



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

WEDNESDAY, SEPTEMBER 6, 2006 – 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 – Father Alonzo Garcia, St. Augustine Cathedral

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager SEPT6-06-448 CITY-WIDE

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

a. Report from City Manager SEPT6-06-449 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager SEPT6-06-446 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Park Ave Shell, Ward 5
880 E. Benson Hwy.
Applicant: Khalid Mahmood
Series 10, City 81-06
Action must be taken by: September 16, 2006

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

- 2. Los Beto's Mexican Food, Ward 4
7203 E. Golf Links Rd.
Applicant: Martha Magdalena Davila
Series 12, City 82-06
Action must be taken by: September 17, 2006

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

- 3. Arco AM/PM, Ward 5
2450 E. Valencia Rd.
Applicant: Wagih William Kamar
Series 10, City 84-06
Action must be taken by: September 17, 2006

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

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

c. Special Event

1. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: Susan Parker-Hotchkiss
City T35-06
Date of Event: September 21-24, 2006
Fundraising

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

2. St. Melany Byzantine Catholic Church, Ward 6
1212 N. Sahuara
Applicant: Clifford A. Franzen
City T36-06
Date of Event: October 6 & 7, 2006
Fundraiser

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

3. Escaramuza “Flor de Primavera”, Ward 5
4823 S. 6th Ave.
Applicant: Francisco J. Celaya
City T37-06
Date of Event: September 15, 2006
Mex. Independence Anniversary/Entertainment & Educate Mex. Culture

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

4. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T42-06
Date of Event: September 16, 2006
U of A Football Home Tailgate Party

Public Opinion: Protests Filed

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

5. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T43-06
Date of Event: September 23, 2006
U of A Home Football Tailgate Party

Public Opinion: Protests Filed

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

6. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T44-06
Date of Event: September 30, 2006
U of A Home Football Game Tailgate Party

Public Opinion: Protests Filed

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

7. Tucson Lesbian & Gay Alliance, Inc. d.b.a. Tucson Pride Inc., Ward 6
DeMeester OPC, Reid Park
Applicant: Carol Lynn Sayler
City T49-06
Date of Event: October 14, 2006
Pride in the Desert Annual LBGT Pride Festival

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

- d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

6. CONSENT AGENDA – ITEMS A THROUGH U

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: CHANGE OF PROJECT SCOPE – ARROYO CHICO WASH IMPROVEMENT (CONTINUED FROM THE MEETING OF AUGUST 8, 2006)

- a. Report from City Manager SEPT6-06-444 WARD 6
- b. Hearing: on a request by the City of Tucson for the Pima County Board of Supervisors to modify the Arroyo Chico Wash Improvement Project and amend the 2004 Pima County Bond Implementation Ordinance. The City requests a change to the scope of the project to reflect the addition of land acquisition for the project. The overall cost of the project has not changed.
- c. Resolution No. 20410 relating to parks; requesting the Pima County Board of Supervisors modify the Arroyo Chico Wash Improvement Project contained in the 2004 Pima County General Obligation Bond Program; and declaring an emergency.

9. PUBLIC HEARING: ZONING (C9-00-36) LEWIS FAMILY LLC – IRVINGTON ROAD R-1 AND R-2 TO C-2, REACTIVATION AND TIME EXTENSION

- a. Report from City Manager SEPT6-06-461 WARD 5
- b. Hearing: This is a request to reactivate an expired rezoning case and approve a five-year extension to allow completion of the rezoning conditions for property located on the north side of Irvington Road approximately 325 feet west of Country Club Road. Applicant: Michael Marks of MJM Consulting, Inc., on behalf of the property owners, Scott and Katharine Lewis Family LLC and Country Club and Irvington Convenience Market Co. LLC. The preliminary development plan is for a sales and maintenance facility for recreational vehicles (RVs). The original five-year authorization expired on April 9, 2006.

This item requires a public hearing 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.

Staff recommends the Mayor and Council reactivate the rezoning case and approve the requested five-year extension from April 9, 2006, to April 9, 2011, subject to the recommended conditions of rezoning:

The following recommended conditions are based on the conditions adopted by Mayor and Council April 9, 2001. Within the recommended conditions, new text is underlined, deleted text is ~~strikethrough~~.

1. A development plan, in substantial compliance with the preliminary development plan dated ~~February 28, 2004~~ June 27, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:
 - a. Consolidated vehicular access between the proposed development and the existing C-2 zoned commercial area at the northwest corner of Irvington Road and Country Club Road.
2. The owner/developer shall dedicate right-of-way, including intersectional widening, per the *Major Streets and Routes Plan*, as required, in the form approved by the Department of Transportation.
3. In lieu fees shall be required to cover the cost of twelve (12) feet of additional pavement and two (2) feet of additional sidewalk along the Irvington Road frontage of the project. The estimated cost of \$12 per linear foot can be reduced by the cost of construction of a continuous westbound deceleration/acceleration lane on Irvington Road for both of the proposed driveways to the development.
4. A detailed hydrology and hydraulics report shall be submitted and approved, including retention/detention calculations/requirements and compliance with the Watercourse Amenities, Safety and Habitat (WASH) Ordinance regulations.
- ~~5. Where necessary, the banks of the Julian Wash and the retention basins shall be stabilized in compliance with the Watercourse Amenities Safety and Habitat (WASH) ordinance requirements.~~
6. All site drainage including roof and parking area access lane (PAAL) shall be first discharged into the detention areas or other water harvesting areas prior to discharging via a storm drain into the Julian Wash.
7. The owner/developer shall dedicate a minimum 1250-foot wide linear park corridor along the north side of the Julian Wash, measured from the

top of the bank. The corridor shall be landscaped and include a 12-foot wide paved path and eight foot wide natural surface trail. As long as a viable linear park corridor is maintained, a reduction in the width of the corridor may be made at the discretion of the Parks and Recreation Department.~~access easement along the Julian Wash. The location and of the easement shall be coordinated with the Floodplain Engineering.~~

8. Building materials and colors shall compliment those predominant in the surrounding natural landscape. Prior to development plan approval, the applicant shall submit elevation drawings of all structures and freestanding walls and fences, showing the building materials and colors to be used.
9. 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 or residentially developed property 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.
10. All outdoor lighting shall be directed down and away from residential parcels and public roadways and be as low in elevation as possible.
11. ~~Archeological/cultural remains encountered during ground modification activities shall be mitigated in accordance with guidelines provided by the Arizona State Museum.~~ 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.
12. All areas identified on the development plan as NUOS or other designated open space including the resource areas under the Watercourse Amenities Safety and Habitat (WASH) ordinance shall be fenced off and protected prior to any on-site development activity.
13. The Arizona Game and Fish Department guidelines regarding raptors, bats, Gila monsters, and special status plants and animals shall be followed.

14. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
15. No public address system.
16. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
17. ~~Five years are allowed in which to comply~~ Compliance with all Code requirements and conditions of rezoning by April 9, 2011.
18. An airport disclosure statement shall be executed and recorded to serve notice to future property owners of potential aviation impacts.
19. All required landscaping shall be provided on-site.
20. 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.
21. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
22. Detention/retention basins shall be located adjacent to a street, PAAL or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
23. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
24. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
25. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
26. Building elevations on the sides and rear shall be designed to have architectural character and detail comparable to the front elevation. Consistent design treatment, including but not limited to color palette, rooflines, signs and trim materials, shall be provided. Dimensioned and colored elevation drawings are to be submitted for review with the development plan.

27. Signs shall be integrated into the surrounding development in such a way that the message is clear but the sign is not the dominant feature.
28. A varied roof line shall be provided where building height exceeds 20 feet.
29. All exterior rooftop mechanical equipment shall be screened from view and shall be architecturally integrated into the overall design of the buildings and development.
30. The sales/office building shall have a clearly defined, highly visible customer entrance that has at least three of the following features: canopies, porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, display windows; tile work and moldings integrated into the building structure and design; and/or integral planter or wing walls that incorporate landscaped areas.
31. A safe pedestrian circulation system shall be provided connecting the principal building to the public sidewalk system. If possible, a direct pedestrian connection should be provided between the eastern edge of this development and the convenience store to the east. Pedestrian crossings through parking lot areas shall be painted and/or otherwise identified.
32. An opening in the wall along the northern boundary shall be provided to allow pedestrian access between the Julian Wash and the site.
33. The screen walls along the northern and western site boundaries adjacent to the Julian Wash shall be designed as view walls, to allow visibility between the site and the wash as follows:
 - a. At least 80 % of the wall/fence above three feet shall be open;
 - b. No more than the bottom three feet of the wall, as measured from the surrounding ground surface upwards, shall be constructed of opaque materials; and
 - c. The wall/fence shall be constructed of graffiti-resistant materials and shall be visually attractive and architecturally consistent with the new development.
 - d. Wall design details shall be provided with the development plan.

Eight (8) written approvals and four (4) written protests have been received for this rezoning request. Two (2) protests are within the 150-foot protest area, representing 3.9 percent protest by area to the north. The protests referred to noise and increased traffic concerns.

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

10. ZONING: (C9-89-20) ESTES – VALENCIA ROAD, O-3 TO C-1, CHANGE OF CONDITION AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF AUGUST 8, 2006)

- a. Report from City Manager SEPT6-06-451 WARD 1
- b. This is a request for a change of condition and preliminary development plan for property located north of the northwest corner of Valencia Road and Commerce Court road. Applicant: Tony Tsang of A.C. Tsang Engineering Group, Inc., on behalf of the property owner, Midvale-Valencia LLC Investors. The rezoning site currently consists of an existing self-storage facility and vacant land. The applicant is proposing a change in condition that requires a 50-foot building set back from the north property line of the rezoning site. The applicant is proposing to construct a 10-foot high self-storage building located near the northeast corner of the rezoning site.

Staff recommends approval of the requested change of condition and preliminary development plan subject to the conditions provided in the ordinance.

- c. Ordinance No. 10307 relating to zoning: amending rezoning conditions in the area located at the northwest corner of Valencia Road and Commerce Court Road in Case C9-89-20 (RZ06-61) Estes – Valencia Road, O-3 to C-1; and declaring an emergency.

11. ZONING: (C9-06-10) LLDN – VALENCIA ROAD, R-2 TO C-1, CITY MANAGER’S REPORT

- a. Report from City Manager SEPT6-06-463 WARD 1
- b. Report from Zoning Examiner dated July 28, 2006

- c. Request to rezone approximately 3.03 acres from R-2 (Medium-density, Single- and Multi-family Residential) to C-1 (Low-intensity Commercial). Applicant: William Podolsky, on behalf of the property owner, LLDN Development Company. The rezoning site is located at the southwest corner of Valencia Road and Nogales Highway. The owner/developer proposes to construct a one-story convenience store with 14 fuel dispensing locations and 18,855 square feet of retail uses in two additional one-story buildings on 3.03 acres.

The *12th Avenue/Valencia Road Area Plan* and the *General Plan* provide land use policy direction for this area. The rezoning site is less than one mile northwest of the northwest end of the main runway for Tucson International Airport and within the *Airport Environs Zone (AEZ)*.

The Zoning Examiner held a public hearing on June 29, 2006 and July 13, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends denial of C-1 and C-2 zoning.

Staff recommends the request be remanded back to the Zoning Examiner for further findings of fact. Should the Mayor and Council approve this request, staff recommends C-2 zoning be limited to the Valencia Road frontage with C-1 zoning for the remainder of the site, in lieu of C-2 zoning for the entire site as originally requested, subject to the recommended conditions.

1. A development plan in substantial compliance with the preliminary development plan dated May 16, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall dedicate the applicable right-of-way along Valencia Road and Nogales Highway street frontages including applicable intersection widening.
3. The owner/developer shall dedicate a 30-foot radius spandrel at the northeast corner of the site.
4. Prior to a development plan approval, an aviation easement shall be recorded with the land to inform current and future property owners of the potential aviation impacts to the site. Information of the aviation easement shall be included as a general note on the development plan and shall include the recordation information.
5. Parking area access lanes and on-site pedestrian circulation systems shall be designed and located on the site to allow future connectivity with the adjacent parcels to the west and south.

6. Outdoor lighting mounted on west or south building elevations shall be mounted at a minimum height to provide safe security lighting and shall be shielded so that bulb/element glare is not visible from adjacent properties.
7. Prior to development plan approval, the Department of Transportation shall review the project for compliance with future Regional Transportation Authority limited Parkway requirements as it applies to Valencia Road.
8. Noise generating ancillary uses, such as but not limited to: dumpsters, loading zones, drive-through lanes, outdoor public address systems, ATMs, guard dogs, and other noise generating uses shall be located no less than 50 feet from the west and south property lines.
9. The minimum setback for structures along the west and south property boundaries shall be no less than 45 feet.
10. The integrity of architectural design elements shall be applied to the sides and rear building façades when those structures are visible from the right-of-way and any pedestrian links and paths.
11. Delivery and/or loading activity shall occur between the hours of 7:00 A.M. to 10:00 P.M.
12. The owner/developer shall construct a bus pull-out/pull-through and a bus shelter on the Old Tucson-Nogales Hwy (U.S. 89), as determined by the Department of Transportation.
13. Six-foot high masonry walls shall screen outdoor storage areas and no outdoor storage shall be stacked to be visible above the enclosure walls.
14. Fifteen-gallon native canopy trees shall be planted twenty-five feet on center along the full length of the west and south property lines. All trees shall be on a permanent irrigation system.
15. The owner/developer shall submit a Category II traffic impact analysis at the time of development plan review.
16. The proposed development shall be limited to one access point from each street frontage.
17. The owner/developer shall install additional pavement along the entire street frontage of both Valencia Road and Nogales Highway to accommodate a five-foot wide bike lane.

18. The owner/developer shall install a right-turn lane along the entire project length on Valencia Road.
19. The owner/developer shall provide for signal improvements at the intersection of Valencia Road and Nogales Highway not to exceed \$25,000.
20. The owner/developer shall install a right turn lane at the Nogales Highway access point.
21. 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.
22. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
23. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
24. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
25. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
26. All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines.
27. 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.
28. Four (4) inch or less masonry block shall not be used for perimeter walls.
29. 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.

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

No written approvals or written protests were received prior to the Zoning Examiner's public hearing on June 29, 2006 and July 13, 2006.

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

12. ZONING: (C9-02-32) A-C INVESTMENT – AJO WAY, R-1/R-2 AND I-1 TO I-1, ORDINANCE ADOPTION

- a. Report from City Manager SEPT6-06-456 WARD 5
- b. Ordinance No. 10313 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Ajo Way and the Ajo/Kino Interchange in Case C9-02-32, A-C Investment – Ajo Way, R-1, R-2 and I-1 to I-1; and setting an effective date.

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

13. ZONING: (C9-06-13) BRAKE MASTERS – HARRISON ROAD, C-1 TO C-2, CITY MANAGER'S REPORT

- a. Report from City Manager SEPT6-06-462 WARD 4

- b. Report from Zoning Examiner dated July 28, 2006
- c. Request to rezone approximately 0.56 acres from C-1 (Neighborhood Commercial) to C-2 (General Commercial). Applicant: Jim Egan of Heights Properties LLP. The rezoning site is located south of the southeast corner of Harrison Road and 22nd Street. The applicant proposes to construct a 4,900 square foot, eight-bay, auto repair facility for the repair and installation of automobile brakes.

The *Pantano East Area Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *Pantano East Area Plan* require the proposed use be integrated with other adjacent commercial uses and that adjacent residential uses be adequately buffered using a combination of setbacks, landscaping and screening materials. The *Plans* also emphasize the protection of existing development through the incorporation of appropriate design elements when locating more intense uses adjacent to residential development. The applicant's request is in compliance with the intent and pertinent policies of the *Pantano East Area Plan* and the *General Plan*. Authorization of the requested C-2 zoning is appropriate subject to compliance with the recommended conditions.

The Zoning Examiner held a public hearing on July 13, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of C-2 zoning.

Staff recommends authorization of C-2 zoning subject to certain recommended conditions:

1. A development plan in substantial compliance with the preliminary development plan, landscape plan, and elevation drawings dated April 26, 2006, 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 shall be at no expense to the public.
3. The owner/developer shall dedicate right-of-way along the Harrison Road, 22nd Street and Old Spanish Trail street frontages, including applicable intersection widening.
4. The owner/developer shall design and construct the south half of 22nd Street and the southwestern half of Old Spanish Trail as required by the *Major Streets and Routes Plan (MS&R)*, or as approved by the City Engineer.
5. Improvements shall be constructed along the entire lengths of the street frontages of the site.

6. Improvements shall include appropriate pavement transitions beyond the limits of the site, curb, six-foot-wide sidewalks, median islands, traffic signal/traffic signal modifications and 100-year storm capacity reinforced concrete drainage structures.
7. All existing curb cuts not used for vehicular access to the site shall be closed.
8. Hours of operation shall be limited to 7:30 AM to 5:30 PM Monday through Saturday.
9. All bay doors shall be oriented to the north.
10. 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.
11. Four (4) inch or less fence block shall not be used for perimeter walls.
12. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/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.
13. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
14. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
15. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.
16. Verification of compliance with the neighborhood agreement dated June 7, 2006 shall be the responsibility of the applicant, developer, and neighborhood associations listed on the agreement. Applicant shall be required to meet with said neighborhood associations prior to CDRC submittal and ordinance adoption to demonstrate compliance with conditions listed in the agreement.

Zero (0) written approvals and six (6) written protests were received for this case prior to the Zoning Examiner's public hearing on July 13, 2006. One (1) of the protests is within the 150 foot area, representing an 18 percent protest by area to the south. All other quadrants result in a zero percent protest by area. The protests generally allude to increase in noise and traffic.

Because the protest level within 150 feet of the rezoning site is less than 20 percent in all four quadrants surrounding the site, a simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager SEPT6-06-450 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 12, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.