AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION and STUDY SESSION
FEBRUARY 5, 2020
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

Executive Sessions – Upon a vote of the majority of the Town Council, the Council may enter into Executive Sessions pursuant to Arizona Revised Statutes §38-431.03 (A)(3) to obtain legal advice on matters listed on the Agenda.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

TOWN MANAGER’S REPORT

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

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 Youth Art by the Arts and Culture Ambassadors

CONSENT AGENDA
(Consideration and/or possible action)

A. Minutes - January 22, 2020
REGULAR AGENDA

1. DISCUSSION AND POSSIBLE ACTION TO APPOINT KARA M. RILEY AS THE ORO VALLEY CHIEF OF POLICE AND TO APPROVE AN EMPLOYMENT AGREEMENT, EFFECTIVE FEBRUARY 22, 2020 (Police Chief Employment Agreement added 2/5/20 at 11:30 a.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 OF THE REGULAR SESSION

STUDY SESSION

CALL TO ORDER

STUDY SESSION AGENDA

1. DISCUSSION REGARDING PROPOSED CODE AMENDMENTS TO C-1, C-2, AND TECHNOLOGICAL PARK AND EQUIVALENT PLANNED AREA DEVELOPMENT DISTRICTS REGARDING LAND USES AND DEVELOPMENT STANDARDS SUCH AS BUILDING HEIGHTS, SETBACKS, ETC.

2. DISCUSSION REGARDING A PROPOSED ZONING CODE AMENDMENT TO THE ECONOMIC EXPANSION ZONE, SECTION 24.9 AND SECTION 22.10

ADJOURNMENT OF THE STUDY SESSION

RECONVENE THE REGULAR SESSION

EXECUTIVE SESSION - 1. Pursuant to A.R.S. 38-431.03(A)(3) and (A)(4) for legal advice with the Town Attorneys, discussion and consultation with those attorneys regarding a possible settlement agreement 2. Pursuant to A.R.S. §38-431.03(A)(3) and/or (A)(4) for legal advice with the Town attorneys, discussion, and consultation with those attorneys and designated Town representatives, and possible instruction to those attorneys and designated representatives about agreements related to the Town owned golf courses, HSL and/or Home Owners’ Associations proximate to those courses.

RESUME THE REGULAR SESSION

1. POSSIBLE APPROVAL OF ANY ITEMS DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT

The Mayor and Council may, at the discretion of the meeting chairperson, discuss any Agenda item.
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. – 5:00 p.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 and Study Session

Meeting Date: 02/05/2020

Presentation of Youth Art

Subject
Presentation of Youth Art by the Arts and Culture Ambassadors

Summary

Attachments

No file(s) attached.
Town Council Regular and Study Session

Meeting Date: 02/05/2020

Requested by: Mike Standish
Submitted By: Michelle Stine, Town Clerk's Office
Department: Town Clerk's Office

SUBJECT:
Minutes - January 22, 2020

RECOMMENDATION:
Staff recommends approval.

EXECUTIVE SUMMARY:
N/A

BACKGROUND OR DETAILED INFORMATION:
N/A

FISCAL IMPACT:
N/A

SUGGESTED MOTION:
I MOVE to approve (approve, with the following changes) the January 22, 2020 minutes.

Attachments

1-22-20 Draft Minutes
Mayor Winfield called the meeting to order at 6:01 p.m.

Present: Joseph C. Winfield, Mayor
Melanie Barrett, Vice-Mayor
Joyce Jones-Ivey, Councilmember
Josh Nicolson, Councilmember
Rhonda Piña, Councilmember
Bill Rodman, Councilmember
Steve Solomon, Councilmember

Mayor Winfield led the audience in the Pledge of Allegiance.

Town Clerk Mike Standish announced the upcoming Town meetings.

Councilmember Jones-Ivey announced that the Town would be holding a Parks and Recreation Master Plan Community Meeting on Thursday, January 23, 2020 and encouraged residents to attend.

Councilmember Jones-Ivey recognized Analeise Perez, a fourth grade student at Wilson Elementary School and Savana Dorame, an eighth grade student also at Wilson Elementary School for their academic excellence and outstanding community service.
TOWN MANAGER’S REPORT

Town Manager Mary Jacobs reported that a portion of La Cholla Boulevard would be closed to through-traffic between Lambert Lane and Overton Road from January 27 through April 22, 2020.

Parks and Recreation Director Kristy Diaz-Trahan announced that a community meeting would be held in the Council Chambers on Thursday, January 23, 2020. This meeting would be used to help develop a system-wide comprehensive Parks and Recreation Master Plan.

ORDER OF BUSINESS

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

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

Oro Valley resident Dr. Ted Dreisinger spoke in support of hiring an internal candidate for the succession of the Chief of Police.

Oro Valley resident Greg Kishi expressed support for hiring an internal candidate for the succession of the Chief of Police and also thanked Council for providing the Police Chief survey results to the public.

PRESENTATIONS

1. Presentation of a painting to Chief Sharp by artist and Oro Valley resident, Harry (Mo) Greene

Councilmember Piña introduced Dr. Harry Greene and presented his biography.

Mr. Greene presented Oro Valley Police Chief Danny Sharp with a self-portrait painting of Chief Sharp.

2. Presentation on the history of Steam Pump Ranch

Parks and Recreation Director Kristy Diaz-Trahan provided a presentation on the history of Steam Pump Ranch and included the following:

- Steam Pump Ranch - Past to Present
- Steam Pump Ranch
- The Pusch/Zellweger era (1870's -- 1930's)
- Proctor/Leiber era (1933 -2007)
- Hank and Betty Leiber
- 2004 Pima County Bond
- The Commission and The Society Missions
- Acquisition and Improvements
- Pump House and Ghosted Structure
- Chicken Coop Preservation
- Pusch House Repairs and Landscape
- Programs and Events
- Looking Forward
- Next Steps
Discussion ensued amongst Council and staff regarding presentation item #2.

The following individual spoke regarding item #2.

Oro Valley resident and Historic Preservation Commission member Eric Thomae

Discussion continued amongst Council and staff regarding Steam Pump Ranch.

3. Presentation and discussion on the Town’s Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2019

Mr. Christopher W. Heinfeld representing Heinfeld Meech and Company presented the Town’s Comprehensive Annual Financial Report and included the following:

- Financial Statements
- Audit Approach
- Final Notes

Discussion ensued amongst Council and staff regarding Presentation item #3.

4. *Presentation and possible discussion of the Town’s Fiscal Year 2019/20 Financial Update through November 2019*

Interim Chief Financial Officer Kevin Artz presented item #4 and included the following:

- General Fund
- General Fund Highlights
- Highway Fund
- Highway Fund Highlights
- Community Center Fund
- Community Center Fund Highlights

Discussion ensued amongst Council and staff regarding the Town’s Fiscal Year 2019/20 Financial Update through November 2019.

CONSENT AGENDA

A. Minutes - January 6 and January 8, 2020

B. Resolution No. (R)20-03, authorizing and approving a wireless facilities site license with New Cingular Wireless PCS, LLC

C. **Approval to continue the following study session item to February 5, 2020: Discussion regarding proposed code amendments to C-1, C-2, and Technological Park and equivalent planned area development districts regarding land uses and development standards such as building heights, setbacks, etc.**

   Motion by Vice-Mayor Melanie Barrett, seconded by Councilmember Bill Rodman to approve Consent agenda items (A) - (C).

   Vote: 7 - 0 Carried
REGULAR AGENDA

There were no regular agenda items.

FUTURE AGENDA ITEMS

Vice-Mayor Barrett requested a future agenda item to discuss commission meetings and their timing relative to Council meetings.

Vice-Mayor Barrett requested a future agenda item for discussion and possible action regarding which routine documents should be placed on the Town's website.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT OF THE REGULAR SESSION

Mayor Winfield adjourned the regular session at 7:33 p.m.

STUDY SESSION

Mayor Winfield recessed the meeting at 7:34 p.m.

Mayor Winfield reconvened the meeting at 7:42 p.m.

CALL TO ORDER

Mayor Winfield called the study session to order at 7:42 p.m.

STUDY SESSION AGENDA

1. DISCUSSION REGARDING THE STATE-IMPOSED EXPENDITURE LIMITATION AND OPTIONS FOR ALTERNATIVE EXPENDITURE LIMITATIONS, INCLUDING THE PERMANENT BASE ADJUSTMENT OPTION

Town Manager Mary Jacobs provided a brief background regarding the State-Imposed Expenditure Limitation, Options for Alternative Expenditure Limitations and the Permanent Base Adjustment.

Interim Chief Financial Officer Kevin Artz presented item #1 and included the following:

- Background
- Estimated State-Imposed Limitation
- Why doesn't the State-Imposed Limitation work in Oro Valley
- Home Rule Option
- Permanent Base Adjustment Option
- Capital Projects/One-time Override
- Budget and Finance Commission

Discussion ensued amongst Council and staff regarding Study Session item #1.

Mr. Artz continued the presentation and included the following:
● Permanent Base adjustment to $1.65M
● Base Adjustment to $1,650,000
● Calendar

Discussion continued amongst Council and staff regarding study session item #1.

ADJOURNMENT

Mayor Winfield adjourned the meeting at 8:53 p.m.

_____________________________________
Michelle Stine, MMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular and study session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 22nd day of January 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of ____________________, 2020.

___________________________
Michael Standish, CMC
Town Clerk
DISCUSSION AND POSSIBLE ACTION TO APPOINT KARA M. RILEY AS THE ORO VALLEY CHIEF OF POLICE AND TO APPROVE AN EMPLOYMENT AGREEMENT, EFFECTIVE FEBRUARY 22, 2020 (Police Chief Employment Agreement added 2/5/20 at 11:30 a.m.)

I MOVE to (approve or deny) the appointment of Kara M. Riley as the Oro Valley Chief of Police and to approve an employment agreement, effective February 22, 2020.

Attachments

Police Chief Employment Agreement
EMPLOYMENT AGREEMENT

THIS AGREEMENT is made, entered into this 5th day of February, 2020, between the Town of Oro Valley, a municipal corporation in Pima County, State of Arizona, ("Employer") and Kara M. Riley, ("Employee").

WITNESSETH

WHEREAS, Employer desires to engage Employee’s services as Police Chief of the Town of Oro Valley, as provided by Chapter 3, Article 3-2, Section 3-2-3 of the Oro Valley Town Code; and,

WHEREAS, Employee desires to retain employment as Police Chief of the Town of Oro Valley; and

WHEREAS, Employee and Employee want to memorialize the terms of their Agreement in a written document

NOW, THEREFORE, in consideration of mutual covenants herein contained, the parties agree as follows:

Section 1. Duties

Employee shall perform the duties of Police Chief for the Town of Oro Valley as specified in State Law, the Oro Valley Town Code, the Oro Valley Town Employment policies and procedures, the job description on attachment A, and as Employer shall from time to time assign. Employee shall serve the Town diligently and according to her best professional and personal abilities in all respects, and generally do all things for the best interests of the Town that are usually done by persons occupying her position as the Police Chief of an Arizona political subdivision. Police Chief shall have and constantly maintain certification as a certified peace officer in good standing with the State of Arizona Police Officer Standards and Training Board (AZPOST).

Section 2. Term

A. The term of this agreement shall be for a period of two (2) years from the effective date of this Agreement. This agreement shall automatically be renewed on its anniversary date in two (2) year increments unless and until this Agreement is terminated for any reasons stated in this document.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employer to terminate the services of Employee at any time for cause, defined as any breach of this Agreement, malfeasance in office, willful breach or habitual neglect of duties, illegal activity or criminal misdemeanor or felony convictions, occurring either within or outside of Employee's scope of employment, or similar acts or omissions.

C. The Employee shall serve at the pleasure of the Town Council and this agreement may be terminated without cause at any time during the term hereof by a majority vote of the Town Council, subject only to the provisions of Section 4 of this agreement.
D. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position, subject only to the provisions of Section 4 of this agreement.

Section 3. Suspension

Employer may suspend the Employee with full pay and benefits at any time during the term of this Agreement. Termination of the Employee other than for cause shall be in accordance with Sections 2 and 4 of this Agreement.

Section 4. Termination without Cause

A. If Employee is terminated other than for cause, during such time that Employee is willing and able to perform the duties of Police Chief under this agreement, then Employer agrees to pay Employee severance pay in periodic installments in the same manner as Employee's previous remuneration as provided in this section.

1. If Employee is terminated other than for cause, or if the Town Council provides notice of non-renewal of this agreement, Employee shall receive severance pay equal to six (6) months' salary in periodic installments in the same manner as Employee's previous remuneration at the date of termination, contingent upon Employee signing a written waiver as referenced in Section 5.

2. Further, Employee shall continue to receive such benefits as she received during her employment with the Town for a period of time equal to the number of months of severance pay to which Employee is entitled per paragraph A.1 directly above.

3. If Employee receives severance pay pursuant to section 4(A)(l) Employee agrees to be available to Employer during the severance pay period to whatever extent desired by the Employer for consulting services, special project work or general assistance to Town staff.

B. If Employee voluntarily resigns her position with Employer, then Employee shall give Employer thirty (30) days' notice in advance unless the parties otherwise agree. Should Employee voluntarily resign her position, Employee is not entitled to the severance pay or benefits provisions of this section.

Section 5. Removal or Resignation and Waiver of Damages

If Employee is removed without cause and receives severance pay pursuant to section 4 of this agreement, or if Employee voluntarily resigns her position, Employee waives the right, and hereby covenants not to bring legal action against the Town or any of its officers or employees arising out of her employment with the Town of Oro Valley or her removal therefrom.

However, nothing in this section shall result in a waiver of or nullify the Employer's obligation pursuant to Section 13 of this Agreement.

Section 6. Performance Goals and Evaluation of Employee

The Town Council and Employee shall from time to time define such goals and performance objectives necessary for the proper operation of the Town of Oro Valley Police Department in accordance with the Town Council’s policy objectives and Town Code. The Town Council shall make reasonable efforts to formally evaluate Employee's performance annually within 30 days of anniversary date of Employee’s appointment as Chief of Police, or as otherwise agreed upon by Employee and Employer.
Section 7. Salary and Salary Adjustments

Employer agrees to pay Employee for services rendered pursuant hereto a salary of One Hundred Fifty Seven Thousand Dollars ($157,000) annually, payable in installments at the same time and in the same manner as other salaried employees of the Employer.

Upon annual evaluation of Employee by the Town Council, the Employee will be entitled to the same relative merit increase as other employees or the Employee may be adjusted upward at the sole direction of the Town Council upon satisfactory job performance. If an annual cost of living, compression, or competitive pay adjustment is approved for all employees of Employer, such adjustment will automatically apply to Employee’s salary at the same time and in the same manner as it would to other salaried employees of the Employer.

Section 8. Hours of Work

Employee shall devote full time to the business of Employer, and shall neither accept nor engage in outside activities, whether paid or unpaid, which would interfere with Employee’s responsibilities to Employer without approval of the Town Council.

Section 9. Benefits

A. Take Home Vehicle. Employee shall be assigned a Town vehicle for use in the performance of her official duties. Employee may use assigned vehicle for personal use consistent with Police Department policies on take home vehicles.

B. Vacation and Sick Leave. Employee shall accrue vacation per Town policy set forth in the personnel rules and procedures for Town employees in effect at the time of accrual. Sick leave shall accrue at the rate set forth in the personnel rules and procedures for Town employees in effect at the time of the accrual.

C. Health, Dental, Life and Disability Insurance. Employer shall provide health, vision, dental, life and disability insurance coverage for the Employee and her family under the same terms as such benefits are provided to all other Town employees and directors.

D. Retirement. Employer shall allow Employee to participate in the Public Safety Pension Retirement System (PSPRS) under the same terms and at the same co-contribution costs as are paid by Employer's other sworn officers and applicable PSPRS rules and regulations.

E. Miscellaneous Benefits Programs. Employer shall allow Employee to participate in other employee benefit programs under the same terms and conditions as are available to all other Town employees.

F. Technology. Will be paid or provided pursuant to Town policy.

Section 10. Bonding

Employer shall bear the full cost of any job-related fidelity or other bonds required of Employee under any law, regulation or ordinance.

Section 11. Dues, Memberships and Subscriptions

Employer shall budget for and pay reasonable costs for professional dues, memberships and subscriptions of Employee, subject to Town Manager and Town Council budgeting approval and appropriate approved budget constraints.
Section 12. Professional Development

A. Subject to budgeting constraints and in accordance with adopted policies and procedures, Employer shall budget for and pay reasonable travel and subsistence expenses of Employee for professional and official travel, meetings and occasions necessary to continue the professional development of Employee and to allow Employee to adequately pursue necessary official and other functions for Employer, including but not limited to the International Association of Chiefs of Police (IACP), the Arizona Association of Chiefs of Police (AACOP), and other such other national, regional, state and local governmental groups and committees thereof in which Employee and/or Employer participates or serves.

B. Employer also agrees, subject to budgeting constraints, to budget for and pay reasonable travel and subsistence expenses of Employee for courses, institutes and seminars that are necessary for her professional development or professional certifications subject to the same rules and regulations of other Town employees, and deemed to be for the good of the Employer.

Section 13. Indemnification

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope and in the performance of Employee's duties as Police Chief. This indemnification shall not extend to any acts or omissions occurring outside of Employee's scope of employment or outside of the performance of Employee's duties as Police Chief. Settlement of any lawsuits shall be according to policies established by the Town’s Risk Pool as established per contractual agreements with the Town.

Section 14. Other Terms and Conditions of Employment

A. Employee and Employer agree that this agreement is contingent in Employee successfully completing a background check as independently conducted by the City of Scottsdale Police Department.

B. The Town Council in consultation with the Employee, shall fix in writing any such other terms and conditions of employment as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Oro Valley Town Code, State law, or any other law.

C. All provisions of the Oro Valley Town Code, and regulations and policies of Employer relating to vacation and sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall apply to the Employee as they would to other management employees of the Employer, to the extent they are consistent with the terms of this Agreement. In the event of an inconsistency between the terms of this Agreement and any such regulation or policy, the terms of this Agreement shall control.
Section 15. Notices

Notices pursuant to this Agreement shall be in writing and given as follows:

A. If to Employer:

   Town Clerk's Office  
   Town of Oro Valley  
   11000 N. La Canada Drive  
   Oro Valley, AZ 85737

B. If to Employee:

   Kara M. Riley  
   Police Department  
   Town of Oro Valley  
   11000 N. La Canada Drive  
   Oro Valley, AZ 85737


A. This document constitutes the entire agreement between the parties. Any representations, statements, promises or understandings not contained herein shall be of no force, effect or validity.

B. No waiver or modification of this agreement or of any covenant, condition, or limitation contained in it shall be valid unless it is in writing and duly executed by the party to be charged with it, and that no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties arising out of or affecting this agreement, or the rights or obligations of any party under it, unless such waiver or modification is in writing, duly executed as above. The parties agree that the provisions of this paragraph may not be waived except by a duly executed writing.

C. This Agreement shall be binding upon and inure to the benefits of the parties, and their respective heirs, successors and assigns.

D. This Agreement shall be effective starting on February 22, 2020.

E. If any provision or any portion thereof contained in this Agreement is held Unconstitutional, invalid or unenforceable, the remainder of this Agreement shall be deemed severable, shall not be affected and shall remain in full force and effect.

F. Upon execution of this Agreement, any prior agreement between Employer and Employee shall be of no further force or effect and the relationship between Employer and Employee shall be governed by the terms of this Agreement.

G. This agreement and performance under it and all suits and special proceedings relating to it be construed in accordance with and under and pursuant to the laws of the State of Arizona and any action, special proceeding, or other proceeding that may be brought arising out of, in connection with, or by reason of this agreement, the laws of the State of Arizona shall be applicable and shall govern to the exclusion of the law of any other forum.
IN WITNESS WHEREOF, the Town of Oro Valley caused this Agreement to be signed and executed on its behalf by Mayor Joseph Winfield of the Town of Oro Valley, and duly attested by its Town Clerk, and Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

TOWN OF ORO VALLEY

_______________________________________
Joseph C. Winfield
Mayor

ATTEST:

_______________________________________
Mike Standish
Town Clerk
(SEAL)

_______________________________________
Kara M. Riley
Employee

APPROVED AS TO FORM:

_______________________________________
Tobin Sidles
Legal Services Director
Town Council Regular and Study Session

Meeting Date: 02/05/2020

Requested by: Bayer Vella, Community and Economic Development

Submitted By: Milini Simms, Community and Economic Development

Case Number: 1901679

SUBJECT:
DISCUSSION REGARDING PROPOSED CODE AMENDMENTS TO C-1, C-2, AND TECHNOLOGICAL PARK AND EQUIVALENT PLANNED AREA DEVELOPMENT DISTRICTS REGARDING LAND USES AND DEVELOPMENT STANDARDS SUCH AS BUILDING HEIGHTS, SETBACKS, ETC.

RECOMMENDATION:
This item is for informational and discussion purposes only. The proposed code amendments will be presented for action by the Town Council in March.

EXECUTIVE SUMMARY:
The purpose of this item is to provide background and information regarding proposed amendments (Attachment 1, Attachment 2 and Attachment 3) to the commercial (C-1 and C-2 only) and Technological Park zoning districts in the Oro Valley Zoning Code and equivalent Planned Area Developments (for affected areas, see image to the right and Attachment 4).

The proposed code amendments are intended to meet the economic goals (1A and 1B) of Town Council's Strategic Leadership Plan and implement actions in the Comprehensive Economic Development Strategy (CEDS) Plan. The proposed code amendment focuses on four primary elements:

1. Expanding the amount of available property for employment uses by allowing low-impact employers in larger commercial zones (for summary of changes, see Attachment 5).
2. Updating standards (such as increasing the building height in limited areas) and reducing discrepancies among the various codes regulating Tech-Park zoned land to establish a more consistent approach (see Attachment 6 and Attachment 7).
3. Increasing predictability for developments of similar size and design by utilizing commercial scenic corridor standards for tech-park developments (see Attachment 8).
4. Removing unintended barriers for attracting employment uses in balance with maintaining community values by adding flexibility and clarity to specific use requirements. For example, adding flexibility to the odor abatement plan requirements (Strategic Leadership Plan, Goal 5A) and increasing the means to regulate vibration, noise, air pollution, safety and other elements associated with manufacturing or warehousing uses (see Attachment 9).

The proposed amendments were discussed by the Planning and Zoning Commission on November 5, 2019, during a study session (see Attachment 10 and Attachment 11) and considered on December 3, 2019 (see Attachment 12 and Attachment 13). The Commission recommended the following:
Reduce the proposed 50' Tech-Park building height to 36' when the subject property is within 100' of a property used or intended for residential purposes (in addition to reducing the height to 36' when located along a scenic corridor).

Allow light warehousing as an ancillary use and hotels/motels as a conditional use in the Oro Valley Tech-Park zoning district.

These recommendations are reflected in the applicable codes (Attachment 1 and Attachment 2). The proposed code amendments support several of the Your Voice, Our Future General Plan's economic goals as well as policies to ensure compatibility and preserve views from scenic corridors. This item is being presented for informational purposes only. The proposed code amendments will be presented for action by the Town Council in March.

BACKGROUND OR DETAILED INFORMATION:
The proposed code amendments are intended to meet the economic goals of the Town Council's Strategic Leadership Plan and implement actions from the Comprehensive Economic Development Strategy (CEDS) plan. The proposed code amendments fulfill these goals and objectives by focusing on four primary elements:

- Expanding the amount of available property for employment uses by allowing low-impact employers in larger commercial zones (see Attachment 5).
- Updating standards (such as increasing the building height in limited areas) and reducing discrepancies among the various codes regulating Tech-Park zoned land to establish a more consistent approach (see Attachment 6 and Attachment 7).
- Increasing predictability for developments of similar size and design by utilizing commercial scenic corridor standards for tech-park developments (see Attachment 8).
- Removing unintended barriers for attracting employment uses in balance with maintaining community values by adding flexibility and clarity to specific use requirements. For example, adding flexibility to the odor abatement plan requirements (Strategic Leadership Plan, Goal 5A) and increasing the means to regulate vibration, noise, air pollution, safety and other elements associated with manufacturing or warehousing uses (see Attachment 9).

The proposed code amendments are included in Attachment 1 (Oro Valley Zoning Code), Attachment 2 (Rancho Vistoso PAD) and Attachment 3 (La Reserve PAD) with detailed information on each element is provided below.

1. Expanding the amount of available property for employment uses

*Existing Permitted Uses*

Employment uses, such as Ventana Roche Medical Systems, Icagen and Securaplane are only allowed in Oro Valley’s Tech-Park zoning district, the Rancho Vistoso Planned Area Development (PAD)-Campus Park Industrial (CPI) district and the La Reserve PAD-Area D.

The total amount of employment land in Oro Valley is approximately 405 acres with 235 acres remaining as vacant land. However, when accounting for areas not buildable due to topography or land already planned for development, the remaining amount of buildable employment space is reduced to roughly 188 acres. A comparison of Oro Valley’s employment space compared to other jurisdictions is depicted below:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Oro Valley</th>
<th>Marana</th>
<th>Scottsdale</th>
<th>Chandler</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total land (sq/mi)</td>
<td>36</td>
<td>121</td>
<td>185</td>
<td>65</td>
</tr>
<tr>
<td>Employment land (in acres), percent of total land</td>
<td>405; 2%</td>
<td>9,818,13%</td>
<td>3,552; 3%</td>
<td>6,135; 5%</td>
</tr>
<tr>
<td>Percentage of buildable land left (acres, percentage)</td>
<td>188; 47%</td>
<td>1,473; 15%</td>
<td>532; 15%</td>
<td>3,485; 57%</td>
</tr>
</tbody>
</table>

A goal of the CEDS Plan is to attract 2-3 employers a year, or 20-30 new and expanded employment users to Oro Valley by 2030. To meet this goal, the Town would need at least 300 acres of employment land available within the next 10 years.

Several employment uses are low impact and function similar to a typical office space, which is currently a permitted use in commercial zoning districts. Commercial districts (C-1 and C-2 only) account for 284 acres of vacant land, which due to the “Amazon” effect, is not in high demand for retail. By allowing more employment uses in commercial zones that are low impact and function similarly to the existing permitted commercial uses, the Town can meet the employment space demand while mitigating the “Amazon” effect. Enabling shopping centers to thrive
by incorporating a bustling mix of uses and activity to foster retail is a nationally recognized strategy.

**Proposed Permitted Uses**

The proposed code amendment (Attachment 1) recommends allowing the following low-impact employment uses (see chart below and Attachment 5) in C-1 and C-2 commercial zones. Additional primary and ancillary uses are proposed in the Tech-Park zoning district for consistency with the Planned Area Developments and to create mixed-use environments sought by employers/employees (see Attachment 6).

<table>
<thead>
<tr>
<th>EXISTING CODE</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>Bars</td>
<td>P</td>
</tr>
<tr>
<td>Distillery</td>
<td></td>
</tr>
<tr>
<td>Microbrewery</td>
<td>A</td>
</tr>
<tr>
<td>Food processing, artisanal</td>
<td>P</td>
</tr>
<tr>
<td>Light Manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>Warehousing, Heavy</td>
<td></td>
</tr>
<tr>
<td>Warehousing, Light</td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td>P</td>
</tr>
<tr>
<td>Personal Services</td>
<td>P</td>
</tr>
<tr>
<td>Wholesaling</td>
<td></td>
</tr>
<tr>
<td>Medical Services (combined inpatient and outpatient)</td>
<td>C</td>
</tr>
<tr>
<td>Vehicle rental establishments for less than 10 vehicles</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Sales</td>
<td>C</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td>C</td>
</tr>
<tr>
<td>Fitness Centers or Health Spas (may have both indoor and outdoor activity)</td>
<td>C</td>
</tr>
</tbody>
</table>

P = Permitted  
C = Conditional  
A = Ancillary

C-1 = Commercial  
C-2 = Regional Commercial  
T-P = Tech Park

Per code, ancillary uses are subordinate to a primary use. In Tech-Park zoning districts, ancillary uses may only occupy 30% of the gross floor area per individual business or 20% of the total development and must be part of a Master Planned Development. A Master Planned Development is an area where large, multi-use developments are planned and developed in a comprehensive manner. Essentially, this assures ancillary uses remain subordinate to primary uses in Tech-Park zones and larger developments are designed cohesively.

2. Update standards and reduce discrepancies among the various development standards for Tech-Park sites

As previously mentioned, Tech Park sites are regulated by three different codes; 1) Town of Oro Valley Zoning Code, 2) Rancho Vistoso Planned Area Development and 3) La Reserve Planned Area Development (see Attachment 6).

Planned Area Developments have existed in Oro Valley since 1974, creating unique code requirements for specific geographic areas. The subject codes have evolved independently over time creating a variation of standards, specifically with regard to height and uses, for Tech Park sites. This causes confusion for prospective employment users and surrounding residents. As such, to further assist in attracting employment uses and meet the economic goals of the Strategic Leadership Plan and CEDS Plan, the proposed amendment aims to provide some parity between the three different regulating documents. In addition to gaining parity between the permitted and ancillary uses previously mentioned, further consistency among the permitted building heights and building size is also achieved through the amendments.
Existing Building Height

The existing building height allowed for Tech-Park uses ranges from 34’ to 48’, depending on if the property is regulated by the Town’s Zoning Code or a Planned Area Development. Tech-park buildings tend to be larger and with limited space, many buildings must go vertical instead of building outward. To understand the needs of tech-park users, Town staff reviewed other jurisdictions’ Tech-Park standards to recommend a building height that will be regionally competitive yet maintain the goals of the community. Additionally, input was provided by Oro Valley’s largest employer, Ventana Roche, which is also seeking an increased height of 50’ (see Attachment 14).

A comparison between the existing codes and surrounding jurisdictions is provided below:

<table>
<thead>
<tr>
<th>Height</th>
<th>Oro Valley Zoning Code</th>
<th>Rancho Vistoso PAD</th>
<th>La Reserve PAD</th>
<th>Tucson</th>
<th>Marana</th>
<th>Sahuarita</th>
<th>Pima County</th>
<th>Mesa</th>
<th>Tempe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tech-Park*</td>
<td>34’</td>
<td>36’, 44’ or 48’</td>
<td>35’ or 42’</td>
<td>50’</td>
<td>50’</td>
<td>44’</td>
<td>44’</td>
<td>40’</td>
<td>30’</td>
</tr>
</tbody>
</table>

*Height for surrounding jurisdictions is based on the zoning district most comparable with Oro Valley’s Tech-Park zoning district. However, most jurisdictions also have industrial zoning districts which allow much taller building heights. Additionally, depicted is the max building height of the main structure, which does include an additional allowance for architectural features.

Proposed Building Height

As shown in the table above, there are currently six different building heights permitted among Tech-Park sites. The proposed code amendment aims to reduce disparity between sites and meet the needs of employment users while preserving views for surrounding homes and along scenic corridors. To accomplish these objectives, the existing heights have been consolidated to either 50’ or 36’ (see chart below and for map, see Attachment 7).

![PROPOSED HEIGHT INCREASE (NEW HEIGHTS)](chart.png)

** ** To protect views from surrounding homes, the proposed 50’ height reduced to 36’ when the subject property is within 100’ of a property used or intended for residential purposes. Additionally, the code currently restricts building heights along Oracle and Tangerine Road to protect the views along these scenic corridors. The proposed code amendment retains these restrictions (the west side of Oracle Road is revised to match the commercial standards) and restricts the building height to 36’ for properties fronting Oracle Road (Tangerine is reduced through the existing code). A summary of the scenic corridor standards and amendments is provided below and in Attachment 8:

<table>
<thead>
<tr>
<th>Corridor</th>
<th>EXISTING CODE</th>
<th>PROPOSED CODE</th>
<th>TECH-PARK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tangerine Road</td>
<td>Refers to commercial standards</td>
<td>Restricted to 20’ if located within 100’ and visible from the Tangerine Road right-of-way</td>
<td>No change</td>
</tr>
<tr>
<td>Oracle Road West-side</td>
<td>No buildings over 18’ may be within 150’ of Oracle Road</td>
<td>No buildings over 18’ may be within a minimum of 60% of the frontage to a depth of 300’</td>
<td>Refer to the commercial standard for consistency and restrict building height to 36’ for lots fronting Oracle Road.</td>
</tr>
<tr>
<td>Oracle Road East-side</td>
<td>60% of the frontage to a depth of 300’ is maintained as a view corridor unless properties are less than 2 acres or 400’ in depth, then heights over 25’ are limited to 40% of the frontage.</td>
<td>Maintain current requirements and restrict building height to 36’ for lots fronting Oracle Road.</td>
<td></td>
</tr>
</tbody>
</table>

Currently, the code allows a 10’ allowance for architectural features upon Planning and Zoning Commission approval. These features, which include parapets, towers and cornices are important for screening mechanical equipment and creating architectural interest in varying the roof line (both of which are code requirements). However, since Tech-Park developments are administratively approved through the Economic Expansion Zone, this has been amended to be permitted by right. For consistency, the approval for the 10’ foot allowance has been amended in commercial zones as well.
Existing and Proposed Building Size
Currently, in the Oro Valley Tech-Park Zoning District the building size for individual structures is restricted to 15,000 square feet on properties of 10 acres or fewer, unless a Conditional Use Permit is acquired. This requirement was established because Tech-Park buildings tend to be larger in scale (yet similar to those built in a C-2 commercial zoning district). Since this requirement was established, the Design Guidelines and Standards were adopted, which address many of the concerns (building scale and mass) associated with larger buildings. Additionally, other Tech-Park sites regulated by Planned Area Developments (I.E. Innovation Park and the Foothills Business Park) are not restricted. As such, this provision has been removed as it is outdated and creates parity among all Tech-Park sites.

3. Increase predictability for developments of similar size and design
Existing and Proposed Setbacks
Although similar in design and functionality, the setbacks for commercial centers (commercial zoning districts) and employment centers (Tech-Park zoning districts) are different; with the latter being more restrictive. The proposed code amendment makes the setbacks consistent for all commercial and the Tech-Park zoning districts regulated by the Oro Valley Zoning Code.

The proposed code amendment also clarifies the setbacks are for the site perimeter rather than the individual buildings to create cohesive employment or commercial centers. Setbacks are intended to create a separation between developments and adjoining lots or streets. For commercial or employment centers, the intent is met through perimeter setbacks. The proposed code amendment includes a distance between buildings to account for fire safety and allow for pedestrian connectivity throughout the site.

Existing and Proposed Scenic Corridor Standards
As previously mentioned, the Town of Oro Valley has two scenic corridors, Oracle Road and Tangerine Road (for map, see Attachment 8), which restrict developments in order to preserve the scenic character of these areas. The requirements for commercial centers and employment uses are different; with the latter being more restrictive. However, both types of developments include similar design elements such as large buildings, internal circulation patterns and larger parking areas.

The Tangerine Corridor acknowledges this similarity between commercial and employment centers by applying the same standards among both types of development. However, along Oracle Road the front setback and buffer yards are inconsistent with the Tech-Park standards being more extensive. For example, this means a permitted office would require a larger setback in a Tech-Park zone than it would in a commercial zone with the same height. As such, the setbacks along Oracle Road have been revised for greater consistency among the tech-park and commercial standards. Please see chart below and Attachment 8 for a summary of the proposed revisions.

<table>
<thead>
<tr>
<th>TANGERINE ROAD SCENIC CORRIDOR</th>
<th>EXISTING CODE</th>
<th>PROPOSED CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tech-Park</td>
<td>Refers to commercial</td>
<td>4:1 (setback to height)</td>
</tr>
<tr>
<td>Commercial</td>
<td>4:1 (setback to height)</td>
<td>No change- Existing standards are consistent between T-P and commercial.</td>
</tr>
<tr>
<td>Side/Rear setbacks</td>
<td>Refers to commercial</td>
<td>Underlying Zoning district</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ORACLE ROAD SCENIC CORRIDOR</th>
<th>EXISTING CODE</th>
<th>PROPOSED CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tech- Park</td>
<td>150’ except for La Reserve PAD sites, which is 50’</td>
<td>Revised to refer to all the commercial standards</td>
</tr>
<tr>
<td>Commercial</td>
<td>Single structure: 60’ and 4:1 (setback to building height) Multiple structures: 120’ average</td>
<td></td>
</tr>
<tr>
<td>Front setback</td>
<td>Revised to 40’ when abutting residential. Forty feet is the maximum depth of a buffer yard required in Section 27.6.C.4.</td>
<td></td>
</tr>
<tr>
<td>Side/ Rear buffer yards</td>
<td>100 feet when abutting residential</td>
<td>Silent – normal buffer yard requirements apply</td>
</tr>
</tbody>
</table>
4. Remove Unintended Barriers
Section 25.1.B. of the Zoning Code has additional standards for specific uses. Minor changes were made for consistency with the permitted use table and provisions for manufacturing and warehouses were added to clearly delineate between the two subcategories (light or heavy) permitted for these uses.

Currently, manufacturing is categorized as either light or heavy based on whether the use impacts surrounding properties (based on noise, odor, etc.). Warehousing, which is currently permitted in Rancho Vistoso and La Reserve tech-parks is not categorized by intensity. As such the proposed code amendment adds restrictions on both uses to assure manufacturing and warehousing uses that may impact surrounding areas are approved through the public review process. Should the following restrictions not be met the use is deemed "heavy" and a Conditional Use Permit must be acquired (approved by Town Council). A summary is provided below and in Attachment 9.

<table>
<thead>
<tr>
<th>USE</th>
<th>REQUIREMENT</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
</table>
| Manufacturing               | Vibration                                         | Only the La Reserve (LR) PAD restricts the amount of vibration that may occur. | • Shall not be discernible at the property line when the development abuts a residential property.  
• Vibration shall not be discernible beyond the property line to the human sense of feeling for a duration of three minutes or more in any one hour of the day between the hours of 7:00 AM-7:00 PM or of a duration of 30 seconds or more in any one hour between the hours of 7:00 PM-7:00 AM, when the development abuts a non-residential property.                                                                                                                                                                                                                                                                                                                                                       |
| Glare/Heat                  | Shall not be discernible at the property line unless a CUP is acquired | No change                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Fly ash, dust fumes, vapors, gasses and other forms of air pollution | Only the La Reserve (LR) PAD has parameters for this. | Add language consistent with the La Reserve PAD: No emission shall be permitted which can cause any damage to health, damage to animals or vegetation, or damage to or soiling of other forms of property. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Liquid and solid waste      | No provisions                                     | No waste shall be discharged in the streets, drainage ways or on any property except in appropriately designed disposal systems. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Manufacturing and Warehousing | Noise                                             | Shall not be discernible at the property line unless a CUP is acquired | No change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Odor                        | Not discernible at the property line              | Add language to require an odor abatement plan when necessary.           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Warehouse                   | Hazardous Material                                | No provisions                                                            | Storage of such shall not be permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Safety                      | No provisions                                     | Distribution shall not result in the creation of traffic hazards or undue congestion. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
Strategic Leadership Plan specifically included amending this section of code under the Land Use focus area (Goal 5A).

The proposed code amendment provides flexibility to allow the Planning and Zoning Administrator to waive the odor abatement plan requirement if it is deemed unnecessary as the nature of operations create a low risk of emitting objectionable odors. The waiver may be reconsidered or revoked should issues arise.

**GENERAL PLAN CONFORMANCE**

The proposed code amendment was reviewed for conformance with the *Your Voice, Our Future* General Plan. By expanding the amount of property available for employment uses and amending associated standards while balancing the community's value to preserve views from homes and along the scenic corridors, the proposed code amendments support the following goals and policies.

- **Policy SD.6.** Protect scenic corridors, public park and trail view sheds, and the distinctive visual character and visual appeal of Oro Valley.
- **Goal B.** A robust local economy and job market that provide opportunities for quality employment, build on Oro Valley’s assets and encourage high-quality growth.
- **Goal C.** A strong sector of targeted industries, including bioscience and aerospace, that provide opportunities for synergy and growth.
- **Goal X.** Effective transitions between differing land uses and intensities in the community.
- **Policy E.1.** Develop a diversified and robust economic base to support long-term economic stability.
- **Policy E.2.** Establish programs, strategies, investments and financial incentives that advance the Town’s economic prosperity.
- **Policy CC.6.** Promote the creation of unique community gathering places that are inviting, walkable, attractive and vibrant and offer commercial, entertainment or cultural activity.

**PLANNING AND ZONING COMMISSION**

The proposed amendments were discussed by the Planning and Zoning Commission on November 5, 2019 during a study session (see Attachment 10 and Attachment 11) and considered on December 3, 2019 (see Attachment 12 and Attachment 13). The Commission recommended approval of all three items, with the following changes, which are reflected in the applicable codes (Attachment 1 and Attachment 2).

- Reduce the proposed 50’ Tech-Park building height to 36’ when the subject property is within 100’ of a property used or intended for residential purposes (in addition to reducing the height to 36’ when located along a scenic corridor)
- Allow light warehousing as an ancillary use and hotels/motels as a conditional use in the Oro Valley Tech-Park zoning district

Please note, in La Reserve (Foothills Business Park) the existing height permitted on lots within 100’ of residential property is 42’. As such, reducing it further to 36’ could lead to a property rights issue. Additionally, the proposed height is 36’ for all Tech-Park sites regulated by the Oro Valley Zoning Code. As such, the additional height restriction is only applicable in the Rancho Vistoso PAD (Innovation Park).

**SUMMARY**

The proposed code amendments are intended to meet the goals of the Town Council’s Strategic Leadership Plan and strategies in the Comprehensive Economic Development Strategy; specifically to attract and retain employment uses. The proposed code amendment achieves this by focusing four main elements:

1. Expanding the amount of available property for employment uses by allowing low-impact employers in larger commercial zones (see Attachment 5)
2. Updating standards (such as increasing the building height in limited areas) and reducing discrepancies among the various codes regulating Tech-Park zoned land to establish a more consistent approach (see Attachment 6 and Attachment 7).
3. Increasing predictability for developments of similar size and design by utilizing commercial scenic corridor standards for tech-park developments (see Attachment 8)
4. Removing unintended barriers for attracting employment uses in balance with maintaining community values by adding flexibility and clarity to specific use requirements. For example, adding flexibility to the odor abatement plan requirements (Strategic Leadership Plan, Goal 5A) and increasing the means to regulate vibration, noise, air pollution, safety and other elements
associates with manufacturing or warehousing uses (see Attachment 9).

This item is for informational and discussion purposes only. The proposed code amendments will be presented for action by the Town Council in March.

**FISCAL IMPACT:**
N/A

**SUGGESTED MOTION:**
This item is for informational purposes only. The proposed code amendments will be presented for action by the Town Council in March.

**Attachments**
ATTACHMENT 1- AMENDMENTS TO ORO VALLEY ZONING CODE
ATTACHMENT 2 - RANCHO VISTOSO PAD AMENDMENTS
ATTACHMENT 3 - LA RESERVE PAD AMENDMENTS
ATTACHMENT 4- MAP OF COMMERCIAL AND TECH-PARK AREAS
ATTACHMENT 5- COMMERCIAL USES
ATTACHMENT 6- AMENDMENTS TO TECH-PARK ZONES
ATTACHMENT 7- PROPOSED HEIGHTS
ATTACHMENT 8- SCENIC CORRIDORS
ATTACHMENT 9- SPECIFIC USES
ATTACHMENT 10- PZC STAFF REPORT 11.5.19
ATTACHMENT 11- PZC MINUTES 11.5.19
ATTACHMENT 12- PZC STAFF REPORT 12.3.19
ATTACHMENT 13- PZC MINUTES 12.3.19
ATTACHMENT 14- LETTER OF SUPPORT
AMEND the following in Section 23, Section 25, Section 27, Chapter 31 and Addendum I of the Zoning Code. Additions shown in ALL CAPS, Deletions shown in strikethrough

Section 23.1 Districts and Boundaries Thereof

B. Purpose of Districts

18. T-P Technological Park District

This district provides for administrative, research and specialized manufacturing activities at a low intensity. THIS DISTRICT IS INTENDED TO PROVIDE HIGH QUALITY EMPLOYMENT OPPORTUNITIES, SUCH AS RESEARCH AND DEVELOPMENT, BIOTECHNOLOGY, AND OTHER EMERGING INDUSTRIES. Uses include a mix of light industrial, professional office, office/showroom, office/warehouse, ASSEMBLY AND DISTRIBUTION, ancillary retail services and related uses. THESE USES GENERALLY OCCUR IN A BUSINESS PARK-TYPE ENVIRONMENT WITH CLUSTERED BUILDINGS AND INWARD FOCUSED ACTIVITY. All uses shall be of a non-nuisance type and minimal scale having low silhouette, a variety of separate building masses and landscaped areas. This district is to provide employment near residential areas and the development standards are intended to be compatible to adjacent residential AREAS. uses and provide a park-like setting for employment.
### TABLE 23-1: PERMITTED USES

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>Single-Family</th>
<th>Multi-Family</th>
<th>Commercial</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>R1-300</td>
<td>R1-144</td>
<td>R1-72</td>
<td>R1-43, R1-36, R1-20, R1-10, R1-7, S, D, H, 6</td>
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<tr>
<td>AGRICULTURAL USES</td>
<td>Agriculture</td>
<td>Commercial Stables</td>
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<td></td>
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<td>Farms and Ranches</td>
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<tr>
<td></td>
<td></td>
<td>Marketing of Products Raised on the Premises</td>
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<tr>
<td></td>
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<td>Medical Marijuana Dispensary Offsite Cultivation Location, Designated Caregiver Cultivation Location, Designated Qualifying Patient Cultivation Location</td>
<td></td>
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<td></td>
<td></td>
<td>Plant Nursery</td>
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<tr>
<td>COMMERCIAL USES</td>
<td>Food and Beverage</td>
<td>Bars</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td>Entertainment at Bars or Restaurants</td>
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<td></td>
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<td>Food Processing, Artisanal</td>
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<tr>
<td>USE CATEGORY</td>
<td>SPECIFIC USE TYPE</td>
<td>Single-Family</td>
<td>Multi-Family</td>
<td>Commercial</td>
<td>Other</td>
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<td>S D H 6</td>
<td>R-4</td>
<td>R-4R</td>
<td>R-6</td>
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<tr>
<td>Microbrewery</td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td>P</td>
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<tr>
<td>Mobile Food Units, Including Food Trucks</td>
<td>P</td>
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<td>Restaurant</td>
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<tr>
<td>Restaurant With Drive-in/Drive-thru</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Manufacturing &amp; Processing</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Food Processing, Large Scale</td>
<td></td>
<td></td>
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<tr>
<td>Manufacturing Services, Heavy</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
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</tr>
<tr>
<td>Manufacturing Services, Light</td>
<td>P</td>
<td></td>
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<tr>
<td>WAREHOUSING, HEAVY</td>
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<td>WAREHOUSING, LIGHT</td>
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<td>Communication Studios</td>
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<td>P</td>
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<tr>
<td>Offices</td>
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<td>P</td>
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<td>RESEARCH AND DEVELOPMENT</td>
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<td>Retail Sales</td>
<td>Convenience Market</td>
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<td>Drive-thru Uses</td>
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25.1.B.20
25.1.B.21
23.8.F
25.1.B.6
25.1.B.25
25.1.B.13
25.1.B.17
25.1.B.8
<table>
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<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>Single-Family</th>
<th>Multi-Family</th>
<th>Commercial</th>
<th>Other</th>
</tr>
</thead>
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<tr>
<td></td>
<td>R1-300</td>
<td>R1-144</td>
<td>R1-72</td>
<td>R1-43</td>
<td>R1-36</td>
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<tr>
<td>General Retail</td>
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<td>Drive-thru Uses, Not Including Banks</td>
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<td>Financial Services</td>
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<td>Medical Services – Outpatient</td>
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<td>Rental Establishments, Less Than 10 Vehicles</td>
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<td>Repair Facilities</td>
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<td>Sales</td>
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<td>Storage Facility, Including Parking Garage</td>
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<td>Washes/detailing</td>
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<td></td>
<td>Boarding House or Lodging House</td>
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Bold text indicates the specific use type for each category.
<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>Single-Family</th>
<th>Multi-Family</th>
<th>Commercial</th>
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<tr>
<td>Visitor</td>
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<td>R1-300</td>
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<td>Accommodation</td>
<td>Guest Ranches</td>
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<td>Hotels/motels</td>
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<tr>
<td>PUBLIC, INSTITUTIONAL AND CIVIC USES</td>
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<td>Public, Institutional, Civic</td>
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<td>General Aviation</td>
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<td>Golf Driving Range or Miniature Golf, Stand Alone</td>
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<td>Schools, Private</td>
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<td>USE CATEGORY</td>
<td>SPECIFIC USE TYPE</td>
<td>Single-Family</td>
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<td>Utilities, Privately Owned</td>
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<td>Recreation</td>
<td>Buildings and Facilities, Not-for-Profit Community Service Organizations, such as Boys &amp; Girls Clubs or YMCA</td>
<td>C</td>
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<td></td>
<td>Buildings and Facilities, Private, Including Fitness Centers or Health Spas</td>
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<td></td>
<td>Buildings and Facilities With Outdoor Activities, Private, Including Fitness Centers or Health Spas</td>
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<td>RESIDENTIAL USES</td>
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<tr>
<td>Residential</td>
<td>Apartments</td>
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<td></td>
<td>Assisted Living Home</td>
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<td></td>
<td>Dwelling Units, Site-Delivered, Single-Family</td>
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<tr>
<td>USE CATEGORY</td>
<td>SPECIFIC USE TYPE</td>
<td>Single-Family</td>
<td>Multi-Family</td>
<td>Commercial</td>
<td>Other</td>
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<td>R1-300 R1-144 R1-72 R1-43 R1-36 R1-20 R1-7</td>
<td>S  D  H</td>
<td>R-4  R-4R  R-S R-6</td>
<td>C-N  C-1  C-2  PS  T-P  POS</td>
<td>NOTES</td>
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<td>Dwelling Units, Attached, Including Condominium, Patio Home or Townhouse</td>
<td>P P P P P P P</td>
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<td>26.5 23.7</td>
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<td>Home Occupations</td>
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OTHER USES

Table 23-2a: Dimensional Requirements

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Property Size</th>
<th>Yard Setbacks (feet)</th>
<th>Maximum Building Height</th>
<th>Min. Open Space</th>
<th>Max. Floor Area Ratio</th>
<th>Addl Regs</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
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<tr>
<td>CN</td>
<td>0 acres</td>
<td>20*</td>
<td>0-50*</td>
<td>0-50*</td>
<td>25 feet or 2 stories*</td>
<td>25%</td>
</tr>
<tr>
<td>C-1</td>
<td>5 acres</td>
<td>20*</td>
<td>0-50*</td>
<td>0-50*</td>
<td>25 feet or 2 stories*</td>
<td>20%</td>
</tr>
<tr>
<td>C-2</td>
<td>10 acres</td>
<td>20*</td>
<td>0-50*</td>
<td>0-50*</td>
<td>30 feet or 2 stories*</td>
<td>20%</td>
</tr>
<tr>
<td>PS</td>
<td>5 acres (schools only)</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>1 story and 24-45 feet*</td>
<td>25%</td>
</tr>
<tr>
<td>T-P</td>
<td>3 acres</td>
<td>3:1</td>
<td>0-50*</td>
<td>0-50*</td>
<td>34 36 feet*</td>
<td>25%</td>
</tr>
<tr>
<td>POS</td>
<td>0-50*</td>
<td>0-50*</td>
<td>0-50*</td>
<td>*</td>
<td>1 story and 25-45 feet*</td>
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</tbody>
</table>

Section 23.8 Property Development Standards for Nonresidential Districts

B. C-N Neighborhood Commercial District

2. Building Height
   a. If a contiguous residential district has a more restrictive height standard, all buildings within eighty-five (85) feet of the property line of contiguous R-1 single-family residually zoned property shall conform to that more restrictive standard of the contiguous zone.
   b. Architecturally appropriate elements such as bell towers or mechanical screening may exceed this limitation by no more than seven (7) feet, subject to approval by the Planning Division Manager. Additional height for architectural elements, up to thirty-five (35) feet, must be approved by the Town Council.

B. ARCHITECTURAL DESIGN FEATURES SUCH AS CORNICES, LENTILS, CAPS, OR OTHER SIMILAR ELEMENTS INCORPORATED INTO THE PARAPET TO VARY THE ROOF LINE OR SCREEN MECHANICAL EQUIPMENT MAY EXCEED THIS LIMITATION BY NO MORE THAN TEN (10) FEET.

4. SITE PERIMETER Yards and Setbacks
   a. Front: TWENTY (20) FEET OR WHERE adjacent to a residential district, the front setback regulations of the residential district shall apply; WHICHEVER IS GREATER
   b. Side and Rear Setbacks:
      i. Fifty (50) feet or 3:1, whichever is greater (setback to building height) where the lot abuts a PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES, WHICHEVER IS GREATER
      ii. Twenty-five (25) feet where the lot abuts a multi-family residential or nonresidential district.

C. DISTANCE BETWEEN BUILDINGS: MINIMUM DISTANCE OF TEN (10) FEET
C. C-1 Commercial District

2. Building Height
Architectural DESIGN FEATURES elements such as bell towers, CORNICES, LENTILS, CAPS, OR OTHER SIMILAR ELEMENTS INCORPORATED INTO THE PARAPET TO VARY THE ROOF LINE OR SCREEN MECHANICAL EQUIPMENT may exceed this limitation by no more than ten (10) feet. subject to approval by the Planning and Zoning Commission.

D. C-2 Commercial District

1. Building Height
Architectural DESIGN FEATURES elements such as bell towers, CORNICES, LENTILS, CAPS, OR OTHER SIMILAR ELEMENTS INCORPORATED INTO THE PARAPET TO VARY THE ROOF LINE OR SCREEN MECHANICAL EQUIPMENT may exceed this limitation by no more than ten (10) feet.

F. T-P Technological Park District

1. BUILDING HEIGHT
A. ARCHITECTURAL DESIGN FEATURES SUCH AS CORNICES, LENTILS, CAPS, OR OTHER SIMILAR ELEMENTS INCORPORATED INTO THE PARAPET TO VARY THE ROOF LINE OR SCREEN MECHANICAL EQUIPMENT MAY EXCEED THIS LIMITATION BY NO MORE THAN TEN (10) FEET.

1. Retail Sales Uses
Retail sales are allowed as an ancillary use directly related to and contained within the structure of the primary use.

2. Floor Area Limits ANCILLARY Uses
a. ANCILLARY USES MAY ONLY BE SITED WITHIN A MASTER PLANNED DEVELOPMENT.
b. Ancillary uses shall be no greater than five thousand (5,000) square feet. THIRTY PERCENT (30%) of gross floor area per individual business, except that expansions may be allowed with a conditional use permit.
c. The gross floor area of ancillary uses, not contained within a primary use facility, is limited to no more than twenty percent (20%) OF THE TOTAL developed gross floor area OF THE DEVELOPMENT.
d. The gross floor area of any one (1) structure shall not exceed fifteen thousand (15,000) square feet on lots less than ten (10) gross acres, except that expansions may be allowed with a conditional use permit.

3. Courtyards and Pedestrian Malls
a. A portion of the development shall be oriented towards a landscaped courtyard or mall with seating areas and all or a portion of the required public art.
b. The courtyard or mall shall be a minimum of two percent (2%) of the net lot area of the site in square feet, which shall be considered to be part of the required open space.
c. The courtyard/mall requirement may be waived OR REDUCED by Town Council based on a suitable alternative design solution. being presented to and approved by the Planning and Zoning Commission.

4. SITE PERIMETER Yards and Setbacks
a. Front Yard: A ratio of three to one (3:1), shall be used. For buildings less than a height of twenty-five (25) feet, a ratio of two to one (2:1) will be permitted. TWENTY (20) FEET OR WHERE ADJACENT TO A RESIDENTIAL DISTRICT, THE FRONT SETBACK REGULATIONS OF THE RESIDENTIAL DISTRICT SHALL APPLY; WHICHER IS GREATER
b. Side and Rear Setbacks:
   i. Fifty (50) feet or 3:1 whichever is greater (setback to building height) where the lot abuts a PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES, WHICHER IS GREATER a residential district or abuts an alley that is adjacent to a residential district.
Section 25.1 Requirements for Specific Uses

A. General Requirements for All Non-Residential Uses

6. Odors

A. During the building permit process, an odor abatement plan is required for any use which may emit odorous matter discernible beyond the on-site property boundary. Uses include restaurants, manufacturing, processing, medical marijuana cultivation distilleries, micro-breweries, or similar uses, as determined by the planning and zoning administrator. All restaurants, manufacturing, and senior care uses shall provide an odor abatement plan at the time of final design submittal. The plan is subject to planning and zoning administrator approval. Decisions may be appealed to the board of adjustment.

B. The odor abatement plan must contain the following elements:
   i. An inventory of potential or identified odor emitting emission point sources associated with the industry or land use, activities or processes that take place at the facility, the sources of occurrence and length of time the occurrence lasts.
   ii. An odor control plan detailing best available control technologies and appurtenances designed to eliminate or achieve the maximum reduction of odor emission from an emission point source inclusive of, but not necessarily limited to certain processes, procedures, or operating methods intended to mitigate or control odor. The administrative and engineering controls the facility will implement to control odors.
      A. Administrative controls include procedural activities, staff training procedures, recordkeeping and forms.
      B. Engineering controls include system design, operational processes and a maintenance plan.
   iii. A specification of the documentation that will be made available for town review which will verify the data produced by the monitoring equipment, and which will verify that processes and procedures are conducted consistent with the specifications in the facility’s odor control study and plan.
   iv. A schedule for the implementation and installation of the control technologies, appurtenances and monitoring instrumentation.
   v. An acknowledgment of the authority of the town and/or county and its agents to enter into the facility and its property to investigate complaints and to verify the facility’s adherence to the compliance plan.

C. At the discretion of the planning and zoning administrator, the requirement for an odor abatement plan may be waived, if deemed unnecessary as the nature of operations create a low risk of emitting objectionable odors. The waiver is subject to reconsideration and may be revoked, if odors are determined to be objectionable after occupancy and use.

B. Requirements for Specific Non-Residential Uses

12. Food Processing, Artisanal
   a. Artisanal food processing uses shall not exceed fifteen thousand (15,000) square feet in gross floor area.

13. Food Processing, Large Scale
   a. Food processing uses greater than fifteen thousand (15,000) square feet of gross floor area.
   a.b. No slaughterhouses, meat processing and/or packing plants, or any other facilities used in the reduction of animal matter, or rendering of fats or oils are permitted.

16. Health Studio or Fitness Center
a. All activities must be indoor CONDUCTED within an entirely enclosed building OR A FULLY SCREENED YARD IN ACCORDANCE WITH SECTION 25.1.A.4.

17. Manufacturing Services

a. All activities must be conducted within an entirely enclosed building, including the storage of all materials, OR A FULLY SCREENED YARD IN ACCORDANCE WITH SECTION 25.1.A.4.

b. ALL Loading areas, INCLUDING DOCKS AND PLATFORMS shall not be visible from any property used or intended for residential purposes.

b. MANUFACTURING SERVICES SHALL BE CONDUCTED IN CONFORMANCE WITH ALL OF THE FOLLOWING OR A CONDITIONAL USE PERMIT WILL BE REQUIRED IN ACCORDANCE WITH SECTION 22.5.

c. None of the following shall be discernible at the property line:
   I. Noise
      NOISE SHALL NOT BE DISCERNIBLE AT THE PROPERTY LINE.
   II. Odor
      EMISSION OF ODOROUS MATTER IN SUCH A MANNER TO CREATE A NUISANCE OR HAZARD BEYOND THE PROPERTY LINE SHALL NOT BE PERMITTED. AT THE DISCRETION OF THE PLANNING AND ZONING ADMINISTRATOR AN ODOR ABATEMENT PLAN MAY BE REQUIRED IN ACCORDANCE WITH SECTION 25.1.A.6.
   III. Vibration
      a) WHEN THE DEVELOPMENT ABUTS A PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES, VIBRATION SHALL NOT BE DISCERNIBLE BEYOND THE PROPERTY LINE.
      b) WHEN THE DEVELOPMENT ABUTS A PROPERTY USED OR INTENDED FOR NON-RESIDENTIAL PURPOSES, VIBRATION SHALL NOT BE DISCERNIBLE BEYOND THE PROPERTY LINE TO THE HUMAN SENSE OF FEELING FOR A DURATION OF THREE MINUTES OR MORE IN ANY ONE HOUR OF THE DAY BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. OR OF A DURATION OF 30 SECONDS OR MORE IN ANY ONE HOUR BETWEEN THE HOURS OF 7:00 P.M. AND 7:00 A.M.
   IV. Glare/Heat
      ANY ACTIVITY PRODUCING INTENSE GLARE OR HEAT SHALL NOT BE DISCERNIBLE AT THE PROPERTY LINE.
   V. FLY ASH, DUST FUMES, VAPORS, GASSES AND OTHER FORMS OF AIR POLLUTION NO EMISSION SHALL BE PERMITTED WHICH CAN CAUSE ANY DAMAGE TO HEALTH, DAMAGE TO ANIMALS OR VEGETATION, OR DAMAGE TO OR SOILING OF OTHER FORMS OF PROPERTY.
   VI. LIQUID AND SOLID WASTE
      NO WASTE SHALL BE DISCHARGED IN THE STREETS, DRAINAGE WAYS OR ON ANY PROPERTY EXCEPT IN APPROPRIATELY DESIGNED DISPOSAL SYSTEMS.

20. Microbrewery

a. No microbrewery may produce more than three hundred thousand (300,000) gallons annually.

b. A microbrewery may be permitted as an ancillary use to a restaurant not to exceed forty percent (40%) of the gross floor area

33. Visitor Accommodations

a. In the R-4R District, Commercial uses are permitted appurtenant to visitor accommodation use types, such as restaurants, excluding drive-in or drive-through types, cocktail lounges, and small retail shops; provided, that the entrance to any such appurtenant use shall be from the lobby, arcade, or interior patio, unless otherwise approved by the Planning and Zoning Commission.
34. WAREHOUSING

a. A SHOWROOM IS PERMITTED AS AN ANCILLARY USE IN ACCORDANCE WITH SECTION 23.8.F.
b. ALL LOADING AREAS, INCLUDING DOCKS AND PLATFORMS SHALL NOT BE VISIBLE FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
c. ALL OUTDOOR ACTIVITY SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 25.1.A.4 AND FULLY SCREENED IN ACCORDANCE WITH SECTION 27.6.C.5.
d. WAREHOUSING SERVICES SHALL BE CONDUCTED IN CONFORMANCE WITH ALL OF THE FOLLOWING OR A CONDITIONAL USE PERMIT WILL BE REQUIRED IN ACCORDANCE WITH SECTION 22.5

   I. NOISE
   NOISE SHALL NOT BE DISCERNIBLE AT THE PROPERTY LINE.

   II. ODOR
   EMISSION OF ODOROUS MATTER IN SUCH A MANNER TO CREATE A NUISANCE OR HAZARD BEYOND THE PROPERTY LINE SHALL NOT BE PERMITTED. AT THE DISCRETION OF THE PLANNING AND ZONING ADMINISTRATOR AN ODOR ABATEMENT PLAN MAY BE REQUIRED IN ACCORDANCE WITH SECTION 25.1.A.6.

   III. HAZARDOUS MATERIAL
   THE KEEPING OF EXPLOSIVE, HIGHLY COMBUSTIBLE, CORROSIVE, TOXIC, HIGHLY OXIDIZING, RADIOACTIVE OR OTHER HAZARDOUS MATERIALS SHALL NOT BE PERMITTED.

   IV. SAFETY
   THE DISTRIBUTION OF GOODS SHALL NOT RESULT IN THE CREATION OF TRAFFIC HAZARDS OR UNDUE CONGESTION ON ANY PUBLIC OR PRIVATE STREET

Section 27.10 Environmentally Sensitive Lands

D. Environmentally Sensitive Lands Conservation System

3. Conservation Categories
ESL conservation system categories and related conservation requirements are listed below.

f. Scenic Resources Category
   vi. Site Development
   Oracle Road Scenic Corridor Overlay District (ORSCOD) and Tangerine Road Corridor Overlay District (TRCOD)
       (D) Employment/Institutional Regulations
       Campus developments on larger sites are especially desirable for preserving view corridors, adding variety to the specific plan area and creating activity balance with in-community destination sites. Special attention is required to maintain the corridor's structural scale and efficient traffic management. Zoning district requirements apply, except as hereinafter provided, for properties classified under Sections 23.8.E, Private Schools (PS), and 23.8.F, Technological Park (T-P) Districts and located within the Oracle Road Scenic Corridor District.
       (i) Access to Oracle Road. Campus uses require a minimum frontage of six hundred sixty (660) feet on Oracle Road or other arterial streets, with roadway access located so as to be at least three hundred (300) feet from an established entry point to an adjacent property or street:
           (A) Multiple entries may be required if traffic projections for the proposed use so warrant.
           (B) Signalization, at appropriate spacing, is permitted only if warranted according to Arizona Department of Transportation criteria.
       (ii) Required Setbacks. A setback of not less than one hundred fifty (150) feet from the Oracle Road right-of-way is to be provided, the front one hundred (100) feet of which shall be landscaped or natural open space. THE COMMERCIAL DEVELOPMENT REGULATIONS, SUBSECTION D.3.f.vi.a.3.C.ii. SHALL ALSO APPLY.
Natural open space or landscaped buffers (which may include natural washes) of not less than one hundred (100) FORTY (40) feet in width are required within the side or rear set backs yards where to any adjacent to any property used or intended for residential district purposes.

(iii) Density/Bulk. Development intensity for institutional or employment campus uses is limited to a maximum of 0.3 0.5 FAR and may be further limited by the Town Council.

(iv) Landscaping Treatments. Not less than twenty-five percent (25%) of the gross site area is to be devoted to common landscaped or natural open space recreation area.

(v) View Corridors. The applicant shall be responsible for identifying view corridors as provided in subsection D.3.f.iv of this section. Flexibility from the view corridor requirements defined below shall be determined by express approval of the Planning and Zoning Commission.

The commercial development regulations, subsection D.D.3.f.vi.a.3.C.v of this section, shall apply.

(A) Along the west side of Oracle Road, buildings over eighteen (18) feet or other structures, including walls, signs or mechanical equipment over four (4) feet in height, may not be placed within one hundred fifty (150) feet of any identified view corridor without express Planning and Zoning Commission approval.

(B) Along the east side of Oracle Road, a minimum of sixty percent (60%) of the frontage to a depth of three hundred (300) feet along the east side of Oracle Road is maintained as a view corridor and is not used for building purposes. Building exposures will be measured to calculate the view corridor percentage. For properties along the east side of Oracle Road, with an average depth of four hundred (400) feet or less, or containing less than two (2) acres in size, building heights in excess of twenty-five (25) feet (as permitted by underlying zoning) shall be limited to forty percent (40%) of the frontage. The remaining buildable area heights shall be limited to twenty-five (25) feet.

5) Tangerine Road Corridor Overlay District Use Provisions

(C) Employment and Institutional Regulations

Sites for campus-type developments are established within the Tangerine Corridor’s natural context to create unique, unobtrusive opportunities for employment and institutional activity centers. Construction shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district.

(1) Roadway Access

Access provisions of subsection D.3.f.vi.b.5.A.i and D.3.f.vi.b.5.A.ii of this section apply; however, multiple access points from Tangerine Road may be appropriate for institutional developments exceeding twenty (20) acres in area, which experience high peak hour traffic demand. Construction of a public roadway perpendicular to Tangerine, separated by not less than one-quarter (1/4) mile from any arterial intersecting Tangerine, may be approved for the purpose of providing multiple entries to the campus. Secondary, alternative access to an intersecting arterial is also desirable.

(2) Required Setbacks

The commercial development regulations, subsection D.3.f.vi.b.5.B.ii of this section, shall also apply.

(3) Building Height

The commercial development regulations, subsection D.3.f.vi.b.5.B.iii of this section, shall apply.
(4) Building Bulk
The following structural volumes may be built within the development envelopes established by required setbacks:

(a) The overall campus building area shall not exceed the FAR for the appropriate zoning district.

(b) Buildings within the campus core (an area representing one-quarter (1/4) or less of the total site area surrounded by an equidistant peripheral band with lesser or no structural development; see Figure 27.10-12) shall not exceed 0.8 FAR.

(c) Building area within peripheral area shall not exceed 0.4 0.5 FAR or the FAR for the appropriate zoning district, whichever is less.

(5) Land Use Distinctions
Uses permitted in the underlying zoning districts as determined by the Planning and Zoning Administrator shall be permitted except that the following may be sited only within master planned institutional or employment developments at a distance of two hundred (200) feet or more from the development's nearest entry point:

(a) Office buildings exceeding two (2) stories or thirty (30) feet in height.

(b) Research, fabricating or manufacturing structures exceeding one (1) story or twenty-four (24) feet in height.

(c) Hospitals/senior care facilities exceeding two (2) stories or thirty (30) feet in height.

(d) Warehouse structures.

(65) View Preservation
The commercial development regulations, subsection D.3.f.vi.b.5.B.vi of this section, shall apply.

(76) Site Planning
The commercial development regulations, subsection D.3.f.vi.b.5.B.vii of this section, shall apply.

Chapter 31. Definitions

DISTILLERY
A BUILDING OR USE THAT HAS A SERIES 18 LIQUOR LICENSE AND PRODUCES NO MORE THAN 20,000 GALLONS OF DISTILLED SPIRITS ANNUALLY.

Manufacturing
The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

Manufacturing Services
An establishment whose primary business is the manufacturing of parts or materials into finished or partially finished products. These may include scientific analysis, laboratory or other similar uses. THE COMPOUNDING, PROCESSING, FABRICATING OR ASSEMBLING, PACKAGING OR TESTING OF GOODS OR EQUIPMENT.

Heavy
A manufacturing service which may have a negative impact on adjacent properties and that does not comply with Section 25.1.B.17

Light
A manufacturing service which does not have a negative impact on adjacent properties in accordance with Section 25.1.B.17.

MASTER PLANNED DEVELOPMENT

AN AREA WHERE LARGE, MULTI-USE DEVELOPMENTS SHOULD BE PLANNED AND DEVELOPED IN A COMPREHENSIVE MANNER.

Medical Services

An establishment providing INPATIENT OR OUTPATIENT medical care and/or treatment to patients, INCLUDING HOSPITALS, SURGERY CENTERS OR URGENT CARE FACILITIES.

Inpatient

An establishment providing medical care and/or treatment to patients for one (1) or more nights, including hospitals or surgery centers.

Outpatient

An establishment providing medical care and/or treatment to patients who are released and do not remain overnight, including urgent care facilities.

RESEARCH AND DEVELOPMENT

THE CONDUCTING OF RESEARCH OF A COMMERCIAL, INDUSTRIAL, OR SCIENTIFIC NATURE, INCLUDING ANALYTIC, DIAGNOSTIC, PROCESSING, TESTING OR EXPERIMENTATION AND OTHER TYPES OF LABORATORY SERVICES BUT NOT FOR THE MANUFACTURE OR SALE OF PRODUCTS EXCEPT AS INCIDENTAL TO THE MAIN PURPOSE OF THE LABORATORY.

Technical Services

An establishment providing services to businesses or individuals of a technical nature, including mail service, printing, photocopying, DATA and computer access centers.

Warehouse

A building or buildings AN ESTABLISHMENT WHERE THE PRIMARY SERVICE IS used for the storage AND DISTRIBUTION of goods of any type and where no retail operation is conducted A SHOWROOM IS PERMITTED AS AN ANCILLARY USE.

HEAVY

A WAREHOUSING ESTABLISHMENT WHICH MAY HAVE A NEGATIVE IMPACT ON ADJACENT PROPERTIES AND THAT DOES NOT COMPLY WITH SECTION 25.1.B.34

LIGHT

A WAREHOUSING ESTABLISHMENT WHICH DOES NOT HAVE A NEGATIVE IMPACT ON ADJACENT PROPERTIES IN ACCORDANCE WITH SECTION 25.1.B.34.

Addendum H: Scenic Resources Area Design Guidelines

iv. Employment and Institutional
a) Adjacent to residential districts, setbacks of the residential district are to be met or exceeded, and to include a masonry wall with landscaping as augmentation.

b) No outdoor storage visible from Oracle Road or adjacent residential neighborhoods.

c) Provide pathway links to internal recreation facilities and external pathways and routes.

d) Maintain view corridors through the site.

e) No parking or access driveways within required setbacks.
AMEND the following section in the Rancho Vistoso Planned Area Development. Additions shown in ALL CAPS, Deletions shown in strikethrough:

A. Office Park Development Standards

1. OFFICE/RESEARCH PARK (CPI)
   c. Property Development Standards:
   1) Minimum Property Size: None

50 FEET, UNLESS THE SUBJECT PROPERTY IS WITHIN 100' A PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES OR ON PROPERTY FRONTING ORACLE ROAD, THEN THE BUILDING HEIGHT SHALL BE LIMITED TO 36 FEET.

THE ABOVE DISTANCE SHALL BE MEASURED FROM THE ABUTTING EDGE OF ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES TO THE CLOSEST PROPERTY LINE OR LEASE LINE OF THE TECH-PARK DEVELOPMENT. THE LIMIT OF THE PROPERTY LINE OR LEASE LINE SHALL INCLUDE ALL REQUIRED PARKING, LANDSCAPING, AND SETBACKS OF THE TECH-PARK DEVELOPMENT.

a) Building Height: No building shall exceed 36 feet, except on slopes between 15 and 25 percent, the height shall not exceed 44 feet.

b) The hotel to be located on Pima County Assessor’s parcel number 223-02-021D shall not exceed 60 feet from the finished grade to the top of parapet. (Ord. 07-39).

c) BUILDINGS WITHIN THE VENTANA MEDICAL SYSTEMS CAMPUS (ASSESSOR PARCEL NUMBERS 219-20-8170; 219-20818D; 219-20-8220; AND 219-20-8230) SHALL NOT EXCEED 48 FEET FROM THE FINISHED GRADE OF THE GROUND FLOOR TO THE TOP OF PARAPET. SOLAR POWER GENERATION PANELS AND ASSOCIATED EQUIPMENT ARE EXEMPT FROM THE BUILDING HEIGHT LIMITATION AND MAY BE UNSCREENED TO THE EXTENT NECESSARY TO ALLOW FOR MAXIMUM EFFICIENCY AND FUNCTIONALITY. ROOFTOP MECHANICAL EQUIPMENT, INCLUDING MECHANICAL PENTHOUSES, MAY EXCEED THE MAXIMUM BUILDING HEIGHT UP TO TEN (10) FEET. MECHANICAL PENTHOUSES MAY BE UTILIZED TO PROVIDE SCREENING AND PROTECTION FOR MECHANICAL EQUIPMENT, MUST BE AESTHETICALLY INTEGRATED INTO THE DESIGN OF THE BUILDING, AND MAY NOT CONTAIN USABLE FLOOR AREA. EXHAUST APPURTENANCES MAY EXCEED THIS HEIGHT LIMITATION ONLY AS NECESSARY TO ACHIEVE FUNCTIONALITY, AND MUST BE AESTHETICALLY DESIGNED TO APPEAR AS AN ARCHITECTURAL ELEMENT OF THE OVERALL BUILDING/CAMPUS. THE FUNCTIONAL NECESSITY OF EXHAUST SYSTEM HEIGHTS SHALL BE DEMONSTRATED WITH TECHNICAL DOCUMENTATION AND BE APPROVED BY THE TOWN’S BUILDING SAFETY DIVISION PRIOR TO DRB REVIEW OF THE ARCHITECTURAL ELEVATIONS. ADDITIONAL HEIGHT MAY BE GRANTED BY THE DRB.
3) Setbacks:
   a) Front Yard: 25 feet
   b) Side Yard: 20 feet or common wall.
   c) Rear Yard: 30 feet

4) Distance Between Buildings: There shall be a minimum of 10 feet between buildings.

5) Landscaping Requirements: Any part of the lot not required for buildings, structures, loading and vehicular access, pedestrian walks and hard surface areas shall be landscaped according to the Rancho Vistoso or Sun City Vistoso Design Guidelines as applicable. A minimum of 15 percent of the net total area must be landscaped.

6) A six foot high masonry wall and 4 foot wide landscape screen shall be installed along the perimeter of the recreational vehicle storage area to be permitted in neighborhood 3 only.
   (Ord. 89-5)

THE PERIMETER OF THE VENTANA MEDICAL SYSTEMS CAMPUS MAY BE SCREENED WITH A SECURITY WALL UP TO EIGHT (8) FEET IN HEIGHT TO PROVIDE FOR THE SECURITY AND SAFETY OF THE PREMISES. OTHER APPROPRIATE AND EQUIVALENT SCREENING DEVICES THAT PROVIDE AN AESTHETICALLY PLEASING APPEARANCE MAY BE APPROVED BY THE DRB AND TOWN COUNCIL.

SAID PERIMETER WALL WILL BE EXEMPT FROM ANY RANCHO VISTOSO DESIGN GUIDELINE THAT MAY COMPROMISE THE WALL’S PRIMARY DESIGN OBJECTIVE OF PROVIDING SITE SECURITY. THE WALL DESIGN MUST BE COMPATIBLE WITH THE ARCHITECTURE OF THE CAMPUS AND MUST BE APPROVED BY THE DRB AND TOWN COUNCIL.

7) Site Coverage: The building site coverage cannot exceed 50 percent.

8) Open Space Requirement: None, See 7) Site Coverage

9) Floor Area Ratio: None, See 7) Site Coverage and 2) Building Height
AMEND the following section in the La Reserve Planned Area Development. Additions shown in ALL CAPS, Deletions shown in strikethrough.

i. Walls, fences and screening requirements - To be constructed per owners specifications as shown in Exhibits O, P and Q.

j. Required Parking - Shall be in accordance with the required parking schedule as described in Section XII of this Plan.

k. Signs - The provisions of Chapter XVI of the Plan shall apply.

E. Development Area E - Campus Park Industrial

1. Uses Permitted

B. Primary Uses:

(1) Administrative and professional offices;

(2) Apparel (clothing and other products manufactured from textiles);

(3) Art needlework and handweaving;

(4) Manufacture of:

Cameras and other photographic equipment and supplies, Dentures and drugs,

Jewelry,

Leather products: Including shoes and machine belting (excluding tanning),

Luggage,

Musical Instruments,

Orthopedic and medical supplies (such as artificial limbs, braces, supports and stretchers),

Small paper products (such as envelopes, stationery, bags, boxes and wallpaper printing),

Plastic products: But not including the processing of the raw material,
Precision instruments (such as optical, medical and drafting), Silverware, plate and sterling,

Sporting and athletic equipment, Toys,

(5) Manufacture and assembly of electrical and electronic products;

(6) Manufacture and packaging of beverage products;

(7) Manufacture and service of data systems;
Ink mixing and packaging and inked ribbons;

(8) Laboratories: Medical, dental, research, experimental and testing;

(9) Printing, newspaper publishing and binding:
Including engraving and photo-engraving;

(10) Soap and detergents: Packaging only;

(11) Warehousing;

(12) Wholesale business storage;

(13) Any other manufacturing uses that are similar to those listed above.

C. Secondary Uses:

(1) Restaurant facilities, provided such use is accessory to an industrial facility;

(2) Child care centers;

(3) Banking or financial facilities;

(4) Recreational facilities including tennis courts, health clubs, basketball courts, and other similar amenities;

(5) An individual dwelling unit for a caretaker.

D. Uses on Lots 10, 11 and 12, Foothills Business Park
(1) Commercial use in accordance with the O/VZR C-1 district subject to the following conditions:

   (a) The second ingress/egress point linking the Stallard cul-de-sac bulb to Oracle Road shall not be permitted, unless a traffic impact analysis, approved by ADOT and the Town Engineer; provides significant evidence of need. Access to Lots 10, 11 and 12 shall be from Hanley Blvd. or Stallard Place only.

   (b) All users of Lots 10, 11 and 12 shall provide parking and primary access from the east or south sides of the buildings.

   (c) Architectural detailing shall be embellished on the west sides of the buildings and loading and service area shall be oriented away from Oracle Road.

   (d) All structures shall utilize a similar architectural style chosen from the architectural guidelines of the Oracle Road Scenic Corridor Overlay District. The architectural style and color palette chosen shall complement the existing structures in Foot Hills Business Park.

   (e) If one development crosses lot lines, the lots shall be legally combined by a recorded document and a copy of said document shall be placed on file at the Town of Oro Valley.

   (f) Adequate parking, per Article 1 I-1, shall be provided for each individual use (existing parking areas may not be included), unless the Planning and Zoning Director approves shared parking, based on use and hours of operation.

   (g) With the exception of Sec. 10-407D, no. 2 (setbacks) and Sec. 10-407D, no. 4a (open space), the regulations and standards of the Oracle Road Scenic Corridor Overlay District (ORSCOD) shall apply.
(h) "Convenience Uses", as defined in the OZVCR, shall not be permitted on Lots 10 through 12, Foothills Business Park. (Ord 97-24)

(2) Uses Prohibited - Uses classified as Hazardous Materials Manufacturing, Heavy Equipment Manufacturing, Perishable Goods Manufacturing, Refining and Salvaging are excluded.

(3) Performance Standards - The following performance standards shall apply to all uses within Development Area E.

a. Noise or Vibration - No noise or vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for: Three minutes or more duration in any one hour of the day between the hours of seven a.m. to seven p.m.; or

Thirty seconds or more duration in any one hour during the hours of seven p.m. and seven a.m.

b. Smoke - No emission of smoke from any source shall be permitted.

c. Odors - No emission of odorous gases or other odorous matter shall be permitted.

d. Fly Ash, Dust Fumes, Vapors, Gasses and other Forms of Air Pollution - No emission shall be permitted which can cause any damage to health, damage to animals or vegetation, or damage to or soiling of other forms of property.

e. Liquid and Solid Waste - No waste shall be discharged in the streets, drainageways or on any property except in appropriately designed disposal systems.

f. Radioactive Materials - Manufacturing activities involving the use, storage, or disposal of radioactive materials are prohibited except for those materials:

Which do not become an integral part of the manufactured product, or
which are exempt from licensing requirements by the Arizona Atomic Energy Commission or its legally established successor, or Used for medical diagnosis and therapy and for educational or industrial research and development.

For the purpose of this subsection, "research and development" means either

(1) Theoretical analysis, exploration or experimentation, or

(2) The extension of investigative findings and theories of a scientific or technical nature into practical application of experimental and demonstration purposes, including production and testing of models, equipment, materials, etc.

Certifications: The Zoning Administrator shall not issue a permit for any use until:

(1) The applicant has provided the required number of plans showing any certificates that may be required by the department of transportation and flood control district, traffic engineer and health department director, certifying that said use complies with all laws and regulations under their jurisdiction; and

(2) The Zoning Administrator has determined that the use complies with this section.

Conditions for Secondary Uses: No use permit for secondary uses shall be granted unless the following conditions are met:

The use shall be compatible with the other uses in the Development Area E and with any neighboring residential developments and in particular shall not unduly affect them due to:

(1) Increased automobile traffic, and

(2) Noise generated from within the site;

Evidence is provided of a need related to a primary use;
Such a use shall be intended primarily for the personal convenience of employees;

The floor area for secondary uses shall not exceed 10 percent of the total enclosed floor area on the site;

No sign or window display shall be visible from any public way; Entrance to such shall be only from the interior of the industrial site.

4. Property Development Standards

a. Minimum property size - None

b. Maximum Total Building Coverage - 33% - 50%

c. Building Height - 35 feet on property fronting Oracle Road or 42 feet for building locations utilizing a setback equal to or greater than the setback from Oracle Road to the westernmost Garrett AirResearch building.

d. There shall be not less than ten (10) feet between an accessory building and a main building or between two main buildings.

e. Landscaping Requirements - A minimum of 10% of the site area (lot) shall be permanently landscaped using planting material from the approved list. All landscaping plans will be approved per La Reserve or Foothills Business Park Conditions, Covenants and Restrictions-50-

f. Minimum Setback Requirements

(1) 50 foot minimum building setback from the outer edge of the right-of-way of U.S. 89.

(2) 25 foot building setback from any road.

(3) 40 feet building setback from any residential development.

50 FEET, UNLESS THE DEVELOPMENT ABUTS A PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES OR ON PROPERTY FRONTING ORACLE ROAD, THEN THE BUILDING HEIGHT SHALL BE LIMITED TO 36 FEET.

g. Minimum Yard Requirements

(1) 25 foot Front Yard

(2) 15 foot Side Yards
(3) 20 foot Rear Yards

h. Walls, Fences and Screening - to be constructed per owners specifications as shown in Exhibits O, P and Q.

i. Required Parking - shall be in accordance with the required parking schedule as described in Section XII.

j. Signs - The provisions of Chapter XVI of the Plan shall apply.

*NOTE*: Projects within the Foothills Business Park (a portion of this Development Area E) will be reviewed and approved not under the La Reserve CC&R's (as defined herein) but instead will be consistent with that declaration of establishment of the Covenants, Conditions and Restrictions for Foothills Business Park as recorded in Book 7230, pages 1309 through 1329.
<table>
<thead>
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<th>Use</th>
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<th>PROPOSED</th>
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<tr>
<td></td>
<td>C-1</td>
<td>C-2</td>
<td>C-1</td>
</tr>
<tr>
<td>Microbrewery</td>
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<td>A</td>
<td>A</td>
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<td>Light Manufacturing</td>
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<td></td>
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<td>Research and Development</td>
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<td>P</td>
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<td>Wholesaling</td>
<td></td>
<td></td>
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<tr>
<td>Medical Services (combined inpatient and outpatient)</td>
<td>C</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Vehicle rental establishments for less than 10 vehicles</td>
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<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Sales</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Fitness Centers or Health Spas (may include outdoor activity)</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
</tbody>
</table>

P = Permitted  
C = Conditional  
A = Ancillary

Map of Commercial Areas

C-1: Community Commercial
C-2: Regional Commercial

Existing and Proposed Commercial Uses

Attachment 5
## Amendments to Tech Park Sites

### Attachment 6

<table>
<thead>
<tr>
<th>Building Size</th>
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<th>PROPOSED</th>
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<tbody>
<tr>
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<td>OV Zoning</td>
<td>Rancho Vistoso</td>
</tr>
<tr>
<td>Restricted to less than 15,000 sf unless a Conditional Use Permit is acquired</td>
<td>Yes</td>
<td>No</td>
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Map of Tech Park Sites and Regulating Codes

---

Oro Valley Zoning
Rancho Vistoso PAD
La Reserve PAD
<table>
<thead>
<tr>
<th>Uses</th>
<th>EXISTING</th>
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<td>OV Zoning</td>
<td>Rancho Vistoso</td>
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<td>Bars</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Medical Services</td>
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<td>Personal Services</td>
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<td>Vehicle Rental Establishments less than 10 vehicles</td>
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<td>A</td>
</tr>
<tr>
<td>Microbrewery</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Distillery</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Fitness Centers or Health Spas (may include outdoor activity)</td>
<td>C</td>
<td>A</td>
</tr>
<tr>
<td>Food processing, artisanal</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Light warehousing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Heavy Warehousing</td>
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<td>P</td>
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<td>Hotels/Motels</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Research and Development (Labs)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale</td>
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<td>P</td>
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</table>

P = Permitted  
C = Conditional  
A = Ancillary
<table>
<thead>
<tr>
<th>Building Height</th>
<th>OV Zoning</th>
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<th>La Reserve</th>
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<tr>
<td>Existing</td>
<td>34'</td>
<td>36', 44' or 48'</td>
<td>35' or 42'</td>
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<td>Proposed</td>
<td>36'</td>
<td>36' or 50'</td>
<td>36' or 50'</td>
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<tr>
<td>Change</td>
<td>+2'</td>
<td>+2'</td>
<td>+8'</td>
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Existing and Proposed Height Amendments

Attachment 7
Map of Tech Park Sites and Scenic Corridors

Amendments to Scenic Corridors
Attachment 8
### TANGERINE ROAD SCENIC CORRIDOR STANDARDS

<table>
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<tr>
<td></td>
<td>Tech-Park</td>
<td>Commercial</td>
</tr>
<tr>
<td>Building height</td>
<td>Refers to commercial standards</td>
<td>Restricted to 20’ if located within 100’ and visible from the Tangerine Road right-of-way. Does not include architectural features.</td>
</tr>
<tr>
<td>Front Setback</td>
<td>Refers to Commercial standards</td>
<td>4:1 (setback to height)</td>
</tr>
<tr>
<td>Side/Rear Setbacks</td>
<td>Refers to commercial standards</td>
<td>Utilize the underlying zoning district standards</td>
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<tr>
<td>Land Use</td>
<td>Restricts specific uses to Master Planned Developments</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

### ORACLE ROAD SCENIC CORRIDOR STANDARDS

<table>
<thead>
<tr>
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<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tech-Park</td>
<td>Commercial</td>
</tr>
<tr>
<td>Building Height West Side</td>
<td>Buildings over 18’ may not be within 150’ of Oracle Road</td>
<td>No buildings over 18’ may be within a minimum of 60% of the frontage to a depth of 300’</td>
</tr>
<tr>
<td>Building Height East Side</td>
<td>60% of the frontage to a depth of 300’ is maintained as a view corridor and not used for building purposes For properties less than 2 acres in size or less than 400’ in depth, building heights over 25’ are limited to 40% of the frontage.</td>
<td>Maximum building height is restricted to 36’ for lots fronting Oracle Road</td>
</tr>
<tr>
<td>Front</td>
<td>150’ except for La Reserve, which is 50’</td>
<td>Single structure: 60’ and 4:1 (setback to building height) Multiple structures: 120’ average</td>
</tr>
<tr>
<td>Side and rear buffer yards</td>
<td>100’ when abutting residential</td>
<td>Silent – normal buffer yard requirements apply</td>
</tr>
<tr>
<td>USE</td>
<td>REQUIREMENT</td>
<td>EXISTING</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Manufacturing          | Vibration              | Only the La Reserve (LR) PAD restricts the amount of vibration that may occur. | • Shall not be discernible at the property line when the development abuts a residential property.  
• Allow some vibration (consistent with the LR PAD) when the development abuts a non-residential property. |
|                        |                        |                                                                           |                                                                          |
|                         |                        |                                                                           |                                                                          |
| Glare/Heat             |                        | Shall not be discernible at the property line unless a CUP is acquired     | No change                                                                |
| Fly ash, dust fumes, vapors, gasses and other forms of air pollution | Only the La Reserve (LR) PAD has parameters for this.                      | Add language consistent with the La Reserve PAD: No emission shall be permitted which can cause any damage to health, damage to animals or vegetation, or damage to or soiling of other forms of property. |
| Liquid and solid waste | No provisions          |                                                                           | No waste shall be discharged in the streets, drainage ways or on any property except in appropriately designed disposal systems |
| Manufacturing and Warehousing | Noise                | Shall not be discernible at the property line unless a CUP is acquired     | No change                                                                |
|                        |                        |                                                                           |                                                                          |
| Odor                   | Not discernible at the property line |                                                                           | Add provisions for requiring an odor abatement plan when necessary       |
| Warehousing            | Hazardous Material     | No provisions                                                              | Storage of such shall not be permitted                                   |
|                        | Safety                 | No provisions                                                              | Distribution shall not result in the creation of traffic hazards or undue congestion |

**Zones permitting Manufacturing and Warehousing**

<table>
<thead>
<tr>
<th></th>
<th>C-1</th>
<th>C-2</th>
<th>T-P</th>
<th>RV*</th>
<th>LR*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Manufacturing</td>
<td></td>
<td>P</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Heavy Manufacturing</td>
<td></td>
<td></td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Light Warehousing</td>
<td></td>
<td>A</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Heavy Warehousing</td>
<td></td>
<td></td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

*see page 2 for map*
Planning & Zoning Commission

Meeting Date: 11/05/2019
Requested by: Bayer Vella
Case Number: 1901679

AGENDA ITEM: 2.

SUBJECT:
DISCUSSION REGARDING PROPOSED CODE AMENDMENTS TO C-1, C-2, AND TECHNOLOGICAL PARK ZONING DISTRICTS, IN ORDER TO EXPAND THE AMOUNT OF AVAILABLE PROPERTY FOR PRIMARY EMPLOYMENT USES AND REVISE ASSOCIATED DEVELOPMENT STANDARDS

RECOMMENDATION:
This item is for informational purposes only. The proposed code amendment will be considered for recommendation from the Planning and Zoning Commission during the December meeting.

EXECUTIVE SUMMARY:
The purpose of this item is to provide information and background regarding proposed code amendments (Attachment 1) to the commercial (C-1 and C-2) and Technological Park zoning districts in order to expand the amount of available property for employment users and revise associated zoning code standards to attract primary employers. The proposed code amendment was initiated by the Town Council's Strategic Leadership Plan (Attachment 2) and further detailed in the Comprehensive Economic Development Strategy (CEDS) plan (Attachment 3).

In March 2019, the Town Council’s Strategic Leadership Plan was adopted directing staff to focus on seven key areas. One of these areas is economic vitality, with a goal to implement strategies to "improve opportunities to attract, grow and retain primary employers and expand local job opportunities." The CEDS plan, which was adopted in September 2019 identified the lack of available sites as a barrier in attracting primary employers. It also identified the need to review Town codes and recommend amendments to put the Town at a regionally competitive advantage.

The proposed code amendment fulfills the aforementioned objectives by focusing on three primary elements:

1. Expanding the amount of available property for primary employment uses.
2. Revising the development standards for consistency among tech-park and regional commercial areas.
3. Revising specific use (i.e. odor abatement standards) and Tech-Park development standards to remove unintended barriers for attracting primary employers.

Specifically, the proposed code amendment includes:

• Allowance of low-impact employment uses in C-1 and C-2 commercial zoning districts
• Adding more uses to Tech-Park zoning to create a campus-park environment
• Increasing the building height for Tech-Park developments
• Addressing inconsistent code requirements, such as building size, among tech-park areas (including the Oro Valley Zoning Code and Planned Area Developments)
• Applying the same code requirements, with regard to setbacks and the scenic corridor regulations, for both Tech-Park developments and regional commercial centers since major elements of the site design are similar (large buildings, internal circulation, parking, etc.).
• Allowing flexibility for odor abatement planning (initiated by the Strategic Leadership Plan, Goal 5A)

This item is for informational purposes only to gather feedback from the Planning and Zoning Commission. The proposed code amendment will be considered by the Commission for recommendation at the December meeting.

BACKGROUND OR DETAILED INFORMATION:
In March 2019, the Town Council’s Strategic Leadership Plan (Attachment 2) was adopted directing staff to focus on seven key areas. One of these areas is economic vitality, with a goal to implement strategies to "improve opportunities to attract, grow and retain primary employers and expand local job opportunities." Primary employers are industries, such as Ventana Roche Medical Systems, that export a substantial amount of goods and have a positive impact on the local economy.

The Comprehensive Economic Development Strategy (CEDS) plan (Attachment 3), which was adopted in September 2019 identified the lack of available sites as a barrier in attracting primary employers. Additionally, a key strategy in the CEDS plan is to, "review and appropriately modify Town codes" to put the Town at a regional competitive advantage. The proposed code amendment (Attachment 1) fulfills the objectives of both the Strategic Leadership Plan and CEDS plan as explained below.

1. Expand the Amount of Available Property for Primary Employment Uses
As stated earlier, primary employers are industries such as Ventana Roche Medical Systems, that export a substantial amount of goods and have a positive impact on the local economy. Currently, primary employment uses are generally only allowed in Oro Valley's Tech-Park zoning district, Rancho Vistoso Planned Area Development (PAD)-Campus Park Industrial (CPI) district and the La Reserve PAD-Area D.

The total amount of employment land in Oro Valley is approximately 392 acres, with only 188 remaining as buildable space. A comparison of Oro Valley's employment space compared to other jurisdictions is depicted below:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Oro Valley</th>
<th>Marana</th>
<th>Scottsdale</th>
<th>Chandler</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total land (sq/mi)</td>
<td>36</td>
<td>121</td>
<td>185</td>
<td>65</td>
</tr>
<tr>
<td>Employment land (in acres), percent of total land</td>
<td>392; 2%</td>
<td>9,818,13%</td>
<td>3,552; 3%</td>
<td>6,135; 5%</td>
</tr>
<tr>
<td>Percentage of employment land left (acres, percentage)</td>
<td>188; 47%</td>
<td>1,473; 15%</td>
<td>532; 15%</td>
<td>3,485; 57%</td>
</tr>
</tbody>
</table>
A goal of the CEDS Plan is to attract 2-3 primary employers a year, or 20-30 new and expanded primary employment users to Oro Valley by 2030. To meet this goal, the Town would need at least 300 acres of employment land available within the next ten years. Several employment uses are low impact and function similar to a typical office space. General office is currently permitted use in commercial zoning districts. Commercial districts (C-1 and C-2) account for 382 acres of buildable space and due to the “Amazon” effect, is not in high demand for retail.

By allowing employment uses in commercial zones that are low impact and function similar to the existing permitted commercial uses, the Town can meet the employment space demand while mitigating the “Amazon” effect. Specifically, the proposed code amendment (Attachment 1) recommends allowing the following uses in C-1 and C-2 commercial zones:

- Microbrewery (in regional commercial, C-2)
- Light manufacturing (in regional commercial, C-2)
- Research and Development (in C-1, C-2 and Tech-Park)
- Wholesaling (in C-2 with a conditional use permit and permitted in Tech Park)
- Medical Services (permitted in C-1, C-2 and Tech Park)
- Vehicle Sales (permitted in C-2)

In addition to allowing more employment uses in commercial zones, the proposed code amendment also adds more primary and ancillary uses to the Tech-Park zoning district for consistency with the Planned Area Development tech-park zones and to create campus-park, or live-work environments. Specifically, the proposed code amendment adds the following uses to Tech-Park zones:

- Warehousing, light and heavy
- Food processing, artisanal
- Medical services
- Hotels/Motels
- Personal services (ancillary*)
- Vehicle rental establishments for less than 10 vehicles (ancillary*)

*Ancillary uses may only occupy 30% of the gross floor area per individual business or 20% of the total development. These limits may be expanded with a conditional use permit.

2. Revise Development Standards
As directed by the CEDS plan, Town staff reviewed the development standards of the Tech-Park zoning district that may reduce the Town’s competitive advantage for attracting primary employers. In addition, the proposed code amendment will make the standards for all tech-park areas consistent among the Town of Oro Valley Zoning Code, Rancho Vistoso PAD and the La Reserve PAD.

Building Height
The existing building height allowed for employment uses ranges from 34’ to 48’, depending on if the property is regulated by the Town’s Zoning Code or a Planned Area Development. Tech-park buildings tend to be larger and with limited space, many buildings must go vertical instead of sprawling out. To understand the needs of tech-park users, Town staff reviewed other jurisdictions’ Tech-Park standards to recommend a building height that will
be regionally competitive yet maintains the goals of the community. This comparison is shown below:

<table>
<thead>
<tr>
<th>Height</th>
<th>Oro Valley Zoning Code</th>
<th>Rancho Vistoso PAD</th>
<th>La Reserve PAD</th>
<th>Tucson</th>
<th>Marana</th>
<th>Sahuarita</th>
<th>Pima County</th>
<th>Mesa</th>
<th>Tempe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tech-Park*</td>
<td>34'</td>
<td>48'</td>
<td>42'</td>
<td>50'</td>
<td>50'</td>
<td>44'</td>
<td>44'</td>
<td>40'</td>
<td>30'</td>
</tr>
</tbody>
</table>

*Height for surrounding jurisdictions is based on the zoning district most comparable with Oro Valley's Tech-Park zoning district. However, most jurisdictions also have industrial zoning districts which allow much taller building heights. Additionally, depicted is the max building height of the main structure, which does include an additional allowance for architectural features.

The code amendment proposes a building height of 50' with a 10' foot allowance for architectural features such as, parapets, towers, cornices or spires. Currently, the code allows the 10' allowance for architectural features upon Planning and Zoning Commission approval. However, since Tech-Park developments are administratively approved through the Economic Expansion Zone, this has been amended to be permitted by right. This allowance is important to ensure architectural interest and screen rooftop mechanical equipment. For consistency, the approval for the 10' foot allowance has been amended in commercial zones as well.

The proposed height, including the allowance for architectural features is comparable to surrounding jurisdictions. The majority of tech-park areas are located away from residences which will not be impacted by the proposed height. With that stated, the proposed code amendment will restrict the height for tech-park developments abutting residential areas to the existing 36 feet.

**Building Size**

Currently, in the Oro Valley Tech-Park Zoning District the building size for individual structures is restricted to 15,000 square feet on properties of 10 acres or fewer, unless a Conditional Use Permit is acquired. Tech-Park buildings tend to be larger in scale similar to those built in a C-2 commercial zoning district. Additionally, other Tech-Park sites regulated by Planned Area Developments (I.E. Innovation Park) are not restricted. As such, this provision has been removed to create consistency among all Tech-Park sites and the regional commercial zoning district.

**Setbacks**

Although similar in design and functionality, the setbacks for commercial centers (commercial zoning districts) and employment centers (Tech-Park zoning districts) are different; with the latter being more extensive. The proposed code amendment makes the setbacks consistent for all commercial and the Tech-Park zoning district. Additionally, it clarifies the setbacks are for the site perimeter rather than the individual buildings to create cohesive employment or commercial centers.

Setbacks are intended to create an open space between developments and adjoining lots or streets. For commercial or employment centers, the intent is met through perimeter setbacks. The proposed code amendment includes a distance between buildings to account...
for fire safety and allow for pedestrian connectivity throughout the site.

**Scenic Corridor Standards**
The Town of Oro Valley has two scenic corridors, Oracle Road and Tangerine Road, which restrict developments in order to preserve the scenic character of these areas. However, some of these standards conflict with the campus-park environment the Town is trying to achieve and also push development of these larger buildings closer to residential areas. Additionally, the requirements for commercial centers and employment uses are different; with the latter being more restrictive. However, both types of developments include similar design elements such as large buildings, internal circulation patterns and larger parking areas.

The proposed code amendment makes the requirements for commercial centers and employment uses within the scenic corridors consistent. Specifically, the proposed code amendment includes the following:

- **Oracle Road**
  - Reducing the building setback to a minimum of 60 feet instead of 150 feet and landscape buffer yards along the sides and rear for consistency with the commercial standards
  - Removing the limitation of the floor area ratio and design guideline to not allow parking or drives within the building setback

- **Tangerine Road**
  - Removing the site design requirements for specific uses - currently the code requires specific uses such as office buildings over 2 stories, manufacturing, warehouses, hospitals and senior care uses to be set at away from the entry point at least 200 feet and only allowed within master planned employment or institutional developments. This code requirement is inconsistent with commercial development standards of the same size and scale.

3. Revise Specific Use Standards to Remove Unintended Barriers

**Odor Abatement**
Currently, the odor abatement section of code requires all manufacturing uses to submit an odor abatement plan. However, not all manufacturing uses (i.e. Ventana Roche Medical Services) emit objectionable odorous material. Odor abatement systems are costly and the requirement to have one, especially when not necessary, is a deterrent for businesses from opening in Oro Valley. As such, the Strategic Leadership Plan specifically included amending this section of code under the Land Use focus area (Goal 5A).

The proposed code amendment provides flexibility to allow the Planning and Zoning Administrator to waive the odor abatement plan requirement if it is deemed unnecessary as the nature of operations create a low risk of emitting objectionable odors. The waiver may be reconsidered or revoked should issues arise.

**Specific Use Standards**
Section 25.1.B. of the Zoning Code has additional standards for specific uses. Minor changes were made for consistency with the permitted use table and the provisions for manufacturing and warehouses were expanded to clearly delineate between the two subcategories (light or heavy) permitted for these uses.
Both manufacturing and warehousing uses are categorized as either light or heavy. Light uses are permitted within Tech-Park Zoning Districts and heavy uses require a conditional use permit. Specifically, the proposed code amendment establishes light uses as those that meet requirements in the following areas:

- Noise
- Odor
- Vibration (manufacturing only)
- Glare/heat (manufacturing only)
- Air pollution (manufacturing only)
- Liquid or solid waste (manufacturing only)
- Storage of hazardous material (warehousing only)
- Safety with regard to traffic (warehousing only)

Should these provisions not be met, the use is determined as "heavy" and must proceed with acquiring a conditional use permit.

**SUMMARY AND RECOMMENDATION**

The proposed code amendment was initiated through the Town Council's Strategic Leadership Plan to achieve the goal of attracting more primary employment users. Substantiated by the Comprehensive Economic Development Strategy (CEDS), the main goals of the proposed code amendment are to:

1. Expand the amount of available property for primary employment uses.
2. Revise the development standards for consistency among tech-park and regional commercial areas.
3. Revise specific use (i.e. odor abatement standards) and Tech-Park development standards to remove unintended barriers for attracting primary employers.

The aforementioned goals are aligned with the objectives of the Strategic Leadership Plan and CEDS plan. This item is for informational purposes only. The proposed code amendment will be considered for recommendation from the Planning and Zoning Commission at the December meeting.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

This item is for informational purposes only. The proposed code amendment will be considered for recommendation from the Planning and Zoning Commission at the December meeting.

**Attachments**

- ATTACHMENT 1- DRAFT CODE AMENDMENT
- ATTACHMENT 2- STRATEGIC LEADERSHIP PLAN
- ATTACHMENT 3- CEDS PLAN
MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
November 5, 2019
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

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

ROLL CALL

Present: Bob Swope, Chair
        Hal Bergsma, Commissioner
        Celeste Gambill, Commissioner
        Thomas Gribb, Commissioner
        Ellen Hong, Commissioner
        Skeet Posey, Commissioner

Staff Present: Bill Rodman, Town Council Liaison
              Bayer Vella, Planning Manager
              Joe Andrews, Chief Civil Deputy Attorney
              J.J. Johnston, Community and Economic Development Director

PLEDGE OF ALLEGIANCE

Chair Swope led the Commission and audience in the Pledge of Allegiance.

CALL TO AUDIENCE

No speaker requests.

COUNCIL LIAISON COMMENTS

Council Liaison Bill Rodman provided updates on past and upcoming Council meetings.

REGULAR SESSION AGENDA

1. REVIEW AND APPROVAL OF THE SEPTEMBER 10, 2019 SPECIAL SESSION MEETING MINUTES
   Motion by Commissioner Hal Bergsma, seconded by Commissioner Skeet Posey to approve the
   September 10, 2019 meeting minutes as written.
   Vote: 6 - 0 Carried

2. DISCUSSION REGARDING PROPOSED CODE AMENDMENTS TO C-1, C-2, AND TECHNOLOGICAL PARK ZONING DISTRICTS, IN ORDER TO EXPAND THE AMOUNT OF AVAILABLE PROPERTY FOR PRIMARY EMPLOYMENT USES AND REVISE ASSOCIATED DEVELOPMENT STANDARDS
   Principal Planner Milini Simms provided a presentation that included the following:
   - Purpose
   - Background
   - Expand Amount of Available Property
   - Revise Development Standards for Consistency
- Revise Specific Use Standards  
  - Summary and Feedback

Discussion ensued among Commission and staff.

Chair Swope granted a public speaker request: Oro Valley resident Shirl Lamonna spoke as opposed to Agenda Item #2 as it is currently written.

3. **DISCUSSION REGARDING A PROPOSED ZONING CODE AMENDMENT TO THE ECONOMIC EXPANSION ZONE, SECTION 24.9 AND SECTION 22.10**

Principal Planner Milini Simms provided a presentation that included the following:

- Purpose  
- Background on Economic Expansion Zone  
- Allow Shovel-ready Sites  
- Refine Development Review and Approval Process  
- Summary and Feedback

Discussion ensued among the Commission and staff.

4. **DISCUSSION REGARDING THE TOWN’S PROGRESS ON IMPLEMENTING THE YOUR VOICE, OUR FUTURE GENERAL PLAN**

Principal Planner Milini Simms provided a presentation that included the following:

- Purpose  
- Importance of Progress Report  
- Implementing the General Plan  
- Land Use and Zoning Tasks  
- Environment Use and Zoning Actions  
- Development Land Use and Zoning Actions  
- Current Planning Projects  
- Summary

Discussion ensued among the Commission and staff.

5. **DISCUSSION AND POSSIBLE ACTION REGARDING THE PLANNING DIVISION WORK PLAN FOR FY 19/20 - FY 20/21**

Planning Manager Bayer Vella provided a presentation that included the following:

- Purpose  
- Commission Role  
- Planning Work Plan  
- Short-term Action Items  
- Previous Work Plan  
- Summary

Discussion ensued among the Commission and staff.

**Motion by** Commissioner Hal Bergsma, **seconded by** Commissioner Skeet Posey to recommend approval of the Planning Division Work Plan FY19/20 - FY20/21 with the following changes: (1) add provision under short-term action items to do an annual review of the General Plan progress report; (2) add an amendment to Section 22.4 of the Zoning Code to ensure compliance with State Law; and (3) increase priority of new Planning Commission training.

**Motion by** Chair Bob Swope, a Friendly Amendment to heighten the priorities of the design standards for custom-built homes and ESL review to the short-term action items category.

The Friendly Amendment was accepted by both the Motioner and Seconder.
6. **DISCUSSION ONLY REGARDING RECENT CHANGES TO TOWN CODE SECTION 3-6-6 LIAISON AND TOWN COUNCIL POLICIES 5 AND 8 REGARDING ADVISORY BOARDS AND ASSOCIATED COUNCIL LIAISONS**
   Chair Swope inquired about the motivation for this change. Commissioner Bergsma asked for clarification in speaking to elected officials as a resident. Continued discussion ensued between the Commission and staff.

**PLANNING UPDATE (INFORMATIONAL ONLY)**
   Planning Manager Bayer Vella complimented Principal Planner Milini Simms for her successful leadership of the Community Academy this year and expects many great applications for the boards and commissions. He also spoke about upcoming cases for the next Commission agenda on December 3, 2019.

**ADJOURNMENT**
   Motion by Commissioner Skeet Posey, seconded by Commissioner Hal Bergsma to adjourn the meeting.

   Chair Swope adjourned the meeting at 8:23 p.m.

   **Vote**: 6 - 0 Carried

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 5th day of November, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of November, 2019.

__________________________
Jeanna Ancona
Senior Office Specialist

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Meeting Date: 12/03/2019  
Requested by: Bayer Vella  
Case Number: 1901679

SUBJECT:  
PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED ORO VALLEY ZONING CODE REVISED AMENDMENTS TO C-1, C-2, TECHNOLOGICAL PARK AND EQUIVALENT PLANNED AREA DEVELOPMENT DISTRICTS REGARDING LAND USES AND DEVELOPMENT STANDARDS SUCH AS BUILDING HEIGHTS, SETBACKS ETC.

ITEM A: AMENDMENTS TO THE ORO VALLEY REVISED ZONING CODE  
ITEM B: AMENDMENTS TO THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT  
ITEM C: AMENDMENTS TO THE LA RESERVE PLANNED AREA DEVELOPMENT  

RECOMMENDATION:  
Staff recommends approval of all three items.

EXECUTIVE SUMMARY:  
The purpose of these items is to consider proposed code amendments (Attachment 1, Attachment 2 and Attachment 3) to the commercial (C-1 and C-2) and Technological Park zoning districts (see image to the right and Attachment 4) in order to expand the amount of available property for employment uses and revise associated zoning code standards to attract employers.

The proposed code amendments are intended to meet the economic goals of the Strategic Leadership Plan, which are supported by the General Plan. The proposed code amendments were previously discussed on November 5, 2019 to gather feedback from the Commission (for staff report, see Attachment 5 and for minutes, see Attachment 6). The feedback focused on three main areas:

1. Permitted and ancillary uses- concern for allowing warehousing, self-storage, hotels/motels and private schools in a Tech-Park zoning district. There were further questions and concern regarding the development of ancillary uses.  
2. Development standards- concern the proposed building height and the revisions to the setbacks and buffer yards along scenic corridors will impact views  
3. Provisions for manufacturing- concern of vibration, noise and lighting impacting adjacent residences
Town staff revised the proposed code amendments to address many of the Commission's concerns. A summary of the proposed changes and clarifying information is provided in Attachment 7. Notable elements include:

- Adding provisions for only allowing ancillary uses in a Tech-Park zoning district as part of a master planned development, or area where multi-use tech-park sites are planned in a comprehensive manner.
- Revising the proposed building height to 36' for Oro Valley Tech-Park sites and 50' only for Tech-Park sites located within the Rancho Vistoso or La Reserve Planned Area Developments. Provisions are included to further restrict the height in these areas to 36' when the development abuts property used or intended for residential purposes or fronts Oracle Road.
- Greater consistency between the setbacks for Tech-Park and Commercial developments.
- Manufacturing provisions revised for when the development abuts property used or intended for residential purposes.

In summary, the revised code amendments are intended to address or clarify the Commission's concerns discussed during the previous meeting. Staff finds the proposed amendments are in conformance with the General Plan and recommends approval of all three items.

**BACKGROUND OR DETAILED INFORMATION:**

The proposed code amendments (Attachment 1, Attachment 2 and Attachment 3) are intended to meet the economic goals of the Town Council's Strategic Leadership Plan and supported by the Comprehensive Economic Development Strategy (CEDS) plan (for more information, see Attachment 5). The proposed code amendments fulfill the objectives of each by focusing on three primary elements:

1. Expanding the amount of available property for employment uses.
2. Revising the development standards for consistency among tech-park and regional commercial areas.
3. Revising specific use (I.E. odor abatement standards) and Tech-Park development standards to remove unintended barriers for attracting primary employers.

The Planning and Zoning Commission discussed the proposed changes on November 5, 2019 and provided feedback (see Attachment 6) to staff. Staff refined the proposed code amendments to address and clarify the Commission's questions and concerns. A summary of each is provided below.

1. Permitted and Ancillary Uses

The proposed code amendments aim to expand the available property for employment by adding low-impact employment uses to the C-1 and C-2 commercial districts that function similar to the existing uses already permitted in each district (I.E. General Office). Additionally, the proposed code amendments update the permitted and ancillary uses in the Tech-Park zoning district to be consistent with the Planned Area Development tech-park zones (see image to the right and Attachment 8) and to create a mixed-use, live-work environment. The Commission's concerns are listed below, followed by staff commentary in italics.

A. Concerns were raised about the amount of employment generated from the following permitted or conditional uses in a Tech-Park zone. The Commission recommended removing these uses from a Tech-Park zone.

- Warehousing
  - Warehousing is currently permitted in both Rancho Vistoso and La Reserve Campus Park Industrial (Tech-Park) zoning districts. For consistency, staff recommends warehousing be added as a permitted use in the OV Tech-Park zone. Although big box retail is likely to
transform into full or partial warehousing operations, warehousing is not being proposed in commercial (C-1 or C-2) zones at this time.

- **Hotels/Motels/Resorts**
  - These are currently allowed in the Rancho Vistoso Campus Park Industrial zoning district. Hotels/motels support tech-park business, many of which are national or global companies. Staff recommends permitting them in all Tech-Park areas for consistency and to allow the market to dictate concentration. Per code, resorts are a separate use and not proposed for a Tech-Park zoning district.

- **Self-storage**
  - Self-storage is currently allowed in Tech-Park zoning districts with a conditional use permit. Removing them entirely, takes away an existing property right which puts the Town in a position to be sued/challenged under Prop 207. As such, staff recommends keeping it as a conditional use.

- **Private Schools**
  - Similar to self-storage, private schools are currently allowed in a Tech-Park zoning district with a conditional use permit. Staff recommends it remain as a conditional use to not infringe on existing private property rights.

A summary of all the proposed use changes is included in Attachment 7.

B. Concerns with the timing of development for ancillary uses before a primary use was planned or constructed.

- **Per Code, ancillary uses are those that are subordinate to a primary use. In Tech-Park zoning districts, the ancillary uses support the mixed-use, live-work type campus major employers are seeking. To meet the intent of the code definition and address the concerns raised by the Commission the following provisions are included for ancillary uses in a Tech-Park zoning district:**
  - Ancillary uses may be sited only within a Master Planned Development.
  - Added a definition for a Master Planned Development, which is an area where large, multi-use developments are planned and developed in a comprehensive manner. Essentially, this assures the ancillary uses are subordinate to primary uses and larger developments are designed cohesively.

2. Development Standards

A. Building Height

The second element of the proposed amendment is to create consistency among the standards for all tech-park areas in the Town. As previously mentioned, Tech-Park sites are regulated by three different codes 1) Town of Oro Valley Zoning Code, 2) Rancho Vistoso Planned Area Development and 3) La Reserve Planned Area Development. Currently, the building height in each is different with the maximum height of 48' for Ventana Medical Systems (see chart below). Previously, staff proposed a building height of 50' for all three regulating codes. The Commission's concerns are listed below, followed by staff commentary in italics.

1. The proposed height's view impact on existing residences.

- **Per the Commission's feedback, the proposed code amendment has been revised to permit 36' for the Oro Valley Tech-Park sites and 50' only in the La Reserve and Rancho Vistoso Planned...**
Area Developments (PAD). The amendments to the Planned Area Developments (Item B and Item C) include provisions to restrict the proposed height to 36' when the property abuts a residential area or fronts along Oracle Road. The chart below provides a comparison between the existing and proposed code.

<table>
<thead>
<tr>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oro Valley Code</td>
<td>Rancho Vistoso PAD</td>
</tr>
<tr>
<td>Oro Valley Code</td>
<td>Rancho Vistoso PAD</td>
</tr>
<tr>
<td>Height</td>
<td>Height</td>
</tr>
<tr>
<td>34’</td>
<td>36’-48’</td>
</tr>
</tbody>
</table>

*Reduced to 36’ for lots fronting Oracle or abutting residential.

2. The proposed height's view impacts to scenic corridors.

- Currently, the code restricts buildings heights along Oracle Road and Tangerine Road to protect the views along the scenic corridors. The proposed code amendment retains these restrictions, except for the west side of Oracle Road. Per the Commission’s feedback, staff revised the restriction on the west side for greater consistency with the commercial standard.
- The La Reserve PAD currently restricts the height for Tech-Park lots fronting Oracle Road to a maximum of 35’. For parity, the proposed code amendments restrict height to a maximum of 36' for all Tech-Park lots fronting Oracle Road (see Attachment 2 and Attachment 3). The chart on the next page, summarizes the proposed amendments.
B. Setbacks and Buffer yards
Amending the setback and buffer yard requirements for Tech-Park zones is recommended for greater consistency between tech-park developments and commercial developments. Large commercial developments and tech-park campuses are designed similar in layout, circulation and building footprint.

Specifically, the Commission was concerned with reducing the setbacks and buffer yards for Tech-Park developments along the scenic corridors. The Commission recommended greater balance between development and protecting the scenic corridor.

- Similar to the building height restrictions for scenic corridors, the setbacks along Tangerine Road are already consistent among commercial and tech-park sites. However, along Oracle Road the setbacks are a set standard for all Tech-Park development regardless of height. Whereas, the commercial standards factor in height to force taller buildings further away from Oracle Road and encouraging a lower building height along the corridor. For example, this means a permitted office would require a larger setback in a Tech-Park zone than it would in a commercial zone with the same size and height. Based on the Commission’s feedback, the setbacks along Oracle Road have been revised for greater consistency among the tech-park and commercial standards. Please see chart below for a summary of the proposed revisions.
3. Specific Use Standards
Section 25.1.B. of the Zoning Code has additional standards for specific non-residential uses. Provisions for manufacturing were expanded to clearly delineate between the two subcategories (light or heavy) permitted. The Commission was concerned with the following provisions (staff comments in *italics*) and their impacts on existing residences.

- **Noise**
  - *The proposed code amendment restricts noise from being discernible at the property line.*

- **Vibration (manufacturing only)**
  - *Staff revised the code amendment to restrict vibration from being discernible at the property line when the development abuts a property used or intended for residential purposes.*

- **Outdoor lighting**
  - *Section 27.5 of the Zoning Code establishes the requirements and design standards for outdoor lighting. The amount, location and types of lighting are all established by code. Although parking lot lighting is permitted for safety purposes, the lights must be shielded and placed away from nearby residences.*

A summary of the provisions for manufacturing and warehousing are included in Attachment 7.

**GENERAL PLAN CONFORMANCE**
The proposed code amendment was reviewed for conformance with the *Your Voice, Our Future* General Plan. By increasing the available space for employment uses and removing unintended barriers, the proposed code amendment meets and supports the following goals and policies:

- **Goal B.** A robust local economy and job market that provide opportunities for quality employment, build on Oro Valley’s assets and encourage high-quality growth.
- **Goal C.** A strong sector of targeted industries, including bioscience and aerospace, that provide opportunities for synergy and growth.
- **Policy E.1.** Develop a diversified and robust economic base to support long-term economic stability.
- **Policy E.2.** Establish programs, strategies, investments and financial incentives that advance the Town’s economic prosperity.
PUBLIC NOTIFICATION
Public Notice has been provided as stated below. A letter of support was received and included in Attachment 9.

- All HOAs in Town were notified of this hearing
- All property owners of Tech-Park zoned property
- Public hearing notices were posted:
  - In the Territorial Newspaper
  - In the Arizona Daily Star
  - At Town Hall
  - On the Town website

SUMMARY AND RECOMMENDATION
The proposed code amendment was initiated through the Town Council's Strategic Leadership Plan to achieve the goal of attracting more primary employment users. Substantiated by the Comprehensive Economic Development Strategy (CEDS), the main goals of the proposed code amendment are to:

1. Expand the amount of available property for employment uses.
2. Revise the development standards for consistency among tech-park and regional commercial areas.
3. Revise specific use (I.E. odor abatement standards) and Tech-Park development standards to remove unintended barriers for attracting primary employers.

The Planning and Zoning Commission provided feedback on the proposed code amendments during the November 5, 2019 meeting (see Attachment 6). Staff further refined the code amendments to address or clarify the concerns raised. In summary, staff finds the proposed code amendments are in conformance with the General Plan and recommend approval of all three items.

FISCAL IMPACT:
N/A

SUGGESTED MOTION:
There are three separate motions for the Planning and Zoning Commission to consider.

ITEM A:
I MOVE to recommend approval of the proposed code amendments to the C-1, C-2 and Technological Park zoning districts and associated standards based on the finding they are in conformance with the General Plan.

OR

I MOVE to recommend denial of the proposed code amendments to the C-1, C-2 and Technological-Park zoning districts based on the finding__________________.

ITEM B:
I MOVE to recommend approval of the proposed code amendments to the Rancho Vistoso Planned Area Development based on the finding they are in conformance with the General Plan.

OR

I MOVE to recommend denial of the proposed code amendments to the Rancho Vistoso Planned Area Development based on the finding__________________.

ITEM C:
I MOVE to recommend approval of the proposed code amendments to the La Reserve Planned Area Development based on the finding they are in conformance with the General Plan.

OR

I MOVE to recommend denial of the proposed code amendments to the La Reserve Planned Area Development based on the finding__________________.

Attachments
ATTACHMENT 1- PROPOSED OV ZONING CODE AMENDMENTS
ATTACHMENT 2- RANCHO VISTOSO PAD AMENDMENTS
ATTACHMENT 3- LA RESERVE PAD AMENDMENTS
ATTACHMENT 4- TECH PARK AND COMMERCIAL AREAS
ATTACHMENT 5- PZC STAFF REPORT 11.05.19
ATTACHMENT 6- DRAFT PZC MINUTES 11.05.19
ATTACHMENT 7- SUMMARY OF FEEDBACK AND REVISIONS
ATTACHMENT 8- REGULATORY CODE FOR TECH-PARK SITES
ATTACHMENT 9- LETTER OF SUPPORT
CALL TO ORDER

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

ROLL CALL

Present: Bob Swope, Chair
Hal Bergsma, Commissioner
Celeste Gambill, Commissioner
Thomas Gribb, Commissioner
Skeet Posey, Commissioner

Absent: Ellen Hong, Commissioner

Staff Present: Bayer Vella, Planning Manager
Bill Rodman, Town Council Liaison
J.J. Johnston, Community and Economic Development Director
Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chair Swope led the Commission and audience in the Pledge of Allegiance.

CALL TO AUDIENCE

There were no speaker requests.

COUNCIL LIAISON COMMENTS

Council Liaison Bill Rodman stated the golf issue and police chief recruitment process has been the focus of Council lately. He thanked outgoing Commissioners Bob Swope and Tom Gribb for their service, and also said this was his last meeting as the Council liaison for the Commission.

REGULAR SESSION AGENDA

1. REVIEW AND APPROVAL OF THE NOVEMBER 5, 2019 REGULAR SESSION MEETING MINUTES

   Motion by Commissioner Thomas Gribb, seconded by Commissioner Skeet Posey to approve the November 5, 2019 meeting minutes as written.
2. **DISCUSSION AND OVERVIEW REGARDING THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)**

Community and Economic Development Director J.J. Johnston provided a presentation that included the following:

- Community and Economic Development Strategy (CEDS) plan
- Overarching goals
- Initial priorities
- Process
- Alignment with the Strategic Leadership Plan
- Summary

Discussion ensued among the Commission and staff.

3. **PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED ZONING CODE AMENDMENT TO THE ECONOMIC EXPANSION ZONE, SECTION 24.9 AND SECTION 22.10**

Community and Economic Development Director J.J. Johnston provided a presentation that included the following:

- Purpose
- Planning and Zoning Commission feedback
- Town Council 20-day appeal period
- General Plan conformance
- Summary and recommendation

Discussion ensued among the Commission and staff.

Chair Swope opened the public hearing.

There were no speaker requests.

Chair Swope closed the public hearing.

Further discussion continued among the Commission and staff.

**Motion by** Commissioner Hal Bergsma, **seconded by** Commissioner Celeste Gambill to recommend approval of the proposed code amendment to the Economic Expansion Zone (EEZ) based on the finding that it is in conformance with the General Plan.

**Motion by** Chair Bob Swope, **seconded by** Commissioner Thomas Gribb to offer a Friendly Amendment to modify the open house meeting requirement to apply to all properties within 100 feet of residential areas.

**Vote:** 5 - 0 Carried

4. **PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED ORO VALLEY ZONING CODE REVISED AMENDMENTS TO C-1, C-2, TECHNOLOGICAL PARK AND EQUIVALENT PLANNED AREA DEVELOPMENT DISTRICTS REGARDING LAND USES AND DEVELOPMENT STANDARDS SUCH AS BUILDING HEIGHTS, SETBACKS ETC.**

**ITEM A:** AMENDMENTS TO THE ORO VALLEY REVISED ZONING CODE
ITEM B: AMENDMENTS TO THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT

ITEM C: AMENDMENTS TO THE LA RESERVE PLANNED AREA DEVELOPMENT

Principal Planner Milini Simms provided a presentation that included the following:

- Purpose
- Planning and Zoning Commission feedback
- Permitted uses: low-impact employment uses
- Provide parity among Tech Park zones
- Permitted uses proposed in Tech Park zones
- Ancillary uses in Tech Park
- Proposed building heights in Tech Park Zones
- Proposed building heights for Innovation Park and La Reserve
- Intensity along scenic corridors
- Specific use standards
- General Plan conformance
- Public outreach
- Summary and recommendation

Discussion ensued among the Commission and staff.

Chair Swope opened the public hearing

Oro Valley resident Shirl Lamonna stated she generally supports bringing industry to the Town, but has concerns about warehousing and odor. She also commented on the CED report and to remember the reasons why people originally came to live in Oro Valley.

Chair Swope closed the public hearing.

Further discussion ensued among the Commission and staff.

Motion by Commissioner Hal Bergsma, seconded by Commissioner Skeet Posey to recommend approval of [Item A] the proposed code amendments to the C-1, C-2 and Technological Park zoning districts and associated standards, with the modification that light warehousing and hotels/motels are changed from a permitted use to an ancillary use, based on the finding the changes are in conformance with the General Plan.

Motion by Commissioner Thomas Gribb, seconded by Chair Bob Swope to offer a Friendly Amendment that the verbiage also include the building height restrictions be extended to properties within 100 feet of residential areas.

Vote: 5 - 0 Carried

Motion by Commissioner Thomas Gribb, seconded by Commissioner Hal Bergsma to recommend approval of [Item B] the proposed code amendments to the Rancho Vistoso Planned Area Development, and include language that the building height restrictions be extended to properties within 100 feet of residential areas.

Vote: 5 - 0 Carried

Motion by Commissioner Hal Bergsma, seconded by Commissioner Thomas Gribb to recommend approval [Item C] of the proposed code amendments to the La Reserve Planned Area Development based on the finding they are in conformance with the General Plan.

Vote: 5 - 0 Carried
PLANNING UPDATE (INFORMATIONAL ONLY)

Planning Manager Bayer Vella spoke about the four (4) commissioner appointments open for consideration at Town Council on December 4, upcoming Commissioner training on December 19, the next Commission meeting will be January 6 (Monday) in the Hopi Conference Room and a neighborhood meeting is scheduled for January 9. He also thanked Chair Swope, Commissioner Gribb and Town Council liaison Bill Rodman for their service.

ADJOURNMENT

Motion by Commissioner Thomas Gribb, seconded by Commissioner Skeet Posey to adjourn the meeting.

Vote: 5 - 0 Carried

Chair Swope adjourned the meeting at 8:27 p.m.

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 December, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of ____________________, 2019.

___________________________
Jeanna Ancona
Senior Office Specialist
November 4, 2019

Town of Oro Valley, Planning Division
Attn: Milini Simms, Principal Planner
11,000 N. La Canada Dr.
Oro Valley, AZ 85737

Subject: Withdrawal of a Text Amendment to the Rancho Vistoso PAD
Regarding Allowable Building Height on Selected Parcels within Innovation Park
WLB No. 185050-VW-05

Dear Milini:

We are pleased to see that the Town’s update of the OVZCR Technological Park Zoning District is going to address the building height flexibility that we had sought in our proposed PAD amendment. There is no need to duplicate efforts, so we respectfully withdraw our application. Please don’t hesitate to let us know if you need additional information or if there is anything we can do to support the Town’s proposed code amendment.

Sincerely,
THE WLB GROUP, INC.

[Signature]

Paul Oland

Copy: Alec Kennedy, Roche Tissue Diagnostics (Ventana Medical Systems)
Neil Simon, Venture West
EXECUTIVE SUMMARY:
The purpose of this item is to provide additional information in response to Town Council's questions and concerns regarding a proposed code amendment to allow pre-graded sites and further refine the development review process in the Economic Expansion Zone (EEZ). For map and summary of the proposed amendments, see image to the right and Attachment 1.

The proposed code amendment was previously discussed by the Town Council during the January 8, 2020 meeting (for staff report see Attachment 2, for draft minutes see Attachment 3). Feedback from the Council focused on the following elements:

1. Pre-grading to create ready-to-build sites. Specifically with regard to the following questions and concerns:
   - The existing process for grading
   - The existing and proposed extent and process for preliminary grading
   - The amount of time a pre-graded site could remain vacant
   - Proximity of preliminary grading to existing residential areas

2. The extent and timing of requiring public open house for EEZ sites. With regard to the location of properties that are required to conduct open houses and when they will be conducted (before or after site work is started).

3. The public participation process for the proposed code amendments. Specifically, the methods utilized to notify the public and opportunities for residents to provide feedback.

Town staff reviewed Town Council's feedback and are in the process revising the code to address the concerns. Notable changes and additional information is listed below.

- Major employment users are locating in jurisdictions that have the necessary processes to allow a new custom building be fully functional within roughly 12 months. This need was verified through a recent study by Deloitte, which found clients have 'fast track expectations' when it comes to building on a site. Site selectors, or business locating firms, will research and negotiate with several jurisdictions at a time. Nationally, a finalist community is one that can deliver a 'fast-track' site (one that meets all geotechnical conditions, proper zoning regulations, development codes and covenants, utilities logistical and environmental considerations, etc.). Site selectors are consistently asking the Town for a more predictable and time-efficient development process. Specifically, the pre-grading of Tech Park sites, as enabled by surrounding jurisdictions, will enable the Town to be more competitive by meeting site selector/employer fast track expectations.

- Oro Valley is one of the jurisdictions being considered for a major employer relocation that is expected to generate approximately 250 jobs, construct 120,000 sq.ft. of advanced technology campus and bring approximately $90 Million in direct capital investment to the Town. None of the potential Oro Valley sites under consideration by the firm are pre-graded. In the Town’s current process, it could take roughly 6 months for site work to begin. However, by allowing pre-grading, this time can be reduced significantly to 1-2 months. Pre-grading would help keep Oro Valley competitive against other jurisdictions already offering "fast-track sites."

- Oro Valley has a strong brand for being safe, family-friendly and beautiful community. However, in addition to these community amenities, the Deloitte study also found the most desirable incentives for site selection include infrastructure improvements and related tangible contributions to their bottom line. These are highly important for risk management, cost containment, time to market and sustained profitability greatly depend on the location of the company. The proposed code amendments help meets these needs and also adds a critical part to Oro Valley's economic development brand.

- Currently, pre-grading allows the clearing, brushing, and grubbing (removal of plants and roots) prior to having an approved site plan or plat at staff's discretion for any site in Town (regardless of the proximity to residential areas). The proposed code, provides restrictions to regulate where pre-grading is allowed to only EEZ areas located at least 200 feet away from a residential property.

- Per the Town Council's discussion, the proposed code amendment has been revised to also allow the installation of utilities and site stabilization (in addition to clearing, brushing and grubbing) to create ready-to-build sites in EEZ only. These additions are necessary to meet the demands of employment users. However, a pre-application meeting must be conducted and a grading plan and associated plans (e.g. a Native Plant Preservation Plan) to assure environmental and cultural resources are protected must be approved by staff first.

- Both pre-graded sites and sites graded during construction may be vacant for an unlimited time (e.g. Nakoma Sky). However, both require assurances (bonds) for remediation, when necessary. The proposed code provides additional restrictions for pre-graded sites to not allow pre-grading within 200 feet of a residential area, the required buffer yards or within 25 feet of the future development envelope. These additions further reduce potential of visual impacts and increase compatibility to surrounding areas.

SUBJECT:
DISCUSSION REGARDING A PROPOSED ZONING CODE AMENDMENT TO THE ECONOMIC EXPANSION ZONE, SECTION 24.9 AND SECTION 22.10

RECOMMENDATION:
This item is for informational purposes only. The proposed code amendment will be presented for action by the Town Council in March.
• Staff reviewed the sites identified by Town Council as being in proximity to residential areas. Though these sites are located within 200 feet of residential areas; only 2 are vacant and undisturbed (for exhibit, see Attachment 4). However, for one the buildable area is over 200 feet away and 30 feet lower than the adjacent residential area; eliminating any potential for visibility impacts. In efforts to apply this code allowance uniformly to all EEZ sites and not create a significant disadvantage to only two sites while accounting for existing residential areas, the proposed code amendment restricts any pre-grading within 200 feet of a residential area (for exhibit, see Attachment 5).

• As proposed, public open houses are utilized as the pre-submittal (site plan only) neighborhood meeting; occurring at the beginning of the review process before any formal applications or site work has been conducted. Per Council's feedback, the new proposed requirement for public open houses has been extended to 200 feet (rather than 100 feet) to capture properties adjacent to residential areas (as identified by Town Council).

• Outreach for the proposed code amendment complies with the Town's approved public notice policies and State law. Additionally, public hearings for the proposed code amendment was posted multiple times on the Town’s webpage and included as “featured news” on the homepage. Complex and broad code amendments require sustained research and prolonged engagement by participants. As such, they are not suited to traditional neighborhood meetings nor required by code. However, neighborhood meetings will continue to be conducted for applicant driven and site specific/focused amendments that meet neighborhood meeting zoning criteria. The public is invited to speak during the public hearings for the larger Town-wide amendments.

In summary, the proposed code amendment is being revised to reflect the additional information provided to address some of the Council’s previous discussion. This item is for informational purposes only and the proposed code amendment will be presented for action by the Town Council in March.

BACKGROUND OR DETAILED INFORMATION:

The Economic Expansion Zone (EEZ) was adopted in 2012 to attract primary employers to Innovation Park. The code was amended in 2018 to expand EEZ to include all Tech-Park zoned sites. A focus area in the Town’s Strategic Leadership Plan is economic vitality; specifically to attract primary employers and increase the employment base in Oro Valley. To achieve this goal, the Comprehensive Economic Development Strategy (CEDS) identified barriers such as the lack of pre-graded sites and development review times as deterrents to primary employers. The proposed code amendment reduces these barriers and includes the following main areas of change (for summary and map see image to the right and Attachment 1):

1. Allow pre-grading within 200 feet of a residential property
2. Require public open houses when the Tech-Park development is near a residential area
3. Allow a code compliant sign criteria to be approved by staff
4. Eliminate the 20-day Town Council review period

The Town Council discussed the proposed amendment on January 8, 2020 to provide feedback (for minutes, see Attachment 2) to staff. Staff refined the proposed code amendment to address many of Council’s concerns. More information on each is provided below.

1. Preliminary grading to create ready-to-build sites

The proposed code amendment aims to allow preliminary grading by right for EEZ sites only. Site selectors seek development ready sites that would allow a new custom building to be fully functional within roughly 12 to 18 months. To attract employment uses, many jurisdictions permit preliminary grading to create ready-to-build sites. As such, allowing preliminary grading is an expectation and competitive advantage for property owners and jurisdictions that wish to attract major employers. This was verified through a recent study by Deloitte, which found clients have ‘fast track expectations’ when it comes to building on a site.

Oro Valley is one of the jurisdictions being considered for Project “Alpha,” which is a major employer relocating to the region(presented to Town Council through an executive session). If chosen, Project “Alpha” will create approximately 250 jobs, construct 120,000 sq. ft. advanced technology campus and bring approximately $90 Million in direct capital investment to the Town. Pre-grading would not only help meet Project “Alpha’s” needs but will also keep Oro Valley competitive against the other jurisdictions already offering “fast-track sites.” The proposed code amendment aims to balance this marketable advantage with the community’s values.

A. The existing and proposed processes for grading

The proposed code amendment is important to meet the demands of employment site selectors. Typically, grading permits are not issued until a final plat or site plan is approved (in EEZ and throughout Town). In EEZ, site plan approval may take up to 4 months (includes the applicant’s work and staff review time) with the grading plan taking an additional 1-2 months. In total, it could take roughly 6 months to begin any site work. The proposed code amendment would allow issuance of a grading permit before a site plan is approved; reducing the time to start site work to roughly 1-2 months. The existing and proposed processes are depicted in the graphic below. Please note, staff review and approval (depicted below) includes the time for an applicant to address staff comments and resubmit for further review. Typically, at least two rounds of review is conducted, prior to approval.
B. Clarification between the existing and proposed extent and process for pre-grading

**Existing**
Currently, pre-grading includes the clearing, brushing and grubbing (removal of plants) within 25 feet of a future development envelope on any site in Town. Per code, the development envelope includes the building pads, areas for parking and access drives. Town staff has the discretion to approve preliminary grading, prior to approval of a plat or site plan. The current process only requires a grading plan, archeological clearance letter and assurances for approval. As such, decision-making is arbitrary since there is no specified basis for denial. Essentially, if utilized by more developers, this could lead to scraped sites throughout Town; even next to residential properties.

**Proposed**
To address the shortcomings of the existing code and meet the intent discussed by Town Council, the proposed code amendment removes the ability for any site in Town to be cleared (prior to site plan approval) by restricting pre-grading to specific areas of Town. These areas are as follows:

- Located within the Economic Expansion Zone, and
- In areas not within 200 feet of a property use or intended for residential purposes, and

This criteria for identifying site that could be pre-graded also creates a mechanism for denial; making an approval predictable for an employment use and nearby residents. As proposed, preliminary grading will include the same items as previously mentioned yet also allow include the installation of utilities and excavation or filling needed to further stabilize the site (addressing drainage, etc.). These additions increase efficiency within the development process and create ready-to-build sites sought by site selectors.

Another notable concern from Town Council was the length of time a pre-graded site could sit vacant. The existing code, whether pre-graded or not enables a site to remain vacant for an unlimited length of time (e.g. Nakoma Sky). However, the existing and proposed code require assurances to provide remediation when necessary. In addition to the previously mentioned criteria, the proposed code includes provisions for increasing compatibility and reducing visual impact to surrounding areas by not allowing any pre-grading within the required buffer yards (ranging from 15-40 feet). This is in addition to the existing restriction not allowing pre-grading within 25 feet of the future development envelope.

Lastly, similar to the existing code, the proposed code amendment includes provisions for protecting cultural resources and requiring assurances. However, it also includes further provisions for protecting native plants by requiring a plant inventory and associated landscape plan. Although done in practice with existing pre-graded sites, the proposed code explicitly requires these items.

C. Proximity of preliminary grading to existing residential areas
Allowing preliminary grading to create ready-to-build sites is a substantial benefit for EEZ sites. Staff reviewed the sites discussed by Town Council, which were within 200 feet of a residential property. Restricting preliminary grading on these sites would affect 10 properties. However, of these 10 properties only 2 remain vacant and undisturbed (for exhibit, see Attachment 4). Due to topography, the buildable area on one site is already naturally screened by being 30 feet lower and over 200 feet away from adjacent homes. Additionally, the requirements to maintain buffer yards and limit grading to within 25 feet of the development envelope will decrease visual impacts to surrounding neighbors.

In an effort to apply this code allowance more uniformly to all EEZ sites and not create a significant disadvantage to only two sites, while accounting for existing residential areas, the proposed code amendment restricts any pre-grading within 200 feet of a residential area (for exhibit, see Attachment 5). As previously discussed, this provision is stricter than the current code allowance for clearing a site. Lastly, Town staff will also amend the standard operation procedure (SOP) policy to require mailings be sent to any residential property within 600 feet of a pre-graded site, prior to any site work.

2. The extent and timing of requiring public open house for EEZ sites
When EEZ was expanded to include all Tech-Park properties, it included some located near residential areas. The proposed amendment accounts for this proximity by requiring public open houses for these specific sites. Public open houses will be utilized as the pre-submittal neighborhood meeting; occurring at the beginning of the review process before any formal plans have been submitted or site work has been conducted. The open houses will be for informational purposes, providing residents with an opportunity to learn about the proposed project and both staff and the applicant opportunities to ensure a sensitive site design. Since EEZ only applies to projects developing under existing permitted uses and standards (opposed to a rezoning or conditional use), the applicant has substantial property rights once code compliant. As such, an open house is a useful venue for discussions with neighbors.

Per Council's feedback, the distance for requiring public open houses has been extended to 200 feet (rather than 100 feet) to capture properties adjacent to residential areas (for map, see Attachment 1). As previously mentioned, this distance was expanded to include the properties identified during the Town Council's discussion.

3. Public outreach for proposed code amendments
**Notice requirements and outreach for public hearings**
Outreach for the proposed code amendment complies with longstanding CED Standard Operating Procedures and State law. Section 22 of the Zoning Code stipulates the outreach requirements for various projects. Amendments to this section were approved in 2016, which included Council's review and feedback on the Public Participation and Notification Policy, a standard operating procedure (SOP) directing staff. Specifically, the code states the following:

> In the event that requests for amendments to the general requirements and uses are made, no application, posting or mailing shall be required (Section 22.3.F.)

Additionally, the State requires notice of public hearings to all owners of property being changed and for more significant changes (e.g. an increase in building height), the State requires larger newspaper ads in more widely distributed newspapers. For this case, outreach included sending postcards to all 115 homeowner's associations, all 59 property owners of land covered by the EEZ overlay, 1/4 page newspaper ads and multiple postings on the Town's webpage. Although the proposed amendment does not trigger the additional State requirement, an ad was placed in the Arizona Daily Star (in addition to one placed in the Daily Territorial) and was included as "featured news" on the Town's website homepage. An additional step will be taken for the Town Council public hearing with a newspaper ad in the Explorer.
Neighborhood meetings
With regard to neighborhood meetings, State law does not require neighborhood meetings for zoning or land use applications of any type. However, in keeping with Town values - the Town's Zoning Code requires neighborhood meetings for the following applications:

- General Plan amendments
- Rezonings
- Conditional use permits
- Conceptual site and landscape plans
- Any other proposed action that results in significant change in the development intensity or compatibility with existing development as determined by the Planning and Zoning Administrator (Section 22.15.B.1).

With regard to the last bullet point, the proposed code amendment does not appear to significantly change "development intensity or compatibility with existing development". The code amendment will:

- Further restrict grubbing and clearing a site of vegetation - which is currently permitted on all sites in OV without site plan approval. The proposed amendments only allowing grubbing and clearing within EEZ zone only - and incorporate a 200' no grading zone when adjacent to residential properties. Flexibility for further grading beyond grubbing and clearing is permitted prior to site plan approval in EEZ only.
- Increase requirements for public outreach by adding public open houses for site plan review. Furthermore, Town Standard Operating Procedures will now include mailings for all pre-graded sites near residential areas.
- Remove the 20-day Town Council review period and enables administrative approval of a code compliant Sign Criteria is not a change to adjacent properties.

Town-wide zoning code amendments are treated differently from rezonings by state law and the zoning code for a reason. Each recognizes the difficulty of requiring expanded outreach (similar to a rezoning) for code amendments that are larger in area and scope. Complex and broad code amendments require sustained research, study and prolonged engagement by participants. As such, neighborhood meetings are not a suitable platform for such amendments nor standard practice by the Town.

Neighborhood meetings will continue to be held for site specific/focused amendments to the Planned Area Developments (PADs) that are driven by private property owners and have a "significant change in intensity or compatibility" as proscribed by code. As mentioned previously, the public is invited and encouraged to provide feedback during the public hearings for Town-wide code amendments.

SUMMARY
Both the Town Council's Strategic Leadership Plan (derived from the General Plan) and Comprehensive Economic Development Strategy included goals and objectives to attract more employment uses. The proposed code amendment aims to fulfill these objectives by allowing shovel-ready sites and removing inefficiencies in the development review process.

The Town Council discussed the proposed code amendment on January 8, 2020. This item is for informational purposes intended to clarify and address Council's concerns. The proposed code amendment is being refined to address many of the concerns and will be presented for action by the Town Council in March.

FISCAL IMPACT:
N/A

SUGGESTED MOTION:
This item is for information purposes only. The proposed code amendment is tentatively scheduled to be presented for action by the Town Council in March.

Attachments
ATTACHMENT 1- SUMMARY OF AMENDMENTS
ATTACHMENT 2- STUDY SESSION STAFF REPORT 1.8.2020
ATTACHMENT 3- DRAFT TOWN COUNCIL MEETING MINUTES
ATTACHMENT 4- EXHIBIT OF SITES NEAR RESIDENTIAL
ATTACHMENT 5- EXHIBIT OF PRE-GRADING AREA
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Existing Code</th>
<th>Proposed Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Grading</td>
<td>Allowed by a case-by-case basis at the discretion of Town staff</td>
<td>Allowed on EEZ areas at least 200 feet away from a residential property only</td>
</tr>
<tr>
<td>Public Outreach</td>
<td>All sites are exempted</td>
<td>Sites within 200’ of a residential property (shown in orange below) must conduct public open houses</td>
</tr>
<tr>
<td>Sign Criteria</td>
<td>Approved by the Planning and Zoning Commission</td>
<td>Allow staff approval of a code compliant sign criteria</td>
</tr>
<tr>
<td>Town Council review period</td>
<td>Provides a 20-day review period of all administrative decisions in EEZ</td>
<td>Eliminates the Town Council review period but maintains the ability for any aggrieved party to appeal an administrative decision</td>
</tr>
</tbody>
</table>

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**EEZ sites**

**EEZ sites near residential**

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*Proposed Amendments to the Economic Expansion Zone (EEZ)*

*Attachment 1*
Meeting Date: 01/08/2020
Requested by: Bayer Vella
Submitted By: Milini Simms, Community and Economic Development
Case Number: 1902616

SUBJECT:
DISCUSSION REGARDING A PROPOSED ZONING CODE AMENDMENT TO THE ECONOMIC EXPANSION ZONE, SECTION 24.9 AND SECTION 22.10

RECOMMENDATION:
This item is for informational and discussion purposes only. The proposed code amendment will be presented for action by the Town Council in February.

EXECUTIVE SUMMARY:
The purpose of this item is to provide background information regarding a proposed code amendment (Attachment 1) to allow "shovel-ready" sites and further refine the development review process in the Economic Expansion Zone (EEZ). The EEZ was adopted in 2012 to attract employment uses to Innovation Park by providing a streamlined development review process. The designation was expanded in 2018 to include all properties zoned Technological-Park. Several developments, such as the most recent partnership with the University of Arizona for Innovation Labs, have developed under EEZ. For a map of EEZ sites, see image to the right and Attachment 2.

The purpose of the code amendment is to meet the Town Council's Strategic Leadership Plan's goal to "implement strategies to improve opportunities to attract, grow and retain primary employers and expand local job opportunities." In the Comprehensive Economic Development Strategy (CEDS) plan, businesses and site selectors identified the lack of shovel-ready, or ready-to-build sites and lack of transparency and predictability in the development review process as deterrents to locating employment uses in Oro Valley. Specifically, site selectors need easy-to-develop sites that will allow a new building to be fully functional within roughly 12 months.

To address these needs and achieve the economic goals of the Strategic Leadership Plan and eliminate barriers to increasing Oro Valley's employment base, the proposed EEZ code amendment includes the following elements:

1. Allow shovel-ready or ready-to-build sites
2. Require public open houses for sites near residential areas
3. Allow administrative approval of code compliant sign criteria applications
4. Eliminate the 20-day Town Council review period of an administrative approval

The Planning and Zoning Commission discussed the proposed amendment on November 5, 2019, during a study session (for staff report, see Attachment 3, and for minutes, see Attachment 4) and considered it on December 3, 2019 (for staff report, see Attachment 5, and for minutes, see Attachment 6). The Commission recommended the following (reflected in Attachment 1):

- Extend the public open house requirement to include all Tech-Park developments within 100' of a property used or intended for residential purposes

In addition to meeting the goals of the Strategic Leadership Plan and CEDS Plan, the proposed code amendment also meets several goals and policies related to economic growth and compatibility in the Your Voice, Our Future General Plan. This item is for information purposes only to gather feedback from the Town Council. The proposed code amendment will be presented for action by the Town Council in February.

BACKGROUND OR DETAILED INFORMATION:
The Economic Expansion Zone (EEZ) was adopted in 2012 to attract primary employers to Innovation Park. The code was amended in 2018 to expand EEZ to include all Tech-Park zoned sites (see image to the right; Attachment 2). The EEZ allows a streamlined review process by exempting developments from the Commission/Council approval process.

A focus area in the Town's Strategic Leadership Plan is economic vitality; specifically, to attract primary employers and increase the employment base in Oro Valley. To achieve this goal, the Comprehensive Economic Development Strategy (CEDS) identified barriers such as the lack of "shovel-ready" sites and development review times as deterrents to primary employers. The proposed code amendment (Attachment 1) reduces these barriers and includes four main areas of change:

1. Allow shovel-ready sites in EEZ only
2. Require open houses when the Tech-Park development is within 100' of a residential area
3. Allow code compliant sign criteria applications to be administratively approved
4. Remove the 20-day Town Council review period

The proposed code amendment is included in Attachment 1, with detailed information about each element provided below.

1. Allow shovel-ready sites in EEZ only
   Employment users are continually seeking easy to develop sites that will allow a new custom building to be fully functional within roughly 12 months. To achieve this need, jurisdictions (surrounding and nationwide) permit shovel-ready or ready-to-build sites as a mechanism to attract these employment users. Currently, the Town of Oro Valley allows preliminary grading on a limited case-by-case basis and at the discretion of the Town Engineer.
A strategy in the CEDS Plan is to identify code changes that could be implemented to better allow developers to have 'shovel ready' sites to put the Town at a regional competitive advantage. The proposed code amendment (Attachment 1) fulfills this strategy by allowing only EEZ sites to provide pre-graded sites. A focal point of this code amendment was the appearance of these pre-graded sites. The following parameters are included to balance the need of employment users and beauty of Oro Valley:

- No grading within 25 feet of the future development envelope or within required buffer yards
- Identification and treatment of native plants. Transplanted material to be placed and temporarily irrigated within the buffer yards for additional screening of the site or areas that will remain undisturbed (i.e. washes)
- Identification and treatment of any archeological sites
- Compliance with the Town’s assurance and stabilization requirements

2. Require open houses when the Tech-Park development is within 100’ of a residential area
The original intent of the Economic Expansion Zone (EEZ) was to streamline the development review process by exempting properties in the EEZ from the public outreach requirements (neighborhood meetings). When adopted, EEZ only applied to Innovation Park and properties at least 600 feet away from residential areas. In 2018, when EEZ was amended to include all Tech-Park properties, the exemption still applied although some properties are now closer to residential areas.

Several developments in Innovation Park have conducted open houses, yet these were largely unattended which provided little value to the development or community. With that said, staff recognizes the 2018 code amendment placed some EEZ sites closer to residents and therefore, the proposed amendment aims to honor the existing exemption (which acknowledges low attendance occurs for developments surrounded by similar businesses) while allowing residents who will be most affected by a Tech-Park development to learn about new projects.

3. Allow a code compliant sign criteria application to be administratively approved
Currently, all aspects of development review that are code compliant may be administratively approved in the EEZ, except for code compliant signs. A sign criteria requires code compliance and approval from the Planning and Zoning Commission, which are required for all commercial or industrial centers with multiple buildings, prior to acquiring a sign permit. This inconsistency creates an unpredictable and inefficient development review process for employment uses. As such, the proposed code amendment allows a code compliant sign criteria to be eligible for administrative approval under EEZ.

Conversely, a Master Sign Program that allows developments to tailor a cohesive sign design varying from the code will still require consideration by the Planning & Zoning Commission and Town Council.

3. Removing the 20-day Town Council review period
The EEZ includes a 20-day review period by Town Council from the day of administrative approval. Several properties such as Ventana Medical Systems, Securaplane and Icagen
have been developed under EEZ; yet none to date have been appealed by Town Council. As such, this 20-day review time turns into an inefficient holding period that delays development, which has been reported as a concern for new employers considering Oro Valley. Furthermore, any administrative decision (ranging from issuance of building permits to approvals under EEZ) may be appealed by aggrieved parties to the Board of Adjustment. Therefore, an appeals process already exists.

GENERAL PLAN CONFORMANCE
The proposed code amendment was reviewed for conformance with the Your Voice, Our Future General Plan. By allowing shovel-ready sites, requiring a public open house for sites closest to residential areas and removing inefficiencies within the development review process, the amendment meets and supports the following goals and policies:

- **Goal B.** A robust local economy and job market that provide opportunities for quality employment, build on Oro Valley’s assets and encourage high-quality growth.
- **Goal C.** A strong sector of targeted industries, including bioscience and aerospace, that provide opportunities for synergy and growth.
- **Goal X.** Effective transitions between differing land uses and intensities in the community.
- **Policy E.1.** Develop a diversified and robust economic base to support long-term economic stability.
- **Policy E.2.** Establish programs, strategies, investments and financial incentives that advance the Town’s economic prosperity.

PLANNING AND ZONING COMMISSION
The Planning and Zoning Commission discussed the proposed code amendment on November 5, 2019, during a study session (for staff report, see Attachment 3 and for minutes see Attachment 4) and considered it for recommendation on December 3, 2019 (for staff report, see Attachment 5 and for minutes, see Attachment 6). The Commission recommended approval with the following change (reflected in Attachment 1):

- Extend the public open house requirement to include all Tech-Park developments within 100’ of a property used or intended for residential purposes

SUMMARY
The Town Council’s Strategic Leadership Plan (derived from the General Plan) and Comprehensive Economic Development Strategy were adopted in March 2019 and September 2019, respectively. Both documents included goals and objectives to attract more employment uses. The proposed code amendment (Attachment 1) aims to fulfill these objectives by focusing on the following four elements:

1. Allow shovel-ready sites in EEZ only
2. Require open houses when the Tech-Park development is within 100’ of a residential area
3. Allow code compliant sign criteria applications to be administratively approved
4. Remove the 20-day Town Council review period

This item is for informational and discussion purposes only. The proposed code amendment will be presented for action by the Town Council in February.
FISCAL IMPACT:
N/A

SUGGESTED MOTION:
This item is for informational purposes only. The proposed code amendment will be presented for action by the Town Council in February.

Attachments
ATTACHMENT 1- DRAFT EEZ CODE AMENDMENTS
ATTACHMENT 2- MAP OF EEZ SITES
ATTACHMENT 3- PZC STAFF REPORT 11.5.19
ATTACHMENT 4- PZC MINUTES 11.5.19
ATTACHMENT 5- PZC STAFF REPORT 12.3.19
ATTACHMENT 6- PZC MINUTES 12.3.19
CALL TO ORDER

Mayor Winfield called the meeting to order at 6:01 p.m.

ROLL CALL

Present:  
Joseph C. Winfield, Mayor  
Melanie Barrett, Vice-Mayor  
Joyce Jones-Ivey, Councilmember (attended via phone)  
Josh Nicolson, Councilmember  
Rhonda Piña, Councilmember  
Bill Rodman, Councilmember  
Steve Solomon, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Winfield led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Town Clerk Mike Standish announced the upcoming Town meetings.

COUNCIL REPORTS

No Council reports were received.

TOWN MANAGER'S REPORT

Town Manager Mary Jacobs thanked Council for their hard work in 2019 and wished the Council and residents a happy New Year.

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

ORDER OF BUSINESS
Mayor Winfield reviewed the order of business and stated that the order would stand as posted.

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

No comments were received.

PRESENTATIONS

1. Presentation and update by President/CEO Dave Perry of the Greater Oro Valley Chamber of Commerce

President and CEO of the Greater Oro Valley Chamber of Commerce Dave Perry presented the Greater Oro Valley Chamber of Commerce annual report.

Discussion ensued amongst Council and staff regarding Presentation item #1.

CONSENT AGENDA

A. Minutes - November 20 and December 4, 2019

B. Resolution No. (R)20-01, authorizing and approving a subgrantee agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to fund equipment under the Operation Stonegarden program

C. Request for approval of conceptual architecture for Two Oracle Place, also known as the former Platinum Fitness site, located west of Oracle Road approximately 1/4-mile north of Ina Road

D. (Re)appointment to the Tucson - Pima County Bicycle Advisory Committee

Councilmember Rodman asked for clarification regarding the Planning and Zoning Commissions approval of a condition regarding a proposed Conceptual Architecture for Two Oracle place, located west of Oracle Road Approximately 1/4 Mile North of Ina Road.

Planning Manager Bayer Vella clarified that the condition reflects current code requirements and will be implemented upon building permit review.

Motion by Vice-Mayor Melanie Barrett, seconded by Councilmember Steve Solomon to approve the Consent Agenda (A - D).

Vote: 7 - 0 Carried

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 9S (LIQUOR STORE WITH SAMPLING PRIVILEGES) LIQUOR LICENSE FOR TRADER JOE'S, LOCATED AT 7912 N. ORACLE ROAD

Town Clerk Mike Standish presented item #1.
Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

**Motion by** Councilmember Bill Rodman, **seconded by** Councilmember Steve Solomon to approve the issuance of a Series 9S Liquor License to the Arizona Department of Liquor Licenses and Control for Andrea Dahlman Lewkowitz for Trader Joe’s #096, located at 7912 N. Oracle Road.

Discussion ensued amongst Council and staff regarding item #1.

**Vote:** 7 - 0 Carried

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2. AMENDING VARIOUS SECTIONS OF THE ORO VALLEY TOWN CODE RELATING TO SPECIAL EVENT PERMITS

**A.** RESOLUTION NO. (R)20-02, DECLARING THE PROPOSED AMENDMENTS TO THE VARIOUS SECTIONS OF THE SPECIAL EVENTS SECTION OF THE ORO VALLEY TOWN CODE, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD (CONTINUED FROM DECEMBER 4, 2019)

**Motion by** Councilmember Bill Rodman, **seconded by** Councilmember Rhonda Piña to adopt Resolution No. (R)20-02, declaring the proposed amendments to various sections of the Special Events Code of the Oro Valley Town Code, attached hereto as Exhibit "A" and filed with the Town Clerk, a public record.

**Vote:** 7 - 0 Carried

**B.** PUBLIC HEARING: ORDINANCE NO. (O)20-01, AMENDING VARIOUS SECTIONS OF ARTICLE 8-3 OF THE ORO VALLEY TOWN CODE RELATING TO THE SPECIAL EVENTS PERMIT (CONTINUED FROM DECEMBER 4, 2019)

Strategic Initiatives Manager Amanda Jacobs presented item #2B.

Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

**Motion by** Councilmember Bill Rodman, **seconded by** Councilmember Rhonda Piña to approve Ordinance No.(O)20-01, amending various sections of Article 8-3 of the Oro Valley Town Code relating to the Special Events Permit.

**Vote:** 7 - 0 Carried

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3. PUBLIC HEARING: PURSUANT TO A.R.S. §9-463.05, TO DISCUSS AND REVIEW AN UPDATE TO THE LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENT PLAN ASSOCIATED WITH DEVELOPMENT FEES CHARGED BY THE TOWN OF ORO VALLEY

Strategic Initiatives Manager Amanda Jacobs gave a brief overview of item #3 and introduced Carson Bise, President of Tischler Bise.

Mr. Bise presented item #3 and included the following:

- 40-year consulting practice serving local government nationwide
- Methodology Overview
Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

Discussion ensued amongst Council and staff regarding item #3.

Ms. Jacobs concluded the presentation and stated the item would come back to Council on February 19th for discussion and possible action.

**FUTURE AGENDA ITEMS**

Councilmember Piña requested that a portrait of Chief Sharp, painted by resident Harry Green, be presented at a future meeting.

**CALL TO AUDIENCE**

No comments were received.

**ADJOINTMENT OF THE REGULAR SESSION**

Mayor Winfield adjourned the Regular Session at 7:48 p.m.

Mayor Winfield recessed the meeting at 7:49 p.m.

Mayor Winfield reconvened the meeting at 8:01 p.m.

**STUDY SESSION**

**CALL TO ORDER**
Mayor Winfield called the Study Session to order at 8:01 p.m.

STUDY SESSION AGENDA

1. DISCUSSION REGARDING A PROPOSED ZONING CODE AMENDMENT TO THE ECONOMIC EXPANSION ZONE, SECTION 24.9 AND SECTION 22.10

   Community and Economic Development Director JJ Johnston and Principal Planner Milini Simms presented item #1 and included the following:

   - Purpose
   - Meet Economic Goals and Strategies
   - Proposed Code Amendment
   - Economic Expansion Zone
   - Allow Shovel-Ready Sites
   - Require Public Open Houses
   - Admin. Approval of all Code Compliant Plans
   - Eliminate 20-Day Town Council Review Period
   - General Plan Conformance
   - Planning and Zoning Commission
   - Summary and Feedback

   Discussion ensued amongst Council and staff regarding Study Session item #1.

   The following individual spoke regarding Study Session item #1.

   Developer Tom Warne

   Discussion continued amongst Council and staff regarding Study Session item #1.

2. DISCUSSION REGARDING PROPOSED CODE AMENDMENTS TO C-1, C-2, AND TECHNOLOGICAL PARK AND EQUIVALENT PLANNED AREA DEVELOPMENT DISTRICTS REGARDING LAND USES AND DEVELOPMENT STANDARDS SUCH AS BUILDING HEIGHTS, SETBACKS, ETC.

   Principal Planner Milini Simms presented Study Session item #2 and included the following:

   - Purpose
   - Meet Economic Goals and Strategies
   - Proposed Code Amendments
   - Expand available property for employers
   - Low-impact employment uses
   - Expand available property for employers
   - Update standards and reduce discrepancies
   - Building size
   - Permitted and ancillary uses
   - Ancillary uses
   - Building heights
   - Proposed building height - Rancho Vistoso
   - Proposed building height - La Reserve
   - Architectural features
   - Increase predictability
   - Remove unintended barriers
   - General Plan Conformance
   - Planning and Zoning Commission
   - Summary and Feedback
Discussion ensued amongst Council and staff regarding item #2.

**Motion by** Councilmember Steve Solomon, **seconded by** Councilmember Bill Rodman to continue Study Session item #2 to the January 22, 2020 Town Council meeting.

**Vote:** 7 - 0 Carried

**ADJOURNMENT OF THE STUDY SESSION**

Mayor Winfiled adjourned the Study Session at 10:17 p.m.

**RECONVENE THE REGULAR SESSION**

Mayor Winfield reconvened the Regular Session at 10:17 p.m.

**EXECUTIVE SESSION** - 1. Pursuant to A.R.S. §38-431.03(A)(3), (A)(4) for legal advice with the Town attorneys, discussion, and consultation with those attorneys and designated Town representatives, and possible instruction to those attorneys and designated representatives about disputes, claims, proposals and/or agreements related to the Town owned golf courses, HSL and/or Home Owners’ Associations proximate to those courses.

**Motion by** Mayor Joseph C. Winfield, **seconded by** Councilmember Bill Rodman to go into Executive Session at 10:18 p.m. pursuant to A.R.S. §38-431.03(A)(3), (A)(4) for legal advice with the Town attorneys, discussion, and consultation with those attorneys and designated Town representatives, and possible instruction to those attorneys and designated representatives about disputes, claims, proposals and/or agreements related to the Town owned golf courses, HSL and/or Home Owners’ Associations proximate to those courses.

**Vote:** 7 - 0 Carried

Mayor Winfield announced that the following staff members would be joining Council in the Executive Session: Town Manager Mary Jacobs, Assistant Town Manager Chris Cornelison, Town Attorney Gary Cohen and Town Clerk Mike Standish.

**RESUME THE REGULAR SESSION**

Mayor Winfield resumed the Regular Session at 11:41 p.m.

**ADJOURNMENT**

**Motion by** Councilmember Steve Solomon, **seconded by** Councilmember Bill Rodman to adjourn the meeting at 11:42 p.m.

**Vote:** 7 - 0 Carried

_____________________________________
Michelle Stine, MMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular and study session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 8th day of January, 2020. I further certify that the meeting was duly called and held and that a quorum was present.
Dated this _____ day of ____________________, 2020.

___________________________
Michael Standish, CMC
Town Clerk
Properties near residential areas

EEZ sites near residential areas (within 200’)

Developed or already graded/disturbed sites

Attachment 4
EEZ Sites Near Residential Areas (within 200’) that are Vacant or Undisturbed

Area where pre-grading is not allowed (within 200’ of a residential area, protected slope or buffer yard)

Area proposed to allow pre-grading

Proposed pre-grading restriction

Attachment 5
Town Council Regular and Study Session

Meeting Date: 02/05/2020
Submitted By: Mike Standish, Town Clerk's Office
Department: Town Clerk's Office

**SUBJECT:**
POSSIBLE APPROVAL OF ANY ITEMS DISCUSSED IN EXECUTIVE SESSION

**RECOMMENDATION:**
N/A

**EXECUTIVE SUMMARY:**
N/A

**BACKGROUND OR DETAILED INFORMATION:**
N/A

**FISCAL IMPACT:**
N/A

**SUGGESTED MOTION:**
I MOVE to (Approve or Deny) any items discussed in Executive Session.

**Attachments**

*No file(s) attached.*