



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, NOVEMBER 27, 2007 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 W. ALAMEDA, TUCSON, AZ)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Roy Tullgren, Gospel Rescue Mission

PLEDGE OF ALLEGIANCE – Brownie Troop 886

PRESENTATIONS

- a. Presentation to Richard Wiedhopf for being an Extraordinary Citizen
- b. Presentation by Vice Mayor Scott to the Mayor and Council, naming Tucson as a “Playful City”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager NOV27-07-636 CITY-WIDE

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

- a. Report from City Manager NOV27-07-637 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager NOV27-07-633 CITY-WIDE

b. Liquor License Applications

New License(s)

1. Gas City Family Pantry #620, Ward 4
7335 S. Houghton
Applicant: Martha Veronica Bersano
Series 10, City 83-07
Action must be taken by: December 14, 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. Order of AHEPA, Chapter #275, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: James C. Ruboyianes
City T99-07
Date of Event: December 9, 2007
(Fundraising)

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 J**

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 TUCSON CODE (CHAPTER 3) ADOPTING A REVISED SIGN CODE**

- a. Report from City Manager NOV27-07-642 CITY-WIDE
- b. Hearing on a proposed re-codification of the Sign Code. The proposal eliminates duplicate (and sometimes inconsistent) regulations, combines sign type definitions with the regulations for that sign type, corrects format errors and irregularities in the adopted ordinances amending the Sign Code, simplifies some wording, and reinserts and updates certain graphics of the code. Prior codes contained inconsistencies between the language in the ordinance as adopted and the codified version of the code. These inconsistencies have been resolved with this Sign Code. This re-codification simplifies the format of the existing Sign Code and makes certain substantive changes to address recently raised legal, administrative and enforcement issues. This re-codification further clarifies underlying zoning principles and brings the code into closer conformance with the *Land Use Code* and the *Development Compliance Code*.
- c. Ordinance No. 10481 relating to advertising and outdoor signs, Chapter 3 of the Tucson Code, repealing Chapter 3 and adopting a new revised sign code including Article I, Introductory Provisions; Article II, Definitions; Article III, Permits, Fees and Inspections; Article IV, General Requirements; Article V, Signs Types and General Regulations; Article VI, Signs by District; Article VII, Sign Maintenance; Article VIII, Nonconforming Signs; Article IX, Violations; Enforcement; Penalties; Article X, Indemnification; Article XI, Sign Code Advisory and Appeals Board; Article XII, Citizen Sign Code Committee; and setting an effective date.

Staff recommends that the Mayor and Council adopt the Ordinance as recommended by the Citizen Sign Code Committee.

9. ZONING: (C9-07-09) BIRIN – 22ND STREET, SR TO R-1, CITY MANAGER’S REPORT

- a. Report from City Manager NOV27-07-643 WARD 2
- b. Report from Zoning Examiner dated October 12, 2007
- c. Request to rezone approximately 4.27 acres from SR to R-1 zoning. The rezoning site is located on the north side of 22nd Street, east of Bonanza Avenue and approximately one-half mile west of Houghton Road. Applicant: Michael Grassinger of the Planning Center, on behalf of the property owner Gerald Birin.

The preliminary development plan is for 16 lots with one-story, single-family residential units, a density of 3.74 units per acre.

The applicant’s request is consistent with the *Pantano East Area Plan*.

The Zoning Examiner and staff recommend approval of the requested R-1 zoning subject to following conditions:

- 1. Authorization of this rezoning does not relieve the property owner/applicant from obtaining approval as a special exception land use under the provisions Section ~~3-6-1~~ 3.6.1.2.C, or a successor process of the *Land Use Code*, for residential cluster projects of five acres or less in size, prior to submitting a tentative plat in compliance with the preliminary development plan dated March 7, 2007.
- 2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”.
- 3. All residences shall be limited to one-story structures.
- 4. All exterior surfaces shall have colors that are consistent with or complement the colors of the surrounding development.
- 5. Roofing materials shall be of a material and color that are compatible with that in the surrounding development. Parapets are allowed, however, the majority of the roofs shall be pitched.
- 6. The owner/developer shall provide detailed color elevations at the time of submittal for approval of a special exception land use under the *LUC* provisions in Section 3.6.1.2.C, or a successor process for a residential cluster project of five acres or less in size to demonstrate compliance with the above conditions.

7. The owner/developer shall provide landscaping and passive recreational facilities, including at least one shaded bench, in or near the detention basin depicted on the development plan at the northwest corner of the site.
8. Walls constructed adjacent to the detention basin shall be designed as view walls, except that a six (6) foot masonry wall shall be located along the north boundary of the basin. Basin amenities and details of view walls must be clearly indicated on the subdivision plat.
9. 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.
10. Six (6) inch wide fence block or greater shall be used for perimeter walls.
11. Preparation of a complete Drainage Report, including details of detention/retention, is required.
12. 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.
13. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
14. 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.
15. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
16. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
17. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

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.

10. ZONING: (C9-98-34) GR PARTNERS – SPEEDWAY BOULEVARD, C-1 TO C-2, ORDINANCE ADOPTION

- a. Report from City Manager NOV27-07-644 WARD 2
- b. Ordinance No. 10480 relating to zoning: amending zoning district boundaries in the area located on the north side of Speedway Boulevard, approximately 200 feet west of Pantano Road in Case C9-98-34, GR Partners – Speedway Boulevard, C-1 to C-2; and setting an effective date.

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

11. ZONING: (C9-07-23) TOWN WEST – FRANKLIN STREET (EL MIRADOR), I-1 AND C-3 TO OCR-2 AND I-2, CITY MANAGER’S REPORT

- a. Report from City Manager NOV27-07-634 WARD 1
- b. Report from Zoning Examiner dated October 26, 2007
- c. Request to rezone approximately 5.76 acres from I-1 and C-3 to OCR-2 and I-2 zoning. The rezoning site is located on the northwest corner of Stone Avenue and Franklin Street. Applicant: Town West Design Development, Inc. on behalf of the property owners City of Tucson and the State of Arizona.

The preliminary development plan is for a mixed-use development comprised of retail, administrative and professional offices, 150 residential condominium units, a hotel, brewery, restaurants and parking. The proposed buildings located west of Ninth Avenue range in height from 30 feet to 75 feet. On the east side of Ninth Avenue, three hotel towers are proposed with heights of 105 feet, 165 feet and 225 feet.

The requested OCR-2 and I-2 zoning is in general compliance with policy direction provided by the *General Plan*, the *El Centro Redevelopment Plan* and the *Downtown Infrastructure Study – Greenspace Infrastructure Plan*.

The Zoning Examiner and staff recommend authorization of OCR-2 and I-2 zoning. Should the Mayor and Council choose to approve the rezoning request, staff recommends that the following conditions be included:

1. A development plan in substantial compliance with the preliminary development plan dated September 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 a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”.

3. The maximum building height for the project is limited to 15 stories (240') and is to be located in the northeast quadrant of the project site. The continuous two-story high (35') perimeter of the project structures will generally conform to the height and scale of the surrounding historic warehouse structures.
4. 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. The property owner/developer shall provide a detail of the perimeter wall at time of development plan submittal.
5. Six (6) inch wide fence block or greater shall be used for perimeter walls.
6. All buildings shall be designed to have "five-sided" architecture. Building facades at rear and side are to be designed with attention to architectural character and detail comparable to the front facade, including but not limited to, comparable color palette, rooflines, and materials similar to surrounding residential units. Site and building entry points to be highlighted and accented. Dimensioned elevation drawings shall be submitted as a part of the development plan submittal.
7. Preparation of a complete Drainage Report, including details of detention/retention, is required.
8. Pedestrian circulation paths to be a minimum 10 feet wide, with benches or seating areas, pedestrian arcades, ground level illumination, and shade either through structural overhangs or trees.
9. The property owner/developer shall distinguish between residential and nonresidential vehicular and pedestrian access with paving texture or color.
10. The property owner/developer shall integrate the parking structure into overall complex using detailing, building materials, and landscaping to unify design character. The parking deck structure shall be screened from the north with a decorated site wall and landscape buffer, to include canopy trees along the entire length. The parking deck structure perimeter walls shall be screened with decorative masonry walls, columns, metal perforated screens, and railings all designed in the context of the Historic Warehouse District. The top level of the parking deck shall be screened with a continuous combination of screen and acoustical deflector.

11. The property owner/developer shall provide shade trees in landscape pockets and street scale shade trees in tree wells and pedestrian grates. Fifty percent of the trees shall be 15-gallon size and fifty percent shall be 24-inch box size with some specimen trees of 48-inch box size.
12. The property owner/developer shall design for water-harvesting to direct all excess runoff onto vegetated areas through the use of onsite cistern or water retention structure.
13. Lighting shall include pedestrian low level lighting, light poles, light bollards, and wall bracket light fixtures compatible with the context of the Historic Warehouse District. All lighting shall be full cutoff and directed down and shielded away from adjacent parcels and public roadways.
14. Signage identifying the project shall be provided at the northeast corner of the top level of the parking deck and on the iconic grain site just west of the Brewery Pub – Restaurant building. The new signage shall be compatible with the Historic Warehouse District context.
15. All buildings shall be designed to meet LEED certification.
16. The property owner/developer shall finalize arrangements for off-site additional parking within 1550 feet of the project in an agreement with City of Tucson Parkwise program prior to submittal of a building permit application.
17. Loading and service for the brewery pub – restaurant and hotel shall be provided via a service drive north of the parking deck, connecting to the loading docks west of the hotel and brewery. Trash compactors shall be provided in this area and screened.
18. The owner/developer shall specify the size, location and total number of trash compactors on the Development Plan.
19. Each building shall have its own enclosure or the owner/developer shall clarify whether the owner or property management will be managing waste disposal for buildings 1,2, & 5. Centralized enclosures for all three buildings may be approved upon specific annotation within Development Plan.
20. Refuse service areas shall be located to avoid conflicts with loading zones.
21. The owner/applicant shall provide direct connectivity between Franklin/Toole and the extension of 9th Avenue north of 6th Street, which includes bicycle and pedestrian access along the Ninth Avenue corridor for public use.

22. The owner/applicant shall provide a pullout on the Franklin side for paratransit and/or small shuttle-type transit vehicles.
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 development plan 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, unless otherwise provided in an approved development agreement with the City.
26. Dedication, or verification of existence, of abutting roadway rights-of-way, per the Major Streets and Routes Plan (and as necessitated by the development), including 25-foot radius spandrels at all street corners.
27. Owner/developer shall install sidewalks along the abutting street frontages and close all existing unused curb cuts, unless otherwise provided in an approved development agreement with the City.
28. The owner/developer shall construct public greenspaces and pathways identified in the Downtown Infrastructure - Greenspace Infrastructure Plan that are located on the site or within the right of way adjacent to the site. The owner/developer shall provide, dedicate or verify existence of, public access that is necessary to accommodate public greenspaces and pathways. The Parks and Recreation Department shall approve the design of greenspaces and pathways.
29. The owner/developer shall connect all development within the rezoning area to Pima County’s public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

30. The owner/developer will need to fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
31. The owner / developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
32. The owner / developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.
33. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
34. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
35. The eastern most driveway along Franklin Street shall be right in/right out with left in and prohibited left outs.
36. The drop off driveway along Franklin Street shall be one way running from east to west with left in/right in at the entrance and left out/right out at the exit.
37. The driveway located on Church Avenue shall be right in/right out.
38. The bike route/pedestrian walkway shall be illustrated on the plan set.

39. During the review process a HAWK (High Intensity Activated Crosswalk) warrant study shall be provided. Based on the findings of the warrant study the developer shall be responsible for the installation of any required Hawk Crossing and associated infrastructures. Final location of the potential HAWK crossing shall be in line with the bike route/pedestrian walkway.
40. The proposed modification to the existing turning movements at the intersection of Church Avenue and Franklin Street will not be permitted prior to coordination with city staff, El Presidio neighborhood and downtown businesses.
41. Establishment of an advisory development board consisting of members of El Presidio and Dunbar Spring Neighborhood Associations, the Warehouse Arts Management Organization (WAMO), city staff, and the applicant's development team.
42. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero written approvals and eight written protests were received prior to the Zoning Examiner's public hearing on October 11, 2007, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's public hearing, zero additional written approvals and zero additional written protests were received, and zero written protests were rescinded.

Currently there are zero written approvals and eight written protests on file for this case. Six of the protests are within the 150 foot area, representing a 4.61 percent protest by area to the south, and 13.28 percent protest area to the west. The protests generally allude to traffic, lights and noise. The protest level in any four quadrants surrounding the rezoning site is less than 20 percent. Therefore, once the conditions of rezoning have been met, a simple majority vote of the Mayor and Council will be needed to adopt an ordinance rezoning the site.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager NOV27-07-638 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, December 3, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.