

***AMENDED (9/1/16, 2:30 PM)**
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
September 7, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

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

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

INFORMATIONAL ITEMS

1. Councilmember Zinkin - NLC 2016 Summer Board & Leadership Meeting Trip Report
2. Letter of Appreciation - Oro Valley Police Department
3. Public Safety Providers Quarterly Reports

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 a card of appreciation from the Youth Advisory Council to the Oro Valley Police Department, supporting first responders
2. Presentation by Brent DeRaad, President/CEO of Visit Tucson
3. Presentation by Dave Perry, President/CEO of the Greater Oro Valley Chamber of Commerce
4. Proclamation - National Preparedness Month

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - July 6, 2016
- B. Fiscal Year 2015/16 financial update through June 2016 (year-end)
- C. Resolution No. (R)16-37, authorizing and approving an Intergovernmental Agreement between the Town of Oro Valley and Pima County regarding payment for the incarceration of municipal prisoners
- D. Resolution No. (R)16-38, adopting the Oro Valley Transit Services Division Title VI Plan
- E. *Request for approval of a two year extension of the Miller Ranch Master Development Plan, located on the Northwest corner of Tangerine Road and La Canada Drive (This item moved to Regular Agenda Item #7 on 9/1/16 at 2:30 p.m.)
- F. Appointment of Judges Pro Tempore for the Oro Valley Magistrate Court
- G. Visit Tucson Quarterly Report: April 1, 2016 - June 30, 2016
- H. Greater Oro Valley Chamber of Commerce Quarterly Report: April 1, 2016 - June 30, 2016
- I. Conceptual Architecture for the sanctuary and youth building at the Canyon del Oro Baptist Church, located at 9005 North Oracle Road
- J. Resolution No. (R)16-39, authorizing and approving modifications to an Intergovernmental Agreement between the Arizona Department of Revenue and the Town of Oro Valley regarding administration of taxes imposed by the state, cities or towns

REGULAR AGENDA

1. DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED COMMUNICATIONS FACILITY (CELL TOWER ON A LIGHT POLE) ON THE CANYON DEL ORO HIGH SCHOOL GROUNDS, LOCATED AT 25 W. CALLE CONCORDIA

2. AMENDING SECTION 28.6 OF THE ORO VALLEY ZONING CODE REGARDING A-FRAME SIGNS
 - a. RESOLUTION NO. (R)16-40, DECLARING THE PROPOSED AMENDMENTS TO CHAPTER 28 OF THE ORO VALLEY ZONING CODE RELATED TO A-FRAME SIGNS, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD
 - b. PUBLIC HEARING: ORDINANCE NO. (O)16-09, AMENDING CHAPTER 28 OF THE ORO VALLEY ZONING CODE TO ESTABLISH STANDARDS FOR A-FRAME SIGNS
3. AMENDING SECTIONS 25 AND 31 OF THE ORO VALLEY ZONING CODE AS THEY RELATE TO OUTDOOR DISPLAYS
 - a. RESOLUTION NO. (R)16-41, DECLARING THE PROPOSED AMENDMENTS TO THE ORO VALLEY ZONING CODE CHAPTERS 25 AND 31, RELATED TO OUTDOOR DISPLAYS, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD
 - b. PUBLIC HEARING: ORDINANCE NO. (O)16-10, AMENDING CHAPTERS 25 AND 31 OF THE ORO VALLEY ZONING CODE TO ESTABLISH STANDARDS FOR OUTDOOR DISPLAYS
4. AMENDING SECTION 25.2 OF THE ORO VALLEY ZONING CODE RELATING TO HOME OCCUPATIONS
 - a. RESOLUTION NO. (R)16-42, DECLARING THE PROPOSED AMENDMENTS TO CHAPTER 25 OF THE ORO VALLEY ZONING CODE RELATED TO HOME OCCUPATIONS, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD
 - b. PUBLIC HEARING: ORDINANCE NO. (O)16-11, AMENDING CHAPTERS 25 AND 31 OF THE ORO VALLEY ZONING CODE TO UPDATE THE HOME OCCUPATION REGULATIONS
5. DISCUSSION AND POSSIBLE ACTION REGARDING A REVISED MASTER SIGN PROGRAM FOR THE ROONEY RANCH SHOPPING CENTER, INCLUDING THE FRY'S GROCERY AND FUEL CENTER, LOCATED AT 10661 N. ORACLE ROAD
6. DISCUSSION AND POSSIBLE DIRECTION REGARDING FINANCIAL PARTICIPATION AGREEMENTS AND COUNCIL POLICY REGARDING DELEGATION OF AUTHORITY TO STAFF RELATED TO PERFORMANCE MEASURES IN SUCH AGREEMENTS
7. *REQUEST FOR APPROVAL OF A TWO YEAR EXTENSION OF THE MILLER RANCH MASTER DEVELOPMENT PLAN, LOCATED ON THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CANADA DRIVE (Item moved from Consent Agenda Item E to Regular Agenda on 9/1/16 at 2:30 p.m.)

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: 8/31/2016 at 5:00 p.m. by mrs
AMENDED AGENDA POSTED: 9/1/16 at 5:00 p.m. by pp

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: 09/07/2016

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

Councilmember Zinkin - NLC 2016 Summer Board & Leadership Meeting Trip Report

Attachments

Zinkin NLC 2016 Summer Board & Leadership Meeting Trip Report



Office of the Town Council

Trip Report

Purpose: National League of Cities 2016 Summer Board & Leadership Meeting

Date: June 28 - 30, 2016

Location: Marriott Downtown Hotel
Kansas City, MO

Attendees: Councilmember Mike Zinkin

Summary:

More than 200 local leaders attended the National League of Cities (NLC) 2016 summer board of directors and leadership meetings. In addition to a business meeting for NLC's board of directors, the conference provided a platform for policy and advocacy steering committee members to discuss the organization's federal action priorities and policy positions on issues important to cities, including supporting our transportation infrastructure, public safety and creating a level playing field for our community businesses.

Councilmember Zinkin was selected to serve on the 2016 NLC Community and Economic Development Committee in December, 2015.

Highlights of the three-day conference included:

- Deliberation over NLC's federal action priorities: close the online sales tax loophole; invest in transportation priorities; protect municipal bonds
- Consideration of amendments to NLC's National Municipal Policy, which will be voted on by the membership at the Annual Business Meeting in November
- Mobile workshops to see how Kansas City is innovating in areas including infrastructure improvements and sustainability programs

Additional notes, conference and meeting schedules and letter of appointment are attached.

Report submitted to the Town Clerk on July 6, 2016.


Mike Zinkin
Councilmember

The NLC Community and Economic Development (CED) Committee had only 15 – 20 attendees, consequently, work was accomplished. The CED Committee has established as their highest priority for NLC policy to be voted on at the November City Summit meetings asking Congress to free up money for economic development and workforce development.

The first priority is clear. By developing the workforce is the realization that college is not the end all. There are many jobs that are not being filled because of a lack of skilled/licensed people. These jobs do not require a college education, but do require training that is currently lacking nationwide.

**National League of Cities
 Summer Board and Leadership Meeting
 Kansas City Marriott Downtown
 June 28-30, 2016, Kansas City, MO**

Day/Date	Times	Function
Sun 6/26	Noon – 5 p.m.	Race, Equity and Leadership Council Meeting
Mon 6/27	Noon – 5 p.m.	Institute for Youth Education and Families Council Meeting
Mon 6/27	Noon – 5 p.m.	Race, Equity and Leadership Board of Advisors Meeting
Mon 6/27	1 – 5 p.m.	University Communities Council Steering Committee Meeting
Mon 6/27	1 – 5 p.m.	Military Communities Council Meeting
Mon 6/27	1 – 5 p.m.	Large Cities Council Meeting
Tues 6/28	8:30 a.m. – noon	Institute for Youth Education and Families Council Meeting
Tues 6/28	8:30 a.m. – noon	Military Communities Council Meeting
Tues 6/28	11 a.m. – 2 p.m.	Board Executive Committee Meeting
Tues 6/28	8:30 a.m. – 5 p.m.	University Communities Council Steering Committee Meeting
Tues 6/28	8:30 a.m. – 5 p.m.	Large Cities Council Meeting
Tues 6/28	3 – 4:30 p.m.	Board Finance Committee Meeting
Tues 6/28	3 – 4:30 p.m.	Board Legislative Advocacy Committee Meeting
Tues 6/28	3 – 4:30 p.m.	Board Membership Committee Meeting
Tues 6/28	5 – 9 p.m.	Joint Reception (board and Federal Advocacy Committee) followed by Board Dinner
Wed 6/29	7:30 – 8:30 a.m.	Joint Breakfast
Wed 6/29	8 a.m. – Noon	Board Meeting
Wed 6/29	9 a.m. – Noon	Advisory Council Meeting
Wed 6/29	9 a.m. – Noon	Mobile Workshops for Federal Advocacy Committee Members
Wed 6/29	Noon – 1:30 p.m.	Joint Lunch
Wed 6/29	1:30 – 4:30 p.m.	Mobile Workshops for Board Members
Wed 6/29	1:30 – 5 p.m.	Federal Advocacy Committee Meetings
Wed 6/29	6 – 9 p.m.	Joint Evening Event
Thurs 6/30	7:30 – 8:30 a.m.	Breakfast
Thurs 6/30	8:30 a.m. – end times vary by Committee	Federal Advocacy Committee Meetings
Thurs 6/30	6 p.m.	Dinner on own

Community and Economic Development Committee (CED) Agenda

Tuesday, June 28

9:00 a.m. – 5:00 p.m.

REGISTRATION

Basie Foyer

5:00 p.m. – 6:30 p.m.

WELCOME RECEPTION

Basie Foyer

DINNER ON YOUR OWN

Wednesday, June 29

7:30 a.m. – 8:30 a.m.

JOINT BREAKFAST

Basie Ballroom C

9:00 a.m. – 5:00 p.m.

REGISTRATION

Basie Foyer

8:30 a.m. – 12:00 p.m.

MOBILE WORKSHOP FOR FEDERAL ADVOCACY COMMITTEE MEMBERS

The City of Kansas City is providing the following mobile workshops:

- Cleaner, Healthier KC
The Overflow Control Program (OCP) is a commitment by Kansas City Water Services to meet regulatory requirements to reduce overflows from combined sewer systems and prevent overflows from separate sewer systems. The OCP is the largest infrastructure investment in Kansas City's history and will cost over \$2 billion and will be implemented over a 25-year time period. Learn about this massive infrastructure project and tour some of its most innovative portions.
- High-Speed KC
In 2011, Google launched ultra-high speed broadband networks in both Kansas City, Missouri and Kansas. Taking advantage of this tremendous opportunity, Mayors Sylvester James and Mayor/CEO Joe Reardon created the Bistate Innovations Team, which was tasked with recommending imaginative, innovative and inspired ways Google Fiber can benefit the KC metro area and its citizens. Learn more about this transformative process and tour the Kansas City Startup Village, an entrepreneur-led community helping to grow and support entrepreneurs and the Kansas City startup ecosystem.
- Connected, Livable KC

Kansas City, in May of 2016, opened its two-mile, north-south KC Downtown Streetcar starter line. Construction began in 2014 and involved massive efforts including eight months of private utility work and business interruption coordination. The streetcar starter line is the first step in a longer-range plan to create a regional, integrated transit system to uniquely connect the Greater Kansas City area and has already spurred more than a billion dollars in private investments along the line.

Mobile workshop participants should meet at the front of the hotel at 8:30 am. The buses are scheduled for a 9:00 am departure. The mobile tour titles will be displayed in the window.

- | | |
|------------------------|---|
| 12:00 p.m. – 1:30 p.m. | NLC BOARD AND COMMITTEE JOINT LUNCHEON
<i>Basie Ballroom C</i> |
| 1:30 p.m. – 5:00 p.m. | COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING
<i>Andy Kirk A/B</i> |
| 1:30 p.m. – 1:45 p.m. | WELCOME, INTRODUCTIONS, and MEETING OVERVIEW <ul style="list-style-type: none">• The Honorable Craig Thurmond, Chair
<i>Mayor, Broken Arrow, Oklahoma</i> |
| 1:45 p.m. – 2:00 p.m. | NLC BOARD REPORT <ul style="list-style-type: none">• The Honorable Craig Thurmond, Chair
<i>Mayor, Broken Arrow, Oklahoma</i> |
| 2:00 p.m. – 2:15 p.m. | REVIEW OF MARCH 2016 COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING <ul style="list-style-type: none">• The Honorable Gerri Schroder, Vice Chair
<i>Councilwoman, Henderson, Nevada</i> |
| 2:15 p.m. – 3:00 p.m. | MILLENNIALS, BABY BOOMERS, AND EVOLVING NEEDS AFFORDABLE HOUSING <ul style="list-style-type: none">• Jordan Rappaport, Senior Economist
<i>Federal Reserve Bank of Kansas City</i> |

Jordan Rappaport is a senior economist at the Federal Reserve Bank of Kansas City. Jordan's research focuses on issues related to local growth. His articles for the Bank's Economic Review primarily focus on U.S. metropolitan

area growth and on housing. His empirical research published in peer-reviewed journals has documented the persistence and causes of long run local population growth. His published theoretical research shows that even small costs associated with moving are sufficient to cause high persistence in net population flows and that small productivity and amenity differences can cause very large differences in local population density. Jordan is an associate editor of *Regional Science and Urban Economics* and the *Journal of Regional Science*.

2:45 p.m. – 3:45 p.m.

BREAK –
3rd Floor Foyer

3:15 p.m. – 4:00 p.m.

GROW YOUR OWN: ENTREPRENEURSHIP-BASED ECONOMIC DEVELOPMENT FOR LOCAL COMMUNITIES

- **Dell Gines, Senior Community Development Advisor**
Federal Reserve Bank of Kansas City

Dell L. Gines is the senior community development advisor for the Federal Reserve Bank of Kansas City – Omaha Office. He focuses on innovative community development strategies designed to help transform rural and inner-city communities. Dell is a nationally recognized speaker on the subject of entrepreneurship based economic development and is the author of the *Grow Your Own Guide*, a short primer on how to build urban and rural economies using entrepreneurship. In 2013, he designed and launched *Econ Avenue*, an innovative grassroots led community economic development project that received national attention when Federal Reserve Board Chair, Janet Yellen, referenced it in her first public speech.

4:00 p.m. –4:30 p.m.

CENTER FOR NEIGHBORHOODS: THE UNIVERSITY OF MISSOURI - KANSAS CITY'S PARTNERSHIP WITH THE COMMUNITY (*This Presentation is Tentative, Contingent on Speaker Availability*)

- Department of Architecture, Urban Planning + Design
The University of Missouri-Kansas City

The UMKC Department of Architecture, Urban Planning + Design has developed the Center for Neighborhoods in partnership with the State of Missouri and community partners to address the challenges facing neighborhoods in Kansas City, Missouri. The Center serves as a catalyst for neighborhood revitalization by linking our research, education and service activities directly to the issues facing neighborhood organizations.

4:30 p.m. – 5:00 p.m. **PRESENTATION AND DISCUSSION: REAL Action Challenge for Advancing Racial Equity in Local Government**

- **Leon Andrews**
Director, REAL, National League of Cities

The REAL team will share a draft of the REAL Action Challenge for Advancing Racial Equity in Local Government, while highlighting some of the key components in the Action Challenge. The REAL team plans to launch the Action Challenge in the coming months. Before launching, the REAL team is requesting your feedback on how the challenge could connect in an actionable way to your committee’s priorities in the coming year.

6:00 p.m. – 9:00 p.m. **HOST CITY EVENING EVENT**
No Other Pub
370 Grand Boulevard
Kansas City, MO 64106

Thursday, June 30

7:30 a.m. – 8:30 a.m. **JOINT BREAKFAST**
Basie Ballroom C

9:00 a.m. – 3:00 p.m. **COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING**
Andy Kirk A/B

9:00 a.m. – 10:00 a.m. **FEDERAL ADVOCACY UPDATE**

- **Michael Wallace**
Program Director, Federal Advocacy National League of Cities
- **The Honorable Craig Thurmond, Chair**
Mayor, Broken Arrow, Oklahoma

10:00 a.m.- 12:00 p.m. **BREAKOUT SESSION**

The Committee Members will break into 2 small groups to work on one of the two following policy issues.

- **DISCUSSION 1: AN NLC AGENDA FOR AFFORDABLE AND FAIR HOUSING**

- **DISCUSSION 2: AN NLC AGENDA FOR LOCAL ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT**

The two groups should meet the following objectives for their issue area:

- From your perspective as a city leader, and using the information from the previous day's presentations, develop a list of up to five federal policy recommendations that would most help your city today and in the future.
- For policy recommendations with broad or general consensus, what are some of the arguments or evidence that NLC should use in a federal advocacy strategy? Staff will collect these lists to assist in development of CED resolutions.
- If the CED Committee could select a single policy recommendation from your list and designate it as a top NLC federal advocacy priority next year, which would it be?

12:00 p.m. – 1:30 p.m.

FEDERAL ADVOCACY COMMITTEES LUNCH

Foyer

Box lunches will be available for Committee Members.

1:30 p.m. – 2:30 p.m.

SMALL GROUP REPORT BACK

The small groups will report back on their discussions and conclusions. The groups should include specific recommendations for NLC Policy, Resolutions, and Federal Advocacy.

2:30 p.m. – 3:00 p.m.

CLOSING REMARKS AND WRAP UP

- **The Honorable Craig Thurmond, Chair**
Mayor, Broken Arrow, Oklahoma

Next CED Committee meeting:

[NLC City Summit](#)

Pittsburgh, Pennsylvania

November 16, 2016



2016 Officers

President

Melodee Colbert-Kean
Councilmember
Joplin, Missouri

First Vice President

Matt Zone
Councilmember
Cleveland, Ohio

Second Vice President

Mark Stodola
Mayor
Little Rock, Arkansas

Post President

Ralph E. Becker
Mayor
Salt Lake City, Utah

Chief Executive Officer/
Executive Director

Clarence E. Anthony

Deputy Executive Director
Antoinette A. Samuel

December 7, 2015

Dear Community and Economic Development Committee Member:

On behalf of the National League of Cities (NLC), I am writing to congratulate you on your appointment to the 2016 Community and Economic Development Committee. Your experience and commitment will bring great value to NLC, communities around the country and the efforts of the committee. Your term begins with the receipt of this notification and concludes at the adjournment of the 2016 City Summit in Pittsburgh, Pennsylvania, in November.

This year's Committee leadership team consists of Chair Craig Thurmond, mayor, Broken Arrow, Oklahoma and Vice Chair(s) Gyna Bivens, councilmember, Fort Worth, Texas and Gerri Schroder, councilwoman, Henderson, Nevada. The NLC staff contact for your committee is Michael Wallace. Michael can be reached directly at 202-626-3025 or by e-mail at Wallace@nlc.org. All of us at NLC look forward to working with you in this capacity this year.

I hope you are already planning to attend NLC's Congressional City Conference March 5-9 at the Marriott Wardman Park Hotel in Washington, D.C., and to join us for important committee meetings that will take place during the conference. Your participation at these meetings is important as the committee will begin developing a work plan for the year. To assist you in preparing for the meetings, NLC will e-mail meeting materials and room locations in early March. Optional events may take place before the committee meetings, and we will send you that information as soon as it is available.

To register for the Congressional City Conference, [click here](#).

Finally, attached is a hometown press release, which I encourage you to personalize and share with your local media. If you have any questions regarding media relations, please contact Tom Martin at martin@nlc.org.

Again, congratulations on your appointment and I look forward to working with you next year.

Sincerely,

Melodee Colbert-Kean
President
National League of Cities



Town Council Regular Session

Item # 2.

Meeting Date: 09/07/2016

Submitted By: Catherine Hendrix, Police Department

Information

Subject

Letter of Appreciation - Oro Valley Police Department

Attachments

Feddersen, Alan

Chief of Police, Daniel Sharp
Oro Valley Police Department
11000 N. La Canada
Oro Valley, AZ 85737

Received by
AUG 09 2016
Oro Valley Police Dept.

Aug. 3, 2016

Dear Sir:

Several weeks ago I stopped by at OVPD headquarters to voice a personal concern regarding lane markings at the La Canada-Naranja intersection. The officer with whom I met was polite, professional and patient while listening and reviewing my hastily sketched diagram.

Although he disagreed with my analysis, he did say that he would forward the diagram and my concern to the appropriate division. I must admit that the combination of not having the officer's agreement and the comment to "pass it along" left me with a less than positive outlook but I felt I had fulfilled my responsibility.

Much to my surprise, only 30 minutes later, there was a phone message waiting for me at home from said officer assuring me that the department and appropriate division would follow through on my concern and that it would not be dismissed out of hand. I was impressed with this follow-up contact which validated both my concern and my OV residency. I regret that I did not get the officer's name written down during my visit. I was even further surprised when, several days ago, the possibly dangerous lines in question at La Canada and Naranja had been removed. There was clearly efficient in-house communication and a prompt inter-departmental response for correcting the lines. Kudos to OVPD.

I want to commend the OVPD (and this unknown officer in particular) for their attention and service to residents in a personable and prompt fashion that extends beyond the enforcement of law and prevention of crime to the everyday concerns of citizens.

This was my first time inside the OVPD headquarters in my eight years of residency. I am proud to be an OV resident and proud of "my" police department. Thank you to your department for all of its services to our community.

Alan Feddersen





Town Council Regular Session

Item # 3.

Meeting Date: 09/07/2016

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

Public Safety Providers Quarterly Reports

Attachments

GRFD Quarterly Report

MVFD Quarterly Report

OVPD Quarterly Report

Golder Ranch Fire District - Oro Valley Call Summary (4th Quarter FY 2015/2016) April – June 2016

Sun City Station 374	# of Calls	Average Response time
Dispatch to At Scene <5:00 minutes -EMS	220	4:58
Dispatch to At Scene <6:00 minutes -FIRE	0	

Woodburne Station 375	# of Calls	Average Response time
Dispatch to At Scene <5:00 minutes -EMS	470	5:20
Dispatch to At Scene <6:00 minutes -FIRE	1	10:39

Lambert Station 376	# of Calls	Average Response time
Dispatch to At Scene <5:00 minutes -EMS	211	4:48
Dispatch to At Scene <6:00 minutes -FIRE	0	

Oracle Rd. Station 377	# of Calls	Average Response time
Dispatch to At Scene <5:00 minutes -EMS	260	4:33
Dispatch to At Scene <6:00 minutes -FIRE	1	7:07

Total of All Oro Valley Stations	# of Calls	Average Response time
Dispatch to At Scene <5:00 minutes -EMS	1161	4:50
Dispatch to At Scene <6:00 minutes -FIRE	2	8.73
2 nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	2	9:31

**Golder Ranch Fire District – Oro Valley
Detailed Fire Response Report
April - June 2016**

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
5/2/16	12539	HOUSE	22:39:50	EN339	22:40:36	22:50:29	10:39
St.375				LT375	22:40:20	22:50:35	10:45
Calling party is the resident reporting flames coming from the roof of a N. Como drive home. Units arriving on scene show a fully involved roof fire. WORKING INCIDENT							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
5/16/16	14017	HOUSE	12:05:35	EN377	12:06:28	12:12:42	7:07
St.377				LT375		12:13:52	8:17
Multiple calls indicating an attached garage is on fire. Vehicles inside garage were fully involved upon arrival. Fire stopped at garage. Units were clearing the scene of a working incident in the Catalina area. WORKING FIRE.							

Golder Ranch - Oro Valley Call Load Breakdown

4th Quarter (FY 2015-2016)

April - June 2016

Final Type Reference

CALL TYPE	Sun City	Woodburne	Lambert	Oracle	TOTAL
Aircraft					
Brush / Vegetation		1			1
Building		1		1	2
Electrical / Motor			1		1
Fires - All Other		2		3	5
Gas Leak	1	1	1	1	4
Hazmat		1		2	3
Trash / Rubish			1	2	3
Unauthorized Burning					
Vehicle			1	1	2
Total Fire Calls	1	6	4	10	21
Animal Problem	2				2
Animal Rescue					
Assist -Other	36	41	37	14	128
Battery Change	9	10	2	2	23
Bee Swarm	11	18	13	4	46
Defective Appliance					
Invalid Assist	37	27	47	16	127
Snake	87	171	137	95	490
Lockout					
Fire Now Out		2		3	5
Total Service Calls	182	269	236	134	821
Alarms (Fire, Smoke, CO)	4	11	7	11	33
Cancelled / Negative Incident	7	20	17	16	60
Smoke / Odor Investigation	12	2	2	2	18
Total Good Intent Calls	23	33	26	29	111
Motor Vehicle Accident	1	15	15	12	43
Rescue (high, trench, water)					
All Other EMS Incidents	219	455	196	248	1118
Total EMS Type Calls	220	470	211	260	1161
TOTAL ALL CALLS	426	778	477	433	2114

Mountain Vista Fire District - Oro Valley

Priority Call Summary

Fourth Quarter April - June FY15-16

Station 610 (Magee Rd.)	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	45	91%
Dispatch to At Scene <5:00 minutes -FIRE	3	100%
Average Dispatch to At Scene Time	3:46	

Station 620 (Shannon Rd.)	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	2	0%
Dispatch to At Scene <5:00 minutes -FIRE	1	0%
Average Dispatch to At Scene Time	7:50	

Average Total All Oro Valley Stations	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	47	87%
Dispatch to At Scene <5:00 minutes -FIRE	4	80%
Average Dispatch to At Scene Time	4:04	

Average Total All Oro Valley Stations -2nd Fire Unit	# of calls	%
2 nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time for 2nd Fire Unit	5:58	

**Mountain Vista Fire District – Oro Valley
Detailed Priority Fire Response Report
Fourth Quarter April - June FY15-16**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
5/29/2016	N161500032	BLDG	10:00:09	EN620	10:01:32	10:05:18	0:05:09
St. 610							

E620 dispatched emergent response from drill site for a fire 20 feet from structure and 2 vehicles. Upon arrival E620 staged 100 feet from recycling area that was involved. E 620 upgraded assignment prior to arrival due to possible exposures. Pallets with bails of cardboard were fully involved (approximately 6-8 pallets).

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
6/3/2016	N1615501000	ELEC	19:27:40	EN610	19:28:41	19:32:39	0:04:59
St. 610							

Engine 610 dispatched emergent traffic for an electrical box fire. Upon arrival homeowner directed units to a dirt lot behind the residence. Green electrical box on ground had apparently “blew” and caused the cactus and brush around the box to start fire.

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
6/5/2016	N161570033	DUMP	12:01:25	EN6190	12:02:26	12:05:09	0:03:44
St. 610							

Engine 610 dispatched for smoke in the area. Update form dispatch was a dumpster fire approximately 5-10 feet from structure at Carrabas restaurant in the rear. Engine 610 found a smoldering dumpster that water was being applied to by staff from restaurant. Engine 610 finished extinguishing fire.

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
6/22/2016	N161740041	CAR	10:53:00	EN610	10:54:37	10:56:37	0:03:37
St. 610							

Engine 610 dispatched for car fire. Upon arrival **NEGATIVE INCIDENT FOUND.**

Mountain Vista Fire District - Oro Valley Call Load Breakdown

Priority & Non-priority Calls

April - June FY15-16		4th QTR
CALL TYPE	MVFD	
Aircraft		
Brush / Vegetation		
Building		
Electrical / Motor		1
Fires - All Other		
Gas Leak		
Hazmat		
Trash / Rubish		2
Unauthorized Burning		
Vehicle		1
Total Fire Calls		4
Animal Problem		
Animal Rescue		
Assist -Other		4
Battery Change		
Bee Swarm		5
Defective Appliance		
Invalid Assist		8
Snake		18
Lockout		1
Fire Now Out		
Total Service Calls		36
Alarms (Fire, Smoke, CO)		6
Cancelled / Negative Incident		
Smoke / Odor Investagation		3
Total Good Intent Calls		9
Motor Vehicle Accident		24
Rescue (high, trench, water)		
All Other EMS Incidents		90
Total EMS Type Calls		114
TOTAL ALL CALLS		163

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

Fiscal Year 15/16 4th Qtr	TOTAL	APR	MAY	JUN
Total Calls	4932	1683	1691	1558
Commercial Veh Enforcement	12	0	8	4
Residential Burglaries	14	6	3	5
Non-Residential Burglaries	6	4	2	0
All Burglary Attempts	4	0	2	2
Thefts	132	56	48	28
Vehicle Thefts	4	3	1	0
Recovered Stolen Vehicles	2	2	0	0
Attempted Vehicle Thefts	0	0	0	0
DUI	50	13	15	22
Liquor Laws	6	4	2	0
Drug Offenses	42	16	16	10
Homicides	0	0	0	0
Robbery	2	0	1	1
Assault	18	6	9	3
Total Arrests	354	135	116	103
Assigned Cases	208	87	63	58
Alarms (Residential)	253	66	81	106
Alarms (Business)	119	45	31	43
K9 Searches	34	13	10	11
First Aid Calls	791	274	253	264
Fatal Accidents**	1	1	0	0
Accidents**	171	70	67	34
Citations (Traffic)*	503	219	284	**
Written Warnings/Repair Orders*	**	**	**	**
Public Assists***	129	46	49	34
Reserve Man Hours	0	0	0	0
Business Checks***	1171	461	380	330
Drug Task Force Arrest	13	2	5	6
CVAP Dark House Checks	4267	463	1573	2231
CVAP Public Assists	267	73	87	107
CVAP Total Hours	3854	1330	1403.5	1120.5

** Traffic data delayed at least 30 days due to data entry backlog and may be updated with adjustments periodically
 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.*

Due to the transition to a new system, warning/repair order information is unavailable at this time as some info may be duplicated.

	Fiscal Year15/16 4th Quarter		
	Apr-Jun 2014	Apr-Jun 2015	Apr-Jun 2016
Total Calls	4166	4345	4932
Commercial Veh Enforcement	42	16	12
Residential Burglaries	13	8	14
Non-Residential Burglaries	5	3	6
All Burglary Attempts	3	10	4
Thefts	124	95	132
Vehicle Thefts	1	7	4
Recovered Stolen Vehicles	1	1	2
Attempted Vehicle Thefts	0	0	0
DUI Arrests	43	61	50
Liquor Laws	3	10	6
Drug Offenses	41	38	42
Homicides	0	0	0
Robbery	0	2	2
Assault	30	25	18
Total Arrests	456	477	354
Assigned Cases	175	220	208
Alarms (Residential)	217	208	253
Alarms (Business)	137	141	119
K9 Searches	132	117	34
First Aid Calls	683	740	791
Fatal Accidents*	1	0	1
Accidents*	139	135	171
Citations (Traffic)**	1013	1140	**
Written Warnings/Repair Orders**	1345	1801	**
Public Assists***	207	218	129
Reserve Man Hours	118	81	0
Business Checks***	1518	1015	1171
Drug Task Force Arrest	15	11	13
CVAP Dark House Cks	4150	4288	4267
CVAP Public Assists	161	158	267
CVAP Total Hours	3451.5	3753	3854

ORO VALLEY POLICE DEPARTMENT April through June 2016

Priority 1		# of calls	%
Total Response Time			
<i>Goal: Total Response under 5 minutes 90% of the time</i>			
Under 5 minutes	48	79%	
Over 5 minutes	13	21%	
Total Calls	61		

Average Overall Response Time 3:29

Priority 2		# of calls	%
Total Response Time			
<i>Goal: Total Response under 8 minutes 90% of the time</i>			
Under 8 minutes	165	88%	
Over 8 minutes	23	12%	
Total Calls	188		

Average Overall Response Time 4:56

Priority 3		# of calls	%
Total Response Time			
<i>Goal: Total Response under 15 minutes 90% of the time</i>			
Under 15 minutes	1145	94%	
Over 15 minutes	75	6%	
Total Calls	1220		

Average Overall Response Time 7:46

Priority 4		# of calls	%
Total Response Time			
<i>Goal: Total Response under 30 minutes 90% of the time</i>			
Under 30 minutes	2372	98%	
Over 30 minutes	40	2%	
Total Calls	2412		

Average Overall Response Time 7:37

ORO VALLEY POLICE DEPARTMENT MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION

Citations 2016	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	112	25	19	24	21	23							
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	0	0	0	0	0	0							
INSURANCE VIOLATION	248	46	61	50	42	49							
REGISTRATION VIOLATION	117	30	25	20	18	24							
DRIVERS LICENSE VIOLATION	105	20	24	22	24	15							
DUI ARRESTS	89	24	19	18	13	15							
RECKLESS/AGGRESSIVE DRIVING	3	0	1	0	0	2							
SPEEDING	527	92	119	126	78	112							
LANE VIOLATIONS	99	17	17	31	9	25							
RED LIGHT	32	7	4	6	8	7							
STOP SIGN	12	2	1	3	1	5							
FAILURE TO YIELD	56	11	7	9	21	8							
SEATBELT VIOLATION	14	1	3	6	0	4							
CHILD RESTRAINT	2	0	0	2	0	0							
EQUIPMENT VIOLATIONS	8	3	3	1	0	1							
PARKING	2	0	1	0	1	0							
LITTERING	3	0	1	1	1	0							
OTHER CITATIONS	56	7	18	11	3	17							
Total Citations	1373	260	304	306	219	284	0						

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*

** Traffic data delayed at least 30 days due to data entry backlog and may be updated with adjustments periodically*



Town Council Regular Session

Item # 1.

Meeting Date: 09/07/2016

Presentation of a card of appreciation from the Youth Advisory Council to the Oro Valley Police Department, supporting first responders

Information

Subject

Presentation of a card of appreciation from the Youth Advisory Council to the Oro Valley Police Department, supporting first responders

Summary

Attachments

No file(s) attached.



Town Council Regular Session

Meeting Date: 09/07/2016

Presentation - Visit Tucson

Item # 2.

Information

Subject

Presentation by Brent DeRaad, President/CEO of Visit Tucson

Summary

Attachments

No file(s) attached.



Town Council Regular Session

Item # 3.

Meeting Date: 09/07/2016

Presentation - Greater Oro Valley Chamber of Commerce

Information

Subject

Presentation by Dave Perry, President/CEO of the Greater Oro Valley Chamber of Commerce

Summary

Attachments

No file(s) attached.



Town Council Regular Session

Item # 4.

Meeting Date: 09/07/2016

Proclamation - National Preparedness Month

Information

Subject

Proclamation - National Preparedness Month

Summary

Attachments

Proclamation

Office of the Mayor
Oro Valley, Arizona
Proclamation

**NATIONAL PREPAREDNESS MONTH
SEPTEMBER 2016**

WHEREAS, across the nation, September has been designated as National Preparedness Month to encourage all Americans to improve emergency preparedness in their communities; and

WHEREAS, during National Preparedness Month there is a nationwide coordinated effort sponsored by the U.S. Department of Homeland Security to raise awareness about the importance of emergency preparedness, and to encourage every citizen to renew their commitment to promoting emergency preparedness in homes, businesses, schools and communities; and

WHEREAS, emergency preparedness is the responsibility of every resident of Oro Valley and all are urged to make preparedness a priority and take steps to protect our community before disaster strikes by learning about risk factors in order to protect against injuries, property damage, and potential economic loss in our community caused during disasters; and

WHEREAS, during the month of September, the Town of Oro Valley, Oro Valley Community Emergency Response Team (CERT), Pima County Office of Emergency Management along with Community Organizations Active in Disasters (COAD) and other local, tribal, private, and volunteer agencies will engage in activities that encourage residents to take steps to make themselves and their families more resilient and better prepared for disasters and emergencies;

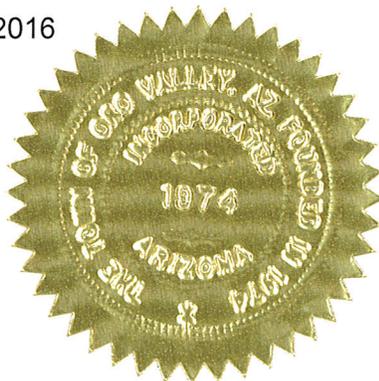
NOW, THEREFORE, I, Dr. Satish I. Hiremath, Mayor of the Town of Oro Valley, Arizona, hereby proclaim the month of September 2016 to be

“PREPAREDNESS MONTH”

This year’s National Preparedness Month theme is “Don’t Wait. Communicate. Make Your Emergency Plan Today.” and challenges all citizens, businesses, schools and communities to proactively develop Communications Plans for use during disasters and emergencies. Developing Communications Plans and exercising and reviewing them regularly, along with other simple steps like assembling emergency supply kits and reviewing guidelines for preparedness at Ready.gov help to make our communities more resilient and ensure that Oro Valley can stand ready to respond.

Dated this 7th day of September, 2016


Dr. Satish I. Hiremath, Mayor



ATTEST:


Mike Standish, Town Clerk



Town Council Regular Session

Item # A.

Meeting Date: 09/07/2016

Requested by: Mike Standish

Submitted By: Michelle Stine, Town
Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - July 6, 2016

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 July 6, 2016 minutes.

Attachments

7-6-16 Draft Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
July 6, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

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

ROLL CALL

PRESENT: Satish Hiremath, Mayor (Attended via telephone)
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)(3) and ARS 38-431.03(A)(4) for discussion and consultation with its attorneys regarding the public bodies position regarding contract negotiations related to obtaining a professional firm to assist the Town in searching for a new Town Manager

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Zinkin to go into Executive Session at 5:01 p.m. pursuant to ARS 38-431.03(A)(3) and ARS 38-431.03(A)(4) for discussion and consultation with its attorneys regarding the public bodies position regarding contract negotiations related to obtaining a professional firm to assist the Town in searching for a new Town Manager

MOTION carried, 6-0.

Vice Mayor Waters said the following staff members would join Council in Executive Session: Interim Town Manager Danny Sharp, Town Attorney Gary Verburg, Legal Services Director Tobin Sidles, Finance Director Stacey Lemos, Human Resource Director Gary Bridget, Procurement Administrator Mark Neihart and Town Clerk Mike Standish.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Vice Mayor Waters led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Economic Development Manager Amanda Jacobs announced the upcoming Town meetings and events.

COUNCIL REPORTS

Councilmember Snider and Vice Mayor Waters visited the following Oro Valley summer camps; the Art at the Ranch Camp, the OV HEAT Camp, and the Fun, Fins and Fantastic Games Camp. They gave an overview of the camp activities and spoke about the success the Oro Valley summer camps have experienced.

Councilmember Hornat introduced Arizona Speaker of the House David Gowan. Mr. Gowan gave an overview of the State budget and the accomplishments achieved during his time as Speaker of the House.

Councilmember Zinkin reported that he attended the National League of Cities Community & Economic Development Federal Advocacy Committee held in Kansas City, at which they discussed developing two proposals that would be presented to the National League of Cities board members.

Councilmember Hornat reported that the funds for the Joint Technical Education District (JTED) programs were restored by the State Legislature this year.

DEPARTMENT REPORTS

Town Clerk Mike Standish announced that new artwork was on display in the Council Chambers by artist Makoto Takigawa.

ORDER OF BUSINESS

Vice Mayor Waters reviewed the order of business and stated that the order would stand as posted.

CALL TO AUDIENCE

Oro Valley resident Donald Bristow expressed concerns regarding the Town's contract with the Office of Administrative Hearings.

Councilmember Hornat addressed Mr. Bristow's concerns.

Oro Valley resident Geri Ottoboni expressed concerns with various election matters.

INFORMATIONAL ITEMS

There were no informational items.

PRESENTATIONS

1. Proclamation - Drowning Impact Awareness Month - August 2016

Vice Mayor Waters proclaimed the month of August, 2016 as Drowning Impact Awareness Month.

2. *Presentation recognizing the 10-11 Oro Valley All-Stars Little League Championship baseball team

Vice Mayor Waters introduced the 10-11 Oro Valley All-Stars Little League Championship baseball team and invited Coach Rene Barriga to speak.

Mr. Barriga gave an overview of the 10-11 All-Stars Championship team and other Oro Valley Little League team standings.

CONSENT AGENDA

Councilmember Zinkin requested to remove items (B),(E) and (G - H) from the Consent Agenda for discussion.

- A. Minutes - June 15, 2016
- C. Cancellation of the July 20, 2016 regular Town Council meeting
- D. Resolution No. (R)16-33, authorizing and approving a license agreement between the Town of Oro Valley and Ventana Medical Systems, Inc. for the installation and maintenance of spring bollards within the Vistoso Village Drive right-of-way

- F. Approval of Conceptual Public Art for the Kneaders Bakery and Cafe, located on the northeast corner of Linda Vista Boulevard and Oracle Road
- I. Resolution No. (R)16-35, authorizing and approving acquisition agreements for slope, drainage and utility easements for the Lambert Lane Phase II project between Rancho Sonora Drive and La Cañada Drive

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Zinkin to approve Consent Agenda items (A), (C - D), (F) and (I).

MOTION carried, 7-0.

- B. Fiscal Year 2015/16 Financial Update through May 2016

Councilmember Zinkin asked for clarification regarding sales tax and recreational program revenues.

Finance Director Stacey Lemos clarified the sales tax trends and the recreational program revenues.

Parks and Recreation Director Kristy Diaz-Trahan also addressed the recreational program revenues.

Councilmember Zinkin asked for clarification regarding the ending fund balance for the Community and Recreation Center including golf, food and beverage.

Ms. Lemos clarified the ending fund balance for the Community and Recreation Center including golf, food and beverage.

Discussion ensued amongst Council and staff regarding consent item (B).

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

MOTION carried, 7-0.

- E. Approval of proposed Conceptual Architecture for Tucson Koi & Cactus Gardens, located east of Oracle Road, approximately 1/4-mile south of Magee Road

Councilmember Zinkin acknowledged Town staff for the work that had been completed on this project.

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to approve the Conceptual Architecture for Tucson Cactus & Koi Gardens,

finding the proposed architecture in conformance with the Design Principles and applicable Design Standards.

MOTION carried, 7-0.

- G. Approval of Conceptual Architecture for Native Grill and Wings restaurant, located at 11107 N. Oracle Road

Councilmember Zinkin inquired if staff had briefed the Conceptual Design Review Board on the Planned Area Development (PAD) color pallet constraints.

Planner Robert Kirschmann responded to Councilmember Zinkin regarding his inquiry.

Planning Manager Bayer Vella clarified the PAD color pallet constraints.

Discussion ensued amongst Council and staff regarding item (G).

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Snider to accept the Conceptual Architecture for Native Grill and Wings, subject to the condition in Attachment 1, finding that the request is in conformance with the Steam Pump Design Guidelines and Design Principles.

MOTION carried, 7-0.

- H. Resolution No. (R)16-34, authorizing and approving a cooperative Intergovernmental Agreement between the Town of Oro Valley and Pima County for the Community Development Block Grant Program and Home Investment Partnership Program

Councilmember Zinkin requested clarification regarding the Intergovernmental Agreement with Pima County for the Community Development Block Grant Program and Home Investment Partnership Program.

Community Development and Public Works Director Paul Keesler discussed the programs process and introduced the Pima County Community Development and Program Manager Daniel Tylutki.

Discussion ensued amongst Council and staff regarding item (H).

Mr. Tylutki spoke regarding the cooperative and mutual benefits associated with participation in the Community Development Block Grant Program and Home Investment Partnership Program.

Discussion continued amongst Council, staff and Mr. Tylutki regarding item (H).

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Zinkin to approve Resolution No. (R)16-34, authorizing and approving a cooperative Intergovernmental Agreement between the Town of Oro Valley and Pima County for the Community Development Block Grant Program and Home Investment Partnership Program.

MOTION carried, 7-0.

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A PROPOSED FREDDY'S STEAKBURGER RESTAURANT, LOCATED AT 11143 N. ORACLE ROAD

- 1. CONDITIONAL USE PERMIT FOR A PROPOSED DRIVE THROUGH RESTAURANT**
- 2. CONCEPTUAL SITE PLAN AND LANDSCAPE PLAN**
- 3. CONCEPTUAL ARCHITECTURE**

Planner Robert Kirschmann gave an overview of the proposed Freddy's Steakburger Restaurant that included the following:

- Purpose
- Conditional Use Permit Review Criteria
- Traffic/Circulation
- Proposed Architecture

Mr. Keesler gave an overview of the proposed traffic and vehicle stacking for item #1.

Mr. Kirschmann continued his presentation and discussed the following items:

- Proposed Architecture
- Neighborhood Meeting/ Public Input
- Recommendation

Vice Mayor Waters opened the public hearing.

No comments were received.

Vice Mayor Waters closed the public hearing.

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Waters to approve the Conditional Use Permit subject to the conditions in Attachment 1a, based on the finding that the proposal is consistent with the General Plan, Zoning Code, and review criteria.

**Attachment 1a
Conditions of Approval
Freddy's Steakburger
OV1600904**

Conditional Use Permit

1. The drive through lane shall be restricted from operating between the hours of 6AM and 10AM. The restaurant may remain open to walk in customers.
2. The applicant and Town staff shall explore possible solutions to improve pedestrian connectivity from the restaurant to the Basis School and to reduce traffic conflicts along the new central drive aisle at the driveway into the restaurant.

Discussion ensued amongst Council and staff regarding item #1.

Vice Mayor Waters recessed the meeting at 7:41 p.m.

Vice Mayor Waters reconvened the meeting at 7:51 p.m.

Discussion ensued amongst Council and staff regarding item #1.

Councilmember Burns left the meeting at 8:00 p.m.

Keri Silvyn with Lazarus, Silvyn & Bangs, P.C. and representing the master developer, clarified various traffic and use concerns for the proposed development.

Golder Ranch Fire District Fire Chief Randy Karrer addressed fire evacuation concerns regarding item #1.

Discussion continued amongst Council, staff and the applicant regarding item #1.

MOTION carried, 4-2 with Councilmember Zinkin opposed and Councilmember Garner abstaining.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Hornat to approve the Conceptual Site and Landscape plans finding that the request is in conformance with the Design Principles and Steam Pump Village Design Guidelines.

MOTION carried, 6-0.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Hornat to conditionally approve the Conceptual Architecture subject to the condition in Attachment 1b, finding that the request is in conformance with the Design Principles and Steam Pump Village Design Guidelines.

**Attachment 1b
Conditions of Approval
Freddy's Steakburger
OV1600904**

Conceptual Architecture

1. The final design package will include an updated materials board which depicts the awnings as presented in the elevations.

MOTION carried, 6-0.

2. DISCUSSION AND POSSIBLE ACTION REGARDING SELECTION OF AN EXECUTIVE SEARCH FIRM TO CONDUCT THE TOWN MANAGER RECRUITMENT AND AUTHORIZATION OF GENERAL FUND CONTINGENCY RESERVES FOR THE RECRUITMENT PROCESS

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Hornat to select CPS-HR as the executive search firm for the Oro Valley Town Manager, with the direction that the Interim Town Manager enter into contract in a form approved by the Legal Services Director. In the event an agreement is not reached with CPS-HR the Interim Town Manager is authorized to enter into a contract in a form approved by the Legal Services Director with Ralph Andersen and that \$30,000 be allocated from the Contingency Fund for payment.

Discussion ensued amongst Council and staff regarding item #2.

MOTION carried, 6-0.

3. ~~DISCUSSION AND POSSIBLE DIRECTION REGARDING A CHANGE TO THE DESIGN CODE ALLOWING FOR AN EXPANDED COLOR PALETTE~~**

Regular Agenda item #3 was removed from the agenda on July 1, 2016.

4. DISCUSSION AND POSSIBLE DIRECTION REGARDING A BIKE SHARE PROGRAM

Discussion ensued amongst Council and Staff regarding item #4.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Zinkin to continue item #4 to the November 2, 2016 regular Town Council meeting.

MOTION carried, 6-0.

5. DISCUSSION AND POSSIBLE DIRECTION REGARDING TOWN CODE SECTION 10-1-5 NUISANCES

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Hornat to continue item #5 to the November 2, 2016 regular Town Council meeting.

MOTION carried, 6-0.

FUTURE AGENDA ITEMS

No future agenda items were requested.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Garner to adjourn the meeting at 8:22 p.m.

MOTION carried, 6-0.

Prepared by:

Michelle Stine, CMC
Senior Office Specialist

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 6th day of July, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2016.

Mike Standish, CMC
Town Clerk



Town Council Regular Session

Item # B.

Meeting Date: 09/07/2016

Requested by: Stacey Lemos

Submitted By: Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2015/16 financial update through June 2016 (year-end)

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Attached hereto are the preliminary, unaudited Fiscal Year 2015/16 year-end financials for the General Fund, Highway Fund, Bed Tax Fund and Community Center Fund through June 2016, as well as a consolidated year-end summary for all Town funds. Please note that figures are subject to final adjustments.

In the **General Fund**, total actual revenues for the year came in over budget by approximately \$16,000. Expenditures for the year were under budget by approximately \$848,000 or 2.6%. Council-approved, one-time uses of contingency reserves included \$265,258 for an 8.8 acre land purchase near JDK Park and CDO High School, a \$30,000 lawsuit settlement, and \$24,131 for special election costs. Accrued leave payouts from the Town's compensated absences reserve totaled just over \$112,000, which reflects payouts of earned leave upon employee retirement or separation from the Town. These one-time transactions and uses of contingency totaled \$431,526. After accounting for these one-time transactions, the General Fund ended the year with an overall increase in fund balance of \$402,326. The estimated year-end fund balance in the General Fund is \$10.6 million.

In the **Highway Fund**, total actual revenues for the year came in over budget by approximately \$296,000 or 9.2%. Expenditures for the year were under budget by nearly \$146,000 or 3.0%. Overall, the Highway Fund ended the year with a decrease in fund balance of \$1,214,099. The estimated year-end fund balance in the Highway Fund is \$2.1 million.

In the **Bed Tax Fund**, total actual revenues for the year came in over budget by approximately \$115,000 or 12.1%. Expenditures for the year were under budget by

about \$51,000 or 4.6%. Transfers out of the Bed Tax Fund included \$185,000 to the General Fund for the Aquatic Center operations (\$150,000) and repayment of contingency reserves used to construct the center (\$35,000), and approximately \$230,000 for debt service on the Aquatic Center. Overall, the Bed Tax Fund ended the year with an increase in fund balance of almost \$28,000. The estimated year-end fund balance in the Bed Tax Fund is approximately \$492,000.

In the **Community Center Fund**, total actual revenues for the year came in under budget by approximately \$1,495,000 or 20.2%. Expenditures for the year were under budget by about \$1,294,000 or 16.0%. The estimated year-end fund balance in the Community Center Fund is approximately \$162,000.

BACKGROUND OR DETAILED INFORMATION:

GENERAL FUND RECAP

General Fund actual revenues totaled \$32,058,184. Every revenue category with the exception of local sales tax came in over budget. Overall, General Fund revenue collections came in \$16,000 over the adopted budget amount. Additional information regarding General Fund local sales tax collections for the year is provided below:

- Retail tax collections totaled \$5.5 million for the fiscal year, up 1.1% or \$64,000 over last fiscal year.
- Restaurant and bar tax collections totaled \$1.3 million for the fiscal year, up 8.9% or \$106,000 over last fiscal year.
- Construction tax collections totaled \$2.4 million for the fiscal year, down 27.1% or \$901,000 from last fiscal year.
- Utility tax collections totaled \$2.9 million for the fiscal year, up 4.6% or \$129,000 over last fiscal year.

General Fund fiscal year expenditures totaled \$31.2 million or approximately \$848,000 under the budgeted amount of \$32.1 million. Departmental O&M and personnel savings totaled approximately \$181,000. Capital outlay expenditures came in \$187,000 under budget due to savings in several departments, including Parks and Recreation, Development and Infrastructure Services, and the Clerk's Office.

The Parks and Recreation Department ended the year slightly over budget by about \$27,000 due to operating costs at the Aquatic Center. It is important to note, however, that actual revenues generated at the Aquatic Center (nearly \$580,000), exceeded the budgeted revenues by almost \$124,000 in the Charges for Services revenue category. The budget capacity for Aquatic Center operations was adjusted accordingly in the FY 16/17 budget, and staff will continue to monitor the budget very closely in the new fiscal year.

HIGHWAY FUND RECAP

The largest revenue source in the Highway Fund, Highway User Revenue Fund (HURF) gas taxes, totaled \$3,045,057 or approximately \$60,000 over the budget amount of

\$2,985,464. Expenditures in the Highway Fund came in under budget by \$145,835 or 3.0% due primarily to the rollover of the Tangerine Access to Safeway (1st Ave) Safety CIP project into FY 16/17. Pavement preservation program spending came in at \$1,345,035 or 0.4% under the budget amount of \$1.35 million.

BED TAX FUND RECAP

Bed tax collections for the fiscal year totaled \$1,054,589 or nearly \$110,000 over the budget amount of \$945,000. Personnel and O&M savings totaled nearly \$51,000. Transfers out totaled \$414,544, with the breakdown as referenced in the Executive Summary above.

COMMUNITY CENTER FUND RECAP

Contracted operating revenues from Troon totaled nearly \$3.1 million, compared to the budget amount of \$4.7 million. Please note that the donated inventory revenues of \$149,413 on Attachment D-1 were the result of merchandise and food and beverage inventory already in stock when the facilities were acquired by the Town from HSL Properties. These revenues were recorded on the Town's books as a year-end adjustment, and thus do not appear on Attachment D-2. This donated inventory revenue offsets the cost of sales expense shown monthly on the Troon financials as these goods are sold and removed from inventory during the course of business.

Contracted operating expenditures from Troon totaled almost \$5.5 million, which is \$779,000 or 12.5% below the budget amount of \$6.3 million. These savings are the result of numerous operating changes implemented earlier in the fiscal year which served to mitigate monthly operating losses during the second half of the fiscal year. As a result, the overall contracted operating expenditures exceeded overall contracted operating revenues by \$2.4 million. This net operating loss is nearly offset by the over \$2 million collected in dedicated half cent sales tax proceeds for the year.

Town operating revenues totaled \$780,499, roughly \$122,000 or 18.5% over the budget amount of \$658,000. Member dues came in 13.6% over budget and recreation program revenues came in 83.4% over budget.

Town operating expenditures totaled \$788,230, roughly \$100,000 or 14.6% over the budget amount of \$688,000. This was due to personnel costs associated with the reopening of the pool and Town-assumed operations, as well as additional facility attendants that were brought on during the fiscal year to meet facility demands. This overage was offset by the revenue overage discussed above. The budget capacity for personnel was adjusted accordingly in the FY 16/17 budget.

Local sales tax revenues from the dedicated half-cent sales tax totaled \$2,030,750 or 1.5% over budget. This was due primarily to restaurant and bar tax collections.

Capital outlay expenditures totaled \$499,774, compared the budget amount of \$1.1 million.

The overall ending fund balance in the Community Center Fund is estimated at \$162,000.

Please see **Attachment A** for additional details on the General Fund, **Attachment B** for additional details on the Highway Fund, **Attachment C** for additional details on the Bed Tax Fund, and **Attachments D-1, D-2 and D-3** for additional details on the Community Center Fund. Please see **Attachment E** for a consolidated summary of all Town funds. Please see **Attachment F** for a monthly tracking of General Fund local sales tax collections, including construction and utility sales tax.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

Attachment A - General Fund
Attachment B - Highway Fund
Attachment C - Bed Tax Fund
Attachment D-1 Community Center Fund
Attachment D-2 Troon Cash Flow
Attachment D-3 Troon F&B
Attachment E - Summary All Funds
Attachment F - Gen Fund Local Sales Tax



Highway Fund

% Budget Completion through June --- 100%

REVENUES:

LICENSES & PERMITS
 STATE GRANTS
 STATE/COUNTY SHARED
 CHARGES FOR SERVICES
 INTEREST INCOME
 MISCELLANEOUS
TOTAL REVENUES

Actuals thru 6/2016	Budget	% Actuals to Budget
43,134	51,000	84.6%
187,375	-	0.0%
3,045,057	2,985,464	102.0%
134,000	134,000	100.0%
54,746	22,400	244.4%
34,433	10,000	344.3%
3,498,744	3,202,864	109.2%

Year End Estimate *	YE % Variance to Budget
43,134	-15.4%
187,375	0.0%
3,045,057	2.0%
134,000	0.0%
54,746	144.4%
34,433	244.3%
3,498,744	9.2%

EXPENDITURES:

ADMINISTRATION
 TRANSPORTATION ENGINEERING
 PAVEMENT MANAGEMENT
 STREET MAINTENANCE
 TRAFFIC ENGINEERING
TOTAL EXPENDITURES

Actuals thru 6/2016	Budget	% Actuals to Budget
928,120	880,396	105.4%
553,465	561,772	98.5%
1,469,157	1,473,581	99.7%
1,149,618	1,159,510	99.1%
612,483	783,419	78.2%
4,712,843	4,858,678	97.0%

Year End Estimate *	YE % Variance to Budget
928,120	5.4%
553,465	-1.5%
1,469,157	-0.3%
1,149,618	-0.9%
612,483	-21.8%
4,712,843	-3.0%

SURPLUS / (DEFICIT)

(1,214,099) (1,655,814)

(1,214,099)

BEGINNING FUND BALANCE

3,291,083

Plus: Surplus / (Deficit)

(1,214,099)

ENDING FUND BALANCE **

2,076,984

* Year-end estimates are subject to further revision

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



Bed Tax Fund

% Budget Completion through June --- 100%

REVENUES:

BED TAXES

INTEREST INCOME

TOTAL REVENUES

Actuals thru 6/2016	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
1,054,589	945,000	111.6%	1,054,589	11.6%
9,904	4,800	206.3%	9,904	106.3%
1,064,494	949,800	112.1%	1,064,494	12.1%

EXPENDITURES:

ECONOMIC DEVELOPMENT

TRANSFERS OUT

TOTAL EXPENDITURES

Actuals thru 6/2016	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
622,199	672,732	92.5%	622,199	-7.5%
414,544	414,544	100.0%	414,544	0.0%
1,036,743	1,087,276	95.4%	1,036,743	-4.6%

SURPLUS / (DEFICIT)

27,751

(137,476)

27,751

BEGINNING FUND BALANCE

464,626

Plus: Surplus / (Deficit)

27,751

ENDING FUND BALANCE **

492,377

* Year-end estimates are subject to further revision

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



Community Center Fund

% Budget Completion through June --- 100%

REVENUES:

CONTRACTED OPERATING REVENUES

	Actuals thru 6/2016	Budget	% Actuals to Budget
Golf Revenues	937,437	1,771,106	52.9%
Member Dues (Golf)	876,133	1,370,867	63.9%
Tennis Revenues	273,700	279,837	97.8%
Food & Beverage	606,271	850,852	71.3%
Merchandise & Other	220,255	469,671	46.9%
Donated Inventory	149,413	-	0.0%
	3,063,209	4,742,333	64.6%

TOWN OPERATING REVENUES

Daily Drop-Ins	23,518	27,550	85.4%
Member Dues	598,034	526,480	113.6%
Recreation Programs	154,014	84,000	183.4%
Swim Team/Swim Lessons	1,800	-	0.0%
Tennis Court Rentals	-	7,200	0.0%
Facility Rental Income	1,784	13,200	13.5%
Concession Sales	1,099	-	0.0%
Special Events	250	-	0.0%
	780,499	658,430	118.5%

OTHER REVENUES

Local Sales Tax	2,030,750	2,000,000	101.5%
Real Property Rental Income	27,861	-	0.0%
Sale of Assets	3,695	-	0.0%
Donations	100	-	0.0%
	2,062,406	2,000,000	103.1%

TOTAL REVENUES

5,906,113 7,400,763 79.8%

Year End Estimate *	YE % Variance to Budget
937,437	-47.1%
876,133	-36.1%
273,700	-2.2%
606,271	-28.7%
220,255	-53.1%
149,413	0.0%
3,063,209	-35.4%
23,518	-14.6%
598,034	13.6%
154,014	83.4%
1,800	0.0%
-	-100.0%
1,784	-86.5%
1,099	0.0%
250	0.0%
780,499	18.5%
2,030,750	1.5%
27,861	0.0%
3,695	0.0%
100	0.0%
2,062,406	3.1%
5,906,113	-20.2%

EXPENDITURES:

CONTRACTED OPERATING EXPENDITURES

Personnel	2,257,849	2,638,457	85.6%
Operations & Maintenance	2,817,086	3,289,219	85.6%
Equipment Leases	406,244	333,000	122.0%
	5,481,179	6,260,676	87.5%

TOWN OPERATING EXPENDITURES

Personnel	585,787	462,517	126.7%
Operations & Maintenance	202,444	225,140	89.9%
	788,230	687,657	114.6%

CAPITAL OUTLAY

499,774 1,115,000 44.8%

TRANSFER TO GENERAL FUND

- - 0.0%

TOTAL EXPENDITURES

6,769,183 8,063,333 84.0%

SURPLUS / (DEFICIT)

(863,070) (662,570)

BEGINNING FUND BALANCE

1,025,222

Plus: Surplus / (Deficit)

(863,070)

ENDING FUND BALANCE **

162,152

* Year-end estimates are subject to further revision

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

TRON
El Conquistador Cash Flow Statement

	Actual Jul-15	Actual Aug-15	Actual Sep-15	Actual Oct-15	Actual Nov-15	Actual Dec-15	Actual Jan-16	Actual Feb-16	Actual Mar-16	Actual Apr-16	Actual May-16	Actual Jun-16	Actual TOTAL	Original Budget TOTAL
Revenues:														
Golf Fees, net of discounts	31,127	26,555	41,922	39,692	79,985	48,184	80,184	125,390	124,090	85,721	37,103	24,798	744,751	1,456,271
Trail Fees & Member Cart Fees	9,970	8,994	9,800	10,860	13,139	13,105	14,585	14,593	14,362	13,818	13,235	12,795	149,256	180,000
Golf - Group Services	65,377	57,786	64,719	69,970	75,806	75,697	77,475	78,796	78,113	76,538	76,911	78,945	876,133	1,370,867
Range, Rentals, Other Golf related	1,368	1,593	1,984	2,712	2,839	2,479	3,671	4,273	5,856	3,908	3,437	2,435	36,555	127,735
Golf Lessons	785	510	1,115	680	847	340	160	895	625	235	375	310	6,877	7,100
Total Member Dues	65,377	57,786	64,719	69,970	75,806	75,697	77,475	78,796	78,113	76,538	76,911	78,945	876,133	1,370,867
Other Member Income	-	-	-	-	60	20	-	-	-	994	-	-	1,074	-
Swim/Tennis Revenues	24,923	9,172	27,593	51,543	26,871	23,871	31,336	21,542	19,312	23,475	19,083	(5,021)	273,700	279,837
Salon/Spa Revenues	-	150	400	-	-	-	-	-	-	-	-	-	550	-
GOLF PUSCH RIDGE Revenues	60	20	-	-	-	-	-	-	-	-	-	-	80	-
Income - Other (non - golf)	-	-	-	-	-	-	-	-	-	-	5,959	-	5,959	-
Merchandise, net of discounts	11,112	9,342	12,462	17,555	24,638	26,524	11,929	21,137	26,284	28,713	11,670	11,226	212,592	469,671
Food and Beverage, net of discounts	34,002	29,430	35,077	44,481	65,705	51,745	65,512	57,623	71,701	60,771	48,324	41,900	606,271	850,852
Total Revenues	178,724	143,552	195,072	236,943	289,890	242,156	284,917	324,249	340,343	294,297	216,265	167,388	2,913,796	4,742,333
Cost of Sales:														
COS - Golf	-	-	-	-	-	-	-	-	-	-	-	-	-	17,690
COS - Group Services Golf	-	-	-	-	-	-	-	-	-	-	34	323	357	-
COS - Golf Lessons	692	282	100	937	546	556	77	836	710	-	623	136	5,495	5,680
COS - Service Commissions	14,268	10,023	14,477	21,783	16,516	12,477	16,074	16,173	13,499	20,810	12,000	17,494	185,594	161,791
COS - Merchandise, net of discounts	9,877	5,517	6,325	10,196	16,931	18,007	6,966	15,519	20,036	20,096	8,665	24,675	162,820	209,527
COS - Food & Beverage	14,172	11,484	15,150	14,875	26,917	16,195	20,202	20,170	21,971	20,706	16,506	15,354	213,702	267,418
Total Cost of Sales	39,009	27,306	36,062	47,791	60,910	47,235	43,319	52,698	56,216	61,612	37,828	57,982	567,968	752,105
Gross Profit	139,715	116,246	159,010	189,152	228,980	194,921	241,598	271,551	284,127	232,685	178,437	109,406	2,345,828	3,990,228
Operating Expenses:														
Payroll	193,325	182,694	172,731	193,514	159,466	114,460	127,022	124,638	142,114	140,582	135,344	120,289	1,806,179	2,182,859
Employee Benefits	40,630	38,531	45,466	31,729	35,879	34,466	29,537	31,205	32,236	29,897	30,097	30,005	409,578	406,314
Employee Related	5,644	3,873	3,204	3,187	3,700	3,438	2,607	2,303	2,710	2,474	3,853	5,099	42,092	49,284
Professional Fees	-	-	306	10	-	-	-	3	-	-	-	-	319	3,975
Advertising & Marketing	5,213	-	2,359	14,318	5,725	8,987	6,261	5,710	4,146	14,251	6,221	-	82,045	77,768
Comp Expense	-	3,340	-	-	-	-	-	-	-	-	-	-	3,340	-
Repair & Maintenance	53,817	61,662	84,353	82,903	32,520	20,833	30,086	38,476	35,367	27,082	34,171	26,173	527,443	488,050
Operating Expenses	27,627	25,858	20,478	21,488	18,576	24,922	23,449	14,664	32,141	24,376	22,445	28,704	284,728	413,791
Total Operating Expenses	326,256	315,958	328,897	347,149	255,866	207,006	218,962	216,999	248,714	238,662	232,131	217,124	3,153,724	3,622,041
Operating Profit	(186,541)	(199,712)	(169,887)	(157,997)	(26,886)	(12,085)	22,636	54,552	35,413	(5,977)	(53,694)	(107,718)	(807,896)	368,186
Leases - Carts	16,440	16,440	16,364	16,364	8,377	19,944	17,610	8,250	8,250	8,250	8,250	8,250	152,789	105,000
Leases - Equipment	19,605	22,357	5,163	16,640	39,321	22,795	19,267	19,935	22,032	22,567	20,003	23,771	253,455	228,000
Utilities	168,472	141,589	148,567	134,259	39,120	64,910	35,740	75,480	96,239	120,288	99,057	110,728	1,234,449	1,320,391
Fixed Operating Expenses	204,517	180,386	170,094	167,263	86,818	107,649	72,617	103,665	126,521	151,105	127,310	142,749	1,640,693	1,653,391
Gross Operating Profit	(391,058)	(380,098)	(339,981)	(325,260)	(113,704)	(119,734)	(49,981)	(49,113)	(91,108)	(157,082)	(181,004)	(250,467)	(2,448,589)	(1,285,205)
Insurance	-	86	-	86	86	86	88	88	88	88	88	88	872	85,520
Property Taxes	-	-	1,011	-	-	3,601	-	-	-	-	-	-	4,612	-
Fees, Permits & Licenses	9	250	86	80	-	140	-	93	-	497	100	102	1,357	3,619
Base Management Fees	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	(12,000)	-	108,000	144,000
Bad Debt	-	1,080	270	600	-	153	640	-	675	-	235	300	3,953	-
Total Other Expenses	12,009	13,416	13,367	12,766	12,086	15,980	12,728	12,181	12,763	12,585	(11,577)	490	118,794	233,139
Net Income (Loss)	(403,069)	(393,514)	(353,348)	(338,026)	(125,790)	(135,714)	(62,709)	(61,294)	(103,871)	(169,667)	(169,427)	(250,957)	(2,567,385)	(1,518,343)

ATTACHMENT D-3

EL CONQUISTADOR INCOME STATEMENT CONSOLIDATED - RESTAURANT/GRILLE - JUNE 2016

	ACTUAL MONTH	BUDGET MONTH	ACTUAL Y-T-D	BUDGET Y-T-D
FOOD & BEVERAGE REVENUE	41,900	45,478	606,171	850,854
TOTAL REVENUES	41,900	45,478	606,171	850,854
COST OF SALES	15,354	14,354	213,704	267,432
PAYROLL & BENEFITS	39,507	35,085	553,754	449,940
OPERATING EXPENSES	13,221	7,501	94,283	90,441
NET INCOME (LOSS)	(26,182)	(11,462)	(255,570)	43,041



Consolidated Year-to-Date Financial Report through June, 2016

ATTACHMENT E

FY 2015/2016

Fund	FY 15/16 Begin Bal.	Revenue	Other Fin Sources/Tfrs	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru June 2016
General Fund - Unassigned	8,597,873	31,873,184	185,000	32,058,184	1,271,540	22,526,177	7,076,069	350,546	319,389	-	31,543,721	9,112,336
General Fund - Assigned	1,553,999								112,137		112,137	1,441,862
Highway Fund - Restricted	3,291,083	3,498,744	-	3,498,744	228,366	1,930,015	824,398	1,730,064	-	-	4,712,843	2,076,984
Seizure & Forfeiture - Justice/State	235,952	79,919	-	79,919	-	218,702	52,411	34,218	-	-	305,331	10,540
Bed Tax Fund - Committed	464,626	1,064,494	-	1,064,494	414,544	248,736	373,462	-	-	-	1,036,743	492,377
Impound Fee Fund	28,435	46,030	-	46,030	-	28,652	-	-	-	-	28,652	45,813
Community Center Fund	1,025,222	5,906,113	-	5,906,113	406,244	585,787	5,277,379	499,774	-	-	6,769,183	162,152
Municipal Debt Service Fund	166,798	134,428	655,750	790,178	-	-	55,625	-	-	838,865	894,490	62,485
Oracle Road Debt Service Fund	1,946	189,525	3,000	192,525	-	-	2,350	-	-	185,153	187,503	6,968
Alternative Water Resources Dev Impact Fee Fund	4,021,793	1,137,095	-	1,137,095	-	-	125,348	174	-	-	125,522	5,033,366
Potable Water System Dev Impact Fee Fund	4,800,153	590,891	-	590,891	-	-	-	-	-	331,478	331,478	5,059,567
Townwide Roadway Development Impact Fee Fund	2,677,852	539,817	-	539,817	-	-	-	49,844	-	-	49,844	3,167,825
Parks & Recreation Impact Fee Fund	136,103	186,255	-	186,255	-	-	-	-	-	-	-	322,358
Library Impact Fee Fund	94,798	-	-	-	-	-	-	45,118	-	-	45,118	49,680
Police Impact Fee Fund	254,577	78,964	-	78,964	-	-	-	-	-	-	-	333,541
General Government Impact Fee Fund	3,505	10	-	10	-	-	-	-	-	-	-	3,515
General Government CIP Fund	1,421,593	-	1,028,276	1,028,276	-	-	-	1,730,861	-	-	1,730,861	719,009
PAG/RTA Fund	-	3,512,535	-	3,512,535	-	40,505	-	2,850,048	-	-	2,890,552	621,982
Water Utility	13,864,359	16,367,938	-	16,367,938	3,030	2,960,919	6,534,253	2,443,405	-	4,906,630	16,848,238	13,384,060
Stormwater Utility	279,353	863,890	-	863,890	-	341,672	418,842	52,917	-	-	813,431	329,811
Fleet Fund	298,922	1,440,425	-	1,440,425	-	88,042	525,959	558,033	-	-	1,172,034	567,313
Benefit Self Insurance Fund	244,162	3,015,655	-	3,015,655	-	-	2,979,581	-	-	-	2,979,581	280,236
Recreation In-Lieu Fee Fund	6,190	21,728	-	21,728	-	-	-	12,200	-	-	12,200	15,718
Total	43,469,294	70,547,637	1,872,026	72,419,663	2,323,724	28,969,207	24,245,678	10,357,202	431,526	6,262,125	72,589,460	43,299,499



General Fund Local Sales Tax Collections

ATTACHMENT F

FY 2015/2016

CATEGORY	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Construction Sales Tax	193,497	160,759	190,812	234,763	222,548	254,307	260,568	107,429	263,734	235,835	109,928	173,567	2,407,746
Utility Sales Tax	257,552	312,494	304,666	286,667	243,827	195,345	242,200	268,984	222,718	193,630	196,712	205,330	2,930,124
Retail Sales Tax	441,557	415,209	393,690	403,193	413,231	525,645	688,527	426,418	433,139	511,289	472,688	411,589	5,536,174
All Other Local Sales Tax *	239,739	229,766	182,484	216,361	270,637	276,937	295,738	201,982	259,537	325,493	273,582	263,425	3,035,681
TOTAL	\$ 1,132,346	\$ 1,118,228	\$ 1,071,652	\$ 1,140,984	\$ 1,150,242	\$ 1,252,234	\$ 1,487,032	\$1,004,813	\$1,179,127	\$ 1,266,247	\$1,052,910	\$1,053,911	\$ 13,909,725

* Note: Does not include cable franchise fees or sales tax audit revenues



Town Council Regular Session

Item # C.

Meeting Date: 09/07/2016

Requested by: Mike Standish

Submitted By: Mike Standish, Town
Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Resolution No. (R)16-37, authorizing and approving an Intergovernmental Agreement between the Town of Oro Valley and Pima County regarding payment for the incarceration of municipal prisoners

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The annual Intergovernmental Agreement with Pima County that permits the Town to house Oro Valley municipal prisoners in the Pima County jail is up for renewal as of June 30, 2016. Payment for incarceration of municipal prisoners in county jails is necessary because of a state law passed in 1989 mandating that cities and towns pay for this service.

Pima County has set the incarceration fees for FY 2016/17 as follows: \$299.53 to cover booking and intake expenditures and prisoner housing for the first day, and \$89.02 per subsequent day for each prisoner. The initial day amount has increased by \$20.02, and the cost for each additional day has increased by \$3.87. The alternative is for the Town to house its own municipal prisoners, which would be cost prohibitive.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 2016/17 Custody of Prisoners budget has been adopted in the amount of \$125,000, and it is anticipated that this will be sufficient budget capacity even with the projected prisoner housing costs outlined above.

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R)16-37, authorizing and approving an Intergovernmental Agreement between the Town of Oro Valley and Pima County regarding payment for the incarceration of municipal prisoners.

Attachments

(R)16-37 IGA Prisoner Incarceration
Incarceration of Municipal Prisoners IGA

RESOLUTION NO. (R)16-37

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND PIMA COUNTY FOR PAYMENT FOR THE INCARCERATION OF MUNICIPAL PRISONERS

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

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

WHEREAS, pursuant to A.R.S. § 31-121(D), an individual may be incarcerated in a county jail and the costs of incarceration shall be paid by the municipality having established the municipal court in which the charges have been filed; and

WHEREAS, Pima County shall receive and detain all municipal prisoners who are medically fit to be incarcerated in the detention facilities maintained and operated by Pima County; and

WHEREAS, the Town desires to enter into an Intergovernmental Agreement with Pima County to set forth the terms and conditions for the incarceration of municipal prisoners in the detention facilities maintained and operated by Pima County; and

WHEREAS, it is in the best interest of the Town to enter into the Intergovernmental Agreement, attached hereto as "Exhibit "A" and incorporated herein by this reference, in order to set forth the terms and conditions relating to the incarceration of municipal prisoners in the detention facilities maintained and operated by Pima County for a term effective July 1, 2016 through June 30, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that the Intergovernmental Agreement, attached hereto as "Exhibit "A", between the Town of Oro Valley and Pima County for the incarceration of municipal prisoners is hereby authorized and approved.

BE IT FURTHER RESOLVED that the Mayor and any other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the terms of the Intergovernmental Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 7th day of September, 2016.

TOWN OF ORO VALLEY, ARIZONA

Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
PIMA COUNTY
AND
TOWN OF ORO VALLEY
FOR
PAYMENT FOR THE INCARCERATION
OF MUNICIPAL PRISONERS**

This Intergovernmental Agreement (IGA) is entered into by and between Pima County, a body politic and corporate of the State of Arizona (“County”) and the Town of Oro Valley, a municipal corporation (“Town”) pursuant to A.R.S. § 11-952.

Recitals

County and Town may contract for services and enter into agreements with one another for joint or cooperative action pursuant to A.R.S. § 11-951, et seq.

County and Town desire to enter into an agreement to incarcerate Town’s municipal prisoners in the Pima County Adult Detention Complex (“PCADC”).

NOW, THEREFORE, County and Town, pursuant to the above, mutually agree as follows:

Agreement

I. Purpose

This IGA sets forth the terms and conditions under which Town’s municipal prisoners shall be incarcerated in the PCADC.

II. Scope

County shall receive and detain all Town municipal prisoners who are medically fit to be incarcerated by County. County shall provide booking services, and after booking provide for the care, feeding and medical care of said prisoners.

“Town municipal prisoner” shall mean any person who has been incarcerated as a result of a charge pending in the Town of Oro Valley Court, or as a result of an agreement between the Town and another jurisdiction to allow the person to serve his sentence locally, or has been sentenced pursuant to an order of the Oro Valley Town Court and for whom the Town has the legal obligation to provide or pay for prisoner housing. A prisoner arrested by Town of Oro

Valley Police Department solely on another governmental entity's warrant is not a Town prisoner.

In regard to booking and related services and procedures, upon submission of the completed booking document to the PCADC Intake Support Specialist, County will immediately accept into custody all Town arrestees that present no obvious health issues that make the prisoner medically unacceptable for booking. Town agrees that such conditional acceptance will shorten the time officers spend in the booking process and benefit the Town. Within the initial ninety (90) minutes, County medical providers shall make a determination as to the prisoner's medical condition. Town agrees that if the prisoner presents a serious, emergent medical problem requiring hospital examination or medical rejection for booking within ninety (90) minutes of the time of conditional acceptance, Town shall send an officer to the PCADC to transport the prisoner for such medical examination or care as may be medically required as soon as possible. If a prisoner is taken from the PCADC for medical evaluation and returned to be incarcerated, Town shall not be charged twice for the first day billing rate of \$299.53. By conditionally accepting the prisoner for the initial ninety (90) minute evaluation period, County does not in any way accept responsibility for the cost of medical care to be provided to that prisoner should it be determined by County that the prisoner requires hospitalization or that the prisoner is medically unacceptable for booking.

Transportation of prisoners to Town of Oro Valley Court or other locations, only as ordered by Town of Oro Valley Court, shall be the responsibility of the Town. County shall be responsible for transportation of prisoners for medical care after the prisoner has been in PCADC custody for ninety (90) minutes or more.

III. Financing

Town shall pay a first day billing rate of \$299.53 to cover booking and intake expenditures. For each billable day following the first day, Town shall pay \$89.02 per day. The two rates are applicable to the period July 1, 2016 through June 30, 2017. The billing day as defined herein applies to each Town prisoner who is an inmate in, or under the control of the PCADC.

A. Criteria and Rules Governing Billing:

1. A "billable day" means that period commencing at 0000 hours and ending at 2359 hours that same day, or any fractional part thereof, of any day the Town prisoner is in the custody or control of the PCADC.
2. A "modified billable day" means a billable day which is modified to reduce billing to one billable day at the first rate. "Modified billable days" are only applicable when applied to pretrial Town defendants who are booked between 1800-2359 hours one day and released on the Town charge at the first AM initial appearance the following day.

3. "Local limited jurisdiction courts" means those courts whose criminal jurisdiction is limited to misdemeanor offenses.

B. Criteria for Assessment of Billing:

1. The costs of incarceration of Town prisoners shall commence on the day the prisoner is booked or held based on a Town charge into, or sentenced by, Town Of Oro Valley Court. Costs for incarceration shall cease under the guidelines established under the definition of "billable day." For Town pretrial defendants booked between 1800 and 2400 hours one day and released on all Town charges at or by the AM initial appearance the following morning, the Town shall be billed according to the guidelines established under the definition of "modified billable day."
2. When a prisoner is in custody for a charge or sentence from more than one local limited jurisdiction court, the billing charges for days of joint custody shall be apportioned. Costs for incarceration for days of joint custody shall be apportioned evenly based on the guidelines established under the definition of "billable day" among those jurisdictions from which the joint custody arises.
3. A Town prisoner who is subsequently charged into Pima County Superior Court and held in-custody on felony charges will cease to accrue billing charges after 2359 hours on the date that custody for felony charges is established. Felony custody shall take effect on the date when charging information is received in the PCADC Records Section and the prisoner is actually being held in-custody on the felony charges.
4. In the event of an escape, billing charges will cease to accrue after 2359 hours on the day of escape. In the event of a failure to report from authorized leave, billing charges will cease after 2359 hours of the last day of custody. Billing charges will begin again on the day the prisoner is recaptured or returned to custody and is actually being held in the PCADC.

County will submit a statement of Town prisoner charges on a monthly basis. This statement shall provide information in alphabetical order as follows: name of prisoner, booking date, release date, indication of booking day billing or subsequent day billing, billing period, daily rates, total billing days, and the total bill.

Any individual prisoner charges disputed shall be made known to the County within thirty (30) days after receipt of the monthly billing. If Town notifies County of a dispute within thirty (30) days of receipt of the monthly billing, Town may withhold payment on those specific prisoners for whom billing is disputed until the dispute is resolved. No dispute will be accepted

if not made within thirty (30) days after receipt of the monthly billing. Disputes about the billing statement shall be jointly reviewed by both parties and satisfactorily resolved within forty-five (45) days of the monthly billing. All charges shall be paid within sixty (60) days of receipt of the monthly billing, excluding disputed charges. Disputed charges shall be paid within thirty (30) days of resolution of the dispute. Charges remaining unresolved after the sixty (60) day period may be arbitrated by a mutually accepted third party. Town agrees to pay interest on outstanding charges beginning on the tenth day after resolution of the billing at a rate of 10% per annum until paid. Town agrees that when a check is sent to County in payment of a previously disputed charge, Town will attach an invoice detailing what specific charges are being paid. Town agrees that when funds are withheld due to a disputed charge, the specific charge disputed and the amount of payment being withheld will be specified on an invoice attached to the payment check for the period in which the disputed charge was included. Town agrees to attach to each check submitted to County an invoice indicating the dates for which that check is to be applied.

Neither Party shall be obligated to the other for any costs incurred pursuant to this IGA except as proved herein.

IV. Term

This IGA is for the period July 1, 2016 through June 30, 2017 and shall be effective upon execution by the governing boards of the Parties. The Parties shall have the option of extending this IGA for four (4) additional one-year periods or any portion thereof. Any revisions or extensions of this IGA shall be by written amendment executed by the governing boards of the Parties.

V. Termination

Either Party may at any time and without cause terminate this IGA by providing the other Party ninety (90) days written notice of intent to terminate.

VI. Jurisdiction

Nothing in this IGA shall be construed as either limiting or extending the statutory jurisdiction of the Parties.

VII. Indemnification

To the extent permitted by law, each party (as Indemnitor) agrees to indemnify, defend and hold harmless the other party (as Indemnitee) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

VIII. Insurance

Each Party shall obtain and maintain at its own expense, during the entire term of this IGA the following type(s) and amounts of insurance:

- a) Commercial General Liability in the amount of \$1,000,000.00 combined single limit Bodily Injury and Property Damage.
- b) Commercial or Business automobile liability coverage for owned, non-owned and hired vehicles used in the performance of this Contract with limits in the amount of \$1,000,000.00 combined single limit or \$1,000,000.00 Bodily Injury, \$1,000,000.00 Property Damage.
- c) If required by law, workers' compensation coverage including employees' liability coverage.

Parties to this IGA shall provide thirty (30) days written notice to all other Parties of cancellation, non-renewal or material change of coverage.

The above requirement may be alternatively met through self insurance pursuant to A.R.S. §§ 11-261 and 11-981 (or if a school district, § 15-382) or participation in an insurance risk pool under A.R.S. § 11.952.01 (if a school district, § 15-382), at no less than the minimal coverage levels set forth in this article. Parties to this agreement shall provide thirty (30) days written notice to all other Parties of cancellation, non-renewal or material change of coverage.

IX. Compliance With Laws

The Parties shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this IGA. The laws and regulations of the State of Arizona shall govern the rights of the Parties, the performance of this IGA and any disputes hereunder. Any action relating to this IGA shall be brought in an Arizona court in Pima County.

X. Arbitration

The Parties agree to be bound by arbitration, as provided by in Arizona Revised Statutes § 12-1501 *et. seq.*, to resolve disputes arising out of this IGA where the sole relief sought is monetary damages not in excess of the jurisdictional limit set by the Pima County Superior Court.

XI. Non-Discrimination

The Parties shall not discriminate against any County or Town employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex,

disability or national origin in the course of carrying out their duties pursuant to this IGA. The Parties shall comply with the provisions of Executive Order 75-5, as amended by Executive Order 99-4, which is incorporated into this IGA by reference, as if set forth in full herein.

XII. ADA

The Parties shall comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

XIII. Severability

If any provision of this IGA, or any application thereof to the Parties or any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this IGA which can be given effect, without the invalid provision or application and to this end the provisions of this IGA are declared to be severable.

XIV. Conflict of Interest

This contract is subject to cancellation for conflict of interest pursuant to A.R.S. § 38-511, the pertinent provisions of which are incorporated herein by reference.

XV. Non-Appropriation

Notwithstanding any other provision in this IGA, this IGA may be terminated if for any reason the Pima County Board of Supervisors does not appropriate sufficient monies for the purpose of maintaining this IGA. In the event of such cancellation, County shall have no further obligation to Town other than for payment for services rendered prior to cancellation.

XVI. Legal Authority

Neither Party warrants to the other its legal authority to enter into this IGA. If a court, at the request of a third person, should declare that either Party lacks authority to enter into this IGA, or any part of it, then the IGA, or parts of it affected by such order, shall be null and void, and no recovery may be had by either Party against the other for lack of performance or otherwise.

XVII. Worker's Compensation

Each Party shall comply with the notice of A.R.S. § 23-1022 (E). For purposes of A.R.S. § 23-1022, irrespective of the operations protocol in place, each Party is solely responsible for the payment of worker's compensation benefits for its employees.

XVIII. No Joint Venture

It is not intended by this IGA to, and nothing contained in this IGA shall be construed to, create any partnership, joint venture or employment relationship between the Parties or create any employer-employee relationship between County and any Town employees, or between Town and any County employees. Neither Party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other, including (without limitation) the other party's obligation to withhold Social Security and income taxes for itself or any of its employees.

XIX. No Third Party Beneficiaries

Nothing in the provisions of this IGA is intended to create duties or obligations to or rights in third parties not parties to this IGA or affects the legal liability of either Party to the IGA by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

XX. Notices

Any notice required or permitted to be given under this IGA shall be in writing and shall be served by delivery or by certified mail upon the other Party as follows (or at such other address as may be identified by a party in writing to the other party):

County:

Pima County Sheriff's Department
Corrections Bureau Chief
1750 E. Benson Hwy.
Tucson, AZ 85714

Town:

TOWN OF ORO VALLEY
11000 North La Canada Dr.
Oro Valley, AZ 85737

With copies to:

County Administrator
130 West Congress Street, 10th Floor
Tucson, Arizona 85701

Clerk of the Board
130 West Congress, 5th Floor
Tucson, Arizona 85701

XXI. Entire Agreement

This document constitutes the entire Agreement between the Parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This IGA shall not be modified, amended, altered or extended except through a written amendment signed by the Parties.

In Witness Whereof, County has caused this Intergovernmental Agreement to be executed by the Chair of its Board of Supervisors, upon resolution of the Board and attested to by the Clerk of the Board, and Town has caused this Intergovernmental Agreement to be executed by the Mayor upon resolution of the Town Council and attested to by the Town Clerk:

PIMA COUNTY:

TOWN OF ORO VALLEY

Chair, Board of Supervisors

Mayor

Date

Date

Clerk, Board of Supervisors

Town of Oro Valley Clerk

Date

Date

Intergovernmental Agreement Determination

The foregoing Intergovernmental Agreement between Pima County and the Town Of Oro Valley has been reviewed pursuant to A.R.S. § 11-952 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 Agreement represented by the undersigned.

PIMA COUNTY:

TOWN OF ORO VALLEY



Deputy County Attorney

Town of Oro Valley Attorney



Town Council Regular Session

Item # D.

Meeting Date: 09/07/2016

Requested by: Aimee Ramsey

Submitted By: Jon Hawbaker, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)16-38, adopting the Oro Valley Transit Services Division Title VI Plan

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

Oro Valley Sun Shuttle Dial-a-Ride is a recipient of federal funds and resources, and must comply with Title VI of the Civil Rights Act of 1964, Federal Transit Administration (FTA) and Arizona Department of Transportation (ADOT) requirements. This update specifies that Oro Valley Sun Shuttle Dial-a-Ride is subject to and complies with the regional Title VI nondiscrimination program and complaint process. Compliance with the regional program is not a change; however, this update more clearly defines the regional plan and process.

This Oro Valley Transit Services Division Plan repeals and replaces the division Title VI Policy that was adopted on April 27, 2010, Resolution 1023.

BACKGROUND OR DETAILED INFORMATION:

Oro Valley Sun Shuttle Dial-a-Ride has applied for federal grants under the FTA 5310 program. ADOT administers this program for Arizona recipients, and requires updates and inclusions in the Oro Valley Transit Services Division Title VI program. This plan updates the Notice to the Public, the complaint procedures and contacts, and defines the regional process. The plan also includes the division's Public Participation Plan and Limited English Proficiency Plan.

This plan, if adopted, has been reviewed by ADOT and certified to meet ADOT's Civil Rights Office Title VI requirements.

FISCAL IMPACT:

This plan is required by ADOT to receive FTA 5310 grant funding. ADOT has recommended that the Town of Oro Valley receive \$104,634 in grant funds for the purchase of three new vehicles, and \$14,426 for the purchase of software to enhance passenger scheduling. This plan must be adopted to remain eligible for this funding.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)16-38, adopting the Oro Valley Transit Services Division Title VI Plan.

Attachments

(R)16-38 Transit Title VI Plan
Title VI Plan

RESOLUTION NO. (R)16-38

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, ADOPTING THE TOWN OF ORO VALLEY TRANSIT SERVICES DIVISION TITLE VI PLAN

WHEREAS, Title VI of the Civil Rights Act of 1964 states that no person in the United States shall be denied benefits or be subjected to discrimination under any program or activity receiving Federal financial assistance; and

WHEREAS, both the Federal Transportation Administration and Arizona Department of Transportation require that any entity requesting funds for transit services adopt a Title VI Plan; and

WHEREAS, although the Title VI Plan is in place in the Transit Services Division, the Plan requires necessary updates that specify that Oro Valley Sun Shuttle Dial-a-Ride is subject to and complies with the regional Title VI nondiscrimination program and complaint process; and

WHEREAS, the updated plan will repeal and replace the Title VI policy that was adopted on April 27, 2010 by Resolution No.: 1023; and

WHEREAS, it is in the best interest of the Town to adopt the Town of Oro Valley Transit Services Division Title VI Plan, attached hereto as Exhibit "A" and incorporated herein by this reference.

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

1. The Town of Oro Valley Transit Services Division Title VI Plan, attached hereto as Exhibit "A", is hereby adopted.
2. All Oro Valley ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this Resolution are hereby repealed
3. The Mayor and any other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the terms of the Plan.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 7th day of September, 2016

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Michael Standish, Town Clerk

Date

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

Date

Exhibit “A”

Town of Oro Valley
Transit Services Division
Title VI Plan



Adopted: September 7, 2016

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Executive Summary

The Town of Oro Valley Sun Shuttle Dial-a-Ride provides regional transportation service to seniors age 65 and over and disabled passengers that qualify for service under the Americans with Disabilities Act. This service is provided as part of the Regional Transportation Authority (RTA) transit system. Funds from 5310 grants are used to obtain vehicles and mobility management projects. Operational funding is also requested through the 5310 program. The first vehicles obtained through the 5310 program were in 2009. Oro Valley Dial-a-Ride employs 48 drivers, three dispatchers, two transit specialists and two reservation agents. Three Transit Crew Leaders supervise and manage these personnel. These crew leaders are supervised and managed by the assistant director of the town Community Development and Public Works department. The Oro Valley/RTA Sun Shuttle Dial-a-Ride service complies with and is subject to the regional Pima Association of Governments (PAG) Title VI program.

What type of program fund(s) did you apply for?

- 5310
- 5311
- Other (please explain) _____

Type of Funding Requests? (Select all that apply)

- Vehicle Funds
- Operating Funds
- Other (please explain) Mobility Management funds for trip scheduling software.

Non Discrimination Policy Statement

The Oro Valley/RTA Sun Shuttle Dial-a-Ride policy assures full compliance with Title VI of the Civil Rights act of 1964, the Restoration Act of 1987, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and related statutes and regulations in all programs and activities. Title VI states that “no person shall on the grounds of race, color, national origin, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination” under any Oro Valley/RTA Sun Shuttle Dial-a-Ride sponsored program or activity. There is no distinction between the sources of funding.

Oro Valley/RTA Sun Shuttle Dial-a-Ride policy also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. Furthermore Oro Valley/RTA Sun Shuttle Dial-a-Ride policy will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

Oro Valley Sun Shuttle does not distribute Federal-aid funds to another entity/person. The Oro Valley Mayor has delegated the authority to John Liosatos, RTA/ Pima Association of Government’s (PAG) Title VI Coordinator, to oversee and implement FTA Title VI requirements.

Dr. Satish I. Hiremath, Mayor

Non Discrimination Notice to the Public

Notifying the Public of Rights Under Title VI and ADA

Oro Valley/RTA Sun Shuttle Dial-a-Ride

The Oro Valley/RTA Sun Shuttle Dial-a-Ride operates its programs and services without regard to race, color, national origin or disability in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Oro Valley/RTA Sun Shuttle Dial-a-Ride.

For more information on the Oro Valley/RTA Sun Shuttle Dial-a-Ride's civil rights program, and the procedures to file a complaint, John Liosatos, RTA/ Pima Association of Government's Title VI Coordinator, (520) 792-1093, email JLiosatos@pagregion.com, or visit our administrative office at Pima Association of Governments, 1 E. Broadway Blvd, Suite 401, Tucson, AZ 85701. For more information, visit <http://www.pagregion.com>.

A complainant may file a complaint directly with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) by filing a complaint directly with the corresponding offices of Civil Rights: **ADOT**: ATTN: Title VI Program Manager 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA**: ATTN: Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590

If information is needed in another language, (520) 792-1093. Para información en Español llame: John Liosatos, (520) 792-1093.

Non Discrimination Notice to the Public – Spanish

Aviso Público Sobre los Derechos Bajo el Título VI Y ADA Oro Valley/RTA Sun Shuttle Dial-a-Ride

Oro Valley/RTA Sun Shuttle Dial-a-Ride (*y sus subcontratistas, si cualquiera*) asegura cumplir con el Título VI de la Ley de los Derechos Civiles de 1964, Sección 504 de la Ley de Rehabilitación de 1973 y La Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA). El nivel y la calidad de servicios de transporte serán provehidos sin consideración a su raza, color, o país de origen.

Para obtener más información sobre la Oro Valley/RTA Sun Shuttle Dial-a-Ride's programa de derechos civiles, y los procedimientos para presentar una queja, contacte John Liosatos, (520) 792-1093, JLiosatos@pagregion.com. o visite nuestra oficina administrativa en La Asociacion de Gobiernos de Pima (PAG), 1 E. Broadway Blvd, Suite 401, Tucson, AZ 85701. Para obtener más información, visite <http://www.pagregion.com>.

El puede presentar una queja directamente con Arizona Department of Transportation (ADOT) o Federal Transit Administration (FTA) mediante la presentación de una queja directamente con las oficinas correspondientes de Civil Rights: ADOT: ATTN Title VI Program Manager 206 S. 17th Ave MD 155A Phoenix AZ, 85007 FTA: ATTN Title VI Program Coordinator, East Building, 5th Floor –TCR 1200 New Jersey Ave., SE Washington DC 20590.

The above notice is posted in the following locations: posted online at <https://www.orovalleyaz.gov> and in the transit office. All complaints are sent to The City of Tucson Sun Tran for investigation and processing. The regionally approved Sun Tran nondiscrimination notice is posted on all transit vehicles.

Non Discrimination Complaint Procedures

These procedures provide guidance for all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA) as they relate to any program or activity that is administered by Oro Valley/RTA Sun Shuttle Dial-a-Ride, including consultants, contractors and vendors. Intimidation or retaliation as a result of a complaint is prohibited by law. In addition to these procedures, complainants reserve the right to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints at the lowest possible level.

- (1) Any person who believes he and/or she has been discriminated against on the basis of race, color, national origin, or disability may file a Discrimination complaint by completing and submitting the agency's Title VI Complaint Form.
- (2) Formal complaints must be filed within 180 calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
- (3) Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The ADA/Title VI contact person will assist the complainant with documenting the issues if necessary.
- (4) Allegations received by fax or e-mail will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.
- (5) Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.
- (6) Once submitted PAG will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the PAG or submitted to the State or Federal authority for guidance.
- (7) PAG will notify the ADOT Civil Rights Office of ALL Discrimination complaints within 72 hours via telephone at 602-712-8946; or email at civilrightsoffice@azdot.gov.
- (8) PAG has 60 days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has 15 business days from the date of

the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 15 business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

- (9) After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Discrimination violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.
- (10) A copy of either the closure letter or LOF must be also be submitted to ADOT within 72 hours of that decision. Letters may be submitted by hardcopy or email.
- (11) A complainant dissatisfied with PAG decision may file a complaint with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) offices of Civil Rights:
ADOT: ATTN ADA/Title VI Program Coordinator 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA:** Attention Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590.
- (12) A copy of these procedures can be found online at: <http://www.pagregion.com>.

Discrimination Complaint Form

Section I:		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Electronic Mail Address:		
Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	<input type="checkbox"/> Other
Section II:		
Are you filing this complaint on your own behalf?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
<i>*If you answered "yes" to this question, go to Section III.</i>		
If not, please supply the name and relationship of the person for whom you are complaining.		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section III:		
I believe the discrimination I experienced was based on (check all that apply):		
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
<input type="checkbox"/> Disability		
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.		
Section VI:		
Have you previously filed a Discrimination complaint with this agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, please provide any reference information regarding your previous complaint.

Section V:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes No

If yes, check all that apply:

Federal Agency: _____
 Federal Court: _____ State Agency: _____
 State Court : _____ Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

Section VI:

Name of agency complaint is against:

Name of person complaint is against:

Title:

Location:

Telephone Number (if available):

You may attach any written materials or other information that you think is relevant to your complaint. Your signature and date are required below.

Signature

Date

Please submit this form in person at the address below, or email this from to:
Pima Association of Governments, Title VI Coordinator
1 E. Broadway, Suite 401
Tucson, Arizona 85701
John Liosatos, (520) 792-1093
Email: JLiosatos@pagregion.com

Discrimination Investigations, Complaints, and Lawsuits

Description/Name	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin or disability)	Status	Action(s) Taken (Final findings?)
Investigations	None			
1)				
2)				
Lawsuits	None			
1)				
2)				
Complaints	None			
1)				
2)				

Oro Valley/RTA Sun Shuttle Dial-a-Ride has not had any ADA nor Title VI Discrimination complaints, investigations, or lawsuits in 2015.

Public Participation Plan

Oro Valley/RTA Sun Shuttle Dial-a-Ride Public Participation Plan

Oro Valley Sun Shuttle Dial-a-Ride is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys. As an agency receiving federal financial assistance, Oro Valley Sun Shuttle Dial-a-Ride made the following community outreach efforts:

Oro Valley Sun Shuttle Dial-a-Ride is an FTA 5310 subrecipient of the Regional Transportation Authority (RTA) and Pima Association of Governments (PAG). Oro Valley Sun Shuttle Dial-a-Ride has agreed to be included in and adopt the City of Tucson's Title VI Program. This includes adopting the City of Tucson's notice to beneficiaries, fare change policies, major service change policies, disparate impact and disproportionate burden thresholds, complain procedures and public participation plans.

Consequently Oro Valley Sun Shuttle Dial-a-Ride's Public Participation Plan is the Sun Tran/Sun Van plan. This plan has been approved and accepted by both ADOT and the FTA. All past and planned future outreach activities, public meetings and hearings are on file with Sun Tran/Sun Van and RTA/PAG.

In addition to this Sun Tran/Sun Van plan and activities, Oro Valley Sun Shuttle Dial-a-Ride conducts the following public meetings, outreach and advertisement. However, all official change in jurisdiction, fare and all policy issues are handled through the Sun Tran/Sun Van process.

- Quarterly meetings with the Friends of Oro Valley Transit. These meetings were held on the third Thursday of January 2015, April 2015, July 2015, October 2015, January 2016 and April 2016. These meetings are held at Town Hall beginning at 6 pm. These meetings are scheduled to continue on a quarterly basis. These meetings are open to all clients.
- Communication and correspondence with the Friends of Oro Valley Transit takes place on a continuous basis.
- A comprehensive customer satisfaction survey was conducted November 9th through December 31st, 2015. Although customer satisfaction was rated very high, the survey results confirmed that some program initiatives will help to improve service.
- An RTA sponsored Public Open House meeting was held in the Town of Oro Valley Public Library on June 16, 2016. The main topic at this meeting was proposed transit fare increases with general transit service information as an additional topic.
- Oro Valley Sun Shuttle Dial-a-Ride will hold public meetings on other days of the week and at other times as deemed necessary.
- Advertisement of services takes place with various venues:
 - Weekly advertisement in the "Coffee News". This publication is available at all local restaurants and most local business offices.
 - Distribution and display of service pamphlets at all local grocery stores, health care facilities, apartment complexes, libraries and community centers.
 - Advertisement in the Oro Valley Town Vista. This publication reaches all clients and business that receive a water bill, it is included in the envelope with the water bill invoice.
 - Articles in the "Explorer" newspaper. This is a regional newspaper.
 - The Town of Oro Valley website.
- Clients are able to purchase tickets at seven outlets throughout the town. These outlets include all major grocery stores, the Oro Valley Town Hall and a bank. In addition, clients can mail a check for tickets and tickets are returned to them by mail.
- Besides the traditional call-in method of registering and scheduling trips, clients are able to register on-line and schedule trips on-line using the Town of Oro Valley website.

Limited English Proficiency Plan

Oro Valley/RTA Sun Shuttle Dial-a-Ride

Limited English Proficiency Plan

Four Factor Analysis And Language Access Plan

For Limited English Proficiency (LEP) Persons

Adopted: May 14, 2015
Oro Valley Transit Service
12941 N Pusch Mountain View Lane
Oro Valley, Arizona 85755

Phone 520.229.4990 | Fax 520.229.5049

Revised: none.

Purpose: In compliance with Executive Order 13166, Oro Valley Transit Service has completed the Four-Factor Analysis for the Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

History: Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

Oro Valley Transit Four-Factor Analysis: The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the Oro Valley Transit will undertake to guarantee access to Oro Valley Sun Shuttle by LEP persons.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).

Oro Valley Transit used the most current U. S. Census Bureau data (2010 and 2013 estimate). In addition, the 2014 American Community Survey (the most current) was used in determining the LEP population. In Oro Valley 5.5% of the population speak Spanish and of that group 19% speak English less than “very well” which is 1.05% of the Hispanic population that speak English less than very well. Less than 1.2% of all other groups speak English less than very well. This level of persons that speak English less than very well does not meet the 5% LEP threshold that requires a specific LAP for any or the languages identified.

Oro Valley Service Area Demographic Chart, 2014 American Community Survey

Subject	Oro Valley town, Arizona					
	Total		Percent of specified language speakers			
			Speak English "very well"		Speak English less than "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	39,730	+/-353	97.6%	+/-0.7	2.4%	+/-0.7
Speak only English	89.5%	+/-1.6	(X)	(X)	(X)	(X)
Speak a language other than English	10.5%	+/-1.6	77.2%	+/-5.6	22.8%	+/-5.6
Spanish or Spanish Creole	5.5%	+/-1.0	80.8%	+/-7.1	19.2%	+/-7.1
Other Indo-European languages	3.2%	+/-0.8	81.8%	+/-10.1	18.2%	+/-10.1
Asian and Pacific Island languages	1.5%	+/-0.5	51.8%	+/-18.5	48.2%	+/-18.5
Other languages	0.3%	+/-0.2	88.2%	+/-16.5	11.8%	+/-16.5

2. The frequency with which the LEP persons come into contact with the program.

The town Sun Shuttle service is open to all residents of Oro Valley. Therefore the potential frequency of LEP persons who would contact Sun Shuttle is less than 1.05%. Specific data for the three categories of clients served by Sun Shuttle is not available. These categories are persons with disabilities (79%), seniors (10%) and general public (11%).

3. The nature and importance of the program, activity, or service provided by the program.

Oro Valley Sun Shuttle is a valuable service to community residents. Many clients would not have their transportation/mobility needs met without this service. Clients or their caregivers have reported that these clients would not be able to work and earn a wage, attend education and training programs, shop for groceries or other essentials and go to medical appointments without this service.

4. The resources available and costs to the recipient.

Oro Valley Sun Shuttle employs dispatchers and booking agents that speak Spanish fluently. All hours that the reservation office is open are staffed with at least one of these persons. Therefore any person who may need to speak with someone in Spanish will be able to do so. In addition, the information on the regional Sun Shuttle website is provided in English as well as Spanish. Information pertaining to Title VI is posted in each vehicle in both English and Spanish as well. There is no cost to the recipient for these resources. Therefore, LEP measures are reasonable given the client base and the resources available to Oro Valley.

Certification: Based on the above Four-Factor Analysis, Oro Valley Sun Shuttle is not required to develop a LAP. However, Oro Valley Sun Shuttle will make all reasonable attempts to accommodate language access needs of residents. In addition, the town will continue to monitor and assess the demographics of LEP residents.

Non-elected Committees Membership Table

Oro Valley/RTA Sun Shuttle Dial-a-Ride does NOT select the membership of any transit-related committees, planning boards, or advisory councils.

Monitoring for Subrecipient Title VI Compliance

Oro Valley/RTA Sun Shuttle Dial-a-Ride does NOT monitor subrecipients for Title VI compliance.

Title VI Training

Oro Valley/RTA Sun Shuttle Dial-a-Ride uses the regional PAG Title VI process. The Title VI coordinator and staff are employed by PAG and complete all required training as required by PAG to function in these capacities. Oro Valley/Sun Shuttle Dial-a-Ride staff will attend all Title VI training as directed by PAG. New Oro Valley/RTA Sun Shuttle Dial-a-Ride employees are trained in Title VI policies during their orientation training.

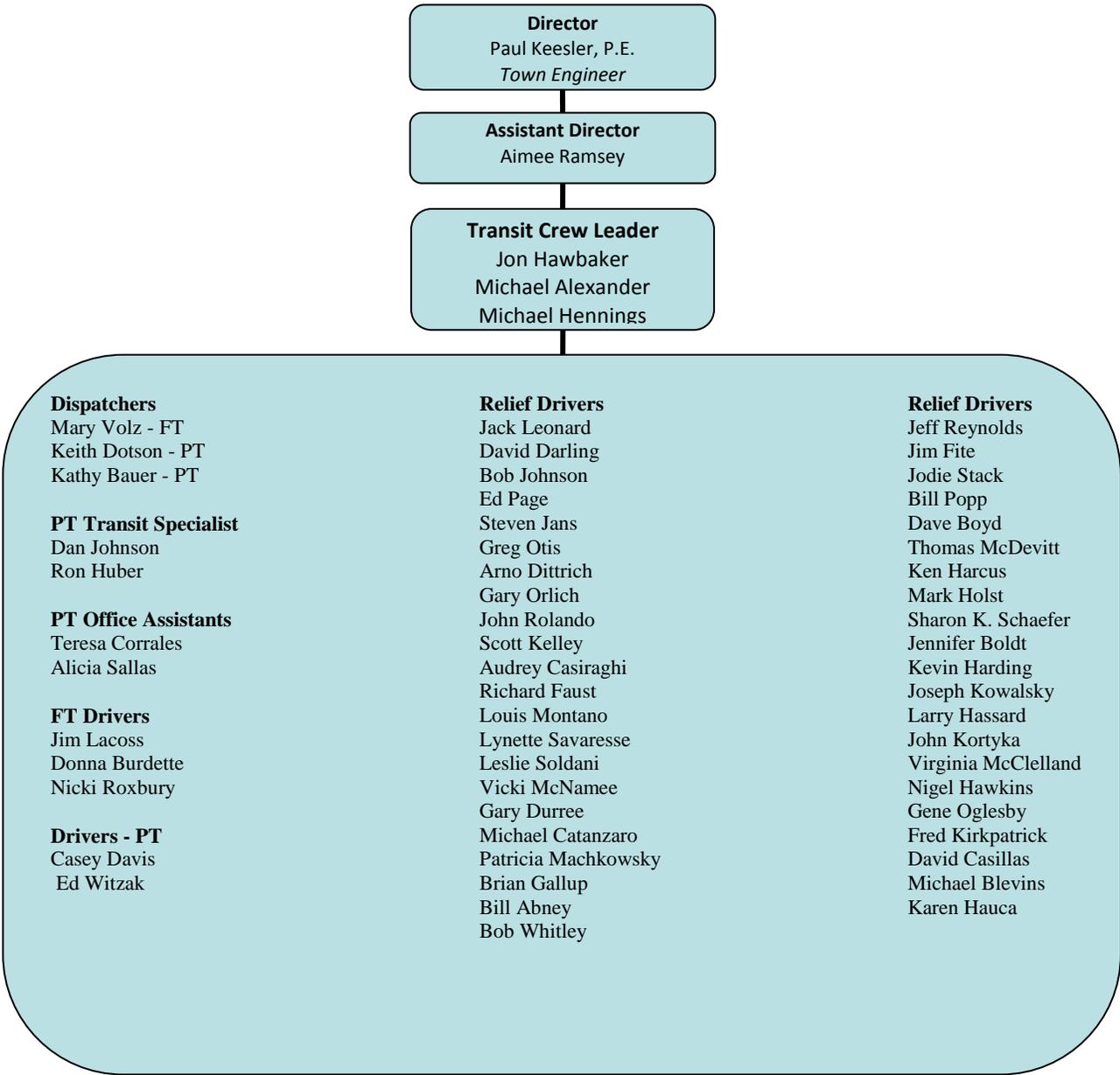
Title VI Equity Analysis

Oro Valley/RTA Sun Shuttle Dial-a-Ride has no current or anticipated plans to develop new transit facilities covered by these requirements.

Board Approval for the Title VI Program

The Town Council will meet on September 7, 2016 to review and approve this plan. At that time the minutes, resolution, or other appropriate documentation showing the town council review and approval of the Title VI plan will be added.

Organizational Chart





Town Council Regular Session

Item # F.

Meeting Date: 09/07/2016

Requested by: Suzanne Bunnin

Submitted By: Mike Standish, Town
Clerk's Office

Department: Magistrate Court

Information

SUBJECT:

Appointment of Judges Pro Tempore for the Oro Valley Magistrate Court

RECOMMENDATION:

The Town Magistrate, Hon. George Dunscomb, recommends the following: that Hon. Jack Peyton and attorneys Melody Gilkey and Bobbi Berry be appointed as judges pro tempore of the Oro Valley Magistrate Court, and Kenneth Bowman, Kate Dawes, Hon. Maria Avilez and Nathan Parkey be re-appointed as judges pro tempore.

EXECUTIVE SUMMARY:

All courts have a list of attorneys or other judges to sit in the court and hear cases when a judge has a conflict or is unavailable to preside.

BACKGROUND OR DETAILED INFORMATION:

Hon. Jack Peyton is a sitting Justice of the Peace Judge in the Pima County Consolidated Justice Court. Melody Gilkey and Bobbi Berry are attorneys and members in good standing with the State Bar of Arizona and were interviewed by an interview panel consisting of Hon. George Dunscomb, Suzanne Bunnin and Lauri Seder. Ms. Gilkey and Ms. Berri were unanimously approved by the interview panel.

We are required to follow all EEOC mandates and must have an application and interview process. The Oro Valley Magistrate Court has not appointed new pro tem judges for some years, and we need to expand our list. The addition of these judges will increase our list from four to seven.

FISCAL IMPACT:

The Court has a designated line item in the budget to cover pro tem judges, and we only call one at a time.

SUGGESTED MOTION:

I MOVE to appoint Hon. Jack Peyton, Melody Gilkey and Bobbi Berry, and reappoint Hon. Maria Avilez, Ken Bowman, Kate Dawes and Nathan Parkey as Judges Pro Tempore for the Oro Valley Magistrate Court.

Attachments

No file(s) attached.



Town Council Regular Session

Item # G.

Meeting Date: 09/07/2016

Requested by: Amanda Jacobs

Submitted By: Amanda Jacobs, Town
Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Visit Tucson Quarterly Report: April 1, 2016 - June 30, 2016

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

The FY 2015/16 Financial Participation Agreement (FPA) between the Town of Oro Valley and Visit Tucson stipulates that a quarterly report be compiled by Visit Tucson and submitted to the Economic Development staff and Town Council. The enclosed report satisfies the FPA requirement for the fourth quarter of FY 2015/16.

An additional report is included to illustrate the town's return on investment (ROI) from Visit Tucson during July 1, 2015 - June 30, 2016.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 2015/16 FPA between the Town of Oro Valley and Visit Tucson is funded with \$215,000 from the Bed Tax Fund.

SUGGESTED MOTION:

N/A

Attachments

Visit Tucson FPA

Visit Tucson 4th Quarter Report

ROI

RESOLUTION NO. (R)15-42

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A FINANCIAL PARTICIPATION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU

WHEREAS, pursuant to A.R.S. § 9-500.11, the Town may appropriate public monies for and in connection with economic development activities as long as there is adequate consideration; and

WHEREAS, the Town desires to continue to promote a business environment in Oro Valley that enhances economic vitality and improves the quality of life for its residents; and

WHEREAS, the Town of Oro Valley desires to enter into a Financial Participation Agreement with the Metropolitan Tucson Convention and Visitors Bureau (MTCVB); and

WHEREAS, it is in the best interest of the Town to enter into the Financial Participation Agreement with the MTCVB, attached hereto as Exhibit "A" and incorporated herein by this reference, to set forth the terms and conditions of the Agreement.

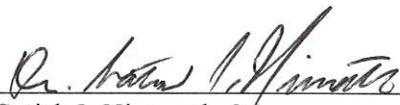
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. The Financial Participation Agreement between the Town of Oro Valley and the Metropolitan Tucson Convention and Visitors Bureau, attached hereto as Exhibit "A", is hereby authorized and approved.

SECTION 2. The Mayor and 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 Council of the Town of Oro Valley, Arizona this 3rd day of June, 2015.

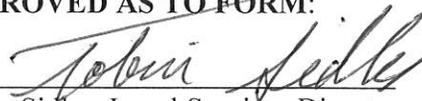
TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:


Julie K. Bower, Town Clerk

APPROVED AS TO FORM:


Tobin Sidles, Legal Services Director

Date: 6/4/15

Date: 6/4/2015

EXHIBIT "A"

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of July, 2015, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Metropolitan Tucson Convention and Visitors Bureau**, a non-profit corporation, hereinafter called the "Agency."

WITNESSETH

WHEREAS, it has been determined that the activities of Agency are in the public interest, and are such as to improve and promote the public welfare of the Town; and

WHEREAS, the Mayor and Council have determined that to financially participate in the promotion of the activities of Agency is a public purpose in that the activities confer direct benefit of a general character to a significant part of the public.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

Section 1. Definitions

- A. Tour Operator – a person who arranges and/or organizes groups of people to travel together to a destination and who also organizes tour packages and advertises them for people to buy.
- B. Travel Agent Impressions – the number of travel agents who would likely read a tour brochure which a tour operator produced to promote tours that he or she organized.

Section 2. Statement of Purpose

Agency will initiate, implement and administer a comprehensive sales promotion and advertising program to attract an increasing number of convention delegates and vacationing tourists to the Town, thereby providing revenues to the community through transient rental and sales taxes, and contributing to the overall economic growth and continued viability of the tourism and hospitality industry.

Section 3. Services to be Performed by Agency

Agency performance measures outlined below are for FY 2015-16 (July 1, 2015 – June 30, 2016). The performance measures for FY 2016-17 (July 1, 2016 – June 30, 2017) will be determined at the end of FY 2015-16. The performance measures for FY 2017-18 (July 1, 2017 – June 30, 2018) will be determined at the end of FY 2016-2017.

Town of Oro Valley FINANCIAL PARTICIPATION AGREEMENT

Convention Sales & Sports	
Leads for Oro Valley properties	255
Site Inspections for Oro Valley properties	28
Future Bookings for Oro Valley properties	23
Future Room Nights for Oro Valley properties	10,500
Travel Industry Sales	
Leads/services for Oro Valley properties	35
Tour operators receiving Oro Valley promotion	750
Tour operator catalog impressions for Oro Valley properties	1,000,000
Communications	
Oro Valley will be featured in the Official Visitors Guide, along with the surrounding jurisdictions	yes
Provide Oro Valley with a 1/3-page ad in printed 2016 Official Visitors Guide & full-page ad in iPad version of the guide	yes
Promote Oro Valley events & attractions on CVB's website & social media sites. Information will be provided by Economic Development Division staff or New Media Developer.	yes
Marketing	
Feature Oro Valley's aquatic facility in online sports facility guide	yes
Produce a finished video of Oro Valley Aquatic Center and Oro Valley Community and Recreation Center and El Conquistador Golf and Tennis, which can be used on CVB website, Oro Valley website and promoting the destination to special event operators.	yes
Generate unique visitors to MTCVB web site	1,100,000
Generate unique visitors to Oro Valley via MTCVB web site	25,000

Town of Oro Valley FINANCIAL PARTICIPATION AGREEMENT

<p>Provide quarterly reports with monthly breakouts of unique visitors to the VisitOroValley.org microsite to the New Media Developer and Economic Development Manager for these relevant pages: http://www.visittucson.org/about/oro-valley/ http://www.visittucson.org/about/oro-valley/accommodations/ http://www.visittucson.org/about/oro-valley/restaurants/ http://www.visittucson.org/about/oro-valley/arts-entertainment/ http://www.visittucson.org/about/oro-valley/outdoor-recreation/ the report The report should include the following information:</p> <p>Total Unique Users for Month Demographics</p> <ul style="list-style-type: none"> • Age • Gender <p>Location (Top 10) Technology (Top 10)</p> <ul style="list-style-type: none"> • Browser & Operating System • Mobile Device & mobile operating system <p>Top 10 Referrals to VisitOroValley.org Microsite Pageviews, Bounce Rate and Average Session Duration</p>	yes
<p>Town officials may attend trade shows with Visit Tucson. Town officials will be responsible for their travel expenses; however, Visit Tucson will cover the registration fees for Town officials, with those fees counting toward the tourism-activities rebate to the Town.</p>	yes
<p>Host www.visitorovalley.org and update the site, based on information provided by the Economic Development Manager or New Media Developer.</p>	yes
<p>Promote Oro Valley as a Winter Training destination for Cycling & Swimming on CVB's website & social media sites.</p>	yes

Town of Oro Valley FINANCIAL PARTICIPATION AGREEMENT

Tucson Sports	
Provide total tourism based direct spending and total tourism based impact numbers from Visit Tucson Sports events held in Oro Valley	yes
Film	
Scout Steam Pump Ranch and other Oro Valley destinations for film opportunities	yes
Provide information on equipment, crew and local suppliers as needed	yes
Provide information to film and television companies about locations and accommodations in Oro Valley, as needed	yes
General Support	
Rebate 5% of Oro Valley's 2015-16 investment in Visit Tucson into tourism-related activities that benefit the Town	\$10,750
Consult with Town staff & officials on tourism sales & marketing initiatives, including, but not limited to, promoting Town venues to special event operators, Mexico & leisure marketing, & group sales initiatives	yes
One Town official will serve on MTCVB Board of Directors	yes

Section 4. Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, \$215,000 shall be allocated to Agency.

Section 5. Responsibility for Open Records

Agency agrees to open to the public all records relating to any funds directly received from the Town that Agency distributes to any organization and/or individual.

Section 6. Evaluation Criteria and Reporting

- A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of the Agency in achieving its performance measures listed in Section 2. Reports shall be submitted to the Economic Development Manager within thirty (30) working days of the end of the calendar quarter.
- B. Agency agrees to review and present such quarterly reports to the Town Council in open meetings on an "as requested" basis.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 7. Accountability

Agency shall maintain a true and accurate accounting system which meets generally accepted accounting principles, and which is capable of properly accounting for all expenditures and receipts of Agency on a timely basis. In addition, Agency shall maintain evidence of its compliance with the nondiscrimination provisions of this Agreement.

Agency shall provide the Finance Department of the Town, 15 days after MTCVB Board approval, a copy of the financial audit of Agency's operations by an independent certified public accountant, along with any management letter and, if applicable, Agency's plan for corrective action.

At any time during or after the period of this Agreement, the Town Finance Department and/or a Town agent may audit Agency's overall financial operation or compliance with the nondiscrimination clause of this Agreement for the Agreement period. Agency shall provide any financial reports, nondiscrimination policies and procedures or other documentation necessary to accomplish such audits.

Section 8. Matching Grants

Agency agrees to obtain Mayor and Council approval prior to applying for any matching grants involving the commitment of Town funds.

Section 9. Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 10. Sub-recipient Funding Agreements

Agency agrees to include in all of its sub-recipient funding agreements the nondiscrimination provisions contained in Section 8 herein.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 11. Term of Agreement

This Agreement between parties as described above shall be effective from July 1, 2015 through June 30, 2018.

- A. The Mayor and Council of the Town determine the services of Agency are in the public interest and allocate funds therefore; and
- B. The parties mutually agree to a scope of services to be provided by Agency in any subsequent fiscal year.
- C. If the Town annexes any resorts or hotels, or new resorts or hotels are built in the Town during this agreement, the payments the Agency receives from the Town will be renegotiated.

At the end of the FY2017/18 referred to above, the provisions of this agreement will be subject to review and renegotiations by the Town and the Bureau.

Section 12. Payment Withholding, Reduction, or Termination

The Town may withhold whole or part of the scheduled payment, reduce, or terminate funding allocations to Agency if:

- A. Services are not rendered.
- B. Agency fails to supply information or reports as required.
- C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
- D. Agency fails to make required payments to subcontractors.
- E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.
- F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

Such payment reductions or payment termination may result in Agency receiving a lesser total Town allocation under this Agreement than the maximum funding allocated. If reasons for withholding payments other than non-appropriation of funds have been corrected to the satisfaction of the Town, any amounts due shall be processed.

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2018.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

Section 13. Termination of Agreement

This Agreement may be terminated at any time by mutual written consent, or by either party giving thirty (30) days written notice to the other party or at such time, as in the opinion of the Town, Agency's performance hereunder is deemed unsatisfactory.

Section 14. Method of Payment

- A. The parties have agreed that Agency will receive from the Town an amount not to exceed \$215,000 for FY2015/16. The Agency will receive an amount not to exceed \$250,000 for FY2016-17 and an amount not to exceed \$275,000 for FY2017-18. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2015. Payments are to be made within forty (40) days after the close of each preceding quarter.
- B. It shall be the responsibility of the Agency to obtain funding from sources other than the Town. Financial participation agreements with other governments and government agencies, grants, donations, memberships and any other sources of funding as may become available from time to time shall be included as part of the annual budget submission.

Section 15. Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 16. Insurance

Agency agrees to:

- A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.

C. Agency will provide and maintain minimum insurance limits as follows:

COVERAGE AFFORDED	LIMITS OF LIABILITY
1. Workers' Compensation	Statute
2. Employer's Liability	\$100,000
3. Comprehensive General Liability Insurance -- Including: (1) Products and Completed Operations (2) Blanket Contractual	\$1,000,000 - Bodily Injury and Combined Single Limit \$100,000 Property Damage

D. Agency shall adequately insure itself against claims based upon unlawful discrimination and violation of civil rights. The cost of this insurance shall be borne by Agency.

Section 17. Use of the Town Logo

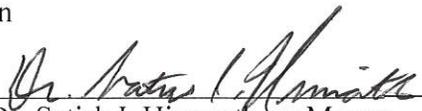
The Town Logo shall be used for the recognition of the Town's contribution to Agency only.

Section 18. Conflict of Interest

This Agreement is subject to the conflict of interest provisions of A.R.S. § 38-511, *et seq.*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

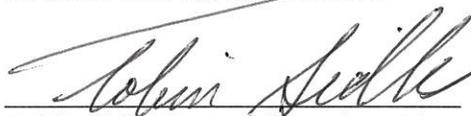
TOWN OF ORO VALLEY, a municipal corporation


 Dr. Satish I. Hiremath, as Mayor
 and not personally

ATTEST:

APPROVED AS TO FORM:


 Julie K. Bower, as Town Clerk
 not personally


 Tobin Sidles as Legal Services Director and
 and not personally

Date: 6/4/15

Date: 6/4/15

**Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT**

METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU, a non-profit Corporation

Bt DeRaad
Agency Representative
and not personally

Title President & CEO

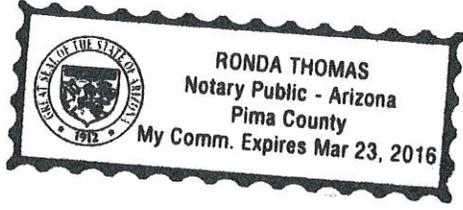
State of Arizona)
) ss.
County of)

On this 15 day of June, 2015, Brent DeRaad, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on June 15, 2015.

Ronda Thomas
Notary

My Commission Expires: 23rd March, 2016





QUARTERLY PROGRESS REPORT

April through June 2016

Submitted To: Amanda Jacobs, Economic Development Manager

By: Brent DeRaad, President/CEO

In accordance with Resolution No. (R)15-42

Visit Tucson will initiate, implement and administer a comprehensive sales, promotion and advertising program to attract an increasing number of convention delegates and vacationing tourists to the Town, thereby providing revenues to the community through transient rental and sales taxes, and contributing to the overall economic growth and continued viability of the tourism and hospitality industry. Below is data on activity that Visit Tucson has addressed through this quarter and fiscal year.

Ongoing focuses for Visit Tucson will be attracting meetings and leisure travelers to Hilton El Conquistador and other Town hotels, bringing competitions to the Oro Valley Aquatic Center, endurance events to the Town, and marketing attractions, including El Conquistador Golf & Tennis and Tohono Chul Park.

Key Measures of Performance	Adopted FY 2016	Current Quarter	FYTD 2016	FYTD 2015
Convention Sales				
Sales Leads	255	100	381	361
Site Inspections	28	6	57	29
Future Bookings	23	5	34	32
Room Nights of Future Bookings	10,500	3,121	13,724	13,866
Travel Industry Sales				
Leads/Services	35	32	67	41
Promote to Targeted Tour Operator Clients	750	362	1,585	1,124
Impressions Via Tour Operator Catalogs	1,000,000	1,801,600	5,864,490	2,447,100
Marketing				
Unique Visitors to Visit Tucson Website	1,100,000	175,219	961,672	1,653,107
Unique Visitors to Oro Valley via Visit Tucson Website	25,000	2,126	10,150	35,946

Visit Tucson's 2015-16 Budgeted Revenue

	Budget	Percentage
City of Tucson:	\$3,312,627	43%
Pima County:	\$3,200,000	42%
Town of Oro Valley:	\$215,000	3%
Pascua Yaqui Nation:	\$75,000	1%
Tohono O'odham Nation:	\$75,000	1%
Private Sector:	\$756,550	10%
Total:	\$7,634,177	100%

Additional 2015-16 Visit Tucson Performance Measures

- 1. Oro Valley will be featured in the Official Visitors Guide, along with the surrounding jurisdictions.**

Result: Listed in third-quarter report. Oro Valley and the northwest corridor are featured on page 21 of the 2016 Official Visitors Guide, which was published in late January 2016. Oro Valley assets are also mentioned on 18 additional pages in the guide.

Visit Tucson also produced a professional planners' (meeting planners and travel professionals) edition of the guide, which is addendum to the base visitors guide. Tohono Chul, Hilton El Conquistador Resort and Noble Hops are mentioned on seven pages of this addendum. This information was also included in the third-quarter report.

- 2. Provide Oro Valley with a 1/3-page ad in the printed 2016 Official Visitors Guide & a full-page ad in the iPad version of the guide.**

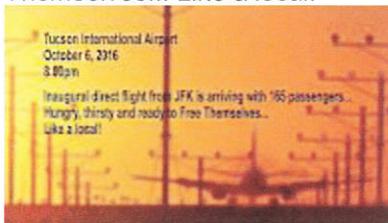
Result: A half-page ad was provided (page 31) to the Town in the printed guide. The iPad version of the visitors guide was not produced in 2016 because the content can already be found on Visit Tucson's website at www.visitTucson.org. We have left the 2015 iPad version live on the front page of our website, however, and Oro Valley has a full-page ad on that version.

- 3. Promote Oro Valley events and attractions on Visit Tucson's website and social media sites. Information will be provided by Economic Development division staff or by New Media Developer.**



Visit Tucson June 17 – YouTube

Tucson's Local Favorites - It's October 6th, 2016 at Tucson International Airport and the inaugural flight from New York JFK is arriving in Tucson with 165 passengers... hungry, thirsty, and ready to Free Themselves... Like a local.



Tucson AZ @VisitTucsonAZ Jun 2 –Twitter & Facebook

Enjoy an outdoor concert at [#CatalinaStatePark](https://www.facebook.com/CatalinaStatePark) this Saturday! - <http://bit.ly/1ONmY4s>



April-June 2016 Oro Valley Highlights
Page 3

Tucson AZ @VisitTucsonAZ May 23 -- Twitter

Learn about the habits and habitats of birds during a Birds of [@TohonoChulPark](#) tour! -
<http://bit.ly/27E03Eu>



Tucson AZ @VisitTucsonAZ May 9 – Twitter & Facebook

Bring friends and family to the Oro Valley Aquatic Center's Free Community Pool Party on May 14th!



Tucson AZ @VisitTucsonAZ May 3 – Twitter & Facebook

Book a stay [@HiltonElCon](#) & take in the breathtaking views of Pusch Ridge! -
<http://bit.ly/26urLTD> #TravelTuesday



Visit Tucson

April 9 · Facebook

Join us for A Night Under The Stars, April 15, at [Hilton El Conquistador Golf & Tennis Resort!](#) Enjoy food, drink, entertainment, music and dancing under the stars! Learn more: <http://bit.ly/1pYK6aO>



Tucson AZ @VisitTucsonAZ Apr 6 -- Twitter

Registration is now open for OV Aquatic Center's swim clinic with world-class swimmers:

<http://conta.cc/1RI3Zst>



4. Feature the Oro Valley Aquatic Center in Visit Tucson's online sports facility guide.

Result: The Oro Valley Aquatic Center is featured year-round in Visit Tucson Sports' online sports facility guide: <http://www.visittucson.org/sports/facilities/aquaov/>

5. Produce a finished video of Oro Valley Aquatic Center and Oro Valley Community and Recreation Center and El Conquistador Golf and Tennis, which can be used on Visit Tucson's website, Oro Valley's website and promoting the destination to special event operators.

Result: As reported in Visit Tucson's [third-quarter report](#), Town staff has requested that Visit Tucson create the finished video prior to the State of the Town luncheon in October 2016. Visit Tucson has shot some video for this production and will continue to gather footage in the coming months. This video is expected to be at least 90 seconds long and encompass hiking and other destination elements in addition to the aquatic center, golf and tennis.

6. Provide quarterly reports with monthly breakouts of unique visitors to the VisitOroValley.org microsite to the New Media Developer and Economic Development Manager for these relevant pages:

<http://www.visittucson.org/about/oro-valley/>

<http://www.visittucson.org/about/oro-valley/accommodations/>

<http://www.visittucson.org/about/oro-valley/restaurants/>

<http://www.visittucson.org/about/oro-valley/arts-entertainment/>

<http://www.visittucson.org/about/oro-valley/outdoor-recreation/>

The report should include the following information: 1) total users for the month; 2) demographics, including age and gender; 3) location (top 10); 4) technology (top 10), including browser & operating system and mobile device & mobile operating system; 5) top 10 referrals to VisitOroValley.org microsite; 6) page views; 7) bounce rate; and 8) average session duration.

Result: This April-June 2016 report is being provided to Town staff.

7. Town officials may attend trade shows with Visit Tucson staff at the expense of the Town, except for the United States Sports Convention. Visit Tucson will cover the registration fees for Town officials with those fees counting toward the tourism-activities rebate to the Town.

Results: [No fourth-quarter activity.](#) Visit Tucson covered expenses in the third quarter (Arizona Distance Classic, \$1,668, Rock 'n' Roll Marathon expo in Phoenix), second quarter (Arizona Distance Classic, \$2,700, Rock 'n' Roll Marathon expo in Las Vegas), and first quarter (Oro Valley Aquatic Center, \$1,300, American Swim Coaches Association in Cleveland).

8. Host www.visitorovalley.org and update the site based on information provided by the Economic Development Manager or New Media Developer.

Result: A thorough list of accommodations, arts & entertainment, outdoor recreation and restaurants is listed on the website. Visit Tucson works with Town staff to update information on this website.

9. Promote Oro Valley as a winter training destination for cycling and swimming on Visit Tucson’s website and social media sites.

Result:

- Winter training at Oro Valley Aquatic Center is featured at:
<http://www.visittucson.org/about/oro-valley/winter-training-capital/> and
<http://www.visittucson.org/about/winter-training-capital/training-in-tucson/>
- Oro Valley is featured as an ideal destination for cycling, running and hiking at:
<http://www.visittucson.org/about/winter-training-capital/training/cycling/>

10. Provide total tourism-based direct spending and total tourism-based impact numbers from Visit Tucson Sports events held in Oro Valley.

Result: The direct spending in Oro Valley from sports events that were held between July 1, 2015 and June 30, 2016 is \$1,536,746 based on 2,087 visitors filling 3,455 room nights. There were not any new tourism-related sports events held in Oro Valley between April 1 and June 30, 2016.

11. Scout Steam Pump Ranch and other Oro Valley destinations for film opportunities.

Result: In May, Film Tucson scouted Canyon del Oro High School and a number of Oro Valley neighborhoods for an upcoming feature film. The film date hasn’t been set, but it is from the production team which brought us “Goats”, a feature film starring David Duchovny which filmed here back in 2011.

12. Provide information on equipment, crew and local suppliers, as needed, to producers of film, television and commercial projects considering shooting in Oro Valley.

Result: Film Tucson provides information about Oro Valley on an ongoing basis to producers of independent films, commercials, reality television series and photo shoots, who are scouting locations in southern Arizona.

13. Rebate 5% (\$10,750) of Oro Valley’s 2015-16 investment in Visit Tucson into tourism-related activities that benefit the Town.

Result:

- \$1,300 – tradeshow booth at American Swim Coaches Association world clinic in Cleveland (September)
- \$2,700 – tradeshow booth at Rock ‘n’ Roll Las Vegas Marathon expo (November)
- \$1,668 – tradeshow booth at Rock ‘n’ Roll Phoenix Marathon expo (January)
- \$1,250 – Arizona Distance Classic—OV Bucks for runners (March)
- \$5,000 – *MLS Preseason Participation Fee (May)
- \$11,918 – Total**

*Oro Valley agreed in fall 2015 to invest \$5,000 in January-February 2016 MLS Preseason activities to get two MLS teams to stay and practice in Oro Valley. Visit Tucson fully covered the Town’s \$5,000 fee. By committing to this project, two MLS teams (Sporting Kansas City and Columbus Crew) stayed at Hilton El Conquistador Resort, generating 916 room nights and \$216,000 in direct spending. The teams practiced at Naranja Park. This was mentioned in the 3rd quarter report, but Visit Tucson paid MLS and participating teams a total of \$175,000 in May.

- 14. Consult with Town staff & officials on tourism sales & marketing initiatives, including, but not limited to, promoting Town venues to special event operators, Mexico & leisure marketing, & group sales initiatives.**

Result: We have ongoing conversations among Town staff and Visit Tucson's marketing and sports personnel to discuss opportunities to promote the Town's tourism attributes and book sports events.

- 15. One Town official will serve on Visit Tucson's board of directors.**

Result: Vice Mayor Lou Waters is an active participant on Visit Tucson's board of directors.

Meetings Economic Impact: Per the convention sales metrics listed on page 1, the economic impact of 27 meetings booked between July 1, 2015 and June 30, 2016 by the Hilton El Conquistador Resort and the Red Lion Inn & Suites Tucson North from Visit Tucson leads is \$3,496,076.

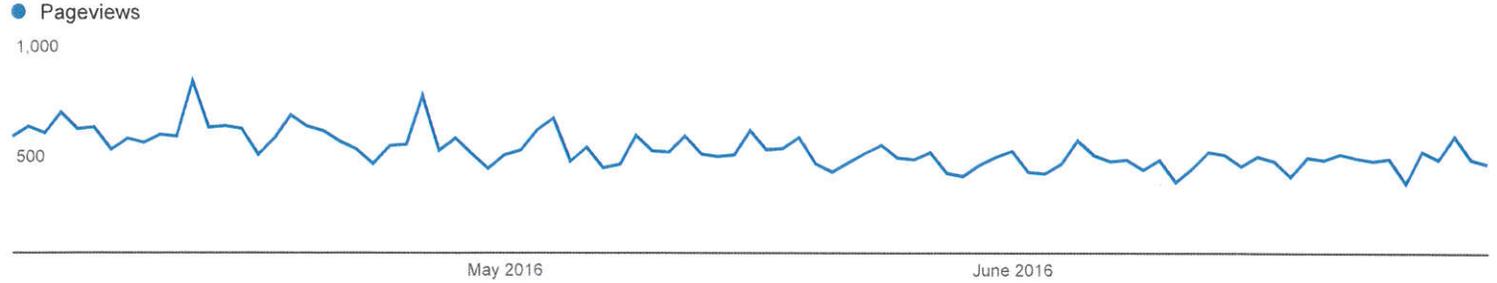
Content Drilldown

Apr 1, 2016 - Jun 30, 2016

» PAGE PATH LEVEL 1: /about/

All Users
7.08% Pageviews

Explorer



Page path level 2	Pageviews	Unique Pageviews	Avg. Time on Page	Bounce Rate	% Exit
	42,882 % of Total: 7.08% (605,978)	35,254 % of Total: 7.43% (474,534)	00:01:54 Avg for View: 00:01:45 (8.35%)	54.18% Avg for View: 40.90% (32.46%)	43.85% Avg for View: 35.12% (24.85%)
1. /weather/	5,172 (12.06%)	4,653 (13.20%)	00:02:22	75.08%	68.56%
2. /transportation/	4,246 (9.90%)	3,525 (10.00%)	00:03:17	25.86%	66.86%
3. /visitors-guide/	4,055 (9.46%)	3,103 (8.80%)	00:02:22	34.95%	28.73%
4. /trip-planner/	3,869 (9.02%)	2,888 (8.19%)	00:01:10	59.52%	25.30%
5. /	3,389 (7.90%)	2,787 (7.91%)	00:01:58	65.61%	42.64%
6. /lgbt/	3,273 (7.63%)	2,751 (7.80%)	00:01:58	50.80%	46.04%
7. /downtown/	3,154 (7.36%)	2,711 (7.69%)	00:02:05	43.33%	42.26%
8. /oro-valley/	2,761 (6.44%)	2,126 (6.03%)	00:01:16	42.79%	22.24%
9. /visitor-center/	2,260 (5.27%)	1,947 (5.52%)	00:01:38	56.57%	42.43%
10. /maps/	2,211 (5.16%)	1,766 (5.01%)	00:01:29	57.13%	43.19%

Rows 1 - 10 of 32

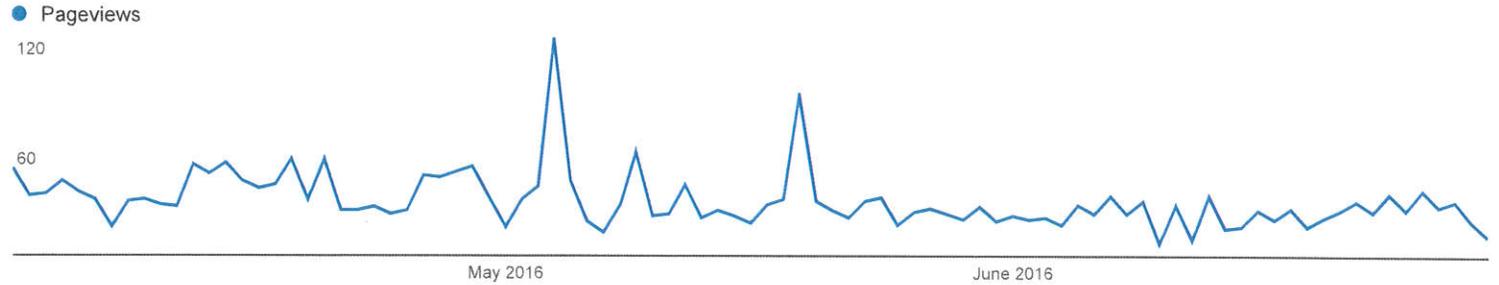
Content Drilldown

Apr 1, 2016 - Jun 30, 2016

Home » PAGE PATH LEVEL 1: /about/ » PAGE PATH LEVEL 2: /oro-valley/

All Users
0.46% Pageviews

Explorer



Page path level 3	Source / Medium	Pageviews	Unique Pageviews	Avg. Time on Page	Bounce Rate	% Exit
		2,761 % of Total: 0.46% (605,978)	2,126 % of Total: 0.45% (474,534)	00:01:16 Avg for View: 00:01:45 (-27.20%)	42.79% Avg for View: 40.90% (4.62%)	22.24% Avg for View: 35.12% (-36.68%)
1. /	google / organic	359 (13.00%)	282 (13.26%)	00:01:00	41.38%	15.60%
2. /	(direct) / (none)	279 (10.11%)	217 (10.21%)	00:01:22	37.82%	30.11%
3. /accommodations/	google / organic	262 (9.49%)	219 (10.30%)	00:01:26	48.72%	24.05%
4. /arts-entertainment/	google / organic	187 (6.77%)	143 (6.73%)	00:01:14	57.14%	26.20%
5. /restaurants/	google / organic	179 (6.48%)	141 (6.63%)	00:01:13	41.27%	35.75%
6. /outdoor-recreation/	google / organic	148 (5.36%)	121 (5.69%)	00:01:18	34.48%	27.03%
7. /arts-entertainment/	(direct) / (none)	117 (4.24%)	66 (3.10%)	00:01:37	42.86%	10.26%
8. /outdoor-recreation/	(direct) / (none)	98 (3.55%)	61 (2.87%)	00:01:29	50.00%	18.37%
9. /restaurants/	(direct) / (none)	97 (3.51%)	59 (2.78%)	00:02:32	28.57%	22.68%
0. /accommodations/	(direct) / (none)	96 (3.48%)	71 (3.34%)	00:00:42	80.00%	26.04%
1. /	google / cpc	67 (2.43%)	54 (2.54%)	00:00:50	0.00%	10.45%
2. /	bing / organic	65 (2.35%)	53 (2.49%)	00:01:07	22.22%	16.92%
3. /	yahoo / organic	51 (1.85%)	41 (1.93%)	00:01:10	40.00%	11.76%
4. /arts-entertainment/	google / cpc	48 (1.74%)	40 (1.88%)	00:01:42	0.00%	12.50%
5. /accommodations/	bing / organic	43 (1.56%)	38 (1.79%)	00:01:15	0.00%	25.58%
6. /accommodations/	yahoo / organic	36 (1.30%)	29 (1.36%)	00:01:13	25.00%	13.89%
7. /arts-entertainment/	bing / organic	35 (1.27%)	26 (1.22%)	00:01:06	37.50%	25.71%
8. /restaurants/	bing / organic	35 (1.27%)	25 (1.18%)	00:00:53	62.50%	20.00%

3.	/outdoor-recreation/	bing / organic	24 (0.87%)	15 (0.71%)	00:01:42	100.00%	20.83%
4.	/accommodations/	google / cpc	23 (0.83%)	21 (0.99%)	00:00:40	0.00%	39.13%
5.	/outdoor-recreation/	google / cpc	21 (0.76%)	18 (0.85%)	00:01:42	0.00%	14.29%

Rows 1 - 25 of 164

Content Drilldown

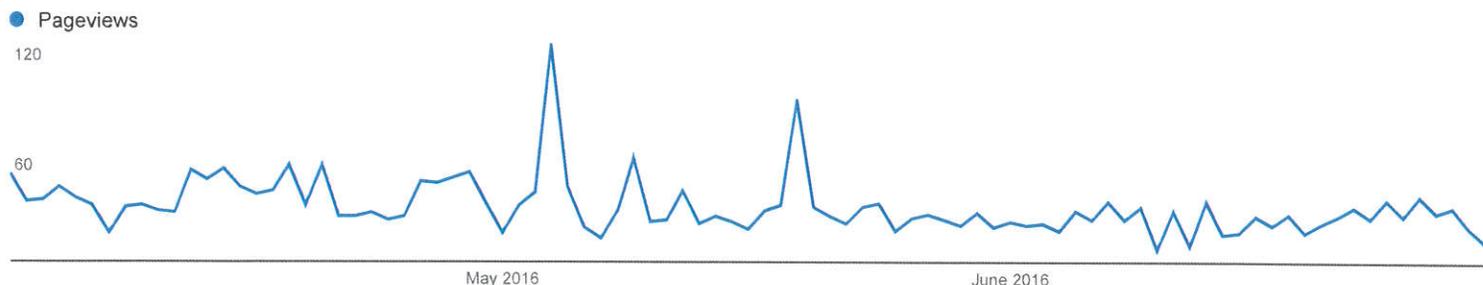
Apr 1, 2016 - Jun 30, 2016

Some data in this report may have been removed when a threshold was applied. [Learn more](#)

Home » PAGE PATH LEVEL 1: /about/ » PAGE PATH LEVEL 2: /oro-valley/

All Users
0.46% Pageviews

Explorer



Page path level 3	Age	Pageviews	Unique Pageviews	Avg. Time on Page	Bounce Rate	% Exit
		1,827 % of Total: 0.30% (605,978)	1,407 % of Total: 0.30% (474,534)	00:01:13 Avg for View: 00:01:45 (-30.31%)	41.44% Avg for View: 40.90% (1.32%)	22.55% Avg for View: 35.12% (-35.79%)
1. /	55-64	180 (9.85%)	139 (9.88%)	00:00:58	35.71%	15.56%
2. /	45-54	149 (8.16%)	103 (7.32%)	00:00:55	32.00%	15.44%
3. /	65+	132 (7.22%)	109 (7.75%)	00:01:00	40.00%	21.21%
4. /accommodations/	55-64	100 (5.47%)	78 (5.54%)	00:00:51	25.00%	18.00%
5. /restaurants/	55-64	93 (5.09%)	60 (4.26%)	00:01:27	39.29%	30.11%
6. /	35-44	90 (4.93%)	68 (4.83%)	00:01:49	31.58%	27.78%
7. /arts-entertainment/	65+	84 (4.60%)	60 (4.26%)	00:01:14	33.33%	22.62%
8. /accommodations/	65+	81 (4.43%)	65 (4.62%)	00:01:11	62.50%	25.93%
9. /	25-34	78 (4.27%)	61 (4.34%)	00:01:08	40.00%	25.64%
0. /restaurants/	65+	70 (3.83%)	48 (3.41%)	00:00:35	41.67%	28.57%
1. /accommodations/	45-54	67 (3.67%)	55 (3.91%)	00:00:56	100.00%	28.36%
2. /arts-entertainment/	45-54	64 (3.50%)	43 (3.06%)	00:01:30	83.33%	18.75%
3. /arts-entertainment/	55-64	64 (3.50%)	48 (3.41%)	00:01:14	100.00%	12.50%
4. /restaurants/	45-54	56 (3.07%)	45 (3.20%)	00:01:21	57.14%	30.36%
5. /outdoor-recreation/	55-64	52 (2.85%)	42 (2.99%)	00:01:50	66.67%	26.92%
6. /outdoor-recreation/	45-54	46 (2.52%)	35 (2.49%)	00:01:05	33.33%	21.74%
7. /accommodations/	25-34	42 (2.30%)	36 (2.56%)	00:02:13	0.00%	26.19%
8. /accommodations/	35-44	38 (2.12%)	26 (2.50%)	00:01:27	66.67%	22.22%

2.	/outdoor-recreation/	65+	33 (1.81%)	26 (1.85%)	00:01:40	33.33%	27.27%
3.	/restaurants/	25-34	31 (1.70%)	26 (1.85%)	00:01:37	0.00%	22.58%
4.	/outdoor-recreation/	35-44	30 (1.64%)	26 (1.85%)	00:01:12	0.00%	23.33%
5.	/arts-entertainment/	35-44	29 (1.59%)	26 (1.85%)	00:00:48	100.00%	27.59%

Rows 1 - 25 of 30

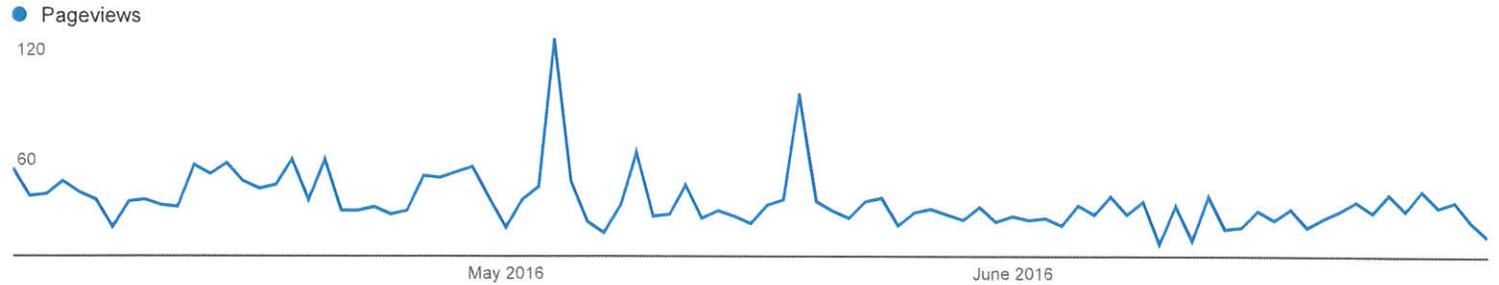
Content Drilldown

Apr 1, 2016 - Jun 30, 2016

Home » PAGE PATH LEVEL 1: /about/ » PAGE PATH LEVEL 2: /oro-valley/

All Users
0.46% Pageviews

Explorer



Page path level 3	Browser	Pageviews	Unique Pageviews	Avg. Time on Page	Bounce Rate	% Exit
		2,761 % of Total: 0.46% (605,978)	2,126 % of Total: 0.45% (474,534)	00:01:16 Avg for View: 00:01:45 (-27.20%)	42.79% Avg for View: 40.90% (4.62%)	22.24% Avg for View: 35.12% (-36.68%)
1. /	Chrome	385 (13.94%)	276 (12.98%)	00:01:07	35.38%	18.18%
2. /	Safari	256 (9.27%)	223 (10.49%)	00:01:16	51.67%	28.91%
3. /arts-entertainment/	Chrome	223 (8.08%)	140 (6.59%)	00:01:33	64.71%	17.49%
4. /accommodations/	Chrome	210 (7.61%)	172 (8.09%)	00:01:06	66.67%	20.95%
5. /	Internet Explorer	186 (6.74%)	141 (6.63%)	00:01:05	30.00%	16.67%
6. /restaurants/	Chrome	171 (6.19%)	113 (5.32%)	00:01:56	31.25%	22.22%
7. /outdoor-recreation/	Chrome	153 (5.54%)	108 (5.08%)	00:01:11	35.29%	18.95%
8. /accommodations/	Safari	138 (5.00%)	117 (5.50%)	00:01:31	47.83%	30.43%
9. /accommodations/	Internet Explorer	111 (4.02%)	89 (4.19%)	00:00:54	28.57%	19.82%
0. /restaurants/	Safari	110 (3.98%)	95 (4.47%)	00:01:41	43.48%	35.45%
1. /arts-entertainment/	Safari	92 (3.33%)	83 (3.90%)	00:01:06	60.00%	26.09%
2. /outdoor-recreation/	Safari	85 (3.08%)	67 (3.15%)	00:02:12	46.15%	34.12%
3. /	Firefox	74 (2.68%)	60 (2.82%)	00:00:46	0.00%	10.81%
4. /arts-entertainment/	Internet Explorer	63 (2.28%)	49 (2.30%)	00:00:59	40.00%	14.29%
5. /outdoor-recreation/	Internet Explorer	62 (2.25%)	44 (2.07%)	00:01:26	25.00%	25.81%
6. /restaurants/	Internet Explorer	49 (1.77%)	43 (2.02%)	00:01:12	66.67%	26.53%
7. /arts-entertainment/	Firefox	48 (1.74%)	34 (1.60%)	00:01:04	25.00%	12.50%
8. /accommodations/	Firefox	47 (1.70%)	41 (1.93%)	00:01:07	66.67%	34.04%

3.	/accommodations/	Edge	28 (1.01%)	23 (1.08%)	00:01:28	0.00%	14.29%
4.	/arts-entertainment/	Edge	20 (0.72%)	14 (0.66%)	00:00:57	33.33%	20.00%
5.	/outdoor-recreation/	Firefox	17 (0.62%)	16 (0.75%)	00:00:41	100.00%	17.65%

Rows 1 - 25 of 52

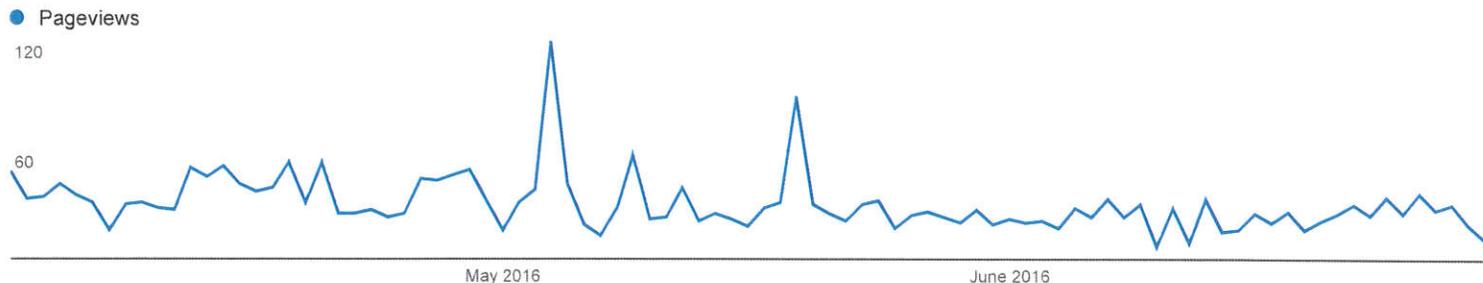
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Apr 1, 2016 - Jun 30, 2016

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Page path level 3	City	Pageviews	Unique Pageviews	Avg. Time on Page	Bounce Rate	% Exit
		2,761 % of Total: 0.46% (605,978)	2,126 % of Total: 0.45% (474,534)	00:01:16 Avg for View: 00:01:45 (-27.20%)	42.79% Avg for View: 40.90% (4.62%)	22.24% Avg for View: 35.12% (-36.68%)
1. /	Tucson	194 (7.03%)	122 (5.74%)	00:01:29	48.15%	18.04%
2. /arts-entertainment/	Tucson	153 (5.54%)	84 (3.95%)	00:01:35	45.45%	15.03%
3. /restaurants/	Tucson	108 (3.91%)	68 (3.20%)	00:02:28	44.44%	22.22%
4. /outdoor-recreation/	Tucson	86 (3.11%)	51 (2.40%)	00:02:06	28.57%	18.60%
5. /accommodations/	Tucson	71 (2.57%)	56 (2.63%)	00:01:13	100.00%	25.35%
6. /	Oro Valley	57 (2.06%)	45 (2.12%)	00:01:18	26.32%	21.05%
7. /restaurants/	Oro Valley	55 (1.99%)	41 (1.93%)	00:01:40	41.67%	32.73%
8. /arts-entertainment/	Oro Valley	42 (1.52%)	33 (1.55%)	00:01:35	44.44%	30.95%
9. /	Phoenix	35 (1.27%)	27 (1.27%)	00:00:41	57.14%	40.00%
10. /accommodations/	Phoenix	29 (1.05%)	22 (1.03%)	00:02:19	33.33%	31.03%
11. /winter-training-capital/	Tucson	29 (1.05%)	16 (0.75%)	00:01:18	0.00%	17.24%
12. /outdoor-recreation/	Oro Valley	22 (0.80%)	18 (0.85%)	00:01:23	50.00%	31.82%
13. /restaurants/	Phoenix	21 (0.76%)	16 (0.75%)	00:01:12	50.00%	47.62%
14. /	Casas Adobes	19 (0.69%)	16 (0.75%)	00:00:58	75.00%	26.32%
15. /arts-entertainment/	Casas Adobes	19 (0.69%)	14 (0.66%)	00:01:30	100.00%	26.32%
16. /	Peoria	18 (0.65%)	16 (0.75%)	00:01:29	100.00%	27.78%
17. /	Scottsdale	16 (0.58%)	12 (0.56%)	00:00:25	50.00%	31.25%
18. /restaurants/	Casas Adobes	16 (0.58%)	15 (0.71%)	00:00:52	85.71%	62.50%

3.	/accommodations/	Peoria	12 (0.43%)	11 (0.52%)	00:00:33	0.00%	33.33%
4.	/	Los Angeles	11 (0.40%)	10 (0.47%)	00:00:32	75.00%	45.45%
5.	/accommodations/	Casas Adobes	11 (0.40%)	9 (0.42%)	00:02:41	0.00%	9.09%

Rows 1 - 25 of 1053

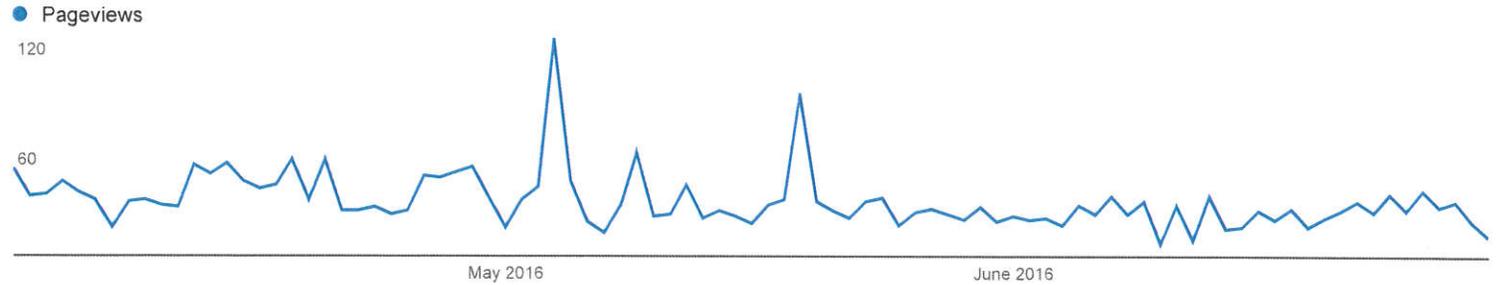
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Page path level 3	Country	Pageviews	Unique Pageviews	Avg. Time on Page	Bounce Rate	% Exit
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1. /	United States	889 (32.20%)	695 (32.69%)	00:01:10	36.90%	20.81%
2. /accommodations/	United States	496 (17.96%)	410 (19.29%)	00:01:13	50.91%	24.80%
3. /arts-entertainment/	United States	438 (15.86%)	312 (14.68%)	00:01:21	53.33%	18.49%
4. /restaurants/	United States	399 (14.45%)	294 (13.83%)	00:01:36	41.90%	27.82%
5. /outdoor-recreation/	United States	318 (11.52%)	234 (11.01%)	00:01:27	41.03%	24.53%
6. /winter-training-capital/	United States	59 (2.14%)	45 (2.12%)	00:01:04	100.00%	20.34%
7. /	Canada	35 (1.27%)	24 (1.13%)	00:00:39	33.33%	8.57%
8. /accommodations/	Canada	19 (0.69%)	15 (0.71%)	00:01:07	100.00%	10.53%
9. /accommodations/	United Kingdom	9 (0.33%)	7 (0.33%)	00:00:41	0.00%	0.00%
0. /arts-entertainment/	Canada	9 (0.33%)	6 (0.28%)	00:00:55	0.00%	0.00%
1. /	Germany	7 (0.25%)	7 (0.33%)	00:00:50	100.00%	28.57%
2. /	United Kingdom	7 (0.25%)	6 (0.28%)	00:00:35	0.00%	0.00%
3. /outdoor-recreation/	Canada	7 (0.25%)	7 (0.33%)	00:00:29	0.00%	14.29%
4. /	Australia	5 (0.18%)	3 (0.14%)	00:00:35	0.00%	0.00%
5. /town/	United States	5 (0.18%)	5 (0.24%)	00:00:08	0.00%	20.00%
6. /accommodations/	Mexico	4 (0.14%)	3 (0.14%)	00:00:22	0.00%	0.00%
7. /restaurants/	Canada	4 (0.14%)	4 (0.19%)	00:00:54	0.00%	50.00%
8. /accommodations/	Switzerland	3 (0.11%)	3 (0.14%)	00:01:54	0.00%	0.00%

3.	/	New Zealand	2 (0.07%)	2 (0.09%)	00:02:44	0.00%	50.00%
4.	/	Philippines	2 (0.07%)	2 (0.09%)	00:00:00	100.00%	100.00%
5.	/accommodations/	Australia	2 (0.07%)	2 (0.09%)	00:00:42	0.00%	0.00%

Rows 1 - 25 of 53

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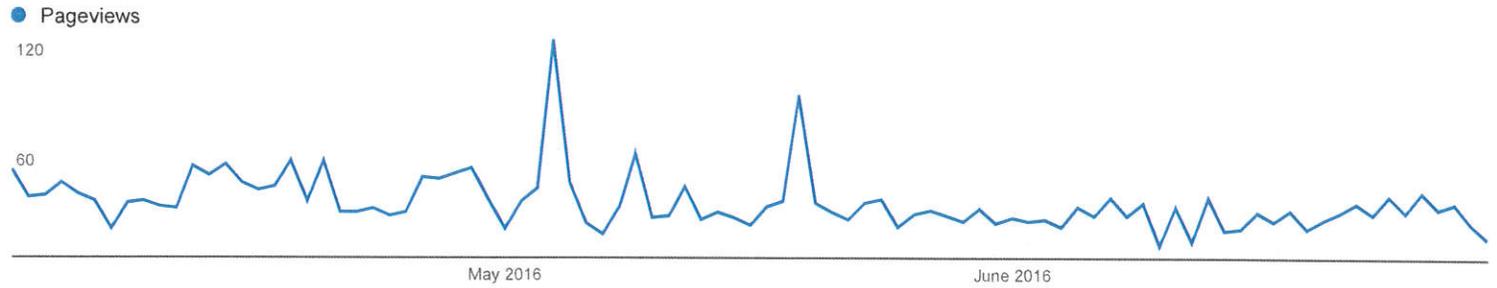
Apr 1, 2016 - Jun 30, 2016

Some data in this report may have been removed when a threshold was applied. [Learn more](#)

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All Users
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Page path level 3	Gender	Pageviews	Unique Pageviews	Avg. Time on Page	Bounce Rate	% Exit
		1,923 % of Total: 0.32% (605,978)	1,483 % of Total: 0.31% (474,534)	00:01:12 Avg for View: 00:01:45 (-31.13%)	41.86% Avg for View: 40.90% (2.35%)	22.67% Avg for View: 35.12% (-35.45%)
1. /	female	356 (18.51%)	274 (18.48%)	00:01:00	31.03%	19.66%
2. /	male	310 (16.12%)	238 (16.05%)	00:01:11	41.79%	20.32%
3. /arts-entertainment/	female	192 (9.98%)	140 (9.44%)	00:01:26	64.29%	17.19%
4. /accommodations/	female	190 (9.88%)	161 (10.86%)	00:01:23	47.37%	25.26%
5. /restaurants/	female	182 (9.46%)	128 (8.63%)	00:01:23	33.33%	28.02%
6. /accommodations/	male	179 (9.31%)	145 (9.78%)	00:00:57	64.29%	22.91%
7. /outdoor-recreation/	male	127 (6.60%)	100 (6.74%)	00:01:00	41.18%	26.77%
8. /restaurants/	male	122 (6.34%)	94 (6.34%)	00:01:24	48.39%	28.69%
9. /arts-entertainment/	male	120 (6.24%)	95 (6.41%)	00:01:20	50.00%	24.17%
0. /outdoor-recreation/	female	106 (5.51%)	79 (5.33%)	00:01:29	45.45%	23.58%
1. /winter-training-capital/	male	24 (1.25%)	18 (1.21%)	00:00:45	0.00%	25.00%
2. /winter-training-capital/	female	15 (0.78%)	11 (0.74%)	00:00:43	0.00%	6.67%

Rows 1 - 12 of 12

Town of Oro Valley's ROI from Visit Tucson	
July 2015-June 2016	
Amount	Description
\$3,496,076	From July 2015-June 2016, Hilton El Conquistador Resort & Red Lion Inn & Suites booked 27 meetings, representing 10,269 room nights, from Visit Tucson leads--estimated economic impact.
\$1,536,746	From July 2015-June 2016, estimated economic impact associated with 10 sports events held in Oro Valley, representing 3,455 room nights.
\$6,918	Visit Tucson's cash investment in tourism activities that benefit the Town--Rock 'n' Roll Marathon expo costs, OV Bucks for AZ Distance Classic, & tradeshow booth for American Swim Coaches Association world clinic.
\$6,315	Visit Tucson provided Oro Valley with a 1/2-page ad in the 2016 Visit Tucson visitors guide--value.
\$6,315	Visit Tucson provided Oro Valley with a 1/2 page of editorial coverage/photo in the 2016 Visit Tucson visitors guide--value.
\$5,000	Visit Tucson paid Oro Valley's \$5,000 commitment to Major League Soccer to have 2 teams stay & practice in Oro Valley in January-February 2016
\$500	Oro Valley promotion in Visit Tucson's Feb. 7, 2016 full-page advertorial in the Arizona Daily Star
\$5,057,870	Oro Valley's return from Visit Tucson--July 2015-June 2016
\$5,057,870	Oro Valley's 2015-16 return from Visit Tucson
<u>\$215,000</u>	Oro Valley's 2015-16 investment in Visit Tucson
\$23.52	Oro Valley's return for every \$1 invested in Visit Tucson
	Not factored into the value above:
	*Bed- & sales-tax revenue generated
	*Leisure visitors spending money at Oro Valley hotels, resorts, attractions & retail based on Visit Tucson's overall destination promotion, which includes Oro Valley.
	*Host, update & help drive traffic to Oro Valley microsite (www.visitorovalley.org)--10,150 unique visitors, July 2015-June 2016
	*Visit Tucson staff time to market, sell & promote Oro Valley, & to calculate & report ROI & performance. Visit Tucson's marketing, convention sales & services, film, public relations, tourism, Mexico marketing & membership departments all work to benefit the Town & its tourism-related businesses.
	* Arizona Republic advertorial mentioning Hilton El Conquistador, June 12, 2016 with a circulation of 440,000.



Town Council Regular Session

Item # H.

Meeting Date: 09/07/2016

Requested by: Amanda Jacobs

Submitted By: Amanda Jacobs, Town
Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Greater Oro Valley Chamber of Commerce Quarterly Report: April 1, 2016 - June 30, 2016

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

The FY 2015/16 Financial Participation Agreement (FPA) between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce (Chamber) stipulates that a quarterly report be compiled by the Chamber and submitted to Economic Development staff and Town Council. The enclosed report satisfies the FPA requirement for the fourth quarter of FY 2015/16.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 2015/16 FPA between the Town of Oro Valley and the Chamber is \$30,000 from the Bed Tax Fund.

SUGGESTED MOTION:

N/A

Attachments

Chamber FPA

Chamber 4th Quarter Report

RESOLUTION NO. (R)15-41

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A FINANCIAL PARTICIPATION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE GREATER ORO VALLEY CHAMBER OF COMMERCE

WHEREAS, pursuant to A.R.S. § 9-500.11, the Town may appropriate public monies for and in connection with economic development activities as long as there is adequate consideration; and

WHEREAS, the Town desires to continue to promote a business environment in Oro Valley that enhances economic vitality and improves the quality of life for its residents; and

WHEREAS, the Town of Oro Valley desires to enter into a Financial Participation Agreement with the Greater Oro Valley Chamber of Commerce; and

WHEREAS, it is in the best interest of the Town to enter into the Financial Participation Agreement with the Greater Oro Valley Chamber of Commerce, attached hereto as Exhibit "A" and incorporated herein by this reference, to set forth the terms and conditions of the Agreement.

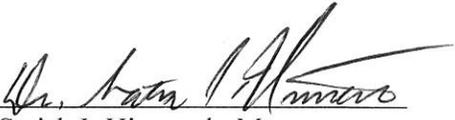
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. The Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

SECTION 2. The Mayor and 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 Council of the Town of Oro Valley, Arizona this 3rd day of June, 2015.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

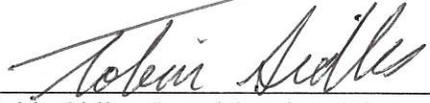
ATTEST:



Julie K. Bower, Town Clerk

Date: 6/4/15

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 6/4/15

EXHIBIT "A"

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of July, 2015, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Greater Oro Valley Chamber of Commerce**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

WHEREAS, it has been determined that the activities of Agency are in the public interest, and are such as to improve and promote the public welfare of the Town; and

WHEREAS, the Mayor and Council have determined that to financially participate in the promotion of the activities of Agency is a public purpose in that the activities confer direct benefit of a general character to a significant part of the public.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

Section 1: Statement of Purpose

Agency will provide tourism and visitor's services and information to Town residents and seasonal tourists and anyone indicating an interest in locating a business or residence in the Town.

Section 2: Services to be Performed by Agency

Agency performance measures outlined below are for Fiscal Year 2015/16 (July 1, 2015 – June 30, 2016). The performance measures for FY2016/17 (July 1, 2016 – June 30, 2017) will be determined prior to June 30, 2017. The performance measures for FY2017/18 (July 1, 2017 – June 30, 2018) will be determined prior to June 30, 2018.

1. Business Recruitment, Retention and Outreach
 - a. The Chamber will continue to participate in the Town's Business Retention and Expansion (BR&E) Program.
 - b. The Chamber will coordinate with at least 25 Oro Valley businesses and offer discounts, during the weekend of March 18 – 20, 2016 for the athletes participating in the Arizona Distance Classic.
 - c. To expand upon the Shop Oro Valley campaign and the OV Dollars program, the Chamber will coordinate at least two "Shop Oro Valley" special events with Oro Valley businesses. One of the events will be held at the Oro Valley Annual Tree Lighting Ceremony.
 - d. The Chamber will serve as a second distribution point for OV Dollars and will provide minimum total sales of \$15,000 during the period of this contract.
 - e. The Chamber shall work to assist the Town in emphasizing the importance of supporting local retailers/businesses through educational and promotional efforts and will display the following materials at the Chamber offices: Shop Oro Valley

Town of Oro Valley FINANCIAL PARTICIPATION AGREEMENT

Campaign and OV Dollars and other economic development related materials as deemed appropriate by the Chamber President/CEO and Economic Development Manager.

- f. The Chamber will coordinate with existing and new participants of the OV Dollars program and determine their interest in offering incentives, such as “on the first Tuesday of every month from 5 – 7 p.m. receive 10% off your purchase, when you use your OV Dollars card,” as part expanding the OV Dollars program.
2. Special Events
- a. The Chamber will coordinate ribbon cuttings for new Oro Valley businesses.
 - b. The Chamber will host four Oro Valley educational forums that will be open to members and non-members.
 - c. The Chamber will host a quarterly coffee with the ‘Mayor and Manager’ program that will be open to members and non-members and will be focused on topics occurring/impacting Oro Valley.
 - d. The Chamber will arrange volunteer meals for at least two Oro Valley major events, such as the Arizona Swimming Short Course State Championships and the State Golf Tournament Championships.
 - e. The Chamber will collect marketing material from Oro Valley area businesses that will be given to attendees and athletes, during special events. The material will be provided to the Economic Development Division one week prior to the day of the event.
 - f. The Chamber will assist in providing \$10 in OV Dollars to 500 athletes of the 2016 Arizona Distance Classic. The total cost will be split between the Town of Oro Valley, M3S Sports and Visit Tucson. The total cost the Chamber will provide the town is \$1,250.
 - g. During this Agreement, Town officials will attend Chamber breakfasts, luncheons and mixers free of charge as long as each official pre-registers for each event.
 - h. The Chamber will host at least two events at the Community and Recreation Center.
 - i. The Town will receive one complimentary table of 10 for the Annual Chamber meeting.
 - j. The Town will receive eight complimentary tables of 10 to the State of the Town of Oro Valley Address and Luncheon.
 - k. Annual Chamber membership dues to be paid by the Town shall be included as part of the monetary consideration of this Agreement.
 - l. During the term of this Agreement, the Agency will refrain from endorsing any candidate for Mayor or Council member of the Town of Oro Valley.

Section 3: Services to be Provided by the Town

All funding is subject to the Town’s budget appropriations. For this Agreement, up to Thirty Thousand Dollars (\$30,000) shall be allocated to Agency.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 4: Responsibility for Open Records

Agency agrees to open to the public all records relating to any funds directly received from the Town that Agency distributes to any organization and/or individual.

Section 5: Evaluation Criteria and Reporting

In order to assess the impact of Agency, the Town reserves the right to evaluate performance, and to have access to all pertinent information necessary to make evaluations.

- A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of Agency in achieving its Program of Work. Reports shall be submitted within thirty (30) working days of the end of each calendar quarter.
- B. Agency agrees to give explanations for any variance in the expected performance for each measure.
- C. Agency agrees to give projected performance for each measure through the end of the fiscal year (June 30th).
- D. Agency agrees to review and present such reports to the Town Council in open meetings on an “as requested” basis.

Section 6: Accountability

Agency shall maintain a true and accurate accounting system which meets generally accepted accounting principles, and which is capable of properly accounting for all expenditures and receipts of Agency on a timely basis. In addition, Agency shall maintain evidence of its compliance with the nondiscrimination provisions of this Agreement.

Agency’s accounting system shall permit separate, identifiable accounting for all funds provided by the Town pursuant to this Agreement.

Agency shall provide the Finance Department of the Town, within four (4) months after the close of Agency’s fiscal year, a copy of the financial audit of Agency’s operations by an independent certified public accountant, along with any management letter and, if applicable, Agency’s plan for corrective action.

If Agency does not have an audit, it shall submit within three (3) months after the close of its fiscal year, a complete accounting of Town funds received. This accounting must be approved by the Finance Department of the Town as sufficiently descriptive and complete.

If for good reason Agency cannot meet the times established for submission of financial reporting, Agency shall notify the Finance Department in writing the reason for the delay, provide an expected completion date and request a waiver of the due date.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

At any time during or after the period of this Agreement, the Town Finance Department and/or a Town agent may audit Agency's overall financial operation or compliance with the nondiscrimination clause of this Agreement for the Agreement period. Agency shall provide any financial reports, nondiscrimination policies and procedures or other documentation necessary to accomplish such audits.

Section 7: Matching Grants

Agency agrees to obtain Mayor and Council approval prior to applying for any matching grants involving the commitment of Town funds.

Section 8: Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 9: Sub-recipient Funding Agreements

Agency agrees to include in all of its sub-recipient funding agreements the nondiscrimination provisions contained in Section 8 herein.

Section 10: Term of Agreement

This Agreement shall be effective from July 1, 2015 through June 30, 2018. This Agreement may be extended at the sole option of the Town for additional fiscal year(s) only under the following conditions:

- A. The Mayor and Council of the Town determine the services of Agency are in the public interest and allocate funds therefore; and
- B. The parties mutually agree to a scope of services to be provided by Agency in any subsequent fiscal year.
- C. At the end of FY2017/18 the provisions of this agreement will be subject to review and renegotiations by the Town and the Chamber.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 11: Payment Withholding, Reduction, or Termination

The Town may withhold whole or part of the scheduled payment, reduce, or terminate funding allocations to Agency if:

- A. Services are not rendered.
- B. Agency fails to supply information or reports as required.
- C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
- D. Agency fails to make required payments to subcontractors.
- E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.
- F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

Such payment reductions or payment termination may result in Agency receiving a lesser total Town allocation under this Agreement than the maximum funding allocated. If reasons for withholding payments other non-appropriation of funds have been corrected to the satisfaction of the Town, any amounts due shall be processed.

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2018.

Section 12: Termination of Agreement

This Agreement may be terminated at any time by mutual written consent, or by either party giving thirty (30) days written notice to the other party or at such time, as in the opinion of the Town, Agency's performance hereunder is deemed unsatisfactory.

Section 13: Method of Payment

The parties have agreed that Agency will receive from the Town an amount not to exceed \$30,000 for FY2015/16, FY2016/17 and FY17/18. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2015. Payments are to be made within forty (40) days after the close of each preceding quarter.

Section 14: Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations,

Town of Oro Valley FINANCIAL PARTICIPATION AGREEMENT

attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 15: Independent Contractor

The parties stipulate and agree that Agency is not an employee of the Town and is performing its duties hereunder as an Independent Contractor, supplying its own employees and maintaining its own insurance, workers' compensation insurance and handling all of its own internal accounting. The Town in no way controls, directs or has any responsibility for the actions of Agency.

Section 16: Insurance

Agency agrees to:

- A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.
- B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.
- D. Agency will provide and maintain minimum insurance limits as follows:

COVERAGE AFFORDED	LIMITS OF LIABILITY
1. Workers' Compensation	Statute
2. Employer's Liability	\$100,000
3. Comprehensive General Liability Insurance -- Including: (1) Products and Completed Operations (2) Blanket Contractual	\$1,000,000 - Bodily Injury and Combined Single Limit \$100,000 Property Damage

- D. Agency shall adequately insure itself against claims based upon unlawful discrimination and violation of civil rights. The cost of this insurance shall be borne by Agency.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

Section 17. Use of the Town Logo

The Town Logo shall be used for the recognition of the Town's contribution to Agency only.

Section 18: Conflict of Interest

This Agreement is subject to the conflict of interest provisions of A.R.S. § 38-511, *et seq.*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF ORO VALLEY, a municipal corporation



Dr. Satish I. Hiremath, as Mayor
and not personally

ATTEST:



Julie K. Bower, as Town Clerk
and not personally

Date: 6/4/15

APPROVED AS TO FORM:



Tobin Sidles, as Legal Services Director
and not personally

Date: 6/4/15

**Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT**

GREATER ORO VALLEY CHAMBER OF COMMERCE., a non-profit Corporation

David P. Perry
Agency Representative
and not personally

Title President / CEO

State of Arizona)
) ss.

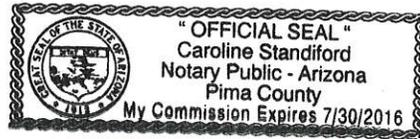
County of)

On this 9 day of JUNE, 2015, DAVID PERRY, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on JUNE 9, 2015.

Caroline Standiford
Notary

My Commission Expires: 07/30/16





QUARTERLY PROGRESS REPORT

April 1-June 30, 2016

Submitted To: Amanda Jacobs, Economic Development Manager

By: Dave Perry, President/CEO

In accordance with Resolution No. (R) 15-41

A. Tourism, Visitors Services and General Information

The Greater Oro Valley Chamber of Commerce has provided tourism and visitor’s services and information to Town residents and seasonal tourists and anyone indicating an interest in locating a business or residence in the Town over the past three months. Below is data on activity that the Chamber has addressed through this quarter:

Category	April	May	June	Total
1. Business Retention Site Visits	0	9	20	29
2. OV Dollars Distribution	\$50	\$620	\$4,400	\$5,070
3. Ribbon Cuttings	2	0	1	3
4. Breakfasts, lunches, mixers	6	2	4	12
5. Relocation Packages	9	10	8	27

1. The Chamber President / CEO participated in **Business Retention Site Visits** with the following Oro Valley businesses: in May, **Pusch Ridge Pet Clinic, Sahuaro Café, Desert Palms Physical Therapy, The Trek Store, European Wax Center, Amazing Lash Studio, Framed to Perfection, Smashburger and Fleet Feet Sports**; in June, **Hanger Prosthetics, Adient Gylenhall Physical Therapy, Dragon Village, LabCorp, Cheers to You Nutrition, Smile More Dental, Halo Hair, Catalina Hills Care, Goodyear, Taco Bell, Dollar Tree, Dental Village, SuperCuts, Sally Beauty, Fruit Shack Smoothies and Yogurt, T-Mobile, Pusch Ridge Cleaners, Mattress Firm / Rooney Ranch, Starbucks, A Nail Spa.**
2. *The Chamber will serve as a second distribution point for OV Dollars and will provide minimum **total sales of \$15,000** during the period of this contract.* The Chamber distributed **\$5,070** in OV Dollars during the fourth quarter, a fiscal year total of **\$17,770.**
3. *The Chamber will coordinate ribbon cuttings for new Oro Valley businesses.* Ribbon cuttings (and a groundbreaking) were held for **Sun City Oro Valley April 5; Lifestyle Hearing Solutions April 28; and Le Cheveux Salon June 17.**
4. *The Chamber will host a quarterly coffee with the ‘Mayor and Manager’ program that will be open to members and non-members and will be focused on topics occurring/impacting Oro Valley.* The Chamber hosted coffee with **Mayor Hiremath and Interim Town Manager / Chief Danny Sharp** on **June 15** at The Overlook restaurant.
5. Town officials took advantage of the free **Chamber breakfasts, luncheons and mixers**, to include 2 at breakfast and 4 mixer guests in April; 2 mixer guests in May, and 4 breakfast guests in June.

6. **27** relocation packages were distributed in the fourth quarter.

Additional Information

In April, Perry participated in a **corporate business retention and expansion site visit with Mayor Hiremath, Councilmember Mary Snider and Economic Development Manager Amanda Jacobs with Dr. Ken Wertman**, site head and biology director at **Sanofi Oro Valley**.

In mid-April, Perry participated in an **Oro Valley Main Street group discussion** with other business representatives and town staff.

In May, Perry participated in a site retention visit **with Oro Valley Hospital CEO Jae Dale, Director of Nursing Julie Hunt, Director of Communications and Marketing Kim Chimene, Mayor Hiremath, Councilmember Bill Garner, Town Manager Greg Caton, Economic Development Manager Amanda Jacobs and Susan Hyatt Dumon** of the Arizona Commerce Authority.

In May, Perry interviewed **Anne Stancil**, the new owner of **Fleet Feet Sports** in Oro Valley, and wrote about Fleet Feet for the town's **Vista newsletter** as well as the **town's website**.

On May 18, the Chamber co-hosted a **Future of Healthcare Delivery** breakfast with **CBIZ** at The Hilton Resort. Panelists included Oro Valley Director of Human Resources **Gary Bridget**.

On May 24, Perry had a lengthy visit with **Jeffrey John, Visit Tucson's new sports manager**.

In June, with **Mayor Hiremath**, Perry participated in a group discussion about local investment opportunities and needs with regional representatives of **Mutual of Omaha Bank**.

On June 14, Chamber staff participated in the first **State of the Town planning session** with town staff. The event is **Thursday, Oct. 20, The Hilton Resort**.

On May 3, the Chamber hosted an **educational workshop on social media** at **Pima Community College's Northwest Campus**. One of the panelists was **Pia Salonga**, marketing and communications specialist for the Town of Oro Valley.

The Chamber hosted a mixer at Oro Valley business **Title Boxing Club** on **Thursday, April 7**; a breakfast at **The Overlook** restaurant on **Thursday, April 28**; a mixer at the Golf Club at Vistoso on Thursday, May 5; a mixer at Oro Valley business **Fairwinds Desert Point** on **June 2**; **New Member Orientation** at **The Hilton Resort** on **Friday, May 6**; and its annual **scholarship awards breakfast June 30** at the **Oro Valley Country Club**, featuring guest speaker **Shane Burgess**, interim dean for **UA's Doctorate of Veterinary Medicine** program.



Town Council Regular Session

Item # I.

Meeting Date: 09/07/2016

Requested by: Bayer Vella

Submitted By: Robert Kirschmann
Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Conceptual Architecture for the sanctuary and youth building at the Canyon del Oro Baptist Church, located at 9005 North Oracle Road

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) has recommended approval.

EXECUTIVE SUMMARY:

The purpose of this request is to consider Conceptual Architecture for a sanctuary and youth building at the Canyon del Oro Baptist Church campus, located on the northeast corner of Oracle Road and Calle Concordia (Attachment 1).

The proposed architecture (Attachment 2) represents a contemporary design that features earth tone colors, metal roofing, steel beams and split face stone. The proposal is consistent with the style, materials and colors established by the existing buildings on the campus. The architecture is also compatible with the adjacent Pusch Ridge Christian Academy and single family homes.

The application was considered and approved by the CDRB on August 9, 2016, based on a finding that the request is in conformance to the Design Principles and applicable Design Standards. As enabled by the zoning code, the CDRB also approved a building height increase for the sanctuary from 24 to 36 feet.

BACKGROUND OR DETAILED INFORMATION:

The Canyon del Oro Master Development Plan was approved in 2005. This approval provided for future expansion of the campus including the proposed sanctuary and youth building. The site plan is provided as Attachment 3, which depicts the location of the sanctuary and youth buildings in relation to existing buildings on the campus.

Proposed Conceptual Architecture

The architectural style, materials and colors of the existing buildings on campus (Attachment 4) include earth tone colors, split face and slump stone block, and metal beams. The proposed architecture incorporates these elements into the proposed building design.

Pusch Ridge Christian Academy (Attachment 5) and the surrounding single family homes (Attachment 6) include earth tone colors, various block types, wood and metal elements. The proposed architectural style and materials are compatible with these surrounding uses.

A key issue evaluated during the review was the proposed building height. The property is zoned Private Schools and Church (PSC), which limits buildings to one story and a maximum height of 24 feet. The youth building is proposed at 20 feet and meets the height requirement; however, the sanctuary is proposed at approximately 36 feet. The CDRB is enabled by the Zoning Code to approve an increase in height up to 45 feet only for a sanctuary. Staff's review of the increase focused on the following view perspectives:

- Oracle Road

The proposed sanctuary is located behind the existing fellowship hall and classrooms, approximately 500 feet from Oracle Road. The distance from Oracle Road, the topography of the site and the varied roof lines will soften the height. The applicant has provided a visual simulation with a perspective from Oracle Road (Attachment 7).

- Calle Concordia

The proposed sanctuary is located approximately 200 feet from Calle Concordia. A riparian area with dense vegetation provides a transition between the church campus and the single family homes on the south side of the street. In addition, the sanctuary will be built into the existing topography and provide varied roof lines. Each of these elements will work together to mitigate the height.

- Pusch Ridge Christian Academy

The proposed sanctuary is approximately 400 feet from the Academy parking lot. Dense native vegetation occurs between the two uses. In addition, the campus includes building heights similar to what is being proposed.

Staff recommended approval of the request for additional building height (sanctuary only) based upon the design features, topography and distance from surrounding properties. In conclusion, the proposal complies with Oracle Road Scenic Corridor Overlay District and all applicable Design Principles. A detailed analysis of the Design Principles is provided as Attachment 8.

Conceptual Design Review Board

The request was considered by the CDRB on August 9, 2016. The CDRB recommended approval, finding that the request is in conformance with the applicable Design Principles and Standards. The CDRB also approved the applicant's request for building height increase from 24 feet to 36 feet for the sanctuary based on the design features,

topography of the site, existing site development and distance from surrounding properties. The CDRB report is provided as Attachment 9 and minutes as Attachment 10.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Conceptual Architecture

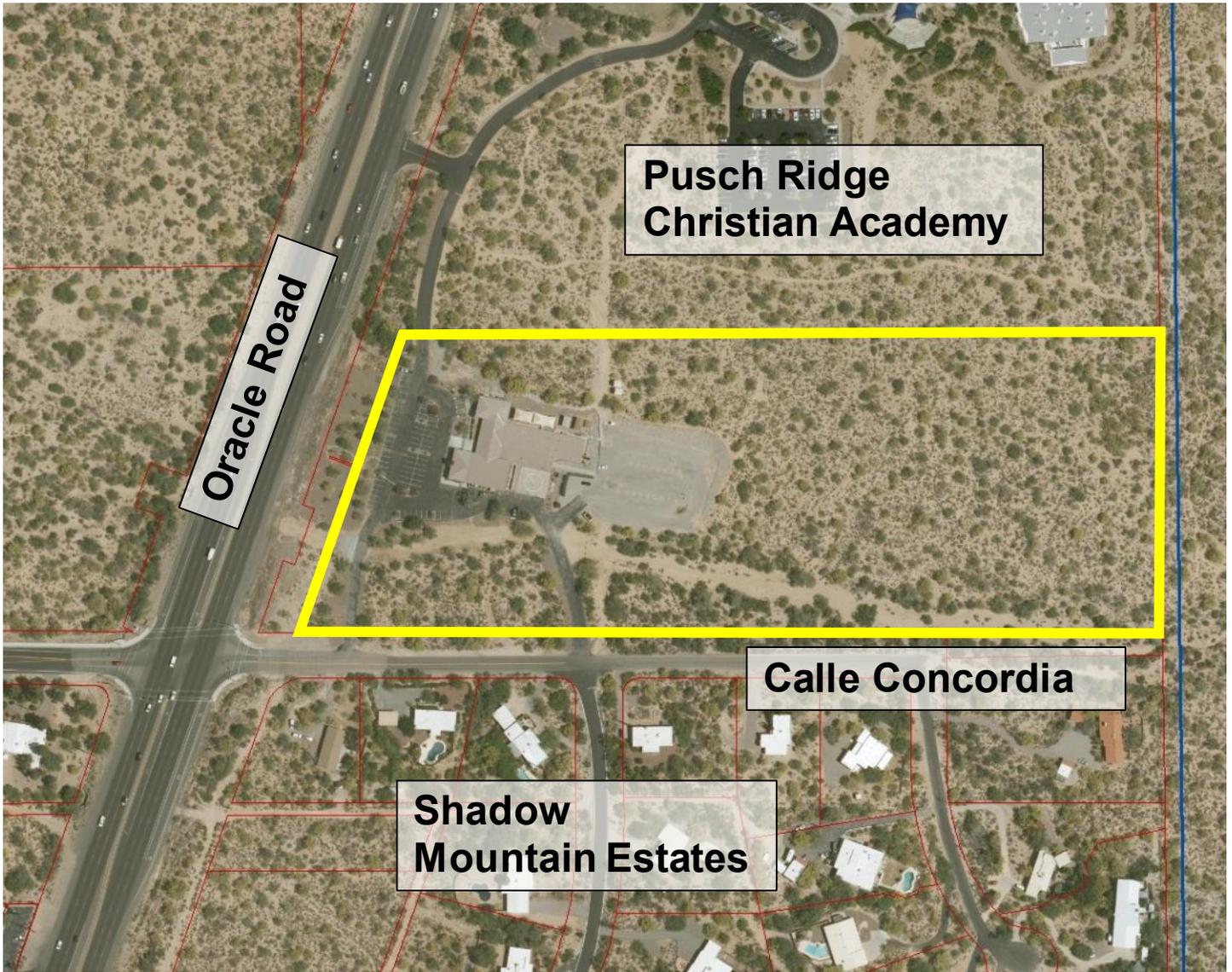
I MOVE to approve the Conceptual Architecture for the Canyon del Oro Baptist Church, finding that it is in conformance with the Design Principles and applicable Design Standards.

OR

I MOVE to deny the Conceptual Architecture for Canyon del Oro Baptist Church, finding it is not in conformance with the Design Principles and applicable Design Standards, specifically_____.

Attachments

- Attachment #1 Location Map
 - Attachment #2 Elevations
 - Attachment # 3 Site Plan
 - Attachment # 4 Existing Architecture
 - Attachment # 5 Pusch Ridge
 - Attachment # 6 Single Family Homes
 - Attachment # 7 View from Oracle
 - Attachment # 8 Design Principles
 - Attachment # 9 CDRB Staff Report
 - Attachment #10 CDRB Minutes
-



LOCATION MAP
CANYON DEL ORO BAPTIST CHURCH
(OV1601613)



North side of Sanctuary, approaching Lobby



South elevation Sanctuary



East elevation of Sanctuary



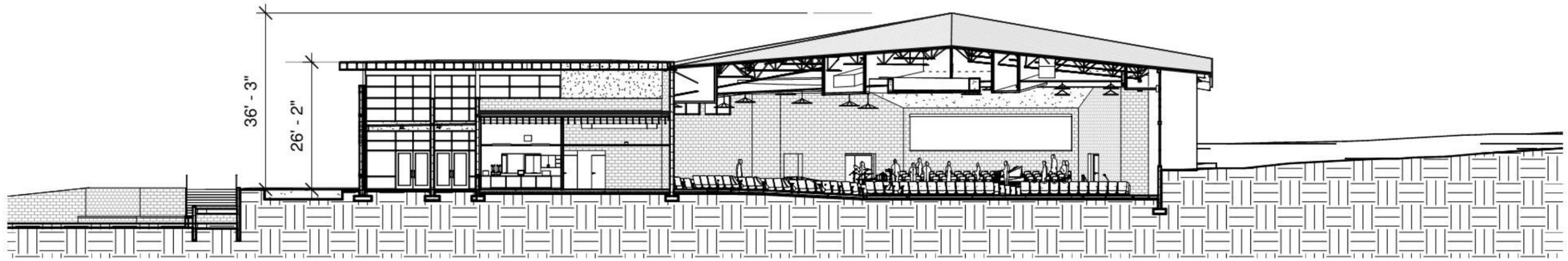
West elevations, existing campus, Student Center background



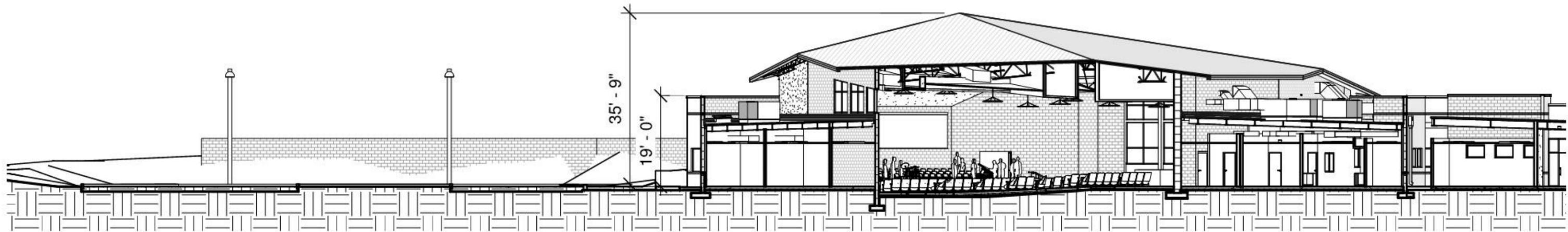
East elevation of Student Center



Southwest elevation of Student Center

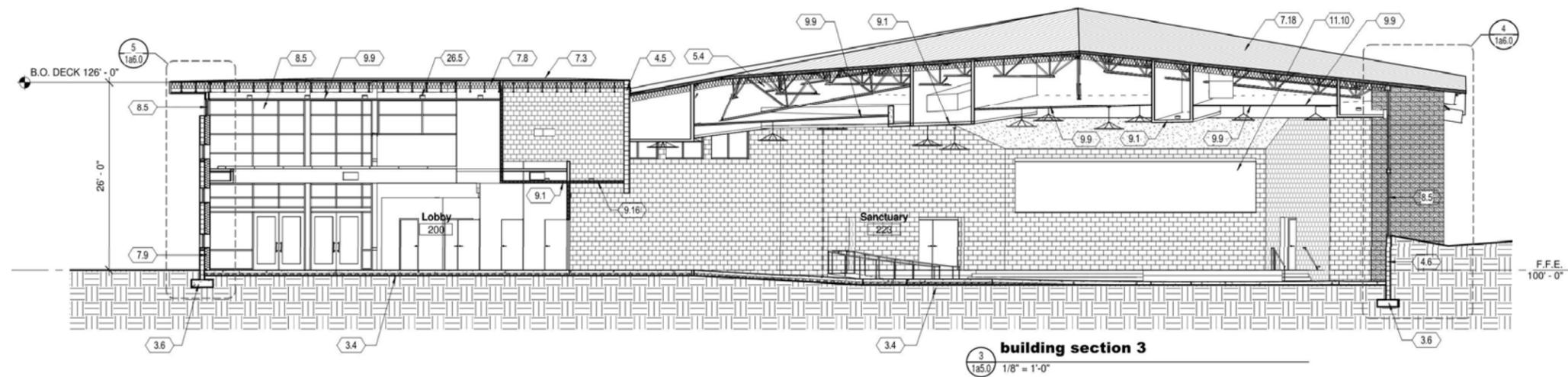
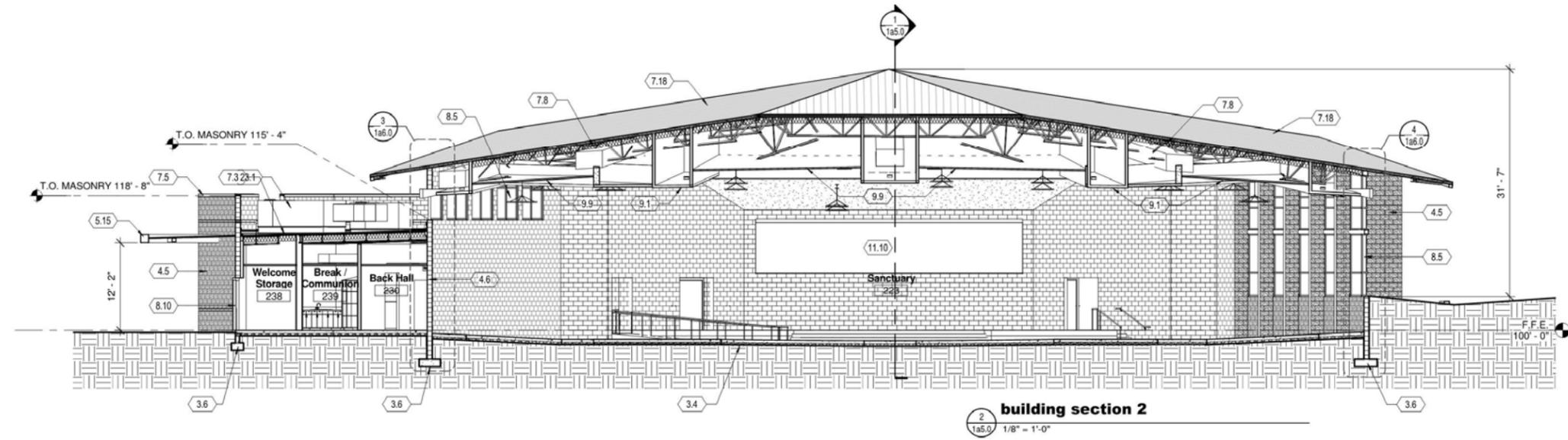
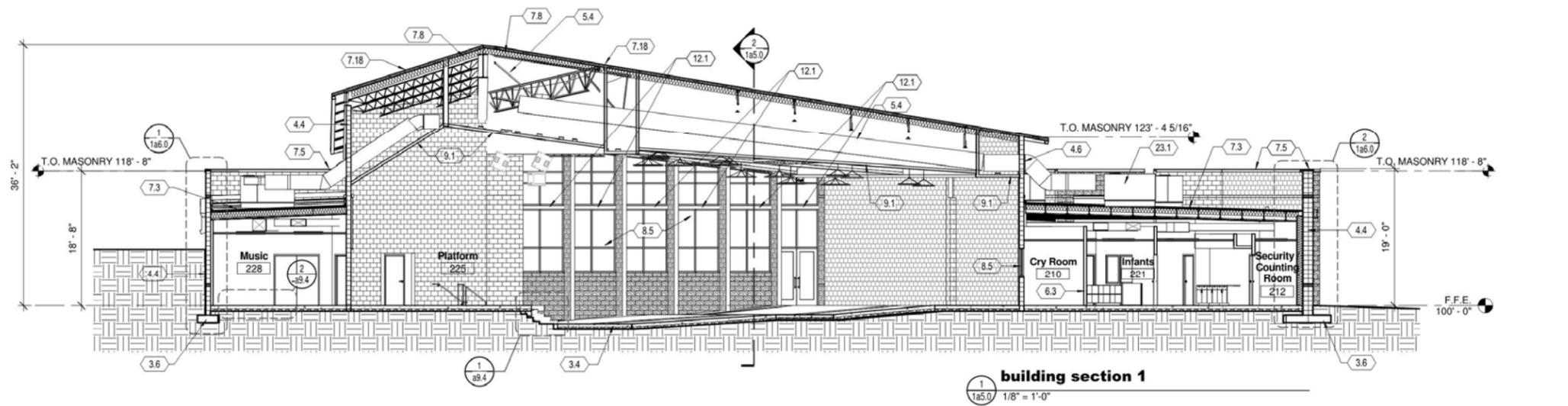


East – West Section

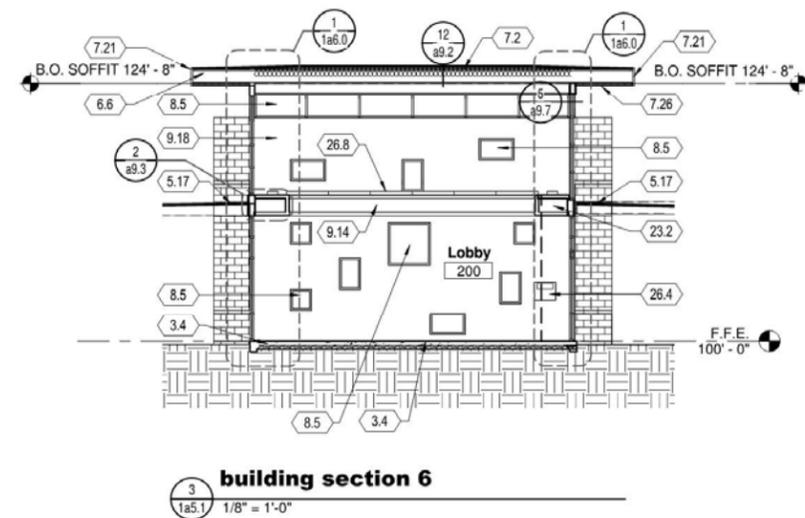
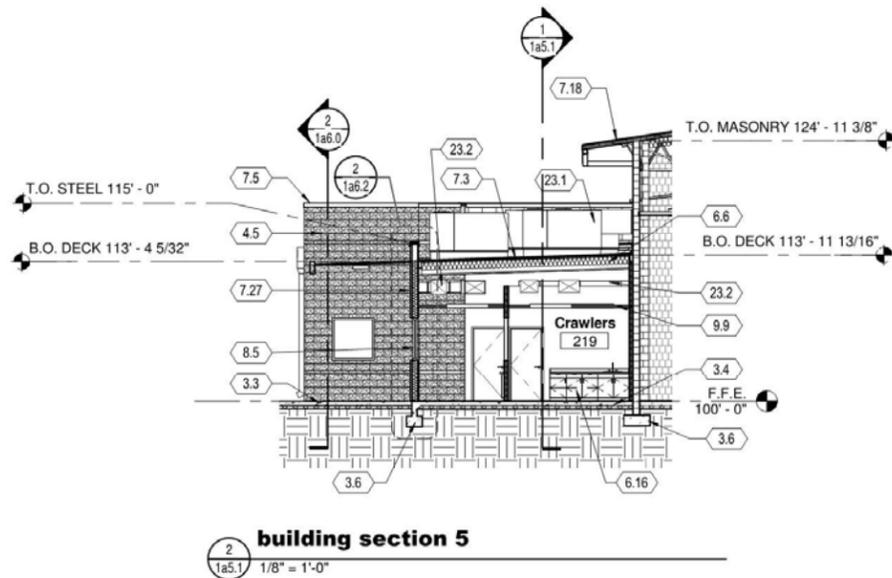
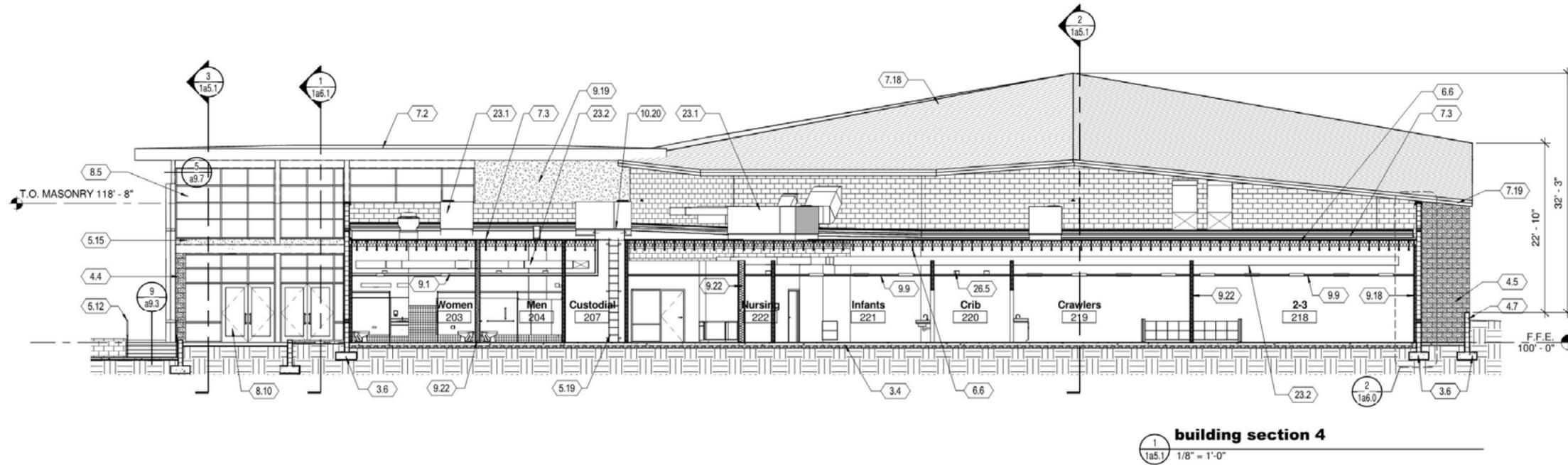


North – South Section

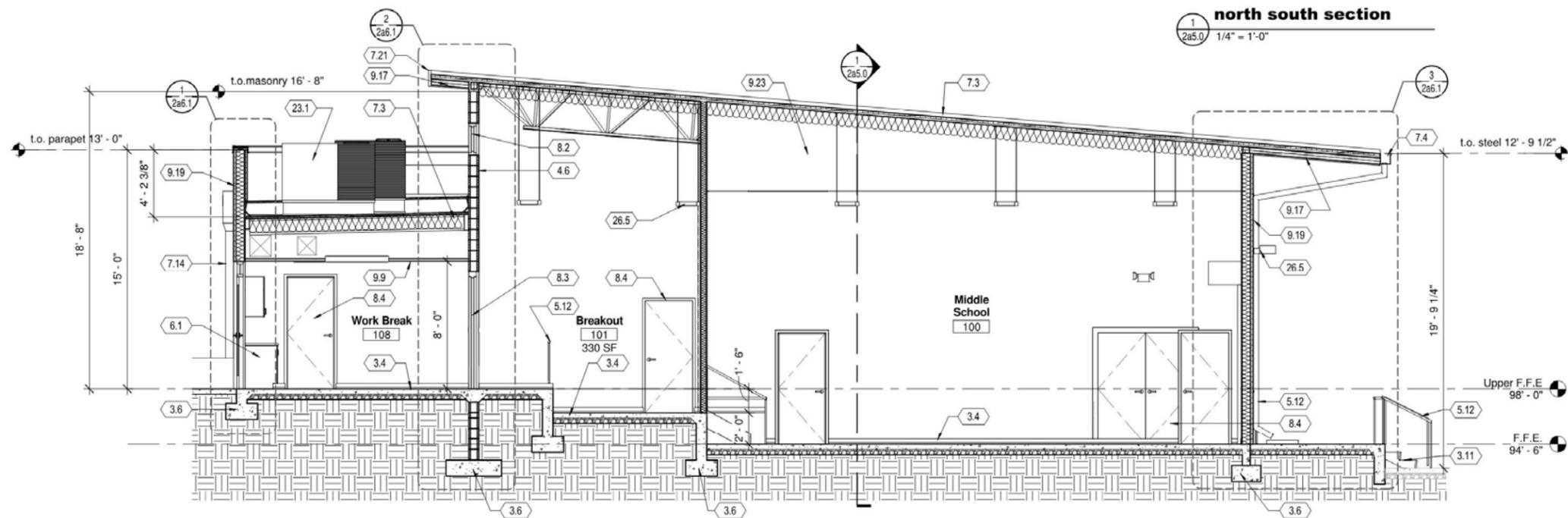
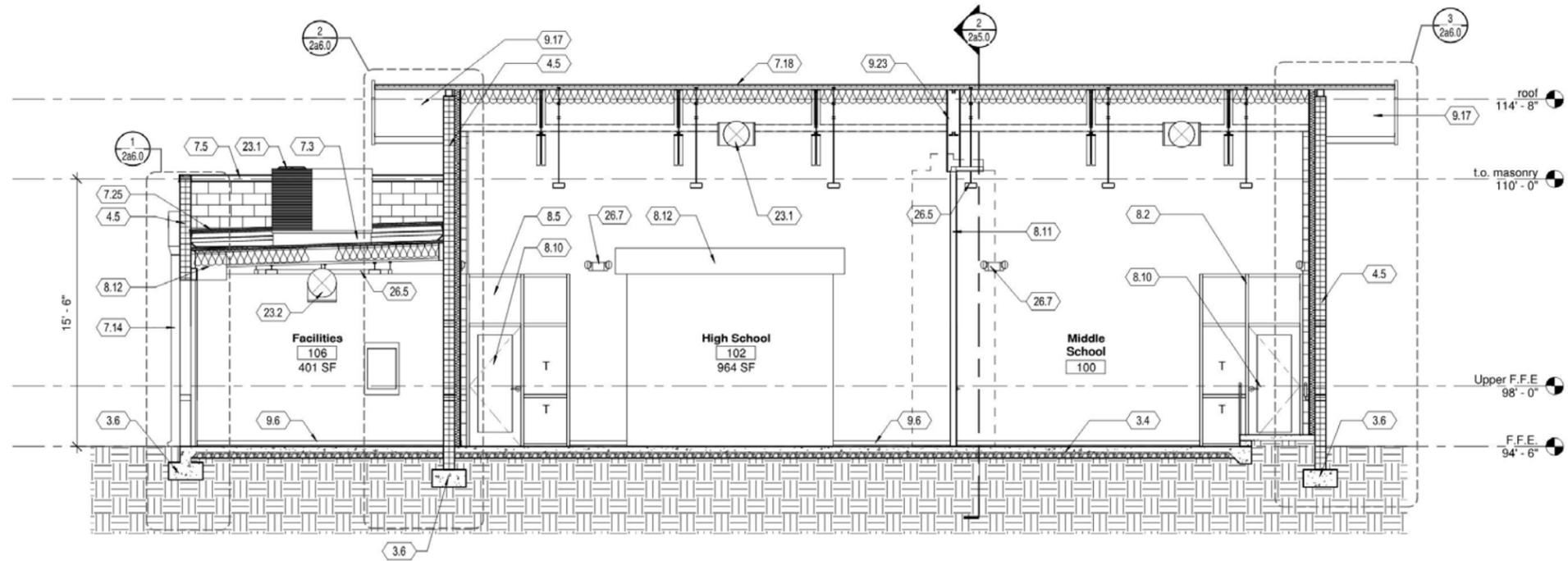
Site Sections



Building Sections - Sanctuary



Building Sections - Sanctuary



Building Sections – Youth Building



View From Oracle Road to the Site



From Existing Parking of Site



From North West Corner of Existing Building

Site Photos



View Looking East Along New Parking



North East Corner of Existing Building
Looking to the Site



View Looking West From Existing Parking

Site Photos



From Existing Ramp Looking West



From Existing Ramp Looking East



From Oracle Road Looking East to the Site

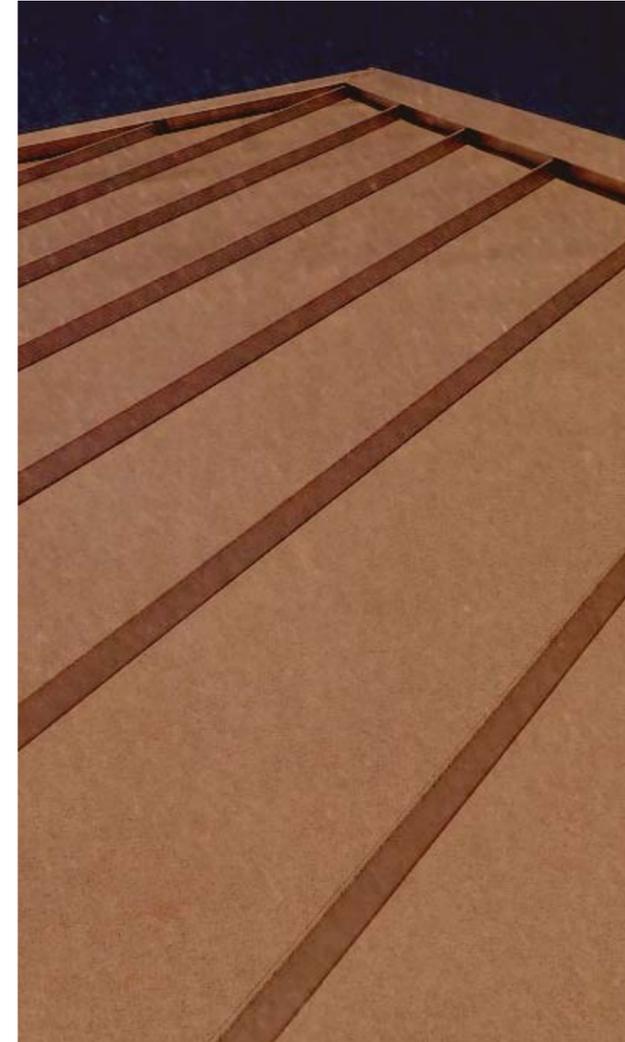
Site Photos



Concrete Masonry
Split face with bands of
standard block



Painted steel beams and trim



Prefinished metal roof
and flashing



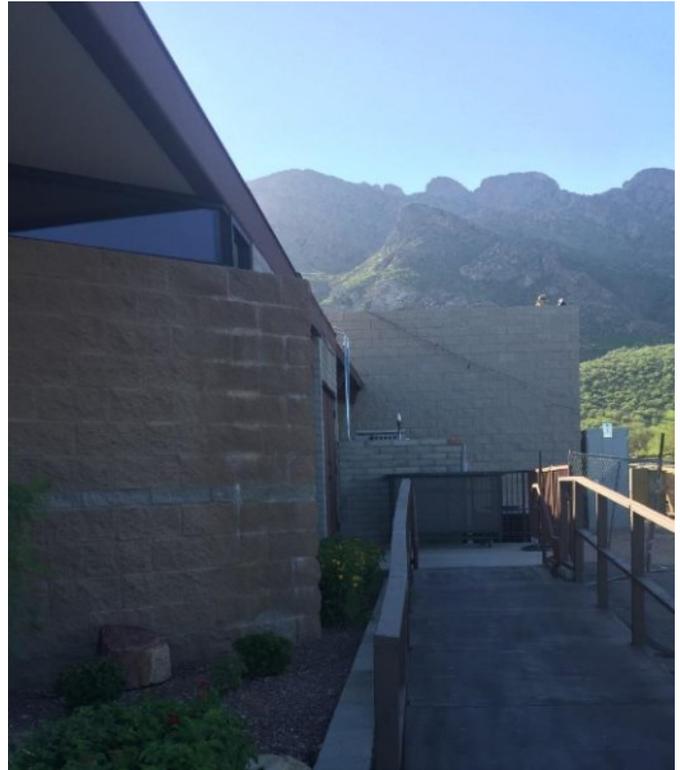
EIFS Finish

Color and Materials Palette

- EXISTING
- PROPOSED FOR THIS PHASE
- PROPOSED FOR FUTURE PHASE



Site plan



EXISTING ARCHITECTURE
CANYON DEL ORO BAPTIST CHURCH
(OV1601613)



PUSCH RIDGE ARCHITECTURE
CANYON DEL ORO BAPTIST CHURCH
(OV1601613)

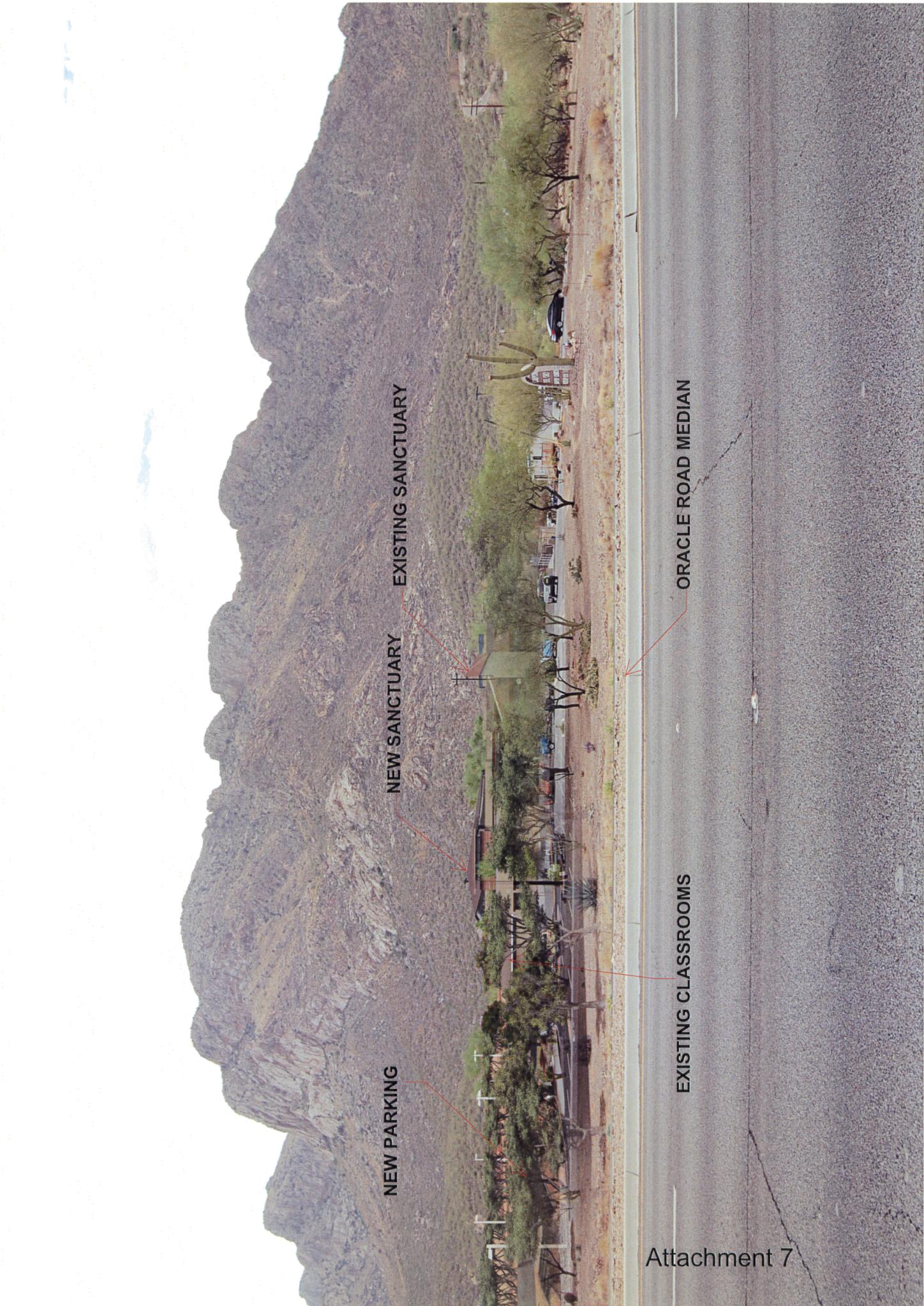
Attachment 5



SINGLE FAMILY HOME ARCHITECTURE
CANYON DEL ORO BAPTIST CHURCH
(OV1601613)



WEST SIDE OF ORACLE ROAD



NEW PARKING

NEW SANCTUARY

EXISTING SANCTUARY

EXISTING CLASSROOMS

ORACLE ROAD MEDIAN

Conceptual Architectural Design Principles, Section 22.9.D.5.b
Attachment # 8

The Conceptual Architecture (Attachments 2) is in conformance with applicable Architectural Design Principles. Following are the Design Principles (*in italics*) followed by staff evaluation of how the architecture conforms and responds to the principles:

Design: building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence.

The proposed architecture represents a contemporary style that incorporates desert tones, hues and materials. The predominant external material will be split face block with banding, stucco, and metal beams consistent with colors and materials found on the campus.

Scale, height and mass: building scale, height and mass shall be consistent with the town-approved intensity of the site, designated scenic corridors, and valued mountain views. Buildings shall be designed to respect the scale of adjoining areas and should mitigate the negative and functional impacts that arise from scale, bulk and mass.

The height and mass of the proposed buildings are appropriate to the area and will result in an appropriately scaled development. The proposed height of the sanctuary varies between 19 and 36 feet and the youth building is approximately 20 feet. Both buildings have been designed to fit into the existing slope limiting the visual impact. Also these buildings are proposed behind the existing fellowship space and offices and will provide a transition in the view from Oracle Road, east to the Catalina's.

Façade articulation: all building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to; overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contribute to a building's character.

The proposed architecture provides significant façade articulation through the use of several elements, including:

- Varied roof lines
- Wall articulation
- Material variation
- Color variation

Screening: building design and screening strategies shall be implemented to conceal the view of loading areas, refuse enclosures, mechanical equipment, appurtenances, and utilities from adjacent public streets and neighborhoods.

No mechanical equipment, refuse enclosures, appurtenances, or utilities will be visible from nearby residences or streets. Roof mounted equipment will be located below the parapet and roof access will be provided internal to the building.

The proposed refuse collection area will be enclosed within architecturally consistent screen walls designed to be consistent with the campus design.



Conceptual Architecture Conceptual Design Review Board Staff Report

PROJECT: Canyon Del Oro Baptist Church
CASE NUMBER: OV1601613
MEETING DATE: August 9, 2016
AGENDA ITEM: 3
STAFF CONTACT: Robert Kirschmann, Planner
rkirschmann@orovalleyaz.gov (520) 229-4836

Applicant: Tim Smith, Swaim Associates Architects, AIA
Request: Conceptual Architecture for a 20,150 square foot sanctuary and 3,940 square foot youth building
Location: 9200 N. Oracle Road, northeast corner of Oracle Road and Calle Concordia
Recommendation: Recommend approval of the requested Conceptual Architecture

SUMMARY:

The purpose of this request is to consider Conceptual Architecture for a sanctuary and youth building at the Canyon Del Oro Baptist Church campus. The campus is located on the northeast corner of Oracle Road and Calle Concordia (Attachment 1).

The request (Attachment 2) includes the following elements:

- Sanctuary: 20,150 sq. ft.
- Youth Building: 3,940 sq. ft.

The proposed architecture represents a contemporary design that incorporates desert colors and elements. It features predominantly earth tone colors, metal roofing, steel beams, large windows and split face stone. The proposal incorporates the style, materials and colors established by the existing fellowship space, classroom and office buildings.

The proposed Conceptual Architecture has been reviewed and is in conformance with the Town's Design Principles and applicable Design Standards. Staff recommends approval.

BACKGROUND:

Existing Site Conditions

- Fellowship space: 5,450 square feet

- Classrooms and office: 7,900 square feet
- Existing hardscape includes:
 - Parking
 - Drive aisles
 - Pedestrian paths
- Zoning: Private School Church (PSC)
- Design: Contemporary style architecture

Proposed Improvements

- Sanctuary: 20,150 sq. ft.
- Youth Building: 3,940 sq. ft.
- Design: Contemporary style architecture

Approvals to Date

1978: Original Church constructed
1992: Development Plan approved for ~6,000 square foot addition
2005: Master Development Plan approved

DISCUSSION / ANALYSIS:

The Canyon Del Oro Master Development Plan was approved in 2005. This plan established the parameters for future expansion of the campus. The plan includes the proposed sanctuary and youth buildings. A site plan is provided as Attachment 3 which illustrates how the proposed sanctuary and youth building will be integrated into the existing campus.

A Conceptual Site Plan review is not required because the proposal is in substantial conformance with the approved master development plan. As such, this agenda item is limited to architecture only.

The proposed architecture was analyzed for conformance with the Design Principles and applicable Design Standards of the Zoning Code.

Proposed Conceptual Architecture

The proposed architecture represents a contemporary design that incorporates desert colors and elements. It features predominantly earth tone colors with metal roofing, steel beams, large windows and split face stone with banding. The architectural style, materials and colors were established by the existing buildings on campus. The proposed architecture will emulate and build on the existing architectural features. Attachment 4 includes photos of the existing campus buildings.

The property is zoned Private Schools and Church (PSC), which limits buildings to one story and a maximum height of 24 feet. The Conceptual Design Review Board may allow an increase in height up to 45 feet for auditoriums, which is an analogous use to a sanctuary. The sanctuary is proposed at approximately 36 feet, which will require Board approval. The Youth building meets the height requirements of the code at 20 feet tall.

The proposed height is acceptable due to the following considerations:

- Varied roof heights provided
- Designed into the topography of the site
- Located behind the existing fellowship space and office
- Sanctuary located:
 - Approximately 500 feet from Oracle Road
 - Approximately 200 feet from Calle Concordia

These considerations will limit the visual impact of the proposed sanctuary.

With Conceptual Design Review Board approval to allow the sanctuary at 36 feet the request will comply with Zoning Code.

Conceptual Architectural Design Principles, Section 22.9.D.5.b

The Conceptual Architecture (Attachments 2) is in conformance with applicable Architectural Design Principles. Following are the Design Principles (*in italics*) followed by staff evaluation of how the architecture conforms and responds to the principles:

Design: building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence.

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The height and mass of the proposed buildings are appropriate to the area and will result in an appropriately scaled development. The proposed height of the sanctuary varies between 19 and 35 feet and the youth building is approximately 20 feet. Both buildings have been designed to fit into the existing slope limiting the visual impact. Also these buildings are proposed behind the existing fellowship space and offices and will provide a transition in the view from Oracle Road, east to the Catalina's.

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- Color variation

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No mechanical equipment, refuse enclosures, appurtenances, or utilities will be visible from nearby residences or streets. Roof mounted equipment will be located below the parapet and roof access will be provided internal to the building.

The proposed refuse collection area will be enclosed within architecturally consistent screen walls designed to be consistent with the campus design.

RECOMMENDATION:

Based on a finding that the request is in conformance with architecture of the existing campus, the Design Principles and applicable Design Standards, it is recommended that the Conceptual Design Review Board take the following action:

Recommend approval to Town Council of the requested Conceptual Architecture.

SUGGESTED MOTIONS:

I move to recommend approval of the Conceptual Architecture finding that the request is in conformance with the Design Principles and applicable Design Standards.

OR

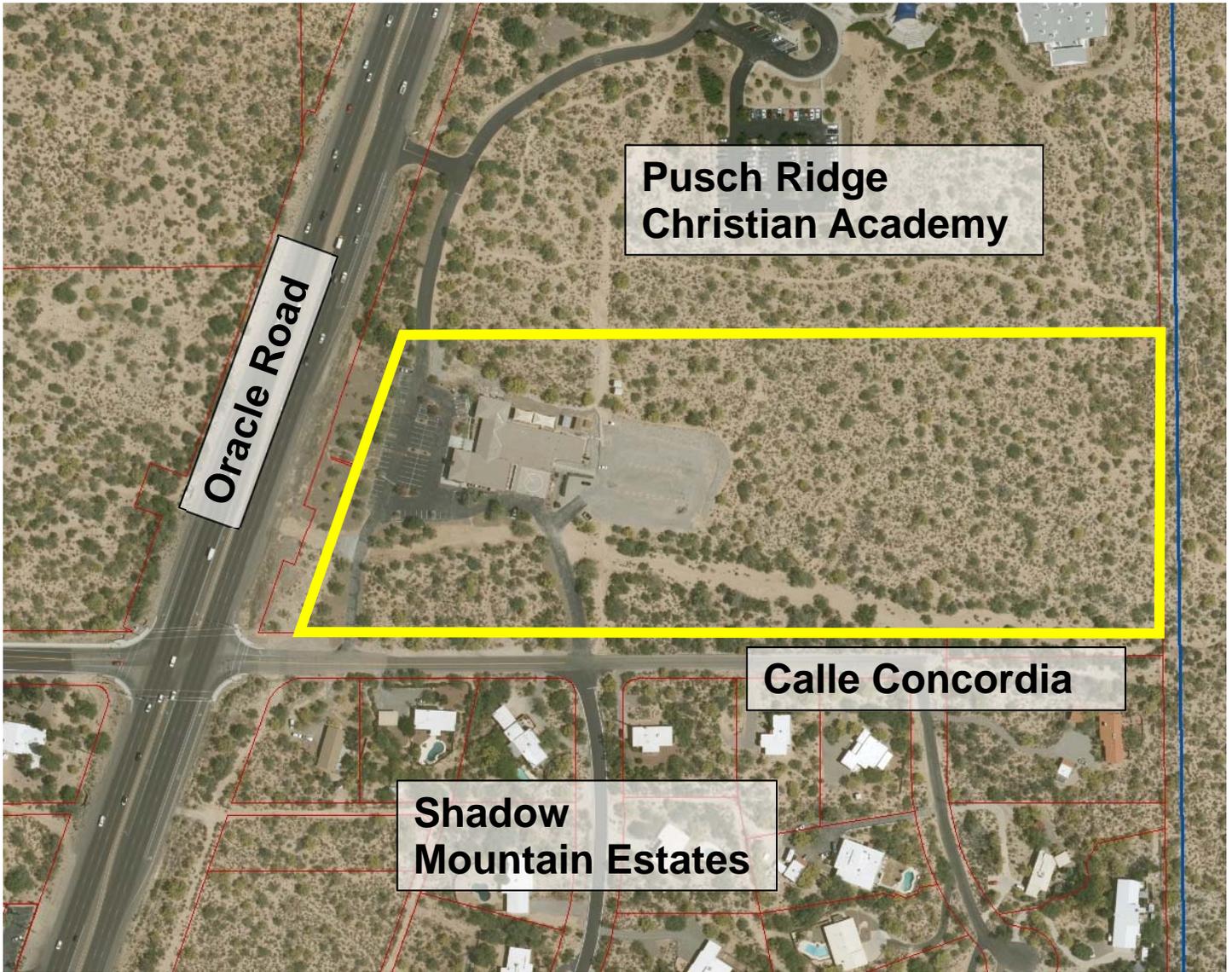
I move to recommend denial, finding that the request is not in conformance with the Design Principles and Design Standards, specifically, _____.

ATTACHMENTS:

1. Location Map
2. Applicant Submittal
3. Overall Site Plan
4. Photos of Existing Architecture



Bayer Vella, AICP Planning Manager



LOCATION MAP
CANYON DEL ORO BAPTIST CHURCH
(OV1601613)

Attachment 1



North side of Sanctuary, approaching Lobby



South elevation Sanctuary



East elevation of Sanctuary



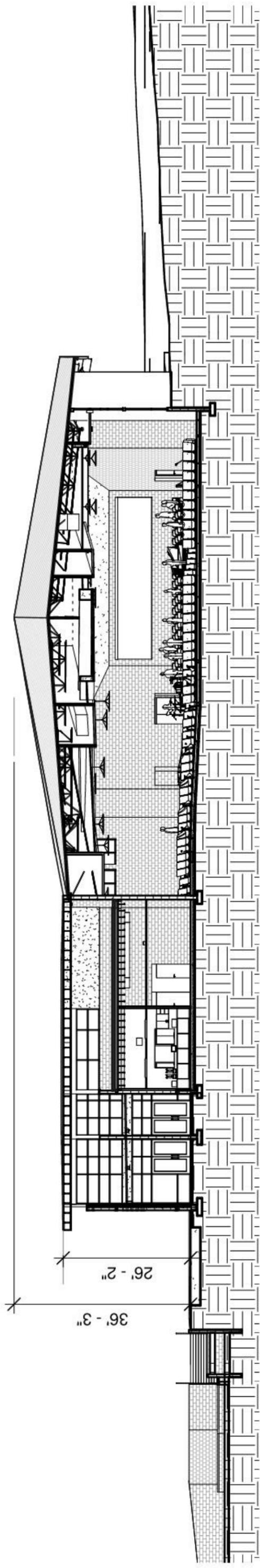
West elevations, existing campus, Student Center background



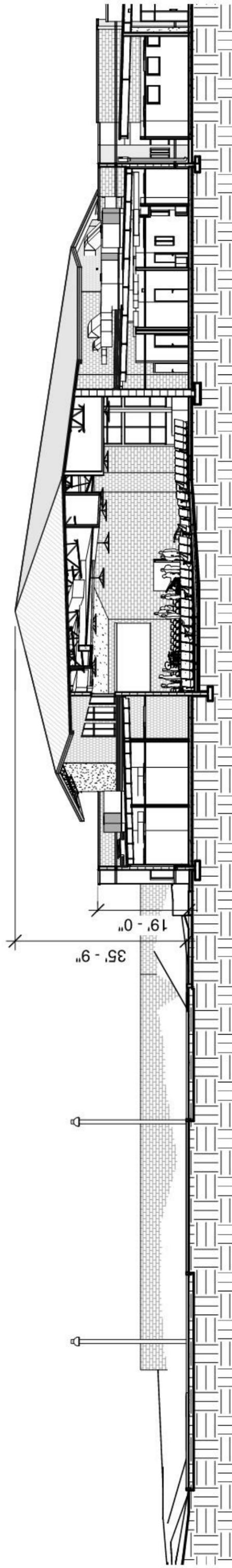
East elevation of Student Center



Southwest elevation of Student Center

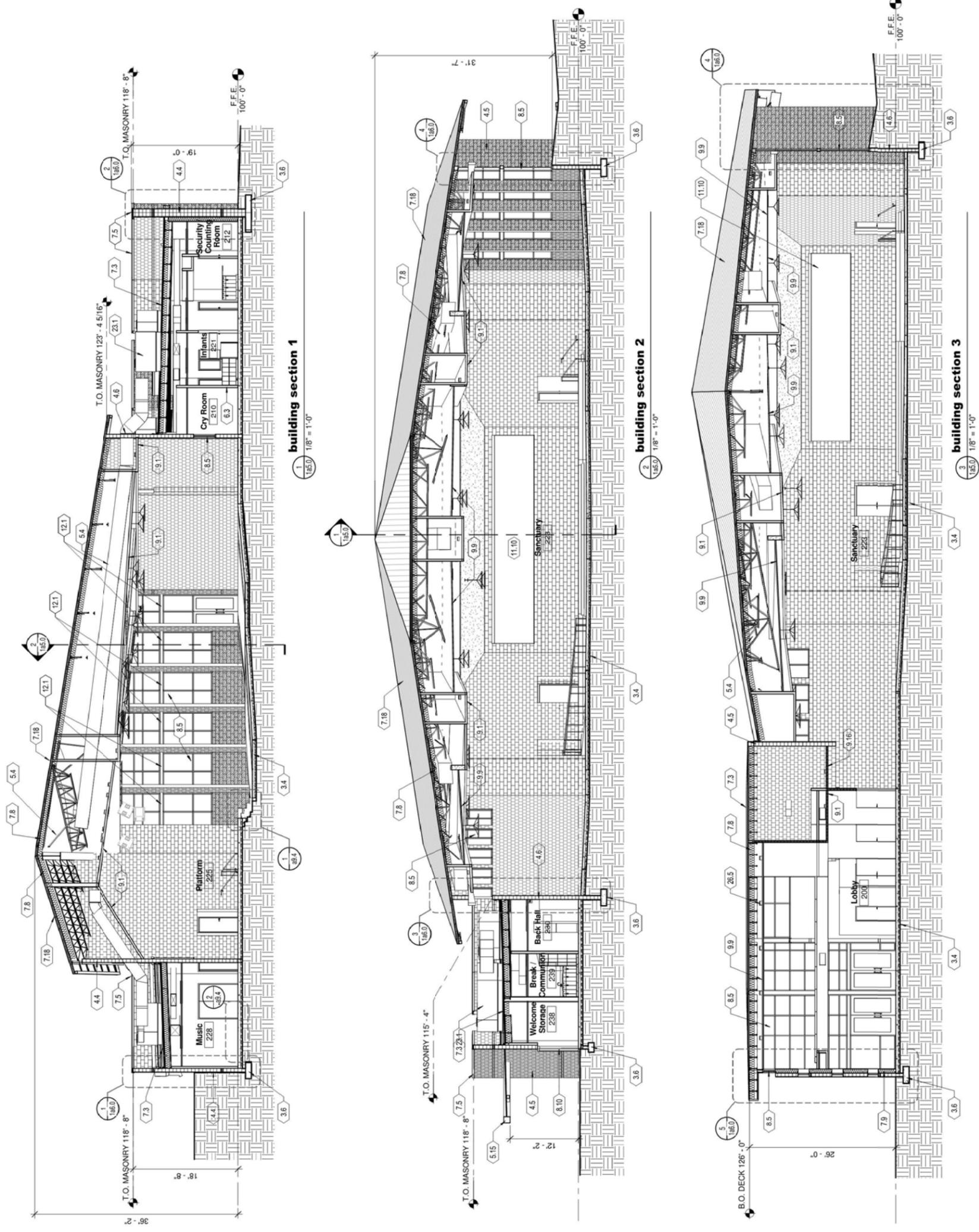


East - West Section



North - South Section

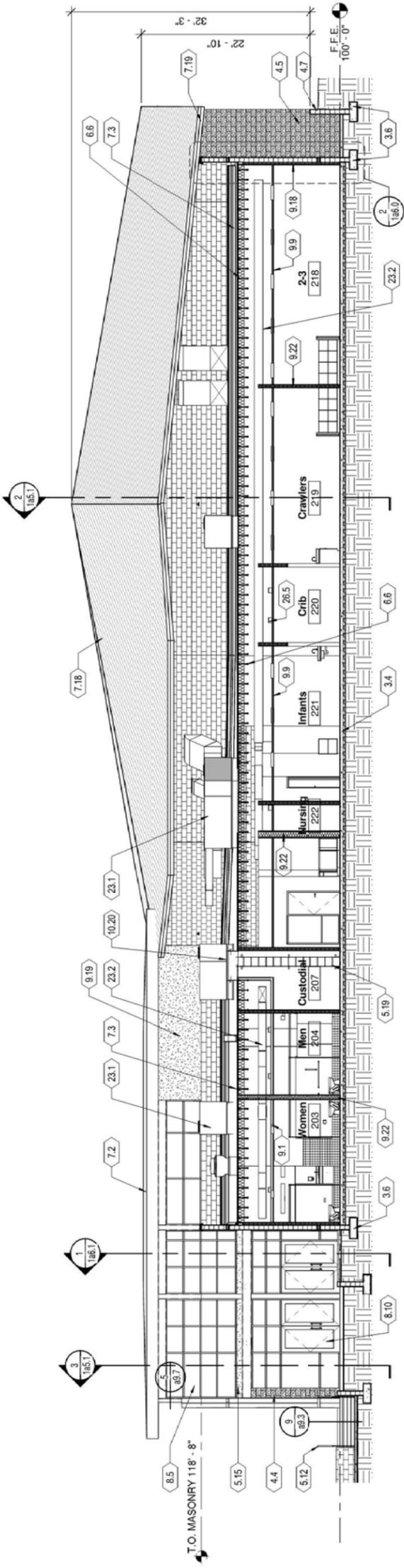
Site Sections

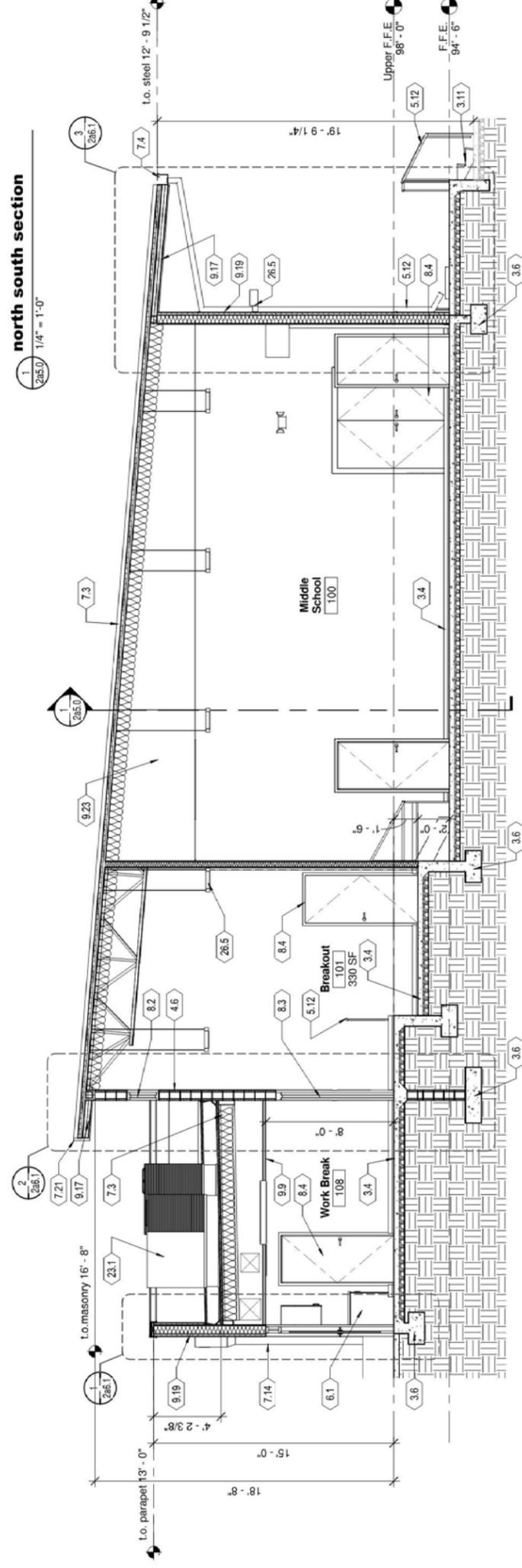
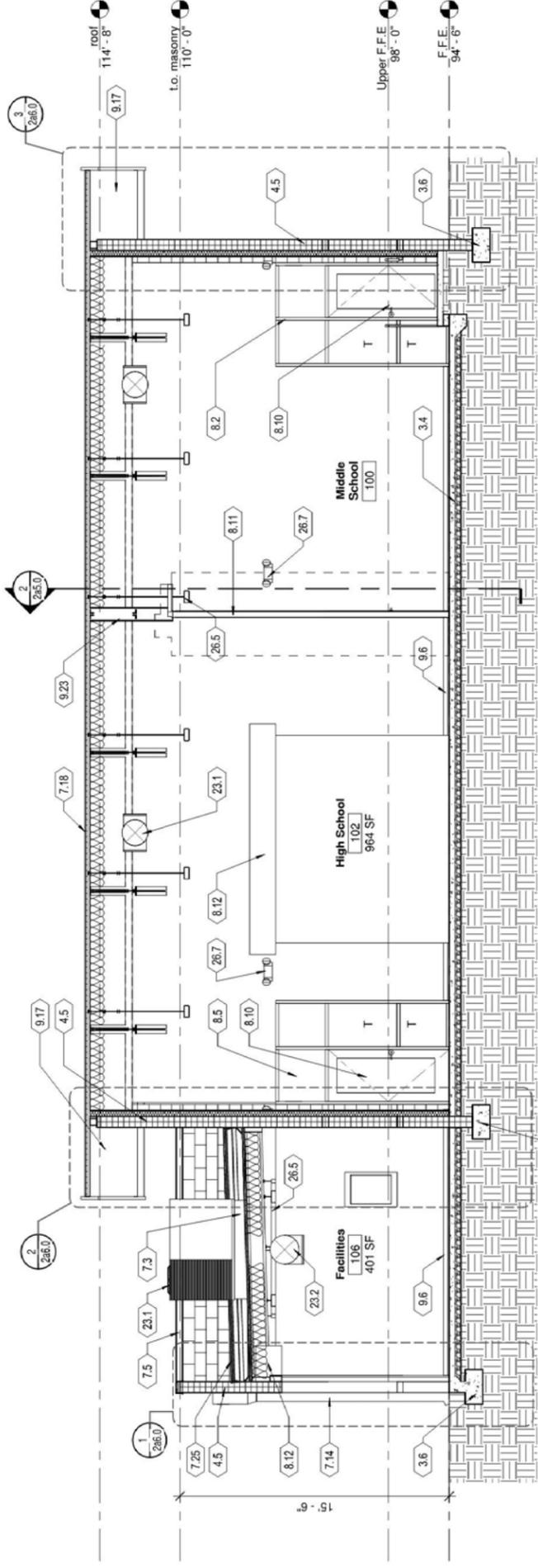


Building Sections - Sanctuary

Conceptual Architectural Review Submittal

07.18.16





north south section
1/4" = 1'-0"

Building Sections – Youth Building

Conceptual Architectural Review Submittal
07.18.16



View From Oracle Road to the Site



From Existing Parking of Site



From North West Corner of Existing Building

Site Photos

Conceptual Architectural Review Submittal

07.18.16



View Looking East Along New Parking



North East Corner of Existing Building
Looking to the Site



View Looking West From Existing Parking

Site Photos



From Existing Ramp Looking West



From Existing Ramp Looking East



From Oracle Road Looking East to the Site

Site Photos

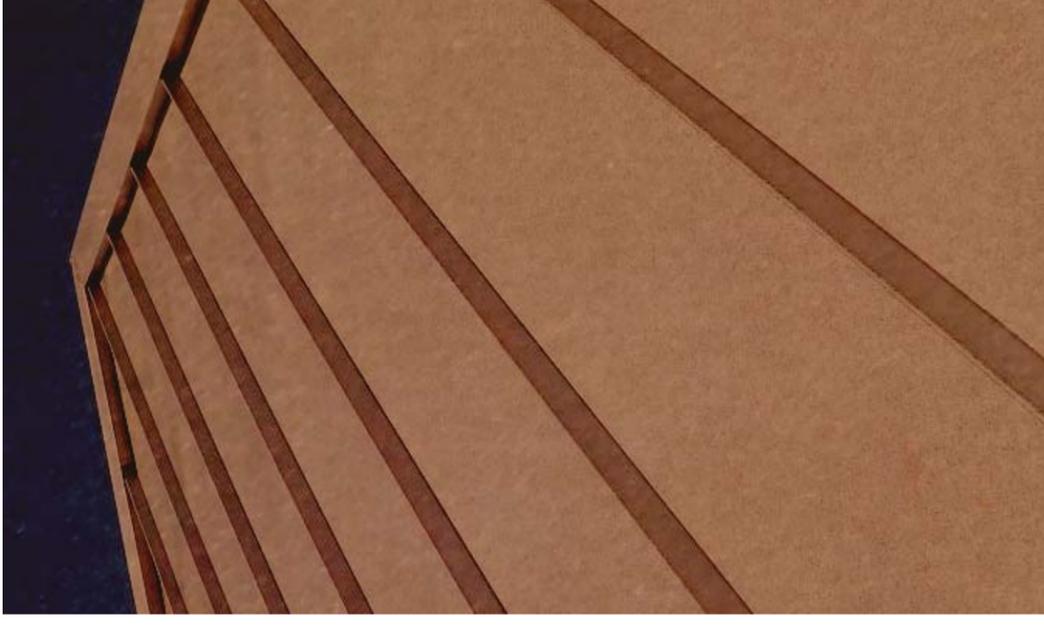


Concrete Masonry
Split face with bands of
standard block

Color and Materials Palette



Painted steel beams and trim



Prefinished metal roof
and flashing



EIFS Finish

- EXISTING
- PROPOSED FOR THIS PHASE
- PROPOSED FOR FUTURE PHASE

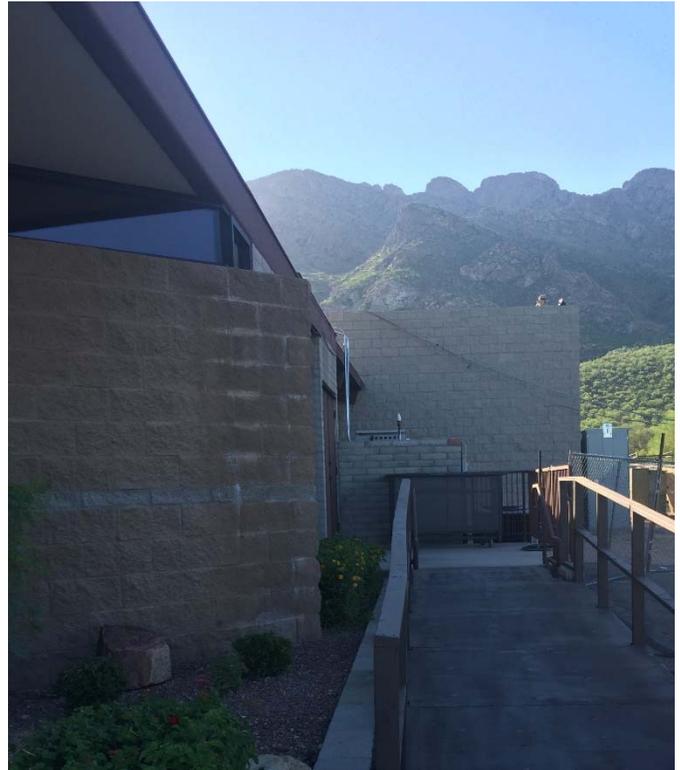


Site plan

7350 EAST SPEEDWAY 210
TUCSON, ARIZONA 85710
OFFICE (520) 326-3700
FAX (520) 326-1148
www.swaimaia.com

Conceptual Architectural Review Submittal

07.18.16



EXISTING ARCHITECTURE
CANYON DEL ORO BAPTIST CHURCH
(OV1601613)

Attachment 4

**ACTION MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
AUGUST 9, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chairman Eggerding called the August 9, 2016 Regular Session of the Oro Valley Conceptual Design Review Board meeting to order at 6:00 PM.

ROLL CALL

PRESENT: Dick Eggerding, Chair
Bruce Wyckoff, Vice Chair
Nathan Basken, Member
Sarah Chen, Member
Kit Donley, Member
Jacob Herrington, Member
Hal Linton, Member

ABSENT: None

ALSO PRESENT: Tobin Sidles, Director Legal Services

PLEDGE OF ALLEGIANCE

Chair Eggerding led the members of the Board and Audience in the Pledge of Allegiance

CALL TO AUDIENCE

There were no speaker requests.

COUNCIL LIAISON COMMENTS

There was no Council Liaison in attendance.

1. REVIEW AND/OR APPROVAL OF THE JULY 12, 2016 REGULAR SESSION MEETING MINUTES

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Nathan Basken, Member to approve the July 12, 2016 regular session meeting minutes.

MOTION carried, 7-0.

2. CONCEPTUAL MODEL HOME ARCHITECTURE FOR MATTAMY HOMES AT RANCHO VISTOSO PARCEL 5F LOCATED ON THE NORTHEAST CORNER OF MOORE ROAD AND RANCHO VISTOSO BOULEVARD, OV1315-11

Rosevelt Arellano, Senior Planner, provided a presentation that included the following:

- Purpose
- Site Location
- Approved Site Plan Location Map
- Building Cluster Diagram
- Desert Contemporary - Building Cluster No. 1
- Desert Contemporary
- Rustic Spanish - Building Cluster No. II
- Rustic Spanish
- Sonoran - Building Cluster No. III
- Sonoran
- Surrounding Homes
- Splendido
- Summary and Recommendation

Josh Robinson, Division President of Mattamy Homes, provided an overview of the project that included the following:

- Ridge View at Vistoso Trails
- Site Plan of property lines

Ryan Repucci, RAH Architect representative on behalf of Mattamy, provided a presentation that included the following:

- Floor Plan Diagram
- Sample Block Shift Plans
- Desert Contemporary Floor Plan
- Color Package Desert Contemporary
- Sonoran Color Package
- Rustic Spanish
- Plan 2 Desert Contemporary
- Plan 2 - Side Elevation
- Plan 3 - Desert Contemporary
- Plan 2 - Sonoran Elevation
- Plan 4 - Sonoran Elevation
- Plan 5 - Casita - Sonoran Elevation

- Plan 5 Casita - Side Elevation
- Plan 5 Casita Elevation
- Plan 6 Side Elevation
- Diversity of Material and color palette
- Elevation type with garage door
- Color Packages
- Material Palette

Chairman Eggerding opened the Public Hearing.

There were no speaker requests.

Chairman Eggerding closed the Public Hearing.

MOTION: A motion was made by Nathan Basken, Member and seconded by Jacob Herrington, Member to approve the Conceptual Model Home Architecture (Plans 1 through 6) for the Rancho Vistoso Parcel 5F subdivision as provided within Attachment 1, based on the findings that the request complies with the Design Principles and Design Standards in the Zoning Code.

MOTION carried, 7-0.

3. DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR CONCEPTUAL ARCHITECTURE FOR THE CANYON DEL ORO BAPTIST CHURCH EXPANSION, LOCATED AT 9200 N ORACLE ROAD, ON THE NORTHEAST CORNER OF ORACLE ROAD AND CALLE CONCORDIA, OV16001613

Chad Daines, Principal Planner, provided a presentation that included the following:

- Purpose
- Location Map
- Site Plan Diagram
- Proposed Architecture - Sanctuary
- Proposed Building Height - Sanctuary
- Proposed Architecture - Youth Building
- Existing Campus
- Pusch Ridge Christian Academy
- Single Family Homes
- Recommendation

Ed Marley, Architect, Swaim Associates, representing the applicant, provided a presentation that included the following:

- CDO Baptist Sanctuary and Youth Building Additions Conceptual Architectural Review Submittal
- Site Plan

- North Elevation
- Entry into Sanctuary
- East Elevation of Sanctuary
- West Elevation of Existing Campus
- East Elevation of Student Center
- Southwest Elevation of Student Center
- Site Sections
- Building Sections - Sanctuary
- Building Sections - Youth
- Site Photos
- Color and Materials Palette

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Sarah Chen, Member to recommend approval of the Conceptual Architecture finding that the request is in conformance with the Design Principles and applicable Design Standards and to allow an increase in height for the sanctuary building to 36 feet.

MOTION carried, 7-0.

Mr. Sidles noted for the record that there were no speaker requests for this item.

4. DISCUSSION AND POSSIBLE ACTION FOR A REVISION TO THE MASTER SIGN PROGRAM AT THE ROONEY RANCH CENTER INCLUDING THE FRY'S GROCERY AND FUEL CENTER, LOCATED AT 10661 N. ORACLE ROAD. THE REVISION IS TO ALLOW ELECTRONIC CHANGEABLE COPY SIGNS FOR FUEL PRICING, OV1601741

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Location
- Master Sign Program
- History
- Proposed Revision
- Additional Monument Sign
- General Plan
- Summary and Recommendation

Andy Gibson, President of Bootz & Duke Signs, representing the applicant, provided a presentation that included the following:

- Proposed Revision
- Gave a brief history of the master sign program for Rooney Ranch, Parcel D

MOTION: A motion was made by Sarah Chen, Member and seconded by Bruce Wyckoff, Vice Chair to recommend approval of the revised Master Sign Program for the Rooney Ranch Center allowing electronic changeable copy and the additional monument sign based on the finding that the request is consistent with the Design Principles and Design Standards.

MOTION carried, 6-0.

5. DISCUSSION AND POSSIBLE ACTION FOR A REVISION TO THE SIGN CRITERIA FOR THE MAGEE PLAZA LOCATED AT 8085 N. ORACLE ROAD. THE REVISION IS TO EXPAND THE COLOR PALETTE AND SIGN DESIGN FOR THE DEVELOPMENT, OV1601513

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Location
- Sign Criteria
- Proposed Revision
- Additional Building Elevations
- General Plan
- Summary and Recommendation

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Jacob Herrington, Member to recommend approval of the Magee Plaza Sign Criteria based on the finding that the proposed revised Sign Criteria is consistent with the Design Principles.

MOTION carried, 7-0.

6. PRESENTATION AND DISCUSSION ON PROPOSED ARCHITECTURE FOR THE NAKOMA SKY SENIOR CARE FACILITY, PLANNED FOR THE 77 ACRES AT THE SOUTHEAST CORNER, NARANJA DRIVE AND 1ST AVENUE, OV1601351

Chad Daines, Principal Planner, provided a presentation that included the following:

- Purpose
- Location
- Project Timeline
- Tentative Development Plan
- Rezoning - Architectural Concept
- Architectural Rezoning Conditions
- Architectural Concept Image
- View Impacts
- Building Height Step Downs

- Building Height Step downs in elevation
- Varied Roof and Wall Planes
- Varied Roof and Building Materials
- Landscaped Terraces
- Muted Earth Tone Colors
- Parking Garage
- Summary

Board Member Chen, questioned drainage to the property which included flood plain concerns.

David Laws, Permitting Manager, addressed Member Chen's drainage and flood plain concerns.

Board Member Herrington questioned the number of traffic entrances which would include emergency vehicle entrances.

David Laws, Permitting Manager, addressed Board Member Herrington's question regarding traffic entrances versus the amount of units.

Lisa Israel, CEO and President of La Posada Retirement Community, provided a presentation that included the following:

- Nakoma Sky Introduction
- Provided a brief history on La Posada in Green Valley and the future of Nakoma Sky
- The benefits to Oro Valley
- Future clientele for the proposed project
- Project Timeline and Key Dates
- Summary

Gary Koener, President, Three Living Architects, provided a presentation that included the following:

- Site Map
- Project section / Building Elevation C
- Project Materials
- View from Southeast - Perspective A
- Arial View from Southeast Perspective B
- View of Residential Units at Ends of Wings - Perspective C
- View of Residential Units at the End of Central Wings - Perspective D
- View of Village and Commons - Perspective E
- View of Arrival Court - Perspective F
- View of Five Story Residential Building - Perspective G
- View of Indoor Pool Building and Courtyard - Perspective H
- Underground Garage

- View of West Garage Building - Perspective J
- Art Expression Building

PLANNING UPDATE (INFORMATIONAL ONLY)

Michael Spaeth, Senior Planner, presented the Planning Update:

- September 13th Conceptual Design Review Board Meeting, three upcoming items.
- September 7 Town Council Meeting six upcoming items.
- August 25 Upcoming Neighborhood Meeting regarding the PAD Amendment and Conceptual Site Plan for a mini storage facility at Steam Pump Ranch.

ADJOURNMENT

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Hal Linton, Member to adjourn the Conceptual Design Review Board at 8:22 pm.

MOTION carried, 7-0.



Town Council Regular Session

Item # J.

Meeting Date: 09/07/2016

Requested by: Stacey Lemos

Submitted By: Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

Resolution No. (R)16-39, authorizing and approving modifications to an Intergovernmental Agreement between the Arizona Department of Revenue and the Town of Oro Valley regarding administration of taxes imposed by the state, cities or towns

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This item requests approval of modifications to the Intergovernmental Agreement (IGA) originally approved by Town Council on June 17, 2015, between the Town of Oro Valley and the Arizona Department of Revenue (ADOR) related to the administration and collection of transaction privilege taxes for cities and towns, including the Town of Oro Valley. The recommended modifications serve to clarify and streamline some aspects of tax collection, as well as provide more municipal input into responding to taxpayer written requests for rulings on the Model City Tax Code.

BACKGROUND OR DETAILED INFORMATION:

In June 2015, the Town approved a new IGA with the ADOR. The adoption of a new IGA was necessary to conform with changes required by uniform tax administration as governed by A.R.S. 42-6001. Specifically, these changes were caused by simplification language included in House Bill 2111 and House Bill 2389 in 2014. The term of the new IGA was from July 1, 2015, through June 30, 2016, with automatic renewals each year. Either party has the right to reopen and renegotiate the terms according to provisions within the agreement.

In July 2016, the Town received a list of modifications to the IGA through the League of Arizona Cities and Towns. Several issues were presented over the course of the past year that needed to be addressed in the IGA. The review process was initiated by the ADOR working with the League of Arizona Cities and Towns and key city and town representatives. If approved, these modifications would be effective from and after July

1, 2016, and would automatically renew each year.

A summary of the changes to the IGA is attached to this Council item as back up material.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R)16-39, approving modifications to an intergovernmental agreement between the Arizona Department of Revenue and the Town of Oro Valley regarding administration of taxes imposed by the state, cities or towns.

or

I MOVE...

Attachments

(R)16-39 ADOR IGA Amendments

Exhibit A IGA Modification

Summary of ADOR IGA Changes

RESOLUTION NO. (R)16-39

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A MODIFICATION TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF REVENUE AND THE TOWN OF ORO VALLEY REGARDING ADMINISTRATION OF TAXES IMPOSED BY THE STATE, CITIES OR TOWNS

WHEREAS, the Town of Oro Valley, is a municipal corporation within the State of Arizona, and pursuant to A.R.S. § 11-952, the Town Council is authorized to enter into Intergovernmental Agreements; and

WHEREAS, pursuant to A.R.S. § 42-6001, et. seq., the Department of Revenue may collect and administer any transaction privilege license tax or use tax imposed by any city or town; and

WHEREAS, pursuant to A.R.S. § 42.6001, et. seq., the Department of Revenue provides for uniform method of administration, collection, audit and licensing of transaction privilege and affiliated excise taxes imposed by the State, cities or towns; and

WHEREAS, the Modification to Intergovernmental Agreement between the State of Arizona and the Town of Oro Valley incorporated five agreed upon changes into the existing intergovernmental agreement which relates to the collection of the city/town transaction privilege tax.

WHEREAS, the Town wishes to enter into this Modification to Intergovernmental Agreement, attached hereto as Exhibit "A", with the Department of Revenue regarding the administration of taxes imposed by the state, cities or towns;

WHEREAS, it is in the best interest of the Town to enter into the Modification to Intergovernmental Agreement and that the Mayor and Council of the Town of Oro Valley, authorize and approve the Modification to Intergovernmental Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Modification to Intergovernmental Agreement, attached hereto as Exhibit "A" between the Arizona Department of Revenue and the Town regarding the administration of taxes imposed by the state, cities or towns is hereby authorized and approved.

BE IT FURTHER RESOLVED that the Mayor and any other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the terms of the Modification to Intergovernmental Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 7th day of September, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

ATTEST:

Michael Standish, Town Clerk

Date

Date

EXHIBIT A

MODIFICATION TO INTERGOVERNMENTAL AGREEMENT

**MODIFICATION TO INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA AND CITY/TOWN**

WHEREAS, The Arizona Department of Revenue, hereinafter referred to as Department of Revenue and City/Town of Oro Valley, hereinafter referred to as City/Town, have entered into an Intergovernmental Agreement regarding the administration of taxes imposed by the State or City/Town dated June 17, 2015, hereinafter referred to as the IGA, and

WHEREAS, the Department of Revenue and the City/Town intend to continue with the IGA for an additional one year term in order to determine whether the general terms of the IGA meet the parties' needs, with the exception of the modifications set forth below.

The parties agree to modify the IGA as follows effective July 1, 2016:

1. Add the following new subsection to Section 9, Collection of Municipal Taxes:

9.6 Adjustments to Reported Taxes: If the Department of Revenue determines that a payment remitted by a taxpayer incorrectly identifies the city or town to which the payment should be made, the Department of Revenue may temporarily hold the payment until the distribution of the payment is corrected so that the appropriate city or town receives the payment.

2. Add the following new subsection to Section 9, Collection of Municipal Taxes:

9.7 Taxpayer Rulings and Uniformity: Recognizing taxpayer written requests for interpretation of the statutes and/or the Model City Tax Code, as well as guidance regarding uniform application and interpretation of the statutes and the Model City Tax Code impact all taxing jurisdictions, and further recognizing responsibility for such rulings and interpretation of the Model City Tax Code had previously been the sole domain of the municipalities, the Department shall include at least two representatives of the municipalities as regular members of any group established to respond to such taxpayer ruling requests and to issue such uniform interpretations and guidance promulgated by the Department. Participation by the two representatives of the municipalities on any such group is limited to instances when there is an issue raised that solely involves the Model City Tax Code and/or presents an issue of first impression, including requests for private taxpayer rulings. The municipal representatives may also be consulted by the Department on information letters, or when issuing statements of general guidance. Written requests involving common questions or issues that have previously been addressed, whether unique to the Model City Tax Code or not, may be handled in the regular course of Department processes without consulting the representatives of the municipalities.

3. Amend Section 10, Financing Collection of Taxes as follows:

10. Financing Collection of Taxes.

The costs incurred by the Department in administering this Agreement shall be financed through the State general fund appropriation to the Department. This provision does not relieve City/Town of any financial obligation imposed by statute.

4. Amend subsection 28.1 of Section 28, Duration, relating to automatic renewal of the agreement as follows:

28.1 The term of this Agreement shall be from July 1 through June 30 of each year. This Agreement shall automatically be renewed for successive one year terms thereafter unless either party shall terminate this Agreement by notice, in writing, no later than sixty calendar days prior to the expiration of the term then in effect. Any agreed upon modifications to the terms and conditions of this agreement shall be incorporated to be effective during the term identified by the review committee provided for in section 28.5.

5. Amend subsection 28.5 of Section 28, Duration, relating to annual review of the agreement as follows:

28.5 During the term of this Agreement, the terms and conditions of this Agreement will undergo an annual review to be initiated no later than June 1st of each year. The review will be performed by a committee made up of equal parts representatives of the Department and representatives of the municipal taxing jurisdictions entering into an IGA with the Department for the administration and collection of Municipal Taxes.

Signature Authority.

By signing below, the signer certifies that he or she has the authority to enter into this Agreement and has read the foregoing and agrees to accept the provisions herein. This modification may be executed in counterparts.

Signature	Date	Signature	Date
Typed Name and Title		Typed Name and Title	
Entity Name		Entity Name	

RESERVED FOR THE ATTORNEY GENERAL:	RESERVED FOR CITY/TOWN ATTORNEY:
<p>Attorney General no. _____, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Arizona Department of Revenue represented by the Attorney General.</p> <p style="text-align: center;">MARK BRNOVICH The Attorney General</p> <hr/> <p style="text-align: center;">Signature Assistant Attorney General</p> <p>Date: _____</p>	<p>APPROVED AS TO FORM AND AUTHORITY:</p> <p>BY: _____ CITY/TOWN ATTORNEY</p> <p>Date: _____</p>

SUMMARY OF CHANGES TO THE IGA FOR TRANSACTION PRIVILEGE TAX COLLECTION BY THE ARIZONA DEPARTMENT OF REVENUE

The attached “Modification to Intergovernmental Agreement Between the State of Arizona And City/Town” incorporates five agreed upon changes into the existing intergovernmental agreement between the city/town and the Department related to the collection of the city/town transaction privilege tax. Below is a summary of the intent and impact of each change by section.

1) 9.6 Adjustments to Reported Taxes

The addition of this new section addresses an issue that came up during the past year. In some cases, the Department knew there was an error by the taxpayer in identifying which city or town was supposed to receive the tax, but there was no mechanism allowing them to hold the distribution while the error was being corrected. As a result there were instances when the DOR had to send funds to a city or town knowing it was incorrect, only to pull those funds back in a subsequent distribution after the error had been resolved. This change allows the Department to avoid these incorrect distributions and recoveries when they are aware of a problem from the outset.

2) 9.7 Taxpayer Rulings and Uniformity

The addition of this new section provides for municipal input in the drafting of rulings and interpretations that impact the Model City Tax Code, including interpretations of State statute that flow through to the MCTC because the Model language matches the State language. Under current statute, the DOR is responsible for addressing all taxpayer written requests for rulings, even when the question is based on the Model City Tax Code. This section allows the cities to have some influence over issues raised by taxpayers that have a direct impact on local tax imposition and interpretation, without disrupting the normal course of business within the Department on routine matters.

3) 10. Financing Collection of Taxes

This section is being amended by adding the second sentence. This addition recognizes that the cities and towns have agreed to a statutory financial obligation to contribute to the State for the operation of the DOR, and this obligation is not in conflict with the Department’s TPT collection and administration efforts being financed through the State general fund appropriation.

4) 28.1 (relating to automatic annual renewal of the agreement)

This section has been changed to remove the specific years in the original document, so this section will not need to be changed annually. Also, this section added a provision stating any agreed upon changes that arise from the annual review in Section 28.5 are retroactive to July 1st of each year. The agreement automatically renews without any action unless there are modifications agreed upon in any given year, and if so, you only need to adopt the modifications.

5) 28.5 (relating to annual review of the IGA)

This section has been changed to state the review period begins on June 1st, rather than requiring the review being completed by March 1st. The March 1st deadline was simply unrealistic given the legislative session responsibilities of many of the typical reviewers.



Town Council Regular Session

Item # 1.

Meeting Date: 09/07/2016

Requested by: Bayer Vella

Submitted By: Rosevelt Arellano
Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED COMMUNICATIONS FACILITY (CELL TOWER ON A LIGHT POLE) ON THE CANYON DEL ORO HIGH SCHOOL GROUNDS, LOCATED AT 25 W. CALLE CONCORDIA

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) has recommended approval.

EXECUTIVE SUMMARY:

The purpose of this request is to consider the placement of a proposed cell tower adjacent to a Canyon del Oro High School sports field, located at 25 W. Calle Concordia. If approved, it will be installed on a replacement light pole on the east side of the football field and near the southern goal line. A location map is provided as Attachment 1.

The applicant proposes to replace an existing light pole with a slightly lower pole (from 81' and 4" to 80'), mount cellular antenna arrays below the stadium lights, and install a canister (or shroud) around several antenna arrays (Attachment 2).

The proposed cell tower was considered by the CDRB on July 12, 2016, which recommended approval based on the finding that the proposed cell tower blends in with other tall vertical elements (e.g. cell tower, two dozen-plus light poles, school buildings, etc.) found on the property and the adjacent park.

BACKGROUND OR DETAILED INFORMATION:

Land Use Context

The existing zoning and land uses for the property and the surrounding area are provided in Attachments 1 and 3.

Site Conditions

- Site is 38.53 acres
- Property contains an existing cell tower and several athletic fields with approximately 36 stadium lights

Approvals to Date

- Canyon del Oro High School built in 1964
- Existing cell tower built in 2004

Proposed Cell Tower Design

The proposed improvements include:

- Replacing an existing light pole with a slightly lower pole (from 81' and 4" to 80')
- Mounting antenna arrays below existing stadium lights
- Installing a canister or shroud around several antenna arrays
- Painting the canister to match surrounding stadium light poles
- Ground equipment enclosed by a block wall

Zoning Conformance

The proposed cell tower meets the Tier II Minor Communication Facility requirements of the Zoning Code. The code requires that the applicant incorporate methods to reduce visual impacts, which has been accomplished by slimmer antenna arrays, adding and painting a canister to match the surrounding stadium light poles, and reducing the existing light pole height. A detailed analysis is provided in the CDRB staff report (Attachment 4).

Compatibility

The proposed cell tower is compatible with the surrounding area because it blends in with other tall vertical elements (e.g. stadium lights and cell tower) found on the property and the adjacent park. A map and photos of the vertical elements are included as Attachment 5.

It is important to note that the proposed cell tower has a low visibility from the surrounding homes. The reason is due to the site being at least 1,000 ft. away from the nearest home and the extent of vegetation and buildings screening the proposed tower. Photo simulations of the proposed cell tower are provided in Attachment 2 and photos of the existing site (stadium light pole) are provided in Attachment 6.

General Plan Conformance

The proposed cell tower has been reviewed and conforms with all applicable General Plan Policies, which focus on reducing the visual impacts. The proposed cell tower will have a minimal impact on the existing views because it will be installed on a replacement light pole and is surrounded by other tall vertical elements (e.g. cell tower,

stadium light poles and tall buildings). It is important to note that most of the surrounding homes are located to the north and south of the site, and the view of the Catalina Mountains is to the east and away from the site.

Public Participation

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

- Residents within 600' feet and beyond
- Posting at Town Hall
- All registered HOAs

Two neighborhood meetings were held, the first on May 16, 2016, with approximately seven residents, and the second meeting on June 21, 2016, with one resident in attendance. The main topics discussed at the meetings included public health concerns and improving the aesthetics of the proposed cell tower. The neighborhood meeting summary notes and a letter of objection are provided as Attachments 7 and 8, respectively..

Conceptual Design Review Board

The proposed cell tower was considered by the CDRB on July 12, 2016. The topics discussed at the meeting focused on:

- Cell tower design: The CDRB did not have any objections to the proposed cell tower design, which included a slightly lower light pole, cellular antenna arrays installed below the stadium lights, and a canister around the proposed antenna arrays.
- Public health: During the Call to the Audience, a resident expressed concern about potential health impacts to students and neighboring property owners. The CDRB was informed that federal law prohibits local municipalities from denying wireless communication facilities based on perceived public health concerns.

At the conclusion of the meeting, the CDRB recommended approval based on the finding that the proposed cell tower design blends in with other tall vertical elements (e.g. cell tower, two dozen-plus light poles, school buildings, etc.) found in the school and the adjacent park. The CDRB staff report and meeting minutes are provided as Attachments 4 and 9, respectively.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the proposed communication facility at Canyon del Oro High School, finding that the request is compatible with the surrounding area and meets the applicable zoning provisions.

OR

I MOVE to deny the proposed communication facility at Canyon del Oro High School,

based on

Attachments

Attachment 1 - Location Map

Attachment 2 - Application

Attachment 3 - Zoning Map

Attachment 4 - CDRB Staff Report

Attachment 5 - Map and Photos of Existing Vertical Elements

Attachment 6 - Photos of Proposed Site

Attachment 7 - Neighborhood Meeting Summary

Attachment 8 - Letter of Objection

Attachment 9 - CDRB Meeting Minutes



LOCATION MAP
VERIZON CELL TOWER (OV1600636)

NARRATIVE REPORT

PROJECT NAME: TUC Concordia

APPLICANT: Pinnacle Consulting, Inc. on behalf of Verizon Wireless

REQUEST: WIRELESS COMMUNICATIONS FACILITY

25 W Calle Concordia, Oro Valley, AZ, 85704

APN# 225-11-2660- 38.7 Acres/1,687,614SF



Michelle Lamoureux
1426 N. Marvin Street, #101
Gilbert, AZ 85233
michelle.lamoureux@pinnacleco.net
480-664-9588 Ext 230

Purpose of the Request

This report is intended to provide further clarification for the location of a new Verizon Wireless Communications Facility (WCF) at 25 W Calle Concordia, Oro Valley, AZ, 85704.

Project Background and Description

Verizon Wireless is proposing a new Wireless Communication Facility to enhance voice service and data speeds for areas surrounding Oracle Road and East Calle Concordia. The site will enhance wireless coverage and increase network capacity in an area experiencing deficiencies and high traffic. The site has been designed to reduce the visual impact.

Verizon has a long, successful history of partnering with communities and school districts across Arizona. Integrity is at the heart of everything Verizon does and they understand being a responsible member of the community. Part of their mission statement is "Great companies are judged by what they do, not by what they say. To be the best, we're going to keep pushing ourselves in new and exciting directions. These values guide our every action." A partnership between Verizon and Amphitheater Public Schools would be mutually beneficial to both parties.

Description of Proposal

This project consists of an unmanned WCF. Verizon proposes replacing an existing 81'4" ball field light with a reinforced ball field light that is 80' in height. The antennas would be mounted at a split 65' and 55' centerline and the top of the lights would be at 78' 9". There will be three (3) sectors with two (2) antennas per sector per centerline, the entire antenna array will be shrouded in a stealth canister in accordance with Oro Valley's zoning code. The antenna's casing will be designed to match the existing structural feature of the ball field light. The proposed lease area of 22' x 31' with a 9'4" CMU screen wall, textured to match existing structures across the football field. Verizon's equipment will be concealed inside the CMU wall.

There is an existing WCF located on the parcel to the west. The existing light pole does not allow for co-locations due to its design.

In keeping with Oro Valley Zoning Code Verizon chose this site and location with the intent to "preserve the existing character of the surrounding community, buildings, land uses and zoning district." The project will not be increasing the height of the existing light, the pole will not increase in diameter more than 60%, the antennas will be shrouded and the shroud will be painted to match the pole color and all ground equipment will be enclosed behind a CMU wall.

Relationship To Surrounding Properties

The parent parcel is zoned OV/high school and is currently Canyon Del Oro High School. All properties surrounding the subject parcel are zoned OV as well. The ball field light is setback 464' from the north property line, 8' to the east property line, 815' to the south and 1313' to the west.

Location and Accessibility/Circulation System

Ingress and egress to the wireless communication facility will be primarily by paved roads via public Right of Way (ROW). Access will be direct from an existing paved road off of Calle Concordia to the WCF.

The school has adequate parking spaces near the facility which is proposed to be used as technician parking. A Verizon Wireless technician will service the site approximately once per month for routine maintenance and repairs. Because of the existing parking, proximity to the site and site location/application, an additional designated space for technician parking should not be required, per 25.F.2.d.iv.b

Hours of Operation

The proposed site will operate 24 hours a day, 7 days a week with no personnel onsite. The site will be connected to and monitored by a central switching center.

Development Phasing

A typical site of this nature has a four to six week construction schedule.

Community Facilities/Public Utilities and Services

TEP will be the service provider. Fiber to the site will be provided by the local provider. Necessary telephone and electrical services will be run underground in existing and proposed utility easements. The site does not require any potable water and does not generate any wastewater or solid waste.

Noise, Light, Nuisances, And Other Environmental Considerations

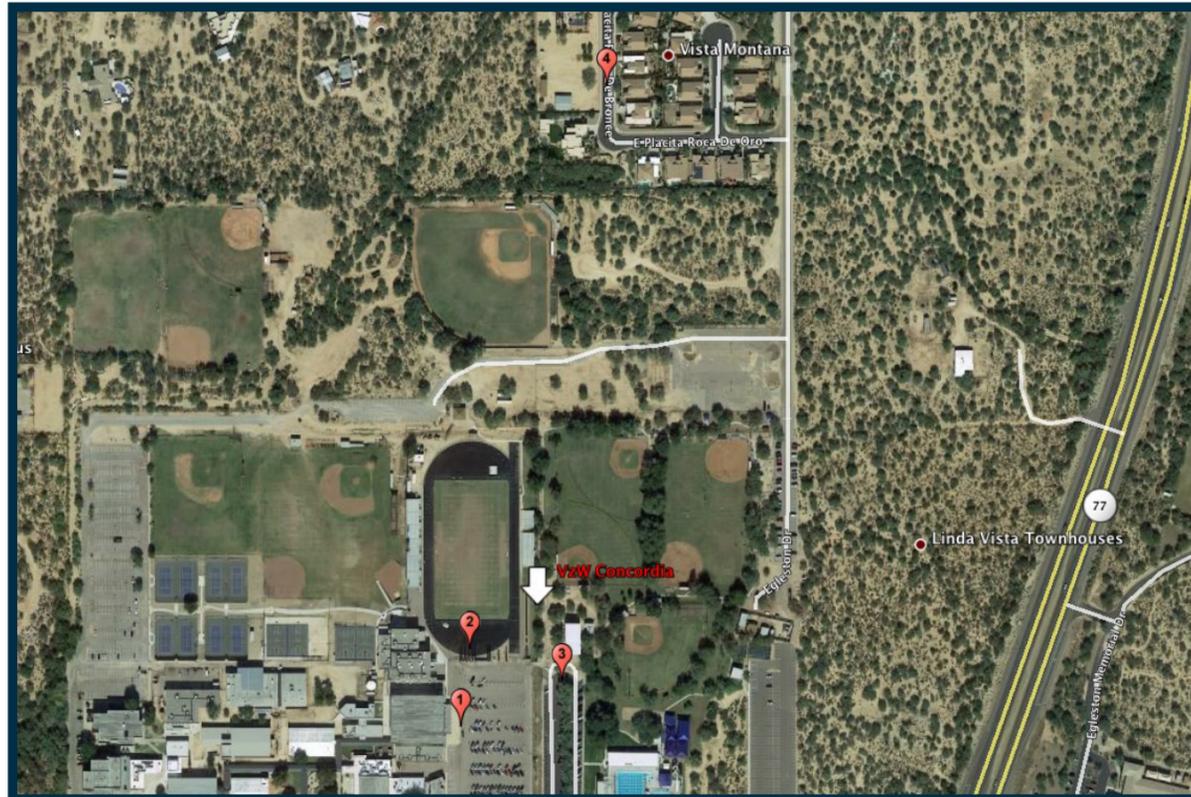
The proposed WCF will not use any water or generate any wastewater or solid waste. Tech lighting has full cut off fixtures on a four hour timer will be on site for maintenance and should only turn on during periodic servicing (approximately once per month, 20 minute duration). The proposed facility will not generate any noxious odors, sounds, and vibrations are limited to small cooling fans within the equipment cabinets.

Neighborhood Impact

The proposed facility's impact on the surrounding neighborhood will be minimal because existing verticality is being utilized to house the antennas. The facility is designed to be architecturally compatible to the areas surroundings. Also, the facility is being placed in close proximity to one other WCF owned by another carrier. This facility will afford local residents and students enhanced service, including full utilization of their handheld device's capabilities, fewer dropped calls more accurate locating abilities for first responders, and more reliable access to emergency services.

Summery

Verizon Wireless has done the best job possible to comply with the Town of Oro Valley Zoning and Ordinances while increasing service to the residents of Oro Valley. The replacement ball field light will not be increased over the 80' restriction set by the town. All antennas will be mounted to the pole and will employ the use of camouflaging with the stealth application of a canister, the canister will be painted to match the green of the light pole. The accompanying equipment facility will be built and painted to match the surrounding structures at the school. Lastly, Verizon will work to preserve existing landscape and any disturbed landscape will be replanted as required.



Location Map



Proposed

Notes: Looking north east at proposed project from adjacent parking area



Existing

Applicant

Verizon Wireless

126 W. Gemini Drive
Tempe, AZ 85283

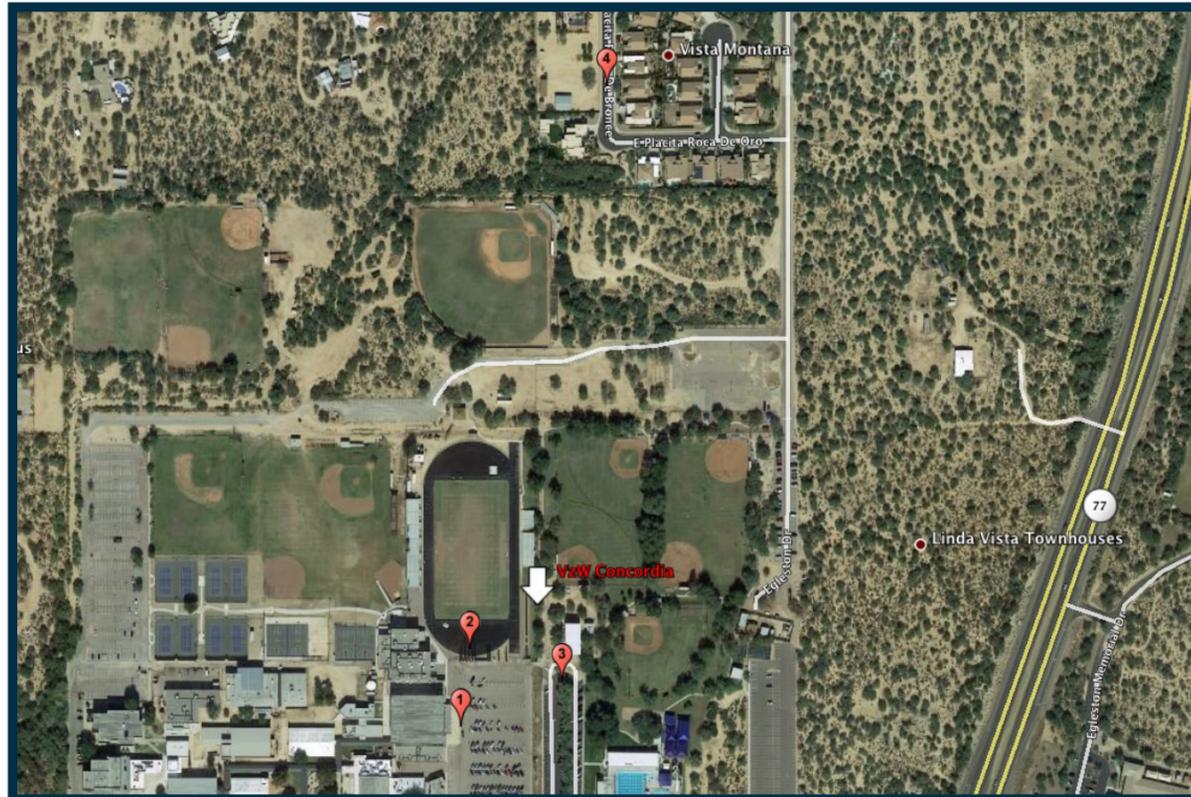
Contact

PINNACLE
CONSULTING, INC
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

Photographic Visualizations Provided By:

SoCal
SCDG LLC.
SoCal Design Group
10803 Aster Lane
Apple Valley, CA 92308
www.scdgllc.com
(951) 225-5421
edward@scdgllc.com

This photo simulation is being provided as a conceptual representation of the proposed wireless facility. For exact dimensions and design, please refer to the submitted plans. SCDG LLC (SoCal Design Group) is not responsible for Post Simulation Production Design Changes



Location Map



Proposed

Notes: Looking north east at project from inside track area



Existing

Applicant

Verizon Wireless

126 W. Gemini Drive
Tempe, AZ 85283

Contact

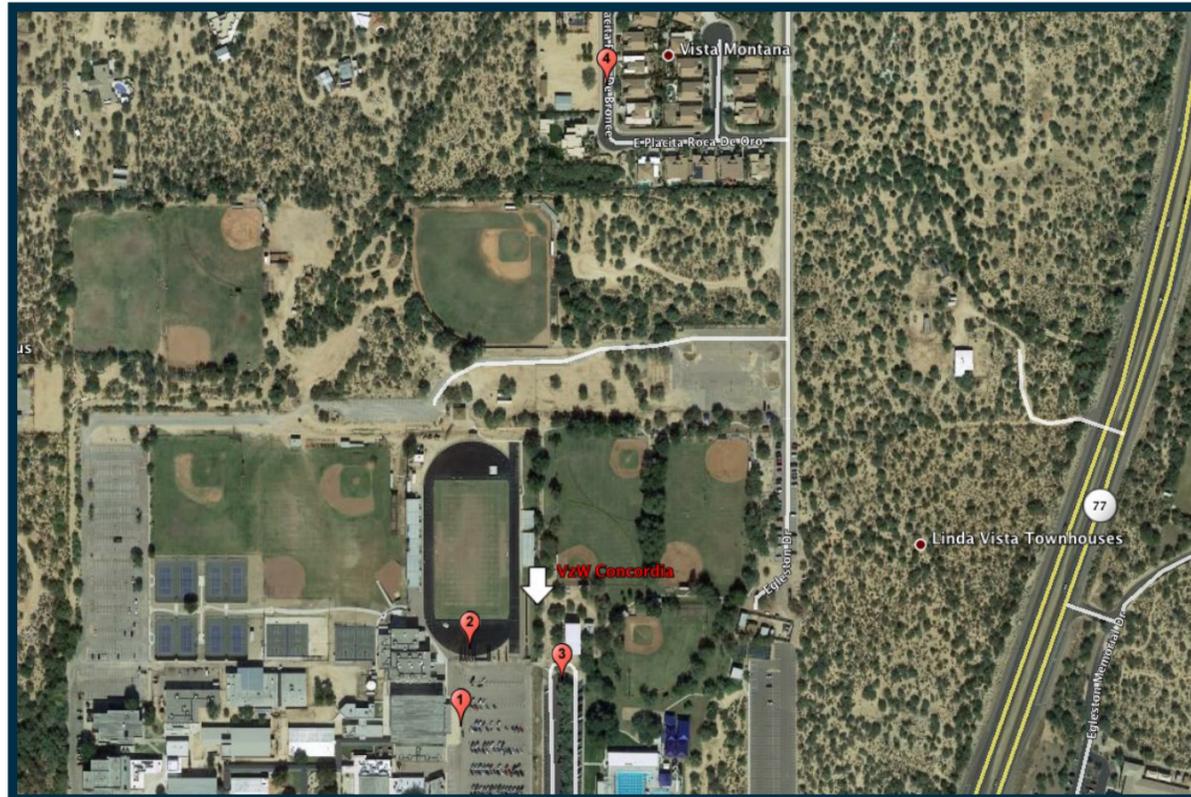
PINNACLE
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1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

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Location Map



Proposed

Notes: Looking north west at proposed project



Existing

Applicant

Verizon Wireless

126 W. Gemini Drive
Tempe, AZ 85283

Contact

PINNACLE
CONSULTING, INC
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

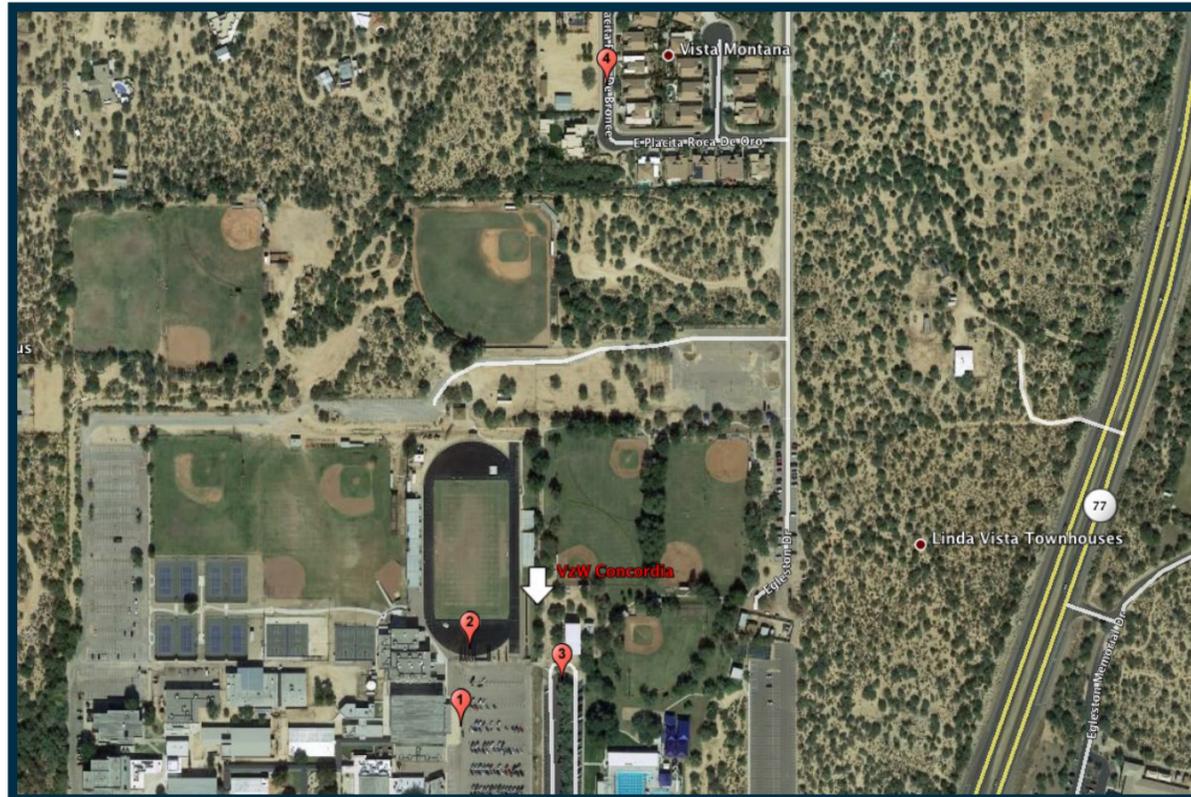
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TUC Concordia

25 W. Calle Concordia ~ Oro Valley, AZ 85704



Location Map



Proposed

Notes: Looking south west at proposed project from nearby neighborhood



Existing

Applicant

Verizon Wireless

126 W. Gemini Drive
Tempe, AZ 85283

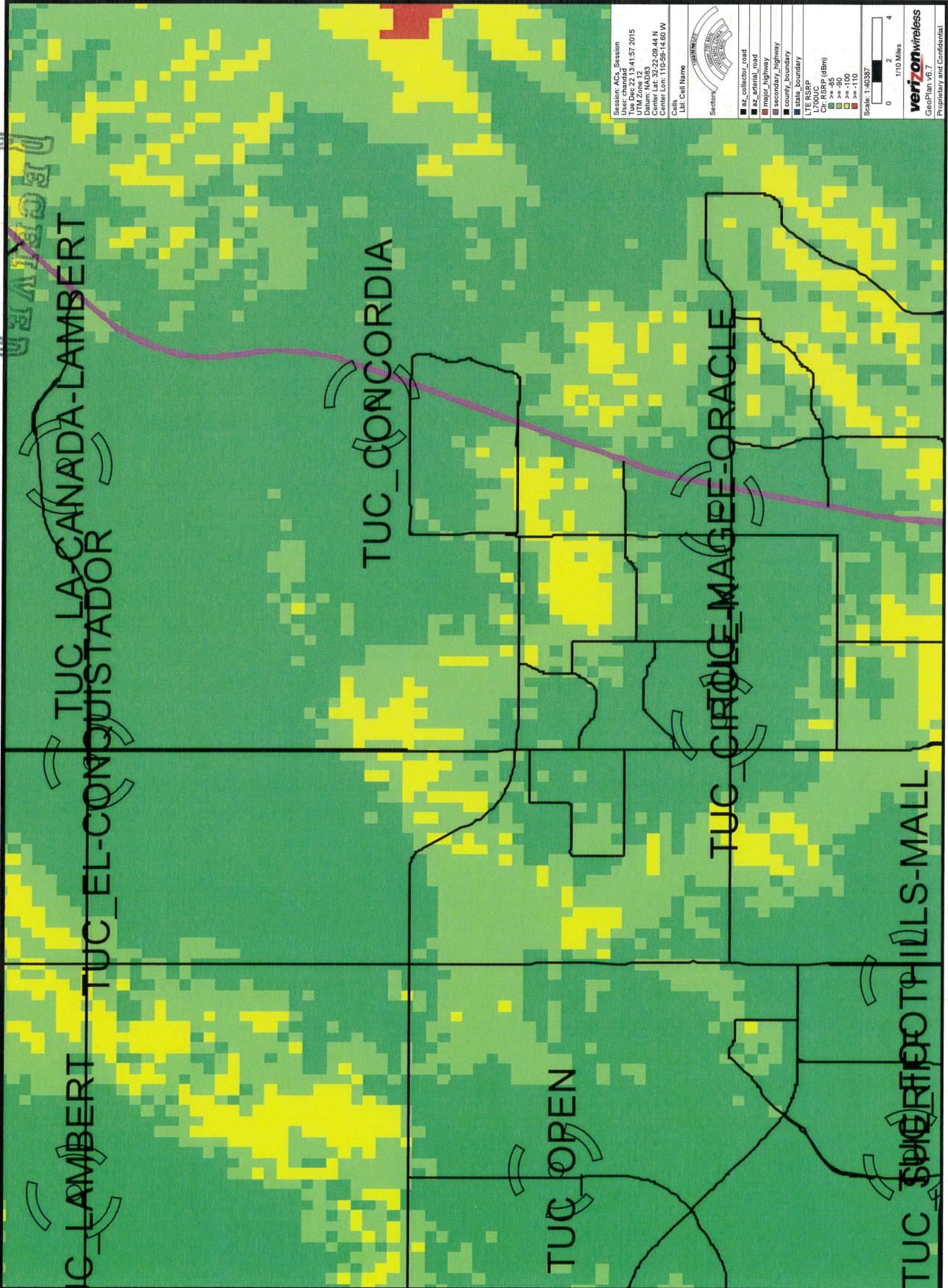
Contact

PINNACLE
CONSULTING, INC
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

Photographic Visualizations Provided By:

SoCal
SCDG LLC.
SoCal Design Group
10803 Aster Lane
Apple Valley, CA 92308
www.scdgllc.com
(951) 225-5421
edward@scdgllc.com

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BY:

MAR 10 2016

75900910

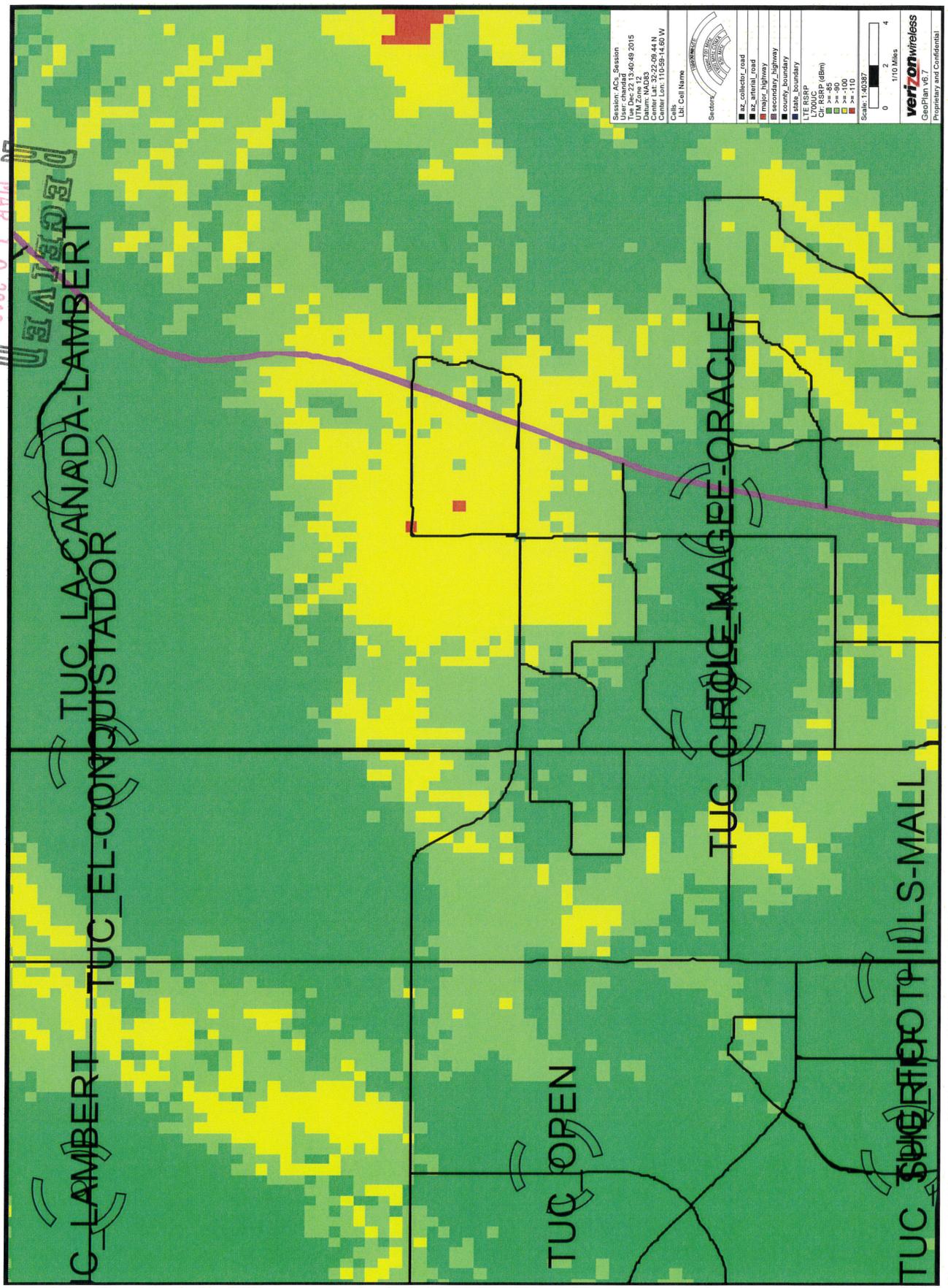
BY:.....

MAR 10 2016

TUC_LAMBERT TUC_EL-CONQUISTADOR TUC_LA-CANADA-LAMBERT

TUC_OREN TUC_CIRCLE-MAGBE-ORACLE

TUC_SPEARHEAD HILLS-MALL



Station ID: Station
 User: chris@tds.com
 Tue Dec 22 13:40:48 2015
 Location: 32.220944 N
 Datum: NAD83
 Center Lon: 105.951463 W
 Cell Name: TUC_Circle-Magbe-Oracle

Legend:

- MS - collectible road
- MS - street road
- MS - major highway
- secondary highway
- county boundary
- state boundary

LTE RSRP
 Color Legend (dBm)

- >= -85
- >= -90
- >= -95
- >= -100
- >= -110

Scale: 1:40387
 0 2 4
 1/10 Miles

verizonwireless
 GeoPlan V6.7
 Proprietary and Confidential

759209110



SITE NAME: TUC_CONCORDIA

SITE ACQUISITION

PINNACLE CONSULTING, INC.
1426 N. MARVIN STREET, #101
GILBERT, ARIZONA, 85233
PHONE: (602) 463-9514
CONTACT: CHAD WARD

ARCHITECT

YOUNG DESIGN CORP.
10245 E. VIA LINDA, #211
SCOTTSDALE, ARIZONA, 85258
PHONE: (480) 451-9609
FAX: (480) 451-9608
CONTACT: MATTHEW YOUNG

SURVEYOR

RLF CONSULTING, LLC
1214 N. STADEM DRIVE
TEMPE, ARIZONA, 85281
PHONE: (480) 445-9189
CONTACT: RYAN FIDLER

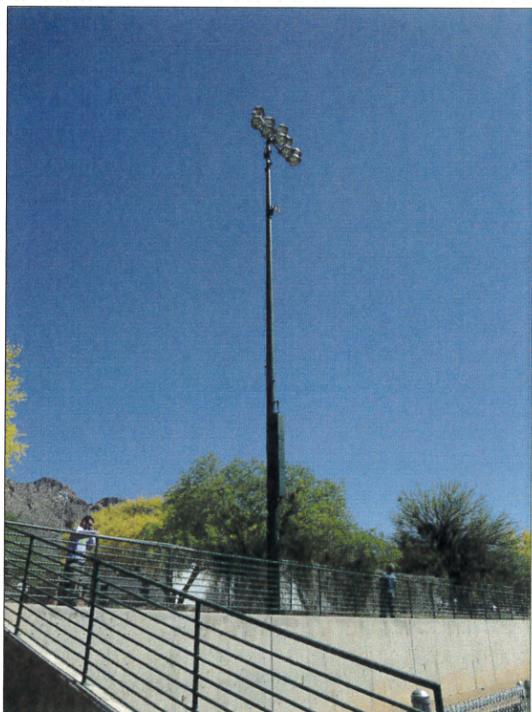
LESSOR / OWNER

AMPHITHEATER SCHOOL DIST. #10
1001 W. ROGER ROAD
TUCSON, AZ 85705
PHONE: (520) 698-3713
FAX: (520) 698-3709
CONTACT: BRENDA WIDUGIRIS
PURCHASING / WAREHOUSE MGR.

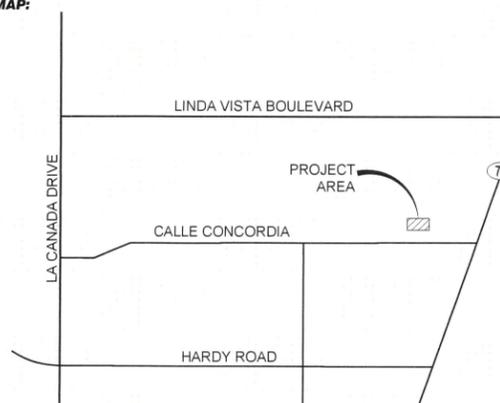
LESSEE / COMPANY

VERIZON WIRELESS
126 W. GEMINI DRIVE
TEMPE, ARIZONA, 85283
PHONE: (602) 399-9844
CONTACT: RICK MIRANDA

SITE PHOTO:



VICINITY MAP:



SITE COORDINATES:

LATITUDE : 32° 22' 33.423" N
LONGITUDE : 110° 58' 12.357" W
ELEVATION : 2600.1' A.M.S.L.



DRIVING DIRECTIONS:

FROM VERIZON OFFICE IN TEMPE, AZ : HEAD WEST ON W. GEMINI DR TOWARD S. ASH AVE. TURN LEFT ONTO S. ASH AVE. TURN RIGHT ONTO W. GUADALUPE RD. TURN LEFT AT THE 1ST CROSS STREET ONTO S. KYRENE RD. TURN RIGHT ONTO W. GROVE PKWY. CONTINUE ONTO S. PRIEST DR. TURN RIGHT ONTO W. ELLIOT RD. TURN LEFT TO MERGE ONTO I-10 E TOWARD TUCSON. MERGE ONTO I-10 E. TAKE EXIT 244 TOWARD TWIN PEAKS ROAD. MERGE ONTO I-10 FRONTAGE RD / N INTERSTATE 10 EASTBOUND FRONTAGE RD. TURN LEFT ONTO W. TWIN PEAKS RD. TURN RIGHT ONTO W. LINDA VISTA BLVD. TURN RIGHT ONTO N. THORNYDALE RD. TURN LEFT ONTO W. OVERTON RD. CONTINUE ONTO W. HARDY RD. AT THE TRAFFIC CIRCLE, TAKE THE 2ND EXIT AND STAY ON W. HARDY RD. TURN LEFT ONTO N. SHADOW MOUNTAIN DR.

ZONING COMPLIANCE:

LOCAL JURISDICTION : TOWN OF ORO VALLEY
ASSESSORS PARCEL : 225-11-2660
ZONING : OV
USE : TELECOMMUNICATION FACILITY
PARENT PARCEL AREA : 1687,614.14 S.F. (~38.7 AC)
NEW LESSEE LEASE AREA : 454.67 S.F.
PARKING REQ'D : 1
PARKING PROVIDED : 1

GENERAL COMPLIANCE:

HVAC USED ON THIS STRUCTURE IS NOT INTENDED FOR HUMAN COMFORT ITS USE IS SOLELY FOR ELECTRONIC EQUIPMENT COOLING.
DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
PROVIDE STREET ADDRESS IDENTIFICATION PER MUNICIPAL REQUIREMENTS.
THE USE OF THIS SITE WILL GENERATE NO TRASH. THIS PROJECT DOES NOT REQUIRE WATER OR SEWER, & NO PLUMBING WORK WILL OCCUR AS PART OF THIS PROJECT.
MECHANICAL (HVAC) IS INSTALLED BY MANUFACTURED BUILDING SUPPLIER AND IS USED FOR EQUIPMENT COOLING ONLY. BUILDING WILL HAVE ONLY OCCASIONAL OCCUPANCY FOR SERVICE & UPKEEP THIS PROJECT REQUIRES PERMANENT POWER & TELEPHONE CONNECTION

A.D.A. COMPLIANCE:

FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. LANDINGS AND EXITS SHALL COMPLY WITH THE APPLICABLE BUILDING CODE.

F.C.C. COMPLIANCE:

ALL NEW ANTENNAS SHALL BE IN COMPLIANCE WITH ALL FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATIONS, INCLUDING THOSE PROTECTING THE PUBLIC HEALTH AND THOSE PROTECTING HISTORIC DISTRICTS.

PROJECT DESCRIPTION:

THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT FOR COMPANY'S WIRELESS TELECOMMUNICATIONS NETWORK. FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. THIS FACILITY CONSISTS OF OUTDOOR CABINETS SURROUNDED BY A SCREEN WALL. NO HAZARDOUS MATERIAL WILL BE STORED WITHIN THE FACILITY.

ALL EXITS SHALL BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF KEYS OR SPECIAL KNOWLEDGE. MANUALLY OPERATED EDGE OR SURFACE MOUNTED FLUSH BOLTS ARE PROHIBITED.

PROPOSED ANTENNAS AND ASSOCIATED COAX CABLES
(3) PROPOSED J-BOXES
(2) PROPOSED SECTOR BOXES
PROPOSED ELECTRICAL SERVICE
PROPOSED BALL FIELD LIGHT POLE
PROPOSED OUTDOOR EQUIPMENT CABINETS
PROPOSED OUTDOOR 30KW DIESEL-DRIVEN STAND-BY GENERATOR
PROPOSED MASONRY SCREEN WALL W/ GRIP STRUT LID & PROPOSED PROTECTIVE RAILING MOUNTED AROUND TOP OF WALL

SHEET INDEX:

T1	TITLE SHEET, PROJECT INFO
LS-1	TOPOGRAPHIC SURVEY
Z-1	SITE PLAN
Z-2	ENLARGED SITE PLAN
Z-3	SITE ELEVATIONS
Z-4	SITE ELEVATIONS

CLIENT



INTERNAL REVIEW _____ DATE _____

CONSTRUCTION SIGNATURE _____

RF SIGNATURE _____

FACILITIES SIGNATURE _____

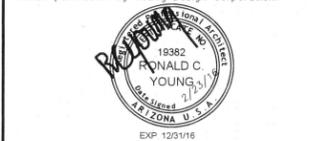
REAL ESTATE SIGNATURE _____

PLANS PREPARED BY



architecture / project management
10245 E. Via Linda, Scottsdale, AZ 85258
ph: 480 451 9609 fax: 480 451 9608
e mail: corporate@ydcoffice.com

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PRELIMINARY UNLESS SIGNED

NO. DATE DESCRIPTION

1	5/22/2015	PRELIMINARY REVIEW 2D'S
2	11/2/2015	SUBMITTAL 2D'S
3	01/26/2016	ANTENNA SHROUD REVISION

ARCHITECTS JOB NO. YDC-5922

PROJECT INFORMATION

TUC_CONCORDIA
25 W. CALLE CONCORDIA
ORO VALLEY, AZ 85704-8505

SHEET TITLE

TITLE SHEET

JURISDICTION APPROVAL



BY:

SHEET NUMBER

T-1

011600636



architecture / project management
10245 E. Via Linda, Scottsdale, AZ 85258
ph: 480 451 9609 fax: 480 451 9608
e mail: corp@ydcoffice.com

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FIELD BY:	JTS
DRAWN BY:	JTJ
CHECKED BY:	ABM

REVISIONS		
NO.	DATE	DESCRIPTION
3	12/29/15	REVISION
2	05/22/15	FINAL
1	04/14/15	PRELIMINARY



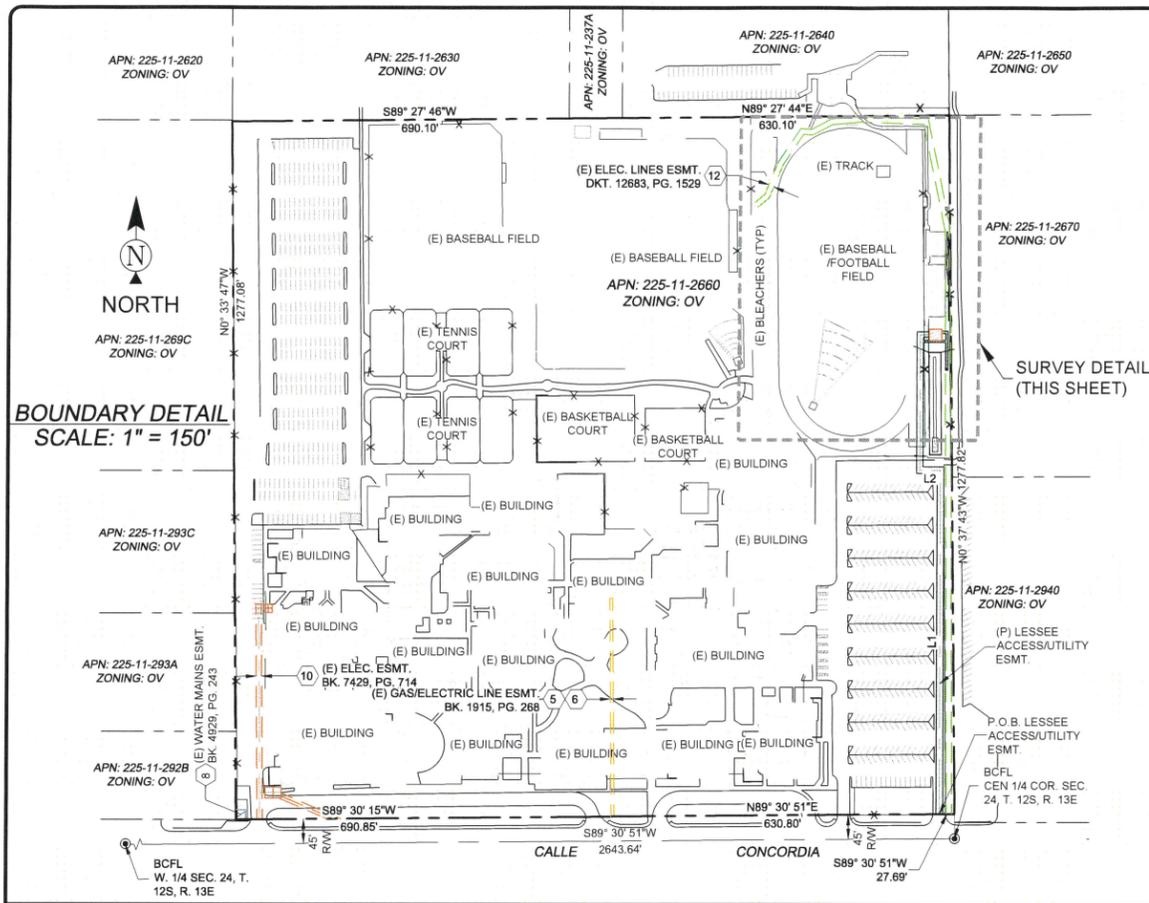
PROJECT No.
09006621

SITE NAME:
TUC CONCORDIA

SITE ADDRESS:
25 W CALLE CONCORDIA
ORO VALLEY, AZ 85704

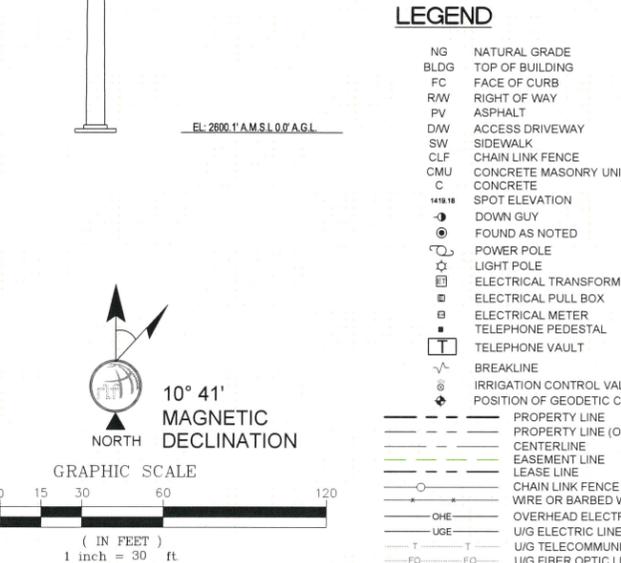
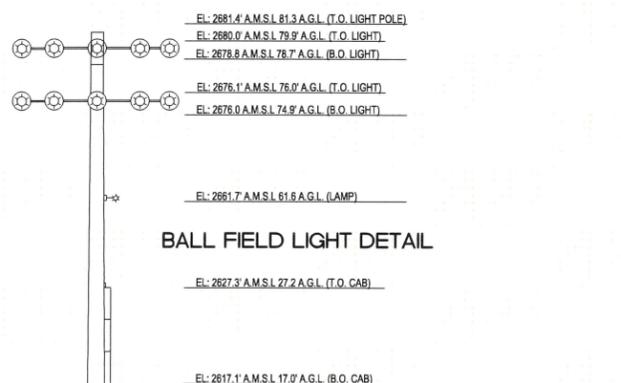
SHEET TITLE:
SITE SURVEY

SHEET NO.	REVISION:
LS-1	



LESSEE ACCESS/UTILITY EASMENT LEGAL DESCRIPTION
A 12.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOTS 35 & 50, LINDA VISTA CITRUS TRACTS NO. 2, ACCORDING TO BOOK 6 OF MAPS AND PLATS, PAGE 79, RECORDS OF PIMA COUNTY, ARIZONA, LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 50, FROM WHICH THE NORTHEAST CORNER OF SAID LOT 35 BEARS NORTH 0° 37' 43" WEST, 1277.82 FEET, THENCE SOUTH 89° 30' 51" WEST, 27.69 FEET TO THE POINT OF BEGINNING.
THENCE NORTH 00° 00' 00" EAST, 629.31 FEET; THENCE NORTH 90° 00' 00" WEST, 38.17 FEET; THENCE NORTH 00° 00' 00" EAST, 235.68 FEET TO A POINT HEREIN KNOWN AS POINT "A"; THENCE NORTH 00° 00' 00" EAST, 12.33 FEET; THENCE NORTH 89° 56' 02" EAST, 17.51 FEET TO THE POINT OF TERMINUS.
TOGETHER WITH A 4.00 FOOT WIDE STRIP OF LAND LYING 2.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.
COMMENCING AT SAID POINT "A"
THENCE NORTH 90° 00' 00" EAST, 48.72 FEET TO A POINT HEREIN KNOWN AS POINT "B"; THENCE NORTH 00° 00' 00" EAST, 16.49 FEET; THENCE NORTH 90° 00' 00" WEST, 9.22 FEET TO THE POINT OF TERMINUS.
TOGETHER WITH A 4.00 FOOT WIDE STRIP OF LAND LYING 2.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.
COMMENCING AT SAID POINT "B"
THENCE SOUTH 00° 00' 00" EAST, 52.94 FEET TO THE POINT OF TERMINUS.
SIDELINES SHALL BE LENGTHENED AND SHORTENED TO CREATE ONE CLOSED PARCEL.

LESSEE LEASE AREA LEGAL DESCRIPTION
A PORTION OF LOTS 35 & 50, LINDA VISTA CITRUS TRACTS NO. 2, ACCORDING TO BOOK 6 OF MAPS AND PLATS, PAGE 79, RECORDS OF PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS.
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 50, FROM WHICH THE NORTHEAST CORNER OF SAID LOT 35 BEARS NORTH 0° 37' 43" WEST, 1277.82 FEET, THENCE SOUTH 89° 30' 51" WEST, 27.69 FEET; THENCE NORTH 00° 00' 00" EAST, 629.31 FEET; THENCE NORTH 90° 00' 00" WEST, 38.17 FEET; THENCE NORTH 00° 00' 00" EAST, 235.68 FEET; THENCE NORTH 00° 00' 00" EAST, 12.33 FEET; THENCE NORTH 89° 56' 02" EAST, 17.51 FEET TO THE POINT OF BEGINNING.
THENCE NORTH 00° 00' 00" EAST, 10.31 FEET; THENCE NORTH 90° 00' 00" EAST, 22.00 FEET; THENCE SOUTH 00° 00' 00" EAST, 20.67 FEET; THENCE NORTH 90° 00' 00" WEST, 22.00 FEET; THENCE NORTH 00° 00' 00" EAST, 10.35 FEET TO THE POINT OF BEGINNING.

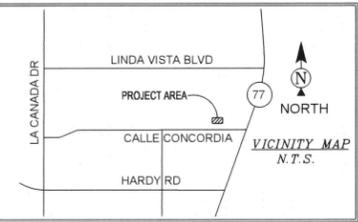


SURVEYOR NOTES
1. ALL TITLE INFORMATION IS BASED UPON A COMMITMENT FOR TITLE INSURANCE PREPARED BY GREAT AMERICAN TITLE AGENCY, ORDER NO. 21501553 EFFECTIVE DATE: 03/30/15.
2. SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE.
3. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.
4. SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAKE AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

PROJECT META DATA
1. ELEVATIONS SHOWN HEREON ARE REPRESENTED IN NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) ESTABLISHED FROM GPS DERIVED ELLIPSOID HEIGHTS, APPLYING GEOID 09 SEPARATIONS CONSTRAINING TO NGS CORS STATIONS PROVIDED IN THE "ONLINE POSITIONING USER SERVICE" (OPUS) SOLUTION FOR THIS SPECIFIC SITE.
2. BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM ARIZONA STATE PLANE COORDINATE ZONE CENTRAL, DETERMINED BY GPS OBSERVATIONS.
3. FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 04/06/15.

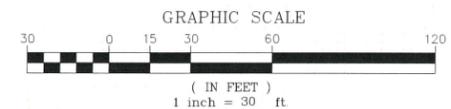
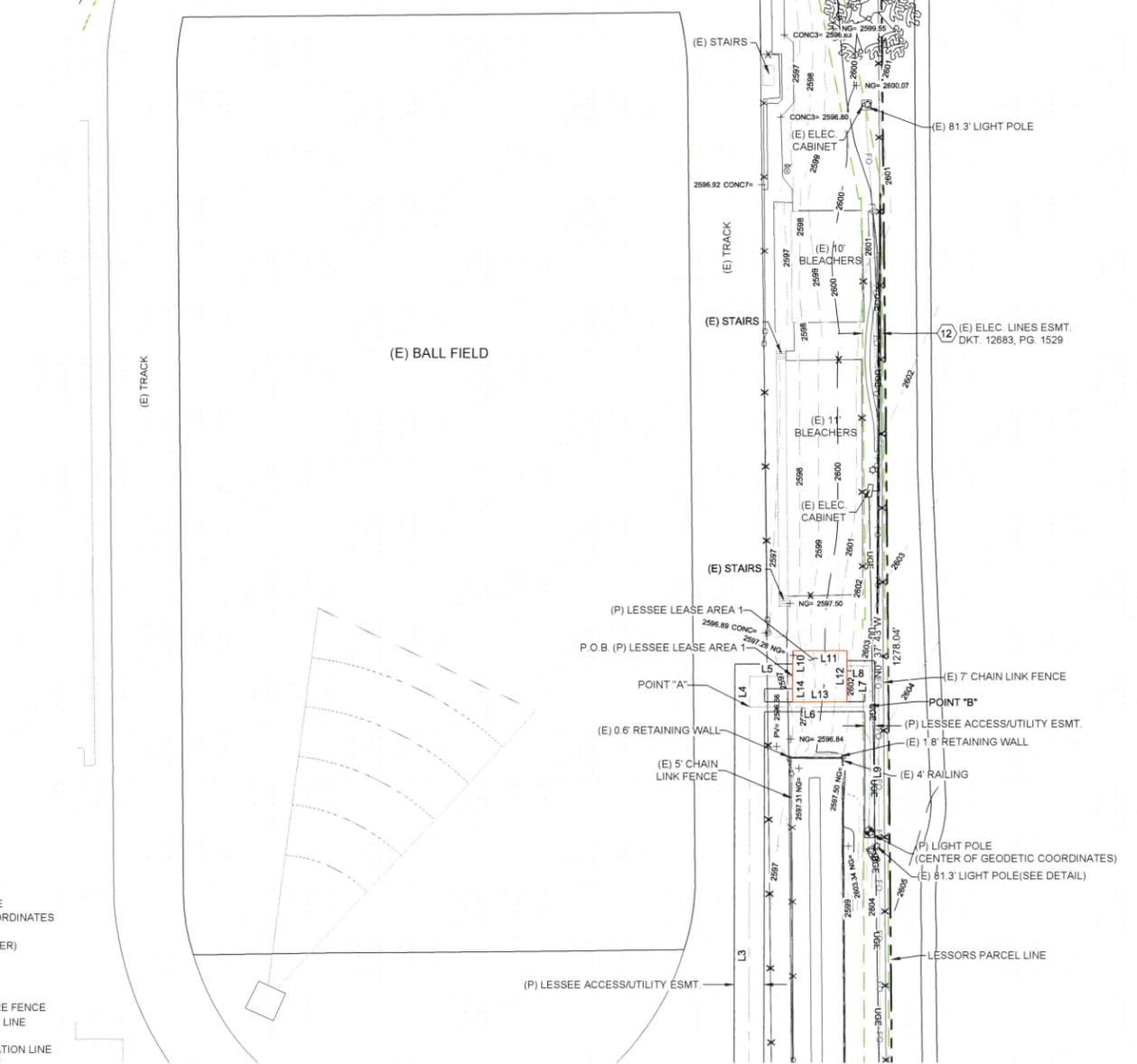
LESSOR'S LEGAL DESCRIPTION
LOT 35, 36, 49 & 50, LINDA VISTA CITRUS TRACTS NO. 2, ACCORDING TO BOOK 6 OF MAPS AND PLATS, PAGE 79, RECORDS OF PIMA COUNTY, ARIZONA, EXCEPT THE SOUTH 15 FEET OF SAID LOT 49 AND SAID LOT 50.

SCHEDULE B EXCEPTIONS
5. AN EASEMENT FOR NATURAL GAS LINES AND INCIDENTAL PURPOSES, RECORDED AS BOOK 1914 OF OFFICIAL RECORDS, PAGE 88.
6. AN EASEMENT FOR GAS AND ELECTRIC LINES AND INCIDENTAL PURPOSES, RECORDED AS BOOK 1915 OF OFFICIAL RECORDS, PAGE 268.
8. AN EASEMENT TO LAY, MAINTAIN, OPERATE AND REPAIR REMOVE AND REPLACE WATER MAINS, LINES, PIPES AND VALVES AND OTHER CONNECTIONS AND INCIDENTAL PURPOSES, RECORDED AS BOOK 4929 OF OFFICIAL RECORDS, PAGE 243.
10. AN EASEMENT FOR ELECTRIC LINES AND INCIDENTAL PURPOSES, RECORDED AS BOOK 7429 OF OFFICIAL RECORDS, PAGE 714.
12. AN EASEMENT FOR ELECTRIC LINES AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 12683, PAGE 1529.

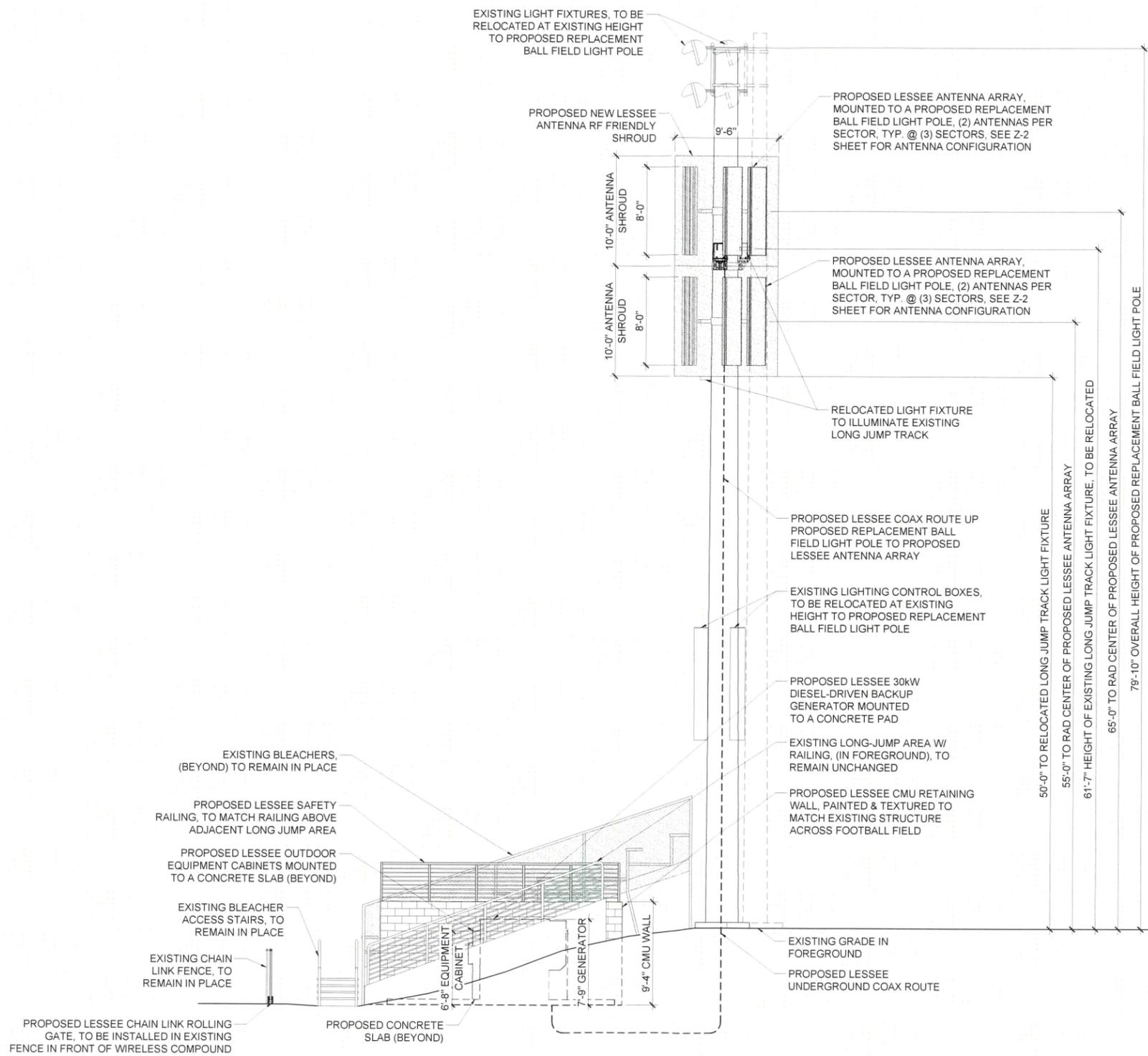


LINE TABLE

LINE	LENGTH	BEARING
L1	629.31	N0° 00' 00"E
L2	38.17	N90° 00' 00"W
L3	235.68	N0° 00' 00"E
L4	12.33	N0° 00' 00"E
L5	17.51	N89° 56' 02"E
L6	48.72	N90° 00' 00"E
L7	16.49	N0° 00' 00"E
L8	9.22	N90° 00' 00"W
L9	52.94	S0° 00' 00"E
L10	10.31	N0° 00' 00"E
L11	22.00	N90° 00' 00"E
L12	20.67	S0° 00' 00"E
L13	22.00	N90° 00' 00"W
L14	10.35	N0° 00' 00"E



EXPIRES 03/31/18



1 NEW SOUTH ELEVATION
 Z-4 SCALE: 3/16" = 1'-0"
 0 2'-8" 5'-4" 10'-8"
 SCALE: 3/16" = 1'-0"

CLIENT

126 W. GEMINI DR.
 TEMPE, AZ 85283

INTERNAL REVIEW	DATE
CONSTRUCTION SIGNATURE	
RF SIGNATURE	
FACILITIES SIGNATURE	
REAL ESTATE SIGNATURE	

PLANS PREPARED BY

architecture / project management
 10245 E Via Linda, Scottsdale, AZ 85258
 ph: 480 451 9609 fax: 480 451 9608
 e-mail: corporate@ydcoffice.com

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NO.	DATE	DESCRIPTION
1	5/22/2015	PRELIMINARY REVIEW ZD'S
2	11/2/2015	SUBMITTAL ZD'S
3	01/20/2016	ANTENNA SHROUD REVISION

ARCHITECTS JOB NO.
YDC-5922

PROJECT INFORMATION

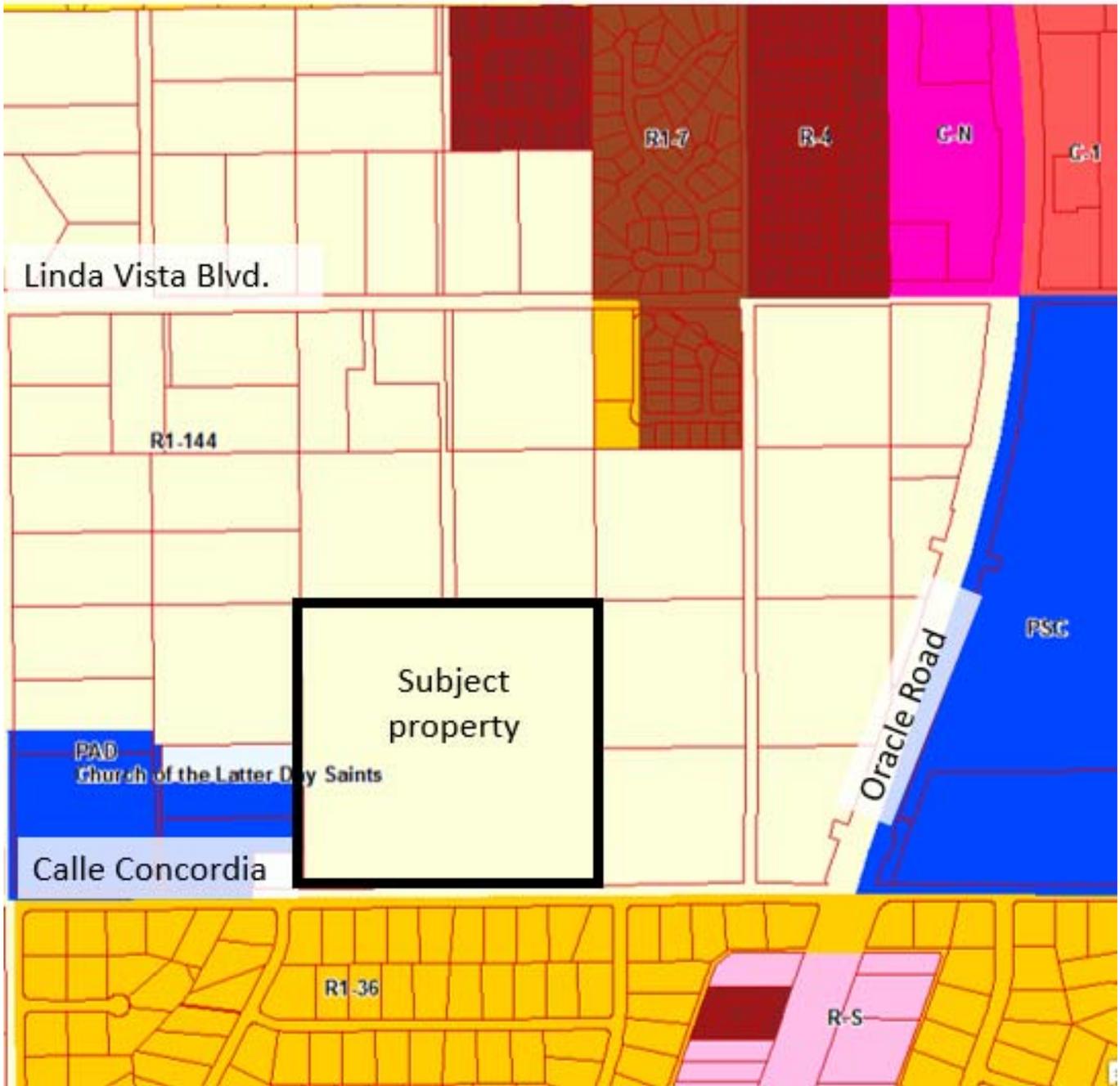
TUC_CONCORDIA

25 W. CALLE CONCORDIA
 ORO VALLEY, AZ 85704-8505

SHEET TITLE
ELEVATIONS

JURISDICTION APPROVAL

SHEET NUMBER
Z-4



ZONING MAP
VERIZON CELL TOWER (OV1600636)



Tier II Minor Wireless Communication Facility Conceptual Design Review Board Staff Report

PROJECT: Verizon cell tower in Canyon Del Oro High School

CASE NUMBER: OV1600636

MEETING DATE: July 12, 2016

AGENDA ITEM: 3

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

Applicant: Michelle Lamoureux of Pinnacle Consulting

Request: Cell tower at Canyon Del Oro High School

Location: 25 W. Calle Concordia

Recommendation: Approve requested Tier II Minor Communication Facility

SUMMARY:

The purpose of this request is to consider the design of a proposed cell tower at the Canyon Del Oro High School. If approved, it will be installed on an existing light pole located on the east side of the football field and near the southern goal line. The location map (Attachment 1) provides context of this site in relation to the surrounding area.

The proposed improvements include:

- Replacing an existing light pole with a slightly lower pole (from 81' 4" to 80')
- Mounting antenna arrays below existing stadium lights
- Installing a canister or shroud around several antenna arrays
- Painting the canister to match surrounding stadium light poles
- Ground equipment enclosed by a block wall

This application (Attachment 2) requires a recommendation by the Conceptual Design Review Board and a decision by Town Council. The primary focus of the review is to ensure that the proposed cell tower design is compatible with the surrounding area.

BACKGROUND:

Land Use Context

The existing zoning and land uses for the property and the surrounding area are provided in Attachments 1 and 3.

Site Conditions

- Site is 38.53 acres
- Property contains an existing cell tower, several athletic fields with stadium lights, classrooms and parking lots with solar carports

Approvals to Date

- Canyon Del Oro High School built in 1988
 - Existing cell tower built in 2004
-

DISCUSSION/ANALYSIS:

This analysis focuses on the proposed cell tower design and its compatibility with the surrounding area.

Applicant's Request (Attachment 2)

- Replacing an existing light pole with a slightly lower pole (from 81' 4" to 80')
- Mounting antenna arrays below existing stadium lights
- Installing a canister or shroud around several antenna arrays
- Painting the canister to match surrounding stadium light poles
- Ground equipment enclosed by a block wall

Zoning Conformance

The proposed cell tower meets the Tier II Minor Communication Facility requirements of the Zoning Code. A Tier II Minor Communication Facility is a discernible cell tower which 1) meets the dimensional requirements of the Zoning Code and 2) uses stealth applications to the greatest extent feasible.

Stealth Application

Stealth application is the camouflaging of a cell tower through the use of design, colors, materials, height and width. The ability to use stealth applications can be limited because of the technological advances in wireless communication.

The applicant has worked extensively with staff to improve the aesthetics of the proposed cell tower. After several submittals, the applicant has demonstrated that the proposed cell tower uses stealth applications to the greatest extent feasible. These stealth applications include slimmer antenna arrays, adding and painting a canister to match surrounding stadium light poles, and reducing the existing pole height.

Dimensional Requirements

The table below shows how the proposed cell tower meets the dimensional requirements for a Tier II Minor Communication Facility.

Zoning Provision	Maximum Allowed	Proposed
Tower height	80'	80'
Maximum increase to pole diameter	28.8"	24"

Compatibility

The proposed cell tower is compatible with the surrounding area because it blends in with other tall vertical elements (e.g., stadium lights and cell tower) found on the property and the adjacent park. A map and photos of the vertical elements are included as Attachment 4.

It is important to note that the proposed cell tower has a low visibility from the surrounding homes. The reason is due to the site being at least 1,000' away from the nearest home, and the existing vegetation and buildings screen the proposed site. Photo simulations of the proposed cell tower are provided in Attachment 2, and photos of the existing site (stadium light pole) are provided in Attachment 5.

General Plan Conformance

The proposed cell tower has been reviewed for conformance with the General Plan. Below is a notable policy related to the request.

Policy 11.3.2. The Town shall continue to require all new development and improvements to existing development, both public and private, to maintain and/or enhance the character and quality of views from and along scenic corridors and public parks...

The proposed cell tower will have a minimal impact on the existing views because it will be installed on an existing light pole and is surrounded by other tall vertical elements (e.g. cell tower, stadium light poles, tall buildings). It is important to note that most of the surrounding homes are located to the north and south of the site, and the views of the Catalina Mountains is to the east and away from the site.

PUBLIC PARTICIPATION:

Summary of Public Notice

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

- Residents within 600' feet and beyond
- Posting at Town Hall
- All registered HOAs

Neighborhood Meeting

Two neighborhood meetings were held, the first on May 16, 2016, with approximately seven (7) residents and the second on June 21, 2016, with one resident in attendance. The main topics discussed at the meetings included public health concerns and improving the aesthetics of the proposed cell tower.

**OV1600636 Verizon Cell Tower in CDO High School
Conceptual Design Review Board Staff Report**

Page 4 of 4

With regards to public health, federal law prohibits local municipalities from denying wireless communication facilities based on perceived public health concerns. As such, perceived public health concerns may not be a factor in the review and decision for cell towers.

A copy of the neighborhood meeting summary notes are provided as Attachment 6. No additional correspondence has been received by staff.

CONCLUSION/RECOMMENDATION:

Based on the following findings:

- The request meets the Tier II Minor Communication Facility requirements.
- The proposed design is compatible with the surrounding area.
- The request is in conformance with the General Plan.

It is recommended that the Conceptual Design Review Board take the following action:

Recommend approval to the Town Council of the requested Tier II Minor Communication Facility at Canyon Del Oro High School.

SUGGESTED MOTIONS:

I move to recommend approval of the proposed communication facility at the Canyon Del Oro High School, finding that the request is compatible with the surrounding area and meets the applicable zoning provisions.

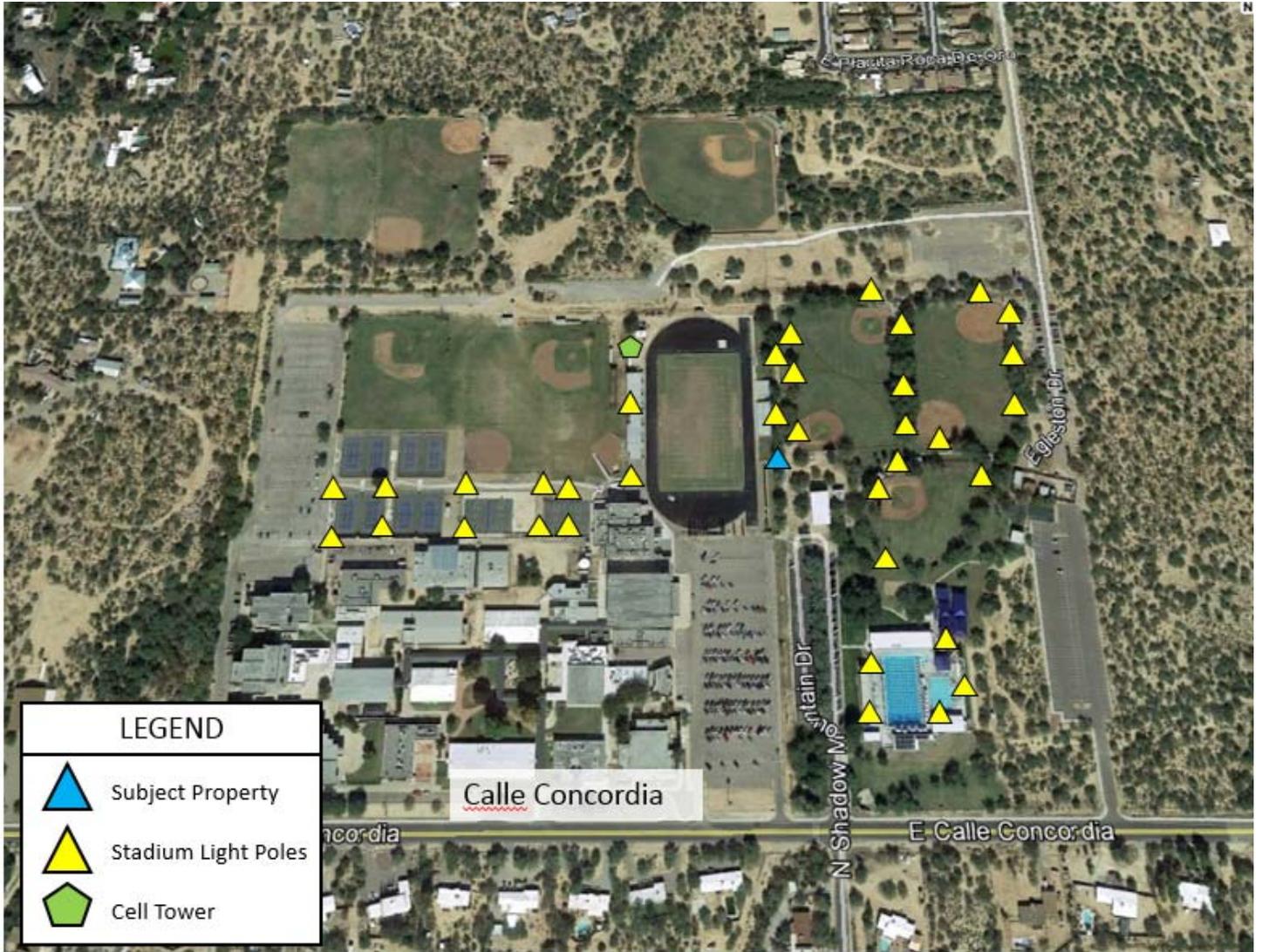
OR

I move to recommend denial of the proposed communication facility at the Canyon Del Oro High School, based on _____.

ATTACHMENTS:

1. Location map
2. Application
3. Zoning Map
4. Map and photos of existing vertical elements
5. Photos of proposed site
6. Neighborhood meeting summary


Bayer Vella, AICP Planning Manager



**MAP AND PHOTOS OF VERTICAL ELEMENTS
VERIZON CELL TOWER (OV1600636)**



Photo looking west from James Kriegh Park



Photo looking south along west side of Aquatic Center

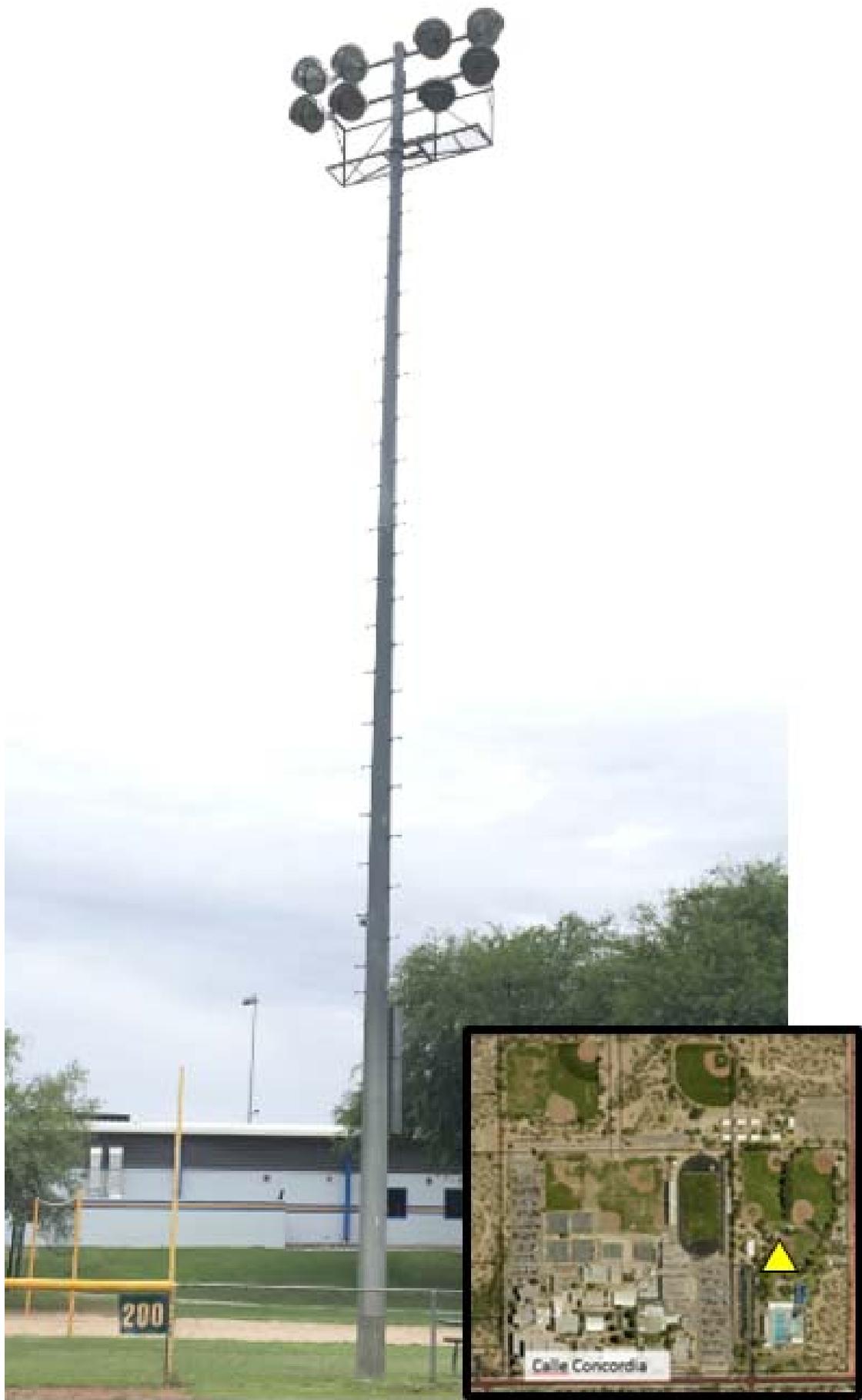


Photo looking south at James Kriegh Park basefield stadium light



Photo looking east at James Kriegh Park basefield stadium light



Photo looking west at CDO football field stadium light



Photo looking south at at CDO tennis court stadium lights



Photo looking east from the center of the northwest parking lot



Photo looking north from the south side of Calle Concordia



Photo looking southeast from northwest corner of the football field

Neighborhood Meeting Summary
Verizon Cell Tower in CDO High School
May 16, 2016
4:30 – 6:00 PM
Parking lot located north of James Kriegh Park

1. Introductions and welcome

Meeting Facilitator Michael Spaeth introduced the Oro Valley staff Rosevelt Arellano, Senior Planner, as project manager. Six residents and interested parties attended the meeting, including Councilmember Hornat and Vice Mayor Waters.

2. Staff presentation

Rosevelt Arellano, Senior Planner, provided information on the following:

- Subject property
- Tier II Wireless Communication Facilities
- Review tools
- Review process
- Public participation opportunities

3. Applicant presentation

Michelle Lamoureux of Pinnacle Consulting, provided information related to:

- Tower and site plan design
- Photo simulations

4. Public Questions and Comments

- Neighbors expressed concerns with the health issues associated with cell towers.
- What is the height of the proposed tower?
 - 80'
- What are the radio frequencies?
- Neighbors expressed concerns with the tower design.

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

**Neighborhood Meeting Summary
Verizon Cell Tower in CDO High School
June 21, 2016
6:00 – 7:30 PM
Church of the Nazarene**

1. Introductions and welcome

Meeting Facilitator Michael Spaeth introduced the Oro Valley staff Rosevelt Arellano, Senior Planner, as project manager. One resident along with Councilmember Hornat attended the meeting.

2. Staff presentation

Rosevelt Arellano, Senior Planner, provided information on the following:

- Concerns raised at last neighborhood meeting
 - Public health
 - Cell tower design
- Subject property
- Evolution of tower design
- Next Steps

3. Applicant presentation

Michelle Lamoureux of Pinnacle Consulting, provided information related to:

- Public health and federal requirements
- Tower design

4. Public Questions and Comments

- Does the proposed cell tower affect children's health?
 - The applicant responded that the proposed cell tower must meet all federal guidelines.
- Will the Canyon Del Oro High School receive monies for the proposed tower?
 - Yes.

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

Arellano, Rosevelt

From: Steve Langford <slangford@theriver.com>
Sent: Wednesday, July 06, 2016 3:56 AM
To: Arnie Rosner
Cc: Arellano, Rosevelt
Subject: Fwd: Re: Updated updated updated...

Thanks again, Arnie. -Steve-

----- Forwarded Message -----

Subject: Re: Updated updated updated...
Date: Wed, 6 Jul 2016 03:52:08 -0700
From: Arnie Rosner <arnie@arnierosner.com>
To: Steve Langford <slangford@theriver.com>

[Notice of Disapproval for proposed cell tower on an existing stadium high school high pole in the Canyon Del Oro High School](#)

arnie

“Now we know we only thought we knew!”



The flag of the Continental united States of America

arnie@arnierosner.com
[Http://scannedretina.com](http://scannedretina.com)
714-964-4056
714-501-8247 - mobile

On Jul 6, 2016, at 3:45 AM, Steve Langford <slangford@theriver.com> wrote:

Looks good to me, Arnie.. Please post. Thanks again, -Steve-

On 7/6/2016 6:09 AM, Arnie Rosner wrote:

arnie

“Now we know we only thought we knew!”

The flag of the Continental united States of America

arnie@arnirosner.com
[Http://scannedretina.com](http://scannedretina.com)
714-964-4056
714-501-8247 - mobile

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<http://www.mailguard.com.au/mg>

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**MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
JULY 12, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

CDRB 07/12/2016 PACKET

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chair Eggerding called the Conceptual Design Review Board to order at 6:00 pm

ROLL CALL

PRESENT: Dick Eggerding, Chair
Bruce Wyckoff, Vice Chair
Nathan Basken, Member
Sarah Chen, Member
Jacob Herrington, Member
Hal Linton, Member

ABSENT: None.

ALSO PRESENT:

Vice Mayor Lou Waters
Council Member Joe Hornat
Joe Andrews, Chief Civil Deputy Attorney
David Laws, Permitting Manager

PLEDGE OF ALLEGIANCE

Chair Eggerding led the members of the Board and Audience in the Pledge of Allegiance.

CALL TO AUDIENCE - at this time, any member of the public is allowed to address the Board on any issue not listed on today's agenda. Pursuant to the Arizona Open Meeting law, individuals Board 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 Conceptual Design Review Board 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.

There were no speaker requests.

COUNCIL LIAISON COMMENTS

Vice Mayor Waters commented on the Conceptual Site Plan and architecture for Freddy's Steakhouse that was approved by Town Council on July 6th.

1. REVIEW AND/OR APPROVAL OF THE JUNE 14, 2016 REGULAR SESSION MEETING MINUTES AND THE JUNE 22, 2016 SPECIAL SESSION MEETING MINUTES

JUNE 14, 2016 CDRB DRAFT MINUTES

JUNE 22, 2016 CDRB SPECIAL SESSION DRAFT MINUTES

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Hal Linton, Member approved the June 14, 2016 Regular Session Meeting Minutes

MOTION carried, 6-0.

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Sarah Chen, Member approve the June 22, 2016 Special Session Meeting Minutes

MOTION carried, 6-0.

2. DISCUSSION AND POSSIBLE ACTION ON A PROPOSED CONCEPTUAL SITE PLAN AND LANDSCAPE PLAN FOR AN 8.9-ACRE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF RANCHO VISTOSO BOULEVARD AND MOORE ROAD, OV1600447

OV1600447 MATTAMY HOMES RV PARCL 6B STAFF REPORT

ATTACHMENT 1 - CONDITIONS OF APPROVAL

ATTACHMENT 2 - LOCATION MAP

ATTACHMENT 3 - CONCEPTUAL LANDSCAPE PLAN

ATTACHMENT 3 - CONCEPTUAL SITE PLAN

ATTACHMENT 4 - GENERAL PLAN AND ZONING MAPS

ATTACHMENT 5 - HOHOKAM MESA BLOCK PLAT AMENDMENT

ATTACHMENT 6 - HOHOKAM MESA BLOCK PLAT AMENDMENT STAFF REPORT

ATTACHMENT 7 - CONCEPTUAL SITE PLAN AND LANDSCAPE PLAN SUMMARY

ATTACHMENT 8 - RANCHO VISTOSO PAD, DESIGN PRINCIPLES AND DESIGN STANDARDS ANALYSIS

ATTACHMENT 9 - NEIGHBORHOOD MEETING SUMMARY

Bayer Vella, Planning Manager, provided a presentation that included the following:

- Purpose
- Location Map
- Conceptual Site Plan
- Neighborhood Meetings
- Summary and Recommendation

Cory Tompson, WLB Group, representing the applicant, provided a presentation that included the following:

- Conceptual Site Plan
- Screen Wall along Brookdale Way

Chairman Eggerding opened the public hearing.

Chairman Eggerding closed the public hearing.

MOTION: A motion was made by Sarah Chen, Member and seconded by Bruce Wyckoff, Vice Chair recommend approval of the Mattamy Homes Conceptual Site Plan and Landscape Plan, based on the findings that in the staff report, subject to the conditions on Attachment 1.

MOTION carried, 6-0.

3. DISCUSSION AND POSSIBLE ACTION ON A TIER II MINOR COMMUNICATION FACILITY AT THE CANYON DEL ORO HIGH SCHOOL LOCATED AT 25 W. CALLE CONCORDIA, OV1600636

OV1600636 VERIZON CELL TOWER IN CDO HIGH SCHOOL STAFF REPORT

ATTACHMENT 1 - LOCATION MAP

ATTACHMENT 2 - APPLICATION

ATTACHMENT 3 - ZONING MAP

ATTACHMENT 4 - MAP AND PHOTOS FOR EXISTING VERTICAL ELEMENTS

ATTACHMENT 5 - PHOTOS OF PROPOSED SITE

ATTACHMENT 6 - NEIGHBORHOOD MEETING SUMMARY

Rosevelt Arellano, Senior Planner, provided a presentation that included the following:

- Purpose
- Location Map
- Light Pole Locations
- Light Pole Locations Looking West
- Public Participation
- Summary and Recommendation

Michelle Lamoureux, Pinnacle Consulting, representing the applicant, provided a presentation that included the following:

- Town of Oro Valley Code
- Design of the site

Chairman Eggerding opened the public hearing.

Karen Wilhelmsen, Oro Valley resident, referred to an article that was written about the electric magnetic fields and questioned what will a 2nd cell tower on the site will do. The public health of the cell tower frustrates her and she has some questions. Ms. Wilhelmsen would like to know when was the law written that prohibits local municipalities from denying wireless communication facilities based on perceived health concerns? Was this law based on safety standards from 16 years ago and what about proven health concerns. Why is it necessary to place the tower at CDO High School, especially because there is already a tower there? Can a different location be found where there is less youth population? If this tower is approved can a stipulation be added in depth before and after study be conducted by an independent third party paid for by Verizon to evaluate the effects of the tower at CDO High School. Ms. Wilhelmsen feels it is prudent to air on the side of caution especially when it comes to the health of our youths.

Chairman Eggerding closed the public hearing.

Mr. Vella responded to the speakers request and commented that the Town does not have the authority to ask or act on a study.

MOTION: A motion was made by Jacob Herrington, Member and seconded by Bruce Wyckoff, Vice Chair recommend approval of the proposed communication facility at the Canyon Del Oro High School, finding that the request is compatible with the surrounding area and meets the applicable zoning provisions.

MOTION carried, 5-1 with Hal Linton, Member opposed.

PLANNING UPDATE (INFORMATIONAL ONLY)

Rosevelt Arellano, Senior Planner, presented the following:

- August 9th, Conceptual Design Review Board
- Town Council summer break
- Upcoming Vistoso Highlands MGPA Neighborhood Meeting, July 20th

ADJOURNMENT

MOTION: A motion was made by Sarah Chen, Member and seconded by Jacob Herrington, Member to adjourn the Conceptual Design Review Board meeting at 7:13 PM.

MOTION carried, 6-0.



Town Council Regular Session

Item # 2. a.

Meeting Date: 09/07/2016

Requested by: Patty Hayes

Submitted By: Patty Hayes, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)16-40, DECLARING THE PROPOSED AMENDMENTS TO CHAPTER 28 OF THE ORO VALLEY ZONING CODE RELATED TO A-FRAME SIGNS, 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 the newspaper. 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)16-40, declaring the proposed amendments to the Oro Valley Zoning Code Revised Chapter 28 related to A-frame signs, attached hereto as Exhibit "A" and filed with the Town Clerk, a public record.

Attachments

(R)16-40 A-Frame Signs

RESOLUTION NO. (R)16-40

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT AMENDING CHAPTER 28, SIGNS, SECTION 28.3, GENERAL SIGN REQUIREMENTS; SECTION 28.4, DEFINITIONS AND SIGN TYPES; SECTION 28.6, TEMPORARY SIGNS; AND SECTION 28.9 PROHIBITED SIGNS OF THE ORO VALLEY ZONING CODE REVISED RELATED TO A-FRAME SIGNS; 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 28, Signs, Section 28.3 General Sign Requirements, Section 28.4 Definitions and Sign Types, Section 28.6 Temporary Signs, and Section 28.9 Prohibited Signs, 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 7th day of September, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

A frame signs

New language is in ALL CAPS, ~~striketrough~~ used for code language to be removed

Section 28.3 General Sign Requirements

A.4. Temporary Sign Materials

Materials proposed to be used in constructing temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the Planning and Zoning Administrator and Building Official.

E.2. Maintenance

- A. Each sign shall be maintained in a new or like-new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

Section 28.4 Definitions and Sign Types

1. A-Frame Sign

A hinged OR SELF-SUPPORTING UPRIGHT sign constructed of durable materials and connected so as to maintain ~~the~~ AN “A” shape OR SIMILAR structure. ~~of the sign.~~

Section 28.6 Temporary Signs

A. Requirements for All Temporary Signs

1. Any sign that penetrates the ground is subject to blue stake requirements.
2. Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage or appurtenances.
3. Any damage to public or private property caused by signs placed within the right-of-way shall be the sole responsibility of the sign owner.

4. Standards for temporary sign materials are provided in Section 28.3.A.4, General Sign Requirements.

B. Temporary Signs in a Commercial/Industrial Zoning District

The following temporary sign types shall be allowed within a Commercial and/or Industrial District:

8. A-FRAME SIGNS

- A. USE: INTENDED TO DIRECT PEDESTRIAN TRAFFIC AND SHALL NOT BE SOLELY ORIENTED TOWARD VEHICULAR TRAFFIC.
- B. QUANTITY: ONE (1) PER BUSINESS.
- C. AREA OF SIGN: MAXIMUM SIX (6) SQUARE FEET PER SIDE. MAXIMUM OF (2) SIDES.
- D. HEIGHT: NOT TO EXCEED 42".
- E. LOCATION:
 - I. ON PRIVATE PROPERTY WHERE THE BUSINESS IS LOCATED.
- F. ADDITIONAL REQUIREMENTS:
 - I. SIGN SHALL NOT BE LOCATED MORE THAN TWENTY FEET (20') FROM THE ENTRY DOOR OF THE ASSOCIATED BUSINESS OR THE NEAREST ENTRY STAIRWAY/ELEVATOR FOR A SECOND STORY BUSINESSES.
 - II. SIGN SHALL NOT BE LOCATED CLOSER THAN 4' TO A CURB.
 - III. PLACEMENT OF SIGN SHALL ALLOW FOR A FOUR FOOT (4') UNOBSTRUCTED PATHWAY FOR PEDESTRIANS.
 - IV. THE SIGN SHALL NOT BE DISPLAYED IN A MANNER THAT WILL CREATE A PUBLIC SAFETY HAZARD.
 - V. ACCESS RAMPS OR VEHICULAR SIGHT LINES SHALL NOT BE OBSTRUCTED.
- G. ILLUMINATION: NONE.
- H. HOURS: DURING OPERATING HOURS OF THE ASSOCIATED BUSINESS.
- I. DESIGN:

- II. THE SIGN SHALL BE SELF-SUPPORTING AND NOT BE ATTACHED TO RAILINGS, POSTS, FENCING OR OTHER STRUCTURES.
- III. CARTS, WHEELS OR OTHER DEVICES THAT WILL MAKE THE A-FRAME MOBILE SHALL NOT BE ATTACHED TO THE SIGN.
- IV. ATTACHMENTS SUCH AS FLAGS, PENNANTS, BALLOONS OR ADDITIONAL SIGNS SHALL NOT BE AFFIXED TO THE A-FRAME.
- V. THE SIGN APPEARANCE SHALL BE PROFESSIONAL AND MAY NOT CONTAIN CLOTH OR PAPER SURFACES.
- VI. THE SIGN SHALL BE NEAT AND LEGIBLE.

Section 28.9 Prohibited Signs

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and are prohibited unless otherwise specified within this chapter.

4. ~~A frame signs, other than as specified in Sections 28.7.A.3 and 28.7.A.6;~~
1. Billboards;
2. Electronic message centers;
3. Exposed neon signs, except as provided by Section 28.5.B.15;
4. Flashing lights;
5. Garage sale signs, except as provided by Section 28.7.A.6;
6. Inflatable signs, except as provided by Section 28.6.B.7;
7. Marquee signs;
8. Moving/animated signs; except barber-type animated signs are allowed for barbershops during business hours only;
9. Obscene signs;
10. Off-site advertising on public property;
11. Off-site signs;
12. Pennant signs;

13. Portable signs (sandwich board, etc., EXCEPT AS PROVIDED IN SECTION 28.6.B.8);
14. Projecting signs;
15. Roof signs;
16. Search lights;
17. Signs attached to any physical public property;
18. Signs in the median;
19. Vehicle signs.



Town Council Regular Session

Item # 2. b.

Meeting Date: 09/07/2016

Requested by: Patty Hayes

Submitted By: Patty Hayes, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)16-09, AMENDING CHAPTER 28 OF THE ORO VALLEY ZONING CODE TO ESTABLISH STANDARDS FOR A-FRAME SIGNS

RECOMMENDATION:

The Planning and Zoning Commission recommends approval, with a sunset clause of December 31, 2017.

EXECUTIVE SUMMARY:

In 2011, Town Council approved the use of A-frame signs on a temporary basis. A-frames are portable signs that businesses place near the entry door of their store or restaurant to attract pedestrian traffic. Town Council has continually renewed the temporary allowance for A-frames over the past five years.

On January 20, 2016, Town Council directed staff to work with the business community to find alternative or permanent solutions to the temporary A-frame sign allowance. The Economic Development Division and Greater Oro Valley Chamber of Commerce reached out to the business community who are in support of changing the temporary A-frame sign allowance into permanent code, which provides predictability for the business community. The business community also indicates that A-frame signs are an important tool to direct pedestrians to their businesses.

This code amendment (Attachment 1) is intended to make the A-frame sign standards a permanent part of the Zoning Code. This amendment would allow businesses to direct pedestrian traffic by obtaining one permit for an indefinite period of time.

The Planning and Zoning Commission held a study session to discuss the amendment on July 14, 2016, followed by a public hearing on August 2, 2016 (The staff reports and minutes from these meetings are provided as Attachments 2 through 5). At the conclusion of the public hearing, the commission made the following motions:

- The commission's first motion was to recommend approval of the A-frame code

amendment as written. This motion failed with a tie vote

- The commission made a second motion to recommend approval of the A-frame code amendment as written, but with a sunset clause of December 31, 2017, with the code to be revisited prior to the expiration date. This motion passed.

BACKGROUND OR DETAILED INFORMATION:

Prior to 2011, the only temporary sign type available to a business was a banner permit. A business would have to obtain multiple permits to install banners for limited time frames and for a limited number of times throughout the year.

The Town established standards to allow A-frame signs in 2011 as a temporary relief strategy for businesses during difficult economic times. The temporary allowance has been continually renewed by Council since 2011. During this five year period, 70 businesses have obtained A-frame permits. In 2014, the Town received two resident derived complaints related to the use of A-frame signs, which were resolved through education to businesses about the need for a permit and A-frame sign placement requirements.

Over this time period, concerns that A-frame signs would clutter shopping centers and overwhelm the landscape have proven to be unfounded.

Business Outreach

As directed by Town Council, the Economic Development Division and the Greater Oro Valley Chamber of Commerce surveyed the business community regarding the use of A-frame signs. In general, input from the business community can be summarized as follows:

- A-frame signs result in a noticeable increase in customers directly related to the signs
- Permanent code will provide predictability for the business community

Detailed comments received from the business community are included in Attachment 6.

A-frame Sign Standards

The proposed A-frame sign standards are essentially the same standards used over the past five years, with minor updates. The standards are summarized as follows:

- Design: Businesses may use an A-frame or similar design
- Number: One (1) sign per businesses
- Size/Height: 6 square feet in size and 42" in height
- Location: 20' from door of business
- Materials: No paper, cloth, flags, balloon or other attachments
- Sign Copy: Must be neat and legible

General Plan Analysis

Zoning Code amendments are evaluated for conformance with General Plan policies. These policies generally focus on balancing citizen concerns about increased levels of signage, with the business need to attract customers. The amendment allows a business to attract customers with a sign type that is limited in size, quantity and

placement to prevent intrusive signage. The proposed amendments are consistent with the General Plan policies.

A detailed review of the amendment in relation to the General Plan polices is included in Attachment 7.

Public Notification and Comment

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

One letter of concern with the amendment was received, which is provided as Attachment 8.

Planning and Zoning Commission Review

The amendment was discussed by the commission at the July 14, 2016 study session and again heard on August 2, 2016. The main topics discussed at the meetings included sign design and continued allowance on a temporary basis.

During the meeting, staff asserted that allowing A-frame signs for another temporary period of time will continue to create uncertainty for the business community. Additionally, staff reported that the Town has already had a five-year test period and A-frame signs have not dominated shopping areas or the landscape. Furthermore, participating businesses find the signs helpful and the number of resident complaints have been minimal. Most violations have resulted in staff educating businesses about the need to obtain a permit and proper placement.

At the conclusion of the public meeting, the commission voted to recommend approval of the amendment and the motion failed. A second motion was made to approve the amendment with a sunset clause of December 31, 2017, with the code to be revisited prior to the expiration date. The Planning and Zoning Commission staff reports and minutes are included as Attachments 2 through 5.

The intent of the commission's recommendation was to allow another one year testing period until December 31, 2017, to determine if the Town wants A-frame signs to be a permanent sign type.

FISCAL IMPACT:

Having appropriate, visible signage is one tool used by businesses to attract customers. When businesses have a strong customer base, they tend to remain in operation longer, providing employment opportunities and contributing to a stable sales tax base in Oro Valley.

SUGGESTED MOTION:

I MOVE to approve Ordinance No. (O)16-09, an amendment to Chapter 28 of the Oro Valley Zoning Code establishing A-frame sign standards, with a sunset clause of December 31, 2017, with the code to be revisited prior to the expiration date.

OR

I MOVE to approve Ordinance No. (O)16-09, an amendment to Chapter 28 of the Oro Valley Zoning Code establishing A-frame sign standards.

OR

I MOVE to deny Ordinance No. (O)16-09, an amendment to Chapter 28 of the Oro Valley Zoning Code establishing A-frame sign standards.

Attachments

(O)16-09 A-Frame Zoning Code Amendments

Attachment 2 PZC July Study Session Staff Report and Attachments

Attachment 3 PZC July Minutes

Attachment 4 PZC August Staff Report and Attachments

Attachment 5 PZC August Minutes

Attachment 6 Chamber of Commerce Comments

Attachment 7 General Plan Analysis

Attachment 8 Letter of Concern

ORDINANCE NO. (O)16-09

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 28, SIGNS, SECTION 28.3, GENERAL SIGN REQUIREMENTS; SECTION 28.4, DEFINITIONS AND SIGN TYPES; SECTION 28.6, TEMPORARY SIGNS; AND SECTION 28.9 PROHIBITED SIGNS, RELATED TO A-FRAME SIGNS, 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, the proposed amendments to Chapter 28, Signs, Section 28.3 General Sign Requirements, Section 28.4 Definitions and Sign Types, Section 28.6 Temporary Signs, and Section 28.9 Prohibited Signs will change A-Frame signs from a temporary allowance to permanent code; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendment at a duly noticed public hearing on August 2, 2016, in accordance with State Statutes and the OVZCR, and recommended approval of the proposed amendment to the Town Council, including a sunset clause of December 31, 2017, with review of the code prior to the expiration date; and

WHEREAS, the Mayor and Council have considered the proposed amendments to Chapter 28, Signs, Section 28.3, General Sign Requirements, Section 28.4 Definitions and Sign Types, Section 28.6 Temporary Signs, and Section 28.9 Prohibited Signs, and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town’s General Plan and other Town ordinances and is 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 28, Signs, Section 28.3, General Sign Requirements, Section 28.4 Definitions and Sign Types, Section 28.6 Temporary Signs, and Section 28.9 Prohibited Signs, attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby amended.

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

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court

of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 7th day of September, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

A frame signs

New language is in ALL CAPS, ~~strikethrough~~ used for code language to be removed

Section 28.3 General Sign Requirements

A.4. Temporary Sign Materials

Materials proposed to be used in constructing temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the Planning and Zoning Administrator and Building Official.

E.2. Maintenance

- A. Each sign shall be maintained in a new or like-new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

Section 28.4 Definitions and Sign Types

1. A-Frame Sign

A hinged OR SELF-SUPPORTING UPRIGHT sign constructed of durable materials and connected so as to maintain the AN “A” shape OR SIMILAR structure. ~~of the sign.~~

Section 28.6 Temporary Signs

A. Requirements for All Temporary Signs

1. Any sign that penetrates the ground is subject to blue stake requirements.
2. Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage or appurtenances.
3. Any damage to public or private property caused by signs placed within the right-of-way shall be the sole responsibility of the sign owner.
4. Standards for temporary sign materials are provided in Section 28.3.A.4, General Sign Requirements.

B. Temporary Signs in a Commercial/Industrial Zoning District

The following temporary sign types shall be allowed within a Commercial and/or Industrial District:

8. A-FRAME SIGNS

- A. USE: INTENDED TO DIRECT PEDESTRIAN TRAFFIC AND SHALL NOT BE SOLELY ORIENTED TOWARD VEHICULAR TRAFFIC.
- B. QUANTITY: ONE (1) PER BUSINESS.
- C. AREA OF SIGN: MAXIMUM SIX (6) SQUARE FEET PER SIDE. MAXIMUM OF (2) SIDES.
- D. HEIGHT: NOT TO EXCEED 42".
- E. LOCATION: ON PRIVATE PROPERTY WHERE THE BUSINESS IS LOCATED.
- F. ADDITIONAL REQUIREMENTS:
 - I. SIGN SHALL NOT BE LOCATED MORE THAN TWENTY FEET (20') FROM THE ENTRY DOOR OF THE ASSOCIATED BUSINESS OR THE NEAREST ENTRY STAIRWAY/ELEVATOR FOR A SECOND STORY BUSINESSES.
 - II. SIGN SHALL NOT BE LOCATED CLOSER THAN 4' TO A CURB.
 - III. PLACEMENT OF SIGN SHALL ALLOW FOR A FOUR FOOT (4') UNOBSTRUCTED PATHWAY FOR PEDESTRIANS.
 - IV. THE SIGN SHALL NOT BE DISPLAYED IN A MANNER THAT WILL CREATE A PUBLIC SAFETY HAZARD.
 - V. ACCESS RAMPS OR VEHICULAR SIGHT LINES SHALL NOT BE OBSTRUCTED.
- G. ILLUMINATION: NONE.
- H. HOURS: DURING OPERATING HOURS OF THE ASSOCIATED BUSINESS.
- I. DESIGN:
 - II. THE SIGN SHALL BE SELF-SUPPORTING AND NOT BE ATTACHED TO RAILINGS, POSTS, FENCING OR OTHER STRUCTURES.
 - III. CARTS, WHEELS OR OTHER DEVICES THAT WILL MAKE THE A-FRAME MOBILE SHALL NOT BE ATTACHED TO THE SIGN.
 - IV. ATTACHMENTS SUCH AS FLAGS, PENNANTS, BALLOONS OR ADDITIONAL SIGNS SHALL NOT BE AFFIXED TO THE A-FRAME.
 - V. THE SIGN APPEARANCE SHALL BE PROFESSIONAL AND MAY NOT CONTAIN CLOTH OR PAPER SURFACES.

VI. THE SIGN SHALL BE NEAT AND LEGIBLE.

Section 28.9 Prohibited Signs

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and are prohibited unless otherwise specified within this chapter.

1. ~~A frame signs, other than as specified in Sections 28.7.A.3 and 28.7.A.6;~~
1. Billboards;
2. Electronic message centers;
3. Exposed neon signs, except as provided by Section 28.5.B.15;
4. Flashing lights;
5. Garage sale signs, except as provided by Section 28.7.A.6;
6. Inflatable signs, except as provided by Section 28.6.B.7;
7. Marquee signs;
8. Moving/animated signs; except barber-type animated signs are allowed for barbershops during business hours only;
9. Obscene signs;
10. Off-site advertising on public property;
11. Off-site signs;
12. Pennant signs;
13. Portable signs (sandwich board, etc., EXCEPT AS PROVIDED IN SECTION 28.6.B.8);
14. Projecting signs;
15. Roof signs;
16. Search lights;
17. Signs attached to any physical public property;
18. Signs in the median;
19. Vehicle signs.



Discussion – A-frame signs/Outdoor Display Amendment Planning and Zoning Commission Staff Report

PROJECT: A-frame sign and Outdoor Display code amendment

CASE NUMBER: OV1601007

MEETING DATE: July 14, 2016

AGENDA ITEM: 3

STAFF CONTACT: Patty Hayes, Senior Planning Technician
phayes@orovalleyaz.gov (520) 229-4819

Request: Review draft of proposed changes to the Zoning Code related to A-frame signs and Outdoor Displays

Location: Town-wide

Recommendation: This item is informational only and is intended to garner feedback from Commission members. A formal recommendation will be provided at the August 2, 2016 public hearing.

SUMMARY:

The purpose of this code amendment is to change A-frame signs and Outdoor Displays from a temporary allowance to permanent code. Council first approved a temporary allowance for both A-frame signs and Outdoor Displays in 2011. At a January 20, 2016 meeting Council directed staff to make these temporary allowances permanent code.

A-frames are portable signs that businesses place near the entry door of their store or restaurant to attract customers. Outdoor displays are designated areas near the entry of a business that display the products sold by the store.

A draft version of the proposed amendments is included in Attachments 1 and 2. The proposed draft amendments will be further refined following the study session. The goal of the study session is to:

- Introduce and familiarize the Planning and Zoning Commission with the proposal
- Address questions or concerns
- Obtain broad feedback

Staff will consider all comments and return with the formal amendment at the August 2, 2016 Planning and Zoning Commission meeting.

BACKGROUND:

In September 2011 the Town Council voted to allow the use of A-frame signs and Outdoor Displays as a temporary relief strategy for businesses during a difficult economic time. The temporary allowances were originally approved for one (1) year and have been continuously renewed over the past five years. At the January 20, 2016 Council meeting staff was directed to work with the business community for alternative or permanent solutions to the A-frame and Outdoor Display allowances.

The purposed draft code sections allowing A-frame signs and Outdoor Displays is included in Attachments 1 and 2.

DISCUSSION / ANALYSIS:

The proposed code amendment is comprised of two separate items, A-frame signs and outdoor displays.

A-Frame Signs

A-frame signs allow businesses to attract customers with a sign type that is easily manageable and with messages that can change to advertise goods and services with one permit, through the temporary allowance, for an indefinite period of time. Prior to the A-frame sign allowance, the only temporary sign type available to a business was a banner permit. A business would have to obtain multiple permits to install banners for limited time frames and for a limited number of times throughout the year.

Overall the use of the A-frame signs over the past five years has not created a significant number of complaints. Inspection and Compliance staff has worked with a few business owners to correct the placement and lack of professional design of signs. The source of complaints has been limited.

Town Council directed staff to work with the business community to review the use of A-frame signs. As a result the Greater Oro Valley Chamber of Commerce in conjunction with the Oro Valley Economic Development department conducted an informal survey of businesses to gain feedback about their opinion of A-frame signs. Many of those businesses appreciated the ability to use A-frame signs and most saw an increase in customers directly related to the sign. In summary businesses are in favor of making the temporary allowance permanent.

The same temporary standards established in 2011 are proposed to continue with clarifications.

- Only one sign per business will be allowed
- Sign must be located within 20' feet from door of the business
- The sign may only be allowed during business hours
- Language has been added to clarify that balloon, flags or other attachments are prohibited.

A summary of the code standards is provided in Attachment 3.

Outdoor Displays

Outdoor displays are designated areas outside the doors of a business that allow display of goods sold by the business. Prior to the temporary allowance for outdoor displays a business was either not allowed to continually display goods or had to gain approval for temporary events through a special use permit which could be costly and limiting.

Allowing businesses to display goods on an on-going basis without paying permit fees was allowed through the temporary relief approved by Council in 2011. Although use of the Outdoor Display permits is not as common as A-frame sign permits, the businesses who take advantage of those permits have continued to display their goods to increase sales.

Overall a significant number of complaints has not been received regarding outdoor displays. Inspection and Compliance staff have also worked with businesses to correct the placement of their displays along with educating them about size and safety standards. The source of complaints for this issue has also been limited.

The temporary standards established in 2011 are proposed to continue with clarifications.

- Display must be limited to one facade of the building
- Limitations of the size of the display area is relative to the size of the business
- A clear pathway must always be maintained
- The display cannot create a hazard and must meet safety standards

A summary of the code standards is provided in Attachment 4.

SUMMARY:

The information provided in this report is intended as an overview of proposed changes and staff is requesting general input and feedback. Commission comments will be used to help develop a final draft. The next step in the process is to present the formal code amendments to the Commission for action on August 2, 2016.

ATTACHMENTS:

1. Proposed Draft of A-frame Code Amendment
2. Proposed Draft of the Outdoor Display Amendment
3. Summary of Proposed A-frame Code
4. Summary of Proposed Outdoor Display



Bayer Vella, Planning Manager

A frame sign

New language is in ALL CAPS, strikethrough used for code language to be removed

Section 28.4 Definitions and Sign Types

1. A-Frame Sign

A hinged sign constructed of durable materials and connected so as to maintain the “A” shape structure of the sign.

Section 28.6 Temporary Signs

A. Requirements for All Temporary Signs

1. Any sign that penetrates the ground is subject to blue stake requirements.
2. Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage, or appurtenances.
3. Any damage to public or private property caused by signs placed within the right-of-way shall be the sole responsibility of the sign owner.
4. Standards for temporary sign materials are provided in Section 28.3.A.4, General Sign Requirements.

B. Temporary Signs in a Commercial/Industrial Zoning District

The following temporary sign types shall be allowed within a Commercial and/or Industrial District:

8. A-FRAME SIGNS

- A. USE: INTENDED TO DIRECT PEDESTRIAN TRAFFIC AND SHALL NOT BE ORIENTED TOWARD VEHICULAR TRAFFIC.
- B. QUANTITY: ONE (1) PER BUSINESS.
- C. AREA OF SIGN: MAXIMUM SIX (6) SQUARE FEET.
- D. HEIGHT: NOT TO EXCEED 42”.

E. LOCATION:

Attachment 1

- I. ON PRIVATE PROPERTY WHERE THE BUSINESS IS LOCATED.
- II. SIGN SHALL BE LOCATED WITHIN TWENTY FEET (20') OF THE ENTRY DOOR TO THE ASSOCIATED BUSINESS OR THE NEAREST ENTRY STAIRWAY/ELEVATOR FOR A SECOND STORY BUSINESSES.

F. ADDITIONAL REQUIRMENTS:

- III. PLACEMENT OF SIGN SHALL ALLOW FOR A FOUR FOOT (4') UNOBSTRUCTED PATHWAY FOR PEDESTRIANS.
- IV. THE SIGN SHALL NOT BE DISPLAYED IN A MANNER THAT WILL CREATE A PUBLIC SAFETY HAZARD.
- V. ACCESS RAMPS OR VEHICULAR SIGHT LINES SHALL NOT BE OBSTRUCTED.

F. ILLUMINATION: NONE.

G. HOURS: OPERATING HOURS OF THE ASSOCIATED BUSINESS.

H. DESIGN:

- I. THE SIGN SHALL BE SELF-SUPPORTING AND NOT BE ATTACHED TO RAILINGS, POSTS, FENCING OR OTHER STRUCTURES.
- II. CARTS, WHEELS OR OTHER DEVICES THAT WILL MAKE THE A-FRAME MOBILE SHALL NOT BE ATTACHED TO THE SIGN.
- III. ATTACHMENTS SUCH AS BALLOONS OR ADDITIONAL SIGNS SHALL NOT BE AFFIXED TO THE A-FRAME.
- IV. LETTERING SHALL BE NEAT AND LEGIBLE COPY.

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and are prohibited unless otherwise specified within this chapter.

1. ~~A-frame signs, other than as specified in Sections 28.7.A.3 and 28.7.A.6;~~
2. Billboards;
3. Electronic message centers;
4. Exposed neon signs, except as provided by Section 28.5.B.15;
5. Flashing lights;
6. Garage sale signs, except as provided by Section 28.7.A.6;
7. Inflatable signs, except as provided by Section 28.6.B.7;
8. Marquee signs;
9. Moving/animated signs; except barber-type animated signs are allowed for barbershops during business hours only;
10. Obscene signs;
11. Off-site advertising on public property;
12. Off-site signs;
13. Pennant signs;
14. Portable signs (sandwich board, etc., EXCEPT AS PROVIDED IN SECTION 28.6.B.8);
15. Projecting signs;
16. Roof signs;
17. Search lights;
18. Signs attached to any physical public property;
19. Signs in the median;
20. Vehicle signs.

Outdoor Display

**Chapter 25
USE REGULATIONS**

Section 25.1 Requirements for Specific Uses

This section applies to all non-residential uses, excluding parks. The requirements specified herein are in addition to those specified in the corresponding zoning district.

A. General Requirements for All Non-Residential Uses

4. Outdoor Storage and Activities

- a. All operations and storage, EXCEPT AS PROVIDED IN THE SECTION 25.1.A.4.D OUTDOOR DISPLAYS, shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Items stored, excluding live vegetation, may not be visible from private or public streets or adjacent residential areas.
- b. Outdoor storage containers are not permitted.
- c. ~~Outdoor display of goods, outdoor sales or temporary outdoor storage is not permitted except by Special Use Permit.~~

D. OUTDOOR DISPLAY OF MERCHANDISE SHALL MEET THE FOLLOWING STANDARDS:

I. LOCATION:

- A) THE DISPLAY AREA SHALL BE LOCATED DIRECTLY ADJACENT TO THE PRIMARY BUILDING WHERE THE MERCHANDISE IS SOLD.
- B) THE DISPLAY AREA SHALL NOT BE PLACED IN A MANNER THAT WILL CONSTITUTE A PUBLIC HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR INTERFERE WITH BICYCLE PARKING AREAS AND OTHER ACCESS. PEOPLE STANDING IN DRIVEWAY OR BLOCKING DOORWAYS WHILE VIEWING OUTDOOR DISPLAY ARE CONSIDERED A HAZARD (FIGURE 25.1).
 - I. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ALL DOORS.
 - II. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ANY ADJACENT ROAD CURB.

- III. THE DISPLAY AREA SHALL NOT INTERFERE WITH SIDEWALK FUNCTION AND MUST MAINTAIN A FOUR FEET (4') CLEAR PATH AROUND DISPLAY AT ALL TIMES.
- IV. ACCESS TO ALL DOORS SHALL BE KEPT CLEAR AT ALL TIMES.
- V. THE DISPLAY AREA SHALL NOT BE LOCATED IN PARKING AREAS, DRIVE AISLES OR LANDSCAPE AREAS.

II. SIZE:

- A) THE DISPLAY AREA FOR STORE FRONTS WITH LESS THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED TWENTY FIVE (25) SQUARE FEET
- B) THE DISPLAY AREA FOR STORE FRONTS WITH GREATER THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE FRONTAGE UP TO A MAXIMUM OF 150 SQUARE FOOT.

III. QUANTITY:

- A) DISPLAY AREAS ARE LIMITED TO ONE FAÇADE OF THE BUILDING

IV. SIGNS:

- a) PRICE TAGS SHALL BE NO LARGER THAN ONE SQUARE FOOT.

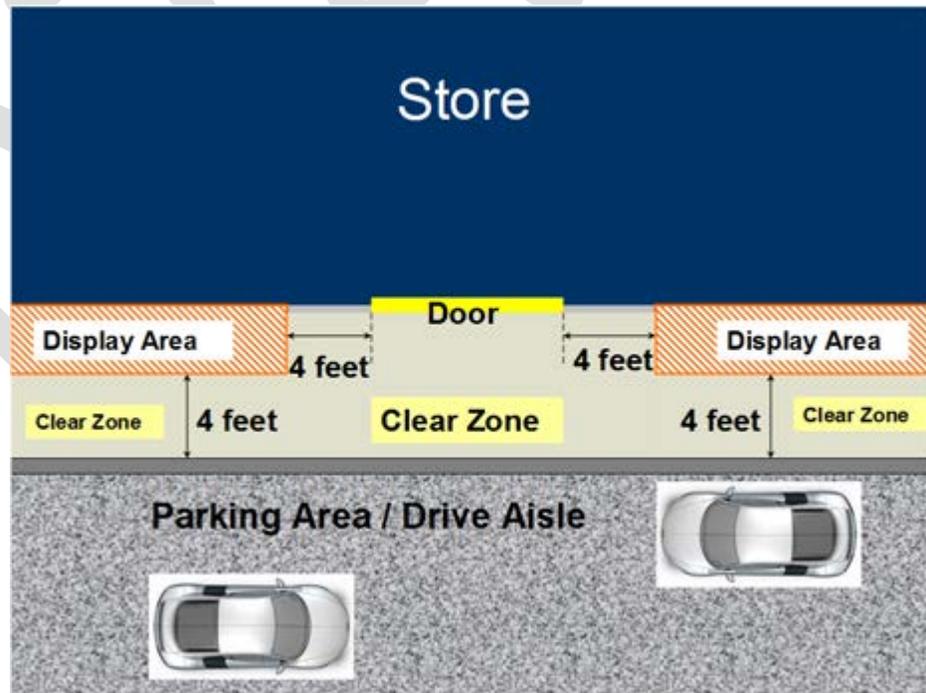


Figure 25.1 Outdoor Display Location

- E. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited.~~ DISPENSING MACHINES ARE PROHIBITED EXCEPT FOR NEWSPAPERS.

- F. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3) foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

Chapter 31

Definitions:

OUTDOOR DISPLAY: AN ARRANGEMENT OF MERCHANDISE SOLD ON THE PROPERTY IN SUCH A WAY TO GIVE SPECIAL PROMINENCE AND DESIGNED TO ATTRACT BUYERS.

OUTDOOR STORAGE: SUPPLY, STOCK OF MERCHANDISE, MATERIALS OR SIMILAR ITEMS ACCUMULATED IN AN AREA OUTSIDE OF THE BUSINESS.

OUTDOOR SALES: THE SALE OF ITEMS FROM ON AN OUTDOOR DISPLAY.

A-frame Sign Standards

Standards	Current Temporary Allowance	Proposed Allowance
Quantity	1	1
Size	6 square feet	6 square feet
Height	42"	42"
Location	Private property	Private property
	20' from business entry	20' from business entry
Illumination	None	None
Hours	Business hours	Business hours
Design	No moving, flashing, noise	No moving, flashing, noise
		No attachments such as balloons or flags
		Not allowed to be attached to wheels or carts
		Professionally made signs: No cardboard
		Allow chalk board signs



Outdoor Display Standards

Standards	Current Temporary Allowance	Proposed Allowance
Quantity	1 facade of the building	1 facade of the building
Size	Relative to building frontage	Relative to building frontage
	Store fronts < 30 feet of frontage = reduced setback	Eliminated. All displays held to a 4' setback.
	Store fronts <50 feet of frontage = 25 square feet of display area	Store fronts <50 feet of frontage = 25 square feet of display area
	Store fronts >50 feet of frontage = 50% display area	Store fronts >50 feet of frontage = 50% display area
Location	4' from doors, curbs, etc.	4' from doors, curbs, etc.
		Provide clear pathways

Attached is a summary of comments from the Greater Oro Valley Chamber of Commerce

In conjunction with the town's economic development division, our Chamber has been querying members about **A-frame signs** and the **outdoor display of merchandise** as the Town of Oro Valley considers more permanent permissions for those media

A-Frame Signs

We've spoken with **European Wax Center, Saffron Indian Bistro, Trouville Salon, Carrabba's, Sheffield's Diamonds, Oro Valley Eyecare, The Joint Chiropractic, Rubs Massage, Sahuaro Café, Fleet Feet Sports, Framed to Perfection, Friends of the Oro Valley Library, America's Mattress** and **T-Mobile**. We can keep going, of course.

Nearly all these businesses use the A-frame. Everyone we spoke with **likes the ability to use A-frames**, and hopes the permissions become **permanent**. Some are able to point specifically to volume increases.

Heredia, corporate administrator at **Sheffield's Diamonds**, says the A-frame is "absolutely effective." Sheffield's tracks awareness with its customers, and she estimates "**between 20 and 30 percent**" of first-time visitors are attracted by their signs.

Brandon Trappman, salon coordinator at **Trouville Salon** in Plaza Escondida, estimates between 5 and 7 percent of the salon's business comes from A-frame advertising of open appointments, specials and hiring events. We do see the specialty and service businesses, such as salons, are more reliant upon that walk-in traffic, and the signs are helpful. "Very awesome," Brandon said.

Other merchants speak more anecdotally, and they're honest about it. **Miguel Nakano** at **Oro Valley Eyecare** believes A-frames work, but "I can't give you an actual number that could back it up."

Likewise, **Jack Colmar** of **The Joint Chiropractic** lacks data on how much A-frame marketing increases business. "But I can definitely say that it **does** help drive foot traffic into our business. We rely a lot on people walking by our locations to come in and try out our concept, so I would strongly be in favor of always allowing A-Frame signage."

Melissa Yunger, manager at **Rubs Massage**, is a believer. "Oh my gosh," she said. "A good-sized part of the people who are new to us coming in" see the A-frame offer. "It's super important. It generates a lot of new walk-in clientele. We've definitely received a lot of positive feedback."

Like Melissa, several told us the A-frames generate that first customer visit. If they do their jobs well, and provide good service and values, those customers come back.

Some merchants would like to see the 20-foot rule liberalized. As examples, **Rubs Massage** wants to catch people coming into the Fry's Center on La Canada. Having the sign within 20 feet would make it essentially invisible. "I understand we can't put it on the street," Melissa said.

Saffron, Fleet Feet Sports and **The Designer Rug Store**, all in the south end of what I call Oracle Crossings, are tucked away and largely invisible from the road. They push their signs toward the center's southernmost entry road, hoping visitors to the center see their information.

Outdoor Displays

I've spoken with 3 specific retailers about outdoor display -- **Dollar Tree, Fry's** and **Trader Joe's**, relatively large users of the outdoor display permission

Derick Pfiester, district manager for Fry's based at Lambert and La Canada, said sales derived at that store from outdoor display of merchandise is **"a 6-figure number."** He may be sharing the percentages / dollars later today.

"Business is a visual process," he said. People need to "touch, feel, taste and experience" retail items. "If I'm limited on capacity, I need every single inch I can use."

Derick said the items Fry's sells out its front doors -- this time of year, **grills, plastic pools, pots, outdoor furniture** and the like are **"high-profit items"** that keep Fry's going. "That helps us to be competitive. Without this mix (of product), we're not as profitable."

He's aware of the need to be a good neighbor, and completely respects the need for adequate sidewalk space, emergency access and other safety / code requirements.

Faust Rochin is a store manager at **Trader Joe's**. Trader Joe's sells **2 categories outside -- seasonal items**, such as pumpkins, melons and holiday fare, and **plants**. "All Trader Joe's merchandise plants outside," Faust said.

"A considerable amount of flower sales are plants," as compared to cut flowers, Faust said.

This time of year, there's **not much outside** Trader Joe's; **charcoal briquets**, on Tuesday morning. That said, he attributes **up to 3 percent of the store's total sales to merchandise displayed outside**. "Regardless of the time of year, there is demand created from the stuff we have on display outside," Faust said.

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
***AMENDED (7/5/16, 2:00 PM)**
STUDY SESSION
July 14, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

STUDY SESSION AT OR AFTER 6:00 PM

CALL OR ORDER

Chair Leedy called the July 14, 2016 Planning and Zoning Commission Special Session to order at 6:00 PM.

ROLL CALL

PRESENT: Bill Leedy, Chair
Charlie Hurt, Vice Chair
Bob Swope, Commissioner
Melanie Barrett, Commissioner
Greg Hitt, Commissioner

EXCUSED: Tom Gribb, Commissioner
Tom Drzazgowski, Commissioner

ALSO PRESENT:

Vice Mayor Lou Waters
Council Member Joe Hornat
Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chair Leedy led the audience and the Commission in the Pledge of Allegiance.

CALL TO AUDIENCE

No speaker requests.

COUNCIL LIAISON COMMENTS

Council Member, Joe Hornat provided a recap of the Conditional Use Permit for Freddy's Steakburger in the Steam Pump Village development.

STUDY SESSION AGENDA

~~*1. REVIEW AND/OR APPROVAL OF THE MAY 3, 2016 REGULAR SESSION MEETING MINUTES~~

2. PRESENTATION AND DISCUSSION REGARDING THE HOME OCCUPATIONS ZONING CODE AMENDMENT, OV1600759

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- What is a Home Occupation?
- Current List Based Approach
- Performance Based Approach
- Clarify Standards
- Type I vs. Type II uses
- Case Study - Contractors Office
- Case Study - Home Baking Business
- Case Study - Architect Office
- Summary

Commissioner Barrett expressed some concern with the limitation to no more than 5 customers per day and suggested raising the limit according to use.

Chair Leedy suggested the following:

- Adding a definition to the code for the use of the word "employee" for all the various types of people that are engaged in some sort of relationship with an on-going business.
- Page 2, item 2,B,II Non-resident employee reporting to the home, suggested limiting the full-time employee during the course of the day.
- Page 2, item 2,B,III, Agrees with Commissioner Barrett regarding the limitation to no more than 5 customers per day.
- Page 3, item A, IV, questioned the need for authorization of approval from property owner
- Page 3, item A,V, clarify distinction between a household pet, and the prohibition against a home occupation associated with animals.
- Page 3, item B,II & III, Oro Valley is becoming more business friendly, and suggested reconsidering the number of employees who can report to the home.
- Page 5, item G,III, clarify whether this section applies to display of products both inside or outside the home.
- Section 25.2 Accessory Uses and Structures, item A,1, clarify whether this means commenced or completed.

- Section 25.2,C,1 clarify whether there is a limit on how long a garage sale can last.
- Section 25.2,C,2 Suggest adding drones

Vice Chair Hurt, suggested adding a paragraph to clarify what a list approach is versus a performance based approach.

Commissioner Barrett suggested adding a time limit to garage sale.

3. PRESENTATION AND DISCUSSION REGARDING THE A-FRAME SIGNS AND OUTDOOR DISPLAYS ZONING CODE AMENDMENT, OV1601007

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- A-frame Signs
- Outdoor Displays
- General Plan
- Summary

Dave Perry, Oro Valley resident, shared his thoughts on the new language on A-frame signage. Mr. Perry's questioned clarification on the meaning of vehicular traffic on Section 28.4, B, A. Mr. Perry commented that when people enter a shopping center, their intent is to do commerce and they seek information. A-frame signs do not detract from the motorists or pedestrian safety experience. Section 28.4. B. C., Area of Sign, Mr. Perry believes that an A-frame sign is two sided, and the clarification of the sign area needs to be added. Section 28.9 A.12. Off-site Signs, this could be problematic for government, partially given the case there is a free speech component to what you say on your sign. Section 28.4, B, H, IV, lettering shall be neat and legible copy, how will this be define or enforced. Mr. Perry is very appreciative as well as the business community and one thing he does ask is to look at the allowance for frontage that staff is proposing on outdoor displays. As long as the business meets safety and emergency access requirements let them put out there as much stuff as they want. We all win in the end.

Don Bristow, Oro Valley resident, commented that A-frame signs are a safety issue. If you trying to read the sign instead of watching the road, that is a safety issue. The amount of copy on the sign is distracting the driver from the road. Mr. Bristow recommends that those signs be pedestrian oriented and move them back closer to the stores entrance. There are several other more professional attractive looking alternatives that staff has kept off the table. Outdoor displays is not a big issue, there is probably 8 or 9 merchants that use outdoor displays on a regular basis. The citizens deserve a descent looking community and don't need the piles of dangerous

stuff. Handicapped accessibility to the store comes into play and needs to be considered. Mr. Bristow would consider one row of merchandise against the back wall or the store, but the merchant does not need to have two or three rows and the residents some relief.

Commissioner Barrett commented that she likes the A-frame signs and it helps to see what a current special promotion or sale items. She also agrees that they should be pedestrian focused especially if they have a lot of text. Commissioner Barrett stated she would like to see added a prohibition that they not advertise alcohol or tobacco products.

Joe Andrews, Chief Civil Deputy Attorney, responded to Commissioner Barrett's comment that the regulation of content is prohibited.

Commissioner Swope commented on Section 28.6, H, IV, Lettering shall be neat and legible copy, but in the summary it mentions professionally made signs, which seems to conflict. Section 28.6, H, III, Balloons or additional signs shall not be affixed to the a-frame, staff mentioned flags and other attachments, and the standards need to be very specific and attachments can subtract from the aesthetics of these signs.

4. PRESENTATION AND DISCUSSION REGARDING

A. CONDITIONAL USE PERMIT REVIEW CRITERIA, OV1601159

B. TABLE OF PERMITTED USES ZONING CODE AMENDMENT, OV1601159

Mike Spaeth, Senior Planner, provided a presentation that included the following:

- Purpose
- Conditional Use Permit Review Criteria
- Permitted use Table
- Update use categories
- Consolidate use categories
- Add new & reclassify us categories
- Use standards
- Use Definitions
- Summary

Commissioner Swope questioned the prohibiting of car washing at a vehicle rental facility, and how would the rental facility operate without washing and cleaning their vehicles.

Chair Leedy commented on the following:

- Check cross references prior to final draft
- Section 25.1, number 13: Gas Stations, item C, questioned whether staff was intending to limit kiosk sales. He was not sure if this language is appropriate.
- Chapter 31, Definition of Employee
- Chapter 31, Definition of Animal Services, Questioned whether this meant animals other than domestic animals
- Chapter 31, Definition of Cultural Use, this definition ends with, "not including items for sale," he's never been in a museum without a gift shop
- Chapter 31, Definition of Grocery Store, The definition is missing reference to bulk material or nonperishable items
- Chapter 31, Definition of Microbrewery, Questioned whether the Town regulates microbreweries that produce less than 10,000 gallons
- Chapter 31, Definition of General Retail, Suggested a new definition be provided for a goods or services that are provided or sold to the end user or consumer.
- Chapter 31, Definition of Sport Court, Add pickle ball to definition
- Chapter 31, Definition of Vet Services, Suggested striking everything after the word treatment

PLANNING UPDATE (INFORMATIONAL ONLY)

Bayer Vella, Planning Manager, had no update

ADJOURNMENT

Chair Leedy adjourned the Planning and Zoning Commission Meeting at 8:59 pm.



Hearing – A-frame sign Zoning Code Amendment Planning and Zoning Commission Staff Report

PROJECT: A-frame Sign zoning code amendment

CASE NUMBER: OV1601007

MEETING DATE: August 2, 2016

AGENDA ITEM: 3

STAFF CONTACT: Patty Hayes, Senior Planning Technician
phayes@orovalleyaz.gov (520) 229-4819

Request: Zoning Code Amendments related to A-frame signs

Location: Town-wide

Recommendation: Recommend approval

SUMMARY:

The purpose of this code amendment is to change A-frame signs from a temporary allowance to permanent code. Council first approved a temporary allowance for A-frame signs in 2011. At a January 20, 2016 meeting Council directed staff to make these temporary allowances permanent code. The Planning and Zoning Commission held a study session on July 14, 2016.

See the Discussion and Analysis section of this report for issues raised at the July 14 Planning and Zoning Commission meeting.

A draft version of the revised proposed amendment, based on the Commissions' input, is included in Attachment 1.

BACKGROUND:

Please see Attachment 2 for the study session reports and documents for background information.

DISCUSSION / ANALYSIS:

At the July 14 Planning and Zoning Commission study session the following key items were discussed (code sections are in *italics*):

1. **Comment:** Since some A-frame signs can be seen by drivers in cars, a concern was raised about the standard stating that signs are to be directed toward pedestrian traffic and not vehicular traffic

Staff response: In an effort to continue many of the same standards as developed for the temporary sign allowances, staff kept this language to make it known to the sign owner that signs are meant to be primarily for the pedestrian on the sidewalk. However in many situations the signs can also be viewed by a passerby in a car who is driving through the commercial development even though the signs are not solely intended to attract the attention of vehicular traffic off of a main street. The requirement that the sign must be placed within 20' of the front door of the business also reiterates the intent.

Draft code change: The wording of section 28.6.B.8.A was changed slightly to indicate that signs are not to be solely oriented toward vehicular traffic.

- *"Intended to direct pedestrian traffic and shall not be solely oriented toward vehicular traffic.*
- *Sign shall not be located more than twenty feet (20') from the entry door of the associated business"*

2. **Comment:** Allowing only 6 square feet of sign area for a sign type that is typically a two sided sign was questioned.

Staff response: The size of a double faced sign, such as an A-frame, is measured on one side only. The sign would be allowed 6 square feet for each side.

Draft code change: Language was changed to clarify measurement standards.
Area of Sign: "Maximum six (6) square feet per side. Maximum of (2) sides."

3. **Comment:** Under prohibited signs, off-site signs are listed. Question was asked if this effects the A-frame signs.

Staff response: Yes, off-site sign prohibition would apply.

Draft code change: None

4. **Comment:** The proposed code language about the signs being "neat and legible" was discussed along with the type and style of text.

Staff response: There is some existing language in the code that staff has added to Attachment 1 to help clarify standards along with modified new language.

The existing code language is as follows:

Temporary Sign Materials

Materials proposed to be used in constructing temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the Planning and Zoning Administrator and Building Official.

Maintenance

Each sign shall be maintained in a new or like-new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

Draft code change: The code doesn't address design for more prominent types of signs, such as wall signs, which have a greater impact than an A-frame. However, standards were added to the proposed A-frame code to address the aesthetics of the signs. Whatever wording is used, it will be subjective. The following is proposed:

- *"The Sign appearance shall be professional and may not contain cloth or paper surfaces.*
- *"The sign shall be neat and legible."*

5. **Comment:** Concern was raised that some businesses might place alcohol or tobacco ads on A-frame signs.

Staff response: This is a freedom of speech issue.

Draft code change: None

6. **Comment:** The code should allow other temporary signs that are similar in form and function as A-frames.

Staff response: Language was added to the A-frame sign definition that would allow a similarly sized portable sign instead of the standard A-frame at the Planning and Zoning Administrators discretion.

Draft code change: The definition of A-frame was modified to allow other portable signs of equal size and height.

"A hinged or self-supporting upright sign constructed of durable materials and connected so as to maintain "A" shape or similar structure."

7. **Comment:** A safety concern about placement of signs at edge of curbs was mentioned.

Staff response: The proposed code ensures that signs are not allowed to create a safety hazard.

Draft code change: Safety is addressed as follows:

- *“Placement of sign shall allow for a four foot (4’) unobstructed pathway for pedestrians.”*
- *“Sign shall not be located closer than 4’ to a curb.”*
- *“The sign shall not be displayed in a manner that will create a public safety hazard.”*
- *“Access ramps or vehicular sight lines shall not be obstructed.”*

8. **Comment:** Be more specific about not allowing attachments such as flags, etc.

Staff response: Flags and pennants were added to the prohibited attachments.

Draft code change: The following language was added to the proposed code:

“Attachment such as flags, pennants, balloons or additional signs shall not be affixed to the A-frame.”

9. **Comment:** Font size was discussed as smaller fonts may be hard to see from vehicles.

Staff response: The purpose of the sign is for pedestrians and not intended for drivers of cars.

Draft code change: None

SUMMARY:

The information provided in this report is intended as an overview of the issues raised at the July 14 Planning and Zoning Commission study session. Attachment 1 reflects the proposed changes as a result of the Commissions input. The proposed code amendment will be scheduled for the September 7 Council meeting.

RECOMMENDATION:

Based on the following findings:

- A-frame signs are a tool to help businesses attract customers.
- The limit on size and quantity prevents an overconcentration of signs.
- The use has been in effect since 2011 without substantial issues.

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

Recommend approval to the Town Council of the requested code amendment, OV1601007.

SUGGESTED MOTION:

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

I move to recommend approval of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that the request meets the intent of the general plan concerning signage.

OR

I move to recommend denial of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that _____.

ATTACHMENTS:

1. Proposed Draft of A-frame Code Amendment
2. Report and attachments from the July 14 PZC study session



Bayer Vella, Planning Manager

A frame signs

New language is in ALL CAPS, strikethrough used for code language to be removed

Section 28.3 General Sign Requirements

A.4. Temporary Sign Materials

Materials proposed to be used in constructing temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the Planning and Zoning Administrator and Building Official.

E.2. Maintenance

- A. Each sign shall be maintained in a new or like-new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

Section 28.4 Definitions and Sign Types

1. A-Frame Sign

A hinged OR SELF-SUPPORTING UPRIGHT sign constructed of durable materials and connected so as to maintain the AN "A" shape OR SIMILAR structure. ~~of the sign.~~

Section 28.6 Temporary Signs

A. Requirements for All Temporary Signs

1. Any sign that penetrates the ground is subject to blue stake requirements.
2. Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage or appurtenances.
3. Any damage to public or private property caused by signs placed within the right-of-way shall be the sole responsibility of the sign owner.
4. Standards for temporary sign materials are provided in Section 28.3.A.4, General Sign Requirements.

B. Temporary Signs in a Commercial/Industrial Zoning District

The following temporary sign types shall be allowed within a Commercial and/or Industrial District:

8. A-FRAME SIGNS

- A. USE: INTENDED TO DIRECT PEDESTRIAN TRAFFIC AND SHALL NOT BE SOLELY ORIENTED TOWARD VEHICULAR TRAFFIC.
- B. QUANTITY: ONE (1) PER BUSINESS.
- C. AREA OF SIGN: MAXIMUM SIX (6) SQUARE FEET PER SIDE. MAXIMUM OF (2) SIDES.
- D. HEIGHT: NOT TO EXCEED 42".
- E. LOCATION:
 - I. ON PRIVATE PROPERTY WHERE THE BUSINESS IS LOCATED.
- F. ADDITIONAL REQUIREMENTS:
 - I. SIGN SHALL NOT BE LOCATED MORE THAN TWENTY FEET (20') FROM THE ENTRY DOOR OF THE ASSOCIATED BUSINESS OR THE NEAREST ENTRY STAIRWAY/ELEVATOR FOR A SECOND STORY BUSINESSES.
 - II. SIGN SHALL NOT BE LOCATED CLOSER THAN 4' TO A CURB.
 - III. PLACEMENT OF SIGN SHALL ALLOW FOR A FOUR FOOT (4') UNOBSTRUCTED PATHWAY FOR PEDESTRIANS.
 - IV. THE SIGN SHALL NOT BE DISPLAYED IN A MANNER THAT WILL CREATE A PUBLIC SAFETY HAZARD.
 - V. ACCESS RAMPS OR VEHICULAR SIGHT LINES SHALL NOT BE OBSTRUCTED.
- G. ILLUMINATION: NONE.
- H. HOURS: OPERATING HOURS OF THE ASSOCIATED BUSINESS.
- I. DESIGN:
 - II. THE SIGN SHALL BE SELF-SUPPORTING AND NOT BE ATTACHED TO RAILINGS, POSTS, FENCING OR OTHER STRUCTURES.
 - III. CARTS, WHEELS OR OTHER DEVICES THAT WILL MAKE THE A-FRAME MOBILE SHALL NOT BE ATTACHED TO THE SIGN.
 - IV. ATTACHMENTS SUCH AS FLAGS, PENNANTS, BALLOONS OR ADDITIONAL SIGNS SHALL NOT BE AFFIXED TO THE A-FRAME.
 - V. THE SIGN APPEARANCE SHALL BE PROFESSIONAL AND MAY NOT CONTAIN CLOTH OR PAPER SURFACES.

Section 28.9 Prohibited Signs

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and are prohibited unless otherwise specified within this chapter.

1. ~~A-frame signs, other than as specified in Sections 28.7.A.3 and 28.7.A.6;~~
2. Billboards;
3. Electronic message centers;
4. Exposed neon signs, except as provided by Section 28.5.B.15;
5. Flashing lights;
6. Garage sale signs, except as provided by Section 28.7.A.6;
7. Inflatable signs, except as provided by Section 28.6.B.7;
8. Marquee signs;
9. Moving/animated signs; except barber-type animated signs are allowed for barbershops during business hours only;
10. Obscene signs;
11. Off-site advertising on public property;
12. Off-site signs;
13. Pennant signs;
14. Portable signs (sandwich board, etc., EXCEPT AS PROVIDED IN SECTION 28.6.B.8);
15. Projecting signs;
16. Roof signs;
17. Search lights;
18. Signs attached to any physical public property;
19. Signs in the median;
20. Vehicle signs.

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
AMENDED AGENDA
August 2, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chairman Leedy called the August 2, 2016, Planning and Zoning Commission meeting to order at 6:00 PM.

ROLL CALL

PRESENT: Bill Leedy, Chair
Charlie Hurt, Vice Chair
Greg Hitt, Commissioner
Bob Swope, Commissioner
Melanie Barrett, Commissioner
Tom Gribb, Commissioner

EXCUSED: Tom Drzazgowski, Commissioner

ALSO PRESENT: Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chair Leedy led the audience and the Commission in the Pledge of Allegiance.

CALL TO AUDIENCE

No speaker request.

COUNCIL LIAISON COMMENTS

The Council Liaison was not present at the meeting.

REGULAR SESSION AGENDA

- 1. REVIEW AND/OR APPROVAL OF THE MAY 3, 2016 REGULAR SESSION MEETING MINUTES AND THE JUNE 28, 2016 SPECIAL SESSION MEETING MINUTES.**

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt to approve the May 3, 2016, Regular Session Meeting Minutes

MOTION carried, 6-0.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Swope to approve the June 28, 2016, Special Session Meeting Minutes.

MOTION carried, 6-0.

2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO SECTION 25.2., HOME OCCUPATIONS AND ACCESSORY USES AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1600759

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- What is a Home Occupation?
- Current List Based Approach
- Type I vs. Type II uses
- Performance Based Approach
- Study Session Key Items
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Alia Pierson, Oro Valley resident, voiced her concerns on the following:

- Incorporated her business in 2014
- Disappointed her business is not on the approved list in the current Zoning Code
- Tucson has updated to accommodate cottage food businesses
- She is licensed with the Arizona Health Department and Department of Revenue
- She looks forward to building a business in Oro Valley

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce, and Oro Valley resident, stated the following:

- Proposed updates and home occupation permissions are much easier to navigate
- Questions regarding limitations on the number of non-resident employees
- Concern on the limitation of the floor area in the home dedicated to a home occupation

Chair Leedy closed the public hearing.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt recommend approval of the Zoning Code Amendment in Attachment 1 related to home occupations, based on the finding that the request meets the intent of the General Plan by encouraging business and maintaining the residential character of a neighborhood.

Commissioner Barrett offered a friendly amendment to allow one employee at a time for a Type I home-occupation and two employees at a time for a Type II home-occupation.

The friendly amendment was accepted by Vice-Chair Hurt and Commissioner Hitt.

MOTION carried, 6-0.

3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO SECTIONS 28.6 AND 28.9, A-FRAME SIGNS AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1601007

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Code Standards
- Study Session Key Items
- Flexibility of Sign Type
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce, and Oro Valley resident, commented on the following:

- The Chamber is in support of the proposed amendment
- A-frame signs are used as a tool to grow business success
- No objection to chalk board or hand written signs
- The Chamber would welcome discussion regarding directional signs and other alternative signage
- Directional signage would help disburse commerce
- Oro Valley deserves a decent looking community to live in

Chair Leedy closed the public hearing.

MOTION: A motion was made by Commissioner Hitt and seconded by Vice Chair Hurt to recommend approval of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that the request meets the intent of the general plan concerning signage.

MOTION failed, 3-3 with Commissioner Swope, Commissioner Barrett, and Commissioner Gribb opposed.

MOTION: A motion was made by Chair Leedy and seconded by Vice Chair Hurt to recommend approval of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that the request meets the intent of the general plan concerning signage with the addition of the A-frame code amendment will expire on December 31, 2017.

Chair Leedy offered a friendly amendment to the prior motion to reflect the code be revisited prior to December 31, 2017.

The friendly amendment was accepted by Vice-Chair Hurt.

MOTION carried, 4-2 with Commissioner Swope and Commissioner Gribb opposed.

4. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO 25.1. AND 31, OUTDOOR DISPLAYS AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1601648

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Code Standards
- Study Session Key Items
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce and Oro Valley resident, commented on the following:

- Outdoor display should be allowed on a permanent basis
- Outdoor display represents real income to the business
- Outdoor displays should be safe
- When merchants thrive, Oro Valley thrives

Chair Leedy closed the public hearing.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt recommend approval of the Zoning Code Amendment in Attachment 1 related to Outdoor Displays, based on the finding that the request meets the intent of the general plan to support businesses and maintain Oro Valley's design expectations.

MOTION carried, 4-2 with Commissioner Swope and Commissioner Gribb opposed.

***5. DISCUSSION AND POSSIBLE ACTION TO INITIATE A ZONING CODE AMENDMENT TO CHAPTER 28 TO ENABLE A PORTION OF WALL SIGNS TO INCLUDE BUSINESS SERVICE TAG LINES OR MODIFIERS. THE AMENDMENT WOULD INCLUDE CHANGES TO THE DEFINITION SECTION AS WELL AS RELATED SECTIONS THROUGHOUT CHAPTER 28**

Bayer Vella, Planning Manager, is requesting the Commission initiate a discussion to potentially amend the Zoning Code to address a type of signs that is not specifically addressed. It's very similar to an existing sign type for is pan channel sign. There has been an increase in the amount of business asking for this kind of sign and it is high time that this is addressed in the code. Staff has completed the research necessary because we have worked with several business' that want to see this go forward. Our ask tonight is not to approve a Zoning Code amendment, but initiate the ability to have the discussion about the amendment at a future hearing date.

MOTION: A motion was made by Chair Leedy and seconded by Commissioner Gribb Initiate a zoning code amendment to chapter 28 to enable a portion of wall signs to include business service tag lines or modifiers

MOTION carried, 6-0.

PLANNING UPDATE (INFORMATIONAL ONLY)

Bayer Vella, Planning Manager, provided the following planning update:

- Town Council summer break
- August 23rd Planning and Zoning Commission Meeting, Major General Plan off-site meeting. Discussion only
- September 6th Planning and Zoning Commission Meeting, Major General Plan Recommendation
- No upcoming neighborhood meetings

ADJOURNMENT

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Gribb adjourn the August 2, 2016 Planning and Zoning Commission meeting at 7:29 PM.

MOTION carried, 6-0.

Attached is a summary of comments from the Greater Oro Valley Chamber of Commerce

In conjunction with the town's economic development division, our Chamber has been querying members about **A-frame signs** and the **outdoor display of merchandise** as the Town of Oro Valley considers more permanent permissions for those media

A-Frame Signs

We've spoken with **European Wax Center, Saffron Indian Bistro, Trouville Salon, Carrabba's, Sheffield's Diamonds, Oro Valley Eyecare, The Joint Chiropractic, Rubs Massage, Sahuaro Café, Fleet Feet Sports, Framed to Perfection, Friends of the Oro Valley Library, America's Mattress** and **T-Mobile**. We can keep going, of course.

Nearly all these businesses use the A-frame. Everyone we spoke with **likes the ability to use A-frames**, and hopes the permissions become **permanent**. Some are able to point specifically to volume increases.

Heredia, corporate administrator at **Sheffield's Diamonds**, says the A-frame is "absolutely effective." Sheffield's tracks awareness with its customers, and she estimates "**between 20 and 30 percent**" of first-time visitors are attracted by their signs.

Brandon Trappman, salon coordinator at **Trouville Salon** in Plaza Escondida, estimates between 5 and 7 percent of the salon's business comes from A-frame advertising of open appointments, specials and hiring events. We do see the specialty and service businesses, such as salons, are more reliant upon that walk-in traffic, and the signs are helpful. "Very awesome," Brandon said.

Other merchants speak more anecdotally, and they're honest about it. **Miguel Nakano** at **Oro Valley Eyecare** believes A-frames work, but "I can't give you an actual number that could back it up."

Likewise, **Jack Colmar** of **The Joint Chiropractic** lacks data on how much A-frame marketing increases business. "But I can definitely say that it **does** help drive foot traffic into our business. We rely a lot on people walking by our locations to come in and try out our concept, so I would strongly be in favor of always allowing A-Frame signage."

Melissa Yunger, manager at **Rubs Massage**, is a believer. "Oh my gosh," she said. "A good-sized part of the people who are new to us coming in" see the A-frame offer. "It's super important. It generates a lot of new walk-in clientele. We've definitely received a lot of positive feedback."

Like Melissa, several told us the A-frames generate that first customer visit. If they do their jobs well, and provide good service and values, those customers come back.

Some merchants would like to see the 20-foot rule liberalized. As examples, **Rubs Massage** wants to catch people coming into the Fry's Center on La Canada. Having the sign within 20 feet would make it essentially invisible. "I understand we can't put it on the street," Melissa said.

Saffron, Fleet Feet Sports and **The Designer Rug Store**, all in the south end of what I call Oracle Crossings, are tucked away and largely invisible from the road. They push their signs toward the center's southernmost entry road, hoping visitors to the center see their information.

Outdoor Displays

I've spoken with 3 specific retailers about outdoor display -- **Dollar Tree, Fry's** and **Trader Joe's**, relatively large users of the outdoor display permission

Derick Pfiester, district manager for Fry's based at Lambert and La Canada, said sales derived at that store from outdoor display of merchandise is "**a 6-figure number.**" He may be sharing the percentages / dollars later today.

"Business is a visual process," he said. People need to "touch, feel, taste and experience" retail items. "If I'm limited on capacity, I need every single inch I can use."

Derick said the items Fry's sells out its front doors -- this time of year, **grills, plastic pools, pots, outdoor furniture** and the like are "**high-profit items**" that keep Fry's going. "That helps us to be competitive. Without this mix (of product), we're not as profitable."

He's aware of the need to be a good neighbor, and completely respects the need for adequate sidewalk space, emergency access and other safety / code requirements.

Faust Rochin is a store manager at **Trader Joe's**. Trader Joe's sells **2 categories outside -- seasonal items**, such as pumpkins, melons and holiday fare, and **plants**. "All Trader Joe's merchandise plants outside," Faust said.

"A considerable amount of flower sales are plants," as compared to cut flowers, Faust said.

This time of year, there's **not much outside** Trader Joe's; **charcoal briquets**, on Tuesday morning. That said, he attributes **up to 3 percent of the store's total sales to merchandise displayed outside**. "Regardless of the time of year, there is demand created from the stuff we have on display outside," Faust said.

General Plan Analysis Attachment 7

The Zoning Code amendments were reviewed for conformance with the General Plan's Goals and Policies. Listed below are relevant policies within the General Plan relating to signage in italics, followed by staff commentary:

Signage: Signage controls have to balance citizens concerns about the increasing level of signage with the needs of businesses to attract customers.

Policy 2.1.10: The Town shall create standards for signage to provide information and direction to allow businesses to attract and maintain customers with the least intrusive signage possible.

Policy 11.3.3 The Town shall use existing standards and guidelines, and establish new ones as needed, to ensure that the built environment blends with or enhances the natural environment by restricting signage primarily to identification.

This sign code amendment allows a business to attract customers with a sign type that is limited in size, quantity and placement to prevent intrusive signage. The proposed amendments are consistent with the General Plan policies.

A-frames

During 2010, the Town established a multi-disciplined taskforce to recommend updates to the Town's sign code. An element of this effort was a residents' survey for signs. One of the outcomes of this survey was that A-frame signs were not acceptable. This conclusion is consistent with the current General Plan.

When the temporary use of A Frame signs was introduced, even staff didn't support the use of A-frame signs.

Early in the usage of A-frames the Town conducted a study regarding the effectiveness of A-frame signs. This study, while not statically valid, was the only attempt at collecting data. The result proved inconclusive which indicated there was no proof that the use of A-frame signs did or didn't result in additional sales for businesses.

Since 2010, I believe nearly every requested change of the sign code, and even changes not requested, have been approved. The General Plan calls for recognition of the residents' desires when increasing sign usage. I do not feel that this has been done.

The claim is made that any signs requested must be approved for the added sale tax revenue that will result. The approval of many additional types of signs has not resulted in any proven increase in sales tax revenue.

Last year, Paul Keesler and Chuck King personally told me that the signs directed toward the driveway create a safety hazard when visible from the driveway. They are a distraction to drivers. Therefore, the proposed locations for A Frame signs results in a public safety hazard

The Town claims they want upscale businesses to locate in Oro Valley. This would result in meeting the needs of residents and increase the sales tax revenue. Upscale businesses are not going to locate in Oro Valley when low-class A-frame signs dominate the visual appearance of our shopping centers. This commission should recommend that A-frame signs be phased out over the next two years and replaced with more visually appealing small-upright signs placed closer to the front of businesses.

Oro Valley is a community of its citizens and its businesses. We all have a responsibility to our Town. We, the citizens/residents obey the laws, pay our taxes, clean up around our homes, etc. Should not the businesses that use A-frames have a responsibility to adhere to the code/standards on the applications? I've documented numerous violations with A frame signs, therefore, an enforcement policy must be included with this.

Don Bristow
Oro Valley Resident



Item # 3. a.

Town Council Regular Session

Meeting Date: 09/07/2016

Requested by: Patty Hayes

Submitted By: Patty Hayes, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)16-41, DECLARING THE PROPOSED AMENDMENTS TO THE ORO VALLEY ZONING CODE CHAPTERS 25 AND 31, RELATED TO OUTDOOR DISPLAYS, 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 the newspaper. The current draft version of the draft ordinance has been posted on the Town's website and 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)16-41, declaring the proposed amendments to the Oro Valley Zoning Code Revised chapters 25 and 31 related to Outdoor Displays, attached hereto as Exhibit "A" and filed with the Town Clerk, a public record.

Attachments

(R)16-41 Outdoor Display's

RESOLUTION NO. (R)16-41

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.1, REQUIREMENTS FOR SPECIFIC USES; AND CHAPTER 31, DEFINITIONS OF THE ORO VALLEY ZONING CODE REVISED RELATED TO OUTDOOR DISPLAYS; 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 25, Use Regulations, Section 25.1, entitled "Requirements for Specific Uses" and Chapter 31, entitled "Definitions" 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 7th day of September, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

New language is in ALL CAPS, ~~strikethrough~~ used for language to be removed

Outdoor Display

Chapter 25 USE REGULATIONS

Section 25.1 Requirements for Specific Uses

This section applies to all non-residential uses, excluding parks. The requirements specified herein are in addition to those specified in the corresponding zoning district.

A. General Requirements for All Non-Residential Uses

4. Outdoor Storage and Activities

- a. All operations and storage, EXCEPT AS PROVIDED IN THE SECTION 25.1.A.4.D OUTDOOR DISPLAYS, shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Items stored, excluding live vegetation, may not be visible from private or public streets or adjacent residential areas.
- b. Outdoor storage containers are not permitted.
- c. ~~Outdoor display of goods, outdoor sales~~ or Temporary outdoor storage is not permitted except by Special Use Permit.
- D. OUTDOOR DISPLAY OF MERCHANDISE SHALL MEET THE FOLLOWING STANDARDS:
 - I. LOCATION:
 - A) THE DISPLAY AREA SHALL BE LOCATED DIRECTLY ADJACENT TO THE PRIMARY BUILDING WHERE THE MERCHANDISE IS SOLD.

B) THE DISPLAY AREA SHALL NOT BE PLACED IN A MANNER THAT WILL CONSTITUTE A PUBLIC HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR INTERFERE WITH BICYCLE PARKING AREAS AND OTHER ACCESS. PEOPLE STANDING IN DRIVEWAY OR BLOCKING DOORWAYS WHILE VIEWING OUTDOOR DISPLAY ARE CONSIDERED A HAZARD (FIGURE 25.1).

- I. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ALL DOORS.
- II. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ANY ADJACENT ROAD CURB.
- III. THE DISPLAY AREA SHALL NOT INTERFERE WITH SIDEWALK FUNCTION AND MUST MAINTAIN A FOUR FEET (4') CLEAR PATH AROUND DISPLAY AT ALL TIMES.
- IV. ACCESS TO ALL DOORS SHALL BE KEPT CLEAR AT ALL TIMES.
- V. THE DISPLAY AREA SHALL NOT BE LOCATED IN PARKING AREAS, DRIVE AISLES OR LANDSCAPE AREAS.

II. SIZE:

A) THE DISPLAY AREA FOR STORE FRONTS WITH LESS THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED TWENTY FIVE (25) SQUARE FEET

B) THE DISPLAY AREA FOR STORE FRONTS WITH GREATER THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE FRONTAGE UP TO A MAXIMUM OF 150 SQUARE FOOT.

III. QUANTITY:

A) DISPLAY AREAS ARE LIMITED TO ONE FAÇADE OF THE BUILDING

IV. SIGNS:

A) PRICE TAGS SHALL BE NO LARGER THAN ONE SQUARE FOOT.

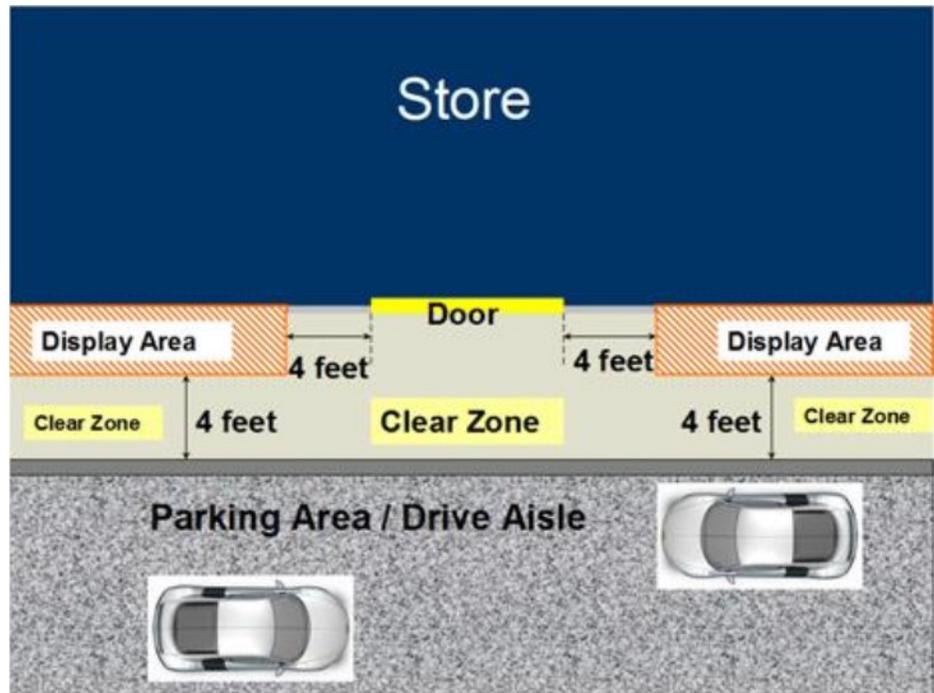


Figure 25.1 Outdoor Display Locations

- E. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited.~~ DISPENSING MACHINES ARE PROHIBITED EXCEPT FOR NEWSPAPERS.
- F. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3) foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

Chapter 31 Definitions:

OUTDOOR DISPLAY: SHALL MEAN AN ARRANGEMENT OF MERCHANDISE SOLD ON THE PROPERTY IN SUCH A WAY TO GIVE SPECIAL PROMINENCE AND DESIGNED TO ATTRACT BUYERS.

OUTDOOR STORAGE: SHALL MEAN THE SUPPLY, STOCK OF MERCHANDISE, MATERIALS OR SIMILAR ITEMS ACCUMULATED IN AN AREA OUTSIDE OF THE BUSINESS.



Town Council Regular Session

Item # 3. b.

Meeting Date: 09/07/2016

Requested by: Patty Hayes

Submitted By: Patty Hayes, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)16-10, AMENDING CHAPTERS 25 AND 31 OF THE ORO VALLEY ZONING CODE TO ESTABLISH STANDARDS FOR OUTDOOR DISPLAYS

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

EXECUTIVE SUMMARY:

Outdoor displays are designated areas near the front of a business that display products sold by the store. In 2011, Town Council approved the use of outdoor displays on a temporary basis to assist the business community in difficult economic times. Town Council has continually renewed the temporary allowance for outdoor displays over the past five years.

On January 20, 2016 Town Council directed staff to work with the business community to find alternative or permanent solutions to the temporary outdoor display allowance. The Economic Development Division and Greater Oro Valley Chamber of Commerce reached out to the business community to explore options related to outdoor displays. In general, the business community supports changing the temporary outdoor display allowance into permanent code, which provides predictability for the business community. The business community also felt that outdoor displays are an important tool that is helpful in marketing their products.

This code amendment (Attachment 1) is intended to permanently add the outdoor display standards to the Zoning Code, which would allow businesses to continually display products outside of the store with one easy-to-obtain permit.

The Planning and Zoning Commission held a study session to discuss the amendment on July 14, 2016, followed by a public hearing on August 2, 2016 (The staff reports and minutes from these meetings are provided as Attachments 2 through 5). Discussion

focused on the need to maintain clear areas around the displays for pedestrian access and safety and how other jurisdictions handle outdoor displays. At the conclusion of the public hearing, the commission recommended approval of the amendment.

BACKGROUND OR DETAILED INFORMATION:

Prior to 2011, outdoor displays were only allowed with a special use permit, which involves a costly and lengthy process and is generally reserved for a major event planned within a development. The Town established outdoor display standards in 2011 as a temporary relief strategy for businesses during difficult economic times. The temporary allowance has been continually renewed by Council ever since.

During this five year period, 19 businesses out of a total of 1,076 store fronts in Town , have obtained outdoor display permits. The Town has received numerous complaints related to outdoor displays from two residents, which were primarily resolved through education to businesses about outdoor display requirements.

Business Outreach

As directed by Town Council, the Economic Development Division and Greater Oro Valley Chamber of Commerce surveyed the business community regarding the use of outdoor displays. In general, input from the business community can be summarized as follows:

- Outdoor displays are a useful tool help to market their business
- Permanent code will provide predictability for the business community

Detailed comments received from the business community are included in Attachment 6.

Outdoor Display Standards

The proposed outdoor display standards (Attachment 1) are essentially the same standards used over the last five years, summarized as follows:

- Location: Outdoor displays must be immediately adjacent to the building
- Safety: Outdoor displays shall not create a public hazard
- Clear Zones: Outdoor displays shall maintain a minimum of 4-foot setback from doors, drive aisles and around displays
- Size of displays
 - 25 square feet for stores with 50 linear feet of building frontage or less
 - 50% of frontage for stores with more than 50 linear feet of frontage with a maximum of 150 square feet
- Number of Displays: Outdoor displays shall be limited to one building facade

General Plan Analysis

Zoning Code amendments are evaluated for conformance with General Plan policies. These policies focus on businesses support and retention and maintaining an attractive

built environment. The proposed amendment meets these policies by supporting local businesses, with limitations designed to ensure displays are attractive and safe.

A detailed review of the amendment in relation to the General Plan policies is included in Attachment 7.

Public Notification and Comment

Public Notice has been provided as follows:

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

One letter of concern has been received which is provided as Attachment 8

Planning and Zoning Commission Review

The amendment was discussed by the commission at the July 14, 2016 study session and August 2, 2016 public hearing. The main topics discussed at the meetings included:

- Maintaining 4' clear pathways for safe and convenient access
- How other jurisdictions handle outdoor displays
- One resident expressed concern that outdoor displays are unattractive and unsafe

At the conclusion of the public hearing, the commission voted to recommend approval of the amendment. The Planning and Zoning Commission staff reports and minutes from the study session and public hearing are included as Attachments 2 through 5.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve Ordinance No. (O)16-10, an amendment to Chapters 25 and 31 of the Oro Valley Zoning Code establishing Outdoor Display standards.

OR

I MOVE to deny Ordinance No. (O)16-10, an amendment to Chapters 25 and 31 of the Oro Valley Zoning Code establishing Outdoor Display Standards.

Attachments

(O)16-10 Outdoor Displays

Attachment 2 PZC July Study Session Staff Report and Attachments

Attachment 3 PZC July Minutes

Attachment 4 PZC August Staff Report and Attachments

Attachment 5 PZC Draft August Minutes

Attachment 6 Chamber of Commerce Comments

Attachment 7 General Plan Analysis

Attachment 8 Letter of Concern

ORDINANCE NO. (O)16-10

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.1, REQUIREMENTS FOR SPECIFIC USES AND CHAPTER 31, DEFINITIONS RELATIVE TO OUTDOOR DISPLAYS; 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, the proposed amendments to Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions will make the temporary allowances permanent code; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments at duly noticed public hearing on August 2, 2016 in accordance with State statutes and recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions related to Outdoor Displays 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,

SECTION 1. That certain document entitled Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions related to Outdoor Displays, attached hereto as Exhibit “A” and incorporated herein by this reference.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 7th day of September, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT "A"

New language is in ALL CAPS, strikethrough used for language to be removed

Outdoor Display

Chapter 25 USE REGULATIONS

Section 25.1 Requirements for Specific Uses

This section applies to all non-residential uses, excluding parks. The requirements specified herein are in addition to those specified in the corresponding zoning district.

A. General Requirements for All Non-Residential Uses

4. Outdoor Storage and Activities

- a. All operations and storage, EXCEPT AS PROVIDED IN THE SECTION 25.1.A.4.D OUTDOOR DISPLAYS, shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Items stored, excluding live vegetation, may not be visible from private or public streets or adjacent residential areas.
- b. Outdoor storage containers are not permitted.
- c. ~~Outdoor display of goods, outdoor sales or~~ Temporary outdoor storage is not permitted except by Special Use Permit.
- d. OUTDOOR DISPLAY OF MERCHANDISE SHALL MEET THE FOLLOWING STANDARDS:
 - I. LOCATION:
 - A) THE DISPLAY AREA SHALL BE LOCATED DIRECTLY ADJACENT TO THE PRIMARY BUILDING WHERE THE MERCHANDISE IS SOLD.

B) THE DISPLAY AREA SHALL NOT BE PLACED IN A MANNER THAT WILL CONSTITUTE A PUBLIC HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR INTERFERE WITH BICYCLE PARKING AREAS AND OTHER ACCESS. PEOPLE STANDING IN DRIVEWAY OR BLOCKING DOORWAYS WHILE VIEWING OUTDOOR DISPLAY ARE CONSIDERED A HAZARD (FIGURE 25.1).

- i. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ALL DOORS.
- ii. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ANY ADJACENT ROAD CURB.
- iii. THE DISPLAY AREA SHALL NOT INTERFERE WITH SIDEWALK FUNCTION AND MUST MAINTAIN A FOUR FEET (4') CLEAR PATH AROUND DISPLAY AT ALL TIMES.
- iv. ACCESS TO ALL DOORS SHALL BE KEPT CLEAR AT ALL TIMES.
- v. THE DISPLAY AREA SHALL NOT BE LOCATED IN PARKING AREAS, DRIVE AISLES OR LANDSCAPE AREAS.

II. SIZE:

- A) THE DISPLAY AREA FOR STORE FRONTS WITH LESS THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED TWENTY FIVE (25) SQUARE FEET
- B) THE DISPLAY AREA FOR STORE FRONTS WITH GREATER THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE FRONTAGE UP TO A MAXIMUM OF 150 SQUARE FOOT.

III. QUANTITY:

- A) DISPLAY AREAS ARE LIMITED TO ONE FAÇADE OF THE BUILDING

IV. SIGNS:

- A) PRICE TAGS SHALL BE NO LARGER THAN ONE SQUARE FOOT.

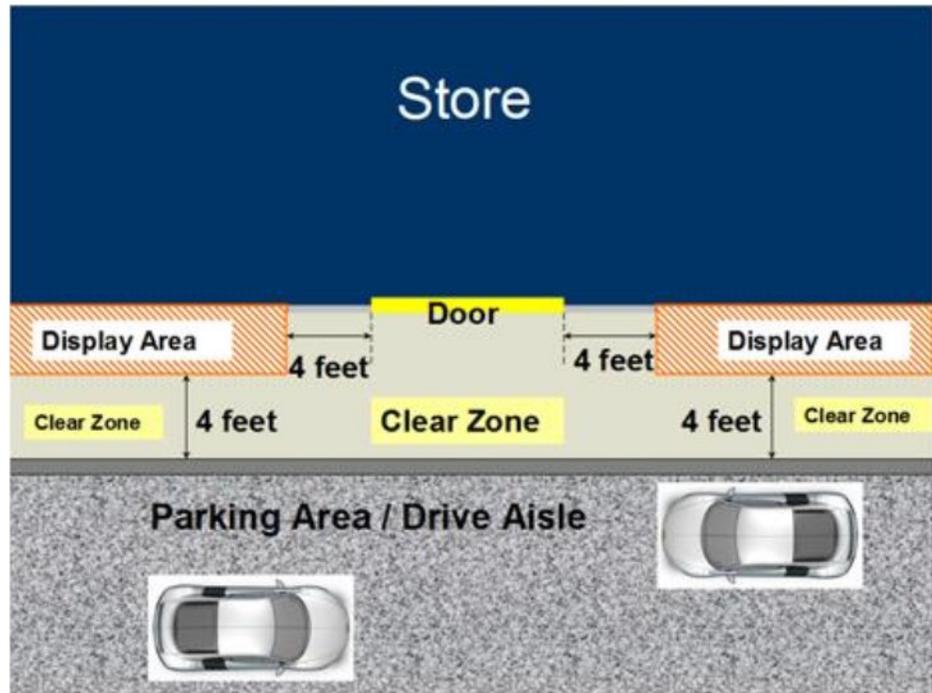


Figure 25.1 Outdoor Display Locations

- E. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited. DISPENSING MACHINES ARE PROHIBITED EXCEPT FOR NEWSPAPERS.~~
- F. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3) foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

Chapter 31 Definitions:

OUTDOOR DISPLAY: SHALL MEAN AN ARRANGEMENT OF MERCHANDISE SOLD ON THE PROPERTY IN SUCH A WAY TO GIVE SPECIAL PROMINENCE AND DESIGNED TO ATTRACT BUYERS.

OUTDOOR STORAGE: SHALL MEAN THE SUPPLY, STOCK OF MERCHANDISE, MATERIALS OR SIMILAR ITEMS ACCUMULATED IN AN AREA OUTSIDE OF THE BUSINESS.



Discussion – A-frame signs/Outdoor Display Amendment Planning and Zoning Commission Staff Report

PROJECT: A-frame sign and Outdoor Display code amendment

CASE NUMBER: OV1601007

MEETING DATE: July 14, 2016

AGENDA ITEM: 3

STAFF CONTACT: Patty Hayes, Senior Planning Technician
phayes@orovalleyaz.gov (520) 229-4819

Request: Review draft of proposed changes to the Zoning Code related to A-frame signs and Outdoor Displays

Location: Town-wide

Recommendation: This item is informational only and is intended to garner feedback from Commission members. A formal recommendation will be provided at the August 2, 2016 public hearing.

SUMMARY:

The purpose of this code amendment is to change A-frame signs and Outdoor Displays from a temporary allowance to permanent code. Council first approved a temporary allowance for both A-frame signs and Outdoor Displays in 2011. At a January 20, 2016 meeting Council directed staff to make these temporary allowances permanent code.

A-frames are portable signs that businesses place near the entry door of their store or restaurant to attract customers. Outdoor displays are designated areas near the entry of a business that display the products sold by the store.

A draft version of the proposed amendments is included in Attachments 1 and 2. The proposed draft amendments will be further refined following the study session. The goal of the study session is to:

- Introduce and familiarize the Planning and Zoning Commission with the proposal
- Address questions or concerns
- Obtain broad feedback

Staff will consider all comments and return with the formal amendment at the August 2, 2016 Planning and Zoning Commission meeting.

BACKGROUND:

In September 2011 the Town Council voted to allow the use of A-frame signs and Outdoor Displays as a temporary relief strategy for businesses during a difficult economic time. The temporary allowances were originally approved for one (1) year and have been continuously renewed over the past five years. At the January 20, 2016 Council meeting staff was directed to work with the business community for alternative or permanent solutions to the A-frame and Outdoor Display allowances.

The purposed draft code sections allowing A-frame signs and Outdoor Displays is included in Attachments 1 and 2.

DISCUSSION / ANALYSIS:

The proposed code amendment is comprised of two separate items, A-frame signs and outdoor displays.

A-Frame Signs

A-frame signs allow businesses to attract customers with a sign type that is easily manageable and with messages that can change to advertise goods and services with one permit, through the temporary allowance, for an indefinite period of time. Prior to the A-frame sign allowance, the only temporary sign type available to a business was a banner permit. A business would have to obtain multiple permits to install banners for limited time frames and for a limited number of times throughout the year.

Overall the use of the A-frame signs over the past five years has not created a significant number of complaints. Inspection and Compliance staff has worked with a few business owners to correct the placement and lack of professional design of signs. The source of complaints has been limited.

Town Council directed staff to work with the business community to review the use of A-frame signs. As a result the Greater Oro Valley Chamber of Commerce in conjunction with the Oro Valley Economic Development department conducted an informal survey of businesses to gain feedback about their opinion of A-frame signs. Many of those businesses appreciated the ability to use A-frame signs and most saw an increase in customers directly related to the sign. In summary businesses are in favor of making the temporary allowance permanent.

The same temporary standards established in 2011 are proposed to continue with clarifications.

- Only one sign per business will be allowed
- Sign must be located within 20' feet from door of the business
- The sign may only be allowed during business hours
- Language has been added to clarify that balloon, flags or other attachments are prohibited.

A summary of the code standards is provided in Attachment 3.

Outdoor Displays

Outdoor displays are designated areas outside the doors of a business that allow display of goods sold by the business. Prior to the temporary allowance for outdoor displays a business was either not allowed to continually display goods or had to gain approval for temporary events through a special use permit which could be costly and limiting.

Allowing businesses to display goods on an on-going basis without paying permit fees was allowed through the temporary relief approved by Council in 2011. Although use of the Outdoor Display permits is not as common as A-frame sign permits, the businesses who take advantage of those permits have continued to display their goods to increase sales.

Overall a significant number of complaints has not been received regarding outdoor displays. Inspection and Compliance staff have also worked with businesses to correct the placement of their displays along with educating them about size and safety standards. The source of complaints for this issue has also been limited.

The temporary standards established in 2011 are proposed to continue with clarifications.

- Display must be limited to one facade of the building
- Limitations of the size of the display area is relative to the size of the business
- A clear pathway must always be maintained
- The display cannot create a hazard and must meet safety standards

A summary of the code standards is provided in Attachment 4.

SUMMARY:

The information provided in this report is intended as an overview of proposed changes and staff is requesting general input and feedback. Commission comments will be used to help develop a final draft. The next step in the process is to present the formal code amendments to the Commission for action on August 2, 2016.

ATTACHMENTS:

1. Proposed Draft of A-frame Code Amendment
2. Proposed Draft of the Outdoor Display Amendment
3. Summary of Proposed A-frame Code
4. Summary of Proposed Outdoor Display



Bayer Vella, Planning Manager

Outdoor Display

**Chapter 25
USE REGULATIONS**

Section 25.1 Requirements for Specific Uses

This section applies to all non-residential uses, excluding parks. The requirements specified herein are in addition to those specified in the corresponding zoning district.

A. General Requirements for All Non-Residential Uses

4. Outdoor Storage and Activities

- a. All operations and storage, EXCEPT AS PROVIDED IN THE SECTION 25.1.A.4.D OUTDOOR DISPLAYS, shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Items stored, excluding live vegetation, may not be visible from private or public streets or adjacent residential areas.
- b. Outdoor storage containers are not permitted.
- c. ~~Outdoor display of goods, outdoor sales or temporary outdoor storage is not permitted except by Special Use Permit.~~

D. OUTDOOR DISPLAY OF MERCHANDISE SHALL MEET THE FOLLOWING STANDARDS:

I. LOCATION:

- A) THE DISPLAY AREA SHALL BE LOCATED DIRECTLY ADJACENT TO THE PRIMARY BUILDING WHERE THE MERCHANDISE IS SOLD.
- B) THE DISPLAY AREA SHALL NOT BE PLACED IN A MANNER THAT WILL CONSTITUTE A PUBLIC HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR INTERFERE WITH BICYCLE PARKING AREAS AND OTHER ACCESS. PEOPLE STANDING IN DRIVEWAY OR BLOCKING DOORWAYS WHILE VIEWING OUTDOOR DISPLAY ARE CONSIDERED A HAZARD (FIGURE 25.1).
 - I. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ALL DOORS.
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III. THE DISPLAY AREA SHALL NOT INTERFERE WITH SIDEWALK FUNCTION AND MUST MAINTAIN A FOUR FEET (4') CLEAR PATH AROUND DISPLAY AT ALL TIMES.

IV. ACCESS TO ALL DOORS SHALL BE KEPT CLEAR AT ALL TIMES.

V. THE DISPLAY AREA SHALL NOT BE LOCATED IN PARKING AREAS, DRIVE AISLES OR LANDSCAPE AREAS.

II. SIZE:

A) THE DISPLAY AREA FOR STORE FRONTS WITH LESS THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED TWENTY FIVE (25) SQUARE FEET

B) THE DISPLAY AREA FOR STORE FRONTS WITH GREATER THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE FRONTAGE UP TO A MAXIMUM OF 150 SQUARE FOOT.

III. QUANTITY:

A) DISPLAY AREAS ARE LIMITED TO ONE FAÇADE OF THE BUILDING

IV. SIGNS:

a) PRICE TAGS SHALL BE NO LARGER THAN ONE SQUARE FOOT.

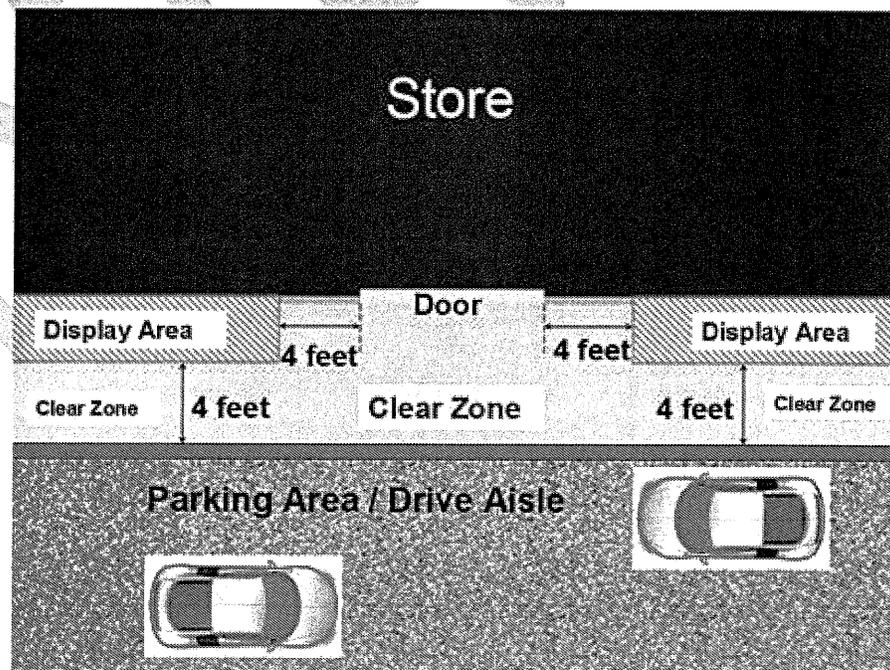


Figure 25.1 Outdoor Display Location

- E. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited.~~ DISPENSING MACHINES ARE PROHIBITED EXCEPT FOR NEWSPAPERS.
- F. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3) foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

Chapter 31

Definitions:

OUTDOOR DISPLAY: AN ARRANGEMENT OF MERCHANDISE SOLD ON THE PROPERTY IN SUCH A WAY TO GIVE SPECIAL PROMINENCE AND DESIGNED TO ATTRACT BUYERS.

OUTDOOR STORAGE: SUPPLY, STOCK OF MERCHANDISE, MATERIALS OR SIMILAR ITEMS ACCUMULATED IN AN AREA OUTSIDE OF THE BUSINESS.

OUTDOOR SALES: THE SALE OF ITEMS FROM ON AN OUTDOOR DISPLAY.

Outdoor Display Standards

Standards	Current Temporary Allowance	Proposed Allowance
Quantity	1 facade of the building	1 facade of the building
Size	Relative to building frontage	Relative to building frontage
	Store fronts < 30 feet of frontage = reduced setback	Eliminated. All displays held to a 4' setback.
	Store fronts <50 feet of frontage = 25 square feet of display area	Store fronts <50 feet of frontage = 25 square feet of display area
	Store fronts >50 feet of frontage = 50% display area	Store fronts >50 feet of frontage = 50% display area
Location	4' from doors, curbs, etc.	4' from doors, curbs, etc.
		Provide clear pathways

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
***AMENDED (7/5/16, 2:00 PM)**
STUDY SESSION
July 14, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

STUDY SESSION AT OR AFTER 6:00 PM

CALL OR ORDER

Chair Leedy called the July 14, 2016 Planning and Zoning Commission Special Session to order at 6:00 PM.

ROLL CALL

PRESENT: Bill Leedy, Chair
Charlie Hurt, Vice Chair
Bob Swope, Commissioner
Melanie Barrett, Commissioner
Greg Hitt, Commissioner

EXCUSED: Tom Gribb, Commissioner
Tom Drzazgowski, Commissioner

ALSO PRESENT:

Vice Mayor Lou Waters
Council Member Joe Hornat
Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chair Leedy led the audience and the Commission in the Pledge of Allegiance.

CALL TO AUDIENCE

No speaker requests.

COUNCIL LIAISON COMMENTS

Council Member, Joe Hornat provided a recap of the Conditional Use Permit for Freddy's Steakburger in the Steam Pump Village development.

STUDY SESSION AGENDA

~~*1. REVIEW AND/OR APPROVAL OF THE MAY 3, 2016 REGULAR SESSION MEETING MINUTES~~

2. PRESENTATION AND DISCUSSION REGARDING THE HOME OCCUPATIONS ZONING CODE AMENDMENT, OV1600759

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- What is a Home Occupation?
- Current List Based Approach
- Performance Based Approach
- Clarify Standards
- Type I vs. Type II uses
- Case Study - Contractors Office
- Case Study - Home Baking Business
- Case Study - Architect Office
- Summary

Commissioner Barrett expressed some concern with the limitation to no more than 5 customers per day and suggested raising the limit according to use.

Chair Leedy suggested the following:

- Adding a definition to the code for the use of the word "employee" for all the various types of people that are engaged in some sort of relationship with an on-going business.
- Page 2, item 2,B,II Non-resident employee reporting to the home, suggested limiting the full-time employee during the course of the day.
- Page 2, item 2,B,III, Agrees with Commissioner Barrett regarding the limitation to no more than 5 customers per day.
- Page 3, item A, IV, questioned the need for authorization of approval from property owner
- Page 3, item A,V, clarify distinction between a household pet, and the prohibition against a home occupation associated with animals.
- Page 3, item B,II & III, Oro Valley is becoming more business friendly, and suggested reconsidering the number of employees who can report to the home.
- Page 5, item G,III, clarify whether this section applies to display of products both inside or outside the home.
- Section 25.2 Accessory Uses and Structures, item A,1, clarify whether this means commenced or completed.

- Section 25.2,C,1 clarify whether there is a limit on how long a garage sale can last.
- Section 25.2,C,2 Suggest adding drones

Vice Chair Hurt, suggested adding a paragraph to clarify what a list approach is versus a performance based approach.

Commissioner Barrett suggested adding a time limit to garage sale.

3. PRESENTATION AND DISCUSSION REGARDING THE A-FRAME SIGNS AND OUTDOOR DISPLAYS ZONING CODE AMENDMENT, OV1601007

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- A-frame Signs
- Outdoor Displays
- General Plan
- Summary

Dave Perry, Oro Valley resident, shared his thoughts on the new language on A-frame signage. Mr. Perry's questioned clarification on the meaning of vehicular traffic on Section 28.4, B, A. Mr. Perry commented that when people enter a shopping center, their intent is to do commerce and they seek information. A-frame signs do not detract from the motorists or pedestrian safety experience. Section 28.4. B. C., Area of Sign, Mr. Perry believes that an A-frame sign is two sided, and the clarification of the sign area needs to be added. Section 28.9 A.12. Off-site Signs, this could be problematic for government, partially given the case there is a free speech component to what you say on your sign. Section 28.4, B, H, IV, lettering shall be neat and legible copy, how will this be define or enforced. Mr. Perry is very appreciative as well as the business community and one thing he does ask is to look at the allowance for frontage that staff is proposing on outdoor displays. As long as the business meets safety and emergency access requirements let them put out there as much stuff as they want. We all win in the end.

Don Bristow, Oro Valley resident, commented that A-frame signs are a safety issue. If you trying to read the sign instead of watching the road, that is a safety issue. The amount of copy on the sign is distracting the driver from the road. Mr. Bristow recommends that those signs be pedestrian oriented and move them back closer to the stores entrance. There are several other more professional attractive looking alternatives that staff has kept off the table. Outdoor displays is not a big issue, there is probably 8 or 9 merchants that use outdoor displays on a regular basis. The citizens deserve a descent looking community and don't need the piles of dangerous

stuff. Handicapped accessibility to the store comes into play and needs to be considered. Mr. Bristow would consider one row of merchandise against the back wall or the store, but the merchant does not need to have two or three rows and the residents some relief.

Commissioner Barrett commented that she likes the A-frame signs and it helps to see what a current special promotion or sale items. She also agrees that they should be pedestrian focused especially if they have a lot of text. Commissioner Barrett stated she would like to see added a prohibition that they not advertise alcohol or tobacco products.

Joe Andrews, Chief Civil Deputy Attorney, responded to Commissioner Barrett's comment that the regulation of content is prohibited.

Commissioner Swope commented on Section 28.6, H, IV, Lettering shall be neat and legible copy, but in the summary it mentions professionally made signs, which seems to conflict. Section 28.6, H, III, Balloons or additional signs shall not be affixed to the a-frame, staff mentioned flags and other attachments, and the standards need to be very specific and attachments can subtract from the aesthetics of these signs.

4. PRESENTATION AND DISCUSSION REGARDING

A. CONDITIONAL USE PERMIT REVIEW CRITERIA, OV1601159

B. TABLE OF PERMITTED USES ZONING CODE AMENDMENT, OV1601159

Mike Spaeth, Senior Planner, provided a presentation that included the following:

- Purpose
- Conditional Use Permit Review Criteria
- Permitted use Table
- Update use categories
- Consolidate use categories
- Add new & reclassify us categories
- Use standards
- Use Definitions
- Summary

Commissioner Swope questioned the prohibiting of car washing at a vehicle rental facility, and how would the rental facility operate without washing and cleaning their vehicles.

Chair Leedy commented on the following:

- Check cross references prior to final draft
- Section 25.1, number 13: Gas Stations, item C, questioned whether staff was intending to limit kiosk sales. He was not sure if this language is appropriate.
- Chapter 31, Definition of Employee
- Chapter 31, Definition of Animal Services, Questioned whether this meant animals other than domestic animals
- Chapter 31, Definition of Cultural Use, this definition ends with, "not including items for sale," he's never been in a museum without a gift shop
- Chapter 31, Definition of Grocery Store, The definition is missing reference to bulk material or nonperishable items
- Chapter 31, Definition of Microbrewery, Questioned whether the Town regulates microbreweries that produce less than 10,000 gallons
- Chapter 31, Definition of General Retail, Suggested a new definition be provided for a goods or services that are provided or sold to the end user or consumer.
- Chapter 31, Definition of Sport Court, Add pickle ball to definition
- Chapter 31, Definition of Vet Services, Suggested striking everything after the word treatment

PLANNING UPDATE (INFORMATIONAL ONLY)

Bayer Vella, Planning Manager, had no update

ADJOURNMENT

Chair Leedy adjourned the Planning and Zoning Commission Meeting at 8:59 pm.



Hearing – Outdoor Display Zoning Code Amendment Planning and Zoning Commission Staff Report

PROJECT: Outdoor Display zoning code amendment

CASE NUMBER: OV1601648

MEETING DATE: August 2, 2016

AGENDA ITEM: 4

STAFF CONTACT: Patty Hayes, Senior Planning Technician
phayes@orovalleyaz.gov (520) 229-4819

Request: Zoning Code Amendment related to Outdoor Displays

Location: Town-wide

Recommendation: Recommend approval.

SUMMARY:

The purpose of this code amendment is to change Outdoor Displays from a temporary allowance to permanent code. Council first approved a temporary allowance for Outdoor Displays in 2011. At the January 20, 2016 meeting Council directed staff to make these temporary allowances permanent code. The Planning and Zoning Commission held a study session on July 14, 2016.

See the Discussion and Analysis section of this report for issues raised at the July 14 Planning and Zoning Commission meeting.

A draft version of the revised proposed amendment, based on the Commissions' input, is included in Attachment 1.

BACKGROUND:

Please see Attachment 2 for the study session report and documents for background information.

DISCUSSION / ANALYSIS:

At the July 14 Planning and Zoning Commission study session the following key items were discussed (code sections are in *italics*):

1. **Comment:** The question was raised about why there are limitations on amount of area a store can use for outdoor displays.

Staff response: Without a limit on the size of displays, the scale of displays could become overwhelming. Overall, the temporary standards with size limitations developed in 2011 have been working for both the businesses and the Town.

Draft code change: None

2. **Comment:** There was discussion about the 4' clear zone, tree well grates and distance from doors.

Staff response: To clarify, the proposed code requires a minimum of 4' from the doors of the business as well as the curb. Typically, the American with Disability Act (ADA) codes require a minimum of 42". The 4' distance required for displays meets and exceeds the required ADA standards. Tree well grates may be used as part of the 4' distance as long as there isn't a significant slope.

Draft code change: None

3. **Comment:** A concern was raised for unsafe heights and multiple rows of product.

Staff response: Typically the Town does not regulate the heights of indoor store displays therefore regulating the heights of outdoor displays would be inconsistent. Stores will have to take the liability upon themselves for the displays.

The size of the display is proportional in relation to the size of the store. For example, a store with 20' of frontage could have 10' of display area with depths of the display regulated by the 4' clear areas. In contrast a larger store with 300' of frontage could have up to but no more than 150' of display area only if the proper clear zones were provided. Since each store front can be very different, size limit and clear zones control the depth of the displays.

Draft code change: None

4. **Comment:** A question was asked whether this this code amendment affects the allowances for U-hall truck rentals.

Staff response: This type of use would not accommodate vehicles such as large trucks. Vehicle rentals are addressed in other sections of the code for placement and screening standards.

Draft code change: None

SUMMARY:

The information provided in this report is intended as an overview of the issues raised at the July 14 Planning and Zoning Commission study session. Attachment 1 reflects the proposed changes as a result of the Commissions input. The proposed code amendment will be scheduled for the September 7 Town Council meeting.

RECOMMENDATION:

Based on the following findings:

- Outdoor displays are an additional tool to help businesses attract customers and increase sales.
- The limit on size and placement will help ensure safety and prevent displays from overly dominating a store front.
- Similar allowances have been in effect since 2011 without significant issues.

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

Recommend approval to the Town Council of the requested code amendment, OV1601648.

SUGGESTED MOTION:

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

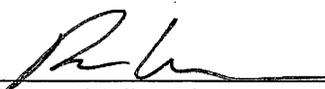
I move to recommend approval of the Zoning Code Amendment in Attachment 1 related to Outdoor Displays, based on the finding that the request meets the intent of the general plan to support businesses and maintain Oro Valley's design expectations.

OR

I move to recommend denial of the Zoning Code Amendment in Attachment 1 related to Outdoor Displays, based on the finding that _____.

ATTACHMENTS:

1. Proposed Draft of Outdoor Display Code Amendment
2. Report and attachments from the July 14 PZC study session


Bayer Vella, Planning Manager

Outdoor Display

**Chapter 25
USE REGULATIONS**

Section 25.1 Requirements for Specific Uses

This section applies to all non-residential uses, excluding parks. The requirements specified herein are in addition to those specified in the corresponding zoning district.

A. General Requirements for All Non-Residential Uses

4. Outdoor Storage and Activities

- a. All operations and storage, EXCEPT AS PROVIDED IN THE SECTION 25.1.A.4.D OUTDOOR DISPLAYS, shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Items stored, excluding live vegetation, may not be visible from private or public streets or adjacent residential areas.
- b. Outdoor storage containers are not permitted.
- c. ~~Outdoor display of goods, outdoor sales or temporary outdoor storage is not permitted except by Special Use Permit.~~

D. OUTDOOR DISPLAY OF MERCHANDISE SHALL MEET THE FOLLOWING STANDARDS:

I. LOCATION:

- A) THE DISPLAY AREA SHALL BE LOCATED DIRECTLY ADJACENT TO THE PRIMARY BUILDING WHERE THE MERCHANDISE IS SOLD.
- B) THE DISPLAY AREA SHALL NOT BE PLACED IN A MANNER THAT WILL CONSTITUTE A PUBLIC HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR INTERFERE WITH BICYCLE PARKING AREAS AND OTHER ACCESS. PEOPLE STANDING IN DRIVEWAY OR BLOCKING DOORWAYS WHILE VIEWING OUTDOOR DISPLAY ARE CONSIDERED A HAZARD (FIGURE 25.1).
 - I. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ALL DOORS.

- II. A MINIMUM OF FOUR FEET (4') SHALL BE MAINTAINED FROM ANY ADJACENT ROAD CURB.
- III. THE DISPLAY AREA SHALL NOT INTERFERE WITH SIDEWALK FUNCTION AND MUST MAINTAIN A FOUR FEET (4') CLEAR PATH AROUND DISPLAY AT ALL TIMES.
- IV. ACCESS TO ALL DOORS SHALL BE KEPT CLEAR AT ALL TIMES.
- V. THE DISPLAY AREA SHALL NOT BE LOCATED IN PARKING AREAS, DRIVE AISLES OR LANDSCAPE AREAS.

II. SIZE:

- A) THE DISPLAY AREA FOR STORE FRONTS WITH LESS THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED TWENTY FIVE (25) SQUARE FEET
- B) THE DISPLAY AREA FOR STORE FRONTS WITH GREATER THAN FIFTY (50) LINEAR FEET OF BUILDING FRONTAGE SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE FRONTAGE UP TO A MAXIMUM OF 150 SQUARE FOOT.

III. QUANTITY:

- A) DISPLAY AREAS ARE LIMITED TO ONE FAÇADE OF THE BUILDING

IV. SIGNS:

- a) PRICE TAGS SHALL BE NO LARGER THAN ONE SQUARE FOOT.

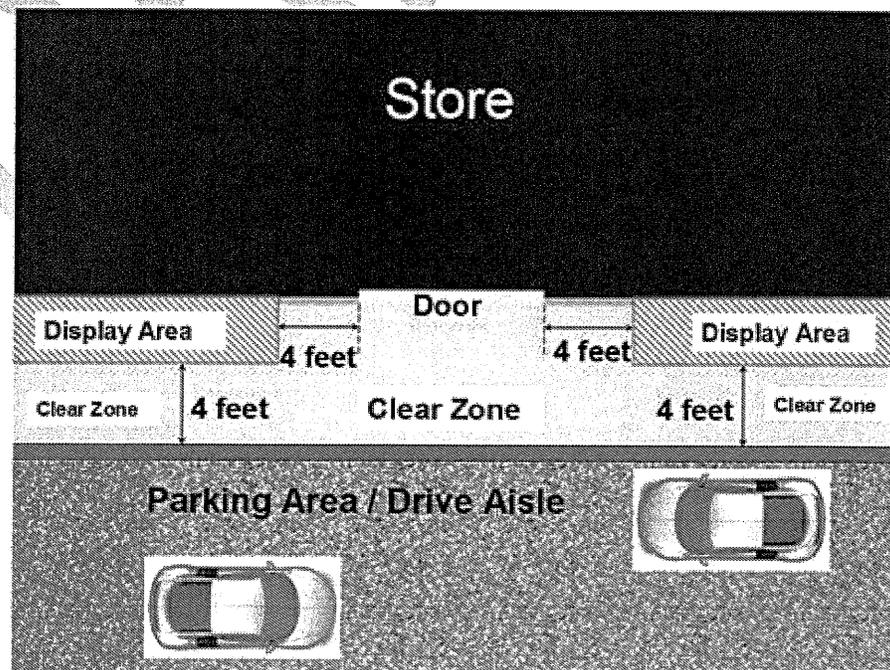


Figure 25.1 Outdoor Display Locations

- E. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited.~~ DISPENSING MACHINES ARE PROHIBITED EXCEPT FOR NEWSPAPERS.
- F. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum three (3) foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

Chapter 31

Definitions:

OUTDOOR DISPLAY: SHALL MEAN AN ARRANGEMENT OF MERCHANDISE SOLD ON THE PROPERTY IN SUCH A WAY TO GIVE SPECIAL PROMINENCE AND DESIGNED TO ATTRACT BUYERS.

OUTDOOR STORAGE: SHALL MEAN THE SUPPLY, STOCK OF MERCHANDISE, MATERIALS OR SIMILAR ITEMS ACCUMULATED IN AN AREA OUTSIDE OF THE BUSINESS.

DRAFT

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
AMENDED AGENDA
August 2, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chairman Leedy called the August 2, 2016, Planning and Zoning Commission meeting to order at 6:00 PM.

ROLL CALL

PRESENT: Bill Leedy, Chair
Charlie Hurt, Vice Chair
Greg Hitt, Commissioner
Bob Swope, Commissioner
Melanie Barrett, Commissioner
Tom Gribb, Commissioner

EXCUSED: Tom Drzazgowski, Commissioner

ALSO PRESENT: Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chair Leedy led the audience and the Commission in the Pledge of Allegiance.

CALL TO AUDIENCE

No speaker request.

COUNCIL LIAISON COMMENTS

The Council Liaison was not present at the meeting.

REGULAR SESSION AGENDA

- 1. REVIEW AND/OR APPROVAL OF THE MAY 3, 2016 REGULAR SESSION MEETING MINUTES AND THE JUNE 28, 2016 SPECIAL SESSION MEETING MINUTES.**

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt to approve the May 3, 2016, Regular Session Meeting Minutes

MOTION carried, 6-0.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Swope to approve the June 28, 2016, Special Session Meeting Minutes.

MOTION carried, 6-0.

2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO SECTION 25.2., HOME OCCUPATIONS AND ACCESSORY USES AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1600759

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- What is a Home Occupation?
- Current List Based Approach
- Type I vs. Type II uses
- Performance Based Approach
- Study Session Key Items
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Alia Pierson, Oro Valley resident, voiced her concerns on the following:

- Incorporated her business in 2014
- Disappointed her business is not on the approved list in the current Zoning Code
- Tucson has updated to accommodate cottage food businesses
- She is licensed with the Arizona Health Department and Department of Revenue
- She looks forward to building a business in Oro Valley

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce, and Oro Valley resident, stated the following:

- Proposed updates and home occupation permissions are much easier to navigate
- Questions regarding limitations on the number of non-resident employees
- Concern on the limitation of the floor area in the home dedicated to a home occupation

Chair Leedy closed the public hearing.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt recommend approval of the Zoning Code Amendment in Attachment 1 related to home occupations, based on the finding that the request meets the intent of the General Plan by encouraging business and maintaining the residential character of a neighborhood.

Commissioner Barrett offered a friendly amendment to allow one employee at a time for a Type I home-occupation and two employees at a time for a Type II home-occupation.

The friendly amendment was accepted by Vice-Chair Hurt and Commissioner Hitt.

MOTION carried, 6-0.

3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO SECTIONS 28.6 AND 28.9, A-FRAME SIGNS AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1601007

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Code Standards
- Study Session Key Items
- Flexibility of Sign Type
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce, and Oro Valley resident, commented on the following:

- The Chamber is in support of the proposed amendment
- A-frame signs are used as a tool to grow business success
- No objection to chalk board or hand written signs
- The Chamber would welcome discussion regarding directional signs and other alternative signage
- Directional signage would help disburse commerce
- Oro Valley deserves a decent looking community to live in

Chair Leedy closed the public hearing.

MOTION: A motion was made by Commissioner Hitt and seconded by Vice Chair Hurt to recommend approval of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that the request meets the intent of the general plan concerning signage.

MOTION failed, 3-3 with Commissioner Swope, Commissioner Barrett, and Commissioner Gribb opposed.

MOTION: A motion was made by Chair Leedy and seconded by Vice Chair Hurt to recommend approval of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that the request meets the intent of the general plan concerning signage with the addition of the A-frame code amendment will expire on December 31, 2017.

Chair Leedy offered a friendly amendment to the prior motion to reflect the code be revisited prior to December 31, 2017.

The friendly amendment was accepted by Vice-Chair Hurt.

MOTION carried, 4-2 with Commissioner Swope and Commissioner Gribb opposed.

4. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO 25.1. AND 31, OUTDOOR DISPLAYS AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1601648

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Code Standards
- Study Session Key Items
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce and Oro Valley resident, commented on the following:

- Outdoor display should be allowed on a permanent basis
- Outdoor display represents real income to the business
- Outdoor displays should be safe
- When merchants thrive, Oro Valley thrives

Chair Leedy closed the public hearing.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt recommend approval of the Zoning Code Amendment in Attachment 1 related to Outdoor Displays, based on the finding that the request meets the intent of the general plan to support businesses and maintain Oro Valley's design expectations.

MOTION carried, 4-2 with Commissioner Swope and Commissioner Gribb opposed.

***5. DISCUSSION AND POSSIBLE ACTION TO INITIATE A ZONING CODE AMENDMENT TO CHAPTER 28 TO ENABLE A PORTION OF WALL SIGNS TO INCLUDE BUSINESS SERVICE TAG LINES OR MODIFIERS. THE AMENDMENT WOULD INCLUDE CHANGES TO THE DEFINITION SECTION AS WELL AS RELATED SECTIONS THROUGHOUT CHAPTER 28**

Bayer Vella, Planning Manager, is requesting the Commission initiate a discussion to potentially amend the Zoning Code to address a type of signs that is not specifically addressed. It's very similar to an existing sign type for is pan channel sign. There has been an increase in the amount of business asking for this kind of sign and it is high time that this is addressed in the code. Staff has completed the research necessary because we have worked with several business' that want to see this go forward. Our ask tonight is not to approve a Zoning Code amendment, but initiate the ability to have the discussion about the amendment at a future hearing date.

MOTION: A motion was made by Chair Leedy and seconded by Commissioner Gribb Initiate a zoning code amendment to chapter 28 to enable a portion of wall signs to include business service tag lines or modifiers

MOTION carried, 6-0.

PLANNING UPDATE (INFORMATIONAL ONLY)

Bayer Vella, Planning Manager, provided the following planning update:

- Town Council summer break
- August 23rd Planning and Zoning Commission Meeting, Major General Plan off-site meeting. Discussion only
- September 6th Planning and Zoning Commission Meeting, Major General Plan Recommendation
- No upcoming neighborhood meetings

ADJOURNMENT

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Gribb adjourn the August 2, 2016 Planning and Zoning Commission meeting at 7:29 PM.

MOTION carried, 6-0.

Attached is a summary of comments from the Greater Oro Valley Chamber of Commerce

In conjunction with the town's economic development division, our Chamber has been querying members about **A-frame signs** and the **outdoor display of merchandise** as the Town of Oro Valley considers more permanent permissions for those media

A-Frame Signs

We've spoken with **European Wax Center, Saffron Indian Bistro, Trouville Salon, Carrabba's, Sheffield's Diamonds, Oro Valley Eyecare, The Joint Chiropractic, Rubs Massage, Sahuaro Café, Fleet Feet Sports, Framed to Perfection, Friends of the Oro Valley Library, America's Mattress** and **T-Mobile**. We can keep going, of course.

Nearly all these businesses use the A-frame. Everyone we spoke with **likes the ability to use A-frames**, and hopes the permissions become **permanent**. Some are able to point specifically to volume increases.

Heredia, corporate administrator at **Sheffield's Diamonds**, says the A-frame is "absolutely effective." Sheffield's tracks awareness with its customers, and she estimates "**between 20 and 30 percent**" of first-time visitors are attracted by their signs.

Brandon Trappman, salon coordinator at **Trouville Salon** in Plaza Escondida, estimates between 5 and 7 percent of the salon's business comes from A-frame advertising of open appointments, specials and hiring events. We do see the specialty and service businesses, such as salons, are more reliant upon that walk-in traffic, and the signs are helpful. "Very awesome," Brandon said.

Other merchants speak more anecdotally, and they're honest about it. **Miguel Nakano** at **Oro Valley Eyecare** believes A-frames work, but "I can't give you an actual number that could back it up."

Likewise, **Jack Colmar** of **The Joint Chiropractic** lacks data on how much A-frame marketing increases business. "But I can definitely say that it **does** help drive foot traffic into our business. We rely a lot on people walking by our locations to come in and try out our concept, so I would strongly be in favor of always allowing A-Frame signage."

Melissa Yunger, manager at **Rubs Massage**, is a believer. "Oh my gosh," she said. "A good-sized part of the people who are new to us coming in" see the A-frame offer. "It's super important. It generates a lot of new walk-in clientele. We've definitely received a lot of positive feedback."

Like Melissa, several told us the A-frames generate that first customer visit. If they do their jobs well, and provide good service and values, those customers come back.

Some merchants would like to see the 20-foot rule liberalized. As examples, **Rubs Massage** wants to catch people coming into the Fry's Center on La Canada. Having the sign within 20 feet would make it essentially invisible. "I understand we can't put it on the street," Melissa said.

Saffron, Fleet Feet Sports and **The Designer Rug Store**, all in the south end of what I call Oracle Crossings, are tucked away and largely invisible from the road. They push their signs toward the center's southernmost entry road, hoping visitors to the center see their information.

Outdoor Displays

I've spoken with 3 specific retailers about outdoor display -- **Dollar Tree, Fry's** and **Trader Joe's**, relatively large users of the outdoor display permission

Derick Pfiester, district manager for Fry's based at Lambert and La Canada, said sales derived at that store from outdoor display of merchandise is "**a 6-figure number.**" He may be sharing the percentages / dollars later today.

"Business is a visual process," he said. People need to "touch, feel, taste and experience" retail items. "If I'm limited on capacity, I need every single inch I can use."

Derick said the items Fry's sells out its front doors -- this time of year, **grills, plastic pools, pots, outdoor furniture** and the like are "**high-profit items**" that keep Fry's going. "That helps us to be competitive. Without this mix (of product), we're not as profitable."

He's aware of the need to be a good neighbor, and completely respects the need for adequate sidewalk space, emergency access and other safety / code requirements.

Faust Rochin is a store manager at **Trader Joe's**. Trader Joe's sells **2 categories outside -- seasonal items**, such as pumpkins, melons and holiday fare, and **plants**. "All Trader Joe's merchandise plants outside," Faust said.

"A considerable amount of flower sales are plants," as compared to cut flowers, Faust said.

This time of year, there's **not much outside** Trader Joe's; **charcoal briquets**, on Tuesday morning. That said, he attributes **up to 3 percent of the store's total sales to merchandise displayed outside**. "Regardless of the time of year, there is demand created from the stuff we have on display outside," Faust said.

Attachment 7

Outdoor Displays

General Plan Policies

The Zoning Code amendments were reviewed for conformance with the General Plan's Goals and Policies. Listed below are relevant policies within the General Plan relating to businesses in italics, followed by staff commentary:

*General Plan Chapter 3. Economic development, retail development/leakage:
A high percentage of Oro Valley residents spend a significant amount of money outside of the Town reducing the financial benefits to the Town. Creation of preferred high-end shopping opportunities through development and annexation could reduce retail leakage.*

3.1 Ensure long term financial and economic sustainability for the Town.

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, maintain and periodically update the Town's Community Economic Development Strategy 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.

3.1.5 The Town shall continue its efforts to attract new high-end retail and service businesses, especially those in under-represented categories, in order to help reduce expenditure leakage.

While the use of the Outdoor Displays is only being used by 19 businesses, providing this allowance as a permanent part of the code will provide another tool to help local businesses succeed and allow Oro Valley to attract and maintain desirable businesses.

The proposed amendment is consistent with the General Plan policies.

Outdoor Displays

Outdoor displays haven't been utilized by the vast majority of businesses in Oro Valley. The small number of businesses results in very limited incremental, if any, sales tax revenues for the Town and sales by businesses. As of today there are only 18 Oro Valley businesses which applied for Outdoor display permits. Since 2014, only one new permit has been issued and that was in 2015. Of these 18 permit holders only 8 are active users of outdoor displays. There seems no need to continue the use of Outdoor displays in Oro Valley.

The best result for the all Oro Valley stakeholders is for the Planning and Zoning Commissioners to recommend that the use of Outdoor displays be discontinued. If this is not your choice than the major short comings not covered in the proposed permanent code need to be addressed. These short coming include:

- The unsightly clutter
- The excessive amounts of merchandise
- The safety of pedestrians/shoppers

The best solution to address these short comings is to limit the display area to 1 row against the building frontage while retaining the other proposed usage guidelines.

Oro Valley is a community of its citizens and its businesses. We all have a responsibility to our Town. We the citizens/residents obey the laws, pay our taxes, clean up around our homes, etc. Should not businesses that use outdoor displays have a responsibility to adhere to the directives/standards on the applications? Some sort of enforcement guidelines should be included in the code.

Don Bristow
Oro Valley resident



Item # 4. a.

Town Council Regular Session

Meeting Date: 09/07/2016

Requested by: Patty Hayes

Submitted By: Patty Hayes, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)16-42, DECLARING THE PROPOSED AMENDMENTS TO CHAPTER 25 OF THE ORO VALLEY ZONING CODE RELATED TO HOME OCCUPATIONS, 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 the newspaper. 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)16-42, declaring the proposed amendments to the Oro Valley Zoning Code Revised sections 25.1 and 31 related to Outdoor Displays, attached hereto as Exhibit "A" and filed with the Town Clerk, a public record.

Attachments

(R)16-42 Home Occupations

RESOLUTION NO. (R)16-42

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 25, USE REGULATIONS, SECTION 25.2, ACCESSORY USES AND STRUCTURES, SUBSECTION 25.2.C HOME OCCUPATIONS, AND CHAPTER 31, DEFINITIONS OF THE ORO VALLEY ZONING CODE REVISED AND ENTITLED THE “USE REGULATIONS” AND “DEFINITIONS”; 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 25, Use Regulations, Section 25.2, Accessory Uses and Structures, Subsection 25.2.C, Home Occupations and Chapter 31, Definitions, entitled “Use Regulations” and “Definitions” 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 7th day of September, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

This section has been reformatted and grouped into subject matter.
New code language in ALL CAPS, ~~strikethrough~~ used for language to be removed

~~25.2.C-D.~~ Home Occupations

1. Purpose

~~The purpose of this Section is to:~~

- a. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- b. ~~Ensure home occupation activities are incidental to, and compatible with, the surrounding residential areas.~~
- B. Establish criteria and standards for home occupations conducted in dwelling units in residential zones TO ENSURE ACTIVITIES ARE INCIDENTAL TO, AND COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD IN WHICH IT IS LOCATED.

~~b.~~ Definitions

- a. ~~A home occupation is defined as business or commercial activity that is conducted from property that is zoned for residential use.~~
- b. ~~Home occupation uses (Type I, see subsection 5. below), are allowed as authorized by subsection 5. and regulated by subsection 4, without a public hearing or permit requirement.~~
- c. ~~A home occupation use permit, (Type II, see Section subsection 6. below), is permitted when authorized by the Planning and Zoning Commission only after a public hearing, per subsection 9.~~

~~e.~~ Home Occupation Permit Requirement

- a. ~~No Type II home occupation shall be permitted without the prior issuance of a home occupation Type II permit.~~
- b. ~~The Town of Oro Valley acknowledges that private covenants, conditions, and restrictions (CC&Rs) agreements exist between private property owners in many homeowners associations. Nothing in Section [25.2.C](#) of this Code shall be interpreted to void the provisions of those agreements.~~

2. HOME OCCUPATIONS ARE ALLOWED THROUGH A BUSINESS LICENSE AND ZONING APPROVAL AS EITHER A TYPE I OR TYPE II USE.

- A. TYPE I HOME OCCUPATIONS ~~are primarily office, hobby type or similar scale uses and~~ SHALL NOT HAVE A DISCERNIBLE IMPACT ON THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. TYPE I USES ARE ALLOWED AS REGULATED BY SECTION 3 WITH THE PLANNING AND ZONING ADMINISTRATORS APPROVAL WITHOUT A PUBLIC HEARING.
- B. TYPE II HOME OCCUPATIONS MAY HAVE THE POTENTIAL FOR A MINOR OR ADVERSE IMPACT TO THE NEIGHBORHOOD AND ARE REGULATED BY SECTION 3. TYPE II BUSINESSES INCLUDE ONE OR MORE OF THE FOLLOWING:
- I. THE PRIMARY BUSINESS ACTIVITY IS OUTDOORS.
 - II. MORE THAN (1) ONE BUT NOT MORE THAN (2) TWO NON-RESIDENT EMPLOYEES REPORT TO WORK AT THE HOME.
 - III. ~~Child care group home~~ CARE IS OFFERED FOR five (5) to ten (10) children, age twelve and under. ~~also, prior to the operation of the child care group home,~~ ARIZONA DEPARTMENT OF HEALTH SERVICES (ADHS) STATE APPROVAL IS REQUIRED.
 - IV. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation

TYPE II HOME OCCUPATIONS MAY BE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION ONLY AFTER A PUBLIC HEARING, PER SUBSECTION 4.B.

3. Home Occupation Standards

All home occupations, whether authorized and regulated as a Type I or Type II Use, shall conform to the following standards UNLESS OTHERWISE SPECIFIED WITHIN THIS CHAPTER:

- i. ~~Employees~~
 - a) ~~Type I uses, residents only;~~
 - b) ~~Type II permit, only one (1) non-resident may be employed on the home occupation premises.~~

A. GENERAL:

- I. HOURS OF OPERATIONS FOR EXTERNAL BUSINESS ACTIVITIES, SUCH AS CUSTOMER PARKING OR DELIVERIES, SHALL BE LIMITED TO BETWEEN 7:00 A.M. AND 8:00 P.M.
- II. The home occupation use shall not produce sustained or obnoxious odors, vibrations, glare, fumes, dust, heat, or electric interference which are detectable to normal sensory perception beyond the perimeter of the property.
- III. A HOME OCCUPATION MUST BE PRIMARILY OPERATED BY PERSON(S) DWELLING IN THE HOME.
- IV. WHEN A DWELLING IS RENTED, THE PROPERTY OWNER MUST AUTHORIZE, IN WRITING, USE OF THE HOME AS A PLACE OF BUSINESS.
- V. THE FOLLOWING USES ARE PROHIBITED DUE TO THE POTENTIAL TO HAVE A NEGATIVE OR ADVERSE IMPACT ON THE NEIGHBORHOOD:
 - A) THE KEEPING, CARING AND/OR SALE OF ANIMALS ON THE PROPERTY.
 - B) AUTOMOBILE, MOTORCYCLE, BOAT OR ANY VEHICLE REPAIR, PARTS SALES, UPHOLSTERY, DETAILING, WASHING OR PAINTING ON THE PROPERTY.

B. EMPLOYEES:

- I. Type I uses, ~~residents only~~, SHALL EMPLOY ONLY THOSE WHO RESIDE IN THE HOME AND MAY ALLOW NO MORE THAN (1) ONE NON-RESIDENT EMPLOYEE TO WORK IN THE HOME AT ANY GIVEN TIME.
- II. Type II uses may employ ~~only~~ NO MORE THAN TWO (2) non-resident employeeS TO WORK AT THE HOME AT ANY GIVEN TIME. ~~on the home occupation premises.~~
- III. ADDITIONAL INDIVIDUALS MAY BE EMPLOYED BY OR ASSOCIATED WITH THE HOME OCCUPATION, PROVIDED THEY DO NOT REPORT TO THE HOME FOR ANY PURPOSE.

C. ACCESSORY BUILDING:

- I. NO MORE THAN ONE (1) DETACHED ACCESSORY BUILDING SHALL BE USED FOR THE HOME OCCUPATION.

II. THE BUSINESS SHALL NOT OCCUPY MORE THAN 200 SQUARE FEET OF FLOOR AREA OF THE DETACHED ACCESSORY BUILDING.

iii. ~~There shall be no alteration of the detached accessory building floor plan which creates a solid barrier between the home occupation area and the remaining floor area of the detached accessory building.~~

D. NOISE:

~~I. The home occupation use shall produce no noise in violation of Town Code, Chapter 10,~~

I. THE HOME OCCUPATION SHALL NOT EXCEED NOISE LEVELS IN ACCORDANCE WITH THE TOWN CODE, ARTICLE 10-1-4, NOISE.

E. PARKING:

~~I. If the home occupation requires the conversion of existing parking for business use, an equal number of off street parking spaces shall be provided on site. If the home occupation use requires additional parking beyond existing parking spaces, based on the provisions of Section 27.7, the additional parking shall be provided on site. THE EXISTING PARKING PROVIDED ON THE PROPERTY SHALL BE USED TO ACCOMMODATE VEHICLES RELATED TO THE HOME BUSINESS.~~

II. VEHICLES OWNED AND/OR USED BY THE BUSINESS THAT ARE PARKED AT THE HOME SHALL MEET THE FOLLOWING STANDARDS:

- A) NO MORE THAN ONE VEHICLE RELATED TO THE HOME OCCUPATION SHALL BE ALLOWED ON THE RESIDENTIAL PROPERTY.
- B) THE VEHICLE SHALL BE LIMITED TO A PASSENGER CAR, VAN OR PICK-UP TRUCK.
- C) THE OVERALL LENGTH OF THE VEHICLE SHALL NOT BE MORE THAN 25' AND OVERALL HEIGHT SHALL NOT BE MORE THAN 8'.
- D) PARKING SHALL BE ON PRIVATE PROPERTY IN A CARPORT, GARAGE OR SHIELDED FROM VIEW FROM ADJOINING PROPERTIES BY LANDSCAPING, FENCING OR SCREENING MATERIAL.
- E) THESE STANDARDS WILL NOT APPLY TO THE PERSONAL VEHICLE OF NON-RESIDENT EMPLOYEE FOR TYPE II OCCUPATIONS.

III. UTILITY TRAILERS USED FOR THE BUSINESS SHALL BE PARKED INSIDE AN ENCLOSED BUILDING OR SCREENED FROM VIEW USING OPAQUE LANDSCAPING, FENCING OR OTHER SCREENING MATERIAL.

IV. DELIVERIES FOR THE BUSINESS SHALL BE LIMITED TO DELIVERY TRUCKS (SU-30, SINGLE UNIT TRUCK) WHO CUSTOMARILY DELIVER ITEMS TO RESIDENTIAL AREAS.

VI. THERE SHALL BE NO DELIVERIES DURING THE HOURS OF 8:00 P.M. TO 7:00 A.M.

F. PROPERTY:

I. THE HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO THE RESIDENTIAL USE OF THE PROPERTY.

II. A home occupation shall be conducted entirely within the primary dwelling unit or within a detached accessory building. SEE SECTION 25.2.C.3.C FOR ACCESSORY BUILDING STANDARDS.

III. THERE SHALL BE NO OUTDOOR ACTIVITIES RELATED TO THE HOME OCCUPATION ON THE PREMISES WITH THE EXCEPTION OF PLAYGROUND EQUIPMENT FOR CHILD CARE OR AS ALLOWED BY SUBSECTION 2.B

IV. THE BUSINESS SHALL NOT OCCUPY MORE THAN 25 PERCENT OF THE ENTIRE PRIMARY DWELLING UNIT'S FLOOR AREA. ~~They shall not occupy more than 25 percent of the property's living space floor area.~~

V. There shall be no alteration of the residential ~~or detached accessory building~~ floor plan which creates a solid barrier between the home occupation area and the remaining floor area of either the residence ~~or a detached accessory building.~~

VI. There shall be no alteration of the property's exterior residential appearance.

VII. COMMERCIAL DUMPSTERS ARE PROHIBITED.

G. SIGNS

i. No signs shall be allowed for any home occupation pursuant to Section [28.9](#), Prohibited Signs.

H. STORAGE AND EQUIPMENT:

i. Storage of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous materials must comply with the ~~2003 International~~ CURRENT International Building Code and/or the International Fire Code and shall not create an unsafe condition.

- ii. There shall be no process or materials used which are hazardous to public health, safety, or welfare.
- iii. ~~The home occupation shall have no on-site sales or public display of stock-in-trade upon the premises.~~ THERE SHALL BE NO DISPLAY OF PRODUCTS OR INVENTORY AT THE HOME.
- iv. ~~There shall be no outdoor open operations, storage, or display of materials, or products~~
~~The home occupation use shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractor's or landscaper's equipment.~~
- IV. THERE SHALL NOT BE ON SITE STORAGE OF OR USE OF TRACTOR TRAILERS, SEMI-TRUCKS OR HEAVY EQUIPMENT ASSOCIATED WITH THE BUSINESS.

Much of the former sections 4,5 and 6 has been move into other categories

~~4. Home Occupation Standards:~~

- b. ~~No mechanical equipment is to be used except that which is necessarily, customarily, or ordinarily used for household, non-business, non-commercial purposes.~~
- h. ~~Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation.~~
- d. ~~Home occupation uses to be located in non-living space area of a building space will require a building permit to convert the area to building codes living space standards prior to occupancy for the home occupation.~~

~~5. Type I Home Occupation Descriptions~~

- i. ~~A Type I home occupation may be conducted within the primary dwelling unit, or within a detached accessory building. It has resident employees only and no discernible impact on the residential character of the neighborhood. Type I uses are primarily office or hobby type and similar scale uses, including but not limited to:~~
 - a) ~~Architectural service.~~

- ~~b) Consulting service.~~
- ~~c) Home base office for direct sale product(s) with no on-site sales, display of product(s), or distribution of product(s).~~
- ~~d) Drafting or graphic service.~~
- ~~e) Dressmaking, sewing, tailoring, or contract sewing (one machine).~~
- ~~f) Engineering service.~~
- ~~g) Financial planning, investment service.~~
- ~~h) Home crafts (including ceramics with a single kiln up to six (6) cubic feet), but no on-site sales.~~
- ~~i) House cleaning service.~~
- ~~j) Insurance office.~~
- ~~k) Real estate office.~~
- ~~l) Interior design.~~
- ~~m) Mail order (excluding direct on-site sales, distributions of merchandise, or pick-ups).~~
- ~~n) Sales representative (office only).~~
- ~~o) Typing or word processing service.~~
- ~~p) Writing, computer programming, or computer applications.~~
- ~~q) Child care service for no more than four (4) (non-resident) children at any given time.~~
- ~~r) Flower arranging.~~
- ~~s) Jewelry making or jeweler.~~
- ~~t) Legal service.~~
- ~~u) Tutoring, limited to one (1) student at any given time.~~

~~v) Music lessons, limited to one (1) student at any given time, provided that provisions are taken to ensure audio levels are reasonable within the limits of the Town's Code, Article 10-1-4, Noise.~~

~~w) Analogous uses as determined by the Planning and Zoning Administrator.~~

~~6. Type II Home Occupation Descriptions~~

~~a. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.~~

~~i. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~

~~ii. Bed and breakfast service.~~

~~iii. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~

~~iv. Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~

~~v. Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~

~~vi. Massage therapy.~~

~~vii. Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~

~~viii. Analogous uses as determined by the Planning and Zoning Administrator.~~

~~6. Type II Home Occupation Descriptions~~

~~b. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.~~

~~ix. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~

~~x. Bed and breakfast service.~~

~~xi. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~

- ~~xii. Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~
- ~~xiii. Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
- ~~xiv. Massage therapy.~~
- ~~xv. Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
- ~~xvi. Analogous uses as determined by the Planning and Zoning Administrator.~~

~~7. Prohibited Home Occupation Uses~~

~~Some uses are prohibited because they have the potential to involve the storage or use of large vehicles or equipment on site; create traffic or parking problems; create excess noises, odors, or other adverse impacts; or to expand beyond the limits permitted for home occupations. These include but are not limited to:~~

- ~~i. Ambulance service.~~
- ~~ii. Appliance repair.~~
- ~~iii. Automobile repair, parts sales, upholstery, detailing, washing, or painting.~~
- ~~iv. Beauty parlors, skin care salons, tattoo parlors, and barber shops.~~
- ~~v. Carpentry or other woodworking such as: cabinet making, furniture making, or volume produced wood products.~~
- ~~vi. Boarding house.~~
- ~~vii. Ceramics (kiln over six (6) cubic feet).~~
- ~~viii. Health salons, gyms, dance studios, and aerobic exercise studios.~~
- ~~ix. Helium balloon service.~~
- ~~x. Limousine or pedicab service.~~
- ~~xi. Medical or dental office.~~
- ~~xii. Mortician or hearse service.~~
- ~~xiii. Palm reading or fortune telling.~~
- ~~xiv. Private clubs.~~
- ~~xv. Commercial food preparation.~~
- ~~xvi. Retail sales from site (except direct distribution).~~
- ~~xvii. Tow truck service.~~
- ~~xviii. Upholstery.~~
- ~~xix. Veterinary uses including grooming or boarding.~~
- ~~xx. Ongoing garage sales excluding private homeowner's garage sales not exceeding one (1) garage sale per quarter.~~
- ~~xxi. Motorized outdoor sport products, such as: radio controlled miniature airplanes, motorcycle track, go-cart racing.~~
- ~~xxii. Photo developing or photo studios.~~
- ~~xxiii. Welding shop.~~

~~xxiv. Analogous uses as determined by the Planning and Zoning Administrator.~~

4. ~~7. Review and Appeal Procedure~~

A. TYPE I HOME OCCUPATION

I. APPLICATION SHALL BE MADE TO THE TOWN CLERK'S OFFICE FOR REVIEW BY THE PLANNING AND ZONING ADMINISTRATOR.

B. TYPE II HOME OCCUPATION

I. APPLICATION SHALL BE MADE TO THE PLANNING DEPARTMENT FOR REVIEW BY THE PLANNING AND ZONING COMMISSION. UPON RECEIPT OF A COMPLETE SUBMITTAL, THE TOWN WILL NOTIFY THE ADJACENT PROPERTY OWNERS WITHIN 300' BY MAIL AND POST THE SUBJECT PROPERTY WITH A SIGN NOTIFYING THE PUBLIC OF THE APPLICATION AND MEETING DATE.

a. C. Type II home occupation permits, which may be revocable, conditional, or valid for a term period, may be granted or denied by the Planning and Zoning Commission after a public hearing and a finding that the use meets the home occupation standards herein. ~~The public hearing will be scheduled and noticed as follows:~~

i. ~~The date of the public hearing before the Planning and Zoning Commission shall be set no more than 50 days from the date of application. The date, time, and place of such public hearing and the nature of the use permit requested shall be published in a newspaper of general circulation in the Town of Oro Valley and one (1) notice of the said hearing shall be posted conspicuously on the property. Both such publication and posting shall give 15 days notice of such Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting.~~

ii. ~~The notice, as published and posted, upon application, at the applicants request shall be sent by regular mail to property owners of property within 300 feet, not less than 15 days prior to the date of the first public hearing. The applicant shall submit to the Town Clerk an accurate verified list made within 60 days prior to the date of hearing before the Planning and Zoning Commission giving the names and addresses of the recorded owners of all properties, any part of which is within 300 feet of the proposed use permit, or more as the Planning and Zoning Administrator may determine necessary to provide reasonable notice. Failure of property owners to receive such notice shall not invalidate a use permit that may be subsequently approved.~~

5. ~~Appeal~~

~~I. Decisions of the Planning and Zoning Administrator may be appealed to the Board of Adjustment within 30 days from date of~~

~~II. Decisions of the Planning and Zoning Commission may be appealed to the Town Council within 30 days from date of decision~~

5. 9. Validity of Type II Home Occupation Permit

The Planning and Zoning Administrator may cite any home occupation use for non-compliance with the criteria set forth in this chapter and/or conditions set by the Planning and Zoning Commission. Revocation may take place at any time it is determined the home occupation is in non-compliance. If the permit is revoked, it becomes null and void, and said use shall be terminated immediately.

6. 10. Inspections

A home occupation property owner shall permit inspections of the premises by the Planning and Zoning Department to determine compliance with this chapter.

Section 25.2 Accessory Uses and Structures

A. Accessory Buildings – General

1. No accessory building shall be constructed upon a lot unless the construction of the main building has actually commenced
2. No accessory building shall be used for dwelling purposes other than by household employees working on the premises or relatives or other non-paying guests.
3. No accessory building shall be permitted in a front yard.
4. If setbacks for accessory building are not specifically called out within the applicable zoning district, accessory buildings must meet all side setbacks and shall not be constructed closer than five (5) feet to any rear lot line.
5. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than 15 feet to the center line of said alley.

B. Abandoned or Junk Vehicles

1. All abandoned or junk vehicles undergoing major repairs or being restored shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located in such a manner as to not be visible from any point lying outside the property upon which abandoned or junk vehicle is stored or parked.
2. For the purposes of this Section:
 - a. Abandoned or junk vehicle means a vehicle or any major portion thereof that is incapable of movement under its own power and will remain so without major repair or reconstruction.
 - b. Major repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.
 - c. Vehicle means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

C. PROHIBITED USES

1. ONGOING GARAGE SALES, EXCLUDING PRIVATE HOMEOWNER'S GARAGE SALES NOT EXCEEDING ONE (1) GARAGE SALE PER QUARTER FOR A MAXIMUM OF THREE (3) CONSECUTIVE DAYS.
2. MOTORIZED OUTDOOR SPORTS ACTIVITIES SUCH AS RADIO CONTROLLED MINIATURE AIRPLANES, DRONES, MOTORCYCLE TRACK AND GO-CART RACING.

Chapter 31

New definition:

EMPLOYEE: SHALL MEAN ANY PERSON PAID IN ANY WAY TO PERFORM A JOB OR DUTY OF ANY KIND.

Home Occupation

Shall mean business or commercial activity that is conducted from property zoned for residential use and which meets the standards of Section 25.2.C.D.



Town Council Regular Session

Item # 4. b.

Meeting Date: 09/07/2016

Requested by: Patty Hayes

Submitted By: Patty Hayes, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)16-11, AMENDING CHAPTERS 25 AND 31 OF THE ORO VALLEY ZONING CODE TO UPDATE THE HOME OCCUPATION REGULATIONS

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

EXECUTIVE SUMMARY:

The purpose of this code amendment is to update the home occupation standards of the Zoning Code for home-based businesses while safeguarding the residential character of neighborhoods. This amendment was initiated by the Planning and Zoning Commission on April 5, 2016, based on a request from a resident who had been denied a business license for a home baking business.

Home-based businesses are allowed in accordance with the established standards and uses defined in the Zoning Code. The review of a request mainly relies on a list of allowed and prohibited uses, which limits the ability to evaluate each business based on its actual impact to a neighborhood.

A more progressive approach is to evaluate a home business against specific performance standards addressing such topics as employees, traffic, storage and noise. Performance standards enable decisions to be made based on the actual impact of a specific home occupation on a neighborhood. This code amendment (Attachment 1) is intended to update the format and practices used in evaluating home based businesses by establishing performance based standards.

The Planning and Zoning Commission held a study session to discuss the amendments on July 14, 2016 followed by a public hearing on August 2, 2016 (the Planning and Zoning Commission staff reports and minutes are provided in Attachments 2 through 5). Discussion topics at the meeting focused on the number of employees, deliveries,

parking and utility trailers. At the conclusion of the public hearing, the Planning and Zoning Commission recommended approval.

BACKGROUND OR DETAILED INFORMATION:

The Planning and Zoning Commission initiated this amendment earlier this year based on a citizen's request to operate a home-based baking business. The request for the home baking business was denied because the use is specifically prohibited in the Zoning Code. Automatic denial is perhaps warranted for someone wishing to bake 100 cakes a week as a caterer; however, such a blanket approach also prohibits a home-based business from producing only 2 to 3 cakes per week. The inability to evaluate each home-based business on its own merit and associated impacts is the primary rationale for amending the code.

Home Occupation Standards

The home occupation section of the zoning code has not had a comprehensive update in close to 20 years. This code amendment establishes performance standards that will enable staff to review home occupations based on actual impacts to the neighborhood such as the amount of traffic, number of employees, level of noise and the amount and type of storage associated with the business.

A summary of the main proposed performance standards is as follows:

- Limits external business activities to 7:00 a.m. to 8:00 p.m.
- Defines accessory building size and quantity
- Prohibits commercial trash receptacles
- Provides customer and business vehicle parking standards
- Limits or prohibit the type of storage or equipment at the home
- Allows up to 1 employee for a Type 1 business or up to 2 employees for a Type 2 business
- Traffic in excess of 25% of normal traffic for a residential use reclassifies business as a Type 2 Home Occupation

A comparison of the proposed standards to the current code standards is provided in Attachment 6

General Plan Analysis

Zoning Code amendments are reviewed for conformance with applicable General Plan policies. This amendment is consistent with policies supporting small businesses in the community while maintaining the residential character of the neighborhoods. A detailed analysis of the amendment in relation to General Plan policies is provided on Attachment 7.

Planning and Zoning Commission Review

The amendment was discussed by the commission at the July 14, 2016 study session and again heard on August 2, 2016. The main topics discussed at the meeting included:

- Screening of utility trailers related to the business
- Traffic including deliveries

- Customer parking
- Number of employees
- Prohibition of animal related businesses
- Storage and accessory building sizes
- Clarifying garage sale allowances

At the conclusion of the public meeting, the commission voted to recommend approval of the amendment. The commission's recommendation included a change which allowed one employee at a time for Type 1 home occupations, and two employees at a time for Type 2 home occupations.

Public Notification and Comment

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 regarding the amendment.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve Ordinance No. (O)16-11, an amendment to Chapters 25 and 31 regarding home occupation standards.

OR

I MOVE to deny Ordinance No. (O)16-11, an amendment to Chapters 25 and 31 regarding home occupation standards.

Attachments

(O)16-11 Home Occupation
Attachment 2 PZC July Study Session Staff Report and Attachments
Attachment 3 July PZC Minutes
Attachment 4 PZC August Staff Report and Attachments
Attachment 5 PZC August Minutes
Attachment 6 Comparison of Existing and Proposed Code
Attachment 7 General Plan Analysis

ORDINANCE NO. (O)16-11

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.2, ACCESSORY USES AND STRUCTURES, SUBSECTION 25.2.C HOME OCCUPATIONS, AND CHAPTER 31, DEFINITIONS, OF THE ORO VALLEY ZONING CODE REVISED, TO UPDATE THE HOME OCCUPATION STANDARDS TO ALLOW HOME BASED BUSINESSES WHILE MAINTAINING THE RESIDENTIAL CHARACTER OF A NEIGHBORHOOD; 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, the proposed amendments to Chapter 25, Use Regulations, Section 25.2, Accessory Uses and Structures, Subsection 25.2.C, Home Occupations and Chapter 31, Definitions will update the home occupation standards to allow home based businesses while maintaining the residential character of a neighborhood; and

WHEREAS, the OVZCR currently allows home based businesses in accordance with established standards and uses in a format that relies on a list based review; and

WHEREAS, the proposed approach will allow for an evaluation of the home based business that is based on the specific performance standards of each business; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendment at a duly noticed public hearing on August 2, 2016, in accordance with State Statutes and the OVZCR, and recommended conditional approval of the proposed amendment to the Town Council, with changes related to the number of employees for Type 1 and Type 2 home occupations; and

WHEREAS, the Mayor and Council have considered the proposed amendments to Chapter 25, Use Regulations, Section 25.2, Accessory Uses and Structures, Subsection 25.2.C, Home Occupations and Chapter 31, Definitions, and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town’s General Plan and other Town ordinances and is 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 25, Use Regulations, Section 25.2, Accessory Uses and Structures, Subsection 25.2.C, Home Occupations and Chapter 31, Definitions, attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby amended with additions being shown in ALL CAPS and deletions in ~~strike through~~ text.

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

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 7th day of September, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

This section has been reformatted and grouped into subject matter.
New code language in ALL CAPS, ~~strikethrough~~ used for language to be removed

~~25.2.C-D.~~ Home Occupations

1. Purpose

~~The purpose of this Section is to:~~

- a. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- b. ~~Ensure home occupation activities are incidental to, and compatible with, the surrounding residential areas.~~
- b. Establish criteria and standards for home occupations conducted in dwelling units in residential zones TO ENSURE ACTIVITIES ARE INCIDENTAL TO, AND COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD IN WHICH IT IS LOCATED.

b. ~~Definitions~~

- a. ~~A home occupation is defined as business or commercial activity that is conducted from property that is zoned for residential use.~~
- b. ~~Home occupation uses (Type I, see subsection 5. below), are allowed as authorized by subsection 5. and regulated by subsection 4, without a public hearing or permit requirement.~~
- c. ~~A home occupation use permit, (Type II, see Section subsection 6. below), is permitted when authorized by the Planning and Zoning Commission only after a public hearing, per subsection 9.~~

c. ~~Home Occupation Permit Requirement~~

- a. ~~No Type II home occupation shall be permitted without the prior issuance of a home occupation Type II permit.~~
- b. ~~The Town of Oro Valley acknowledges that private covenants, conditions, and restrictions (CC&Rs) agreements exist between private property owners in many homeowners associations. Nothing in Section 25.2.C. of this Code shall be interpreted to void the provisions of those agreements.~~

2. HOME OCCUPATIONS ARE ALLOWED THROUGH A BUSINESS LICENSE AND ZONING APPROVAL AS EITHER A TYPE I OR TYPE II USE.

- A. TYPE I HOME OCCUPATIONS ~~are primarily office, hobby type or similar scale uses and~~ SHALL NOT HAVE A DISCERNIBLE IMPACT ON THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. TYPE I USES ARE ALLOWED AS REGULATED BY SECTION 3 WITH THE PLANNING AND ZONING ADMINISTRATORS APPROVAL WITHOUT A PUBLIC HEARING.
- B. TYPE II HOME OCCUPATIONS MAY HAVE THE POTENTIAL FOR A MINOR OR ADVERSE IMPACT TO THE NEIGHBORHOOD AND ARE REGULATED BY SECTION 3. TYPE II BUSINESSES INCLUDE ONE OR MORE OF THE FOLLOWING:
 - I. THE PRIMARY BUSINESS ACTIVITY IS OUTDOORS.
 - II. MORE THAN (1) ONE BUT NOT MORE THAN (2) TWO NON-RESIDENT EMPLOYEES REPORT TO WORK AT THE HOME.
 - III. ~~Child care group home~~ CARE IS OFFERED FOR five (5) to ten (10) children, age twelve and under. ~~also, prior to the operation of the child care group home,~~ ARIZONA DEPARTMENT OF HEALTH SERVICES (ADHS) STATE APPROVAL IS REQUIRED.
 - IV. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation. TYPE II HOME OCCUPATIONS MAY BE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION ONLY AFTER A PUBLIC HEARING, PER SUBSECTION 4.B.

3. Home Occupation Standards

All home occupations, whether authorized and regulated as a Type I or Type II Use, shall conform to the following standards UNLESS OTHERWISE SPECIFIED WITHIN THIS CHAPTER:

- ~~i. Employees~~
 - ~~a) Type I uses, residents only;~~
 - ~~b) Type II permit, only one (1) non-resident may be employed on the home occupation premises.~~

A. GENERAL:

- I. HOURS OF OPERATIONS FOR EXTERNAL BUSINESS ACTIVITIES, SUCH AS CUSTOMER PARKING OR DELIVERIES, SHALL BE LIMITED TO BETWEEN 7:00 A.M. AND 8:00 P.M.
- II. The home occupation use shall not produce sustained or obnoxious odors, vibrations, glare, fumes, dust, heat, or electric interference which are detectable to normal sensory perception beyond the perimeter of the property.
- III. A HOME OCCUPATION MUST BE PRIMARILY OPERATED BY PERSON(S) DWELLING IN THE HOME.
- IV. WHEN A DWELLING IS RENTED, THE PROPERTY OWNER MUST AUTHORIZE, IN WRITING, USE OF THE HOME AS A PLACE OF BUSINESS.
- V. THE FOLLOWING USES ARE PROHIBITED DUE TO THE POTENTIAL TO HAVE A NEGATIVE OR ADVERSE IMPACT ON THE NEIGHBORHOOD:
 - a) THE KEEPING, CARING AND/OR SALE OF ANIMALS ON THE PROPERTY.
 - b) AUTOMOBILE, MOTORCYCLE, BOAT OR ANY VEHICLE REPAIR, PARTS SALES, UPHOLSTERY, DETAILING, WASHING OR PAINTING ON THE PROPERTY.

B. EMPLOYEES:

- I. Type I uses, ~~residents only~~. SHALL EMPLOY ONLY THOSE WHO RESIDE IN THE HOME AND MAY ALLOW NO MORE THAN (1) ONE NON-RESIDENT EMPLOYEE TO WORK IN THE HOME AT ANY GIVEN TIME.
- II. Type II uses may employ ~~only~~ NO MORE THAN TWO (2) non-resident employees TO WORK AT THE HOME AT ANY GIVEN TIME. ~~on the home occupation premises.~~
- III. ADDITIONAL INDIVIDUALS MAY BE EMPLOYED BY OR ASSOCIATED WITH THE HOME OCCUPATION, PROVIDED THEY DO NOT REPORT TO THE HOME FOR ANY PURPOSE.

C. ACCESSORY BUILDING:

- I. NO MORE THAN ONE (1) DETACHED ACCESSORY BUILDING SHALL BE USED FOR THE HOME OCCUPATION.
- II. THE BUSINESS SHALL NOT OCCUPY MORE THAN 200 SQUARE FEET OF FLOOR AREA OF THE DETACHED ACCESSORY BUILDING.

- iii. ~~There shall be no alteration of the detached accessory building floor plan which creates a solid barrier between the home occupation area and the remaining floor area of the detached accessory building.~~

D. NOISE:

- ~~I. The home occupation use shall produce no noise in violation of Town Code, Chapter [10](#),~~

- I. THE HOME OCCUPATION SHALL NOT EXCEED NOISE LEVELS IN ACCORDANCE WITH THE TOWN CODE, ARTICLE 10-1-4, NOISE.

E. PARKING:

- I. ~~If the home occupation requires the conversion of existing parking for business use, an equal number of off street parking spaces shall be provided on site. If the home occupation use requires additional parking beyond existing parking spaces, based on the provisions of Section 27.7, the additional parking shall be provided on site.~~ THE EXISTING PARKING PROVIDED ON THE PROPERTY SHALL BE USED TO ACCOMMODATE VEHICLES RELATED TO THE HOME BUSINESS.

- II. VEHICLES OWNED AND/OR USED BY THE BUSINESS THAT ARE PARKED AT THE HOME SHALL MEET THE FOLLOWING STANDARDS:

- A) NO MORE THAN ONE VEHICLE RELATED TO THE HOME OCCUPATION SHALL BE ALLOWED ON THE RESIDENTIAL PROPERTY.
- B) THE VEHICLE SHALL BE LIMITED TO A PASSENGER CAR, VAN OR PICK-UP TRUCK.
- C) THE OVERALL LENGTH OF THE VEHICLE SHALL NOT BE MORE THAN 25' AND OVERALL HEIGHT SHALL NOT BE MORE THAN 8'.
- D) PARKING SHALL BE ON PRIVATE PROPERTY IN A CARPORT, GARAGE OR SHIELDED FROM VIEW FROM ADJOINING PROPERTIES BY LANDSCAPING, FENCING OR SCREENING MATERIAL.
- E) THESE STANDARDS WILL NOT APPLY TO THE PERSONAL VEHICLE OF NON-RESIDENT EMPLOYEE FOR TYPE II OCCUPATIONS.

- III. UTILITY TRAILERS USED FOR THE BUSINESS SHALL BE PARKED INSIDE AN ENCLOSED BUILDING OR SCREENED FROM VIEW USING OPAQUE LANDSCAPING, FENCING OR OTHER SCREENING MATERIAL.

- IV. DELIVERIES FOR THE BUSINESS SHALL BE LIMITED TO DELIVERY TRUCKS (SU-30, SINGLE UNIT TRUCK) WHO CUSTOMARILY DELIVER ITEMS TO RESIDENTIAL AREAS.

- VI. THERE SHALL BE NO DELIVERIES DURING THE HOURS OF 8:00 P.M. TO 7:00 A.M.

F. PROPERTY:

- I. THE HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO THE RESIDENTIAL USE OF THE PROPERTY.
- II. A home occupation shall be conducted entirely within the primary dwelling unit or within a detached accessory building. SEE SECTION 25.2.C.3.C FOR ACCESSORY BUILDING STANDARDS.
- III. THERE SHALL BE NO OUTDOOR ACTIVITIES RELATED TO THE HOME OCCUPATION ON THE PREMISES WITH THE EXCEPTION OF PLAYGROUND EQUIPMENT FOR CHILD CARE OR AS ALLOWED BY SUBSECTION 2.B
- IV. THE BUSINESS SHALL NOT OCCUPY MORE THAN 25 PERCENT OF THE ENTIRE PRIMARY DWELLING UNIT'S FLOOR AREA. ~~They shall not occupy more than 25 percent of the property's living space floor area.~~
- V. There shall be no alteration of the residential ~~or detached accessory building~~ floor plan which creates a solid barrier between the home occupation area and the remaining floor area of ~~either the residence or a detached accessory building.~~
- VI. There shall be no alteration of the property's exterior residential appearance.
- VII. COMMERCIAL DUMPSTERS ARE PROHIBITED.

G. SIGNS

- i. No signs shall be allowed for any home occupation pursuant to Section [28.9](#), Prohibited Signs.

H. STORAGE AND EQUIPMENT:

- i. Storage of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous materials must comply with the ~~2003~~ ~~International~~ CURRENT International Building Code and/or the International Fire Code and shall not create an unsafe condition.
- ii. There shall be no process or materials used which are hazardous to public health, safety, or welfare.
- iii. ~~The home occupation shall have no on-site sales or public display of stock-in-trade upon the premises.~~ THERE SHALL BE NO DISPLAY OF PRODUCTS OR INVENTORY AT THE HOME.
- iv. ~~There shall be no outdoor open operations, storage, or display of materials, or products~~
~~The home occupation use shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractor's or landscaper's equipment.~~

- IV. THERE SHALL NOT BE ON SITE STORAGE OF OR USE OF TRACTOR TRAILERS, SEMI-TRUCKS OR HEAVY EQUIPMENT ASSOCIATED WITH THE BUSINESS.

Much of the former sections 4,5 and 6 has been move into other categories

~~4. Home Occupation Standards:~~

- ~~b. No mechanical equipment is to be used except that which is necessarily, customarily, or ordinarily used for household, non-business, non-commercial purposes.~~
- ~~h. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation.~~
- ~~d. Home occupation uses to be located in non living space area of a building space will require a building permit to convert the area to building codes living space standards prior to occupancy for the home occupation.~~

~~5. Type I Home Occupation Descriptions~~

- ~~i. A Type I home occupation may be conducted within the primary dwelling unit, or within a detached accessory building. It has resident employees only and no discernible impact on the residential character of the neighborhood. Type I uses are primarily office or hobby type and similar scale uses, including but not limited to:~~
- ~~a) Architectural service.~~
 - ~~b) Consulting service.~~
 - ~~c) Home base office for direct sale product(s) with no on-site sales, display of product(s), or distribution of product(s).~~
 - ~~d) Drafting or graphic service.~~
 - ~~e) Dressmaking, sewing, tailoring, or contract sewing (one machine).~~
 - ~~f) Engineering service.~~
 - ~~g) Financial planning, investment service.~~
 - ~~h) Home crafts (including ceramics with a single kiln up to six (6) cubic feet), but no on-site sales.~~
 - ~~i) House cleaning service.~~

- ~~j) Insurance office.~~
- ~~k) Real estate office.~~
- ~~l) Interior design.~~
- ~~m) Mail order (excluding direct on-site sales, distributions of merchandise, or pick-ups).~~
- ~~n) Sales representative (office only).~~
- ~~o) Typing or word processing service.~~
- ~~p) Writing, computer programming, or computer applications.~~
- ~~q) Child care service for no more than four (4) (non-resident) children at any given time.~~
- ~~r) Flower arranging.~~
- ~~s) Jewelry making or jeweler.~~
- ~~t) Legal service.~~
- ~~u) Tutoring, limited to one (1) student at any given time.~~
- ~~v) Music lessons, limited to one (1) student at any given time, provided that provisions are taken to ensure audio levels are reasonable within the limits of the Town's Code, Article 10-1-4, Noise.~~
- ~~w) Analogous uses as determined by the Planning and Zoning Administrator.~~

~~6. Type II Home Occupation Descriptions~~

- ~~a. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.

 - ~~i. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
 - ~~ii. Bed and breakfast service.~~
 - ~~iii. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
 - ~~iv. Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~~~

- v. ~~Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
- vi. ~~Massage therapy.~~
- vii. ~~Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
- viii. ~~Analogous uses as determined by the Planning and Zoning Administrator.~~

6. ~~Type II Home Occupation Descriptions~~

- b. ~~A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.~~
 - ix. ~~Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
 - x. ~~Bed and breakfast service.~~
 - xi. ~~Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
 - xii. ~~Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~
 - xiii. ~~Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
 - xiv. ~~Massage therapy.~~
 - xv. ~~Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
 - xvi. ~~Analogous uses as determined by the Planning and Zoning Administrator.~~

7. ~~Prohibited Home Occupation Uses~~

~~Some uses are prohibited because they have the potential to involve the storage or use of large vehicles or equipment on-site; create traffic or parking problems; create excess noises, odors, or other adverse impacts; or to expand beyond the limits permitted for home occupations. These include but are not limited to:~~

- i. ~~Ambulance service.~~
- ii. ~~Appliance repair.~~
- iii. ~~Automobile repair, parts sales, upholstery, detailing, washing, or painting.~~
- iv. ~~Beauty parlors, skin care salons, tattoo parlors, and barber shops.~~
- v. ~~Carpentry or other woodworking such as: cabinet making, furniture making, or volume-produced wood products.~~
- vi. ~~Boarding house.~~
- vii. ~~Ceramics (kiln over six (6) cubic feet).~~
- viii. ~~Health salons, gyms, dance studios, and aerobic exercise studios.~~
- ix. ~~Helium balloon service.~~
- x. ~~Limousine or pedicab service.~~
- xi. ~~Medical or dental office.~~

- ~~xii. Mortician or hearse service.~~
- ~~xiii. Palm reading or fortune telling.~~
- ~~xiv. Private clubs.~~
- ~~xv. Commercial food preparation.~~
- ~~xvi. Retail sales from site (except direct distribution).~~
- ~~xvii. Tow truck service.~~
- ~~xviii. Upholstery.~~
- ~~xix. Veterinary uses including grooming or boarding.~~
- ~~xx. Ongoing garage sales excluding private homeowner's garage sales not exceeding one (1) garage sale per quarter.~~
- ~~xxi. Motorized outdoor sport products, such as: radio controlled miniature airplanes, motorcycle track, go cart racing.~~
- ~~xxii. Photo developing or photo studios.~~
- ~~xxiii. Welding shop.~~
- ~~xxiv. Analogous uses as determined by the Planning and Zoning Administrator.~~

4. ~~7. Review and Appeal Procedure~~
 A. TYPE I HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE TOWN CLERK'S OFFICE FOR REVIEW BY THE PLANNING AND ZONING ADMINISTRATOR.

B. TYPE II HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE PLANNING DEPARTMENT FOR REVIEW BY THE PLANNING AND ZONING COMMISSION. UPON RECEIPT OF A COMPLETE SUBMITTAL, THE TOWN WILL NOTIFY THE ADJACENT PROPERTY OWNERS WITHIN 300' BY MAIL AND POST THE SUBJECT PROPERTY WITH A SIGN NOTIFYING THE PUBLIC OF THE APPLICATION AND MEETING DATE.

- ~~a. C. Type II home occupation permits, which may be revocable, conditional, or valid for a term period, may be granted or denied by the Planning and Zoning Commission after a public hearing and a finding that the use meets the home occupation standards herein. The public hearing will be scheduled and noticed as follows:~~

- ~~i. The date of the public hearing before the Planning and Zoning Commission shall be set no more than 50 days from the date of application. The date, time, and place of such public hearing and the nature of the use permit requested shall be published in a newspaper of general circulation in the Town of Oro Valley and one (1) notice of the said hearing shall be posted conspicuously on the property. Both such publication and posting shall give 15 days notice of such Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting.~~
- ~~ii. The notice, as published and posted, upon application, at the applicants request shall be sent by regular mail to property owners of property within 300 feet, not less than 15 days prior to the date of the first public hearing. The applicant shall submit to the Town Clerk an accurate verified list made within 60 days prior to the date of hearing before the Planning and Zoning Commission giving the names and addresses of the recorded owners of all properties, any part of which~~

~~is within 300 feet of the proposed use permit, or more as the Planning and Zoning Administrator may determine necessary to provide reasonable notice. Failure of property owners to receive such notice shall not invalidate a use permit that may be subsequently approved.~~

~~5. Appeal~~

~~I. Decisions of the Planning and Zoning Administrator may be appealed to the Board of Adjustment within 30 days from date of~~

~~II. Decisions of the Planning and Zoning Commission may be appealed to the Town Council within 30 days from date of decision~~

5. 9. Validity of Type II Home Occupation Permit

The Planning and Zoning Administrator may cite any home occupation use for non-compliance with the criteria set forth in this chapter and/or conditions set by the Planning and Zoning Commission. Revocation may take place at any time it is determined the home occupation is in non-compliance. If the permit is revoked, it becomes null and void, and said use shall be terminated immediately.

6. 40. Inspections

A home occupation property owner shall permit inspections of the premises by the Planning and Zoning Department to determine compliance with this chapter.

Section 25.2 Accessory Uses and Structures

A. Accessory Buildings – General

1. No accessory building shall be constructed upon a lot unless the construction of the main building has actually commenced
2. No accessory building shall be used for dwelling purposes other than by household employees working on the premises or relatives or other non-paying guests.
3. No accessory building shall be permitted in a front yard.
4. If setbacks for accessory building are not specifically called out within the applicable zoning district, accessory buildings must meet all side setbacks and shall not be constructed closer than five (5) feet to any rear lot line.
5. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than 15 feet to the center line of said alley.

B. Abandoned or Junk Vehicles

1. All abandoned or junk vehicles undergoing major repairs or being restored shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located in such a manner as to not be visible from any point lying outside the property upon which abandoned or junk vehicle is stored or parked.
2. For the purposes of this Section:
 - a. Abandoned or junk vehicle means a vehicle or any major portion thereof that is incapable of movement under its own power and will remain so without major repair or reconstruction.
 - b. Major repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.
 - c. Vehicle means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

C. PROHIBITED USES

1. ONGOING GARAGE SALES, EXCLUDING PRIVATE HOMEOWNER'S GARAGE SALES NOT EXCEEDING ONE (1) GARAGE SALE PER QUARTER FOR A MAXIMUM OF THREE (3) CONSECUTIVE DAYS.
2. MOTORIZED OUTDOOR SPORTS ACTIVITIES SUCH AS RADIO CONTROLLED MINIATURE AIRPLANES, DRONES, MOTORCYCLE TRACK AND GO-CART RACING.

Chapter 31

New definition:

EMPLOYEE: SHALL MEAN ANY PERSON PAID IN ANY WAY TO PERFORM A JOB OR DUTY OF ANY KIND.

Home Occupation

Shall mean business or commercial activity that is conducted from property zoned for residential use and which meets the standards of Section 25.2.G.D.



Discussion – Home Occupation Code Amendment Planning and Zoning Commission Staff Report

PROJECT: Home Occupations Zoning Code Amendment

CASE NUMBER: OV1600759

MEETING DATE: July 14, 2016

AGENDA ITEM: 2

STAFF CONTACT: Patty Hayes, Senior Planning Technician
phayes@orovalleyaz.gov (520) 229-4819

Request: Review of draft proposed changes to the Zoning Code Home Occupation standards.

Location: Town-wide

Recommendation: This item is informational only and is intended to garner feedback from Commission members. A formal recommendation will be provided at the August 2, 2016 public hearing.

SUMMARY:

The purpose of this code amendment is to update the home occupation standards to allow home based businesses while maintaining the residential character of a neighborhood.

The zoning code allows home based businesses in accordance with the established standards and uses as provided in Attachment 1. The current format provides a list of standards that are somewhat vague along with a lengthy list of allowed and prohibited uses. The review of a customer's application mainly relies on comparing a proposed home based business with the list of allowed and prohibited uses. This style of regulation limits the ability to review each business based on its actual impact.

A more progressive approach is to evaluate a home business based on specific performance standards such as traffic, storage and noise. Performance standards enable decisions to be made based on the actual impact of a specific proposed home occupation on the neighborhood. For this reason, the amendment would change to a performance based regulation.

Please note, this is a draft version of the proposed amendment which will be further refined following the study session. The goal of the study session is to:

- Introduce and familiarize the Planning and Zoning Commission with the proposal
- Address questions or concerns
- Obtain broad feedback

Staff will consider all Commission comments and return with the formal amendment at the August 2, 2016 Planning and Zoning Commission meeting.

BACKGROUND:

The Planning and Zoning Commission initiated this amendment based on a citizen's request to operate a home based baking business. The zoning code currently prohibits commercial food preparation which is the only analogous use, listed in the code, to a baking business. Staff denied the request for the home baking business based solely on comparing the request with the list of allowed or prohibited uses. The limited ability to evaluate the business on its own merit highlighted the need to review uses based on actual impacts.

The home occupation section of the zoning code has not had a comprehensive update in many years. After reviewing zoning codes from other jurisdictions, staff found many codes use performance standards, rather than a list of allowed or prohibited uses. A first draft of a proposed home occupation code written with a focus on performance standards is included as Attachment 2.

Staff proposes to eliminate the list of allowed and prohibited uses in the current code and concentrate primarily on performance standards such as the amount of traffic, level of noise and the type of storage a home business might generate.

DISCUSSION / ANALYSIS:

Performance based standards would eliminate comparing a proposed home occupation against a list of allowed or prohibited uses. Each business would now be evaluated with a list of performance standards to ensure that the proposed business does not impact the residential character of a neighborhood.

The performance standards incorporate the following types of requirements:

- Limit the hours of operation to 7:00 a.m. to 8:00 p.m.
- Define accessory building size and quantity
- Prohibit commercial trash receptacles
- Provide customer and business vehicle parking standards
- Limit customer vehicles coming to the home to one at a time
- Limit or prohibit the type of storage or equipment at the home

A summary of the proposed performance standards compared to current code standards is provided in Attachment 3.

SUMMARY

The information provided in this report is intended as an overview of proposed changes and staff is requesting general input and feedback. Commission comments will be used to help develop a final draft. The next step in the process is to present the formal code amendments to the Commission for action on August 2, 2016.

ATTACHMENTS:

1. Existing Home Occupation Code
2. First Draft of Proposed Home Occupation Code
3. Summary of Proposed Changes



Bayer Vella, Planning Manager

C. Home Occupations

1. Purpose

The purpose of this Section is to:

- a. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- b. Ensure home occupation activities are incidental to, and compatible with, the surrounding residential areas.
- c. Establish criteria and standards for home occupations conducted in dwelling units in residential zones.

2. Definitions

- a. A home occupation is defined as business or commercial activity that is conducted from property that is zoned for residential use.
- b. Home occupation uses (Type I, see subsection 5. below), are allowed as authorized by subsection 5. and regulated by subsection 4, without a public hearing or permit requirement.
- c. A home occupation use permit, (Type II, see Section subsection 6. below), is permitted when authorized by the Planning and Zoning Commission only after a public hearing, per subsection 9.

3. Home Occupation Permit Requirement

- a. No Type II home occupation shall be permitted without the prior issuance of a home occupation Type II permit.
- b. The Town of Oro Valley acknowledges that private covenants, conditions, and restrictions (CC&Rs) agreements exist between private property owners in many homeowners associations. Nothing in Section [25.2.C.](#) of this Code shall be interpreted to void the provisions of those agreements.

4. Home Occupation Standards

- a. All home occupations, whether authorized and regulated as a Type I or Type II Use, shall conform to the following standards:
 - i. Employees
 - a) Type I uses, residents only;
 - b) Type II permit, only one (1) non-resident may be employed on the home occupation premises.
- b. No mechanical equipment is to be used except that which is necessarily, customarily, or ordinarily used for household, non-business, non-commercial purposes.

- c. Storage of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous materials must comply with the 2003 International Building Code and/or the International Fire Code and will not create an unsafe condition.
- d. There shall be no outdoor open operations, storage, or display of materials or products.
- e. There shall be no alteration of the property's exterior residential appearance.
- f. There shall be no alteration of the residential or detached accessory building floor plan which creates a solid barrier between the home occupation area and the remaining floor area of either the residence or a detached accessory building.
- g. There shall be no process or materials used which are hazardous to public health, safety, or welfare.
- h. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation.
- i. Home occupation uses to be located in non-living space area of a building space will require a building permit to convert the area to building codes living space standards prior to occupancy for the home occupation.
- j. Home occupation uses will be clearly incidental and subordinate to the residential use of the property. They shall not occupy more than 25 percent of the property's living space floor area.
- k. The home occupation use shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractor's or landscaper's equipment.
- l. The home occupation use shall produce no noise in violation of Town Code, Chapter [10](#), nor shall it produce sustained or obnoxious odors, vibrations, glare, fumes, dust, heat, or electric interference which are detectable and unpleasant to normal sensory perception beyond the perimeter of the property;
- m. The home occupation shall have no on-site sales or public display of stock-in-trade upon the premises.
- n. If the home occupation requires the conversion of existing parking for business use, an equal number of off-street parking spaces shall be provided on-site. If the home occupation use requires additional parking beyond existing parking spaces, based on the provisions of Section [27.7](#), the additional parking shall be provided on-site.
- o. No signs shall be allowed for any home occupation pursuant to Section [28.9](#), Prohibited Signs.

5. Type I Home Occupation Descriptions

- i. A Type I home occupation may be conducted within the primary dwelling unit, or within a detached accessory building. It has resident employees only and no discernible impact on the residential character of the neighborhood. Type I uses are primarily office or hobby-type and similar scale uses, including but not limited to:

- a) Architectural service.
- b) Consulting service.
- c) Home base office for direct-sale product(s) with no on-site sales, display of product(s), or distribution of product(s).
- d) Drafting or graphic service.
- e) Dressmaking, sewing, tailoring, or contract sewing (one machine).
- f) Engineering service.
- g) Financial planning, investment service.
- h) Home crafts (including ceramics with a single kiln up to six (6) cubic feet), but no on-site sales.
- i) House cleaning service.
- j) Insurance office.
- k) Real estate office.
- l) Interior design.
- m) Mail order (excluding direct on-site sales, distributions of merchandise, or pick-ups).
- n) Sales representative (office only).
- o) Typing or word processing service.
- p) Writing, computer programming, or computer applications.
- q) Child-care service for no more than four (4) (non-resident) children at any given time.
- r) Flower arranging.
- s) Jewelry making or jeweler.
- t) Legal service.
- u) Tutoring, limited to one (1) student at any given time.

Attachment 1 Current Code

v) Music lessons, limited to one (1) student at any given time, provided that provisions are taken to ensure audio levels are reasonable within the limits of the Town's Code, Article 10-1-4, Noise.

w) Analogous uses as determined by the Planning and Zoning Administrator.

6. Type II Home Occupation Descriptions

- a. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.
- i. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.
 - ii. Bed and breakfast service.
 - iii. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.
 - iv. Child-care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child-care group home, an Arizona Department of Health Services (ADHS) State approval is required.
 - v. Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.
 - vi. Massage therapy.
 - vii. Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).
 - viii. Analogous uses as determined by the Planning and Zoning Administrator.

7. Prohibited Home Occupation Uses

- a. Some uses are prohibited because they have the potential to involve the storage or use of large vehicles or equipment on-site; create traffic or parking problems; create excess noises, odors, or other adverse impacts; or to expand beyond the limits permitted for home occupations. These include but are not limited to:
- i. Ambulance service.
 - ii. Appliance repair.
 - iii. Automobile repair, parts sales, upholstery, detailing, washing, or painting.
 - iv. Beauty parlors, skin care salons, tattoo parlors, and barber shops.

- v. Carpentry or other woodworking such as: cabinet making, furniture making, or volume-produced wood products.
- vi. Boarding house.
- vii. Ceramics (kiln over six (6) cubic feet).
- viii. Health salons, gyms, dance studios, and aerobic exercise studios.
- ix. Helium balloon service.
- x. Limousine or pedicab service.
- xi. Medical or dental office.
- xii. Mortician or hearse service.
- xiii. Palm reading or fortune telling.
- xiv. Private clubs.
- xv. Commercial food preparation.
- xvi. Retail sales from site (except direct distribution).
- xvii. Tow truck service.
- xviii. Upholstery.
- xix. Veterinary uses including grooming or boarding.
- xx. Ongoing garage sales excluding private homeowner's garage sales not exceeding one (1) garage sale per quarter.
- xxi. Motorized outdoor sport products, such as: radio controlled miniature airplanes, motorcycle track, go-cart racing.
- xxii. Photo developing or photo studios.
- xxiii. Welding shop.
- xxiv. Analogous uses as determined by the Planning and Zoning Administrator.

8. Review and Appeal Procedure

- a. Type II home occupation permits, which may be revocable, conditional, or valid for a term period, may be granted or denied by the Planning and Zoning Commission after a public hearing and a finding that the use meets the home occupation standards herein. The public hearing will be scheduled and noticed as follows:
 - i. The date of the public hearing before the Planning and Zoning Commission shall be set no more than 50 days from the date of application. The date, time, and place of such public hearing and the nature of the use permit requested shall be published in a newspaper of general circulation in the Town of Oro Valley and one (1) notice of the said hearing shall be posted conspicuously on the property. Both such publication and posting shall give 15 days notice of such Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting.
 - ii. The notice, as published and posted, upon application, at the applicants request shall be sent by regular mail to property owners of

property within 300 feet, not less than 15 days prior to the date of the first public hearing. The applicant shall submit to the Town Clerk an accurate verified list made within 60 days prior to the date of hearing before the Planning and Zoning Commission giving the names and addresses of the recorded owners of all properties, any part of which is within 300 feet of the proposed use permit, or more as the Planning and Zoning Administrator may determine necessary to provide reasonable notice. Failure of property owners to receive such notice shall not invalidate a use permit that may be subsequently approved.

- iii. Decisions of the Planning and Zoning Administrator may be appealed to the Board of Adjustment within 30 days from date of decision. Decisions of the Planning and Zoning Commission may be appealed to the Town Council within 30 days from date of decision.

9. Validity of Type II Home Occupation Permit

The Planning and Zoning Administrator may cite any home occupation use for non-compliance with the criteria set forth in this chapter and/or conditions set by the Planning and Zoning Commission. Revocation may take place at any time it is determined the home occupation is in non-compliance. If the permit is revoked, it becomes null and void, and said use shall be terminated immediately.

10. Inspections

A home occupation property owner shall permit inspections of the premises by the Planning and Zoning Department to determine compliance with this chapter.

This section has been reformatted and grouped into subject matter.
New code language in ALL CAPS, ~~strikethrough~~ used for language to be removed

25.2.C. Home Occupations

1. Purpose

The purpose of this Section is to:

- a. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- b. ~~Ensure home occupation activities are incidental to, and compatible with, the surrounding residential areas.~~
- B. Establish criteria and standards for home occupations conducted in dwelling units in residential zones TO ENSURE ACTIVITIES ARE INCIDENTAL TO, AND COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD IN WHICH IT IS LOCATED.

b. ~~Definitions~~

- a. ~~A home occupation is defined as business or commercial activity that is conducted from property that is zoned for residential use.~~
- b. ~~Home occupation uses (Type I, see subsection 5. below), are allowed as authorized by subsection 5. and regulated by subsection 4, without a public hearing or permit requirement.~~
- c. ~~A home occupation use permit, (Type II, see Section subsection 6. below), is permitted when authorized by the Planning and Zoning Commission only after a public hearing, per subsection 9.~~

c. ~~Home Occupation Permit Requirement~~

- a. ~~No Type II home occupation shall be permitted without the prior issuance of a home occupation Type II permit.~~
- b. ~~The Town of Oro Valley acknowledges that private covenants, conditions, and restrictions (CC&Rs) agreements exist between private property owners in many homeowners associations. Nothing in Section [25.2.C.](#) of this Code shall be interpreted to void the provisions of these agreements.~~

Attachment 2

2. HOME OCCUPATIONS ARE ALLOWED THROUGH A BUSINESS LICENSE AND ZONING APPROVAL AS EITHER A TYPE I OR TYPE II USE.

A. TYPE I HOME OCCUPATIONS ~~are primarily office, hobby type or similar scale uses~~ and SHALL NOT HAVE A DISCERNIBLE IMPACT ON THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. TYPE I USES ARE ALLOWED AS REGULATED BY SECTION 3 WITH THE PLANNING AND ZONING ADMINISTRATORS APPROVAL WITHOUT A PUBLIC HEARING.

B. TYPE II HOME OCCUPATIONS MAY HAVE THE POTENTIAL FOR A MINOR OR ADVERSE IMPACT TO THE NEIGHBORHOOD AND ARE REGULATED BY SECTION 3. TYPE II BUSINESSES INCLUDE ONE OR MORE OF THE FOLLOWING:

I. THE PRIMARY BUSINESS ACTIVITY IS OUTDOORS.

II. A NON-RESIDENT EMPLOYEE REPORTS TO WORK AT THE HOME.

III. THERE IS MORE THAN ONE (1) VEHICLE WITH CUSTOMERS OR STUDENTS AT THE HOME AT THE SAME TIME. THERE SHALL BE NO MORE THAN FIVE (5) VEHICLES WITH CUSTOMERS OR STUDENTS AT ONE TIME AT THE HOME BUT NO MORE THAN A TOTAL OF TEN (10) VEHICLES ALLOWED PER DAY.

IV. ~~Child-care group home~~ CARE IS OFFERED FOR five (5) to ten (10) children, age twelve and under. ~~also, prior to the operation of the child-care group home,~~ ARIZONA DEPARTMENT OF HEALTH SERVICES (ADHS) STATE APPROVAL IS REQUIRED.

TYPE II HOME OCCUPATIONS MAY BE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION ONLY AFTER A PUBLIC HEARING, PER SUBSECTION 4.B.

3. Home Occupation Standards

All home occupations, whether authorized and regulated as a Type I or Type II Use, shall conform to the following standards:

~~i. Employees~~

~~a) Type I uses, residents only;~~

~~b) Type II permit, only one (1) non-resident may be employed on the home occupation premises.~~

A. GENERAL:

I. HOURS OF OPERATIONS FOR EXTERNAL BUSINESS ACTIVITIES, SUCH AS CUSTOMER PARKING OR DELIVERIES, SHALL BE LIMITED BETWEEN 7:00 A.M. AND 8:00 P.M.

- II. The home occupation use shall not produce sustained or obnoxious odors, vibrations, glare, fumes, dust, heat, or electric interference which are detectable to normal sensory perception beyond the perimeter of the property.
- III. A HOME OCCUPATION MUST BE PRIMARILY OPERATED BY PERSON(S) DWELLING IN THE HOME.
- IV. WHEN A DWELLING IS RENTED, THE PROPERTY OWNER MUST AUTHORIZE, IN WRITING, USE OF THE HOME AS A PLACE OF BUSINESS.
- V. THE FOLLOWING USES ARE PROHIBITED DUE TO THE POTENTIAL TO HAVE A NEGATIVE OR ADVERSE IMPACT TO THE NEIGHBORHOOD:
 - A) THE KEEPING, CARING AND/OR SALE OF ANIMALS ON THE PROPERTY.
 - B) AUTOMOBILE, MOTORCYCLE, BOAT OR ANY VEHICLE REPAIR, PARTS SALES, UPHOLSTERY, DETAILING, WASHING OR PAINTING ON THE PROPERTY.

B. EMPLOYEES:

- I. Type I uses, ~~residents only.~~ SHALL EMPLOY ONLY THOSE WHO RESIDE IN THE HOME. NO NON-RESIDENT EMPLOYEES ARE ALLOWED TO WORK IN THE HOME.
- II. Type II uses may employ only one (1) non-resident ~~employee~~ PERSON TO WORK AT THE HOME. ~~on the home occupation premises.~~
- III. ADDITIONAL INDIVIDUALS MAY BE EMPLOYED BY OR ASSOCIATED WITH THE HOME OCCUPATION, PROVIDED THEY DO NOT REPORT TO THE HOME FOR ANY PURPOSE.

C. ACCESSORY BUILDING:

- I. NO MORE THAN ONE (1) DETACHED ACCESSORY BUILDING SHALL BE USED FOR THE HOME OCCUPATION.
- II. THE BUSINESS SHALL NOT OCCUPY MORE THAN 200 SQUARE FEET OF FLOOR AREA OF THE DETACHED ACCESSORY BUILDING.
- iii. ~~There shall be no alteration of the detached accessory building floor plan which creates a solid barrier between the home occupation area and the remaining floor area of the detached accessory building.~~

D. NOISE:

- ~~I. The home occupation use shall produce no noise in violation of Town Code, Chapter [10](#),~~
- I. THE HOME OCCUPATION SHALL NOT EXCEED NOISE LEVELS IN ACCORDANCE WITH THE TOWN CODE, ARTICLE 10-1-4, NOISE.

E. PARKING/TRAFFIC:

- I. ~~If the home occupation requires the conversion of existing parking for business use, an equal number of off-street parking spaces shall be provided on-site. If the home occupation use requires additional parking beyond existing parking spaces, based on the provisions of Section 27.7, the additional parking shall be provided on-site. THE EXISTING PARKING PROVIDED ON THE PROPERTY SHALL BE USED TO ACCOMMODATE VEHICLES RELATED TO THE HOME BUSINESS.~~
- II. VEHICLES OWNED AND/OR USED BY THE BUSINESS THAT ARE PARKED AT THE HOME SHALL MEET THE FOLLOWING STANDARDS:
 - A) NO MORE THAN ONE VEHICLE RELATED TO THE HOME OCCUPATION SHALL BE ALLOWED ON THE RESIDENTIAL PROPERTY.
 - B) THE VEHICLE SHALL BE LIMITED TO A PASSENGER CAR, VAN OR PICK-UP TRUCK.
 - C) THE OVERALL LENGTH OF THE VEHICLE SHALL NOT BE MORE THAN 25' AND OVERALL HEIGHT SHALL NOT BE MORE THAN 8'.
 - D) PARKING SHALL BE ON PRIVATE PROPERTY IN A CARPORT, GARAGE OR SHIELDED FROM VIEW FROM ADJOINING PROPERTIES BY LANDSCAPING, FENCING OR SCREENING MATERIAL.
 - E) THESE STANDARDS WILL NOT APPLY TO THE PERSONAL VEHICLE OF NON-RESIDENT EMPLOYEE FOR TYPE II OCCUPATIONS.
- III. UTILITY TRAILERS USED FOR THE BUSINESS SHALL BE PARKED INSIDE AN ENCLOSED BUILDING OR FULLY SCREENED FROM VIEW AND ADJOINING PROPERTIES BY LANDSCAPING, FENCING OR SCREENING MATERIAL.
- IV. CUSTOMERS OR STUDENTS VEHICLES SHALL BE LIMITED TO ONE (1) AT A TIME AT THE HOME WITH NO MORE THAN A TOTAL OF FIVE (5) VEHICLES PER DAY.
- V. NO MORE THAN TWO (2) DELIVERIES PER DAY SHALL ARRIVE AT THE HOME FOR THE BUSINESS. DELIVERIES SHALL BE LIMITED TO DELIVERY TRUCKS (SU-30, SINGLE UNIT TRUCK) WHO CUSTOMARILY DELIVER ITEMS TO RESIDENTIAL AREAS.
- VI. THERE SHALL BE NO DELIVERIES DURING THE HOURS OF 8:00 P.M. TO 7:00 A.M.

E. PROPERTY:

- I. THE HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO THE RESIDENTIAL USE OF THE PROPERTY.
- II. A home occupation shall be conducted entirely within the primary dwelling unit or within a detached accessory building. SEE SECTION 25.2.C.3.C FOR ACCESSORY BUILDING STANDARDS.
- III. THERE SHALL BE NO OUTDOOR ACTIVITIES RELATED TO THE HOME OCCUPATION ON THE PREMISES WITH THE EXCEPTION OF PLAYGROUND EQUIPMENT FOR CHILD CARE OR AS ALLOWED BY SUBSECTION 2.B

- IV. THE BUSINESS SHALL NOT OCCUPY MORE THAN 25 PERCENT OF THE ENTIRE PRIMARY DWELLING UNIT'S FLOOR AREA. ~~They shall not occupy more than 25 percent of the property's living space floor area.~~
- V. There shall be no alteration of the residential ~~or detached accessory building~~ floor plan which creates a solid barrier between the home occupation area and the remaining floor area of ~~either the residence or a detached accessory building.~~
- VI. There shall be no alteration of the property's exterior residential appearance.
- VII. COMMERCIAL DUMPSTERS ARE PROHIBITED.

F. SIGNS

- i. No signs shall be allowed for any home occupation pursuant to Section [28.9](#), Prohibited Signs.

G. STORAGE AND EQUIPMENT:

- i. Storage of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous materials must comply with the ~~2003 International~~ CURRENT International Building Code and/or the International Fire Code and shall not create an unsafe condition.
- ii. There shall be no process or materials used which are hazardous to public health, safety, or welfare.
- iii. ~~The home occupation shall have no on-site sales or public display of stock-in-trade upon the premises.~~ THERE SHALL BE NO DISPLAY OF PRODUCTS OR INVENTORY AT THE HOME.
- iv. ~~There shall be no outdoor open operations, storage, or display of materials, or products~~
~~The home occupation use shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractor's or landscaper's equipment.~~

- IV. THERE SHALL NOT BE ON SITE STORAGE OF OR USE OF TRACTOR TRAILERS, SEMI-TRUCKS OR HEAVY EQUIPMENT ASSOCIATED WITH THE BUSINESS.

Much of the former sections 4,5 and 6 has been move into other categories

~~4. Home Occupation Standards:~~

- ~~b. No mechanical equipment is to be used except that which is necessarily, customarily, or ordinarily used for household, non-business, non-commercial purposes.~~

- ~~h. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation.~~

- ~~h. Home occupation uses to be located in non-living space area of a building space will require a building permit to convert the area to building codes living space standards prior to occupancy for the home occupation.~~

~~5. Type I Home Occupation Descriptions~~

- ~~i. A Type I home occupation may be conducted within the primary dwelling unit, or within a detached accessory building. It has resident employees only and no discernible impact on the residential character of the neighborhood. Type I uses are primarily office or hobby-type and similar scale uses, including but not limited to:~~
- ~~a) Architectural service.~~
 - ~~b) Consulting service.~~
 - ~~c) Home base office for direct sale product(s) with no on-site sales, display of product(s), or distribution of product(s).~~
 - ~~d) Drafting or graphic service.~~
 - ~~e) Dressmaking, sewing, tailoring, or contract sewing (one machine).~~
 - ~~f) Engineering service.~~
 - ~~g) Financial planning, investment service.~~
 - ~~h) Home crafts (including ceramics with a single kiln up to six (6) cubic feet), but no on-site sales.~~
 - ~~i) House cleaning service.~~
 - ~~j) Insurance office.~~
 - ~~k) Real estate office.~~
 - ~~l) Interior design.~~
 - ~~m) Mail order (excluding direct on-site sales, distributions of merchandise, or pick-ups).~~
 - ~~n) Sales representative (office only).~~
 - ~~o) Typing or word processing service.~~
 - ~~p) Writing, computer programming, or computer applications.~~
 - ~~q) Child care service for no more than four (4) (non-resident) children at any given time.~~
 - ~~r) Flower arranging.~~
 - ~~s) Jewelry making or jeweler.~~

- ~~t) Legal service.~~
- ~~u) Tutoring, limited to one (1) student at any given time.~~
- ~~v) Music lessons, limited to one (1) student at any given time, provided that provisions are taken to ensure audio levels are reasonable within the limits of the Town's Code, Article 10-1-4, Noise.~~
- ~~w) Analogous uses as determined by the Planning and Zoning Administrator.~~

~~6. Type II Home Occupation Descriptions~~

- ~~a. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.

 - ~~i. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
 - ~~ii. Bed and breakfast service.~~
 - ~~iii. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
 - ~~iv. Child-care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child-care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~
 - ~~v. Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
 - ~~vi. Massage therapy.~~
 - ~~vii. Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
 - ~~viii. Analogous uses as determined by the Planning and Zoning Administrator.~~~~

~~6. Type II Home Occupation Descriptions~~

- ~~b. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.

 - ~~ix. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
 - ~~x. Bed and breakfast service.~~
 - ~~xi. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
 - ~~xii. Child-care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child-care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~
 - ~~xiii. Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
 - ~~xiv. Massage therapy.~~
 - ~~xv. Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
 - ~~xvi. Analogous uses as determined by the Planning and Zoning Administrator.~~~~

~~7. Prohibited Home Occupation Uses~~

~~Some uses are prohibited because they have the potential to involve the storage or use of large vehicles or equipment on-site; create traffic or parking problems; create excess noises, odors, or other adverse impacts; or to expand beyond the limits permitted for home occupations. These include but are not limited to:~~

- ~~i. Ambulance service.~~
- ~~ii. Appliance repair.~~
- ~~iii. Automobile repair, parts sales, upholstery, detailing, washing, or painting.~~
- ~~iv. Beauty parlors, skin care salons, tattoo parlors, and barber shops.~~
- ~~v. Carpentry or other woodworking such as: cabinet making, furniture making, or volume-produced wood products.~~
- ~~vi. Boarding house.~~
- ~~vii. Ceramics (kiln over six (6) cubic feet).~~
- ~~viii. Health salons, gyms, dance studios, and aerobic exercise studios.~~
- ~~ix. Helium balloon service.~~
- ~~x. Limousine or pedicab service.~~
- ~~xi. Medical or dental office.~~
- ~~xii. Mortician or hearse service.~~
- ~~xiii. Palm reading or fortune telling.~~
- ~~xiv. Private clubs.~~
- ~~xv. Commercial food preparation.~~
- ~~xvi. Retail sales from site (except direct distribution).~~
- ~~xvii. Tow truck service.~~
- ~~xviii. Upholstery.~~
- ~~xix. Veterinary uses including grooming or boarding.~~
- ~~xx. Ongoing garage sales excluding private homeowner's garage sales not exceeding one (1) garage sale per quarter.~~
- ~~xxi. Motorized outdoor sport products, such as: radio controlled miniature airplanes, motorcycle track, go-cart racing.~~
- ~~xxii. Photo developing or photo studios.~~
- ~~xxiii. Welding shop.~~
- ~~xxiv. Analogous uses as determined by the Planning and Zoning Administrator.~~

4. ~~7.~~ Review and Appeal Procedure

A. TYPE I HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE TOWN CLERK'S OFFICE FOR REVIEW BY THE PLANNING AND ZONING ADMINISTRATOR.

B. TYPE II HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE PLANNING DEPARTMENT FOR REVIEW BY THE PLANNING AND ZONING COMMISSION. UPON RECEIPT OF A COMPLETE SUBMITTAL, THE TOWN WILL NOTIFY THE ADJACENT PROPERTY OWNERS WITHIN 300' BY MAIL AND POST THE SUBJECT PROPERTY WITH A SIGN NOTIFYING THE PUBLIC OF THE APPLICATION AND MEETING DATE.

- a. C. Type II home occupation permits, which may be revocable, conditional, or valid for a term period, may be granted or denied by the Planning and Zoning Commission after a public hearing and a finding that the use meets the home occupation standards herein. ~~The public hearing will be scheduled and noticed as follows:~~
 - i. ~~The date of the public hearing before the Planning and Zoning Commission shall be set no more than 50 days from the date of application. The date, time, and place of such public hearing and the nature of the use permit requested shall be published in a newspaper of general circulation in the~~

~~Town of Oro Valley and one (1) notice of the said hearing shall be posted conspicuously on the property. Both such publication and posting shall give 15 days notice of such Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting.~~

- ~~ii. The notice, as published and posted, upon application, at the applicants request shall be sent by regular mail to property owners of property within 300 feet, not less than 15 days prior to the date of the first public hearing. The applicant shall submit to the Town Clerk an accurate verified list made within 60 days prior to the date of hearing before the Planning and Zoning Commission giving the names and addresses of the recorded owners of all properties, any part of which is within 300 feet of the proposed use permit, or more as the Planning and Zoning Administrator may determine necessary to provide reasonable notice. Failure of property owners to receive such notice shall not invalidate a use permit that may be subsequently approved.~~

~~5. Appeal~~

~~I. Decisions of the Planning and Zoning Administrator may be appealed to the Board of Adjustment within 30 days from date of~~

~~II. Decisions of the Planning and Zoning Commission may be appealed to the Town Council within 30 days from date of decision~~

~~5. 9. Validity of Type II Home Occupation Permit~~

~~The Planning and Zoning Administrator may cite any home occupation use for non-compliance with the criteria set forth in this chapter and/or conditions set by the Planning and Zoning Commission. Revocation may take place at any time it is determined the home occupation is in non-compliance. If the permit is revoked, it becomes null and void, and said use shall be terminated immediately.~~

~~6. 40. Inspections~~

~~A home occupation property owner shall permit inspections of the premises by the Planning and Zoning Department to determine compliance with this chapter.~~

Section 25.2 Accessory Uses and Structures

A. Accessory Buildings – General

1. No accessory building shall be constructed upon a lot unless the construction of the main building has actually commenced
2. No accessory building shall be used for dwelling purposes other than by household employees working on the premises or relatives or other non-paying guests.
3. No accessory building shall be permitted in a front yard.
4. If setbacks for accessory building are not specifically called out within the applicable zoning district, accessory buildings must meet all side setbacks and shall not be constructed closer than five (5) feet to any rear lot line.
5. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than 15 feet to the center line of said alley.

B. Abandoned or Junk Vehicles

1. All abandoned or junk vehicles undergoing major repairs or being restored shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located in such a manner as to not be visible from any point lying outside the property upon which abandoned or junk vehicle is stored or parked.
2. For the purposes of this Section:
 - a. Abandoned or junk vehicle means a vehicle or any major portion thereof that is incapable of movement under its own power and will remain so without major repair or reconstruction.
 - b. Major repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.
 - c. Vehicle means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

C. PROHIBITED USES

1. ONGOING GARAGE SALES, EXCLUDING PRIVATE HOMEOWNER'S GARAGE SALES NOT EXCEEDING ONE (1) GARAGE SALE PER QUARTER.
2. MOTORIZED OUTDOOR SPORTS ACTIVITIES SUCH AS RADIO CONTROLLED MINIATURE AIRPLANES, MOTORCYCLE TRACK AND GO-CART RACING.

DRAFT

Attachment 3

Comparison of current and proposed standards

Subject	Current Code Standard	Proposed Code Standard
Customers coming to the home	Allows but no defined parameters	Limit hours to 7:00 a.m. to 8:00 p.m. Limit number of cars to one at a time, no more than 5 per day
Employees	None with Type I License 1 with Type II	Continue same standards for employees who work in the home. Provide standards to allow business to employee persons who do not report to the home.
Accessory building	Allowed but no defined parameters	Limit quantity to 1. Limit size to 200 square feet
Primary home	25% of living space can be used for business but doesn't address non-living space	Clarifies 25% of the entire home's space is allowed for business
Trash	Does not address	Limit receptacles to standard residential size and prohibit commercial dumpsters
Business Vehicle Parking	Allowed but not defined	Limited to 1 vehicle on site Defines size of vehicle Require screening of trailers
Animal Uses	Veterinary uses including grooming and boarding are prohibited	Clarify the keeping, caring or sale of animals as a business is prohibited.

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
***AMENDED (7/5/16, 2:00 PM)**
STUDY SESSION
July 14, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

STUDY SESSION AT OR AFTER 6:00 PM

CALL OR ORDER

Chair Leedy called the July 14, 2016 Planning and Zoning Commission Special Session to order at 6:00 PM.

ROLL CALL

PRESENT: Bill Leedy, Chair
Charlie Hurt, Vice Chair
Bob Swope, Commissioner
Melanie Barrett, Commissioner
Greg Hitt, Commissioner

EXCUSED: Tom Gribb, Commissioner
Tom Drzazgowski, Commissioner

ALSO PRESENT:

Vice Mayor Lou Waters
Council Member Joe Hornat
Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chair Leedy led the audience and the Commission in the Pledge of Allegiance.

CALL TO AUDIENCE

No speaker requests.

COUNCIL LIAISON COMMENTS

Council Member, Joe Hornat provided a recap of the Conditional Use Permit for Freddy's Steakburger in the Steam Pump Village development.

STUDY SESSION AGENDA

~~*1. REVIEW AND/OR APPROVAL OF THE MAY 3, 2016 REGULAR SESSION MEETING MINUTES~~

2. PRESENTATION AND DISCUSSION REGARDING THE HOME OCCUPATIONS ZONING CODE AMENDMENT, OV1600759

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- What is a Home Occupation?
- Current List Based Approach
- Performance Based Approach
- Clarify Standards
- Type I vs. Type II uses
- Case Study - Contractors Office
- Case Study - Home Baking Business
- Case Study - Architect Office
- Summary

Commissioner Barrett expressed some concern with the limitation to no more than 5 customers per day and suggested raising the limit according to use.

Chair Leedy suggested the following:

- Adding a definition to the code for the use of the word "employee" for all the various types of people that are engaged in some sort of relationship with an on-going business.
- Page 2, item 2,B,II Non-resident employee reporting to the home, suggested limiting the full-time employee during the course of the day.
- Page 2, item 2,B,III, Agrees with Commissioner Barrett regarding the limitation to no more than 5 customers per day.
- Page 3, item A, IV, questioned the need for authorization of approval from property owner
- Page 3, item A,V, clarify distinction between a household pet, and the prohibition against a home occupation associated with animals.
- Page 3, item B,II & III, Oro Valley is becoming more business friendly, and suggested reconsidering the number of employees who can report to the home.
- Page 5, item G,III, clarify whether this section applies to display of products both inside or outside the home.
- Section 25.2 Accessory Uses and Structures, item A,1, clarify whether this means commenced or completed.

- Section 25.2,C,1 clarify whether there is a limit on how long a garage sale can last.
- Section 25.2,C,2 Suggest adding drones

Vice Chair Hurt, suggested adding a paragraph to clarify what a list approach is versus a performance based approach.

Commissioner Barrett suggested adding a time limit to garage sale.

3. PRESENTATION AND DISCUSSION REGARDING THE A-FRAME SIGNS AND OUTDOOR DISPLAYS ZONING CODE AMENDMENT, OV1601007

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- A-frame Signs
- Outdoor Displays
- General Plan
- Summary

Dave Perry, Oro Valley resident, shared his thoughts on the new language on A-frame signage. Mr. Perry's questioned clarification on the meaning of vehicular traffic on Section 28.4, B, A. Mr. Perry commented that when people enter a shopping center, their intent is to do commerce and they seek information. A-frame signs do not detract from the motorists or pedestrian safety experience. Section 28.4. B. C., Area of Sign, Mr. Perry believes that an A-frame sign is two sided, and the clarification of the sign area needs to be added. Section 28.9 A.12. Off-site Signs, this could be problematic for government, partially given the case there is a free speech component to what you say on your sign. Section 28.4, B, H, IV, lettering shall be neat and legible copy, how will this be define or enforced. Mr. Perry is very appreciative as well as the business community and one thing he does ask is to look at the allowance for frontage that staff is proposing on outdoor displays. As long as the business meets safety and emergency access requirements let them put out there as much stuff as they want. We all win in the end.

Don Bristow, Oro Valley resident, commented that A-frame signs are a safety issue. If you trying to read the sign instead of watching the road, that is a safety issue. The amount of copy on the sign is distracting the driver from the road. Mr. Bristow recommends that those signs be pedestrian oriented and move them back closer to the stores entrance. There are several other more professional attractive looking alternatives that staff has kept off the table. Outdoor displays is not a big issue, there is probably 8 or 9 merchants that use outdoor displays on a regular basis. The citizens deserve a descent looking community and don't need the piles of dangerous

stuff. Handicapped accessibility to the store comes into play and needs to be considered. Mr. Bristow would consider one row of merchandise against the back wall or the store, but the merchant does not need to have two or three rows and the residents some relief.

Commissioner Barrett commented that she likes the A-frame signs and it helps to see what a current special promotion or sale items. She also agrees that they should be pedestrian focused especially if they have a lot of text. Commissioner Barrett stated she would like to see added a prohibition that they not advertise alcohol or tobacco products.

Joe Andrews, Chief Civil Deputy Attorney, responded to Commissioner Barrett's comment that the regulation of content is prohibited.

Commissioner Swope commented on Section 28.6, H, IV, Lettering shall be neat and legible copy, but in the summary it mentions professionally made signs, which seems to conflict. Section 28.6, H, III, Balloons or additional signs shall not be affixed to the a-frame, staff mentioned flags and other attachments, and the standards need to be very specific and attachments can subtract from the aesthetics of these signs.

4. PRESENTATION AND DISCUSSION REGARDING

A. CONDITIONAL USE PERMIT REVIEW CRITERIA, OV1601159

B. TABLE OF PERMITTED USES ZONING CODE AMENDMENT, OV1601159

Mike Spaeth, Senior Planner, provided a presentation that included the following:

- Purpose
- Conditional Use Permit Review Criteria
- Permitted use Table
- Update use categories
- Consolidate use categories
- Add new & reclassify us categories
- Use standards
- Use Definitions
- Summary

Commissioner Swope questioned the prohibiting of car washing at a vehicle rental facility, and how would the rental facility operate without washing and cleaning their vehicles.

Chair Leedy commented on the following:

- Check cross references prior to final draft
- Section 25.1, number 13: Gas Stations, item C, questioned whether staff was intending to limit kiosk sales. He was not sure if this language is appropriate.
- Chapter 31, Definition of Employee
- Chapter 31, Definition of Animal Services, Questioned whether this meant animals other than domestic animals
- Chapter 31, Definition of Cultural Use, this definition ends with, "not including items for sale," he's never been in a museum without a gift shop
- Chapter 31, Definition of Grocery Store, The definition is missing reference to bulk material or nonperishable items
- Chapter 31, Definition of Microbrewery, Questioned whether the Town regulates microbreweries that produce less than 10,000 gallons
- Chapter 31, Definition of General Retail, Suggested a new definition be provided for a goods or services that are provided or sold to the end user or consumer.
- Chapter 31, Definition of Sport Court, Add pickle ball to definition
- Chapter 31, Definition of Vet Services, Suggested striking everything after the word treatment

PLANNING UPDATE (INFORMATIONAL ONLY)

Bayer Vella, Planning Manager, had no update

ADJOURNMENT

Chair Leedy adjourned the Planning and Zoning Commission Meeting at 8:59 pm.



Hearing – Home Occupation Zoning Code Amendment Planning and Zoning Commission Staff Report

PROJECT: Home Occupation zoning code amendment

CASE NUMBER: OV1600759

MEETING DATE: August 2, 2016

AGENDA ITEM: 2

STAFF CONTACT: Patty Hayes, Senior Planning Technician
phayes@orovalleyaz.gov (520) 229-4819

Request: Zoning Code Amendment related to Home Occupations

Location: Town-wide

Recommendation: Recommend approval

SUMMARY:

The purpose of this code amendment is to update the home occupation standards to allow home based businesses while maintaining the residential character of a neighborhood.

The zoning code currently allows home based businesses in accordance with established standards and uses in a format that relies on a list based review. The proposed approach is to evaluate a home business based on the specific performance standards of each business such as traffic, storage and noise. Performance standards enable decisions to be made based on the actual impact of a specific proposed home occupation on the neighborhood.

The Planning and Zoning Commission held a study session on July 14. See the discussion and analysis section of this report for key issues discussed at the study session.

A draft version of the revised proposed amendments, based on the Commissions' input, is included in Attachment 1.

BACKGROUND:

Please see Attachment 2 for the study session report and documents for background information.

DISCUSSION / ANALYSIS:

At the July 14 Planning and Zoning Commission study session the following key items were discussed (code sections are in *italics*):

1. **Comment:** A question was raised about how much of the exterior of the property can be used for a home occupation such as auto repair in the driveway.

Staff response: Staff explained that most types of home occupations must take place indoors in the home or in an accessory building. Some home occupations may be allowed outdoors with a Type II review but in no case are automotive uses allowed to take place on the residential property.

Draft code change: None.

2. **Comment:** The screening requirement related to utility trailers was discussed with a focus on the view from two-story homes or properties that are situated higher than the home occupation property.

Staff response: The screening requirement is intended to prevent the view of a utility trailer from four sides and not necessary from the view of an elevated property. It is important to remember that a resident can keep a utility trailer for personal use.

Draft code change: The screening standard was changed to include opaque as a part of the screening description.

"Utility trailers used for the business shall be parked inside an enclosed building or screened from view using opaque landscaping, fencing or other screening material."

3. **Comment:** The limitations on the number of deliveries was discussed as being too limiting.

Staff response: The limitations on the number of deliveries was removed. The focus will be on the type of delivery vehicles in order to prevent a business that might want materials delivered by larger vehicles such as semi-trucks.

Draft code change: *"Deliveries for the business shall be limited to delivery trucks (SU-30, single unit truck) who customarily deliver items to residential areas."*

4. **Comment:** The limit on the number of customers coming to the home was discussed as being more restrictive than the current code. This was followed by discussion that a child care businesses with 10 children could easily exceed the proposed number of customer cars.

Staff response: A child care business with 5 to 10 children would be reviewed as the Type II business. Fewer than 5 children would be a Type I which shouldn't have too much of an impact to a neighborhood. The primary concern is to prevent an unusual volume of traffic compared to a residence without a business use. Staff proposes maintaining existing standards that control traffic volume in lieu of regulating the number of customers.

Draft code change: The limit on the number of customers was removed and the heading for section 25.2.D.3 was revised to indicate that other sections of code might apply to Type II uses. Also the code section from the current code addressing the number of vehicles was added back into the draft.

- *"All home occupations, whether authorized and regulated as a Type I or Type II Use, shall conform to the following standards unless otherwise specified within this chapter"*
- *Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation.*

5. **Comment:** Staff was asked to define employee followed by discussion about the number of employees and the difference between part time and full time.

Staff response: The primary focus is to minimize traffic that regularly comes to the home for business reasons. A definition was added to the draft code for employee but the difference between part-time and full-time employees was not addressed. That is not something that is readily enforceable by staff.

The proposed draft code also includes language that allows a home business to have one employee on site and employees who do not report to the home for any reason but are associated with the business. This is a more lenient approach for home based employers since the current code limits any home business to no employees for a Type I or only one employee for a Type II.

Draft code change: The number of employees was changed to allow a Type I home occupations to have one non-resident employee. The Type II review would then be required for a business who wished to have two non-resident employees. A definition for employee has also been added.

- *Type I uses shall employ only those who reside in the home and may allow no more than (1) one non-resident employee to work in the home.*
- *Type II uses may employ no more than two (2) non-resident employees to work at the home.*
- *Additional individuals may be employed by or associated with the home occupation, provided they do not report to the home for any purpose.*
- *Employee definition: Any person paid in any way to perform a job or duty of any kind.*

6. **Comment:** Question was raised about the requirement for the property owners' permission when the business owner is a tenant and not an owner of the home.

Staff response: Staff explained that there have been situations where a property owner has objected to a tenant operating a business from the home.

Draft code change: None

- 7. **Comment:** Discussion about the prohibition of animal related businesses on the property and pet sitting services.

Staff response: The code does not preclude a homeowner from owning their own pets or watching a friends pet on occasion but a regular business that intends to care, keep or sell animals would be prohibited.

Draft code change: None

- 8. **Comment:** There was a question about not allowing display of merchandise in the home and if this limits a business owner from showing clients a product.

Staff response: No, the intention is to prevent someone from having a retail store in their home full of items to purchase off the shelf. A business may provide catalogs or samples to clients.

Draft code change: None

- 9. **Comment:** The impact of on-going garage sales was discussed and Commission asked for limits.

Staff response: In addition to the established limit of one (1) sale per quarter, a time limit was added to the draft code.

Draft code change: Prohibited uses, *“Ongoing garage sales, excluding private homeowner’s garage sales not exceeding one (1) garage sale per quarter for a maximum of three (3) consecutive days.”*

- 10. **Comment:** Staff was asked how much area of an accessory building or a house can be utilized.

Staff response: The activities related to a home based business are allowed to occupy 25% of the whole floor area of the home and 200 square feet of an accessory building. A property could potentially have an accessory building, such as a detached garage, that is larger but only 200 square feet of it could be used for the business. Staff has always required each home based business to submit a site plan and floor plan showing the amount of space used for business activities to confirm compliance.

Draft code change: None

- 11. **Comment:** A question was raised if business related parking was allowed on the street.

Staff response: Parking is intended to be provided in the same or similar manner as would be for a residence without a business, which should be on the property and not on the street.

Draft code change: None related to this question.

SUMMARY

The information provided in this report is intended as an overview of the issues raised at the July 14 Planning and Zoning Commission study session. Attachment 1 reflects the proposed changes as a result of the Commissions input. Staff recommends approval to Town Council of the proposed code amendment which will be scheduled for the October 5 Town Council meeting.

RECOMMENDATION:

Based on the following findings:

- The proposed amendment will ensure a custom review of each business relative to potential impacts.
- The proposed amendment would enable reasonable levels of business opportunities in residential areas.
- The proposed amendment continues to protect the residential character of a neighborhood.

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

Recommend approval to the Town Council of the requested code amendment, OV1600759.

SUGGESTED MOTION:

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

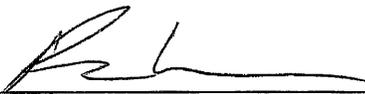
I move to recommend approval of the Zoning Code Amendment in Attachment 1 related to home occupations, based on the finding that the request meets the intent of the General Plan by encouraging business growth and maintaining the residential character of a neighborhood.

OR

I move to recommend denial of the Zoning Code Amendment in Attachment 1 related to home occupations, based on the finding that _____.

ATTACHMENTS:

1. Propose draft of the Home Occupation Code Amendment
2. Report and attachments from the July 14 PZC study session



Bayer Vella, Planning Manager

This section has been reformatted and grouped into subject matter.
New code language in ALL CAPS, strikethrough used for language to be removed

~~25.2.C-D.~~ Home Occupations

1. Purpose

~~The purpose of this Section is to:~~

- a. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- b. ~~Ensure home occupation activities are incidental to, and compatible with, the surrounding residential areas.~~
- B. Establish criteria and standards for home occupations conducted in dwelling units in residential zones **TO ENSURE ACTIVITIES ARE INCIDENTAL TO, AND COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD IN WHICH IT IS LOCATED.**

~~b.~~ Definitions

- a. ~~A home occupation is defined as business or commercial activity that is conducted from property that is zoned for residential use.~~
- b. ~~Home occupation uses (Type I, see subsection 5. below), are allowed as authorized by subsection 5. and regulated by subsection 4, without a public hearing or permit requirement.~~
- c. ~~A home occupation use permit, (Type II, see Section subsection 6. below), is permitted when authorized by the Planning and Zoning Commission only after a public hearing, per subsection 9.~~

~~c.~~ Home Occupation Permit Requirement

- a. ~~No Type II home occupation shall be permitted without the prior issuance of a home occupation Type II permit.~~
- b. ~~The Town of Oro Valley acknowledges that private covenants, conditions, and restrictions (CC&Rs) agreements exist between private property owners in many homeowners associations. Nothing in Section 25.2.C. of this Code shall be interpreted to void the provisions of those agreements.~~

2. HOME OCCUPATIONS ARE ALLOWED THROUGH A BUSINESS LICENSE AND ZONING APPROVAL AS EITHER A TYPE I OR TYPE II USE.

- A. TYPE I HOME OCCUPATIONS ~~are primarily office, hobby type or similar scale uses~~ and SHALL NOT HAVE A DISCERNIBLE IMPACT ON THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. TYPE I USES ARE ALLOWED AS REGULATED BY SECTION 3 WITH THE PLANNING AND ZONING ADMINISTRATORS APPROVAL WITHOUT A PUBLIC HEARING.
- B. TYPE II HOME OCCUPATIONS MAY HAVE THE POTENTIAL FOR A MINOR OR ADVERSE IMPACT TO THE NEIGHBORHOOD AND ARE REGULATED BY SECTION 3. TYPE II BUSINESSES INCLUDE ONE OR MORE OF THE FOLLOWING:
 - I. THE PRIMARY BUSINESS ACTIVITY IS OUTDOORS.
 - II. MORE THAN (1) ONE BUT NOT MORE THAN (2) TWO NON-RESIDENT EMPLOYEES REPORT TO WORK AT THE HOME.
 - III. ~~Child care group home~~ CARE IS OFFERED FOR five (5) to ten (10) children, age twelve and under. ~~also, prior to the operation of the child care group home,~~ ARIZONA DEPARTMENT OF HEALTH SERVICES (ADHS) STATE APPROVAL IS REQUIRED.
 - IV. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation

TYPE II HOME OCCUPATIONS MAY BE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION ONLY AFTER A PUBLIC HEARING, PER SUBSECTION 4.B.

3. Home Occupation Standards

All home occupations, whether authorized and regulated as a Type I or Type II Use, shall conform to the following standards UNLESS OTHERWISE SPECIFIED WITHIN THIS CHAPTER:

- i. ~~Employees~~
 - a) ~~Type I uses, residents only;~~
 - b) ~~Type II permit, only one (1) non-resident may be employed on the home occupation premises.~~

A. GENERAL:

- I. HOURS OF OPERATIONS FOR EXTERNAL BUSINESS ACTIVITIES, SUCH AS CUSTOMER PARKING OR DELIVERIES, SHALL BE LIMITED TO BETWEEN 7:00 A.M. AND 8:00 P.M.
- II. The home occupation use shall not produce sustained or obnoxious odors, vibrations, glare, fumes, dust, heat, or electric interference which are detectable to normal sensory perception beyond the perimeter of the property.
- III. A HOME OCCUPATION MUST BE PRIMARILY OPERATED BY PERSON(S) DWELLING IN THE HOME.
- IV. WHEN A DWELLING IS RENTED, THE PROPERTY OWNER MUST AUTHORIZE, IN WRITING, USE OF THE HOME AS A PLACE OF BUSINESS.
- V. THE FOLLOWING USES ARE PROHIBITED DUE TO THE POTENTIAL TO HAVE A NEGATIVE OR ADVERSE IMPACT ON THE NEIGHBORHOOD:
 - A) THE KEEPING, CARING AND/OR SALE OF ANIMALS ON THE PROPERTY.
 - B) AUTOMOBILE, MOTORCYCLE, BOAT OR ANY VEHICLE REPAIR, PARTS SALES, UPHOLSTERY, DETAILING, WASHING OR PAINTING ON THE PROPERTY.

B. EMPLOYEES:

- I. Type I uses, ~~residents only.~~ SHALL EMPLOY ONLY THOSE WHO RESIDE IN THE HOME AND MAY ALLOW NO MORE THAN (1) ONE NON-RESIDENT EMPLOYEE TO WORK IN THE HOME.
- II. Type II uses may employ ~~only~~ NO MORE THAN TWO (2) non-resident employees TO WORK AT THE HOME. ~~on the home occupation premises.~~
- III. ADDITIONAL INDIVIDUALS MAY BE EMPLOYED BY OR ASSOCIATED WITH THE HOME OCCUPATION, PROVIDED THEY DO NOT REPORT TO THE HOME FOR ANY PURPOSE.

C. ACCESSORY BUILDING:

- I. NO MORE THAN ONE (1) DETACHED ACCESSORY BUILDING SHALL BE USED FOR THE HOME OCCUPATION.
- II. THE BUSINESS SHALL NOT OCCUPY MORE THAN 200 SQUARE FEET OF FLOOR AREA OF THE DETACHED ACCESSORY BUILDING.
- iii. ~~There shall be no alteration of the detached accessory building floor plan which creates a solid barrier between the home occupation area and the remaining floor area of the detached accessory building.~~

D. NOISE:

~~I. The home occupation use shall produce no noise in violation of Town Code, Chapter 10,~~

I. THE HOME OCCUPATION SHALL NOT EXCEED NOISE LEVELS IN ACCORDANCE WITH THE TOWN CODE, ARTICLE 10-1-4, NOISE.

E. PARKING:

~~I. If the home occupation requires the conversion of existing parking for business use, an equal number of off-street parking spaces shall be provided on-site. If the home occupation use requires additional parking beyond existing parking spaces, based on the provisions of Section 27.7, the additional parking shall be provided on-site. THE EXISTING PARKING PROVIDED ON THE PROPERTY SHALL BE USED TO ACCOMMODATE VEHICLES RELATED TO THE HOME BUSINESS.~~

II. VEHICLES OWNED AND/OR USED BY THE BUSINESS THAT ARE PARKED AT THE HOME SHALL MEET THE FOLLOWING STANDARDS:

A) NO MORE THAN ONE VEHICLE RELATED TO THE HOME OCCUPATION SHALL BE ALLOWED ON THE RESIDENTIAL PROPERTY.

B) THE VEHICLE SHALL BE LIMITED TO A PASSENGER CAR, VAN OR PICK-UP TRUCK.

C) THE OVERALL LENGTH OF THE VEHICLE SHALL NOT BE MORE THAN 25' AND OVERALL HEIGHT SHALL NOT BE MORE THAN 8'.

D) PARKING SHALL BE ON PRIVATE PROPERTY IN A CARPORT, GARAGE OR SHIELDED FROM VIEW FROM ADJOINING PROPERTIES BY LANDSCAPING, FENCING OR SCREENING MATERIAL.

E) THESE STANDARDS WILL NOT APPLY TO THE PERSONAL VEHICLE OF NON-RESIDENT EMPLOYEE FOR TYPE II OCCUPATIONS.

III. UTILITY TRAILERS USED FOR THE BUSINESS SHALL BE PARKED INSIDE AN ENCLOSED BUILDING OR SCREENED FROM VIEW USING OPAQUE LANDSCAPING, FENCING OR OTHER SCREENING MATERIAL.

IV. DELIVERIES FOR THE BUSINESS SHALL BE LIMITED TO DELIVERY TRUCKS (SU-30, SINGLE UNIT TRUCK) WHO CUSTOMARILY DELIVER ITEMS TO RESIDENTIAL AREAS.

VI. THERE SHALL BE NO DELIVERIES DURING THE HOURS OF 8:00 P.M. TO 7:00 A.M.

F. PROPERTY:

- I. THE HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO THE RESIDENTIAL USE OF THE PROPERTY.
- II. A home occupation shall be conducted entirely within the primary dwelling unit or within a detached accessory building. SEE SECTION 25.2.C.3.C FOR ACCESSORY BUILDING STANDARDS.
- III. THERE SHALL BE NO OUTDOOR ACTIVITIES RELATED TO THE HOME OCCUPATION ON THE PREMISES WITH THE EXCEPTION OF PLAYGROUND EQUIPMENT FOR CHILD CARE OR AS ALLOWED BY SUBSECTION 2.B
- IV. THE BUSINESS SHALL NOT OCCUPY MORE THAN 25 PERCENT OF THE ENTIRE PRIMARY DWELLING UNIT'S FLOOR AREA. ~~They shall not occupy more than 25 percent of the property's living space floor area.~~
- V. There shall be no alteration of the residential ~~or detached accessory building~~ floor plan which creates a solid barrier between the home occupation area and the remaining floor area of ~~either the residence or a detached accessory building.~~
- VI. There shall be no alteration of the property's exterior residential appearance.
- VII. COMMERCIAL DUMPSTERS ARE PROHIBITED.

G. SIGNS

- i. No signs shall be allowed for any home occupation pursuant to Section 28.9, Prohibited Signs.

H. STORAGE AND EQUIPMENT:

- i. Storage of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous materials must comply with the 2003 International CURRENT International Building Code and/or the International Fire Code and shall not create an unsafe condition.
- ii. There shall be no process or materials used which are hazardous to public health, safety, or welfare.
- iii. ~~The home occupation shall have no on-site sales or public display of stock-in-trade upon the premises.~~ THERE SHALL BE NO DISPLAY OF PRODUCTS OR INVENTORY AT THE HOME.
- ~~iv. There shall be no outdoor open operations, storage, or display of materials, or products. The home occupation use shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractor's or landscaper's equipment.~~
- IV. THERE SHALL NOT BE ON SITE STORAGE OF OR USE OF TRACTOR TRAILERS, SEMI-TRUCKS OR HEAVY EQUIPMENT ASSOCIATED WITH THE BUSINESS.

Much of the former sections 4,5 and 6 has been move into other categories

~~4. Home Occupation Standards:~~

- ~~b. No mechanical equipment is to be used except that which is necessarily, customarily, or ordinarily used for household, non-business, non-commercial purposes.~~
- ~~h. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation.~~
- ~~d. Home occupation uses to be located in non-living space area of a building space will require a building permit to convert the area to building codes living space standards prior to occupancy for the home occupation.~~

~~5. Type I Home Occupation Descriptions~~

- ~~i. A Type I home occupation may be conducted within the primary dwelling unit, or within a detached accessory building. It has resident employees only and no discernible impact on the residential character of the neighborhood. Type I uses are primarily office or hobby type and similar scale uses, including but not limited to:
 - ~~a) Architectural service.~~
 - ~~b) Consulting service.~~
 - ~~e) Home base office for direct sale product(s) with no on-site sales, display of product(s), or distribution of product(s).~~
 - ~~d) Drafting or graphic service.~~
 - ~~e) Dressmaking, sewing, tailoring, or contract sewing (one machine).~~
 - ~~f) Engineering service.~~
 - ~~g) Financial planning, investment service.~~
 - ~~h) Home crafts (including ceramics with a single kiln up to six (6) cubic feet), but no on-site sales.~~
 - ~~i) House cleaning service.~~
 - ~~j) Insurance office.~~
 - ~~k) Real estate office.~~~~

- ~~l) Interior design.~~
- ~~m) Mail order (excluding direct on-site sales, distributions of merchandise, or pickups).~~
- ~~n) Sales representative (office only).~~
- ~~o) Typing or word processing service.~~
- ~~p) Writing, computer programming, or computer applications.~~
- ~~q) Child care service for no more than four (4) (non-resident) children at any given time.~~
- ~~r) Flower arranging.~~
- ~~s) Jewelry making or jeweler.~~
- ~~t) Legal service.~~
- ~~u) Tutoring, limited to one (1) student at any given time.~~
- ~~v) Music lessons, limited to one (1) student at any given time, provided that provisions are taken to ensure audio levels are reasonable within the limits of the Town's Code, Article 10-1-4, Noise.~~
- ~~w) Analogous uses as determined by the Planning and Zoning Administrator.~~

~~6. Type II Home Occupation Descriptions~~

- ~~a. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.

 - ~~i. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
 - ~~ii. Bed and breakfast service.~~
 - ~~iii. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
 - ~~iv. Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~
 - ~~v. Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
 - ~~vi. Massage therapy.~~
 - ~~vii. Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
 - ~~viii. Analogous uses as determined by the Planning and Zoning Administrator.~~~~

6. ~~Type II Home Occupation Descriptions~~

- b. ~~A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.~~
 - ix. ~~Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
 - x. ~~Bed and breakfast service.~~
 - xi. ~~Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
 - xii. ~~Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~
 - xiii. ~~Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
 - xiv. ~~Massage therapy.~~
 - xv. ~~Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
 - xvi. ~~Analogous uses as determined by the Planning and Zoning Administrator.~~

7. ~~Prohibited Home Occupation Uses~~

~~Some uses are prohibited because they have the potential to involve the storage or use of large vehicles or equipment on site; create traffic or parking problems; create excess noises, odors, or other adverse impacts; or to expand beyond the limits permitted for home occupations. These include but are not limited to:~~

- i. ~~Ambulance service.~~
- ii. ~~Appliance repair.~~
- iii. ~~Automobile repair, parts sales, upholstery, detailing, washing, or painting.~~
- iv. ~~Beauty parlors, skin care salons, tattoo parlors, and barber shops.~~
- v. ~~Carpentry or other woodworking such as: cabinet making, furniture making, or volume produced wood products.~~
- vi. ~~Boarding house.~~
- vii. ~~Ceramics (kiln over six (6) cubic feet).~~
- viii. ~~Health salons, gyms, dance studios, and aerobic exercise studios.~~
- ix. ~~Helium balloon service.~~
- x. ~~Limousine or pedicab service.~~
- xi. ~~Medical or dental office.~~
- xii. ~~Mortician or hearse service.~~
- xiii. ~~Palm reading or fortune telling.~~
- xiv. ~~Private clubs.~~
- xv. ~~Commercial food preparation.~~
- xvi. ~~Retail sales from site (except direct distribution).~~
- xvii. ~~Tow truck service.~~
- xviii. ~~Upholstery.~~
- xix. ~~Veterinary uses including grooming or boarding.~~
- xx. ~~Ongoing garage sales excluding private homeowner's garage sales not exceeding one (1) garage sale per quarter.~~
- xxi. ~~Motorized outdoor sport products, such as: radio controlled miniature airplanes, motorcycle track, go-cart racing.~~

~~xxii. Photo developing or photo studios.~~

~~xxiii. Welding shop.~~

~~xxiv. Analogous uses as determined by the Planning and Zoning Administrator.~~

4. ~~7.~~ Review and Appeal Procedure

A. TYPE I HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE TOWN CLERK'S OFFICE FOR REVIEW BY THE PLANNING AND ZONING ADMINISTRATOR.

B. TYPE II HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE PLANNING DEPARTMENT FOR REVIEW BY THE PLANNING AND ZONING COMMISSION. UPON RECEIPT OF A COMPLETE SUBMITTAL, THE TOWN WILL NOTIFY THE ADJACENT PROPERTY OWNERS WITHIN 300' BY MAIL AND POST THE SUBJECT PROPERTY WITH A SIGN NOTIFYING THE PUBLIC OF THE APPLICATION AND MEETING DATE.

- a. C. Type II home occupation permits, which may be revocable, conditional, or valid for a term period, may be granted or denied by the Planning and Zoning Commission after a public hearing and a finding that the use meets the home occupation standards herein. ~~The public hearing will be scheduled and noticed as follows:~~

- i. ~~The date of the public hearing before the Planning and Zoning Commission shall be set no more than 50 days from the date of application. The date, time, and place of such public hearing and the nature of the use permit requested shall be published in a newspaper of general circulation in the Town of Oro Valley and one (1) notice of the said hearing shall be posted conspicuously on the property. Both such publication and posting shall give 15 days notice of such Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting.~~
- ii. ~~The notice, as published and posted, upon application, at the applicants request shall be sent by regular mail to property owners of property within 300 feet, not less than 15 days prior to the date of the first public hearing. The applicant shall submit to the Town Clerk an accurate verified list made within 60 days prior to the date of hearing before the Planning and Zoning Commission giving the names and addresses of the recorded owners of all properties, any part of which is within 300 feet of the proposed use permit, or more as the Planning and Zoning Administrator may determine necessary to provide reasonable notice. Failure of property owners to receive such notice shall not invalidate a use permit that may be subsequently approved.~~

5. ~~Appeal~~

~~I. Decisions of the Planning and Zoning Administrator may be appealed to the Board of Adjustment within 30 days from date of~~

~~II. Decisions of the Planning and Zoning Commission may be appealed to the Town Council within 30 days from date of decision~~

5. 9. Validity of Type II Home Occupation Permit

The Planning and Zoning Administrator may cite any home occupation use for non-compliance with the criteria set forth in this chapter and/or conditions set by the Planning and Zoning Commission. Revocation may take place at any time it is determined the home occupation is in non-compliance. If the permit is revoked, it becomes null and void, and said use shall be terminated immediately.

6. 40. Inspections

A home occupation property owner shall permit inspections of the premises by the Planning and Zoning Department to determine compliance with this chapter.

DRAFT

Section 25.2 Accessory Uses and Structures

A. Accessory Buildings – General

1. No accessory building shall be constructed upon a lot unless the construction of the main building has actually commenced
2. No accessory building shall be used for dwelling purposes other than by household employees working on the premises or relatives or other non-paying guests.
3. No accessory building shall be permitted in a front yard.
4. If setbacks for accessory building are not specifically called out within the applicable zoning district, accessory buildings must meet all side setbacks and shall not be constructed closer than five (5) feet to any rear lot line.
5. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than 15 feet to the center line of said alley.

B. Abandoned or Junk Vehicles

1. All abandoned or junk vehicles undergoing major repairs or being restored shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located in such a manner as to not be visible from any point lying outside the property upon which abandoned or junk vehicle is stored or parked.
2. For the purposes of this Section:
 - a. Abandoned or junk vehicle means a vehicle or any major portion thereof that is incapable of movement under its own power and will remain so without major repair or reconstruction.
 - b. Major repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.
 - c. Vehicle means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

C. PROHIBITED USES

1. ONGOING GARAGE SALES, EXCLUDING PRIVATE HOMEOWNER'S GARAGE SALES NOT EXCEEDING ONE (1) GARAGE SALE PER QUARTER FOR A MAXIMUM OF THREE (3) CONSECUTIVE DAYS.
2. MOTORIZED OUTDOOR SPORTS ACTIVITIES SUCH AS RADIO CONTROLLED MINIATURE AIRPLANES, DRONES, MOTORCYCLE TRACK AND GO-CART RACING.

Chapter 31

New definition:

Employee: Shall mean any person paid in any way to perform a job or duty of any kind.

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
AMENDED AGENDA
August 2, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chairman Leedy called the August 2, 2016, Planning and Zoning Commission meeting to order at 6:00 PM.

ROLL CALL

PRESENT: Bill Leedy, Chair
Charlie Hurt, Vice Chair
Greg Hitt, Commissioner
Bob Swope, Commissioner
Melanie Barrett, Commissioner
Tom Gribb, Commissioner

EXCUSED: Tom Drzazgowski, Commissioner

ALSO PRESENT: Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chair Leedy led the audience and the Commission in the Pledge of Allegiance.

CALL TO AUDIENCE

No speaker request.

COUNCIL LIAISON COMMENTS

The Council Liaison was not present at the meeting.

REGULAR SESSION AGENDA

- 1. REVIEW AND/OR APPROVAL OF THE MAY 3, 2016 REGULAR SESSION MEETING MINUTES AND THE JUNE 28, 2016 SPECIAL SESSION MEETING MINUTES.**

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt to approve the May 3, 2016, Regular Session Meeting Minutes

MOTION carried, 6-0.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Swope to approve the June 28, 2016, Special Session Meeting Minutes.

MOTION carried, 6-0.

2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO SECTION 25.2., HOME OCCUPATIONS AND ACCESSORY USES AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1600759

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- What is a Home Occupation?
- Current List Based Approach
- Type I vs. Type II uses
- Performance Based Approach
- Study Session Key Items
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Alia Pierson, Oro Valley resident, voiced her concerns on the following:

- Incorporated her business in 2014
- Disappointed her business is not on the approved list in the current Zoning Code
- Tucson has updated to accommodate cottage food businesses
- She is licensed with the Arizona Health Department and Department of Revenue
- She looks forward to building a business in Oro Valley

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce, and Oro Valley resident, stated the following:

- Proposed updates and home occupation permissions are much easier to navigate
- Questions regarding limitations on the number of non-resident employees
- Concern on the limitation of the floor area in the home dedicated to a home occupation

Chair Leedy closed the public hearing.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt recommend approval of the Zoning Code Amendment in Attachment 1 related to home occupations, based on the finding that the request meets the intent of the General Plan by encouraging business and maintaining the residential character of a neighborhood.

Commissioner Barrett offered a friendly amendment to allow one employee at a time for a Type I home-occupation and two employees at a time for a Type II home-occupation.

The friendly amendment was accepted by Vice-Chair Hurt and Commissioner Hitt.

MOTION carried, 6-0.

3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO SECTIONS 28.6 AND 28.9, A-FRAME SIGNS AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1601007

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Code Standards
- Study Session Key Items
- Flexibility of Sign Type
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce, and Oro Valley resident, commented on the following:

- The Chamber is in support of the proposed amendment
- A-frame signs are used as a tool to grow business success
- No objection to chalk board or hand written signs
- The Chamber would welcome discussion regarding directional signs and other alternative signage
- Directional signage would help disburse commerce
- Oro Valley deserves a decent looking community to live in

Chair Leedy closed the public hearing.

MOTION: A motion was made by Commissioner Hitt and seconded by Vice Chair Hurt to recommend approval of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that the request meets the intent of the general plan concerning signage.

MOTION failed, 3-3 with Commissioner Swope, Commissioner Barrett, and Commissioner Gribb opposed.

MOTION: A motion was made by Chair Leedy and seconded by Vice Chair Hurt to recommend approval of the Zoning Code Amendment in Attachment 1 related to A-frame signs, based on the finding that the request meets the intent of the general plan concerning signage with the addition of the A-frame code amendment will expire on December 31, 2017.

Chair Leedy offered a friendly amendment to the prior motion to reflect the code be revisited prior to December 31, 2017.

The friendly amendment was accepted by Vice-Chair Hurt.

MOTION carried, 4-2 with Commissioner Swope and Commissioner Gribb opposed.

4. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A ZONING CODE AMENDMENT TO 25.1. AND 31, OUTDOOR DISPLAYS AND OTHER RELEVANT SECTIONS OF THE ZONING CODE, OV1601648

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Code Standards
- Study Session Key Items
- General Plan
- Summary and Recommendation

Chair Leedy opened the public hearing.

Dave Perry, President and CEO of the Oro Valley Chamber of Commerce and Oro Valley resident, commented on the following:

- Outdoor display should be allowed on a permanent basis
- Outdoor display represents real income to the business
- Outdoor displays should be safe
- When merchants thrive, Oro Valley thrives

Chair Leedy closed the public hearing.

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Hitt recommend approval of the Zoning Code Amendment in Attachment 1 related to Outdoor Displays, based on the finding that the request meets the intent of the general plan to support businesses and maintain Oro Valley's design expectations.

MOTION carried, 4-2 with Commissioner Swope and Commissioner Gribb opposed.

***5. DISCUSSION AND POSSIBLE ACTION TO INITIATE A ZONING CODE AMENDMENT TO CHAPTER 28 TO ENABLE A PORTION OF WALL SIGNS TO INCLUDE BUSINESS SERVICE TAG LINES OR MODIFIERS. THE AMENDMENT WOULD INCLUDE CHANGES TO THE DEFINITION SECTION AS WELL AS RELATED SECTIONS THROUGHOUT CHAPTER 28**

Bayer Vella, Planning Manager, is requesting the Commission initiate a discussion to potentially amend the Zoning Code to address a type of signs that is not specifically addressed. It's very similar to an existing sign type for is pan channel sign. There has been an increase in the amount of business asking for this kind of sign and it is high time that this is addressed in the code. Staff has completed the research necessary because we have worked with several business' that want to see this go forward. Our ask tonight is not to approve a Zoning Code amendment, but initiate the ability to have the discussion about the amendment at a future hearing date.

MOTION: A motion was made by Chair Leedy and seconded by Commissioner Gribb Initiate a zoning code amendment to chapter 28 to enable a portion of wall signs to include business service tag lines or modifiers

MOTION carried, 6-0.

PLANNING UPDATE (INFORMATIONAL ONLY)

Bayer Vella, Planning Manager, provided the following planning update:

- Town Council summer break
- August 23rd Planning and Zoning Commission Meeting, Major General Plan off-site meeting. Discussion only
- September 6th Planning and Zoning Commission Meeting, Major General Plan Recommendation
- No upcoming neighborhood meetings

ADJOURNMENT

MOTION: A motion was made by Vice Chair Hurt and seconded by Commissioner Gribb adjourn the August 2, 2016 Planning and Zoning Commission meeting at 7:29 PM.

MOTION carried, 6-0.

Attachment 6

Comparison of current and proposed standards

Subject	Current Code Standard	Proposed Code Standard
Employees: Persons who do not live in the home.	None with Type I license One (1) employee with Type II license	Allow up to one (1) employee at any given time Allow up to two (2) employees at any given time with a Type II license** Provide standards to allow business to be operated from the home and not report to the home.
Accessory building	Allowed but no defined parameters	Limit quantity to one (1) building for the property Limit size to 200 square feet.
Primary home	25% of living space can be used for business but doesn't address non-living space such as garages	Clarifies 25% of the entire home's space can be used for business
Trash	Does not address	Prohibits commercial dumpsters
Business Vehicle Parking	Allowed but not defined	Limited to 1 vehicle on site Defines size of vehicle Require screening of utility trailers
Delivery vehicles	Allowed but not defined	Limited to SU-30 single unit trucks such as delivery vans Prohibits deliveries by semi-trucks.
Animal uses	Veterinary uses including grooming and boarding are prohibited. Sale of animals not defined.	Clarify the keeping, caring or sale of animals on the property is prohibited.

* Type I home occupation is an administrative review by staff

** Type II home occupations require review and approval by the Planning and Zoning Commission

Attachment 7
General Plan Analysis

The Zoning Code amendments were reviewed for conformance with the General Plan's Goals and Policies. Listed below are relevant policies within the General Plan relating to businesses in *italics*, followed by staff commentary:

3.1 Ensure long term financial and economic sustainability for the Town.

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, maintain and periodically update the Town's Community Economic Development Strategy 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.

3.1.5 The Town shall continue its efforts to attract new high-end retail and service businesses, especially those in under-represented categories, in order to help reduce expenditure leakage.

The proposed format and review of home occupation business licenses is in line with encouraging economic development and supporting small businesses. The amendment contains limitations to protect the residential integrity and character of residential areas and is consistent with the General Plan policies.



Town Council Regular Session

Item # 5.

Meeting Date: 09/07/2016

Requested by: Patty Hayes

Submitted By: Patty Hayes, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING A REVISED MASTER SIGN PROGRAM FOR THE ROONEY RANCH SHOPPING CENTER, INCLUDING THE FRY'S GROCERY AND FUEL CENTER, LOCATED AT 10661 N. ORACLE ROAD

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) recommends approval.

EXECUTIVE SUMMARY:

The proposed revision to the Rooney Ranch Master Sign Program (Attachment 1) is to allow the following:

- Electronic changeable copy for gas prices
- An additional monument sign at the First Avenue entrance for the gas prices

A Master Sign Program (MSP) is a set of sign standards established for a multi-tenant commercial development that determines how signs will be used within a development. The proposed revision allows a new gas price monument sign for the new Fry's Fuel Center near the First Avenue side of the development (Attachment 2). It would also allow the existing Shell gas station at Pusch View Lane and Oracle Road to replace their existing gas price sign with a new sign in the future.

The CDRB considered the revision on August 9, 2016, and voted to recommend approval to Town Council.

BACKGROUND OR DETAILED INFORMATION:

When the Rooney Ranch MSP was updated in 2012, a statement was included that limited electronic changeable copy to theaters only. This statement omits gas station fuel signs, which is clearly an error. In fact, this sign type was previously enabled because the zoning accounts for two gas stations. As a result, the current language prevents new or replacement gas price signs within the development.

The Zoning Code allows fuel centers to have electronic changeable copy as a component of a sign. The proposed gas price monument sign is consistent with signs already found in the Town as depicted in Attachment 3. A new fuel center is proposed to be built on 1st Avenue near the Fry's grocery store. As with any fuel station, a sign showing the fuel prices is requested to be placed on the property.

In summary, proposed changes to the MSP provide smaller and fewer gas station price signs than permitted by the Zoning Code. A full comparison of the current and proposed MSP in relation to the Zoning Code is provided as Attachment 4.

General Plan Analysis

Zoning Code amendments are reviewed for conformance with General Plan policies. In summary, General Plan policies related to the MSP focus on creating a balance between a business need to attract customers and with concerns of residents regarding over intrusive signage. The MSP meets these policies by providing limitations on the size and number of gas price signs, below Zoning Code allowances. A detailed analysis of the MSP in relation to the General Plan is provided in Attachment 5.

Conceptual Design Review Board

The proposed revision was considered by the CDRB on August 9, 2016. No changes to the proposal were recommended, and there was minimal discussion regarding the MSP. The staff report to CDRB is contained in attachment 6.

At the conclusion of the public meeting, the CDRB voted to recommend approval of the Rooney Ranch Master Sign Program revision. The draft minutes as Attachment 7.

Public Notification and Comment

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 on the revised MSP.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the revised Master Sign Program for the Rooney Ranch Shopping Center allowing electronic changeable fuel prices and an additional monument sign.

OR

I MOVE to deny the revised Master Sign Program for the Rooney Ranch Shopping Center allowing electronic changeable fuel prices and an additional monument sign.

Attachments

Attachment 1 Applicant's Submittal

Attachment 2 Location Map

Attachment 3 Photos of Gas Signs

Attachment 4 Comparison of Current and Proposed MSP to Zoning Code

Attachment 5 General Plan Analysis

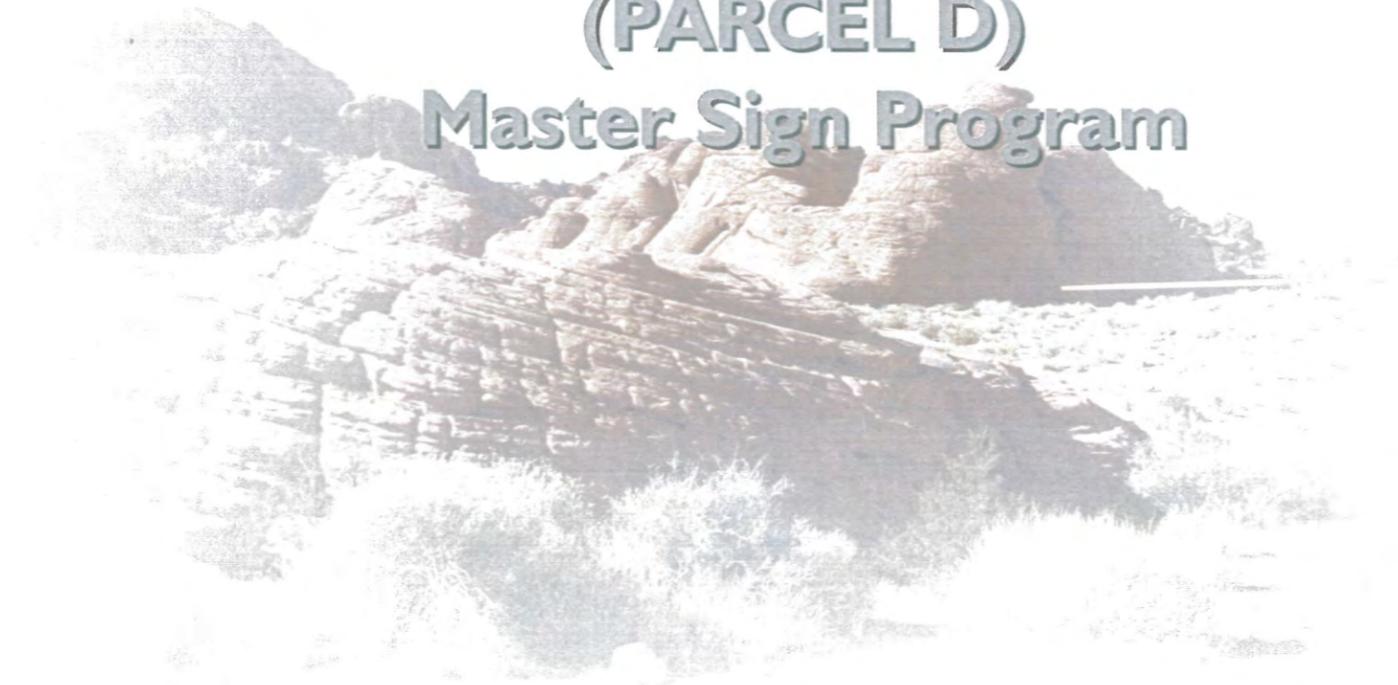
Attachment 6 CDRB Staff Report

Attachment 7 CDRB Minutes

RECEIVED
JUN 13 2012
Town of Oro Valley

ROONEY RANCH

(PARCEL D)
Master Sign Program



APPROVED BY: TC/PZ/DRB/BOA
6/6/12
DATE
M. Mihalik
PZ PROJECT MANAGER



Oro Valley, Arizona
Master Sign Program



01 312-001

ROONEY RANCH PARCEL D

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ROONEY RANCH PARCEL D

The Master Sign Program prepared for Rooney Ranch Parcel D will establish a uniform set of sign criteria to maintain continuity of quality and aesthetics throughout Rooney Ranch for the benefit of all tenants and the Town of Oro Valley. Based on the Oro Valley Zoning Code (OVZC), Chapter 28 and the Town's Design Standards Addendum A, for signage, the Master Sign Program will provide for signage that will vary throughout the development and will permit national and specialty retailers to identify their business utilizing recognized trademarks, logos, and color palettes.

The Master Sign program will establish design guidelines for all tenants to follow. It will also establish a hierarchy of freestanding signs that will be used as an effective wayfinding system. All freestanding signs will follow a thematic design integrating the current elements of existing freestanding architectural elements into future freestanding signs as the center is brought up to date.

The objective of the Master Sign Program is to create guidelines that will enable Rooney Ranch to update the current signage away from the Copper Patina that was required in the past and to be able to utilize some of the more modern methods and materials that are available. This will enable the signage to become a unique and integrated component of the development, to maintain an attractive and appealing environment consistent with the Oro Valley community. To continue to provide the services to the residents of the Town of Oro Valley in a way that is harmonious with other retail centers in the surrounding area.

We would also like to make note of the fact that plans are being made for a re-paint of Rooney Ranch property some time in the near future. The designs and the colors that have been used in the Master Sign program for the freestanding signs will be incorporated into the building architecture in order to keep a consistent theme throughout Rooney Ranch.

We trust this submittal meets with your expectations and approval.

General Requirements

These criteria have been established by the developer for the purpose of maintaining updating the current signage and also to plan for future development of Rooney Ranch. as used herein, the term “Developer” shall also include all future successors. Assigns, and or designated agent. At such time if and when the signs are changed at Rooney Ranch the Town of Oro Valley will use this criteria to conduct there review.

1. GENERAL REQUIREMENTS

A. The Town of Oro Valley shall review all freestanding signs for conformance with the criteria and OVZC. In the event that this criteria is silent and fails to address a specific sign type, definition or specification pertaining to a sign installation, and/or operation and maintenance of a sign, the OVZC shall regulate.

B. Advertising devices such as attraction boards, posters, banners and flags shall not be permitted in addition to all prohibited sign types regulated by the OVZC.

C. All Tenant signage shall be in accordance with the approved Master Sign Program

D. No signage will be allowed on the rear of the Anchor, Major and Minor tenant buildings

2. SPECIFICATIONS – FREESTANDING SIGN

A. General specification

1. All electrical cabinets, conductors, transformers and other equipment required to illuminate a freestanding sign shall be concealed.

3. GENERAL CONSTRUCTION and MAINTENANCE REQUIREMENTS

A. All exterior signs shall be secured by concealed mounting mechanisms using non-corrosive fasteners.

B. All signs shall be fabricated in a manor that prevents light leaks.

C. All sign installation shall be neatly sealed in a watertight condition.

D. No labels or other identification shall be permitted on the Exposed surface of signs except those required by local ordinance. This shall be in an inconspicuous location.

E. Each sign shall be maintained in a new or like new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community

ROONEY RANCH PARCEL D

3. FREESTANDING SIGN DESIGN REQUIREMENTS

A. Sign Type/ Parcel D

1. The refurbished double face signs (RDF) one at Pusch View Lane and Oracle Rd. and at the Wells Fargo entrance along Oracle Rd. also know as parcel "D". The project shall be identified with individual reverse pan channel illumination reading "Rooney Ranch" utilizing white LED's concealed within the pan channel letterform. Tenant signage will consist of routed out pan with a brushed aluminum overlay where only the characters may emit light. Tenant colors to follow freestanding matrix
2. The new double face sign (NDF) located at the main entrance on 1st Avenue. This sign will be identified with either reverse pan channel, push thru acrylic letters or routed out copy with the brushed aluminum finish reading "Rooney Ranch" utilizing white LED's. Tenant colors to follow freestanding matrix.
- 2a. The new double face Theatre sign (NDF Theatre) is to be located along Oracle Road at an entrance point. This sign will use the same techniques as the (NDF) with the addition of an Electronic Message center at a size to be approximately 18"x 120" this will be a red grayscale LED. Tenant colors to follow freestanding matrix.

It is important to note no electronic displays or signs with changable copy shall be erected or operated unless in association with a theater/dinner theater or fuel center. The electronic display of signs with changable copy shall cease operation upon discontinuance of the theater/dinner theater or fuel center use in Parcel D.

3. Traffic & Pedestrian Directional Sign (TPD) shall be located throughout the project. They are intended to be placed at traffic intersections and driveways as required to direct vehicular traffic throughout the project. The displays will include vehicular oriented "wayfinding" information such as Tenant listings with directional arrows. All copy will be reflective 3M Scotchlite. the locations and quantities illustrated on the site plan illustrate typical placements. Actual quantities and placement may vary with a maximum of six (6) for Parcel D.
4. Traffic Directional Sign (TD) Shall be located at entry points in the property to direct delivery trucks to the rear of the property. The display will include vehicular oriented "wayfinding" information such as deliveries, shipping or receiving with a directional arrow. All copy will be reflective 3M Scotchlite. The locations and quantites illustrated on the site plan Illustrates typical placements. Actual quantities and placement may vary with a maximum of two (2) for parcel D.

ROONEY RANCH (PARCEL D) Monument Sign



REFURBISHED VIEW of EXISTING D/F TENANT MONUMENT SIGN
Refurbish Double Face Tenant Monument Sign
Pusch View Lane

SCALE: 1/2" = 1'-0"

(RDF)



EXISTING D/F TENANT MONUMENT SIGN

D-1

ROONEY RANCH

ROONEY RANCH (PARCEL D) Monument Sign



REFURBISHED VIEW of EXISTING D/F TENANT MONUMENT SIGN
Refurbish Double Face Tenant Monument Sign
Oracle Rd.

SCALE: 1/2"=1'-0"

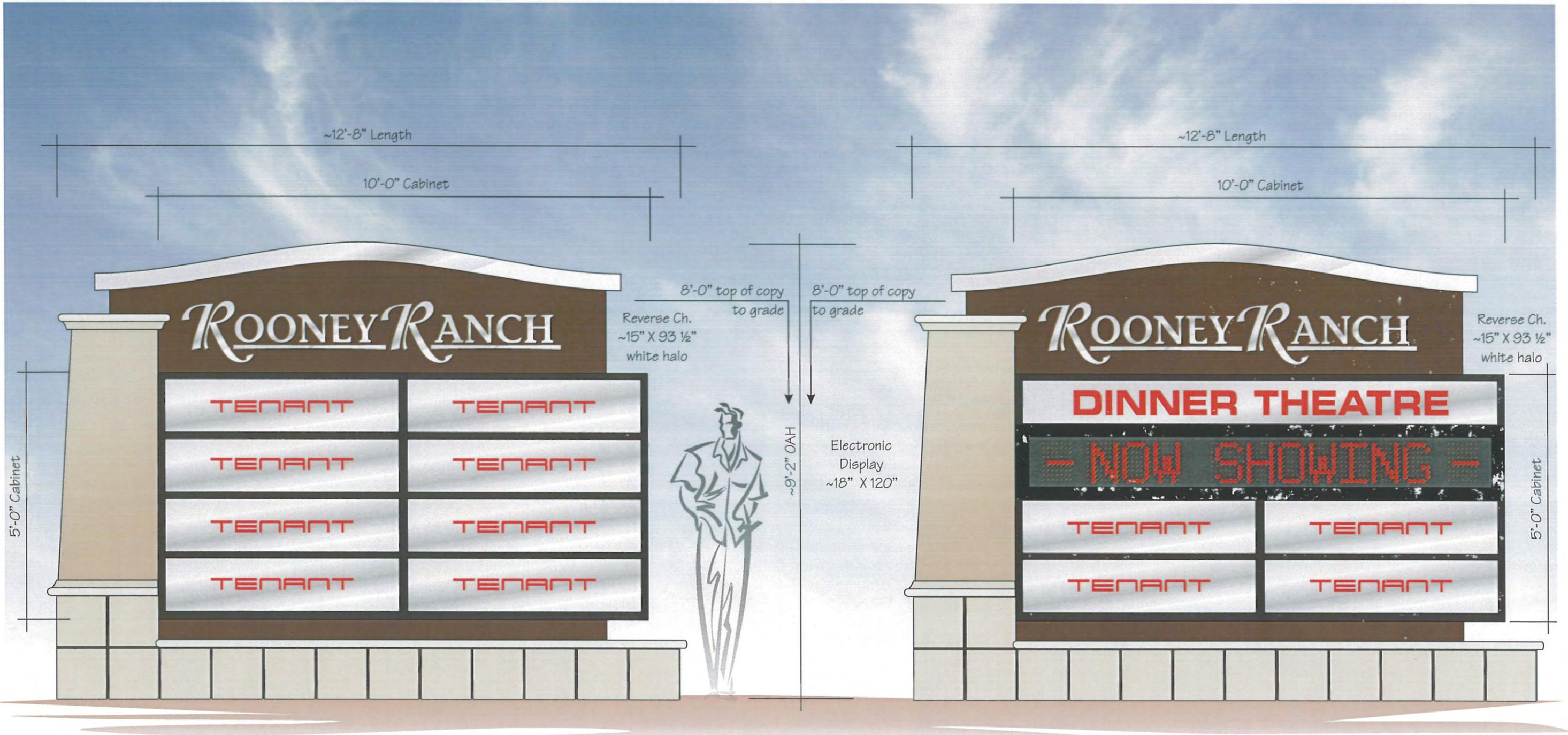
(RDF)



EXISTING D/F TENANT MONUMENT SIGN

ROONEY RANCH

ROONEY RANCH (PARCEL D) Monument Signs



**New Double Face Monument Sign
(NDF)**

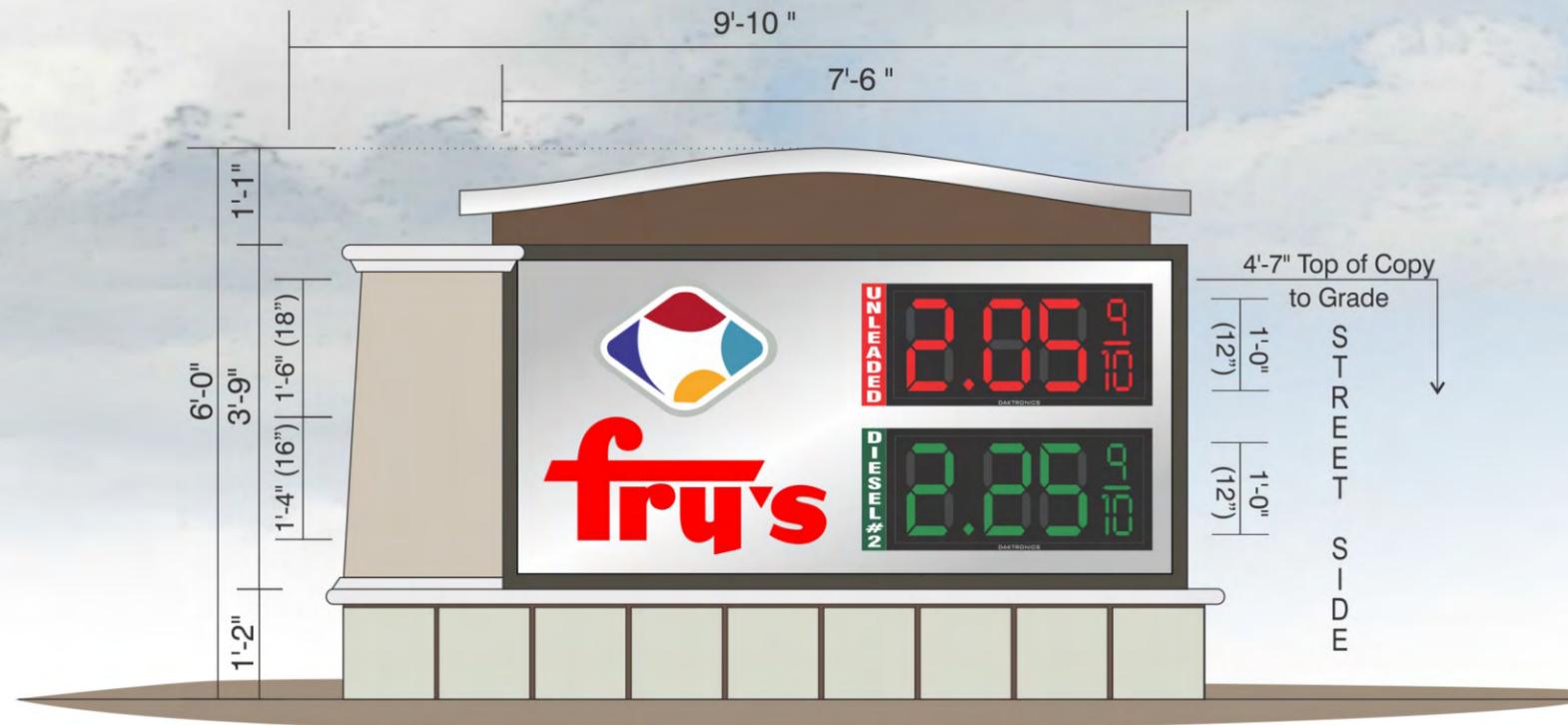
**New Double Face LED Dinner Theater Monument Sign
(NDF) Theatre**

ROONEY RANCH

SCALE: 1/2"=1'-0"

D-3

ROONEY RANCH (PARCEL D) Monument Signs



**New Double Face Fuel Monument Sign
(NDF)**

ROONEY RANCH

SCALE: 1/2"=1'-0"

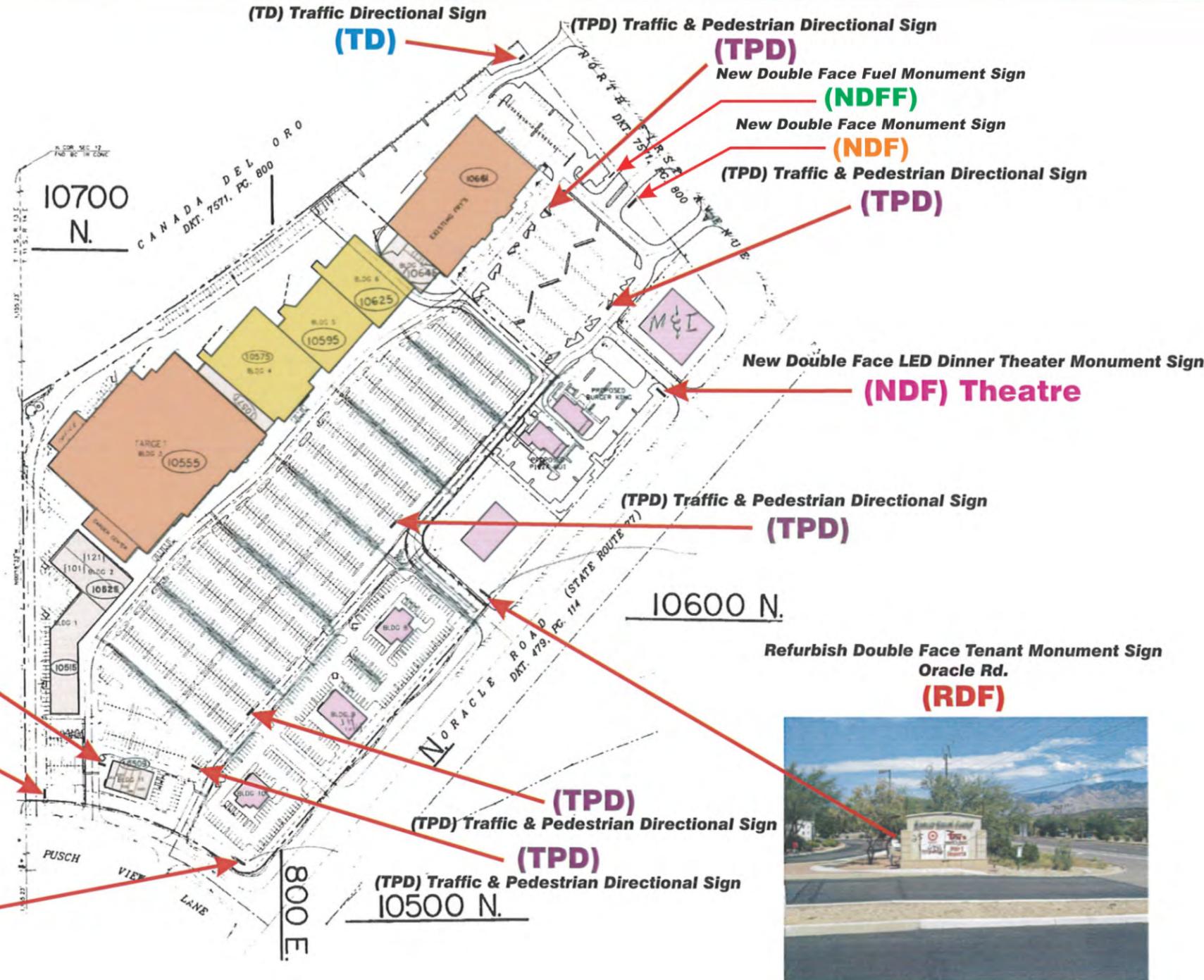
D-3

ROONEY RANCH (PARCEL D) Monument & Directional Signs

10551 N. Oracle Rd. - Oro Valley, Az.

BUILDING COLOR LEGEND

- Anchor
- Major
- Minor
- Shop Tenant
- PAD



Refurbish Double Face Tenant Monument Sign
Pusch View Lane
(RDF)



Refurbish Double Face Tenant Monument Sign
Oracle Rd.
(RDF)



ROONEY RANCH

ROONEY RANCH (PARCEL D) Sign Guidelines

1055 I N. Oracle Rd. - Oro Valley, Az.

ROONEY RANCH STANDARDS FOR PARCEL D: WALL SIGNS

USER	SIGN AREA ALLOWANCE	COLOR	MAX. Char. Ht.	illumination	Max logo size	Sign Construction/Location
Anchor Tenant (over 60,000 sqft.)	1.5 sqft.for each linear foot of bldg. frontage on which the sign is to be placed, not to exceed 500 sqft. for any single user. Must face a street.	Logo-any 1 Text- any from approved color palletete.	6'	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	36 sqft. 5' 3" in height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Major Tenant (15,000-59,999 sqft.)	1.5 sqft.for each linear foot of bldg. frontage on which the sign is to be placed, not to exceed 300 sqft. for any single user. Must face a street.	Logo-any 1 Text- any from approved color palletete	4'	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	18 sqft. not to exceed max. character height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Minor Tenant (7,500-14,999 sqft.)	1 sqft for each linear foot of bldg. frontage, or if the space is more than 300 feet from the road they may use 1.5 sqft for each linear foot of bldg. frontage.	Logo-any 1 Text- any from approved color palletete	4'	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	14 sqft not to exceed max character height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Shop Tenant (0-7,499 sqft.)	1 sqft for each linear foot of bldg. frontage, or if the space is more than 300 feet from the road they may use 1.5 sqft for each linear foot of bldg. frontage.	Logo-any 1 Text- any from approved color palletete	36 inches for single line 24 inches each for two lines	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	12 sqft. not to exceed max. character height	<ul style="list-style-type: none"> •Pan channel or Reverse channel for letters/cabinets for logos (8 in deep max) •Aluminum, Acrylic, Painted, Metal, Flexface material. •Only two (2) elevations may have wall signs: • If a single tenant occupies an end unit, there may be signs on three elevations, but not the rear.
Pad Building	1 sqft. for each linear foot of bldg frontage on which the sign is to be placed.	Logo-any 1 Text- any from approved color palletete	36 inches for single line 24 inches each for two lines	Text or logo maybe either halo or internally illuminated and both may be used in a sign but each character, symbol, or logo may use only one illumination type. LED, white neon or equal maybe used . Cabinets may be used for logos provided only characters emit light	20 sqft. not to exceed max. character height	<ul style="list-style-type: none"> • Pan channel or Reverse channel for letters/Cabinets for logos (8 in deep max) text and logos. •Aluminum, Acrylic, Painted, Metal, Flexface material •If a single tenant occupies a pad (freestanding Building) there may be signs on 3 elevations; only two (2) maybe illuminated. If multiple tenants occupy a pad, no more than 2 elevations may contain a wall sign.

- 1 except fluorescents or iridescents
- 2 Internally illuminated signs may use LED's
- 3 No Signs on Raceways
- 4 No exposed neon



ROONEY RANCH (PARCEL D) Sign Guidelines

10551 N. Oracle Rd. - Oro Valley, Az.

ROONEY RANCH PARCEL D STANDARDS FOR MONUMENT SIGNS, TRAFFIC/ PEDESTRIAN DIRECTIONAL, & THEATER SIGN

SIGN TYPE	QUANTITY	COLOR	ILLUMINATION	AREA	SIGN CONSTRUCTION
New double face Monument Signs (NDFM)	Parcel D: One (1)	Logo and text any from approved color palette approved corporate colors for anchors	Halo illumination or push thru letters for center name internal illumination for tenant panels only characters may emit light.	72 sqft of sign area including logo	Reverse channel or push thru for center name. tenant panels brushed aluminum opaque background only characters may emit light
Monument Signs NDF THEATRE SIGN	Parcel D: One (1)	Logo and text any from approved color palette	Halo illumination or push thru letters for center name internal illumination for tenant panels only characters may emit light.	72 sqft of sign area including logo	Reverse channel or push thru for center name. 1' x 9'5" Display area for Red Grayscale LED changeable graphics.
Refurbished Monument Signs for Parcel D (RDF)	all existing signs to remain as is until center is re-modeled	Logo and text any from approved color palette	Halo illumination or push thru letters for center name internal illumination for tenant panels only characters may emit light.	N/A	Refurbished signs to follow criteria set out for refurbished double face monument signs as shown on the approved MSP drawings for Parcel D. If sign is completely replaced it will meet the guidelines for a new double face monument sign.
Traffic & Pedestrian Directional Sign (TPD)	5 permitted for Parcel D max height 6 feet	Same as Monuments	Internal illumination only characters may emit light	N/A	Maybe internal illumination or non illumination
Traffic Directional Sign (TD)	3 permitted for Parcel D max height 3 feet	Same as Monuments	Internal illumination only characters may emit light	N/A	Maybe internal illumination or non illumination

1 Monument signs to be placed in landscaping setting



ROONEY RANCH (PARCEL D) Directional Signs



(TPD) Traffic & Pedestrian Directional Sign
(TPD)

(TD) Traffic Directional Sign
(TD)

SCALE: 1/2"=1'-0"

ROONEY RANCH

ROONEY RANCH (PARCEL D & B) Various Sign Type Elevations



ROONEY RANCH

The vinyl colors shown are representative herein and to be used on all tenant signage not protected by trademark.

Tenants with trademarked copy and/or logos shall be permitted to utilize any vinyl/or acrylic color(s) necessary to duplicate the trademark and are not subject to limitations or restrictions to the color palette within the permitted logo size allowance.

3M™ Scotchcal™ Translucent Graphic Films

- White
3630-20, 3632-20
- Ivory
3630-005
- Light Beige
3630-149
PANTONE® 438 C
- Silver
3630-121
PANTONE 877 C
- Gold Nugget
3630-141
- Gold Metallic
3630-131
PANTONE 873 C
- Bronze
3630-129
PANTONE 471 C
- Brushed Alum. vinyl

Shadow Grey 3630-71 PANTONE 409 C	DELETED	Vivid Rose 3630-78 PANTONE 205 C
Silver Grey 3630-51 PANTONE 430 C	DELETED	Rose Mauve 3630-68 PANTONE 190 C
Slate Grey 3630-61	TARGET Cardinal Red 3630-53, 3632-53	
Black 3630-22*, 3632-22* PANTONE Process Black C	Dark Red 3630-73, 3632-73+	
Duranodic 3630-60* PANTONE Black C	DELETED	Red 3630-39, 3632-33
Dark Brown 3630-59 PANTONE 4625 C	Regal Red 3630-83, 3632-83 PANTONE 187 C	
Rust Brown 3630-63 PANTONE 488 C	Poppy Red 3630-143	
Light Rust Brown 3630-109 PANTONE 181 C	Light Tomato Red 3630-43, 3632-43	
Burgundy 3630-49, 3632-49+ PANTONE 188 C	HOME DEPOT Orange 3630-44, 3632-44 PANTONE 1655 C	
Raspberry 3630-133 PANTONE 220 C	DELETED	Tangerine 3630-84 PANTONE 151 C

DELETED	Kumquat Orange 3630-74 PANTONE 1875 C	Bright Jade Green 3630-115	Intense Blue 3630-127, 3632-127 PANTONE 900 C
Marigold 3630-75	Sunflower 3630-25, 3632-25 PANTONE 123 C	Green 3630-26, 3632-26+ PANTONE 349 C	Bright Blue 3630-167, 3632-167+ PANTONE 2945 C
Golden Yellow 3630-125 PANTONE 1235 C	Yellow 3630-015, 3632-015 PANTONE 109 C	Holly Green 3630-76, 3632-76+	Bristol Blue 3630-87, 3632-87 PANTONE 294 C
Light Lemon Yellow 3630-115 PANTONE 9965 C	Teal Green 3630-246, 3632-246 PANTONE 322 C	Dark Emerald Green 3630-126, 3632-126 PANTONE 3435 C	Sultan Blue 3630-157, 3632-157 PANTONE 288 C
DELETED	Brilliant Green 3630-106 PANTONE 376 C	Turquoise 3630-236 PANTONE 3282 C	European Blue 3630-137 PANTONE 281 C
Lime Green 3630-136 PANTONE 368 C	Evening Blue 3630-317 PANTONE 658 C	Blue 3630-36, 3632-36+ PANTONE 281 C	Royal Blue 3630-87, 3632-87 PANTONE 274 C
Vivid Green 3630-156, 3632-156 PANTONE 355 C	Light European Blue 3630-147	DELETED	Phum Purple 3630-128 PANTONE 2622 C
Light Kelly Green 3630-146 PANTONE 347 C	Olympic Blue 3630-57	DELETED	Intense Magenta 3630-118 PANTONE 241 C
	Process Blue 3630-337	DELETED	Pink 3630-108 PANTONE 224 C

Translucent Films for backlit sign applications

Note that the elements used in sign construction, including sources of illumination, adhesives and substrates, can affect color. In most instances, color variation is slight, but certain elements will have a more noticeable effect, particularly on shades of white. PANTONE® color numbers are based on reflective light measurements of product samples applied to a standard white substrate.

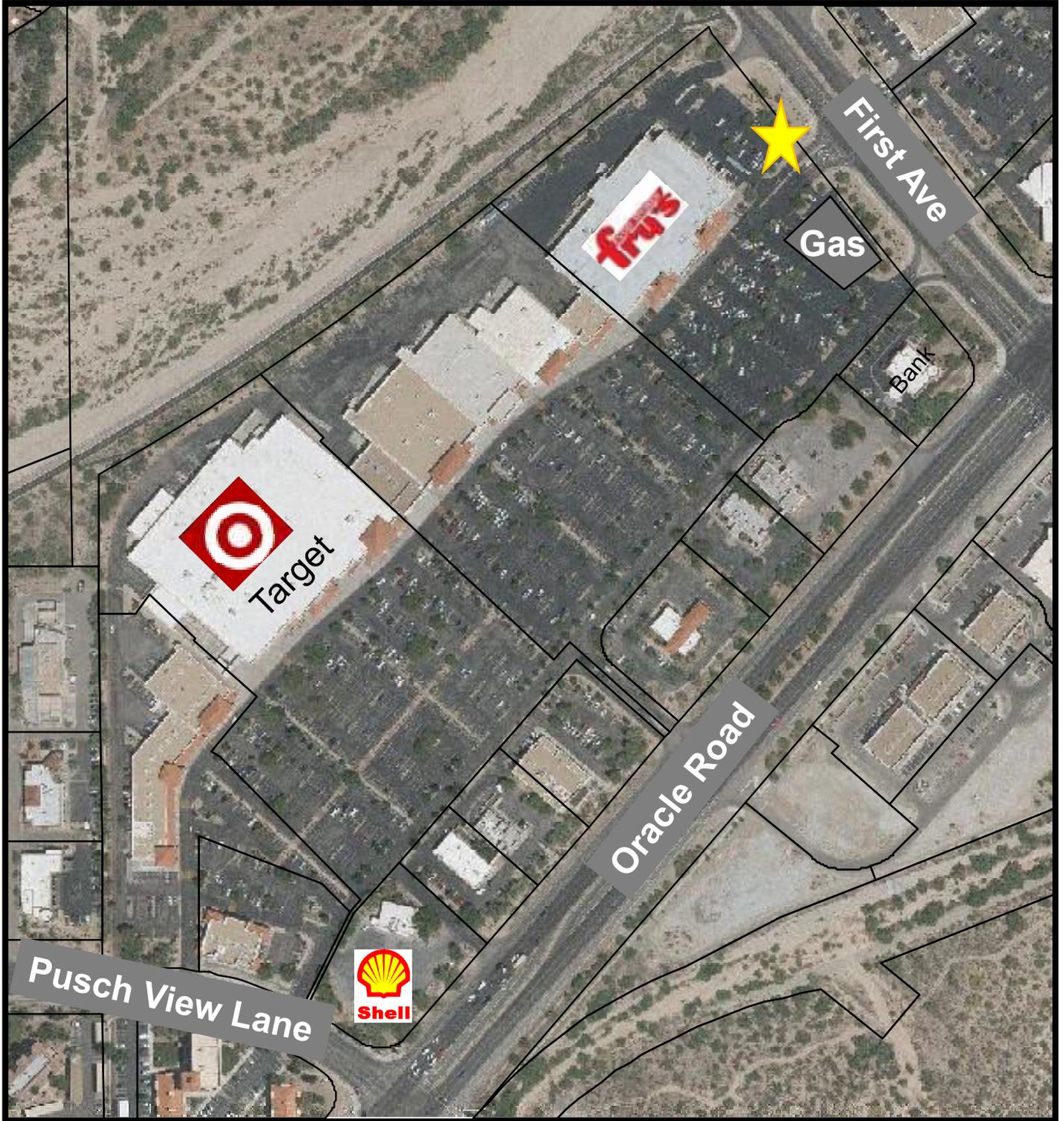
3M Light Management Films

- 3M™ Dual-Color Film White
3635-210**
- 3M™ Dual-Color Film Black
3635-222**
- 3M™ Light Enhancement Film Matte White
3635-110***
- 3M™ Diffuser Film White (40% light transmission)
3635-50****
- 3M™ Diffuser Film White (60% light transmission)
3635-71****
- 3M™ Day/Night Film Smoke Grey
3645-91
- 3M™ Day/Night Film Dark Grey
3645-0171
- 3M™ Blockout Film White Matte
3635-20E
- 3M™ Blockout Film Black Matte
3635-22E

The colors shown are representative herein and to be used on all monument signs & wall signs.

- (Lt. Beige) Match Building Colors
- (Dk. Beige) Match Building Colors
- (Beige) Match Tile Color
- (Brown) Match PMS 476C
- (Duranodic Bronze) MAP 41-313
- (Anodic Black) MAP 41-335
- (Wrisco) Brushed Aluminum
- (Treated or Painted) Copper Patina





 = Location of proposed fuel station sign



Location Map/Aerial Photo
Rooney Ranch (OV1601741)
Attachment 2

Existing Fuel Signs in Oro Valley



Fuel Station Signs

Rooney Ranch (OV1601741)

Attachment 3



Attachment 4

Current and Proposed MSP Comparison

	Current MSP	Proposed MSP	Zoning Code
Electronic changeable copy signs	Allowed only for “theater and dinner theaters”	Allow for theaters, dinner theaters and fuel stations	Allows for fuel centers
Location	Not provided	One (1) fuel sign in addition to the previously approved multi-tenant monument sign at the First Ave. entrance.	May have more than 2 monument style signs off First Ave. including fuel center sign
Quantity	None	One fuel sign per street frontage	One fuel sign per street frontage
Size	None	28 square feet	32 square feet

Attachment 5
General Plan Analysis

The Zoning Code amendments were reviewed for conformance with the General Plan's Goals and Policies. Listed below are relevant policies within the General Plan relating to signage in *italics*, followed by staff commentary:

Signage: Signage controls have to balance citizens concerns about the increasing level of signage with the needs of businesses to attract customers.

Policy 2.1.10: The Town shall create standards for signage to provide information and direction to allow businesses to attract and maintain customers with the least intrusive signage possible.

Policy 11.3.3 The Town shall use existing standards and guidelines, and establish new ones as needed, to ensure that the built environment blends with or enhances the natural environment by restricting signage primarily to identification.

The proposed signage would improve the fuel center's visibility to vehicular traffic while not impacting adjacent properties. The adjacent development across First Avenue is another commercial development with monument signs of its own therefore there would be no adverse impact by the additional sign.



Master Sign Program Revision Conceptual Design Review Board Staff Report

CASE NUMBER: OV1601741

MEETING DATE: August 9, 2016

AGENDA ITEM: 4

STAFF CONTACT: Patty Hayes, Senior Planning Technician
phayes@orovalleyaz.gov (520) 229-4819

Applicant: Andy Gibson

Request: Revise Master Sign Program

Location: Rooney Ranch Parcel D at Oracle Rd. and First Avenue

Recommendation: Recommend approval of revised Master Sign Program

SUMMARY:

The proposed revision (Attachment 1) to the Rooney Ranch Master Sign Program (MSP) is to allow the following:

- Electronic changeable copy for fuel prices
- An additional monument sign, for the fuel prices, at the First Avenue entrance

The MSP currently allows electronic changeable copy for theaters only. Also, the current MSP site plan does not provide a location specifically for a fuel price monument sign on the northern side of the property. The proposed revised MSP will allow electronic changeable copy for theaters and fuel stations and add a location for an additional monument sign for fuel prices.

The Conceptual Design Review Board (CDRB) reviews Master Sign Programs and makes recommendations to Town Council.

BACKGROUND:

The Rooney Ranch Development, as shown in Attachment 2, had a revised master sign program approved in 2012 that specifically limited electronic changeable copy for theaters .

The zoning code allows fuel centers to have electronic changeable copy as a component of a sign. The proposed monument sign with electronic changeable copy in the revised MSP is no different than signs already found in the Town as demonstrated in Attachment 3.

Existing Site Conditions

- Zoning is Rooney Ranch Planned Area Development Parcel D
- Development includes completed retail, grocery, fuel and restaurant uses

**OV1601741 Rooney Ranch Master Sign Program Revision
Conceptual Design Review Board Staff Report**

Page 2 of 3

Proposed Improvements

A new fuel center is proposed to be built in the northern section of the development near the Fry's grocery store. As with any fuel station, a sign showing the fuel prices is requested to be placed on the property.

Below is a summary of the current and proposed changes to the MSP in comparison with the zoning code.

	Current MSP	Proposed MSP	Zoning Code
Electronic changeable copy signs	Allowed only for "theater and dinner theaters"	Allow for theaters, dinner theaters and fuel stations	Allows for fuel centers
Location	Not provided	One (1) fuel sign in addition to the previously approved multi-tenant monument sign at the First Ave. entrance.	May have more than 2 monument style signs off First Ave. including fuel center sign
Quantity	None	One fuel sign per street frontage	One fuel sign per street frontage
Size	None	28 square feet	32 square feet

DISCUSSION / ANALYSIS:

The CDRB reviews Master Sign Programs for conformance with the adopted Design Principles. The Design Principles and Design Standards (*italics*) are listed below, followed by staff comments.

Design Principle Analysis

- *Section 22.9.D.5.b.iv: "Signs: Sign colors, design and placement shall be complementary and integral to the projects architecture and sign design themes."*

The proposed fuel center monument sign continues the same design features and colors as the other monument signs currently found in the Rooney Ranch MSP.

Design Standards Analysis

- *Section 28.B.3. Review of a Master Sign Program shall be guided by the following : Overall character of the entire development, including landscaping, architecture, topography, uses and design.*

The Rooney Ranch development is an established 41 acre commercial development located on the west side of Oracle Road between First Avenue and Pusch View Lane. The proposed fuel center monument sign continues the same updated style and color scheme as the other signs in the development and in the current MSP.

**OV1601741 Rooney Ranch Master Sign Program Revision
Conceptual Design Review Board Staff Report**

Page 3 of 3

General Plan Polices

- *The General Plan requires a balance between a businesses need to attract customers and provide the least intrusive signage.*

The proposed signage would improve the fuel center's visibility to vehicular traffic while not impacting adjacent properties. The adjacent development across First Avenue is another commercial development with monument signs of its own therefore there would be no adverse impact by the additional sign.

RECOMMENDATION:

Based on the finding that the proposed application is consistent with the Design Principles and Design Standards and electronic changeable copy signs for fuel centers are allowed by the Zoning Code, it is recommended that the Conceptual Design Review Board take the following action:

Recommend approval of the revised Master Sign Program, case number OV1601741.

SUGGESTED MOTIONS:

I move to recommend approval of the revised Master Sign Program for the Rooney Ranch Center allowing electronic changeable copy and the additional monument sign based on the finding that the request is consistent with the Design Principles and Design Standards.

OR

I move to recommend denial of the revised Master Sign Program for the Rooney Ranch Center as it does not meet the finding that _____.

ATTACHMENTS:

1. Applicants Submittal
 - a) Revisions include:
 - i. Page 5 Note Revision
 - ii. Page D3 Proposed Monument Sign
 - iii. Page D4 Revised Site Plan
2. Location Map
3. Photos of the Similar Signs


Bayer Vella, Planning Manager

**ACTION MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
AUGUST 9, 2016
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chairman Eggerding called the August 9, 2016 Regular Session of the Oro Valley Conceptual Design Review Board meeting to order at 6:00 PM.

ROLL CALL

PRESENT: Dick Eggerding, Chair
Bruce Wyckoff, Vice Chair
Nathan Basken, Member
Sarah Chen, Member
Kit Donley, Member
Jacob Herrington, Member
Hal Linton, Member

ABSENT: None

ALSO PRESENT: Tobin Sidles, Director Legal Services

PLEDGE OF ALLEGIANCE

Chair Eggerding led the members of the Board and Audience in the Pledge of Allegiance

CALL TO AUDIENCE

There were no speaker requests.

COUNCIL LIAISON COMMENTS

There was no Council Liaison in attendance.

1. REVIEW AND/OR APPROVAL OF THE JULY 12, 2016 REGULAR SESSION MEETING MINUTES

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Nathan Basken, Member to approve the July 12, 2016 regular session meeting minutes.

MOTION carried, 7-0.

2. CONCEPTUAL MODEL HOME ARCHITECTURE FOR MATTAMY HOMES AT RANCHO VISTOSO PARCEL 5F LOCATED ON THE NORTHEAST CORNER OF MOORE ROAD AND RANCHO VISTOSO BOULEVARD, OV1315-11

Rosevelt Arellano, Senior Planner, provided a presentation that included the following:

- Purpose
- Site Location
- Approved Site Plan Location Map
- Building Cluster Diagram
- Desert Contemporary - Building Cluster No. 1
- Desert Contemporary
- Rustic Spanish - Building Cluster No. II
- Rustic Spanish
- Sonoran - Building Cluster No. III
- Sonoran
- Surrounding Homes
- Splendido
- Summary and Recommendation

Josh Robinson, Division President of Mattamy Homes, provided an overview of the project that included the following:

- Ridge View at Vistoso Trails
- Site Plan of property lines

Ryan Repucci, RAH Architect representative on behalf of Mattamy, provided a presentation that included the following:

- Floor Plan Diagram
- Sample Block Shift Plans
- Desert Contemporary Floor Plan
- Color Package Desert Contemporary
- Sonoran Color Package
- Rustic Spanish
- Plan 2 Desert Contemporary
- Plan 2 - Side Elevation
- Plan 3 - Desert Contemporary
- Plan 2 - Sonoran Elevation
- Plan 4 - Sonoran Elevation
- Plan 5 - Casita - Sonoran Elevation

- Plan 5 Casita - Side Elevation
- Plan 5 Casita Elevation
- Plan 6 Side Elevation
- Diversity of Material and color palette
- Elevation type with garage door
- Color Packages
- Material Palette

Chairman Eggerding opened the Public Hearing.

There were no speaker requests.

Chairman Eggerding closed the Public Hearing.

Member Basken asked about the potential view impacts from Rancho Vistoso Boulevard. He was concerned about the lack of architectural treatments on the rear elevation.

The applicant discussed the amount of landscaping and screen walls to be constructed between Rancho Vistoso Boulevard and the proposed subdivision, limiting potential visual impacts.

MOTION: A motion was made by Nathan Basken, Member and seconded by Jacob Herrington, Member to approve the Conceptual Model Home Architecture (Plans 1 through 6) for the Rancho Vistoso Parcel 5F subdivision as provided within Attachment 1, based on the findings that the request complies with the Design Principles and Design Standards in the Zoning Code.

MOTION carried, 7-0.

3. DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR CONCEPTUAL ARCHITECTURE FOR THE CANYON DEL ORO BAPTIST CHURCH EXPANSION, LOCATED AT 9200 N ORACLE ROAD, ON THE NORTHEAST CORNER OF ORACLE ROAD AND CALLE CONCORDIA, OV16001613

Chad Daines, Principal Planner, provided a presentation that included the following:

- Purpose
- Location Map
- Site Plan Diagram
- Proposed Architecture - Sanctuary
- Proposed Building Height - Sanctuary
- Proposed Architecture - Youth Building
- Existing Campus
- Pusch Ridge Christian Academy

- Single Family Homes
- Recommendation

Ed Marley, Architect, Swaim Associates, representing the applicant, provided a presentation that included the following:

- CDO Baptist Sanctuary and Youth Building Additions Conceptual Architectural Review Submittal
- Site Plan
- North Elevation
- Entry into Sanctuary
- East Elevation of Sanctuary
- West Elevation of Existing Campus
- East Elevation of Student Center
- Southwest Elevation of Student Center
- Site Sections
- Building Sections - Sanctuary
- Building Sections - Youth
- Site Photos
- Color and Materials Palette

Member Basken asked about the height of the existing cross on the roof of the current facility. Concerns were raised regarding the lack of context relating to the requested building height increase.

Staff estimated the height to be approximately 30 feet and referenced the adjacent Pusch Ridge Christian Academy to the north as having a similar building height.

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Sarah Chen, Member to recommend approval of the Conceptual Architecture finding that the request is in conformance with the Design Principles and applicable Design Standards and to allow an increase in height for the sanctuary building to 36 feet.

MOTION carried, 7-0.

Mr. Sidles noted for the record that there were no speaker requests for this item.

4. DISCUSSION AND POSSIBLE ACTION FOR A REVISION TO THE MASTER SIGN PROGRAM AT THE ROONEY RANCH CENTER INCLUDING THE FRY'S GROCERY AND FUEL CENTER, LOCATED AT 10661 N. ORACLE ROAD. THE REVISION IS TO ALLOW ELECTRONIC CHANGEABLE COPY SIGNS FOR FUEL PRICING, OV1601741

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Purpose
- Location
- Master Sign Program
- History
- Proposed Revision
- Additional Monument Sign
- General Plan
- Summary and Recommendation

Andy Gibson, President of Bootz & Duke Signs, representing the applicant, provided a presentation that included the following:

- Proposed Revision
- Gave a brief history of the master sign program for Rooney Ranch, Parcel D

Vice Chair Wyckoff asked a question regarding the font size of the numbers on the gas sign being consistent with the existing sign at the gas station at Oracle Road and Pusch View Lane.

The applicant responded that the font was 12 inches and would be similar to the existing sign.

MOTION: A motion was made by Sarah Chen, Member and seconded by Bruce Wyckoff, Vice Chair to recommend approval of the revised Master Sign Program for the Rooney Ranch Center allowing electronic changeable copy and the additional monument sign based on the finding that the request is consistent with the Design Principles and Design Standards.

MOTION carried, 6-0.

5. DISCUSSION AND POSSIBLE ACTION FOR A REVISION TO THE SIGN CRITERIA FOR THE MAGEE PLAZA LOCATED AT 8085 N. ORACLE ROAD. THE REVISION IS TO EXPAND THE COLOR PALETTE AND SIGN DESIGN FOR THE DEVELOPMENT, OV1601513

Patty Hayes, Senior Planning Technician, provided a presentation that included the following:

- Location
- Sign Criteria
- Proposed Revision
- Additional Building Elevations
- General Plan
- Summary and Recommendation

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Jacob Herrington, Member to recommend approval of the Magee Plaza Sign Criteria based on the finding that the proposed revised Sign Criteria is consistent with the Design Principles.

MOTION carried, 7-0.

6. PRESENTATION AND DISCUSSION ON PROPOSED ARCHITECTURE FOR THE NAKOMA SKY SENIOR CARE FACILITY, PLANNED FOR THE 77 ACRES AT THE SOUTHEAST CORNER, NARANJA DRIVE AND 1ST AVENUE, OV1601351

Chad Daines, Principal Planner, provided a presentation that included the following:

- Purpose
- Location
- Project Timeline
- Tentative Development Plan
- Rezoning - Architectural Concept
- Architectural Rezoning Conditions
- Architectural Concept Image
- View Impacts
- Building Height Step Downs
- Building Height Step downs in elevation
- Varied Roof and Wall Planes
- Varied Roof and Building Materials
- Landscaped Terraces
- Muted Earth Tone Colors
- Parking Garage
- Summary

Board Member Chen, questioned drainage to the property which included flood plain concerns.

David Laws, Permitting Manager, addressed Member Chen's drainage and flood plain concerns.

Board Member Herrington questioned the number of traffic entrances which would include emergency vehicle entrances.

David Laws, Permitting Manager, addressed Board Member Herrington's question regarding traffic entrances versus the amount of units.

Lisa Israel, CEO and President of La Posada Retirement Community, provided a presentation that included the following:

- Nakoma Sky Introduction
- Provided a brief history on La Posada in Green Valley and the future of Nakoma Sky
- The benefits to Oro Valley
- Future clientele for the proposed project
- Project Timeline and Key Dates
- Summary

Gary Koener, President, Three Living Architects, provided a presentation that included the following:

- Site Map
- Project section / Building Elevation C
- Project Materials
- View from Southeast - Perspective A
- Arial View from Southeast Perspective B
- View of Residential Units at Ends of Wings - Perspective C
- View of Residential Units at the End of Central Wings - Perspective D
- View of Village and Commons - Perspective E
- View of Arrival Court - Perspective F
- View of Five Story Residential Building - Perspective G
- View of Indoor Pool Building and Courtyard - Perspective H
- Underground Garage
- View of West Garage Building - Perspective J
- Art Expression Building

Vice Chair Wyckoff commented that in his opinion the elevations were too busy and he did not care for the green roofs. He also felt that older residents of the facility may have difficulty locating the building entrance.

PLANNING UPDATE (INFORMATIONAL ONLY)

Michael Spaeth, Senior Planner, presented the Planning Update:

- September 13th Conceptual Design Review Board Meeting, three upcoming items.
- September 7 Town Council Meeting six upcoming items.
- August 25 Upcoming Neighborhood Meeting regarding the PAD Amendment and Conceptual Site Plan for a mini storage facility at Steam Pump Ranch.

ADJOURNMENT

MOTION: A motion was made by Bruce Wyckoff, Vice Chair and seconded by Hal Linton, Member to adjourn the Conceptual Design Review Board at 8:22 pm.

MOTION carried, 7-0.



Town Council Regular Session

Item # 6.

Meeting Date: 09/07/2016

Requested by: Councilmember Zinkin & Councilmember Garner

Submitted By: Mike Standish, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION REGARDING FINANCIAL PARTICIPATION AGREEMENTS AND COUNCIL POLICY REGARDING DELEGATION OF AUTHORITY TO STAFF RELATED TO PERFORMANCE MEASURES IN SUCH AGREEMENTS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

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

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____

Attachments

No file(s) attached.



Town Council Regular Session

Item # 7.

Meeting Date: 09/07/2016

Requested by: Bayer Vella

Submitted By: Rosevelt Arellano
Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

*REQUEST FOR APPROVAL OF A TWO YEAR EXTENSION OF THE MILLER RANCH MASTER DEVELOPMENT PLAN, LOCATED ON THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CANADA DRIVE (Item moved from Consent Agenda Item E to Regular Agenda on 9/1/16 at 2:30 p.m.)

RECOMMENDATION:

Staff recommends approval of the two year extension of time request to July 21, 2018.

EXECUTIVE SUMMARY:

The applicant has requested a two year extension of the Miller Ranch Master Development Plan. The approved Development Plan depicts a technology park with office, retail, bank and restaurant uses (Attachment 1). The location map (Attachment 2) provides context of the site in relation to the surrounding area.

The Town Council has granted two extensions (covering July 2012 to July 2016) of the original Development Plan approvals. The applicant has requested (Attachment 3) an additional extension prior to the July 21, 2016 expiration date.

The Development Plan was originally approved by the Town Council in July 2010. As a basis for the previous and current request, the applicant has cited economic hardship in the markets, which has delayed securing potential users for the development, with the current construction of Tangerine Road as a partial cause. There has been no development on the site; however, the applicant has informed staff that they are currently working to secure a potential user for the northern portion.

It is important to note that the approved Development Plan complies with the land use and site plan requirements (e.g. parking, building orientation, landscape buffer yards, etc.) of the Zoning Code, and a denial of this extension will not require a different

site layout. The applicant has indicated that they will exercise the current zoning entitlements to establish the same design. A denial of this request would result in a new application, neighborhood meetings and public meetings to inefficiently review the same or similar design.

To summarize, there are three factors that support the applicant's request for an approval extension of the current plan:

1. Since original approval, there have been no code changes or updates that affect the current plan
2. Tangerine Road is currently under construction, which will impact interest in development of the site, until complete
3. If denied, the applicant will process the same plan back through the conceptual design process, and since zoning and the code have not changed to impact the original design, the Town is compelled to approve the plan

BACKGROUND OR DETAILED INFORMATION:

Site Conditions

- 21 acres
- Undeveloped land
- The site is zoned C-1 (Commercial) and T-P (Technological Park)
- Access to this site is from La Canada Drive and Tangerine Road

Approvals to Date

- 2004: General Plan Amendment
- 2007: Rezoning
- 2010: Conditional Use Permit for bank drive-thru (Phase 1)
- July 2010: Master Development Plan approved
- July 2010: Phase 1 (Commercial Center) and Phase 2 (Tech Park) Development Plan
- Sept. 2012: Extension of Time for Master Development Plan and Phase 1 and 2 Development Plan
- Sept. 2014: Extension of Time for Master Development Plan and Phase 1 and 2 Development Plan

The Zoning Code provides that Development Plans expire and become null and void after two (2) years if a building permit has not been issued. The Town Council may extend the Development Plan approval for up to two years if the applicant files a request prior to the expiration.

The purpose of the two year deadline is to ensure that the planned developments stay current with Zoning Code updates and changes to adjacent infrastructure (roads, utilities, etc.). The approved Development Plan complies with the current land use and site plan requirements (i.e. parking calculations, landscape buffer yards, building orientation, etc.) of the Zoning Code. Planned modifications to Tangerine Road also do not impact the proposed development.

Since the Master Development Plan was approved in 2010, the applicant has cited economic hardship in the retail market as a basis for the previous and current extension request. The applicant has informed staff that the Tangerine Road expansion project is also contributing to the lack of interest to develop the property. Despite these obstacles, they are reportedly in the process of securing a potential user for the northern portion of the site.

The property's underlining zoning districts enable the permitted uses and site plan design represented in the approved Master Development Plan. Should this extension be denied, it is not apparent that the community would benefit from a new Master Development Plan because the process would likely yield the same or similar results. The applicant has indicated that they would use their existing zoning rights to essentially design the same project. A new application would be subject to the same Zoning Code requirements, require a 6 to 8 month review, two neighborhood meetings and two public hearings.

FISCAL IMPACT:

A denial will have a negative fiscal impact to the Town. The reason being Development Services does not fully recuperate the cost of plan processing through the current fee structure. In general, Development Services operates from an overall cost recovery of 60%.

The applicant has indicated that if their extension request is denied, they will reprocess the same plan back through the Town's conceptual site plan approval process. Since there have been no changes to the Town's Zoning Code that would impact or require changes to said plan, coupled with the plan has already been approved once by the Town, the Town would be required to approve as it would meet all applicable zoning criteria.

Therefore, approving the plan as presented within will have the net effect of saving taxpayers and the Town's budget by averting unnecessary public noticing, plan review, neighborhood meetings, public CDRB and Town Council hearings, just to get the same proposal in the end.

SUGGESTED MOTION:

I MOVE to approve the request for a two year extension of the Miller Ranch Master Development Plan to July 21, 2018.

OR

I MOVE to deny the request for approval of a two year extension of the Miller Ranch Master Development Plan finding that _____.

Attachments

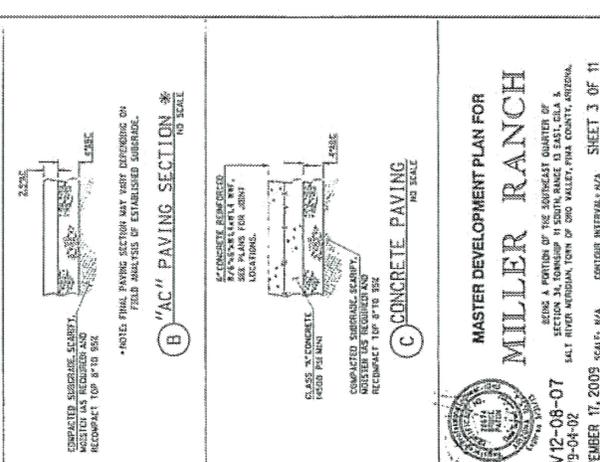
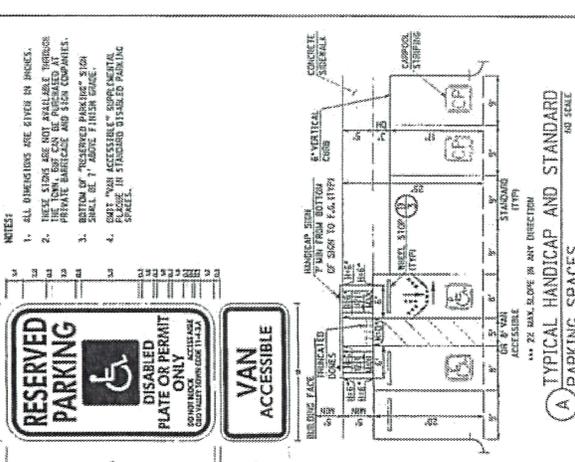
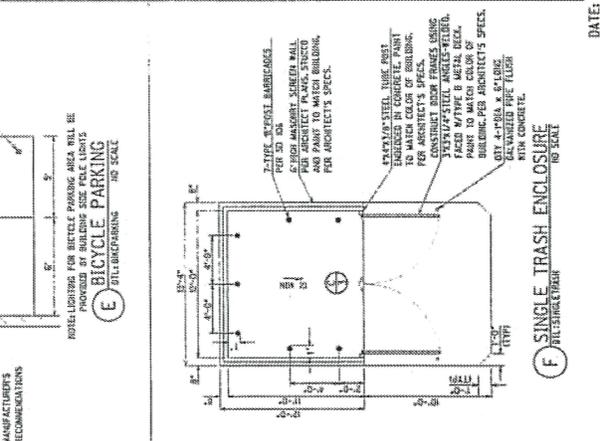
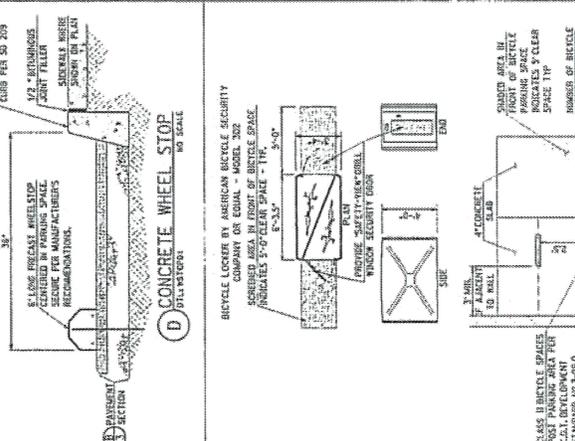
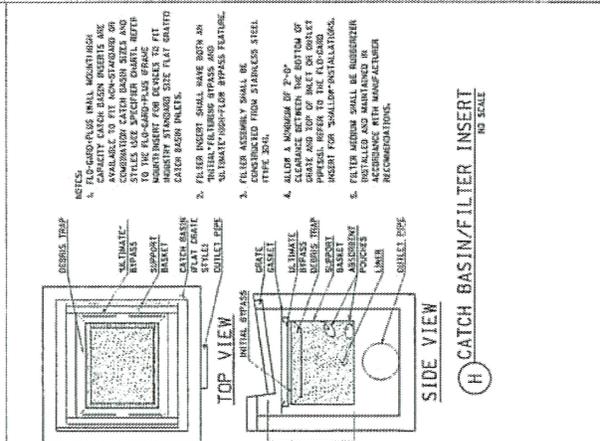
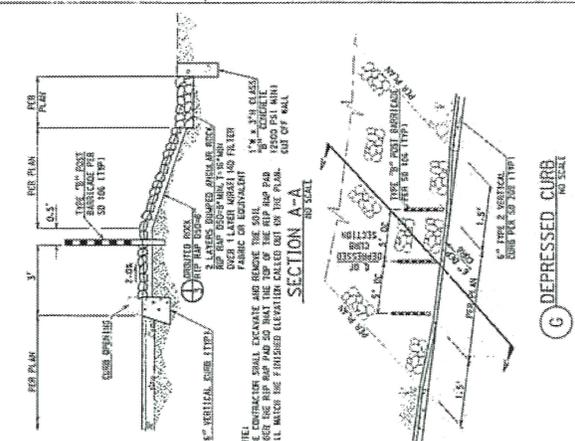
Attachment 1 - Master Development Plan

Attachment 2 - Location Map

Attachment 3 - Application

REZONING CONDITIONS

1. LABEL THE AREA, REFERENCE TO THE BOUNDARY, SHOW THE BEST USE OF THE PROPERTY TO SPECIFY THAT A FUTURE CONNECTION TO THE EXISTING BOUNDARY LINES MEET OF THE MAIN PARCELS 210-110-040, 041, 042 AND 1 THAT WILL BE ACQUIRED VIA A CROSS-ACCESS EASEMENT.
2. BECAUSE THE NEW REZONING DOES NOT APPEAR TO FOLLOW ANY KNOWN PROPERTY BOUNDARIES, A RECONSTRUCTIBLE EASEMENT WHICH INCORPORATES THE RE-ZONING BOUNDARY LINE IN A SURVEYED AND RECORDED PLAN MUST BE PROVIDED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
3. PART 1-4 REZONING, PROVIDE DETAILS FOR PEAK DISCHARGES USING APPROXIMATE METHODS SUCH AS THE REGIONAL AREA VERTICES DISCHARGE DRAINAGE PROGRAMMING JUST A SUMMARY BACK-UP DATA AND REFER TO SAID DATA IN THE TEXT OF THE REPORT.
4. RECONSTRUCTION OF THE EXISTING ROAD ABUTTING THE LENGTHS OF THE WEST SIDE PROPERTY MUST ACCORD WITH THE EXISTING CONDITIONS EXISTING PRIOR TO DISTURBANCE TO CREATE A MAJOR DRAINAGE INFRASTRUCTURE EXISTING PRIOR TO DISTURBANCE TO CREATE A MAJOR DRAINAGE INFRASTRUCTURE.
5. THE EXISTING ROAD VALLEY WATER UTILITY CONDUITS MUST BE AVOIDED.
6. ALL EXISTING AND ALL WELLS ON THE ENTIRE PRECINCT WILL BE ABANDONED PER ADVA STANDARDS.
7. ANY OTHER UTILITIES ASSOCIATED WITH THE PROPERTY WILL BE EXTINGUISHED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
8. A 20 FOOT BY 20 FOOT SITE WILL BE DESIGNATED TO OPEN FOR A PRESSURE REDUCING VALVE STATION 4000 WITHIN THE WESTERN PORTION OF THE COMMERCIAL DEVELOPMENT.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPLICANT'S RESPONSIBILITY TO CONSTRUCT ALONG WITH THE EXISTING MAIN LOOP.
10. A 6 INCH WATER MAIN WILL BE INSTALLED FROM NORTH TO SOUTH ALONG THE WESTERN SIDE WITHIN THE COMMERCIAL DEVELOPMENT. THIS IS IN ADDITION TO THE 8 INCH LOOP ALONG THE EXISTING MAIN LOOP.
11. THE EXISTING 8 INCH MAIN IN THE TANGERINE ROAD RIGHT OF WAY WHICH THIS DEVELOPMENT SHOULD BE CONNECTED TO AND EXTENDED ON TO THIS PROPERTY SHALL BE PROVIDED TO THE OWNER FOR THIS AND ALL MAINS PREVIOUSLY MENTIONED SHALL BE INSTALLED TO THE 8 INCH MAIN.
12. THE 8 INCH MAIN SHALL BE INSTALLED IN PARALLEL WITH THE MAIN LINES AND NOT BE CONNECTED AT THE TIME OF CONSTRUCTION OF THIS DEVELOPMENT. THE 8 INCH MAIN IN SOUTHWEST FROM LA CAMERA WEST TO THE TORN BOUNDARY WILL BE THE APPLICANT'S RESPONSIBILITY TO BUILD.
13. ALL APPLICABLE STANDARD NON-PAY REZONING CONDITIONS PER RESOLUTION 08-21 MUST BE ADDRESSED.
14. ALL PERMITTED, ACCESSORY AND CONDITIONALLY PERMITTED USES UNDER THE C-1 ZONE OF THE TOWN OF ORO VALLEY, EXCEPT THOSE USES INCOMPATIBLE WITH THE OFFICE PARK AND WHICH WOULD BE INCOMPATIBLE WITH THE SURROUNDING REZONING, ARE ALLOWABLE USES.
15. SIGNAGE, SIGN LIGHTING, STORE, MECH STORE, AND FABRIC STORE.
16. THE SIGNAGE SHALL BE LIMITED TO 10,000 SQUARE FEET PER USE.
17. THE SIGNAGE SHALL BE LIMITED TO 10,000 SQUARE FEET PER USE.
18. THE SIGNAGE SHALL BE LIMITED TO 10,000 SQUARE FEET PER USE.
19. THE SIGNAGE SHALL BE LIMITED TO 10,000 SQUARE FEET PER USE.
20. THE SIGNAGE SHALL BE LIMITED TO 10,000 SQUARE FEET PER USE.



RESERVED PARKING

DISABLED PARKING

DISABLED PLATE ONLY PERMIT ACCESSIBLE

VAN ACCESSIBLE

MASTER DEVELOPMENT PLAN FOR MILLER RANCH

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, T10N, R10E, S12E, SALT RIVER WATERSHED, TOWN OF ORO VALLEY, PINAL COUNTY, ARIZONA.

01/12-08-07
01/09-04-02

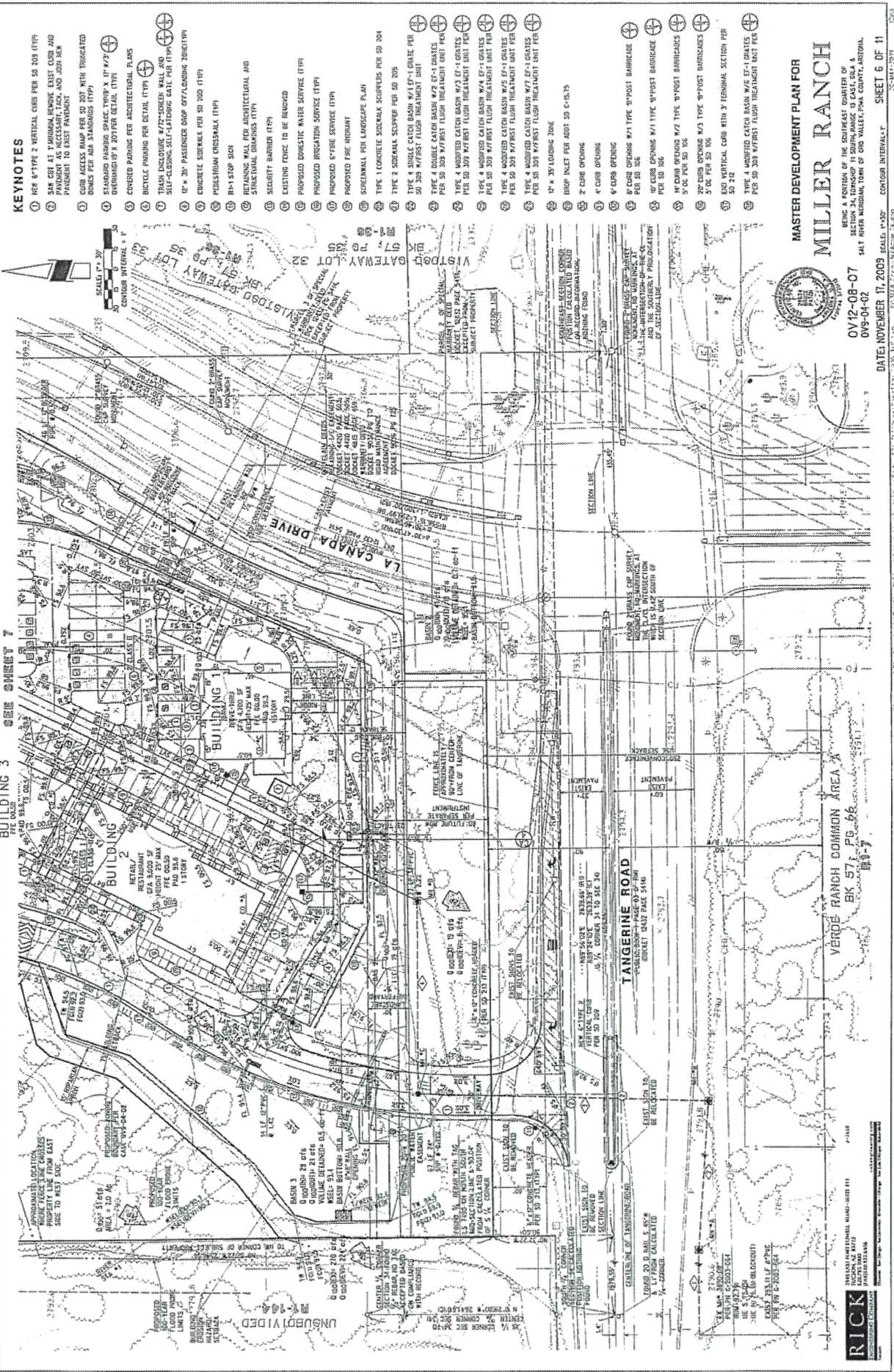
DATE: NOVEMBER 11, 2009 SCALES: N/A CONTOR INTERVAL: N/A SHEET 3 OF 11

1
GROUTED RIP RAP SLOPE TREATMENT
NO SCALE

RICK
CONSULTING ENGINEER

REGISTERED PROFESSIONAL ENGINEER
NO. 10000

10000 N. CENTRAL AVENUE, SUITE 100
DENVER, CO 80202



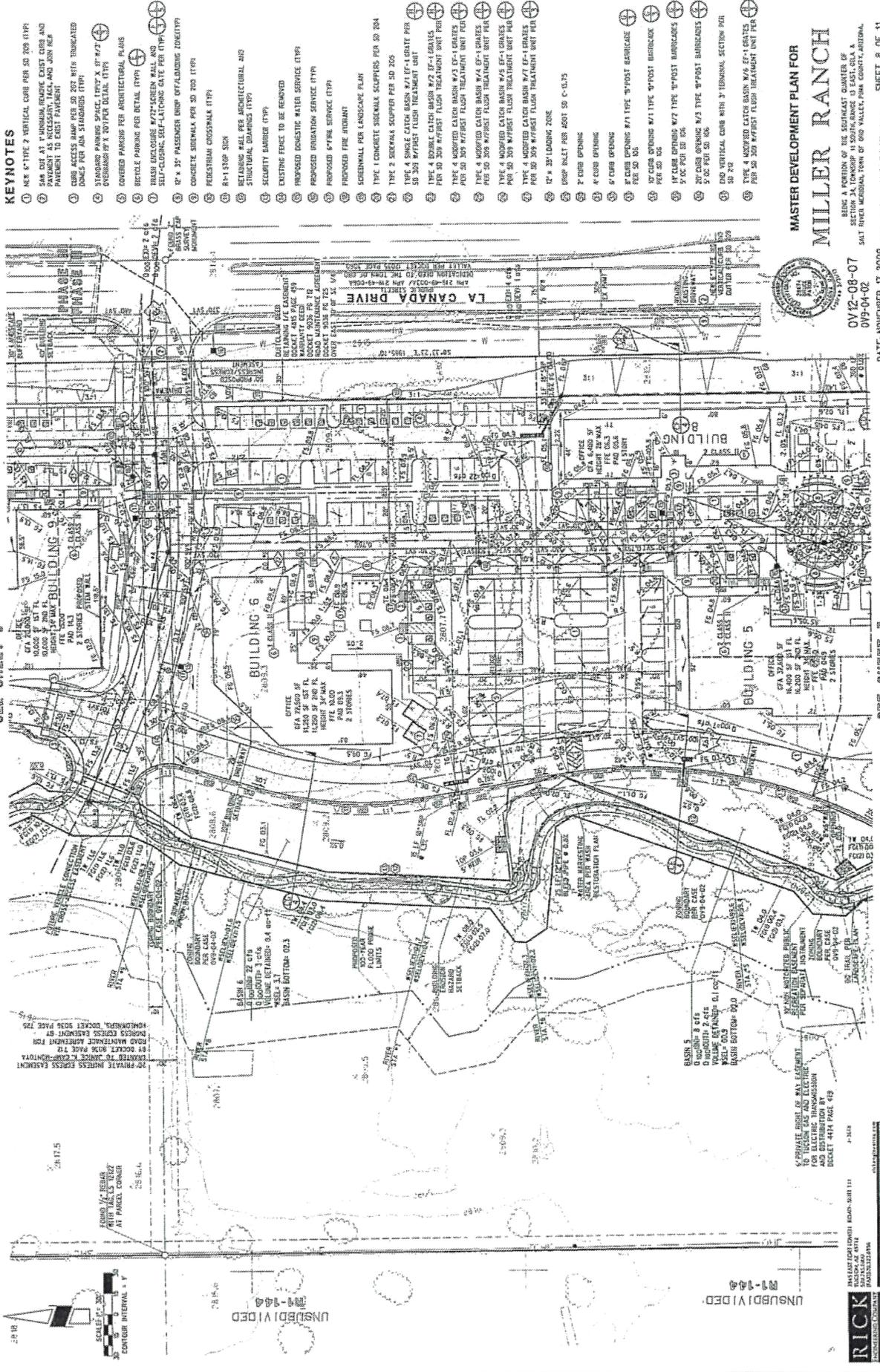
- KEYNOTES**
- 1 NEW 6" TYPE 2 VERTICAL CURB PER SD 309 (TPP)
 - 2 NEW 6" TYPE 2 VERTICAL CURB PER SD 309 (TPP)
 - 3 NEW 6" TYPE 2 VERTICAL CURB PER SD 309 (TPP)
 - 4 NEW 6" TYPE 2 VERTICAL CURB PER SD 309 (TPP)
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 - 100 NEW 6" TYPE 2 VERTICAL CURB PER SD 309 (TPP)

**MASTER DEVELOPMENT PLAN FOR
MILLER RANCH**

BEING A PORTION OF THE SOUTHWEST QUARTER OF
SECTION 24, TOWNSHIP 11 NORTH, RANGE 10 EAST, S&A 4
SALT RIVER WATERSHED, TOWN OF GOR VALLEY, PIMA COUNTY, ARIZONA.

DATE: NOVEMBER 11, 2009 SCALE: P=30' CONTOUR INTERVAL: 5'
SHEET 6 OF 11





KEYNOTES

- 1 NEW 6" TYPE 2 VERTICAL CURB PER SD 300 (TYP)
- 2 3/4" DIA. AT 1" INTERVAL, RADIC EXIST CURB AND PAVEMENT TO EXIST PAVEMENT
- 3 CURB ACCESS RAMP PER SD 202 WITH TYPICAL DOWNS PER ADA STAIRWAYS (TYP)
- 4 STANDARD PARKING SPACE, 11'0" X 17'0" (TYP) OVERSHOULDER PER X 20 PER DETAIL (TYP)
- 5 COVERED PARKING PER ARCHITECTURAL PLANS
- 6 RECYCLE PARKING PER DETAIL (TYP)
- 7 TRASH ENCLOSURE #477-SCREEN WALL AND SELF-CLOSING, SELF-LATCHING GATE PER (TYP)
- 8 12" X 36" PARALLEL CURB OF FALDING (CONCRETE)
- 9 CONCRETE SIDEWALK PER SD 300 (TYP)
- 10 PERESTRAH CROSSWALK (TYP)
- 11 R-1 STOP SIGN
- 12 REFLECTOR MAIL PER ARCHITECTURAL AND STRUCTURAL DRAWINGS (TYP)
- 13 SECURITY BARBER (TYP)
- 14 EXISTING FENCE TO BE REMOVED
- 15 PROPOSED DOMESTIC WATER SERVICE (TYP)
- 16 PROPOSED IRRIGATION SERVICE (TYP)
- 17 PROPOSED #4" FIRE SERVICE (TYP)
- 18 PROPOSED FIRE HYDRANT
- 19 SCHEDULED FOR LANDSCAPE PLAN
- 20 TYPE 1 CONCRETE SIDEWALK SLIPPERS PER SD 304
- 21 TYPE 2 SIDEWALK SLIPPERS PER SD 205
- 22 TYPE 3 SIDEWALK SLIPPERS PER SD 205
- 23 TYPE 4 SIDEWALK SLIPPERS PER SD 205
- 24 TYPE 5 SIDEWALK SLIPPERS PER SD 205
- 25 TYPE 6 SIDEWALK SLIPPERS PER SD 205
- 26 TYPE 7 SIDEWALK SLIPPERS PER SD 205
- 27 TYPE 8 SIDEWALK SLIPPERS PER SD 205
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- 118 TYPE 99 SIDEWALK SLIPPERS PER SD 205
- 119 TYPE 100 SIDEWALK SLIPPERS PER SD 205

**MASTER DEVELOPMENT PLAN FOR
MILLER RANCH**

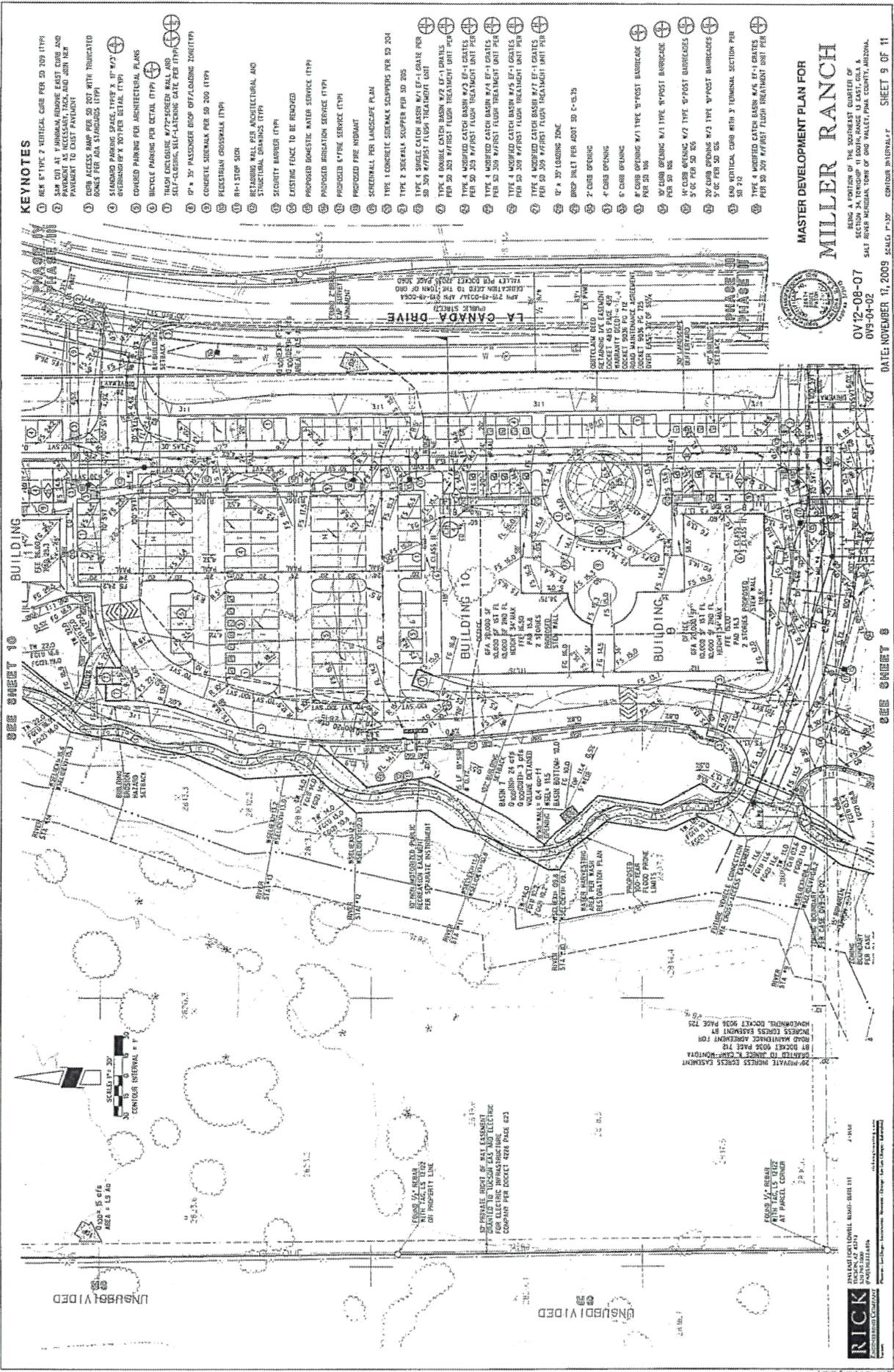
SECTION 34, TOWNSHIP 14 NORTH, RANGE 13 EAST, USA, A
SALT RIVER MARSHAL, TOWN OF 6600 VALLEY, PIMA COUNTY, ARIZONA.

DATE: NOVEMBER 17, 2009 5:00 PM
01/12-08-07
01/03-04-02

CONVOYER INTERVALS: P
SHEET 8 OF 11



UNSUBDIVIDED



KEYNOTES

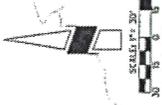
- 1. NEW 6" TYPE 2 VERTICAL CURB PER 50' 200 (ITPP)
- 2. SAW CUT AT TERMINUS REMOVE EXIST CURB AND PAVEMENT AS NECESSARY, TRUCK AND JOHN RENT PAVEMENT TO EXIST PAVEMENT
- 3. CURB ACCESS RAMP PER 50' 200 WITH TRUNCATED EDGES PER AIA STANDARDS (ITPP)
- 4. STANDARD PARKING SPACES, TYPE 'X' 8' X 20' (ITPP) WITH 5' 0" SIDEWALK PER DETAIL (ITPP)
- 5. CHANGED PARKING PER ARCHITECTURAL PLANS
- 6. TRUCK ACCESSIVE 4' X 10' PARKING SPACES PER 50' 200 (ITPP)
- 7. 10' X 30' PASSENGER BUS OFF-LOADING ZONE (ITPP)
- 8. 10' X 30' PASSENGER BUS OFF-LOADING ZONE (ITPP)
- 9. CONCRETE SIDEWALK PER 50' 200 (ITPP)
- 10. PEDESTRIAN CROSSWALK (ITPP)
- 11. 8" X 4" STOP SIGN
- 12. RETAINING WALL PER ARCHITECTURAL AND STRUCTURAL DRAWINGS (ITPP)
- 13. SECURITY HAZARD (ITPP)
- 14. EXISTING FENCE TO BE REMOVED
- 15. PROPOSED DOMESTIC WATER SERVICE (ITPP)
- 16. PROPOSED IRRIGATION SERVICE (ITPP)
- 17. PROPOSED 4" FIRE SERVICE (ITPP)
- 18. PROPOSED FINE HYDRANT
- 19. SIDEWALK PER LANDSCAPE PLAN
- 20. TYPE 1 CONCRETE SIDEWALK SUPPERS PER 50' 200
- 21. TYPE 2 SIDEWALK SUPPERS PER 50' 200
- 22. TYPE 1 SINGLE CATCH BASIN W/ 8" EF-1 GRATES PER 50' 200 W/ 1' FLOOR TREATMENT UNIT
- 23. TYPE 4 DOUBLE CATCH BASIN W/ 2" EF-1 GRATES PER 50' 200 W/ 1' FLOOR TREATMENT UNIT
- 24. TYPE 4 MODIFIED CATCH BASIN W/ 2" EF-1 GRATES PER 50' 200 W/ 1' FLOOR TREATMENT UNIT
- 25. TYPE 4 MODIFIED CATCH BASIN W/ 4" EF-1 GRATES PER 50' 200 W/ 1' FLOOR TREATMENT UNIT
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**MASTER DEVELOPMENT PLAN FOR
MILLER RANCH**

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 30 NORTH, RANGE 14 EAST, GILBERT COUNTY, ARIZONA.

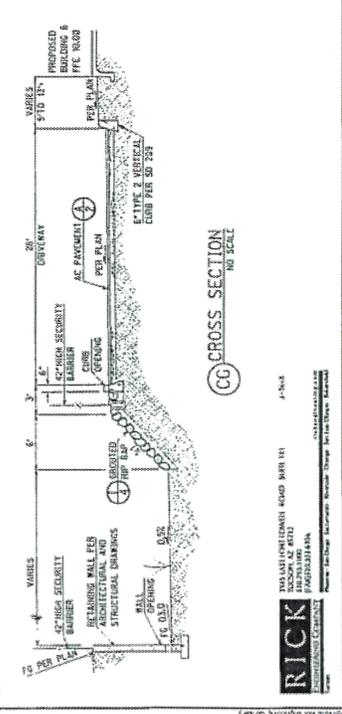
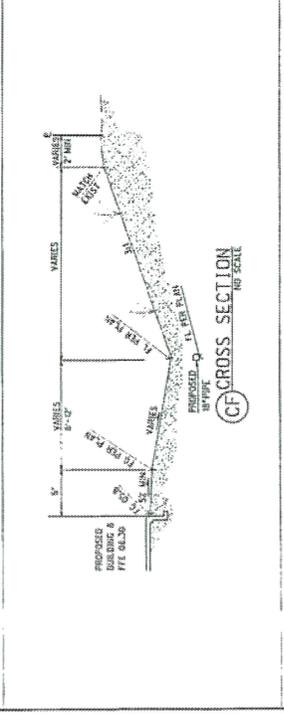
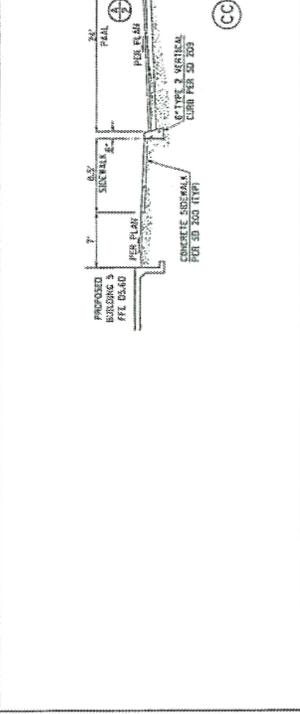
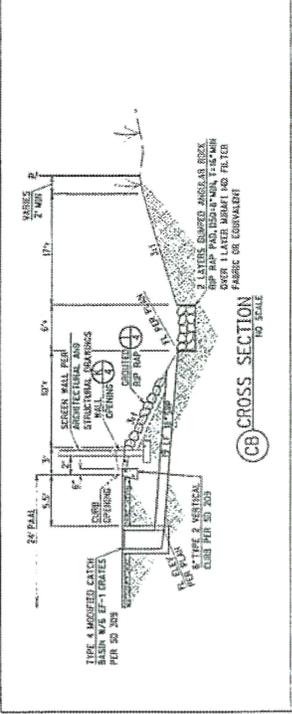
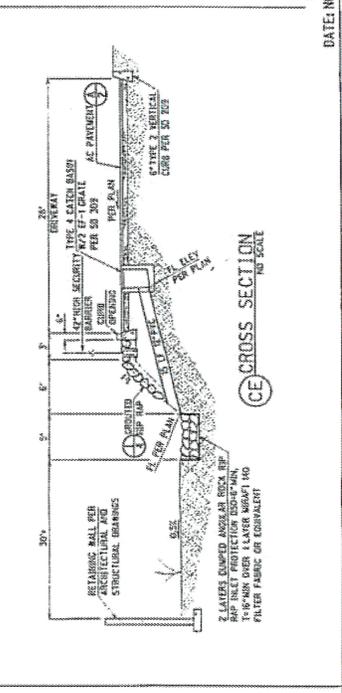
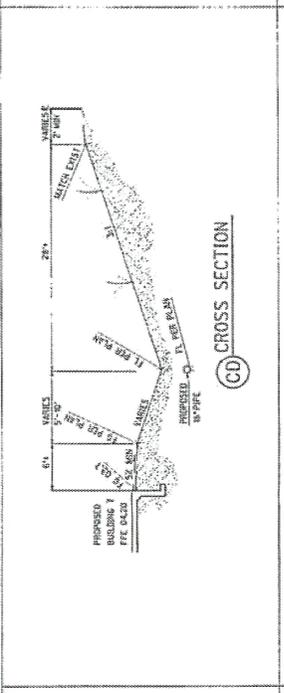
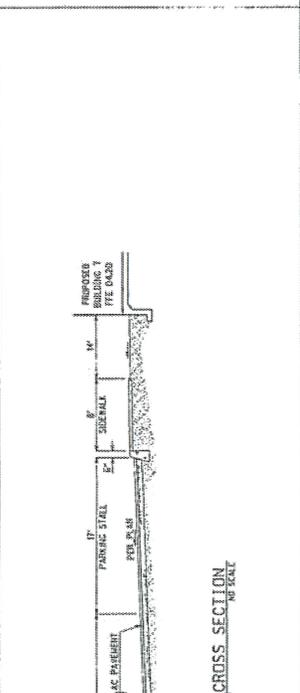
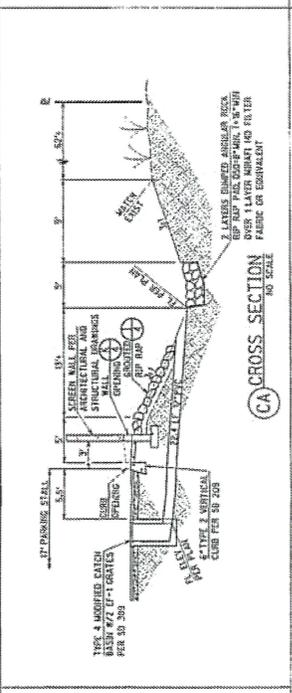
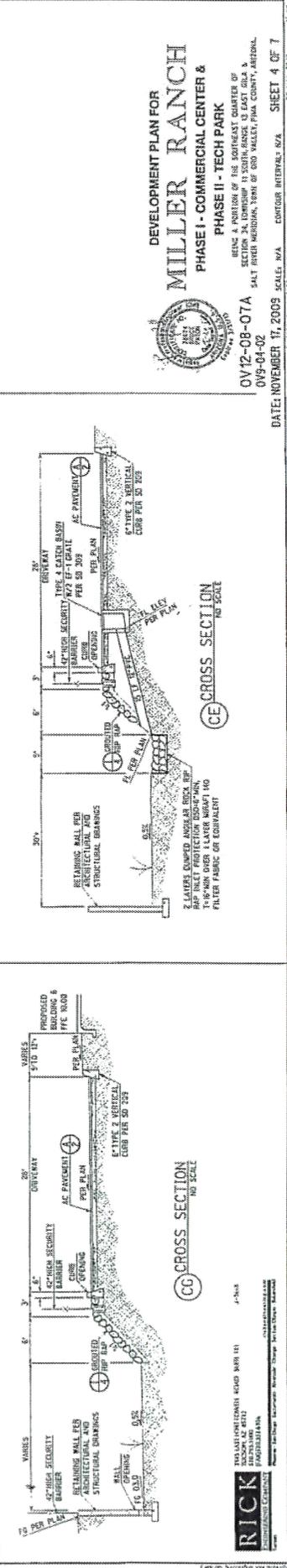
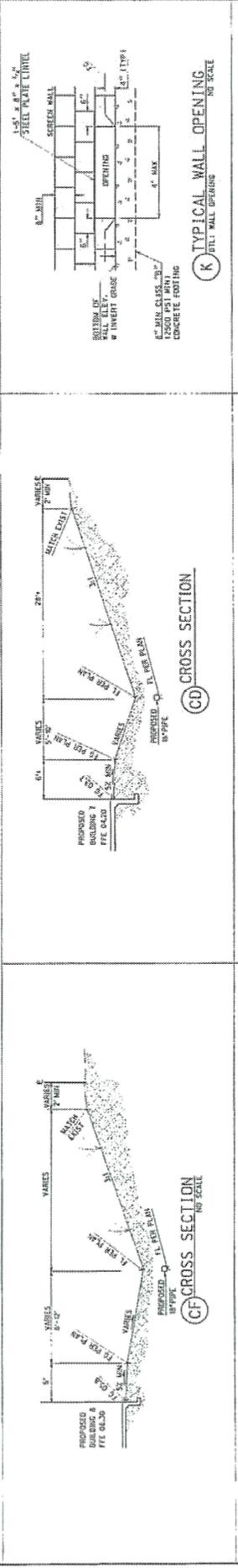
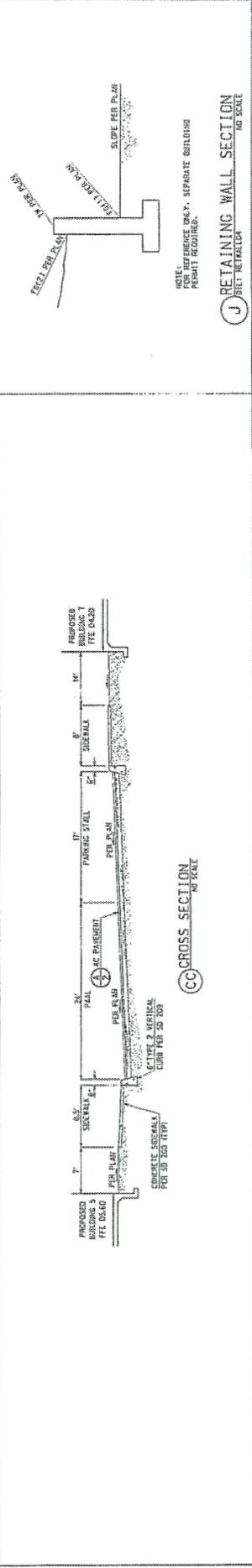
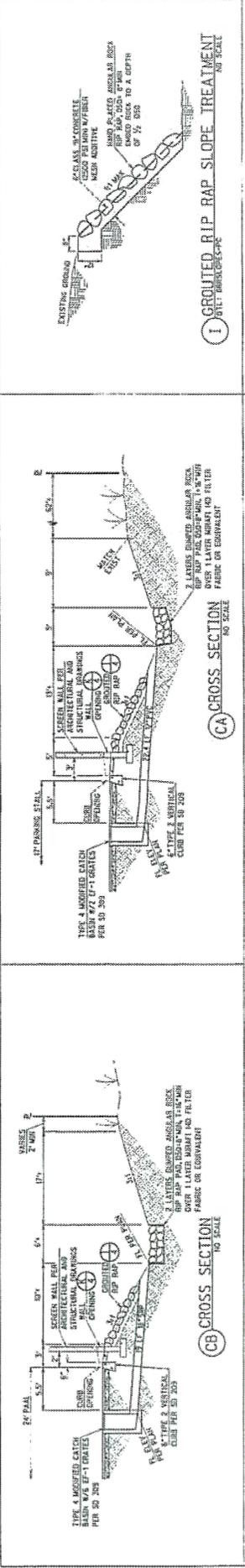
DATE: NOVEMBER 11, 2009 SCALE: 1" = 30' SHEET 9 OF 11

PROJECT: MILLER RANCH DEVELOPMENT



UNSUBDIVIDED

RICK
REGISTERED PROFESSIONAL ENGINEER
No. 12345 License No. 12345



DEVELOPMENT PLAN FOR
MILLER RANCH
PHASE I - COMMERCIAL CENTER &
PHASE II - TECH PARK

BEING A PORTION OF THE SOUTHEAST QUARTER OF
SECTION 16, T12N, R10E, S12E, COCONINO COUNTY, ARIZONA.
SALT RIVER WATERSHED, 3000 S OF 300 WALKER PIMA COUNTY, ARIZONA.

DATE: NOVEMBER 17, 2009 SCALE: N/A
CONTOUR INTERVAL: N/A

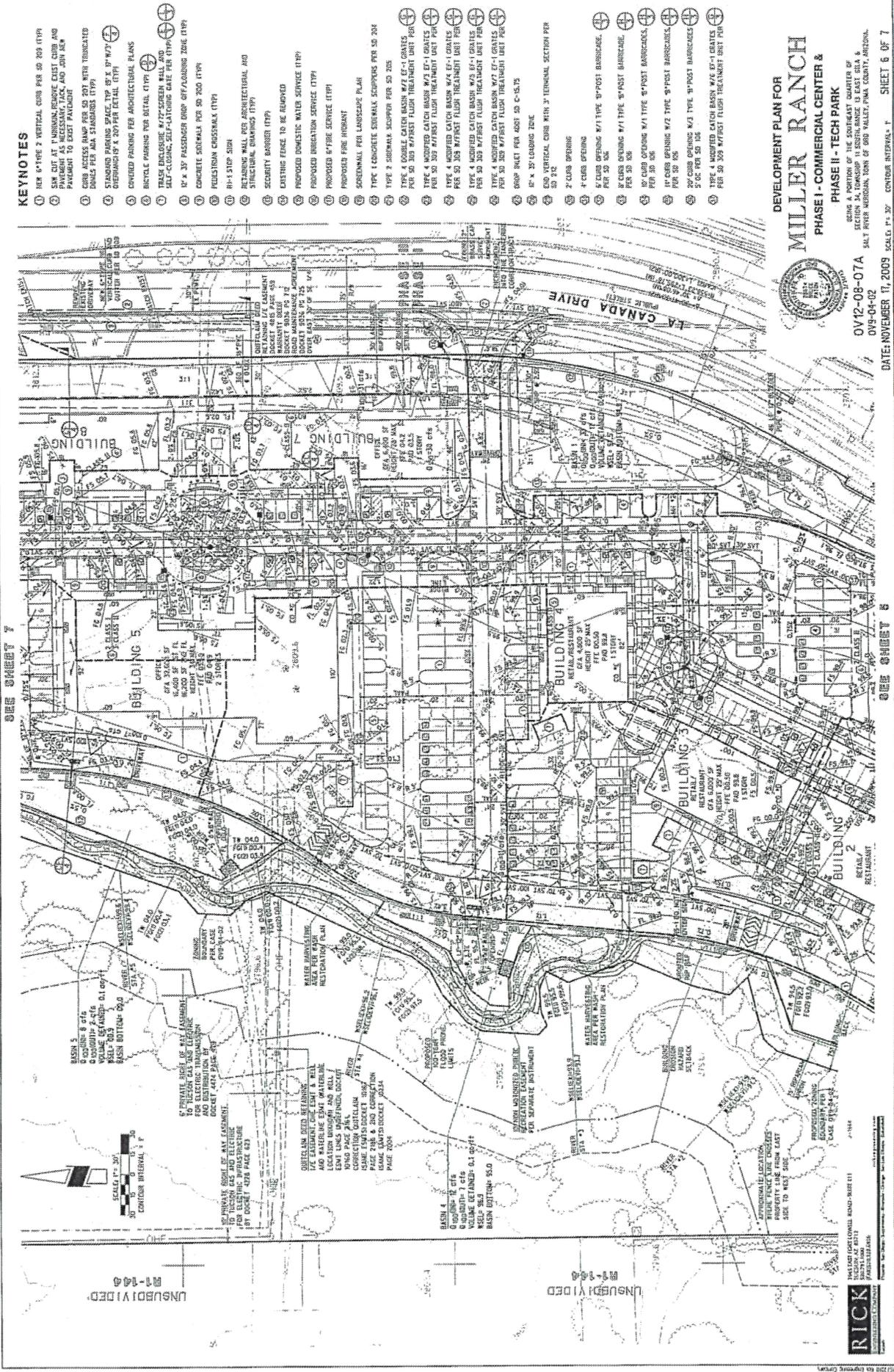
012-08-07A
095-04-02

61348, Corp. REG. 2450

SHEET 4 OF 7

RICK
CONSULTANTS
INCORPORATED

1501 EAST WASHINGTON ROAD, SUITE 101
PHOENIX, ARIZONA 85016
PH: 602.955.1100
FAX: 602.955.1101
WWW.RICKCONSULTANTS.COM



**DEVELOPMENT PLAN FOR
MILLER RANCH
PHASE I - COMMERCIAL CENTER &
PHASE II - TECH PARK**

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 16, T12N, R10E, S44E, DEED NO. 100, SALT FORK SUBDIVISION, TOWN OF GOS VALLEY, DALLAS COUNTY, TEXAS.

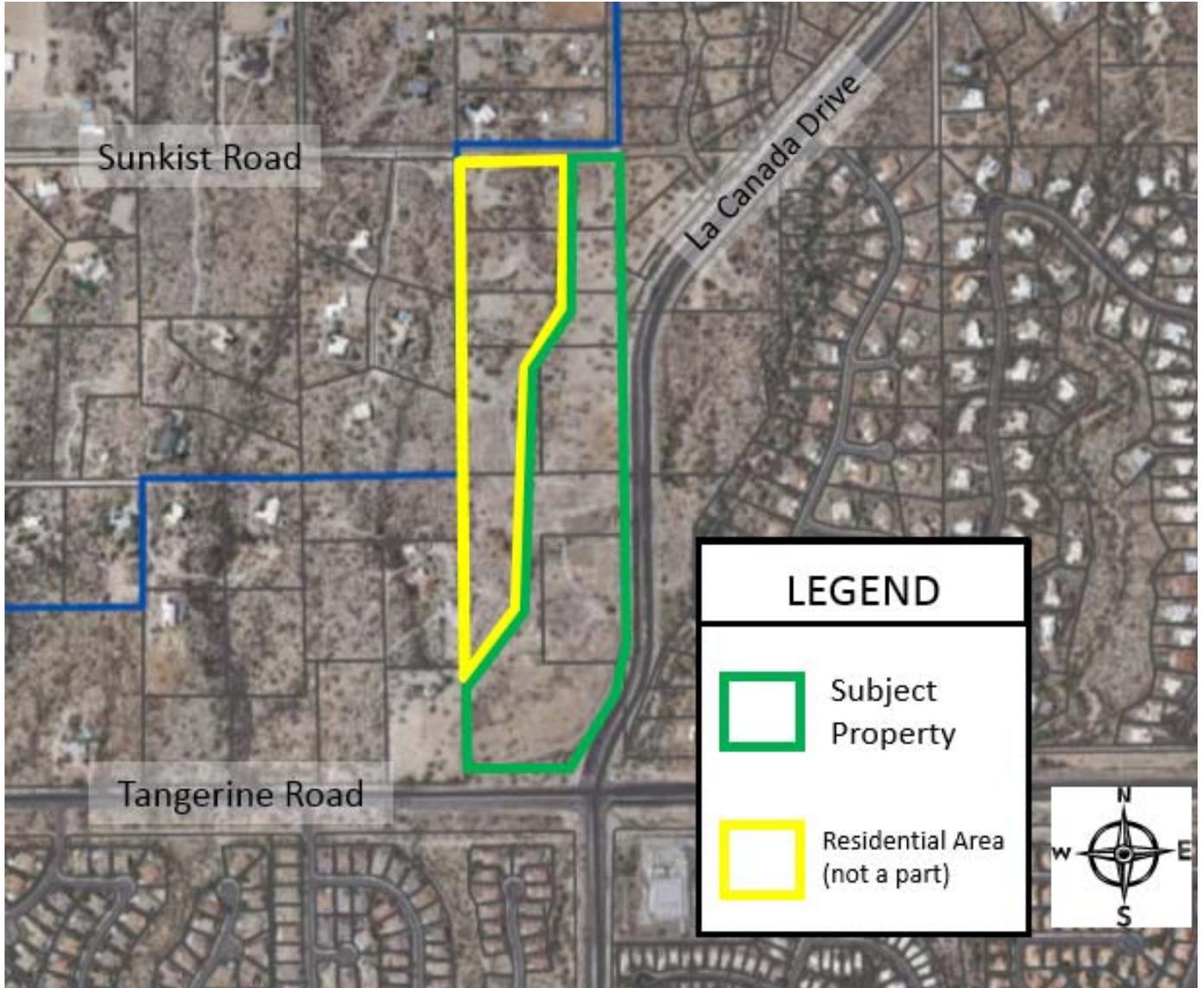
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0V9-04-02

DATE: NOVEMBER 17, 2009 SCALE: P. 30'

SHEET 6 OF 7

UNSUBDIVIDED
M1-144

RICK
ENGINEERING & ARCHITECTURE
11210 Ross Crossing Street
Dallas, Texas 75244
Phone: 972.382.1100
Fax: 972.382.1101
www.rickeng.com



LOCATION MAP

MILLER RANCH (OV1601575)



SENT VIA EMAIL
rarellano@orovalleyaz.gov

June 20, 2016

Mr. Roosevelt Arellano, Senior Planner
Development and Infrastructure Services
TOWN OF ORO VALLEY
11000 North La Cañada Drive
Oro Valley, AZ 85737

SUBJECT: MILLER RANCH COMMERCIAL CENTER
OV12-08-07 – MASTER DEVELOPMENT PLAN, AND
OV12-08-07A – PHASE I – COMMERCIAL CENTER AND
PHASE II – TECH PARK DEVELOPMENT PLAN
REC JN 3668

Dear Rosevelt:

The Master Development Plan and Phase I & II Development Plan for Miller Ranch Commercial Center and the Tech Park were scheduled to expire on July 21, 2016. Due to the hardship with the economy down turn and low development activity, on behalf of the owner, DESCO Southwest LLC, we respectfully request for extensions of the two plans.

A check with an amount of \$520 for Administrative Fee of this plan extension request is being delivered to your office.

If you have any questions or require additional information, please do not hesitate to call our office. Thank you for your attention to this matter.

Sincerely,

RICK ENGINEERING COMPANY, INC.

Tri H. Miller, P.E.
Principal Project Manager

THM:cj

H:\3668 - Miller Ranch\3668 DP Extension Request Letter 06.08.2016.doc