

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
FEBRUARY 15, 2023
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

Mayor Winfield called the meeting to order at 5:00 p.m.

ROLL CALL

Present: Joseph C. Winfield, Mayor
Melanie Barrett, Vice-Mayor
Tim Bohen, Councilmember
Harry Greene, Councilmember
Joyce Jones-Ivey, Councilmember
Josh Nicolson, Councilmember
Steve Solomon, Councilmember

EXECUTIVE SESSION - Pursuant to A.R.S. §38-431.03 (A)(1) and (A)(3) Personnel matter – Chief of Police annual performance review

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to go into Executive Session at 5:01 p.m., Pursuant to A.R.S. §38-431.03 (A)(1) and (A)(3) Personnel matter – Chief of Police annual performance review.

Mayor Winfield announced that the following staff would be joining Council in Executive Session: Police Chief Kara Riley, Town Attorney Jonathan Rothschild and Town Clerk Mike Standish.

Vote: 7 - 0 Carried

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Winfield resumed the Regular Session at 6:00 p.m.

ROLL CALL

Present: Joseph C. Winfield, Mayor
Melanie Barrett, Vice-Mayor
Tim Bohen, Councilmember
Harry Greene, Councilmember
Joyce Jones-Ivey, Councilmember
Josh Nicolson, Councilmember
Steve Solomon, Councilmember

1. APPROVAL OF ANY DIRECTION TO THE TOWN ATTORNEY AND/OR NECESSARY STAFF AS DISCUSSED IN EXECUTIVE SESSION PERTAINING TO THE ANNUAL PERFORMANCE REVIEW OF THE CHIEF OF POLICE

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Josh Nicolson to proceed as directed in Executive Session.

Vote: 7 - 0 Carried

PLEDGE OF ALLEGIANCE

Mayor Winfield led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Town Clerk Mike Standish announced the upcoming Town meetings.

MAYOR AND COUNCIL REPORTS ON CURRENT EVENT

Councilmember Jones-Ivey recognized Bryce Jewell, a senior at Pusch Ridge Christian Academy, for his academic excellence, athletic accomplishments, and community support.

Councilmember Jones-Ivey reported that Canyon Del Oro Project Graduation was still in need of volunteers and donations. She encouraged interested citizens to email cdo.pg.decorations@gmail.com.

TOWN MANAGER'S REPORT ON CURRENT EVENTS

Interim Town Manager Chris Cornelison reported that he had attended the University of Arizona's School of Government & Public Policy Community Partner and Recognition Event held on February 14, 2023. Mr. Cornelison provided an overview of the event and the Town's partnership with the University of Arizona's School of Government & Public Policy.

Mr. Cornelison also reported that the Town of Oro Valley would host the Arizona State Transportation Board meeting to be held on Friday, February 17, 2023.

ORDER OF BUSINESS

Mayor Winfield reviewed the order of business and stated that the order would stand as posted.

INFORMATIONAL ITEMS

There were no information items.

CALL TO AUDIENCE

Oro Valley resident Anthony Ferrara voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Doug Dalby voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Timothy Faggen voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Craig Patrick voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Tim Tarris voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident David Deivert voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Martina Clary voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Ann Young voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Vicky Tarris voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Karen Steinbronn voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Stephanie O'Neil voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Valerie Steinbronn voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Brad Brumm voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Trisha Tozier voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Joanne Michaelson voiced her concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Brian Bovert voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

PRESENTATIONS

1. Recognition of outgoing Board, Commission and Committee Members

Mayor Winfield recognized the following Board and Commission members, who were in attendance, for their service:

Cathy Solverson - Budget and Finance Commission
Harold Bergsma - Planning and Zoning Commission
Celeste Gambill - Planning and Zoning Commission
Anna Clark - Parks and Recreation Advisory Board
Ronald Odell - Parks and Recreation Advisory Board
Robert Milkey - Water Utility Commission

Mayor Winfield also expressed appreciation to the Board and Commission members who were not in attendance, for their service.

CONSENT AGENDA

A. Minutes - February 1, 2023

B. Resolution No. (R)23-05, approving the Agenda Committee assignment for the period of March 1, 2023 to May 31, 2023

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to approve Consent items (A) and (B).

Vote: 7 - 0 Carried

REGULAR AGENDA

2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING A REVISED MASTER SIGN PROGRAM FOR THE PROPERTY LOCATED ON THE WEST SIDE OF ORACLE ROAD, A HALF MILE NORTH OF FIRST AVENUE, KNOWN AS STEAM PUMP VILLAGE

Senior Planning Technician, Patty Hayes, presented item #2 and included the following:

- Purpose
- Location
- Wall Signs
- Commercial Developments
- 300' Distance from Right-of-way
- Conditions of Approval
- Color Palette
- Monument Sign
- Other Modifications
- General Plan
- Summary and Recommendation

Rick Volk, of the Volk Company, continued the presentation and included the following:

- View of Existing Signs From Closest Lane of Oracle Road

Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

Discussion ensued amongst Council and staff regarding item #2.

Motion by Councilmember Harry Greene, **seconded by** Vice-Mayor Melanie Barrett to approve the revised master sign program, with the conditions in Attachment 2, for the subject property based on the finding it is in conformance with the General Plan and applicable Design Principles and Standards of the zoning code.

Attachment 2
Conditions of Approval

1. Buildings located 140 feet from the edge of the Oracle Road right-of-way may have 1.5 square feet of wall sign per 1 linear foot of frontage.
2. Buildings located closer than 140 feet from the edge of the Oracle Road right-of-way are limited to 1 square foot of sign per 1 linear foot of frontage.

Vote: 7 - 0 Carried

3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING A CONDITIONAL USE PERMIT FOR A PROPOSED SELF-STORAGE AND RETAIL CENTER LOCATED ADJACENT TO THE NORTHWEST INTERSECTION OF TANGERINE ROAD AND LA CANADA DRIVE

Senior Planner, Kyle Packer, presented item #3 and included the following:

- Purpose
- Applicant Proposal
- Master Development Plan and Zoning
- CUP Criteria: Health, Safety, Welfare, and Hours of Operation
- CUP Criteria: Compatibility
- CUP Criteria: Traffic Volume and Character
- CUP Criteria: General Plan Conformance
- Public Participation
- Summary and Recommendation

Keri Silvyn of Lazarus & Silvyn, and Brody Glenn, of Centennial American Properties, continued the presentation and included the following.

- Zoning Map
- Miller Ranch (Master Planned Area)
- Miller Ranch (2018)
- Miller Ranch Location Map
- New Site Plan
- Context & Setbacks
- Traffic Comparison
- Updated Architecture
- Neighborhood Concerns

Mr. Mike Farley with Lehman Academy spoke regarding item #3.

Ms. Silvyn continued the presentation and included the following:

- Criteria: Code § 22.5

Mayor Winfield opened the public hearing.

The following individual spoke in opposition to item #3.

Oro Valley resident Carlos Cruz

The following individual spoke in support of item #3.

Oro Valley resident Levi Naas

Mayor Winfield closed the public hearing.

Discussion ensued amongst Council, staff, Ms. Silvyn, Mr. Glenn, and Mr. Farley regarding item #3.

Motion by Councilmember Harry Greene, **seconded by** Councilmember Steve Solomon to approve the Conditional Use Permit for a proposed self-storage business located northwest of Tangerine Road and La Cañada Drive, subject to the conditions in Attachment 1, based on finding the request complies with the review criteria in Section 22.5.A of the Zoning Code.

Attachment 1
Conditions of Approval

1. To reduce visual impact from the Residences at Miller Ranch, a 20-foot Type A bufferyard with a minimum of 50%, 24-inch box or salvaged trees must be provided along the west side of the property.
2. A minimum of four thousand (4,000) square feet of non-storage related retail/office area shall be provided.
3. Architecture elevations provided in Attachment 3 shall be utilized. Faux windows shall be used in place of the proposed shutters on west façade.
4. Interior lighting in the 2nd and 3rd stories of the corner towers on the building's eastern side shall be turned off from 10:00pm to 6:00am.
5. No signage will be installed on the west building façade.
6. Access to self-storage units shall be limited to 6:00am - 10:00pm.
7. The required courtyard shall contain adequately shaded amenities, including no less than four (4) benches, one (1) picnic table, and the required public art, which shall be visible from adjacent businesses and La Cañada Drive.
8. The following apply to the self-storage use:
 - a. Storage must be contained within a completely enclosed building with individual self-storage units only accessible from the loading area.
 - b. No business shall be conducted from within individual self-storage units.
 - c. No outside storage shall be permitted, including vehicles, trailers, equipment, or products associated with self-storage use.
 - d. No hazardous materials may be stored on site.
 - e. No motor vehicles, trailers, equipment or any device in, on or by which a person or property is or may be transported or drawn shall be offered for rent associated with the self-storage use.
 - f. Excluding the first-floor self-storage office; Interior signs, advertisements, corporate colors and graphics, and other items as determined by the Planning and Zoning Administrator shall not be visible from the exterior of the building.

Discussion continued amongst Council and staff regarding item #3.

Vice Mayor Barrett requested to amend the main motion to include that it be conditioned on the land to the north selling to the Leman Academy for fields. Councilmember Green, did not accept the amendment.

Discussion continued amongst Council, staff, Ms. Silvyn, and Mr. Glenn.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Josh Nicolson to amend the main motion to include that the contract is signed between the Leman Academy and Centennial American Properties, and that best efforts would be made to have the third party close with that transaction.

Discussion continued amongst Council and staff regarding item #3.

Vote: 4 - 3 Carried

OPPOSED: Councilmember Harry Greene
Councilmember Joyce Jones-Ivey
Councilmember Steve Solomon

Motion by Councilmember Harry Greene, **seconded by** Councilmember Steve Solomon **FINAL MOTION AS AMENDED**, to approve the Conditional Use Permit for a proposed self-storage business located northwest of Tangerine Road and La Cañada Drive, subject to the conditions in Attachment 1, based on finding the request complies with the review criteria in Section 22.5.A of the Zoning Code, and to include that the contract is signed between the Leman Academy and Centennial American Properties, and that best efforts would be made to have the third party close with that transaction.

Attachment 1
Conditions of Approval

1. To reduce visual impact from the Residences at Miller Ranch, a 20-foot Type A bufferyard with a minimum of 50%, 24-inch box or salvaged trees must be provided along the west side of the property.
2. A minimum of four thousand (4,000) square feet of non-storage related retail/office area shall be provided.
3. Architecture elevations provided in Attachment 3 shall be utilized. Faux windows shall be used in place of the proposed shutters on west façade.
4. Interior lighting in the 2nd and 3rd stories of the corner towers on the building's eastern side shall be turned off from 10:00pm to 6:00am.
5. No signage will be installed on the west building façade.
6. Access to self-storage units shall be limited to 6:00am - 10:00pm.
7. The required courtyard shall contain adequately shaded amenities, including no less than four (4) benches, one (1) picnic table, and the required public art, which shall be visible from adjacent businesses and La Cañada Drive.
8. The following apply to the self-storage use:
 - a. Storage must be contained within a completely enclosed building with individual self-storage units only accessible from the loading area.
 - b. No business shall be conducted from within individual self-storage units.
 - c. No outside storage shall be permitted, including vehicles, trailers, equipment, or products associated with self-storage use.
 - d. No hazardous materials may be stored on site.
 - e. No motor vehicles, trailers, equipment or any device in, on or by which a person or property is or may be transported or drawn shall be offered for rent associated with the self-storage use.
 - f. Excluding the first-floor self-storage office; Interior signs, advertisements, corporate colors and graphics, and other items as determined by the Planning and Zoning Administrator shall not be visible from the exterior of the building.

Vote: 7 - 0 Carried

Mayor Winfield recessed the meeting at 8:38 p.m.

Mayor Winfield reconvened the meeting at 8:51 p.m.

4. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING A CONDITIONAL USE PERMIT FOR A PROPOSED DRIVE-THRU LOCATED AT THE NORTHWEST INTERSECTION OF NARANJA DRIVE AND LA CAÑADA DRIVE

Principal Planner, Michael Spaeth and Public Works Director and Town Engineer, Paul Keesler, presented item #4 and included the following:

- Purpose
- Location Map
- History and Background
- Conditional Use Permit (CUP)
- Conditional Use Permit - Compatibility

Mr. Keesler continued the presentation and included the following:

- Conditional Use Permit - Traffic

Mr. Spaeth continued the presentation and included the following:

- Conditional Use Permit - Distance Reduction
- Review Criteria
- Public Participation
- Planning and Zoning Commission
- Summary

Mr. Paul Oland of Paradigm Land Design LLC., and representing the applicant, continued the presentation and provided a brief overview of item #4.

Discussion ensued amongst Council, staff and Mr. Oland during the presentations.

Mayor Winfield opened the public hearing.

The following individuals spoke in opposition to item #4.

Oro Valley resident Rob Wanczyk
Oro Valley resident Steven Brownell
Oro Valley resident Clayton Barrow

Mayor Winfield closed the public hearing.

Discussion ensued amongst Council, staff and Mr. Oland regarding the proposed Conditional Use Permit for a drive-thru located at the northwest intersection of Naranja Drive and La Canada Drive.

Motion by Councilmember Tim Bohen, **seconded by** Councilmember Joyce Jones-Ivey to deny a Conditional Use Permit for a proposed drive-thru, located at the northwest intersection of Naranja Drive and La Cañada Drive, based on the finding that it has not been proven that the capacity is sufficient for peak hours.

Discussion continued amongst Council and staff regarding item #4.

Motion by Councilmember Tim Bohen, **seconded by** Councilmember Joyce Jones-Ivey to deny a Conditional Use Permit for a proposed drive-thru, located at the northwest intersection of Naranja Drive and La Cañada Drive, based on the finding that it has not been proven that the capacity is sufficient for peak hours.

Vote: 2 - 5 Failed

OPPOSED: Mayor Joseph C. Winfield
Vice-Mayor Melanie Barrett
Councilmember Harry Greene
Councilmember Josh Nicolson
Councilmember Steve Solomon

Motion by Councilmember Steve Solomon, **seconded by** Councilmember Josh Nicolson to Conditionally Approve a Conditional Use Permit for a proposed drive-thru, located at the northwest intersection of Naranja Drive and La Cañada Drive, subject to the conditions in Attachment 1, and the additional condition that the Conceptual Site Plan shall be revised to provide two egress lanes, one left-turn and one right-turn, at Naranja Drive connection, based on the finding that the request is consistent with all applicable General Plan and Zoning Code requirements.

Attachment 1
Conditions of Approval

1. Shaded seating must be provided at the outdoor patio area adjacent to the drive-thru restaurant.
2. An automatic gain control must be installed as part of the menu board speaker to prevent any inadvertent increase in noise decibels that exceed Zoning Code standards.
3. Noise thresholds may not exceed the levels established in the Noise Impact Study.
4. The order kiosk location must be placed in the location as shown in the Noise Impact Study, or a revised study will be required.
5. The screen wall for vehicle stacking lanes must be completely opaque at the curve where the order kiosk is located. The kiosk may not exceed the height of the screen wall (6-feet) nor be visible from adjacent roadways.
6. Hours of operation for the drive-thru will be limited from 5am to 10pm.
7. The final site plan is dependent on Town Council approval of a change to a 2006 Grading Exception condition and Conceptual Site Plan approval.
8. If any other use than as described by ITE Category 937 is proposed now and/or in the future for the requested drive-through pad, a complete reevaluation of traffic shall be required prior to any acceptance by the Town Engineer.

Vice Mayor Barrett requested to add the condition that if it is not used for the category of use as presented, that it will come back to the Council.

Councilmember Solomon accepted the request, seconded by Councilmember Nicolson.

Motion by Councilmember Steve Solomon, **seconded by** Councilmember Josh Nicolson **FINAL MOTION AS AMENDED**, to Conditionally Approve a Conditional Use Permit for a proposed drive-thru, located at the northwest intersection of Naranja Drive and La Cañada Drive, subject to the conditions in Attachment 1, and the additional condition that the Conceptual Site Plan shall be revised to provide two egress lanes, one left-turn and one right-turn, at Naranja Drive connection, based on the finding that the request is consistent with all applicable General Plan and Zoning Code requirements and subject to the condition that if it is not used for the category of use as presented, it will come back to the Council.

Attachment 1
Conditions of Approval

1. Shaded seating must be provided at the outdoor patio area adjacent to the drive-thru restaurant.

2. An automatic gain control must be installed as part of the menu board speaker to prevent any inadvertent increase in noise decibels that exceed Zoning Code standards.
3. Noise thresholds may not exceed the levels established in the Noise Impact Study.
4. The order kiosk location must be placed in the location as shown in the Noise Impact Study, or a revised study will be required.
5. The screen wall for vehicle stacking lanes must be completely opaque at the curve where the order kiosk is located. The kiosk may not exceed the height of the screen wall (6-feet) nor be visible from adjacent roadways.
6. Hours of operation for the drive-thru will be limited from 5am to 10pm.
7. The final site plan is dependent on Town Council approval of a change to a 2006 Grading Exception condition and Conceptual Site Plan approval.
8. If any other use than as described by ITE Category 937 is proposed now and/or in the future for the requested drive-through pad, a complete reevaluation of traffic shall be required prior to any acceptance by the Town Engineer.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohen

5. DISCUSSION AND POSSIBLE ACTION FOR THE USE OF CIP CONTINGENCY FOR CURRENT BUDGETED PROJECTS THAT RECEIVED BIDS HIGHER THAN THE APPROVED FY2023 BUDGET

Public Works Director and Town Engineer, Paul Keesler, provided a brief overview of item #5.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to direct staff to reallocate \$603,211 from CIP Contingency into the budgeted projects to cover projected budget shortfalls as follows: \$288,000 for the La Canada Mill/Overlay project, \$315,211 for the Westward Look Drive road reconstruction project

Vote: 7 - 0 Carried

FUTURE AGENDA ITEMS

No future agenda items were requested.

EXECUTIVE SESSION - Pursuant to A.R.S. §38-431.03 (A)(3) (Legal Advice) regarding a proposed Rezoning to Planned Area Development for the Oro Valley Church of the Nazarene located at Calle Concordia and Calle Buena Vista

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Steve Solomon to go into Executive Session at 10:51 p.m., Pursuant to A.R.S. §38-431.03 (A)(3) (Legal Advice) regarding a proposed Rezoning to Planned Area Development for the Oro Valley Church of the Nazarene located at Calle Concordia and Calle Buena Vista

Mayor Winfield stated that the following staff would join Council in the Executive Session: Interim Town Manager Chris Cornelison, Legal Services Director Tobin Sidles, Town Attorney Jonathan Rothschild, Town Attorney Nathan Rothschild, Chief Civil Deputy Attorney Joe Andrews, Planning Manager Bayer Vella and Town Clerk Mike Standish.

Vote: 7 - 0 Carried

RESUME REGULAR SESSION

Mayor Winfield resumed the regular session at 12:12 p.m.

ADJOURNMENT

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Josh Nicolson to adjourn the meeting at 12:13 p.m.

Vote: 7 - 0 Carried

Michelle Stine, MMC
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 or Oro Valley, Arizona, held on the 15th day of February 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Michael Standish, CMC
Town Clerk