





# 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, APRIL 24, 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 – Debra Counsellor, City Clerk’s Office

PLEDGE OF ALLEGIANCE – Vice Mayor Shirley Scott; Palo Verde High School Jubileers will sing the National Anthem.

**PRESENTATION**

- a. Presentation of “Ward IV Outstanding Constituent Service Awards”
- b. Proclaiming April 22 to April 29 to be “Days of Remembrance”
- c. Proclaiming April 26 to be “Take Our Daughters and Sons to Work Day”
- d. Presentation to students from the University of Arizona Office of International Student Programs and Services as Honorary Citizens of Tucson
- e. Proclaiming the month of April to be “Month of the Young Child”
- f. Proclaiming April 29 to May 5 to be “Municipal Clerks Week”

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

- a. Report from City Manager APRIL24-07-222 CITY-WIDE

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

- a. Report from City Manager APRIL24-07-223 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager APRIL24-07-225 CITY-WIDE

- b. Liquor License Application(s)

NOTE: There are no applications for licenses scheduled for this meeting.

- c. Special Event(s)

- 1. Coyote Taskforce, Inc./Cafe 54, Ward 6  
54 E. Pennington Street  
Applicant: Mindy Bernstein  
City T34-07  
Date of Event: May 13, 2007  
(Mother's Day Brunch)

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

- 2. Borderlands Theater, Ward 6  
40 W. Broadway  
Applicant: Charles Barclay Goldsmith  
City T36-07  
Date of Event: May 11, 2007  
(Annual Fundraiser)

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

- 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 K**

**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: AMENDING THE NEIGHBORHOOD PRESERVATION ORDINANCE**

- a. Report from City Manager APRIL 24-07-235 CITY-WIDE
- b. Hearing on the proposed amendments to the Neighborhood Preservation Ordinance for the Graffiti Provisions to regulate glass etching chemicals.
- c. Ordinance No. 10393 relating to Neighborhood Preservation; amending Chapter 16 of the Tucson Code, the "Neighborhood Preservation Ordinance"; amending Article I, Section 16-3, Definitions; amending Article IV, Section 16-30, Unlawful Acts, for the purpose of regulating sales of glass etching solution within the City of Tucson ; and declaring an emergency.

**9. PUBLIC HEARING: MAJOR STREETS AND ROUTES PLAN AMENDMENT – LOS REALES ROAD, KENYON DRIVE, SARNOFF DRIVE, WINGATE DRIVE AND LIMBERLOST DRIVE**

- a. Report from City Manager APRIL24-07-232 WARDS 2, 3, 4, AND 5
- b. Hearing on proposed revisions to the *Major Streets and Routes Plan* to include the extension of the alignment of Los Reales Road as a designated arterial from Craycroft Road to Wilmot Road, with a right-of-way width of 90 feet and removal of Kenyon Drive, Sarnoff Drive, Wingate Drive and Limberlost Drive between Oracle Road and First Avenue as designated collectors.
- c. Ordinance No. 10392 relating to planning and zoning; updating and amending the Major Streets and Routes (MS&R) Plan map by extending the alignment of Los Reales Road as a designated arterial from Craycroft Road to Wilmot Road, with a right-of-way width of 90 feet; removal of Kenyon Drive, Sarnoff Drive, Wingate Drive Limberlost Drive between Oracle Road and First Avenue as designated collectors; and setting an effective date.

**10. PUBLIC HEARING: ALVERNON-BROADWAY AREA PLAN AMENDMENT – PA-07-03; QUEBEDEAUX, SPEEDWAY/HOLLY – COMMERCIAL**

- a. Report from City Manager APRIL24-07-231 WARD 6
- b. Hearing on a request by Michael Marks, on behalf of the owners of Quebedeaux automobile dealership to amend the *Alvernon-Broadway Area Plan* to allow the dealership to expand to the southwest. Quebedeaux, which is located on the south side of Speedway east of Country Club, acquired five R-3 zoned parcels that have combined acreage of just over one acre, at the northeast corner of Holly Avenue and First Street. As part of a comprehensive dealership upgrade, they want to tear down the existing multi-family residential units on these parcels, and construct a new service/repair building, a car wash building, and a storage building in this area; and provide additional parking for employees, customers and inventory. However, commercial zoning (C2 and P) is required, and the most intense use allowed on these parcels by the *A-BAP* is high-density residential. In order to rezone them (from R-3 to C-2 and P), Quebedeaux first needs to amend the *A-BAP* so that parking and other commercial uses are allowed.

Staff recommends that the Mayor and Council amend the *A-BAP* Conceptual Land Use Map to allow office, commercial, and high-density residential uses on the amendment site.

- c. Resolution No. 20645 relating to planning and zoning; amending the *Alvernon-Broadway Area Plan*; and declaring an emergency.

**11. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE LAND USE CODE; ADDING A NEIGHBORHOOD PRESERVATION ZONE OVERLAY (CONTINUED FROM THE MEETING OF MARCH 20, 2007)**

- a. Report from City Manager APRIL24-07-238 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.

**12. ZONING: (C9-07-01) LIPPERT/WHITE – SWAN ROAD, R-2 TO O-1, CITY MANAGER’S REPORT**

- a. Report from City Manager APRIL24-07-228 WARD 6

- b. Report from Zoning Examiner dated April 13, 2007

Request to rezone approximately 3.11 acres from R-2 to O-1 zoning. Applicant: Linda Morales of The Planning Center, on behalf of the property owner, Michele Lippert and Keith White. The rezoning site is located on the northwest corner of Swan Road and Lee Street. The applicant proposes to construct eighteen, one-story structures for a total of 33,800 square feet of office uses on 3.11 acres.

The request for O-1 zoning for the proposed development is consistent with and supported by the policy direction provided in the *General Plan* and the *Grant/Alvernon Area Plan*. Authorization of the requested O-1 zoning is appropriate, subject to compliance with the recommended conditions.

The Zoning Examiner held a public hearing on March 29, 2007, on behalf of the Mayor and Council. The Zoning Examiner recommends approval of O-1 zoning.

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

1. A development plan in substantial compliance with the preliminary development plan dated February 7, 2007, 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 property owner shall execute and record an agreement to waive any claims against the City form, approved by the City Attorney, in conformance with A.R.S. 12-1134(I).

3. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
4. The owner/developer will be required to dedicate or verify the existence of right-of-way, as required by the *Major Streets and Routes Plan*, along the site frontage of Swan Road including a 25-foot radius spandrel at the southeast corner of the site.
5. The owner/developer shall design and construct a dedicated right-turn deceleration lane along Swan Road at the access point to the site as recommended in a Traffic Impact Analysis, together with associated pavement transitions.
6. The owner/developer shall install sidewalks along the street frontages of Swan Road and Lee Street at locations where sidewalks do not currently exist.
7. The development plan shall identify the design theme and architectural style of the project.
8. The landscape plan shall include a sufficient amount of shade trees to provide 50% shade within the designated parking area.
9. Side and rear building facades shall be designed with attention to the architectural character and detail comparable to the front façade, and with consistent design treatment.
10. All exterior mechanical equipment and dumpsters shall be screened from view of adjacent development and street frontages, and shall be architecturally integrated into the overall design of the development.
11. Pedestrian systems within the development are to be conveniently connected to existing pedestrian systems. An internal pedestrian circulation system that loops around the project shall connect the north side of the project with the south side.
12. Disabled parking spaces meeting the Americans with Disabilities Act requirements shall be located immediately adjacent to any proposed medical uses.
13. No vehicular or pedestrian access to Lee Street.
14. Detailed elevation drawings shall be submitted with the development plan.

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 all perimeter walls.
17. 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.
18. 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.

19. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
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 four (4) written protests have been received. The protests result in a ten percent protest by area to the east, an eight percent protest by area to the south, and zero percent by area to the north and west. The protests generally allude to traffic congestion, and property values.

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

**13. ZONING: (C9-06-17) WASHINGTON FEDERAL SAVINGS – BROADWAY BOULEVARD, R-3 TO C-1, ORDINANCE ADOPTION**

- a. Report from City Manager APRIL24-07-236 WARD 6
- b. Ordinance No. 10394 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Broadway Boulevard and Niven Avenue in Case C9-06-17, Washington Federal Savings-Broadway Boulevard, R-3 to C-1, and setting an effective date.

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

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

- a. Report from City Manager APRIL24-07-224 CITY-WIDE

**15. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 1, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.