



CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

May 31, 2018

Mr. Tom Warne  
70 West Cushing Street  
Tucson, Arizona 85701

Dear Mr. Warne:

SUBJECT: Partners on Fourth PAD-33, Clarification of Ordinance No.  
11540, Additional Condition for Minimum of Four Storefronts

I have reviewed your email (attached) requesting clarification regarding the additional condition for a minimum of four storefronts at less than or equal to 1,000 square feet.

As outlined in your email and affirmed by Council Member Kozachik who made the motion, the following is understood regarding this additional condition:

“The approximate 1,000 square foot commercial spaces are to be made available as part of the subject project to encourage small business formation, and are part of C9-18-01, PAD-33 rezoning as a result of the Mayor and Council public hearing motion for Ordinance No. 11540 that was approved on April 17, 2018. It is also understood that there is a sunset period of 15 months after Certificate of Occupancy on the four (4) 1,000 square foot or less storefront.”

Therefore, it is determined that the request for clarification to the additional condition for the minimum of four storefronts at less than or equal to 1,000 square feet is to be acknowledged and understood regarding the motion for Ordinance No. 11540 for the Partners on Fourth PAD-33.

Sincerely,

Scott Clark  
Interim Director  
Planning and Development Services Department

**John Beall - Re: Partners on Fourth PAD--C9-18-01--Clarification of four 1000 sq.ft. commercial Spaces**

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**From:** Steve Kozachik  
**To:** Beall, John; jlinvestments@aol.com  
**Date:** 05/15/2018 6:24 PM  
**Subject:** Re: Partners on Fourth PAD--C9-18-01--Clarification of four 1000 sq.ft. commercial Spaces  
**Cc:** Charles, Ann; Rankin, Mike; Ortega, Michael

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correct / there is a sunset of 15 months after CofO on the 4 @ 1,000 sq/ft or less storefronts. Stevek

>>> Thomas Warne <jlinvestments@aol.com> 5/15/2018 4:28 PM >>>

John,

This is to clarify the four approximate 1000 Sq. Ft. commercial spaces to be made available as part of the subject project to encourage small business formation, and are part of the PAD C9-18-01 rezoning as a result of the Public Hearing Motion on April 17, 2018 that was approved by Mayor and Council.

It should be noted that if the spaces are not leased 15 months from the date of the CofO for the project, the project is then not obligated to offer the subject spaces for lease. Also, if the spaces become vacant, the project is obligated to offer the subject spaces for release for 90 days. If the space or spaces are not released, then the project has no further obligation to offer the space or spaces of approximate 1000 Sq. Ft. for lease.

As we discussed I am copying Councilman Kozachik for his acknowledgment and approval to your office of our understanding stated above.

Respectfully Submitted,

Tom Warne

Thomas W. Warne  
70 West Cushing Street  
Tucson, Arizona 85701  
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# MAYOR AND COUNCIL – REGULAR MEETING

## LEGAL ACTION REPORT

TUESDAY, APRIL 17, 2018

MAYOR AND COUNCIL CHAMBERS

CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

1. ROLL CALL: 5:35 p.m.

OFFICIAL MEMBERS PRESENT: Mayor Jonathan Rothschild, Vice Mayor Paul Cunningham, Council Members Paul Durham, Shirley C. Scott, Richard G. Fimbres, and Steve Kozachik.

OFFICIAL MEMBERS ABSENT/EXCUSED: Council Member Regina Romero

STAFF MEMBERS: Michael J. Ortega, City Manager; Michael Rankin, City Attorney; and Roger W. Randolph, City Clerk

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AGENDA ITEM / MAYOR AND COUNCIL ACTION	DEPARTMENT
2. INVOCATION, PLEDGE OF ALLEGIANCE, AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS	
a. INVOCATION - Pastor Otis F. Brown, Siloam Freewill Church	
b. PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance	
c. PRESENTATIONS	
1. Recognition of the Pima Community College Men's Basketball Team	
2. Presentation of "Outstanding Teen Citizen Awards" from the Metropolitan Education Commission	
3. Proclaiming May 4 and May 5 to be "American Legion Auxiliary Memorial Poppy Days"	
4. Proclaiming May 3 to be "National Day of Prayer"	

AGENDA ITEM / MAYOR AND COUNCIL ACTION	DEPARTMENT
<p>d. <u>APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS (CITY WIDE) APR17-18-127</u></p> <p>Council Member Fimbres announced his personal appointment of Michael Ford to the 2017 Public Safety Tax Oversight Commission, Eric Kahn to the Transit Task Force, and Larry Goebel to the Tucson Greens Committee.</p>	<p><u>CITY CLERK</u></p>
<p>3. <u>MAYOR AND COUNCIL/CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS (CITY WIDE) APR17-18-118</u></p> <p>Current event reports were provided by Council Members Durham and Fimbres.</p>	
<p>4. <u>BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL (CITY WIDE) APR17-18-119</u></p> <p>No reports were provided.</p>	<p><u>CITY CLERK</u></p>
<p>5. <u>LIQUOR LICENSE APPLICATIONS (CITY WIDE) APR17-18-120</u></p>	<p><u>CITY CLERK</u></p>
<p>b. Liquor License Application(s)</p> <p>New License(s)</p> <ol style="list-style-type: none"> <li>1. Hush Social Club, City 10-18</li> <li>2. Native Grill and Wings, City 13-18</li> <li>3. Bisbee Breakfast Club, City 15-18</li> </ol> <p>Person Transfer(s)</p> <ol style="list-style-type: none"> <li>4. The Monkey Bar, City 11-18</li> <li>5. Cobra Arcade, City 14-18</li> <li>6. Hampton Inn Tucson North #161, City 12-18</li> </ol> <p>c. Special Event(s)</p> <ol style="list-style-type: none"> <li>1. Zuzi Dance, City T40-18</li> </ol>	

AGENDA ITEM / MAYOR AND COUNCIL ACTION DEPARTMENT

2. Friends of Tucson’s Birthplace, City T42-18
  3. Sonoran Art Foundation dba Sonoran Glass School, City T43-18
  4. Native Seeds/Southwest Endangered Aridlands Resources Clearing House, City T44-18
  5. Our Lady of Lavang Parish, City T45-18
  6. Tucson Kitchen Musicians Association, City T46-18
  7. Knights of Columbus #5133, City T47-18
  8. Real Change International Group Inc., City T48-18
  9. Ben’s Bells Project, City T49-18
  10. Combat Veterans Motorcycle Association 32-2, City T50-18
  11. The Desert Laboratory on Tumamoc, College of Science, UA, City T51-18
  12. CMB Foundation, City T52-18
  13. AZMAC-Arizona Media Arts Center, City T53-18
  14. Rillito Park Foundation, City T54-18
  15. India Society of Southern Arizona, City T55-18
- d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Vice Mayor Cunningham, duly seconded and CARRIED by a voice vote of 6 to 0 (Council Member Romero absent/excused), to forward Items 5b1-5b6, and 5c1-5c15, to the State Liquor Board with a recommendation for APPROVAL.

6. CALL TO THE AUDIENCE

The following individuals spoke at the Call to the Audience:

AGENDA ITEM / MAYOR AND COUNCIL ACTION	DEPARTMENT
John Burnham, Greg Wilson, Frank Velasquez Jr., Marie Tanner, Anthony Potter, Scott Coverdale, and Carrie Nelson.	
7. CONSENT AGENDA	
a. <u>APPROVAL OF MINUTES (CITY WIDE) APR17-18-123</u>	<u>CITY CLERK</u>
b. <u>FINAL PLAT: (S17-032) BERMUDA MINOR SUBDIVISION, LOTS 1 THROUGH 3 (WARD 3) APR17-18-121</u>	<u>PLANNING AND DEVELOPMENT SERVICES</u>
c. <u>FINAL PLAT: (S17-072) CHICANOS POR LA CAUSA IRVINGTON EXPANSION, LOTS 1 THROUGH 2 (WARD 5) APR17-18-122</u>	<u>PLANNING AND DEVELOPMENT SERVICES</u>
d. <u>TUCSON CODE: AMENDING (CHAPTER 10) MODIFICATIONS TO THE ANNUAL COMPENSATION PLAN FOR FISCAL YEAR 2018 AND AMENDING ORDINANCES 11464 AND 11511 (CITY WIDE) APR17-18-128</u>	<u>HUMAN RESOURCES</u>
Ordinance No. <u>11542</u>	
It was moved by Council Member Scott, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Romero absent/excused), that Consent Agenda Items a – d be approved and/or adopted and proper action taken.	
8. <u>PUBLIC HEARING: RIVER HOUSE ANNEXATION DISTRICT (WARD 2 AND OUTSIDE CITY) APR17-18-124</u>	<u>ECONOMIC INITIATIVES</u>
It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 6 to 0 (Council Member Romero absent/excused), to CLOSE the public hearing.	
It was moved by Vice Mayor Cunningham, duly seconded and CARRIED by a voice vote of 6 to 0 (Council Member Romero absent/excused), to direct staff to PROCEED with the River House Annexation District.	
9. <u>PUBLIC HEARING: ZONING (C9-18-01) PARTNERS ON FOURTH PAD - 4TH AVENUE AND 8TH STREET, I-1 AND C-3 TO PAD-33, CITY MANAGER'S REPORT, ORDINANCE ADOPTION (WARD 6) APR17-18-125</u>	<u>PLANNING AND DEVELOPMENT SERVICES</u>

AGENDA ITEM / MAYOR AND COUNCIL ACTION

DEPARTMENT

Michael Rankin, City Attorney, announced that Mayor Rothschild was recusing himself from the item due to a potential conflict of interest as described during Study Session earlier that day.

(Note: Council Member Fimbres departed at 7:24 p.m.; returned at 7:26 p.m.)

(Note: Council Member Kozachik departed at 7:26 p.m.; returned at 7:28 p.m.)

It was moved by Council Member Fimbres, duly seconded and CARRIED by a voice vote of 5 to 0 (Council Member Romero absent/excused, Mayor Rothschild recused), to CLOSE the public hearing.

Ordinance No. 11540

It was moved by Council Member Kozachik, duly seconded and PASSED by a roll call vote of 5 to 0 (Council Member Romero absent/excused, Mayor Rothschild recused), to APPROVE the request as recommended by the Zoning Examiner and PASS AND ADOPT Ordinance No. 11540, with the following additional conditions, which run with the property:

- The Design Review Committee to include a representative from the Fourth Avenue Merchants Association;
- \$25,000 for traffic mitigation in Iron Horse neighborhood;
- \* Up to \$10,000 for a “road diet” on 6<sup>th</sup> Avenue, from 6<sup>th</sup> Street to Speedway Boulevard. This funding is not subject to the results of the traffic study, but would be provided irrespective of that study, with the impact fees generated by the Project being allocated for this purpose to the extent necessary;
- A minimum of four storefronts at less than or equal to 1,000 square feet;
- Parking which is not allocated to residents or guests in the residential portion of the project to be made available as public parking;
- Only Series 12 liquor license(s) for commercial tenant(s);
- Rooftop to close at 10:00 p.m.

10. ZONING: (C9-18-03) TUCSON ELECTRIC POWER PLANNED AREA DEVELOPMENT – IRVINGTON CAMPUS, I-1 AND I-2 TO PAD 34, CITY MANAGER'S REPORT, ORDINANCE ADOPTION (WARD 5) APR17-18-126

PLANNING AND DEVELOPMENT SERVICES

AGENDA ITEM / MAYOR AND COUNCIL ACTION

DEPARTMENT

Ordinance No. 11541

It was moved by Council Member Fimbres, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Romero absent/excused), to APPROVE the request as recommended by the Zoning Examiner and PASS AND ADOPT Ordinance No. 11541.

11. ADJOURNMENT: 8:31 P.M.

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 8, 2018, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.