

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
DECEMBER 6, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

CALL TO ORDER AT OR AFTER 6:00 P.M.

Chairman Swope called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT: Robert E. Swope, Chairman
Don Cox, Vice Chair
John Buette, Commissioner
Alan Caine, Commissioner
Robert La Master, Commissioner
Mark Napier, Commissioner

PLEDGE OF ALLEGIANCE

Chairman Swope led the audience in the Pledge of Allegiance.

CALL TO THE AUDIENCE

Chairman Swope opened and closed the Call to the Audience with no speakers.

COUNCIL LIAISON COMMENTS

Councilmember Hornat commented on the following:

- Two new Commission members to be confirmed at tomorrow's Town Council meeting
- Councilmember Hornat acknowledged Commissioner La Master for his service to the P&Z Commission and Oro Valley.

REGULAR AGENDA

1. [Review and/or approval of the October 4, 2011, Planning and Zoning Commission meeting minutes](#)

Roseanne Flores, Recording Secretary, said Commissioner Caine requested an addition to the minutes regarding OV911-06 as follows: "Commissioner Caine agreed with the original motion and recommended approval but believed that the

additional condition to require access to Tangerine Road exclusively was too restrictive therefore, he could not support the amended motion."

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner Caine to approve the October 4, 2011, Planning and Zoning Commission meeting minutes as amended.

MOTION carried, 6-0.

4. [Public Hearing; Rezoning of Rancho de Plata parcel generally located 1/4 mile south of Tangerine Road on the west side of La Cholla Drive](#)

Chairman Swope announced that agenda item 4 would be addressed.

Matt Michels, Senior Planner, presented the following:

- Location & Context Map
- Applicant Request
- Background
- Existing Zoning
- Environmentally Sensitive Lands
- Existing and Proposed Zoning Districts
- Tentative Development Plan (TDP)
- Neighborhood Meetings/Public Input
- Primary Issues from Neighborhood Meetings
- Rezoning Review & Approval Process
- Factors For:
- Factor Against:
- Conclusion

David Williams, Planning Division Manager, suggested striking conditions 5, 8 and 10 from Attachment 2 because they are code required.

Ron Asta, Vice President of CPE Consultants, presented the following:

- Existing Land Use
- Elevations
- Buffer yards
- Development Plan

Mr. Asta said he requests approval, but would like the words "with flat roofs" to be removed from condition 4 on Attachment 2.

Discussion noted that conditions 5, 8, 9, and 10, would be stricken from the Conditions of Approval, Attachment 2.

Chairman Swope opened the public hearing.

Penny Watts, non resident, was concerned with the rural setting and lack of infrastructure in the area. Ms. Watts requested the Commission deny the request because it is not needed, not necessary and not good for community.

Nancy Martin, OV resident, was concerned with safety issues, visual impact due to height of the homes and mass grading on site. Ms. Martin said she preferred 18 ft. height limits and one story structures.

Barton Morse, non resident, was concerned with the traffic on La Cholla Blvd. and said the minimum rezoning that should be allowed is one house per acre. Mr. Morse said he was opposed and there would be no benefit to the neighborhood.

Mike Carlier, OV resident, said the trail for children to walk to school is a good benefit. Mr. Carlier said the pueblo style flat roofs are not in demand and are a maintenance concern. He said that by the time construction starts; there will be an increase in demand for single family homes in Oro Valley.

Bill Adler, OV resident, said he was opposed to the rezoning because it was not in compliance with the General Plan. Mr. Adler said property will not be transitional and will be overly dense, insensitive to the washes and habitat, congested and will change the character of the area. Mr. Adler said there would be no benefits to the community and that this is about financing and has nothing to do with planning.

Tom Cramer, OV resident, was concerned with the density of the lots and asked for reconsideration on enlarging them and making it R1-10 zoning.

Chairman Swope closed the public hearing.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner La Master to recommend approval of the request for the rezoning of a 13 acre parcel located 1/4 mile south of Tangerine Road, on the west side of La Cholla Blvd. from R1-144 Single-family Residential to R1-7 Single-family Residential subject to the conditions in Attachment 2, and removing conditions numbered 5, 8, 9 & 10; and the elimination of the words "with flat roofs" on condition 4, and to include the building height restrictions on Lots 31-43.

Conditions of Approval
Rancho de Plata Rezoning
OV911-005

Planning Conditions

Note: All of the following conditions shall be shown and/or labeled on the Tentative Development Plan

1. A bicycle/pedestrian pathway connecting to Wilson K-8 School shall be provided along the southwestern corner of the property as shown on Exhibit II.B (sheet 1). The Amphi School District shall be requested to provide input on the design and connection point of the path.
2. A primitive trail shall be provided from the recreation areas to the adjacent washes.
3. A school bus stop shall be provided adjacent to the eastern recreation area adjacent to a cul-de-sac turnaround. The exact placement and design of the bus stop shall be determined by the Amphi School District. The bus stop shall be labeled on Exhibit II.B. (Sheet 1).
4. The home architecture shall include traditional Southwestern styles, including Pueblo or Territorial, with flat roofs to be architecturally consistent with existing homes in the area. Exhibit II.B (sheet 2) shall include examples of these styles.
5. At least 95% of the Critical Resource Areas shall be preserved. Provide a calculation of the areas of disturbance and percentage of areas to be preserved on the Tentative Development Plan.
6. The minimum lot size shall be 5,500 s.f. using the conservation design lot reduction incentive provided in Table 27.10-6 (Section 27.10.F.2.d) of the Zoning Code.
7. Add dimensions of the buffer yards around the property on the TDP and the Buffer yards exhibit (Exhibit II.H.1).
8. All Environmentally Sensitive Open Space (ESOS) and common areas shall be dedicated to the homeowners' association for common ownership and maintenance in perpetuity.
9. No walls or fences shall be placed within fifteen (15) feet of the Environmentally Sensitive Open Space (ESOS) areas.
10. Pg. 27A-f. Indicate that the property lies within the Tangerine Road Corridor Overlay District Peripheral Area.

Engineering Conditions

11. A full Traffic Impact Analysis (TIA) prepared by an Arizona registrant shall be required as part of any future conceptual design review submittal. This development shall be responsible to design and pay for any improvements to La Cholla Boulevard as determined to be required by the TIA.
12. A full Drainage Report shall be required as part of any future final design review submittal. All post development flow shall be mitigated and released in the same manner and quantity as the existing condition.
13. A northbound left turn lane along La Cholla Boulevard into the subdivision shall be required. This development shall be responsible for all design and construction costs associated with the addition of the left-turn lane.
14. The ingress/egress access drive for the site shall line-up with the Rancho Del Cobre (Khan Property) access drive on the opposite side of La Cholla Boulevard.
15. This project shall dedicate 45 feet along the east project boundary to the Town of Oro Valley for the purpose of additional public right-of-way for La Cholla Boulevard.
16. This project shall provide a public-use path along the project's La Cholla Boulevard frontage. The project shall meet the construction requirements as determined by the Town engineer (e.g. asphalt, stabilized granite, width, etc) and shall meander to fit field conditions so as to minimize the impact to the existing riparian area. The applicant may choose to provide an alternative in-lieu fee for the required path, the amount of which is to be approved by the Town engineer.
17. Exhibit I.G.H.J: Identify that La Cholla Boulevard has a shared use path south of Glover Road. Furthermore, delete the exhibit section that incorrectly identifies Tangerine Road as having a shared use path west of La Cholla Boulevard.
18. Page 41, Section J.3: A section of text describing the elements of the subdivision's typical street section was manually struck out. Re-instate the text but delete the section describing a bike path within the typical section.

Oro Valley Water Utility Conditions

19. The developer shall extend the 12 inch water main in the Glover Road right-of-way west across La Cholla and north to supply domestic water to this subdivision. The water main shall be placed outside of pavement in the western La Cholla right of way.

20. The water main extension shall be designed so that connections at Glover and the entry road have modified drain valve assemblies west and north, respectively.
21. Easements shall be granted to the Oro Valley Water Utility at the northern end of the east and west cul-de-sacs to the northern property line. The water mains in these two streets shall be constructed with modified drain valve assemblies and be sized for future extensions to the north.

A number of issues were discussed, including the following:

- Density
- Number of Lots
- Buffer yard on South Lots
- Traffic

Paul Keesler, Interim Development & Infrastructure Services (DIS) Director, responded that the issues related to traffic would be handled at the Conceptual Design Review Board (CDRB) level.

MOTION carried, 6-0.

2. [Request for initiation of a Zoning Code Amendment to Chapter 28 - Signs](#)

Chad Daines, Principal Planner, presented the following:

- Community Yard Sale Signs Purpose
- Yards Sales Signs Examples
- Community Yard Sale Signs Background
- Preliminary Amendment Proposal
- Recommendation
- Banner Sign colors
- Current Banner Background Color Examples
- Banner Examples
- Options for Background Color Tinted Colors
- Options for Background Color Hue Colors
- Recommendation

Mr. Williams added that the amendment is specifically to allow the Town's Home Owner Associations (HOA's) to conduct and provide directional information to events legally.

Bill Adler, OV resident, said banners should be included with the A-frame and outdoor display temporary relief that the Town provided. Mr. Adler suggested that residents invest in a permanent sign which would make them visually acceptable and more likely to be picked up by the owners. He said they should abide by the same requirements as the realtors do.

MOTION: A motion was made by Commissioner La Master and seconded by Commissioner Napier to initiate a Zoning Code amendment to Chapter 28 relative to temporary Community Yard Sale and Banner signs.

MOTION carried, 6-0.

3. [A request for initiation of a Zoning Code Amendment to Section 22.2.D.](#)

Mr. Daines presented the following:

- Current Ordinance
- Issues
- Proposed Amendment
- Amendment Benefits
- Recommendation

Discussion ensued amongst the commissioners and staff regarding the following:

- No maximum in the number of neighborhood meetings
- Two of the neighborhood meetings must be Town operated meetings
- Neighborhood meetings are preferred to be held closer to decision time
- Agency review versus staff review
- Citizen input prior to the application

Chairman Swope opened the public hearing.

Bill Adler, OV resident, said the first neighborhood meeting is to be educational to the public and to diffuse the emotion that is associated with land use. Mr. Adler said the second meeting is the applicant's presentation so that the citizens can talk and engage with the applicant on level playing field. The objective is to start doing what the ordinance requires so that the two neighborhood meetings are conducted properly which will have a constructive outcome that gets results.

Chairman Swope closed the public hearing.

Mr. Williams commented that staff has implemented the ordinance and have obtained good results.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner La Master to initiate a Zoning code amendment to Section 22.2.D

to adjust the timeframes for required GPA neighborhood meetings closer to the hearing dates for amendments.

Commissioner Napier suggested a friendly amendment that was accepted by Commissioners Caine and La Master.

Mr. Williams suggested a study session to gather ideas and suggestions relative to the timing of neighborhood meetings.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner La Master to recommend that the Planning and Zoning Commission initiate a Zoning Code amendment to Section 22.2.D to adjust the timeframes for required General Plan Amendment neighborhood meetings.

MOTION carried, 6-0.

5. Discussion: Public Hearing noticing requirements

Mr. Daines presented the following:

- Boundary Example
- Current Noticing Methods

Commissioners and Staff discussed the following:

- Database from Pima County Assessor's records
- Communicating and training HOA's Board of Directors
- Cost estimation
- Daily Territorial Newspaper
- Residents who are impacted
- Community debates of land use decisions

Mr. Williams told the Commission that they have the authority to initiate a change in the requirements if needed.

Dave Perry, OV resident, said the Explorer Newspaper is a broadly distributed newspaper of general circulation and the Territorial is not. Mr. Perry encouraged staff, the Commission and Council to distribute as much information as possible when notifying residents on cases.

The Commission concluded the discussion with no additional direction to staff on this item.

6. Discussion: Permitted Uses in R/S and R-6 zoning districts

Commissioner Buette said there are commercial properties in zones R/S and R-6 that could be developed if they were in a zone that had more flexibility which

would be more economical, developable and better able to serve the Town's needs. Commissioner Buette said the zoning is not conducive and asked that staff look at the possibility of reclassifying zones R/S and R-6 to CN.

Commissioner La Master said there might be some value at looking some of those specific properties and give them more flexibility.

Vice Chair Cox said he would like to see this Commission be more active and proactive as opposed to just reactionary.

Commissioner Caine said the normal process would be for the developer to ask for a rezoning. Commissioner Caine questioned if the Commission was going to rezone without a particular developer in mind.

Commissioner Buette responded that reclassifying them to CN would not be expensive and would allow the properties to become more economic because more types of uses could be allowed.

Chairman Swope recommended the Commission to hold a study session to look at the land use map and identify specific parcels, then ask for further staff analysis.

Commissioner Buette asked for Councilmember Hornat's opinion. Councilmember Hornat, speaking on his own behalf, said if there is a developer interested in the property and if there is something the Town can do, it is incumbent for the developer to ask for the rezoning.

The Commission concluded the discussion with no additional direction to staff on this item.

7. [Planning Division Manager Update \(Informational Only\)](#)

Mr. Williams gave the following updates:

- St. Mark's Church
- LA Fitness Submittal
- Community Academy
- Parcel 7-1
- Fry's Fuel Station Neighborhood Meeting
- Volunteer Appreciation Night
- Plaque Presentation to Commissioner La Master

8. [Future Agenda Items](#)

Mr. Williams announced the future agenda items as follows:

- Sign Code Amendment
- Second installment of the General Plan (GP) Amendment
- Minor GP Amendment to add a mixed use category

ADJOURNMENT

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner La Master to adjourn the meeting at 8:41 p.m.

MOTION carried, 6-0.

Prepared by:

Suzanne Molinar

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 Planning and Zoning Commission of Oro Valley, Arizona held on the 6th day of December, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 201_.

Roseanne Flores
Recording Secretary