



Town of Oro Valley
Community and Economic Development Department

Date: May 25, 2021

Subject: Zoning Interpretation – Applicability of the 75' building height allowance and other requirements associated with the "resort site" in Rancho Vistoso Neighborhood 11, to other uses permitted in the "Resort" zoning designation.

REQUEST

A zoning interpretation was initiated by Bayer Vella, Town of Oro Valley Planning and Zoning Administrator. The purpose is to answer the following question:

Does the 75' building height allowance and other requirements associated with the "resort site" in Rancho Vistoso Neighborhood 11, apply to other uses permitted in the "Resort" zoning designation?

INFORMATION:

The following timeline provides context for the "resort site":

- April/May 1998 – General Plan Amendment and rezoning approved to relocate the Rancho Vistoso "resort site" from Neighborhood 11 Parcel P to Parcel O. A Neighborhood 11 Policy was added to the PAD to reflect the condition of approval related to this action.
 - The applicant's intent to request an increased building height for a hotel was stated during the Planning and Zoning Commission public hearing.
- June/September 1998 – PAD Text Amendment approved to increase the building height to 75' and reduce the parking requirements for the "resort site". Neighborhood 11 policies were added to the PAD to reflect the conditions of approval related to this action.
- April/May 2001- Development Plan for a Ritz-Carlton approved for 363 rooms, reduced parking and a maximum height of 75' for the hotel only.

The following excerpts from the Rancho Vistoso Planned Area Development (PAD), ordinances, staff reports, associated meeting minutes and other applicable documents are pertinent to this request.

Rancho Vistoso PAD

- Neighborhood 11 Policies
 - *Section 1.2.C.2.) Development of the resort site shall be limited to 450 rooms. No fireworks, stables, all-terrain vehicles, or trails near Honeybee Canyon shall be permitted. The resort shall not promote the use of Honeybee Canyon as a recreation amenity for its guests.*
 - *The amendments for this resort site in the Neighborhood 11 PAD regarding the height limit being changed to 75 feet and the reduction of parking requirements are applicable to this particular resort site only.*

- Resort Zoning District
 - Section 1.3.D.6.a.4.) *Building Height: Buildings shall not exceed 35 feet, except that when located on slopes, maximum height may not exceed 44 feet.*
 - *For the resort site designated in Neighborhood 11, a maximum building height of 75 is permitted (Ord. 98-38)*

Minutes from the Planning and Zoning Commission Public Hearing for the relocation of the resort site (April 7,1998):

- *Other resorts in the area range anywhere from 380 to 487 rooms and they [the resort] would also need to be somewhere in that range. He [Charles Hulse, WLB] confirmed the resort would need to be 3 stories; however, they have the opportunity, where two buildings come together, to make them different elevations so they looked staggered in height. Mr. Hulse stated, they would also be looking for architectural features that generally exceed height limitations and would come back at the appropriate time to ask for variances on these once they knew what they were.*

Ordinance 98-14 condition of approval related to the relocation of the resort site:

- *Development of the resort site shall be limited to 450 rooms. No fireworks, stables, all-terrain vehicles, or trails near Honeybee Canyon shall be permitted. The resort shall not promote the use of Honeybee Canyon as a recreation amenity for its guests.*

Application for a PAD Text Amendment to reduce the parking required and increase the building height (April 14, 1998):

- *We are requesting a PAD Amendment to allow the maximum building height for the Resort designation be revised to 50 feet...and to reduce the parking requirements from the Town standards to one space per room including employee parking.*
- **Application revised for the proposed height increase (May15,1998):** *Our [Charles Hulse, WLB] original request was for 55 feet. We are revising that request and are asking for a 75-foot height limit. The height amendment will only apply to the lobby area of the hotel.*

Correspondence between the Town and President of the La Cholla Airpark regarding the 75' building height:

- *Letter from the Town: The applicant has requested the height limit be changed to 75 feet, applicable only to the lobby area of the hotel.*
- *Response from the La Cholla Airpark: I [President of La Cholla Airpark] have referred this matter to our Aviation Committee, which in turn has expressed concern about the proposed lobby height of 75' for the hotel.*

Staff report and minutes from the Planning and Zoning Commission Public Hearing for the reduced parking and increased building height requests (June 2, 1998):

- *Staff report: The applicant request's that the height limit be changed to 75 feet, applicable only to the lobby area of the hotel.*
- *Staff report: A resort is now in the planning stages, and the applicant has requested some amendments to the property development standards in the resort district. The proposed resort will be a high-quality destination resort, isolated from other parts of the*

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PAD and the Town by its setback from Rancho Vistoso Boulevard and by the topography.

- *Minutes: Charlie Hulseley, WLB Group, addressed the height justification. He pointed out where the lobby would be located and stated that the hill in front of it is 65' high, which would leave only 10' of the building showing over the top of the hill.*
- *Minutes: He [Charles Hulseley] thought they would need a 60% [parking] reduction. Mr. Hulseley voiced that most of the people coming to this resort would arrive by way of limo from the airport, or if arriving in rental cars, would tend to travel in groups.*

Staff report and minutes from the Town Council Public Hearing for the reduced parking and increased building height requests (September 2, 1998):

- *Staff report: A previous PAD amendment was approved on May 6, 1998 that established the maximum number of rooms allowed on the resort site. While the proposed height of the resort is more than twice the height approved in the PAD, the height will allow the resort to provide the allowed number of rooms with minimal site disturbance.*
- *Staff report: Maintain and enhance Oro Valley's residential/resort/recreation (E.D Policy 3.1F)- Construction of a high-quality destination resort strongly supports this element.*
- *Minutes: Mr. Chatfield stated that the applicant has shown that they can meet the needs of the resort with the reduce parking.*
- *Minutes: ...Mr. Hulseley explained that ground elevation of the site of the hotel is approximately 3037 feet. With 75 feet added on for the resort, the height would be 3112 feet above mean sea level.*
- *Minutes: Mayor Loomis asked to amend the motion by adding: The amendments for this resort site in the Neighborhood 11 PAD regarding the height limit being changed to 75 feet and the reduction of parking requirements, are applicable to this particular site only.*

Ordinance 98-38 Conditions of approval related to the reduced parking and increased building height requests:

- *The increased height of the hotel may require aviation hazard markings and lightings.*
- *The amendments for this resort site in the Neighborhood 11 PAD regarding the height limit being changed to 75 feet and the reduction of parking requirements are applicable to this particular resort site only.*

Staff reports from the Town Council Public Meetings for the associated Ritz-Carlton Resort:

- *Preliminary Plat for the associated residential villas and condominiums, zoned Resort District (April 18, 2000): All structures will be below or at the maximum 35-foot height requirements for residential development [villas and condominiums].*
- *Development Plan for the hotel (April 18, 2001): On September 2, 1998, the Town Council approved a PAD Amendment, which increased the height of the Resort Hotel from 44-feet to a maximum of 75-feet and reduced the parking requirements.*

INTERPRETATION

To date all Town Council approvals, including the 75' building height allowance and other requirements associated with the "resort site", were regarding a specific hotel development. Furthermore, the term "resort site" referenced in the ordinances and PAD text, meant the site for

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the specific hotel development, and was not intended for other uses permitted in the "Resort" zoning designation. This is documented through the correspondence between the applicant and public, staff reports and associated meeting minutes. The referenced hotel was subsequently approved in 2001, yet never constructed. The approved development plan included a 75' building height, which only applied to the hotel and not the residential uses (villas and condominiums).

Therefore, it is determined the 75' building height allowance and other requirements associated with the "resort site" are only applicable to the development of a hotel.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



Bayer Vella, LEED-AICP
Planning and Zoning Manager



Date

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