

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 20, 2018

Title: Co9-09-09 ORANGE GROVE PROPERTY, LLC - ORANGE GROVE ROAD REZONING (Time Extension)

Introduction/Background:

Applicant requests a five-year time extension of the rezoning from CR-1 (Single Residence) to TR (Transitional) which was approved by the Board of Supervisors on August 6, 2013 and expired on August 6, 2018.

Discussion:

The applicant indicates that the site is being marketed. The five-year time extension request will result in a total of 10 years to complete rezoning conditions. The proposed professional office use on the 1.74-acre site is a suitable transitional use at the southeast corner of the intersection of Orange Grove Road and La Canada Drive. Residential uses exist adjacent to the site. A medical office was recently constructed at the northeast corner of the intersection. Concurrency of infrastructure exists. Major capacity improvement of La Canada Drive and the portion of Orange Grove Road within a fourth-mile of the intersection have been completed, and a middle turn lane has been added to Orange Grove Road east of the site. However, short parts of Orange Grove Road operate over capacity east and west of the intersection. The TR rezoning remains compliant with the MIU plan designation and rezoning policies. Closure of the rezoning would cause reversion to CR-1 which would not be in compliance with MIU, but would be consistent with adjacent CR-1. The site is not within the MMB Conservation Lands System. Staff recommends modification of a number of rezoning conditions to reflect current standard conditions and protocols.

Conclusion:

A time extension is warranted because the proposed professional office use remains suitable at this location. Concurrency of infrastructure exists. The rezoning remains compliant with the comprehensive plan. Reversion to CR-1 zoning with typical low-density residential use would not conform to the MIU planned land use designation.

Recommendation:

Fiscal Impact:

Staff recommends approval of a five-year rezoning time extension subject to conditions as modified.

N/A					
Board of Supervisor District:					
⊠ 1	□ 2	□ 3	□ 4	□ 5	□ AII
Department	t: Development S	ervices Departme	nt - Planning	Telephone: 724-9000	
Contact:	David Petersen	7	5)	Telephone; 724-9000	
Department Director Signature/Date: 10 24 18					
Deputy County Administrator Signature/Date:					
County Adn	ninistrator Signat	ure/Date:	C. Du	hetbay	10/24/18



TO:

Honorable Ally Miller, Supervisor, District 1

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services Department-Planning Division

DATE:

October 24, 2018

SUBJECT:

Co9-09-09 ORANGE GROVE PROPERTY, LLC - ORANGE GROVE ROAD

REZONING

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' TUESDAY, NOVEMBER 20, 2018 hearing.

REQUEST:

A five-year time extension of a rezoning from CR-1 (Single Residence) to TR

(Transitional).

OWNERS:

Orange Grove Property, LLC

Attn: Carol P. Taylor, Trustee 11971 N. Labyrinth Drive Tucson, AZ 85737-3454

AGENT:

Daniel Taylor

danielcraigtaylor@gmail.com

DISTRICT:

1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of October 24, 2018, staff has received no public comment.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside of the Maveen Marie Behan Conservation Lands System (CLS)

TD/DP/ar Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-09-09 Page 1 of 8

FOR NOVEMBER 20, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services Department-Planning Division

DATE:

October 24, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-09-09 ORANGE GROVE PROPERTY, LLC - ORANGE GROVE ROAD REZONING

Request of Orange Grove Property, LLC, represented by Daniel Taylor, for a five-year time extension for the above-referenced rezoning from CR-1 (Single Residence) to TR (Transitional). The subject site was rezoned in 2013. The site is approximately 1.74 acres located on the southeast corner of Orange Grove Road and La Canada Drive. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

(District 1)

STAFF RECOMMENDATION

Staff recommends APPROVAL of a five-year time extension to August 6, 2023 as per the applicant's request for the original 1.74-acre rezoning from CR-1 (Single Residence) to TR (Transitional), subject to original and modified standard and special conditions as follows:

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.

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5. 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.

- 61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 72. Adherence to the Preliminary Development Plan "A" or "B" (EXHIBITS B, C) as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.
- 83. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.
- P4. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.
- 105. The building height(s) shall be a maximum of one-story.
- 116. Transportation conditions:
 - A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.
 - B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.
- 427. Flood Control (Water Resources) condition: A Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.
- Environmental Quality Planning condition: 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.

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- 149. Wastewater Management Reclamation conditions:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (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, preliminary sewer layout, 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.
 - C. The owner / developer shall time all new development within the rezoning-area to coincide with the availability of treatment and conveyance capacity in the downstream public-sewerage-system.
 - D. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative-plat, development plan, preliminary-sewer layout, sewer construction plan, or request for building permit.
 - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
 - A. The owner (s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (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, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public

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- 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.
- C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 4510. Cultural resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- 4611. 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.
- 1712. 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(!)."

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Formerly standard condition #'s 1-5 are recommended for deletion based on a recent staff decision to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan will be required per code for the proposed office development. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends conditions which require recorded covenants. In addition, pertaining to condition #2, only recorded subdivision plats typically include a standard hold harmless clause pertaining to flooding. Pertaining to condition #4, assurances are usually associated with a subdivision plat which is not proposed for the rezoning site.

Renumbered condition #1 pertaining to Board of Supervisors approval of further lot splitting or subdividing is recommended for modification to limit the condition to residential development as per current standard.

The covenant requirement is also recommended for deletion pertaining to the requirement for ongoing removal of buffelgrass per renumbered condition #8 and to the Proposition 207 rights disclaimer per renumbered condition #12.

Deletion of existing conditions and addition of new conditions under renumbered condition #9 are recommended to update Wastewater Reclamation Department conditions to current standards for the required use of sewerage. The deleted conditions are similar to the new conditions.

The recommended modified conditions do not constitute a substantial change which would require review by the Planning and Zoning Commission.

STAFF REPORT

The request letter states that the 1.74-acre site is actively for sale, targeting buyers for small new office space such as a medical group. The rezoning from CR-1 (Single Residence) to TR (Transitional) at the southeast corner of Orange Grove Road and La Canada Drive was approved in 2013 for development of professional offices. Approval of the requested five-year time extension will provide a total of 10 years to complete rezoning conditions from the initial approval date by extending the expiration date to August 6, 2023. The site remains vacant with partial disturbance of natural vegetation. The site is not located within the Maeveen Marie Behan Conservation Lands System.

Staff supports the rezoning time extension because the proposed office development remains an appropriate transitional use to residential development beyond the intersection of arterial roads. There are conditions in place (#'s 3, 4, and 5 above) designed to ameliorate potential impacts to adjacent residential development. The rezoning also remains compliant with the site's Medium Intensity Urban (MIU) comprehensive plan designation which provides for non-residential uses such as offices. The MIU designation was approved for this site under a 2004 comprehensive plan amendment that included rezoning policies (RP-68 attached) that list limited allowable uses for the site to include professional offices and limit development to one story.

The site is also an infill development for which concurrency of infrastructure is met per reporting agencies (Metro Water District did not respond). As detailed in Transportation comments below, there have been significant road capacity improvements for both La Canada Drive and Orange Grove Road since the rezoning was approved. At the time of the rezoning, La Canada Drive was undergoing reconstruction and widening that is now complete. Additionally, Orange Grove Road has undergone the same improvements in the area of the intersection, and a center turn lane for the narrower road segment one-fourth mile east of the intersection has also been constructed. Orange

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Grove Road one-fourth mile west of the intersection also has a middle turn lane. However, the narrower segments of Orange Grove Road were operating over capacity at the time the rezoning was approved and remain over capacity. The rezoning site analysis estimated the office project would generate 506 vehicle trips per day with relatively low numbers of peak hour trips.

There are two approved rezoning preliminary development plan options for the site, both featuring two separate office buildings with combined areas of 16,640 square feet and 14,190 square feet. A similar office complex is partially developed across Orange Grove Road from the site. An 11,716 square foot medical office was recently constructed on that site, and a 12,563 square foot office also exists that was built prior to the subject rezoning approval. Approximately 26,000 square feet of additional office space can be developed on that site. Additionally, a Tucson Electric Power substation has been approved and constructed across La Canada Drive from the site, at the southwest corner of the intersection, since the subject rezoning was approved. Residential zoning and uses remain the same to the east and south of the site.

Denial of the time extension will cause the site to revert to CR-1 zoning which would not conform to the MIU plan designation due to its low residential density and limited non-residential use allowance. However, CR-1 would not be unusual given adjacent CR-1 zoning. The site consists of two original residential subdivision lots. Closure of the rezoning would not preclude the possibility of a future TR rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER

North: TR (Transitional) Orange Grove Road/Medical Office

South: CR-1 (Single Residence) Single-family Residential
East: CR-1 Single-family Residential
West: SR (Suburban Ranch) Electric Power Substation

CONCURRENCY CONSIDERATIONS				
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments		
TRANSPORTATION	Yes			
FLOOD CONTROL	Yes			
WASTEWATER	Yes	Subject to conditions for construction of on- and off-site sewers necessary.		
PARKS AND RECREATION	N/A			
WATER	No response	Site is within Metropolitan Water Service area.		
SCHOOLS	N/A			
AIR QUALITY	Yes			

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TRANSPORTATION REPORT

The Pima County Development Services Department on behalf of Pima County Department of Transportation has no objection to the time extension request for the rezoning. A recent Capital Improvement Project has been completed in the vicinity of the rezoning site with improvements to La Canada Drive that include widening it to four lanes from River Road to Ina Road. The improvements also included widening Orange Grove Road to four lanes ¼ of a mile east and west of the La Canada Drive intersection. The improved cross section includes a median, bike lanes, curb, sidewalk, and landscaping. The new medians extend the full length of the property on both Orange Grove Road and La Canada Drive so any driveways will be restricted to right turns in and out. A second Capital Improvement Project recently completed widened Orange Grove Road from the four lane end point ¼ of a mile east of the La Canada Drive intersection. This included widening it from the existing two lanes to three lanes with bike lanes between La Canada Drive and Oracle Road.

The most recent traffic counts show that approximately 15,000 vehicles per day use La Canada Drive and 22,000 vehicles per day use Orange Grove Road adjacent to the project. The Capital Improvement Project increased the capacity of both roads to approximately 33,000 vehicles per day so both roads adjacent to the project will be operating under capacity. East of the development, the four lane cross section of Orange Grove Road transitions to a three lane section for a short period before it once again widens to four lanes at the Oracle Road intersection. The three lane section of Orange Grove Road is already over capacity and will continue to experience congestion problems until it is widened in the future.

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and has the no objection to the rezoning time extension.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request and offers the following comments for your use. The subject property is located at the southeast corner of Orange Grove and La Canada Drive and is proposed for professional offices.

The subject property is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor. The existing public sewer consists of an 8-inch sewer S-272-003 located within the La Canada Rd right-of-way. There are currently no capacity issues in the downstream conveyance system that could affect this development. However, conditions within the public sewer system constantly change and need to be reevaluated. An update to a Type I capacity letter must be obtained to verify that capacity exists in the downstream system for this development prior to submitting the preliminary sewer layout or the development plan for review and approval.

The PCRWRD has no objection to the above referenced request for a five-year time extension of the rezoning, but requests the existing wastewater conditions in rezoning Ordinance 2013-47, adopted on October 15, 2013 by the Board of Supervisors, be replaced with updated conditions (under renumbered condition #9 above).

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

Staff has not received a response to a request for comments.

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WATER DISTRICT REPORT

Metropolitan Domestic Water Improvement District has not responded to a request for comments.

FIRE DISTRICT REPORT

Northwest Fire/Rescue District has not responded to a request for comments.

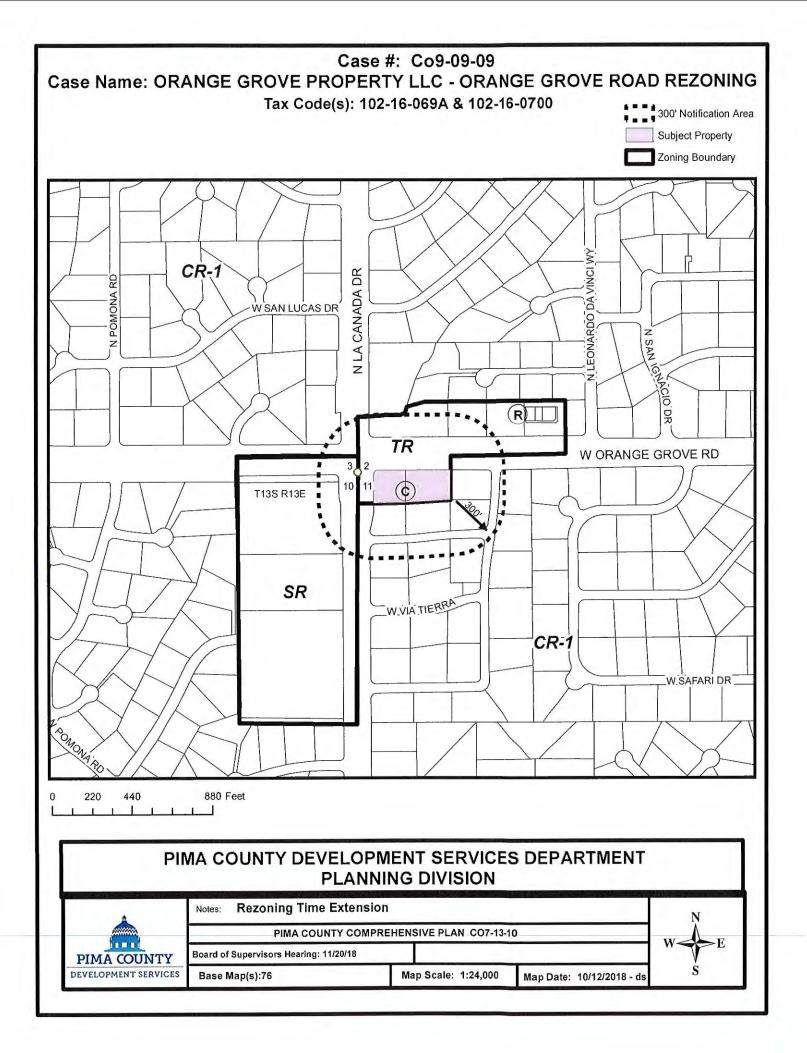
PUBLIC COMMENT

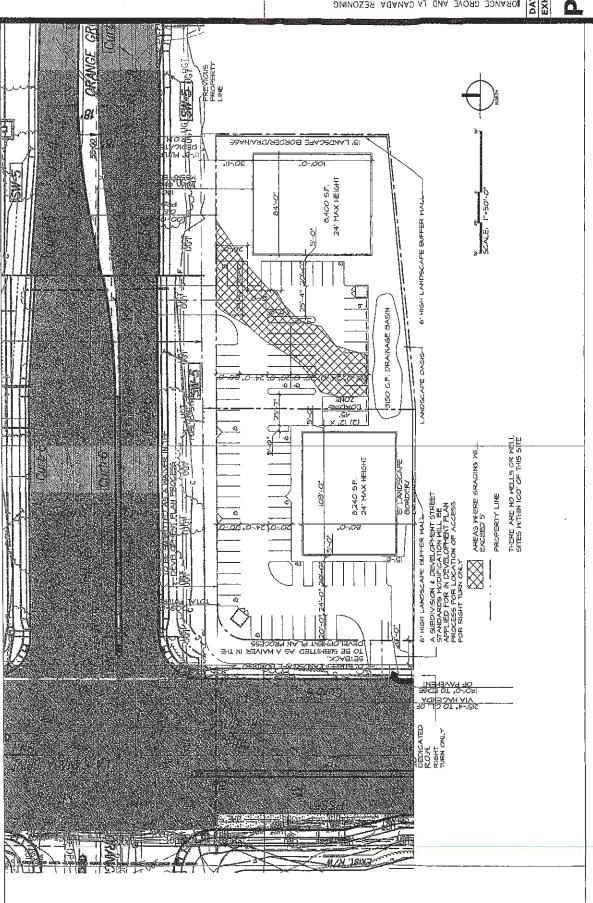
Notice will be mailed to property owners within 300 feet of the rezoning site. As of the writing of this report, no written public comments have been received.

TD/DP/ar Attachments

cc: Daniel Taylor, danielcraigtaylor@gmail.com Tom Drzazgowski, Chief Zoning Inspector Co9-09-09 File







Cog-09-09 Approved Rezoning Freliminary Development Plan 8-16-13 (Version "A")

KRAMER + ARCHITECTURE

ЗККАМЕКЗЗ6684@YAHOO.COM 220.405.2226 CELL 82928 .SA ,ANARAM 220,954,3614 OFFICE 2222 M' DONE OF PEACE

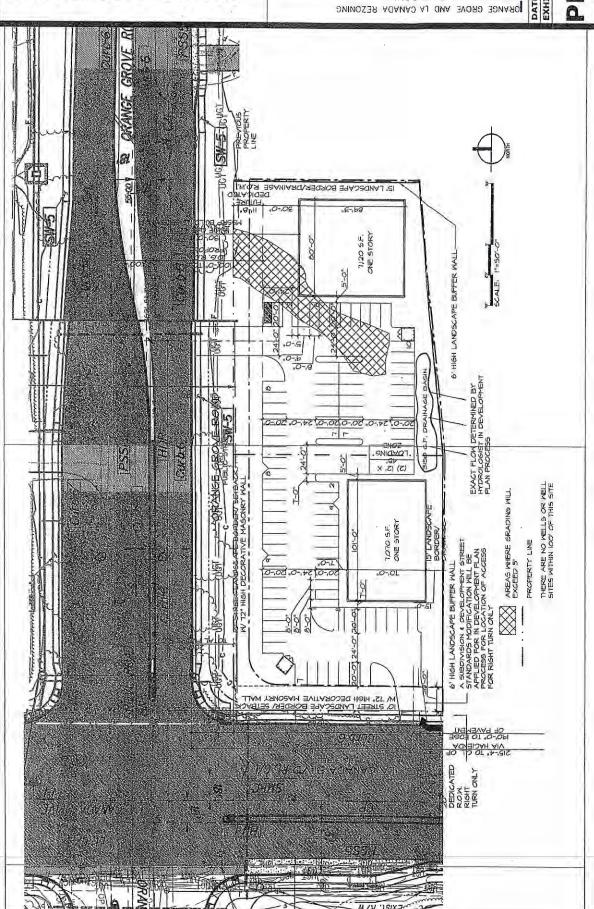
TUCSON, ARIZONA 85705 1321 AND 1341 E. ORANGE GROVE ROAD ORANGE GROVE AND LA CANADA REZONING

DATE:6-11-2013

EXHIBIT NUMBER

PAGE NUMBER 28 **DD**

PRELIMINARY DEVELOPMENT PLAN



Cog-09-09 Approved Rezoning Preliminary Development Plan 8-16-13

KRAMER + ARCHITECTURE

5525 W. DOVE OF PEACE 520.954.3614 OFFICE 520.405.2226 CELL 1KRAMER336684@YAHOO.COM

PRELIMINARY DEVELOPMENT PLAN

DATE:06-11-2013 EXHIBIT NUMBER TUCSON, ARIZONA 85705

POP. P

PAGE NUMBER 29

1321 AND 1341 E. ORANGE GROVE ROAD

July 20, 2018

To: Pima County Development Services

Fr: Orange Grove Property LLC

Re: C09-09-09 Orange Grove Property LLC

Tax Code Numbers: 102-16-0700 Request for a Time Extension

Orange Grove Property LLC hereby requests a time extension on the above referenced rezoning. The property is actively for sale through CBRE targeting buyers meeting the conditions of the rezoning such as a small build to suit medical group. The site is 1.74 acres.

Enclosed is:

- 1. This letter requesting the time extension.
- 2. Site Plan
- 3. Letter of Authorization
- 4. Disclosure of Ownership
- 5. Fee
- 6. Original Biological impact report

If you have any questions do not hesitate to call. 504-220-9380, Email danielcraigtaylor@gmail.com.

Thank you so much

Daniel Taylor

Disclosure of Ownership

Orange Grove Property LLC is owned by the Arthur O Kelly Revocable Trust.

Carol P. Taylor Trustee. See attached.

Also enclosed is the Warranty Deed, Legal Description, Boundary Survey and the Pima County Assessor's Office data.

Entity Information

Search Date and Time: 7/21/2018 10:28:01 AM

Entity Details	
ODANOE ODOVE PROPERTY I I O	Entity Name:
ORANGE GROVE PROPERTY, LLC	Entity ID:
L14029543	Entitu Tunca
Domestic LLC	Entity Type:
Active	Entity Status:
	Formation Date:
10/22/2007	Reason for Status:
In Good Standing	
10/24/2007	Approval Date:
20,2 1, 2001	Status Date:
40.00.0007	Original Incorporation Date:
10/22/2007	Life Period:
Perpetual	Dunings Turner
	Business Type: Last Annual Report Filed:

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(http://www.azcc.gov/divisions/corporations/contact-us.asp)

ΑZ

Domicile State:

Annual Report Due Date:

Years Due:

Original Publish Date:

11/13/2007

Statutory Agent Information

Name:

CAROL P TAYLOR TRUSTEE OF THE

Appointed Status:

Active

Attention:

Address:

ARTHUR O KELLY JR REV TRUST 11971 N LABYRINTH DR, ORO VALLEY, AZ 85737, USA

Agent Last Updated:

11/23/2016

E-mail:

Attention:

Mailing Address:

County:

Principal Information

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Manager	CAROL P TAYLOR TRUSTEE OF THE		ARTHUR O KELLEY JR REV TRUST 11971 N LABYRINTH DR, ORO VALLEY, AZ, 85737, USA	9/23/2016	11/23/2016
Member	CAROL P TAYLOR TRUSTEE OF THE		ARTHUR O KELLEY JR REV TRUST 11971 N LABYRINTH DR, ORO VALLEY, AZ, 85737, USA	9/23/2016	11/23/2016

Page 1 of 1, records 1 to 2 of 2

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Attention:

Address: 11971 N LABYRINTH DR, ORO VALLEY, AZ, 85737, USA

County: Pima Last Updated:

Entity Principal Office Address

Attention: Address:

County:

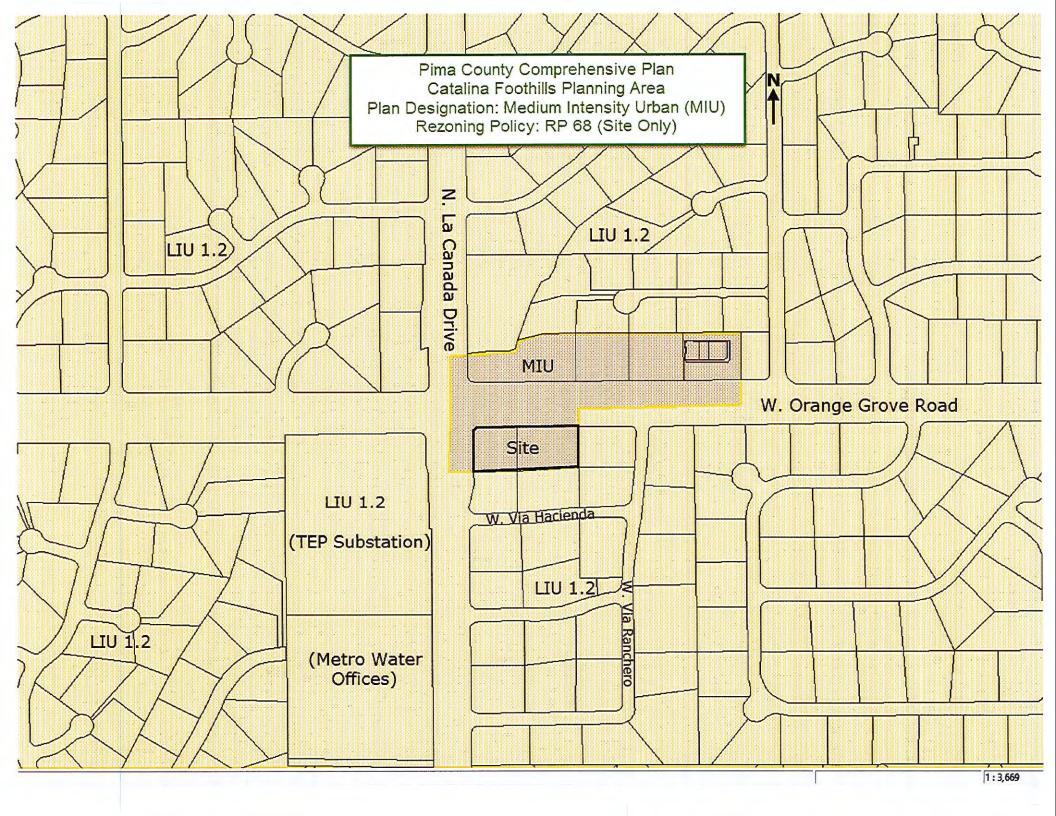
Last Updated:

Back Return to Search Return to Results

Print Document History Name/Restructuring History

Pending Documents

Microfilm History



Excerpt from Pima Prospers FINAL (as adopted 2015)

Land Use Legend

The Land Use Intensity Legend is composed of a number of "urban/suburban", "rural" land use, and general categories. Urban/suburban designations are usually used in the metropolitan areas of Tucson, Green Valley and certain unincorporated communities. Rural land uses are generally used in exurban and rural locales. General categories can be found throughout the unincorporated county. Each category includes a description of the objectives and the types of uses intended for that category. In addition, most categories that allow residential uses include a minimum and maximum gross density, defined as residences per acre (RAC). Only land area zoned and planned for residential use or open space areas not including golf courses, shall be included in gross density calculations.

Effective densities throughout the rezoning process may be constrained by hydrology, open space requirements, overlay zones, cultural resources, and many other factors.

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A. <u>Urban/Suburban Intensity Categories</u>

7. Medium Intensity Urban (MIU)

- a. <u>Objective:</u> To designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.
- b. Residential Gross Density: Residential gross density shall conform to the following:
- 1) Minimum 5 RAC
- 2) Maximum 13 RAC.
- c. <u>Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs):</u> Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
- 1) Minimum 5 RAC
- 2) Maximum 10 RAC.

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Special Area and Rezoning Policies

Chapter 9: Special Area Policies - General Location, Description and Policy

Special Area Policies (SAP) are one of the two types of mapped plan policies (along with Rezoning Policies (RP), covered in a following section of this chapter. SAPs apply to sites typically composed of multiple parcels that share a unique physical feature or location over a relatively large area. They overlay larger areas such as transportation gateways into metro Tucson, significant floodplains, or areas covering a significant portion of a planning area carried forward from a previous (rescinded) area, neighborhood, or community plan.

They are used to help guide the creation of rezoning conditions, but also may serve as general policy for the area they cover such as the Community Development Target Areas.

Special Area Policies are labeled as "S" and are numbered individually on the plan's land use maps. In parenthesis next to the policy title is the referenced map in which the special area lies.

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RP-68 Orange Grove Road / La Cañada Drive (CF)

General location

On the southeast corner of La Cañada Drive and Orange Grove Road, in Section 11 of Township 13 South, Range 13 East (Ref. Co7-04-14).

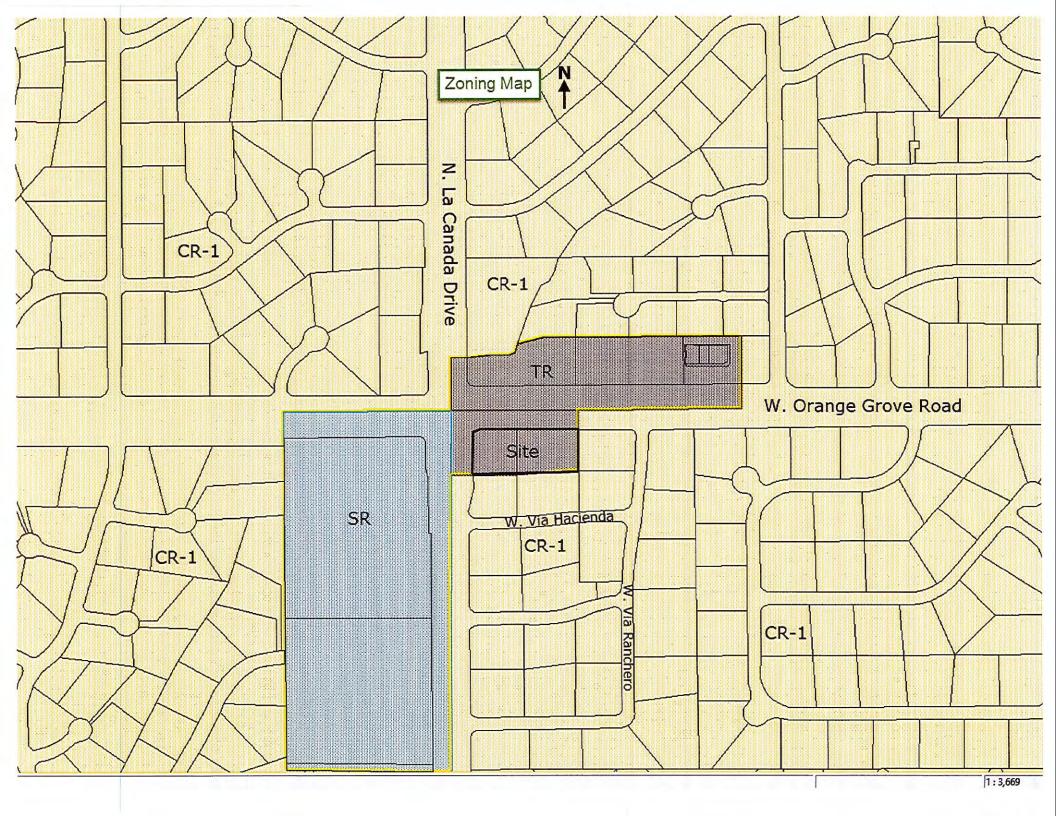
Description

Limited uses and height.

Policies

- A. Uses within the TR Transitional zone shall be limited to the following: assisted living centers, clinics, clubs, professional office, child care center, or real estate offices.
- B. Uses shall be limited to one story.

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F. ANN RODRIGUEZ. RECORDER Recorded By: JC

DEPUTY RECORDER

P0230 PIMA CO CLERK OF THE BOARD PICKUP



SEQUENCE:

NO PAGES:

20133040888 8

10/31/2013

16:28

PICK UP AMOUNT PAID:

\$0.00

ORDINANCE 2013-_47____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 102-16-069A, 102-16-0700) IN CASE Co9-09-09 ORANGE GROVE PROPERTY LLC - ORANGE GROVE ROAD REZONING OF APPROXIMATELY 1.74 ACRES FROM CR-1 (SINGLE RESIDENCE) TO TR (TRANSITIONAL), LOCATED AT THE SOUTHEAST CORNER OF ORANGE GROVE ROAD AND LA CANADA DRIVE, AMENDING PIMA COUNTY ZONING MAP NO. 76.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 1.74 acres, located at the southeast corner of Orange Grove Road and La Canada Drive, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 76 is hereby rezoned from CR-1 (Single Residential) to TR (Transitional).

Section 2. Rezoning Conditions.

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.

Co9-09-09

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- 5. 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.
- 6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 7. Adherence to the Preliminary Development Plan "A" or "B" (EXHIBITS B, C) as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.
- 8. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.
- 9. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.
- 10. The building height(s) shall be a maximum of one-story.
- 11. Transportation Conditions:
 - A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.
 - B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.
- 12. Flood Control (Water Resources) condition: A Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use

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- of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.
- 13. Environmental Quality condition: 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.

14. Wastewater Management conditions:

- A. The owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
- B. The owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (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, preliminary sewer layout, 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.
- C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner / developer shall fund, design and construct all off-site and on-site

- sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 15. Cultural resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- 16. 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.
- 17. 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)."

Section 3. Time limits, extensions and amendments of conditions.

- 1. Conditions 1 through 17 shall be completed by August 6, 2018.
- 2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

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- 3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 17 are satisfied and the Planning Official issues a Certificate of Compliance.
- 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 4. The effective date of this Ordinance shall be on the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of	Supervisors of Pima Cour	nty, Arizona, on
October 15th of 2013.		
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Charman of t	he Board of Supervisors	
ATTEST:		
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Clerk, Board of Supervisors	\wedge	
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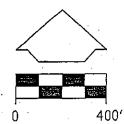
Executive Secretary,

Planning and Zoning Commission

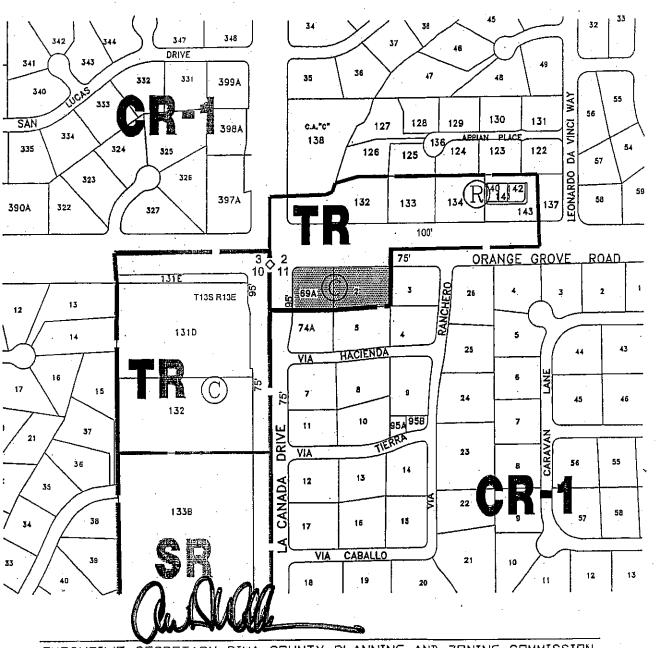
ANDREW FLAGG

EXHIBIT A

AMENDMENT NO. 96 BY ORDINANCE NO. 2013-47 TO PIMA COUNTY ZONING MAP NO. 76 TUCSON, AZ. LOTS 1 AND 2 OF RANCH HOUSE ESTATES BEING A PART OF SEC. 11, T13S R13E.



ADDPTED October 15, 2013 EFFECTIVE October 15, 2013



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM CR-1 1.74 ac± ds-September 17, 2013

CD9-09-09 102-16-069A & 102-16-0700 Page 6 of 8

Cog-09-09 Rezoning Approval BOS Minutes 8-6-13

The Vice Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Elías and carried by a 4-0 vote, Chairman Valadez absent, to close the public hearing and approve P21-13-006, subject to standard and special conditions.

24. Rezoning

Co9-09-09, ORANGE GROVE PROPERTY, L.L.C. - ORANGE GROVE ROAD REZONING

Request of Orange Grove Property, L.L.C., represented by Joel Kramer of Kramer + Architecture, for a rezoning of approximately 1.74 acres from CR-1 (Single Residence) to TR (Transitional), on property located at the southeast corner of Orange Grove Road and La Canada Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 6-2 (Commissioners Neeley and Poulos voted "Nay"; Commissioner Holdridge abstained, which counted as a yes vote; Commissioners Johns and Mangold absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors.

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.
- 5. 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.
- 6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 7. Adherence to the Preliminary Development Plan "A" or "B" as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.
- 8. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.
- 9. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.
- 10. The building height(s) shall be a maximum of one-story.
- 11. Transportation Conditions:
 - A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.
 - B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to

be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.

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- 13. Environmental Quality condition: 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.
- 14. Wastewater Management conditions:
 - A. The owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
 - B. The owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (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, preliminary sewer layout, 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.
 - C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 15. Cultural resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed

for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

16. 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.

17. 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)."

The Vice Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and carried by a 4-0 vote, Chairman Valadez absent, to close the public hearing and approve Co9-09-09, subject to standard and special conditions.

Concurrent Comprehensive Plan Amendment And Rezoning

Co7-13-09 and Co9-13-04, ROGER C BIEDE II DEVELOPMENT ASSOCIATION, L.C. - W. MAGEE ROAD CONCURRENT COMPREHENSIVE PLAN AMENDMENT AND REZONING

Request of Roger C. Biede, II, Development Association, L.L.C., represented by Steadfast Drefting and Design, L.L.C., for a concurrent plan amendment and rezoning to amend the Pima County Comprehensive Plan from Medium-High Intensity Urban (MNIU) to Neighborhood Activity Center (NAC) and to rezone from TR (Transitional) to OR-2 (General Business) zone on approximately 0.46 acres located north of Magee Road and approximately 660 feet west of La Cholla Boulevard in Section 33, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Mangold and Johns absent) to recommend APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT WITH A REZONING POLICY AND THE REZONING WITH STANDARD AND SPECIAL CONDITIONS as presented by staff. recommendation: (2 separate recommendations), Co7-13-09 - Staff recommends APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT WITH A Co9-13-04 - Staff recommends APPROVAL OF THE REZONING POLICY. REZONING WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

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 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.

Standard and Special Conditions

1. Recording of a covenant holding Pima County harmless in the event of flooding.

. I. ANN RODRIGUEZ, RECORDER RECORDED BY: LAM

> DEPUTY RECORDER AS2 6545

P0230

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PIMA CO CLERK OF THE BOARD PICKUP



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PICKUP

0.00 AMOUNT PAID

RESOLUTION NO. 2004- 336

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 1.63 ACRES IN SECTION 11 OF TOWNSHIP 13 SOUTH, RANGE 13 EAST, IN THE NORTHWEST SUBREGION.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Northwest Subregion, is hereby amended to change the planned land use classification for approximately 1.63 acres, as referenced in Co7-04-14, located on the southeast corner of La Cañada Drive and Orange Grove Road, as shown on the map attached hereto as "Exhibit A" and incorporated herein by this reference, from Low Intensity Urban 1.2 (LIU-1.2) to Medium Intensity Urban (MIU).

Section 2. The Pima County Comprehensive Plan Regional, Rezoning and Special Area Policies are also hereby amended to include the subject site with the following rezoning policies:

- Uses within the TR Transitional zone shall be limited to the following: assisted living centers, clinics, clubs, professional office, child care center or real estate offices.
- Uses shall be limited to one story.

Section 3. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this resolution.

PASSED AND ADOPTED this 7th day of December 2004, by the Board of Supervisors of Pima County, Arizona.

ATTEST:

Clerk, Board of Supervisors

Causty

APPROVED AS TO FORM.

Deputy County Attorney

BOARD OF SUPERVISORS

Chair, Board of Supervisors

DEC 7 2004

APPROVED:

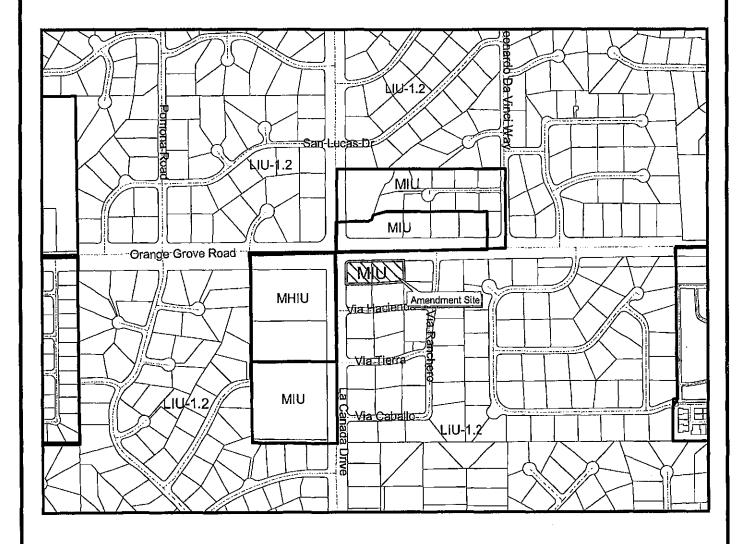
Executive Secretary

Planning and Zoning Commission

EXHIBIT "A"

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Map



Tax Codes: 102-16-0690; 102-16-0070

Co7-04-14 REID, ET AL. -W. ORANGE GROVE ROAD PLAN AMENDMENT

Amend from Low Intensity Urban 1.2 (LIU-1.2) to Medium Intensity Urban (MIU)

Southeast corner of Orange Grove Road and La Canada Drive



Northwest Subregion

P&Z Hearing Date: August 25, 2004 Scale: 1:5,000

BOS Hearing Date: October 19, 2004 Date: June 8, 2004