

ORDINANCE NO. (O)22-05

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
AMENDING THE RANCHO VISTOSO PLANNED AREA
DEVELOPMENT TO ALLOW FOR TWO APARTMENT
DEVELOPMENTS, PERMIT DRIVE-THRU USES WITHOUT A
CUP, ALLOW ALTERNATIVE METHODS FOR MEETING
RECREATION AREA REQUIREMENTS FOR APARTMENTS,
AND OTHER REVISED DEVELOPMENT STANDARDS FOR
RANCHO VISTOSO NEIGHBORHOOD 4**

WHEREAS, the Rancho Vistoso PAD was adopted by the Pima County Board of Supervisors in 1986;

WHEREAS, the Town of Oro Valley annexed Rancho Vistoso in 1987;

WHEREAS, Town West Realty (Applicant), has requested a text amendment to the Rancho Vistoso Planned Area Development (PAD) to allow for apartment buildings, permit drive-thru uses without a CUP, allow alternative methods for meeting recreation area requirements for apartments, and other revised development standards for Neighborhood 4; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on January 6, 2022 and voted to recommend conditional approval to the Town Council with the conditions listed in Attachment 1 in Town Council staff report for November 2, 2022 Public Hearing; and

WHEREAS, the Town Council has duly considered the Applicant's proposal for the PAD amendment to the Rancho Vistoso PAD.

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

SECTION 1. The Rancho Vistoso Planned Area Development is hereby amended as shown in Exhibit "A"

SECTION 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, on this 10th day of November, 2022.

TOWN OF ORO VALLEY

Joseph C. Winfield, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

**Rancho Vistoso PAD Amendment Proposed
Text Changes**

TABLE A
RANCHO VISTOSO PLANNED AREA DEVELOPMENT
LAND USE SUMMARY

| NEIGHBORHOOD RAC/OTHER | 1 | 2 | 3 | *4 | 5 | 6 | 7 | **10 | 11 NORTH | 11 SOUTH | **13 | TOTAL | % OF TOTAL |
|---------------------------|-------|---|---|----|------|---|------|------|-------------|-------------|-------|-------|---------------|
| 0.5 RAC | | | | | | | | | 62.7 | | 230.1 | 292.8 | 3.8% |
| 1.0 RAC | | | | | | | | 18.2 | 229.7 | | | 247.9 | 3.2% |
| 2.0 RAC | | | | | 48.8 | | | | 113.0 | | 40.0 | 201.8 | 2.6% |
| 3.0 RAC | | | | | | | 23.7 | | 5.4 | | | 29.1 | 0.4% |
| 3.1 RAC | | | | | | | | | | 32.3 | | 32.3 | 0.4% |
| 3.2 RAC | | | | | | | | | | 27.1 | | 27.1 | 0.4% |
| 3.7 RAC | | | | | | | | | | 26.8 | | 26.8 | 0.3% |
| 3.8 RAC | | | | | | | | 65.1 | | | | 65.1 | 0.8% |
| 3.9 RAC | | | | | | | | 21.5 | | | | 21.5 | 0.3% |
| 4.0 RAC | | | | | 87.0 | | 87.6 | | | 53.8 | | 228.4 | 3.0% |
| 4.2 RAC | | | | | | | | 21.6 | | | | 21.6 | 0.3% |
| 4.3 RAC | | | | | | | | 26.7 | | | | 26.7 | 0.3% |
| 4.5 RAC | 362.8 | | | | | | | 28.3 | | | | 391.1 | 5.1% |

**Rancho Vistoso PAD Amendment Proposed
Text Changes**

| | | | | | | | | | | | | | |
|---------|-------|--|--|--|------|--|------|------|------|------|-----|-------|------|
| 4.7 RAC | | | | | | | | 8.9 | | | | 8.9 | 0.1% |
| 4.8 RAC | | | | | | | | 26.4 | | | | 26.4 | 0.3% |
| 5.2 RAC | | | | | | | | 54.6 | 35.4 | | | 90.0 | 1.2% |
| 5.5 RAC | | | | | | | 20.5 | | | | | 20.5 | 0.3% |
| 6.0 RAC | 26.5 | | | | | | | 64.4 | | | | 90.9 | 1.2% |
| 6.1 RAC | | | | | | | | 5.6 | | | | 5.6 | 0.1% |
| 6.2 RAC | | | | | | | | 12.2 | | | | 12.2 | 0.2% |
| 6.4 RAC | | | | | | | | 37.8 | | | | 37.8 | 0.5% |
| 6.5 RAC | 102.7 | | | | 36.3 | | 27.1 | 32.5 | | | | 198.6 | 2.6% |
| 6.6 RAC | | | | | | | | 24.2 | | | | 24.2 | 0.3% |
| 7.0 RAC | | | | | | | | | | | 1.0 | 1.0 | 0.0% |
| 7.1 RAC | | | | | | | | | | 24.0 | | 24.0 | 0.3% |
| 8.0 RAC | | | | | 36.7 | | 30.5 | 25.6 | | | | 92.8 | 1.2% |
| 8.2 RAC | | | | | | | | 8.4 | | 14.7 | | 23.1 | 0.3% |

TABLE A

**RANCHO VISTOSO PLANNED AREA DEVELOPMENT
LAND USE SUMMARY**

| NEIGHBORHOOD | 1 | 2 | 3 | *4 | 5 | 6 | 7 | **10 | 11 NORTH | 11 SOUTH | **13 | TOTAL | % OF TOTAL |
|--------------|---|---|---|----|---|---|---|------|-------------|-------------|------|-------|---------------|
|--------------|---|---|---|----|---|---|---|------|-------------|-------------|------|-------|---------------|

**Rancho Vistoso PAD Amendment Proposed
Text Changes**

| RAC/OTHER | | | | | | | | | | | | | |
|-------------|-------|-------|-------|-------|-------|------|-------|-------|-------|------|-------|--------|-------|
| 8.5 RAC | 64.9 | | | | | | | | | | | 64.9 | 0.8% |
| 9.1 RAC | | | | | | | | | | 10.4 | | 10.4 | 0.1% |
| 10.0 RAC | | | | | | | 28.6 | 34.4 | 2.4 | 32.2 | | 97.6 | 1.3% |
| 10.5 RAC | | | | | 42.0 | | | | | | | 42.0 | 0.5% |
| 12.0 RAC | | | | | 73.8 | | | | | | | 73.8 | 1.0% |
| 20.0 RAC | | | | | 41.8 | | | | | | | 41.8 | 0.5% |
| 21.0 RAC | | | | | | 15.0 | 22.1 | | | | | 37.1 | 0.5% |
| MIXED-USE | | | | 108.4 | | | | | | | | 108.4 | 1.4% |
| COMMERCIAL | 44.1 | 22.5 | 56.0 | | 47.4 | 60.3 | 30.9 | 19.2 | | 1.9 | 1.6 | 283.9 | 3.7% |
| OPEN SPACE | 151.7 | 186.0 | 383.3 | 206.4 | 741.2 | 9.7 | 142.6 | 117.8 | 562.8 | 51.1 | 194.4 | 2747.0 | 35.8% |
| OFFICE PARK | | 131.2 | 238.6 | | | | | | | | | 370.4 | 4.8% |
| SCHOOLS | | | | | 36.3 | | 10.0 | 10.0 | | | | 56.3 | 0.7% |
| RESORT | | | | | | | | | 21.3 | | | 21.3 | 0.3% |
| HOSPITAL | | | 67.8 | | | | | | | | | 67.8 | 0.9% |
| GOLF | 180.3 | | | | | | | | | | | | 9.7% |
| PARKS | | | 6.0 | | 95.8 | | 8.5 | 21.7 | | 2.5 | | 134.5 | 1.8% |
| ROW/UTILITY | 56.8 | 29.3 | 58.8 | 28.8 | 118.7 | 5.6 | 50.3 | 54.6 | 53.3 | 21.6 | 12.3 | 490.1 | 6.4% |
| OTHER | 10.2 | | | | | | | | | | | 10.2 | 0.1% |

**Rancho Vistoso PAD Amendment Proposed
Text Changes**

| | | | | | | | | | | | | | |
|---|--------|-------|-------|-------|--------|------|-------|-------|--------|-------|-------|--------|---------------|
| TOTAL | 1000.0 | 369.6 | 810.5 | 343.6 | 1555.9 | 90.6 | 482.4 | 794.3 | 1328.0 | 400.1 | 497.3 | 7672.3 | 100.0% |
| | | | | | | | | | | | | | |
| *Neighborhood affected by PAD Amendment (Ordinance No. XXXXX). | | | | | | | | | | | | | |
| **Those neighborhoods affected by the PAD Amendment (Ordinance No. (O) 96-25 by The WLB Group, Inc. | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

TABLE E
RANCHO VISTOSO PLANNED AREA DEVELOPMENT
NEIGHBORHOOD FOUR
LAND USE SUMMARY

| PLANNING UNIT | RESIDENTIAL UNITS | | | | | | |
|------------------|-------------------|------|------------|----------|---------|----------|-----------|
| | MIXED-USE | ROW | OPEN SPACE | TOTAL AC | PER PAD | PER PLAT | PROJECTED |
| A | 9.5 | 13.5 | 65.7 | 88.7 | | | 225 |
| B | 6.8 | 4.7 | 17.8 | 29.3 | | | |
| C | 25.0 | 4.3 | 31.3 | 60.6 | | | |
| D | 52.9 | 5.5 | 43.1 | 101.5 | | | 365 |
| E | 14.2 | 0.8 | 48.5 | 63.5 | | | |

**Rancho Vistoso PAD Amendment Proposed
Text Changes**

| | | | | | | | |
|------------|-------|------|-------|-------|--|--|--|
| TOTAL AC | 108.4 | 28.8 | 206.4 | 343.6 | | | |
| % of TOTAL | 31.5% | 8.4% | 60.1% | 100% | | | |
| | | | | | | | |

Rancho Vistoso PAD Amendment Proposed Text Changes

Rancho Vistoso PAD Amendment Proposed Text Changes 11.2.2022

NEIGHBORHOOD #4

The following policies shall apply:

1. Permitted Uses

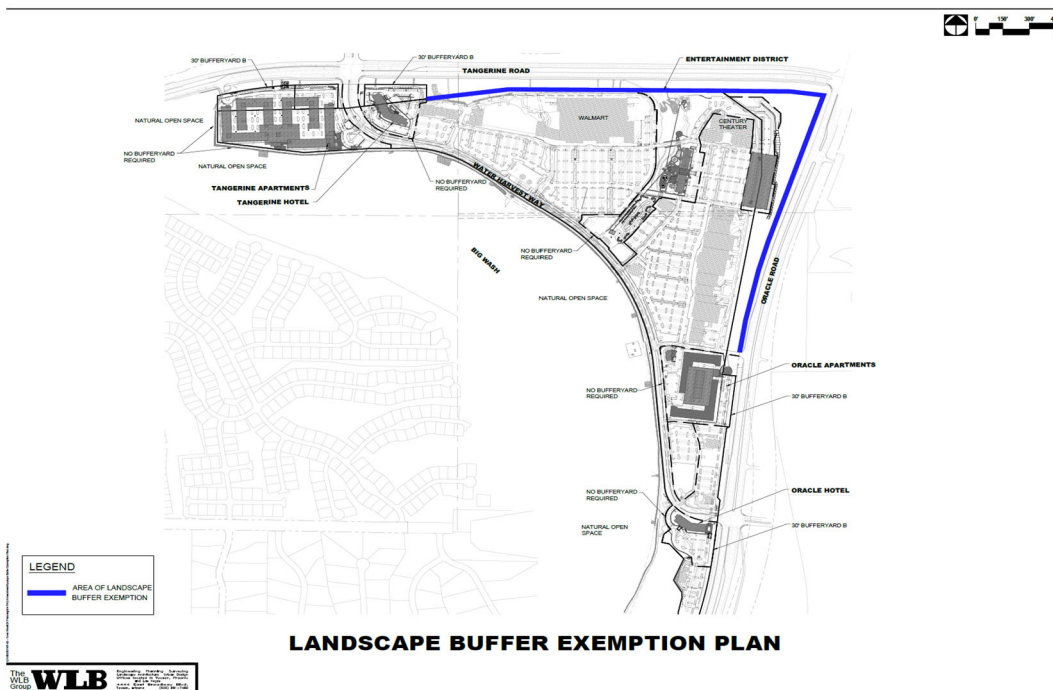
Mixed-use development shall be supported within Neighborhood #4. In addition to Regional Commercial (C-2) uses, multiple-family dwellings and drive-thru uses (without a separate Conditional Use Permit process) shall be permitted, and the Regional Commercial (C-2) Property Development Standards shall apply to all uses, except as noted below. Multiple-family dwelling units shall only be permitted in Development Areas 1, 2, 3 and 4 as noted on the Master Development Plan/Conceptual Site and Landscape Plan (“MDP/CSLP”). Drive-thru uses are not subject to Oro Valley Zoning Code 25.1.B.6.a.i and .ii; however, drive-thru uses shall be reviewed for traffic impacts for administrative approval by the Planning and Zoning Administrator and Town Engineer.

2. Building Height

The maximum building height is 39 feet or 3 stories, except that the maximum building height for hotel uses within Development Areas 2 and/or 4 and the mixed-use building in Development Area 3 as noted on the MDP/CSLP is 49 feet (4 stories). (This language will be updated once Mayor and Council gives direction as to location of the hotels).

3. Landscape Setbacks

- a. The requirement for a 30-foot landscaped area adjacent to Oracle Road and Tangerine Road, per Chapter 27-9 of the Oro Valley Zoning Code, does not apply in the areas shown on the diagram below. [Note that the buildings are at least 30 feet from the edge of pavement of the closest travel lane on each of those roads.]
- b. The PAD C-2 requirement for a 20-foot landscaped setback adjacent to roadways does not apply to Water Harvest Way.



Rancho Vistoso PAD Amendment Proposed Text Changes

4. Outdoor Mitigation Requirements on the southern edge of the Entertainment District.

- a. Patios for restaurants on the southern edge of the Entertainment District that will include outdoor amplified music shall be oriented facing to the north/east with the building separating the patio from the single-family residences to the west.
- b. Distributed speaker systems shall be used whenever possible.
- c. If a sound system with a pair or main speakers is used, speakers shall be arranged to face away from residential areas to the west of the site.
- d. Live amplified music is only permitted in the Courtyard Area if a dedicated distributed sound system is installed for the Courtyard Area that will be shut off at 10 p.m.
- e. Modifications to conditions a-d above may be approved administratively by the Planning and Zoning Administrator at the time of Final Site Plan and/or tenant improvement if an updated Noise Abatement Plan is approved with alternative noise mitigation measures that ensure the Town's Noise Ordinance will be met.

5. Multi-Family Residential Open Space and Standards.

The proposed multi-family residential developments within this PAD meet the open space requirements of Oro Valley Zoning Code Section 23.7.E.3 and the Rancho Vistoso PAD with the following exceptions:

- a. The proposed Entertainment District will be used to meet a portion of the minimum 30% open space requirement (as per the Rancho Vistoso PAD). The amount of area within the Entertainment District per Development Area being used to meet this requirement is identified in the table on the following page.
- b. The proposed Entertainment District will be used to meet the requirement that a minimum of 50% of the required open space be provided in a single common area (OVZC Section 23.7.E.3.b).

6. Floor Area Ratio.

The maximum floor area ratio (FAR) of 0.3 per the Oracle Road Scenic Corridor District (ORSCOD) does not apply. The maximum FAR within Neighborhood #4 is 0.4 as permitted in C-2 zone.

**Rancho Vistoso PAD Amendment Proposed
Text Changes**

| Code Requirement | Requirement/Calculation | Provided |
|--|--|--|
| <p><i>Development within High Density Residential in the Rancho Vistoso PAD requires a minimum of 30% of the gross land area as meaningful open space.</i></p> | <p>Development Area 1 (12.4 acres)</p> <p>Open Space Required: 30% of net lot area = 3.7 acres.</p> | <ul style="list-style-type: none"> • Community recreation/pool area/dog park at site: 1.2 acres • Other common area at site: 1.8 acres • 0.7 acres within the Entertainment District • Total provided: 3.7 acres |
| | <p>Development Area 2 (3.6 acres)</p> <p>Open Space Required: 30% of net lot area = 1.1 acres.</p> | <ul style="list-style-type: none"> • Playground, dog park and recreation area at site: 0.3 acre • Other common area at site: 0.8 acre • Total provided: 1.1 acres |
| | <p>Development Area 3 (11.6 acres)</p> <p>Open Space Required: 30% of net lot area = 3.5 acres.</p> | <ul style="list-style-type: none"> • 3.5 acres within the Entertainment District • Total provided: 3.5 acres |
| | <p>Development Area 4 (7.5 acres of apartments; entire Development Area 4 is 12.3 acres)</p> <p>Open Space Required: 30% of net lot area = 2.3 acres.</p> | <ul style="list-style-type: none"> • Community recreation/pool area at site: 0.4 acre • Other common area at site: 0.9 acre • 1 acre within the Entertainment District • Total provided: 2.3 acres |

Exhibit “B”
Southwest intersection of
Oracle and Tangerine Roads
Oro Valley Marketplace (2001300)
Attachment 1 – Conditions of Approval

Item C – Planned Area Development (PAD) Amendment

1. All structures associated with apartment development in Area 1 shall be 2 and 3-stories as shown on the plans, and buildings shall not be any closer to Tangerine Road than currently represented. All 2-story multi-family buildings within area 1 shall be limited to 29 feet inclusive of architectural features. All 3-story multi-family buildings within area 1 shall be limited to 39 feet inclusive of architectural features.
2. The hotel in development area 2 shall be located as shown on the revised plans dated November 10, 2022 (south of the drive-through restaurant use), and the 49 feet plus 10 feet for architecture is only permitted for hotel use.
 - a. If apartments are approved for Area 2, the apartments are permitted to be 3-stories, but limited to 39 feet inclusive of architectural features and will not be closer to Tangerine Road than currently represented.
 - b. If Area 2 is to be developed without a hotel or apartments, Area 2 can be retail/restaurant as shown on the approved Development Plan along with one drive through not subject to a CUP, but subject to the staff traffic review as stated in the PAD Amendment.
3. In development area 4, the 49 feet plus 10 feet for architectural feature height allowance is permitted for hotel use only.
4. The hotel in Area 4 in the project must receive a certificate of occupancy prior to the certificate of occupancy being issued for any apartments in Area 4.
5. Regarding the two buildings proposed in the northeast portion of development area 3, the following restrictions apply:
 - a. If only retail is viable, then retail/restaurant shall be permitted.
 - b. If hotel or multi-family is viable, then the building must have retail/restaurant open to the public within first-floor space(s), with either multi-family or hotel permitted using part of the first floor and then on the remaining floors.
 - c. The 49 feet plus 10 feet for architectural features height allowance is permitted for only the mixed retail/restaurant and either hotel or multi-family use.
6. The portions of the Entertainment District area that must be constructed in a form accepted by the Town and in place prior to certificate of occupancy for any apartment development are

those required to fulfill the Town Code open space recreational requirement for the apartments. Developer may apply for an economic incentive agreement with the Town to facilitate the additional amenity construction within the Entertainment District.

7. No senior care uses are permitted on the property.
8. Architectural features for hotel(s) may comprise no more than 20% of the roofline as viewed from any 1 side, except for parapet walls used only to screen mechanical equipment.
9. All amenities shown within the Entertainment District will be subject to a separate agreement with the Town, which will include public engagement by the Town of Oro Valley citizens to identify the amenities per that agreement.
10. Revise condition #14 [in Item D – Revised MDP/CSP] first sentence to state: “The Area 2, Option B (Apartments) must include an open space/dog park/ramada/playground and other small outdoor activity amenity space that is commensurate to reflect amenities in Area 1, minus the pool and indoor clubhouse”.

* Please note. A commitment was agreed to by the applicant to limit the allowance for 49 feet plus 10 feet for architectural features for the hotel in Area 2, to only that portion of the building where the porte-cochere will be located.