



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

**MONDAY, NOVEMBER 18, 2002 – 2:00 P.M.
(MAYOR AND COUNCIL CHAMBERS, CITY HALL,
255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Father John Patrick Lyons, Saint Peter and Paul Catholic Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATIONS

- (a) Proclamation – Proclaiming Thursday, November 21, 2002 to be “Feed America Thursday”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager NOV18-02-692 CITY-WIDE

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

- (a) Report from City Manager NOV18-02-693 CITY-WIDE

5. CALL TO THE AUDIENCE:

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on today's agenda*. 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."

6. CONSENT AGENDA – ITEMS A THROUGH S

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 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.

7. LIQUOR LICENSE APPLICATIONS

Report from City Manager NOV18-02-681 CITY-WIDE

(a) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | | |
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| (1) | PAPPY’S GRILL @GHOST
RANCH LODGE
801 W. Miracle Mile
Applicant: Panagiotis Lembessis
City #076-02, located in Ward 3
Series #12
Action must be taken by: November 25, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: DENIED |
| (2) | CIRCLE K STORE #5415
3840 E. 22 nd Street
Applicant: Kim K. Kwiatkowski
City #077-02, located in Ward 5
Series #10
Action must be taken by: November 29, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

NOTE: State law provides that a new license, “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 community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

(b) Extension of Premises

(1) KICKSTART GRILL

8987 E. Tanque Verde Road, Suite #335

Applicant: John W. Fahlberg

City #EP55-02, located in Ward 2

Date of Event: December 1, 2002

January 5, 2003

Type: Temporary

Staff Recommendation

Police: In Compliance

DSD: In Compliance

8. ZONING: (C9-95-20) FAIRCHILD – FORT LOWELL ROAD, C-1, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

(a) Report from City Manager NOV18-02-707 WIII

(b) This is a request for a change of conditions for the property located at the southeast corner of Fort Lowell Road and Wilson Avenue. Applicant: Don Laidlaw on behalf of the property owner, Cindy Richey. The requested change of conditions and preliminary development plan is to allow an expansion of the existing beauty salon from 2,683 square feet to 3,200 square feet.

The City Manager recommends approval of the requested change of conditions and preliminary development plan and adoption of the ordinance presented.

(c) Ordinance No. 9790 relating to zoning: amending certain conditions and the approved preliminary development plan as established by Ordinance No. 8585 for the property located at the southeast corner of Fort Lowell Road and Wilson Avenue in Case C9-95-20, Fairchild – Fort Lowell Road, R-4 to C-1; and setting an effective date.

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

9. ZONING: (C9-02-19) TUCSON BOYS CHORUS – PIMA STREET, R-2 TO O-3; CITY MANAGER'S REPORT

(a) Report from City Manager NOV18-02-702 WVI

(b) Report from Zoning Examiner dated October 25, 2002

(c) Request to rezone approximately 1.47 acres from R-2 (Medium density residential) to O-3 (Low-rise office) zoning. Applicant: Jack Neubeck of the Planning Center, on behalf of the property owners, Tucson Boys Choir Society.

The rezoning site is located on the southwest corner of Pima Street and McKinley Avenue. The preliminary development plan is for a 9,100 square foot, twenty-seven foot tall, one-story addition to the existing building for meeting and educational space.

The Zoning Examiner recommends approval of O-3 zoning. The City Manager recommends approval of O-3 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated October 10, 2002, 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 maximum building height shall be limited to thirty (30) feet and one story.
3. Exterior mechanical equipment shall be screened from adjacent development and street frontages.
4. Side and rear building façades shall be designed to be comparable to the front building façade.
5. Building elevations, detailed site plans and landscape plans shall be submitted for review with the development plan.
6. All dumpsters and loading zones shall be located a minimum of twenty-five (25) feet from existing residential or residentially zoned property.
7. Canopy trees located in the street landscape and interior landscape borders shall be planted twenty-five (25) feet on center.
8. All masonry walls shall be constructed with weep holes to allow storm water runoff.
9. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
10. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.

11. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
12. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
13. Access to McKinley Avenue from the site shall be physically designed to limit traffic left turns only.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. A drainage report is required.
16. Existing drainage patterns and discharge locations shall be maintained for post development conditions unless modifying the drainage patterns will improve an existing drainage problem.
17. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two written approvals and one written protest have been received.

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

10. ZONING: (C9-02-18) FT. LOWELL REAL ESTATE – FORT LOWELL ROAD, MH-1 TO P; CITY MANAGER’S REPORT

- (a) Report from City Manager NOV18-02-703 WII
- (b) Report from Zoning Examiner dated October 25, 2002

- (c) Request to rezone approximately 0.24 acres from MH-1 (Low-density mobile home) to P (Off-street parking) zoning. Applicant: Richard Shenkarow on behalf of the property owner, Ft. Lowell Real Estate.

The rezoning site is located on approximately 135 feet south of Fort Lowell Road on the north side of the Blacklidge Wash. The preliminary development plan is for additional parking for an existing office use.

The Zoning Examiner recommends approval of P zoning. The City Manager recommends approval of P zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated, July 19, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Perimeter masonry walls constructed along the south and east property lines shall be a minimum of five (5) feet in height.
3. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
4. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
5. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
6. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.

7. Evenly disperse the canopy trees within the parking area.
8. Dumpsters shall be located a minimum of fifty (50) feet from adjacent existing or zoned residential properties and shall be buffered with additional landscaping and a minimum six (6) foot high masonry wall.
9. Outdoor lighting shall be “full cut-off” – shielded from adjacent residential uses and zoning, with light being directed down and away from adjacent residential uses, zoning and public roadways.
10. A drainage statement shall be provided.
11. All landscaped areas shall be depressed a minimum of six (6) inches to maximize water harvesting.
12. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
13. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two written approvals and zero written protest have been received.

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

11. PUBLIC HEARING: AJO WAY, LA CHOLLA BOULEVARD TO SANTA CRUZ RIVER DISTRICT LIGHTING IMPROVEMENT

- (a) Report from City Manager NOV18-02-683 WI
- (b) Hearing: This is the final hearing for the project. Interested parties may present objections to the legality of the assessment or any of the previous proceedings, or present evidence that the construction was not performed according to the contract.
- (c) Resolution No. 19408 approving assessment and previous proceedings for the “Ajo Way, La Cholla Boulevard to Santa Cruz River District Lighting Improvement,” in the City of Tucson, Arizona.

12. PUBLIC HEARING: SOUTH 12TH AVENUE, VALENCIA ROAD TO DREXEL ROAD DISTRICT PAVING IMPROVEMENT

- (a) Report from City Manager NOV18-02-684 WI
- (b) Hearing: This is the final hearing for the project. Interested parties may present objections to the legality of the assessment or any of the previous proceedings, or present evidence that the construction was not performed according to the contract.
- (c) Resolution No. 19409 approving assessment and previous proceedings for the “South 12th Avenue, Valencia Road to Drexel Road District Paving Improvement,” in the City of Tucson, Arizona.

13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager NOV18-02-682 CITY-WIDE

14. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. 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."

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, November 25, 2002, at 7:30 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.