



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 22, 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 – Father Charlie Knapp, Catholic Diocese of Tucson

PLEDGE OF ALLEGIANCE – Led by Council Member Scott, Ward 4

PRESENTATIONS:

- a. Presentation of certificates to International Students as Honorary Citizens of Tucson
- b. Proclaiming April 24 to be “Take our Daughters and Sons to Work Day”
- c. Presentation of the SMART Community Award to the City of Tucson Transportation Department, Fire Department and Information Services Department
- d. Proclaiming April 27 to May 4 to be “Days of Remembrance”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager [APRIL22-08-182](#) CITY-WIDE

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

- a. Report from City Manager APRIL22-08-183 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager APRIL22-08-185 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Radisson Suites Hotel Tucson Airport, Ward 5
7051 S. Tucson Blvd.
Applicant: Margarita Aguirre Zepeda
Series 11, City 24-08
Action must be taken by: May 5, 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. Satori, Inc., Ward 3
3727 N. 1st Ave.
Applicant: Phyllis L. Gold
City T28-08
Date of Event: May 10, 2008
(Annual fundraiser, silent & live auction)

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

- 2. Tucson Kitchen Musicians Assoc., Ward 1
140 N. Main Ave.
Applicant: Susan Marie Liechti
City T30-08
Date of Event: May 3 & May 4, 2008
(Tucson Folk Festival)

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

3. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Kelly Burke Perks
City T31-08
Date of Event: May 2, 2008
(To promote community event in downtown Tucson)

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

4. It's Happening Downtown, Inc. - Toole/5th Avenue, Ward 6
400 N. Toole Ave./1 N. 5th, Congress between 6th Ave. & 5th Ave.
Applicant: Brandi Renee Haga
City T32-08
Date of Event: May 2 & May 3, 2008
(To create a festive spirit of community in our downtown)

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

5. Borderlands Theater, Ward 6
33 N. Sixth Avenue
Applicant: Charles Barclay Goldsmith
City T35-08
Date of Event: May 10, 2008
(Annual Fundraiser)

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

6. CODAC Behavioral Health Services, Inc., Ward 1
17 W. Congress
Applicant: Ayla Rose Gilbert
City T36-08
Date of Event: May 3, 2008
(Fundraiser for CODAC Behavioral Health Services, Inc.)

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

7. Our Mother of Sorrows, Ward 4
1800 S. Kolb Rd.
Applicant: Brenda Carrillo
City T37-08
Date of Event: May 10, 2008
(Golden Jubilee Anniversary)

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

8. University Medical Center Foundation, Ward 3
3838 N. Campbell Ave.
Applicant: Kent D. Rollins
City T38-08
Date of Event: May 3, 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: ZONING (C9-03-12) DIBRO DEVELOPMENT – THORNYDALE ROAD, O-3, MU AND I-2 TO C-1 AND C-2, TIME EXTENSION AND CHANGE OF CONDITIONS

- a. Report from City Manager APRIL22-08-189 WARD 1
- b. Hearing on a request to allow a five-year time extension, and change of conditions for a property located on the east side of Thornydale Road, approximately 800 feet south of Orange Grove Road. Applicant: George Larsen, of Larsen/Baker, on behalf of the property owners, Marana Marketplace, LLC.

The original five-year authorization will expire on August 4, 2008. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five years from the date of the last public hearing.

The preliminary development plan is for a 17,000 square foot restaurant and a 54,000 square foot self-storage facility on 7.02 acres in the C-1 zone and a 44,000 square foot auto service use on 4.13 acres in the C-2 zone. No changes are being proposed to the preliminary development plan at this time.

Staff recommends approval of the requested five-year time extension, from August 4, 2008, to August 4, 2013, and approval of the requested change of conditions. Within the following recommended conditions, deleted text is ~~strikethrough~~, new text is underlined:

1. A development plan in compliance with the preliminary development plan dated April 16, 2003, the Design Compatibility Report, and the design criteria adopted in the *Catalina Foothills Subregional Plan* is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Enhanced landscape borders shall be provided along the south and east side of the site. These enhanced landscape borders may include hardscape, or enhanced vegetation. In the enhanced landscape borders enhanced vegetation may include desert varieties, such as cacti, to create increased security for the adjacent residential neighborhoods. Trees shall be planted every twenty-five (25) feet on center, shrubs and ground covers shall provide seventy-five (75) percent coverage at maturity and decorative masonry walls.
3. Loading areas, dumpsters, trash compactors, and other noise-generating activities shall be located either within enclosed facilities, or a minimum of 100 feet from residential areas to the south and east.
4. Buildings on the site shall be oriented so that sound from noise-generating activities will be directed away from residential areas to the south and east.

5. The 16,000 square foot self-storage building which is setback sixty (60) feet from the eastern perimeter of the site shall not exceed fifteen (15) feet in height.
6. Masonry walls, a minimum of six (6) feet in height, shall be provided on or near the south and east property boundaries. The masonry walls may be incorporated into the landscape border.
7. Development on the Community Activity Center portion of the site on the north side of the site shall be designed for possible integration with the commercial parcels to the north.
8. The buildings shall be setback a minimum of sixty (60) feet from the south and east property lines.
9. Outdoor lighting shall be placed at a minimum height to ensure site security, while protecting the adjacent less intense residential neighborhood to the south and east from direct outdoor lighting and glare.
10. The Scenic Route frontage along Thornydale Road shall consist of buildings and walls with a single southwestern architectural theme in earth tones.
11. All walls and buildings along the southern and eastern edge of the site shall be treated with non-reflective material and shall include architectural elements to compliment the southwestern façade along the Scenic Route frontage on Thornydale Road.
12. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. Masonry screen walls shall be constructed of minimum six inch block.
13. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
14. The developer shall install a right turn deceleration lane on Thornydale Road with a 100-foot vehicle stacking capability and a 120-foot long taper.

15. If a median break is required, the developer shall be responsible for all cost burdens related to design and construction. The median shall have a left turn deceleration lane with 100-foot vehicle stacking capability and 120-foot long taper.
16. 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 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.
17. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. If buffelgrass is present on the site, a buffelgrass mitigation management plan shall be created for the site to include common areas before approval of the Native Plant Preservation Plan portion of the Landscape Plan.
20. Developer will incorporate into the development water harvesting techniques, that are consistent with the City of Tucson water Harvesting Guidance Manual, and are designed to maximize the collection of rain water and direct it toward the landscaped areas, and use it for irrigation of the landscaping. Specifications for water harvesting must be clearly delineated on the development plan to ensure it is correctly implemented at all necessary stages of construction.
21. One canopy tree shall be provided within the vehicular use area for every four vehicle parking spaces; or, in the alternative, provide a study demonstrating the shade pattern caused by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 a.m. to 3:20 p.m. MST on June 21 covers fifty percent of the paved vehicle use area.
22. 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”.

~~19 23. Five years are allowed from the date of initial authorization to~~ Comply with all Code requirements and conditions of rezoning by August 4, 2013.

Twelve written approvals and nine written protests were received prior to the Zoning Examiner Hearing. Subsequent to the Zoning Examiner hearing, two additional approvals and one additional protest were received. Two of the protests are within the 150' protest area, constituting a 6.15 percent protest on the south and a 12.23 percent protest on the east. The protests generally allude to property values, traffic and loss of habitat.

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

9. ZONING: (C9-06-14) PARK PLACE MALL – WILMOT ROAD, C-1 TO C-2, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF APRIL 8, 2008)

- a. Report from City Manager APRIL22-08-190 WARD 6
- b. Ordinance No. 10513 relating to zoning: amending zoning district boundaries in the area located on the north side of Park Place Drive, approximately 750 feet west of Wilmot Road, at Park Place Mall in Case C9-06-14, Park Place Mall - Wilmot Road, C-1 to C-2; and setting an effective date.

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

10. ZONING: (C9-98-01) LAWYERS TITLE TR 7685 – MISSION ROAD, MH-2 TO C-1 AND C-2, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

- a. Report from City Manager APRIL22-08-194 WARD 1

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager APRIL22-08-184 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 6, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.