

***AMENDED (2/2/15, 3:00 PM)**
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 4, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION - Pursuant to ARS 38-431.03(A)(3) and 38-431.03(A)(4) in order to receive legal advice, consider its position and instruct its attorneys regarding possible litigation relating to a claim filed by Dennis and Judy Merens and pursuant to ARS 38-431.03 (A)(3) and 38-431.03 (A)(4) for discussion of legal advice and to instruct its attorneys on the Arrett/Lamonna lawsuit

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

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

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

INFORMATIONAL ITEMS

1. Public Safety Providers Quarterly Reports (Oct. - Dec. 2014)

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

PRESENTATIONS

1. Presentation of State Planning Award to Your Voice Volunteers for Best Public Outreach on a General/Comprehensive Plan for Your Voice, Our Future Phase 1, as recognized by the Arizona Chapter of the American Planning Association

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - January 21, 2015
- B. Resolution No. (R)15-12, authorizing and approving Amendment #1 to the Intergovernmental Agreement (IGA) between Pima County and the Town of Oro Valley for the Pima County Wireless Integrated Network (PCWIN) subscriber services
- C. Reappointment of the representative to the Regional Transportation Authority's (RTA) Citizens Accountability for Regional Transportation (CART) Committee
- D. Approval to amend the adopted FY 2014/15 budget allocation for the Aquatic Center Parking Expansion Project in the General Government Capital Improvement Project (CIP) Fund

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 14 (PRIVATE CLUB) LIQUOR LICENSE FOR ORO VALLEY COUNTRY CLUB LOCATED AT 300 W. GREENOCK DRIVE
2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 6 (BAR) LIQUOR LICENSE FOR ORO VALLEY COUNTRY CLUB LOCATED AT 300 W. GREENOCK DRIVE
3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A CONDITIONAL USE PERMIT REQUEST FOR A PROPOSED AUTOBODY REPAIR USE FOR CALIBER COLLISION LOCATED NORTH OF PUSCH VIEW LANE, APPROXIMATELY 1/4-MILE WEST OF ORACLE ROAD
4. AMENDING SECTION 24.9. ECONOMIC EXPANSION ZONE (EEZ) OF THE ORO VALLEY ZONING CODE REVISED (OVZCR)
 - a. RESOLUTION NO. (R)15-13, DECLARING THE PROPOSED AMENDMENT TO THE ORO VALLEY ZONING CODE SECTION 24.9 AND CHAPTER 24, RELATING TO ECONOMIC EXPANSION ZONE OVERLAY DISTRICT, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD
 - b. PUBLIC HEARING: ORDINANCE NO. (O)15-05, AMENDING SECTION 24.9, ECONOMIC EXPANSION ZONE (EEZ) OVERLAY DISTRICT, OF THE ORO VALLEY ZONING CODE REVISED TO ELIMINATE THE CONCEPTUAL DESIGN REVIEW PROCESS AND ALLOW ADMINISTRATIVE APPROVAL OF ALTERNATIVE PARKING RATIOS
5. AMENDING SECTION 22.3.D.2.b.ii AND SECTION 27.10.F.2.c.iii.h OF THE ORO VALLEY ZONING CODE REVISED (OVZCR) REGARDING APPROVAL PROCESS FOR FLEX DESIGN OPTIONS; MODIFIED REVIEW PROCESS; AND TENTATIVE DEVELOPMENT PLAN CHANGES

- a. RESOLUTION NO. (R)15-14, DECLARING THE PROPOSED AMENDMENTS TO CHAPTER 22 OF THE ORO VALLEY ZONING CODE AT SECTION 22.3 AND CHAPTER 27 OF THE ORO VALLEY ZONING CODE REVISED AT SECTION 27.10, PROVIDED HERETO AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD
- b. PUBLIC HEARING: ORDINANCE NO. (O)15-06, AMENDING SECTION 22.3.D.2.b AND SECTION 27.10.F.2.c., TO AMEND THE APPROVAL PROCESS FOR ENVIRONMENTALLY SENSITIVE LANDS FLEXIBLE DESIGN OPTIONS, ALLOW FOR ADMINISTRATIVE APPROVAL OF NON-SUBSTANTIAL CHANGES TO A TENTATIVE DEVELOPMENT PLAN UNDER A MODIFIED REVIEW PROCESS AND AMENDMENTS TO SECTION 22.3.D.2.b TO CLARIFY WHAT TENTATIVE DEVELOPMENT PLAN CHANGES ARE CONSIDERED SIGNIFICANT
6. REVISION TO THE STONE CANYON II FINAL PLAT FOR LOT 167 AT 1055 W. TORTOLITA MOUNTAIN DRIVE WITHIN RANCHO VISTOSO, NEIGHBORHOOD 11 BY REMOVING THE DESIGNATED "NO-BUILD AREA" AND ALLOWING ENCROACHMENT INTO 25% OR GREATER SLOPES
7. DISCUSSION AND POSSIBLE DIRECTION REGARDING GROUNDWATER PRESERVATION FEES
8. ~~*DISCUSSION AND POSSIBLE DIRECTION TO STAFF TO AMEND THE ENVIRONMENTALLY SENSITIVE LANDS (ESL) SECTION OF THE CODE~~
(Removed from the agenda on 2/2/15 at 3:00 p.m.)
9. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE IMPLEMENTATION OF ORDINANCE (O)14-17, AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY TO INCREASE THE LOCAL TRANSACTION PRIVILEGE TAX (TPT) RATE FROM 2% TO 2.5% IN VARIOUS CATEGORIES
10. DISCUSSION AND POSSIBLE DIRECTION REGARDING POSTPONEMENT OF THE FINAL PURCHASE OF THE EL CONQUISTADOR GOLF AND COUNTRY CLUB AND ASSOCIATED PROPERTIES

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: 1/28/15 at 5:00 p.m. by mrs

AMENDED AGENDA POSTED: 2/2/15 at 5:00 p.m. by mrs

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: 02/04/2015

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

Public Safety Providers Quarterly Reports (Oct. - Dec. 2014)

Attachments

Public Safety Providers Quarterly Reports (Oct. - Dec. 2014)

GRFD Quarterly Reports (Oct. - Dec. 2014)

MVFD Quarterly Reports (Oct. - Dec. 2014)

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2014	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	17032	1423	1325	1402	1410	1432	1324	1491	1595	1479	1466	1307	1378
Commercial Veh Enforcement	180	14	18	23	7	16	19	11	32	26	9	1	4
Residential Burglaries	43	1	2	0	4	4	5	3	5	5	5	7	2
Non-Residential Burglaries	13	0	2	0	2	2	1	2	1	0	0	1	2
All Burglary Attempts	16	2	1	3	1	2	0	0	1	2	3	1	0
Thefts	559	53	31	40	42	38	44	35	56	90	54	37	39
Vehicle Thefts	21	2	3	2	0	0	1	0	2	2	3	2	4
Recovered Stolen Vehicles	4	1	0	0	1	0	0	1	1	0	0	0	0
Attempted Vehicle Thefts	0	0	0	0	0	0	0	0	0	0	0	0	0
DUI	196	13	17	24	14	16	13	13	17	13	13	21	22
Liquor Laws	33	4	6	4	1	1	1	3	6	2	2	1	2
Drug Offenses	143	13	17	9	18	18	5	8	10	11	14	11	9
Homicides	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	3	0	0	1	0	0	0	0	1	0	0	0	1
Assault	107	5	8	7	12	10	8	10	13	10	7	9	8
Total Arrests	1654	131	174	147	150	142	156	103	150	128	126	138	109
Assigned Cases	809	66	66	59	48	63	64	63	63	120	81	43	73
Alarms (Residential)	788	55	49	64	65	73	79	91	84	54	63	43	68
Alarms (Business)	467	33	21	29	42	44	51	40	50	40	49	29	39
K9 Searches	403	22	25	21	52	60	20	19	24	123	14	17	6
First Aid Calls	2651	217	204	233	243	247	193	242	219	190	230	207	226
Fatal Accidents**	2	0	0	0	0	0	1	1	0	0	0	0	0
Accidents**	586	49	50	50	50	48	41	29	43	50	54	62	60
Citations (Traffic)*	3914	438	367	332	394	369	250	405	489	268	236	366	**
Written Warnings/Repair Orders*	5095	515	736	401	464	627	254	252	737	326	393	390	**
Public Assists***	823	78	81	66	78	77	52	49	93	71	63	48	67
Reserve Man Hours	176	26	**	**	36	27	55	9	0	14	9	0	0
Business Checks***	5046	577	425	363	444	658	416	563	497	332	228	264	279
Drug Task Force Arrest	34	3	0	1	11	3	1	0	2	5	4	0	4
CVAP Dark House Checks	15156	574	586	431	580	1748	1822	2122	2514	2051	1412	731	585
CVAP Public Assists	648	52	28	45	67	58	36	52	88	83	48	44	47
CVAP Total Hours	14713.5	1306.5	1238	1323.5	1236.5	1146	1069	1071	1500.5	1303.5	1259.5	1181	1078.5

* Traffic data delayed at least 30 days due to data entry backlog and may be updated with adjustments periodically, including the category "Written Warnings/Repair Orders".

** DUI Accidents are included in Fatal Accident and Accident totals.

*** Public Assists numbers are separated from CVAP Public Assist numbers.

Disclaimer: Numbers may show slight fluctuations when compared to previously published reports because of changes in the case data within the system due to normal adjustments. The more recent case counts are the most likely to fluctuate. Although this data may change slightly, it is as accurate as it can be for the data collected during this time period.

End of the year audit conducted January 12-16, 2015 to update numbers where clearances or totals have changed.

	4th Quarter 2014		
	Oct-Dec 2012	Oct-Dec 2013	Oct-Dec 2014
Total Calls	4346	4247	4151
Commercial Veh Enforcement	81	59	14
Residential Burglaries	18	12	14
Non-Residential Burglaries	4	5	3
All Burglary Attempts	4	1	4
Thefts	143	162	130
Vehicle Thefts	7	4	9
Recovered Stolen Vehicles	2	0	0
Attempted Vehicle Thefts	0	1	0
DUI Arrests	35	36	56
Liquor Laws	6	8	5
Drug Offenses	31	30	34
Homicides	1	0	0
Robbery	2	2	1
Assault	34	20	24
Total Arrests	388	430	373
Assigned Cases	155	173	197
Alarms (Residential)	179	199	174
Alarms (Business)	126	133	117
K9 Searches	272	104	37
First Aid Calls	706	684	663
Fatal Accidents*	0	0	0
Accidents*	162	166	176
Citations (Traffic)**	1430	1245	602
Written Warnings/Repair Orders**	1250	1413	783
Public Assists***	256	240	178
Reserve Man Hours	183	117	9
Business Checks***	1708	2401	771
Drug Task Force Arrest	1	4	8
CVAP Dark House Cks	2001	2067	2728
CVAP Public Assists	213	106	139
CVAP Total Hours	3519.5	3858	3519

**Fatal Accidents" & "Accidents" categories now include DUI-related fatal accidents & accidents. Numbers subject to fluctuate slightly due to reclassification.

***Written Warnings/Repair Orders" category now replaces "Warnings" and "Repair Orders" categories. Previous year totals updated to reflect the change. Traffic data delayed for data entry backlog.

****Business checks" now a separate category from "Dark House Checks". Public Assist totals no longer include CVAP numbers.

**ORO VALLEY POLICE DEPARTMENT
MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION**

Citations 2014	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	195	28	24	15	21	27	32	22	7	7	2	10	
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	6	0	0	0	1	0	3	0	1	1	0	0	
INSURANCE VIOLATION	903	102	79	71	78	76	52	104	151	61	54	75	
REGISTRATION VIOLATION	414	39	40	46	23	34	31	39	53	29	30	50	
DRIVERS LICENSE VIOLATION	381	36	42	26	34	40	30	29	44	26	26	48	
DUI ARRESTS	174	13	17	24	14	16	13	13	17	13	13	21	
RECKLESS/AGGRESSIVE DRIVING	17	0	1	0	0	2	4	1	2	3	1	3	
SPEEDING	1274	156	123	90	157	120	61	162	145	89	67	104	
LANE VIOLATIONS	159	20	10	20	17	21	16	11	14	14	9	7	
RED LIGHT	105	14	9	6	13	4	11	9	9	8	6	16	
STOP SIGN	39	5	0	5	8	6	1	2	5	1	1	5	
FAILURE TO YIELD	91	9	9	7	6	13	5	3	5	7	14	13	
SEATBELT VIOLATION	77	6	9	6	6	3	6	7	19	5	3	7	
CHILD RESTRAINT	8	0	1	0	0	0	0	0	4	1	0	2	
EQUIPMENT VIOLATIONS	58	5	3	9	3	11	3	5	10	3	3	3	
PARKING	9	0	0	1	2	2	1	0	1	0	1	1	
LITTERING	8	1	0	1	0	1	1	1	0	0	2	1	
OTHER CITATIONS	191	32	25	20	32	20	13	15	13	5	6	10	
Total Citations	3914	438	368	332	394	369	251	401	493	266	236	366	

Based on further investigation and updating of information, actual classifications may change resulting in small variances in counts.

**DUIs are arrest counts, not citations counts, and may change like arrest figures do*

ORO VALLEY POLICE DEPARTMENT
October through December 2014

Priority 1		
	# of calls	%
Total Response Time		
Goal: Total Response <5 minutes 90% of the time		
< 5 minutes	44	83%
> 5 minutes	9	17%
Total Calls	53	

Average Overall Response Time 3:31

Priority 2		
	# of calls	%
Total Response Time		
Goal: Total Response <8 minutes 90% of the time		
< 8 minutes	178	89%
> 8 minutes	21	11%
Total Calls	199	

Average Overall Response Time 4:31

Priority 3		
	# of calls	%
Total Response Time		
Goal: Total Response <15 minutes 90% of the time		
< 15 minutes	964	93%
> 15 minutes	71	7%
Total Calls	1035	

Average Overall Response Time 8:04

Priority 4		
	# of calls	%
Total Response Time		
Goal: Total Response <30 minutes 90% of the time		
< 30 minutes	2115	98%
> 30 minutes	45	2%
Total Calls	2160	

Average Overall Response Time 8:11

Golder Ranch Fire District - Oro Valley Call Summary

2nd Quarter FY 2014 – 2015 (Oct. – Dec. 2014)

Sun City Station 374	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	208	68%
Dispatch to At Scene <6:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time	4:53	

Woodburne Station 375	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	480	47%
Dispatch to At Scene <6:00 minutes -FIRE	4	100%
Average Dispatch to At Scene Time	5:18	

Lambert Station 376	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	210	60%
Dispatch to At Scene <6:00 minutes -FIRE	1	0%
Average Dispatch to At Scene Time	5:05	

Oracle Rd. Station 377	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	225	74%
Dispatch to At Scene <6:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time	4:22	

Average Total All Oro Valley Stations	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	1123	62%
Dispatch to At Scene <6:00 minutes -FIRE	7	83%
Average Dispatch to At Scene Time	4:50	

Average Total All Oro Valley Stations -2nd Fire Unit	# of calls	%
2 nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	5	60%
Average Dispatch to At Scene Time for 2nd Fire Unit	7:24	

Golder Ranch - Oro Valley Call Load Breakdown

2nd Quarter FY 2014 - 2015 (Oct. - Dec. 2014)

Final Type Reference

CALL TYPE	Sun City	Woodburne	Lambert	Oracle	TOTAL
Aircraft					
Brush / Vegetation		1			1
Building		1			1
Electrical / Motor		2			2
Fires - All Other	2	1	1	1	5
Gas Leak	1	1			2
Hazmat	1		1		2
Trash / Rubish				1	1
Unauthorized Burning					
Vehicle					
Total Fire Calls	4	6	2	2	14
Animal Problem					
Animal Rescue					
Assist -Other	30	43	34	16	123
Battery Change	9	11	2	10	32
Bee Swarm					
Defective Appliance					
Invalid Assist	41	18	9	16	84
Snake	65	106	90	67	328
Lockout		1		1	2
Fire Now Out			1		1
Total Service Calls	145	179	136	110	570
Alarms (Fire, Smoke, CO)	5	19	8	10	42
Cancelled / Negative Incident	16	19	6	15	56
Smoke / Odor Investagation	1	3	7	7	18
Total Good Intent Calls	22	41	21	32	116
Motor Vehicle Accident	7	14	22	16	59
Rescue (high, trench, water)					
All Other EMS Incidents	201	466	188	209	1064
Total EMS Type Calls	208	480	210	225	1123
TOTAL ALL CALLS	379	706	369	369	1823

**Golder Ranch Fire District – Oro Valley
Detailed Fire Response Report
2nd Quarter FY 2014-2015
(October - December 2014)**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
10/9/14	23389	HOUSE	10:31:32	LT375	10:32:16	10:37:59	5:27
St.375				EN376	10:32:07	10:39:18	7:46
Home owner called to report that there is smoke coming from inside garage. Upon arrival, LT375 found smoke and flames inside the garage. Determined to be the water heater that ignited papers stored next to it causing the fire. No further extension into the structure. WORKING INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
11/1/14	25544	BUILD	07:18:15	LD375	07:20:15	07:22:48	5:03
St.375				EN377	07:20:18	07:26:34	8:19
Fire alarm sounding and smoke can be seen from a church. Upon investigation, LD375 could only detect a slight odor possibly coming from the HVAC system. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/8/14	28847	INVEST	22:31:14*	EN377	22:31:14*	22:31:19*	:05*
St.377		HOUSE	22:32:41	EN376	22:34:24	22:40:42	8:01
*Call was initiated by the resident coming directly to the fire station to report smoke inside their house down the street. EN377 notified dispatch of the call while responding and requested additional units to respond. Smoke found to be coming from an electric fan in the bathroom. Assisted in removing smoke from the house. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/10/14	28981	HOUSE	19:49:06	EN374	19:49:45	19:53:58	4:52
St.374							
Caller reported that they smell something burning in the garage. EN374 arrives on scene to find nothing and requests other responding units to shut down code 2. Found to be a gas leak at the furnace. South West Gas notified. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/16/14	29431	HOUSE	12:20:13	LT375	12:21:05	12:26:42	6:29
St.376				EN376	12:22:12	12:26:54	6:41
Resident called to indicate smoke was filling up inside the home. Found to be burnt food in oven. NEAGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/16/14	29453	HOUSE	19:09:22	LT375	19:09:49	19:14:23	5:01
St.375				EN376	19:11:19	19:15:43	6:21
Calling party reports that their electrical box is producing smoke. Upon investigation, LT375 found a faulty breaker box that controls the HVAC system. No fire extension. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/18/14	29588	HOUSE	09:02:20	EN376	09:02:51	09:08:01*	5:41*
St.375							
Calling party reports they see smoke coming from a house behind his, possibly on Tall Grass Dr? *EN376 in the reported area with nothing showing. All units can shut down. NEGATIVE INCIDENT							

Golder Ranch Fire District - 2nd Quarter FY 2014-2015 (Oct. -Dec. 2014) - 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	7	90%	83%	
Time to achieve Adopted Standard of 90%		6:29				
Average Dispatch to At Scene Time		5:22				

Dispatch to At Scene - EMS		< 5:00	1123	90%	62%	Far end of area
Time to achieve Adopted Standard of 90%		7:21				Traffic congestion at 1st and Oracle
						Gated community at Moore and La Canada area
						Many residential streets
						Dirt road
						Out on a drill when call was dispatched
						Heavy rain
Average Dispatch to At Scene Time		4:50				

2nd Fire Unit Dispatch to At Scene		< 8:00	5	90%	60%	
Time to achieve Adopted Standard of 90%		8:19				
Average Dispatch to At Scene Time		7:24				

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
2nd Quarter FY 2014- 2015 (Oct. –Dec. 2014)**

Station 610 (Magee Rd.)	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	34	85%
Dispatch to At Scene <6:00 minutes -FIRE	12	92%
Average Dispatch to At Scene Time	4:01	

Station 620 (Shannon Rd.)	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	0	0%
Dispatch to At Scene <6:00 minutes -FIRE	0	0%
Average Dispatch to At Scene Time	0	

Average Total All Oro Valley Stations	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	34	85%
Dispatch to At Scene <6:00 minutes -FIRE	12	92%
Average Dispatch to At Scene Time	4:01	

Average Total All Oro Valley Stations -2nd Fire Unit	# of calls	%
2 nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	1	0%
Average Dispatch to At Scene Time for 2nd Fire Unit	7:33	

Mountain Vista Fire District - Oro Valley Call Load Breakdown

2nd Quarter FY 2014-2015 (Oct. -Dec. 2014)
Final Type Reference

CALL TYPE	MVFD
Aircraft	
Brush / Vegetation	1
Building	
Electrical / Motor	
Fires - All Other	
Gas Leak	1
Hazmat	1
Trash / Rubish	
Unauthorized Burning	
Vehicle	
Total Fire Calls	3
Animal Problem	
Animal Rescue	
Assist -Other	2
Battery Change	
Bee Swarm	
Defective Appliance	
Invalid Assist	3
Snake	15
Lockout	1
Fire Now Out	1
Total Service Calls	22
Alarms (Fire, Smoke, CO)	7
Cancelled / Negative Incident	
Smoke / Odor Investagation	4
Total Good Intent Calls	11
Motor Vehicle Accident	6
Rescue (high, trench, water)	
All Other EMS Incidents	58
Total EMS Type Calls	64
TOTAL ALL CALLS	100

**Mountain Vista Fire District – Oro Valley
Detailed Fire Response Report
2nd Quarter FY 2014 -2015
(October - December 2014)**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
10/10/2014	N142830024	FLAM	9:30:52	EN610	9:32:03	9:35:50	0:03:47
St. 610							

REQUEST FOR ANTI-FREEZE CLEAN-UP POST MOTOR VEHICLE COLLISION, NO INJURIES.
NEGATIVE INCIDENT.

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
10/21/2014	N142940003	FUNK	0:57:09	EN610	0:58:58	1:02:36	0:03:38
St. 610							

PRIORITY RESPONSE TO A LARGE MULTI PUMP GAS STATION AND CONVENIENCE STORE WITH A FULLY INVOLVED GAS PUMP FIRE. PUMP WAS NO LONGER ATTACHED TO THE FUEL SOURCE DUE TO IT BEING RAN OVER BY A VEHICLE AND PUSHED INTO THE MIDDLE OF THE DRIVE WAY. OVPD ON SCENE STATING EMERGENCY PUMP SHUT OFF HAD BEEN ACTIVATED. OVPD OFFICER ALSO STATED HE HAD HEARD A LOUD EXPLOSION FROM ACROSS THE STREET WHERE HE HAD BEEN SITTING AT HIS DESK. HE RUSHED OUTSIDE AND SAW THAT A VEHICLE HAD COLLIDED WITH THE GAS PUMP AT THE GAS STATION AND THE PUMP WAS ON FIRE APPROX. 10 YARDS FROM IT ORIGINAL LOCATION. AT WHICH TIME HE STARTED FIRE TO THE SCENE. E610 CREWS EXTINGUISHED FIRE AND FOUND THAT THE DRIVER OF THE VEHICLE WAS NOT INJURED.
WORKING INCIDENT.

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
10/21/2014	N142940047	ALM	10:56:07	EN610	10:57:54	10:59:54	0:02:00
St. 610							

PRIORITY RESPONSE FOR FIRE AND BURGLER ALARM ACTIVATION. OVPD ON SCENE FIRST, ADVISING THAT THERE WAS NO FIRE . **NEGATIVE INCIDENT.**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
11/1/2014	N143050045	ALM	12:55:06	EN610	12:56:31	12:59:19	0:02:48
St. 610							

PRIORITY RESPONSE FOR REPORT OF SMOKE ALARM ACTIVATION IN A PRIVATE RESIDENCE. ON SCENE OWNER ADVISED THAT THERE WAS NO FIRE AND THAT THE SMOKE ALARM HAD TRIGGERED FROM OVEN GREASE. **NEGATIVE INCIDENT.**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
11/2/2014	N143060029	BRSH	11:55:23	EN610	11:56:11	12:00:58	0:04:47
St. 610							
<p>PRIORITY RESPONSE, BEFORE ARRIVAL ENGINE 610 WAS NOTIFIED BY FIRE ALARM THAT FIRE WAS EXTINGUISHED BY RESIDENT. ENGINE 610 CONTINUED IN TO INVESTIGATE AND FOUND HOME OWNER EXTINGUISHING SMALL 2'X2' PILE OF COOKING COALS THAT HE STATES HE PLACED ON TOP OF A PACK RATS NEST THINKING THE ASH WOULD DETOUR THE RATS. ENGINE 610 ASSISTED RESIDENT WITH MAKING SURE FIRE WAS OUT. NEGATIVE INCIDENT.</p>							
Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
11/17/2014	N143210100	FO	18:42:28	EN610	18:43:40	18:46:44	0:03:04
St. 610							
<p>PRIORITY RESPONSE TO TRADER JOES; THERE WAS A FIRE IN A REFRIDGERATOR THAT AN EMPLOYEE HAS PUT OUT WITH FIRE EXTINGUISHER. CALLER CONCERNED IT MAY FLARE UP AGAIN AND REQUESTED THE FIRE DEPARTMENT RESPOND TO EVALUATE. EN610 NOTICED A SMELL OF ELECTRIC BURN IN STORE, BUT NOTHING SHOWING. BURNED WIRES FOUND AT REFRIDGERATOR AND IT WAS DETERMINED THAT THE FIRE HAD BEEN EXTINGUISHED WITHOUT FURTHER THREAT. SCENE TURNED OVER TO ELECTRICIAN ONSCENE. WORKING INCIDENT.</p>							
Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
11/22/2014	N143260061	GAS	13:10:25	LD610	13:11:46	13:18:43	0:06:57
St. 610							
<p>PRIORITY RESPONSE FOR REPORT OF A NATURAL GAS LINE BREAK. CONSTRUCTION CREWS STATED THEY HIT AN EST. ONE INCH GAS LINE OUTSIDE OF BLUE STAKE. ENGINE 610 PULLED A 150" 1.75 ATTACK LINE AND LIGHTLY SPRAYED DOWN THE AREA TO KEEP DOWN THE STATIC ELECTRICITY. CREWS NOTIFIED ADJACENT RESIDENTS OF THE SITUATION AND ADVISED THEM TO EVACUATE OR STAY IN DOORS. EN610 SET BACK IN A SAFE AREA AND AWAITED SOUTHWEST GAS TO SECURED THE GAS LINE. WORKING INCIDENT.</p>							
Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
11/26/2014	N143300086	ALM	18:24:24	LD610	18:25:45	18:30:26	0:04:41
St. 610							
<p>PRIORITY RESPONSE TO A FIRE ALARM ACTIVATION AT A PRIVATE RESIDENCE. HOMEOWNERS WERE AWAY, AND AFTER AN INVESTIGATION, ENGINE 610 DETERMINED THAT THE ALARM ACTIVATION WAS ACCIDENTAL. NEGATIVE INCIDENT.</p>							

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
12/5/2014	N143390013	ALM	7:35:09	LD610	7:37:02	7:42:21	0:05:19
St. 610							
<p>PRIORITY RESPONSE FOR REPORTED FIRE ALARM ACTIVATION AT THE HIGH SCHOOL. HIGH SCHOOL OFFICIAL MET LADDER 610 AT THE CURB AND STATED THAT SHE HAD PULLED THE FIRE ALARM TO EVACUATE THE SCHOOL DUE TO AN ODOR OF GAS. LADDER 610 REQUESTED ADDITIONAL ENGINE CO, BATTALION AND AMBULANCE AND ASSUMED MAGEE COMMAND. SCHOOL HAD BEEN EVACUATED WITH NEGATIVE NEEDS FOR THE EVACUEES, NO MEDICAL ISSUES OR INJURIES REPORTED, APPROXIMATELY 78 PEOPLE TOTAL. MAINTENANCE PERSON STATED THAT THE ODOR SEEMED TO BE COMING FROM THE KITCHEN IN THE BASEMENT. LADDER 610 CONFIRMED ODOR OF GAS IN BUILDING, SECURED GAS TO THE BUILDING, OBTAINED PRIMARY ALL CLEAR. THE GAS COMPANY REPORTED NEGATIVE READINGS ON THE MONITORS BUT ASKED FOR L610'S ASSISTANCE IN VENTILATING THE BUILDING. SCENE TURNED OVER TO SOUTHWEST GAS AND SCHOOL OFFICIALS WITH NOTHING FOUND AND SCHOOL CLEARED BY SOUTHWEST GAS. WORKING INCIDENT.</p>							
Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
12/18/2014	N143520015	ALM	5:04:29	EN610	5:06:32	5:10:23	0:03:51
St. 610							
<p>PRIORITY RESPONSE FOR REPORT OF AN AUDIO AND VISUAL FIRE ALARM AT A HOTEL. REPORTING PARTY ON SCENE ADVISED THAT THEY HAVE HAD A PROBLEM WITH ONE PULL STATION DUE TO WEATHER RELATED ISSUES. ENGINE 610 DID A SEARCH OF THE ENTIRE COMPLEX WITH NOTHING FOUND AND TURNED THE SCENE BACK OVER TO THE REPORTING PARTY. NEGATIVE INCIDENT.</p>							
Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
12/19/2014	N143530003	ODOR	0:30:04	EN610	0:30:13	0:33:22	0:03:09
St. 610							
<p>PRIORITY RESPONSE FOR A STRONG ODOR OF NATURAL GAS IN THE AREA. AFTER INVESTIGATING, ENGINE 610 FOUND NO HAZZARDS OR LEAKS. NEGATIVE INCIDENT.</p>							

Mountain Vista Fire District - 2nd Quarter FY 2014-2015 (Oct. - Dec. 2014) - Oro Valley Report Summary

All MVFD Oro Valley Stations			Time	#of Calls	Adopted Standard %	Actual %	Description of Variance
Dispatch to At Scene - FIRE			< 6:00	12	90%	92%	
Time to achieve Adopted Standard of 90%							
Average Dispatch to At Scene Time			4:01				

Dispatch to At Scene - EMS			< 5:00	34	90%	85%	
Time to achieve Adopted Standard of 90%							
Average Dispatch to At Scene Time			3:24				

2nd Fire Unit Dispatch to At Scene			< 8:00	1	90%	0%	
Time to achieve Adopted Standard of 90%							
Average Dispatch to At Scene Time			7:33				



Town Council Regular Session

Item # **1.**

Meeting Date: 02/04/2015
Presentation of State Planning Award to Your Voice Volunteers

Information

Subject

Presentation of State Planning Award to Your Voice Volunteers for Best Public Outreach on a General/Comprehensive Plan for Your Voice, Our Future Phase 1, as recognized by the Arizona Chapter of the American Planning Association

Summary

Oro Valley received an award for Best Public Outreach General/Comprehensive Plan category from the Arizona Chapter of the American Planning Association (APA), for its work on Phase 1—Let's Talk—of the Your Voice, Our Future project. Your Voice, Our Future is the Town's general plan update, as required every ten years by Arizona state statute.

The Arizona Chapter of the APA annually honors Arizonans who have made "outstanding planning achievements to the planning profession and their communities. The APA Arizona awards program is an important service to the membership for statewide recognition and celebration of the outstanding work of professional planners, citizen planners and others in making our communities a better place to live."

This success could not have been achieved without the support of numerous 'Your Voice Volunteers', who shared their knowledge and time by brainstorming ideas and attending community events. It was critical that the early stages of public participation be inclusive and community-driven – and the volunteers made it happen. Over the course of several months, it seemed almost every event happening in the community had a booth and a Your Voice Volunteer. From farmers markets to school classrooms to HOA meetings they helped us gather the critical input needed to guide the future of the community.

Effective community outreach is essential as the Town works toward updating its General Plan, which will guide and inform critical decisions about the Town's future. The Council-adopted Public Participation Plan for Your Voice, Our Future was developed and implemented during Phase 1 of the project with great success.

The results of the first phase of community outreach were used to form the Council-approved Vision and Guiding Principles, which serves as a framework for the rest of the process. Currently three resident committees are using the Vision and Guiding Principles to shape goals and policies that will result in the updated General Plan. The plan will go to voters in November 2016.



Town Council Regular Session

Item # A.

Meeting Date: 02/04/2015

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

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - January 21, 2015

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 January 21, 2015 minutes.

Attachments

1/21/15 Draft Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
January 21, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 5:01 p.m.

ROLL CALL

PRESENT:

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

ABSENT:

Brendan Burns, Councilmember

EXECUTIVE SESSION - Pursuant to ARS 38-431.03.(A)(1) Personnel matters - Police Chief's annual performance review

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to go into Executive Session at 5:02 p.m. pursuant to A.R.S. 38-431.03(A)(1) for the purpose of conducting the Police Chief's annual performance review.

MOTION carried, 6-0.

Mayor Hiremath said the following staff members would join Council in Executive Session: Police Chief Danny Sharp, Town Manager Greg Caton, Town Attorney Kelly Schwab and Town Clerk Julie Bower.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

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

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember (Arrived at 6:08 p.m.)
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 and Spotlight on Youth

Vice Mayor Waters recognized Raymond Rash, Senior at Pusch Ridge Christian Academy, for demonstrating academic excellence, generosity and humble leadership.

Councilmember Hornat read a January 20, 2015 Town of Oro Valley Media Release entitled, "Petitions for referendum do not comply with state law; number of signatures on second petition effort falls short of requirement".

DEPARTMENT REPORTS

No reports were received.

ORDER OF BUSINESS

Mayor Hiremath said the agenda would stand as posted.

CALL TO AUDIENCE

Oro Valley resident George Cates thanked Shirl Lamonna and her team for all of their hardwork obtaining referendum petition signatures and outlined possible advantages should the referendum move forward.

Oro Valley resident Lois Berkowitz spoke in support of the referendum petition that would refer the purchase of the El Conquistador Country Club to the voters.

Oro Valley resident Jeff Siegal spoke in support of the referendum petition.

Oro Valley resident Don Coleman spoke in opposition to the purchase of the El Conquistador Country Club.

Oro Valley resident Shirl Lamonna spoke in opposition to the purchase of the El Conquistador Country Club and urged the Council to reconsider their position on the purchase.

Oro Valley resident Marlene Leeper spoke in support of the referendum petition and implored Council to listen to the voices of the Oro Valley residents who opposed the purchase of the El Conquistador Country Club.

Oro Valley resident Donald Bristow spoke in opposition to the purchase of the El Conquistador Country Club and urged Council to hold a special session to instruct the Town Manager to halt or modify negotiations with HSL.

Oro Valley resident Lou Gard spoke in opposition to the purchase of the El Conquistador Country Club and urged Council to rescind their votes in order to regain the confidence and trust of the people.

Oro Valley resident Steve Didio was disappointed the referendum petitions were rejected and urged the Council to do whatever they could do to allow the residents to vote on the purchase of the El Conquistador Country Club.

Oro Valley resident Roger Benasutti opposed the purchase of the El Conquistador Country Club and requested that the matter be voted on by the residents.

Oro Valley resident Chuck Walton urged Council to reconsider their position on the purchase of the El Conquistador Country Club and further urged Council to disclose everything about cost projections and the text of the contract with Troon Golf L.L.C., in a series of public meetings.

Oro Valley resident Jan Fischer was concerned that the Town would accept an unwarranted deed for the purchase of the El Conquistador Country Club.

Oro Valley resident Chet Oldakowski spoke about collecting signatures for the referendum and said that most residents were upset with the lack of open and transparent government.

Oro Valley resident Leslie Platt objected to not having sufficient time and information to consider the purchase of the El Conquistador Country Club and urged Council to voluntarily allow the residents to vote on the purchase.

Oro Valley resident Debra Arrett spoke about the lack of legal advice she received from the Town regarding her legal questions about the referendum challenge process.

Oro Valley resident Jack Evert spoke in opposition to the purchase of the El Conquistador Country Club and proposed that the purchase of the El Conquistador should be rescinded.

PRESENTATIONS

1. Presentation of Plaques of Appreciation to Outgoing Board and Commission Members

Mayor Hiremath presented Plaques of Appreciation to the following outgoing Board & Commission Members.

Historic Preservation Commission

Ed Hannon, 2009 - 2014 - Not present

Parks and Recreation Advisory Board

John Hickey, 2011 - 2014

Dana Hallin, 2013 - 2014 - Not present

Planning and Zoning Commission

John Buett, 2010 - 2014

Don Cox, 2011 - 2014

Storm Water Utility Commission

Richard (Dick) Honn, 2010 - 2014

Leo Leonhart, 2008 - 2014

Water Utility Commission

Robert Milkey, 2008 - 2014

Elizabeth Shapiro, 2006 - 2014

Richard Verlaque, 2012 - 2014

CONSENT AGENDA

Councilmember Zinkin requested to remove items (A) and (B) from the Consent Agenda for discussion.

A. Minutes - December 17, 2014 and January 7, 2015

Councilmember Zinkin requested that the motion to Regular Agenda item #2b. in the January 7, 2015 minutes be amended to reflect that at least one study session would be held.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Garner to Amend the January 7, 2015 minutes, item #2b. as follows: **MOTION:** A motion was made by Councilmember Zinkin and seconded by

Councilmember Burns to continue item #2b. to a date uncertain and hold at least one study session.

MOTION carried, 7-0.

B. Fiscal Year 2014/15 Financial Update through November 2014

Councilmember Zinkin requested a further breakdown of the retail sales tax category.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Burns to approve item (B) as presented.

MOTION carried, 7-0.

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 9S (LIQUOR STORE WITH SAMPLING PRIVILEGES) LIQUOR LICENSE FOR WALMART SUPERCENTER #3379, LOCATED AT 2150 E. TANGERINE ROAD

Town Clerk Julie Bower presented item #1.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Garner recommend approval of the issuance of a Series 9S liquor license to the Arizona Department of Liquor Licenses and Control for Clare Abel and principals for Walmart Supercenter #3379 located at 2150 E. Tangerine Road.

MOTION carried, 7-0.

2. RESOLUTION NO. (R)15-08, APPROVING AND AUTHORIZING THE TOWN TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE HIGHLANDS HOMEOWNERS ASSOCIATION (THE HIGHLANDS INC.) FOR POLICE DEPARTMENT TRAFFIC ENFORCEMENT ON PRIVATE STREETS

Deputy Police Chief Larry Stevens presented item #2.

Discussion ensued amongst Council and staff regarding the proposed HOA development agreement.

Ellinore McDonald, President of the HOA Board of Directors for the Highlands, said the Highlands HOA Board of Directors previously agreed to pay up to \$2,000 to replace their signs.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Hornat to approve Resolution No. (R)15-08, approving and authorizing the Town to enter into a development agreement between the Town of Oro Valley and the Highlands Homeowners Association (The Highlands Inc.) for Police Department traffic enforcement on private streets with the condition that the Highlands HOA (The Highlands Inc.) would include up to \$2,000 in funding to install and/or replace signs as needed per the Town Engineer.

MOTION carried, 7-0.

3. PUBLIC HEARING: ORDINANCE NO. (O)15-02, 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 LOT SIZES RANGING FROM 5,520 SQUARE FEET TO 7,200 SQUARE FEET, LOCATED AT THE SOUTHEAST CORNER OF TANGERINE ROAD AND FIRST AVENUE, OV914-002

Senior Planner Michael Spaeth presented item #3 and outlined the following:

- Location Map
- Review Criteria
- Current Zoning
- General Plan Goals & Policies
- Special Area Policies
- Environmentally Sensitive Lands
- Conservation Subdivision Design
- ESL Flexible Design Options
- Public Participation
- Summary/Recommendation

Discussion ensued amongst Council and staff regarding the proposed rezoning request.

Paul Oland, representative for the WLB Group, and representing the property owners and Meritage Homes, provided an overview of item #3.

Mayor Hiremath opened the public hearing.

The following individuals spoke in support of item #3.

Oro Valley resident Doug McKee

The following individuals spoke in opposition to item #3.

Oro Valley resident Alan Dankwerth
Oro Valley resident Patty Estes

The following individual spoke on item #3.

Oro Valley resident Dr. John Newport

Mayor Hiremath closed the public hearing.

Discussion ensued amongst Council, staff and Mr. Oland regarding the proposed rezoning.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin approve Ordinance No. (O)15-02, rezoning the property totaling approximately 149 acres on the southeast corner of Tangerine Road and First Avenue (known as Kai North) from R1-144 to C-1 and R1-7, subject to the conditions in Attachment 1, Exhibit "B", finding that the request is consistent with the General Plan.

Councilmember Garner made a friendly amendment that staff shall notify Council of any significant or insignificant findings as it relates to Condition #6. Vice Mayor Waters and Councilmember Zinkin agreed to the amendment.

Attachment 1 Conditions of Approval

Planning Conditions

All Kai-Capri Special Area Policies to be included as General Notes on Final Plat (Residential) and Final Site Plan (Commercial).

1. Indicate proposed setbacks for both residential and commercial. Commercial setbacks are as follows:
2. Front: 20 feet
3. Side: 50 feet or 3:1 (setback to building height ratio), whichever is greater
4. Rear: 50 feet or 3:1 (setback to building height ratio), whichever is greater
5. A minimum 15' buffer yard Type "B" is required along the eastern edge of the proposed commercial, per Table 27-7.
6. Homes on lots 5 through 12 are limited to one-story.
7. The following Environmentally Sensitive Lands Flexible Design Options are applicable:
8. 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.
9. 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.

10. Minimum lot size: A minimum lot size reduction to 5,500 square feet in accordance with the Conservation Subdivision Design lot reduction incentive.
11. Off-street parking modification: A modification for future development in accordance with Section 27.7.C.2 (Alternative Parking Ratio) of the Zoning Code.
12. 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.
13. Recreation Area Credit: Active and Passive recreation area count towards the overall ESOS requirement.
14. Native Plant Preservation: the native plant salvage and mitigation requirements of Section 27.6 are waived for all development within development envelopes.
15. The rezoning shall not become effective until a Cultural Resources treatment plan is approved by the Planning and Zoning Administrator in accordance with Section 27.10.D.3.e. If the treatment plan requires a significant change to the Tentative Development Plan, reconsideration of the rezoning by Town Council will be required.

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

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

MOTION carried, 7-0.

Mayor Hiremath recessed the meeting at 8:20 p.m.

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

4. NAKOMA SKY SENIOR LIVING CAMPUS

- a. **RESOLUTION NO. (R)15-09, DECLARING A CERTAIN DOCUMENT KNOWN AS THE NAKOMA SKY PLANNED AREA DEVELOPMENT, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD AND RESOLUTION NO. (R)15-10, DECLARING A CERTAIN DOCUMENT KNOWN AS THE ENVIRONMENTALLY**

SENSITIVE LANDS PLANNING MAP, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Waters adopt Resolution No. (R)15-09, declaring a certain document known as the Nakoma Sky Planned Area Development, provided as Exhibit "A" in the attached Resolution and filed with the Town Clerk, a public record and further MOVE to adopt Resolution No. (R)15-10, declaring a certain document known as the Environmentally Sensitive Lands Planning Map, provided as Exhibit "A" in the attached Resolution and filed with the Town Clerk, a public record.

MOTION carried, 7-0.

b. PUBLIC HEARING: NAKOMA SKY SENIOR LIVING CAMPUS ON A 79.5-ACRE PROPERTY, LOCATED SOUTHEAST OF THE INTERSECTION OF 1ST AVENUE AND NARANJA DRIVE

1. RESOLUTION NO. (R)15-11, ADOPTING A MINOR GENERAL PLAN TEXT AMENDMENT TO CLARIFY THE INTENT AND APPLICABILITY OF A GENERAL PLAN SPECIAL AREA POLICY THAT RESTRICTS RESIDENTIAL SUBDIVISION DEVELOPMENT ON THE PROPERTY TO NO MORE THAN THREE (3) UNITS PER ACRE

2. ORDINANCE NO. (O)15-03, ADOPTING AN AMENDMENT TO THE ENVIRONMENTALLY SENSITIVE LANDS (ESL) PLANNING MAP TO MODIFY THE RIPARIAN AREA BOUNDARIES ON A CRITICAL RESOURCE AREA ON THE EAST SIDE OF THE PROPERTY

3. ORDINANCE NO. (O)15-04, REZONING FROM ROONEY RANCH "Z" PLANNED AREA DEVELOPMENT (PAD) TO NAKOMA SKY PAD TO ENABLE DEVELOPMENT OF A 79.5-ACRE SENIOR LIVING AND CARE CAMPUS, INCLUDING DINING, RECREATIONAL, CULTURAL, AND RETAIL USES

Principal Planner Chad Daines presented item 4b1., 4b2. and 4b3. and outlined the following:

- Location
- Topography and slopes
- General Plan Land Use
- Minor General Plan Amendment
 - Special Area Policy
- Environmentally Sensitive Lands Map Amendment
 - Revise Riparian Area (Critical Resource Area)
 - Biologist Hired to Re-evaluate
- Proposed Rezoning

- Neighborhood Participation
- Planning and Zoning Commission - Primary Issues
- Building Height
- Building Design and Theming
- Traffic Access
- Primary Issues
- Recommendation

Discussion ensued amongst Council and staff regarding item #4.

Lisa Israel, President and CEO of La Posada, presented item #4.

Rob Longaker, representative for the WLB Group, spoke on item #4.

Ver Swaback, representative for Swaback Partners, spoke on the proposed architecture and site plan.

Mayor Hiremath opened the public hearing.

The following individuals spoke in support of item #4.

Oro Valley resident Judy Schumann
Oro Valley resident Robert Schumann
Chuck Wunder, Fire Chief for the Green Valley Fire District
Dave Perry, President and CEO of the Greater Oro Valley Chamber of Commerce and
Oro Valley resident

Mayor Hiremath closed the public hearing.

Discussion continued with Council, staff and the applicant regarding the proposed Nakoma Sky senior living campus.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat adopt Resolution No. (R)15-11, approving the Minor General Plan Amendment requested under case OV1114-005.

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

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat adopt Ordinance No. (O)15-03, approving the ESL zoning map amendment requested under case OV914-008.

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

MOTION: A motion was made by Vice Mayor Waters and seconded by Mayor Hiremath adopt Ordinance No. (O)15-04, rezoning the subject property to Nakoma Sky Planned Area Development under case OV914-007, subject to the conditions in Attachment 1.

Attachment 1
Conditions of Approval
Nakoma Sky Rezoning

Planning

1. The building height of the apartment building in the campus core (Development Area C) shall include reduced building height elements on the ends of the building as depicted in Appendices A and D within the PAD.
2. The visual impact of the bulk and mass of the apartment building in the campus core (Development Area C) shall be mitigated through the use of the following:
 - a. Varied roof and wall planes, with a heightened emphasis on the roofline of the southern wing of the building.
 - b. Differing building and roof materials and textures as shown in Appendix B.
 - c. Landscaping at the base of buildings and terraces on multiple levels of the building.
 - d. Low reflectivity windows.
 - e. Several muted earth tone colors.
 - f. Architectural features at the corners of the building to soften the building façade as depicted on Appendix A.
 - g. Other measures approved by the Conceptual Design Review Board and Town Council which mitigate the visual impact of the building.

The extent of mitigation shall be determined by the Conceptual Design Review Board and Town Council in conjunction with the Conceptual Design application.

3. The architectural character and theming of the project will be equal to or better than the representative imagery shown in Appendices A, B, and C, as determined by the Conceptual Design Review Board and Town Council.
4. Consistent roof plane variation, wall plane articulation and architectural treatment is required on all building elevations of every building within the PAD boundary as provided in Section 2.1.D. of Addendum A Design Standards.
5. Vehicular parking required for the project beyond that which is shown on Exhibit R: Tentative Development Plan or Exhibit DD: Optional Surface Parking Locations shall be beneath the apartment building (either underground or under the building).
6. The recreational facilities and amenities contained within the community park and gardens will be open to the public and the theater, classrooms and other indoor facilities, as appropriate, will be made available for limited public use. A Public Access Agreement shall be approved the Town prior to the zoning becoming effective.

7. The last paragraph in Section II-A.7 Tentative Development Plan, shall be amended to read as follows: "Exhibit R Tentative Development Plan is the hereby adopted as the approved tentative design for the project. Amendments to the Tentative Development Plan shall be subject to Section 22.3.D.2 of the Oro Valley Zoning Code Revised."
8. The use of water features for ornamental purposes in the PAD is prohibited.
9. This development shall comply with the requirements of Section 26.5.B, Section 26.5.C and Section 26.5.D of the Oro Valley Zoning Code. The term dwelling unit in Section 26.5.C. shall include beds, bedrooms and living units for the purpose of calculating the amount of recreational area. All park and recreation area plans shall be reviewed and approved by the Oro Valley Parks and Recreation Advisory Board (PRAB).
10. Pocket parks/informal gathering spaces will be required in each housing node (Development Areas B, C, D, E and H). A shaded seating area including a ramada and associated amenities shall be provided in each park area.
11. A sufficient quantity of trees shall be provided along the shared use path alignments to create a continuous length of canopy that creates the opportunity for shade.
12. All plant materials shall be selected from the Oro Valley Native Plant List (Zoning Code Addendum C). Section II-A.9 shall be amended to reflect this condition
13. All shared use paths shall be constructed in conformance with *Pima County Regional Trail System Master Plan* standards
14. A shared use path shall be constructed on the top of any constructed bank protection along the Canyon Del Oro Wash. In addition, a shaded seating area and pedestrian/bicycle connection shall be provided at 500-foot intervals along the path.
15. Delete independent living uses in the *Table of Permitted Uses* for commercial, medical and service development areas (Areas A, F, and G). These uses include:
 - Apartment
 - Condominium
 - Duplex/Multiple Dwelling
 - Multiple Dwelling Unit
 - Residential Dwelling (Attached or Detached)
 - Townhouse for senior living

Engineering

1. If bank protection is constructed along the Canyon Del Oro Wash, a multi-use path that meets the requirements of the Town of Oro Valley and *Pima County Regional Trail System Master Plan* standards shall be provided. In addition, a 50' wide area shall be reserved along the top of the bank protection for the purpose of a future linear park.

Oro Valley Water Utility

1. A 100 foot by 100 foot site shall be dedicated to the Water Utility for a future well in a location approved by the Water Utility Director.

General

The PAD document shall be amended to incorporate all conditions established within Attachment A. References, notations and imagery inconsistent with these conditions shall be deleted from the PAD document.

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

5. DISCUSSION AND POSSIBLE ACTION TO INITIATE AN AMENDMENT TO THE ORO VALLEY ZONING CODE REVISED (OVZCR) RELATING TO INCREASED REGULATIONS FOR SIGN ILLUMINATION

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Snider to direct staff to look into the current sign illumination regulations and compare them to the changes that other municipalities have made and provide the information to Council through a Council Report.

MOTION carried, 7-0.

6. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE IMPLEMENTATION OF ORDINANCE (O)14-17 AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY TO INCREASE THE LOCAL TRANSACTION PRIVILEGE TAX (TPT) RATE FROM 2% TO 2.5% IN VARIOUS CATEGORIES

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Zinkin to continue item #6 to the first Council meeting in February.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

Councilmember Zinkin directed staff not to place two rezoning items on any one agenda.

Councilmember Burns requested a future agenda item to review sign districts in Oro Valley, seconded by Councilmember Garner.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Garner to adjourn the meeting at 10:13 p.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 21st day of January, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2015.

Julie K. Bower, MMC
Town Clerk



Town Council Regular Session

Item # **B.**

Meeting Date: 02/04/2015

Requested by: Daniel G. Sharp **Submitted By:** Colleen Muhr, Police Department

Department: Police Department

Information

SUBJECT:

Resolution No. (R)15-12, authorizing and approving Amendment #1 to the Intergovernmental Agreement (IGA) between Pima County and the Town of Oro Valley for the Pima County Wireless Integrated Network (PCWIN) subscriber services

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

On April 16, 2014, Council approved Resolution No. (R)14-23, authorizing and approving an IGA between Pima County and the Town of Oro Valley for the PCWIN Subscriber Services in order to provide repair and maintenance services to PCWIN radios.

BACKGROUND OR DETAILED INFORMATION:

Amendment #1 provides for the continuance of necessary repair and maintenance for the 233 radios utilized by the Oro Valley Police Department.

FISCAL IMPACT:

Appropriate budget capacity of \$8,495.34 exists for this maintenance item in the current fiscal year budget, and the capacity of \$8,758.47 will be included in the appropriate category in the requested budget for FY 2015/2016.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)15-12, authorizing and approving Amendment #1 to the Intergovernmental Agreement between Pima County and the Town of Oro Valley for the Pima County Wireless Integrated Network subscriber services.

Attachments

(R)15-12 Amendment to PCWIN IGA

IGA Extension for PCWIN

RESOLUTION NO. (R)15-12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY AND THE TOWN OF ORO VALLEY FOR THE PIMA COUNTY WIRELESS INTEGRATED NETWORK (PCWIN)

WHEREAS, pursuant to A.R.S. § 11-952, the Town is authorized to enter into or renew agreements for joint and cooperative action with other public agencies; and

WHEREAS, the Town is authorized to establish and maintain the Oro Valley Police Department, pursuant to A.R.S. § 9-240 (B)(12); and

WHEREAS, the Town desires to amend the Intergovernmental Agreement (IGA) with Pima County to extend the IGA term for a period of one year to allow Pima county to continue to provide ITD Subscriber Services to the Town in connection with the Town's participating in PCWIN; and

WHEREAS, it is in the best interest of the Town to amend the IGA, attached hereto as Exhibit "A" and incorporated herein by this reference, to provide for the health, safety and welfare of the residents in the Town of Oro Valley.

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

1. The amendment to the Intergovernmental Agreement between the Town of Oro Valley and Pima County, attached hereto as Exhibit "A", for ITD Subscriber Services in connection with the Pima County Wireless Integrated Network is hereby authorized and approved.
2. The Chief of Police and any other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 4th day of February, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT "A"

PIMA COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY PROJECT: IGA for Pima County ITD Subscriber Services AGENCY: Oro Valley Police Department CONTRACT NO.: CTN-IT-15000000000000000005 INTERGOVERNMENTAL AGREEMENT AMENDMENT NO.: One (#01)	
--	--

ORIG. CONTRACT TERM: 03/15/2014 – 03/14/2015	ORIG. CONTRACT AMOUNT:	\$ 8,495.34
TERMINATION DATE PRIOR AMENDMENT: N/A	PRIOR AMENDMENTS:	N/A
TERMINATION THIS AMENDMENT: 03/14/2016	AMOUNT THIS AMENDMENT:	\$ 8,758.47
	REVISED CONTRACT AMOUNT:	\$17,253.81

INTERGOVERNMENTAL AGREEMENT AMENDMENT

WHEREAS, COUNTY and AGENCY entered into an Intergovernmental Agreement (“IGA”) for ITD Subscriber Services in connection with the Pima County Wireless Integrated Network (“PCWIN”) project as referenced above; and

WHEREAS, AGENCY and COUNTY, pursuant to Section 4 – Term and Termination, have agreed to extend the IGA term for a period of one year to allow COUNTY to continue to provide ITD Subscriber Services to AGENCY in connection with AGENCY’s participation in PCWIN; and

WHEREAS, AGENCY and COUNTY have agreed to increase the IGA payment amount to allow payment to COUNTY for the continued provision of ITD Subscriber Services to AGENCY during the extended term of the IGA.

NOW, THEREFORE, the parties agree as follows:

CHANGE: SECTION 4 – TERM AND TERMINATION:

From: “...through March 14, 2015...”

To: “...through March 14, 2016...”

ADD: Exhibit B-1

The effective date of this Amendment shall be upon execution by the Pima County Board of Supervisors.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

All other provisions of the IGA not specifically changed by this Amendment shall remain in effect and be binding upon the parties.

IN WITNESS WHEREOF, the parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

AGENCY:

Chair, Board of Supervisors

Signature

Date

Name and Title (Please Print)

Date

ATTEST

Clerk of Board

Date

APPROVED AS TO CONTENT

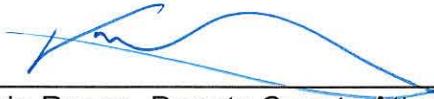
Jesse Rodriguez, Chief Information Officer

Date

INTERGOVERNMENTAL AGREEMENT AMENDMENT DETERMINATION

The foregoing Amendment to the Intergovernmental Agreement between Pima County and Oro Valley Police Department has been reviewed pursuant to A.R.S. § 11-952 *et seq.* by the undersigned, who have determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those Parties to the Intergovernmental Amendment represented by the undersigned.

PIMA COUNTY:



Tobin Rosen, Deputy County Attorney

1/7/15

Date

AGENCY NAME: Oro Valley Police Department

Print Name, Title

Signature

Date

EXHIBIT B – 1

03/15/2015-03/14/2016

Agency Name	Oro Valley Police Dept.
County or COT Maintenance	County
Monthly / T&M / Both	T&M

	Totals
# of Mobiles	105
# of Portables	126
# of Control Stations	2
# of DVRs	0
Totals	233

Monthly		\$8 Monthly Fee (\$96 Annual)
Mobiles	0	\$ -
Portables	0	\$ -
Control Stations	0	\$ -
DVRs	0	\$ -
Totals	0	\$ -

T&M		\$20 Base Annual Fee
Mobiles	105	\$ 2,100.00
Portables	126	\$ 2,520.00
Control Stations	2	\$ 40.00
DVRs	0	\$ -
Totals	233	\$ 4,660.00

T&M Estimated Annual Service Cost* \$ 4,098.47

Grand Total	233	\$ 8,758.47
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*10% of total radios needing 1 hour repair and an average of battery, belt clip and antenna replacement (\$135.90 for parts and \$40 for one hour of labor = \$175.90).



Town Council Regular Session

Item # **C.**

Meeting Date: 02/04/2015

Requested by: Mayor Hiremath **Submitted By:** Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Reappointment of the representative to the Regional Transportation Authority's (RTA) Citizens Accountability for Regional Transportation (CART) Committee

RECOMMENDATION:

Mayor Hiremath recommends that Tom Bush be reappointed to the Citizens Accountability for Regional Transportation Committee for another 4-year term.

EXECUTIVE SUMMARY:

Each member jurisdiction has one citizen representative on the RTA CART Committee. Mr. Bush has been a resident of Oro Valley for 21 years and was first appointed to the committee in March 2009. Attached is his board and commission application.

BACKGROUND OR DETAILED INFORMATION:

The CART Committee provides oversight for the implementation of the 20-year RTA plan and reviews the RTA's annual report. CART meets 3 to 4 times per year as needed.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to reappoint Tom Bush to the RTA Citizens Accountability for Regional Transportation Committee for another 4-year term expiring December 31, 2018.

Attachments

B&C Application



ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

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. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from date of receipt. Your supplying this data will greatly assist us in understanding how we can best use your talents and experience. 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 and must have resided in the Town for 1 year. Please return to:**

Town Clerk's Office, 11,000 North La Cañada Drive, Oro Valley, AZ 85737

Name [Last First Middle]: **BUSH, THOMAS HAROLD**
Address [Street City State Zip]: [REDACTED], ORO VALLEY, AZ 85737

Home Phone: [REDACTED] Cell Phone: [REDACTED] Business Phone: None Email: [REDACTED]

Number of Years in Oro Valley: 21 years a resident

Signature *Thomas H. Bush* Date January 20, 2015

Please indicate the board or commission you wish to join: RTA CART as representing Oro Valley

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.):

- Coyote Run Task Force which created the original OV transportation service.
- 2020 OV General Plan Development Committee.
- Disability representative to the initial Regional Transportation Authority (RTA) Citizens Committee.
- Founding Member, Board of Directors, Linkages-Tucson.
- Member of Citizens Planning Committee for the RTA Grant Road Project – the largest RTA project.
- RTA CART for the past four years representing Oro Valley.
- Performed an evaluation of the emergency exit procedures for the Modern Streetcar at the request of its management.

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying:

- Nurtured ability to listen and understand competing points of view, discern the facts, and to decide accordingly.
- Reconciled many issues between differing transportation priorities to produce a plan that achieved voter approval.
- Issues: Indirect left-turn technique; contractor concerns causing significant delays for the La Cañada and Magee projects; among others.

Have you attended the Citizens Planning Institute? YES (unsure of year, but on or about 2000)

Briefly describe your educational/vocational background:

- Graduated: Rutgers University, New Brunswick, N.J., Industrial Engineer, June 1964.
- 1964 to 1993: Executive manager within New Jersey state government responsible for management systems development, facilities planning, construction and lease-purchase, statewide director of facilities design, construction and maintenance, responsible for the implementation of the Americans with Disabilities Act (ADA) within N.J. state government and ADA advisory consultant to county and local governments. (Retired and moved to Oro Valley with my wife and family.)
- 1994 to 2004: Planned, developed and managed the national Muscular Dystrophy Association (MDA) website and assisted the MDA President and CEO in various administrative activities.
- 2004: Retired.
- Since retirement have participated (as facilitator, advisor and attendee) in several non-credit history, US Constitution, and religion classes.



Town Council Regular Session

Item # **D.**

Meeting Date: 02/04/2015
Requested by: Paul Keesler
Submitted By: Paul Keesler, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

Approval to amend the adopted FY 2014/15 budget allocation for the Aquatic Center Parking Expansion Project in the General Government Capital Improvement Project (CIP) Fund

RECOMMENDATION:

Staff recommends approval to adjust the budget.

EXECUTIVE SUMMARY:

In the approved FY 2014/15 Town of Oro Valley budget, particularly the Capital Improvement Plan (CIP) Fund section, Council approved the design and construction of an additional parking lot to serve James D. Kriegh Park and the Aquatic Center (please see attached listing of FY 2014/15 CIP projects). The approved budget is presently set at \$184,000 for the design and construction of 100 paved parking spaces to the east of the park along the Egleston Drive right-of-way (ROW), with ingress/egress provided to Calle Concordia.

Now that the design is complete and the installing contractor secured, the Town has the opportunity to double the number of parking spaces to a total of 200. This expansion of the project will cost an additional \$100,000; therefore, staff is requesting approval to amend the budget from \$184,000 to \$284,000.

The additional funding for this project would be re-allocated from the Municipal Operations Center (MOC) Fueling Facility project currently budgeted at \$80,000 and projected savings of \$20,000 from the Electronic Document Management System (EDMS) project currently budgeted at \$112,000.

BACKGROUND OR DETAILED INFORMATION:

The objective of this CIP item is to provide additional parking for JDK Park and the Aquatic Center. The original design establishing the CIP budget allowed for 100 spaces to be linearly attached to a new drive within the existing Egleston Drive right-of-way, just east of the Aquatic Center.

Now that the design is complete, the site has the capacity to add more parking while maintaining available space for future Aquatic Center expansion (see Attachment #1). In total, 100 additional spaces may be added for an additional \$100,000, which is possible due to the contractor already being mobilized for the original project. There is an economy of cost scale associated with completing all of the parking at once, and if a contractor were to come back later as a separate project, it will be more expensive. The total number of additional spaces added would be 200 should Council choose to adjust the budget, rather than just the 100 spaces currently budgeted.

The additional cost to build the second set of 100 spaces can be cost neutral to the adopted FY 2014/15

budget by not funding the MOC Fueling Facility, currently budgeted at \$80,000, as well as using expected savings of \$20,000 from the EDMS project that is anticipated to come in under budget. The MOC Fueling Station can be delayed and reconsidered at a later date if needed.

FISCAL IMPACT:

The fiscal impact to the current Council-approved budget is neutral, with the additional funding to be re-allocated from the MOC Fueling Facility project (\$80,000) and anticipated savings (\$20,000) from the EDMS project that is expected to come in under budget.

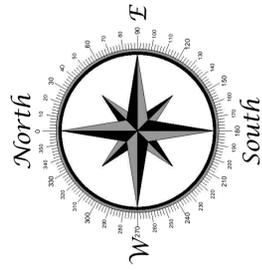
SUGGESTED MOTION:

I MOVE to amend the approved FY 2014/15 budget allocation for the Aquatic Center Parking Expansion project in the General Government Capital Improvement Project (CIP) Fund from \$184,000 to \$284,000 by reallocating \$80,000 in funding from the MOC Fueling Facility project and \$20,000 in savings from the EDMS project.

Attachments

Attachment 1 - Parking Layout

Gen Govt CIP Fund FY 14-15



TOWN OF ORO VALLEY AQUATIC CENTER CONCEPT PARKING PLAN



SITE PLAN 0 25 50 100 150
SCALE: 1"=50'

TOWN OF ORO VALLEY DEVELOPMENT AND INFRASTRUCTURE SERVICES



11000 N. La Canada Dr.
Oro Valley, Az. 85737
520-229-4800



NO.	REVISION DESCRIPTION	DIV/SECT.ENGR.	DATE

DESIGNED	DATE

TOWN OF ORO VALLEY
STEAM PUMP RANCH
PARKING/CIRCULATION PLAN
PROJ. ENGR.

SCALES

HORZ.
VERT.

SHEET 1 OF 1



Projects by Fund

Table 2 below identifies the General Government CIP Fund projects for Fiscal Years 2015 – 2029:

Table 2

General Government CIP Fund

Project Name	Fiscal Year					
	14/15	15/16	16/17	17/18 - 20/21	21/22 - 24/25	25/26 - 28/29
MOC Fueling Facility	\$ 80,000	\$ -	\$ -	\$ -	\$ -	\$ -
MOC Parking Expansion and Security Improvements	-	-	50,000	125,000	-	-
The District Signs and Flags	-	100,000	100,000	-	-	-
Aquatic Center Parking Expansion	184,000	-	-	-	-	-
Upgrade CarteGraph to Enterprise License	-	40,000	-	-	-	-
Replace Permitting/Land Mgmt Software - ROLLOVER	240,000	-	-	-	-	-
Replacement Phone System - ROLLOVER	200,000	-	-	-	300,000	-
Town Backups	60,000	-	-	200,000	-	-
Security Upgrades (Cameras) - ROLLOVER	50,000	-	-	-	-	-
Server Room Expansion	-	-	150,000	-	-	-
Server Operating System Upgrade	-	-	-	50,000	60,000	70,000
Network Storage Upgrade	-	-	-	50,000	60,000	72,000
Database Licensing	-	50,000	-	80,000	-	85,000
Upgrade Desktop Operating System	-	-	-	150,000	200,000	-
Exchange Server Replacement	-	70,000	-	80,000	-	80,000
Virtual Server Host System Replacement	-	60,000	-	60,000	-	60,000
Replace Network Infrastructure Hardware	-	-	-	-	200,000	-
New Court/Prosecution Building	-	-	-	-	3,500,000	-
Courtroom Remodel and Bench Redesign	-	75,000	75,000	-	-	-
Naranja Park Master Plan Update - ROLLOVER	40,000	-	-	-	-	-
New Restroom at Naranja Park	250,000	-	-	-	-	-
Two Additional Soccer Fields at Naranja Park	-	400,000	-	-	-	-
New Playground at Naranja Park	-	-	275,000	120,000	-	-
Additions/Upgrades to Playground at Riverfront Park	57,000	-	-	200,000	-	-
Renovate Upper Soccer Field at Riverfront Park	-	-	-	200,000	-	-
Convert Lower Soccer Field to Softball at Riverfront Park	-	-	-	200,000	-	-
Resurface Parking Lot at Riverfront Park	-	-	-	-	90,000	-
Upgrade Playground Equipment at JDK Park	-	-	-	200,000	-	-
New Ramada at JDK Park	-	-	-	300,000	-	-
Expand and Upgrade Green Field at JDK Park	-	-	150,000	-	-	-
Resurface Parking Lots at JDK Park	-	-	-	-	60,000	-
Honeybee Canyon Park Upgrades	-	-	-	150,000	-	-
Improvements at Steam Pump Ranch (SPR)	125,000	-	-	-	-	-
Aquatic Center Upgrades	57,000	-	-	-	-	-
Proctor/Leiber House Renovation at SPR	-	280,000	280,000	-	-	-
Town Hall Parking Lot Landscaping	-	-	-	-	75,000	-
Mobile Stage	-	-	-	150,000	-	-
Property/ID and Southern Substation Building	200,000	2,500,000	-	-	-	-
New Substation and Training Facility at MOC	-	-	-	-	3,170,000	-
Substation and Training Facility (Arroyo Grande)	-	-	-	-	-	3,170,000
Replace Command Post	-	-	-	300,000	-	-
Expand Communications Infrastructure	-	-	-	-	200,000	-
Records Management Upgrade	75,000	-	-	-	-	-
Electronic Document Management System (EDMS)	112,000	-	-	-	-	-
Children's Museum Oro Valley Start Up Costs	200,000	-	-	-	-	-
TEP Undergrounding Project - ROLLOVER	970,000	-	-	-	-	-
Totals	\$ 2,900,000	\$ 3,575,000	\$ 1,080,000	\$ 2,615,000	\$ 7,915,000	\$ 3,537,000



Town Council Regular Session

Item # **1.**

Meeting Date: 02/04/2015

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

Department: Town Clerk's Office

Information

SUBJECT:

PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 14 (PRIVATE CLUB) LIQUOR LICENSE FOR ORO VALLEY COUNTRY CLUB LOCATED AT 300 W. GREENOCK DRIVE

RECOMMENDATION:

Staff recommends approval of this liquor license to the Arizona Department of Liquor Licenses and Control for the following reasons:

1. No protests to this license have been received.
2. The necessary background investigation was conducted by the Police Department.
3. The Police Department has no objections to the approval of the Series 14 Liquor License.

EXECUTIVE SUMMARY:

An application for an interim permit and new Series 14 (Private Club) Liquor License has been submitted by Owner/Agent Mark Oswald for Oro Valley Country Club located at 300 W. Greenock Drive.

Mr. Oswald has submitted all necessary paperwork to the Town of Oro Valley and the Arizona Department of Liquor Licenses and Control, and has paid all related fees associated with applying for the liquor license (\$500 Application Processing Fee).

BACKGROUND OR DETAILED INFORMATION:

This non-transferable, on-sale retail privileges liquor license allows the holder of a club license to sell and serve all types of spirituous liquor for consumption only on the premises owned, leased or occupied by the club, and only to bona fide members of the club and their bona fide guests. A "club" is defined in the statutes as including veterans and fraternal organizations and their building associations, golf, social and airline clubs.

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending January 2, 2015. No protests were received during this time period.

Police Chief Daniel Sharp completed a standard background check on Oro Valley Country Club and Owner/Agent Mark Oswald. Chief Sharp has no objection to the approval of the Series 14 (Private Club) License.

FISCAL IMPACT:

Per Ordinance No. (O)11-16, the Town of Oro Valley charges a \$500 liquor license application processing fee to cover the costs incurred by the Town to process the application.

Per Section 8-2-6 Schedule of the Oro Valley Town Code, persons licensed by the State of Arizona to deal in spirituous liquor within the Town shall pay an annual license fee of \$80.00 to the Town.

SUGGESTED MOTION:

I MOVE to (recommend or deny) approval of the issuance of a Series 14 Liquor License to the Arizona Department of Liquor Licenses and Control for Mark Oswald and principals for Oro Valley Country Club located at 300 W. Greenock Drive.

Attachments

Oro Valley Country Club Series 14 Liquor License

DANIEL G. SHARP
CHIEF OF POLICE

TO: Mike Standish

FROM:  Daniel G. Sharp

DATE: 22 December 2014

RE: Background Investigation, Application for Liquor License
Oro Valley Country Club
300 W. Greenock Dr.

On 22 December 2014, the Oro Valley Police Department completed the standard background check on Oro Valley Country Club Agent Mark C. Oswald. This background check was for two liquor licenses, a Series 14 Private Club, and a Series 6 liquor sales.

The Oro Valley Police Department has no objection for the issuance of a liquor license to the Oro Valley Country Club at 300 W. Greenock Dr.

DEC 9 1:24 PM '14 TOU

APPLICATION FOR LIQUOR LICENSE
 TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)
Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)
Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) _____

SECTION 3 Type of license and fees LICENSE #(s):

1. Type of License(s): Series 14 - Private Club 1410 3029
 2. Total fees attached: Department Use Only
\$ 288.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
 The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. Oswald, Mark Clay P1025933
 (Insert one name ONLY to appear on license) Last First Middle
 2. Corp./Partnership/L.L.C.: OVCC, LLC B1053580
 (Exactly as it appears on Articles of Inc. or Articles of Org.)
 3. Business Name: Oro Valley Country Club
 (Exactly as it appears on the exterior of premises) B1036033
 4. Principal Street Location 300 W. Greenock Dr. Oro Valley Pima 85737
 (Do not use PO Box Number) City County Zip
 5. Business Phone: 520-297-1121 Daytime Phone: 520-334-7033 Email: laine.schroeder@clubcorp.com
 6. Is the business located within the incorporated limits of the above city or town? YES NO
 7. Mailing Address: 3030 LBJ Freeway Suite 600 Dallas, Texas 75234
 City State Zip
 8. Price paid for license only bar, beer and wine, or liquor store: Type N/A \$ 0 Type _____ \$ _____

DEPARTMENT USE ONLY

Fees: <u>\$100.00</u>	<u>\$100.00</u>	<u>—</u>	<u>\$88.00</u>	<u>\$288.00</u>
Application	Interim Permit	Site Inspection	Finger Prints	TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: DW Date: 12/5/14 Lic. # 1410 3029

License Type: Series 14 Private Club

This non-transferable, on-sale retail privileges liquor license allows the holder of a club license to sell and serve all types of spirituous liquor for consumption only on the premises owned, leased or occupied by the club, and only to bona fide members of the club and their bona fide guests. A "club" is defined in the statutes as including veterans and fraternal organizations and their building associations, golf, social and airline clubs.



Town Council Regular Session

Item # **2.**

Meeting Date: 02/04/2015

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

Department: Town Clerk's Office

Information

SUBJECT:

PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 6 (BAR) LIQUOR LICENSE FOR ORO VALLEY COUNTRY CLUB LOCATED AT 300 W. GREENOCK DRIVE

RECOMMENDATION:

Staff recommends approval of this liquor license to the Arizona Department of Liquor Licenses and Control for the following reasons:

1. No protests to this license have been received.
2. The necessary background investigation was conducted by the Police Department.
3. The Police Department has no objection to the approval of the Series 6 Liquor License.

EXECUTIVE SUMMARY:

An application for a person and location transfer of an existing Series 6 (Bar) Liquor License has been submitted by Owner/Agent Mark Oswald for Oro Valley Country Club located at 300 W. Greenock Drive.

Ms. Oswald has submitted all necessary paperwork to the Town of Oro Valley and the Arizona Department of Liquor Licenses and Control and has paid all related fees associated with applying for the liquor license (\$500 Application Processing Fee).

BACKGROUND OR DETAILED INFORMATION:

The bar (series 6) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a bar retailer to sell and serve all types of spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Payment must be made no later than the time of delivery. Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the ones provided for the bar. A hotel or motel with a Series 06 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m. Internet sale of liquor is not permitted in the state of Arizona. Liquor must be delivered to an Arizona liquor-licensed wholesaler, then an Arizona liquor-licensed retailer prior

to delivery to the consumer.

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending January 9, 2015. No protests were received during this time period.

Police Chief Daniel Sharp completed a standard background check on Oro Valley Country Club and Owner/Agent Mark Oswald. Chief Sharp has no objection to the approval of the Series 6 (Bar) License.

FISCAL IMPACT:

Per Ordinance No. (O)11-16, the Town of Oro Valley charges a \$500 liquor license application processing fee to cover the costs incurred by the Town to process the application.

Per Section 8-2-6 Schedule of the Oro Valley Town Code, persons licensed by the State of Arizona to deal in spirituous liquor within the Town shall pay an annual license fee of \$80.00 to the Town.

SUGGESTED MOTION:

I MOVE to (recommend or deny) approval of the issuance of a Series 6 Liquor License to the Arizona Department of Liquor Licenses and Control for Mark Oswald and principals for Oro Valley Country Club located at 300 W. Greenock Drive.

Attachments

Oro Valley Country Club Series 6 Liquor License

DANIEL G. SHARP
CHIEF OF POLICE

TO: Mike Standish

FROM:  Daniel G. Sharp

DATE: 22 December 2014

RE: Background Investigation, Application for Liquor License
Oro Valley Country Club
300 W. Greenock Dr.

On 22 December 2014, the Oro Valley Police Department completed the standard background check on Oro Valley Country Club Agent Mark C. Oswald. This background check was for two liquor licenses, a Series 14 Private Club, and a Series 6 liquor sales.

The Oro Valley Police Department has no objection for the issuance of a liquor license to the Oro Valley Country Club at 300 W. Greenock Dr.

Arizona Department of Liquor Licenses and Control
 800 West Washington, 5th Floor
 Phoenix, Arizona 85007
 www.azliquor.gov
 602-542-5141

DEC 17 14PM 3:40 TOU

APPLICATION FOR LIQUOR LICENSE
 TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)
Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)
Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) _____

SECTION 3 Type of license and fees LICENSE #(s): 06100229

1. Type of License(s): Series 6 - Bar

2. Total fees attached:

Department Use Only
\$ 200.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
 The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. Oswald Mark Clay
 Ms. _____
 (Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: OVCC, LLC
 (Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Oro Valley Country Club
 (Exactly as it appears on the exterior of premises)
4. Principal Street Location 300 W. Greenock Dr. Oro Valley Pima 85737
 (Do not use PO Box Number) City County Zip
5. Business Phone: 520-297-1121 Daytime Phone: 520-334-7033 Email: laine.schroeder@clubcorp.com
6. Is the business located within the incorporated limits of the above city or town? YES NO
7. Mailing Address: 3030 LBJ Freeway Suite 600 Dallas, Texas 75234
 City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type 6 \$24000 Type \$

DEPARTMENT USE ONLY

Fees: 200.00	_____	_____	_____	\$ 200.00
Application	Interim Permit	Site Inspection	Finger Prints	TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: EV Date: 12.15.14 Lic. # 06100229

License Type: Series 6 Bar

The bar (series 6) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a bar retailer to sell and serve all types of spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Payment must be made no later than the time of delivery. Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the ones provided for the bar. A hotel or motel with a Series 06 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m. Internet sale of liquor is not permitted in the state of Arizona. Liquor must be delivered to an Arizona liquor-licensed wholesaler, then an Arizona liquor-licensed retailer prior to delivery to the consumer.



Town Council Regular Session

Item # **3.**

Meeting Date: 02/04/2015

Submitted By: Michael Spaeth, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A CONDITIONAL USE PERMIT REQUEST FOR A PROPOSED AUTOBODY REPAIR USE FOR CALIBER COLLISION LOCATED NORTH OF PUSCH VIEW LANE, APPROXIMATELY 1/4-MILE WEST OF ORACLE ROAD

RECOMMENDATION:

The Planning and Zoning Commission recommends approval of the proposed Conditional Use Permit, subject to the conditions listed in Attachment 1.

EXECUTIVE SUMMARY:

The applicant requests a Conditional Use Permit to operate a autobody repair use on a property located in the Mercado del Rio shopping center, north of Pusch View Lane, approximately 1/4-mile west of Oracle Road. The subject property has a vacant car wash facility and encompasses approximately 1.3 acres. The applicant's proposal is included as Attachment 2.

The Planning and Zoning Commission considered the proposed Conditional Use Permit on January 6, 2015 (see Attachment 3 - staff report to the Planning & Zoning Commission) and has recommend approval subject to the conditions listed in Attachment 1. This condition requires additional landscaping along the northern property line to ensure vehicles awaiting service are screened from the Canyon del Oro linear park.

BACKGROUND OR DETAILED INFORMATION:

Current Site Conditions

The proposed autobody repair use will occupy the existing car wash facility on Lot 11 of the Mercado del Rio shopping center. The existing building consists of:

- A two-story building encompassing approximately 11,895 sq. ft., including an approximately 3,550 sq. ft. outdoor canopy area
- Five (5') foot screen wall along the west and southwest property lines
- Three (3) overhead coiling door bays oriented away from interior streets

Request Detail

The applicant's request is summarized as follows:

- Leave the exterior of the existing building primarily unchanged
- Construct two (2) additional overhead coiling doors
- Renovate the interior of the existing car wash facility
- Relocate the existing mobility-impaired accessible parking spaces

- New parking along the east property line

Conditional Use Permit Analysis

The Conditional Use Permit Review Criteria contained in Section 22.5 provide the primary guidance for evaluating conditional uses. Conditional Use Permit may be granted based on consideration of the following criteria shown in italics:

1. *That the granting of such conditional use permit will not be materially detrimental to public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:*
 - *Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;*
 - *Hazard to persons and property from possible explosion, contamination, fire or flood;*
 - *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 types of uses permitted in the surrounding area.*

The proposed use has been reviewed and is in conformance with the criteria above. A brief description is provided below and a detailed analysis is provided in the Planning and Zoning Commission staff report (Attachment 3).

The proposed use will not include activities producing excessive amounts of odor or dust, hazard from explosion or contamination or unusual volumes of traffic. The subject property is located adjacent to existing automotive uses and is fully screened from internal drives and adjacent lots. A condition has been added to Attachment 1, requiring additional landscaping along the northern property line to ensure vehicles awaiting service are fully screened. The Planning and Zoning Commission's recommendation is based on a finding that the proposed use, with the conditions in Attachment 1, is consistent with all review criteria.

General Plan Compliance

The subject property is designated as Community/Regional Commercial on the General Plan Future Land Use Map (Attachment 4). The applicant's proposal to utilize an existing building located within an existing shopping center near similar uses is consistent with the General Plan Land Use Designation, Vision and Goals and Policies, specifically those regarding a compatible, well-balanced community.

Zoning Code Analysis

The subject property is zoned Regional Commercial C-2 (Attachment 5) which permits automotive service uses with a Conditional Use Permit to ensure the type and character of operations won't negatively impact neighboring properties. The subject property is located within an existing service commercial development and is the least visible lot from Pusch View Lane.

The approval for the car wash included additional screening requirements to mitigate against any potential impacts to nearby properties. These mitigation measures will similarly be utilized to screen the daily operations of the automotive service use.

PUBLIC PARTICIPATION:

Summary of Public Notice

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

- Letter to all property owners within 600 feet

- Letter to all individuals that attended the neighborhood meeting
- Posting at Town Hall
- All registered HOAs

Neighborhood Meetings

A neighborhood meeting was held on December 13, 2014, with approximately 3 residents and interested parties in attendance. Notable discussion topics included:

- Compatibility with neighboring properties
- Neighborhood buffers
- Traffic
- Noise
- Potential nuisances from vehicles parked outside

A copy of the neighborhood meeting summary has been included as Attachment 6.

No additional comments or concerns have been received by Staff.

The Planning and Zoning Commission considered the proposed Conditional Use Permit on January 6, 2015. One resident spoke against the proposed Conditional Use Permit. The resident was concerned the proposed auto body repair use did not qualify as an automotive service use and was therefore not a permitted use in the C-2 zoning district. Staff explained that automotive services are specifically listed in the code as conditional use in C-2. At the end of the hearing, the Planning and Zoning Commission recommended approval of the proposed Conditional Use Permit and the draft minutes have been provided as Attachment 7.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the Conditional Use Permit for Caliber Collision, subject to the conditions listed in Attachment 1, based on the finding that the proposed request is consistent with all Zoning Code review criteria.

OR

I MOVE to deny the Conditional Use Permit, finding that the proposed request is not consistent with the Zoning Code criteria due to _____.

Attachments

ATTACHMENT 1 - CONDITIONS OF APPROVAL

ATTACHMENT 2 - APPLICANT SUBMITTAL

ATTACHMENT 3 - PLANNING AND ZONING COMMISSION STAFF REPORT

ATTACHMENT 4 - GENERAL PLAN LAND USE MAP

ATTACHMENT 5 - ZONING MAP

ATTACHMENT 6 - NEIGHBORHOOD MEETING SUMMARY

ATTACHMENT 7 -DRAFT PLANNING AND ZONING COMMISSION MEETING MINUTES

**Attachment 1
Conditions of Approval
Town Council
February 4, 2015**

Planning Conditions

1. Screening must be provided along the northern property line to ensure stored vehicles are not visible from the shared use path along the Canyon del Oro Linear Park.



TO: Michael Spaeth AICP, Senior Planner
Development and Infrastructure Services
Town of Oro Valley
11000 N. La Canada Drive, Oro Valley, AZ 85737
(O) 520.229.4812, mspaeth@orovalleyaz.gov

FROM: Mike Stults – mike@crossdevelopment.net

RE.: Project Narrative – Conditional Use Permit
Caliber Collision 625 East Vuelta Caminata del Rio, Oro Valley, AZ 85737

DATE: October 27, 2014

Please allow this Project Narrative to address the specific 2.0 Plan Content directives in the Oro Valley Zoning Conditional Use Permit application.

I. PROJECT NARRATIVE:

a. Details about the type of proposed operation (including hours of operation)

The existing site/facility consist of an existing stucco building (with drive-through canopies), landscaping, site-lighting and paving improvements. This facility was previously operated as a Full-Service Car Wash facility and now sits vacant. The intent of this project shall be to remove the Car-Wash equipment and perform interior remodel so that the space may be used for Automotive Repairs. Under this scope of work, the shop will utilized as an auxiliary facility to the existing Caliber Collision full service Automotive Body and Paint Shop that sits immediately to the South of the subject property. Whereas, Caliber Collision will conduct vehicle repairs that do not require utilization of Paint-Booth. The Paint-Booth in their existing/adjacent facility will remain as their sole facility for those purposes.

For future consideration, Caliber would like to reserve the right to wash vehicles within the interior of the facility under review. So that the City may confirm that code compliance will be met, a Future Car Wash Bay/Bid-Alternate design detail will be provided in the Permit Submittal Drawings. The design will show that use of the existing drive-through Automatic Car-Wash plumbing (i.e., oil-water separator) and floor drains can be easily converted into an interior hand-wash stall. The design will confirm that

water-flow/drainage calculations, proper construction techniques and materials more than satisfy all associated local, state and federal design guidelines. Further comments on property and personal safeguards are included within the **Section 2.1.D of Conditional Use Permit Application** section of this narrative.

This shop will be operated/managed by Caliber Collision. This will be an auxiliary facility to their existing/neighbor building. The hours of operation shall coincide with the existing facility: Monday – Friday 9:00 a.m. – 5:00 p.m.



b. Square Footage

New Tenant Improvements to the existing 8,345 SF building on a 1.27 Acre (55,151 SF) site located at 625 East Vuelta Caminata del Rio, Oro Valley, CA 85737.

A breakout of existing vs. proposed facility square footages include the following:

Existing Facility Layout	SF	Proposed Layout	SF
Retail Area/Restrooms	2,231	Technician Bays x 18	3876
Wash Tunnel	1,867	New Break room	510
Equipment Area	780	Restroom and Storage	3960
Detail Area	1,832		8345
Offices (2nd Floor)	1,635		
Total Bldg SF	8,345		

Canopies	SF	Canopies	SF
Vacuum Canopy	1,470	Vacuum Canopy	1,470
Finishing Canopy	2,080	Finishing Canopy	2,080
Total Canopy SF	3,550	Total Canopy SF	3,550

c. The Type of Site Improvements Required.

This intent of this project is primarily an interior remodel. The amount of Site Improvements required is proposed to be maintenance of the existing facilities. The following notes provide the full **Scope of Work** intended:

This site was constructed and equipped as a full-service commercial automatic car wash facility. It includes interior wash tunnels and exterior vacuum stations (under drive through canopies). The site includes full landscaping, solid masonry perimeter screen wall, screened dumpster pad, drive lanes, parking, site lighting and handicapped accessibility into the building. The building is a 28’8” tall two story stucco building with clay tile roof and has multiple sectional coiling doors for vehicle entry, lounges, equipment storage and h/c accessible lounges. Note: An asbestos survey was received 9/16/14 which confirmed that the building does not possess asbestos containing material.

a. The first floor (6,710 SF) work shall consist of:

- Remove and disposal of existing car-wash equipment (see photo below).



- Demo – Interior office/lounge walls doors, door frames, millwork and floor finishes. Reference photo below shows lobby-space millwork to be removed.



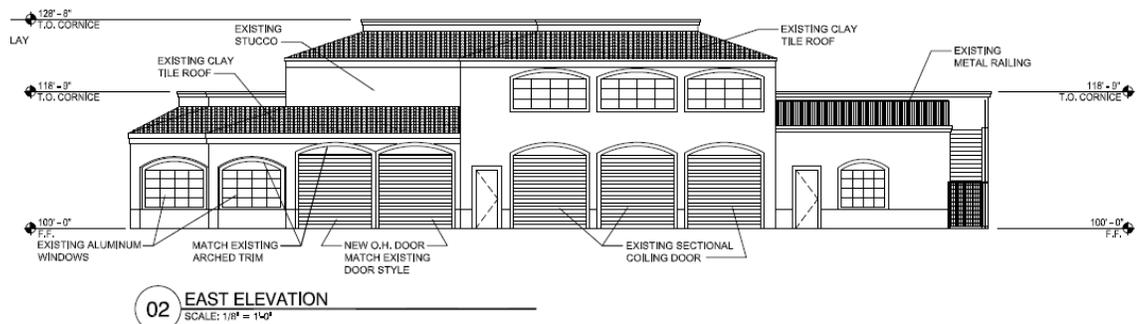
- Install plywood wainscot to interior walls.
- Repair / Build-back – Floor (incl. fill of wash tunnel trench), interior walls, ceilings, etc.). Photo of Trench to be covered.



- Weather-Tight Roof (Panels/Insulation) over existing Wash Tunnel. Photo below shows metal deck. This roof area shall receive insulation and cover (i.e., TPO or EPDM).



- New lighting layout and re-circuiting of electrical switch gear: minor change in existing interior lighting.
- HVAC mods to include one (1) new five (5) ton unit (over current wash tunnel), testing/servicing existing units and new duct layout for new space plan.
- Five (5) existing sectional roll-up/coiling doors to remain. Two new (10'W x 10'H) sectional coiling doors to be installed within exterior stucco/storefront wall. This will require demo and re-framing area of existing exterior wall. Reference elevations.



- Power-wash all concrete floor surfaces.
- New Paint on all interior walls.
- Misc. Minor Repairs/Repaint Exterior Walls as needed (total repaint not anticipated).
- Blocking and electrical run for new wall sign (as directed by Client).
- Re-Configuration (head placement) of existing wet-pipe Fire Sprinkler System.
 - Pipe Sizing/Spacing will be modified to be in compliance with any layout changes and new Code amendments since original install.
- Remove Storefront Window Assembly on South end of East Wall. Replace with two (2) new overhead coiling doors (match other existing OHDs). New shoring/bracing of wall required.

b. Canopy modifications shall include:

- Removal of existing overhead pneumatic vacuum equipment, pedestals, wiring, etc. Cap and patch wall, ceiling, floor/drive area after removal.
- Replace existing 'weathered' canvas roof-screens at both canopies.



c. Site improvements shall include:

- Re-configuration/relocation of handicapped parking stalls to accommodate access to the new overhead doors (South end of the East Bldg Wall).
- General clean-up of landscape beds and replacement of all dead material.
- Touch-up repairs in perimeter stucco wall (as needed).

d. Exclusions:

- Paint booths, equipment, or furniture.
- Site Signage.
- Pavement Repairs (other than repairs/restriping required to relocate H/C Stalls).
- Exterior/Site Lighting.
- Restroom Modifications (other than re-paint walls).
- 2nd Story modifications (leave as-is).
- Window treatment.
- Low-Voltage.
- New Fencing/Walls/Gates

II. Section 2.1.D of Conditional Use Permit Application.

The granting of such CUP 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:

i. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

- **Noise** – The type of facility proposed shall be limited to vehicle body “prep” work and an employee break room. The proposed vehicle repairs in this facility shall be limited items such as BONDO, hood replacement, fender repair, hail damage, light interior, molding and windshield replacement. Inherently, these types of repairs are not loud enough to project recognizable sound beyond the proposed property lines. Furthermore, this facility shall operate with all exterior doors closed. The shop contains a full HVAC System that shall provide climate control year-round. With all doors closed, there should be no nuisance to neighboring properties in the way of noise.

- **Smoke** – There shall be no operations on the premises that would generate smoke. All vehicle repairs performed on-site shall be limited to “Body” work. No mechanical work shall be performed (i.e., muffler, drive-shaft, engine seal replacement, etc.). The tools used for the services in this environment do not generate smoke. In the event of a fire, the facility has a fully equipment fire alarm and wet-pipe fire-sprinkler system. In addition, fire extinguishers are placed throughout the facility with placard notification and easy access (in accordance with local Fire Code).
- **Dust** –
 - Within the facility, light dust from BONDO application/sanding is to be expected. The amount of dust is akin to a classroom chalkboard. At the end of each shift, any floor space that has generated BONDO dust is broom and vacuum cleaned. This would be the primary cause for any ‘interior dust’. With the exterior doors being shut during working hours, none of this dust would depart the building.
 - Exterior – the only dust that would be on this facility would be that which blew in from adjacent properties. This facility has adequate paving, perimeter landscaping and solid block walls. Nothing that occurs on this site generates dust. Any dust that enters the site would likely attach to perimeter landscaping and not pass through to the adjacent properties.
- **Vibration** – No service that are performed on this site are known to generate vibration that would be detectible. Nonetheless, if any vehicle or machine were to enter the site that created a vibration, it would be removed and taken to a remote facility which could perform the necessary repairs.
- **Illumination** – The existing Site Lighting Poles generate subtle down-lighting. There is no requirement for the Operator to request additional exterior lighting. All interior lighting shall remain virtually undetected to adjacent properties. Furthermore, the hours of operation: 9:00 am – 5:00 p.m. should deter any requirement to illuminate the premises during dark-sky timeframes. In the event that lights were inadvertently left on over-night, the employment of perimeter screening walls, mature vegetation and down-lighting would prevent any spillover onto adjacent land.

ii. Hazard to persons and property from possible explosion, contamination, fire or flood.

- **General** – This facility will operate with a low-volume containers of automotive cleaning agents, shop towels, tools, electronic devices and an air compressor. All material shall be stowed away in accordance with business licensing/regulations, manufacturer’s recommendations, OSHA, Building/Electrical/Fire/Life-Safety Codes.
- **Explosion/Fire** – In the event of an explosion or fire, this facility’s Automatic Fire Alarm/Fire-Sprinkler system shall be deployed. The Wet-Pipe sprinkler system will be active and the local Fire Department will be notified via a monitored Fire Alarm system.

- **Contamination** – No services are performed outside of the facility. Therefore, no contamination should be anticipated outside the facility that would not occur in any other parking spot (i.e., at an Elementary School or City Hall). Nonetheless, if any unforeseen spill were to occur, it would be properly contained and cleaned all within a paved surface. No vehicles or other activities would occur elsewhere.
 - Any run-off from interior vehicle washing shall process through three (3) – 2,000 gallon oil-water separators before entering public sanitary sewer lines. This system remains in-place from previous car wash drive-through service. The amount of water/collection by the oil-separators that would be used in the proposed use would be far less than 50% of that used by a full-service car wash facility.
 - No vehicle washing (or other services) shall be performed outside of the building.
 - Except for the designated wash-bay stall, no vehicle washing shall be performed within any other location within the building.
 - All ventilation, plumbing, lighting and equipment shall be maintained and operational during any vehicle repairs.
 - All repairs shall be performed by personnel who have received proper training equipment and facility training.

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

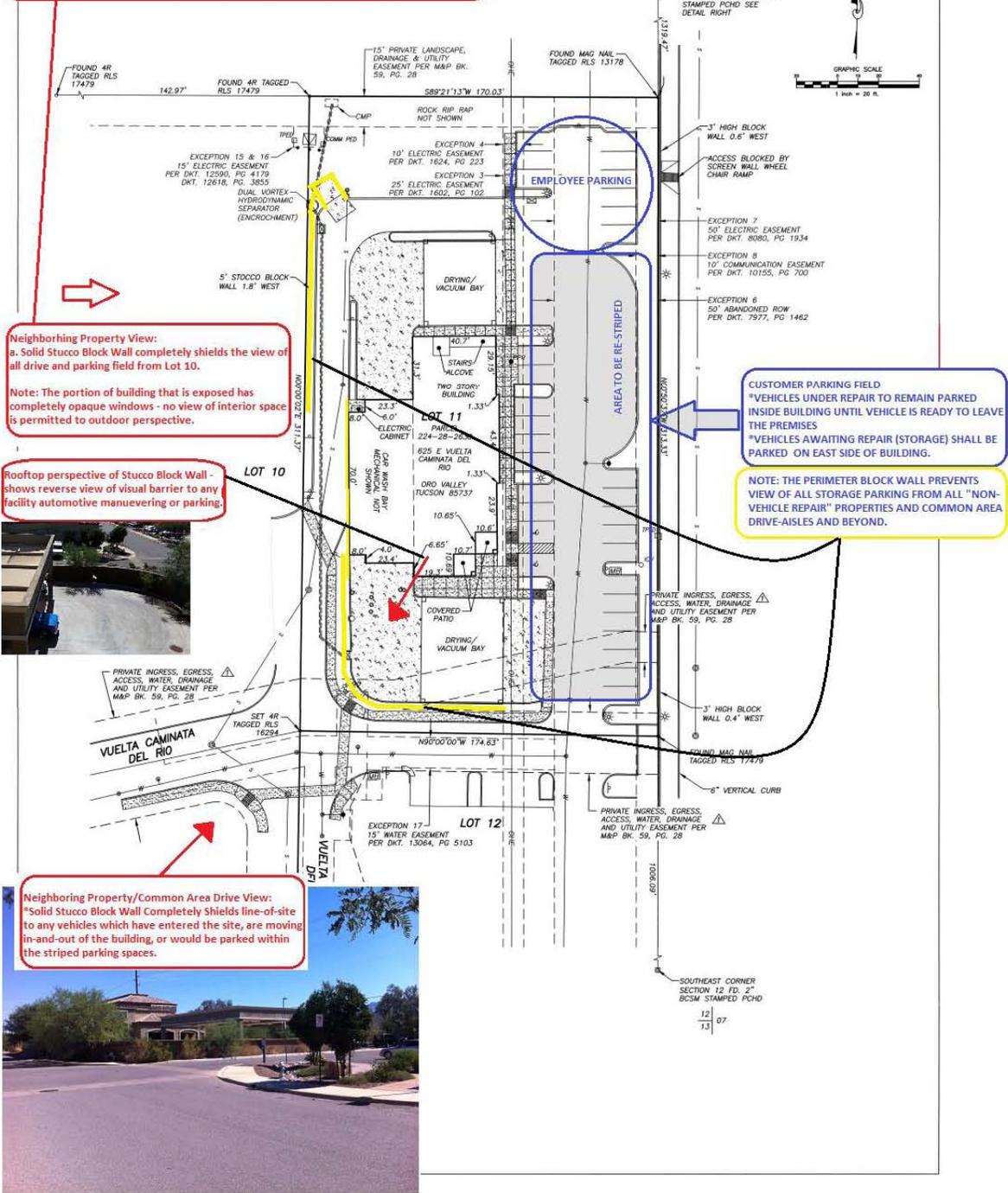
- In accordance with the active CCR's that rule Mercado Del Rio, this Lot (Lot 11) falls within the Development Plan's permitted use for Automotive Services. As the facility was previously constructed, no site or building activities are visible to Pusch View Lane, nor to any other premises within the development. All vehicles entering the site are immediately screened from ancillary view via 6' high solid masonry wall.

NOTE: For specific screening of all customer/employee traffic, parking and vehicles storage, please reference exhibit enclosed (next page). The photographs show actual line-of-site from nearby lot perspectives. The ONLY development's view of this facility's parking field will be from Lot 12 (located just to the South). As prescribed in the Mercado Del Rio Covenants and Restrictions (excerpt below), Lot 12 is another designated/approved Automotive Service Use Lot. Lot 12 is also managed by the same entity that plans to run this proposed project. Upon completion of remodel, Lot 12 (Caliber Collision) will run both facilities simultaneously.



View (Facing East) from Adjacent Lot 10

CALIBER COLLISION - PARKING EXHIBIT
 EXISTING STUCCO-CMU BLOCK WALL SCREENS ALL ON-SITE PARKING FROM ALL COMMON AREA LOTS AND DRIVES NOT SPECIFICALLY DESIGNATED AS 'VEHICLE SERVICE LOTS'



Neighboring Property View:
 a. Solid Stucco Block Wall completely shields the view of all drive and parking field from Lot 10.
 Note: The portion of building that is exposed has completely opaque windows - no view of interior space is permitted to outdoor perspective.

Rooftop perspective of Stucco Block Wall - shows reverse view of visual barrier to any facility automotive maneuvering or parking.



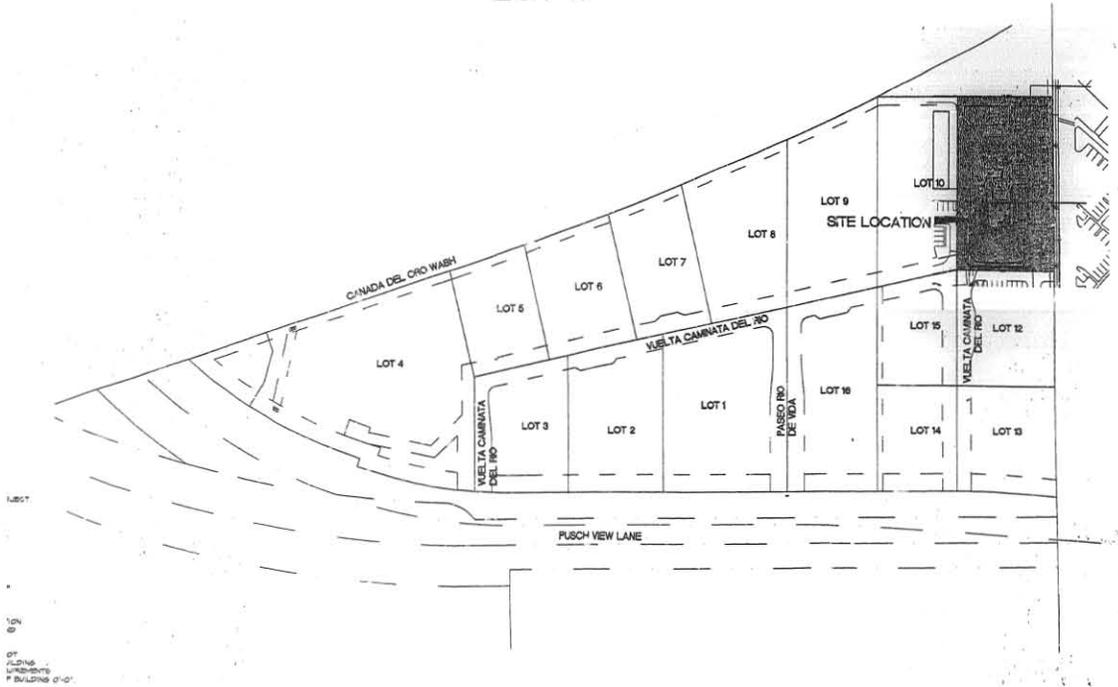
Neighboring Property/Common Area Drive View:
 *Solid Stucco Block Wall Completely Shields line-of-site to any vehicles which have entered the site, are moving in-and-out of the building, or would be parked within the striped parking spaces.



CUSTOMER PARKING FIELD
 *VEHICLES UNDER REPAIR TO REMAIN PARKED INSIDE BUILDING UNTIL VEHICLE IS READY TO LEAVE THE PREMISES
 *VEHICLES AWAITING REPAIR (STORAGE) SHALL BE PARKED ON EAST SIDE OF BUILDING.

NOTE: THE PERIMETER BLOCK WALL PREVENTS VIEW OF ALL STORAGE PARKING FROM ALL "NON-VEHICLE REPAIR" PROPERTIES AND COMMON AREA DRIVE-AISES AND BEYOND.

DEVELOPMENT PLAN FOR:
MERCADO DEL RIO
LOT 11



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MERCADO DEL RIO

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MERCADO DEL RIO (this "Declaration") is made and executed as of December 29th, 2004, by Lawyers Title Agency of Arizona, Trust No. 18080-T, which is Declarant.

ARTICLE 5

PERMITTED USES AND RESTRICTIONS

5.2 **Automobile Services Uses.** Automobile services uses shall be limited to Lots 11 through 15. All automobile service and repair activities on those Lots shall be screened from view such that the automobile service and repair activities are visible neither from Pusch View Lane nor from any other non-automobile service use Lots within the Mercado del Rio development.

- This shop will be operated/maintained by the same Caliber Collision shop that is currently in operation next door.
- Notwithstanding the above, the following "Mercado Del Rio CCR's" regulations shall be upheld:

5.7 Mineral Exploration. No Lot nor Block A shall be used in any manner to explore for or to remove any water, oil or other hydrocarbons, minerals of any kind, gravel, earth or any earth substance of any kind.

5.8 Trash Containers and Collection. No garbage or trash shall be placed or kept on any Lot or Block A, except in bins designated by the Board. All trash receptacle enclosure areas shall have gates with self-closing latches. The Board may adopt such reasonable Rules as it deems necessary regarding bins and collection of trash, including Rules to be in force on a temporary basis during any period of construction of Improvements on any Lot or Block A. All rubbish, trash or garbage shall be promptly removed from all Lots and shall not be allowed to accumulate thereon. No outdoor incinerators shall be kept or maintained on any Lot or Block A.

5.13 Vehicles. No vehicles may be stored on the Property overnight other than vehicles directly used in the active conduct of uses or businesses being conducted on the Property, and such vehicles may only be stored on the Lot on which such use or business is being conducted. All vehicles parked on the Property must fit into a single designated parking space. The Board shall have the authority to enact reasonable Rules relating to vehicles and traffic on the Property.

5.14 Lighting. The Board may enact Rules relating to internal and external lighting on all portions of the Property. The rules may be all encompassing, including regulating wattage, direction, times when lighting is permitted and any other rule relating to lighting.

5.15 Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate upon any portion of the Property for any unreasonable time, and no odors shall be permitted to arise therefrom, so as to render the Property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other portion of the Property in the vicinity thereof or to its Owners or Occupants. No loud, noxious or offensive activity shall be carried on or permitted on any Lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to Persons or property in the vicinity of such Lot, or which shall interfere with the quiet enjoyment of each of the Owners and Occupants provided, however, that the activities of, and consequences stemming from, uses and business conducted on the Property in accordance with Applicable Law and, if required, approved by Declarant, shall be deemed to be not in violation of this provision. The Board shall have the right to determine, in its sole discretion, whether the provisions of this Section 5.15 have been violated. Any decision rendered by the Board shall be enforceable and be binding in the same manner as other restrictions in this Declaration.

5.16 Drainage. No Owner or Occupant or other Person shall interfere with the drainage established for any portion of the Property by Declarant. No Owner or Occupant or other Person shall obstruct, divert, alter or interfere in any way with the drainage of ground and surface water upon, across or over any portion of the Lots, Common Use Areas or other portions of the Property, including, but not limited to, construction or installation of any type of structure or vegetation.

5.11 Heating, Ventilating and Air Conditioning Units. No heating, air conditioning or evaporative cooling units or equipment shall be placed, constructed or maintained upon the Property in any places other than as permitted under the Design Guidelines.

5.18 Environmental Protections. No Lot nor Block A, nor any Improvements on any Lot or Block A, shall be used to generate, manufacture, refine, transport, treat, store, handle, dispose of, transfer, produce or process Hazardous Substances or solid waste, except in compliance with all applicable federal, state, and local laws or regulations. For purposes of this Section, "Hazardous Substances" shall be deemed to include pollutants or substances defined as "hazardous waste," "hazardous substances," "hazardous materials" or "toxic substances" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986 (PL 99-499); the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq.; the Toxic Substance Control Act, 15 U.S.C. Section 2601, et seq.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6901 et seq.; the Arizona Environmental Quality Act, Laws 1986, Chap. 368; and in the rules or regulations adopted and guidelines promulgated pursuant to said laws.

General Notes about the Operator:

As a multi-state/multi-operator of Body Shops, Caliber Collision is well versed in the procedures and requirements to divert any operational hazards. Prior to opening for business, Caliber Collision will secure a Business License to operate said facility. Any hazardous material shall be documented, handled and/or stored per local, state and federal requirements. Furthermore, the existing facility contains a code-compliant fully monitored fire alarm system, a complete automatic sprinkler system, and exterior fire department connection.

The existing facility (site and building) has been inspected by licensed Architects/Engineers who are thoroughly versed in Body Shop Designs. Final interior improvement designs shall be designed by same Architects/Engineers. Interior Lighting, HVAC Ventilation, and Storm Sewer oil/sand interceptors shall be properly placed to facility safe conditions within and outside the entire property. These designs shall receive City of Oro Valley Plans Review/Permit Approval to ensure structural, life safety, ADA and Building Code compliance for the proposed operations.

Furthermore, the operator implements specific operational and safety guidelines that secure on-going daily assurance of employee, customer, property and surrounding area safety. These include:

1. **Drug Testing** – Applicants are required to pass drug screening. Once employed, Caliber reserves the right to perform both random and/or employee-specific testing. Any failure results in immediate loss of employment.
2. **Authorized Employment** – Applicants are required to provide proof of citizenship and/or verification that they are authorized to be lawfully employment in the US.
3. **Background Checks** – Applicants are required to pass a background check. This includes but is not limited to any incidents involving sexual crime, child endangerment, and other acts of violent nature.

4. **Facility Management** – Each facility is managed with adequate and competent staff to oversee and monitor the repair services and customer interface.
5. **Safety Training** – Given the nature of using automated machinery and restoration supplies, each employee is required to complete and continue ongoing safety training. All equipment used is state of the art and properly maintained. This instruction safeguards the employees, the environment, the clients, their vehicles and all neighboring facilities.
 - a. All training guidelines ensure prevention of the following:
 - i. Loud noise, fumes, odors, dust, vibration, illumination
 - ii. Fire, explosions, flooding,
 - iii. Contamination of persons, property or nearby equipment
6. **Environmental Protection Agency and other Governmental Regulations** – All products used, services rendered, and disposals of waste are highly regulated to prevent unwanted affects. All products and equipment are designed to ensure compliance. Laws and limitations are monitored and enforced so that any employee, clientele and passerby may be assured of a safe environment

E. Compatibility of the Proposed Facility with Surrounding:

Applicant suggests that this facility will serve as the single-most compatible site with the types of uses permitted in the surrounding area. This facility will act as an extension of the existing Caliber Collision. As such, it will promote further success of an existing business, re-occupancy of an existing vacant facility, provide expanded job growth and assurance of good custodial care.

Finally, please note the contributions that Caliber Collision brings surrounding communities for all of their locations. Among their traditions of charity and community enrichment programs (<http://calibercollision.com/about-us/community-involvement/>), Caliber Collision actively supports:

- American Heart Association Heart Walk, American Heart Association Cotes Du Coeur, and Children’s Advocacy Center of Collin County
- Military personnel through Carry The Load, Wounded Warriors and 3M’s Hire Our Heroes program
- Supplied local food banks with more than 275,000 meals for needy families in 2013
- Gifted 13 fully-refurbished vehicles to needy families through the Caliber Collision Recycled Rides program in 2012. Plan on gifting 25 in 2013

To further endorse their commitment to excellence, USAA has identified Caliber Collision as having “an exceptionally high standard when it comes to service delivery (ref. attached 7/15/14 News Release).”

MISCELLANOUS REFERENCE PHOTOS



From SE of Site
Canopy



Looking West at South



Drive/Parking East side of Bldg



North end of East Wall



Looking West at North end of Bldg



Looking West at North Canopy



Looking West – North end of Property
vacuum/replace canvas screens)



Under N Canopy (remove



Facing South – NW end of Bldg
Bldg



Facing South – West side of



From Adjacent Property to West



From SW of Site

Respectfully Submitted,
Mike Stalts

Cross Development, LLC
Mike@CrossDevelopment.net

Office: 214614-8252

Mob: 515-491-6942



Conditional Use Permit Planning and Zoning Commission Staff Report

CASE NUMBER: OV814-003 - Caliber Collision Auto Center

MEETING DATE: January 6, 2015

AGENDA ITEM: 3

STAFF CONTACT: Michael Spaeth, Senior Planner
mspaeth@orovalleyaz.gov (520) 229-4812

Applicant: Chen Architects, Ming Chen

Request: Conditional Use Permit to allow auto body repair facility

Location: Mercado del Rio shopping center Lot 11. North of Pusch View Lane, approximately ¼ mile west of the Pusch View Lane and Oracle Road intersection.

Recommendation: Approve with the conditions listed in Attachment 1.

SUMMARY:

The applicant requests a Conditional Use Permit (CUP) to operate an auto body repair use on Lot 11 of the Mercado del Rio shopping center, located north of Pusch View Lane approximately ¼ mile west of the intersection with Oracle Road. The subject property encompasses approximately 1.2 acres and currently contains an existing car wash facility which has ceased operation.

The proposed auto body repair use requires a CUP in a Regional Commercial (C-2) Zoning District. The proposed use will utilize the existing car wash structure and outdoor canopy area, with building renovations primarily taking place on the interior of the building. The applicant is proposing to add two new overhead coiling doors, relocating the existing mobility-impaired accessible parking spaces and adding new parking space striping.

The renovated building will serve as an auxiliary facility to the existing Caliber Collision Automotive Service center on Lot 12, immediately south of the subject property. The proposed facility will include a vehicle body "prep" area and an employee break room. The majority of the business operations will remain in the building to the south. The proposed use will include temporary outdoor storage of vehicles awaiting service. A condition has been added to Attachment 1 to add additional screening along the northern property line to further screen stored vehicles. The applicant's proposal is consistent with the Conditional Use Permit Review Criteria, subject to the conditions listed in Attachment 1. The applicant's proposal is included as Attachment 2.

BACKGROUND/DETAILED INFORMATION:

The Existing Land Use, General Plan and Zoning for the property and the surrounding area is summarized below and depicted in Attachments 3 and 4.

Land Use and Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
SUBJECT PROPERTY	Existing Vacant Car Wash	Community/Regional Commercial	Regional Commercial (C-2)
NORTH	Canyon del Oro Wash	Open Space	Single-family Residential (R1-144)
SOUTH	Caliber Collision Auto Service Center	Community/Regional Commercial	Regional Commercial (C-2)
EAST	Rooney Ranch Shopping Center	Community/Regional Commercial	Rooney Ranch PAD
WEST	Vacant (Mercado del Rio shopping center)	Community/Regional Commercial	Regional Commercial (C-2)

Approvals to Date

- May 2004: Mercado del Rio Master Development Plan/Preliminary Plat approved by Town Council.
- October 2004: Mercado del Rio Final Plat approved by Town Council.
- May 2005: Conditional Use Permit for Car Wash approved by Town Council.

Existing Site Details

The proposed auto body repair use will occupy the existing car wash facility on Lot 11 of the Mercado del Rio shopping center. The existing building consists of the following:

- Approximately 8,345 sq. ft. including:
 - Wash tunnel
 - Offices
 - Equipment and detail area
- Approximately 3,550 sq. ft. outdoor canopy area, fully screened from adjacent properties

- Building height of 28'8"
- Five (5') foot screen wall along the west and southwest property lines
- Three (3') foot screen wall along the east property line
- Three overhead coiling door bays facing east (away from interior streets)

Request Detail

The applicant's request is summarized as follows:

- Leave the exterior of the existing building primarily unchanged and renovate the interior of the existing car wash facility.
- Construct two additional overhead coiling doors oriented east, away from interior roadways. The new coiling doors are proposed adjacent to the three existing coiling doors and will be designed to architecturally match the existing doors (see Attachment 2 – Pg. 4).
- The relocation of the existing mobility-impaired accessible parking spaces.
- New parking along the east property line. The new and relocated mobility-impaired accessible parking spaces will be reviewed by staff during the building permit process.
- Interior renovations will include:
 - The removal of all existing car-wash equipment and remodeling to accommodate interior space for vehicle body work.
 - The modification of one bay into a detail/wash bay for future use.
 - Minimally updating the second floor office space and existing restroom facilities.

DISCUSSION/ANALYSIS:

Conditional Use Permit Analysis

The Conditional Use Permit Review Criteria contained in Section 22.5 provide the primary guidance for evaluating conditional uses. Conditional Use Permits may be granted based on consideration of the following criteria shown in italics, followed by staff commentary:

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

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

The proposed automotive service operations will involve vehicle body "prep" work, including bonding, hood replacement, fender repair, hail damage repair and windshield replacement. These types of repair operations may minimally contribute to existing noise levels; however, the applicant has stated operations will take place entirely within the confines of the building with the overhead doors closed. Any impacts from noise

generated by these repair operations will be further minimized by the existing screen walls and landscaping.

The type of operations anticipated for the facility do not include activities that produce excessive amounts of odor or smoke. Within the facility a negligible amount of dust will be produced during vehicle body work. Operations will take place with the overhead doors closed, therefore no dust is anticipated to be emitted outside of the building.

Regular operations are not anticipated to produce excessive amounts of vibration or illumination. The proposed use will be required to comply with the Town of Oro Valley Outdoor Lighting standards and regulations. The proposed use meets this criteria.

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

The proposed use will utilize a low-volume of automotive cleaning agents, vehicle body work tools, electronic devices and an air compressor. The anticipated business practices would not be expected to create hazards generated by explosion, contamination, fire or flood. The proposed use is comprehensively regulated by the International Building and Fire Codes. Typical emergency response systems currently exist in the vacant car wash building including fire sprinklers and oil-water separators to protect against off-property contamination.

Hazard occasioned by unusual volume or character of traffic.

The everyday business operations are not anticipated to generate unusual volumes or character of traffic. The applicant has stated the need to temporarily store vehicles outside in the parking lot while awaiting service. The original mitigation measures employed for the car wash, the screen walls and additional landscaping, will serve to thoroughly screen vehicles from the adjacent properties and roadways. A condition has been added to Attachment 1 to add additional landscaping along the north property line to ensure the storage of vehicles are adequately screened from multi-use path north of the property.

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

Lots 11, 12 and 13 of the Mercado del Rio shopping center were identified as those where automotive uses are permitted. The proposed auto body repair use will utilize the existing car wash building which will be renovated to serve the intended purpose. The subject property is located adjacent to the rear of the commercial properties to the west and is the furthest lot from Pusch View Lane. Repurposing the existing building and utilizing the mitigation measures implemented for the car wash, will ensure the proposed use will have a minimal impact on surrounding areas.

The approved Landscape Plan established all required buffer yards. A condition has been added to Attachment 1 to require additional landscaping along the northern property line to further screen the vehicle storage from the nearby multi-use path.

General Plan Compliance

The subject properties are designated as Community/Regional Commercial on the General Plan Future Land Use Map.

The Community/Regional Commercial General Plan land use designation is defined as:

“This designation is for commercial areas at the intersections of principal arterials.”

The subject property is a component of the larger Mercado del Rio shopping center. The applicant's proposal is consistent with this General Plan land use designation.

Conditional Use Permit 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 Conditional Use Permit 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.

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.

Goal 1.3 *To promote a compatible mix of land uses throughout the Oro Valley Planning Area*

The applicant's proposal is to occupy an existing, currently vacant building representing an opportunity for infill development. The subject property is located within a service commercial development in close proximity to a principal arterial intersection. The facility is located on Lot 11 within the shopping center, furthest from existing residential and fully screened from public roadways. The applicant's proposal to utilize an existing building located within an existing shopping center near similar uses is consistent with both the General Plan Vision and this General Plan Goal regarding a compatible, well balanced community.

Zoning Code Analysis

Auto body repair requires a Conditional Use Permit in the Regional Commercial (C-2) zoning district to ensure the type and character of operations won't negatively impact neighboring properties. The subject property is located within an existing service commercial development and is the furthest lot from Pusch View Lane. Subsequently, the nearest residential is located approximately 650 feet across Pusch View Lane. The approval for the car wash included additional screening requirements to mitigate against any potential impacts to nearby

properties. These mitigation measures will similarly be utilized to screen the daily operations of the auto body repair use.

Engineering

The applicant's proposal acknowledges that the site will remain in its current state. As a result site drainage will be maintained per the approved site improvements.

The use of the new building as proposed will not generate additional traffic as only employees will utilize the new building as additional workspace for the existing building. Patrons of the business will not conduct business or utilize the new building. Therefore, the traffic impact to the surrounding street network as a result of this use is negligible.

PUBLIC PARTICIPATION:

Summary of Public Notice

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

- Letter to all property owners within 600 feet
- Letter to all individuals that attended the neighborhood meeting.
- Posting at Town Hall
- All registered HOAs

Neighborhood Meetings

A neighborhood meeting was held on December 13, 2014 with approximately 3 residents and interested parties in attendance. Notable discussion topics included:

- Compatibility with neighboring properties
- Neighborhood buffers
- Traffic
- Noise
- Potential nuisances from vehicles parked outside

A copy of the neighborhood meeting summary has been included as Attachment 5.

No additional comments or concerns have been received by Staff.

RECOMMENDATION:

Based on the following findings:

- The proposed use will not be materially detrimental to the public health, safety or welfare
- The proposed use is consistent with the Conditional Use Permit Review Criteria.
- The proposed use will utilize an existing, currently vacant facility, thereby promoting infill development.

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

Recommend approval to the Town Council of the requested Conditional Use Permit OV814-003, subject to the conditions on Attachment 1.

SUGGESTED MOTIONS:

I move to recommend approval of the Conditional Use Permit for the Caliber Collision Automotive Service center, based on the findings in the staff report.

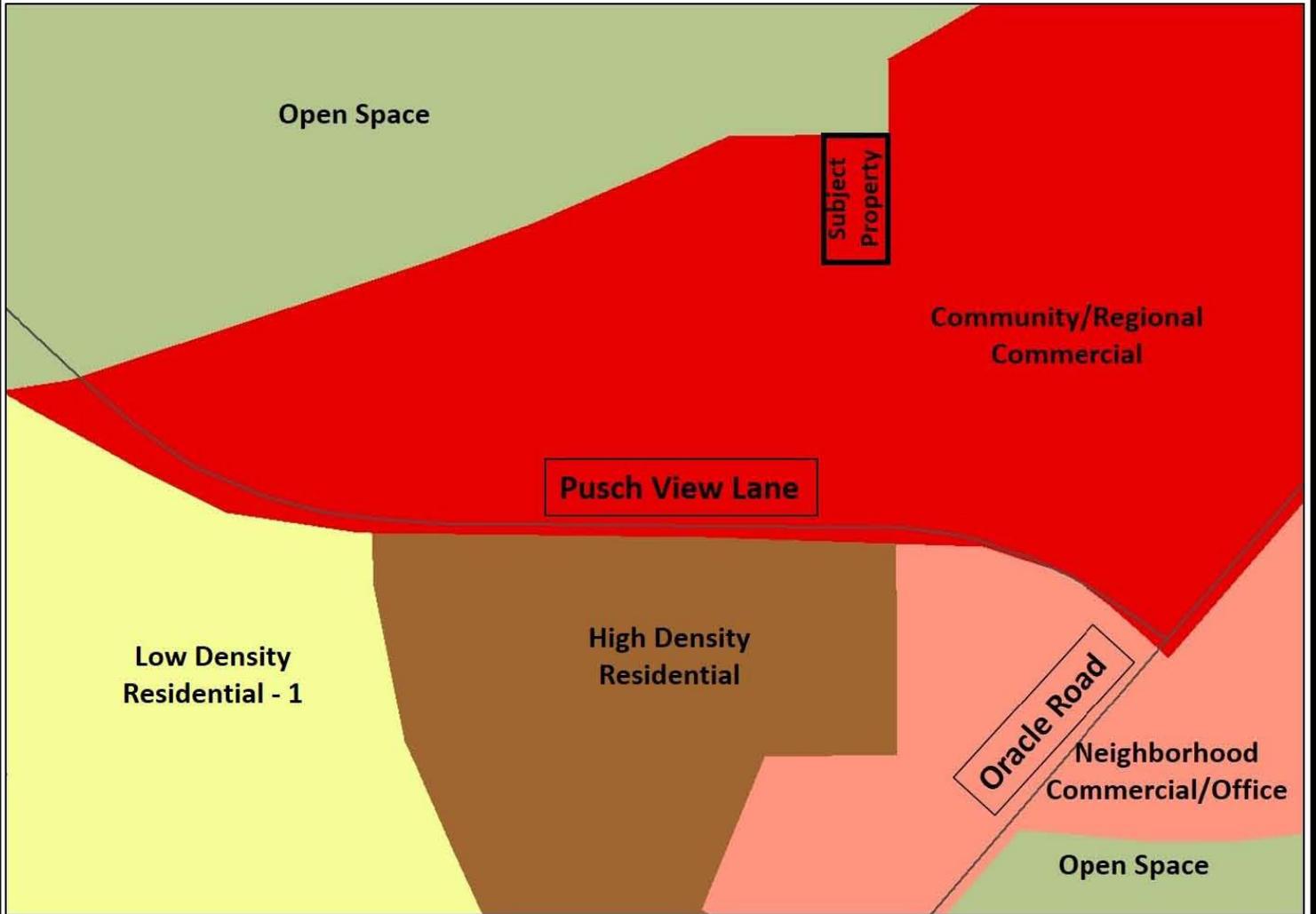
OR

I move to recommend denial of the Conditional Use Permit for the Caliber Collision Automotive Service center finding that _____.

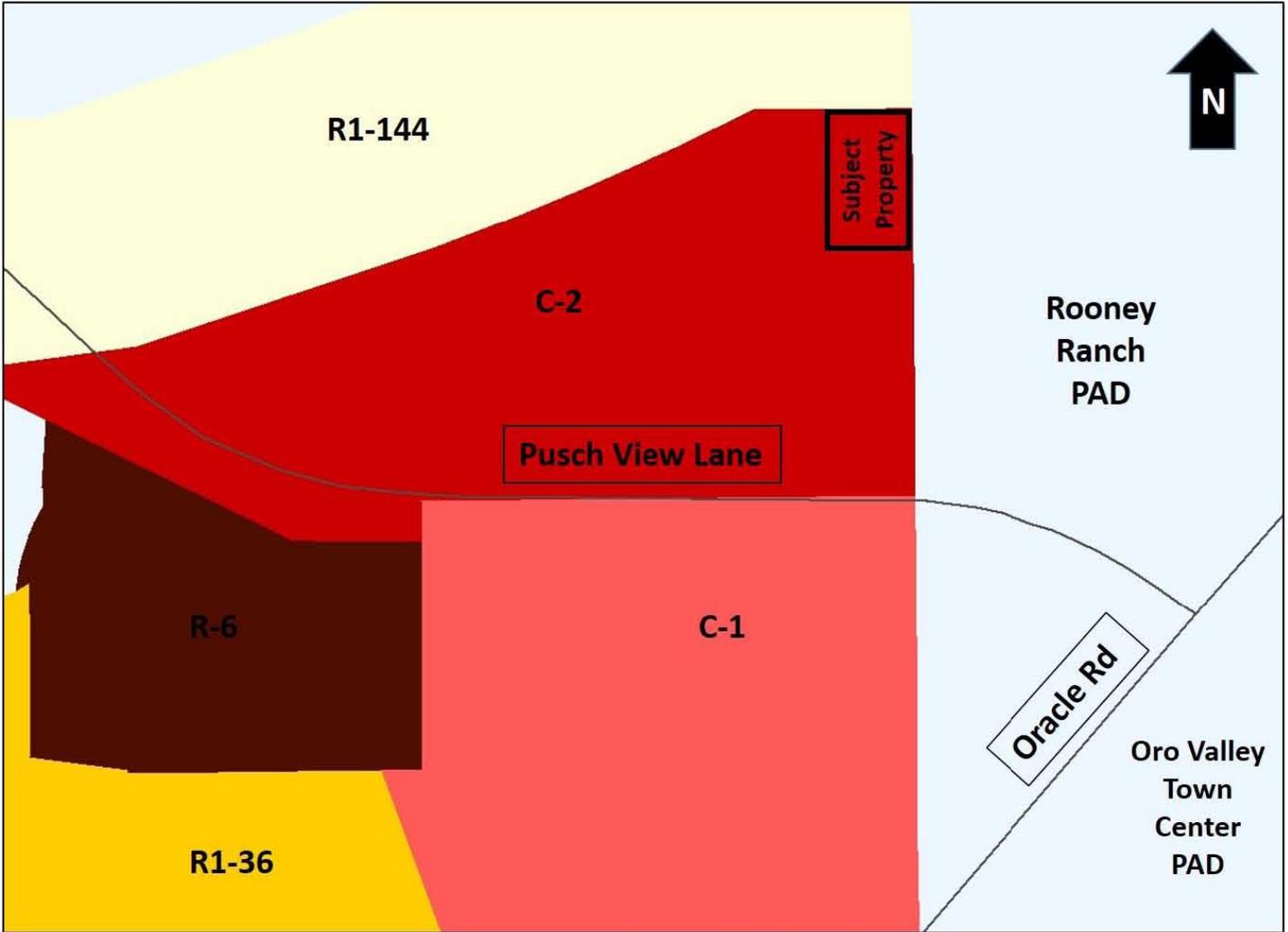
ATTACHMENTS:

1. Conditions of Approval
2. Applicant's Proposal
3. General Plan Land Use Map
4. Zoning Map
5. Neighborhood Meeting Summary

Bayer Vella, Interim Planning Manager



GENERAL PLAN MAP
 CALIBER COLLISION CONDITIONAL USE PERMIT
 (OV814-003)



ZONING MAP
 CALIBER COLLISION CONDITIONAL USE PERMIT
 (OV814-003)

**Attachment 6
Neighborhood Meeting Summary
Town Council
February 4, 2015**

**Neighborhood Meeting Summary
November 13, 2014
6:00 – 7:30 PM
Town of Oro Valley Council Chambers, 11000 N La Canada Drive**

1. Introductions and Welcome

Meeting Facilitator Matt Michels, Senior Planner, introduced the Oro Valley staff Michael Spaeth, Senior Planner, as project manager. Approximately 4 residents and interested parties attended the meeting, including Councilmember Joe Hornat.

2. Staff Presentation

Michael Spaeth, Senior Planner, provided a presentation that included:

- Summary of Conditional Use Permits
- Required Review Process for Conditional Use Permits
- Next steps

3. Applicant Presentation

Ming Chen, Chen Architects, provided a presentation detailing the applicant's proposal, which included:

- Overview of the Company
- Federal Regulations for Automotive Service centers
- Overview of project

4. Public Questions & Comments

Following is a summary of additional questions and comments:

- Potential effect on future uses within the shopping center
- Is the proposed use actually permitted?
- What specific operations will be moved to the new location?
- Will the open bay doors be an issue?
- What are the plans for cars left outside overnight?
- Compatibility the adjacent (Target) shopping center?

Mr. Chen addressed some of the questions related to the proposed development and the associated impacts.

Mr. Michels closed the meeting, thanked everyone for their attendance and encouraged everyone to contact Mr. Spaeth, the project manager, with any additional thoughts, comments or concerns.

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
January 6, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Acting Chair Rodman called the January 6, 2015 session of the Oro Valley Planning and Zoning Commission meeting to order at 6:00 PM.

ROLL CALL

PRESENT:

Bill Rodman, Chairman
Bill Leedy, Vice-Chair
Greg Hitt, Commissioner
Frank Pitts, Commissioner
Tom Drazazgowski, Commissioner
Melanie Barrett, Commissioner
Charlie Hurt, Commissioner

ALSO PRESENT:

Joe Hornat, Council Member
Lou Waters, Vice-Mayor
Bayer Vella, Planning Manager
Joe Andrews, Chief Civil Deputy Attorney
David Laws, Permit Division Manager
Amanda Jacobs, Economic Development Manager
Greg Caton, Town Manager

**3. PUBLIC HEARING: CALIBER COLLISION AUTO CARE CENTER
CONDITIONAL USE PERMIT FOR AN BODY REPAIR USE ON MERCADO
DEL RIO LOT 11, LOCATED ON THE NORTH SIDE OF PUSCH VIEW LANE,
APPROXIMATELY ¼ MILE WEST OF ORACLE ROAD, OV814-003**

Michael Spaeth, Senior Planner, Presented the following:

- Location Map
- What is a Conditional Use Permit
- Screening
- Summary and Recommendation

Chairman Rodman opened the public hearing.

Mike Stults, non-resident, project manager and representing the applicant, provided a brief overview of the project.

Bill Adler, Oro Valley resident, expressed that he can't find anything in the zoning code for auto repair shop that is a conditionally permitted use in this zoning district. This is not a question of interpretation. In this particular case we either have a permitted use in this zoning district or conditionally permitted use, but it isn't enough to simply say this is automobile related.

Chairman Rodman closed the public hearing.

MOTION: A motion was made by Commissioner Hitt and seconded by Commissioner Pitts to recommend approval of the Conditional Use Permit for the Caliber Collision Automotive Service center, based on the findings in the staff report and Attachment 1.

MOTION carried, 7-0.

**Attachment 1
Conditions of Approval
Town Council**

February 4, 2015

Planning Conditions

1. Screening must be provided along the northern property line to ensure stored vehicles are not visible from the shared use path along the Canyon del Oro Linear Park.

ADJOURNMENT

MOTION: A motion was made by Commissioner Leedy and seconded by Commissioner Drazazgowski to adjourn the January 6, 2015, Planning and Zoning Commission meeting at 8:22 PM.

MOTION carried, 7-0.



Town Council Regular Session

Item # **4. a.**

Meeting Date: 02/04/2015
Requested by: Bayer Vella
Submitted By: Rosevelt Arellano
Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)15-13, DECLARING THE PROPOSED AMENDMENT TO THE ORO VALLEY ZONING CODE SECTION 24.9 AND CHAPTER 24, RELATING TO ECONOMIC EXPANSION ZONE OVERLAY DISTRICT, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This is a procedural item to declare the draft ordinance a matter of public record. The draft ordinance has been posted online and made available in the Town Clerk's Office. If the final version is adopted, as approved by Town Council, it will be made available in the same manner.

BACKGROUND OR DETAILED INFORMATION:

Once adopted by Town Council, this proposed resolution will become a public record and will save the Town on advertising costs since the Town will forgo publishing the entire draft ordinance in print form. The current draft version of the draft ordinance has been posted on the Town's website and a printed copy is available for public review in the Town Clerk's Office. Once adopted, the final version will be published on the Town's website.

FISCAL IMPACT:

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

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)15-13, declaring the proposed amendments to the Oro Valley Zoning Code Revised Section 24.9 and Chapter 24, attached hereto as Exhibit "A" and filed with the Town Clerk, a public record.

Attachments

(R)15-13 EEZ Overlay District Amendment
Exhibit "A"

RESOLUTION NO. (R)15-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING THE PROPOSED AMENDMENTS TO THE ORO VALLEY ZONING CODE REVISED SECTION 24.9, ECONOMIC EXPANSION ZONE, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that the proposed amendments to the Oro Valley Zoning Code Revised Section 24.9, Economic Expansion Zone, three copies of the proposed amendments which are on file in the office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 4th day of February, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

Exhibit “A”

Zoning Code Amendment
Modified Text Amendment

Additions shown in ALL CAPS

~~Deletions shown in strikethrough font~~

Section 24.9 Economic Expansion Zone

A. Purpose

The purpose of this overlay district is to provide a streamlined review process for development in Rancho Vistoso Neighborhood 3 (Innovation Park), thereby supporting Town economic development initiatives while preserving and protecting the health, safety, and welfare of the community.

B. Applicability

The Economic Expansion Zone (EEZ) review process is available to all property located within the EEZ Innovation Park Overlay District boundaries, which include Innovation Park in Rancho Vistoso Neighborhood 3, with the exception of any property within six hundred (600) feet of Rancho Vistoso PAD Residential Zones, as depicted in the overlay map, attached to the ordinance codified in this section.

1. The EEZ process is available to new development, ~~or~~ additions, expansions, or changes to existing development proposing permitted uses and otherwise consistent with existing zoning and development standards.
2. The provisions of this section do not apply to applications for amendments to the zoning or planned area development standards, or applications for conditional use permits.

C. General Provisions

1. Exemption from Conceptual Design REVIEW AND Approval Process. Development applications complying with the requirements of subsection B of this section shall be exempted from the following requirements:
 - ~~a. CDRB review and Town Council approval of conceptual site plan, conceptual architecture, and conceptual public art, as contained in Section 22.9.A and Section 22.9.D.4.~~
 - a. THE SUBMITTAL OF CONCEPTUAL DESIGN REVIEW APPLICATIONS AND ASSOCIATED CONCEPTUAL DESIGN REVIEW BOARD AND TOWN COUNCIL REVIEW.
 - b. Public outreach requirements of Section 22.15.
2. Approvals Required. Development applications complying with the requirements of subsection B of this section shall comply with the following review and approval process:
 - a. FINAL DESIGN REVIEW AS PROVIDED IN SECTION 22.9.
 - i. The form and content of all submittals shall comply with Section 22.9.D.2.
 - ii. The application shall be distributed for agency review consistent with Section 22.9.D.3.
 - iii. The review time frames shall be consistent with established review periods.
 - b. The Planning and Zoning Administrator shall evaluate conformance of ~~conceptual~~

FINAL design review submittals to the Zoning Code, with specific emphasis on:

- i. Conformance with conceptual design review principles (Section 22.9.D.5 and Section 27.3.H).
 - ii. Conformance with Addendum A design standards.
- c. UPON REVIEW OF FINAL DESIGN APPLICATIONS, the Planning and Zoning Administrator shall make specific findings of compliance with applicable conceptual design principles, Addendum A design standards, and other provisions of the Zoning Code and shall generate a report of said findings.
- d. The Planning and Zoning Administrator shall approve, disapprove or conditionally approve the ~~conceptual~~ FINAL design submittal based on specific findings as outlined in the report.
- e. Conditions may be imposed in order to fully carry out the provisions and intent of the Zoning Code.
- D. UPON WRITTEN REQUEST BY THE APPLICANT, THE PLANNING AND ZONING ADMINISTRATOR MAY APPROVE AN ALTERNATIVE PARKING RATIO, SUBJECT TO THE REVIEW CRITERIA OUTLINED IN SECTION 27.7.C.2 OF THE ZONING CODE. AN ALTERNATIVE PARKING RATIO SHALL NOT BE DEEMED INCONSISTENT WITH THE ZONING CODE AS REFERENCED IN THE ABOVE SECTION 24.9.B.1.

3. Applicant Appeal of Administrative Decision

- a. The approval, with or without conditions, or denial of an application shall be final unless, within twenty (20) days from the date of the Planning and Zoning Administrator's decision, the applicant files an appeal in writing to the Town Clerk.
- b. Such appeal shall be submitted in writing to the Town Clerk and shall indicate where, in the opinion of the appellant, the Planning and Zoning Administrator was in error.
- c. The Town Clerk shall schedule the appeal for Town Council review and the Town Council, at its meeting, shall uphold, modify or overrule the decision.
- d. The decision of the Town Council shall be final.

4. Town Council Review of Administrative Decision

- a. The approval, with or without conditions, or denial of an application shall be final unless, within twenty (20) days from the date of the Planning and Zoning Administrator's decision, a majority of the Town Council requests review of the Planning and Zoning Administrator's decision.
- b. The Town Council shall have the right and prerogative to initiate its own review of any decision of the Planning and Zoning Administrator.
- c. The Town Council shall uphold, modify, or overrule the decision or may refer the application to the Conceptual Design Review Board for their recommendation prior to taking action.
- d. Notice of Town Council-initiated review of an administrative decision shall be given to the applicant by the Town Clerk within ten (10) days of Town Council action.
- e. The decision of the Town Council shall be final.



Town Council Regular Session

Item # **4. b.**

Meeting Date: 02/04/2015
Requested by: Bayer Vella
Submitted By: Rosevelt Arellano
Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)15-05, AMENDING SECTION 24.9, ECONOMIC EXPANSION ZONE (EEZ) OVERLAY DISTRICT, OF THE ORO VALLEY ZONING CODE REVISED TO ELIMINATE THE CONCEPTUAL DESIGN REVIEW PROCESS AND ALLOW ADMINISTRATIVE APPROVAL OF ALTERNATIVE PARKING RATIOS

RECOMMENDATION:

The Planning and Zoning Commission recommends approval of the proposed revisions depicted in Attachment 1, Exhibit "A."

EXECUTIVE SUMMARY:

In 2012, the Town Council adopted the Economic Expansion Zone (EEZ) Overlay District for Rancho Vistoso Neighborhood 3 (aka Innovation Park). The purpose of the EEZ is to promote development in Innovation Park by enabling a streamlined administrative Conceptual Design review and approval process.

Since its adoption, there have been several EEZ projects that have highlighted two (2) areas of needed improvement: 1) Inefficiency of the site plan review process 2) Developer's inability to provide more or less parking spaces than the Zoning Code requires (alternative parking ratio). The proposed code amendment seeks to address these issues by:

1. Incorporating the Conceptual Design review process into the Final Design review.
2. Enabling developers the ability to request administrative reviews of alternative parking ratios.

BACKGROUND OR DETAILED INFORMATION:

The purpose of the EEZ is to promote development in Innovation Park by enabling a shorter and faster review process. When companies are looking to relocate or expand, they typically evaluate multiple sites in multiple jurisdictions. It is important to position Oro Valley to be competitive as these future economic development opportunities present themselves. The proposed amendment would improve the overall review time of EEZ projects and help attract targeted industries.

The following is background information on the two (2) components of the amendment.

Conceptual and Final Design Review

The current EEZ process consists of two steps: 1) Conceptual Design Review 2) Final Design Review. The purpose of the Conceptual Design Review is to ensure that a project's overall design (i.e. site layout, architecture and public art) is functional and compatible within

its boundaries and the surrounding area. Under the EEZ process, the Conceptual Design is administratively approved and does not require the normal Conceptual Design Review Board (CDRB) recommendation and Town Council approval. The purpose of the Final Design Review is to ensure that a project is consistent with the approved Conceptual Design and other applicable zoning provisions.

After working with the EEZ for over two (2) years, it has been determined that the information and review components of the Conceptual Design can be incorporated into the Final Design, which will eliminate one step in the process, resulting in time efficiency and promotion of economic development within Innovation Park.

Parking Standards

The current EEZ provisions do not enable developers the ability to request administrative approval of an alternative parking ratio (i.e. request to propose more or less parking spaces than required by the Zoning Code), which currently requires CDRB approval.

Under the current code, an EEZ project, which normally would be reviewed administratively, is elevated to the CDRB and Town Council based on an alternative parking ratio request. The alternative parking ratio request is a technical analysis that can be adequately decided by the Planning and Zoning Administrator, and maintained for the intended streamlined process for project approval. Alternative parking ratio requests will continue to require conformance with the approval criteria, with the purpose to ensure that alternative parking ratio request is more accurate than the parking standards outlined in the Zoning Code.

General Plan Analysis

The proposed code amendment was reviewed for conformance with the Vision, Goals and Policies of the General Plan. Listed below are relevant policies within the General Plan relating to economic development, followed by staff commentary:

Goal 3.1 To ensure long-term financial and economic sustainability for the Town of Oro Valley.

Staff Comment: The proposed code amendment assists in attracting and retaining skilled, professional level jobs in targeted industries, which create wealth for the community and have a multiplier effect by creating additional jobs in the retail and service sector due to the increased demand for goods and services from the income generated by primary jobs. This job creation contributes directly and indirectly to the economic long-term sustainability of other sectors of the local economy, including retail, service, and government services.

Policy 3.1.1 The Town shall ensure that future growth reflects the desires of the community in balance with an analysis of the Town's financial needs...to ensure that future development will complement community values and implement the community's economic vision for the future, while maintaining the ability of Oro Valley to attract and retain desirable businesses.

Staff Comment: The proposed amendment serves to “implement the community’s economic vision for the future” by encouraging established Innovation Park businesses to grow and expand while providing a desirable incentive for new businesses to locate to Oro Valley.

Policy 3.1.2 The Town shall continue to strive for a diverse economic base that will help reduce Oro Valley's dependence on revenues derived from growth-related sources. Encourage and support the following types of uses as means of diversifying the local tax base, increasing local employment opportunities, and decreasing expenditure leakage to

nearby communities.

Staff Comment: As discussed, the creation of professional level jobs enhances the economic stability and vitality of the community in a number of important ways, including increasing revenue for existing retail and service businesses.

Planning and Zoning Commission Review

The amendment was heard by the Planning and Zoning Commission on January 6, 2015. The main topic discussed at the meeting included general information on the site plan process. At the conclusion of the meeting, the Commission voted to recommend approval of the amendment. The Planning and Zoning Commission staff report is included as Attachment 2 and the draft minutes are included as Attachment 3.

Public Notification and Comment

Public notice has been provide as follows:

- All HOAs in the Town were notified of this hearing
- Public hearing notice was posted in the Territorial newspaper
- At Town Hall
- On the Town website

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve Ordinance No. (O)15-05, amending Section 24.9 of the Oro Valley Zoning Code as provided in Attachment 1, finding that the amendment meets the intent of the Economic Expansion Zone Overlay District.

OR

I MOVE to deny Ordinance No. (O)15-05, finding that the proposed amendment is not warranted at this time due to _____.

Attachments

Attachment 1 - (O)15-05 Amending EEZ Overlay District

Exhibit A

Attachment 2 - PZC Staff Report

Attachment 3 - 1/6/15 Draft P&Z Minutes

ORDINANCE NO. (O)15-05

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 24 SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 24.9, ECONOMIC EXPANSION ZONE; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, adopting that certain document entitled “Oro Valley Zoning Code Revised” (OVZCR); and

WHEREAS, on October 3, 2012, the Mayor and Council approved Ordinance (O)12-15 adopting the creation of an Economic Expansion Zone (EEZ) overlay district; and,

WHEREAS, the proposed amendment to Section 24.9, Economic Expansion Zone, would make the application process more efficient by incorporating the Conceptual Design Review process into the Final Design Review; and

WHEREAS, the proposed amendment would also enable developers the ability to request administrative review of an alternative parking ratio, which maintains the intended streamlined process for EEZ projects; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments to Section 24.9, Economic Expansion Zone at a duly noticed public hearing on January 6, 2015, in accordance with State Statutes and recommended approval to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Section 24.9, Economic Expansion Zone and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances.

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

SECTION 1. Section 24.9, Economic Expansion Zone attached hereto as Exhibit “A”, is hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~striketrough~~ text.

SECTION 3. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof .

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 4th day of February, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

Zoning Code Amendment
Proposed Text

Additions shown in ALL CAPS

~~Deletions shown in strikethrough font~~

Section 24.9 Economic Expansion Zone

A. Purpose

The purpose of this overlay district is to provide a streamlined review process for development in Rancho Vistoso Neighborhood 3 (Innovation Park), thereby supporting Town economic development initiatives while preserving and protecting the health, safety, and welfare of the community.

B. Applicability

The Economic Expansion Zone (EEZ) review process is available to all property located within the EEZ Innovation Park Overlay District boundaries, which include Innovation Park in Rancho Vistoso Neighborhood 3, with the exception of any property within six hundred (600) feet of Rancho Vistoso PAD Residential Zones, as depicted in the overlay map, attached to the ordinance codified in this section.

1. The EEZ process is available to new development, ~~or~~ additions, expansions, or changes to existing development proposing permitted uses and otherwise consistent with existing zoning and development standards.
2. The provisions of this section do not apply to applications for amendments to the zoning or planned area development standards, or applications for conditional use permits.

C. General Provisions

1. Exemption from Conceptual Design REVIEW AND Approval Process. Development applications complying with the requirements of subsection B of this section shall be exempted from the following requirements:
 - ~~a. CDRB review and Town Council approval of conceptual site plan, conceptual architecture, and conceptual public art, as contained in Section 22.9.A and Section 22.9.D.4.~~
 - a. THE SUBMITTAL OF CONCEPTUAL DESIGN REVIEW APPLICATIONS AND ASSOCIATED CONCEPTUAL DESIGN REVIEW BOARD AND TOWN COUNCIL REVIEW.
 - b. Public outreach requirements of Section 22.15.
2. Approvals Required. Development applications complying with the requirements of subsection B of this section shall comply with the following review and approval process:
 - a. FINAL DESIGN REVIEW AS PROVIDED IN SECTION 22.9.
 - i. The form and content of all submittals shall comply with Section 22.9.D.2.
 - ii. The application shall be distributed for agency review consistent with Section 22.9.D.3.
 - iii. The review time frames shall be consistent with established review periods.
 - b. The Planning and Zoning Administrator shall evaluate conformance of ~~conceptual~~

FINAL design review submittals to the Zoning Code, with specific emphasis on:

- i. Conformance with conceptual design review principles (Section 22.9.D.5 and Section 27.3.H).
 - ii. Conformance with Addendum A design standards.
- c. UPON REVIEW OF FINAL DESIGN APPLICATIONS, the Planning and Zoning Administrator shall make specific findings of compliance with applicable conceptual design principles, Addendum A design standards, and other provisions of the Zoning Code and shall generate a report of said findings.
- d. The Planning and Zoning Administrator shall approve, disapprove or conditionally approve the ~~conceptual~~ FINAL design submittal based on specific findings as outlined in the report.
- e. Conditions may be imposed in order to fully carry out the provisions and intent of the Zoning Code.
- D. UPON WRITTEN REQUEST BY THE APPLICANT, THE PLANNING AND ZONING ADMINISTRATOR MAY APPROVE AN ALTERNATIVE PARKING RATIO, SUBJECT TO THE REVIEW CRITERIA OUTLINED IN SECTION 27.7.C.2 OF THE ZONING CODE. AN ALTERNATIVE PARKING RATIO SHALL NOT BE DEEMED INCONSISTENT WITH THE ZONING CODE AS REFERENCED IN THE ABOVE SECTION 24.9.B.1.

3. Applicant Appeal of Administrative Decision

- a. The approval, with or without conditions, or denial of an application shall be final unless, within twenty (20) days from the date of the Planning and Zoning Administrator's decision, the applicant files an appeal in writing to the Town Clerk.
- b. Such appeal shall be submitted in writing to the Town Clerk and shall indicate where, in the opinion of the appellant, the Planning and Zoning Administrator was in error.
- c. The Town Clerk shall schedule the appeal for Town Council review and the Town Council, at its meeting, shall uphold, modify or overrule the decision.
- d. The decision of the Town Council shall be final.

4. Town Council Review of Administrative Decision

- a. The approval, with or without conditions, or denial of an application shall be final unless, within twenty (20) days from the date of the Planning and Zoning Administrator's decision, a majority of the Town Council requests review of the Planning and Zoning Administrator's decision.
- b. The Town Council shall have the right and prerogative to initiate its own review of any decision of the Planning and Zoning Administrator.
- c. The Town Council shall uphold, modify, or overrule the decision or may refer the application to the Conceptual Design Review Board for their recommendation prior to taking action.
- d. Notice of Town Council-initiated review of an administrative decision shall be given to the applicant by the Town Clerk within ten (10) days of Town Council action.
- e. The decision of the Town Council shall be final.



Zoning Code Amendment Planning and Zoning Commission Staff Report

CASE NUMBER: OV714-014

MEETING DATE: January 6, 2015

AGENDA ITEM: 4

STAFF CONTACT: Roosevelt Arellano, Planner
rarellano@orovalleyaz.gov (520) 229-4817

Request: Zoning Code Amendment to Section 24.9, Economic Expansion Zone (EEZ) Overlay District

Recommendation: Approve Zoning Code Amendment

SUMMARY:

The Economic Expansion Zone (EEZ) Overlay District was adopted in 2012, and was intended to streamline the development in Innovation Park by enabling an administrative review process. Since the adoption, there has been several EEZ projects which have highlighted areas of needed improvement including: 1) Efficiency of the site plan approval process and 2) Efficiency of the approval process for a modified number of required parking spaces. The proposed code amendment seeks to address these issues by:

1. Eliminating the administrative review of a Conceptual Design Plan and allowing EEZ projects to proceed to Final Design.
 2. Enabling developers the ability to obtain administrative approval of an alternative parking ratio, which is a request to provide more or less parking spaces than the Zoning Code requires.
-

BACKGROUND OR DETAILED INFORMATION:

The intent of the EEZ is to encourage economic development in Innovation Park by expediting the development review and approval process. When companies are looking to relocate or expand, they typically evaluate multiple sites in multiple jurisdictions. It is important to position Oro Valley to be competitive as these future economic development opportunities present themselves. The proposed amendment would improve the overall review time of EEZ projects and help attract targeted industries.

The following is background information on the two components of the amendment.

Conceptual and Final Design Review

The current EEZ process consists of two steps. The first step is the Conceptual Design Review which ensures that a project's overall design (i.e. site layout, architecture and public art) is functional and compatible within its boundaries and the surrounding area. Under the EEZ process, the Conceptual Design is administratively approved and does not require the normal Conceptual Design Review Board recommendation and Town Council approval. The second step is the Final Design Review which ensures that a project is consistent with the approved Conceptual Design and other applicable zoning provisions.

After two years of implementing the EEZ process, it has been determined that the information and review components of the Conceptual Design can be incorporated into a Final Design application. This approach will eliminate one step in the process, and will result in time efficiency and promotion of economic development within the overlay district.

Parking Standards

The current EEZ provisions do not enable developers the ability to request administrative approval of an alternative parking ratio. An alternative parking ratio (i.e. request to propose more or less parking spaces than required by the Zoning Code) requires Conceptual Design Review Board approval.

Under the current code, an EEZ project which normally would be reviewed administratively, is elevated to the Conceptual Design Review Board and Town Council based on an alternative parking ratio request. The alternative parking ratio request is a technical analysis which can be adequately decided by the Planning and Zoning Administrator and maintain the intended streamlined process for project approval. Alternative parking ratio requests will continue to require conformance with the approval criteria. The purpose of the criteria is to ensure that an alternative parking ratio request more accurately reflects the parking demand of the use than the current parking standards.

DISCUSSION / ANALYSIS:

Proposed Amendment

The proposed code amendment (Attachment 1) would:

1. Eliminating the administrative review of a Conceptual Design Plan and allowing EEZ projects to proceed to Final Design.
2. Enabling developers the ability to obtain administrative approval of an alternative parking ratio, which is a request to provide more or less parking spaces than the Zoning Code requires.

Zoning Amendment Analysis

The proposed amendment (Attachment 1) would make the application process more efficient by incorporating the Conceptual Design Review process into the Final Design Review. The proposed amendment would also enable developers the ability to request administrative review of an alternative parking ratio, which maintains the intended streamlined process for EEZ projects.

The following is a list of benefits related to the proposed amendment:

Benefits of Amendment

- Eliminates unnecessary work and reduces the review time by 30 to 60 days.
- Provides a more efficient and streamlined process.
- Further enables and incentivizes the EEZ Overlay District.
- Allows a more accurate number of required parking spaces based on the parking needs of various job industries.

General Plan Conformance Analysis

Goal 3.1 To ensure long-term financial and economic sustainability for the Town of Oro Valley.

Staff Comment: The proposed code amendment assists in attracting and retaining skilled, professional level jobs in targeted industries. These primary jobs create wealth for the community and have a multiplier effect by creating additional jobs in the retail and service sector due to the increased demand for goods and services from the income generated by primary jobs. This contributes directly and indirectly to the economic long-term sustainability of other sectors of the local economy, including retail, service, and government services.

Policy 3.1.1 The Town shall ensure that future growth reflects the desires of the community in balance with an analysis of the Town's financial needs...to ensure that future development will complement community values and implement the community's economic vision for the future, while maintaining the ability of Oro Valley to attract and retain desirable businesses.

Staff Comment: The proposed amendment serves to “implement the community’s economic vision for the future” by encouraging established Innovation Park businesses to grow and expand while providing a desirable incentive for new businesses to locate to Oro Valley.

Policy 3.1.2 The Town shall continue to strive for a diverse economic base that will help reduce Oro Valley's dependence on revenues derived from growth-related sources. Encourage and support the following types of uses as means of diversifying the local tax base, increasing local employment opportunities, and decreasing expenditure leakage to nearby communities.

Staff Comment: As discussed, the creation of professional level jobs enhances the economic stability and vitality of the community in a number of important ways, including increasing revenue for existing retail and service businesses.

PUBLIC PARTICIPATION:

Public notice has been provided as follows:

- All HOAs in the Town were notified of this hearing
- Public hearing notice was posted:
 - In the Territorial newspaper
 - At Town hall
 - On the Town website

No comments have been received to date.

SUMMARY / CONCLUSION

The proposed amendment (Attachment 1) represents a logical approach to increasing the effectiveness of the EEZ Overlay District. The amendment will establish process efficiencies which will maintain the original intent of the EEZ process to incentivize economic development through a streamlined approval process.

RECOMMENDATION:

Based on the following findings, the proposed amendment would enable:

- A more efficient and streamlined process.
- Better serve the parking needs of targeted job industries.
- Further incentivize the EEZ Overlay District.
- Be consistent with the intent of the EEZ Overlay District.
- Meet the relevant Goals and Policies of the General Plan.

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

Recommend approval to the Town Council of the requested Zoning Code Amendment OV714-014.

SUGGESTED MOTIONS:

I move to recommend approval of the Zoning Code Amendment, based on the finding that the request would further enable and incentivize the EEZ Overlay District, subject to the revisions depicted in Attachment 1.

OR

I move to recommend denial of the Zoning Code Amendment, as depicted in Attachment 1, as the request does not meet the finding that _____.

ATTACHMENTS:

1. Proposed Zoning Code Amendment

Bayer Vella, AICP, Planning Division Manager

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
January 6, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Acting Chair Rodman called the January 6, 2015 session of the Oro Valley Planning and Zoning Commission meeting to order at 6:00 PM.

ROLL CALL

PRESENT:

Bill Rodman, Chairman
Bill Leedy, Vice-Chair
Greg Hitt, Commissioner
Frank Pitts, Commissioner
Tom Drazazgowski, Commissioner
Melanie Barrett, Commissioner
Charlie Hurt, Commissioner

ALSO PRESENT:

Joe Hornat, Council Member
Lou Waters, Vice-Mayor
Bayer Vella, Planning Manager
Joe Andrews, Chief Civil Deputy Attorney
David Laws, Permit Division Manager
Amanda Jacobs, Economic Development Manager
Greg Caton, Town Manager

4. PUBLIC HEARING: REQUEST TO AMEND SECTION 24.9, ECONOMIC EXPANSION ZONE (EEZ), OF THE ZONING CODE TO ALLOW A MORE EFFICIENT AND STREAMLINED PROCESS, OV714-014

Rosevelt Arellano, Planner, presented the following:

- EEZ Background
- EEZ Process Proposed Code Amendment
- Alternative Parking Ratios Existing Code

- Amendment Review
- Summary and Conclude

Chairman Rodman opened the public hearing.

Chairman Rodman closed the public hearing.

MOTION: A motion was made by Commissioner Hurt and seconded by Commissioner Drazazgowski to recommend approval of the Zoning Code Amendment, based on the finding that the request would further enable and incentivize the EEZ Overlay District, subject to the revisions depicted in Attachment 1.

MOTION carried, 7-0.

PLANNING UPDATE (INFORMATIONAL ONLY)

Bayer Vella, Planning Manager, presented the following:

- Congratulation to Chairman Rodman and Vice-Chair Leedy
- Welcome new Commissioners
- Leaving of Matt Michels, Senior Planner.
- Upcoming January 7th Town Council items
- Upcoming January 21st Town Council items
- Upcoming Neighborhood meetings

ADJOURNMENT

MOTION: A motion was made by Commissioner Leedy and seconded by Commissioner Drazazgowski to adjourn the January 6, 2015, Planning and Zoning Commission meeting at 8:22 PM.

MOTION carried, 7-0.



Town Council Regular Session

Item # **5. a.**

Meeting Date: 02/04/2015

Requested by: Bayer Vella

Submitted By: Michael Spaeth, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)15-14, DECLARING THE PROPOSED AMENDMENTS TO CHAPTER 22 OF THE ORO VALLEY ZONING CODE AT SECTION 22.3 AND CHAPTER 27 OF THE ORO VALLEY ZONING CODE REVISED AT SECTION 27.10, PROVIDED HERETO AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This is a procedural item to declare the proposed code amendment a matter of public record. The proposed code amendment has been posted online and made available in the Town Clerk's Office. If the final versions are adopted, as approved by Town Council, they will be made available in the same manner.

BACKGROUND OR DETAILED INFORMATION:

Once adopted by Town Council, this proposed resolution will become a public record and will save the Town on advertising costs since the Town will forgo publishing the draft ordinance in print form. The current draft version of the proposed code amendment has been posted on the Town's website and printed copies are available for public review in the Town Clerk's Office. Once adopted, the final versions will be published on the Town's website.

FISCAL IMPACT:

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

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)15-14, declaring the proposed amendments to Chapter 22 of the Oro Valley Zoning Code at section 22.3 and Chapter 27 of the Zoning Code at Section 27.10, attached hereto as Exhibit "A" and filed with the Town Clerk, a public record.

Attachments

ATTACHMENT 1 - (R)15-14 Amending Chapters 22 & 27

RESOLUTION NO. (R)15-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT TO BE PLACED WITHIN CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.3.D.2.b, ENTITLED THE “TENTATIVE DEVELOPMENT PLAN” AND CHAPTER 27.10, ENVIRONMENTALLY SENSITIVE LANDS, SECTION 27.10.F.2.c ENTITLED THE “FLEXIBLE DEVELOPMENT”, OF THE ORO VALLEY ZONING CODE REVISED; ATTACHED HERETO AS EXHIBIT “A” AND FILED WITH THE TOWN CLERK

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that certain document of the Oro Valley Town Code, entitled Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b, entitled the “Tentative Development Plan” and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10.F.2.c entitled the “Flexible Development” is attached hereto as Exhibit “A”, three copies of which are on file in the Office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 4th day of February, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

Section 22.3.D.2.b

b. Any proposed changes to a Tentative Development Plan approved in conjunction with a rezoning shall be submitted to the Planning and Zoning Administrator, who shall review the item and shall ascertain whether or not the change is significant. ~~If a change is determined to be significant, revised plans shall be submitted for reconsideration by both the Planning and Zoning Commission and Town Council.~~ A significant change shall be determined by, but not be limited to, the following criteria:

- 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.
- iv. Nothing in this section shall be deemed to authorize the Planning and Zoning Administrator to modify or approve any aspects of development reserved to the Conceptual Design Review Board pursuant to Section 22.5.
- v. CHANGES APPROVED AS FLEXIBLE DESIGN OPTIONS AS PERMITTED BY SECTION 27.10.G.2.c SHALL BE EXEMPT.

IF A CHANGE IS DETERMINED TO BE SIGNIFICANT, REVISED PLANS SHALL BE SUBMITTED FOR RECONSIDERATION BY BOTH THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL.

Section 27.10.F.2.c.i.a

- a. “As part of a rezoning application, or subsequent application, THE PLANNING AND ZONING ADMINISTRATOR MAY REVIEW AND APPROVE ALL FLEXIBLE DESIGN OPTIONS EXCEPT THE FOLLOWING WHICH Town Council retains discretion to enable on a cases-by-case basis”
 - 1) SUBSECTION F.2.c.iii.a OF THIS SECTION, BUILDING SETBACK (PERIMETER)
 - 2) SUBSECTION F.2.c.iii.b OF THIS SECTION, LANDSCAPE BUFFER YARD (WHEN ADJOINING A RESIDENTIAL USE)
 - 3) SUBSECTION F.2.c.iii.e OF THIS SECTION, BUILDING HEIGHT
 - 4) SUBSECTION F.2.c.iii.f OF THIS SECTION, OPEN SPACE
 - 5) SUBSECTION F.2.c.iii.g OF THIS SECTION, MIXED USE

6) SUBSECTION F.2.c.iii.h OF THIS SECTION, MODIFIED REVIEW PROCESS

Section 27.10.F.2.c.i.c – NEW SECTION

- c. "APPEAL. ADMINISTRATIVE DECISIONS OF FLEXIBLE DESIGN OPTIONS MAY BE APPEALED IN THE FOLLOWING MANNER:"
- 1) "THE APPROVAL OR DENIAL BY TOWN STAFF OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN TWENTY (20) DAYS FROM THE DATE OF STAFF'S DECISION, THE APPLICANT FILES AN APPEAL IN WRITING TO THE TOWN COUNCIL. SUCH APPEAL SHALL BE IN WRITING IN CARE OF THE TOWN CLERK AND SHALL INDICATE WHERE, IN THE OPINION OF THE APPELLANT, TOWN STAFF WAS IN ERROR. THE TOWN CLERK SHALL SCHEDULE THE APPEAL FOR TOWN COUNCIL REVIEW AND THE TOWN COUNCIL, AT ITS MEETING, SHALL UPHOLD, MODIFY OR OVERRULE THE DECISION TOWN STAFF. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL."
 - 2) "THE TOWN COUNCIL SHALL HAVE THE RIGHT AND PREROGATIVE TO INITIATE ITS OWN REVIEW OF ANY DECISION OF TOWN STAFF AND SHALL UPHOLD, MODIFY OR OVERRULE SAID DECISION. COUNCIL SHALL HAVE TWENTY (20) DAYS TO INITIATE A REVIEW AND THE APPLICANT SHALL BE NOTIFIED."

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., EXCEPT 22.3.D.2.b.iv."



Town Council Regular Session

Item # **5. b.**

Meeting Date: 02/04/2015

Requested by: Bayer Vella

Submitted By: Michael Spaeth, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)15-06, AMENDING SECTION 22.3.D.2.b AND SECTION 27.10.F.2.c., TO AMEND THE APPROVAL PROCESS FOR ENVIRONMENTALLY SENSITIVE LANDS FLEXIBLE DESIGN OPTIONS, ALLOW FOR ADMINISTRATIVE APPROVAL OF NON-SUBSTANTIAL CHANGES TO A TENTATIVE DEVELOPMENT PLAN UNDER A MODIFIED REVIEW PROCESS AND AMENDMENTS TO SECTION 22.3.D.2.b TO CLARIFY WHAT TENTATIVE DEVELOPMENT PLAN CHANGES ARE CONSIDERED SIGNIFICANT

RECOMMENDATION:

The Planning and Zoning Commission has recommended approval of the proposed code amendment to allow for administrative approval of non-substantial changes to a Tentative Development Plan under a modified review process and amendments to Section 22.3.D.2.b to clarify what Tentative Development Plan changes are considered significant.

After the Planning and Zoning Commission recommendation, staff learned of other potential improvements as part of Town Council review of an application, Meritage On Naranja, to allow administrative approval of Flexible Design Options that do not impact neighborhood compatibility.

EXECUTIVE SUMMARY:

The Environmentally Sensitive Lands section of the Zoning Code enables a number of Flexible Design Options designed to increase the amount of open space and balance the set aside of conserved environmental resources. A recent rezoning for a site adjacent to Ironwood High School, owned by the Kai family, illuminated the need for increased flexibility to make this system work effectively.

The proposed code amendment (Attachment 1, Exhibit "A") is intended to:

1. Grant administrative approval of Flexible Design Options that will not impact neighborhood compatibility.
2. Provide administrative approval of limited changes to Tentative Development Plans approved as part of a rezoning under a modified review process.
3. Modify existing criteria to clarify what constitutes a significant change to a Tentative Development Plan for all rezonings.

BACKGROUND OR DETAILED INFORMATION:

Zoning Code Amendment Analysis

The proposed amendment (Attachment 1) has three (3) components and would enable the following:

I. Administrative approval of select Flexible Design Options

The Environmentally Sensitive Lands section of the Zoning Code requires varying levels of open space and development standards aimed at conserving environmental, scenic and cultural resources. A system of incentives was developed to increase the amount of preserved conservation resources while maintaining the development potential of property owners/developers.

Some of the incentives are known as Flexible Design Options and may be utilized as part of a rezoning, subdivision plat or site plan review process. Currently, the Zoning Code requires Town Council approval on a case-by-case basis for all Flexible Design Options requested as part of a rezoning application. The first component of the proposed amendment will allow for administrative approval of the Flexible Design Options that will have the least impact on neighboring property owners. The amendment would allow the following Flexible Design Options to be approved administratively by the Planning and Zoning Administrator:

- Building Setbacks (Internal setbacks only; may not be reduced to less than 5 feet for small lots or less than/equal to 20% of the required setback for large lots)
- Landscape Buffer Yards (Buffer yards not adjoining a residential use; may not be reduced below 10 feet)
- Minimum Lot Size
- Off-street Parking
- Recreation Area Credit
- Native Vegetation Preservation

The following Flexible Design Options would still require Town Council approval:

- Building setbacks (Perimeter building setbacks; may not be reduced to less than 5 feet for small lots and less than/equal to 20% of the required setback for large lots)
- Landscape Buffer Yards (Buffer yards adjoining residential development. May not be reduced to less than 10 feet)
- Building Height (For single-family attached and multi-family dwelling types may not be increased more than 13 feet)
- Open Space
- Mixed Use
- Modified Review Process

All applications requesting use of the Flexible Design Options would still require conformance with the review criteria in Section 27.10.F.2.c.ii. Increasing the number of Flexible Design Options that could be approved administratively will result in providing appropriate credit for open space conservation.

II. Administrative approval of limited changes to the Tentative Development Plan as part of Modified Review Process

The second component of the proposed amendment is specific to the modified review process. The modified review process, if enabled by Town Council, allows for an applicant to bypass the Conceptual Site Plan process and proceed directly to the Final Site Plan process which is reviewed and approved administratively, provided it conforms to the rezoning-related Tentative Development Plan.

A recent case, known as Meritage On Naranja, demonstrates the need for the Planning and Zoning Administrator to administratively approve “non-significant” changes to Final Site Plans that otherwise conform to an approved Tentative Development Plan under a modified review process. During the preparation of the Final Site Plan, the applicant was asked to accommodate a neighboring property owner to allow a sewer connection to the property. A few lots needed to be adjusted to account for the new sewer connection, though the total number of lots, lot configuration and roadway circulation were not

significantly altered. The minor reconfiguration necessitated reconsideration of the Final Site Plan by Town Council on more than one occasion.

III. Tentative Development Plan Changes

The third component of the amendment would clarify what type of Tentative Development Plan changes are considered "significant" in accordance with Section 22.3.D.2.b. Specifically, the amendment would clarify that internal setbacks to the minimum permitted by the Zoning Code would not be considered significant for all rezoning applications and could therefore be administratively approved.

The amendment further provides an additional criteria for determining significance by exempting changes approved as Flexible Design Options from these criteria.

General Plan Conformance

This amendment was reviewed for conformance with the Vision, Goals and Policies of the General Plan, specifically references to conservation and the protection of open space. The Planning and Zoning Commission found the proposed code amendment consistent with the General Plan Vision, Goals and Policies and a more detailed analysis is provided in the Planning and Zoning Commission staff report (Attachment 2).

Public Participation

Public notice has been provided as follows:

- All HOAs in the Town were notified of this hearing
- Public hearing notice was posted:
 - In the Territorial newspaper
 - At Town Hall
 - On the Town website

The Planning and Zoning Commission recommended approval of this application on December 2, 2014 and requested the following revision: changes to internal setbacks and those approved as part of a Flexible Design Option should not be considered "significant". The proposed code amendment has been improved accordingly.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Ordinance No. (O)15-06, amending the approval process for Environmentally Sensitive Lands Flexible Design Options, allowing for administrative approval of non-substantial design changes as part of the ESL modified review process and clarifying what constitutes a "significant change" as indicated in Attachment 1, Exhibit A.

OR

I MOVE to deny Ordinance No. (O)15-06, providing for an amendments to the Zoning Code, based on the finding that _____.

Attachments

ATTACHMENT 1 - (O)15-06 Amending ESL Approval Process

ATTACHMENT 2 - PLANNING AND ZONING COMMISSION STAFF REPORT

ATTACHMENT 3 - PLANNING AND ZONING COMMISSION MINUTES



ORDINANCE NO. (O)15-06

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.3.D.2.b, AND CHAPTER 27.10, ENVIRONMENTALLY SENSITIVE LANDS, SECTION 27.10.F.2.c, OF THE ORO VALLEY ZONING CODE REVISED; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to revise Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c., to (1) amend the approval process for Environmentally Sensitive Lands Flexible Design Options, (2) allow for administrative approval of non-substantial changes to a Tentative Development Plan under a modified review process and (3) clarify what Tentative Development Plan changes are considered significant; and

WHEREAS, the Planning and Zoning Commission held a meeting on December 2, 2014, and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c.iii; and

WHEREAS, the Mayor and Council have considered the proposed amendments to Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c.iii and finds that they are consistent with the Town's General Plan and other Town ordinances and are in the best interest of the Town.

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

SECTION 1. that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.3.D.2.b and Chapter 27.10, Environmentally Sensitive Lands, Section 27.10 F.2.c.iii, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A”, to (1) amend the approval process for Environmentally Sensitive Lands Flexible Design Options, (2) allow for administrative approval of non-substantial changes to a Tentative Development Plan under a modified review process and (3) clarify what Tentative Development Plan changes are considered significant is hereby approved.

SECTION 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 4th day of February, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

Date: _____

EXHIBIT “A”

Section 22.3.D.2.b

b. Any proposed changes to a Tentative Development Plan approved in conjunction with a rezoning shall be submitted to the Planning and Zoning Administrator, who shall review the item and shall ascertain whether or not the change is significant. ~~If a change is determined to be significant, revised plans shall be submitted for reconsideration by both the Planning and Zoning Commission and Town Council.~~ A significant change shall be determined by, but not be limited to, the following criteria:

- 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.
- iv. Nothing in this section shall be deemed to authorize the Planning and Zoning Administrator to modify or approve any aspects of development reserved to the Conceptual Design Review Board pursuant to Section 22.5.
- v. CHANGES APPROVED AS FLEXIBLE DESIGN OPTIONS AS PERMITTED BY SECTION 27.10.G.2.c SHALL BE EXEMPT.

IF A CHANGE IS DETERMINED TO BE SIGNIFICANT, REVISED PLANS SHALL BE SUBMITTED FOR RECONSIDERATION BY BOTH THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL.

Section 27.10.F.2.c.i.a

a. “As part of a rezoning application, or subsequent application, THE PLANNING AND ZONING ADMINISTRATOR MAY REVIEW AND APPROVE ALL FLEXIBLE DESIGN OPTIONS EXCEPT THE FOLLOWING WHICH Town Council retains discretion to enable on a cases-by-case basis”

- 1) SUBSECTION F.2.c.iii.a OF THIS SECTION, BUILDING SETBACK (PERIMETER)
- 2) SUBSECTION F.2.c.iii.b OF THIS SECTION, LANDSCAPE BUFFER YARD (WHEN ADJOINING A RESIDENTIAL USE)
- 3) SUBSECTION F.2.c.iii.e OF THIS SECTION, BUILDING HEIGHT
- 4) SUBSECTION F.2.c.iii.f OF THIS SECTION, OPEN SPACE
- 5) SUBSECTION F.2.c.iii.g OF THIS SECTION, MIXED USE
- 6) SUBSECTION F.2.c.iii.h OF THIS SECTION, MODIFIED REVIEW PROCESS

Section 27.10.F.2.c.i.c – NEW SECTION

c. "APPEAL. ADMINISTRATIVE DECISIONS OF FLEXIBLE DESIGN OPTIONS MAY BE APPEALED IN THE FOLLOWING MANNER:"

- 1) "THE APPROVAL OR DENIAL BY TOWN STAFF OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN TWENTY (20) DAYS FROM THE DATE OF STAFF'S DECISION, THE APPLICANT FILES AN APPEAL IN WRITING TO THE TOWN COUNCIL. SUCH APPEAL SHALL BE IN WRITING IN CARE OF THE TOWN CLERK AND SHALL INDICATE WHERE, IN THE OPINION OF THE APPELLANT, TOWN STAFF WAS IN ERROR. THE TOWN CLERK SHALL SCHEDULE THE APPEAL FOR TOWN COUNCIL REVIEW AND THE TOWN COUNCIL, AT ITS MEETING, SHALL UPHOLD, MODIFY OR OVERRULE THE DECISION TOWN STAFF. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL."
- 2) "THE TOWN COUNCIL SHALL HAVE THE RIGHT AND PREROGATIVE TO INITIATE ITS OWN REVIEW OF ANY DECISION OF TOWN STAFF AND SHALL UPHOLD, MODIFY OR OVERRULE SAID DECISION. COUNCIL SHALL HAVE TWENTY (20) DAYS TO INITIATE A REVIEW AND THE APPLICANT SHALL BE NOTIFIED."

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., EXCEPT 22.3.D.2.b.iv."



ESL Modified Review Process Code Amendment Planning and Zoning Commission Staff Report

CASE NUMBER: OV714-011

MEETING DATE: December 2, 2014

AGENDA ITEM: 1

STAFF CONTACT: Michael Spaeth, Senior Planner
mspaeth@orovalleyaz.gov (520) 229-4812

Request: Zoning Code Amendment to Section 27.10, Environmentally Sensitive Lands of the Zoning Code to 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.

Recommendation: Recommend approval

SUMMARY:

The Environmentally Sensitive Lands section of the Zoning Code enables a number of incentives designed to increase the amount of conserved environmental resources while preserving development potential for owners/developers. One of the incentives, a modified review process, enables an expedited plan review. The expedited review allows an applicant the ability to receive administrative approval of their site plan.

Currently, the code requires the Final Site Plan to be conformance with the approved Tentative Development Plan. This is a higher standard than a rezoning case not involving the Environmentally Sensitive Lands modified review process.

Minor changes require reconsideration of the Tentative Development Plan by Town Council. A recent case has illuminated the need for discretion when evaluating minor changes. The Town Council initiated this code amendment on October 15, 2014.

The proposed code amendment proposes to utilize the existing Tentative Development Plan criteria to determine what changes are non-significant and therefore could be administratively approved by the Planning and Zoning Administrator.

BACKGROUND:

Modified Review Process

The ESL section of the Zoning Code requires varying levels of open space and development standards aimed at conserving environmental, scenic and cultural

resources. A system of incentives was developed to lessen impacts to property owners/developers and offsets the effects of the regulations.

One incentive in particular provides for a modified review process at Town Council's discretion for rezoning applications. If enabled, it allows for an applicant to bypass the Conceptual Site Plan process and proceed directly to the Final Site Plan process which is reviewed and approved administratively, provided it conforms to the rezoning-related Tentative Development Plan.

A recent case, known as Meritage on Naranja, demonstrates the need for the Planning and Zoning Administrator ability to administratively approve "non-significant" changes to Final Site Plans that otherwise conform to an approved Tentative Development Plan under the modified review process.

During the preparation of the Final Site Plan, the applicant was asked to accommodate a neighboring property owner to allow a sewer connection to the property. A few lots needed to be adjusted to account for the new sewer connection, though the total number of lots overall, lot configuration and roadway circulation was not significantly altered. The revised Final Site Plan was reconsidered and approved by Town Council in September, 2014. The additional Town Council hearing resulted in a delay for the applicant and Town Council directed staff to pursue an amendment to the modified review process in October, 2014.

DISCUSSION / ANALYSIS:

Zoning Code Amendment Analysis

The proposed amendment (Attachment 1) will enable the Planning and Zoning Administrator the ability to administratively approve limited changes to Tentative Development Plans approved as part of a rezoning when the applicant has been granted use of the modified review process. The code amendment utilizes 3 of the existing criteria established in Section 22.3.D.2.b of the Zoning Code as the defining criteria for proposed changes.

Section 22.3 - Tentative Development Plans

Currently, the Zoning Code allows for administrative approval by the Planning and Zoning Administrator of changes to Tentative Development Plans determined to be "non-significant". Section 22.3.D.2.b of the Zoning Code establishes criteria for Tentative Development Plan changes when the Environmentally Sensitive Lands modified review process is not utilized. The 3 criteria to be utilized by the proposed code amendment (22.3.D.2.b.i - 22.3.D.2.b.iii) is summarized below:

Section 22.3.D.2.b

- b. A significant change shall be determined by, but not be limited to, the following criteria:*

-
- *Changes to permitted use(s) or conditions associated with a permitted use(s)*
 - *Changes to development standards or zoning conditions, including:*
 - *Building heights*
 - *Setbacks*
 - *Open space requirements*
 - *Parking*
 - *Floor Area Ratio or density*
 - *Changes to terms or conditions of the rezoning affecting density standards, changes to street or land improvements affect circulation, or changes to signs and nuisance controls for the development*

The code amendment does not utilize the fourth existing criteria in Section 22.3.D.2.b listed below:

“Nothing in this section shall be deemed to authorize the Planning and Zoning Administrator to modify or approve any aspects of development reserved to the Conceptual Design Review Board pursuant to Section [22.5](#).”

The modified review process allows administrative approval of site plans and does not require review by the Conceptual Design Review Board.

General Plan Conformance

The Zoning Code Amendment was reviewed for conformance with the Vision, Goals and Policies of the General Plan. Listed below is a summary of the applicable Goals and Policies in italics, followed by staff commentary:

Goal 1.1 To preserve Oro Valley’s natural Sonoran Desert environment and the scenic resources that are an important part of the community’s quality of life.

Goal 11.1 To protect the environmentally sensitive open space areas within the Planning Area.

Staff Comment

The flexible design options enabled by ESL are intended to incentivize the conservation of natural open space and other significant resources. The modified review process serves as one of these incentives aimed at protecting and preserving more natural open space while preserving the development potential for the applicant. The proposed code amendment will increase the effectiveness of this flexible design option and is consistent with these General Plan Goals.

PUBLIC PARTICIPATION:

Public notice has been provided as follows:

- All HOAs in the Town were notified of this hearing
- Public hearing notice was posted:
 - In the Territorial newspaper
 - At Town hall
 - On the Town website

The proposed code amendment has been distributed to key members of the development community who frequently work with Town. Ms. Keri Silvyn stated her support for the proposed code amendment. Mr. Paul Oland indicated more discretion was needed on behalf of the Planning and Zoning Administrator.

RECOMMENDATION:

Based on the following findings:

- The proposed amendment would allow the Planning and Zoning Administrator the ability to administratively approve limited changes and provides the needed flexibility for Tentative Development Plans approved as part of a rezoning when the applicant has been granted use of the modified review process.
- The proposal is consistent with the relevant Goals and Policies of the General Plan.
- The proposed amendment utilizes **existing** Tentative Development Plan criteria for proposed changes which establishes functional limits to what can be approved administratively.

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

Recommend approval to the Town Council of the requested Zoning Code Amendment OV714-011

SUGGESTED MOTIONS:

The Planning and Zoning Commission may wish to consider the following suggested motion:

I move 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.

OR

I move to recommend denial of the Zoning Code Amendment in Attachment 1, related to the modified review process, as the request does not meet the finding that

ATTACHMENTS:

1. Proposed Code Amendment

Bayer Vella, Interim Planning Manager

**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.”

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 Regular 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.

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](#)

Staff Report and Attachment 1 - Proposed Code Amendment

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 this zoning code text amendment.

Paul Oland, Non-Oro Valley resident, commented that the language 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 Drazagowski to Recomend 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.

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.



Town Council Regular Session

Item # **6.**

Meeting Date: 02/04/2015
Requested by: Bayer Vella
Submitted By: Rosevelt Arellano
Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

REVISION TO THE STONE CANYON II FINAL PLAT FOR LOT 167 AT 1055 W. TORTOLITA MOUNTAIN DRIVE WITHIN RANCHO VISTOSO, NEIGHBORHOOD 11 BY REMOVING THE DESIGNATED "NO-BUILD AREA" AND ALLOWING ENCROACHMENT INTO 25% OR GREATER SLOPES

RECOMMENDATION:

Staff recommends approval of the request to remove the currently designated "no build area" and allow encroachment into 25% or greater slopes within the area depicted in Attachment 1.

EXECUTIVE SUMMARY:

Within many of the Stone Canyon residential lots, "no build areas" were established on various final plats in order to ensure protection of rock outcrops and areas of 25% or greater slope. The aim was to foster environmental conservation with the aim of carefully nestling home sites into each lot. At the time of approval, there was recognition via a note on the final plat that a lot-by-lot review would be needed to finalize specific building area or "envelopes."

In July 2013, the Town received a request to remove the "no build area" and encroach into 25% slopes on lot 167 within Stone Canyon II (Attachment 2). The original request was incorrectly approved by Town staff and subsequently rescinded. The owner of lot 167, John Runewicz, has requested Town Council approval of a revised application.

The opportunity to build a home on this site is significantly constrained by the topography and drainage. Furthermore, the currently designated "no build area" does not include special environmentally resource value as intended. The adjacent property owner (lots 168 and 169), however, is concerned about view impacts if a building were to be placed within this area. Impacts are significantly mitigated due to the low profile of the proposed home.

BACKGROUND OR DETAILED INFORMATION:

The "no build area" on this plat does not include significant environment resources such as rock outcrops or severely angled slopes. Furthermore, the area proposed for building is the most suitable for construction on this site due to the presence of a wash at the front and other topographic features.

The "no build area" does include 25% or greater slope (Attachment 3); however, a site visit reveals that it does not represent a significant ridge line. The Rancho Visotoso Planned Area Development (PAD) permits Town Council review of requests to building in such areas as follows:

"Development in areas in Rancho Vistoso PAD that have naturally occurring slopes 25% and greater is generally prohibited, but limited encroachment may be allowed under the following criteria:

5. Minor encroachments of up to 10% of the gradable area are allowed, with a trade area, for development plans with Town Council approval."

The plat enables grading up to 20,000 s.f. (excluding driveway), so Town Council has discretion to enable up to 2,000 s.f. of encroachment into 25% slopes with a suitable trade area. The applicant is requesting 1,969.34 s.f. of encroachment and a trade area of 4,522.77 s.f. as represented in Attachment 1.

The adjoining property owner of lots 168 and 169, the Merens, are concerned their views will be compromised. View impacts are mitigated for the following reasons:

- Per the applicant, the building height to the main parapet (roof) is 16' and an architectural feature extends upward to 17' (Attachment 4). It is important to note that zoning allows a maximum building height of 30' and two (2) stories.
- The home will be positioned into the hillside.
- The building pad is at a lower elevation than the Merens'.
- The applicant changed the architectural design to use a flat roof instead of a pitched one.
- The driveway has been moved further away from the Merens' property than previous.

Recently, Town staff facilitated a meeting between John Runewicz and the legal representative of the Merens. Both the Merens and the Stone Canyon homeowners association have been apprised of the Town Council meeting date.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to approve OV1215-004, revision to the Stone Canyon II final plat for lot 167 by removing and replacing the "no build area" and permitting encroachment into 25% or greater slopes as indicated in Attachment 1.

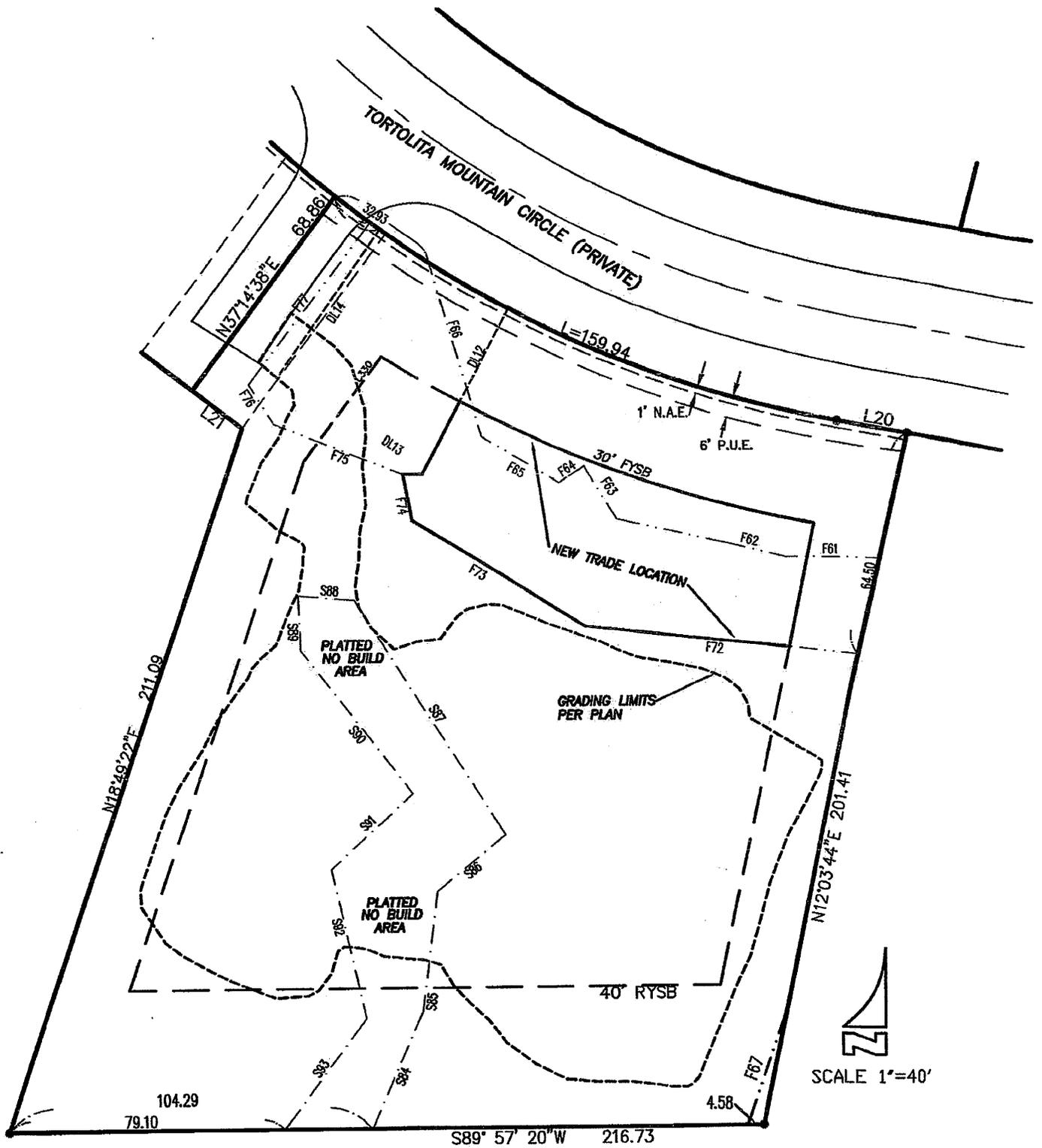
Attachments

Attachment 1.

Attachment 2. Stone Canyon II plat

Attachment 3. 25% or greater slopes

Attachment 4. Home elevations



AREA OF PLATTED NO BUILD AREA = 3,565.56 SF
 AREA OF NEW TRADE LOCATION = 4,522.77 SF

TRADE AREA DISPLAY
LOT 167 STONE CANYON II
 BOOK 53, PAGE 48 SEQ# 20000630042
 1055 W. TORTOLITA MOUNTAIN DRIVE

ATTACHMENT 4

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3 ELEVATIONS

6340 N. Campbell, Suite 240
Tucson, Arizona 85718
520.577.3900 (M-F)

A.F. STERLING
520.577.0634

3017
AUG 14, 2017

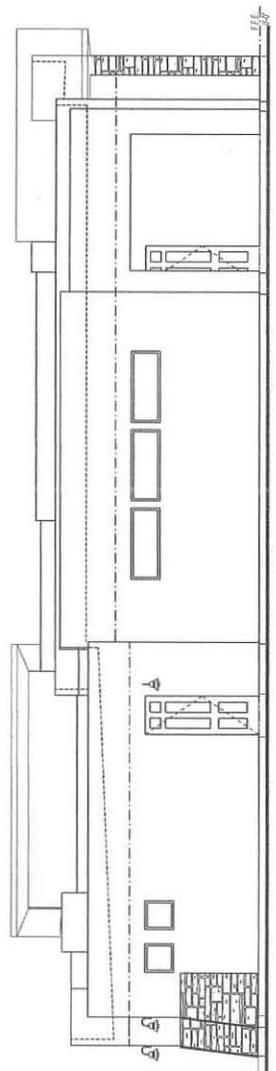
3.3.1

Project: RUPENWICZ
Date: Oct 2014
Client: RUPENWICZ
Owner: S. C. CANTY

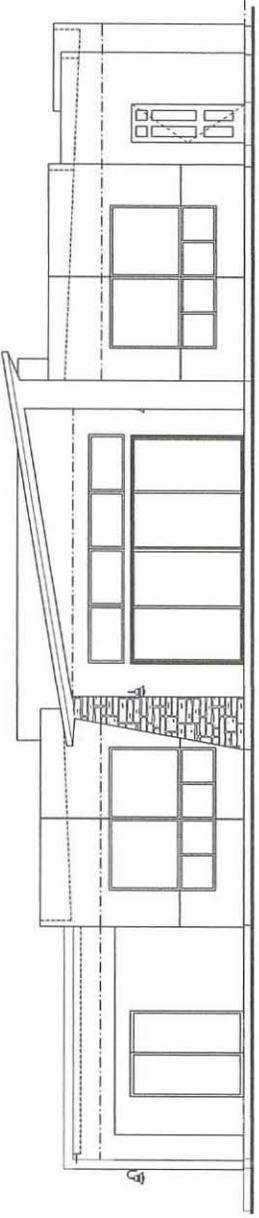
anderson architects
architecture + engineering + 3d modeling
1001 N. 1st Avenue, Suite 100
Tucson, AZ 85724
520.577.3900

REVISION	BY

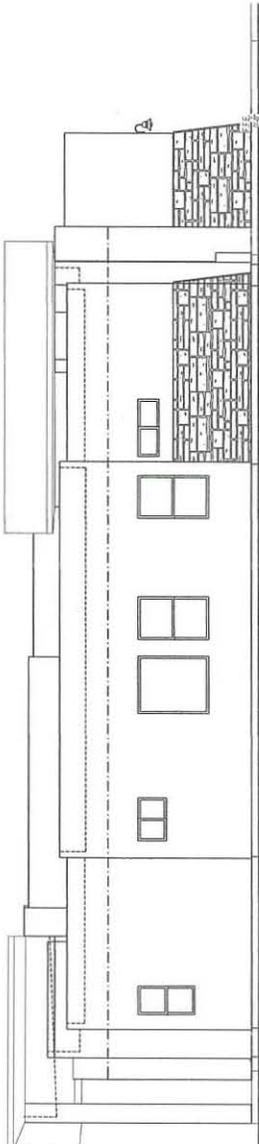
- KEYNOTES:**
- 30 STUCCO FINISH (COAT SYSTEM) w/ 1" FOAM
 - 31 1/4" CULTURED STONE VENEER



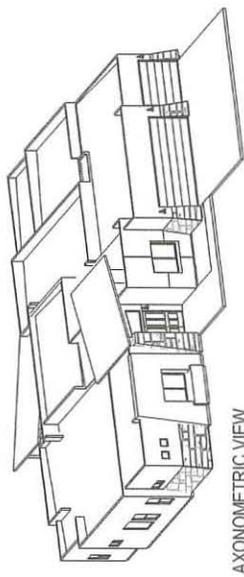
SCALE 1/4" = 1'-0" RIGHT



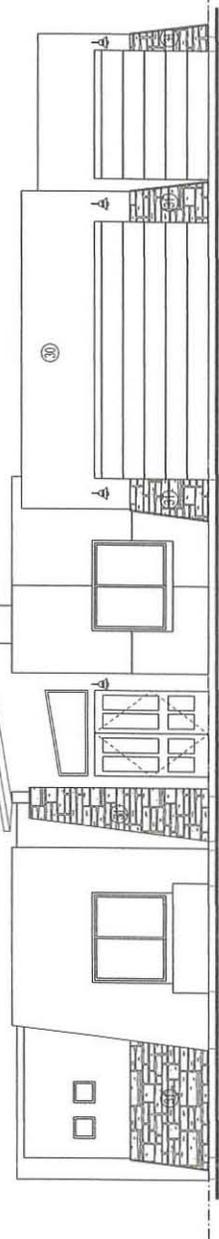
SCALE 1/4" = 1'-0" REAR



SCALE 1/4" = 1'-0" LEFT



AXONOMETRIC VIEW



SCALE 1/4" = 1'-0" FRONT

Project: RUPENWICZ



Town Council Regular Session

Item # 7.

Meeting Date: 02/04/2015
Requested by: Councilmember Hornat & Councilmember Garner
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION REGARDING GROUNDWATER PRESERVATION FEES

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Hornat and Councilmember Garner have requested that the item be placed on the agenda.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____



Town Council Regular Session

Item # 8.

Meeting Date: 02/04/2015
Requested by: Councilmember Zinkin & Councilmember Garner
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

~~*DISCUSSION AND POSSIBLE DIRECTION TO STAFF TO AMEND THE ENVIRONMENTALLY SENSITIVE LANDS (ESL) SECTION OF THE CODE~~
(Removed from the agenda on 2/2/15 at 3:00 p.m.)

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Zinkin and Councilmember Garner have requested that this item be placed on the agenda.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____.



Town Council Regular Session

Item # 9.

Meeting Date: 02/04/2015
Requested by: Councilmember Zinkin & Councilmember Garner
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE IMPLEMENTATION OF ORDINANCE (O)14-17, AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY TO INCREASE THE LOCAL TRANSACTION PRIVILEGE TAX (TPT) RATE FROM 2% TO 2.5% IN VARIOUS CATEGORIES

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Zinkin and Councilmember Garner have requested that this item be placed on the agenda.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____.



Town Council Regular Session

Item # 10.

Meeting Date: 02/04/2015
Requested by: Councilmember Zinkin & Councilmember Garner
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION REGARDING POSTPONEMENT OF THE FINAL PURCHASE OF THE EL CONQUISTADOR GOLF AND COUNTRY CLUB AND ASSOCIATED PROPERTIES

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Zinkin and Councilmember Garner have requested the item be placed on the agenda.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____
