



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR AGENDA

**TUESDAY, MARCH 18, 2008 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 W. ALAMEDA, TUCSON, AZ)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Mark Sorensen, Tucson Water Department

PLEDGE OF ALLEGIANCE – Boys and Girls Club, Roy Drachman Clubhouse, Youth of the Year

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager MARCH18-08-113 CITY-WIDE

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

a. Report from City Manager MARCH18-08-114 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MARCH18-08-116 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Hilton Garden Inn Tucson Airport, Ward 5
6575 S. Country Club Rd.
Applicant: Shawn Patrick Delaney
Series 11, City 8-08
Action must be taken by: March 29, 2008

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

- 2. Wingstop, Ward 1
1710 W. Valencia
Applicant: Sheryl Ann Hill
Series 12, City 9-08
Action must be taken by: April 3, 2008

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 Transfer(s)

- 3. Rincon Market, Ward 6
2513 E. 6th St.
Applicant: John Ronald Abbott
Series 9, City 7-08
Action must be taken by: March 27, 2008

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

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

c. Special Event(s)

1. Tucson Breakfast Lions Club (TBLC), Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T8-08
Date of Event: April 4 & April 5, 2008
(Fundraiser)

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

2. Santa Cruz Parish, Ward 5
1220 S. 6th Ave.
Applicant: William M. Sneyd
City T9-08
Date of Event: May 17 & May 18, 2008
(Fiesta de la Familia)

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

3. Kokopelli Winery, Ward 6
536 N. 4th Ave.
Applicant: Dennis M. Minchella
City T11-08
Date of Event: April 4 - April 6, 2008
(Fourth Avenue Street Fair)

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

4. The University of Arizona Foundation, Ward 6
1031 N. Olive Street
Applicant: James H. Moore, Jr.
City T13-08
Date of Event: March 28, 2008
(Fundraising for UA Museum of Art)

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

5. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Katherine A. Wesolowski
City T18-08
Date of Event: March 29 & March 30, 2008
(Fundraising Craft Market)

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

d. Agent Change/Acquisition of Control

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

6. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

7. CONSENT AGENDA – ITEMS A THROUGH J

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27), RELATING TO CHANGES IN MISCELLANEOUS WATER FEES

- a. Report from City Manager MARCH18-08-127 CITY-WIDE & OUTSIDE CITY
- b. Hearing on the adoption of changes in Tucson Water miscellaneous fees.
- c. Ordinance No. 10510 relating to water; amending certain portions of the Tucson Code, Chapter 27, Water, Article I, In General, Section 27-16.2, Permit for construction water; Article II, Rates and charges, Section 27-30, Service charge, Section 27-35, Charges for installation of water service connections, Section 27-37, Agreements for construction of water facilities authorized, Section 27-41, Accommodation and standby water service, Section 27-43, Charge when meter not registering properly, Section 27-50, Discontinuing service for non-payment of water bill; customer right to dispute account balance, Section 27-51, Resuming service after discontinued for nonpayment or violations; Article V, Backflow Prevention and cross connection control, Section 27-86, Fees; and declaring an emergency.

The proposed ordinance includes a July 1, 2008 effective date.

9. ZONING: (C9-07-29) KIPPES – UHL STREET, RX-2 TO R-2, CITY MANAGER’S REPORT

- a. Report from City Manager MARCH18-08-126 WARD 2
- b. Report from Zoning Examiner dated February 15, 2008
- c. Request to rezone approximately 0.83 acres from RX-2 to R-2 zoning. The rezoning site is located west of Pantano Road, south of Broadway Boulevard. Applicant: John Millar, on behalf of the property owner, Ryan Kippes.

The preliminary development plan is for a Residential Cluster Project with density increase comprised of eight, two-story residential units, on 0.83 acres.

The proposed development is consistent with and supported by the policy direction provided in the *General Plan* and the *Pantano East Area Plan*.

The Zoning Examiner and staff recommend authorization of R-2 zoning subject to the following conditions:

LEGAL

- 1. A subdivision plat in substantial compliance with the revised preliminary development plan and supporting materials dated January 30, 2008, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
- 2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”.
- 3. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

4. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
5. Five years are allowed from the date of initial authorization of C9-07-29 to implement and effectuate all Code requirements and conditions of the rezoning.

LAND USE COMPATABILITY

6. Balconies shall be prohibited on the rear of the units adjacent to the west, single-family residence. Second floor windows facing towards the west shall be restricted to clerestory windows with a sill height of seven feet.
7. Side and rear building facades adjacent to public right-of-way and residentially zoned property shall be designed with attention to architectural character and detail comparable to the front façade. Enhancement can include design treatments such as pop outs, color variation, etc.
8. Dimensioned elevation drawings with proposed colors and materials are to be submitted as a part of the platting process to CDRC.
9. Identical units of the same color and design shall not be placed next to one another.
10. All exterior mechanical equipment shall be screened from view from adjacent development and street frontages, and shall be architecturally integrated into the overall design of the development.
11. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
12. Six (6) inch wide fence block or greater shall be used for perimeter walls.
13. Patio walls abutting recreation areas shall incorporate safe-by-design concepts. Patio walls for units 2, 6 and 7 shall meet the following criteria: the masonry wall portion of the wall will not exceed two (2) feet, six (6) inches in height, except for pillars, with three (3) feet, six (6) inches wrought iron or other similar open fencing materials on top.
14. Provide a minimum of one fifteen-(15) gallon tree, no more than ten (10) feet from the back of the sidewalk, on every other lot frontage.

15. Recreation areas shall incorporate elements of usable open space and active/passive recreational space. Pedestrian facilities associated with the recreation areas shall also be ADA accessible with a minimum five-foot wide path constructed of either stabilized decomposed granite, asphalt, or textured concrete. In addition to shaded seating areas, the recreation areas will include but are not limited to a ramada, tables, and an outdoor grill.
16. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.

ROAD IMPROVEMENTS/UTILITIES

17. Sidewalks/ramps shall not encroach into the site. Sidewalks/ramps shall be contained within the public right-of-way.
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.

Zero written approvals and one written protest were received prior to the Zoning Examiner's public hearing on January 3, 2008, at that time requiring a three-fourths majority vote of the Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's public hearing, one written approval and zero additional written protests were received. Currently, there are one written approval and one written protest on file for this case. The protest is within the 150 foot area, representing a 41.19 percent protest by area to the west. The protest generally alludes to privacy concerns, traffic, and property values.

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

10. ZONING: (C9-07-30) EVANS – TANQUE VERDE LOOP ROAD, SR TO RX-1, CITY MANAGER'S REPORT

- a. Report from City Manager MARCH18-08-124 WARD 2
- b. Report from Zoning Examiner dated February 15, 2008
- c. Request to rezone approximately 5 acres from SR to RX-1 zoning. The rezoning site is located west of Tanque Verde Loop Road and north of Broadway Boulevard. Applicant: Eugene Evans and Alexandra Cotton, the property owners.

The preliminary development plan is for rezoning to accommodate a lot split, where the existing single-family residence would remain on the northern 3.5-acre lot, and the southern 1.5-acre lot would be sold for a new home site.

This proposal is consistent with the policy direction provided by the *Houghton East Neighborhood Plan* and the *General Plan*. The parcel is surrounded by similar single-family residential development in all directions, and the proposed RX-1 zoning is consistent with the surrounding zoning, which is RX-1 and R-1.

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

1. A site plan in substantial compliance with the preliminary development plan dated October 22, 2007, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.3.1 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
3. The new residence shall be architecturally compatible with existing residences in the area, in terms of mass and scale. Elevations shall be submitted with the development plan to demonstrate compliance with this condition.
4. Natural-appearing materials shall be used on the exterior, and exterior colors should be desert and/or earth-tone. Color elevations shall be submitted with the development plan to demonstrate compliance with this condition.
5. The maximum building height shall be seventeen (17) feet from pre-construction grade, shall be no more than one story, and shall have a flat roof. Elevations shall be submitted with the development plan to demonstrate compliance with this condition.
6. Exterior mechanical equipment shall be screened from view and integrated into the site design. Elevations shall be submitted with the development plan to demonstrate compliance with this condition.
7. Minimal grading shall be used during development of the site.
8. 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.

9. Six (6) inch wide fence block or greater shall be used for perimeter walls.
10. A buffelgrass mitigation management plan shall be created for the site to include common areas before approval of the Native Plant Preservation Plan portion of the Landscape Plan.
11. Vegetation planted on the site shall be predominantly native species. Trees shall be those species, native or non-native, whose expected canopies will not exceed 25 feet in height.
12. The wash along the western portion of the site shall remain natural. Channelization and other improvements are strictly prohibited in the 100-year floodplain.
13. Provision shall be made for a public trail along the wash on the western portion of the rezoning site, in consultation with staff from the City Parks and Recreation Department, and Pima County Natural Resources, Parks and Recreation
14. Preparation of a complete Drainage Report, including details of detention/retention, is required.
15. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
16. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
17. Any residence constructed on the new lot shall be provided a sprinkler system that is acceptable to the Tucson Fire 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. The owner shall grant and access and a utility easement to the owner of the smaller parcel.
20. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Eight written protests were received prior to the Zoning Examiner's public hearing on January 3, 2008 and January 31, 2008, 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, three additional written approvals were received. Currently there are three written approvals and eight written protests on file for this case. Six of the protests are within the 150 foot area, representing a 59.17 percent protest area to the south, a 26.16 percent protest by area to the west, and a 7.92 percent protest area to the east. The protests generally allude to obstruction of views, fire safety, and quality of life issues.

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: (C9-07-26) IRVINGTON COMMONS – KINO PARKWAY, R-1, R-2 AND C-2 TO C-1, C-2 AND OCR-1, CITY MANAGER'S REPORT

- a. Report from City Manager MARCH18-08-118 WARD 5
- b. Report from Zoning Examiner dated February 15, 2008
- c. Request to rezone approximately 17.05 acres from R-1, R-2 and C-2 to C-1, C-2 and OCR-1 zoning. The rezoning site is located east of Kino Parkway, south of the Kino Parkway and Interstate 10 interchange. Applicant: Stardust-REIF No. 3, LLC, on behalf of the property owners, Lawyers Title of Arizona, Inc., Trust #8042-T.

The preliminary development plan provides two alternative site layout schemes that consist of a mix of retail, office uses and alternative hotel proposals, distributed among multiple structures, totaling 230,000 square feet of building area.

The proposed rezoning is generally consistent with the policy direction provided by the *Kino Area Plan* and the *General Plan* policies for this area.

The Zoning Examiner and staff recommend authorization of C-1, C-2 and OCR-1 zoning, subject to the following conditions:

PROCEDURAL

- 1. A development plan in substantial compliance with the preliminary development plan dated January 10, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.

2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.
5. The owner/developer shall execute and record a disclosure statement provided by the Tucson Airport Authority concerning any proposed changes to zoning within the Federal Aviation Administration defined traffic pattern airspace.
6. The owner / developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County’s public sewerage system, and the time of such improvements.

LAND USE COMPATIBILITY

7. The entire site shall have an integrated architectural design and a unified design theme. Information shall be submitted with the development plan(s) and/or plats, including color plan views and elevations, to demonstrate compliance with this condition.

BUFFERING AND PRIVACY

8. Any building(s) proposed for four or more stories on the northern parcel, shall be oriented to minimize guest room windows that look southeast. Owner/developer shall graphically demonstrate building and window orientation at the time of development plan review.

ROADWAY CAPACITY, SITE ACCESS AND CONNECTIVITY

9. Coordination with ADOT is required to reduce potential conflicts of proposed access points related to this proposed development with existing access points (ADOT I-10 on-ramp/off-ramp along Kino Parkway). City of Tucson and ADOT will review the TIA for completeness and give comments on the document.

10. The owner/developer shall submit an Operational Analysis for built-out conditions, a Conflict Analysis for Kino Parkway and the I-10 ramps along with a Category I or Category II Traffic Impact Analysis (TIA) for the Development pursuant to the City's Access Management Guidelines. The TIA will address the following: I-10 Kino Parkway interchange ramp analysis for capacity; queuing analysis for Kino Parkway; signal warrant study for the development at the intersection with Kino Parkway; median island opening analysis for U-turns and capacity in turn lanes; recommend mitigation measures for the development impact of the eastbound I-10 off-ramp intersection at southbound Kino Parkway at full build out.
11. The Owner/Developer shall be responsible for the design and construction of the off-site improvements along Kino Parkway as identified in the Traffic Impact Analysis reviewed and commented on by the City of Tucson and ADOT.
12. In addition to the improvements identified in the Traffic Impact Analysis the following off-site improvements shall be provided by the developer
1) A right turn/deceleration lane at all proposed access points to the site.
2) Median improvements along Kino Parkway restricting left-in movements at Julian Park Drive and left-out movements at the northern access point, and permitting left-out movements at Julian Park Drive and left-in movements at the northern access point.
13. Any breaks in ADOT Access Control along Kino Parkway must be approved by ADOT.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. Dedication or verification of existence, of abutting roadway right-of-way, per the Major Streets and Routes Plan (and as necessitated by the proposed development), including 25 feet radius spandrels at all street corners shall be provided by the owner/developer.
16. Recordation of the appropriate bridge crossing easements over the Tucson Diversion Channel and the Julian Wash shall be required. Bridge crossings shall be designed subject to the approval of Pima County Flood Control District, Tucson Parks and Recreation Department, and Pima County Natural Resources, Parks and Recreation.

TRAILS, PEDESTRIAN, BICYCLE AND RIVER PARK CONNECTIVITY

17. Safe, smooth, convenient, and direct interconnected pedestrian and bicycle circulation systems shall be provided that link the site internally, and connect it to the external pedestrian and bicycle circulation systems. The external systems include existing or planned sidewalks and bikeways along Julian Park Drive and Kino Parkway; the paved path on the north side of the Tucson Diversion Channel; and the existing or planned Julian Wash linear park.
- a) The owner/developer shall ensure that during the first phase of construction on any portion of Parcels A and B, if the linear park has been constructed on the east side of the Julian Wash. A direct, convenient pedestrian/bicycle connection shall be provided from the southern parcels across the Julian Wash linking to the linear park on the east side of the Julian Wash.
 - b) During the first phase of construction on any portion of Parcel C, the owner/developer shall construct an internal pedestrian/bicycle connection that links Julian Park Drive, the southern parcels, the existing or planned Julian Wash linear park trail, Parcel C, and the paved path on the north bank of the Tucson Diversion Channel. Where the internal pedestrian/bicycle connection crosses the Julian Wash and the Tucson Diversion Channel on the vehicular bridge, the internal pedestrian/bicycle connection will be located on the east side of the bridge and will include a 12-foot wide path for pedestrians and bicycles physically separated from vehicle travel lanes by railing or a similar vertical barrier. A sidewalk or other pedestrian walkway will not be required on the west side of the bridge.
 - c) Alternatively, during the first phase of construction on any portion of Parcel C, the owner/developer, at its sole option, may construct a 12-foot wide direct pedestrian/bicycle connection bridge across the Tucson Diversion Channel, linking the existing or planned Julian Wash linear park trail on the south side of the Tucson Diversion Channel to the paved path on the north side of the Tucson Diversion Channel. Upon inspection and approval by the City, the owner/developer shall dedicate this pedestrian/bicycle connection bridge to the City or to the Pima County Regional Flood Control District and this bridge shall be accepted for public use, maintenance and liability. If the owner accepts elects this option, the 12-foot pedestrian/bicycle path on the vehicular bridge described in 17b., above, shall not be required, but the owner/developer shall provide 5-foot sidewalks on both sides of the vehicular bridge.

- d) The location and design of the pedestrian/bicycle connections shall be subject to approval by the Pima County Flood Control District, Tucson Parks and Recreation Department, and Pima County Natural Resources, Parks and Recreation.
 - e) At the time of development plan and/or plat submittal, the owner/developer shall provide sufficient information to demonstrate that any proposed bridge or bridges over the Tucson Diversion Channel will not interfere with nor impede use of the pedestrian/bicycle path on the north side of the Tucson Diversion Channel, and must specifically demonstrate that ten (10) feet of headroom above the invert of the paved path will be provided.
18. At least one enhanced crosswalk should be provided across Julian Park Drive, linking the development on Parcel B with Parcel A. The crosswalk shall be of a different color and/or texture than the surrounding pavement, and the crossing shall be signed in each direction. Information submitted with the development plan and/or plat shall demonstrate compliance with this condition.

COMMUNITY DESIGN

19. All buildings shall be designed with “four-sided architecture” such that the architectural detail and character on the sides and rear shall be comparable with that on the front. Color elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
20. Buildings, 20 feet or higher, shall have varied roof lines and roof planes. The maximum building height within the OCR-1 zoned area will be limited to 90 feet. Elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
21. Buildings four or more stories high shall be designed so that the first floor architectural features are at human scale and are visually interesting at the street level. Elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
22. Exterior colors shall be predominantly desert or earth-tone. Other colors may be used for accents. Color elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.

23. Exterior mechanical equipment shall be screened and integrated into the overall site design. Color elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
24. Six (6) inch wide fence block or greater shall be used for perimeter walls.
25. All screen walls shall be graffiti-resistant. Screen walls over three feet high and seventy-five feet long shall have a decorative design treatment. Wall details shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
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. Screen walls that are more than three feet in height along the edges of the washes shall be designed as view walls. The lowest thirty inches of the wall above the ground surface may be constructed of solid masonry. At least 80 percent of the upper portion of the wall shall be of wrought iron construction. Wall details shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.
28. A common landscaping theme shall be used throughout the site. Parking areas shall be landscaped with one (1) tree for every four (4) parking spaces. Trees planted within perimeter landscape borders shall be planted 25 feet on center.
29. If approved as required under the W.A.S.H. Ordinance (Tucson Code, Article Viii), owner/developer shall plant enhanced landscaping along the edges of the washes, acceptable to the City Parks and Recreation Department and Pima County Natural Resources, Parks and Recreation, and such enhanced landscaping shall not be considered vegetative resources that would establish a resource area as defined in the W.A.S.H. Ordinance, Sec. 29-16.
30. If buffelgrass is present on the site, a buffelgrass mitigation management plan shall be created for the site to include common areas before approval of the Native Plant Preservation Plan portion of the Landscape Plan.

31. At least four outdoor, shaded common seating areas shall be provided, including at least two seating areas in Parcel C, and two seating areas, total, in Parcels A and B. The seating areas on the southern parcels shall be for common use and not associated with any one business. These areas shall be shown on the development plan and/or plats.
32. Outdoor storage areas shall be designed to be less visible to customers, visitors and linear park users, and shall blend in architecturally with the overall site.
33. "Safe by Design" concepts shall be incorporated into the site as appropriate, for review by the Tucson Police Department.
34. The site shall be designed with appropriate signage and other measures to promote wayfinding. Signage shall be of materials and colors that are consistent with the overall development.
35. Building entrances shall have defining architectural entryway features. Color elevations shall be submitted with the development plan(s) and/or plats to demonstrate compliance with this condition.

DRAINAGE

36. Preparation of a complete Drainage Report, including details of detention/retention, is required.
37. Should detention/retention be required, the following should be provided as applicable:
 - a) Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
 - b) Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c) Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.

- d) Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
- e) Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
- f) All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

One written approval and zero written protests were received prior to the Zoning Examiner's public hearing on January 31, 2008, at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance.

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

12. ZONING: (C9-05-31) OLDOOZ DEVELOPMENT – MELPOMENE WAY, SR TO RX-2, ORDINANCE ADOPTION

- a. Report from City Manager MARCH18-08-122 WARD 4
- b. Ordinance No. 10508 relating to zoning: amending zoning district boundaries in the area located on the west side of Melpomene Way, south of 22nd Street in Case C9-05-31, Oldooz Development-Melpomene Way, SR to RX-2; and setting an effective date.

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

13. ZONING: (C9-04-22) YBARRA/DAVIS – GORET ROAD, SR/RX-2 TO RX-1, ORDINANCE ADOPTION

- a. Report from City Manager MARCH18-08-123 WARD 1
- b. Ordinance No. 10509 relating to zoning: amending zoning district boundaries in the area located on the north side of Goret Road between Desert Shadows Drive and the Shannon Road alignment in Case C9-04-22, Ybarra/Davis – Goret Road, SR/RX-2 to RX-1; and setting an effective date.

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

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MARCH18-08-115 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, March 25, 2008, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.