



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 6/7/2022

**= Mandatory, information must be provided*

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

***Title:**

ORDINANCE: P21RZ00017 THALMA LLC – W. INA ROAD REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on January 18, 2022.

***Discussion:**

The rezoning was from CR-1 (Single Residence) to TR (Transitional) zoning on approximately .83 acres to allow an 1,160 square-foot expansion to the existing Wellness and Beauty Rejuvenation Center operating under a Type I Conditional Adaptive Reuse permit.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

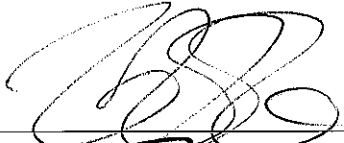
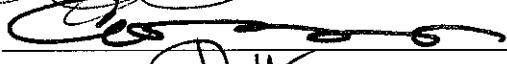

0

***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services - Planning Telephone: 520-724-8800

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature:		Date: <u>5/16/22</u>
Deputy County Administrator Signature:		Date: <u>5/17/2022</u>
County Administrator Signature:		Date: <u>5/17/2022</u>



Subject: P21RZ00017

Page 1 of 1

JUNE 7, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director *Tom Draczgowski*
Public Works-Development Services Department-Planning Division
DATE: May 17, 2022

ORDINANCE FOR ADOPTION

P21RZ00017 THALMA LLC – W. INA ROAD REZONING

Owners: Thalma LLC
(District 1)

If approved, adopt ORDINANCE NO. 2022 - _____

OWNERS: Thalma LLC
Attn: Thomas Boyle & Alma Cervantes
6159 N. Campo Abierto
Tucson, AZ 85718

AGENT: Thomas Boyle
6159 N. Campo Abierto
Tucson, AZ 85718

DISTRICT: 1

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

STAFF RECOMMENDATION: APPROVAL

TD/TT
Attachments

c: Thomas Boyle

ORDINANCE 2022-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY .83 ACRES OF PROPERTY (PARCEL CODE 225-49-3050, ADDRESSED AS 1102 W. INA ROAD) FROM THE CR-1 (SINGLE RESIDENCE) ZONE TO TR (TRANSITIONAL) ZONE, IN CASE P21RZ00017 THALMA LLC – W. INA ROAD REZONING, LOCATED ON THE NORTH SIDE OF W. INA ROAD, APPROXIMATELY ONE-HUNDRED AND SEVENTY FEET EAST OF THE T-INTERSECTION OF N. LEONARDO DAVINCI WAY AND W. INA ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 77.

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

Section 1. The .83 acres located on the north side of W. Ina Road, approximately 170 feet east of the T-intersection of N. Leonardo DaVinci Way and W. Ina Road, addressed as 1102 W. Ina Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 77, is rezoned from the CR-1 (Single Residence) to TR (Transitional) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation condition: An auxiliary right-turn lane warrant analysis shall be submitted for review and approval by the Department of Transportation with the Development Plan or Building Plan submittal. Offsite improvements determined necessary as a result of the auxiliary right-turn lane warrant analysis shall be provided by the property owner.
3. Regional Wastewater Reclamation conditions:
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public 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.
- 4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
 - 5. 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.
 - 6. Adherence to the sketch plan (Exhibit B) approved at public hearing.
 - 7. Hours of operation are limited to 9:00 am through 9:00 pm, Monday through Saturday.
 - 8. 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.
 - 9. The property owner shall execute the following disclaimer regarding the 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)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than January 18, 2027.

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 Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2022.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

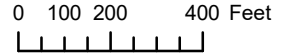
APPROVED:



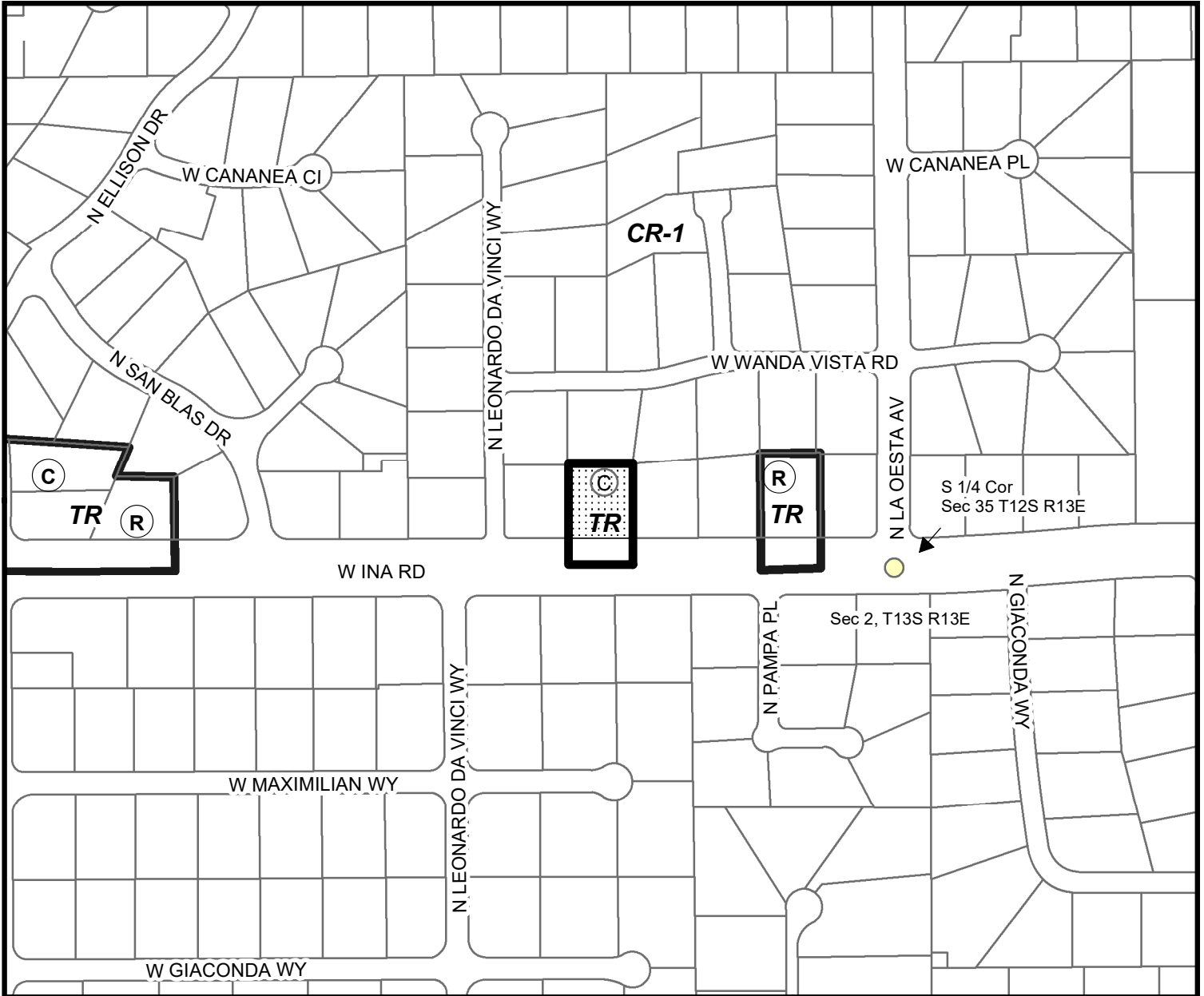
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 77 TUCSON AZ. LOT 27 OF
TANGERINE ACES BEING A PART OF THE SW 1/4 OF SECTION 35, T12S R13E.



ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

C NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM CR-1 0.83 ac
ds-February 17, 2022

P21RZ00017
225-49-3050



