877	(508,923)	-39.2%

FINANCING USES	Actuals thru 12/2012	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENSES:						
PERSONNEL	129,265	304,200	42.5%	304,200	-	0.0%
OPERATIONS & MAINTENANCE	331,035	564,249	58.7%	665,042	100,793	17.9%
CAPITAL	72,025	147,000	49.0%	72,025	(74,975)	-51.0%
DRAINAGE PROJECTS	-	550,000	0.0%	-	(550,000)	-100.0%
TOTAL FINANCING USES	532,326	1,565,449	34.0%	1,041,267	(524,182)	-33.5%

ESTIMATED SURPLUS/(DEFICIT) (148,090) (265,649) (250,390) 15,259

Excludes depreciation & amortization

* Year-end estimates are subject to further revision

FY 12/13 Town Vacancy Report as of December 31, 2012		
Fund	Vacant FTEs	Estimated FY 12/13 Savings
General Fund	4.00	334,853
Highway Fund	0.00	19,783
Bed Tax Fund	0.00	33,741
Water Utility Fund	0.00	11,797
Stormwater Utility Fund	0.00	-

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH DECEMBER, 2012

ATTACHMENT G

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 Dec 2012
General Fund - Unassigned	9,793,614	13,097,996	-	13,097,996	919,177	8,940,628	2,314,379	351,616	11,731	-	12,537,533	10,354,077
General Fund - Assigned	1,608,035											1,608,035
Highway Fund - Restricted	3,017,431	1,676,982	-	1,676,982	-	825,115	228,391	305,605	-	-	1,359,111	3,335,303
Seizure & Forfeiture - State	464,183	40,695	-	40,695	-	-	20,362	24,930	-	-	45,292	459,586
Seizure & Forfeiture - Justice	593,904	2,767	-	2,767		9,533	6,091	37,594	-	-	53,217	543,454
Bed Tax Fund - Committed	622,918	336,322	-	336,322	300,000	88,593	57,087	-	-	-	445,680	513,560
Impound Fee Fund	-	18,300	-	18,300	-	21,892	-	-	-	-	21,892	(3,592)
Municipal Debt Service Fund	1,164,733	50,896	-	50,896	-	-	4,400	-	-	477,045	481,445	734,183
Oracle Road Debt Service Fund	3,592	306,665	-	306,665	-	-	335	-	-	311,914	312,249	(1,992)
Alternative Water Resources Dev Impact Fee Fund	1,735,163	1,865,822	-	1,865,822	-	-	100,245	9,285	-	-	109,530	3,491,455
Potable Water System Dev Impact Fee Fund	3,379,205	367,782	-	367,782	-	-	-	-	-	-	-	3,746,987
Townwide Roadway Development Impact Fee Fund	2,228,996	1,491,065	-	1,491,065	-	-	-	1,635,937	-	-	1,635,937	2,084,125
Parks & Recreation Impact Fee Fund	112,053	75,178	-	75,178	-	-	-	90,099	-	-	90,099	97,131
Library Impact Fee Fund	110,192	4,375	-	4,375	-	-	-	-	-	-	-	114,567
Police Impact Fee Fund	102,329	38,778	-	38,778	-	-	-	82,645	-	-	82,645	58,462
General Government Impact Fee Fund	119,993	2,220	-	2,220	-	-	-	-	27,107	-	27,107	95,106
Naranja Park Fund	258,821	-	-	-	250,000	-	-	-	-	-	250,000	8,821
Aquatic Center Project Fund	3,122,332	19,104	1,460,000	1,479,104	-	-	150	2,595,837	-	-	2,595,987	2,005,449
Water Utility	10,002,917	6,596,026	-	6,596,026	-	1,177,861	2,532,075	1,074,562	-	-	4,784,498	11,814,445
Stormwater Utility	539,948	308,187	-	308,187	95,512	129,265	235,523	72,025	-	-	532,326	315,809
Fleet Maintenance Fund	-	319,394	-	319,394	-	37,687	325,159	-	-	-	362,846	(43,452)
Benefit Self Insurance Fund	-	1,043,683	-	1,043,683	-	-	805,572	-	-	-	805,572	238,111
Recreation In-Lieu Fee Fund	155,830	-	-	-	-	-	-	104,336	-	-	104,336	51,495
Total	39,136,190	27,662,237	1,460,000	29,122,237	1,564,689	11,230,574	6,629,770	6,384,470	38,839	788,959	26,637,301	41,621,125



Town Council Regular Session

Item # **2.**

Meeting Date: 02/06/2013
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

REQUEST FOR PLANNED AREA DEVELOPMENT (PAD) EXEMPTION FROM THE EXISTING SIGN SYSTEM GUIDELINES FOR DIRECTIONAL SIGNAGE IN RANCHO VISTOSO

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) recommends approval of the proposed PAD sign exemption, subject to the conditions in Attachment 1.

EXECUTIVE SUMMARY:

The intent of a Planned Area Development (PAD) Exemption is to provide applicants with relief from certain requirements of a PAD. The applicant is requesting an exemption from a portion of the Rancho Vistoso Sign System Guidelines related to Secondary Directional signs in Rancho Vistoso, which are used to identify subdivisions, builders, and model homes (see Attachment 2). The sign requirements for Rancho Vistoso, including Sun City Oro Valley, are outlined in the Rancho Vistoso PAD (See Attachment 3). The equivalent sign type in the Oro Valley Sign Code is "Kiosk Identification" sign type, which, if approved, would be utilized in place of the Rancho Vistoso Secondary Directional signs (see Attachments 3 & 4).

The applicant indicates that the basis for this amendment is to move away from outdated Sign System Guidelines and to utilize provisions of the Zoning Code that best meet their current and future needs. The applicant indicates they intend to submit a comprehensive Sign System amendment in the future to modernize all Rancho Vistoso sign types.

BACKGROUND OR DETAILED INFORMATION:

Applicant's Proposal

- Utilize the Town's Kiosk Identification sign Zoning Code standards (Section 28.5.B.6 of the Zoning Code) instead of the Rancho Vistoso Secondary Directional sign standards.
- The Kiosk signs may be placed throughout Rancho Vistoso and off-premise consistent with Town Zoning Code standards (see Attachment 5 for Town Kiosk Sign standards and Attachment 6 for map of existing and possible locations).

ANALYSIS OF PAD EXEMPTION

Zoning Code

A comparison of the existing Rancho Vistoso T-2 Secondary Directional sign standards and the Town's Kiosk Identification Sign standards is provided below:

Sign Type	Height & Width	Total Sign Area
Rancho Vistoso T-2 Signs	8' high x 5' wide	40 square feet
Proposed Kiosk Signs	8' high x 5' wide	40 square feet (max 8" wide by 4' in length)

The above comparison shows that the proposed Kiosk Identification signs will be the same size and height as the existing signs, the differences being the design and style of the signs. See Attachments 3 & 4 for examples of existing and proposed signs. There are four (4) existing signs and additional signs may be proposed, subject to obtaining a sign permit. One notable difference is the proposed use of the VCA logo in place of the Town's logo at the top of the sign.

There are currently four (4) existing kiosk signs in Rancho Vistoso. Please note that additional signs, as shown on Attachment 6, are subject to Town approval as provided in Section 28.5.B.6 of the Zoning Code.

Design Standards

The following Design Standard is notable for this application:

- Section 2.1.F.2, Project identification and sign elements shall incorporate architectural treatment and project unifying elements which are integrated with the overall design of the project in terms of style, materials, color and theme.

The proposed Kiosk signs will utilize faux rust posts and will emulate the Town's Kiosk Identification signs used throughout the Town. According to the applicant, "the Board feels this will begin the direction they wish to move in relation to their current Sign System Guidelines". This request is the first step in updating the entire Rancho Vistoso sign system. The applicant indicates a comprehensive Sign System Guidelines update will be brought forward at a future date.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to approve the PAD Exemption from the Rancho Vistoso PAD Sign System Guidelines for T-2 Directional signs, subject to the Conditions in Attachment 1, finding that the request meets the Zoning Code requirements for a PAD Exemption.

OR

I move to deny the request for a PAD Exemption from the Rancho Vistoso PAD Sign System Guidelines for T-2 Directional signs, finding that the proposal does not meet the Zoning Code requirements for a PAD Exemption, specifically _____.

Attachments

Attachment 1 - Conditions of Approval

Attachment 2 - Applicant's Proposal

Attachment 3 - Rancho Vistoso T-2/Secondary Directional Sign standards

Attachment 4 - Proposed Kiosk Sign

Attachment 5 - Oro Valley Kiosk Sign Standards

Attachment 6 - Possible Kiosk Sign Locations

Attachment 1
Conditions of Approval
Vistoso Community Association PAD Exemption, OV312-008
November 13, 2012 CDRB Meeting

1. The Kiosk Signs in Rancho Vistoso shall utilize the same colors, materials, and styles as other approved Kiosk Signs in the Town.
2. New and replacement Kiosk Signs shall each require a sign permit.



Vistoso Community Association

www.ranchovistosohoa.com

Town of Oro Valley
Permitting Division
11000 N La Cañada Drive
Oro Valley, AZ 85737

September 18, 2012

To Whom It May Concern:

On behalf of Vistoso Community Association the Board of Directors is requesting a PAD exemption for their T-2 Secondary Directional signage per the Sign System Guidelines. The request is in keeping with the intent and harmony of the Rancho Vistoso Planned Area Development (PAD) using natural materials consistent with the PAD and the Town of Oro Valley. While updating the appearance of the directional signage using the faux rust posts and emulating the current Town of Oro Valley directional sign program, the Board feels this will begin the direction they wish to move in relation to their current Sign System Guidelines.

The signs are not lit and are only to provide direction to the current business sites, communities and builders of Rancho Vistoso. It was thought the most advantageous method would be to follow suit with the current TOV program in relation to the directional signs specifically allowing them to be consistent throughout Oro Valley. This will also significantly improve the look and feel of the community removing the dated directional signs.

We respectfully request that you grant this request.

Sincerely,

Jena Carpenter, CAAM, CMCA, AMS
Association Manager
For Vistoso Community Association



Vistoso Community Association

www.ranchovistosohoa.com

Town of Oro Valley
Permitting Division
11000 N La Cañada Drive
Oro Valley, AZ 85737

September 18, 2012

Vistoso Community Parcel ID

219-20-155A	219-20-5230
219-20-5240	219-20-6660
219-20-8060	219-21-878A
219-21-1050	219-21-3170
219-22-409A	219-22-620B
219-22-621B	219-22-1070
219-22-3200	219-22-4590
219-22-4640	219-24-1000
219-24-1880	219-24-1890
219-24-2460	219-24-2470
219-53-3240	219-53-3250
219-53-4480	219-53-7980
219-53-7990	219-53-9150
219-54-002B	219-54-1860
219-54-1870	219-54-3280
219-54-3290	219-54-3300
223-02-027A	219-53-5780
219-53-6990	219-22-422J
219-21-1370	219-21-635A
219-21-1050	219-23-2980
219-23-2970	219-19-8650
219-19-8630	219-19-8640

SIGN TYPE T-2 / SECONDARY DIRECTIONAL

FUNCTION: Direct traffic to specific locations within PAD.

QUANTITY: Not to exceed one (1) sign at each change of direction needed to direct traffic to specific locations within PAD, (plus 6 additional locations on straight sections of arterial roadways).

FORM: Free standing sign with replaceable wood sign area. (Dual sided as practical)

DIMENSIONS: Not to exceed 8'0" H x 5'0" W x 10" D.

MATERIALS: Synthetic stucco over wood framing. Logo & Rancho Vistoso 1/8" aluminum with faux patina copper finish, white vinyl lettering on sign panel area. Sign panel area removable painted wood. (Sign boxed front and rear)

COLOR: Tan (Dunn Edwards PC 2490) Green (Dunn Edwards DE 425 U1 / Jewel) Maroon (Frazee (AC 117N / French Red)

TYPOGRAPHY: Combination El-Greco & Goudy, (Upper & Lower Case).

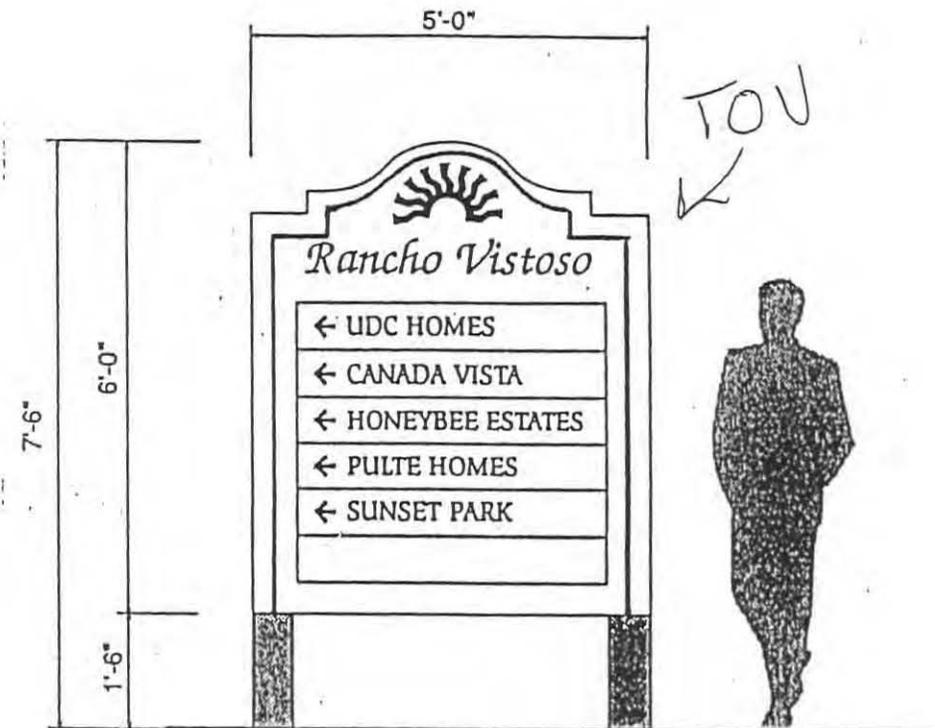
LAYOUT: Multiple wood display panels (6 maximum) for project, amenity, etc. names and directional arrows to the various destinations.

LOCATION: Angled to be most visible from arterial roadway with nearest edge of sign no closer to street than 4 feet from back of curb.

INSTALLATION: Sign panels to be mounted to sign with decorative fasteners

ILLUMINATION: No direct illumination.

LANDSCAPING: Flowering and/or native ground cover at grade.



Proposed Town of Oro Valley Rancho Vistoso kiosk



Client:
Town of Oro Valley

Job name:

kiosk

Date:

8-28-12

Page 1 of 1

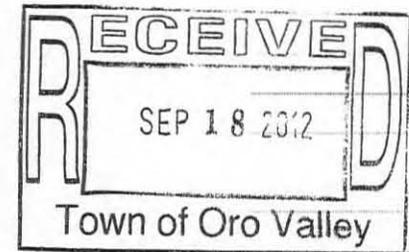
Designer:

Rick Winstead

Sales Rep:

Bill Fields

Notes:



- PROCEED AS SHOWN.
- PROCEED WITH CHANGES AS MARKED
- MAKE CHANGES AND PROOF AGAIN

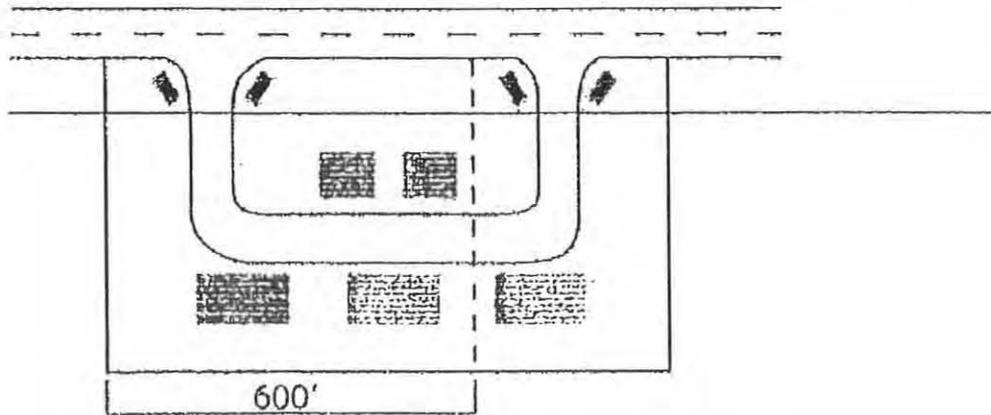
Client Approval Signature

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY TERRITORIAL SIGN CO. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROPOSED PROJECT BEING PLANNED FOR YOU BY TERRITORIAL SIGN CO. IT IS NOT TO BE REPRODUCED, COPIED, PHOTOGRAPHED, EXHIBITED OR USED IN ANY FASHION WITHOUT

Figure 28-5: Allowed Entryway Signs

Entryway Sign

Up to 600' frontage: Two (2) signs at one entryway
> 600' frontage: Four (4) signs, two (2) additional at second entryway

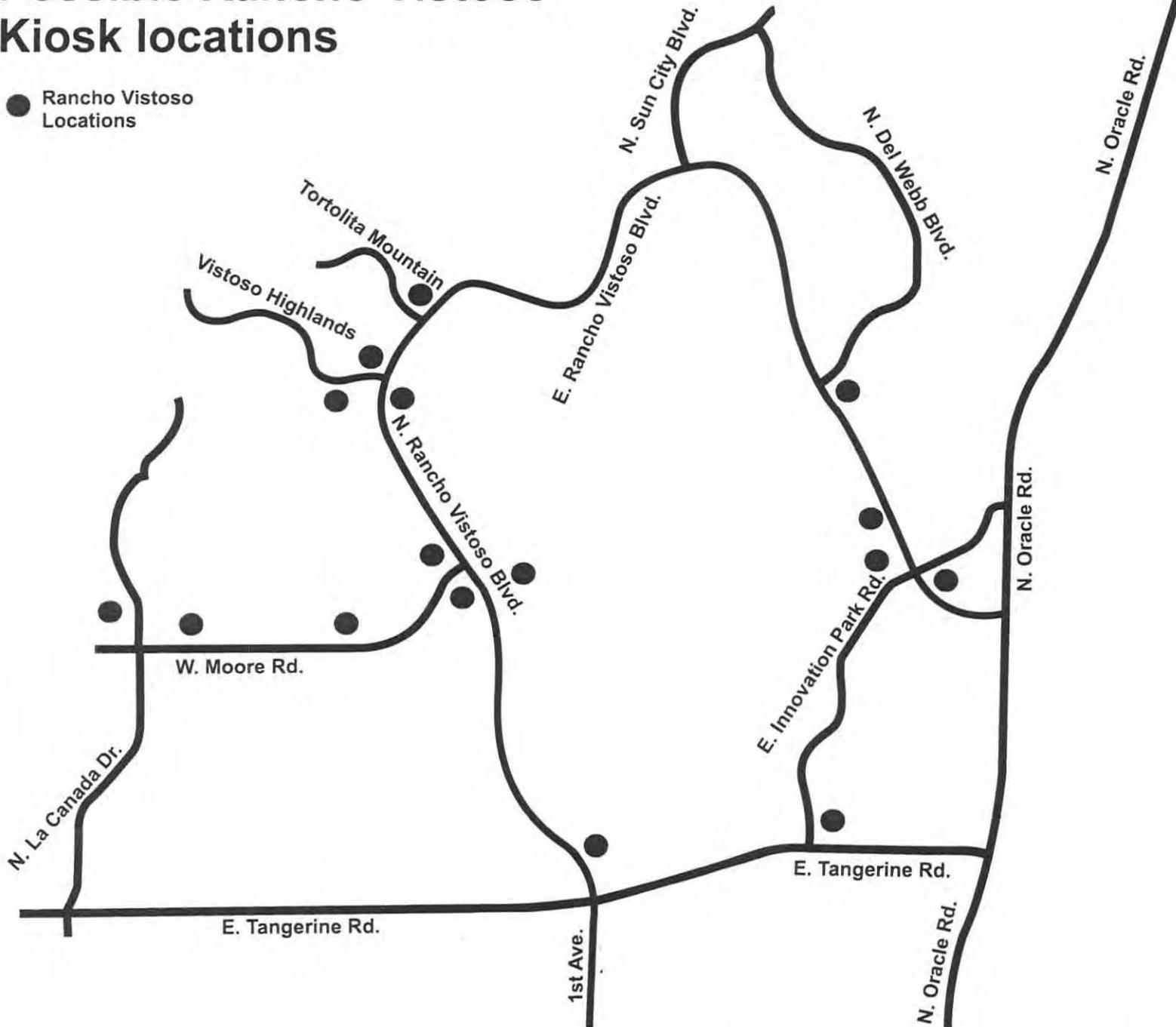


6. Kiosk Identification Signs

- a. Definition: A sign identifying subdivisions, builders, model homes and Town facilities. The Town shall contract with an independent contractor who will coordinate a subdivision tract and apartment sign program within the Town limits. The contractor shall be responsible for the manufacture of all kiosks and tract signs. All signs shall be built in accordance with the contract and specifications of the International Building Code and Town's Building Official.
- b. Quantity: Provided in the contract approved by the Town.
- c. Area of Sign: Each sign panel shall not exceed eight (8) inches in width by four (4) feet in length.
- d. Height and Width: Maximum five (5) feet in width and eight (8) feet in height for each kiosk.
- e. Location:
 - i. Kiosks may be approved on an arterial or collector street in any zoning district.
 - ii. The Town Engineer shall review all kiosk applications and confirm that kiosks do not obstruct the view of the traveling public or pose a public safety hazard.
- f. Illumination: Shall be nonilluminated.
- g. Removal: Any kiosk containing less than three (3) panels for a period of ninety (90) days shall be removed by the contractor.
- h. A right-of-way permit is required for any kiosk proposed in the public right-of-way.

Possible Rancho Vistoso Kiosk locations

● Rancho Vistoso Locations



TERRITORIAL
EST. 1975
SIGN COMPANY
 TUCSON • AZ • 520.294.3400
 www.territorialsignco.com

Client:
Oro Valley

Job name:
Kiosk Locations

Date:
8-28-12

Page 1 of 1

Designer:
Rick Winstead

Sales Rep:
Bill Fields

Notes:

- PROCEED AS SHOWN.
- PROCEED WITH CHANGES AS MARKED
- MAKE CHANGES AND PROOF AGAIN

Client Approval Signature

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY TERRITORIAL SIGN CO. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROPOSED PROJECT BEING PLANNED FOR YOU BY TERRITORIAL SIGN CO. IT IS NOT TO BE REPRODUCED, COPIED, PHOTOGRAPHED, EXHIBITED OR USED IN ANY FASHION WITHOUT THE EXPRESSED WRITTEN APPROVAL



Town Council Regular Session

Item # **3.**

Meeting Date: 02/06/2013
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

REQUEST FOR APPROVAL OF CONCEPTUAL PUBLIC ART FOR THE SAN DORADO COMMERCIAL DEVELOPMENT, LOCATED WITHIN THE ORO VALLEY TOWN CENTRE AT ROONEY RANCH PAD, ON THE EAST SIDE OF ORACLE ROAD AND FIRST AVENUE

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) recommends approval of the Conceptual Public Art for the San Dorado commercial development, subject to the conditions in Attachment 1.

EXECUTIVE SUMMARY:

The first phase of the public artwork will feature two bronze sculptures of native reptiles, to be located between Shops C & D. The second phase of public artwork will feature a bronze sculpture of a javelina or a pair of white-winged doves, to be located in the civic area. Please refer to the applicant's proposal (Attachment 2) for details regarding the proposed artwork and the Conceptual Site Plan (Attachment 5) for proposed public art locations. The sculptures will be placed to provide maximum visual impact for pedestrians and vehicles.

The Conceptual Public Art has been evaluated for conformance to Section 27.3 and the Design Standards and was found to be consistent with applicable standards.

BACKGROUND OR DETAILED INFORMATION:

The public art review is focused on the review criteria found in Section 27.3 of the Zoning Code and the Design Standards. These criteria focus on fundamental elements of the design, including:

- Relationship of the art to the overall design of the project or development.
- Safety of the public art to the public.
- Ensuring that the materials are durable.
- Ensuring that the artwork is unique.

The CDRB finds that the proposed public artwork meets these requirements. Please refer to the CDRB staff report (Attachment 3) and Draft CDRB minutes (Attachment 4) for additional details regarding Code compliance.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to approve Conceptual Public Artwork for the San Dorado commercial development, subject to the Conditions in Attachment 1, finding that:

- The proposed Conceptual Public Artwork meets the Zoning Code Review Criteria.
- The proposed Conceptual Public Artwork meets the applicable Design Standards.

OR

I move to deny the Conceptual Public Artwork for the San Dorado commercial development, finding that the proposal does not meet the above referenced criteria and standards, specifically

_____.

Attachments

Attachment 1 - CDRB-Recommended Conditions of Approval

Attachment 2 - Applicant's Proposal

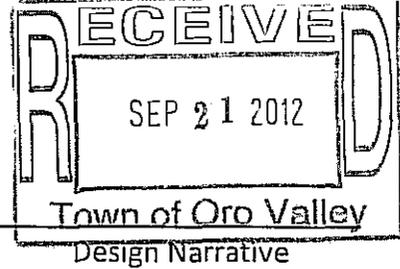
Attachment 3 - 11/13/12 Staff Report

Attachment 4 - DRAFT 11/13/12 CDRB Minutes

Attachment 5 - Conceptual Site Plan

Attachment 1
CDRB-Recommended Conditions of Approval
San Dorado Commercial Area Public Art
OV1212-08
January 16, 2013 Town Council

1. The public art locations shall be shown on the Final Landscape and Irrigation Plan.
2. Seating areas and shading elements (i.e. shade trees) shall be placed in close proximity to the public art to allow visitors and the public to enjoy the public art in a comfortable setting.
3. Four (4) art pieces shall be provided with two pieces of art provided at each location shown in the conceptual public art submittal.



San Dorado Conceptual Public Art

Per the Town's Public Art in Oro Valley Policy, the San Dorado project will be complying with the public art required for all non-residential projects. The San Dorado project has contemplated a two (2) phase art project for the commercial portions of the property located north of the Rooney Wash. The Conceptual Development Plan has contemplated a total of 9 commercial buildings.

The 1st phase of Public Art will include 1% of the building permit valuations for Pad A, Shops B, Shops C, Shops D, and Pad E. The 1st Phase of Public Art will be located in the front of Shops C and D, near the breezeway between these two buildings. This location was selected to provide the maximum impact to the overall site for both pedestrian as well as vehicular traffic. The breezeway between Shops C and D will be a significant pathway for pedestrians. A pedestrian scale, freestanding sculpture will provide the maximum impact at this location as well as making the artwork accessible to all members of the community.

The 2nd phase of Public Art will include 1% of the building permit valuations for Pads F, G, H and I; and will be located in the civic area between Pads G & H. As the remainder of the site is developed, the Civic Area becomes a logical location for a second freestanding sculpture that will help to create a pedestrian amenity and draw Oro Valley residents and commercial patrons of the center back to this Civic Area.

San Dorado will be a multi-phase development. Art locations were selected to allow for multiple phases while enhancing the overall development. Multiple concepts were considered for the project, but based on conversations with the Town staff as well as our design consultants; we have selected to provide freestanding sculptures in the above mentioned locations to provide the greatest impact to the site and the community.

The applicant is proposing bronze sculptures of native wildlife, indigenous to the Catalina Mountains. The first phase will consist of two (2) (8x Life-Size) Bronze Pieces; each composed to be approximately 2' at highest point, 3' at widest point and 8' long. The proposed subjects are the common chuckwalla or the giant spotted whiptail lizard. This sculpture will be placed on walkways between commercial buildings. All of the proposed subjects will be sculpted in high realist detail making their appearance jewel-like. The Chuckwalla and Whiptail Lizard pieces can invite use as benches. Both subjects are native to Southern Arizona. This particular Whiptail is a species especially unique to the Oro Valley area.

The second phase art concept will consist of a single (2x Life-Size) Leaping Javelina or a pair of (2x Life-Size) White Winged Doves with wings out landing on tree branch. This phase of art would be located in the Civic Area of the development. These sculptures would likely be best installed on raised cement forms that could also serve as seating for visitors. They are both showing subjects in action and will have vertical compositions that will be seen from distances in an outdoor setting. They should be elevated on small platforms as mentioned.

The bronze used to cast these pieces is highly durable. The coloration/patina applied to the metal surface will be stable in outdoor installations while subject to change if near water features or constant human contact.

Public Art locations are specifically located within the CSP document.

Proposed Artist Resume

Mark Rossi
www.rossistudios.com
2415 N. Fontana
Tucson, AZ 85705
Tel: 520-623-7136
Cel: 520-603-4875
rossistudios@earthlink.net

Studied Painting, Printmaking, and Sculpture at University of Tulsa in Oklahoma and at the University of Arizona in Tucson, Arizona. Worked as a sculptor full-time since 1979; producing sculpture cast in bronze of realist subjects of Nature, Western American History and human portraiture. These are made on commission or in studio for sale as castings from limited editions in art galleries. Sculpture is included in private, museum, public, and corporate collections internationally.

Large outdoor installations of sculpture include:

- Three 7 x life-size Jackrabbits for Chase Bank at Centerpointe in Tempe, Arizona.
- A 2 x life-size Bighorn Ram at the Hilton El Conquistador in Oro Valley, Arizona.
- A pair of 3 x life-size bobcats for the University of Arizona in Tucson.
- Five 2 x life-size mountain lions for DC Ranch in Scottsdale, Arizona.
- A 20' high Saguaro cactus with an in-flight hawk for Edwards Abstract in Edinburgh, Texas.
- Life size figures of a Grandmother with Granddaughter at the Agave Center in Mesa, Arizona.

- A life-size figure of a Tohono O'Odham woman in a 35' Man-in-Maze design for the Udall Recreation Center in Tucson, Arizona.
- Life-size bison and wolves for the Minnesota Zoo in Apple Valley, Minnesota.
- Numerous life-size and over life-size nature subjects for the Red Rock Canyon Interpretive Center near Las Vegas, Nevada.
- Several life-size nature subjects for the San Diego Zoo in California, the Philadelphia Zoo in Pennsylvania and the Point Defiance Zoo Aquarium in Point Defiance, Washington.
- A life-size bull elk in Pinetop, Arizona.
- A 14' long alligator for Allegheny College in Pennsylvania.
- An over life-size Bengal Tiger for the Louisiana State University Alumni Foundation in Baton Rouge, Louisiana.

Additionally several pieces have been commissioned by:

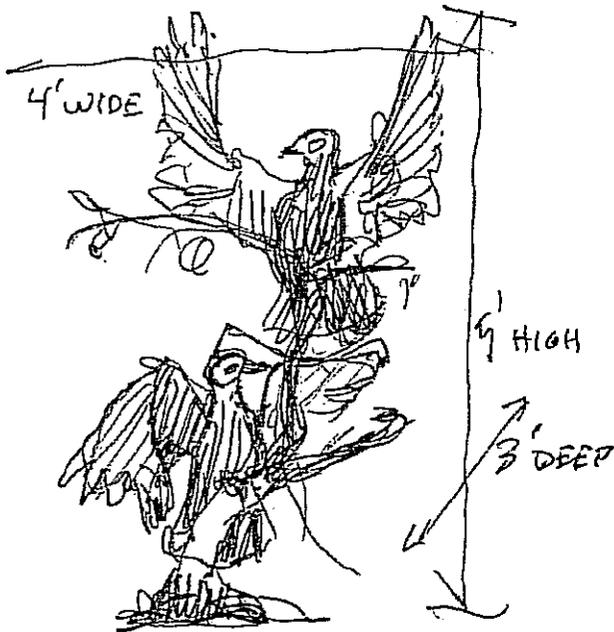
- Arizona Sonora Desert Museum, Reid Park Zoo, and Tohono Chul Park in Tucson, Arizona,
- the Frank Waters Foundation in Taos, New Mexico, The Oaks in San Juan Capistrano, California, and the Defenders of Wildlife in Washington, D.C.

Bronze sculpture by Mark Rossi is primarily cast by MetalPhysicSculpture Studio in Tucson, Arizona.

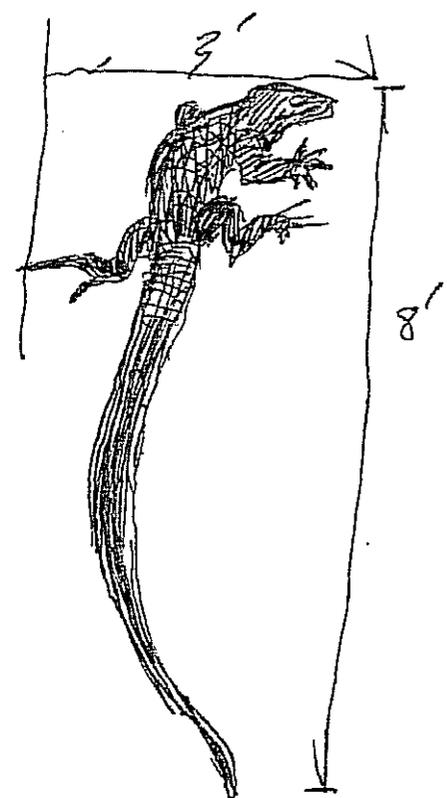
Zoning Code Compliance Statement

The applicant agrees to comply with each of the review criteria specified in the Oro Valley Zoning Code Section 27.3.G (Review Criteria)

Concept Sketch



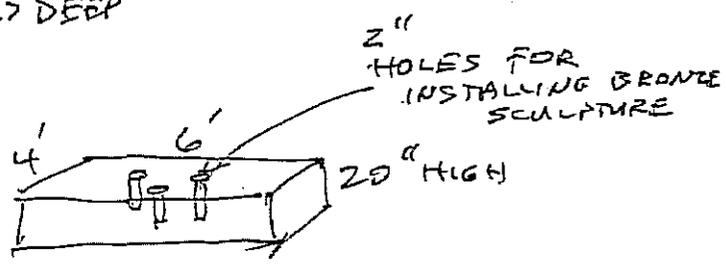
2 WHITE WINGED DOVES
LANDING IN TREE FORM
@ 2X LIFE-SIZE
MOUNTED ON CEMENT
PAD: SEE BELOW



@ 8X LIFE-SIZE
2' high @ raised head
GIANT SPOTTED WHIPTAIL



JAVALINA @
2X LIFE-SIZE
MOUNTED ON
CEMENT PAD



4' X 6' CEMENT PADS TO
INSTALL JAVALINA AND
DOVE SCULPTURE

MARK ROSSI (520) 603-4875

Preliminary Estimate of the Public Art Commitment

The below valuations are based on the data provided in the Town of Oro Valley Guideline for Building Valuation Data Schedule (2004 published values, escalated to 2007)

Public Art 1st Phase

	Building Type	Valuation (\$/sf)	Size (sf)	Total Valuation	Art Requirement (1% of Valuation)
Pad A	Stores, Type VB	\$95	12900	\$1,225,500	\$12,255
Shops B	Restaurant, Type VB	\$131	6850	\$897,350	\$8,974
Shops C	Stores, Type VB	\$95	6850	\$650,750	\$6,508
Shops D	Stores, Type VB	\$95	6530	\$620,350	\$6,204
Pad E	Restaurant, Type VB	\$131	4500	\$589,500	\$5,895

Public Art 1st Phase Total: \$39,835

Public Art 2nd Phase (2 Story Office Option)

	Building Type	Valuation (\$/sf)	Size (sf)	Total Valuation	Art Requirement (1% of Valuation)
Pad I	Banks, Type VB	\$163	4500	\$733,500	\$7,335
Pad F	Restaurant, Type VB	\$131	5000	\$655,000	\$6,550
Pad G	Office, Type VB	\$104	21000	\$2,184,000	\$21,840
Pad H	Office, Type VB	\$104	18500	\$1,924,000	\$19,240

Public Art 2nd Phase (Option #1) Total: \$54,965

Public Art 2nd Phase (Single Story Retail Option)

	Building Type	Valuation (\$/sf)	Size (sf)	Total Valuation	Art Requirement (1% of Valuation)
Pad I	Banks, Type VB	\$199	4500	\$895,500	\$8,955
Pad F	Restaurant, Type VB	\$131	5000	\$655,000	\$6,550
Pad G	Stores, Type VB	\$95	10500	\$997,500	\$9,975
Pad H	Stores, Type VB	\$95	9250	\$878,750	\$8,788

Public Art 2nd Phase (Option #2) Total: \$34,268

TOWN OF ORO VALLEY

CONCEPTUAL DESIGN REVIEW BOARD

MEETING DATE: November 13, 2012

TO: CONCEPTUAL DESIGN REVIEW BOARD

FROM: Matt Michels, AICP, Senior Planner

SUBJECT: **Conceptual Public Art for the San Dorado at Oro Valley Town Centre Commercial Development**, located within the Oro Valley Town Centre at Rooney Ranch PAD, on the east side of Oracle Road and First Avenue, OV1212-08.

SUMMARY:

Conceptual Public Art is one of the three primary elements of Conceptual Design. The Conceptual Site Plan and Conceptual Architecture for the San Dorado project were reviewed by the CDRB on October 9, 2012 and recommended for approval to the Town Council. Public art is required for the 12.1 acre project. The public art locations are labeled on the Conceptual Site Plan (see Attachment 2).

The proposed public artwork includes two (2) freestanding bronze sculptures of native wildlife indigenous to the Catalina Mountains. Both sculptures will be placed as to provide maximum visual impact for pedestrians and vehicles. A more detailed description of the artwork is provided below.

The CDRB public art review is focused on the review criteria found in Section 27.3 of the Zoning Code and the Design Standards. These criteria focus on fundamental elements of the design, including:

- Relationship of the art to the overall design of the project or development.
- Safety of the public art to the public.
- Ensuring that the materials are durable.
- Ensuring that the artwork is unique.

The Conceptual Public Art has been evaluated for conformance to Section 27.3 and the Design Standards. A more detailed discussion of these criteria is contained in Sections A and B, below.

A. Oro Valley Zoning Code Revised, Section 27.3.H. Review Criteria.

Following are the Section 27.3.H. Review Criteria (*in italics*) followed by staff evaluation of how the public artwork conforms and responds to the criteria:

1. *Public art should serve as a distinctive and integral element in the overall design of a project or development.*

The public artwork, which includes a pair of white-tailed doves (5' tall; 2x life size), an 8-foot long giant spotted whiptail lizard (2' high; 8x life size), and a 4-foot tall javelina (2x life size), will, when combined with the proximity of San Dorado to the Rooney Wash and the stunning views of Pusch Ridge, serve to reinforce the visual tie to nature that is inherent to this site. The bronze color will help the artwork to stand out from the buildings.

2. *Public art should relate to the context and character of the project. Where appropriate, public art may employ themes associated with the activities within the development.*

The public artwork relates to the context and character of the project, which is at the foothills of the Catalina Mountains. According to the applicant, the proposed sculptures will be sculpted in "high realist detail, making their appearance jewel like".

3. *Public art should relate to the historical, cultural or natural context of the project area, the neighborhood or the Town.*

As discussed, the theme of native wildlife of the Catalinas relates closely to the natural context of the project area.

4. *Public art shall not include corporate advertising elements of a business including colors, graphics, logos, or other representations of corporate identity.*

The proposed artworks do not include any corporate advertising elements.

5. *Public art shall be designed to prevent hazards to the public. Durability and safety of materials shall be considered including potential areas of excessive wear or damage, which shall be mitigated.*

The artworks will be sculpted in bronze which, when properly maintained, is highly durable. Additional detail regarding the design and ongoing maintenance of the art will be provided with the Final Public Art submittal.

6. *Potential obstructions, including landscape materials at maturity or future construction, shall be considered when locating public art.*

A condition has been added to require that the public art be shown on the Final Landscape and Irrigation Plan. Staff will ensure that the artwork is not obscured or damaged by conflicts with landscaping.

7. *Public art shall be original and not duplicate existing artwork in the Town and shall conform to community standards.*

The artist's description notes that this is a unique piece of art commissioned for this project. The proposal conforms to community standards as native wildlife is a common public art theme in the Town.

B. Design Standards

- Design Standard 2.2.G.1. *Public art shall be integrated into the overall design of the project and shall be located in areas of high visibility and use such as courtyards, seating areas, and along public roadways.*

The proposed sculptures will be located in highly visible and accessible locations, including the civic area between Pads G&H, and the breezeway between Shops C&D. Staff recommends that the sculptures be placed in close proximity to seating areas and shaded areas to allow visitors and the public to enjoy the public art in a comfortable setting. A condition is added to Attachment 1 to address this suggested requirement.

TOWN OF ORO VALLEY

CONCEPTUAL DESIGN REVIEW BOARD

Page 3 of 3

CONCLUSION/RECOMMENDATION:

The Conceptual Public Artwork is in substantial conformance with the Zoning Code Review Criteria and Design Standards. Any recommendation for approval should be subject to the conditions in Attachment 1.

SUGGESTED MOTION:

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

I move to approve the Conceptual Public Artwork for the San Dorado commercial development with the Conditions in Attachment 1, finding that:

- The proposed Conceptual Public Artwork meets the Zoning Code Review Criteria.
- The proposed Conceptual Public Artwork meets the applicable Design Standards.

OR

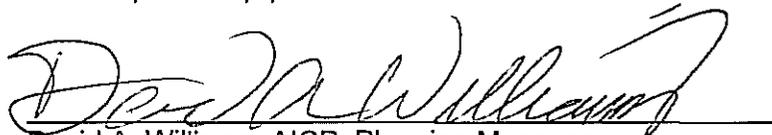
I move to deny the Conceptual Public Artwork for the San Dorado commercial development, finding that the proposal does not meet the above referenced criteria and standards.

Attachments:

1. Conditions of Approval
2. Conceptual Site Plan
3. Conceptual Public Artwork

cc: Brad Anderson, banderson@kitchell.com

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David A. Williams, AICP, Planning Manager

MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
NOVEMBER 13, 2012
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

2. CONCEPTUAL PUBLIC ART FOR THE "SAN DORADO" COMMERCIAL DEVELOPMENT, LOCATED AT ORACLE ROAD AND FIRST AVENUE, OV1212-08

Matt Michels, Senior Planner, presented the following:

- Applicant's Request
- Location Map
- Art Locations
- Phase I Art Concept and Location
- Phase II Art Concept and Location
- Review Criteria
- Conclusion
- Conditions of Approval

Brad Anderson, Kitchell Development, representing the land owner, presented the following:

- Approved Conceptual Site Plan
- Public Art Locations
- Artist (Mark Rossi)
- Design Concept
- Representative Images
- Shop Building Architecture
- Questions

Mark Rossi, Artist, commented on the material and maintenance of the sculptures.

MOTION: A motion was made by Harold Linton, Member and seconded by Gil Alexander, Member to Amend Attachment 1 to add a third condition to require four pieces of art, with two art works each at two locations.

MOTION carried, 6-0.

MOTION: A motion was made by Harold Linton, Member and seconded by Gil Alexander, Member to approve the Conceptual Public Artwork for the San Dorado commercial development with the Conditions in Attachment 1, finding that the proposed

Conceptual Public Artwork meets the Zoning Code Review Criteria and applicable Design Standards.

**Attachment 1
Conditions of Approval
San Dorado Commercial Area Public Art
OV1212-08
November 13, 2012 CDRB**

1. *The public art locations shown on the Final Landscape and Irrigation Plan.*
2. *Seating areas and shading elements (i.e. shade trees) shall be placed in close proximity to the public art to allow visitors and the public to enjoy the public art in a comfortable setting.*
3. *Four (4) art pieces shall be provided with two pieces of art provided at each location shown in the conceptual public art submittal.*

MOTION carried, 6-0.

GENERAL NOTES

1. THE GROSS AREA OF THIS DEVELOPMENT IS 27.83 ACRES (12.09 AC. COMMERCIAL USE, 15.73 AC. RESIDENTIAL USE).
2. THE GROSS FLOOR AREA FOR COMMERCIAL DEVELOPMENT IS 66,880 S.F. (1.54 ACRES), (86,300 S.F. AND 1.93 ACRES WITH PADS G & H AS 2-STORY).
3. THE FLOOR AREA RATIO (FAR) FOR COMMERCIAL DEVELOPMENTS IS 0.13 (0.10 WITH PADS G & H AS 2-STORY). MAX. FLOOR AREA RATIO (FAR) = 0.4.
4. THE PROPOSED NUMBER OF RESIDENTIAL UNITS IS 274 (17.4 UNITS PER NET RESIDENTIAL ACRE).
5. THE GROSS AREA OF ALL PROPOSED IMPROVED SURFACES IS 877,827 S.F. (19,955 SQ. YD.).
6. TOTAL MILES OF NEW PRIVATE STREETS IS 0.14 MILES.
7. ASSURANCES FOR SITE IMPROVEMENTS, LANDSCAPING AND RE-VEGETATION BONDS MUST BE POSTED PRIOR TO ISSUANCE OF GRADING PERMITS.
8. SEE SHEET 3 FOR PARKING CALCULATIONS.

PLANNING GENERAL NOTES

1. THE MAXIMUM ALLOWED BUILDING HEIGHT FOR THIS DEVELOPMENT IS 45' FOR C-1, C-2 & C-N USES, 50' FOR OFFICE USE AND 75' FOR HOTEL USE.
2. THE PROPOSED BUILDING HEIGHTS ARE AS FOLLOWS:
 PADS A-24' SHOPS B-24' PAD G-30' MAX
 SHOPS B-24' PAD E-24' PAD H-35' MAX
 SHOPS C-24' PAD F-24' PAD I-24'
 (BLOCKS 1, 2, 4 AND GARAGES ARE 2-STORY, BLOCKS 3, 5-19 ARE 3-STORY, OTHERS ARE 1-STORY)
 BUILDING #1-27'-2" BUILDING #3-35" BUILDING #11-35" BUILDING #16-35" GARAGE #2-25'
 BUILDING #7-27'-2" BUILDING #7-35" BUILDING #12-35" BUILDING #17-35" GARAGE #3-25'
 BUILDING #1-35" BUILDING #8-35" BUILDING #13-35" BUILDING #18-35" GARAGE #4-25'
 BUILDING #4-27'-2" BUILDING #8-35" BUILDING #13-35" BUILDING #18-35" GARAGE #5-25'
 BUILDING #9-35" BUILDING #10-35" BUILDING #15-35" GARAGE #1-25' GARAGE #6-25'
 BUILDINGS-17'-2" MAINTENANCE BUILDINGS-17'-2"
3. THE TOTAL AMOUNT OF LANDSCAPED AREA PROVIDED WITHIN THIS PROJECT IS 13.56 ACRES.
 THE TOTAL AMOUNT OF LANDSCAPED AREA WITHIN THIS PROJECT IS 206,247 S.F. (4.70 ACRES).
4. THE LANDSCAPE BUFFERS FOR THIS PROJECT ARE: WEST = 30' (BUFFERYARD #1), EAST = 15' (BUFFERYARD #2), NORTH = 15' (BUFFERYARD #3), SOUTH = 15' (BUFFERYARD #4).
5. THE BUILDING SETBACKS FOR THIS PROJECT ARE: FRONT = 30', SIDE (EAST) = 15', REAR (WEST) = 15'.
6. EXISTING ZONING IS ORO VALLEY TOWN CENTRE P.A.D. (MOST RECENT AMENDMENT, OVRN-05 & ORDINANCE (O) 16-10-08).
7. ALL PUBLIC ART REQUIREMENTS MUST BE MET PRIOR TO FINAL CERTIFICATE OF OCCUPANCY ISSUANCE, PER ORO VALLEY ZONING CODE REVISED SECTION 27.3.
8. ALL STORAGE AND LOADING TO BE ADDRESSED AS PART OF A SEPARATE REVIEW AND APPROVAL PROCESS.
9. MINIMUM COURTYARD/PLAZA AREAS:
 COMMERCIAL AREA: 1102 x 12.02 = 0.24 ACRES
 RESIDENTIAL AREA: 0.42 x 13.73 = 0.51 ACRES

ENGINEERING GENERAL NOTES

1. THE DESIGN VEHICLE FOR THIS PROJECT IS A 20-30. THE DESIGN SPEED FOR THIS PROJECT IS 15 MPH.
2. ALL NEW PUBLIC ROADS WITHIN AND ADJACENT TO THIS PROJECT WILL BE CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS.
3. SEPARATE PUBLIC IMPROVEMENT AND CONSTRUCTION PLANS WILL BE SUBMITTED TO THE TOWN ENGINEER'S OFFICE FOR REVIEW AND APPROVAL.
4. ANY RELLOCATION OR MODIFICATION OF EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS NECESSITATED BY THE PROPOSED DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.

DRAINAGE GENERAL NOTES

1. DEVELOPER WILL COVENANT TO HOLD TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.
2. DRAINAGE WILL NOT BE A BARRI, DISTURBED, OR CONSTRUCTED WITHOUT THE APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
3. DRAINAGE STRUCTURES MUST BE CONSTRUCTED AND INSTALLED ACCORDING TO TOWN STANDARDS AND PAID FOR BY THE DEVELOPER. ALL DRAINAGE STRUCTURES MUST BE DESIGNED TO CONVEY A 10-YEAR FLOOD.
4. ALL DRAINAGE FACILITIES WILL BE CONSTRUCTED ACCORDING TO APPROVED PLANS PRIOR TO THE ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY FROM THE BUILDING OFFICIAL FOR ALL AFFECTED BUILDINGS.
5. THE DEVELOPER WILL ACCEPT RESPONSIBILITY FOR MAINTENANCE, CONTROL, SAFETY AND LIABILITY OF PRIVATE DRAINAGEWAYS, DRAINAGE EASEMENTS AND COMMON AREAS.

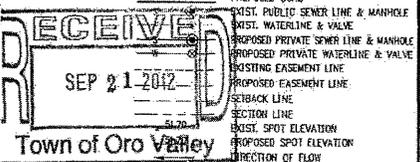
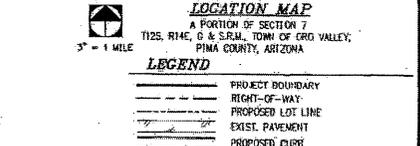
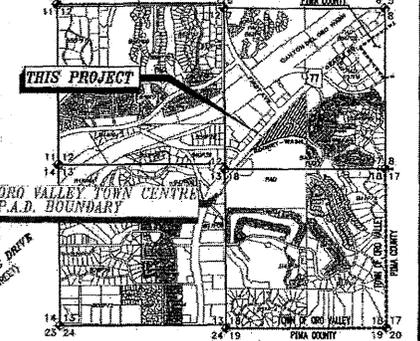
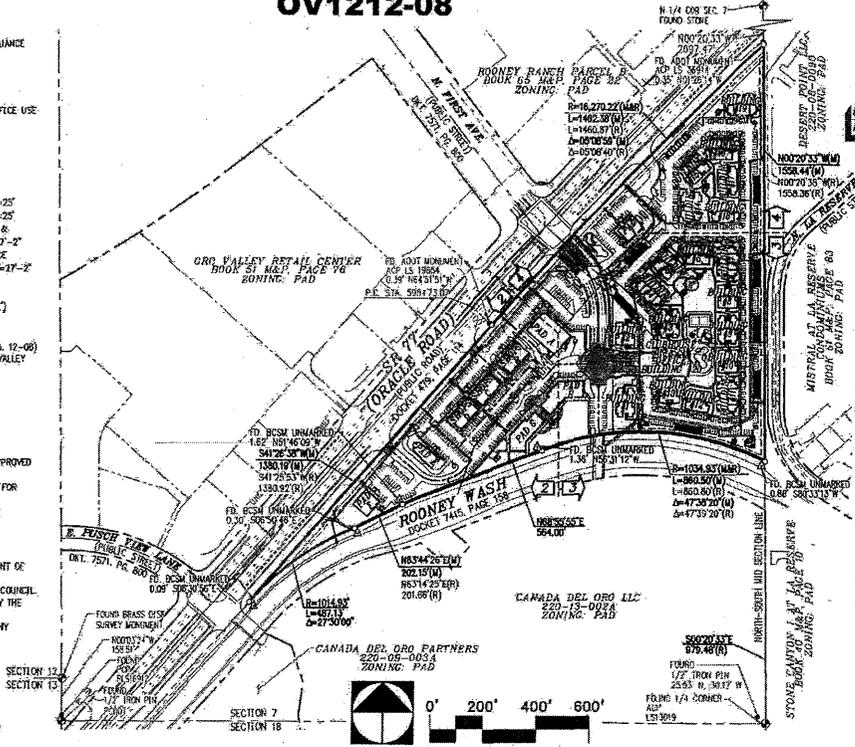
ORO VALLEY WATER GENERAL NOTES

1. THIS DEVELOPMENT MUST COMPLY WITH THE ORO VALLEY WATER UTILITY SPECIFICATIONS MANUAL DURING ALL PHASES OF CONSTRUCTION.
2. THE TOWN OF ORO VALLEY HAS BEEN DESIGNATED BY THE ARIZONA DEPARTMENT WATER RESOURCES AS HAVING AN ASSURED WATER SUPPLY, PURSUANT TO ARS § 45-576 AND WILL SERVE THIS DEVELOPMENT.
3. A LINE EXTENSION AGREEMENT MUST BE IN PLACE PRIOR TO ANY WORK ON THE WATER INFRASTRUCTURE BEFORE THIS PROJECT BEGINS.
4. ALL METERS SHALL HAVE A BACKFLOW PROTECTION DEVICE INSTALLED ON THE CUSTOMER SIDE OF THE METER.
5. ALL FIRE SERVICES SHALL HAVE A BACKFLOW PROTECTION DEVICE INSTALLED ON THEM.
6. WATER INFRASTRUCTURE SHOWN IS NOT NECESSARILY THE FINAL DESIGN. A SEPARATE WATER IMPROVEMENT PLAN MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE ORO VALLEY WATER UTILITY.

GOLDER RANCH FIRE GENERAL NOTES

1. FIRE HYDRANTS CONNECTED TO AN APPROVED WATER SUPPLY OF 1500 GPM FOR FIRE PROTECTION MUST BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE. TEMPORARY CONSTRUCTION OFFICE TRAILERS ARE CONSIDERED COMBUSTIBLE MATERIAL.
2. APPROVED FIRE APPARATUS ACCESS ROADS MUST BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE.
3. APPROVED AUTOMATIC SPRINKLER SYSTEMS IN NEW BUILDINGS AND STRUCTURES SHALL BE PROVIDED ALL GROUP A, B, F, R, H, I, K, L, AND S OCCUPANCIES FOR EVERY FACILITY, BUILDING OR PORTION OF A BUILDING HEREAFTER CONSTRUCTED WITHIN OR MOVED INTO THIS JURISDICTION. APPROVED AUTOMATIC SPRINKLER SYSTEMS SHALL BE PROVIDED THROUGHOUT ALL ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES USED AS WAREHOUSES WITH SALES OR CONSTRUCTION OFFICES, AND ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES WHICH EXCEED 3,600 SQUARE FEET IN FLOOR CALCULATION AREA HEREAFTER CONSTRUCTED WITHIN OR MOVED INTO THE JURISDICTION.
4. TEMPORARY STREET SIGNS MUST BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION OF NEW ROADWAYS ALONGSIDE PASSENGER VEHICLES. ALL STRUCTURES UNDER CONSTRUCTION MUST BE CLEARLY IDENTIFIED WITH AN APPROVED ADDRESS.
5. THE INSTALLATION OF TRAFFIC CONTROL SIGNALING DEVICES AND/OR ELECTRICALLY OPERATED GATES ON FIRE APPARATUS ACCESS ROADS SHALL INCLUDE PREEMPTIVE CONTROL EQUIPMENT COMPATIBLE WITH THE FIRE DEPARTMENT'S EXISTING SYSTEM.

**CONCEPTUAL SITE PLAN
SAN DORADO
OV1212-08**



GENERAL UTILITY NOTES

1. SHOULD AN EASEMENT BE IN CONFLICT WITH ANY PROPOSED BUILDING LOCATION, VACATION OF THE EASEMENT IS TO OCCUR PRIOR TO ISSUANCE OF BUILDING PERMITS.

WASTEWATER GENERAL NOTES

1. ANY RELOCATION, MODIFICATION, ETC., OF THE EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
2. THIS PROJECT HAS 5,151 PROPOSED AND 0 EXISTING WASTEWATER FIXTURE UNIT EQUIVALENTS, PER TABLE 13.20.040(1)(1) IN PIMA COUNTY CODE 13.20.040(1).
3. ANY WASTEWATER DISCHARGED INTO THE PUBLIC SANITARY SEWERAGE SYSTEM SHALL MEET THE REQUIREMENTS OF THE INDUSTRIAL WASTE ORDINANCE (PIMA COUNTY ORDINANCE NO. 1991-140, AS AMENDED).
4. THE ON-SITE SANITARY SEWERS, EXCEPT PUBLIC SEWERS WITHIN PUBLIC SEWER EASEMENTS OR RIGHTS-OF-WAY, WILL BE PRIVATE AND WILL BE CONSTRUCTED, OPERATED AND MAINTAINED ON A PRIVATE BASIS, AND IN ACCORDANCE WITH AN APPROVED OPERATION AND MAINTENANCE PLAN, IF REQUIRED. THE LOCATION AND METHOD OF CONNECTION TO AN EXISTING PUBLIC SANITARY SEWER IS SUBJECT TO REVIEW AND APPROVAL BY THE PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT.
5. A PROJECT CONSTRUCTION PERMIT MUST BE SECURED FROM PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT BEFORE BEGINNING ANY WORK ON THIS PROJECT.
6. CONSTRUCTION AUTHORIZATION FROM THE PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY IS REQUIRED BEFORE BEGINNING ANY WORK ON THIS PROJECT. APPROVAL OF THIS DEVELOPMENT PLAN DOES NOT CONSTITUTE CONSTRUCTION AUTHORIZATION.

PARKS AND RECREATION GENERAL NOTES

1. PERMISSION WILL BE OBTAINED FROM PIMA COUNTY FOR TRAIL CONNECTIONS AND OTHER PROPOSED WORK WITHIN COUNTY PROPERTY.

PERMITTING DIVISION-BUILDING CODES

- THE FOLLOWING CODES AND STANDARDS SHALL BE APPLICABLE TO THIS DEVELOPMENT:
- 2006 INTERNATIONAL CODES WITH LOCAL AMENDMENTS
 - 2003 NATIONAL ELECTRIC CODE
 - 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
 - 2004 COLLIER RANCH FIRE DISTRICT STANDARDS AND FORMS
 - 2008 ORO VALLEY FLOOD CODE
 - 2003 P/C/D STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC IMPROVEMENTS
 - 2010 TOWN OF ORO VALLEY DRAINAGE CRITERIA MANUAL
 - 2004 TOWN OF ORO VALLEY SUBDIVISION STREET STANDARDS AND POLICES MANUAL
 - TOWN OF ORO VALLEY ZONING CODE, CURRENT REVISED
 - ORO VALLEY TOWN CODE, CURRENT REVISED.

SEE SHEET 3 FOR PARKING CALCULATIONS

OWNER
CANADA DEL ORO PARTNERS
1717 E. WISCONSIN, SUITE #100
PHOENIX, AZ 85016
(602) 264-4411
ATTN: BRAD ANDERSON
BANDERS@NORTONTORELL.COM

ARCHITECT
RUTLER DESIGN GROUP
5917 E. WASHINGTON STREET, SUITE #107
PHOENIX, AZ 85016
(602) 957-1800
ATTN: JOHN WELLSER
JWELLS@RUTLERDESIGNGROUP.COM

DEVELOPER
RUTLER DEVELOPMENT COMPANY
1707 E. WISCONSIN, SUITE #100
PHOENIX, AZ 85016
(602) 264-4411
ATTN: BRAD ANDERSON
BANDERS@NORTONTORELL.COM

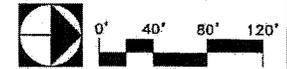
ENGINEER
THE WLB GROUP, INC.
1444 E. BROADWAY BLDG.
TUCSON, AZ 85711
(520) 881-7400
ATTN: DAVID LITTLE
DLITTLE@WLBGROUP.COM



SEPTEMBER 2012
WLB NO. 08027-R-07/005
CONTOUR INTERVAL: 1' SCALE: AS SHOWN
REV. CASE #0819-03
SHEET 1 OF 5

The WLB Group
WLB
Engineering & Planning • Surveying
Construction Administration • Utility Design
Official Seal: Tucson, Phoenix, and
Flagstaff, Arizona. Licenses: 12176
1444 E. Broadway, Tucson, AZ 85711
(520) 881-7400

SHEET INDEX
SHEET 1 COVER SHEET
SHEET 2-4 SITE PLAN
SHEET 5 OVERALL PHASING LAYOUT



PHASES B, D, E AND F GENERAL RETAIL PARKING REQUIREMENTS

344 PARKING SPACES PROVIDED.
15 ACCESSIBLE PROVIDED.
20 BICYCLE SPACES REQUIRED, 20 BICYCLE SPACES PROVIDED.
SEE ALTERNATIVE PARKING ANALYSIS FOR PHASES B, D, E AND F PARKING REQUIREMENTS.

PHASE C MULTI-FAMILY HOUSING PARKING REQUIREMENTS

UNIT BREAKDOWN:	
CARRIAGE UNITS	14 (50)
1-BEDROOM UNITS	88 (37%)
2-BEDROOM UNITS	136 (62%)
3-BEDROOM UNITS	38 (17%)
TOTAL	274

PARKING REQUIRED:	
CARRIAGE UNITS (14) x 1.5 SPACES	21
1-BEDROOM UNITS (88) x 1.5 SPACES	132
2-BEDROOM UNITS (136) x 1.75 SPACES	238
3-BEDROOM UNITS (38) x 2.0 SPACES	76
QUEST (274) x 0.25 SPACES	69
TOTAL REQUIRED:	532
	(1.94 PS/BU)

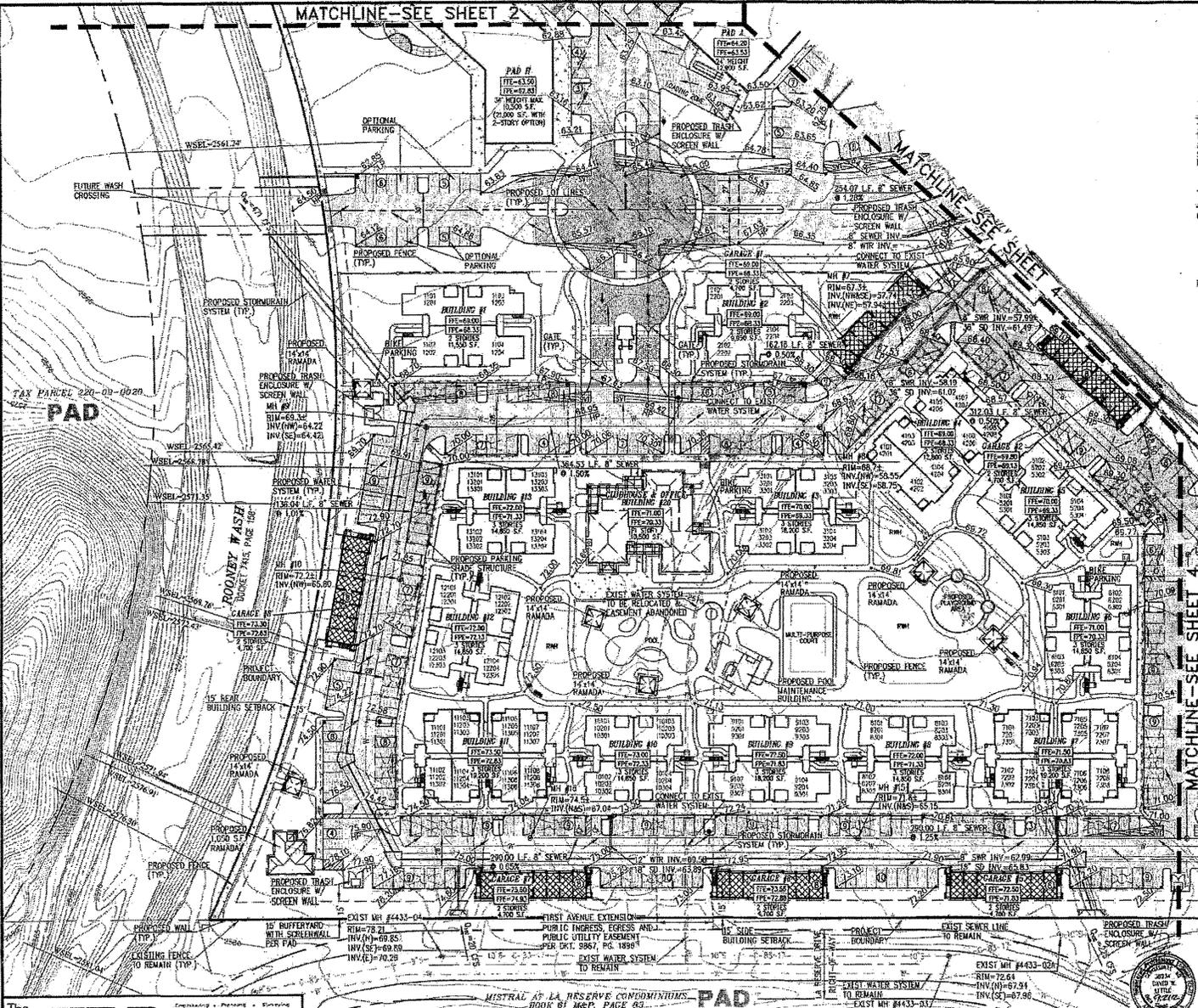
PARKING PROVIDED:	
1/UNIT (274) x 1.0 SPACES	274
GARAGE SPACES	64
CARPPOOL SPACES	274
UNCOVERED (UNRESERVED) SPACES	200
TOTAL PROVIDED:	532
	(1.95 PS/BU)

ACCESSIBLE PARKING REQUIRED: 2% OF PROVIDED: 11
VAN (1 PER 5 ACCESSIBLE)

OV1212-08
CONCEPTUAL SITE PLAN
FOR
SAN DORADO
PADS A, E-I, SHOPS B-D &
BUILDINGS #1 - #20
BEING A PORTION OF SECTION 7
TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M.
TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

SEPTEMBER 2012
WBL AND 181027-R-012/0105
CONTOUR INTERVAL: 1' SCALE: 1"=40'
REF. CASE #09191-33
SHEET 3 OF 5

CONCEPTUAL SITE PLAN: SAN DORADO



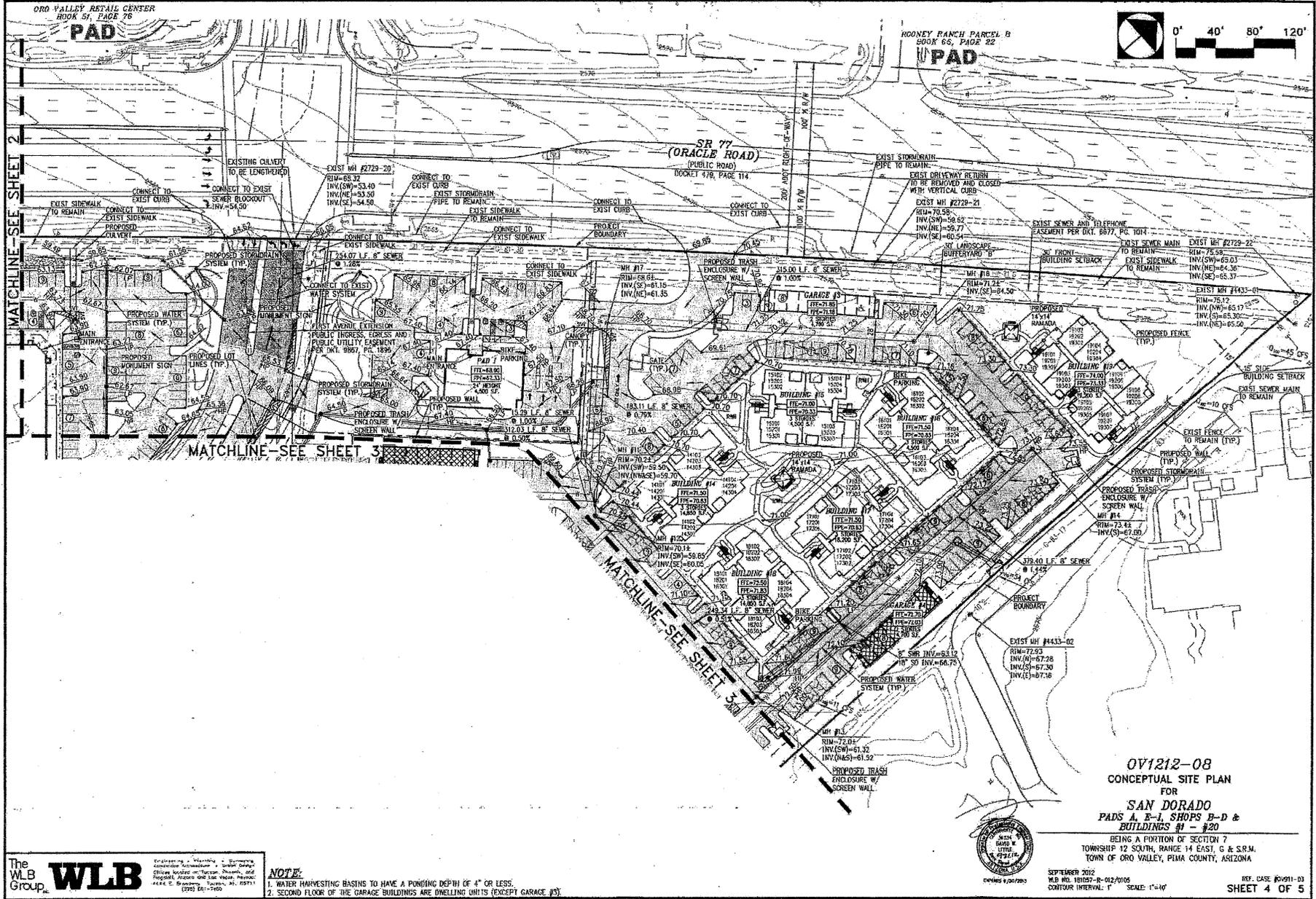
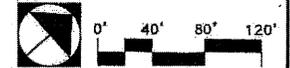
The WLB Group
WLB
 Engineering & Planning • Consulting
 Landscape Architecture • Urban Design
 Office of Urban & Suburban Planning and
 Design, Architecture and Landmark Services
 4444 E. Broadway, Suite #100, Phoenix, AZ 85018
 (602) 944-7400

NOTE:
 1. WATER HARVESTING BASINS TO HAVE A PONDING DEPTH OF 4" OR LESS.
 2. SECOND FLOOR OF THE GARAGE BUILDINGS ARE DWELLING UNITS.



ORO VALLEY RETAIL CENTER
BOOK 51, PAGE 76
PAD

HOONEY RANCH PARCEL B
BOOK 66, PAGE 22
PAD



OV1212-08
CONCEPTUAL SITE PLAN
FOR
SAN DORADO
PADS A, E-1, SHOPS B-D &
BUILDINGS #1 - #20
BEING A PORTION OF SECTION 7
TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M.
TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

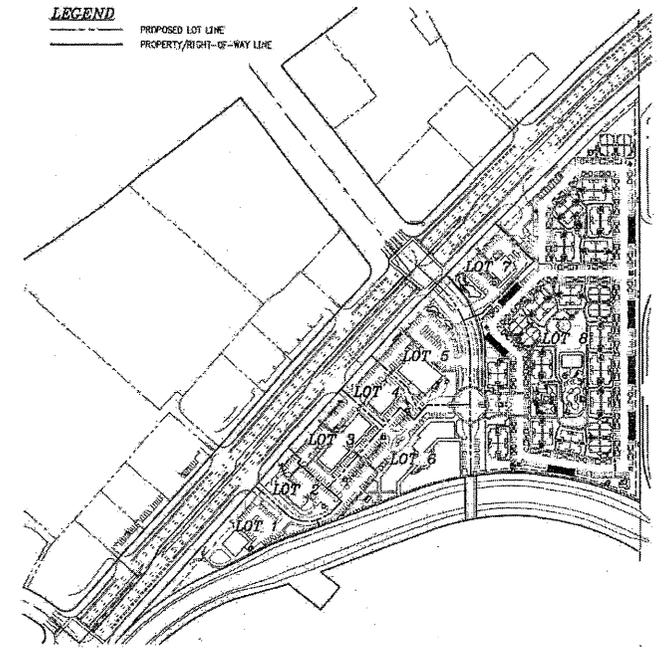
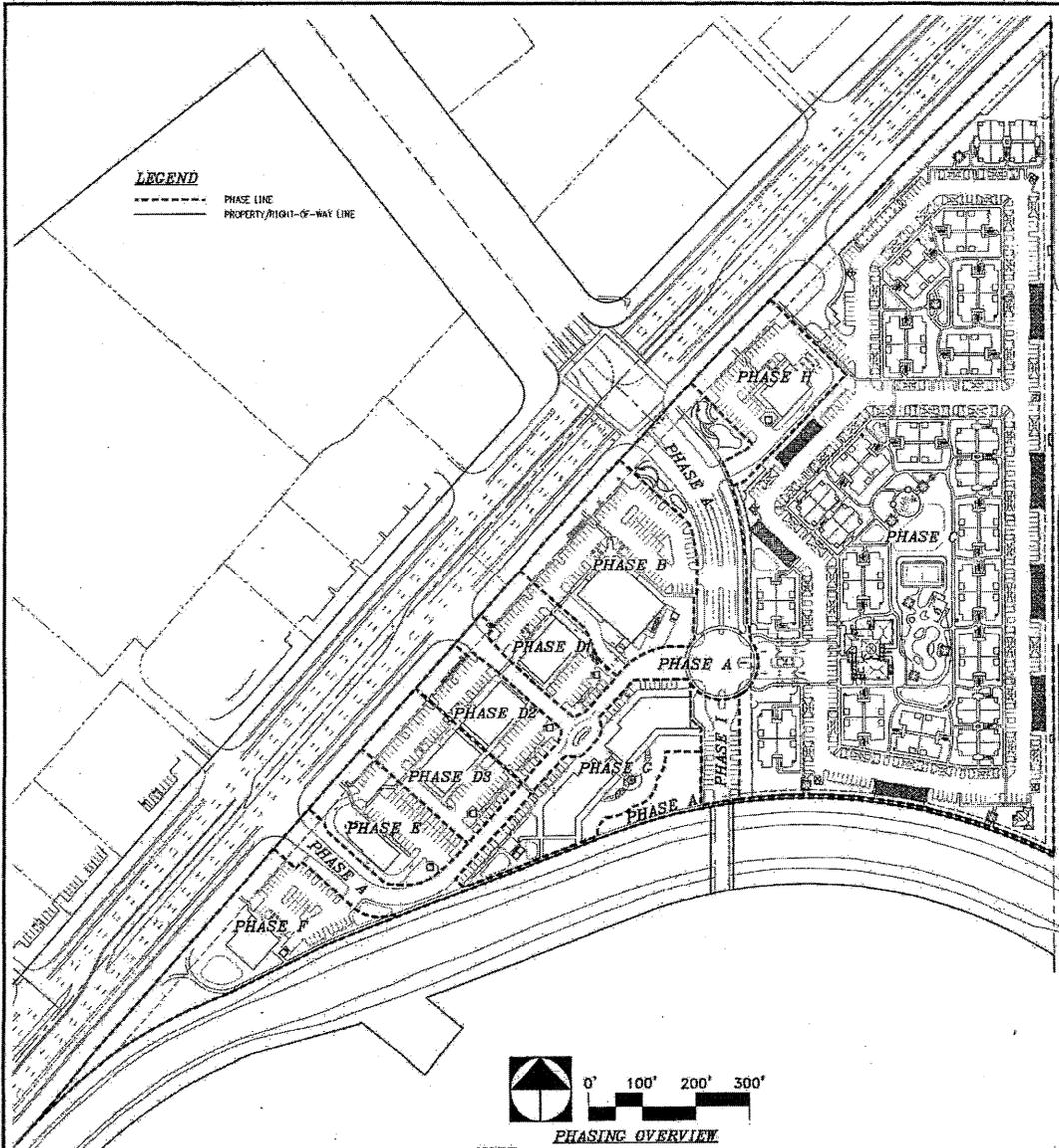


SEPTEMBER 2012
WLB NO. 151057-R-012/0105
CONTOUR INTERVAL: 1' SCALE: 1"=40'

REF. CASE R01911-03
SHEET 4 OF 5

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Construction Administration, Survey, Design,
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Regional, Archaic and Low Voltage, Power,
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NOTE:
1. WATER HARVESTING BASINS TO HAVE A PONING DEPTH OF 4" OR LESS.
2. SECOND FLOOR OF THE GARAGE BUILDINGS ARE DWELLING UNITS (EXCEPT GARAGE #5).



The WLB Group
 WLB Group
 Engineering • Planning • Surveying
 Landscape Architecture • Urban Design
 Planning • Historic Preservation • Land
 Project, Planning and Site Design Services
 4444 E. Broadway, Tucson, AZ 85711
 (520) 581-7140

NOTE:
 THE PHASING SHOWN ABOVE IS INTENDED TO REPRESENT THE ANTICIPATED GROUPING OF CONSTRUCTION ACTIVITIES FOR THE SITE. CONSTRUCTION SEQUENCING BEYOND PHASE A IS SUBJECT TO FUTURE AND UNKNOWN MARKET CONDITIONS. ACCORDINGLY, THE ORDER OF PHASES B-E AS SHOWN SHOULD NOT BE CONSTRUED TO REPRESENT THE ACTUAL CHRONOLOGICAL CONSTRUCTION SEQUENCING ORDER.



0V1212-08
 CONCEPTUAL SITE PLAN
 FOR
SAN DORADO
 PADS A, E-I, SHOPS B-D &
 BUILDINGS #1 - #80
 BEING A PORTION OF SECTION 7
 TOWNSHIP 12 SOUTH, RANGE 14 EAST, 6 & S.R.M.
 TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

SEPTEMBER 2017
 WEB NO. 181007-R-012/7105
 CONTOUR INTERVAL: 1' SCALE: AS SHOWN

REF. CASE 80V911-03
 SHEET 5 OF 5



Town Council Regular Session

Item # **4.**

Meeting Date: 02/06/2013
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)13-07, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO CVS PHARMACY FOR A DRIVE-THROUGH ON PAD A, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE

RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the Conditional Use Permit subject to a Condition that the drive-through be developed consistent with the Conceptual Site Plan and project narrative (see Attachment 2).

EXECUTIVE SUMMARY:

The applicant requests a Conditional Use Permit (CUP) for drive-through pharmacy windows for the CVS drug store to be located in the San Dorado development. The drive-through requires a CUP per the Oro Valley Town Centre PAD. The drive-through and queuing area is proposed for the south side of the building.

BACKGROUND OR DETAILED INFORMATION:

Current Site Conditions

- Zoning is Oro Valley Town Centre PAD-Commercial
- Property is currently vacant
- Property is generally flat
- Pad A parcel is 2.3 acres; overall commercial area is 12.09 acres

Proposed Improvements

- 12,900 square foot building
- Approximately 75 parking spaces (shared parking within commercial center)
- Landscaping along perimeter of drive through lane, around building, and within bufferyard along Oracle Road

Approvals to Date

- April 2012: PAD Amendment approved by Town Council
- October 2012: San Dorado Conceptual Site Plan approved by Town Council

Zoning Code Compliance

A detailed discussion of Zoning Code compliance, including compliance with Section 25.1.G, Convenience Uses, and Section 22.5, Use Permits, is contained in the 1/8/13 PZ Commission report

(Attachment 3).

The Planning & Zoning Commission finds that the proposed pharmacy drive-through windows are compatible with the San Dorado commercial center, which includes a mix of retail, restaurant, and office uses, and do not significantly impact nearby residences as the commercial center is buffered from residential uses to the east and the drive-through will not be visible to residents of the apartments to the north.

A condition has been added (see Attachment 2) to require that the drive-through design conform to the design described in the project narrative (see Attachment 4), and shown on the Conceptual Site Plan (see Attachment 5).

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to approve Resolution No. (R)13-07, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO CVS PHARMACY FOR A DRIVE-THROUGH ON PAD A, subject to the condition in Attachment 2, finding that the proposed CUP meets all applicable Zoning Code requirements.

OR

I move to deny Resolution No. (R)13-07, a CUP for the CVS drive-through at San Dorado finding that the proposed CUP does not meet all applicable Zoning Code requirements, specifically _____.

Attachments

Attachment 1 - Resolution No. (R)13-07

Attachment 2 - Condition of Approval

Attachment 3 - 1/8/13 PZC Report

Attachment 4 - Project Narrative

Attachment 5 - Conceptual Site Plan

RESOLUTION NO. (R)13-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO CVS PHARMACY FOR A DRIVE-THROUGH ON PAD A, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE

WHEREAS, the Applicant, Kitchell, representing CVS Pharmacy, has requested approval of a Conditional Use Permit (CUP) for a pharmacy with a drive-through, located on Pad A of the San Dorado Commercial Development, in close proximity to the southeast corner of Oracle Road and First Avenue; and

WHEREAS, the Planning and Zoning Commission reviewed said CUP at a duly noticed January 8, 2013 Public Hearing in accordance with State statutes was recommended for approval by the Town Council; and

WHEREAS, the Oro Valley Town Council has duly considered the proposed CUP request by Kitchell, representing CVS Pharmacy, and the Planning and Zoning Commission's recommendations at a Public Hearing and finds that granting the requested CUP will be consistent with the Town's General Plan and other Town ordinances.

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

SECTION 1. In accordance with Section 22.5 of the Oro Valley Zoning Code Revised (OVZCR), a Conditional Use Permit to Kitchell, representing CVS Pharmacy, for a pharmacy with a drive-through, located Pad A of the San Dorado Commercial Development, in close proximity to the southeast corner of Oracle Road and First Avenue, is granted and that all applicable standards of the OVZCR shall apply to the property.

SECTION 2. This Resolution and the various parts thereof are hereby declared to be revocable. If any section, sub-section, sentence, clause, word or phrase of this Resolution is, for any reason, held to be unconstitutional, such holdings shall not affect the validity of the remaining portions of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona
this 6th day of February, 2013.

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: _____

**Attachment 2
Condition of Approval
CVS Pharmacy CUP
OV812-002
February 6, 2013 Town Council**

1. The drive-through shall be developed consistent with the design depicted on the Conceptual Site Plan and as described in the applicant's narrative.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: January 8, 2013

TO: PLANNING & ZONING COMMISSION

FROM: Matt Michels, AICP, Senior Planner

SUBJECT: Public Hearing: Conditional Use Permit for CVS Pharmacy Drive-Through on Pad A, San Dorado Commercial Development, located on the southeast corner of Oracle Road and First Avenue, OV812-002.

SUMMARY:

Applicant's Request

The applicant requests a Conditional Use Permit (CUP) for a drive-through for the CVS retail pharmacy to be located in the San Dorado development. The drive-through is considered a convenience use per the PAD zoning and the Zoning Code and requires a CUP. The drive-through and queuing area is proposed along the south side of the building.

Proposed Improvements (see Attachment 2, Exhibit 2)

- 12,900 square foot building
- 76 vehicular parking spaces (shared parking within commercial center)
- Landscaping along perimeter of drive through lane

BACKGROUND:

Current Site Conditions

- Zoning is PAD-Commercial
- Property is currently vacant
- Property is generally flat
- Pad A parcel is 2.3 acres; overall commercial area is 12.09 acres
- The property is exempt from most provisions of the Oracle Road Scenic Corridor Overlay District (ORSCOD)

Approvals to Date

- April 2012: PAD Amendment approved by Town Council
- October 2012: San Dorado Conceptual Site Plan approved by Town Council

ZONING CODE COMPLIANCE:

Section 25.1.G, Convenience Uses

Convenience uses within this PAD are subject to all requirements of the Zoning Code, with the following exceptions:

- Location requirements
- Number of convenience uses
- Timing of development

Section 22.5, Use Permits

The Use Permit criteria contained in Section 22.5 provide the primary guidance for evaluating CUPs. Site design and architecture have already been addressed with the Conceptual Site Plan and Architecture, which were reviewed by the CDRB and approved by Town Council. CUPs may be granted based on consideration of the following criteria:

A. *That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:*

1. *Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;*

The proposed drive-through will create some additional noise with idling vehicles and additional illumination with headlights at night. However, the additional sound and light will not significantly impact nearby residents or the public as the property is located on the western side of the project in proximity to Oracle Road. Additional commercial is planned behind (to the southeast) the CVS, which will further mitigate these impacts.

An adequate vehicle queuing area is provided and will be screened from view of adjacent properties by landscaping outside the drive-through lane and a 30-foot landscaped buffer yard along Oracle Road with low walls to screen headlights. Further, the drive-through lane is located on the side of the building, further reducing visual impacts of the drive-through.

2. *Hazard to persons and property from possible explosion, contamination, fire or flood;*

The project must meet all Building Safety requirements for commercial occupancy. Hazardous materials are not anticipated with the proposed drive-through area.

3. *Hazard occasioned by unusual volume or character of traffic.*

The traffic circulation and vehicle queuing design for the drive-through have been reviewed by Engineering staff as part of the Conceptual Site Plan process and have been determined to be safe and functional. The access and drive-through configuration have been coordinated with the Paradise Bakery drive-through immediately adjacent to the south. The drive-through provides sufficient vehicle queuing for normal operations.

B. *That the characteristics of the use proposed in such use permit are reasonably compatible with types of uses permitted in the surrounding area.*

The proposed pharmacy drive-through is compatible with the commercial center, which includes a mix of retail, restaurant, and office uses, and does not significantly impact nearby residences. The commercial center is buffered from residential uses to the east. The nearest residence is approximately 800' feet to the east with intervening buildings between the proposed CVS and residential development to the east.

A condition has been added (see Attachment 1) to require that the drive-through design conform to the design shown on the Conceptual Site Plan (see Attachment 3) and in the applicant's narrative (see Attachment 2).

Access (Section 25.1.G.1.c)

The Zoning Code provides the following requirements relative to access:

- i. No convenience use shall have direct vehicular access onto any street which provides a lower level of service than a collector street.*
- ii. All convenience uses shall be accessed through a common driveway serving the center or office park. If traffic safety warrants, one (1) direct access per arterial frontage may be approved by the Town Engineer for an individual convenience use.*
- iii. All convenience uses shall provide access points to the internal circulation driveways and parking areas of the center unless otherwise approved by the Town Council.*

The project is in conformance with all access standards.

PUBLIC NOTIFICATION AND COMMENT:

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

- Notification of residents within 600 feet
- Posting at Town Hall
- All registered HOAs

No correspondence has been received regarding the proposal.

A neighborhood meeting was held on November 14. One resident attended the meeting who had questions regarding the overall PAD proposal rather than specific questions or concerns regarding the proposed CUP.

CONCLUSION/RECOMMENDATION:

The proposed CUP meets all applicable Zoning Code requirements. The pharmacy drive-through will have minimal impacts to the commercial center and the adjacent residential area to the east.

Staff recommends approval of the CUP, subject to the condition in Attachment 1.

SUGGESTED MOTIONS:

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

I move to recommend approval of the CUP for the CVS drive-through at San Dorado, subject to the condition in Attachment 1, finding that the proposed CUP meets all applicable Zoning Code requirements.

OR

I move to recommend denial of the CUP for the CVS drive-through at San Dorado finding that the proposed CUP does not meet all applicable Zoning Code requirements, specifically _____.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION REPORT

Page 4 of 4

Attachments:

1. Condition of Approval
2. Applicant Narrative
3. Conceptual Site Plan
4. Conceptual Architecture

cc: Brad Anderson, banderson@kitchell.com
Adam Baugh, adam@withey.com

S:\PERMPLUS\DOCS\OV812-002P_ PZC staff report CVS Pharm 010813.doc

**Conditional Use Permit
PROJECT NARRATIVE**

NEC Oracle Road & Rooney Wash

OCT 17 2012

NAME:CVS/pharmacy #10006

LOCATION:

The property is part of the San Dorado Development Centre generally located at the northeast corner of Oracle Road and Rooney Wash. See aerial map at **Exhibit 1**. The proposed retail pharmacy is approximately 12,900 sf. It is part of the overall commercial shopping center and is designated as "Pad A" as shown in the site plan approved by the Conceptual Design Review Board (CDRB) on October 9, 2012 (see **Exhibit 2**). The parcel is currently identified as APN 200-09-002A. A future lot split may assign a new APN for the CVS/pharmacy property.

EXISTING ZONING:

The overall parcel is zoned PAD in the Oro Valley Towne Center ("PAD") and is designated as commercial, Area 1 in the PAD. See the attached zoning map at **Exhibit 3**.

ADJACENT ZONING AND USES:

The surrounding commercial shopping center is zoned PAD - Commercial. West of Oracle Road is other property zoned PAD-Commercial. Further to east, beyond the planned shopping center are single family and multi-family residential uses.

EXISTING AND PROPOSED LAND USE:

The property is currently vacant land planned as part of a larger commercial shopping center known as the Oro Valley Town Centre. On October 9, 2012, the CDRB approved the conceptual site plan for the shopping center which included the proposed retail pharmacy. The proposed retail pharmacy is consistent with the planned commercial uses in the proposed shopping center. The proposed CVS parcel will be approximately 2.3 acres and the actual building will be approximately 12,900 sf. See site plan at **Exhibit 2**.

REQUEST:

The purpose of this request is to obtain a Conditional Use Permit (CUP) to allow a drive through as an accessory use to the proposed retail pharmacy. Per the approved PAD, a Convenience Use requires a CUP. A Convenience Use is defined as "any use with a drive-in or drive-through" and is permitted subject to certain conditions:

- A Maximum of 4 Convenience Uses located in Area 1.

Response: There are only 2 proposed at this time: Paradise Bakery and CVS/pharmacy.

- A Maximum of 1 Convenience Uses may be freestanding food with a drive-in/drive-through that stays open past 9:00 p.m. in Area I.

Response: This does not apply to CVS/pharmacy since it is a retail use not a freestanding food use.

CONVENIENCE USE PROVISIONS (SECTION 25.1.G)

Per the PAD, the CUP is subject to all requirements in the Oro Valley Zoning Code Section 25.1.G, except for the following: Location Requirements, Number of Convenience Uses, and Timing of Development. (See PAD, Page BB-8, Section 10.). The language below demonstrates how the CVS/pharmacy meets the code requirements.

a. Locational Requirements

Response: Not applicable per PAD.

b. Number of Convenience Uses per Center

- "The total number of convenience uses shall not exceed one (1) pad per four and one-half (4.5) acres of shopping center or office park. No more than one (1) drive-in, drive-through, gas station, or automotive service station convenience use shall be permitted for every nine (9) acres of office park."**

Response: The PAD modifies the number of convenience uses for this shopping center. A Maximum of 4 Convenience Uses may be permitted in Area 1. There are only 2 proposed at this time: Paradise Bakery and CVS/pharmacy.

c. Access

- "No convenience use shall have direct vehicular access onto any street which provides a lower level of service than a collector street."**
- "All convenience uses shall be accessed through a common driveway serving the center or office park. If traffic safety warrants, one (1) direct access per arterial frontage may be approved by the Town Engineer for an individual convenience use."**
- "All convenience uses shall provide access points to the internal circulation driveways and parking areas of the center unless otherwise approved by the Town Council."**

Response: The proposed CVS/pharmacy has no vehicular access from Oracle Road. It is accessed internally through a common driveway within the shopping center.

d. Timing of Development

Response: Not applicable per PAD.

USE PERMIT STANDARD (SECTION 22.5):

Section 22.5 of the Oro Valley Zoning Code lists the following criteria for evaluating a use permit request:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
 - b. Hazard to persons and property from possible explosion, contamination, fire or flood;
 - c. Hazard occasioned by unusual volume or character of traffic.
2. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.

No Adverse Impact

The proposed drive through will not have any materially detrimental impacts on adjacent properties or the planned shopping center. In fact, the use will be a great addition and immediate amenity to the neighborhood and surrounding area. The Property's underlying zoning, its location along an arterial street, and its proposed use is very compatible with the surrounding commercial properties.

An additional benefit is the pharmacy building buffers the drive through from the roadway and directs exiting traffic into the shopping center in order to enhance the streetscape view. The parking lot and existing buildings will buffer any noise and activity that occur within the drive through area. Further, the use fronts one of the busier streets in the Town of Oro Valley and it is expected that street-generated noise will be greater than noise generated by the drive through.

Compatibility

The request is compatible with the surrounding uses. It is internally located within the planned shopping center and the drive through will have no negative impact on the surrounding area. The drive through was cohesively planned with the overall shopping center so that it circulates well with on-site circulation. The drive through is proposed at the southern corner of the building away from Oracle Road to improve the visual appearance of the building and streetscape. The drive through exits into the center of the shopping center rather than the street in order to maintain a superior street view of the building, landscaping, and entry monument signage.

Access

The drive through access points are well integrated within the overall shopping center and not onto the adjacent streets. The access points take advantage of the internal circulation within the

shopping center. The overall access points for the shopping center have been determined and approved during the CDRB conceptual site plan process. This convenience use provides integrated access within the shopping center and to the internal circulation system and parking lots appropriately and in compliance with the CDRB approved conceptual site plan.

Oracle Road Scenic Corridor Overlay District (ORSCOD)

The Property is located within the Oracle Road Scenic Corridor Overlay District (ORSCOD) and would normally fall within its jurisdiction. The approved PAD and the approved Conceptual Site Plan already demonstrated compliance with the ORSCOD, and this use permit is furtherance of those approved documents.

Exhibit 1 - Aerial Map

NEC of Oracle Road and Rooney Wash

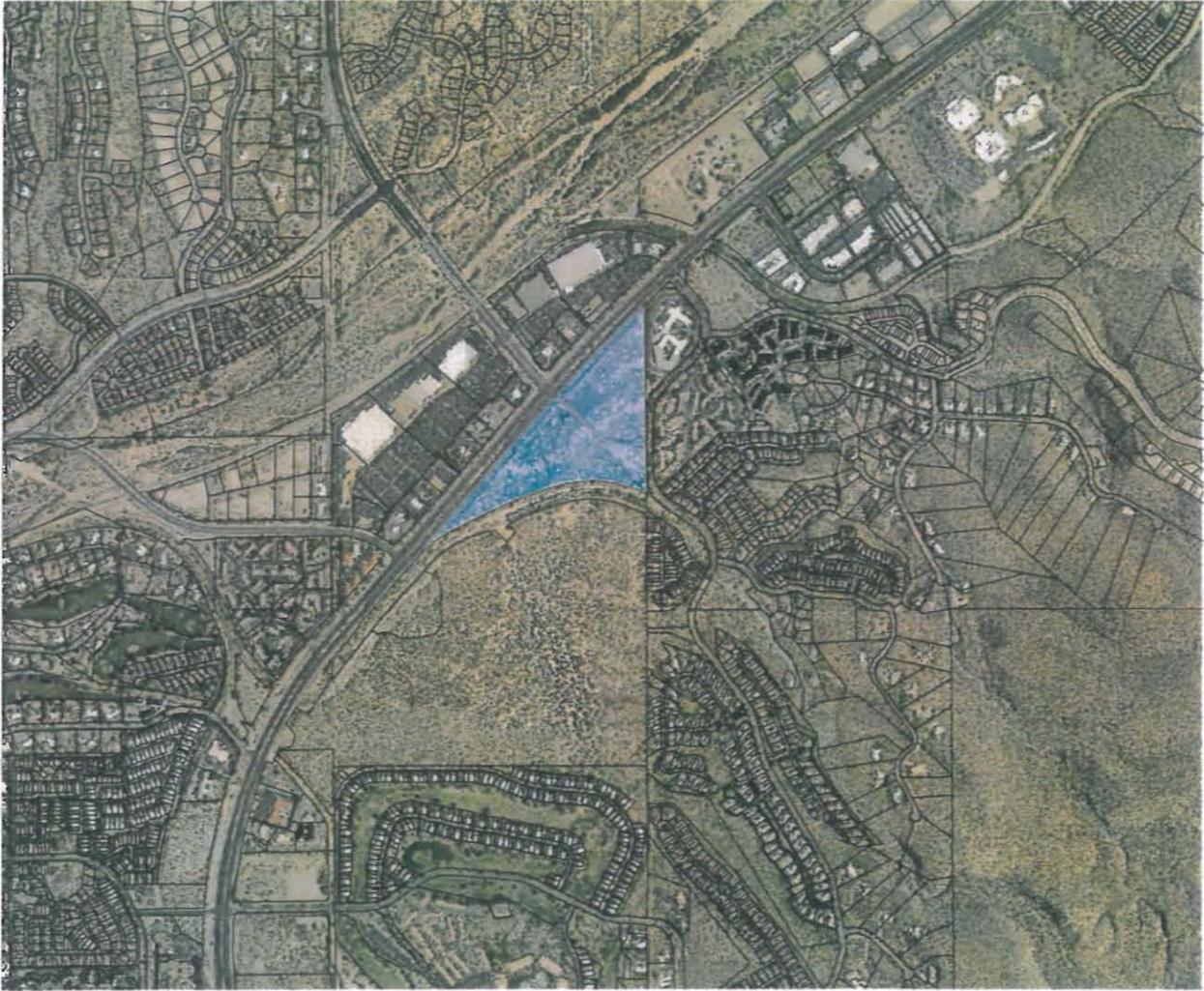


EXHIBIT 3 – Zoning Map

- (1)  Area #1 (Commercial) — ± 27.8 Acres
- (2)  Area #2 (Commercial) — ± 4.5 Acres
- (3)  Area #3 (Commercial) — ± 13.4 Acres
- (4)  Area #4 (Residential) — ± 95.4 Acres

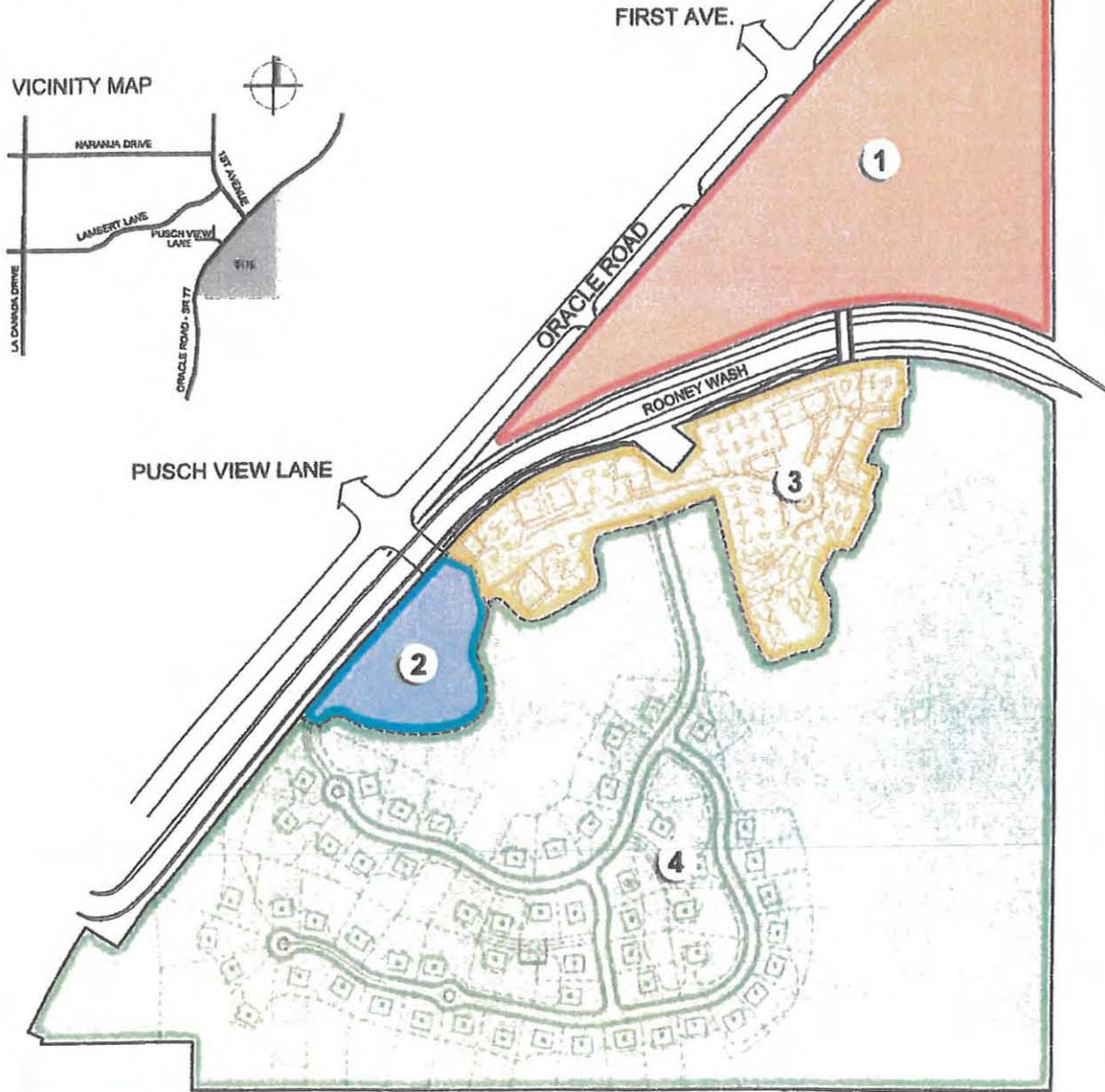


Exhibit CC-1
Limits of Commercial/Residential Areas

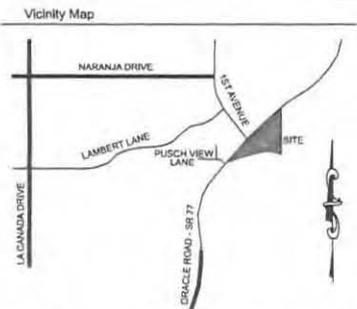
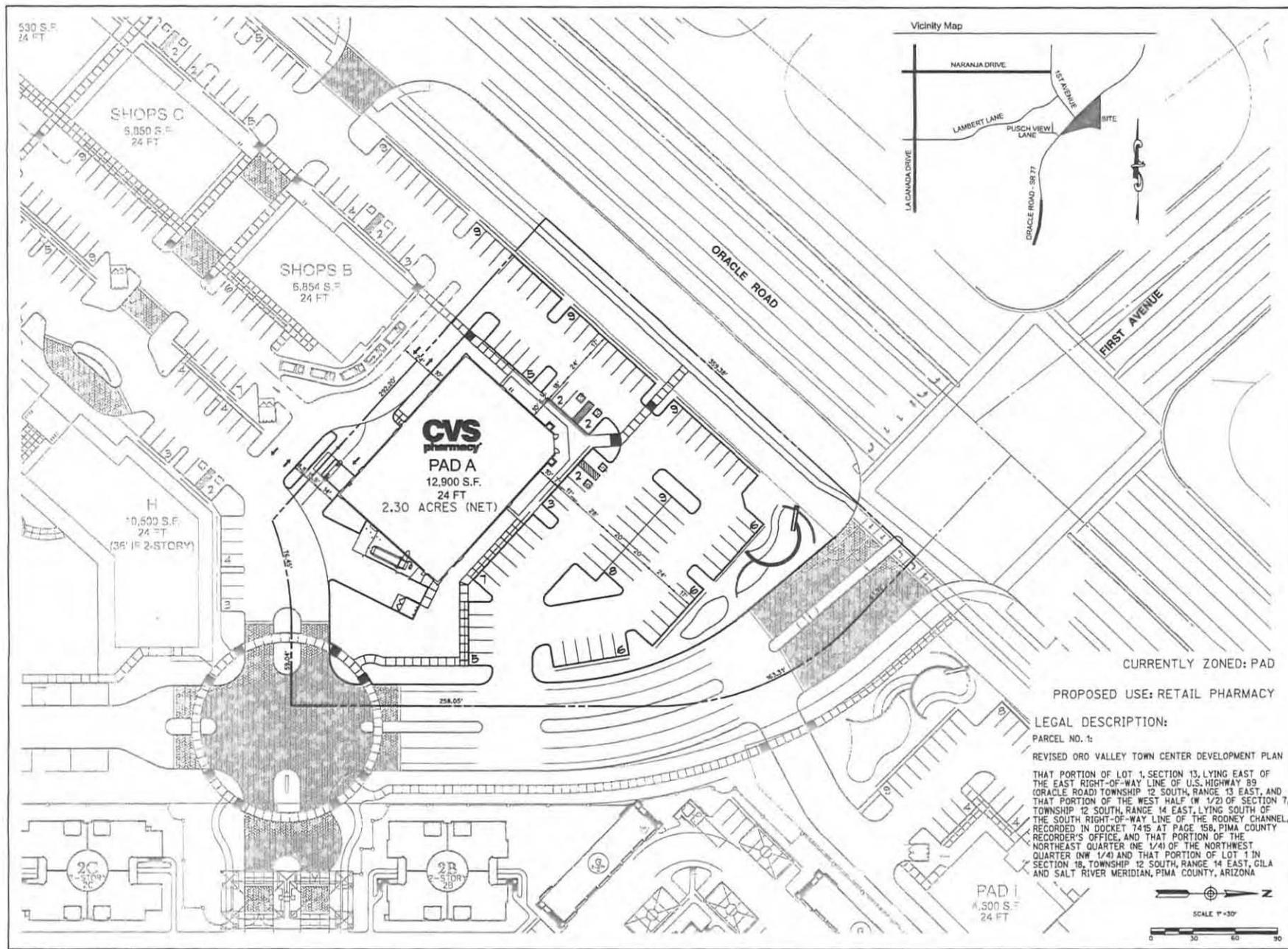


ORO VALLEY *Towne Center*
ORACLE ROAD & FIRST AVENUE
TOWN OF ORO VALLEY, ARIZONA

04152 03.14.11



EXHIBIT 2 – Site Plan

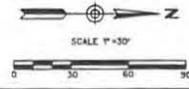


CURRENTLY ZONED: PAD

PROPOSED USE: RETAIL PHARMACY

LEGAL DESCRIPTION:

PARCEL NO. 1:
 REVISED ORO VALLEY TOWN CENTER DEVELOPMENT PLAN
 THAT PORTION OF LOT 1, SECTION 13, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 89 (ORACLE ROAD) TOWNSHIP 12 SOUTH, RANGE 13 EAST, AND THAT PORTION OF THE WEST HALF (W 1/2) OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 14 EAST, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THE ROONEY CHANNEL, RECORDED IN DOCKET 7415 AT PAGE 158, PIMA COUNTY RECORDER'S OFFICE, AND THAT PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND THAT PORTION OF LOT 1 IN SECTION 18, TOWNSHIP 12 SOUTH, RANGE 14 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA



CVS pharmacy
 ARIZONA - 12900 - LEFT SIDE DRIVE-THRU
 STORE NUMBER: 1006
 SEC ORACLE ROAD & FIRST AVENUE, ORO VALLEY, AZ
 PROJECT TYPE: NEW STORE
 DEAL TYPE: FEE FOR SERVICE
 CS PROJECT NUMBER: 062330

ENGINEER OF RECORD
RICK
 ENGINEERING COMPANY
 6150 NORTH 16TH STREET
 PHOENIX, AZ 85016
 602.957.1350
 (FAX) 602.285.2396
 Tucson - San Diego - Phoenix - Chicago
 Sacramento - San Luis Obispo - Salt Lake City
 rickengineering.com

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 COMPANY

DEVELOPER:
ARMSTRONG DEVELOPMENT
 PROPERTIES, INC.
 2121 N. CHANDLER BLVD, SUITE 106
 CHANDLER, AZ 85224
 PHONE: (602) 385-4100
 FAX: (602) 385-4101

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL THE SEAL AND SIGNATURE OF THE RESPONSIBLE REGISTERED ARCHITECT ON THE DRAWING, AND PROPER PERMIT FORMS AND RELATED FEES ARE TRANSMITTED BY THE OWNER, OWNER'S AGENT OR CONTRACTOR TO THE AUTHORITY HAVING JURISDICTION.

REVISIONS:

DRAWING BY: DGM
 DATE: 10-OCT-2012
 JOB NUMBER: 4294

TITLE: **SAN DORADO PAD A BITE PLAN**

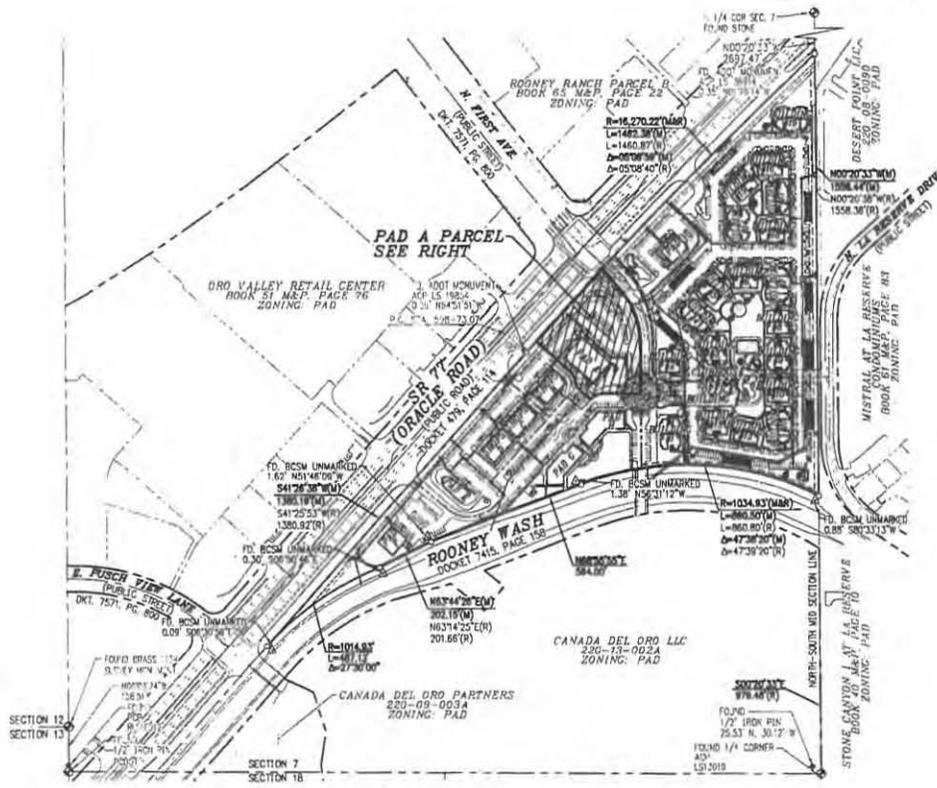
SHEET NUMBER: **C-001 1 OF 1**

CUP PACKAGE

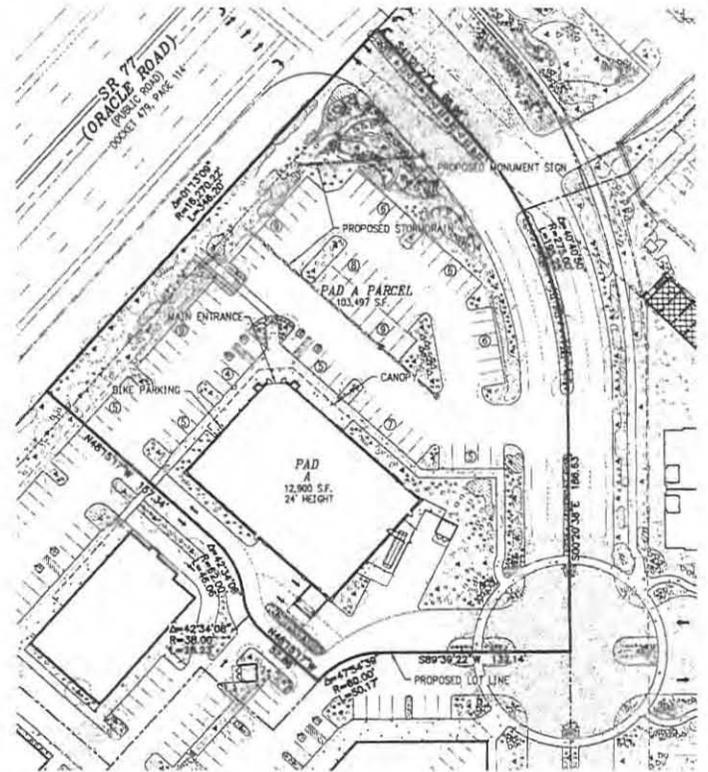
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 10-OCT-2012

EXHIBIT 2 – Site Plan

**CONDITIONAL USE PERMIT EXHIBIT
SAN DORADO
PAD A PARCEL**



0' 200' 400' 600'
PROJECT OVERVIEW



0' 40' 80' 120'
PAD A PARCEL

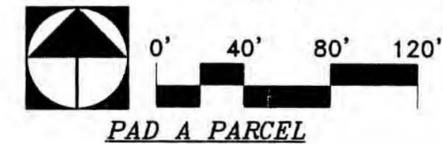
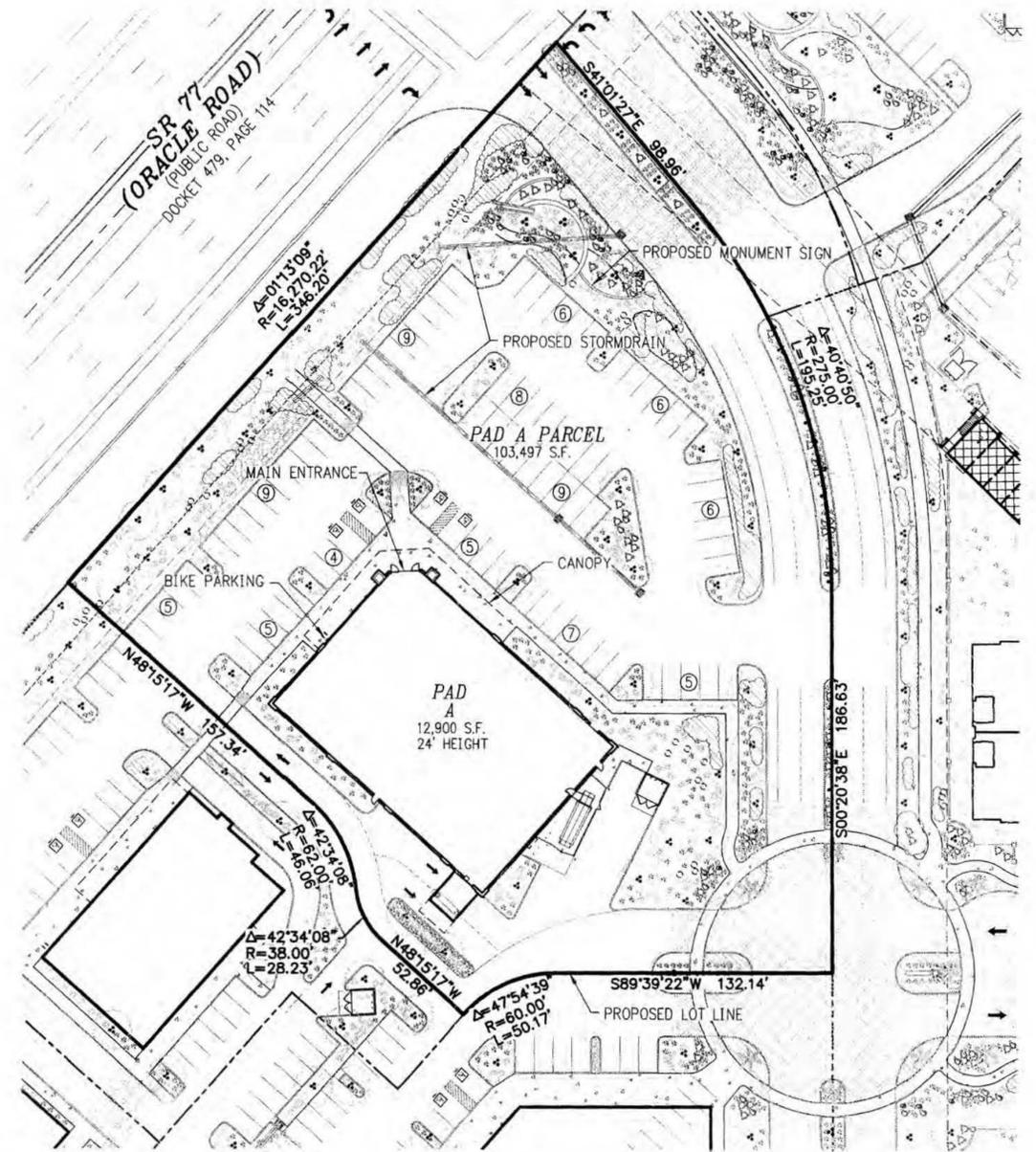
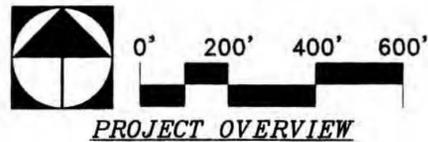
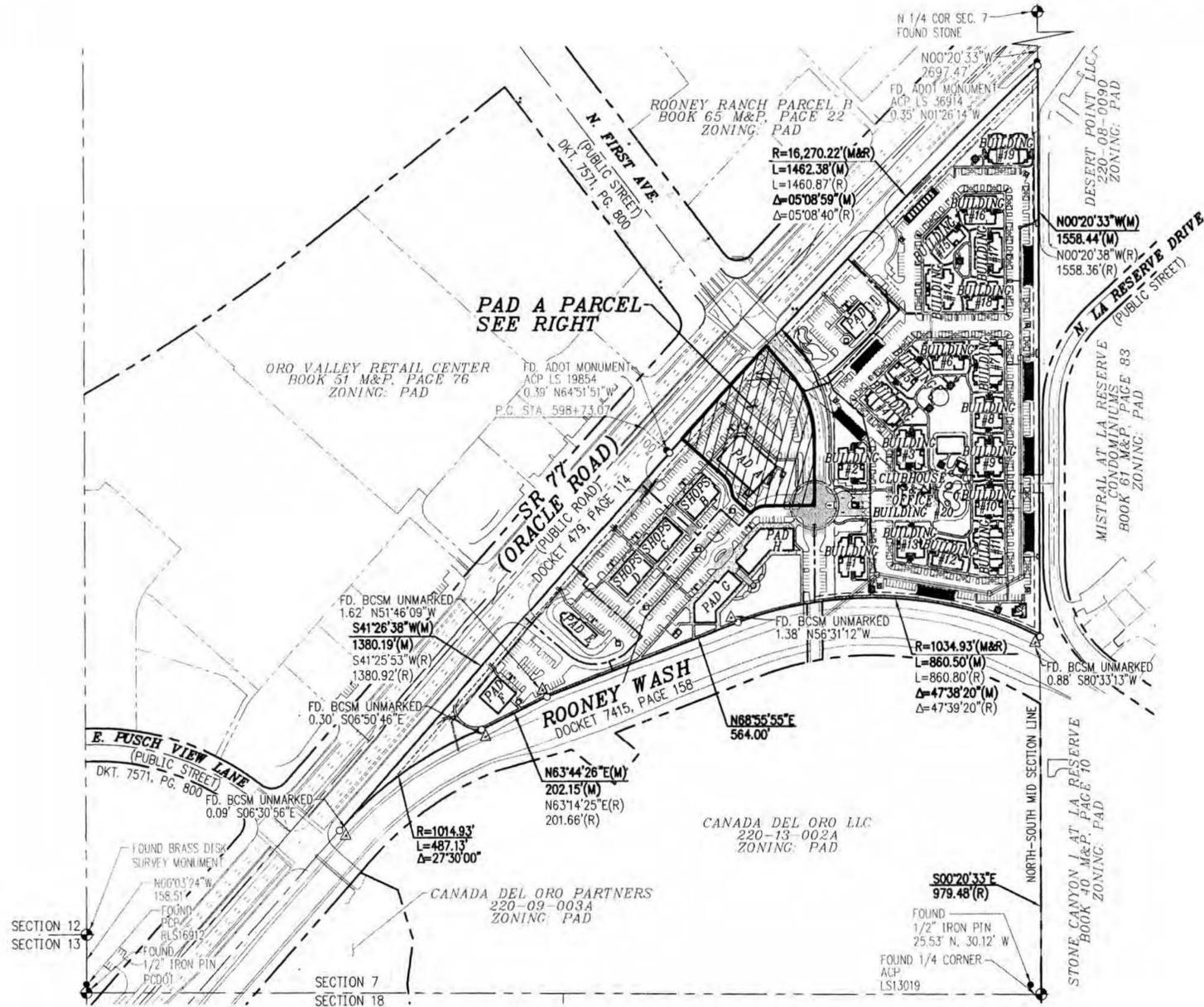
CONDITIONAL USE PERMIT EXHIBIT
FOR
**SAN DORADO
PAD A**

BEING A PORTION OF SECTION 7
TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M.
TOWN OF ORD VALLEY, PIMA COUNTY, ARIZONA

OCTOBER 2013
WLB NO. 181057-R-012/0105
CONTOUR INTERVAL: 1' SCALE: 1"=40'

The WLB Group **WLB**
 Engineering • Planning • Surveying
 Architecture • Interiors • Urban Design
 200 E. Broadway, Suite 1000, Phoenix, AZ 85004
 Phoenix, Arizona and Los Angeles, California
 4800 E. Broadway, Suite 1000, Phoenix, AZ 85004
 (602) 944-1140

CONDITIONAL USE PERMIT EXHIBIT SAN DORADO PAD A PARCEL



CONDITIONAL USE PERMIT EXHIBIT
FOR
SAN DORADO
PAD A

BEING A PORTION OF SECTION 7
TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M.
TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

OCTOBER 2012
WLB NO. 151057-R-012/0105
CONTOUR INTERVAL: 1' SCALE: 1"=40'



Town Council Regular Session

Item # **5.**

Meeting Date: 02/06/2013
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)13-08, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO PARADISE BAKERY FOR A DRIVE-THROUGH IN SHOPS B, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE

RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the Conditional Use Permit subject to a Condition that the drive-through be developed consistent with the Conceptual Site Plan and project narrative (see Attachment 2).

EXECUTIVE SUMMARY:

The applicant requests a Conditional Use Permit (CUP) for a drive-through for the Paradise Bakery restaurant to be located in the San Dorado development. The drive-through requires a CUP per the Oro Valley Town Centre PAD. The drive-through and queuing area is proposed for the north side of the building.

BACKGROUND OR DETAILED INFORMATION:

Current Site Conditions

- Zoning is Oro Valley Town Centre PAD-commercial
- Property is currently vacant
- Property is generally flat
- Shops B parcel is .87 acres; overall commercial area is 12.09 acres

Proposed Improvements

- 6,854 square foot building containing Paradise Bakery and additional shop space for additional tenant
- Approximately 50 parking spaces (shared parking within commercial center)
- Landscaping along perimeter of drive through lane, around building, and within bufferyard along Oracle Road

Approvals to Date

- April 2012: PAD Amendment approved by Town Council
- October 2012: San Dorado Conceptual Site Plan approved by Town Council

Zoning Code Compliance

A detailed discussion of Zoning Code compliance is contained in the 1/8/13 PZ Commission report (Attachment 3).

The Planning & Zoning Commission finds that the proposed bakery drive-through is compatible with the San Dorado commercial center, which includes a mix of retail, restaurant, and office uses, and does not significantly impact nearby residences as the commercial center is buffered from residential uses to the east and the drive-through will not be visible to residents of the apartments to the north.

A condition has been added (see Attachment 2) to require that the drive-through design conform to the design described in the project narrative (see Attachment 4), and shown on the Conceptual Site Plan (see Attachment 5).

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to approve Resolution No. (R)13-08, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO PARADISE BAKERY FOR A DRIVE-THROUGH IN SHOPS B, subject to the condition in Attachment 2, finding that the proposed CUP meets all applicable Zoning Code requirements.

OR

I move to deny Resolution No. (R)13-08, a CUP for the Paradise Bakery drive-through at San Dorado finding that the proposed CUP does not meet all applicable Zoning Code requirements, specifically

_____.

Attachments

Attachment 1 - Resolution No. (R)13-08

Attachment 2 - Condition of Approval

Attachment 3 - 1/8/13 PZC Report

Attachment 4 - Project Narrative

Attachment 5 - Conceptual Site Plan

RESOLUTION NO. (R)13-08

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO PARADISE BAKERY FOR A DRIVE-THROUGH IN SHOPS B, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE

WHEREAS, the Applicant, Kitchell, representing Paradise Bakery, has requested approval of a Conditional Use Permit (CUP) for a restaurant with a drive-through, located in Shops B of the San Dorado Commercial Development, in close proximity to the southeast corner of Oracle Road and First Avenue; and

WHEREAS, the Planning and Zoning Commission reviewed said CUP at a duly noticed January 8, 2013 Public Hearing in accordance with State statutes was recommended for approval by the Town Council; and

WHEREAS, the Oro Valley Town Council has duly considered the proposed CUP request by Kitchell, representing Paradise Bakery, and the Planning and Zoning Commission's recommendations at a Public Hearing and finds that granting the requested CUP will be consistent with the Town's General Plan and other Town ordinances.

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

SECTION 1. In accordance with Section 22.5 of the Oro Valley Zoning Code Revised (OVZCR), a Conditional Use Permit to Kitchell, representing Paradise Bakery, for a restaurant with a drive-through, located in shops B of the San Dorado Commercial Development, in close proximity to the southeast corner of Oracle Road and First Avenue, is granted and that all applicable standards of the OVZCR shall apply to the property.

SECTION 2. This Resolution and the various parts thereof are hereby declared to be revocable. If any section, sub-section, sentence, clause, word or phrase of this Resolution is, for any reason, held to be unconstitutional, such holdings shall not affect the validity of the remaining portions of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona
this 6th day of February, 2013.

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: _____

**Attachment 2
Condition of Approval
Paradise Bakery CUP
OV812-003
February 6, 2013 Town Council**

1. The drive-through shall be developed consistent with the design depicted on the Conceptual Site Plan and as described in the applicant's narrative.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: January 8, 2013

TO: PLANNING & ZONING COMMISSION

FROM: Matt Michels, AICP, Senior Planner

SUBJECT: Public Hearing: Conditional Use Permit for Paradise Bakery Drive-Through in Shops B, San Dorado Commercial Development, located on the southeast corner of Oracle Road and First Avenue, OV812-003.

SUMMARY:

Applicant's Request

The applicant requests a Conditional Use Permit (CUP) for a drive-through for the Paradise Bakery restaurant to be located in the San Dorado development. The drive-through is considered a convenience use per the PAD and the Oro Valley Zoning Code and requires a CUP. The drive-through and queuing area is proposed along the north side of the building.

Proposed Improvements (see Attachment 2, Exhibit 2)

- 6,854 square foot building containing Paradise Bakery and additional shop space for additional tenant
- Approximately 50 vehicular parking spaces (shared parking within commercial center)
- Landscaping along perimeter of drive through lane

BACKGROUND:

Current Site Conditions

- Zoning is PAD-commercial
- Property is currently vacant
- Property is generally flat
- Shops B parcel is .87 acres; overall commercial area is 12.09 acres
- The property is exempt from most provisions of the Oracle Road Scenic Corridor Overlay District (ORSCOD)

Approvals to Date

- April 2012: PAD Amendment approved by Town Council
- October 2012: San Dorado Conceptual Site Plan approved by Town Council

ZONING CODE COMPLIANCE:

Section 25.1.G, Convenience Uses

Convenience uses within this PAD are subject to all requirements of Section 25.1.G of the Zoning Code, with the following exceptions:

- Location requirements
- Number of convenience uses
- Timing of development

Section 22.5, Use Permits

The Use Permit criteria contained in Section 22.5 provide the primary guidance for evaluating CUPs. Site design and architecture have already been addressed with the Conceptual Site Plan and Architecture, which were reviewed by the CDRB and approved by Town Council. CUPs may be granted based on consideration of the following criteria:

A. *That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:*

1. *Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;*

The proposed drive-through will create some additional noise with idling vehicles and additional illumination with headlights at night. However, the additional sound and light will not significantly impact nearby residents or the public as the property is located on the western side of the project in proximity to Oracle Road. Additional commercial is planned behind (to the southeast) the CVS, which will further mitigate these impacts.

An adequate vehicle queuing area is provided and will be screened from view of adjacent properties by landscaping outside the drive-through lane and a 30-foot landscaped buffer yard along Oracle Road with low walls to screen headlights. Further, the drive-through lane is located on the side of the building, further reducing visual impacts of the drive-through.

2. *Hazard to persons and property from possible explosion, contamination, fire or flood;*

The project must meet all Building Safety requirements for commercial occupancy. Hazardous materials are not anticipated with the proposed drive-through area.

3. *Hazard occasioned by unusual volume or character of traffic.*

The traffic circulation and vehicle queuing design for the drive-through were reviewed by Engineering staff as part of the Conceptual Site Plan process and have been determined to be safe and functional. The access and drive-through configuration have been coordinated with the CVS Pharmacy drive-through immediately adjacent to the north. The drive-through provides sufficient vehicle queuing for normal operations.

B. *That the characteristics of the use proposed in such use permit are reasonably compatible with types of uses permitted in the surrounding area.*

The proposed pharmacy drive-through is compatible with the commercial center, which includes a mix of retail, restaurant, and office uses, and does not significantly impact nearby residences. The commercial center is buffered from residential uses to the east. The nearest residence is approximately 800' feet to the east with intervening buildings between the proposed Paradise Bakery and residential development to the east.

A condition has been added (see Attachment 1) to require that the drive-through design conform to the design shown on the Conceptual Site Plan (see Attachment 3) and in the applicant's narrative (see Attachment 2).

Access (Section 25.1.G.1.c)

The Zoning Code provides the following requirements relative to access:

- i. No convenience use shall have direct vehicular access onto any street which provides a lower level of service than a collector street.*
- ii. All convenience uses shall be accessed through a common driveway serving the center or office park. If traffic safety warrants, one (1) direct access per arterial frontage may be approved by the Town Engineer for an individual convenience use.*
- iii. All convenience uses shall provide access points to the internal circulation driveways and parking areas of the center unless otherwise approved by the Town Council.*

The project is in conformance with all access standards.

PUBLIC NOTIFICATION AND COMMENT:

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

- Notification of residents within 600 feet
- Posting at Town Hall
- All registered HOAs

No correspondence has been received regarding the proposal.

A neighborhood meeting was held on November 14. One resident attended the meeting who had questions regarding the overall PAD proposal rather than specific questions or concerns regarding the proposed CUP.

CONCLUSION/RECOMMENDATION:

The proposed CUP meets all applicable Zoning Code requirements. The restaurant drive-through will have minimal impacts to the commercial center and the adjacent residential area to the east.

Staff recommends approval of the CUP, subject to the condition in Attachment 1.

SUGGESTED MOTIONS:

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

I move to recommend approval of the CUP for the Paradise Bakery drive-through at San Dorado, subject to the condition in Attachment 1, finding that the proposed CUP meets all applicable Zoning Code requirements.

OR

I move to recommend denial of the CUP for the Paradise Bakery drive-through at San Dorado finding that the proposed CUP does not meet all applicable Zoning Code requirements, specifically _____.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION REPORT

Page 4 of 4

Attachments:

1. Condition of Approval
2. Applicant Narrative
3. Conceptual Site Plan
4. Conceptual Architecture

cc: Brad Anderson, banderson@kitchell.com

S:\PERMPLUS\DOCS\OV812-003\P_ PZC staff report Paradise Bakery 010813.doc

**Conditional Use Permit
PROJECT NARRATIVE**

NEC Oracle Road & Rooney Wash

NAME: Paradise Bakery

LOCATION:

The property is part of the San Dorado development generally located at the northeast corner of Oracle Road and Rooney Wash. See aerial map at **Tab 1**. The proposed Paradise Bakery restaurant with drive-thru is approximately 6,854 sf. It is part of the overall commercial shopping center and is designated as "Shops B" as shown in the site plan approved by the Conceptual Design Review Board (CDRB) on October 9, 2012 (see **Tab 2**). The parcel is currently identified as APN 200-09-002A. A future lot split may assign a new APN for the Shops B property.

EXISTING ZONING:

The overall parcel is zoned Oro Valley Town Centre Planned Area Development ("PAD") and is designated as commercial, Area 1 in the PAD. See the attached zoning map at **Tab 3**. The PAD permits Convenience Uses, which is defined as "any use with a drive-in or drive-through" subject to certain conditions:

A Maximum of 4 Convenience Uses located in Areas 1.

Response: There are only 2 proposed at this time and this is the second of the 2.

A Maximum of 1 Convenience Uses may be freestanding food with a drive-in/drive-through that stays open past 9:00 p.m. in Area I.

Response: Paradise Bakery's drive-in will not be open past 9:00 p.m. so this Convenience Use is not subject to this condition.

Per the PAD, this Conditional Use Permit ("CUP") is subject to all requirements in the Oro Valley Zoning Code Section 25.1.G, except for the following:

- Location Requirements
- Number of Convenience Uses
- Timing of Development

See PAD, Page BB-8, Section 10.

PURPOSE OF THIS REQUEST:

The purpose of this request is to obtain a CUP to allow a drive through as an accessory use to the proposed restaurant in compliance with the PAD requirements.

EXISTING AND PROPOSED LAND USE:

The property is currently vacant land planned as part of a larger commercial shopping center known as the Oro Valley Town Centre. On October 9, 2012, the CDRB approved the conceptual site plan for

the shopping center which included the proposed restaurant use. The proposed restaurant is consistent with the planned commercial uses in the proposed shopping center. See site plan at **Tab 2** for square footage of building and location within the overall shopping center.

ADJACENT ZONING AND USES:

The surrounding commercial shopping center is zoned PAD - Commercial. West of Oracle Road is other property zoned PAD-Commercial. Further to east, beyond the planned shopping center are single family and multi-family residential uses.

USE PERMIT STANDARD (SECTION 22.5):

Section 22.5 of the Oro Valley Zoning Code lists the following criteria for evaluating a use permit request:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
 - b. Hazard to persons and property from possible explosion, contamination, fire or flood;
 - c. Hazard occasioned by unusual volume or character of traffic.
2. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.

In addition, Section 25.1.G provide specific criteria for convenience uses. Pursuant to the PAD, only section 25.1.G.c applies related to access, which states:

- No convenience use shall have direct vehicular access onto any street which provides a lower level of service than a collector street;
- All convenience uses shall be accessed through a common driveway serving the center or office park. If traffic safety warrants, one direct access per arterial frontage may be approved by the Town Engineer for an individual convenience use.
- All convenience uses shall provide access points to the internal circulation driveways and parking areas of the center unless otherwise approved by the Town Council.

No Adverse Impact

The proposed drive through will not have any materially detrimental impacts on adjacent properties or the planned shopping center. In fact, the use will be a great addition and immediate amenity to the neighborhood and surrounding area. The Property's underlying zoning, its location along an arterial street, and its proposed use is very compatible with the surrounding commercial properties.

An additional benefit is the restaurant building buffers the drive through from the roadway and directs exiting traffic into the shopping center in order to enhance the streetscape view. The parking lot and proposed buildings will buffer any noise and activity that occur within the drive through area. Further, the use fronts one of the busier streets in the Town of Oro Valley and it is expected that street-generated noise will be greater than noise generated by the drive through.

Compatibility

The request is compatible with the surrounding uses. It is internally located within the planned shopping center and the drive through will have no negative impact on the surrounding area. The drive through was cohesively planned with the overall shopping center so that it circulates well with on-site circulation. The drive through is proposed at the northern side of the building to improve the visual appearance of the building and streetscape. The drive through exits onto an internal drive of the shopping center rather than the street in order to maintain a superior street view of the building, landscaping, and entry monument signage.

Access

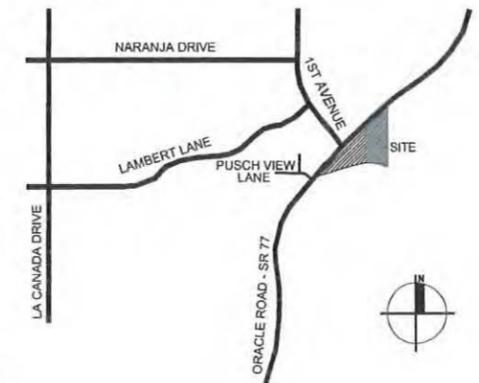
The drive through access points are well integrated within the overall shopping center and not onto the adjacent streets. The access points take advantage of the internal circulation within the shopping center. The overall access points for the shopping center have been determined and approved during the CDRB conceptual site plan process. This convenience use provides integrated access within the shopping center and to the internal circulation system and parking lots appropriately and in compliance with the CDRB approved conceptual site plan.

Aerial Photograph





Vicinity Map



SITE DATA - COMMERCIAL

SITE AREA, NET :	526,158 s.f. (12.03 Ac.)
TOTAL BUILDING AREA:	66,880 s.f.
F.A.R.:	.13 (.16 WITH G4H AS 2 STORY)
PARKING PROVIDED:	386 Spaces
PARKING RATIO:	5.1/1000

SITE DATA - RESIDENTIAL

Site Area, Net :	685,291 s.f. (15.13 Ac.)
Total Building Area:	374,917 s.f.
Multi-family Units:	274 2-Story & 3-Story Units
Total Building Footprint:	128,050 s.f.
% Coverage:	18.68%
Density:	18 du/Ac.
Parking Provided:	538 Spaces
Parking Ratio:	1.95 ps/du



Mark Taylor

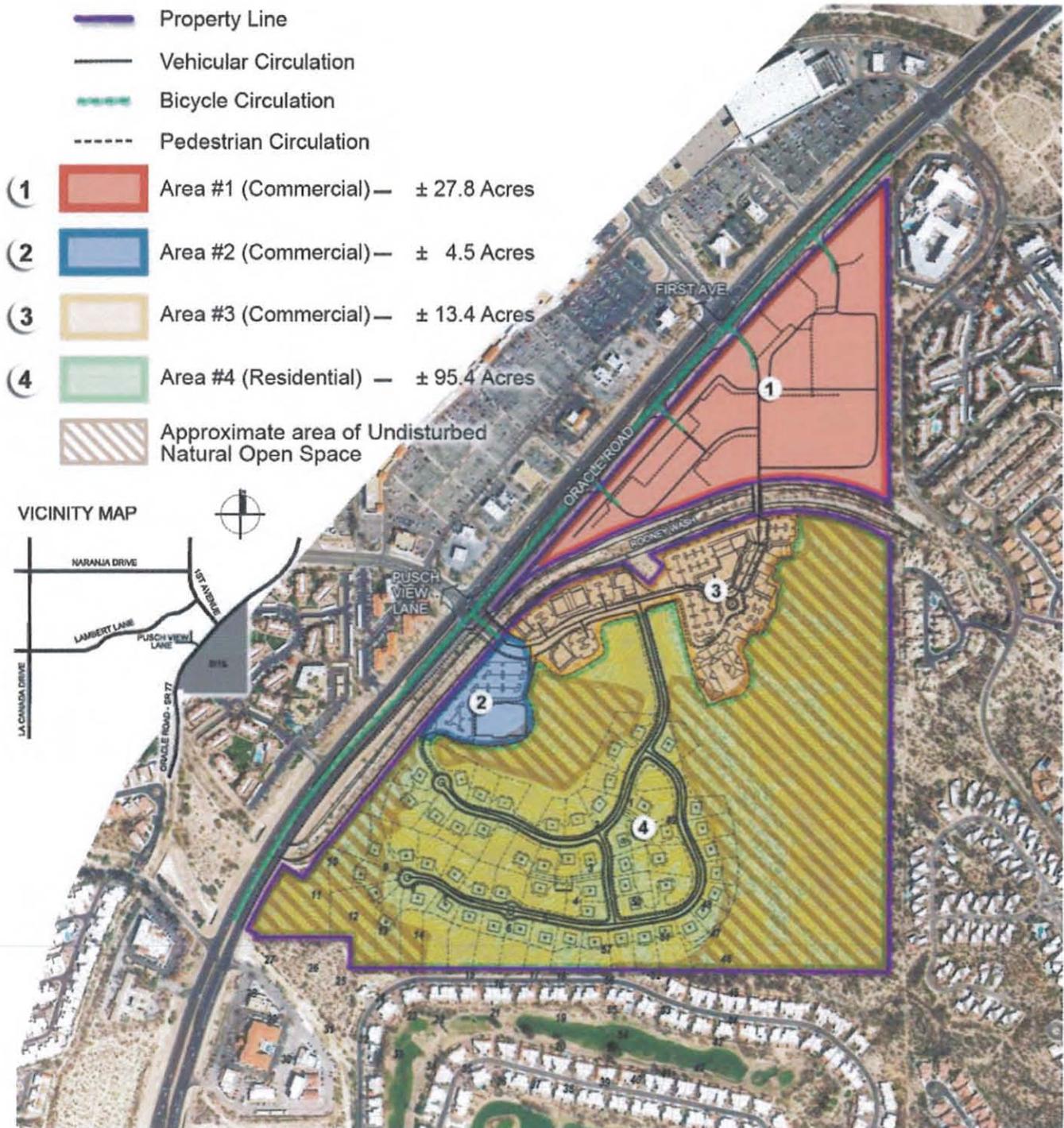
San Dorado
 First Avenue & Oracle Road
 Town of Oro Valley, Arizona



Butler Design Group, Inc.
 architects & planners

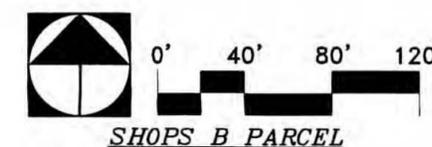
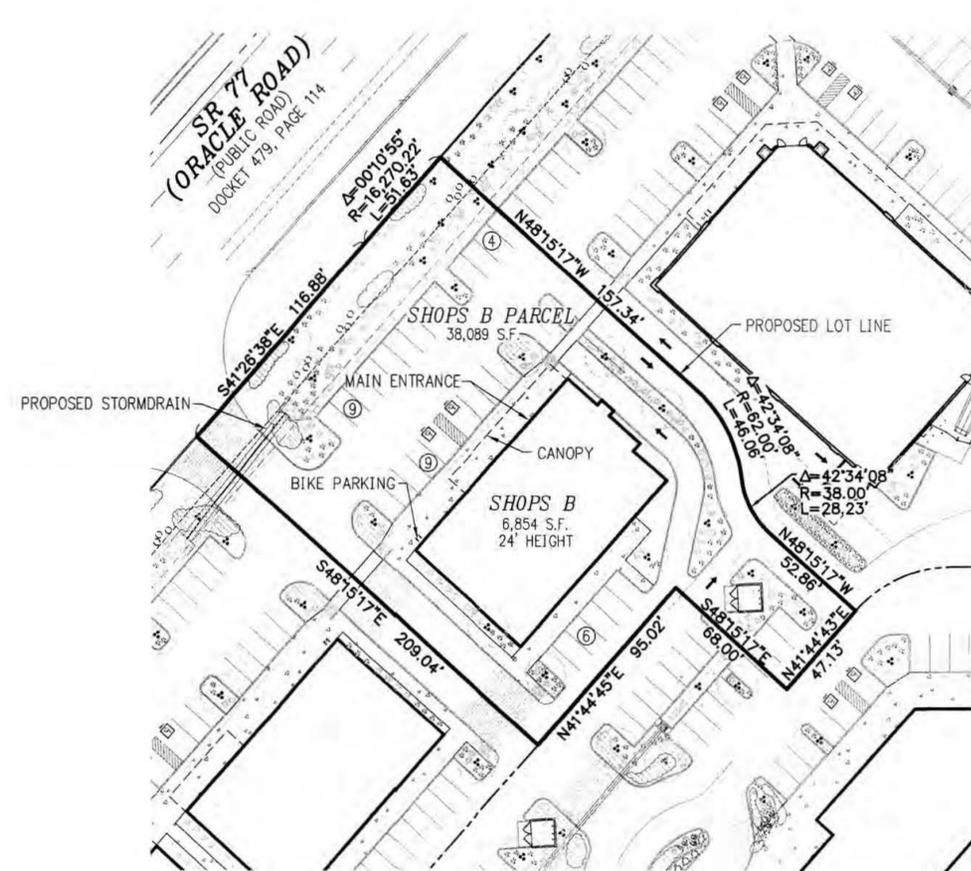
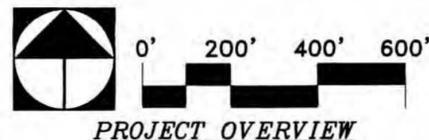
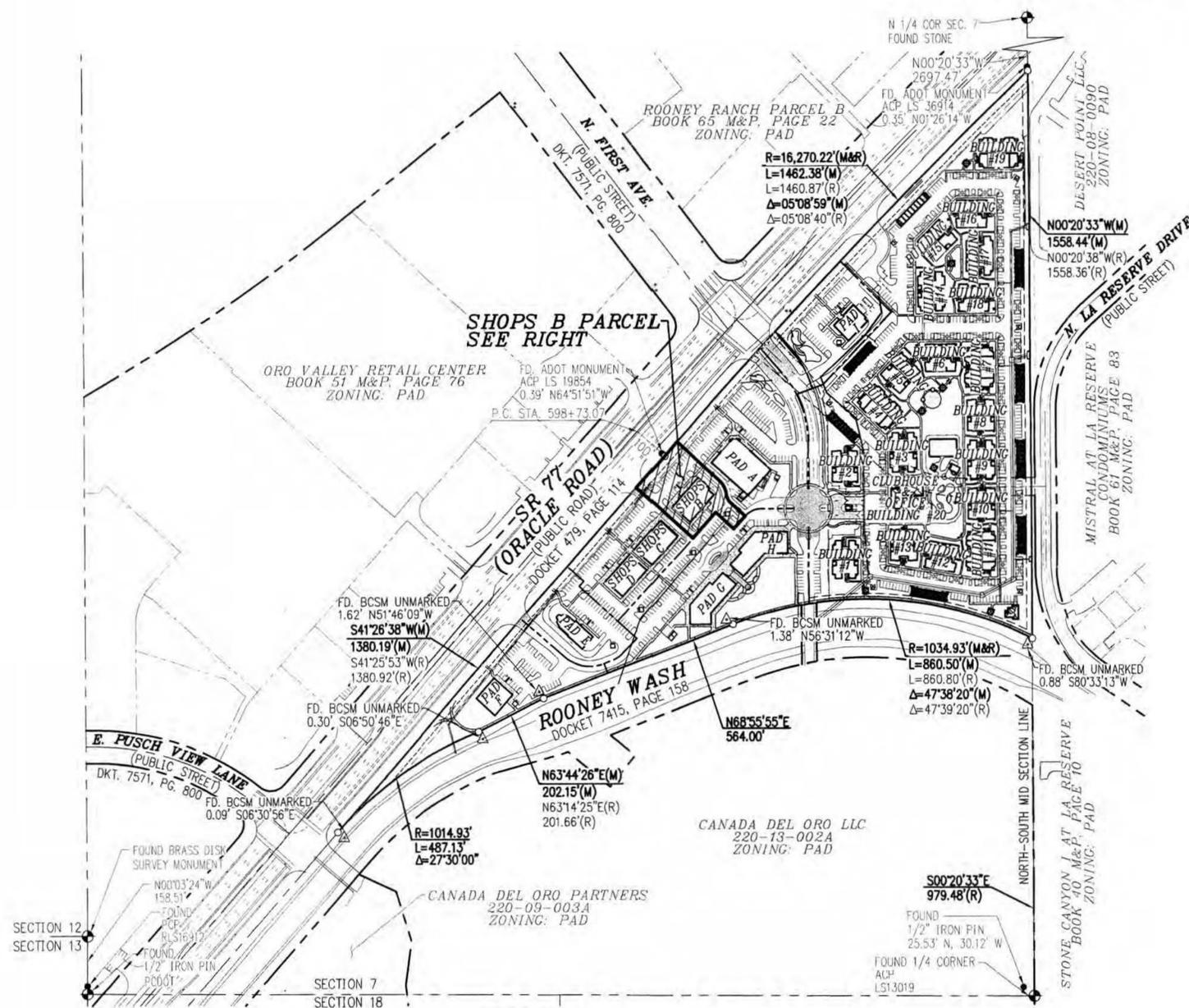
08.20.12
 4152 - ST55

Note: The circulation patterns shown are conceptual, and may ultimately be different from that which is shown depending on the final configuration of the site



Tentative Development Plan (TDP)

CONDITIONAL USE PERMIT EXHIBIT SAN DORADO SHOPS B PARCEL



CONDITIONAL USE PERMIT EXHIBIT
FOR
**SAN DORADO
SHOPS B PARCEL**

BEING A PORTION OF SECTION 7
TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M.
TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

OCTOBER 2012
WLB NO. 181057-R-012/0105
CONTOUR INTERVAL: 1' SCALE: 1"=40'

SHEET 1 OF 1

CONDITIONAL USE PERMIT EXHIBIT: SAN DORADO