

Gail Freyer Revocable Trust
Gail Freyer
1640 W. Caspian Drive
Tucson, AZ 85704

October 19, 2015

To The Clerk of the Pima County Board of Supervisors

Re: Request for Modification of Rezoning Conditions
Case # CO9-02-006
1601 INA LLC – INA ROAD REZONING #2

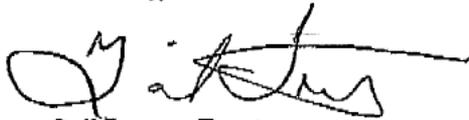
Dear Sir or Madam:

I am a property owner within 300ft of the subject parcel and am writing to express my objection to approval of the above referenced rezoning modification case.

Should the Board lift this restriction and allow three homes that would be accessed through the office parking lot, I believe it will have a detrimental effect to all the property owners in this neighborhood. There would be a significant increase in noise, pollution, traffic and dust. It would also negatively impact the environment and create dangerous pedestrian conditions in a parking lot that was not intended to serve as a driveway for three families.

This was not what the neighboring property owners agreed to during the hearings that took place in 2003. Therefore, I urge you to vote against this measure and leave the existing rezoning restrictions in place. I thank you for your consideration.

Sincerely,



Gail Freyer, Trustee
Gail Freyer Revocable Trust

OCT 20 15 4:08:30 PM CLK OF RD



Cathryn E. Foley Trust
Cathryn E. Foley
1602 W. Caspian Drive
Tucson, AZ 85704

October 19, 2005

To The Clerk of the Pima County Board of Supervisors

**Re: Request for Modification of Rezoning Conditions
Case # CO9-02-006
1601 INA LLC – INA ROAD REZONING #2**

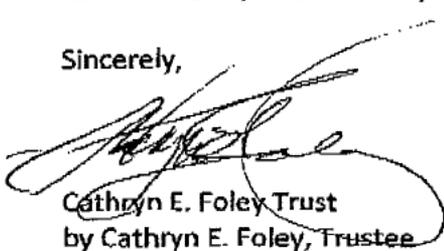
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Should the Board lift this restriction and allow three homes that would be accessed through the office parking lot, I believe it will have a detrimental effect to all the property owners in this neighborhood. There would be a significant increase in noise, pollution, traffic and dust. It would also negatively impact the environment and create dangerous pedestrian conditions in a parking lot that was not intended to serve as a driveway for **three families**.

This was not what the neighboring property owners agreed to during the hearings that took place in 2003. Therefore, I urge you to vote against this measure and leave the existing rezoning restrictions in place. I thank you for your consideration.

Sincerely,


Cathryn E. Foley Trust
by Cathryn E. Foley, Trustee

OCT 20 15 08 00 PC CLK OF PD



Travis Hirschi
1680 Caspian Drive
Tucson, AZ 85704

October 19, 2005

To The Clerk of the Pima County Board of Supervisors

Re: Request for Modification of Rezoning Conditions
Case # CO9-02-006
1601 INA LLC – INA ROAD REZONING #2

Dear Sir or Madam:

I am a property owner within 300ft of the subject parcel and am writing to express my objection to approval of the above referenced rezoning modification case.

Should the Board lift this restriction and allow three homes that would be accessed through the office parking lot, I believe it will have a detrimental effect to all the property owners in this neighborhood. There would be a significant increase in noise, pollution, traffic and dust. It would also negatively impact the environment and create dangerous pedestrian conditions in a parking lot that was not intended to serve as a driveway for three families.

This was not what the neighboring property owners agreed to during the hearings that took place in 2003. Therefore, I urge you to vote against this measure and leave the existing rezoning restrictions in place. I thank you for your consideration.

Sincerely,



Travis Hirschi

OCT 20 15 40 03 00 PC CLK OF PD



Ryan Cunningham

From: JEANETTE A JORDAN [REDACTED]
Sent: Saturday, October 17, 2015 9:22 AM
To: District1
Subject: Case #C09-02-006 Modification of Rezoning Conditions -1601 INA LLC-INA ROAD REZONING #2

From: Jeanette A. Jordan and Larry D. Geringer
7054 N. Pomona Road
Tucson, AZ 85704

October 17, 2015
To: County Supervisor Ally Miller, District 1
Re: Request for Modification of Rezoning Conditions
Case # C09-02-006
1601 INA LLC – INA ROAD REZONING #2
Dear Ms. Miller:

We are property owners within 300ft of the subject parcel and are writing to express our objection to approval of the above referenced rezoning modification case.

The matter of this property's rezoning was determined in a lawful manner during several public hearings that took place over 11 years ago. At that time, the Board of Supervisors unanimously approved rezoning subject to special restrictions. These restrictions took into consideration the impact of the rezoning on the neighborhood and environment.

One of these restrictions limited the number of homes that could be built on the parcel to one. It also allowed two additional homes if the developer secured site access by means other than through a neighboring office complex parking lot. The developer now seeks to have the Board remove that restriction #7 because he claims he has been unable to obtain the required alternative access, but still wants to be allowed three building sites.

Under the current rezoning approval, this scenario was addressed and the Board determined that construction would be limited to one home. Allowing the restriction to remain does not impose any new burden on the developer that did not exist before and protects the interest of the neighboring property owners.

Should the Board lift this restriction and allow three homes that would be accessed through the office parking lot, we believe it will have a detrimental effect to all the property owners in this neighborhood. There would be a significant increase in noise, pollution, traffic and dust. It would also negatively impact the environment.

This was not what the neighboring property owners agreed to during the hearings that took place in 2003. As concerned neighbors who are taxpayers and voters in Pima County, we strongly believe that zoning laws are to protect the majority and not the special interest of a very few. We urge you to vote against this measure and leave the existing rezoning restrictions in place.

Thank you for your consideration and attention in this matter.

OCT 23 15:09:12 POC CLK OF DD



Sincerely,
Jeanette A. Jordan and Larry D. Geringer

FAX

10-20-15

TO: SUPERVISOR JULY MILLER
DISTRICT 1

FAX: 724-8489

FROM: JEANMARIE MCGINNIS
1685 W. INA RD.



RE: OBJECTION TO REQUEST FOR
REZONING MODIFICATION C09-02-06 (WITH EXHIBITS)
ORIGINALLY SET FOR BOS HEARING 10-20-15
AND RESCHEDULED FOR 11-10-15.

TOTAL PAGES TO FOLLOW 18

DCT 21 JEAN0913 PC CLK/EF BD

(K)

Casas Adobes Ranch, LLC.
Jeanmarie and Kelly McGinnis
1685 W, Ina Rd.
Tucson, AZ 85704
[REDACTED]

October 20, 2015

Honorable Ally Miller, Supervisor, District 1

Re: **Modification of Rezoning Conditions (Co9-02-06) 1605 Ina LLC-Ina Rd #2 Rezoning**

Dear Supervisor Miller:

We own the large SR zoned parcel (1685 W. Ina Rd.) adjacent to the west property line of the subject of the modification request. We are writing to express our objection and respectfully ask that you vote against approval of the above referenced matter for the following reasons:

1. **Restriction #7 limiting density was imposed by unanimous consent of the Board of Supervisors on June 17, 2003. Allowing the rezoning conditions to remain as is will impose no new burden or hardship on the Developer, who accepted said restrictions at the time of rezoning approval and reaffirmed this when he obtained his Certificate of Compliance in 2008. Removing this restriction is not warranted at this time as no conditions that contributed to the Board's decision have changed.**

The *very same* concerns of public safety and county liability in forcing the use of a private parking lot as a roadway as was originally expressed by the Transportation Department and property owners in 2003, remain today. While NW Fire District has issued a variance subject to certain conditions which have not yet been met, it merely addresses how a fire truck could maneuver through the office complex parking lot to get access to the development site. In addition, the comment from the Sheriff's Dept. also only refers to site addressing and emergency access issues. Neither does anything to alleviate the dangerous conditions created for the pedestrian public that uses the parking lot. This is one of the reasons why driving through a parking lot to avoid a traffic control signal is a citable offense in Pima County (ARS 28-651). It is recognized that not only does this impede the safe flow of traffic, but also **creates a dangerous situation for pedestrian users** of the parking lot. Your vote to lift Restriction #7 will only serve to exacerbate an already dangerous situation.

2. **Information presented to the Board of Supervisors with regard to the Developer's claim of inability to obtain alternate access as required by Restriction #7, is not supported by the facts.**

The recommendation for approval from Pima County Development Services is, in part, based on the Developer's claim that he has been unable to obtain an alternate access as required in the original rezoning ordinance. This is untrue. We purchased our property in January of 2013 after it had been on the market for quite some time. In fact, according to MLS records (Exhibit A), it had been on and off the market since 2006. During this time, the Developer could have purchased this property which would have given him multiple access options along the entire western boundary of his land. Furthermore, since we purchased the property, the developer has never approached us with a proposal to obtain access through our land. This omission was noted on page 2 of the Staff Report (Exhibit B).

3. Information presented to the Board of Supervisors with regard to a lack of interest from the public in this matter is misleading.

It was noted on the September 28, 2015 memo from Planning Director Arlan Colton to Supervisor Miller that no public comments had been received concerning the rezoning modification request (Exhibit C). The same was noted on page 4 of the Staff report that was a part of the Board of Supervisors Memorandum of the same date (Exhibit D). These statements may mislead the Board into believing there is no public interest or concern about this matter when in fact the exact opposite is true. The reason no comments from the public were received as of September 28th is because the Notice of Public Hearing was not placed in the mail to the applicable property owners until October 1, 2015 (Exhibit E), and was not published as required by law until October 2, 2015 (Exhibit F).

4. The Staff Report implies the reason the Board of Supervisors imposed Restriction #7 at the time of the original rezoning had to do with concerns about emergency service access through the office parking lot to the subject property and not the concerns of neighboring property owners or public safety. In staff's opinion, satisfying the Fire Marshall's concerns was the only impediment to lifting this restriction and with the new variance, no other rezoning action would be required. Again, not quite true.

We did not own our property at the time of the rezoning; however, we know the original case was highly contested by virtually every property owner in the surrounding area who, as a group, even went so far as to retain representation during the public hearings from a neighborhood advocate named Anita Hall (Exhibit G). Had the Board not cared about the concerns of neighboring property owners, there would have been no reason for them to have approved the Sketch Plan (Exhibit H) and Preliminary Development Plan (Exhibit I) at the 2003 hearing, both of which show access through

the southeast corner of the property for the two additional lots. If this was merely an issue of fire truck access, it could have been resolved at that meeting by getting the same easement and variance letter back then as the Developer has presented now.

5. **Lifting Restriction #7 and adding Condition #12 as proposed in the request for modification of rezoning would result in a "substantial change" as defined by 18.91.020 A. 7. of the Pima County Zoning Code, and therefore warrants a new hearing and the protest petition and voting requirements specified in 18.91.080 B. of the code.**
 - a. 18.91.020 (A) 7. a. 1. *"Density special condition, if the number of residences per acre increases by: 1) ten percent or greater."* The argument over why the restrictions were in place is irrelevant. The fact is that at this time, only one home would legally be allowed to be built on the subject property. The request to remove the restriction and be allowed to build three homes clearly exceeds 10%.
 - b. 18.91.020 (A) 7. *"Design special condition; that is, when change is to be made to quantified physical dimensions which were established in a special condition to adapt to specific site characteristics or mitigate development impacts on the site and surrounding neighborhood."* The revised Sketch Plan (exhibit J) that is the subject of proposed new Condition #12 submitted with the modification request, is a striking contrast to what was approved in 2003. It will significantly impact our property in a very negative way, eliminating all vegetation (and our privacy) with a new 30 foot wide road that will run along the entire eastern boundary of our land. Further changes to now include driveways and a fire truck turnaround in this area will require the removal of what little vegetation will remain. There is no requirement for buffers, setbacks or screening to lessen the impact to our property.
 - c. The new plan will impact us in a disproportionately more profound manner than *any other* homeowner, even though we believe we may be the only property owners in the area that purchased *after* the original rezoning was approved. Our property rights are being completely disregarded in what is clearly a "substantial change" as defined by the code. It is interesting to note that even the Developer in his June 1, 2015 letter to Janet Emel of Development Services refers to this matter as a "Request to Substantial Modification" (Exhibit K). In addition, his agent Dean Cotlow, a licensed real estate broker, uses the same reference in his June 5, 2015 letter to David Peterson of Development Services (Exhibit L). Both of these individuals are experienced and knowledgeable in land development matters. It would be counter-productive to their efforts to refer to this request as being a "substantial modification" if it was not.

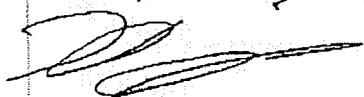
6. The matter of adding a "condition #12" (the new sketch plan) was completely omitted in the language of the Notice of Public Hearing that was mailed to property owners and the public notice published in the Daily Territorial newspaper. This omission has denied us, as well as other interested parties the rights and protections afforded by law.

In closing, we would like the Board to know that we understand progress happens and vacant land is eventually built upon. However, we also believe that the zoning laws were enacted for the greater good and not to allow added benefit to one property owner at the expense of another. We are the only property owners who purchased their land after the rezoning case was decided. We relied on the conditions and restrictions imposed by the Board in the original hearings and now find a complete disregard for what transpired all those years ago. Furthermore, failure to acknowledge this modification as a "substantial change" as defined by law deprives us the benefit of participation in a new set of rezoning hearings.

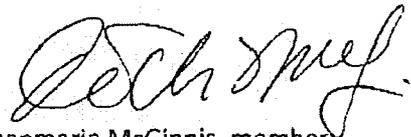
If the Board rejects the request for modification, it will not impose any *new* burden or hardship on the Developer that he did not already accept when he applied for and received the Certificate of Compliance in 2008. It should not be forgotten that the reason for the original rezoning matter was because prior to 2003, the subject property was unusable. It was a land-locked portion of SR-zoned land left over from the development of the office complex to the north. The Board was, in our opinion, very reasonable and generous in its 2003 decision to approve any rezoning at all and allow even one home that required access through the office parking lot. Your vote now to allow the modification request to pass and allow the building of three homes there, despite all the foregoing problems with this case, does not serve the public interest at all. It would merely give preferential benefit and increased land value to the Developer who is already relying on your approval based on the current sale offering of the subject property (Exhibit M).

Therefore, we respectfully ask that you vote against approval of the modification request.

Sincerely,



Kelly McGinnis, member



Jeanmarie McGinnis, member

+ MLS #	Status	Price	% Change	Date	DOM	CDOM Address
- 21219768	Active	\$599,000	0.0%	08/14/2012	72	72 1685 W Ina Road
	New	\$599,000		08/14/2012	0	
- 21219770	Cancelled	\$599,000	0.0%	10/12/2012	59	59 1685 W Ina Road
	Cancelled	\$599,000		10/12/2012	59	
	New	\$599,000		08/14/2012	0	
- 21215173	Active	\$599,000	-20.0%	06/20/2012	128	128 1685 W Ina Road
	New	\$599,000		06/20/2012	1	
- 21036608	Expired	\$749,000	-42.4%	04/22/2011	183	183 1685 W Ina Road
	Expired	\$749,000		04/23/2011	183	
	Price Change	\$749,000	-6.3%	12/02/2010	41	
	New	\$799,000		10/22/2010	0	
+ 20719372	Expired	\$1,300,000	0.0%	07/01/2007	53	685 1685 W Ina Road
+ 20719393	Expired	\$1,300,000	0.0%	07/01/2007	53	538 1685 W Ina Road
+ 20719382	Expired	\$1,300,000	0.0%	07/01/2007	53	538 1685 W Ina Road
+ 20702481	Cancelled	\$1,300,000	0.0%	05/04/2007	109	632 1685 W Ina Road
+ 20702487	Cancelled	\$1,300,000	0.0%	05/04/2007	109	485 1685 W Ina Road
+ 20702489	Cancelled	\$1,300,000	0.0%	05/04/2007	109	485 1685 W Ina Road
+ 2625814	Cancelled	\$1,300,000	0.0%	01/15/2007	201	523 1685 W Ina Road
+ 2625822	Cancelled	\$1,300,000	0.0%	01/15/2007	201	376 1685 W Ina Road
+ 2625827	Cancelled	\$1,300,000	0.0%	01/15/2007	201	376 1685 W Ina Road
+ 2600550	Cancelled	\$1,300,000	0.0%	06/28/2006	175	322 1685 W Ina Road
+ 2600555	Cancelled	\$1,300,000	0.0%	06/28/2006	175	175 1685 W Ina Road
+ 2600578	Cancelled	\$1,300,000	0.0%	06/28/2006	175	175 1685 W Ina Road
+ 2522173	Cancelled	\$1,300,000		01/04/2006	147	147 1685 W Ina Road

EXHIBIT A

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 of Transportation, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. ~~Transportation condition:
Development shall be limited to one residential lot which may be accessed through the parking area of the office complex to the north. Two additional residential lots may be created and developed when physical and legal access can be provided other than through the office complex parking lot.~~
87. Wastewater Management condition:
The property owner shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
98. 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 1881 of the Pima County Zoning Code.
109. Utility services to individual residences shall be underground.
110. Maximum building heights shall be limited to 18 feet and one story.
121. Uses shall be limited to single-family residences and related accessory uses.
12. Adherence to the revised sketch plan as presented at the October 20, 2015 public hearing.

STAFF REPORT:

Staff supports the requested waiver of condition #7 because emergency service providers do not object to allowing residential access through the office complex to the north of the rezoning site. The applicant also indicates that residential lot owners within the subdivision to the south have refused access to the rezoning site through their properties via Pomona Road. Such refusal would likely also be the case for subdivision lot owners east of the site. (The applicant did not address whether the owner of the large residential parcel to the west of the site refused what would be circuitous access through that parcel to Ina Road.)

EXHIBIT B



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District # 1
FROM: Arlan M. Colton, Planning Director *AMC*
DATE: September 28, 2015
SUBJECT: Co9-02-06 1601 INA, LLC - INA ROAD #2 REZONING

The above referenced Modification of Rezoning Conditions within your district is scheduled for the Board of Supervisors **OCTOBER 20, 2015** hearing.

REQUEST: Request for a modification of rezoning conditions to waive condition #7 which states: "Development shall be limited to one residential lot which may be accessed through the parking area of the office complex to the north. Two additional residential lots may be created and developed when physical and legal access can be provided other than through the office complex parking lot." The applicant proposes access to three proposed lots through the office complex parking area.

OWNER: Landmark Title TR 18333-T
8423 N. Gaetano Loop
Tucson, AZ 85742-8502

AGENT: Cotlow Company
Attn: Dean Cotlow, President
3499 N. Campbell Avenue, Suite 907
Tucson, AZ 85719

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of September 28, 2015, staff has received no comments from the public regarding this request.

STAFF RECOMMENDATION: APPROVAL of waiver of rezoning condition #7 and addition of rezoning condition #12.

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

AC/DP/ar
Attachments

EXHIBIT C

The initial concern with the concept of access through the office complex was safety and emergency vehicle access. The applicant obtained a variance from the fire department, and the Sherriff's department has also stated no objection to this request. Since this issue has been resolved, access through the neighborhood is no longer a concern, and no additional access points are being proposed, the Department of Transportation has no objection.

PUBLIC COMMENTS

As of the writing of this report, no written public comments have been received.

AC/DP/ar
Attachments

- c: Landmark Title TR 18333-T, 8423 N. Gaetano Loop, Tucson, AZ 85742-8502
Cotlow Company, Attn: Dean Cotlow, President, 3499 N. Campbell Avenue, Suite 907
Tucson, AZ 85719
Chris Poirier, Assistant Planning Director
Co9-02-06 File

EXHIBIT D



PIMA COUNTY

DEVELOPMENT SERVICES

Planning Division
201 N. Stone Avenue
Tucson, Arizona 85701

PRESORTED
FIRST CLASS

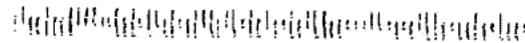


09240204676
\$00.439
NO POSTAGE
Necessary
If Mailed From 05701
US POSTAGE

Case Number : C09-02-006 R/S
Taxcode: 102-10-002Q
CASAS ADOBES RANCH LLC
ATTN: KELLY MC GINNIS
1685 W INA RD
TUCSON AZ 85704-1906

EXHIBIT E

5 IRCONMI 85704



The newspapers of **Arizona** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Pima

Printed In: Daily Territorial (Tucson)

Printed On: 2015/10/02

NOTICE OF PUBLIC HEARING

PUBLIC HEARING WILL BE HELD BY THE PIMA COUNTY BOARD OF SUPERVISORS on TUESDAY, OCTOBER 20, 2015 at or after 9:00 a.m. in the Board of Supervisors' Hearing Room, First Floor, Administration Building, 130 West Congress Street, Tucson, Arizona, at which time and place all interested persons will have an opportunity to appear and be heard on this matter.

Written approvals or protests may be filed with the Pima County Development Services Department, Planning Division, 201 N. Stone Avenue, 2nd Floor, Tucson, AZ 85701, or with the Clerk of the Board of Supervisors.

This is not a complete agenda and does not reflect the order in which cases will be heard. Please call the Clerk of the Board at 520-724-8449 or go online to www.pima.gov for the Board Agendas, prior to the Hearing for the correct agenda order. Publicly noticed items may be continued during the Board's meetings. If an item is moved from the Public Hearing date noted above to a future date, the new date will be announced at the above noticed meeting.

The Board Hearing Room is wheelchair accessible, Assistive Listening Devices are available, and closed captioning is available on cable television. The following services are available upon prior request (ten working days) at the Clerk of the Board: Agenda materials printed in braille or large print; a signer for the hearing impaired.

ADVERTISED ITEMS FOR PUBLIC HEARING

CONDITIONAL USE PERMITS

TYPE III 1/2 COMMUNICATION TOWERS

P21-15-014 CORNWELL TRUCKING REPAIR LLC 1/2 S. BURCHAM AV. Request of Coal Creek Consulting (on behalf of T-Mobile), on property located at 7002 S. Burcham Av., in the CR-3 Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit.

(District 2)

P21-15-015 OAK TREE LAND & CATTLE CO LLC 1/2 S. SONOITA HY. Request of Wavelength Management (for APC Towers), on property located at 25725 S. Sonoita Hy. (Taxcode 401-16-001C), in the RH Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit.

(District 4)

MODIFICATION OF REZONING CONDITIONS

Co9-02-06 1601 INA, LLC 1/2 INA ROAD #2 REZONING

Request of Landmark Title TR 18333-T, represented by Cotlow Company, for a modification of rezoning conditions to waive condition #7 which states: 1/2 Development shall be limited to one residential lot which may be accessed through the parking area of the office complex to the north. Two additional residential lots may be created and developed when physical and legal access can be provided other than through the office complex parking lot. 1/2 The applicant proposes access to three proposed lots through the office complex parking area. The subject site is approximately 2.76 acres zoned CR-1 and is located approximately 430 feet south of Ina Road and approximately 1,200 feet west of La Canada Drive.

(District 1)

DONE BY ORDER OF THE PIMA COUNTY BOARD OF SUPERVISORS THIS 28th DAY OF SEPTEMBER, 2015. TELEPHONE: PUBLIC WORKS - DEVELOPMENT SERVICES - PLANNING DIVISION 520-724-9000.

PUBLISH: The Daily Territorial

Oct. 2, 2015

EXHIBIT F

Mark Schnaffer, representing the applicant, stated currently there are existing tenants on the property and all issues regarding the tenants and neighbors were resolved. Mr. Schnaffer stated one issue the neighbors had with this rezoning was the issue of homes being single story.

Rita Hall, representing area residents, stated the neighbors support this rezoning for Co9-02-05. Conditions 1 - 7 in the agreement between the area neighbors should be adopted as part of the rezoning conditions. Ms. Hall stated the majority of residents are opposed to the rezoning for Co9-02-06 and would prefer to have this parcel remain a parx course and never developed. No one spoke to area residents as to what type of development was proposed for the property. Ms. Hall asked that the new homes be compatible to the existing homes and that development not take place until access is gained from Pomona Road or Caspian Drive to the parcel. The residents would support the rezoning if the parcel were to remain as one lot and not subdivided.

Mr. Schnaffer stated Condition No. 3 was worked out with the Planning and Zoning Commission. He said the existing sign was grandfathered, and his client would not be willing to accept Condition No. 6, regarding removal of the signage.

Mr. Mazzocco stated should the rezoning be approved the sign would have to meet the current sign code.

Co9-02-05 Motion

On consideration, it was moved by Supervisor Day, seconded by Chair Bronson, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-02-05 subject to conditions and standard and special requirements to include the recording of the neighborhood agreement and that the CC&R's be enforced by the Homeowners Association.



Co9-02-06 Motion

On consideration, it was moved by Supervisor Day, seconded by Chair Bronson, and unanimously carried by a five to zero vote, to close the public hearing and approve the rezoning subject to standard and special conditions for one residential lot with the provision of two additional lots when access can be provided other than through the office parking lot.

EXHIBIT G

APPROVED PLAN - 0209
 NO IMPACT ON 1985 W. INA RD. IF THREE HOMES

RECEIVED
 APR 10 2002
 BY:
 C09-02-06

SITE B

SETBACKS

LOT DIMENSIONS

LOT 1 -	87,591 SF.
LOT 2 -	87,872 SF.
LOT 3 -	87,487 SF.
TOTAL	112,840 SF. 2.58 ACRES

NOTES

1. A PERMANENT ACCESS EASEMENT WILL BE PROVIDED TO THE SITE VIA PAMONA ROAD IN THE FUTURE.
2. VEGETATION WILL BE PRESERVED IN PLACE WHERE POSSIBLE, OR RELOCATED ON-SITE.
3. BUILDING LOCATIONS & SIZES ARE UNKNOWN. HOMES WILL BE CUSTOM BUILT TO OWNERS SPECIFICATIONS. REQUIRED SETBACKS ARE SHOWN.

SITE SKETCH PLAN

1601-1689 W. INA ROAD
 SR-CR-1 REZONING

A PORTION OF THE N. 1/2 OF SEC. 3, T13S, R13E, C4SRU,
 PINA COUNTY, ARIZONA
 PINA COUNTY CASE No. C09-02-06
 REFERENCE: DO 10-01-01
 DO 12-81-5

Sketch Plan
 C09-02-06
 Approved at Public Hearing
 6-17-03

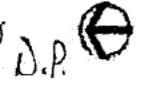
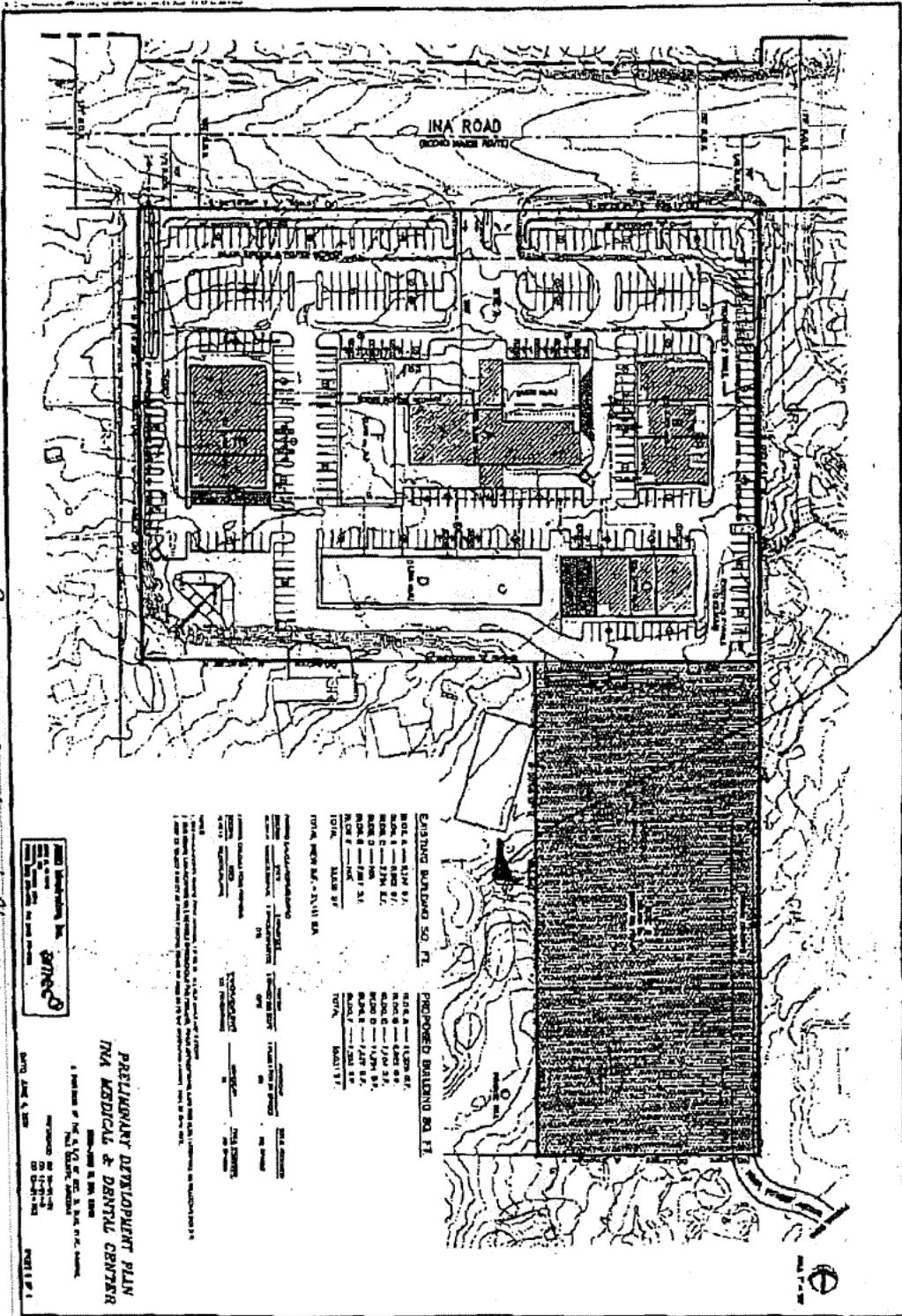


EXHIBIT H



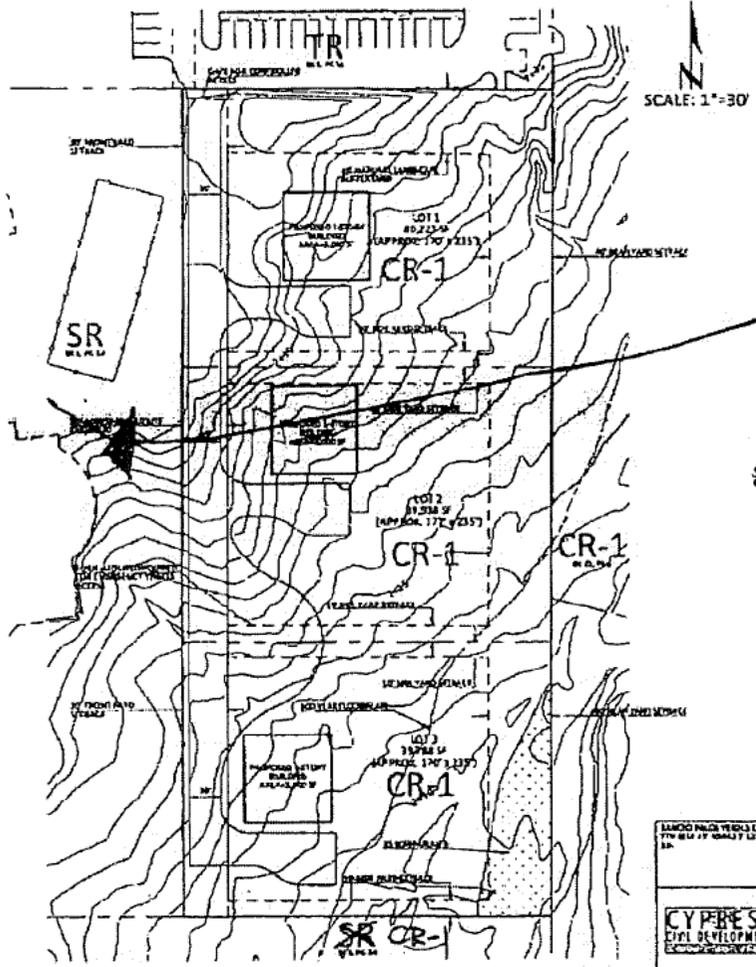
UNDER APPROVED
SITE PLAN -
CONSTRUCTION OF
1 OR 3 HOMES
VIRTUALLY
ZERO IMPACT
ON 16FSW.11

09-02-05 Preliminary Development Plan
Approved 6-17-03 Bas Hearing's D.P.

EXHIBIT I

EXHIBIT J

CONCEPTUAL SITE LAYOUT FOR INA MEDICAL RESIDENTIAL PARCEL 102-10-002W



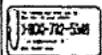
PROPOSED SITE PLAN
THAT WOULD BE
REQUIRED PURSUANT
TO NEW CONDITION
#12 OF MODIFICATION
REQUEST WILL
HAVE A PROFOUND
& DETRIMENTAL
AFFECT ON
1685 W. INA
THAN TWO PREVIOUSLY
BOS APPROVED SITE PLANS.

GENERAL NOTES
 1. SEE EXHIBIT FOR ADDITIONAL INFO.
 2. MAXIMUM LOT AREA = 80,000 SQ FT
 3. MINIMUM LOT WIDTH = 100 FT
 4. MINIMUM LOT DEPTH = 100 FT
 5. MINIMUM FRONT SETBACK = 10 FT
 6. MINIMUM SIDE SETBACK = 5 FT
 7. MINIMUM REAR SETBACK = 5 FT
 8. MINIMUM LOT AREA = 80,000 SQ FT

SITE ADDRESS 1685 W. INA	OWNER/DEVELOPER INA MEDICAL CENTER 1685 W. INA TULSA, OKLAHOMA 74103
------------------------------------	--

CONCEPTUAL SITE LAYOUT FOR INA MEDICAL RESIDENTIAL
PARCEL 102-10-002W

	DATE	BY	NO.



Co9-02-06 Revised Sketch Plan (2015)



It's simple. We get it done.

June 1, 2015

Ms. Janet Emel
Senior Planner
Pima County Development Services
201 North Stone Avenue 2nd Floor
Tucson, Arizona 85701

Re: Co9-02-06
Request to Substantial Modification

Dear Janet:

On behalf of the Owners, Landmark Title Assurance of Arizona, LLC as Trustee under Trust No. 18333-T, C/O Mike Kelly (mekelly2@gmail.com) and Mike Evans (evans3440@msn.com) at 10970 East Soaptree Place Tucson, Arizona 85748 with copy to me at the address below.

The site parcel is 102-10-002W (no assigned address).

Explanation: Condition 7 of the rezoning conditions Transportation Condition states that the development is restricted to one residential lot, which may be accessed through the parking area of the office complex to the north. Two additional residential lots may be created and developed when physical and legal access can be provided other than through the office complex parking lot.

Our request is to drop this requirement do to the fact all the land south is privately held and single family residences. All access and utilities will come from the office building development site, which easements are in place.

Authorization and Disclosure of Ownership. The following is a list of the beneficiaries under Landmark Title Assurance Trust of Arizona, LLC as Trustee under trust #18333-T and not otherwise. The following hereby authorize Dean P. Cotlow of Cotlow Company to request this modification:

Amigo Properties, LLC, an Arizona limited liability company

By
Michael Kelley, Member

By
Susan K. Kelley, Member

By
Michael T. Evans, Member

By
Pamela M. Evans, Member

RECEIVED
JUN 04 2015

375 46

3499 North Campbell Avenue Suite #907 Tucson, Arizona 85719 (US)
(520) 881-8180 (Direct) (800) 831-4090 (Toll Free) (520) 241-0180 (Mobile)
Licensed in the State of Arizona (BR011464000)
www.cotlow.com (Web Site) pcotlow@cotlow.com (Email Address)

Fiercely independent, so there is never any agenda but yours.

EXHIBIT K



It's simple. We get it done.

RECEIVED
JUN 09 2015

BY:

June 5, 2015

Mr. David Peterson
Pima County Development Services
201 North Stone Avenue 2nd floor
Tucson, Arizona 85701

Re: Co-9-02-06
Request to Substantial Modification

Dear David:

You asked why the owners could not get access to the residential street to the south. There are a couple of reasons with the primary one being the neighbors to the south stated after many attempts they would never give the owner access through their properties. The second reason and not as primary as the first one is the fact if the owner could get access the southeast portion is a Xeroriparian Class "B" Habitat area and access south onto this area would not be allowed.

I have enclosed a copy of the November, 2014 ALTA Survey and copy of the approved Development Plan dated September 2007 for reference.

Thank you.

Sincerely,

Dean P. Collow
President/Designated Broker

3499 North Campbell Avenue Suite #907 Tucson, Arizona 85719 (US)
(520) 881-8180 (Direct) (800) 831-4090 (Toll Free) (520) 231-0180 (Mobile)
Licensed in the State of Arizona (BR011464000)
www.collow.com (Web Site) collow@collow.com (Email Address)

Fiercely Independent, so there is never any agenda but yours.

EXHIBIT L

1671 West Ina Road REAR, Tucson, AZ, 85704 - Available for Sale
Land For Sale

This listing is currently for sale. To see other active properties for sale, begin a new search.

For Sale For Lease

Land v Tucson, AZ

Search Advanced search

Browse More Listings in Land For Sale,

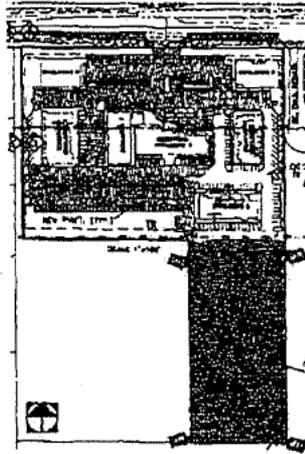
Vacant CR-1 :Land Parcel

1671 West Ina Road REAR, Tucson, AZ 85704

\$298,330

2.74 AC | Land

Presented by



Location Map



Contact Listing Broker



Dean P. Cotlow
(520) 881-8180

First Name Last Name

Email

Phone [] [] [] Ext. []

Please send me additional information about this property.

Contact Listing Broker

By clicking "Contact Listing Broker", you are indicating that you have read, understood, and agree to LoopNet's Terms and Conditions.

New to LoopNet? No problem. As a courtesy, LoopNet will automatically create a free account so that you can access more listing details, setup new listing alerts, and more.

We will not share your email address. View our Privacy Policy.

Land For Sale

Price	\$298,330	Property Sub-type	Residential (land)
Lot Size	2.74 AC	Listing ID	19338398
Property Type	Land	Last Updated	30 days ago

Find Out More...

Utilities

- Electricity/Power
- Water
- Telephone
- Cable

EXHIBIT M

Brian J & Lori D Leeman
7000 N Pomona Rd
Tucson, AZ 85704

October 16, 2015

To The Clerk of the Pima County Board of Supervisors

Re: Request for Modification of Rezoning Conditions
Case # CO9-02-006
1601 INA LLC – INA ROAD REZONING #2

Dear Sir or Madam:

I am a property owner within 300ft of the subject parcel and am writing to express my objection to approval of the above referenced rezoning modification case.

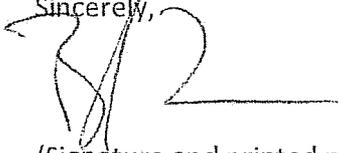
The matter of this property's rezoning was determined in a lawful manner during several public hearings that took place over 11 years ago. At that time, the Board of Supervisors unanimously approved rezoning subject to special restrictions. These restrictions took into consideration the impact of the rezoning on the neighborhood and environment.

One of these restrictions limited the number of homes that could be built on the parcel to one. It also allowed two additional homes if the developer secured site access by means **other than through a neighboring office complex parking lot**. The developer now seeks to have the Board remove that restriction (condition #7) because he claims he has been unable to obtain the required alternative access, but still wants to be allowed three building sites. Under the current rezoning approval, this scenario was addressed and the Board determined that construction would be limited to one home. Allowing the restriction to remain does not impose any new burden on the developer that did not exist before and protects the interest of the neighboring property owners.

Should the Board lift this restriction and allow three homes that would be accessed through the office parking lot, I believe it will have a detrimental effect to all the property owners in this neighborhood. There would be a significant increase in noise, pollution, traffic and dust.

This was not what the neighboring property owners agreed to during the hearings that took place in 2003. Therefore, I urge you to vote against this measure and leave the existing rezoning restrictions in place. I thank you for your consideration.

Sincerely,



(Signature and printed name)

Brian J. Leeman

DOCT 21 15 PM 03:56 POC CLK OF BO
W

Kurt & Cathy M Meek
7036 N Pomona Rd
Tucson, AZ 85704

October 16, 2015

To The Clerk of the Pima County Board of Supervisors

Re: Request for Modification of Rezoning Conditions
Case # CO9-02-006
1601 INA LLC – INA ROAD REZONING #2

Dear Sir or Madam:

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This was not what the neighboring property owners agreed to during the hearings that took place in 2003. Therefore, I urge you to vote against this measure and leave the existing rezoning restrictions in place. I thank you for your consideration.

Sincerely,



(Signature and printed name)

Kurt MEER

00715M0966P00KCFM
10/16/15

Iron Horse Revocable Trust
Mike Waling, Trustee
7081 N Pomona Rd
Tucson, AZ 85704
[REDACTED]

October 21, 2015

Honorable Ally Miller, Supervisor, District 1

Re: **Modification of Rezoning Conditions (Co9-02-06) 1605 Ina LLC-Ina Rd #2 Rezoning**

Dear Supervisor Miller,

The property I own falls within the 300' radius of the property requesting removal of Restriction#7 and it affects my property.

To make my position perfectly clear, I am asking you to vote against this request and I am also emailing this to the rest of the Supervisors, so please accept this note as a request for all of you to deny this request. My reasons are as follows:

1. I purchased my fully improved property May of 2005 so I was not involved in the rezoning in 2003, but based on property owners that were, this condition #7 was part of the negotiated agreement that all of the then Supervisors included as a condition of rezoning. They must have done that for good reason and my reasonable assumption is to have 3 times the number of improved single family residences would cause safety issues if all three had to utilize the office complex on a regular basis to access their property. The new proposed ingress & egress proposed now would go right in front of busy businesses. How do I know, 4 of my kids and 1 of my grandkids had their teeth straightened by Dr. Goldman whose office is directly in the path and let me assure you that there are many, many comings and goings just from Goldman's office, and the proposed path of ingress & egress with affect at least 7 additional businesses. I realize that I am not an expert in planning, but simple logic tells me that the 3 families with how many unknown vehicles (possibly their toys – large RVs, boats, etc.) will be accessing this office pathway on a daily basis and potentially many times throughout the day. I believe that this safety factor alone would be an excellent reason to deny the request.
2. However, the then Supervisors did provide a compromise for the owner by inserting a clause that says if he can get an easement for ingress and egress other than the office complex, condition #7 would be removed and he could split the property into 3 lots. This has not occurred to my knowledge so I see nothing has changed to allow for removal of condition #7. My understanding is the prime possible easement was going to be at the southeast corner of his property out and on to Pomona Rd which would cause more traffic on Pomona Rd and I believe the majority property owners would be

OCT 21 15:04:59 PC CLK OF RD

(AW)

opposed to that, That's not going to happen based my understanding that the property owner will not give him one (but that's a moot point because based on the map I received from the County Flood Control, the land area for the easement is not only in a flood plain, it is also in a riparian area, so don't think that could happen) Also the SR property to the west of him had been for sale for a long time and couldn't he have purchased that property and he would have his easement.

3. Also the proposed easement not only includes for ingress and egress, but also for public utility and private water. Ok, I have to tell you this easement thing has me confused but looking at a map that I found somewhere it shows this. So that means that the offices in that path will be required to have the property in front of their offices to be disturbed with construction? Just a thought, has anyone confirmed that this easement is legal It was done in 2007, well after the rezoning. I can't believe all of those offices don't have a say about easements after they have owned their condo office, But to reiterate, I don't understand it and I think someone with knowledge needs to review and confirmed that it's all ok.
4. I'm also disturbed that on the agenda for this Public Hearing that a Condition #12 was added without proper notice to all concerned. The only notice I received on October 2, 2015 said nothing about it. If this was legally somehow okay, I will need an explanation where in writing that allows for that. But even if is legally okay, it sure seems like a game is being played and the owners deserve to be noticed. If you don't agree with that, I will be very disappointed in my representatives and the staff the controls it.
5. Heard that a staff member sent an email to Supervisor Miller saying there haven't been any public comments as of today (September 28, 2015). Well of course there hadn't been any; the notice didn't go out until October 1, 2015. Seems fishy to me.

I know there is more that could be said and I'm pretty sure there has been by others affected by this proposal so I will stop here.

Supervisor Miller and the other Supervisors, please vote no and stick to what previous Supervisors and the owner agreed upon in the original rezoning.

Thank you for your time and consideration,

Sincerely,

(sent via email)

Mike Waling, Trustee
Iron Horse Revocable Trust

Julia Santo
7063 N Pomona Rd
Tucson, AZ 85704

October 16, 2015

To The Clerk of the Pima County Board of Supervisors

Re: Request for Modification of Rezoning Conditions

Case # CO9-02-006

1601 INA LLC - INA ROAD REZONING #2

Dear Sir or Madam:

I am a property owner within 300ft of the subject parcel and am writing to express my objection to approval of the above referenced rezoning modification case.

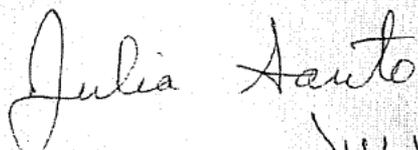
The matter of this property's rezoning was determined in a lawful manner during several public hearings that took place over 11 years ago. At that time, the Board of Supervisors unanimously approved rezoning subject to special restrictions. These restrictions took into consideration the impact of the rezoning on the neighborhood and environment.

One of these restrictions limited the number of homes that could be built on the parcel to one. It also allowed two additional homes if the developer secured site access by means other than through a neighboring office complex parking lot. The developer now seeks to have the Board remove that restriction (condition #7) because he claims he has been unable to obtain the required alternative access, but still wants to be allowed three building sites. Under the current rezoning approval, this scenario was addressed and the Board determined that construction would be limited to one home. Allowing the restriction to remain does not impose any new burden on the developer that did not exist before and protects the interest of the neighboring property owners.

Should the Board lift this restriction and allow three homes that would be accessed through the office parking lot, I believe it will have a detrimental effect to all the property owners in this neighborhood. There would be a significant increase in noise, pollution, traffic and dust.

This was not what the neighboring property owners agreed to during the hearings that took place in 2003. Therefore, I urge you to vote against this measure and leave the existing rezoning restrictions in place. I thank you for your consideration.

Sincerely,



(Signature and printed name)

JULIA SANTO
1021 JACKSON RD
PARK HILLS, KY 41011
OWNER OF 7109 N. POMONA RD
85704

OCT 23 15:40:08 2015 PCC CLK (CF RD)

14

October 19, 2015

David Petersen, AICP
Senior Planner
Planning Division
Pima County Development Services Department

REGISTRY
OCT 19 2015

BY:

Sent via email to David.Petersen@pima.gov

Dear Mr. Petersen,

My husband and I live at 1622 West Ina Road, and are responding to the modification or rezoning conditions directly across the street at 1601 West Ina Road.

The subject property is already commercially zoned so we would have no objection to the proposed development of three residential homes gaining access through this property. These homes won't make any difference to traffic through the property or affect our environment in any way.

I have spoken to our neighbors on both sides as well and no one sees an issue with this modification. In fact, we hope they will be very expensive homes built on this site and help increase property values for all of us in the neighborhood.

Please accept this as a vote in favor of the modification.

Sincerely,



Michael Rossmann and Karen Schutte
1622 West Ina Road
Tucson, AZ 85704

OCT 23 15 10 09 49 PC CLK OF RD

Pima County Development Services Dept.
Planning Division
201 N. Stone Ave, 2nd floor
Tucson, AZ 85701

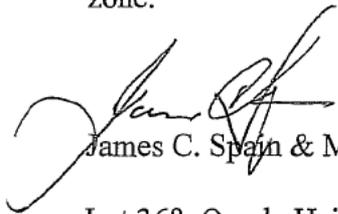
OCT 19 2015

OCT 23 15AM 09:49 PC CLK/EFRD

RE: Co9-02-06 1601 INA, LLC – INA Road #2 Rezoning

To Whom It May Concern:

As property owners of Lot 368, Oracle Heights Estates, we request that the Subject rezoning be allowed only if condition #7 is revised to state that all 3 residential lots may be accessed at just one point along the north property line with a stated maximum width. And, that such access will be on the western side of the property. And, that the remainder of the north property line is to have a “no access” easement and an undisturbed buffer zone.

 *Marion H. Spain*
James C. Spain & Marion H. Spain, Owners

Lot 368, Oracle Heights Estates
1599 W. Ina Road
Tucson, AZ 85704

1603 W. INA ROAD • TUCSON, ARIZONA 85704

Telephone (520) 297-7227

October 9, 2015

To: Pima County Board of Supervisors

Re: Notice of Public Hearing, Co9-02-06, 1601 Ina Road

Tax Code: 102-10-1140

Letter of NON-Protest:

Michael V. Goldman, DDS

Gloria A Goldman

Michael V. Goldman, Chartered Defined Benefit Pension Plan

Ina Road Medical/Dental Park Property

We are requesting that access to the property be to the West of the to-be rezoned property.

This request is to avoid disturbance to existing property walls, parking, ingress and egress, and overall traffic flow.

The exhibits are high-lighted as to the requested ingress and egress of traffic, WEST of the to-be rezoned property.

Thank You

RECEIVED
OCT 20 2015

BY:

BA, Wayne State University, Anthropology, 1967 • DDS, University of Detroit, 1971

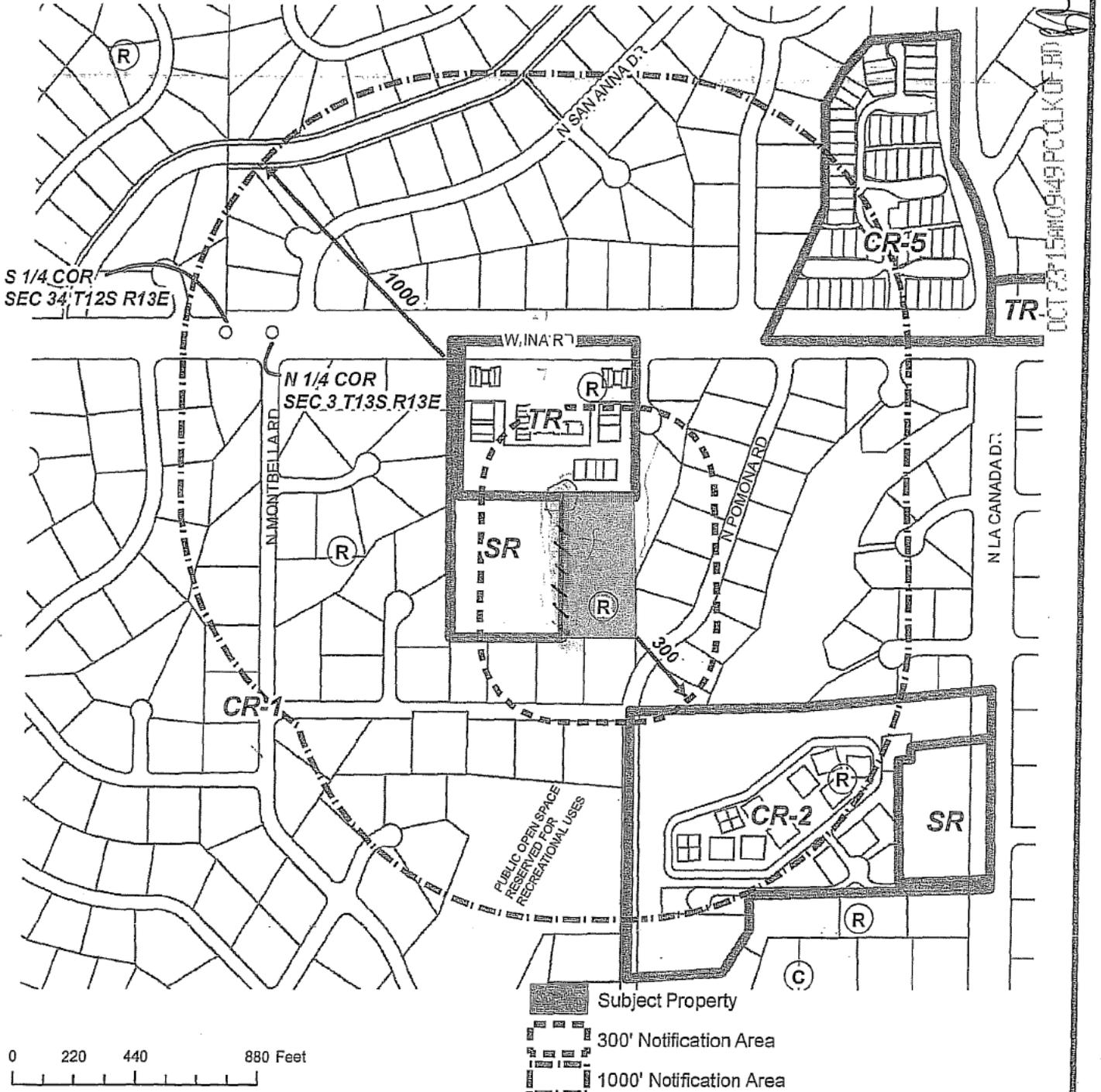
MS, Loma Linda University, 1974 • MPH, University of Arizona 1996

<u>OKU</u> 1971 National Honor	<u>ADA</u> 1971 Member	<u>AAO</u> 1974 Member	<u>PCSO</u> 1974 Member	<u>NBO</u> 2000-2015 Board Certified	<u>ABO</u> 2005-2010 Board Certified	<u>WFO</u> 1995 Member Certified	<u>AEO</u> 2008 Member Certified
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OCT 23 15:09:49 PC CLK OF PMA

Case #: CO9-02-006 1601 INA LLC - INA ROAD REZONING #2

Tax Code(s): 102-10-002W



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

Notes: **MODIFICATION OF REZONING CONDITIONS**

Board of Supervisors Hearing: 8/11/15



Base Map(s): 76

Map Scale: 1:6,000

Map Date: 06/15/2015





One South Church Avenue
Suite 1700
Tucson, Arizona 85701-1621
520.770.8700
Fax 520.623.2418
www.quarles.com

Attorneys at Law in
Chicago
Indianapolis
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Naples
Phoenix
Scottsdale
Tampa
Tucson
Washington, D.C.

Writer's Direct Dial: 520.770.8707
Writer's Fax: 520.770.2220
E-Mail: craig.kaufman@quarles.com

November 3, 2015

VIA U.S. MAIL AND EMAIL
district1@pima.gov

Supervisor Ally Miller
Pima County Board of Supervisors, District 1
130 West Congress, 11th Floor
Tucson, Arizona 85701

**RE: *Modification of Rezoning Conditions; Co9-02-06, 1601 Ina, L.L.C. -
Ina Road No. 2 Rezoning***

Dear Supervisor Miller:

I have been retained to represent the interests of the Ina Road Medical/Dental Park Property Owners Association (the "Association") in connection with the above-referenced request to modify rezoning conditions. The Association objects to the modification of the rezoning conditions that were established on June 17, 2003 and asks that you vote against the request for modification of rezoning conditions. As discussed more fully below, modifying the rezoning conditions as requested will create an extraordinarily dangerous condition to the patients who receive treatment from the healthcare professionals whose offices are within the affected medical/dental plaza and who are members of the Association. Further, approving the requested modification of rezoning conditions will have a dramatic, adverse impact on the value of the property owned by the members of the Association.

The property which is the subject of the request for modification of rezoning conditions (the "Property") is contiguous to and immediately south of the medical/dental plaza offices and parking lot. On June 17, 2003, the Board of Supervisors approved, *inter alia*, a rezoning condition for the Property which provides that:

Developer shall be limited to one residential lot which may be accessed through the parking area of the office complex to the north. Two additional residential lots may be created and developed when physical and legal access can be provided other than through the office complex parking lot.

Supervisor Ally Miller
November 3, 2015
Page 2

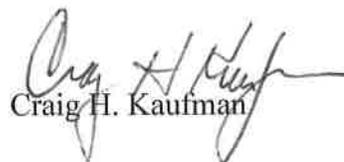
By submitting its request to modify that rezoning conditions, the applicant proposes access to *three* proposed lots through the office complex parking area. The members of the Association are healthcare professionals, including medical doctors, dentists and orthodontists, all of whom practice in the "office complex". On a daily basis, their patients, many of whom are elderly and infirm, or are young children, drive, or are driven to, these offices and, obviously, use the parking areas to park and then walk to the various offices.

Approving the requested modification of zoning conditions will allow three households and their guests and invitees to access their homes and residential area by weaving through the medical/dental plaza parking lot. Frankly, we cannot think of a more dangerous situation, particularly given the fact that this is a medical/dental office complex serving the entire spectrum of patients -- from the very old to the very young. It will only be a matter of time before someone driving to or from this planned residential development through the medical/dental plaza parking lot hits a patient or a caregiver transporting a patient to see one of the medical professionals. If the application for modification of rezoning conditions is approved, that extraordinary and inherently dangerous condition will last in perpetuity.

Moreover, the construction process, if the rezoning conditions are modified, will cause, for at least the usual 12-18 month construction process, construction vehicles, including graders, cement trucks, dump trucks, pavers and other construction vehicles to wind their way through the medical/dental plaza parking lot. Not only will this add to the extraordinary and inherently dangerous condition, but that construction traffic will substantially degrade the medical/dental plaza parking lot, the financial responsibility of which will presumably fall to members of the Association.

The Association has heard rumors that those behind the request to modify the rezoning conditions have advised the Board of Supervisors that they speak on behalf of the Association. Nothing could be further from the truth. The Association and the healthcare professionals who office there and who own their buildings absolutely oppose the request to modify the rezoning conditions. The danger that will be posed to the patients and their caregivers who use the medical/dental plaza parking lot if the modification of rezoning conditions is approved cannot be understated. As such, the Association implores you to vote against approval of the above-referenced modification of rezoning conditions request.

Very truly yours,


Craig H. Kaufman

cc: Michael V. Goldman, D.D.S.
Jeanette Wendt, M.D.