





# 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 25, 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 – Pastor John W. Miller, Northwest Bible Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

a. Presentation to Sun Tran for increased ridership

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

a. Report from City Manager MARCH25-08-133 CITY-WIDE

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

a. Report from City Manager MARCH25-08-134 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager MARCH25-08-135 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Daglio's Cheesesteaks and Hoagies, Ward 2  
250 N. Pantano Rd. #200  
Applicant: Charles D. Stopani  
Series 12, City 6-08  
Action must be taken by: March 28, 2008

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

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

- 2. Wings Pizza N Things, Ward 2  
8838 E. Broadway  
Applicant: Kathryn Lillian Wattering  
Series 12, City 10-08  
Action must be taken by: April 4, 2008

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

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

- 3. Casa Don Carlos, Ward 3  
1103 W. Prince Rd.  
Applicant: Carlos Maldonado Lopez  
Series 12, City 11-08  
Action must be taken by: April 4, 2008

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

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

4. Best Western Royal Sun, Ward 1  
1003 N. Stone Ave.  
Applicant: Nilangbhai N. Shah  
Series 12, City 12-08  
Action must be taken by: March 24, 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)

1. Fiesta Grande of Hollywood, Inc., Ward 1  
Grande Ave. between Speedway & St. Mary's  
Applicant: Erica Dahl-Bredine  
City T14-08  
Date of Event: March 29 & March 30, 2008  
(Neighborhood street fair to build community and raise scholarship funds)

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

Public Opinion: Written Argument Opposed Filed

2. Hotel Congress, Ward 6  
311 E. Congress St.  
Applicant: Todd Joseph Hanley  
City T16-08  
Date of Event: April 10, 2008  
(Fundraiser for Museum of Contemporary Art)

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

3. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Katherine A. Wesolowski  
City T19-08  
Date of Event: April 4 & April 5, 2008  
(Fundraiser Wine Festival)

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

4. St. Cyril of Alexandria School, Ward 6  
4725 E. Pima St.  
Applicant: Lia M. Keller  
City T20-08  
Date of Event: April 5, 2008  
(School fundraiser)

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

5. Congregation Chaverim, Ward 6  
5901 E. Second St.  
Applicant: Elizabeth Mae Jackson  
City T21-08  
Date of Event: April 5, 2008  
(Fund-raising, Entertainment)

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

Public Opinion: Written Argument In Favor Filed

6. Tucson Waldorf School, Ward 6  
380 E. University Blvd.  
Applicant: Margery E. Bates  
City T22-08  
Date of Event: April 5, 2008  
(Fundraiser)

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 F**

**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: SANTA CRUZ AREA PLAN AMENDMENT (PA-07-07); SILVERBELL ROAD/PAINTED SUNSET CIRCLE – OFFICE/COMMERCIAL AND/OR RESIDENTIAL USES**

- a. Report from City Manager March25-08-144 WARD 1
- b. Hearing on a request by Mr. Herbert B. Havins, of the Havins Company to amend the *Santa Cruz Area Plan (SCAP)*, specifically amend Key Parcel 12, to allow commercial uses (self-storage) and office uses in an area within Key Parcel 12 where the *Plan* allows medium to high-density residential uses. Mr. Havins' property at 2706 N. Silverbell Road contains approximately 6.8-acres and is located approximately one-half mile north of Grant Road, at the northeast corner of Silverbell Road and Painted Sunset Circle. The proposed amendment site is zoned R-1, a residential zone, which is currently developed with a legal non-conforming mobile home park that was established in the early 1950's. The surrounding land uses and zones are; R-1 zoned land to the east and south with recent site built single-family residential development, MH-1 zoned land to the north with site built single-family residential development and across Silverbell Road to the west are R-1 and SR zoned properties with site built single-family residential development and a large C-1 commercial zoned property developed with a residential homestead established in the 1930's. The applicant wants to rezone the site to develop a balanced mix of office and a self-storage facility use and therefore a plan amendment is required to support the proposed non-residential uses.

At a public hearing on February 6, 2008, the Planning Commission voted 8-1 (Commissioner Patterson voting nay and Commissioner Patrick absent/excused) to forward this amendment proposal to the Mayor and Council with a favorable recommendation to adopt the proposed text amendment, as proposed by staff to Key Parcel 12, of the *Santa Cruz Area Plan*.

Staff recommends that the Mayor and Council amend the *Santa Cruz Area Plan*, Key Parcel 12, to allow office, commercial, medium to high-density residential uses along Silverbell Road with consideration given to a node of local services with a balanced mix of neighborhood commercial and office uses beginning in the vicinity of Nursery Wash and extending south to Painted Sunset Circle.

- c. Resolution No. 20914 relating to planning and zoning: amending the *Santa Cruz Area Plan* and declaring an emergency.

**9. ZONING: (C9-07-27) HEIGHTS PROPERTIES – BROADWAY BOULEVARD, SR TO C-1, CITY MANAGER’S REPORT**

- a. Report from City Manager MARCH25-08-141 WARD 2
- b. Report from Zoning Examiner dated December 28, 2007
- c. Request to rezone approximately 3.04 acres from SR to C-1 zoning. The rezoning site is located at the southwest corner of Broadway Boulevard and Harrison Road. Applicant: Philip Veneziano, on behalf of the property owner, Heights Properties.

The rezoning site is to be consolidated with the existing C-1 zoned property at the corner, for a total development site of 4.07 acres. The preliminary development plan proposes four, one-story structures consisting of three restaurants and a bank with a total gross floor area of 12,508 square feet on 4.07 acres.

The proposed development is consistent with and supported by the policy direction provided in the *General Plan* and the *Pantano East Area Plan*.

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

- 1. A consolidated development plan in substantial compliance with the preliminary development plan dated October 15, 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 present on the site, a buffelgrass mitigation management plan shall be created for the property before approval of the Native Plant preservation Plan portion of the development plan approval.
- 4. A minimum of one pedestrian walkway connecting the arterial streets' sidewalk to each building pad shall be provided on the development site. The bank pad requires one walkway from Broadway Boulevard and one from Harrison Road. Each of the three restaurant pads shall require one pedestrian walkway from Harrison Road. A pedestrian walkway is required between each of the restaurants. Each walkway shall be of distinguishable material such as; concrete pavers, scored or patterned colored concrete.

5. The developer shall choose one of the following options to water required landscaping until it is established. Option 1, the developer shall install required landscaping without irrigation, and shall contract with a landscape firm to hand water the landscaping as part of the maintenance program for the first two years after installation, until the plants are established, as determined by the City of Tucson Office of Conservation and Sustainable Development (OCSD) and the Development Services Department (DSD). Hand watering shall be conducted in a way to supplement water supply only in dry seasons when soil moisture has dropped to levels that no longer support the plants. Hand watering shall be done judiciously to support plants without wasting water. Or, option 2, the developer shall install an irrigation system, on a separate water meter, to be used to establish the required landscaping. The meter shall be used to monitor the amount of water used to establish the plants. Metered irrigation shall be tied to a soil moisture indicator system so drip irrigation is not conducted during periods when plants are being adequately supported by direct rainfall or harvested rainwater. Once the plants are established, as determined by OCSD and DSD, the irrigation system shall be turned off at the meter.
6. Regardless of the option chosen, above, in consultation with OCSD and DSD, the developer shall minimize water demand for the landscape by: (1) install a specially selected plant pallet designed to be supported in the long term by harvested rainwater; (2) assist survival of the plants by specially preparing the planting areas to maximize exposure to soil moisture, maximize rainfall infiltration, and minimize evapotranspiration losses; (3) employ a planting strategy that takes into consideration anticipated loss of plants due to lack of drip irrigation in the long term, with the goal of achieving an appropriate canopy coverage, with adaptive steps taken over time to fill in gaps from lost plants. (4) Seed during the first year, using a rich Arizona Uplands species mix, that would allow some recruitment of growth directly from seed, as plants grown from seed have better survival odds than transplanted potted plants when there is no supplemental irrigation.
7. Owner/developer shall provide building elevations that show five-sided architectural design for all buildings on the development site. Side and rear building facades will have attention to architectural character and detail comparable to the front façade.
8. All outdoor lighting should be full cutoff, and shall be directed down and shielded away from adjacent parcels and public roadways. Lighting detail shall be submitted as part of the Development Plan.

9. Owner/developer shall provide landscape and/or screening to soften the visual impact of vehicle stacking areas for drive-through window lanes. Landscaping provided shall be equal to 120% of the number of plants required under the LUC/NPPO - not including the cactus required in condition 9.
10. Developer shall provide three (3) Saguaro cactus per acre, for a total of 12 cactus. Each cactus shall be a minimum of six (6) feet tall. The Saguaros are to be planted in street landscape borders, and shall be placed in groups of two on each side of each of the three access points to the site.
11. Dumpsters are to be screened and located a minimum of fifty feet from residential development.
12. Signage and required landscaping along street frontages shall be designed to compliment each other so as to prevent future mature canopy trees from obstructing the visibility of business signs.
13. 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.
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. A Traffic Impact Analysis shall be submitted with the proposed development plan during the review process.
16. Owner/developer shall provide an irrevocable offer to dedicate an easement to the City for construction and public use of the Hidden Hills Wash Trail. The easement shall be bounded by the 50 ft wash setback line on the east side of Hidden Hills Wash and the west, north and south property lines of the subject parcel.
17. Owner/developer shall contribute five thousand four hundred-fifty dollars (\$5,450.00) for construction of a portion of the Hidden Hills Wash Trail.
18. The owner/developer may be required to submit a Riparian Environmental Resource Report with the proposed development plan, depending on determination of watercourse protection requirements.

19. Six (6) inch wide fence block or greater shall be used for perimeter walls.
20. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
  - 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.
21. 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.
22. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.

23. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
24. All urinals installed in the development must be “waterless” urinals.
25. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Three written approvals and two written protests were received prior to the Zoning Examiner’s public hearing on December 13, 2007, at that time requiring a simple majority vote of the Mayor and Council to adopt a rezoning ordinance. An additional protest, outside the protest area, was received subsequent to the Zoning Examiner’s public hearing, for a total of three protests. The two protest within the 150 foot area, represent a 8.63 percent protest by area to the east, and zero protest in all other directions. The protests generally allude to traffic.

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

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

- a. Report from City Manager MARCH25-08-136 CITY-WIDE

**11. ADJOURNMENT**

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