



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, JANUARY 8, 2008 – 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 – Draigg Phillips, City Clerk’s Office

PLEDGE OF ALLEGIANCE – Mayor, Council, and public in attendance

- 3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**
 - a. Report from City Manager JAN8-08-3 CITY-WIDE

- 4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**
 - a. Report from City Manager JAN8-08-4 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager JAN8-08-6 CITY-WIDE

b. Liquor License Applications

New License(s)

1. China View Restaurant, Ward 4
7545 S. Houghton Rd., Suite 185
Applicant: Lien Jen Hsieh
Series 12, City 88-07
Action must be taken by: January 14, 2008

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)

NOTE: There are no special events scheduled for this meeting.

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 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. **ZONING: (C9-07-18) S & L REAL ESTATE DEVELOPMENT LLC – HOUGHTON ROAD, SR TO C-1, CITY MANAGER’S REPORT**

- a. Report from City Manager JAN8-08-13 WARD 4
- b. Report from Zoning Examiner dated December 14, 2007
- c. Request to rezone approximately 8.97 acres from SR to C-1 zoning. The rezoning site is located on the southeast corner of Houghton Road and Twenty-Second Street. Applicant: The Planning Center, on behalf of the property owner Dr. Lionel Duarte.

The preliminary development plan is for a commercial center, approximately 45,600 square feet in size, that includes administrative and professional offices, medical offices, a financial institution, food service and retail uses.

The rezoning is consistent with the goals and land use designations recommended in the *Rincon Southeast Subregional Plan*, the *General Plan*, and the *Design Guidelines Manual*.

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

- 1. A development plan in substantial compliance with the preliminary development plan, Riparian Resources Plant Inventory, and the draft Riparian Mitigation Plan, all dated November 19, 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. Buildings shall be one-story with a maximum height of 24 feet. The maximum height of the medical building shall be twenty feet (20') with an additional six feet in height for ornamental elements. The maximum height of the retail/food service building is 24 feet (24') with an additional six feet in height for ornamental elements.
4. Building facades at the rear and sides shall be designed with architectural detail comparable that used on the front building façade.
5. A signage plan will be combined with the landscape plan designed avoid conflicts between plant material and sign placement and to aesthetically tie together the various uses and tenants by a single theme submitted as part of the CDRC development review.
6. 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.
7. The owner/applicant shall vary wall alignments and break wall expanses with landscape vegetation, including trees for all walls 75 feet or greater in length. Trees planted to break wall expanses shall be placed no more than 25 feet apart.
8. The owner/developer shall coordinate with property owner to the east on the development of a new screen wall. The new screen wall may replace portions of existing walls. The owner/developer shall finance and construct the new wall, six feet in height, and remove any existing walls that are to be replaced, as agreed to by the owner/developer and the adjacent property owners to the east. The exterior of the new wall shall be finished a with stucco surface, painted to match the existing residential architecture as agreed to by the owner/developer and the adjacent property owner to the east. Drain holes at the base of the walls shall be provided to allow water flow.
9. Additional trees shall be placed within the northern portion of the buffer yard along the eastern property line to further screen the adjacent residential property.
10. Six (6) inch wide fence block or greater shall be used for perimeter walls.
11. The owner/applicant shall submit building elevations and a color palette at the time of CDRC development review.
12. The owner/applicant shall screen all rooftop mechanical equipment.

13. All dumpsters and loading zones shall be located at least fifty feet from any residential property line. All dumpsters shall be screened with walls and vegetation.
14. The owner/applicant shall provide a pedestrian access to the property at the east side of the access point from 22nd Street. The pedestrian access shall be clearly delineated using texture, colored paving material, or some method of providing a safe pedestrian passage.
15. All landscaping along Houghton Road shall be in accordance to the Houghton Gateway Design Guidelines. Trees shall be a minimum of 15 gallon, spaced irregularly, 20 to 30 feet apart.
16. The owner/applicant shall provide one canopy tree for each four vehicular parking spaces within the vehicular use areas.
17. The owner/developer shall construct the segment of the Houghton Greenway that corresponds with the project's frontage on Houghton Road in accordance with the Divided Urban Pathway Standard. The Divided Urban Pathway Standard includes a minimum twelve (12) foot wide paved ADA accessible path, eight (8) foot wide decomposed granite trail and landscaped buffers between the path and trail and along both sides of the Greenway.
18. The owner/developer shall dedicate right-of-way necessary to accommodate the Divided Urban Pathway Standard minimum widths for the path, trail and landscape buffers.
19. Este Wash is Trail #192 in the Eastern Pima County Trail System Master Plan. The owner/developer shall dedicate a minimum fifteen (15) foot wide public non-motorized recreational trail easement and construct a trail along Este Wash according to City/County trail standards.
20. The design of the Houghton Greenway and Este Wash Trail shall be approved by Parks and Recreation.
21. Preparation of a complete Drainage Report, including details of detention/retention, is required. The owner/developer shall review development plans and drainage designs with interested property owners from the Rincon Ridge Subdivision, prior to submittal for development review.
22. 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.

23. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
24. 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.
25. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
26. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
27. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
28. Development within the floodplain, including the new berm located near the southern property line, shall not generate adverse impacts upstream, adjacent or downstream of this development. Adverse impacts include, but are not limited to, erosion, obstruction and diversion of flow.
29. 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.
30. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
31. A water supply, approved by the City, capable of providing the fire flow for fire protection, shall be provided and extended to serve directly any and all subdivided properties associated with this project.
32. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

33. Dedication, or verification of existence, of right-of-way, per the *Major Streets and Routes Plan*, including applicable intersection widening, along the Houghton Road and 22nd Street site frontages; including a 30-foot radius spandrel at the northwest corner of the site.
34. Owner/developer shall design and construct the south half of 22nd Street, per the Major Streets and Routes Plan cross-section (or as otherwise approved by the City Engineer), along the 22nd Street frontage of the site; including appropriate pavement transitions beyond the limits of the site.
35. The Houghton Road Greenway fronting the rezoning site shall be situated at an elevation to be determined by the City Engineer to ensure consistency with the ultimate profile of the future RTA improvements to Houghton Road.
36. As Houghton Road is a future RTA project that is currently in the early stages of design, in-lieu of the owner/developer attempting to design and construct the ultimate, site specific paving, curbs and sidewalks along the Houghton Road frontage of the site (only to have them removed with the future roadway project), the owner/developer shall:
37. Prior to approval of the final plat or development plan, make an equivalent financial contribution (for a portion of the fronting Houghton Road pavement and the full amount of the fronting Houghton Road curbs and sidewalks), to the TDOT.
 - A). Owner /developer shall design and construct right turn lanes at all access points along Houghton road and 22nd Street as recommended in the Traffic Analysis.
 - B). The driveway along Houghton road and the first driveway (west driveway) along 22nd Street shall be right in/right out with medians to channel right in/right out movements.
 - C). The Traffic Impact Analysis submitted during the rezoning case shall be submitted with the proposed development plan during the review process.
 - D). Should the Houghton Road Greenway, on the east side of Houghton Road, include an ADA accessible pedestrian element, sidewalks (or an equivalent contribution for same) would not be required on the east side of Houghton Road.
38. 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 two written protests were received prior to the Zoning Examiner's public hearing on November 29, 2007, at that time requiring a simple majority vote of the 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 two written protests on file for this case. Two of the protests are within the 150 foot area, representing a 19.97 percent protest by area to the south. The protests generally allude to concerns about flooding. The applicant has worked closely with the neighbors to address their concerns, and will create a small berm to prevent the wash from encroaching into their properties.

Because the protest level within 150 feet of the rezoning site is less than 20 percent in all four quadrants surrounding the site, a simple majority vote will be necessary to adopt the ordinance rezoning the subject property once the conditions of rezoning are met.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JAN8-08-5 CITY-WIDE

10. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 15, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.