

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
JANUARY 3, 2012
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 Swope, Chairman
Don Cox, Vice Chair
John Buette, Commissioner
Alan Caine, Commissioner
Bill Leedy, Commissioner
Mark Napier, Commissioner
William Rodman, Commissioner

PLEDGE OF ALLEGIANCE

Chairman Swope led the audience in the Pledge of Allegiance.

Chairman Swope welcomed two new members, Bill Leedy and William Rodman, and acknowledged Vice Chair Cox for receiving the "Volunteer of the Year" award.

CALL TO THE AUDIENCE

There were no speakers.

COUNCIL LIAISON COMMENTS

Councilmember Hornat had no comments.

REGULAR AGENDA

1. **Review and/or approval of the November 1, 2011, Planning and Zoning Commission meeting minutes**

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner Napier to approve the November 1, 2011, Planning and Zoning Commission meeting minutes.

MOTION carried, 6-0. with William Rodman, Commissioner abstained.

2. [Election of Planning and Zoning Commission Officers](#)

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner Rodman to retain Robert Swope as Chairman and Don Cox as Vice Chair for the Planning and Zoning Commission.

MOTION carried, 7-0.

3. [Assign Planning Zoning Commission representation on a General Plan Energy Policy Advisory Committee](#)

David Williams, OV Planning Division Manager, briefly reviewed the staff report.

Commissioner Leedy volunteered to serve on the committee based on his 40 year career in energy management and conservation. Commissioner Buette made the recommendation that Commissioner Caine also serve on the committee.

MOTION: A motion was made by Commissioner Napier and seconded by Commissioner Rodman to recommend the following Commissioners to represent the General Plan Energy Policy Advisory Committee: Commissioner Leedy and Commissioner Caine

MOTION carried, 6-1 with Vice Chair Cox opposed.

Vice Chair Cox said he was in opposition due to the cost and it not being necessary at this time since the Town does not meet the population threshold of 50,000 people.

4. [Public Hearing: Zoning Code Amendment to Chapter 28 Signs of the Oro Valley Zoning Code Revised to establish standards for community event signs and to amend the standards for banner signs OV711-009.](#)

Chad Daines, OV Principal Planner, presented the following:

- Amendment Requests
- Community Event Signs Background
- Community Event Signs Examples
- Community Event Signs Amendment Proposal
- Amendment Proposal
- Placement Criteria Right-of-Way
- Banner Sign Colors
- Current Banner Background Color Examples

- Banner Examples (currently in violation)
- Amendment proposal
- Recommendation

The Commissioner's and staff concluded their discussion with the following direction to staff:

- Obtain Homeowner Association (HOA) input
- Language provision regarding the quantity and spacing of signs
- Define "Professional Sign Design"
- Provide guidance to the HOA's
- Clarify amendment language regarding A-Frame signs in Section 28.7.A.6
- Define "Community Events"

Chairman Swope opened the public hearing.

Linc Keilman, Oro Valley winter resident, asked why there was a need to regulate signs for community events and who determined the sign height and size. Mr. Keilman said he obtained a professional sign that does not meet the new criteria and asked if the sign would be grandfathered.

Donald Bristow, Oro Valley resident, said the new Sign Code was in the early stages and had not been tested for effectiveness. Mr. Bristow said there were neither facts presented to demonstrate that the color is ineffective nor any analysis in regards to the policies or purpose statements in the General Plan and Sign Code that apply to the proposed change.

Chairman Swope closed the public hearing.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner Rodman to recommend continuance of the item to a future meeting to allow staff to research and obtain feedback from the Homeowner Association's.

MOTION carried, 7-0.

5. [Public Hearing: Minor General Plan Amendment to add a Mixed Use land use category to the text of the General Plan document only OV1111-06.](#)

Mr. Daines presented the following:

- Request
- Background Current Land Use Categories
- Background Current General Plan
- Background Mixed Use Village
- Strategic Implementation Program

- Other Cities Mixed Use Designation
- Euclidean Separation/Mixed Use Integration
- Amendment Proposal
- Required Mixed Use Elements
- Implementation Guidance
- Evaluation of Amendment
- Recommendation

Chairman Swope requested staff to explain the difference between a minor and major amendment in regards to land use. Mr. Williams explained that a major amendment had to include a change to the map and the request did not affect the map in any way.

Vice Chair Cox recommended that staff give examples in Attachment 1 to make the language understandable to the public.

Chairman Swope opened the public hearing.

John Musolf, Oro Valley resident, spoke in opposition to the minor General Plan Amendment and inquired about who authorized pursuing an ordinance on mixed land use; and why were there no public statements made by the Planning Division that might have allowed the 7-I developer to apply for apartments and retail business. Mr. Musolf added that the citizens and voters need to approve a rewrite to the General Plan of this magnitude.

Shirl Lamonna, Oro Valley resident, said urbanism does not exist in Oro Valley and the initial development cycle has yet to be completed. Ms. Lamonna said if the Planning and Zoning Commission and Town Council are truly a responsive government, then they must take this to the citizens for a vote.

Brad Louis, Oro Valley resident, said it was the citizens of Oro Valley who helped write the General Plan. In November 2003, 60% of the voters disapproved a General Plan proposal primarily because it contained a land use designation called mixed use. Mr. Louis said that a final decision for new land use designation should come from the citizens and voters.

Lori Pettyjohn, Oro Valley resident, asked if the amendment passed, could the developer for 2-E reapply. Ms. Pettyjohn said the amendment did not make sense because the General Plan was already a mixed use category.

Chairman Swope closed the public hearing.

Chairman Swope requested staff to respond to some of the public comments that were made.

Mr. Williams told the audience that the Town's Strategic Implementation Program

that was adopted with the General Plan directs staff to create a mixed use zoning ordinance. Mr. Williams said this is one of the items on the Work Plan that Town Council approved.

Vice Chair Cox responded to a few questions that were asked during the public hearing and said the changes presented all follow the guidelines that were approved by the voters.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner Buette to recommend approval of the Minor General Plan Amendment to add a new Mixed Use land use category to the General Plan as provided in Attachment 1.

Attachment 1

Mixed Use (MU)

This designation denotes areas wherein a range of land uses are planned as an integrated development. The MU designation is intended for residential, commercial, office and employment uses, creatively designed based on new urbanism principles. Such areas should be reflective of a village concept wherein there is an opportunity for residents to live, work and recreate within the same neighborhood. The development format may be vertically integrated or horizontally integrated to create a cohesive, planned neighborhood or community. Specific planned uses include detached single-family, attached single-family and multi-family residential at varying densities; retail commercial, service commercial, professional office, employment, religious and public / semi/public land uses at varying intensities.

Development should be at a compact, human scale which encourages buildings at street line, pedestrian walkability to all areas of the development and de-emphasis of vehicular dominance. Passive and active open space areas should be incorporated into the development to provide centralized gathering space(s) with public/civic emphasis for area residents. The development should be located in close proximity to major transportation corridors and designed to promote alternative modes of transportation (pedestrian and bicycles) and access to existing or planned transit facilities.

Implementation Guidance:

The design and composition of land uses for mixed use development varies from project to project and therefore this designation is purposely flexible in terms of land use composition, density/intensity and design to allow consideration of each project individually. A Mixed Use application must demonstrate compatibility of all proposed land uses in relation to adjacent neighborhoods and identify

methods to be employed to mitigate anticipated negative impacts. In applying this designation to property, policies specific to the subject property(s) (special area policies) shall be included addressing the following:

- Land Use composition expressed in terms of minimum percentage of the site.
- Density range and target density for all residential land uses
- Intensity expressed in terms of Floor Area Ratio (F.A.R.) for all non residential land uses
- Percentage of the site for active and passive open space amounts
- Prohibited uses
- Minimum and Maximum Building Heights
- Enhanced Buffering Standards, if appropriate

Commissioner Rodman said the review process for projects are stringent and would allow the public input through the neighborhood meetings before the Commission and Council votes.

Mr. Williams offered to conduct a meeting or workshop for the public on how the General Plan was adopted.

Commissioner Napier said he did not see the urgency in moving forward with this minor amendment. We are a few years out in looking at the revision of the General Plan again and the amendment should be one of the options available at that time.

Commissioner Caine said the need for this amendment in the General Plan was identified in the last cycle.

Commissioner Reedy said there is substantial environmental and aesthetic benefits to this mixed use category and supports this amendment.

Vice Chair Cox said there is a sense of urgency for this amendment because the Town directed it seven years ago.

Commissioner Napier said he fully supports this option for land use in our Town but is not supportive of it through this process. There are compelling sustainability issues surrounding mixed use development.

Chairman Swope said he believes there is an opportunity for a developer to give us an innovative, creative design that is unique that would add visual interest to the community and minimize environmental impacts.

MOTION carried, 6-1 with Commissioner Napier opposed.

Chairman Swope recessed the meeting at 7:51 p.m.

Chairman Swope reconvened the meeting at 8:02 p.m.

6. [Discussion: Zoning Code Amendment to Section 22.2.D. relative to the procedures for Major General Plan Amendments OV711-010.](#)

Mr. Daines presented the following:

- Request Summary
- Current Ordinance Timing of Neighborhood Meetings
- Issues Neighborhood Meetings
- December 6th Commission Discussion-Neighborhood Meetings
- Existing Code: Option 1 through Option 4
- Major General Plan Amendment Acreage Threshold Comparison
- Unclear language between the General Plan and Zoning Code
- Recommendation

Commissioner Caine said having the opportunity for input at the application level and the neighborhood meetings closer to the public hearing process was a good compromise and favored Option 2.

Commissioner Rodman said we should consider having the input before the applicants put together their application. Commissioner Rodman favored Option 4 with one meeting before and meetings in August and September.

Commissioner Leedy favored Option 3 or 4 and said the first two meetings should be educational to the developer and the latter two meetings for public comment. Neighborhood input should be a part of the application preparation process.

Commissioner Napier favored Option 4 because it would allow the applicant to engage the neighborhood providing them the benefit of knowing what potential objections there might be. Commissioner Napier added that Oro Valley should be closer to the 20 acre threshold than the 40 acres as indicated with other communities.

Chairman Swope suggested combining Options 3 and 4; having one neighborhood meeting at the pre-application stage to influence the applicant at an early stage of their design; then a second meeting during the application window period to let the community again see the design; then a third meeting during staff review time so the public has an opportunity to weigh in at three key points.

Mr. Williams said staff can do a better job in conducting the neighborhood

meetings in emphasizing the educational part, because it is about having the public understand their rights and privileges.

Vice Chair Cox said the issue with Option 4 is neighborhood meetings would be conducted during the holiday season. Vice Chair Cox asked what staff was hoping to accomplish in meetings 3 and 4 that are not being accomplished in meetings 1 and 2.

Mr. Williams said he has observed that the public tends to wait to get involved. He has seen a pattern on controversial projects where the attendance grows as the decision day gets closer. Mr. Williams added that meetings 3 and 4 would allow an opportunity to engage more of the public.

Vice Chair Cox said we need to educate the public to bring up salient points in making their presentations and lessen the specifics of the plan in regards to the architectural design. Vice Chair Cox favored Option 3.

Mr. Williams concluded that it was a nice range of discussion and that the citizens would benefit by being here on the night of decision or action.

Commissioner Caine inquired about the compatibility of the language between the Zoning Code and the General Plan. Mr. Williams said an effective way would be to bring a strike out and change version to see what is proposed.

7. Planning Division Manager Update (Informational Only)

Mr. Williams announced the following future agenda items:

- Public Hearing on Plan Amendment items discussed today
- Continuation of the Sign Code

Mr. Williams gave updates on the following:

- Cirrus Logic Inc.
- Fry's Gas Station
- Minor General Plan Amendment and rezoning of the northeast corner of Tangerine Rd. and La Cholla Blvd.

8. Future Agenda Items

ADJOURNMENT

MOTION: A motion was made by Vice Chair Cox to adjourn the meeting at 8:45 p.m.

Prepared by:

Suzanne Molinar
Recording Secretary

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 3rd day of January, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2012.