

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR/STUDY SESSION
December 2, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chairman Cox called the December 2, 2014 session of the Oro Valley Planning and Zoning Commission Special Session to order at 6:00 PM.

ROLL CALL

PRESENT:

Don Cox, Chairman
John Buette, Vice-Chairman
Greg Hitt, Commissioner
Bill Rodman, Commissioner
Bill Leedy, Commissioner
Frank Pitts, Commissioner
Tom Drazazgowski, Commissioner

ALSO PRESENT:

Joe Hornat, Council Member
Council Liaison Lou Waters, Vice - Mayor
Bayer Vella, Interim Planning Manager
Joe Andrews, Chief Civil Deputy Attorney
David Laws, Permit Division Manager
Chuck King, Inspection Division Manager

PLEDGE OF ALLEGIANCE

Chairman Cox led the Planning and Zoning Commission members and audience in the Pledge of Allegiance.

CALL TO AUDIENCE

There were no speaker requests.

COUNCIL LIAISON COMMENTS

Council Member Hornat expressed a thanks to Chairman Cox and Vice-Chair Buette's for time served on the Planning and Zoning Commission.

REGULAR AGENDA

- 1. PUBLIC HEARING: PROPOSED REZONING OF AN APPROXIMATELY 149-ACRE PROPERTY (KNOWN AS KAI-NORTH) FROM R1-144 (LARGE LOT RESIDENTIAL) TO C-1 (COMMERCIAL) AND R1-7 (MEDIUM DENSITY RESIDENTIAL) WITH LOTS RANGING FROM 5,520 SQUARE FOOT LOTS TO 7,200 SQUARE FOOT LOTS, LOCATED AT THE SOUTHEAST CORNER OF TANGERINE ROAD AND FIRST AVENUE, OV914-002**

Michael Speath, Senior Planner, presented the following:

- Request
- Location Map
- Tentative Development Plan
- Review Criteria
- General Plan Goals & Policies
- Special Area Policies
- Zoning Map
- Environmentally Sensitive Lands
- Conservation Subdivision Design
- ESL Flexible Design Options
- Public Participation
- Neighborhood Meetings Concerns
- Summary/Recommendation

6:15 PM Commissioner Drazowski arrived

Paul Oland, WLB Group, representing the applicant, presented the following:

- Proposed Neighborhood
- Future Commercial per General Plan
- Tentative Development Plan
- Viewshed Key Map
- Preservation Plan
- Flat Roof vs. Pitched Roof
- First Avenue Cross Section
- General Plan Special Area Policy Items
- Master Plan
- Neighborhood Density Study

Chairman Cox opened the public hearing.

Tom Kruse, Oro Valley resident, questioned whether the commercial rezoning would create an increased need for sewer and/or water capacity.

Robert Cain, Oro Valley resident, questioned the following on attachment 7; what does the acronym ESLO stands for, and requested the definition of distinct vegetation and native plants. Mr. Cain went on to question the lack of access onto Palisades and if this was a done deal; and why use Meritage as the developer?

Alan Dankwerth, Oro Valley resident, expressed thanks to the applicant for all the meetings and went on to express his concern with the safety issue on Palisades Road. Mr. Dankwerth went on to voice the issues of speeders and the narrowness of the lip on Palisades as a safety issue. Mr. Danwerth proposed that the Town continue the pedestrian path all the way down the entire length of Palisades.

Doug Mckee, Oro Valley resident, complimented staff and the applicant on how this proposal has been handled. Mr. McKee went on to express his concern with the safety on Palisades with no sidewalks and requested neighborhood involvement in the design of the multi-use path. In summary, he supports the applicant's request for the rezoning conditioned upon neighborhood participation in the design of the multi-use path and Town funding to extend the multi-use path the entire length of Palisades.

Helen Dankworth, Oro Valley resident, complimented the applicant on the work that has been done with the neighbors. Ms. Dankwork went on to state that she is in support of the development and urges Town Council to widen Palisades for safety issues.

Patty Estes, Oro Valley resident, complemented WLB and the developer on the project. Ms. Estes went onto state that her neighborhood is bearing the brunt of the impact of this development and does not see First Avenue as a buffer zone. Ms. Estes agrees with a lot of the conditions placed on this project, but does not agree with the building heights being proposed. WLB had a very nice drawing of the setbacks, but what she didn't see was where the sound walls and backyard walls would go.

Sanford Seltzer, Oro Valley resident, requested a more concise description of the difference between medium level density and low level density. Mr. Seltzer went on to ask if there were any specific regulations regarding what constitutes an allowable commercial.

John Amato, Oro Valley resident, asked what the height limitations on commercial properties are and what type of commercial buildings would be built on this property. Mr. Amato agreed with the previous speakers regarding the safety issues on Palisades.

Amy Eiscenbery, Oro Valley resident, expressed her concern with illegal garbage dumping on the opposite side of Palisades Road and went on to ask what the plans for this property were. Ms. Eisenbery continued asking if there will be planting of native trees and plants and asked for more details about the business going in this site.

Chairman Cox closed the public hearing.

Bayer Vella, Interim Planning Manager, answered Planning related questions.

David Laws, Permitting Manager, responded to the questions in regard to dedication of property for right of ways.

MOTION: A motion was made by Commissioner Leedy and seconded by Commissioner Rodman to recommend approval of the Kai (North) Rezoning from R1-144 to R1-7 and C-1 based on the findings in the staff report and subject to the conditions in Attachment 1 with a modification of the addition pitched roof before the word residential in condition 5e.

MOTION carried, 7-0.

Attachment 1
Conditions of Approval Planning and Zoning Commission
December 2, 2014

Planning Conditions

1. All Kai-Capri Special Area Policies to be included as General Notes on Final Plat (Residential) and Final Site Plan (Commercial).
2. Indicate proposed setbacks for both residential and commercial. Commercial setbacks are as follows:
 - a. Front: 20 feet
 - b. Side: 50 feet or 3:1 (setback to building height ratio), whichever is greater
 - c. Rear: 50 feet or 3:1 (setback to building height ratio), whichever is greater
3. A minimum 15' buffer yard Type "B" is required along the eastern edge of the proposed commercial, per Table 27-7.
4. Homes on lots 5 through 12 are limited to one-story.
5. The following Environmentally Sensitive Lands Flexible Design Options are applicable:
 - a. Building Setback: Building setback reduction to no less than a five (5') foot side setback and no less than a ten (10') foot front setback so long as it doesn't result in an on-lot driveway of less than twenty (20') feet.
 - b. Landscape Buffer Yard: a reduction of no less than ten (10') feet. Not allowed along street frontages and adjacent to any existing and proposed residential.

- c. Minimum lot size: A minimum lot size reduction to 5,500 square feet in accordance with the Conservation Subdivision Design lot reduction incentive.
- d. Off-street parking modification: A modification for future development in accordance with Section 27.7.C.2 (Alternative Parking Ratio) of the Zoning Code.
- e. Building Height: A building height increase from eighteen (18') feet to twenty (20') feet for *pitched roof* residential within 200 feet of North First Avenue, or within 150 feet of Palisades Road or existing development.
- f. Recreation Area Credit: Active and Passive recreation area count towards the overall ESOS requirement.
- g. Native Plant Preservation: the native plant salvage and mitigation requirements of Section 27.6 are waived for all development within development envelopes.

Engineering Comments

1. A multi-use path will be required to be constructed along the project's frontage with Palisades Road. The path is to be constructed during construction of the applicant's project to the south of Palisades Road or with this project, whichever is built first. This will fulfill the requirement for a sidewalk or multi-use path for both projects along the Palisades Road frontage.
2. When the commercial area is developed, appropriate traffic mitigation measures shall be implemented so the project drive located at the Oro Valley Retail Center intersection operates at an acceptable level of service with the addition of the commercial traffic.

Parks and Recreation Conditions

1. All trails to be dedicated "non-vehicular permanent public recreation easements"

Chairman Cox recessed the Planning and Zoning Commission meeting at 7:19 PM.

Chairman Cox resumed the Planning and Zoning Commission meeting at 7:22 PM.

2. **PUBLIC HEARING: A ZONING CODE TEXT AMENDMENT RELATED TO SENIOR CARE USES. THE PROPOSED AMENDMENT INVOLVES MODIFICATIONS TO CHAPTER 31 (DEFINITIONS), TABLE 23-1 (PERMITTED USES) AND SECTION 25.1 (DEVELOPMENT STANDARDS) OF THE ORO VALLEY ZONING CODE REVISED (OVZCR). THE PROPOSAL ALSO INCLUDES AMENDMENT TO REFERENCES THROUGHOUT THE ZONING CODE RELATED TO SENIOR CARE USES, OV714-009**

Chad Daines, Principal Planner, presented the following:

- Reason for Request
- Proposed Solution
- Common senior care elements
- Similarities with multi-family
- Permitted Zoning Districts
- Recreational Area
- Stakeholder Review
- General Plan Policies
- Recommendation

Chairman Cox opened the public hearing.

Don Bristow, Oro Valley resident, expressed his concern with the different in levels of care within the categories. Mr. Bristow went onto comment that with the different of levels, they are still being treated all as one and where these categories are placed is going to be very critical. The presentation showed nothing but pictures of apartments and town houses. Senior care facilities are not necessarily apartments and town houses. The definition of senior care is not well thought out and does not fit the real world of senior care. The impact on the neighborhood and residential area has not been taken into consideration.

Lisa Isreal, Non-Oro Valley resident, commented that she agrees with the previous speaker and expressed concern with the ever changing definitions of healthcare. To lock in the definitions may pose a problems later. The definition of senior care facility and hospital takes away the flexibility of hospitals to provide in-patient hospice and skilled nursing as the market changes. The definitions restrict flexibility for the future.

Chairman Cox closed the public hearing.

MOTION: A motion was made by Commissioner Rodman and seconded by Vice-Chairman Buette to recommend approval of the Zoning Code Amendment in Attachment 1 and 2 related to senior care uses, based on the findings in the staff report with a modification of changing the word “institution” for the word “facility” where ever it may appear.

MOTION carried, 7-0.

3. **PUBLIC HEARING: A ZONING CODE TEXT AMENDMENT TO THE MODIFIED REVIEW PROCESS ENABLED BY THE ENVIRONMENTALLY SENSITIVE LANDS SECTION OF THE ZONING CODE. THE PROPOSED AMENDMENT TO SECTION 27.10.D.3.F.2.ii.h WOULD ALLOW LIMITED CHANGES TO A TENTATIVE DEVELOPMENT PLAN TO BE ADMINISTERED AS PROVIDED IN SECTION 22.3.D.2.b.i THROUGH SECTION 22.3.D.2.b.iii., OV714-011**

Michael Spaeth, Senior Planner, presented the following:

- Modified Review Process
- Conservation Subdivision Design
- Existing Criteria for revised Tentative Development Plan
- Proposed Code Amendment

Chairman Cox opened the public hearing.

Jeff Grobstein, Oro Valley resident, stated he is in favor of this zoning code text amendment.

Paul Oland, Non-Oro Valley resident, commented that the language is of a higher quality standards to be placed into the code that helps clarify issues that have come up in the past. Setbacks are something the Planning Director should have the ability to adjust according to the clustered lot size. Mr. Oland suggested adding the word "perimeter" before the word "setback".

Chairman Cox closed the public hearing.

MOTION: A motion was made by Commissioner Leedy and seconded by Commissioner Drazazgowski to recommend approval of the Zoning Code Amendment in Attachment 1, related to the modified review process, based on the findings in the staff report with a modification of adding the word "perimeter" before the word "setbacks".

**Attachment 1
Proposed Code Language
Planning and Zoning Commission
December 2, 2014**

Section 27.10.F.2.c.iii.h

"Modified Review Process. Site Plans and preliminary plats submitted in SUBSTANTIAL conformance with the approved Tentative Development Plan, as determined by the Planning and Zoning Administrator, may be administratively approved. ANY PROPOSED CHANGES TO A TENTATIVE DEVELOPMENT PLAN MUST BE ADMINISTERED AS SPECIFIED IN SECTION 22.3.D.2.b.i, ii and iii."

i. Any change to the permitted use or uses. Permitted uses shall mean the primary and alternative uses as set forth in the Tentative Development Plan and conditions attached to the approved rezoning.

ii. Any change to the development standards or zoning conditions relating to building heights, PERIMETER setbacks, open space requirements, any reduction in open space, parking, floor area ratios and density.

iii. Any change to the Tentative Development Plan associated with this rezoning which would vary any material terms or conditions of the rezoning, which would modify any proposed density standards, any kinds of street or land improvements proposed affecting the standards and layout for vehicular circulation, signs and nuisance controls intended for the development.

MOTION carried, 7-0.

4. REQUEST FOR PLANNING AND ZONING COMMISSION INITIATION OF A ZONING CODE AMENDMENT RELATED TO THE REVIEW AND APPROVAL PROCESSES ENABLED BY THE ECONOMIC EXPANSION ZONE OVERLAY DISTRICT

Bayer Vella, Interim Planning Manager, presented a brief summary and background of the Economic Expansion Zone (EEZ) Overlay District Code Amendment.

MOTION: A motion was made by Commissioner Rodman and seconded by Vice-Chairman Buette, move to imitate a Zoning Code Amendment to Section 24.9 (Economic Expansion Zone Corridor Overlay District) to improve the EEZ review process and zoning provisions.

MOTION carried, 7-0.

ADJOURNMENT

MOTION: A motion was made by Commissioner Drazazgowski and seconded by Commissioner Leedy to adjourn the Regular Session Planning and Zoning Commission meeting at 8:01 PM.

MOTION carried, 7-0.

STUDY SESSION AT OR AFTER 6:30 PM

CALL TO ORDER

Chairman Cox called the December 2, 2014 Study Session of the Oro Valley Planning and Zoning Commission meeting to order at 8:07 PM.

ROLL CALL

PRESENT: Don Cox, Chairman
John Buette, Vice-Chairman
Greg Hitt, Commissioner
Bill Rodman, Commissioner
Bill Leedy, Commissioner

Frank Pitts, Commissioner
Tom Drazazgowski, Commissioner

STUDY SESSION AGENDA

- 1. DISCUSSION ITEM: PROPOSED REZONING OF A 79.5 ACRE PROPERTY FROM ROONEY RANCH AREA "Z" PLANNED AREA DEVELOPMENT TO NAKOMA SKY (FORMERLY KNOWN AS LA POSADA) PLANNED AREA DEVELOPMENT AND AMEND THE ENVIRONMENTALLY SENSITIVE LANDS MAP AND A MINOR AMENDMENT TO THE GENERAL PLAN SPECIAL AREA POLICY RESTRICTING RESIDENTIAL SUBDIVISION DEVELOPMENT DENSITY. PROPERTY IS LOCATED SOUTHEAST OF THE 1ST AVENUE AND NARANJA DRIVE INTERSECTION, OV914-007 AND OV914-008**

Matt Michels, Senior Planner,

- Required Approvals
- Location
- History
- General Plan Land Use
- I. Minor General Plan Amendment
- II. Proposed Rezoning
- III. Environmentally Sensitive Lands Existing Designations
- IV. Grading Exception
- Public Outreach
- Primary Issues
- Next Steps

Lisa Isreal, President and CEO of La Posada, presented a brief summary and background of the proposed project.

Veron Swaback, Swaback Partners, pllc, representing the applicant, presented the following:

- Brief History as an Architect
- It takes a Village
- Magic in buildings
- Residential
- Communities
- Celebrating Communities
- Opportunities & Constraints
- Village Retail
- Residential Cottages
- Assisted Living and Memory Care
- Residential Village
- Mountain Village

- Community Park
- Main Building
- Intimate Spaces vs Grand
- Vistas Focal Points

Rob Longacre, WLB Group, representing the applicant, responded to the questions and comments from Planning and Zonings Commission.

James Kai, owner of adjacent property, responded to a question from the Commission regarding the Nakoma Sky north entrance.

Judy Schumann, Oro Valley resident, commented that she is favor of the proposed and impressed by the applicant.

Joan Condit, Chief Operating Officer, responded to a question from the Commission regarding the time frame of breaking ground.

PLANNING UPDATE (INFORMTIONAL ONLY)

Bayer Vella, Interim Planning Manager, presented the following:

- Announcement of final meeting for Chairman Cox and Vice-Chair Buette
- Upcoming Town Council December 3rd meeting
- Upcoming Special Town Council December 10th meeting
- Upcoming Planning and Zoning Commission January 6th meeting
- Upcoming Neighborhood meetings

FUTURE AGENDA ITEMS

ADJOURNMENT

MOTION: A motion was made by Commissioner Rodman and seconded by Commissioner Leedy to adjourn the Planning and Zoning Study Session at 9:11 PM.

MOTION carried, 7-0.

Prepared by:

Roseanne Flores
Recording Secretary

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session of the Planning and Zoning Commission of Oro Valley, Arizona held on the 2nd day of December 2014. I further certify that the meeting was duly called and held and that a quorum was present.