



MAYOR & COUNCIL MEETING NOTICE & AGENDA

SPECIAL REGULAR MEETING

**MONDAY, JUNE 30, 2003 – 7:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 W. ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Patricia Noble, Science of Mind Center

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager JUNE30-03-389 CITY-WIDE

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

(a) Report from City Manager JUNE30-03-390 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 N

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 JUNE30-03-398 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1) FAMOUS DAVE’S 4565 N. Oracle Road Applicant: Randall R. Frederick City #036-03, located in Ward 3 Series #12 Action must be taken by: July 16, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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(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
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Public Opinion: **PROTEST FILED**

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF JUNE 23, 2003)

(3) O’SHAUGHNESSY’S 2200 N. Camino Principal Applicant: Sam O. Stangl City #038-03, located in Ward 2 Series #12 Action must be taken by: July 19, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: DENIED Bus. License: DENIED
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Public Opinion: **PROTESTS FILED**
SUPPORT 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 community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer

(4) 4-STAR LIQUORS 4405 S. 6 th Avenue Applicant: Edward P. Lopez City #032-03, located in Ward 5 Series #9 Action must be taken by: July 6, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: DENIED Bus. License: In Compliance
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NOTE: For a person to person transfer, Mayor and Council may consider both the applicant’s capability, qualifications and reliability.

Person/Location Transfer(s)

(5) WILDE PLAYHOUSE 135 E. Congress Applicant: Joan O’Dwyer City #033-03, located in Ward 6 Series #7 Action must be taken by: July 5, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
(6) TURBULENCE 6610 S. Tucson Blvd. Applicant: Dennis D. Sylvester City #040-03, located in Ward 5 Series #6 Action must be taken by: July 26, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: DENIED Bus. License: In Compliance

Public Opinion: **PROTESTS FILED**

NOTE: For a person and location transfer Mayor and Council can consider both the applicant’s capability, qualifications and reliability and location issues.

(c) Special Event(s)

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| (1) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T052-03, located in Ward 1
Date of Event: July 19, 2003
(To raise money) | <u>Staff Recommendation</u>

Police: Review in process
DSD: In Compliance |
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(d) Extension of Premises

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| (1) FATERAL ORDER OF EAGLES #180
1530 N. Stone Avenue
Applicant: Francis A. King
City #EP25-03, located in Ward 3
Date of Event: July 4, 2003
Type: Temporary
Series: #14
(4 th of July Celebration) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: Review in process |
| (2) TUCSON CONVENTION CENTER
260 S. Church Avenue
Applicant: Thomas Obermaier
City #EP27-03, located in Ward 6
Date of Event: July 4, 2003
Type: Temporary
Series: #5
(4 th of July Celebration) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

8. ZONING: (C9-98-09) BRACAMONTE ALVERNON WAY, R-2 TO O-2 ZONING, ORDINANCE ADOPTION

- (a) Report from City Manager JUNE30-03-395 W3
- (b) Ordinance No. 9871 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Alvernon Way and Glenn Street in Case C9-98-09, Bracamonte – Alvernon Way R-2 to O-2; and setting an effective date.

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

9. ZONING: (C9-02-31) US HOME – BENSON HIGHWAY, I-1 TO R-1

- (a) Report from City Manager JUNE30-03-388 W5
- (b) Report from Zoning Examiner dated April 25, 2003
- (c) Request to rezone approximately 56 acres from I-1 (Light Industrial) to R-1 (Low Density Residential) zoning. Applicant: Dick Walbert of the Planning Center, on behalf of the property owner, David Cada of US Home.

The rezoning site is located on the north side of Julian Wash approximately 300 feet north of Benson Highway and 300 feet east of Campbell Avenue. The preliminary development plan proposes 282, one and two-story single-family residences on 56 acres as part of a larger development consisting of 590 units on a total of 116 acres. The additional 60 acres are already zoned R-1.

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

1. A subdivision plat in substantial compliance with the preliminary development plan dated November 14, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. The owner/developer shall dedicate sufficient land to create a fifty (50) foot wide public trail corridor on the northern bank of Julian Wash along the entire length of the project from its eastern edge to the northwest corner of the parcel.
3. The owner/developer shall install landscaping, irrigation and a trail constructed to the City/County Divided Urban Pathway standard within the Julian Wash trail corridor. This standard includes a twelve (12) foot wide path, and eight (8) foot wide meandering natural surface path. All landscaping within the Julian Wash trail corridor shall be native plant species. In lieu of the above, the owner/developer may provide a contribution in the amount of \$44 per linear foot of frontage along the Julian Wash to the Tucson Parks and Recreation Department for use towards completion of the improvements.
4. Where perimeter walls are provided along lot lines that abut the Julian Wash Trail, either “a” or “b” shall apply:
 - a. Adjacent to one-story homes, the wall treatment shall consist of a minimum three (3) foot block wall with wrought iron on top. Adjacent to two-story homes, the wall treatment shall consist of a

solid block wall or a minimum three (3) foot block wall with wrought iron on top.

- b. An alternative design acceptable to the Development Services Department.
5. The neighborhood park located within the interior of the project shall be connected to the Julian Wash trail corridor by a landscaped eight (8) foot wide meandering, asphalt or similar hard surface path along the drainageway.
6. Integrated pedestrian connections shall be provided between recreation facilities, usable open space areas, and pedestrian facilities along the street.
7. Along lot frontages, a minimum fifteen (15) foot wide landscape/pedestrian area shall be provided on both sides of the street, measured from the back of curb. On each side of the street, the landscape/pedestrian area shall include, but is not limited to, one (1) canopy tree per two (2) lots.
8. “Safe by Design” concepts shall be incorporated in the development plan for review.
9. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one or more visually appealing design treatments. These treatments may include 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 shrubbery in voids created by wall variations.
10. Right turn/deceleration lanes shall be installed on abutting streets at access points to the development.
11. A 100-year storm capacity reinforced concrete structure, including bridges, as approved by the City Engineer, shall be installed at all drainage crossings.
12. Any existing curb cuts that will not be used for vehicular access shall be closed.
13. 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.

14. 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.
15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
16. 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 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: PROPOSED AMENDMENT TO THE *NORTHSIDE AREA PLAN TO ALLOW OFFICE USES ON LIMBERLOST ROAD EAST OF NORTH FIRST AVENUE*

- (a) Report from City Manager JUNE30-03-383 W3
- (b) Hearing on a request by property owners, Bill and Sherry Mehle, to amend the *Northside Area Plan (NAP)* to allow office uses on a 1.7-acre site located on the north side of Limberlost Road, currently developed with two single family residences.
- (c) Resolution No. 19638 relating to planning and zoning; amending the Northside Area Plan; and declaring an emergency.

The City Manager recommends that the Mayor and City Council adopt the resolution which adds a new Area 4 to the Campus Farm Subarea, and allows office uses in Area 4, with primary access to Limberlost Road, subject to a Traffic Impact Analysis.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JUNE30-03-391 CITY-WIDE

12. CALL TO THE AUDIENCE

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13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, August 4, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.