



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 AGENDA

TUESDAY, DECEMBER 5, 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 – Father Harry Ledwith, Saint Pius X Catholic Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Presentation to the Mayor and Council of the Friend of Landscape Architecture Award.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager DEC5-06-656 CITY-WIDE

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

- a. Report from City Manager DEC5-06-657 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager DEC5-06-655 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Chow Bella, Ward 6
944 E. University Blvd.
Applicant: Timothy Earl Hibsman
Series 12, City 113-06
Action must be taken by: December 30, 2006

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

- 2. Clarion, Ward 5
6801 S. Tucson Blvd.
Applicant: Nirmal Nagra
Series 11, City 111-06
Action must be taken by: December 25, 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. Bai Thong, Ward 6
4853 E. Speedway Blvd.
Applicant: Metta Leavens
Series 7, City 112-06
Action must be taken by: December 28, 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)

Person/Location Transfer

4. RP Food Store, Ward 3
902 W. Miracle Mile
Applicant: Krishna Pal Singh
Series 9, City 110-06
Action must be taken by: December 24, 2006

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

- c. Special Event

NOTE: There are no Special Event Liquor License applications scheduled for this meeting.

- d. Agent Change

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

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 THROUGH R

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: ZONING (C9-06-25) THE POST – CONGRESS STREET, C-1 AND C-2 TO OCR-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

- a. Report from City Manager DEC5-06-676 WARD 6
- b. Hearing on a request to rezone approximately 0.3 acres from C-1 and C-2 zoning to OCR-2 zoning. The rezoning site is a portion of an approximately 0.55 acre development site located on the south side of Congress Street between Stone and Scott Avenues. Applicant: Oscar Turner of BP Post Investors, LLC, on behalf of the property owners, Rio Nuevo Multipurpose Facilities District.

The applicant proposes to construct a six-story, 75-foot tall mixed-use building consisting of approximately 12,877 square feet of retail and restaurant uses, 3,700 square feet of office use and 47 residential condominium units on 0.55 acres. The rezoning request complies with the policies in the *El Centro Redevelopment Plan*, the *General Plan*, and the general criteria of the Rio Nuevo and Downtown (RND) Zone. Approval of the requested OCR-2 zoning, and adoption of the ordinance, is appropriate.

The Zoning Examiner held a public hearing on October 26, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends approval of OCR-2 zoning.

Staff recommends approval of OCR-2 zoning subject to the recommended conditions and adoption of the attached ordinance.

One (1) written approval and zero (0) written protests were received prior to the Zoning Examiner’s public hearing on October 26, 2006.

- c. Ordinance No. 10356 relating to zoning: amending zoning district boundaries in the area located on the south side of Congress Street between Stone and Scott Avenues in Case C9-06-25, The Post – Congress Street, C-1 and C-2 to OCR-2; and setting an effective date.

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

9. ZONING: (C9-00-36) LEWIS FAMILY LLC – IRVINGTON ROAD, R-1 AND R-2 TO C-2, REACTIVATION AND TIME EXTENSION (CONTINUED FROM THE MEETING OF SEPTEMBER 6, 2006)

- a. Report from City Manager DEC5-06-661 WARD 5
- b. This is a request to reactivate an expired rezoning case and approve a five-year extension to allow completion of the rezoning conditions for property located on the north side of Irvington Road approximately 325 feet west of Country Club Road. Applicant: Michael Marks of MJM Consulting, Inc., on behalf of the

property owners, Scott and Katharine Lewis Family LLC and Country Club and Irvington Convenience Market Co. LLC. The preliminary development plan is for a sales and maintenance facility for recreational vehicles (RVs). The original five-year authorization expired on April 9, 2006.

Mayor and Council held a public hearing on this request September 6, 2006. At that time the public hearing was closed and consideration of the time extension request was continued to allow the applicant to meet with staff to work out proposed rezoning conditions acceptable to both. On November 8, 2006, the applicant submitted a revised time extension request with proposed rezoning conditions. The proposed rezoning conditions submitted by the applicant are acceptable to staff.

Staff recommends the Mayor and Council reactivate the rezoning case and approve the requested five-year extension from April 9, 2006, to April 9, 2011, subject to the recommended conditions of rezoning.

The following recommended conditions are based on the conditions adopted by the Mayor and Council on April 9, 2001. Within the recommended conditions, new text is underlined, deleted text is ~~strikethrough~~. Underlined-strikethrough indicates new text in the materials presented to Mayor and Council September 6, 2006, that has subsequently been removed.

1. A development plan, in substantial compliance with the preliminary development plan dated ~~February 28, 2004~~ June 27, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:
 - a. Consolidated vehicular access between the proposed development and the existing C-2 zoned commercial area at the northwest corner of Irvington Road and Country Club Road.
2. The owner/developer shall dedicate right-of-way, including intersectional widening, per the *Major Streets and Routes Plan*, as required, in the form approved by the Department of Transportation.
3. In lieu fees shall be required to cover the cost of twelve (12) feet of additional pavement and two (2) feet of additional sidewalk along the Irvington Road frontage of the project. The estimated cost of \$12 per linear foot can be reduced by the cost of construction of a continuous westbound deceleration/acceleration lane on Irvington Road for both of the proposed driveways to the development
4. A detailed hydrology and hydraulics report shall be submitted and approved, including retention/detention calculations/requirements and compliance with the Watercourse Amenities, Safety and Habitat (WASH) Ordinance regulations.

- ~~5. Where necessary, the banks of the Julian Wash and the retention basins shall be stabilized in compliance with the Watercourse Amenities Safety and Habitat (WASH) ordinance requirements.~~
6. All site drainage including roof and parking area access lane (PAAL) shall be first discharged into the detention areas or other water harvesting areas prior to discharging via a storm drain into the Julian Wash.
7. The owner/developer shall dedicate a minimum ~~1250~~-foot wide linear park corridor along the north side of the Julian Wash, measured from the top of the bank. The corridor shall be landscaped and include a 12-foot wide paved path and eight foot wide natural surface trail. As long as a viable linear park corridor is maintained, a reduction in the width of the corridor may be made at the discretion of the Parks and Recreation Department. ~~access easement along the Julian Wash. The location and of the easement shall be coordinated with the Floodplain Engineering.~~
8. Building materials and colors shall compliment those predominant in the surrounding natural landscape. Prior to development plan approval, the applicant shall submit elevation drawings of all structures and freestanding walls and fences, showing the building materials and colors to be used.
9. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way or residentially developed property 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. In addition, any continuous wall greater 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.
- ~~10. All outdoor lighting shall be directed down and away from residential parcels and public roadways and be as low in elevation as possible.~~
11. ~~Archeological/cultural remains encountered during ground modification activities shall be mitigated in accordance with guidelines provided by the Arizona State Museum.~~ 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.

12. All areas identified on the development plan as NUOS or other designated open space including the resource areas under the Watercourse Amenities Safety and Habitat (WASH) ordinance shall be fenced off and protected prior to any on-site development activity.
13. The Arizona Game and Fish Department guidelines regarding raptors, bats, Gila monsters, and special status plants and animals shall be followed.
14. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
15. No public address system.
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 in which to comply~~ Compliance with all Code requirements and conditions of rezoning by April 9, 2011.
18. An airport disclosure statement shall be executed and recorded to serve notice to future property owners of potential aviation impacts.
19. All required landscaping shall be provided on-site.
20. 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.
21. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
22. Detention/retention basins shall be located adjacent to a street, PAAL or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
23. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
24. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
25. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

26. Building elevations on the sides and rear shall be designed to have architectural character and detail comparable to the front elevation. Consistent design treatment, including but not limited to color palette, rooflines, signs and trim materials, shall be provided. Dimensioned and colored elevation drawings are to be submitted for review with the development plan.
27. Signs shall be integrated into the surrounding development in such a way that the message is clear but the sign is not the dominant feature.
28. A varied roof line shall be provided where building height exceeds 20 feet.
29. All exterior rooftop mechanical equipment shall be screened from view and shall be architecturally integrated into the overall design of the buildings and development.
30. The sales/office building shall have a clearly defined, highly visible customer entrance that has at least three of the following features: canopies, porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, display windows; tile work and moldings integrated into the building structure and design; and/or integral planter or wing walls that incorporate landscaped areas.
31. A safe pedestrian circulation system shall be provided connecting the principal building to the public sidewalk system. If possible, a direct pedestrian connection should be provided between the eastern edge of this development and the convenience store to the east. Pedestrian crossings through parking lot areas shall be painted and/or otherwise identified.
32. ~~An opening in the wall along the northern boundary shall be provided to allow pedestrian access between the Julian Wash and the site. The wall along the north side of the development shall have a locked gate for access by the owner and employees to the Julian Wash.~~
33. ~~The screen walls along the northern and western site boundaries adjacent to the Julian Wash shall be designed as view walls, to allow visibility between the site and the wash as follows:~~
 - a. ~~At least 80 % of the wall/fence above three feet shall be open;~~
 - b. ~~No more than the bottom three feet of the wall, as measured from the surrounding ground surface upwards, shall be constructed of opaque materials; and~~

- e. ~~The wall/fence shall be constructed of graffiti-resistant materials and shall be visually attractive and architecturally consistent with the new development.~~
- d. ~~Wall design details shall be provided with the development plan.~~

There shall be a masonry wall, of no less than 6-feet in height, built along the north side of the development, south of the Julian Wash. This wall shall accommodate openings that will allow for visibility from the development into the wash. These openings shall be made up of section of wrought iron being 2-feet in width and centered 10 feet apart from one another and they shall make up the top two feet of the otherwise masonry wall. The wall shall contain a wrought iron cap of approximately 3 feet above the masonry and wrought iron 'view sections'. This wall shall be constructed of graffiti-resistant materials and the design of said wall shall be depicted on the development plan to insure compatibility with the architecture.

Eight (8) written approvals and four (4) written protests have been received for this rezoning request. Two (2) protests are within the 150-foot area, representing 3.9 percent protest by area to the north. The protests referred to noise and increased traffic concerns.

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

10. ZONING: (C9-06-24) ALTA VISTA COMMUNITIES – KOLB ROAD, O-3 TO OCR-1, CITY MANAGER’S REPORT

- a. Report from City Manager DEC5-06-662 WARD 2
- b. Report from Zoning Examiner dated November 10, 2006
- c. Request to rezone approximately 2.34 acres from O-3 (Mid-rise Office) to OCR-1 (High-rise Mixed-use). Applicant: Linda Morales of the Planning Center, on behalf of the property owners, Alta Vista Communities. The rezoning site is located at the southwest corner of Kolb Road and Calle la Paz, approximately 1,500 feet south of Tanque Verde Road. The applicant proposes to construct a 33,338 square foot, three-story, 50-foot high office/financial institution headquarters and a full-service bank with three drive-through lanes.

The applicant’s request is in compliance with the intent and pertinent policies of the *General Plan*.

The Zoning Examiner held a public hearing on October 12, 2006, and October 26, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of OCR-1 zoning.

Staff recommends authorization of OCR-1 zoning subject to the recommended conditions.

1. A development plan in substantial compliance with the preliminary development plan dated August 2, 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. Hours of operation shall be limited from 7:00 A.M. to 7:00 PM. This includes deliveries/loading and solid waste pick-up.
3. Maximum building height is 50 feet.
4. Provide “wrap-around” architectural design elements on the side and rear façades at the same architectural intensity as designed on the front façade. Façades that front residential uses shall be architecturally designed to compliment existing residential development.
5. One access point shall be provided onto Kolb Road and shall be designed as an exit only. Hardscape material shall be constructed at this exit that guarantees exiting on-site traffic will be directed east onto Kolb Road.
6. Free standing signs to be integrated into the overall landscape plan. Details of signs are to be submitted as a part of the development plan.
7. The owner/developer shall prepare a complete Drainage Report, including details of detention/retention.
8. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
9. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
10. Surface 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.
11. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
12. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.

13. Retention storage shall not be discharged, directly or indirectly, onto public roadways.
14. Additional landscaping shall be installed adjacent to the three drive-thru lanes, along the south property boundary.
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. Six (6) inch wide fence block or greater shall be used for perimeter walls.
17. 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.
18. “Safe by Design” concepts shall be incorporated in the subdivision plat 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. 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 ten (10) written protests were received prior to the Zoning Examiner’s public hearing on October 26, 2006. All of the protests are outside the 150 foot area. The protests generally allude to concerns regarding traffic congestion, access to and from the site, noise, and obstruction of views.

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

**11. ANNEXATION: ANNEXATION OF CORAZON DEL PUEBLO
RIGHT-OF-WAY, ORDINANCE ADOPTION**

- a. Report from City Manager DEC5-06-675 WARD 5
- b. Ordinance No. 10351 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of County right-of-way with no taxable real property in Section, T15S, R14E, S13, G. & S. R. B. & M., Pima County, Arizona, more particularly described in the body of this Ordinance and declaring an emergency.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager DEC5-06-658 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, December 12, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.