



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR AGENDA

**TUESDAY, APRIL 14, 2009 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 W. ALAMEDA, TUCSON, AZ)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Glenn Alden, Sunrise Chapel Swedenborgian

PLEDGE OF ALLEGIANCE – The Southern Arizona Volunteer Center – Youth Council

PRESENTATIONS:

- a. Proclaiming April 12 to April 18 to be “National Public Safety Telecommunications Week”
- b. Proclaiming April to be “Sexual Assault Awareness Month”
- c. Presentation of Reid Park Zoo Awards

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager APR14-09-190 CITY-WIDE

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager APR14-09-191 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager APR14-09-192 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. QuikTrip #1450, Ward 3
68 W. River Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 7-09
Action must be taken by: April 17, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF APRIL 7, 2009)

- 2. QuikTrip #1460, Ward 4
1250 S. Pantano Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 8-09
Action must be taken by: April 17, 2009

Staff has indicated the applicant is in compliance with city requirements.

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF APRIL 7, 2009)

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

- c. Special Event(s)

NOTE: There are no special event(s) scheduled for this meeting.

- d. Agent Change/Acquisition of Control/Restructure

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

6. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker.” Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

7. CONSENT AGENDA – ITEMS A THROUGH I

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

8. TUCSON CODE: AMENDING (CHAPTERS 10B AND 23A) REORGANIZING THE COMMUNITY SERVICES, URBAN PLANNING AND DESIGN, AND DEVELOPMENT SERVICES DEPARTMENTS

- a. Report from City Manager APR14-09-203 CITY-WIDE

This item has been continued at the request of staff.

9. ZONING: (C9-08-19) MCGETRICK – ALVERNON WAY, R-3 TO O-3, CITY MANAGER’S REPORT

- a. Report from City Manager APR14-09-200 WARD 6
- b. Report from Zoning Examiner dated February 20, 2009
- c. Request to rezone approximately 0.29 acres from R-3 to O-3 zoning. The rezoning site is located on the southeast corner of Alvernon Way and 2nd Street. Applicant: Chuck Schuiteman on behalf of the property owners Jerome and Deborah McGetrick.

The preliminary development plan is for a new parking area to support an expansion to an existing office.

The rezoning proposal is consistent with and supported by the policy direction in the *Alvernon-Broadway Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend authorization of O-3 zoning subject to the following conditions:

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated December 9, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

8. The building shall be designed to have “four-sided” architecture. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, rooflines, and exterior materials. Colored and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
9. All exterior mechanical equipment shall be screened from view from the surrounding properties and streets, and that the equipment and screening shall be integrated into the site design.
10. All outdoor lighting shall be full cutoff, directed down and shielded away from adjacent parcels and roadways.
11. The overall design theme shall be consistent with or complement that in the surrounding neighborhood. Photographs of the surrounding areas and a brief explanation of how this condition is being met shall be provided with the development plan submittal to demonstrate compliance with this condition.
12. Trees planted along the east side of the site shall be placed no more than 25 feet apart.
13. Within the new parking area, one canopy tree shall be provided for every four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that shade coverage will be provided for at least 50% of the vehicle use area, from 9:20 a.m. to 3:20 p.m. PST on June 21, with shading provided by mature canopy trees, buildings and/or other structures.
14. All screen walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as the use of two or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations. A wall detail demonstrating compliance with this condition shall be provided with the development plan.
15. Six (6) inch wide fence block or greater shall be used for perimeter screen walls.

DRAINAGE/GRADING/VEGETATION

16. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <http://dot.ci.tucson.az.us/stormwater/>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed. Consult the Office of Conservation and Sustainable Development prior to the development of water harvesting plans.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

17. The location of the existing driveway on Second Street shall be relocated further east to provide adequate maneuverability for vehicles entering this site after turning off of Alvernon Way.

Three written approvals were received prior to the Zoning Examiner's public hearing on February 5, 2009, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's public hearing, one written protest was received. Currently there are three written approvals and one written protest on file for this case. The protest is within the 150 foot area, representing a 34.72 percent protest by area to the east. The protest generally alludes to rainfall runoff that flood the alleyway and the residential property to the east.

Because the protest level exceeds 20 percent to the east, a three fourths majority vote will be necessary to adopt an ordinance rezoning the subject property, once the conditions of rezoning are met.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager APR14-09-193 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, April 21, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.