

SR

CR-1

SUBJECT PROPERTY

TR

CB-2

W NAGEE RD

NAGEE RD

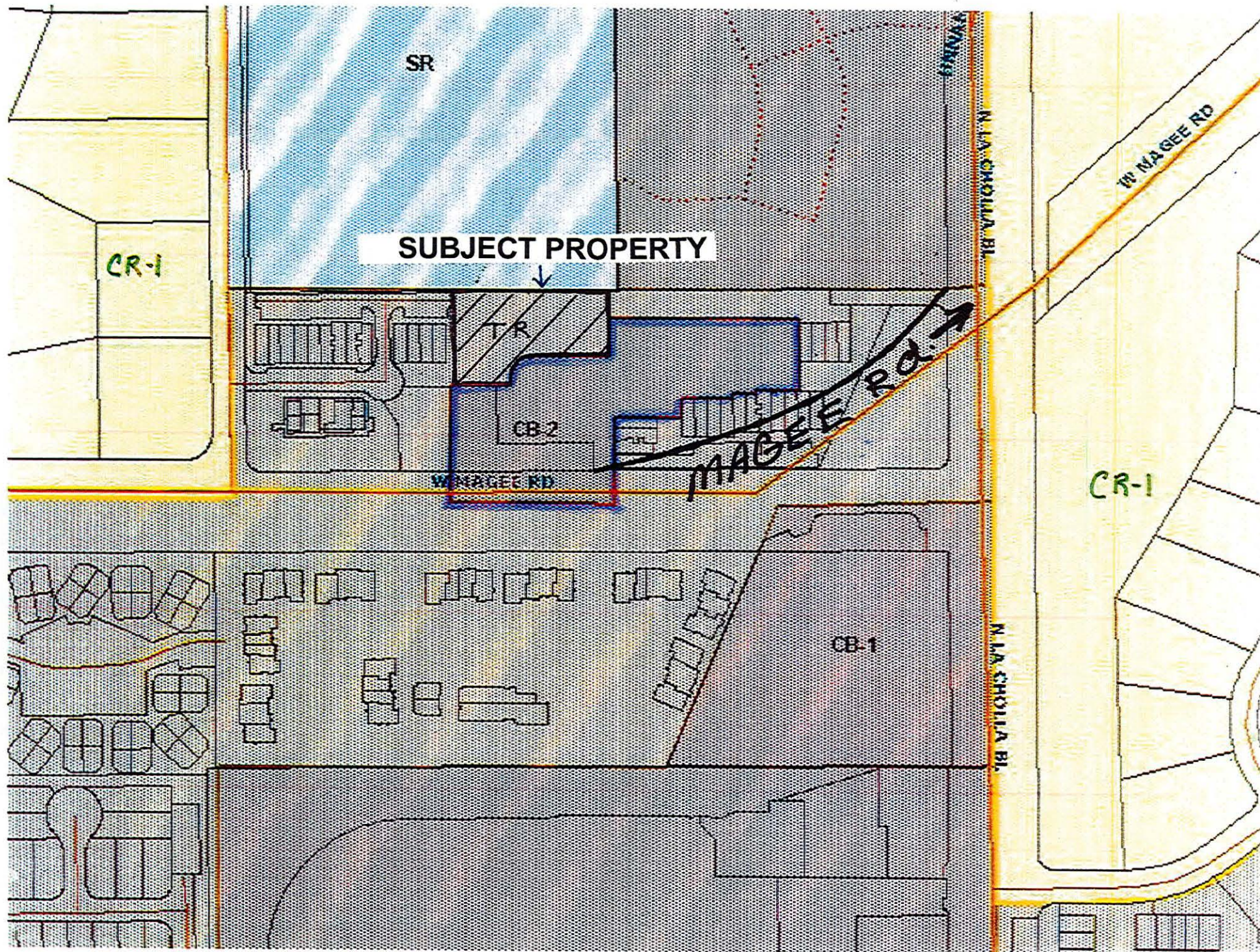
N LA CHOLLA BL

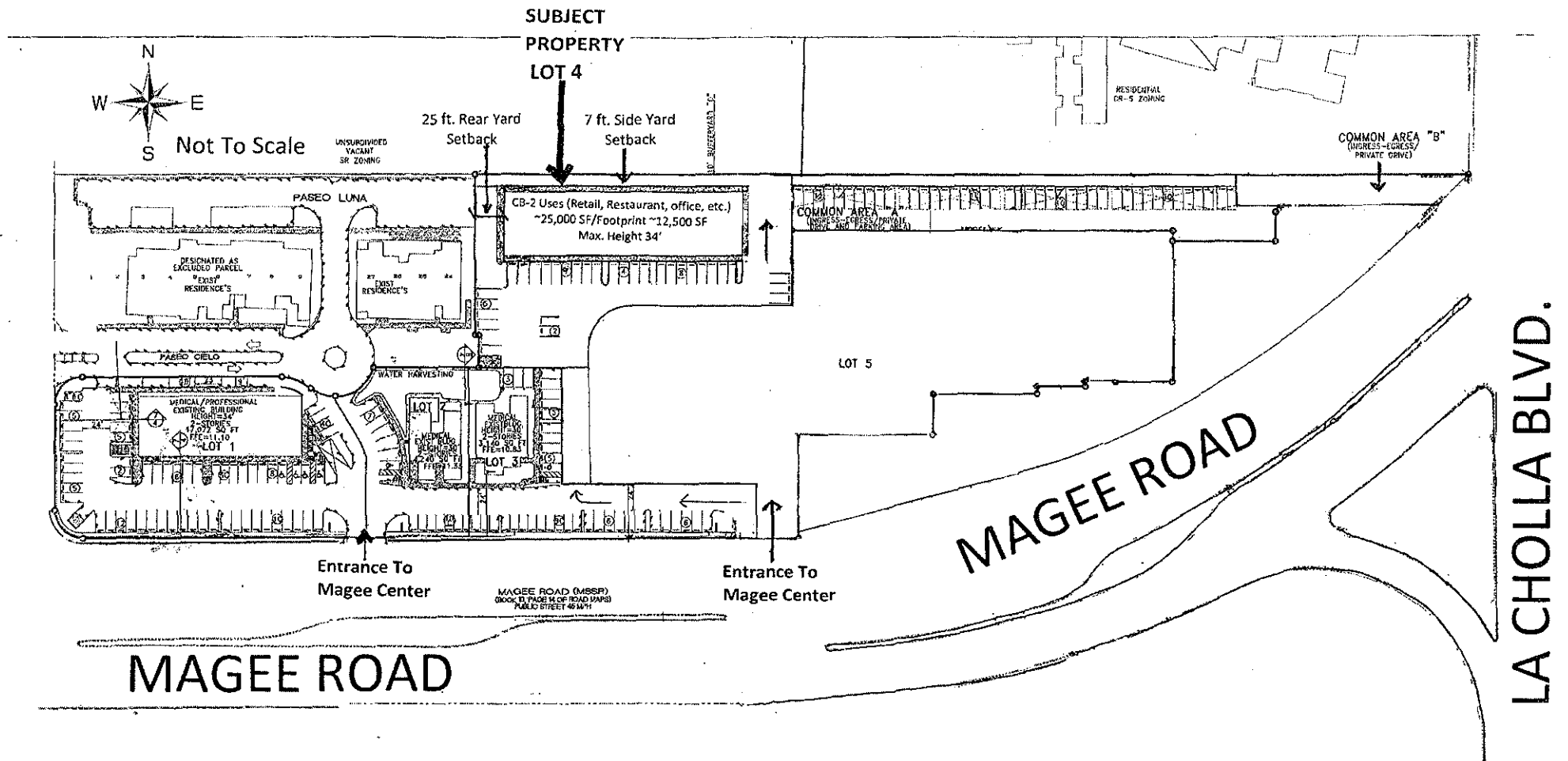
W NAGEE RD

CR-1

CB-1

N LA CHOLLA BL





REZONING CONCEPT SITE PLAN

Craig Courtney

From: David Jacobs <davidjacobsmd.dj@gmail.com>
Sent: Tuesday, November 17, 2015 12:39 PM
To: Craig Courtney
Subject: Rezoning

Craig.

I am supportive of changing the zoning next to 2262/2252 w Magee.

I discussed this with the county person in charge of this case after receiving a letter recently.

We discussed increasing zoning to "NAC" neighborhood activity s
Center.

Sounds reasonable to me.

Good luck

D Jacobs

Terri Tillman

From: pmary5@cox.net
Sent: Wednesday, November 25, 2015 8:50 AM
To: Terri Tillman
Cc: BethHAAS
Subject: Planning and Zoning

Pima County Board of Supervisors

Pima County Planning and Zoning Commission

Pima County Development Services

Dear Board, Commission and Staff,

We are owners of the townhouse on Lot 3 of the Como Del Sol Subdivision adjacent to Magee Center . We have had several opportunities over the last several months to meet with the developers of Lot 4 Magee Center which is being rezoned to CB2. This request is consistent with the plan we have always discussed for the development of the northwest corner of Magee & La Cholla Rds.

We and our adjoining homeowners are supportive of this change because we would like to see a zoning that supports a variety of business and office uses common to neighborhood centers that can accommodate pedestrian as well as vehicular access on our side of this major arterial. This rezoning provides more flexibility in having retail, restaurant and other uses on the north side of Magee.

With the new Magee Road alignment, the northeast and southeast corners, now public land, limit our opportunity for local support businesses to our townhome development. As a result, we are encouraged and happy that this developer is moving forward to complete this rezoning. We respectfully request your approval of this rezoning.

Sincerely,

Ray and Predenkiewicz

Ira Yates
P.O. Box 1657
Paonia, Colorado 81428

November 25, 2015

Chairperson Jenny Neeley
Pima County Planning & Zoning Commission
Tucson, Arizona 85701

Subject: **Co7-15-01 Magee Como Development Association N. La Cholla Blvd. Plan Amendment**

P15RZ00009
Received @ meeting
11-25-15

Chairperson Jenny Neeley & Fellow Planning & Zoning Commissioners:

I am Ira Yates, owner of 12 acres at 7801 North LaCholla Boulevard, which is adjacent to Lot 4 of the Magee Center, the subject of today's rezoning request (P15RZ00009). I have flown in today specifically for this hearing because of my past experiences regarding transportation issues related to this subject property and the Magee and La Cholla intersection. I explained my experiences extensively when I was here a couple of months ago for the Comprehensive Plan amendment request. Although I have hired a very capable firm, The Planning Center to help me, I am still compelled to be at every public meeting impacting my property.

Today I am here wanting to be sure you are aware and informed of all the circumstances surrounding the development of the subject tract and adjacent properties. I believe the staff report is excellent in as much as it describes the potential of the subject project becoming a very good asset to the community. However, I would like to point out that in its description of surrounding land uses (back up material page 2 "Planning report") it does not expound at all about my 12 acres adjoining Lot 4 on the north side.

My 12 acres is the last parcel at this intersection to be processed through the County Planning Department. Since our last hearing, I have strived to prepare and file a zoning application prior to this anticipated hearing today so that we would all have as many of the facts and criteria to make informed decisions as we move forward. We are only a few weeks away from this filing.

In the absence of my zoning request, I need to express my concerns today before you make your recommendations so that they might be considered for a continuance of this hearing, or at least read into the record before the Board of Supervisor's hearing following your recommendation, should you decide not to continue this hearing.

There is an existing recorded easement across a portion of the subject Lot 4 and lots 5 and 3 of the Magee-Como properties that is to serve my 12 acres. Stewart Title is attempting to perfect that easement since the new owners of tract 5 have claimed they foreclosed out my rights to it. More importantly today, is the fact that an exhibit in your back up material shows 3 parking spaces in this recorded PAAL easement (sequence no. 20142690670), which would obstruct the use of the two 12 foot unimpeded driving lanes stipulated in the recorded easement.

Another concern of mine is the capacity of the PAAL easement to accommodate all the needs of all the parcels accessing it. Without the final land uses being determined, including my 12 acres,

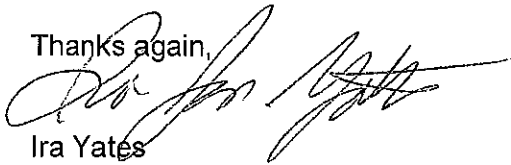
it is difficult to know what the true traffic generation will be. Since all these parcels are being processed individually, I am not sure if the total impact is being considered. In general discussions with the Magee-Como principals and my consultants, I am lead to believe that there is adequate capacity, but I would like to know if the County concurs. We could all assume the maximum traffic generation from each tract and see if that is within the allowable limits the County determines for that access onto Magee.

So today I respectfully request a postponement of your recommendation until this analysis can be done or alternatively, make it a condition to be determined prior to the Supervisor's meeting.

Thank you for your time and the opportunity to participate. If you do continue the hearing, I hope it is beyond your December meeting as it is difficult to travel just prior to the holidays as I have had to do today.

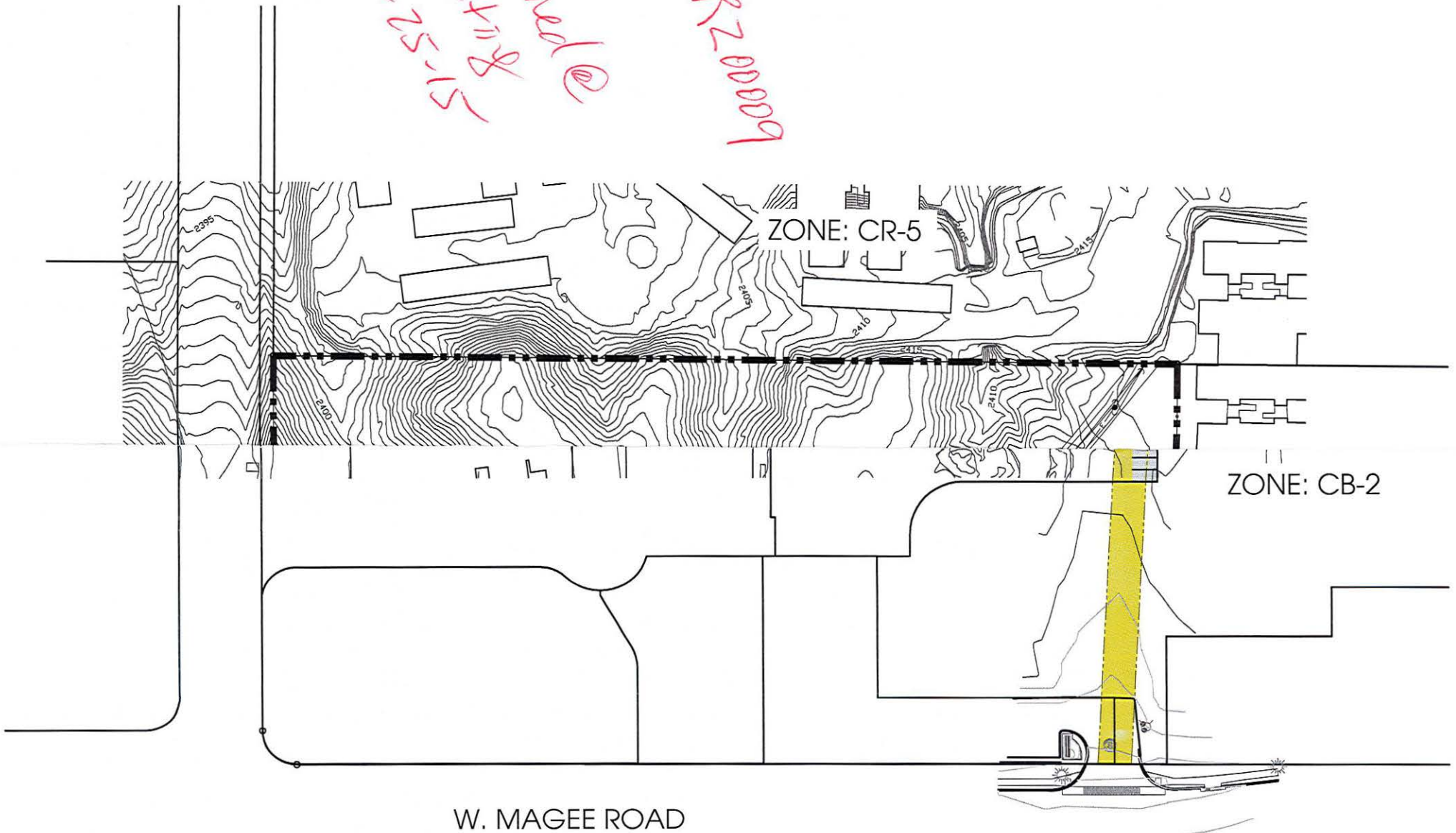
Thanks again,

Ira Yates

A handwritten signature in black ink, appearing to read "Ira Yates", written over the printed name.

SITE - EASEMENTS

*Revised @
11-25-15
P15 RZ 00009*



YATES PROPERTY

NORTH
0' 50' 100'
PROJECT: YAT-01 DATE: 11/24/15
FILE NAME: YAT01 SITE EASEMENTS.DWG





SEQUENCE: 20142690670
No. Pages: 6
9/26/2014 4:00 PM

F. ANN RODRIGUEZ, RECORDER
Recorded By: JSH(e-recording)



Received
@ meeting
11-25-15

P15 RZ 00009

When recorded please return to:
Magee Como Development Association, LLC
5151 N. Oracle Road, Ste 210
Tucson, AZ 85704

Exempt per A.R.S. § 11-1134(A)(2)

DEED OF EASEMENT AND MAINTENANCE/INSTALLATION AGREEMENT

For the consideration of \$10.00 and other good and valuable consideration, which is hereby acknowledged, Magee Como Development Association, LLC (the "Grantor") is the owner of record of that certain easement dated the 28th day of March 2012 and recorded on March 29, 2012 at sequence 20120890545 (Easement) which is across the real property identified in said Easement and pursuant to the rights granted in the Easement in order to replace access taken by Pima County, hereby conveys the right to use a portion of the Easement as provided below to Ira Jon Yates, his successors-in-interest, assigns and heirs (the "Grantee") for the present use and benefit of Grantee's property located at 7801 N. La Cholla Blvd., Tucson, Arizona; also known as Pima County Assessor Parcel Number 225-43-0030, and more specifically described in the legal description attached hereto as Schedule "A" and made apart hereof by this reference (Grantee's Property).

This Easement, which shall be limited to only accessing Grantee's Property shall contain two 12 Foot unimpeded drive lanes with protective edging, as needed, as established by Grantor (24 Foot PAAL), where the conveyance of the 24 Foot PAAL to the Grantee's Property shall a) begin along the North Right of Way line of Magee Road and go north connecting to the south line of the Grantee's Property, and b) be irrevocable and perpetual. The 24 Foot PAAL is for the non-exclusive purpose of ingress and egress (Access Easement) where the Access Easement is for the sole use and benefit of the Grantee's Property. Upon the grant of this Access Easement Grantee, its successors, assigns, heirs, tenants and visitors, shall have the right to use the 24 Foot PAAL as access in such a manner so as to not require Magee Center to incur any additional cost over and above those items described herein. If at any time Grantee's use of the Access Easement exceeds normal wear and tear (Disturbance) as determined by Magee Center, then Grantee shall promptly repair, at its sole cost and expense, the 24 Foot PAAL and any other affected improvements such that it is placed in the same condition prior to the Disturbance. Any such repairs shall be completed so as not to cause damage or disturb the current use of this Easement. For specifics on the 24Ft PAAL Legal Description see attached Schedule "B".

In order to maintain its rights set forth in this Easement, Grantee shall have the obligation, upon receipt of a written notice from Magee Center, to promptly pay, concurrent with the funds paid by Magee Center, two-thirds (2/3rds) the cost for installing within the Easement, to the then current Pima County standards, the 24 Foot PAAL roadway and related improvements designed by the Magee Center development, such as curbing, sidewalks, walls, landscaping, irrigation, and drainage areas, (collectively Roadway Improvements) as well as its share of the maintenance, repair and replacement of the Roadway Improvements (collectively referred as Maintenance/Installation Items). Said Maintenance/Installation Items shall be designed and installed per the approval of all appropriate governmental entities and agencies, public and private utility companies, and the Grantor or its assigns.

At any time after the design of the 24 Foot PAAL is approved by Pima County and Magee Center (PAAL Approval), the Grantee shall have the right, at its sole cost and expense, to initiate and independently install in accordance with the PAAL Approval and under the supervision and control of the Magee Center the improvements related to the 24 Foot PAAL, whereupon the Grantee shall be relieved of the requirement to participate in the cost of installing any other required improvements within the Easement. If the 24 Foot PAAL is constructed in advance of the

(Continued on Page 2)

SCHEDULE "A"

All that part of the Northeast quarter of the Northeast quarter of Section 33, Township 12 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

BEGINNING at the Northwest corner of said Northeast quarter of the Northeast quarter of Section 33;

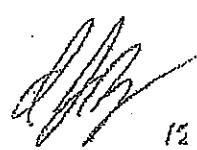
THENCE Southerly along the West line of said Northeast quarter of the Northeast quarter, a distance of 495.45 feet to the TRUE POINT OF BEGINNING;

THENCE continue Southerly along the said West line to the Southwest corner of said Northeast quarter of the Northeast quarter;

THENCE Easterly along the South line thereof to a point distant 659.7 feet Westerly of the Southeast corner of said Northeast quarter of the Northeast quarter;

THENCE Northerly, along a line equidistant from the East and West boundary line of said Northeast quarter of the Northeast quarter, 825.61 feet to the point of intersection with an East-West line extending from the True Point of Beginning to a point on the East line of said Section 33, which point is distant 495.28 feet from the Northeast corner of said Section;

THENCE Westerly along said East-West line to the TRUE POINT OF BEGINNING.


ccc 12

Thence North 00° 02' 27" East, along the line common to said Lots 3 and 5, a distance of 49.00 feet;

Thence North 89° 57' 30" West, along the line common to said Lots 3 and 5, a distance of 12.36 feet;

Thence North 00° 03' 37" East, a distance of 158.96 feet to a point on a line common to Lots 5 and 4 in said sub-division;

Thence South 89° 56' 23" East, along said common line, a distance of 48.98 feet;

Thence South 00° 03' 37" West, a distance of 89.90 feet;

Thence South 89° 56' 23" East, a distance of 1.47 feet;

Thence South 00° 03' 37" West, a distance of 23.98 feet to a point on the Easterly line of said Lot 5;

Thence continue South 00° 03' 37" West, along said Easterly line, a distance of 65.16 feet;

Thence North 90° 00' 00" West, a distance of 7.79 feet to the beginning of a curve, concave to the Southeast, having a radius of 15.00 feet;

Thence Southwesterly along said curve, through a central angle of 89° 59' 41", a distance of 23.56 feet;

Thence South 00° 00' 19" West, a distance of 4.94 feet to the beginning of a curve, concave to the Southwest, having a radius of 18.00 feet;

Thence Southerly along said curve, through a central angle of 29° 45' 16", a distance of 9.35 feet to a point of non-tangency, a radial line passing through said point bears South 60° 15' 03" West, said point being on the Northerly right-of-way of Magee Road as shown on said plat of Magee Center;

Thence North 89° 57' 30" West, along said right-of-way line, a distance of 17.71 feet to the TRUE POINT OF BEGINNING.

PARCEL 3: (Exhibit "A4")

That portion of Lot 4 of MAGEE CENTER, a sub-division of record in the office of the Pima County, Arizona Recorder, in Book 56 of Maps and Plats at page 94, Section 33, Township 12 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

Commencing at the Northeast corner of said Lot 4 in said sub-division, said point being the TRUE POINT OF BEGINNING;

Thence South 00° 03' 37" West, along the Easterly line of said Lot 4, a distance of 30.60 feet;

Thence North 90° 00' 00" West, a distance of 39.78 feet;

Thence North 00° 03' 37" East, a distance of 30.64 feet to a point on the Northerly line of said Lot 4;

Thence South 89° 56' 22" East, along said Northerly line, a distance of 39.78 feet to the TRUE POINT OF BEGINNING.

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

MAGEE COMO DEVELOPMENT Association, LLC 5151 N. ORACLE Rd #210, Tucson, AZ 85704-5202 247.3306
Owner Mailing Address Email Address/Phone daytime / (FAX)
CCOURTNEY@AZREDCO.COM
Applicant (if other than owner) Mailing Address Email Address/Phone daytime / (FAX)
Lot 4 Magee Center; Book 56, Pg 94 - 7791 N. LA Cholla Blvd 225-44-5470
Legal description / property address Tax Parcel Number
.88 TR/MUI CB-2/NAC NW-NORTHWEST
Acreage Present Zone Proposed Zone Comprehensive Plan Subregion / Category / Policies

The following documentation must be attached:

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

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

10/12/15

Date

Craig R Coulney, Member

Signature of Applicant

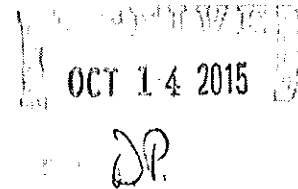
FOR OFFICIAL USE ONLY

Co9-				
Case name				
Rezoning from	Rezoning to	Official Zoning Base Map Number	Fee	Supervisor District
Conservation Land System category				
Cross reference: Co9-, Co7-, other		Comprehensive Plan Subregion / Category / Policies		
Received by <u>D.P.</u>	Date <u>10-14-15</u>	Checked by	Date	

Magee Como Development Association, LLC
5151 North Oracle Rd., Suite 210
Tucson, AZ. 85704
Phone: (520) 293-8280/Fax: (520) 293-7728

October 9, 2015

Mr. Mark Holden, Principal Planner
Pima County Planning Division
201 North Stone Ave. 2nd floor
Tucson, Arizona 85701
Phone: 724-9000



Re: Rezoning for Lot 4 from TR to CB-2

Dear Mr. Holden:

Please accept this letter as the Owner's written request to initiate a Rezoning of Lot 4 of Magee Center from TR to CB-2.

The property, currently zoned TR, is approximately .88 acres in size and located at 7791N. La Cholla Blvd. Tucson, Arizona. The Tax Code Parcel # is 225-44-5470. The Property is owned by Magee Como Development Association, LLC, An Arizona Limited Liability Company with the following members:

1. Craig R Courtney, (520-247-3306)
2. Janine C Courtney,
3. M. Beth Haas, and
4. Michael G Byrne.

In addition, please accept this letter as the Owners' authorization and your notification that **Michael G Byrne (520-3071290), Craig R Courtney (520-247-3306), and/or M. Beth Haas (520-850-7121)** are authorized and instructed by Magee Como Development Association, LLC, to represent the company in all matters necessary to complete a rezoning and Development Plan for Lot 4 of Magee Center.

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

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Craig R. Courtney".

Craig R. Courtney, Member

Co9- _____

PIMA COUNTY
REZONING IMPACT STATEMENT

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

NAME (print) MAGEE Como DEVELOPMENT ASSOCIATION, LLC

NAME OF FIRM (if any) _____

INTEREST IN PROPERTY OWNER

SIGNATURE Craig R. Gaudin DATE 10/14/15

A. PROPOSED LAND USE

1. Describe the proposed use of the property. THIS IS A MIXED USE PROPERTY THAT WILL ALLOW FOR BOTH TR & IF APPROVED, CB-2 (RESTRICTED) USES, SUCH AS RETAIL, RESTAURANTS, OFFICES, ETC. (SEE ATTACHED SUPPLEMENTAL SHEET LABELED EXHIBIT "A" FOR ADDITIONAL INFO.)
2. State why this use is needed. PROPERTY IS ADJACENT TO AN UNDCV. CB-2 WITH SHARED ACCESS

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

Total units: N/A Type: N/A

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

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

1 LOT - 0.88 AC.

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

N/A

7. What is the maximum proposed building height?

34 feet and 2 stories

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

Starting date: _____
Completion date: AS SOON AS WE HAVE A USER

9. If the proposed development is commercial or industrial: ~ 20 EMPLOYEES
- a. How many employees are anticipated? ~ 80
- b. How many parking spaces will be provided? 8:00 AM TO 10:00 PM
- c. What are the expected hours of operation? _____

- d. Will a separate loading area be provided? AS PART OF THE Common Area for The Center.
e. Approximate size of building (sq. feet)? 25,000 SQ. FT.
10. a. For commercial or industrial developments, or residential developments of three residences per acre or greater, state which bufferyards are required, according to Chapter 18.73 (Landscape Standards) of the Zoning Code.

PART OF EXISTING PHASED DEVELOPMENT PLAN (P/203-063)

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

PART OF EXISTING PHASED DEVELOPMENT PLAN (P/203-06)

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

N/A

B. SITE CONDITIONS - EXISTING AND PROPOSED

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

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

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

ENTIRE SITE IS GRADED (VACANT)

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

THE EXISTING USES WILL BE AN OPTION ALONG WITH REZONED USES

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

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

SEE ATTACHED APPROVED DEVELOPMENT PLAN (P/203-06)

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

TOPOGRAPHY IS FLAT - SITE IS FULLY GRADED

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

Graded Site; Ready for Development & New Landscaping

6. Conservation Land System (CLS):

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

Yes ☐ No ☒

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

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

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

N/A

8. Are there any natural drainageways (washes) on the subject property? YES ☐ NO ☒

If yes, state whether these natural drainage patterns would be altered by the proposed development, and what type of alteration is proposed.

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

9. Approximately how much of the subject property is proposed to be graded, including areas where most vegetation will be cleared? _____ Acres, or _____ percent of the land area. How much of this area is currently graded? 100%

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

N/A

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

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

NO YES

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

NO YES Number: Over 8 feet: _____ under 8 feet with cavity: _____

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

NO YES Number: _____

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

NO YES Number: _____

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

NO YES Number: _____

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

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

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

SEPTIC SEWER EXISTING LINE

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

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

EXISTING LINE - METRO WATER

C. SURROUNDING LAND USE

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

NORTH: RESIDENTIAL VACANT & APARTMENT COMPLEX

SOUTH: OFFICE / MED - PLANNED NAC

EAST: COMMON AREA & VACANT LAND - PLANNED MULTIFAM

WEST: RESIDENT TOWNHOUSE PLANNED MULTIFAM

EXHIBIT "A"

Lot 4 of Magee Center is part of a master-planned commercial development with a recorded set of master CC &Rs governing the criteria for the design, uses and development of this property as well as the adjoining lots. As a result, this center has been developed in phases where the drive patterns, utilities, landscaping, architectural styles and other amenities are planned to connect to the existing improvements as each phase is completed. Each lot is designed to have its own building envelope that will accommodate mixed uses where its driveways, sidewalks and other amenities are extended into the common areas surrounding the building envelopes of the adjoining lots. Thereby establishing an integrated development where the amenities within each lot benefit the whole center.