



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

#### 5:30 p.m. session [Order of business]

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|--|---|
| <ul style="list-style-type: none"> <li>Invocation and Pledge of Allegiance</li> <li>Presentations</li> <li>Summary of Current Events</li> <li>Liquor license applications</li> <li>Consent Agenda</li> </ul> | <ul style="list-style-type: none"> <li>Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.</li> <li>Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.</li> <li>Other Mayor and Council business as listed on the agenda for the meeting.</li> </ul> |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Kathleen Dunbar – Vice Mayor**

#### Council Members

|                        |               |                         |               |
|------------------------|---------------|-------------------------|---------------|
| <b>José J. Ibarra</b>  | <b>Ward 1</b> | <b>Shirley C. Scott</b> | <b>Ward 4</b> |
| <b>Carol W. West</b>   | <b>Ward 2</b> | <b>Steve Leal</b>       | <b>Ward 5</b> |
| <b>Kathleen Dunbar</b> | <b>Ward 3</b> | <b>Fred Ronstadt</b>    | <b>Ward 6</b> |

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
 Wednesdays – 9:00 p.m.                      Thursdays – 9:00 a.m.                      Sundays – 9:00 a.m.  
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# 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 MEETING

**TUESDAY, AUGUST 2, 2005 – 5:30 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Reverend Melinda Nay, Center for Joyful Living

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**PRESENTATIONS**

- a. Proclaiming August to be “Drowning Impact Awareness Month”
- b. Proclaiming August 20, 2005 to be the 230<sup>th</sup> Anniversary of the founding of the City of Tucson.

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

- a. Report from City Manager AUG2-05-418 CITY-WIDE

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

- a. Report from City Manager AUG2-05-419 CITY-WIDE

## 5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager AUG2-05-425 CITY-WIDE
- b. Liquor License Applications

### New License

- 1. Las Indias Bonitas, Ward 4  
2544 S. Kolb Road  
Applicant: Ruben Dean Berry  
Series 12, City 49-05  
Action must be taken by: August 5, 2005

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

- 2. Bloo Fish, Ward 3  
1800 E. Ft. Lowell Road #116  
Applicant: Myong Wol Park  
Series 12, City 50-05  
Action must be taken by: August 7, 2005

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

- 3. Sauce Pizza & Wine, Ward 3  
2990 N. Campbell Avenue #110  
Applicant: Randy D. Nations  
Series 12, City 51-05  
Action must be taken by: August 12, 2005

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

- 4. Chicken Daddy's, Ward 6  
940 E. University Blvd.  
Applicant: William S. Leto  
Series 12, City 52-05  
Action must be taken by: August 18, 2005

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

5. Bargain Warehouse, Ward 5  
5670 S. Nogales Hwy.  
Applicant: Eun Mock Han  
Series 10, City 55-05  
Action must be taken by: August 26, 2005

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

6. Tortilleria Jalisco & Restaurant, Ward 5  
425 W. Irvington Road  
Applicant: Ninfa Solorzano  
Series 12, City 56-05  
Action must be taken by: August 29, 2005

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

7. J & B Market, Ward 3  
1720 N. 15<sup>th</sup> Avenue  
Applicant: Marylou C. Nuñez  
Series 10, City 57-05  
Action must be taken by: September 3, 2005

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

8. In-Out Mini Market, Ward 3  
2756 N. Stone Avenue  
Applicant: Karim Muhammad Duqmaq  
Series 10, City 58-05  
Action must be taken by: September 2, 2005

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

**PUBLIC OPINION: PROTESTS FILED**

9. Republic Beverage Company, Ward 3  
2861 N. Flowing Wells Road, Unit 161  
Applicant: Howard William Romm  
Series 04, City 59-05  
Action must be taken by: August 28, 2005

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

10. Sportys Cafe & Lounge, Ward 1  
1010 S. Freeway  
Applicant: Panagiotis Lembessis  
Series 12, City 60-05  
Action must be taken by: September 4, 2005

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

11. Micha's Del Norte, Ward 3  
1220 E. Prince Road  
Applicant: Lisa Irene Sharpe  
Series 12, City 61-05  
Action must be taken by: September 4, 2005

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)

#### Person/Location Transfer

12. Beverage House, Ward 5  
2038 E. Irvington Road  
Applicant: Eli Mark Drakulich  
Series 09, City 53-05  
Action must be taken by: August 18, 2005

Police Department - **Review in process**

13. Ferranti's Fine Foods, Ward 2  
6616 E. Grant Road  
Applicant: Phillip George Ferranti  
Series 07, City 54-05  
Action must be taken by: August 19, 2005

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

Person to Person Transfer

14. Hideout Bar & Grill, Ward 2  
1110 S. Sherwood Village Drive  
Applicant: Robert John Malone  
Series 06, City 47-05  
Action must be taken by: July 30, 2005

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

**PUBLIC OPINION: SUPPORT FILED**

15. Best Western Executive Inn, Ward 3  
333 W. Drachman  
Applicant: Rampal Singh Yadav  
Series 06, City 48-05  
Action must be taken by: July 30, 2005

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 issues. (A.R.S. Section 4-203)

c. Special Event

1. The Cristiani Foundation, Ward 6  
3400 E. Camino Campestre  
Applicant: Dyna Renee Sabin  
City T50-05  
Date of Event: September 16, 2005  
Proceeds from event to be donated to various charities in the community

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

2. Sun Sounds of Arizona, Ward 6  
3400 E. Camino Campestre  
Applicant: Mitzi M. Tharin  
City T51-05  
Date of Event: September 24, 2005  
Fundraiser

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

3. St. Demetrios Greek Orthodox Church, Ward 3  
1145 E. Ft. Lowell Road  
Applicant: Susan Parker-Hotchkiss  
City T52-05  
Date of Event: September 22, 23, 24, 25, 2005  
Fundraising

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

4. St. Melany Byzantine Catholic Church, Ward 6  
1212 N. Sahuara Avenue  
Applicant: Clifford A. Franzen  
City T53-05  
Date of Event: September 30 and October 1, 2005  
Fundraiser

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

**PUBLIC OPINION: PROTEST/SUPPORT FILED**

5. Congress Street Historic Theatres Foundation, Ward 6  
318 E. Congress Street  
Applicant: Douglas Biggers  
City T54-05  
Date of Event: September 2, 3, 4, 2005  
Live Music

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

6. Comité de Festividades des Mexicanas, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Mercedes M. Guerrero  
City T55-05  
Date of Event: September 17 & 18, 2005  
Civic Event

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

7. Tucson Breakfast Lions Club (TBLC) Ward 5  
4823 S. 6<sup>th</sup> Avenue  
Applicant: Wayne Francis Locke  
City T56-05  
Date of Event: September 3 & 4, 2005  
Fundraiser

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

8. Santa Rita Exchange Club, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Richard Domonic Medran  
City T57-05  
Date of Event: September 10, 2005  
Fundraiser for Santa Rita Exchange Club

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

9. SAAVI - Southern Arizona Association for the Visually Impaired, Ward 3  
3767 E. Grant Road  
Applicant: Michael O. Gordon  
City T58-05  
Date of Event: September 9, 2005  
Fundraising

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

10. The Church of St. Michael and All Angels, Ward 2  
602 N. Wilmot Road  
Applicant: The Rev. John R. Smith  
City T59-05  
Date of Event: September 23 & 24, 2005  
Fundraiser for Outreach Programs

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



**6. CONSENT AGENDA – ITEMS A THROUGH DD**

**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.

**7. 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".

**8. PUBLIC HEARING: PROPOSED ALTERNATIVE EXPENDITURE LIMITATION – HOME RULE OPTION**

- a. Report from City Manager AUG2-05-458 CITY-WIDE
- b. Hearing. Tucson, like all Arizona cities is subject to a spending limit imposed by the State Constitution. Because revenues and the need for city services are anticipated to exceed the state set limit, the City is evaluating the option for an alternative spending limit; Home Rule. Home Rule allows the City voters to set expenditure limits, typically established as the annual budget adopted by the Mayor and Council. Under this option, City voters have the opportunity to re-approve the alternative limit every four years.

AT THIS TIME THE MAYOR AND COUNCIL  
WILL RECESS THE REGULAR MEETING AND  
CONVENE A SPECIAL MEETING

AT THIS TIME THE MAYOR AND COUNCIL WILL  
RECONVENE THEIR REGULAR MEETING

**9. PUBLIC HEARING: BINGO LICENSE – ESTES GARDENS RESIDENT ACTIVITIES, 6251 S. COMMERCE COURT, CITY NUMBER 196**

- a. Report from City Manager AUG2-05-436 WARD 1

ESTES GARDENS RESIDENT ACTIVITIES, 6251 S. COMMERCE COURT  
Applicant Delia Orozco, City No. 196

- b. Hearing

The City Manager recommends that the application be forwarded to the State Tax Commission for approval.

**10. PUBLIC HEARING: TUCSON CODE (CHAPTER 6) ADOPTION OF THE 2003 INTERNATIONAL MECHANICAL CODE WITH LOCAL AMENDMENTS, THE 2003 INTERNATIONAL FUEL GAS CODE, AND THE 2003 STATE PLUMBING CODE**

- a. Report from City Manager AUG2-05-442 CITY-WIDE

- b. Hearing on adoption of the 2003 International Mechanical Code (IMC) with local amendments, the 2003 International Fuel Gas Code (IFGC), and the 2003 State Plumbing Code (SPC). The City's construction codes are periodically updated to include new editions of internationally recognized codes.

- c. Ordinance No. 10182 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article VI Mechanical Code Section 6-164 Mechanical Code Adopted; providing for a penalty; establishing an effective date; and declaring an emergency.

- d. Ordinance No. 10183 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article VI Mechanical Code by adding Section 6-167 Fuel Gas Code; providing for a penalty; establishing an effective date; and declaring an emergency.

- e. Ordinance No. 10184 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article V Plumbing Code Section 6-124 Plumbing Code Adopted; providing for a penalty; establishing an effective date; and declaring an emergency.

If adopted, provisions go into effect October 1, 2005.

**11. PUBLIC HEARING: ZONING (C9-02-32) A-C INVESTMENT – AJO WAY, R-1, R-2 AND I-1 TO I-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM THE MEETING OF JULY 6, 2005)**

- a. Report from City Manager AUG2-05-423 WARD 5
- b. Hearing on a request for a change of preliminary development plan for a rezoning site located on the northeast corner of the Kino Parkway and Ajo Way in the interior of the Kino/Ajo interchange. Applicant: Chuck Martin of Rick Engineering, on behalf of Craig Masters of Summit Development Group, LLC.

The revised preliminary development plan proposes a gas station on 1.5 acres of the site in lieu of a portion of the originally proposed mixed-use light industrial/manufacturing park on 8.6 acres. The request does not include a 2.1 acre parcel south of Ajo Way included in the original rezoning.

The City Manager recommends denial of the requested change of preliminary development plan.

Zero (0) written approvals and zero (0) written protests have been received. A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**12. ZONING: (C9-97-21) DEGRAZIA – SWAN ROAD, O-2 ZONING, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION**

- a. Report from City Manager AUG2-05-443 WARD 2
- b. Request for a change of conditions and preliminary development plan to property located on the southeast corner of Camp Lowell Drive and Swan Road. Applicant: Frank S. Bangs, Jr., of Lewis and Roca, LLP on behalf of the property owner, Neil Simon of Venture West, Inc. The proposed change of condition is to allow a 129,250 square foot office complex on 11 acres in lieu of the originally approved 125,000 square feet.

The City Manager recommends approval of the requested change of conditions and preliminary development plan, and adoption of the attached ordinance.

- c. Ordinance No. 10190 relating to zoning: amending rezoning conditions in the area located at the southeast corner of Camp Lowell Drive and Swan Road in Case C9-97-21, DeGrazia – Swan Road, O-2 zoning; and declaring an emergency.

**13. ZONING: (C9-05-05) VILLAGE OFFICES – SWAN ROAD, O-2 TO O-3, CITY MANAGER’S REPORT, ORDINANCE ADOPTION**

- a. Report from City Manager AUG2-05-444 WARD 2
- b. Report from Zoning Examiner dated July 15, 2005
- c. Request to rezone approximately 3.3 acres from O-2 (Residentially Compatible Office) to O-3 (Mid-rise Office) zoning. Applicant: Neil Simon of Venture West, Inc., on behalf of the property owners, Village Offices Development, LLC.

The rezoning site is located on the southeast corner of Swan Road and Camp Lowell Drive. The owner/developer proposes to construct two buildings, a 35,800 square foot two-story building for a research and development optics use, and a 5,000 square foot one-story building for future expansion. A total floor area of 40,800 square feet is proposed.

The Zoning Examiner recommends approval of the O-3 zoning. The City Manager recommends approval of the O-3 zoning, subject to compliance with the conditions provided in the attached ordinance.

Ten (10) written approvals and two (2) written protests were received prior to the Zoning Examiner’s public hearing on June 30, 2005. None of the protests are within the 150-foot area. The protests generally allude to vegetation and visibility of the project, and traffic congestion.

- d. Ordinance No. 10189 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Swan Road and Camp Lowell Drive in Case C9-05-05, Village Offices – Swan Road, O-2 to O-3; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance

**14. ZONING: (C9-05-04) P&L GROUP – AJO WAY, R-1 TO R-3, CITY MANAGER’S REPORT**

- a. Report from City Manager AUG2-05-430 WARD 1
- b. Report from Zoning Examiner dated July 15, 2005
- c. Request to rezone approximately 6.12 acres from R-1 (Low-density Residential) to R-3 (High-density Residential) zoning. Applicant: Andrew Ogas of Gene Goldstein, Architect, on behalf of the property owner, P&L Group.

The rezoning site is located on the southwest corner of Ajo Way and Pandora Avenue. The preliminary development plan proposes to construct 150 one- and

two-story apartments, including 118 two-bedroom and 32 three-bedroom units in 22 structures.

Planning Considerations: The *Santa Cruz Area Plan* supports commercial uses as well as medium- to high-density residential development. The *General Plan* supports compatible development, including urban character residential development along arterial streets. Authorization of the requested R-3 zoning is appropriate, subject to compliance with the recommended conditions.

The Zoning Examiner recommends approval of the R-3 zoning. The City Manager recommends approval of the R-3 zoning, subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated April 18, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. A category I Traffic Impact Analysis (TIA) shall be conducted and submitted for this project. The TIA shall address 1) the number of required speed humps on Laporte Lane; 2) parking restrictions on Pandora Avenue adjacent to the rezoning site; 3) a traffic circle at Laporte Lane and Pandora Avenue; and 4) possible relocation of the existing traffic signal at Holiday Boulevard and Ajo Way.
3. One, two, or three speed humps shall be installed on Laporte Lane as determined by the Traffic Impact Analysis.
4. The owner/developer shall design and build sidewalks along the public street frontage of Ajo Way and Pandora Avenue.
5. A one-foot no vehicular access easement shall be granted along the south right-of-way line of Ajo Way except at Phoebe Avenue.
6. Any existing curb cuts not used for vehicular access shall be closed.
7. Well-lit pedestrian access connections shall be provided to link off-site and on-site areas, as follows:
  - a. A centrally located pedestrian path, crosswalk, and access opening in the screen wall on the southern edge of the rezoning site connecting the on-site pedestrian circulation system within the rezoning site and the Mission Creek Apartments.

- b. A pedestrian path, crosswalk, and access opening along the western edge of the rezoning site connecting the on-site pedestrian circulation system within the rezoning site to the elementary school.
  - c. A pedestrian path, crosswalk, and access opening in the screen wall on the northern edge of the rezoning site connecting the on-site pedestrian circulation system within the rezoning site to the bus stop on Ajo Way.
- 8. Crosswalks within PAALs shall be of a different color and texture than the surrounding PAAL.
  - 9. Buildings shall be designed using four-sided architecture with consistent architectural character and design treatment.
  - 10. Rooflines shall be varied throughout the development.
  - 11. All exterior mechanical equipment shall be screened from view from adjacent development and street frontages and shall be integrated into the overall design of the development.
  - 12. Free standing signs shall be integrated into the overall site design. Details of all free standing signs shall be provided at the time of development plan review.
  - 13. Compatibility shall be demonstrated with the surrounding residential development by providing detailed, dimensioned colored elevation drawings and color photographs of surrounding residential development at the time of development plan review
  - 14. Preparation of a complete Drainage Report, including details of detention/retention, is required.
  - 15. 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.
  - 16. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
  - 17. Detention/retention basins 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.

18. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
19. 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.
20. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
21. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
22. Outflow from the site shall be designed as to minimize erosion in adjacent rights-of-way. Concentrated flows shall be designed to discharge, at a minimum, the 10-year flow beneath pedestrian circulation areas on or adjacent to the site.
23. Ponding depths in vehicle use areas shall not exceed one foot in the 100-year event.
24. Solid waste containers and recycling dumpsters shall be located as to exclude ponding water areas.
25. The owner/developer shall record a statement disclosing that the property is in the proximity of Tucson International Airport, and that the property is now and in the future will be subject to noise and other effects from aircraft operations at or departing from or arriving at Tucson International Airport, and that changes in airport layout or operating procedures could result in increased noise influences.
26. Four (4) inch fence block shall not be used for perimeter walls.
27. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
28. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
29. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

30. 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.
31. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and two (2) written protests were received prior to the Zoning Examiner's public hearing on June 30, 2005. One (1) of the protests is within the 150 foot protest area, resulting a 12.1 percent protest by area to the west, a 7.8 percent protest by area to the north, and a zero percent protest by area to the south and east. The protests generally allude to a need for retail versus housing, and crime.

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

**15. ZONING: (C9-01-01) TMCARE – WYATT DRIVE, R-1 TO O-3, ORDINANCE ADOPTION**

- a. Report from City Manager AUG2-05-445 WARD 2
- b. Ordinance No. 10188 relating to zoning: amending zoning district boundaries in the area located on the west side of Wyatt Drive approximately 300 feet south of Glenn Street in Case C9-01-01, TMCare – Wyatt Drive, R-1 to O-3; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance

**16. ZONING: (C9-05-09) M&B MECHANICAL – MOUNTAIN AVENUE, R-2 TO C-3, CITY MANAGER'S REPORT**

- a. Report from City Manager AUG2-05-437 WARD 5
- b. Report from Zoning Examiner dated July 15, 2005



- c. Request to rezone approximately 0.63 acres from R-2 (Single and Multi-family Residential) to C-3 (Heavy Commercial) zoning. Applicant: Anne Warner of Planning Resources, on behalf of the property owners, Mike Loftis and Bret Fishel.

The rezoning site is located on the south side of 21<sup>st</sup> Street between Santa Rita Avenue and Mountain Avenue. The applicant proposes to construct an 8,990 square foot heating and cooling warehouse on 0.63 acres.

Planning Considerations: The proposed rezoning request is in compliance with policies in the *Greater South Park Area Plan* and the *General Plan*. Authorization of the requested C-3 zoning should be subject to compliance with the attached recommended conditions.

The Zoning Examiner recommends approval of the C-3 zoning. The City Manager recommends approval of the C-3 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated April 28, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Buildings and landscaping to be designed to be architecturally consistent with the surrounding area.
3. Building facades at rear and side are to be designed with attention to architectural character and detail comparable to the front facade, with consistent design treatment, including but not limited to, comparable color palette, signs, lighting, screen walls, rooflines, and materials.
4. Dimensioned elevation drawings shall be submitted as a part of the development plan review.
5. Color photographs of surrounding properties shall be submitted as part of the development plan review.
6. Commercial structures shall not exceed one story and a maximum of thirty (30) feet in height.
7. Delivery hours limited to 6 AM to 7 PM.
8. 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.

9. The owner/developer shall install sidewalk along the Santa Rita Avenue, 21<sup>st</sup> Street and Mountain Avenue street frontages.
10. The owner/developer shall record a statement disclosing that the property is in the proximity of Tucson International Airport, and that the property is now and in the future will be subject to noise and other effects from aircraft operations at or departing from or arriving at Tucson International Airport, and that changes in airport layout or operating procedures could result in increased noise influences.
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, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
12. All unused curb cuts shall be closed.
13. Four (4) inch fence block shall not be used for perimeter walls.
14. 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.
15. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
16. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Four (4) written approvals and one (1) written protest were received prior to the Zoning Examiner's public hearing on June 23, 2005. The protest was outside the 150 foot protest area, resulting in a zero percent protest in all four directions. The protest generally alludes to truck traffic and home values.

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

**17. ZONING: RECONSIDERATION OF ORDINANCE 10162 RELATING TO (C9-03-24) ABRAMS/ACEDO – 4TH STREET**

- a. Report from City Manager AUG2-05-459 WARD 6
- b. Ordinance No. 10162 relating to zoning: amending zoning district boundaries in the area located on the south side of 4th Street between Richey Boulevard and Dodge Boulevard in Case C9-03-24, Abrams/Acedo – 4th Street, R-1/R-2 to R-2; and setting an effective date.

Staff recommends this item be continued to September 7, 2005, to allow the applicant time to prepare a revised tentative plat in compliance with the four points (conditions) that were the basis for the request to reconsider Ordinance No. 10162.

**18. IMPROVEMENT DISTRICTS: PARK AVENUE, IRVINGTON ROAD TO VALENCIA ROAD DISTRICT STREET LIGHTING AND SIDEWALK IMPROVEMENT**

- a. Report from City Manager AUG2-05-422 WARD 5
- b. Declaration of bids received by the City Clerk on July 8, 2005. Recommendation of award of contract by the Superintendent of Streets.
- c. Award of Contract to West Point Contractors, Inc.

**19. ZONING: (C9-00-21) BROADWAY HARRISON LLC – HARRISON ROAD, SR TO R-2, ORDINANCE ADOPTION**

- a. Report from City Manager AUG2-05-460 WARD 2
- b. Ordinance No. 10192 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Broadway Boulevard and Harrison Road in Case C9-00-21, Broadway Harrison LLC – Harrison Road, SR to R-2; and setting an effective date.

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

- a. Report from City Manager AUG2-05-420 CITY-WIDE

**21. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, September 7, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.