

EL CONQUISTADOR COUNTRY CLUB

PLANNED AREA DEVELOPMENT DISTRICT (PAD) #1

**ADOPTED BY ORDINANCE (O)79
NOVEMBER 17, 1983**

**LATEST REVISION BY ORDINANCE (O)92-21
DECEMBER 2, 1992**

Developed By:
Atlas-Glenex, Ltd.
10,000 North Oracle Road
Oro Valley, Arizona 85704

Prepared By:
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August, 1983

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Section 1.1 Introduction

The El Conquistador Planned Area Development is prepared in accordance with the provisions of Article 10-3 of the Oro Valley Zoning Code Revised. The stated purpose of a Planned Area Development is to enable and encourage the planned development of large tracts of land which are under unified ownership or control so as to achieve land development patterns which will maintain and enhance the physical, social and economic values of an area.

Such areas may be provided with a combination of land uses including a variety of residential types, commercial, technical and public areas designed in accordance with modern land planning principles and development techniques, and arranged in such a manner so as to be properly related to each other in the community, with a planned thoroughfare system and other public facilities.

The Planned Area Development District and procedure were established to provide a land developer with reasonable assurance that specific uses prepared from time to time in accordance with an approved development plan would be accepted by the Town, and to provide the Town Planning Commission and Mayor and Town Council with a long-term proposal for the development of a given area.

The El Conquistador Country Club Project is ideally suited for the provisions of a Planned Area Development due to its unified ownership or control, and its size consisting of approximately 850 acres.

The purpose of the El Conquistador Country Club Plan as outlined below is to establish a Planned Area Development and to identify the specific exceptions and modifications to promote the development as provided for in Section 3-115 of the Oro Valley Zoning Code Revised.

Traditional zoning and other land use plans allow a wide range of uses, yet provide few performance standards for development. It is the purpose of the El Conquistador Country Club Planned Area Development (the Plan) to provide predetermined performance standards and prescribe specific uses. The standards and uses specified in the Plan and any resulting modifications to the Town's property development standards will produce a living environment, landscape quality and lifestyle superior to that of existing standards while maintaining a sensitivity to the surrounding land uses.

The El Conquistador Country Club Plan delineates all allowable uses within each development area, and the standards, conditions and restrictions within the development. The Plan also prescribes the procedures for review, adoption, and enforcement.

It is the intent of the Plan to provide for development of the area so as to be compatible with the adjacent development provided for on the Tortolita Community Plan, Plan No. Co13-76-2 as approved by the Pima County Board of Supervisors on May 3, 1982 and the requirements stated herein.

Section 1.2 General Definitions

The terms and definitions used in this Plan shall be those as defined in Article 2-1 of the Oro Valley Zoning Code Revised with the following exceptions:

- A. Developer - An individual or entity who acquires or leases development areas as defined herein, in the El Conquistador Country Club Project, for the purpose of development in accordance with the Plan.
- B. Development Areas - Areas A through D, as described on the Concept Site an are designated subareas of the El Conquistador Country Club Project having specified permitted uses and regulations covering the development of those uses.

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- C. Owner - Atlas-Glenex, Ltd., 10,000 North Oracle Road, Oro Valley, Arizona, their successors or assigns.
- D. Plan - The plan for the El Conquistador Planned Area Development.
- E. Oro Valley Zoning Code Revised - Shall mean the Oro Valley Zoning Code Revised as adopted by the Mayor and Town Council on March 13, 1981 by Ordinance No. 48 or as it may be amended.
- F. Building Height - Shall be measured as described in definition 59 of the Oro Valley Zoning Code Revised. No building including rooftop mechanical and solar equipment shall exceed three stories or 38 feet in height.
- G. Floor Area - Floor areas as used to determine floor area ratios and parking ratios shall include the gross horizontal areas of the floors within any exterior walls of the building on, above or below grade excluding areas used for elevator shafts, stairwells or mechanical equipment rooms.
- H. Concept Site Plan - A document which shows the tentative distribution of land uses within the Plan Area and is included in the Plan as Exhibit B. All Development Site Plans shall be prepared and submitted for approval in accordance with the uses shown on the Concept Site Plan.
- I. Development Site Plan - A document which will provide the information necessary for the Town of Oro Valley to review and approve and shall include plans for the location of buildings, energy conservation, parking areas, traffic circulation, landscaping, areas and treatment of refuse collection, fire hydrant locations, and utility easements. The Development Site Plan shall conform in all basic aspects to the El Conquistador Country Club Plan and the Concept Site Plan.
- J. Useable Open Space - Includes common area open space; yards, courts, deck areas, landscaped areas, balconies, ramadas, and porches which are useable and accessible for recreational purposes. It does not include areas used for driveways or parking, but does include the golf course area.
- K. Restaurant - Shall mean a public eating place, in or outdoors, with or without service of alcoholic beverages.
- L. Definition of RAC (Residences per acre) - Shall be defined as residential units is per 43,560 square feet.
- M. Residential Densities - Densities may be used or translated into any development area from another provided that the total designated number of 6,500 residences allowed within the entire Plan Area is not exceeded. Maximum residential densities are not limited within a specific project or development subarea. . The residential unit maximum of 6,500 shall be reduced at the rate of eight (8) units per acre of any non-residential building and related parking as development site plans are approved. Density reduction does not apply for golf course, clubhouse or other recreational facilities or amenities. (Ord. 79)
- N. Tortolita Community Plan - Plan No. Col3-76-2 as reviewed and adopted by the Pima County Board of Supervisors on May 3, 1982.
- O. Office - A place where professional or semi-professional services are provided, or a particular kind of business is transacted excluding retail and wholesale trade as a principal use. Support retail functions such as athletic clubs, pharmacies, restaurants and other limited uses not to exceed 25% of the gross floor area, are permitted as secondary accessory uses to offices. Banks and savings and loan institutions shall be deemed as office uses.

Section 1.3 Plan Area

The Plan Area consists of the El Conquistador Country Club Planned Area Development contained on approximately 850 acres. The configuration of the area is fairly regular in shape and consists primarily of vacant acreage. The area is bounded generally by Naranja Road on the north, Lambert Lane on the south, La Cholla Boulevard on the west, and the Monte de Oro Subdivision on the east. The area is bisected by La Canada Drive.

The development of the El Conquistador Country Club Golf Course is in progress and is contained within the Plan Area.

Section 1.4 Development Objectives

The major objectives of the El Conquistador Country Club Plan are:

- A. To provide a planned development so as to achieve the desired land development patterns which will maintain and enhance the physical, social and economic values of the area.
- B. To provide for residential development that constitutes a residential environment of stability compatible with the surrounding area.
- C. To provide commercial, recreational and non-residential uses so that such development will be appropriate in area, locations, and overall planning for the purpose intended.
- D. To provide for the efficient expansion and use of support services, roads and utilities, and other public services.
- E. To generate substantial tax revenues.
- F. To create a high level quality development in the Town of Oro Valley which maximizes architectural, landscape architectural and site development controls.

Section 1.5 Development Policies

In order to achieve the development objectives, the following policies shall be applied in the design, management, and regulation of development within the El Conquistador Country Club Plan Area:

- A. Qualitative standards of development are incorporated into the [plan to](#) provide imaginative and efficient design and management.
- B. Residential areas shall be protected from non-residential development areas.
- C. The design and control of pedestrian and vehicular circulation shall be coordinated to provide safe and convenient access throughout the Plan Area.

Section 1.6 Development Areas and Uses

Development of the various areas as shown on Exhibit B will be in accordance with the policies and intent stated herein. The project will provide for a planned mixed-use development that is in harmony with the General Plan of the Town of Oro Valley. The uses and development within each area, together with the limitations on such, shall be as follows:

A. Development Area A

1. Uses Permitted - Residential dwelling units together with all accessory structures including recreation and social center buildings provided however, that common wall units are permitted; golf course, clubhouse and related golf course facilities, equestrian and stable facilities.

Equestrian and stable facilities are subject to the following conditions:

- a. The stable property shall contain a buffer strip 20 feet wide, maintained as a solid landscape screen, adjacent to all surrounding residential property.
- b. All pasture and animal storage areas shall be enclosed with fences or walls of a minimum of 4'6" height.
- c. All laws applicable to the public health must be complied with for the entire period of operation of the stable.
- d. All stable, activity, and pasture areas that are not grassed shall be treated for dust control as approved by the Town Council
- e. Adequate parking shall be shown on the site plan. (Ord. 79)

2. Building Setback Requirements:

- a. 25 feet adjacent to the Plan boundary or development areas of lesser density.
- b. An average of 20 feet where abutting any public streets.
- c. Whenever the plan boundary abuts any single-family residential district (R-1) or an alley abutting such district, a setback of 25 feet shall be provided for single-story structures and an additional depth of 10 feet shall be provided for each additional story. (Ord. 79)

3. Average Minimum Useable Open Space Per Residential Dwelling Unit - 500 square feet.

4. Maximum Height - Three stories or 38 feet except when a structure is within 25 feet of the boundary of the Plan Area, in which case the height shall not exceed two stories.

B. Development Area B

1. Uses Permitted - Residential dwelling units together with all accessory structures including recreation and social center buildings, provided however, that common wall units are permitted; golf course, clubhouse and related golf course facilities.
2. Building Setback Requirements:
 - a. 25 feet adjacent to the Plan boundary or development areas of lesser density.
 - b. An average of 20 feet where abutting any public streets.
 - c. Whenever the plan boundary abuts any single-family residential district (R-1) or an alley abutting such district, a setback of 25 feet shall be provided for single-story structures and an additional depth of 10 feet shall be provided for each additional story. (Ord. 79)
3. Average Minimum Useable Open Space Per Residential Dwelling Unit - 500 square feet.
4. Maximum Height - Three stories or 38 feet except when a structure is within 25 feet of the boundary of the Plan Area, in which case the height shall not exceed two stories. For the portion of Development Area B west of and adjacent to the segment of Development Area D located at the northwest corner of Lambert Lane and La Canada Drive, no structure over two stories shall be built.

No structure shall be built over 18 feet in height above the existing natural ridgeline elevation as shown on the designated Planned Area ridgeline map dated 11-16-83 and attached as Exhibit F. (Ord. 79)

C. Development Area C

1. Uses Permitted - Residential dwelling units, commercial and public offices, service retail uses, restaurants, recreational facilities, provided however, that common wall units are permitted; golf course, clubhouse and related golf course facilities. Office and retail uses may include, with the exception of hotels, those uses permitted in the C-2 Commercial District of the OVZCR. Conditional uses shall require a use permit. (Ord. 79)
2. Building Setback Requirements:
 - a. 25 feet adjacent to the Plan boundary or development areas of lesser density.
 - b. An average of 20 feet where abutting any public streets, and, additionally, with regard to parcel H only the following shall apply.
 - (1) Front yard setbacks may be reduced to a minimum of 15 feet for homes which incorporate a side entry garage.
 - (2) Landscaping within the driveway site visibility triangle of all homes be limited to 30 inch maximum height for all shrubs and groundcover and that any trees planted within the sight visibility triangle maintain the entire canopy 6 feet above ground level.

(3) All streets within the proposed subdivision shall maintain a minimum right-of-way width of 32 feet. In addition, a 6.5 foot roadway maintenance, pedestrian refuge, signage and utility easement shall be provided on both sides of all rights-of-way. (Ord. 92-21)

c. Whenever the plan boundary abuts any single-family residential district (R-1) or an alley abutting such district, a setback of 25 feet shall be provided for single-story structures and an additional depth of 10 feet shall be provided for each additional story. (Ord. 79)

3. Average Minimum Useable Open Space Per Residential Dwelling Unit - 300 square feet.

4. Maximum Height - Three stories or 38 feet except when a structure is within 25 feet of the boundary of the Plan Area, in which case the height shall not exceed two stories.

D. Development Area D

1. Uses Permitted - Residential dwelling units, commercial and public offices, service retail uses, restaurants, recreational facilities, provided however, that common wall units are permitted; hotel; golf course, clubhouse and related golf course facilities. Office and retail uses may include, with the exception of hotels, those uses permitted in the C-2 Commercial District of the OVZCR. Conditional uses shall require a use permit. (Ord. 79)

Resort hotels and Western Town with equestrian activities are permitted. Permitted appurtenant uses include small retail shops, restaurants, cocktail lounges with live music and/or patron dancing, day nursery, game center, health studio or fitness center, satellite receiving earth station, and stable and equestrian facilities an exhibition arena. (Ord. 79)

Equestrian and stable facilities are subject to the following conditions:

a. The stable property shall contain a buffer strip 20 feet wide, maintained as a solid landscape screen, adjacent to all surrounding residential property.

b. All pasture and animal storage areas shall be enclosed with fences or walls of a minimum of 4'6" height.

c. All laws applicable to the public health must be complied with for the entire period of operation of the stable.

d. All stable, activity, and pasture areas that are not grassed shall be treated for dust control as approved by the Town Council.

e. Adequate parking shall be shown on the site plan. (Ord. 79)

2. Building Setback Requirements:

a. 25 feet adjacent to the Plan boundary or development areas of lesser density.

b. An average of 20 feet where abutting any public streets. And, additionally, with regard to Village 16 only, the following shall apply:

- (1) Front yard setbacks may be reduced to a minimum of 12 feet for homes which incorporate a side entry garage only.
- (2) Corner lots shall not be eligible for the setback modification.
- (3) Any lot which incorporates the reduced setbacks shall be abutted on both its right and left sides by a minimum of two consecutive lots which utilize 20 foot setbacks.
- (4) No two lots directly opposite each other on the same street may incorporate the reduced setbacks.
- (5) Any two-story segment of a given dwelling unit must be set back at least 20 feet from the front property line.
- (6) Landscaping within the driveway site visibility triangle of side entry garage homes shall be limited to 30 inch maximum height.
- (7) This pad amendment shall apply only to Village 16 of Canada Hills.
- (8) That a garage of a house with a side entry garage may not abut the driveway on an adjoining lot. (Ord. 90-7)

c. Whenever the plan boundary abuts any single-family residential district (R-1) or an alley abutting such district, a setback of 25 feet shall be provided for single-story structures and an additional depth of 10 feet shall be provided for each additional story. (Ord 79)

3. Maximum Total Building Coverage - 80% of lot area.
4. Average Minimum Useable Open Space Per Residential Dwelling Unit Excluding Hotel Rooms - 300 square feet.
5. Maximum Building Height - Three stories or 38 feet except when a structure is within 25 feet of the boundary of the Plan Area, in which case the height shall not exceed two stories.

Section 1.7 Traffic Plan

The traffic plan for the El Conquistador Country Club Plan Area consists of the dedication of the necessary right-of-way for public streets, private streets, and pedestrian systems. Roads and streets within the Plan shall be constructed by the Developer and shall be subject to the Town of Oro Valley review during the development plan process, and shall be subject to either the Town of Oro Valley requirements or, in the case of arterial streets, the standard Pima County Highway Department requirements

A. Dedicated Streets – Dedicated collector streets within the Plan shall have a maximum right-of-way of 80 feet and be constructed in accordance with the Town of Oro Valley standards. The major arterial roadways; Naranja, Lambert Lane, La Cholla and La Canada, shall have right-of-way widths as

required by the Pima County Highway Department and shall be constructed in accordance with the requirements of Pima County.

B. Private Streets - All other streets shall be privately owned and maintained and shall have not less than 24 feet of pavement, and shall meet the Town of Oro Valley requirements for private streets.

C. Traffic Study - A detailed Traffic Study shall be prepared and submitted for review to the Town of Oro Valley upon completion of the first phase of residential development. The Study shall be updated as each increment of 250 units of residential development is completed. The Study shall project estimated traffic volumes and patterns and provide for the necessary traffic signals and pedestrian linkages. The installation of traffic signals, subject to review and approval of the Town Engineer, shall be the responsibility of the Developer. Maximum separation and protection of pedestrian access routes from vehicular traffic arteries shall be provided along with the provision for pedestrian circulation routes within the Plan.

D. Landscaping - All streets and parking areas shall be landscaped as provided in Section IX, Landscaping Requirements.

Section 1.8 Sitework Requirements

The El Conquistador Country Club Plan Area will be developed so as to preserve the natural character and aesthetic values of the area. In lieu of average slope computations, development considerations shall include:

A. Evaluation and planning for soil conditions and foundation bearing values.

B. Minimizing the external visual impact of the proposed development.

- C. Minimizing the potential for erosion, flood hazards, or scars.

Development within the Plan Area will accommodate these considerations by:

- A. Providing foundation and footing designs prepared on a site specific basis for the various soil conditions by a Professional Engineer.

- B. Providing for development of slopes and ridges by the use of innovative hillside and hilltop development methods while protecting the area's natural character and resources. Development of slopes and ridges include:

1. Minimizing all areas of exposed cuts or fills.
2. Filled areas will be sloped to approximate the natural slopes and conditions.
3. Disturbed areas will be revegetated to provide a natural appearance.
4. No structure shall be built over 18 feet in height above the existing natural ridgeline elevation as shown on the designated Planned Area Development ridgeline map dated 11/16/83. (Ord. 79)

Section 1.9 Landscaping Requirements

Plant Materials, ground cover and irrigation techniques shall be utilized throughout the Plan Area in a manner that enhances low water consumption and provides an aesthetic quality.

- A. **Perimeter Landscaping** - The perimeter of the Plan and along all major roadways shall be landscaped so as to meet or exceed the Town of Oro Valley standards, but in no case shall landscaping have a depth of less than five feet. Additional perimeter landscaping shall be provided of varying depths within any excess right-of-ways subject to approval by the Town of Oro Valley.
- B. **Street Landscaping** - Landscaping shall be required along all dedicated public and private streets.
- C. **Adjoining Public Streets** - Shall be landscaped to a minimum depth of five feet from the property line. A minimum of 5% of the total area of abutting parking lots shall be landscaped. No landscaped area shall be less than 50 square feet in size.
- D. **Landscape Maintenance Plan** - Shall be reviewed and approved as hereinafter provided.
- E. **Lighting** - Parking lot lighting shall be screened, cut-off type luminaires and shall meet all Town of Oro Valley requirements for parking lot lighting.
- F. **Walls and Screens** - Walls and screens shall be a minimum of three feet in height and shall conform to the requirements of the Town of Oro Valley.
- G. **Plant List** - A list of acceptable drought-resistant and native plants is attached as Exhibit E. Only such plants or alternatives acceptable to the Town of Oro Valley may be used.

Section 1.10 Development Site Plan

All Site Plans, planning studies, documents and specifications shall conform in all basic aspects to the requirements of the Plan, and when approved, shall authorize the development of the land subject to the applicable codes of the Town of Oro Valley. The Concept Site Plan, attached hereto as Exhibit B, shows the tentative distribution of land uses within the Plan Area. It should be understood that this exhibit is conceptual only, and is intended as a development guide. Plans for development may be approved that vary from this plan, but in all cases must be in conformance with the uses and development standards specified herein.

A. Submittal Requirements - Prior to any development occurring in a development area, a Development Site Plan shall be submitted by a developer to the Owner, and after its approval (*which if unreasonably withheld, the Town will move forward with independent action*), to the Town of Oro Valley for its review and approval. Development Site Plans and details as outlined below showing primary building locations and heights, parking layout, access and landscaped areas are encouraged to be submitted for a preliminary review at any time prior to the final Development Site Plan submittal.

B. Contents - The Development Site Plan shall be prepared by the developer in accordance with the requirements specified in Article 4-5 and Section 10-303 of the Oro Valley Zoning Code Revised, and shall also include the following:

1. Landscape and Maintenance Plan - A landscape and maintenance plan shall be prepared at a sufficient scale so as to show the location, size and species of all plant material, and the proposed water or irrigation system to be used along with a maintenance schedule.
2. Floor Plans - Floor plans of the first floor and any basement or subsurface parking of all buildings shall be prepared to evaluate adequate circulation. The floor plans shall be fully dimensioned and uses indicated thereon. Floor plans for other typical floors shall also be submitted.
3. Elevation Renderings - Renderings shall be prepared so as to depict views of typical sides of the proposed buildings and structures. Perspective drawings may be submitted in place of elevations.
4. Sign Plans – A plan shall be prepared showing the location, size and lighting sources of all signs and all other advertising devices.
5. Lighting Plans - A lighting plan shall be prepared for all parking areas and vehicular and pedestrian circulation areas to indicate the type and size of all lighting structures, and illumination levels and specifications.
6. Schools and Parks - Information on the required school sites, parks and playgrounds shall be developed during the Development Site Plan process. School sites, if required, shall be determined in conjunction with the Amphitheater and Marana School Districts.
7. Additional Information - Such other statistical or graphical information or material as may be reasonably required by the Owner or Oro Valley Zoning Administrator to depict unique characteristics of the site or proposed development.

C. Approval of Development Site Plans:

1. A developer's site plan shall be submitted to the Owner or his representatives who shall have a reasonable amount of time to approve, modify or reject the plan. Rejected or modified plans must be resubmitted for approval.

2. Town of Oro Valley Review - Development site plan and subdivision plat approvals shall be according to Articles 4-3, 4-4 and 4-5 of the OVZCR. (Ord 79). After written approval by the Owner, the developer shall then submit the Development Site Plan to the Town of Oro Valley for its review and approval. The Zoning Administrator shall verify that written approval has been obtained from the Owner prior to submitting the Development Site Plan to the Development Review Board. If there are revisions to the Development Site Plan, the applicant shall make the necessary revisions which shall be resubmitted for further review provided, however, that if substantial changes are made in the Site Plan, then it will be resubmitted to the Owner in accordance with sub-paragraph (1) above. The Development Review Board will transmit the Development Site Plan to the Mayor and Town Council for final approval.

3. Approval - Approval by the Mayor and Council shall be the basis or the issuance of all building permits, licenses and certificates of occupancy.

4. Appeals - Appeals from any decision of the Zoning Administrator shall be to the Board of Adjustment.

5. Amendments to Site Plan - Amendments to the Site Plan shall be processed as an original Development Site Plan.

Section 1.11 Energy Conservation

The El Conquistador Country Club Plan is designed to meet the ever increasing need to conserve natural resources. The Plan provides for a mix of uses to accommodate this, and the Development Site Plan for each development area shall include an Energy Conservation Plan. The Energy Conservation Plan shall address the following:

- A. Building orientation
- B. Solar analysis
- C. Prevailing winds
- D. Landscaping
- E. Shading effect on adjacent development parcels
- F. Building thermal analysis sufficient to identify the thermal characteristics of the building enclosure.

Section 1.12 Sign Controls

All signs within the El Conquistador Country Club Plan Area shall conform to the requirements of Article XII of the Town of Oro Valley Zoning Code Revised. Plans for signs shall be reviewed as part of the Development Site Plan review to assure aesthetic treatment and compatibility with the other development areas and the surrounding neighborhood. The following provisions shall govern:

- A. No advertising devices shall be permitted which rotate, move or create the illusion of movement, or have any visible moving, revolving or rotating surface or parts.

B. No part of any illuminated advertising device or any lights shall revolve, rotate, move, change color or vacillate.

C. No off premise signage, except for directional signs, shall be allowed.

Section 1.13 *Plan Enforcement, Review and Approval Procedures*

- A. Adoption - The El Conquistador Country Club Plan shall be processed in accordance with the provisions of the Town of Oro Valley Zoning Code Revised.

- B. Interpretation - Where any ambiguity arises as to the terms of this Plan, the Oro Valley Zoning Code Revised shall govern.

- C. Enforcement - The Zoning Administrator and Building Official shall be responsible for enforcement of this Plan.

- D. Minor Changes - The Zoning Administrator may allow minor changes to the criteria set forth in the Development Site Plan providing they are not in conflict with the overall intent as expressed in the El Conquistador Country Club Plan. The Owner shall be notified prior to such changes. Minor changes do not include anything which alters allowable use of buildings, heights, or residential densities. Any changes must conform to the appropriate section of the Town of Oro Valley Zoning Code Revised or as modified herein.

- E. Amendments - The approved El Conquistador Country Club Plan may be amended from time to time. Proposed amendments shall be submitted by the Owner to the Planning Commission and Town Council as outlined in Article 3-1 of the Oro Valley Zoning Code Revised.

- F. Severability - If any provision, sentence, clause, section or subsection or phrase of this Plan is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of this Plan.

Exhibit B EL CONQUISTADOR COUNTY CLUB PAD CONCEPT SITE PLAN



Exhibit C EL CONQUISTADOR COUNTY CLUB PAD TRAFFIC PLAN

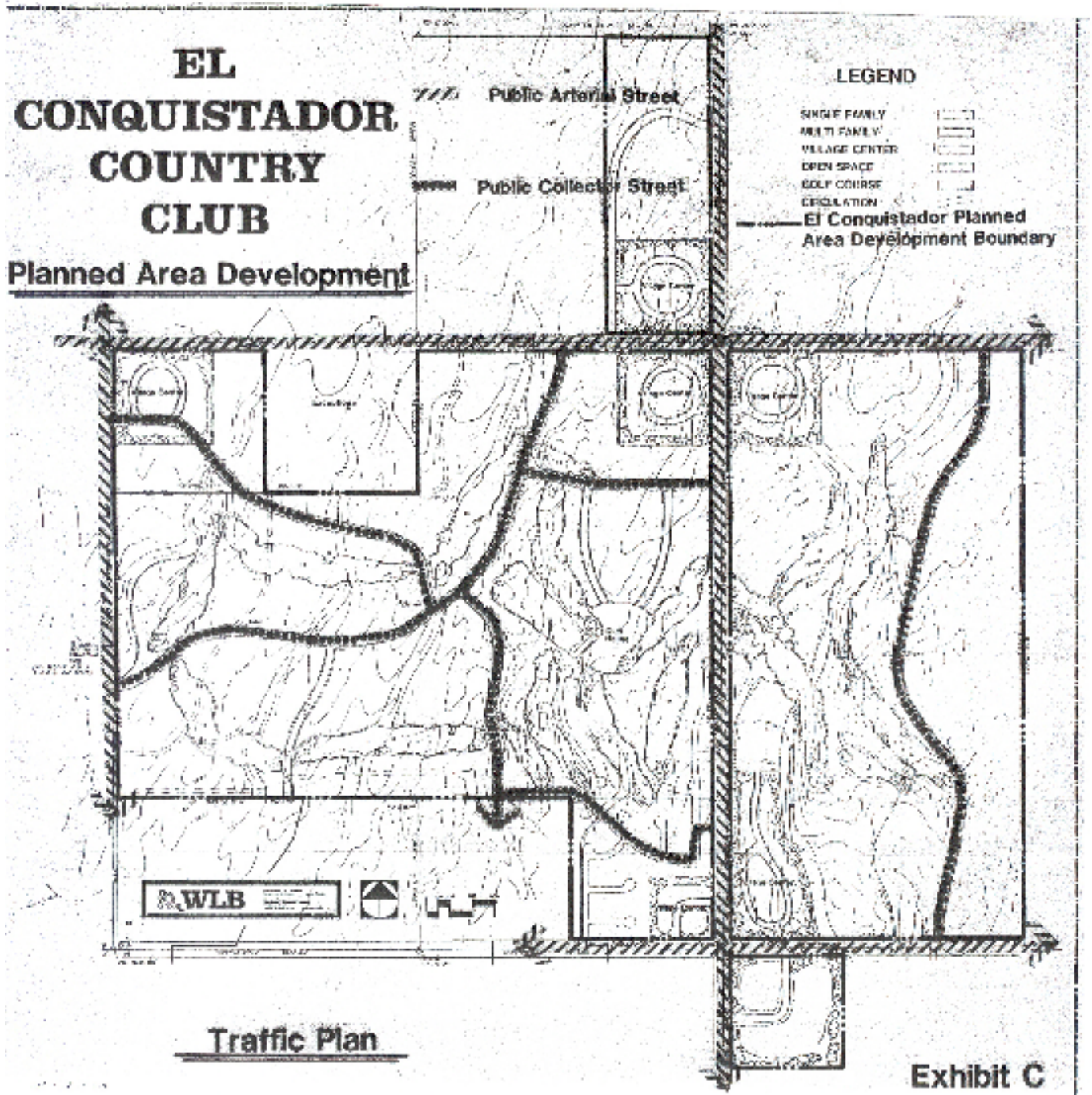


Exhibit D EL CONQUISTADOR COUNTY CLUB PAD MAJOR PEDESTRIAN CIRCULATION

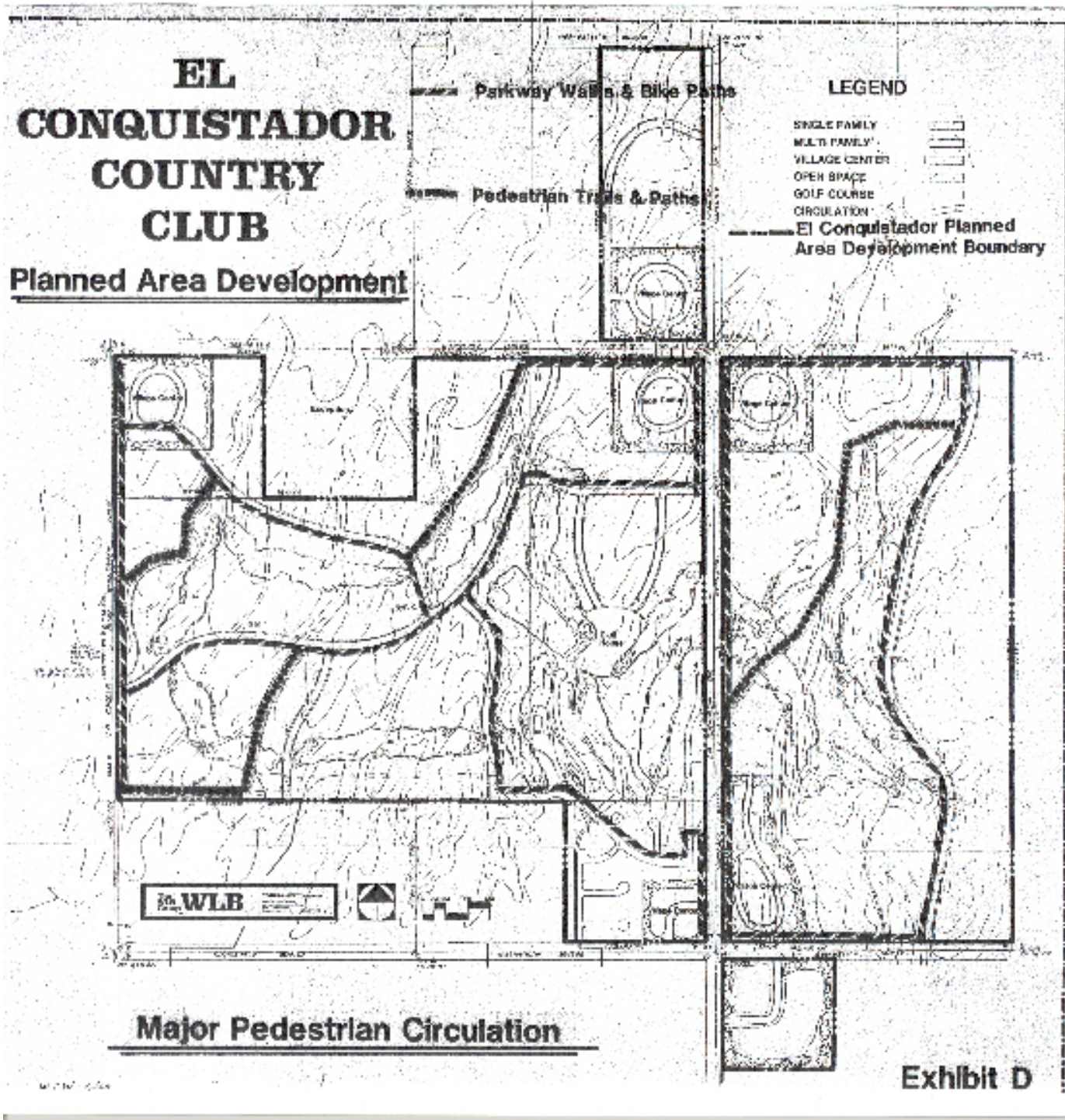


Exhibit "E" EL CONQUISTADOR COUNTRY CLUB PROJECT PLAN

PLANT LIST

Palo Verde	Vinca
Mesquite	Yucca
Arizona Ash	Plum
Evergreen Elm	Rosemary
Acacia	Sycamore
Pittosporum	Cassia
Privet	Bird-of-Paradise
Xylosma	Bamboo
Loquat	Jasminum
Pyrus	African Daisy
Pine	Penstemon
Eucalyptus	Mexican Primrose
African Sumac	Sweet Alyssum
Palms	Gold Poppy
Photinia	Fig
Juniper	Olive
Star Jasmine	Saguaro
Texas Sage	Prickly Pear
Lantana	Desert Spoon
Gazania	Ocotillo
Santolina	Agave
Verbena	Ale
Asparagus	

**Exhibit F EL CONQUISTADOR COUNTRY CLUB – DESIGNATED
RIDGELINES**

APPENDIX A INTERPRETATIONS

**TOWN OF ORO VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT**
Building Safety - Parks and Recreation
Planning and Zoning - Transit Services

PLANNING & ZONING DIVISION
11,000 N. La Canada Drive, Oro Valley AZ 85737
Phone- 797-9797 Fax: 742-1022

MEMORANDUM

DATE: August 4th, 1999

TO: Valerie Feuer, Senior Planner, Current Planning

SUBJECT: CUP Requirement for Convenience Uses in the El Conquistador PAD

Valerie,

As requested by Mr. Mike Carlier, I have researched to confirm whether a Conditional Use Permit (CUP) would or would not be required for convenience uses in the El Conquistador PAD. Upon review of the PAD document, the OVZCR, and other similar PAD documents in the Town, I have come to the determination that a CUP is required for convenience uses in the El Conquistador PAD. The rationale for this determination is outlined below.

OVZCR

In regards to the OVZCR, the El Conquistador PAD is exempt from the locational requirements of convenience uses, as the PAD was approved prior to May 27, 1999. per Section 9-110.A.6. There are no statements in the OVZCR which exempt the El Conquistador PAD from the requirements of the convenience use CUPs.

El Conquistador PAD

The PAD document indicates that all development is to occur per the requirements of Town of Oro Valley, unless other development criteria are explicitly listed in the document. This is made very clear in several sections of the document. On page one, the document states that the purpose of the PAD is "...to identify the specific exceptions and modifications . . ." from the Town standards for the development, and on page five, the document states that one of the development objectives is "to create a high level quality development in the Town of Oro Valley which *maximizes* architectural, landscape architectural, and *site development controls*". Moreover, page eleven of the document states that all development site plans "...shall authorize the development of the land subject

to the applicable codes of the Town of Oro Valley.” The above language indicates that all development within the PAD is to occur in accordance with Town requirements, unless specifically indicated in the PAD document.

The applicant has also indicated that they believe that they believe they are exempt from the CUP process owing to the fact that the process was not in the OVZCR when this PAD was adopted by the Town in 1983. It is interesting to note that the definition of the OVZCR in the PAD document on page two includes the phrase “...as adopted on March 13, 1981 or as it may be amended.” This would indicate that changes in the OVZCR after March 13, 1981 do apply to the El Conquistador PAD.

Other PADs in the Town of Oro Valley

In the course of reviewing this request, Staff also compared the PAD document to other PADs within the Town, namely the Rooney Ranch and Rancho Vistoso PADs. Both of these PADs permit certain convenience uses in their boundaries without a conditional use permit; however, it is important to note that these uses are *explicitly* called out as permitted uses within these PAD documents. This can be contrasted with the permitted uses listed for Development Area D, the only commercial development area, which includes “...commercial and public offices, service retail uses, restaurants, recreational facilities, [and] hotels...”, amongst others. The document does not explicitly list any convenience uses as permitted uses in any development area within the El Conquistador PAD.

The lack of explicitly calling out convenience uses as permitted uses within the PAD, the document’s reference to development according to the Town’s standards except where exemptions and modifications are stated, and no statements within the OVZCR exempting the PAD from the CUP process has led to the determination that a CUP is required for a convenience use within the El Conquistador PAD.

Respectfully submitted,

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