



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, MARCH 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 – Chaplain Gary Coburn, Davis Monthan Air Force Base

PLEDGE OF ALLEGIANCE – Led by Chaplain Gary Coburn and Staff Sergeant Jennifer Coburn, Davis Monthan Air Force Base.

PRESENTATION

- a. Presentation to Richard Nassi, City Traffic Engineering Administrator.
- b. Proclamation – Proclaiming April 2 to April 6, 2007 to be “Arizona Work Zone Safety Awareness Week.”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MARCH27-07-155 CITY-WIDE

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

- a. Report from City Manager MARCH27-07-156 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MARCH27-07-166 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Thirsty’s Neighborhood Grill, Ward 2
2422 N. Pantano Rd.
Applicant: John Francis Kenney
(Continuation of a Restaurant License) Series 12, City 7-07
Action must be taken by: April 26, 2007

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

- 2. Bajio Mexican Grill, Ward 2
4660 E. Camp Lowell Dr.
Applicant: Cameron Joe Boyer
Series 12, City 12-07
Action must be taken by: April 13, 2007

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)

- c. Special Event(s)

- 1. Congregation Anshei Israel Preschool, Ward 6
5550 E. 5th St.
Applicant: Michelle Bart
City T12-07
Date of Event: April 22, 2007
(Fundraiser)

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

- 2. Carondelet Foundation Inc. (dba The Centurions), Ward 5
2500 E. Ajo Way
Applicant: Michael T. Osborn
City T15-07
Date of Event: May 5, 2007
(Fundraising Event to Benefit Carondelet St. Mary’s Hospital)

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

3. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: George A. Makris
City T16-07
Date of Event: April 8, 2007
(Easter Picnic)

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

- d. Agent Change/Acquisition of Control

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 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.

8. PUBLIC HEARING: ZONING (C9-06-27) MORENO – PROBASCO DRIVE, R1 TO R2, CITY MANAGER'S REPORT

- a. Report from City Manager MARCH27-07-163 WARD 1
- b. Report from Zoning Examiner dated February 9, 2007

- c. Hearing on a request to rezone approximately 0.68 acres from R-1 (Low Density Residential) to R-2 (Medium Density Residential) zoning. The rezoning site is located on the north side of Probasco Drive, approximately 350 feet west of Mission Road and 150 feet south of Ajo Way. Applicant: Henrietta Moreno.

The applicant proposes to subdivide an existing 0.68-acre parcel, which is developed with one single-family residence, and create four new 7,500 square foot lots. The existing single-family residence will remain on one of the new lots and a duplex will be constructed on each of the other three new lots. This rezoning is being considered at a public hearing at the request of the applicant.

While the applicant's request is in general compliance with policies in the *General Plan*, the compatibility of the proposal with adjacent uses has not been demonstrated. In addition, concerns of the neighbors, including the Santa Cruz Southwest Neighborhood Association have not been adequately addressed by the applicant.

The Zoning Examiner and staff recommend denial of the request for R-2 zoning. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

1. A subdivision plat in substantial compliance with the preliminary development plan dated August 24, 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. The owner/developer shall verify the existence of curb and sidewalk along the Probasco Drive street frontage. If curb and sidewalk do not exist, the owner/developer shall install all improvements on the street frontage within the boundaries of the property.
3. New and existing structures shall be limited to one-story.
4. Context shall be provided for galvanized rusted 25-gauge metal roofing material. If context cannot be provided, an alternate roofing material shall be specified.
5. Five-foot-high masonry walls shall be constructed on the perimeter of each lot.
6. The development shall have a maximum of two access points, providing shared access to Parcels A and B and one other shared access point for Parcels C and D.
7. Access shall not be provided to the alley north of the site.

8. A complete Drainage Report, including details of detention/retention, shall be submitted with the subdivision plat.
 - 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 shall be located adjacent to an accessible common area or an easement commonly accessible to all residents of the proposed development. 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 if a security barrier is necessary or proposed for construction.
9. There shall be no increase in water surface elevation or velocity for Ajo Wash or any tributary.
10. 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.
11. Six (6) inch wide fence block or greater shall be used for perimeter walls.
12. 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.

13. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. 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 sixteen (16) written protests have been received. Five (5) of the protests are within the 150 foot area, representing a 78 percent protest by area to the east, a 13 percent protest by area to the north, a 0 percent protest by area to the south, and a 0 percent protest by area to the west. The protests generally allude to the concerns regarding traffic congestion, noise, drainage, parking, school capacities, screening, lack of onsite management, and crime.

If authorized by the Mayor and Council, a three fourths (3/4) majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

9. PUBLIC HEARING: HARRISON ROAD, OLD SPANISH TRAIL TO GOLF LINKS ROAD DISTRICT PAVING IMPROVMENT

- a. Report from City Manager MARCH27-07-164 WARD 4
- b. Hearing: This is the final hearing for the project. Interested parties may present objections to the legality of the assessment or any of the previous proceedings, or present evidence that the construction was not performed according to the contract.
- c. Resolution No. 20598 approving assessment and previous proceedings for the “Harrison Road, Old Spanish Trail to Golf Links Road District Paving Improvement,” in the City of Tucson, Arizona.

10. PUBLIC HEARING: ZONING (C9-06-32) THE BRIDGES PAD – KINO PARKWAY, R-2, C-1, C-2, AND I-1 TO PAD-15, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

- a. Report from City Manager MARCH27-07-167 WARD 5
- b. Hearing on a request to rezone approximately 350 acres from R-2, C-1, C-2, and I-1 to PAD-15 zoning. The rezoning site is located east of the Union Pacific Railroad tracks, south of 36th Street, west of Campbell Avenue and north of Interstate-10. Applicant: Jim Portner of Projects International, on behalf of the property owners, John Bremond of KB Homes, and Frank Egan of Eastbourne Tucson, LLC.

The applicant proposes a 350-acre master planned mixed-use development with four principal land uses: 1) approximately 1,000,000 square feet of commercial/retail/office land uses and an approximately 350 room hotel, on 128.7 acres; 2) a maximum of 1084 residential units consisting of single family attached homes, single family detached homes, and apartments, on 117.4 acres, 3) a 53.5 acre research park associated with the University of Arizona, and 4) 50.4 acres of open space and recreation areas. The rezoning request complies with the policies in the *General Plan*, the *Kino Area Plan*, and the *Greater South Park Plan*.

The Zoning Examiner held a public hearing on January 25, 2007, February 8, 2007, and March 8, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends approval of PAD-15 zoning.

Staff recommends approval of PAD-15 zoning, and adoption of the attached rezoning ordinance.

One (1) written approval and two (2) written protests have been received. The protests result in a six percent protest by area to the east, and zero percent by area to the north, south, and west. The protests generally allude to an increase in property taxes, overpopulation, traffic, and crime.

- c. Ordinance No. 10383 relating to zoning: amending zoning district boundaries in the area located east of the Union Pacific Railroad tracks, south of 36th Street, west of Campbell Avenue and north of Interstate-10 in case C9-06-32, The Bridges PAD – Kino Parkway, R-2, C-1, C-2, and I-1 to PAD-15 (Planned Area Development); and setting an effective date.

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

11. ZONING: (C9-97-08) HOUGHTON / IRVINGTON LP – IRVINGTON ROAD, SR TO C-1, ORDINANCE ADOPTION

- a. Report from City Manager MARCH27-07-154 WARD 4
- b. Ordinance No. 10382 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Houghton Road and Irvington Road in Case C9-97-08, Houghton /Irvington LP – Irvington Road, SR to C-1, and setting an effective date.

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

12. ZONING: (C9-05-08) STILLER – ESCALANTE ROAD, SR TO R1, TIME EXTENSION

- a. Report from City Manager MARCH27-07-165 WARD 4
- b. This is a request by George Holguin, on behalf of the property owner, Escalante Developments, LLC, to allow a time extension to February 16, 2011, for the completion of the rezoning conditions. The rezoning site is located between Escalante Road and the Pantano Wash, approximately one half mile east of Harrison Road. The preliminary development plan is for the construction of 25 one and two-story single-family residences on approximately four acres of the site on the west side of the property using the Residential Cluster Project (RCP) development option. The remaining four acres is indicated as natural area not to be disturbed. The original one-year authorization will expire on March 28, 2007.

Staff recommends Mayor and Council approve the requested time extension from March 28, 2007, to February 16, 2011, subject to the following conditions.

- 1. A subdivision plat in substantial compliance with the preliminary development plan dated September 12, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
- 2. The owner/developer shall design and construct street improvements along the frontage of Escalante Road. These improvements shall include an additional parking lane, curbs, sidewalks and curb access ramps. The owner/developer shall dedicate any additional right-of-way along the site frontage on Escalante Road to accommodate the street improvements being located within public right-of-way.

3. The owner/developer shall design and construct bank protection/erosion prevention structure along the site frontage along the Pantano Wash/Escalante Wash as required.
4. The natural area on the site shall include the 100-year floodplain of the Escalante Wash and the portions of the parcel to the east to be rezoned. These areas shall be platted as natural undisturbed open space (NUOS) and shall be included in the Covenants, Conditions and Restrictions (CC&R's) as NUOS.
5. The developer shall evaluate threshold retention alternatives in lieu of providing threshold retention. Water harvesting shall be incorporated into all alternatives.
6. A trail easement along the Pantano Wash shall be constructed as determined by the City of Tucson Parks and Recreation Department. The dedication of a trail easement will be for public use and will allow for pedestrian and bicycle activity.
7. The owner/developer shall provide a corridor a minimum of 50 feet wide along the bank of the Pantano Wash as measured from the top of the bank or bank protection, north.
8. The owner/developer shall construct the subject segment of the Pantano River Park, as may be required by the Pima County Parks and Recreation Department for information and requirements.
9. Only one access point is allowed onto Escalante Road.
10. Two-story structures shall be limited to a maximum height of 24 feet and will be restricted to lots 4 - 24. One-story units shall be provided on lots 1 - 3 and lot 25, not exceeding 17 feet at the peak of a pitched roof.
11. New development shall complement the surrounding residential developments. Compatibility shall be demonstrated for all architectural elements including but not limited to screen walls, landscaping, rooflines, colors, materials, and architectural design.
12. All exposed exterior walls and roofs of structures, retaining walls, and accessory structures, except satellite dishes shall blend with the predominant colors found in the area.

13. Dimensioned elevation drawings with proposed colors, materials and color photographs of surrounding properties shall be submitted as a part of review by the Community Design Review Committee (CDRC).
14. Varying rooflines, three-dimensional cornice treatments, parapet wall details, and overhanging eaves shall be utilized to enhance architectural character and view corridors.
15. 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.
16. Any continuous wall greater than 75 feet in length and three feet in height along a public ROW to have a varied wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
17. Amenities within parks/common areas/detention areas shall include park benches and/or picnic tables, barbecues, playground equipment, or similar passive/active equipment that can be used by residents. These areas will be made ADA accessible with a minimum five-foot wide path constructed of either stabilized DG, asphalt, or textured concrete.
18. Safe and convenient pedestrian connections shall be provided to all common areas, open space areas and recreation facilities.
19. Internal pedestrian paths and/or sidewalks with adjacent landscape strips shall include one, 15 gallon canopy tree on every other lot adjacent to the pedestrian path/sidewalks.
20. All areas identified as natural undisturbed open space (NUOS) or other designated open space are to be fenced off and protected prior to any on-site development activity.
21. Free-standing signs shall be integrated into the overall landscape plan along the Escalante Road street frontage. Details of all signage shall be part of the development plan submittal to CDRC.
22. Four (4) inch fence block shall not be used for perimeter walls.

23. 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.
24. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
25. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
26. Any conditions or requirements specified herein including any sidewalk or trail abutting Escalante Road, Escalante Wash or Pantano Wash are not available to be used as Impact Fee offsets.
27. Five ~~One~~ years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

New text is underlined, deleted text is ~~strikethrough~~.

Three (3) written approvals and seven (7) written protests were received prior to the Zoning Examiner’s public hearing on February 16, 2006. Three (3) of the protests are within the 150 foot area, representing a 62.6 percent protest by area to the north, a 5.7 percent protest area to the east, and a zero (0) percent protest area to the south and west. The protests generally allude to increase in traffic, destruction of natural environment, and incompatibility with the surrounding natural area.

A simple majority vote is required at this time to approve the time extension request. Because the protest level exceeds 20 percent to the north, a three fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MARCH27-07-157 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, April 4, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.