



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, MAY 5, 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 – Father Charlie Knapp, Catholic Diocese of Tucson

PLEDGE OF ALLEGIANCE – Junior Miss Poppy Dorothy Hanley

PRESENTATIONS:

- a. Proclaiming May 1 and May 2 to be “American Legion Auxiliary Memorial Poppy Days”
- b. Proclaiming May 3 to May 9 to be “Elks National Youth Week”
- c. Proclaiming May 7 to be “Tucson National Children’s Mental Health Awareness Day”
- d. Presentation of certificates to students from China as Honorary Citizens of Tucson

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MAY5-09-232 CITY-WIDE

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

- a. Report from City Manager MAY5-09-233 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MAY5-09-234 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. QuikTrip #1490, Ward 5
2345 E. Irvington Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 23-09
Action must be taken by: May 15, 2009

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

Public Opinion: Written Argument Opposed Filed

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)

- 1. Our Lady of Lavang Parish, Ward 5
800 S. Tucson Blvd.
Applicant: Anton Trung Tran
City T27-09
Date of Event: May 23, 2009 - May 24, 2009
(Vietnamese fundraising festival)

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

Public Opinion: Written Argument Opposed Filed

- 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 J

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. PUBLIC HEARING: TUCSON CODE: AMENDING (CHAPTER 23) THE *LAND USE CODE* RELATING TO MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS

- a. Report from City Manager MAY5-09-249 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk’s office as soon as it becomes available.

9. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2010

- a. Report from City Manager MAY5-09-246 CITY-WIDE
- b. Hearing: This is the second of three public hearings on the Fiscal Year 2010 budget. Its purpose is to provide the public with an opportunity to comment on the recommended budget prior to the beginning of the Mayor and Council budget review process. The third hearing is scheduled for June 9, 2009.

10. ZONING: (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, ORDINANCE ADOPTION

- a. Report from City Manager MAY5-09-242 WARD 4
- b. Ordinance No. 10662 relating to zoning: amending zoning district boundaries in the area located on the west side of Pantano Road, extending from 500 feet to 1100 feet south of Escalante Road in Case C9-07-03, HSL Properties – Pantano Road, SR to P; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance.

11. ZONING: (C9-07-11) GAUL – STEFAN ROAD, SR TO RX-1, ORDINANCE ADOPTION

- a. Report from City Manager MAY5-09-243 WARD 2
- b. Ordinance No. 10663 relating to zoning: amending zoning district boundaries in the area located on the southwest corner of Harrison and Stefan Roads in Case C9-07-11, Gaul – Stefan Road, SR to RX-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance.

12. ZONING: (C9-09-01) SUNSET RANCH – SILVERBELL ROAD, R-1 TO C-1, CITY MANAGER’S REPORT

- a. Report from City Manager MAY5-09-244 WARD 1
- b. Report from Zoning Examiner dated March 27, 2009
- c. Request to rezone approximately 6.84 acres from R-1 to C-2 zoning. The rezoning site is located on the east side of Silverbell Road northwest of Grant Road. Applicant: Herbert Havins on behalf of the property owner Sunset Ranch Ventures, LLC.

The preliminary development plan proposes six, single story office buildings and nine, single story self-storage structures and an associated office.

The rezoning proposal is consistent with and supported by the policy direction in the *Santa Cruz Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend authorization of C-1 zoning subject to the following conditions:

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated January 8, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*. The Development plan shall include evidence of compliance with the Arizona Mobile Home Parks Residential Landlord and Tenant Act regarding tenant notification required of the landlord and the potential relocation funds available for mobile home owners/tenants, and documentation of other assistance provided to the residents.
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 COMPATABILITY

8. Self-storage facility hours of operation are from 7:00 A.M. to 7:00 P.M. Entrance and exit points to the self-storage units shall be gated to provide security.
9. All outdoor lighting, (wall and pole mounted) shall be full cutoff, directed down and shielded away from adjacent parcels and roadways. Light standards shall not exceed the height of adjacent buildings.

10. All buildings shall be designed with “five-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, non-glare roof material/lines, and exterior materials. A color palette and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
11. Building height shall not exceed eleven feet (11) in height for all self-storage buildings and shall not exceed fifteen feet (15) in height for all office buildings.
12. Self-storage roof design and material to match office complex roof designs. Same percentage on the mix of roof material, to include metal roof surfaces with glare resistance. Any flat roof surface area shall be a blend of earth tone colors.
13. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) 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. The design of the wall shall be consistent with the overall architectural design theme of the office and self-storage development. A wall detail shall be provided as part of the development plan submittal to demonstrate compliance with this condition.
14. Six (6) inch wide fence block or greater shall be used for perimeter walls.
15. All exterior mechanical equipment shall be ground mounted and screened from view from the surrounding properties and public roadways.
16. Development plan shall include a site plan with outlined view corridors and include on a separate sheet, dimensioned west view elevations (cross-sections) for the entire Silverbell Road frontage to demonstrate view corridors are being preserved in place along the scenic route corridor of Silverbell Road.
17. The developer/owner shall dedicate in fee simple to the City of Tucson, sufficient land to provide a 24 ft. wide corridor measured from top of bank of Nursery Wash and along the full length of the north side of the subject project and shall:
 - a. Install landscape screening along and for the length of the north side of the subject project that at maturity shall be sufficient to obscure 75% of the building wall areas facing the Nursery Wash corridor.

- b. Provide a gated entry from the subject project to the Nursery Wash corridor.
- c. Install a masonry/wrought iron view wall, without barbed wire or razor wire along and for the length of the north side of the project to promote visibility and safety for trail corridor users and to avoid creating a walled-off open space corridor

DRAINAGE/GRADING/VEGETATION

- 18. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
- 19. One canopy tree shall be planted for every four parking spaces, within vehicle use areas.
- 20. 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 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

21. Provide a vehicular turn-around point outside the entrance to the self-storage facility to allow traffic without authorized access to exit without backing out. Turn around to accommodate commercial vehicles.
22. All pedestrian paths required to cross or occur within Parking Area Access Lanes (PAALS) shall be identified clearly and distinguished from vehicular areas by materials such as but not limited to; brick, concrete pavers, scored or patterned colored concrete, textured and raised surfaces, or other materials as may be approved by the Department of Urban Planning and Design staff.
23. Access along Silverbell Road shall be limited to two access points. All access drives shall be in conformance with the Transportation Access Management Guidelines for the City of Tucson.
24. The owner/developer shall provide a minimum of two-single or one-double wide solid waste storage/enclosure areas for the purpose of storing one refuse and recycle container in each. Each enclosure should be designed per DS 6-01.3.0 & 6-01.4.0."
25. The owner/developer shall dedicate, or verify the existence of, the east half right-of-way of Silverbell Road per the MS&RP. The owner/developer shall:
 - a. Install a continuous northbound right turn/deceleration lane on Silverbell Road to serve the site entrances, per TDOT standards.
 - b. Install the necessary pavement and striping to ensure that the Silverbell Road cross-section, along the site frontage is complete. This includes northbound and southbound travel lanes, a center left turn lane, a northbound right turn/deceleration lane and northbound and southbound bike lanes.
 - c. Install an asphalt path, six feet in width, along the Silverbell Road frontage of the site. The path shall begin at Painted Sunset Circle and terminate immediately north of the north driveway entrance and shall be located a minimum of 15' east of the eastern edge of the Silverbell Road pavement.
26. The Owner/Developer shall submit a Traffic Impact Analysis at the time of Development Plan review.

27. The Owner/Developer shall be responsible for the design and construction of the off-site improvements along Silverbell Road as identified in the Traffic Impact Analysis accepted by the City of Tucson.

One written approval and one written protest were received prior to the Zoning Examiner's public hearing on March 12, 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, three additional written approvals and three additional written protests were received. Currently there are four written approvals and four written protests on file for this case. Zero of the protests are within the 150 foot area.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property, once the conditions of rezoning are met.

13. MASTER DEVELOPMENT AGREEMENT: WITH GARFIELD TRAUB DEVELOPMENT ARIZONA, LLC AND THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR THE SHERATON TUCSON CONVENTION CENTER HOTEL

- a. Report from City Manager MAY5-09-250 CITY-WIDE

Staff has requested this item be continued to the Mayor and Council meeting of May 12, 2009.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MAY5-09-235 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 12, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.