



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]

- 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
Kathleen Dunbar – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Kathleen Dunbar **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
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. 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, MARCH 22, 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 – Pastor Zane Anderson, Victory Assembly of God

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming March 28 to April 03, 2005 to be Community Development Week.
- b. Proclaiming March 2005 to be Red Cross Month
- c. Presentation from Gary Hayes, Executive Director of the Pima Association of Governments

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MARCH22-05-133 CITY-WIDE

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

- a. Report from City Manager MARCH22-05-134 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MARCH22-05-148 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Foxy's Sports Grill, Ward 6
254 E. Congress Street
Applicant: Brian L. Fox
Series 12, City 09-05
Action must be taken by: March 31, 2005

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

- 2. Mariscos Chihuahua #4, Ward 3
356 E. Grant Road
Applicant: Carina Mendoza
Series 12, City 11-05
Action must be taken by: April 2, 2005

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

- 3. Atria Bell Court Gardens, Ward 2
6653 E. Carondelet
Applicant: Donna Lou Jacobs
Series 12, City 12-05
Action must be taken by: April 8, 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

4. Residence Inn By Marriott, Ward 6
5400 E. Williams Circle
Applicant: Michael R. Scaffidi
Series 7, City 10-05
Action must be taken by: March 27, 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)

c. Special Event

1. United Way of Tucson & Southern Arizona, Ward 1
288 N. Church Avenue
Applicant: Teri L. Koopman
City T09-05
Date of Event: April 26, 2005
Fundraiser for United Way First Focus on Kids Division

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

2. Barrio Hollywood – Fiesta Grande, Inc., Ward 1
614 N. Grande Avenue
Applicant: Erica Dahl-Bredine
City T19-05
Date of Event: April 2 - 3, 2005
Neighborhood Street Fair

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

3. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Avenue
Applicant: Wayne Francis Locke
City T20-05
Date of Event: April 8 – 9, 2005
Fundraiser

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

4. Satori, Inc., Ward 3
3727 N. First Avenue
Applicant: Yvonne Schultz
City T21-05
Date of event: April 30, 2005
Yearly Auction

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

6. 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.

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: TUCSON CODE (CHAPTER 6) RELATING TO THE JOINT CITY OF TUCSON/PIMA COUNTY OUTDOOR LIGHTING CODE 2005 EDITION

- a. Report from City Manager MARCH22-05-151 CITY-WIDE
- b. Hearing on the approval of the 2005 Edition of the Tucson/Pima County Outdoor Lighting Code
- c. Ordinance No. 10135 relating to Outdoor Lighting; repealing Ordinance No. 8210 adopted March 21, 1994 which enacted the 1994 Edition of the City's Outdoor Lighting Code and replacing Ordinance 8210 with the City of Tucson/Pima County Outdoor Lighting Code except for those provisions designated for use by Pima County and amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article IV Electricity, Division II Outdoor Lighting Code, Section 6-101 Outdoor Lighting Code Adopted by replacing the provisions of Section 6-101 with the City of Tucson/Pima County Outdoor Lighting Code except for those provisions designated for use by Pima County; providing for a penalty; and declaring an emergency.

9. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 6), ADOPTION OF LOCAL SWIMMING POOL AMENDMENTS TO THE 2003 INTERNATIONAL BUILDING AND RESIDENTIAL CODES

- a. Report from City Manager MARCH22-05-153 CITY-WIDE
- b. Hearing on the approval of modifications to the 2003 International Building and Residential Codes
- c. Ordinance No. 10137 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article III Buildings, Division I Building Code, Section 6-38 Residential code adopted, Section 6-34 Building code adopted; providing for a penalty; and declaring an emergency.

10. PUBLIC HEARING: ZONING (C9-98-34) GR PARTNERS – SPEEDWAY BOULEVARD C-1 TO C-2, REACTIVATION, TIME EXTENSION, AND CHANGE OF CONDITIONS

- a. Report from City Manager MARCH22-05-142 WARD 2
- b. Hearing: on a request to reactivate the rezoning case, for a change of conditions and preliminary development plan to allow an auto service and repair facility in lieu of the previously authorized full service automatic car wash, and for a time extension. Applicant: Gerald R. Kessler on behalf of the prospective property owner, Heights Properties. The rezoning site is located on the north side of Speedway Boulevard approximately 200 feet west of Pantano Road. The revised preliminary development plan is for two auto service and repair buildings with a total of 8,059 square foot of floor area on 0.89 acres. Because the rezoning case has expired it must be reactivated prior to any action. The City Manager recommends the Mayor and Council reactivate the case and approve a time extension to July 6, 2009, and change of conditions and preliminary development plan subject to compliance with the following conditions:
 1. A development plan in substantial compliance with the preliminary development plan dated January 26, 2005, and the Environmental Resource Report and Design Capability Report, is to be submitted for review and approval in accordance with Section 5.3.8 of the *Land Use Code*.
 2. The applicant shall be allowed only one access point to the site from Speedway Boulevard in accordance with the spacing requirements of section 5.4 of the Access Management Guidelines.
 3. Cross access to the service station to the east of the rezoning site is required.
 4. A drainage report shall be submitted for review and approval, including details of retention/detention.
 5. 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.

6. Architectural elevations submitted at time of development plan review shall demonstrate four-sided architecture and visually interesting roof and parapet lines.
7. Service bays to face inward toward the interior of the rezoning site.
8. Preparation of a complete Drainage Report, including details of detention/retention, is required. Threshold retention requirements are applicable to this parcel (Lot 2 of Pantano Sur) and can be accomplished in retention basins or in water harvesting areas.
9. 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.
10. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
11. Basin sideslopes shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
12. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
13. Access to the solid waste disposal area cannot encroach upon required parking or loading areas.
14. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
15. Six (6) foot sidewalks are required along Speedway Boulevard.
16. Close any existing curb cuts that will not be used for vehicular access.
17. All outdoor lighting shall be full cutoff and directed down and away from adjacent residential uses and public roadways, mounted no higher than 20 feet, measured to the light source.
18. Archeological/cultural remains encountered during construction shall be mitigated in accordance with guidelines provided by the Arizona State Museum.
19. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.

20. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
21. 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 July 6, 2009.

Zero (0) written approvals and one (1) written protest have been received for this rezoning request. The protest is located outside of the 150-foot notification area resulting in a zero (0) percent in all four directions.

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

11. PUBLIC HEARING: ZONING (C9-85-95) 22ND STREET/PANTANO PARKWAY ANNEXATION DISTRICT, I-1® ZONING, CHANGE TO CONDITIONS OF ORIGINAL CITY ZONING AND ORDINANCE ADOPTION

- a. Report from City Manager MARCH22-05-149 WARD 4
- b. Hearing on a request for a change of conditions to allow a 17,418 square foot auto paint and body repair on 1.7 acres. The site is lot 22B of the Eastside Research and Commerce Center, located on the west side of the Pantano Wash, approximately one half mile south of 22nd Street.
- c. Ordinance No. 10133 relating to zoning: amending conditions of original City zoning in the area located on the south side of Bowline Drive approximately 300 feet west of Sarnoff Drive in case C9-85-95, 22nd Street/Pantano Parkway Annexation District; and setting an effective date.

The City Manager recommends ordinance adoption and approval of the requested change of conditions, subject to compliance with current codes and the recommended conditions provided in the ordinance.

12. ZONING: (C9-04-22) YBARRA/DAVIS – GORET ROAD, SR/RX2 TO RX-1, CITY MANAGER’S REPORT

- a. Report from City Manager MARCH22-05-143 WARD 1
- b. Report from Zoning Examiner dated February 25, 2005
- c. Request to rezone approximately 19.7 acres from SR and RX-2 (Very Low Density Residential/ Suburban Low Density Residential) to RX-1 (Suburban Low Density Residential) zoning. Applicant: Michael Marks of MJM Consulting, on behalf of the property owners, Luis and Sally Ybarra and William Davis.

The rezoning site is located on the north side of Goret Road between Desert Shadows Drive and the Shannon Road alignment. The preliminary development plan proposes 14 one-story single-family residences on 19.7 acres for a density of 0.71 residences per acre.

Planning Considerations: The proposed residential 0.71 unit per acre residential density and 50 percent open space are supported by the *Tucson Mountain Subregional Plan*. Subject to compliance with the attached preliminary conditions, authorization of the requested RX-1 zoning is appropriate.

The Zoning Examiner recommends approval of the RX-1 zoning. The City Manager recommends approval of the RX-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated November 1, 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. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the Public.
3. The owner/developer shall dedicate, or verify the existence of right-of-way, per the *Major Streets and Routes Plan* for Goret Road, to 75 feet northerly of and parallel/concentric with the Goret Road centerline.
4. The owner/developer shall dedicate 30-foot radius spandrels at the intersection of the project access street and Goret Road.
5. The developer shall contribute \$30,000 towards the cost of a future traffic signal at the intersection of Goret Road and Silverbell Road.

6. The subdivision shall have a passive and functional recreational area. The recreational area shall have at minimum a park bench with shade trees. The recreational area shall be located in the designated common area and be located a minimum of 25 feet from the lot line that abuts lots 2, 3, and 4 of North Desert Hills Subdivision to the meandering wall.
7. There shall be a note on the plat that states that the areas designated as “natural open space” shall be left in their natural condition. Such ‘natural open space’ shall not preclude natural surface walking/hiking trails or equestrian trails.
8. Structures shall not exceed 18 feet in height.
9. The colors of all structures shall be desert or earth tone. The proposed colors and materials shall be submitted as a part of the tentative plat submittal to the Community Design Review Committee (CDRC). Four-sided architecture is required.
10. A detailed site analysis shall be completed by a qualified professional and submitted determining an acceptable plant preservation plan. If a plant preservation plan is required, it shall comply with all requirements set forth in the *Tucson Mountain Subregional Plan*.
11. A minimum of 14, 15-gallon canopy trees shall be planted adjacent to the pedestrian path no farther than 10 feet from the back of the pedestrian path.
12. A landscape buffer shall be located in the common area along the south side of the proposed road for the length of Lot 1 in North Desert Hills Subdivision. The landscape buffer shall consist of enhanced landscaping, including a minimum of two rows of 15-gallon canopy trees. The trees shall be parallel to the street, off set from one another and spaced no more than 25 feet apart.
13. Every lot shall have an area on-site providing a minimum of three guest parking spaces.
14. Any required or proposed masonry walls are to be graffiti-resistant and shall incorporate one of the following decorative materials: a) tile, b) stone, c) brick, d) textured brick/blocks, e) a coarse-textured material such as stucco or plaster, or f) a combination of the above materials. The colors shall be desert or earth tone. Color drawings that show the proposed colors and materials are to be submitted as a part of the CDRC submittal.

15. Any continuous wall greater than 75 feet in length and three 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.
16. The owner/developer shall hold a meeting to offer the neighbors in the surrounding area a review of the proposed tentative plat prior to submittal to CDRC. Documentation of the meeting with the neighbors, including invitations, sign-in sheets, and detailed minutes of the meeting shall be provided with the CDRC submittal.
17. Preparation of a complete Drainage Report, including details of detention/retention, is required.
18. 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.
19. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
20. 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.
21. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
22. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the detention/retention basin perimeter.
23. The pedestrian circulation path, in any form, must be free from inundation during runoff from a ten-year storm.
24. All development shall be in conformance with the AzPDES Construction General Permit in effect at time of development. A common Stormwater Pollution Prevention Plan (SWPPP) must be developed for the entire site development or operators must develop and implement multiple SWPPPs that encompass all development on this project.
25. All development in the regulatory floodplain shall conform to the requirements of the adopted floodplain and erosion hazard regulations, including those that apply to alteration of riparian habitats of the watercourse and adjacent bank areas.

26. The owner/developer shall obtain a waiver from the Pima County Department of Environmental Quality to allow use of private on-site sewage disposal systems. In the event that an approval to use individual septic systems cannot be obtained, the owner / developer shall connect all development within the rezoning area to the public sewer system at the location and in the manner specified by Wastewater Management.
27. The owner / developer shall construe no action by the Pima County Wastewater Management Department as a commitment of capacity to serve the rezoning area until the owner / developer and Pima County execute an agreement to that effect.
28. Four (4) inch fence block shall not be used for perimeter walls.
29. Grading on each pad shall be limited to 15,000 square feet.
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 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. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
32. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
33. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
34. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Thirteen (13) written approvals and thirty six (36) written protests were received prior to the Zoning Examiner's public hearing on February 10, 2005, at that time requiring a three-fourths majority vote of Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's public hearing, additional protests and approvals and changes to protests and approvals have been submitted. As of this writing there are fifteen (15) written approvals and thirty four (34) written protests on file for this case. One (1) of the protests is

within the 150 foot area, representing an 8.24 percent protest by area to the south and zero percent to the north, east and west. The protests generally allude to traffic congestion on Silverbell Road, loss of wildlife habitat, and the idea of a gated community not being in character with the area.

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

13. ZONING: (C9-04-24) MARVIN – RIVER ROAD, SR TO O-3, CITY MANAGER’S REPORT

- a. Report from City Manager MARCH22-05-144 WARD 3
- b. Report from Zoning Examiner dated February 25, 2005
- c. Request to rezone approximately 4.34 acres from SR (Very Low Density Residential) to O-3 (Mid-rise Office) zoning. Applicant: Megan Johnson of the Planning Center, on behalf of the property owner, the Pamela Marvin Trust.

The rezoning site is located on the south side of River Road, approximately 400 feet west of Hacienda del Sol. The preliminary development plan proposes a 49,000 square foot office complex with three, two-story buildings.

Planning Considerations: The proposed development is conceptually in compliance with the policies in the *General Plan*, the *Catalina Foothills Subregional Plan*, and the *Design Guidelines Manual*. Authorization of the requested O-3 zoning is appropriate.

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

1. A development plan in substantial compliance with the preliminary development plan dated November 18, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the Public.
3. The property owner(s) shall dedicate appropriate right-of-way for River Road and grant appropriate drainage easements and temporary turnaround easements with the subject property. The property owner shall dedicate

the right-of-way and drainage easements within 30 days of authorization of the rezoning.

4. The property owner(s) shall pay a fair share contribution for improvements to River Road.
5. Access to River Road shall be coordinated with ~~the approved by~~ Pima County Department of Transportation.
6. Proposed building heights above 24-feet (not to exceed 30 feet within the Scenic Corridor Zone, and not to exceed 40 feet within the O-3 zone) shall require validation, as determined by Mayor & Council.
7. Rear and side building façades shall be designed with attention to architectural character and detail as comparable to the front façade, with consistent design treatment, including but not limited to comparable color palette, signs, lighting, screen walls, rooflines, and materials.
8. Dimensioned elevation drawings shall be submitted as a part of the development plan review.
9. Signs shall be integrated into the landscape plan and details shall be submitted as a part of the development plan.
10. All dumpsters and loading areas shall be placed a minimum of 50 feet from any residential area and shall be screened with a minimum six-foot high wall.
11. Development within the rezoning area shall be timed to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
12. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review.
13. Should treatment and/or conveyance capacity not be available at that time, the owner/ developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties.
14. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.

15. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
16. The owner/developer shall fund, design, construct, and maintain all necessary on-site sewers on a private basis, unless otherwise directed at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
17. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements and regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.
18. The owner/developer shall prepare a complete Drainage Report. The Drainage Report shall include details of detention/retention, if required.
19. 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.
20. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
21. Basin sideslopes shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
22. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
23. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
24. No plat, site plan, or development plan shall be approved prior to satisfactory completion of off-site roadway drainage improvements that provide for the capture and conveyance of flows from Camino Real Wash.

25. Connection to the proposed channel along the western property line is subject to approval by the Pima County Department of Transportation and Flood Control District.
26. 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.
27. Four (4) inch fence block shall not be used for perimeter walls.
28. 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.
29. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
30. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
31. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing.

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

14. ZONING: (C9-04-01) KEMMERLY – FIRST AVENUE SH, MH-1, AND C-2 TO R-3 AND C-1, ORDINANCE ADOPTION

- a. Report from City Manager MARCH22-05-150 WARD 3
- b. Ordinance No. 10134 relating to zoning; amending zoning district boundaries in the area located between Stone Avenue and 1st Avenue, on the north side of the Rillito River in Case C9-04-01, Kemmerly – First Avenue, SH, MH-1, and C-2 to R-3 and C-1; and setting an effective date.

15. CITY MANAGER: APPOINTMENT OF A CITY MANAGER

- a. Report from City Manager MARCH22-05-147 CITY-WIDE
- b. Ordinance No. 10132 relating to the City Manager; appointing a City Manager; authorizing and approving the agreement with the City Manager; and declaring an emergency.

16. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE FOX TUCSON THEATRE FOUNDATION AND THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR RESTORATION, OPERATION AND MANAGEMENT OF THE HISTORIC FOX THEATRE

- a. Report from City Manager MARCH22-05-154 WARD 1
- b. Resolution No. 20039 relating to Intergovernmental Agreements; authorizing the Mayor to execute on behalf of the City of Tucson the Amendment to the Intergovernmental Agreement between the City, the Rio Nuevo Multipurpose Facilities District, and the Fox Tucson Theatre Foundation entitled Intergovernmental Development and Lease Agreement for Restoration, Operation and Management of the Historic Fox Theatre; and declaring an emergency.

17. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Report from City Manager MARCH22-05-135 CITY-WIDE

18. ADJOURNMENT

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