



Town of Oro Valley
Community and Economic Development Department

Date: February 12, 2021

Subject: Zoning Interpretation – Requirement if Parcel L of the Capella PAD must be developed for residential uses prior to Parcels A and B being developed for residential uses.

REQUEST

A zoning interpretation was requested by Paul Oland, Paradigm Land Design, Inc. regarding Parcel L of the Capella Planned Area Development (PAD). The purpose of this interpretation is to answer the following question.

1. Is Parcel L of the Capella PAD one of the “*residential parcels*” that must be “*developed*” prior to Parcels A and B utilizing the PAD allowance to build as Medium Density Residential?

INFORMATION:

The following excerpt from *Your Voice, Our Future* General Plan is pertinent to this request:

Section 8.6.3.4 La Cholla/Naranja

“The total maximum of permitted units is 500 for all areas designated as residential (including townhomes). The Neighborhood Commercial - Office properties at La Cholla Blvd. and Naranja Drive shall have a backup designation of Medium Density Residential (MDR) (2.1 – 5.0 homes per acre), allowing an additional 70 units. The backup designation of MDR may only be utilized once the remainder of the Master Planned Community residential parcels have been developed.”

The following excerpts from Capella Planned Area Development are pertinent to this request:

Section I.2.E.i.d.i.4 Parcel A – Neighborhood Commercial/Office

“A back-up land use designation of Medium Density Residential (2.1 – 5.0 homes per acre) is permitted, with a cap of 30 residential units. The back-up designation may only be utilized once the PAD’s residential parcels have been developed. If this alternative is utilized, the entire site may be used for residential purposes without the standard C-N limit of no more than 50% residential use. If utilized, residential development will follow the Medium Density Residential standards of Parcel H, except that the maximum building height is 24 feet.”

Section I.2.E.ii.d.i.4 Parcel B – Community Commercial

“A back-up land use designation of Medium Density Residential (2.1 – 5.0 homes per acre) is permitted, with a cap of 40 residential units. The back-up designation may only be utilized once the PAD’s residential parcels have been developed. If this alternative is utilized, the entire site

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may be used for residential purposes. If utilized, residential development will follow the Medium Density Residential standards of Parcel H.”

Section I.2.E.vii Parcel L Zoning Designation



vii. Parcel L – Low Density Residential / Casas Campus Expansion

Section II.1.A.ii Existing Conditions, ESL Categories Onsite

“The balance of Capella is designated as Resource Management Area Tier 2 with the exception of a small area in Parcel L that is already developed.”

Exhibit 1-2-C, Proposed Land Use Plan

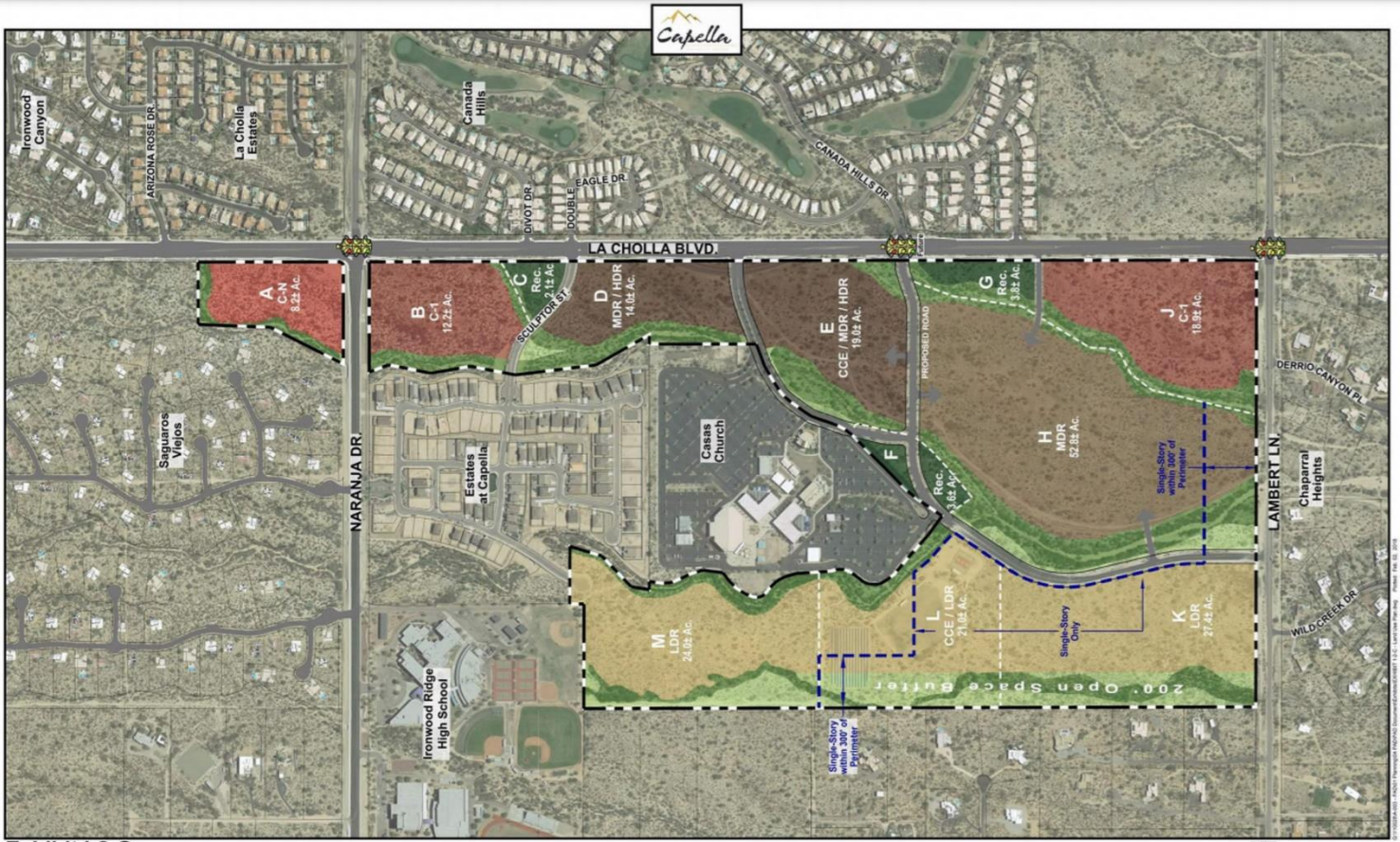


Exhibit 1-2-C
Proposed Land Use Plan



Aerial Photo Date = 2017

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INTERPRETATION

Per the General Plan and Capella PAD, Parcels A and B, both zoned commercial, may only utilize a Medium Density Residential back-up land use designation once all other “residential parcels” in the PAD have been “developed”.

At the time of the rezoning, Parcel L was developed with the church’s above ground solar field and sports fields. Parcel L was recognized as “developed”, as indicated in the ESL-related text above (Section II.1.A.ii of the PAD), as part of the rezoning.

The rezoning specifically enabled “Casas Church Expansion” and the potential for Low Density Residential Development on Parcel L. Because it was a recognized as “developed”, it was not intended be included in the calculus of the Parcels A & B related requirement below:

“A back-up land use designation of Medium Density Residential (2.1 – 5.0 homes per acre) is permitted, with a cap of 40 residential units. The back-up designation may only be utilized once the PAD’s residential parcels have been developed. If this alternative is utilized, the entire site may be used for residential purposes. If utilized, residential development will follow the Medium Density Residential standards of Parcel H.”

The “developed” solar field etc. is still operated by the church. The church representative reports that it will be continued as such in the foreseeable future.

Conclusion

- Parcel L is not a prerequisite residential parcel for Parcels A and B to utilize the back-up land use designation of Medium Density Residential.
- Parcels A and B may utilize the back-up land use designation of Medium Density residential without Parcel L developing for residential uses first. Please be aware that all other parcels designated for residential use in the Capella PAD must be developed prior to Parcels A and B being able to utilize the back-up land use designation.

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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