



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR MEETING

TUESDAY, SEPTEMBER 26, 2006 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor John Reith, Crosspoint Community Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATION

- a. Life-Time Achievement Award to Assistant Chief Alan Moritz, Tucson Fire Department, from the Arizona Fire Chiefs' Association.
- b. Presenting a copper plaque to Lori Lippman, President of Fitness Plus Magazine.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager SEPT26-06-520 CITY-WIDE

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

- a. Report from City Manager SEPT26-06-521 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager SEPT26-06-522 CITY-WIDE
- b. Liquor License Applications

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

- c. Special Event

- 1. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T45-06
Date of Event: October 21, 2006
U of A Home Football Tailgate Party

Public Opinion: Written Arguments Opposed Filed

Staff has indicated the applicant is in compliance with city requirements.

- 2. St. Augustine Cathedral Church, Ward 6
192 S. Stone Ave.
Applicant: Alonzo Maurice Garcia
City T57-06
Date of Event: October 8, 2006
Fundraiser for the parish

Staff has indicated the applicant is in compliance with city requirements.

- 3. St. Ambrose School, Ward 6
300 S. Tucson Blvd.
Applicant: Leslie Anne Shultz-Crist
City T58-06
Date of Event: October 7, 2006
Fundraiser

Staff has indicated the applicant is in compliance with city requirements.

4. St. Cyril of Alexandria Parish, Ward 6
4725 E. Pima Street
Applicant: Jake A. Herrera
City T61-06
Date of Event: October 12, 2006 – October 15, 2006
Fundraiser for the parish and school

Staff has indicated the applicant is in compliance with city requirements.

5. Sun Sounds of Arizona, Ward 6
3400 E. Cmo. Campestre
Applicant: Mitzi M. Tharin
City T65-06
Date of Event: October 14, 2006
Fundraising

Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

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 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. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. 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".

8. ZONING: (C9-06-20) ARNELL – FORT LOWELL ROAD, SR TO R-2, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT

- a. Report from City Manager SEPT26-06-518 WARD 2
- b. Report from Zoning Examiner dated September 1, 2006
- c. Request to rezone approximately four acres from SR (Suburban Ranch) to R-2 (Medium Density Single- and Multi-family Residential) zoning and to allow a Special Exception land use. Applicant: Phil Swaim of Swaim Associates, on behalf of the property owners, Walter and Patricia Arnell.

The rezoning site is located on the north side of Camp Lowell Road, 600 feet west of Swan Road. The preliminary development plan proposes a 15,000 square foot cultural use (non-profit miniatures museum).

The *Northside Area Plan* and the *General Plan* provide land use policy direction for this area. The rezoning site is located in *Swan/Fort Lowell Subarea 2 of the Northside Area Plan*. The *Northside Area Plan* supports nonresidential development when located on an arterial street. Additionally, higher density development is supported when direct access is provided to the site from an arterial street, all parking and maneuvering are provided on-site, and when the site is designed to protect the integrity of existing neighborhoods. Design elements, buffering techniques and preservation or enhancement of identified drainageways is also encouraged. The applicant’s proposal to construct the proposed non-profit museum on the site is compatible with existing land uses in the area and provides an appropriate buffer between the existing commercial and residential uses in the area.

The Zoning Examiner held a public hearing on August 24, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of R-2 zoning, and approval of the Special Exception subject to the following recommended conditions:

- 1. A development plan in substantial compliance with the preliminary development plan dated June 14, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
- 2. Structures on the site shall be limited to one-story and a maximum of 25 feet in height.
- 3. The proposed parking area access lane to the site from Fort Lowell Road shall be aligned with the existing access to the site on the south side of Fort Lowell Road.

4. If alignment of the access points is not possible, the access to the rezoning site shall be offset 150 feet from any existing access points and/or roads on the opposite side of Fort Lowell Road.
5. The owner/developer shall submit a traffic impact analysis.
6. Preparation of a complete Drainage Report, including details of detention/retention, is required.
7. 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.
8. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
9. Detention/retention basins shall be located adjacent to a street, PAAL 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.
10. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
11. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
12. 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.
13. Four (4) inch wide or less fence block shall not be used for perimeter walls.
14. 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/or 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.

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

Five (5) written approvals and five (5) written protests were received for this case prior to the Zoning Examiner’s public hearing on August 24, 2006. None of the protests are within the 150 foot area.

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

9. ZONING: (C9-06-19) PROSPERITY LOOP, LLC – 22ND STREET, SR TO R-1, CITY MANAGER’S REPORT

- a. Report from City Manager SEPT26-06-519 WARD 2
- b. Report from Zoning Examiner dated September 1, 2006
- c. Request to rezone approximately 4.7 acres from SR (Suburban Ranch) to R-1 (Low Density Single-family Residential) zoning. Applicant: Gene Goldstein, on behalf of the property owner, Prosperity Loop, LLC.

The rezoning site is located at the northeast corner of 22nd Street and Bonanza Avenue.

The *Pantano East Area Plan* and the *General Plan* provide land use policy direction for this area. *Plan* policies support new development that preserves the integrity of established neighborhoods and promotes residential infill of vacant land where streets and utilities are available. The *Pantano East Area Plan* supports medium and high-density residential developments along arterial streets. The density proposed for the rezoning site is within the range of densities allowed in the *Plan*. The density of the adjacent residential development is approximately 3.8 residences per acre, making the applicant’s proposal compatible with surrounding residential uses. New development must be architecturally compatible with surrounding residential development. Detailed elevation drawings, including color palette, building materials and building finishes should be provided at the time of subdivision plat review.

The Zoning Examiner held a public hearing on August 24, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of R-1 zoning.

Staff recommends authorization of R-1 zoning subject to the recommended conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated June 21, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. Dedication or verification of existence or right-of-way as required by the *Major Streets and Routes Plan*, including applicable intersection widening, along the Bonanza Avenue and 22nd Street site frontages.
3. Dedication of a 30-foot radius spandrel at the southwest corner of Bonanza Avenue and 22nd Street.
4. The owner/developer shall design and construct the north half of 22nd Street and the east half of Bonanza Avenue per MS&RP, or as approved by the City Engineer. The improvements shall be installed along the entire lengths of the 22nd Street and Bonanza Avenue frontages and shall include appropriate pavement transitions beyond the limits of the site, curb, six-foot wide sidewalks, and 100-year storm capacity reinforced concrete drainage structures.
5. The owner/developer shall prepare a complete Drainage Report, including details of detention/retention, and including the following:
 - A. 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.
 - B. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - C. Detention/retention basins in or adjacent to the residential area 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.

- D. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
 - E. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
6. All residences shall be limited to one-story structures.
 7. All exterior surfaces shall have colors that are consistent with or complement the colors in the surrounding development.
 8. Roofing materials shall be of a material and color that are compatible with that in the surrounding development. Parapet roofs are allowed, however, the majority shall be pitched.
 9. All units visible from 22nd Street and Bonanza Avenue shall be designed so that the elevations visible from those street frontages have architectural detailing consistent with that on the front elevation.
 10. The owner/developer shall provide detailed color elevations at the time of subdivision plat submittal to demonstrate compliance with the above conditions.
 11. The owner/developer shall provide landscaping and passive recreational facilities, including at least one shaded bench, in or near the detention basin depicted on the development plan at the northwest corner of the site. Safe and convenient pedestrian access to the passive recreation facilities shall be provided.
 12. Walls constructed adjacent to the detention basin shall be designed as a view wall. Basin amenities and details of view walls must be clearly indicated on the subdivision plat.
 13. The owner/developer shall install one 15-gallon native canopy tree on every other lot in the subdivision within 10 feet of the front property line.
 14. 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.
 15. Four (4) inch-wide or less fence block shall not be used for perimeter walls.

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/or 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. Verification of compliance with the neighborhood agreement dated August 4, 2006, shall be the responsibility of the applicant, developer, and the Sun Cove Homeowner Association. Applicant shall be required to meet with said association prior to CDRC submittal and ordinance adoption to demonstrate compliance with conditions listed in the agreement.
20. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and zero (0) written protests were received for this case prior to the Zoning Examiner’s public hearing on August 24, 2006.

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

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager SEPT26-06-525 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 3, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.