



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 7/1/2025

**= Mandatory, information must be provided*

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

***Title:**

P19RZ00008 UNISOURCE ENERGY CORP. – N. LA CHOLLA BOULEVARD REZONING

***Introduction/Background:**

The applicant requests a five-year time extension. The 1.74-acre rezoning was from the SH (Suburban Homestead) to the CB-2 (General Business) zone, located approximately 270 feet south of W. River Road on the west side of N. La Cholla Boulevard. The rezoning was approved in 2020 and expired April 7, 2025.

***Discussion:**

The rezoning expired on April 7, 2025 and the five-year time extension is requested due to the COVID-19 pandemic impacts to retail, personal services and restaurant uses.

***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 for a 10,500 square foot commercial building with the following uses: coffee shop, tap room, hair salon, eyebrow services, massage, physical therapy and dance activities.

***Recommendation:**

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

***Fiscal Impact:**

0

***Board of Supervisor District:**

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Planning

Telephone: 724-6675

Contact: Donna Spicola, Planner II

Telephone: 724-9513

Department Director Signature: _____

[Signature] For

Date: _____

6/13/25

Deputy County Administrator Signature: _____

[Signature]

Date: _____

6/13/2025

County Administrator Signature: _____

Date: _____

6/16/2025



TO: Honorable Jennifer Allen, Supervisor, District 3

FROM: Chris Poirier, Director
Public Works-Development Services Department-Planning Division

DATE: June 10, 2025

SUBJECT: P19RZ00008 UNISOURCE ENERGY CORP. – N. LA CHOLLA BOULEVARD
REZONING

The above referenced **Rezoning Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JULY 1, 2025** hearing.

REQUEST: A **five-year time extension** for an approximate 1.74-acre rezoning from the SH (Suburban Homestead) to the CB-2 (General Business) zone, located approximately 270 feet south of W. River Road on the west side of N. La Cholla Boulevard, addressed as **5341 N. La Cholla Boulevard**. The subject site was rezoned in 2020 and expired April 7, 2025.

OWNERS: Plaza de Luna, LLC
Attn: Michael Baird
6600 E. Placita Alhala
Tucson AZ 85750

AGENT: Jeff Stanley
200 E. Yvon Drive
Tucson, AZ 85704

DISTRICT: 3

STAFF CONTACT: Donna Spicola, Planner II

PUBLIC COMMENT TO DATE: As of June 10, 2025, no public comment has been received.

STAFF RECOMMENDATION: **APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The entire site is located within the Maeveen Marie Behan Conservation Land System (CLS) classified as Important Riparian Area (IRA) and will require in-lieu fees for new areas of disturbance.

TD
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P19RZ00008

Page 1 of 5

JULY 1, 2025 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Director
Public Works-Development Services Department-Planning Division

DATE: June 10, 2025

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

P19RZ00008 UNISOURCE ENERGY CORP. – N. LA CHOLLA BOULEVEARD REZONING

Plaza de Luna, LLC, represented by Jeffrey Stanley, requests a **five-year time extension** for an approximate 1.74-acre rezoning from the SH (Suburban Homestead) to the CB-2 (General Business) zone, located approximately 270 feet south of W. River Road on the west side of N. La Cholla Boulevard, addressed as **5341 N. La Cholla Boulevard**. The subject site was rezoned in 2020 and expired April 7, 2025. Staff recommends **APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.

(District 3)

STAFF RECOMMENDATION

Staff recommends **APPROVAL of a five-year time extension** to April 7, 2030, for the 1.74-acre rezoning from the SH (Suburban Homestead) to the CB-2 (General Business) zone subject to modified standard and special conditions 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. In accordance with the 2016 Subdivision and Development Street Standards, a traffic memorandum is required at the permitting process. The memorandum should focus on determining if a right-turn lane is required for the site and the impact to existing bus stop location, queuing analysis for the proposed driveway and impacts to the driveway to the north. Coordination with Sun Tran is required to determine if relocation or improvement to the existing bus stop is necessary.
 - B. The property shall be limited to one (1) access point as depicted on the preliminary development plan (Exhibit B).
 - C. The design of the driveway shall be made to restrict vehicles from turning into existing southbound left-turn lane directly across from the proposed entrance.
 - D. Relocation/Removal of the existing guardrail shall be as determined by the

- Department of Transportation during the permitting process.
3. Regional Flood Control District conditions:
 - A. Fifty feet from the top of bank shall be dedicated, in fee, to the Pima County Regional Flood Control District.
 - B. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
 4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall 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 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. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current property owner.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome

Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
<u>Oncosiphon piluliferum</u>	<u>Stinknet</u>
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

6. Cultural Resources conditions: 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.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
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 ~~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. 2020-21 are essentially the same conditions other than current condition language updates to conditions #5 and #9.

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 April 7, 2030. 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 started in 2019 and during the rezoning process, the COVID-19 pandemic began and negatively impacted businesses. The intended use of the property is retail and restaurant uses which were more broadly impacted and interest rates soared to historic highs which added to the cost of construction. Because of the continued appropriateness of this rezoning along with the rezoning conditions and the approved preliminary development plan, staff recommends approval of the time extension.

The CB-2 rezoning was approved and proposed commercial development of a 10,500-square-foot building with the following uses; coffee shop, tap room, hair salon, eyebrow services, massage, physical therapy and dance activities. The proposed commercial building conforms to the portion of the parcel lying in the Neighborhood Activity Center (NAC) comprehensive plan designation which promotes lower-intensity commercial services, have direct pedestrian and bicycle access to the surrounding neighborhoods enhancing the mixed-use character of the activity center. The southern and westerly portion of the parcel has no planned development and is located within the Resource Sensitive (RS) comprehensive plan designation which promotes designs that blend with the surrounding natural desert and provides connectivity to environmentally sensitive linkages.

Even though the property is located within the Maeveen Marie Behan Conservation Lands System (CLS) category designated as Important Riparian Area, it appears that in 2009 the vegetative qualities of the site were denuded. This request proposes 9,117 square feet of new area disturbance. In-lieu fees will be required for any new areas of disturbance.

Staff find concurrency of infrastructure per reporting agencies subject to Regional Flood District requiring a 50-foot dedication from the top of the Rillito River for bank protection and maintenance access in accordance with Special Area Policy S-18B (Floodplain Management: Rillito Creek Overbank Storage) and Special Area Policy S-20 (Urban Floodplain). Department of Transportation will require a traffic memorandum to determine the need for a right-hand turn lane; the project shall connect to the public sewer system and Metro Water will evaluate future needs for water service.

Due to the continued appropriateness of the lower-intensity commercial services within the Flowing Wells Focused Development Investment Area along within implementation of the Arizona Growing Smarter Acts through public and private cooperation to efficiently develop and encourage the use of community infrastructure; and by providing employment and other essential services with safe environments to enjoy, staff supports the time extension along with the original and modified standard special conditions.

Denial of the time extension will cause the site to revert to unrestricted SH zoning which would not conform to the NAC portion of the plan designation. Closure of the rezoning would not preclude the possibility of a future rezoning.

TRANSPORTATION REPORT

The most recent traffic count for La Cholla Boulevard is 33,396 average daily trips (ADT) with a capacity of 53,910 ADT. The most recent traffic count for River Road is 27,994 ADT with a traffic capacity of 35,820 ADT. The proposed development will not significantly impact the capacity of these roadways. There are no scheduled roadway projects in the vicinity of the site.

The Department of Transportation has no objection to this rezoning time extension and recommends approval subject to the Transportation conditions #2A-D approved under Ordinance

No. 2020-21.

FLOOD CONTROL REPORT

The Regional Flood Control District (District) has reviewed the request and has no objection to the time extension subject to original rezoning conditions #3A-B.

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 and provides the following comment:

- The nearest accessible connection to the public sewer is at the intersection of River Road and La Cholla Boulevard, which is over 300 feet away from the property. According to the approved capacity letter from 2019, the owner had plans to connect to the public sewer.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality has no objection and has provided the following comment:

- Onsite sewer disposal system must be designed and built based on the Arizona Administrative Code Title 18, Chapter 9.

ENVIRONMENTAL PLANNING

Environmental Planning has no objection to the time extension request subject to rezoning condition #5.

CULTURAL RESOURCES

Cultural Resources has no objection to the time extension subject to rezoning condition #6.

UNITED STATES FISH AND WILDLIFE SERVICE

The United States Fish and Wildlife Service have no comment.

WATER DISTRICT

Metro Water Improvement District has no objection to the rezoning time extension and will evaluate any future needs for water service.

FIRE DISTRICT

Northwest Fire/Rescue District have no comment.

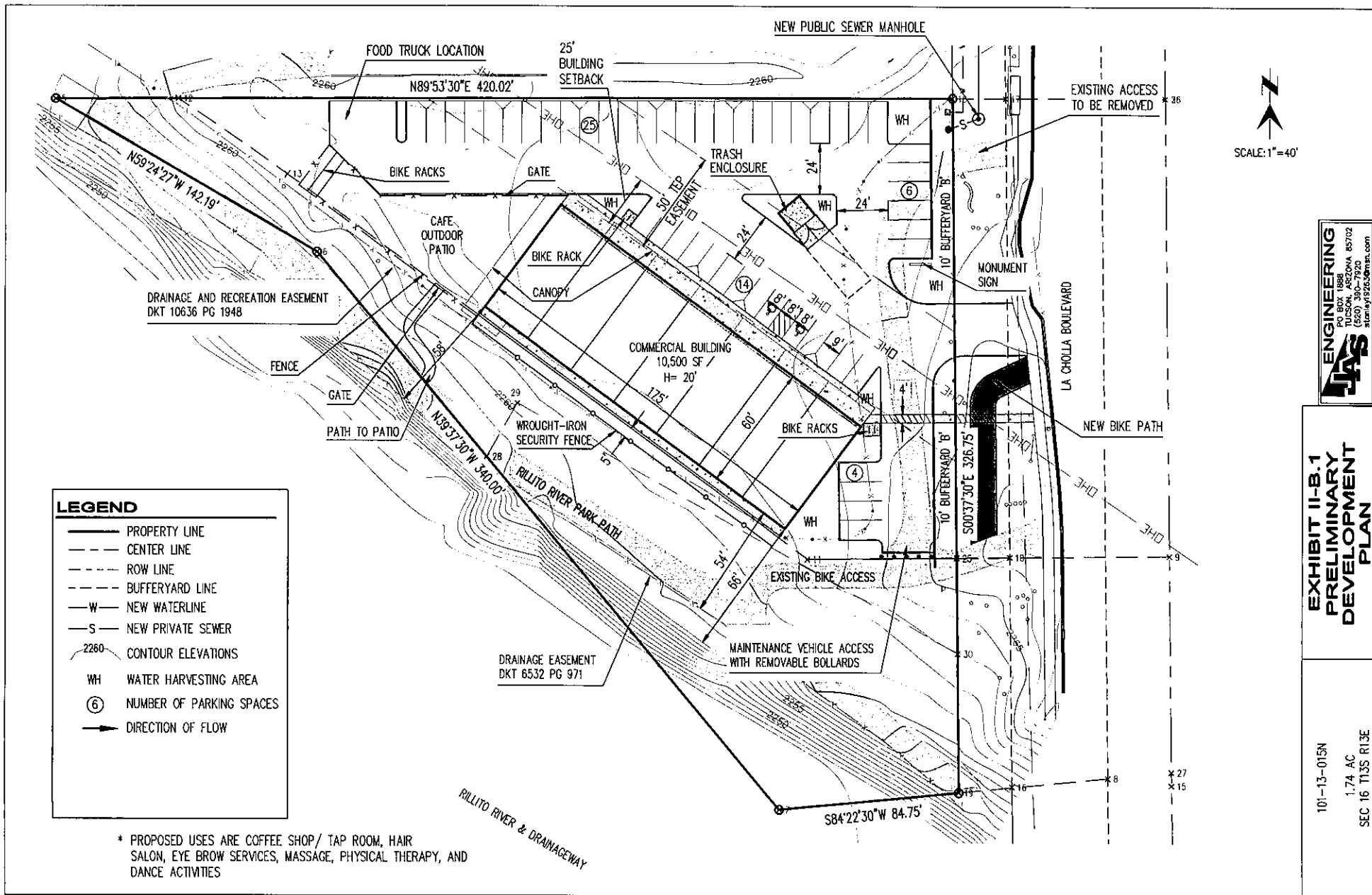
TUCSON ELECTRIC POWER

Tucson Electric Power (TEP) has no objection to this rezoning time extension but has provided the following comments:

- TEP owns and operates an underground electric distribution line and an overhead transmission line on this parcel and was granted an easement on said parcel from the 2020 owner.
- This property is located within TEP's service territory and will require a new service application from the owner to extend the service to the new location.

TD

c: Jeff Stanley



Case #: P19RZ00008

Case Name: UNISOURCE ENERGY CORP - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 101-13-015N

Aerial Exhibit



0 180 360 720 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: Rezoning Time Extension

Ref Case #: P25SA00001

Map Scale: 1:5,000


Map Date: 5/27/2025 - ds




Case #: P19RZ00008

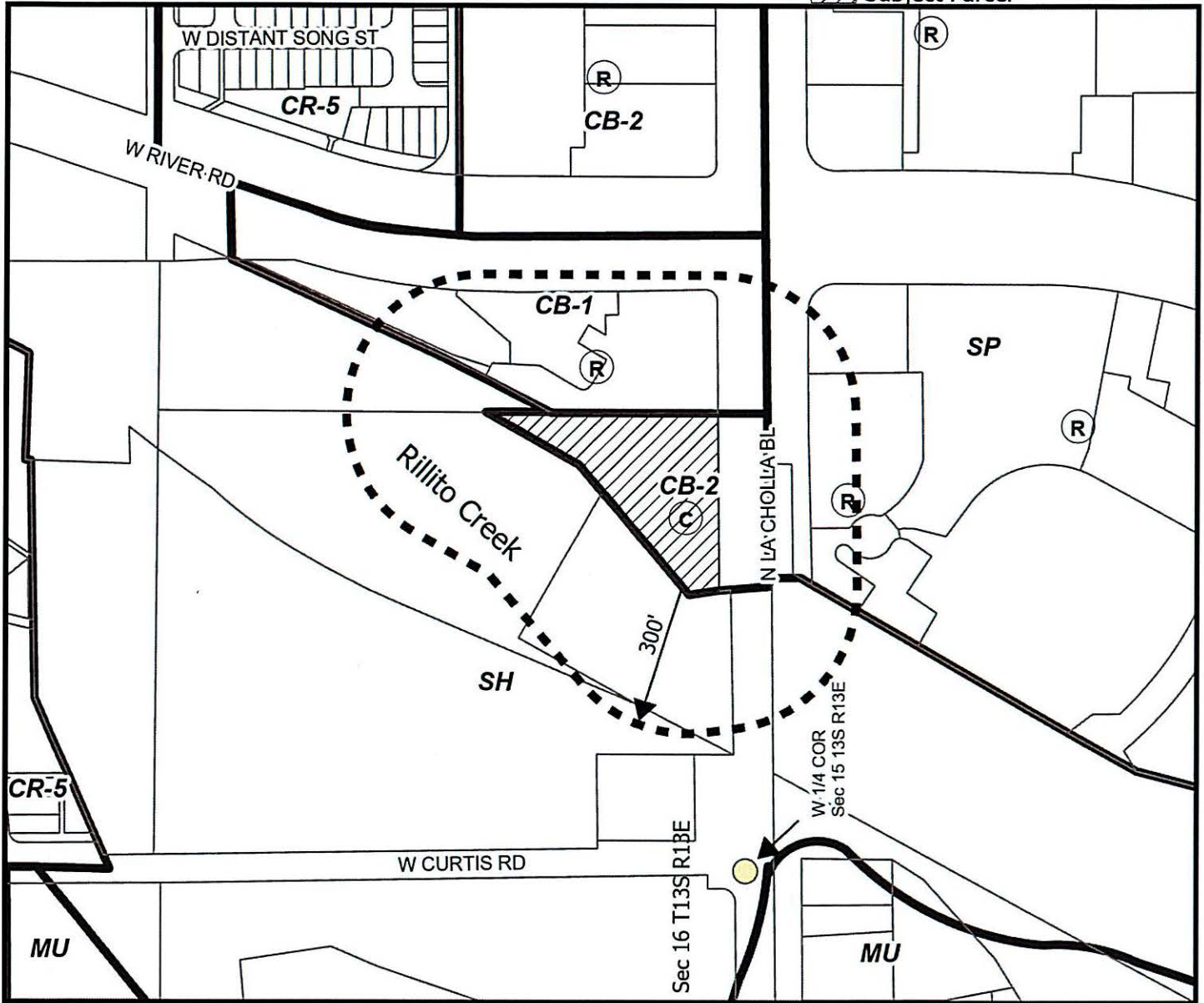
Case Name: UNISOURCE ENERGY CORP - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 101-13-015N

 Zoning Boundary

 300' Notification Area

 Subject Parcel



0 145 290 580 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Ref Case #: P25SA00001

Board of Supervisors Hearing: 7/1/2025

Base Map(s): 45

Map Scale: 1:4,000

Map Date: 5/23/2025 - ds



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

Resource Sensitive (RS)

Objective: To designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves or other environmentally sensitive areas. Development of such land shall emphasize design that blends with the surrounding natural desert and provides connectivity to environmentally sensitive linkages in developing areas.

- Residential Gross Density: Minimum- none; Maximum- 0.3 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 0.3 RAC

Case #: P19RZ00008

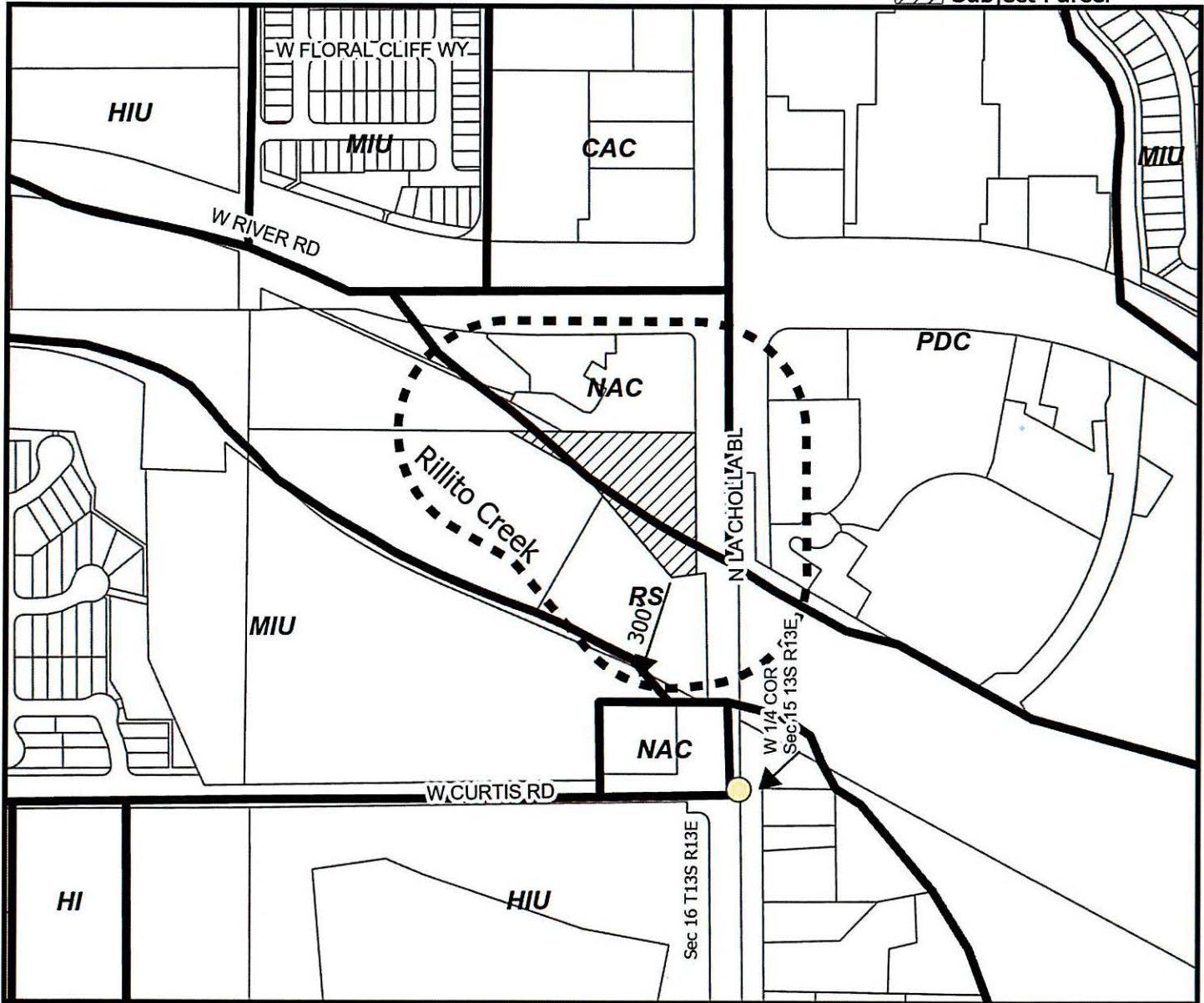
Case Name: UNISOURCE ENERGY CORP - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 101-13-015N

Comprehensive Plan Exhibit

300' Notification Area

Subject Parcel



0 180 360 720 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

Notes: Rezoning Time Extension

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Ref Case #: P25SA00001

Board of Supervisors Hearing: 7/1/2025

Map Scale: 1:5,000

Map Date: 5/23/2025 - ds



S-18 Floodplain Management (Multiple Maps)

General Location

There are several sites within eastern Pima County designated as Floodplain Management Special Areas by the Pima County Regional Flood Control District. They are: Upper Santa Cruz River; Rillito Creek Overbank Storage; Cienega Creek; Wakefield and Anderson Washes and Lee Moore Wash, including eight tributaries: Gunnery Range Wash, Sycamore Canyon Wash, Fagan Wash, Cuprite Wash, Petty Ranch Wash, Franco Wash, Flato Wash and Summit Wash.

- B. Rillito Creek Overbank Storage Special Area Policy: Proposed improvements in the floodplain designated to be preserved for overbank storage and located on the north side of Rillito Creek between Country Club Boulevard and Columbus Boulevard or between La Cholla Boulevard and the Southern Pacific Railroad shall not unreasonably diminish existing overbank storage volumes.

S-20 Urban Floodplain Mitigation (Multiple Maps)

General location

FEMA 100-year floodplain at Rillito River/La Cholla Blvd., Cañada Del Oro Wash/La Cholla Blvd., Santa Cruz River/Old Nogales Hwy., Silverbell Road and Ina Road, and east of Thornydale Road and south of the North Ranch Subdivision.

Policy

Upper Floodplain Mitigation / South of Cortaro Farms Road.

Prior to approval of any rezoning or specific plan application within this special area, the boundaries of the 100-year floodplain, as it affects the subject property, shall be established by the applicant and approved by the Regional Flood Control District (RFCD).

Required floodplain alterations or plans for such floodplain alterations, as approved by the RFCD, shall be a condition of rezoning. Notwithstanding the land use designation on the Land Use Plan, areas determined to be within the 100-year floodplain and which will not be removed from the 100-year floodplain through implementation of plans approved by the RFCD, shall revert to Resource Sensitive (RS).

Those areas determined to be outside the 100-year floodplain or which will be outside the 100-year floodplain prior to development through implementation of plans approved by RFCD shall retain the land use designation shown on the Land Use Plan.



P0230
PIMA CO CLERK OF THE BOARD
PICKUP

ORDINANCE 2020- 21

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 1.74 ACRES OF PROPERTY (PARCEL CODE 101-13-015N) FROM THE SH (SUBURBAN HOMESTEAD) ZONE TO THE CB-2 (GENERAL BUSINESS) ZONE, IN CASE P19RZ00008 UNISOURCE ENERGY CORP - N. LA CHOLLA BOULEVARD REZONING, LOCATED APPROXIMATELY 270 FEET SOUTH OF W. RIVER ROAD ON THE WEST SIDE OF LA CHOLLA BOULEVARD, AND AMENDING PIMA COUNTY ZONING MAP NO. 45.

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

Section 1. The 1.74 acres located approximately 270 feet south of W. River Road on the west side of La Cholla Boulevard, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 45, is rezoned from the SH (Suburban Homestead) zone to the CB-2 (General Business) 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 conditions:
 - A. In accordance with the 2016 Subdivision and Development Street Standards, a traffic memorandum is required at the permitting process. The memorandum should focus on determining if a right-turn lane is required for the site and the impact to existing bus stop location, queuing analysis for the proposed driveway and impacts to the driveway to the north. Coordination with Sun Tran is required to determine if relocation or improvement to the existing bus stop is necessary.
 - B. The property shall be limited to one (1) access point as depicted on the preliminary development plan (Exhibit B).
 - C. The design of the driveway shall be made to restrict vehicles from turning into existing southbound left-turn lane directly across from the proposed entrance.
 - D. Relocation/Removal of the existing guardrail shall be as determined by the Department of Transportation during the permitting process.
3. Regional Flood Control District conditions:
 - A. Fifty feet from the top of bank shall be dedicated, in fee, to the Pima County Regional Flood Control District.
 - B. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures
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 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer

layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall 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 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. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac

Salsola spp.
Schinus spp.
Schismus arabicus
Schismus barbatus
Sorghum halepense
Tamarix spp.

Russian thistle
Pepper tree
Arabian grass
Mediterranean grass
Johnson grass
Tamarisk


6. Cultural Resources conditions: 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.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
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 Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than April 7, 2025.

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 7th day of July, 2020.


Chairman, Pima County Board of Supervisors

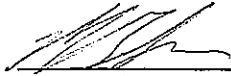
JUL 07 2020

ATTEST


Clerk, Board of Supervisors

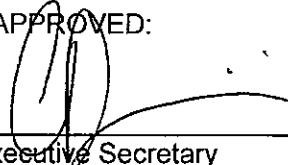
P19RZ00003

APPROVED AS TO FORM:



Deputy County Attorney

APPROVED:



Executive Secretary
Planning and Zoning Commission

EXHIBIT A

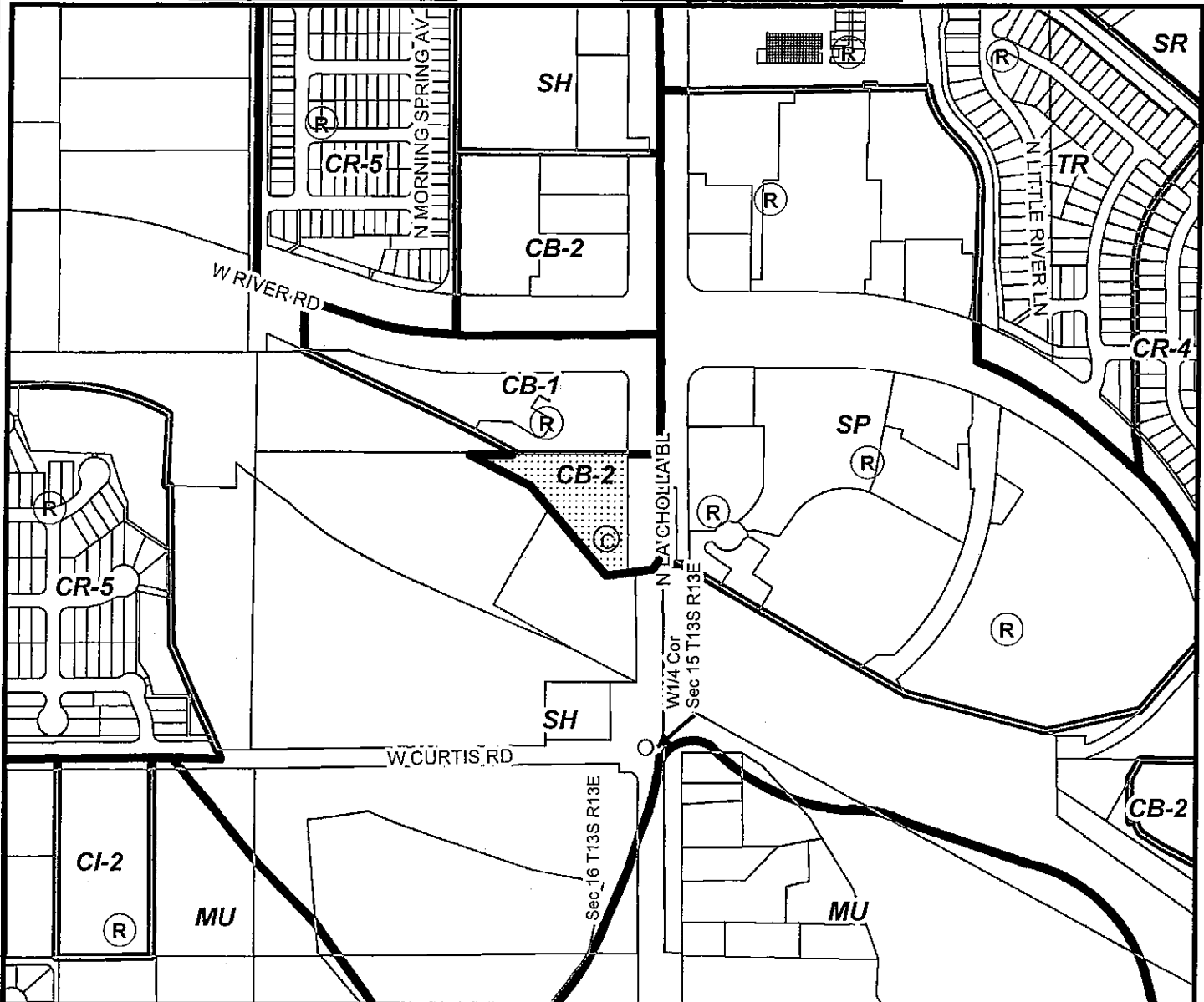
AMENDMENT NO. 108 BY ORDINANCE NO. 2020-021
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON AZ. LOCATED
IN THE SE 1/4 OF THE NE 1/4 OF SECTION 16 OF T13S R13E.



0 120 240 480 Feet
[Scale bar]

ADOPTED: July 7, 2020

EFFECTIVE: July 7, 2020



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SH 1.74 ac
ds-May 26, 2020



P19RZ00008
10113015N



201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

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.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID (case no., APN no., address, or other identifying info):

P19RZ00008

Part I. Information Provided by Pima County Staff

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

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) **NA**
Important Riparian Area
Biological Core
Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? No
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? No
5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl: No
 - b. Western burrowing owl: No
 - c. Pima pineapple cactus: No
 - d. Needle-spined pineapple cactus: No

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.

Plaza de Luna, LLC

5341 N. La Cholla
Tucson, AZ 857
520-977-4603

March 18, 2025

Pima County Development Services
Building & Site Development
201 N. Stone Avenue, 1st Floor
Tucson, AZ 85701

RE: Rezoning Time Extension
Rezoning Case #: P19R200008

To whom it may concern:

We would like to request a Rezoning Time Extension for the property listed below:

5341 N. La Cholla
Parcel Number 101-13-015N
Size: 1.74 acres

Explanation and Justification for Request:

We started rezoning in August of 2019 and during that process COVID19 hit and the impact on businesses was very damaging. We intended this property to be used for retail and restaurant space, and these types of business were very negatively impacted during this time. We decided to hold off on any development until we could see what was going to happen during this difficult time. Also in 2020, interest rates went to historic highs and adding to this was the cost for construction which also saw substantial increases.

The owners of the property and members of the LLC are listed below:

<u>Owner</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>
Michael Baird	6600 E. Placita Alhaja, Tucson, AZ 85750	520-977-4603	mbaird@bairdbuildersinc.com
Cynthia Baird	6600 E. Placita Alhaja, Tucson, AZ 85750	520-250-8640	cbaird@bairdbuildersinc.com
Sean Baird	7573 E. Placita De La Vina, Tucson, AZ 85750	520-971-5462	sbaird@bairdbuildersinc.com
Vanessa Baird	7573 E. Placita De La Vina, Tucson, AZ 85750	520-907-6673	vanessabaird@yahoo.com

Thank you for your consideration,

Michael Baird
Member

Plaza de Luna, LLC

5341 N. La Cholla
Tucson, AZ 857
520-977-4603

March 28, 2025

Pima County Development Services
Building & Site Development
201 N. Stone Avenue, 1st Floor
Tucson, AZ 85701

RE: Rezoning Time Extension, Authorizing Jeff Stanley as our Representative
Rezoning Case #: P19R200008

To whom it may concern:

We would like to authorize Jeff Stanley as our representative for this request for a Rezoning Time Extension of the following Project:

5341 N. La Cholla
Parcel Number 101-13-015N
Size: 1.74 acres

Thank You,
Michael Baird
Member

