

### PROCEDURAL

1. A Development Package shall be in substantial compliance with the Preliminary Development Plan and the Design Compatibility Report submitted as part of the Rezoning Report dated September 8, 2015 which clearly illustrates compliance with all conditions through the use of details, diagrams and/or note submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
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”. The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. 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. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan, or request for building permit for review. 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. All such improvements shall be designed and constructed as directed by the PCRWRD.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATIBILITY

8. All outdoor security lighting shall be in compliance with the Outdoor Lighting Code and shall be full cutoff directed down and shielded away from residential parcels and public right-of-way. Wall mounted or pole mounted outdoor lighting shall not exceed twenty (20) feet in

height to the light source. Outdoor light layout and lighting fixture detail shall be submitted as part of the development package.

9. Exterior mechanical equipment shall be screened from view from the surrounding parcels and right of ways.
10. Roof mounted mechanical equipment, including solar panels, shall not extend above the roof (includes parapet wall) line.
11. Outdoor noise-generating activities such as but not limited to; trash dumpsters, loading zone, outdoor menu boards, and outdoor open patio areas shall be a minimum of fifty (50) feet from the west and south property lines.
12. Anchor building shall be setback from the west property line one-hundred (100) feet, except indoor loading area to be setback a minimum of fifty (50) feet as indicated on the PDP dated September 8, 2015.
13. Other than anchor building, all other buildings shall be setback from the south property line no less than one and one-half times the building height as indicated on the PDP dated September 8, 2015.
14. West and south perimeter masonry walls, as depicted on PDP dated September 8, 2015, shall be minimum eight feet in height along south property line and 10 feet along the west property line, except the west perimeter wall when located adjacent to O-3 Office zone and 10 feet east of the most easterly building along the south property line, shall require a minimum six feet tall in height.
15. Provide wall elevations drawn in color and to scale, for the free standing perimeter ten (10) foot, eight (8) foot, and six (6) foot tall masonry wall(s). Perimeter wall design and color to show compatibility in architectural elements and color theme with the overall rezoning site and compatible with surrounding land uses.
16. East perimeter wall, as depicted on PDP dated September 8, 2015 shall be a minimum of forty two (42”) inches in height, subject to sight visibility requirements and provide a pedestrian opening in the area of the southeast corner of the rezoning site.
17. East perimeter wall shall have varying openings in wall to be consistent with conceptual design attached to preliminary design package.
18. Six (6) inch wide fence block or greater shall be used for required perimeter walls.
19. All site boundary screen walls shall be graffiti-resistant masonry that incorporates two (2) or more of the following visually appealing design treatments, such as the use of decorative materials like stucco, tile, stone, rusted metal, or brick; a visually-interesting design on the wall surface; and/or a varied wall alignment (jog, curve, notch, setback, etc.) in substantial

compliance with the DCR submitted on July 6, 2015. Provide wall detail. Graffiti to be removed within five days of discovery.

20. Delivery hours, trash pick-up, and outdoor construction service uses limited to 7:00 AM to 10:00 PM.
21. No overnight parking of commercial vehicles.
22. Hours of operation including outdoor open sitting areas, and drive-through service lanes shall be 5:30 a.m. to 12:00 a.m (midnight).
23. Minimum six (6) foot wide public sidewalk along Broadway Boulevard and Rosemont Boulevard.
24. Anchor building height not to exceed thirty (30) feet, the two buildings along Broadway Boulevard not to exceed twenty-five (25) feet in height, and all other buildings not to exceed twenty (20) feet in height. Each building shall provide varying roof line heights, when visible from residential neighborhoods and public right-of-ways.
25. Building facades to include mix of surface materials, such as but not limited to; concrete masonry unit (CMU) with wire brick accents, similar to brick used in the surrounding residential neighborhoods. Other complementary materials of high quality and substantial appearance will also be used as accents.
26. Development package shall include four-sided building elevations (façades) showing architectural features and detail elements at the same level of appropriate detail on all four sides for each building. Building elevations to be drawn in color, to scale, and with color palette identifying colors.
27. Loading zone for the anchor building shall be located as depicted on PDP dated September 8, 2015 with access only from north and screened by a masonry wall with a minimum height of sixteen (16) feet and minimum height of sixty (60) feet to screen docking/loading area of commercial vehicles from residential view.
28. Delivery Trucks (including refrigeration units) shall not be parked or left idling between the hours of 6:00 pm and 7:00 am, within 300 feet of residential uses and/or residentially zoned property.
29. Signs shall be posted on north and south of anchor building and on perimeter walls clarifying that delivery trucks (including refrigeration units) shall not be parked or left idling between hours of 6:00 pm and 7:00 am, within 300 feet of residential uses and/or residentially zoned property.
30. Trash container(s) located on the west side of anchor building shall be screened by a masonry wall with a minimum height of sixteen feet on the west elevation and a minimum of eight (8) feet masonry wall along the south elevation.

31. Trash container(s) located south of anchor store and adjacent to southern property line shall be screened by a masonry wall with a minimum height of eight (8) feet.
32. Compactor(s) for the anchor building's trash/recycling shall be located indoors.
33. Development package to indicate a one (1') foot vehicular no-access easement adjacent to southern twenty (20) foot wide alley. Vehicular no-access easement to be the full length of the south perimeter of the rezoning site. Service alley turn-around as shown on PDP dated September 8, 2015 to be part of alley with no vehicular access onto rezoning site.

#### DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

34. Perimeter landscape buffers located adjacent to and inside the perimeter masonry walls along the western and southern perimeters shall include a drought tolerant, native thorn-less canopy tree for every twenty linear feet of perimeter length. Spacing and grouping of trees may vary to enhance view sheds and create natural growth patterns.
35. Incorporate water harvesting techniques into the landscape irrigation design.
36. Preparation of a complete Drainage Report, including details of detention/retention, is required.
  - a) all flows of 100 cfs or more must be clearly delineated and verification of finishes floor elevations will be required. Complete compliance with the Floodplain Ordinance and floodplain permits and/or elevation certificates might be required.
  - 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 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.
  - 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 barriers for minimum of ten percent of the basin perimeter.
  - f) All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines.
  - g) Provide design detail of the proposed drainage channel that shows the landscaping for this buffer area. Indicate the type of materials, (sandy bottom to maximize water harvesting) and landscape plantings. No concrete lining.
37. There shall be no greater than a 10 percent surplus over the number of vehicle parking spaces required by the *UDC* for the proposed use.

38. New and replacement roofing material shall be Energy Star rated, or cool roof rated with Initial Solar Reflectance Greater than or equal to 0.65, and minimum infrared emittance to be 85% or more. Placement of and utilization of energy from solar panels on roofs is an acceptable alternative.
39. Tree root zone within the paved parking area have a minimum of 300 cubic feet (no deeper than 3') of un-compacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required.
40. Mature trees, trunk diameter 4.5 feet above existing grade that is greater than eight inches in fair to good health, will be preserved in place; if this is not possible, removed trees will be mitigated in one of the following ways:
  - a) trees to be assessed for replacement value using an acceptable assessment methodology (International Society of Arborist); funds set aside in a Tree Fund to be used for revegetation/landscape enhancement and/or improvements within street rights-of-way, or within common space areas within the neighborhood association, within a mile radius from site;
  - b) the following replacement to be in addition to the required landscape
    - 1) Trunk diameter 4.5-6" = replace with 3 trees, minimum 15 gallon.
    - 2) Trunk diameter > 6" – 8" = replace with 4 trees, minimum 15 gallon.
    - 3) Trunk diameter > 8" = replace with 5 trees, minimum 15 gallon.
41. Prior to grading plan issuance, document (photos) to show retained trees at the southwest area of rezoning site and alley way are in compliance with grading plan requirements. Grading plan to show location of subject existing trees and show trees as protected by temporary fencing. Temporary fencing to remain in place during grading and through all construction phases of site improvements.

#### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

42. Drive-through lane(s) entry points shall be setback a minimum fifty (50) feet from public street access points.
43. All drive-through lane(s) and window service areas shall be setback a minimum of one-hundred (100) feet from the west and south property lines.
44. Development package shall include a median opening on Broadway Boulevard to provide on-site access to west bound Broadway traffic.
45. Traffic exiting onto Rosemont Boulevard shall either be left turn only or be directed away from the residential neighborhood through traffic mitigation devices as deemed appropriate by the applicant, Department of Transportation, and the neighborhood.