

**ORDINANCE NO. (O)23-05**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT (PAD) TO ALLOW A NEWLY PROPOSED PHASING PLAN FOR IMPROVEMENTS AND INSTALLATION OF AMENITIES WITHIN THE ENTERTAINMENT DISTRICT WITHIN THE ORO VALLEY MARKETPLACE; AND DIRECTING THE TOWN MANAGER, TOWN CLERK, TOWN LEGAL SERVICES DIRECTOR, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE**

**WHEREAS**, Town West Realty (Applicant), has requested an amendment to the Rancho Vistoso Planned Area Development (PAD) to allow a newly proposed phasing plan for improvements and installation of amenities within the Entertainment District within the Oro Valley Marketplace; and

**WHEREAS**, the Planning and Zoning Commission held a duly noticed public hearing on October 23, 2023 and voted to recommend conditional approval to the Town Council; subject to the conditions in Exhibit “B”, and

**WHEREAS**, the Town Council has duly considered the Applicant’s proposal for the amendment to the Rancho Vistoso PAD to allow a newly proposed phasing plan for improvements and installation of amenities within the Entertainment District within the Oro Valley Marketplace

**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 the “Rancho Vistoso Planned Area Development Amendment” attached hereto as Exhibit “A” with the following amendments:

1. Relocation of the multi-use path to the lighted intersection by Olive Garden; and
2. In lieu of the courtyard, a passive play area shall be incorporated [in the northern portion of the Entertainment District] whose final design details will be agreed upon between the applicant, staff, with final approval by the Mayor.

**SECTION 2.** The Town Manager, Town Clerk, Town Legal Services

Director, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Ordinance.

**SECTION 3.** 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parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.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 4.** 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 15 day of November, 2023.

**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**

<b>TABLE A</b>													
<b>RANCHO VISTOSO PLANNED AREA DEVELOPMENT</b>													
<b>LAND USE SUMMARY</b>													
NEIGHBORHOOD	1	2	3	*4	5	6	7	**10	11 NORTH	11 SOUTH	**13	TOTAL	% OF TOTAL
RAC/OTHER													
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%

**Rancho Vistoso PAD Amendment Proposed Text Changes**

4.3 RAC								26.7				26.7	0.3%
4.5 RAC	362.8							28.3				391.1	5.1%
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%

**Rancho Vistoso PAD Amendment Proposed Text Changes**

8.2 RAC								8.4		14.7		23.1	0.3%
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**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
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%

**Rancho Vistoso PAD Amendment Proposed Text Changes**

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%
<b>TOTAL</b>	<b>1000.0</b>	<b>369.6</b>	<b>810.5</b>	<b>343.6</b>	<b>1555.9</b>	<b>90.6</b>	<b>482.4</b>	<b>794.3</b>	<b>1328.0</b>	<b>400.1</b>	<b>497.3</b>	<b>7672.3</b>	<b>100.0%</b>
*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**



## **Rancho Vistoso PAD Amendment Proposed Text Changes**

### **Rancho Vistoso PAD Amendment Proposed Text Changes**

#### **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. There shall be no senior care uses permitted.

##### **2. Building Height**

The maximum building height generally is 39 feet or 3 stories plus 10’ for architectural features. The maximum building height for hotel uses only within Development Areas 2 and 4 and the mixed-use building in Development Area 3 as noted on the MDP/CSLP is 49 feet (4 stories) plus 10’ for architectural features.

Any multiple-family dwelling within Area 1 shall be 2- story (limited to 29 feet inclusive of architectural features) and 3 stories (39 feet inclusive of architectural features) as shown on the MDP/CSLP and multiple-family dwelling buildings shall not be closer to Tangerine Road than represented on MDP/CSLP.

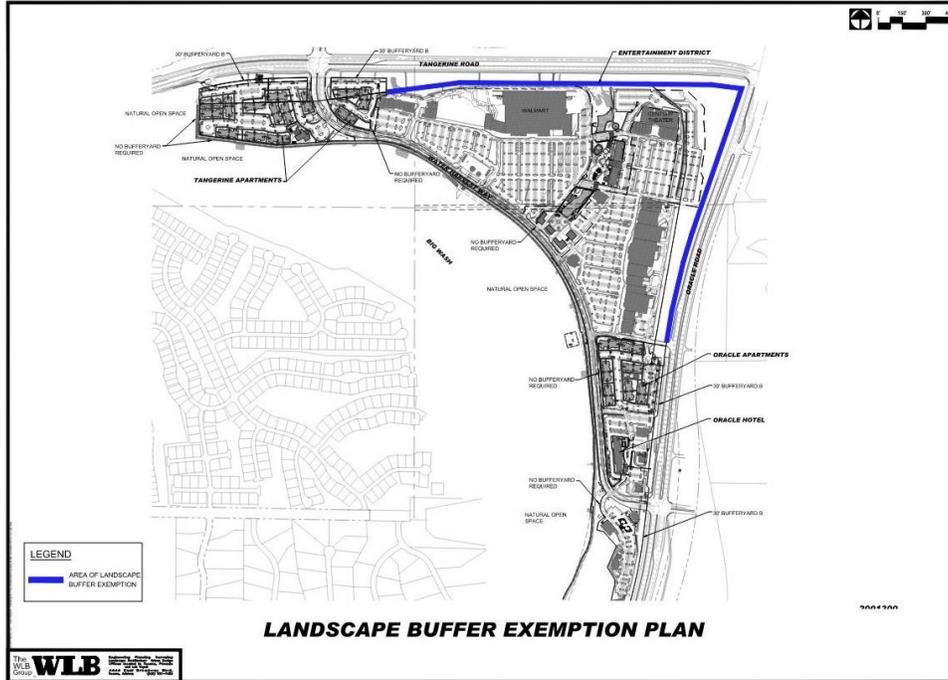
If multiple-family dwelling are developed in Area 2, height shall be limited to 3-stories/39 feet inclusive of architectural features and shall be no closer to Tangerine Road than as presented on the MDP/CSLP.

Architectural features for hotel uses may comprise no more than 20% of the roofline as viewed from any 1 side, except for parapet walls used to screen mechanical equipment shall not be calculated in the 20%.

# Rancho Vistoso PAD Amendment Proposed Text Changes

## 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.

## 4. Outdoor Mitigation Requirements on the southern edge of the Central Recreation Area.

- a. Patios for restaurants on the southern edge of the Central Recreation Area 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:

**Rancho Vistoso PAD Amendment Proposed Text Changes**

- a. The proposed Central Recreation Area 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 Central Recreation Area per Development Area being used to meet this requirement is identified in the table on the following page.
- b. The proposed Central Recreation Area 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).

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><b>Development Area 1 (12.4 acres)</b></p>	<ul style="list-style-type: none"> <li>• Community recreation/pool area/dog park at site: 1.2 acres</li> <li>• Other common area at site: 1.8 acres</li> <li>• 0.7 acres within the Central Recreation Area</li> <li>• Total provided: 3.7 acres</li> </ul>
	<p>Open Space Required: 30% of net lot area = 3.7 acres.</p>	
	<p><b>Development Area 2 (3.6 acres)</b></p>	
	<p>Open Space Required: 30% of net lot area = 1.1 acres.</p>	
	<p><b>Development Area 3 (11.6 acres)</b></p>	<p>See explanation below regarding provision of open space in Development Area 3.</p>
	<p>Open space required for the apartments in Development Area 1: 0.7 acres</p>	
	<p>Open space required for the apartments in Development Area 4: 1.0 acre</p>	
	<p>Open space required for the apartments in Development Area 3: 0.9 acre</p>	

**Rancho Vistoso PAD Amendment Proposed Text Changes**

	<p><b>Development Area 4 (7.5 acres of apartments; entire Development Area 4 is 12.3 acres)</b></p> <p>Open Space Required: 30% of net lot area = 2.3 acres.</p>	<ul style="list-style-type: none"> <li>• Community recreation/pool area at site: 0.4 acre</li> <li>• Other common area at site: 0.9 acre</li> <li>• 1 acre within the Central Recreation Area</li> <li>• Total provided: 2.3 acres</li> </ul>
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**Development Area 3 (11.6 Acres)**

Open Space per Phase

*Phase 1*

This phase proposes a total of approximately 2.9 acres of consolidated open space/recreation area. The balance of Development Area 3 (8.7 acres) consists of existing commercial areas, a proposed southern restaurant cluster and courtyard, the wash area and parking lot. The 2.9 open space acres exceed the 1.7 acres that are being used for the apartments in Development Areas 1 and 4 to meet consolidated open space requirements. All other open space/recreation requirements for these apartments is met within Development Areas 1 and 4.

*Phase 2*

This phase will occur if 48 to 60 apartment units are proposed in Development Area 3 on the east side of the consolidated open space. The development of these apartments will require a site of approximately 3 acres, resulting in approximately 39,000 square feet of required consolidated open space. These 39,000 square feet are included in the 2.9 open space acres mentioned above. While the required 30% open space and some of the recreational requirements for these apartments will be met by Phase 1 improvements, additional recreational amenities as shown on the Master Development Plan/Conceptual Site and Landscape Plan will be constructed to fully meet recreational requirements.

*Phase 3*

This phase will only occur if a public/private partnership is negotiated through a separate agreement with the Town for the Entertainment District as originally proposed. Only new amenities shown within the Phase 3 Entertainment District (and subject to the separate agreement with the Town) will include public engagement by the Town of Oro Valley citizens as prescribed in Condition 9 of Ordinance No. (0) 22-05).

## **Rancho Vistoso PAD Amendment Proposed Text Changes**

The consolidated open space requirements described in Phases 1 and 2 above are met within the Entertainment District and do not require any additional public engagement.

### Restaurant Cluster and Courtyard Note:

The restaurant cluster and courtyard located adjacent to the southern boundary of the central open space are not part of the Development Area 3 phasing described above. The courtyard will be constructed concurrently with the first restaurant within the restaurant cluster. Restaurant user interest and market demand will determine the timing of the construction of the restaurant cluster.

# EXHIBIT “B”

## Item A – Planned Area Development (PAD) Amendment

1. Amend the PAD amendment Proposal to enable construction of the courtyard relative to the applicant’s market driven timing.
2. Addition of shade structures not previously added [over areas such as bocce ball, cornhole, passive play area]
3. Exploration of public Wifi in the courtyard