



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, FEBRUARY 6, 2007 – 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 – Chaplain Wayne Jackson, Tucson Fire Department

PLEDGE OF ALLEGIANCE – Led by Boy Scout Troop 233

- 3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**
 - a. Report from City Manager FEB6-07-61 CITY-WIDE

- 4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**
 - a. Report from City Manager FEB6-07-62 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager FEB6-07-65 CITY-WIDE

b. Liquor License Applications

New License(s)

1. Prince Market, Ward 3
952 W. Prince Rd.
Applicant: Khoulood Bashir Hamdi
Series 10, City 127-06
Action must be taken by: February 15, 2007

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

Public Opinion: Written Argument Opposed 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 the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

c. Special Event

NOTE: There are no applications for special events 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 H

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: IMPLEMENTATION OF IMPACT FEE PROJECTS PLAN

- a. Report from City Manager FEB6-07-71 CITY-WIDE
- b. Hearing on the proposed Impact Fee Projects Plan for Fiscal Years 2008-12.

Staff recommends that the Mayor and Council approve the Impact Fee Projects Plan and direct staff to incorporate the list of projects into the upcoming Capital Improvement Program.

9. PUBLIC HEARING: ZONING (C9-01-18) STREAMS IN THE DESERT LUTHERAN – LEE STREET R-1 TO R-2, REQUEST FOR REACTIVATION AND TIME EXTENSION

- a. Report from City Manager FEB6-07-60 WARD 6
- b. Hearing: on a request for a five-year time extension for the completion of the rezoning conditions for the property located on the northwest corner of Lee Street and Woodland Avenue. Applicant: Paul Olson of Olson Shaheen Architects, on behalf of the property owner, Streams in the Desert Lutheran Church. The preliminary development plan proposes 36 elderly housing units and a 2,688 square-foot adult daycare facility on 2.48 acres which also includes existing parking for the adjacent church to the north.

The original five-year authorization expired on December 17, 2006. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

Staff recommends the Mayor and Council reactivate the rezoning and approve the requested five-year time extension from December 17, 2006, to December 17, 2011, subject to compliance with the following recommended revised conditions:

The following recommended conditions are based on the conditions approved by Mayor and Council on December 17, 2001. Within the recommended conditions, new text is underlined, deleted text is ~~strikethrough~~.

1. A development plan, in substantial compliance with the preliminary development plan 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. All units along Lee Street a maximum of one-story.
 - b. Minimum building setback of thirty-five (35) feet from the property line along Lee Street.
 - c. Minimum building setback of twenty-nine (29) feet from the west property line.
 - d. No vehicular access to Lee Street.
2. The two existing driveways on Woodland Avenue shall be signed, “No Right Turn”.
3. A detailed hydrology and hydraulics report addressing both detention and retention analysis shall be prepared and submitted for approval. A 5-year threshold retention storage shall be provided onsite, covering the entire 4.0 acres site which includes the Streams in the Desert church site. ~~A separate set aside detention/retention facility is required.~~
 - 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.
- f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

- 4. Water harvesting techniques shall be extensively used by conveying all rooftop and parking area drainage to landscape areas prior to discharging the outflows into Pima Street and/or adjacent properties to the northwest.
- 5. The finished floor elevations of buildings shall be placed one foot above the top of adjacent curbs in Lee Street.
- 6. All units along Lee Street shall have sloped roofs of similar materials found in the neighborhood.
- 7. The two-story building shall be designed with a variety of roof lines to provide view corridors to mountain peaks from the adjacent residence to the west and to help reduce the appearance of height and bulk.
- 8. Second-story balconies or bay windows are not to face residential zones or uses to the west.
- 9. All rear and side building facades visible from streets or adjacent properties shall be designed with attention to architectural character and detail comparable to the front façade.
- 10. All buildings, screening (if not vegetative materials), and other structures shall be earth-tone colored.
- 11. A six (6)-foot screen and a ten (10)-foot wide landscape border shall be installed along Woodland Avenue and Lee Street.
- 12. A twenty (20)-foot wide landscape border shall be installed along the west property line. This landscaping shall consist of a double row of 24-inch box canopy trees, with a 25-foot spacing between trees, and a second row off-set ten (10) to fifteen (15) feet from the first row, with a spacing between rows of ten (10) feet. The offset row of trees shall extend north from Lee Street a minimum of twenty (20) feet beyond the depth of the adjacent R-1 to the west. These screening trees shall be of a variety reaching a minimum height of twenty-five (25) feet.

13. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls 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.
14. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
15. All outdoor pole and building lighting shall be directed down and away from residential parcels and public roadways and not exceed sixteen (16) feet in height.
16. All new dumpsters and loading spaces shall be placed at least fifty (50) feet from residentially zoned or developed property.
17. All required loading spaces shall be located on site.
18. All signs shall be integrated into the overall design of the new building, improving overall aesthetic appeal and promoting ease of use of the development. A detail of the signs shall be included in the development plan to be reviewed.
19. If archaeological features are found during project construction, testing and data recovery will 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.
20. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
21. Street numbers shall be clearly visible from public rights-of-way and emergency service access and shall be placed at each property access point. The size, location, and style of numerals shall be based on the character of the building.
22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

23. Five years are allowed in which to comply with all Code requirements and conditions of rezoning.

Four (4) approvals and five (5) protests have been received. Three (3) protests are within the 150-foot area, representing 36.91 percent protest by area to the south. The protests referred to noise, pollution, increased traffic concerns, and impact on property values.

A three-fourths majority vote will be necessary to adopt the rezoning ordinance when presented to Mayor and Council.

10. ZONING: (C9-06-29) BURNS – PROSPECT LAND, MH-1 AND R-2 TO R-1, CITY MANAGER’S REPORT

- a. Report from City Manager FEB6-07-67 WARD 3
- b. Report from Zoning Examiner dated January 19, 2007
- c. Request to rezone approximately 5.49 acres from MH-1 (Mobile Home) and R-2 (Medium-density, Single- and Multi-family Residential) to R-1 (Urban, Low-density, Single-family Residential) zoning. Applicant: Michael Owen, on behalf of the property owner, Richard Burns of Capital West Development. The rezoning site is located between Limberlost Drive and Prospect Lane, approximately one-quarter mile west of Campbell Avenue. The applicant proposes to create a new 21-lot single-family residential subdivision and to construct 20 new single-family residences, with an existing single-family residence located on one lot. The 21 residences on 5.49 acres results in a proposed density of approximately four residences per acre.

The applicant’s development proposal is in compliance with the policies and intent of the *Northside Area Plan*, *Campus Farms Neighborhood Plan* and the *General Plan*.

The Zoning Examiner held a public hearing on January 4, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends approval of the R-1 zoning.

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

1. A subdivision plat/development plan in substantial compliance with the preliminary development plan dated October 18, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. and 5.3.8. of the *Tucson Land Use Code*.
2. The owner/developer shall improve Limberlost Drive to include a center left turn lane at the access point to the site unless a traffic study can demonstrate that safe turning movements and stacking can be accomplished without the left turn lane. Additional improvements along the Limberlost Drive frontage of the site shall include curbs and sidewalk per City of Tucson standards as

well as appropriate pavement transitions and retention of the existing bike lanes.

3. 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; or a visually interesting design on the wall surface. Varied wall alignments are not required on the perimeter wall.
4. Six (6) inch wide fence block or greater shall be used for perimeter walls.
5. Preparation of a complete Drainage Report, including details of detention/retention, as follows:
 - 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.
 - f. All security barriers and screening for detention/retention basins shall meet "Safe By Design" guidelines.
 - g. Cisterns at individual dwellings may count towards retention storage volume.
6. 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.

7. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
8. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
9. 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 four (4) written protests have been received. Three (3) of the protests are within the 150 foot area, representing a 45 percent protest by area to the north, a 62 percent protest by area to the west, a 0 percent protest by area to the south, and a 0 percent protest by area to the east. The protests generally allude to concerns regarding the proposed Prospect Lane access, traffic congestion, traffic safety, impact on the Amphitheater School District, structure heights, loss of horse property, and the increase in residential density.

Authorization of this rezoning will require a simple majority vote. A three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

11. ZONING: (C9-06-30) PALO VERDE IMPORT/EXPORT – SPEEDWAY BOULEVARD, R-1 TO O-2, CITY MANAGER’S REPORT

- a. Report from City Manager FEB6-07-~~68~~ WARD 6
- b. Report from Zoning Examiner dated January 19, 2007
- c. Request to rezone approximately 0.35 acres from R-1 (Urban Low-density, Single-family Residential Development) to O-2 (Residentially Compatible Office, Medical or Civic Uses) zoning. Applicant: Leo Katz, on behalf of the property owner, Vincent Lacsamana of Palo Verde Import Export, Incorporated. The rezoning site is located on the northwest corner of Speedway Boulevard and Norton Avenue. The applicant proposes to construct a 3,800 square foot ground floor professional office with a 600 square foot apartment on the second floor.

The proposed development is consistent with and supported by the policy direction provided in the *General Plan*, the *University Area Plan*, and the *Blenman-Vista Area Plan*.

The Zoning Examiner held a public hearing on January 4, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of the O-2 zoning.

Staff recommends authorization of O-2 zoning subject to the recommended conditions.

1. A development plan in substantial compliance with the preliminary development plan dated October 26, 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. The owner/developer shall close all unused curb cuts and modify sidewalks on Speedway Boulevard as necessary.
3. Roof and parking area runoff shall be discharged into onsite water harvesting areas prior to discharge from the site. Water harvesting detail shall be depicted on the development plan.
4. That portion of the structure adjacent to the existing residentially zoned property to the north shall be limited to one story.
5. North facing second story windows shall be clerestory windows.
6. No balconies shall be constructed on the north side of the structure.
7. Detailed elevations shall be provided at time of development plan review.
8. Freestanding signs shall be incorporated into the landscape plan, and the sign materials and colors shall be consistent with the overall design scheme of the development. Sign details shall be submitted as part of the Development Plan.
9. Unightly and noise generating uses, including loading zones, shall be screened by masonry walls and landscaping to mitigate potential visual, odor, and noise impacts.
10. Access shall be provided from Speedway Boulevard only with no vehicular access to Norton Avenue.
11. No alley access shall be permitted.
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. Six (6) inch wide fence block or greater shall be used for perimeter walls.
14. Preparation of a complete Drainage Report, including any details of detention/retention, is required.
15. 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.
16. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero (0) written approval and zero (0) written protests were received prior to the Zoning Examiner’s public hearing on January 4, 2007.

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

12. TUCSON CODE: AMENDING (CHAPTER 23A) IMPACT FEE REGULATIONS - CREDITS, WAIVERS, AND EXPENDITURE OF FUNDS

- a. Report from City Manager FEB6-07-74 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk’s office as soon as it becomes available.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager FEB6-07-63 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, February 13, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.