

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

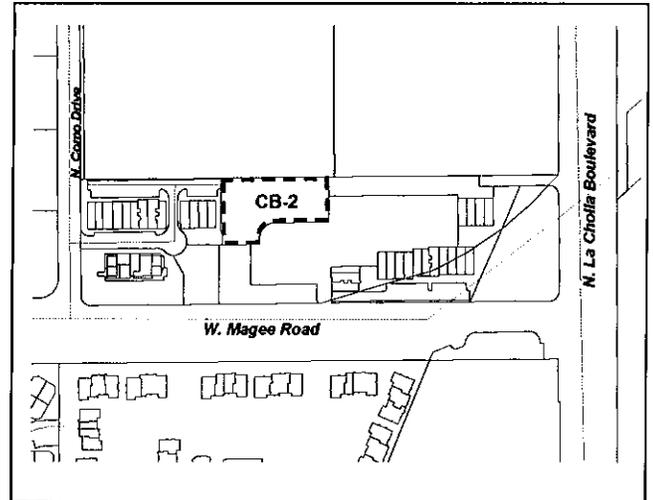
HEARING November 25, 2015

DISTRICT 1

CASE P15RZ00009 Magee Como
Development Assoc, LLC – N. La
Cholla Boulevard Rezoning

REQUEST Rezone .88 acres from TR
(Transitional) to CB-2 (General
Business) Zone

OWNER/APPLICANT Magee Como Development
Assoc, LLC
Attn: Craig Courtney
5151 N. Oracle Road, #210
Tucson, AZ 85704



APPLICANT'S PROPOSED USE

The proposed use is for a two-story, 25,000 square feet commercial building for a restaurant (with or without a bar) and CB-1 (Local Business) uses except for automotive related uses, drive-through restaurants and stand-alone bars to form a cohesive development within the Magee Center Subdivision.

APPLICANT'S STATED REASON

"The proposed rezoning is Lot 4 (.88 acres) of Magee Center, a part of a master-planned commercial development that will be built in phases. 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 establishing an integrated development."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning from the TR (Transitional) to the CB-2 (General Business) zone on approximately .88 acres for a two-story, 25,000 square foot commercial building on Lot 4 of the Magee Center Subdivision (Book 56 and Page 94). A rezoning to CB-2 would provide the opportunity for similarly intense land uses of the subject property as those planned for on the adjacent parcels resulting in a small, compact, mixed use development for the neighborhood.

COMPREHENSIVE PLAN

The Comprehensive Plan Update, Pima Prospers (Co7-15-01), changed the planned land use designation of the site to the Neighborhood Activity Center (NAC) designation. The objective of the NAC land use designation is to provide convenience goods and services within or near suburban residential neighborhoods for day-to-day living needs without attracting vehicle trips from outside the immediate service area. Neighborhood Activity Centers may include a mix of medium density housing types and commercial uses.

Resultant of the approved comprehensive plan amendment, a rezoning policy was established that limits the uses of the property to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-through restaurants and stand-alone bars. The policy will be implemented through rezoning condition #9.

SURROUNDING LAND USES/GENERAL CHARACTER

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

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

PREVIOUS REZONING CASES ON PROPERTY

The property was originally rezoned from SR (Suburban Ranch) to the TR zone in 1969 (Co9-69-27) with five rezoning conditions that were implemented with the approved subdivision plat.

PREVIOUS REZONING CASES IN GENERAL AREA

The most recent rezoning case in the area was for Lot 3 of the Magee Center Development by which a concurrent comprehensive plan amendment and rezoning were approved in August of 2013 for NAC and CB-2 with the same land use limitation as this request. Lot 5 adjacent to the subject property was rezoned from TR to CB-2 (Co9-07-26), also with the same limited uses of the property as this request.

Many previous rezonings from 1980-2000 have been approved in the area resulting in residential townhouse development and commercial condominiums in the TR zone. Residential properties were rezoned to the dense CR-5 zoning designation in 2005 and rezonings to the larger sized surrounding CR-1 zone properties occurred in the early 1970's.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located outside the Maeveen Marie Behan Conservation Land System (MMBCLS).

PLANNING REPORT

Staff recommends approval of the rezoning from TR to CB-2 zoning. Rezoning condition #9 implements the comprehensive plan policy by limiting the uses of the property to restaurants with/without a bar and CB-1 zone uses except for automotive related uses, drive-thru restaurants, and stand-alone bars. These are the same uses allowed on the adjacent parcels (Lots 3 and 5). This request supports the goals and policy of the proposed NAC land use designation and has minimal impact on the adjacent neighborhood. Concurrency for the subject property has been met within the existing development.

Lots 1, 2, and 3 are part of the existing Magee Center medical office building development. Lots 1 and 2 abut the two-story residential townhouse development to the north. Lot 1 is separated from lots 2 and 3 by a common driveway with a turn-around and fountain feature that serves both the residential townhomes to the north and the medical buildings on Magee Road. Lot 4 is a vacant parcel of land abutting the townhomes to the west and north of the subject property and Lot 5 to the east of the subject property is a remnant parcel created as a result of

the Magee Road alignment. The proposed building on Lot 4 would be better served by becoming part of a cohesive planned use with the adjacent parcels utilizing the existing shared easternmost access onto Magee Road. Staff suggests that the development design give consideration to the existing residential uses and be primarily served by the shared, easternmost access from Magee Road. The rezoning would allow for a development that has the potential to create live/work spaces and provide essential neighborhood retail services.

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

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	No objection
SCHOOLS	N/A	None
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

The Pima County Department of Transportation has no objection to the rezoning request. Access to this site is from Magee Road at locations that were determined and constructed at the time of the Magee Road realignment. Because the uses are not precisely specified, it is difficult to determine the exact trip generation rates. Trip generation could vary between 1,000 ADT and over 3,000 ADT based on the uses mentioned in the application. Assuming a split of retail and

restaurant uses, 1,600-1,700 ADT can be estimated. Although the uses are not specified, the main roads serving the site do not pose concurrency concerns. La Cholla and Magee both have enough capacity to absorb potential traffic from this site.

Magee Road is a four-lane divided medium volume arterial with a planned future right-of-way of 150 feet and a posted speed of 45 mph. Adjacent to the rezoning site, the full cross section has been built. Right turn lanes have already been installed as well as a left turn lane into the eastern most access point. The current traffic volume is 19,250 ADT and the capacity is 35,820 ADT.

La Cholla Boulevard is a four-lane divided medium volume arterial with a planned future right-of-way of 150 feet and a posted speed of 45 mph. The full cross section has been build. There is a right turn lane on southbound La Cholla onto westbound Magee adjacent to this rezoning site. The current traffic volume is 20,762 ADT and the capacity is 35,820 ADT.

Other significant roadways in the area include Ina Road (volume: 35,416 ADT; capacity: 35,820 ADT), Mona Lisa (volume 3,552 ADT; capacity: 16,700 ADT), and Shannon Road (volume: 10,924 ADT; capacity: 35,820 ADT).

Transportation recommends the addition of condition #3 which limits the access to the existing access points on Magee Road.

FLOOD CONTROL REPORT

Flood Control District has reviewed the request and have the following comments:

1. The site is not impacted by floodplains or Pima County Regulated Riparian Habitat.
2. No Preliminary Integrated Water Management Plan (PIWMP) is required.
3. The site is within an approved Development Plan which requires detention for each pad per permitting note 5. Furthermore, new standards have been adopted by the Board relating to first flush retention as reflected in the recommended condition. Neither have been shown on the Concept Site Plan submitted with the application.

In conclusion the District finds that the project meets concurrency requirements and has no objection subject to the recommended conditions #4A-B.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed this rezoning request and no objection to the request subject to the addition of rezoning conditions #5A-E.

The rezoning area is located within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the Canada del Oro Interceptor. The existing public sewer consists of two 8-inch sewer lines (I-80-215) located on the property. The capacity determination letter has not been issued for this rezoning case.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #7.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

United States Fish and Wildlife Service has no concerns relating to this request.

METRO WATER DISTRICT REPORT

Metro Water District has no comment.

FIRE DISTRICT REPORT

Mountain Vista Fire District has no comment.

PUBLIC COMMENT

As of the writing of this staff report, staff has not received any comments.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation condition: The property shall be limited to the existing access points on Magee Road.
4. Regional Flood Control District conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. On-site retention/detention shall be provided.
5. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 shall enter into a written agreement addressing 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 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 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 shall complete the construction of all necessary public and/or private 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.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(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) shall record a covenant, to run with the land, memorializing the terms of this condition.
7. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
8. Adherence to the preliminary development plan as approved at public hearing.
9. The uses of the property are limited to restaurants with/without a bar and CB-1 zone uses except for automotive related uses, drive-thru restaurants, and stand-alone bars.
10. 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.
11. 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).”

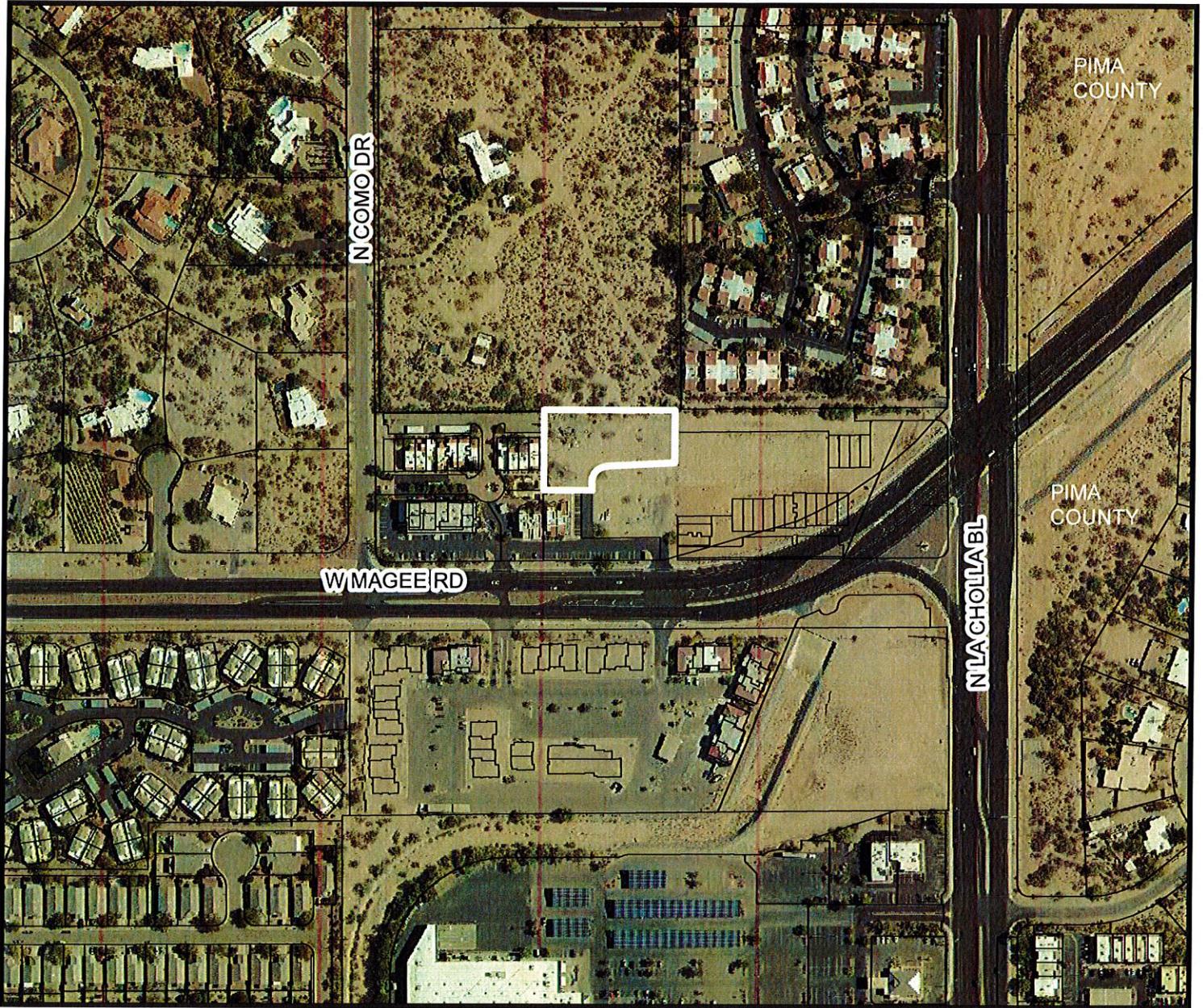
Respectfully Submitted,



Terrill Tillman
Senior Planner

c: Magee Como Development Assn., LLC, Craig Courtney, Tucson, AZ 85704

Case #: P15RZ00009
 Case Name: MAGEE COMO DEVELOPMENT ASSOC LLC -
 N. LA CHOLLA BOULEVARD REZONING
 Tax Code(s): 225-44-5470



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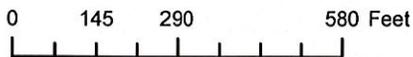
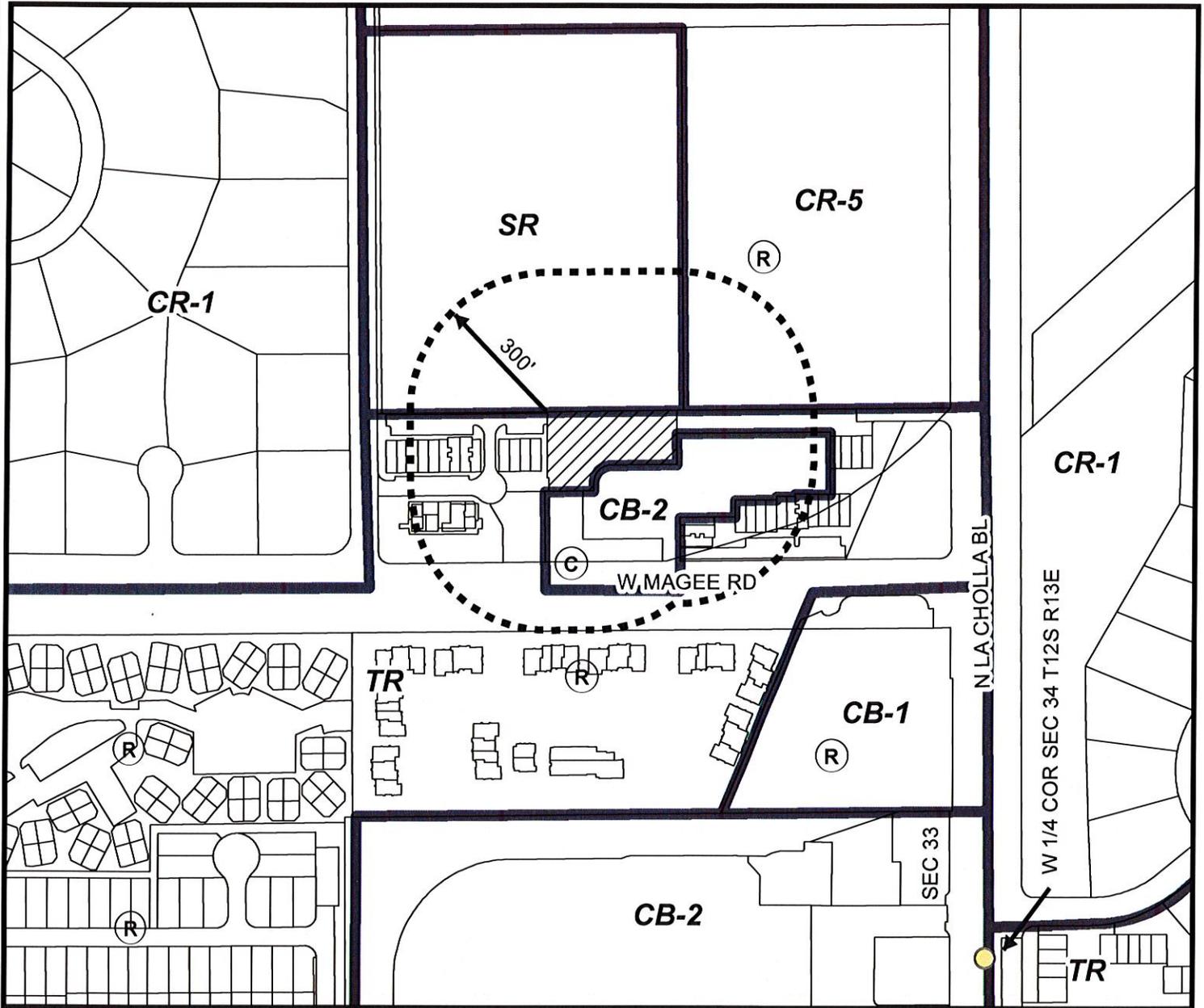
Proposed rezoning from TR to CB-2

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

	Notes: Ref: CO7-15-01, CO9-69-27		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Base Map(s): 115	Map Scale: 1:4,000	

Case #: P15RZ00009
 Case Name: MAGEE COMO DEVELOPMENT ASSOC LLC -
 N. LA CHOLLA BOULEVARD REZONING
 Tax Code(s): 225-44-5470

 300' Notification Area
 Zoning Boundary



Area of proposed rezoning from TR to CB-2



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**



Notes: Ref: C07-15-01, C09-69-27

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10

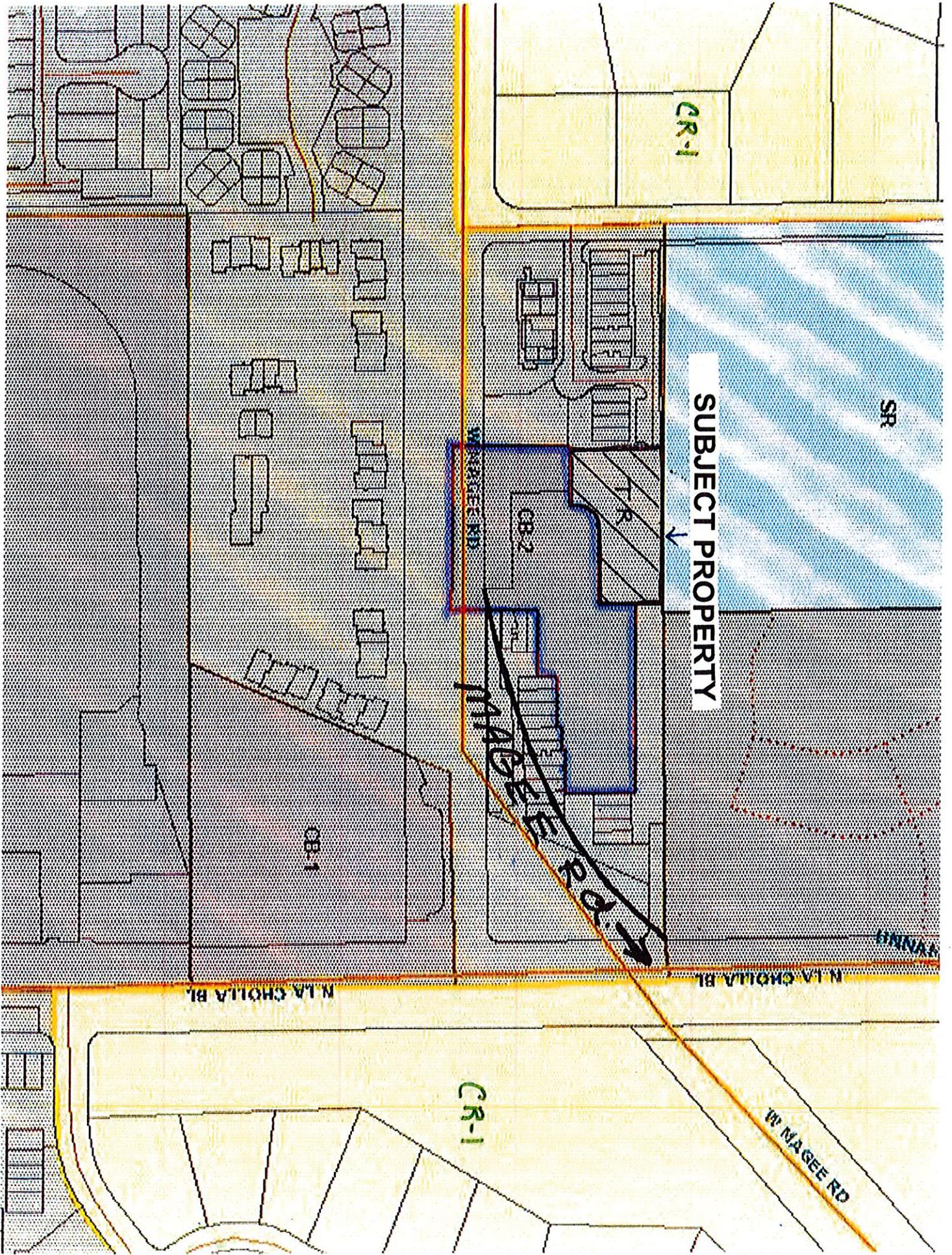
Planning & Zoning Hearing: 11/25/15 (scheduled)

Base Map(s): 115

Map Scale: 1:4,000

Map Date: 11/03/2015





CR-1

SR

SUBJECT PROPERTY

WABEE RD

CB-2

CB-1

N LA CHOLLA BL

N LA CHOLLA BL

CR-1

W NAGEE RD

MADISON RD

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

Owner MAGEE COMO DEVELOPMENT ASSOCIATION, LLC 5151 N. ORACLE RD #219 TUCSON, AZ 85704-5202/73306
Mailing Address
Email Address/Phone daytime / (FAX)

Applicant (if other than owner) COUNTRY PARADES.COM
Mailing Address
Email Address/Phone daytime / (FAX)

Legal description / property address Lot 4 Magee Center, Book 56, Pg 94-7791 N. LA Cholla Blvd 225-44-5470
Tax Parcel Number

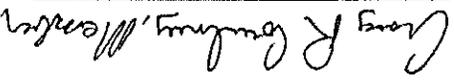
Acreage	Present zone	Proposed zone	Comprehensive Plan Subregion / Category / Policies
1.88	TR/MUI	CB-2/MAC	NW-NORTHWEST

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.

Date 10/12/15

Signature of Applicant


FOR OFFICIAL USE ONLY

Case name C09-

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

Conservation Land System category _____

Cross reference: C09, C07, other _____
 Comprehensive Plan Subregion / Category / Policies _____

Received by D.P. Date 10-14-15 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

Stamp: OCT 14 2015
Handwritten initials: MR

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:

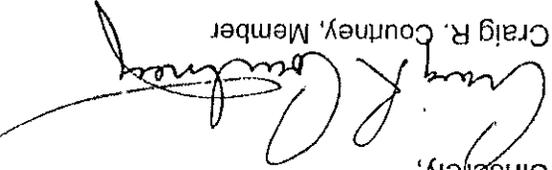
1. Craig R Courtney, (520-247-3306)
2. Janine C Courtney,
3. M. Beth Haas, and
4. Michael G Byrne.

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,

Craig R. Courtney, Member


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) MARIE CONO DEVELOPMENT ASSOCIATION, LLC

NAME OF FIRM (if any) _____

INTEREST IN PROPERTY OWNER

SIGNATURE Gary R. Gueck

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 (Restaurants), 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 undev. 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? 20 Employees
b. How many parking spaces will be provided? 80
c. What are the expected hours of operation? 8:00 AM to 10:00 PM

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

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)

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

b. If no, is the property undisturbed, or are there areas that have been graded?
 ENTIRE SITE IS GRADED (VACANT)

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

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

B. SITE CONDITIONS - EXISTING AND PROPOSED

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. 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)

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/203-06)

d. Will a separate loading area be provided?
 AS PART OF THE COMMON AREA FOR THE CENTER
 e. Approximate size of building (sq. feet)?
 28,000 sq. ft.

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: _____

10. Describe any revegetation proposal in areas where development would require removal of natural vegetation. *N/A*
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%*

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

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.

7. How has the plan for the rezoning met the conservation standard for the applicable category area? *N/A*
- 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.

6. Conservation Land System (CLS):
a. Is the subject property within the MMB Conservation Land System (see Attachment A)? Yes No

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*

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 MULTIFAMILY

WEST: Residential Townhouse Planned MUI

EXISTING LINE - METRO WATER

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

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.)

SEPTIC (SEWER) EXISTING LINE

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

- 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).

f. Have any Cactus Ferruginous Pygmy Owl 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

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: _____

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?

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.