



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, DECEMBER 18, 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 – Christopher Peña, Tucson Fire Department, Fire Station 20

PLEDGE OF ALLEGIANCE – Tucson Jewish Community Center Youth Group

PRESENTATIONS

a. Presentation of certificates to the Ward III Youth Funders Group.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager DEC18-07-683 CITY-WIDE

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

a. Report from City Manager DEC18-07-684 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager DEC18-07-685 CITY-WIDE

b. Liquor License Applications

New License(s)

1. Taqueria Jenny's, Ward 5
4207 S. 6th Ave.
Applicant: Juana Camacho
Series 12, City 84-07
Action must be taken by: December 20, 2007

Development Services has indicated the applicant is not in compliance with city requirements.

Tucson Police Department and Revenue have 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(s)

1. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Kelly Burke Perks
City T100-07
Date of Event: January 4, 2008
(To promote community event in downtown Tucson)

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.

e. Reconsideration of Liquor License Application, City 73-07

1. Zona 78, Ward 2
7301 E. Tanque Verde
Applicant: Richard Paul Fink
Series 12, City 73-07
Action must be taken by: October 28, 2007

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

The applicant has requested that the Mayor and Council reconsider their October 23, 2007, decision to forward a “no recommendation” to the State. At the October 23 meeting, the Mayor and Council noted that the applicant was unaware of the City’s requirement for approval of a mitigation plan for liquor licenses in C-1 zones and was unable to comply with the requirement by the October 23 deadline. On December 13, the Development Services Department advised that the mitigation plan was approved. The applicant is requesting that the Mayor and Council reconsider their earlier decision and forward a recommendation for approval of the application.

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. ANNEXATION: WEST VALENCIA ANNEXATION, ORDINANCE ADOPTION

- a. Report from City Manager DEC18-07-693 WARD 1
- b. Ordinance No. 10487 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing the property at the southwest corner of Valencia Road and Valley Indian Agency Connect Road, more particularly described in the body of this ordinance; and establishing original City zoning classifications for the annexation area.

9. ZONING: (C15-07-01) ESTABLISHMENT OF ORIGINAL CITY ZONING FOR THE WEST VALENCIA ANNEXATION DISTRICT, COUNTY SH TO CITY SH, CITY MANAGER’S REPORT, AND ORDINANCE ADOPTION

- a. Report from City Manager DEC18-07-694 WARD 1
- b. Report from Zoning Examiner dated November 16, 2007
- c. This is a request to establish original City zoning for approximately 13.37 acres from County SH to City SH located at the southwest corner of Valencia Road and Valley Indian Agency Connect Road. This is a companion ordinance to the Annexation Ordinance for the West Valencia Annexation District.

The Zoning Examiner and staff recommend approval of the SH zoning.

Zero protests and zero approvals were received prior to the Zoning Examiner’s public hearing on November 1, 2007.

- d. Ordinance No. 10488 relating to zoning; establishing original City zoning for approximately 13.37 acres generally located at the southwest corner of West Valencia Road and Valley Indian Agency Connect Road, which was annexed to the City of Tucson by Ordinance No. 10487, adopted on December 18, 2007; and specifying an effective date.

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

10. ZONING: (C9-07-20) JVBM PROPERTIES – VALENCIA ROAD, SH TO C-2, CITY MANAGER’S REPORT

- a. Report from City Manager DEC18-07-695 WARD 1
- b. Report from Zoning Examiner dated November 16, 2007
- c. Request to rezone approximately 13.37 acres from SH to C-2 zoning. The rezoning site is located at the southwest corner of West Valencia Road and Valley Indian Agency Connect Road. Applicant: The Planning Center, on behalf of the property owners JVBM Properties LLC.

The preliminary development plan is for six structures, comprised of 104,500 square feet of commercial/retail space, including a bank with drive-through lanes, restaurants with drive-through lanes, other retail establishments, and a day care center.

The applicant’s request is consistent with and supported by the policy direction provided in the *General Plan* and *Santa Cruz Area Plan*.

The Zoning Examiner and staff recommend approval of the requested C-2 zoning subject to following conditions:

- 1. A development plan in substantial compliance with the preliminary development plan dated October 26, 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. If buffelgrass exists on the site, a buffelgrass mitigation management plan shall be established for the site, including common areas, prior to approval of the Native Plant Preservation Plan portion of the Landscape Plan.
- 4. The site shall provide one (1) canopy tree to every four (4) parking spaces.
- 5. The site shall provide shaded areas for pedestrians by locating trees no further than 25' apart along pedestrian walkways. Two pedestrian walkways (north-to-south) shall be provided from Valencia Road, through the parking area to the main retail pads, at the south end of the site.
- 6. All pedestrian crossings shall be of distinguishable material such as concrete pavers, scored or patterned colored concrete, or textured stripping.

7. All new landscaping will be native desert plants.
8. The property owner/developer shall relocate the parking from in front of the day care play area or provide a landscape buffer, 20 feet in width along the east side of the play area and between the play area and the parking. The landscape buffer will include a masonry wall or wrought iron fencing.
9. Provide design detail of the proposed drainage channel that shows the landscaping for this buffer area. Indicate the type of materials, (sandy bottom to maximize water harvesting) and landscape plantings. No concrete lining if possible.
10. Water harvesting techniques will be incorporated into the development in accordance with C.O.T. Water Harvesting Guidance Manual.
11. The owner/developer shall provide building elevations that show five-sided architectural design for all buildings on the development site. Side and rear building facades shall have architectural character and detail reflective of the front façade.
12. The owner/developer shall provide landscape and/or screening to soften the visual impact of vehicle stacking areas for drive-through window lanes.
13. All dumpsters shall be screened and shall be located a minimum of fifty (50) feet from residential zones and uses.
14. 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.
15. Six (6) inch wide fence block or greater shall be used for required perimeter walls.
16. Preparation of a complete Drainage Report, including details of detention/retention, is required. If 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) Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
 - e) All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
17. 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.
 18. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
 19. A Traffic Impact Analysis shall be submitted with the proposed development plan during the review process.
 20. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
 21. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
 22. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Two written approvals and zero written protests were received prior to the Zoning Examiner's public hearing on November 1, 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. Currently, there are two written approvals and zero written protests on file for this case. A simple majority vote of the Mayor and Council is required to adopt an ordinance.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager DEC18-07-696 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 8, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.