

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
January 21, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 5:01 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Bill Garner, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

ABSENT:

Brendan Burns, Councilmember

EXECUTIVE SESSION - Pursuant to ARS 38-431.03.(A)(1) Personnel matters - Police Chief's annual performance review

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to go into Executive Session at 5:02 p.m. pursuant to A.R.S. 38-431.03(A)(1) for the purpose of conducting the Police Chief's annual performance review.

MOTION carried, 6-0.

Mayor Hiremath said the following staff members would join Council in Executive Session: Police Chief Danny Sharp, Town Manager Greg Caton, Town Attorney Kelly Schwab and Town Clerk Julie Bower.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember (Arrived at 6:08 p.m.)
Bill Garner, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Misti Nowak announced the upcoming town meetings and events.

COUNCIL REPORTS and Spotlight on Youth

Vice Mayor Waters recognized Raymond Rash, Senior at Pusch Ridge Christian Academy, for demonstrating academic excellence, generosity and humble leadership.

Councilmember Hornat read a January 20, 2015 Town of Oro Valley Media Release entitled, "Petitions for referendum do not comply with state law; number of signatures on second petition effort falls short of requirement".

DEPARTMENT REPORTS

No reports were received.

ORDER OF BUSINESS

Mayor Hiremath said the agenda would stand as posted.

CALL TO AUDIENCE

Oro Valley resident George Cates thanked Shirl Lamonna and her team for all of their hardwork obtaining referendum petition signatures and outlined possible advantages should the referendum move forward.

Oro Valley resident Lois Berkowitz spoke in support of the referendum petition that would refer the purchase of the El Conquistador Country Club to the voters.

Oro Valley resident Jeff Siegal spoke in support of the referendum petition.

Oro Valley resident Don Coleman spoke in opposition to the purchase of the El Conquistador Country Club.

Oro Valley resident Shirl Lamonna spoke in opposition to the purchase of the El Conquistador Country Club and urged the Council to reconsider their position on the purchase.

Oro Valley resident Marlene Leeper spoke in support of the referendum petition and implored Council to listen to the voices of the Oro Valley residents who opposed the purchase of the El Conquistador Country Club.

Oro Valley resident Donald Bristow spoke in opposition to the purchase of the El Conquistador Country Club and urged Council to hold a special session to instruct the Town Manager to halt or modify negotiations with HSL.

Oro Valley resident Lou Gard spoke in opposition to the purchase of the El Conquistador Country Club and urged Council to rescind their votes in order to regain the confidence and trust of the people.

Oro Valley resident Steve Didio was disappointed the referendum petitions were rejected and urged the Council to do whatever they could do to allow the residents to vote on the purchase of the El Conquistador Country Club.

Oro Valley resident Roger Benasutti opposed the purchase of the El Conquistador Country Club and requested that the matter be voted on by the residents.

Oro Valley resident Chuck Walton urged Council to reconsider their position on the purchase of the El Conquistador Country Club and further urged Council to disclose everything about cost projections and the text of the contract with Troon Golf L.L.C., in a series of public meetings.

Oro Valley resident Jan Fischer was concerned that the Town would accept an unwarranted deed for the purchase of the El Conquistador Country Club.

Oro Valley resident Chet Oldakowski spoke about collecting signatures for the referendum and said that most residents were upset with the lack of open and transparent government.

Oro Valley resident Leslie Platt objected to not having sufficient time and information to consider the purchase of the El Conquistador Country Club and urged Council to voluntarily allow the residents to vote on the purchase.

Oro Valley resident Debra Arrett spoke about the lack of legal advice she received from the Town regarding her legal questions about the referendum challenge process.

Oro Valley resident Jack Evert spoke in opposition to the purchase of the El Conquistador Country Club and proposed that the purchase of the El Conquistador should be rescinded.

PRESENTATIONS

1. Presentation of Plaques of Appreciation to Outgoing Board and Commission Members

Mayor Hiremath presented Plaques of Appreciation to the following outgoing Board & Commission Members.

Historic Preservation Commission

Ed Hannon, 2009 - 2014 - Not present

Parks and Recreation Advisory Board

John Hickey, 2011 - 2014

Dana Hallin, 2013 - 2014 - Not present

Planning and Zoning Commission

John Buett, 2010 - 2014

Don Cox, 2011 - 2014

Storm Water Utility Commission

Richard (Dick) Honn, 2010 - 2014

Leo Leonhart, 2008 - 2014

Water Utility Commission

Robert Milkey, 2008 - 2014

Elizabeth Shapiro, 2006 - 2014

Richard Verlaque, 2012 - 2014

CONSENT AGENDA

Councilmember Zinkin requested to remove items (A) and (B) from the Consent Agenda for discussion.

A. Minutes - December 17, 2014 and January 7, 2015

Councilmember Zinkin requested that the motion to Regular Agenda item #2b. in the January 7, 2015 minutes be amended to reflect that at least one study session would be held.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Garner to Amend the January 7, 2015 minutes, item #2b. as follows: **MOTION:** A motion was made by Councilmember Zinkin and seconded by

Councilmember Burns to continue item #2b. to a date uncertain and hold at least one study session.

MOTION carried, 7-0.

B. Fiscal Year 2014/15 Financial Update through November 2014

Councilmember Zinkin requested a further breakdown of the retail sales tax category.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Burns to approve item (B) as presented.

MOTION carried, 7-0.

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 9S (LIQUOR STORE WITH SAMPLING PRIVILEGES) LIQUOR LICENSE FOR WALMART SUPERCENTER #3379, LOCATED AT 2150 E. TANGERINE ROAD

Town Clerk Julie Bower presented item #1.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Garner recommend approval of the issuance of a Series 9S liquor license to the Arizona Department of Liquor Licenses and Control for Clare Abel and principals for Walmart Supercenter #3379 located at 2150 E. Tangerine Road.

MOTION carried, 7-0.

2. RESOLUTION NO. (R)15-08, APPROVING AND AUTHORIZING THE TOWN TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE HIGHLANDS HOMEOWNERS ASSOCIATION (THE HIGHLANDS INC.) FOR POLICE DEPARTMENT TRAFFIC ENFORCEMENT ON PRIVATE STREETS

Deputy Police Chief Larry Stevens presented item #2.

Discussion ensued amongst Council and staff regarding the proposed HOA development agreement.

Ellinore McDonald, President of the HOA Board of Directors for the Highlands, said the Highlands HOA Board of Directors previously agreed to pay up to \$2,000 to replace their signs.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Hornat to approve Resolution No. (R)15-08, approving and authorizing the Town to enter into a development agreement between the Town of Oro Valley and the Highlands Homeowners Association (The Highlands Inc.) for Police Department traffic enforcement on private streets with the condition that the Highlands HOA (The Highlands Inc.) would include up to \$2,000 in funding to install and/or replace signs as needed per the Town Engineer.

MOTION carried, 7-0.

3. PUBLIC HEARING: ORDINANCE NO. (O)15-02, REZONING OF AN APPROXIMATELY 149-ACRE PROPERTY (KNOWN AS KAI NORTH) FROM R1-144 (LARGE LOT RESIDENTIAL) TO C-1 (COMMERCIAL) AND R1-7 (MEDIUM DENSITY RESIDENTIAL) WITH LOT SIZES RANGING FROM 5,520 SQUARE FEET TO 7,200 SQUARE FEET, LOCATED AT THE SOUTHEAST CORNER OF TANGERINE ROAD AND FIRST AVENUE, OV914-002

Senior Planner Michael Spaeth presented item #3 and outlined the following:

- Location Map
- Review Criteria
- Current Zoning
- General Plan Goals & Policies
- Special Area Policies
- Environmentally Sensitive Lands
- Conservation Subdivision Design
- ESL Flexible Design Options
- Public Participation
- Summary/Recommendation

Discussion ensued amongst Council and staff regarding the proposed rezoning request.

Paul Oland, representative for the WLB Group, and representing the property owners and Meritage Homes, provided an overview of item #3.

Mayor Hiremath opened the public hearing.

The following individuals spoke in support of item #3.

Oro Valley resident Doug McKee

The following individuals spoke in opposition to item #3.

Oro Valley resident Alan Dankwerth
Oro Valley resident Patty Estes

The following individual spoke on item #3.

Oro Valley resident Dr. John Newport

Mayor Hiremath closed the public hearing.

Discussion ensued amongst Council, staff and Mr. Oland regarding the proposed rezoning.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin approve Ordinance No. (O)15-02, rezoning the property totaling approximately 149 acres on the southeast corner of Tangerine Road and First Avenue (known as Kai North) from R1-144 to C-1 and R1-7, subject to the conditions in Attachment 1, Exhibit "B", finding that the request is consistent with the General Plan.

Councilmember Garner made a friendly amendment that staff shall notify Council of any significant or insignificant findings as it relates to Condition #6. Vice Mayor Waters and Councilmember Zinkin agreed to the amendment.

Attachment 1 Conditions of Approval

Planning Conditions

All Kai-Capri Special Area Policies to be included as General Notes on Final Plat (Residential) and Final Site Plan (Commercial).

1. Indicate proposed setbacks for both residential and commercial. Commercial setbacks are as follows:
2. Front: 20 feet
3. Side: 50 feet or 3:1 (setback to building height ratio), whichever is greater
4. Rear: 50 feet or 3:1 (setback to building height ratio), whichever is greater
5. A minimum 15' buffer yard Type "B" is required along the eastern edge of the proposed commercial, per Table 27-7.
6. Homes on lots 5 through 12 are limited to one-story.
7. The following Environmentally Sensitive Lands Flexible Design Options are applicable:
8. Building Setback: Building setback reduction to no less than a five (5') foot side setback and no less than a ten (10') foot front setback so long as it doesn't result in an on-lot driveway of less than twenty (20') feet.
9. Landscape Buffer Yard: a reduction of no less than ten (10') feet. Not allowed along street frontages and adjacent to any existing and proposed residential.

10. Minimum lot size: A minimum lot size reduction to 5,500 square feet in accordance with the Conservation Subdivision Design lot reduction incentive.
11. Off-street parking modification: A modification for future development in accordance with Section 27.7.C.2 (Alternative Parking Ratio) of the Zoning Code.
12. Building Height: A building height increase from eighteen (18') feet to twenty (20') feet for *pitched roof* residential within 200 feet of North First Avenue, or within 150 feet of Palisades Road or existing development.
13. Recreation Area Credit: Active and Passive recreation area count towards the overall ESOS requirement.
14. Native Plant Preservation: the native plant salvage and mitigation requirements of Section 27.6 are waived for all development within development envelopes.
15. The rezoning shall not become effective until a Cultural Resources treatment plan is approved by the Planning and Zoning Administrator in accordance with Section 27.10.D.3.e. If the treatment plan requires a significant change to the Tentative Development Plan, reconsideration of the rezoning by Town Council will be required.

Engineering Comments

1. A multi-use path will be required to be constructed along the project's frontage with Palisades Road. The path is to be constructed during construction of the applicant's project to the south of Palisades Road or with this project, whichever is built first. This will fulfill the requirement for a sidewalk or multi-use path for both projects along the Palisades Road frontage.
2. When the commercial area is developed, appropriate traffic mitigation measures shall be implemented so the project drive located at the Oro Valley Retail Center intersection operates at an acceptable level of service with the addition of the commercial traffic.

Parks and Recreation Conditions

All trails to be dedicated as "non-vehicular permanent public recreation easements"

MOTION carried, 7-0.

Mayor Hiremath recessed the meeting at 8:20 p.m.

Mayor Hiremath reconvened the meeting at 8:31 p.m.

4. NAKOMA SKY SENIOR LIVING CAMPUS

- a. **RESOLUTION NO. (R)15-09, DECLARING A CERTAIN DOCUMENT KNOWN AS THE NAKOMA SKY PLANNED AREA DEVELOPMENT, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD AND RESOLUTION NO. (R)15-10, DECLARING A CERTAIN DOCUMENT KNOWN AS THE ENVIRONMENTALLY**

SENSITIVE LANDS PLANNING MAP, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Waters adopt Resolution No. (R)15-09, declaring a certain document known as the Nakoma Sky Planned Area Development, provided as Exhibit "A" in the attached Resolution and filed with the Town Clerk, a public record and further MOVE to adopt Resolution No. (R)15-10, declaring a certain document known as the Environmentally Sensitive Lands Planning Map, provided as Exhibit "A" in the attached Resolution and filed with the Town Clerk, a public record.

MOTION carried, 7-0.

b. PUBLIC HEARING: NAKOMA SKY SENIOR LIVING CAMPUS ON A 79.5-ACRE PROPERTY, LOCATED SOUTHEAST OF THE INTERSECTION OF 1ST AVENUE AND NARANJA DRIVE

1. RESOLUTION NO. (R)15-11, ADOPTING A MINOR GENERAL PLAN TEXT AMENDMENT TO CLARIFY THE INTENT AND APPLICABILITY OF A GENERAL PLAN SPECIAL AREA POLICY THAT RESTRICTS RESIDENTIAL SUBDIVISION DEVELOPMENT ON THE PROPERTY TO NO MORE THAN THREE (3) UNITS PER ACRE

2. ORDINANCE NO. (O)15-03, ADOPTING AN AMENDMENT TO THE ENVIRONMENTALLY SENSITIVE LANDS (ESL) PLANNING MAP TO MODIFY THE RIPARIAN AREA BOUNDARIES ON A CRITICAL RESOURCE AREA ON THE EAST SIDE OF THE PROPERTY

3. ORDINANCE NO. (O)15-04, REZONING FROM ROONEY RANCH "Z" PLANNED AREA DEVELOPMENT (PAD) TO NAKOMA SKY PAD TO ENABLE DEVELOPMENT OF A 79.5-ACRE SENIOR LIVING AND CARE CAMPUS, INCLUDING DINING, RECREATIONAL, CULTURAL, AND RETAIL USES

Principal Planner Chad Daines presented item 4b1., 4b2. and 4b3. and outlined the following:

- Location
- Topography and slopes
- General Plan Land Use
- Minor General Plan Amendment
 - Special Area Policy
- Environmentally Sensitive Lands Map Amendment
 - Revise Riparian Area (Critical Resource Area)
 - Biologist Hired to Re-evaluate
- Proposed Rezoning

- Neighborhood Participation
- Planning and Zoning Commission - Primary Issues
- Building Height
- Building Design and Theming
- Traffic Access
- Primary Issues
- Recommendation

Discussion ensued amongst Council and staff regarding item #4.

Lisa Israel, President and CEO of La Posada, presented item #4.

Rob Longaker, representative for the WLB Group, spoke on item #4.

Ver Swaback, representative for Swaback Partners, spoke on the proposed architecture and site plan.

Mayor Hiremath opened the public hearing.

The following individuals spoke in support of item #4.

Oro Valley resident Judy Schumann

Oro Valley resident Robert Schumann

Chuck Wunder, Fire Chief for the Green Valley Fire District

Dave Perry, President and CEO of the Greater Oro Valley Chamber of Commerce and

Oro Valley resident

Mayor Hiremath closed the public hearing.

Discussion continued with Council, staff and the applicant regarding the proposed Nakoma Sky senior living campus.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat adopt Resolution No. (R)15-11, approving the Minor General Plan Amendment requested under case OV1114-005.

MOTION carried, 4-3 with Councilmember Burns, Councilmember Garner, and Councilmember Zinkin opposed.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat adopt Ordinance No. (O)15-03, approving the ESL zoning map amendment requested under case OV914-008.

MOTION carried, 4-3 with Councilmember Burns, Councilmember Garner, and Councilmember Zinkin opposed.

MOTION: A motion was made by Vice Mayor Waters and seconded by Mayor Hiremath adopt Ordinance No. (O)15-04, rezoning the subject property to Nakoma Sky Planned Area Development under case OV914-007, subject to the conditions in Attachment 1.

Attachment 1
Conditions of Approval
Nakoma Sky Rezoning

Planning

1. The building height of the apartment building in the campus core (Development Area C) shall include reduced building height elements on the ends of the building as depicted in Appendices A and D within the PAD.
2. The visual impact of the bulk and mass of the apartment building in the campus core (Development Area C) shall be mitigated through the use of the following:
 - a. Varied roof and wall planes, with a heightened emphasis on the roofline of the southern wing of the building.
 - b. Differing building and roof materials and textures as shown in Appendix B.
 - c. Landscaping at the base of buildings and terraces on multiple levels of the building.
 - d. Low reflectivity windows.
 - e. Several muted earth tone colors.
 - f. Architectural features at the corners of the building to soften the building façade as depicted on Appendix A.
 - g. Other measures approved by the Conceptual Design Review Board and Town Council which mitigate the visual impact of the building.

The extent of mitigation shall be determined by the Conceptual Design Review Board and Town Council in conjunction with the Conceptual Design application.

3. The architectural character and theming of the project will be equal to or better than the representative imagery shown in Appendices A, B, and C, as determined by the Conceptual Design Review Board and Town Council.
4. Consistent roof plane variation, wall plane articulation and architectural treatment is required on all building elevations of every building within the PAD boundary as provided in Section 2.1.D. of Addendum A Design Standards.
5. Vehicular parking required for the project beyond that which is shown on Exhibit R: Tentative Development Plan or Exhibit DD: Optional Surface Parking Locations shall be beneath the apartment building (either underground or under the building).
6. The recreational facilities and amenities contained within the community park and gardens will be open to the public and the theater, classrooms and other indoor facilities, as appropriate, will be made available for limited public use. A Public Access Agreement shall be approved the Town prior to the zoning becoming effective.

7. The last paragraph in Section II-A.7 Tentative Development Plan, shall be amended to read as follows: "Exhibit R Tentative Development Plan is the hereby adopted as the approved tentative design for the project. Amendments to the Tentative Development Plan shall be subject to Section 22.3.D.2 of the Oro Valley Zoning Code Revised."
8. The use of water features for ornamental purposes in the PAD is prohibited.
9. This development shall comply with the requirements of Section 26.5.B, Section 26.5.C and Section 26.5.D of the Oro Valley Zoning Code. The term dwelling unit in Section 26.5.C. shall include beds, bedrooms and living units for the purpose of calculating the amount of recreational area. All park and recreation area plans shall be reviewed and approved by the Oro Valley Parks and Recreation Advisory Board (PRAB).
10. Pocket parks/informal gathering spaces will be required in each housing node (Development Areas B, C, D, E and H). A shaded seating area including a ramada and associated amenities shall be provided in each park area.
11. A sufficient quantity of trees shall be provided along the shared use path alignments to create a continuous length of canopy that creates the opportunity for shade.
12. All plant materials shall be selected from the Oro Valley Native Plant List (Zoning Code Addendum C). Section II-A.9 shall be amended to reflect this condition
13. All shared use paths shall be constructed in conformance with *Pima County Regional Trail System Master Plan* standards
14. A shared use path shall be constructed on the top of any constructed bank protection along the Canyon Del Oro Wash. In addition, a shaded seating area and pedestrian/bicycle connection shall be provided at 500-foot intervals along the path.
15. Delete independent living uses in the *Table of Permitted Uses* for commercial, medical and service development areas (Areas A, F, and G). These uses include:
 - Apartment
 - Condominium
 - Duplex/Multiple Dwelling
 - Multiple Dwelling Unit
 - Residential Dwelling (Attached or Detached)
 - Townhouse for senior living

Engineering

1. If bank protection is constructed along the Canyon Del Oro Wash, a multi-use path that meets the requirements of the Town of Oro Valley and *Pima County Regional Trail System Master Plan* standards shall be provided. In addition, a 50' wide area shall be reserved along the top of the bank protection for the purpose of a future linear park.

Oro Valley Water Utility

1. A 100 foot by 100 foot site shall be dedicated to the Water Utility for a future well in a location approved by the Water Utility Director.

General

The PAD document shall be amended to incorporate all conditions established within Attachment A. References, notations and imagery inconsistent with these conditions shall be deleted from the PAD document.

MOTION carried, 4-3 with Councilmember Burns, Councilmember Garner, and Councilmember Zinkin opposed.

5. DISCUSSION AND POSSIBLE ACTION TO INITIATE AN AMENDMENT TO THE ORO VALLEY ZONING CODE REVISED (OVZCR) RELATING TO INCREASED REGULATIONS FOR SIGN ILLUMINATION

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Snider to direct staff to look into the current sign illumination regulations and compare them to the changes that other municipalities have made and provide the information to Council through a Council Report.

MOTION carried, 7-0.

6. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE IMPLEMENTATION OF ORDINANCE (O)14-17 AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY TO INCREASE THE LOCAL TRANSACTION PRIVILEGE TAX (TPT) RATE FROM 2% TO 2.5% IN VARIOUS CATEGORIES

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Zinkin to continue item #6 to the first Council meeting in February.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

Councilmember Zinkin directed staff not to place two rezoning items on any one agenda.

Councilmember Burns requested a future agenda item to review sign districts in Oro Valley, seconded by Councilmember Garner.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Garner to adjourn the meeting at 10:13 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 21st day of January, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2015.

Julie K. Bower, MMC
Town Clerk