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# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director

DATE: July 24, 2013

SUBJECT: Co7-13-09 Co9-13-04 ROGER C BIEDE II DEVELOPMENT ASSOC LLC –  
W. MAGEE ROAD CONCURRENT COMPREHENSIVE PLAN  
AMENDMENT AND REZONING

The above referenced Concurrent Comprehensive Plan Amendment and Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, AUGUST 6, 2013** hearing.

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**REQUEST:** A request for a concurrent plan amendment and rezoning to amend the Pima County Comprehensive Plan from **Medium-High Intensity Urban (MHIU)** to **Neighborhood Activity Center (NAC)** and to rezone from **TR (Transitional)** to **CB-2 (General Business)** zone on approximately **0.46 acres** located north of Magee Road and approximately 660' west of La Cholla Boulevard.

**OWNER:** Roger C. Biede II Development Association, LLC  
Craig Courtney  
5151 N. Oracle Rd., #210  
Tucson, AZ 85704

**AGENT:** Steadfast Drafting & Design, LLC  
Jeff Stewart  
861 W. Cool Dr.  
Tucson, AZ 85704

**DISTRICT:** 1

**STAFF CONTACT:** Terrill Tillman

**PUBLIC COMMENT TO DATE:** No written public comments have been received as of July 22, 2013. At the Planning and Zoning Commission Hearing, one (1) neighbor in the townhouse development to the north spoke in opposition to the request.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

(1 recommendation for both cases.)

Co7-13-09 and Co9-13-04 On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT WITH A REZONING POLICY AND THE REZONING WITH STANDARD AND SPECIAL CONDITIONS** as presented by staff. (Commissioners Mangold and Johns were absent.)

**STAFF RECOMMENDATIONS:**

(2 separate recommendations)

Co7-13-09 Staff recommends **APPROVAL** of the Comprehensive Plan Amendment with a Rezoning Policy.

Co9-13-04 Staff recommends **APPROVAL** of the Rezoning with Standard and Special conditions.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TT/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: Co7-13-09 & Co9-13-04

Page 1 of 5

**FOR AUGUST 6, 2013 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*  
Public Works-Development Services Department-Planning Division

DATE: July 24, 2013

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**ADVERTISED ITEM FOR PUBLIC HEARING**

**CONCURRENT COMPREHENSIVE PLAN AMENDMENT  
AND REZONING**

**Co7-13-09 & Co9-13-04 ROGER C BIEDE II DEVELOPMENT ASSOC LLC – W.  
MAGEE ROAD CONCURRENT COMPREHENSIVE PLAN AMENDMENT  
AND REZONING**

Request of Roger C Biede II Development Association, LLC represented by Steadfast Drafting & Design, LLC for a concurrent plan amendment and rezoning to amend the Pima County Comprehensive Plan from **Medium-High Intensity Urban (MHIU)** to **Neighborhood Activity Center (NAC)** and to rezone from **TR (Transitional)** to **CB-2 (General Business)** zone on approximately **0.46 acres** located north of Magee Road and approximately 660' west of La Cholla Boulevard in Section 33, Township 12 South, Range 13 East, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT WITH A REZONING POLICY AND THE REZONING WITH STANDARD AND SPECIAL CONDITIONS** as presented by staff. (Commissioners Mangold and Johns were absent.) Staff recommendation: (2 separate recommendations), Co7-13-09 - Staff recommends **APPROVAL** of the Comprehensive Plan Amendment with a Rezoning Policy. Co9-13-04 - Staff recommends **APPROVAL** of the Rezoning with Standard and Special conditions.  
(District 1)

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**Planning and Zoning Commission Public Hearing Summary (June 26, 2013)**

Staff presented the staff report to the commission, noting that the subject site is Lot 3 of the Magee Center development.

A commissioner asked about the access to the site. Staff explained that the existing eastern access off of Magee Road will serve the site because of the planned integration of the subject property Lot 3 into the future development of the adjacent, previously rezoned vacant parcels Lots 4 (to the north) and 5 (to the east). This will allow for a cohesive, compact development.

A commissioner asked about the uses north of Lot 2. Staff explained that the parcel of land north of Lot 2 is developed with townhouses and that Lots 1, 2, and 3 are developed with medical use buildings.

The applicant addressed the commission by explaining that Lot 3 was a dental office that was vacated approximately three years ago by the property owner. He further explained that the Magee Road improvements cut through a portion of property adjacent to and east of Lot 5 that was planned for townhomes, but is now owned by the county. The applicant plans to include the subject property Lot 3 with the future development of Lots 4 and 5 for retail and restaurant uses. One of the possible uses of Lot 3 is a dance school.

A commissioner asked about the plans for widening the access off of Magee Road. The applicant clarified that the location of the entry on the east side of the property will serve as the main access for Lots 3, 4, and 5 is existing and was completed during the Magee Road improvements.

A commissioner asked about the future plans for widening Magee Road. Staff reiterated that the Magee Road improvements are in existence today and are a completed road-widening project. The applicant addressed the commission stating that the bufferyards, sidewalks, drainage infrastructure, deceleration lane, and median cut all exist today.

A commissioner asked if two separate motions were considered. A commissioner responded that since both cases are tied together, a single motion for both actions is preferred.

The meeting was opened to the public.

A speaker that lives in a townhouse north of Lot 2 presented the original concept for the development when purchasing her townhouse. She stated that the planned townhouse development would encompass the existing townhouse development and Lots 1-5. The concept contained two community swimming pools with common areas. Over the years, the developers have changed the zoning and uses for the site without regard to the existing

townhouse development. Property values have been decreased by the zoning changes and the townhouses will be adversely affected by noise levels if this additional zoning change is allowed. The speaker discussed grievances that the townhouse owners have had with the developers such as the non-functional fountain and the unmaintained swimming pool. The original property owners believed that they would be surrounded by townhomes and this request would allow a bar. Staff explained that the uses requested are for retail, restaurant with a bar, and a possible dance school, but no stand-alone bar would be allowed. A commissioner requested whether a condition may be added to minimize the impact to the residential neighborhood against future development of Lot 4 to the east. Staff responded that this request is applicable to Lot 3. A commissioner asked what allowable uses exist on Lot 4 which is zoned TR (Transitional). Staff responded that Lot 4 could potentially contain a hotel/motel. The speaker discussed that if the proposal for Lot 4 is for townhouses that would be acceptable. The speaker expressed concerns related to the developers of Lots 1-5 and requested an additional buffer to the east.

A second speaker clarified that he is a partner in the Beide II Development Association, LLC involved with the proposed project. The original townhouse development was built in the late 1980's and the project was abandoned. Beide purchased the land surrounding the townhouse development in the late 90's. The grievances of the townhouse owners have been addressed by the developers with the maintenance of the streets, installation of a ramada, and landscaping. The swimming pool was filled in by request of the home owners and a ramada was added over the pool area. The developers have invested a large amount of money into the maintenance of the townhouses and have agreed to keep the fountain functional. A commissioner commented that the commission is not addressing the potential impacts of the project related to Lot 4, but may be able to if the developer comes back in the future to request changes related to Lot 4.

The public meeting was closed.

A commissioner asked whether there are plans for expansion. Staff clarified that there is no proposed expansion.

A commissioner asked about the allowance of a restaurant with a bar or without a bar in the current TR zone. Staff responded that you could not have a restaurant with a bar in the current TR zone except in conjunction with a hotel and that the proposed uses encompass CB-1 uses which are typically retail or restaurant uses with a bar. A stand-alone bar is not allowed as a condition of rezoning.

A commissioner asked about the process of taking staff's recommendation of two separate actions. A commissioner responded that if the commission takes this as a single item, it will be evident that the actions are tied together.

A commissioner asked about the traffic impact to the site with the proposed uses. Staff responded that the future development of the property will regulate any changes to the existing traffic counts.

A motion and second was made to approve the concurrent comprehensive plan amendment and rezoning subject to the rezoning policy and special and standard conditions as recommended by staff.

The motion passed 8-0 (Commissioners Mangold and Johns were absent).

### **Comprehensive Plan Amendment – Co7-13-09 Rezoning Policy**

The following policy to be implemented as a rezoning condition is intended to limit the allowable uses of the subject property within the CB-2 zoning district.

1. Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.

### **Rezoning – Co9-13-04 Standard and Special Conditions**

1. Recording of a covenant holding Pima County harmless in the event of flooding.
2. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department
3. A new comprehensive plan amendment and separate rezoning is required for a change of zoning.
4. Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.
5. Regional Flood Control District condition: Prior to any new development the owner shall submit a site plan showing existing and proposed improvements, to the District to determine if permits may be issued or if a revised Development Plan is required.
6. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
8. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

CP/TT/ar  
Attachments

c: Roger C. Biede II Development Association, LLC, Craig Courtney  
5151 N. Oracle Rd., #210, Tucson, AZ 85704  
Steadfast Drafting & Design, LLC, Jeff Stewart, 861 W. Cool Dr.,  
Tucson, AZ 85704  
Chris Poirier, Assistant Planning Director  
Co7-13-09 File  
Co9-13-04 File



# CONCURRENT PLAN AMENDMENT AND REZONING

## PLANNING AND ZONING COMMISSION

### STAFF REPORT



<b>HEARING DATE</b>	June 26, 2013
<b>CASES</b>	Co7-13-09 and Co9-13-04 – Roger C Beide II Dev Assoc LLC - Magee Road Comprehensive Plan Amendment/Rezoning
<b>SUBREGION</b>	Northwest
<b>DISTRICT</b>	1
<b>LOCATION</b>	The property is located on the north side of Magee Road, approximately 660 feet west of La Cholla Boulevard.
<b>ACREAGE</b>	0.46+/-
<b>REQUEST</b>	To amend the Pima County Comprehensive Plan from Medium-High Intensity Urban (MHIU) to Neighborhood Activity Center (NAC) and to rezone the subject property from TR (Transitional) to CB-2 (General Business) zone for restaurants with a bar and for CB-1 zone uses except for automotive related uses, drive-thru restaurants and stand-alone bars.
<b>OWNER</b>	Roger C. Biede II Development Association, LLC
<b>AGENT</b>	Jeff Stewart of Steadfast Drafting & Design, LLC

#### **APPLICANT'S REQUEST**

The applicant is requesting a concurrent comprehensive plan amendment and rezoning for Lot 3 of the Magee Center Development. The subject property is developed with a medical use building. The current comprehensive plan Medium-High Intensity Urban (MHIU) designation and TR zoning do not allow for retail uses of the subject property. The subject property and adjacent parcel contain existing shared access. The adjacent property's comprehensive plan designation Neighborhood Activity Center (NAC) and CB-2 zoning allow for retail and similar uses. The proposed plan amendment to NAC and rezoning to CB-2 would provide the opportunity for similarly intense land uses of the subject property as those planned for on the adjacent parcel resulting in a small, compact, mixed use development for the neighborhood.

**STAFF REPORT SUMMARY** (Staff suggests that each case receive a separate recommendation and vote.)

#### **Comprehensive Plan Amendment – Co7-13-09**

Staff recommends **APPROVAL** for **Neighborhood Activity Center (NAC) with Rezoning Policies (RP)**. The proposed use should have minimal impacts on the surrounding properties and is not in conflict with any of the policies of the Comprehensive Plan for the area. The following policy to be implemented as a rezoning condition is intended to limit the allowable uses of the subject property within the CB-2 zoning district.

1. Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.



## **Rezoning – Co9-13-04**

Staff recommends **APPROVAL WITH CONDITIONS** for a **rezoning** from **TR to CB-2** subject to the following special conditions:

1. Recording of a covenant holding Pima County harmless in the event of flooding.
2. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department
3. A new comprehensive plan amendment and separate rezoning is required for a change of zoning.
4. Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.
5. Regional Flood Control District condition: Prior to any new development the owner shall submit a site plan showing existing and proposed improvements, to the District to determine if permits may be issued or if a revised Development Plan is required.
6. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
8. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

## **EXISTING LAND USE DESIGNATION AND ZONING**

The subject property is Lot 3 of the Magee Center Subdivision (Bk. 56, Pg. 94) and has been developed with a medical office under an approved, revised development plan for Magee Center (Bk. 26, Pg. 95). There are no proposed changes to the existing development at this time. Bufferyards along both Magee Road and Como Drive have been installed and are maintained. The current MHIU designation and TR Transitional Zoning allows office uses, but not commercial/retail uses.

## **SURROUNDING LAND USE DESIGNATIONS**

North	MHIU	Undeveloped Commercial and Residential
South	NAC	Magee Corporate Center/Vacant Planned Villa Toscana
East	NAC	Undeveloped Commercial
West	MHIU	Medical Office/High-Low Density Residential

### **SURROUNDING ZONING/EXISTING LAND USE**

North	TR/SR/CR-5	Undeveloped High-Low Density Residential
South	TR/CB-1	High Density Residential/Magee Corporate Center/Foothills Mall
East	CB-2/CR-1	Undeveloped Commercial/Low Density Residential
West	TR/CR-1	Medical Office/High-Low Density Residential

The area is characterized by high to low density residential uses and mixed commercial retail and office uses. There are nearby parks, athletic fields, golfing greens, a community center, shopping, and restaurants within walkable distances.

### **PLANNING REPORT**

The Pima County Zoning Code Section 18.89.041.C allows for a concurrent comprehensive plan amendment and rezoning if there will be minimal impacts to surrounding properties. A concurrent application is not subject to the restrictive submittal period that a standard plan amendment application is. The concurrent comprehensive plan amendment and rezoning is not in conflict with any special area or rezoning policies, nor has there been a previous concurrent plan amendment/rezoning. A preliminary development plan is not required. The property abuts the perimeter of Lot 5 which is in the CB-2 zone and has a comprehensive plan designation of NAC which is equivalent to the requested concurrent plan amendment/rezoning. A concurrent plan amendment/rezoning would preclude future applications for a zoning district that is more intense. Any future changes would require a separate comprehensive plan amendment and rezoning.

#### **Co7-13-09 Comprehensive Plan Amendment from MHIU to NAC**

Staff *recommends approval* to amend the planned land use designation of NAC for the subject site, Lot 3 of the Magee Center Development. The NAC designation promotes mixed use intensity and provides for convenience goods and services within residential neighborhoods and is respectful of the existing neighborhood.

#### **Co9-13-04 Rezoning from TR to CB-2**

Staff *recommends approval* of the rezoning from TR to CB-2 zoning. Rezoning condition #2 implements the comprehensive plan policy by limiting the uses of the property to restaurants with/without a bar and CB-1 zone uses except for automotive related uses, drive-thru restaurants, and stand-alone bars. These are the same uses allowed on the adjacent parcel (Lot 5). This request supports the goals and policy of the proposed NAC land use designation and has minimal impact on the adjacent neighborhood. Concurrency for the subject property has been met within the existing development.

### **Analysis**

Lots 1, 2, and 3 are part of the existing Magee Center medical office building development. Lots 1 and 2 abut the two-story residential townhouse development to the north. Lot 1 is separated from lots 2 and 3 by a common driveway with a turn-around and fountain feature that serves both the residential townhomes to the north and the medical buildings on Magee Road. Lot 4 is a vacant parcel of land abutting the townhomes to the west and north of the subject property and is planned for future high density residential uses. Lot 5 to the east of the subject property is a remnant parcel created as a result of the Magee Road alignment. The building on Lot 3 would be better served by becoming part of a cohesive planned use with the adjacent vacant remnant parcel utilizing the existing shared easternmost access onto Magee Road. Staff suggests that the development design of Lot 5 give consideration to the existing residential uses

and be primarily served by the shared, easternmost access from Magee Road. The change of land use would allow for a development that has the potential to create live/work spaces and provide essential neighborhood retail services. The applicant has mentioned the possibility of a dance school which would be an appropriate use in the neighborhood.

The property is not located within the Maeveen Marie Behan Conservation Lands System nor is located within a growth area. The request promotes the Growing Smarter acts by the compact, mixed use planning of adjacent residential uses with the proposed limited commercial uses. The recent Magee Road improvements provide an opportunity for the expansion and establishment of a cohesive, compatible, neighborhood-scale development suitable to the surrounding business and residential area. Multi-modal forms of transportation include a Sun Tran bus stop adjacent to the subject property and walking paths nearby. The recent Magee Road improvements have provided adequate infrastructure including sidewalk connectivity to nearby residences, businesses, and community services. This is a prime locale and a good infill project for an existing, diverse neighborhood.

#### **PREVIOUS REZONING CASES ON PROPERTY AND THE GENERAL AREA**

The property was originally rezoned from SR (Suburban Ranch) to the TR zone in 1969 (Co9-69-27) with five rezoning conditions that were implemented with the approved subdivision plat. The most recent rezoning case in the area was for Lot 5 adjacent to the subject property. Lot 5 was rezoned from TR to CB-2 (Co9-07-26) with the same limited uses of the property as this request.

#### **AGENCY/DEPARTMENT COMMENTS**

##### **Regional Flood Control District (PCRFD) Comments**

Staff has reviewed this request and has the following comments:

1. The site does not include FEMA or local floodplains.
2. No Pima County Regulated Riparian Habitat is located within the site.
3. One drainage complaint is on file from the time the development was created regarding possible improper culvert placement. Furthermore there is a history of complaints associated with the nearby Carmack Wash that no longer impacts the property. Flows are conveyed under La Cholla in a new extensive box culvert constructed with the Magee Road improvement. It should be noted that the original development dedicated large amounts of land for drainage purposes and was granted a detention waiver based upon connectivity to these planned county improvements. Now, with the improvements in place, large portions of the original site remain undeveloped and maintenance responsibility is undetermined for remaining portions of the development and ROW that are between the channel and the subject site. Clarification of property rights is needed but the applicant is not the majority interest. Modification of this site and further development on adjacent properties within the original development has the potential to change drainage requirements.

Staff recommends the addition of rezoning condition #5.

##### **Department of Transportation (PCDOT) Comments**

Staff has no objection or conditions for the requested Concurrent Comprehensive Plan Amendment/ Rezoning.

##### **Regional Wastewater Reclamation Department (PCRWRD) Comments**

The PCRWRD has no objection to the proposed Concurrent Comprehensive Plan Amendment/Rezoning.

**Department of Natural Resources, Parks and Recreation (NRPR) Comments**

No comments have been received.

**Department of Environmental Quality (PCDEQ) Comments**

The department has no objection to the proposed Concurrent Comprehensive Plan Amendment/Rezoning provided the property is served by public or private sewer. On-site wastewater disposal shall not be allowed.

**Cultural Resources Program Comments**

No comments have been received.

**School District Comments**

No comments have been received.

**United States Fish & Wildlife Service Comments**

No comments have been received.

**Water Provider Comments**

No comments have been received.

**Mountain Vista Fire District Comments**

The District has reviewed the submittal for the above referenced case and has no objections to the Concurrent Comprehensive Plan Amendment/Rezoning. As the development continues into the plan stage, the applicant will need to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinklers, fire alarm systems and all other applicable fire code requirements.

**Public Comments**

No comments have been received to date.

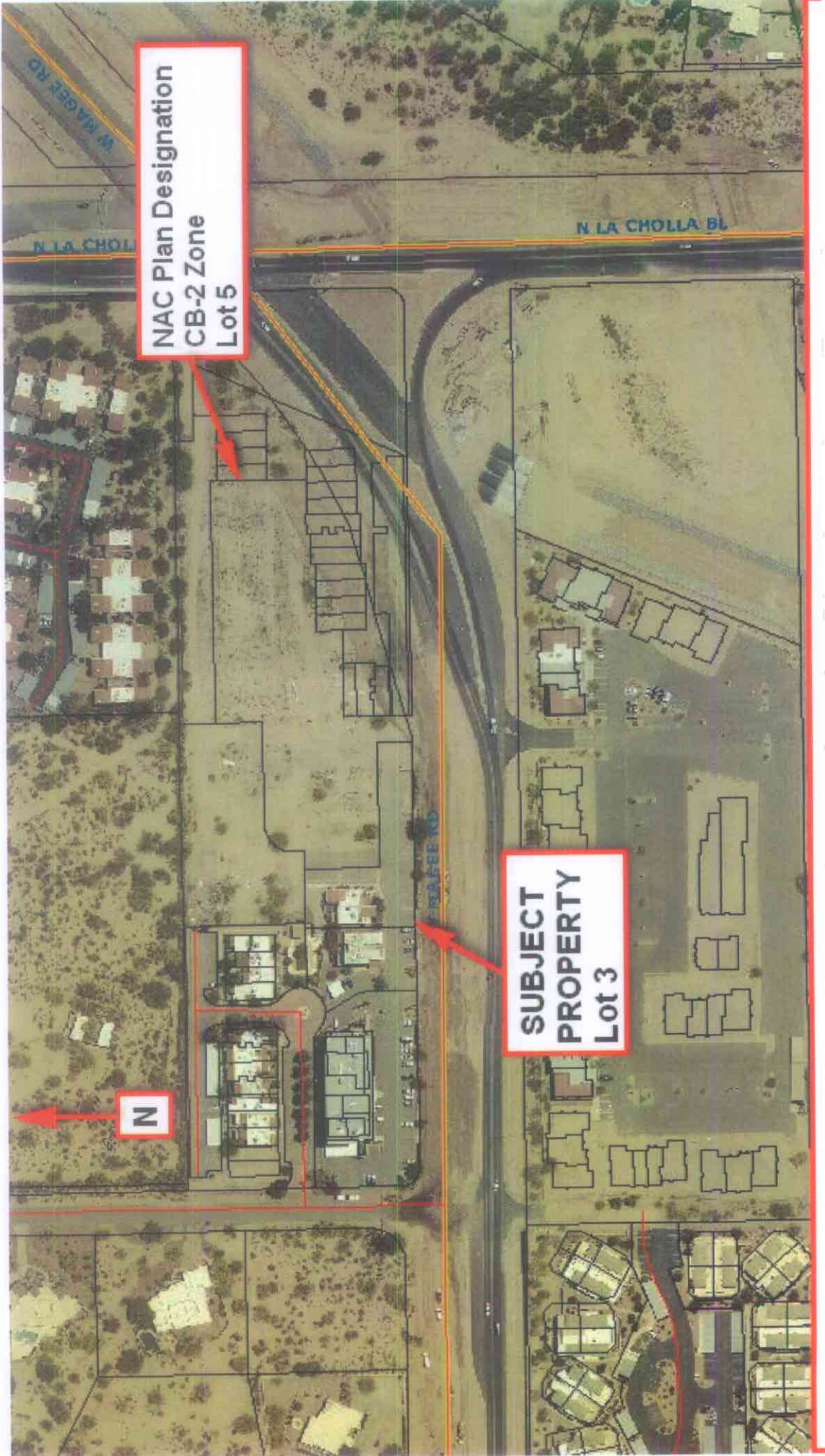
Respectfully,



Terrill L. Tillman  
Senior Planner

CP/TT

cc: Steadfast Drafting & Design, Attn: Jeff Stewart  
Roger C Beide II Development Assoc, LLC, Attn: Craig Courtney



NAC Plan Designation  
CB-2 Zone  
Lot 5

SUBJECT  
PROPERTY  
Lot 3

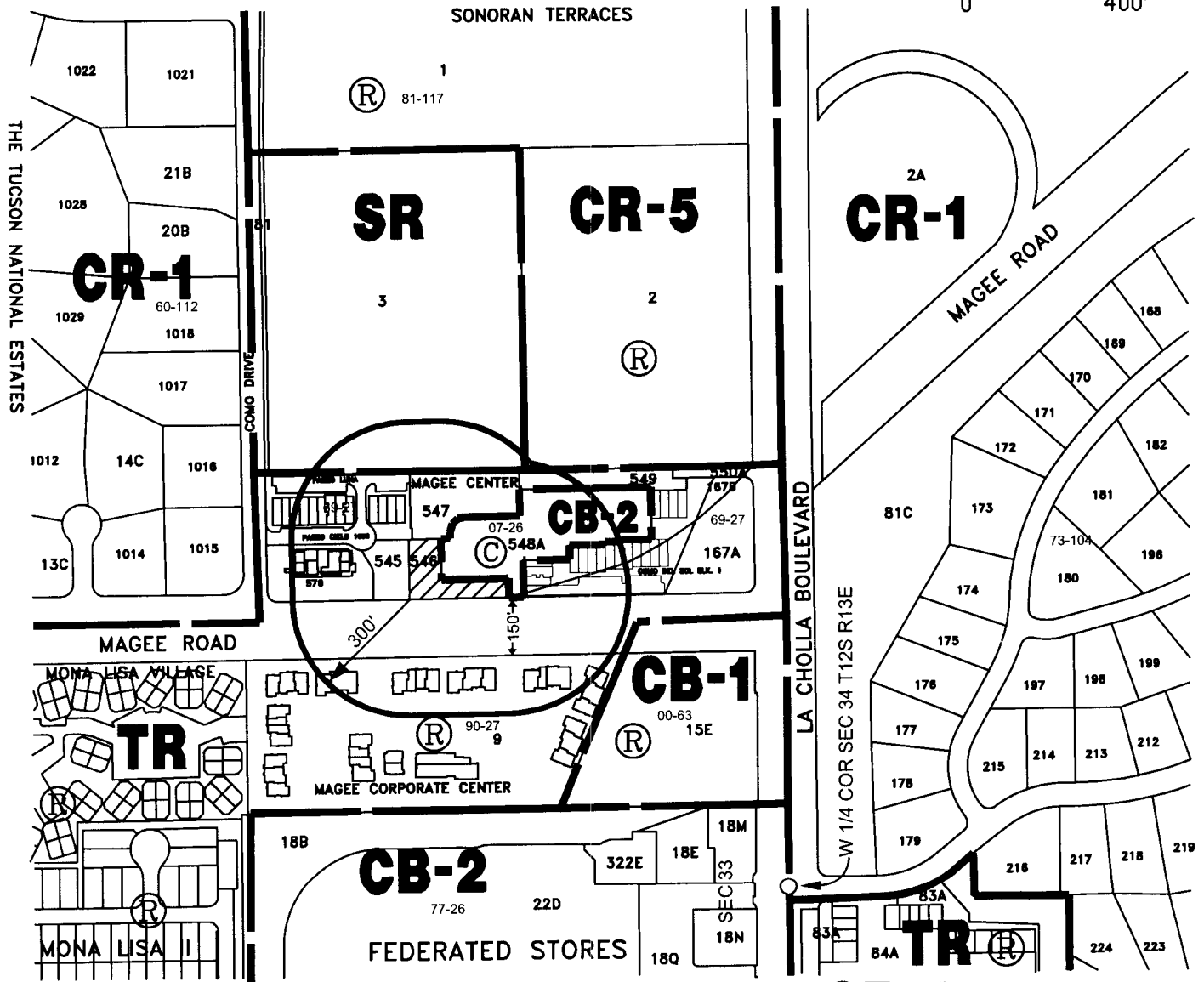
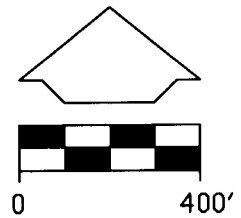
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N LA CHOLLA BL

W RAGER RD

# PIMA COUNTY COMPREHENSIVE PLAN (C07-00-20)



Area of proposed rezoning from

**TR to CB-2**



Notification area —

BASE MAP 115

## Notes

CONCURRENT COMPREHENSIVE PLAN AMENDMENT: C07-13-009/ REZONING: C09-13-004

Tax codes 225-44-5460

Date 06/06/13

File no. C09-13-004

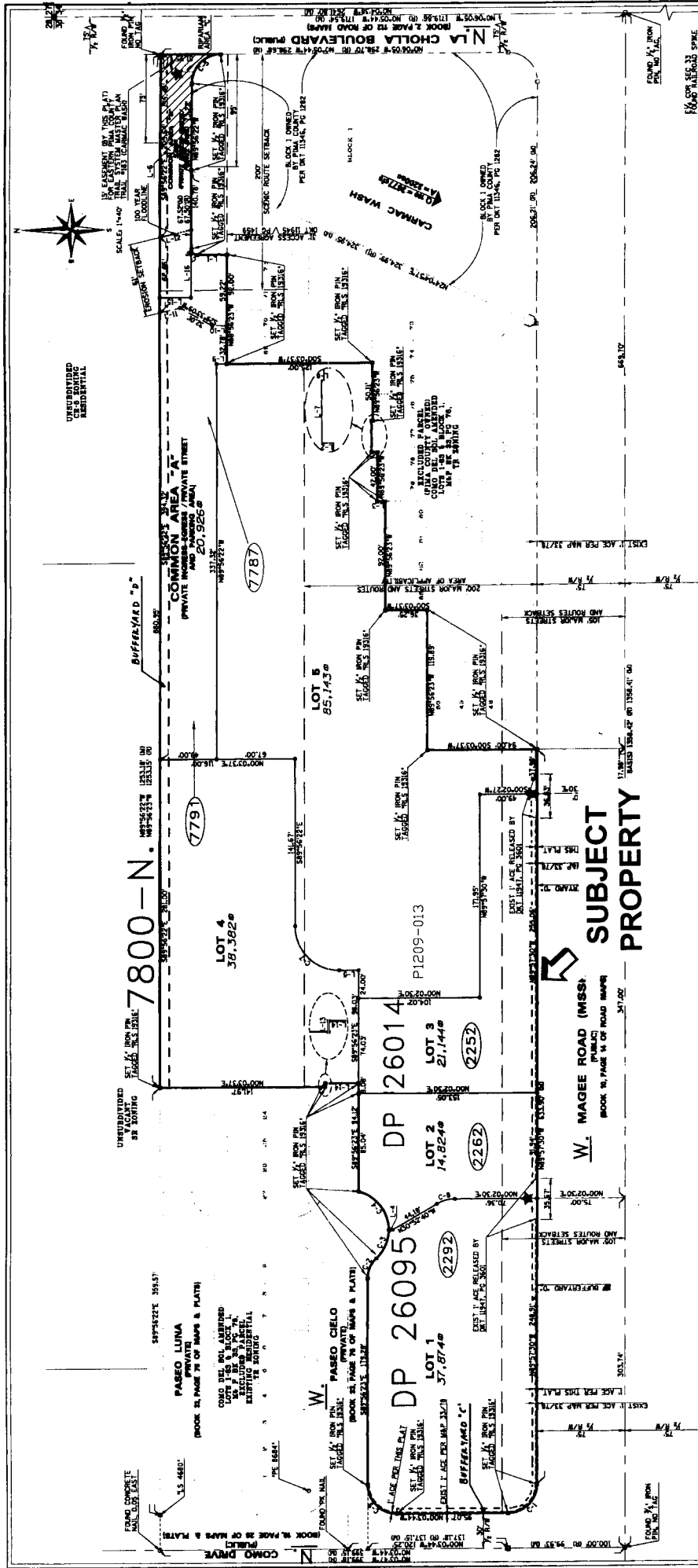
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ROGER C BIEDE II DEV ASSOC LLC  
MAGEE ROAD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



# MAGEE CENTER SUBDIVISION

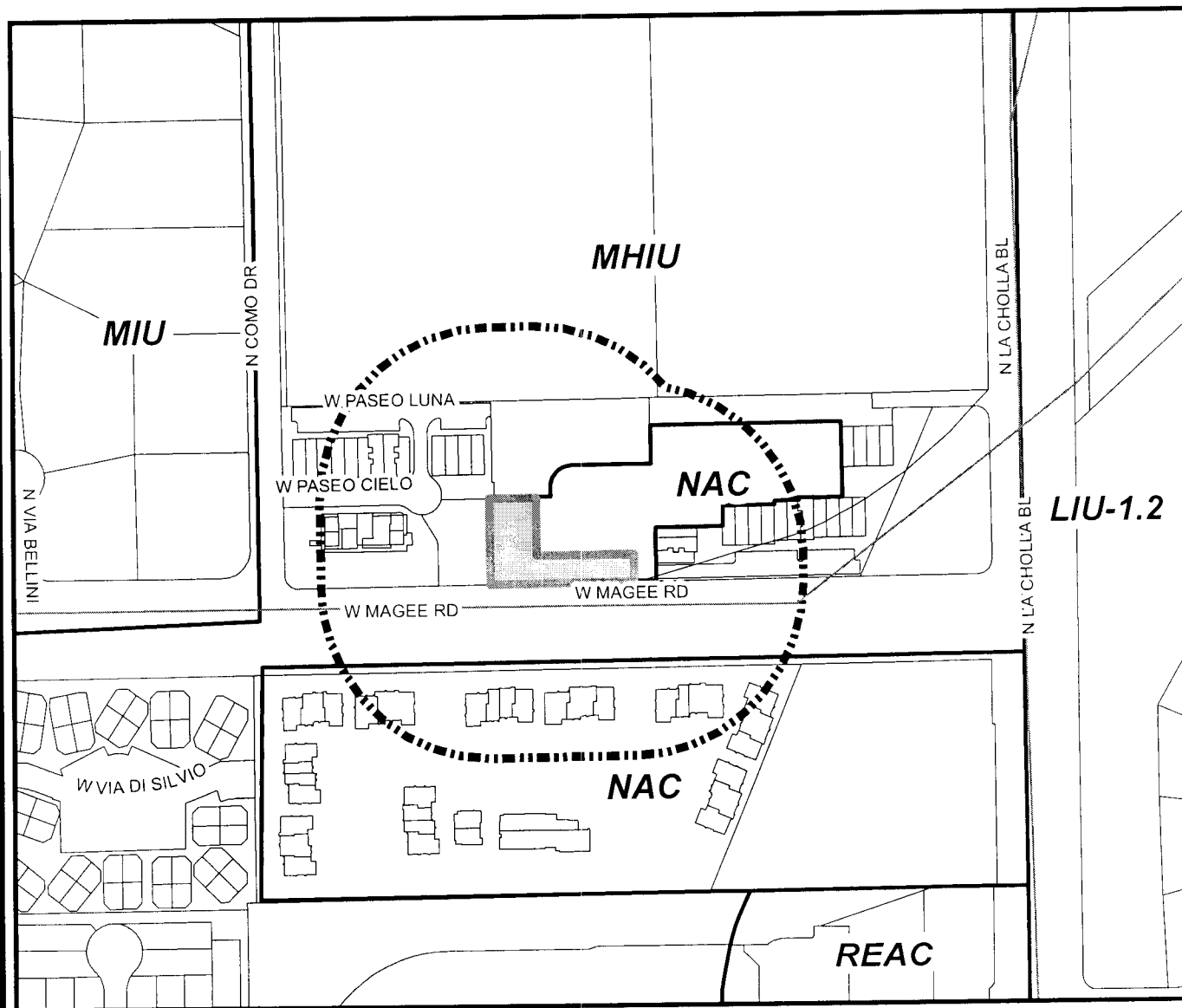






# COMPREHENSIVE PLAN AMENDMENT

Planned Land Use and Notice Area



0 120 240 480 Feet



Amendment Area



300' Notice Area



Planned Land Use

Taxcode:  
225-44-5460

**Co7-13-09 Roger C Biede II Dev Assoc LLC -  
Magee Road Plan Amendment  
(Concurrent with Co9-13-004 Rezoning)**

Request: Medium-High Intensity Urban (MHIU)  
To Neighborhood Activity Center (NAC)  
0.46 Acres +/-

Location:  
North side of  
W Magee Road,  
approximately 660 feet  
west of  
N La Cholla Blvd.



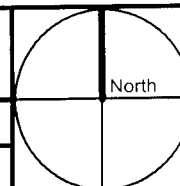
Northwest Subregion  
Township 12S, Range 13E, Section 33

Planning and Zoning Commission Hearing: June 26, 2013

Map Scale: 1: 4,000 +/-

Board of Supervisors Hearing: TBD

Map Date: June 7, 2013



## **Neighborhood Activity Center**

## **NAC on the Land Use Plan Maps**

- a. Purpose: To designate low intensity mixed-use areas designed to provide convenience goods and services within or near suburban residential neighborhoods for day-to-day living needs.
- b. Objective: The center provides commercial services that do not attract vehicle trips from outside the immediate service area. A grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, church, and bank. The center may include a mix of medium density housing types. Neighborhood Activity Centers are generally less than fifteen acres in size.
- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
  - 1) Minimum - (none)
  - 2) Maximum - 10 RAC
- d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
  - 1) Minimum – 3 RAC
  - 2) Maximum – 5 RAC
- e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
  - 1) CR-2 Single Residence Zone
  - 2) CR-3 Single Residence Zone
  - 3) CR-4 Mixed-Dwelling Type Zone
  - 4) CMH-1 County Manufactured and Mobile Home-1 Zone
  - 5) CMH-2 County Manufactured and Mobile Home-2 Zone
  - 6) TR Transitional Zone
  - 7) RVC Rural Village Center Zone
  - 8) CB-1 Local Business Zone
  - 9) CB-2 General Business Zone, provided however that the uses in such zone shall be limited to those set forth in Section 18.45.030B through 18.45.030C.

## **Summary of neighborhood meeting**

for

Combination Comprehensive Plan Amendment/Rezoning Case Co9-13-04- Roger C. Beide II  
Development Association, LLC- Magee Road Rezoning - Lot 3 of the Magee Center Bk 56 at Pg 94

The neighborhood meeting was held at 6 PM on-site at the existing building on Lot 3 at 2252 W. Magee Rd. Present was:

1. Jeff Stewart From Steadfast Design, Inc.; the Owner's representatives and the Applicant,
2. Roger C. Beide II,
3. Craig R. Courtney of the Magee Como Development Association, LLC representing the adjacent CB-2 property,
4. Michael G. Byrne of the Magee Como Development Association, LLC representing the adjacent CB-2 property,
5. Jane Loiselle, owner of the Condominium Office at 2292 W. Magee Road, suite 260,
6. Joan M. Caruso, representing the owner of the property just north of the Como Dell Sol townhouses, and
7. Linda McAlister, owner of the Como Del Sol townhouse at 2273 W Paseo Luna.

Roger C. Beide II began the meeting by expressing the reasons for the rezoning request which were:

- A. the difficulty in finding a professional or medical user over the last several years to occupy the space- it has been vacant for approximately 3 years,
- B. the desire to expand the use of the property to accommodate commercial businesses that have been interested in occupying this building, but cannot due to the current zoning limitations,
- C. the natural connection this property has with the adjoining adjacent CB-2 property because they share a common boundary on two sides, parking and a driveway between them,
- D. because the business community assumes that the property is already a commercial building because it is a freestanding building situated directly on Magee Rd with convenient drive up parking and excellent signage visibility.

Craig Courtney and Mike Byrne explained why the corner property was interested in including Lot 3. Due to its existing shared driveway and parking opposite the corner parcel, Lot 5, the interconnection of commercial uses will enhance the desirability for both sides of this roadway, as they already share the parking on either side of the roadway that attached to each of these parcels.

Access to this property was discussed and noted that it shared the main entrance with the adjoining CB-2 property making it even more conducive to having their uses under the same zoning category.

Once the picture of how these two properties were connected the neighborhood participants understood the reasoning for this rezoning and did not express any objections.

The meeting lasted approximately one hour.

# REZONING CASE : Co9-13-04; June 10, 2013 Neighborhood Meeting

## SIGN IN SHEET

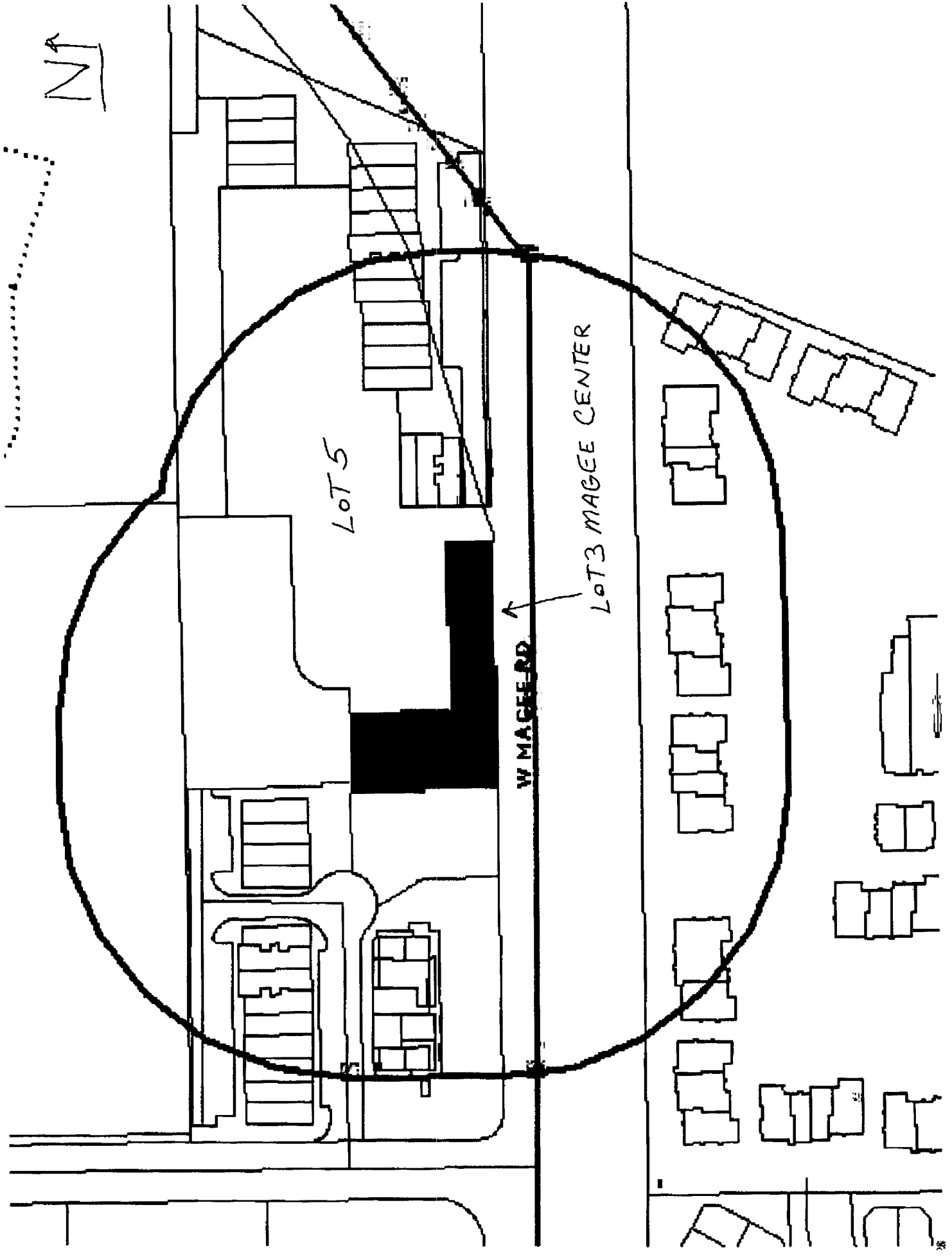
No.	Storage	Phone Number	Address	Meeting Address	Phone Number	Email Address
1	Jane Howell	Jane Howell	2392 W Maple #260	same	520-237-6657	
2	John McCreos	Joan McCreos	71 Grove (property N.)	Galaxy	520-907-1828	
3	John McCreos	Linda McCreos	2273 W. Rosebush	same	520-991-7337	
4						
5						

N ↑

Lot 5

W MAGEE RD. ↑

LOT 3 MAGEE CENTER



C07-13-09

PIMA COUNTY PLANNING DIVISION  
APPLICATION FOR CONCURRENT COMPREHENSIVE PLAN AMENDMENT / REZONING

SECTION I. OWNER/APPLICANT INFORMATION

PROPERTY OWNER(S): ROGER C BIEDE II DEVELOPMENT ASSOC., LLC

DAYTIME PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: 5151 N ORACLE RD STE 210  
TUCSON AZ 85704 E-MAIL: \_\_\_\_\_

APPLICANT (if other than owner): JEFF STEWART / STEADFAST

DAYTIME PHONE: 520-907-8070 FAX: \_\_\_\_\_

ADDRESS: 861 W. COOL DRIVE  
TUCSON, AZ 85704 E-MAIL jstewart@steadfastdrafting.com

TAX CODE NO(S): 225-44-5460

TOTAL ACRES: 0.49

GENERAL PROPERTY LOCATION: MAGEE ROAD WEST OF LA CHOLLA BLVD

(115) ZONING BASEMAP(S): TR & CB-2 BOARD OF SUPERVISORS DISTRICT: ONE (1)

EXISTING LAND USE: MEDICAL OFFICE

CONSERVATION LANDS SYSTEM CATEGORY(S): NONE

SECTION II. COMPREHENSIVE PLAN AMENDMENT AND ZONING REQUEST INFORMATION

COMPREHENSIVE PLAN SUBREGION(S): NW - NORTHWEST

CURRENT/CONDITIONAL ZONING AND ACREAGE(S): TR 0.49 AC

PROPOSED USE OF THE PROPERTY: RETAIL - C. ~~Small School~~  
Limited Retail Uses

PROPOSED ZONING AND ACREAGE(S) CB-2 0.49 AC

CURRENT PLAN DESIGNATION(S) AND ACREAGE(S): MH14 (E)

REQUESTED PLAN DESIGNATION(S) AND ACREAGE(S): NAC

SPECIAL AREA (S) OR REZONING POLICIES (RP) BY POLICY #, WHICH CURRENTLY APPLY TO THE PROPERTY: NONE

SPECIAL AREA (S) OR REZONING (RP) POLICIES PROPOSED AS PART OF THE COMPREHENSIVE PLAN  
AMENDMENT / REZONING REQUEST: NONE

IF MORE THAN ONE LOT WOULD BE CREATED BY THIS REZONING, HOW WILL ALL-WEATHER ACCESS  
BE PROVIDED TO THESE LOTS FROM A DEDICATED PUBLIC ROAD? (E.G. DIRECT ACCESS, EXISTING  
EASEMENT, NEW EASEMENT, ETC.): N/A

WHAT IS THE MAXIMUM PROPOSED BUILDING HEIGHT? EXISTING 30' NUMBER OF STORIES: 2

PROVIDE AN ESTIMATE OF WHEN PROPOSED DEVELOPMENT WILL BE STARTED AND COMPLETED.

Starting date: \_\_\_\_\_  
Completion date: EXISTING 1995

IF THE PROPOSED DEVELOPMENT IS COMMERCIAL OR INDUSTRIAL: SEE ATTACHED APPROVED DEVELOPMENT PLAN

- a. How many employees are anticipated? \_\_\_\_\_
- b. How many parking spaces will be provided? \_\_\_\_\_
- c. What are the expected hours of operation? \_\_\_\_\_
- d. Will a separate loading area be provided? \_\_\_\_\_
- e. Approximate size of building (sq. feet)? \_\_\_\_\_

IF THE PROPOSED DEVELOPMENT IS AN INDUSTRIAL PROJECT, STATE THE INDUSTRIAL WASTES THAT  
WILL BE PRODUCED AND HOW THEY WILL BE DISPOSED OF. (DISCUSS THE MEANS OF DISPOSAL WITH  
THE WASTEWATER MANAGEMENT DEPARTMENT AT 740-6500 OR THE DEPARTMENT OF  
ENVIRONMENTAL QUALITY AT 740-3340.)

N/A

IF THERE ARE ANY NATURAL DRAINAGEWAYS ON THE SUBJECT PROPERTY, STATE IF NATURAL  
DRAINAGE PATTERNS WOULD BE ALTERED BY THE PROPOSED DEVELOPMENT, AND WHAT TYPE OF  
ALTERATION IS PROPOSED. (NOTE: For information regarding flood control requirements, call the Regional Flood Control  
District, 243-1800.)

SEE ATTACHED APPROVED DEVELOPMENT PLAN  
DEVELOPMENT IS EXISTING

WILL A SEPTIC SYSTEM OR PUBLIC SEWER BE USED FOR THE PROPOSED DEVELOPMENT? EXISTING PUBLIC

IF SEPTIC IS TO BE USED, STATE WHETHER ONE CURRENTLY EXISTS ON THE PROPERTY AND, IF SO,  
WHETHER ADDITIONS TO THAT SYSTEM WILL BE NEEDED FOR THIS DEVELOPMENT. (NOTE: For  
information on septic system requirements, call the Department of Environmental Quality at 740-3340.)

N/A

HOW WILL WATER BE SUPPLIED TO THE PROPERTY? IF A WATER COMPANY, STATE WHICH ONE.

EXISTING — METRO WATER

**MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (CLS):**

a. Is the subject property within the MMB Conservation Land System (see Attachment)? Yes \_\_\_ No ☒

b. If so, estimate the approximate number of acres of the subject property that fall within the applicable CLS category. N/A

Important Riparian Area: \_\_\_ acres

Biological Core Management Area: \_\_\_ acres

Multiple Use Management Area: \_\_\_ acres

Special Species Management Area: \_\_\_ acres

Recovery Management Area: \_\_\_ acres

c. What is the acreage of Existing Development within the CLS: \_\_\_ acres

**SECTION III. SURROUNDING LAND USE**

Describe in detail adjacent and nearby existing land uses within approximately 500 feet of the subject property in all directions.

**CURRENT PLANNED LAND USE DESIGNATIONS OF SURROUNDING PROPERTIES (within 500 feet):**

NORTH: MH/U SOUTH: NAC

EAST: NAC WEST: MH/U

**EXISTING USES OF SURROUNDING PROPERTIES (within 500 feet):**

NORTH: (LOT 4) TR UNDEVELOPED / RESID SOUTH: DEVELOPED OFFICE/MED / RETAIL UNDEVELOPED

EAST: RETAIL (LOT 5) UNDEV WEST: OFFICE/MED FULLY DEVELOPED

**EXISTING AND CONDITIONAL ZONING OF SURROUNDING PROPERTIES (within 500 feet):**

NORTH: TR SOUTH: TR & CB1

EAST: CB2 WEST: TR



#### SECTION IV. REASONS FOR PROPOSED CONCURRENT PLAN AMENDMENT/REZONING

Please refer to the following guidelines. Explain why you think one or more of these reasons support your Concurrent Plan Amendment/Rezoning request. Attach additional page(s), if necessary.

1. The plan amendment / rezoning would promote:
  - a. The implementation of the **Growing Smarter Act** with particular emphasis given to:
    - i. mixed use planning,
    - ii. compact development,
    - iii. multi-modal transportation opportunities,
    - iv. rational infrastructure expansion and improvements,
    - v. conservation of natural resources, and
    - vi. the growth area element (where applicable),
  - b. The implementation of other Comprehensive Plan policies set forth in the Regional Plan Policies, Rezoning Policies and Special Area Policies.
  - c. Compatibility with the **Maeveen Marie Behan Conservation Lands System**, including information requested in the application form pertaining to Biological Resources and Compatibility with the Maeveen Marie Behan Conservation Lands System.
2. Fulfillment of the Annual Plan Amendment Program's "Purpose", as stated in the Pima County Zoning Code, §18.89.040(A)(2) and (3), as it relates to an opportunity to address inconsistencies, oversights or land use related inequities in the plan or acknowledge significant changes in a particular area since the adoption of the plan or plan update.

TO THE EAST OF LOT 3 IS LOT 5. LOT 5 IS ZONED CB-2 (NAC) & IS CURRENTLY VACANT LAND. LOT 3 & 5 SHARE A DRIVEWAY & PARKING. THE OPPORTUNITY EXISTS TO INCORPORATE LOT 3, AS CB-2, INTO THE MAGEE CENTER DEVELOPMENT & ENHANCE THE MIXED USE OF THE CENTER & AREA. THE MAGEE ROAD RE-ALIGNMENT HAVE LEFT THE NORTHEAST & SOUTHEAST CORNERS OF THE INTERSECTION OPEN SPACE. THIS LEAVES THE NORTHWEST & SOUTHWEST CORNERS TO BE DEVELOPED. ADDING LOT 3 & ITS EXISTING BLDG. AS CB-2 WILL PROVIDE AN OPPORTUNITY FOR MORE UPSCALE USES SUCH AS THOSE PLANNED FOR LOT 5. PROVIDING A SMALL, COMPACT, MIXED USE, DEVELOPMENT FOR THIS NEIGHBORHOOD

#### SECTION V. SUBMITTALS

##### THE FOLLOWING ITEMS MUST BE INCLUDED IN THE APPLICATION:

1. Assessor's map showing boundaries of subject parcel and Assessor's Property Inquiry (APIQ) printout showing current ownership of subject parcel. DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED. If the applicant is not shown as the owner of the subject parcel a letter of authorization with a signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a signature of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.

2. Submit a detailed description of the project. Also, submit a sketch plan in accordance with Chapter 18.91.030.E.1.a. & b of the Pima County Zoning Code. In addition, the following must also be included on the sketch plan, where applicable:

- a) existing and proposed land uses;
- b) areas to be graded, revegetated, and left undisturbed;
- c) areas of significant vegetation;
- d) special features of the site, including steep slopes (slopes greater than 15%), rock outcrops, washes and riparian areas;
- e) existing and proposed utility or road easements, by type and width;
- f) existing and proposed leach fields for septic systems (if applicable);
- g) proposed lots; and
- h) location and types of bufferyards and walls, if required. Refer to Chapter 18.73 of the Zoning Code.

Include any necessary supporting documentation, graphics and maps (for example, acreage of areas to be graded and left undisturbed). All documentation should be legible and no larger than 8.5" X 11."

3. Submit three (3) copies of the Biological Impact Report.

4. Submit the entire rezoning fee.

5. PDF files of application materials, if applicable.

6. Additional materials, if any.

#### SECTION VI.

This complete application is true and correct to the best of my knowledge. I am the owner of the above-described property or have been authorized by the owner to make this application.

  
SIGNATURE OF APPLICANT

30 MAY 2013  
DATE

JEFF STEWART  
NAME OF APPLICANT - PRINTED

---

#### FOR OFFICIAL USE ONLY

Co7- 13-09

Co9- 13-04

Biede II (Roger C) Development Assoc Inc -  
Case Name Magee Rd

1 CO9-69-27  
Fee Supervisor District Cross reference: Co9-, Co7-, other

HT 5.21.13  
Received by Date Checked by Date

PIMA COUNTY PLANNING DIVISION  
APPLICATION FOR REZONING  
FOR PROJECTS NOT REQUIRING A SITE ANALYSIS

Co9-13-04

ROGER C BIEDE II DEVELOPMENT ASSOC, LLC 5151 N ORACLE #210 TUCSON, AZ 85704

Owner Mailing Address Email Address/Phone daytime / (FAX)  
JEFF STEWART 861 W. COOL DR TUCSON AZ 85704 jstewart@steadfastdrafting.com

Applicant (if other than owner) Mailing Address Email Address/Phone daytime / (FAX)

MAGEE CENTER LOT 3 / 2252 W MAGEE RD 85704 225-44-5460

Legal description / property address Tax Parcel Number

0.46 MH14 (TR) NAC (CB-2) NW-NORTHWEST  
Acreage Present Zone Proposed Zone Comprehensive Plan Subregion / Category / Policies

The following documentation must be attached:

1. Assessor's map showing boundaries of subject parcel and Assessor's Property Inquiry (APIQ) printout showing current ownership of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with a **signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a **signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a **signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit a sketch plan in accordance with Chapter 18.91.030.E.1.a. & b of the Pima County Zoning Code. Submit a detailed description of the proposed project, including existing land uses, the uses proposed and to be retained, special features of the project and existing on the site (e.g., riparian areas, steep slopes) and a justification for the proposed project. Include any necessary supporting documentation, graphics and maps (all documentation should be legible and no larger than 8.5" X 11").
3. Submit three (3) copies of the Biological Impact Report.
4. Submit the entire rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

21 MAY 2013

Date

  
Signature of Applicant

FOR OFFICIAL USE ONLY

Biede II (Roger C) Development Magee Rd Rezoning Co9-13-04  
Case name Assoc TR LLC TR CB2 115 3251 1

Rezoning from Rezoning to Official Zoning Base Map Number Fee Supervisor District

Outside CLS  
Conservation Land System category

Co9-13-77 Co9-13-09 NW MH14 NONE  
Cross reference: Co9-, Co7-, other Comprehensive Plan Subregion / Category / Policies

Received by  Date 5-21-13 Checked by  Date 6-4-13

**PIMA COUNTY  
REZONING IMPACT STATEMENT**

Please answer the following questions **completely**; required hearings may be delayed if an adequate description of the proposed development is not provided. Staff will use the information to evaluate the proposed rezoning. Additional information may be provided on a separate sheet.

NAME (print) JEFF STEWART

NAME OF FIRM (if any) STEADFAST DRAFTING & DESIGN, LLC

INTEREST IN PROPERTY AGENT FOR OWNER

SIGNATURE *Jeff Stewart* DATE 21 MAY 2013

**A. PROPOSED LAND USE**

1. Describe the proposed use of the property.

CB-2; RETAIL

2. State why this use is needed. PROPERTY IS ADJACENT TO AN UNDEV. CB-2 W/SHARED ACCESS, AN EXIST. BLDG & APPROVD DEV. PLAN. PROPERTY OWNER HAS HAD MANY INQUIRIES FOR VARIOUS RETAIL USGS. GOOD ADDITION TO EXISTING CENTER

3. If the proposed use is residential, how many **total residential units** would there be on the property to be rezoned? Will these be detached site-built homes, manufactured homes, or another type?

Total units: \_\_\_\_\_ Type: \_\_\_\_\_

4. Will the subject property be split into additional lots? YES ☒ NO (circle one)

5. How many **total lots** are proposed to be on the property to be rezoned, and what size in acres will each lot be?

1 LOT 0.49 AC

6. If more than **one** lot would be created by this rezoning, how will all-weather access be provided to these lots from a dedicated public road? (e.g. direct access, existing easement, new easement, etc.)

N/A

7. What is the maximum proposed building height? EXISTING

30 feet and 2 stories

8. Provide an estimate of when proposed development will be started and completed.

Starting date: \_\_\_\_\_  
Completion date: EXIST. BLDG & APPROVD DEV PLAN

9. If the proposed development is commercial or industrial:

- a. How many employees are anticipated? \_\_\_\_\_  
b. How many parking spaces will be provided? \_\_\_\_\_  
c. What are the expected hours of operation? \_\_\_\_\_

- d. Will a separate loading area be provided? \_\_\_\_\_  
e. Approximate size of building (sq. feet)? 3140 S.F.
10. a. For commercial or industrial developments, or residential developments of three residences per acre or greater, state which bufferyards are required, according to Chapter 18.73 (Landscape Standards) of the Zoning Code.

EXISTING BUFFERYARD - SEE APPROVED DEVELOPMENT PLAN

- b. Describe the buffer choice that would be provided (e.g.: buffer width, use of walls, or type of plant material) to meet the Code requirement. Refer to Chapter 18.73 of the Zoning Code.

EXIST. BUFFERYARDS - SEE APPROVED DEV. PLAN & ATTACHED "CHRIS POIRER" LETTER

11. If the proposed development is an industrial project, state the industrial wastes that will be produced and how they will be disposed of. (Discuss the means of disposal with the Wastewater Management Department at 740-6500 or the Department of Environmental Quality at 740-3340.)

N/A

B. SITE CONDITIONS - EXISTING AND PROPOSED

1. Are there existing uses on the site? ☒ YES NO

- a. If yes, describe the use, stating the number and type of dwelling unit, business, etc.

TR - 1-2 STORY DENTAL OFFICE (VACANT)

- b. If no, is the property undisturbed, or are there areas that have been graded?

\_\_\_\_\_

2. If the proposed rezoning is approved, will the existing use be removed, altered, or remain as is?

USE WILL BE AS REQUIRED BY LEASEE & ALLOWED BY ZONING, C of O.

3. Are there any existing utility easements on the subject property? ☒ YES NO

- If yes, state their type and width, and show their location on the sketch plan.

SEE ATTACHED APPROVED DEVELOPMENT PLAN

4. Describe the overall topography of the subject property, and note whether any slopes of greater than 15% are present on the property. Note any rock outcroppings or unusual landforms or features.

TOPOGRAPHY IS FLAT - SITE IS FULLY DEVELOPED

5. Note any areas of heavy vegetation on the sketch plan and describe its type and general density.

NO NATURAL VEGETATION - FULLY DEVELOPED SITE

6. Conservation Land System (CLS):

- a. Is the subject property within the MMB Conservation Land System (see Attachment A)?

Yes

NO

- b. If so, which of the following does the subject property fall within, and if more than one, provide the approximate percentage of the site within each?

Important Riparian area, Biological Core, Multiple Use, Special Species Management area, or Recovery Management area, or Existing Development within the CLS.

7. How has the plan for the rezoning met the conservation standard for the applicable category area?

N/A

8. Are there any natural drainageways (washes) on the subject property? YES NO  
If yes, state whether these natural drainage patterns would be altered by the proposed development, and what type of alteration is proposed.

(NOTE: For information regarding flood control requirements, call the Regional Flood Control District, 243-1800.)

9. Approximately how much of the subject property is proposed to be graded, including areas where most vegetation will be cleared? \_\_\_\_\_ Acres, or \_\_\_\_\_ percent of the land area. How much of this area is currently graded? 100% GRADED (1995) - PROPERTY IS DEVELOPED

10. Describe any revegetation proposal in areas where development would require removal of natural vegetation.

N/A

11. For rezonings larger than 3.3 acres (144,000 square feet) or for more than one residential unit per 3.3 acres: N/A

- a. Is the subject property elevation less than 4,000 feet?

NO YES

- b. Are there any saguaros on the subject property that are eight feet or taller or that contain a woodpecker cavity? If yes, how many?

NO YES Number: Over 8 feet: \_\_\_\_\_ under 8 feet with cavity: \_\_\_\_\_

- c. Are there any mesquite trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

- d. Are there any Palo Verde trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

- e. Are there any ironwood trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

- f. Have any Cactus Ferruginous Pygmy Owls been found on the subject property or within 1,500 feet of the proposed development project as a result of an Owl Habitat Survey?

- \_\_\_ 1) No survey has been done.  
\_\_\_ 2) No owls were found as a result of a survey performed on \_\_\_\_\_ (date).  
\_\_\_ 3) \_\_\_ (Number of) owls were found as a result of a survey performed on \_\_\_\_\_ (date).

11. Will a septic system or public sewer be used for the proposed development?

SEPTIC SEWER EXISTING

If septic is to be used, state whether one currently exists on the property and, if so, whether additions to that system will be needed for this development. (NOTE: For information on septic system requirements, call the Department of Environmental Quality at 740-3340.)

\_\_\_\_\_  
\_\_\_\_\_

12. How will water be supplied to the property? If a water company, state which one.

EXISTING - METRO WATER

\_\_\_\_\_

C. SURROUNDING LAND USE

Describe in detail adjacent and nearby existing land uses within approximately 500 feet of the subject property in all directions.

(LOT 4)  
NORTH: UN-DEVELOPED TR / RESIDENTIAL (1) SFR & APT COMPLEX

ACROSS MAGEE CB-1  
SOUTH: OFFICE / MED -TR & RETAIL - UNDEVELOPED AT INTERSECTION

EAST: CB-2 UNDEVELOPED (LOT 5)

WEST: OFFICE / MED -TR (LOT 1 & 2) DEVELOPED

## **BIOLOGICAL IMPACT REPORT: MAGEE CENTER LOTS 3**

### **A. Landscape Resources:**

1. The Project site is outside the boundaries of the Conservation Lands System, (CLS) and Important riparian areas or other washes that carry a 100 year flow of  $\geq 250$  cfs are not present.
2. The Project Site is not located within any of the six (6) Critical Landscape
3. The Property is not a Habitat Protection or Community Open Space priority acquisition property.

### **B. Federally Listed Threatened / Endangered Species:**

#### **1. Cactus Ferruginous Pygmy Owl:**

- a. The Project Site falls within Survey Zone 1, Priority Conservation Area, the Cactus Ferruginous Pygmy owl, (*Glacidium brasiliamun cactorum*).
- b. No surveys for pygmy-owls are recommended on this property. There is a low probability of pygmy-owls occurring on or within 400 meters of the Project Site due to the amount of disturbance surrounding the area and the distance of this property from any known pygmy-owl sites.
- c. The Project Site does fall within Survey Zone 1, Priority Conservation Area. The Project Site does not contain any natural vegetation. All vegetation for the ferruginous pygmy owl nesting habitat that might exist is in the surrounding areas outside of the Magee Center Development and will remain unaffected by this Development.

#### **2. Western Burrowing Owl:**

- a. The Project Site is not located within any Priority Conservation Area for the Western Burrowing Owl.
- b. As it is a fully graded site and has been since 1980 and was built out in 1995, and it is highly unlikely that there are any Western Burrowing Owls on the project site.
- c. The site has not been surveyed for Western Burrowing Owls. No surveys are planned in the future.



3. Pima Pineapple Cactus:

- a. The Project Site is not located within any Priority Conservation Area for the Pima Pineapple Cactus.
- b. As it is a fully graded site and has been since 1980 and was built out in 1995, and it is highly unlikely that there are any Pima Pineapple Cactus on the project site.
- c. The site has not been surveyed for Pima Pineapple Cactus. No surveys are planned in the future.

4. Needle-Spined Pineapple Cactus:

- a. The Project Site is not located within any Priority Conservation Area for the Needle-Spined Pineapple Cactus.
- b. As it is a fully graded site and has been since 1980 and was built out in 1995, and it is highly unlikely that there are any Needle-Spined Pineapple Cactus on the project site.
- c. The site has not been surveyed for Needle-Spined Pineapple Cactus. No surveys are planned in the future.

# Roger C. Biede II Development Association, LLC.

5151 N. Oracle Rd., Suite 210  
Tucson, AZ 85704

May 20, 2013

Ms. Terri Tillman  
Pima County Development Services Department  
Planning Division  
201 N. Stone – 2<sup>nd</sup> Floor  
Tucson, AZ 85701  
520.740.6415 Phone  
Email: [terri.tillman@pima.gov](mailto:terri.tillman@pima.gov)

Re: Application for Rezoning of Lot 3 of Magee Center from TR to CB-2

Dear Ms. Tillman:

Please accept this letter as the Owner's written request to initiate a rezoning for Lot 3 of Magee Center from TR to CB-2

The property, zoned TR, is approximately 0.49 acres in size and located at 2252 W. Magee Rd. The Tax Code Parcel # is 225-44-5460. The property is owned by Roger C. Biede II Development Association, LLC with its sole member being the Magee Como Development Association, LLC, with the following members:

1. Craig R. Courtney,
2. Janine C. Courtney,
3. M. Beth Haas,
4. Michael G. Byrne, and
5. Michael W. McLaughlin.

In addition, please accept this letter as the owner's authorization and your notification that Craig R. Courtney (247-3306), Michael G. Byrne and/or Jeff Stewart (907-8070) are authorized and instructed by the Roger C. Biede II Development Association, LLC to represent it in all matters necessary to achieve a comprehensive plan, rezoning and Development Plan for Lot 3 of Magee Center.

Please accept any of the above parties' written instructions, and/or requests as those of the owner's directly.

Thank you for your cooperation in this matter.

Sincerely,

Roger C. Biede II Development Association, LLC

By

Authorized Signatory

Print Name:

Michael  
BYRNE

application and stated that Mr. Cohen, a retired electrician, proposes to build a small electrical appliance repair shop and a grocery store. She added that with the development of the area they hope to have a shopping center. She presented a petition containing five signatures, and letters from Mrs. Marguerite Clark, Mr. and Mrs. Ivan Kercell, Mrs. M. J. Tweet, Mr. and Mrs. W. J. Chiago, Louis F. Meyer, John Avram, and from Tucson Title Insurance Company (as Trustee under Trust No. 10,655, representing owners of fourteen lots), all approving the proposed rezoning; she also stated that the owners of the existing commercial zoning have no intention of developing their property within the foreseeable future. Mrs. Jack Young, Pearl Livingston, Esther Palomino, Ruth Casillas, Mary Ortiz, and Paul G. Robles were present and expressed their approval of the rezoning on the grounds that having stores or a shopping center will fill a definite need in the area. No one else appeared to be heard.

It was thereupon moved by Mr. Murphy, seconded by Mr. Weaver, and carried that the hearing be closed. Mr. Murphy inquired whether Mrs. Cohen would be willing to submit for approval architect's plans for any proposed construction, said plans to be shown to the protestants and approved by the Board of Supervisors as a condition precedent to the rezoning. Mrs. Cohen agreed to this and stated she would immediately instruct Blanton & Company to prepare plans for the buildings. After due consideration, it was moved by Mr. Murphy, seconded by Mr. Weaver, and carried that the Board approve the proposed rezoning subject to:

- (1) A buffer as required of the commercial property to the east;
- (2) A suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities;
- (3) A covenant holding Pima County harmless in the event of flooding;
- (4) 75' half right of way for Irvington Road;
- (5) 30' half right of way for Iowa Street;
- (6) 30' half right of way for Sunset Boulevard;
- (7) 20' alley along the west boundary; and
- (8) Board approval of architect's plans for development and construction.

The Chairman instructed the Clerk to notify Mr. Ruder when Mrs. Cohen presents the architect's plans to the Board, at which time, if requirements have been met, the necessary ordinance will be ordered drawn.

- ✓ 4. DP&Z-P: Col3-61-2, INA ROAD-CANADA NEIGHBORHOOD PLAN  
DP&Z-Z: C69-69-27, T. N. NORDALE PETITION

The Chairman announced that this is the time and the place designated and legally advertised for hearing on a proposal to amend the Ina Road-Canada Neighborhood Plan and provide for additional transitional uses and on the petition of Thomas Nanini Nordale to rezone from SR to TR property at the northwest corner of La Cholla Boulevard and Magee Road. The Associate Planning Director reported that the petition is in order.

7-22-69 (2)

B/S Min

BOS Minutes

Re?  
Cord.

The Planning and Zoning Commission (with its Chairman, Frank Beiser, voting "Nay") recommends that the plan be amended and that the rezoning be approved subject to:

- "(1) A suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities;
- (2) Recording an acceptable plat;
- (3) 100' half right of way for Magee Road and La Cholla Boulevard;
- (4) 20' alley along the north line; and
- (5) Recording a covenant holding Pima County harmless in the event of flooding."

The Chairman inquired whether anyone wished to be heard. Mr. Nordale and Mr. Jay McCaffrey spoke briefly in support of the petition. No one else appeared. It was thereupon moved by Mr. Weaver, seconded by Mr. Murphy, and carried that, in accordance with the Commission's recommendations, the Ina Road-Canada Neighborhood Plan be amended and that the Board approve the proposed rezoning and order the necessary ordinance drawn.

5. DP&Z-Z: Co9-69-30, WESTERN TRUST COMPANY, BENSON HIGHWAY REZONING:

The Chairman announced that this is the time and the place designated and legally advertised for hearing on the petition of Western Trust Company to rezone from GR to CI-1 and CI-2 property on the north side of Interstate 10 (the Tucson-Benson Highway) east of Kolb Road. The Associate Planning Director reported that the petition is in order; he described surrounding areas and stated property to the north is zoned CI-2 and property to the west is zoned CB-2, The Anaconda Company owning the parcel across Kolb Road from the petitioned area. The Planning and Zoning Commission unanimously recommends that the rezoning be approved subject to:

- "(1) A suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities;
- (2) Recording an acceptable plat;
- (3) Agreement to height limitations in accordance with Federal Aviation Regulations; and
- (4) Recording restrictive covenants."

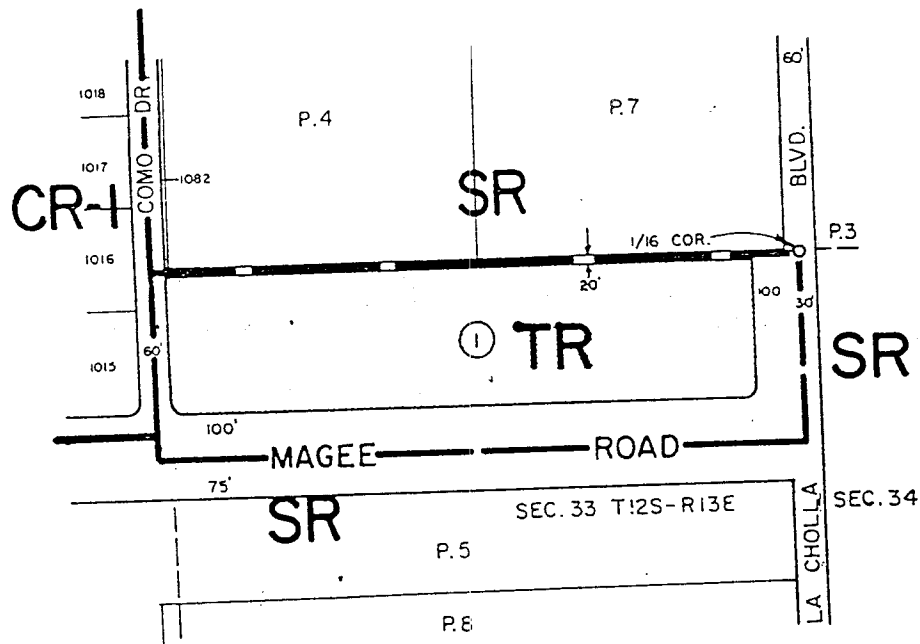
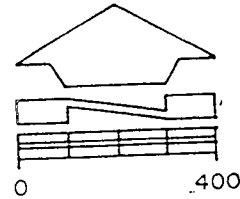
The Associate Planning Director further reported that, subsequent to the Commission's hearing, The Anaconda Company filed with the Clerk a letter to the Board objecting to the CI-2 rezoning because such classification permits uses they feel would be "detrimental and not compatible" with their Research Laboratory development on the adjoining property; they would not, however, object to the CI-2 rezoning subject to recording of restrictive covenants prohibiting the following uses:

- "(1) Junk yards, salvage yard, auto wrecking yards
- (2) Commercial cattle sales, auction yard or cattle rest
- (3) Dirt, soil, clay, sand, rock, stone or gravel pit or yard
- (4) Fat rendering, reduction of offal

7-22-69 (3)

Rec'd  
Arch

AMENDMENT NO. 10 BY ORDINANCE NO. 1972 - 127  
 TO PIMA COUNTY ZONING MAP NO. 115, TUCSON, ARIZONA  
 BLK. 1 OF TUCSON NATIONAL APARTMENTS, BEING PART OF THE S1/2 OF  
 THE NE1/4 OF SEC. 33, T12S-R13E  
 ADOPTED 10 - 17 - 72



*Alvin R. Garcia*

EXEC. SEC'Y COUNTY PLANNING AND ZONING COMMISSION

M15 9-19-72

C09-69-27  
 C013-61-2