



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 16, 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 – Reverend Dr. William H. Knight, Water of Life Metropolitan Community Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager DEC16-08-669 CITY-WIDE

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

a. Report from City Manager DEC16-08-670 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager DEC16-08-671 CITY-WIDE
- b. Liquor License Application(s)

Person Transfer(s)

- 1. TaTas, Ward 6
121 E. Congress
Applicant: David Nason Nichols
Series 6, City 76-08
Action must be taken by: December 29, 2008

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

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

- c. Special Event(s)

- 1. Arizona Theatre Company, Ward 6
330 S. Scott Avenue
Applicant: Bevan A. Bluemer
City T86-08
Date of Event: March 12, 2009
(Promotional/marketing event/"girls night out")

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

- 2. Rialto Theatre, Ward 6
318 E. Congress
Applicant: Douglas W. Biggers
City T103-08
Date of Event: December 31, 2008
(Concert/fundraiser)

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

d. Agent Change/Acquisition of Control/Restructure

1. Kampai, Ward 6
4689 E. Speedway Blvd.
Applicant: Dae Sun So
Series 12, City AC6-08
Action must be taken by: December 20, 2008

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

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 L

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: NOGALES HIGHWAY, IRVINGTON ROAD TO DREXEL ROAD DISTRICT LIGHTING IMPROVEMENT

- a. Report from City Manager DEC16-08-675 WARD 5
- b. Hearing: This is the final hearing for the project. Interested parties may present objections to the legality of the assessment or any of the previous proceedings, or present evidence that the construction was not performed according to the contract.
- c. Resolution No. 21172 relating to Transportation; approving assessment and previous proceedings for the “Nogales Highway, Irvington Road to Drexel Road District Lighting Improvement,” in the City of Tucson, Arizona.

Staff recommends that the Mayor and Council adopt the subject resolution approving Assessments and Previous Proceedings.

9. PUBLIC HEARING: ADOPTION OF THE JEFFERSON PARK NEIGHBORHOOD PLAN

- a. Report from City Manager DEC16-08-676 WARD 3
- b. Hearing on the proposed adoption of the Jefferson Park Neighborhood Plan.

The Jefferson Park Neighborhood is located in central Tucson and is bounded on the north by Grant Road, on the south by Lester Street, on the east by Campbell Avenue, and on the west by Euclid Avenue. The Neighborhood is currently included in the *University Area Plan*. The Plan includes a section that highlights the Neighborhood’s development over time, as well as its physical and demographic attributes.

The Planning Commission held a public hearing on September 17, 2008. On November 5, 2008, the Planning Commission voted 10 to 0 to forward to the Mayor and Council the Jefferson Park Neighborhood Plan with proposed changes recommended by the Planning Commission and in cooperation with the Neighborhood for approval.

Staff recommends that the Mayor and Council adopt the Jefferson Park Neighborhood Plan.

- c. Resolution No. 21173 relating to planning and zoning; adopting the Jefferson Park Neighborhood Plan; and setting an effective date.

10. PUBLIC HEARING: ZONING (C9-06-24) ALTA VISTA COMMUNITIES – KOLB ROAD, O-3 TO OCR-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN AND CHANGE OF CONDITIONS

- a. Report from City Manager DEC16-08-682 WARD 2
- b. Hearing on a request for a change of preliminary development plan and change of conditions to allow a convenience store with gasoline sales. The rezoning site is located on the southwest corner of Kolb Road and Calle La Paz, west of the Pantano Wash. Applicant: Linda Morales of the Planning Center, on behalf of the property owner, Quik Trip Corporation.

The original development plan proposed a three-story building, approximately fifty feet in height.

The revised preliminary development plan proposes a 5,104 square foot, single-story convenience store with eighteen gasoline service positions, on approximately 2.42 acres.

Staff recommends approval of the requested change of preliminary development plan and change of conditions subject to the following recommended conditions:

PROCEDURAL

- 1. A development plan in substantial compliance with the preliminary development plan dated September 24, 2008, 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. 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.

4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. 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.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. All buildings and the gasoline service canopy structure shall be designed to have “four-sided” architecture. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade using building materials, colors and other design elements common to the adjacent developments to provide architectural consistency with the surrounding neighborhood. Colored and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
9. The convenience store shall be limited to 20 feet in height and the canopy structure shall be limited to 24 feet in height.
10. All screen 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.
11. Six (6) inch wide fence block or greater shall be used for perimeter walls.
12. All outdoor lighting shall be full cutoff, shielded downward, and directed away from adjacent residential parcels.
13. Deliveries/loading and solid waste pick-up shall be limited to 7:00 AM to 7:00 PM..
14. Free standing signs to be integrated into the overall landscape plan. Details of signs are to be submitted as a part of the development plan.

DRAINAGE/GRADING/VEGETATION

15. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
16. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that the shade pattern created by mature canopy trees, buildings and other structures on the vehicular use area, on June 21 from 9:20 a.m. to 3:30 p.m., shall cover fifty percent of the paved area.
17. Canopy trees shall be planted every 25 feet along the south property line and along the Calle La Paz frontage to provide a screen between the store site and the adjacent apartment buildings.
18. 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.

19. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <http://dot.ci.tucson.az.us/stormwater/>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed. Consult the Office of Conservation and Sustainable Development prior to the development of water harvesting plans.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

20. One right-in, right-out access point shall be provided onto Kolb Road. Traffic exiting the site onto Calle La Paz shall be directed toward Kolb Road, through the use of a modified pork chop.
21. A speed table with pedestrian walkway striping shall be installed near the entrance on Calle La Paz.

11. PUBLIC HEARING: ZONING (C9-03-05) COSTCO – GRANT ROAD, R-3 TO P, REACTIVATION, TIME EXTENSION, CHANGE OF CONDITIONS, AND CHANGE OF PRELIMINARY DEVELOPMENT PLAN

- a. Report from City Manager DEC16-08-677 WARD 2
- b. Hearing on a request to reactivate this rezoning case, approve minor changes to the preliminary development plan and grant a five-year time extension for the completion of the rezoning conditions for the property located north of Grant Road, south of the Pantano Wash, west of the Wilmot Road Alignment. Applicant: Nathan Menard, on behalf of the property owners, Costco Wholesale.

The original five-year authorization expired on September 15, 2008. A public hearing is required to reactivate the case and grant the time extension.

The revised preliminary development plan is for a 116-space expansion of the parking lot serving the existing retail/commercial use.

Staff recommends the Mayor and Council reactivate the rezoning case, approve of the requested five-year time extension, from September 15, 2008, to September 15, 2013, approval of the requested change of conditions, and change of preliminary development plan subject to the following revised conditions. Within the recommended conditions, deleted text is ~~struck through~~, new text is underlined.

1. A development plan in substantial compliance with the preliminary development plan dated ~~March 10, 2003~~September 30, 2008, 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".
- ~~2.3.~~ No trash dumpsters, recycling bins, or similar uses are permitted within the boundaries of the parking zone (P).
- ~~3.4.~~ Delivery vehicles shall not station or park outside of loading areas and/or within 300 feet of the west property line.
- ~~4.5.~~ Forklifts shall not be operated outside of the building during non-delivery hours.
- ~~5.6.~~ The landscape buffer along the western border of the site located within the rezoning boundary shall include the use of canopy trees, planted every 20 to 30 feet and averaging not less than every 25 feet. Trees in this border shall be of the species that will grow to a height of 30 feet in five years.
- ~~6.7.~~ Outdoor lighting shall be reduced to security level between the hours of 10:00 p.m. and 7:00 a.m.
- ~~7.8.~~ All outdoor lighting, pole or wall mounted shall be directed down and away from residential parcels and be as low in elevation as possible. All outdoor lighting, pole or wall mounted, within two hundred (200) feet of the west property line shall be no higher than 17 feet, measured to the light source.
- ~~8.9.~~ The four (4) existing native mesquite trees, as identified on exhibit-2 of the Environmental Resource Report, shall be salvaged and transplanted on-site with a drip irrigation system. The landscape plan shall identify the four (4) native mesquites in the matrix and on site location landscape map.

- ~~9-10.~~ The owner/developer agrees to convey land to either the City of Tucson or Pima County Flood Control to accommodate the trail corridor. Final approval of the development plan application will depend on the execution of the agreement between the City, County and the applicant.
- ~~10-11.~~ 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, (job, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
- ~~11-12.~~ 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.
- ~~12-13.~~ “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
- ~~13-14.~~ Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- ~~14-15.~~ Five years are allowed from September 15, 2008 (to September 15, 2013)the date of initial authorization, to comply with all Code requirements and conditions of rezoning-, as revised by Mayor and Council as part of the time extension granted December 16, 2008.
16. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that shade pattern created by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 to 3:20 p.m. MST on June 21, shall cover fifty percent of the paved area.
17. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucsons Water Harvesting

Guidance Manual. This document can be downloaded as a pdf file from the following website: <<http://dot.ci.tucson.az.us/stormwater/>>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed. Consult the Office of Conservation and Sustainable Development prior to the development of water harvesting plans.

Zero written approvals and zero written protests were received regarding this case prior to, or subsequent to, Mayor and Council authorization of the rezoning in 2003.

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

12. ZONING: (C9-08-12) ROMANO REAL ESTATE – BROADWAY BOULEVARD, C-1 TO C-2, CITY MANAGER’S REPORT

- a. Report from City Manager DEC16-08-678 WARD 2
- b. Report from Zoning Examiner dated October 10, 2008
- c. Request to rezone approximately 1.32 acres from C-1 to C-2 zoning. The rezoning site is located on the north side of Broadway Boulevard, between Pantano and Camino Seco roads, at the intersection of Old Spanish Trail and Broadway Boulevard. Applicant: James Egan, on behalf of the property owners, Garigan Trust.

The preliminary development plan is to use the existing one story building as an auto service repair facility for vehicle transmissions. The proposed facility will include 3,000 square feet for offices, 4,000 square feet for parts storage, and a repair area, 4,234 square feet in size.

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-2 zoning subject to the following conditions:

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated July 14, 2008, 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. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. 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.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

8. Rear and side building facades are to be designed with attention to the architectural character and detail comparable to the front façade, including but not limited to, comparable color palette and similar materials. Elevation and color drawings shall be submitted as part of the development plan submittal.
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 such as 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. Storage of vehicles serviced on site shall be restricted to the rear (north side) of the building, out of view from the Broadway frontage.

DRAINAGE/GRADING/VEGETATION

12. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
13. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that shade pattern created by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 to 3:20 p.m. MST on June 21, shall cover fifty percent of the paved area.
14. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; *LUC* Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <http://dot.ci.tucson.az.us/stormwater/>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

15. Applicant to maintain cross-access to commercial development to the east.

16. Sidewalks, six feet in width, shall be installed along Broadway, and along the eastern edge of the site with additional pedestrian circulation in the interior of the site. The sidewalk along the access easement driveway must be paved in a textured paving material, such as stamped concrete or brick, to clearly delineate the walkway from the driveway.
17. Reflective and pervious alternative paving materials shall be incorporated in pedestrian areas and adjacent to planting areas. These paving materials shall be shown on the landscaping plans at the time of development plan submittal.
18. The owner/developer shall meet all parking, loading, and vehicle maneuvering requirements onsite.
19. The owner/developer shall include provisions for two single or one double wide solid waste storage/enclosed areas for the purpose of storing one refuse and one recycle container in each. Each enclosure should be designed per DS 6-01.3.0 & 6-01.4.0.

Zero written approvals and zero written protest were received prior to the Zoning Examiner's public hearing on September 25, 2008, 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 protests and approvals were received.

A simple majority vote of the Mayor and Council will be necessary to adopt an ordinance once the conditions of rezoning are met.

13. ZONING: (C9-08-13) MIRADOR GROUP, LLC – PIMA STREET, R-3 TO O-1, CITY MANAGER'S REPORT

- a. Report from City Manager DEC16-08-679 WARD 6
- b. Report from Zoning Examiner dated October 24, 2008
- c. Request to rezone approximately 0.76 acres from R-3 to O-1 zoning. The rezoning site is located on the south side of Pima Street, between Sonoita and Alamo avenues, west of Wilmot Road. Applicant: Tim McCann Consulting, LLC, on behalf of the property owners, Mirador Group, LLC.

The preliminary development plan proposes two single story medical buildings, each 2,800 square feet in size and 16 feet in height.

The proposed development is consistent with and supported by the policy direction provided in the *Arcadia-Alamo Area Plan* and the *General Plan*.

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

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated July 31, 2008, 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. 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.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. 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.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. Only clerestory windows are permitted on east-facing building walls.

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. Dumpsters shall be located at least 50 feet away from the southern and eastern property boundaries.
12. Loading activities shall be restricted to between the hours of 7:00 a.m. and 8:00 p.m., and no loading shall occur in the 50-foot undisturbed wash area, as shown on the preliminary development plan.
13. All outdoor lighting shall be full cutoff, directed down and shielded away from adjacent parcels and roadways.
14. All buildings shall have a southwest architectural design character and shall be designed to have “four-sided” architecture. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, rooflines, and exterior materials. Colored and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.
15. The exterior surface of the existing perimeter masonry wall shall be treated and/or painted to be graffiti-resistant, and to match or complement the proposed office development.
16. All exterior mechanical equipment shall be screened from view from the surrounding properties and public roadways.
17. The owner/developer shall install a fire hydrant on site or install fire sprinklers in each building.

DRAINAGE/GRADING/VEGETATION

18. All required vegetation planted on the rezoning site shall be native.
19. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that shade pattern created by mature canopy trees, buildings, and other structures on the vehicular use area from 9:20 to 3:20 p.m. MST on June 21, shall cover fifty percent of the paved area.

20. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
21. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <http://dot.ci.tucson.az.us/stormwater/>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

22. The owner/developer shall enter into an irrevocable offer to dedicate or grant an easement to the City of Tucson for public, non-motorized recreational trail and open space purposes, for the southwestern portion of the rezoning site within 50 feet of top-of-bank of the Alamo Wash, as shown on the rezoning preliminary development plan.
23. The owner/developer shall agree to pay for the removal of that portion of the existing perimeter wall within the 50-foot undisturbed wash area (as shown on the preliminary development plan) along the southwest corner of the site, as requested by the City. The owner/developer shall construct a new perimeter wall/fence outside the trail corridor, to allow views from the site to the wash corridor. The new perimeter wall shall be designed with no more than the lower 2.5 feet above the ground surface constructed of solid/opaque masonry materials, and 80 percent of the upper portion of the wall shall be constructed of wrought iron, to permit views of the wash and trail corridor from the project site.

24. At such time in the future when the new perimeter wall/fence is constructed, the owner/developer shall provide a gate to allow site employees access the wash corridor. For security purposes, the gate may be kept locked to restrict public access to the rezoning site, provided employees have access to the key, or are given the access code.
25. The owner/developer shall meet all parking requirements onsite.
26. The owner/developer shall include provisions for two-single, or one-double wide, solid waste storage/enclosed areas for the purpose of storing one refuse and one recycle container in each. Each enclosure should be designed per DS 6-01.3.0 & 6-01.4.0.

One written approval and zero written protests were received prior to the Zoning Examiner's public hearing on October 9, 2008, 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 protest were received.

14. ZONING: (C9-06-16) WEINBERG – MARY ANN CLEVELAND WAY, MH-1 TO R-2 (MH-1 TO R-1 AUTHORIZED), ORDINANCE ADOPTION

- a. Report from City Manager DEC16-08-681 WARD 4
- b. Ordinance No. 10614 relating to zoning; amending zoning district boundaries in the area located on the north and south sides of Mary Ann Cleveland Way, approximately 1.5 miles east of Houghton Road in Case C9-06-16, Weinberg – Mary Ann Cleveland Way, MH-1 to R-1; and setting an effective date.

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

15. ZONING: (C9-06-15) SHIPLEY – MARY ANN CLEVELAND WAY, MH-1 TO R-2 (MH-1 TO R-1 AUTHORIZED), ORDINANCE ADOPTION

- a. Report from City Manager DEC16-08-680 WARD 4
- b. Ordinance No. 10616 relating to zoning; amending zoning district boundaries in the area located south of Mary Ann Cleveland Way, approximately one mile east of Houghton Road in Case C9-06-15, Shipley – Mary Ann Cleveland Way, MH-1 to R-1 and setting an effective date.

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

16. PREDEVELOPMENT AGREEMENT: WITH THE DOWNTOWN TUCSON DEVELOPMENT COMPANY LLC FOR THE EAST CONGRESS STREET AREA

- a. Report from City Manager DEC16-08-694 WARDS 1 AND 6
- b. Resolution No. 21182 relating to Development; approving and authorizing the execution of a Predevelopment Agreement between the City of Tucson and the Downtown Tucson Development Company LLC relating to the redevelopment of the Congress Street and Warehouse Arts District; and declaring an emergency.

17. MAYOR AND COUNCIL: SELECTION OF VICE-MAYOR

- a. Report from City Manager DEC16-08-674 CITY-WIDE
- b. Resolution No. 21171 relating to the Vice-Mayor of the Mayor and Council; selecting a Vice-Mayor.

18. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager DEC16-08-672 CITY-WIDE

19. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 6, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.