



Rezoning Planning and Zoning Commission Staff Report

CASE NUMBER: OV914-002 Kai North
MEETING DATE: December 2, 2014
AGENDA ITEM: 1
STAFF CONTACT: Michael Spaeth, Senior Planner
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Applicant: The WLB Group Inc., Paul Oland
Request: Rezoning from R1-144 to R1-7 and C-1 for approximately 149 acres.
Location: Southeast corner of Tangerine Road and First Avenue
Recommendation: Approve with the conditions in Attachment 1.

SUMMARY:

The applicant proposes a rezoning from R1-144 to R1-7 and C-1 for an approximately 149-acre property located on the southeast corner of Tangerine Road and First Avenue, known as Kai-North. The Tentative Development Plan, included in Attachment 2, proposes

- 211 residential homes ranging in size from 5,520 sq.ft. to 7,200 sq.ft.
- A mix of neighborhood commercial scale retail buildings and professional offices on approximately 29 acres concentrated toward the major intersection of Tangerine Road and First Avenue.
- Preserves much of the eastern and southern boundaries as open space buffers between the subject property and abutting residential development to the east (Catalina Shadows subdivision).
- Pedestrian and equestrian trails are proposed traversing the site from north to south connecting the open space north of the subject property with the trails provided on the property south of Palisades Road providing access to the Canyon del Oro wash.
- A multi-use path will be constructed on the north side of Palisades Road improving pedestrian facilities within the area.

The history of the property is lengthy and the public participation process for the subject has been extensive. Over time, numerous public meetings have been held concerning other proposed projects for the subject property. Three neighborhood meetings (1 formal and 2 open

house/workshops) were held for this most recent application. The applicant has held numerous informal meetings with neighborhood residents to specifically address their comments and concerns. The primary topics discussed during the neighborhood meetings included:

- Neighborhood buffers
- Trail access
- Neighborhood traffic
- Building height
- Scenic Corridor preservation
- View Shed preservation
- Environmental Impacts (Drainage, Water Availability)
- School capacity
- Arrangement of lots
- Open Space
- Building setbacks

The subject property lies within an area known as Kai-Capri and has Special Area Policies (see Attachment 3) that were established in the General Plan to further define the type and character of development in the area. The applicant's proposal has been reviewed for conformance with these Special Area Policies and the General Plan Vision, Goals and Policies and has been deemed consistent.

BACKGROUND:

Approvals to Date

- The subject property was annexed into the Town in 1994 with a translational zoning of R1-144.
- Special Area Policies were established for the subject property as part of the 2005 General Plan update, known as the Kai-Capri Special Area Policies
- A General Plan Amendment was proposed in 2008 to amend the Neighborhood Commercial/Office designation to Master Planned Community (MPC). The Amendment was ultimately withdrawn by the applicant.
- Several other applications have been submitted for the subject property over the years and have been withdrawn.

Land Use Context

The Existing Land Use, General Plan and Zoning for the property and the surrounding area is summarized below and depicted in Attachments 4 and 5.

	EXISTING LAND USE	GENERAL PLAN	ZONING
SUBJECT PROPERTY	Vacant	Master Planned Community; Neighborhood Commercial/Office	Single-Family Residential (R1-144)
NORTH	Open Space; Tangerine Road	Open Space; Neighborhood Commercial/Office (across Tangerine Road)	Single-Family Residential (R1-144); Rancho Vistoso PAD
SOUTH	Palisades Splits Single-family development; North Valley Baptist Church of Oro Valley; vacant land	Master Planned Community; Public/Semi-public; Low Density Residential 1 (0.4 – 1.2 du/ac)	Single-family Residential (R1-36); Single-family Residential (R1-72); Single-family Residential (R1-144)
EAST	Catalina Shadows Estates Single-family Subdivision	Medium Density (2.1 – 5.0 du/ac)	Catalina Shadows PAD Single-family Residential (Avg. Lot Size: 6000 sq.ft.)
WEST	Oro Valley Retail Center; Tangerine Hills Subdivision	Neighborhood Commercial/Office; Low Density Residential 1 (0.4 – 1.2 du/ac)	Regional Commercial (C-2); Single-family Residential (R1-36)

DISCUSSION / ANALYSIS:

Rezoning Analysis

Rezoning applications are reviewed for conformance with General Plan, including the Land Use Map, applicable Special Area Policies, and the Vision, Goals and Policies, and the Town of Oro Valley Zoning Code.

General Plan Conformance Analysis

The subject properties are designated as Master Planned Community and Neighborhood Commercial/Office on the General Plan Future Land Use Map.

The Master Planned Community General Plan land use designation is defined as:

“Areas where large multi-use developments should be planned and developed in a comprehensive manner.”

The applicant’s proposal represents a “multi-use” development incorporating both residential and commercial components. Both aspects of the proposed development are being planned simultaneously and in a comprehensive manner. The proposed development incorporates

ample separation and buffering to ensure the two uses are developed with minimal impacts, both internally and externally.

The Neighborhood Commercial/Office General Plan land use designation is defined as:

“Commercial and office areas located with good arterial access (i.e. at the intersections of arterial roadways...) that are close to residential areas...”

The proposal incorporates an area approximately 29 acres in size as commercial and is located nearest the arterial intersection of First Avenue and Tangerine Road. The applicant’s proposal anticipates both retail and professional offices.

Special Area Policies

General Plan Special Area Policies were adopted to further define the type and character of future development for area. A condition of approval has been included in Attachment 1 requiring all Kai-Capri Special Area Policies to be listed as General Notes on the subsequent Final Plat (Residential) and Final Site Plan (Commercial). The Special Area Policies (included as Attachment 3) are listed below in italics and followed by staff comment.

General

- 1. Transfers of residential densities are permitted and encouraged in the area. Primary receiving areas are: (1) the graded area in the north central portion of the site; and (2) areas adjacent to Rooney Ranch no more than 660 feet north of the south boundary and no farther east than the east edge of Palisades splits. Units should be transferred off the following areas: (1) SRAs, (2) areas along North First Avenue (especially the area between the road and the Palisades Splits parcels), and (3) the area southeast and visible from Palisades Splits parcels.*
- 2. Transfers of densities from SRAs that are not riparian areas (including 50-foot buffers), floodplains, or 25 percent slopes may be calculated at up to 1.0 units per acre. Transfers of densities off the other SRA, or building within any SRA, should be at no more than 0.4 units per acre.*

Staff Comment: The applicant’s proposal does not include any requests for transfer of residential densities and is therefore consistent with this Special Area Policy. Furthermore, the proposal meets all Environmentally Sensitive Lands provisions of the Zoning Code.

- 3. Primitive trails, with public access easements, shall be provided unless otherwise prohibited by law. These will be within the existing wash areas, will connect to the open space area adjacent to the north boundary of the site, and will provide a connection from the Palisades Split Area southeasterly to the wash.*

Staff Comment: The applicant’s proposal includes pedestrian/equestrian trails traversing the site from north to south connecting to the open space north of the property to the property south of Palisades Road providing a connection to the Canyon del Oro was. The applicant has

worked extensively with adjoining properties to position the trails appropriately. A condition has been added to Attachment 1 stipulating these trails will be required to be dedicated as “non-vehicular public recreation easements”.

- 4. Any change to the General Plan that would allow more than 1.0 units per acre, over all, on the residential area on the property shall be treated as a major amendment. As currently mapped, the maximum number of residential units on the Kai-Capri Property is 255; and up to 10 are allowed on the Steam Pump Ranch Estates property. Any change of the commercial area to residential uses shall be treated as a major amendment.*

Staff Comment: The applicant’s proposal is for 211 detached single-family homes. The property south of Palisades Road has tentatively proposed 44 detached single-family homes. The overall number of proposed residential units is 255. The overall density for the Kai-Capri area is 1.0 unit per acre and is therefore consistent with this Special Area Policy.

- 5. The Oro Valley Zoning Code Revised will apply.*

Staff Comment: The applicant’s proposal is consistent with the zoning code requirements for rezoning applications. All subsequent submittals, including site plan and architecture, must similarly be consistent with not only all Zoning Code requirements, but also the development standards establish by the Special Area Policies.

Neighborhood Commercial/Office (NCO)

- 1. Must be developed for commercial and office uses as part of an overall master plan that includes planning for the MPC property to the south.*

Staff Comment: The applicant’s proposal is consistent with this Special Area Policy as follows:

- Variety of neighborhood commercial scale retail buildings and professional offices.
 - Both the Neighborhood Commercial/Office and the Master Planned Community are being planned simultaneously to ensure a comprehensive approach.
 - A common access has been provided to serve both the commercial and residential component, ample separation has been provided between the commercial and neighboring residential and buffering has been incorporated to minimize the potential for any adverse impacts.
- 2. Any building within 200 feet of North First Avenue shall not be higher than 25 feet as measured from the finished grade of North First Avenue, unless the applicant demonstrates by a view shed analysis that a greater building height will not interfere with views of the Catalinas.*

Staff Comment: The applicant has stated a developer has not been identified for the proposed development and does not yet have information on proposed building heights. A condition has been added in Attachment 1 requiring the Special Area Policies to be listed as General Notes

on the subsequent Final Plat(s) (Residential) and Final Site Plan(s) (Commercial), requiring development within those areas to be in conformance with this Special Area Policy.

3. *A minimum of 40% of the North First Avenue frontage to a depth of 300 feet must be maintained as a view corridor and not used for building purposes.*

Staff Comment: The Tentative Development Plan proposes three retail buildings within 300 feet of the North First Avenue frontage. The three retail buildings represent approximately thirty-eight (38%) percent of the North First Avenue frontage. The preservation of approximately sixty-two (62%) percent of the North First Avenue frontage as view corridor meets this Special Area Policy.

4. *The commercial areas shall not extend, on North First Avenue, to the south of the Evergreen (Walgreen's) development.*

Staff Comment: The proposed commercial area is oriented north of the internal drive aligned directly across First Avenue from the southern drive of the Evergreen (Walgreen's) development. The commercial is concentrated near the intersection of two major thoroughfares and meets this Special Area Policy.

Master Planned Community

1. *Must be developed for residential uses as part of an overall master plan that includes planning for the NC/O property to the north.*

Staff Comment: The application proposes 211 detached single-family residential units for the Master Planned Community designated area within the subject property. The Master Planned Community is being planned concurrently with the Neighborhood Commercial/Office designated area and is therefore consistent with this Special Area Policy.

2. *No building within 200 feet of North First Avenue, or within 150 feet of Palisades Road or existing development shall be higher than 18 feet, unless the applicant demonstrates by a view shed analysis that a greater building height will not interfere with views of the Catalinas.*

Staff Comment: The applicant has requested a building height increase (up to twenty (20') feet) as a flexible design option enabled by the Environmentally Sensitive Lands section of the Zoning Code. The required view shed analysis as required by this Special Area Policy has been provided in Attachment 6. It depicts proposed buildings that will not interfere with views of the Catalinas and do not obstruct view corridors. The applicant's request meets this Special Area Policy.

3. *There shall be no development in the 100-year floodplain, riparian areas or on any slopes of 25% or more, excluding roadway and utilities.*

Staff Comment: The proposal is consistent with this Special Area Policy as follows:

- Proposed a development footprint that avoids all area within the 100-year floodplain, all riparian areas and all areas with slopes 25% or greater.
- Only development proposed for any of these areas is roadway and utility placement which is permitted by this Special Area Policy.
- Towns Environmentally Sensitive Lands requirements further restrict the amount of disturbance in areas designated as Critical Resource Areas to only development necessary for roadway and utility placement.

4. *The only housing type permitted is single-family detached residence.*

Staff Comment: The applicant's proposal is for 211 detached single-family homes. The applicant has not proposed alternative housing types and is therefore consistent with this Special Area Policy.

5. *Mass grading for residential uses is allowed only in disturbed areas. Any mass grading shall require the approval of the Planning and Zoning Administrator.*

Staff Comment: All proposed grading will be required to preserve the non-disturbed areas within the subject property. The ESL requirements require building envelopes to be delineated on conceptual site plans on all lots adjacent to Environmentally Sensitive Open Space (ESOS), further limiting disturbance to the demarcated development envelopes. The applicant's proposal meets this Special Area Policy.

6. *No buildings shall be constructed within 100 feet of the east property line adjacent to existing residential areas.*

Staff comment: The proposed Tentative Development Plan has provided a substantial buffer along the eastern portion of the property with a minimum setback from existing residential of approximately 225 feet. The applicant's proposal meets this Special Area Policy.

General Plan Analysis

Rezoning applications are also evaluated for consistency with the Vision, Goals and Policies of the General Plan. The following section provides analysis relative to the consistency of the rezoning request with the General Plan Vision and key General Plan Goals and Policies. Excerpts from the General Plan are shown in italics, followed by staff comment.

General Plan Vision

To be a well planned community that uses its resources to balance the needs of today against the potential impacts to future generations. Oro Valley's lifestyle is defined by the highest standard of environmental integrity, education, infrastructure, services, and public safety. It is a community of people working together to create the Town's future with a government that is responsive to residents and ensures the long-term financial stability of the Town.

The applicant's proposal is consistent with the environmental requirements of the Special Area Policies and the Environmentally Sensitive Lands requirements of the Zoning Code. The applicant has held numerous meetings with neighborhood residents and instituted changes to respond to concerns from the neighborhood, demonstrating the applicant's responsiveness to residents. The proposed rezoning is consistent with the General Plan Vision.

General Plan Goals and Policies.

Policy 1.1.1 *The Town shall promote clustering of development to protect environmentally sensitive areas and to preserve significant, passive use, natural open space within residential neighborhoods.*

The applicant's Tentative Development Plan proposes to preserve approximately fifty-nine (59%) percent of the property's natural open space. The Special Area Policies further restricts proposed development away from environmentally sensitive areas, including 100-year floodplain and slopes greater than twenty-five (25%) percent. The applicant's proposal meets this General Plan Policy.

Policy 1.1.4 *The Town shall commit to preserve, protect, and enhance the visual qualities of Oro Valley and surrounding visually significant areas, such as ridgelines.*

The applicant's request meets the Special Area Policies specific to building height and the preservation of street frontage setbacks. The natural topography of the site, in addition to the Special Area Policies, ensures the proposed Tentative Development Plan will have reduced impact on offsite view sheds and view corridors throughout the area. The applicant's proposal is consistent with this General Plan Policy.

Policy 8.2.1 *The Town shall provide appropriate pedestrian, equestrian, and bicycle linkages between various elements of the open space system and between these elements and other community facilities.*

The applicant has worked extensively with neighboring residents on several pedestrian and equestrian opportunities. The proposed Tentative Development Plan is consistent with this Policy as follows:

- The applicant has agreed to construct a multi-use path along the northern portion of Palisades Road, improving pedestrian connectivity within the region.
- The Tentative Development Plan has preserved the extensive network of equestrian trails traversing the subject property.
- The applicant has coordinated the preservation of the equestrian trails on this project and the property immediately south to ensure unobstructed access to the Canada del Oro Wash to the south.

Policy 11.1.8 *The Town shall use natural open space preservation as one criterion in considering land use rezoning proposals. Developments shall utilize natural open space to comply with requirements for landscaped areas and buffer areas.*

The applicant's proposal meets this policy as follows:

- The applicant's proposal conserves approximately fifty-seven (57%) percent of the site as Environmentally Sensitive Open Space.
- The Tentative Development Plan incorporates a significant neighborhood buffer along the eastern and southern portions of the site.
- The Special Area Policies require significant vegetation preservation as landscape buffers along First Avenue.

Zoning Analysis

Rezoning applications are also reviewed for conformance with the Town of Oro Valley Zoning Code and the specific development standards of the proposed zoning districts. The applicant is proposing to rezone the subject property to R1-7 and C-1. A discussion of the applications conformance with the two proposed zoning districts is provided below.

The Commercial (C-1) zoning district is intended to allow for large scale office complexes and medium sized retail centers, located on major arterial roads. Through buffering and other mitigation measures, C-1 centers must be compatible with adjoining residential neighborhoods.

The Residential (R1-7) zoning district is intended to allow for medium high-density detached single-family residential development.

The proposed Tentative Development Plan conforms to the development standards of the R1-7 and C-1 Zoning Districts. Subsequent submittals, including all conceptual site plans and conceptual architecture, will be required to be consistent with the requirements of the Zoning Code. The following development standards are notable for this proposal:

Building Heights: Building heights are limited to twenty-five (25') feet or two stories. The Special Area Policies (see Attachment 3) further restrict building heights along First Avenue, Palisades Road and within 150' of existing development. The applicant has agreed to limit homes on lots 5 through 12 along Palisades Road to one-story. A condition has been added in Attachment 1 to limit the homes on these lots. All additional proposed buildings will be required to meet this development standard to be in conformance with the Special Area Policies specific to building height.

Neighborhood Compatibility: The applicant's proposal has addressed neighborhood compatibility as follows:

- The proposed R1-7 and C-1 zoning districts are in compliance with the Master Planned Community and Neighborhood Commercial/Office designation on the General Plan Map, respectively.
- The commercial development is proposed nearest the major intersection of Tangerine Road and First Avenue and situated away from the lower intensity residential to the south and east.

- The proposed residential is located between the proposed commercial and existing residential areas and would serve as an appropriate land use buffer between the higher intensity commercial and the lower intensity residential.
- The Special Area policies (see Attachment 3) require the residential and commercial be planned concurrently to ensure a comprehensive and harmonious design.

Access/Circulation: The residential component has one primary access point from First Avenue and a secondary access from an internal street. The commercial component has one access point from First Avenue and several secondary access points from the internal street. The proposed driveways meet driveway spacing requirements and have been approved by Engineering. Vehicular access onto Palisades Road was a primary focal point of neighborhood residents during the public participation process and the applicant's proposal does not include access onto Palisades Road as a result.

Environmentally Sensitive Lands (ESL)

Conservation Categories (Biologically Based)

The riparian areas traversing the site are designated Critical Resource Area (CRA) on the Town's Environmentally Sensitive Lands Planning Map. This area requires ninety-five (95%) percent Environmentally Sensitive Open Space (ESOS) conservation. The project conserves approximately ninety-eight (98%) percent of the Critical Resource Area as ESOS, consistent with the minimum requirement. The remainder of the site is designated Resource Management Area Tier 2 and requires twenty-five (25%) percent ESOS conservation. The project conserves forty-five (45%) percent of this conservation category as ESOS, in excess of the minimum requirement.

Conservation Categories (Non-biologically Based)

Cultural Resources

The applicant submitted a letter from the Arizona State Museum (ASM) indicating that the subject property has been surveyed for cultural resources and there are historic properties recorded on the property. A historical records search identified four archaeological sites on the subject property, with a fifth potential site that could not be verified by a records check. A field survey in September 2014, identified three archaeological sites on the subject property. Of three sites identified in the field, two were determined to have no important information while one may yield important information. The applicant is in the process of eligibility testing this site and will be required to develop a treatment plan in accordance with the Zoning Code if the site is determined to be eligible for listing in the National Register of Historic Places (NRHP).

Scenic Resources

The subject property lies within the Tangerine Road Scenic Corridor Overlay District (TRCOD). The entire subject property is subject to the "Overlay District Guidelines" which are applicable to all property within the one-mile "corridor" of Tangerine Road. Additionally, a portion of the subject property lies within the TRCOD "¼ mile Target Area"

which requires conformance with additional District regulations. The subject property is consistent with the both the corridor and target area requirements.

The applicant has submitted site elevations of the proposed development on primary view sheds from adjacent areas. This information was used to determine the proposed use will have a minimal impact on existing view sheds. The site is characterized by a moderate slope from east to west with an elevation change of approximately sixteen (16') feet.

Hillside Areas

The Special Area Policies (see Attachment 3) require no development on slopes twenty-five (25%) percent or greater. The applicant's proposal meets this policy. For additional information see Section I-B and Exhibit E-2 for slope area analysis.

Flexible Design Options

The Environmentally Sensitive Lands requirements enable the use of incentives, or flexible design options, for conservation subdivision design, subject to Town Council approval. The intent of the incentives is to encourage the preservation of additional natural open space while ensuring the applicant is able to develop the same number of lots as permitted under the base zoning district. The flexible design options are available to property when ESOS is applied to twenty-five (25%) or more of the property. The applicant's proposal provides approximately fifty-nine (59%) percent ESOS. A discussion of the flexible design options requested by the applicant is included in Attachment 7 and provided below:

Building Setbacks

The Tentative Development Plan depicts a Conservation Subdivision Design utilizing the lot reduction incentive. As a result of the reduced lot sizes, the applicant is requesting the following building setback reductions:

- Front: 10 feet
- Side: 5 feet

The reduced setbacks shall not result in on-lot driveway lengths that are less than twenty (20') feet, per Section 27.10.F.2.c.iii.a.2.

Landscape Buffer Yards

The applicant is requesting a landscape buffer yard reduction to a minimum of ten (10) feet, where necessary. The proposed commercial (C-1) requires the following landscape buffers:

- North (15' minimum Type "B")
- East (15' minimum Type "B")
- South (30' minimum Type "B")

- West (30' minimum Type "B")

Section 27.10.F.2.c.iii.b does not permit the reduction of any landscape buffer adjacent to an existing residential subdivision or public street. Staff feels the landscape buffer reduction should not be permitted adjacent to proposed residential as well.

Minimum Lot Size

The applicant has proposed a Conservation Subdivision Design utilizing the lot reduction incentive. The applicant's request is to reduce the minimum lot size to 5,500 in accordance with Table 27.10-6. The applicant is concurrently proposing reduced lot widths below the minimum lot width of the R1-7 zoning district of seventy (70') feet. A reduction in lot dimensions, including lot width, is permitted concurrent with the applicant's request to reduce the minimum lot size.

Off-street Parking

The applicant is requesting the use of the off-street parking modification for future development within the commercial component of the subject property. Any approved off-street parking modification will be subject to Section 27.7.C.2 prior to approval of any shared parking analysis. The provision of fewer parking spaces and reduced amounts of circulation are encouraged.

Building Height

The applicant is requesting a building height increase from eighteen (18') feet to twenty (20') feet in these areas. The applicant has provided the required view shed analysis which is included as Attachment 7. The applicant's request does not interfere with view sheds of the Catalina Mountains and will not have a significant impact on view corridors.

Recreation Area Credit

The Tentative Development Plan provides 2.6 acres of active and passive recreation areas. The applicant is requesting 2.4 acres of the recreation areas be credited toward the sites overall ESOS requirement. The subject recreation areas do maintain connectivity with the site's ESOS and do satisfy the location requirements of Section 26.5, Provision of Recreational Area.

Native Vegetation Preservation

The applicant is requesting Town Council waive the Native Plant Salvage and Mitigation requirements of Section 27.6B within development envelopes. The criteria establishes that developments providing fifty (50%) or more ESOS may waive the salvage and mitigation requirements within development envelopes. The Tentative Development Plan provides approximately fifty-nine (59%) ESOS, in excess of the fifty (50%) percent minimum for this flexible design option.

Engineering Comments

The Site Analysis addresses issues related to drainage and traffic. The proposed rezoning request acknowledges that the development will be designed so that post-developed drainage conditions are consistent with pre-developed conditions in accordance with Town requirements.

A traffic impact analysis was provided with the Site Analysis to evaluate the effect of additional traffic on surrounding roadways. The issues related to the Traffic Impact Analysis include:

- Three points of ingress/egress are proposed onto 1st Avenue. One that connects at the existing intersection of Strada Patania and one that connects at the existing intersection with Oro Valley Retail Center. The northernmost access which is right-in/right-out only connects between the Oro Valley Retail Center and Tangerine Road as part of the commercial development.
- The anticipated volume of traffic generated by a residential use of the proposed size is moderate, however, considering direct access onto 1st Avenue and the capacities of the surrounding streets, the residential development would not have a large impact on the surrounding roadway system.
- The commercial use will generate a higher volume of traffic, but again, considering the capacities of the surrounding streets would not have a large impact on the surrounding roadway system.
- The access out of the project drive located opposite of the Oro Valley Retail Center median opening is a concern with the addition of the commercial development and must be mitigated as part of the development of the commercial area.

If the rezoning request is successful, the final analysis of drainage and traffic impacts will be evaluated during the site plan review process.

PUBLIC PARTICIPATION:

Summary of Public Notice

Public notice has been provided:

- Letter to all property owners within 600 feet
- Letter to all individuals who attended and signed-in at all three neighborhood meetings
- Homeowners Association mailing
- Advertisement in The Daily Territorial newspaper
- Post on property
- Post at Town Hall and on website

Neighborhood Meetings

The history of the project is lengthy and the neighborhood outreach effort has been extensive. The property has been the subject of numerous applications each of which included a number of public participation opportunities.

For this particular rezoning application, numerous neighborhood meetings were held including:

- Three formal neighborhood meetings
 - August 15, 2013 standard format
 - November 19, 2013 open house/workshop
 - June 16, 2014 open house/workshop
- Applicant has met numerous times with neighborhood residents and constituents. The discussions between the applicant and neighbors has led to a number of accommodations including:
 - Equestrian trail alignment
 - Single story homes along Palisades Road
 - No vehicle access onto Palisades Road
 - Reconfiguration of lots along Palisades Road

A neighborhood meeting timeline has been provided as Attachment 8 and the neighborhood meeting summaries are provided as Attachment 9. The formal neighborhood meetings had between seventy-five (75) to one hundred (100) residents in attendance, including Council Members, Planning and Zoning Commissioners and Conceptual Design Review Board members.

Staff has received correspondence from numerous residents which has been included as Attachment 10.

RECOMMENDATION:

Based on the following findings:

- The request is consistent with the Master Planned Community Designation and Neighborhood Commercial/Office on the General Plan Future Land Use Map;
- The request is consistent with the Kai-Capri Special Area Policies;
- The request is consistent with the General Plan Vision, Goals and Policies;
- The proposed Tentative Development Plan proposes a comprehensive layout sensitive to impacts on neighboring properties, taking advantage of the commercial's proximity to the arterial intersection of First Avenue and Tangerine Road.

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- The proposed uses on the Tentative Development Plan will serve as appropriate land use buffers between the more intensive uses (commercial, Tangerine Road) to the north and west, and the less intensive uses to the south and east.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend approval to the Town Council of the requested Rezoning OV914-002 subject to the conditions on Attachment 1

SUGGESTED MOTIONS:

I move 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.

OR

I move to recommend denial of the Kai (North) Rezoning from R1-144 to R1-7 and C-1, based on the findings in the staff report, specifically _____.

ATTACHMENTS:

1. Conditions of Approval
2. Site Analysis and Tentative Development Plan
3. Kai-Capri Special Area Policies
4. General Plan Land Use Map
5. Zoning Map
6. Building Height Increase View Shed Analysis
7. Flexible Design Options Descriptions
8. Neighborhood Meeting Timeline
9. Neighborhood Meeting Summaries
10. Resident Communications

Bayer Vella, Interim Planning Manager

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 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"