



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 Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

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

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda

- 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.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

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

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. 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
Fred Ronstadt – Vice Mayor

Council Members

José J. Ibarra	Ward 1	Shirley C. Scott	Ward 4
Carol W. West	Ward 2	Steve Leal	Ward 5
Kathleen Dunbar	Ward 3	Fred Ronstadt	Ward 6

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, 9th 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 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Tuesdays – 9:00 p.m. Wednesdays – 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

REGULAR MEETING

**MONDAY, OCTOBER 4, 2004 – 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 – Pastor Mark Pederson; Centro Cristiano Esperanza

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- (a) Proclamation – Proclaiming October to be National Down Syndrome Awareness Month

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager OCT4-04-536 CITY-WIDE

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

- (a) Report from City Manager OCT4-04-537 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager OCT4-04-535 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | |
|--|--|
| (1) WINGSTOP
2500 N. Silverbell Road
Applicant: Sheryl A. Hill
City #055-04, Ward 1
Series #12
Action must be taken by: 10/8/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
| (2) PIZZERIA LAFERLITA
446 N. Campbell Avenue #1101
Applicant: Thomas R. Aguilera
City #057-04, Ward 6
Series #12
Action must be taken by: 10/15/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
| (3) BEST WESTERN INN
AT THE AIRPORT
7060 S. Tucson Blvd.
Applicant: Scott S. Zachary
City #058-04, Ward 5
Series #11
Action must be taken by: 10/17/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |

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 community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

(c) Special Event(s)

- | | |
|--|--|
| (1) TUCSON LESBIAN & GAY
ALLIANCE INC. dba TUCSON PRIDE INC.
900 S. Randolph Way
Applicant: Robert S. Bowers
City #T078-04, Ward 6
Date of Event: 10/9/04
(Outoberfest - Annual GLBT Pride Festival) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks: In Compliance |
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(2) ST. CYRILS OF ALEXANDRIA
CATHOLIC CHURCH & SCHOOL
4725 E. Pima Street
Applicant: Daren W. Lowry
City #T079-04, Ward 6
Date of Event: 10/14/04
10/15/04
10/16/04
10/17/04
(Church & School Fundraiser)

Staff Recommendation

Police: In Compliance
DSD: In Compliance

(3) SAINTS PETER AND PAUL
CATHOLIC CHURCH AND SCHOOL
1436 N. Campbell Avenue
Applicant: Paul V. Leonardi
City #T080-04, Ward 6
Date of Event: 10/16/04
(School Fundraiser)

Staff Recommendation

Police: In Compliance
DSD: In Compliance

PUBLIC OPINION: PROTEST FILED

(4) SACRED HEART CHURCH
601 E. Ft. Lowell Road
Applicant: Mercedes G. Saenz
City #T081-04, Ward 3
Date of Event: 10/16/04
(Fundraiser/Community Event)

Staff Recommendation

Police: In Compliance
DSD: In Compliance

(5) TUCSON MEDICAL CENTER
FOUNDATION
3645 W. Starr Pass
Applicant: Colleen H. Cullison
City #T082-04, Ward 1
Date of Event: 10/8/04
(Fundraiser for Children's Miracle Network at TMC)

Staff Recommendation

Police: In Compliance
DSD: In Compliance

(6) KOKOPELLI WINERY
536 N. 4th Avenue
Applicant: Dennis M. Minchella
City #T083-04, Ward 6
Date of Event: 12/10/04
12/11/04
12/12/04
(4th Avenue Festival)

Staff Recommendation

Police: In Compliance
DSD: In Compliance

(7)	ST. AMBROSE SCHOOL 300 S. Tucson Blvd. Applicant: Leslie A. Shultz-Crist City #T084-04, Ward 6 Date of Event: 10/16/04 10/17/04 (Fundraiser)	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance
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PUBLIC OPINION: PROTEST FILED

6. CONSENT AGENDA – ITEMS A THROUGH K

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be 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 DIAMOND BELL ISOLATED WATER SYSTEM FEE

(a) Report from City Manager OCT4-04-552 OUTSIDE CITY

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

9. PUBLIC HEARING: ZONING (C9-98-25) STARR PASS BOULEVARD SR TO C-1, REQUEST FOR TIME EXTENSION (CONTINUED FROM MEETING OF SEPTEMBER 27, 2004)

- (a) Report from City Manager OCT4-04-550 W1
- (b) Hearing on a request for a five year time extension for completion of rezoning conditions for property located south of Starr Pass Boulevard approximately 2,000 feet west of Players Club Road. Applicant: Chris Ansley, on behalf of Starr Pass Resort Developments, LLC. The preliminary development plan is for 250 timeshare casitas on 32.5 acres. This request covers the final 32.5 arces of the original 77.2 acre Starr Pass and Moussa rezoning.

The original five-year authorization expires on November 8, 2004. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

The City Manager recommends approval of the requested five-year time extension from November 8, 2004, to November 8, 2009, subject to compliance with the following conditions of rezoning:

- 1. Completion of all improvements required by previous rezoning cases prior to any approval of phase 2 development, including, but not limited to:
 - a. The owner/developer shall provide a “fair-share” contribution, of \$180,000 to fund 25 percent of the cost of the design and construction of the following either through monetary contribution or construction of roadway improvements, for on Anklam Road improvements made necessary by the proposed development before development of the rezoning site can commence from Shannon to Players Club Drive:
 - (1) ~~Developer is required to install a center turn lane and bike lanes on Anklam Road from Shannon to Players Club Drive, to provide a minimum 46-foot pavement section and to modify the drainage structure beneath Anklam Road, or over Anklam Wash to accommodate the street improvements, and to construct a five foot wide pedestrian refuge area on each side of the road.~~

- a) Three 12 foot travel lanes.
- b) Two 5 foot bike lanes.
- c) Two 5 foot wide pedestrian refuges, on both sides of roadway
- d) Concrete curbs on both sides of the roadway.
- e) Modifications to the Anklam Wash drainage crossing structure to accommodate the above right-of-way improvements.

~~(2) The Developer will contribute \$150,000 to cover the cost of the above improvements. In addition, the Developer shall fund the improvement design of Anklam done by either Collins and Pena, or an engineer designated by the Developer with the City of Tucson administering and constructing the project.~~

(3) Up to 250 Marriott timeshare casitas be built on 32 and a half acres on the west side of Block 25 in conjunction with the proposed Marriott Hotel. None of the 250 casitas can be locked out to create two rentals within one casita, (i.e. each two bedroom unit must be sold and rented as a single unit). The seven and a half acres on the east side of Block 25, which was to contain time share casitas will become open space and with the exception of the Moussa property which has been removed from this request. The ~~the~~ remaining land in Block 25 would either remain undeveloped or be used as a golf course.

(4) The rezoning will limit access to the facilities of Starr Pass, (i.e. once a week access for each week sold).

b. The owner/developer shall rectify outstanding deficiencies in the existing Starr Pass Boulevard and Players Club Drive infrastructure that has prevented the City from formally accepting these streets for maintenance.

2. Development plans and subdivision plats, in substantial compliance with the preliminary development plan, and the Development Compatibility Report and Environmental Resource Report, shall be submitted for review and approval in accordance with Section 5.3.8 and 4.1 of the *LUC*, including, but not limited to:

- a. Total number of units shall be limited to 382 as indicated in the traffic study.
 - b. Access to any trails or proposed trails established in the Master Block Circulation Plan (C9-92-12) shall be maintained. Applicant shall work with the Pima Trails Association to determine the exact locations.
3. The developer shall provide written notice to adjacent property owners within 300 feet of the block boundary prior to submittal of each plat or development plan. The Community Design Review Committee (CDRC) application submittal shall include documentation of the notification of adjacent property owners.
4. Preservation of biological linkages is required as initially delineated in the *Desert Laboratory Proposed Biological Linkage* by Harris Environmental Group, dated September 17, 1997, and further refined in the submitted concept plan. The biological linkage crossing in Block 5 for the hotel access road shall be designed as follows:
- a. The crossing shall be a double arched structure with a minimum clearance of seven feet three inches (7'3"). A maximum three (3) foot wide concrete footer may be placed in the center of the structure to support the combined arch.
 - b. The structure shall accommodate the runoff from a 100-year storm event.
 - c. The bottoms of the arch openings shall remain in their natural states.
 - d. All utilities shall be within the roadway cross-section of the arched crossing.
 - e. The roadway cross-section shall be sized to include two 12-foot travel lanes, two 5 foot bicycle lanes that will also accommodate golf cart travel, and one 8-foot sidewalk area.
5. A mitigation/preservation plan of archaeological/historical resources shall be submitted for review and approval. The mitigation/preservation plan shall be prepared in conjunction with the Pima County Archeologist and the Arizona State Historic Preservation Office. The final report shall meet the Arizona State Museum standards.

6. All areas contained within the 100-year floodplains of washes shall remain undisturbed except for infrastructure, road crossings, and culverts. Arched culvert shall be used where crossings must occur. Utilities may cross washes only at the same point as roadway crossings. Wash crossings must be revegetated with plant species and seed mix native to the site.
7. Areas designated as biological linkages or natural undisturbed open space (NUOS) shall be fenced off before any adjacent development activity occurs and must remain fenced throughout construction of that portion of the development.
8. Wildlife crossing signs shall be provided where biological linkages abut roadways.
9. Biological linkages and wash areas shall be protected from the impact of pet and human activity by construction of fencing or walls. Private access from individual lots to these areas is not permitted. Public access shall only be from common areas and common area access points.
10. Natural vegetation along street frontages shall be maintained or enhanced. Areas along street frontages where natural vegetation does not exist shall be landscaped with ground cover, shrubs, cacti, and canopy trees that are native to the area.
11. A Golf Course Environmental Management Plan shall be submitted for review and approval by Parks and Recreation. The plan shall address the source of irrigation water and the types of pesticides, herbicides, and fertilizers that may be used. The plan shall include information on the anticipated effects these materials will have on plants, animals, humans, and the quality of groundwater and runoff both on-site and off-site, and techniques that will be used to mitigate negative impacts.
12. The golf course shall be irrigated with reclaimed water and water-harvesting concepts shall be incorporated into the entire project.
13. Walls and exteriors of structures shall be of colors that are predominant in the natural desert landscape. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way 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. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations. Four (4) inch fence block shall not be used for perimeter walls.

14. A drainage report shall be submitted for review and approval, including and/or addressing detention/retention, the additional development and/or density, preservation of xeroriparian intermediate (or better) habitat, and conformance of this portion of the development with the Starr Pass Master Drainage Report. Nonconformance with the Master Drainage Report will require a revision to same.
15. All mechanical equipment, storage, and parking areas shall be screened with materials compatible with the natural environment.
16. All outdoor pole and building lighting shall be full cut-off lighting - directed downward ~~the~~ and away from surrounding property owners and neighborhoods.
17. “Safe by Design” concepts shall be incorporated in the development plans and/or subdivision plats 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. Issuance of a building permit for construction of the proposed development based on an approved development plan in compliance with all Code requirements and conditions of rezoning by November 8, ~~2004~~ 2009.
20. A minimum of one fifteen- (15) gallon tree, no more than ten (10) feet from the back of the sidewalk, be provided on every other lot frontage.

Deleted text is ~~striketrough~~ and new text is underlined.

Zero (0) written approvals and 275 written protests were received for this case prior to the last public hearing before the Mayor and Council November 8, 1999. Thirty-eight (38) of the protests are located within the 300-foot notification area and twelve (12) of those protests are located within the 150-foot notification area. This results in a five (5) percent protest by area to the east and a zero (0) percent protest to the north, west and south.

A simple majority vote will be necessary to approve the request as presented.

10. ZONING: (C9-03-24) ABRAMS/ACEDO – FOURTH STREET, R-1 AND R-2 TO R-2, CITY MANAGER’S REPORT (CONTINUED FROM MEETING OF AUGUST 2, 2004)

- (a) Report from City Manager OCT4-04-534 W6
- (b) Report from Zoning Examiner dated May 7, 2004
- (c) Request to rezone approximately 1.45 acres from R-1 and R-2 (Low Density Residential/Medium Density Residential) to R-2 (Medium Density Residential) zoning. Applicant: Eric Abrams of The Stanley Group on behalf of the property owners, Stanley Abrams and Richard Acedo of Fourth Street Guys, LLC.

The rezoning site is located on the south side of Fourth Street between Richey Boulevard and Dodge Boulevard. The preliminary development plan proposes 11 one and two-story single-family detached residences for a density of approximately 7.6 residences per acre using the Residential Cluster Project development option.

Planning Considerations: The main part of the rezoning site is a 427 foot by 132 foot rectangle running north-south on the south side of Fourth Street between Dodge Boulevard and Richey Boulevard. A 30 foot wide by 161 foot long strip of land provides access to Fifth Street. The site was previously developed with a single-family residence that has been removed. The rezoning site has split zoning with R-2 on the north approximately 300 feet of the site and R-1 zoning on the balance. If developed under the existing zoning, the rezoning site could be approved for nine or possibly ten residences, depending on the design of the project. Therefore, this rezoning is requested in order to build one or two more units than currently allowed.

The Zoning Examiner recommends approval of the R-2 zoning. The City Manager recommends approval of R-2 zoning subject to the following conditions:

- 1. A subdivision plat in substantial compliance with the preliminary development plan dated March 25, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 of the *Land Use Code*.
- 2. The owner/developer shall submit the proposed tentative plat and the development plan to the Miramonte Neighborhood Association no less than ten (10) days prior to the CDRC submittal. The applicant shall submit documentation confirming the neighborhood association submittal with the CDRC submittal.

3. The R-1/R-2 zoning line shall be shown on the tentative plat. Lots within existing R-1 zoning shall not exceed one story in height, not to exceed eighteen (18) feet.
4. The retention/detention area is to be designed as usable passive and/or active open space, to include at a minimum two (2) park benches. The sitting area must also be made handicapped accessible utilizing a minimum five (5) foot wide, all-weather path constructed of either asphalt or concrete, connecting to the internal pedestrian path/sidewalk of the subdivision.
5. Buildings and landscaping to be designed to be architecturally consistent with the surrounding area. Dimensioned elevation drawings with proposed colors and materials (consistent with those submitted as a part of the rezoning application) are to be submitted as a part of the development plan. Color photographs of surrounding properties are to accompany the tentative plat.
6. 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.
7. A six (6) foot tall wall shall be provided on the west property line.
8. All one story buildings shall be setback a minimum of 14 feet from the west property line. All two-story buildings shall be setback a minimum of 18 feet from the west property line.
9. All walls visible from streets 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. Dedication, or verification of existence of right-of-way per the *Major Streets and Routes Plan* along the site frontage on 5th Street to a line 45 feet north of and parallel with the centerline of 5th Street.
11. Vehicular access to 5th Street shall be designed for one-way traffic southbound and include a diverter at the south end to only allow right turns onto 5th Street. The developer shall be responsible to provide the appropriate signage, including signage to limit access to 5th Street to emergency and service vehicles only.

12. Sidewalks, curb returns and curb access ramps shall be constructed as needed along 4th Street.
13. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
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 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. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
16. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two (2) written approvals and six (6) written protests have been received. Six of the protests are within the 150 foot protest area, representing a 37.8 percent protest by area to the east, a 37.2 percent protest by area to the south, a 12.2 percent protest by area to the west, and zero percent protest by area to the north. The protests generally allude to increased vehicular activity adjacent to existing residences, traffic safety, building heights, and views.

A simple majority vote is required to authorize this rezoning request. Because the protest level exceeds 20 percent to the east, and south, a three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

11. ZONING: (C9-04-15) DOS RIOS – ALVERNON WAY C-2 AND I-1 TO R-2, CITY MANAGER’S REPORT

- (a) Report from City Manager OCT4-04-547 W5
- (b) Report from Zoning Examiner dated September 17, 2004

- (c) Request to rezone approximately 33.1 acres from C-2 and I-1 (General Commercial and Light Industrial) to R-2 (Medium Density Residential) zoning. Applicant: Wocky Redsar of Castro Engineering Corporation on behalf of the property owners Robert Gugino of Benson-Alvernon Way Properties Limited Partnership and the University of Arizona.

The rezoning site is located at the southeast corner of Benson Highway and Alvernon Way. The preliminary development plan is for 143 one and two story single-family residences on 24.7 acres plus an additional 8.4 acres for future development of approximately 73 units for a potential density of approximately 6.5 residences per acre.

Planning Considerations: The *General Plan* supports the request to construct single-family residences at this location. Subject to the design direction provided by the *General Plan* and the *Design Guidelines Manual* incorporated into the recommended conditions, including the requirement for five-sided architecture, authorization of the requested R-2 zoning is appropriate.

The Zoning Examiner recommends approval of the R-2 zoning. The City Manager recommends approval of R-2 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated September 9, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. No access points shall be located within 200 feet of the centerline intersection of arterial streets.
3. The Developer shall provide a category II Traffic Impact Analysis as described in the Access Management Guidelines.
4. The Developer shall install sufficient additional pavement on Alvernon Way to accommodate a 5' bike lane.
5. The owner/developer shall design and construct half the *Major Streets and Routes (MS&R)* cross-section/improvements along the entire Alvernon Way frontage of the site. Improvements shall include 100-year storm capacity reinforced concrete box culverts or pre-cast reinforced concrete pipe culverts, one-half of a six lane cross section with median with six-foot wide sidewalks and street tapers of appropriate length.
6. All existing curb cuts not used for vehicular access shall be closed.

7. Separate development plans or plats shall be approved prior to permitting of proposed blocks A, B, and C.
8. Compatibility of non-residential development shall be demonstrated for new structures with proposed residences to the south and southeast, including but not limited to signs, lighting, screen walls, landscaping, rooflines, colors, materials, and architectural design. Dimensioned elevation drawings with proposed colors shall be submitted as a part of the tentative plat. Color photographs of surrounding properties are to accompany the tentative plat.
9. All residential building elevations visible from Alvernon Way and Benson Highway shall include appropriate five-sided architectural detail to provide a visually interesting streetscape.
10. The interior pedestrian circulation system shall include canopy trees which provide shade over sidewalk areas. Trees to be located within ten feet of the sidewalk with a minimum spacing of one tree on every other lot on all interior streets.
11. Landscape plan shall identify and include details and descriptions of the active/passive recreational amenities for each of the three recreation/common areas. All active/passive recreation areas shall be handicap accessible by an all-weather path, no less than five feet in width.
12. Canopy trees shall be spaced at intervals no greater than 25 feet on-center to form a continuous canopy along the edge of non-residential development adjacent to residential development.
13. Pedestrian links and access points shall be provided adjacent to the commercially zoned property north of the site for pedestrian connectivity.
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. Four (4) inch fence block shall not be used for perimeter walls.

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. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
18. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
19. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
20. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Three (3) written approvals and one (1) written protest were received prior to the Zoning Examiner’s public hearing, representing a zero percent protest by area in all directions around the rezoning site. The protest generally alludes to concerns regarding traffic congestion on Alvernon Way.

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

12. TUCSON CODE: AMENDING (CHAPTER 8) RELATING TO THE CITY MAGISTRATE APPOINTMENT PROCESS

- (1) Report from City Manager OCT4-04-546 CITY-WIDE
- (2) Ordinance No. 10051 relating to City Court; amending the Tucson Code, Chapter VIII, Article 1, Section 8-2.1 Methods of appointment of magistrates and qualifications establishing senior special magistrate status and compensation; Section 8-4 Magistrates; powers and duties; Section 8-4.1 Authorizing assignment of an associate presiding magistrate, term, compensation; and declaring an emergency.

13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager OCT4-04-538 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 11, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.