

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 8/5/2025

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

*Title:

P20CR00003 SUKI INVESTMENT GROUP, LLC - W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING

*Introduction/Background:

The concurrent plan amendment from planned land use Medium Intensity Urban (MIU) to the Neighborhood Activitiy Center (NAC) allowed for a rezoning from the TR (Transitional) to the CB-2 (General Business) zone. The applicant requests a five-year rezoning time extension on the .88-acre CB-2 rezoning, located at the northwest corner of W. Magee Road and N. La Cholla Boulevard. The rezoning was approved in 2021 and expires January 5, 2026.

*Discussion:

The rezoning will expire on January 5, 2026 and the five-year time extension is requested due to the COVID-19 pandemic negatively impacting the commercial industry.

*Conclusion:

The proposed five-year time extension will allow for a total of 10 years from the original Board of Supervisors approval to complete rezoning conditions with the sharing of development rights between Lots 5 and 6 of Magee Center to include a 9,321 square-foot single-story building and a 38,102 square-foot two-story building limited to restaurants with or without bars and CB-1 uses except for automotive-related uses other than retail sales and fueling bays and standalone bars.

*Recommendation:

*Fiscal Impact:

Staff recommends APPROVAL of a five-year time extension subject to original and modified standard and special conditions.

Department: Development Services Planning	Telephone: 724-6675	
Contact: Donna Spicola, Planner II	Telephone: 724-9513	
Department Director Signature:	6 For	Date: 7/17/25
Deputy County Administrator Signature:		Date: 7/2//2025
County Administrator Signature:	tw .	Date: 7 21 205



TO:

Honorable Rex Scott, Supervisor, District 1

FROM:

Chris Poirier, Director

Public Works-Development Services Department-Planning Division

DATE:

July 15, 2025

SUBJECT:

P20CR00003 SUKI INVESTMENT GROUP, LLC - W. MAGEE ROAD

CONCURRENT PLAN AMENDMENT AND REZONING

The above referenced **Rezoning Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY**, **AUGUST 5**, **2025** hearing.

REQUEST: A five-year time extension for an approximate .88-acre rezoning (parcel code

225-44-5770) from the TR (Transitional) to the CB-2 (General Business) zone, located at the northwest corner of W. Magee Road and N. La Cholla Boulevard.

The subject site was rezoned in 2021 and expires January 5, 2026.

OWNER:

Suki Investment Group, LLC

5210 E. Williams Circle, Suite 720

Tucson AZ 85710

AGENT:

Kale Investment Company, LLC

Attn: Craig Courtney

5151 N Oracle Road, Suite 210

Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Planner II

PUBLIC COMMENT TO DATE: As of July 15, 2025, no public comment has been received.

<u>STAFF RECOMMENDATION</u>: APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The site is located outside of the Maeveen Marie Behan Conservation Land System (CLS).

TD

Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P20CR00003 Page 1 of 5

AUGUST 5, 2025 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Director

Public Works-Development Services Department-Planning Division

DATE: July 15, 2025

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

P20CR00003 SUKI INVESTMENT GROUP, LLC – W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING

Suki Investment Group, LLC represented by Craig Courtney, request a **five-year** time extension for an approximate .88-acre rezoning (parcel code 225-44-5770) from the TR (Transitional) to the CB-2 (General Business) zone, located at the northwest corner of W. Magee Road and N. La Cholla Boulevard. The subject site was rezoned in 2021 and expires January 5, 2026. Staff recommend **APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.

(District 1)

STAFF RECOMMENDATION

Staff recommends APPROVAL of a five-year time extension to January 5, 2031, for the .88-acre rezoning from the TR (Transitional) to the CB-2 (General Business) zone subject to modified standard and special conditions as follows:

- 1. The property owner shall not further lot split or subdivide residential property without the written approval of the Board of Supervisors.
- 2. Transportation conditions:
 - A. Adherence to a development agreement for assessment and payment of all non-residential impact fees.
 - B. A traffic impact study will be required at time of development or building plan submittal to determine if mitigation is needed. Any mitigation required by the Traffic Impact Study for higher trip generating uses such as drive thru restaurants, convenience store and gasoline station will be the responsibility of the Owner(s)/Developer of any Magee Center properties.
 - C. Access and maintenance agreements shall be required between the rezoning and adjacent properties.
 - D. No additional access to Magee Road is allowed from the site.

- 3. Regional Flood Control District condition: A drainage plan requiring on site detention and first flush retention for Lots 5 and 6 shall be designed and approved by Pima County Regional Flood Control District to mitigate the 100-year peak discharge.
- 4. Wastewater conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the plan amendment/rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the plan amendment/rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the plan amendment/rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the plan amendment/rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan amendment/rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the plan amendment/rezoning area.
- 5. Environmental Planning conditions: 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.
- 6. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

- 7. Lot 5 and 6 shall be developed as an integrated site and subject to general adherence to the preliminary development plan for Lot 5 from Resolution 2020-061 as approved at public hearing (Exhibit B).
- 8. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
- 9. The use of the property is limited to restaurants with or without a bar and CB-1 zone uses except for automotive related uses other than retail sales and fueling bays, and standalone 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 the following disclaimer regarding Proposition 207 rights Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The conditions provided under approved Ordinance No. 2020-12 are essentially the same conditions other than current condition language update to condition #11.

STAFF REPORT:

Staff supports a five-year rezoning time extension. The time extension will provide a total of ten years to complete the rezoning conditions from initial approval and extend the expiration date to January 5, 2031. A rezoning allows an initial time limit of five years; and five years is the maximum interval of staff recommended time extensions.

The applicant's justification for the time extension is that the rezoning was approved in 2021 and was ready for integration into a site design that included Lot 5 and common area. The COVID-19 pandemic negatively impacted most commercial industries. In 2022, the commercial industry was seeking limited real estate, and the Magee Center received its first offer to purchase a parcel in 2023.

The original request was a concurrent plan amendment and rezoning. The planned land use was approved from the Medium Intensity Urban (MIU) to the Neighborhood Activity Center (NAC) which allowed for the rezoning to CB-2 (General Business) zone.

The commercial property conforms to the NAC comprehensive plan designation which promotes mixed-use intensity and provides for goods and services within residential neighborhoods.

The CB-2 rezoning was approved for Lot 6 along with the transferring or sharing of development rights with Lot 5. The proposed commercial/retail development will contain a 9,321-square-foot single-story building and a 38,102-square-foot two-story building limited to restaurants with and without bars and CB-1 uses except for automotive-related uses other than retail sales and fueling bays, and stand-alone bars.

The property is not located within the Maeveen Marie Behan Conservation Lands System (CLS)

nor within a growth area.

Staff find concurrency of infrastructure per reporting agencies subject to the Department of Transportation requiring a Traffic Impact Study (TIS) and mitigation required for higher trip generating uses. The Regional Flood District will require a drainage plan for on-site detention and first flush retention and Wastewater Reclamation requires that the project shall connect to the public sewer system for which a capacity letter has not been obtained as of the date of this report. The project will be served by Metro Water.

Due to the continued appropriateness of the mixed-use intensity along with providing commercial services and employment opportunities, staff recommends approval of the time extension along with the original and modified standard and special conditions.

Denial of the time extension will cause the site to revert to the TR (Transitional) zone which conforms to the NAC plan designation. Closure of the rezoning would not preclude the possibility of a future rezoning.

TRANSPORTATION REPORT

The most recent traffic count for W. Magee Road within the vicinity of the site is 23,709 average daily trips (ADT) with a capacity of 33,830 ADT. The most recent traffic count for N. La Cholla Boulevard is 26,732 ADT with a capacity of 53,910 ADT. Considering that the roadways are well under capacity, the proposed development is not expected to significantly impact the capacity of the surrounding roadways.

There are no concurrency concerns with this request. The Department of Transportation has no objection to the rezoning time extension and recommends approval subject to the original Transportation conditions #2A-D approved under Ordinance No. 2021-12.

FLOOD CONTROL REPORT

The Regional Flood Control District (District) has no objection to the time extension subject to original rezoning condition #3.

WASTEWATER RECLAMATION REPORT

The Planning Unit of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the five-year rezoning time extension request subject to original rezoning conditions #4A-F.

A Type I capacity response letter has not yet been issued for this development. The applicant must obtain a capacity letter before submitting a rezoning application or any development plan, preliminary sewer layout, sewer improvement plan, or building permit for review. The required form to request a Type I capacity investigation letter may be found at: Type I Capacity Request (PDF)

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality has no objection to the rezoning time extension.

CULTURAL RESOURCES

Cultural Resources has no objection subject to original rezoning condition #6.

UNITED STATES FISH AND WILDLIFE SERVICE

The United States Fish and Wildlife Service have no comment.

WATER DISTRICT

The Metropolitan Water Improvement District has no comment.

FIRE DISTRICT

The Golder Ranch Fire District has no comment.

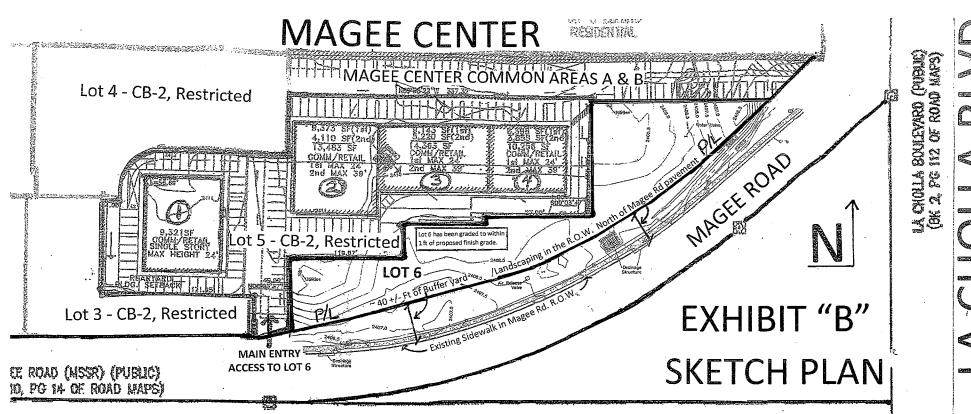
TUCSON ELECTRIC POWER

This property is located within Tucson Electric Power (TEP)'s service territory and will require a new service application from the owner to extend the service to the new location.

TEP has no objection to this rezoning time extension.

TD

c: Craig Courtney



MAGEE ROAD

NOTE:

LOT 5 ZONING SQ FT

APPROVED RETAIL, RESTAURANT & OFFICE

Pad 1 - 9,321 SF

Pad 2 – 13,483 SF LOT 5'S PADS 2, 3, & 4 (Adjacent to Lot 6)

Pad 3 - 14,363 SF = $\sim 38,002$ SF OF TOTAL BUILDING AREA

Pad 4 - 10,256 SF = $\sim 24,914 \text{ SF } 1^{\text{ST}} \text{ FLOOR}$

TOTAL 47.423 SF = $\sim 13,188 \text{ SF } 2^{ND} \text{ FLOOR}$

LEGEND

BUILDING SQ FT LIMITATIONS.

- The total Building SF on Lots 5 and 6 combined shall not exceed the existing approved Building SF for Lot 5's Preliminary Development Plan (PDP),
- 2. Any Building SF placed on Lot 6 shall be deducted first from Lot 5's 2nd floor, and
- 3. The maximum building height on Lot 6 shall be 24 feet.

INCREASED ON-SITE FLOOD CONTROL MEASURES

If Lot 6 is rezoned per the Applicant's request, then the development of Lot 5 requiring only on-site detention to reduce the undeveloped 10-year peak discharge at each outlet in Magee Rd. shall be combined with Lot 6 to mitigate the 100-year peak discharge.

1. Buffer yard(s)

Not required per the following:

- a. North line of Lot 6 abuts Lot 5 and Magee Center Common Area, and
- The Buffer yard requirement on the south line of Lot 6 adjacent to Magee Rd. is waived per the attached Development Agreement with Pima County recorded on July 25, 2011 in Seq # 20112060714.

2. Building setbacks

Per the attached April 5, 2011 Zoning Administrator Letter Agreement:

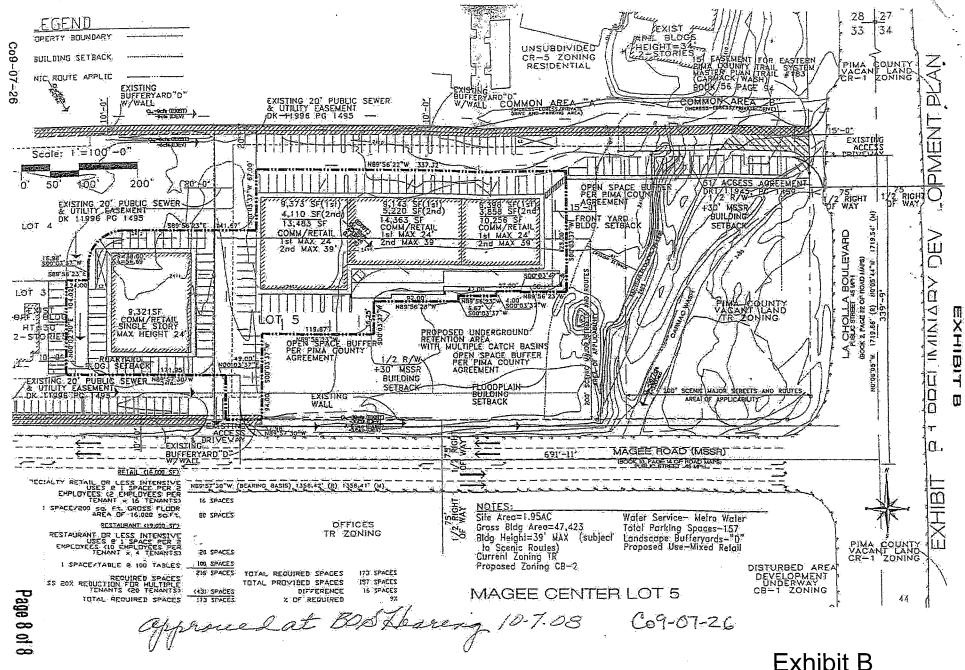
- a. Front yard La cholla Blvd 15 ft., and
- b. Rear yard Como Drive 10 ft.

P169208000 C69-69-27 C620-62-004 P1202-049 P1202-015 P18FP-00029

FINAL PLAT

MAGEE CENTER II, LOTS 1-6, COMMON ARBA A (PRIVATE STREETS, UTILITIES, DRAINAGE; & PARKING) AND COMMON ARBA B (PRIVATE STREETS, UTILITIES; DRAINAGE, & PARKING)

Exhibit B Page 5 of 6



HUDRE OFFICE

Page 6 of 6

Case #: P20CR00003

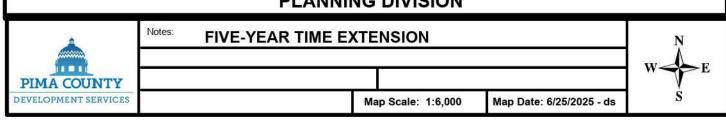
Case Name: SUKI INVESTMENT GROUP, LLC - W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING

Tax Code(s): 225-44-5770

Aerial Exhibit

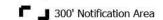


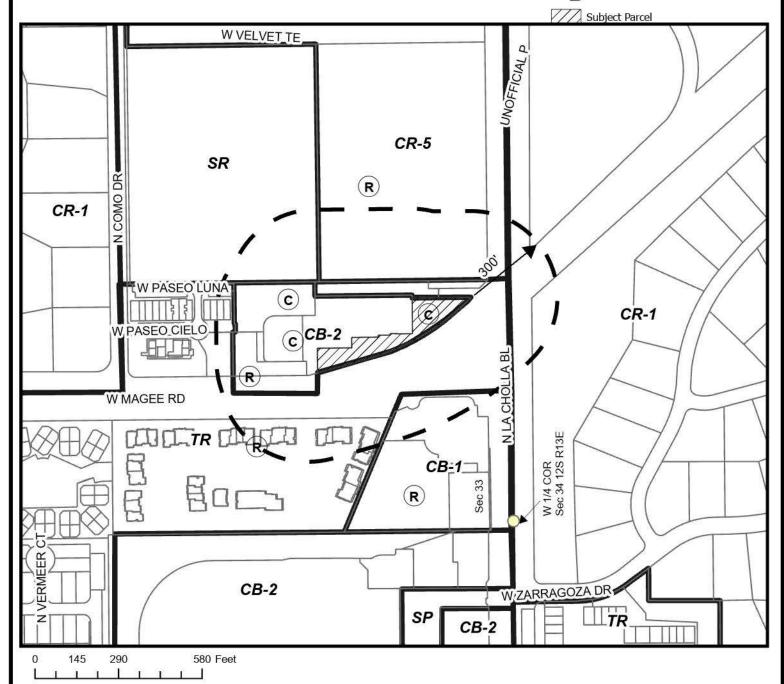
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

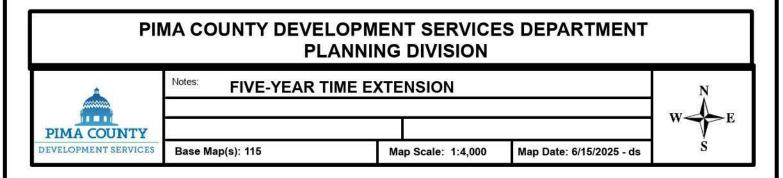


Case #: P20CR00003 Case Name: SUKI INVESTMENT GROUP, LLC - W. MAGEE ROAD

CONCURRENT PLAN AMENDMENT AND REZONING
Tax Code(s): 225-44-5770 Zoning Boundary









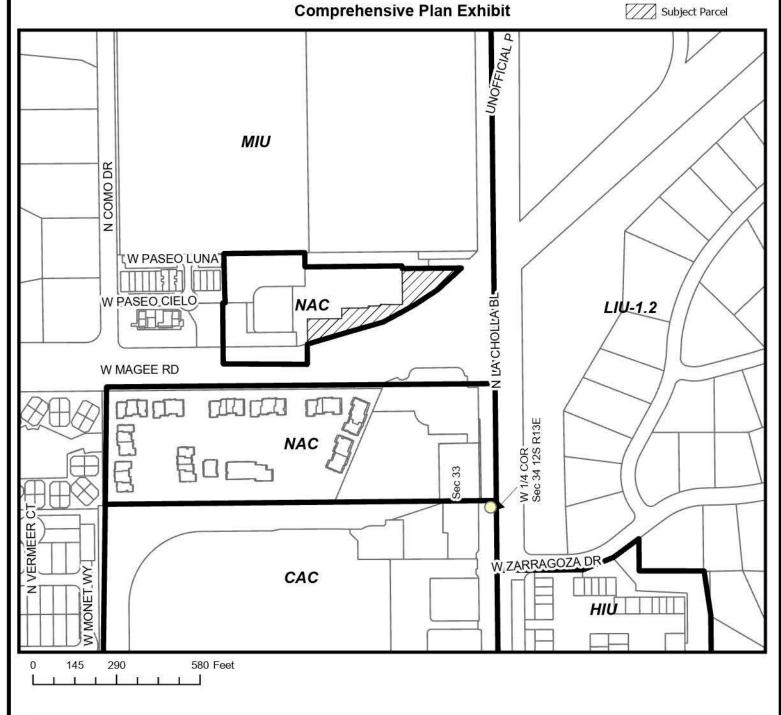
Neighborhood Activity Center (NAC)

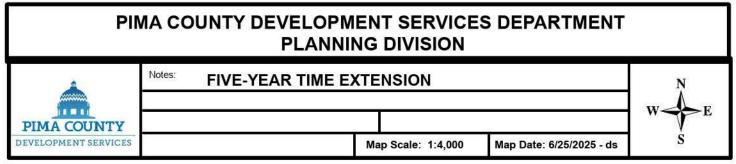
Objective: To designate lower intensity mixed use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. Neighborhood Activity Centers provide lower-intensity commercial services. For example a grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, and bank. The center may include a mix of medium-density housing types. Neighborhood Activity Centers are generally less than 25 acres in size. Larger centers provide opportunity for a mix of intensive non-residential uses and medium-density residential uses, and are to be located on arterials. Smaller mixed use centers may contain medium density residential uses and may be located along collector or arterial streets. All centers will have direct pedestrian and bicycle access to the surrounding neighborhoods. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how the project serves to create or enhance the mixed use character of the designated activity center as a whole.

- Residential Gross Density: (if applicable) Minimum- 5 RAC; Maximum- 12 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 8 RAC

Case #: P20CR00003 Case Name: SUKI INVESTMENT GROUP, LLC - W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING

Tax Code(s): 225-44-5770





Kale Investment Company, LLC 5151 North Oracle Rd., Suite 210, Tucson, AZ 85701

Phone: 520-247-3306 Email: <u>ccourtney@azredco.com</u>

May 12, 2025

Pima County Development Services, Planning Dept. 201 N. Stone Ave. 1st Floor Tucson, Az 85701

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Re: Lot 6 of Magee Center II "Time Extension Request" for Rezoning Case #P20CR00003 on behalf of the Owner.

To Whom it may concern,

١,

Please accept this letter as our application for a "Time Extension Request" for Rezoning Case # P20CR00003, Ordinance 2021 – 12 recorded in Seq. # 20121271033. We would like request the extension be granted through January 5, 2031. To assist you in evaluating our request, I have included the information below for easy reference.

1. OWNERSHIP AND LETTER OF AUTHORIZATION:

- A. Suki Investment Group, LLC, an Arizona limited liability company, is a Manager Managed company. G. Lawrence Schubart is a Manager and authorized to request this extension. The business address for the company is 5210 E Williams Circle, Tucson, AZ 85710.
- B. Letter of Authorization Appointment of Kale Investment Company, LLC, as agent directed by Craig R. Courtney, Manager at 5151 N. Oracle Rd., Suite 210, Tucson, AZ 85701 (Phone: 520-247-3306) / (Email: ccourtney7636@gmail.com).

II. PROPERTY DESCRIPTION:

A. Zoning:

Lot 6, a .88-acre parcel located at the northwest corner of Magee Road and La Cholla Boulevard, was rezoned to CB-2 (General Business) with conditions referenced in Ordinance 2021 – 12 recorded in Seq. # 20121271033 (See attached Zoning Ordinance - Exhibit "A"),

Related Rezoning Case- Lot 5 of Magee Center containing related conditions joining the development of Lots 6 and the adjoining Lot 5 are to be an integrated site plan:

Co 9 – 07 – 026, Ordinance # 2009 – 4, Resolution 2020-61 recorded in Seq # 20202400226, and Resolution 2023-55 (See LOT 5 Rezoning Case Information in - Exhibit "B")

B. Final Plat:

Magee Center's Final Plat for Lots 1-5 and Common Areas A and B was recently re-platted to include Lot 6, the adjoining remaining parcel on the north side of the new Magee Road alignment. The Final Plat is now referred to as "Magee Center II, Lots 1- 6, and Common Areas A and B (Private Streets, Utilities, Drainage, and Parking), (See Final Re-Plat - Exhibit "C")

Final Plat Case Files – Not noted in the Rezoning Case above.

- 1) P16R200004,
- 2) Co20-02-004,
- 3) P1202-049,

- 4) P1202-015, and
- 5) P18FP0029,

C. Development Plan:

The Development Plan for Magee Center-Revision 1 (See attached approved Development Plan - Exhibit "D") was approved on December 18, 2003 and covered Lots 1, 2 and 3 of Magee Center.

Development Plan Case Files - Not noted in the Rezoning Case or the Magee Center II Final Plat above.

- 1) P1203-063
- 2) Co 10(3)02 57,
- 3) Co 10(3)02 51, and
- 4) Co 9 69-27

III. CIRCUMSTANCES CREATING DELAY IN MEETING TIME EXTENSION:

- A. After the Board of Supervisors approved the rezoning request to CB-2 (Restricted) on January 5, 2021, this property was ready to be integrated into a site design that included Lot 5 and Common Areas A and B.
- B. With the spreading of the Covid virus pandemic throughout the United States from 2020 through 2022 a dramatic shutdown and reorganization occurred in the commercial real estate industry that seriously affected the growth of offices, medical, retail and restaurant users. As a result, this property along with most of the commercial industries was effectively put on hold until the users could navigate the changes that in some cases permanently affected how these uses would be used in the traditional real estate markets.
- C. In 2022 users for our type of property had adapted their businesses to the effects of the Covid pandemic and many sectors of the commercial industry began slowly seeking real estate opportunities within commercial hubs like our property at the northwest corner of Magee Road and La Cholla Boulevard.
- D. With the approval of the Foothills Mall's Specific Plan in 2018 to a mixture of multi-family residential and commercial uses, it proceeded to spend the next several years planning its design that ultimately resulted in the "Uptown" community development. It was not until early 2024 that the first of several phases was permitted for a groundbreaking that ultimately occurred by the end of 2024. The impact of this project finally becoming a reality in 2023 enhanced users' interest in this area and specifically our NW corner. With the rezoning conditions of this property matching the adjoining Lot 5's and the 2 properties' conditions converting them into one integrated property, the task of redesigning the approved ~ 47,000 SF to meet this new commercial environment promoted by the "Uptown" redevelopment began in 2023.
- E. In August 2023 the first user to commit to purchasing a small parcel in this integrated property was a national credit Union with a drive-through facility. Since Magee Center was originally a portion of the abandoned Como Del Sol Townhouse development, the combined boundaries of Lot 6 and Lot 5 had old underground electric, cable and telephone lines from Comcast, Lumen and TEP that needed to be removed, and their recorded easements abandoned. Once this was accomplished new underground commercial upgraded facilities could be installed in different easements to feed a redesign of the approved ~47,000SF.
- F. With the Credit Union's commitment to purchase a small portion of Lot 5, the Owner of Lots 5 and 6 finally had a direction on how the ~47,000 SF should be reallocated to better reflect the needs of the smaller user wanting direct frontage on Magee Rd. However, to deliver this parcel and the adjacent land free from the existing old underground utility facilities and their recorded easements being purchased by the credit union, the Owner had to make a formal written request for each utility to remove both items. This would make way for new easements and the

installation of updated facilities outside the areas now planned to be developed with new buildings along Magee Rd. With the knowledge of how the Credit Union's development demands affect the usability of this property, an ongoing campaign to remove these items was initiated in late 2023 and finally completed in the fourth quarter of 2024. As a result, the Credit Union completed its investigation period in the first quarter of 2025. On March 31, 2025, it closed its purchase cementing the conditions for redesigning the following items of the approved attached Preliminary Development Plan. They will include all building areas, interior traffic patterns, utility easements and line extensions, landscaping areas, and the drainage plan. This will result in a more effective use of the land in these two Lots and meet Lot 6 and Lot 5's rezoning conditions.

G. CONCLUSION:

With these utilities removed and their easements recently abandoned, the Owner can redesign the approved Lot 5 Building Footprints to meet the requirements of the current users attracted to this corner and create a site plan that provides more open space to meet Flood Control's request for this site. If this extension is granted, the Owner will have the next several years to meet Lot 5's and Lot 6's rezoning conditions to integrate them into one site plan.

The above is the reason for requesting this time extension now.

IV.TIME EXTENSION REQUEST:

The standard 5-year time period through January 5, 2031.

V. SITE PLAN.

The site plan in the original Rezoning Case shall serve as the applicant's site plan requirement.

VI. TIME EXTENSION FEE.

To be determined by Pima County.

VII. BIOLOGICAL IMPACT REPORT. (See attached as Exhibit E)

If you have any questions regarding this matter, please contact me at 520-247-3306.

Sincerely,

Craig R. Courtney, Manager

Kale Investment Company, LLC,

CC. G. Lawrence Schubart, Manager of Suki Investment Group, LLC,

TABLE OF CONTENTS FOR TIME EXTENSION REZONING CASE # P20CR00003 IN ORDINANCE 2021 – 12 RECORDED IN Seq. # 20121271033

- I. OWNERSHIP AND LETTER OF AUTHORIZATION
- II. PROPERTY DESCRIPTION

A.	Lot 6 Rezoning Case Information	(See Exhibit "A")
B.	Related Lot 5 Rezoning Case information	(See Exhibit "B")
C.	Magee Center Final Plat Information	(See Exhibit "C")
D.	Magee Center Development Plan Information	(See Exhibit "D")

- III. CIRCUMSTANCES CREATING DELAY IN MEETING TIME EXTENSION DEADLINE:
- IV. TIME EXTENSION REQUEST THROUGH JANUARY 5, 2031
- V. SITE PLAN.
- VI. TIME EXTENSION FEE.
- VII. BIOLOGICAL IMPACT REPORT. (See Exhibit "E")

Suki Investment Group, LLC, an Arizona limited liability company 5210 E. Williams Circle, Ste 720 Tucson, AZ 85710

May 12, 2025

Pima County Planning Division Development Services Department 201 North Stone Ave. 1st floor Tucson, Arizona 85701 Phone: 724-9000

Re: letter of authorization for Kale Investment Company, LLC to request a time extension for Lot 6 of Magee Center's rezoning Case # P20CR00003 on behalf of the Owner.

To Whom it may Concern:

I hereby certify that my company is the owner of Lot 6 of Magee Center; Parcel Code # 225-44-5770 (Property) and that Kale Investment Company, LLC located at 5151 North Oracle Rd., Suite 210 Tucson, AZ 85704 is our company's authorized agent to request and sign all necessary documentation on our behalf, as if it came directly from us, in order to initiate and complete a Time Extension Request for our Property referenced in Rezoning Case P20CR00003 and Ordinance 2021-12 recorded in Sequence # 20121271033. This authorization shall include but not be limited to Kale Investment Company being authorized to speak on our behalf and request and receive Development Service's documents it deems important in order to process this Time Extension in our name.

The persons representing Kale Investment Company will be Craig R. Courtney, its Manager. He can be reached at (520-247-3306) or by email at ccourtney7636@gmail.com.

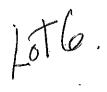
Thank you for your cooperation in this matter.

Sincerely,

G Lawrence Schubart, Manager

EXHIBIT "A"

FIRST TIME EXTENSION FOR REZONING CASE # P20CR00003 IN ORDINANCE 2021 – 12



GABRIELLA CÁZARES-KELLY, RECORDER

Recorded By: AMH

DEPUTY RECORDER

5010

P0230 PIMA CO CLERK OF THE BOARD PICKUP





SEQUENCE:

20211271033 6 05/07/2021 16:14:10

ORDINANCE 2021- 12

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY .88 ACRES OF PROPERTY (PARCEL CODE 225-44-5770) FROM TR (TRANSITIONAL) TO CB-2 (GENERAL BUSINESS) ZONE, IN CASE P20CR00003 SUKI INVESTMENT GROUP, LLC – W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING, LOCATED AT THE NORTHWEST CORNER OF W. MAGEE ROAD AND N. LA CHOLLA BOULEVARD, AND AMENDING PIMA COUNTY ZONING MAP NO. 115.

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

Section 1. The .88 acres located at the northwest corner of W. Magee Road and N. La Cholla Boulevard and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 115, is rezoned from the TR (Transitional) to the CB-2 (General Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

- 1. The property owner shall not further lot split or subdivide residential property without the written approval of the Board of Supervisors.
- 2. Transportation conditions:
 - A. Adherence to a development agreement for assessment and payment of all non-residential impact fees.
 - B. A traffic impact study will be required at time of development or building plan submittal to determine if mitigation is needed. Any mitigation required by the Traffic Impact Study for higher trip generating uses such as drive thru restaurants, convenience store and gasoline station will be the responsibility of the Owner(s)/Developer of any Magee Center properties.
 - C. Access and maintenance agreements shall be required between the rezoning and adjacent properties:
 - D. No additional access to Magee Road is allowed from the site.
- 3. Flood Control condition: A drainage plan requiring on site detention and first flush retention for Lots 5 and 6 shall be designed and approved by Pima County Regional Flood Control District to mitigate the 100 year peak discharge.
- 4. Wastewater conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the plan amendment/rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the plan amendment/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

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P20CR00003

time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

C. The owner(s) shall time all new development within the plan amendment/rezoning area to coincide with the availability of treatment and conveyance capacity in the

downstream public sewerage system.

D. The owner(s) shall connect all development within the plan amendment/rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan amendment/rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout,

sewer construction plan or request for building permit.

F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the plan amendment/rezoning area.

5. Environmental Planning conditions: 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.

6. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

7. Lot 5 and 6 shall be developed as an integrated site and subject to general adherence to the preliminary development plan for Lot 5 from Resolution 2020-061 as approved at

public hearing (Exhibit B).

8. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.

9. The use of the property is limited to restaurants with or without a bar and CB-1 zone uses except for automotive related uses other than retail sales and fueling bays, 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.

Page 2 of 6

The property owner shall execute the following disclaimer regarding Proposition 207 11. 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(1)."

Section 3. Time limits of conditions. Conditions 1 through 11 of Section 2 shall be completed no later than January 5, 2026.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

Passed	and adopted by	the Board of Supervisors of Pima County, Arizona, on this 4th day
of	Masz	2021

MAY 0 4 2021

Supervisors Chair, Pima County

ATTEST:

APPROVED AS TO FORM:

Deputy County Attorney

APPROVED:

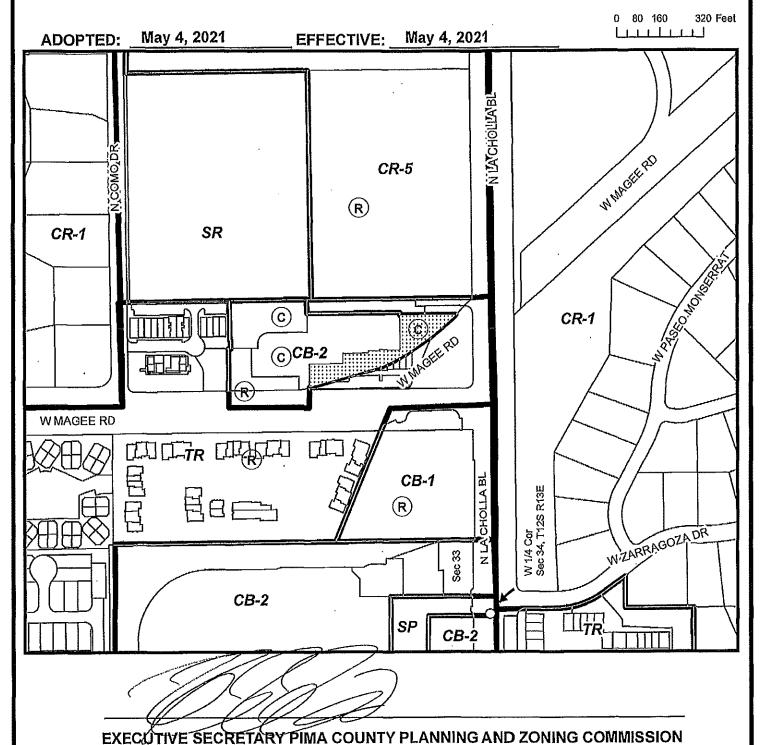
Executive-Secretary

Planning and Zoning Commission

EXHIBIT A

AMENDMENT.NO. 84 BY ORDINANCE NO. 2021-12
TO PIMA COUNTY ZONING MAP NO. 115 TUCSON AZ. LOT 6 OF MAGEE CENTER II BEING A PART OF SECTION 33 T12S R13E.



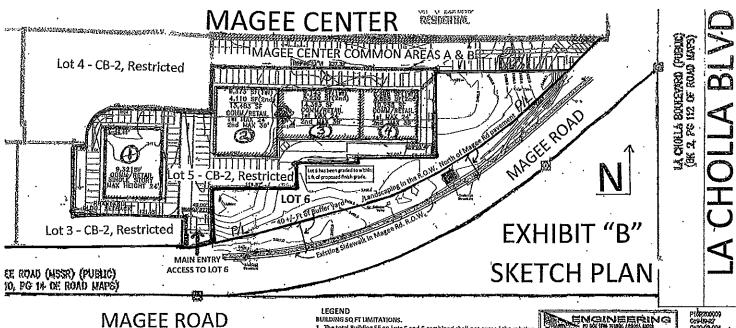


(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE

FROM TR .88 ac ds-March 5, 2021



P20CR00003 225445770



NOTE:

LOT 5 ZONING SQ FT

APPROVED RETAIL, RESTAURANT & OFFICE

Pad 1-9,321 SF

Pad 2-13,483 SF

LOT 5'S PADS 2, 3, & 4 (Adjacent to Lot 6)

= ~ 38,002 SF OF TOTAL BUILDING AREA

Pad 3 - 14,363 SF Pad 4 - 10,256 SF

= ~ 24,914 SF 1ST FLOOR

TOTAL 47.423 SF = ~ 13,188 SF 2ND FLOOR 1. The total Building SF on Lots 5 and 6 combined shall not exceed the existing approved Building SF for tot 5's Preliminary Development Plan (PDP), 2. Any Building SF placed on Lot 6 shall be deducted first from Lot 5's 2" floor, and 3. The maximum building height on Lot 6 shall be 24 feet.

INCREASED ON-SITE FLOOD CONTROL MEASURES

if Lot & Is rezoned per the Applicant's request, then the development of Lot 5 requiring only on-site detention to reduce the undeveloped 10-year peak discharge at each outlet in Magee Rd. shall be combined with Lot 6 to mitigate the 100-year peak discharge.

1. Buffer yard(s)

Not required per the following:

- a. North line of Lot 6 abuts Lot 5 and Magee Center Common Area, and b. The Buffer yard requirement on the south line of Lot 6 adjacent to
- Magee Rd. is waived per the attached Development Agreement with Pima County recorded on July 25, 2011 in Seq # 20112060714.
- 2. <u>Building setbacks</u>

Per the attached April 5, 2011 Zoning Administrator Letter Agreement:

a. Front yard -- La cholla Blvd -- 15 ft., and

b. Rear yard - Como Orive - 10 ft.

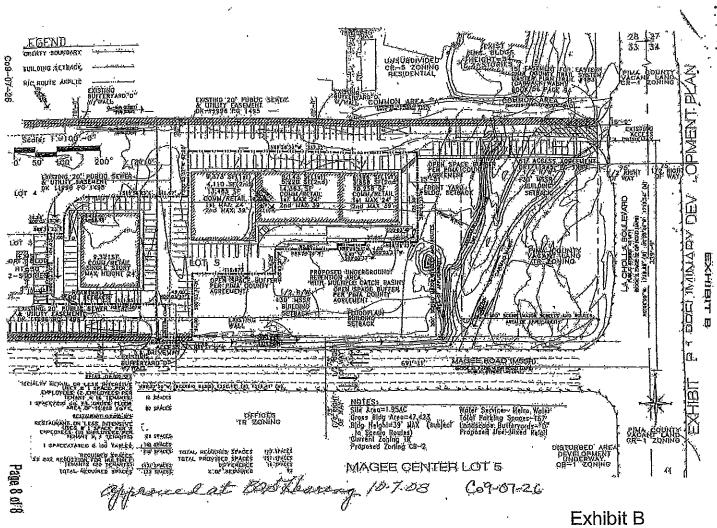
ENGINEERING

P107200009 009-09-22 0020-03-004 P1302-049 P18FP00029

FINAL PLAT

MAGEE CENTER II, LOTS 1-8, COMMON AREA A (PRIVATE STREETS, UTILITIES, DRAINAGE; & PARKING) AND COMMON AREA IS (PRIVATE STREETS, UTILITIES, DRAINAGE, & PARKING)

Exhibit B Page 5 of 6



生产衰退的 每点变形法

Exhibit B
Page 6 of 6

EXHIBIT "B"

Related Lot 5 Rezoning Case information

SECOND LOT 5 TIME EXTENSION

RESOLUTION 2023 -55 For Rezoning Case # Co9-07-026

Ordinance 2009-4

20232960123

RES 10/23/2023 10:18:55 AM Page: 1 of 6 Gabriella Cázares-Kelly Recorder OFFICIAL RECORDS OF PIMA COUNTY, AZ

RESOLUTION 2023- 55

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-26 LAWYERS TITLE OF AZ TR 7992-T - MAGEE ROAD #2 REZONING; LOCATED ON THE NORTHWEST CORNER OF W. MAGEE ROAD AND N. LA CHOLLA BOULEVARD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2009-04 AS AMENDED BY RESOLUTION NO. 2020-61.

The Board of Supervisors of Pima County, Arizona finds that:

- 1. On October 7, 2008, in rezoning case Co9-07-26, the Pima County Board of Supervisors approved the rezoning of approximately 1.95 acres located on the northwest corner of W. Magee Road and N. La Cholla Boulevard, as shown on Exhibit A, from the TR (Transitional) to the CB-2 (General Business) zone, subject to standard and special conditions.
- On January 13, 2009, the Pima County Board of Supervisors adopted rezoning Ordinance 2009-04, as recorded in Docket 13478 at Page 2815, rezoning the approximate 1.95 acres described in rezoning case Co9-07-26 and memorializing the standard and special conditions.
- 3. The owner of the rezoning site applied for two consecutive five-year extensions of the time limit set forth in Section 3 of Ordinance 2009-04.
- 4. On May 19, 2020, the Pima County Board of Supervisors denied closure of the rezoning and approved two consecutive five-year time extensions, subject to modified standard and special conditions;
- 5. On August 17, 2020, the Pima County Board of Supervisors adopted rezoning Resolution No. 2020-61, recorded at Sequence 20202400226, memorializing the new rezoning time limit and modified standard and special conditions.
- 6. The owner of the rezoning site applied for a five-year extension of the time limit as set forth in Section 3 in Ordinance 2009-04, as amended by Resolution 2020-61;
- 7. On July 11, 2023, the Pima County Board of Supervisors approved a five-year extension subject to modified standard and special conditions.
- 8. Section 3 of Ordinance No. 2009-04, as amended by Resolution No. 2020-61 allows the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2009-04, as amended by Resolution No. 2020-61, are restated and modified as follows:

1. There shall be no further lot splitting or subdividing of residential development without the

written approval of the Board of Supervisors.

- 2. Transportation conditions:
 - A. Adherence to a development agreement for assessment and payment of all non-residential impact fees.
 - B. Traffic Impact Study will be required if there is a substantial change that results in an increase in the buildable square footage over the current approved Preliminary Development Plan or there is not a sufficient reduction in the approved buildable area to accommodate a more intense parking use so as not to exceed the allowable building area under the current rezoning, based on a combined Development Plan for the subject property and the remnant parcel. Any Traffic Impact Study, whether it contains any portion of the Magee Center properties, including one from the adjacent development utilizing the Magee Center access point on Magee Road, that determines off-site improvements are necessary, will not be the responsibility of the Owner(s)/Developer(s) of any Magee Center properties.
 - Access and maintenance agreements shall be required between the rezoning and adjacent properties.
- 3. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The site is required to provide first flush retention of the first 0.5 inch of rainfall. In addition, the site is required to provide on-site detention to reduce the developed 10-year peak discharge to the undeveloped 10-year peak discharge at each outlet. However, should the adjacent Lot 6 be rezoned, the development of these two properties will be required to mitigate the 100-year peak discharge.
 - C. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- 4. Wastewater Reclamation conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the

tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. The property-owner(s)/developer(s) 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. On site wastewater disposal shall not be allowed.

6. 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.

7. The property owner(s) shall execute the following disclaimer regarding the Private Property Rights Protection Act Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

8. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (Pennisetum ciliare) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the any future property owner.

9. The owner(s)/developer(s) shall adhere to the <u>Preliminary Development</u> site <u>Plan</u> as approved at public hearing (EXHIBIT B). The property shall be allowed CB-2 zoning uses for restaurants with associated bars. All other uses shall be restricted to CB-1 zoning uses. Automotive-related uses, drive-through restaurants and stand-alone bars without restaurant facilities are prohibited.

10. The maximum height of the west building shall be limited to 24 feet above the average grade within the site. The maximum height of the east building shall be limited to 34 feet above the average grade within the site including architectural features. This project will be subject to noise, odor and light trespass plans in accordance with Sections 18.39.030C.4, 5, 6 and 7.

Section 2. The time limit in Section 3 of Ordinance 2009-04, as amended by Resolution No. 2020-61 is amended and extended as follows:

1. Conditions 1 through 10 shall be completed by October 7, 2023 2028.

Section 3. The rezoning conditions may be amended or walved by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this 1/th day of _	October	_, 2023.
	Adeleta S. Grya	lva OCT 17 2023
·	Chair, Pima County Board of	Supervisors
ATTEST:		
Clerk, Board of Supervisors		
ADDDOVED AS TO EODM,		

Jacob Kavkewitz

Executive Secretary

Planning and Zoning Commission

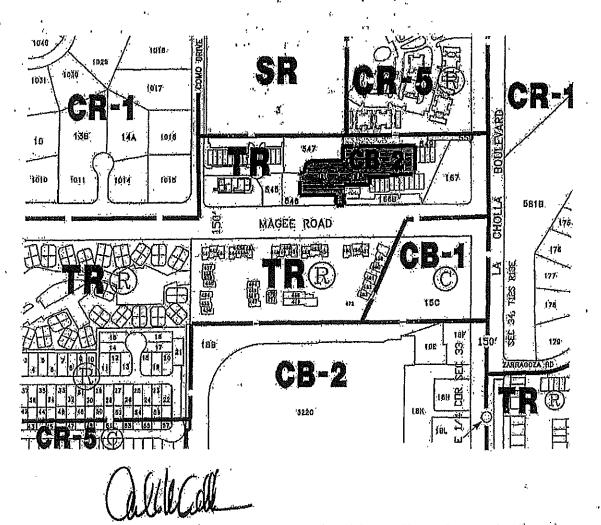
AMENDMENT NO. 78

TO PIMA COUNTY ZONING MAP NO. 115 TUCSON, ARIZONA, LOT 5 OF MAGED CENTER, BEING A PART OF THE SE 1/4

OF THE NE 1/4 OF SECTION 30, TISS, RIGE.



'ADDPTED JANUARY 13, 2009 EFFECTIVE JANUARY 13, 2009



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS VITHOUT CERTIFICATE OF COMPLIANCE FROM TR 1.95 oc± PJ-DECEMBER 4, 2008 Co9-07-026 Co7-03-11 Co9-69-27 REF 225-44-5480

Page 5 of 6

FIRST TIME EXTENSION RESOLUTION 2020-61

FOR

REZONING CASE # Co 9-07-026

ORDINANCE 2009 - 4

F. ANN RODRIGUEZ, RECORDER Recorded By: LW

DEPUTY RECORDER

P0230

PIMA CO CLERK OF THE BOARD PICKUP





NO. PAGES:

20202400226 08/27/2020

10:58:51

RESOLUTION 2020-61

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-26 LAWYERS TITLE OF AZ TR 7992-T - MAGEE ROAD #2 REZONING; LOCATED ON THE NORTHWEST CORNER OF W. MAGEE ROAD AND N. LA CHOLLA BOULEVARD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE 2009-4.

The Board of Supervisors of Pima County, Arizona finds that:

- 1. On October 7, 2008, in rezoning case Co9-07-26, the Pima County Board of Supervisors approved the rezoning of approximately 1.95 acres located on the northwest corner of W. Magee Road and N. La Cholla Boulevard, as shown on Exhibit A, from TR (Transitional) to CB-2 (General Business), subject to standard and special conditions.
- 2. On January 13, 2009, the Plma County Board of Supervisors adopted rezoning Ordinance 2009-4, as recorded in Docket 13478 at Page 2815, rezoning the approximate 1.95 acres described in rezoning case Co9-07-26 and memorializing the standard and special conditions.
- The owner of the rezoning site applied for two consecutive five-year extensions of 3. the time limit set forth in Section 3 of Ordinance 2009-4.
- On May 19, 2020, the Pima County Board of Supervisors denied closure of the 4. rezoning and approved two consecutive five-year time extensions, subject to modified standard and special conditions.
- 5. Section 3 of Ordinance 2009-4 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2009-4 are restated and modified as follows:

- Submittal of a development plan if determined necessary by the appropriate County agencies.
- Recording of a covenant helding Pima County harmless in the event of flooding.
- Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- Provision—of development related assurances as required by the appropriate agencies.
- 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 Service Department, Document Services.

61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

72. Transportation conditions:

- A. Prior to approval of a development plan or revised subdivision plat, the owner(s)/developer(s) shall be required, by covenant, to participate in an improvement district for improvements for Magee Read and La Cholla Beulevard, or if no improvement district is formed, then appropriate impact fees shall apply. Adherence to a development agreement for assessment and payment of all non-residential impact fees.
- If Pima County's improvements to Magee Road and/or La Cholla Boulevard B. have not been initiated prior to the property-owner(s)/developer(s) starting construction on the first building within the rezoned property, then the property-owner(s)/developer(s) shall provide offsite improvements to Magee Road or La Cholla-Boulevard as determined necessary by the Pima-County Department of Transportation. Traffic Impact Study will be required if there is a substantial change that results in an increase in the buildable square footage over the current approved Preliminary Development Plan or there is not a sufficient reduction in the approved buildable area to accommodate a more intense parking use so as not to exceed the allowable building area under the current rezoning, based on a combined Development Plan for the subject property and the remnant parcel. Any Traffic Impact Study, whether it contains any portion of the Magee Center properties, including one from the adjacent development utilizing the Magee Center access point on Magee Road, that determines off-site improvements are necessary, will not be the responsibility of the Owner(s)/Developer(s) of any Magee Center properties.
- Access and maintenance agreements shall be required between the rezoning and adjacent properties.

83. Flood Control conditions:

A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

B. This development shall meet Critical Basin detention and retention requirements. The site is required to provide first flush retention of the first 0.5 inch of rainfall. In addition, the site is required to provide on site detention to reduce the developed 10-year peak discharge to the undeveloped 10-year peak discharge at each outlet. However, should the adjacent Lot 6 be rezoned, the development of these two properties will be required to mitigate the 100-year peak discharge.

The property ewner(s)/developer(s) shall provide necessary on site and offsite drainage improvements at no cost to Plma County and as required by the
Pima County Regional Flood Control District including but not limited to
everflew facilities for the proposed water harvesting elsterns. At the time of
development the developer shall be required to select a combination of Water
Conservation Measures from Table B such that the point total equals or
exceeds 15 points and includes a combination of indoor and outdoor
measures.

94. Wastewater Reclamation conditions:

A. The owner(s)/developer(s) shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the

rezening area. The owner(s)/developer(s) shall-also bring all existing public sewer easements (and/or public utility easements containing public sewer lines) within the rezening area into accordance with the most recent Pima County Regional Wastewater Reclamation Department standards for such easements, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezening area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.

B. The owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

C, The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

405. The property owner(s)/developer(s) 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. On-site wastewater disposal shall not be allowed.

446. 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.

127. The property owner(s) 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 allsuch rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The developer(s) shall submit an Invasive Plant Eradication Plan as part of the 438. Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed

below-

Invasive Non-Native Plant Species Subject to Control: Allanthus altissima Tree of Heaven
Alhagi pseudalhagi Camelthorn Alhagi pseudalhagi Arundo-donax Glant reed Brassica tournefortil Sahara mustard Bromus-rubons Red brome Bromus-tectorum--Cheatgrass Contauroa-melltonsis Malta-starthistle Centaurea solstitalis Yellow starthistle Cortadoria spp. Pampas grass Bermuda grass (excluding sod hybrid) Cynodon-dactylon-Digitaria-spp. - Crabgrass Elaoagnus angustifolia Russian-olive Lovegrass (excluding E. Intermedia, plains Eragrostis spp. lovegrass) Melinis repens Natal grass Mesembryanthemum spp. lceplant

Poganum harmala African-rue Pennisetum ciliare -Buffelgrass Pennisetum-setaceum-- Fountain grass African sumac Rhus lancea Russian-thistle Salsola-spp. Schismus arabicus ——Arabian-grass Schismus barbatus Mediterranean grass Sorghum-halepense Johnson grass -Tamarisk Tamarix spp.

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (Pennisetum ciliare) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce

this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s)-shall record a cevenant, to run with the land, memorializing the terms of this condition.

with the land, memorializing the terms of this condition.

The owner(s)/developer(s) shall adhere to the site plan as approved at public hearing (EXHIBIT B). The property shall be allowed CB-2 zoning uses for restaurants with associated bars. All other uses shall be restricted to CB-1 zoning uses. Automotive-related uses, drive-thru through restaurants and stand-alone bars without restaurant facilities are prohibited.

4510. The maximum height of the west building shall be limited to 24 feet above the average grade within the site. The maximum height of the east building shall be limited to 34 feet above the average grade within the site including architectural features. This project will be subject to noise, odor and light trespass plans in

accordance with Sections 18.39,030C.4, 5, 6 and 7,

Section 2, Section 3 of Ordinance No. 2009-4 is restated and modified as follows:

- 1. Conditions 1 through 4510 shall be completed no later than October 7, 20132023.
- 2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
- 3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 4510 are satisfied and the Planning Official issues a Certificate of Compliance.
- 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this 17th day of August , 2020.

Chairman, Pima County Board of Supervisors

AUG 17.2020

Clerk of the Board

410 SIV

APPROVEDAS TO FORM:

Deputy County Attorney

Lesley M. Lukach

ATTES

Executive Secretary
Planning and Zening Commission

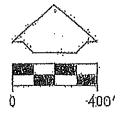
AMENDMENT NO. 78

BY DRDINANCE NO. 2009-4

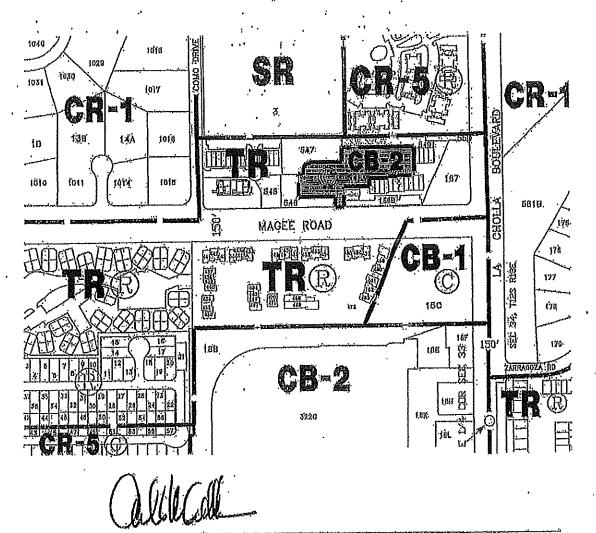
TO PIMA COUNTY ZENING MAP NO. 115 TÜCSON, ARIZONA.

LOT 5 OF MAGEE CENTER, BEING A PART OF THE SE 1/4

OF THE NE 1/4 OF SECTION 39, TIES, RISE.



'ADOPTED JANUARY 13, 2009 EFFECTIVE JANUARY 13, 2009



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM TR 1.95 ac± PJ-DECEMBER 4, 2008

Co9-07-026 Co7-03-11 Co9-69-27 REF 225-44-5480

Page 7 of 8

THE BY BY

REZONING CASE ORDINANCE 2009-4

RECORDED BY: LAM

DEPUTY RECORDER 6545 A82

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Pima co clerk of the board



DOCKET: 13478 PAGE: 2815

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ORDINANCE 2009-

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 225-44-5480) OF APPROXIMATELY 1.95 ACRES FROM TR (TRANSITIONAL) TO CB-2 (GENERAL BUSINESS) IN CASE Co9-07-26 LAWYERS TITLE OF AZ TR 7992-T - MAGEE ROAD #2 REZONING: LOCATED ON THE NORTHWEST CORNER OF MAGEE ROAD AND LA CHOLLA BOULEVARD; AMENDING PIMA COUNTY ZONING MAP NO. 115.

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

Section 1. The 1.95 acres, located on the northwest corner of Magee Road and La Cholla Boulevard, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 115 Is hereby rezoned from TR (Transitional) to CB-2 (General Business).

Section 2. Rezoning Conditions.

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.
- 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, Document Services.
- 6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

Co9-07-26

Page 1 of 7 Page 1 of 7 12/15/2010 4:06 PM

5. EXHIBIT C1- Lot 5's 2009 Rezoning, Site Plan, and Building Envelopes

- A. Prior to approval of a development plan or revised subdivision plat, the owner(s)/developer(s) shall be required, by covenant, to participate in an improvement district for improvements for Magee Road and La Cholla Boulevard, or if no improvement district is formed, then appropriate impact fees shall apply.
- B. If Pima County's improvements to Magee Road and/or La Cholla Boulevard have not been initiated prior to the property owner(s)/ developer(s) starting construction on the first building within the rezoned property, then the property owner(s)/developer(s) shall provide offsite improvements to Magee Road or La Cholla Boulevard as determined necessary by the Pima County Department of Transportation.
- C. Access and maintenance agreements shall be required between the rezoning and adjacent properties.

8. Flood Control conditions:

- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
- B. This development shall meet Critical Basin detention and retention requirements.
- C. The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District including but not limited to overflow facilities for the proposed water harvesting elsterns.

9. Wastewater Management conditions:

- A. The owner(s)/developer(s) shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area. The owner(s)/developer(s) shall also bring all existing public sewer easements (and/or public utility easements containing public sewer lines) within the rezoning area into accordance with the most recent. Pima County Regional Wastewater Reclamation Department standards for such easements, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.
- B. The owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation

13478 02816

Department and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

- 10. The property owner(s)/developer(s) 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. On-site wastewater disposal shall not be allowed.
- 11. 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.
- 12. The property owner(s) 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(1)."
- 13 The developer(s) shall submit an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below.

Invasive Non-Native Plant Species Subject to Control:

Allanthus altissima

Tree of Heaven

Alhagi pseudalhagi Arundo donax

Camelthorn Giant reed

Brassica tournefortii

Sahara mustard Red brome

Bromus rubens Bromus tectorum

Cheatgrass Malta starthistle

Centaurea melltensis Centaurea solstitalis

Yellow starthistle Pampas grass

Cortaderia spp. Cynodon dactylon

Bermuda grass (excluding sod hybrid)

Digitaria spp.

Crabgrass Russian olive

Elaeagnus angustifolia Eragrostis spp.

Lovegrass (excluding E. intermedia, plains lovegrass)

Melinis repens

Natal grass

Mesembryanthemum spp. Iceplant

Peganum harmala

African rue

Pennisetum ciliare Pennisetum setaceum Rhus lancee

Fountain grass African sumac Russian thistle Arabian grass

Buffelgrass

Schismus arabicus Schismus barbatus

Salsola spp.

Mediterranean grass

Sorghum halepense Tamarix spp.

Johnson grass Tamarisk

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

- 14. The owner(s)/developer(s) shall adhere to the site plan as approved at public hearing (EXHIBIT B). The property shall be allowed CB-2 zoning uses for restaurants with associated bars. All other uses shall be restricted to CB-1 zoning uses. Automotive-related uses, drive-thru restaurants and stand alone bars without restaurant facilities are prohibited.
- The maximum height of the west building shall be limited to 24 feet above the average grade within the site. The maximum height of the east building shall be limited to 34 feet above the average grade within the site including architectural features. This project will be subject to noise, odor and light trespass plans in accordance with Sections 18.39.030C.4, 5, 6 and 7.

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

- 1. Conditions 1 through 15 shall be completed by October 7, 2013.
- 2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
- 3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 15 are satisfied and the Planning Official Issues a Certificate of Compliance.
- 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

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

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this 13th day of _______, 2009.

Chairman of the Board of Supervisors

JAN 13 2009

ATTEST

Clerk, Board of Supervisors

APPROVED AG TO FORM:

Deputy County Attorney

Andrew Flagg

Executive Secretary,

Planning and Zoning Commission

EXHIBIT A.

AMENDMENT NO. 78

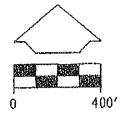
BY ORDINANCE NO. 2009-4

TO PIMA COUNTY ZONING MAP NO. 115

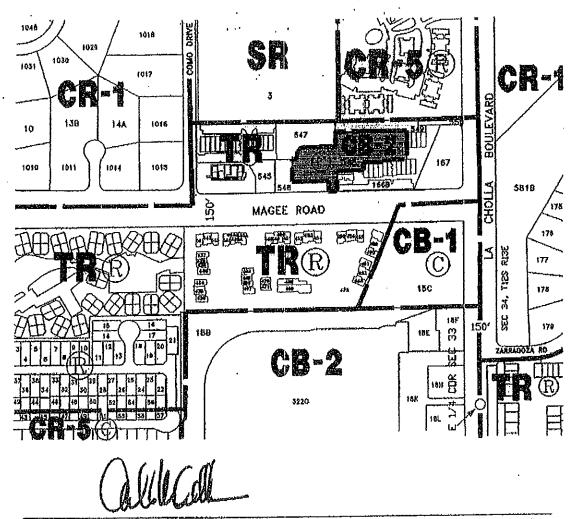
TUCSON; ARIZONA.

LOT 5 OF MAGEE CENTER, BEING A PART OF THE SE 1/4

OF THE NE 1/4 OF SECTION 33, T12S, R13E.



' ADOPTED JANUARY 13, 2009 EFFECTIVE JANUARY 13, 2009



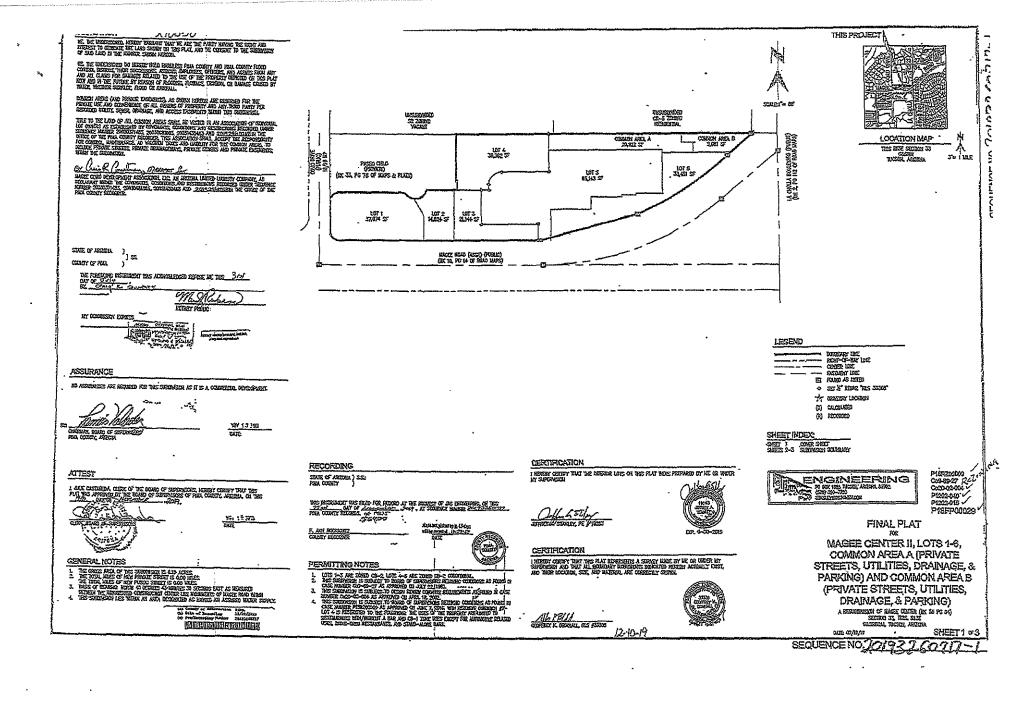
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

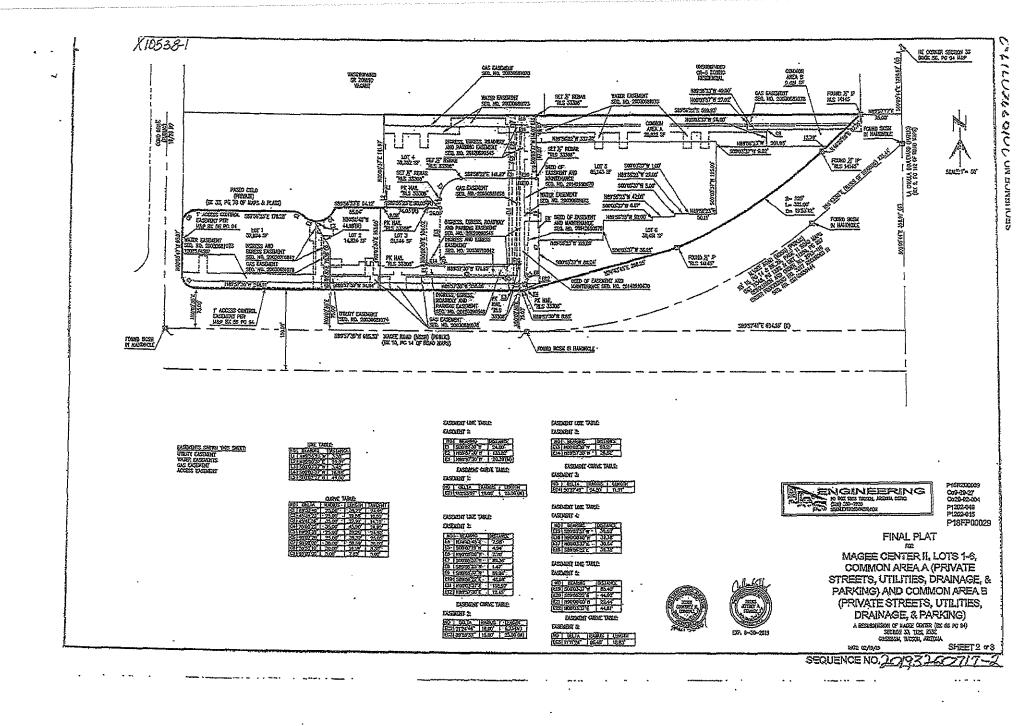
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM TR 1.95 $\alpha_{\rm C}\pm$ PJ-DECEMBER 4, 2008

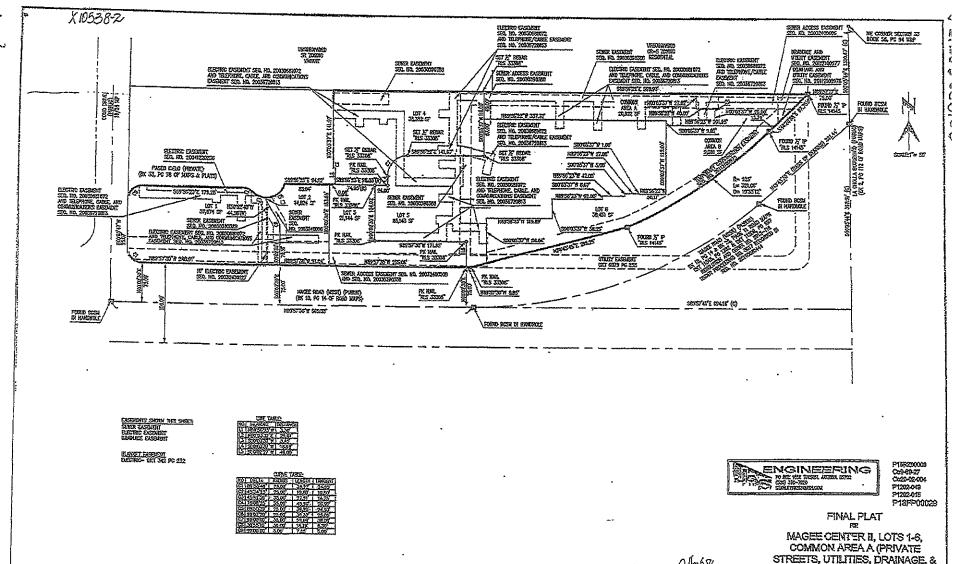
Co9-07-026 Co7-03-11 Co9-69-27 REF 225-44-5480

> Page 6 of 7 PG 6 10/776120710 4:05 PM

EXHIBIT "C" Magee Center Final Plat Information











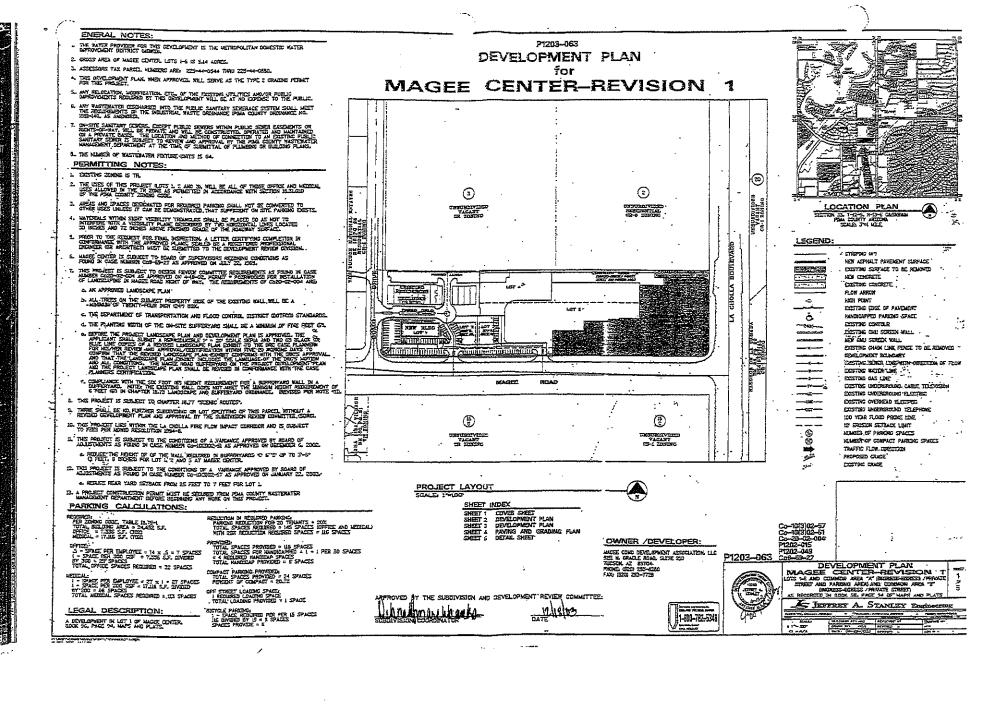
MAGEE CENTER II, LOTS 1-6, COMMON AREA A (PRIVATE STREETS, UTILITIES, DRAINAGE, & PARKING) AND COMMON AREA B (PRIVATE STREETS, UTILITIES, DRAINAGE, & PARKING) A RESUMMENT OF WARE CORD (N. SE PO 20)

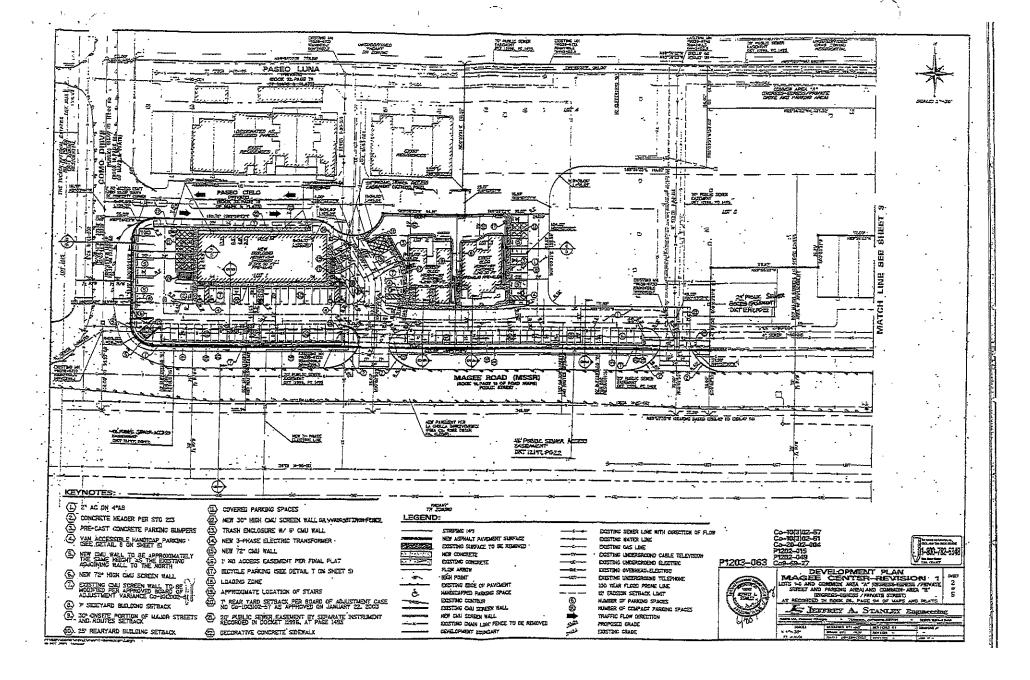
CASSELLA THESIX, ARRIGIA CASE 00/10/10 SPIEET 3 00 8

SEQUENCE NO. 2019.3260717-3

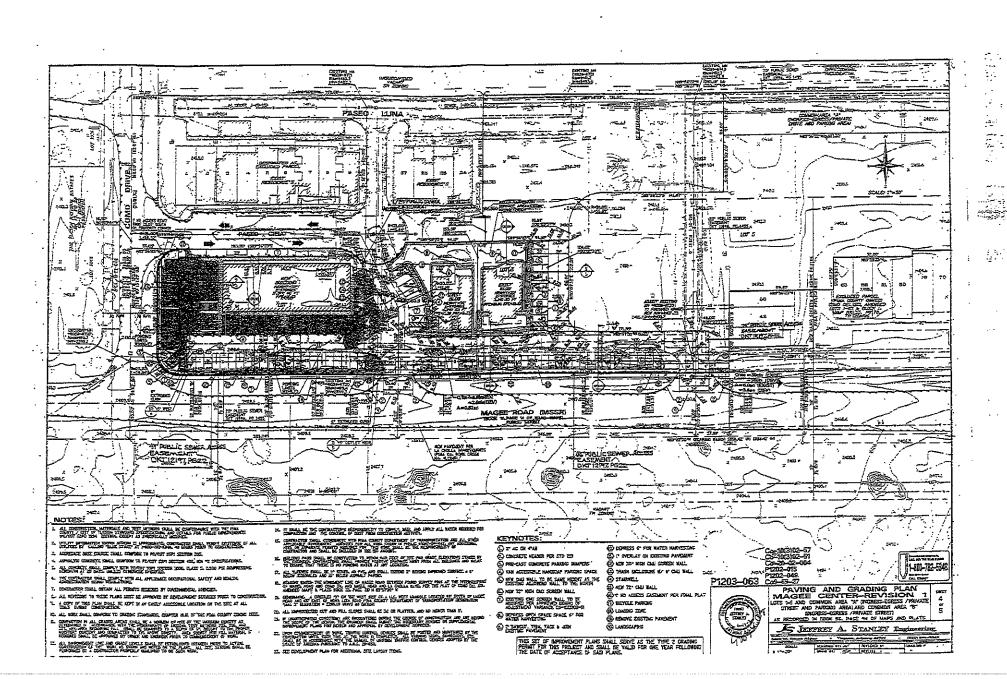
EXHIBIT "D"

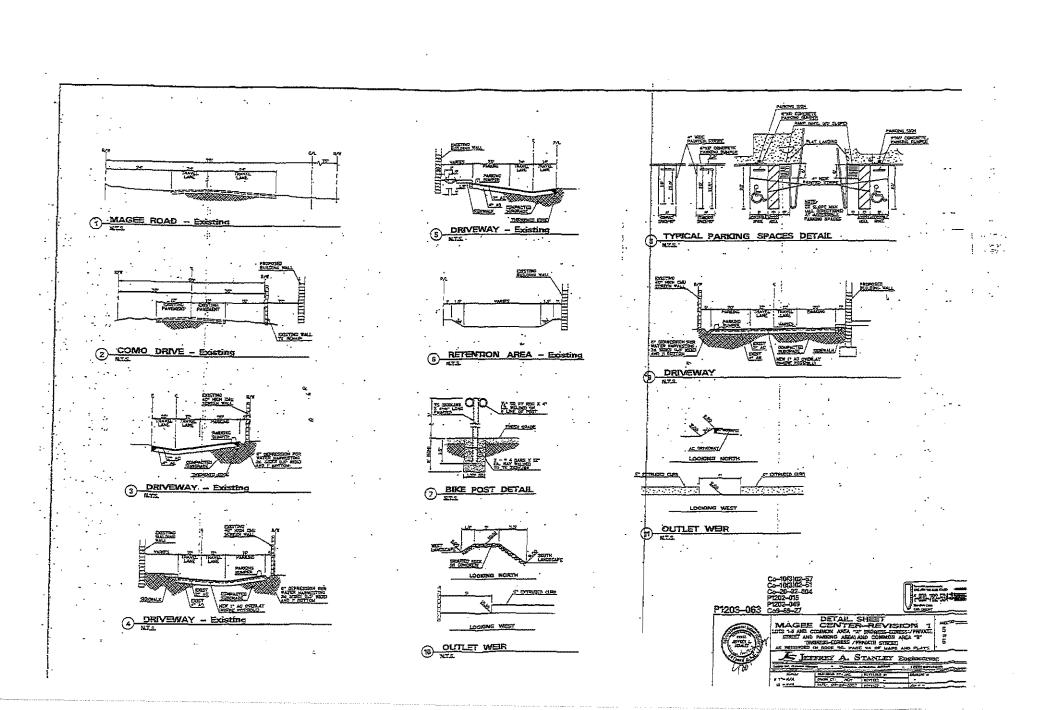
Magee Center Development Plan Information





UMSUBDAYEDE VAÇANT CR-1 ZOMING SHEET MAGEE ROAD (MSSR) 150 DEVELOPMENT PLAN MAGEE CENTER-REVISION OF 15 AND COMMON AREA TO NOTICE OF THE AND COMMON AREA TO NO E PLANT 7





s (s)

EXHIBIT "E"

BIOLOGICAL IMPACT REPORT



DEVELOPMENT SERVICES

201 N. Stone Avenue, 2nd Floor Tucson, AZ 85701-1207 (520) 724-9000

Biological Impact Report

(Not Applicable for Rezonings that Require a Site Analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

This report will include information provided by both Pima County Planning staff (Part I) as well as the applicant (Part II).

Part I. Information Provided by Pima County staff:

Pima County Planning staff will provide the following information for the proposed project site, as applicable:

- 1. Is the project located in the Maeveen Marle Behan Conservation Lands System? No Any Special Species Management Areas? No
- 2. Is the project in the vicinity of any of the six Critical Landscape Linkages? //o
- 3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property? 700
- 4. Is the project located within the Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl >/e≤
 - b. Western burrowing owl
 - c. Pima pineapple cactus
 - d. Needle-spined pineapple cactus 📈 🗸

Part II. Information Provided by the Applicant:

1.	Has the owner of the project site had any communications with Pima County about the County potentially acquiring the property? NO
	If yes, provide a summary of those communications:



2. Several species are of particular interest. Please fill out the following table to the best of your ability.

Species	Ever found on project site?	Date of last observation if found on project site?	Future surveys planned?
Cactus ferruginous pygmy owl	10		AND THE PERSONAL PROPERTY OF THE PERSONAL PROP
Western burrowing owl	N 0		Company of the Compan
Pima pineapple cactus	N.0		
Needle-spined pineapple cactus	No		

Contact the Office of Sustainability and Conservation at 520-724-6940 if you have any questions about this report.

ANSWERED for Soki Investment Group



ENTITY INFORMATION

Search Date and Time: 5/14/2025 9:51:08 AM

Entity Details

Entity Name: SUKI INVESTMENT GROUP, LLC

Domestic LLC

Formation Date: 10/22/2019

Approval Date: 10/30/2019

Original Incorporation Date: 10/22/2019

Entity Type:

Business Type: Any legal purpose

Domicile State: Arizona

Entity ID: 23031210

Entity Status: Active

Reason for Status: In Good Standing

> Status Date: 10/30/2019

Life Period: Perpetual

Last Annual Report Filed:

Annual Report Due Date:

Years Due:

Original Publish Date:

Statutory Agent Information

Name: G. LAWRENCE SCHUBART Appointed Status:

Active 4/28/2025

Attention: Address:

5210 E. WILLIAMS CIRCLE, SUITE 720, TUCSON, AZ 85711, USA

Agent Last Updated: Attention:

4/28/2025

E-mail:

Mailing Address:

5210 E. WILLIAMS CIRCLE, SUITE 720,

TUCSON, AZ 85711, USA

County: Pima

Principal Information



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