



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, JANUARY 27, 2003 – 7:30 P.M.

TUCSON CONVENTION CENTER

MARICOPA/MOHAVE MEETING ROOMS

(NOTE: MEETING LOCATION INCLUDES GRAHAM/GREENLEE ROOMS)
(260 SOUTH CHURCH AVENUE, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Jon Martinez, First Assembly of God Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATION

(a) Proclamation – Proclaiming January 27 to 31, 2003 to be Conference for Industry and Education Collaboration Week

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager JAN27-03-44 CITY-WIDE

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

(a) Report from City Manager JAN27-03-45 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 tonight'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 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 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

- (a) Report from City Manager JAN27-03-42 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

NOTE: There are no applications for licenses scheduled for this meeting.

(c) Special Event(s)

- (1) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T108-02, located in Ward 1
Date of Event: February 28, 2003
Staff Recommendation
Police: In Compliance
DSD: In Compliance
- (2) TUCSON CINEMA FOUNDATION, INC.
3233 E. Speedway
Applicant: Peggy J. Johnson
City #T001-03, located in Ward 6
Date of Event: February 7, 2003
Staff Recommendation
Police: In Compliance
DSD: In Compliance
- (3) TUCSON JEWISH COMMUNITY CENTER
3800 E. River Road
Applicant: Juliana N. Scrivner
City #T003-03, located in Ward 2
Date of Event: January 30, 2003
Staff Recommendation
Police: In Compliance
DSD: In Compliance

(d) Extension of Premises

- (1) MONTGOMERY’S IRISH PUB
9155 E. Tanque Verde Road, Ste 177
Applicant: Ralston R. Hannas Jr.
City #EP61-02, located in Ward 2
Date of Event: March 17, 2003
Type: Temporary
Staff Recommendation
Police: In Compliance
DSD: In Compliance

(2) KICKSTART GRILL
8987 E. Tanque Verde Road, Ste 335
Applicant: John W. Fahlberg.
City #EP63-02, located in Ward 2
Date of Event: February 2, 2003
March 2, 2003
Type: Temporary

Staff Recommendation

Police: In Compliance
DSD: In Compliance

8. ZONING: (C9-02-25) DEEP FREEZE DEVELOPMENT – 17TH STREET, I-1 TO C-3; CITY MANAGER’S REPORT

- (a) Report from City Manager JAN27-03-51 WV
- (b) Report from Zoning Examiner dated January 3, 2003
- (c) Request to rezone approximately 2.6 acres from I-1 (Light Industrial) to C-3 (Mid-rise Regional Commercial) zoning. Applicant: Rob Paulus on behalf of the property owners, Deep Freeze Development, L.L.C.

The rezoning site is located on the east side of Mill Street, between Seventeenth Street and the railroad tracks. The preliminary development plan proposes forty-five loft residences and 7,222 square feet of commercial uses in 61,400 square feet of new and existing rehabilitated buildings.

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

1. A development plan in substantial compliance with the preliminary development plan dated October 24, 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. Exceed *Land Use Code* requirements via augmented landscaping provided along both street frontages with canopy trees planted a minimum of twenty-five (25) feet on-center.
3. An eight (8) foot high wall shall be provided on the property boundary adjacent to the railroad tracks.
4. 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.

5. 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.
6. Pedestrian linkages throughout the mixed-use area shall be designed to maintain the privacy of individual residences using different textures and/or colors.
7. On-site pedestrian circulation shall be physically separated from vehicular access drives with distinctive signage for identification.
8. 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.
9. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
10. No structure, off-street parking, vehicular circulation, off-street loading, or maneuvering space, landscaping, or screening improvements required by the *Land Use Code*, may be constructed, erected, placed, or extended in the future right-of-way unless specifically allowed.
11. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
12. Permits are required for the existing building signs, or they must be removed or painted over.
13. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Four written approvals and zero written protests 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.

9. **ZONING: (C9-02-23) LEVIS/SUTTON – CAMP LOWELL DRIVE, SR/RX-1 TO C-1; CITY MANAGER’S REPORT (CONTINUED FROM MEETING OF JANUARY 13, 2003)**

- (a) Report from City Manager JAN27-03-53 WII
- (b) Report from Zoning Examiner dated December 27, 2002
- (c) Request to rezone approximately 2.75 acres from SR and RX-1 (Very Low-density Residential/Suburban Low Density Residential) to C-1 (Low-intensity Commercial) zoning. Applicant: Ann Warner of Planning Resources on behalf of the property owners, Lucy Levis and Delbert Sutton.

The rezoning site is located on the southwest corner of Camp Lowell Drive and Swan Roads. The preliminary development plan proposes 19,600 square feet of retail space in five 24 to 27 foot tall buildings on 2.75 acres.

The Zoning Examiner recommends approval of C-1 zoning. The City Manager recommends approval of C-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated December 12, 2002 #2, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Dedication or verification of existence of right-of-way per the *Major Streets and Routes Plan*, including intersection widening, along the Camp Lowell Drive and Swan Road frontages of the site and dedication of a 30 foot radius spandrel at the northeast corner of the site.
3. Driveway locations shall be aligned with the development to the north; all unused curb-cuts shall be closed.
4. A Traffic Study Analysis shall be provided. If an analysis is not provided, the easternmost entrance into the property shall be right turn in/right turn out only.
5. Six (6) foot wide sidewalks shall be provided along the Swan Road and Camp Lowell Drive street frontages.
6. A bus pullout bay shall be provided along the Swan Road frontage.
7. The existing vehicular access point in the southeast corner of the site connecting to the access easement located on the southern boundary of the adjacent commercial property to the east shall be redesigned to accommodate

two-way traffic, or shall be gated and identified on the development plan for emergency vehicle use only.

8. The PAAL in the southwest corner of the site shall be redesigned for two-way traffic.
9. The owner/developer shall agree to pedestrian cross access easement with the existing commercial property to the southeast. This site shall be designed to accommodate a pedestrian connection to the existing commercial property to the southeast.
10. Pedestrian crossings at PAAL's shall not be identified by paint striping. A pedestrian table or a different paving material shall be used at pedestrian crossings.
11. Buildings adjacent to Camp Lowell Drive shall be a maximum of twenty-four (24) feet in height. All other buildings shall be a maximum of twenty-seven (27) feet in height.
12. Buildings shall have a variety of rooflines.
13. Architectural design, material, signage, and colors for all buildings and walls shall be compatible with the Fort Lowell Neighborhood, the office development north and south of Camp Lowell Drive on the east side of Swan Road, and the commercial development on the northwest corner of Swan Road and Camp Lowell Drive. Architectural design shall follow the Old Ft. Lowell Historic District guidelines. All elevations of each building shall have equal level of architectural detailing. A unified color scheme using colors found in the Sonoran Desert shall be used for all buildings and walls. Mission tile shall not be used as an accent material on roofs. Food service areas shall include an outdoor, shaded dining area, and shall be located along the landscaped area on the north side of the buildings facing Camp Lowell.
14. A landscaped area shall be provided along the north side of the buildings facing Camp Lowell that ties the trail, the sidewalk, and the bus stop together. The plant palette for this area as shown on the preliminary development plan dated December 12, 2002, will be the same throughout and be selected from the Old Fort Lowell Neighborhood plant list. A landscaped and seeded, 24 to 36 inch in height, organically shaped earthen berm, shall be constructed along Camp Lowell and Swan Road wherever there is not a sign wall for landscaping and screening.
15. A natural barrier rather than a wall shall be constructed along the west property line along the trail easement. Parking shall be screened from the trail area by a 24-36" in height organically shaped berm where there is room. Native planting and seeding shall be installed to control erosion.

16. Parking lots shall minimize curbing and tree-planting areas shall be flush with the parking lot to allow water harvesting. Parking lot grading shall direct runoff to planting areas.
17. Every effort shall be made to direct runoff from rooftops and paved areas to planting areas wherever possible.
18. Parking shall incorporate existing trees whenever possible, and a functional shade canopy tree shall be planted in the parking lot area for every nine parking spaces.
19. Balconies are prohibited on south facing elevations adjacent to residential development. Second story windows on south facing elevations adjacent to residential development shall be clerestory, with a minimum sill height of 60 inches.
20. Freestanding and wall mounted outdoor lighting to be shielded and directed down and away from adjacent residential uses. Parking lot lighting shall not exceed ten feet in height within twenty feet of the south property line. All other parking lot lighting shall not exceed fourteen feet in height.
21. An inventory of all on-site vegetation shall be provided as part of the landscape plan submitted for development plan review. The inventory shall be available for review at the neighborhood meeting referenced in condition 33. The inventory shall identify the location of on-site trees with a caliper of four (4) inches or more and other significant vegetation. Vegetation that will be preserved, relocated on-site, or replaced with native or adaptive, drought tolerant plant material of comparable size. Every effort shall be made to preserve mature, viable, woody, native vegetation along Camp Lowell and Swan Road wherever possible. When it is not possible, each tree destroyed shall be replaced with the same species, 42" boxed specimen.
22. The Creekside Wash (Venice Wash) shall be preserved including the vegetation along the wash.
23. An eight (8) foot wide, publicly accessible trail easement shall be dedicated to the City of Tucson along the east bank of the Creekside Wash. The trail shall meander, shall be constructed of stabilized decomposed granite over 95% compacted native grade, and shall include at least one seating area along the trail. The trail shall be located to connect with the pedestrian crossing across the PAAL.
24. Grading shall not begin more than four (4) months prior to actual construction of improvements on the site.

25. Prior to issuance of a grading permit, temporary fencing shall be provided around all natural areas along the west and southern perimeters of the site.
26. Signs shall be incorporated into a wall, not to exceed four feet in height, at the corner of Camp Lowell and Swan Road. Materials for the wall construction shall compliment the building construction and the architecture of the Fort Lowell Neighborhood area. The wall and signage shall be understated and low profile. Sign wall lighting shall not be backlit or neon.
27. 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.
28. Open storage areas including loading zones, and/or dumpsters shall be screened using masonry walls, landscaped, and located a minimum of fifty (50) feet from adjacent residential uses south of the property.
29. 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.
30. A qualified archaeologist shall perform an archaeological assessment and survey 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.
31. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
32. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
33. The developer shall notify and conduct a meeting with property owners within 300 feet of the rezoning site, representatives of the Fort Lowell, and Barrio del Este Neighborhood Associations, and Trees for Tucson, to review the proposed development plan. Review to include all building elevations,

architectural details, a color theme, and the inventory of all on-site vegetation required in condition 21. Meeting to be scheduled no sooner than 30 days prior to the submittal of a development plan to the City of Tucson. Submittal of development plan to the City of Tucson shall include documentation of this meeting, including names of attendees, and minutes of the meeting. The above documentation shall be included in the materials transmitted to Mayor and Council at the time of ordinance adoption.

34. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Three written approvals and zero written protests 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. PUBLIC HEARING: (C9-85-95) 22ND STREET/PANTANO PARKWAY ANNEXATION DISTRICT, C-3 ZONING, CHANGE OF CONDITIONS, ORDINANCE ADOPTION (CONTINUED FROM MEETING OF JANUARY 13, 2003)

- (a) Report from City Manager JAN27-03-54 WII
- (b) Hearing on a request to allow body-work and painting of automobiles and similar vehicles as allowed in the underlying zoning in the annexation area. The applicant is proposing to develop the property with an auto body and painting business. The property is located on the south side of Bowline Road, west of Sarnoff Drive.
- (c) Ordinance No. 9809 relating to zoning: amending conditions of original city zoning in the area located on the south side of Bowline Drive approximately 300 feet west of Sarnoff Drive in case C9-85-95, 22nd Street/Pantano Parkway Annexation District; and declaring an emergency.

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

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JAN27-03-56 CITY-WIDE

12. 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."

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, February 3, 2003, at 2:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.