





# 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, OCTOBER 3, 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 Glen Foster, Pantano Baptist Church

PLEDGE OF ALLEGIANCE – Led by Boy Scout Troop 251

PRESENTATION

- a. Proclaiming the month of October to be “Disability Awareness Month”.
- b. Proclaiming the week of October 2 to 8 to be “Financial Planning Week”.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- a. Report from City Manager OCT3-06-532 CITY-WIDE

**4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

- a. Report from City Manager OCT3-06-533 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager OCT3-06-531 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Grant Road Mobil, Ward 3  
2402 N. 1st Ave.  
Applicant: Rodney Scott Herbert  
Series 10, City 89-06  
Action must be taken by: October 13, 2006

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

Public Opinion:           Written Arguments Opposed Filed  
                                  Written Argument in Favor Filed

- 2. Metro Gas, Ward 2  
7889 E. 22nd St.  
Applicant: Gurcharan Singh  
Series 10, City 90-06  
Action must be taken by: October 16, 2006

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

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

Person Transfer

- 3. Local Dough, Ward 6  
1702 E. Speedway  
Applicant: Karl Joseph Granrath  
Series 07, City 88-06  
Action must be taken by: October 13, 2006

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

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant’s capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event

1. South Tucson Lions, Ward 6  
900 S. Randolph Way  
Applicant: David F. Gonzales  
City T59-06  
Date of Event: October 22, 2006  
Fundraiser

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

2. Southern Arizona Blues Heritage Foundation, Ward 6  
900 S. Randolph Way  
Applicant: Mark P. Oliver  
City T66-06  
Date of Event: October 15, 2006  
Promote Blues & Heritage Music Within the Community

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

3. Muscular Dystrophy Association, Ward 5  
2500 E. Ajo Way  
Applicant: John Chris Tompkins  
City T75-06  
Date of Event: October 6-8, 2006  
Raise Funds for MDA

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

d. Agent Change/Acquisition of Control

1. Club Envy, Ward 6  
6211 E. Speedway  
Applicant: Lawrence Earl Chanenson  
Series 06, City AC20-06  
Action must be taken by: October 23, 2006

Review in process.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

**6. 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".

**7. CONSENT AGENDA – ITEMS A AND B**

**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.

**8. PUBLIC HEARING: GROVES NEIGHBORHOOD PLAN AMENDMENT TO ALLOW PARKING IN AN AREA DESIGNATED FOR RESIDENTIAL USE**

- a. Report from City Manager OCT3-06-529 WARD 4
- b. Hearing on a request by the applicant, Don Laidlaw, on behalf of the property owners, Pantano/Escalante Associates (PEA), represented by Humberto S. Lopez and Danilo Lopez to amend the *Groves Neighborhood Plan* to allow additional parking for businesses in an area designated for residential uses. The approximate 2.2-acre amendment site is a narrow, elongated strip on the western side of Pantano Road, south of Escalante Road.

At a public hearing on August 2, 2006, the Planning Commission voted 8 to 1 to recommend that the Mayor and Council deny this amendment request, based on their finding that the call centers and additional parking lot are not compatible with the adjacent neighborhood.

Staff recommends that the Mayor and Council adopt the proposed amendment, which amends the *Groves Neighborhood Plan Land Use Map* to allow parking on the amendment site.

- c. Resolution No. 20467 relating to planning and zoning; amending the *Groves Neighborhood Plan* Land Use Map to allow parking in the area located on the approximate 2.2-acre narrow, elongated site on the western side of Pantano Road, south of Escalante Road; and declaring an emergency.

**9. ZONING: (C9-06-17) WASHINGTON FEDERAL SAVINGS – BROADWAY BOULEVARD, R-3 TO C-1, CITY MANAGER’S REPORT**

- a. Report from City Manager OCT3-06-535 WARD 6
- b. Report from Zoning Examiner dated September 1, 2006
- c. Request to rezone approximately 0.58 acres from R-3 (High-density Residential) to C-1 (Low Density Commercial) zoning. Applicant: Don Laidlaw, on behalf of the property owner, Washington Federal Savings.

The rezoning site is located at the southeast corner of Broadway Boulevard and Niven Avenue.

The applicant proposes to construct a one-story 3,060 square foot financial service with two drive through lanes. The *Broadway-Craycroft Area Plan* and the *General Plan* provide land use policy direction for this area. The *Broadway-Craycroft Area Plan* supports development and redevelopment of property that provides a transition from residential to non-residential uses, with on-site screening and buffering for residential uses that will remain. The *Plan* also supports new non-residential development that is designed to compliment adjacent residential development, with traffic directed toward arterial streets and away from residential uses. The applicant’s request meets the intent of the policies in the *Broadway-Craycroft Area Plan* and the *General Plan*. Compatibility of uses, building mass and scale, building heights, hours of operation and perimeter yard buffering should be demonstrated in the Design Compatibility Report and/or on the preliminary development plan.

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

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

1. A development plan in substantial compliance with the preliminary development plan dated June 6, 2006 and Design Compatibility Report shall be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.

2. The owner/developer shall dedicate the additional right-of-way necessary to provide a minimum of 20 feet of pavement for the frontage road from the eastern edge of the access on Broadway Boulevard, west to the intersection of Niven Avenue.
3. Structures shall be limited to one-story and 24 feet in height.
4. The dumpster shall be located a minimum of 50 feet from the eastern and southern property boundaries.
5. All outdoor activities such as ATM machines shall be located a minimum of 50 feet from the eastern and southern property boundaries.
6. The access point at the southwest corner of the site shall be designed as a “right-turn” only. A physical barrier with appropriate signage shall be constructed at the exit point to direct on-site traffic north to Broadway Boulevard.
7. The primary access point to the site shall be along the Broadway Boulevard frontage.
8. The owner/developer shall provide a landscape buffer that includes 24-inch box canopy trees, planted 25-feet on center, along the full length of the southern and eastern property boundaries. The landscape buffer shall include understory shrubs and groundcover plantings.
9. The proposed structure shall be designed with the same attention to architectural detail on the front, side and rear façades. Design elements shall include a variety of rooflines and a color pallet reflecting natural desert shades.
10. Hours of operation, loading activities, and trash removal shall be limited to between 7:00 A.M. to 7:00 PM, Monday through Friday.
11. 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.
12. Four (4) inch wide or less fence block shall not be used for perimeter walls.

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/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.
14. Lighting installations, if any, along the south and east boundaries of the site shall be mounted on the interior surfaces of perimeter walls.
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. Subject to sight visibility requirements, an eight-foot solid decorative masonry wall shall be erected along the entire south boundary of the rezoning site.
18. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Six (6) written approvals 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. ZONING: (C9-06-21) DORADO COUNTRY CLUB – SPEEDWAY BOULEVARD, RX-2, O-3, AND C-1 TO RX-2 AND OCR-1, CITY MANAGER’S REPORT**

- a. Report from City Manager OCT3-06-536 WARD 2
- b. Report from Zoning Examiner dated September 15, 2006

- c. Request to rezone approximately 9.82 acres from RX-2, O-3, and C-1 (Suburban, Low-density Single-family Residential/Mid-rise Offices/Low-intensity Commercial) to RX-2 and OCR-1 (Suburban, Low-density Single-family Residential/High-rise Mixed-Use Development) zoning. Applicant: Mike Marks of MJM Consulting, on behalf of the property owners, Dorado Country Club and Dorado Country Club Estates Improvement Association #1, and the Petitioner Josh Westling of NCH Corporation.

The rezoning site is located at the north side of Speedway Boulevard, east of Wilmot Road.

The *General Plan* supports the applicant's proposal for a high-density residential mixed-use development on an arterial street such as Speedway Boulevard.

The Zoning Examiner held a public hearing on August 31, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of RX-2 and OCR-1 zoning.

Staff recommends authorization of RX-2 and OCR-1 zoning subject to the recommended conditions:

1. A development plan in substantial compliance with the preliminary development plan dated June 16, 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. Preparation of a complete Drainage Report, including details of detention/retention, is required.
3. 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.
4. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
5. Detention/retention basins 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.
6. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
7. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.

8. A FEMA-approved Conditional Letter of Map Revision (CLOMR) is required, prior to development plan or tentative plat approval, for any development that will result in modification to the Special Flood Hazard Area of Rose Hill Wash.
9. The architectural design of the new development shall complement the existing development.
10. The maximum building height shall be limited to 40 feet. Any change in building height or proposed uses will require an approval by the Mayor and Council in accordance with the Zoning Examiner Legislative Procedure, which includes a public hearing before the Zoning Examiner.
11. All building façades shall be designed with the same attention to architectural detail and character. Detailed elevations shall be submitted with at the time of development plan review.
12. Rooflines shall be varied and exterior surfaces shall be predominately earth-tone in color.
13. Signs shall be designed to be architecturally integrated into the overall design of the site, including colors and textures; and they shall be incorporated into the landscaping so that they will not be concealed by mature landscaping.
14. Exterior mechanical equipment shall be screened and integrated into the overall site design.
15. Commercial loading activities shall be restricted to the hours between 6:00 AM and 7:00 PM.
16. An internal, interconnected pedestrian system, including connections to the path along the Rose Hill Wash, shall be provided. Where this system crosses parking area access lanes, crosswalks of a different texture and/or color than the surrounding access lane materials shall be used.
17. 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.
18. Four (4) inch-wide or less fence block shall not be used for perimeter walls.

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

One-hundred and five (105) written approval and thirty-five (35) written protests were received prior to the Zoning Examiner’s public hearing on August 31, 2006. Five (5) of the protests are within the 150 foot area, representing an 11 percent protest by area to the south, a 6 percent protest by area to the east, a 0 percent protest by area to the north, and a 0 percent protest by area to the west. The protests generally allude to concerns regarding traffic congestion, crime, obstruction of views, the increase in residential density and in activity related to proposed commercial uses.

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

**11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

- a. Report from City Manager OCT3-06-534 CITY-WIDE

**12. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 10, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.