



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

WELCOME!

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire city staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet at 2:00 p.m. on the first and third Mondays of the month, and at 7:30 p.m. on the second and fourth Mondays of the month.

Copies of the agenda are available during the meeting. Additionally, the agenda as well as reference documents and proposed ordinances and resolutions are available in the City Clerk's office prior to each meeting.

To better serve everyone in the community, the chambers is wheelchair accessible, an assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office by parties at least two (2) working days in advance of the scheduled meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Ordinances and resolutions, the laws of Tucson, are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council, take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

PARTICIPATION BY THE PUBLIC

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk. Please turn off or put in vibrate mode all communication devices (pagers/cell phones).

The Mayor and Council often schedule public hearings on topics of interest. Pursuant to Mayor and Council Rules and Regulations, public hearings last one hour. Interested persons are invited to attend and offer comments. Additionally, Call to the Audience is reserved for comments from the public.

To address the Mayor and Council:

- Complete a speakers card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding into your subject matter. Speakers are limited to five-minute presentations.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700.

Robert E. Walkup
Mayor

Fred Ronstadt
Vice Mayor

Council Members

José J. Ibarra
Ward 1

Carol W. West
Ward 2

Kathleen Dunbar
Ward 3

Shirley C. Scott
Ward 4

Steve Leal
Ward 5

Fred Ronstadt
Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TTD: 791-2639, FAX: 791-4017 or WEB SITE: <http://www.ci.tucson.az.us/clerks>), 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday thru Friday, 8 a.m. to 5 p.m. [holidays excepted]. Live coverage of meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

| | |
|------------|-----------|
| Tuesdays | 9:00 p.m. |
| Wednesdays | 9:00 a.m. |
| Sundays | 9:00 a.m. |

(VHS) tapes of meetings are available at the Tucson Main Library.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, JANUARY 26, 2004 – 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 – President Gary Lundstrom, Tucson Arizona North Stake, The Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATION

- (a) Presentation of an Award of Appreciation and Recognition to Lloyd W. Aultman IV as an Outstanding Citizen and Caring Brother.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager JAN26-04-31 CITY-WIDE

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

- (a) Report from City Manager JAN26-04-32 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 F

**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.

7. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager JAN26-04-30 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- (1) IGUANA CAFE Staff Recommendation
210 E. Congress Street
Applicant: Jesus Padilla-Zepeda Police: In Compliance
City #111-03, located in Ward 6 DSD: In Compliance
Series 12 Bus. License: In Compliance
Action must be taken by: February 5, 2004

PUBLIC OPINION: PROTEST FILED

- (2) LA RANCHERITA MEXICAN FOOD Staff Recommendation
3152 N. First Avenue
Applicant: Gustavo O. Rosales Police: In Compliance
City #112-03, located in Ward 3 DSD: In Compliance
Series 12 Bus. License: In Compliance
Action must be taken by: February 6, 2004

- (3) SA-ING THAI CUISINE Staff Recommendation
9136 E. Valencia Road #100
Applicant: Wanchai Wongseng Police: In Compliance
City #113-03, located in Ward 4 DSD: In Compliance
Series 12 Bus. License: In Compliance
Action must be taken by: February 7, 2004

PUBLIC OPINION: SUPPORT FILED

- (4) LA INDIA BONITA MEXICAN FOOD REST. Staff Recommendation
4207 S. 6th Avenue #120
Applicant: Robert Ruiz Police: **DENIED**
City #114-03, located in Ward 5 DSD: **Review in process**
Series 12 Bus. License: In Compliance
Action must be taken by: February 8, 2004

PUBLIC OPINION: PROTEST 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 Transfers

- (5) SADDLEHORN SALOON Staff Recommendation
6300 E. Tanque Verde Road
Applicant: Page Chamberlin Police: In Compliance
City #115-03, located in Ward 2 DSD: **Review in process**
Series #6 Bus. License: In Compliance
Action must be taken by: February 9, 2004

- (6) WINDSOR DRIVE-IN LIQUORS Staff Recommendation
4000 E. 29th Street
Applicant: Manuel C. Garcia Police: In Compliance
City #116-03, located in Ward 5 DSD: **Review in process**
Series #9 Bus. License: In Compliance
Action must be taken by: February 8, 2004

PUBLIC OPINION: SUPPORT FILED

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

8. MEMORIAL: HONORING THE MEMORY OF LONG-TIME ARIZONA LEGISLATOR EDWYNNE C. “POLLY” ROSENBAUM

- (a) Report from City Manager JAN26-04-46 CITY-WIDE
- (b) Resolution No. 19765 relating to Polly Rosenbaum; honoring the memory of long-time Arizona Legislator Edwynne C. “Polly” Rosenbaum; and declaring an emergency.

9. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO THE CITIZEN POLICE ADVISORY REVIEW BOARD

- (a) Report from City Manager JAN26-04-35 CITY-WIDE
- (b) Ordinance No. 9928 relating to community affairs; Citizen Police Advisory Review Board; qualifications, term and attendance of advisory members; providing for review of completed investigations of citizen complaints where, in some instances, the investigation or prosecution of the criminal charge is still pending; by amending Chapter 10A, Article VIII, Section 10A-90, Subsections C and D and Section 10A-93, Subsection G, and by adding Chapter 10A, Article VIII, Section 10A-90 Subsection E to the Tucson Code; and declaring an emergency.

The City Manager recommends adoption of the ordinance as presented.

10. REAL PROPERTY: INTERIM RELOCATION OF GREYHOUND STATION

- (a) Report from City Manager JAN26-04-39 W1 AND W6
- (b) Ordinance No. 9931 relating to real property; authorizing and approving the lease of certain city-owned real property to Greyhound Corporation; and declaring an emergency.

There are two options presented. Option A is for Site A located just east of the southeast of Congress Street and Interest 10, on the former Pioneer Paints site. Site B is located near 22nd Street and Interest 10.

11. ZONING: (C9-03-12) ECKERD DRUGS – BROADWAY BOULEVARD, SR AND C-1 TO C-2, CITY MANAGER’S REPORT

- (a) Report from City Manager JAN26-04-40 W2
- (b) Report from Zoning Examiner dated January 2, 2004
- (c) Request to rezone approximately 2.6 acres from SR (Very Low Density Residential) and C-1 (Low-intensity Commercial) to C-2 (General Commercial) zoning. Applicant: Jason Allen of Skyline Consultants, LLC, on behalf of the property owner, Tyler Watson.

The rezoning site is located on the southeast corner of Broadway Boulevard and Harrison Road. The preliminary development plan proposes a new 14,558 square foot retail drug store with two drive-through lanes.

Planning Considerations: The applicant's request is in general compliance with the *Pantano East Area Plan*, the *General Plan*, and the *Design Guidelines Manual*. Authorization of the requested C-2 zoning for the area of the double drive-through, and C-1 zoning for the balance of the site will limit uses of the site to those use permitted in the C-1 zone, and is appropriate subject to compliance with the attached recommended conditions.

The Zoning Examiner recommends approval of C-1 and C-2 zoning. The City Manager recommends approval of C-1 and C-2 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated April 18, 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. Owner/developer shall design and construct the south and west halves of the Broadway Boulevard and Harrison Road *Major Streets and Routes (MS&R) Plan* cross-section/improvements along the respective frontages of the site. Said improvements shall include:
 - a. Six (6) feet wide sidewalks, according to City of Tucson specifications.
 - b. One-half (1/2) of the center median islands at Broadway and Harrison.
 - c. The south half of roadway construction at Broadway including subgrade, asphalt, striping.
 - d. The west half of roadway construction at Harrison including subgrade, asphalt, and striping.
 - e. Curb and gutter improvements along frontages.
 - f. Utility services work consists of only finish grade rim adjustments in areas of the above-mentioned improvements.

Should the City of Tucson Department of Transportation (TDOT) complete improvement plans for the above referenced roadways along said site frontages, the applicant's off-site improvements shall conform to TDOT's new improvement plans rather than to the *MS&R Plan*. But in no instance shall the scope of work required from a potentially new TDOT plan be greater than the existing *MS&R Plan*. Nor shall the owner/developer direct cost to self-perform the existing planned improvements be increased due to conformance to a potentially new TDOT improvement plan. In lieu of providing the above design and construction improvements the owner/developer may contribute \$220,780.00 to the City of Tucson Department of Transportation, at the time of ordinance adoption, for use towards infrastructure improvements in the vicinity of the site.

3. The owner/developer shall install right turn/deceleration lane with a 100 foot stacking queue and 120 foot transition at both entrances to the site.
4. The owner/developer shall install a right-turn lane for east to south movements at the intersection of Broadway Boulevard and Harrison Road.
5. The owner/developer shall install a bus bay pullout on southbound Harrison Road in accordance with the Access Guidelines Manual.
6. The developer shall install additional pavement along the south side of Broadway Boulevard and the west side of Harrison Road sufficient to accommodate a five (5) foot bike lane.
7. The owner/developer shall contribute \$25,000 as a fair share portion to future signal improvements at the intersection of Broadway Boulevard and Harrison Road.
8. Vehicular and pedestrian cross-access agreements shall be provided to the parcel to the south.
9. Dimensioned elevation drawings are to be submitted as a part of the development plan.
10. The development plan shall be submitted to the Development Review Board (DRB) to review the following:

- a. The building design shall provide visual interest consistent with the community's identity and character.
 - b. The building shall have exterior building materials and colors, which are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.
 - c. Rear and side building façades 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, signs, lighting, screen wall, rooflines, and materials.
11. Hours of operation for the loading zone shall be from 7am to 7pm. Truck parking in the loading zones, other than for loading activities, is prohibited.
 12. Outdoor storage is prohibited.
 13. Outdoor lighting shall be full cut-off and all outdoor lighting shall be directed down and shielded away from adjacent residentially developed areas.
 14. Provide safe pedestrian circulation throughout the development site using raised or textured pedestrian crosswalks in all locations where the pedestrian system crosses parking area access lanes. The pedestrian circulation system shall connect to the future development site to the south.
 15. 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.

16. Owner/developer shall provide a public trail corridor a minimum of 15-foot wide (easement or fee dedication) along the east bank of Hidden Hills Wash, outside of the wash channel.
17. Within the public trail corridor, the owner/developer shall construct an eight-foot wide meandering trail. Trail specifications shall be a two (2) inch thickness of stabilized decomposed granite compacted to 95% over native sub-grade compacted to 95%. Final trail design shall be subject to approval of the City of Tucson Parks and Recreation Department.
18. All drainage shall be diverted away from the trail to designed culverts or pipe drainage under paths.
19. A Drainage Report, including details of threshold retention, is required.
20. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
21. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
22. 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.
23. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
24. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
25. 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 one (1) 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.

12. ZONING: (C9-03-22) MOUSSA – CLEARWELL ROAD, SR TO R-1, CITY MANAGER’S REPORT

- (a) Report from City Manager JAN26-04-41 W1
- (b) Report from Zoning Examiner dated January 2, 2004
- (c) Request to rezone approximately 13.16 acres from SR (Very Low Density) to R-1 (Low Density Residential) zoning. The applicant is Albert Moussa, the property owner.

The rezoning site is located on the west side of the realigned Clearwell Road, west of Avenida Del Correcaminos and southwest of the intersection of Starr Pass Boulevard and Players Club Drive. The preliminary development plan proposes 40 one and two-story single family residences for a density of 3.03 residences per acre.

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 October 15, 2003, 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 fund fifty (50) percent of the design and construction cost of Clearwell road from Starr Pass Boulevard to the southeast corner of the site. These roadway improvements shall include pavement, and header/flush curbing. Adjacent to the site the roadway improvements shall include a six (6) foot wide sidewalk on the west side of the road. The cost shall be a maximum of \$172,800 which shall be placed in escrow prior to issuance of the first building permit, for a period of three years. If during the three-year period a transportation impact fee is imposed by the City which includes these costs, then the developer may elect to pay the amount of the fee that would have been imposed for all dwellings constructed prior to the imposition of the fee. If the developer

elects to pay the impact fee on all dwellings constructed prior to the imposition of the fee, the escrow amount and accumulated interest will be released to the developer. If this election is not taken or the three year period expires, the escrow amount and accumulated interest shall be released to the City at the earlier of time of imposition of impact fees or the expiration of the three year period. The developer shall be responsible for all impact fees and entitled to all credits in accordance with an impact fee as adopted.

3. At the time of development, the owner/developer shall provide landscaping and irrigation on the west side of Clearwell Road adjacent to the subdivision between the road and the natural open space as shown on the preliminary development plan, designed and located to minimize disturbance of existing vegetation. Landscaping shall include minimum fifteen (15) gallon size canopy trees along Clearwater Road. Planting densities shall be no less than five (5) trees, five (5) shrubs, and five (5) ground covers per 100 linear feet. The defined landscaped area shall be hydroseeded. Canopy trees salvaged from the site with trunk calipers greater than (4) four inches may be used to meet this requirement.
4. The potential erosion hazard to the Clearwell Road right-of-way shall not be increased.
5. All new culverts constructed in the wash on the eastern side of the site shall be large enough for wildlife to pass.
6. The homes in the proposed subdivision shall complement the surrounding residential developments. Compatibility with existing development shall be demonstrated to include elements such as building height and mass, architectural design, rooflines, colors, materials, screen walls, and landscaping. All exposed exterior walls and roofs, retaining walls, and accessory structures shall be earth tone in color and will blend with the predominant colors found in the area. Dimensioned elevation drawings with proposed colors and materials shall be submitted as a part of the platting process. Color photographs of surrounding properties shall be submitted with the tentative plat for review by CDRC.
7. All exterior mechanical equipment shall be ground mounted and screened from view of adjacent development and street frontages, and shall be architecturally integrated into the overall design of buildings and development.

8. Structures shall not exceed twenty-four (24) feet in height measured from design grade elevation, at any individual point within the building footprint, to the highest point of a flat roof; to the deck line of a mansard roof; or to the middle (between the eave and ridge) of the highest gable of a pitched or hipped roof.
9. Along interior streets, fifteen (15) gallon canopy trees shall be provided at a minimum ratio of one (1) tree per lot. Trees shall be planted within ten (10) feet from back of curb.
10. All areas identified as natural open space (NOS) or other designated open spaces shall be fenced off and protected prior to any on-site development activity. Fencing shall not impede water flow or movement of wildlife.
11. The rear walls of lots 1-4, and 25-30 shall be designed as “view walls.” The masonry portion of the wall shall not exceed four (4) feet in height measured from the inside of the wall, pillars with wrought iron or other similar open fencing materials shall be constructed on top of the masonry wall.
12. Safe and convenient pedestrian connections no less than five (5) feet in width, shall be provided to common areas, open space, recreation facilities, and adjacent pedestrian systems.
13. A handicap accessible passive or active recreation area shall be provided with an all-weather pedestrian connection a minimum of five (5) feet in width.
14. The owner/developer shall offer to meet with members of all homeowner’s associations within one (1) mile of the site to review the proposed tentative plat and development plan no less than ten (10) days prior to submitting for Community Design Review Committee (CDRC) review. Documentation of the meeting(s) with the homeowner associations, including invitations, sign-in sheets, and minutes, shall be provided with the CDRC submittal.
15. All walls visible from a public right-of-way and/or adjacent to existing residential development, shall be graffiti-resistant and incorporate one (1) or more visually appealing design treatments. These treatments may include 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.

16. 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.
17. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. Five (5) years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Zero (0) written approvals and one (1) written protest have been received. The protest is outside the 150 foot protest area, therefore the protest level is zero percent in all four directions.

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

13. PUBLIC HEARING: ZONING (C9-98-01) LAWYERS TITLE TR 7685 – MISSION ROAD, MH2 TO C-1 AND C-2, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN

- (a) Report from City Manager JAN26-04-42 W1
- (b) Hearing on a request for a change to the approved conditions of rezoning and a change of preliminary development plan for property located at the northeast corner of Mission Road and Irvington Road. Applicant: Derek Roberts, of Arcadis, on behalf of the property owner, Mission and Irvington LLC.

The revised preliminary development plan is for a mixed use commercial center including an anchor grocery store, in-line retail stores, a gas station, and several other pads, on 15 acres, and 43 single family detached residential units on 11.9 acres (in lieu of the previously approved plant nursery and self-storage facility) on an overall site of 26.9 acres.

The City Manager recommends approval of the requested change of conditions and preliminary development plan and authorization of R-1 zoning in lieu of the originally requested C-2 zoning for the residential portion of the rezoning site subject to the following conditions:

The recommended conditions provided below are modified from the conditions adopted by Mayor and Council on December 9, 2002. Within the conditions, new text is underlined, deleted text is ~~strikethrough~~. It is further recommended, that the area east of the centerline Western Area Power Authority easement be zoned R-1, in lieu of the originally requested C-2 zoning (see recommended condition #26).

1. A development plan, in substantial compliance with the preliminary development plan dated ~~October 17, 2002~~ December 15, 2003, and the Environmental Resource Report, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:
 - a. The proposed C-2 zoned, 18,800 square feet of automotive and retail uses and service area on 3.2 acres are to be setback a minimum 400 feet from Mission Road and relocated to the north with screening and buffering from the linear park provided by the self-storage facility and the plant nursery.
 - b. A maximum building height as measured to the highest point of the building of:
 1. (deleted December 9, 2002)
 2. Eighteen (18) feet for all self-storage and nursery buildings in the C-2 zone.
 3. Thirty (30) feet for all other buildings.
 - c. A unified and consolidated architectural design for all proposed commercial development.
 - d. The predominant colors of all commercial buildings shall be earth tones. Bolder colors shall be limited to accents.
 - e. Delivery and loading hours shall be limited to 7:00 a.m. to 10 p.m. Delivery trucks shall not be parked with motor or refrigerators running, within 300 feet of residential property, including designated delivery or loading areas, except during delivery hours.
 - f. A minimum fifteen (15)-foot-wide landscape buffer on the development side of the Irvington Road right-of-way north of Wyoming Wash.

- g. A minimum ten (10)-foot-wide landscape buffer on the development side of the north property boundary, exclusive of the drainage easement.
 - h. All landscape buffers are to be designed in compliance with the vegetative size, number and coverage requirements of the *LUC*.
 - i. ~~The RV storage area is to be screened by a minimum eight (8)-foot high decorative masonry wall, if located adjacent to the riverpark or adjacent residentially zoned property.~~
 - j. Improvements to the riverpark adjacent to the West Branch of the Santa Cruz River in accordance with the *Santa Cruz Riverpark Masterplan* policies.
 - k. Noise-generating uses, such as loading zones and dumpster locations, shall be located a minimum of fifty feet from any adjacent residential zone boundary or the linear park. Outdoor loudspeakers shall be at least 200 feet from and directed away from the adjacent residential zoning and the linear park.
 - l. No barbed wire, concertina wire, razor wire or other type of security wire shall be visible from public right-of-ways, the Santa Cruz Riverpark, or the adjacent residential properties.
2. The owner/developer shall obtain the appropriate easements for access across public drainageways.
 3. No driveways shall be allowed within 200 feet of the intersection of Mission Road and Irvington Road. Driveways shall be located to take advantage of the existing median openings within Mission Road and Irvington Road. Any modifications to the median islands within Mission Road or Irvington Road shall be at the expense of the owner/developer. A traffic study will be required prior to any such modifications.
 4. The owner/developer shall install curb and six foot sidewalk along Mission Road, Irvington Road, and Irvington Place, and all unused curb cuts and access points shall be closed.
 5. The northernmost access on Mission Road shall be located at least 150 feet from the centerline of the original Irvington Road alignment.
 6. All access to or improvements within the right-of-way of Mission Road shall be approved by both the City of Tucson Department of Transportation in consultation with the Pima County Department of Transportation.

7. A one-foot no-access easement shall be recorded on the ~~north~~ and east property lines.
8. A drainage report shall be submitted and approved, including details of retention/detention, in compliance with the W.A.S.H. ordinance. Vegetation in the original channel of the West Branch of the Santa Cruz River should be preserved, and an amount of storm water discharge adequate to sustain vegetation, shall be directed to the original west branch channel.
9. All private open space and landscape areas, including detention/retention areas, shall be designated as common area and maintained by the homeowners association.
10. The owner/developer shall dedicate the necessary right-of-way to Pima County to provide for a fifty (50)-foot-wide linear park on the west side of the West Branch of the Santa Cruz River, measured from the top of bank.
11. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those visible from the public right-of-way or the West Branch Linear Park 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 and, if continuous for more than 75 feet in length and 3 feet in height, shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
12. ~~The archeological research shall be completed as outlined in the archeological report submitted with the rezoning application. If additional artifacts or architectural remains are found during the site preparation or construction, the Arizona State Museum and the City Historic Program Administrator are to be immediately informed and mitigation completed as recommended.~~ 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. The owner/developer shall provide written approval from the Western Area Power Authority (WAPA) for the placement of any improvements or requirements within the WAPA easement prior to the approval of a development plan.
14. All outdoor lighting shall be full cut-off and directed away from residential uses.
15. Any exterior mechanical equipment shall be screened from view of the adjacent linear park, residential zones, and public rights-of-way with opaque screening materials of a color complimentary to the building color. If the equipment is located on the ground, screen walls shall be used.
16. All free-standing signage shall be integrated into the landscaping and shall reflect the architectural style recommended in the Midvale Park Design Guidelines.
17. All development plans, including plats, landscaping, signage, grading, drainage, architecture, and site planning shall be reviewed by the Midvale Park Design Review Committee for compliance with the Midvale Park Design Guidelines.
18. “Safe by Design” concepts shall be incorporated in the development plan(s) for review by the Tucson Police Department.
19. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
20. Compliance with all Code requirements and conditions of rezoning by May 4, 2008.
21. Loading zones within 300 feet of residential property shall be screened with a ten (10) foot tall masonry wall adjacent to the residential side of the loading zone.
22. 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.
23. A maximum of one access point to the project from Irvington Road.
24. A maximum of three access points to the project from Mission Road.

25. A right turn deceleration lane shall be provided at the main entrance from Mission Road.
26. The C-1/~~C-2~~ R-1 zoning line in the interior of the rezoning site shall be the centerline not extend west of the Western Area Power Authority (WAPA) easement. The area east of the WAPA line shall be zoned R-1.
27. The owner/developer shall construct the segment of the River Park in accordance with the Divided Urban Pathway Standard, which includes a minimum 12 ft paved asphalt path, a minimum 8 ft meandering decomposed granite path, native landscaping between the paths and along both sides of the greenway (including native trees a minimum of 20 ft o.c.), a drip irrigation system, and signage, as directed by the Tucson Parks and Recreation Department.
28. The owner/developer shall design and construct the full roadway improvements (pavement, curbs, sidewalks, etc.) including 100-year storm capacity reinforced concrete box culverts or pre-cast reinforced concrete pipe culverts and drainage channel on Irvington Place.
29. A right turn deceleration lane shall be provided at the Irvington Road entrance if required by Traffic Engineering after review of the traffic study.
30. Pedestrian systems within the development shall be conveniently connected to adjacent pedestrian systems. Pathways shall be handicapped accessible, constructed of all-weather materials like asphalt or concrete, and be a minimum of five (5) feet in width. Decomposed granite may be used as a soft trail running adjacent to the top of bank of the West Branch of the Santa Cruz River.
31. Pedestrian networks within the proposed development shall provide, within ten (10) feet from back of curb, a minimum of one fifteen (15) gallon canopy tree on every other lot to provide a shaded area for pedestrian traffic on sidewalks.
32. Where perimeter walls are provided along lot lines that abut designated open areas, common areas, and trail system, specifically, lots 26-43, the masonry portion of the wall shall not exceed four feet eight inches (4'8") in height, except for pillars, with one foot six inch (1'6") wrought iron or other similar open fencing materials on top.

33. All walls visible from a public right-of-way and adjacent residential zones, are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as; 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.
34. New residential development shall complement the surrounding residential developments. Compatibility shall be demonstrated for elements including but not limited to: screen walls, landscaping, rooflines, colors, materials, and architectural design. Dimensioned elevation drawings with proposed colors and materials are to be submitted as a part of the platting process. Color photographs of surrounding properties are to accompany the tentative plat when submitted to CDRC.
35. A drainage report shall be submitted and approved, including details of retention/detention. An amount of storm water discharge adequate to sustain vegetation in the original channel of the West Branch of the Santa Cruz shall be directed to the original West Branch channel.
36. A hydrology/hydraulic study, as required by the WASH Ordinance, shall be submitted and approved. This report shall be separate from any other required report.
37. Each detention/retention basin shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
38. Each detention/retention basin shall function as a visual amenity and focal point. Vegetation shall be provided for passive recreational facilities. The vegetation palette shall provide plant materials of various colors. Existing mature vegetation shall be preserved, where possible. Mounding may be used to preserve existing vegetation or provide locations for new plantings.
39. Each detention/retention basin shall include a sediment trap, or other sediment control measure, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
40. Each basin floor shall have a minimum slope of 0.5% from any inlet to an outlet location.

41. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
42. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
43. All internal residential street cross-sections shall include parking on both sides of the street.

One (1) written approval and zero (0) written protests have been received.

A simple majority vote will be required to approve the requested change of development plan, and change of conditions presented today. A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

14. PUBLIC HEARING: APPLICATION BY GREYHOUND PARK FOR OFF-TRACK BETTING SITES

- (a) Report from City Manager JAN26-04-43 W2 AND W5
- (b) Hearing on a request by Tucson Greyhound Park for two proposed off-track betting sites. One is for the relocation of the facility previously located at the Kappy's Bar and Sandwich Place, 2190 N. Wilmot Road (Ward 2) to the Maverick King of Clubs, 6622 E. Tanque Verde Road (Ward 2) and the second is for a new location at Famous Sams, 4801 E. 29th Street (Ward 5)
- (c) Resolution No. 19767 relating to dog racing; approving Famous Sams, 4801 E. 29th Street, Tucson, Arizona, as an off-track betting site for the Tucson Greyhound Racetrack; and declaring an emergency.
- (d) Resolution No. 19768 relating to dog racing; approving Maverick King of Clubs, 6622 E. Tanque Verde Road, Tucson, Arizona, as an off-track betting site for the Tucson Greyhound Racetrack; and declaring an emergency.

15. PUBLIC HEARING: INCREASE IN SANTA RITA BEL AIR ISOLATED WATER SYSTEM FEE (CONTINUED FROM THE MEETING OF JANUARY 12, 2004)

- (a) Report from City Manager JAN26-04-47 OUTSIDE CITY
- (b) Hearing concerning increasing the Santa Rita Bel Air Isolated Water System Fee.

Adoption of the proposed fee increase is scheduled for February 9, 2004. If adopted, the fee increase will become effective May 10, 2004.

16. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JAN26-04-36 CITY-WIDE

17. 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."

18. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, February 2, 2004, at 5:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.



Public Notice

CHANGES TO MAYOR AND COUNCIL MEETING SCHEDULE

EFFECTIVE FEBRUARY 2, 2004

Meetings will continue to be held in the Mayor and Council Chambers at City Hall on the first four Mondays of each month unless otherwise noted.* Following is a summary of changes to the meeting format.

Study Sessions

Usually start at 12:30 p.m. and end no later than 4:00 p.m.

Regular Meetings – 5:00 p.m. session

Order of business:

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda

Following these items, the meeting will recess until 6:00 p.m.

Regular Meetings – 6:00 p.m. session

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

For more information, please call the City Clerk's Office at 791-4213, or visit the web site at www.cityoftucson.org/clerks.

*Meeting schedule is on reverse side.

MEETING DATES

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>January</u> 5 3:00 P.M. 2:00 P.M. 12 1:30 P.M. 7:30 P.M. 19 (Cancelled – MLK Jr. Birthday Observed) ¹ 26 1:30 P.M. 7:30 P.M. | <u>July</u> 6 (Tuesday) ² 12 (Cancelled due to summer schedule) ¹ 19 (Cancelled due to summer schedule) ¹ 26 (Cancelled due to summer schedule) ¹ |
| <u>February</u> 2 9 16 (Cancelled – President’s Day Observed) ¹ 23 | <u>August</u> 2 9 (Cancelled due to summer schedule) ¹ 16 (Cancelled due to summer schedule) ¹ 23 (Cancelled due to summer schedule) ¹ 30 (No meeting – 5 th Monday) |
| <u>March</u> 1 8 (Cancelled – NLC) ^{*1} 15 22 29 (No meeting – 5 th Monday) | <u>September</u> 7 (Tuesday) ² 13 20 27 |
| <u>April</u> 5 12 19 26 | <u>October</u> 4 11 18 25 |
| <u>May</u> 3 10 17 24 31 (No meeting – 5 th Monday) | <u>November</u> 1 8 15 22 29 (No meeting – 5 th Monday) |
| <u>June</u> 7 14 21 28 | <u>December</u> 6 13 20 27 (Cancelled – Christmas Holiday) ¹ |

¹Schedule approved by Ordinances 9922, 9923, and 9924, adopted January 5, 2004. *NLC – Washington, D.C., March 5 – 9

²City Code 2-26(3) states in the event a meeting scheduled for the first Monday of a calendar month falls on a Legal Holiday, the meeting shall be held on the following day at the same time and place.