



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, JUNE 23, 2003 – 7:30 P.M.

MAYOR AND COUNCIL CHAMBERS

(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Paul Connor, Faith Tabernacle United Pentecostal Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATIONS

- (a) Award of Appreciation and Recognition to Roy Madril and Chris Martinez as Extraordinary Citizens

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager JUNE23-03-367 CITY-WIDE

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

- (a) Report from City Manager JUNE23-03-368 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 O

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 JUNE23-03-376 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) | LA SALSA FRESH MEXICAN GRILL
825 E. University Blvd. #181
Applicant: James W. Zeeb
City #034-03, located in Ward 6
Series #12
Action must be taken by: July 7, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | GRANT ROAD MOBIL
2402 N. 1 st Avenue
Applicant: Rodney S. Herbert
City #037-03, located in Ward 3
Series #10
Action must be taken by: July 19, 2003 | <u>Staff Recommendation</u>

Police: Review in process
DSD: In Compliance
Bus. License: In Compliance |
| (3) | QUICKSMART
4810 N. 1 st Avenue
Applicant: Barry M. Bennett
City #039-03, located in Ward 3
Series #10
Action must be taken by: July 21, 2003 | <u>Staff Recommendation</u>

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

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 community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

(c) Special Events

NOTE: There are no applications for Special Events scheduled for this meeting.

(d) Extension of Premises

- | | | |
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| (1) | CONGRESS TAP ROOM, INC.
311 E. Congress
Applicant: Richard S. Oseran
City #EP22-03, located in Ward 6
Date of Event: July 4, 2003
Type: Temporary
Series: #6
(July 4 th Celebration) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) | KICKSTART GRILL
8987 E. Tanque Verde Road, Suite 335
Applicant: John W. Fahlberg
City #EP23-03, located in Ward 2
Date of Event: August 1, 2003
September 5, 2003
Type: Temporary
Series: #12
(Bike Shows) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

8. WATER: UPDATED TUCSON WATER FINANCIAL PLAN FOR FISCAL YEARS 2003 THROUGH 2008

- (a) Report from City Manager JUNE23-03-377 CITY-WIDE & OUTSIDE CITY
- (b) Resolution No. 19623 relating to the Tucson Water Financial Plan for the period from Fiscal Year 2003 to Fiscal Year 2008, and to an increase in water rates charged by the City of Tucson; and declaring an emergency.

The City Manager recommends that the Mayor and Council approve the Plan.

9. ZONING: (C9-03-03) WALGREEN'S - CRAYCROFT AND 22ND STREET, R-3 TO C-1, CITY MANAGER'S REPORT

- (a) Report from City Manager JUNE23-03-366 W5
- (b) Report from Zoning Examiner dated May 30, 2003
- (c) Request to rezone approximately 0.49 acres from R-3 (High Density Residential) to C-1 (Low-intensity Commercial) to C-1 zoning. Applicant: Keri Silvyn of Lewis and Roca LLP, on behalf of the property owners Extra Op LLC and Thunderbird Partners LLP.

The rezoning site is located on the southwest corner of Craycroft Road and 22nd Street. The preliminary development plan proposes a 14,560 square foot, 24-hour Walgreen's drug store on 1.1 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 March 3, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
- 2. Trees to be planted off-site to the south and west by the developer of the Walgreen's site, as shown on the Preliminary Development Plan. An agreement regarding the maintenance of and liability for these trees shall be executed prior to the approval of the Development Plan for this rezoning site.
- 3. Owner/developer shall participate in the construction of an improved bus stop along the Craycroft Road street frontage by completing the following:
 - a. Prior to demolition of the existing pavement under the existing bus stop, owner/developer shall contact Dan Browne at Attention Transit Advertising ("ATA") to allow time for ATA to remove the existing bus shelter prior to demolition. ATA shall organize removal of the bus shelter. Owner/developer shall pay the cost of removal.
 - b. Owner/developer shall be responsible for providing a new concrete pad for a new bus shelter - approximately 18 x 11 feet. No further improvements to the bus shelter shall be required by owner/developer.

4. Provide visually interesting rooflines using one or more of the following design techniques: vary rooflines; and/or provide three-dimensional cornice treatments, parapet wall details, and/or overhanging eaves, to enhance architectural character and view corridors. Dimensioned elevation drawings demonstrating the above are to be submitted as a part of the Development Plan.
5. Building facades at the rear and sides are to be designed with attention to architectural character and detail comparable to the front façade, with consistent design treatment, including but not limited to comparable color palette, lighting, screening, rooflines, and materials. Dimensioned elevation drawings are to be submitted as a part of the Development Plan.
6. Free-standing signs shall be integrated into the landscape plan. Sign details shall be submitted as a part of the Development Plan.
7. All exterior mechanical equipment shall be screened from view, and shall be architecturally integrated into the overall design of the development. Dimensioned elevation drawings demonstrating the above are to be submitted as a part of the Development Plan.
8. Outdoor loading, trash pickup, and trash compacting activities shall be restricted to between the hours of 7 a.m. and 9 p.m. on Mondays through Fridays, and between 8 a.m. and 8 p.m. on Saturdays and Sundays.
9. Outdoor lighting shall be full-cutoff. All outdoor lighting shall be directed downward and shielded away from adjacent residential areas and public roadways.
10. Masonry walls with a minimum height of 6 feet shall be provided near the south and west property boundaries.
11. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Screen walls along the south and west property lines shall match the existing walls in the adjacent apartment complex. All other screen wall 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.

12. 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.
13. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
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.

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

Two (2) written approvals and zero (0) 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. ZONING: (C9-03-02) N.K. ASPHALT-KOLB ROAD, SR TO I-1, CITY MANAGER’S REPORT

- (a) Report from City Manager JUNE23-03-375 W4
- (b) Report from Zoning Examiner dated May 30, 2003
- (c) Request to rezone approximately 19.8 acres from SR to I-1 zoning. Applicant: Carl Winters of Planning Resources, on behalf of the property owner, James Wilkinson.

The rezoning site is located on the west side of the Kolb Road alignment, north of the Union Pacific Railroad. The preliminary development plan proposes a 2,400 square foot, one-story office building and five (5) asphalt storage tanks within a 27,746 square foot containment area and future industrial uses.

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

1. A development plan and/or block plat in substantial compliance with the preliminary development plan dated May 26, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. All buildings and the asphalt storage tanks shall be constructed of, or painted a color that blends in with the natural surroundings.
3. The access to the site from Century Park Drive shall be constructed at existing grade and shall be constructed to meet current Code standards as required by the Department of Transportation.
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. 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.
7. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
8. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

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

Zero (0) written approvals and zero (0) 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.

11. PUBLIC HEARING: ZONING (C9-03-02) N.K. ASPHALT - KOLB ROAD, SR TO I-1, CHANGE OF DEVELOPMENT PLAN AND ORDINANCE ADOPTION

- (a) Report from City Manager JUNE23-03-380 W4
- (b) Hearing on a request for a change of development plan on a 19.8 acre rezoning site located on the west side of the Kolb Road alignment, north of the Union Pacific Railroad. The preliminary development plan was for a 2,400 square foot, one-story office building and five (5) asphalt storage tanks within a 27,746 square foot containment area and future industrial uses on 19.8 acres. In the revised preliminary development plan, the future industrial uses are specified as two railroad sidings and a cargo container storage area. Applicant: Carl Winters of Planning Resources, on behalf of the property owner, James Wilkinson.
- (c) Ordinance No. 9869 relating to zoning: amending zoning district boundaries in the area located on the west side of the Kolb Road Alignment, North of the Union Pacific Railroad in Case C9-03-02, N.K. Asphalt - Kolb Road, SR to I-1 (Ward 4)

Zero (0) written approvals and zero (0) 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.

Note: Authorization of this rezoning is scheduled as an earlier item on today's agenda. If the rezoning was authorized by Mayor and Council, consideration of the following request is appropriate.

12. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 3), RELATING TO NON-CONFORMING SIGNS AND BILLBOARD ADVERTISING

- (a) Report from City Manager JUNE23-03-360 CITY-WIDE
- (b) Hearing
- (c) Ordinance No. 9859 relating to signs; amending the Tucson Code, Chapter 3 Advertising and Outdoor Signs, Article V General Requirements and Limitations, Section 3-59 Detached signs, (a) Billboard by adding paragraph 7 Prohibited advertising display; amending Article X Nonconforming signs, Section 3-91 Moving, relocating or altering of signs by specifying repairs and alternations; and declaring an emergency.

13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JUNE23-03-379 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

A special meeting of the Mayor and Council will be held on Monday, June 30, 2003, at 7:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.