



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 27, 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 – Rabbi Samuel Cohon Temple Emanu-El

PLEDGE OF ALLEGIANCE – The Boys and Girls Club of Tucson

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager FEB27-07-107 CITY-WIDE

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

a. Report from City Manager FEB27-07-108 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager FEB27-07-110 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Le Delice Bakery & Cafe, Ward 2
7245 E. Tanque Verde
Applicant: Elaina Michon Penuel
Series 12, City 104-06
Action must be taken by: March 27, 2007

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

- 2. Bistro 44, Ward 2
6761 E. Tanque Verde Rd. #D
Applicant: Richard Adam Siegler
Series 12, City 4-07
Action must be taken by: March 18, 2007

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

Public Opinion: Written Argument in Favor 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(s)
 - 1. North 4th Avenue Merchants Association, Ward 6
4th Avenue between 9th St. & University Blvd.
Applicant: Kurt Patrick Tallis
City T5-07
Date of Event: March 23 - 25, 2007
(Fund Raising Civic Event)

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

2. The University of Arizona Foundation, Ward 6
1031 N. Olive Street
Applicant: James H. Moore, Jr.
City T9-07
Date of Event: March 23, 2007
(Fundraising for UA Museum of Art)

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

3. St. Patrick's Day Parade of Tucson, Inc., Ward 6
221 S. 6th Ave.
Applicant: Andrew Jacob Brown
City T10-07
Date of Event: March 17, 2007
(To Recognize and Celebrate Irish Heritage & Culture)

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

- d. Agent Change(s)

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 G

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. ZONING: (C9-06-31) SUMMIT DEVELOPMENT – FORT LOWELL ROAD, R-2 TO C-1, CITY MANAGER’S REPORT

- a. Report from City Manager FEB27-07-104 WARD 2
- b. Report from Zoning Examiner dated February 9, 2007
- c. Request to rezone approximately 5.6 acres from R-2 (Single- and Multi-family Residential) to C-1 (Low Intensity Commercial) zoning. Applicant: Mike Grassinger of the Planning Center, on behalf of the property owners, Craig Masters and Richard Dudley of Summit Development. The rezoning site is located on the northeast corner of Fort Lowell Road and Alvernon Way and is the former location of Davidson Elementary School. The applicant proposes to construct eight, one- and two-story structures providing 66,900 square feet of office and commercial uses on 5.6 acres.

The applicant’s preliminary development plan is in substantial compliance with the policies provided in the *Northside Area Plan* and the *General Plan*. Approval of the requested C-1 zoning is appropriate subject to compliance with the preliminary conditions.

The Zoning Examiner held a public hearing on January 25, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of the 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 November 13, 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. Dedication, or verification of existence, of right-of-way, per the *Major Streets and Routes Plan* (including applicable intersection widening), along the Fort. Lowell Road and Alvernon Way site frontages; including a 30-foot radius spandrel at the southwest corner of the site.
- 3. Owner/developer shall design and construct the remainder of the north half of Ft. Lowell Road per the *Major Streets and Routes Plan*, or as approved by the City Engineer. Said improvements shall be installed along the entire length of the Fort Lowell Road frontage of the site and shall include: appropriate pavement transitions beyond the limits of the site, curbing, 6’ wide sidewalks, traffic signals/traffic signal modifications, turn lanes (as required by TDOT) and 100-year storm capacity reinforced concrete drainage structures (or modifications to same). The additional turn lane along

the north side of Fort Lowell Road west of the project entrance, and associated signal and drainage improvements shall be considered eligible for impact fee credits.

4. The access point on Fort Lowell Road shall be limited to right-turn-in/right-turn-out only unless a traffic study can demonstrate that safe turning movements and stacking can be accomplished without a double right turn lane on Fort Lowell Road west bound to north bound.
5. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
6. A Category I traffic impact analysis (TIA) is required.
7. Minimum setback for two-story buildings along the north property line shall be 80 feet when located across from residential units, measured to the south property line of the adjacent residential lots. Along the north property line, native mesquite trees shall be planted 20 feet on center staggered a minimum of five feet north to south.
8. Wall mounted lighting along the northern and eastern perimeter shall shield the light fixture to provide adequate security at night and protect adjacent residential units from glare.
9. All building facades visible from rights-of-way shall be designed with attention to architectural character and detail with consistent design treatment, including but not limited to, comparable color palette, signs, lighting, screen walls, rooflines, and materials. Dimensioned elevation drawings shall be submitted at the time of development plan review.
10. Provide a continuous pedestrian circulation system that connects to the public sidewalk system along Longfellow Avenue and Alvernon Way.
11. Free standing and perimeter wall signs shall be designed and integrated into the landscaped areas.
12. Outdoor dumpster and loading zones shall be located a minimum of 50 feet from any adjacent residentially zoned or used property.
13. 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.

14. Six-inch wide or greater fence block shall be used for perimeter walls.
15. Preparation of a complete Drainage Report, including details of detention/retention, 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.
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. 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 25, 2007.

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

9. ZONING: (C9-02-31) US HOMES – BENSON HIGHWAY, I-1 TO R-1, ORDINANCE ADOPTION

- a. Report from City Manager FEB27-07-113 WARD 5
- b. Ordinance No. 10377 relating to zoning: amending zoning district boundaries in the area located on the north side of Julian Wash approximately 300 feet north of Benson Highway and 300 feet east of Campbell Avenue in Case C9-02-31, US Homes – Benson Highway, I-1 to R-1, and setting an effective date.

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

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager FEB27-07-109 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, March 6, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.